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No. 75282

Appellant,

V.

Respondent.

AA0001 – AA0941

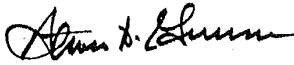
AA0001 – AA0249

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON, ESQ.
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89101
Telephone: 702.617.2700
Facsimile: 702.868.2415

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CLERK OF THE COURT

1 INFM
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 RACHEL O'HALLORAN
Deputy District Attorney
4 Nevada Bar #012840
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7 I.A. 06/10/16 DISTRICT COURT
10:00 A.M. CLARK COUNTY, NEVADA
8 PD S LISK

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-16-315580-1

11 -vs-

DEPT NO: II

12 CEASAR SANCHAZ VALENCIA,
#1588390

13 Defendant.
14

INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That CEASAR SANCHAZ VALENCIA, the Defendant(s) above named, having
20 committed the crimes of ASSAULT ON A PROTECTED PERSON WITH USE OF A
21 DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); OWNERSHIP
22 OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony -
23 NRS 202.360 - NOC 51460); TRAFFICKING IN CONTROLLED SUBSTANCE
24 (Category B Felony - NRS 453.3385.1 - NOC 51156); and POSSESSION OF
25 CONTROLLED SUBSTANCE (Category E Felony - NRS 453.336 - NOC 51127), on or
26 about the 19th day of May, 2016, within the County of Clark, State of Nevada, contrary to the
27 form, force and effect of statutes in such cases made and provided, and against the peace and
28 dignity of the State of Nevada,

1 COUNT 1 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
2 WEAPON

3 did willfully, unlawfully, feloniously and intentionally place another person in
4 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
5 attempt to use physical force against another person, to-wit: J. JACOBITZ, a protected person
6 employed as a Police Officer with Las Vegas Metropolitan Police Department, while J.
7 JACOBITZ was performing his duties as a Police Officer with Las Vegas Metropolitan Police
8 Department, which Defendant knew, or should have known, that J. JACOBITZ was a Police
9 Officer with Las Vegas Metropolitan Police Department, with use of a deadly weapon, to-wit:
10 a firearm, by pointing said firearm at the said Officer J. JACOBITZ.

11 COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

12 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
13 his custody or control, a firearm, to-wit: a .38 caliber revolver, the Defendant being a convicted
14 felon, having in 2006, been convicted of Possession of Stolen Vehicle, in Case No. C224558,
15 and/or having in 2007, been convicted of Unlawful Possession of Electronic Stun Device and
16 Possession of Burglary Tools and Possession of Stolen Vehicle and Burglary, in Case No.
17 223991, in the Eighth Judicial District Court, Clark County, felonies under the laws of the
18 State of Nevada.

19 COUNT 3 - TRAFFICKING IN CONTROLLED SUBSTANCE

20 did willfully, unlawfully, feloniously, and knowingly or intentionally possess, either
21 actually or constructively, 4 grams or more, but less than 14 grams, to-wit: approximately 11.8
22 grams of Heroin, or any mixture of substance consisting of approximately 11.8 grams
23 containing the controlled substance Heroin.

24 COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE

25 did willfully, unlawfully, feloniously, and knowingly or intentionally possess a
26 controlled substance, to-wit: Cocaine.

27 ///

28 ///

1 COUNT 5 - POSSESSION OF CONTROLLED SUBSTANCE

2 did willfully, unlawfully, feloniously, and knowingly or intentionally possess a
3 controlled substance, to-wit: Methamphetamine.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY Rachel O'Halloran
8 RACHEL O'HALLORAN
9 Deputy District Attorney
10 Nevada Bar #012840

11 Names of witnesses known to the District Attorney's Office at the time of filing this
12 Information are as follows:

13	<u>NAME</u>	<u>ADDRESS</u>
14	BARLOW, DAWN or designee	CCDA/INVESTIGATOR 200 LEWIS AVE 9TH FLR LV NV 89155
15	BRYANT, K.	LVMPD P#7773
16	CUSTODIAN OF RECORDS	CCDC
17	CUSTODIAN OF RECORDS	LVMPD/COMMUNICATIONS
18	CUSTODIAN OF RECORDS	LVMPD/RECORDS
19	GOODRICH, A.	LVMPD P#9198
20	HOFFMAN, J.	LVMPD P#9001
21	HOUSTON, C.	LVMPD P#13249
22	JACOBITZ, J.	LVMPD P#9383
23	KLOSTERMAN, O.	LVMPD P#1317
24	LEFEBVRE, N.	LVMPD P#8383
25	WHITMARSH, B.	LVMPD P35645

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27 16F08334X/pm/L-2
28 LVMPD EV#1605193387
(TK8)

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THE STATE OF NEVADA,
Plaintiff,
vs.
CEASAR VALENCIA,
Defendant.

BEFORE THE HONORABLE JOSEPH BONAVENTURE, SENIOR JUDGE
TUESDAY, JULY 19, 2016

APPEARANCES:

For the Defendant: STEVEN M. LISK, ESQ.
Deputy Public Defender

ROUGH DRAFT TRANSCRIPT - Page 1
Case Number: C-16-315580-1

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Las Vegas, Nevada, Tuesday, July 19, 2016

[Hearing began at 9:06 a.m.]

THE COURT: Ceasar Valencia.

THE DEFENDANT: Morning, Your Honor.

THE COURT: Morning.

THE DEFENDANT: I am a -- I'm gonna --

THE COURT: Just a minute, let me make a record on this.
Take it easy, alright? Relax.

Alright, who's here for the record?

MR. LISK: Steven Lisk from Public Records Office, Bar
Number 12809.

MS. O'HALLORAN: Rachel O'Halloran for the State.

THE COURT: Alright. Notice is on for calendar call and
this is Motion for Discovery that I just received an opposition just
when I got here at 8:45. The Defendant has some pro per motions
to dismiss counsel on the 25th of July and various things here. I
think we have to, as far as the calendar call is concerned, what's the
situation on that; first of all?

MR. LISK: And Your Honor, with regards to the calendar
call, I informed the State, based on my conversation with Mr.
Valencia and based on our own progress in the case, that I would be
requesting a continuance. I don't believe the State has any
opposition.

THE COURT: Okay.

1 MR. LISK: So if we want to we could address the pro per
2 motion at this time but.

3 THE COURT: Well, I'm gonna continue those.

4 MR. LISK: That's fine.

5 THE COURT: So you have no objection to a continuance
6 on a trial?

7 MS. O'HALLORAN: That is correct, Your Honor.

8 THE COURT: Okay, we're gonna continue the trial
9 because you had some motions you have to -- you understand that?

10 THE DEFENDANT: Actually I want to waive my counselor
11 because --

12 THE COURT: Well, we will. It'll all be heard on the 21st,
13 alright?

14 THE DEFENDANT: Alright.

15 THE COURT: So, but for right now we're gonna vacate
16 the calendar call and we're gonna continue this until July 25th for the
17 Defendant's Discovery Motion and for Defendant's Pro Per Motion to
18 Dismiss counsel and any other proceedings.

19 MR. LISK: And that's fine, Your Honor. I do think we
20 would need the Tuesday day, so the 26th.

21 THE COURT: Pardon?

22 MR. LISK: I think we would need the 26th to hear all these
23 motions. I think that's when Judge Scotti has the next calendar.

24 THE COURT: I have it on the 25th on my calendar.

25 MR. LISK: I think that was because that was the start of

1 the trial date.

2 THE COURT: Okay.

3 MR. LISK: And obviously at this point we're vacating that.

4 THE COURT: So that's not a good day for Judge Scotti?

5 THE COURT CLERK: The trial date was for the 25th, but
6 the 26th is when we hear it.

7 THE COURT: Good. We'll hear it the 26th.

8 MS. OHALLORAN: This is a situation however where this
9 Defendant did also invoke his right to a speedy trial so he will need
10 to waive that today.

11 THE COURT: Right. Do you waive your right to a speedy
12 trial?

13 THE DEFENDANT: I don't think so.

14 THE COURT: Well then we're gonna go to trial on
15 Monday. You can't have your cake and eat it too.

16 THE DEFENDANT: Alright.

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THE COURT: Alright. He waives his right. We're gonna
resolve all this; alright? Twenty-sixth.

Thank you sir, you can sit down.

[Hearing concluded at 9:09 a.m.]

* * * * *

ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
Procedure, I acknowledge that this is a rough draft transcript,
expeditiously prepared, not proofread, corrected, or certified to be an
accurate transcript.


DALYNE EASLEY
Court Recorder/Transcriber

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Las Vegas, Nevada, Tuesday, July 26, 2016

[Hearing began at 9:18 a.m.]

THE COURT: Let's go to page 8, State versus Ceasar Valencia, C315580.

UNIDENTIFIED SPEAKER: Your Honor, I'm waiting on Mr. Lisk. I think he should be here in a just a few minutes, please.

THE COURT: Okay. We can go ahead and continue that. Go ahead and have a seat, sir. Thank you.

[Hearing concluded at 9:18 a.m.]

[Hearing recalled at 9:34 a.m.]

THE COURT: Mr. Lisk, I see you're here. We got a couple of cases for you; right?

MR. LISK: I think I just have one, Your Honor.

THE COURT: Tell us what page you're on.

MR. LISK: Page 8, Ceasar Valencia.

THE COURT: Page 8, Ceasar Valencia, C315580. This is Defendant's Discovery Motion.

MR. LISK: Well, it is Your Honor, but I think the more pressing motion is Defendant's Pro Per Motion for Alternate Counsel. That was the reason Judge Bonaventure passed it to today.

THE COURT: Oh, that was the main reason? Alright.

MR. LISK: That was the main reason. I think the Discovery Motion, more or less, is self-explanatory and more for the record than --

1 THE COURT: Right. Alright. Well, do you want to
2 present argument on the Motion to Dismiss Counsel?

3 MR. LISK: It's not really my motion, Your Honor.

4 THE COURT: Well, it's not your motion, I know, but do
5 you want to present a position?

6 MR. LISK: What I can say, Your Honor, is I've done
7 everything that I can with Mr. Valencia. I will continue to do so. I
8 know what my job is. I know how to be effective with my job.

9 I recognize the fact that there is a strain in the
10 attorney/client relationship here. However, if I'm the attorney going
11 forward I would do everything that I can to work with Mr. Valencia
12 and either try to resolve this case or to take it trial, whatever Mr.
13 Valencia decides he wishes to do at that time.

14 THE COURT: So let me hear from Mr. Valencia.

15 Mr. Valencia, can you explain, briefly, why it is you
16 continue in your belief that you need new counsel appointed.

17 THE DEFENDANT: Well, I already wrote the State Bar, told
18 them about misconduct, professional misconduct with Mr. Lisk that
19 he's threatened me. I felt he's threatening me and forcing me to
20 plead guilty, not even explaining to me the elements of the crime,
21 which are like contradicting -- the Count 2 and Count 5. And he
22 hasn't really done nothing for me. And then he just wants me to
23 plead guilty for something that I'm innocent.

24 THE COURT: Well, alright. One thing you got to
25 understand, an attorney could give an assessment of the case and

1 look at the risks involved and the evidence that's in the file and
2 make a recommendation on what he believes might be appropriate
3 under the circumstances. You control, you alone control whether
4 you want to accept it or not and if you reject his recommendation
5 you can then suggest to the attorney that you want to go ahead and
6 go to trial. Have you tried that route with your attorney?

7 THE DEFENDANT: No, when I invoke my speedy trial
8 that's when he moved it what was --

9 THE COURT: Yeah, I don't know -- did you invoke a
10 speedy trial right?

11 MR. LISK: He did at the time of the arraignment, Your
12 Honor --

13 THE DEFENDANT: But now because --

14 MR. LISK: -- however at the last court date --

15 THE COURT: Hold on one second. Yeah?

16 MR. LISK: At the last court date he did waive the speedy
17 trial so that he could have this motion heard.

18 THE COURT: I see, okay, very good.

19 So, you want to still get a trial as soon as possible or do
20 you want to get a new attorney to represent you to determine
21 what's in your best interest here?

22 THE DEFENDANT: I mean, yeah, because I cannot
23 continue with Mr. Lisk 'cause he's not agreeing with me and he's
24 threatened me --

25 THE COURT: So, he's a very competent attorney. Is your

1 main point of disagreement that he is recommending an approach
2 that you disagree with?

3 THE DEFENDANT: That is true. Why did I have to waive
4 my speedy trial at last court hearing? He should have been ready.
5 He had his 60 days to prepare for trial and what happened? He
6 didn't even pay me a visit. He never returned none of my calls. And
7 there is a pending investigation with the State Bar about that.

8 THE COURT: Alright, sir. Let me hear from the State
9 whether they take a position on this? Nope?

10 MS. MENDOZA: No position.

11 THE COURT: Well, I think the fact that you've now
12 submitted a complaint with the State Bar has created an
13 irreconcilable conflict here.

14 MR. LISK: I would just -- I don't know, I haven't seen the
15 complaint. I would just note that I haven't received anything from
16 the State Bar saying that there is an ongoing investigation, that there
17 was a complaint lodged or anything like that. Maybe that takes
18 some time but I don't want the Court to think that I somehow
19 received anything from the State Bar saying that there's a conflict.

20 THE COURT: No. No, I won't think that but I do find that
21 the position of the Defendant is clearly indicated that he's not
22 satisfied with counsel. The Court will put on the record that the
23 Court does believe that your current counsel is very highly
24 competent and that there's no reason for the Court to believe that
25 he's been ineffective, and there's no reason for the Court to believe

1 that he's done anything wrong.

2 The Court does recognize, however, that there's apparent
3 communication problem, and the working relationship between you
4 and your attorney has deteriorated such that the Court does not
5 believe that it would be conducive to your best interest at this time
6 to have him continue to serve as your counsel.

7 I will grant your motion to discharge Mr. Lisk as your
8 counsel and new counsel will be appointed. We can assign a track
9 counsel and you're gonna have to get along with the new counsel;
10 you understand that?

11 THE DEFENDANT: Thank you, Your Honor.

12 THE COURT: Alright. And we're also gonna set a trial
13 date for you. We're gonna set a status check first to discuss this
14 matter with your new attorney.

15 MS. MENDOZA: I think he has other motions on the
16 second, if we could do it the same day.

17 THE COURT: August 2nd?

18 THE COURT CLERK: The Pro Per Motion is set for the
19 second, which we just heard.

20 MS. MENDOZA: Yes.

21 THE COURT CLERK: We also show another motion set on
22 the ninth.

23 MS. MENDOZA: Oh, I'm sorry --

24 THE DEFENDANT: There's two more.

25 THE COURT: There's a pro per motion to inspect

1 evidence. Your pro per motions -- since I'm appointing counsel, your
2 new attorney is going to look at what you've drafted and then try to
3 work out with the State those motions. So I'm going to vacate
4 those motions because you can't proceed on your own now if you
5 have appointed counsel; alright?

6 THE DEFENDANT: Could I ask a question? Was it a
7 [indiscernible] motion or a *Brady*, is it the same thing?

8 THE COURT: Well, as to your *Brady* motion, first of all you
9 want a return --

10 THE DEFENDANT: Yeah.

11 THE COURT: -- of all your documents. Mr. Lisk will turn
12 over the complete file to your new attorney. Your new attorney will
13 consider the *Brady* motion and work with the State and then file a
14 new motion if he believes that *Brady* documents are still necessary.

15 THE DEFENDANT: What about the suppression about
16 the --

17 THE COURT: And, yeah, the Motion to Suppress
18 Evidence, your new attorney will look at that and refile that; alright?
19 Since you're gonna be represented by counsel you now have to take
20 the advice of your -- or you have to consider the advice of your
21 counsel and let him take the lead in filing documents with the court;
22 alright?

23 THE DEFENDANT: Alright.

24 THE COURT: But we are gonna go ahead and reset this
25 down for confirmation of counsel on, I'm not gonna be here on the

1 ninth, well let's reset everything for August 4th.

2 THE COURT CLERK: Okay. And that will be Mr. Coyer
3 that will be --

4 THE COURT: Mr. Coyer will be your new counsel and he's
5 gonna come in here on the fourth and confirm that; alright?

6 THE DEFENDANT: On the fourth?

7 THE COURT: August 4th.

8 Alright, anything else?

9 MS. MENDOZA: The motion that was on today, the
10 Motion for Discovery, is that off-calendar now that the PDs no
11 longer on the case?

12 THE COURT: Its off-calendar; alright?

13 MS. MENDOZA: Okay. So on the fourth is just status
14 check, confirm as counsel?

15 THE COURT: Status check, and please confer with Mr.
16 Coyer about working off the discovery issues. Alright?

17 MR. LISK: And Your Honor, once its --

18 THE COURT: I've looked at these discovery requests and I
19 got to tell you -- let me just say for the record. There's two different
20 types of responses I get from the State, usually. Sometimes I get a
21 set of responses that indicate we've reviewed the request, we
22 understand our obligation, we've reviewed our files, we complied
23 with our obligations and we turned over these particular categories
24 of documents. Those are great responses.

25 And a really good example of that was one of the -- we

1 already handled it earlier today. Someone did a really good of form
2 response. Let me tell you which one that was. That was on the
3 Turner matter, State versus Turner. Was that Leah Beverly? Yeah,
4 Leah Beverly did some great responses there. That's what I like to
5 see.

6 And then on this particular case the other type of response
7 I get is, is we understand our *Brady* obligations. We object to these
8 requests because it's vague, ambiguous, we know what we're
9 required to do and they're only entitled to exculpatory material
10 and/or impeachment material. And, by the way, we'll go and check
11 our files and we'll turn over anything that we find that's responsive.

12 MS. MENDOZA: Mm-hum.

13 THE COURT: That type of response suggests to me that
14 the State hasn't yet checked. And I think by the time it gets to
15 court where the motion's been pending for several weeks it really
16 would be helpful if by the time it comes to me for the hearing if the
17 State could tell me whether they've actually checked the files or not
18 and rather than saying they will check it some unspecified time in
19 the future.

20 MS. MENDOZA: I will definitely --

21 THE COURT: That would just be my preference.

22 MS. MENDOZA: -- pass that along. I think that the
23 change in responses has been in terms of concern for making sure
24 that everything is clear after a trial on appeal to make sure that
25 we're not limiting ourselves.

1 THE COURT: I appreciate that.

2 MR. LISK: And, Your Honor, I would like to just interject
3 with regards to Ms. O'Halloran who did respond to this motion. We
4 were in the process of working -- we were always in communication
5 with regards to discovery issues and everything. So with regards, I
6 don't feel that Ms. O'Halloran --

7 THE COURT: Well, Rachel does a great job and great
8 work. I'm not criticizing her response. I'm just indicating that
9 there's two types of responses I get. And it's a lot easier for me to
10 deal with the response that says we've checked our files and we
11 represent to the Court we have produced everything that's
12 responsive. When I get that type of response I'm gonna uniformly
13 deny the request to discovery because I trust the State's
14 representations.

15 But then it's a little bit harder for me to deal with a
16 response that says we will check our files in the future and turn over
17 anything that we might have. That doesn't provide a lot of comfort
18 that the defense is gonna get what it's entitled to in a timely
19 manner. That's all I'm trying to point out.

20 MS. MENDOZA: Okay, I will pass that along, Your Honor.

21 THE COURT: Thank you, I appreciate that.

22 Alright, thank you guys.

23 THE DEFENDANT: Your Honor?

24 THE COURT: Yeah, so we'll see you back here on the
25 fourth.

1 THE DEFENDANT: But the reason why I feel that that
2 motion with the discovery for the *Brady* motion is because the same
3 officer that he was under oath in a different preliminary hearing and
4 he stated like he shredded [indiscernible] --

5 THE COURT: Well, tell you what.

6 THE DEFENDANT: And then he was aggressive and he,
7 the day I got arrested he was threatening me that he should have
8 shot me, he should have killed me.

9 THE COURT: Alright. So, that's very important
10 information for you tell your new attorney; alright? And he'll decide
11 what motions to file. But I can't -- unless -- look, I can't allow
12 everybody to speak on an issue where you haven't been appointed
13 counsel yet. Your new attorney has to come in and confirm that he
14 has no conflict of interest and then talk to you and then present his
15 side of the story. And once he presents his side of the story on
16 these issues then I'll allow the State to present their side of the
17 story. I can't just hear one side; alright?

18 THE DEFENDANT: Alright.

19 THE COURT: So we got to postpone this; alright?

20 THE DEFENDANT: Alright, I apologize, Your Honor.

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THE COURT: Alright, no problem. Thank you, sir.

THE DEFENDANT: Thank you, Your Honor.

[Hearing concluded at 9:46 a.m.]

* * * * *

ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.


DALYNÉ EASLEY
Court Recorder/Transcriber

AA0021

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Las Vegas, Nevada, Tuesday, August 9, 2016

[Hearing began at 9:26 a.m.]

THE COURT CLERK: C315580, Ceasar Valencia.

THE COURT: Defendant is present, in custody and Mr. Coyer is here to confirm as counsel. Are you able to do that, Mr. Coyer?

MR. COYER: I can and I will. And I believe we probably need to set a trial date, Judge.

MS. BEVERLY: Judge, the case who this belongs to is Ms. O'Halloran. She's going on maternity leave on September the 20th. So is it possible for us to set a status check negotiation? There was an offer that was made in the file and then she can be here to either say reset it when she comes back or to pass it off to another deputy in our office.

I know that he's in waive status. He waived on 7-19.

MR. COYER: We could do both.

MS. BEVERLY: And then he bench warranted so. Or, I'm sorry, yeah, he waived.

THE COURT: July 26th it indicates that speedy trial was waived.

MS. BEVERLY: Yes.

THE COURT: Not that we wouldn't still consider it. I mean, you know, there's only so far we're gonna go but if you want to set it for two weeks. Does that --

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MS. BEVERLY: Thank you.

THE COURT: Does that work for you, Mr. Coyer, to set the trial date?

MR. COYER: That's fine.

THE COURT: August 23rd, 9 a.m.

THE COURT: And it'll give you time to discuss with Mr. Valencia what motions he wanted filed and whether you think they're appropriate.

There's also a pending -- no, the discovery motion was already resolved.

MR. COYER: Alright, thank you. Appreciate it.

THE COURT: Thank you, Mr. Coyer.

[Hearing concluded at 9:28 a.m.]

* * * * *

ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.


DALYNE EASLEY
Court Recorder/Transcriber

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Las Vegas, Nevada, Tuesday, August 23, 2016

[Hearing began at 9:31 a.m.]

THE COURT: Let's go to page 11. State versus Ceasar Valencia; Mr. Coyer, yours, C315580. We'd he go? Coyer must have stepped outside. Alright. We got to wait for your attorney, okay?

THE DEFENDANT: Well, that's the thing, there's a problem with my attorney. I want to discharge him. His conduct has led me to know that he's been dishonest with me, [indiscernible] with me.

THE COURT: Well, sir, so let me -- why don't you express your view when he comes back in, alright, because I need to make sure he has a chance to hear -- Mr. Coyer, step up, sir.

Alright, I just called State versus Ceasar Valencia. Is that your file?

MR. COYER: No, Judge, but I'm prepared on Mr. Valencia's case, Judge.

THE COURT: Oh, because I had your name on here. Alright, C315580, this was a status check regarding negotiations or trial setting. The minutes showed that on August 9, 2016 you confirmed as counsel on this?

MR. COYER: I did, Judge [indiscernible].

THE COURT: While you were --

MR. COYER: What I meant was the file I had in my hand

1 right then was not the Valencia file. Now I have Mr. Valencia's file.

2 THE COURT: Okay, oh you do have the file, great.

3 MR. COYER: I did confirm.

4 THE COURT: And when I called the case, right before you
5 stepped in Mr. Valencia said that he wants a change in counsel.

6 And I told him, well hold on. Let Mr. Coyer step in here so we can
7 hear what your point of view is. So, we probably should address
8 that first because that may raise a conflict issue.

9 What do you have to say on that, Mr. Coyer?

10 MR. COYER: Well, I can only tell you what Mr. Valencia
11 was explaining this morning which was that he thinks he should
12 have -- either represent himself or have a different counsel. I advise
13 him that if he wanted to represent himself there's a thing called a
14 *Faretta Canvass* and the Court would have to go through that with
15 him. And then he said well maybe he just wants a different
16 attorney.

17 So, you know, I can't really get into the substance of his
18 concerns without divulging attorney/client communications. I'm
19 happy to do it in-camera or ex parte if the Court feels it needs to
20 hear it. But, you know, I'm not gonna take a position against Mr.
21 Valencia or anything he told me on the record here in Court, Judge.

22 THE COURT: Alright, Mr. Valencia, what would you like to
23 say to the Court?

24 THE DEFENDANT: Well, I already deposited a letter to the
25 State Bar for Mr. Coyer being dishonest with me just based on that

1 you don't want to file any motions or take any investigative
2 measures and use resources available to provide me more discovery.
3 And then the issue is that I was asking for potentially relevant
4 documents and any video or anything because of my claim with
5 misconduct with police, a violation of my rights.

6 THE COURT: Sir, Mr. Coyer is a very effective, reputable,
7 hard-working attorney and I have no reason to believe that he's not
8 doing his job in this case. You don't get to pick and choose your
9 counsel so you're gonna have to make it work with Mr. Coyer;
10 alright?

11 What you need to decide is you have the option of
12 discharging him and representing yourself if you want to do that.

13 THE DEFENDANT: Yeah.

14 THE COURT: I would highly advise against that but if you
15 want to do that then --

16 THE DEFENDANT: I mean, I have no choice.

17 THE COURT: Alright, well, you do have a choice because
18 I'm telling you, you got to give it a chance with Mr. Coyer to work.
19 He's gonna look at your case, look at the facts, look at the law and
20 help advise you on what the right thing is to do. These are certain
21 decisions that he's got to make that he believes is gonna provide
22 you with the most effective yet ethical representation. And so he's
23 got certain duties to the Court as well as duties to you, alright; so
24 you got to trust him.

25 //

1 If you don't trust him anymore and don't want to use him

2 --

3 THE DEFENDANT: Yes.

4 THE COURT: -- I'll let you discharge him and you can
5 represent yourself but at first I need to canvass you, it's called a
6 Faretta Canvass, and we're gonna do that Thursday, we're not
7 gonna do that today.

8 THE DEFENDANT: Alright.

9 THE COURT: Alright? So, I'm gonna give you a couple
10 days to think about it. You're gonna come back --

11 THE DEFENDANT: I'm already decided. Besides there's no
12 trust, there's no loyalty. His loyalty's with the prosecution for
13 agreeing with continuances based on that she's in -- her taking
14 maternity leave or whatever that I don't have any discovery. My
15 discovery is --

16 THE COURT: Mr. Coyer, do you want to say anything
17 about your efforts to obtain discovery for this Defendant?

18 MR. COYER: So Judge, I met with Mr. Valencia and we
19 discussed what discovery we thought we needed to seek out in
20 addition to what's already been provided. I explained to Mr.
21 Valencia that my discovery practice differs slightly from what you
22 typically see and what the Public Defender policy is. I don't work in
23 the Public Defender office.

24 I do written discovery requests in a letter and I anticipate a
25 written response. And when -- it's a paper trail that I build, that is

1 my practice. When the DA doesn't give me something that I think
2 I'm entitled to then I file a motion to compel that discovery. It's the
3 way I've been practicing discovery for the last five years. It's just
4 the way that I do it. It's my practice. I found it to be more effective
5 and quicker than what other attorneys do. That's my policy. And I
6 explained that to Mr. Valencia.

7 I do intend to make discovery requests --

8 THE COURT: It seems like --

9 MR. COYER: -- and if we don't get what we want I will
10 file a motion.

11 THE COURT: It seems like a very effective practice. I like
12 that practice. And Mr. Valencia, he's using a practice that's creating
13 a paper trail to make sure that he can get the documents that he
14 needs. He will file the appropriate motion --

15 THE DEFENDANT: But again, this is 30 days before trial
16 though.

17 THE COURT: Well, we don't have a trial date yet in this
18 case, right?

19 THE DEFENDANT: No.

20 MR. COYER: And Judge, what I explained is that the DA
21 is obligated to produce discovery within 30 days before trial. That's
22 the Nevada Revised Statutes. I can't change what the Nevada
23 Revised Statutes say. The deadline for producing discovery is 30
24 days before trial. There's not much we can do about that.

25 THE COURT: So, Mr. Valencia, I made my decision that

1 I'm going to request your request, your oral request now, to remove
2 Mr. Coyer; alright?

3 THE DEFENDANT: Can I [indiscernible] --

4 THE COURT: But I'm treating your request now -- I'm
5 sorry. I'm denying your request to have a new PD appointed;
6 alright? We're gonna continue your oral motion to remove Mr. Coyer
7 and have you represent yourself to Thursday. I will let you -- I want
8 you to think about it; alright? I know you're telling me you don't
9 want to think about it. I'm telling you think about it some more and
10 give me your final answer on Thursday when we come back.
11 Alright? Alright.

12 Mr. Coyer, can you be back here on Thursday, sir?

13 MR. COYER: Yes, Your Honor.

14 THE COURT: Alright, Clerk will give you a date.

15 THE COURT CLERK: August 25th at 9 a.m.


16 THE COURT: Alright, August 25th at 9 a.m.

17 MR. COYER: Thank you, Judge.

18 [Hearing concluded at 9:38 a.m.]

19 * * * * *

20 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
21 Procedure, I acknowledge that this is a rough draft transcript,
22 expeditiously prepared, not proofread, corrected, or certified to be an
23 accurate transcript.

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25 DALYNE EASLEY
Court Recorder/Transcriber

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Las Vegas, Nevada, Thursday, August 25, 2016

[Hearing began at 10:01 a.m.]

THE COURT: Alright, page 16, State versus Valencia, C315580, Negotiations/Trial Setting. Where are we on this one? Defendant's present in custody.

MR. COYER: Judge, we were here Tuesday for Negotiations/Trial Setting. Mr. Valencia indicated he would like to represent himself and Your Honor passed it to today for a *Faretta* canvass.

THE COURT: That is correct. I need to get my *Faretta* canvass. Will you go grab my -- you won't know where to find it. Court's gonna be in recess five minutes. I need to go get my binder.

[Recording paused at 10:01 a.m.]

[Recording resumed at 10:04 a.m.]

THE COURT: Alright, we're back on the record with State versus -- go ahead and be seated everybody, State versus Valencia, C315580. Mr. Valencia, is it still your intent, I gave you a couple of days to decide what you wanted to do, is it still your intent to ask this Court to allow you to represent yourself?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Alright, as is that because you believe your current counsel, Mr. Coyer, has not been providing you with defense that you believe is satisfactory --

THE DEFENDANT: Well, it's not just Mr. Coyer it's the

1 prosecution not providing me any proper discovery.

2 THE COURT: You understand Mr. Coyer explained to you
3 two days ago that he's got a method that he has found quite
4 effective in obtaining the necessary discovery. But you don't wish
5 to take his advice and utilize that method; is that correct?

6 THE DEFENDANT: That's correct and this is for the reason
7 being is because of I was already supposed to be in trial on July 25th
8 and I had to waive my speedy trial based on -- it's because the trial
9 was not ready.

10 THE COURT: And so --

11 THE DEFENDANT: And then I had submitted motions to
12 the Court for *Brady* material, *Brady* motion and I don't know what
13 happened with that. You said --

14 THE COURT: You had a *Brady* motion that you prepared,
15 you said?

16 THE DEFENDANT: Yeah, it should be on file with the
17 Court but I mean, he got assigned to the case and now we're here.
18 And I don't have nothing, and those certain materials like potentially
19 relevant documents that I would like to have for preparation of a
20 Motion to Suppress.

21 THE COURT: Well, I think you're making a wrong
22 decision. And I need to read you some words for you to consider for
23 you to make a proper decision. It's called a *Faretta* canvass.

24 THE DEFENDANT: Alright.

25 THE COURT: Alright? So I'm gonna read this to you so,

1 and then we're gonna discuss it to see if you truly want to do this
2 and whether you're competent to even represent yourself; alright?

3 THE DEFENDANT: And another --

4 THE COURT: Because I'm strongly recommending against
5 it and you still want to represent yourself, right?

6 THE DEFENDANT: Well, I mean this obstacle is being
7 created between having an attorney and me doing any type of --
8 receiving any kind of documents.

9 THE COURT: And that's the only reason why you want a
10 new counsel is because you're not getting the documents you
11 believe you need for your defense and you're not getting them fast
12 enough; is that correct?

13 THE DEFENDANT: Well, yeah. And other issues too.

14 THE COURT: So hold on, listen to me; alright? So, under
15 the Sixth Amendment of the United States Constitution you're
16 entitled to the assistance of an attorney at all stages of a criminal
17 proceeding. You have the right to represent yourself and conduct
18 your own defense. The Court cannot force a lawyer upon you
19 should you insist that you want to conduct your own defense.

20 You are given this right under the United States Supreme
21 Court decision of *Faretta versus California*. But you must first
22 knowingly and voluntarily waive and give up your right to the
23 assistance of an attorney before you can represent yourself.

24 Do you understand that you have the right to the
25 assistance of an attorney at all stage of the criminal proceeding? Do

1 you understand that, sir?

2 THE DEFENDANT: That's correct.

3 THE COURT: Alright, criminal law is a complex area where
4 experience and professional training is both required and desirable.
5 Mr. Coyer has that experience and training to competently represent
6 you. What legal training, if any, do you have, sir?

7 THE DEFENDANT: I'm not a sophisticated student of law,
8 I wish I was but I know the elements of the crime, I know the
9 punishments of what I might get, I know --

10 THE COURT: Are you familiar with what you've been
11 charged with, sir?

12 THE DEFENDANT: Yes.

13 THE COURT: What have you been charged with?

14 THE DEFENDANT: Assault with the use of deadly on a
15 protected person. Ex-felon or prohibited person with possession of a
16 firearm, and trafficking controlled substance/mid-level, and two
17 possessions not for the purpose of sale.

18 THE COURT: Do you have an understanding of what
19 potential sentence you could receive if you were found guilty on
20 those charges?

21 THE DEFENDANT: Yes.

22 THE COURT: Alright. How have you acquired that
23 understanding?

24 THE DEFENDANT: From reading the NRS.

25 THE COURT: The Nevada Revised Statutes?

1 THE DEFENDANT: Yes.

2 THE COURT: Alright, you have -- the Nevada Revised
3 Statutes are available to you in prison?

4 THE DEFENDANT: Yes, that's another issue that I wanted
5 to talk to you about.

6 THE COURT: We'll deal with that issue in a moment.

7 THE DEFENDANT: Okay, yes.

8 THE COURT: Do you know where to go --

9 THE DEFENDANT: Yes, I have -- no, yeah, I have the NRS
10 for that. I have that in prison.

11 THE COURT: Alright. Criminal trials present difficult
12 choices as to strategy and tactics. And even attorneys can differ as
13 to the proper defense to making a case. You're not trained to make
14 those choices because you haven't gone to law school and you
15 haven't practiced as a lawyer and you don't have experience trying
16 cases and representing clients.

17 An attorney knows the degree of proof that the State must
18 meet to prove your guilt beyond a reasonable doubt. And by
19 investigation and review of the State's evidence it may be
20 determined that the State cannot prove its case. You must
21 determine how to subpoena witnesses to testify on your behalf.
22 Would you even know how to do that, sir?

23 THE DEFENDANT: Through the Clerk of the Court?

24 THE COURT: You would also have to participate in
25 selecting a jury. Do you know how to conduct that process of

1 selecting a jury?

2 THE DEFENDANT: I remember a little but not too much
3 but I mean, like I said, I could read up on it.

4 THE COURT: You know there's a process where you can
5 exercise challenges to jurors for cause, that's removing some jurors
6 that you believe are not going to be fair and impartial. And there's
7 also a process where you can remove jurors called preemptory
8 challenge for any reason. Do you understand -- do you have any
9 knowledge about that process, sir?

10 THE DEFENDANT: Not really.

11 THE COURT: Do you believe you could learn about that
12 process in time to represent yourself effectively at trial?

13 THE DEFENDANT: Yes.

14 THE COURT: Is that something that you want to do is to
15 learn about the adequate procedural step so you can represent
16 yourself at trial?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you know that the attorney on your case
19 has the ability to research the law in similar cases and search his
20 experience and education to determine the best possible defenses
21 for you? Do you understand that if he was representing you he
22 could that for you?

