

No. 75136

**In the
Supreme Court of Nevada**

Electronically Filed
Aug 20 2018 09:12 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ISAAC LEWIS,

APPELLANT,

V.

STATE OF NEVADA,

RESPONDENT

APPEAL

From Judgment of Conviction
Clark County District Court, Hon. Carolyn Ellsworth

APPELLANT'S APPENDIX

VOLUME 2

WILLIAM H. BROWN (7623)
THE LAW OFFICES OF
WILLIAM H. BROWN, LTD.
330 E. Charleston Blvd., Ste. 100
Las Vegas, Nevada 89104
(702) 816-2200
WBrown@LambroseBrown.com

INDEX

No. 75136

ISAAC LEWIS V. STATE OF NEVADA

PLEADINGS

	<u>Volume</u>	<u>Page</u>
Motion to Appear Pro Se (filed 1-31-17)	1	034-37
Motion for Continuance (filed 3-21-17)	1	051-60
Motion to Dismiss Counsel (filed 11-17-16)	1	017-26
Motion to Sever Counts (filed 3-21-17)	1	061-079
Notice of Appeal (filed 2-13-18)	6	931-32
Opposition to Motion to Continue (filed 3-28-17)	1	080-88
Opposition to Motion to Sever (filed 3-28-17)	1	089-101
Superseding Indictment (filed 1-6-16)	1	001-04
Second Superseding Indictment (filed 1-6-16)	1	005-09

Third Superseding Indictment (filed 4-4-17)	1	143-46
--	---------	--------

TRANSCRIPTS

	<u>Volume</u>	<u>Page</u>
Reporter's Transcript of Proceedings (Hearing) (3-13-17).....	1	040-50
Reporter's Transcript of Proceedings (Hearing) (3-29-17).....	1	102-42
Reporter's Transcript of Proceedings (Jury Trial Day 2) (4-5-17).....	2	148-315
Reporter's Transcript of Proceedings (Jury Trial Day 3) (4-6-17).....	3	316-453
Reporter's Transcript of Proceedings (Jury Trial Day 4) (4-7-17).....	4-5	454-721
Reporter's Transcript of Proceedings (Jury Trial Day 5) (4-10-17).....	5	722-812
Reporter's Transcript of Proceedings (Jury Trial Day 6) (4-11-17).....	6	813-878

MINUTES

	<u>Volume</u>	<u>Page</u>
All Pending Motions (12-12-16).....	1	029-30
All Pending Motions (12-21-16).....	1	031-32

All Pending Motions (12-28-16).....	1	033
Calendar Call (8-10-16).....	1	014
Calendar Call (10-26-16).....	1	015-16
Motion to Appear Pro Se (2-22-17).....	1	039
Motion to Continue (3-21-16).....	1	013
Status Check (12-7-16).....	1	027-28
Status Check (2-8-17).....	1	038

MISCELLANEOUS

	<u>Volume</u>	<u>Page</u>
Amended Judgment of Conviction (filed 7-14-17)	6	924-26
Judgment of Conviction (filed 6-23-17)	6	921-23
Jury List (filed 4-5-17)	1	147
Jury Instructions (filed 4-11-17)	6	879-17

Second Amended Judgment of Conviction
(filed 1-19-18)6 927-930

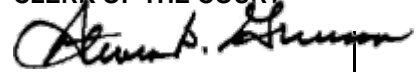
Verdict
(filed 4-11-17)6 918-20

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of THE LAW
OFFICES OF WILLIAM H. BROWN, LTD., and that I served the
foregoing **APPELLANT'S APPENDIX** via the Supreme Court of
Nevada's e-filing and e-service system.

By: /s/ WILLIAM BROWN
THE LAW OFFICES OF
WILLIAM H. BROWN, LTD.

AUGUST 17, 2018



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	CASE NO. C-15-311294-2
Plaintiff,)	
)	
vs.)	DEPT. NO. V
)	
ISAAC LEWIS,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE CAROLYN ELLIS, DISTRICT COURT JUDGE

WEDNESDAY, APRIL 5, 2017

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 2

APPEARANCES:

FOR THE STATE:

NOREEN C. DeMONTE, ESQ.
ERIKA MENDOZA, ESQ.
Chief Deputy District Attorneys

FOR THE DEFENDANT:

TRAVIS E. SHETLER, ESQ.
CHRISTOPHER L. GRASSO, ESQ.

RECORDED BY: LARA CORCORAN, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, APRIL 5, 2017

2 [Case called at 1:07 P.M.]

3 [Outside the presence of the prospective jurors]

4 THE COURT: Okay. We're on the record in State vs.
5 Lewis, Case Number C-311294. We're outside the presence of
6 the venire panel, and the defendant is not present as well
7 specifically because of -- because of the sensitive nature of
8 this issue.

9 So one of the jurors, Angela Snoreen, and she is
10 badge number 062, gave the Marshal a note to give to me. She
11 wanted to disclose something, but not in front of the other
12 prospective jurors. And she probably didn't know that there
13 might be a concern for disclosing it in front of the
14 defendant, but that's my -- more -- even more my concern.

15 But basically, she indicated that her brother,
16 Michael Snoreen, is in protective custody in CCDC. And given
17 the charges against him at CCDC, which basically are child
18 porn charges, that's why I said protective custody, and so she
19 didn't want to disclose that in front of everybody else
20 because he is in protective custody.

21 So counsel agreed -- all counsel agreed with the
22 Court as well that we should just allow her to be excused, and
23 nobody had any problem with that; is that correct?

24 MR. SHETLER: Your Honor, in light of the facts and
25 circumstances that have come up in this case, I -- I

1 understand. I don't believe there's any grounds to object and
2 I think it's the proper decision.

3 MS. DeMONTE: Agreed, Your Honor.

4 THE COURT: Plus, I don't want to there to be an
5 issue as well -- there could be a problem -- if she has
6 communication with her brother at the jail, and he knows
7 potentially that your client is in jail, you know, that --
8 that also is --

9 MS. DeMONTE: Yeah.

10 THE COURT: -- something that, right now, we assume
11 nobody knows.

12 MR. SHETLER: Yes.

13 MS. DeMONTE: Yes.

14 THE COURT: And we don't want them to know, so --

15 MR. SHETLER: For a myriad -- I agree.

16 THE COURT: -- for that reason as well. All right,
17 so we agreed on that and instructed the Marshal to just
18 quietly let her be dismissed, and so he's doing that.

19 MS. DeMONTE: Okay.

20 THE COURT: All right, and so we can go ahead and go
21 off the record. We'll bring the defendant in, and then we'll
22 -- as soon as the Marshal comes back, we'll bring the jury
23 back in.

24 (Off the record at 1:10 P.M. until 1:16 P.M.)

25 (Within the presence of the prospective jurors)

1 THE MARSHAL: Your Honor, all members of the venire
2 panel are present.

3 THE COURT: Thank you. Please be seated. All
4 right, and the record will reflect that this is the
5 continuation of case number C-311294, State of Nevada vs.
6 Isaac Lewis. The record will reflect the presence of Mr.
7 Lewis with his counsel, the Deputies District Attorney
8 prosecuting the case, all officers of the court, and the
9 remainder of the venire panel after our dismissals ongoing.

10 Good afternoon, ladies and gentlemen. It's nice to
11 see you. And we are going to pick up where we left off
12 yesterday. I believe we had finished -- oh, that's right, we
13 do have to fill in one empty seat. Go ahead, Madam Clerk.

14 THE CLERK: Lynel Fenton, badge 252, please take
15 seat number 8. Did I pronounce that correctly, Lynel?

16 PROSPECTIVE JUROR NO. 252: Lynel.

17 THE COURT: Lynel.

18 THE CLERK: Lynel. Thank you.

19 THE MARSHAL: Top row, far end, please.

20 THE COURT: All right, and where is the microphone
21 now? Aha. Had we finished asking Mr. Perez questions
22 yesterday?

23 MR. SHETLER: Yes, Your Honor.

24 THE COURT: I think so.

25 MS. DeMONTE: Yes, Your Honor.

1 THE COURT: Okay. So, Mr. Perez, if you would hand
2 the microphone over to the gentleman seated -- yes. Mr.
3 Nathan Sutter, badge number 053. Tell us about yourself.
4 PROSPECTIVE JUROR NO. 053: Grew up in Michigan.
5 Been here --
6 THE COURT RECORDER: Oh, sir?
7 THE COURT: Oh, wait.
8 THE COURT RECORDER: Can you turn the microphone on?
9 THE MARSHAL: Someone must have turned it off.
10 PROSPECTIVE JUROR NO. 053: Grew up in Michigan.
11 I've lived here 11 years. I work at Mandalay Bay for Cirque
12 du Soleil, and I don't know. What else?
13 THE COURT: All right. What do you do for Cirque du
14 Soleil?
15 PROSPECTIVE JUROR NO. 053: I'm in the rigging
16 department.
17 THE COURT: I'm -- rigging?
18 PROSPECTIVE JUROR NO. 053: Rigging.
19 THE COURT: Okay. And are you married, single,
20 divorced, significant other, partner?
21 PROSPECTIVE JUROR NO. 053: Single.
22 THE COURT: Single. Any children?
23 PROSPECTIVE JUROR NO. 053: No.
24 THE COURT: Education level?
25 PROSPECTIVE JUROR NO. 053: High school.

1 THE COURT: Okay. Would the State like to inquire
2 further?

3 MS. DeMONTE: No, Your Honor, pass for cause.

4 THE COURT: Defense?

5 MR. SHETLER: Court's indulgence, please. Make sure
6 I didn't miss a note. Yes, Your Honor. Mr. Sutter, how are
7 you today?

8 PROSPECTIVE JUROR NO. 053: Good. How are you
9 doing?

10 MR. SHETLER: I'm well. Thank you. Mr. Sutter,
11 you've heard some of the questions that we've asked other
12 prospective jurors. Have you understood all the questions?

13 PROSPECTIVE JUROR NO. 053: Yes.

14 MR. SHETLER: Do you feel that you have a good
15 understanding of the constitutional guarantee of a right to a
16 trial by jury?

17 PROSPECTIVE JUROR NO. 053: Yes.

18 MR. SHETLER: As much as any person who doesn't do
19 this every day?

20 PROSPECTIVE JUROR NO. 053: Um-hum.

21 MR. SHETLER: Let me ask you a question. Are you an
22 individual who -- if you're chosen to be on the jury and
23 you're sitting in the deliberation room with 11 other jurors,
24 will you be able to proactively deliberate about the evidence
25 and your opinions about the evidence?

1 PROSPECTIVE JUROR NO. 053: Proactively?

2 MR. SHETLER: It's a little bit hard to hear.

3 THE COURT: I need you to put that microphone --

4 PROSPECTIVE JUROR NO. 053: Proactively?

5 THE COURT: There you go.

6 PROSPECTIVE JUROR NO. 053: I don't know, I'd

7 probably end up being quiet and let everybody else do it.

8 MR. SHETLER: Well, it's -- and it's --

9 PROSPECTIVE JUROR NO. 053: And [indecipherable].

10 MR. SHETLER: I mean, they say -- they say, whoever

11 "they" is, the human being's number one fear is talking in

12 public, and I assume that's what you're talking about?

13 PROSPECTIVE JUROR NO. 053: Yeah, probably.

14 MR. SHETLER: Not that you're afraid. If you're

15 doing everything with Cirque, you're not afraid. But what's

16 most important is if you have a firmly-held opinion that the

17 State either has met their burden and you feel has proven the

18 case beyond a reasonable doubt, or that the State has not met

19 their burden and therefore hasn't proven their case beyond a

20 reasonable doubt, would -- are you of a disposition where the

21 other 11 people would be able to change your mind if you had a

22 firmly-held conviction regarding the evidence?

23 PROSPECTIVE JUROR NO. 053: No, probably not.

24 MR. SHETLER: I couldn't hear.

25 PROSPECTIVE JUROR NO. 053: No, I don't believe so.

1 MR. SHETLER: Do you have any reservations or qualms
2 about serving in that capacity?

3 PROSPECTIVE JUROR NO. 053: Maybe slightly, I guess.

4 MR. SHETLER: Can you elaborate slightly for me?
5 I'm not trying to put you on the spot, you understand? I --

6 PROSPECTIVE JUROR NO. 053: Yeah, yeah. No, I mean,
7 I guess like you say, afraid to talk in public so much, so I'd
8 probably just let the majority rule or something, most likely.
9 I don't know.

10 MR. SHETLER: Okay. So, and the other next logical
11 part of that is, if Juror X says there's no way the State
12 proved their burden, there's no way this man can be guilty,
13 and you felt strongly the other direction, if one -- if Juror
14 X was able to sway everybody else to that opinion, would you
15 be able to stick to your conviction that, no, the State had
16 proven their burden?

17 PROSPECTIVE JUROR NO. 053: Probably, yeah.

18 MR. SHETLER: Okay, okay. Are there any other
19 questions that we've gone over or the Judge has gone over that
20 you'd have any other concerns about regarding either the time
21 of the trial, the ability to set whatever preconceived
22 notions, or likes or dislikes you have, walk into the jury
23 room, and set those aside, and just listen to the evidence?

24 PROSPECTIVE JUROR NO. 053: Yeah.

25 MR. SHETLER: Anything else you feel is important?

1 PROSPECTIVE JUROR NO. 053: Not really.
2 MR. SHETLER: UP or the regular part of Michigan?
3 PROSPECTIVE JUROR NO. 053: Near Detroit.
4 MR. SHETLER: Thank you very much, Mr. Setter.
5 THE COURT: All right.
6 MR. SHETLER: Thank you, Your Honor. Pass.
7 THE COURT: Thank you. And if you'll pass the
8 microphone over to -- is it Michael Kothe?
9 PROSPECTIVE JUROR NO. 054: Last name Kothe.
10 THE COURT: Kothe? Okay, badge number 054?
11 PROSPECTIVE JUROR NO. 054: Correct.
12 THE COURT: Tell us about yourself.
13 PROSPECTIVE JUROR NO. 054: I did want to say that
14 yesterday when we asked if we had -- if we had any
15 reservations about people being in your family with regards to
16 how they would -- that would affect your opinions on
17 deliberation, I do think I have a bias toward the -- I do
18 think I have preconceived notions of the law and things like
19 that, and I do think I would not probably be the best juror.
20 I do have to probably say that.
21 THE COURT: Okay, so I'm --
22 PROSPECTIVE JUROR NO. 054: So my mother works for
23 the police department, her dad worked for the police
24 department, and I do kind of think that I probably -- after I
25 left last night, I was thinking about it. I probably wouldn't

1 be the best person to sit in this -- in this seat.

2 THE COURT: So you mean -- so I guess I need to find
3 out, are you saying that you don't think you can be fair to
4 both sides?

5 PROSPECTIVE JUROR NO. 054: I think I've already
6 formed the opinions and I haven't heard a shred of evidence.
7 I don't think I'm the best person for --

8 THE COURT: All right, so you can't -- if you're
9 forming opinions --

10 PROSPECTIVE JUROR NO. 054: No.

11 THE COURT: -- beforehand, then you can't be fair in
12 this case; is that what you're saying?

13 PROSPECTIVE JUROR NO. 054: I think so. I think I
14 have to say that.

15 THE COURT: All right, then you're dismissed. Call
16 the next in order.

17 THE CLERK: Ronald Yenkowski, badge 264, please take
18 seat 6.

19 THE COURT: Mr. Yenkowski, have you ever been in law
20 enforcement?

21 PROSPECTIVE JUROR NO. 264: No, I have not.

22 THE COURT: Have anyone in your family or anyone
23 closely associated with you ever been in law --

24 PROSPECTIVE JUROR NO. 264: My dad was a security
25 guard, but not in Metro or --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 264: Just with the hotels.

3 THE COURT: Private security guard?

4 PROSPECTIVE JUROR NO. 264: With the Mint and the

5 Flamingo.

6 THE COURT: Okay. Any reason that association would

7 cause you concern as to whether you could be fair and

8 impartial in this case?

9 PROSPECTIVE JUROR NO. 264: No.

10 THE COURT: All right. Have you ever been the

11 victim of a crime?

12 PROSPECTIVE JUROR NO. 264: My house was

13 burglarized, and we called the police and filed a report on

14 it.

15 THE COURT: You did file -- could you close that

16 door so -- I'm having trouble hearing you because there's

17 noise in the hall. Where is that -- okay. All right, very

18 good. And so your house was burglarized and what?

19 PROSPECTIVE JUROR NO. 264: And I did file a report

20 with the police department.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 264: Metro.

23 THE COURT: And did they come out or --

24 PROSPECTIVE JUROR NO. 264: They did.

25 THE COURT: They did?

1 PROSPECTIVE JUROR NO. 264: Did an investigation,
2 took fingerprints. My neighbor had surveillance video, but no
3 one was ever apprehended.

4 THE COURT: All right. Did you feel like they did
5 the best they could with what evidence they had?

6 PROSPECTIVE JUROR NO. 264: I think they did the
7 best they could. I do know that because no -- there was no
8 injuries involved or there was no people involved -- this was
9 all done while we were not home -- that it was kind of put
10 towards the back of their case log, and that's what I was
11 told.

12 THE COURT: Well, sure. As far as responding to the
13 call?

14 PROSPECTIVE JUROR NO. 264: Right, right.

15 THE COURT: Right. Yeah, they're going to respond
16 to emergency --

17 PROSPECTIVE JUROR NO. 264: Right, right, right.

18 THE COURT: -- situations first.

19 PROSPECTIVE JUROR NO. 264: Which I understood.

20 THE COURT: Yeah. Okay, and so nothing about that
21 situation makes you feel that you've got an axe to grind with
22 the police or any problem there?

23 PROSPECTIVE JUROR NO. 264: Not at all, no. No.

24 THE COURT: How about anyone in your family or
25 closely associated with you that's been the victim of a

1 violent crime?

2 PROSPECTIVE JUROR NO. 264: No.

3 THE COURT: Have you ever been accused of or
4 convicted of a crime?

5 PROSPECTIVE JUROR NO. 264: No.

6 THE COURT: Anyone in your family, closely
7 associated with you?

8 PROSPECTIVE JUROR NO. 264: No.

9 THE COURT: Do you believe in the presumption of
10 innocence?

11 PROSPECTIVE JUROR NO. 264: I do, yeah.

12 THE COURT: And will you follow the law as I
13 instruct you, even if you think maybe the law should be
14 something different than what I instruct you?

15 PROSPECTIVE JUROR NO. 264: Yes.

16 THE COURT: Any reason whatsoever you think you
17 could not be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 264: No.

19 THE COURT: Tell us about yourself.

20 PROSPECTIVE JUROR NO. 264: I've lived in Las Vegas
21 for about 40 years. Graduated from UNLV with a bachelor's
22 degree in business. I've been in the newspaper industry for
23 24 years. Worked with USA Today, and then recently, about two
24 months ago, moved over to the Review Journal. My wife is --
25 she works in a private school as a facilitator and she's been

1 there five or six years.

2 We have a blended family with four kids. The two
3 oldest are 22-years-old, and one is a full-time student at
4 UNLV, and the other is a full-time student at CSN. We have a
5 19-year-old daughter who is -- works at Papa John's Pizza, and
6 then we have an eight-year-old who goes to school.

7 THE COURT: What job do you do for the RJ?

8 PROSPECTIVE JUROR NO. 264: I am the single-copy
9 director. I manage the staff that sells the retail papers to
10 the businesses.

11 THE COURT: All right, okay. So those are the --
12 not the daily paper, but those extra papers that --

13 PROSPECTIVE JUROR NO. 264: No, no. We manage the
14 sale and distribution of every newspaper that goes through the
15 Review Journal, whether that's the core product of the Review
16 Journal, or the LA Times, Wall Street Journal, USA Today,
17 everything that's distributed through there.

18 THE COURT: I see. Okay. And then as well as those
19 -- I don't know what -- the individual neighborhood paper
20 things --

21 PROSPECTIVE JUROR NO. 264: The home delivery?

22 THE COURT: -- that go out in the mail?

23 PROSPECTIVE JUROR NO. 264: That's a separate
24 department, the home delivery.

25 THE COURT: Oh, okay, so something different? All

1 right. State?

2 MS. DeMONTE: Pass for cause, Your Honor.

3 THE COURT: Defense?

4 MR. SHETLER: Yes, Your Honor, please. Good
5 afternoon, Mr. Yenkowski?

6 PROSPECTIVE JUROR NO. 264: Correct.

7 MR. SHETLER: Okay.

8 PROSPECTIVE JUROR NO. 264: Good afternoon.

9 MR. SHETLER: Any -- same question that I just had.
10 Any of the questions that you've heard either myself or the
11 Court address to the individual jurors, any of those give you
12 any cause for concern?

13 PROSPECTIVE JUROR NO. 264: No, they don't.

14 MR. SHETLER: Anything about the previous -- when
15 the Judge asked you, I think you said you had three prior jury
16 experiences; is that correct?

17 PROSPECTIVE JUROR NO. 264: Two, yes.

18 MR. SHETLER: Two. I wrote that incorrectly. There
19 was one six or seven years ago where you were an alternate,
20 right?

21 PROSPECTIVE JUROR NO. 264: Correct.

22 MR. SHETLER: And how long ago was the second one?
23 I didn't see that in my note.

24 PROSPECTIVE JUROR NO. 264: It was more recent,
25 maybe a couple years ago. I don't have the exact date on me,

1 but.

2 MR. SHETLER: Okay. Anything in that -- in that
3 experience that -- just as the Judge asked you already,
4 anything in there that gives you any concern about sitting as
5 a juror in this case?

6 PROSPECTIVE JUROR NO. 264: Not at all.

7 MR. SHETLER: If -- you're comfortable with the
8 Constitution's guarantee to my client regarding a trial by a
9 jury of his peers?

10 PROSPECTIVE JUROR NO. 264: Yes.

11 MR. SHETLER: Comfortable with the constitutional
12 guarantee that my client is innocent until he's proven guilty?

13 PROSPECTIVE JUROR NO. 264: Yes.

14 MR. SHETLER: Are you -- are you comfortable
15 maintaining your own opinion in a room of 12 human beings of
16 possibly different varying opinions?

17 PROSPECTIVE JUROR NO. 264: Yes.

18 MR. SHETLER: Would you -- and again, without any
19 details, the jury room can sometimes be an exciting place to
20 be. No doubt that you could hold your opinion, whatever that
21 opinion was?

22 PROSPECTIVE JUROR NO. 264: Yes, that's correct.

23 MR. SHETLER: And yet -- and this is -- sort of
24 sounds impossible. And yet, deliberate in a proactive manner
25 to assist or -- others or yourself in understanding the facts?

1 PROSPECTIVE JUROR NO. 264: Yes.

2 MR. SHETLER: You said your wife is a facilitator at
3 a private school?

4 PROSPECTIVE JUROR NO. 264: Yes.

5 MR. SHETLER: For about the last five years?

6 PROSPECTIVE JUROR NO. 264: Correct.

7 MR. SHETLER: And before that, what type of work was
8 she doing?

9 PROSPECTIVE JUROR NO. 264: She -- she worked for a
10 daycare facility after -- before that.

11 MR. SHETLER: She's committed to the cause, yeah.

12 PROSPECTIVE JUROR NO. 264: Yeah, she is.

13 MR. SHETLER: Mr. Yenkowski, thank you very much.

14 PROSPECTIVE JUROR NO. 264: You're welcome.

15 MR. SHETLER: Thank you, Your Honor. Pass for
16 cause.

17 THE COURT: Thank you, Mr. Shetler. And you'll pass
18 the microphone to your neighbor, Troy Austin, badge number
19 241.

20 PROSPECTIVE JUROR NO. 241: Yes.

21 THE COURT: Tell us about yourself, Mr. Austin.

22 PROSPECTIVE JUROR NO. 241: Well, married. I'm the
23 room chef at the Red Rock Casino. I have four boys. Oldest
24 19, 18, I got a 14-year-old, and then I got an 11-year-old.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 241: Born and raised here in
2 Vegas. Going to be 30 -- well, I'm 34-years-old right now.
3 And high school education, some college that I've taken
4 through -- through my work, and --

5 THE COURT: Married, single, divorced --

6 PROSPECTIVE JUROR NO. 241: Married.

7 THE COURT: -- partner? Oh. What does your wife
8 do?

9 PROSPECTIVE JUROR NO. 241: She's a homemaker.

10 THE COURT: Okay, and so she's always just worked in
11 the home and not outside the home?

12 PROSPECTIVE JUROR NO. 241: Correct.

13 THE COURT: All right, thank you. State?

14 MS. MENDOZA: Pass for cause.

15 THE COURT: Mr. Shetler?

16 MR. SHETLER: Thank you, Your Honor. Mr. Austin, I
17 want to -- I don't want to get into your personal life, I
18 don't want to unnecessarily pry, but to make sure that the
19 constitutional guarantees to my client are met, I need to ask
20 you a few questions.

21 PROSPECTIVE JUROR NO. 241: Okay.

22 MR. SHETLER: And obviously, the question that's
23 foremost in my mind and my client's mind has to do a little
24 bit with what your wife has recently gone through.

25 PROSPECTIVE JUROR NO. 241: Um-hum.

1 MR. SHETLER: And that's a significant event for
2 anybody, and certainly for the whole family.

3 PROSPECTIVE JUROR NO. 241: Absolutely.

4 MR. SHETLER: So again, I don't mean to pry, I'm not
5 trying to be rude, but I just need to know. You've told the
6 Judge you didn't feel that any of that was going to be a
7 problem for you to sit as a potential juror or on a jury of
8 this case, even when there are some -- some of the charges
9 might be similar, right?

10 PROSPECTIVE JUROR NO. 241: Correct.

11 MR. SHETLER: Do you feel that way still today?

12 PROSPECTIVE JUROR NO. 241: Absolutely.

13 MR. SHETLER: And can you -- without going into the
14 facts or any of that, what happened, but can you give me a
15 little bit of an elaboration as to why you think that that's
16 not going to be a problem for you? And you're clearly
17 somebody who's got some personal opinions about things, and
18 you've thought about it?

