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Respondent.

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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
JOSE AZUCENA,  
Defendant.

CASE NO. C-17-321044-1  
DEPT. NO. II

BEFORE THE HONORABLE RICHARD SCOTTI, DISTRICT COURT JUDGE

**TUESDAY, APRIL 25, 2017**

**TRANSCRIPT OF PROCEEDINGS RE:  
JURY TRIAL - DAY 2**

\*\*\*\*\*

**APPEARANCES:**

For the Plaintiff:

STACEY L. KOLLINS, ESQ.  
Chief Deputy District Attorney  
CHRISTOPHER S. HAMNER, ESQ.  
Deputy District Attorney

For the Defendant:

P. DAVID WESTBROOK, ESQ.  
Deputy Public Defender  
CARLI L. KIERNY, ESQ.  
Deputy Public Defender

RECORDED BY: DALYNE EASLEY, COURT RECORDER  
TRANSCRIBED BY: SHAWNA ORTEGA, CET-562

1 **LAS VEGAS, NEVADA, TUESDAY, APRIL 25, 2017**

2 [Proceedings commenced at 1:09 p.m.]

3  
4 [Outside the presence of the prospective jury panel.]

5 THE COURT: All right. Good afternoon, everybody.

6 MS. KIERNY: Good afternoon.

7 MR. WESTBROOK: Good afternoon, Your Honor.

8 THE COURT: Okay. So starting back with *State vs. Azucena*,  
9 C-321044. Anything that we need to do outside the presence of the jury before we  
10 bring them in?

11 MS. KIERNY: Just briefly, Your Honor.

12 I was reviewing my notes last night, and --

13 THE COURT: Yes.

14 MS. KIERNY: -- regarding Juror 159, Belinda Haag, she, as you recall,  
15 disclosed perhaps for the first time ever that she had been a victim of sex abuse by  
16 her father, it seemed.

17 THE COURT: 159?

18 MS. KIERNY: Yes.

19 THE COURT: Let's see. Okay.

20 MS. KIERNY: She's sitting in the back.

21 THE COURT: Belinda Haag, and that's in Seat No. 5.

22 MS. KIERNY: Uh-huh.

23 THE COURT: Okay.

24 MS. KIERNY: And, you know, she went through how that was awful,  
25 and, you know, a hard experience for her and everything.

1 THE COURT: Yeah.

2 MS. KIERNY: And then she was crying through that. I mean, we  
3 asked if she could be fair, but she, Yes, I think so. But then she continued to cry  
4 throughout the entire voir dire.

5 I think that, ultimately, it -- I can ask her questions about that, but  
6 I -- I do think the amount of emotion she displayed throughout the entire day, this is  
7 probably, you know, a lot to ask of her, and -- and I don't know that someone with  
8 that experience could necessarily be fair to our side of the case. I would ask to  
9 strike her at this time.

10 THE COURT: So that's a cause challenge?

11 MS. KIERNY: Cause challenge.

12 THE COURT: Okay. Well, let me hear what the State's position is.  
13 And I -- you know what, I'll have to see her before I can remember if I saw her  
14 crying. I don't remember exactly who that was.

15 MS. KIERNY: She would be that middle seat, shorter hair, kind of  
16 brown.

17 THE COURT: Did -- did she approach and did we talk to her up here?

18 MS. KIERNY: She did not.

19 MR. WESTBROOK: She's not the one who approached, Your Honor.

20 THE COURT: Okay.

21 MR. WESTBROOK: This is the one Ms. Kollins handed tissues to, and  
22 she sat with the tissues throughout the entire voir dire and was wiping her eyes  
23 literally the entire time we were here. She was -- she was being -- she was trying to  
24 be strong. I mean, I give her a lot of credit.

25 THE COURT: Yeah.



1 MR. WESTBROOK: She was trying really hard to be strong, and I don't  
2 think that she would want to admit that this is too hard for her. But she literally  
3 couldn't stop crying from the very moment she started, around, what, 1:30 or 2:00,  
4 something like that, all the --

5 THE COURT: Well, let me hear from the State.

6 MR. WESTBROOK: -- all the way to the end.

7 MS. KIERNY: Okay.

8 MR. HAMER: Yeah, I --

9 THE COURT: And what's the State's position on this juror?

10 MR. HAMER: I -- I think that's a misrepresentation of the emotional  
11 state of Ms. Haag. Misstate -- Ms. Haag was not crying from the very moment voir  
12 dire started. That's not accurate. Ms. Haag answered a number of your questions  
13 before anything involving sexual abuse, with no emotion. She was totally fine.

14 Once that topic did come up and she made a disclosure that,  
15 yes, she had been sexually molested by her dad, there were tears at that point in  
16 time. And she acknowledged that it was a heavy topic.

17 But what she also stated, and that was very clear on the record,  
18 she says, you know, I'm a grown adult much like -- and she gestured to another  
19 juror, a juror who previously had said she had been sexually molested, as well, but  
20 that she held no ill feelings towards the defendant and could dispassionately and  
21 without bias sit and listen if selected as a juror.

22 And what Ms. Haag did was, as she talked about her disclosure,  
23 she analogized herself to that same woman who said I can be fair, and she said  
24 I'm -- I'm just like her. I'm a grown-up. I understand that he has nothing to do with  
25 what happened to me. And I could be fair, and I could listen.

1 And that was really the extent of her emotion, when she talked  
2 about her father. But beyond that, she was not some emotional basket case. And  
3 what's important is while, you know, the defense might like to speculate as to  
4 whether or not she could make it, what her words on record, essentially, after taking  
5 an oath to tell the truth, indicates is that she could be fair, impartial, analogized  
6 herself to another prospective juror who had gone through the same experience  
7 and expressed they could be fair and impartial.

8 And at this point, I don't think based on her statements, there's  
9 enough basis for a for-cause challenge. Obviously they can ask more questions  
10 during voir dire to -- to vet it out a little bit more.

11 THE COURT: So where are we in voir dire? You -- you're still going.

12 MR. HAMER: Yes, Your Honor.

13 THE COURT: And it -- was it possible you might ask her some more  
14 questions?

15 MR. HAMER: I don't think we would -- I think -- I mean, I can't speak  
16 for Ms. Kollins. I was satisfied with what she had to say. I mean, she kind of laid it  
17 out there and said, Listen. I think for me, the big thing, unlike some of the other  
18 people who have approached personally and said, I -- I can't be fair and impartial,  
19 this particular woman said, I absolutely can do it, because I recognize there's a  
20 complete difference between what happened to me and my dad has nothing to do  
21 with Mr. Azucena at all.

22 THE COURT: Okay.

23 MR. HAMNER: And so at this point, I don't think we're going to ask any  
24 more questions. I mean, that's up to Ms. Kollins. But, certainly, they're free to do  
25 so, and if that changes, then I guess maybe they can raise it at a later point. But

1 I -- I -- nothing has risen to the level of a for-cause challenge.

2 MS. KIERNY: I -- I know exactly which juror they're, you know,  
3 analogizing her to. That would be Ms. Preuss-Ayres -- Ayres. We're not asking for  
4 her to be removed because of the difference in demeanor. When she indicated that  
5 she could do it -- she could stay on the jury and could be fair, it -- it didn't see quite  
6 as emotional as for Ms. Haag. We then had our intern, who has been watching the  
7 trial, just watch her to see, you know, her demeanor. She wasn't crying before she  
8 asked -- talk about that subject. Afterwards, she did continue to cry throughout the  
9 voir dire.

10 So to me, I --

11 THE COURT: All right.

12 MS. KIERNY: -- I think it's so emotional --

13 THE COURT: Well, I don't know that crying is enough. But I -- and I do  
14 remember now Ms. Kollins bringing her tissue and her -- her rubbing her eyes, and  
15 I remember looking at her, thinking she must have had some tears. I didn't hear  
16 any sobbing and I don't know how -- it didn't, to me, if I'm remembering the person  
17 right, it didn't seem like she was uncontrollably crying. She got a little bit emotional  
18 and had to wipe some tears. And she seemed upset for a few minutes.

19 But I wasn't -- you know, I probably wasn't watching her as  
20 intently as you were.

21 MS. KIERNY: Right. And I mean, anything that causes --

22 THE COURT: All right. Well, let me just --

23 MS. KIERNY: -- crying in front of a group of people --

24 THE COURT: Let me cut to the chase.

25 MS. KIERNY: -- is very hard. Okay.

1 THE COURT: I -- I appreciate your position. I think it's a little  
2 premature.

3 MS. KIERNY: Okay.

4 THE COURT: Let's -- you know, I'm not going to rule on your -- on your  
5 challenge. Why don't you, you know, ask her some questions and we'll try to get a  
6 better sense on whether, you know, whether she really is committed to being fair. If  
7 I -- if I have any doubts as to whether she can be fair to your side, I'll -- I'll remove  
8 her, but --

9 MS. KIERNY: Okay.

10 THE COURT: -- I want to get a little bit more information.

11 MS. KIERNY: I -- okay. I understand. Thank you.

12 THE COURT: All right.

13 MR. HAMER: Thank you, Your Honor.

14 THE COURT: And if it seems like she's getting upset from your  
15 questions, we can talk to her outside the presence of the other jurors, too. We'll  
16 see how her -- you know, what her emotional state is.

17 MS. KIERNY: Of course.

18 THE COURT: All right. Anything else?

19 MS. KIERNY: No. I don't think so.

20 THE COURT: All right. Let's bring the jurors in. And do we have a --  
21 an interpreter?

22 Yes. He's back there. Hi.

23 THE COURT INTERPRETER: Hi, Your Honor. Court Interpreter.

24 THE COURT: Thank you for being here.

25 THE COURT INTERPRETER: You're welcome, Your Honor.

1 THE COURT: Okay. And do -- did we get all the biographical  
2 information we needed from the new people?

3 MR. HAMER: We've not been provided any new --

4 THE COURT: No, no. I mean, when we sat new people, did I ask  
5 them to provide us the employment information and kids and jury on everybody?

6 MR. HAMER: Every person you've reseated has gone through those  
7 basic biographical questions.

8 THE COURT: Okay.

9 MS. KIERNY: You had -- you had indicated yesterday that you were  
10 bringing 10 new people.

11 THE COURT: Well, yeah. Mariah said she actually has 30 more. But  
12 they're going to be on call for us. We'll see if we need them as we go forward.

13 MS. KIERNY: Okay. So we're not going to integrate them?

14 THE COURT: So we got 30 more on call, that are -- that are here in  
15 the courtroom now.

16 MS. KIERNY: Okay.

17 THE COURT: All right? Thank you.

18 MR. HAMER: Is there a -- is there a list for those?

19 THE COURT: The new 30?

20 MR. HAMER: Yeah.

21 THE COURT: I don't have a list yet.

22 MR. HAMER: Okay.

23 THE COURT: I'll have my law clerk text my JEA --

24 MR. HAMER: Okay.

25 THE COURT: -- and we'll find out if there's a list yet.

1 MR. HAMER: No problem. Thank you, Your Honor.  
2 THE COURT: Yeah.  
3 MS. KIERNY: Is -- is that the 30 we have additionally?  
4 THE COURT: Oh, it's the same 30? She brought --  
5 THE CLERK: Oh, no. I don't think so. It's a new 30.  
6 THE COURT: That was her question. So --  
7 THE CLERK: I thought she meant is it an additional 30 besides the  
8 ones that we got.  
9 MS. KIERNY: I was just asking if it was the list. We have a list of 90,  
10 we called 60; is it the additional 30 that would be left?  
11 THE CLERK: I don't think so.  
12 MS. KIERNY: Okay.  
13 THE CLERK: But I don't know.  
14 THE COURT: Do what I said and see if we can get the list.  
15 THE CLERK: Okay.  
16 THE COURT: All right. Let's bring them in. Were -- he's out there.  
17 [Pause in proceedings.]  
18 [Prospective jury panel reconvened at 1:20 p.m.]  
19 THE COURT: All right. Thank you. Please be seated, everybody.  
20 This is the case of *State vs. Azucena*, C-321044.  
21 Are counsel ready to proceed?  
22 MS. KOLLINS: Yes, Your Honor.  
23 MR. WESTBROOK: Yes, Your Honor.  
24 THE COURT: All right. The record will reflect the presence of all  
25 potential jurors and the defendant and counsel.

1 Are the jurors all ready to proceed? Anybody need to bring  
2 anything to my attention before we continue with voir dire?

3 Oh, we've got a hand. Let's see. You're in Seat Number 10.  
4 Give me a moment here to find your name.

5 Are you Marianne Coppola?

6 PROSPECTIVE JUROR NO. 179: Yes.

7 THE COURT: Okay. What's up? You're Badge No. 179?

8 PROSPECTIVE JUROR NO. 179: 179, yes.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 179: I run an in-home day care.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 179: And after talking with the parents  
13 last night, me not being able to open my doors for three weeks will leave me  
14 without pay and a handful of children with no place to go.

15 THE COURT: Okay. What's a handful?

16 PROSPECTIVE JUROR NO. 179: I have about eight children, some  
17 on some days, some on the other.

18 THE COURT: I see.

19 PROSPECTIVE JUROR NO. 179: But to close my doors, I'll have no  
20 pay --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 179: -- for three weeks.

23 THE COURT: Okay. Well, but that's the same for everybody, right? I  
24 mean, everyone's going to lose their pay while they're here.

25 PROSPECTIVE JUROR NO. 179: Yeah.

1 THE COURT: So why is your situation different is what I need to  
2 know?

3 PROSPECTIVE JUROR NO. 179: Because I won't be able to pay my  
4 rent.

5 THE COURT: Okay. So it's a financial hardship?

6 PROSPECTIVE JUROR NO. 179: Right.

7 THE COURT: Which is one of the things I --

8 PROSPECTIVE JUROR NO. 179: Yes.

9 THE COURT: -- mentioned you need to bring to my attention.

10 PROSPECTIVE JUROR NO. 179: Yes.

11 THE COURT: So explain to me why it would be a hardship for you?

12 PROSPECTIVE JUROR NO. 179: Because --

13 THE COURT: Some people can go, you know, it's -- it's sometimes  
14 they have some money saved up and people can go a couple weeks without pay, if  
15 you have to --

16 PROSPECTIVE JUROR NO. 179: I --

17 THE COURT: -- especially if something -- if our entire justice system  
18 depends upon it, why is your case different?

19 PROSPECTIVE JUROR NO. 179: I understand. I understand  
20 everyone has their, you know, own circumstances here.

21 THE COURT: Tell me why your situation is different.

22 PROSPECTIVE JUROR NO. 179: But I live paycheck to paycheck.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 179: I'm single.

25 THE COURT: All right. Those are the important things.



1 PROSPECTIVE JUROR NO. 179: Yeah.

2 THE COURT: All right. Paycheck to paycheck. So you would actually  
3 not be able to pay your bills, because you don't have any significant savings that  
4 you can turn to, right?

5 PROSPECTIVE JUROR NO. 179: Right.

6 THE COURT: All right. You don't have any assets that -- that you can  
7 turn to?

8 PROSPECTIVE JUROR NO. 179: No.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 179: I rent an apartment and --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 179: -- have two dollars in my savings.

13 THE COURT: All right. I'm sorry. Well, look, I -- I don't like to have to  
14 pry into people's finances.

15 PROSPECTIVE JUROR NO. 179: No, it's okay.

16 THE COURT: But -- but if I release somebody, you know, sometimes  
17 we release somebody and then there's appeals, because, well, that was an  
18 important juror --

19 PROSPECTIVE JUROR NO. 179: Yeah.

20 THE COURT: -- and I'm losing my rights, because I didn't get to have,  
21 you know, a particular juror. So I have to have a reason on the record to make sure  
22 that --

23 PROSPECTIVE JUROR NO. 179: Yeah.

24 THE COURT: -- that everybody feels that they're getting a fair trial.

25 All right. I think you've demonstrated a valid reason.

1 PROSPECTIVE JUROR NO. 179: Thank you.

2 THE COURT: Based upon your financial hardship, and based upon the  
3 inconvenience to the several children who the patients have indicated they have  
4 nothing -- no other -- no other --

5 PROSPECTIVE JUROR NO. 179: And some of them are hourly, two of  
6 them are hourly, so.

7 THE COURT: Yeah. So I will excuse you with the thanks of the court.

8 PROSPECTIVE JUROR NO. 179: Okay.

9 THE COURT: And we'll have to just select somebody to take your spot.  
10 But thank you very much.

11 PROSPECTIVE JUROR NO. 179: Okay.

12 THE COURT: All right.

13 Marshal, can you let her -- whichever is more convenient. Okay.

14 That is Juror No. 179, Marianne Coppola, being excused for  
15 hardship.

16 PROSPECTIVE JUROR NO. 179: Thank you.

17 THE COURT: All right. Before we fill that seat, remind me that  
18 Seat No. 8 needs to be filled before anything else.

19 Was there someone else who had a hand?

20 Yes, ma'am. And there is -- you're Seat No. 5. Let me find your  
21 name, and we'll get you the microphone.

22 Belinda Haag?

23 PROSPECTIVE JUROR NO. 159: Yes.

24 THE COURT: Yes, ma'am. How can I help you, ma'am?

25 PROSPECTIVE JUROR NO. 159: I -- I thought I could be objective

1 with this case. But with my past history, it's very difficult for me to do that.

2 THE COURT: All right. You told us yesterday about the situation. You  
3 were getting a little bit emotional yesterday, weren't you?

4 PROSPECTIVE JUROR NO. 159: Yeah. Yes.

5 THE COURT: And you thought yesterday that -- that you would be able  
6 to -- to set that aside and still be fair and impartial. And you have -- overnight you  
7 thought about it some more?

8 PROSPECTIVE JUROR NO. 159: I have severe doubts that I could be  
9 objective.

10 THE COURT: Severe doubts. Okay. When did those doubts first start  
11 hitting you?

12 PROSPECTIVE JUROR NO. 159: After the DA -- the deputy DA  
13 described how children would have trouble admitting to --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 159: -- things. And I pictured myself in  
16 that situation. So I could not do it.

17 THE COURT: Did you think about it carefully all night, about whether  
18 you could -- you'll set those feelings aside and --

19 PROSPECTIVE JUROR NO. 159: Oh, yeah.

20 THE COURT: -- be able to serve? And after doing all that, after  
21 reflecting carefully on it, what's your final opinion, then?

22 PROSPECTIVE JUROR NO. 159: I'm sorry, I can't.

23 THE COURT: You can't do it? Okay. Well, I respect that. You went  
24 through some traumatic situations and -- which -- and those same issues are being  
25 brought up in this trial. I appreciate your coming forward. I'm going to go ahead

1 and excuse you then. All right.

2 And I'm very, very sorry for what you had to deal with in your life.  
3 And I hope -- hope you can set this phase behind you, of this proceeding.

4 All right. Thank you very much. You're excused.

5 So that is Juror No. 159, Belinda Haag, in Seat No. 5. Okay. All  
6 right.

7 Well, I thought I saw one other hand, someone needed to talk to  
8 me. And there's a -- marshal, do you see the hand? All right.

9 What badge number are you?

10 PROSPECTIVE JUROR NO. 331: I'm Badge 331, Brittany Monson.

11 THE COURT: Give us a moment, please.

12 PROSPECTIVE JUROR NO. 331: Oh, no problem.

13 THE COURT: All right. You're not yet sitting in the box, but you're  
14 Badge No. 331, Brittany Monson?

15 PROSPECTIVE JUROR NO. 331: Correct.

16 THE COURT: Ms. Monson, what would you like to -- to report?

17 PROSPECTIVE JUROR NO. 331: I just want to report -- report a  
18 hardship, not necessarily on my behalf, but on behalf of my employer.

19 I'm a nanny. I work two and a half days a week. The other two  
20 and a half days are covered by a full-time student, which I wasn't aware of  
21 yesterday. So after chatting, I won't be able to be covered by her when -- if I had --  
22 did have to come to court. And that would leave one full day and two half days a  
23 week where my employers would have to leave their jobs, too.

24 THE COURT: What's the name of the company that you work for?

25 PROSPECTIVE JUROR NO. 331: I -- I just -- I'm a nanny, just -- I just

1 work for one family.

2 THE COURT: Okay. So you work for one family?

3 PROSPECTIVE JUROR NO. 331: Uh-huh.

4 THE COURT: And you're -- you're working for one family, taking care  
5 of their -- their kids, or --

6 PROSPECTIVE JUROR NO. 331: Of two kids, yes.

7 THE COURT: Is there minor kids involved or just housecleaning?  
8 What does it involve, the nanny?

9 PROSPECTIVE JUROR NO. 331: I -- I care for their two kids, three  
10 and five years old.

11 THE COURT: Oh, three and five?

12 PROSPECTIVE JUROR NO. 331: Uh-huh.

13 THE COURT: Okay. And you do that two and a half days a week --

14 PROSPECTIVE JUROR NO. 331: Correct.

15 THE COURT: -- and you were hoping that someone else could pick up  
16 the slack for you?

17 PROSPECTIVE JUROR NO. 331: Right.

18 THE COURT: And you've checked over -- overnight --

19 PROSPECTIVE JUROR NO. 331: Yes.

20 THE COURT: -- and -- and there's no one else that can fill in?

21 PROSPECTIVE JUROR NO. 331: Correct.

22 THE COURT: All right. How long have you been working for this  
23 family?

24 PROSPECTIVE JUROR NO. 331: I've been working for them for  
25 almost three months -- two and a half, three months.

1 THE COURT: All right. And -- and you've checked and they don't have  
2 anybody else that they can --

3 PROSPECTIVE JUROR NO. 331: Right. They have no family in the  
4 area. And they both work full time.

5 THE COURT: Is there -- are -- is there any preschool options available  
6 for the -- well, three is probably too young for that; the five-year-old -- is the  
7 five-year-old in kindergarten?

8 PROSPECTIVE JUROR NO. 331: The five-year-old goes to  
9 preschool --

10 THE COURT: Preschool?

11 PROSPECTIVE JUROR NO. 331: -- on the morning -- in the mornings  
12 from 9:00 to -- 9:00 to noon.

13 THE COURT: What are the days that you normally work?

14 PROSPECTIVE JUROR NO. 331: I normally work Monday, all  
15 day, 7:30 to 5:30 p.m., Wednesday 12:30 p.m. to 5:30 p.m., and Thursday, all  
16 day, 7:30 to 5:30 p.m.

17 THE COURT: All right. So this -- this -- yeah, definitely conflicts with --

18 PROSPECTIVE JUROR NO. 331: Uh-huh.

19 THE COURT: -- that. The two kids, no alternative. I don't want the  
20 kids to be left with no care. What do the -- the parents do? Do they both work?

21 PROSPECTIVE JUROR NO. 331: They both work at the -- at Creech  
22 Air Force Base.

23 THE COURT: All right. Since -- since you haven't been seated yet in  
24 the 23, and I'm going to go ahead and excuse you.

25 PROSPECTIVE JUROR NO. 331: All right. Thank you.

1 THE COURT: All right. So you can gather your belongings, 331,  
2 Brittany Monson, being excused for hardship.

3 All right. Why don't we resume with voir dire and see where we  
4 are with the rest of the folks. Okay. Oh, is there another hand?

5 MS. KIERNY: Mr. Keck had a hand.

6 PROSPECTIVE JUROR NO. 237: No.

7 MS. KOLLINS: I just --

8 THE COURT: What?

9 MS. KOLLINS: -- were we going to fill the two seats first?

10 THE COURT: Oh, yeah. Let's fill the seats. So that's -- we've got two  
11 seats. Let's fill Seat No. 8 first, since I excused No. 8 first, so that'll be the next in  
12 order, Seat No. -- Seat No. 8.

13 MR. HAMER: And Your Honor --

14 MR. WESTBROOK: Is that 10, Your Honor?

15 THE COURT: Hold on, someone's talking.

16 What?

17 MR. WESTBROOK: I'm sorry. I think -- I believe it's 10; is that correct?

18 MR. HAMER: I have -- I have 10, as well, Your Honor.

19 MR. WESTBROOK: Unless I wrote it down wrong.

20 THE COURT: Oh, 10. I'm sorry. You're right.

21 MR. WESTBROOK: Okay.

22 THE COURT: Seat No. 10. I'm sorry. I don't know why I said 8.  
23 Thank you. Seat No. 8 -- or No. 10.

24 THE CLERK: Juror Number 318, Jackson, Joshua.

25 THE COURT: 318, Mr. --

1 THE CLERK: Joshua Jackson.

2 THE COURT: Mr. Jackson, please come forward. You will be in  
3 Seat No. 10. And we'll get to you in a second. All right. All right. All right.

4 What's the next person? Seat No. 5.

5 THE CLERK: Seat No. 5 will be 319, Robert Mergener.

6 THE COURT: All right. 319, Robert Mergener.

7 All right. Let's talk to Mr. Mergener first.

8 Mr. Mergener, you've got that little biographical sheet there?

9 PROSPECTIVE JUROR NO. 319: Yes.

10 THE MARSHAL: Your Honor.

11 THE COURT: Yes?

12 THE MARSHAL: -- Mr. Keck had his hand up, as well.

13 THE COURT: Oh, you have your hand up. All right. Well, what --  
14 what's your -- what -- hold on.

15 PROSPECTIVE JUROR NO. 237: Was it 237.

16 THE COURT: You're Seat 24. 24. Give me a moment to find 24.

17 Mr. Keck?

18 PROSPECTIVE JUROR NO. 237: Yes, sir.

19 THE COURT: 237?

20 PROSPECTIVE JUROR NO. 237: Yesterday --

21 THE COURT: What's up, Mr. Keck?

22 PROSPECTIVE JUROR NO. 237: Yesterday we -- or I was asking the  
23 marshal if he would be able to ask if we had a meeting this morning that I had to  
24 miss. And then I -- I also bar tend, so I'm only working four days a week and just  
25 having a hard time paying bills. I don't mind staying, but I just -- I start at 4:30.



1 Yesterday when I left here, it took me almost two hours to get to work, so I didn't  
2 get to work until almost 7:15, and it cost me a lot of money. And I just --

3 THE COURT: So how come you didn't claim a hardship yesterday  
4 when I went and took a lot of time to talk to everybody about hardship --

5 PROSPECTIVE JUROR NO. 237: Yeah. I just -- I --

6 THE COURT: -- and you didn't raise it then? What's up?

7 PROSPECTIVE JUROR NO. 237: I just figured that it was -- it wouldn't  
8 have been a big conflict, but with driving to work, it just gave me anxiety, it's like, oh  
9 my gosh, I'm going to -- I'm going to miss out on so much -- you know, and with just  
10 four days a week, it's just hard.

11 THE COURT: Yeah. It's hard for all of us.

12 PROSPECTIVE JUROR NO. 237: Yeah, I know, it is, but --

13 THE COURT: I can't excuse you right now, but we'll see if you get  
14 picked. Okay?

15 PROSPECTIVE JUROR NO. 237: Yes, sir.

16 THE COURT: All right. Thank you.

17 Anybody else?

18 All right. Let's get going. All right.

19 Mr. -- Seat No. 5, give me -- give me your information.

20 PROSPECTIVE JUROR NO. 319: Hello. My name is Robert  
21 Mergener.

22 THE MARSHAL: Hold on, sir.

23 PROSPECTIVE JUROR NO. 319: Badge 319. Oh. Robert Mergener,  
24 Badge 319. I've lived in Clark County for 15 years. I have a master's degree. I'm  
25 retired. I taught at a community college before this.

1 THE COURT: All right.

2 PROSPECTIVE JUROR NO. 319: 319. I'm married. I have two

3 children, 40 and 44. And I've never served on a jury.

4 THE COURT: So have you ever been convicted of a crime?

5 PROSPECTIVE JUROR NO. 319: No.

6 THE COURT: Have you ever been a victim of a crime?

7 PROSPECTIVE JUROR NO. 319: Oh, about 40 years ago, maybe.

8 THE COURT: Tell us about that.

9 PROSPECTIVE JUROR NO. 319: It was just a vehicle burglarized at

10 the time.

11 THE COURT: All right.

12 PROSPECTIVE JUROR NO. 319: Yeah, we were on --

13 THE COURT: And did they catch the person?

14 PROSPECTIVE JUROR NO. 319: No.

15 THE COURT: No?

16 PROSPECTIVE JUROR NO. 319: No.

17 THE COURT: Do you -- are you going to be fair and impartial to both

18 sides?

19 PROSPECTIVE JUROR NO. 319: Sure.

20 THE COURT: All right. Have you ever testified as a witness in a

21 criminal case before?

22 PROSPECTIVE JUROR NO. 319: No.

23 THE COURT: All right. Do you have any connection with law

24 enforcement?

25 PROSPECTIVE JUROR NO. 319: No.

1 THE COURT: All right. Thank you very much. That's all I need to  
2 know.

3 PROSPECTIVE JUROR NO. 319: Okay.

4 THE COURT: Let's pass the mic to Seat No. 10. All right.

5 You -- Mr. Jackson.

6 Mr. Jackson, tell us about yourself.

7 PROSPECTIVE JUROR NO. 318: Joshua Jackson, Badge No. 318.  
8 Lived in Clark County three and a half years. Education, some college. Position,  
9 service delivery and trades. Never married. No children. Never served on a jury.

10 THE COURT: All right. Have you ever testified in a criminal case  
11 before?

12 PROSPECTIVE JUROR NO. 318: No.

13 THE COURT: Have you ever been convicted of a crime?

14 PROSPECTIVE JUROR NO. 318: No.

15 THE COURT: Have you ever been a victim of a crime?

16 PROSPECTIVE JUROR NO. 318: Yes.

17 THE COURT: Tell us about that.

18 PROSPECTIVE JUROR NO. 318: I had a roommate who got into an  
19 argument with his girlfriend's family. And they pulled a gun and I was asleep at the  
20 time.

21 THE COURT: Your roommate pulled a gun or someone pulled a gun  
22 on your roommate?

23 PROSPECTIVE JUROR NO. 318: Someone pulled a gun on the -- my  
24 roommate, the girlfriend's dad.

25 THE COURT: Oh.

1 PROSPECTIVE JUROR NO. 318: Uh-huh.  
2 THE COURT: All right. How'd that end up?  
3 PROSPECTIVE JUROR NO. 318: The police showed up quickly. I  
4 had to give a statement. That was about it, so.  
5 THE COURT: Oh, okay. And did anyone go to jail for that?  
6 PROSPECTIVE JUROR NO. 318: A misdemeanor and anger  
7 management, if I -- if I remember correctly.  
8 THE COURT: Okay. Are you able to be fair and impartial to both sides  
9 in this case?  
10 PROSPECTIVE JUROR NO. 318: Yes, sir.  
11 THE COURT: All right. Do you have any connection to law  
12 enforcement?  
13 PROSPECTIVE JUROR NO. 318: No, sir.  
14 THE COURT: No? All right. Very good. The court's satisfied.  
15 Ms. Kollins, you can proceed.  
16 MS. KOLLINS: Thank you.  
17 Good afternoon, everyone.  
18 Let me get my microphone. I'll take care of it.  
19 I kind of want to just start back and a little bit -- just a few things  
20 that we discussed yesterday, very briefly, especially for the new members that  
21 came up to us today.  
22 Mr. Jackson, 318 is your badge number? Is that a yes?  
23 PROSPECTIVE JUROR NO. 318: Yes.  
24 MS. KOLLINS: Okay. I'm going to hand you the mic. We have to write  
25 down everything. You know how us lawyers are, we make a record of everything.

1 Any strong feelings or comments about anything we talked about  
2 yesterday?

3 PROSPECTIVE JUROR NO. 318: No.

4 MS. KOLLINS: Any concerns about listening to kids testify about the  
5 subject matter that we discussed yesterday?

6 PROSPECTIVE JUROR NO. 318: No.

7 MS. KOLLINS: Had much experience with kids?

8 PROSPECTIVE JUROR NO. 318: Some with nieces.

9 MS. KOLLINS: With nieces? How old are they?

10 PROSPECTIVE JUROR NO. 318: Three and six.

11 MS. KOLLINS: Three and six? Okay. So they're just still pretty itty  
12 bitty?

13 PROSPECTIVE JUROR NO. 318: Yes.

14 MS. KOLLINS: Okay. Both have the same personality?

15 PROSPECTIVE JUROR NO. 318: Vastly different.

16 MS. KOLLINS: Vastly different. Okay. And would you assume that  
17 would apply to any kids that you're going to see or hear from in here?

18 PROSPECTIVE JUROR NO. 318: Yes.

19 MS. KOLLINS: Okay. Because every kid's different?

20 PROSPECTIVE JUROR NO. 318: Yes.

21 MS. KOLLINS: Okay. You -- you heard me use the term yesterday, kid  
22 standard --

23 PROSPECTIVE JUROR NO. 318: Yes.

24 MS. KOLLINS: -- you know, when talking about their language  
25 development, their syntax, their emotion, their demeanor, things like that; do you

1 think you could assess those things when you listen to their testimony?

2 PROSPECTIVE JUROR NO. 318: Yes.

3 MS. KOLLINS: And use those to decide their credibility?

4 PROSPECTIVE JUROR NO. 318: Yes.

5 MS. KOLLINS: Okay. Thank you. Could you pass the microphone  
6 to -- is it Ms. Gordon? 177, to your right. Sorry. I'll get to you.