23 THE DEFENDANT: Yes, I understand that.

24 THE COURT: Do you know how to research the law?

25 THE DEFENDANT: Yes.

1 THE COURT: Alright, what's your understanding as to
2 how you could research what are the charges against you and the
3 possible penalties and what are possible defenses? How would you
4 research the law, sir?

5 THE DEFENDANT: Well, I know there's a certain -- the
6 federal guidelines for sentencing and I know that that's what is
7 gonna be used.

8 THE COURT: You realize this is a state court proceeding?

9 THE DEFENDANT: Yes, but that's what my understanding
10 was that that's what is used to determine the line of punishment.

11 THE COURT: Do you realize sir that you have multiple
12 counts against you and if you're found guilty the Court has
13 discretion to either for some of these count it may be probationable
14 but some of the counts the Court may decide that incarceration is
15 the appropriate punishment; you understand that?

16 THE DEFENDANT: No drug treatment?

17 THE COURT: Drug treatment may be an option for the
18 Court to consider. You understand the Court has options?

19 THE DEFENDANT: Okay.

20 THE COURT: You understand that you have several
21 counts? If you're found guilty on all the counts the Court could
22 decide not only to incarcerate you, put you in jail, put you in prison
23 for those counts but the Court can decide to run those sentences
24 either concurrent or consecutive. You understand the difference
25 between concurrent and consecutive?

1 THE DEFENDANT: Yes.

2 THE COURT: If you're representing yourself, do you
3 understand sir that you would have an opportunity to cross-examine
4 witnesses that the State puts on against you?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you believe that you could effectively
7 cross-examine witness?

8 THE DEFENDANT: Yes, if I have a statement. If I have
9 some reports from them, I mean, 'cause there's no preliminary.

10 THE COURT: Sir, do you understand that -- and I don't
11 know if there are any statements, there might be statements of
12 some of the witnesses that the State puts on. Do you understand
13 that, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: Alright. Do you understand sir that if I grant
16 your request for you to represent yourself and then you get
17 discovery from the State, and if you look at that discovery and
18 decide that you want an attorney, it's too late? Once you make the
19 decision you're bound by that decision to represent yourself.

20 THE DEFENDANT: Alright. Okay, I understand that.

21 THE COURT: Do you understand that even though you are
22 not a lawyer, if you choose to represent yourself in trial, the Court is
23 going to require you to comply with the normal rules of evidence?

24 THE DEFENDANT: Okay. Alright, yes.

25 THE COURT: Do you understand that there could be

1 instances where a witness is asked a question by the attorney and
2 it's an improper question? Do you understand that you have the
3 right to object to improper questions?

4 THE DEFENDANT: Yes.

5 THE COURT: Alright. How do you plan to familiarize
6 yourself with the types of objections that you are allowed to make at
7 trial?

8 THE DEFENDANT: Well, I know there's certain books that
9 I would like to request at some point but I know the law library at
10 the jail don't let nobody -- don't let the inmates borrow no books so
11 that would be kind of hard. And I don't have money to pay for them
12 but it's called the **Criminal Procedure** book. And then I got the
13 evidence one, the major changes in evidence in the **Nevada Rules of**
14 **Evidence**.

15 THE COURT: Alright. Well, there are rules of evidence
16 books that you could get.

17 Sir, do you also understand that you have a Constitutional
18 right not to testify? If you're representing yourself you can elect not
19 to testify and that would be your Constitutional right. Do you
20 understand that, sir?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that you have the ability
23 to waive the right and testify if you so choose; you understand that?

24 THE DEFENDANT: Yes, well, file a motion to request
25 material and under the Fifth Amendment I don't have to disclose like

1 full information why; right?

2 THE COURT: You don't have -- if you choose not to
3 testify --

4 THE DEFENDANT: Alright.

5 THE COURT: -- then I will give an instruction to the jurors
6 that they cannot consider the fact that you chose not to testify in
7 their deliberations. So they can't hold that against you. Do you
8 understand that, sir?

9 THE DEFENDANT: Yes.

10 THE COURT: Alright. Do you understand, however,
11 though if you choose to testify then and if you have a felony
12 conviction within the last ten years then the State has the right to
13 question you about that felony conviction? They can ask you when
14 you were convicted, what you were convicted for.

15 THE DEFENDANT: So it's a ten-year limit?

16 THE COURT: Yes. Do you understand that, sir?

17 THE DEFENDANT: Okay.

18 THE COURT: Alright. So they can ask you: when did it
19 happen, what was the felony and have you been convicted. So, you
20 understand all that?

21 THE DEFENDANT: Yes.

22 THE COURT: That's if you testify.

23 THE DEFENDANT: Okay.

24 THE COURT: Alright. And if they ask you those questions
25 then they can also comment on your prior felony in closing

1 arguments; do you understand that, sir?

2 THE DEFENDANT: Okay, I understand that.

3 THE COURT: And do you understand that a lot of these
4 things I've just mentioned are issues that if you have an attorney
5 representing you he could more thoroughly advise you on these
6 issues and how you should conduct yourself either leading up to trial
7 or at trial; you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Alright, so, sir, state your age.

10 THE DEFENDANT: I'm 36.

11 THE COURT: Alright, what is your level of education?

12 THE DEFENDANT: High school graduate, twelfth grade.

13 THE COURT: Alright, sir. Sir, after I have explained all
14 this to you and given you a chance to answer my questions, and
15 after you've had a chance to think about this some more, do you
16 wish to represent yourself in this case?

17 THE DEFENDANT: Yes.

18 THE COURT: Alright, do you understand that by you
19 representing yourself you're going against my recommendation?

20 THE DEFENDANT: Yeah, I wish to represent myself.

21 THE COURT: Alright. And you understand that you're --
22 you understand it's the Court's position that Mr. Coyer can provide
23 you with effective representation if you wished to use him? But you
24 don't wish to use him; is that correct?

25 THE DEFENDATION: That's correct.

1 THE COURT: Alright. Mr. Coyer, is there anything that
2 you would like to add to this *Faretta* canvass or as to the
3 Defendant's request to represent himself?

4 MR. COYER: No, Your Honor.

5 THE COURT: The Court finds that the Defendant, Mr.
6 Ceasar Valencia, is competent to represent himself. He's expressed
7 his desire to represent himself. He's expressed sufficient knowledge
8 of the resources available to him to prepare himself to represent
9 himself. That he has sufficient age, education and experience to
10 exercise his Constitutional right to represent himself.

11 And, for those reasons, I'm granting your request, sir. You
12 can represent yourself and I will then discharge Mr. Coyer as your
13 counsel; alright?

14 THE DEFENDANT: Alright. Thank you.

15 THE COURT: Alright. So Mr. Coyer, you're now
16 discharged.

17 Now, we need to set a trial date for you, Mr. Valencia, but
18 I understand you need to file -- you said that there's a pending
19 motion, a pending *Brady* motion. I don't know if we took that off
20 calendar because at the time it was filed you may have been
21 represented by Mr. Coyer. Let me ask the State if they've received
22 a *Brady* motion.

23 MS. O'HALLORAN: I know that there was a discovery
24 motion filed by the Public Defender's office. It was taken off
25 calendar. I'm looking to see what was -- he had a Pro Per Motion to

1 Suppress, a Motion to Inspect Documents, I believe, and --

2 THE COURT: So what you need to do Mr. Valencia is
3 refile those motions because they're not proper documents for you
4 to file while you had counsel representing you. So you need to refile
5 whatever motions you want me to hear, Motion to Suppress, Motion
6 for Discovery, anything else.

7 THE DEFENDANT: Well, first I would like to get Motion for
8 Production and Preserve Evidence.

9 THE COURT: Right, go ahead and file that motion and I'll
10 set it down for a hearing and we'll bring you back in court and we'll
11 argue that motion.

12 THE DEFENDANT: There's one more issue that's
13 happening with the law library access. I'm being denied because I
14 failed to sign one request that they're charging me for, four-fifty,
15 yeah, four-fifty. And I refused to sign that and ever since then, this
16 happened in 8 -- 9/16. And ever since then I haven't been able to
17 access the law library.

18 THE COURT: The library? What is the charge for? Four
19 hundred and fifty dollars, is that an access fee?

20 THE DEFENDANT: It's research, I guess. That's what
21 they're charging, if you'd like to see the papers.

22 THE COURT: Marshal, could you please retrieve the
23 paperwork? Allow the State to take a quick look at that.

24 MS. O'HALLORAN: Yeah, Your Honor, it appears he was
25 assessed a \$4.50 charge for 30 pages of copies that he made. It

1 appears it went to his research.

2 THE COURT: Alright, \$4.50 for copies? Alright, do you
3 have someone that can pay that for you?

4 THE DEFENDANT: No. But it's just for indigent, being
5 indigent why should I be charged? And then I'm representing
6 myself. Now, is there anything that the Court could issue for the
7 law library to give me access, more access? 'Cause we have access
8 through the kiosk in the unit but sometimes we're on lock-down
9 'cause I'm in north tower and it's just -- and then --

10 THE COURT: I'll waive this \$4.50 fee and I'll ask the
11 State to put together an order just stating that he's now
12 representing himself and he's to -- shall provide customary and usual
13 access to the law library that is typically afforded to defendants that
14 represent themselves. If you could prepare that please, I would
15 appreciate that, Ms. O'Halloran.

16 MS. O'HALLORAN: Yes, Your Honor.

17 THE DEFENDANT: Your Honor, one more question. Is
18 there any way where I can have access to or borrow the books from
19 anybody like the criminal handbook or the evidence, the major --

20 THE COURT: You need to see what's available at the law
21 library, if there's something --

22 THE DEFENDANT: They don't loan the books, that's the
23 problem. And then we're on lock-down. And since the law-library is
24 in NVC, North Valley Complex, they only give us access like once a
25 week maybe through the kite system, inter-department mail. And

1 that's -- it's very limited.

2 THE COURT: Well, that's a request -- I'm gonna ask that
3 you first -- to make that request through the prison system. So you
4 make that request for them and if you're not getting appropriate
5 access then file a motion with me. But you got to first go through
6 them; alright?

7 THE DEFENDANT: Alright.

8 THE COURT: Now, we need to set a trial date. Sir, do
9 you wish, let me go ahead and ask you again, do you wish to invoke
10 your right to a speedy trial? I don't know if you've waived that
11 already.

12 MS. O'HALLORAN: It's already been waived, Your Honor.

13 THE COURT: It's already been waived?

14 MS. O'HALLORAN: And it was. I did want to make a
15 representation to prior offers before we set the trial date.

16 THE COURT: You can do that too. The State is now
17 gonna make a representation as to prior offers for you to consider.
18 Please listen carefully to what she has to say.

19 MS. O'HALLORAN: There was a prior offer extended to
20 the Public Defender's Office, in fact, it was sought out by Mr. Lisk.
21 And that offer was for the Defendant to plead guilty to one count of
22 assault on a protected person with use of a deadly weapon, and one
23 count of possession of controlled substance with intent to sell. The
24 State would retain the right to argue but would have no opposition
25 to concurrent time.

1 Additionally, Defendant would agree to forfeit everything
2 seized in conjunction with this case. The State would not seek
3 habitual criminal treatment. That offer was rejected by the
4 Defendant and I just wanted that to be placed on the record for later
5 purposes, Your Honor.

6 THE COURT: Very good. Thank you very much for
7 representing that.

8 So, we're gonna go ahead and set this for trial in the
9 regular course. Madam Clerk, will you please provide the next
10 available trial date, please.

11 THE COURT CLERK: That would be -- you got two weeks
12 in November.

13 THE COURT: Alright, so I have --

14 THE COURT CLERK: Is that fine?

15 THE COURT: That's fine with me. So go ahead and tell
16 them, Ms. O'Halloran, so she can see if she's available.

17 MS. O'HALLORAN: If I may, Your Honor, and I will submit
18 this to the Court's discretion. The State would request a later date.
19 Simply, this is my case and I will be out on maternity leave until the
20 beginning of the year. But again, I'll submit that to Your Honor.

21 THE COURT: Alright, so I think I have -- so you're out
22 through the --

23 MS. O'HALLORAN: The first of the year.

24 THE COURT: Alright. So what do I have the beginning of
25 the year?

1 THE COURT CLERK: Our next stack --

2 THE COURT: That will give him more time to prepare.

3 THE COURT CLERK: Our next criminal stack would start in

4 February and that would be February 21st and that goes five weeks.

5 THE COURT: February 21, that's a five week stack. Can

6 we set it at the beginning of that stack?

7 THE COURT CLERK: The beginning is --

8 THE COURT: You'll be back then?

9 MS. O'HALLORAN: Yes, Your Honor.

10 THE COURT CLERK: Okay, so, we can do February --

11 calendar call February 7th at 9 a.m., jury trial February 14th at 10

12 a.m.

13 THE COURT: Alright, calendar call. Sir, that's when you

14 come back and report that you're ready for trial. That will be

15 February 7th at 9 a.m. So we'll have you back here then and we'll

16 discuss some of the logistics of trial then. And then jury trial is

17 actually gonna start February 14th in this court at 10?

18 THE COURT CLERK: Jury trial at 10.

19 THE COURT: At 10 a.m.

20 Ms. O'Halloran, will you do one more thing for me, please?

21 Will you please put on the record the potential sentences that this

22 Defendant could receive if he's found guilty on each of these

23 counts?

24 MS. O'HALLORAN: Absolutely, Your Honor.

25 THE COURT: And so, please listen to this. These are

1 what you're gonna be found guilty of and charged with, alright?

2 THE DEFENDANT: Alright.

3 THE COURT: Alright.

4 MS. O'HALLORAN: I just need a moment to locate the
5 information in my file. I apologize.

6 THE COURT: Well, while you're doing that, sir, --

7 MS. O'HALLORAN: I will say as to --

8 THE COURT: Hold on one second.

9 MS. O'HALLORAN: Okay.

10 THE COURT: I just want to say if, ordinarily once you
11 make that election to represent yourself, you can't go back on it. If
12 you believe that there is a compelling reason for you to now have a
13 public defender appointed and you firmly believe that you made a
14 bad decision and poor judgment in deciding to represent yourself --

15 THE DEFENDANT: There's no going back?

16 THE COURT: Well, I'm asking you now, bring that back to
17 the judge, bring that back to me with a motion and we'll consider it;
18 okay?

19 THE DEFENDANT: Alright, thank you.

20 THE COURT: Alright? So, bring it back on a motion if you
21 change your mind. I'm not saying I would grant it.

22 THE DEFENDANT: Alright.

23 THE COURT: But I would want to hear what your
24 difficulty is at that point in time in continuing to represent yourself;
25 alright?

1 THE DEFENDANT: Alright.

2 THE COURT: Thank you.

3 Ms. O'Halloran, please proceed.

4 MS. O'HALLORAN: Thank you, Your Honor. As to Count
5 1, assault on a protected person with use of a deadly weapon that's
6 Category B felony, potential prison sentence of one to six years.

7 Count 2, ownership or possession of a firearm by a
8 prohibited person is a Category B felony with a potential sentence of
9 one to six years.

10 Count 3, trafficking in controlled substance, a Category B
11 felony. If he's found guilty of that that is a mandatory prison
12 sentence of one to six years.

13 Counts 4 and 5, possession of controlled substances are
14 Category D felonies with a potential sentence of one to four years.

15 Additionally, this Defendant has 11 prior felonies so the
16 State will be seeking habitual criminal treatment in this case.

17 THE COURT: Sir, do you understand that the State is
18 indicated they're seeking habitual treatment?

19 THE DEFENDANT: [Inaudible].

20 THE COURT: Have you looked at the habitual treatment
21 statute?

22 THE DEFENDANT: Yes.

23 THE COURT: Alright, do you understand that if the State
24 proves that you should -- that you have two or more prior felonies
25 then the Court has discretion, if you're found guilty in this case, the

1 Court has discretion to treat you as what's called a small habitual
2 criminal --

3 THE DEFENDANT: Alright.

4 THE COURT: -- and the Court must then sentence you to
5 a minimum of not less than five years and a maximum of twenty
6 years; you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And then you also understand if the Court
9 treats you as a large habitual criminal, if you have three or more prior
10 felonies, then the Court has discretion to designate you as a large
11 habitual? And then the Court must sentence you to either life
12 without parole, or life with parole, or life with a possibility of parole,
13 after 15 years?

14 MS. O'HALLORAN: Ten years, Your Honor.

15 THE COURT: Ten years. You understand that, sir?

16 THE DEFENDANT: And they are seeking the big or the
17 small?

18 THE COURT: Well, they, seeking both, they could argue
19 either one at the time of sentencing.

20 THE DEFENDANT: But the small one does --

21 THE COURT: So they're seeking -- they can ask for large
22 habitual based upon the number of felonies that they say you have.
23 You understand that? You understand serious consequences here.
24 You could be facing life without the possibility of parole.

25 THE DEFENDANT: I understand.

1 THE COURT: Alright, do you still wish -- I want to give
2 you one last chance. Do you still wish to represent yourself, sir?

3 THE DEFENDANT: For the meantime, I believe, yes
4 because --

5 THE COURT: Alright, sir. Your decisions been made.
6 You're representing yourself.

7 Alright, anything else you want to put on the record? We
8 got to continue, anything else?

9 MS. O'HALLORAN: No, Your Honor, thank you.

10 THE COURT: Alright, thank you. You may be seated, sir.
11 Thank you.

12 [Hearing concluded at 10:29 a.m.]

13 [Hearing recalled at 10:54 a.m.]

14 THE COURT: Mr. Coyer, you here?

15 MR. COYER: Yes, Your Honor.

16 THE COURT: Sir, you wanted page 16 back? And I think
17 we have -- we're almost done. Ordinarily I take a break but let's get
18 this done so we can let everyone get out of here.

19 Alright, page 16, State versus Valencia. What's the deal?

20 MR. COYER: Judge, Mr. Valencia called me over and we
21 had a little discussion. I thought it best to go ahead and just recall it
22 and make a record.

23 THE COURT: Alright.

24 MR. COYER: He felt very strongly about going ahead and
25 receiving his entire file today, which I'm happy to provide. But I just

1 wanted to put it on the record that I am gonna be providing Mr.
2 Valencia with his original file including all the discovery that I have
3 and the motions that were filed by him previously. I am going to
4 provide those to him now directly from my file, Judge.

5 THE COURT: Very good.

6 Marshal, is it okay if he receives documents from counsel
7 or do they need to go to you?

8 THE CORRECTIONS OFFICER: No, that's fine.

9 THE COURT: Alright, very good. You can go ahead and
10 transfer that file directly to the Defendant.

11 MR. COYER: Great. Thank you, Your Honor.

12 THE COURT: Record will reflect that Mr. Coyer is
13 compiling his documents at this time. While he's doing that -- Mr.
14 Coyer, could you do that off to the side then?

15 MR. COYER: Yes, absolutely.

16 THE COURT: Ms. O'Halloran, what's our next case?

17 [Hearing concluded at 10:56 a.m.]

18 * * * * *

19 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
20 Procedure, I acknowledge that this is a rough draft transcript,
21 expeditiously prepared, not proofread, corrected, or certified to be an
22 accurate transcript.

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24 DALYNE EASLEY
25 Court Recorder/Transcriber

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AA0054

1 Las Vegas, Nevada, Tuesday, October 18, 2016

2

3 [Hearing began at 9:37 a.m.]

4 THE COURT: Let's go to page 7. This is State versus
5 Ceasar Valencia, C315580, Defendant is in custody.

6 THE DEFENDANT: Morning.

7 THE COURT: Alright, very good, and present. In this
8 particular case, if I recall correctly, the Defendant had moved
9 previously to discharge his counsel and wanted to represent himself
10 and the Court granted that. And now, the Defendant has brought
11 this motion styled as a discovery motion. The Defendant is actually
12 seeking an extensive list of supplies and books, things that he can't
13 find, supposedly, in the library in prison.

14 THE DEFENDANT: That's the other motion, Judge Scotti.
15 That's the Right of Access?

16 THE COURT: Right. Oh, the Right of Access Motion too.
17 You have a Discovery Motion and a Right of Access Motion.

18 Alright, so, since you're representing yourself sir I'll let you
19 go ahead and be heard first on the Discovery Motion. You may
20 explain to the Court what it is you're seeking, sir.

21 THE DEFENDANT: The specifics or just for the *Brady*
22 material basically a *Brady* Motion?

23 THE COURT: Right, I understand. Go ahead. Is there
24 anything more, I'm just giving you a chance, is there anything more
25 that you wanted to add?

1 THE DEFENDANT: The State claims that I'm not entitled
2 to any of the specifics or some of the specifics that I've listed in my
3 motion because, as they stated, that its work product. But I don't
4 think they're entitled to that work product because it's not privileged
5 for them it's privileged for the Defense. So that means that they
6 must let Defense inspect or copy or photograph any of the written
7 statements that they have.

8 The *Brady* isn't for impeachment and exculpatory evidence
9 but *Brady* -- the prosecutor failed to disclose exculpatory evidence in
10 the present case the prosecutor failed to disclose evidence that the
11 Defense might have used to impeach the government's witnesses by
12 showing bias or interest, impeachment evidence however, as well as
13 exculpatory evidence --

14 THE COURT: Right, I understand that's the law, sir, I
15 understand all that. So, what specific document do you believe the
16 State has that they won't turn over to you?

17 THE DEFENDANT: Well, any video footage of the actual
18 traffic stop and just statements from the actually -- from all the
19 officers that initiated the stop.

20 THE COURT: Alright, so let me go ahead and talk to the
21 State now.

22 Mr. Scow, is there anything that you believe you're holding
23 on to that is discoverable under *Brady*, or at least that should be
24 produced under *Brady* that you've not yet produced?

25 MR. SCOW: No, nothing that I'm aware of.

1 THE COURT: Okay, have all witness statements been
2 turned over to either prior counsel so it's in the file that he's gonna
3 get or turned over to the Defendant?

4 MR. SCOW: As far as I know, yes, it has.

5 THE COURT: Does any video tape exist of the incident, to
6 your knowledge?

7 MR. SCOW: That I don't know. I don't know if there's
8 body camera or not from the officers. We'll have to check into that.
9 If there is that would be turned over.

10 THE COURT: Right. And so, the Court believes that the
11 State understands its obligations under *Brady* and *Giglio*. The Court
12 will, and I don't need to make an order to that affect, the court will
13 simply, you know, for your benefit, remind the District Attorney's
14 Office to timely comply with its obligations to turn over any
15 exculpatory material including any material that would be relevant
16 and material for impeachment purposes, which you're entitled to.
17 They have to provide all that material to you within a timely manner
18 so that it doesn't prejudice your ability to prepare for trial.

19 THE DEFENDANT: Yes, Judge, I need to prepare some
20 motions and I need these documents.

21 THE COURT: Right, right.

22 THE DEFENDANT: I don't know anything about these
23 documents.

24 THE COURT: I understand. They're gonna -- they have a
25 duty under the law to turn that over to you. If it turns out that they

1 have failed to provide any exculpatory or impeachment material to
2 you and you're prejudiced by that then that could jeopardize the
3 validity of any judgment at trial. They know that and I'm sure that
4 they will honor their obligation.

5 So, what you need to do is give them some time to turn
6 over their material and if you find that you discover there's some
7 particular document that exists that hasn't been turned over you can
8 refile your motion. But this time there's nothing specific that they
9 have that is in their possession, custody or control that they have
10 not yet --

11 THE DEFENDANT: Well, what about the police file?

12 THE COURT: Well, you'll get the --

13 MR. SCOW: We turn over police reports, statements. I
14 mean, that is the police file, so.

15 THE COURT: Yeah, and have you turned that over or are
16 you still in the process of reviewing it right now?

17 MR. SCOW: It would be my understanding at this point
18 that that would have all been turned over. I don't have background
19 with this case so I can't say specifically but that's how every case
20 is --

21 THE COURT: Arrest report, police file, witness
22 statements, all that needs to be turned over to you.

23 THE DEFENDANT: They filed an expert notice of motion
24 back in July 1st and they said that they turned over that in discovery
25 to the whatever the substance of their report is. And they haven't

1 gave me nothing. They didn't come in the file or nothing.

2 THE COURT: Well, that's a different issue. So now you're
3 talking about any expert report.

4 THE DEFENDANT: Well, they filed that notice of motion
5 back in July 1st and they never -- they said a different -- the
6 substance of that -- of their opinion of the report was handed over in
7 discovery along with the other witnesses.

8 THE COURT: Alright, let me talk to Mr. Scow about that.

9 So, I think what he's referring to is your notice of expert
10 which probably has a general description of the anticipated subject
11 matter, but you probably don't have any expert report yet. Would
12 that be correct?

13 MR. SCOW: If it's for a controlled substance, that's likely
14 not done yet. That's the only thing I could think of based on the
15 nature of the charges.

16 THE COURT: So any expert reports are due 20 days
17 before trial; is my recollection.

18 MR. SCOW: Twenty-one, yes.

19 THE COURT: Twenty-one days before trial. That's what
20 the statute requires them to do. You have a trial date now of
21 February 13, 2017 and so calculate 21 days before that date and
22 that's the State's deadline to provide you with any expert reports.

23 THE DEFENDANT: They filed their notice of witnesses,
24 expert witnesses, stating that they already produced those
25 documents.

1 THE COURT: Okay, well but appears they haven't done it.
2 You're right, thank you, sir. But if they haven't done it by 21 days
3 before trial then I won't let them introduce it at trial. They have to
4 provide 21 days before trial they have to let me know, let you know
5 general substance of the opinions and a general statement of the
6 opinions that are gonna be offered; alright?

7 THE DEFENDANT: Alright.

8 THE COURT: And so they have to provide that. Alright,
9 so we'll wait and see if they do it on time.

10 So, that was your Discovery Motion. So basically I'm
11 denying it on the grounds that I'm accepting the representations of
12 the State that they're not presently in possession, custody or control
13 of any document that they have not yet turned over but I'm
14 reminding them of their obligation to comply with *Brady*, *Giglio* and
15 their progeny. And I'm denying your motion without prejudice,
16 meaning you can file it again if you learn of a specific document that
17 hasn't timely been produced.

18 Now, your next motion is a Pro Per Motion for Right of
19 Access. That actually, I looked it up, that actually is not set until
20 November 1 so we'll see you back here on November 1 on that;
21 alright?

22 THE DEFENDANT: Alright.

23 THE COURT: Alright, thank you, sir. See you back then.
24 Are you still confident -- still comfortable with you representing
25 yourself, sir?

1 THE DEFENDANT: Yes.

2 THE COURT: Alright, very good. We'll move

3 THE DEFENDANT: The problem is, Judge Scotti, that I
4 want to obtain the video footage by subpoena and I wrote the clerk
5 of the court; right? And I got denied. And they said that they
6 charged me 50 cents for copies and that I got to pay for them first
7 for any copies of any documents.

8 THE COURT: Well, video footage --

9 THE DEFENDANT: Yeah, I only subpoenaed records.

10 THE COURT: Well, the State's gonna produce the video
11 footage if they obtain it, right?

12 MR. SCOW: If any exists.

13 THE COURT: If any exists they will produce that to you;
14 okay? Alright, so if you don't get it within -- can you do this? Mr.
15 Scow, would you be able to notify the Defendant if you determine
16 that it doesn't exist so that he won't waste his time filing a
17 renewed motion to obtain the video footage?

18 MR. SCOW: Yeah, and I'm assuming that's for body cam
19 because I don't know what other video footage would exist.

20 THE DEFENDANT: Dash cam.

21 THE COURT: Well, either dash cam or video cam,
22 anything that law enforcement has that documents the incident at
23 issue here. If you check and determine it doesn't exist the Court
24 would appreciate it if you notify the Defendant in writing so that he
25 doesn't refile. If you don't hear back within, see, trial's set for

1 February 13 of next year, if you don't hear anything within 30 days
2 and you can refile your motion and then we'll consider it then, okay?

3 THE DEFENDANT: Thirty days before trial?

4 THE COURT: Thirty days from now.

5 THE DEFENDANT: Alright.

6 THE COURT: Thirty days from today, okay? So either
7 you're gonna get the video or you're gonna get a letter saying it
8 doesn't exist. But if you don't get the video and you don't get the
9 letter then file a new motion, okay?


10 THE DEFENDANT: Alright.

11 THE COURT: Alright, thank you, sir.

12 [Hearing concluded at 9:47 a.m.]

13 * * * * *

14 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
15 Procedure, I acknowledge that this is a rough draft transcript,
16 expeditiously prepared, not proofread, corrected, or certified to be an
accurate transcript.

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19 DALYNE EASLEY
Court Recorder/Transcriber

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ROUGH DRAFT TRANSCRIPT - Page 1
Case Number: C-16-315580-1

1 Las Vegas, Nevada, Tuesday, November 1, 2016

2
3 [Hearing began at 9:13 a.m.]

4 THE COURT: So, let's call page 6, State versus Ceasar
5 Valencia. Who's handling that one? I think that's a Pro Se. Alright,
6 let me take a look. It's C315580, Mr. Valencia, is that you, sir?

7 THE DEFENDANT: Yes.

8 THE COURT: Alright, you are present and in custody and
9 this was your Motion for Right of Access to the Courts, basically.
10 Let me pull out your file. What you're essentially seeking here -- and
11 I don't think the State has had an opportunity to respond in writing.

12 MS. DEMONTE: Because the Defendant served the wrong
13 party. We do not represent the Clark County Detention Center. He
14 needed to have served Metro.

15 THE COURT: Oh, right. You needed to serve Metro in
16 their custodial capacity of you and in charge of CCDC and then it
17 would have been the AG's office that would have represented them,
18 is that correct?

19 MS. DEMONTE: I know AG does prison --

20 THE COURT: Oh, would it have been -- Metro has their
21 own --

22 MS. DEMONTE: I think it just would have been Metro's
23 general counsel would have come in.

24 THE COURT: They have their own in-house counsel, right.

25 MS. DEMONTE: Right.

1 THE COURT: So, what we need to do, you need to
2 reserve your motion, sir, alright? You need to serve it on Clark
3 County Detention Center --

4 MS. DEMONTE: Charlotte Bible is general --

5 THE COURT: -- and Las Vegas Metropolitan Police
6 Department; alright?

7 THE DEFENDANT: I would have request the Court
8 permission to proceed with co-counsel? Is that permissible?

9 THE COURT: Oh, so you do want to have an attorney
10 appointed to represent you now?

11 THE DEFENDANT: Co-counsel, yes, please.

12 THE COURT: Co-counsel?

13 THE DEFENDANT: Yeah, if it's a requirement for me to
14 obtain the legal materials.

15 THE COURT: Well, I mean we could consider that. You
16 did have counsel at one point in time and then you terminated your
17 counsel.

18 THE DEFENDANT: Yeah, yes, sir, a conflict that happened
19 but --

20 THE COURT: I remember the conflict. Let me take a look
21 at the file. Give me a second here.

22 Alright, so I reviewed the minutes. What happened in this
23 case is you were alleging that Mr. Coyer was being ineffective and
24 you contended that he was not adequately representing your
25 interests and you contended that there was less conflict of interest

1 created in part by the lack of attention you felt Mr. Coyer was giving
2 you combined with the fact that you filed a Bar complaint against
3 him. And I was not inclined to remove Mr. Coyer and appoint new
4 counsel. And instead, you elected to represent yourself and so I
5 granted your request to then terminate Mr. Coyer and represent
6 yourself after we did a *Faretta* canvass so I could be satisfied that
7 you have the basic abilities necessary to at least proceed with
8 representing yourself.

9 If now you feel you cannot provide effective representation
10 for yourself and you wish to reengage counsel my inclination would
11 be to reappoint Mr. Coyer, alright, because you don't get to pick and
12 choose your counsel.

13 I understand that you filed this motion that you're seeking,
14 I mean you're seeking -- basically you want a law library and a lot of
15 materials; alright? I'm not gonna pass any opinion on whether the
16 law library in prison is sufficient or whether you need these other
17 things. But part of the benefit of having counsel representing you is
18 sometimes they have more resources.

19 So, are you asking me to reappoint Mr. Coyer or do you
20 want to continue to represent yourself?

21 THE DEFENDANT: Well, is he --

22 THE COURT: Those are your only two choices.

23 THE DEFENDANT: Is he gonna be co-counsel or is he
24 gonna be taking the case altogether?

25 THE COURT: You can't have co-counsel. He would be

1 your counsel but he has an ethical obligation to make sure that he
2 provides professional, effective representation after conferring with
3 you and making sure that he understands your needs and desires on
4 the case; alright?

5 So there's still a lot of things that you would control as
6 being the client on the case. And you would have another
7 opportunity, if you felt that you became incompatible, to ask that
8 him to be removed as long as that wasn't a tactic designed to delay
9 the trial.

10 THE DEFENDANT: Oh, would it be permissible to request
11 those legal materials still through him?

12 THE COURT: Yeah, you can ask him to get any materials
13 that you need. I mean you're asking for, you know --

14 THE DEFENDANT: [Indiscernible].

15 THE COURT: Whether he can get them to you in prison,
16 that's gonna have to be between him and you and law enforcement
17 at CCDC. I don't interfere with the way they run their job. They
18 can probably get you some materials; alright?

19 THE DEFENDANT: Alright.

20 THE COURT: So you want Mr. Coyer reappointed at this
21 point?

22 THE DEFENDANT: Yes, please.

23 THE COURT: Alright, so Mr. Coyer's not here. We're
24 gonna set this down for a status check for confirmation of counsel
25 to make sure that he believes he can still provide effective

1 representation to you. I need to hear it from him.

2 THE DEFENDANT: Okay, alright.

3 THE COURT: Alright? And then I will forward to him or he
4 will receive a copy of your brief so he knows all the different
5 materials that you're seeking access to.

6 THE DEFENDANT: Okay.

7 THE COURT: Alright? Very good?

8 THE DEFENDANT: Thank you.

9 THE COURT: Alright, so Mr. Coyer -- the Court is inclined
10 to reappoint Mr. Coyer as counsel to the case and the Court Clerk
11 will set this down for next week for a status check on confirmation
12 of counsel.

13 THE COURT CLERK: November 8th at 9 a.m.

14 THE COURT: Alright, we'll see you back then. And then
15 the motion is also continued to that date.

16 Alright, thank you, sir, you can have a seat.

17 [Hearing concluded at 9:20 a.m.]

18 * * * * *

19 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
20 Procedure, I acknowledge that this is a rough draft transcript,
21 expeditiously prepared, not proofread, corrected, or certified to be an
22 accurate transcript.

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DALYNE EASLEY
Court Recorder/Transcriber

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ROUGH DRAFT TRANSCRIPT - Page 1
Case Number: C-16-315580-1

1 Las Vegas, Nevada, Tuesday, November 8, 2016

2
3 [Hearing began at 10:11 a.m.]

4 THE COURT: Mr. Coyer?

5 MR. COYER: Judge, its Valencia is on page 21. It's pro
6 per but I was asked to come and possibly confirm or reconfirm.

7 THE COURT: Alright, yeah, very good. Yes, State versus
8 Ceasar Valencia, C315580. Mr. Valencia had a Defendant's Pro Per
9 Motion for Right of Access to the Courts, basically he's seeking
10 various library materials and resources to assist him in his trial prep.
11 He elected, after we did the *Faretta* canvass and he elected to
12 represent himself he's now changed his mind and wants assistance
13 of counsel; perhaps for purposes of obtaining the resources that he
14 needs to prepare for trial.

15 Mr. Coyer, are you available to assist the Defendant?

16 MR. COYER: Judge, I'm available and I'm happy to do so.
17 I'm not a hundred percent sure that that's his request today but he
18 did want to make the Court aware, maybe this Court's never been
19 made aware of this but I've had this issue come up in a couple of
20 cases where I've had -- I've been standby or I've had a client who
21 ultimately went pro per. The jail's access to the library is, my
22 opinion, I would characterize it as highly restrictive.

23 The way the procedure works, Your Honor, is the
24 defendants don't actually get to go to the library like a normal
25 person would when they're doing legal research. They have to send

1 a kite that sort of asks for very specific what they want, like a
2 statute or a case. And then somebody working in the library will
3 then print or copy that material and then it will be brought back to
4 his jail cell.

5 Obviously, that turns normal legal research on its head. A
6 normal attorney would start with an issue like a motion to suppress
7 or a Fourth Amendment issue and go seek out what cases are
8 relevant. So, they're not allowed to do traditional legal research and
9 that creates problems for people who want to represent themselves
10 and exercise their right to represent themselves.