19 PROSPECTIVE JUROR NO. 241: Um-hum.

20 MR. SHETLER: Can you give me a little bit?

21 PROSPECTIVE JUROR NO. 241: Well, I mean, she did
22 the crime and now she's paying for it. You know, she accepted
23 what she did, and I mean, and I accept it as well. I mean, if
24 you do something, you know, and you are found guilty, then
25 you're going to -- you're going to pay the price, absolutely,

1 you know?

2 MR. SHETLER: And I don't want to -- without getting
3 into why she did or didn't, there was no trial in that matter,
4 correct?

5 PROSPECTIVE JUROR NO. 241: No.

6 MR. SHETLER: Does the fact that Mr. Lewis is --
7 we're at trial for his case, does that cause you any problems?

8 PROSPECTIVE JUROR NO. 241: No.

9 MR. SHETLER: And there were some comments yesterday
10 -- I think there was a comment, something along the lines of,
11 you know, if you do something, you stand up, similar to what
12 you just said about that.

13 PROSPECTIVE JUROR NO. 241: Um-hum.

14 MR. SHETLER: Do you see where that statement of
15 that nature versus going to trial, there's some conflict in
16 those two things? Or --

17 PROSPECTIVE JUROR NO. 241: There could be, yes.

18 MR. SHETLER: And --

19 PROSPECTIVE JUROR NO. 241: I see that.

20 MR. SHETLER: And again, you're comfortable that you
21 can serve on the jury?

22 PROSPECTIVE JUROR NO. 241: Yes.

23 MR. SHETLER: Comfortable that you can serve -- and
24 I know this sounds simplistic. Bear with me. Comfortable
25 that you can serve without having any of that influence your

1 decision in the --

2 PROSPECTIVE JUROR NO. 241: Um-hum, yeah. No bias
3 at all. Absolutely.

4 MR. SHETLER: And the question that I asked Ms.
5 Danielson I think more than once was, if you were on trial for
6 whatever reason, would you be comfortable with a juror who
7 thinks and feels about things the way you think and feel about
8 things sitting in judgment on your guilt or innocence?

9 PROSPECTIVE JUROR NO. 241: Yes.

10 MR. SHETLER: Fair enough. Mr. Austin, thank you
11 for your patience, sir.

12 PROSPECTIVE JUROR NO. 241: Thank you.

13 THE COURT: Thank you.

14 MR. SHETLER: Thank you, Your Honor. I'll pass. Do
15 you mind if I keep this cord over [inaudible]?

16 THE COURT: I don't mind. I don't want you tripping
17 over it.

18 MR. SHETLER: [Inaudible] fall.

19 THE COURT: Thank you. And Lynel Fenton?

20 PROSPECTIVE JUROR NO. 252: Yes.

21 THE COURT: So, ma'am, have you ever been the victim
22 of a crime?

23 PROSPECTIVE JUROR NO. 252: Bank robbery. I was a
24 teller that was robbed.

25 THE COURT: Okay. How long ago was that?

1 PROSPECTIVE JUROR NO. 252: Probably 30 years ago.
2 THE COURT: Was that here in Clark County?
3 PROSPECTIVE JUROR NO. 252: It was.
4 THE COURT: And did it go to trial?
5 PROSPECTIVE JUROR NO. 252: No, it did not. They
6 never got the person.
7 THE COURT: All right. They did --
8 PROSPECTIVE JUROR NO. 252: No.
9 THE COURT: They never did?
10 PROSPECTIVE JUROR NO. 252: No.
11 THE COURT: Okay.
12 PROSPECTIVE JUROR NO. 252: Not that I know of.
13 THE COURT: All right. And was it that you were
14 handed a note, or what were the circumstances?
15 PROSPECTIVE JUROR NO. 252: Handed a note.
16 THE COURT: Okay, and then you handed over the
17 money?
18 PROSPECTIVE JUROR NO. 252: And -- yep, and he left.
19 THE COURT: And he left?
20 PROSPECTIVE JUROR NO. 252: Yes.
21 THE COURT: Okay. So did that affect you
22 emotionally, or were you -- it sounds like it was a fairly
23 benign robbery --
24 PROSPECTIVE JUROR NO. 252: Yes, it was.
25 THE COURT: -- as far as robberies go, right?

1 PROSPECTIVE JUROR NO. 252: Yes, it was.

2 THE COURT: Okay, and so it causes you no concern in
3 this case?

4 PROSPECTIVE JUROR NO. 252: No, it does -- no, it
5 does not.

6 THE COURT: All right. And what about -- have you
7 ever been in law enforcement?

8 PROSPECTIVE JUROR NO. 252: Have I? No.

9 THE COURT: Anyone in your family or anyone
10 closely --

11 PROSPECTIVE JUROR NO. 252: My sister's a retired
12 corrections officer. My brother-in-law's retired Metro.

13 THE COURT: Okay, so how about those associations?
14 Because we're going to have some law enforcement officers that
15 may testify, and will you be able to weigh the testimony and
16 evaluate --

17 PROSPECTIVE JUROR NO. 252: Yes, I --

18 THE COURT: -- the testimony the same way you would
19 other witnesses?

20 PROSPECTIVE JUROR NO. 252: Yes, I would.

21 THE COURT: All right. Anyone in your family or
22 closely associated with you -- besides yourself, of course.
23 You've already indicated that you were a victim yourself of a
24 robbery, but anyone else that's close to you who's been the
25 victim of a violent crime?

1 PROSPECTIVE JUROR NO. 252: My mother was mugged,
2 and they just -- they took her purse and pushed her down at
3 80-years-old.

4 THE COURT: Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 252: It was here.

6 THE COURT: Was anyone found for that crime?

7 PROSPECTIVE JUROR NO. 252: Somebody in the
8 neighborhood ran after the guy and caught him. Police weren't
9 called or anything. They caught him and got the purse back
10 from him.

11 THE COURT: And they just let him go?

12 PROSPECTIVE JUROR NO. 252: They pretty much let him
13 go.

14 THE COURT: Okay. So your -- your mother didn't
15 want to try and press charges against the person?

16 PROSPECTIVE JUROR NO. 252: She did not.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 252: She got her property
19 back.

20 THE COURT: All right. Anything about that
21 experience that makes you think you could not be --

22 PROSPECTIVE JUROR NO. 252: No.

23 THE COURT: -- fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 252: No.

25 THE COURT: Do you believe in the presumption of

1 innocence?

2 PROSPECTIVE JUROR NO. 252: Yes.

3 THE COURT: Have you ever been accused of or
4 convicted of a crime?

5 PROSPECTIVE JUROR NO. 252: No.

6 THE COURT: Anyone in your family or closely
7 associated with you been accused of or convicted of a crime?

8 PROSPECTIVE JUROR NO. 252: No.

9 THE COURT: Any reason whatsoever you think you
10 could not be a fair and impartial juror in this case?

11 PROSPECTIVE JUROR NO. 252: No.

12 THE COURT: Tell us about yourself.

13 PROSPECTIVE JUROR NO. 252: I work for Boulder Dam
14 Credit Union as a teller supervisor for 19 years. Married.
15 Have three children. One is in college at UNR; the other two
16 graduated from UNR. Anything else?

17 THE COURT: Married, single?

18 PROSPECTIVE JUROR NO. 252: I'm married.

19 THE COURT: Married? And --

20 PROSPECTIVE JUROR NO. 252: Husband works for Avis
21 Rent-a-Car for 48 years --

22 THE COURT: Wow.

23 PROSPECTIVE JUROR NO. 252: -- as a fleet manager.

24 THE COURT: Okay. And your education?

25 PROSPECTIVE JUROR NO. 252: High school graduate.

1 THE COURT: Okay, thank you. State?

2 MS. DeMONTE: Pass for cause, Your Honor.

3 THE COURT: Mr. Shetler?

4 MR. SHETLER: Yes, Your Honor. Thank you. Ms.

5 Fenton, welcome to the box.

6 PROSPECTIVE JUROR NO. 252: Thank you.

7 MR. SHETLER: The -- in your -- how long were you a

8 bank -- are you still a bank teller?

9 PROSPECTIVE JUROR NO. 252: I'm a supervisor at a

10 credit union.

11 MR. SHETLER: Right. How long were you a bank

12 teller?

13 PROSPECTIVE JUROR NO. 252: I was a bank teller for

14 two years, and then I left banking and worked for Avis

15 Rent-a-Car for 20 years, and then left there and went to the

16 credit union that I'm currently working at.

17 MR. SHETLER: Avis tries harder. The -- how long

18 have you been in banking total then? A decade?

19 PROSPECTIVE JUROR NO. 252: Yeah.

20 MR. SHETLER: As a teller or in your experience as a

21 supervisor, does any part of your job consist of training

22 regarding what to look for about potential criminal activity?

23 PROSPECTIVE JUROR NO. 252: We do training for bank

24 robberies.

25 MR. SHETLER: And in that, I -- can you just

1 describe briefly a little bit of that training? Let me not
2 use my words, let's use yours. You're looking for patterns,
3 you're looking for particular items of clothing?

4 PROSPECTIVE JUROR NO. 252: Well, we're looking for
5 suspicious activity. Usually, we have law enforcement come in
6 and do most the training.

7 MR. SHETLER: Giving you ideas of things to just be
8 on the lookout for?

9 PROSPECTIVE JUROR NO. 252: Look -- on the outlook
10 for certain things.

11 MR. SHETLER: Is -- you understand, for course,
12 there's a difference between looking for a suspicious activity
13 and someone who actually commits a crime, right?

14 PROSPECTIVE JUROR NO. 252: That is -- yes.

15 MR. SHETLER: And the Court -- the Judge asked you
16 if you were comfortable with the idea that, certainly, all of
17 us are innocent until proven guilty, correct?

18 PROSPECTIVE JUROR NO. 252: Yes.

19 MR. SHETLER: Any of your training or exposure, or
20 even, quite frankly, the horror of going through a bank
21 robbery, any of that give you any problems sitting here as a
22 fair and impartial juror?

23 PROSPECTIVE JUROR NO. 252: No.

24 MR. SHETLER: And the same question that I asked
25 earlier. Would you be comfortable with a juror who thinks,

1 feels, and acts, been through what you've been through sitting
2 in judgment on guilt or innocence for whatever reason should
3 that ever be an issue for you?

4 PROSPECTIVE JUROR NO. 252: No, it's not an issue.

5 MR. SHETLER: Okay. We talked a little bit about
6 family involved in law enforcement; is that correct?

7 PROSPECTIVE JUROR NO. 252: Yes.

8 MR. SHETLER: Could you tell that again to me,
9 please? I missed it.

10 PROSPECTIVE JUROR NO. 252: My sister was a
11 corrections officer. She's retired. My brother-in-law worked
12 for Metro as a motorcycle police officer, and he's retired
13 also.

14 MR. SHETLER: Your sister was a CO here?

15 PROSPECTIVE JUROR NO. 252: She was a corrections
16 officer here in Vegas.

17 MR. SHETLER: If you were to serve on the jury, and
18 the jury were to render a verdict of not guilty, would that
19 cause you any problems in relating that to your family?

20 PROSPECTIVE JUROR NO. 252: No, it would not.

21 MR. SHETLER: Somebody wouldn't think, what are you
22 doing, Lynel, you're out of your mind?

23 PROSPECTIVE JUROR NO. 252: I'm sorry, what?

24 MR. SHETLER: They wouldn't give you any trouble for
25 that?

1 PROSPECTIVE JUROR NO. 252: No.

2 MR. SHETLER: You wouldn't catch any flak from your
3 family members?

4 PROSPECTIVE JUROR NO. 252: No, of course not.

5 MR. SHETLER: And it didn't strike me, but you
6 wouldn't have any problem maintaining your own opinion or
7 forming your own opinion --

8 PROSPECTIVE JUROR NO. 252: No.

9 MR. SHETLER: -- if you were in deliberations?

10 PROSPECTIVE JUROR NO. 252: No.

11 MR. SHETLER: Everybody went to UNR?

12 PROSPECTIVE JUROR NO. 252: UNR, yes.

13 MR. SHETLER: Any of the other questions that you've
14 heard over the last two days give you any concerns or any
15 other comments you think that are important for me to be aware
16 of at this point?

17 PROSPECTIVE JUROR NO. 252: No.

18 MR. SHETLER: Ms. Fenton, thank you very much.

19 PROSPECTIVE JUROR NO. 252: Thank you.

20 MR. SHETLER: Your Honor, we'll pass for cause.

21 THE COURT: Thank you. The Marshal will retrieve
22 that microphone.

23 THE MARSHAL: Folks, if everyone can refrain from
24 saying "um-hum" and respond with a "yes," the court recorder
25 would really appreciate it.

1 THE COURT: And that's because everything gets --
2 potentially could get transcribed later. And if that happens,
3 we've got to have a record, and nods or shakes of the head
4 obviously doesn't create a record, and same with
5 verbalizations that aren't words. So we'll do our best, and
6 I'll try and remind you.

7 So the microphone should be in the hands of Anthony
8 Macklin, badge number 063?

9 PROSPECTIVE JUROR NO. 063: That's correct.

10 THE COURT: Tell us about yourself, sir.

11 PROSPECTIVE JUROR NO. 063: I've been living here
12 for about four years now. I work for Clark County School
13 District, school bus driver. And educational background, I
14 have some college, associate's degree. And I'm single, I do
15 have a two-year-old, and that's about it.

16 THE COURT: Do you have a significant other,
17 partner?

18 PROSPECTIVE JUROR NO. 063: No.

19 THE COURT: No? All right, and you said you lived
20 just four years here. Where did you come from?

21 PROSPECTIVE JUROR NO. 063: Colorado.

22 THE COURT: What did you do there?

23 PROSPECTIVE JUROR NO. 063: I was a -- I worked for
24 a sister company of Budweiser. It was a merchandiser.

25 THE COURT: All right. Any reason you think you

1 could not be a fair and impartial juror in this case?

2 PROSPECTIVE JUROR NO. 063: The overall answer is
3 no, but I'm not going to lie to you, there was one thing when
4 I heard the charges yesterday that had me a little concerned.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 063: But it doesn't mean that
7 I won't be fair about it, but I just had to express that.

8 THE COURT: All right. Well, what's that?

9 PROSPECTIVE JUROR NO. 063: The fact that it was
10 done more than once.

11 THE COURT: Well, there are allegations, of course.

12 PROSPECTIVE JUROR NO. 063: Yeah, that's what I'm
13 saying, you know.

14 THE COURT: Right.

15 PROSPECTIVE JUROR NO. 063: But -- so --

16 THE COURT: So --

17 PROSPECTIVE JUROR NO. 063: But other than that, I
18 mean, it doesn't mean I won't be fair, I won't be impartial or
19 anything like that, but I did want to --

20 THE COURT: Okay, so let me ask you this. When
21 there are -- anytime there are multiple charges, the jury's
22 instructed that they have to consider each of the charges
23 separately, and they have to come to a conclusion as to each
24 separate charge as to whether the State has met the burden of
25 proof.

1 So then, do you have any problem with, if you were
2 selected on the jury, going in and going through each
3 individual charge, and deliberating with your fellow jurors as
4 to whether you felt that the State had reached a burden --
5 their burden of proof and proved the case as to every single
6 charge and each element of that charge?

7 PROSPECTIVE JUROR NO. 063: Yeah, it won't be a
8 problem.

9 THE COURT: Okay. All right, thank you. Would the
10 State like to inquire further?

11 MS. DeMONTE: No, Your Honor. Pass for cause.

12 THE COURT: Would the defense like to inquire
13 further?

14 MR. SHETLER: Yes, Your Honor. Mr. Macklin, how are
15 you doing?

16 PROSPECTIVE JUROR NO. 063: I'm good. How are you
17 doing?

18 MR. SHETLER: I'm all right. Thank you. I want to
19 follow up, obviously, on what you just said. Can you
20 elaborate a little bit as to why the fact that there were a
21 number of charges, in addition to what the Judge just asked
22 you, why that -- you just paused?

23 And I appreciate your honesty. This is not -- this
24 is not fun, I know, for anyone sitting on that side of this
25 podium, but this unfortunately is what we've got to go

1 through. And the Constitution is not always just stars, and
2 stripes, and drums; it's a little bit messy too. So bear with
3 me, please. Can you elaborate a little bit more on what
4 you're talking about, why that gave you pause?

5 PROSPECTIVE JUROR NO. 063: Just -- I mean, well,
6 just the fact -- I mean, it's not -- just like the Judge was
7 saying yesterday, it's not evidence, but it is one of the
8 charges and one of the allegations.

9 And you know, I do take into consideration that it
10 is an allegation right now, but also at the same time, you
11 know, if it was -- if this is an allegation -- or almost the
12 same allegation that was done more than once, then it would
13 give me concern. Like I said, it just -- it wouldn't mean --
14 it wouldn't mean I wouldn't be fair and impartial once I heard
15 the evidence or once everything comes out, you know what I
16 mean?

17 MR. SHETLER: If -- if you heard that -- well, let
18 me strike that because that's going to get messy. How long
19 have you -- you drive a school bus -- CCSD school bus?

20 PROSPECTIVE JUROR NO. 063: Yes.

21 MR. SHETLER: How long have you been doing that?
22 Since you got here?

23 PROSPECTIVE JUROR NO. 063: Since I got here.

24 MR. SHETLER: Four years?

25 PROSPECTIVE JUROR NO. 063: Yes.

1 MR. SHETLER: All grades on that bus, or just --
2 PROSPECTIVE JUROR NO. 063: All of them.
3 MR. SHETLER: All right. You ever have an
4 opportunity where children on that bus get in a dispute as to
5 something that happened and you have two different versions?
6 PROSPECTIVE JUROR NO. 063: All the time.
7 MR. SHETLER: Yeah. You ever have a day where that
8 doesn't happen?
9 PROSPECTIVE JUROR NO. 063: Yeah, I have days where
10 it doesn't happen. Yes.
11 MR. SHETLER: What you're talking about basically
12 is, look, I've got to -- you've got to resolve those disputes
13 in some fashion, right?
14 PROSPECTIVE JUROR NO. 063: Yes.
15 MR. SHETLER: Some of them get passed onto admin,
16 some other things happen, but generally, what happens on the
17 bus is going to get taken care of one way or another on the
18 bus, right?
19 PROSPECTIVE JUROR NO. 063: Yes.
20 MR. SHETLER: If -- if I ride your bus, and I've
21 done something I'm not supposed to do on that bus ten times,
22 and something comes up with me and Jimmy Little, and Jimmy
23 Little's never in trouble, are you more likely to think I had
24 something to do with it this time?
25 PROSPECTIVE JUROR NO. 063: If you did it ten times?

1 Once again, I would -- I mean, as of right now, I would say
2 yes because I haven't heard anything, but -- because I've had
3 -- I've had incidents where that's happened more than once,
4 and when I hear the story, you know, I have to change it
5 around a little bit --

6 MR. SHETLER: Right.

7 PROSPECTIVE JUROR NO. 063: -- compare it, you know,
8 according to what I hear.

9 MR. SHETLER: Mr. Macklin, you've already
10 anticipated where I'm going, right? Because right now,
11 nobody's got on there and said anything yet.

12 PROSPECTIVE JUROR NO. 063: Right.

13 MR. SHETLER: Right? You've heard a recitation of
14 allegations by the State, which is not just -- it's not Jimmy
15 Little calling me names on the playground, but it's in writing
16 and it's all done properly, but just allegations, right?

17 PROSPECTIVE JUROR NO. 063: Right. Correct.

18 MR. SHETLER: You don't have anything else to base
19 it on other than you've heard that they're alleging there was
20 more than one event, and that gives you pause?

21 PROSPECTIVE JUROR NO. 063: Right.

22 MR. SHETLER: Human.

23 PROSPECTIVE JUROR NO. 063: Basically.

24 MR. SHETLER: Makes sense.

25 PROSPECTIVE JUROR NO. 063: Yes.

1 MR. SHETLER: On the bus, you talk to me and you
2 talk to Jimmy Little, you figure out what do you think about
3 who, and you make your decision then when you've got
4 information, right?

5 PROSPECTIVE JUROR NO. 063: That's right.

6 MR. SHETLER: Well, in this case, Mr. Lewis doesn't
7 have to get on the stand; you understand that?

8 PROSPECTIVE JUROR NO. 063: I understand.

9 MR. SHETLER: The Constitution says you have the
10 right to remain silent and you don't have to do anything. So
11 you might only hear from Jimmy Little. You're not going to
12 hear my side of the story.

13 PROSPECTIVE JUROR NO. 063: Right.

14 MR. SHETLER: And then you've got to make your
15 decision.

16 PROSPECTIVE JUROR NO. 063: Yes. Also, with that
17 being said as well, also have other witnesses.

18 MR. SHETLER: Right.

19 PROSPECTIVE JUROR NO. 063: So I understand that as
20 well. So if I'm selected for jury, I understand that however
21 many of those witnesses that were named yesterday, however
22 many that come in, I will be hearing their side of the story
23 as well. So, you know, to answer your -- you know.

24 MR. SHETLER: Yeah, you're doing perfect. But my --
25 what you're -- what you're telling us in all honesty is that

1 your concern is that if I've got ten events, I've got some
2 propensity maybe to be causing more problems if you don't have
3 any other information?

4 PROSPECTIVE JUROR NO. 063: Right. Well, as far as
5 -- I mean, like I said, it was just -- it was a pause for
6 concern, and I did want to express that.

7 MR. SHETLER: I appreciate it, I assure you Mr.
8 Lewis appreciates it, I assure you both the ladies at this
9 table appreciate that. That's what this is all about.

10 And would you be comfortable in a similar situation
11 -- not that it would ever happen, but if you were in a similar
12 situation, would you be comfortable sitting where Mr. Lewis is
13 sitting and having somebody who thinks, acts, feels, and has
14 lived the life you've lived and experiences you have sit in
15 judgment on your guilt or innocence?

16 PROSPECTIVE JUROR NO. 063: Would I be comfortable
17 with it? I would -- I would have to be. I would have to be
18 comfortable with it.

19 MR. SHETLER: Because?

20 PROSPECTIVE JUROR NO. 063: Because if they -- or
21 could you -- I'm sorry, could you repeat the question?

22 MR. SHETLER: Yeah. Just if -- if things were
23 reversed, you were on trial, and somebody who thinks, acts,
24 feels, lived the life you've lived is sitting on the jury, are
25 you comfortable with somebody who thinks, acts, lives life

1 like you have passing judgment on your guilt or innocence?

2 PROSPECTIVE JUROR NO. 063: No, I wouldn't be
3 comfortable.

4 MR. SHETLER: Because why?

5 PROSPECTIVE JUROR NO. 063: Because it would
6 probably be -- it could be bias. You know, it could be bias
7 where, oh, this man didn't do anything. I mean, that's just
8 like now, if -- if I was the one that was living that type of
9 life right now, or if I was that person that lived that type
10 of life, and then heard those same allegations, you know, I
11 could turn around and say, you know what, I don't care what he
12 did, he didn't -- you know, he didn't do it, you know? You
13 know, there's a reason -- there's a reason. There's a method
14 to the madness, is what I would probably be thinking if I was
15 in that position.

16 MR. SHETLER: And when you say there's a method to
17 the madness, you're -- I want to be real careful with the
18 words I use. I'd rather have your answer. But method to the
19 madness, there -- there -- where there's smoke, there's fire;
20 that kind of method to the madness? Or things went down the
21 way they did because maybe there's some things we don't
22 understand? Or --

23 PROSPECTIVE JUROR NO. 063: There you go.

24 MR. SHETLER: Okay.

25 PROSPECTIVE JUROR NO. 063: That right there.

1 MR. SHETLER: Okay.

2 PROSPECTIVE JUROR NO. 063: So you know, it's -- and
3 you know, only reason why I say that, because there is -- you
4 know, you have situations where people have done things, but
5 it was for -- it was for a reason, you know? You know, it was
6 for a reason. But yeah, in that case, I wouldn't -- you know,
7 I wouldn't be comfortable, because yeah, if I did something, I
8 would want a fair juror.

9 THE COURT: Okay, I think he didn't understand the
10 question, so let me see if I can restate the question. It's a
11 little -- before we get too far in.

12 So what Mr. -- what defense counsel's trying to say
13 here is we're looking for 12 people who can be fair and
14 impartial to both sides. And so one of the questions that's
15 commonly asked is, okay, if you were on trial, you would want
16 -- you moved the wrong way.

17 MR. SHETLER: Sorry, Judge.

18 THE COURT: Thank you. Thank you, Mr. Shetler. All
19 right. So if you had -- if you were on trial, you'd want 12
20 people who could be fair and impartial, listen to all the
21 evidence, and decide fairly, okay? That's what he's asking
22 you. Are you that kind of person?

23 PROSPECTIVE JUROR NO. 063: Yeah, that's -- before I
24 elaborated and went off that tangent like I did, but the
25 answer's yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 063: The answer's yes.

3 THE COURT: So you would want -- if you were on
4 trial, you'd want 12 people just like you because you could be
5 fair and impartial?

6 PROSPECTIVE JUROR NO. 063: Yes.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 063: Yeah, there you go. I'm
9 sorry I -- I'm sorry I misunderstood your question, but --

10 THE COURT: Yeah, I --

11 MR. SHETLER: Seems to be a common theme. I think
12 it could be the questioner, sir.

13 PROSPECTIVE JUROR NO. 063: No, it's -- it's okay,
14 but that is my answer.

15 THE COURT: Okay. Thanks.

16 MR. SHETLER: Mr. Macklin, thank you very much, man.

17 PROSPECTIVE JUROR NO. 063: You're welcome.

18 MR. SHETLER: Be careful on that bus.

19 PROSPECTIVE JUROR NO. 063: I will. Thank you.

20 MR. SHETLER: I will pass for cause.

21 THE COURT: Thank you. If you'd pass the microphone
22 over. And we have Refugio Cardenas-Ibarra, badge number 217.

23 PROSPECTIVE JUROR NO. 217: Yes, ma'am.

24 THE COURT: Tell us about yourself, sir.

25 PROSPECTIVE JUROR NO. 217: I don't know how to

1 explain too much, but I got family, my wife and two kids. I
2 work in a factory, and I don't know how to explain any more.