7 I can't read my own writing. Is it Gordon?

8 PROSPECTIVE JUROR NO. 177: Yes.

9 MS. KOLLINS: Okay. It looks like a C, but sometimes I write in a  
10 hurry.

11 How are you today?

12 PROSPECTIVE JUROR NO. 177: I'm doing great, thank you.

13 MS. KOLLINS: Good. You heard what we spoke about yesterday.

14 PROSPECTIVE JUROR NO. 177: Yes.

15 MS. KOLLINS: You and I didn't get a chance to speak. Do you think  
16 you can assess the credibility of a kid using kind of a kid's standard, based on their  
17 demeanor, their developmental level, all those kinds of things?

18 PROSPECTIVE JUROR NO. 177: Yes, I could.

19 MS. KOLLINS: You sound hesitant.

20 PROSPECTIVE JUROR NO. 177: Well, that's not the problem.

21 MS. KOLLINS: What's the problem?

22 PROSPECTIVE JUROR NO. 177: Well, with my nursing history, I've  
23 been involved with working in the ER, seeing child abuse. I've worked in the labor  
24 and delivery where incest was involved and delivering 13-year-olds that had incest.  
25 So those are issues that I think would make me biased.

1 MS. KOLLINS: Okay. Well, you realize that while you bring vast  
2 knowledge from your experiences as a nurse, that those are separate and distinct  
3 from what we're going to talk about in this courtroom, that have to do with the case  
4 that Mr. Hamner and I will present, as well as Mr. Azucena; those are completely  
5 separate events, right?

6 PROSPECTIVE JUROR NO. 177: Well, yes.

7 MS. KOLLINS: Okay. So can you be fair to both sides?

8 PROSPECTIVE JUROR NO. 177: I think I would be biased. I don't  
9 know how --

10 THE COURT: So you didn't say that yesterday. All right.

11 PROSPECTIVE JUROR NO. 177: Well, I said I had other issues.

12 THE COURT: No, listen, what -- what we're not going to have in this  
13 jury is people coming in overnight and thinking up shit and try to make shit up now  
14 so they can get out of the jury. That's not going to happen. All right. All right.  
15 Because if I find that someone said something yesterday under oath and changes it  
16 because they're trying to fabricate something to get out of serving on this jury,  
17 there's going to be repercussions. All right.

18 PROSPECTIVE JUROR NO. 177: I did say --

19 THE COURT: Now, what's going on here?

20 PROSPECTIVE JUROR NO. 177: I did say.

21 THE COURT: Tell me what's going on.

22 PROSPECTIVE JUROR NO. 177: I said I had other issues yesterday.  
23 And you said you'd get back to me.

24 THE COURT: All right. So -- so why you got issues? Why can't you --  
25 you're -- you're saying that you can't be fair and impartial to both sides. You're

1 going to completely throw out our entire justice system because you don't want to  
2 be fair and impartial.

3 MR. WESTBROOK: Your Honor, may we approach?

4 THE COURT: Is that what you're saying?

5 MR. WESTBROOK: Your Honor?

6 THE COURT: No, you can't approach.

7 You're not going to be fair and impartial?

8 PROSPECTIVE JUROR NO. 177: Like I said, with my nursing history  
9 and I've been involved with child abuse and I've been involved with incest with  
10 young girls that deliver, 13-years-old, it makes me rather, you know, biased.

11 THE COURT: Ma'am, you're -- you're off this jury. You're off this jury.

12 PROSPECTIVE JUROR NO. 177: Okay.

13 THE COURT: You're removed.

14 PROSPECTIVE JUROR NO. 177: Okay.

15 THE COURT: Go home. All right. I don't like your attitude.

16 THE CLERK: Is that No. 177?

17 THE COURT: Yes. Fill the next seat.

18 THE CLERK: That would be Badge No. 333, Ebony Caldwell.

19 THE COURT: All right. Please provide us with your information.

20 PROSPECTIVE JUROR NO. 333: Okay. Badge No. 333. My name is  
21 Ebony Caldwell, and I've lived in Clark County over 30 years.

22 THE CLERK: Ma'am, I'm sorry. You need to speak into the mic.

23 PROSPECTIVE JUROR NO. 333: I'm sorry.

24 THE CLERK: Thank you.

25 PROSPECTIVE JUROR NO. 333: My name is Ebony Caldwell. And



1 my badge number is 333. I've lived in Clark County over 30 years. College and I  
2 work as a customer service -- customer service at a public library district and a  
3 beauty consultant. I'm married and I have no kids. I've served, but it was, like,  
4 thrown out, and it was, like, over 10 years.

5 THE COURT: Thank you. Have you ever been a victim of a crime?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 THE COURT: Tell us about it.

8 PROSPECTIVE JUROR NO. 333: Sexually assaulted as a child. I was  
9 real young.

10 THE COURT: All right. Is that going to affect your ability to be fair to  
11 both sides here?

12 PROSPECTIVE JUROR NO. 333: No.

13 THE COURT: All right. Have you ever been a witness in a criminal  
14 lawsuit?

15 PROSPECTIVE JUROR NO. 333: No.

16 THE COURT: All right. Do you have any association with law  
17 enforcement?

18 PROSPECTIVE JUROR NO. 333: My mother works at P and P, and I  
19 have a cousin that is a police officer.

20 THE COURT: All right. Parole and Probation here in Clark County?

21 PROSPECTIVE JUROR NO. 333: Yes.

22 THE COURT: All right. And are -- are you willing to accept the  
23 American system of justice that this defendant here is presumed innocent at this  
24 time and until and unless the State can prove otherwise by a burden of -- of beyond  
25 a reasonable doubt on each of the elements of the crimes charged?

1 PROSPECTIVE JUROR NO. 333: Yes.

2 THE COURT: All right. You're willing to give this defendant a fair

3 trial -- fair trial?

4 PROSPECTIVE JUROR NO. 333: Yes.

5 THE COURT: All right. Anything else you need to tell us?

6 PROSPECTIVE JUROR NO. 333: No.

7 THE COURT: All right. Ms. Kollins, please proceed.

8 MS. KOLLINS: Thank you, sir.

9 Ms. Caldwell, do you still have the microphone?

10 PROSPECTIVE JUROR NO. 333: Yes.

11 MS. KOLLINS: Okay. Is it on?

12 PROSPECTIVE JUROR NO. 333: Yes.

13 MS. KOLLINS: Okay. Thank you.

14 I -- I don't want to pry too much about your victimization. Okay. I

15 just want to ask you, was it reported to law enforcement?

16 PROSPECTIVE JUROR NO. 333: No.

17 MS. KOLLINS: Did you ever tell anybody in your family or anything

18 about it or --

19 PROSPECTIVE JUROR NO. 333: Yes. It was by several people.

20 MS. KOLLINS: Okay. So there was no law enforcement intervention?

21 PROSPECTIVE JUROR NO. 333: No.

22 MS. KOLLINS: Okay. Do you think there should have been?

23 PROSPECTIVE JUROR NO. 333: Yes.

24 MS. KOLLINS: Okay. Obviously, separate and distinct about what's

25 going on here? It's a separate issue --

1 PROSPECTIVE JUROR NO. 333: Yes.

2 MS. KOLLINS: -- from what we have going on here?

3 PROSPECTIVE JUROR NO. 333: Yes.

4 MS. KOLLINS: And I'm trying to be sensitive. I'm not trying to pick on  
5 you. Okay. Did you hear some of the things we were discussing yesterday?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 MS. KOLLINS: About receiving and listening to kid testimony and --  
8 and how they may communicate different than you and I might?

9 PROSPECTIVE JUROR NO. 333: Right.

10 MS. KOLLINS: Do you have a problem with that? Do you think you  
11 can do that?

12 PROSPECTIVE JUROR NO. 333: No problem.

13 MS. KOLLINS: Okay. I want to find -- me and my multicolored  
14 scribbles here. Please bear with me.

15 You work a ton of hours, you told us yesterday.

16 PROSPECTIVE JUROR NO. 333: I do.

17 MS. KOLLINS: Are you going to be able to adjust that for us, to serve?

18 PROSPECTIVE JUROR NO. 333: I have. I've -- I've had to go in early  
19 at my night job in order to get off early.

20 MS. KOLLINS: Okay.

21 PROSPECTIVE JUROR NO. 333: So instead of me getting off at 3:00  
22 or 4:00, they've -- so far he told me to keep them updated so I can get off at,  
23 like, 2:00. And at the library, she just -- my supervisor just told me to keep her  
24 updated.

25 MS. KOLLINS: Okay. All right. Well, we thank you for taking care of

1 that. We appreciate it.

2 If you could hand the microphone back to the back row. And  
3 we're going to go to Mr. Mergener.

4 PROSPECTIVE JUROR NO. 319: Yes.

5 MS. KOLLINS: Juror No. 319 in Seat 5.

6 How are you, sir?

7 PROSPECTIVE JUROR NO. 319: Fine.

8 MS. KOLLINS: Good. Did you hear some of the issues we were  
9 discussing yesterday? Was I speaking loud enough or --

10 PROSPECTIVE JUROR NO. 319: Yeah.

11 MS. KOLLINS: Okay.

12 PROSPECTIVE JUROR NO. 319: Yeah.

13 MS. KOLLINS: Or you weren't in the hot seat -- because sometimes  
14 when people are back there, they're -- there's, like -- they think that's the safety  
15 zone and they don't really have to listen to what's going on up here.

16 PROSPECTIVE JUROR NO. 319: Yeah.

17 MS. KOLLINS: Do you have grandkids?

18 PROSPECTIVE JUROR NO. 319: No. I have some -- I have seven  
19 grandnieces.

20 MS. KOLLINS: Grandnieces?

21 PROSPECTIVE JUROR NO. 319: Or great-nieces, I guess.

22 MS. KOLLINS: Okay. So you spend -- you spend some time then --

23 PROSPECTIVE JUROR NO. 319: Yes.

24 MS. KOLLINS: -- around little ones? Okay. So did you give any  
25 thought to kind of what we were talking about yesterday about how kids, they

1 communicate differently, they have a different -- if they have a different  
2 developmental level, different socioeconomic level, they may communicate different  
3 than you and I do?

4 PROSPECTIVE JUROR NO. 319: Yes.

5 MS. KOLLINS: Do you have a problem just kind of looking at kids'  
6 testimony through a kid's standard and assessing their credibility?

7 PROSPECTIVE JUROR NO. 319: No.

8 THE COURT: So I want you to stop using the term kids' standard.

9 MS. KOLLINS: Okay.

10 THE COURT: There is no such thing as a kids standard. All right. I  
11 know you defined it yesterday on what you want the jury to think kids' standard is.  
12 There is no kids' standard. All right.

13 MS. KOLLINS: All right.

14 THE COURT: Find a different way of trying to communicate what  
15 you're trying to say.

16 MS. KOLLINS: Absolutely, Judge. Thank you.

17 I'm going to take you on a different avenue. Okay. Anybody  
18 here ever known anyone that has been accused or convicted of a sex crime?

19 Anybody in the group? Accused or convicted?

20 I had a sticky. Indulge me for just a moment. It's what happens  
21 when you use too many Post-Its and you rely on those.

22 I want to talk to you about a topic that I think is going to at least  
23 come up tangentially in this trial. And I'm going to speak to you about it in the  
24 abstract, if you'll just follow me for just a minute.

25 Does everybody in this panel agree with me that citizens of this

1 United States deserve equal protection under our laws here? Everybody agree  
2 with that?

3 Is there anybody that disagrees with that? Okay.

4 There is going to be some discussion about whether people are  
5 documented or undocumented. People that are in the State's case in chief.

6 As you sit there today, does anybody know anything about the  
7 document -- about becoming documented in the United States? Has anybody had  
8 any experience with that?

9 Who's got the microphone? Mr. Mergener, could you please  
10 hand it to Mr. Rivera? Is that correct? No, it's not. Mr. Bucalo.

11 PROSPECTIVE JUROR NO. 186: Bucalo, yes.

12 MS. KOLLINS: 186. Sorry. I always [indiscernible]. How are you?

13 PROSPECTIVE JUROR NO. 186: Good, good. How are you?

14 MS. KOLLINS: I am -- I am moving right along. Thank you for asking.

15 What -- what's your experience with the documentation process  
16 here in the United States?

17 PROSPECTIVE JUROR NO. 186: Well, I came here in December  
18 of '98. I was a minor. I came with my father and my brother. But I remember we  
19 had to apply at the embassy, background check, they take your blood test. You get  
20 the AIDS, Hepatitis C test, something with the lungs. And -- tuberculosis, yes.

21 MS. KOLLINS: TB test?

22 PROSPECTIVE JUROR NO. 186: TB test. All these tests. And you  
23 go to interview with the ambassadors and stuff. But like I said, I was a minor, so I  
24 was excluded from one. And I guess my dad and my brother did okay. And we got  
25 approved after maybe a year and been a citizen maybe about six, seven years

1 now. So.

2 MS. KOLLINS: So there was an -- an application process and you had  
3 to go through that application process?

4 PROSPECTIVE JUROR NO. 186: Yes, ma'am.

5 MS. KOLLINS: Anybody in your family -- and I'm talking about your  
6 immediate family -- that was under -- in that process, ever the victim of a crime?

7 PROSPECTIVE JUROR NO. 186: No, ma'am.

8 MS. KOLLINS: Okay. Have you ever heard of the concept of U visa,  
9 have you ever heard of that?

10 PROSPECTIVE JUROR NO. 186: Can you say that again?

11 MS. KOLLINS: It's called a U visa.

12 PROSPECTIVE JUROR NO. 186: No.

13 MS. KOLLINS: You ever heard of that?

14 PROSPECTIVE JUROR NO. 186: Never heard of that.

15 MS. KOLLINS: Has anybody ever heard of that? A U visa? Nope?

16 PROSPECTIVE JUROR NO. 186: No.

17 MS. KOLLINS: I know the lady next to you said that she had some  
18 experience with --

19 MR. HAMNER: Stacey, I think -- I think someone had raised their  
20 hand.

21 MS. KOLLINS: Yeah. I -- I saw her hand raised.

22 MR. HAMNER: Oh, okay. Sorry.

23 MS. KOLLINS: I'm going to -- I'm going to get there. I just -- so I didn't  
24 have to go from over there back over to here. I was just going to have Ms. Ayres  
25 take the microphone, Juror 193.

1 PROSPECTIVE JUROR NO. 193: Renee Preuss-Ayres, Juror 193.  
2 Yes, my husband immigrated from Brazil. We originally met when he was on a  
3 student visa here. We began dating. Shortly after we were dating, we did get  
4 married, and we did go through the whole immigration process of getting him his --  
5 his resident -- or his, basically, his green card. So we had to go to immigration, do  
6 our interviews, and everything else to legitimize our marriage, that it wasn't, you  
7 know, just for him to get his green card. And we've been happily married for over  
8 eight years.

9 MS. KOLLINS: So there's a whole application process?

10 PROSPECTIVE JUROR NO. 193: Oh, yes.

11 MS. KOLLINS: And your status here is just temporary until that is --

12 PROSPECTIVE JUROR NO. 193: Yeah. Yes.

13 MS. KOLLINS: Or his status.

14 PROSPECTIVE JUROR NO. 193: Yeah. His status was temporary.  
15 He had a temporary work permit and whatnot, so.

16 MS. KOLLINS: Okay. All right. Thank you.

17 I'm going to take the microphone from you. Sorry. Excuse me. I  
18 didn't want to hit you in the head with it.

19 Ms. Vergel, Juror Number 284; correct? You had your hand up?  
20 How are you today?

21 PROSPECTIVE JUROR NO. 284: Good.

22 MS. KOLLINS: Good. You said you had some familiarity with the  
23 U visa process; what -- what is it that you know about that?

24 PROSPECTIVE JUROR NO. 284: I think it's when someone is a victim  
25 of domestic violence, that they can apply for the U visa. Is that --



1 MS. KOLLINS: If somebody is a victim of any crime or participates in a  
2 prosecution, there's an ability for them to apply for it. So it's domestic violence, but  
3 there's a whole list of crimes. Are you familiar with that whole list from the  
4 Immigration Service?

5 PROSPECTIVE JUROR NO. 284: Well --

6 MS. KOLLINS: Or just the domestic violence part?

7 PROSPECTIVE JUROR NO. 284: Well, I was working at the Victims of  
8 Crime.

9 MS. KOLLINS: Oh, okay.

10 PROSPECTIVE JUROR NO. 284: -- Department, so that's how I heard  
11 about that.

12 MS. KOLLINS: Okay. Do you know anything about how that process  
13 works? Or did you just know the label?

14 PROSPECTIVE JUROR NO. 284: Just the label.

15 MS. KOLLINS: Just the label? Okay. So did you ever help anyone fill  
16 out an application for U visa and send to the United States Immigration Service or  
17 anything like that?

18 PROSPECTIVE JUROR NO. 284: No. We only referred the client to  
19 an attorney.

20 MS. KOLLINS: A notary?

21 PROSPECTIVE JUROR NO. 284: Someone -- no, an attorney.

22 MS. KOLLINS: Oh, an attorney?

23 PROSPECTIVE JUROR NO. 284: Yeah.

24 MS. KOLLINS: Okay. All right. So to an immigration attorney?

25 PROSPECTIVE JUROR NO. 284: Uh-huh.

1 MS. KOLLINS: So you're not familiar with -- you don't --  
2 PROSPECTIVE JUROR NO. 284: The process of applying? No.  
3 MS. KOLLINS: And you don't know the different protections of how that  
4 works and what the status is while the applications pending? You don't -- you're  
5 not familiar with it?  
6 PROSPECTIVE JUROR NO. 284: Not the immigration.  
7 MS. KOLLINS: All right. Thank you.  
8 I'm going to start in the back row with Mr. Buker, 154 in  
9 Seat No. 1.  
10 Sir, you're a production supervisor?  
11 PROSPECTIVE JUROR NO. 154: Yes, ma'am.  
12 MS. KOLLINS: Producing what?  
13 PROSPECTIVE JUROR NO. 154: I make plastic food products  
14 packaging.  
15 MS. KOLLINS: Okay. You don't have any kids. Do you have any  
16 nieces and nephews, anything like that?  
17 PROSPECTIVE JUROR NO. 154: Yes. But across the country. Not --  
18 nothing local.  
19 MS. KOLLINS: I see. Do you spend any time around kids?  
20 PROSPECTIVE JUROR NO. 154: Not typically.  
21 MS. KOLLINS: You've never been on a jury before, you said  
22 yesterday. How'd you feel when you got that notice in the mail, besides --  
23 PROSPECTIVE JUROR NO. 154: I felt fine about it. I -- I hadn't been  
24 called up for a couple years, so I figured it was about time.  
25 MS. KOLLINS: Do you consider it a responsibility?

1 PROSPECTIVE JUROR NO. 154: Absolutely.

2 MS. KOLLINS: Okay. If -- if you were seated with myself, with

3 Mr. Hamner, or over here with Ms. Kierny or Mr. Westbrook, would you want you on

4 the jury, from either side of the room?

5 PROSPECTIVE JUROR NO. 154: Yes, I would.

6 MS. KOLLINS: Okay. Think you can be fair?

7 PROSPECTIVE JUROR NO. 154: Absolutely.

8 MS. KOLLINS: Promise to follow the law?

9 PROSPECTIVE JUROR NO. 154: Yes, ma'am.

10 MS. KOLLINS: Thank you, sir.

11 If you could pass the microphone to Mr. Elliston, Juror 305 in

12 Seat 2.

13 How are you?

14 PROSPECTIVE JUROR NO. 305: Good, thank you.

15 MS. KOLLINS: I'm stalling until I get to the right page. Okay. It's fine

16 the first time they put you up there, but then when it starts moving around, it gets a

17 little crazy for us.

18 All right. One more. There you are.

19 No prior service as a juror, sir?

20 PROSPECTIVE JUROR NO. 305: No.

21 MS. KOLLINS: What'd you think when you got your jury summons in

22 the mail?

23 PROSPECTIVE JUROR NO. 305: Seemed like it came quick from the

24 last one that I got.

25 MS. KOLLINS: Okay. When was the last time you got one?

1 PROSPECTIVE JUROR NO. 305: It seems like about 12, 13 months  
2 ago.

3 MS. KOLLINS: Okay. Did you dodge that bullet, obviously?

4 PROSPECTIVE JUROR NO. 305: I came in, yes.

5 MS. KOLLINS: You came in? Okay. Anything distracting you from  
6 your service for the next couple weeks?

7 PROSPECTIVE JUROR NO. 305: Nope.

8 MS. KOLLINS: Okay. Think you can be fair and impartial?

9 PROSPECTIVE JUROR NO. 305: Yes.

10 MS. KOLLINS: Promise to follow the law?

11 PROSPECTIVE JUROR NO. 305: I do.

12 MS. KOLLINS: Thank you, sir. Any -- you were a victim of a auto  
13 burglary, I see that. Unsolved, I assume?

14 PROSPECTIVE JUROR NO. 305: Yes.

15 MS. KOLLINS: Obviously, you hold no grudges against law  
16 enforcement or prosecutors because that went unsolved?

17 PROSPECTIVE JUROR NO. 305: No, no grudges.

18 MS. KOLLINS: All right. Thank you, sir.

19 If you could pass the microphone one to your left, to Ms. -- I had  
20 it yesterday --

21 PROSPECTIVE JUROR NO. 304: It's very easy.

22 MS. KOLLINS: Go ahead.

23 PROSPECTIVE JUROR NO. 304: Schirmeister.

24 MS. KOLLINS: Schirmeister. It's -- if you saw my writing, you'd know  
25 why it's not easy. It's like it's S-C-H... then it doesn't say much. 304, Seat 3.

1 How are you today, ma'am?

2 PROSPECTIVE JUROR NO. 304: I'm good. How are you?

3 MS. KOLLINS: Okay. Do you have any strong thoughts to the things  
4 we discussed yesterday? Anything that sticks out in your mind that maybe  
5 overnight you'd like to share now or -- no?

6 PROSPECTIVE JUROR NO. 304: No.

7 MS. KOLLINS: Okay. You think you can be fair and impartial?

8 PROSPECTIVE JUROR NO. 304: Yes.

9 MS. KOLLINS: Can you do equal and exact justice to both the  
10 prosecution and the defense in this case?

11 PROSPECTIVE JUROR NO. 304: Yes.

12 MS. KOLLINS: Okay. Do you promise to follow the law?

13 PROSPECTIVE JUROR NO. 304: Yes.

14 MS. KOLLINS: The judge is going to give you some instructions later in  
15 this trial and you can follow those?

16 PROSPECTIVE JUROR NO. 304: Yes.

17 MS. KOLLINS: Even if you don't think that's what the law should be?

18 PROSPECTIVE JUROR NO. 304: Yes.

19 MS. KOLLINS: Okay. Thank you, ma'am.

20 If you could pass the microphone one to your left to Juror 158,  
21 Mr. Faupel.

22 How are you?

23 PROSPECTIVE JUROR NO. 158: Good. Paulo Faupel, Badge 158.

24 MS. KOLLINS: Thank you. So you're -- you're the original groups.

25 You're on page 2. You're good.

1                   You were in a civil jury trial before?

2                   PROSPECTIVE JUROR NO. 158: Yes, ma'am.

3                   MS. KOLLINS: And you mentioned -- we usually don't ask for the  
4 verdict, but you told us that there was a defense verdict. How was that experience  
5 for you, that whole deliberation experience and --

6                   PROSPECTIVE JUROR NO. 158: It was my first time serving, so I  
7 thought it was a good experience.

8                   MR. HAMNER: Okay. Anything that us as attorneys can do better to  
9 make this experience better for you than your last?

10                  PROSPECTIVE JUROR NO. 158: You know what, if you guys bring  
11 the best evidence, then I can judge it on my part and see if it's true.

12                  MS. KOLLINS: Best evidence we have?

13                  PROSPECTIVE JUROR NO. 158: Yes.

14                  MS. KOLLINS: Okay. Promise to follow the law?

15                  PROSPECTIVE JUROR NO. 158: Of course.

16                  MS. KOLLINS: Okay. And this might be a good time for me to say this,  
17 and I don't know if I -- if I mentioned it yesterday, but just so you know, if you run  
18 into us in the hallway, myself, Mr. Hamner, and we don't talk to you and we don't  
19 nod at you or we don't acknowledge you, it's because we are forbidden to speak to  
20 you. This is one of the only times that I will get to speak directly to you, have any,  
21 well, I'll call it meaningful conversation -- you might have a different opinion -- but  
22 this is the only time we can have any conversation.

23                         So if we avert our eyes or look away, that's what's going on,  
24 because we are forbidden by this court's order and our ethical obligations to talk to  
25 you outside this courtroom.

1 One more thing is you may see us answering e-mails or phone,  
2 and that's because other people are not as respectful of this process and they want  
3 to get a hold of us. So we're not texting and we're not on Facebook and we're not  
4 on Instagram. We're doing work stuff. We're trying to multitask. So you won't have  
5 a problem with that, will you?

6 PROSPECTIVE JUROR NO. 158: No.

7 MS. KOLLINS: Okay. Great. You can skip over Mr. Mergener,  
8 because I already hassled him this afternoon.

9 Mr. Nelson in Seat 6.

10 PROSPECTIVE JUROR NO. 160: Yes.

11 MS. KOLLINS: Juror Number 160, how are you today?

12 PROSPECTIVE JUROR NO. 160: Good.

13 MS. KOLLINS: I have in my notes that you do have some connection  
14 to law enforcement. But everybody was talking really fast, and I didn't write it down.

15 Do you -- what is your connection?

16 PROSPECTIVE JUROR NO. 160: I just have a friend who is in law  
17 enforcement in Boulder City.

18 MS. KOLLINS: For who?

19 PROSPECTIVE JUROR NO. 160: Boulder City.

20 MS. KOLLINS: Boulder City Police Department?

21 PROSPECTIVE JUROR NO. 160: Yes.

22 MS. KOLLINS: Patrol officer, detective?

23 PROSPECTIVE JUROR NO. 160: He is patrol now. He was detective  
24 before.

25 MS. KOLLINS: Okay. Obviously, you're not going to feel compelled to

1 explain -- and that's why we ask this question, like, if you know somebody in law  
2 enforcement, you'll never feel compelled to explain your verdict to them, right?

3 PROSPECTIVE JUROR NO. 160: Correct.

4 MS. KOLLINS: Or strike a blow for them, right?

5 PROSPECTIVE JUROR NO. 160: Right.

6 MS. KOLLINS: It seems kind of a silly notion, but that's why we ask it.  
7 Okay.

8 Do you spend much time around kids?

9 PROSPECTIVE JUROR NO. 160: I have some nieces.

10 MS. KOLLINS: Okay. Any strong comments, feelings, questions about  
11 all the things we talked about yesterday, about the developmental level of kids and  
12 the way kids communicate, and those type of things in listening to a case like this?

13 PROSPECTIVE JUROR NO. 160: No.

14 MS. KOLLINS: You think it may be tough for a kid to get up there and  
15 recount these types of things?

16 PROSPECTIVE JUROR NO. 160: Yes.

17 MS. KOLLINS: What do you think about your ability to be fair and  
18 impartial in a trial like this?

19 PROSPECTIVE JUROR NO. 160: I think I can be fair and impartial.

20 MS. KOLLINS: Promise to follow the law as the judge instructs you?

21 PROSPECTIVE JUROR NO. 160: Yes.

22 MS. KOLLINS: Okay. Anything that causes you any concern about  
23 your ability to serve for the next couple of weeks?

24 PROSPECTIVE JUROR NO. 160: No.

25 MS. KOLLINS: Okay. I thank you, sir. If you could pass the



1 microphone.

2 Hi, Mr. Thomas. Juror No. 301 in 7.

3 How are you?

4 PROSPECTIVE JUROR NO. 301: Yes. I'm fine, and yourself?

5 MS. KOLLINS: Okay. I'm okay. The struggle is real, but I'm okay.

6 Any strong feelings or comments about what we had to talk about  
7 yesterday?

8 PROSPECTIVE JUROR NO. 301: No.

9 MS. KOLLINS: I'm trying to keep this light, but it's -- it's a really serious  
10 subject for both our side and the defense side. Can you be fair to both sides?

11 PROSPECTIVE JUROR NO. 301: Yeah.

12 MS. KOLLINS: Promise to follow the law?

13 PROSPECTIVE JUROR NO. 301: Uh-huh. Yeah.

14 MS. KOLLINS: Anything that causes you any concern or heartburn for  
15 service for the next couple weeks for us?

16 PROSPECTIVE JUROR NO. 301: No.

17 MS. KOLLINS: Hesitate, no? No? You're good?

18 PROSPECTIVE JUROR NO. 301: No. No. I'm good.

19 MS. KOLLINS: Okay. Well, you sounded like you were hesitating, so  
20 I'm just trying to --

21 PROSPECTIVE JUROR NO. 301: No. I was -- I was just thinking.

22 MS. KOLLINS: Okay.

23 PROSPECTIVE JUROR NO. 301: I have to think before I answer.

24 MS. KOLLINS: You know, I could take that advice. I usually don't,  
25 though, and, you know, I'm talking and then the rest of me catches up. Thank you.

1                    Could you please pass the microphone to Ms. Klokowski in --  
2                    PROSPECTIVE JUROR NO. 168: Klosowski.  
3                    MS. KOLLINS: Was that close?  
4                    PROSPECTIVE JUROR NO. 168: It's good.  
5                    MS. KOLLINS: Thank you. Seat No. 8, Juror No. 168.  
6                    How are you this afternoon, ma'am?  
7                    PROSPECTIVE JUROR NO. 168: Fine. How are you?  
8                    MS. KOLLINS: Thank you for asking. I'm okay.  
9                    Retired from the airlines? Do you stay in town a lot or do you fly,  
10 because you're retired?  
11                    PROSPECTIVE JUROR NO. 168: No.  
12                    MS. KOLLINS: No? No, you stay at home a lot? Okay.  
13                    You were in a civil -- you served as a juror in a civil case; is that  
14 correct?  
15                    PROSPECTIVE JUROR NO. 168: Yes.  
16                    MS. KOLLINS: Was that here in Clark County?  
17                    PROSPECTIVE JUROR NO. 168: Yes, it was. Uh-huh.  
18                    MS. KOLLINS: And I didn't catch in my notes how long ago that was.  
19                    PROSPECTIVE JUROR NO. 168: About two and a half years.  
20 September of 2014.  
21                    MS. KOLLINS: Okay. Good experience, bad experience for you?  
22                    PROSPECTIVE JUROR NO. 168: Fine, uh-huh.  
23                    MS. KOLLINS: And I'll ask you the same questions that I asked the  
24 other gentleman; anything else us attorneys can do to make that experience better  
25 for you?

1 PROSPECTIVE JUROR NO. 168: No, it's...

2 MS. KOLLINS: Anything that would distract you from your service for  
3 the next couple weeks?

4 PROSPECTIVE JUROR NO. 168: No.

5 MS. KOLLINS: Okay. I thank you.

6 If you could hand the microphone to Mr. Erdmann, Juror 214 in  
7 Seat 16.

8 Hello, sir.

9 PROSPECTIVE JUROR NO. 214: Hey. Before you ask your  
10 questions, I raised my hand with the immigrant question earlier. I didn't know if you  
11 wanted me to answer that or not, or if you --

12 MS. KOLLINS: I apologize, I didn't see you.

13 PROSPECTIVE JUROR NO. 214: I just want you to know my wife was  
14 born in the Philippines, she got the green card, citizenship, then my stepdaughter  
15 was still below I think 16 or whatever it was at the time. I don't remember the exact  
16 age. And then she's a citizen, too.

17 MS. KOLLINS: Okay. Did -- and -- and I apologize, I really didn't see  
18 your hand. I was [indiscernible].

19 Did you hear the U visa thing that we discussed?

20 PROSPECTIVE JUROR NO. 214: Yeah. I didn't know anything about  
21 that.

22 MS. KOLLINS: You don't know anything about that? Okay. But you  
23 would agree, citizen or undocumented deserve equal protection under the laws in  
24 this country?

25 PROSPECTIVE JUROR NO. 214: Yeah.

1 MS. KOLLINS: Okay.

2 PROSPECTIVE JUROR NO. 214: Just like if you're traveling on  
3 vacation someplace, you should be get protected by their police, too.

4 MS. KOLLINS: Right. If you got robbed in Italy, you should -- right?

5 PROSPECTIVE JUROR NO. 214: Yep.

6 MS. KOLLINS: I know you had some work obligations that you were a  
7 little bit concerned about; do you think you can set those aside and give us a couple  
8 weeks of your attention?

9 PROSPECTIVE JUROR NO. 214: Yeah. I mean, I'm going to  
10 lose 10 percent of my pay, but it is what it is. I'll do what I got to do.

11 MS. KOLLINS: Okay. So you'll lose your shift differential?

12 PROSPECTIVE JUROR NO. 214: Yeah.

13 MS. KOLLINS: Okay. But you still get paid?

14 PROSPECTIVE JUROR NO. 214: Yeah. I still get paid, so I can get  
15 through it.

16 MS. KOLLINS: So you're fortunate to have an employer that actually  
17 respects the whole process and pays you enough to get by?