11 So, that's one issue that he's having and I just want to
12 make the Court available that this is the procedure in the jail. It's a
13 little bit, in my opinion, very restrictive.

14 The other issue is I believe he's still being charged for
15 materials to represent himself: paper, pencils; I assume things like
16 that. And I think there was supposed to be an order that he wasn't
17 gonna be charged because of his pro per, he shouldn't -- he's
18 indigent, he shouldn't be charged for those kind of materials, Judge.
19 I don't know if that issue was resolved or not but I was told that
20 maybe it'd already been discussed.

21 THE DEFENDANT: Legal postage.

22 MR. COYER: Postage, good example. So, those are some
23 of his frustrations that are causing him to rethink whether he wants
24 to represent himself. If he chooses not to I'm happy to be counsel
25 of record in the case but he did want to make those issues known to

1 the Court, Judge.

2 THE COURT: Let me hear from Ms. DeMonte on your
3 position on this.

4 MS. DEMONTE: Okay, with regard how to the Clark
5 County Detention Center handles legal research and whether they
6 charge him certain fees, we do not represent Clark County Detention
7 Center. We don't have a dog in that fight.

8 THE COURT: I understand all that.

9 MS. DEMONTE: How they handle their jail is how they
10 handle their jail. He needs to deal with that through the Clark
11 County Detention Center and their legal counsel, which would be
12 Metro.

13 With regard to, I believe what he said last time is he
14 wanted --

15 THE COURT: And Metro's counsel for CCDC is Geinzer, I
16 think her name is.

17 MS. COYER: Geinzer? It's Geinzer? Yeah.

18 THE COURT: Geinzer, yeah.

19 MS. DEMONTE: Right. The actual general counsel for
20 Metro is Liesel Freedman but I believe Martina Geinzer handles the
21 CCDC stuff.

22 With regard to last time when we were here the Defendant
23 was raising his motion for legal assistance as wanting co-counsel.
24 And just so everybody's clear, he either has counsel or he does not.
25 You either represent yourself or you don't. Mr. Coyer's not gonna

1 be his --

2 THE COURT: I think I made that clear last time that if
3 Coyer was coming in he was going to be counsel of record on the
4 matter.

5 MS. DEMONTE: Okay. Just so Defendant's aware of that
6 because I think he just still kept talking like he was getting co-
7 counsel. Just so we're all on the same page with where we're at. I
8 don't know where that leaves Mr. Valencia with how he wants to
9 approach things.

10 THE COURT: Okay. Is a court order necessary to give the
11 indigent defendant a bank of money to use for legal resources?

12 MS. DEMONTE: I don't know because I don't handle that.

13 THE COURT: Okay, very good, alright, Mr. Coyer?

14 MR. COYER: Judge, I only disagree with one point with
15 Ms. DeMonte and that is that it is one hundred percent between him
16 and the jail as to his library access. I believe that it is a right to
17 represent oneself and that this Court is tasked with seeing that this
18 Defendant receives due process. And if his library access fails to
19 meet that due process threshold I do think the Court can and should
20 intervene.

21 I've made that same request to other judges and been
22 denied. Other judges are willing to do more things and create
23 additional access but I do believe that --

24 THE COURT: If his terms and conditions of incarceration, I
25 think that has to be, I've always been told, I've done some research

1 on it, it has to be a separate civil rights action that the criminal court
2 handling the underlying criminal matter wouldn't have jurisdiction to
3 resolve.

4 MR. COYER: That may be true, that may be an opinion
5 that is out there, I don't know. But I do believe that if he doesn't
6 have -- if he's not receiving due process that is a concern for this
7 Court. And I just wanted to bring that to the Court's attention.

8 THE COURT: It would be, of course. I mean, I want him
9 to have due process; of course.

10 MR. COYER: And Judge, with respect to my representing
11 him, there's one disagreement that he has with that [indiscernible]
12 and that is this; and I promised I would put it on the record. And
13 that is there's a corresponding forfeiture case pending where the
14 Metro has filed a forfeiture action, which is an NRM action. It is a
15 civil action. If he has an attorney on this case he also wants
16 assistance with that matter. And I've explained to him that this
17 Court, the criminal court, doesn't appoint civil counsel to help with
18 an NRM forfeiture action. And I think that's a little bit of a
19 disagreement that we have.

20 But I'm happy to represent him in the criminal case I just
21 can't represent him in civil matters.

22 THE COURT: Well, let's find out what the Defendant
23 wants first as to representation.

24 Mr. Valencia, Are you comfortable with Mr. Coyer coming
25 to represent you and be the counsel of record on this matter?

1 THE DEFENDANT: Well, the only problem Your Honor is, I
2 mean is 'cause --

3 THE COURT: You got to speak up a little bit.

4 THE DEFENDANT: It's conflicting between like just the
5 criminal and the civil defense based off the same -- the civil is based
6 off of the felony, the felony that I committed on this criminal --

7 THE COURT: Yeah, but I don't have jurisdiction over the
8 civil matter and I can't appoint anybody to represent you in the civil
9 matter. And I would only have the ability to appoint Mr. Coyer to
10 represent you in the criminal matter and he would not be able to
11 work on the civil matter. I mean, if he chose to do it it would not be
12 with funding provided by the Public Defender's Office or Clark
13 County, it would be at his own --

14 THE DEFENDANT: Well, that's the conflict that we have is
15 based off of that because --

16 MR. COYER: Judge, my contract with the County requires
17 that I'm not soliciting private business from a court-appointed
18 counsel, from a court-appointed client.

19 THE COURT: Right. So you can't do it unless you wanted
20 to do it pro bono.

21 MR. COYER: Right. I can't have pay me to do the civil --

22 THE COURT: No, you can't do it.

23 MR. COYER: -- because I can't do that.

24 THE COURT: So there's nothing I can do for you on that.

25 THE DEFENDANT: So, alright Your Honor, but the thing is,

1 I cannot even rely on his advice for the same conduct that arises
2 that's the basis for that civil, then how can it be protection of laws,
3 the legal protection of laws and due process?

4 THE COURT: He can represent you in the criminal case.
5 That's all I can rule on.

6 THE DEFENDANT: But then --

7 THE COURT: I can't appoint you counsel to represent you.
8 You're not entitled to an order from me appointing counsel to
9 represent you in the civil case. You can -- Mr. Coyer can give you
10 the names of some resources that might be available to you, some
11 organizations that sometimes provide pro bono legal assistance to
12 indigent individuals on a pro bono basis. Mr. Coyer can provide you
13 with those contact phone numbers and contact people; right, Mr.
14 Coyer?

15 MR. COYER: Absolutely, Judge.

16 THE COURT: Alright, but he cannot represent you on the
17 civil matter. So, I can't do anything, so let's move on.

18 Question is do you want him, yes or no, to represent you
19 in your criminal matter?

20 THE DEFENDANT: Is he gonna be able to obtain -- furnish
21 some books for me?

22 THE COURT: He will provide you with any assistance that
23 he, in his best judgment, determines to be proper. So, you guys can
24 talk and collaborate and you can tell him what resources you want.
25 He can get things copied for you and get them to you in the jail. He

1 can do that. And provided that he complies with the Sheriff
2 Department and Metro's restrictions, he can get you writing
3 materials and paper and folders or envelopes, stuff like that to
4 organize your materials. Right, Mr. Coyer?

5 MR. COYER: With one exception, I can't bring in any
6 outside postage. It has to go through the jail. It's considered
7 contraband if I bring in --

8 THE COURT: Alright. So you represent him. So, sir, are
9 you comfortable with Mr. Coyer representing you and assisting you
10 in getting you those resources?

11 THE DEFENDANT: I'm gonna have to object to that, Your
12 Honor.

13 THE COURT: Okay.

14 THE DEFENDANT: I'd rather request an investigator that
15 could help me out with my defense and I'll just continue pro se and
16 file my own motions.

17 THE COURT: Alright, so Mr. Coyer, Defendant is
18 withdrawing his motion to have you appointed because he wants to
19 continue to represent himself pro se. Is that your final decision?

20 THE DEFENDANT: It's gonna be, yes, it's gonna be
21 conflicting between I can only request that advice based off of that,
22 off of the civil.

23 THE COURT: Okay. He's here to help you, you're turning
24 that down. I think it's a bad decision. I think you should take Mr.
25 Coyer's assistance. You turning it down, its your last chance.

1 THE DEFENDANT: I would ask that the Court order for
2 him to provide me at least a couple of books, fresh minted books,
3 for being once under the *Hollis* case and I'll accept the --

4 THE COURT: Mr. Coyer, do you know what books he
5 wants? I didn't get a chance to read his papers to see what books
6 he wants.

7 MR. COYER: I didn't have a chance to read the papers. I
8 don't know what books he's seeking.

9 THE COURT: Alright.

10 MR. COYER: If it's something that I can get and can get
11 into the jail I'd be happy to do that, but.

12 THE COURT: Are you comfortable with that? If he
13 represents you he'll do his best to try to get you the books you're
14 looking for. That's all we can do at this point. Yes or no?

15 THE DEFENDANT: Yes.

16 THE COURT: Alright, and so Mr. Coyer will be appointed
17 as your counsel and he's gonna confer with you about what
18 materials you want and he'll exercise his best efforts to try to assist
19 you in getting those materials. Is that your understanding?

20 THE DEFENDANT: Yes, yes.

21 THE COURT: Alright, that will be the order of the Court.
22 Mr. Coyer, please take a look at the list of items that he wants and
23 do your best to get him those things consistent with Metro's policies
24 and procedures. And if you have any issue, if you believe that you
25 need to get an exception to something that Metro's doing, try to

1 work with their general counsel to work that out. And if not, if you
2 guys both agree you can bring it back to me and I'll try to help you
3 guys out in resolving it.

4 MR. COYER: Sure.

5 THE COURT: Alright, anything else?

6 THE DEFENDANT: Excuse me one second, Your Honor,
7 that order you know that was ordered before for the charges for the
8 assessment, the research assessment, could it reflect for retroactive
9 and all postage for any future?

10 THE COURT: Well, Mr. Coyer needs to look and see what
11 is the allocation for indigent defendants for these materials, postage
12 and paper and whatever. And I'm willing to sign an order giving him
13 -- I'm willing to sign an order approving requisite funding so you can
14 provide effective defense, Mr. Coyer. So --

15 MR. COYER: Oh, I think he means like for the things that
16 he is purchasing and using --

17 MS. DEMONTE: Already paid for.

18 THE DEFENDANT: Specifically for the detention that there
19 was already an order before in the past issued from the District
20 Attorney --

21 THE COURT: So you want -- he wants reimbursement for
22 postage he's already paid?

23 THE DEFENDANT: Well, it's creating an obligation, yes. It
24 created an obligation --

25 THE COURT: How much have you paid?

1 THE DEFENDANT: Well, it's several -- I don't know right
2 off hand how much it is.

3 MR. COYER: So, Judge, what happens is during the time
4 period, he did a *Faretta* canvass in August. I was taken off the
5 case. So from August to now he's been representing himself.
6 During that timeframe he's probably bought paper, pencils, things
7 like that. CCDC runs a tab for him. If somebody were to put money
8 on his books that money is gonna be taken and used to pay down
9 that balance.

10 THE DEFENDANT: Right.

11 MR. COYER: I think what he's asking is, can we have an
12 order that retroactively makes from August till now --

13 THE DEFENDANT: June.

14 MR. COYER: -- that he doesn't have to pay for it because
15 he was representing himself.

16 THE COURT: And I wanted to know how much it is.

17 THE DEFENDANT: From June, back from June when I
18 filed my first proper motions.

19 THE COURT: I want to know how much it is so I can
20 determine whether it's a reasonable expenditure.

21 MR. COYER: Understood.

22 THE COURT: File a separate motion. Maybe you could
23 just stipulate with the State but I think you need to just --

24 THE DEFENDANT: Well, it's like two times a week for the
25 research is four fifty.

1 MR. COYER: The jail will have that record. I can get that
2 record, Judge.

3 THE COURT: Alright. I want to know the amount before I
4 approve it.

5 MR. COYER: Understood.

6 THE COURT: Alright:

7 MR. COYER: Understood.

8 THE COURT: So, your Defendant's Pro Per Motion for
9 Right of Access is denied as moot. And Mr. Coyer is confirmed as
10 counsel and any further motions, bring it back on and I'll consider;
11 alright? And good luck in getting your materials.

12 Thank you, Mr. Coyer.

13 MR. COYER: You're welcome.


14 THE DEFENDANT: Thank you, Your Honor.

15 THE COURT: Thank you.

16 [Hearing concluded at 10:25 a.m.]

17 * * * * *

18 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
19 Procedure, I acknowledge that this is a rough draft transcript,
20 expeditiously prepared, not proofread, corrected, or certified to be an
21 accurate transcript.

22 
23 DALYNE EASLEY
24 Court Recorder/Transcriber
25

MC
DA
PP
ADR-
Gregory
Coyne

#1588390
Ceasar Sanchez Valencia
330 S. Casino Cent Blvd
Las Vegas NV 89101
Defendant Pro Se

DISTRICT COURT
CLARK COUNTY NEVADA

3

State of Nevada

Case No.

C-16-315580-1

4

Plaintiff

Dept No.

II

5

Electronically Filed
12/28/2016 10:28:47 AM

6

VS
Ceasar Sanchez Valencia
#1588390

7

Defendant

Alvin B. Johnson

8

CLERK OF THE COURT

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NOTICE OF MOTION

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YOU AND EACH OF YOU, will please
take notice that the undersigned will
bring the foregoing: MOTION TO DISMISS
COUNSEL AND APPOINT ALTERNATE
COUNSEL, on hearing before
the above - entitled court
on ¹⁹ day of JAN 20 ¹⁷
9AM m of said date in department 2.

DATED this 12th day of December
2016.

Respectfully Submitted
Cesar Sanchez
Ceasar Sanchez
Valencia #1588390
330 S. Casino Cent Blvd
Las Vegas, NV 89101
Defendant/Pro Se

RECEIVED

DEC 28 2016

CLERK OF THE COURT

#53

0

MC
DA
PB
AOP
Gregory Coyer
Cesar Sanchez Valencia #1588390
330 S. Casino Cent Blvd
Las Vegas NV 89101
Defendant, Pro Se

DISTRICT COURT
CLARK COUNTY NEVADA

Ann L. Quinn
CLERK OF THE COURT

3
4 STATE OF NEVADA

5 Plaintiff

6 vs.

7 Cesar Sanchez Valencia #1588390

8 Defendant

Case No. C-16-315580-1

Dept No. II

9
10 MOTION TO DISMISS COUNSEL

1-19-17 @ 9AM

11 AND

12 APPOINT ALTERNATE COUNSEL

13
14 COMES NOW, the Defendant Cesar Sanchez
15 Valencia #1588390, and moves this honorable
16 court to DISMISS COUNSEL, Gregory E. Coyer,
17 ESQ., and appoint other COUNSEL to represent
18 Defendant.

19
20 This motion is based upon all papers, pleadings
21 and documents on file. Factual statements are
22 set forth in the POINTS AND AUTHORITIES
23 contained therein.

24 Dated this 12th day of December, 2016.

25 *Cesar Sanchez Valencia*

26 Cesar Sanchez Valencia #1588390

27 RECEIVED

DEC 22 2016

28 CLERK OF THE COURT

RECEIVED
DEC 28 2016
CLERK OF THE COURT
#5

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POINTS AND AUTHORITIES

It is respectfully requested of this court to grant this motion to dismiss counsel and appoint other counsel for the reasons listed below:

I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

Since Gregory E. Coyer, Esq. was appointed as counsel on August 1st 2016 defendant Cesar Sanchez Valencia #1555390 has been has been prejudiced and suffered manifest injustice base on counsel's refusal or failure to:

- (1) Counsel's failure to investigate the facts
- (2) failure to call witnesses
- (3) failure to consider the legal defenses
- (4) failure to spend any time in legal research
- (5) file appropriate motions in a timely manner
- (6) denied me legal books
- (7) failed to and denied to subpoena metro records
- (8) Preventing assistance in obtaining or objecting to entitled assistance in parallel forfeiture criminal civil case an ancillary matter which involves my confinement for which I'm being held for and for which involves same facts and evidence in my criminal for which EDUd enforce the terms of a plea agreement

1
2 in the principal criminal charge.

3 (9) Denied legal materials and or legal postage
4 and presenting to court my request for
5 waive indigent charges.
6

7 Guide to Judiciary Policy, Vol 7 Defender
8 services, part A Guidelines for Administering
9 the CJA and related Statutes, Chapter 2:
10 APPOINTMENT AND PAYMENT OF
11 COUNSEL

12 subsection 20.20.30
13

14 (a) Representation may be furnished for financially
15 eligible persons in "ancillary matters appropriate
16 to the proceedings"

17 (b) In determining whether a matter is ancillary
18 to proceedings, the court should consider whether
19 the matter, or the issues of law or fact in the matter,
20 arose from, or are the same as closely related to,
21 the facts and circumstances surrounding the
22 principal criminal charge.

23 (c) In determining whether representation in an ancillary
24 matter is appropriate to the proceedings, the court
25 should consider whether such representation
26 is reasonably necessary to accomplish, among other
27 things, one of the following objectives:
28

- (1) to protect a Constitutional right;
- (2) to contribute in some significant way to the defense of the principal criminal charge;
- (3) to aid in preparation for the trial or disposition of the principal criminal charge;
- (4) to enforce the terms of a plea agreement in principal criminal charge;

Subsection 210.20.40 Civil Forfeiture Proceedings

(a) Under 18 U.S.C. subsection 983(b)(1), if a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed in connection with a related criminal case, the court may authorize counsel that person with respect to the claim.

(b) In determining whether to authorize counsel to represent a person in a judicial civil forfeiture proceeding under civil forfeiture statute, the court must take into account such factors as:
the person's standing to contest the forfeiture; and
whether the claim appears to be made in good faith

20.20.30 Ancillary Matter in part
subsection (e) and (f)

(e) Representation in an ancillary matter is compensable as part of the representation in the principal matter for which counsel has been appointed and is not considered a separate appointment for which a separate compensation maximum would be applicable under subsection 230.23.10(g).

(f) A private attorney appointed under the CJA may obtain through an ex parte application to the court, a preliminary determination that the representation to be provided in an ancillary matter is appropriate to the principal criminal proceeding and compensable under 18 U.S.C. subsection 3006A(c) and this guideline. However, failure to obtain such a preliminary determination does not bar the court from approving compensation related thereto are justified in memorandum submitted by attorney to the court at the conclusion of the principal criminal matter.

210.20.50 Subsection in part (c) Prisoners bringing civil rights actions under 42 U.S.C. subsection 1983. Care should be taken to ensure that a prisoner is not denied the appointment of counsel due to the mislabeling of

the prisoner's action under 28 U.S.C. subsection 2254

However, CAFRA section 2 (106 Pub. L. No. 185, 114 stat. 202, 205) now permits appointment of counsel in civil forfeiture actions in two limited circumstances. First, if an attorney has been appointed to represent a party in a related criminal case, he may petition the court to be appointed to represent the same person in a judicial civil forfeiture matter provided the claimant demonstrates to the court that he has standing to contest the forfeiture is financially unable to obtain retained counsel and claim appears to be, in good faith. See 18 USC subsection 983 (b)(1).

Two states have similar provisions, although they are not as restrictive as the federal CAFRA statute. New Mexico permits public defenders to represent clients in civil forfeiture proceedings, see N.M. Code Ann. subsection 31-27-6C(3), and Utah does not limit appointed representation to those charged as criminal defendants. See Utah Code Ann. subsection 24-1-9.

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation of the law.

II. ARGUMENT

Defendant, Cesar Sanchez Valencia #1588390, asserts he is being denied his right to effective representation due wholly inadequate actions of his court-appointed counsel. Further, counsel's actions constitute a violation of the defendant's due process rights.

Defendant has an unqualified right to legal assistance that expresses loyalty to said defendant.

"The right to counsel is the right [also] to effective assistance of counsel." *Cuyler v. Sullivan*, 100 S.Ct 1708 (1980); and *Frazier v. United States*, 18 F.3d 778 (9th Cir. 1994). Thus, the adversarial process protected by the sixth Amendment requires that the accused have "counsel acting in the role of an advocate." *Anders v. California*, 87 S.Ct. 1996 (1967). "if the complete collapse of the attorney-client relationship is evident, a refusal to substitute counsel violates a defendant's Sixth Amendment rights." *Young v. State*, 120 Nev 983 (2004).

WHEREFORE, the undersigned prays that the court grants this motion to dismiss counsel and appoint other counsel for defendant

1
2 Dated THIS 12th day of December, 2016

3
4 I Ceasar Sanchez Valencia #1588390, do
5 solemnly swear, under the penalty of
6 perjury, that the above MOTION TO DISMISS
7 COUNSEL AND APPOINT ALTERNATE
8 COUNSEL is accurate, correct, and true to the
9 best of my knowledge.

10 NRS 171.102 AND NRS 208.165

11
12
13 Respectfully Submitted

14 

15 Ceasar Sanchez Valencia #1588390
16 330 S. Casino cent Blvd
17 Las Vegas NV 89101

18
19 Defendant Pro Se

Inmate Balance History Report - Simple

Created: 11/17/2016 9:46:39AM

Number: 1588390

Secondary: 1600023857

Location: NT 7A 34 L

Name: VALENCIA, CEASAR SANCHAZ

Transaction	Date	Transaction Amount	Running Balance	Running Owed	Running Other
TOUCHPAY BOOKING DEPOSIT	03/11/2015 04:31:52PM	\$0.00	\$0.00	\$0.00	\$0.00
RELEASE INMATE - NO BALANCE	03/12/2015 11:10:57AM	\$0.00	\$0.00	\$0.00	\$0.00
TOUCHPAY BOOKING DEPOSIT	05/21/2016 10:50:37AM	\$0.00	\$0.00	\$0.00	\$0.00
TOUCHPAY WEB DEPOSIT	05/24/2016 11:15:36PM	\$40.00	\$40.00	\$0.00	\$0.00
ORDER DEBIT	05/26/2016 09:00:25PM	(\$18.45)	\$21.55	\$0.00	\$0.00
ORDER DEBIT	05/29/2016 08:47:43PM	(\$19.17)	\$2.38	\$0.00	\$0.00
ORDER DEBIT	06/02/2016 01:57:57PM	(\$2.37)	\$0.01	\$0.00	\$0.00
INDIGENT CHARGE	06/09/2016 02:26:22PM	(\$2.58)	\$0.00	(\$2.57)	\$0.00
INDIGENT CHARGE	06/16/2016 10:54:19PM	(\$1.29)	\$0.00	(\$3.86)	\$0.00
TOUCHPAY KIOSK DEPOSIT	06/28/2016 12:49:45PM	\$36.05	\$32.19	\$0.00	\$0.00
ORDER DEBIT	06/30/2016 02:35:29PM	(\$18.37)	\$13.82	\$0.00	\$0.00
LEGAL POSTAGE	07/05/2016 08:32:58AM	(\$1.36)	\$12.46	\$0.00	\$0.00
LEGAL COPIES	07/07/2016 10:49:36AM	(\$2.10)	\$10.36	\$0.00	\$0.00
ORDER DEBIT	07/07/2016 09:34:06PM	(\$9.77)	\$0.59	\$0.00	\$0.00
INDIGENT CHARGE	07/10/2016 11:32:02AM	(\$1.29)	\$0.00	(\$0.70)	\$0.00
LEGAL POSTAGE	07/12/2016 08:03:07AM	(\$0.21)	\$0.00	(\$0.91)	\$0.00
LEGAL POSTAGE	07/12/2016 08:03:26AM	(\$1.36)	\$0.00	(\$2.27)	\$0.00
LEGAL POSTAGE	07/12/2016 08:03:42AM	(\$1.15)	\$0.00	(\$3.42)	\$0.00
TOUCHPAY KIOSK DEPOSIT	07/12/2016 12:55:53PM	\$66.05	\$62.63	\$0.00	\$0.00
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ORDER DEBIT	07/17/2016 04:32:01PM	(\$1.39)	\$49.06	\$0.00	\$0.00
ORDER DEBIT	07/21/2016 05:36:55PM	(\$10.13)	\$38.93	\$0.00	\$0.00
ORDER DEBIT	07/24/2016 04:15:49PM	(\$5.07)	\$33.86	\$0.00	\$0.00
TOUCHPAY WEB DEPOSIT	07/30/2016 10:10:59AM	\$25.00	\$58.86	\$0.00	\$0.00
ORDER DEBIT	07/31/2016 10:31:45PM	(\$11.42)	\$47.44	\$0.00	\$0.00
LEGAL COPIES	08/04/2016 10:43:11AM	(\$1.50)	\$45.94	\$0.00	\$0.00
ORDER DEBIT	08/04/2016 11:10:10PM	(\$5.28)	\$40.66	\$0.00	\$0.00
ORDER DEBIT	08/07/2016 09:29:55AM	(\$2.67)	\$37.99	\$0.00	\$0.00
CORRESPONDENCE RECORDS CHARGE	08/09/2016 09:01:05AM	(\$0.50)	\$37.49	\$0.00	\$0.00
ORDER DEBIT	08/11/2016 02:24:27PM	(\$10.90)	\$26.59	\$0.00	\$0.00
LEGAL POSTAGE	08/12/2016 07:34:58AM	(\$0.21)	\$26.38	\$0.00	\$0.00
ORDER DEBIT	08/14/2016 02:34:23PM	(\$7.65)	\$18.73	\$0.00	\$0.00
LEGAL POSTAGE	08/15/2016 08:38:33AM	(\$1.36)	\$17.37	\$0.00	\$0.00
LEGAL COPIES	08/16/2016 01:43:29PM	(\$0.90)	\$16.47	\$0.00	\$0.00
ORDER DEBIT	08/18/2016 03:22:25PM	(\$9.83)	\$6.64	\$0.00	\$0.00
ORDER DEBIT	08/21/2016 03:18:18PM	(\$6.46)	\$0.18	\$0.00	\$0.00
TOUCHPAY KIOSK DEPOSIT	08/25/2016 10:16:08AM	\$17.05	\$17.23	\$0.00	\$0.00
ORDER DEBIT	08/25/2016 08:53:37PM	(\$17.17)	\$0.06	\$0.00	\$0.00
INDIGENT CHARGE	08/28/2016 08:46:50PM	(\$5.71)	\$0.00	(\$5.65)	\$0.00
LEGAL POSTAGE	08/30/2016 08:07:14AM	(\$1.78)	\$0.00	(\$7.43)	\$0.00
TOUCHPAY WEB DEPOSIT	09/01/2016 08:33:12PM	\$30.00	\$22.57	\$0.00	\$0.00
ORDER DEBIT	09/01/2016 08:59:05PM	(\$22.57)	\$0.00	\$0.00	\$0.00
LEGAL COPIES	09/07/2016 09:54:18AM	(\$4.20)	\$0.00	(\$4.20)	\$0.00
TOUCHPAY WEB DEPOSIT	09/10/2016 10:04:15AM	\$25.00	\$20.80	\$0.00	\$0.00
ORDER DEBIT	09/11/2016 09:37:45PM	(\$20.15)	\$0.65	\$0.00	\$0.00
LEGAL COPIES	09/19/2016 01:58:05PM	(\$1.05)	\$0.00	(\$0.40)	\$0.00
LEGAL POSTAGE	09/23/2016 08:10:16AM	(\$1.78)	\$0.00	(\$2.18)	\$0.00
LEGAL POSTAGE	10/05/2016 07:46:26AM	(\$1.36)	\$0.00	(\$3.54)	\$0.00
LEGAL COPIES	10/19/2016 01:05:54PM	(\$2.40)	\$0.00	(\$5.94)	\$0.00
TOUCHPAY WEB DEPOSIT	10/21/2016 08:49:23AM	\$30.00	\$24.06	\$0.00	\$0.00
ORDER DEBIT	10/23/2016 08:29:33PM	(\$10.32)	\$13.74	\$0.00	\$0.00
ORDER DEBIT	10/23/2016 09:42:53PM	(\$3.19)	\$10.55	\$0.00	\$0.00
LEGAL POSTAGE	10/26/2016 07:39:32AM	(\$1.36)	\$9.19	\$0.00	\$0.00

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Inmate Balance History Report - Simple

Created: 11/17/2016 9:46:39AM

Number: 1588390

Secondary: 1600023857

Location: NT-7A 34 L

Name: VALENCIA, CEASAR SANCHAZ

Transaction	Date	Transaction Amount	Running Balance	Running Owed	Running Other
ORDER DEBIT	10/27/2016 09:10:01AM	(\$4.06)	\$5.13	\$0.00	\$0.00
ORDER DEBIT	10/30/2016 09:04:35AM	(\$4.49)	\$0.64	\$0.00	\$0.00
LEGAL POSTAGE	10/31/2016 08:27:48AM	(\$1.36)	\$0.00	(\$0.72)	\$0.00
INDIGENT CHARGE	11/06/2016 10:04:35PM	(\$1.29)	\$0.00	(\$2.01)	\$0.00
INDIGENT CHARGE	11/10/2016 03:13:11PM	(\$5.71)	\$0.00	(\$7.72)	\$0.00
INDIGENT CHARGE	11/13/2016 10:40:08PM	(\$1.29)	\$0.00	(\$9.01)	\$0.00
ORDER CREDIT	11/14/2016 08:17:13AM	\$1.29	\$0.00	(\$7.72)	\$0.00
Ending Totals:			\$0.00	(\$7.72)	\$0.00
				14.26	
				\$ 50.00	

Inmate
Copy

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INMATE REQUEST/GRIEVANCE

5A

Name: (last) Valencia (first) Cesar (middle initial)	Floor 5A	Date 8-9-16
	Housing Unit 11A	Bed 17
ID Number 1588390		Prop Number

☒ REQUEST ☐ GRIEVANCE
(All grievances must be submitted within 72 hours of incident.)

Nevada Rules of Civil Procedure

Rules 3, 8, 9, 10, 17, 18, 19, 20
4, 12

55, 58

EDCR 2.70

do you have an example motions

to set aside a Default Judgment in civil
& in criminal Motion to produce & preserve
evidence or potential for relevancy

Cesar

8-9-16

1188

8-9-16

Inmate's Signature

Date

Staff Person Receiving

Date/Time

Issue has been resolved as follows:

DENIED. Inmate refusing to sign
for paperwork.

Signature of employee who resolved the Request/Grievance Problem

Date/Time

ORIGINAL—INMATE FILE

YELLOW—RETURNED TO INMATE WITH RESPONSE

PINK—INMATE KEEPS

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INMATE REQUEST/GRIEVANCE

SA 8/8

Name: (last) <u>Valencia</u> (first) <u>Cesar</u> (middle initial)			Floor <u>2</u>	Date <u>8-4-16</u>	Housing Unit <u>2</u>	Bed <u>2</u>
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> GRIEVANCE <small>(All grievances must be submitted within 72 hours of incident.)</small>			ID Number <u>1588390</u>	Prop Number		

I would like to request that the research be free of charge.

Maryland v Dyson 527 US 465

U.S. v. Johnson 380 F3d 1013

US v Young 573 F3d 711

Whren v US 517 US 806

Arkansas v Sullivan 532 US 769

[Signature]
Inmate's Signature

8-4-16 B. T. [Signature]
Date Staff Person Receiving

8/5/16
Date/Time

Issue has been resolved as follows:

DENIED. Inmate refusing to sign for paperwork.

go 8/15/16
Signature of employee who resolved the Request/Grievance Problem Date/Time

ORIGINAL—INMATE FILE

YELLOW—RETURNED TO INMATE WITH RESPONSE

PINK—INMATE KEEPS

Lib

5A

Date 8-9-16 Housing 3A I.D. # 1588390

Name Valencia Coan requests the Inmate Library to make photocopies of the legal material below. The fee if any will be deducted from my inmate account.

Inmate's signature Refused Officer's signature [Signature] 5924

ITEM DESCRIPTION	NUMBER OF PAGES	COPIES PER PAGE	AT \$.15 PER PAGE	TOTAL CHARGE
RESEARCH	30	1	30	4.50

Total Charged Account 4.50

There is a charge of 15 (fifteen) cents per page.

MODULE OFFICER to return receipt to INMATE ACCOUNTS after inmate has signed receipt.

The call cases could you please shepherdize for the 1th circuit

[Signature]
Inmate's Signature

8/5/16
Date

[Signature]
Staff/Person Receiving

8-20-16
Date/Time

Issue has been resolved as follows:

pg 30

[Signature]
Signature of employee who resolved the Request/Grievance Problem

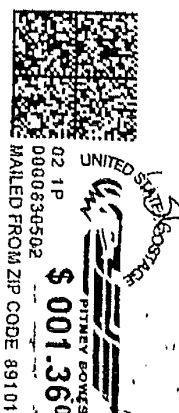
8/5/16
Date/Time

ORIGINAL-INMATE FILE

YELLOW-RETURNED TO INMATE WITH RESPONSE

PINK-INMATE KEEPS

LEGAL



Cesar Sanchez Valencia #1588390

330 S. Casino Cent Blvd

Las Vegas NV 89101

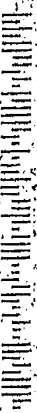
PLEASE RETURN FILE STAFF ED
COPY

LEGAL
MAIL

CLERK OF THE COURT

200 LEWIS AV 3RD

Las Vegas NV 89155



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AA0097

1 Las Vegas, Nevada, Thursday, January 19, 2017

2
3 [Hearing began at 9:15 a.m.]

4 THE COURT: Page 9, State of Nevada versus Ceasar
5 Valencia.

6 MR. COYER: Morning, Your Honor.

7 THE COURT: Good morning, your name, please?

8 MR. COYER: Gregory Coyer, C-O-Y-E-R.

9 THE COURT: Thank you, Mr. Coyer.

10 MR. COYER: On behalf of Mr. Valencia, Your Honor.

11 THE COURT: The minutes reflect that Mr. Coyer is
12 representing Mr. Valencia, this is a status hearing. What's the
13 procedure? What are we doing this morning?

14 MR. COYER: Your Honor, the matter was put on calendar
15 today because of some motions that Mr. Valencia filed on his own. I
16 can tell the Court that Judge Scotti had previously allowed Mr.
17 Valencia to represent himself and then later in the proceedings Mr.
18 Valencia again requested counsel so I took back over the case. I
19 believe it is his intent today to seek alternate counsel, or to
20 represent himself again. And that is why the matter was put on
21 calendar this morning.

22 THE COURT: Mr. Valencia, please?

23 THE DEFENDANT: Morning.

24 THE COURT: Morning.

25 THE DEFENDANT: Well, I filed a grievance with the state

1 Bar on Mr. Coyer. And Judge Scotti told me to refile my motions so
2 he could consider them for alternate counsel because the services
3 are not compatible with the case since I filed a right of access to the
4 courts requesting some legal books, so that's why I need an
5 alternate counsel that will practice civil. And there's also a criminal
6 forfeiture that I would like to request for an order for --

7 THE COURT: Don't you need an attorney to help you out?

8 THE DEFENDANT: Yeah, but that's why I'm asking for
9 alternate counsel but Mr. Coyer doesn't practice civil. That's why
10 Judge Scotti told me to file the motion.

11 THE COURT: Okay, alright.

12 Any comments?

13 MS. BEVERLY: Well, it's my understanding that he filed
14 several motions, which I don't know the accusative dockings at this
15 point because he currently is represented by Mr. Coyer. But the only
16 one that's not fugitive is whether he wants to represent himself or
17 not. So, that's why the State didn't file oppositions to his motions.
18 I don't know if he can just get his own new --

19 THE COURT: Well, that's right.

20 MS. BEVERLY: If he wants to hire someone that's fine or
21 if he wants to represent himself but.

22 THE COURT: Mr. Coyer is here.

23 MS. BEVERLY: Yeah. So, right now, unless he's planning
24 on hiring his own attorney or he wants to represent himself then Mr.
25 Coyer would remain on.

1 THE COURT: That's my understanding. Now, Mr. Coyer,
2 any comments?

3 MR. COYER: I would just add that, just so that it's clear,
4 Mr. Valencia and I don't have any problems with each other
5 personally. What he's looking for is an attorney that is able and
6 willing to help him with --

7 THE COURT: A civil matter.

8 MR. COYER: -- his forfeiture matter, which was, it was
9 money that was taken related to this arrest. So they're related,
10 certainly, but it's a civil forfeiture matter, it's not something that
11 he's, unfortunately, constitutionally entitled to counsel for. So, as
12 I've explained to him, I'm not gonna help him with that situation but
13 I'm happy to represent him in the criminal case.