3 THE COURT: Well, that's a good --

4 PROSPECTIVE JUROR NO. 217: Too much.

5 THE COURT: That's a good start. So what do you do
6 in the factory?

7 PROSPECTIVE JUROR NO. 217: Frame.

8 THE COURT: Framing?

9 PROSPECTIVE JUROR NO. 217: Yes, ma'am.

10 THE COURT: Okay, and what do you manufacture? What
11 do you make?

12 PROSPECTIVE JUROR NO. 217: I do everything.

13 THE COURT: Oh, okay. Give us some examples of
14 things that you make there.

15 PROSPECTIVE JUROR NO. 217: Frame, it's sofas,
16 chairs. Anything.

17 THE COURT: Okay, so furniture?

18 PROSPECTIVE JUROR NO. 217: Yes, ma'am.

19 THE COURT: Okay. And what does your -- does your
20 wife work?

21 PROSPECTIVE JUROR NO. 217: No.

22 THE COURT: No. How old are your children?

23 PROSPECTIVE JUROR NO. 217: The one is 13. I got
24 just two.

25 THE COURT: Just two?

1 PROSPECTIVE JUROR NO. 217: 13 and 30.
2 THE COURT: Oh, you've got one that's 30?
3 PROSPECTIVE JUROR NO. 217: Yes, ma'am.
4 THE COURT: So what does your 30-year-old child do?
5 PROSPECTIVE JUROR NO. 217: Oh, no, she's -- she's
6 married already. She's in Chicago.
7 THE COURT: Oh, she's in Chicago?
8 PROSPECTIVE JUROR NO. 217: Yes, ma'am.
9 THE COURT: Does she work or does she stay home?
10 PROSPECTIVE JUROR NO. 217: No, she work.
11 THE COURT: What does she do to work?
12 PROSPECTIVE JUROR NO. 217: I think work in a
13 nursery, something. I don't know exactly right now because
14 she move job to job.
15 THE COURT: I see. Okay. Is there any reason that
16 you think you could not be fair and impartial in this case as
17 a juror?
18 PROSPECTIVE JUROR NO. 217: Through -- I don't know
19 how to explain a lot, you know.
20 THE COURT: Are you --
21 PROSPECTIVE JUROR NO. 217: So --
22 THE COURT: Are you concerned that your English
23 skills are not good enough?
24 PROSPECTIVE JUROR NO. 217: Kind of like
25 [indecipherable] but I don't -- I don't understand a lot, you

1 know, a lot of things.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 217: I just talk a little

4 bit, not much.

5 THE COURT: Have you had a hard time understanding?

6 PROSPECTIVE JUROR NO. 217: Yes. And speak, too.

7 You can -- you can -- you can hear me.

8 THE COURT: Okay, all right. Any objection, Mr.

9 Shetler, to excusing Mr. Ibarra?

10 MR. SHETLER: No objection, Your Honor.

11 THE COURT: All right.

12 MR. SHETLER: Thank you.

13 THE COURT: Thank you. You're excused.

14 THE CLERK: Tara Douglass, badge 269, please take

15 seat 10.

16 THE COURT: Ms. Douglass, hello.

17 PROSPECTIVE JUROR NO. 269: Hello.

18 THE COURT: And so have you ever been in law

19 enforcement?

20 PROSPECTIVE JUROR NO. 269: No.

21 THE COURT: Have you ever been the victim of a

22 crime?

23 PROSPECTIVE JUROR NO. 269: No.

24 THE COURT: Anyone in your family ever been in law

25 enforcement, anyone closely associated with you?

1 PROSPECTIVE JUROR NO. 269: I have a sister. She
2 tried out for Las Vegas Metropolitan last year.
3 THE COURT: Okay, tried out but not successfully?
4 PROSPECTIVE JUROR NO. 269: Correct.
5 THE COURT: Okay. Was it during the academy, she
6 didn't make it through, or she just wasn't selected --
7 PROSPECTIVE JUROR NO. 269: She wasn't selected.
8 THE COURT: I see. Did you -- do you bear any
9 grudge towards Metro for not selecting her?
10 PROSPECTIVE JUROR NO. 269: No.
11 THE COURT: Okay. And have you ever been the victim
12 of a crime?
13 PROSPECTIVE JUROR NO. 269: No.
14 THE COURT: Anyone in your family been the victim of
15 a -- or anybody closely associated with you been the victim of
16 a violent crime?
17 PROSPECTIVE JUROR NO. 269: No.
18 THE COURT: Have you ever been accused of or
19 convicted of a crime?
20 PROSPECTIVE JUROR NO. 269: No.
21 THE COURT: How about anyone in your family or
22 closely associated with you?
23 PROSPECTIVE JUROR NO. 269: No.
24 THE COURT: Okay. Do you believe in the presumption
25 of innocence?

1 PROSPECTIVE JUROR NO. 269: Yes.

2 THE COURT: Will you hold the State to its burden of
3 proof then?

4 PROSPECTIVE JUROR NO. 269: Yes.

5 THE COURT: Okay. Any reason whatsoever that you
6 think you could not be a fair and impartial juror in this
7 case?

8 PROSPECTIVE JUROR NO. 269: No.

9 THE COURT: Is that a no?

10 PROSPECTIVE JUROR NO. 269: No.

11 THE COURT: All right, thank you. Tell us about
12 yourself.

13 PROSPECTIVE JUROR NO. 269: I'm single. I work two
14 jobs. I have two boys, wonderful boys. One's in Utah. The
15 other one is in Oregon, he goes to school, and --

16 THE COURT: What are your two jobs that you work?

17 PROSPECTIVE JUROR NO. 269: I work for the Clark
18 County School District and the M Resort.

19 THE COURT: So what do you do for the school
20 district?

21 PROSPECTIVE JUROR NO. 269: Food service.

22 THE COURT: Okay, and what about for the M?

23 PROSPECTIVE JUROR NO. 269: The M, I am a cook.

24 THE COURT: Okay. So you're -- you're -- in both --

25 PROSPECTIVE JUROR NO. 269: Right, full-time.

1 THE COURT: Both things involve food, and for our
2 school district, are you just serving the food at the school?
3 PROSPECTIVE JUROR NO. 269: No, we make the food at
4 the central kitchen.
5 THE COURT: Okay, so you're cooking in both jobs?
6 PROSPECTIVE JUROR NO. 269: Right.
7 THE COURT: All right, good. All right, thank you
8 very much.
9 MS. DeMONTE: Pass for cause, Your Honor.
10 THE COURT: State? Mr. Shetler?
11 MR. SHETLER: Yes, Your Honor. MS. Douglass, how
12 are you?
13 PROSPECTIVE JUROR NO. 269: Fine.
14 MR. SHETLER: Good. How long have you been with
15 CCSD?
16 PROSPECTIVE JUROR NO. 269: Well, I was in and out.
17 I was there in '86, and when my mother got sick, I went to
18 California. So I reentered, so I've been back four years.
19 MR. SHETLER: You're not -- you guys are the ones
20 that put it together at the central location, then it gets
21 trucked out, right?
22 PROSPECTIVE JUROR NO. 269: Correct.
23 MR. SHETLER: So you're not having to resolve
24 student disputes?
25 PROSPECTIVE JUROR NO. 269: No.

1 MR. SHETLER: Okay. And nobody ever fights in the
2 kitchen at the end, right?

3 PROSPECTIVE JUROR NO. 269: You know, sometimes.

4 MR. SHETLER: Are you in any kind of management
5 position? Do you have to resolve any disputes between
6 coworkers?

7 PROSPECTIVE JUROR NO. 269: No.

8 MR. SHETLER: You're lucky. All right. Your boys,
9 one's in Utah, one's in Colorado?

10 PROSPECTIVE JUROR NO. 269: Right. No, Oregon.

11 MR. SHETLER: Oregon, you're right. Wrong
12 direction. And you said one's still in school?

13 PROSPECTIVE JUROR NO. 269: Yes.

14 MR. SHETLER: Which one is that?

15 PROSPECTIVE JUROR NO. 269: The youngest, David.

16 MR. SHETLER: And he's in Oregon?

17 PROSPECTIVE JUROR NO. 269: Yes.

18 MR. SHETLER: And what's he studying?

19 PROSPECTIVE JUROR NO. 269: He's studying business.

20 MR. SHETLER: And what about the gentleman in Utah?
21 Is he out of school, still in school?

22 PROSPECTIVE JUROR NO. 269: He's out of college,
23 yes.

24 MR. SHETLER: What's he doing?

25 PROSPECTIVE JUROR NO. 269: He works for the State

1 of Utah.

2 MR. SHETLER: Anything you've heard gives you any
3 pause about serving as a juror in this case?

4 PROSPECTIVE JUROR NO. 269: No.

5 MR. SHETLER: Have you ever had experience where --
6 well, strike that. Your jury trial was about -- a little over
7 two decades ago, right?

8 PROSPECTIVE JUROR NO. 269: Correct.

9 MR. SHETLER: And that was a civil case?

10 PROSPECTIVE JUROR NO. 269: Yes.

11 MR. SHETLER: Any part of that give you any cause
12 for concern over sitting on a criminal jury?

13 PROSPECTIVE JUROR NO. 269: No.

14 MR. SHETLER: And the Judge already asked you, but
15 bear with me, please, the difference between the burden here
16 where it's beyond a reasonable doubt. You understand that?

17 PROSPECTIVE JUROR NO. 269: Yes.

18 MR. SHETLER: Any problem maintaining or forming
19 your own opinion either with or without the other 11 jurors if
20 you're back in the room deliberating?

21 PROSPECTIVE JUROR NO. 269: No.

22 MR. SHETLER: And comfortable with the jury -- if
23 you were to be on trial, comfortable with a jury of 12 people
24 who think, feel, act like you do sitting in judgment on your
25 guilt or innocence?

1 PROSPECTIVE JUROR NO. 269: Yes.

2 MR. SHETLER: Ms. Douglass, thank you so much. Pass
3 for cause, Your Honor.

4 THE COURT: Thank you. If you'll pass the
5 microphone. We have Alexis Thompson, badge number 074?

6 PROSPECTIVE JUROR NO. 074: Yes.

7 THE COURT: Tell us about yourself.

8 PROSPECTIVE JUROR NO. 074: I graduated high school
9 last year. I've lived in Mesquite, Nevada for five years, and
10 I currently work at the front desk at a hotel and casino.

11 THE COURT: Okay, which one?

12 PROSPECTIVE JUROR NO. 074: The Casa Blanca.

13 THE COURT: Okay, all right. Any reason whatsoever
14 that you think you could not be a fair and impartial juror in
15 this case?

16 PROSPECTIVE JUROR NO. 074: No.

17 THE COURT: Do you live at home with your parents?

18 PROSPECTIVE JUROR NO. 074: No, I live on my own.

19 THE COURT: You live on your own?

20 PROSPECTIVE JUROR NO. 074: Um-hum.

21 THE COURT: You have a significant other, boyfriend,
22 husband?

23 PROSPECTIVE JUROR NO. 074: Yes, I have a boyfriend.
24 He works as a server at the steakhouse at the same hotel and
25 casino.

1 THE COURT: Okay. And education is high school?
2 PROSPECTIVE JUROR NO. 074: Yeah.
3 THE COURT: Okay, thank you. State?
4 MS. DeMONTE: Pass for cause, Your Honor.
5 THE COURT: Mr. Shetler?
6 MR. SHETLER: Yes, Your Honor. How are you doing
7 today?
8 PROSPECTIVE JUROR NO. 074: Good.
9 MR. SHETLER: Are you going to have any -- same
10 question that was asked. You're sitting in a room with 11
11 other people and you're deliberating. Can you either
12 collectively or individually form your own opinion about the
13 evidence?
14 PROSPECTIVE JUROR NO. 074: Yes, but I'm a pretty
15 shy person, so it will be probably difficult for me to express
16 my opinion.
17 MR. SHETLER: Expressing it in deliberation, or
18 expressing it in a vote of guilt or innocence?
19 PROSPECTIVE JUROR NO. 074: Deliberation.
20 MR. SHETLER: Okay. And if you were -- would you be
21 comfortable with a jury of 12 people that think and feel like
22 you do sitting in judgment on your guilt or innocence?
23 PROSPECTIVE JUROR NO. 074: Yes.
24 MR. SHETLER: You understand that there are a number
25 of separate charges in this case, right?

1 PROSPECTIVE JUROR NO. 074: Yes.

2 MR. SHETLER: And do you understand that if the --

3 there has to be separate decision on each one of those

4 charges, right?

5 PROSPECTIVE JUROR NO. 074: Yes.

6 MR. SHETLER: And a little bit about what we talked

7 about, the fact that there's more than one incident. Can you

8 separate the fact that there's more than one incident and just

9 look at the evidence for each incident?

10 PROSPECTIVE JUROR NO. 074: Yes.

11 MR. SHETLER: Have you ever had anybody, yourself or

12 anybody that you're close to, be falsely identified or falsely

13 accused?

14 PROSPECTIVE JUROR NO. 074: No.

15 MR. SHETLER: Anything else that you've heard over

16 the last -- the course of the last two days that you feel is

17 important to elaborate on?

18 PROSPECTIVE JUROR NO. 074: No.

19 MR. SHETLER: All right. Not just because you're

20 shy?

21 PROSPECTIVE JUROR NO. 074: No.

22 MR. SHETLER: Okay. Thank you very much.

23 PROSPECTIVE JUROR NO. 074: Thank you.

24 MR. SHETLER: Your Honor, I will pass.

25 THE COURT: Thank you. If you'll pass the

1 microphone to Pasquale Buonsante. Sir, badge number 079,
2 correct?

3 PROSPECTIVE JUROR NO. 079: Correct.

4 THE COURT: Tell us about yourself.

5 PROSPECTIVE JUROR NO. 079: I'm married. Two boys,
6 18 and 10. Lived in Las Vegas since 2003. Met my wife 2004.
7 I work for Wolfgang Puck Fine Dining at the MGM the whole time
8 of 14 years. My older son's going to the Navy right after
9 high school, Green Valley. My little one acts like he's 18,
10 but he's still staying home. He plays baseball. I help coach
11 his team.

12 Yeah. Every day I miss work is money out of my
13 pocket, so I'm a tipped employee. My paychecks are zero, so I
14 depend on my daily cash for my family. So that's the kind of
15 lifestyle we live.

16 THE COURT: Okay. Did you say you have a wife?

17 PROSPECTIVE JUROR NO. 079: My wife? Yes.

18 THE COURT: Yes, what --

19 PROSPECTIVE JUROR NO. 079: My wife's a part-time
20 hairdresser here in town.

21 THE COURT: Okay. So you didn't ask to be excused
22 because of financial hardship or anything.

23 PROSPECTIVE JUROR NO. 079: Well, yesterday I
24 thought one thing; today is another thing, because if I have
25 to go five more days, that's -- that's a lot out of my pocket

1 -- out of my family's pocket, out of their mouths. So I can't
2 pay bills with zero.

3 THE COURT: Well, what hours do you work?

4 PROSPECTIVE JUROR NO. 079: Well, considering I've
5 been there for quite a while, I pretty much have my schedule
6 set, Sundays and Mondays off. I work anywhere from 10:00
7 o'clock to 6:00 P.M. 10:00 A.M. to 6:00 P.M. Yeah.

8 THE COURT: Okay, so what do you do?

9 PROSPECTIVE JUROR NO. 079: I'm a restaurant server.
10 I grew up in a restaurant family. My dad was a chef. He's no
11 longer with us, but I take on a lot of his qualities; working
12 hard, family first, and everybody else is second.

13 THE COURT: Okay. Well, that's good. I mean,
14 certainly, as they say, charity begins at home. But are you
15 saying that if you're not -- because Monday's a day off.
16 We're only in court for a few hours a day. You could not
17 adjust your schedule?

18 PROSPECTIVE JUROR NO. 079: It's not about -- I can
19 adjust it and work extra days somewhere down the line, but
20 it's -- today, tomorrow, the next day. I'd lose about 200,
21 250 a day.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 079: Which is, you know --

24 THE COURT: Right.

25 PROSPECTIVE JUROR NO. 079: You know, that's quite

1 a --
2 THE COURT: Right, and of course you'll be paid too
3 for --
4 PROSPECTIVE JUROR NO. 079: No.
5 THE COURT: -- jury service.
6 PROSPECTIVE JUROR NO. 079: No, we don't get --
7 THE COURT: No, no, no.
8 PROSPECTIVE JUROR NO. 079: Oh, yeah, here.
9 THE COURT: Here.
10 PROSPECTIVE JUROR NO. 079: Yeah, well --
11 THE COURT: It's not as much as --
12 PROSPECTIVE JUROR NO. 079: No.
13 THE COURT: -- you currently make in tips, but --
14 okay. All right. Would the State like to inquire further?
15 MS. DeMONTE: No, Your Honor. I'll submit it.
16 THE COURT: No, I'm just asking if you want to
17 inquire. I'm not -- he didn't ask to be excused when the time
18 came, and so --
19 MS. DeMONTE: We don't, Your Honor. Pass.
20 THE COURT: Mr. Shetler, do you want to ask him some
21 more questions?
22 MR. SHETLER: I hate to not ask a question, Judge.
23 THE COURT: I know.
24 PROSPECTIVE JUROR NO. 079: I may have answers.
25 MR. SHETLER: Yes, Your Honor, I'll ask him

1 questions.

2 THE COURT: I have one more question. Are you
3 saying that if you miss working, it's going to put your family
4 under? You don't have any savings or anything; you're
5 basically going to go under?

6 PROSPECTIVE JUROR NO. 079: We're budgeted.

7 THE COURT: Pardon me?

8 PROSPECTIVE JUROR NO. 079: We're budgeted.

9 THE COURT: I --

10 PROSPECTIVE JUROR NO. 079: We budget our money
11 precisely.

12 THE COURT: That wasn't the question. If you --
13 knowing that you're going to be paid your jury supplement, and
14 knowing that -- you know, what -- your ability to work some
15 is, you're -- and that you could adjust your schedule, are you
16 going to go under?

17 PROSPECTIVE JUROR NO. 079: It would put us behind
18 quite a bit, yeah. And how do you make that up? Once you're
19 behind, there's no way to make it up. I'm not a salaried
20 employee. My paycheck's at a zero.

21 THE COURT: Well, that's because, apparently, your
22 employer doesn't -- does not pay while you're on jury duty?

23 PROSPECTIVE JUROR NO. 079: Correct.

24 THE COURT: Okay, because you don't work for the
25 hotel?

1 PROSPECTIVE JUROR NO. 079: I don't. Wolfgang signs
2 my checks.

3 THE COURT: Oh, and he's not a generous person?

4 PROSPECTIVE JUROR NO. 079: Not with that.

5 THE COURT: Or not? All right. Okay. You can ask
6 him some more questions if you want. He still hasn't answered
7 my question, which is --

8 MR. SHETLER: Right.

9 THE COURT: -- will it put him under.

10 PROSPECTIVE JUROR NO. 079: It would put me under,
11 yes.

12 THE COURT: Because in other words, is it a
13 financial --

14 PROSPECTIVE JUROR NO. 079: It would put us under
15 for --

16 THE COURT: -- such a financial hardship?

17 PROSPECTIVE JUROR NO. 079: It will back us up a
18 whole week.

19 THE COURT: Because you have a duty as a citizen to
20 serve, and everybody makes certain sacrifices, but --

21 PROSPECTIVE JUROR NO. 079: Right.

22 THE COURT: -- we're not asking you to make an
23 ultimate financial sacrifice that you wouldn't be able to pay
24 your rent or you wouldn't be able to feed your children.
25 That's the difference.

1 PROSPECTIVE JUROR NO. 079: Well, I'm already behind
2 two days, so that puts us behind for quite a while.

3 THE COURT: Yeah, again, that's not the question.
4 So would it or not?

5 PROSPECTIVE JUROR NO. 079: I'm sorry? Would it put
6 us under?

7 THE COURT: Yeah.

8 PROSPECTIVE JUROR NO. 079: It will put us under for
9 the week, yes.

10 THE COURT: All right. Are you not going to be able
11 to make -- make your bills? Are you not going to be able to
12 pay the rent?

13 PROSPECTIVE JUROR NO. 079: No.

14 THE COURT: Are you not going to be able to feed
15 your children?

16 PROSPECTIVE JUROR NO. 079: Well, I'm already \$500
17 behind by missing two days, which takes away from our bills
18 that are due this week, which I have to take next week's money
19 to pay this week's bills.

20 THE COURT: I understand that, and everybody juggles
21 bills.

22 PROSPECTIVE JUROR NO. 079: I know, but --

23 THE COURT: And you've told me that you could make
24 up for it by working other, so I'm just trying to get a
25 straight answer from you.

1 PROSPECTIVE JUROR NO. 079: Yeah, down -- in the
2 future.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 079: And I would have to work
5 six days a week.

6 THE COURT: So you never take a day off?

7 PROSPECTIVE JUROR NO. 079: Maybe seven.

8 THE COURT: You never, ever take any vacation?

9 PROSPECTIVE JUROR NO. 079: Well, yeah, I have those
10 vacation days saved for reasons for my kids. Yeah. If I was
11 single, I wouldn't -- I wouldn't worry about it, but I worry
12 about them first.

13 THE COURT: So you could take some vacation days if
14 you wanted to?

15 PROSPECTIVE JUROR NO. 079: If that's the question.

16 THE COURT: Okay. Go ahead.

17 MR. SHETLER: All right, Judge. Buonsante?

18 PROSPECTIVE JUROR NO. 079: Yes.

19 MR. SHETLER: Aside from that issue --

20 PROSPECTIVE JUROR NO. 079: Um-hum.

21 MR. SHETLER: -- any problem giving my client a fair
22 trial?

23 PROSPECTIVE JUROR NO. 079: You know, when you -- I
24 couldn't give a true answer to that. Once your hand is in the
25 cookie jar too many times, you're always going to be known as

1 the cookie monster taking cookies out of the jar, so I can't
2 really give my true answer to that.

3 MR. SHETLER: What you're talking about is if it's
4 Jimmy Little and I on the bus, and I've been in trouble ten
5 times, then probably it's me who's in trouble the 11th time?

6 PROSPECTIVE JUROR NO. 079: Probably.

7 MR. SHETLER: What if Jimmy Little doesn't have
8 any --

9 PROSPECTIVE JUROR NO. 079: [Inaudible] those fights
10 on the busses.

11 MR. SHETLER: Right. Well, you've got two boys.
12 I'm sure they always get along perfect, right?

13 PROSPECTIVE JUROR NO. 079: Yeah, I know exactly how
14 that goes.

15 MR. SHETLER: And everybody gets along in Jersey.
16 Yeah. What about this; if all of Jimmy Little's evidence is
17 just an allegation, and you don't hear any evidence about it,
18 right, it's just this is -- this is what happened in the past,
19 so it must be the case now, can you get past that?

20 PROSPECTIVE JUROR NO. 079: No.

21 MR. SHETLER: And that's because of what you talked
22 about earlier? Just -- you're there before -- okay. Anything
23 -- you've got two brothers -- a brother and a cousin, I'm
24 sorry, who are CO's in New Jersey, right? If you were chosen
25 and you're on the jury, and you were to render -- a verdict of

1 not guilty comes out of the jury, is it going to cause you any
2 hassles with your family?

3 PROSPECTIVE JUROR NO. 079: I don't believe so, I
4 don't believe so, but again, you talk about future -- I can't
5 -- I can't speak for the future.

6 MR. SHETLER: Right. Any -- any problems holding
7 your own point of view or your own decision about the guilt or
8 innocence in the face of 11 other jurors if you're back in the
9 room?

10 PROSPECTIVE JUROR NO. 079: No. I could express my
11 own opinions.

12 MR. SHETLER: I appreciate that. Okay. Mr.
13 Buonsante, thank you so much. Your Honor, could we approach?

14 THE COURT: Yes. I have one question to follow up.
15 So, sir, can you be a fair and impartial juror in this case?

16 PROSPECTIVE JUROR NO. 079: No, I don't believe so.

17 THE COURT: Then you're dismissed.

18 PROSPECTIVE JUROR NO. 079: Okay.

19 THE MARSHAL: Sir, can you bring the microphone over
20 here for me on your way out? Thank you.

21 THE COURT: Okay.

22 THE CLERK: Alvaro Castillo, badge 282, please take
23 seat 12.

24 PROSPECTIVE JUROR NO. 282: Hi.

25 THE COURT: Mr. Castillo, how are you today?

1 PROSPECTIVE JUROR NO. 282: Good.

2 THE COURT: Good. And so have you ever been in law
3 enforcement before?

4 PROSPECTIVE JUROR NO. 282: No.

5 THE COURT: Have you -- anyone in your family,
6 closely associated with you been in law enforcement?

7 PROSPECTIVE JUROR NO. 282: No.

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

10 PROSPECTIVE JUROR NO. 282: Yeah, when I was about
11 20. That's roughly 1996.

12 THE COURT: What crime was that?

13 PROSPECTIVE JUROR NO. 282: I was flying to Mexico,
14 and in the City of Guadalajara, I was riding a bus. A couple
15 of gentlemen talked to me and was possibly innocent, and they
16 offered me a drink. I took a drink; it was a juice. I was
17 drugged for roughly three hours, having a tough time waking
18 up. So finally when I did, I was still having a tough time
19 waking up. So they stole some of my belongings, which was
20 about roughly 1,000 bucks, so yes.