18 PROSPECTIVE JUROR NO. 214: Yeah. I mean, I'm appreciative of it.

19 MS. KOLLINS: Okay. Is it -- your stepdaughter is 21, and then you  
20 have your own daughter that's eight; is that correct?

21 PROSPECTIVE JUROR NO. 214: Yes.

22 MS. KOLLINS: Okay. And raised her in Clark County the whole time?

23 PROSPECTIVE JUROR NO. 214: The eight-year-old, yes.

24 MS. KOLLINS: Yes. Okay. Can you do equal and fair justice to both  
25 sides; give Mr. Azucena his fair trial?

1 PROSPECTIVE JUROR NO. 214: Yep.

2 MS. KOLLINS: Give the State of Nevada a fair trial?

3 PROSPECTIVE JUROR NO. 214: Yep.

4 MS. KOLLINS: You can follow the law as the judge reads it to you?

5 PROSPECTIVE JUROR NO. 214: Yep.

6 MS. KOLLINS: Even if you don't agree with it?

7 PROSPECTIVE JUROR NO. 214: Yeah. I mean, I might not like it, but

8 I'll do it.

9 MS. KOLLINS: Okay. And -- and I'll use this example. You know,

10 marijuana is now legal, but they haven't really ironed out all the wrinkles yet. Okay.

11 So there are still some people getting arrested for possessing marijuana in certain

12 quantities. Okay. And some people are -- think, well, it's legal, it should be legal

13 for all reasons and in all amounts and whoever has it and however they're

14 distributing it. But that's not really the case.

15 But if you're sitting on a jury and they -- we still told you, well, this

16 quantity of marijuana's illegal, you couldn't -- and we proved our case beyond a

17 reasonable doubt, you couldn't vote not guilty because you didn't like the law.

18 PROSPECTIVE JUROR NO. 214: No, I agree.

19 MS. KOLLINS: That make sense?

20 PROSPECTIVE JUROR NO. 214: No, I agree.

21 MS. KOLLINS: Okay. Kind of a nullification, like, if you don't like the

22 law, so you --

23 PROSPECTIVE JUROR NO. 214: Yeah.

24 MS. KOLLINS: -- just ignore it?

25 PROSPECTIVE JUROR NO. 214: I mean, you can have your opinions

1 outside, but when you're in here, you've got to do what the law says. I get it.

2 MS. KOLLINS: And you realize that your verdict's confined to the  
3 evidence that you hear in these four corners?

4 PROSPECTIVE JUROR NO. 214: Yep.

5 MS. KOLLINS: So none of us -- we don't get to Google, we don't get to  
6 do anything like that, go look around for other stuff to supplement what goes on in  
7 here; does that make sense?

8 PROSPECTIVE JUROR NO. 214: Yep.

9 MS. KOLLINS: Okay. Thank you.

10 If you could pass the microphone to your right, please.

11 Good afternoon, Mr. LaCroix, how are you?

12 PROSPECTIVE JUROR NO. 212: Very good.

13 MS. KOLLINS: Good.

14 PROSPECTIVE JUROR NO. 212: Thank you.

15 MS. KOLLINS: Juror 15 --

16 PROSPECTIVE JUROR NO. 212: I'm sorry.

17 MS. KOLLINS: I'm sorry.

18 PROSPECTIVE JUROR NO. 212: 21 -- 212.

19 MS. KOLLINS: You are correct.

20 PROSPECTIVE JUROR NO. 212: Yes.

21 MS. KOLLINS: That's a scribble.

22 PROSPECTIVE JUROR NO. 212: Gotcha.

23 MS. KOLLINS: Okay. Seat 15. How are you today?

24 PROSPECTIVE JUROR NO. 212: Very good.

25 MS. KOLLINS: Good. Can you be fair to both sides?

1 PROSPECTIVE JUROR NO. 212: Absolutely.  
2 MS. KOLLINS: You were very brave to share what's going on with you.  
3 PROSPECTIVE JUROR NO. 212: Yep.  
4 MS. KOLLINS: And we appreciate that.  
5 PROSPECTIVE JUROR NO. 212: Yep.  
6 MS. KOLLINS: How you feeling? You going to be okay for a couple  
7 weeks?  
8 PROSPECTIVE JUROR NO. 212: I should be fine.  
9 MS. KOLLINS: Okay. And you'll let us know if you're not?  
10 PROSPECTIVE JUROR NO. 212: Absolutely.  
11 MS. KOLLINS: Okay. Follow the law as Judge Scotti delivers it to you  
12 at both the inception and the conclusion of this case?  
13 PROSPECTIVE JUROR NO. 212: Yes.  
14 MS. KOLLINS: Thank you.  
15 If you'll pass the microphone for me, Mr. LaCroix, I'd appreciate  
16 it.  
17 Officer, how are you?  
18 PROSPECTIVE JUROR NO. 206: Great.  
19 MS. KOLLINS: Seat No. 14, Juror 206, Mr. Stanek. I do -- I told you  
20 yesterday, I recognized your name, but you do not recognize me from work --  
21 PROSPECTIVE JUROR NO. 206: I do not.  
22 MS. KOLLINS: -- is that correct?  
23 PROSPECTIVE JUROR NO. 206: That's correct.  
24 MS. KOLLINS: All right. And it would have been some time ago, long  
25 time ago.

1 PROSPECTIVE JUROR NO. 206: Long time ago.

2 MS. KOLLINS: Because you were patrol what year?

3 PROSPECTIVE JUROR NO. 206: From '90 through about '97.

4 MS. KOLLINS: Okay. Well, I started in '96, so would be a long time  
5 ago. All right. As long as we don't know each other.

6 Now, the obvious question is, you've had experience in law  
7 enforcement, you've had experience in these type of cases; can you still keep an  
8 open mind and be fair to the defense, given your law enforcement background?  
9 That's what everybody's going to ask.

10 PROSPECTIVE JUROR NO. 206: I can. The only reservation I have,  
11 and it goes back to yesterday when the judge offered me the opportunity based on  
12 my age to -- to leave the process, and at that time, I may have had a senior  
13 moment. And by that, I mean the chances of me being part of this jury, I think,  
14 because of my law enforcement status are probably next to none. And -- but I'm  
15 still in the process. I'm still willing to give it a shot. And yes, I can be fair and  
16 impartial.

17 MS. KOLLINS: Well, and as a practical aspect, you may be correct.  
18 But for the record, can you be fair and impartial?

19 PROSPECTIVE JUROR NO. 206: I can.

20 MS. KOLLINS: And follow the law?

21 PROSPECTIVE JUROR NO. 206: I can.

22 MS. KOLLINS: And do what the judge tells you?

23 PROSPECTIVE JUROR NO. 206: I certainly will.

24 MS. KOLLINS: And give Mr. Azucena a fair trial?

25 PROSPECTIVE JUROR NO. 206: Yes, ma'am.



1 MS. KOLLINS: Okay. That's all I need to know. Thank you, sir.

2 THE COURT: We do allow seniors to -- to be excused if, you know, if  
3 they want to. It's their choice. It's -- it's in the law. So --

4 PROSPECTIVE JUROR NO. 206: Right.

5 THE COURT: So -- so that's why I offered that.

6 PROSPECTIVE JUROR NO. 206: Oh, I understand.

7 THE COURT: I hope I explained it well to you and you understood. It  
8 sounds like you might be reconsidering that a little bit, but -- but you're hoping that  
9 you don't get picked anyway, so.

10 PROSPECTIVE JUROR NO. 206: No. I'm not hoping anything. I'm  
11 just, you know, in all good conscience with my personal situation, being retired --

12 THE COURT: Yeah.

13 PROSPECTIVE JUROR NO. 206: -- and having the time --

14 THE COURT: Yeah.

15 PROSPECTIVE JUROR NO. 206: -- and all these other people having  
16 to make great sacrifices, which in this case, I do not --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 206: -- I -- I feel compelled to at least  
19 stay and -- and see the process out.

20 THE COURT: Great. I'm glad you feel that way. Thank you -- thank  
21 you, sir.

22 PROSPECTIVE JUROR NO. 206: Okay.

23 THE COURT: We'll see what happens. All right.

24 PROSPECTIVE JUROR NO. 206: Okay. Thank you.

25 MS. KOLLINS: Thank you.

1 He did give it to you.

2 Ms. Hudson, Juror No. 194 in Seat 13; how are you?

3 PROSPECTIVE JUROR NO. 194: Fine.

4 MS. KOLLINS: Good.

5 PROSPECTIVE JUROR NO. 194: And how are you?

6 MS. KOLLINS: Okay. I'm okay. I think I need my own transcriptionist,

7 though, because...

8 You been here from Illinois for 18 months?

9 PROSPECTIVE JUROR NO. 194: Yes.

10 MS. KOLLINS: So is that where you were born and raised, Illinois?

11 PROSPECTIVE JUROR NO. 194: Yes.

12 MS. KOLLINS: Okay. And my Midwest geography is a little poor

13 despite living there for a minute; how close is that to Chicago?

14 PROSPECTIVE JUROR NO. 194: An hour and -- about an hour

15 and 15 minutes.

16 MS. KOLLINS: Okay. What brought you this way?

17 PROSPECTIVE JUROR NO. 194: I'm a widow, and I've been a widow

18 for almost five years. And my daughter relocated and moved out to Las Vegas, and

19 she's been out here three years. And so she thought it would be a great

20 experience for me to come out here and stay the winter. And so I came out here,

21 and I was, like, I loved it. I don't have anything to go back for. So I stayed.

22 MS. KOLLINS: And no lake effect snow; right?

23 PROSPECTIVE JUROR NO. 194: Right. Exactly.

24 MS. KOLLINS: So.

25 PROSPECTIVE JUROR NO. 194: No snow blower, no boots.

1 MS. KOLLINS: Okay. Yeah. I -- I took a hiatus in the Midwest for  
2 about two and a half years, and -- it's crazy.

3 Anyway, you are a licensed nurse?

4 PROSPECTIVE JUROR NO. 194: Registered nurse.

5 MS. KOLLINS: Okay. And you work -- I have Marquis Hospital; is that  
6 correct?

7 PROSPECTIVE JUROR NO. 194: It's Marquis at Centennial Hill.

8 MS. KOLLINS: Okay. And what departments of the hospital do you  
9 work in?

10 PROSPECTIVE JUROR NO. 194: I work as a charge nurse.

11 MS. KOLLINS: Okay. And is that in an adult unit, an ICU unit?

12 PROSPECTIVE JUROR NO. 194: It's a long-term facility, which also  
13 have patient that's on the ventilators. And so my job is just to process orders, take  
14 orders from the doctor, make sure that the labs get complete, sent to the doctor,  
15 pharmacy, yadda-yadda.

16 MS. KOLLINS: Yadda-yadda? Doesn't sound like yadda-yadda to me.  
17 Sounds like lots of responsibility.

18 PROSPECTIVE JUROR NO. 194: Yes.

19 MS. KOLLINS: And were you a nurse in Chicago, as well?

20 PROSPECTIVE JUROR NO. 194: Yes.

21 MS. KOLLINS: Okay.

22 PROSPECTIVE JUROR NO. 194: I've been a nurse for 25 years.

23 MS. KOLLINS: That's a tough field. Good for you. Congratulations.

24 PROSPECTIVE JUROR NO. 194: Thank you.

25 MS. KOLLINS: In your 25 years as a nurse, have you ever worked in

1 sexual -- sexual assault examinations, pediatrics unit, anything like that?

2 PROSPECTIVE JUROR NO. 194: No. Only thing I ever done was  
3 pediatric ventilators.

4 MS. KOLLINS: Okay. All right. Anything -- is Centennial Hills willing to  
5 work with your schedule in order for you to serve?

6 PROSPECTIVE JUROR NO. 194: Yes, positive.

7 MS. KOLLINS: Okay. Thank you. Can you be fair to both sides?

8 PROSPECTIVE JUROR NO. 194: Yes.

9 MS. KOLLINS: Anything that we've discussed in this forum in the last  
10 couple days that causes you concerns whether you could be fair or not fair?

11 PROSPECTIVE JUROR NO. 194: I can be fair.

12 MS. KOLLINS: Okay. Listen to the law and follow it as the judge  
13 instructs you?

14 PROSPECTIVE JUROR NO. 194: Yes.

15 MS. KOLLINS: Thank you, ma'am.

16 If you could pass the microphone for me.

17 Hello, Ms. Preuss-Ayres, again. Juror 193, Seat 12. Anything  
18 that causes you any concern about whether or not you can be fair?

19 PROSPECTIVE JUROR NO. 193: I feel I can be fair. I understand that  
20 I do have a past of what happened to me as a child. But, you know, this is a  
21 different situation. This is not my situation. I need to go into it open minded.

22 MS. KOLLINS: And you understand that whatever happened in your  
23 past, however it was reported, not reported, handled by law enforcement, not  
24 handled by law enforcement, that is separate and distinct from what you're going to  
25 hear in here; correct?

1 PROSPECTIVE JUROR NO. 193: Yes. That is 100 percent correct.  
2 MS. KOLLINS: Okay. And you can set all of that aside?  
3 PROSPECTIVE JUROR NO. 193: Yes, I can.  
4 MS. KOLLINS: And be fair?  
5 PROSPECTIVE JUROR NO. 193: Yes, I can.  
6 MS. KOLLINS: And do equal and exact justice to the State of Nevada,  
7 as well as Mr. Azucena?  
8 PROSPECTIVE JUROR NO. 193: Yes. Yes.  
9 MS. KOLLINS: Okay. Anything that is going to distract you from your  
10 service for two weeks?  
11 PROSPECTIVE JUROR NO. 193: No. I've already arranged with my  
12 work schedule. I've talked with my -- because I work swing shift, I would just be  
13 going an hour -- in, like, about an hour and a half later to work. And my bosses are  
14 perfectly fine with that. They understand, so.  
15 MS. KOLLINS: So you can just start the dinner shift a little later?  
16 PROSPECTIVE JUROR NO. 193: Yeah. I would just leave here, put  
17 on my work clothes at work, and start work. So I'd be good to go.  
18 MS. KOLLINS: And they're not open super late, so you'll be fine?  
19 PROSPECTIVE JUROR NO. 193: On the weekends, we're open  
20 until 11:00, but that's on the weekends. So it's a little different, so.  
21 MS. KOLLINS: And -- and I think Judge Scotti told you yesterday what  
22 he anticipated our schedule might be, such that at least Tuesday, Wednesday,  
23 Thursday, there'd be a 1:00 start, so it wouldn't be so late/early every day.  
24 PROSPECTIVE JUROR NO. 193: Yeah.  
25 MS. KOLLINS: Okay.

1 PROSPECTIVE JUROR NO. 193: Of course.

2 MS. KOLLINS: All right. Thank you. And no child care issues for the  
3 five and the 11?

4 PROSPECTIVE JUROR NO. 193: No. My husband and I actually  
5 work opposite shifts. And my mother-in-law is currently in town visiting from Brazil,  
6 so we have a at-home babysitter.

7 MS. KOLLINS: So many jokes. So many jokes. I -- I won't.

8 PROSPECTIVE JUROR NO. 193: Made my life a lot easier.

9 MS. KOLLINS: Well, eager to serve, maybe.

10 PROSPECTIVE JUROR NO. 193: No. No, no.

11 MS. KOLLINS: I can't help it. Just -- okay. All right. Thank you.

12 Obviously, I had a different mother-in-law than you did.

13 PROSPECTIVE JUROR NO. 193: Well, it's not always so pleasant.

14 MS. KOLLINS: If you could hand the microphone to Mr. Bucalo,  
15 Seat No. 11, 186.

16 I've picked on you a couple times, so I'll just be really quick.

17 PROSPECTIVE JUROR NO. 186: That's fine.

18 MS. KOLLINS: Anything that would distract you from serving over the  
19 next couple days?

20 PROSPECTIVE JUROR NO. 186: No, ma'am.

21 MS. KOLLINS: Or couple weeks, I should say.

22 PROSPECTIVE JUROR NO. 186: No, ma'am.

23 MS. KOLLINS: Okay. You said that -- yesterday that one of your  
24 friends was a Metro police officer?

25 PROSPECTIVE JUROR NO. 186: That's correct.

1 MS. KOLLINS: Is that somebody that you have a pretty close  
2 relationship with, such that you socialize all the time or, like, once a month, twice a  
3 month, stuff like that?

4 PROSPECTIVE JUROR NO. 186: Few times we watch soccer games  
5 at a Serbian bar.

6 MS. KOLLINS: Okay.

7 PROSPECTIVE JUROR NO. 186: So I do see him maybe once a  
8 week, once a month, something like that.

9 MS. KOLLINS: And you would not feel compelled to explain to him the  
10 reason for your verdict, one way or the other, right?

11 PROSPECTIVE JUROR NO. 186: No, ma'am.

12 MS. KOLLINS: Okay. And he would not influence your verdict in any  
13 fashion?

14 PROSPECTIVE JUROR NO. 186: No, ma'am.

15 MS. KOLLINS: Okay. Anything that -- well, you're a pit boss where?

16 PROSPECTIVE JUROR NO. 186: At the New York, New York.

17 MS. KOLLINS: And they're -- they're okay with you serving for a couple  
18 weeks?

19 PROSPECTIVE JUROR NO. 186: Yes, ma'am.

20 MS. KOLLINS: Your schedule's okay?

21 PROSPECTIVE JUROR NO. 186: Yeah. They can replace me. They  
22 have a lot of supervisors or pit bosses.

23 MS. KOLLINS: Okay. Thank you, sir.

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

25 MS. KOLLINS: And if you could pass the microphone to Mr. Jackson,

1 Juror 218, Seat 10.

2 The situation, Mr. Jackson, with your roommate and the girlfriend  
3 and the family and the gun, did you have to go to court and testify?

4 PROSPECTIVE JUROR NO. 218: No, I did not.

5 MS. KOLLINS: So they just took your witness statement and then  
6 nobody from our office subpoenaed you and wanted you to come or anything like  
7 that and testify?

8 PROSPECTIVE JUROR NO. 218: No.

9 MS. KOLLINS: Okay. Did your roommate have to go to court?

10 PROSPECTIVE JUROR NO. 218: Yes.

11 MS. KOLLINS: Did you have discussions about his court experience or  
12 how the DA's office treated him or how he was treated in a courtroom or any of  
13 those kind of things?

14 PROSPECTIVE JUROR NO. 218: No.

15 MS. KOLLINS: Okay. You said you had been here for three and a half  
16 years; where did you live before?

17 PROSPECTIVE JUROR NO. 218: Syracuse, New York.

18 MS. KOLLINS: Did you come here for work or to dodge the snow or  
19 both?

20 PROSPECTIVE JUROR NO. 218: Work.

21 MS. KOLLINS: And it says on here that you were in financial services;  
22 is that what you said? Or is --

23 PROSPECTIVE JUROR NO. 218: Yes.

24 MS. KOLLINS: Okay. What does that mean? What do you do?

25 PROSPECTIVE JUROR NO. 218: Well, primarily help with



1 transactions, trading, helping people with money movements, things like that,  
2 problem solving for financial advisors in the field.

3 MS. KOLLINS: Okay. And do you work -- is that for Ameriprise  
4 Financial?

5 PROSPECTIVE JUROR NO. 218: Yes.

6 MS. KOLLINS: Okay. Sometimes juror information from down there  
7 isn't super trustworthy, so sometimes I don't lead with that question, because I  
8 never know if it's correct.

9 And how long have you been doing that, since you lived in  
10 Nevada?

11 PROSPECTIVE JUROR NO. 218: Three and a half years.

12 MS. KOLLINS: Okay. Kind of the same question I posed to everybody  
13 else, can you be fair?

14 PROSPECTIVE JUROR NO. 218: Yes.

15 MS. KOLLINS: Okay. You can give the testimony of a police officer,  
16 and another lay witness, and perhaps, you know, a doctor all the same kind of  
17 weight?

18 PROSPECTIVE JUROR NO. 218: Yes.

19 MS. KOLLINS: You wouldn't automatically believe a police officer over  
20 a layperson, would you?

21 PROSPECTIVE JUROR NO. 218: No.

22 MS. KOLLINS: Would you automatically disbelieve a police officer over  
23 a layperson?

24 PROSPECTIVE JUROR NO. 218: No.

25 MS. KOLLINS: Anything that causes you concern or would distract

1 from your service for the next two weeks that I should know about?

2 PROSPECTIVE JUROR NO. 218: No.

3 MS. KOLLINS: Okay. Thank you, Mr. Jackson.

4 Ms. Caldwell, I think I've asked you just about everything,  
5 Juror No. 333 in Seat 9. Just can you follow the judge's instructions?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 MS. KOLLINS: Do equal justice to both sides?

8 PROSPECTIVE JUROR NO. 333: Yes.

9 MS. KOLLINS: You wouldn't automatically believe a police officer over  
10 another, would you?

11 PROSPECTIVE JUROR NO. 333: [No audible response.]

12 MS. KOLLINS: You wouldn't automatically disbelieve someone  
13 because they were a police officer?

14 PROSPECTIVE JUROR NO. 333: [No audible response.]

15 MS. KOLLINS: Okay. Thank you. Anything -- I know we've talked  
16 about your work schedule, and you said it was worked out. Anything beyond that  
17 that would distract you from serving over the next couple of weeks?

18 PROSPECTIVE JUROR NO. 333: No.

19 MS. KOLLINS: Okay. Thank you.

20 If you could pass that right in front of you to Mr. Barista, how are  
21 you, sir? Juror No. 215, Seat 17. How are you?

22 PROSPECTIVE JUROR NO. 215: I'm good.

23 MS. KOLLINS: Any commentary about anything we discussed  
24 yesterday?

25 PROSPECTIVE JUROR NO. 215: No.

1 MS. KOLLINS: Nothing at all?

2 PROSPECTIVE JUROR NO. 215: No.

3 MS. KOLLINS: Okay. I don't want to bring up a sore subject, but  
4 there's a whole reason that we're honest in this room, because we all have to  
5 know --

6 Sorry. What?

7 THE COURT: Just doing an interpreter change.

8 MS. KOLLINS: Okay. I'm sorry. I thought somebody was talking to  
9 me.

10 You had a run-in with law enforcement?

11 PROSPECTIVE JUROR NO. 215: Right.

12 MS. KOLLINS: Any way that you were treated in that experience that  
13 you would hold against anybody in this case?

14 PROSPECTIVE JUROR NO. 215: No.

15 MS. KOLLINS: So you were treated fairly?

16 PROSPECTIVE JUROR NO. 215: Yes, I believe so.

17 MS. KOLLINS: By the district attorney's office, too?

18 PROSPECTIVE JUROR NO. 215: As well.

19 MS. KOLLINS: So you understand that what this case is about and  
20 what happened to you are two different things? I know it seems obvious, but we  
21 have to make a record of all this --

22 PROSPECTIVE JUROR NO. 215: Uh-huh. Yes.

23 MS. KOLLINS: -- craziness. Okay. So completely set that aside, it has  
24 nothing to do with what's going on in here?

25 PROSPECTIVE JUROR NO. 215: Correct.

1 MS. KOLLINS: Would you automatically disbelieve the testimony of a  
2 police officer because of anything that happened in your case?

3 PROSPECTIVE JUROR NO. 215: No.

4 MS. KOLLINS: Okay. Can you give a fair trial to both sides?

5 PROSPECTIVE JUROR NO. 215: Absolutely.

6 MS. KOLLINS: Listen to Judge Scotti's instructions when he tells you  
7 what the law is?

8 PROSPECTIVE JUROR NO. 215: Of course.

9 MS. KOLLINS: Thank you, Mr. Barista. You could pass the  
10 microphone.

11 Hi, Ms. Donato, Juror 221, Seat 18. How are you?

12 PROSPECTIVE JUROR NO. 221: Good.

13 MS. KOLLINS: Excuse me. I'm doing a lot of talking today, a lot of  
14 one-word answers. So let's see if I can do any better.

15 You were a juror in a prior -- prior criminal trial; was that here in  
16 Las Vegas?

17 PROSPECTIVE JUROR NO. 221: Yes.

18 MS. KOLLINS: In this courthouse?

19 PROSPECTIVE JUROR NO. 221: Yes.

20 MS. KOLLINS: Okay. Without telling me the verdict, did you reach a  
21 verdict?

22 PROSPECTIVE JUROR NO. 221: Yes.

23 MS. KOLLINS: I don't want to know -- again, I don't ultimately want to  
24 know what the verdict was, but how was that experience for you?

25 PROSPECTIVE JUROR NO. 221: It was good.

1 MS. KOLLINS: Okay. What was good about it?

2 PROSPECTIVE JUROR NO. 221: It was -- it was interesting, and I  
3 think that justice was served.

4 MS. KOLLINS: Okay. Did things ever get contentious in the  
5 deliberation room?

6 PROSPECTIVE JUROR NO. 221: Nope.

7 MS. KOLLINS: How do you -- what kind of person do you think you  
8 would be if things did get contentious in the deliberation room?

9 PROSPECTIVE JUROR NO. 221: I think I would stand by what I  
10 believe.

11 MS. KOLLINS: Okay.

12 PROSPECTIVE JUROR NO. 221: I wouldn't let any person sway me.

13 MS. KOLLINS: Okay. So you would -- you would look at the evidence  
14 and review the evidence and stand by your position?

15 PROSPECTIVE JUROR NO. 221: Correct.

16 MS. KOLLINS: Okay. Anything that would distract you for you -- from  
17 your service for the next couple weeks?

18 PROSPECTIVE JUROR NO. 221: Well, I mean, I have kids. But I can  
19 work it out.

20 MS. KOLLINS: Okay. You have somebody to assist you with child  
21 care?

22 PROSPECTIVE JUROR NO. 221: Yes.

23 MS. KOLLINS: Okay. Well, one is 14, right?

24 PROSPECTIVE JUROR NO. 221: Yes.

25 MS. KOLLINS: That is right?

1 PROSPECTIVE JUROR NO. 221: Yes.

2 MS. KOLLINS: Okay.

3 PROSPECTIVE JUROR NO. 221: They're self-sufficient, just getting

4 them back and forth to school.

5 MS. KOLLINS: Well, the mornings would be okay --

6 PROSPECTIVE JUROR NO. 221: Uh-huh.

7 MS. KOLLINS: -- right? It's the afternoon that might cause you --

8 PROSPECTIVE JUROR NO. 221: Yeah. But I -- I have a little bit of

9 help.

10 MS. KOLLINS: Good. Okay. Do equal and exact justice to both

11 sides?

12 PROSPECTIVE JUROR NO. 221: Yes.

13 MS. KOLLINS: Follow Judge Scotti's recitation of the law?

14 PROSPECTIVE JUROR NO. 221: Yes.

15 MS. KOLLINS: Okay. Thank you.

16 If you could pass the microphone to Mr. Rivera, Juror 228 in

17 Seat 19.

18 I keep losing my place. I should have made these all different

19 colors.

20 How are you?

21 PROSPECTIVE JUROR NO. 228: I'm doing fine, thank you.

22 MS. KOLLINS: Good. Anything that we discussed yesterday in terms

23 of listening and reviewing the testimony of kids that causes you any concern about

24 your ability to be fair?

25 PROSPECTIVE JUROR NO. 228: No.

1 MS. KOLLINS: Okay. So those things that we discussed yesterday,  
2 the developmental standards, socioeconomic standards, you know, kind of the  
3 language that kids are comfortable using, you know, might not understand abstract  
4 concepts, those kind of things, you're willing to at least take into consideration when  
5 you listen to a kid testify?

6 PROSPECTIVE JUROR NO. 228: Yes. Absolutely.

7 MS. KOLLINS: Okay. Your dad's in SWAT?

8 PROSPECTIVE JUROR NO. 228: Yes, he is.

9 MS. KOLLINS: Okay. Actively in Metro SWAT?

10 PROSPECTIVE JUROR NO. 228: Correct.

11 MS. KOLLINS: Okay.

12 PROSPECTIVE JUROR NO. 228: He just had his 30-year anniversary,  
13 actually.

14 MS. KOLLINS: And he's still going, right?

15 PROSPECTIVE JUROR NO. 228: Yeah. He's still going.

16 MS. KOLLINS: Wow. They have -- they have 20 and you can get out.

17 PROSPECTIVE JUROR NO. 228: Yep.

18 MS. KOLLINS: He must love it. Good for him. We like dedication.

19 Now, obviously, you can't give anymore weight to what a police  
20 officer might come in here and say just because they're a police officer; you  
21 understand that?

22 PROSPECTIVE JUROR NO. 228: Of course.

23 MS. KOLLINS: Okay. And you would not feel compelled to go home  
24 and explain your verdict to SWAT Dad, right?

25 PROSPECTIVE JUROR NO. 228: Absolutely not. Both my parents

1 understand the -- how it works.

2 MS. KOLLINS: Okay.

3 PROSPECTIVE JUROR NO. 228: So.

4 MS. KOLLINS: And the flip side of that is --

5 PROSPECTIVE JUROR NO. 228: My --

6 MS. KOLLINS: -- you wouldn't automatically disbelieve somebody  
7 because they're a police officer?

8 PROSPECTIVE JUROR NO. 228: Absolutely not.

9 MS. KOLLINS: Okay. And I -- you know, obviously, not just Dad, but  
10 Mom's at headquarters, too, so the same applies --

11 PROSPECTIVE JUROR NO. 228: Yes.

12 MS. KOLLINS: -- right?

13 PROSPECTIVE JUROR NO. 228: Of course.

14 MS. KOLLINS: You're willing to listen to Judge Scotti's recitation of the  
15 law?

16 PROSPECTIVE JUROR NO. 228: Yes.

17 MS. KOLLINS: And follow that law?

18 PROSPECTIVE JUROR NO. 228: Absolutely.

19 MS. KOLLINS: Okay. All right. I'll take that. If -- you were a burglary  
20 victim; is that right?

21 PROSPECTIVE JUROR NO. 228: Yes, I was.

22 MS. KOLLINS: And -- and nobody was caught?

23 PROSPECTIVE JUROR NO. 228: The person actually was caught.

24 MS. KOLLINS: Oh, that's right.

25 PROSPECTIVE JUROR NO. 228: Uh-huh.



1 MS. KOLLINS: All right. Now -- now I see. He was on California  
2 parole?

3 PROSPECTIVE JUROR NO. 228: Yes.

4 MS. KOLLINS: Okay.

5 PROSPECTIVE JUROR NO. 228: And he was taken back to California  
6 and everything.

7 MS. KOLLINS: That's right. Okay. Satisfied with how that was  
8 handled?

9 PROSPECTIVE JUROR NO. 228: Very quickly, within, like, a week or  
10 two, if I remember correctly.

11 MS. KOLLINS: Consider yourself pretty fortunate that law enforcement  
12 was able to intervene and get at least a suspect and some resolution?

13 PROSPECTIVE JUROR NO. 228: Yes.

14 MS. KOLLINS: Okay. Great. I appreciate that.

15 If you could pass the microphone to Ms. Sutherland,  
16 Juror No. 230 in Seat 20.

17 How are you?

18 PROSPECTIVE JUROR NO. 230: Thank you. Go ahead.

19 MS. KOLLINS: We talked yesterday -- yesterday about Sunrise, and  
20 I'm not going to discuss that with you any further. The only thing I'll ask is your  
21 experience there doesn't mean you can't be fair and impartial; correct?

22 PROSPECTIVE JUROR NO. 230: Not Sunrise, UMC.

23 MS. KOLLINS: Why did I write Sunrise?

24 PROSPECTIVE JUROR NO. 230: I don't work at Sunrise, I work at  
25 UMC.

1 MS. KOLLINS: You do work at UMC.

2 THE COURT: Yes, ma'am?

3 PROSPECTIVE JUROR NO. 304: I was Sunrise. I'm Lisa.

4 THE COURT: Okay.

5 MS. KOLLINS: Okay. I -- but okay.

6 In any event, I wrote it -- I wrote it in your space. UMC.

7 Apologies. Start over.

8 PROSPECTIVE JUROR NO. 230: Okay.

9 MS. KOLLINS: The point of the question was your experiences at  
10 UMC, you're able to set those aside and be fair and impartial in this case and just  
11 consider the evidence that you hear in this courtroom?

12 PROSPECTIVE JUROR NO. 230: Yes.

13 MS. KOLLINS: And despite your vast experience in sexual assault  
14 examinations, you can set those aside and know that we're just basing this case --

15 PROSPECTIVE JUROR NO. 230: Oh, yeah.

16 MS. KOLLINS: -- on this case?

17 PROSPECTIVE JUROR NO. 230: I've had multiple instances where  
18 you might assume it's one particular person, and the evidence comes out that it's  
19 somebody that you wouldn't even expect. So it's taught me very early on to --

20 MS. KOLLINS: Okay.

21 PROSPECTIVE JUROR NO. 230: -- wait and listen.

22 MS. KOLLINS: Wait and listen? Okay. And after you wait and listen,  
23 can you listen to Judge Scotti's instructions and follow the law as he gives it to you?