14 So, I stand ready to serve if the Court wants me to stay on
15 the case, if Mr. Valencia wants to dismiss miss I'm fine with that as
16 well. For the record, I did go see him yesterday and provided him
17 with the newest discovery production. So he does have all the
18 discovery with one exception. There were photographs produced on
19 a compact disc and we're gonna ask the Court to at least just put in
20 the minutes in a minute order that it's okay for him to have those
21 photographs and I will print them out and get them to him so that he
22 can have those, if he chooses to represent himself here.

23 THE COURT: Mr. Valencia, what we have is apples and
24 oranges. Your apples, that's criminal stuff. Oranges is the civil
25 stuff. You want your money back, but if it came from an arrest, if it

1 came from these proceedings, that's apples. You're not gonna get
2 oranges until apples are cleared up.

3 So, I'm gonna deny the motion because you already have
4 an attorney. So, Mr. Coyer, you continue on representing and
5 because you don't have any problems, so be it.

6 Mr. Coyer is by far a better attorney than you are. The
7 person that represents themselves, and I'm sure that you've heard
8 this, has a fool for a client. So don't go there.

9 Motion is denied.

10 THE DEFENDANT: There's a grievance filed with the state
11 Bar.

12 THE COURT: So be it. That's apricots so that's a third
13 issue you got. Apples, oranges and apricots, could be pears.

14 THE DEFENDANT: So, I can't discharge him then?

15 THE COURT: No. I'm not gonna let you.

16 THE COURT CLERK: So, are all three motions denied,
17 Judge, because there's three motions on?

18 THE COURT: What's the first one, sorry?

19 THE COURT CLERK: To dismiss counsel and appoint
20 alternate --

21 THE COURT: Denied, sorry. The second one is --

22 THE COURT CLERK: Right of access to the Courts.

23 THE COURT: Well, we got photographs, so that's -- you
24 got access to the court, so that's denied. And the third one is
25 denied because, oranges; one thing at a time.

1 MS. BEVERLY: So the third one is Motion to Suppress or
2 Return Property. I think that's something maybe Mr. Coyer needs to
3 look at.

4 THE COURT: Later on.

5 MS. BEVERLY: Later on?

6 THE COURT: Exactly, that's exactly what I meant, later
7 on. If Mr. Coyer and you beat this you get your money back. If you
8 don't, you don't.

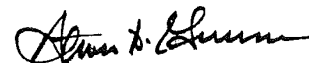
9 MS. BEVERLY: Thank you.

10 [Hearing concluded at 9:22 a.m.]

11 * * * * *

12 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
13 Procedure, I acknowledge that this is a rough draft transcript,
14 expeditiously prepared, not proofread, corrected, or certified to be an
15 accurate transcript.

16 
17 DALYNÉ EASLEY
18 Court Recorder/Transcriber
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CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL R. DICKERSON
6 Deputy District Attorney
7 Nevada Bar #13476
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-16-315580-1

12 CEASAR SANCHAZ VALENCIA,
13 #1588390

DEPT NO: II

14 Defendant.

15 **NOTICE OF INTENT TO SEEK PUNISHMENT AS**
16 **A HABITUAL CRIMINAL**

17 TO: CEASAR SANCHAZ VALENCIA, Defendant; and

18 TO: GREGORY COYER, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS
20 207.010, the STATE OF NEVADA will seek punishment of Defendant CEASAR SANCHAZ
21 VALENCIA, as a habitual criminal in the event of a felony conviction in the above-entitled
22 action.

23 That in the event of a felony conviction in the above-entitled action, the STATE OF
24 NEVADA will ask the court to sentence Defendant CEASAR SANCHAZ VALENCIA as a
25 habitual criminal based upon the following felony convictions, to-wit:

26 1. That on or about 1999, the Defendant was convicted in the State of
27 California, for the crime of Possession of Narcotic Controlled Substance (felony) in 95460.

28 ///

1 2. That on or about 1999, the Defendant was convicted in the State of
2 California, for the crime of Carry Concealed Weapon in Vehicle (felony) in 93957.

3 3. That on or about 1999, the Defendant was convicted in the State of
4 California, for the crime of Possession of Controlled Substance (felony) in MF004462A.

5 4. That on or about 2002, the Defendant was convicted in the State of
6 Nevada, for the crime of Possession of Controlled Substance with Intent to Sell (felony) in
7 C180810.

8 5. That on or about 2002, the Defendant was convicted in the State of
9 Nevada, for the crime of Conspiracy to Commit Possession of Controlled Substance (felony)
10 in C188270.

11 6. That on or about 2006, the Defendant was convicted in the State of
12 Nevada, for the crime of Burglary (felony) in C223991.

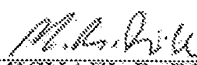
13 7. That on or about 2006, the Defendant was convicted in the State of
14 Nevada, for the crime of Possession of Stolen Vehicle (felony) in C223991.

15 8. That on or about 2006, the Defendant was convicted in the State of
16 Nevada, for the crime of Unlawful Possession of Electronic Stun Gun (felony) in C223991.

17 9. That on or about 2006, the Defendant was convicted in the State of
18 Nevada, for the crime of Possession of Stolen Vehicle (felony) in C224588.

19 STEVEN B. WOLFSON
20 Clark County District Attorney
21 Nevada Bar #001565

22 BY


23 MICHAEL R. DICKERSON
24 Deputy District Attorney
25 Nevada Bar #13476

26 ///

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of NOTICE OF INTENT TO SEEK PUNISHMENT AS
A HABITUAL CRIMINAL, was made this 3rd day of February, 2017, by Electronic Filing
to:

GREGORY COYER, ESQ.
EMAIL: gcoyer@coyerlaw.com


Secretary for the District Attorney's Office

16F08334X/mlb/L-2

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Las Vegas, Nevada, Tuesday, February 7, 2017

[Hearing began at 9:16 a.m.]

THE COURT: Alright, State versus Ceasar Valencia, C315580, calendar call. Are we ready to proceed?

MR. COYER: Judge, this -- I wanted to make a little bit of a record on this matter. We were here in January. There was a senior -- I don't know if it was a senior judge or just a substitute judge from up north was sitting in for Your Honor that morning. And Mr. Valencia had put the matter back on calendar.

If you recall, Mr. Valencia was representing himself for a little while.

THE COURT: I remember that, yes.

MR. COYER: Your Honor had granted -- had *Faretta* canvassed him and everything, he was representing himself. There was some issues with him being charged, some monies from the jail, Your Honor had addressed that. And then it got to a point where he agreed and said okay, I'm gonna go ahead and have counsel step in now. I stepped in. I represented him for a while. He put it back on calendar in January and wanted to represent himself again, Judge, which is his right to do that. He's been advised by everybody that that's a bad idea but he put it nonetheless and the substitute judge that was here just kind of dismissed that request, gave him kind of the old adage about a full fare client and that was the end of that.

My concern for that state of the record is I've seen a lot of

1 cases reversed for not letting someone represent themselves. Even
2 though I'd rather Mr. Valencia not do that I wanted to let Your Honor
3 know that's that what happened at the last court date.

4 Mr. Valencia, as of today, does still want to represent
5 himself and wants a continuance of his trial but that is where we
6 are. As of today, I'm still counsel of record. You know, I can be
7 ready to try the case if the Court wants to push it forward, that's
8 what we're doing.

9 THE COURT: So how many times can a Defendant change
10 his mind? I mean, once if he clearly tells me he doesn't want to
11 represent himself anymore and he's satisfied with you as counsel, I
12 don't think that would be reversible error to deny that request, do
13 you?

14 MR. COYER: Well --

15 THE COURT: I mean, once he's waived --

16 MS. DEMONTE: I think the Supreme Court --

17 THE COURT: Pardon me? I mean how many times are
18 you allowed to change your mind?

19 MS. DEMONTE: I think the closer you get to trial --
20 midway through trial I don't think he can, you know, fire his counsel
21 and just go pro per but I think at this stage of the proceedings when
22 he's asking for a continuance to not --

23 THE COURT: Well I want to protect the record and --

24 MS. DEMONTE: Yes, and I think at this stage of the
25 proceedings it will be reversible error

1 THE COURT: Well, I don't want that.

2 MS. DEMONTE: As long as he passes the *Faretta* allow
3 him to do so. However, what the Court can do is say *Faretta's*
4 forever, you can't just cry uncle. Like once you're representing
5 yourself we are now done. I don't think its reversible error for this
6 Court to let the Defendant know that.

7 THE COURT: Well --

8 MR. COYER: And, Judge, I think that even unless it looks
9 like gamesmanship on the part of the Defendant I think he can
10 change his mind up to and including in the middle of trial, but that's
11 some of the case law that I've read and that's, you know.

12 THE COURT: We'll wait and see if we get there. Alright,
13 so --

14 MS. DEMONTE: It appears for today's purposes he is
15 asking for a continuance so we can probably just status check this.
16 He's got two motions pending on the 28th. Sorry, one's on the 28th.

17 THE COURT: What I plan to do then is vacate the trial
18 date and I'm gonna go ahead and vacate the trial date, which was
19 set for February 13. Mr. Valencia, I'm assuming you're okay with
20 that because you have two motions. You have a Motion for Right of
21 Access to the Courts and then Defendant's Pro Per Motion to
22 Dismiss Counsel and Appoint Alternate Counsel. Did you want to
23 proceed with both of those motions?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Alright, so those are set for February 28th.

1 I'll go ahead and hear those on February 28th. And just so that we
2 have a new date for trial I'm gonna go ahead and set the new date
3 for trial in due course. And we'll figure out on the 28th if you're
4 gonna represent yourself or if you're gonna allow Mr. Coyer to
5 continue to represent you. We'll find out on the 28th; alright?

6 THE DEFENDANT: Alright. Thank you.

7 THE COURT: Alright, so trial is vacated and we're going to
8 set this for a due course next available setting. Not the next
9 available just due course.

10 THE COURT CLERK: We'll due calendar call June 20th at 9
11 a.m., jury trial June 26th at 10 a.m.

12 THE COURT: Did you hear those dates, sir?

13 THE DEFENDANT: Yes, sir.

14 THE COURT; Alright, June 20th is the new date we're
15 setting for trial but let us know February 28th -- we're gonna talk to
16 you about whether you're gonna represent yourself and if I do allow
17 you to represent yourself then I'll find out from you at that point in
18 time if the June 26th trial date gives you enough time to prepare.

19 THE DEFENDANT: Alright, so we talk about the motion --

20 THE COURT: We'll talk about the motion on the 28th. See
21 you back here then.

22 THE DEFENDANT: Alright, okay, alright.

23 THE COURT: Alright, Mr. Coyer, will you be here on the
24 28th, sir?

25 MR. COYER: I will, Judge.

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THE COURT: Thank you.

MR. COYER: I know he was concerned so your motions
did get calendared for the 28th.

THE DEFENDANT: Alright.


THE COURT: Yep, alright.

THE DEFENDANT: Thank you.

[Hearing concluded at 9:21 a.m.]

* * * * *

ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
Procedure, I acknowledge that this is a rough draft transcript,
expeditiously prepared, not proofread, corrected, or certified to be an
accurate transcript.


DALYNE EASLEY
Court Recorder/Transcriber

AA0112

1 Las Vegas, Nevada, Tuesday, February 28, 2017

2
3 [Hearing began at 11:14 a.m.]

4 THE COURT: Page 23, State versus Ceasar Valencia,
5 C315580. Defendant's Pro Per Motion for Right of Access to the
6 Courts. Alright, Mr. Valencia and Mr. Coyer --

7 MR. COYER: Morning, Judge.

8 THE COURT: -- is still your attorney and then you also
9 have a Pro Per Motion to Dismiss Counsel and Appoint Alternate
10 Counsel. Alright, well, let me ask Mr. Coyer first. What's your
11 understanding and what's going on here?

12 MR. COYER: Judge, Mr. Valencia has had a standing
13 request to represent himself from time to time.

14 THE COURT: Didn't I at one point -- wasn't I on the verge
15 of doing a *Faretta* canvass and we talked very carefully about his --
16 Defendant's options and he said he was inclined to keep you as his
17 attorney at that point?

18 MR. COYER: That's partly right, Judge. Back in August of
19 2016 you did actually *Faretta* canvass Mr. Valencia and he passed it
20 and you allowed him to represent himself.

21 After that --

22 THE COURT: Then he wanted you back on?

23 MR. COYER: I think I got back on for whatever reason, I
24 don't recall if it was his request or not, to be honest with you Judge,
25 and then he has since resubmitted a new request that was denied by

1 a substitute senior judge. And I told the Court that you might want
2 to reconsider that because of the way the record was made by the
3 previous judge. There was some concern by both parties. It's been
4 stated clearly that maybe the Court needed to do a more thorough
5 job of evaluating his request to represent himself, Judge.

6 I stand ready to represent him if you let me stay on the
7 case. I've provided a lot of discovery to Mr. Valencia including
8 witness interviews, forensics, police reports. The only thing I still
9 need to provide to him is photographs. I'm happy to continue
10 representing him if he wants that. If Your Honor deems it
11 appropriate for him to represent himself that is his right to do that as
12 well.

13 THE COURT: So, the judge that was sitting, I guess in
14 place of me, what was the precise issue that was presented to him?

15 MR. COYER: Mr. Valencia requested to represent himself
16 and --

17 THE COURT: The judge said no?

18 MR. COYER: Judge basically said, you know, no.
19 Whoever does that as a [indiscernible] --

20 THE COURT: Okay. Alright, well, let me talk to Mr.
21 Valencia.

22 Mr. Valencia, so, at one point we discussed whether you
23 were gonna represent yourself. You had wanted to at one point in
24 time but then you decided you want Mr. Coyer. Are you wanting to
25 change your mind now?

1 THE DEFENDANT: Well, Your Honor, my understanding
2 was that he was supposed to file the Motion for my Right of Access
3 to Courts 'cause that was the issue. [Indiscernible] hardship with the
4 --

5 THE COURT: Well, no, no, no, no, no, no. If you have an
6 attorney you have access to the courts. What he was going to do, I
7 remember this now, is you wanted things like notepads, red wells.
8 You wanted him to help find some authority. You wanted writing
9 pencils, --

10 THE DEFENDANT: Some research because I'm being
11 denied access.

12 THE COURT: -- you wanted some research. You wanted
13 your attorney to help you with supplies and help you with research,
14 things that attorneys normally do anyway; right? That's what he
15 was for. You didn't need to file a motion to do that.

16 THE DEFENDANT: Well, when he visited me November
17 17th he denied me any law books. He said he was gonna ask CCDC
18 and then he said if I wanted legal materials to order them from the
19 commissary. But I don't have -- they were creating an obligation for
20 me to pay just through -- just stuff that you order for indigent
21 packages. And I'm being denied access to a law library. And if I
22 want to research the law I have to pay for it. But I'm being denied.

23 THE COURT: But you don't need that if you have an
24 attorney who's doing research for you, right?

25 THE DEFENDANT: But he's denying me research, he's

1 denying me everything. He said if you want anything you have to
2 request it through the commissary. I can't -- I requested -- I asked
3 him for a simple folder and he was like no, I got yelled out before for
4 providing a client with a folder. And just conflict goes from back
5 from August 'cause when he visited me the first time he said that I
6 shouldn't get my money back on my forfeiture case because of the
7 simple fact that I've been found in possession of controlled
8 substances.

9 THE COURT: Alright.

10 THE DEFENDANT: And I filed a grievance with the State
11 Bar already and it's in reference number OBC170009 for Gregory
12 Coyer. So, I don't think I don't want him to represent me anymore
13 just because he's denying me everything.

14 It's true he provided me with discovery but on my
15 forfeiture case I need research and I failed to file a motion for
16 transportation because I don't have no legal envelopes or I don't
17 have no writing supplies or nothing. And I can't research it. I've
18 been almost sent to the hole because I spend too much time at the
19 kiosk where the research might be available for free.

20 THE COURT: Mr. Coyer?

21 MR. COYER: Yes, Judge.

22 THE COURT: Do you have anything that you want to add
23 on that or put on the record?

24 MR. COYER: I mean I'll just say, I had a previous client
25 years ago that had a similar case, similar to Mr. Valencia, and he

1 was a client I was close to. I was doing everything I could to help
2 him out. I went so far as to go to the post office and get the pre-
3 printed stamped envelope that are just like the ones they sell at the
4 commissary, and I would give them to my client so that he would,
5 you know, wouldn't have to spend his own money on envelopes.
6 And for that, I got dressed down by a lieutenant at the detention
7 center. They said it was contraband.

8 THE COURT: Okay.

9 MR. COYER: So, Mr. Valencia wanted a red well, like an
10 expanding folder. They don't offer those at the commissary and I
11 told him I can't just give you supplies. I can't just bring him office
12 supplies into the jail.

13 THE COURT: Alright, I understand.

14 MR. COYER: I can't do it. I'm sorry.

15 The other issue was law materials. He requested four or
16 five. I only had one. I had a law dictionary that I said I'm happy to
17 let you borrow, you know, but I can't get the County to go buy you,
18 you know, a law review book or, you know, a **Princeton Reader**. I
19 just can't -- the County doesn't just agree to just -- these are a
20 hundred and something dollar books and Mr. Valencia wants them
21 and I can't just go get County approval to provide those to him.

22 So, I'd love to have that kind of endless supply of
23 resources to provide to people and I would do it if it was up to me
24 but it's just not up to me, Judge.

25 I'm happy to defend him and do all those things that an

1 appointed attorney does but some of Mr. Valencia's requests exceed
2 what I'm able to do for him, unfortunately.

3 THE DEFENDANT: Excuse me, may I speak?

4 THE COURT: Yeah, last word.

5 THE DEFENDANT: Well that was -- you gave him -- he
6 was supposed to file the motion and you were supposed to sign the
7 order for me to get some assistance for providing me some legal
8 books. That was my understanding. And he said he would provide
9 me with supplies as long as they followed the guidelines, they fell
10 under the guidelines. So, if he can't provide me legal envelopes
11 then --

12 THE COURT: Well, it sounds like he tried and, you know,
13 the jail has their policies on what they allow him to do and what he
14 can't do, alright? So.

15 Alright, I'm gonna deny your motion to dismiss Mr. Coyer
16 because I'm checking the minutes. We did a very thorough *Faretta*
17 canvass before where I found that you were competent to make the
18 decision to represent yourself. And then after further inquiry you
19 had determined that you were going to work with Mr. Coyer and you
20 wanted Mr. Coyer to represent you. You've waived your right to
21 represent yourself; alright?

22 And you cannot now, for invalid reasons, reassert that
23 right; alright? You're trying to reassert that right based upon your
24 perception that Mr. Coyer is not providing you with things that he's
25 not allowed to provide. It's an invalid reason to try to reassert your

1 right to represent yourself. I'm not allowing you to change your
2 mind. You already waived your right to represent yourself; alright?

3 So, I don't want to see this motion again.

4 THE DEFENDANT: Alright.

5 THE COURT: Alright?

6 THE DEFENDANT: Alright.

7 THE COURT: You're just gonna have to accept the fact
8 that Mr. Coyer's representing you. Somewhere down the road if
9 you believe he's ineffective we can deal with that later but he's a
10 great attorney, he's doing good work for you and you're gonna have
11 to make it work; alright?

12 THE DEFENDANT: What about the reimbursement for the
13 charges that created obligation on the legal postage and all that, the
14 research and stuff like that, that was in order that was already
15 supposed to be prepared?

16 THE COURT: I issued an order that you had -- I issued
17 some order that you were allowed a certain stipend, right, for
18 copying and miscellaneous supplies; right? So what's your request
19 regarding that?

20 THE DEFENDANT: Well, it's supposed -- I was supposed
21 to provide you with the account history of how much they're
22 charging me for the legal postage and all that. I was supposed to be
23 reimbursed.

24 THE COURT: Right. Work that out with your attorney.
25 Mr. Coyer, can you look into that and see if he was personally -- if

1 his account was personally charged and if there's some way he can
2 get reimbursed for that? I thought I already addressed that.

3 MR. COYER: Well, Judge, what happened was you
4 wanted to get the accounting of what he was charged when he was
5 representing himself and you had agreed to order that part of it
6 reimbursed.

7 THE COURT: Yes.

8 MR. COYER: When I went to the jail to visit with him,
9 provide him discovery and show him some videos he didn't have the
10 accounting at that time. So, and he never sent me the accounting.
11 He filed a motion and then he attached the accounting to it. So I
12 now have it only because I was served with that motion. So, I'm
13 happy to take a look at that accounting and revisit that issue.

14 THE COURT: So, take a look at the accounting and submit
15 -- you can just submit an ex parte application, I suppose, for me to
16 review and sign and get it to whoever I need to get it to so he can
17 get reimbursed. I have no problem with him being reimbursed for his
18 out-of-pocket expenses for a reasonable amount of legal research
19 and copying. But at the time when he was either representing
20 himself or believing that he wasn't receiving the representation that
21 he felt he was entitled to; alright?

22 MR. COYER: No problem.

23 THE COURT: Alright. So, are there any other motions?
24 No. I'm denying the Pro Per Motion for Right of Access to the
25 Courts subject to evaluation of reimbursement issues. And I'm

1 denying the Pro Per Motion to Dismiss Counsel and Appoint
2 Alternate Counsel on the grounds that that right has been waive;
3 alright?

4 THE DEFENDANT: So I can't discharge my attorney then?

5 THE COURT: You cannot discharge your attorney. Nope.
6 Not at this point; alright? Thank you, sir.


7 THE DEFENDANT: Alright. Thank you.

8 [Hearing concluded at 11:26 a.m.]

9 * * * * *

10 ATTEST: Pursuant to Ryle 3C (d) of the Nevada Rules of Appellate
11 Procedure, I acknowledge that this is a rough draft transcript,
12 expeditiously prepared, not proofread, corrected, or certified to be an
accurate transcript.

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DALYNE EASLEY
Court Recorder/Transcriber

ORIGINAL

AINF
STEVEN B. WOLFSON
Clark County District Attorney
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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 27 2017

BY, Alan Paul Castle
ALAN PAUL CASTLE, SR, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-16-315580-1

-vs-

DEPT NO: XVIII

CEASAR SANCHAZ VALENCIA,
#1588390

SECOND AMENDED
INFORMATION

Defendant.

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CEASAR SANCHAZ VALENCIA, the Defendant(s) above named, having committed the crimes of ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); TRAFFICKING IN CONTROLLED SUBSTANCE (Category B Felony - NRS 453.3385.1 - NOC 51156); and POSSESSION OF CONTROLLED SUBSTANCE (Category E Felony - NRS 453.336 - NOC 51127), on or about the 19th day of May, 2016, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

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C-16-316680-1
AINF
Amended Information
4700782



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AA0122

3

1 COUNT 1 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
2 WEAPON

3 did willfully, unlawfully, feloniously and intentionally place another person in
4 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
5 attempt to use physical force against another person, to-wit: J. JACOBITZ, a protected person
6 employed as a Police Officer with Las Vegas Metropolitan Police Department, while J.
7 JACOBITZ was performing his duties as a Police Officer with Las Vegas Metropolitan Police
8 Department, which Defendant knew, or should have known, that J. JACOBITZ was a Police
9 Officer with Las Vegas Metropolitan Police Department, with use of a deadly weapon, to-wit:
10 a firearm, by pointing said firearm at the said Officer J. JACOBITZ.

11 COUNT 2 - TRAFFICKING IN CONTROLLED SUBSTANCE

12 did willfully, unlawfully, feloniously, and knowingly or intentionally possess, either
13 actually or constructively, 4 grams or more, but less than 14 grams, to-wit: approximately 11.8
14 grams of Heroin, or any mixture of substance consisting of approximately 11.8 grams
15 containing the controlled substance Heroin.

16 COUNT 3 - POSSESSION OF CONTROLLED SUBSTANCE


17 did willfully, unlawfully, feloniously, and knowingly or intentionally possess a
18 controlled substance, to-wit: Cocaine.

19 COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE

20 did willfully, unlawfully, feloniously, and knowingly or intentionally possess a
21 controlled substance, to-wit: Methamphetamine.

22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar #001565

24 BY

25 
26 CHAD LEXIS
Deputy District Attorney
Nevada Bar #010391

27 //

28 //

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3	<u>NAME</u>	<u>ADDRESS</u>
4	BARLOW, DAWN or designee	CCDA/INVESTIGATOR
5		200 LEWIS AVE 9TH FLR
		LV NV 89155
6	BRYANT, K.	LVMPD P#7773
7	CUSTODIAN OF RECORDS	CCDC
8	CUSTODIAN OF RECORDS	LVMPD/COMMUNICATIONS
9	CUSTODIAN OF RECORDS	LVMPD/RECORDS
10	GOODRICH, A.	LVMPD P#9198
11	HOFFMAN, J.	LVMPD P#9001
12	HOUSTON, C.	LVMPD P#13249
13	JACOBITZ, J.	LVMPD P#9383
14	KLOSTERMAN, O.	LVMPD P#1317
15	LEFEBVRE, N.	LVMPD P#8383
16	WHITMARSH, B.	LVMPD P35645

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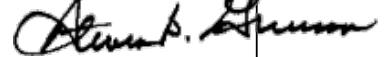
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28 LVMPD EV#1605193387
(TK8)



1 **RTRAN**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6
7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 CEASAR SANCHAZ VALENCIA,)

11 Defendant.)

Case No. C-16-315580-1

DEPT. XVIII

12
13 BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

14
15 MONDAY, NOVEMBER 27, 2017

16 **TRANSCRIPT OF PROCEEDINGS RE:**
17 **JURY TRIAL - PHASE I - DAY 1**

18
19 **APPEARANCES:**

20 For the Plaintiff:

MICHAEL DICKERSON, ESQ.
(Deputy District Attorney)
CHAD N. LEXIS, ESQ.
(Deputy District Attorney)

21
22
23 For the Defendant:

GREGORY E. COYER, ESQ.
ALEXIS ANNE PLUNKETT, ESQ.

24
25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **LAS VEGAS NEVADA, MONDAY, NOVEMBER 27, 2017**

2 [Proceedings commenced at 11:06 a.m.]

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

5 THE COURT: Please be seated. This is Case No.
6 C-16-315580, *State of Nevada vs. Ceasar Sanchaz Valencia*. Counsel,
7 at this time set for trial, are the parties ready to go forward?

8 MR. DICKERSON: Good morning, Your Honor. Mike
9 Dickerson and Chad Lexis on behalf of the State. We are ready to go
10 forward.

11 MR. COYER: Your Honor, good morning. Gregory Coyer and
12 Alexis Plunkett on behalf of Mr. Valencia. He does pronounce his name
13 Ceasar Valencia.

14 THE COURT: Ceasar?

15 MR. COYER: And we are ready to proceed as well.

16 THE COURT: Okay.

17 MR. COYER: We did want to make just one -- make the court
18 aware of one issue before we bring in the jury panel and start jury
19 selection. But otherwise we are ready.

20 THE COURT: Yeah. And there's a couple of housekeeping
21 matters I need to resolve also.

22 But first of all, Mr. Coyer, when you submitted your jury
23 instructions, did you submit a second set with citations?

24 MR. COYER: I have a second set with citations, but I did not
25 submit them.

1 THE COURT: Okay. Could you submit that to my law clerk?
2 MR. COYER: Would you like it in -- I can do it in Word or
3 PDF, whichever you prefer.
4 THE CLERK: Doesn't matter to me.
5 MR. COYER: If it needs to be tweaked or anything, I'll just
6 sent you the Word and that would probably be the easiest.
7 THE COURT: Okay. If you could that on one of the breaks or
8 this morning, I'd appreciate it. I took the jury instructions home over the
9 holidays and reviewed them.
10 And Mr. Dickerson?
11 MR. DICKERSON: Yes, Your Honor.
12 THE COURT: On your jury instructions on the front page, if
13 you could delete his ID number.
14 MR. DICKERSON: Okay.
15 THE COURT: And also, I don't know if you want to be extra
16 cautionary, but Mr. Coyer's requesting a lesser included on the
17 trafficking. You might want to do a verdict form that also includes a -- a
18 lesser included on the -- on the trafficking charge in case --
19 MR. DICKERSON: Yes, Your Honor. We've already agreed
20 to that and that will be prepared. I think it already is prepared, actually.
21 THE COURT: Okay. Thank you, counsel.
22 MR. LEXIS: Just so you know too, Judge, there's a second
23 amended that was filed this morning taking out --
24 THE COURT: That's what I was going to ask. It's my
25 understanding we're doing a bifurcated trial?

1 MR. DICKERSON: Correct.

2 THE COURT: And that the State was going to file a second
3 amended; is that correct?

4 MR. DICKERSON: That's correct. The State has filed that,
5 Your Honor. At the conclusion of this portion of the trial, we will file the
6 third amended with the singular charge of ownership or possession of a
7 firearm by a prohibited person.

8 THE COURT: That was my understanding. Do you have a
9 copy of the second amended?

10 And Mr. Coyer, you said there is another housekeeping
11 matter.

12 MR. COYER: Yes, Judge. Your Honor may or may not be
13 aware, I know that when the court goes through the court's part of the
14 jury selection process, you typically will ask is any of the jury panel
15 members familiar with the defendant or any of the attorneys. My
16 colleague, my co-counsel, Ms. Plunkett, has been the subject of some
17 negative publicity over the last few weeks. I'm not sure if Your Honor is
18 aware of that.

19 THE COURT: I'm not.

20 MR. COYER: I anticipate there will be some panel members
21 that will recognize her from that. And if so, because the negative
22 publicity involves criminal charges that were later dismissed, I think in --
23 in cautiousness, we should individually voir dire those particular panel
24 members if they -- if they raise their hand and say yeah, I recognize
25 Ms. Plunkett from the news. So that they don't taint the entire panel by,

1 you know, suggesting that she's somehow the subject of a criminal
2 prosecution.

3 THE COURT: No. I understand.

4 State, what's your position?

5 MR. DICKERSON: We have no opposition.

6 THE COURT: Okay. As a practical matter, if somebody does
7 raise their hand, is the most prudent way to handle this would be excuse
8 the jurors and bring them in individually and then have them questioned
9 and then excuse them and bring, if there's more than one, each
10 individual -- each one individually, admonish them not to discuss
11 anything until you make a determination of whether you're going to
12 challenge them or not?

13 MR. COYER: I believe that would be the safest way to
14 prevent tainting the entire panel, Judge.

15 THE COURT: Is that agreeable to the State?

16 MR. DICKERSON: The State is fine with that, Your Honor.

17 THE COURT: Okay. I was going to have 12 jurors and two
18 alternates. I use the modified Arizona approach. I'll do my general
19 questioning for determination of extreme hardship. Once that
20 determination has been made, we'll have 24 potential jurors in the jury
21 box. Then I'll do my individual questions. I'll allow counsel to do
22 questions, voir dire questions. And then I usually take a break, excuse
23 the jurors, and we do challenges for cause. And then I bring back in -- if
24 certain of the potential jurors in the box have been challenged for cause,
25 I replace them. We ask certain questions individually to each juror.

1 I have a -- a group of questions I ask individually, some
2 general questions. And then once we have 24 acceptable potential
3 jurors, then we'll do 10 peremptory challenges. The first 12 will be the
4 jurors, and the next two, Seats 13 and 14, will be the alternates; is that
5 agreeable to the parties?

6 MR. DICKERSON: State is fine with that, Your Honor.

7 MR. COYER: Yes, Your Honor.

8 MR. LEXIS: And Judge, just like last time, you're going to let
9 us have five --

10 THE COURT: Correct.

11 MR. LEXIS: -- pertaining to everybody? You're not going to
12 have four and then one for the alternate?

13 THE COURT: That's correct, counsel.

14 MR. LEXIS: Okay.

15 THE COURT: So but just be aware that once you have 12 --
16 the first 12, the next -- the next challenge will be challenging the
17 alternates. So the first 12 will be the jurors.

18 MR. LEXIS: Gotcha.

19 THE COURT: And then the last two will be the alternates.
20 And we'll -- we won't advise them that they're alternates until the
21 conclusion of the trial.

22 MR. DICKERSON: And so I'm clear, I think I'm on the same
23 page, is that we can exercise our peremptory challenges in any way we
24 see fit? Just it's going to be in seating arrangement as to the first 12
25 being the jurors who are seated and the next two on the end being the

1 alternates?

2 THE COURT: That's correct.

3 MR. DICKERSON: Thank you, Your Honor.

4 THE COURT: And we'll just -- you know, usually the
5 peremptory challenges are on a sheet back and forth. And you
6 obviously can waive a peremptory if you so choose. You don't have to
7 use all of your peremptories. And -- but that's how I typically have done
8 it. It may take a little bit longer, but it seems to provide both parties with
9 the opportunity as far as jury selection.

10 So first we'll discuss extreme hardship with the entire panel.
11 I'll take a recess and you can make your position known on the ones that
12 you feel are extreme hardship. I'll excuse those individuals. Then I'll
13 seat 24 in the box. I'll do my individual questioning of those 24, and then
14 give counsel the opportunity to do their individual questioning. Then
15 we'll take another recess. And you will do -- we'll do the challenges for
16 cause. Then after we have been able to seat 24, then you'll do your
17 peremptory challenges and then that will be our jury. Is that acceptable?

18 MR. DICKERSON: It is, Your Honor.

19 THE COURT: Mr. Coyer?

20 MR. COYER: That is acceptable, Your Honor. Thank you.

21 THE COURT: Are we ready? And also, I'll allow counsel to
22 make introductions and a brief statement as to the case, and
23 introductions as to themselves, the attorneys, and the potential
24 witnesses.

25 Are we ready to bring the jury in? Since we're starting

1 about 11:15, I was going to go to about 12:30, take our lunch break.
2 Then I have to stop today at 4:30. Then I don't have any -- a heavy
3 calendar tomorrow, my criminal calendar, so I'm hoping to start
4 by 11:00, 11:30 tomorrow. And we'll call them back at -- at 11:00, 11:30,
5 depending how far we get today.

6 And then -- and how long do you -- at the calendar call you
7 anticipated the trial lasting three to five days; is that still correct?

8 MR. DICKERSON: That's correct, Your Honor. I would
9 imagine that if everything goes as planned, we'd probably finish with
10 closing arguments on Thursday. But we do want to have Friday
11 available in case.

12 THE COURT: And Friday will be an all day. I don't have court
13 on Friday, so we can start at 9:00 on Friday.

14 MR. DICKERSON: Great.

15 MR. LEXIS: Judge, would you be willing to tell them to eat
16 their lunch prior to coming tomorrow? If we start at 11:30, tell them eat
17 your lunch beforehand and then just take a couple breaks during that so
18 we can have that --

19 THE COURT: The problem is I have to give my staff a lunch
20 break.

21 MR. LEXIS: Oh, I gotcha.

22 THE COURT: We'll be going --

23 MR. LEXIS: My apologies.

24 THE COURT: We'll be going from 9:00 and then I'm going to
25 have to give them a -- a lunch break. So I --

1 MR. LEXIS: Gotcha. I understand.

2 MR. DICKERSON: We wouldn't want the staff to be hungry,
3 Your Honor.

4 MR. LEXIS: I forgot about that.

5 THE COURT: In any event, counsel, is there any other
6 housekeeping matters at this time?

7 MR. DICKERSON: Nothing from the State, Your Honor.

8 THE COURT: Okay. Well, I'm going to bring the -- I'm going
9 to bring the panel in. Counsel, I'm going to bring the panel in.

10 For the record, the record will reflect the presence of counsel
11 and the presence of Defendant. And the parties have announced ready
12 for trial.

13 MR. DICKERSON: Do we have a list of the venire, Your
14 Honor?

15 THE COURT: Do we have one? Of the jury panel?

16 THE CLERK: I think it's with the panel.

17 UNIDENTIFIED SPEAKER: It comes with the jurors.

18 MR. DICKERSON: Okay. Great.

19 THE COURT: Okay.

20 [Pause in proceedings.]

21 [Prospective jury panel convened at 11:31 a.m.]

22 THE COURT: Ladies and gentlemen, you're in
23 Department 18 of the Eighth Judicial District Court of the State of
24 Nevada. My name is Mark Bailus and I am the presiding judge in this
25 department.