21 THE COURT: Okay, and were you in Guadalajara. Did
22 you call the police?

23 PROSPECTIVE JUROR NO. 282: No, because by then I've
24 arrived in the next town and I was just trying to wake up and
25 get to my grandparents' house. And also, I knew that I

1 couldn't remember at the time anything because I was still
2 halfway asleep. And finally, when I was conscious the
3 following day, it -- nothing would have happened because it
4 was at a different city, so any -- any -- I would not remember
5 anything, so no.

6 THE COURT: How about any other crimes you've been
7 the victim of? Anything else?

8 PROSPECTIVE JUROR NO. 282: No.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 282: How about anyone in your
11 family or closely associated with you been the victim of a
12 violent crime?

13 PROSPECTIVE JUROR NO. 282: No.

14 THE COURT: And have you ever been accused of or
15 convicted of a crime?

16 PROSPECTIVE JUROR NO. 282: No.

17 THE COURT: Anyone in your family, closely
18 associated with you?

19 PROSPECTIVE JUROR NO. 282: No.

20 THE COURT: No. Do you believe in the presumption
21 of innocence?

22 PROSPECTIVE JUROR NO. 282: Yes, I do.

23 THE COURT: Will you follow the law as I instruct
24 you?

25 PROSPECTIVE JUROR NO. 282: Yes.

1 THE COURT: And do you feel that you could be a fair
2 and impartial juror to both sides in this case?

3 PROSPECTIVE JUROR NO. 282: Yes.

4 THE COURT: Okay. Any reason whatsoever that you --
5 you know, you've been hearing the questions asked, and now
6 we're here to you after, you know, a day-and-a-half. So did
7 you hear another question posed to somebody else and you
8 thought, ah, when it's my turn, I need to bring this to the
9 Judge's attention?

10 PROSPECTIVE JUROR NO. 282: No, not at all.

11 THE COURT: All right, thank you. State, would you
12 like to inquire further?

13 MS. DeMONTE: Pass for cause, Your Honor.

14 THE COURT: And defense?

15 MR. SHETLER: Pass for cause, Your Honor.

16 THE COURT: Thank you. If you'll pass the
17 microphone over. We have Raymundo Alvarado-Gonzalez. Whoops.
18 Wait, wait --

19 MS. DeMONTE: Oh, I'm sorry, Your Honor.

20 THE COURT: Yes?

21 MS. DeMONTE: We are passing for cause, but he -- we
22 didn't ask him about the tell us about yourself questions.

23 THE COURT: Oh, I'm sorry. Thank you for reminding
24 me. I don't know how that slipped my mind. All right. Mr.
25 Castillo, I forgot to ask you about, you know, the question

1 tell me about yourself, and I want to know.

2 PROSPECTIVE JUROR NO. 282: I've been in Las Vegas
3 for about 20 years. Divorced about a year ago. I got two
4 kids, 20 and 18. Work for the Hilton, engineering.

5 THE COURT: Okay. And when you say engineering, do
6 you mean you're taking care of the building?

7 PROSPECTIVE JUROR NO. 282: Any repairs in the
8 building.

9 THE COURT: Yes.

10 PROSPECTIVE JUROR NO. 282: Yes.

11 THE COURT: So anything they need --

12 PROSPECTIVE JUROR NO. 282: Maintenance, yes.

13 THE COURT: Okay, very good. Did you say you're
14 married?

15 PROSPECTIVE JUROR NO. 282: Divorced about a year
16 ago.

17 THE COURT: Okay. What did your ex-wife do?

18 PROSPECTIVE JUROR NO. 282: Oh, I'm sorry. I
19 thought you meant to get me to divorce her. I'm sorry. She
20 was a cocktail waitress in a casino.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 282: Yes. Sorry.

23 THE COURT: Sorry. That -- yeah, that could have
24 sounded like that. All right. All right, now --

25 MS. DeMONTE: State's still passing for cause.

1 THE COURT: Defense?

2 PROSPECTIVE JUROR NO. 282: I was about to start.

3 MR. SHETLER: Well, Your Honor, I have a lot more
4 questions now, but no, we will pass for cause. We'll pass for
5 cause, Your Honor.

6 THE COURT: All right, thank you. All right. And
7 we have Raymundo Alvarado-Gonzalez.

8 PROSPECTIVE JUROR NO. 082: No hablo ingles.

9 THE COURT: Nada?

10 PROSPECTIVE JUROR NO. 082: Nada.

11 MS. DeMONTE: Okay.

12 THE COURT: Well, I won't -- my court recorder will
13 get on me if I practice my Spanish on you. All right. Any
14 objection?

15 MS. DeMONTE: No, Your Honor.

16 THE COURT: Okay.

17 MR. SHETLER: No, Your Honor.

18 THE COURT: You're excused. Gracias, senior.

19 THE CLERK: Byron Fisher, badge 285, please take
20 seat 13.

21 THE COURT: Mr. Fisher, welcome.

22 PROSPECTIVE JUROR NO. 285: How's it going?

23 THE COURT: I'm doing well, thank you. And have you
24 ever been in law enforcement, sir?

25 PROSPECTIVE JUROR NO. 285: No.

1 THE COURT: Has anyone in your family or closely
2 associated with you?

3 PROSPECTIVE JUROR NO. 285: Close friends in
4 Virginia.

5 THE COURT: Okay, and police officers?

6 PROSPECTIVE JUROR NO. 285: Police officers, yes.

7 THE COURT: All right. Are these people that you
8 talk to about their work all the time?

9 PROSPECTIVE JUROR NO. 285: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 285: Very close friend. Best
12 man at his wedding.

13 THE COURT: Okay. Do you think that -- we're going
14 to have some law enforcement officers potentially who could
15 take the stand and testify in this case. Do you think that
16 you could evaluate their testimony in the same way you would
17 other witnesses?

18 PROSPECTIVE JUROR NO. 285: Yes.

19 THE COURT: Okay. So you won't -- just because
20 they're law enforcement, you'll say, well, I don't care if
21 they say the sky is purple with pink polka dots, I'm going
22 with that?

23 PROSPECTIVE JUROR NO. 285: Right, right.

24 THE COURT: You won't do that? Okay, good. And
25 have you ever been the victim of a crime?

1 PROSPECTIVE JUROR NO. 285: Yes.

2 THE COURT: What was that?

3 PROSPECTIVE JUROR NO. 285: It was breaking and
4 entering --

5 THE COURT: Okay. Was that --

6 PROSPECTIVE JUROR NO. 285: -- when I was home.

7 THE COURT: Was that here in Clark County?

8 PROSPECTIVE JUROR NO. 285: I was in Virginia.

9 THE COURT: So you're kind of a recent transplant?

10 PROSPECTIVE JUROR NO. 285: Yes, I've only been here
11 a year.

12 THE COURT: All right. So when you were in
13 Virginia, your house -- was it your house or apartment that
14 got broken into?

15 PROSPECTIVE JUROR NO. 285: Yes.

16 THE COURT: And did you call the police about that?

17 PROSPECTIVE JUROR NO. 285: Yes, we did.

18 THE COURT: And what was the result?

19 PROSPECTIVE JUROR NO. 285: Well, nobody showed up
20 until about three or four days later.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 285: It's just the part of
23 town we lived in. That's what I'm going to assume, anyway.

24 THE COURT: Okay, and so no one was ever apprehended
25 for --

1 PROSPECTIVE JUROR NO. 285: No.

2 THE COURT: -- breaking in? And did they take your
3 things?

4 PROSPECTIVE JUROR NO. 285: Oh, yes.

5 THE COURT: Okay. Do you feel like the police
6 should have done more than they did?

7 PROSPECTIVE JUROR NO. 285: Yes, but I don't hold it
8 against them. I'm just happy nobody was in there, you know,
9 so.

10 THE COURT: Absolutely. All right. How about
11 anyone in your family or closely associated with you that's
12 been the victim of a violent crime?

13 PROSPECTIVE JUROR NO. 285: A brother. My oldest
14 brother, he -- in high school, he got knocked unconscious.

15 THE COURT: In some type of like attack?

16 PROSPECTIVE JUROR NO. 285: In a brawl. Yeah.

17 THE COURT: Okay. All right. Anything about that
18 situation --

19 PROSPECTIVE JUROR NO. 285: Well, I guess the guy
20 wanted the girl he was talking to, and altercation.

21 THE COURT: I see. Okay. So too much testosterone
22 in the room?

23 PROSPECTIVE JUROR NO. 285: I believe so, yes.

24 THE COURT: Okay, and -- but will you be able to set
25 that aside and --

1 PROSPECTIVE JUROR NO. 285: Oh, yes, yes.

2 THE COURT: -- focus on the evidence in this case?

3 Okay. Ever been accused of or convicted of a crime?

4 PROSPECTIVE JUROR NO. 285: A DUI when I was 18. I

5 was in college.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 285: College kid. My fault

8 totally.

9 THE COURT: Okay. Do you feel you were treated

10 fairly by the justice system?

11 PROSPECTIVE JUROR NO. 285: Yes.

12 THE COURT: And anyone in your family or closely

13 associated with you accused of or convicted of a crime?

14 PROSPECTIVE JUROR NO. 285: Yes. My third oldest

15 brother for breaking and entering and grand larceny.

16 THE COURT: Okay. And was that in Virginia?

17 PROSPECTIVE JUROR NO. 285: Yes.

18 THE COURT: All right. Did you feel he was treated

19 fairly by the justice system?

20 PROSPECTIVE JUROR NO. 285: Yes.

21 THE COURT: Any reason that you think because of

22 that situation you could not be fair and impartial in this

23 case?

24 PROSPECTIVE JUROR NO. 285: No.

25 THE COURT: Would you be able to listen to all the

1 evidence and make your decision based upon the evidence you
2 hear in this case?

3 PROSPECTIVE JUROR NO. 285: Yes.

4 THE COURT: Okay. Any reason whatsoever you think
5 you could not be a fair and impartial juror in this case?

6 PROSPECTIVE JUROR NO. 285: No. Going back to what
7 Mr. Macklin said when the State read off the things.

8 THE COURT: Yes.

9 PROSPECTIVE JUROR NO. 285: I mean, just being
10 honest, it was just like too much back to back, to back, to
11 back --

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 285: -- in the same time
14 frame.

15 THE COURT: But you understand those are just -- or
16 allegations?

17 PROSPECTIVE JUROR NO. 285: Yes.

18 THE COURT: And that it is the State's obligation to
19 prove each of those --

20 PROSPECTIVE JUROR NO. 285: Correct, correct.

21 THE COURT: -- separately, and so they've got to
22 come with the proof. That's their job.

23 PROSPECTIVE JUROR NO. 285: Right.

24 THE COURT: Right? And you're not going to convict
25 someone, are you, without hearing the evidence?

1 PROSPECTIVE JUROR NO. 285: Right.

2 THE COURT: You're going to hold the State to their
3 burden of proof?

4 PROSPECTIVE JUROR NO. 285: Yes.

5 THE COURT: If they do prove the case beyond a
6 reasonable doubt as to each of the charges, do you have any
7 problem with returning a guilty verdict?

8 PROSPECTIVE JUROR NO. 285: No.

9 THE COURT: What about if they proved the case
10 beyond a reasonable doubt as to maybe two of the charges, but
11 you don't feel that they've proved it as to some of the other
12 charges? Do you have any problem with returning --

13 PROSPECTIVE JUROR NO. 285: No.

14 THE COURT: -- not guilty verdicts for the charges
15 you don't think they proved?

16 PROSPECTIVE JUROR NO. 285: No.

17 THE COURT: Okay. Tell us about yourself.

18 PROSPECTIVE JUROR NO. 285: I'm from Virginia,
19 obviously. I work at a rehab hospital here in Henderson.
20 Single, no kids. Went to Tuskegee University. I have a
21 master's degree. That's about it.

22 THE COURT: What's your degree in?

23 PROSPECTIVE JUROR NO. 285: Occupational therapy.

24 THE COURT: And that's what you do at the rehab
25 hospital?

1 PROSPECTIVE JUROR NO. 285: Yes.

2 THE COURT: Okay, very interesting. I think those
3 are the questions I have. Go ahead, State.

4 MS. DeMONTE: Pass for cause, Your Honor.

5 THE COURT: Defense?

6 MR. SHETLER: Yes, Your Honor, very briefly. Mr.
7 Fisher, how are you doing?

8 PROSPECTIVE JUROR NO. 285: How's it going? Pretty
9 good.

10 MR. SHETLER: Good. I couldn't tell with the two
11 W's whether it was Wally World on there or not. I was --

12 PROSPECTIVE JUROR NO. 285: Oh, no, no, no.

13 MR. SHETLER: -- Wally World, but. Here's the deal,
14 right? If Jimmy Little says I'm doing something, just because
15 I did it ten times, that doesn't mean I did it 11 times,
16 right?

17 PROSPECTIVE JUROR NO. 285: Correct.

18 MR. SHETLER: It doesn't sound good.

19 PROSPECTIVE JUROR NO. 285: No, not at all.

20 MR. SHETLER: It's not helpful.

21 PROSPECTIVE JUROR NO. 285: No.

22 MR. SHETLER: Maybe is it possible, can you imagine,
23 that perhaps a number of separate incidents might be strung
24 together for just that reason, to bolster the idea that maybe
25 this happened?

1 PROSPECTIVE JUROR NO. 285: Correct, yes.

2 MR. SHETLER: And if you never hear -- if all you
3 hear is Jimmy Little's side and you never hear my side, are
4 you going to be able to render a fair verdict?

5 PROSPECTIVE JUROR NO. 285: Yes.

6 MR. SHETLER: Any problem with jurors who think,
7 act, and feel like you do sitting in judgment on your guilt or
8 innocence if you were ever in that situation?

9 PROSPECTIVE JUROR NO. 285: You mean would I have a
10 problem with it?

11 MR. SHETLER: Correct.

12 PROSPECTIVE JUROR NO. 285: I mean, it just depends
13 at times. To be transparent --

14 MR. SHETLER: Please.

15 PROSPECTIVE JUROR NO. 285: -- for you, brother, for
16 example. So, good guy, made bad choices. But you know, every
17 time, he said it wasn't him, it wasn't him, and it kept
18 happening. That's quite a problem. That's what I'm saying.
19 Not to --

20 MR. SHETLER: I understand.

21 PROSPECTIVE JUROR NO. 285: He may be a good guy,
22 but bad choices.

23 MR. SHETLER: Right, right.

24 PROSPECTIVE JUROR NO. 285: I mean all fairness to
25 your client.

1 MR. SHETLER: I appreciate it, man, and that's all
2 we're asking -- that's all we're asking, and I --

3 PROSPECTIVE JUROR NO. 285: Yeah.

4 MR. SHETLER: -- appreciate your being honest. It's
5 not the most comfortable setting, not the most comfortable
6 forum.

7 PROSPECTIVE JUROR NO. 285: No, no, it's not.

8 MR. SHETLER: Not really -- not a lot of people want
9 to be here.

10 PROSPECTIVE JUROR NO. 285: I mean, that has nothing
11 to do with it. I'll still be fair, if that's what you really
12 want to get down to. Evidence -- I'd definitely be fair.

13 MR. SHETLER: Have you ever had a situation where
14 you or somebody you're close to has been falsely accused or
15 misidentified as somebody?

16 PROSPECTIVE JUROR NO. 285: No.

17 MR. SHETLER: And any problem -- your friend in
18 Virginia who's in law enforcement. If you are on the jury and
19 a verdict of not guilty is determined to be the verdict the
20 jury gives in this case --

21 PROSPECTIVE JUROR NO. 285: Um-hum.

22 MR. SHETLER: -- is that going to cause you any
23 fallout with your friend back in Virginia?

24 PROSPECTIVE JUROR NO. 285: Not at all.

25 MR. SHETLER: And I doubt this, but any problem

1 holding your own opinion, whatever that opinion may be, being
2 in a room with 11 other people with maybe --

3 PROSPECTIVE JUROR NO. 285: No problem.

4 MR. SHETLER: All right, all right. Mr. Fisher,
5 thank you so much.

6 PROSPECTIVE JUROR NO. 285: You're welcome.

7 MR. SHETLER: Your Honor, we'll pass for cause.

8 THE COURT: Thank you. And Victor Hernandez, badge
9 number 084.

10 PROSPECTIVE JUROR NO. 084: Yes.

11 THE COURT: Tell us about yourself, sir.

12 PROSPECTIVE JUROR NO. 084: Okay. I'm married. I
13 have 27 years living in Clark County -- here in Clark County.
14 I was a roofer for 20 years. Now I work at the Aria Casino,
15 PAD. It means [indecipherable] area.

16 THE COURT: Yes.

17 PROSPECTIVE JUROR NO. 084: My wife, same thing.
18 She works at a casino, Treasure Island; same department, PAD.
19 And I got four kids. Two of those are my stepsons. One, he
20 was a police sheriff, Eureka. Now she work in Dark Water,
21 police officer over there. Another one is officer in
22 correctional. And my daughter, she's 22, she was working for
23 forensic. My other kid is 19 years, he left for the high
24 school. He's at home right now, and she's applied for Air
25 Force. She's waiting. And it's my life in short terms.

1 THE COURT: Very -- you must be very proud of your
2 children doing very well.

3 PROSPECTIVE JUROR NO. 084: I think it inspired my
4 wife and I, and I'm really proud for them.

5 THE COURT: Of course. You have to give them their
6 credit, right? So you've got a lot of -- a lot of your kids
7 are involved in law enforcement in some --

8 PROSPECTIVE JUROR NO. 084: Yes.

9 THE COURT: -- fashion or another? Do you think
10 that will be a problem for you to be fair and impartial in
11 this case?

12 PROSPECTIVE JUROR NO. 084: Absolutely not.

13 THE COURT: All right, thank you. All right.
14 State?

15 MS. DeMONTE: Pass for cause.

16 THE COURT: Defense?

17 MR. SHETLER: Pass for cause, Judge.

18 THE COURT: Thank you. And if you'll pass the
19 microphone to Elaine Mauro, badge number 087. Tell us about
20 yourself.

21 PROSPECTIVE JUROR NO. 087: I'm originally from
22 Boston. My husband and I moved here in --

23 THE COURT: Wait, wait. I think you need to hold up
24 the microphone a little closer.

25 PROSPECTIVE JUROR NO. 087: I'm originally from

1 Boston.

2 THE COURT: There you go.

3 PROSPECTIVE JUROR NO. 087: My husband and I moved
4 here in 2002. He works for the US Postal Service. I work for
5 Clark County. I work at the airport, been there since 2003.
6 Well, I was with family court before that and district court
7 before that.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 087: And we have no children.

10 THE COURT: All right. So what is your job at the
11 airport?

12 PROSPECTIVE JUROR NO. 087: I work for the assistant
13 director of HR. I'm an admin secretary.

14 THE COURT: Okay. And what about -- you said you
15 worked in District Court and --

16 PROSPECTIVE JUROR NO. 087: Yes.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 087: I started at District
19 Court at the Clerk's Office, then Family Court at the Clerk's
20 Office as well. And then I was a calendar clerk for Judge
21 Voy.

22 THE COURT: Okay, in family court?

23 PROSPECTIVE JUROR NO. 087: Yes, correct.

24 THE COURT: All right. So in your time in District
25 Court, did you ever serve as a clerk in the courtroom --

1 PROSPECTIVE JUROR NO. 087: No, I did not.
2 THE COURT: -- for trials? Okay. All right, and
3 let's see. And your husband?
4 PROSPECTIVE JUROR NO. 087: He works for the Postal
5 Service.
6 THE COURT: As a --
7 PROSPECTIVE JUROR NO. 087: Letter carrier.
8 THE COURT: Okay, very good. Any reason whatsoever
9 that you think you could not be fair and impartial in this
10 case?
11 PROSPECTIVE JUROR NO. 087: No, ma'am.
12 THE COURT: Thank you. State?
13 MS. DeMONTE: Pass for cause.
14 THE COURT: Defense?
15 MR. SHETLER: Pass for cause, Judge.
16 THE COURT: Thank you. And we are back to Armando
17 Martinez, badge number 221. Mr. Martinez, tell us about
18 yourself.
19 PROSPECTIVE JUROR NO. 221: I'm 22. I've been here
20 in Vegas for 11 years. I have two kids, twins, who are about
21 to be two. I have -- I'm engaged. My fiancé is a dog
22 trainer. I work for the post office, I'm a letter carrier.
23 I've been there for a year. And then I have -- I've only gone
24 to high school, so I'm a high school graduate.
25 THE COURT: All right, and do you know Ms. Mauro

1 seated to your left?

2 PROSPECTIVE JUROR NO. 221: No.

3 THE COURT: Okay, so you don't know her husband

4 then?

5 PROSPECTIVE JUROR NO. 221: No.

6 THE COURT: There are a lot of letter carriers that

7 work --

8 PROSPECTIVE JUROR NO. 221: Oh, yeah.

9 THE COURT: -- for the post office, I assume. Yes.

10 All right. Any reason whatsoever you think you could not be a

11 fair and impartial juror in this case?

12 PROSPECTIVE JUROR NO. 221: I mean, not really.

13 THE COURT: Thank you. State?

14 MS. DeMONTE: Pass for cause, Your Honor.

15 THE COURT: Defense?

16 MR. SHETLER: I have a few questions, Your Honor.

17 THE COURT: Okay.

18 MR. SHETLER: You hesitated a little bit when the

19 Judge asked if you could be a fair and impartial juror.

20 PROSPECTIVE JUROR NO. 221: Um-hum.

21 MR. SHETLER: Was there a reason you hesitated?

22 PROSPECTIVE JUROR NO. 221: Yeah. I mean, I've been

23 thinking about it. It's just with the life I've lived -- it's

24 kind of like the question you asked. If I was the one sitting

25 on the other side, would I want somebody like me judging

1 myself. And honestly, I wouldn't. I mean, with the --
2 basically, what I've been through with police, and it's always
3 been a negative side, I mean no disrespect to any police, but
4 I've just -- I've never had a good experience with them.

5 And I know if I see -- like I don't -- I kind of
6 have a -- what's the word? It's kind of just like, not really
7 a hate, but I just -- you know, I can't really deal with cops
8 as much, because I've just had too much to myself done that
9 it's kind of hard to just have that -- you know, like see cops
10 and -- like I try to give everybody respect, but I've just had
11 too much.

12 And then it's like if I was on the other side of the
13 table, the way I look, and I mean, because I don't smile a lot
14 too, so people would automatically assume -- if I was the one
15 looking at myself, it's like people just automatically assume
16 I'm up to no good, you know, because of my age, or because
17 just the way I look, and the neighborhoods I live in too, so.

18 MR. SHETLER: I appreciate your honesty, man, and
19 you've been real open with us over the past two days. I -- I
20 don't know if the Court -- do you want me to go on? Do you
21 want to --

22 THE COURT: Well, so you're saying you don't think
23 you could be fair and impartial in this case, or not? Because
24 -- to both sides. You've got to be fair and impartial to both
25 sides and base your decision on the evidence in this case, and

1 not some preconceived notions that you have based upon your
2 past personal experience.

3 PROSPECTIVE JUROR NO. 221: I know. It's just hard
4 though too, because like when -- I mean, if I did see cops, I
5 can understand the evidence and I can see -- you know, I'd be
6 able to understand the evidence and see that, but it's just --
7 I don't know.

8 Honestly, I don't know. I mean, I honestly don't
9 know. Not only because maybe he -- you know, the evidence
10 points to him, or the evidence doesn't point to him. I mean,
11 either way. But it's just hard to -- it's hard to
12 differentiate because, you know, the badge, and then because
13 of the crime -- or the allegations that were, you know,
14 against his witness.

15 THE COURT: So you're the only person that can tell
16 us, and I have to get an unequivocal answer.

17 PROSPECTIVE JUROR NO. 221: If you want a yes or no
18 answer, then no.

19 THE COURT: Then you can't -- you can't be. All
20 right, thank you.

21 PROSPECTIVE JUROR NO. 221: If you want a yes or no
22 answer.

23 THE COURT: You're dismissed.

24 PROSPECTIVE JUROR NO. 221: Appreciate it.

25 THE CLERK: Patricia Bluhm, badge 294, please take

1 seat 16.

2 THE COURT: All right. Ms. Bluhm, welcome. And

3 have you ever been in law enforcement?

4 PROSPECTIVE JUROR NO. 294: No.

5 THE COURT: Anyone in your family, closely

6 associated with you in law enforcement?

7 PROSPECTIVE JUROR NO. 294: No.

8 THE COURT: Have you ever been the victim of a

9 crime?

10 PROSPECTIVE JUROR NO. 294: No.

11 THE COURT: Anyone in your family or closely

12 associated with you been the victim of a violent crime?

13 PROSPECTIVE JUROR NO. 294: My mother.

14 THE COURT: What was that?

15 PROSPECTIVE JUROR NO. 294: Being robbed at a bus

16 stop where -- what ended up happening is the way that he

17 pulled on her, she fractured her pelvic bone, so she was

18 bedridden for about a month-and-a-half.

19 THE COURT: Oh my goodness.

20 PROSPECTIVE JUROR NO. 294: So.

21 THE COURT: Was that here in Clark County?

22 PROSPECTIVE JUROR NO. 294: No, Los Angeles.

23 THE COURT: Los Angeles. Did she call the police,

24 or did someone call the police?

25 PROSPECTIVE JUROR NO. 294: I believe somebody did.

1 It's -- it's been a while now so it's hard to remember all the
2 small details, but I do believe, yes.

3 THE COURT: Do you know whether anyone was
4 apprehended for that?

5 PROSPECTIVE JUROR NO. 294: No.

6 THE COURT: Okay. And you don't remember enough
7 about it to, you know, have any opinion as to whether the
8 police did what they could to apprehend the suspect?