24 PROSPECTIVE JUROR NO. 230: Yes.

25 MS. KOLLINS: Thank you, ma'am.

1 If you could pass the microphone to Mr. Buasuwan; is that  
2 correct?

3 PROSPECTIVE JUROR NO. 231: That's right.

4 MS. KOLLINS: Close? Seat No. 21, Juror 231.

5 No prior service as a jury -- as a juror?

6 PROSPECTIVE JUROR NO. 231: No.

7 MS. KOLLINS: Okay. What did you think when you got your  
8 summons?

9 PROSPECTIVE JUROR NO. 231: It was fine. It's about time.

10 MS. KOLLINS: It's about time? That my number is up, it's about time?  
11 Okay. Anything that would distract you from your service over the next couple of  
12 weeks?

13 PROSPECTIVE JUROR NO. 231: No.

14 MS. KOLLINS: No? Follow the law as Judge Scotti gives it to you?

15 PROSPECTIVE JUROR NO. 231: Yes.

16 MS. KOLLINS: Okay. Be fair and impartial and wait for all the  
17 evidence?

18 PROSPECTIVE JUROR NO. 231: Yes.

19 MS. KOLLINS: Okay. And you understand as Mr. Azucena sits there  
20 today, he is charged in a criminal indictment, he's not -- there's no evidence before  
21 you today, right?

22 PROSPECTIVE JUROR NO. 231: That's right.

23 MS. KOLLINS: And you understand it's the State's burden, mine and  
24 Mr. Hamner's burden to present evidence to you in order for you to discern whether  
25 or not we've proven our case beyond a reasonable doubt?

1 PROSPECTIVE JUROR NO. 231: That's right.

2 MR. WESTBROOK: Your Honor, can we approach? Just very briefly?

3 Thank you.

4 [Bench conference transcribed as follows.]

5 THE COURT: She's not saying anything that I've already said.

6 MR. WESTBROOK: I understand, Your Honor. The only record I  
7 wanted to make is I don't think it's inappropriate to say that he was charged in a  
8 criminal indictment.

9 THE COURT: What's your -- I'm sorry.

10 MR. WESTBROOK: I don't think it's appropriate to say that he was  
11 charged in a criminal indictment at this stage, because saying that he was  
12 indicted --

13 THE COURT: Don't we have to -- we have to read the indictment at the  
14 beginning.

15 MR. WESTBROOK: Maybe eventually, that's true. But --

16 THE COURT: That's [indiscernible] instructions.

17 MR. WESTBROOK: The only thing I said, one sentence --

18 THE COURT: Okay.

19 MR. WESTBROOK: -- is that by saying that he was indicted, it's like  
20 saying that there was a group that approved the evidence. And that's not -- there's  
21 no evidence. That's -- there is a difference.

22 MS. KOLLINS: How is that different from an information? They know  
23 there's a charging document that got him here.

24 MR. WESTBROOK: Information --

25 THE COURT: Well, part of the preliminary instructions here, I say that

1 there's an indictment.

2 MR. WESTBROOK: That's it. My record's made.

3 THE COURT: Well, what -- well, what -- what do you want?

4 MR. WESTBROOK: The -- the prejudice --

5 THE COURT: If you think there's a problem, well, how do you want me  
6 to correct it?

7 MR. WESTBROOK: That's an excellent question, Your Honor. The --  
8 the prejudice would be the idea that there is a body who has approved the evidence  
9 and who has made a determination that there is evidence in this case and that it  
10 meets some kind of a standard.

11 THE COURT: I understand. Why don't you --

12 MR. WESTBROOK: The only thing you would say is that an indictment  
13 is not proof that he committed the crime. But I don't think it's appropriate -- it -- we  
14 don't have to at this time.

15 THE COURT: Why don't you mention that to them in your --

16 MR. WESTBROOK: That's a good idea.

17 THE COURT: -- if your voir dire. I'll allow you to say, do you -- do you  
18 understand that indictment's not proof that he committed the crime.

19 MR. WESTBROOK: That's perfect.

20 THE COURT: Is that okay that he says that?

21 MS. KOLLINS: And I'll even say it.

22 THE COURT: Huh?

23 MS. KOLLINS: I'll even say it.

24 THE COURT: Okay.

25 MS. KOLLINS: Let's clear it up right now.

1 THE COURT: All right. That's -- that's fine.

2 MR. WESTBROOK: That's fine.

3 THE COURT: All right. Thank you.

4 MR. WESTBROOK: Thank you. All right.

5 [End of bench conference.]

6 MS. KOLLINS: Just because someone has charges that are pending,  
7 okay, in a document, that doesn't mean there's -- that doesn't mean there's been  
8 any amount of proof so far. Okay. Just because there's a charging document -- I  
9 used the word indictment -- would you agree with that, or at least agree with me  
10 that that could be the way it is?

11 PROSPECTIVE JUROR NO. 231: Yes.

12 MS. KOLLINS: Okay. So you can still be -- despite the fact I'm using  
13 the word indictment, you don't hold anything against Mr. Azucena just because  
14 there are charges that he's present for, correct?

15 PROSPECTIVE JUROR NO. 231: Correct.

16 MS. KOLLINS: Okay. If you could pass the microphone to  
17 Ms. Agbuya? Oh, no, I'm sorry. I'm totally on the wrong --

18 PROSPECTIVE JUROR NO. 232: Ask him.

19 THE COURT: Ask me what?

20 MS. KOLLINS: I know what it is. It's Zurzolo.

21 PROSPECTIVE JUROR NO. 232: Zurzolo.

22 THE COURT: Oh, your name, yeah. We've got your name.

23 MS. KOLLINS: I'm not asking him.

24 Juror No. 232 in Seat 22; how are you this afternoon, ma'am?

25 PROSPECTIVE JUROR NO. 232: Fabulous.

1 MS. KOLLINS: Good. You have a couple nephews that are  
2 corrections officers?

3 PROSPECTIVE JUROR NO. 232: Right.

4 MS. KOLLINS: We talked about yesterday.

5 PROSPECTIVE JUROR NO. 232: Uh-huh.

6 MS. KOLLINS: Obviously, you would not give more weight to someone  
7 because they're in law enforcement, right? More weight to their testimony?

8 PROSPECTIVE JUROR NO. 232: Would I give more weight?

9 MS. KOLLINS: Weight, yeah.

10 PROSPECTIVE JUROR NO. 232: Oh, no.

11 MS. KOLLINS: To somebody in law enforcement? Okay.

12 Did -- you mentioned that you were a victim of a robbery at work  
13 and that you identified the person that did it?

14 PROSPECTIVE JUROR NO. 232: Yes.

15 MS. KOLLINS: Did you have to go to court?

16 PROSPECTIVE JUROR NO. 232: Yes.

17 MS. KOLLINS: Okay. Was that here in Las Vegas?

18 PROSPECTIVE JUROR NO. 232: Yes.

19 MS. KOLLINS: Okay. And did you have to testify?

20 PROSPECTIVE JUROR NO. 232: No. Because I had already -- I  
21 described them, then I went to -- they had pictures and everything, and I just picked  
22 him out.

23 MS. KOLLINS: Okay.

24 PROSPECTIVE JUROR NO. 232: So I didn't really have to testify.

25 MS. KOLLINS: Okay. And then the case resolved itself and --

1 PROSPECTIVE JUROR NO. 232: Yeah, it was --

2 MS. KOLLINS: -- you didn't have to testify? Okay.

3 PROSPECTIVE JUROR NO. 232: He was found guilty and did some  
4 time.

5 MS. KOLLINS: Okay. Even though you didn't have to testify, you  
6 understand that you still -- you -- there could have been a situation where you still  
7 had to testify, even though you picked that person out of a lineup, right? Did they  
8 explain that whole kind of what would happen to you? Or no?

9 PROSPECTIVE JUROR NO. 232: You know, I could have, but I just --  
10 I didn't see the need.

11 MS. KOLLINS: Okay. What kind of customer service are you in?

12 PROSPECTIVE JUROR NO. 232: Change, paying the jackpots.

13 MS. KOLLINS: Anything that would distract you from your service?

14 PROSPECTIVE JUROR NO. 232: No.

15 MS. KOLLINS: For the next couple of weeks?

16 PROSPECTIVE JUROR NO. 232: As long as my grandson is okay.

17 MS. KOLLINS: Okay.

18 PROSPECTIVE JUROR NO. 232: But he -- he is.

19 MS. KOLLINS: He is?

20 PROSPECTIVE JUROR NO. 232: I mean, he will be.

21 MS. KOLLINS: All right.

22 PROSPECTIVE JUROR NO. 232: His mom -- mother is a good  
23 mother. She's my daughter, so.

24 MS. KOLLINS: How old is he?

25 PROSPECTIVE JUROR NO. 232: Going on three months.



1 MS. KOLLINS: Okay. So he's itty bitty.  
2 PROSPECTIVE JUROR NO. 232: My first.  
3 MS. KOLLINS: Okay. He's itty bitty?  
4 PROSPECTIVE JUROR NO. 232: Yeah.  
5 MS. KOLLINS: And Mom's home with him now, so that's --  
6 PROSPECTIVE JUROR NO. 232: Right.  
7 MS. KOLLINS: Okay.  
8 PROSPECTIVE JUROR NO. 232: Uh-huh.  
9 MS. KOLLINS: And you'll go home maybe at the end of the day when  
10 we get out of here and give her a break for a minute?  
11 PROSPECTIVE JUROR NO. 232: Yes. Yeah. Yes.  
12 MS. KOLLINS: Okay. Be fair and impartial to both sides?  
13 PROSPECTIVE JUROR NO. 232: Yes.  
14 MS. KOLLINS: Okay. I thank you, ma'am.  
15 If you could pass the microphone to Mr. Jaeger, Juror No. 235, in  
16 Seat 25.  
17 How are you?  
18 PROSPECTIVE JUROR NO. 235: Good.  
19 MS. KOLLINS: Good. Back to the one-word answers.  
20 You were on a criminal jury that reached a verdict?  
21 PROSPECTIVE JUROR NO. 235: Correct.  
22 MS. KOLLINS: How was that experience for you?  
23 PROSPECTIVE JUROR NO. 235: It was a great experience.  
24 MS. KOLLINS: Okay. Did it become tenacious because the inability to  
25 reach a verdict?

1 PROSPECTIVE JUROR NO. 235: Slightly.  
2 MS. KOLLINS: How do you think you handled that?  
3 PROSPECTIVE JUROR NO. 235: Diplomatically.  
4 MS. KOLLINS: Do you think you would still handle it diplomatically if  
5 that happens?  
6 PROSPECTIVE JUROR NO. 235: Oh, definitely.  
7 THE COURT: Can you guys speak up a little bit?  
8 MS. KOLLINS: Oh, I'm sorry. Do you think you would still handle it  
9 diplomatically if it happened in this case?  
10 PROSPECTIVE JUROR NO. 235: Yes.  
11 MS. KOLLINS: Okay. And there is a courtroom similar to this, there  
12 was testimony and opening statements, closing statements, and you were  
13 instructed by the judge?  
14 PROSPECTIVE JUROR NO. 235: Correct.  
15 MS. KOLLINS: Okay. And would you be able to follow that process  
16 again?  
17 PROSPECTIVE JUROR NO. 235: Yes.  
18 MS. KOLLINS: Okay. Do equal and exact justice to both parts?  
19 PROSPECTIVE JUROR NO. 235: Of course.  
20 MS. KOLLINS: And you realize as Mr. Azucena sits there right now,  
21 you have no evidence in front of you, and if you were asked to vote right now, you  
22 would have to say he's not guilty?  
23 PROSPECTIVE JUROR NO. 235: Correct.  
24 MS. KOLLINS: Okay. Thank you.  
25 If you could pass the microphone to Mr. -- I know your name,

77

1 Keek -- Keck, 237, in Seat 24.

2 I -- you expressed some concern about your shifts. And I  
3 understand that. Is there any way you can shuffle shifts?

4 PROSPECTIVE JUROR NO. 237: I'll do my best.

5 MS. KOLLINS: Okay. So you may be able to shuffle so that you work  
6 some of the days that we're not here or work later?

7 PROSPECTIVE JUROR NO. 237: I'll probably just -- it would go right  
8 in from here.

9 MS. KOLLINS: Okay. All right. We appreciate that.

10 Anything that we discussed yesterday that deserved -- that needs  
11 some revisiting for you? Anything you want to talk about?

12 PROSPECTIVE JUROR NO. 237: No. Everything we talked about  
13 was right on.

14 MS. KOLLINS: Okay. Can you be fair to both sides?

15 PROSPECTIVE JUROR NO. 237: Absolutely.

16 MS. KOLLINS: Can you follow the law as Judge Scotti gives it to you?

17 PROSPECTIVE JUROR NO. 237: Yes.

18 MS. KOLLINS: Okay. Thank you, sir.

19 THE COURT: Folks, we're going to have to take a break now, it's been  
20 an hour and a half.

21 MS. KOLLINS: Okay.

22 THE COURT: So ladies and gentlemen of the jury, you're admonished  
23 not to communicate among yourselves or with anybody else about this trial or the  
24 subject matter of this trial; do not communicate at all with any of the parties,  
25 attorneys, or witnesses involved in this trial; do not seek or obtain any information

1 or comments about this case from any source, including, without limitation,  
2 newspapers, television, radio, Internet, e-mail, telephones or any other electronic  
3 device; do not read or watch or listen to any report of or commentary about the  
4 case; do not form or express any opinion on any subject connected with this trial  
5 until the case is finally submitted to you for deliberations; and do not perform any  
6 research or investigations.

7                   You are directed to return to the hallway outside this courtroom  
8 for further proceedings at, let's see, we'll do 15 minutes, 1:35, 45, 50 -- 1:52. All  
9 right. At 1:52 be lined up, ready to go.

10                   Marshal, please excuse the jurors.

11                   The people in the back, please remember your seats. You've got  
12 to come back to the same seats again. All right. All right. You're excused for  
13 break.

14                   [Potential jury panel recessed at 2:35 p.m.]

15                   THE COURT: All right. We're outside the presence. All right.

16                   How many people do we still have left sitting in the back that  
17 haven't been called?

18                   MS. KIERNY: Three.

19                   THE COURT: Three?

20                   MS. KIERNY: Yeah.

21                   THE COURT: I'm going to -- I'm going to tell Mariah I -- I don't -- we're  
22 not going to need 30. I don't want to waste all their time. And I haven't heard  
23 anything that suggests to me that there's going to be any valid challenges for  
24 cause. Maybe some questions of one or two people. I don't know what you guys  
25 are thinking, but we -- we might have one or two challenges. We've got three

1 people. I'm -- I'm not -- I -- I don't want to waste anybody else's time. I'm thinking  
2 maybe call 10, five, what are you thinking?

3 MR. WESTBROOK: Actually, Your Honor, I have a --

4 THE COURT: I mean, I know you guys haven't had a chance to  
5 question them, but --

6 MR. WESTBROOK: We -- we haven't had a chance to question them.

7 THE COURT: But -- but, I mean, all the possible topics have pretty  
8 much come up.

9 MR. WESTBROOK: I have a brief record I have to make and an  
10 objection.

11 THE COURT: Okay.

12 MR. WESTBROOK: First of all, I want to preface it by saying I think  
13 you've done an excellent job with the cause challenges so far. I think you're right,  
14 you've gotten to a lot of them.

15 I also want to say that I like this jury panel. It's one of the best  
16 I've ever had. Rarely have I ever had a jury panel that has been as racially diverse  
17 and as universe with gender as this panel is. I like this panel a lot.

18 The issue that I have, Your Honor, is I don't have faith going  
19 forward that these people are going to be comfortable enough in this courtroom to  
20 express that they feel they have a bias or to express anything they think the court  
21 will yell at them about. Because the way they were yelled at and the language that  
22 was used by the court I think will have a chilling effect on the remainder of this voir  
23 dire in violation of my client's due process rights under the Fifth and Fourteenth  
24 Amendments. And his Sixth Amendment right to a fair trial, [indiscernible] defense,  
25 and to have a fair and impartial jury.

1 So my motion right now, Your Honor -- rule on it however you  
2 like -- my motion is to dismiss this panel, start over from scratch, which would  
3 obviously require more jurors than just 10.

4 THE COURT: Well, the juror that I excused was obviously lying and  
5 making stuff up, and so I had to be stern with her.

6 You know, based upon -- I have notes of what she said  
7 yesterday, notes what she said today. She completely changed her story, was  
8 twisting things to try to get out of jury service. And I'm not going to allow that. And  
9 I had to make that known, that I'm not going to allow jurors to lie. All right.

10 And so any response from the State?

11 MS. KOLLINS: No, sir.

12 MR. HAMNER: No, Your Honor.

13 THE COURT: All right. So I'll deny your request. I think it's ludicrous,  
14 but that's okay. You need to make your record.

15 Anything else? All right. Thank you. Court's adjourned. Be  
16 back in 15 minutes.

17 [Court recessed at 2:38 p.m., until 2:50 p.m.]

18 [Outside the presence of the prospective jury panel.]

19 MS. KOLLINS: Just so everyone knows, I'm almost done. I'm going to  
20 go through this last row. I don't have any more group questions. I'm not going  
21 back to anyone. Just so if you guys need to gear up.

22 MS. KIERNY: I figured. You're fine.

23 MS. KOLLINS: Okay.

24 [Prospective jury panel reconvened at 2:52 p.m.]

25 THE COURT: Please be seated, everybody. We're back on the

1 record.

2 Ms. Kollins, you still have the floor.

3 MS. KOLLINS: Thank you, sir.

4 I'm just going to move this over just a tad, so I don't trip over it.

5 I'm going to speak to you folks, because I didn't get to spend  
6 much time with you yesterday.

7 Ms. Gonzalez, Juror 239, Seat 25, how are you?

8 PROSPECTIVE JUROR NO. 239: Good.

9 MS. KOLLINS: Good. You shared some stuff with us yesterday about  
10 your victimization. Are you going to be able to set that aside and be fair in this  
11 case?

12 PROSPECTIVE JUROR NO. 239: Yes.

13 MS. KOLLINS: Oh, sorry. So many moving parts. You'd be able to set  
14 that aside?

15 PROSPECTIVE JUROR NO. 239: Yes. It happened 40 years ago.

16 MS. KOLLINS: Is it on? It says on, but it's -- doesn't sound like it, does  
17 it?

18 THE COURT: Did it go dead?

19 MS. KOLLINS: Give us just a moment for a battery change so we get  
20 everything on the record that we need.

21 [Pause in proceedings.]

22 MS. KOLLINS: There we go. Okay. It's a two-part system, apparently.  
23 Apologies for that.

24 You understand that whatever evidence you hear in here is  
25 separate and apart from anything that happened to you?

1 PROSPECTIVE JUROR NO. 239: Exactly, yes.  
2 MS. KOLLINS: And you can give Mr. Azucena a fair trial?  
3 PROSPECTIVE JUROR NO. 239: Yes.  
4 MS. KOLLINS: And follow the law as Judge Scotti gives it to you?  
5 PROSPECTIVE JUROR NO. 239: Yes.  
6 MS. KOLLINS: Okay. Any concerns about being a fair and impartial  
7 juror in this case?  
8 PROSPECTIVE JUROR NO. 239: No.  
9 MS. KOLLINS: Okay. Thank you.  
10 If you could pass the microphone one to your left.  
11 Ms. Perkins, Juror 242, Seat 26; how are you this afternoon?  
12 PROSPECTIVE JUROR NO. 242: Good.  
13 MS. KOLLINS: Good. Anything that's going to distract you from your  
14 service over the next couple weeks?  
15 PROSPECTIVE JUROR NO. 242: No.  
16 MS. KOLLINS: I know it looks like you've got some kids to take care of,  
17 but they're pretty self-sufficient ages, is that --  
18 PROSPECTIVE JUROR NO. 242: Right.  
19 MS. KOLLINS: Yeah. 13-year-old, on the border, but the rest are  
20 okay, right?  
21 PROSPECTIVE JUROR NO. 242: Right.  
22 MS. KOLLINS: And Caesar's will work with you on your scheduling?  
23 PROSPECTIVE JUROR NO. 242: The school district?  
24 MS. KOLLINS: Oh, I'm on the wrong person. That's you -- that is you.  
25 I'm sorry. You have no kids?



1 PROSPECTIVE JUROR NO. 242: No.

2 MS. KOLLINS: The school district, yes. I apologize. Lots of squares,  
3 lots of numbers.

4 PROSPECTIVE JUROR NO. 242: Kids at school, not at home.

5 MS. KOLLINS: Okay. But they're -- they're fine with your schedule if  
6 you have to be here for a couple weeks?

7 PROSPECTIVE JUROR NO. 242: Right. We have another aide in the  
8 classroom.

9 MS. KOLLINS: Okay. Very good. Never been a juror before?

10 PROSPECTIVE JUROR NO. 242: Right.

11 MS. KOLLINS: How you feeling about that?

12 PROSPECTIVE JUROR NO. 242: [Indiscernible.]

13 MS. KOLLINS: Excited? Okay.

14 PROSPECTIVE JUROR NO. 242: A bit.

15 MS. KOLLINS: Can you be fair to both sides?

16 PROSPECTIVE JUROR NO. 242: Yes.

17 MS. KOLLINS: Follow the instructions as the court gives them?

18 PROSPECTIVE JUROR NO. 242: Yes.

19 MS. KOLLINS: Thank you.

20 If you could pass that to Ms. Trosclair, 267, Seat 27.

21 I just asked her all your questions. Sorry about that.

22 How -- is Caesar's going to work with your schedule?

23 PROSPECTIVE JUROR NO. 267: Yes.

24 MS. KOLLINS: Okay. And kids self-sufficient?

25 PROSPECTIVE JUROR NO. 267: Yes.

1 MS. KOLLINS: 13-year-old, like I said, kind of on the border, but --

2 PROSPECTIVE JUROR NO. 267: Yes.

3 MS. KOLLINS: Okay. What did you think when you got your jury  
4 summons?

5 PROSPECTIVE JUROR NO. 267: Kind of cool. Finally, I got picked.

6 MS. KOLLINS: Finally got picked? Okay. Well, we like people that are  
7 actually interested in the process. It's our job to make it easier on the people that  
8 just have, no matter what, want nothing to do with it.

9 Be able to follow the law?

10 PROSPECTIVE JUROR NO. 267: Yeah.

11 MS. KOLLINS: Be fair to both sides?

12 PROSPECTIVE JUROR NO. 267: Yes.

13 MS. KOLLINS: Any huge concerns about anything we discussed  
14 yesterday?

15 PROSPECTIVE JUROR NO. 267: No.

16 MS. KOLLINS: No. Thank you.

17 If you could pass that to Ms. Schneider, Juror Number 272,  
18 seated in Seat 28.

19 How are you?

20 PROSPECTIVE JUROR NO. 272: Fine, thank you.

21 MS. KOLLINS: You do have some prior juror service --

22 PROSPECTIVE JUROR NO. 272: Yes, I do.

23 MS. KOLLINS: -- is that correct?

24 PROSPECTIVE JUROR NO. 272: Yes.

25 MS. KOLLINS: And I didn't get whether it was civil or criminal in the

1 question.

2 PROSPECTIVE JUROR NO. 272: You know, I -- I really don't recall.

3 MS. KOLLINS: Okay. That's fine.

4 PROSPECTIVE JUROR NO. 272: Sorry.

5 MS. KOLLINS: That's fine. Was it for money? Did you have to decide  
6 money?

7 PROSPECTIVE JUROR NO. 272: No. It was a fraud case.

8 MS. KOLLINS: Okay. How was that experience for you?

9 PROSPECTIVE JUROR NO. 272: It was an experience. It was my  
10 first one.

11 MS. KOLLINS: Do you know how long ago that was?

12 PROSPECTIVE JUROR NO. 272: No, I don't.

13 MS. KOLLINS: You don't?

14 PROSPECTIVE JUROR NO. 272: It's been quite a while.

15 MS. KOLLINS: Was it here in Vegas?

16 PROSPECTIVE JUROR NO. 272: Yes.

17 MS. KOLLINS: Okay.

18 PROSPECTIVE JUROR NO. 272: The other courthouse in Las Vegas  
19 Boulevard.

20 MS. KOLLINS: Oh, the federal courthouse? Okay. All right. They are  
21 a tad more formal than we are.

22 Your brother's a retired police officer, right?

23 PROSPECTIVE JUROR NO. 272: Right.

24 MS. KOLLINS: Do you talk to him a lot?

25 PROSPECTIVE JUROR NO. 272: Yes.

1 MS. KOLLINS: Do you know that you can't talk about this case to him  
2 until it's completed?

3 PROSPECTIVE JUROR NO. 272: Yes.

4 MS. KOLLINS: And that he's -- and your family in law enforcement  
5 would not affect your ability to be fair, would that be accurate? So you wouldn't feel  
6 like you had to explain your verdict to him one way or the other?

7 PROSPECTIVE JUROR NO. 272: No.

8 THE COURT: So Ms. Kollins, sorry to interrupt.

9 I'm having trouble hearing you. Just -- I need to --

10 MS. KOLLINS: Oh, okay.

11 THE COURT: Thank you. I think she said no; is that right?

12 MS. KOLLINS: She said no. That's accurate.

13 THE COURT: Okay. Great. Thank you.

14 MS. KOLLINS: I'll try standing over here. Maybe that will let me --

15 THE COURT: That -- that's fine. Just because if I can't hear you, that  
16 usually means the court reporter can't hear you, so.

17 MS. KOLLINS: Understood. Thank you, sir.

18 THE COURT: All right.

19 MS. KOLLINS: I'll try to use my outside voice, I just kind of lost it  
20 yesterday.

21 Anything that would distract you from serving for the next couple  
22 of weeks?

23 PROSPECTIVE JUROR NO. 272: No.

24 MS. KOLLINS: Okay. You mentioned that you're retired; do you have  
25 a part-time job or anything that you're obligated to?

1 PROSPECTIVE JUROR NO. 272: Just retired.  
2 MS. KOLLINS: Okay. Good for you. Sounds like fun.  
3 PROSPECTIVE JUROR NO. 272: It is.  
4 MS. KOLLINS: Especially from where I'm standing.  
5 PROSPECTIVE JUROR NO. 272: It is.  
6 MS. KOLLINS: Thank you.  
7 If you could pass the microphone to Ms. Vergel, Seat Number 29,  
8 Juror 284.  
9 How are you?  
10 PROSPECTIVE JUROR NO. 284: Good.  
11 MS. KOLLINS: I know that you're a case manager and you were kind  
12 of concerned about some of your appointments.  
13 PROSPECTIVE JUROR NO. 284: Yeah.  
14 MS. KOLLINS: Do you share that case load with anyone at State of  
15 Nevada?  
16 PROSPECTIVE JUROR NO. 284: No.  
17 MS. KOLLINS: Can you rearrange [indiscernible]?  
18 PROSPECTIVE JUROR NO. 284: Yeah.  
19 MS. KOLLINS: Are you ever -- as a case manager, are you ever  
20 subpoenaed to testify?  
21 PROSPECTIVE JUROR NO. 284: No.  
22 MS. KOLLINS: Okay. What -- and I'm sorry, maybe I just didn't get it  
23 yesterday, what kind of case manager are you? Like, in what division of the State  
24 of Nevada?  
25 PROSPECTIVE JUROR NO. 284: It's the welfare.

1 MS. KOLLINS: Okay. So you help people find resources like food  
2 stamps and things like that, employment searches, things like that?

3 PROSPECTIVE JUROR NO. 284: It's with the tenants, the cash  
4 benefit.

5 MS. KOLLINS: Okay.

6 THE COURT: Excuse me one second.

7 Mr. Stanek?

8 PROSPECTIVE JUROR NO. 286: Yes, sir.

9 THE COURT: Is that a cell phone that you have? I'm sorry, what do  
10 you have in your hand?

11 PROSPECTIVE JUROR NO. 286: Cell phone.

12 THE COURT: All right. You're not talking on it, are you, sir?

13 PROSPECTIVE JUROR NO. 286: No, no.

14 THE COURT: All right. Is it shut off?

15 PROSPECTIVE JUROR NO. 286: It's off.

16 THE COURT: Okay. Just -- just making sure. You know, I just want to  
17 make sure --

18 PROSPECTIVE JUROR NO. 286: I apologize.

19 THE COURT: -- you can't record what --

20 PROSPECTIVE JUROR NO. 286: No, I'm not.

21 THE COURT: I just couldn't tell if you were talking and we can't have  
22 people recording anything while we're in here.

23 PROSPECTIVE JUROR NO. 286: I apologize.

24 THE COURT: All right. No problem. I just couldn't tell what you were  
25 doing with it.

1 All right. Thank you.

2 You may proceed.

3 MS. KOLLINS: Thank you.

4 You were -- you had your car stolen?

5 PROSPECTIVE JUROR NO. 284: Yes.

6 MS. KOLLINS: And was it recovered or --

7 PROSPECTIVE JUROR NO. 284: Yeah. A few days later.

8 MS. KOLLINS: Okay. Were you satisfied with the way law  
9 enforcement handled that or not so much?

10 PROSPECTIVE JUROR NO. 284: Yes.

11 MS. KOLLINS: And you had your debit card stolen?

12 PROSPECTIVE JUROR NO. 284: I used it and someone stole my  
13 information, so...

14 MS. KOLLINS: And, again, it's Vegas and that happens all the time.  
15 Did they ever catch anyone?

16 PROSPECTIVE JUROR NO. 284: No.

17 MS. KOLLINS: Mine either, mine either. You also had a hit-and-run  
18 accident; was that taken care of by Las Vegas Metro or Henderson PD? Who took  
19 care of that?

20 PROSPECTIVE JUROR NO. 284: Well, actually, it was a while ago, so  
21 I think my insurance -- my insurance cover.

22 MS. KOLLINS: Okay. Okay. So the police were not involved in that?

23 PROSPECTIVE JUROR NO. 284: No.

24 MS. KOLLINS: Okay. Anything about how any of those cases were  
25 handled that would hold against law enforcement?

1 PROSPECTIVE JUROR NO. 284: No.

2 MS. KOLLINS: Okay. Now, knowing that you would have Tuesday,  
3 Wednesday, Thursday mornings off, at least by this week's schedule, would that  
4 assist in helping you cover your cases?

5 PROSPECTIVE JUROR NO. 284: Yes.

6 MS. KOLLINS: Okay. So that would be about 12 hours that you could  
7 work before court day started, would that be a help?

8 PROSPECTIVE JUROR NO. 284: Yeah. I went to work this morning,  
9 so...

10 MS. KOLLINS: Okay. All right. Thank you.

11 PROSPECTIVE JUROR NO. 284: Uh-huh.

12 MS. KOLLINS: Other than that case load, anything else distracting you  
13 from your service for the next couple of weeks?

14 PROSPECTIVE JUROR NO. 284: No.

15 MS. KOLLINS: Any concerns you have about anything we discussed  
16 yesterday?

17 PROSPECTIVE JUROR NO. 284: You mean about what you were  
18 saying about the kids or?

19 MS. KOLLINS: Yeah. Just anything --

20 PROSPECTIVE JUROR NO. 284: No.

21 MS. KOLLINS: -- we discussed yesterday, whether it be listening to  
22 testimony, listening to testimony of children --

23 PROSPECTIVE JUROR NO. 284: No.

24 MS. KOLLINS: -- the subject matter, which I -- you know, to everyone  
25 in here, I assume is unpleasant.



1 PROSPECTIVE JUROR NO. 284: Yeah.

2 MS. KOLLINS: Nobody wants to talk about sexual abuse, but it  
3 happens, so let's talk about it. But, I mean, anything beyond that that causes you  
4 any concern or you want to just ask?

5 PROSPECTIVE JUROR NO. 284: Well, about the cases when I was  
6 working at the -- the times of crime, the cases that came across about children,  
7 those were the ones that bothered me a lot.

8 MS. KOLLINS: And I -- my assumption would be that there's not one  
9 person in here that you would talk to that this subject matter and the victimization --  
10 or, you know, alleged victimization of kids wouldn't bother them. I mean, it's not a --  
11 it's not a good subject. But can you set that aside --

12 PROSPECTIVE JUROR NO. 284: Yes.

13 MS. KOLLINS: -- and -- and be fair in this case?

14 PROSPECTIVE JUROR NO. 284: Oh, yeah.

15 MS. KOLLINS: Because you realize none of the facts of those cases  
16 have anything to do with Mr. Azucena's fair trial, right?

17 PROSPECTIVE JUROR NO. 284: Right.

18 MS. KOLLINS: Okay. I appreciate that. Thank you.

19 If you could pass the microphone to Mr. Agbuya.

20 Is that right?

21 PROSPECTIVE JUROR NO. 286: Close.

22 MS. KOLLINS: Close? Could we --

23 PROSPECTIVE JUROR NO. 286: Agbuya.

24 MS. KOLLINS: I apologize.

25 PROSPECTIVE JUROR NO. 286: No problem.

1 MS. KOLLINS: That is Juror No. 286 in Seat 30. There you are.

2 Looks like you had your house burglarized and they caught  
3 somebody?

4 PROSPECTIVE JUROR NO. 286: Yes.

5 MS. KOLLINS: Okay. So satisfied with the way police handled that?

6 PROSPECTIVE JUROR NO. 286: Lucky.

7 MS. KOLLINS: It's kind of -- not very many people will have that kind of  
8 resolution, right?

9 PROSPECTIVE JUROR NO. 286: Yes, uh-huh.

10 MS. KOLLINS: Did you get any of your things back?

11 PROSPECTIVE JUROR NO. 286: They didn't have a chance.

12 MS. KOLLINS: Oh, they didn't have a chance?

13 PROSPECTIVE JUROR NO. 286: Yeah.

14 MS. KOLLINS: Okay. Your kids are older, it looks like,  
15 right? 27, 25, 23?

16 PROSPECTIVE JUROR NO. 286: Uh-huh.

17 MS. KOLLINS: Any grandkids yet?

18 PROSPECTIVE JUROR NO. 286: They don't want to go out of the  
19 house.

20 MS. KOLLINS: No?

21 PROSPECTIVE JUROR NO. 286: It was -- must be the Filipino thing.

22 MS. KOLLINS: You've not been a juror before?

23 PROSPECTIVE JUROR NO. 286: No.

24 MS. KOLLINS: What'd you think when you got your summons?

25 PROSPECTIVE JUROR NO. 286: I've been mailed six times and this

1 is the -- this is the longest.

2 MS. KOLLINS: This is the farthest you've gotten in the process.

3 PROSPECTIVE JUROR NO. 286: Uh-huh. Yes.

4 MS. KOLLINS: You've been --

5 PROSPECTIVE JUROR NO. 286: I was never picked.

6 MS. KOLLINS: -- dodged the bullet prior to this?

7 PROSPECTIVE JUROR NO. 286: Always been dodging the bullet,  
8 yeah.

9 MS. KOLLINS: Okay. All right. Can you follow the -- the law as the  
10 judge gives it to you?

11 PROSPECTIVE JUROR NO. 286: Yes.

12 MS. KOLLINS: Okay. Any concerns or thoughts or comments about  
13 anything we talked about yesterday?

14 PROSPECTIVE JUROR NO. 286: No.

15 MS. KOLLINS: Okay. Thank you.

16 Ms. -- if you could pass the microphone to Ms. Knoblock, who is  
17 Juror No. 288, in Seat 31.

18 How you feeling today?

19 PROSPECTIVE JUROR NO. 288: Okay.

20 MS. KOLLINS: You okay? I know that you -- you just expressed to us  
21 that it might be uncomfortable. And I'm sitting in the identical chair that you are,  
22 and I know that that's probably the least comfortable chair on the planet. So are  
23 you doing okay?

24 THE COURT: Oh, no.

25 PROSPECTIVE JUROR NO. 288: [No audible response.]

1 MS. KOLLINS: Okay. Do you take your meds every day?  
2 PROSPECTIVE JUROR NO. 288: Yes.  
3 MS. KOLLINS: Okay. And you'll let us know if you need a break or  
4 anything like that? And I think the judge kind of asked you these questions, I'm just  
5 kind of going over them again.  
6 PROSPECTIVE JUROR NO. 288: Yeah. Uh-huh.  
7 MS. KOLLINS: Okay. Anything we discussed yesterday that you'll  
8 want to comment on or --  
9 PROSPECTIVE JUROR NO. 288: No.  
10 MS. KOLLINS: -- have any strong feelings about?  
11 PROSPECTIVE JUROR NO. 288: No, not really.  
12 MS. KOLLINS: Not really? Okay.  
13 PROSPECTIVE JUROR NO. 028: [Indiscernible.]  
14 MS. KOLLINS: Can you follow the law?  
15 PROSPECTIVE JUROR NO. 288: Yes.  
16 MS. KOLLINS: Give a fair trial to both sides?  
17 PROSPECTIVE JUROR NO. 288: Yes.  
18 MS. KOLLINS: You would not give any more weight or credibility to the  
19 testimony of a police officer, would you?  
20 PROSPECTIVE JUROR NO. 288: No.  
21 MS. KOLLINS: Okay. All right. Thank you.  
22 If you could hand the microphone to Ms. Bruner, in --  
23 Juror No. 300 in Seat 32.  
24 How are you?  
25 PROSPECTIVE JUROR NO. 300: Doing well, thank you.

1 MS. KOLLINS: Last but not least. Sorry. We have to go in order.  
2 You work for a repo company; does that cause you to have law  
3 enforcement --  
4 PROSPECTIVE JUROR NO. 300: Not often.  
5 MS. KOLLINS: -- interaction? Not often? When you have had it,  
6 positive or negative?  
7 PROSPECTIVE JUROR NO. 300: Positive.  
8 MS. KOLLINS: And you have an 11-year-old daughter?  
9 PROSPECTIVE JUROR NO. 300: Yes, ma'am.  
10 MS. KOLLINS: Any child care issues for you if you're here for a couple  
11 weeks?  
12 PROSPECTIVE JUROR NO. 300: No. I work full time anyway, so I  
13 mostly have that taken care of.  
14 MS. KOLLINS: And your employer is good with --  
15 PROSPECTIVE JUROR NO. 300: Not thrilled, but I guess they'll learn  
16 to appreciate me more.  
17 MS. KOLLINS: Absence -- absence makes the heart grow fonder,  
18 right? Okay.  
19 Court's indulgence. Just a moment.  
20 Okay. Be fair to both sides?  
21 PROSPECTIVE JUROR NO. 300: Yes, ma'am.  
22 MS. KOLLINS: Follow the law as Judge Scotti gives it to you?  
23 PROSPECTIVE JUROR NO. 300: Yes, ma'am.  
24 MS. KOLLINS: Any strong concerns or comments about what we  
25 talked about yesterday?

1 PROSPECTIVE JUROR NO. 300: No.

2 MS. KOLLINS: All right.

3 I thank you ladies and gentlemen for your information and your  
4 candid answers.

5 I'm going to pass the panel for cause, Your Honor. Thank you.

6 THE COURT: All right. Thank you.

7 So ladies and gentlemen of the jury, we're going to go to the next  
8 phase. Now, in this phase you're now going to get to hear from the defense  
9 attorneys, either one or both of them, either Mr. David Westbrook or -- or Carli  
10 Kierny. They're both going to have a chance to talk to you. All right.

11 And I know you've been through, you know, a lot of questions so  
12 far, a lot of questions about whether you're fair or biased and impartial. And you're  
13 going to get a lot of the same questions, but approximately a little bit different --  
14 different take from the defense attorneys.

15 And I want -- I want you to give -- give him very -- give both of  
16 them very careful and undivided attention. They're entitled to ask you the -- the  
17 same questions. All right. And they're entitled to -- to make sure that their client  
18 now is going to get an absolute fair trial and -- and that you're going to be fair and  
19 impartial.

20 If you have any reservations whatsoever about your ability to  
21 be -- you know, to -- to give a fair trial, please let -- let defense attorneys know. I  
22 encourage you to please let him know, because we need to make sure that -- that  
23 you're going to be the right jurors for this type of trial. All right.

24 With that being said, I turn the floor over now to defense counsel.  
25 And you may now address the jurors.

1 MS. KIERNY: Thank you for that introduction, Your Honor.

2 Hi, guys. How are you doing?

3 All right. I'm Carli Kierny. And I am defending Mr. Azucena.

4 The first thing that I want everyone to do is think of a situation  
5 where something happened and it's your job to go back and figure out what  
6 happened and who did it. Everyone got that in your minds? All right. Can anyone  
7 volunteer? I will cold call, then. All right.

8 Maybe an example would help before we get into this. For  
9 example, in my house, you know, two kids, we always have issues, you know,  
10 somebody tracked in mud and no one wants to say who it is. So that's kind of the  
11 situation that I'm coming from.

12 Ms. Preuss-Ayres -- I said that correctly? I've been practicing.  
13 You have two daughters?

14 PROSPECTIVE JUROR NO. 193: Yes. That's correct.

15 MS. KIERNY: I imagine there's been a situation like I described?

16 PROSPECTIVE JUROR NO. 193: Oh, yes.

17 MS. KIERNY: Could you --

18 PROSPECTIVE JUROR NO. 193: There was a recent one where my  
19 oldest daughter was -- like, my older daughter tends to lie.

20 MS. KIERNY: Okay.

21 PROSPECTIVE JUROR NO. 193: And my youngest daughter is five.  
22 So with the difference in age is seven years almost, between the two of them. And  
23 my youngest one actually told me that her sister did something. And in the long  
24 run, I figured out that it was actually my younger daughter who -- who was lying to  
25 me. And she completely got so ashamed and upset, and she, like, hid under a

1 table. And she's like, I'm sorry, Mom. She says, Sariah [phonetic] does it all the  
2 time.

3 And I'm all, like, But don't lie to me about it, you know, because  
4 that's not fair for me to blame your sister for something that she didn't do.

5 MS. KIERNY: So what is it that happened?

6 PROSPECTIVE JUROR NO. 193: Oh, my gosh. I'm trying to think  
7 right now what it was. It was something -- oh, I got -- my husband got me a -- a  
8 new iPhone for our anniversary that just passed. And somebody lifted up the new  
9 screen protector, and there was, like, dog fur and everything underneath it, and I  
10 couldn't get it off.

11 And I'm, like, Who did this?

12 And she's, like, Sariah did it.

13 I'm, like, Why would you sister do this?

14 You know, and she's, like, She did it. I don't know why. Maybe  
15 she wanted to put it on her phone.

16 I'm all, like, But why?

17 MS. KIERNY: Okay. So you've given me a lot of information.

18 So the first thing, when you saw that the iPhone cover had been  
19 lifted, what was your first thing that you did to try to figure out what happened?

20 PROSPECTIVE JUROR NO. 193: I asked Isabella, my youngest  
21 daughter, I asked her, Did you do this? And she actually went and blamed it on her  
22 sister. So.

23 MS. KIERNY: And then you talked to her sister?

24 PROSPECTIVE JUROR NO. 193: And -- yes. And my daughter swore  
25 and she's, like, I'm not lying. I swear to you. I'm going to my room. I'm not going to



1 talk to you.

2 I go, But I just want to know who did it. So.

3 MS. KIERNY: Okay. All right. So in legal parlance, I guess you  
4 interviewed the witnesses.

5 PROSPECTIVE JUROR NO. 193: Yes.

6 MS. KIERNY: Is that accurate?

7 PROSPECTIVE JUROR NO. 193: Yes, that's accurate.

8 MS. KIERNY: Okay. And then is it fair to say you looked at, like, the  
9 physical evidence, which was the actual phone itself?

10 PROSPECTIVE JUROR NO. 193: Yes, that's correct.

11 MS. KIERNY: What were things that you considered when you were  
12 looking at the phone?

13 PROSPECTIVE JUROR NO. 193: Well, my daughter does have a --  
14 her phone is, like, the similar. It's just the year -- model lower than mine, I guess  
15 you could say. And her screen is cracked, so I was, like, maybe she did it, like, to  
16 protect her screen some more. But then, like, it was just kind of moved down and  
17 put back on. So I was, like, maybe Isabella really did this, you know. And then I  
18 just -- by the way Isabella's actions were for her first time lying to me, like, it was  
19 very obvious that she was lying at that point.

20 MS. KIERNY: So you looked to body language?

21 PROSPECTIVE JUROR NO. 193: Yeah. Her body language, yes.

22 MS. KIERNY: Okay. You also said something to me that was  
23 interesting, that one of your daughters maybe has a background of telling fibs or --  
24 or lying a little bit?

25 PROSPECTIVE JUROR NO. 193: Yes.

1 MS. KIERNY: Okay.

2 PROSPECTIVE JUROR NO. 193: She does lie a lot.

3 MS. KIERNY: And -- and so there was something about, like, you kind  
4 of suspected her initially?

5 PROSPECTIVE JUROR NO. 193: Initially, yes. Because, like, you  
6 know, she does tend to lie about things, and so it's -- I have to really talk to her in  
7 order to get the actual truth out of her. It's like grilling her for quite some time.

8 MS. KIERNY: So you were kind of looking to her credibility?

9 PROSPECTIVE JUROR NO. 193: Yes.

10 MS. KIERNY: And she has a past of not so good credibility with Mom?

11 PROSPECTIVE JUROR NO. 193: Yes. That's correct.

12 MS. KIERNY: Okay. All right. Thank you, so much.

13 I'm going to ask you to pass to Mr. LaCroix, who has -- I'm sorry.  
14 I'm not asking badge numbers.

15 What is your badge number, sir?

16 PROSPECTIVE JUROR NO. 212: 212.

17 MS. KIERNY: Okay. My understanding is that you have three children  
18 of your own?

19 PROSPECTIVE JUROR NO. 212: Yes.

20 MS. KIERNY: Okay. And you also coach youth soccer, or youth  
21 hockey?

22 PROSPECTIVE JUROR NO. 212: Yes.

23 MS. KIERNY: Former hockey player, yourself?

24 PROSPECTIVE JUROR NO. 212: Yes.

25 MS. KIERNY: All right. Has there been -- can you think of a situation

1 where maybe either at home or on the hockey boss -- hockey -- in the rink, where  
2 something happened, you had to go back and figure out what happened and who  
3 did it?

4 PROSPECTIVE JUROR NO. 212: Oh, absolutely.

5 MS. KIERNY: Okay.

6 PROSPECTIVE JUROR NO. 212: You want an example or?

7 MS. KIERNY: Sure.

8 PROSPECTIVE JUROR NO. 212: Sure.

9 MS. KIERNY: If you have one, if it's at the tip of your tongue, sure.

10 PROSPECTIVE JUROR NO. 212: Yeah. Yeah. I mean, this past year  
11 I've had one kid that, you know, had done something and just wanted to blame the  
12 other kids for it because he didn't want to be in trouble with his own parents.

13 MS. KIERNY: Okay. So when you were trying to figure out what had  
14 happened --

15 PROSPECTIVE JUROR NO. 212: Yes.

16 MS. KIERNY: -- you went back and looked to see if maybe he had a  
17 motive to lie?

18 PROSPECTIVE JUROR NO. 212: Absolutely.

19 MS. KIERNY: And his motive in that case was not to get in trouble with  
20 his parents?

21 PROSPECTIVE JUROR NO. 212: Absolutely.

22 MS. KIERNY: Okay. When this thing happened, was there any, like,  
23 physical evidence or anything that you looked to to see what would -- what had  
24 actually happened?

25 PROSPECTIVE JUROR NO. 212: No. There was -- there was, like,

1 facial injuries and the kid just --

2 MS. KIERNY: Oh.

3 PROSPECTIVE JUROR NO. 212: I mean it was just -- it was an  
4 accident. But then the kid threw the other kids under the bus.

5 MS. KIERNY: I see.

6 PROSPECTIVE JUROR NO. 212: And thinking that, you know, he  
7 would be in trouble with his own father.

8 MS. KIERNY: Okay.

9 PROSPECTIVE JUROR NO. 212: And it was easy to -- to solve.

10 MS. KIERNY: Sure. So you had reason to doubt his credibility  
11 because he had that motive, is what you're saying?

12 PROSPECTIVE JUROR NO. 212: Sure.

13 MS. KIERNY: Okay. Does anyone else -- in a situation where you  
14 have to figure out what's going on and who did it, does anyone else have any other  
15 things that they would be looking for? No hands?

16 I'm going to ask that we pass the microphone to Mr. Buker in the  
17 corner over there. Back and to the left.

18 You are a supervisor; correct?

19 PROSPECTIVE JUROR NO. 154: Yes, ma'am.

20 MS. KIERNY: Okay. And you work in a plastic company?

21 PROSPECTIVE JUROR NO. 154: Yes.

22 MS. KIERNY: And I imagine in that capacity, supervising people,  
23 there's been situations where you had kind of conflicting stories?

24 PROSPECTIVE JUROR NO. 154: Absolutely.

25 MS. KIERNY: All right. And you had to figure out what actually

1 happened?

2 PROSPECTIVE JUROR NO. 154: Yes.

3 MS. KIERNY: So how did you do that in a management position?

4 PROSPECTIVE JUROR NO. 154: I would interview potential  
5 witnesses to what happened, interview the individuals involved --

6 MS. KIERNY: Okay.

7 PROSPECTIVE JUROR NO. 154: -- to get their take on what  
8 happened. We do have cameras, so we can refer to camera footage to see what  
9 happened.

10 MS. KIERNY: So you're looking for a sign of physical evidence to back  
11 up the story?

12 PROSPECTIVE JUROR NO. 154: Yes.

13 MS. KIERNY: The legal word we use the corroboration. You guys will  
14 hear that a lot. So you were looking for something that backed up either story,  
15 when you reviewed the cameras, correct?

16 PROSPECTIVE JUROR NO. 154: Yes.

17 MS. KIERNY: Okay. What if you, you know, interviewed two people  
18 and one person's story kept changing; would that affect your assessment of what  
19 actually happened?

20 PROSPECTIVE JUROR NO. 154: Yes.

21 MS. KIERNY: So if they were inconsistent?

22 PROSPECTIVE JUROR NO. 154: Yes.

23 MS. KIERNY: Okay.

24 PROSPECTIVE JUROR NO. 154: Absolutely.

25 MS. KIERNY: Does everyone agree with that, that's something that

1 they would look at? Seeing a lot of heads nodding. Okay.

2 So from -- what I've heard from everybody so far is that they're  
3 looking for some sort of -- when you're trying to figure out what happened and who  
4 did it, you're kind of looking for some sort of physical evidence to back it up or  
5 corroboration, and you're considering credibility, and you're also looking for  
6 consistency; is that fair? Okay. Got some heads nodding.

7 If you could hand the microphone, I'm going to ask the most  
8 impossible box maneuver yet. We're going to ask to go Mr. Keck, all the way in  
9 front here.

10 All right. Obviously, from what we've been talking about for the  
11 last two days is this case involves children.

12 PROSPECTIVE JUROR NO. 237: Correct.

13 MS. KIERNY: Okay. And I understand nobody here wants to see  
14 children molested, and this is a hard subject for everyone. We're not saying it's  
15 okay. We're saying he didn't do it. But that's where we're at.

16 You said something that was very interesting to me. You said it  
17 hurts to hear these allegations.

18 PROSPECTIVE JUROR NO. 237: Yes.

19 MS. KIERNY: And what did you mean by that?

20 PROSPECTIVE JUROR NO. 237: It just -- it's terrible to hear  
21 something like that. You know, you just feel -- feel bad for them.

22 MS. KIERNY: Okay.

23 PROSPECTIVE JUROR NO. 237: For anyone that would be in that  
24 situation.

25 MS. KIERNY: Okay.

1 PROSPECTIVE JUROR NO. 237: Like we were talking about  
2 yesterday, just for them to go up on -- you know, behind the counter back there,  
3 courage.

4 MS. KIERNY: Sure.

5 PROSPECTIVE JUROR NO. 237: Big-time courage, you know. But  
6 it's just -- it's just sad, you know, just to hear things like that. That's all.

7 MS. KIERNY: Okay. And it sounds like you're assuming that  
8 something happened by saying that; is that accurate?

9 PROSPECTIVE JUROR NO. 237: No. I -- I would never judge  
10 anybody.

11 MS. KIERNY: Okay. So why does it hurt to hear when these are just  
12 allegations, when these have not been proven yet?

13 PROSPECTIVE JUROR NO. 237: Not -- not -- not for anybody -- just  
14 for anybody out there. It just, you know, if you ever hear anything like that -- I'm a  
15 bartender, so you hear things all the time. And, you know, it just breaks your heart  
16 when you hear sad stories. That's all.

17 MS. KIERNY: Okay. Does everyone -- does anyone else think that --  
18 agree with Mr. Keck that it hurts to hear these allegations?

19 Yes, Mr. --

20 PROSPECTIVE JUROR NO. 228: Rivera.

21 MS. KIERNY: -- Rivera?

22 Pass the microphone to Mr. Rivera.

23 PROSPECTIVE JUROR NO. 228: I mean --

24 MS. KIERNY: And you nodded?

25 PROSPECTIVE JUROR NO. 228: Yeah. Uh-huh.

1 MS. KIERNY: Okay.

2 PROSPECTIVE JUROR NO. 228: Absolutely. It's difficult, I mean, for  
3 anyone to experience this, child or adult.

4 MS. KIERNY: Okay.

5 PROSPECTIVE JUROR NO. 228: And for them to even be able to go  
6 up there to speak about it, it's difficult. It's hard.

7 MS. KIERNY: Okay.

8 PROSPECTIVE JUROR NO. 228: I would expect the same from either  
9 one.

10 MS. KIERNY: Sure. And you said it's difficult for someone to  
11 experience; that's correct?

12 PROSPECTIVE JUROR NO. 228: Yes.

13 MS. KIERNY: So that means you believe that this actually happened,  
14 these -- these allegations are true?

15 MS. KOLLINS: May we approach?

16 THE COURT: Hold on. Let -- she was standing up.

17 MS. KIERNY: Okay. I can approach.

18 THE COURT: She's just asking the question, right? Or do you want to  
19 approach?

20 MS. KOLLINS: I do, please.

21 THE COURT: Okay. That's fine.

22 MS. KIERNY: Hold on to the mic.

23 [Bench conference transcribed as follows.]

24 THE COURT: Maybe I misinterpreted why you're standing up.

25 MS. KOLLINS: She said, You believe that this really happened? You



1 can't ask them to judge evidence. I mean, you can't ask them to prejudge what has  
2 happened or not.

3 THE COURT: Oh, I see. Well --

4 MS. KIERNY: Well, here's -- here's the thing --

5 THE COURT: -- but she can ask if they've formed an opinion, right?  
6 Isn't she entitled to do that?

7 MS. KOLLINS: Well, I couldn't ask yesterday anything about my facts  
8 about this case. And I stayed far away from the facts of this case.

9 THE COURT: You have to, yeah.

10 MS. KIERNY: I have given no facts.

11 THE COURT: Wait a minute, you're interrupting her.

12 MS. KIERNY: I'm sorry.

13 MS. KOLLINS: No. But you're asking them to form an opinion that it's  
14 happened. I think she's -- I think it's fair to say you understand as he sits here now,  
15 you've heard no evidence. And that's accurate. But to ask them whether they think  
16 something happened or they think something didn't happen, and there was a  
17 couple questions prior, I think he's innocent, we're here to show he's innocent --

18 THE COURT: Yeah.

19 MS. KOLLINS: -- we can't do that.

20 THE COURT: The rule -- the rule says you can't -- you can't ask the  
21 jury how you would rule on -- based on hypothetical facts. You -- you can't testify  
22 as to what the facts will be heard. Okay. I -- I think that when -- when you at least  
23 now heard the same, you know, have you formed an opinion in this case.

24 MS. KOLLINS: I don't have a problem -- I don't have a problem with  
25 that.

1 THE COURT: Okay.

2 MS. KOLLINS: Just --

3 MS. KIERNY: And just what I'm trying to get at --

4 THE COURT: Do you -- how far -- how much further are you trying to  
5 go?

6 MS. KIERNY: What I'm trying to get at is the presumption of  
7 innocence. Obviously, as he sits there, he is innocent. Saying that they're brave,  
8 saying that something happened is obviously against his presumption of innocence.  
9 They're assuming something occurred.

10 THE COURT: Okay.

11 MS. KIERNY: So that's where I'm trying -- I'm just trying to delve into  
12 those.

13 MS. KOLLINS: If --

14 MS. KIERNY: Ideas.

15 MS. KOLLINS: -- I don't have a problem if you ask about the  
16 presumption of innocence. As he sits here today, you've heard no evidence. He's  
17 presumed innocent. It's the State's burden. But asking none of -- to prejudge  
18 evidence, is just a really fine line. I -- I disagree --

19 MS. KIERNY: I'm not asking them to prejudge. I'm seeing if they have  
20 a bias that needs to be ferreted out.

21 THE COURT: Yeah. I -- I think I'm going to let her go a little bit further  
22 and ask --

23 MS. KOLLINS: Okay.

24 THE COURT: -- you said okay. But you didn't hear what I was going to  
25 say.

1 I -- I think -- I think it's fair for her to ask, Have you -- have you  
2 formed any opinions?

3 MS. KOLLINS: I do too.

4 THE COURT: All right. I'll allow her to say that. Okay. But again,  
5 don't --

6 MS. KIERNY: I will follow up with that.

7 THE COURT: -- don't present any hypothetical facts and don't ask how  
8 they would rule on hypothetical facts.

9 MS. KIERNY: No. No I would never do that. Thank you.

10 THE COURT: Thank you. Okay.

11 [End of bench conference.]

12 THE COURT: Okay. We need to keep going. We needed just a  
13 clarification on something.

14 Go ahead.

15 MS. KIERNY: Okay. Thank you.

16 Mr. -- okay. Have you formed any opinions as to any facts in this  
17 case, based on what you've heard?

18 PROSPECTIVE JUROR NO. 228: For the case? No. I honestly -- we  
19 haven't heard any evidence or anything. So I wouldn't want to form an opinion that  
20 would either be false or to make me biased on it.

21 MS. KIERNY: Okay. So if you -- so and you understand Mr. Azucena  
22 is presumed innocent of these charges?

23 PROSPECTIVE JUROR NO. 228: [No audible response.]

24 MS. KIERNY: Okay. And you're willing to give him a fair trial?

25 PROSPECTIVE JUROR NO. 228: [No audible response.]

1 MS. KIERNY: And if you had to go back right now and vote on whether  
2 you think he's guilty, not guilty, or don't have enough information, how would you  
3 vote?

4 PROSPECTIVE JUROR NO. 228: I would say I don't have enough  
5 information.

6 MS. KIERNY: Okay. Does anyone disagree with that?

7 You guys all understand that Mr. Azucena is presumed innocent?  
8 So if you were to vote now, what would you all say? Go, one, two, three.

9 All right. Thank you.

10 Mr. Rivera, because I've already got the mic in your hand, I'm --  
11 I'm not trying to pick on you. But I had a follow-up question for you that I'll get to  
12 now.

13 I think you said something about your mother working in the Sex  
14 Assault Detail of Metro?

15 PROSPECTIVE JUROR NO. 228: Correct.

16 MS. KIERNY: And she's the supervisor?

17 PROSPECTIVE JUROR NO. 228: Yes.

18 MS. KIERNY: Does she discuss her cases at all at home with you?

19 PROSPECTIVE JUROR NO. 228: Very rarely does she ever mention  
20 any details. My parents like to keep work at work and home, home. They like to  
21 keep them separate.

22 MS. KIERNY: Of course, that makes sense.

23 PROSPECTIVE JUROR NO. 228: So very rare do we ever talk about  
24 anything like that.

25 MS. KIERNY: Do you ever see cases, like, that she worked on in the

1 news and then talk about that, or?

2 PROSPECTIVE JUROR NO. 228: She -- from time to time, there has  
3 been something that will maybe brought up on the news. She may have seen it or  
4 maybe given me a few details about it, her or my father, depending on who had  
5 something to do with it. But, I mean, in terms of anything to do beforehand, nothing  
6 really, usually. They like to keep them separate.

7 MS. KIERNY: Okay. Now, you come from a very law  
8 enforcement-heavy background. Do you think that that gives you any experience  
9 that you would -- above and beyond what the other jurors have? You -- because  
10 your family has this background.

11 PROSPECTIVE JUROR NO. 228: Honestly, no. I get that, you know,  
12 seeing it on TV from what it is in real life, for example, is a lot different. And I've,  
13 you know, don't sit down with my parents and discuss things like this, because it's  
14 not something that ever comes up. So in terms of me maybe knowing -- I might  
15 know little bits and pieces of how the process may go or things like that, but in  
16 terms of just knowing more knowledge than one other person about it, I would say I  
17 wouldn't.

18 MS. KIERNY: Okay. I think that's fair.

19 Now, if -- let's say that you were chosen as a juror and,  
20 ultimately, there was a not guilty verdict returned, would you have a problem sitting  
21 around the -- the dinner table with your mother, who does this for a living, your  
22 father, who's a SWAT officer, do you think that would be uncomfortable?

23 PROSPECTIVE JUROR NO. 228: No.

24 MS. KIERNY: No?

25 PROSPECTIVE JUROR NO. 228: I don't believe so.

1 MS. KIERNY: Do you think they'd give you a hard time at all?

2 PROSPECTIVE JUROR NO. 228: No. I wouldn't say so.

3 MS. KIERNY: Okay.

4 PROSPECTIVE JUROR NO. 228: They know how the justice system  
5 works, and if it came to a conclusion of not guilty, I'm sure they would understand  
6 the reasons why, if they looked into the case themselves, for example.

7 MS. KIERNY: I see. Okay. Thank you, so much.

8 PROSPECTIVE JUROR NO. 228: Thank you.

9 MS. KIERNY: I think that the juror next to you had raised her hand.

10 PROSPECTIVE JUROR NO. 230: Lisa Sutherland, 230.

11 MS. KIERNY: Okay. Let me get to your page, just so if I have other  
12 questions.

13 All right. Ms. Sutherland, I think you raised your hand to say it  
14 hurts -- with the question of do you agree with Mr. Keck's, It hurts to hear these  
15 allegations?

16 PROSPECTIVE JUROR NO. 230: I think my statement would be more  
17 along the lines of it's awful that we live in a society where not only this kind of thing  
18 does happen, and we have to live with the fact that these things do happen.

19 MS. KIERNY: Okay.

20 PROSPECTIVE JUROR NO. 230: But also because these things  
21 happen, that other people have a tendency to make assumptions. So at this  
22 moment we're here on an allegation.

23 MS. KIERNY: Yes.

24 PROSPECTIVE JUROR NO. 230: Whether it's true or false, we don't  
25 know yet.

1 MS. KIERNY: Of course.

2 PROSPECTIVE JUROR NO. 230: We don't know, as a jury, as a  
3 people, where the inaccurate information is coming from. But inaccurate  
4 information is coming from somewhere, and the fact that we live in a society where  
5 these kind of conclusions can be made and be put out in society and then we have  
6 to deal with it, I think it's sad, and it hurts that we live in a society where these kind  
7 of things have to be dealt with.

8 MS. KIERNY: Sure. And in your job you deal with them a lot?

9 PROSPECTIVE JUROR NO. 230: Yes.

10 MS. KIERNY: But you would be able to be fair to both sides, you've  
11 said?

12 PROSPECTIVE JUROR NO. 230: Oh, absolute.

13 MS. KIERNY: Because you have seen situations where, you know, it  
14 was an absolutely --

15 PROSPECTIVE JUROR NO. 230: A different person than we initially  
16 expected.

17 MS. KIERNY: Yes.

18 PROSPECTIVE JUROR NO. 230: Yes.

19 MS. KIERNY: And you've seen situations where perhaps nothing  
20 actually occurred?

21 PROSPECTIVE JUROR NO. 230: Yes.

22 MS. KIERNY: Okay. So -- but you've also seen situations where things  
23 did occur?

24 PROSPECTIVE JUROR NO. 230: Yes.

25 MS. KIERNY: Now, emotionally, doing that every day, would you be

1 able to -- would this case be emotionally hard for you because of that?

2 PROSPECTIVE JUROR NO. 230: No.

3 MS. KIERNY: No?

4 PROSPECTIVE JUROR NO. 230: No and yes.

5 MS. KIERNY: Okay.

6 PROSPECTIVE JUROR NO. 230: I think any person with a heart is  
7 going to have an emotionally draining situation as we go through the case. If I were  
8 chosen as a juror, of course, it's going to be emotionally draining to hear both sides.

9 MS. KIERNY: Right.

10 PROSPECTIVE JUROR NO. 230: And the system that we have to go  
11 through. On a personal level, just because it has nothing to do with my job, I think  
12 as a person, the situation and the process is going to be emotionally draining, no  
13 matter what.

14 MS. KIERNY: Okay. So nothing about what you do on a daily --

15 PROSPECTIVE JUROR NO. 230: No.

16 MS. KIERNY: -- basis and the people that you see --

17 PROSPECTIVE JUROR NO. 230: No.

18 MS. KIERNY: -- all of that would go into your deliberation?

19 PROSPECTIVE JUROR NO. 230: I think if anything it might help me,  
20 because I do see it and I deal with it on a regular basis. So dealing with it kind of  
21 comes naturally.

22 MS. KIERNY: I see. Okay.

23 Ms. Zurzolo --

24 Could you pass the microphone to Ms. Zurzolo.

25 Did I say that right?



1 PROSPECTIVE JUROR NO. 232: Zurzolo, yeah.

2 MS. KIERNY: Oh, I was kind of close.

3 PROSPECTIVE JUROR NO. 232: [Indiscernible.]

4 MS. KIERNY: All right. You had nodded your head as well, along with  
5 Mr. Keck's statement about it hurts to hear these allegations.

6 PROSPECTIVE JUROR NO. 232: Well, I was thinking more in terms of  
7 if it -- it's -- it saddens me to hear things happen like this to especially children --  
8 anybody, but especially children.

9 MS. KIERNY: Okay. And you said things like this happen to children.  
10 Are you prejudging any facts in this case that this actually happened?

11 PROSPECTIVE JUROR NO. 232: Oh, no, no. Oh, no.

12 MS. KIERNY: Okay.

13 PROSPECTIVE JUROR NO. 232: Uh-uh. I -- no, I don't judge  
14 anybody until I hear facts.

15 MS. KIERNY: Okay.

16 PROSPECTIVE JUROR NO. 232: You know, it's got to be -- I've got to  
17 hear, you know, some testimony and stuff. But no, uh-uh. I judge not so that I may  
18 not be judged, you know.

19 MS. KIERNY: Okay.

20 PROSPECTIVE JUROR NO. 232: Not until I hear it. No. But I'm just  
21 saying, when I do hear it, it saddens me.

22 MS. KIERNY: Sure.

23 PROSPECTIVE JUROR NO. 232: You know, whether it's true or not.  
24 Because I have a heart and I know that if it was true, it's really sad, you know.

25 MS. KIERNY: Sure. Okay. That makes sense. Does anyone else

1 want to weigh in on that? We've got Mr. Erdmann. Okay. Could you pass the  
2 microphone back and to my right.

3 PROSPECTIVE JUROR NO. 214: 214.

4 MS. KIERNY: Thank you. Mr. Erdmann.

5 PROSPECTIVE JUROR NO. 214: Well, I mean, as a father, those  
6 allegations, if true, the -- you know, a worst -- one of your worst nightmares. And  
7 as you look, on going up on the stand, whether it's true or it's not true, having a  
8 child testify, saying that stuff that's happened to them, of course, that's going to  
9 bother you.

10 MS. KIERNY: Okay.

11 PROSPECTIVE JUROR NO. 214: I mean, I'm not saying guilty or not  
12 guilty. I'm going to give a fair trial, due to the evidence. But -- think about it,  
13 everybody in this room just thinking about it, to be honest are you.

14 MS. KIERNY: Sure. Now, because if a -- a child gets up there and  
15 says those allegations, just because they said that, are you going to still be able to  
16 weigh all of the evidence?

17 PROSPECTIVE JUROR NO. 214: Well, yeah. I'm going to look at it.  
18 I'm going to make my own opinion.

19 MS. KIERNY: Uh-huh.

20 PROSPECTIVE JUROR NO. 214: I'm not going to just automatically  
21 believe them, but I'm going to listen to everything.

22 MS. KIERNY: Okay. And you -- you indicated, you know, as a father,  
23 it's really hard. And I'm sure everyone, as a mother, as a citizen, anything that you  
24 are, you know, it's hard to hear this kind of stuff.

25 Are you going to be able to kind of separate the emotion of

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1 thinking about your daughter with the facts and, you know, make a logical decision?

2 PROSPECTIVE JUROR NO. 214: Yeah. I'll give them a fair shot.

3 MS. KIERNY: Okay. All right. Anybody else wanted to weigh in on  
4 that topic of it hurts to hear these allegations?

5 Okay. Now, like I said earlier, this is an emotional case because  
6 of the -- it involves children and it involves sex, and those generally aren't two  
7 things that you hear together, frankly. But a court case requires logical thinking.  
8 Are you all going to be able to apply the logic -- or apply logic to this case and be --  
9 be fact finders?

10 Everyone's nodding their heads. Anybody has -- have an issue  
11 doing that?

12 Anyone cannot do that?

13 Anyone thinks the emotion is just too much, once I see those  
14 kids, I won't be able to, you know, be a logical juror?

15 No? Okay.

16 Who's got my microphone now? All right. Let me see.

17 Now, every day we -- I'm going to have, I guess pass -- let's see  
18 who I haven't talked to. Hand -- hand the microphone back behind you,  
19 Mr. Erdmann.

20 I need a badge number for the -- for the recorder.

21 PROSPECTIVE JUROR NO. 168: Linda Klosowski, No. 168.

22 MS. KIERNY: Okay. Let me get to your page real quick. Easier said  
23 than done. Okay.

24 Ms. Klosowski, do you -- and without telling me which one -- do  
25 you read the newspaper every day?

1 PROSPECTIVE JUROR NO. 168: Yes.

2 MS. KIERNY: Okay. And every day, there's probably some stories that  
3 you read and you say, that's ridiculous, is -- is that true?

4 PROSPECTIVE JUROR NO. 168: Sure.

5 MS. KIERNY: Okay. And you come to that conclusion because you  
6 apply your experiences and background --

7 PROSPECTIVE JUROR NO. 168: Logic.

8 MS. KIERNY: -- and logic. Okay. And sometimes those cases --  
9 sometimes the stories you hear are sad, right?

10 PROSPECTIVE JUROR NO. 168: [No audible response.]

11 MS. KIERNY: But you still apply logic?

12 PROSPECTIVE JUROR NO. 168: [No audible response.]

13 MS. KIERNY: And come to what -- whatever conclusion it is?

14 PROSPECTIVE JUROR NO. 168: [No audible response.]

15 MS. KIERNY: Okay. Would you be able to do that with this case?

16 PROSPECTIVE JUROR NO. 168: Sure.

17 MS. KIERNY: Do you see how, you know, those skills could be useful  
18 in either accepting or rejecting an argument? Okay.

19 PROSPECTIVE JUROR NO. 168: It's my responsibility to listen to the  
20 evidence and make a decision.

21 MS. KIERNY: Okay. I appreciate that, Ms. Klosowski.

22 Now, does anyone think -- we've kind of danced around this  
23 question, but I'm going to just go out and ask it -- does anyone think that they could  
24 not be fair to Jose because the allegations involve young children?

25 PROSPECTIVE JUROR NO. 232: I can be.

1 MS. KIERNY: You can be? Okay. I appreciate that.

2 No one else is nodding their head, so I assume everyone can be  
3 fair.

4 Is anyone sort of worried -- worried that they can't be fair? Like,  
5 they're saying, yeah, I'm saying it now, but when I get back there, I -- I'm a little  
6 concerned I might not be fair, I'm kind of on the edge?

7 All right. No hands.

8 THE COURT: If anyone has the slightest doubt, let her know. Okay.  
9 And now is the time. Please let -- if you have the slightest doubt about being fair,  
10 please be honest and let her know. She needs to know this.

11 MS. KIERNY: Because when we go -- when you go back to the jury  
12 room and you decide, you know what, I -- I couldn't be fair about any of that; I -- I  
13 have my mind made up. It's -- it's too late.

14 Mr. Erdmann --

15 Please pass the microphone over. Thank you.

16 PROSPECTIVE JUROR NO. 214: It's 214.

17 MS. KIERNY: Uh-huh.

18 PROSPECTIVE JUROR NO. 214: I think I could be, but I mean, there's  
19 always that slight doubt in the head dealing with children. I mean, you never know  
20 for sure. But I think I could be.

21 MS. KIERNY: Okay. Is there anything to -- could you give us anymore  
22 firm answer?

23 PROSPECTIVE JUROR NO. 214: No. Just --

24 MS. KIERNY: Is there anything that could help you?

25 PROSPECTIVE JUROR NO. 214: You said slightest doubt, the judge

1 did, and you know, you -- I don't know. I mean, I really think I will be. But, you  
2 know, there's always that -- with what you're dealing with, you never know for sure.  
3 You start seeing a kid crying, who knows what you're going to do?

4 MS. KIERNY: Okay. So Mr. Erdmann, let me ask you this. You think  
5 you can be fair, but you might be biased one way or the other, and the bias is  
6 against the defendant, correct?

7 PROSPECTIVE JUROR NO. 214: I don't think I'm biased against the  
8 defendant. He said if I had the slightest of doubts.

9 MS. KIERNY: Of course.

10 PROSPECTIVE JUROR NO. 214: Is -- but possibly, I mean. I don't  
11 know.

12 MS. KIERNY: All right. So you say that there's a slight leaning one  
13 way or the other, which way are you leaning?

14 PROSPECTIVE JUROR NO. 214: No. I -- I think I'd give him a fair  
15 shot.

16 MS. KIERNY: Okay.

17 PROSPECTIVE JUROR NO. 214: I think I would. I really think it's that  
18 way. But like I said, and he said the slightest doubt, kid up there crying, I don't  
19 know.

20 MS. KIERNY: Okay. I think that's fair.

21 PROSPECTIVE JUROR NO. 214: I -- I really don't.

22 MS. KIERNY: And I really appreciate you being honest and open about  
23 that. I appreciate that.

24 PROSPECTIVE JUROR NO. 238: Can I say something, please?

25 MS. KIERNY: Of course. Hang on, let's pass the microphone to

1 Mrs. Zurzolo.

2 THE COURT: Microphone, please. Yep.

3 PROSPECTIVE JUROR NO. 232: No. I can be fair.

4 MS. KIERNY: Uh-huh.

5 PROSPECTIVE JUROR NO. 232: But I think what he's talking about is  
6 you don't know what you will do until you're in that situation.

7 MS. KIERNY: Okay. I agree with that.

8 PROSPECTIVE JUROR NO. 232: That's -- you know. He --

9 PROSPECTIVE JUROR NO. 214: That's what I'm saying.

10 MS. KIERNY: All right. If you could pass the microphone back to  
11 Mr. Erdmann, I have a follow-up question, but then I'll follow up with you.

12 So Mr. Erdmann, do you think that if you were in the position of  
13 Jose, you know, you would want someone with possibly that slight bias, someone  
14 like you, on your jury?

15 PROSPECTIVE JUROR NO. 214: First, I don't think I'd ever put myself  
16 in that situation. But if I did, I don't know. I mean, I'm a real honest guy. I always  
17 do what I'm supposed to do. I've got huge integrity. I learned that in the military.  
18 So probably me over somebody else. But I don't know for sure.

19 MS. KIERNY: All right. So you said something that was really  
20 interesting that I really appreciate. You said that you would not put yourself in that  
21 situation.

22 PROSPECTIVE JUROR NO. 214: Yeah.

23 MS. KIERNY: Okay. So with that, it seems like you're assuming that  
24 he did something -- that because he did something wrong.

25 PROSPECTIVE JUROR NO. 214: No. I'm not assuming he did

1 something wrong. I just -- the way the society is today, I'm really careful. Like, if  
2 there's kids at the house, I make sure my wife's there. I mean, I just -- there's just  
3 too much crazy society with -- there is a lot of false accusations out there. That's  
4 why I would never put myself in that situation. I'm really careful about the way I act,  
5 who I'm around --

6 MS. KIERNY: Okay.

7 PROSPECTIVE JUROR NO. 214: -- how well I know them, that sort of  
8 thing.

9 MS. KIERNY: So you try to, you know, prevent yourself from any false  
10 accusations, as well.

11 PROSPECTIVE JUROR NO. 214: Yes.

12 MS. KIERNY: So insurance kind of?

13 PROSPECTIVE JUROR NO. 214: Yeah.

14 MS. KIERNY: All right. Does anyone feel like Mr. Erdmann does, that  
15 they would not put themselves in that situation?

16 I'm not seeing any hands.

17 PROSPECTIVE JUROR NO. 232: I --

18 MS. KIERNY: Oh. Ms. Zurzolo. Please send it back --

19 PROSPECTIVE JUROR NO. 232: No, it's just that --

20 MS. KIERNY: You guys are having a great conversation.

21 PROSPECTIVE JUROR NO. 232: I -- I always say -- and this is really  
22 me, the truth. You are innocent until proven guilty. And you've got to show me,  
23 and I'm not from Missouri, that this person is --

24 MS. KIERNY: Oh. Sinner state, got it.

25 PROSPECTIVE JUROR NO. 232: -- innocent, I mean, guilty. But I say

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1 somebody is guilty, you got to prove it me.

2 MS. KIERNY: Okay.

3 PROSPECTIVE JUROR NO. 232: You know, because I'm 63. I'm  
4 from Mississippi. I've seen people lie on people about things, and they knew they  
5 were lying. You know. And you got to show me that this person is guilty before I  
6 can say he's guilty.

7 MS. KIERNY: Okay. I appreciate that. I don't -- I think Mr. Erdmann  
8 might be off the hot seat now. I don't know. Just hang on to that.

9 All right. Okay. You brought up something about lying, so that's  
10 a perfect segue.

11 Does everyone believe that it is possible for children to lie? I see  
12 everyone nodding their heads.

13 Does anyone want to talk about how you think -- how could you  
14 tell if a child is lying?

15 Oh, I see you. Ms. Preuss-Ayres.

16 Could you please send the -- the mic over.

17 PROSPECTIVE JUROR NO. 193: Well, with -- whenever -- when  
18 Isabella lied to me the first time, because she -- you know, she just turned five.  
19 And, like, that whole situation with the cell phone thing, like, it was very obvious to  
20 me she was lying, because I know her personality and I know how she is. And, you  
21 know, she went and hid underneath the table when she was, like, lying, and she  
22 was, like, didn't want to talk to me. And my husband actually was the one who  
23 finally got her out. And we had a little conversation about telling the truth and not  
24 lying and stuff like that.

25 MS. KIERNY: Sure.

1 PROSPECTIVE JUROR NO. 193: With Sariah, on the other hand, it's  
2 like pulling a tooth to get her to tell the truth, because she doesn't want to get in  
3 trouble. And it's just, like, you -- you have to be honest with me, and especially now  
4 that she's becoming a teenager and stuff like that, I'm, like, trying to be very honest  
5 with her --

6 MS. KIERNY: Uh-huh.

7 PROSPECTIVE JUROR NO. 193: -- what's going on with her. And I  
8 want more honesty out of her, because it's hard sometimes for her to express  
9 herself in a proper way. She, you know, like, sometimes she likes to just hear part  
10 of a situation and then she goes off onto a temper tantrum, you know -- you know,  
11 and I just think more of the less, it's just, like, she doesn't want to get in trouble.

12 MS. KIERNY: Okay.

13 PROSPECTIVE JUROR NO. 193: But the problem is, is, like, she likes  
14 to lie a lot and it's just -- but that's my daughter, you know. I know my children, so.

15 MS. KIERNY: Okay. So how would -- how could you tell if she's lying?  
16 Are there things that you look to?

17 PROSPECTIVE JUROR NO. 193: Sariah, like, she's start to cry a lot,  
18 like, if she's lying or she gets very angry or frustrated. And she always looks  
19 upwards.

20 MS. KIERNY: Okay.

21 PROSPECTIVE JUROR NO. 193: There's a very good indication when  
22 she's looking up, you know, like, when she's, like, trying to think of her little story  
23 and how it's going to work. And she does change her stories. Like, when she is  
24 lying, it changes a lot.

25 MS. KIERNY: Okay.

1 PROSPECTIVE JUROR NO. 193: So that's how I know, like, when  
2 she's lying to me.

3 MS. KIERNY: I've got some heads nodding about changing stories.  
4 Do we all agree that changing stories are a sign that things are a lie? Okay. I think  
5 I've got everyone nodding.

6 All right. Ms. -- could you pass the microphone back to  
7 Ms. Schirmeister, because she seems to want to weigh in.

8 PROSPECTIVE JUROR NO. 304: Hi. Well, I have three daughters, I  
9 have two -- they are 27, 25, and 13. And I've went through all different things.  
10 Every time they -- one would try to blame the other one, they would either shut  
11 down. One would get really quiet. One, like she said, would run and hide under  
12 the table. My oldest one, she wouldn't look me in the eyes. Every time something  
13 would come up, she would roll her eyes, look at the ceiling, and nod her head.  
14 Then my middle one would get angry when -- run into the room and hide.

15 It's just -- I've been through -- yeah. I have -- like, they're all  
16 three totally different personalities, three different children.

17 MS. KIERNY: Different.

18 PROSPECTIVE JUROR NO. 304: Especially my youngest, because  
19 she's the challenge.

20 MS. KIERNY: So it's always different for everybody who --

21 PROSPECTIVE JUROR NO. 304: Yes.

22 MS. KIERNY: And you can't always -- you know, you have to kind of  
23 look to different things to see --

24 PROSPECTIVE JUROR NO. 304: Yes.

25 MS. KIERNY: If they're telling the truth? And these are kind of the

1 same ways that you tell if an adult is lying, right?

2 PROSPECTIVE JUROR NO. 304: Yes.

3 MS. KIERNY: Does -- now, I've -- I've had this come up, and so I'm  
4 going to ask you all about this -- not in this case, but I've had it come up before.

5 Does anyone think that kids could only lie about little things, but  
6 they would never lie about an important thing? Heads shaking over there.

7 Do you mind passing the microphone?

8 Actually, I'm going to need the marshal, I'm sorry. Do you mind  
9 taking this to Ms. Gonzalez? Thank you.

10 I caught you out of the corner of my eye. All right. So you were  
11 shaking your head at that statement.

12 PROSPECTIVE JUROR NO. 239: Do I need to say my badge?

13 MS. KIERNY: Oh, of course, you do. I'm sorry about that.

14 PROSPECTIVE JUROR NO. 239: 239 Rhonda Gonzalez. I've had --  
15 I've been on both sides of the -- I've been at 10 molested.

16 MS. KIERNY: Okay.

17 PROSPECTIVE JUROR NO. 239: But I've also known a family  
18 member that was accused that didn't, and I know for a fact didn't do it, from a child.  
19 And the repercussions of his life have never been the same.

20 So I've seen both sides of the spectrum. So I know this child,  
21 and I love this child, and I knew she was lying. So -- and it was very sad on both  
22 sides.

23 MS. KIERNY: That is a terrible situation. Thank you for telling us about  
24 that.

25 I mean, for kids, would you agree that it's hard, that they have a

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1 different perception of what's important than adults do?

2 PROSPECTIVE JUROR NO. 239: Right. Sometimes they do it  
3 because their parents coach them to do it, and that's this situation.

4 MS. KIERNY: I see.

5 PROSPECTIVE JUROR NO. 239: And it caused the whole, family to  
6 part. So a lot of family members don't talk because -- and this child was put in a  
7 bad predicament of lying for her parents, and she is in a bad spot in herself. So  
8 yes, it's -- it's a horrible situation on both sides.

9 MS. KIERNY: Okay. Thank you for sharing that.

10 Could you pass the microphone to Ms. Perkins next to you.

11 You were also nodding your head.

12 PROSPECTIVE JUROR NO. 242: Right.

13 MS. KIERNY: Okay. Go ahead. Do you think --

14 PROSPECTIVE JUROR NO. 242: 242.

15 MS. KIERNY: -- children can lie about big things, not just little things?

16 PROSPECTIVE JUROR NO. 242: Children with lie about anything, not  
17 just big or small.

18 MS. KIERNY: Okay. Now, you -- you would agree that children and  
19 adults kind of have a different idea of what's important? So I mean, for a kid, if you,  
20 I don't know, let's say they really want a new bike, but you can't pay the mortgage,  
21 which one's more important to them?

22 PROSPECTIVE JUROR NO. 242: Their bike.

23 MS. KIERNY: Right.

24 PROSPECTIVE JUROR NO. 242: Right.

25 MS. KIERNY: So you -- you would agree that, you know, children have

1 different ideas of what's actually important?

2 PROSPECTIVE JUROR NO. 242: Right.

3 MS. KIERNY: All right. And would you -- you work with children a lot?

4 PROSPECTIVE JUROR NO. 242: Yes.

5 MS. KIERNY: Would you agree that maybe children don't understand  
6 consequences quite as well as -- the same way that adults do?

7 PROSPECTIVE JUROR NO. 242: Right. Yeah. I agree.

8 MS. KIERNY: Okay. When children act up in your class, for example,  
9 what are some sort of remedies or some sort of consequences that you give them?

10 PROSPECTIVE JUROR NO. 242: It's usually to separate them from  
11 everybody else, whether it's they have to stay away by themselves or -- because  
12 it's usually for attention.

13 MS. KIERNY: Right.

14 PROSPECTIVE JUROR NO. 242: At least the ones in my classroom.

15 MS. KIERNY: So in my house, we call it time-out.

16 PROSPECTIVE JUROR NO. 242: Uh-huh.

17 MS. KIERNY: Is that what you guys call that?

18 PROSPECTIVE JUROR NO. 242: We don't talk -- we don't call it a  
19 time-out.

20 MS. KIERNY: Okay. All right. That's bad language?

21 PROSPECTIVE JUROR NO. 242: Maybe a cooling corner or  
22 something. We don't give it that name. But, yes.

23 MS. KIERNY: Okay.

24 PROSPECTIVE JUROR NO. 242: Uh-huh.

25 MS. KIERNY: And so they understand that, because that's an

1 immediate consequence, right?

2 PROSPECTIVE JUROR NO. 242: Right.

3 MS. KIERNY: Now, if you were to say all right, you didn't listen to me  
4 and you -- you hit another child, I'm going to not pay the electricity bill, so maybe,  
5 like, eight to 12 weeks down the road, they might shut off the electricity, and you  
6 might not be able to see. Is that a consequence that you think would have an effect  
7 on a child?

8 PROSPECTIVE JUROR NO. 242: No.

9 MS. KIERNY: Okay.

10 PROSPECTIVE JUROR NO. 242: No.

11 MS. KIERNY: So it's the more immediate consequences you think that  
12 would affect children?

13 PROSPECTIVE JUROR NO. 242: Right.

14 MS. KIERNY: Okay. Does everyone agree that children believe things  
15 that adults do not?

16 PROSPECTIVE JUROR NO. 242: In some cases, maybe.

17 MS. KIERNY: In some cases. Okay. Does anyone here believe in the  
18 Easter Bunny? No hands.

19 PROSPECTIVE JUROR NO. 232: No. But I taught my children when  
20 they were small that there was --

21 MS. KIERNY: All right. Ms. Zurzolo, here you go.

22 PROSPECTIVE JUROR NO. 232: No.

23 MS. KIERNY: Come on. Come on. Take it. I don't want to hold it. All  
24 right.

25 PROSPECTIVE JUROR NO. 232: And Santa Claus.

1 MS. KIERNY: Yes.

2 PROSPECTIVE JUROR NO. 232: I'm really not sure about that. There

3 might be a real Santa somewhere.

4 MS. KIERNY: Okay. Let's stick with the Easter Bunny, then.

5 PROSPECTIVE JUROR NO. 232: Okay.

6 MS. KIERNY: Does anyone believe that there -- that there is a bunny

7 who pops out eggs with chocolate in them?

8 PROSPECTIVE JUROR NO. 232: I don't believe in it.

9 MS. KIERNY: Okay.

10 PROSPECTIVE JUROR NO. 232: But like I said, I taught my -- I

11 teach -- I taught my children in things like that when they were small. Tooth Fairy,

12 came and got your tooth, left you a quarter.

13 MS. KIERNY: Right. Now -- but you believe -- but young kids --

14 PROSPECTIVE JUROR NO. 232: Uh-huh.

15 MS. KIERNY: -- absolutely believe in those things.

16 PROSPECTIVE JUROR NO. 232: Yes, yes.

17 MS. KIERNY: Does everyone agree that kids actually believe in

18 those --

19 PROSPECTIVE JUROR NO. 232: Yes.

20 MS. KIERNY: All right. Even though it's not real? Easter Bunny is not

21 real.

22 PROSPECTIVE JUROR NO. 232: Yes.

23 MS. KIERNY: I'm not going to touch Santa for you.

24 Now, your -- your children, you told them about that. Was there

25 ever a point when they kind of started to real -- realize, maybe this doesn't make



1 sense, but they still went along with it?

2 PROSPECTIVE JUROR NO. 232: I believe so. I think so.

3 MS. KIERNY: Why do you think they did that?

4 PROSPECTIVE JUROR NO. 232: Oh, they were just growing up and  
5 learning that things are -- don't make sense.

6 MS. KIERNY: Sure.

7 PROSPECTIVE JUROR NO. 232: You know, no, that can't be, you  
8 know.

9 MS. KIERNY: And then why do you think they kept believing or kept  
10 pretending like they believed, at least?

11 PROSPECTIVE JUROR NO. 232: Just for the fun of it.

12 MS. KIERNY: Or to get presents?

13 PROSPECTIVE JUROR NO. 232: Just -- just to get something, yeah.

14 MS. KIERNY: Yeah.

15 PROSPECTIVE JUROR NO. 232: Uh-huh.

16 MS. KIERNY: Okay. All right. We touched on this, but does everyone  
17 think that it's possible for false accusations to occur? I am seeing some nodding.  
18 I'd like you to hand --

19 PROSPECTIVE JUROR NO. 232: Oh --

20 MS. KIERNY: Oh, go ahead, if you have a comment.

21 PROSPECTIVE JUROR NO. 232: False accusations, you say?

22 MS. KIERNY: Yes. Is there someone --

23 PROSPECTIVE JUROR NO. 232: Yes, I'm in --

24 MS. KIERNY: -- who could be falsely accused of a crime?

25 PROSPECTIVE JUROR NO. 232: Oh, yeah.

1 MS. KIERNY: Okay. And Ms. Gonzalez told us about that.

2 PROSPECTIVE JUROR NO. 232: Yeah. I -- I know of a few.

3 MS. KIERNY: Okay. And these are people that you know?

4 PROSPECTIVE JUROR NO. 232: Yeah. It was back in Mississippi,  
5 yeah.

6 MS. KIERNY: Okay. So that is possible?

7 I'd like you to hand the microphone back to Mr. -- or Officer,  
8 Detective Stanek, whatever you're retired as.

9 I haven't gotten a lot of nods from you, so I felt like I have to talk  
10 to you.

11 PROSPECTIVE JUROR NO. 206: It's obvious -- obviously, false  
12 accusations are made all the time.

13 MS. KIERNY: Okay. And in your experience as a police officer, you  
14 did see that occasionally?

15 PROSPECTIVE JUROR NO. 206: Quite often.

16 MS. KIERNY: Quiet often. Okay. What do you think are some of the  
17 leading -- or things that might lead to false accusations or, you know, somebody  
18 falsely arrested?

19 PROSPECTIVE JUROR NO. 206: Maybe the guilty person is trying to  
20 pass the guilt onto someone else.

21 MS. KIERNY: Okay.

22 PROSPECTIVE JUROR NO. 206: Maybe they shared a certain  
23 location or place, and rather than give themselves up, they're falsely accusing  
24 someone else of the crime that they, in fact, committed.

25 MS. KIERNY: Sure. Okay. Has anyone here ever been falsely

1 accused of anything? No hands? It could be even as small as, like, you know, not  
2 putting \$20 in the Secretary Day's card? Anything that you can think of? No  
3 hands. Okay.

4 Has anyone known anyone that was falsely accused, besides  
5 what Ms. Gonzalez shared with us, Ms. Zurzolo shared that.

6 PROSPECTIVE JUROR NO. 206: Well, obviously, as a police officer,  
7 again, that goes on all the time.

8 MS. KIERNY: And so you saw cases --

9 PROSPECTIVE JUROR NO. 206: Of course.

10 MS. KIERNY: -- that you knew?

11 PROSPECTIVE JUROR NO. 206: Of course.

12 MS. KIERNY: And how could you -- how could you tell in those cases  
13 that --

14 PROSPECTIVE JUROR NO. 206: Body language speaks loudly.

15 MS. KIERNY: Uh-huh.

16 PROSPECTIVE JUROR NO. 206: But then probably more would be  
17 the interviewing of other people around the same situation at the same time, if you  
18 have that luxury. And usually you did. But --

19 MS. KIERNY: So if the stories don't add up --

20 PROSPECTIVE JUROR NO. 206: Right.

21 MS. KIERNY: -- between the people --

22 PROSPECTIVE JUROR NO. 206: Right.

23 MS. KIERNY: -- who witnessed it.

24 PROSPECTIVE JUROR NO. 206: Exactly.

25 MS. KIERNY: Like, sort of -- so if, like, somebody says this person

1 witnessed it, you interview that witness and they say no --

2 PROSPECTIVE JUROR NO. 206: Yeah.

3 MS. KIERNY: -- that didn't happen?

4 PROSPECTIVE JUROR NO. 206: I mean, usually we separate the  
5 two -- the two parties that have conflicting viewpoints, interview both, and then  
6 somewhere, you know, you're able to work out where the actual truth is -- lies.

7 MS. KIERNY: Okay. Perfect.

8 Could you pass the microphone back to Mr. Elliston. I have one  
9 quick question for him.

10 PROSPECTIVE JUROR NO. 305: 305.

11 MS. KIERNY: Hi. I noticed something on your questionnaire when I  
12 was reviewing it. You indicated that your wife is a judicial executive assistant,  
13 correct?

14 PROSPECTIVE JUROR NO. 305: Correct.

15 MS. KIERNY: Is that for someone in this building? You don't have to  
16 tell me who, if you don't want to.

17 PROSPECTIVE JUROR NO. 305: It's for family court.

18 MS. KIERNY: For family court. Okay. So do you think that you have  
19 any inside knowledge of, like, the judicial system because of that?

20 PROSPECTIVE JUROR NO. 305: Very small amount.

21 MS. KIERNY: Okay.

22 PROSPECTIVE JUROR NO. 305: We rarely discuss a lot of what goes  
23 on there.

24 MS. KIERNY: Try not to bring the work home with them? Okay. So  
25 there's nothing about that that would affect you in the jury room?

1 PROSPECTIVE JUROR NO. 305: No.  
2 MS. KIERNY: Okay. Or listening to things in trial?  
3 PROSPECTIVE JUROR NO. 305: No.  
4 MS. KIERNY: Okay. Pass to Mr. Mergener.  
5 I -- I just had -- because you came a little bit late. I -- it indicated  
6 on your questionnaire, it said that you were a professor, a retired professor,  
7 correct?  
8 PROSPECTIVE JUROR NO. 319: Yes.  
9 MS. KIERNY: What were you a professor of?  
10 PROSPECTIVE JUROR NO. 319: Math.  
11 MS. KIERNY: Math?  
12 PROSPECTIVE JUROR NO. 319: Yeah.  
13 MS. KIERNY: Okay. So you would be able to kind of apply that logic  
14 and problem solving to this case, no problems?  
15 PROSPECTIVE JUROR NO. 319: Exactly.  
16 MS. KIERNY: All right.  
17 PROSPECTIVE JUROR NO. 319: Yeah.  
18 MS. KIERNY: I'm going to turn the floor over to my co-counsel,  
19 Mr. Westbrook. Thank you all for speaking with me and all your honest answers.  
20 PROSPECTIVE JUROR NO. 232: Thank you.  
21 THE COURT: Thank you, Counsel.  
22 Mr. Westbrook, your turn.  
23 MR. WESTBROOK: Sounds good.  
24 Okay. Why don't I not walk directly into you.  
25 You know, before I start, Your Honor, could we inquire if anyone

1 needs a break?

2 THE COURT: Sure.

3 MR. WESTBROOK: Because we're sort of heading towards the last  
4 hour.

5 THE COURT: Absolutely. Do you guys want to take a 10-minute break  
6 before -- and then we'll just go right till 5:00? Or are you okay? What -- you want a  
7 quick break? We can do a quick one.

8 MS. KIERNY: Yeah.

9 THE COURT: All right. Maybe six minutes? All right. Let's -- let's try  
10 to stick to that.

11 All right. The admonishment I gave you still applies.

12 Don't -- don't talk about the case; don't do any research; don't do  
13 any investigation; don't form any opinions; avoid contact with any witnesses or  
14 counsel or the parties. All right. With that -- and all the other admonishments  
15 apply.

16 Please enjoy a six-minute break to stretch and use the restroom.

17 [Prospective jury panel recessed at 3:51 p.m.]

18 THE COURT: All right. We're outside the presence. Six-minute break.  
19 Let's try to be back here right before 4:00. All right. All right. Recessed.

20 [Court recessed from 03:52 p.m., until 04:00 p.m.]

21 [Outside the presence of the prospective jury panel.]

22 THE COURT: All right. *State vs. Azucena* C-321044.

23 Can we bring the jurors in?

24 MR. HAMNER: Yes, Your Honor.

25 THE COURT: All right, marshal.

1 [Prospective jury panel reconvened at 4:01 p.m.]

2 THE COURT: You may be seated, everybody.

3 Mr. Westbrook, you have the floor, sir.

4 MR. WESTBROOK: Thank you, Your Honor.

5 Who's got the Phil Donahue-style microphone? Thank you.

6 Half the people are, like, I remember that guy; half of the people  
7 are probably, who's Phil Donahue? I'm fine, either way.

8 I have a question about immigration. I just said the word  
9 immigration. Who has a strong reaction to that word?

10 You fake gasped, but now, because of it, I have to come talk to  
11 you. I left my list over here. So please state your badge number.

12 PROSPECTIVE JUROR NO. 301: 301.

13 MR. WESTBROOK: 301, Mr. Thomas.

14 The gasp was funny. It's funny, because it's true. What kind of  
15 strong reactions do people have about immigration?

16 PROSPECTIVE JUROR NO. 301: People got all kinds of strong  
17 reactions if -- of when you say that word, you know, like, oh my goodness. You  
18 know, it's -- it's not the process of them coming over. It's -- what I'm trying to say is  
19 they use the word them coming over --

20 MR. WESTBROOK: Right.

21 PROSPECTIVE JUROR NO. 301: -- stuff like that, you know.

22 MR. WESTBROOK: Well, I mean, that -- that's a very good point. And  
23 you actually -- you -- you caught that point when you said it. The word them, right?

24 PROSPECTIVE JUROR NO. 301: Uh-huh.

25 MR. WESTBROOK: Does anyone think that when you have

1 immigration -- first of all, when I say the word immigration, is -- is everybody  
2 thinking in their head illegal immigration? No -- no one's necessarily putting the  
3 word illegal in front of it?

4 UNIDENTIFIED JUROR: I'm not.

5 MR. WESTBROOK: Not necessarily?

6 PROSPECTIVE JUROR NO. 301: Not necessarily.

7 MR. WESTBROOK: Okay. I mean, you guys, when you get right down  
8 to it, immigration is -- well, this guy used to live over here and now he lives over  
9 here. He's an immigrant, right? I mean, that's -- that's the basics of it. But that's  
10 not what's politically charged, is it?

11 When you think about illegal immigration, all of a sudden words  
12 like them are pretty common, right?

13 PROSPECTIVE JUROR NO. 301: Yeah. That's what I was going to --  
14 I was going to say. A lot of people, you know, like you asked, do people think about  
15 illegal immigration as -- they -- when you used -- used immigration, that's the first  
16 thing I believe that pops into everybody's head is illegal, you know, and so forth.  
17 Because, basically, every time you say it, that's where they get the word them from,  
18 is because they're thinking illegal before they think of legal.

19 PROSPECTIVE JUROR NO. 232: Not I. But I'm different.

20 MR. WESTBROOK: Let's pass it along.

21 And I'm sorry, Your Honor. Is it all right if I go and do the mic  
22 transfers? Is it all right if I do the mic transfers?

23 THE COURT: You may, yes, sir.

24 MR. WESTBROOK: All right.

25 PROSPECTIVE JUROR NO. 232: When God made me, he broke the



1 mould.

2 MR. WESTBROOK: Tell us about this mould.

3 PROSPECTIVE JUROR NO. 232: Well, I -- I don't think -- oh, I'm sorry.

4 MR. WESTBROOK: And I'm --

5 PROSPECTIVE JUROR NO. 232: 232.

6 MR. WESTBROOK: 232?

7 PROSPECTIVE JUROR NO. 232: Uh-huh

8 MR. WESTBROOK: Ms. Zurzolo?

9 PROSPECTIVE JUROR NO. 232: Yeah. When -- when you're -- when  
10 I hear immigration, I do think about more than one thing. But illegal is not the first  
11 thing that pops in my mind, because I don't blame a person for trying to better  
12 themselves.

13 MR. WESTBROOK: Okay.

14 PROSPECTIVE JUROR NO. 232: You know, if it takes comes to  
15 America to do that, come on. But get legal, pay taxes like I do. But sometimes, the  
16 way -- people call me African-American. Wouldn't that make me an illegal? I was  
17 born in America. I wasn't born in Africa. So --

18 MR. WESTBROOK: I'm not a Paiute Indian.

19 PROSPECTIVE JUROR NO. 232: So -- huh?

20 MR. WESTBROOK: I'm not a Paiute Indian.

21 PROSPECTIVE JUROR NO. 232: Oh.

22 MR. WESTBROOK: I'm a regular white guy, probably from Europe. I  
23 have no idea where. Right? That's the kind of a thing, we --

24 PROSPECTIVE JUROR NO. 232: Do people call you -- what -- what  
25 are you called?

1 MR. WESTBROOK: European-American?

2 PROSPECTIVE JUROR NO. 232: Well, since we're being honest,  
3 when somebody calls me African-American, I call -- I would -- if you called me an  
4 African-American, I would call you a European-American, because I'm just the  
5 opposite of you. You're just the opposite of me. If I'm an African -- if I was born in  
6 America and I'm an African-American, if you're born in America, you're a  
7 European-American, to me, as far as I'm concerned.

8 MR. WESTBROOK: Okay. I want to unpack a little bit of what you  
9 said, because there was a lot in there.

10 The first thing is you feel like if someone needs to come to this  
11 country to better their life, they should do it, right?

12 PROSPECTIVE JUROR NO. 232: If they want to.

13 MR. WESTBROOK: Does everyone agree with that? Okay. They  
14 need to come to this country to better their life, should they do it? I see a lot of  
15 nodding heads, and so when I see a lot of -- a lot of nodding heads, I try to figure  
16 out who wasn't nodding. And then I go and pick on them, because this is a  
17 picking-on-people process.

18 I might have been wrong, but one head that I think I didn't see  
19 nod was Mr. Erdmann, 214. So I'm going to pass the mic.

20 And then after this, you two are going to get a talk show.

21 PROSPECTIVE JUROR NO. 214: 214.

22 PROSPECTIVE JUROR NO. 232: Uh-huh. I -- I need one.

23 MR. WESTBROOK: Well, Donahue's off the air, so.

24 PROSPECTIVE JUROR NO. 232: I do.

25 PROSPECTIVE JUROR NO. 214: I -- I do agree with her, but I think

1 they should do it the right way. I spent a ton of money getting my wife and my  
2 stepdaughter over here. Went through all the time, did it all legally. So I do agree  
3 that they should come over, but I think they should do it the right way.

4 PROSPECTIVE JUROR NO. 232: Yeah.

5 MR. WESTBROOK: And, actually, I think Ms. Zurzolo agrees they  
6 should do it the right way, as well.

7 PROSPECTIVE JUROR NO. 232: Yeah, yeah. I -- I thought I said  
8 that.

9 MR. WESTBROOK: You did. You did.

10 PROSPECTIVE JUROR NO. 232: Oh, okay.

11 MR. WESTBROOK: However -- however.

12 PROSPECTIVE JUROR NO. 232: However.

13 MR. WESTBROOK: I -- I can't remember. Which -- which country did  
14 your wife and daughter come from?

15 PROSPECTIVE JUROR NO. 214: Philippines.

16 MR. WESTBROOK: The Philippines. Would you agree that some  
17 places are easier to get here to from others?

18 PROSPECTIVE JUROR NO. 214: Oh, yeah.

19 MR. WESTBROOK: Okay. I saw a hand over here, so I'm going to  
20 pass the mic. One moment, please.

21 193.

22 PROSPECTIVE JUROR NO. 193: Juror 193, Preuss-Ayres. My  
23 mother's an immigrant from the Philippines.

24 MR. WESTBROOK: Uh-huh.

25 PROSPECTIVE JUROR NO. 193: And she came here legally. My

1 husband came here on a J-1 student visa. His visa did expire and it had been  
2 expired after we got married. So at one point in time he was illegal.

3 MR. WESTBROOK: Uh-huh.

4 PROSPECTIVE JUROR NO. 193: We went through the system and  
5 we got him to be legal, so we paid all the different fines and fees and everything  
6 else that we had to go through to get him his -- his green card.

7 MR. WESTBROOK: So he entered legally?

8 PROSPECTIVE JUROR NO. 193: Yeah. He came legally on a -- a J-1  
9 visa is like a student -- it's a student visa where they're able to work and travel for a  
10 three-month period. After that three -- they are actually issued a U.S. Social  
11 Security Number.

12 MR. WESTBROOK: Okay.

13 PROSPECTIVE JUROR NO. 193: An active once-a-year visa is  
14 expired. So we had met during that period of time when his visa and everything  
15 was legal, but then it -- he became illegal after that point, once his visa and his --  
16 that stuff expired, so.

17 MR. WESTBROOK: Okay. Once he became illegal, did you start  
18 becoming concerned that he would go away?

19 PROSPECTIVE JUROR NO. 193: I was concerned that he would go  
20 away, like, we avoided Arizona. I wasn't going there, because I did not want my  
21 husband to be sent back to Brazil, so.

22 MR. WESTBROOK: So you saw no Diamondback games?

23 PROSPECTIVE JUROR NO. 193: No, no, no. Definitely not. We  
24 stayed in Nevada, you know.

25 MR. WESTBROOK: Sure. So were you laying low or were you just

1 careful about where you go?

2 PROSPECTIVE JUROR NO. 193: He actually remained working  
3 where he was.

4 MR. WESTBROOK: Okay.

5 PROSPECTIVE JUROR NO. 193: And, you know, we continued doing  
6 what we were. And we actually waited two years after we actually got married to  
7 file his paperwork, because through immigration laws and stuff, if you file right after  
8 you guys get married, they're going to make you re-file again after -- after two  
9 years. So right now he's sitting on his 10-year visa -- or his 10-year green card  
10 until, you know, he decides if he wants to become a citizen or not. Or he has to  
11 re -- reapply for another green card.

12 MR. WESTBROOK: Is that called lawful permanent resident, that  
13 green card?

14 PROSPECTIVE JUROR NO. 193: Yeah, he's a lawful permanent  
15 resident.

16 MR. WESTBROOK: Okay. So for two years, even though you had  
17 gotten married, you were --

18 PROSPECTIVE JUROR NO. 193: He was here.

19 MR. WESTBROOK: -- you were still concerned. You -- you felt like  
20 you couldn't file the paperwork because --

21 PROSPECTIVE JUROR NO. 193: No. We could file the paperwork. It  
22 was just more about budgeting and money.

23 MR. WESTBROOK: Okay. Budgeting and money. Okay.

24 PROSPECTIVE JUROR NO. 193: Yes. Because he didn't have any  
25 restrictions on his visa, because sometimes with the J-1 visas, they do have

1 restrictions where it requires them, even if they are married, that they have to return  
2 home to their home country for at least two years before they can come back.

3 MR. WESTBROOK: Oh, really?

4 PROSPECTIVE JUROR NO. 193: Yes.

5 MR. WESTBROOK: Because he didn't enter the country illegally,  
6 though, there sounds like there was options available to him that wouldn't  
7 necessarily be available to others?

8 PROSPECTIVE JUROR NO. 193: Yes. There is more options  
9 available to him, you know, so.

10 MR. WESTBROOK: Does anyone else have any thoughts about that,  
11 these immigration issues? Okay.

12 Another thing I'm going to unpack a little bit more that  
13 Ms. Zurzolo said, is coming here, for immigrants, is a better life. What about  
14 America would improve lives of somebody from, you know, Mexico or even Brazil or  
15 the Philippines? What about coming to the United States of America is an  
16 improvement? Anybody have any thoughts about that?

17 UNIDENTIFIED PROSPECTIVE JUROR: What if it's what? I'm sorry.

18 MR. WESTBROOK: What about coming to America is an  
19 improvement? I mean, you're in Mexico, why not stay in Mexico? And why is  
20 coming here an improvement? Why do people come to this country?

21 PROSPECTIVE JUROR NO. 186: Well, so, I'll take it.

22 MR. WESTBROOK: All right.

23 PROSPECTIVE JUROR NO. 186: 186, Bucalo. Well, because we  
24 have better opportunity here. You know, jobs are better and the standard of living  
25 is much better. You know, because where I'm from, we just had a civil war and

1 people shooting at you, and I think we're much more safer here, we have better  
2 jobs, better opportunity.

3 MR. WESTBROOK: And would you repeat again where you're from?

4 PROSPECTIVE JUROR NO. 186: Bosnia.

5 MR. WESTBROOK: Bosnia.

6 PROSPECTIVE JUROR NO. 186: Yeah.

7 MR. WESTBROOK: You came here as a child?

8 PROSPECTIVE JUROR NO. 186: 17 years of age.

9 MR. WESTBROOK: Okay. Oh, 17 years. That -- that much older. I  
10 thought for some reason that you were even younger.

11 PROSPECTIVE JUROR NO. 186: Thank you.

12 MR. WESTBROOK: When you came here from Bosnia, you went  
13 through a legal process, but it took time, right?

14 PROSPECTIVE JUROR NO. 186: Yeah. It took maybe a couple years  
15 since we applied.

16 MR. WESTBROOK: Was it expensive?

17 PROSPECTIVE JUROR NO. 186: No.

18 MR. WESTBROOK: Okay.

19 PROSPECTIVE JUROR NO. 186: We did have to repay the --  
20 because we came through International Organization for Immigrations, so we did  
21 have to pay for airfare and some accommodation back, once we started working.  
22 But...

23 MR. WESTBROOK: What if you -- were -- were you worried that things  
24 wouldn't work out and you'd have to go back to Bosnia?

25 PROSPECTIVE JUROR NO. 186: No, not really.

1 MR. WESTBROOK: Okay. How come?

2 PROSPECTIVE JUROR NO. 186: Because we were just through with  
3 the civil war in Bosnia and then there's another issue with the Serbians and  
4 Kosovo, which is next door. And since, you know, it's a big mess out there still, I'm  
5 thinking there'll be another war. So I'm just glad I'm here.

6 MR. WESTBROOK: Okay. And so people come here for opportunity,  
7 I'm hearing, because the jobs are better, because the streets are safer because of  
8 police officers, because of the government, and there are opportunities here that  
9 don't exist other places.

10 Do people come here for their children? Is that another reason?

11 PROSPECTIVE JUROR NO. 232: Yeah, I think so.

12 MR. WESTBROOK: You think so.

13 PROSPECTIVE JUROR NO. 232: So things better -- make things  
14 better for their children. Well, they would have a better life.

15 MR. WESTBROOK: I saw a nod way over here, and I feel like this  
16 section gets ignored sometimes.

17 PROSPECTIVE JUROR NO. 300: Oh, thank you.

18 Ms. Bruner.

19 PROSPECTIVE JUROR NO. 300: Yes, sir.

20 MR. WESTBROOK: Please state, is it 300?

21 PROSPECTIVE JUROR NO. 300: Yes, sir.

22 MR. WESTBROOK: Okay. You nodded your head when I said people  
23 come here for their children.

24 PROSPECTIVE JUROR NO. 300: Yes.

25 MR. WESTBROOK: What -- what kind of -- how would being in the



1 United States of America improve your life over, say, being in -- in some other  
2 country?

3 PROSPECTIVE JUROR NO. 300: A lot better opportunity for schools  
4 and advancement and -- in that way. And I know a lot of countries don't have that  
5 luxury. They have to choose a job or school at a very young age and we're lucky  
6 here for the majority that we don't.

7 MR. WESTBROOK: And even if you're here illegally, your children can  
8 still go to school here, right?

9 PROSPECTIVE JUROR NO. 300: Essentially, from what I understand.

10 MR. WESTBROOK: Okay. Do you think that's okay? Taxpayers  
11 footing the bill for kids to go to school here, even if their parents are illegal or  
12 they're illegal?

13 PROSPECTIVE JUROR NO. 300: 300. I understand it, especially from  
14 a parent's point of view. I think there could be things done on both ends. I think  
15 maybe immigration should be a little more -- a little easier. I don't know personal  
16 experience, but my -- my fiance, someone he works with, has been trying to get his  
17 wife immigration, and I know it's taken a lot of years and a lot of money. Not  
18 everyone could afford that or afford the time and luxury. It's -- there's -- there's two  
19 sides to everything.

20 MR. WESTBROOK: Okay. Does anyone else have any thoughts  
21 about that? Okay.

22 PROSPECTIVE JUROR NO. 232: It depends on --

23 MR. WESTBROOK: Here.

24 PROSPECTIVE JUROR NO. 232: -- she said two sides to everything.  
25 It depends on --

1 MR. WESTBROOK: Two sides to everything. I want to hear both  
2 sides, hang on.

3 PROSPECTIVE JUROR NO. 232: No. It's -- it's -- I -- well, you know  
4 me.

5 MR. WESTBROOK: Sorry about that. I stomped on Mr. Keck's foot, by  
6 the way.

7 PROSPECTIVE JUROR NO. 232: It depends on how many people are  
8 talking. If one person is talking, there are two sides. If three people are talking,  
9 there are four sides. It's your story, my story, and the truth.

10 MR. WESTBROOK: Okay. Does that math work out? I'm sorry, is it  
11 Mr. Mergener?

12 PROSPECTIVE JUROR NO. 319: Does the math work out?

13 MR. WESTBROOK: Yeah. Three -- three people talking, four sides --

14 PROSPECTIVE JUROR NO. 319: No. I didn't [indiscernible] it, so  
15 I'm --

16 MR. WESTBROOK: I'm not much of a math guy.

17 PROSPECTIVE JUROR NO. 319: I think she just meant there could be  
18 more than even two sides to every story.

19 MR. WESTBROOK: More than even two sides to everything?

20 PROSPECTIVE JUROR NO. 232: Oh, yea.

21 MR. WESTBROOK: Certainly makes sense.

22 PROSPECTIVE JUROR NO. 232: Your story, my story, and the truth.

23 MR. WESTBROOK: Okay. Do you think -- and I'm sorry, I'm looking at  
24 Mergener; is that correct? Am I pronouncing it?

25 PROSPECTIVE JUROR NO. 319: Mergener.

1 MR. WESTBROOK: Mergener. See, it's the hard -- this -- this battle is  
2 waging on the Internet right now over gifs and jifs, but I won't bore you with that.

3 Mr. Mergener, do you think if someone who comes to this country  
4 illegally might have fears and concerns that people who were born in this country  
5 just don't have or don't understand?

6 PROSPECTIVE JUROR NO. 319: Sure. I would think so.

7 MR. WESTBROOK: Like what? Can you expand on that?

8 PROSPECTIVE JUROR NO. 319: Well, they're probably fearing being  
9 deported, for one thing. You know, as a citizen, you don't fear that. So.

10 MR. WESTBROOK: True.

11 THE COURT RECORDER: Can you speak into the microphone,  
12 please?

13 PROSPECTIVE JUROR NO. 319: Oh, and they -- they -- well, I don't  
14 know. They probably fear a lot of things. They're -- if the IRS is going to come  
15 after them because they're not paying their taxes or -- or -- there's probably -- I  
16 don't know.

17 MR. WESTBROOK: Anyone else have any ideas?

18 PROSPECTIVE JUROR NO. 232: Yeah. It's the unknown. You -- you  
19 don't know what to expect.

20 MR. WESTBROOK: Fear of the unknown.

21 PROSPECTIVE JUROR NO. 232: You know, and where am I going  
22 from here? What am I going to do when I get there? You know, the unknown.

23 MR. WESTBROOK: Makes sense.

24 Mister -- is it Faupel?

25 PROSPECTIVE JUROR NO. 158: Faupel.

1 MR. WESTBROOK: That's 158.

2 PROSPECTIVE JUROR NO. 158: Yes, 158.

3 MR. WESTBROOK: Do you have any ideas?

4 PROSPECTIVE JUROR NO. 158: I agree with them, they do fear  
5 deportation, if -- if they're here an extended period of time.

6 MR. WESTBROOK: Okay. We were having a -- a talk earlier. I wasn't  
7 part of it; I say we as if I was standing up here, I wasn't. There was a talk earlier,  
8 and something really struck me.

9 Mr. Erdmann, you said it.

10 What I heard was -- oh, wait, correct me if you're not the one who  
11 said that -- that it's sad that we live in a society where people have to be worried  
12 about putting themselves into a bad situation with children. Was that right?

13 PROSPECTIVE JUROR NO. 214: Yes.

14 MR. WESTBROOK: I know a few people echoed that, but -- but I wrote  
15 you down.

16 PROSPECTIVE JUROR NO. 214: Yeah. I remember I said sad, but I  
17 remember saying you have to protect yourself to always look at what situations  
18 you're putting yourself in, because you really don't have a choice these days.

19 MR. WESTBROOK: Okay. If you're foolish and you don't protect  
20 yourself, would you judge somebody if they were foolish and they didn't protect  
21 themselves or maybe they didn't think it was necessary?

22 PROSPECTIVE JUROR NO. 214: No. I mean, they're -- they could be  
23 a victim of, you know, something that's not their fault. I mean...

24 MR. WESTBROOK: Sure. Mr. Keck, you're an uncle.

25 PROSPECTIVE JUROR NO. 237: Yes.

1 MR. WESTBROOK: Several uncles here on the panel.  
2 I'll have you grab that.  
3 And Mr. Keck, what's your number again?  
4 PROSPECTIVE JUROR NO. 237: 237.  
5 MR. WESTBROOK: 237. Do you ever give the kids candy?  
6 PROSPECTIVE JUROR NO. 237: They're -- they don't really eat it, so  
7 not really. I mean, take them to the movie, they want popcorn.  
8 MR. WESTBROOK: Popcorn.  
9 PROSPECTIVE JUROR NO. 237: Yes.  
10 MR. WESTBROOK: Give them popcorn, take them to the movies.  
11 PROSPECTIVE JUROR NO. 237: Sure.  
12 MR. WESTBROOK: Take them to the movies by yourself?  
13 PROSPECTIVE JUROR NO. 237: No, I usually go with my sister.  
14 MR. WESTBROOK: Okay.  
15 PROSPECTIVE JUROR NO. 237: Yeah.  
16 MR. WESTBROOK: They maybe --  
17 PROSPECTIVE JUROR NO. 237: I mean, I've been -- you know,  
18 we've gone out, me and the boys have gone out before.  
19 MR. WESTBROOK: Sure. Do you ever buy them presents?  
20 PROSPECTIVE JUROR NO. 237: Yeah. For Christmas or holidays.  
21 MR. WESTBROOK: Do they ever get a card from the uncle and it's  
22 got \$5 in it?  
23 PROSPECTIVE JUROR NO. 237: Sure.  
24 MR. WESTBROOK: Okay. You wouldn't want them opening the card  
25 without the \$5, because, you know, the frustration and disappointment?

1 PROSPECTIVE JUROR NO. 237: Oh, they'd be very upset, yes.

2 MR. WESTBROOK: So buying them stuff, keeping them happy, taking  
3 them places. Ms. Kollins asked about grooming, grooming behaviors. I mean,  
4 that's not grooming behaviors, right? That's just being an uncle; is that fair to say?

5 PROSPECTIVE JUROR NO. 237: I guess that's fair to say.

6 MR. WESTBROOK: Okay. I mean, you're buying them stuff, you're  
7 taking them places.

8 PROSPECTIVE JUROR NO. 237: Yeah, you know, I mean, they earn  
9 it. They -- they do their chores and stuff and when they do something good, I  
10 believe that they -- they deserve it, absolutely.

11 MR. WESTBROOK: And Mr. Erdmann, is this what you're talking about  
12 when we're saying it's sad that we live in a society where we have to be so careful?  
13 I mean, the idea that you buy a kid a toy and all the sudden you're being -- there's  
14 some suspicion about it?

15 PROSPECTIVE JUROR NO. 214: No. I'm talking more of the fact,  
16 like, say your kid has a new friend, if -- if she's going to invite that new friend over, I  
17 want to make sure there's more than just me at the house, until you get to know the  
18 parents better, you get to know the people better, because you never know.  
19 They're strangers. So you never know what's going on, you don't know the  
20 emotional ability of the kid or the parents or what they're trying to do. So I just do  
21 little things like that.

22 Once you're good friends with people, yeah, you -- you start  
23 opening up your doors more and everything else. But you don't open your doors to  
24 strangers without, you know, covering your own butt, so to speak.

25 MR. WESTBROOK: Because we used to live in a society where we

1 were worried about protecting the kids, you live in a society now where you're  
2 worried about protecting yourself?

3 PROSPECTIVE JUROR NO. 237: Yeah. I do the same thing;  
4 whenever I take my kid to somebody's house, if I just met them, I'm there with  
5 them. I don't drop her off at birthday parties, I go with her, because you don't trust  
6 the other people, either.

7 MR. WESTBROOK: Okay. Anyone else have a comment on that? Or  
8 want to talk about it?

9 I actually saw you nodding your head. I know, all right? You --  
10 you almost have to be one of those halos that people get when they hurt  
11 themselves skiing.

12 Let's go ahead and pass that down.

13 I'm sorry, is it Ms. Caldwell?

14 PROSPECTIVE JUROR NO. 333: Yes, 333.

15 MR. WESTBROOK: 333.

16 PROSPECTIVE JUROR NO. 333: Yes.

17 MR. WESTBROOK: Do you have any comments on that?

18 PROSPECTIVE JUROR NO. 333: No. Well, I understand when he's  
19 saying, just, like, as far as I work for the library district and I've been there  
20 almost 18 years, so I've seen a lot of kids grow from elementary to adulthood.

21 MR. WESTBROOK: Uh-huh.

22 PROSPECTIVE JUROR NO. 333: And they always tell us to be  
23 cautious of, like, embracing children. Somebody can interpret that wrong and we're  
24 just being kind. So it is -- I -- I understand exactly what he's saying. Like, you  
25 know, when I was growing up, you couldn't come to my house if my mother didn't

1 know you and knew your mother. So just like he said when his child -- he gets  
2 familiar with the child and their parent, it's sad that certain things that could just be  
3 human nature can be taken out of context because of certain things that folks do.

4 MR. WESTBROOK: I understand. Thanks for your answer.

5 And thanks everyone for your answer. I know you guys have  
6 been here a very long time and we all appreciate it.

7 I'm going to talk to you a little bit about the presumption of  
8 innocence. People don't talk like that. The presumption of innocence. That's not  
9 a -- that's not a way that people talk.

10 So we've got into it a little bit here. Presuming somebody is  
11 innocent is a foundation of the legal system. I think by now everybody knows that.  
12 And when the question was asked if you had to vote today whether Mr. Azucena is  
13 guilty or innocent or that you didn't have enough information, I didn't hear anybody  
14 say guilty; that's good. I did hear some people say, I don't have enough  
15 information. And most people said innocent or nodded along.

16 He is innocent. That's -- that's what the law says. And while we  
17 all have had a lot of conversations in here about --

18 MR. HAMNER: Can we -- can we approach?

19 THE COURT: Yeah. Hold on.

20 MR. HAMNER: Can we approach?

21 THE COURT: You may approach.

22 [Bench conference transcribed as follows.]

23 THE COURT: What do you want me to do about it?

24 MR. HAMNER: You can't -- you can't get out and flat out say that he is  
25 innocent.



1 THE COURT: I know. What do you want me to do about it?

2 MR. HAMNER: You can, I mean -- I think he should stay away from --  
3 he can ask can you follow the law, can you follow the presumption that he's  
4 innocent till proven guilty?

5 MR. WESTBROOK: I was going to say --

6 MR. HAMNER: Then he should move on.

7 MR. WESTBROOK: I was literally going to say under the law.

8 MR. HAMNER: Well, I know he said he's innocent twice without that  
9 second predicate part of the statement, so I think he needs to stick to whether they  
10 can follow the law and move on. Because this topic's been covered pretty  
11 thoroughly. I don't think there's any confusion right now about the presumption of  
12 innocence from this panel.

13 MR. WESTBROOK: Yeah.

14 THE COURT: I agree.

15 MR. WESTBROOK: I'll say under the law and -- and move on.

16 THE COURT: All right.

17 MR. WESTBROOK: That's where I was going.

18 THE COURT: All right. Thank you.

19 MR. WESTBROOK: Thanks. Yeah.

20 [End of bench conference.]

21 MR. WESTBROOK: Mr. Azucena is innocent under the law. And it's  
22 easy if we're reading a newspaper or we're reading a book or we're watching a  
23 movie or we're just chatting back and forth to go, Well, you know, I assume. But  
24 that can't happen in here.

25 Is there anybody in here who has some kind of an assumption

1 that's so strong that they can't get past it? Can you apply the presumption of  
2 innocence? If you can't, just raise your hand, give me a nod. Okay. Everybody  
3 can.

4 The next part of this --

5 THE COURT: So hold on, I just want to advise the jurors, because  
6 you've heard defense counsel say three times, defendant is innocent, defendant is  
7 innocent, defendant is innocent under the law. All right. To make sure that we  
8 understand what he's trying to convey to you is under the law, defendant is  
9 presumed innocent. He stands here as an innocent man, because -- because we  
10 haven't heard any evidence and because the State has the burden of proof beyond  
11 a reasonable doubt. They have to convince you, and if they don't convince you,  
12 you have to find a verdict of -- of not guilty. All right. And if you had to vote today,  
13 you'd have to find him innocent or not guilty.

14 What defense counsel is not saying, he's not giving you his  
15 opinion based upon his knowledge of the facts as to whether the defendant is  
16 innocent or not -- or not innocent, because that would be improper for him to do.  
17 What he can say is under the law and under the presumption, the procedural  
18 posture of this case, defendant stands here as an innocent man. Okay. All right.

19 MR. WESTBROOK: Absolutely. And said far better than I did.

20 THE COURT: Please continue.

21 MR. WESTBROOK: This is not a place for opinions, mine or anybody  
22 else's.

23 Once you have the presumption of innocence down, then we  
24 move on to something in the law called the burden of proof. And everyone has a  
25 burden. Everyone here has had a job or has a job now or is going to have a job in

1 the future. Some people are retired, congratulations. But everyone knows what it's  
2 like to work.

3 So Mr. Buker.

4 Well, let's go ahead and see if we can pass that up to the back --  
5 very back. There we go. What --

6 PROSPECTIVE JUROR NO. 154: Number 154.

7 MR. WESTBROOK: Thank you.

8 What's -- what's your burden at your job? What do you have to  
9 do?

10 PROSPECTIVE JUROR NO. 154: I have to try to remain as impartial  
11 as possible.

12 MR. WESTBROOK: Okay.

13 PROSPECTIVE JUROR NO. 154: When dealing with the employees. I  
14 can't show any favoritism. I just have to try to weigh everything and come to as  
15 impartial a decision as I possibly can.

16 MR. WESTBROOK: All right. If you could just pass it one over to the  
17 left.

18 PROSPECTIVE JUROR NO. 305: 350.

19 MR. WESTBROOK: 305.

20 PROSPECTIVE JUROR NO. 305: 305. Excuse me.

21 MR. WESTBROOK: Elliston. Thank you.

22 What's your burden at your job? What do you have to do? And it  
23 could be something like dealing with people or it could be, you know, I've -- I've got  
24 to, you know, lift the boxes and take them to the shipping warehouse.

25 PROSPECTIVE JUROR NO. 305: I have to keep --

1 MR. WESTBROOK: What's your burden?

2 PROSPECTIVE JUROR NO. 305: You have to keep the baking  
3 equipment running.

4 MR. WESTBROOK: Keep the equipment running. Well, what happens  
5 if you don't do your job?

6 PROSPECTIVE JUROR NO. 305: The boss talks to you about that.

7 MR. WESTBROOK: What happens to the equipment?

8 PROSPECTIVE JUROR NO. 305: It gets fixed by somebody else.

9 MR. WESTBROOK: Okay. So that's the burden.

10 The government has the burden of proof in this case. They have  
11 to prove that Mr. Azucena is guilty. That's their burden.

12 They either meet their burden or fail to meet their burden, and  
13 that'll be up to you, but that's their burden.

14 Why do you think that we do it that way, instead of having a  
15 defendant prove that they're not guilty? Do you have any thoughts about that?  
16 Why isn't the defendant up there charged with the -- the burden of proving that he's  
17 innocent, instead of the way that we do it?

18 PROSPECTIVE JUROR NO. 235: That would create false  
19 accusations.

20 MR. WESTBROOK: Okay. Let me get that down. All right, sir.

21 Oh, thank you. Do you pronounce it Jaeger or Jaeger?

22 PROSPECTIVE JUROR NO. 235: Jaeger, 235.

23 MR. WESTBROOK: Thank you, Mr. Jaeger. You said something  
24 about false accusations.

25 PROSPECTIVE JUROR NO. 235: Correct.

1 MR. WESTBROOK: What did you mean by that?

2 PROSPECTIVE JUROR NO. 235: It would open the government to  
3 anyone jumping in and making accusations, therefore now proving that they would  
4 have to prove their innocence, instead of innocent proving guilty.

5 MR. WESTBROOK: Okay. That makes sense.

6 If I had said that I saw you yesterday and I saw you jaywalking,  
7 right across the street, so I'm sorry, but you're going to have to pay the \$198 fine for  
8 jaywalking. I can't believe it's that much, but I looked it up.

9 How do you -- how do you prove you're innocent?

10 PROSPECTIVE JUROR NO. 235: Well, technically, I don't have to.

11 MR. WESTBROOK: That's a good point.

12 PROSPECTIVE JUROR NO. 235: Because I'm -- because I'm  
13 innocent until proven guilty.

14 MR. WESTBROOK: You do not have to prove that you're innocent. I  
15 would have to prove you're guilty.

16 Okay. What kind of proof would you expect from me, you  
17 jaywalker?

18 PROSPECTIVE JUROR NO. 235: Video surveillance, any -- whatever.  
19 Yeah, it's up to you. You have to prove it.

20 MR. WESTBROOK: Okay. Would you expect me to say where you  
21 jaywalked?

22 PROSPECTIVE JUROR NO. 235: That would be involved, I'm sure,  
23 yes.

24 MR. WESTBROOK: Helpful? When you jaywalked?

25 PROSPECTIVE JUROR NO. 235: Uh-huh.

1 MR. WESTBROOK: Okay. If I said that you jaywalked at 3:00 in the  
2 afternoon, then that wouldn't be great evidence, would it?

3 PROSPECTIVE JUROR NO. 235: On your side, correct.

4 MR. WESTBROOK: Okay. If I didn't say when you jaywalked, that  
5 makes it more difficult, right?

6 PROSPECTIVE JUROR NO. 235: For you to prove, correct.

7 MR. WESTBROOK: Okay. You realize, though, that as a defendant,  
8 you don't have to prove anything, right? I mean, you don't have to prove that you  
9 didn't jaywalk? You didn't have to prove that you were somebody -- somewhere  
10 else at the time? You didn't have to prove that you're a great guy who would never  
11 jaywalk? None of that is your burden?

12 PROSPECTIVE JUROR NO. 235: Correct.

13 MR. WESTBROOK: The burden is on the prosecutor, right?

14 PROSPECTIVE JUROR NO. 235: Correct.

15 MR. WESTBROOK: Okay. Does everyone understand that? Does  
16 anybody have a problem with that or think that there's a better way? And if you  
17 think that there's a better way and then you -- or that there's some kind of a  
18 problem that you have with it, raise your hand, let's talk about it. Because there's  
19 no wrong answer that you can give. The only wrong answer you can give is not --  
20 not giving an answer when you feel something strongly.

21 Anyone else? Okay. That's the burden of proof. Sounds like  
22 you can all uphold the burden of proof.

23 This is something different. You can tell I segued, because I took  
24 a deep breath.

25 You go to the butcher and you say, I'd like some black forest

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1 ham, please. What does the butcher ask you?

2 UNIDENTIFIED PROSPECTIVE JUROR: How much?

3 MR. WESTBROOK: There we go. I heard it from three people the  
4 same time, and then a fourth. I'm going to go with you.

5 Ms. Sutherland.

6 PROSPECTIVE JUROR NO. 230: Sutherland, 230.

7 MR. WESTBROOK: You say how much; why do you say how much?

8 PROSPECTIVE JUROR NO. 230: Well, because he could give you a  
9 slice or he could give you two pounds.

10 MR. WESTBROOK: Right. You need to have enough.

11 PROSPECTIVE JUROR NO. 230: Uh-huh.

12 MR. WESTBROOK: Okay. If you don't specify, then the butcher can't  
13 do his job and you're not going to get the ham that you want, pretty simple, right?

14 PROSPECTIVE JUROR NO. 230: Right.

15 MR. WESTBROOK: Who is the butcher in a trial? Who is giving you  
16 the ham?

17 PROSPECTIVE JUROR NO. 230: Well, that should be the plaintiff  
18 giving us the evidence.

19 MR. WESTBROOK: That's right. Yeah. The ham is the evidence.  
20 This is really a sophisticated analogy. All right.

21 PROSPECTIVE JUROR NO. 230: You're confusing me, I'm all hungry  
22 now.

23 MR. WESTBROOK: I know. I know. I'm talking about food now  
24 at 4:30, this is a great idea. I need to go back to lawyer school. Right. Okay.

25 We need to know how much. So you already know about --

1 about presumption of innocence. You already know about standard of proof. Now,  
2 we just have to -- have to know how much evidence there has to be.

3 MS. KOLLINS: Your Honor, may --

4 THE COURT: So we -- I think we have an interruption. Do you --

5 MS. KOLLINS: Please, may we approach?

6 THE COURT: Yes.

7 MR. WESTBROOK: Absolutely.

8 [Bench conference transcribed as follows.]

9 THE COURT: Okay. What's this one about?

10 MR. WESTBROOK: What should I say [indiscernible].

11 THE COURT: Well, we should probably know what she's objecting for  
12 first.

13 MR. WESTBROOK: Oh, that's good. Yeah.

14 THE COURT: Okay.

15 MS. KOLLINS: Thanks for letting him speak. You can't quantify  
16 reasonable doubt. You can't quantify the amount of evidence. You can't ask how  
17 much evidence.

18 THE COURT: Is that where he was going?

19 MS. KOLLINS: Yes.

20 MR. WESTBROOK: Well, that's --

21 MS. KOLLINS: That's what he said, how much evidence do we need?

22 THE COURT: Oh.

23 MS. KOLLINS: And he also -- and I didn't object because I -- he also  
24 started talking about what is your burden to each one of those individuals, and  
25 segued to our burden to beyond a reasonable doubt. So if it -- that was close to



1 quantification, and I would --

2 THE COURT: It's close, but --

3 MS. KOLLINS: But the last comment, how much evidence do you  
4 need?

5 THE COURT: Where were you going with that?

6 MS. KOLLINS: That's absolute quantification.

7 MR. WESTBROOK: Well, the only thing is --

8 THE COURT: Not too loud.

9 MR. WESTBROOK: -- the amount of proof is something that I want to  
10 call proof beyond a reasonable doubt. Proof beyond a reasonable doubt, is that a  
11 standard even you're going to hold anyone to? You know, I -- if you don't want me  
12 to ask what the standard of reasonable doubt is, I won't. That's fine with me. But  
13 that's all I was going to say, is, you know, that's a standard.

14 MS. KOLLINS: The -- the case law is --

15 THE COURT: I don't want you to discussing the standard or trying to  
16 quantify the standard or asking that -- or suggesting to them what the standard  
17 would be. But you can ask them, certainly, what do they think the standard is, let  
18 them --

19 MS. KOLLINS: Oh, and the -- and the case --

20 THE COURT: -- remind them that they're going to be instructed by the  
21 judge.

22 MR. WESTBROOK: Sure, sure. What I was going to say --

23 THE COURT: No, I know. The case law is quite clear that --

24 MR. WESTBROOK: Uh-huh.

25 THE COURT: -- the attorneys in voir dire are not allowed to -- to try to

1 explain the standard to them.

2 MR. WESTBROOK: I will not quantify it. I will explain it. I'm just going  
3 to say --

4 THE COURT: Because that would be reversible error if I allow that.

5 MR. WESTBROOK: Yeah. And I'll just say proof beyond a reasonable  
6 doubt. If the judge instructs you on proof beyond a reasonable doubt, could you  
7 follow the instructions? That'll be it.

8 THE COURT: All right.

9 MR. WESTBROOK: That cool?

10 THE COURT: You probably should stay away from this ham analogy. I  
11 didn't -- I didn't connect that that's where you were going.

12 MR. WESTBROOK: I'll think about that in the future. Thanks, Judge.

13 THE COURT: Okay. Thanks. All right.

14 MS. KOLLINS: Okay. So no more -- well, okay.

15 THE COURT: Yep. We got it. We got it. Thank you, guys.

16 [End of bench conference.]

17 MR. WESTBROOK: So we talked about the presumption of innocence,  
18 what you presume, you presume innocent.

19 We talked about the burden of proof. Who has the burden of  
20 proving things? That's the State. It's never the defendant.

21 We talked about the standard of proof. And what the judge is  
22 going to tell you in an instruction -- and he will instruct you on what this is and what  
23 this means -- is that it's proof beyond a reasonable doubt.

24 Now, if you're instructed, as you will be, that the burden that the  
25 State must -- must meet -- must meet is proof beyond a reasonable doubt, that is

1 the standard of proof.

2 Can you hold them to that? Does anyone have a problem with  
3 that? Is anyone confused about what that is? Okay.

4 I just have one last question, one last topic. It might not be one  
5 last question. It depends on how we respond to it. You might not hear  
6 Mr. Azucena during this trial. He might not testify. We all have a choice whether to  
7 testify or not to testify. Is everyone aware of that? Okay. That we get to choose  
8 whether or not to testify?

9 If someone is in a trial and you were accused of a crime, can you  
10 think of a reason why they wouldn't want to testify? Any reason? Socratic method.  
11 There we go. Thank you for bailing me out.

12 Ms. Caldwell, if we could just pass the microphone over. Thanks.

13 Why wouldn't someone want to testify?

14 PROSPECTIVE JUROR NO. 333: Maybe -- two reasons. Maybe one  
15 person may not want to testify, because their nerves, and people may think that  
16 they're lying.

17 MR. WESTBROOK: Okay.

18 PROSPECTIVE JUROR NO. 333: Or they're lying.

19 MR. WESTBROOK: Sure. They're afraid someone might think that  
20 they're lying, maybe they are lying. Okay. Two reasons that someone might not  
21 want to testify.

22 People get stressed speaking in public? Okay. Speaking in  
23 public is America's number one fear. Number two, by the way, is death.

24 Jerry Seinfeld once said that if you have to be at a funeral, you'd  
25 rather be in the casket than delivering the eulogy. He said it in that voice, which I

1 won't do.

2 So they might be afraid. They might be afraid to talk. They might  
3 be afraid people will think they're lying. It -- they might have done it and they might  
4 not want to get up there and lie.

5 Any other reason that anyone might not want to get up there  
6 and -- and testify?

7 Hang on one second, please.

8 And I'm sorry, is it Ms. Gonzalez?

9 I'm proud because that was without looking at my notes.

10 And that's 239.

11 PROSPECTIVE JUROR NO. 239: 239, Rhonda Gonzalez. People  
12 twist, which -- the words that -- the verbiage that you say, and they'll twist it and it'll  
13 come across a whole different way than what you mean.

14 MR. WESTBROOK: Okay. So worried about maybe their words being  
15 twisted by whoever is asking the questions.

16 PROSPECTIVE JUROR NO. 239: Exactly.

17 MR. WESTBROOK: Any other ideas?

18 PROSPECTIVE JUROR NO. 214: 214. I see the translating team over  
19 there, so maybe he's afraid that it'll get mistranslated.

20 MR. WESTBROOK: That makes sense. So if there's a -- a translator  
21 out there, maybe your words -- the words that you actually say aren't coming  
22 across the way that you want them to come across. Maybe they're being  
23 mistranslated. That makes sense, too.

24 So there are a lot of reasons why you might not want to testify in  
25 a trial.

1                   The question, and this is the important one is, if you don't hear  
2 from Mr. Azucena in this trial, is it going to bug you? Is it going to bother you? And  
3 it's all right if it does. You just have to tell us. Are you going to be in a situation  
4 where you're, like, well, you know, if he didn't do this, he needs to speak up for  
5 himself?

6                   So no one feels that way? You're comfortable not holding his  
7 decision, whichever one he makes, against him? Okay. Good.

8                   Court's indulgence.

9                   Your Honor, we pass for cause. Thank you for the time.

10                  And thank you all for the time.

11                  THE COURT: All right. Thank you.

12                  Very well. You see that the defendant does have a translator.  
13 Some of you might draw assumptions as to whether that means he can or can't  
14 speak any English. I just want to make sure, is there -- is there anybody here that  
15 will hold it against the defendant that -- that he is participating in this proceeding by  
16 way of a translator? Is there -- and if so, raise your hand. If anyone has any  
17 negative feelings about that. No hands? Okay. I just wanted to make sure. All  
18 right. All right.

19                  Marshal, I guess we're going to -- since both sides have passed  
20 for cause, we're now going to proceed with the next phase, which is called the  
21 exercise of peremptory challenges. All right.

22                  My court clerk has a form that she is going to pass back and  
23 forth. It starts with the State and then goes to the defense, and it goes back and  
24 forth, back and forth, until all challenges have been exercised.

25                  What we have here is we have 32 people in the box. And the --

1 the attorneys get to deselect a number of you until we get down to, I guess, 14.  
2 That -- that's a total that comprises our regular jurors and two alternates. You won't  
3 know if you're an alternate or not.

4 But anyway, this next process allows us to get down to 14  
5 people. And they deselect the jurors in private.

6 I'm going to have you stay here so they can observe you and try  
7 to recollect by your faces some of the things that you might have said and who you  
8 are. But we're just going to sit here quietly while they proceed through this process.  
9 And it's probably going to take -- it takes a -- you know, this is going to take us all  
10 the way until 5:00, now. All right?

11 So all I ask you to do is please sit here quietly. I'll allow you to --  
12 to stretch. You can stand up if you want to. You can move around a little bit. Just  
13 generally stay right at your seat, and try not to talk. Okay.

14 All right. Thank you.

15 And what they're going to do is when they're done with this  
16 process of passing it back and forth, they sign it, they give it to me, I look it over,  
17 then we enter the names, and then we announce the final with the jurors. All right.  
18 Thank you.

19 And as soon as we know this process is completed, I can excuse  
20 the -- the three extras that we have in the back, as well. But not -- not until we've  
21 completed this process. All right.

22 [Pause in proceedings.]

23 THE COURT: I'll allow you guys, if you need to -- if you want to  
24 whisper, chat with each other, that's fine, too. As long as you do it very, very  
25 quietly and don't talk about the case or the issues of the case or the facts of the

1 case or the lawyers of the case. All right. Thanks.

2 And -- and the court recorder is excused of any duties to record  
3 any whispers of the jurors.

4 MR. WESTBROOK: Your Honor, may we approach with a question?

5 THE COURT: Yes, you may. Of course.

6 Counsel, you may approach.

7 [Bench conference transcribed as follows.]

8 MR. WESTBROOK: Just a -- just a question about the court's process.  
9 So if I, for example, remove Juror No. 1.

10 THE COURT: Yeah.

11 MR. WESTBROOK: Okay. Does that mean that every member from 2  
12 through 13 will move into the top 12?

13 MS. KOLLINS: Yeah.

14 MR. WESTBROOK: Or 13 and 14, for example?

15 THE COURT: Yeah. Everyone stays in the same order.

16 MR. WESTBROOK: Okay.

17 THE COURT: I mean, we select the jurors based upon the order.  
18 Seat No. 1 will be the lowest member of the juror that -- that remains.

19 MR. WESTBROOK: Okay.

20 THE COURT: So if you have 1, 2, 3 are -- are removed, the person in  
21 Seat No. 4 becomes Juror No. 1.

22 MR. WESTBROOK: Okay. Great. So at that point, 13 and 14 -- once  
23 the -- all eight are done, that's when we can identify 13 and 14, and then we can  
24 always try to keep our 13 and 14, right?

25 THE COURT: Well, once you both have exercised your -- once you

1 each get --

2 MS. KOLLINS: Eight.

3 THE COURT: -- eight. And then one for each alternate, right?

4 MR. WESTBROOK: Right.

5 THE COURT: So once you get to exercise your -- your eight, you're  
6 going to know who is left.

7 MR. WESTBROOK: Correct.

8 THE COURT: Right? And those are the [indiscernible] that are  
9 potential alternates.

10 MR. WESTBROOK: But I mean, of -- of the choices that are left, they'll  
11 be in those last two seats --

12 THE COURT: Last two seats in that order.

13 MR. WESTBROOK: -- and we can always strike from the last two  
14 seats?

15 THE COURT: You -- you -- well, you -- you strike from whomever --

16 MR. WESTBROOK: Or whoever we've got, yeah.

17 THE COURT: -- whoever is in an alternate seat or could end up in an  
18 alternate seat.

19 MR. WESTBROOK: There we go. That's what I want to know.

20 THE COURT: So if you've got, like, four left and you want to make sure  
21 that one doesn't become an alternate, you can strike that one, even though they're  
22 not in an alternate seat yet.

23 MR. WESTBROOK: That's what I wanted to know.

24 THE COURT: That's what the law does. Okay.

25 MR. WESTBROOK: Well, I -- I just didn't know if we had to wait until



1 they got there first.

2 THE COURT: Nope.

3 MR. WESTBROOK: Perfect.

4 THE COURT: Nope, nope, nope.

5 MR. WESTBROOK: Thank you.

6 THE COURT: And the same with --

7 MR. HAMNER: So --

8 THE COURT: -- the regular jurors. You can exercise your challenge --

9 MR. HAMNER: The --

10 THE COURT: -- as to those sitting in the regular seats or those who

11 might end up in a regular seat.

12 MR. HAMNER: My -- my understanding would be this.

13 THE COURT: Yep.

14 MR. HAMNER: You use your alternate strike for the last four people

15 seated after all eight strikes on both sides are used.

16 THE COURT: That's the better way of saying it. That is correct.

17 MR. WESTBROOK: That's perfect.

18 MR. HAMNER: So you don't -- you wouldn't use -- you wouldn't use

19 an -- you would not use one of your first eight strikes for someone in Seat 32. You

20 wouldn't do that.

21 MR. WESTBROOK: No.

22 THE COURT: You're prohibited from doing that under the law.

23 MR. HAMNER: You wouldn't be able to do that.

24 MR. WESTBROOK: Okay.

25 MR. HAMNER: You use your eight, and then we see who our last --

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1 because presumably a party could waive a strike.

2 MR. WESTBROOK: Sure.

3 MR. HAMNER: And that would change it to, you know --

4 THE COURT: And that would give you five at the end.

5 MR. HAMNER: Yeah. Right. Right.

6 THE COURT: And then -- and then --

7 MR. HAMNER: Then it -- I mean --

8 MR. WESTBROOK: Why is it the five, when only four could possibly  
9 [indiscernible].

10 MS. KOLLINS: And then that kicks -- that kicks --

11 THE COURT: That would be a waste.

12 MR. WESTBROOK: Right.

13 MR. HAMNER: 30, 32 wouldn't --

14 THE COURT: That would be like wasting it.

15 MR. HAMNER: -- Seat 32 is --

16 THE COURT: I think you guys got it.

17 MR. WESTBROOK: Yeah.

18 THE COURT: Thank you for explaining.

19 MR. HAMNER: Sure.

20 MR. WESTBROOK: Thanks, Your Honor. Appreciate that.

21 [End of bench conference.]

22 THE COURT: All right. They're going to continue on. And you --  
23 seriously, you can stand and stretch. It doesn't -- it doesn't matter.

24 [Pause in proceedings.]

25 MS. KOLLINS: May I approach your clerk, Your Honor, very briefly?

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[Pause in proceedings.]

MR. WESTBROOK: Could we approach for a second? We need to approach one more time. I'm sorry.

THE COURT: Sure. Yeah, how are we doing?

[Bench conference transcribed as follows.]

MR. WESTBROOK: We're very close.

THE COURT: Okay. So what are we down to?

MR. WESTBROOK: My understanding is that my first eight, I can strike anybody I want. [Indiscernible.]

THE COURT: No, no, I said that. No. The first eight could only be as to those jurors that either are in -- seated in a regular juror's seat or could end up in a regular juror's seat.

MR. WESTBROOK: Okay. There we go.

THE COURT: So that would be the -- the only -- as to 1 through -- exercise your eight as to 1 through 14.

MR. WESTBROOK: I totally I totally understand. That's all I needed to know.

THE COURT: That's it. Okay.

MR. WESTBROOK: Thank you.

THE COURT: Okay.

MR. WESTBROOK: Wait, wait, wait. You said -- I'm sorry.

THE COURT: The first eight can be exercised as to 1 through 14. Because those people could end up --

MR. WESTBROOK: So I can do that?

THE COURT: Well, actually --

1 MR. HAMNER: 1 -- no, 1 through 12.

2 THE COURT: -- wait. No, I'm sorry. Actually -- actually, no, wait. The  
3 people that would end up Seats 1 through 12, it would -- you could -- the people  
4 that could end up 1 through 12 [indiscernible] from 1 through 12, plus 16, would  
5 be 28. You can exercise your first strikes as to the people sitting in Seats 1  
6 through 28.

7 MR. WESTBROOK: Okay.

8 THE COURT: Because those people could end up in Seats 1  
9 through 12.

10 MR. WESTBROOK: Okay.

11 THE COURT: All right?

12 MR. HAMNER: I mean, that makes sense.

13 MR. WESTBROOK: You're right.

14 THE COURT: All right. Thank you.

15 [End of bench conference.]

16 [Pause in proceedings.]

17 THE COURT: Almost done.

18 MS. KIERNY: Should I approach you or your clerk?

19 THE COURT: Have -- have both people signed it?

20 MS. KIERNY: Yes.

21 MR. WESTBROOK: We have.

22 THE COURT: Go ahead and give it to the marshal.

23 MS. KIERNY: Oh, sorry.

24 MR. HAMNER: Okay.

25 MS. KIERNY: Is that correct?

1 MR. HAMNER: Yeah. That works. That's totally works.

2 MS. KIERNY: You'll take that?

3 MR. HAMNER: Yeah. Absolutely.

4 MS. KIERNY: Okay.

5 THE COURT: You can either indicate whether -- what I need to know,  
6 obviously, you could do it at sidebar, if you want, if anybody has any objection to  
7 the court accepting these peremptory challenges, if you want to come and  
8 approach and discuss it, we can.

9 MR. WESTBROOK: No objection, Your Honor.

10 MR. HAMNER: No objection, Your Honor.

11 THE COURT: All right. Very good. Then the court will go ahead -- I'm  
12 going to record these and then give this to my clerk to officially record the  
13 challenges, and then confirm my records with the court clerk. And then we'll  
14 announce the final jurors. All right.

15 To you all.

16 MR. HAMNER: And Your Honor -- okay.

17 [Pause in proceedings.]

18 THE COURT: All right. Madam Clerk.

19 [Pause in proceedings.]

20 MR. HAMNER: Your Honor, can we approach in a brief housekeeping  
21 matter up at the bench?

22 THE COURT: Yes, you may.

23 [Bench conference transcribed as follows.]

24 MR. HAMNER: We were -- we were just discussing this a little bit  
25 earlier and we wanted to just bring it to your attention before we left the jury go. I

1 know that one of the things that we need to have is a 51.385 hearing. And our  
2 thought -- our preference would be is to hold it before we call any witnesses. And  
3 so if we're having them, we can schedule to have a witness serve as a 51.385, so  
4 maybe we could ask the jury to come maybe a couple hours later than a 1:00, if  
5 we're starting at 1:00.

6 THE COURT: Well, do you think the hearing will take that long?

7 MR. HAMNER: I don't know. How long -- I'll defer to Ms. Kollins on it.  
8 An hour?

9 MS. KOLLINS: Well, maybe an hour, an hour and a half.

10 THE COURT: Do you guys want to -- I -- I can start at 10:30 tomorrow.

11 MR. WESTBROOK: Okay. I mean, well, that would be great.

12 MR. HAMNER: Yeah.

13 THE COURT: Did you guys want to start at 10:30?

14 MS. KOLLINS: Yeah. We'll try to get everyone here.

15 MR. HAMNER: Yeah.

16 MS. KOLLINS: Because we had the 1:00 time.

17 MR. HAMNER: We had -- we'd told them 1:00 on -- we had our  
18 investigator already tell them 1:00 and just --

19 THE COURT: Because I checked my calendar, I just -- I promised the  
20 jurors 1:00, I didn't want to get the -- but I -- us can start at 10:30.

21 MR. HAMNER: Sure.

22 MR. WESTBROOK: That's fine.

23 THE COURT: If it's okay with you. All right.

24 MR. WESTBROOK: If Ms. Kollins' people can get here.

25 THE COURT: If you can get here, let's try it. Okay. We'll just tell the --

1 tell the jurors 1:00, then, or 1:30?

2 MS. KOLLINS: If we can tell them 1:30, can we do 11:00?

3 THE COURT: Yeah. Sure. 11:00 --

4 MR. HAMNER: I know we have -- I know --

5 THE COURT: -- and I still need to give the full hour lunch for my staff.

6 MR. HAMNER: I know. And I know -- Ms. Espinoza has a forensic  
7 interview that she -- that -- with a child that she can't cancel, and I think she said  
8 that's at 11:30. But she can be one of our -- either one of our last witnesses or  
9 maybe we can bring her in and make her one of our first witnesses.

10 MS. KOLLINS: We'll start at 10:30 and we'll just see what happens.

11 MR. HAMNER: Okay.

12 THE COURT: So what time? 10:30 or 11:00?

13 MR. HAMNER: 10:30. That should be fine.

14 THE COURT: 10:30 then. Let's do 10:30.

15 MR. HAMNER: Great.

16 THE COURT: We'll work around the scheduling, do 10:30 to 12:30,  
17 back to 12:30 to 1:30, we can have the jurors be here at 1:30.

18 MR. HAMNER: Wonderful. Thank you very much.

19 THE COURT: 1:30. Right?

20 MS. KOLLINS: I don't have [indiscernible in the morning].

21 THE COURT: All right. Thank you.

22 Are we ready? Why don't you come forward.

23 [End of bench conference.]

24 THE COURT: Thank you, guys. All right.

25 [Pause in proceedings.]

1 THE COURT: All right. My records concur with the court clerk's.

2 The court clerk will now announce the individuals that will  
3 comprise our jury and the two alternates. Again, you won't know if you're one of the  
4 alternate -- alternates, she's just going to name a total of 14 names. If your name is  
5 not called, then please don't be too disappointed. It just means that you have been  
6 excused and just means for whatever reason the parties thought that this wasn't the  
7 appropriate jury for you, and hopefully you'll find -- you'll get on a jury in the future  
8 where you can -- you can serve in this manner. All right.

9 But thank you very much for all your diligence, attention, and  
10 your patience through this -- through this ordeal.

11 If your name is called, again, quietly gather your belongings and  
12 you can leave.

13 And, marshal, they -- do they need to go back down to jury  
14 services or are they free to go?

15 THE MARSHAL: Free to go, Your Honor.

16 THE COURT: All right. Free to go. If your name is called, please  
17 remain seated, we'll have a little bit -- a few more minutes of business to deal with  
18 with you.

19 All right. Madam Clerk, please announce the names.

20 And -- and then if your name is not called then -- then after all the  
21 names are called, if your name is not called, then you may gather your belongings  
22 and leave.

23 Yes, sir.

24 UNIDENTIFIED PROSPECTIVE JUROR: If we're not called and we're  
25 not on the jury, are we allowed to tell people what the case was about or --



1 THE COURT: Yes. If -- once you're excused, you can talk to your  
2 friends and family about the case and just make sure you're outside of the  
3 courtroom before you -- you do any of that. Okay. All right. Thank you.

4 All right. Madam Clerk.

5 THE CLERK: Okay. Juror No. 1 is Charles Elliston; Juror No. 2,  
6 Robert Mergener; Juror No. 3, Minfred Thomas; Juror No. 4, Linda Klosowski;  
7 Juror No. 5 is Cedo Bucalo; Juror No. 6, Joyce Hudson; Juror No. 7, Eric LaCroix;  
8 Juror No. 8, Angela Donato; Juror No. 9, Staporn Buasuwan; Juror No. 10, Elzetta  
9 Zurzolo; Juror No. 11, Rhonda Gonzalez; Juror No. 12, Charlene Trosclair;  
10 Juror No. 13, Kathleen Schneider; Juror No. 14, Loreto Agbuya.

11 THE COURT: Is there anyone who -- who is not sure if their name was  
12 called? Okay. You understood all your names? All right. Very good.

13 Then the rest of you, thank you very much, with the appreciation  
14 of the court, and you're -- you're now excused.

15 If you heard your name, please remain seated. Don't leave. All  
16 right. Thank you very much. You're excused. Thank you.

17 [Balance of prospective jury panel dismissed at 5:22 p.m.]

18 THE COURT: And Madam Clerk, please do a count of who is  
19 remaining.

20 All right. Thank you very much. Thank you.

21 And the people in the back row are, obviously, excused, as well.  
22 All right.

23 Let's please be seated. All right.

24 Ladies and gentlemen, you now comprise the -- the jury for our  
25 matter. And at this point in time I'm going to let you go momentarily, but I still -- I

1 need to swear you in.

2 So madam clerk, will you please now administer the oath to our  
3 jurors.

4 [Jury sworn.]

5 THE COURT: All right. They've all answered in the affirmative.

6 Please be -- please be seated.

7 So when you come back tomorrow, you'll be sitting in the box.  
8 The marshal will tell you where to sit -- where to sit. You -- you will be filling up on  
9 all of the back row and then the first six seats of the front row, all right, is probably  
10 how we're going to do it. I guess? All right. We'll talk about it. All right.

11 You'll have notepads that will be provided and a pen. We'll start  
12 with -- I have some preliminary instructions that I'm going to read to you in the  
13 morning. And then we'll start with opening statements.

14 Well, not the morning, actually -- we have some business to take  
15 care of. I have a calendar and then I have some business to take care of with the  
16 attorneys before we're going to need you. So I need you guys here at 1:30  
17 tomorrow. Okay. All right. So we'll go from 1:30 to 5:00, tomorrow. We -- we think  
18 that we're going to get through opening statement -- the preliminary instructions,  
19 opening statements, and, hopefully, get our first witness started. That's my goal  
20 tomorrow. All right.

21 All right. Anything else that we need to tell the jurors before we  
22 can excuse them?

23 MS. KOLLINS: No, sir.

24 THE COURT: All right. Ladies and gentlemen, I'm going to read the  
25 standard admonishment. If I ever forget to read this, this admonishment applies

1 any -- each and every time that -- that you have a break. And I'm going to read it  
2 again right now and then you're going to be excused and we'll see you back here  
3 at 1:30.

4                   During this overnight recess you're admonished do not  
5 communicate among yourselves or with anybody else about this trial or the subject  
6 matter of this trial; do not communicate at all with any of the parties, attorneys,  
7 witnesses, involved in the trial; do not seek or obtain any information or comments  
8 about this case from any source, including, without limitation, newspapers,  
9 television, radio, Internet, e-mails, cell phones, or any other electronic device; do  
10 not read, watch, or listen to any report of or commentary about the case; do not  
11 form or express any opinion on any subject connected with this trial until the case is  
12 finally submitted to you for deliberations; and finally, do not perform any research or  
13 do any investigations.

14                   You are directed to return outside the hallway of this courtroom  
15 at 1:30 tomorrow, and the marshal will line you up in the appropriate order, and  
16 then we'll begin.

17                   Thank you very much. And we'll see you all tomorrow. Drive  
18 safe.

19                   Yes, ma'am?

20                   UNIDENTIFIED PROSPECTIVE JUROR: Are -- are we -- I just need to  
21 know for my work schedule --

22                   THE COURT: Yes.

23                   UNIDENTIFIED PROSPECTIVE JUROR: -- are we coming on  
24 Thursday?

25                   THE COURT: Yes. I will need you this Thursday.

1 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

2 THE COURT: We're going to -- our tentative schedule is tomorrow 1:30  
3 to 5:00. And then -- tomorrow is Wednesday?

4 THE CLERK: Yes.

5 THE COURT: And then Thursday 1:00 to 5:00.

6 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

7 THE COURT: And then Friday all day. Friday 9:00 to 5:00.

8 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

9 THE COURT: All right?

10 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

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

12 UNIDENTIFIED PROSPECTIVE JUROR: 9:00 to 5:00 or 8:00 to 5:00?

13 THE COURT: 9:00 to 5:00. 9:00 to 5:00.

14 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

15 THE COURT: Yep.

16 UNIDENTIFIED PROSPECTIVE JUROR: I was questioning, you  
17 said 9:00.

18 THE COURT: And if anyone else -- tomorrow, if anyone else is going  
19 to need a letter from -- to your employer, if there's a way the jury service can -- can  
20 provide that to you. We can talk about that tomorrow. All right. Thank you. Have  
21 a nice evening.

22 [Jury recessed at 5:26 p.m.]

23 THE COURT: All right. We're outside the presence of the jury.

24 That hearing we need to do tomorrow, that's for competency of  
25 the minors, is that what we're talking about? Or is that a different type of hearing?

1 What type of hearing is this?

2 MS. KOLLINS: Your Honor, it's to offer disclosure statements by those  
3 children to --

4 THE COURT: Disclosure statements.

5 MS. KOLLINS: So -- and I provided your clerk just a bench memo and  
6 the statute in it. I gave a copy to defense counsel. It's not a motion. It's just a  
7 bench memo --

8 THE COURT: Okay.

9 MS. KOLLINS: -- on the statute that we're using to offer --

10 THE COURT: Well, if the defense wants to give a bench memo too,  
11 they can.

12 MS. KOLLINS: Sure.

13 THE COURT: I'll read it overnight. If you want to e-mail me something,  
14 I'll --

15 MR. WESTBROOK: Thank you, Your Honor.

16 THE COURT: -- I'll read it if -- can you get it to me by midnight?

17 MR. WESTBROOK: Honestly, I -- I think that we can probably take  
18 care of it tomorrow.

19 THE COURT: Okay.

20 MR. WESTBROOK: The -- you won't be -- you won't be, you know,  
21 sideswiped by a whole bunch of extra law tomorrow. This is just NRS 51.385.

22 THE COURT: 51.385. Yep. Okay.

23 MR. WESTBROOK: You're going to -- you're just going to be -- the  
24 State is, I guess, concerned that the witnesses -- the children witnesses on the  
25 stand aren't going to be able to support, necessarily, all the charges, so they want

1 to bring in the adults to testify as to what the children might have said. Normally,  
2 that would be hearsay. There'll be an analysis to do under 51.385 to determine  
3 whether or not that can be admitted. And then there'll be arguments about it later.

4 THE COURT: Fine. Well, I'll read it and brush up on it and be ready to  
5 go tomorrow.

6 MR. HAMNER: Thanks, Your Honor.

7 MS. KIERNY: Perfect.

8 THE COURT: Thank you. Have a nice evening.

9 MS. KIERNY: Thank you, Judge.

10 THE COURT: See you guys at 10:30.

11 THE CLERK: What time are the arguments tomorrow?

12 THE COURT: Well, 10:30 is the hearing. Thank you.

13 [Court recessed at 5:28 p.m., until April 27, 2017, at 1:22 p.m.]  
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18 ATTEST: I do hereby certify that the foregoing is a true and correct transcript, to the  
19 best of my ability, from the audio/visual recording of the proceedings in the above-  
20 entitled case.  
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24 Shawna Ortega, CET\*562  
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JOSE AZUCENA ) No. 74071  
 )  
 Appellant, )  
 )  
 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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INDIAN SPRINGS, NV 89070

BY /s/ Carrie M. Connolly  
Employee, Clark County Public Defender's Office