1 You have been summonsed here today to serve as possible
2 jurors in a criminal trial. This trial may take three to five days. In a few
3 minutes, I'll give you the chance to talk about your ability to serve as a
4 juror in this case, but first let me take this opportunity to introduce the
5 court staff.

6 If anybody cannot hear me, please raise your hand. I -- I have
7 a soft voice, so I'm going to speak into the microphone. Otherwise, I
8 would have to raise my voice and sound like I was being loud. So if you
9 cannot hear me, please raise your hand.

10 Robin Page is the official court recorder, and be recording
11 everything that is said during the trial. Alan Castle is the deputy clerk,
12 deputy court clerk who administers -- administers the oaths to the
13 witnesses, marks exhibits, keep track of the evidence and prepares the
14 official record. Randy Stevenson is the marshal who maintains security
15 and who will be the person to escort you to and from the courtroom.
16 Also, if you need to contact the court for any reason when you are not
17 sitting in court, you should do so through the marshal. During
18 deliberations, the marshal look after you and maintain your privacy.
19 Alan Brereton is law clerk who assists me in legal matters. And
20 Shannon Fagan is my judicial executive assistant who'll also be present
21 from time to time to assist me with various things during the course of
22 the trial.

23 If any of you have a cell phone, now is the time to make sure
24 that it is turned off. While the court is in session, you must not use any
25 cell phones, smart phone, iPad, tablet, computer, or other portable

1 electronic device capable of making or accepting calls or sending or
2 receiving information.

3 During these proceedings, you will need to use -- during these
4 proceedings, if you need to use the restroom, please raise your hand to
5 let us know. We will, however, try to take a break at least
6 every 90 minutes.

7 The clerk will now call the roll of the panel of potential jurors.
8 When your name is called, please answer, present or here.

9 [Prospective jury panel roll called.]

10 THE COURT: Is there anyone here whose name was not
11 called? Court seeing no hands, apparently all the panel is present.

12 At this time, I'll allow the attorneys to make brief remarks for
13 the potential jurors. The attorneys may introduce themselves, who they
14 represent, and the nature of the case, and advise you of any potential
15 witnesses.

16 Ladies and gentlemen, this is not the opening statement of
17 attorneys. This is just a little information about the parties and the case
18 so you can better answer questions in the jury selection process.

19 Counsel for State, you may address the potential jurors.

20 MR. LEXIS: Good morning, ladies and gentlemen. My name
21 is Chad Lexis. This is Michael Dickerson. We are deputy district
22 attorneys at the Clark County District Attorney's Office. We represent
23 the people of the State of Nevada and we are prosecuting this case.

24 The defendant is charged with one count of assault on a
25 protected person with use of a deadly weapon, the protected person

1 being a police officer and the deadly weapon being a firearm. He's also
2 charged with one count of trafficking a controlled substance, that
3 controlled substance being heroin; and two counts of possession of a
4 controlled substance, those substances being meth and cocaine.

5 Please listen to the following list of names, as they may be
6 witness in this case. Only a fraction of these people, folks, are going to
7 testify, but I still need to read them all to you.

8 Jason Altnether; Crystal May; Eric Sahota; Officer Bitsko;
9 Officer Boddie; Officer Bonner; Officer Brooks; Officer Brown; Officer
10 Butler; Officer Bryant; Officer Carrillo; Officer Delvillar; Officer Finke;
11 Officer Garcia; Eric Gilbert; Officer Gollmer; Officer Goodrich; Officer
12 Hafen; Officer Harris; Officer Hartman; Officer Hocking; Officer Hoffman;
13 Officer Houston; Officer Jacobitz; Officer Janecek; Officer Jotz; Officer
14 Jurcevic; Officer Keen; Officer Keller; Officer Klosterman; Officer
15 Lefebvre; Officer Lindberg; Officer May; Officer Milewski; Officer
16 Nastase; Officer O'Conner; Officer Overson; Officer Parquette; Officer
17 Perez; Officer Quintana; Anibal Rivera; Officer Roberts; Officer
18 Romprey; Officer Sahota; Officer Salazar; Officer Schummer; Alfred
19 Shamirza; Officer Skenandore; Officer Swartz; Officer Taylor; Officer
20 Vallad; Officer Vigil; Officer Whitmarsh; Officer Williams; Officer Wood.

21 That's it. Thank you.

22 THE COURT: Counsel for the defendant, you may now
23 address the potential jurors.

24 MR. COYER: Thank you, Your Honor.

25 Good morning, everyone. My name is Gregory Coyer. My

1 co-counsel today is Alexis Plunkett.

2 MS. PLUNKETT: Good morning.

3 MR. COYER: And on the far side is our client, Ceasar
4 Valencia.

5 We do not have any additional witnesses beyond the ones
6 you've heard the State list already. With respect to those charges,
7 Mr. Valencia has pled not guilty to each and every one. Thank you.

8 THE COURT: Ladies and gentlemen, we're about to
9 commence examination of potential jurors in this case. During this
10 process, you will be asked questions bearing on your ability to sit as fair
11 and impartial jurors. The court, the lawyers, and all persons involved in
12 this case are interested in having this matter tried by a jury composed
13 of 12 open-minded people who are completely neutral and who have no
14 bias or prejudice towards either side.

15 In this trial we will also need two alternate jurors to listen to all
16 the proceedings and be prepared to take over as a juror in the event a
17 sitting juror is excused. In order to accomplish this, it is necessary for
18 me to ask some questions. The attorneys will then be given the
19 opportunity to ask questions. Although some of the questions may at
20 times seem quite personal, our only objective is to determine whether
21 there is any reason why any of you cannot sit as fair and impartial jurors
22 in this case. If a question seems too personal to you, you can raise your
23 hand and ask us to talk to you privately. But understand that your
24 answers will have to be on the record.

25 It is very important that you give full, complete, and honest

1 answers to all of the questions we're about to ask you. I caution you not
2 to try to hide or withhold anything which might indicate bias or prejudice
3 of any sort, by any of you. Should you fail to answer truthfully or if you
4 hide or withhold anything touching upon your qualifications, that fact may
5 tend to contaminate the verdict and subject you to further inquiry, even
6 after you're discharged as jurors. Your decision should be based upon
7 all the evidence presented during the trial and not based on
8 preconceived prejudice or bias.

9 During this process of selecting a jury, the attorneys for both
10 sides will have the right to request a particular person not serve as a
11 juror. These requests are called challenges. Please do not be offended
12 should you be excused by a challenge. This is simply part of the
13 process designed to protect the rights of the parties.

14 The questioning of potential jurors at the beginning of the case
15 is done under oath. But before the clerk issues the oath to you, I need
16 to know if any of you are not citizens of the United States or if any of you
17 are convicted felons whose civil rights have not been restored. To be
18 qualified to serve as a juror, one must be a citizen and not be -- and not
19 be a convicted felon whose rights have not been restored. Please raise
20 your hand if you are not a citizen or if you are a convicted -- a convicted
21 felon whose rights have not been restored.

22 The court seeing -- let the record reflect that the court sees no
23 hands being raised at this point.

24 Will counsel agree and stipulate that I may have the entire
25 panel sworn at the same time to answer questions truthfully -- to answer

1 truthfully all questions propounded to them as to their qualifications to
2 serve as jurors, so I might ask questions collectively and so it won't be
3 necessary to administer the oath to each replacement?

4 MR. LEXIS: State will --

5 THE COURT: Counsel?

6 MR. LEXIS: -- Your Honor.

7 MR. COYER: Yes, Your Honor.

8 THE COURT: At this time, would you stand, raise your right
9 hands to be sworn.

10 [Prospective jury panel sworn.]

11 THE COURT: Thank you. You can be seated.

12 Ladies and gentlemen, I now have some general questions to
13 help us in selecting the jury in this case. If I ask a question to the entire
14 group, please raise your hand if the question applies to you. I will then
15 follow up by asking you to identify your name and badge number. I may
16 also ask some questions to you individually.

17 Are any of you acquainted with any of the court personnel that
18 I have mentioned? The court's -- let the record reflect no hands have
19 been raised.

20 Are any of you acquainted with the prosecutor or the defense
21 attorneys or their law offices or their staff? Let the record reflect no
22 hands have been raised.

23 Are any of you acquainted with the defendant or his
24 attorneys? Let the record reflect no hands have been raised.

25 Are any of you acquainted with the anticipated witnesses in

1 this case, whose names were mentioned to you by the attorneys? Let
2 the record reflect no hands have been raised.

3 Have any of you heard or read anything about this case before
4 coming to court today?

5 Sir, please identify yourself by your name and badge number.

6 PROSPECTIVE JUROR NO. 1136: Chris Argento. My badge
7 number is 16-1136. I'm sorry, Chris Argento, Your Honor. My badge
8 number is 16-1136.

9 THE COURT: Sir, can you approach the bench with counsel?

10 [Bench conference transcribed as follows:]

11 PROSPECTIVE JUROR NO. 1136: Yes, sir.

12 THE COURT: Hi. I need you to speak slowly -- slowly --

13 PROSPECTIVE JUROR NO. 1136: Well, what --

14 THE COURT: So what have you heard about this case?

15 PROSPECTIVE JUROR NO. 1136: If I'm correct, I believe
16 this was on the front page of the *R-J* four months ago. The attorney was
17 caught bringing a cell phone into jail for the client. I don't know if that's
18 related to this, but she looked very familiar.

19 THE COURT: Okay. What I'm going to do, sir, is at some
20 point I'm going to excuse the rest of the panel. And then we'll let the
21 attorneys ask you some questions. And until I do that, please don't
22 discuss this with any of the other jurors until the attorneys have had an
23 opportunity to question you.

24 PROSPECTIVE JUROR NO. 1136: Sure.

25 THE COURT: Okay. Thank you. You can return at this point.

1 PROSPECTIVE JUROR NO. 1136: Thank you.

2 [End of bench conference.]

3 THE COURT: Does anyone know anything about this case
4 other than what has been stated in the courtroom today? Let the
5 reflect -- let the record reflect no hands have been raised.

6 Is there anyone who has such strong opinions relating to age,
7 religion, race, gender, or national origin that they feel it would affect their
8 ability to be open-minded, fair and impartial jurors? Let the record reflect
9 no hands have been raised.

10 Is there anyone here today who is seriously ill?

11 Yes, ma'am. Could you identify yourself with your name and
12 badge number?

13 PROSPECTIVE JUROR NO. 1001: Chablis
14 Stewart-Williams, 16-1001.

15 THE COURT: Ma'am, what is your illness?

16 PROSPECTIVE JUROR NO. 1001: I get severe migraines
17 and I have to take a medicine that makes me go to sleep.

18 THE COURT: And do you have --

19 PROSPECTIVE JUROR NO. 1001: And I will be out for four
20 hours.

21 THE COURT: Okay. And do you have a migraine right now?

22 PROSPECTIVE JUROR NO. 1001: I'm getting one. Yes, sir.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 1001: Because of the
25 fluorescent lights.

1 THE COURT: Okay. And the --
2 PROSPECTIVE JUROR NO. 1001: I have my medication too.
3 THE COURT: Have you taken your medication today?
4 PROSPECTIVE JUROR NO. 1001: No. I was getting ready
5 to, but I will end up falling asleep.
6 THE COURT: Okay. And what medication is that, ma'am?
7 PROSPECTIVE JUROR NO. 1001: It's Fiorinal.
8 THE COURT: All right. And you said the fluorescent lights is
9 inducing a migraine headache?
10 PROSPECTIVE JUROR NO. 1001: Yes, sir.
11 THE COURT: Okay. Thank you, ma'am.
12 Is there anybody here that is having difficulty hearing? Let the
13 record reflect no -- no hands have been raised.
14 Is there anybody here who is sight impaired? Let the record
15 reflect no hands have been raised.
16 Counsel approach.
17 [Bench conference transcribed as follows:]
18 THE COURT: I was going to ask if there was anybody here
19 who has any type of language barrier. Is that acceptable to the parties?
20 MR. COYER: Yeah.
21 MR. LEXIS: I'm fine with that.
22 THE COURT: And then I'll follow up if anybody raises their
23 hand. Okay. Thank you.
24 MR. LEXIS: Thank you.
25 [End of bench conference.]

1 THE COURT: Is there anybody here who has any type of
2 language barrier where you don't understand English language?
3 Yes, sir? Beginning -- we're going to go in order, sir. So if
4 you can identify yourself with your name and badge number.
5 PROSPECTIVE JUROR NO. 1603: I don't not speaking too
6 much and I don't -- I don't write, you know.
7 THE COURT: Okay. And is English a second language, sir?
8 PROSPECTIVE JUROR NO. 1603: No. Spanish is my -- oh,
9 yeah. Yeah.
10 THE COURT: So my -- is English a second language, sir?
11 Yes? I -- I can't hear you, sir.
12 MR. LEXIS: Judge, what's his badge number?
13 THE COURT: Sir, what's your badge number? What is your
14 badge number?
15 PROSPECTIVE JUROR NO. 1063: 16-1063.
16 THE COURT: Okay. And is Spanish your first language --
17 PROSPECTIVE JUROR NO. 1063: That's my first --
18 THE COURT: -- your native language?
19 PROSPECTIVE JUROR NO. 1063: Yes, sir.
20 THE COURT: Okay. If you could speak into that microphone.
21 PROSPECTIVE JUROR NO. 1063: Yes, sir. Yeah. That's
22 my first language.
23 THE COURT: And --
24 PROSPECTIVE JUROR NO. 1063: Spanish.
25 THE COURT: And English is your second language?

1 PROSPECTIVE JUROR NO. 1063: Yes, sir.
2 THE COURT: And you're having difficulty understanding what
3 I'm saying to you today in English?
4 PROSPECTIVE JUROR NO. 1063: Yeah. Yeah. I have --
5 THE COURT: Okay. And sir, if you could pass the
6 microphone to my bailiff.
7 THE MARSHAL: Who else back here?
8 THE COURT: Sir, what is your name and badge number,
9 please?
10 PROSPECTIVE JUROR NO. 1620: My name is Pablo Garcia.
11 My badge number is 1620.
12 THE COURT: Okay. And, sir, is English your second
13 language?
14 PROSPECTIVE JUROR NO. 1620: Yes.
15 THE COURT: And what is your native language?
16 PROSPECTIVE JUROR NO. 1620: Spanish.
17 THE COURT: Spanish?
18 PROSPECTIVE JUROR NO. 1620: Yes.
19 THE COURT: Okay. And you're having difficulty
20 understanding me in English; is that correct?
21 PROSPECTIVE JUROR NO. 1620: Yeah, correct.
22 THE COURT: And you believe that would -- would you -- and
23 you believe that you would have difficulty -- the witnesses are expected
24 to testify in English, and at some point I'm going to give the jury
25 instructions, those will also be in English; is that going to be difficult for

1 you to understand, sir?

2 PROSPECTIVE JUROR NO. 1620: Yes, a little bit difficult to
3 understand and --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 1620: -- to speak back.

6 THE COURT: Okay. Counsel approach.

7 [Bench conference transcribed as follows:]

8 THE COURT: Is there any additional questions you want me
9 to ask?

10 MR. LEXIS: No, we can follow up, Judge.

11 THE COURT: Okay. All right. Then I'm going to move on to
12 the next questions.

13 MR. COYER: Okay.

14 THE COURT: All right.

15 [End of bench conference.]

16 THE COURT: And I may have asked this, I don't recall. Is
17 there anyone who is sight impaired? Okay. Let the record reflect no
18 hands have been raised.

19 And I previously established this, no one here has been
20 convicted of a felony; is that correct? No hands have been raised. Let
21 the record reflect no hands were raised.

22 This case is expected to last three to five days. The court may
23 excuse you from serving if doing so would be an undue hardship.
24 Example of things that are hardships are you live paycheck to paycheck
25 and you can't afford to miss time off from work; you're the sole

1 healthcare provider of somebody who needs constant care; you have
2 sole custody of children under the age of 16 and nobody to watch them;
3 you are a student who would miss several classes or tests; you have
4 surgery scheduled.

5 Example of things that are not hardships include a doctor or
6 dentist appointment that can be rescheduled; your employer or boss
7 does not want you to be here; or you just have too much work and you
8 don't want to fall behind.

9 Please raise your hand if serving as a juror during the time --
10 that time period would present an extreme hardship for any of you.

11 Yes, ma'am. Please, your name and badge number?

12 PROSPECTIVE JUROR NO. 1001: Chablis
13 Stewart-Williams, 16-1001. I have twins that are homeschooled and I
14 have an elderly mom. I just hired someone for today to watch them
15 while I'm here.

16 THE COURT: And if you were to serve as a juror, you would
17 have nobody else to take care of your children or your elderly mother?

18 PROSPECTIVE JUROR NO. 1001: No, sir. I'm an only child
19 and I'm not from here.

20 THE COURT: Okay. If you could -- who else on that row
21 raised their hand? Is there anybody else on the first row that raised your
22 hand? Okay.

23 On the second row?

24 Ma'am, please state your name and badge number.

25 PROSPECTIVE JUROR NO. 1031: Karlana Dasalla, 1031.

1 THE COURT: And what is your extreme hardship?
2 PROSPECTIVE JUROR NO. 1031: I live paycheck to
3 paycheck and I'm a single mom with two kids.
4 THE COURT: Okay. And when you say you live paycheck to
5 paycheck, does that mean that if you were to serve today, that you
6 would not get paid for the time period that you're serving as a juror --
7 PROSPECTIVE JUROR NO. 1031: Yes.
8 THE COURT: -- and would miss out on receiving a full
9 paycheck?
10 PROSPECTIVE JUROR NO. 1031: Yes.
11 THE COURT: And is it my understanding that you need that
12 paycheck to pay for your living expenses for you and your children?
13 PROSPECTIVE JUROR NO. 1031: Yes.
14 THE COURT: Okay. And is there anything else you want to
15 tell me regarding your extreme hardship?
16 PROSPECTIVE JUROR NO. 1031: That's it.
17 THE COURT: Okay. Is there anybody else in that row that
18 raised their hand? If you could pass it down to the -- that gentleman,
19 please.
20 Sir, what is your name and badge number?
21 PROSPECTIVE JUROR NO. 1009: Micheal
22 Montgomery, 1009.
23 THE COURT: And what is your extreme hardship?
24 PROSPECTIVE JUROR NO. 1009: Well, I got a pre-op
25 appointment Thursday afternoon for a surgery. I've got a tumor in my

1 neck that I'm going to have removed.

2 THE COURT: Okay. And when is your surgery scheduled
3 for?

4 PROSPECTIVE JUROR NO. 1009: Oh, like I say, it's a
5 pre-op appointment, so --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 1009: -- I really -- it's not
8 scheduled yet.

9 THE COURT: I'm sorry, sir?

10 PROSPECTIVE JUROR NO. 1009: It's not scheduled yet.

11 THE COURT: Okay. And --

12 PROSPECTIVE JUROR NO. 1009: It's just --

13 THE COURT: -- what time is your appointment on Thursday?

14 PROSPECTIVE JUROR NO. 1009: It's 1:45 on Thursday,
15 the 30th.

16 THE COURT: Okay. All right. Is there anything else, sir?

17 PROSPECTIVE JUROR NO. 1009: That's it.

18 THE COURT: Okay. If you could pass it to my bailiff -- my
19 marshal, please. If you could pass the microphone to my marshal.

20 Sir, what is your name and badge number?

21 PROSPECTIVE JUROR NO. 1090: John Baborian. And my
22 badge number is 1090.

23 THE COURT: And what is your extreme hardship, sir?

24 PROSPECTIVE JUROR NO. 1090: I have two children under
25 five and I just got a job after five months of being off of work and my

1 paycheck is needed in the house.

2 THE COURT: I'm sorry, I didn't hear the last.

3 PROSPECTIVE JUROR NO. 1090: My paycheck is needed
4 in the house. If I didn't work these days, there's no money coming in
5 from me.

6 THE COURT: And your wife -- are you married, sir?

7 PROSPECTIVE JUROR NO. 1090: Yes.

8 THE COURT: And your wife doesn't work?

9 PROSPECTIVE JUROR NO. 1090: She works right now, but
10 we're -- we -- we need the money.

11 THE COURT: Okay. And is that because you've been out of
12 work for five months?

13 PROSPECTIVE JUROR NO. 1090: Yes, sir. And I'm the sole
14 transporter for the child going to school in the morning.

15 THE COURT: Okay. Your wife --

16 PROSPECTIVE JUROR NO. 1090: He won't be able to get to
17 school. She's already gone by that time.

18 THE COURT: At -- at her employment?

19 PROSPECTIVE JUROR NO. 1090: Yes.

20 THE COURT: And when you say she, we're -- you're meaning
21 your wife?

22 PROSPECTIVE JUROR NO. 1090: Yes, sir.

23 THE COURT: And -- and how old are your children, sir?

24 PROSPECTIVE JUROR NO. 1090: Two and five.

25 THE COURT: And so it's the five-year-old that has to be

1 taken to school in the morning?

2 PROSPECTIVE JUROR NO. 1090: Yes.

3 THE COURT: And you're the only person that can take your
4 five-year-old child?

5 PROSPECTIVE JUROR NO. 1090: Yes, sir.

6 THE COURT: Okay. Thank you, sir.

7 Is there anybody else in that row? No.

8 Next row?

9 PROSPECTIVE JUROR NO. 1127: Hi. Deanna Yturalde,
10 Badge No. 1127. I have a disabled husband at home. I do also work.
11 The only person who could care for him, because he tends to fall and
12 trip because he can't feel from the waist down, is my mother who is 87,
13 or his sister who has multiple sclerosis. So when he -- when I'm at work,
14 he can't do anything. They just kind of sit all day. So you know, I worry
15 about him when I'm not there. He's actually waiting outside, because I
16 refused to leave him at home by himself.

17 THE COURT: Okay. So when do you work?

18 PROSPECTIVE JUROR NO. 1127: I work -- it depends on
19 when they schedule me. I can work any hours.

20 THE COURT: And what do you do?

21 PROSPECTIVE JUROR NO. 1127: I'm a pharmacy
22 technician.

23 THE COURT: Okay. So when you're at work, who takes care
24 of your husband?

25 PROSPECTIVE JUROR NO. 1127: Like I said, his sister

1 comes, who has MS, and they -- they get to sit together during my eight
2 hours of work.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 1127: Because either one of
5 them really can't do anything.

6 THE COURT: And so there's no -- if you were to serve as a
7 juror, there's no one that could take care of your disabled husband
8 during the day?

9 PROSPECTIVE JUROR NO. 1127: Again, his sister, who's
10 also disabled, they just kind of sit together --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 1127: -- to make sure nothing
13 happens to him.

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

15 PROSPECTIVE JUROR NO. 1127: You're welcome, sir.

16 THE COURT: There was a -- sir, your name and badge
17 number?

18 PROSPECTIVE JUROR NO. 1141: Oscar Cano,
19 Badge No. 1141. I got a 2-year-old and an 8-year-old that I take to
20 school Wednesday through Fridays, and I work six days a week.

21 THE COURT: Okay. So you -- do you have sole custody of
22 your two and five -- I'm sorry, was it 2- and 8-year-old?

23 PROSPECTIVE JUROR NO. 1141: 2- and 8-year-old,
24 uh-huh.

25 THE COURT: Okay. Do you have sole custody?

1 PROSPECTIVE JUROR NO. 1141: We got shared custody,
2 shared primary custody. I watch my children from Wednesday afternoon
3 until Saturday afternoon.

4 THE COURT: Okay. And when -- do you work, sir?

5 PROSPECTIVE JUROR NO. 1141: Yes.

6 THE COURT: And when you're at work, who watches your --
7 your children?

8 PROSPECTIVE JUROR NO. 1141: My son is at school, and
9 once he gets out of school he goes to daycare, for the 8-year-old.
10 The 2-year-old is in daycare until I get off of work.

11 THE COURT: And what time do you usually get off work?

12 PROSPECTIVE JUROR NO. 1141: Around 5:00, but I don't
13 make it at home until 6:00. So I work in Henderson.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 1141: And my children are in
16 Torrey Pines and Alta.

17 THE COURT: And if this matter were -- if you were to be
18 selected as a juror in this matter, it's anticipated that we would not go
19 beyond 5:00; would that create any type of extreme hardship for you?

20 PROSPECTIVE JUROR NO. 1141: At that point it would just
21 be the days that I'd be missing from work.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 1141: At that point, it'd just be
24 the days that I'd be missing from work.

25 THE COURT: And do you live from paycheck to paycheck,

1 sir?

2 PROSPECTIVE JUROR NO. 1141: Yes.

3 THE COURT: Do you provide child support for your children?

4 PROSPECTIVE JUROR NO. 1141: Yes.

5 THE COURT: Okay. And again, it's your -- you're advising
6 the court that if you were to miss a couple of days at work, you would not
7 be able to pay your living expenses?

8 PROSPECTIVE JUROR NO. 1141: No. I wouldn't be paid for
9 the days that -- that I'm off.

10 THE COURT: Okay. Sir, is there anything else you'd like to
11 tell me?

12 PROSPECTIVE JUROR NO. 1141: That would be it.

13 THE COURT: Okay. Is there anybody else who raised their
14 hand?

15 Yes, ma'am, your name and badge number, please.

16 PROSPECTIVE JUROR NO. 2005: My name is Lacy
17 Huckins. My badge number is 2005.

18 THE COURT: And what is your extreme hardship, ma'am?

19 PROSPECTIVE JUROR NO. 2005: I'm a senior at UNLV and
20 it is finals week December 11th through 13th. So I -- it could interfere
21 with required days of class.

22 THE COURT: Okay. And you're a full-time student at UNLV;
23 is that correct?

24 PROSPECTIVE JUROR NO. 2005: Yes.

25 THE COURT: And you have finals coming up?

1 PROSPECTIVE JUROR NO. 2005: Yes. So I have a
2 required group presentation on Wednesday, and then finals week is
3 December 11th through 13th.

4 THE COURT: Okay. Is there anything else, ma'am?

5 PROSPECTIVE JUROR NO. 2005: I also live paycheck to
6 paycheck and --

7 THE COURT: You do?

8 PROSPECTIVE JUROR NO. 2005: -- that is all.

9 THE COURT: And what do you do for a living?

10 PROSPECTIVE JUROR NO. 2005: I work at Lee Canyon as
11 a guest services.

12 THE COURT: And are -- is that -- do you live solely on your
13 paycheck?

14 PROSPECTIVE JUROR NO. 2005: Yes.

15 THE COURT: Are you married?

16 PROSPECTIVE JUROR NO. 2005: No.

17 THE COURT: Okay. Is there anything else?

18 PROSPECTIVE JUROR NO. 2005: No.

19 THE COURT: All right. Thank you.

20 Under our system, certain basic principles of law apply in
21 every criminal trial. They are that the defendant is presumed innocent
22 and that the State has a burden of proving beyond a reasonable doubt
23 that the defendant is guilty. Does anyone not believe in these basic
24 principles of American justice? Let the record reflect no hands were
25 raised.

1 There is one more thing I need to mention to everybody as a
2 group. Under the law, if you are selected to serve as a juror, you will be
3 required to decide the facts of the case. In making your decision,
4 however, you must be guided by the law as it applies to the facts.

5 It will be my duty to instruct you on what the law is. So my
6 question to all of you is this: Is there anybody who will not be able to
7 follow the law if you believe that -- believe the law should be different
8 from what -- than what I tell you? Let the reflector -- record reflect the
9 court hears no responses and seeing no hands raised, assumes
10 everybody here agrees to follow the law as will be instructed to them.

11 Ladies and gentlemen, I am -- I will now confer with counsel
12 for a few minutes. I'm going to excuse you. We're going to take a short
13 recess, except for the gentleman that I had approach the bench.

14 Where's my book on the admonishments?

15 During this recess you're admonished not to talk or converse
16 among yourselves or with anyone else on any subject matter connected
17 with this case, or read, watch, or listen to any report or commentary on
18 the -- this trial or any person connected with this trial via any medium of
19 information, including without limitation, social media, text, newspapers,
20 television, the Internet, radio; do not do any posting or communications
21 on any social networking sites or do any independent research, including
22 Internet searches or form or express any opinion on any subject
23 connected with the trial until the case is submitted.

24 At this time we'll take a short recess, probably around 15, 20
25 minutes. So if you could return in about 15 minutes, I'd appreciate it.

1 [Prospective jury panel recessed at 12:03 p.m.]
2 THE COURT: Sir, if you -- Mr. Dickerson, can you get my
3 bailiff? I need to hand the --
4 MR. DICKERSON: Yes, Your Honor.
5 THE COURT: -- potential juror the microphone. And could
6 you tell my marshal to shut the door, please? Thank you.
7 Sir, if you could restate your name and badge number.
8 PROSPECTIVE JUROR NO. 1136: Christopher Argento,
9 Badge No. 1136.
10 THE COURT: And you had indicated at the bench that you
11 had heard something about this case; is that correct?
12 PROSPECTIVE JUROR NO. 1136: If it's the case from the
13 *Review-Journal* from a few months ago, I feel like I recognize the female
14 defense attorney from that.
15 THE COURT: And what had you heard, sir?
16 PROSPECTIVE JUROR NO. 1136: The part I remember
17 most was that the female defense attorney had gotten in trouble for
18 going into the prison and getting physical with a inmate, also providing
19 them a cell phone.
20 THE COURT: Okay. Does counsel want to ask this
21 gentleman any questions?
22 MR. COYER: Yes. May we proceed with those?
23 THE COURT: Yes.
24 MR. COYER: Okay. Sir, based on the things that you read
25 about my co-counsel, does that cause you to have a negative opinion

1 of -- and I know it's awkward, because she's standing right here. But
2 what -- does that cause you to have an negative opinion towards her in
3 any way?

4 MS. PLUNKETT: No offense --

5 PROSPECTIVE JUROR NO. 1136: If I'm being honest, yes.
6 Sorry.

7 MS. PLUNKETT: No offense.

8 MR. COYER: Do you think you'd have the ability to put the
9 negative feelings aside and listen to the evidence in the case or -- or do
10 you think, regardless of the evidence, you're still going to hold the same
11 opinion about Ms. Plunkett?

12 PROSPECTIVE JUROR NO. 1136: I mean, I would like to
13 think I could just judge it by the evidence, but knowing what I know about
14 the case, I don't want to give anyone an unfair trial. So I would have to
15 say no, I wouldn't be able to be fair.

16 MR. COYER: I don't have any further questions, Your Honor.

17 THE COURT: State?

18 MR. LEXIS: State doesn't have any questions, Your Honor.

19 THE COURT: Sir, thank you. And if you could return in
20 about 15 minutes. Just wait outside until my marshal escorts you in, if
21 you would, please. Thank you.

22 [Prospective Juror No. 1136 exited courtroom.]

23 THE COURT: First let's address the undue hardships.
24 State, what's your position?

25 MR. DICKERSON: Can you give us a couple minutes to talk?

1 THE COURT: Sure.

2 MR. DICKERSON: Thank you very much, Your Honor.

3 THE COURT: I'm going to take a -- how long do you need,
4 five minutes?

5 MR. DICKERSON: Five minutes would be great.

6 THE COURT: All right. Just let my bailiff know when you're
7 ready.

8 MR. DICKERSON: Thank you, Your Honor.

9 THE COURT: Thank you. We'll be in recess.

10 [Court recessed at 12:06 p.m. until 12:15 p.m.]

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

12 THE COURT: Please remain seated. At this point I'm only
13 going to address undue hardships. We'll address challenges for cause
14 at -- at the appropriate time. I'm going to give counsel -- both counsel
15 the opportunity -- the gentlemen who said they had the language barrier,
16 I'm going to give you the opportunity to ask questions. I don't know if
17 you need to ask any additional questions of the gentleman who's heard
18 something about the case. I gave you that opportunity, so I'm assuming
19 there's no additional questions.

20 MR. DICKERSON: State has no further questions. And we
21 actually discussed with defense counsel, and we have no objection to
22 their upcoming request to actually ask the venire whether any of them
23 are familiar with any cases of any of the attorneys in the courtroom or
24 have seen any of the attorneys specifically on the news.

25 THE COURT: All right. Well, I was going to let you do that

1 during individual questioning.

2 MR. DICKERSON: Okay.

3 THE COURT: And the same thing with the gentlemen who
4 have the language barrier, I was going to let you ask additional
5 questions. At this point, I wasn't going to address challenges for cause,
6 just undue hardship.

7 MR. LEXIS: Judge, can we do down in order? I think --

8 THE COURT: Sure. And my first question is, has the parties
9 agree on anybody who should be excused for undue hardship?

10 MR. LEXIS: I'm not certain, but --

11 THE COURT: Okay.

12 MR. LEXIS: -- we could probably breeze through it.

13 THE COURT: Let's just go --

14 MR. LEXIS: 1001, I believe was the first one, Judge.

15 THE COURT: Okay.

16 MR. LEXIS: She was the individual that said she falls asleep
17 and has migraines. The State has no objection to kicking her.

18 MR. COYER: Defense has no objection.

19 THE COURT: State?

20 MR. LEXIS: No objection.

21 THE COURT: Okay. So we're going to excuse
22 Juror No. 1001. What about 1009?

23 MR. LEXIS: That tumor-on-the-neck individual, the State has
24 no objection to kicking him as well, Judge.

25 THE COURT: State -- does defense?

1 MR. COYER: Defense has no objection to dismissing.
2 MR. LEXIS: The next one, Judge, was 1031. The State has
3 no objection to kicking her.
4 THE COURT: Defense?
5 MR. COYER: No objection.
6 MR. LEXIS: The next individual, Judge, was the language
7 issue on 1063. State has no objection to kicking that --
8 MR. DICKERSON: I think he was going to go into cause.
9 MR. COYER: You -- and I -- Judge, I thought we were going
10 to address language barrier separately, but --
11 THE COURT: That's correct. It's -- I was going to give you
12 the opportunity to --
13 MR. LEXIS: I just don't want --
14 THE COURT: To me that's not --
15 MR. LEXIS: -- to waste time. If they don't object, Judge, I
16 mean --
17 THE COURT: Well, they may object though. I mean, my
18 concern --
19 MR. LEXIS: You want to keep -- you guys want to keep
20 them?
21 MR. COYER: Yeah. We have some issues with the
22 Hispanic --
23 MR. LEXIS: Okay.
24 MR. COYER: -- language barriers we'd like to put on the
25 record.

1 THE COURT: Correct. And that's why --

2 MR. LEXIS: Okay. Sounds good.

3 THE COURT: -- I told you at the bench to ask me if you
4 wanted me to ask it at this point or wait until later. So I -- I wasn't going
5 to address the language barrier or the other gentleman until we do
6 challenges for cause.

7 MR. COYER: Understood.

8 MR. LEXIS: The next one, Judge, then is 1090. Judge, this
9 individual says that he -- he takes kids to school, but then when you
10 asked him about that, he says, oh, well, I get off work at 5:00 and then
11 they had somewhere to go until 6:00. I mean, that's not going to be an
12 issue. And then he also said that he just got a job but he's been out of a
13 job for a while and there is another income. The State would request
14 that he stay.

15 THE COURT: What's the State's -- I'm sorry, what's the
16 defense position on 1090, John Babaronian?

17 MR. COYER: The defense does not object to Mr. Baborian
18 staying or going, Judge at this point.

19 THE COURT: Okay. So at this point, I'm not going to excuse
20 him as an undue hardship. Obviously, you would have the opportunity, if
21 you want, to use a peremptory challenge.

22 What about No. 2005, Lacy Hutchins [sic]?

23 MR. LEXIS: The UNLV student, the State has no objection to
24 kicking her due to finals.

25 THE COURT: Defense?

1 MR. COYER: No objection.

2 THE COURT: I apologize, I -- I went out of order. I'll let you
3 go in order. My -- I have a list of my own, so --

4 MR. LEXIS: Okay. The next one, Judge, would be 1127.
5 This is the one with the disabled husband. She did say, though, that she
6 does work regularly, and that the sister does pretty much go with the
7 husband to that location. And plus, I mean, she's working eight-hour
8 shifts. Here, it's only going to be an afternoon situation or midday to
9 afternoon. The State would request that she stay.

10 THE COURT: And that was No. 1127?

11 MR. LEXIS: Correct. The one with the disabled husband.

12 THE COURT: And I wasn't quite clear on her answer. I asked
13 her if she worked. She says she can get called in at any time. So I
14 wasn't clear what her work hours were.