9 PROSPECTIVE JUROR NO. 294: That part I don't know,
10 because it was so quick and nobody really caught a glimpse --

11 THE COURT: I see.

12 PROSPECTIVE JUROR NO. 294: -- of the face.

13 THE COURT: All right. Anything though about that
14 situation that makes you think you would not be able to be a
15 fair and impartial juror in this case?

16 PROSPECTIVE JUROR NO. 294: No.

17 THE COURT: Have you ever been accused of or
18 convicted of a crime?

19 PROSPECTIVE JUROR NO. 294: No.

20 THE COURT: Anyone in your family, closely
21 associated with you?

22 PROSPECTIVE JUROR NO. 294: No.

23 THE COURT: Have you -- or do you believe in the
24 presumption of innocence?

25 PROSPECTIVE JUROR NO. 294: Yes.

1 THE COURT: Will you be able to follow the
2 instructions on the law as I give them to you?
3 PROSPECTIVE JUROR NO. 294: Yes.
4 THE COURT: Tell us about yourself.
5 PROSPECTIVE JUROR NO. 294: Born and raised in Los
6 Angeles, moved to Nevada in 2001. Attended UNLV, graduated
7 with a bachelor's degree in social work. I'm married. Have
8 two stepchildren, 18 and 13.
9 THE COURT: And your husband does what?
10 PROSPECTIVE JUROR NO. 294: Mental health.
11 THE COURT: Mental health?
12 PROSPECTIVE JUROR NO. 294: Um-hum.
13 THE COURT: As --
14 PROSPECTIVE JUROR NO. 294: Director of Mental
15 Health for Alta Wellness Center.
16 THE COURT: Okay. The 18-year-old, does he work or
17 she work?
18 PROSPECTIVE JUROR NO. 294: He just got laid off.
19 THE COURT: Oh, that's too bad.
20 PROSPECTIVE JUROR NO. 294: But he's finishing up
21 high school, getting ready to go to college in the fall.
22 THE COURT: All right, well that will be much more
23 rewarding --
24 PROSPECTIVE JUROR NO. 294: Yes.
25 THE COURT: -- than probably the job he had. All

1 right, thank you. Would the State like to inquire further?

2 MS. DeMONTE: No, Your Honor. Pass for cause.

3 THE COURT: Defense?

4 MR. SHETLER: Pass for cause, Your Honor.

5 THE COURT: Thank you. If you'll go ahead and hand
6 the microphone down. And we have Barbara Jefferson, badge
7 number 109. Tell us about yourself.

8 PROSPECTIVE JUROR NO. 109: I --

9 THE COURT: It's on, yeah.

10 PROSPECTIVE JUROR NO. 109: -- was -- moved here in
11 '72, and moved to Mississippi. I lived there for a few years;
12 just came back the last four years. Divorced. I have two
13 children. One is 28 that works at Las Vegas Airport. The
14 other one is 21 and she works in Texas on a deer farm. And I
15 work at Sam's Club and been there for five years, and I live
16 with my mother, taking care of her.

17 THE COURT: Okay. What do you do at Sam's Club?

18 PROSPECTIVE JUROR NO. 109: I work in claims. I'm
19 the claims management. I handle everything that gets
20 returned.

21 THE COURT: Okay. And how long have you been back
22 now to --

23 PROSPECTIVE JUROR NO. 109: Four years.

24 THE COURT: Four years, okay. And have you been
25 with Sam's ever since you came back?

1 PROSPECTIVE JUROR NO. 109: Yes, ma'am.

2 THE COURT: All right. Any reason whatsoever you
3 think you could not be a fair and impartial juror in this
4 case?

5 PROSPECTIVE JUROR NO. 109: No, ma'am.

6 THE COURT: Thank you. State?

7 MS. DeMONTE: Pass for cause, Your Honor.

8 THE COURT: Defense?

9 MR. SHETLER: Yes, Your Honor. Ms. Jefferson, how
10 are you doing?

11 PROSPECTIVE JUROR NO. 109: Fine. How are you?

12 MR. SHETLER: I'm well, thank you. You've been here
13 for two long days, I know. Nothing you've heard gives you any
14 pause or any concerns?

15 PROSPECTIVE JUROR NO. 109: No, sir.

16 MR. SHETLER: Any problem holding your own opinion,
17 whatever that might be, back with 11 other people?

18 PROSPECTIVE JUROR NO. 109: No, sir.

19 MR. SHETLER: Okay. What's a deer farm?

20 PROSPECTIVE JUROR NO. 109: What's a deer farm?
21 Well, they are raising deer. They have -- they send them to
22 buy for other farms. It's breeding the deer back to the
23 original deer. They moved -- the whitetail, sorry. They are
24 down there in Texas. They moved mule deer down there and have
25 changed the aspect -- the DNA of the white deer.

1 MR. SHETLER: Right.

2 PROSPECTIVE JUROR NO. 109: So they're trying to
3 breed that back out to make just white deer. It's quite
4 interesting.

5 MR. SHETLER: It sounds complicated. Who's -- I
6 didn't -- I wasn't aware of a serious problem with whitetail
7 deer, so --

8 PROSPECTIVE JUROR NO. 109: Yes, there is.

9 MR. SHETLER: All right, all right. How do you get
10 -- it's not relevant. I'll stop. I was curious, and I still
11 want to know what she did, but I want to -- claims at Sam's
12 Club?

13 PROSPECTIVE JUROR NO. 109: Yes, sir.

14 MR. SHETLER: I thought I understood what that was
15 until you said anything that gets returned, you deal with.
16 Any of the little --

17 PROSPECTIVE JUROR NO. 109: Yes. Anything that gets
18 returned from members, I receive. There's, you know, your
19 little return sticker, and then you decide where it goes.
20 Does it go in the trash, does it get marked down, does it send
21 back to the vendor. So anything that comes --

22 MR. SHETLER: Sam's Club. Sorry, sorry, sorry.
23 Sam's Club, right. I -- a lot of -- my family spends a lot of
24 time in Sam's. I was thinking Sam's Casino, and I was trying
25 to think --

1 PROSPECTIVE JUROR NO. 109: No.

2 MR. SHETLER: All right. I'm sorry, I know my
3 spouse causes you a lot of work. So, constitutional
4 guarantee, sit as a fair and impartial juror, you're
5 comfortable with all that?

6 PROSPECTIVE JUROR NO. 109: Yes, sir.

7 MR. SHETLER: Whether Jimmy Little's right on my
8 11th time or not right on my 11th time, do you understand that
9 they're all individual pockets and events?

10 PROSPECTIVE JUROR NO. 109: Yes.

11 MR. SHETLER: Do you understand that Jimmy Little
12 might want to talk about my previous ten times to not talk so
13 much about the 11th possible time.

14 PROSPECTIVE JUROR NO. 109: Yes.

15 MR. SHETLER: Does that make sense? Anything --
16 anything else, and then I'll stop. Anything else you've heard
17 over these last two days or comments other people have made as
18 they've been more than -- more than generous with their time
19 in their personal lives? Anything that gives you any concern
20 or that you feel we should know more about?

21 PROSPECTIVE JUROR NO. 109: No, sir.

22 MR. SHETLER: Thank you. For your patience. Pass
23 for cause, Your Honor.

24 THE COURT: Thank you. If you'll hand the
25 microphone -- let's see. We have Gerard Erkenswick, badge

1 number 145?

2 PROSPECTIVE JUROR NO. 145: That's correct, ma'am.

3 THE COURT: Tell us about yourself, sir.

4 PROSPECTIVE JUROR NO. 145: Gerard Erkenswick. I'm
5 36-years-old. Been a Clark County native since I was born. A
6 pressman by trade. My wife's a librarian. We have four
7 children. Something -- a cause for concern that comes up, as
8 I've heard the defense attorney specify over and over again
9 with the Jimmy Little anecdote --

10 THE COURT RECORDER: Sir.

11 PROSPECTIVE JUROR NO. 145: I'm sorry.

12 THE COURT: Okay. I'm not sure I quite follow --

13 PROSPECTIVE JUROR NO. 145: Okay, you have -- you
14 have specified --

15 THE COURT: -- the Jimmy Little anecdote, but --

16 PROSPECTIVE JUROR NO. 145: I wasn't able to specify
17 that somebody very close to me was involved in capital murder
18 in the past week, and the wake is on Sunday, and now I feel as
19 though I'm being like a little bit biased towards violent
20 crimes.

21 So with his, you know, positing the argument, if
22 there's been a chain of events, I feel as though the dominoes
23 would start to fall. I would make -- I would not be
24 impartial. I would feel as though, yes, you are guilty of all
25 charges brought against if you I felt that there was enough

1 evidence on one single charge.

2 THE COURT: All right. So you wouldn't be able to
3 follow the --

4 PROSPECTIVE JUROR NO. 145: I think it's --

5 THE COURT: Wait --

6 PROSPECTIVE JUROR NO. 145: -- because of an --

7 THE COURT: Let me --

8 PROSPECTIVE JUROR NO. 145: -- emotional position
9 I'm in.

10 THE COURT: Let me finish a question --

11 PROSPECTIVE JUROR NO. 145: Yes, yes, ma'am.

12 THE COURT: -- because you're talking over me, and I
13 can't talk over you and you can't talk over me because we've
14 got a record to make.

15 Okay. So are you saying then you won't be able to
16 follow the law as I instruct you? Because I'm going to be
17 instructing you that you have to consider each charge
18 separately, and you have to consider the elements for each
19 charge, and make a decision separately. You won't be able to
20 do that?

21 PROSPECTIVE JUROR NO. 145: I know that would be the
22 protocol, but I feel that I would not be able to do that
23 successfully in my emotional state currently.

24 THE COURT: Okay. So explain to me -- I'm not sure
25 what -- what your emotional state is.

1 PROSPECTIVE JUROR NO. 145: My close friend --
2 because a close friend who I had grown up with --

3 THE COURT: Uh-huh.

4 PROSPECTIVE JUROR NO. 145: -- it just came to my
5 attention that he was murdered. The accused stands in Clark
6 County Detention Center currently, you know, accused of
7 murder. And it's just, any violent crime, just from like a
8 standpoint of pacifism, I feel that it should be punished,
9 and --

10 THE COURT: Well, no one -- there's no one here that
11 would say that they believe violent crime is fine.

12 PROSPECTIVE JUROR NO. 145: Right, absolutely.

13 THE COURT: No one's saying that.

14 PROSPECTIVE JUROR NO. 145: And I know that had been
15 a question.

16 THE COURT: That's not your job. That's -- don't --

17 THE COURT RECORDER: Sir, you have to hold it up to
18 your mouth.

19 THE COURT: Your job is to determine whether the
20 State's proved the case.

21 PROSPECTIVE JUROR NO. 145: Yes.

22 THE COURT: Okay? So that would be -- but you're
23 saying that you don't think that you would be able to do that
24 because you're in such a state at this point that you could
25 not be fair and impartial?

1 PROSPECTIVE JUROR NO. 145: Intellectually, I can be
2 fair and impartial. Emotionally, I do have a bias that's
3 swinging me, you know. So I felt that that all needed to be
4 considered, and it should all be aired, so.

5 THE COURT: Correct. So I need an unequivocal
6 answer. Can you be fair and impartial?

7 PROSPECTIVE JUROR NO. 145: No.

8 THE COURT: All right, thank you. You're dismissed.

9 THE CLERK: Edward Carbone, badge 302, please take
10 seat 18.

11 THE COURT: Sir, is it Carbone or Carbone?

12 PROSPECTIVE JUROR NO. 302: Carbone.

13 THE COURT: Carbone. Okay. So, Mr. Carbone, have
14 you ever been in law enforcement?

15 PROSPECTIVE JUROR NO. 302: Yes.

16 THE COURT: What was that?

17 PROSPECTIVE JUROR NO. 302: I'm a retired police
18 officer.

19 THE COURT: From what jurisdiction?

20 PROSPECTIVE JUROR NO. 302: City of Chicago.

21 THE COURT: They've been in the news of late,
22 unfortunately.

23 PROSPECTIVE JUROR NO. 302: Yes.

24 THE COURT: How long ago did you retire?

25 PROSPECTIVE JUROR NO. 302: August 2011.

1 THE COURT: Do you think that you could listen to
2 the testimony of police officers and evaluate their testimony
3 in the same way you would other witnesses by listening to what
4 they have to say, and observing their demeanor on the stand,
5 comparing it with other witnesses that you believe and hear
6 from with other evidence that may come in? Would you be able
7 to do that?

8 PROSPECTIVE JUROR NO. 302: Yes, I can.

9 THE COURT: So the fact that you're a retired police
10 officer you don't think causes you any bias either for or
11 against the defendant?

12 PROSPECTIVE JUROR NO. 302: No.

13 THE COURT: Okay. Any bias for or against the
14 State?

15 PROSPECTIVE JUROR NO. 302: No.

16 THE COURT: Okay. All right. Have you ever been
17 the victim of a crime?

18 PROSPECTIVE JUROR NO. 302: No.

19 THE COURT: And anyone in your family or closely
20 associated with you been the victim of a violent crime?

21 PROSPECTIVE JUROR NO. 302: No.

22 THE COURT: Ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 302: No.

24 THE COURT: Anyone in your family, closely
25 associated with you been accused of a crime?

1 PROSPECTIVE JUROR NO. 302: No.

2 THE COURT: Will you be able to follow the law as I

3 instruct you?

4 PROSPECTIVE JUROR NO. 302: Yes.

5 THE COURT: Any reason whatsoever that you can think

6 of that you would not be a fair and impartial juror in this

7 case?

8 PROSPECTIVE JUROR NO. 302: No.

9 THE COURT: State?

10 MS. DeMONTE: Pass for cause.

11 THE COURT: Defense?

12 MR. SHETLER: Your Honor, I have some questions.

13 Mr. Carbone, welcome. What kind of work did you do as an

14 officer?

15 PROSPECTIVE JUROR NO. 302: I was -- I was in patrol

16 for about 17, 18 years. I worked in the training division for

17 about five or six years, and then back in patrol.

18 MR. SHETLER: Okay. If you were selected to be on

19 the jury and a variety of law enforcement officers testify,

20 are you going to be able to just weigh the evidence that comes

21 in from them, regardless of the fact that you were a trainer

22 and responsible for making sure cops are doing their job

23 right?

24 PROSPECTIVE JUROR NO. 302: Oh, yeah, I will weigh

25 it correctly.

1 MR. SHETLER: Do you have -- in your experience as a
2 patrol officer, did you ever have a situation to come up on
3 myself and Jimmy Little, and I've got a long history, that
4 whole conversation I've been having? Have you ever had that
5 come up?

6 PROSPECTIVE JUROR NO. 302: Often.

7 MR. SHETLER: Have you ever had to try and get to a
8 decision about what happened there? Let me strike that.
9 That's a mess. I apologize, Mr. Carbone. How do you make
10 sure you get to a fair decision in that case?

11 PROSPECTIVE JUROR NO. 302: You --

12 THE COURT RECORDER: Sir --

13 MR. SHETLER: Bring it a little closer to --

14 PROSPECTIVE JUROR NO. 302: Question -- question
15 everybody, try to find impartial witnesses, try to judge the
16 credibility of the -- of the individuals involved and if what
17 they're saying seems to be supported by evidence or not, and
18 if you feel you have a good reason to believe one way or the
19 other, then you make that decision. If you -- if you don't,
20 then you just really can't make a decision if you don't have
21 good enough evidence.

22 MR. SHETLER: Any -- you still in contact with any
23 of the men and women that you worked with on the force with
24 CPD?

25 PROSPECTIVE JUROR NO. 302: Just e-mails on

1 occasions.

2 MR. SHETLER: If you're chosen to be on this jury
3 and you -- after deliberation, the jury returns a verdict of
4 not guilty, is that going to cause you any hassle if you're on
5 a --

6 PROSPECTIVE JUROR NO. 302: Not at all.

7 MR. SHETLER: Okay. Any problem maintaining your
8 own opinion, whatever that may be, with 11 other people in the
9 room?

10 PROSPECTIVE JUROR NO. 302: No.

11 MR. SHETLER: Ever deal with -- in your training,
12 more specifically, ever deal with issues regarding eyewitness
13 identifications?

14 PROSPECTIVE JUROR NO. 302: When I was in the
15 academy -- when I was training, or --

16 MR. SHETLER: As -- in any capacity. Are you
17 familiar with any of the issues involved with eyewitness
18 identifications?

19 PROSPECTIVE JUROR NO. 302: No.

20 MR. SHETLER: Okay, all right. So whatever you
21 learn in this trial will be what you know about that?

22 PROSPECTIVE JUROR NO. 302: Correct.

23 MR. SHETLER: Okay. Mr. Carbone, thank you so much.
24 Congratulations on making it through.

25 PROSPECTIVE JUROR NO. 302: Thank you.

1 MR. SHETLER: Pass.

2 THE COURT: Thank you.

3 MR. SHETLER: Pass for cause.

4 THE COURT: And if you'll hand the microphone to
5 your neighbor there, Deeann Spilsbury, badge number 222. Tell
6 us about yourself.

7 PROSPECTIVE JUROR NO. 222: Native to Las Vegas.
8 I've been an insurance agent for 28 years and a real estate
9 agent for a little over a year. I have -- I'm married. My
10 husband and myself, we have investment properties, so he's
11 self-employed. I have two sons. One is married and going to
12 BYU, and my younger son is -- just got his AA from LA Mission
13 in California, and he is heading to San Francisco to play
14 baseball for Arts Academy.

15 THE COURT: All right, thank you. Would the State
16 like to inquire further?

17 MS. DeMONTE: No, Your Honor, pass for cause.

18 THE COURT: Defense?

19 MR. SHETLER: Yes, Your Honor. Ms. Spilsbury, how
20 are you?

21 PROSPECTIVE JUROR NO. 222: Good.

22 MR. SHETLER: Nothing that you heard causes you
23 concern --

24 PROSPECTIVE JUROR NO. 222: No.

25 MR. SHETLER: -- serving as a juror? Any problem

1 holding your own opinion in a room of 11 other people?

2 PROSPECTIVE JUROR NO. 222: No.

3 MR. SHETLER: Any -- any concern figuring out the
4 Jimmy Little hypothetical; my version versus Jimmy Little's
5 version?

6 PROSPECTIVE JUROR NO. 222: No.

7 MR. SHETLER: Any concern making your decision just
8 based on the evidence that comes in through the witness stand?

9 PROSPECTIVE JUROR NO. 222: No.

10 MR. SHETLER: Do you have any comment regarding what
11 we heard earlier from some of the people in the box that, you
12 know, if -- if it's happened a couple of times, maybe it's
13 happened again?

14 PROSPECTIVE JUROR NO. 222: No.

15 MR. SHETLER: Do you agree with that?

16 PROSPECTIVE JUROR NO. 222: No.

17 MR. SHETLER: Why not?

18 PROSPECTIVE JUROR NO. 222: Because just because you
19 did it before doesn't mean you did it again.

20 MR. SHETLER: Have you ever had a situation where
21 you or somebody you're close to has been falsely accused of
22 something?

23 PROSPECTIVE JUROR NO. 222: No.

24 MR. SHETLER: And how about a situation where
25 somebody has misidentified you or somebody close to you?

1 PROSPECTIVE JUROR NO. 222: No.

2 MR. SHETLER: Thank you very much. Pass for cause,
3 Your Honor.

4 THE COURT: Thank you. And we have Penny Pyle,
5 badge number 228. Tell us about yourself.

6 PROSPECTIVE JUROR NO. 228: I've lived in Las Vegas
7 16 years. I just recently retired from the Internal Revenue
8 Service, manager the last 22 years. I'm married. I have two
9 beautiful daughters, they're 38 and 35. The one that's 38,
10 she works for a research department at Primary Children's.
11 She has her master's. My 35-year-old is a homemaker; she
12 stays at home with my grandkids. My husband just retired, so
13 we're enjoying it.

14 THE COURT: That's nice. What did he retire from?

15 PROSPECTIVE JUROR NO. 228: RC Willey. He was the
16 manager of the new RC Willey that come down here to Vegas.

17 THE COURT: Okay, so he opened one of the stores
18 when --

19 PROSPECTIVE JUROR NO. 228: Yep, both of them.

20 THE COURT: Both of them?

21 PROSPECTIVE JUROR NO. 228: Yeah, the first one over
22 off Stephanie, and then the one up Summerlin.

23 THE COURT: Those have been here, or the one on
24 Stephanie, quite a while.

25 PROSPECTIVE JUROR NO. 228: Yep. We came, yep, in

1 -- well, I came August of 2000 with the IRS, is the whole
2 reason we came, and then he was able to come down in 2001 for
3 RC Willey when they opened. I think it was around June of
4 2001 they opened over in Henderson.

5 THE COURT: All right, so how time flies. And any
6 reason whatsoever that you could not be a fair and impartial
7 juror?

8 PROSPECTIVE JUROR NO. 228: No, I think I would be
9 okay.

10 THE COURT: All right. You sure? You sound --

11 PROSPECTIVE JUROR NO. 228: Well, I've done it once.
12 I think I could do it again.

13 THE COURT: Oh, I see. Okay, all right. You're
14 just not jumping for joy at the prospect? Is that --

15 PROSPECTIVE JUROR NO. 228: Exactly.

16 THE COURT: But you're willing to do your civic
17 duty?

18 PROSPECTIVE JUROR NO. 228: I would.

19 THE COURT: Thank you. All right, State?

20 MS. DeMONTE: Pass for cause, Your Honor.

21 THE COURT: Defense?

22 MR. SHETLER: Truly briefly, Your Honor.

23 THE COURT: Yes. I've heard that before though.

24 MR. SHETLER: Truly briefly. Ms. Pyle, have you had
25 an opportunity in your capacity with the IRS to come to court

1 in federal criminal cases?

2 PROSPECTIVE JUROR NO. 228: I didn't do that. I had
3 international, and I had artists and entertainers that entered
4 America, and we -- they too pay tax when they enter America.
5 So my duties were different than -- you're thinking bankruptcy
6 in places that come to court?

7 MR. SHETLER: I'm thinking about specifically
8 federal criminal tax trials across the street.

9 PROSPECTIVE JUROR NO. 228: No, no, I had nothing to
10 do with that.

11 MR. SHETLER: Okay. And you don't -- you don't --
12 there's nothing, when you hear my name, which I know is a very
13 important name, but there's nothing that triggers any cases
14 that you're associated with --

15 PROSPECTIVE JUROR NO. 228: No.

16 MR. SHETLER: -- or anything like that?

17 PROSPECTIVE JUROR NO. 228: No.

18 MR. SHETLER: Okay. Wouldn't have come up because
19 it's all offshore, or other issues, entertainment issues?

20 PROSPECTIVE JUROR NO. 228: Correct.

21 MR. SHETLER: Thank you so much.

22 PROSPECTIVE JUROR NO. 228: You betcha.

23 THE COURT: Thank you. And now we have Jacqueline
24 Lopez-Sanchez, badge number 186. Tell us about yourself,
25 ma'am.

1 PROSPECTIVE JUROR NO. 186: I would like to start
2 off saying that I wouldn't be able to be fair, because already
3 hearing three allegations, same thing. It's already kind of
4 like how he says. You know, if it already happened, I feel
5 like he's already guilty for it.

6 THE COURT: But you didn't understand that those are
7 just allegations? I've already explained that there's been no
8 evidence and --

9 PROSPECTIVE JUROR NO. 186: Yeah.

10 THE COURT: So you're already making up your mind
11 just because --

12 PROSPECTIVE JUROR NO. 186: Yes.

13 THE COURT: -- you've heard allegations and not one
14 shred of evidence?

15 PROSPECTIVE JUROR NO. 186: Yes.

16 THE COURT: All right, you're excused. Okay. Hand
17 the microphone over, because we've got some jurors coming up
18 and we don't have any to fill in.

19 (Pause in the proceedings)

20 THE COURT: Okay. We have Lee Christopher, badge
21 number 195.

22 PROSPECTIVE JUROR NO. 195: Yes.

23 THE COURT: Tell us about yourself.

24 PROSPECTIVE JUROR NO. 195: I have lived in Nevada
25 for about 16 years. I work for a private university in

1 enrollment. I have my bachelor's degree in business
2 management. I have a two-year-old son. My wife is a
3 homemaker. What other things were we --

4 THE COURT: Education?

5 PROSPECTIVE JUROR NO. 195: A bachelor's degree in
6 business management.

7 THE COURT: Okay. And what university do you --

8 PROSPECTIVE JUROR NO. 195: University of Phoenix.

9 THE COURT: Okay, all right. State?

10 MS. DeMONTE: Pass for cause, Your Honor.

11 THE COURT: Defense?

12 MR. SHETLER: Yes, Your Honor. Mr. Christopher, I
13 appreciate you being here. Today's -- I want to just ask a
14 few questions, not to pry into your life --

15 PROSPECTIVE JUROR NO. 195: Sure.

16 MR. SHETLER: -- but because I need to do my job.

17 PROSPECTIVE JUROR NO. 195: Absolutely.

18 MR. SHETLER: The stuff that went down in Reno, I
19 think you were pretty clear yesterday that's not going to be a
20 problem for you to be fair and impartial either to the State
21 of Nevada or to Mr. Lewis, correct?

22 PROSPECTIVE JUROR NO. 195: I don't see how it
23 would.

24 MR. SHETLER: Okay. Your experience -- your own
25 personal experience with how courts work and that type of

1 thing, is that going to prevent you from just judging the
2 evidence that comes across the witness stand?

3 PROSPECTIVE JUROR NO. 195: I've been fortunate
4 enough to not get past the preliminary side, so yeah, I don't
5 see why that would --

6 MR. SHETLER: Okay. And the same question that I'm
7 most excited about, Shetler and Jimmy Little. Do you have any
8 concerns about that idea that I -- I did it ten times -- or
9 it's claimed by Jimmy Little that I did it ten times before,
10 and therefore, I must have done it again?