15 MR. DICKERSON: She did indicate that when she does work,
16 it's an eight-hour shift.

17 THE COURT: Right.

18 MR. DICKERSON: And that the sister comes over and they
19 sit there the whole time.

20 THE COURT: Right. So on 1127, you do not believe she has
21 an extreme hardship and should be excused?

22 MR. DICKERSON: We did not.

23 THE COURT: Defense?

24 MR. COYER: Judge, our position is that the sister, if you will
25 recall, that comes and sits, was also disabled. I believe she said she

1 had MS. The part of her answer that concerned me was the part when
2 she said that when she's not with her husband at all times, she's very
3 worried about him. My concern would be her ability to focus on the
4 evidence and spend the time necessary deliberating.

5 THE COURT: Okay. And counsel --

6 MR. COYER: So we would prefer that she be dismissed for
7 hardship, but based on that --

8 THE COURT: Okay. I -- again, I'm going to let you do some
9 follow-up questions. If you believe she -- you know, at -- at this point, it
10 was unclear to me how sitting in the -- as a juror would be any difference
11 than her going to work. In other words, apparently she makes
12 arrangements with individuals to sit with her husband when she goes to
13 work, so it was unclear to me how that was an undue hardship. If she
14 can go to work and leave him with various relatives, why she -- she
15 couldn't come to court. And, obviously, we're not going to be going eight
16 hours a day, quite frankly.

17 So again, I didn't -- I wasn't going to excuse her for an undue
18 hardship.

19 Is that correct? Was that her correct -- is that correct, counsel.

20 MR. LEXIS: Yes, Judge.

21 THE COURT: She stated that when she went to work, she left
22 him with the same individual she identified in court today?

23 MR. DICKERSON: Correct, Your Honor.

24 THE COURT: Okay.

25 MR. LEXIS: The next one, Judge, is 1136. The State has no

1 objection to kicking that person.

2 THE COURT: Defense, what's your position on number --
3 Badge No. 1136?

4 MR. COYER: Excuse me, Your Honor, that is correct. We
5 obviously would dismiss that -- that individual. And then I don't know
6 when -- when the court would deem it appropriate, but I did want to
7 expand on that issue a little bit.

8 THE COURT: What do you mean expand?

9 MR. COYER: The question that the court asked the venire
10 was whether or not any of them were acquainted with any of the
11 attorneys, to which there were no hands raised. But when Your Honor
12 asked if anyone had seen anything in the news about this case, that's
13 when Mr. Argento raised his hand.

14 THE COURT: Okay. Well, here's the --

15 MR. COYER: I think --

16 THE COURT: -- situation, counsel. On No. 1136, No. 1063,
17 and No. 1620, I -- I didn't view them as being excused for undue
18 hardship. The -- I view those three as going to be challenges for cause.
19 And I was going to give counsel the opportunity to ask individual
20 questions of -- of those three. So again, I'm -- I'm not going to address
21 challenges for cause at this time.

22 MR. COYER: I -- I didn't want to move to strike him for cause
23 at this time. I just wanted to suggest to the court that when the venire
24 comes back, I think we would like the court to ask a specific question
25 about whether or not anybody has seen anything in the news about any

1 of the attorneys.

2 THE COURT: Okay. And you don't want -- I was going to
3 give you the opportunity to ask that when I start the individual
4 questioning of jurors in the box.

5 MR. COYER: Okay.

6 THE COURT: But if you want -- if counsel wants, I'll ask it of
7 the entire panel.

8 MR. DICKERSON: And we would request that you ask, Your
9 Honor. I think it'd --

10 THE COURT: Okay.

11 MR. DICKERSON: -- probably be more effective.

12 THE COURT: And what's the question you want me to ask?
13 If you could restate it, counsel.

14 MR. COYER: Whether or not anybody has seen any news
15 publicity about any of the attorneys here today.

16 THE COURT: Whether or not anyone has seen any -- what
17 was the last part, counsel?

18 MR. COYER: News publicity.

19 THE COURT: News publicity?

20 MR. COYER: Yes. About any of the attorneys here today.

21 THE COURT: And do you want me to ask that question after I
22 excuse the individuals for hardship?

23 MR. DICKERSON: Sure.

24 THE COURT: Okay. Have -- what's the next one, counsel?

25 MR. LEXIS: The last one, Judge, is 1141.

1 THE COURT: And --

2 MR. LEXIS: The State would object to Oscar Cano-Pena,
3 similarly with the other guy. I mean, this guy has kids, works. It didn't
4 rise to the level of undue hardship. I'm sure other people in the panel
5 are in the same boat.

6 THE COURT: What's the defense position?

7 MR. COYER: We concur with the State's position.

8 THE COURT: Okay. So I'm going to excuse for undue
9 hardship Badge No. 1001, Badge No. 1009, Badge No. 1031, and
10 Badge No. 2005; is that correct?

11 MR. DICKERSON: That's correct, Your Honor.

12 THE COURT: And I am not going to excuse Badge No. 1090
13 or Badge No. 1127; is that correct?

14 MS. PLUNKETT: Or 1141.

15 THE COURT: I'm sorry?

16 MS. PLUNKETT: Also you are not excusing 1141.

17 MR. LEXIS: Well, the other one that you're saying for cause,
18 Judge, is 1620. That's the three that you're --

19 THE COURT: All right. The ones that I --

20 MR. LEXIS: -- basically saying -- correct.

21 THE COURT: -- view are for cause are going to be
22 Badge No. 1136, Badge No. 1063, and Badge No. 1620. We'll address
23 those potential jurors at the time we do the challenges for cause.

24 MR. LEXIS: Correct.

25 THE COURT: Okay. And the ones I'm not excusing, again,

1 are Badge No. 1090, 1127, and 1141; is that correct?

2 MR. LEXIS: Correct.

3 MS. PLUNKETT: Correct.

4 THE COURT: Okay. So I'm excusing four.

5 MR. DICKERSON: And Your Honor, if I could inquire, I may
6 have missed it during the roll call, but Badge No. 1123, Jeanette Hayes,
7 is she not present? Okay.

8 MR. COYER: That's what I heard too.

9 THE COURT: That's correct.

10 MR. DICKERSON: Thank you.

11 THE COURT: All right. Counsel, it's 11:25. I was going to
12 bring the jurors in, excuse them. How -- I have -- what time did you want
13 to take a lunch break?

14 MR. LEXIS: It's up to you, Judge.

15 MR. DICKERSON: I think we could follow your original
16 schedule, Your Honor, if you want to take it right now.

17 THE COURT: Okay. So we're just going to excuse the -- and
18 then I guess I can ask that one question.

19 MR. LEXIS: Yeah. Let's ask that one question and get those
20 individuals in one by one --

21 THE COURT: See if we need individually --

22 MR. LEXIS: -- in case --

23 THE COURT: -- voir dire them.

24 MR. DICKERSON: That would be great.

25 THE COURT: Okay. Then we'll take an hour lunch break and

1 then go till 4:30 this afternoon.

2 MR. DICKERSON: Great.

3 THE COURT: Okay. All right. Please bring the panel back in.

4 [Prospective jury panel reconvened at 12:27 p.m.]

5 THE COURT: Let the record reflect the presence of the

6 attorneys for the State and the defense, and the defendant, and the jury

7 panel.

8 The following persons may be excused from court and leave

9 with our thanks for appearing today: Badge No. 1001; Badge No. 1009;

10 Badge No. 1031; and Badge No. 2005.

11 At this time, I need to ask an additional question of the entire

12 panel, whether or not anyone has seen any news or publicity about any

13 of the attorneys here today? Okay.

14 Sir, could you -- what is your name and badge number?

15 PROSPECTIVE JUROR NO. 1004: Glenn Locke. It's 1004.

16 THE COURT: Sir, can you approach the bench with counsel?

17 [Bench conference transcribed as follows:]

18 THE COURT: Sir, if you could keep your voice down just a

19 little bit, there's a microphone right there.

20 PROSPECTIVE JUROR NO. 1004: Oh, then I've got to

21 speak --

22 THE COURT: What -- what news or publicity have you heard

23 about any of the attorneys?

24 PROSPECTIVE JUROR NO. 1004: I think I saw the lady

25 defendant in the news a few months ago about something to do with a

1 defendant and -- I think it was a cell phone issue, I think.

2 THE COURT: Okay. Did you want me to take a lunch break

3 and have this gentleman -- I think somebody else raised their hand --

4 MR. LEXIS: Yeah. That would be --

5 THE COURT: -- and then do some questioning outside the

6 presence of the rest of the panel?

7 MR. DICKERSON: In addition, Judge, when you --

8 [indiscernible].

9 THE COURT: Okay.

10 MR. COYER: Yeah. Okay. Sir, if you can have a seat. I'm

11 going to excuse the rest of the panel for the lunch break. And if you

12 could just stay for a few minutes, the attorneys want to ask you some

13 questions outside the presence of the rest of the panel. So if you could

14 just have a seat for a few minutes. Okay.

15 MR. DICKERSON: In addition, Judge, when you give your

16 normal admonishment to them right now, include in there just that

17 they're not also to do any research regarding any attorneys involved in

18 this case as well.

19 THE COURT: Okay. All right. There was another gentleman.

20 MR. COYER: Same one.

21 MS. PLUNKETT: Same guy.

22 THE COURT: Huh?

23 MR. DICKERSON: That's the same guy.

24 MR. LEXIS: Same ones that we've already questioned.

25 [End of bench conference.]

1 THE COURT: Okay. And sir, the other gentleman that raised
2 your hand --

3 PROSPECTIVE JUROR NO. 1136: Yes?

4 THE COURT: -- you are the same gentleman we've already
5 spoken to, so.

6 PROSPECTIVE JUROR NO. 1136: Yes, sir.

7 THE COURT: Thank you.

8 At this time, ladies and gentlemen, we're going to take our
9 lunch recess.

10 Counsel, I apologize, if you could approach one more time.

11 [Bench conference transcribed as follows:]

12 THE COURT: What did you want me to admonish -- put in
13 the --

14 MR. LEXIS: Your usual admonishment --

15 THE COURT: Right.

16 MR. LEXIS: -- but just make sure you add in that also
17 includes not to make any --

18 MR. DICKERSON: Research about the case --

19 MR. LEXIS: -- research into the attorneys and --

20 THE COURT: Okay. So do not do any research on any of the
21 attorneys in this case --

22 MR. DICKERSON: Or the case itself.

23 THE COURT: -- on -- of any attorneys involved or the case --

24 MR. DICKERSON: Yeah. And you can just --

25 MR. LEXIS: It's probably because you're --

1 MR. DICKERSON: And you can just say, you know,
2 specifically, don't Google them or look up on social media --

3 THE COURT: Right. I think I've covered that.

4 MR. COYER: Yeah. Just after you do your normal
5 admonishment --

6 THE COURT: Right.

7 MR. COYER: -- I would just explain when I said case, that
8 means it goes for the attorneys as well.

9 THE COURT: Okay.

10 MR. DICKERSON: Thank you, Your Honor.

11 THE COURT: All right. Thank you.

12 [End of bench conference.]

13 THE COURT: Okay. So we're going to take approximately a
14 one-hour lunch recess. It is 12:30 right now, so if you could return
15 by 12:30. Again, remain outside and my marshal, whenever everybody
16 is here, will bring everybody back in.

17 During this recess, you are admonished not to talk or
18 converse among yourselves or with anyone else on any subject
19 connected with this -- with this trial -- shucks -- with this trial, or read,
20 watch, or listen to any report of or commentary on the trial or any person
21 connected with this trial by any medium of information, including without
22 limitation, the social media, text, newspapers, television, the Internet,
23 and radio; do not visit the scene of any events mentioned during the trial,
24 undertake any investigation, and that includes any type of Internet
25 investigation or social media; and you're not do to any research

1 regarding anybody involved in this case, including the attorneys or the --
2 or the case itself. And do not do any posting or communication on any
3 social networking sites or do any independent research, including
4 Internet searches or form or express any opinion or any subject
5 connected with the trial until the case is finally submitted to you.

6 At this time, except for the one gentleman, we'll be in recess
7 for a lunch break.

8 [Prospective jury panel recessed at 12:34 p.m.]

9 THE COURT: Apparently another juror has remained.

10 Your badge number and your name, sir?

11 PROSPECTIVE JUROR NO. 2007: My -- my --

12 THE COURT: You can stay right there, sir.

13 PROSPECTIVE JUROR NO. 2007: My badge number
14 is 2007. And my name is Bryan Alvarez.

15 THE COURT: And, sir, is there something you wanted to
16 address the court?

17 PROSPECTIVE JUROR NO. 2007: I didn't -- I didn't speak up
18 about the -- the hardship. I was wanting to, but I have stage fright and I
19 don't know why I didn't. But I just wanted to say that I -- I just moved out
20 from 19 and -- and due to the holiday weekend, I was unable to work
21 and I've already missed two days off -- off of work because of the
22 holidays. And I live paycheck to paycheck and I really can't afford to
23 have any more days off.

24 THE COURT: Okay. And you -- are you concerned that your
25 employer will fire you or it's just that you live --

1 PROSPECTIVE JUROR NO. 2007: No, I just -- I just --
2 THE COURT: -- paycheck to paycheck?
3 PROSPECTIVE JUROR NO. 2007: -- I live paycheck to
4 paycheck and I -- I can't really afford any more days off.
5 THE COURT: And are you the -- do you live by yourself, sir?
6 PROSPECTIVE JUROR NO. 2007: No, I'm married.
7 THE COURT: And does your wife work?
8 PROSPECTIVE JUROR NO. 2007: No. She's -- she's
9 unemployed.
10 THE COURT: Do you have any children?
11 PROSPECTIVE JUROR NO. 2007: No, sir.
12 THE COURT: And when you live -- when you say you live
13 paycheck to paycheck, if you were to sit -- this trial is anticipated to last
14 three to five days; will you be able to make your monthly expenses, such
15 as your rent or mortgage or your household --
16 PROSPECTIVE JUROR NO. 2007: Well --
17 THE COURT: -- expenses, utilities, things of that nature?
18 PROSPECTIVE JUROR NO. 2007: Well, due to the holiday
19 weekend, we -- we had an -- we had to take two days off of work. They
20 were mandatory. And I can't -- I can't afford any more days. Because if
21 I take three more off, that's a week and I would -- I wouldn't be able to
22 pay rent this month.
23 THE COURT: Okay. And are you saying you didn't get paid
24 for the Thanksgiving holidays?
25 PROSPECTIVE JUROR NO. 2007: No, sir.

1 THE COURT: Okay. What do you do, sir?
2 PROSPECTIVE JUROR NO. 2007: I am -- I'm a warehouse
3 worker.
4 THE COURT: And do you get paid hourly? Daily?
5 PROSPECTIVE JUROR NO. 2007: Hourly, sir.
6 THE COURT: You get paid hourly?
7 PROSPECTIVE JUROR NO. 2007: Yes.
8 THE COURT: And are you full time?
9 PROSPECTIVE JUROR NO. 2007: Yes.
10 THE COURT: Okay. Is there any questions by counsel?
11 MR. LEXIS: What hours do you work, sir?
12 PROSPECTIVE JUROR NO. 2007: I work from 6:00 in the
13 morning until 2:00.
14 MR. LEXIS: Would you be able to work half a day?
15 PROSPECTIVE JUROR NO. 2007: The -- the warehouse
16 closes at 4:00 and they -- they don't really schedule half -- half days.
17 MR. LEXIS: Thank you.
18 THE COURT: All right. Sir, why don't you take a lunch recess
19 and we'll -- we'll address this over the lunch hour.
20 PROSPECTIVE JUROR NO. 2007: Okay. Thank you.
21 THE COURT: Thank you.
22 [Prospective Juror No. 2007 exited courtroom.]
23 THE COURT: And the other gentleman who I asked to stay, if
24 you could approach, please.
25 Sir, if you could restate your badge number and name.

1 PROSPECTIVE JUROR NO. 1004: 1004, Glenn Locke.
2 THE COURT: Okay. And sir, you said that you have -- you
3 had heard something on the news or publicity regarding one of the
4 attorneys in this case?
5 PROSPECTIVE JUROR NO. 1004: Yes, sir. I -- I --
6 THE COURT: Sir, can you approach this podium right here so
7 I can pick you up on the -- the recorder can pick you up.
8 PROSPECTIVE JUROR NO. 1004: Yes, sir. I could have --
9 wasn't really sure, but I thought about it over the break. And I thought I
10 had read in the paper about the defense attorney lady had gotten in
11 trouble for passing a cell phone, I thought, to a defendant that she
12 wasn't supposed to. I don't remember the outcome.
13 THE COURT: Is there anything else you remember about the
14 news or publicity that you heard about one of the attorneys in this case?
15 PROSPECTIVE JUROR NO. 1004: I thought she was also
16 having a supposed affair with the defendant and was in trouble for that.
17 I -- again, I don't remember the outcome.
18 THE COURT: Okay. Counsel, any questions of this person?
19 MR. LEXIS: Sir, do you understand that this case is totally
20 separate from --
21 PROSPECTIVE JUROR NO. 1004: Right.
22 MR. LEXIS: -- that issue that you saw on TV?
23 PROSPECTIVE JUROR NO. 1004: Yes, sir.
24 MR. LEXIS: And involves a totally separate defendant,
25 separate set of facts?

1 PROSPECTIVE JUROR NO. 1004: Yes, sir.
2 MR. LEXIS: Would you be able to put that to the side or what
3 you saw on TV, and be fair and impartial in this case?
4 PROSPECTIVE JUROR NO. 1004: Yes, sir.
5 MR. LEXIS: Nothing further, Judge.
6 THE COURT: Defense?
7 MR. COYER: Hello, sir. I'm --
8 PROSPECTIVE JUROR NO. 1004: Yeah.
9 MR. COYER: -- right behind you there. Sorry. Given what
10 you heard, whether it's regarding the cell phone or whether it's regarding
11 the personal relationship, does that cause you to have any kind of
12 negative opinion about -- about my co-counsel? And I know that's
13 probably awkward that she's standing right here, but we do need you to
14 answer honestly.
15 MS. PLUNKETT: I won't be offended.
16 PROSPECTIVE JUROR NO. 1004: No. I -- I don't -- like I
17 said, I don't remember the outcome, like I said. And --
18 MR. COYER: Would knowing the outcome of that case
19 change in any way how you feel, whether it's negative or positive,
20 toward my co-counsel?
21 PROSPECTIVE JUROR NO. 1004: I don't remember too
22 many details. And I guess not.
23 MR. COYER: Okay. When it comes time for -- if you're -- if
24 you're seated on the jury, when it comes time to deliberate, would you
25 be able to put that issue out of your mind, if it's a close call and, you

1 know -- or would you think to yourself, well, you know, there's that
2 attorney who may have been up to no good, and cause you to be bias in
3 some fashion?

4 PROSPECTIVE JUROR NO. 1004: No. No, I don't think so.

5 MR. COYER: Okay. Court's indulgence.

6 Your Honor, no further questions for Mr. Locke here.

7 THE COURT: Sir, thank you for staying for a few minutes.

8 We're going to be in our lunch recess. If you could return by 12:30, I'd
9 appreciate it.

10 PROSPECTIVE JUROR NO. 1004: Yes, sir.

11 THE COURT: Thank you.

12 At this point, we'll be in recess until 12:30 -- I'm sorry. Sir, I
13 meant 1:30. I apologize.

14 PROSPECTIVE JUROR NO. 1004: Right. Right.

15 [Prospective Juror No. 1004 exited courtroom.]

16 THE COURT: Counsel, did you want to address the undue
17 hardship or take a few minutes to think about it and --

18 MR. DICKERSON: We have no objection on Badge No. 2007,
19 if you want to kick him.

20 THE COURT: Okay. Defense?

21 MR. COYER: That was Mr. Alvarez. We also have no
22 objection.

23 THE COURT: Okay. So when he comes back, I'll just excuse
24 him. At this point, again, I'm not going to address the challenges for
25 cause. What I'll do is seat 24, go through some individual questioning,

1 let you do some voir dire. And then at the conclusion, we'll start the
2 challenges for cause and go from there.

3 MR. DICKERSON: Thank you, Your Honor.

4 THE COURT: Thank you, counsel.

5 MR. COYER: Thank you.

6 MS. PLUNKETT: Thank you, Judge.

7 [Court recessed at 12:42 p.m. until 1:38 p.m.]

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

9 THE COURT: Please be seated. This is the continuation of
10 Case No. C-16-315580, *State of Nevada vs. Valencia*. Let the record
11 reflect that the counsel for State and defense are present, as well as the
12 defendant.

13 [Prospective jury panel reconvened at 1:39 p.m.]

14 THE COURT: At this time, I would like to thank and excuse
15 Badge No. 2007.

16 Ladies and gentlemen, we will now proceed with the next
17 phase of jury selection.

18 Clerk, please call 24 people to the jury box, beginning with the
19 lowest badge number and proceeding sequentially.

20 THE CLERK: Wayne Uhler, Badge No. 0961; Anna Dunegan,
21 Badge No. 0970; Kimberly Wasden, Badge No. 0976; Christopher
22 Sanders, Badge No. 0977; Esther Ramos, Badge No. 0980; Jennifer
23 Figuera, Badge No. 0990; Xavier Antheaume, Badge No. 0993; Glenn
24 Locke, Badge No. 1004; Thomas McAuley, Badge No. 1007; Marissa
25 Buncio, Badge No. 1011; Khanh Khuu, Badge No. 1018; Deatrice Higgs,

1 Badge No. 1034; Leonard Bucsit, Badge No 1043; Sonya Johnson,
2 Badge No. 1045; Sharon Iaconi, Badge No. 1048; Leticia Morales,
3 Badge No. 1053; Shawna Perez, Badge No. 1058; Carlos Lopez,
4 Badge No. 1063; Rex Sanders, Badge No. 1082; Myrna Ocampo,
5 Badge No. 1083; Jamie Lunt, Badge No. 1086; Susan Penrod,
6 Badge No. 1089; John Baborian, Badge No. 1090; Edwin Blazer,
7 Badge No. 1091.

8 [Pause in proceedings.]

9 MR. DICKERSON: Thank you, sir.

10 THE COURT: We will now focus questions on the group of 24
11 persons comprising the prospective panel of jurors seated in -- in and in
12 front of the jury box. I'm going to ask questions to each of you in order
13 for the attorney -- I'm going to ask questions of each of you in order.
14 Before the attorneys ask you their questions, remember, you are all still
15 under oath and required by law to answer questions truthfully.

16 Mr. Uhler.

17 PROSPECTIVE JUROR NO. 961: Yes.

18 THE COURT: And your badge number is 0961?

19 PROSPECTIVE JUROR NO. 961: Yes, sir.

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

22 PROSPECTIVE JUROR NO. 961: Since July 2015.

23 THE COURT: Okay. And, sir, how far did you go in school?

24 PROSPECTIVE JUROR NO. 961: I have -- I have two
25 two-year degrees.

1 THE COURT: I'm sorry, sir, I didn't hear you.
2 PROSPECTIVE JUROR NO. 961: I have a two-year degree
3 in accounting and a two-year degree in programming.
4 THE COURT: And what is your occupation?
5 PROSPECTIVE JUROR NO. 961: I'm a security officer.
6 THE COURT: All right. And what is your marital status?
7 PROSPECTIVE JUROR NO. 961: Single.
8 THE COURT: Do you have any children, sir?
9 PROSPECTIVE JUROR NO. 961: No.
10 THE COURT: Okay. Have you ever served on a jury or have
11 you ever served as a juror before?
12 PROSPECTIVE JUROR NO. 961: I've been summoned for
13 jury duty, but I -- I was never on a jury.
14 THE COURT: Okay. Have you ever testified as a witness in a
15 criminal trial?
16 PROSPECTIVE JUROR NO. 961: No.
17 THE COURT: Have you or a close family member ever been
18 convicted of a crime?
19 PROSPECTIVE JUROR NO. 961: No.
20 THE COURT: Have you or close family member ever been
21 the victim of a crime?
22 PROSPECTIVE JUROR NO. 961: No. I'm going to -- I'm
23 going to guess no, but --
24 THE COURT: What do you mean you're going to guess no?
25 Do you think somebody, a close family member or yourself, may have

1 been the victim of a crime?

2 PROSPECTIVE JUROR NO. 961: Well, something like a car
3 being broken into or, you know, a petty crime. It might -- might have
4 been something that, years ago, that I've forgotten.

5 THE COURT: Okay. When you say a car was broken into,
6 was that a family member?

7 PROSPECTIVE JUROR NO. 961: One of my nephews, I
8 think his car was broken into and they tried to steal some stuff.

9 THE COURT: And was that here in Clark County, Nevada?

10 PROSPECTIVE JUROR NO. 961: No. That -- that was in
11 Wisconsin. This was in the '80s. This was --

12 THE COURT: Okay. And do you believe that experience
13 would make it difficult for you to be fair and impartial to both sides in this
14 case?

15 PROSPECTIVE JUROR NO. 961: No. No, I don't think it
16 would.

17 THE COURT: Okay. Besides anything you've already told us,
18 do you have any close relatives or friends who have been engaged in
19 law enforcement, such as police officers or any type of law
20 enforcement?

21 PROSPECTIVE JUROR NO. 961: No.

22 THE COURT: Okay. It is anticipated that certain law
23 enforcement officers will testify in this case. Will you give more
24 credibility to their testimony by the mere fact that they are law
25 enforcement officers?

1 PROSPECTIVE JUROR NO. 961: I think I would.

2 THE COURT: Okay. And do you agree that if you are chosen

3 to serve as a juror in this case, that you will honor your duty to be

4 completely fair and impartial and to listen carefully to all of the evidence?

5 PROSPECTIVE JUROR NO. 961: Yes.

6 THE COURT: Okay. Could you hand the microphone.

7 And you are -- you are Badge No. 0970?

8 PROSPECTIVE JUROR NO. 970: That's correct.

9 THE COURT: And how -- could you say your name, please?

10 PROSPECTIVE JUROR NO. 970: Anna Dunegan.

11 THE COURT: Okay. And, ma'am, how long have you lived in

12 Clark County, Nevada?

13 PROSPECTIVE JUROR NO. 970: 15 years.

14 THE COURT: And how far did you go in school?

15 PROSPECTIVE JUROR NO. 970: I have a bachelor's in

16 architecture.

17 THE COURT: Okay. And, ma'am, what is your occupation?

18 PROSPECTIVE JUROR NO. 970: I'm a -- right now, a web

19 designer.

20 THE COURT: All right. And what is your marital status?

21 PROSPECTIVE JUROR NO. 970: Married.

22 THE COURT: And what does your husband do for a living?

23 PROSPECTIVE JUROR NO. 970: He works for UNLV in

24 communications.

25 THE COURT: And do you have any children, ma'am?

1 PROSPECTIVE JUROR NO. 970: Yes, one.
2 THE COURT: And how old is your child?
3 PROSPECTIVE JUROR NO. 970: Six.
4 THE COURT: Okay. Have you ever served as a juror before?
5 PROSPECTIVE JUROR NO. 970: No.
6 THE COURT: Have you ever testified as a witness in a
7 criminal trial?
8 PROSPECTIVE JUROR NO. 970: No.
9 THE COURT: Have you ever testified as a witness in any
10 criminal matter?
11 PROSPECTIVE JUROR NO. 970: No.
12 THE COURT: Okay. Have you or a close family member
13 ever been convicted of a crime?
14 PROSPECTIVE JUROR NO. 970: No.
15 THE COURT: Have you or close family member ever been
16 the victim of a crime?
17 PROSPECTIVE JUROR NO. 970: Theft. I've been --
18 THE COURT: Who was the victim?
19 PROSPECTIVE JUROR NO. 970: I was. My car was broken
20 into.
21 THE COURT: And when did that occur?
22 PROSPECTIVE JUROR NO. 970: About -- over 12 years
23 ago.
24 THE COURT: Okay. And did that happen in Clark County,
25 Nevada?

1 PROSPECTIVE JUROR NO. 970: Yes, it did.

2 THE COURT: Okay. Do you believe that experience would

3 make it difficult for you to be fair and impartial to both sides in this case?

4 PROSPECTIVE JUROR NO. 970: No.

5 THE COURT: All right. Besides anything you may have

6 already told us, do you have any close relatives or friends who have

7 been engaged in law enforcement?

8 PROSPECTIVE JUROR NO. 970: No, not that I know of.

9 THE COURT: Okay. It is anticipated that certain law

10 enforcement officers will testify in this case; will you give more credibility

11 to their testimony by the mere fact that they are law enforcement

12 officers?

13 PROSPECTIVE JUROR NO. 970: Yes.

14 THE COURT: So the mere fact that they're a law enforcement

15 officer, you're going to give them more credibility than any other witness

16 that may testify in this case?

17 PROSPECTIVE JUROR NO. 970: Oh, I'm see. I'm not

18 certain.

19 THE COURT: Okay. Do you agree if you are chosen to serve

20 as a juror in this case, that you will honor your duty to be completely fair

21 and impartial and to listen carefully to all the evidence in the case?

22 PROSPECTIVE JUROR NO. 970: Yes.

23 THE COURT: Okay. If you can pass the microphone.

24 And you -- you are Badge No. 0976?

25 PROSPECTIVE JUROR NO. 976: Yes.

1 THE COURT: Kimberly Wasden?
2 PROSPECTIVE JUROR NO. 976: Yes.
3 THE COURT: Did I pronounce that correctly?
4 PROSPECTIVE JUROR NO. 976: Yes.
5 THE COURT: Oh, I got lucky. How long have you lived in
6 Clark County, Nevada?
7 PROSPECTIVE JUROR NO. 976: 40 years.
8 THE COURT: And how far did you go in school?
9 PROSPECTIVE JUROR NO. 976: I finished two years of
10 college.
11 THE COURT: And what is your occupation?
12 PROSPECTIVE JUROR NO. 976: The financial industry, in
13 banking.
14 THE COURT: Okay. And do you have an employer?
15 PROSPECTIVE JUROR NO. 976: First Security Bank of
16 Nevada.
17 THE COURT: Okay. And what is your marital status?
18 PROSPECTIVE JUROR NO. 976: Married.
19 THE COURT: And what does your spouse do?
20 PROSPECTIVE JUROR NO. 976: Construction.
21 THE COURT: And is he currently employed?
22 PROSPECTIVE JUROR NO. 976: Yes.
23 THE COURT: And do you know the name of his employer?
24 PROSPECTIVE JUROR NO. 976: He's self-employed.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 976: He is a pool contractor and
2 a landscape contractor.

3 THE COURT: Okay. And do you have any children, ma'am?
4 PROSPECTIVE JUROR NO. 976: Yes. I have three.

5 THE COURT: And how old are they?
6 PROSPECTIVE JUROR NO. 976: 22, 20, and 14.

7 THE COURT: And as to the oldest -- the adult child, is it a
8 male or female?

9 PROSPECTIVE JUROR NO. 976: The two older ones are
10 males and my younger one is a girl.

11 THE COURT: Okay. And as to the -- the older child, does
12 he -- is he employed?

13 PROSPECTIVE JUROR NO. 976: Yes. He works for his
14 father.

15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 976: Yes.

17 THE COURT: And the younger children, I assume, are in
18 school?

19 PROSPECTIVE JUROR NO. 976: Yes. One in college and
20 one in junior high.

21 THE COURT: Okay. Have you ever served as a juror before?
22 PROSPECTIVE JUROR NO. 976: Yes.

23 THE COURT: And was it a civil or criminal case?
24 PROSPECTIVE JUROR NO. 976: I don't remember.

25 THE COURT: Were they suing -- were they fighting over

1 money or was there criminal --
2 PROSPECTIVE JUROR NO. 976: It would be criminal.
3 THE COURT: It would be --
4 PROSPECTIVE JUROR NO. 976: Criminal --
5 THE COURT: -- criminal?
6 PROSPECTIVE JUROR NO. 976: Yes.
7 THE COURT: And where was that?
8 PROSPECTIVE JUROR NO. 976: In Nevada.
9 THE COURT: Clark County, Nevada?
10 PROSPECTIVE JUROR NO. 976: Yes.
11 THE COURT: Without telling me the verdict, did the jury
12 reach a verdict?
13 PROSPECTIVE JUROR NO. 976: Yes.
14 THE COURT: Okay. Were you the foreperson?
15 PROSPECTIVE JUROR NO. 976: No.
16 THE COURT: Is there anybody -- anything about that
17 experience that would affect your ability to be fair and impartial in this
18 case?
19 PROSPECTIVE JUROR NO. 976: No.
20 THE COURT: Have you ever testified as a witness in a
21 criminal case?
22 PROSPECTIVE JUROR NO. 976: No.
23 THE COURT: Have you or a close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 976: No.

1 THE COURT: Have you or a family -- or close family member
2 ever been the victim of a crime?

3 PROSPECTIVE JUROR NO. 976: We've had our cars broken
4 into.

5 THE COURT: And when you say we, does that mean --

6 PROSPECTIVE JUROR NO. 976: Our family, you know, in
7 our driveway.

8 THE COURT: Okay. And that includes yourself?

9 PROSPECTIVE JUROR NO. 0976: Yes. Myself and my son.

10 THE COURT: Okay. And do you believe that experience will
11 make it difficult for you to be fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 976: No.

13 THE COURT: Okay. And when the cars were broken into,
14 was it investigated by law enforcement?

15 PROSPECTIVE JUROR NO. 976: No.

16 THE COURT: Okay. Did you report it?

17 PROSPECTIVE JUROR NO. 976: No.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 976: Because it was a
20 neighborhood thing, so we didn't.

21 THE COURT: All right. Besides anything you may have
22 already told us, do you have any close relatives or friends who have
23 ever been engaged in law enforcement?

24 PROSPECTIVE JUROR NO. 976: No.

25 THE COURT: Okay. It is anticipated that certain law

1 enforcement officers will testify in this case; will you give more credibility
2 to their testimony by the mere fact that they are law enforcement
3 officers?

4 PROSPECTIVE JUROR NO. 976: No.

5 THE COURT: Okay. Do you agree that if you are chosen to
6 serve as a juror in this case, that you will honor your duty to be
7 completely fair and impartial and to listen carefully to all of the evidence
8 in this case?

9 PROSPECTIVE JUROR NO. 976: Yes.

10 THE COURT: Okay. Could you pass it to the gentleman next
11 to you.

12 You're Badge No. 0977?

13 PROSPECTIVE JUROR NO. 977: Correct.

14 THE COURT: And it's Christopher Sanders?

15 PROSPECTIVE JUROR NO. 977: Correct.

16 THE COURT: Oh. Mr. Sanders, how long have you lived in
17 Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 977: 24 years.

19 THE COURT: Okay. And how far did you go to school?

20 PROSPECTIVE JUROR NO. 977: Currently in.

21 THE COURT: And are you in --

22 PROSPECTIVE JUROR NO. 977: Last year.

23 THE COURT: And where at?

24 PROSPECTIVE JUROR NO. 977: Nevada State.

25 THE COURT: Okay. Nevada State College?

1 PROSPECTIVE JUROR NO. 977: Correct.
2 THE COURT: And are you employed?
3 PROSPECTIVE JUROR NO. 977: Yes.
4 THE COURT: And what do you do for a living?
5 PROSPECTIVE JUROR NO. 977: I'm a part-time substitute
6 teacher, I'm a part-time, like, basketball official. I work at
7 MGM/Mandalay Bay. And there's something else I'm probably
8 forgetting.
9 THE COURT: And what do you do at MGM/Mandalay Bay?
10 PROSPECTIVE JUROR NO. 977: I do events.
11 THE COURT: Okay. And what is your marital status?
12 PROSPECTIVE JUROR NO. 977: Single.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR NO. 977: No.
15 THE COURT: All right. Have you ever served as a juror
16 before?
17 PROSPECTIVE JUROR NO. 977: No.
18 THE COURT: Have you ever testified as a witness in a
19 criminal case?
20 PROSPECTIVE JUROR NO. 977: No.
21 THE COURT: Have you or close family member ever been
22 convicted of crime?
23 PROSPECTIVE JUROR NO. 977: Yes.
24 THE COURT: And could you explain?
25 PROSPECTIVE JUROR NO. 977: My dad's a ex-felon from

1 years ago. I don't remember what he did. And my brother 10 years ago
2 was in jail for -- accused of rape.

3 THE COURT: Okay. And has that case been concluded, on
4 your -- with your brother?

5 PROSPECTIVE JUROR NO. 977: Yes.

6 THE COURT: Okay. And do you believe that the experiences
7 with your dad and your brother would affect -- make it difficult for you to
8 be fair and impartial to both sides in this case?

9 PROSPECTIVE JUROR NO. 977: It shouldn't, no.

10 THE COURT: Okay. Besides anything you may have already
11 told us, do you have any close relatives or friends who have been
12 engaged in law enforcement?

13 PROSPECTIVE JUROR NO. 977: Yes.

14 THE COURT: And could you explain, sir?

15 PROSPECTIVE JUROR NO. 977: I have a cousin, an uncle
16 who are cops. And I have three, like, really, really close friends that are
17 cops in Henderson.

18 THE COURT: Okay. So as to your relatives, where are they
19 cops at?

20 PROSPECTIVE JUROR NO. 977: One's in Maryland and
21 one's in Chicago.

22 THE COURT: Okay. And you said you have three friends
23 that are with the Henderson Police Department?

24 PROSPECTIVE JUROR NO. 977: Correct.

25 THE COURT: Okay. As to the individuals that you named, do

1 you ever talk to them about their job?

2 PROSPECTIVE JUROR NO. 977: All the time.

3 THE COURT: And which individuals?

4 PROSPECTIVE JUROR NO. 977: My three friends.

5 THE COURT: Okay. And what kinds of things do you talk
6 about with them?

7 PROSPECTIVE JUROR NO. 977: What they do, what kind of
8 cases they have, what kind of calls they get.

9 THE COURT: Okay. And does your knowledge about these
10 persons' job affect your ability to be fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 977: No.

12 THE COURT: Okay. It is anticipated that certain law
13 enforcement officers will testify in this case; will you give more credibility
14 to their testimony by the mere fact that they are law enforcement
15 officers?

16 PROSPECTIVE JUROR NO. 977: Yes.

17 THE COURT: Okay. Is that because of your relationship with
18 your friends at the Henderson Police Department?

19 PROSPECTIVE JUROR NO. 977: Yes.

20 THE COURT: Okay. And do you agree that if you are chosen
21 to serve as a juror in this case, that you will honor your duty to be
22 completely fair and impartial and to listen carefully to all of the evidence?

23 PROSPECTIVE JUROR NO. 977: Yes.

24 THE COURT: Okay. You're kind of shaking your head back
25 and forth.

1 PROSPECTIVE JUROR NO. 977: I can't promise. I'll try,
2 like --

3 THE COURT: Okay. But you understand that if you're
4 chosen as a juror, you're going to be required to listen to all the evidence
5 in the case?

6 PROSPECTIVE JUROR NO. 977: Yes.

7 THE COURT: All the witnesses, and including law
8 enforcement. And it's after you listen to all the evidence that you -- that
9 you would be completely fair and impartial; you understand that, sir?

10 PROSPECTIVE JUROR NO. 977: Yes.

11 THE COURT: You're willing to do that?

12 PROSPECTIVE JUROR NO. 977: Yes.

13 THE COURT: Okay. If you could pass the microphone.
14 And you're Badge No. 0980?

15 PROSPECTIVE JUROR NO. 980: Yes, it is.

16 THE COURT: And Ms. Ramos?

17 PROSPECTIVE JUROR NO. 980: Yes, it is.

18 THE COURT: Okay. And ma'am, how long have you lived in
19 Clark County, Nevada?

20 PROSPECTIVE JUROR NO. 980: About 24 years.

21 THE COURT: And how far did you go in school?

22 PROSPECTIVE JUROR NO. 980: 11th grade.

23 THE COURT: All right. What is your occupation?

24 PROSPECTIVE JUROR NO. 980: I'm retired.

25 THE COURT: And before you retired, what did you do for a

1 living?

2 PROSPECTIVE JUROR NO. 980: I cleaned surgical suites at
3 the Nellis Air Force Base Hospital.

4 THE COURT: Okay. And what is your marital status?

5 PROSPECTIVE JUROR NO. 980: I'm married.

6 THE COURT: And what does your --

7 PROSPECTIVE JUROR NO. 980: He's retired.

8 THE COURT: And what did he do before he retired?

9 PROSPECTIVE JUROR NO. 980: He was a facilities
10 manager for a massage therapy school.

11 THE COURT: Here in Las Vegas, Nevada?

12 PROSPECTIVE JUROR NO. 980: Yes.

13 THE COURT: And what was the name of the company; do
14 you remember?

15 PROSPECTIVE JUROR NO. 980: You think I would. My
16 mind just went blank.

17 THE COURT: That's okay. Do you have any children,
18 ma'am?

19 PROSPECTIVE JUROR NO. 980: I had four. I have three
20 now.

21 THE COURT: Okay. As to your children, how old are they?

22 PROSPECTIVE JUROR NO. 980: My oldest is 48. The one
23 that follows is, like, 43. And the last one is 39.

24 THE COURT: Okay. As to your adult children, what do they
25 do for a living?

1 PROSPECTIVE JUROR NO. 980: My oldest son works here
2 in town for a company that distributes, like -- like, a commissary for food
3 for all the food courts --

4 THE COURT: Yes, ma'am.

5 PROSPECTIVE JUROR NO. 980: -- in the malls and casino
6 areas. But I'm not sure the -- the name.

7 THE COURT: What about your middle child?

8 PROSPECTIVE JUROR NO. 980: My middle child lives in
9 Arizona and he works for Maaco. It's a truck place that sells auto parts
10 or whatever.

11 THE COURT: And your youngest child?

12 PROSPECTIVE JUROR NO. 980: The youngest works at
13 Walmart.

14 THE COURT: Okay. Have you ever served as a juror before?

15 PROSPECTIVE JUROR NO. 980: No.

16 THE COURT: Have you ever testified as a witness in a
17 criminal case?

18 PROSPECTIVE JUROR NO. 980: No.

19 THE COURT: Have you or a close family member ever been
20 convicted of a crime?

21 PROSPECTIVE JUROR NO. 980: My nephew was arrested
22 and did some jail time for drunk driving.

23 THE COURT: For drunk -- and was that here in Clark County,
24 Nevada?

25 PROSPECTIVE JUROR NO. 980: No. It was in Arizona.

1 THE COURT: And do you recall how long ago that was?
2 PROSPECTIVE JUROR NO. 980: He just got out, I think it
3 was in November.
4 THE COURT: Okay. So he was convicted for something
5 related to drunk driving?
6 PROSPECTIVE JUROR NO. 980: Yeah.
7 THE COURT: Okay. Do you believe that experience would
8 make it difficult for you to be fair and impartial to both sides in this case?
9 PROSPECTIVE JUROR NO. 980: No.
10 THE COURT: All right. Have you ever -- have you or a close
11 family member ever been the victim of a crime?
12 PROSPECTIVE JUROR NO. 980: Yes.
13 THE COURT: And could you explain, please?
14 PROSPECTIVE JUROR NO. 980: My youngest son was
15 murdered.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 980: Here in Vegas, back in '02.
18 They never found who -- or who or -- I don't know if there was one or
19 two. They never found who did it. And I was really hoping I wouldn't get
20 a case like this, because I'm very, very uncomfortable.
21 THE COURT: Well, that was my next question. Do you
22 believe that that experience will make it difficult for you to be fair and
23 impartial to both sides in this case?
24 PROSPECTIVE JUROR NO. 980: I -- I believe so.
25 THE COURT: Okay. And you understand nobody in this

1 case, either from the prosecution or defense, had anything to do with
2 the -- with your --

3 PROSPECTIVE JUROR NO. 980: I know.

4 THE COURT: -- with your son? You understand that?

5 PROSPECTIVE JUROR NO. 980: I do, but I can't --

6 THE COURT: And you don't think you could --

7 PROSPECTIVE JUROR NO. 980: -- help the way --

8 THE COURT: -- put that experience aside and be fair and --

9 PROSPECTIVE JUROR NO. 980: I -- I can't help the way --

10 THE COURT: -- impartial to both sides?

11 PROSPECTIVE JUROR NO. 980: -- I feel. I just can't.

12 THE COURT: I'm sorry, ma'am?

13 PROSPECTIVE JUROR NO. 980: I can't help the way I feel.

14 It's just the way I feel.

15 THE COURT: Okay. And was the murder of your son
16 investigated by Las Vegas Metropolitan Police Department?

17 PROSPECTIVE JUROR NO. 980: Yes, it was.

18 THE COURT: Okay. Besides anything you may have already
19 told us, do you have any close relatives or friends who have ever been
20 engaged in law enforcement?

21 PROSPECTIVE JUROR NO. 980: My son's father-in-law is a
22 retired detective in Arizona.

23 THE COURT: Okay. Anybody else?

24 PROSPECTIVE JUROR NO. 980: No.

25 THE COURT: And when you say your son's father-in-law,

1 what son are you referring to?

2 PROSPECTIVE JUROR NO. 980: My second son.

3 THE COURT: Okay. It is anticipated that certain law
4 enforcement officers will testify in this case; will you give more credibility
5 to their testimony by the mere fact that they are law enforcement
6 officers?

7 PROSPECTIVE JUROR NO. 980: I think so.

8 THE COURT: Okay. And you understand that we're going to
9 have various witnesses testify in this case, and you think just because
10 somebody is a law enforcement officer they would have more credibility
11 with you?

12 PROSPECTIVE JUROR NO. 980: I don't want to say. I've --
13 I -- I just -- I'm just not comfortable with it. I'm -- I'm not.

14 THE COURT: What do you mean you're uncomfortable?

15 PROSPECTIVE JUROR NO. 980: I -- I'm sitting here shaking.

16 THE COURT: Oh, I understand.

17 PROSPECTIVE JUROR NO. 980: I -- I can't help the way I
18 feel. It's just --

19 THE COURT: Okay. So you think because they're law
20 enforcement officer, they have more credibility than anybody else?

21 PROSPECTIVE JUROR NO. 980: I do.

22 THE COURT: Okay. However, if you -- do you agree that if
23 you are chosen as a juror in this case, that you will honor your duty to be
24 completely fair and impartial and to listen to all the evidence in this case
25 before you make a decision?

1 PROSPECTIVE JUROR NO. 980: I will.
2 THE COURT: Okay. Could you pass the microphone to the
3 next person, please.
4 And you're Badge No. 0990?
5 PROSPECTIVE JUROR NO. 990: Yes.
6 THE COURT: And could you say your last name, please?
7 PROSPECTIVE JUROR NO. 990: Fighera.
8 THE COURT: Fighera. I would have been close.
9 PROSPECTIVE JUROR NO. 990: You were. You got it. I
10 was impressed.
11 THE COURT: How long have you lived in Clark County,
12 Nevada?
13 PROSPECTIVE JUROR NO. 990: Since 2010.
14 THE COURT: All right. And how far did you go in school?
15 PROSPECTIVE JUROR NO. 990: Bachelor of Science in
16 Nursing.
17 THE COURT: And ma'am, what is your occupation?
18 PROSPECTIVE JUROR NO. 990: Healthcare strategy and
19 development.
20 THE COURT: And who are you employed by?
21 PROSPECTIVE JUROR NO. 990: Hospital Corporation of
22 America, HCA.
23 THE COURT: Okay. And what is your marital status?
24 PROSPECTIVE JUROR NO. 990: Single.
25 THE COURT: Do you have any children, ma'am?

1 PROSPECTIVE JUROR NO. 990: No.
2 THE COURT: All right. Have you ever served as a juror
3 before?
4 PROSPECTIVE JUROR NO. 990: No.
5 THE COURT: Have you ever testified as a witness in a
6 criminal case?
7 PROSPECTIVE JUROR NO. 990: No.
8 THE COURT: Have you or close family member ever been
9 convicted of a crime?
10 PROSPECTIVE JUROR NO. 990: Yes.
11 THE COURT: And could you explain?
12 PROSPECTIVE JUROR NO. 990: An uncle and a cousin,
13 organized crime, I guess you'd call it, New York state.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 990: And an uncle, murder,
16 New York.
17 THE COURT: Okay. So that's kind of my next question. So
18 the first one I'm going to ask you is, as far as the two first individuals that
19 you named, do you remember when the convictions occurred?
20 PROSPECTIVE JUROR NO. 990: I want to say in the '90s. I
21 don't remember exactly.
22 THE COURT: Okay. I believe you said in New York state?
23 PROSPECTIVE JUROR NO. 990: Correct.
24 THE COURT: And it was something -- I think you said mob
25 connected?

1 PROSPECTIVE JUROR NO. 990: Yeah. I don't know
2 exactly, you know, charges.
3 THE COURT: You don't know what the crimes were they
4 were convicted --
5 PROSPECTIVE JUROR NO. 990: Probably -- I don't know.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 990: I'm not into that, so.
8 THE COURT: No. That's fine. And maybe I misunderstood.
9 Was there a third person you mentioned?
10 PROSPECTIVE JUROR NO. 990: An uncle.
11 THE COURT: And was he convicted of something or was
12 he -- he --
13 PROSPECTIVE JUROR NO. 990: Yes.
14 THE COURT: -- was convicted?
15 PROSPECTIVE JUROR NO. 990: He was in jail. Correct.
16 THE COURT: And what was he convicted of?
17 PROSPECTIVE JUROR NO. 990: Murder.
18 THE COURT: Okay. And were -- where did the -- where was
19 that at?
20 PROSPECTIVE JUROR NO. 990: New York.
21 THE COURT: New York state also?
22 PROSPECTIVE JUROR NO. 990: Correct.
23 THE COURT: And do you know when?
24 PROSPECTIVE JUROR NO. 990: Oh, that was a long time
25 ago, many years ago.

1 THE COURT: Many years?

2 PROSPECTIVE JUROR NO. 990: I would say in the '70s.

3 THE COURT: Oh, I see. And do you believe that experience,
4 the fact that you have relatives that may have been convicted of a crime,
5 would make it more difficult for you to be fair and impartial to both sides
6 in this case?

7 PROSPECTIVE JUROR NO. 990: No.

8 THE COURT: All right. And have you or close family member
9 ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 990: No.

11 THE COURT: All right. Besides anything you've already told
12 us, do you have any close relatives or friends who have ever been
13 engaged in law enforcement?

14 PROSPECTIVE JUROR NO. 990: No.

15 THE COURT: All right. It is anticipated that certain law
16 enforcement officers will testify in this case; will you give more credibility
17 to their testimony by the mere fact that they are law enforcement
18 officers?

19 PROSPECTIVE JUROR NO. 990: Yes.

20 THE COURT: Okay. You understand a lot of witnesses are
21 going to testify in this case?

22 PROSPECTIVE JUROR NO. 990: Yes.

23 THE COURT: And you're going to be required to -- after
24 hearing all the evidence, if you're chosen a juror, to make a
25 determination; you understand that?

1 PROSPECTIVE JUROR NO. 990: Yes.

2 THE COURT: And are you willing to give a law enforcement
3 officers -- the same credibility as any person who may come before you
4 and testify in this case?

5 PROSPECTIVE JUROR NO. 990: I think I would give them
6 more credibility, yes.

7 THE COURT: And is it just because they're a law
8 enforcement officer?

9 PROSPECTIVE JUROR NO. 990: I think so, yes.

10 THE COURT: Okay. However, do you agree that if you were
11 chosen to serve as a juror in the case, that you will honor your duty to be
12 completely fair and impartial?

13 PROSPECTIVE JUROR NO. 990: Yes.

14 THE COURT: And to listen carefully to all the evidence in the
15 case before you make a decision?

16 PROSPECTIVE JUROR NO. 990: Yes.

17 THE COURT: Okay. Could you pass it to the gentleman next
18 to you.

19 And your -- sir, your badge number is 0993?

20 PROSPECTIVE JUROR NO. 993: Yes, sir.

21 THE COURT: And if you can, please state your last name.

22 PROSPECTIVE JUROR NO. 993: Antheaume.

23 THE COURT: I would not have been close.

24 PROSPECTIVE JUROR NO. 993: Okay.

25 THE COURT: Sir, how long have you lived in Clark County,

1 Nevada?

2 PROSPECTIVE JUROR NO. 993: 41 years.

3 THE COURT: And how far did you go in school?

4 PROSPECTIVE JUROR NO. 993: Master's plus 32 credits.

5 THE COURT: And are you -- what is your occupation, sir?

6 PROSPECTIVE JUROR NO. 993: I'm an administrator in the

7 district, school district.

8 THE COURT: Okay. And that's Clark County School District?

9 PROSPECTIVE JUROR NO. 993: Yes, sir.

10 THE COURT: And what is your marital status?

11 PROSPECTIVE JUROR NO. 993: Married.

12 THE COURT: And what is the occupation of your spouse?

13 PROSPECTIVE JUROR NO. 993: She does interior design.

14 THE COURT: Does she work for somebody or is she

15 self-employed?

16 PROSPECTIVE JUROR NO. 993: She works for someone.

17 THE COURT: All right. Do you know the name of the

18 company?

19 PROSPECTIVE JUROR NO. 993: Chateau Interiors.

20 THE COURT: All right. Do you have any children?

21 PROSPECTIVE JUROR NO. 993: Yes.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 993: Nine.

24 THE COURT: And I assume -- is it a little boy or little girl?

25 PROSPECTIVE JUROR NO. 993: Little girl.

1 THE COURT: Okay. And I assume she's in school?
2 PROSPECTIVE JUROR NO. 993: Yes, sir.
3 THE COURT: All right. Have you ever served as a juror
4 before?
5 PROSPECTIVE JUROR NO. 993: Have not.
6 THE COURT: Okay. Have you ever testified as a witness in a
7 criminal case?
8 PROSPECTIVE JUROR NO. 993: No, sir.
9 THE COURT: And have you or close family member ever
10 been convicted of a crime.
11 PROSPECTIVE JUROR NO. 993: Is step father-in-law
12 considered a close family member?
13 THE COURT: You tell me. Is he a close family member?
14 PROSPECTIVE JUROR NO. 993: Not in my opinion, but
15 other people might.
16 THE COURT: And what -- do you know what the conviction
17 was?
18 PROSPECTIVE JUROR NO. 993: Murder.
19 THE COURT: Okay. And do you believe that experience in
20 any way would make it more difficult for you to be fair and impartial to
21 both sides in this case?
22 PROSPECTIVE JUROR NO. 993: No, sir.
23 THE COURT: All right. Have you ever -- you or a close family
24 member ever been the victim of a crime?
25 PROSPECTIVE JUROR NO. 993: I've had my rims stolen off

1 my car many years ago.

2 THE COURT: Your rims?

3 PROSPECTIVE JUROR NO. 993: Yes, sir. It was kind of an
4 odd situation.

5 THE COURT: Was that here in Clark County, Nevada?

6 PROSPECTIVE JUROR NO. 993: It was.

7 THE COURT: Did you report it to the police?

8 PROSPECTIVE JUROR NO. 993: Yes, sir.

9 THE COURT: Did they investigate?

10 PROSPECTIVE JUROR NO. 993: I believe they did their part.

11 THE COURT: Were you satisfied with the investigation?

12 PROSPECTIVE JUROR NO. 993: Had to buy new rims.

13 THE COURT: All right. So I take it the rims were -- the rims
14 were never recovered?

15 PROSPECTIVE JUROR NO. 993: Correct, sir.

16 THE COURT: All right. Is there anything about that
17 experience that would make it difficult for you to be fair and impartial to
18 both sides in this case?

19 PROSPECTIVE JUROR NO. 993: No, sir.

20 THE COURT: All right. Besides anything you may have
21 already told us, do you have any close relatives or friends who have
22 ever been engaged in law enforcement?

23 PROSPECTIVE JUROR NO. 993: Just some friends.

24 THE COURT: Okay. Do you -- what -- when I say law
25 enforcement, can you identify which law enforcement agency?

1 PROSPECTIVE JUROR NO. 993: District officers.
2 THE COURT: School district officers?
3 PROSPECTIVE JUROR NO. 993: Correct.
4 THE COURT: And do they work with you?
5 PROSPECTIVE JUROR NO. 993: Correct.
6 THE COURT: And do you talk to them about their job?
7 PROSPECTIVE JUROR NO. 993: Daily.
8 THE COURT: I'm sorry, I didn't hear the --
9 PROSPECTIVE JUROR NO. 993: Daily.
10 THE COURT: Daily? And what kind of things do you talk
11 about?
12 PROSPECTIVE JUROR NO. 993: Just kind of their -- their
13 typical duties. I see them in action on campus and things that they do
14 on a day-to-day basis.
15 THE COURT: Does your knowledge about these persons' job
16 affect your ability to be fair and impartial in this case?
17 PROSPECTIVE JUROR NO. 993: No, sir.
18 THE COURT: All right. It is anticipated that certain law
19 enforcement officers will testify in this case; will you give more credibility
20 to their testimony by the mere fact that they are law enforcement
21 officers?
22 PROSPECTIVE JUROR NO. 993: Yes, sir.
23 THE COURT: So you're just going to -- if it's a law
24 enforcement officer, no matter what other witness say, you're going to
25 give them more credibility than any other witness?

1 PROSPECTIVE JUROR NO. 993: To a degree, yes.

2 THE COURT: Okay. When you say to a degree, yes -- well, if

3 another witness contradicts what law enforcement officers say, can you

4 give that -- will you be willing to believe that person over the law

5 enforcement officer, give that person more credibility?

6 PROSPECTIVE JUROR NO. 993: I guess it -- it depends on

7 the evidence.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 993: Is that fair?

10 THE COURT: And that's my next question. Absolutely.

11 PROSPECTIVE JUROR NO. 993: Okay.

12 THE COURT: Do you agree that if you are chosen to serve a

13 the juror in this case, that you will honor your duty to be completely fair

14 and impartial and to listen carefully to all the evidence in the case?

15 PROSPECTIVE JUROR NO. 993: Yes, sir.

16 THE COURT: All right. Can you pass the microphone,

17 please.

18 And your badge, sir? You're Badge No. 1004?

19 PROSPECTIVE JUROR NO. 1004: Yes.

20 THE COURT: And you're Mr. Locke?

21 PROSPECTIVE JUROR NO. 1004: Yes.

22 THE COURT: Sir, how long have you lived in Clark County,

23 Nevada?

24 PROSPECTIVE JUROR NO. 1004: 45 years.

25 THE COURT: And how far did you go in school?

1 PROSPECTIVE JUROR NO. 1004: I have a master's degree.
2 THE COURT: Okay. And what is your occupation?
3 PROSPECTIVE JUROR NO. 1004: I'm retired, but I was a
4 geologist.
5 THE COURT: And was that here in Clark County, Nevada?
6 PROSPECTIVE JUROR NO. 1004: Yes.
7 THE COURT: And what is your marital status?
8 PROSPECTIVE JUROR NO. 1004: Married.
9 THE COURT: And what does your spouse do?
10 PROSPECTIVE JUROR NO. 1004: Retired.
11 THE COURT: And --
12 PROSPECTIVE JUROR NO. 1004: She was housewife.
13 THE COURT: Housewife? Is that what she did before she
14 retired?
15 PROSPECTIVE JUROR NO. 1004: Yeah.
16 THE COURT: And do you have any children?
17 PROSPECTIVE JUROR NO. 1004: No.
18 THE COURT: Have you ever served as a juror before?
19 PROSPECTIVE JUROR NO. 1004: No.
20 THE COURT: Have you ever testified as a witness at a
21 criminal case?
22 PROSPECTIVE JUROR NO. 1004: No.
23 THE COURT: Have you or close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 1004: No.

1 THE COURT: Have you or close family member ever been
2 the victim of a crime?

3 PROSPECTIVE JUROR NO. 1004: Yes. We've been
4 burglarized a couple of times.

5 THE COURT: And you -- you're referring to you and your
6 wife?

7 PROSPECTIVE JUROR NO. 1004: Yeah.

8 THE COURT: And your residence has been broken into?

9 PROSPECTIVE JUROR NO. 1004: Yes.

10 THE COURT: Were you home when any of these burglaries
11 occurred?

12 PROSPECTIVE JUROR NO. 1004: No.

13 THE COURT: Okay. And did you report them to law
14 enforcement?

15 PROSPECTIVE JUROR NO. 1004: One of them.

16 THE COURT: And what was the agency you reported it to?

17 PROSPECTIVE JUROR NO. 1004: Metro, you know, the --

18 THE COURT: And did they investigate?

19 PROSPECTIVE JUROR NO. 1004: Well I just did a report.
20 That's all.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1004: At the station.

23 THE COURT: And do you believe that that experience will
24 make it more difficult for you to be fair and impartial to both sides in this
25 case?

1 PROSPECTIVE JUROR NO. 1004: Yes.

2 THE COURT: And what side could you not be fair and
3 impartial to?

4 PROSPECTIVE JUROR NO. 1004: Oh, I didn't understand
5 the question.

6 THE COURT: Okay. What I'm asking you, do you believe
7 that experience would make it more difficult for you to be fair and
8 impartial to both sides? In other words, the fact that you were a victim,
9 can you be fair and impartial to both sides in this case?

10 PROSPECTIVE JUROR NO. 1004: Yes.

11 THE COURT: All right. Besides anything you've already told
12 us, do you have any close relatives or friends who have ever been
13 engaged in law enforcement?

14 PROSPECTIVE JUROR NO. 1004: No.

15 THE COURT: It is anticipated that certain law enforcement
16 officers will testify in this case; will you give more credibility to their
17 testimony by the mere fact that they are law enforcement officers?

18 PROSPECTIVE JUROR NO. 1004: I don't think so. I don't
19 think so.

20 THE COURT: Okay. Do you agree that if you are chosen
21 as -- to serve as a juror in this case, that you will honor your duty to be
22 completely fair and impartial and to listen carefully to all the evidence in
23 this case?

24 PROSPECTIVE JUROR NO. 1004: Yes.

25 THE COURT: All right. Sir, can you pass the microphone,

1 that's going to be this gentleman at the end.
2 Where is -- you can just -- oh, I appreciate that. Thank you.
3 And, sir, you're Badge No. 1007?
4 PROSPECTIVE JUROR NO. 1007: That's correct.
5 THE COURT: And is it Mr. McAuley?
6 PROSPECTIVE JUROR NO. 1007: Correct.
7 THE COURT: And sir, how long have you lived in Clark
8 County, Nevada?
9 PROSPECTIVE JUROR NO. 1007: 17 years.
10 THE COURT: And how far did you go in school?
11 PROSPECTIVE JUROR NO. 1007: High school.
12 THE COURT: And what is your occupation?
13 PROSPECTIVE JUROR NO. 1007: I work for the National
14 Park System.
15 THE COURT: All right. And what is your marital status?
16 PROSPECTIVE JUROR NO. 1007: Not very good.
17 THE COURT: As -- as you sit here today, are you married?
18 PROSPECTIVE JUROR NO. 1007: No.
19 THE COURT: Okay. Are you divorced?
20 PROSPECTIVE JUROR NO. 1007: We never got married.
21 THE COURT: I see.
22 PROSPECTIVE JUROR NO. 1007: Yeah.
23 THE COURT: All right. As to -- I can't call her your spouse,
24 but as to the person you were not married to, what was her occupation?
25 PROSPECTIVE JUROR NO. 1007: She was a waitress.

1 THE COURT: Okay. And how long did you live together?
2 PROSPECTIVE JUROR NO. 1007: Probably about
3 two-and-a-half years.
4 THE COURT: All right. And were you ever married before
5 that relationship?
6 PROSPECTIVE JUROR NO. 1007: No.
7 THE COURT: All right. Do you have any children?
8 PROSPECTIVE JUROR NO. 1007: No.
9 THE COURT: All right. Have you ever severed as a juror
10 before?
11 PROSPECTIVE JUROR NO. 1007: Yes.
12 THE COURT: All right. Was it a civil or criminal case?
13 PROSPECTIVE JUROR NO. 1007: It was a criminal case.
14 THE COURT: Okay. And was that here in Clark County,
15 Nevada?
16 PROSPECTIVE JUROR NO. 1007: It was in Southern
17 California.
18 THE COURT: Okay. Without telling me the verdict, did the --
19 did the jury reach a verdict in that case?
20 PROSPECTIVE JUROR NO. 1007: It was split.
21 THE COURT: Okay. It was split. Okay. Were you the
22 foreperson?
23 PROSPECTIVE JUROR NO. 1007: No.
24 THE COURT: And I put my hand up because I thought you
25 were going to tell me the verdict. That's the only reason. So I was trying

1 to signal please don't tell me the actual verdict. Is there anything about
2 that experience that will affect your ability to be fair and impartial in this
3 case?

4 PROSPECTIVE JUROR NO. 1007: I don't believe so.

5 THE COURT: All right. Have you ever testified as a witness
6 in a criminal case?

7 PROSPECTIVE JUROR NO. 1007: No.

8 THE COURT: All right. Have you or close family member
9 ever been convicted of a crime?

10 PROSPECTIVE JUROR NO. 1007: I don't believe so.

11 THE COURT: Okay. Is there something that vaguely comes
12 to your recollection? Kind of looked up for a second there.

13 PROSPECTIVE JUROR NO. 1007: Drunk driving or
14 something like that.

15 THE COURT: And was it a family member or you --

16 PROSPECTIVE JUROR NO. 1007: Yeah.

17 THE COURT: It was a family member?

18 PROSPECTIVE JUROR NO. 1007: Yeah, a family member.

19 THE COURT: Do you remember who?

20 PROSPECTIVE JUROR NO. 1007: Yeah, it was -- who?

21 THE COURT: Who? Yes. Which person in your family?

22 PROSPECTIVE JUROR NO. 1007: My father.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 1007: Yeah.

25 THE COURT: And do you recall when?

1 PROSPECTIVE JUROR NO. 1007: This years ago. I --
2 THE COURT: Okay. Have you or close family member ever
3 been the victim of a crime?
4 PROSPECTIVE JUROR NO. 1007: It's been so many years,
5 but not really, no.
6 THE COURT: Okay. Did something happen that --
7 something --
8 PROSPECTIVE JUROR NO. 1007: You know, it's --
9 THE COURT: -- years ago?
10 PROSPECTIVE JUROR NO. 1007: Not really, no.
11 THE COURT: Okay. And again, if it's something personal or
12 something, we can do it privately, if it's something that is personal to
13 you.
14 PROSPECTIVE JUROR NO. 1007: No, that's okay.
15 THE COURT: We can do it -- I'm sorry?
16 PROSPECTIVE JUROR NO. 1007: That's all right.
17 THE COURT: It's okay? Huh? I'm sorry, I didn't hear you.
18 You have the microphone away and I didn't hear you. I apologize.
19 PROSPECTIVE JUROR NO. 1007: What was the -- what was
20 the --
21 THE COURT: I was going to say if it's something that is
22 personal to you that you don't want to reveal to the entire panel, we can
23 do it individually with you.
24 PROSPECTIVE JUROR NO. 1007: No. I don't -- I don't see
25 that.

1 THE COURT: Okay. And besides anything you already told
2 us, do you have any close relatives or friends who have ever been
3 engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 1007: With the National Park
5 Service, we -- we go together, so --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 1007: -- I can't help but have
8 some law enforcement officers, you know, as friends.

9 THE COURT: So you're not engaged in law enforcement, but
10 through the National Park Services, there are persons who are
11 considered law enforcement?

12 PROSPECTIVE JUROR NO. 1007: That's correct.

13 THE COURT: Okay. And how -- how many individuals are
14 you close friends with in -- in law enforcement?

15 PROSPECTIVE JUROR NO. 1007: Well, they all go on tours.
16 But I'd say two of them are pretty good friends of mine.

17 THE COURT: And do you talk to those two individuals about
18 their job?

19 PROSPECTIVE JUROR NO. 1007: Yeah.

20 THE COURT: And, typically, what kinds of things do you talk
21 about with them?

22 PROSPECTIVE JUROR NO. 1007: Traffic control, vandalism
23 at the parks, and stuff like that.

24 THE COURT: Okay. And are you -- are we talking Lake
25 Mead, Mt. Charleston, Red Rock?

1 PROSPECTIVE JUROR NO. 1007: Yeah, Lake Mead. Lake
2 Mead, yeah.

3 THE COURT: Lake Mead? Okay. Does your knowledge
4 about these persons' job affect your ability to be fair and impartial in this
5 case?

6 PROSPECTIVE JUROR NO. 1007: I think I could, yes.

7 THE COURT: You think you could be fair and impartial? Is
8 that yes, sir?

9 PROSPECTIVE JUROR NO. 1007: Yes.

10 THE COURT: I'm -- yes -- is that a yes, sir. Okay. It is
11 anticipated that certain law enforcement officers will testify in this case;
12 will you give more credibility to their testimony by the mere fact that they
13 are law enforcement officers?

14 PROSPECTIVE JUROR NO. 1007: I think I can do that.

15 THE COURT: Okay. So in other words, you're willing to listen
16 to all the witnesses testify and -- before you determine credibility; is that
17 correct?

18 PROSPECTIVE JUROR NO. 1007: I would try to do that, yes.

19 THE COURT: Okay. So do you agree if you are chosen to
20 serve as a juror in this case, that you will honor your duty to be
21 completely fair and impartial and to listen carefully to all of the evidence?

22 PROSPECTIVE JUROR NO. 1007: Yes, I would.

23 THE COURT: Okay. Thank you, sir. And if you could pass it
24 to the person next to you.

25 And, ma'am, you're Badge No. 1011?

1 PROSPECTIVE JUROR NO. 1011: Yes.

2 THE COURT: And I'm just going to let you tell me your -- if

3 you could pronounce your last name?

4 PROSPECTIVE JUROR NO. 1011: It's Buncio.

5 THE COURT: Buncio, okay. And ma'am, how long have you

6 lived in Clark County, Nevada?

7 PROSPECTIVE JUROR NO. 1011: Ten years.

8 THE COURT: And how far did you go in school?

9 PROSPECTIVE JUROR NO. 1011: Second year college.

10 THE COURT: And what is your occupation?

11 PROSPECTIVE JUROR NO. 1011: I'm a [indiscernible]

12 dealer.

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR NO. 1011: [Indiscernible] dealer.

15 THE COURT: Okay. And what is your marital status?

16 PROSPECTIVE JUROR NO. 1011: Single.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR NO. 1011: Yeah.

19 THE COURT: And how old is your -- how old are your

20 children?

21 PROSPECTIVE JUROR NO. 1011: My oldest is 38 years old.

22 And then my second son is 33. And then my youngest, 32.

23 THE COURT: Okay. And at one time were you married?

24 PROSPECTIVE JUROR NO. 1011: Yeah.

25 THE COURT: And what did -- I assume it's your former

1 husband?
2 PROSPECTIVE JUROR NO. 1011: What's --
3 THE COURT: You said --
4 PROSPECTIVE JUROR NO. 1011: Yeah. I'm divorced.
5 THE COURT: Okay. And what did he do for a living?
6 PROSPECTIVE JUROR NO. 1011: For now, I don't know. I
7 have no idea.
8 THE COURT: Okay. So when you were married, did he
9 work?
10 PROSPECTIVE JUROR NO. 1011: Yeah.
11 THE COURT: What did he do?
12 PROSPECTIVE JUROR NO. 1011: A businessman.
13 THE COURT: Okay. And you have adult children; is that
14 correct?
15 PROSPECTIVE JUROR NO. 1011: Yeah.
16 THE COURT: And what do they do for a living?
17 PROSPECTIVE JUROR NO. 1011: My oldest son is into U.S.
18 Navy. And then my second son, he's into concierge manager in Planet
19 Hollywood. And then my youngest, child specialist.
20 THE COURT: Okay. Have you ever served as a juror before?
21 PROSPECTIVE JUROR NO. 1011: No.
22 THE COURT: Have you ever testified as a witness in a
23 criminal case?
24 PROSPECTIVE JUROR NO. 1011: No.
25 THE COURT: Have you or close family member ever been

1 convicted of a crime?

2 PROSPECTIVE JUROR NO. 1011: No.

3 THE COURT: Have you or close family member ever been
4 the victim of a crime?

5 PROSPECTIVE JUROR NO. 1011: No.

6 THE COURT: Besides everything you already told us, do you
7 have any close relatives or friends who have ever been engaged in law
8 enforcement?

9 PROSPECTIVE JUROR NO. 1011: No.

10 THE COURT: Okay. It is anticipated that certain law
11 enforcement officers will testify in this case; will you give more credibility
12 to their testimony by the mere fact that they are law enforcement
13 officers?

14 PROSPECTIVE JUROR NO. 1011: It all depends.

15 THE COURT: So are you willing to listen to all the witnesses
16 testify --

17 PROSPECTIVE JUROR NO. 1011: Yeah.

18 THE COURT: -- and then determine credibility?

19 PROSPECTIVE JUROR NO. 1011: Yes.

20 THE COURT: Okay. And so do you agree that if you are
21 chosen to serve as juror in this case, that you would honor your duty to
22 be completely fair and impartial and to listen carefully to all the evidence
23 in the case?

24 PROSPECTIVE JUROR NO. 1011: Yes, sir.

25 THE COURT: All right. If you could pass the macro --

1 macrophone -- if you could pass the microphone, I appreciate it.
2 And you are Badge No. 1018?
3 PROSPECTIVE JUROR NO. 1018: Yeah.
4 THE COURT: And could you say your last name, please?
5 PROSPECTIVE JUROR NO. 1018: Yeah. My name is Khanh
6 Khuu.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 1018: Yeah. But no, sorry, sir.
9 I -- I forget tell you in beginning my English not good.
10 THE COURT: Your English is not so good?
11 PROSPECTIVE JUROR NO. 1018: Yeah. That's why I
12 [indiscernible], yeah.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 1018: Yeah. Sorry.
15 THE COURT: And is English a second language?
16 PROSPECTIVE JUROR NO. 1018: Yeah.
17 THE COURT: Okay. And what is your native language, your
18 first language?
19 PROSPECTIVE JUROR NO. 1018: My -- my language
20 Vietnam.
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 1018: Yeah.
23 THE COURT: And have you had any trouble understanding
24 anything I said so far today?
25 PROSPECTIVE JUROR NO. 1018: I understand a little bit,

1 not too much.

2 THE COURT: Okay. So you didn't understand some of the
3 words?

4 PROSPECTIVE JUROR NO. 1018: Some word, yeah.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 1018: Some not -- not too
7 much.

8 THE COURT: Okay. And do you think you'll have difficulty
9 understanding witnesses? Their testimony is going to be English.

10 PROSPECTIVE JUROR NO. 1018: Yeah.

11 THE COURT: Do you think you'll have difficulty
12 understanding them?

13 PROSPECTIVE JUROR NO. 1018: Yeah.

14 THE COURT: Okay. And I'm going to -- at the end of this
15 case, I'm going to read injury instructions to you. Those will also be in
16 English. Do you think you're going to have difficulty understanding legal
17 terminology that may be contained in those jury instructions?

18 PROSPECTIVE JUROR NO. 1018: I don't know.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 1018: Sorry.

21 THE COURT: I'm going to ask you some questions.

22 PROSPECTIVE JUROR NO. 1018: Yeah.

23 THE COURT: If you don't understand my question, please let
24 me know.

25 PROSPECTIVE JUROR NO. 1018: Yeah.

1 THE COURT: Okay?

2 PROSPECTIVE JUROR NO. 1018: Yeah.

3 THE COURT: Okay. How long have you lived in Clark

4 County, Nevada?

5 PROSPECTIVE JUROR NO. 1018: Yeah. I live

6 here 11 years.

7 THE COURT: And how far did you go in school?

8 PROSPECTIVE JUROR NO. 1018: I didn't go school here. In

9 Vietnam, yeah.

10 THE COURT: Okay. And in Vietnam, how far did you go in

11 school?

12 PROSPECTIVE JUROR NO. 1018: Oh, I go to high school.

13 THE COURT: High school?

14 PROSPECTIVE JUROR NO. 1018: Yeah.

15 THE COURT: And what do you do for a living?

16 PROSPECTIVE JUROR NO. 1018: Here?

17 THE COURT: Yes, in -- in Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 1018: I do manicure.

19 THE COURT: You do manicures?

20 PROSPECTIVE JUROR NO. 1018: Manicure -- yeah.

21 THE COURT: Okay. And what is your marital status? Are

22 you married?

23 PROSPECTIVE JUROR NO. 1018: Yeah, married.

24 THE COURT: And what is the occupation of your spouse?

25 PROSPECTIVE JUROR NO. 1018: My husband, bus driver.

1 THE COURT: A bus driver?
2 PROSPECTIVE JUROR NO. 1018: Yeah.
3 THE COURT: All right. Do you have any children?
4 PROSPECTIVE JUROR NO. 1018: Yeah, one.
5 THE COURT: And how old is your child?
6 PROSPECTIVE JUROR NO. 1018: 14 year.
7 THE COURT: 14 years old? And I assume he just -- he goes
8 to school, he's not employed?
9 PROSPECTIVE JUROR NO. 1018: He go school, high
10 school. Yeah.
11 THE COURT: He -- he goes -- I'm sorry?
12 PROSPECTIVE JUROR NO. 1018: He go high school.
13 THE COURT: High school?
14 PROSPECTIVE JUROR NO. 1018: Yeah.
15 THE COURT: Okay. Have you ever served as a juror before?
16 Have you ever been on a jury before?
17 PROSPECTIVE JUROR NO. 1018: Before I --
18 THE COURT: Before today?
19 PROSPECTIVE JUROR NO. 1018: Before I -- I live here, I
20 live California.
21 THE COURT: You were on a jury in California?
22 PROSPECTIVE JUROR NO. 1018: Oh.
23 UNIDENTIFIED SPEAKER: She doesn't understand.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 1018: Yeah. I don't understand.

1 THE COURT: Were you ever on a jury before? Before
2 today --
3 PROSPECTIVE JUROR NO. 1018: No, no.
4 THE COURT: -- you never were on a jury?
5 PROSPECTIVE JUROR NO. 1018: Yeah. Yeah.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 1018: Just first time, yeah.
8 THE COURT: This is your first time?
9 PROSPECTIVE JUROR NO. 1018: Yeah.
10 THE COURT: All right. Have you ever testified as a witness
11 in a criminal case? Have you ever been called to testify as a witness in
12 a criminal case? Do you understand the word witness?
13 PROSPECTIVE JUROR NO. 1018: No.
14 THE COURT: No? Okay. Have you ever come to court and
15 had to testify for any reason?
16 PROSPECTIVE JUROR NO. 1018: [No audible response.]
17 THE COURT: Do you understand the word testify?
18 PROSPECTIVE JUROR NO. 1018: I don't -- sorry.
19 THE COURT: I'm -- believe me, there's -- listen, I can barely
20 speak English and that's my first language.
21 PROSPECTIVE JUROR NO. 1018: Yeah, yeah.
22 THE COURT: So I understand that --
23 PROSPECTIVE JUROR NO. 1018: Yeah, yeah.
24 THE COURT: -- this may be your second language.
25 PROSPECTIVE JUROR NO. 1018: Yeah.

1 THE COURT: Okay?

2 PROSPECTIVE JUROR NO. 1018: Yeah.

3 THE COURT: So if you don't understand something, please

4 let me know. All right?

5 PROSPECTIVE JUROR NO. 1018: Yeah. Yeah.

6 THE COURT: Okay. Have you ever -- have you or close

7 family member ever been convicted of a crime?

8 PROSPECTIVE JUROR NO. 1018: I had one brother in the

9 Indiana.

10 THE COURT: You had a brother convicted of a crime?

11 PROSPECTIVE JUROR NO. 1018: No. My -- my brother live

12 in Indiana.

13 THE COURT: Okay. And my question is, have you or close

14 family member ever been convicted of a crime? Has your brother in

15 Indiana ever been convicted of a crime?

16 PROSPECTIVE JUROR NO. 1018: I don't understand.

17 THE COURT: Okay. Have you or close family member ever

18 been the victim of a crime? Have you or a close family member ever

19 been the victim of a crime?

20 PROSPECTIVE JUROR NO. 1018: I don't know.

21 THE COURT: Okay. Do you understand the question?

22 PROSPECTIVE JUROR NO. 1018: I don't understand.

23 THE COURT: I can't hear you, ma'am.

24 PROSPECTIVE JUROR NO. 1018: I don't understand, sorry.

25 THE COURT: Are you saying I don't understand?

1 PROSPECTIVE JUROR NO. 1018: Yeah. I don't understand.

2 THE COURT: Okay. You may have a softer voice than I do.

3 PROSPECTIVE JUROR NO. 1018: Sorry.

4 THE COURT: Besides anything you've already told us, do
5 you have any close relatives or friends who have ever been engaged in
6 law enforcement? Have any relatives or close friends ever been, like, on
7 the police department or anything of that nature?

8 PROSPECTIVE JUROR NO. 1018: I don't understand.

9 THE COURT: Okay. It is anticipated that certain law
10 enforcement officers will testify in this case; will you give more credibility
11 to their testimony by the mere fact that they are law enforcement
12 officers? Do you understand that question?

13 PROSPECTIVE JUROR NO. 1018: No.

14 THE COURT: No? All right. I'm going to ask you one more
15 question.

16 PROSPECTIVE JUROR NO. 1018: Yeah.

17 THE COURT: Do you agree that if you are chosen to serve as
18 a juror in this case, that you will honor your duty to be completely fair
19 and impartial and to listen carefully to all the evidence in the case? Do
20 you understand that question?

21 PROSPECTIVE JUROR NO. 1018: No.

22 THE COURT: Okay. What -- is there words in it that you
23 don't understand? Are there words in that question that you did not
24 understand?

25 PROSPECTIVE JUROR NO. 1018: With the word okay. If --

1 if they need I -- I happy.

2 THE COURT: I'm sorry, I didn't hear you. Is there words in
3 that question that you didn't understand?

4 PROSPECTIVE JUROR NO. 1018: I don't understand, yeah.

5 THE COURT: Okay. You're not understanding what I'm
6 asking you right now?

7 PROSPECTIVE JUROR NO. 1018: Yeah, no.

8 THE COURT: All right. If you could pass the microphone to
9 the person next to you.

10 And your badge -- ma'am, you're Badge No. 1034?

11 PROSPECTIVE JUROR NO. 1034: Yes, it is.

12 THE COURT: Ms. Higgs?

13 PROSPECTIVE JUROR NO. 1034: Yes.

14 THE COURT: Ma'am, how far -- how long have you lived in
15 Clark County, Nevada?

16 PROSPECTIVE JUROR NO. 1034: 17 years.

17 THE COURT: And how far did you go in school?

18 PROSPECTIVE JUROR NO. 1034: Associate's degree.

19 THE COURT: And what is your occupation?

20 PROSPECTIVE JUROR NO. 1034: I'm a manager and buyer
21 for Total Wine.

22 THE COURT: All right. And what is your marital status?

23 PROSPECTIVE JUROR NO. 1034: I'm married.

24 THE COURT: And what is the occupation of your spouse?

25 PROSPECTIVE JUROR NO. 1034: She's an import and craft

1 specialist for Nevada Beverage.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 1034: One stepson.

4 THE COURT: And --

5 PROSPECTIVE JUROR NO. 1034: He's 17.

6 THE COURT: 17. All right. Does -- does he go to high
7 school?

8 PROSPECTIVE JUROR NO. 1034: Yes, he does.

9 THE COURT: Does he work at all?

10 PROSPECTIVE JUROR NO. 1034: He works part time in a
11 restaurant, but he lives in Pennsylvania.

12 THE COURT: Oh, your son -- the stepson lives in
13 Pennsylvania?

14 PROSPECTIVE JUROR NO. 1034: Uh-huh.

15 THE COURT: In Pennsylvania --

16 PROSPECTIVE JUROR NO. 1034: Uh-huh.

17 THE COURT: -- is that correct? And have you ever served as
18 a juror before?

19 PROSPECTIVE JUROR NO. 1034: Yes, I have.

20 THE COURT: Was that a civil or criminal case; do you recall?

21 PROSPECTIVE JUROR NO. 1034: It was a criminal case. It
22 was an assault case.

23 THE COURT: Okay. And where was that?

24 PROSPECTIVE JUROR NO. 1034: It was in Modesto,
25 California.

1 THE COURT: Okay. And without telling me the verdict, did
2 the jury reach a verdict in that case?

3 PROSPECTIVE JUROR NO. 1034: Yes, we did.

4 THE COURT: All right. Were you foreperson?

5 PROSPECTIVE JUROR NO. 1034: No.

6 THE COURT: Is there anything about that experience that
7 would affect your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 1034: No.

9 THE COURT: All right. Have you ever testified as a witness
10 in a criminal case?

11 PROSPECTIVE JUROR NO. 1034: No.

12 THE COURT: Have you or close family member ever been
13 convicted of a crime?

14 PROSPECTIVE JUROR NO. 1034: My uncle, before I was
15 born, and it was armed robbery. So --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 1034: -- it was, like, 50 years
18 ago.

19 THE COURT: All right. Do you know whether your uncle was
20 convicted of?

21 PROSPECTIVE JUROR NO. 1034: It was armed robbery.

22 THE COURT: Oh, armed robbery. I'm sorry, I didn't catch
23 that.

24 PROSPECTIVE JUROR NO. 1034: It's the only time I ever
25 talk about him is when somebody asks have anyone ever been

1 convicted in your family.

2 THE COURT: Do you believe that experience would make it
3 difficult for you to be fair and impartial to both sides in this case?

4 PROSPECTIVE JUROR NO. 1034: No.

5 THE COURT: Have you or close family member ever been
6 the victim of a crime?

7 PROSPECTIVE JUROR NO. 1034: No.

8 THE COURT: Okay. Besides anything you may have already
9 told us, do you have any close relatives or friends who have ever been
10 engaged in law enforcement?

11 PROSPECTIVE JUROR NO. 1034: No.

12 THE COURT: It is anticipated that certain law enforcement
13 officers will testify in this case. Will you give more credibility to their
14 testimony by the mere fact that they are law enforcement officers?

15 PROSPECTIVE JUROR NO. 1034: No.

16 THE COURT: All right. And do you agree that if you are
17 chosen to be -- to serve as a juror in this case, that you will honor your
18 duty to be completely fair and impartial and to listen carefully to all of the
19 evidence?

20 PROSPECTIVE JUROR NO. 1034: I will do my best.

21 THE COURT: Thank you.

22 And sir, you're Badge No. 1043?

23 PROSPECTIVE JUROR NO. 1043: Yes.

24 THE COURT: And could you pronounce your last name for
25 me?

1 PROSPECTIVE JUROR NO. 1043: Bucsit.
2 THE COURT: Thank you, sir. Sir, how long have you lived in
3 Clark County, Nevada?
4 PROSPECTIVE JUROR NO. 1043: 17 years.
5 THE COURT: And how far did you go in school?
6 PROSPECTIVE JUROR NO. 1043: High school.
7 THE COURT: And what is your occupation?
8 PROSPECTIVE JUROR NO. 1043: I work graveyards. I do
9 medical marijuana.
10 THE COURT: Okay. And what is your marital status?
11 PROSPECTIVE JUROR NO. 1043: Single.
12 THE COURT: And do you have any children?
13 PROSPECTIVE JUROR NO. 1043: Yes.
14 THE COURT: And --
15 PROSPECTIVE JUROR NO. 1043: I got three kids.
16 THE COURT: And how old are they, sir?
17 PROSPECTIVE JUROR NO. 1043: 36, 34 and 30.
18 THE COURT: Okay. And what do they do for a living?
19 PROSPECTIVE JUROR NO. 1043: My oldest -- my oldest
20 girl, she been in and out of jail. And my second girl, she's a supervisor
21 for Starbucks. And my youngest son, he's a supervisor for Carl's Jr at
22 the airport.
23 THE COURT: Okay. Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 1043: No.
25 THE COURT: Have you ever testified as a witness in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 1043: No.

3 THE COURT: And my next question is, have you or close
4 family member ever been convicted of a crime? You said that your
5 middle child has been in --

6 PROSPECTIVE JUROR NO. 1043: My oldest daughter --

7 THE COURT: All right. Is it your --

8 PROSPECTIVE JUROR NO. 1043: -- and I got cousins --

9 THE COURT: -- oldest -- I'm sorry?

10 PROSPECTIVE JUROR NO. 1043: My oldest daughter and
11 my cousins.

12 THE COURT: Okay. Tell me about your oldest daughter;
13 what has she been convicted of?

14 PROSPECTIVE JUROR NO. 1043: Crystal meth and robbing
15 people.

16 THE COURT: Okay. And was she convicted here in Clark
17 County, Nevada?

18 PROSPECTIVE JUROR NO. 1043: Yes.

19 THE COURT: Okay. And I'm -- don't mean to be insensitive,
20 but is she in custody, in prison? Is the case --

21 PROSPECTIVE JUROR NO. 1043: She just --

22 THE COURT: -- resolved?

23 PROSPECTIVE JUROR NO. 1043: -- got out couple months
24 ago.

25 THE COURT: Okay. So she did --

1 PROSPECTIVE JUROR NO. 1043: Yes. She did her time.

2 THE COURT: She did her time and now she's out?

3 PROSPECTIVE JUROR NO. 1043: Yeah.

4 THE COURT: And what about -- you said you had another
5 relative?

6 PROSPECTIVE JUROR NO. 1043: Yeah. My cousins back
7 home.

8 THE COURT: Where is back home?

9 PROSPECTIVE JUROR NO. 1043: Yes. Armed robbery.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 1043: Strong arming people,
12 drugs.

13 THE COURT: All right. And where -- where did that -- when
14 did that occur?

15 PROSPECTIVE JUROR NO. 1043: It's in between late '90s
16 and 2000s.

17 THE COURT: All right. Do you believe that that experience
18 would make it more difficult or make it difficult for you to be fair and
19 impartial to both sides in this case?

20 PROSPECTIVE JUROR NO. 1043: No, not really.

21 THE COURT: Okay. And have you or close family member
22 ever been the victim of a crime?

23 PROSPECTIVE JUROR NO. 1043: Yeah. Been robbed
24 couple of times.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 1043: Up in Vegas.
2 THE COURT: And --
3 PROSPECTIVE JUROR NO. 1043: And I filed a police report.
4 And that's about it.
5 THE COURT: I'm sorry?
6 PROSPECTIVE JUROR NO. 1043: I filed a police report with
7 that, and that was it. Nothing came back to me, no status.
8 THE COURT: Okay. When you say you were robbed, does
9 that mean somebody took something from you --
10 PROSPECTIVE JUROR NO. 1043: Yeah.
11 THE COURT: -- personally, or did they take something from
12 your house?
13 PROSPECTIVE JUROR NO. 1043: They took something
14 from my house.
15 THE COURT: From your house?
16 PROSPECTIVE JUROR NO. 1043: Yeah. My house got
17 robbed.
18 THE COURT: Okay. Were you home?
19 PROSPECTIVE JUROR NO. 1043: No, I wasn't home.
20 THE COURT: Okay. And you made a police report?
21 PROSPECTIVE JUROR NO. 1043: Yes. I made a police
22 report.
23 THE COURT: Was there anything -- do you believe that
24 experience would make it difficult for you to be fair and impartial to both
25 sides in this case?

1 PROSPECTIVE JUROR NO. 1043: No.

2 THE COURT: Okay. Besides anything you've already told us,
3 do you have any close relatives or friends who have ever been engaged
4 in law enforcement?

5 PROSPECTIVE JUROR NO. 1043: Yes. My cousin just
6 graduated to the Metro police over here, like, two weeks ago, three
7 weeks ago.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 1043: And I have some uncles
10 back home who is law enforcement too.

11 THE COURT: Okay. And do you talk to any of those persons
12 about their job?

13 PROSPECTIVE JUROR NO. 1043: No.

14 THE COURT: All right. It's anticipated that certain law
15 enforcement officers will testify in this case; will you give more credibility
16 to their testimony by the mere fact that they are law enforcement
17 officers?

18 PROSPECTIVE JUROR NO. 1043: No, I don't think so.

19 THE COURT: Okay. Do you agree that if you are chosen to
20 serve as a juror in this case, that you will honor your duty to be
21 completely fair and impartial and to listen carefully to all of the evidence?

22 PROSPECTIVE JUROR NO. 1043: Yes.

23 THE COURT: All right. Sir, if you could pass the microphone.
24 And ma'am, you're Badge No. 1045; is that correct?

25 PROSPECTIVE JUROR NO. 1045: Yes.

1 THE COURT: And is Ms. Johnson?
2 PROSPECTIVE JUROR NO. 1045: Yes.
3 THE COURT: And how long have you lived in Clark County,
4 Nevada?
5 PROSPECTIVE JUROR NO. 1045: 34 years.
6 THE COURT: And how far did you go in school?
7 PROSPECTIVE JUROR NO. 1045: Almost completed a
8 bachelor's degree at UNLV.
9 THE COURT: And what is your occupation?
10 PROSPECTIVE JUROR NO. 1045: I work in customer
11 service.
12 THE COURT: For what --
13 PROSPECTIVE JUROR NO. 1045: At Zappos.com. Zappos.
14 THE COURT: And what is your marital status?
15 PROSPECTIVE JUROR NO. 1045: Divorced.
16 THE COURT: And what was the occupation of your
17 ex-spouse?
18 PROSPECTIVE JUROR NO. 1045: He's in the Navy.
19 THE COURT: And do you have any children?
20 PROSPECTIVE JUROR NO. 1045: Yes.
21 THE COURT: How old are they?
22 PROSPECTIVE JUROR NO. 1045: She's 14.
23 THE COURT: And I assume she goes to school?
24 PROSPECTIVE JUROR NO. 1045: Yes.
25 THE COURT: 14, would -- what be -- middle school?

1 PROSPECTIVE JUROR NO. 1045: No. She's a freshman in
2 high school.

3 THE COURT: High school?

4 PROSPECTIVE JUROR NO. 1045: Yeah.

5 THE COURT: And does she work part time or anything?

6 PROSPECTIVE JUROR NO. 1045: No.

7 THE COURT: Have you ever served as a juror before?

8 PROSPECTIVE JUROR NO. 1045: I have not.

9 THE COURT: Have you ever testified as a witness at a
10 criminal case?

11 PROSPECTIVE JUROR NO. 1045: No.

12 THE COURT: Have you or close family member ever been
13 convicted of a crime?

14 PROSPECTIVE JUROR NO. 1045: No.

15 THE COURT: Have you or close family member ever been
16 the victim of a crime?

17 PROSPECTIVE JUROR NO. 1045: Yes.

18 THE COURT: And what was -- who was the victim?

19 PROSPECTIVE JUROR NO. 1045: It was me. It was identity
20 theft.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 1045: Identity theft.

23 THE COURT: Identity theft?

24 PROSPECTIVE JUROR NO. 1045: Yeah.

25 THE COURT: And was there here in Clark County, Nevada?

1 PROSPECTIVE JUROR NO. 1045: Yes.
2 THE COURT: And when did that occur?
3 PROSPECTIVE JUROR NO. 1045: Like, 10 years ago.
4 THE COURT: Did you report it to law enforcement?
5 PROSPECTIVE JUROR NO. 1045: Yes. I filed a police
6 report with Metro.
7 THE COURT: And were you satisfied with how law
8 enforcement handled it?
9 PROSPECTIVE JUROR NO. 1045: Yeah.
10 THE COURT: Okay. Do you believe that experience would
11 make it difficult for you to be fair and impartial to both sides in this case?
12 PROSPECTIVE JUROR NO. 1045: No.
13 THE COURT: Besides anything you have -- may have
14 already told us, do you have any close relatives or friends who have
15 ever been engaged in law enforcement?
16 PROSPECTIVE JUROR NO. 1045: No.
17 THE COURT: It is anticipated that certain law enforcement
18 officers will testify in this case; will you give more credibility to their
19 testimony by the mere fact that they are law enforcement officers?
20 PROSPECTIVE JUROR NO. 1045: No.
21 THE COURT: Do you agree that if you are chosen to serve as
22 a juror in this case, that you will honor your duty to be completely fair
23 and impartial and to listen carefully to all of the evidence in this case?
24 PROSPECTIVE JUROR NO. 1045: Yes.
25 THE COURT: Ma'am, if you could pass the microphone,

1 please?

2 And, ma'am, you are Badge No. 1048?

3 PROSPECTIVE JUROR NO. 1048: Correct.

4 THE COURT: I'm going to take a stab at your name.

5 PROSPECTIVE JUROR NO. 1048: You got it --

6 THE COURT: Ms. Iaconi.

7 PROSPECTIVE JUROR NO. 1048: You got it right, three
8 times.

9 THE COURT: And how long have you lived in Clark County,
10 Nevada?

11 PROSPECTIVE JUROR NO. 1048: 25 years.

12 THE COURT: And how far did you go in school?

13 PROSPECTIVE JUROR NO. 1048: Two years college, plus
14 continuing ed to broker -- brokerage in real estate.

15 THE COURT: All right. And what is your occupation?

16 PROSPECTIVE JUROR NO. 1048: Real estate.

17 THE COURT: And what is your marital status?

18 PROSPECTIVE JUROR NO. 1048: Married.

19 THE COURT: And what is the occupation of your spouse?

20 PROSPECTIVE JUROR NO. 1048: He is health and safety in
21 an oil rig.

22 THE COURT: Does he work here in Clark County, Nevada?

23 PROSPECTIVE JUROR NO. 1048: He travels.

24 THE COURT: He travels?

25 PROSPECTIVE JUROR NO. 1048: He works here two weeks

1 and away two weeks.

2 THE COURT: All right. And do you have any children?

3 PROSPECTIVE JUROR NO. 1048: I do. Two --

4 THE COURT: How old are they?

5 PROSPECTIVE JUROR NO. 1048: -- girls.

6 THE COURT: I'm sorry?

7 PROSPECTIVE JUROR NO. 1048: Two girls.

8 THE COURT: And how old are they?

9 PROSPECTIVE JUROR NO. 1048: 35 and 34.

10 THE COURT: And what are your children's occupations?

11 PROSPECTIVE JUROR NO. 1048: My oldest daughter has

12 her own business. She's an aesthetician, does skin care. And my

13 youngest daughter has a degree in criminal justice, but she is a

14 stay-at-home mom right now raising six little boys.

15 THE COURT: Oh, that's a full-time occupation.

16 PROSPECTIVE JUROR NO. 1048: Yes, with help from me.

17 THE COURT: And have you ever served as a juror before?

18 PROSPECTIVE JUROR NO. 1048: No.

19 THE COURT: Have you ever testified as a witness in a

20 criminal case?

21 PROSPECTIVE JUROR NO. 1048: No.

22 THE COURT: Have you or close family member ever been

23 convicted of a crime?

24 PROSPECTIVE JUROR NO. 1048: No.

25 THE COURT: Have you or close family member ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 1048: Yes.

3 THE COURT: And could you explain?

4 PROSPECTIVE JUROR NO. 1048: Several. I had my purse
5 stolen and my daughter's purse stolen from our car while it was in our
6 garage and --

7 THE COURT: And when was that?

8 PROSPECTIVE JUROR NO. 1048: That was actually
9 about 20 years ago.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 1048: My daughter's identity --
12 we found out that her purse was stolen -- her identify was taken and we
13 learned that when she tried to get a bank account as an 18-year-old. My
14 things were retrieved and restitution was whatever they charged on my
15 card and we got that when they went to get their driver's license --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 1048: -- after they left jail.

18 THE COURT: And any other instances where you were a
19 victim?

20 PROSPECTIVE JUROR NO. 1048: Yes, sir. My -- my
21 nephew was killed.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 1048: By a friend.

24 THE COURT: And was that here in Clark County, Nevada?

25 PROSPECTIVE JUROR NO. 1048: It was not.

1 THE COURT: Okay. Do you believe those experiences
2 would make it difficult for you to be fair and impartial to both sides in this
3 case?

4 PROSPECTIVE JUROR NO. 1048: No.

5 THE COURT: Besides anything you have already told us, do
6 you have any close relatives or friends who have ever been engaged in
7 law enforcement?

8 PROSPECTIVE JUROR NO. 1048: My nephew is a police
9 officer in Pennsylvania.

10 THE COURT: Okay. And do you talk that person about his
11 job?

12 PROSPECTIVE JUROR NO. 1048: Not frequently.

13 THE COURT: Okay. When you did talk to him, what were the
14 kinds of things you talked about?

15 PROSPECTIVE JUROR NO. 1048: Congratulations on his
16 wedding and new baby.

17 THE COURT: Okay. So you really didn't talk about his job?

18 PROSPECTIVE JUROR NO. 1048: No.

19 THE COURT: All right. It is anticipated that certain law
20 enforcement officers will testify in this case; will you give more credibility
21 to their testimony by the mere fact that they are law enforcement
22 officers?

23 PROSPECTIVE JUROR NO. 1048: It's hard to not say yes to
24 that.

25 THE COURT: Okay. But it --

1 PROSPECTIVE JUROR NO. 1048: But I think the facts speak
2 for themselves.

3 THE COURT: Well, there's going to be various witnesses who
4 are going to testify in this case. And are you willing to wait until all the
5 witnesses testify before you determine credibility as to the witnesses?

6 PROSPECTIVE JUROR NO. 1048: Absolutely.

7 THE COURT: All right. Do you agree that if you are chosen
8 to serve as a juror in this case that you will honor your duty to be
9 completely fair and impartial and to listen carefully to all of the evidence?

10 PROSPECTIVE JUROR NO. 1048: Yes, sir.

11 THE COURT: All right. If you could pass the microphone,
12 please.

13 And, ma'am, you're Badge No. 1053?

14 PROSPECTIVE JUROR NO. 1053: Yes, it is.

15 THE COURT: And is it Ms. Morales?

16 PROSPECTIVE JUROR NO. 1053: Yes.

17 THE COURT: How long have you lived in Clark County,
18 Nevada?

19 PROSPECTIVE JUROR NO. 1053: 20 years.

20 THE COURT: And how far did you go in school?

21 PROSPECTIVE JUROR NO. 1053: A little bit of college.

22 THE COURT: And what is your occupation?

23 PROSPECTIVE JUROR NO. 1053: An admin assistant.

24 THE COURT: And are you employed?

25 PROSPECTIVE JUROR NO. 1053: Yes. An admin assistant,

1 uh-huh.

2 THE COURT: Oh, for what company?

3 PROSPECTIVE JUROR NO. 1053: MGM Resorts.

4 THE COURT: All right. And what is your marital status?

5 PROSPECTIVE JUROR NO. 1053: Married.

6 THE COURT: And what is the occupation of your spouse?

7 PROSPECTIVE JUROR NO. 1053: He's an electronic tech.

8 THE COURT: Is that here in Clark County, Nevada?

9 PROSPECTIVE JUROR NO. 1053: Yes.

10 THE COURT: And what company does he work for?

11 PROSPECTIVE JUROR NO. 1053: Integrated Biomedical.

12 He fixes hospital equipment.

13 THE COURT: Okay. And do you have any children?

14 PROSPECTIVE JUROR NO. 1053: Yes.

15 THE COURT: How old are they?

16 PROSPECTIVE JUROR NO. 1053: 32 and 29.

17 THE COURT: Okay. And what do they do for a living?

18 PROSPECTIVE JUROR NO. 1053: One is a general

19 manager for a hotel in California. And the other is -- she's a beautician.

20 THE COURT: Is that here in Clark County or --

21 PROSPECTIVE JUROR NO. 1053: Yes. Uh-huh.

22 THE COURT: Okay. Have you ever served as a juror before?

23 PROSPECTIVE JUROR NO. 1053: No.

24 THE COURT: Have you ever testified as a witness in a

25 criminal case?

1 PROSPECTIVE JUROR NO. 1053: No.

2 THE COURT: Have you or close family member ever been
3 convicted of a crime?

4 PROSPECTIVE JUROR NO. 1053: No.

5 THE COURT: Have you or close family member ever been
6 the victim of a crime?

7 PROSPECTIVE JUROR NO. 1053: No. Uh-uh.

8 THE COURT: All right. Besides anything you may have
9 already told us, do you have any close relatives or friends who have
10 ever been engaged in law enforcement?

11 PROSPECTIVE JUROR NO. 1053: No.

12 THE COURT: It is anticipated that certain law enforcement
13 officers will testify in this case; will you give more credibility to their
14 testimony by the mere fact that they are law enforcement officers?

15 PROSPECTIVE JUROR NO. 1053: No. Uh-uh.

16 THE COURT: And do you agree that if you are chosen to
17 serve as a juror in this case, that you will honor your duty to be
18 completely fair and impartial and to listen carefully to all of the evidence?

19 PROSPECTIVE JUROR NO. 1053: Yes. Uh-huh.

20 THE COURT: Okay.

21 Sir, you are Badge No. 1058 -- I'm sorry, ma'am. I got blocked
22 out. I apologize.

23 PROSPECTIVE JUROR NO. 1058: Yes, 1058.

24 THE COURT: And it's Ms. Perez?

25 PROSPECTIVE JUROR NO. 1058: Yes.

1 THE COURT: Okay. And how long have you lived in Clark
2 County, Nevada?

3 PROSPECTIVE JUROR NO. 1058: 25 years.

4 THE COURT: And how far did you go in school?

5 PROSPECTIVE JUROR NO. 1058: Two years of college.

6 THE COURT: And what is your occupation?

7 PROSPECTIVE JUROR NO. 1058: I'm a family services
8 specialist for the State of Nevada, and I also run a nonprofit for the
9 homeless.

10 THE COURT: And what is your marital status?

11 PROSPECTIVE JUROR NO. 1058: I'm widowed. My
12 husband passed away.

13 THE COURT: Okay. And I'm sorry to hear that. Was it
14 recent?

15 PROSPECTIVE JUROR NO. 1058: A year and a half ago.

16 THE COURT: All right. And what did your husband do before
17 he passed away?

18 PROSPECTIVE JUROR NO. 1058: He worked for the City of
19 Oxnard. He was a City inspector. We met later in life and he moved
20 here so that we could get married.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 1058: He retired.

23 THE COURT: He was retired when he passed away?

24 PROSPECTIVE JUROR NO. 1058: Yes.

25 THE COURT: Okay. And do you have any children?

1 PROSPECTIVE JUROR NO. 1058: I do not.
2 THE COURT: Okay. Have you ever served as a juror before?
3 PROSPECTIVE JUROR NO. 1058: No.
4 THE COURT: Have you ever testified as a witness in a
5 criminal matter?
6 PROSPECTIVE JUROR NO. 1058: No.
7 THE COURT: Have you or a close family member ever been
8 convicted of a crime?
9 PROSPECTIVE JUROR NO. 1058: I have a nephew in
10 Arizona that's been in and out of jail. We're not close. I don't know -- I --
11 I could find out, but I really don't know what for.
12 THE COURT: Okay. Well, you said you're not close?
13 PROSPECTIVE JUROR NO. 1058: No.
14 THE COURT: All right. And do you believe that experience
15 would make it difficult for you to be fair and impartial to both sides in this
16 case?
17 PROSPECTIVE JUROR NO. 1058: Yeah. I could be fair and
18 impartial.
19 THE COURT: You could be fair and impartial to both sides?
20 PROSPECTIVE JUROR NO. 1058: Yes.
21 THE COURT: Okay. Have you ever -- have you or close
22 family member ever been the victim of a crime?
23 PROSPECTIVE JUROR NO. 1058: Yes. I had my house
24 burglarized here in Nevada.
25 THE COURT: Were you home at the time?

1 PROSPECTIVE JUROR NO. 1058: No, no. I was at work.
2 THE COURT: Okay. Did you report it to law enforcement?
3 PROSPECTIVE JUROR NO. 1058: Yes, to Metro.
4 THE COURT: And did they investigate?
5 PROSPECTIVE JUROR NO. 1058: They did.
6 THE COURT: And were you satisfied how Metro handled it?
7 PROSPECTIVE JUROR NO. 1058: Yes. They found out who
8 did it, but I never got my stuff back.
9 THE COURT: And do you believe that experience would
10 make it difficult for you to be fair and impartial to both sides in this case?
11 PROSPECTIVE JUROR NO. 1058: No.
12 THE COURT: And is that the only time you've been a victim?
13 PROSPECTIVE JUROR NO. 1058: Identity theft too --
14 THE COURT: Oh.
15 PROSPECTIVE JUROR NO. 1058: -- here in Nevada.
16 THE COURT: And when did that occur?
17 PROSPECTIVE JUROR NO. 1058: About probably 2005, I
18 think.
19 THE COURT: Okay. Did you report that to Metro?
20 PROSPECTIVE JUROR NO. 1058: I did.
21 THE COURT: And were you satisfied with how they handled
22 it?
23 PROSPECTIVE JUROR NO. 1058: Yes.
24 THE COURT: All right. And do you believe that experience
25 would make it difficult for you to be fair and impartial to both sides?