11 PROSPECTIVE JUROR NO. 195: I don't think anymore
12 than the normal person would say, like, okay, yeah, that --

13 MR. SHETLER: In a vacuum, it's not ideal?

14 PROSPECTIVE JUROR NO. 195: Yeah, it doesn't look
15 fantastic. But you know, yeah, I mean, it's -- like you've
16 said several times, that's what makes our justice system work.
17 So we can't, you know, find somebody guilty based on concepts;
18 it needs to be on evidence.

19 MR. SHETLER: Right. The Constitution says, hey, I
20 get a trial by a jury of my peers, and it's --

21 THE COURT: Questions, questions. No --

22 MR. SHETLER: Thank you, Your Honor.

23 THE COURT: Okay.

24 MR. SHETLER: The -- let me say this. The -- you
25 don't have any problem judging each individual act, correct?

1 PROSPECTIVE JUROR NO. 195: No. The only thing I
2 thought that I should bring up, I don't see why it would have
3 an impact on me being an impartial juror, is I did hear that
4 one of the locations was the Wal-Mart up on Tropical. That is
5 a Wal-Mart that I frequent, and I did have an acquaintance
6 that recently had somebody they knew or something get mugged
7 there. I didn't mention that yesterday because I didn't see
8 why that would be a reason why I would be impartial, but I
9 thought I should probably disclose that.

10 MR. SHETLER: I appreciate that. I know, everybody
11 does. It's -- are they okay?

12 PROSPECTIVE JUROR NO. 195: I think so. It's -- I
13 kind of heard it at a meeting in passing, so I didn't get a
14 chance to follow up. He was just telling me that he doesn't
15 let his wife go there alone anymore. But again, I don't think
16 that that -- all the events and who did them are alleged, so.

17 MR. SHETLER: Thank you very much, Mr. Christopher.
18 I appreciate your honesty. Pass for cause, Your Honor.

19 THE COURT: Thank you. If you'll hand the
20 microphone over. And now we have Mieke Malone?

21 PROSPECTIVE JUROR NO. 207: Yes.

22 THE COURT: And badge number 207. Tell us about
23 yourself.

24 PROSPECTIVE JUROR NO. 207: I've lived in Clark
25 County for 37-and-a-half years. I'm a homemaker. I'm

1 married. As I was driving here for jury duty today, I was not
2 able to go with my husband to his follow up appointment. He's
3 had two surgeries and an ER visit in the last six weeks, and
4 he was just told that it's most likely that he needs a
5 nephrectomy. So he needs to do some quick testing, so I may
6 have a medical emergency pretty soon.

7 THE COURT: Oh, okay. So that was something you've
8 learned even since you've just been here?

9 PROSPECTIVE JUROR NO. 207: Just driving --

10 THE COURT: Today?

11 PROSPECTIVE JUROR NO. 207: -- down today.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 207: Driving into town.

14 THE COURT: All right. And I would assume that not
15 only may you have to go and take him to emergency
16 appointments, but this is weighing heavily on your mind right
17 now?

18 PROSPECTIVE JUROR NO. 207: Yes.

19 THE COURT: Is that right?

20 PROSPECTIVE JUROR NO. 207: It was an interesting
21 phone call.

22 THE COURT: I'm sure. All right. Well, that being
23 the case --

24 MR. SHETLER: No objection.

25 THE COURT: -- any objection?

1 MS. DeMONTE: No, Your Honor.

2 THE COURT: All right, we'll dismiss you so you can
3 take care of your husband. Thank you. And we have Lanette
4 Mora, badge number 208. Tell us about yourself.

5 PROSPECTIVE JUROR NO. 208: I'm married. Our
6 seven-year anniversary will be next month. I'm from San
7 Diego. My husband and I met out there ten years ago, we've
8 been together ever since. My son is 25. He's a bouncer at
9 Gold Spike. I'm an assistant store manager. My husband is --
10 has his own business of mobile auto detailing. He's been
11 doing that for about two years.

12 THE COURT: And you're -- you're a store manager
13 where?

14 PROSPECTIVE JUROR NO. 208: Dollar General out here.

15 THE COURT: All right. Any reason you think you
16 could not be a fair and impartial juror in this case?

17 PROSPECTIVE JUROR NO. 208: No.

18 THE COURT: All right, thank you. State?

19 MS. DeMONTE: Pass for cause, Your Honor.

20 THE COURT: Defense?

21 MR. SHETLER: Yes, Your Honor. Ms. Mora, thank you
22 for being here. Your own personal experiences, you are
23 acutely aware that a charge is not evidence of guilt, correct?

24 PROSPECTIVE JUROR NO. 208: Correct.

25 MR. SHETLER: And any concerns on the idea that

1 Jimmy Little says, I did this several times, so I must have
2 done it another time? Any comments about that?

3 PROSPECTIVE JUROR NO. 208: With my personal
4 experience, it's -- my past doesn't define who I am today.
5 Whatever is alleged -- or is -- you know, he's accused of,
6 it doesn't mean that's exactly what he's done. Without proof
7 -- I can't say guilty or not guilty without seeing the proof.

8 MR. SHETLER: Would you have, Ms. Mora, any concerns
9 holding your opinion, your thoughts, your decisions in a room
10 of 12 jurors who may or may not think like you?

11 PROSPECTIVE JUROR NO. 208: No.

12 MR. SHETLER: And any concerns about -- if for any
13 -- some reason you were on trial, any concerns with a juror of
14 12 who think, feel, act like you passing judgment on your
15 guilt or innocence?

16 PROSPECTIVE JUROR NO. 208: No.

17 MR. SHETLER: Thank you very much.

18 PROSPECTIVE JUROR NO. 208: Thank you.

19 MR. SHETLER: Pass for cause, Judge.

20 THE COURT: Thank you. Okay. So, ladies and
21 gentlemen, as you can see, we have two empty seats and we have
22 nobody sitting out there anymore. So I have on tap 20 people
23 that are waiting in the hall, I think.

24 THE CLERK: They're down at jury services.

25 THE COURT: Oh, good. Okay. Well, we're going to

1 bring them up, but you don't need to sit through while I have
2 to ask them those preliminary questions that -- you know,
3 basically, I got to ask them is there anybody who can't serve
4 for the time, just like you all went through. And so I'm
5 going to try and do that quickly so -- because we really only
6 need to get two more people passed for cause, and then we can
7 move to the next portion, which then will get us our jury, and
8 I really want to get that done today.

9 But you're going to have some time to stretch and
10 you know, use -- get a soda from the vending machine or
11 whatever while I do that, so there's no reason for you to have
12 to sit and suffer through hearing all that again. You've
13 heard it before, all right? So I'm going to read to you the
14 admonition that you've come already to grow fond of, and then
15 we'll call you soon.

16 So don't wander too far, but feel safe that you
17 could leave the floor for the next half-an-hour, certainly.
18 And then when we come back, we'll have whittled it down to the
19 people that, you know, can't because they're going to have a
20 baby or whatever, aren't going to be able to be here. And
21 we'll get the two extra people, and then we'll move to the
22 next step, and we'll get our jury today, all right?

23 So, ladies and gentlemen, during this recess for
24 you, it is your duty not to converse among yourselves or with
25 anyone else on any subject connected with the trial, or to

1 read, watch, or listen to any report of or commentary on the
2 trial by any person connected with the trial, or by any medium
3 of information, including, without limitation, newspaper,
4 television, radio, or internet. You're not to form or express
5 an opinion on any subject connected with this case until it's
6 finally submitted to you.

7 And we'll be in recess for at least half-an-hour and
8 we'll call you, but -- so as I say, you can leave the -- this
9 floor for the next half-an-hour, but come back after that.
10 All right.

11 THE MARSHAL: All rise for the venire panel, please.

12 (Prospective jurors recessed at 3:05 p.m.)

13 THE COURT: And the record will reflect the venire
14 panel has departed the courtroom. So while the Marshal is
15 retrieving our new panel, feel free to use the facilities.

16 MR. SHETLER: Thank you, Your Honor.

17 MS. DeMONTE: Thank you.

18 (Court recessed at 3:06 P.M. until 3:25 P.M.)

19 (In the presence of the second panel of prospective jurors)

20 THE MARSHAL: All rise for the venire panel, please.
21 Your Honor, all members of the venire panel are present.

22 THE COURT: Thank you. Please be seated. And the
23 record will reflect the presence of our latest venire panel.
24 And this is State of Nevada vs. Isaac Lewis, case number
25 C-311294. The record will reflect the presence of the

1 defendant with his counsel, the Deputies District Attorney
2 prosecuting the case, and all officers of the court.

3 Good afternoon, ladies and gentlemen. So we have
4 been working on selecting a jury in this case for the last
5 couple of days, and we are almost there, but ran out of
6 additional jurors, and we had to have you summoned up here for
7 that purpose. So we are looking to find a couple of more
8 people who may or may not end up ultimately getting selected,
9 but that's where we are. So as I said, we've already been at
10 this a couple of days.

11 I just want to give you first a little synopsis of
12 what our expected schedule is. So this case is expected to
13 probably last no longer than next Wednesday. Our schedule is
14 pretty benign for you all.

15 In other words, because of my docket, I have
16 criminal calendars in the mornings on Mondays and Wednesdays,
17 and on Tuesdays and Thursdays, I do the drug court all
18 morning, which means that Monday through Thursday, I can only
19 have half-days for jury trials, and then Fridays is a whole
20 day. So it's already Wednesday, so tomorrow, the schedule
21 would be 1:30 to 5:00.

22 (Court/Clerk conferring)

23 THE COURT: My court recorder was just telling me
24 about all the scheduling things that we have -- additional
25 scheduling. But basically, that's our schedule.

1 Friday will be full day, 9:00 o'clock in the morning
2 until 5:00; lunch break for an hour in the middle of the day.
3 If we go all day, a break in the morning for 15 minutes, break
4 in the afternoon for 15 minutes. If it's just half-day, break
5 in the afternoon for 15 minutes. And as I say, the case may
6 not take until next Wednesday. That would include
7 deliberations.

8 So let me just -- that's just trying to give you an
9 idea of what the schedule is so when ultimately I ask you
10 about whether you can serve on that type of schedule you can
11 keep that in mind.

12 Now, this process where we select jurors is called
13 the voir dire, and what it is is a questioning. And I
14 question -- ask you questions, and the lawyers get to ask you
15 questions, and by that questioning process, we determine if
16 you're suitable.

17 In other words, can you be a fair and impartial
18 juror and make your decision on the evidence that you hear in
19 this case and not based upon something that is extraneous or
20 because you're not a fair person. You know, we don't -- we
21 need 12 people who are fair and impartial. That's what we're
22 looking for.

23 So this questioning process is done under oath, so
24 I'm going to have you all stand now and the clerk is going to
25 swear you in.

1 THE CLERK: Please raise your right hand.
2 THE CLERK SWEARS THE VENIRE PANEL
3 THE CLERK: Thank you.
4 THE COURT: Be seated.
5 THE CLERK: Be seated.
6 THE COURT: All right. And so, also, you need to
7 know something about the case, and so I'm going to have the
8 District Attorney just basically tell you what the charges
9 are, and also read to you a list of the witnesses that may be
10 called in the case.
11 Now, just because they read to you a long list
12 doesn't mean that every single witness is going to be called,
13 but they may be called, so they have to ask you if -- later,
14 we have to ask you if you know any of these witnesses, and so
15 pay close attention when that is happening.
16 So I'm going to have the District Attorney do that,
17 and then I'm going to have the defense attorney introduce
18 himself, his law partner, client, and let you know regarding
19 the names of any witnesses that they might want to call, and
20 then we'll go from there, so.
21 MS. MENDOZA: Thank you, Your Honor.
22 THE COURT: Okay, thank you.
23 MS. MENDOZA: Hello. I'm Erika Mendoza. I'm a
24 Deputy District Attorney here with the Clark County District
25 Attorney's Office. This is Noreen DeMonte. She's also --

1 she's a Chief Deputy District Attorney here at the DA's
2 office.

3 You're here regarding the matter of the State of
4 Nevada vs. Isaac Lewis, and in this case, the defendant's been
5 charged in connection with four separate events.

6 The first one occurred on November 2nd of 2015 at a
7 store called Undefeated. It's an athletic wear type store on
8 the corner of Paradise and Harmon, in that shopping center
9 across from Hard Rock. In connection with that event, he's
10 charged with conspiracy robbery, burglary, and robbery with a
11 deadly weapon.

12 The second event with which he's charged occurred on
13 November 22nd of 2015. It occurred at the same location, that
14 Undefeated store, and the charges from that event are burglary
15 with a firearm, battery with a deadly weapon resulting in
16 substantial bodily harm, attempt murder with a deadly weapon,
17 and dissuading a witness from testifying.

18 The third event with which he's charged occurred on
19 November 26th of 2015, and that happened at Wal-Mart up in
20 Centennial Center on Tropical Parkway, and the charges for
21 that event is robbery with a deadly weapon.

22 And then the fourth event occurred on December 4th
23 of 2015, and that was at Old Navy in the Boulevard Mall on
24 Maryland, and he's charged with robbery with a deadly weapon
25 in connection with that event.

1 The possible witnesses the State may call include
2 both some Metro officers and lay witnesses who are not
3 connected with law enforcement. The possible lay witnesses we
4 may call include Devon Norwood, Justin Condemi, Roy Pichardo,
5 Garrett Burnett, Patrick Renaud, Theodore Mitchell, Brian
6 Lemcke, Gale Pierce, Matthew Ehresman. I'm sorry, I have
7 trouble with this last name. It's E-h-r-e-s-m-a-n.

8 Christopher Tipton (phonetic), Trevor Moss, Derrick Red,
9 Jeremy Walker (phonetic), Andrew Babcock, and Jawan Timons.

10 The Metro officers who we may call include Maxwell
11 Nitzel, Brad Janecek, Shawn Ford (phonetic), and Thomas Frosch
12 (phonetic). Thank you.

13 THE COURT: Thank you. Mr. Shetler?

14 MR. SHETLER: Thank you, Your Honor. Ladies and
15 gentlemen, my name is Travis Shetler. I'm an attorney here in
16 town. With me at the table -- please stand up -- is my client
17 Isaac Lewis. Next to him, Attorney Chris Grasso.

18 At this point in time, our intention is to rely on
19 the witness list that the District Attorney's office is using,
20 and anything that develops further from that then would come
21 up during trial. Thank you.

22 THE COURT: Thank you. All right. So, ladies and
23 gentlemen, I'm going to be asking you some questions, and I'm
24 going to be asking for a show of hands in response to the
25 questions.

1 If I need to follow up with you to have you answer a
2 specific question further because you've raised your hand, for
3 instance, then we need to have you hold a microphone that the
4 Marshal is now demonstrating for you, and speak into that
5 microphone. He's showing you how he wants you to hold that
6 that close to your mouth so it will pick up.

7 The reason for that is not so you can feel like a
8 rock star, but because we keep a record in the courtroom based
9 upon an audio-visual system within the courtroom. And so
10 there are cameras in the courtroom, not on the jury box, but
11 the cameras are -- are triggered by the voice-activated
12 microphones you see around the courtroom.

13 So this one on my bench, when I'm speaking the
14 cameras would focus on me. If the lawyers speak, the camera
15 would focus on them and the microphone would pick that up.
16 But because we don't -- cameras never focus on the jury and
17 there are no microphones that will pick you up. Even though
18 there are some mounted on that front rail there, they won't
19 pick you up, and we need to have a complete record.

20 So it's very important that if you're called upon to
21 speak into the microphone each and every time you're asked to
22 do so, that you give your full name, as well as the last three
23 digits on your jury summons. And I think the Marshal talked
24 to you about that, because normally that's put into a badge,
25 but apparently you were hustled up here so quickly they didn't

1 give you your badges. Excuse me. It's really important that
2 you speak into that microphone.

3 So if you're a person that tends to gesture when you
4 speak, that you use the hand that you're not holding the
5 microphone in to gesture. So this way, not this way, because
6 then I'll have to stop you and we'll have to start all over
7 again because you won't be picked up for the record. Also,
8 please answer in words, not "uh-huh's" or "uh-uh's," and not
9 nods or shakes of the head. All right.

10 And so I'm going to pose to you the first question
11 -- to you and ask you to respond by a show of hands. Are
12 there any of you who believe that you are acquainted with the
13 defendant in this case, Mr. Isaac Lewis? And the record will
14 reflect a negative response.

15 Are there any of you who believe you are acquainted
16 with the defendant's lawyers in this case, Mr. Shetler or Mr.
17 Grasso? And the record, again, will reflect a negative
18 response.

19 Are there any of you who are acquainted with either
20 of the Deputy District Attorneys in the case who were
21 introduced? And again, the record will reflect a negative
22 response.

23 Are there any of you who believe you may be
24 acquainted with any of the witnesses whose names were read to
25 you? All right, we have one.

1 THE MARSHAL: You can stay seated, folks.

2 PROSPECTIVE JUROR NO. 939: Oh.

3 THE COURT: Sir, if you'll state your full name and
4 the last three digits on your badge number.

5 PROSPECTIVE JUROR NO. 939: Jaime Duran, 0939.

6 THE COURT: Okay. Yes, sir. Who do you believe
7 that you know?

8 PROSPECTIVE JUROR NO. 939: One of the Las Vegas
9 Metropolitan Police officers, Thomas Ford. I worked at a
10 position on Las Vegas Boulevard as a security manager and I've
11 had contact with probably half the department in my position,
12 and I believe Thomas Ford assisted on a case we had there at
13 the hotel back in 2015, maybe 2014.

14 THE COURT: Okay. So quite a while ago?

15 PROSPECTIVE JUROR NO. 939: Yes, ma'am.

16 THE COURT: You're not personal friends with him?

17 PROSPECTIVE JUROR NO. 939: No, ma'am.

18 THE COURT: All right. So the question basically is
19 this. Based upon your -- your role in security, from time to
20 time, I suppose you have to call out the police to assist you
21 on something?

22 PROSPECTIVE JUROR NO. 939: Yes, ma'am.

23 THE COURT: And so there are going to be some law
24 enforcement officers who may testify in this trial, and if
25 they do, they're going to take the witness stand. Will you be

1 able to assess the testimony of a police officer or a law
2 enforcement officer in the same way you would other witnesses,
3 by looking at their demeanor on the stand, listening to what
4 they have to say, deciding whether it makes sense, comparing
5 that with witness testimony from other witnesses, comparing it
6 with maybe physical evidence that may be presented in the
7 case, and then deciding whether or not they seem to be
8 credible witnesses? Will you be able to do that?

9 PROSPECTIVE JUROR NO. 939: Honestly, I can do my
10 best. I mean, I've had contact with, you know, the narcotics
11 officers from Metropolitan Police Department, the homicide
12 detectives.

13 THE COURT: That wasn't the question. Listen to the
14 question.

15 PROSPECTIVE JUROR NO. 939: I am listening to your
16 question, and I -- I guess, yeah, if I'm picked, I can only do
17 my best of listening to the testimony of witnesses or officers
18 who are witnesses.

19 THE COURT: All right. And so that's what I'm --
20 what I'm asking is -- I know you'll do your best to listen to
21 the testimony of witnesses. Will you be able to evaluate the
22 testimony of a police officer in the same way you would other
23 witnesses as I've just described? Or are you going to say, I
24 don't care what the guy says, if he comes in and says that
25 there's a pink elephant at the door out there peeking through

1 the windows, because he's got a badge on, I'm going with that?

2 PROSPECTIVE JUROR NO. 939: Your Honor, I have to be
3 completely honest with you. I mean, I've worked with law
4 enforcement, so, before, and if they're going to come on the
5 stand, they're not going to perjure themselves, so I guess I
6 would have to be an impartial juror.

7 THE COURT: So if -- if the officer took the stand
8 and said there's a pink elephant peeking through the window
9 there, and just because he swore to tell the truth, you'd say,
10 okay, well, there has -- clearly there must be a pink elephant
11 there, even though I can't see it? You'll go with that?

12 PROSPECTIVE JUROR NO. 939: Yes, Your Honor.

13 THE COURT: You're dismissed. Okay, and -- all
14 right. Any of you -- there were no other positive responses
15 to my inquiry as to whether you knew any of the witnesses,
16 correct? No other hands? All right, the record will reflect
17 there is -- there are no further hands on that question.

18 And is there any one of you who believe that you may
19 have heard about from any source or read about anywhere this
20 case before you came here today? And the record again will
21 reflect a negative response.

22 All right, so I've told you how long I expect the
23 trial to last. And I should of course say to you the
24 courthouse is closed on the weekends, so we're not having
25 court on Saturday and Sunday. So we're looking at Thursday,

1 tomorrow, from 1:30 until 5:00. Friday from 9:00 to 5:00,
2 you'll be on break for an hour in the afternoon for lunch.
3 And then Monday, 1:00 o'clock until 5:00. Tuesday, 1:30 to
4 5:00. Frankly, we think that the testimony will be wrapped up
5 by that time, am I thinking -- okay.

6 And so you'd be in deliberations, and depending --
7 if you're in deliberations, then you could come in in the
8 morning to begin deliberating, because it doesn't matter if
9 I'm on the bench doing something else, you can be in the jury
10 room deliberating and doing your job at that point in time.
11 So that's kind of the schedule we're talking about.

12 So -- so I'm about to ask you, and I don't want you
13 to raise your hands yet, is there anyone who feels that they
14 can't possibly serve for that limited amount of time? And so
15 here are some of the things I really want to hear about, and
16 here are some of the things I'm willing to hear you say if you
17 really want to say them, but I'm not as concerned about.

18 So if you tell me that your boss can't live without
19 you for a few hours, I'm not as concerned about that, because
20 the -- the sad fact of the matter is that all of us can be
21 replaced, you know? If I got hit in a bus -- hit by a bus in
22 the crosswalk on my way into the courthouse, they would have
23 someone here to cover my docket.

24 And so, while of course nobody else could do as good
25 a job as you would, and your boss would miss you, that -- you

1 know, you've got a duty as a citizen to serve on a jury if you
2 possibly can.

3 And the thing is, this is a very short trial
4 relative to other trials, and you're not expected to be here
5 as long as -- relative to other trials. So for instance,
6 Judge Kischner is picking a jury right now for a trial that's
7 going to last a year. There are -- it's very common for
8 trials to last a full week, every day, all day. That's very
9 common. Or longer. Two weeks, three weeks, months.

10 And so this is your opportunity to serve on a jury
11 and get your service out of the way in a very short period of
12 time and not have to spend a lot of time here in court. So
13 keep that in mind, because you wouldn't want to be recycled to
14 a jury that you may have to spend longer.

15 The other thing is -- these are the things I want to
16 hear about. So if anyone here is going to have a baby between
17 now and Wednesday, I need to know about that. If you're going
18 to have surgery between now and Wednesday, I need to know
19 about that. If you're not going to have surgery between now
20 and Wednesday, but you're going to have it on Thursday, so you
21 have to go to your pre-op appointments in the next few days, I
22 need to know about that.

23 If you have a fabulous prepaid vacation that you're
24 going to leave for this weekend or what have you -- now, I
25 assume because you knew you were coming to jury duty that you

1 would have your airline tickets cued up on your phone, ready
2 to show my Marshal, because I'll ask you to do that. And of
3 course I will be jealous, as will the lawyers, if you have a
4 fabulous prepaid vacation, but I want to know about that. We
5 need to know about that.

6 That's not an all-exhaustive list; it's just
7 illustrative. I don't want you to tell me either that you
8 work for a living and won't -- can't afford to be away from
9 work unless you know that you will not be paid for your time
10 here in court, because many employers in Clark County pay
11 their employees while they're on jury duty. They continue
12 their salary.

13 So for instance, if you work for the state, the
14 county, the city, you work for the phone company, the gas
15 company, the power company, you work for any of the large
16 gaming companies like MGM Resorts, any of their operating
17 properties, you work for the Wynn, you work for any of the
18 Sands operating companies, so the Palazzo, the Venetian, they
19 all pay their employees, and of course you'll also be paid a
20 stipend payment of about \$40 a day for your jury service.

21 So if you haven't asked your employer whether you
22 get paid, don't tell me you're not getting paid, because I'm
23 going to then require you to go out in the hall and call in
24 the presence of my Marshal and find out. Okay.

25 Like I say, that's not an all-inclusive list, so you

1 can tell me anything you want to, but I just encourage you to
2 please not try and get out of jury duty if it's not absolutely
3 necessary, because I really need to get a jury picked today
4 and get this trial done.

5 So with all that being said as a preface, now I pose
6 the question, who here feels that they could not possibly
7 serve these several days I've described to you on the schedule
8 I've described to you? Raise your hand.

9 All right, we're going to take -- oh, and this is
10 how we do this. I'm going to take your excuses on this pad.
11 I'm going to take notes from what you tell me and what
12 questions you answer as I make some follow up inquiries, and
13 then I will meet with the lawyers and make -- we will make a
14 decision together as to who we're going to dismiss and who is
15 not going to be dismissed. So, okay. Who's first?

16 PROSPECTIVE JUROR NO. 909: Mayra Baca, and it's
17 909.

18 THE COURT: 909, Myra Baca. Go ahead.

19 PROSPECTIVE JUROR NO. 909: My daughter's having
20 surgery on Wednesday, dental surgery.

21 THE COURT: What time?

22 PROSPECTIVE JUROR NO. 909: It's going to be between
23 6:30, 9:30. They haven't confirmed the time yet.

24 THE COURT: 6:30 to --

25 PROSPECTIVE JUROR NO. 909: 9:30.

1 THE COURT: 9:30? And is it -- she having her
2 wisdom teeth out?

3 PROSPECTIVE JUROR NO. 909: No, she's having
4 extensive work done on her teeth. She's five-years-old, so --

5 THE COURT: Oh, she's a, okay, little -- little one.

6 PROSPECTIVE JUROR NO. 909: Little one.

7 THE COURT: All right. Okay. All right, who's
8 next?

9 THE MARSHAL: Anyone down this way? Folks, this is
10 your one opportunity. Make sure the mic doesn't pass you by.

11 PROSPECTIVE JUROR NO. 914: It's Cesar Serna, 914.

12 THE COURT: 914.

13 PROSPECTIVE JUROR NO. 914: And I'm actually flying
14 out of the country tomorrow morning.

15 THE COURT: Okay. For -- why?

16 PROSPECTIVE JUROR NO. 914: My cousin's wedding in
17 Mexico.

18 THE COURT: And you have your airline tickets on
19 your phone?

20 PROSPECTIVE JUROR NO. 914: I do.

21 THE COURT: Okay, great. Show the Marshal.

22 PROSPECTIVE JUROR NO. 914: Okay.

23 THE MARSHAL: 6th through the 10th, Your Honor.

24 THE COURT: All right, thank you. Who's next?

25 THE MARSHAL: Anyone down here? No? Thank you. No

1 one here? Okay.

2 PROSPECTIVE JUROR NO. 982: Thomas McMurray, 982.

3 THE COURT: Okay, sir. Go ahead.

4 PROSPECTIVE JUROR NO. 982: I have a vacation with

5 my son and fiancé scheduled from this Saturday to next

6 Tuesday, and as soon as my phone finishes turning back on, I

7 can show you the airline tickets.

8 THE COURT: Okay, excellent. Are you going

9 someplace fabulous?

10 PROSPECTIVE JUROR NO. 982: Canada.

11 THE COURT: That's fabulous.

12 PROSPECTIVE JUROR NO. 982: It's cold, it's wet.

13 THE COURT: Well, it depends on where.

14 PROSPECTIVE JUROR NO. 982: Surrey, just over the

15 border by Seattle.

16 THE COURT: All right, well that will be -- that

17 could be very nice, yeah. All right.

18 PROSPECTIVE JUROR NO. 982: When you've lived in the

19 southwest your whole life, the rain is a novelty.

20 THE COURT: Yes, exactly, right? We beg for --

21 although we've been having some lately. All right, so leaving

22 Saturday. All right, and so you'll be showing that to the

23 Marshal. In the meantime, was there anybody else in the front

24 -- this last row? Okay.

25 THE MARSHAL: The 8th through the 11th, Your Honor,

1 of April.

2 THE COURT: All right, thank you very much. All
3 right. Okay, there's no going back. This is it. Nobody else
4 is going to say they can't serve? All right, thank you.
5 Counsel approach.

6 (Off-record bench conference)

7 THE COURT: All right. So we're -- the excuses
8 having been offered being very valid ones, all, we will excuse
9 badge number 909, Mayra Baca; badge number 914, Cesar Serna;
10 and badge number 982, Thomas McMurray. Thank you very much.

11 All right. Next question, show of hands. Anyone
12 here ever served on a jury before? We have one.

13 THE MARSHAL: Full name and the last three of your
14 badge, please.

15 PROSPECTIVE JUROR NO. 977: Okay. My name is
16 Antoinette Champion.

17 THE MARSHAL: You can sit down, ma'am.

18 PROSPECTIVE JUROR NO. 977: Oh, okay. And the last
19 numbers of my badge are 977.

20 THE COURT: Yes, Ms. Chapman. When did you serve on
21 a jury last?

22 PROSPECTIVE JUROR NO. 977: It's Champion.

23 THE COURT: Oh, Champion.

24 PROSPECTIVE JUROR NO. 977: Yeah. And I served on a
25 federal jury. It was about seven years ago.

1 THE COURT: Okay. Was that here in Clark County?
2 PROSPECTIVE JUROR NO. 977: In Las Vegas.
3 THE COURT: All right. And was it a civil case or a
4 criminal case?
5 PROSPECTIVE JUROR NO. 977: Criminal.
6 THE COURT: All right. Without telling us what the
7 verdict was, did the jury reach a verdict?
8 PROSPECTIVE JUROR NO. 977: No, they didn't.
9 THE COURT: And did you deliberate until the end?
10 PROSPECTIVE JUROR NO. 977: Yes, we did.
11 THE COURT: Okay, and you were unable to reach a
12 verdict?
13 PROSPECTIVE JUROR NO. 977: Unable to reach a
14 verdict.
15 THE COURT: Okay. Were you the --
16 PROSPECTIVE JUROR NO. 977: Was not --
17 THE COURT: Pardon me?
18 PROSPECTIVE JUROR NO. 977: It wasn't my fault.
19 THE COURT: Were you the foreperson?
20 PROSPECTIVE JUROR NO. 977: No.
21 THE COURT: All right, thank you. And anything
22 about that experience that makes you think you could not be a
23 fair and impartial juror in this case?
24 PROSPECTIVE JUROR NO. 977: I can be a very
25 impartial juror, yeah.

1 THE COURT: Thank you very much.

2 PROSPECTIVE JUROR NO. 977: I have no problem with
3 it.

4 THE COURT: All right. And -- okay. Next question,
5 is there anyone who feels for whatever reason they could not
6 be a fair and impartial juror in this case? Please raise your
7 hand. And the record will reflect a negative response. All
8 right. Okay.

9 Is there anyone here who has been involved in law
10 enforcement? And the record will reflect a negative response.

11 Is there anyone who has family members or close
12 relatives involved in law enforcement? And --

13 PROSPECTIVE JUROR NO. 971: Do in-laws count?

14 THE COURT: I don't know. Are you close to them?

15 THE MARSHAL: Full name, last three of your badge.

16 PROSPECTIVE JUROR NO. 971: Cesar Grajeda, badge
17 number 971.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 971: My brother-in-law, he's
20 a public defender for the juvenile court system.

21 THE COURT: Here in Clark County?

22 PROSPECTIVE JUROR NO. 971: Here in Clark County,
23 yes.

24 THE COURT: Okay. Do you ever talk to him about his
25 job?

1 PROSPECTIVE JUROR NO. 971: Well, I mean, only at
2 family gatherings. Not -- I don't call him and seek him out
3 for that.

4 THE COURT: All right. Okay, so as a result of
5 whatever conversations you have had, do you feel like, based
6 upon your conversations, that you're biased either, you know,
7 for one side or the other?

8 PROSPECTIVE JUROR NO. 971: No, I wouldn't -- I
9 wouldn't say that, no.

10 THE COURT: All right. So you can be fair and
11 impartial, and make the decision based on the evidence in this
12 case?

13 PROSPECTIVE JUROR NO. 971: Yes, I believe so. Yes,
14 I can definitely do that.

15 THE COURT: All right, thank you. Has there --

16 THE MARSHAL: One more, Your Honor.

17 THE COURT: Oh, we have another one. Okay.

18 PROSPECTIVE JUROR NO. 940: My name's Kyle O'Conner,
19 and my badge number is 940.

20 THE COURT: Yes, sir.

21 PROSPECTIVE JUROR NO. 940: A lot of my mother's,
22 like, siblings, I guess. My aunt's husband, Bill Young
23 (phonetic), he's worked in -- like he's law enforcement. And
24 I think a couple of my cousins are both -- I know one was
25 training in the academy to be an officer, and the other one's

1 working at Metro right now too, so --

2 THE COURT: Okay. When you say Bill Young, you mean
3 the former sheriff?

4 PROSPECTIVE JUROR NO. 940: Yes.

5 THE COURT: All right. So do you -- do those
6 associations in your family make it so that you feel you could
7 not be fair and impartial in the case?

8 PROSPECTIVE JUROR NO. 940: No. I should be fair
9 and impartial. I don't talk to them a whole lot about it, but
10 I just, you know, know of it. But I -- everything should be
11 okay.

12 THE COURT: Okay. And you heard my questioning of
13 the other gentleman who said that he didn't care what a police
14 officer said; he could say something completely outlandish
15 that clearly wasn't true and he would still believe him. Are
16 you like that?

17 PROSPECTIVE JUROR NO. 940: I am not.

18 THE COURT: Okay. So you can actually see behind
19 the badge, if you will?

20 PROSPECTIVE JUROR NO. 940: Yes.

21 THE COURT: All right, good. Thank you. And next
22 question to everybody. Is there anybody who has ever been the
23 victim of a violent crime? And the record will reflect two
24 hands, so let's get those.

25 PROSPECTIVE JUROR NO. 948: Wallace Atterberry, 948.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 948: I was attacked on the
3 streets and pushed into traffic, and I had to fend for my
4 life, essentially.

5 THE COURT: Okay. So you -- did that happen here in
6 Clark County?

7 PROSPECTIVE JUROR NO. 948: Yes, it did.

8 THE COURT: How long ago was that?

9 PROSPECTIVE JUROR NO. 948: About seven years ago.
10 Six, seven years ago.

11 THE COURT: Did you call the police?

12 PROSPECTIVE JUROR NO. 948: They actually drove by
13 as it was happening.

14 THE COURT: Did they -- did they stop?

15 PROSPECTIVE JUROR NO. 948: Yes, they did. Yeah.

16 THE COURT: Oh, okay. Well --

17 PROSPECTIVE JUROR NO. 948: And I broke my hand,
18 shattered my second metacarpal, so.

19 THE COURT: Oh my goodness. All right, and were the
20 police able to apprehend the person that was doing this to
21 you?

22 PROSPECTIVE JUROR NO. 948: Oh, absolutely.

23 THE COURT: Oh, excellent. Okay. And so were you
24 called upon to go to trial, you know, as a witness?

25 PROSPECTIVE JUROR NO. 948: No, ma'am, I wasn't.

1 THE COURT: All right. So you were happy with the
2 police response?

3 PROSPECTIVE JUROR NO. 948: Yes.

4 THE COURT: Okay. Anything about that experience
5 that makes you think you could not be a fair and impartial
6 juror in this case?

7 PROSPECTIVE JUROR NO. 948: No.

8 THE COURT: All right, thank you. If you'll pass
9 the microphone over.

10 PROSPECTIVE JUROR NO. 951: Heather Strampel, 951.

11 THE COURT: Yes, ma'am.

12 PROSPECTIVE JUROR NO. 951: When I was in high
13 school, I was involved in a domestic abuse situation with my
14 boyfriend at the time. It ended with us going to court and
15 getting a restraining order.

16 THE COURT: Okay. And when you say "us," you mean,
17 what, your family? You went with your -- because you were in
18 high school?

19 PROSPECTIVE JUROR NO. 951: Yes.

20 THE COURT: Were you underage at the time?

21 PROSPECTIVE JUROR NO. 951: Yes.

22 THE COURT: Okay. So did you feel that the justice
23 system -- as far as your approach to it, did you feel it
24 worked well; it treated everybody fairly?

25 PROSPECTIVE JUROR NO. 951: Yes.

1 THE COURT: Okay. Anything about that situation
2 that makes you think you could not be fair and impartial in
3 this case?

4 PROSPECTIVE JUROR NO. 951: No. It was a long time
5 ago.

6 THE COURT: All right, thank you. Anybody else,
7 victim of a violent crime? And the record will reflect a
8 negative response.

9 Anyone who has ever had a family member or a close
10 friend that's been the victim of a violent crime? And the
11 record will reflect a negative response.

12 Is there anyone who's been accused of or convicted
13 of a crime? One?

14 PROSPECTIVE JUROR NO. 981: My name is Bruce Pietz,
15 badge number 981.

16 THE COURT: Yes, sir. What --

17 PROSPECTIVE JUROR NO. 981: I was a convicted
18 ex-felon --

19 THE COURT: Okay. And you're --

20 PROSPECTIVE JUROR NO. 981: -- for the sale of a
21 controlled substance.

22 THE COURT: Okay. Have your civil rights been
23 restored?

24 PROSPECTIVE JUROR NO. 981: Yes.

25 THE COURT: All right. And how long ago was that?

1 PROSPECTIVE JUROR NO. 981: 34 years.

2 THE COURT: Oh, a very long time ago. All right,

3 and you haven't sought to get your record sealed? Was that

4 here in Clark County?

5 PROSPECTIVE JUROR NO. 981: Yes.

6 THE COURT: Okay. You haven't done that yet?

7 PROSPECTIVE JUROR NO. 981: I sealed it, yes.

8 THE COURT: Oh, okay, so it's sealed. You didn't

9 even have to tell us.

10 PROSPECTIVE JUROR NO. 981: I think partial, maybe

11 not completely.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 981: But mostly, it's sealed.

14 THE COURT: All right. So did you feel like you

15 were treated fairly by the justice system?

16 PROSPECTIVE JUROR NO. 981: Yes.

17 THE COURT: Okay. Any reason that either side would

18 feel that you would be biased or prejudiced?

19 PROSPECTIVE JUROR NO. 981: No, not at all.

20 THE COURT: Okay. Thank you very much. Anyone

21 else? Yes, sir.

22 PROSPECTIVE JUROR NO. 971: Cesar Grajeda, badge

23 971. I had a DUI about -- a conviction in 2012.

24 THE COURT: Okay. And was that here in Clark

25 County?

1 PROSPECTIVE JUROR NO. 971: Yes, it was.
2 THE COURT: And so a DUI -- it was a misdemeanor?
3 PROSPECTIVE JUROR NO. 971: Yes, yes, it is.
4 THE COURT: So do you know whether you were
5 prosecuted by the City Attorney's Office or the District
6 Attorney?
7 PROSPECTIVE JUROR NO. 971: I believe it was the
8 District Attorney's office. It was downstairs. And I was
9 like near Blue -- Blue Diamond, so that would be I think Clark
10 County.
11 THE COURT: In the county?
12 PROSPECTIVE JUROR NO. 971: Yeah.
13 THE COURT: Okay. Did you feel you were treated
14 fairly by the police, by the whole justice system, or not?
15 PROSPECTIVE JUROR NO. 971: Yeah, yes, yeah. I was
16 treated fairly, yes.
17 THE COURT: Okay. Anything about that where you
18 feel like you could not be fair and impartial in this case?
19 PROSPECTIVE JUROR NO. 971: No, there's nothing
20 about that that that would influence my --
21 THE COURT: You've moved on?
22 PROSPECTIVE JUROR NO. 971: Yes, yes, yes.
23 THE COURT: Good. All right. Okay, next question
24 then to the entire panel. Is there anyone who would be unable
25 to follow the law as I instruct you in this case? Because at

1 the end, I'm going to instruct you on the law, and I'll tell
2 you what the law is that you have to apply in the case. And
3 sometimes people disagree with the law think, oh, it should be
4 something else, but it's your duty as jurors to follow the law
5 as I instruct you. Is there anyone who would not be able to
6 do that? And the record will reflect a negative response.

7 So a defendant in any criminal case that's accused
8 of a crime is always presumed innocent until and -- unless and
9 until the State proves otherwise, proves that they're guilty
10 beyond a reasonable doubt, and that is what is known in our
11 system of justice as the presumption of innocence. Is there
12 anyone who disagrees with that? And the record will reflect a
13 negative response.

14 So is there anyone who feels that they understand
15 that the presumption of innocence -- as an intellectual
16 matter, they understand it, but they feel like a defendant
17 should really have to prove that they're innocent? Is there
18 anyone who feels that way? And again, the record will reflect
19 a negative response. All right.

20 Is there anyone who has a religious or moral
21 personally held belief that would make it impossible for them
22 to serve as a juror in the case and do the job of a juror?

23 And this is what the job of a juror is. The jurors
24 are the fact-finders in a jury trial. They determine what the
25 facts are from the evidence that they hear in the courtroom.

1 So witnesses testify about things, exhibits come into
2 evidence, and from that, you have to find -- make a
3 determination as to what the facts are.

4 And I give you, as the Judge, the law. And then I
5 say, okay, you take the law that I've given to you, you use
6 the facts, you apply the facts to the law that I've given you,
7 and then that's how you determine what your verdict is going
8 to be.

9 So you get to determine the facts. And when I say
10 the facts, so Witness A says the light was green, Witness B
11 says the light was red. You have to determine what color the
12 light was because that's the fact. Then I'll give you the
13 law, and then you apply the facts that you've determined,
14 okay?

15 Is there anyone who has some belief that says, I
16 can't do that job? And the record will reflect a negative
17 response. All right. Okay.

18 So what we're going to do next -- okay. So is there
19 anyone who's not a citizen of the United States? And the
20 record will reflect a negative response. Okay.

21 Is there -- there are two exemptions that allow
22 people to avail themselves of not serving on a jury. The
23 first one is if you're 70 years of age or older and you don't
24 want to serve. You can of course serve, but if you don't want
25 to and you're 70, the statutes allow you to say, no, I'll take

1 a pass, thanks. It even allows you to say, please don't call
2 me again. But if you want to serve, or you want to remain on
3 the rolls, you most certainly are welcome to and encouraged to
4 do so.

5 And this jury looks very youthful, and so I don't
6 see anybody that obviously qualifies for that. So if you do
7 want to avail yourself of that, you're going to have to show
8 proof to my Marshal that you're 70 or older. Anyone wants to
9 avail themselves of that? All right, I see no hands.

10 The other exemption is this; if you're 65 years of
11 age or older and you live at least 65 miles one way from the
12 courthouse. So that would mean you'd have to live in Mesquite
13 or Laughlin to qualify for that and still live in the county.
14 And you have to meet both criteria; 65 or older, and 65 miles
15 one way from the courthouse. Anybody meet that criteria and
16 doesn't want to serve? Again, the record will reflect a
17 negative response.

18 All right, so the next thing we're going to do is we
19 are going to have you all move to the back. We're going to
20 bring in the other folks we've already put through this
21 process. We're going to then merge the two to try and get our
22 jury before 5:00.

23 THE MARSHAL: Okay. Remain seated for a second,
24 folks. Ma'am, if you can start and follow me, please. People
25 in the front row, follow her and stay in order. If you could

1 take the first chair down at the end, please.

2 (Pause in the proceedings)

3 THE MARSHAL: We have them lined up, ma'am.

4 THE COURT: Okay.

5 (Off the record at 4:08 P.M. until 4:09 P.M.)

6 (Within the presence of all prospective jurors)

7 THE MARSHAL: Your Honor, all members of the venire
8 panel are present.

9 THE COURT: Thank you. Please be seated. And so,
10 ladies and gentlemen, the record will reflect that we're now
11 back in the presence of our now two merged panels that -- and
12 we're -- the defendant is present with his counsel, the
13 Deputies District Attorney prosecuting the case are present,
14 as are all officers of the court.

15 What we're going to do now is we're going to place
16 the first two from our new panel into the empty seats here.

17 THE CLERK: Maria Reyes, badge 907, if you would
18 please take seat 21. And Sonette San, badge 913, please take
19 seat 23.

20 THE COURT: And -- okay, so Ms. Reyes should have
21 the microphone. Yes.

22 PROSPECTIVE JUROR NO. 907: Yes.

23 THE COURT: So, Maria Reyes, badge number 907. So
24 I'm going to be asking you to tell me about yourself.

25 And what I want you to tell me when I ask you that

1 is I want to know how long you've lived in Clark County. Are
2 you married, single, divorced, significant other, partner, et
3 cetera, et cetera. I want to know what you do for a living.
4 If you're retired, what you used to do for a living. If you
5 have a spouse, a partner, or significant other, et cetera, I
6 want to know what that person does for a living. If you have
7 children -- I want to know whether you have children, and if
8 -- I want to know their ages; and if they're adult children, I
9 want to know what they do for a living. And then, finally, I
10 want to know your education background.

11 So don't worry if you think you're going to forget
12 any of those things. I'll prompt you. So tell me about
13 yourself.

14 PROSPECTIVE JUROR NO. 907: I'm married and I have
15 four childrens. The older one is 29-years-old. The second
16 one is 23, it's a boy. And the third one is a girl, it's
17 Lilly Reyes. And the fourth one is a minor, 13-years-old.

18 THE COURT: Okay. So, do you work?

19 PROSPECTIVE JUROR NO. 907: No, I don't work.

20 THE COURT: Have you ever worked outside the home?

21 PROSPECTIVE JUROR NO. 907: No.

22 THE COURT: So you've been very busy though raising
23 four children?

24 PROSPECTIVE JUROR NO. 907: Yes.

25 THE COURT: Okay. How about your husband? Do you

1 have a husband?

2 PROSPECTIVE JUROR NO. 907: Yes. My husband works
3 in Nevada Energy --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 907: -- for insulation,
6 industrial.

7 THE COURT: Okay, excellent.

8 PROSPECTIVE JUROR NO. 907: Yeah.

9 THE COURT: And your adult children, do they work?

10 PROSPECTIVE JUROR NO. 907: My daughter, no, she's
11 married.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 907: And she have a husband
14 and two childrens.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 907: And my boy is single.
17 He's studying for a police --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 907: -- in college. And my
20 daughter, she's going to a registered nurse.

21 THE COURT: Oh.

22 PROSPECTIVE JUROR NO. 907: And she's working right
23 now in -- with a doctor, a specialist in lungs.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 907: And the little girl is

1 going to school.

2 THE COURT: Yes, very good. And what's your
3 education? Did you graduate high school?

4 PROSPECTIVE JUROR NO. 907: I just graduated high
5 school.

6 THE COURT: Okay, thank you very much. Would the
7 State --

8 PROSPECTIVE JUROR NO. 907: And I was living only
9 here for five years.

10 THE COURT: You've been living here in Clark County
11 five years?

12 PROSPECTIVE JUROR NO. 907: Um-hum.

13 THE COURT: Where did you live before?

14 PROSPECTIVE JUROR NO. 907: California.

15 THE COURT: Okay, from Southern California?
16 Northern? Where in California?

17 PROSPECTIVE JUROR NO. 907: Pomona --

18 THE COURT: Oh, sure.

19 PROSPECTIVE JUROR NO. 907: -- California.

20 THE COURT: Okay, Southern California.

21 PROSPECTIVE JUROR NO. 907: Yes.

22 THE COURT: All right, thank you. Would the State
23 like to inquire further?

24 MS. DeMONTE: Pass for cause, Your Honor.

25 THE COURT: Mr. Shetler?

1 MR. SHETLER: Yes, Your Honor. Thank you. Ms.
2 Reyes, how are you?
3 PROSPECTIVE JUROR NO. 907: Fine. Thank you.
4 MR. SHETLER: The -- did you say that your son is
5 studying to be a police officer?
6 PROSPECTIVE JUROR NO. 907: Yes.
7 MR. SHETLER: And how far along is he?
8 THE COURT RECORDER: Ma'am --
9 MR. SHETLER: Oh, you have to hold it a little
10 closer.
11 PROSPECTIVE JUROR NO. 907: Oh, sorry.
12 MR. SHETLER: How far along is he in that process?
13 PROSPECTIVE JUROR NO. 907: For two years.
14 MR. SHETLER: The Judge asked you earlier if you
15 understand the presumption of innocence. Do you remember
16 that?
17 PROSPECTIVE JUROR NO. 907: Yeah.
18 MR. SHETLER: Do you have a -- do you feel you have
19 a good understanding of the presumption of innocence?
20 PROSPECTIVE JUROR NO. 907: No. I told them over
21 there in the front before I get here to -- some of the words,
22 I need interpreter for my English.
23 MR. SHETLER: Have you -- have you understood
24 everything that's gone on so far in the courtroom?
25 PROSPECTIVE JUROR NO. 907: Yeah.

1 MR. SHETLER: Okay. You've been in Las Vegas for
2 five years?

3 PROSPECTIVE JUROR NO. 907: Yeah.

4 MR. SHETLER: And how long were you in Pomona?

5 PROSPECTIVE JUROR NO. 907: Since 1985.

6 MR. SHETLER: Long time. Okay. When you think you
7 need a -- when you say that you might need an interpreter,
8 when would that come up, or what do you anticipate your
9 concern is about needing an interpreter, Ms. Reyes?

10 PROSPECTIVE JUROR NO. 907: I told them in the
11 morning before I get here in the front --

12 MR. SHETLER: At jury services?

13 PROSPECTIVE JUROR NO. 907: -- [inaudible]. Yes,
14 um-hum.

15 MR. SHETLER: Do you think you'd be able to -- if
16 you're selected to be on the jury, could you go and sit
17 through the trial and hear the evidence, and then go to the
18 deliberation room and deliberate with the other jurors without
19 the aid of an interpreter, or you would absolutely have to
20 have one?

21 PROSPECTIVE JUROR NO. 907: I don't think so, no. I
22 think -- yeah, because some of the words, I mean, it's hard to
23 understand it.

24 MR. SHETLER: Your Honor, we haven't had this issue
25 come up yet in this particular courtroom, so I don't know what

1 this Court's position is on interpreters or no interpreters.

2 THE COURT: Well, we don't have interpreters for
3 jurors. I mean, the Court hasn't decided how they're going to
4 address that going forward. I know in the State of New Mexico
5 they actually have interpreters that accompany jurors into the
6 jury deliberation room, but we're not there at this point.

7 And so, if -- ma'am, if you -- do you feel you're
8 not understanding, and that would be difficult for you to
9 understand everything that's going on?

10 PROSPECTIVE JUROR NO. 907: Yes.

11 THE COURT: Okay, I understand. It's really
12 important that you understand everything.

13 PROSPECTIVE JUROR NO. 907: I know, yeah.

14 THE COURT: All right. And although your English is
15 good, it may -- there are certain things where you may not
16 understand?

17 PROSPECTIVE JUROR NO. 907: Yes, uh-huh.

18 THE COURT: Okay, all right. So any objection to
19 excusing her?

20 MS. DeMONTE: No, Your Honor.

21 MR. SHETLER: No objection, Your Honor.

22 THE COURT: Thank you very much.

23 PROSPECTIVE JUROR NO. 907: You're welcome.

24 THE COURT: I appreciate --

25 THE MARSHAL: Right this way, ma'am.

1 THE COURT: Muchas gracias, senora.

2 THE CLERK: James Williams, badge 2 -- excuse me,
3 badge 923, please take seat 21.

4 THE COURT: All right. So, Mr. Williams, badge
5 number 923, would you tell us about yourself?

6 PROSPECTIVE JUROR NO. 923: I've lived here for five
7 years June of 2012. Came from Pennsylvania. I recently
8 celebrated my 25th wedding anniversary. I have two children,
9 21 and 18, both girls. The 21-year-old is in Reno; she's in
10 her junior year of college. My 18-year-old is a senior in a
11 local high school. For a profession right now, I'm a dealer
12 at the D Casino.

13 THE COURT: Okay. And did you do something before
14 you became a dealer?

15 PROSPECTIVE JUROR NO. 923: Back east, I did, yes.

16 THE COURT: What was that that you did?

17 PROSPECTIVE JUROR NO. 923: I was a physical
18 therapist.

19 THE COURT: Okay, so big -- big change. Did you
20 decide you just didn't like being a physical therapist, or you
21 just couldn't get into that one --

22 PROSPECTIVE JUROR NO. 923: Yeah. Physically it's
23 somewhat demanding on the body, so --

24 THE COURT: It is.

25 PROSPECTIVE JUROR NO. 923: When I came out, we took

1 a break from work for almost a year, the wife and I, and --
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 923: -- healed up, and that's
4 what I do now. And my wife is a buyer for a medical supply
5 company, which is a similar position she held back east.
6 THE COURT: All right. And so you don't -- you
7 don't want to go back to being a physical therapist?
8 PROSPECTIVE JUROR NO. 923: No, I won't.
9 THE COURT: All right, and you enjoy being a dealer?
10 PROSPECTIVE JUROR NO. 923: I do. I do it
11 personally, of course, but.
12 THE COURT: Okay. All right, excellent. Thank you.
13 Any reason that you think you would not be a fair and
14 impartial juror in this case?
15 PROSPECTIVE JUROR NO. 923: No, Your Honor.
16 THE COURT: Thank you. State?
17 MS. DeMONTE: No, Your Honor. Pass for cause.
18 THE COURT: Mr. Shetler?
19 MR. SHETLER: Yes, please, Your Honor. Mr.
20 Williams, how are you doing?
21 PROSPECTIVE JUROR NO. 923: Good, thank you. Good
22 afternoon.
23 MR. SHETLER: The Judge asked earlier if you were
24 familiar with the presumption of innocence.
25 PROSPECTIVE JUROR NO. 923: Yes.

1 MR. SHETLER: Do you have any concerns about
2 understanding that, or?

3 PROSPECTIVE JUROR NO. 923: No.

4 MR. SHETLER: Okay. Any -- any concerns with your
5 understanding of the Constitution and its guarantee to a right
6 by a trial by a jury of your peers?

7 PROSPECTIVE JUROR NO. 923: I 100 percent agree with
8 that.

9 MR. SHETLER: Okay. Any problems if the State
10 proves every element of their case finding my client guilty?

11 PROSPECTIVE JUROR NO. 923: No.

12 MR. SHETLER: Any problems if the State doesn't meet
13 their burden and prove every element of the case finding my
14 client not guilty?

15 PROSPECTIVE JUROR NO. 923: No.

16 MR. SHETLER: Any problems or concerns that you
17 might have due to the fact that there were a number of
18 allegations mentioned by the government as they talked about
19 the charges in this case?

20 PROSPECTIVE JUROR NO. 923: No.

21 MR. SHETLER: Any concerns that you might have, or
22 more importantly, that my client might have, thinking that,
23 well, if there's smoke, there's fire? Do you understand what
24 I mean when I say, where there's smoke, there's fire?

25 PROSPECTIVE JUROR NO. 923: I do.

1 MR. SHETLER: Any comment about that idea or that
2 concept?

3 PROSPECTIVE JUROR NO. 923: No.

4 MR. SHETLER: You can judge each -- well, you're the
5 judge for the facts. You can judge each individual allegation
6 and make a separate determination as to guilt or innocence on
7 each -- on each factor, correct?

8 PROSPECTIVE JUROR NO. 923: Yes, I can.

9 MR. SHETLER: Would you have any concerns whatsoever
10 if a jury made up of 12 people who think, feel, act, and have
11 lived life like you've lived life sitting in judgment on your
12 guilt or innocence in a criminal trial?

13 PROSPECTIVE JUROR NO. 923: No, I would have no
14 problem with that.

15 MR. SHETLER: Okay. Thank you very much.

16 PROSPECTIVE JUROR NO. 923: You're welcome.

17 MR. SHETLER: We'll pass for cause, Judge.

18 THE COURT: Thank you. If you would hand the
19 microphone down to Ms. San. All right. And your name is
20 Sonette San?

21 PROSPECTIVE JUROR NO. 913: Sonette San, yes.

22 THE COURT: All right, San. Badge number 913. Tell
23 us about yourself, ma'am.

24 PROSPECTIVE JUROR NO. 913: I'm from Cambodia. I've
25 been here for 11 years. So I live with my parents, but

1 they're old. My mom 68, my dad 69, so they don't work. So
2 only me work, so I work in the casino as a dealer. I didn't
3 go to school. I just went to ESL class like five or six
4 months, and then I got a job. I never go back.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 913: Yeah, and I'm single.

7 THE COURT: What games do you deal?

8 PROSPECTIVE JUROR NO. 913: I deal roulette,
9 blackjack, all the poker game.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 913: Yeah.

12 THE COURT: Any difficulty understanding English at
13 all?

14 PROSPECTIVE JUROR NO. 913: Yes, my English is not
15 good.

16 THE COURT: It sounds pretty good, actually.

17 PROSPECTIVE JUROR NO. 913: I didn't go to school,
18 so.

19 THE COURT: Did you not go to school here, or did
20 you not go to school in Cambodia?

21 PROSPECTIVE JUROR NO. 913: I went to school in
22 Cambodia, yeah, but not here.

23 THE COURT: All right. So you've learned your
24 English since you got here?

25 PROSPECTIVE JUROR NO. 913: Yeah.

1 THE COURT: All right. So -- and you've only been
2 here how long?

3 PROSPECTIVE JUROR NO. 913: 11 years.

4 THE COURT: All right, so your English is very nice.

5 PROSPECTIVE JUROR NO. 913: Yeah. I just learn from
6 friends and watch TV.

7 THE COURT: Okay. So have you had any difficulty
8 understanding what's been going on so far?

9 PROSPECTIVE JUROR NO. 913: Yes. I don't understand
10 a lot of things.

11 THE COURT: Okay. So like when we talk about the
12 presumption of innocence, did you not understand that?

13 PROSPECTIVE JUROR NO. 913: No, I don't.

14 THE COURT: Okay.

15 MR. SHETLER: No objection, Your Honor.

16 MS. DeMONTE: No, Your Honor.

17 THE COURT: All right, thank you. You're excused.

18 PROSPECTIVE JUROR NO. 913: Thank you.

19 THE COURT: We'll call the next in order.

20 THE CLERK: Kyle O'Conner, badge 9 -- oh, excuse me,
21 excuse me. Robin Greenspun, badge 935. Sorry.

22 THE MARSHAL: Yep, you can have a seat right over
23 there, please.

24 THE COURT: All right. Ms. Greenspun, tell us about
25 yourself.

1 PROSPECTIVE JUROR NO. 935: Well, I've been here for
2 over -- I'll just say over 60 years. And I'm married. My
3 husband's family has been in the media business and real
4 estate business in this town for many, many years. I am a
5 film maker at the moment. And I have two children; I have
6 three grandchildren. My kids are in California and they make
7 liquor. They have a distillery.

8 THE COURT: Oh, okay.

9 PROSPECTIVE JUROR NO. 935: So.

10 THE COURT: What -- what kind? Like beer or --

11 PROSPECTIVE JUROR NO. 935: No, they make gin,
12 vodka, a prickly pear spirit, and strawberry brandy at the
13 moment, so.

14 THE COURT: Okay. That's kind of the latest thing,
15 isn't it, to --

16 PROSPECTIVE JUROR NO. 935: It is, yeah.

17 THE COURT: Excuse me while I get rid of my cough
18 drop. I thought I was going to have a coughing fit on you
19 all. All right. Any reason whatsoever that you think that
20 you could not be a fair and impartial juror in this case?

21 PROSPECTIVE JUROR NO. 935: Well, the only concern I
22 have is that, at the moment, the film that I'm working on
23 happens to be about a victim of human trafficking, which
24 includes a lot of violent crime, a lot of physical abuse. And
25 I -- I would try my best, but it is something that I'm kind of

1 in the middle of at the moment, so --

2 THE COURT: Okay, so --

3 PROSPECTIVE JUROR NO. 935: I -- you know, I can't

4 tell you how I would, you know, how I would feel as I hear the

5 evidence, but I do want you to know that that's the project

6 I'm working on right now. It just happens to be --

7 THE COURT: All right.

8 PROSPECTIVE JUROR NO. 935: -- one that deals with

9 that.

10 THE COURT: So I suppose other jurors might go home

11 and watch, you know, television --

12 PROSPECTIVE JUROR NO. 935: Right.

13 THE COURT: -- a documentary on something that is

14 unrelated to this case, of course --

15 PROSPECTIVE JUROR NO. 935: Correct.

16 THE COURT: -- as your film is unrelated to this

17 case.

18 PROSPECTIVE JUROR NO. 935: Correct.

19 THE COURT: Can't you separate the two?

20 PROSPECTIVE JUROR NO. 935: I will definitely try my

21 -- the -- I just wanted to bring that up because it is about

22 someone who lives in Clark County. I mean, it's based on a

23 person that resides here, and it's her story. And so I'm just

24 very much involved in that right now, and I feel that it's

25 fair to say that, but I would certainly try my best to be --

1 THE COURT: Okay, so --
2 PROSPECTIVE JUROR NO. 935: -- fair and impartial.
3 THE COURT: So none of us can really -- we can't
4 like look in your head and see, fair, unfair.
5 PROSPECTIVE JUROR NO. 935: Correct, correct.
6 THE COURT: You're the only person that can tell us.
7 PROSPECTIVE JUROR NO. 935: I -- I --
8 THE COURT: So I have to have --
9 PROSPECTIVE JUROR NO. 935: Yes.
10 THE COURT: -- because the law requires it, an
11 unequivocal answer yes or no whether you can be fair.
12 PROSPECTIVE JUROR NO. 935: And I don't know that I
13 could give you that.
14 THE COURT: If you can't --
15 PROSPECTIVE JUROR NO. 935: Only because of --
16 THE COURT: Okay, well if you can't be --
17 PROSPECTIVE JUROR NO. 935: -- what I'm working on
18 right now.
19 THE COURT: All right. If you can't give me an
20 unequivocal, yes, I could be fair, then I have to dismiss you,
21 so thank you though. Call the next in order.
22 THE CLERK: Kyle O'Conner, 940, seat 23.
23 THE COURT: Mr. O'Conner, tell us about yourself.
24 PROSPECTIVE JUROR NO. 940: I'm 21 and I work at
25 Alberton's grocery store way the heck out there. I have a

1 girlfriend currently and she works at a restaurant as a
2 hospitality leader. I still live with my mom at the moment.
3 It's nothing too special.

4 THE COURT: What do you do at the grocery store?

5 PROSPECTIVE JUROR NO. 940: I'm under contract as a
6 food clerk, but I mainly work in produce just stocking
7 whatever. But as my contract says, they could put me wherever
8 they need, so.

9 THE COURT: And how long have you had that job?

10 PROSPECTIVE JUROR NO. 940: About three years now.

11 THE COURT: Okay. What about your education? What
12 is that?

13 PROSPECTIVE JUROR NO. 940: I graduated high school.
14 I took about -- like a semester's worth of college, but I
15 wasn't able to afford it at the time so I had to stop.

16 THE COURT: Okay. And what does your mom do?

17 PROSPECTIVE JUROR NO. 940: She works for family
18 court. I'm not quite sure what her position is, but --

19 THE COURT: Okay. She doesn't talk enough about her
20 job so that you have any clue what she does?

21 PROSPECTIVE JUROR NO. 940: I know -- I believe she
22 manages the clerk's office. I know she's one of the higher-up
23 ones, but I'm not exactly sure what her position is, like --
24 yeah.

25 THE COURT: Okay. All right, thank you. Any reason

1 that you could not be fair and impartial?

2 PROSPECTIVE JUROR NO. 940: No, ma'am.

3 THE COURT: All right. State?

4 MS. DeMONTE: Pass for cause?

5 THE COURT: Defense?

6 MR. SHETLER: Yes, please, Your Honor. Mr.

7 O'Conner, how are you doing?

8 PROSPECTIVE JUROR NO. 940: Good. How about you?

9 MR. SHETLER: I'm okay, thank you. Is your mother

10 Chris O'Conner?

11 PROSPECTIVE JUROR NO. 940: Yes.

12 MR. SHETLER: If you were selected and you served on

13 this jury, and you came back, determined that a verdict of not

14 guilty was appropriate in this case, would that cause you any

15 problems with your mother and her job in charge of the clerks

16 over there?

17 PROSPECTIVE JUROR NO. 940: It should not, no.

18 MR. SHETLER: You mentioned that her siblings, your

19 aunts and uncles or cousins, have law enforcement background;

20 is that right?

21 PROSPECTIVE JUROR NO. 940: Yes.

22 MR. SHETLER: Do you -- how many are you talking

23 about?

24 PROSPECTIVE JUROR NO. 940: I know one of my

25 cousins, he works for Metro. I think he patrols the Strip.

1 It was Brian Young. And I think Christopher Young, he's in
2 the academy if I recall correctly. I haven't talked to him
3 lately. And then had my uncle who's had the experience in it,
4 and I think that's about it.

5 MR. SHETLER: The -- and the same question there.
6 If you were on the jury and came back with a verdict of not
7 guilty, would you have any problems explaining that to your
8 family members? Anybody give you any heat about that, any
9 trouble about that?

10 PROSPECTIVE JUROR NO. 940: They shouldn't, no.

11 MR. SHETLER: Are you -- do you feel comfortable
12 with the idea of the presumption of innocence?

13 PROSPECTIVE JUROR NO. 940: Yeah, I grew up knowing
14 it was always innocent until proven guilty.

15 MR. SHETLER: Are you comfortable with the idea that
16 the charges read off by the State are just allegations at this
17 point; there's been no evidence? It doesn't mean anything at
18 this point other than why we're in the courtroom?

19 PROSPECTIVE JUROR NO. 940: Yes, sir.

20 MR. SHETLER: And do you have any problem separating
21 one charge from another? Just because there's a long laundry
22 list of items, does that have any impact on whether -- let me
23 rephrase that. Strike that, I apologize. Just because there
24 are allegations involving more than one incident, does that
25 make you think it is more likely that my client, Mr. Lewis,

1 should be found guilty?

2 PROSPECTIVE JUROR NO. 940: No, sir.

3 MR. SHETLER: Do you have any concerns if you are on
4 the jury and you go back into the deliberation room holding
5 your own -- forming your own opinion and holding your own
6 opinion in the face of 11 other jurors during deliberations?

7 PROSPECTIVE JUROR NO. 940: I have no problem.

8 MR. SHETLER: When your -- your semester of college,
9 were you taking general classes, or were you aiming towards a
10 particular degree?

11 PROSPECTIVE JUROR NO. 940: Basic general education.

12 MR. SHETLER: Do you have a theory or do you have an
13 idea on what you'd like to do if you were to resume college?

14 PROSPECTIVE JUROR NO. 940: I do not yet.

15 MR. SHETLER: Okay. All right, Mr. O'Conner. Thank
16 you so much. Your Honor, we'll pass for cause.

17 THE COURT: Thank you. All right. So we have now
18 reached the number of people that we've cleared for cause so
19 that we can move to the next step, which is what is known as
20 peremptory challenges, where the lawyers get to thank and
21 excuse -- or we do that actually outside your presence, for no
22 reasons, you know, just we have to whittle it down to 12. And
23 so they get to select, and we do that process by them
24 exchanging back and forth the paper and writing down the
25 names.

1 So the people that are back here that were not
2 selected up here, you are dismissed. So, thank you. I see
3 some looks of relief on facts back there. And counsel
4 approach, please.

5 MR. SHETLER: Yes, Your Honor.

6 (Off-record bench conference)

7 THE COURT: All right. So we'll be in pause off the
8 record while they exchange the paper back and forth.

9 (Off the record at 4:35 P.M. until 4:53 P.M.)

10 (Within the presence of the prospective jurors)

11 THE COURT: All right. So, ladies and gentlemen,
12 I'm going to read the names of the folks who have been
13 excused. I'll thank you in advance for being willing to
14 serve. I truly appreciate it, because you sat here and heard
15 all kinds of people give crazy excuses as to why they wanted
16 to get out of jury duty, so I really appreciate your
17 willingness to serve.

18 So the first is badge number 014 in seat 1, Melissa
19 Danielson. Next is badge number 244 in seat number 4, Steve
20 Perez. Next is badge number 264 in seat 6, Ronald Yenkowski.
21 Next is badge number 241, Troy Austin in seat 7. Next is
22 badge number 252, Lynel Fenton in seat 8. And then we have
23 badge number 084 in seat 14, Victor Hernandez. And then in
24 seat 16 is Patricia Bluhm, and that's badge number 094.

25 THE CLERK: 294, Your Honor.

1 THE COURT: I'm sorry. Oh, I couldn't read the
2 writing. 294. And next is in seat number 18, badge number
3 302, Edward Carbone. Now, the next folks are James Williams,
4 badge 923. And badge 940, Kyle O'Conner.

5 Okay. And so we have our 12 jurors and we have our
6 two alternates. Our two alternates -- Alternate number 1 is
7 James Williams, and Alternate number 2 -- or excuse me, I'm
8 sorry. Our first alternate is Lee Christopher, and our second
9 alternate is Lanette Mora.

10 And so you will be the alternates, and just let me
11 explain to you how important alternate -- alternates can be,
12 because in probably 50 percent of our trials in this
13 department, we end up using one or both of the alternates.
14 And all kinds of things happen during trial, because life
15 happens as we progress, and things happen.

16 We've had -- over the years, we've had deaths in the
17 family, illness of the jurors. We actually had one juror who
18 got in a car accident with a bus in front of the courthouse
19 and totaled his car, and although he was fine, he wasn't
20 really in any shape to be a juror that day, and so we had to
21 put in an alternate. We actually had a juror who had a
22 nervous breakdown during deliberations.

23 So all kinds of things can happen, and so you have
24 to be ready to fill the breach at any time, either during the
25 trial if something happens, or even at the point of

1 deliberations. It can happen at any time and you've got to be
2 ready. So you got to be always ready to go and paying
3 attention just like you would if you were a full-on juror,
4 because you could be at any time.

5 And so, ladies and gentlemen, it's five to 5:00, so
6 I'm going to be admonishing you this evening. I'm going to
7 first have the clerk swear you in -- swear the jurors in and
8 then the alternates in, and we'll go from there. Madam Clerk?

9 THE CLERK: Just the jurors, the first 12.

10 THE COURT: Have a -- yes.

11 THE CLERK: You can stand, please.

12 THE COURT: Stand up.

13 THE CLERK: Raise your right hand.

14 THE CLERK SWEARS THE JURY

15 THE CLERK: Court's indulgence. I have to -- you
16 can all be seated. I'm sorry. The last two, please stand and
17 raise your right hand.

18 THE CLERK SWEARS THE ALTERNATE JURORS

19 THE CLERK: Thank you. Please be seated.

20 THE COURT: All right. So we will be starting
21 tomorrow. I've got Drug Court and 130 people in Drug Court
22 tomorrow, so it's going to be a long calendar, but I will
23 endeavor to be done with it by 1:30, and so you'll need to be
24 ready to go.

25 And what we'll do tomorrow is I'll give you some

1 pre-instructions on what to expect as the trial moves forward,
2 and then you'll hear the opening statements of the lawyers,
3 and then we'll start taking evidence in the case.

4 And so, during your overnight recess, of course, as
5 usual, you are not to converse among yourselves or with anyone
6 else on any subject connected with the trial, or to read,
7 watch, or listen to any report of or commentary on the trial
8 by any person connected with the trial, or by any medium of
9 information, including, without limitation, newspaper,
10 television, radio, or Internet. You are not to form or
11 express an opinion on any subject connected with the case
12 until it's finally submitted to you.

13 Additionally, don't do any research on the case.
14 Don't get on your computer and try and look up anything about
15 anybody having to do with the case. Don't go by any of the
16 scenes that were -- you know, the areas of town that were
17 mentioned to you, like the Wal-Mart. Don't go to that
18 Wal-Mart and look around. Now, anything that you need, you'll
19 learn in the courtroom while court's in session.

20 So please -- and also, please don't discuss the case
21 with anybody. You know, your friends and family are going to
22 be very excited for you that you're on a jury, and they're
23 going to want to talk to you about it, because it's natural,
24 but please just tell them, I can't talk to you about this now.
25 After the Judge releases me from my duty to not discuss it,

1 then I can talk to you about it, but until then I can't talk
2 to you about it at all.

3 So, because some people like to -- you know, they
4 want to tell you about their theories about the justice
5 system, and how they feel, and how probably you should vote on
6 the case. And so just stop that in its tracks and tell them,
7 no, do not talk to me about this, I can't talk to you about
8 it, okay?

9 And also, let's see, for those of you who may be new
10 to the panel, if you see the lawyers in the courthouse, please
11 don't try and greet them or be courteous to them by saying
12 "hi" and wanting to have small talk, because they are not
13 allowed to talk to you. So don't encourage that because
14 they're going to feel bad because they have to ignore you.

15 And then of course if you do -- even if you do and
16 they ignore you, they still have to report it to me, then we
17 have to have a hearing and deal with that. So just don't --
18 because that -- and that will only prolong your time here, so
19 just avoid it by trying not to talk to anybody that you see.
20 And that would include court officers. If you saw me, same
21 thing; if you saw any of the other officers in the court.

22 The person that you can talk to is the Marshal. The
23 Marshal is your contact with me. If you need to communicate
24 anything to the Court, you tell the Marshal about it. You're
25 not allowed to discuss the case with him. He's just like

1 anybody else. You can't say, hey, Marshal, what do you think
2 about the evidence? No, that's absolutely not allowed.

3 So you can also, you know, complain to him about
4 anything in the courthouse, like the traffic, or the
5 elevators, the temperature in the courtroom.

6 However, he can't do anything about the temperature
7 in the courtroom, nor can I. Those things that look like they
8 might be thermostats that we can control, no, we can't. So
9 the best thing to do is to dress in layers, because if you
10 need to -- if it gets too warm, you can always take something
11 off; if it gets too cold, you can put a sweater back on.

12 So don't -- obviously, don't come to court in shorts
13 because you're not supposed to wear shorts to court in any
14 event, and you could get cold, because there are times when it
15 gets quite chilly. There are -- most days, you could hang
16 meat in my chambers. It's that cold. So just keep that in
17 mind. And I'll see you tomorrow at 1:30.

18 THE MARSHAL: All rise for the jury, please.

19 (Jury recessed at 5:02 p.m.)

20 THE COURT: All right. The record will reflect that
21 the jury and the two alternates have departed the courtroom.
22 Since we have this kind of ambiguous written peremptory
23 challenges document, I just want to clarify on the record.

24 So, on the defense side, on the peremptory
25 challenges for the jurors on the number 4 spot, it shows a

1 strike through 252, seat 8, Fenton is the last name, but that
2 was a mistake. And so that person was intended to be listed
3 as a peremptory challenge, and was peremptory challenged and
4 dismissed from the jury. Even though the paper indicates like
5 there was some kind of error and a strike through that, that
6 was inadvertent.

7 MR. SHETLER: That's correct, Your Honor.

8 THE COURT: Correct. And then on the -- also on the
9 defense side, there are two strike-throughs on the alternates
10 peremptory challenge. So there were -- there was one, badge
11 number 222 in seat 19, Spilsbury; and then there was one, 228,
12 seat 22, Pyle. Those are both strike-throughs on those, and
13 that was intentionally to show that that was an error.

14 MR. SHETLER: Correct, Your Honor.

15 THE COURT: And the person who was actually
16 peremptory challenged name is written below those two
17 strike-throughs, and that person was badge number 923, seat
18 number 21, Williams. So we'll just -- that's just a
19 clarification of that, because we will be including this as
20 part of the record. So, thank you very much.

21 MR. SHETLER: I apologize, and I thank the State for
22 their assistance.

23 THE COURT: That's all right. And so tomorrow,
24 we'll start, as I say, 1:30. I'll probably -- I'll probably
25 be going right up to that time, so if you get here, don't be

1 surprised if there's still some folks in the courtroom waiting
2 to go to the jail, because we --

3 MR. SHETLER: And Your Honor, as I told the Court
4 and the prosecution, I do have a heavy calendar in the track
5 system in domestic violence court tomorrow morning. I
6 anticipate, as usual, it's resolved by about 1:00 o'clock.
7 There are rare occasions, and I have talked to all the other
8 fellow track attorneys that are on that team about assisting
9 me in the event that it goes over, I just don't know yet. I'm
10 sorry, Judge.

11 THE COURT: Okay. Well, as I say, we're going to go
12 right up to 1:30 for sure. If I -- you know, if I just went
13 at a pace that would be normal for when we don't have trial,
14 we would be probably going until 3:00 and 4:00, but -- because
15 really, the best practice is three minutes per participant,
16 but we won't have time for that tomorrow, so.

17 MR. SHETLER: I will keep you apprised. I'll keep
18 the prosecution apprised.

19 THE COURT: All right, I'll see you tomorrow.

20 MR. SHETLER: Thank you, Your Honor.

21 MS. DeMONTE: Thank you.

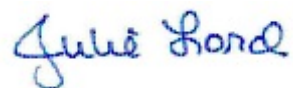
22 THE COURT: Court's in recess.

23 MS. MENDOZA: Thank you.

24 [Court recessed at 5:06 P.M., until Thursday,

25 April 6, 2017, at 1:51 P.M.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



JULIE LORD, INDEPENDENT TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC