

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 76621

Electronically Filed  
Dec 07 2018 10:29 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX**

**VOLUME I**

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### **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7<sup>th</sup> day of December, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

JOSHUA HONEA

By: /S/MONIQUE MCNEILL  
MONIQUE A. MCNEILL  
State Bar # 9862

  
CLERK OF THE COURT

INFM  
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I.A. 09/24/2015  
10:00 AM  
TROIJANO

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

JOSHUA RAY HONEA,  
#3060176

Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

INFORMATION

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 **JOSHUA RAY HONEA**, the Defendant above named, having committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105)**, **SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106)**, **FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50053)**, **LEWDNESS WITH A MINOR UNDER FOURTEEN YEARS OF AGE ( CATEGORY A Felony – NRS 201.230 – NOC 50975)**, **USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50367)**, **LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony - NRS 201.560 - NOC 51081)** in the manner following:

1 That the said Defendant, on or between January 1, 2011 and July 13, 2015, at and within  
2 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such  
3 cases made and provided, and against the peace and dignity of the State of Nevada,

4 COUNT 1 - FIRST DEGREE KIDNAPPING

5 did, on or between May 4, 2011 and June 29, 2013, willfully, unlawfully and  
6 feloniously, lead, take, entice, carry away or kidnap M.S., a minor, with the intent to keep,  
7 imprison, or confine said M.S., from the parents, guardians, or other person or persons having  
8 lawful custody of M.S., or with the intent to hold M.S. to unlawful service, or to perpetrate  
9 upon the person of M.S. any unlawful act, to-wit: sexual assault with a minor under fourteen  
10 years of age.

11 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
12 AGE

13 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
14 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
15 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
16 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
17 in which Defendant knew, or should have known, that M.S. was mentally or physically  
18 incapable of resisting or understanding the nature of Defendant's conduct.

19 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
20 AGE

21 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
22 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
23 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
24 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
25 in which Defendant knew, or should have known, that M.S. was mentally or physically  
26 incapable of resisting or understanding the nature of Defendant's conduct.

27 //

28 //

1 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
4 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
5 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
6 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
7 in which Defendant knew, or should have known, that M.S. was mentally or physically  
8 incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
10 AGE

11 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
12 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
13 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
14 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
15 in which Defendant knew, or should have known, that M.S. was mentally or physically  
16 incapable of resisting or understanding the nature of Defendant's conduct.

17 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE

19 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
20 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
21 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
22 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
23 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
24 resisting or understanding the nature of Defendant's conduct.

25 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
26 AGE

27 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
28 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of



age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did, on or between June 30, 2011 and June 29, 2013, then and there, willfully, unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did, on or between June 30, 2011 and June 29, 2013, then and there, willfully, unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did, on or between June 30, 2011 and June 29, 2013, then and there, willfully, unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

1 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
4 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
5 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
6 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
7 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
10 AGE

11 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
12 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
13 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
14 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
15 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
16 physically incapable of resisting or understanding the nature of Defendant's conduct.

17 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE

19 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
20 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
21 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
22 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
23 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
24 physically incapable of resisting or understanding the nature of Defendant's conduct.

25 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
26 AGE

27 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
28 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of

age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did, on or between June 30, 2011 and June 29, 2013, then and there, willfully, unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 16 - FIRST DEGREE KIDNAPPING

did, on or between June 30, 2013 and December 31, 2014, willfully, unlawfully and feloniously, lead, take, entice, carry away or kidnap M.S., a minor, with the intent to keep, imprison, or confine said M.S., from the parents, guardians, or other person or persons having lawful custody of M.S., or with the intent to hold M.S. to unlawful service, or to perpetrate upon the person of M.S. any unlawful act, to-wit: sexual assault with a minor under sixteen years of age.

COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between June 30, 2013 and December 31, 2014, then and there, willfully, unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis into the genital opening of the said M.S., against the will of the said M.S., or under conditions in which Defendant knew, or should have known, that M.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
3 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
5 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
6 in which Defendant knew, or should have known, that M.S. was mentally or physically  
7 incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
10 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
12 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
13 in which Defendant knew, or should have known, that M.S. was mentally or physically  
14 incapable of resisting or understanding the nature of Defendant's conduct.

15 COUNT 20 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

16 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
17 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
18 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
19 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
20 in which Defendant knew, or should have known, that M.S. was mentally or physically  
21 incapable of resisting or understanding the nature of Defendant's conduct.

22 COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
24 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
25 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
26 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
27 in which Defendant knew, or should have known, that M.S. was mentally or physically  
28 incapable of resisting or understanding the nature of Defendant's conduct.

1 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
3 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
5 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
6 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
7 resisting or understanding the nature of Defendant's conduct.

8 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
10 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
12 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
13 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
14 resisting or understanding the nature of Defendant's conduct.

15 COUNT 24 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

16 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
17 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
18 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
19 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
20 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
21 resisting or understanding the nature of Defendant's conduct.

22 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
24 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
25 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
26 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
27 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
28 resisting or understanding the nature of Defendant's conduct.

1 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
3 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
5 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
6 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
7 resisting or understanding the nature of Defendant's conduct.

8 COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
10 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
12 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
13 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
14 physically incapable of resisting or understanding the nature of Defendant's conduct.

15 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

16 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
17 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
18 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
19 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
20 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
21 physically incapable of resisting or understanding the nature of Defendant's conduct.

22 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
24 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
25 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
26 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
27 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
28 physically incapable of resisting or understanding the nature of Defendant's conduct.

1 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
3 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
5 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
6 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
7 physically incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
10 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or  
12 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
13 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
14 physically incapable of resisting or understanding the nature of Defendant's conduct.

15 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

16 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
17 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
18 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
19 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
20 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
21 resisting or understanding the nature of Defendant's conduct.

22 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
24 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
25 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
26 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
27 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
28 resisting or understanding the nature of Defendant's conduct.

1 COUNT 34 - FIRST DEGREE KIDNAPPING

2 did, on or between June 30, 2011 and June 29, 2013, willfully, unlawfully and  
3 feloniously, lead, take, entice, carry away or kidnap M.S., a minor, with the intent to keep,  
4 imprison, or confine said M.S., from the parents, guardians, or other person or persons having  
5 lawful custody of M.S., or with the intent to hold M.S. to unlawful service, or to perpetrate  
6 upon the person of M.S. any unlawful act, to-wit: sexual assault with a minor under fourteen  
7 years of age.

8 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
9 AGE

10 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
11 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
12 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
13 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
14 in which Defendant knew, or should have known, that M.S. was mentally or physically  
15 incapable of resisting or understanding the nature of Defendant's conduct.

16 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
17 AGE

18 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
19 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
20 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
21 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
22 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
23 resisting or understanding the nature of Defendant's conduct.

24 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
25 AGE

26 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
27 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
28 age, to sexual penetration, to-wit: cunnilingus, by said Defendant placing his mouth and/or



1 tongue on and/or into the genital opening of the said M.S., against the will of the said M.S., or  
2 under conditions in which Defendant knew, or should have known, that M.S. was mentally or  
3 physically incapable of resisting or understanding the nature of Defendant's conduct.

4 COUNT 38 - FIRST DEGREE KIDNAPPING

5 did, on or between June 30, 2013 and December 31, 2014, willfully, unlawfully and  
6 feloniously, lead, take, entice, carry away or kidnap M.S., a minor, with the intent to keep,  
7 imprison, or confine said M.S., from the parents, guardians, or other person or persons having  
8 lawful custody of M.S., or with the intent to hold M.S. to unlawful service, or to perpetrate  
9 upon the person of M.S. any unlawful act, to-wit: sexual assault with a minor under sixteen  
10 years of age.

11 COUNT 39 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

12 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
13 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
14 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
15 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
16 in which Defendant knew, or should have known, that M.S. was mentally or physically  
17 incapable of resisting or understanding the nature of Defendant's conduct.

18 COUNT 40 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

19 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
20 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
21 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
22 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
23 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
24 resisting or understanding the nature of Defendant's conduct.

25 COUNT 41 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
27 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
28 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into

1 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
2 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
3 resisting or understanding the nature of Defendant's conduct.

4 COUNT 42 - USE OF MINOR IN PRODUCING PORNOGRAPHY

5 did, on or between June 30, 2011 and December 31, 2014, willfully, unlawfully,  
6 feloniously and knowingly, use, encourage, entice or permit M.S., a minor under the age of  
7 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct, to-wit:  
8 by said Defendant causing and/or directing and/or encouraging the said M.S. to take a picture  
9 of the said M.S. in the nude on a cell phone and send to said Defendant, for the purpose of  
10 producing a pornographic performance.

11 COUNT 43 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH USE OF  
12 TECHNOLOGY WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT

13 did, on or between June 30, 2011 and July 13, 2015, then and there, willfully and  
14 feloniously and knowingly contact or communicate with, or attempt to contact or communicate  
15 with M.S., who is less than 16 years of age and who is at least 5 years younger than the  
16 defendant, or a person who the defendant believed to be a child being less than 16 years of age  
17 and at least 5 years younger than the defendant, regardless of the actual age of the person,  
18 through the use of a computer, system or network, with the intent to persuade, lure or transport  
19 the said child away from her home or from any location known to her parent or guardian or  
20 other person legally responsible for the child without the express consent of the parent or  
21 guardian or other person legally responsible for the child and with the intent to avoid the  
22 consent of the parent or guardian or other person legally responsible for the child, the  
23 Defendant committing the crime in the following manner, to-wit: by texting and/or otherwise  
24 communicating with the said M.S. to lure her to various locations, Defendant possessing the  
25 intent to engage in sexual conduct with the child or mentally ill person or to cause the child or  
26 mentally ill person to engage in sexual conduct.

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1 COUNT 44 - LEWDNESS WITH A MINOR UNDER FOURTEEN YEARS OF AGE

2 did, on or between May 4, 2011 and June 30, 2011, then and there, willfully,  
3 unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part  
4 or member thereof, of a child, to-wit: M.S., a child under the age of fourteen years, by said  
5 Defendant touching and or rubbing and or kissing the body and or mouth of the said M.S.,  
6 with the intent of arousing, appealing to or gratifying the lust, passions, or sexual desires of  
7 the said Defendant or M.S.

8 COUNT 45 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
9 AGE

10 did, on or between May 4, 2011 and June 30, 2011, then and there, willfully, unlawfully  
11 and feloniously sexually assault and subject M.S., a child under fourteen years of age, to sexual  
12 penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into the mouth of  
13 the said M.S., against the will of the said M.S., or under conditions in which Defendant knew,  
14 or should have known, that M.S. was mentally or physically incapable of resisting or  
15 understanding the nature of Defendant's conduct.

16 COUNT 46 - USE OF MINOR IN PRODUCING PORNOGRAPHY

17 did, on or between June 30, 2011 and December 31, 2014, willfully, unlawfully,  
18 feloniously and knowingly, use, encourage, entice or permit M.S., a minor under the age of  
19 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct, to-wit:  
20 by said Defendant causing and/or directing and/or encouraging the said M.S. to take a cell  
21 phone video of the said M.S. in the nude and or masturbating and send said video to Defendant,  
22 for the purpose of producing a pornographic performance.

23 COUNT 47 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
24 AGE

25 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
26 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
27 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
28 into the genital opening of the said M.S., against the will of the said M.S., or under conditions

1 in which Defendant knew, or should have known, that M.S. was mentally or physically  
2 incapable of resisting or understanding the nature of Defendant's conduct.

3 COUNT 48 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
4 AGE

5 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
6 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
7 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
8 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
9 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
10 resisting or understanding the nature of Defendant's conduct.

11 COUNT 49 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
12 AGE

13 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
14 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
15 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
16 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
17 in which Defendant knew, or should have known, that M.S. was mentally or physically  
18 incapable of resisting or understanding the nature of Defendant's conduct.

19 COUNT 50 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
20 AGE

21 did, on or between June 30, 2011 and June 29, 2013, then and there, willfully,  
22 unlawfully and feloniously sexually assault and subject M.S., a child under fourteen years of  
23 age, to sexual penetration, to-wit: fellatio, by said Defendant placing his penis on and/or into  
24 the mouth of the said M.S., against the will of the said M.S., or under conditions in which  
25 Defendant knew, or should have known, that M.S. was mentally or physically incapable of  
26 resisting or understanding the nature of Defendant's conduct.

27 //

28 //

1 COUNT 51 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
3 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
5 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
6 in which Defendant knew, or should have known, that M.S. was mentally or physically  
7 incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 52 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 30, 2013 and December 31, 2014, then and there, willfully,  
10 unlawfully and feloniously sexually assault and subject M.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
12 into the genital opening of the said M.S., against the will of the said M.S., or under conditions  
13 in which Defendant knew, or should have known, that M.S. was mentally or physically  
14 incapable of resisting or understanding the nature of Defendant's conduct.

15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
Nevada Bar #001565

17  
18 BY /s/ STACEY KOLLINS  
19 STACEY KOLLINS  
Chief Deputy District Attorney  
Nevada Bar #005391

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

22 BEZA; LVMPD#09341

23 CALDERON-LOPEZ; LVMPD#08547

24 CARDEJOS-ORDUNO, FRANCO; UNK

25 COLEMAN, MARTIN; UNK

26 COMISKEY; LVMPD#06532

27 COR or Designee; CCSD

28 COR or Designee; LVMPD COMMUNICATIONS

1 COR or Designee; LVMPD RECORDS  
2 COR or Designee; RAMPART HOTEL  
3 COR or Designee; SUNCOAST HOTEL  
4 DICARO; LVMPD#09005  
5 HENDRICKS; LVMPD#06091  
6 HONEA, DAVE; UNK  
7 HONEA, LARRY; UNK  
8 HONEA, LAUREN; UNK  
9 KRUEGER, ASHLEY; UNK  
10 KRUEGER, MELISSA; 525 HASSAN ST SE, HUTCHINSON, MN 55350  
11 LAFRENIERE; LVMPD#07570  
12 M.S.; c/o CCDA-SVU/VWAC  
13 MARSH; LVMPD#05845  
14 P.S.; c/o CCDA-SVU/VWAC  
15 PRICHARD; LVMPD#06210  
16 RAMIREZ; LVMPD#04916  
17 ROBERTS, TAYLOR; UNK  
18 SALAVESSA; LVMPD#07073  
19 SPENCER; LVMPD#07598

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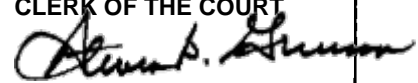
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27 DA#15F10889X/hjc/SVU  
28 LVMPD EV#1503301277  
(TK01)



1 **NOTM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 STACEY KOLLINS  
6 Chief Deputy District Attorney  
7 Nevada Bar #005391  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 JOSHUA HONEA,  
14 #3060176

15 Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

DEPARTMENT XXV

NOTICE OF HEARING

DATE 11/6/17 TIME 9:00am

APPROVED BY 

16 **NOTICE OF MOTION AND MOTION**

17 **TO USE REPORTED TESTIMONY**

18  
19 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the State of  
20 Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STACEY  
21 KOLLINS, Chief Deputy District Attorney, will bring a Motion to Use Reported Testimony  
22 before the above entitled Court on the **6th** day of **NOVEMBER, 2017**, at the hour of **9:00**  
23 **o'clock AM**, or as soon thereafter as counsel may be heard.

24 This Motion is made and based upon all the papers and pleadings on file herein, the  
25 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
26 deemed necessary by this Honorable Court.

27 //

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1 POINTS AND AUTHORITIES

2 NRS 171.198 states:

3 The testimony so taken may be used . . .

4 (7) by the state if the defendant was represented by  
5 counsel or affirmatively waived his right to counsel, upon  
6 the trial of the cause, and in all proceedings wherein, when  
the witness is sick, out of state or dead, or when his personal  
attendance cannot be had in court.

7 In LaPena v. State, 96 Nev. 43, 604 P.2d 12 (1980) the Nevada Supreme Court held  
8 that NRS 171.198(6) governs the admissibility of preliminary hearing testimony in later  
9 proceedings.

10 NRS 51.325 provides in relevant part:

11 Testimony given as a witness at another hearing of the same or a  
12 different proceeding, or in a deposition taken in compliance with  
13 law in the course of another proceeding, is not inadmissible under  
the hearsay rule if:

- 14 1. The declarant is unavailable as a witness; and  
15 2. If the proceeding was different.

16 NRS 51.055(1)(d) defines unavailability as follows:

17 A declarant is unavailable as a witness if he is: (d) absent from  
18 the hearing and beyond the jurisdiction of the court to compel  
19 appearance and the proponent of his statement has exercised  
reasonable diligence but has been unable to procure his attendance  
to take his deposition.

20 The confrontation clause of the Sixth Amendment requires that the government make  
21 a good faith effort to obtain the presence of the witness at trial going beyond the mere showing  
22 of an inability to compel appearance by subpoena before prior testimony may be introduced  
23 as a substitute for testimony. Barber v. Paige, 390 U.S. 719 (1968).

24 The basic tenant of the Sixth Amendment unavailability is established:

25 "A witness is not unavailable for purposes of . . . The exception  
26 to the confrontation requirement unless the prosecutorial  
authorities have made a good faith effort to obtain his presence at  
27 trial." Ohio v. Roberts, 448 U.S. 56 (1980).

28 //

//



1 Whether the government has shown good faith in attempting to first locate and second  
2 procure the witness' attendance by process or voluntarily by reasonable means must be  
3 determined on a case to case basis after careful review of the particular facts and  
4 circumstances. "The lengths to which the prosecution must go to produce a witness . . . is a  
5 question of reasonableness. California v. State, 399 U.S. 149 (1970).

6 The State files the immediate motion out of an abundance of caution. M.S. is currently  
7 homeless, living on the streets and using heroin. The State has been in constant  
8 communication to defense counsel about the level of contact we have had with M.S. Defense  
9 counsel indicated that they would not oppose use of the transcript in lieu of live testimony.

10 The State successfully served M.S. on November 2, 2017. Service was after several  
11 failed attempts as outlined in the Affidavit attached hereto as "Exhibit 1". Notably "Exhibit  
12 1" was drafted by D.A. Investigator Gross on November 1, 2017. Overnight on November 1,  
13 2017, the undersigned made contact with Sergeant Dicaro and was able to go out and meet  
14 M.S. The undersigned along with Metro Sergeant Igor Dicaro and D.A. Investigator Debbie  
15 Ashenfelter, met with M.S. on November 2, 2017, in an alley off of Torrey Pines and  
16 Charleston, in order to speak with M.S. and serve her a subpoena. M.S. has been less than  
17 predictable in meeting her obligations to prepare for this case. The State is concerned that her  
18 addiction will cause her to fail to keep her obligations under this subpoena. The undersigned  
19 tried on November 2, 2017, to get M.S. to go to Westcare or back to her mother's home, but  
20 M.S. refused. The State fears swearing in a jury panel and then not having her appear.

21 The State is attempting to provide her shelter during the trial for the days she needs to  
22 be in court. Of course, the State cannot have her under lock and key as she has not done  
23 anything at this point that would require a material witness warrant in that if she is found she  
24 professes to be cooperative and has not refused to appear in court.

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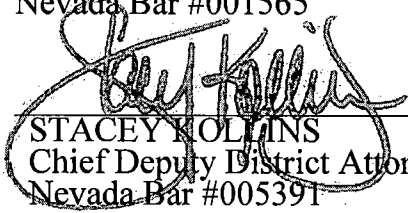
1 The State believes that our efforts under these circumstances meet the diligence  
2 requirement to use the preliminary hearing testimony should it become necessary.

3 DATED this 2nd day of November, 2017.

4 Respectfully submitted,

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

8 BY

9   
10 STACEY HOLLINS  
11 Chief Deputy District Attorney  
12 Nevada Bar #005391

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17  
18 **CERTIFICATE OF SERVICE**

19 I, hereby certify that service of the above and foregoing, was made this 2nd day of  
20 NOVEMBER, 2017, to:

21  
22 JONATHAN MACARTHUR, ESQ.  
23 jempc\_law@embarqmail.com

24  
25 /s/ HOWARD CONRAD  
26 Secretary for the District Attorney's Office  
27 Special Victims Unit

28 hjc/SVU

## **EXHIBIT "1"**

A F F I D A V I T

STATE OF NEVADA        )  
COUNTY OF CLARK        ) ss:

Keith Gross, being first duly sworn, deposes and says:

1. In reference to the State of Nevada vs. Honea, Joshua trial (C309548) scheduled for November 13, 2017. In my attempts to locate and serve a subpoena on Morgan Savage, the following has occurred: That on October 19, 2017 I spoke with Pamela Savage who is the mother of Morgan Savage. We discussed the whereabouts of Morgan, at this time Pamela does not know where she is staying and had previously filed a missing person report during the summer (event number 170405-0012514). She reported that she has had minimal conversations with Morgan via Facebook Instant Messenger. She would attempt to make contact with Morgan for us.
2. That on October 23, 2017 I along with Investigator Caroline Campbell spoke with Pamela Savage. She informed us that she is currently paying for two cell phone numbers (702-812-1661 & 702-420-3434) for Morgan. She still does not know where she is living, however suspects that she is possibly living with her father William Savage or with the defendant. She will try and locate a contact number for William and provide this to us. I ran searches for Morgan in Lexis Nexis, Clear, Scope, and checked local jails for her possible whereabouts, no positive results at this time. I attempted to call both numbers, left voice messages and texted my information to both cell numbers.
3. That on October 25, 2017 I spoke with Pamela Savage again. She is still searching for Morgan's fathers contact number. She did inform me that he used to work for Clark County School District as a Custodian.

1 She still has not heard from Morgan at this time.

2 4. That on October 26, 2017 Pamela Savage contacted me with William  
3 Savages last known phone number (702-488-9828) and his date of birth.  
4 I was able to leave a message at this number and was now able to obtain  
5 his last known address since there where several people in our data base  
6 system with this name.

7 5. That on October 30, 2017 I along with Investigator Caroline Campbell  
8 went to 6400 Casada Way Apt 2, which was the last known address for  
9 William Savage. Once at the apartment is was apparent that the unit was  
10 vacant. I meet with the apartment manager, Joe Josephson (702-906-  
11 8257) who informed us that William had been evicted 3 weeks ago.  
12 However, we were informed that he still lives in the area and is living  
13 out of his red car. We drove the area, and located William Savage in  
14 the alley between Torrey Pines and Casada Way. He reported that he is  
15 homeless now, living out of his car. He stated that his daughter Morgan  
16 Savage is also homeless and sometimes stays with him in the car at  
17 night. He said both he and Morgan have fallen on hard times that they  
18 both are dealing with "issues." She has been in a few bad dating  
19 situations lately and has drug issues. He will attempt to locate her for  
20 us. I left a copy of the subpoena and my business card for Morgan.  
21 This information was passed onto Chief Deputy District Attorney Stacy  
22 Kollins. We contacted Metro Sergeant Igor Dicaro and made  
23 arrangements for Metro to send a patrol unit out to this location later in  
24 the day and see if they could make contact with Morgan. If contact was  
25 made, they would contact Sergeant Igor who then would conduct a 3-  
26 way call with CDDA Stacy Kollins. Later this evening Metro did make  
27 contact with Morgan and a 3-way call was made. It was set up for  
28

1 Morgan to come to the DA's office the next day in order to meet with  
2 both myself and CDDA Stacy Kollins.

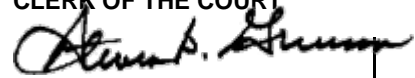
3 6. On 10/31/17 Since Morgan has not shown up to the office, I attempted  
4 to locate her at the area of where she is staying. I stopped by her father's  
5 car, however no one was present. I drove the area and stopped into a  
6 nearby convenience store attempting to locate her.

7 7. On 11/1/17 I again went to the area Morgan was last seen at, her father  
8 William Savage was at the car. He said he last saw her yesterday "but  
9 she was a mess, he had found 4 hypodermic needles on the floor inside  
10 the car, and he stated that she is addicted to Heroin." At this time her  
11 whereabouts are unknown.

12 I declare under penalty of perjury under the law of the State of Nevada that the  
13 foregoing is true and correct.

14  
15 Executed on 11/1/17

16 Keith Gross  
17 DA Investigator  
18  
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28



**MOT**  
**JONATHAN E. MACARTHUR, ESQ.**  
Nevada Bar No. 007072  
**JONATHAN E. MACARTHUR, PLLC.**  
P.O. Box 7559  
Las Vegas, Nevada 89125  
Phone: (702) 868-2724  
Fax: (702) 385-2734  
Email: Jempe\_law@embarqmail.com  
Counsel for JOSHUA RAY HONEA

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA RAY HONEA,  
#3060176

Defendant.

**CASE NO: C-15-309548-1**

**DEPT. NO: XXV**

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

**MOTION TO ADMIT EVIDENCE OF M.S.'S KNOWLEDGE OF SEX ACTS AND  
PRIOR SEXUAL CONDUCT**

COMES NOW the Defendant, JOSHUA HONEA, by and through his attorney,  
JONATHAN E. MacARTHUR, and respectfully moves this Honorable Court for an order  
allowing him to present evidence of M.S.'s prior knowledge of sex and sex acts, as well as her  
prior sexual conduct. This Motion is based upon the attached Declaration of Counsel, and  
argument of Counsel at the time set for hearing this motion.

DATED this 3rd day of November, 2017.

By: /s/ Jonathan MacArthur  
JONATHAN E. MACARTHUR  
Nevada Bar #7072

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PLEASE TAKE NOTICE that JONATHAN E. MacARTHUR, ESQ. has set the  
 tion for hearing on the 20 day of NOVEMBER, 2017, at the hour of 9:00  
 District Court Department XXV of the Eighth Judicial District Court or as soon  
 ounsel may be heard.

By: /s/ Jonathan MacArthur  
JONATHAN E. MACARTHUR  
Nevada Bar #7072



**DECLARATION**

JONATHAN E. MACARTHUR, makes the following declaration:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and that I am familiar with the facts and circumstances of this case.
2. M.S.'s father, W.S. would take M.S. to drug houses where she witnessed adults having sex. The defense offers that this evidence will be presented through M.S., or W.S. or the defendant. This evidence is relevant to M.S.'s knowledge of sex acts, which goes to her ability to contrive sexual allegations, as well as to her ability to know what she was consenting to, and the nature of any actions of the defendant.
3. M.S. had a sexual relationship with Franco Cardejos-Orduno, age 17, beginning in October of 2013, and ending in January of 2014. At the time the two had sex, MS. was fourteen years of age.
4. Franco gave a voluntary statement to the police where he admitted that the relationship was sexual. The evidence regarding Franco is relevant to M.S.'s ability to consent to sex, and her mental capacity to understand sex and its consequences.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

EXECUTED on this 3<sup>rd</sup> day of November, 2017.

By: /s/ Jonathan MacArthur  
JONATHAN E. MACARTHUR  
Nevada Bar #7072

## STATEMENT OF FACTS

Joshua Honea is charged with First Degree Kidnapping, Sexual Assault with a Minor Under Fourteen Years of Age, Sexual Assault with a Minor Under Sixteen Years of Age, Lewdness with a Minor Under Fourteen Years of Age, Use of Minor in Producing Pornography and Luring Children or Mentally Ill Persons with the Intent to Engage in Sexual Conduct for acts alleged to have occurred between June 2011 and June 2015.

The allegations are based on the testimony and statements made by M.S. and her mother P.S., alleging that Honea began a relationship with M.S. when she was eleven years old. The State alleges that M.S. was incapable of forming consent, and unable to either physically or mentally resist or understand the nature of the defendant's conduct.

The defense seeks to admit the following evidence of previous sexual conduct of M.S., which goes directly to M.S.'s ability to consent, and her prior knowledge of sexual conduct and acts, which goes to her ability to contrive allegations of a sexual nature, and her ability to form consent.<sup>1</sup>

1. M.S.'s father, W.S. would take M.S. to drug houses where she witnessed adults having sex. The defense offers that this evidence will be presented through M.S., or W.S. or the defendant.
2. M.S. had a sexual relationship with Franco Cardejos-Orduno beginning in October of 2013, and ending in January of 2014. At the time the two had sex, MS. was fourteen years of age.
3. Franco gave a voluntary statement to the police where he admitted that the relationship was sexual.

## ARGUMENT

NRS 200.366 provides:

A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim *or under conditions in which the perpetrator knows or should*

---

<sup>1</sup> It is important to note here that the defense does not adopt the State's theory of the case regarding when and if Joshua Honea ever had sex with M.S. The State may argue that the timing of her relationship with Franco Cardejos-Orduno predates that of the defendant and therefore may not be relevant. However, the defense is not required to adopt the State's theory, and therefore the relationship is relevant to the theory of defense.

1       *know that the victim is mentally or physically incapable of resisting or*  
2       *understanding the nature of his conduct,* is guilty of sexual assault. (Emphasis  
3       added)

4       In a prosecution for sexual assault, the defendant may not offer evidence of the victim's  
5       prior sexual conduct to prove the victim's story of abuse is not credible. NRS 50.090. Nevada's  
6       rape shield law recognizes that there may be no relationship between prior sexual conduct and the  
7       victim's ability to relate the truth, and that whether a victim has previously consented to sexual  
8       activity under different circumstances may have little or no relevance to the issue of her consent to  
9       the activities which resulted in the rape prosecution, and that such evidence tends to distract and  
10      inflame the jury and carries with it the danger of unduly prejudicing the truth-finding process.  
11      Lane v. Second Judicial Dist. Court, 104 Nev. 427, 760 P.2d 1245 (1988).

12      However, both of the previously cited laws have exceptions. It is axiomatic that a state  
13      statute cannot trump a defendant's right to confront and cross-examine witnesses against him. In  
14      sexual assault cases involving children, the State can prove the charge if they prove the victim did  
15      not have mental or physical capacity to understand the nature of the defendant's criminal sexual  
16      advances. See NRS 200.366. Therefore, due process requires that a defendant must be afforded  
17      the opportunity to show, by specific incidents of sexual conduct, that the complaining witness has  
18      the experience and ability to contrive a statutory rape charge against him. Summitt v. State, 101  
19      Nev. 159, 697 P.2d 1374 (1985).

20      In Summitt, 101 Nev. 159 (1985), the appellant was indicted on three counts of sexual  
21      assault on a minor, who was six years old. He went to trial on two counts. At trial, appellant  
22      wanted to introduce evidence that the minor had, prior to the alleged crime, been sexually  
23      assaulted. The trial judge denied admission citing to NRS 50.090. Id. at 160.

24      The Court reversed Summitt's conviction, ruling that the statute must be construed so as to  
25      "avoid any conflict with the constitution." Id. at 160. The Court then looked to New Hampshire  
26      and Washington State, which have similar statutes, and ruled that subject to a balancing test by the  
27      court, a defendant must be given the right to present evidence of prior sexual conduct as a source  
28      of sexual knowledge. Id. at 163. The court specifically held, "We agree with the reasoning of the  
Supreme Court of Washington that in following this procedure, the trial court must undertake to

1 balance the probative value of the evidence against its prejudicial effect... and that the inquiry  
2 should particularly focus upon 'potential prejudice to the truth finding process itself....'" Further,  
3 recently, the Nevada Supreme Court held in Guitron v. State, 131 Adv. Rep. 27 (2015), that  
4 evidence of an underage victim's viewing of pornography was relevant to the victim's prior  
5 knowledge of sex, sexual curiosity and consent in a case where the defendant alleged the underage  
6 victim consented. See Guitron v. State, 131 Adv. Rep. 27 (2015).

7 Additionally, NRS 48.069 allows the defendant a mechanism around rape shield to use  
8 prior sexual conduct to show consent. NRS 48.069 provides:

9  
10 In any prosecution for sexual assault or for attempt to commit or conspiracy to  
commit a sexual assault, if the accused desires to present evidence of any previous  
sexual conduct of the victim of the crime to prove the victim's consent:

11 1. The accused must first submit to the court a written offer of proof, accompanied  
12 by a sworn statement of the specific facts that the accused expects to prove and  
pointing out the relevance of the facts to the issue of the victim's consent.

13 2. If the court finds that the offer of proof is sufficient, the court shall order a  
14 hearing out of the presence of the jury, if any, and at the hearing allow the  
questioning of the victim regarding the offer of proof.

15 3. At the conclusion of the hearing, if the court determines that the offered  
evidence:

16 (a) Is relevant to the issue of consent; and

17 (b) Is not required to be excluded under [NRS 48.035](#),

18 the court shall make an order stating what evidence may be introduced by the  
accused and the nature of the questions which the accused is permitted to ask. The  
accused may then present evidence or question the victim pursuant to the order.

19  
20 Counsel has provided a declaration, sworn under penalty of perjury, regarding the facts the  
21 defense expects to prove and their relevance, thus satisfying the requirements of

## 22 23 CONCLUSION

24 Nevada law, due process and the right of confrontation require this Court allow  
25 Honea to present evidence of M.S.'s ability to contrive sexual assault charges and her ability to  
26 form consent. Honea respectfully requests that this Court grant his motion.

27 By: /s/ Jonathan MacArthur  
JONATHAN E. MACARTHUR  
28 Nevada Bar #7072

ORIGINAL

MOT

STEVEN B. WOLFSON  
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Nevada Bar #001565  
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Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

NOV 06 2017

BY, S. Boyle  
S. BOYLE, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JOSHUA RAY HONEA,  
#3060176

Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

STATE'S NOTICE OF MOTION AND MOTION

IN LIMINE RE: RAYMOND SHARPE

DATE OF HEARING: NOVEMBER 6, 2017

TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STACEY KOLLINS, Chief Deputy District Attorney, and files this Notice Of Motion And Motion In Limine Re: Raymond Sharpe.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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C-15-309548-1  
NOTM  
Notice of Motion  
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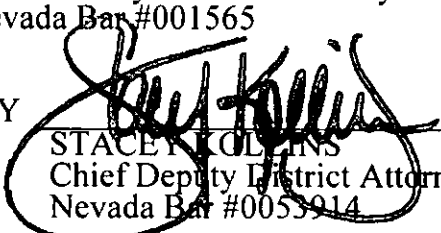
**NOTICE OF HEARING**

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department XXV thereof, on MONDAY, the 6TH day of NOVEMBER, 2017, at the hour of 9:00 o'clock AM, or as soon thereafter as counsel may be heard.

DATED this 6th day of November, 2017.

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

BY

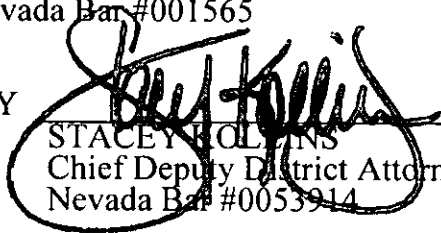
  
STACEY COLLINS  
Chief Deputy District Attorney  
Nevada Bar #0053914

Jonathan MacArthur represents Raymond Sharpe in C247805 in post-conviction proceedings. The District Attorney's Office is no longer involved in that litigation. Mr. MacArthur alleges via text messages late Friday, that because a Lt. Hughes is in an email chain that directed the initial inquiry into Defendant Honea's conduct that somehow that is imputed to some misfeasance of the investigation into Joshua Honea's molestation of M.S. The State is requesting an offer of proof regarding the relevance and any all discovery pertaining to this matter that Defendant intends to use during the course of this trial.

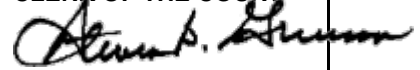
DATED this 6th day of November, 2017.

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

BY

  
STACEY COLLINS  
Chief Deputy District Attorney  
Nevada Bar #0053914

hjc/SVU



CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOSHUA HONEA, )  
 )  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT  
OF  
MOTION TO USE REPORTED  
TESTIMONY

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: MONDAY, NOVEMBER 6, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

## 1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4  
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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1 LAS VEGAS, NEVADA; MONDAY, NOVEMBER 6, 2017

2 P R O C E E D I N G S

3 \* \* \* \* \*

4  
5 THE COURT: Page 13, State vs. Joshua Honea. We  
6 have a motion on and calendar as well in this matter.

7 MS. KOLLINS: I have another motion for the  
8 court, as well.

9 THE COURT: Okay. Do we want to know -- why  
10 don't you go ahead and bring up the motion first.

11 MS. KOLLINS: May I approach.

12 MR. MACARTHUR: Is that the same one I have.

13 MS. KOLLINS: No. I'll get it stamped, and I'll  
14 get you a copy.

15 THE COURT: What is on with calendar today is  
16 motion to use reported testimony given in preliminary  
17 hearing in this case. The one that's just been filed for  
18 the record is styled State's notice, motion in limine  
19 regarding Raymond Sharp. You want to go ahead and make  
20 representations, Ms. Kollins. The court hasn't had a  
21 chance to read this either, just to see where we are and  
22 how this might effect our calendar call.

23 MS. KOLLINS: Certainly, your Honor.

24 On Friday afternoon I received some information from  
25 Mr. MacArthur and Ms. McNeill that Mr. Mr. MacArthur

1 represented Raymond Sharp in a post-conviction  
2 proceedings, and there is information involving that  
3 investigation that, I'm assuming, the defense thinks is  
4 appropriate in this case, but I don't have all of that  
5 information. Our office has recused from that, so I just  
6 wanted to have at least some discussion and an offer of  
7 proof to see where we're going with that.

8 The named party is not noticed by the State and has  
9 not been noticed by the defense. So I'm a little --

10 MR. MACARTHUR: He has been noticed.

11 MS. KOLLINS: I'm a little torn what the  
12 relevance is at this point.

13 THE COURT: Mr. MacArthur, I don't know if that  
14 is appropriate for approach or if you want to make  
15 representations there.

16 MR. MACARTHUR: Court's pleasure.

17 THE COURT: If you can make representations for  
18 the record, then if we need time to address this -- the  
19 tricky part is it's our oldest case. We know that it's  
20 not going to be overflow eligible. We would like to  
21 proceed if the parties are ready to proceed. But now we  
22 have State's motion that we could handle today, but then  
23 we have another one that obviously we would need time to  
24 catch up with before we address. So to the extent you  
25 might have some information that would obviate that or

1 help us with that, now is the time to make that  
2 representation.

3 MR. MACARTHUR: What would you like me to speak  
4 on first.

5 THE COURT: Raymond Sharp.

6 MR. MACARTHUR: All right, Judge.

7 The case against Mr. Honea was investigated by  
8 internal affairs. Without going into detail was sort of  
9 an unusual circumstance. Internal affairs usually  
10 investigates things that active police officers are  
11 alleged to have done wrong. The criminal defense  
12 investigation division comes in if they are no longer with  
13 Metro. But at any rate, IA had done an investigation in  
14 this case and came back saying essentially there was  
15 nothing there.

16 The head of IA, the person who initiated that  
17 investigation, was a former officer. She's since resigned  
18 from Metro in the wake of this, by the name of Lieutenant  
19 Karen Hughes. Lieutenant Karen Hughes is of interest  
20 because as the head of IA she was the go to person for  
21 when there was something uncomfortable inside of Metro  
22 that they didn't want to get any further, she would  
23 conduct an investigation to provide essentially the clean  
24 bill of health.

25 Now, normally that would be an unsupported

1 allegation. However, I know about this because I  
2 represented another individual by the name of Raymond  
3 Sharp who is in post-conviction relief. As a result of my  
4 actions on that case and investigation in order to perfect  
5 his petition I've learned that there is an active FBI  
6 investigation. That is the reason why the DA's office has  
7 been recused, because it extended to Liz Mercer and their  
8 office, as well as her husband, Detective Chris Bach (ph)  
9 Lieutenant Hughes, herself, was the person at issue in  
10 this case, et cetera.

11 I don't know what the timeline is for the federal  
12 matter. That's not something that's given to me by the  
13 FBI agent who interviewed me. However, I'm told that it's  
14 possible an indictment may be returned before the end of  
15 this month. I don't know happen before or after  
16 Mr. Honea. But my point is this. That to extent that  
17 Lieutenant Karen Hughes was the officer that initiated the  
18 first investigation, the one that resulted in a finding of  
19 not credible, prior to second investigation that was  
20 reopened by Metro Sex Assault Division, that it follows  
21 the defense's narrative and theory of defense that the  
22 reason why Mr. Honea is being prosecuted the way he is is  
23 not because he's actually guilty of the crimes alleged,  
24 but because he was a whistle blower on misconduct in Metro  
25 immediately prior to the reopening of the investigation by

1 Metro sex assault.

2 MS. KOLLINS: Obviously there's been no  
3 information turned over regarding that, first of all.

4 Second of all, I don't know how that plays into the  
5 theory. There was an investigation opened. Morgan  
6 declined to disclose against Mr. Honea. She was supportive  
7 of him at the time, protecting him And then there was a  
8 second investigation started once more behavior by Josh  
9 around Metro Explorers came to light.

10 MR. MACARTHUR: It sound like the best answer,  
11 although there are more then one, Judge, it's res juste in  
12 order to understand how Mr. Honea got in the position he  
13 is. The jury would also have to understand his role in  
14 Metro, his history there, his good performance reviews,  
15 his exoneration from a first investigation, and then a  
16 subsequent second investigation which resulted in criminal  
17 charges occurring immediately after he is reporting on  
18 other officers in a narcotics bust who did not follow  
19 procedure with regards to guns and drugs. It's res juste.

20 I understand the State's objection. I certainly  
21 wouldn't want anybody from Metro being impugned in my case  
22 either. But it doesn't change the fact it's res juste and  
23 is the defense's theory.

24 MR. KOLLINS: Well, the drug bust has nothing to  
25 do with Karen Hughes. She's retired from Metro.

1 MR. MACARTHUR: Retired being a euphemism.

2 THE COURT: I have heard this scuttle too. I  
3 sure as heck don't have all the information of what is  
4 happening with the folks and the office. The fact that  
5 the DA's office is off that other case, that, you know,  
6 has some ties someway to this, it seems to me there is a  
7 host of information here, even with this proffer, that is  
8 still unknown. And it may very well be unknown to the  
9 parties.

10 MS. KOLLINS: If he has privy to it it's because  
11 he represents Raymond Sharp. Dropping documents to me  
12 that he has in his possession based on that representation  
13 on Friday 2:30, 3:00.

14 MR. MACARTHUR: I might add the documents I  
15 brought -- I don't disagree with her. The documents I  
16 provided her are published news articles. It's due  
17 diligence. If it were a document I got in an  
18 investigation the State would not reasonable get, they're  
19 discoverable. This is available on MPR or Channel 8.

20 THE COURT: I have to believe that the office  
21 maybe not you all, I get why you all wouldn't necessarily  
22 as you are trying to figure out pick up cases and people  
23 are changing off cases, because of what's going on with  
24 that investigation, that the State may not have all the  
25 pieces either.

1           Where this strikes me that I would like to go with  
2           this, maybe it's because we're calling this so early and I  
3           have a host of matters on calendar, I would like to have  
4           an opportunity delve into this further and see where we go  
5           and see if we can continue it over to Wednesday or  
6           specially set it later today and have people come back.

7           I think we need to spend more time with it. I don't  
8           have the time to do that now.

9           MS. KOLLINS: I don't want to bog down your  
10          calendar. Can we come back at 3:00.

11          THE COURT: Today.

12          MR. MACARTHUR: I can make that work.

13          THE COURT: We can do that.

14          We can come back at 3:00. If that works with  
15          everyone. The tricky part is still trying to work out  
16          something with another matter. I have another matter on  
17          the calendar that is also potentially not overflow  
18          eligible, old, not much older than this one. I don't know  
19          if it may be resolving based on discussions and seeing  
20          what happens there. Bottom line is we need to figure out  
21          what we're doing with this one. The sooner we can get  
22          back to it the better.

23          MS. KOLLINS: I can tell the court that other  
24          than resolving this the State can be ready to go.

25          MR. MACARTHUR: We're announcing ready as

1 well.

2 THE COURT: So my assumption will be that we'll  
3 be able to work through this, figure out a game plan and  
4 go, unless we find out information later today that is of  
5 the type that would interfere with us being able to.

6 MS. KOLLINS: I wanted to turn over what is in  
7 his possession so I can review it and be prepared to speak  
8 to the court. This comes in late Friday afternoon. We're  
9 recused from this case. I'm not going to go poking around  
10 in discovery documents where my office has recused. If he  
11 wants to use it, he needs to turn it over.

12 THE COURT: Is there anything else Mr.  
13 MacArthur. The State's put the motion on. You made some  
14 discussions with them or some proffers to them, but is  
15 there anything that could benefit them and the court  
16 having prior to us coming back at 3:00, by e-mail  
17 otherwise.

18 MR. MACARTHUR: The timeline is a little  
19 difficult. I would have to review Mr. Sharp's file to see  
20 if there is something documentary to turn over. I'm not  
21 against doing that. My only concern is the 3 p.m. issue.  
22 By its nature any defense is essentially a rebuttal to  
23 what the State is saying and given that the investigation  
24 also includes a member of their own office, I don't mean  
25 to say it should have been obvious, but I've been



1 operating under the assumption that Ms. Kollins was aware  
2 of the FBI investigation in terms of Metro, gang, vice and  
3 Ms. Mercer and her husband.

4 When I brought that up in a tangential conversation  
5 about negotiations, she responded in a way that let me  
6 know she didn't know what I was talking about. So what I  
7 did was I forwarded two different articles from the  
8 I-Team, Channel 8 and NPR so she can have two different  
9 sources.

10 THE COURT: This e-mail.

11 MR. MACARTHUR: That email from discovery that  
12 she gave us.

13 THE COURT: That's the focus from ms. Kollins  
14 question referenced from her motion is that there was some  
15 email chain that indicated Lieutenant Hughes' involvement  
16 and that if there is more information to show -- because  
17 how are we going to evaluate it this afternoon is what was  
18 Lieutenant Hughes' involvement. And you're arguing res  
19 juste, and as you said, one of several options to argue,  
20 the State is going blind and so is the court.

21 MR. MACARTHUR: I understand better what Ms.  
22 Kollins and what the court is talking about.

23 Previous counsel, counsel who preceded me had issued  
24 a subpoena successfully to Metro IA, and received a return  
25 that was inside of a pink folder that I received when I

1       inherited the case. I was under the impression a copy  
2       also went to the State. It sounds like it didn't. I will  
3       scan that and deliver it to them as soon as I get back to  
4       the office.

5             The Defendant is informing me it was passed over from  
6       the investigator in court -- in open court. That's the  
7       reason why we thought the State would have had it.

8             MS. KOLLINS: It's nothing I reviewed. I don't  
9       think it has anything to do with whether he molested this  
10      kid.

11            THE COURT: We need to make that evaluation.  
12      Mr. MacArthur, use your best judgment in terms of maybe  
13      not filing a written opposition to the State's motion, but  
14      you have a copy now you. See what the concern of the  
15      question is. To provide to the State and court prior to  
16      3:00 o'clock today to have a chance to look at it and  
17      whatever else might be there.

18            If that email and that's the chain and we're just  
19      there to argue what that means in the grand scheme of  
20      things, so be it. If there's more we need to see that  
21      would help us understand that first investigation this  
22      investigation and anything that might have related to  
23      that, if what you have is primarily what you read in the  
24      news, then so be it. In think we need to know what's out  
25      there that would implicate Lieutenant Hughes in this

1 process.

2 MR. MACARTHUR: All right.

3 MS. KOLLINS: We'll address the other motion at  
4 3:00 as well.

5 THE COURT: We'll address the other motion and  
6 calendar call at 3:00.

7 MR. MACARTHUR: Defense the anticipates calling  
8 out-of-state witnesses. Some members of Ms. Savage's  
9 family. And because we don't anticipate flying them out,  
10 I ask if the court would accommodate -- the civil folks do  
11 it all the time -- where a person can testify remotely,  
12 they go to a group facility where they are and appear on a  
13 television screen.

14 THE COURT: There is a video conference process  
15 that the court employees but it's complicated. It  
16 requires further steps. There's a form that has to be  
17 filed. There is a process that needs to be followed. We  
18 need to have whatever it is, your LL address, whatever, to  
19 get to it. There's a process.

20 MR. MACARTHUR: If I might, because I have never  
21 practiced civil and I've never used that, might I ask  
22 where would I start.

23 THE COURT: It's on the court's website under  
24 forms. Since I haven't had occasion to employ it here  
25 other than I've had a chance to talk about it with my

1 staff, and we've looked into the possibility of utilizing  
2 it for trial, so see what you can find there.

3 MR. MACARTHUR: Thank you, Judge.

4 MS. RHOADES: Thank you, your Honor.

5 THE COURT: See you all at 3 o'clock.

6 (Matter to be recalled at 3:00 p.m.)

7 THE COURT: This is State of Nevada vs. Joshua  
8 Honea. I did keep an eye out while I was in my other  
9 matter this morning that started at 1:30. We didn't get a  
10 break from that and that's why we were late -- I  
11 apologize -- to check to see if there were any further  
12 documents provided.

13 MS. KOLLINS: Just now, this afternoon, I was  
14 provided a hard copy.

15 THE COURT: I haven't seen a thing. I don't  
16 know what that e-mail looked like that was referenced.  
17 It doesn't mean I can't see it now, but I thought I was  
18 going to get something before we returned, so I feel a  
19 little at a disadvantage I didn't have it. But whatever  
20 it is, you've got something MacArthur, it we can have it  
21 now.

22 MR. MACARTHUR: Permission to approach.

23 THE COURT: Please.

24 MR. MACARTHUR: Let me apologize, Judge. I know  
25 you wanted to see it before the hearing. However, we were

1       having technical problems in the office. I wasn't able to  
2       scan anything electronically without getting an error an  
3       that's what I need to do to use the e-mail. I contacted  
4       the State and advised them I was having those problems and  
5       let them know I would give them a hard copy. I brought  
6       the hard copies with me to court.

7               MS. KOLLINS: Your Honor, just by way of  
8       information. I'd like to let the court know what  
9       diligence I exercised today. The initial sergeant --  
10      Lieutenant Karen Hughes isn't so much my issue it's the  
11      second prong that Mr. MacArthur alleged wherein all of  
12      these things kind of were -- came down on Mr. Honea  
13      because he was a whistle blower. Because he had talked  
14      about and turned over information in a narcotics  
15      investigation. While we were gone today I placed several  
16      phone calls, including to the lieutenant of internal  
17      affairs, who I did not speak with today, because he's tied  
18      up. I was unable to gather any information about the  
19      narcotics stop, investigation, anything like that.

20             Mr. MacArthur has since enlightened me on what that  
21      entails. I still don't have any of those reports.

22             There was a situation that was rumored that the  
23      Defendant made some reports about misconduct on some other  
24      officers and that ultimately ended up with those officers  
25      being fired and rehired based on some racially and

1 sexually inappropriate comments made.

2 This is all rumor. I don't have anything in  
3 documentation. So cooler heads prevail. Here's my issue.  
4 If there are documents in internal affairs that contain  
5 information that Mr. Honea has turned over or not turned  
6 over or things he has done to assist an investigations or  
7 not assist in investigations, whether those were internal  
8 affairs investigations or something else, those are all  
9 going to be impugned to my custody at some point. And if  
10 there's ever a post-conviction issue, if there ever is,  
11 but if there is I'm going to be charged with the knowledge  
12 of everything that's in there. Right now, those are just  
13 like tidbits that are being thrown out by defense counsel  
14 that I'm kind of having to answer to answer to at the last  
15 moment.

16 It was my intention to be ready for trial, but there  
17 is no way I can gather all of that information in the next  
18 72 hours, notice witnesses and be prepared for that. I  
19 don't have documents. I'm not going to get them. I think  
20 in an abundance of caution the State is going to ask for a  
21 short continuance. I know Mr. MacArthur and Ms. McNeill  
22 are ready to go. They are here. I am not in a position  
23 where I can even articulate redirect examination on some  
24 of those issues, because I don't have anything. And if  
25 those -- if that paperwork exists in internal affairs or

1 anywhere in Metro where there were event numbers that  
2 there were allegedly guns and drugs were inappropriately  
3 left with somebody that could have been criminally  
4 charged -- is what I'm hearing today -- and Mr. Honea was  
5 responsible for whistle blowing on that issue, I can't  
6 defend against any of that material. I quite honestly  
7 don't think it should come into this case. But out of an  
8 abundance of caution I think I should have those documents  
9 and that's what I'll tell the court today.

10 THE COURT: So backing up -- before you respond  
11 to that. For whatever it's worth, I don't want to take  
12 your only copies. I have copies of notice of witness  
13 things, but I don't know why.

14 MR. MACARTHUR: Did I not give you the motion to  
15 admit evidence of MS's knowledge of sex acts. Did I give  
16 you two of the same thing.

17 THE COURT: That sounds like what you gave me.  
18 I have two notice of witness and expert witnesses.

19 MR. MACARTHUR: I'll trade you.

20 THE COURT: Thank you.

21 MR. MACARTHUR: Let the record reflect I filed  
22 both on Friday. The State filed something in open court  
23 this morning and having seen the success with that I  
24 should have followed suit. But I had filed electronically  
25 on Friday. For whatever reason master clan gave me

1       hearing date after. And for whatever reason master  
2       calendar gave me a hearing date after the trial started.  
3       I'm not sure what the logic was there but, I thought it  
4       would be heard either --

5               THE COURT: Master calendar doesn't have any way  
6       to give any date other than in normal course, unless you  
7       come to the department and ask the department to give you  
8       a special setting. Normal course is going to be 10 days  
9       and that's what you got here, give or take a few days,  
10      based on when the court would have calendar.

11             MR. MACARTHUR: They gave me 17 days.

12             THE COURT: You're being too literal in your  
13      counting. There's weekend that aren't counted. We only  
14      have calendars on Mondays and Wednesdays.

15             If you look at the dates and figure out where they  
16      go, that's probably the first available you could get.  
17      Every once in awhile something gets set very quickly, but  
18      again master calendar is only going to set it in normal  
19      course. That's normal course.

20             They're not going to give you a special date, unless  
21      you come to court and ask for it. So the court shares  
22      some concerns.

23             Let me back up and make a record. One of the things  
24      I thought I would see, not that it's necessarily going to  
25      be the end of the world, but you provided something to Ms.



1 Kollins that is referenced in her motion in limine, which  
2 is one of the things that got filed today and really  
3 technically is listed as being on for hearing today.  
4 We're sort of taking it and arguing it here today. But it  
5 hasn't really officially been set by any court, because we  
6 just got it in. There's a reference to an email chain and  
7 reference to Lieutenant Hughes and reference to a bunch of  
8 things related to why this is a concern, and we never got  
9 that. I didn't see that at all. I thought at least we  
10 would have that. We might not refocus on something less  
11 important, but these articles, for what it's worthy, I did  
12 see the I-Team story, I did not see the Nevada Public  
13 Radio.

14 MR. MACARTHUR: If I might, let me remind the  
15 court I did not know that the State was going to file a  
16 motion in open court.

17 THE COURT: We're talking about since this  
18 morning, Mr MacArthur.

19 MR. MACARTHUR: I get that.

20 THE COURT: That's what I thought I might get  
21 from this morning.

22 MR. MACARTHUR: I'll remind the court I had a  
23 problem being able to electronically scan documents.  
24 That's why it was not emailed to your law clerk. The  
25 email at issue is one that I provided to the State in

1       communications before the weekend. I do have those  
2       materials for the court's review. I couldn't provide them  
3       to the court before this appearance.

4               THE COURT: Why don't have a copy now. That's  
5       my point. Not -- I don't know why something couldn't have  
6       been walked over. You walked in with it now. Why don't I  
7       have it now. I'm looking for it now.

8               MS. KOLLINS: While Mr. MacArthur is providing  
9       that, your Honor, I probably could have spelled out some  
10      more things in my motion. I wasn't really clear how this  
11      was coming in. Just so the court knows. When this all  
12      arose in 2011, I didn't work for the district attorney's  
13      office. I was gone for a period of time. So my  
14      familiarity with this Sharp, Karen Hughes, all of that, I  
15      didn't know about that. I have not followed it. I have  
16      heard it's hit the media, but I have not followed it.  
17      That name meant zero to me.

18              So Friday, late afternoon, when I was getting copies  
19      of those news articles saying Ms. Kollins I thought you  
20      knew about this, no, I didn't. So as much information as  
21      I had I put in the motion. There's information sought  
22      that Raymond Sharp was coming into this prosecution, I  
23      don't really know what it is. So that's why my motion is  
24      so brief.

25              THE COURT: It was referenced. This is why I

1        wanted to see it. It's referenced by you Mr. MacArthur as  
2        Lieutenant Karen Hughes directing this investigation.  
3        Then it was referenced in the motion as an email chain  
4        that directed the inquiry in which she was included. So  
5        I'm trying to figure out what I was actually dealing with.  
6        I can see it now and have a better understanding of what I  
7        was dealing with.

8                It really begs the question is a bigger picture,  
9        right. I'm not trying to get down in the weeds. You have  
10       the State asking to continue the date for trial, based on  
11       the fact that we have (a), documents from -- potentially  
12       from a case in which you otherwise would have information,  
13       but they do not. Some of which this email has been turned  
14       over. There may be others. Then (b), information which  
15       sounds like is independent, unless I'm mistaken, of the  
16       Raymond Sharp case that goes to other factors that may  
17       have impacted whether Mr. Honea was targeted for this  
18       investigation, otherwise. Again, involved in some  
19       information being provided ultimately could have been a  
20       whistle blower and suffering consequences for that, which  
21       is outside of the Raymond Sharp case, if I'm understanding  
22       correctly what is being discussed here. So there's  
23       basically two-fold.

24                Sounds like defense has documentation which, if it's  
25       going to intend to utilize in this case, must be provided

1 to the State. That's really the bigger picture. I think  
2 we need to talk about that.

3 MR. MACARTHUR: Let me be clear, Judge, that the  
4 reason I know about Lieutenant Hughes over at IAB is  
5 because of Raymond Sharp. However, I don't need to use any  
6 documentation from Raymond Sharp in particular. One, I  
7 don't think -- I mean, at a certain point it becomes  
8 collateral. The issue is whether or not Lieutenant Hughes  
9 had improper motive, whether she has a motive to testify  
10 falsely, or some sort of bias to protect herself.

11 THE COURT: Are there more documents related to  
12 Lieutenant Hughes' involvement then this email or is this  
13 it.

14 MR. MACARTHUR: If there are, Judge, she would  
15 be one of the signatories or one of the people in the  
16 receipt chain of whatever IAB concluded.

17 THE COURT: So there's potentially additional  
18 documents in the Raymond Sharp case that you came to --

19 MR. MACARTHUR: No.

20 THE COURT: -- because of your representation,  
21 post-conviction in the Raymond Sharp case that might be  
22 relevant.

23 MR. MACARTHUR: I don't think there are any  
24 additional documents. Let me start simply, everything I  
25 would intend to use with regard to Lieutenant Hughes come

1       either comes from the discovery provided to me by the  
2       State or obtained by Mr. Troiano, who preceded me. I have  
3       every reason to believe that all the materials were also  
4       received by the State. I don't think there is any new  
5       documents they don't have.

6               THE COURT: Other than this.

7               MR. MACARTHUR: They have that. They both have  
8       that.

9               THE COURT: But what you understand is  
10       Lieutenant Hughes is somehow involved in the other matter  
11       because of your Raymond Sharp case, so that's where that  
12       tie in comes. I'm not trying to be unnecessarily  
13       confusing here.

14              This document is in this case. It's been in  
15       discovery in this case. There's no other documents like  
16       this in this case. I guess the point though is is if the  
17       only thing that you have relative to your post-conviction  
18       representation of Mr. Sharp, the knowledge that came to  
19       you that Lieutenant Hughes is somehow involved in this  
20       investigation of Metro's vice unit and perhaps the  
21       evolution of whatever that case may be if it implicates  
22       Ms. Hughes, that somehow that creates an issue. So it  
23       would really be whatever is in those case files that is of  
24       interest not with Mr. Sharp's case file is of interest.

25              Where are the documents that would be supportive of

1 an allegation or supportive of a concern that Lieutenant  
2 Hughes is part of this FBI investigation such that it  
3 implicates her role in this case.

4 MR. MACARTHUR: The source of her role in the  
5 problems at IAB would come from two directions. The first  
6 comes from a book written by Liz Mercer's husband,  
7 Detective Bauc (ph). In this book he details things that  
8 he did in Metro and he gives aliases of people that did  
9 them with him. But the FBI used that to figure out who  
10 those people were. Lieutenant Hughes being one of them.

11 The second source would be -- court's indulgence --  
12 would be attorney/client communications as to the  
13 conditions they faced when he was in good standing. Then  
14 the conditions he faced after reporting negatively on the  
15 conduct of some other officers.

16 Had I just looked at this discovery, I would have  
17 only known that Karen Hughes said initiated investigation  
18 for IAB. There's really nothing else there showing what  
19 her command decisions were other than saying initiate the  
20 investigation.

21 However, because of my knowledge from the Sharp  
22 matter and what's available to the public as it gets  
23 published and some limited contacts with the FBI when they  
24 interviewed me, I became aware that she had been separated  
25 from Metro and that she is a principal for the purposes of

1 the investigation relating to police corruption.

2 Generally speaking, the allegation is -- I'm not  
3 saying I would necessarily get into the details, that's  
4 not clear to me. Generally the allegation is she was a  
5 fixer, in that IAB solved problems for the vice unit and  
6 for the gang unit with her at the head. And that she had  
7 had an improper intimate relationship with one of the  
8 detectives under namely Detective Bauc (ph).

9 The reason why I don't believe there is any  
10 additional documentation that would be have to be provided  
11 from the State is because they have the same email chain  
12 that I do. They have the same results from whatever  
13 investigation that were conducted by IAB, by sex  
14 assault.

15 THE COURT: You're back talking about Mr. Honea  
16 and the two investigations. One that did not result in  
17 charges. One that did.

18 MR. MACARTHUR: Right.

19 Now, with regard to any other materials or  
20 information, my attorney/client communication provides me  
21 some basis, but that same information would be available  
22 to the State by speaking with its own witnesses. So the  
23 State is aware who Officer Zafiris is. He's the officer  
24 who had been terminated for inappropriate racial or sexual  
25 conduct.

1 MS. KOLLINS: No.

2 MR. MACARTHUR: And he was the officer on scene  
3 at the incident involving the drugs where Honea said, hey,  
4 this wasn't done properly. That same person is identified  
5 as a witness for the State, and he's implicated in this  
6 narrative that we're sharing.

7 MS. KOLLINS: I don't believe he was terminated.  
8 I'll correct the record. We're talking about -- those are  
9 different officers we're talking about. And that was  
10 based only on my ability to make phone calls for the last  
11 3 hours.

12 The relevance of Karen Hughes is so tenuous that I  
13 don't really understand what the cross-examination would  
14 be. She's not on my list of witnesses. I'm going to call  
15 a corrupt detective ergo you prompted this investigation  
16 into my client. Oh, that first investigation didn't see  
17 anything because Morgan didn't say anything. I don't  
18 understand the relevance of karen Hughes. My bigger issue  
19 is the whistle blower represented this morning.

20 THE COURT: We're getting to that point now. I  
21 wanted to complete the record. I don't disagree and  
22 that's why I was trying to figure out and pin down the  
23 Hughes aspect of this. And it does sound like from the  
24 discussion we have here today that there is not any  
25 dispute that she initiated -- sorry -- she indicated



1 through this communication that's here to start the  
2 investigation, which the investigation did not result in  
3 charges against Mr. Honea. That's what it is. I'm not  
4 sure where the relevance would go, other than the, here's  
5 an investigation that didn't result in charges. And other  
6 people to the investigation, although she appears to have  
7 initiated it, but to the extent there was some testimony  
8 that came in or she was called in some fashion to be  
9 struck down, that the harder see that reach.

10 But to the extent you are going to be putting on  
11 evidence that is going to show perhaps that as engaged in  
12 the whistle blower activities and had a separate treatment  
13 and there was something else that went on there, and  
14 you're going to put on something to that effect, if there  
15 is documentation, supporting evidence you said now, it's  
16 just your client's testimony, but if there's something out  
17 there then they're entitled to have it.

18 MR. MACARTHUR: As I said, everything that we've  
19 been using has come from discovery. I feel like we have  
20 spoken too general, so I'd like to provide the court with  
21 more specifics so it doesn't seem like too much of a  
22 reach.

23 THE COURT: Which part, Karen Hughes or the  
24 whistle blower.

25 MR. MACARTHUR: Both touch. Same issue.

1           So Defendant Honea worked for Metro as an  
2 employee He'd come out of the Explorer program. He'd  
3 done the Academy. He's waiting to go into the final phase  
4 of testing in becoming an officer. He does -- he's  
5 assigned his own car. He has other people that drive  
6 along that are learning how to write reports, et cetera.

7           One of the things they had him do is run license  
8 plates to find out if they were stolen cars or people of  
9 interest. He did that. Called in, a responding officer  
10 who coincidentally happened to be Officer Zafiriz, who had  
11 been a mentor of his sometime in the past. Having emptied  
12 the vehicle, which was occupied 4 times, there was a  
13 female and 3 males. After pulling the female out, she  
14 appeared to be afraid. She said there were guns and drugs  
15 inside of the back of the car. Mr. Honea conveyed that to  
16 the officer on scene. I don't remember the sergeant's  
17 name, but it was provided in discovery. He advised the  
18 sergeant that there were drugs and guns purported to be  
19 inside of the vehicle. Even though Mr. Honea was not next  
20 to the vehicle, he was in free communication with them.  
21 He'd established his own channel. He was following  
22 protocol as best he'd been taught.

23           He later learned the 3 men implicated had been  
24 released and all of the contents of the trunk had  
25 strangely been given to them as well. He was

1       uncomfortable with that and he took that to his area  
2       command supervisor. He was commended. As part of the  
3       discovery, we found that he was congratulated on having  
4       done an exemplary job. Then I believe the next day he  
5       suddenly receives a review of his proficiency, saying he  
6       was deficient in many areas. And that he had been called  
7       in on the issue of him reporting on other officers. His  
8       first impression was that he had done everything right.  
9       Then the following week he's being told by supervisors  
10      that he did many, many things wrong and that he had upset  
11      people inside of Enterprise Area Command.

12           The reason why that's important is because there had  
13      been a question of whether or not Mr. Honea had had an  
14      inappropriate relationship with a girl much younger than  
15      he was, namely the victim in this case. That was  
16      investigated by sex assault detectives. However, having  
17      spoken to all the witnesses they thought were salient,  
18      there appeared to be nothing there and that investigation  
19      was closed.

20           However, given the incident, which I believe would  
21      have been the week of March 23rd, where Mr. Honea said  
22      that policy had not been followed in regards to guns and  
23      drugs. By the 30th, only a week later, internal affairs,  
24      as you can see on the email chain, Karen Hughes was  
25      contacted, and she says she wants an SOC -- which stands

1       for what -- Statement of Complaint -- initiated against  
2       Mr. Honea.

3               At that point IAB then goes and reinterviews  
4       witnesses that had already been interviewed. The defense  
5       is no longer a secret. The defense believes that undue  
6       pressure was placed on these witnesses. In particular  
7       Morgan Savage, the alleged victim and her mother.

8               There appears to be some allegation or a potential  
9       allegation that the mother was being negligent or somehow  
10      contributing to the problems that daughter had, and she is  
11      much more forthcoming in a subsequent interview. The  
12      original discovery provided to Mr. Troiano came from the  
13      sex assault detectives and that led to nothing. But the  
14      interviews that were arranged as a result of internal  
15      affairs having been contacted, those same witnesses only a  
16      week after Mr. Honea had complained about failures in  
17      police procedures, then went and gave statements to sex  
18      assault detectives which were then used to bring this  
19      case.

20              THE COURT: I want to make sure I'm hearing you  
21      correctly. So what originally had been discussed before  
22      was that the investigation that Lieutenant Hughes, let's  
23      say in this email dated March 30th, was the one that  
24      resulted in no outcome.

25              But from what I hear you say now, it was actually

1       that investigation that did result in an outcome.

2               MR. MACARTHUR: I made a misstatement this  
3 morning. Ms. McNeill, good thing she's here, pointed out  
4 I failed to tie something together for the court.

5               Officer Zafiris, who is present at the time of the  
6 narcotics and the drugs, his wife works for Karen Hughes  
7 in IAB. And Mr. Honea's complaint about the failure to  
8 obey police procedures was directed against Zafiris and  
9 one of the sergeants that were present. So it would  
10 appear that Lieutenant Hughes interest in having internal  
11 affairs reopen this closed case about the improper  
12 relationship may have been motivated by that interaction.  
13 It was not admitted to. It was something that I had to  
14 learn from attorney/client communications or by looking at  
15 the timeline of communications between the investigating  
16 parties.

17              I didn't provide it to the court, but to the extent  
18 it's relevant -- there are also other email chains where  
19 you can see there are conversations being initiated asking  
20 what were the regs that applied to Joshua Honea.

21              You might ask that question, because you're trying to  
22 find if there are any regs that he might have violated.  
23 There appears to have been an effort to discredit him  
24 using whatever information was available and the lowest  
25 hanging fruit was this preexisting allegation he had a

1 previous improper relationship with Morgan Savage and that  
2 with a little assistance from IAB and detectives going out  
3 and applying some pressure getting them to change their  
4 testimony.

5 THE COURT: Mr. MacArthur, do you believe  
6 defense would benefit from having discovery on what may or  
7 may not be there in the IAB file that might be relevant to  
8 this.

9 MR. MACARTHUR: No, your Honor. The reason why  
10 is I believe I can establish those same facts through  
11 testimony. I have impeachment evidence for the State's  
12 witnesses. And I have corroboration for the facts that  
13 would be presented by the evidence. So to the contrary,  
14 not only do I think there's not likely to be documented  
15 evidence that improves my case, I think that an additional  
16 continuance allows the State to, with its witnesses,  
17 minimize or abrogate some of the problems created by this  
18 issue of credibility.

19 MS. KOLLINS: First of all, I don't have any  
20 discovery from Mr. Troiano. This goes way back to the  
21 beginning of what we heard. I didn't get anything  
22 accommodation from Mr. Troiano.

23 I don't know who Mr. MacArthur is referring to that  
24 pressured Morgan Savage and Pamela Savage to change  
25 stories. I don't know if his argument is because Karen

1 Hughes was at the helm of this that somehow that trickled  
2 down to people that weren't under her supervision. I don't  
3 even know who pressured or what we're talking about.

4 If there are internal documents from IAB regarding  
5 his performance that Mr. MacArthur is now saying was  
6 basically was fabricated in order to get rid of him then I  
7 need to see those.

8 If he's saying, well, they're based on privilege,  
9 well, there is a best evidence rule. You have to have a  
10 good faith belief of what you're asking. I can't even  
11 meaningfully cross-examine that or redirect it. I don't  
12 know what he's talking about. His client's communications  
13 with the supervisors, then this newest thing I heard is  
14 that Karen Hughes is somehow connected to Officer Zafiris'  
15 wife. I've never heard that before. That is not borne  
16 out in any email correspondence. That is not borne out in  
17 any of the discovery. That is probably information that  
18 Mr. MacArthur has from his representation of Mr. Sharp.  
19 That's something I would never have known. There is no  
20 way that I would ever make that link. If that comes from  
21 attorney/client privilege and he's had to divulge it today  
22 so the State doesn't have trial by ambush, then so be  
23 it.

24 I think I'm entitled to see what is out there, see  
25 what these whistle blowing allegations are at IAB. And

1       now we have new information that includes that his reviews  
2       were tainted. Part of the reason there was a question,  
3       your Honor, so you know how to handle Joshua Honea. Is  
4       because he was a volunteer, so he wasn't an employee Then  
5       he was a part-time employee. Whenever there's an  
6       allegation of criminal conduct, they always open a  
7       statement of complaint. That's protocol. So this wasn't  
8       prompted -- they weren't looking for a way to undermine  
9       him. That is process policy.

10               So if he would have just been still an Explorer, they  
11       may have just referred it criminally. They actually gave  
12       him the benefit of giving him the IAB investigation  
13       without referring it over.

14               MR. MACARTHUR: May I interject. So we don't  
15       move past that topic. The reason why it's important is  
16       because there's clear policy on what IAB investigates.  
17       They investigate misconduct by employees. If they're not  
18       an employee but relates to police business, it's their  
19       criminal investigation division. What I neglected to  
20       mention was that Mr. Honea had already resigned at the  
21       point in which Lieutenant Hughes ordered this  
22       investigation conducted. She no longer had jurisdiction  
23       over it. And given her role and why she's no longer at  
24       Metro was that she was a fixer, I believe that's  
25       relevant.



1           THE COURT: I'm making note and also listening.  
2       Go ahead.

3           MR. MACARTHUR: I cannot count the number of  
4       times where I've gotten to calendar call and I've said,  
5       hey, I need additional time or a continuance because of  
6       something I lately learned from my Defendant or a witness  
7       the defense would provide. I'm uniformly told, Mr.  
8       MacArthru, while that may be true it's an issue of  
9       thoroughness, right. These are your witnesses and if you  
10      talk to them and ask all of the right questions then this  
11      information should have been available to you. I've never  
12      been able to prevail by saying, hey, I have 20 other  
13      cases, or, hey, I only became aware of where this missing  
14      witness was a couple of weeks ago. I'm typically told as  
15      this is your witness, this information was available to  
16      you and by due diligence you would have discovered it. I  
17      have to use that argument here.

18           None of the people I'm talking about are people that  
19      the Sate is not aware of inside of the discovery.  
20      Lieutenant Hughes is identified in the email chain.  
21      Officer Zafiris is identified in other portions of the  
22      discovery. The fact that IAB conducted the investigation  
23      or that there was an original investigation by the sex  
24      assault detective that did not lead to anything was  
25      available inside of the discovery So when the State says,

1 I want to look at this additional information, it involved  
2 having to talk to all of the witnesses they identified in  
3 their report.

4 I've been here in front of you back in February of  
5 last year. I had the case since may 2016. I appeared in  
6 front of you in July and I said, well, there is a lot of  
7 material I just don't think I can do that quickly. One of  
8 the issues was the HDD drive Mr. Toriano had to turn over  
9 and because of the contents the court wanted to make sure  
10 I had the appropriate place to store it. I know that  
11 slowed things down a bit. But my point is that I had the  
12 a date of February and because I had had so many other  
13 cases going, including Rashan Malone that went in front of  
14 Judge Leavitt, I said, Judge, I can't be ready. You said,  
15 Mr. MacArthru, select a date for me you know you can make  
16 work. I said, I might need additional time but give me  
17 November of this year, I will make sure this is ready to  
18 go.

19 I'm sympathetic as an attorney to the States'  
20 position. I hate learning things at the last minute that  
21 might impact my ability to put on the trial I want to put  
22 on. But, there has been no ambush. I'm not under any  
23 obligation to say, you know this material you and I both  
24 have, this is how I'm going to use it.

25 THE COURT: Back up. First of all, it wasn't

1 clear to me whether you know for certain that this email  
2 that Ms. Hughes' name is listed on was something the State  
3 gave to Troiano or Troiano got and gave to the State.  
4 I've got Ms. Kollins saying she got nothing from Mr.  
5 Troiano.

6 Here's what begs the question. For whatever reason,  
7 obviously, you're trial prepping and you are putting this  
8 together, I don't know when and I'm not going to ask to  
9 you to reveal your prep and your strategies, but somewhere  
10 along the line you figured out this is something you're  
11 going to put into your defense. You filed, as of Friday  
12 night, an adjusted list of witnesses. You filed as of  
13 Friday night a motion to admit evidence. All of these  
14 things that you thought you were going to get done before  
15 trial started because you are ready to go. Something  
16 spoke to you and said, I got to put all of this out there,  
17 because I haven't done it before. If the positions were  
18 reversed and the State on Friday night filed a brand new  
19 list of witnesses with a bunch of extra things that you  
20 weren't sure you had and you hadn't seen and weren't privy  
21 to, then tried to do a motion to put these things in  
22 there, I would have a hunch you would be having quite a  
23 different reaction to what you're suggesting their  
24 reaction should be here.

25 The bottom line is however it came to be that you

1       have recognized now that you need to change your list of  
2       witnesses and you need to put this evidence in, the State  
3       is asking to continue to look into and conduct additional  
4       discovery on this and I'm hard pressed to see why they  
5       shouldn't be entitled to do that, just as I would give the  
6       same opportunity if the positions were reversed.

7               MR. MACARTHUR: Perhaps you would. I would hope  
8       that the court would treat me the same way that it would  
9       any other party.

10              However, I don't have to go back very far. This year  
11       I got 1,200 pages of discovery in a child abuse,  
12       substantial bodily harm case two days after calendar call.  
13       And the accommodation was, well, Mr. MacArthur, you have a  
14       week to review it. And on this side, accustomed to being  
15       told that tough break Mr. MacArthur, sorry you got the  
16       stuff late, but no, you can't have any additional time.

17              I'm not saying that just because I've got my panties  
18       in a bunch or a chip on my shoulder that it should be  
19       differently for the State, but what I'm saying is there  
20       doesn't appear to be precedent for you always getting  
21       additional time. This is not ambush. All the information  
22       I'm using was available to the State and to the extent  
23       that Ms. Kollins was not aware of it, it wasn't because it  
24       was hidden. Let me touch briefly on Mr. Troiano.

25              THE COURT: I don't see how the evidence

1 available to the State when it comes to the alleged  
2 whistle blower and the alleged circumstances related to  
3 that. That seems to be information only your client would  
4 have and that has not been disclosed through  
5 documentation. And while your client was entitled to have  
6 it, at this point now that it is being disclosed as we  
7 need witnesses, they have a fair opportunity to be able to  
8 cross-examine those witnesses. Where is there a fair  
9 opportunity. They wouldn't have had the IAB files. They  
10 wouldn't have known to get the IAB file related to these  
11 circumstances.

12 MR. MACARTHUR: They would have. If I might.

13 Mr. Troiano served a subpoena on Metro IAB for the  
14 file related to Mr. Honea. Right before the transition  
15 from him to me, they got the return on that. Metro's  
16 policy is never giving the materials just to defense, they  
17 always provide it to the State and to the defense. So one  
18 copy was given to the State. I wasn't here for that.  
19 That was Mr. Troiano. And one copy was given to Mr.  
20 Troiano.

21 Now, the reason why I know that the State had access  
22 to this is if you go all the way back to November 21st of  
23 last year, I have our text messages where I said, good  
24 evening, Stacey. Happy Thanksgiving. Jonathan MacArthur  
25 here on Joshua Honea. I have been through the entire

1       discovery and cannot seem to locate a voluntary statement  
2       purported to have been taken from Paula Savage in June  
3       2015. My understanding is it should be part of the IAB  
4       return handed over to Mr. Troiano in court. Do you have  
5       that document in your file.

6               MS. KOLLINS: I wouldn't disagree, but he's  
7       characterizing that file as me knowing all about this  
8       whistle blower nonsense that's not in that file. He's  
9       telling this court that because I have that, I have this  
10      reported narcotics thing where the first time I heard an  
11      articulated story about that was in the hallway right  
12      before we came in here. So to couch because I have that  
13      IAB information, I should know about the narcotics and the  
14      other misconduct I fished out today, and that's just  
15      people talking. That's not documentation. He said himself  
16      it came from privilege, so how would I have that.

17             MR. MACARTHUR: The way she'd have it is by  
18      talking to Officer Zafiris. Officer Zafiris was the  
19      person that he essentially snitched on for having released  
20      the guns and drugs. Officer Zafiris is identified as one  
21      of the people that provided supporting documents that IAB  
22      used to reopen this investigation into the sex assault.

23             Let me remind the court I get that she learned it  
24      from me, but she's not entitled to it. I didn't have to  
25      tell her any of that at all. Had she had her investigator

1 talk to Sergeant Clark and Sergeant Zafiridis who's  
2 identified as their own witnesses that's the information  
3 they could have obtained. It's not prejudicial to the  
4 State not to have talked to their own witnesses.

5 I'm ready.

6 MS. KOLLINS: They are going to say to me, yes,  
7 we framed Joshua Honea. That there was a car stop and  
8 where things weren't impounded and an arrest wasn't made  
9 and because Josh Honea snitched on me, I prompted a  
10 report. Does he really think he's going to tell someone  
11 in my office or my investigator that.

12 I need those reports on the IAB investigation. I'm  
13 seeking a short continuance.

14 THE COURT: What continuance are you seeking.

15 MS. KOLLINS: Court's pleasure. I will move  
16 what I have to.

17 THE COURT: Mr. MacArthur, I have always tried  
18 to be fair between both sides. I've always tried to give  
19 consideration to both sides when they need additional  
20 time. There have been times when I have declined to give  
21 much time. There have been times when I've given very  
22 additional time. This does strike me as a situation where  
23 a continuance would need to be brief, because it may very  
24 well turn out that there is not a lot here to have to  
25 glean. And when I have made determinations in the past

1 not to give a lengthy continuations is because I thought  
2 the information was relatively ascertainable, reviewable  
3 and able to be incorporated in trial fairly quickly. But  
4 I don't see any basis, in fairness, here to both sides to  
5 not allow there to be some reasonable additional time.

6 It sounds like you may have been afforded recently  
7 and experiences not with this court that I recall where  
8 you were given no additional time, but given some limited  
9 additional time. This is the beginning -- this trial is  
10 schedule to go to first week of the 5 week stack. I have  
11 multiple additional week I can work with.

12 My inclination -- the other weeks are heavy -- my  
13 inclination would be to give one of the weeks, either of  
14 the two weeks on the stack in the month of December --  
15 December 4th or the 11th. I don't know what those look  
16 like for anybody.

17 There is a November 27th week, the after this one is  
18 Thanksgiving.

19 MS. KOLLINS: I'm sorry, your Honor. I already  
20 have December 4th set. I will go over a week. The next  
21 stack.

22 THE COURT: February.

23 Here's the thing. Forgive me if I'm not artful. We  
24 can all have conspiracy theories about what might happen  
25 if additional time is given for people to shore things up.



1 That can happen if we are going to trial next week. If  
2 that's what is inclined to occur.

3 They need to and should be able to catch up with this  
4 information that you have highlighted as being relevant  
5 that's not in the IAB file in question. That whether they  
6 could have or anticipated talking to Officer Zafiridis about  
7 this or not, at the end of the day, you have made the  
8 additional filing to expand notice of witnesses. You've  
9 indicated a proffer of certain evidence that is going come  
10 in. I think they have the right to be able to discover  
11 and turn over back to you anything they find in this  
12 regard to be able to meaningfully question witnesses.

13 I'm really not inclined to want to go into February.  
14 I would like to keep it within this stack. If it's  
15 something that we have to start in a short week and pick  
16 up and resume the following week.

17 I have to balance to some degree that there is  
18 information here that was discovered by the defense.  
19 Granted they had it and had privy to Mr. Honea's beliefs  
20 or understanding of what you would not have been privy to,  
21 but I think at the end of the day the balance on  
22 information and efforts today to the extent you need to  
23 get your hands on the information and need to have this  
24 come together it can happen.

25 (Attorneys discussing their

1 schedules with the court.)

2 THE COURT: I'll grant that continuation.  
3 I think we have to begin on the 27th. I do want to set a  
4 calendar call, just to see where we are. That's also the  
5 date for the hearing on Mr. MacArthur's motion.

6 MS. KOLLINS: I won't be here for calendar  
7 call.

8 THE COURT: Ms. Rhoades can be present for that.  
9 The hearing on Mr. MacArthur's motion we'll reset to  
10 November 15th at 9:00. Provide a response as soon as  
11 possible.

12 We'll keep calendar call on the 20th at 9:30.  
13 Just because we have to triage that, given the age of the  
14 cases. Trial date will be November 27th at 10:30.

15 We'll have the hearing on Mr. MacArthur's  
16 motion -- the likelihood the court will be setting for  
17 evidentiary hearing the testimony that would show the  
18 court that evidence is in fact there. Why don't we go  
19 ahead and set it on the 15th at 11:00, for evidentiary  
20 hearing. That's for both matters placed on calendar, the  
21 motion and evidentiary hearing.

22 The notice of motion for recorded testimony is  
23 granted, to the extent they are unavailable. The State  
24 will make a proffer on due diligence on witness  
25 availability. We'll grant that motion. I'll need an

1       order.

2               The State's notice of motion in limine regarding  
3       Raymond Sharp, has been heard today.  It's kind of moot at  
4       this point.  What is requested is the offer be given by  
5       defense and that has occurred.  I'll consider the State's  
6       motion as moot.

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CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

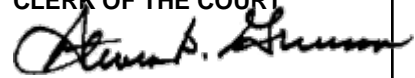
\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard  
C.C.R. #745



**OPPS**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**STACEY KOLLINS**  
Chief Deputy District Attorney  
Nevada Bar #005391  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

**JOSHUA RAY HONEA,**  
**#3060176**

Defendant.

CASE NO: **C-15-309548-1**

DEPT NO: **XXV**

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO ADMIT EVDEINCE OF**  
**M.S.'S KNOWLEDGE OF SEX ACTS AND PRIOR SEXUAL CONDUCT**

DATE OF HEARING: **NOVEMBER 20, 2017**  
TIME OF HEARING: **9:00 AM**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STACEY KOLLINS, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To Admit Evdeince Of M.S.'S Knowledge Of Sex Acts And Prior Sexual Conduct.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1                                   **THE PRELIMINARY HEARING TESTIMONY OF A.G.**

2   **LEGAL ARGUMENT**

3                   Defendant's motion seeks to admit evidence that the victim engaged in a sexual  
4 relationship with a boy near her own age years after Defendant sexually abused her. The State  
5 presents the following legal arguments in opposition.

6   **I.    **THE ADMISSION OF EVIDENCE REGARDING THE VICTIM'S****  
7       **SUBSEQUENT CONSENSUAL SEXUAL CONDUCT IS BARRED BY NRS**  
8       **50.090**

8                   NRS 50.090 states the following:

9                                   In any prosecution for sexual assault or statutory sexual seduction  
10                                  or for attempt to commit or conspiracy to commit either crime, the  
11                                  accused may not present evidence of any previous sexual conduct  
12                                  of the victim of the crime to challenge the victim's credibility as a  
13                                  witness unless the prosecutor has presented evidence or the victim  
                                     has testified concerning such conduct, or the absence of such  
                                     conduct, in which case the scope of the accused's cross-  
                                     examination of the victim or rebuttal must be limited to the  
                                     evidence presented by the prosecution or victim.

14                   In Summit v. State, 101 Nev. 159, 697 P. 2d 1374 (1985), the Nevada Supreme Court  
15 explained the rationale for the rape-shield law codified in NRS 50.090. The Court explained  
16 that general use of a female's reputation for morality and chastity would be inadmissible to  
17 infer consent or to attack credibility. The Court also explained that the law is designed to  
18 protect sexual assault victims from degrading and embarrassing disclosure of intimate details  
19 of their private lives. The Court sought to foster disclosure of sexual crimes while being free  
20 from unnecessary indignities and needless probing into their sexual histories. Specifically, the  
21 Court stated:

22                                   In 1977 Nevada joined forty-five states and the federal  
23                                  government in passing a "rape shield" statute, limiting inquiry into  
24                                  the sexual history of a complaining witness in a rape or sexual  
25                                  assault case. *See* J.A. Tanford and A.J. Bocchino, Rape Victim  
26                                  Shield Laws and the Sixth Amendment, 128 U.Pa.L.Rev. 544, 544  
27                                  (1980). Such laws have generally been designed to reverse the  
28                                  common law rule applicable in rape cases, that use of evidence of  
                                     a female complainant's general reputation for morality and  
                                     chastity was admissible to infer consent and also to attack  
                                     credibility generally. Thus, for example, it had been held: "It is a  
                                     matter of common knowledge that the bad character of a man for  
                                     chastity does not even in the remotest degree affect his character  
                                     for truth, when based upon that alone, while it does that of a  
                                     woman." State v. Sibley, 131 Mo. 519, 132 Mo. 102, 33 S.W. 167,

171 (1895), quoted in *State v. Brown*, 636 S.W.2d 929, 933 n. 3 (Mo.1982), *cert. denied sub nom.*, *Brown v. Missouri*, 459 U.S. 1212, 103 S.Ct. 1207, 75 L.Ed.2d 448 (1983). Such statutes as Nevada's have been described as "directed at the misuse of prior sexual conduct evidence based on this antiquated and obviously illogical premise." *State v. Hudlow*, 99 Wash.2d 1, 659 P.2d 514, 519 (1983). See also *People v. McKenna*, 196 Colo. 367, 585 P.2d 275, 278 (1978). An additional purpose of such statutes is "'to protect rape victims from degrading and embarrassing disclosure of intimate details about their private lives.'" 124 Cong.Rec. at H 11945 (1978), quoted in *Doe v. United States*, 666 F.2d 43, 45 (4th Cir.1981). Finally, "[t]he restrictions placed on the admissibility of certain evidence by the rape-shield laws will, it was hoped, encourage rape victims to come forward and report the crimes and testify in court protected from unnecessary indignities and needless probing into their respective sexual histories." *State v. Lemon*, 456 A.2d 261, 264 (R.I.1983). *Id.*

10 An exception to the rape-shield law is the issue of **prior knowledge** as addressed in  
11 *Summit, supra*. *Summit* is easily distinguishable from the instant case.

12 In *Summit*, the defendant was tried and convicted of counts of cunnilingus and fellatio  
13 on a six-year-old child. At trial, he sought to introduce testimony **of prior sexual assaults** to  
14 show that his young victim had **prior independent knowledge of similar acts which**  
15 **constituted the basis for his charge**. The prior assault involved experiences of fellatio among  
16 other things. The Nevada Supreme Court reversed and remanded the case on appeal, on the  
17 ground that evidence of the prior sexual assault should have been admitted because it was  
18 sufficiently similar. *Id.*

19 In the immediate case, the State has no intent to hide the Franco Cardejos-Oduno and  
20 his relationship with M.S. However, Defendant is erroneous in his representation that such  
21 relationship occurred **prior to Defendant having sex with M.S.** Defendant's conduct started  
22 in 2011, when M.S. was 11 years of age. The State does not believe that her sexual conduct  
23 at 14 is relevant to her understanding of sex at age 11.

24 As far as Defendant alleging that M.S. was taken to drug houses where she witnessed  
25 sex acts, certainly **Defendant has no personal knowledge nor was he a percipient witness** to  
26 these allegations. Defendant testifying that M.S. went to these houses would be based on  
27 hearsay and must be excluded. If Defendant has procured William Savage to say that these  
28 visits occurred, then there must be a hearing to determine what sex acts were seen, when and

1 by whom. Additionally, defense must show through William Savage, the appropriate time  
2 frame and that the sexual acts are sufficiently similar pursuant to Summit, *supra*.

3 **CONCLUSION**

4 Based on the foregoing the State requests that this Court deny the immediate Motion as  
5 to Franco Cardejos-Oduno and have Defendant make the appropriate record through William  
6 Savage at a hearing within the parameters of Summit.

7 DATED this 13th day of November, 2017.

8 Respectfully submitted,

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

11 BY /s/ STACEY KOLLINS  
12 STACEY KOLLINS  
13 Chief Deputy District Attorney  
Nevada Bar #005391

14  
15  
16  
17  
18 **CERTIFICATE OF SERVICE**

19 I, hereby certify that service of the above and foregoing, was made this 13th day of  
20 NOVEMBER, 2017, to:

21  
22 JONATHAN MACARTHUR, ESQ.  
jempc\_law@embarqmail.com

23  
24  
25 /s/ HOWARD CONRAD  
26 Secretary for the District Attorney's Office  
Special Victims Unit

27  
28 hjc/SVU



ORIGINAL

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11/14/2017 3:27 PM  
Steven D. Grierson  
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*Steven D. Grierson*

1 **NOTM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 STACEY KOLLINS  
6 Chief Deputy District Attorney  
7 Nevada Bar #005391  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,  
11  
12 Plaintiff,

12 -vs-

13 JOSHUA HONEA,  
14 #3060176

15 Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

DEPARTMENT XXV

NOTICE OF HEARING

DATE 11/20/17 TIME 9:00am

APPROVED BY *ce*

16 **NOTICE OF MOTION AND MOTION TO PRECLUDE KAREN HUGHES, AND**  
17 **ANY REFERENCE TO CHIEF DEPUTY DISTRICT ATTORNEY ELIZABETH**  
18 **MERCER AND/OR CHRISTOPHER BAUGHMAN AND/OR CONVICTED**  
**DEFENDANT RAYMOND SHARPE AT TRIAL**

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the State of  
20 Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STACEY  
21 KOLLINS, Chief Deputy District Attorney, will bring a Motion to Preclude Karen Hughes,  
22 and any Reference to Chief Deputy District Attorney Elizabeth Mercer and/or Christopher  
23 Baughman and/or Convicted Defendant Raymond Sharpe at Trial before the above entitled  
24 Court on the 20th day of NOVEMBER, 2017, at the hour of 9:00 o'clock AM, or as soon  
25 thereafter as counsel may be heard.

26 This Motion is made and based upon all the papers and pleadings on file herein, the  
27 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
28 deemed necessary by this Honorable Court.

1                                    **STATEMENT OF FACTS RELEVANT TO THIS MOTION**

2                    On September 24, 2015, the State of Nevada filed an Information charging Defendant  
3 Joshua Honea ("Defendant") with multiple counts of Sexual Assault With a Minor Under  
4 Fourteen Years of Age (Category A Felony), Sexual Assault With a Minor Under Sixteen  
5 Years of Age (Category A Felony), First Degree Kidnapping (Category A Felony), Lewdness  
6 With a Minor Under Fourteen Years of Age (Category A Felony), Use of Minor in Producing  
7 Pornography (Category A Felony), and Luring Children or Mentally Ill Persons With the Intent  
8 to Engage in Sexual Conduct (Category B Felony). On that same date, Defendant was  
9 arraigned on those charges, pled not guilty, and waived his right to a speedy trial.

10                  Defendant's trial was set for February 16, 2016. Defendant's motion to continue that  
11 February trial was granted, and his trial was reset for July 25, 2016. At the July 18, 2016  
12 calendar call for that second trial setting, new counsel appeared on behalf of the Defendant  
13 (current counsel) and requested a second continuance. That motion was granted and  
14 Defendant's trial was reset a third time for February 27, 2017. At the February 22, 2017  
15 calendar call for that trial setting, current counsel again moved this Court to continue  
16 Defendant's trial. The Court granted Defendant's motion and reset the trial to November 13,  
17 2017.

18                  On Friday, November 3, 2017, at 7:39 p.m., Defendant filed a Notice of Witnesses  
19 listing retired LVMPD Karen Hughes as a potential witness.

20                  At the November 6, 2017 calendar call for the November 13 trial date, the State filed a  
21 motion in limine re: Raymond Sharpe requesting an offer of proof regarding generally the  
22 relevance of Karen Hughes in this trial. Counsel cited to one (1) email chain wherein Karen  
23 Hughes forwarded an email to what appears to be other members of the Internal Affairs Bureau  
24 ("IAB"). That email has been attached to this motion as Exhibit 1. The undersigned has not  
25 found and is unaware of any other involvement of Karen Hughes in this case other than her  
26 name.

27 //

28 //

1 Also at the November 6, 2017 hearing, counsel for Defendant proceeded to make  
2 representations on the record about alleged misconduct of Karen Hughes referring to her as a  
3 "fixer" of unknown, unproven conduct while in IAB, and repeatedly injected unnecessary  
4 accusations regarding Chief Deputy District Attorney Elizabeth Mercer and Christopher  
5 Baughman as if they had any relevance to the immediate case against Joshua Honea.

6 The State now seeks an order from this Court precluding Defendant from calling Karen  
7 Hughes because she is not relevant to this case. In the alternative, the State seeks an order from  
8 this Court limiting Defendant's direct examination of Karen Hughes to questions about the  
9 email attached as Exhibit 1 because counsel for Defendant did not proffer any other possible  
10 relevant purpose for calling Karen Hughes. The State also seeks an order from this Court  
11 precluding Defendant's counsel from mentioning Defendant Raymond Sharpe, Case No.  
12 C247805, and Chief Deputy District Attorney Elizabeth Mercer and Christopher Baughman  
13 for the duration of this trial. Those individuals are absolutely irrelevant to the State of Nevada  
14 vs. Joshua Honea. Moreover, injecting those names will distract the jury to an un-litigated  
15 collateral issue to which they have no context. Truly injecting Chief Deputy District Attorney  
16 Elizabeth Mercer and Christopher Baughman is inflammatory and serves no legal relevance  
17 in the case against Joshua Honea.

18 **I. THERE IS NO RELEVANT LEGAL BASIS TO CALL KAREN HUGHES AT**  
19 **TRIAL**

20 "Relevant evidence" is evidence having any tendency to make the existence of any fact  
21 that is of consequence to the determination of the action more or less probable than it would  
22 be without the evidence. NRS 48.015. Evidence which is not relevant is not admissible at trial.  
23 NRS 48.025.

24 The State fails to see, and Defendant has failed to offer, what consequential fact he  
25 seeks to prove at this trial with the email chain that Karen Hughes is on. To the State's  
26 knowledge, Karen Hughes did not participate in the actual IAB investigation of Defendant,  
27 nor did she have any participation whatsoever in the sexual assault investigation of Defendant.  
28 This case is about the Defendant's actions upon victim M.S. on or between January 1, 2011

1 and July 13, 2015. This case is not about the IAB investigation and it is certainly not about  
2 retired LVMPD Lt. Karen Hughes.

3 Even if this Court feels that Karen Hughes' name on that email chain is somehow  
4 relevant to this case, Defendant certainly cannot call her simply to impeach her about collateral  
5 matters that will confuse the issues and mislead the jury.

6 NRS 48.035 states as follows:

7 1. Although relevant, evidence is not admissible if its probative  
8 value is substantially outweighed by the danger of unfair prejudice, of  
confusion of the issues or of misleading the jury.

9 2. Although relevant, evidence may be excluded if its probative  
10 value is substantially outweighed by considerations of undue delay,  
waste of time or needless presentation of cumulative evidence

11 Defendant's purported course that he has presented to this Court will violate NRS  
12 48.035. He proffers that the reason for calling Karen Hughes at this trial is the attached email  
13 chain. However, he has also represented to this Court that he will seek to call Karen Hughes  
14 to impeach her, make her appear incredible, confuse the issues, and mislead the jury.  
15 Therefore, Defendant should be precluded from calling Karen Hughes at trial.

16 **II. ANY DIRECT EXAMINATION OF KAREN HUGHES SHOULD BE LIMITED**  
17 **TO QUESTIONS SOLELY ABOUT THE EMAIL ATTACHED AS EXHIBIT 1**  
18 **AND COUNSEL SHOULD BE ORDERED TO REFRAIN FROM ANY**  
**MENTION OF KAREN HUGHES AS A "FIXER" BECAUSE THAT**  
**ALLEGATION IS AN UNLITIGATED BAD ACT**

19 Per Defendant's own offer of proof regarding Karen Hughes on November 6, 2017, it  
20 is clear that he seeks to call her as his own witness for the purported reason of the attached  
21 email, that bears so little relevance to this criminal case, only to impeach her and confuse the  
22 jury with collateral issues that have nothing to do with this case. If Defendant is allowed to  
23 call Karen Hughes at trial, he should be ordered to limit any direct examination to the attached  
24 email. Defendant should not be allowed to refer to Karen Hughes as a "fixer," which he did  
25 countless times at the November 6, 2017 offer of proof, and he should not be allowed to  
26 mention convicted felon Raymond Sharpe and/or anyone remotely related to the Raymond  
27 Sharpe case.

28 //

1 Defendant appears to presume that he will be able to refer to Karen Hughes as a “fixer”  
2 and proffer evidence at this trial about potential uncharged bad acts. Defendant has no such  
3 right to introduce any potential bad act evidence of Karen Hughes because he has not even  
4 attempted to obtain the essential threshold admissibility determinations from this Court, i.e.,  
5 he has not moved in limine under NRS 48.045(2) for a Petrocelli hearing where those prior  
6 bad acts would be proved up and determined to be admissible under the three-prong analytical  
7 framework established by the Nevada Supreme Court. *Bigpond v. State*, 270 P.3d 1244, 1249-  
8 1250 (2012) (modifying *Tinch v. State*, 113 Nev. 1170, 946 P.2d 1061 (1997)).<sup>1</sup>

9 Attorneys often make the mistake of believing that NRS 48.045(2)’s prohibition applies  
10 only to the other bad acts of a defendant. The plain language of the statute and legislative  
11 history and interpretive jurisprudence of the federal rule from which NRS 48.045(2) is derived,  
12 however, make it clear that the prohibition on evidence of other bad acts is not so limited. It  
13 applies to the other bad acts of any “person.” Thus, the “presumption of inadmissibility  
14 attach[ing] to all prior bad act evidence[,]” *Rosky v. State*, 121 Nev. 184, 195, 111 P.3d 690,  
15 697 (2005), spoken of by the Nevada Supreme Court applies equally to the situation where a  
16 defendant seeks to introduce bad act evidence of any other “person” at trial. Defendant is not  
17 then relieved of the burden to establish the admissibility of any potential uncharged bad acts  
18 of Karen Hughes; he must overcome the “presumption of inadmissibility” that attaches to those  
19 acts. He gets no special dispensation merely because he is a defendant—the rule of evidence  
20 applies equally to all parties. Defendant’s proffer clearly aligns with the prohibition, namely  
21 bad character evidence to show conformity with that bad character in the immediate case.

22 NRS 48.045, governing, “Evidence of character inadmissible to prove conduct;  
23 exceptions; other crimes,” makes other bad acts admissible under limited circumstances:

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27  
28 <sup>1</sup> (holding that evidence of a prior bad act, such as a criminal conviction, is admissible if the trial court first determines: (1) the prior bad act is relevant for a purpose other than proving the person’s propensity to act in conformity with the prior act; (2) the act is proven by clear and convincing evidence; and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice).

(2) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(emphasis added).

The Nevada Supreme Court, in interpreting NRS 48.045(2) refers to FRE 404(b)'s interpretative case law and legislative history, as well as the caselaw from states with statutes analogous to NRS 48.045(2). See e.g., *Bigpond v. State*, 270 P.3d 1244, 1248-1249 (2012) (interpreting Nevada's other bad acts statute, NRS 48.045(2), by reference to the legislative history of its federal counterpart, Federal Rule of Evidence (FRE 404(b)), and interpretative federal caselaw, and also finding the admissibility of prior domestic violence incidents under NRS 48.045(2) after an extensive review of the persuasive jurisprudence from Hawaii, Washington, Massachusetts, Vermont, Minnesota, New Jersey). In *United States v. McCourt*, 925 F.2d 1229, 1230 (9th Cir.), cert. denied, *McCourt v. United States*, 502 U.S. 837, 112 S. Ct. 121, 116 L. Ed. 2d 89 (1991), the U.S. Court of Appeals for the Ninth Circuit made it clear why the use of "a person" in the language of the corollary federal rule, FRE 404(b), means the rule applies where a defendant seeks to introduce the prior bad acts of another person.<sup>2</sup>

In *McCourt*, the defendant was charged with three counts of filing false tax returns in the names of other people; those false tax returns were postmarked as being sent from the defendant's apartment. *McCourt*, 925 F.2d at 1230. The defendant sought to admit at trial evidence that the prior tenant that occupied his apartment was a convicted felon. *Id.*<sup>3</sup> The trial court precluded the defendant from introducing such evidence, finding the prior tenant's

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<sup>2</sup> Although arranged differently than NRS 48.045(2), FRE 404(b), governing, "Crimes, Wrongs, or Other Acts," is identical in substantive content, and provides:

(1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character. (2) Permitted Uses; Notice in a Criminal Case. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must: (A) provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and (B) do so before trial-or during trial if the court, for good cause, excuses lack of pretrial notice.

<sup>3</sup> ("His principal defense was that he was the wrong man. As part of that defense, *McCourt* sought to show that another person, Clinton McDonald [the prior tenant], was a good candidate to have committed the crimes of which defendant was accused. The defense also tried to show that the government failed to investigate the case properly, and for ulterior reasons pursued *McCourt* instead of McDonald. Although McDonald did not testify, the defense sought to use McDonald's prior criminal record (unidentified as to time or crime) to show bias on the part of the case agent and cast doubt on the government's case against *McCourt*.").

1 criminal history, “was not admissible under Rule 404(b) because its only relevance would be  
2 to prove that [the prior tenant] acted in accordance with the prior bad act.” Id. at 1231. The  
3 defendant appealed citing legal error by the trial court, specifically “arguing that Rule 404(b)  
4 excludes only prior bad acts of the accused.” Id. at 1230.

5 The Ninth Circuit affirmed the trial court’s application of 404(b) to the defendant and  
6 took the occasion to clarify that the statute’s plain language applied 404(b)’s prohibition on  
7 the admissibility of prior bad acts to all parties, including an accused. The court first noted that  
8 the rule’s choice of the term “person” indicated the rule’s broad applicability to everyone  
9 including an accused who seeks to introduce evidence of another person’s prior bad acts:

10 We start with the text of the rule itself. Rule 404(b) provides:

11 Evidence of other crimes, wrongs, or acts is not admissible to prove  
12 the character of a person in order to show action in conformity  
13 therewith. It may, however, be admissible for other purposes, such as  
proof of motive, opportunity, intent, preparation, plan, knowledge,  
identity, or absence of mistake or accident.

14 (Emphasis added). Thus on its face, Rule 404(b) applies to “a person” and is  
15 not limited to the defendant.

16 As a whole, the rules on character evidence use explicit language in  
17 defining to whom they refer. Rule 404(a) establishes the general rule  
18 excluding circumstantial use of character. It provides that evidence of  
19 “a person’s” character is not admissible for the purpose of proving  
20 action in conformity therewith except for pertinent character traits of  
21 an “accused,” Fed. R. Evid. 404(a)(1), a “victim,” Fed. R. Evid.  
22 404(a)(2), or a “witness,” Fed. R. Evid. 404(a)(3), 607, 608, 609. It  
therefore appears that Congress knew how to delineate subsets of  
“persons” when it wanted to, and that it intended “a person” and “an  
accused” to have different meanings when the Rules speak of one  
rather than the other. Because Rule 404(b) plainly proscribes other  
crimes evidence of “a person,” it cannot reasonably be construed as  
extending only to “an accused.”

23 Id. at 1231-1232 (emphasis in bold added, all other emphasis original).

24 The Ninth Circuit then canvassed the existing caselaw on the question, as well as the  
25 caselaw from other federal circuits, which it found to conform to the plain language of the  
26 statute as interpreted above. Id. at 1233-1235. The court concluded with the following  
27 observation:

28 //

1 Thus case law in our circuit and others is consistent with the  
2 construction we believe the text of Rule 404(b) compels. Both prongs  
3 of the rule apply to any person and to any proponent. Evidence of prior  
4 criminal conduct, no matter by whom offered, is not admissible for  
5 the purpose of proving propensity or conforming conduct, although it  
6 may be admissible if offered for some other relevant purpose.

7 Id. at 1235.

8 The Ninth Circuit's decision in *McCourt* reflects the approach of other federal circuit  
9 courts of appeal, including the Seventh, Third, Fifth, and Sixth Circuits, which recognize that  
10 404(b)'s protective prohibition is applicable to third parties, not just an accused. See *Agushi*  
11 v. *Duerr*, 196 F.3d 754, 760 (7th Cir. 1999) ("Based on the Supreme Court's guidance, our  
12 sister circuit's reasoning as applied to the facts of this case, as well as the very language  
13 contained in Rule 404(b), we hold that Rule 404(b) does apply to third parties."); *United States*  
14 v. *Williams*, 458 F.3d 312, 317 (3d Cir. 2006) ("We therefore reject Williams' argument, and  
15 affirm that the prohibition against the introduction of bad acts evidence to show propensity  
16 applies regardless of whether the evidence is offered against the defendant or a third party."  
17 (citing *McCourt*)); *United States v. Lucas*, 357 F.3d 599, 604-606 (6th Cir. 2004) ("We  
18 therefore hold that the standard analysis of Rule 404(b) evidence should generally apply in  
19 cases where such evidence is used with respect to an absent third party, not charged with any  
20 crime."); *McCourt*, 925 F.2d at 1235 (discussing Fifth Circuit's *United States v. Reed*, 715  
21 F.2d 870 (5th Cir. 1983)). Indeed, the Seventh Circuit has observed that the U.S. Supreme  
22 Court has recognized as much, albeit in dicta. *Agushi*, 196 F.3d at 760.<sup>4 5 6</sup> It is very clear

23 <sup>4</sup> ("More importantly, in *Huddleston v. United States*, 485 U.S. 681, 99 L. Ed. 2d 771, 108 S. Ct. 1496 (1988), the Supreme Court stated:

24 Federal Rule of Evidence 404(b)--which applies in both civil and criminal cases--generally prohibits the introduction of evidence  
25 of extrinsic acts that might adversely reflect on the actor's character, unless that evidence bears upon a relevant issue in the case  
26 such as motive, opportunity, or knowledge. *Extrinsic acts evidence may be critical to the establishment of the truth as to a disputed*  
27 *issue, especially when that issue involves the actor's state of mind and the only means of ascertaining that mental state is by*  
28 *drawing inferences from conduct.* The actor in the instant case was a criminal defendant, and the act in question was "similar" to  
the one with which he was charged. Our use of these terms is not meant to suggest that our analysis is limited to such circumstances.

*Id.* at 685-86 (emphasis added). Even though *Huddleston* involved a situation in which the defendant was the actor, the Court strongly suggested that  
Rule 404(b) should be applied to any actor. See *id.* Finally, the Ninth Circuit, although in a criminal context, has previously held that Rule 404(b) applies  
to third parties. See *United States v. McCourt*, 925 F.2d 1229, 1231-35 (9th Cir. 1991).")

<sup>5</sup> For a compelling state appellate court case surveying the law and adopting *McCourt*, *Williams*, *et al.*, *supra*, see *State v. Donald*, 178 Wn. App. 250,  
258-263, 316 P.3d 1081, 1084-1087 (Wash. Ct. App. 2013), *rev. denied*, 180 Wn.2d 1010, 325 P.3d 914 (Wash. 2014).

<sup>6</sup> Arizona and Maryland have adopted a contrary approach, with Maryland claiming to have discovered a contrary "majority rule" among the federal and  
state courts. See *State v. Machado*, 226 Ariz. 281, 283, 246 P.3d 632, 634 (Ariz. 2011) ("In our view, the more convincing opinions have recognized that  
although the language of Rule 404(b) appears to apply universally, its central purpose is to protect criminal defendants from unfair use of propensity  
evidence."); *Sessoms v. State*, 357 Md. 274, 291, 744 A.2d 9, 18 (Md. 2000) (identifying *McCourt* as a "minority view" held by a single court and  
holding: "The majority rule for the interpretation of FRE 404(b) and of individual states other crimes evidence statutes, is that when evidence of other



1 then, that NRS 48.045(2) applies to Defendant's attempt to introduce other crimes and wrongs  
2 allegedly committed by Karen Hughes.

3 **III. COUNSEL SHOULD BE ORDERED TO REFRAIN FROM ANY**  
4 **MENTION WHATSOEVER OF WHOLLY COLLATERAL,**  
5 **UNSUPPORTED, AND UNLITIGATED MATTERS**

6 Again, and of course as this Court knows, "relevant evidence" is evidence having any  
7 tendency to make the existence of any fact that is of consequence to the determination of the  
8 action more or less probable than it would be without the evidence. NRS 48.015. Evidence  
9 which is not relevant is not admissible at trial. NRS 48.025.

10 The case against Raymond Sharpe is entirely irrelevant to this case. The names of Chief  
11 Deputy District Attorney Elizabeth Mercer and Christopher Baughman are entirely irrelevant  
12 to this case. This Court should order counsel for Defendant to refrain from mentioning the  
13 Raymond Sharpe case and any person remotely associated with that case during this trial.

14 **CONCLUSION**

15 Based on the foregoing, the State requests that this Court grant this motion and preclude  
16 Defendant from calling Karen Hughes, and if he is allowed to call her, to preclude Defendant  
17 from asking Karen Hughes any questions other than those directly related to the email attached  
18 hereto. The State also requests this Court preclude Defendant's counsel from mentioning  
19 Defendant Raymond Sharpe, Case No. C247805, and Chief Deputy District Attorney  
20 Elizabeth Mercer and Christopher Baughman for the duration of this trial.

21 DATED this 14th day of November, 2017.

22 Respectfully submitted,

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

26 BY

27   
28 STACEY COLLINS  
Chief Deputy District Attorney  
Nevada Bar #005391

crimes, wrongs, or acts committed by a third party is proffered by the defendant, the risks of prejudice against the defendant normally are not present. Thus, such evidence does not fall under the exclusionary provision of Rule 404(b). We hold that the same interpretation shall be given to Maryland Rule 5-404(b)."), but see People v. Harris, 892 P.2d 378, 380-381 (Colo. Ct. App. 1994) (noting state and federal courts, as well as leading commentator on evidence law, have "concluded that the word 'person' as used in Fed. R. Evid. 404(b) includes individuals other than the accused[.]" and adopting that approach in Colorado), cert. denied, Harris v. People, 1995 Colo. LEXIS 147, \*1 (Colo. 1995).

**CERTIFICATE OF SERVICE**

I, hereby certify that service of the above and foregoing, was made this 14th day of  
NOVEMBER, 2017, to:

JONATHAN MACARTHUR, ESQ.  
jempc\_law@embarqmail.com

/s/ HOWARD CONRAD  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU

# **EXHIBIT "1"**

## **Shandell Auten**

---

**From:** Karen Hughes  
**Sent:** Monday, March 30, 2015 6:30 PM  
**To:** Zachary Marsh  
**Cc:** Brett Primas  
**Subject:** FW: UPDATE: Employee Related Incident Joshua Honea

Zach, I would like an SOC started on this please.  
Captain here is the update

Thank you ;)  
~ Karen ~

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**From:** Dan McGrath  
**Sent:** Monday, March 30, 2015 4:11 PM  
**To:** Christopher Ankeny  
**Cc:** Karen Hughes  
**Subject:** UPDATE: Employee Related Incident Joshua Honea

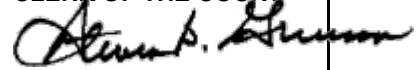
At this point there is no admissions or witness statements of a sexual relationship between Honea and the 15 year old female. Detectives will contact him tomorrow. Detective did obtain a taped statement from the juvenile's mother that is more Stalking/Harassment related. Today's summary below.

---

**From:** Shon Comiskey  
**Sent:** Monday, March 30, 2015 4:02 PM  
**To:** Dan McGrath  
**Subject:** Employee-Related Incident

On 3/29/2015, the Sexual Assault Section received information from Sgt. Jeffery Clark that Joshua Honea, P# 14652, who is a part-time LVMPD LEST, VPSR and Explorer Advisor, could be sexually involved with a fifteen year-old female named Morgan Savage. According to Sgt. Clark, Honea is also scheduled to enter the LVMPD Police Academy in August. There were no direct criminal allegations made against Honea, just the suspicion of potential wrongdoing by Sgt. Clark and other officers at EAC. The Sexual Assault Section agreed to contact Morgan Savage and investigate the matter. Detectives first contacted Morgan's mother Pamela at her place of work. Pamela said Morgan met Honea when she was eleven years old at her school. He was an advisor of some kind and they became friends. They would see each other five to six times a week for one to five hours each day. Pamela characterized Honea's relationship with Morgan as obsessive, controlling and negative. The relationship was ended in January, 2015 because Honea was becoming more extreme and frequent with his controlling behavior. Honea begged Pamela to convince Morgan renew their friendship but both refused him. Pamela would also observe Honea driving past their apartment regularly. She finally had to threaten Honea with a restraining order (she did not actually obtain one) to keep him away. When detectives spoke with Morgan by phone (she is on Spring Break with family member) in San Francisco, she characterized the relationship as that of a brother and sister and she did not give any indication that their relationship was sexual or pathological in any way. She said that she had to end her friendship with him because she got tired of him "always telling me to do the right thing." It seemed to detectives that Morgan was trying hard to convince them that her relationship with Honea was wholesome and positive. Detectives will next speak with Honea.

Sgt. Shon Comiskey  
Sexual Assault Detail, Day Shift (SAA29)  
Work Days: SMTW  
Hours: 0600-1600



CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
JOSHUA HONEA, )  
)  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT  
OF  
REQUEST TO RESET HEARING

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: MONDAY, NOVEMBER 15, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

## 1 APPEARANCES:

2 For the State:

KRISTINA RHOADES, ESQ.

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5 For the Defendant:

MONIQUE MCNEILL, ESQ.

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1 LAS VEGAS, NEVADA; WEDNESDAY, NOVEMBER 15, 2017

2 P R O C E E D I N G S

3 \* \* \* \* \*

4  
5 THE COURT: Page 3, State of Nevada vs. Joshua  
6 Honea.

7 MS. RHOADES: Kristina Rhoades on behalf of the  
8 State.

9 MS. MCNEILL: Monique McNeill for Mr. Honea. Mr.  
10 Honea is present, out of custody.

11 THE COURT: We do see Mr. Honea.

12 I understand from communications that my office  
13 and copied on and related to me by my law clerk this  
14 morning that this matter would not be going forward  
15 substantively. That counsel had discussed perhaps  
16 withdrawing some aspects to either a motion or components  
17 of the motion that were on, but also giving an opportunity  
18 for there to be further briefing. So can you clarify for  
19 me Ms. Rhoades or Ms. McNeill what we want to do here.  
20 I'm open to scheduling it however it's convenient. I know  
21 we have a holiday week.

22 MS. MCNEILL: Your Honor, I think what we  
23 discussed with the State was the portion of the motion  
24 that we're asking to go forward on, I think it needs to be  
25 briefed before your Honor hears it. It's potentially

1       moot. That witness will potentially be coming to trial  
2       and we thought we could handle, once it gets briefed, your  
3       Honor may decide you don't need to hear from this guy if  
4       he's not coming in. But if you do need more information  
5       we can do it perhaps the day he comes in to testify.

6               THE COURT: I don't see why not. It sounded  
7       like it would create some efficiencies for everyone and  
8       not inconvenience a potential witness if we had some  
9       additional briefing to get clarity on that. We'll call it  
10      a supplemental briefing targeted to the -- we'll make a  
11      determination that may obviate the need for that.

12             MS. RHOADES: It's their motion. I think they  
13      are withdrawing that portion too, regarding the victim's  
14      father. That's withdrawn.

15             THE COURT: There was a discussion regarding --  
16      that I understand was relayed this morning with regard to  
17      withdrawing allegations regarding WS and the aspects that  
18      pointed to or related to that. But -- so I think that can  
19      be clarified to with supplement.

20             MS. MCNEILL: Yes, your Honor.

21             THE COURT: What exactly has been withdrawn,  
22      what exactly is still going to be proceeded with. The the  
23      court to make that determination and/or address at the  
24      time of trial. It would be an evidentiary hearing.

25             MS. RHOADES: I think it's withdrawn now. They



1 know that the witness regarding that first portion will be  
2 here as part of the State. So we were hoping to use that  
3 witness prior, if we need that hearing. I don't know if  
4 there is a supplement that's need to be done with the  
5 victim's father because they were unable to procure him  
6 and I think they're withdrawing that all together today.

7 MS. MCNEILL: That's correct. If you want,  
8 instead of filing a reply to their opposition I can  
9 mention that to make the record cleaner.

10 THE COURT: We are going to be continuing this  
11 anyway. I don't have a problem. Oftentimes the way  
12 things get set there is a time to do a reply, but there is  
13 time now. I think the reply, I called it a supplemental,  
14 but the request was to do a reply. Let's call it a reply.  
15 And the reply is when we have a written record of what was  
16 withdrawn and what's potentially to be considered through  
17 the witness who may testify.

18 MS. MCNEILL: Yes, your Honor.

19 THE COURT: Then I don't know if we need a  
20 specific due date for anything, as long as it comes in  
21 before the trial.

22 MS. RHOADES: I ask that we file before next  
23 Wednesday, which I think is enough time.

24 THE COURT: I wasn't expecting Ms. McNeill be  
25 filing the same day we might be doing an evidentiary

1 hearing. You are going to get it in before that.

2 MS. MCNEILL: Yes.

3 THE COURT: That gives the State the  
4 opportunity -- can you do it by next Wednesday.

5 MS. MCNEILL: I'll do my best.

6 THE COURT: As long as it's before we have any  
7 substantive follow up with that witness. We want to give  
8 the State the opportunity to see what's submitted.

9 I guess we just proceed with -- technically what's on  
10 calendar is the hearing. That will be vacated today and  
11 reset as needed.

12 Then the motion will be taken off calendar to be  
13 addressed contemporaneous with time of trial. I  
14 appreciate the clarification and follow up on that.

15 Is there anything else we need to discuss. I have  
16 two trials that are competing for attention that week. I  
17 didn't realize when I moved this there that the other one  
18 was there as well. This one is longer term in the system.  
19 It would be this court's preference and plan to keep this  
20 trial and have the other one be reassigned.

21 The other one has -- everyday there's another motion,  
22 so the AG, PD case, I don't know if it's ready to go.  
23 Just a heads up.

24

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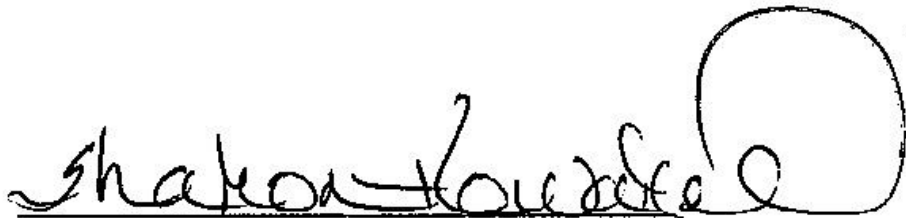
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CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

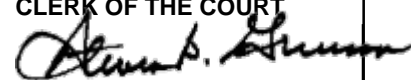
\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard  
C.C.R. #745



1 **EPAP**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 STACEY KOLLINS  
6 Chief Deputy District Attorney  
7 Nevada Bar #5391  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13  
14 Plaintiff,

15 -vs-

16 JOSHUA HONEA,  
17 #3060176

18 Defendant.

CASE NO: C-15-309548

DEPT NO: XXV

EX PARTE APPLICATION FOR ORDER REQUIRING  
MATERIAL WITNESS TO POST BAIL

20 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and  
21 through STACEY KOLLINS, Chief Deputy District Attorney, and makes application to the  
22 above-entitled Court that an Order be entered herein requiring MORGAN SAVAGE be taken  
23 into immediate custody as a material witness for the purpose of posting bail for her appearance  
24 in the jury trial of the above-entitled matter for the said reason of attempting to avoid testifying  
25 before the Eighth Judicial District Court.

26 Further application is made that the Court set bail in the amount of \$10,000.00 and if  
27 the said witness fails to post bail in the amount of \$10,000.00 for her appearance as a witness  
28 in this matter that the Court further direct and order that said witness be delivered into the  
custody of the Sheriff of Clark County, pending final disposition of the jury trial in the above  
entitled matter on or until further Order of this Court.

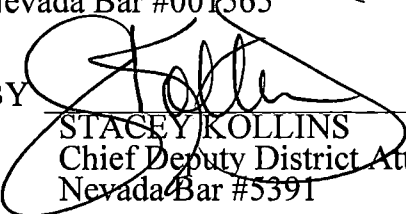
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1 This application is made pursuant to the provision of NRS 178.494 and is based upon  
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 17th day of November, 2017.

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

7 BY

  
8 STACEY KOLLINS  
9 Chief Deputy District Attorney  
10 Nevada Bar #5391

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28 slk/SVU

AFFIDAVIT

STATE OF NEVADA     )  
COUNTY OF CLARK    ) ss:

STACEY KOLLINS, being first duly sworn deposes and says:

That she is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 18 years.

This matter has been set for jury trial, said hearing to commence at or about 1:00 P.m. on the 27th day of November, 2017 in said Court.

Your affiant will advise the Court that one MORGAN SAVAGE, ID# 8377524 of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

CCDA Investigator Keith Gross made the following attempts to serve MORGAN SAVAGE, ID# 8377524,

1. October 19, 2017, CCDA Investigator Keith Gross spoke with Pamela Savage who is the mother of Morgan Savage. The whereabouts of Morgan were unknown and Pamela did know where she was staying. A missing person report had previously been filed during the summer (event number 170405-0012514). Pamela reported minimal conversations with Morgan via Facebook Instant Messenger. Pamela indicated that she would attempt to make contact with Morgan.
2. On October 23, 2017, CCDA Investigators Keith Gross along with Investigator Caroline Campbell spoke with Pamela Savage. Pamela Savage informed us that MORGAN SAVAGE, ID# 8377524 is possibly living with her father William Savage or with the defendant. Pamela said she will

1 try and locate a contact number for William and provide this to us.

2 Searches for MORGAN SAVAGE, ID# 8377524 in Lexis Nexis, Clear,  
3 Scope, and checked local jails for her possible whereabouts, yielded no  
4 results. Pamela Savage provided two old cell numbers; both were called  
5 and texted to no avail.

- 6 3. CCDA Investigator Keith Gross spoke with Pamela Savage again on  
7 October 25, 2017. She was still searching for Morgan's fathers contact  
8 number. She give information that William Savage used to work for Clark  
9 County School District as a Custodian. She still has not heard from Morgan  
10 at this time.
- 11 4. On October 26, 2017 Pamela Savage contacted CCDA Investigator Keith  
12 Gross with William Savage's last known phone number (702-488-9828)  
13 and his date of birth. A message was left at this number. A possible address  
14 was located for William Savage.
- 15 5. That on October 30, 2017, CCDA Investigator Keith Gross along with  
16 Investigator Caroline Campbell went to 6400 Casada Way. Apt 2, which  
17 was the last known address for William Savage. Once at the apartment is  
18 was apparent that the unit was vacant. Investigators met with the apartment  
19 manager, Joe Josephson (702-906-8257) who informed us that William had  
20 been evicted 3 weeks ago. However, we were informed that he still lives in  
21 the area and is living out of his red car. We drove the area, and located  
22 William Savage in the alley between Torrey Pines and Casada Way. He  
23 reported that he is homeless now, living out of his car. He stated that his  
24 daughter Morgan Savage is also homeless and sometimes stays with him in  
25 the car at night. He said both he and Morgan have fallen on hard times that  
26 they both are dealing with "issues." She has been in a few bad dating  
27 situations lately and has drug issues. He will attempt to locate her for us.  
28 A copy of the subpoena and business cards were left for Morgan. This

1 information was passed onto Chief Deputy District Attorney Stacy Kollins.  
2 We contacted Metro Sergeant Igor Dicaro and made arrangements for  
3 Metro to send a patrol unit out to this location later in the day and see if  
4 they could make contact with Morgan. If contact was made, they would  
5 contact Sergeant Igor who then would conduct a 3-way call with CDDA  
6 Stacey Kollins. Later this evening Metro did make contact with Morgan  
7 and a 3-way call was made. It was set up for Morgan to come to the DA's  
8 office the next day in order to meet with both myself and CDDA Stacey  
9 Kollins.

- 10 6. On October 31, 2017, as Morgan has not shown up to the office, there was  
11 another attempt to locate her at the area of where she is staying. I CCDA  
12 Investigator Keith Gross stopped by her father's car, however no one was  
13 present. CCDA Investigator Keith Gross drove the area and stopped into a  
14 nearby convenience store attempting to locate her.
- 15 7. On November 1, 2017, CCDA Investigator Keith Gross again went to the  
16 area Morgan was last seen at, her father William Savage was at the car. He  
17 said he last saw her yesterday "but she was a mess, he had found 4  
18 hypodermic needles on the floor inside the car, and he stated that she is  
19 addicted to Heroin." At this time her whereabouts were unknown.

20 On November 2, 2017, Chief Deputy District Attorney Stacey Kollins, Sergeant Igor  
21 Dicaro and CCDA Investigator Debbie Ashenfelter met MORGAN SAVAGE, ID# 8377524,  
22 in an alley off of Charleston and Torrey Pines. Morgan was served with her subpoena to  
23 appear for the above-captioned trial. Between November 2, and November 9, 2017,  
24 MORGAN SAVAGE, ID# 8377524, failed to respond to phone calls and text messages. In  
25 the evening hours of November 9, 2017, MORGAN SAVAGE, ID# 8377524, agreed to meet  
26 on November 11, 2017.

27 //

28 //



1 On Saturday, November 11, 2017, Chief Deputy District Attorney Stacey Kollins and  
2 CCDA Investigator Keith Gross met MORGAN SAVAGE, ID# 8377524, at a restaurant at  
3 the intersection of Torrey Pines and Charleston. MORGAN SAVAGE, ID# 8377524, agreed  
4 to appear on Tuesday, November 14, 2017, in an effort to prepare for trial she was  
5 approximately two (2) hours late for her appointment. She agreed to return the following day  
6 and never appeared again and is now unreachable.

7 On November 15, 2017, MORGAN SAVAGE, ID# 8377524, did not appear at the pre-  
8 arranged and agreed upon taxi sent for her transportation to the District Attorney's Office  
9 Special Victim's Unit. Thereafter, she would not respond to text messages or phone calls.

10 On November 16, 2017, MORGAN SAVAGE, ID# 8377524, did not appear at the pre-  
11 arranged and agreed upon taxi sent for her transportation to the District Attorney's Office  
12 Special Victim's Unit. Thereafter, she would not respond to text messages or phone calls.

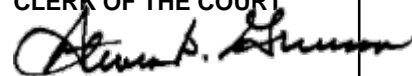
13 On November 17, 2017, MORGAN SAVAGE, ID# 8377524, would not respond to  
14 phone calls or text messages.

15  
16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on

11/17/17  
(Date)

(Signature)



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
STACEY KOLLINS  
Chief Deputy District Attorney  
Nevada Bar #5391  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JOSHUA HONEA,  
#3060176

Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

ORDER REQUIRING MATERIAL WITNESS TO POST  
BAIL OR BE COMMITTED TO CUSTODY

STATE OF NEVADA     }  
COUNTY OF CLARK    } ss:

TO: Any Sheriff, Constable, Marshal,  
Policeman or Peace Officer in  
the State of Nevada

An ex parte application upon sworn affidavit having been presented to this Court pursuant to NRS 178.494, wherein it appears that the testimony of MORGAN SAVAGE, ID# 8377524, is material to the jury trial in the above-entitled matter, and it further appearing to the Court by the way of affidavit that the attendance of said witness in the jury trial of this matter by subpoena is impracticable;

YOU ARE THEREFORE commanded forthwith to place said witness in your immediate custody for the purpose of said witness posting bail with the above entitled court in the amount of \$10,000.00 in order to secure the attendance of said witness MORGAN

1 SAVAGE, ID# before the Court on the 27th day of NOVEMBER, 2017, at 1:00 p.m., in the  
2 jury trial of the above entitled matter.

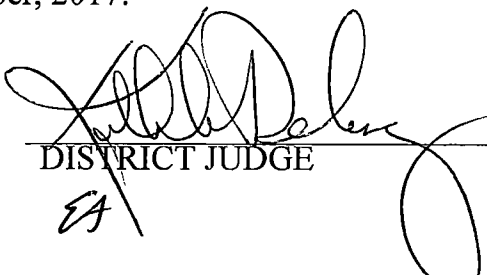
3 IT IS FURTHER ORDERED and directed that if said witness MORGAN SAVAGE,  
4 ID# 8377524 fails to post bail in the sum of \$10,000.00 to secure her attendance as a witness  
5 in the jury trial in the above-stated matter as above provided, then you are further commanded  
6 to deliver said witness into the custody of the Sheriff of Clark County pending final disposition  
7 of the jury trial in the above-entitled matter or until further Order of this Court.

8 YOU ARE FURTHER ORDERED to direct the Sheriff of the County of Clark, State  
9 of Nevada, to make the said MORGAN SAVAGE, ID# 8377524 available in custody in the  
10 Eighth Judicial District Court of the State of Nevada, in and for the County of Clark at 8:30  
11 a.m. on the 20th day of June, 2016, for the testimony in the captioned matter and further  
12 disposition by this Court.

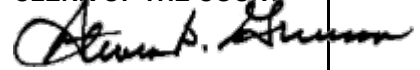
13 You are further ordered that if the said MORGAN SAVAGE is incarcerated pursuant  
14 to this order, she shall be brought before me or in my absence another Judge of the Eighth  
15 Judicial District Court within seventy-two (72) hours after the beginning of her detention for  
16 the purpose of determining whether the bail previously set should be modified and whether  
17 the detention of the material witness should continue and in addition so that a schedule for the  
18 periodic review of whether the amount of bail required should be modified and whether  
19 detention should continue.

20 DATED this 20<sup>th</sup> day of November, 2017.

21  
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25  
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DISTRICT JUDGE  
EA

slk/SVU



CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
JOSHUA HONEA, )  
)  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT  
OF  
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: MONDAY, NOVEMBER 27, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

## 1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4  
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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I N D E X  
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\* \* \* \* \*

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

2 P R O C E E D I N G S

3 \* \* \* \* \*

4  
5 THE COURT: Page 1, State of Nevada vs. Joshua  
6 Honea. On the record. Mr. MacArthur, I understand  
7 there's something outside the presence.

8 MR. MACARTHUR: Yes, Judge. It's been an  
9 unusual holiday. I'll get right to the point.

10 Both Mr. McNeill and I, individually, have parents  
11 that had heart attacks and are in the hospital. I'll let  
12 her make whatever representations as to her father's  
13 condition. My mother is at Sunrise. My mother has a  
14 pacemaker installed. Hers was not specifically a heart  
15 attack, as much as it is an irregular arrhythmia, and  
16 they're not able to determine why one chambers is not  
17 behaving as it should with the others.

18 THE COURT: She's getting one.

19 MR. MACARTHUR: She received one. The concern  
20 is it's not keeping her heart rate up. She still has an  
21 irregular heartbeat. In all candor, this is her fourth  
22 time to the hospital, so it wasn't a complete surprise. I  
23 know she's had respiratory, cardiac stress before.  
24 Although it is a surprise when it manifests itself.

25 So any rate I saw my mother the day before yesterday.

1       She knows that I'm in trial. This is not the first time  
2       I've been in trial while a family member was sick.  
3       Unfortunately, my father died almost exactly 2 years ago  
4       today in a different trial in front of Judge Adair. I say  
5       all of this to alert the court that while I'm concerned  
6       for my mother, I'm prepared to proceed. I'm not asking  
7       for accommodations, but I cannot say what the future  
8       brings. So if something develops, I will let the court  
9       know. I advised the State, both parties, with a group  
10      text what's going on yesterday. That occurred to me, I  
11      apologize, for not having said it beforehand. Then after  
12      my mother was in the hospital, Ms. McNeill received notice  
13      Saturday --

14               MS. MCNEILL: Saturday.

15               MR. MACARTHUR: Ms. McNeill also received notice  
16      her father had a heart attack, and he's going to undergo  
17      bypass surgery. She spoke with him yesterday. I'll let  
18      her finish out the record, because I wasn't there at the  
19      hospital.

20               THE COURT: Your mother is here at Sunrise.

21               MS. MCNEILL: My dad is here. He's at Summerlin  
22      Hospital. He's going to have bypass surgery. He has  
23      COPD, which had flared up and they need to get that under  
24      control. So I don't really have any --

25               THE COURT: Is he in the hospital.



1 MS. MCNEILL: He's still in the hospital,  
2 yeah.

3 MS. MCNEILL: I don't have any information. My  
4 siblings are dealing with it, so --

5 THE COURT: You know that our schedule, half  
6 days today, tomorrow, and Wednesday. We do expect to give  
7 a whole day on Thursday and Friday, which is unusual for  
8 us on a Thursday, the way the schedule worked out. You'll  
9 help us understand what, if any, accommodations you need.  
10 I'm very sorry for your experiences, because that's not a  
11 way to spend a either a holiday weekend or weekend, while  
12 preparing for trial to proceed.

13 I do anticipate carrying jury selection over to  
14 tomorrow. Just typically with a case such as this and the  
15 likelihood for those who did a trial before or for this  
16 type of trial especially, I will be of course asking the  
17 initial set of questions.

18 We can also figure out our start, whether it's 1:00  
19 or 1:30, depending on where we get today.

20 MS. KOLLINS: What time.

21 THE COURT: I'd say 1:30, unless we need that  
22 extra half hour to finish. Let's play it by ear today.

23 We'll administer the oath to everyone. You are here  
24 to answer questions about your ability to serve as jurors  
25 in this trial. We should now have 70 potential jurors.

1           This is State of Nevada vs. Joshua Honea. Raise your  
2 right hand and my clerk will administer the oath to you as  
3 potential jurors.

4           THE CLERK: You do solemnly swear you will  
5 answer such questions put to you touching upon your  
6 qualifications as jurors, so help you God.

7           IMPANELED JURORS: (Choir of I does.)

8           THE COURT: Welcome to Department 25 of the  
9 Eighth Judicial District Court. My name is Kathleen  
10 Delaney. I'm presiding over this trial. In a moment I  
11 will introduce you to the members of my staff. I'll ask  
12 counsel to please introduce themselves and any witnesses  
13 they are calling for trial, parties to the trial, and  
14 circumstances of the charges of the trial.

15           This is a criminal trial that the court is  
16 conducting. We need to qualify 32 jurors, out of whom a  
17 total of 14 will be chosen to serve as actual jurors in  
18 the trial. The reason we have 14 instead of 12 to  
19 deliberate is we'll have two alternates. So we need to  
20 qualify 32.

21           We have 70 people in the courtroom. So not all of  
22 you are going to be serving on the panel or have the  
23 opportunity to even potentially get questioned on the  
24 panel, but let me explain to you how we're seated among  
25 the room before I introduce myself and get started with

1       questioning.

2               In fact, I have one -- two questions I need to ask  
3       before we get started. Usually our jury services is very  
4       good about screening out for basic disqualification that a  
5       juror may have. In the State of Nevada you have to be  
6       either both a US citizen or if you were a previously  
7       convicted felon, someone who has had their rights  
8       restored, so you are eligible to serve.

9               Is there anyone here that is not a US citizen or who  
10       has been a convicted felon and not having their rights  
11       restored. I didn't expect anybody to be here. Every once  
12       in awhile it comes up.

13              Jurors to my left, as I'm looking out into the  
14       courtroom jury box, the row in front, I apologize to you  
15       folks on the folding chairs. Those are temporary. The  
16       chairs in front are better. We'll do the best we can.  
17       You're the first of 24. That first row behind counsel  
18       table as you look into the courtroom, you'll make up our  
19       initial panel of 32. The remainder of you, as you are  
20       seated beyond them and to the right of the courtroom, what  
21       we'll do is do our best to qualify those 32 seats. If  
22       there are reasons why people cannot stay and serve in this  
23       trial for whatever reason those people are excused then as  
24       you are seated in the order behind that first row behind  
25       table, you will come forward and fill the empty seats.

1           Once we qualify 32 people, anybody we have not spoken  
2           to will be excused. You kind of get the picture that if  
3           you're on the far right, that you have less likelihood of  
4           getting to the left, then perhaps the folks back there.

5           I'd like everyone to pay attention to the questions  
6           only because if you do end up getting up to this point  
7           where we have to have discussions with you, it's a lot  
8           easier if you were listening. Plus it make it a lot more  
9           interesting.

10          I will ask you to refrain from cell phone use, no  
11          blogging, no texting. Even if you're not up here to  
12          ensure that we don't have any disruptions.

13          As I mentioned, this is trial of State of Nevada vs.  
14          Joshua Honea. My name is Kathleen Delaney. I'm the  
15          district court judge. My staff members of the court, the  
16          court reporter, who will be taking down everything we say.  
17          So please do speak up, Sharon Howard. We have another  
18          court reporter who shares the duties, Renee Silvaggio,  
19          who's not with us today. My court clerk who gave the oath  
20          is Shelly Boyle. In the back of the courtroom one staff  
21          member who you will get to know well, if you do serve on  
22          our panel, and if you have any questions or need anything  
23          today as we're proceeding through selection, you'll direct  
24          your questions to the marshall. The reason you need to do  
25          that is we, as staff and counsel, we're not allowed to

1 interact and engage with you. We don'tn want to do  
2 anything to interfere with your ability to qualify as  
3 jurors and serve as jurors.

4 I do have two additional staff members in back who  
5 are not present but may come in and out. My judicial  
6 executive secretary Cindy Sprinberg and my law clerk  
7 Elliot Anderson.

8 That is the court staff. Can I see by show of hands  
9 if there's anyone in the panel today who is familiar with  
10 my court staff.

11 I see a couple of hands going up. I'll call on you.  
12 This will be true the rest of the afternoon, I try and  
13 call on people in the order in which they're seated. Just  
14 until we get to know you better we have a nice handy list  
15 to make notes and make sure we stay on top of things. We  
16 did make one switch in the seating. Let me verify, in seat  
17 5 we have Mr. Goings. Then Ms. Khalil is here in the row  
18 there.

19 So let me start next to Ms. Khalil, you raised your  
20 hand, ma'am. Give us your name. And for anybody who is  
21 going to speak for the record because the reporter doesn't  
22 know who you are, we have to have the last 3 digits of  
23 your badge number. There's a lot of numbers on your badge  
24 itself, but there is a badge number, panel number, and  
25 juror ID number. Your badge number should be the larger

1 and for you Ms. Riley, I have 460 as your badge number.  
2 So just to give everybody an idea as we go through.

3 Who do you believe you know.

4 PROSPECTIVE JUROR: The DA and defense  
5 counsel -- one in the courtroom.

6 THE COURT: Is that because of work you do.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: I was a court reporter. How long  
9 since you were serving as a court reporter.

10 PROSPECTIVE JUROR: 10 years.

11 THE COURT: When you say you know the DA, is  
12 that just from your days as a court reporter or do you  
13 also have direct dealings with them.

14 PROSPECTIVE JUROR: No direct dealings.

15 THE COURT: These two particular representatives  
16 or just DAs.

17 PROSPECTIVE JUROR: DAs and defense counsel.

18 THE COURT: Which, just for the record, which do  
19 you recognize.

20 PROSPECTIVE JUROR: I can't remember her name.

21 THE COURT: You're pointing to Ms. Kollins and  
22 Mr. MaArthur. Okay.

23 The follow-up question to anyone who may know  
24 any of us -- you don't have any reason to believe you're  
25 acquainted with the facts and circumstances of the case

1 right, just individuals.

2 PROSPECTIVE JUROR: Correct.

3 THE COURT: Is there any reason why your  
4 knowledge of these individual would impact your ability to  
5 be fair and impartial in this trial.

6 PROSPECTIVE JUROR: No.

7 THE COURT: Because ultimately, and this is the  
8 opportunity to say it, what we are looking for is to  
9 qualify 32, ultimately select 14 jurors, who will receive  
10 the evidence as it come into trial, be the decider of what  
11 the facts are, apply the law the court gives to you folks  
12 as you've found the facts and then sit down with your  
13 fellow jurors and deliberate fairly and impartial to reach  
14 a verdict.

15 Can you do that.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: There may still be some questions  
18 about your connection to folks, but they can go through  
19 that.

20 Then in the very back row I saw a general -- yes,  
21 Sir. Can you identify yourself and your badge number.

22 PROSPECTIVE JUROR: Kim Price, 532.

23 THE COURT: Who do you believe you're acquainted  
24 with.

25 PROSPECTIVE JUROR: I've appeared in this court

1 as a counsel of law up until 3 years ago when I changed my  
2 practice to administrative law. Prior to that I was a  
3 litigator and appeared in this court.

4 THE COURT: Sorry I didn't recognize you,  
5 Mr. Price.

6 As an attorney, as counsel, obviously you know the  
7 types of questions that are coming here today. Probably  
8 had much experience with them. Is your knowledge of this  
9 court or the court system going to have impact on your  
10 ability to be fair and impartial.

11 PROSPECTIVE JUROR: None at all.

12 THE COURT: What kind of administrative law are  
13 you doing now.

14 PROSPECTIVE JUROR: I do second injury account  
15 coverage through the Department of Industrial Relations.

16 THE COURT: Thank you, Mr. Price.

17 Anybody else we haven't talked to. All right. At  
18 this time I'll have the district attorneys introduce  
19 themselves and identify any witnesses they'll be calling  
20 in this case and give an understanding to the jurors what  
21 the charges are in this case.

22 MS. RHOADES: Thank you, your Honor.

23 Good afternoon. My name is Kristina Rhoades. This  
24 is Stacey Kollins. We are both chief deputy district  
25 attorneys in the special victims unit. We've been



1 assigned to prosecute this case against Joshua Honea.

2 In this case the charges arise from him engaging in  
3 sexual contact with the victim, Morgan Savage when she was  
4 11 years old. She's now 18 years old. They first had  
5 sexual intercourse when she was 12 years old. He was  
6 still 18. By that time he was a volunteer with the Las  
7 Vegas Metropolitan Police Department.

8 The conduct lasted for 4 years from when Morgan was  
9 11 until she was 15, when Mr. Hone was 18 through 22.  
10 Morgan is now 18 years old.

11 The date range of the charges is May 4, 2011 through  
12 July 13, 2015. You will hear about several locations.  
13 The main locations you will hear about are 8452 Bosick  
14 Drive, Las Vegas, Nevada. Also 9708 Tequine Drive, also  
15 here in Las Vegas, SunCoast Hotel, Rampart Hotel, Walter  
16 Johnson Middle School, Bonanza High School. You'll also  
17 hear about locations in California that Defendant took  
18 Morgan to Disneyland, Carlsbad.

19 For these actions he's charged with sexual assault  
20 with a minor under 14 years of age; sexual assault with a  
21 minor under 16 years of age; first degree kidnapping;  
22 lewdness with a minor under 14 years of age; use of a  
23 minor in pornography, luring children with intent to  
24 engage in sexual conduct.

25 We may call some of have the following witnesses, but

1 others we'll not call that you might hear about, so keep  
2 your ears open if you recognize the names.

3 Morgan Savage, Pamela Savage, Taylor Roberts, Franco  
4 Orduno, Ashley Krueger, Melissa Krueger, Bill Jennings,  
5 Joe Belmont, Kelly Smith, Martin Coleman, Larry Honea,  
6 Dave Honea, Lauren Honea, Katerina Babin, Hector Reyes.

7 With the Las Vegas Metropolitan Police Department;  
8 Officers James Wirey, Austin Cane, Austin Herrera, Kevin  
9 Zafiris, Sedrick Harris, Gregory Amondson (ph), Humberto  
10 Zerate, Jose Lopez, Detective Igor Dicaro, Rachel  
11 Calderon-Lopez, Branson Beza (ph), Jason Hendricks, Jason  
12 Lafreniere, Zachery Marsh, Lawrence Samples, Lisa  
13 Salvessa-Cho, Malcome Napier, David Prichard. Sergeants  
14 Sean Comiskey and Jeffrey Clark. Lieutenants Sean McNalty  
15 (ph), Raymond Spencer and Captain Dan McGrath.

16 Linda Mineochi (ph) and Katheryn Zafiris, LVNPD  
17 employees. Vincent Ramirez, he's also with Metro. He's a  
18 computer forensic analyst. Joe Alberty, he's a crime scene  
19 analyst. John Pacult, he's a licensed clinical social  
20 worker. And Keith Gross, he's an investigator with the  
21 Clark County District Attorney's office.

22 Thank you all very much.

23 THE COURT: Will defense introduce themselves  
24 and help the jurors understand about the charging document  
25 and what we are doing here today.

1 MR. MACARTHUR: Thank you, your Honor. Good  
2 morning everyone. My name is Jonathan MacArthur. I'm  
3 lead defense counsel for Defendant, Joshua Honea. To my  
4 left is the illustrious Ms. McNeill, who is also defense  
5 counsel associated with my firm. Have a seat.

6 You have heard a list of the State's prospective  
7 witnesses. Please be aware we must give notice to each  
8 other, but we may not necessarily call every witness on  
9 the list. Please listen to see if you recognize any of the  
10 names, and if you do please indicate that to the court as  
11 soon as possible.

12 Defense may call the following witnesses; Franco  
13 Orduno, he's Morgan Savage's ex-boyfriend. Morgan Savage,  
14 friend Taylor Roberts. Morgan Savage's cousin Ashley  
15 Krueger. Friend of the Defendant, Mr. Honea, Katerina  
16 Babin. Teacher of Morgan Savage, Paula Kraskey.  
17 Principal at Morgan Savage's school Terry Sobrero. Head  
18 of the internal affairs division Karen Hughes. Dara  
19 Coleman, Joshua Honea's mother. James Tousignant, teacher  
20 and former dean of Morgan Savage's school. Another name  
21 I'm going to assassinate Humberto Zerate, friend and  
22 police officer to Joshua Honea.

23 Lastly, private investigator Tobi Capron. If you  
24 recognize any of these names, please indicate those to the  
25 court as soon as possible, or if you recognize myself

1 after having heard me speak or any of my associates,  
2 please indicate that as well.

3 Thank you.

4 I left out, the State has made a vague statement of  
5 what the allegations are. The Defendant has pled not  
6 guilty to that. He's not denying a relationship with the  
7 subject female, but the time line and illegal conduct he  
8 denies. Defense believes this is as a result of pressure  
9 and improper force by a former corrupt police officer.

10 THE COURT: We are going to ask you in just a  
11 moment if anybody is familiar with any of the people that  
12 we have just named. Before I do that, I do want you to  
13 understand that as each side has stated a very, very small  
14 synopsis of what the charges are and what is the response  
15 to the charges are. You are to keep in mind that this  
16 trial will proceed with there being evidence presented and  
17 that ultimately it is the State's burden to prove the  
18 guilt of any one or more of the charges beyond a  
19 reasonable doubt and that Mr. Honea is the one that  
20 committed the crime and that he is guilty beyond a  
21 reasonable doubt of the crime.

22 That evidence will come into this trial. The  
23 charging document is not evidence. The statements of  
24 counsel, either the prosecutor or defense counsel, is not  
25 evidence. And unless and until you are seated a jurors

1 and you received that evidence in the trial from witnesses  
2 and exhibits, obviously, at this stage you have no  
3 information that is specific or detailed or evidentiary in  
4 nature. I want you to keep that in mind. It's very  
5 important to understand.

6 The other piece of the puzzle -- and there will be  
7 questions that will come up about this as counsel have  
8 their opportunity to ask you questions -- but as Mr. Honea  
9 sits there today, he's innocent. The reason he's innocent  
10 is because he only can be determined to be guilty if the  
11 State meets the burden to prove his guilt beyond a  
12 reasonable doubt as to any one or more of the charges.

13 So it is important that everybody understand that is  
14 a basic principle of our American justice system. That is  
15 what this trial is for. And we are looking for jurors who  
16 can and will be open-minded and fair and impartial to  
17 listen to the evidence and reach a verdict, if they are  
18 able to do so.

19 So let me see by a show of hands -- we appreciate  
20 there are a lot of names read -- it may be you recognize  
21 some right away. We'll go there. We are also aware you  
22 will recognize there may be some folks you don't know  
23 their name, but as they come in here to testify maybe you  
24 recognize them because they are a parent of a child at a  
25 soccer game, or they go to your church. You know them

1 through other means. You didn't recognize them until they  
2 came in. At that point you bring it to the marshall's  
3 attention and he'll brings it to the court's attention  
4 right away, and we can address it as we go.

5 I'm just trying to make sure there isn't anybody in  
6 the room that believes they are acquainted with the facts  
7 and circumstances of the case. Let me start there.

8 Is there anyone in this room, with that small  
9 synopsis, who believes they are knowledgeable of any facts  
10 or circumstances specific to this case.

11 Seeing no hand.

12 Now, may I ask if there are any individuals here in  
13 this potential panel who believe they recognize any of  
14 potential witnesses participating in this case.

15 No hands at all.

16 Again, if you think of something, please, do not  
17 hesitate to let us know. There are no right or wrong  
18 answers to any of the questions we are going to ask you.  
19 Just honest and complete answers to the best of your  
20 ability.

21 Again, we're just trying to get through and  
22 understand the panel, who will have the ability to  
23 serve.

24 Next thing I need to discuss with you is the  
25 potential time line for trial and the time frame we need

1 to qualify you.

2 Before I do that, can I have counsel at the bench.

3 (Discussion held at the bench.)

4 THE COURT: I wanted to confirm with counsel, we  
5 had a discussion. We do our very, very best to try to  
6 anticipate how long the trial will take and how much time  
7 we'll ultimately need for trial, but there are always  
8 contingencies. There is no script for this. We just  
9 proceed to the best of our ability through witnesses and  
10 evidence. But I do try to keep things on schedule.

11 Our best estimate is that this trial will be complete  
12 in terms of the evidence to be provided to you all by the  
13 end of next week, so the 8th of December, if I have that  
14 date correct in my mind.

15 And there is the possibility it could trail over into  
16 early the following week. We don't expect that, but we  
17 are talking about when we would complete and get the case  
18 to you. How long jurors take to deliberate is entirely up  
19 to you. So that's not a circumstance we have control of.  
20 There is an off chance we'll go into the next week of  
21 December 11th, for a day or two.

22 That's your understanding, this week, remainder of  
23 this week and next week. Understand, because this  
24 department does other things besides this trial, we have  
25 court calendars, hearings date that we have to take care

1 of. Your schedule will be Monday, Tuesday, Wednesday in  
2 the afternoon only. Somewhere between 1:00 and 5:00.  
3 Sometimes 1:30 possibly 1:00 Monday, Tuesday, Wednesday.  
4 Then all day 9:00 to 5:00 Thursday and Friday, with  
5 reasonable lunch. But you will not be expected to stay  
6 past 5:00 on any given day. The only time that happens is  
7 where we're about to finish a witness and to avoid  
8 bringing that person back, we go into the 5:00 hour. But  
9 we'll not be further beyond that. Then we'll have breaks  
10 during the day.

11 Same would be true for the following day Monday,  
12 Tuesday, Wednesday half days. Possibly full day Thursday  
13 and Friday.

14 So by a show of hands is there anyone over here who  
15 knows they have an inability to serve in this trial.

16 Just a few hands. I didn't see any hands in the  
17 first and second row. The third row, ma'am. Stay seated.  
18 Whose hand was raised.

19 You are in the 15 seat, Ms. Martin, 369.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: What is your hardship.

22 PROSPECTIVE JUROR: I have a flight out on  
23 December 6th through the 12th to go to Michigan for a  
24 family event.

25 THE COURT: If we needed to see that ticket,



1       you've got your ticket and it's non-refundable.

2               PROSPECTIVE JUROR:   Yes, ma'am.

3               THE COURT:   Thank you, Ms. Martin.

4               I saw another hand in that row next to you.   Your  
5       name and badge number.

6               PROSPECTIVE JUROR:   Vivian Flaum, 373.

7               THE COURT:   What is your hardship.

8               PROSPECTIVE JUROR:   I have classes.   I'm a  
9       full-time student, so it's coming up on finals week, so,  
10      yeah.

11              THE COURT:   What school is that.

12              PROSPECTIVE JUROR:   UNLV.

13              THE COURT:   You have some exams coming up.

14              PROSPECTIVE JUROR:   Yeah.

15              THE COURT:   What is your class schedule and your  
16      exam schedule, so we have an understanding.

17              PROSPECTIVE JUROR:   So like next week, I have  
18      presentations both Monday and Wednesday.

19              THE COURT:   Morning or afternoon.

20              PROSPECTIVE JUROR:   Wednesday -- I'm not for  
21      sure yet, but Wednesday I get out at 1:00.   That's the  
22      last presentation.   Monday's presentation is early in the  
23      morning.   I get out at 10:00.

24              THE COURT:   So your conflict is with  
25      Wednesday.

1           PROSPECTIVE JUROR: Yeah. The following week I  
2 have exams, so that will be Monday, Wednesday -- Monday,  
3 Thursday and Friday.

4           THE COURT: You'll get a handle on it, I'm  
5 sure.

6           THE COURT: Thank you. I appreciate it.

7           PROSPECTIVE JUROR: McKinley, I having time to  
8 tomorrow. I don't know what happened.

9           THE COURT: So you are Mr. McKinley, 415. Is  
10 English your first language.

11          PROSPECTIVE JUROR: No.

12          THE COURT: What is your first language.

13          PROSPECTIVE JUROR: German.

14          THE COURT: You're helping us understand that  
15 you can not appear tomorrow.

16          PROSPECTIVE JUROR: No. I cannot turn the  
17 day.

18          THE COURT: Do you work or are you retired.

19          PROSPECTIVE JUROR: I'm retired.

20          THE COURT: What did you used to do for work.

21          PROSPECTIVE JUROR: I cannot tell you.

22          THE COURT: Are you nervous.

23          PROSPECTIVE JUROR: No. My brain don't hurt  
24 me.

25          THE COURT: Thank you, Mr. McKinley.

1           Is that everybody in that row. Okay. Far back  
2 row.

3           PROSPECTIVE JUROR: Tyler Smith 330 -- I'm a  
4 student at UNLV and I have classes Tuesday and Thursday.

5           THE COURT: What are your classes.

6           PROSPECTIVE JUROR: Tuesday I go all morning  
7 until 2:15. I have a small break then lab at 4:30 to  
8 7:15.

9           THE COURT: Do you have exams coming up as  
10 well.

11          PROSPECTIVE JUROR: Yes.

12          THE COURT: Thank you.

13          First row.

14          PROSPECTIVE JUROR: Derek Podemski, 302 -- I  
15 also am a university student. My schedules are from 11:30  
16 to 1:00 on Monday. The mornings are inconvenient,  
17 particularly Thursday and Friday. Thursday is from 7:30  
18 to 10:00 and Friday is 8:30 to 9:45.

19          THE COURT: Sounds like you have a complicated  
20 schedule. Here's really the question. When I ask about  
21 hardship, Ms. Wong raised her hand and she identified what  
22 the hardship was and you raised yours. I don't want to  
23 resume you are asking to be excused. I appreciate you  
24 have a schedule. Are you asking to be excused based on  
25 that schedule or are you just letting me know about your

1 schedule.

2 PROSPECTIVE JUROR: I would suppose that it  
3 would be to be excused, but if that's not a valid reason I  
4 suppose just to let the court know.

5 THE COURT: Well, one of the tricks jury  
6 selection is I never let anyone know what a valid reason  
7 is until I make that decision. The next thing I know I'm  
8 going to have a whole bunch of UNLV students who can't be  
9 here. I appreciate you letting us know.

10 Are you asking to be excused or just advising me.

11 PROSPECTIVE JUROR: I'm asking to be excused.  
12 My Tuesday lab is important. If I miss one that would be  
13 bad for me.

14 THE COURT: Thank you for bringing that to our  
15 attention.

16 Let me go to that group of people behind the DA's  
17 table, that area of the room. Do we have any hands that  
18 cannot serve. I see one so far.

19 It might be helpful if you stand up so we'll be sure  
20 an hear you. Your name and badge number, please.

21 PROSPECTIVE JUROR: Desirae Montoya, 468 -- I  
22 have a vacation from the 9th to the 15th.

23 THE COURT: Are you traveling out of state.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: If we needed to see that

1 information -- you already purchased your tickets.

2 MR. MACARTHUR: I didn't take down the juror  
3 number.

4 THE COURT: I have ms. Montoya, 468.  
5 Thank you. Anyone else.

6 PROSPECTIVE JUROR: Daysi Alvarez, 597 -- I'm  
7 traveling out of the country December 4th through December  
8 10th.

9 THE COURT: Can we come. Where are you going.

10 PROSPECTIVE JUROR: Cancun.

11 THE COURT: If we needed to see your tickets,  
12 you'd be able to show them to me. Yes. All right. Thank  
13 you.

14 Next to you.

15 PROSPECTIVE JUROR: Gloria Sol, 602 -- I am a  
16 care giver for my grandchildren. I pick them up from  
17 school and the baby sitter after I have an 8 hour shift.  
18 My daughter works nights as a nurse, so I watch them until  
19 she gets home.

20 THE COURT: So when do you normally --

21 PROSPECTIVE JUROR: Every day at 3:00. I baby  
22 sit her 4 month old. Then I drive to the bus stop to pick  
23 up my granddaughter at 3:45.

24 THE COURT: Did you make other arrangements for  
25 today, I assume, since you had to be here.

1                   PROSPECTIVE JUROR: My daughter had to miss  
2 work. That causes a problem -- financial.

3                   THE COURT: You have not had occasion to have  
4 other family members assist.

5                   PROSPECTIVE JUROR: I don't have family here.  
6 They're in California.

7                   THE COURT: A baby sitter can't extend the  
8 hours, if needed.

9                   PROSPECTIVE JUROR: I suppose if we ask, but she  
10 is an older lady who has her own issues as well.

11                  THE COURT: Okay. Thank you.

12                  Next to you.

13                  PROSPECTIVE JUROR: Andrea Hartry, 604 -- I have  
14 3 trips booked for work out of state starting next week,  
15 over the next two weeks.

16                  THE COURT: If I needed to see that, I could.

17                  PROSPECTIVE JUROR: I have all of the tickets.

18                  THE COURT: Thank you so much.

19                  Anybody now in the room we missed.

20                  Sir.

21                  PROSPECTIVE JUROR: Tim Ilsley, 504 -- I have my  
22 son's first birthday on December 13th, but I'm flying out  
23 of state on the 13th.

24                  THE COURT: I would be surprised if we are into  
25 the week of the 11th much, if at all. I don't think we

1 would be at that date.

2 Thank you.

3 PROSPECTIVE JUROR: I'm also director of finance  
4 and it's month-end closing. I'm at the property to close  
5 the books.

6 THE COURT: Where do you work.

7 PROSPECTIVE JUROR: Monte Carlo.

8 THE COURT: Okay. Thank you.

9 If I can have everybody keep their seats, I'll  
10 have counsel join me in chambers. I'll be right back.

11 (Discussion held in chambers.)

12 THE COURT: I do have some individuals who are  
13 going to be excused from the panel at this time. Not  
14 every trial is the right circumstance for everybody, so we  
15 appreciate your service today and will excuse you.

16 I'll ask that you wait until I read all the names,  
17 then I'll let now that I've read all the names and at that  
18 point you can take your belongings. As you exit the  
19 courtroom give the badge to marshal. He'll collect it.  
20 Then you can go. You don't have to go back to jury  
21 services room when you are excused.

22 So those being excused at this time No. 302, Derek  
23 Podemski; No. 330, Tyler Smith; No. 369, Michell Martin;  
24 No. 373, Vivian Flaum; No. 415, Sir-Lawrence McKinley; No.  
25 468, Desirae Montoya; No. 597, Daysi Alvarez; No. 602,

1 Gloria Sol; No 604, Andrea Hartry. I've completed reading  
2 all the names at this time. If you heard your name read,  
3 you are excused. Thank you very much. Take your  
4 belongings today. Go see the marshall on the way out and  
5 turn in your badge.

6 What is going to happen now is we'll only fill the  
7 vacant seats of the 32 and focus on the next set of  
8 questions to just those 32. Hopefully you'll continue to  
9 pay attention. It will make things go more smoothly. I  
10 have 5 vacant seats to fill.

11 Who is next up.

12 THE CLERK: Jessica Chacon, No. 463.

13 THE COURT: Now we have two seats in the third  
14 row.

15 THE CLERK: Sharon Monson, 499.

16 THE COURT: Next in order.

17 THE CLERK: Adelaida Samonte, 500.

18 THE COURT: Next to fill the third row, the sit  
19 next to the lady that just sat down.

20 THE CLERK: Misty Escoto, No. 501, seat 21.

21 THE COURT: Normally the courtroom is not this  
22 full, but we appreciate your patience.

23 We have 32 seats filled. What we need to do  
24 next is we need the opportunity to get to know you a  
25 little better with some basic information. I'm going to



1 go through what's on the sheet, what's on screen here.

2 If you can't see the board, I'll be happy to talk you  
3 through it. Every time you speak you have to give your  
4 name and badge number.

5 We'll start with seat number one, Ms. Chacon.

6 PROSPECTIVE JUROR: Jessica Chacon, 463 --  
7 currently I'm a home maker. My previous job was in a  
8 hospital. I'm operations manager at Bellagio. I have a  
9 college education from UNLV. My husband does work with  
10 LasMetropolitan Police Department.

11 THE COURT: What is his name.

12 PROSPECTIVE JUROR: Samuel Whitworth.

13 THE COURT: What does he do for the police  
14 department.

15 PROSPECTIVE JUROR: He's a police officer.

16 THE COURT: Patrol man.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: How long has he worked there.

19 PROSPECTIVE JUROR: Since April 2015.

20 THE COURT: None of the names that were listed  
21 here rang any bells to you.

22 PROSPECTIVE JUROR: I'm unfamiliar with those,  
23 so I didn't know.

24 THE COURT: We'll have more questions about  
25 that. I have questions that I'll be posing to the panel

1 about connections with law enforcement and we can have  
2 more discussion then.

3 How long have you lived here.

4 PROSPECTIVE JUROR: 8 years. I do have young  
5 boys, 4 and 6.

6 THE COURT: Have you been a juror before.

7 PROSPECTIVE JUROR: No, ma'am.

8 THE COURT: And next.

9 PROSPECTIVE JUROR: Francis Rago, 305 -- I teach  
10 people how to day trade futures. I provide online content  
11 in that regard. MY highest level of education is high  
12 school diploma. I have a wife 15 years. She works  
13 locally with a spirits company in logistics. No children.

14 THE COURT: What is the name of your company.

15 PROSPECTIVE JUROR: Her company --

16 THE COURT: Your company.

17 PROSPECTIVE JUROR: LMR Partners. We're a  
18 private company, self-employed. No children. I've lived  
19 here 15 years.

20 THE COURT: Have you had jury service ever.

21 PROSPECTIVE JUROR: No.

22 THE COURT: Next in line, please.

23 PROSPECTIVE JUROR: David Finfrock, 306 -- I am  
24 a teacher of 3rd through 8 grade art.

25 THE COURT: Where do you teach.

1 PROSPECTIVE JUROR: The Alexander Dawson School.  
2 I have a bachelor's of arts degree. I am married.

3 THE COURT: What does your spouse do.

4 PROSPECTIVE JUROR: She works at admissions at  
5 the same school.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: I do have two children.  
8 They are 6 and 9. I have lived here 16 years. I've never  
9 served on a jury.

10 THE COURT: Anywhere.

11 PROSPECTIVE JUROR: Anywhere.

12 THE COURT: Thank you.

13 Next.

14 PROSPECTIVE JUROR: Scott Ward, 312 -- I am  
15 school teacher, high school CCSD.

16 THE COURT: Which school.

17 PROSPECTIVE JUROR: Centennial High School. My  
18 former job, I was an attorney with a civil defense lawyer  
19 firm.

20 THE COURT: How long was that.

21 PROSPECTIVE JUROR: '07. Highest degree, I have  
22 a bachelor's, JD. I'm married. My wife is a flight  
23 attendant with Spirit Airlines. My oldest child is  
24 employed at Mandalay Bay.

25 THE COURT: Doing what.

1                   PROSPECTIVE JUROR: Concierge. Full-time  
2 student, works there. I've lived in Vegas since 2000.  
3 Never been a juror.

4                   THE COURT: Next.

5                   PROSPECTIVE JUROR: Kevin Goings, 462 -- I  
6 currently work as a merchandiser at Forno in the Forum  
7 Shops. My education is high school. I am unmarried. No  
8 children. I've never been a juror here or anywhere  
9 else.

10                  THE COURT: You've lived here --

11                  PROSPECTIVE JUROR: 21 years.

12                  THE COURT: Bethani Hunter, 491 -- I'm a  
13 pharmacy technician, high school. Not married. I do have  
14 2 children. They are not able to work -- 9 and about to  
15 be 3. I have lived in Vegas for 12 years. Never been on  
16 a jury.

17                  THE COURT: Thank you, Ms. Hunter.

18                  Now down to the second row on the left.

19                  PROSPECTIVE JUROR: Thomas Collins, 333 -- I'm a  
20 facilities engineer for Wynn. High school education, some  
21 college. Unmarried, no children. Never been on -- lived  
22 in Las Vegas 12 years. Never been on a jury.

23                  THE COURT: Thank you, Mr. Collins.

24                  PROSPECTIVE JUROR: Dominique Corona, 346 -- I  
25 work at Tesla under customer care. I have some college

1 education. No spouse. No kids. I have lived here for 23  
2 years.

3 THE COURT: Any jury service.

4 PROSPECTIVE JUROR: Uh-uh.

5 THE COURT: Next to you.

6 PROSPECTIVE JUROR: My name is Wilmer Rizalde,  
7 350 -- security response.

8 THE COURT: For whom.

9 PROSPECTIVE JUROR: California Hotel and Casino.  
10 Some college. Single. No kids. 9 years in Nevada, Las  
11 Vegas. Never been a juror before.

12 THE COURT: Is English your second language.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What is your first.

15 PROSPECTIVE JUROR: Tagalong.

16 THE COURT: Your badge number is 350. Any  
17 difficulty understanding the proceedings or understanding  
18 what's happened so far.

19 PROSPECTIVE JUROR: Just a little bit.

20 THE COURT: You seem to be fine. In fairness we  
21 want to make sure that everybody who has the potential to  
22 serve would be able to do so. It's not an automatic  
23 disqualify. Accommodations can be made in these  
24 circumstances. We want to make sure that you're up with  
25 the proceeding. So far you have been comfortable -- so

1 far.

2 PROSPECTIVE JUROR: Little bit. I have  
3 difficulties.

4 THE COURT: You do security dispatch. Are you  
5 required to interact in English there.

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: I guess. I need you to give me  
8 more.

9 PROSPECTIVE JUROR: The accent make me lost.

10 THE COURT: Reading English, are you good with  
11 reading English.

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is it more just spoken word.

14 PROSPECTIVE JUROR: Right.

15 THE COURT: We may have more discussions about  
16 that. Thank you.

17 Next.

18 PROSPECTIVE JUROR: Cathy Wong, 353 -- I'm a  
19 family nurse practitioner. I have a master's degree. I a  
20 am husband. He's self-employed. I have children, but  
21 they don't work.

22 THE COURT: What does your spouse do.

23 PROSPECTIVE JUROR: He owns vap stores.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: Children, none of them work.

1 I've lived here 8 years. Never been a juror before.

2 THE COURT: Children not old enough to work.

3 PROSPECTIVE JUROR: One is old enough to work.

4 He is in college in California.

5 THE COURT: Next.

6 PROSPECTIVE JUROR: Brett-Aaron Jankiewicz,

7 356 -- I work for Goodman Manufacturing. I'm a warehouse

8 worker. My education is high school diploma. My spouse

9 works for MGM in employee relations director. Zero

10 children. I've lived here my whole life. Never served on  
11 a jury before.

12 THE COURT: Thank you.

13 Next to you.

14 PROSPECTIVE JUROR: Teri King, 361 -- I was a  
15 pharmacy technician. I have some college. My husband is

16 retired from Delta Airlines. My children live out of

17 state. I've lived here since 2010. I have been a

18 juror.

19 THE COURT: Finally got a juror. Was it here.

20 PROSPECTIVE JUROR: Washington State in the  
21 70s.

22 THE COURT: The questions, do you recall if it  
23 was civil or criminal.

24 PROSPECTIVE JUROR: Criminal. We did have a  
25 verdict. I was not the foreperson.

1           THE COURT: But you had the process of engaging  
2 in deliberations.

3           PROSPECTIVE JUROR: Yeah.

4           THE COURT: So you are back again. It took  
5 awhile, but you are here. Having had prior service, it  
6 changes over the years I'm sure. One of the thing we do  
7 is we let jurors ask questions of witnesses. Not verbal,  
8 but you have the opportunity to participate more then you  
9 might have in your prior service. So maybe that will  
10 intrigue you about our process.

11          Thank you, Ms. King.

12          Next.

13           PROSPECTIVE JUROR: Belinda Morse, 364 -- I am a  
14 director for a non-profit.

15           THE COURT: Which one.

16           PROSPECTIVE JUROR: Honor Flight Southern  
17 Nevada. I have a Master's degree in organizational  
18 department. My husband is a pilot at Lockheed Martin.  
19 I've been in Las Vegas 11 years. My children are old  
20 enough to work. My daughter works here in town at a  
21 T-shirt design company. Never been a juror before,  
22 anywhere.

23           THE COURT: Next to you.

24           PROSPECTIVE JUROR: Gergana Marinova, 365 -- I'm  
25 not working right now, but I worked as a 21 dealer in



1 casino Gold Coast.

2 THE COURT: Not currently working. Education.

3 PROSPECTIVE JUROR: I came from university, but  
4 back in my country.

5 THE COURT: Where are you from.

6 PROSPECTIVE JUROR: You're talking too fast for  
7 me.

8 THE COURT: That might affect your ability to  
9 serve in the trial, if you are unable to --

10 PROSPECTIVE JUROR: I little more time to think  
11 about what you are saying.

12 THE COURT: We'll keep going. So you do have a  
13 spouse.

14 PROSPECTIVE JUROR: Yes. I'm married. My  
15 husband is a truck driver.

16 THE COURT: Children.

17 PROSPECTIVE JUROR: My daughter is a college  
18 students.

19 THE COURT: How long have you lived here in Las  
20 Vegas.

21 PROSPECTIVE JUROR: 13 years.

22 THE COURT: Any jury service before.

23 PROSPECTIVE JUROR: No.

24 THE COURT: It's very difficult obviously to  
25 quantify -- counsel will have questions also, about what

1 percentage of understanding you may have of everything  
2 going on.

3 PROSPECTIVE JUROR: Some words I don't  
4 understand. Special ones you hear here.

5 THE COURT: You are a dealer, so you know  
6 percentages. From zero to a hundred percent of your  
7 understanding of this process so far, where would you put  
8 the percentage.

9 PROSPECTIVE JUROR: 60 for sure.

10 THE COURT: Fair enough. Thank you.

11 Next to Ms. Marinova.

12 PROSPECTIVE JUROR: Sharon Monson, 499 -- I'm  
13 currently employed by the Culinary Health Fund. I'm in the  
14 contracting department for providers.

15 I have a high school education. I am married. My  
16 husband is employed here in town as a facility manager for  
17 Las Vegas Honda. I have 4 adult children. Two live in  
18 Chicago, 2 live here.

19 The oldest unfortunately is unemployed. The other  
20 son works at Costco. I've lived in Vegas for 28 years. I  
21 have been on a jury before. It was 20, 24 years ago. It  
22 was a civil case. We did reach a verdict. I was not the  
23 foreperson.

24 THE COURT: You had an opportunity to deliberate  
25 here.

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Thank you, Ms. Monson.

3 Next to you, Ms. Samonte.

4 UNKNOWN PROSPECTIVE JUROR: She has a paper here  
5 that says I'm deaf and has limited English. No sign  
6 language.

7 THE COURT: I'll skip over Ms. Samonte and come  
8 back to her later. Hang on.

9 Next to Ms. Samonte.

10 PROSPECTIVE JUROR: Jose Alcocer, 386 -- I got 3  
11 sons.

12 THE COURT: What is your job.

13 PROSPECTIVE JUROR: I do kitchen. I work at  
14 Monte Carlo for 21 years. I got 3 kids.

15 THE COURT: Do you have a spouse or partner.

16 PROSPECTIVE JUROR: She's working at Mirage.  
17 She's a maid.

18 THE COURT: You have 3 kids. Do they work.

19 PROSPECTIVE JUROR: Only one. The other ones  
20 got in trouble with the law. One can't work.

21 THE COURT: We have questions about that too. I  
22 said we would talk about law enforcement connections to  
23 find out if folks have had close friends, family member  
24 have any connection with law enforcement or the criminal  
25 justice system, accused of a crime, victim of a crime.

1 We'll get to some of that. We just kind of want to go  
2 through the basics now.

3 How long have you lived in Las Vegas.

4 PROSPECTIVE JUROR: I live here all my life,  
5 going to culinary school since 7th grade. I never had  
6 jury service before. English is good. I think I have to  
7 understand 80 percent to be on jury. I can write  
8 English.

9 THE COURT: You can't read.

10 PROSPECTIVE JUROR: That's why I live in  
11 kitchen.

12 THE COURT: I understand you are probably able  
13 to converse in your native language in the kitchen as  
14 well.

15 PROSPECTIVE JUROR: I follow orders.

16 THE COURT: But I want to make sure I'm clear  
17 for the record. The reading and writing in English is  
18 limited for you, correct.

19 PROSPECTIVE JUROR: Real limited. That is why I  
20 got trouble right now at work. They are going to do a  
21 exam like writing and reading. If you don't pass test,  
22 let you go after 21 years.

23 THE COURT: We hope you get some assistance with  
24 that. Because I asked the other lady the percentage of --  
25 you said 80 percent. There's no bright line in or out.

1       What would you say as far as spoken English what is your  
2       comprehension percentage.

3               PROSPECTIVE JUROR:   Probably 60, 65 percent.

4               THE COURT:   Thank you, Mr. Alcocer.

5               Next to you.

6               PROSPECTIVE JUROR:   Randy Weise, 391 -- I've  
7       been at Atkins Construction about a year-and-a-half.  
8       Before that I retired from INDOT after 31 years.   I got  
9       some college.   My wife stays home and cleans the house.  
10      My son is school still -- junior.   I've lived here 34  
11      years.   Never been on a jury anywhere.

12              THE COURT:   Thank you.

13              Next to you.

14              PROSPECTIVE JUROR:   My name is Blaire Savkko,  
15      404 -- I am a stay-at-home mom, homemaker.   Highest level  
16      of education is high school diploma.   My domestic partner,  
17      boyfriend, we're not legal just going day by day.   He  
18      works for Arizona Pipeline, CCTV operator.   We have a  
19      2-year-old little boy.   I've lived in Vegas 4 years.   I  
20      lived in Texas my whole life before then.   Never been on a  
21      jury before.   I got summoned 2 months ago in Texas, but I  
22      don't live there anymore.   Then I got summoned, I was  
23      like, dang, what else do I have to do.

24              THE COURT:   We appreciate you being here.   Thank  
25      you for the update on that.

1           Next to you.

2           PROSPECTIVE JUROR: Jose Saldivar, 406 -- I work  
3           at Wynn Casino, in a restaurant. I'm married. I have 3  
4           kids. I went to school in Mexico, so I think my English  
5           not really good.

6           THE COURT: How long have you lived in the  
7           United States.

8           PROSPECTIVE JUROR: Like 25 years.

9           THE COURT: With the work, you have to converse  
10          in English.

11          PROSPECTIVE JUROR: Not too much. My job is  
12          food runner. I leave the food on the table and come back  
13          to it.

14          THE COURT: And did we go over -- sorry, if I  
15          didn't catch it. How long you've lived here.

16          PROSPECTIVE JUROR: In Vegas 20 years.

17          THE COURT: No jury service.

18          PROSPECTIVE JUROR: No.

19          THE COURT: Do you -- can you answer the same  
20          question the other jurors answered as far as what  
21          percentage you can estimate.

22          PROSPECTIVE JUROR: Say, say like, 55 percent  
23          maybe. I can't read too much.

24          THE COURT: Can or cannot.

25          PROSPECTIVE JUROR: No.

1           THE COURT: Cannot. Spoken is about 50, 55  
2 percent. Reading not at all.

3           PROSPECTIVE JUROR: Right.

4           THE COURT: Not a disqualification. Sometimes  
5 accommodations can be made. We just need to know the  
6 jurors we do want do qualify and can complete their  
7 service. So you are expressing a concern about the  
8 ability to do that.

9           Next to you.

10          PROSPECTIVE JUROR: Misty Escoto, 501 -- I teach  
11 third grade at Grayson Elementary. I have a master's  
12 degree in education. My partner is a truck driver. I  
13 have a 3-year-old daughter. I've lived in Vegas for 11  
14 years. I've never been on a jury anywhere.

15          THE COURT: See how it goes faster as you are in  
16 the row.

17          Next to you.

18          PROSPECTIVE JUROR: Jeanette Juarez, 421 -- I am  
19 working. I am in property management. I am engaged. He  
20 works --

21          THE COURT: Where is your property management.

22          PROSPECTIVE JUROR: In sales management. So I  
23 work in a community.

24          THE COURT: So a particular development.

25          PROSPECTIVE JUROR: Yeah.

1           Again I'm engaged. He works at 20/20 Plumbing. We  
2           Have 3 kids under 5, so they can't work. I've lived  
3           here -- I was raised here, so 30 years. I've never been a  
4           juror before.

5           THE COURT: Thank you.

6           Next.

7           PROSPECTIVE JUROR: Natasha Leos, 422 -- I'm a  
8           medical assistant. I have high school with some college.  
9           My husband is a restaurant server at Macayo Restaurant. I  
10          don't have kids. I've lived here 22 years. I've never been  
11          a juror here or anywhere before.

12          THE COURT: Thank you.

13          Next to you then. The last of this row.

14          PROSPECTIVE JUROR: I don't speak English.

15          THE COURT: Are you Mr. Argueta.

16          PROSPECTIVE JUROR: Yeah.

17          THE COURT: Do you work. Have a job.

18          PROSPECTIVE JUROR: No. I'm disabled.

19          THE COURT: How long have you lived here.

20          PROSPECTIVE JUROR: 3 years.

21          THE COURT: Where did you live before that.

22          PROSPECTIVE JUROR: Michigan.

23          THE COURT: Did you ever work have you always  
24          been unable to work.

25          PROSPECTIVE JUROR: I work in Michigan.



1 THE COURT: What did you do in Michigan.

2 PROSPECTIVE JUROR: In -- I don't understand.

3 THE COURT: The type of work -- you don't have  
4 to tell me the name of the company -- the type of work did  
5 you do.

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: How long have you live in United  
8 States.

9 PROSPECTIVE JUROR: Maybe 30 year.

10 THE COURT: You lived in Michigan and worked in  
11 Michigan.

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: You can't help me understand what  
14 work you did in Michigan. Where you worked, what  
15 company.

16 PROSPECTIVE JUROR: Hard labor.

17 THE COURT: Thank you, Mr. Argueta.

18 I have asked others, what is your first language.

19 PROSPECTIVE JUROR: Spanish.

20 THE COURT: If you can give a percentage -- how  
21 are you about reading English. You do not read English.  
22 All right.

23 PROSPECTIVE JUROR: Sarah Price, 428 -- I'm an  
24 archeologist, anthropologist. I'm not married. No kids.  
25 I've lived in Las Vegas 2 years.

1 THE COURT: Where are you from.

2 PROSPECTIVE JUROR: Carson City, Nevada. I've  
3 never been on a jury.

4 THE COURT: Where do you do your work here.

5 PROSPECTIVE JUROR: Great Basin in Nevada.

6 THE COURT: Very interesting.

7 Next to you.

8 PROSPECTIVE JUROR: Mary Hewitt, 430 -- I'm a  
9 specialist for government contractors.

10 THE COURT: Quality analysis.

11 PROSPECTIVE JUROR: Quality assurance. I have 2  
12 glasses for my dissertation for my Ph.D in psychology  
13 right now. My husband is a maintenance engineer for South  
14 Point. I have 3 kids. My daughter graduates in about 3  
15 weeks from high school. My middle son is unemployed. My  
16 oldest son is a diesel mechanic for Dodge. I've been here  
17 20 years. Never served on a jury.

18 THE COURT: Ever got this far.

19 PROSPECTIVE JUROR: One time.

20 THE COURT: But not selected. Okay.

21 Next.

22 PROSPECTIVE JUROR: Leslie Makinster, 437 -- I'm  
23 a flight attendant. I have a bachelor's degree. I do  
24 have a spouse. He works for North Las Vegas PD, patrol.  
25 I do have children, but they are not old enough to work.

1 I wish they were. I've lived in Las Vegas for 15 years.  
2 I've never been a jury anywhere.

3 THE COURT: All right. Thank you.

4 You said he's an patrolman.

5 PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: How long has he worked for North Las  
7 Vegas Police Department.

8 PROSPECTIVE JUROR: 10 years.

9 THE COURT: Thank you.

10 Next to you.

11 PROSPECTIVE JUROR: Lorenzo Ormond, 448 -- I'm a  
12 native of Las Vegas. Not married. No children.  
13 Retired.

14 THE COURT: From what.

15 PROSPECTIVE JUROR: Clark County School  
16 District.

17 THE COURT: What did you do for the school  
18 district.

19 PROSPECTIVE JUROR: Maintenance. Never served  
20 on a jury.

21 THE COURT: I too am a native. Where did you go  
22 to high school.

23 PROSPECTIVE JUROR: Western.

24 THE COURT: One of those that existed way back  
25 there. I went to Clark, for what it's worth.

1           Next.

2           PROSPECTIVE JUROR: Penny West, 454 -- I work  
3           for Southern Freight Lines. I'm an auditor. I have a  
4           high school diploma. My husband works for Marshall  
5           Warehouse as a supervisor.

6           THE COURT: Do you have children working.

7           PROSPECTIVE JUROR: Yes. I have 4 children.  
8           One works for Pepsi as a merchandiser. I have one working  
9           for Frito Lay as a merchandiser. My daughter works for  
10          Regis, receptionist. My last daughter works for Ann  
11          Taylor and MedQuest. I've never served on a jury.

12          THE COURT: Did you say how you've long lived  
13          here.

14          PROSPECTIVE JUROR: 8 years.

15          THE COURT: Next to you.

16          PROSPECTIVE JUROR: John Perreault, 459 --at  
17          Century Link, outside tech. My wife and I have been here  
18          since 2000. She was a mortgage broker during the boom,  
19          now she's retired. I have a daughter who I don't talk to  
20          who lives in Missouri. I don't know what she does.  
21          Highest education college prep seminary.

22          THE COURT: Jury service.

23          PROSPECTIVE JUROR: Third time I'm called.  
24          Never picked.

25          THE COURT: You are in the first 32 now, so

1 we'll see. Thank you.

2 Next.

3 PROSPECTIVE JUROR: Sonia Riley, 460 --  
4 currently I'm a full-time student and primary care giver.  
5 Former job was a court reporter and registered nurse.  
6 Education I am trying to finish my masters. That's  
7 stressful.

8 THE COURT: Are you doing it now.

9 PROSPECTIVE JUROR: Yes. I have two months to  
10 finish. So this is not working out.

11 I'm single, not married. My child si in transition  
12 so currently not working now. Moved away.

13 THE COURT: Jury service ever.

14 PROSPECTIVE JUROR: Called never selected.  
15 Haven't gotten this far that I can recall. I have been on  
16 the other side. It's all meshes together. Been here 16  
17 years.

18 THE COURT: Thank you.

19 Next.

20 PROSPECTIVE JUROR: Sonia Riley, 322 -- I work  
21 at the Cosmopolitan in Las Vegas as a correspondence  
22 coordinator for almost 5 years. I was widowed in 2009.  
23 I'm currently living with a gentleman who is working for  
24 Kroeger here in Las Vegas. We have been together 5 years.  
25 No children. I have been called but never selected. So

1       this is my closest.

2               THE COURT: We have more questions for the group  
3 when we come back, but this is a good time to take a brief  
4 recess.

5               I like to let you know, once you are those who are  
6 chosen to serve you will hear this admonishment every time  
7 we take a break because it's considered that important by  
8 the court system that you understand what your duties as  
9 jurors are. I have a longer one that I will do on those  
10 breaks, but for now I'll remind you.

11                               JURY ADMONITION

12               During the recess, ladies and gentlemen, you are  
13 admonished not to converse among yourselves or with anyone  
14 else, including, without limitation, the lawyers, parties  
15 and witnesses, on any subject connected with this trial,  
16 or any other case referred to during it, or read, watch,  
17 or listen to any report of or commentary on the trial, or  
18 any person connected with this trial, or any such other  
19 case by any medium of information including, without  
20 limitation, newspapers, television, internet or radio.

21               You are further admonished not to form or express any  
22 opinion on any subject connected with this trial until the  
23 case is finally submitted to you.

24               Everybody does have to leave the courtroom, but we'll  
25 give you 15 minutes and bring you back at 3:30. Stay

1 close by.

2 (Brief recess taken.)

3 THE COURT: Ms. Kollins.

4 MS. KOLLINS: Mr. Honea's family is like  
5 chit-chatting with the jurors. I'm sure it's nothing more  
6 then something casual, but they're chit-chatting. They  
7 can't that. They are seated in the back row.

8 THE COURT: My marshall usually is good at that.  
9 Sorry, if he didn't --

10 MS. KOLLINS: Well, he's probably with the  
11 panel. He's not seeing the last people walking out and  
12 they are chatting.

13 THE COURT: Elvis, do you think you could do me  
14 a favor and Mr. MacArthur you can assist. Can we identify  
15 his family members and bring them back in. I want to make  
16 sure there wasn't interaction between his family members  
17 and the jurors. So we're trying to make sure -- so if I  
18 can just get the names of the folks that just returned and  
19 I'll explain why I asked you to return.

20 There was a third lady.

21 AUDIENCE: Evelyn Coleman. Mark Coleman.

22 THE COURT: You're.

23 AUDIENCE: Grandparents of Josh.

24 THE COURT: There was concern. I saw the one  
25 juror ushering you all out the door, not realizing you

1 weren't part of jury pool. I understand that everybody  
2 went. But it was also observed by folks there was perhaps  
3 some interaction between you all and the jurors.

4 I'm not here to say anything other than there cannot  
5 be any interaction between you and the jurors. I have  
6 admonished them they cannot interact with anyone and do  
7 anything related to this trial that might jeopardize them.  
8 They're not going to know who you all are and it's not  
9 okay if you have any interactions with them.

10 What we can do is you are welcome to stay in the room  
11 as long as are not having interactions with them and you  
12 are at all times behaving according to the decorum the  
13 court set out.

14 When it's time for them to exist, if you go quickly  
15 into the alcove room until they all go out, that's fine.  
16 If you do have to exit for the rest room or coming in or  
17 out, as long as you are not engaging in any communication  
18 with them, fine.

19 But trust me, you do not want to be in a situation  
20 where you are interacting with anybody related to this  
21 trial. If I think there is any activity happening to  
22 jeopardize this trial, I will exclude you from the  
23 courtroom and you will not be welcomed back. And that  
24 would be throughout the course of this trial.

25 Do you understand.



1           Like I said, I'm not passing judgment on what may  
2           have occurred. That's why we bring it up right now. We  
3           want to make sure in case there was an innocent -- we  
4           appreciate the jurors don't know and they're trying to be  
5           friendly and they may be interacting. It's up to all of  
6           us to self-police.

7                           (Brief recess taken.)

8           THE COURT: Jurors are not present. I had a  
9           conversation with counsel at the bench. I wanted to put  
10          it on the record. We have identified several additional  
11          jurors because of language concerns expressed during my  
12          initial inquiry of them that they should be excused. I  
13          believe we're in agreement. Correct me if I'm wrong.

14          We're going to excuse No. 365, Ms. Marinnova. She  
15          expressed her understanding of 60 percent and difficulty  
16          following and indicating I was speaking too quickly. I do  
17          speak quickly, but I also try to modulate and that wasn't  
18          working for her.

19          She indicated some words she had difficulty --  
20          calling them special words -- to understand.

21          Jury 500, in seat 16, Samonta. She indicated she has  
22          an implant and has hearing difficulties. Also does not  
23          have English as a primary language. We agreed to excuse  
24          her.

25          386, next Jose Alcocer, put his ability to read

1 English very limited. His ability to speak and understand  
2 at 60, 65 percent. He said he had some ability to  
3 understand our process but it did appear that his  
4 limitations were significant, otherwise.

5 Next 406, Jose Saldivar, saying he had a clear  
6 language barrier. Not understanding some of the court's  
7 questions. Inability to articulate answers.

8 Then we had Juror 423, Gilberto Argueta. He was the  
9 one in front. He's the one who worked in Michigan. Been  
10 here a few years. Been in the United States for a period  
11 of time but definitely seemed to have a significant  
12 language barrier. Put -- we asked and he put his  
13 estimation of English at 50 percent.

14 Nobody indicated they had better than 50 to 60  
15 percent understanding. Elvis you can excuse those folks.

16 We appreciate your patience. We had additional  
17 excusals. We need to fill seat 14. The juror to take  
18 that seat is.

19 THE CLERK: Tim Ilsley, 504.

20 THE COURT: Next.

21 THE CLERK: Sara Baiza, 513, seat 20.

22 THE COURT: The front, but furthest left.

23 THE CLERK: Matthew McMullen, 514, seat 25.

24 Aurelia Ganigan, 515.

25 THE COURT: We need to talk to the folks that

1 just joined us who we'd not gone through the list of  
2 information with. So if I can start with Mr. Ilsley.

3 PROSPECTIVE JUROR: Tim Ilsley 504 -- I'm  
4 director of finance at Monti Carlo. My highest level of  
5 education is bachelor's degree in business. My wife is  
6 director of human resources.

7 THE COURT: Where.

8 PROSPECTIVE JUROR: Mirage. We have one  
9 toddler, so no children in the work force. We've lived in  
10 Las Vegas about 4 years. We previously lived in Gulf  
11 Port, Mississippi. I've never been a juror here or  
12 anywhere else.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR: sara Baiza, 512 -- my job is  
15 front desk at Luxor. I don't have a spouse or children.  
16 I'm currently in college. I've lived here my entire life,  
17 23 years. I've never been a juror before.

18 THE COURT: Next.

19 PROSPECTIVE JUROR: Stephen Hankins, 513 -- I've  
20 lived in Las Vegas all my life. I work for Las Vegas  
21 Valley Water District as a connections specialist.

22 THE COURT: Spouse.

23 PROSPECTIVE JUROR: I'm not married. Two  
24 daughters, both in college. I've never been on a jury  
25 before.

1           THE COURT:  You've lived here your whole life.  
2       Where did you go to school.

3           PROSPECTIVE JUROR:  Voc tech.

4           THE COURT:  That existed back in the day.  
5       Front row we have --

6           PROSPECTIVE JUROR:  Matthew McMullen, 514 -- I'm  
7       superintendent for Lawn Maintenance Landscape Company.  I  
8       have some college education.  I have a wife.  She works  
9       for Smith's.  Been married 23 years.  I have 4 children, 3  
10      girls and my oldest is a son, 18. He's a senior.  Does not  
11      work.  Trying to make sure he gets through high school.  
12      I've lived in Las Vegas 31 years.  Never been a juror  
13      before.  Went to Clark High School.

14          THE COURT:  All right.  We won't talk years of  
15      graduation.

16          Next.

17          PROSPECTIVE JUROR:  Aurelia Ganigan, 515 -- my  
18      husband is retired army.  I work for Marshall's retail  
19      group.  I got 2 kids.

20          THE COURT:  What do you do for Marshall's.

21          PROSPECTIVE JUROR:  Sales associate.  I've lived  
22      here for 21 years.  Been a juror 15 years ago.

23          THE COURT:  Here in Clark County.

24          PROSPECTIVE JUROR:  Yes.

25          THE COURT:  Civil or criminal.

1 PROSPECTIVE JUROR: Criminal.

2 THE COURT: Did you deliberate and reach a  
3 verdict.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Were you the foreperson.

6 PROSPECTIVE JUROR: No.

7 THE COURT: Now, we have 3 of you who've done  
8 prior service.

9 Let me just ask. We had a conversation with someone  
10 else as well is English as a first or second language.

11 PROSPECTIVE JUROR: Second language. My first  
12 is Tagalong.

13 THE COURT: You have no problem.

14 PROSPECTIVE JUROR: No.

15 THE COURT: It doesn't appear you do have. You  
16 have had jury service. Thank you.

17 Now we've gone through the background with  
18 everybody. I have some general questions I'm going to  
19 ask. The way we'll proceed, I'm not going to go one by  
20 one. There may be several of you who do not have specific  
21 answers the questions, but I want to first go over them.  
22 As you raise your hand to let us know you might have an  
23 answer to one of the questions, I'll call upon you in the  
24 order in which you're seated. Just remember if you are  
25 speaking in response to any questions I ask and/or

1 questions counsel has, that you use your name and badge  
2 number, so we have that in the record for good record  
3 keeping.

4 I did go over this once before, but let me go over it  
5 with the 32 folks we're looking at now to possibly  
6 qualify. I'll read this as written to make sure we are  
7 all on the same page.

8 Under our system certain principles of law apply in  
9 every criminal trial. They are, one, that the information  
10 or indictment filed in this case is a mere accusation and  
11 is not evidence of guilt.

12 Two, that the Defendant is presumed innocent. We've  
13 already discussed what that means innocent if and until  
14 the State meets its burden to prove him guilty beyond a  
15 reasonable doubt.

16 Three, the State must prove the Defendant is guilty  
17 beyond a reasonable doubt of any one or more crimes to be  
18 determined to be guilty.

19 Is there anyone here who does not understand or does  
20 not believe in these basic principles of our American  
21 justice system. Anyone here who is not going to follow  
22 our principles of the American justice system. No right  
23 or wrong answer. We need to know.

24 No hands on either of those.

25 We talked about whether anybody is acquainted with

1 the facts and circumstances of the case. The next thing I  
2 want to do is -- I know we have a couple of family members  
3 in law enforcement. I need to know at this point if there  
4 are any of you -- the first 32 -- who have either because  
5 of yourself in a former job, a family member, or a close  
6 friend who works in any type of law enforcement. That can  
7 be correction officer, police officer, military MP, any  
8 kind of law enforcement.

9 Do we have any law enforcement connections here.

10 I'll go row by row.

11 Ms. Chacon, we talked about your husband that works  
12 for Metro.

13 PROSPECTIVE JUROR: Yes, ma'am.

14 THE COURT: We talked about -- you are 463 -- so  
15 we talked about you have a husband who is a member of law  
16 enforcement. You didn't recognize any of the other names.  
17 Is your husband's job with law enforcement, is that  
18 something that you talk about a lot, talk about his work a  
19 lot. I'm assuming as your husband you would, but I'm  
20 wondering how much his work impacts you and your ability  
21 to be fair and impartial in this trial.

22 PROSPECTIVE JUROR: We talk about some things,  
23 but he does his best to keep to him and let me know how  
24 the rest of his night goes. If we keep safe understanding  
25 possible.

1           THE COURT: Sounds like a good balance. Here's  
2 where the question goes next. We'll have, as identified  
3 by the State, witnesses of law enforcement. When they  
4 come in here do you believe that you would tend to give  
5 them greater weight in their testimony than others, simply  
6 because they are members of law enforcement.

7           PROSPECTIVE JUROR: No, your Honor. I could be  
8 fair.

9           THE COURT: There is an instruction I will give  
10 the jurors who are going to serve in the trial -- all the  
11 instructions that apply to the case the jury's job is to  
12 apply the facts and apply the law as read to them. The  
13 instructions talk about how you weigh evidence and how you  
14 deal with the credibility of witnesses.

15           What we are looking for, so I'll ask specifically, is  
16 to confirm that no matter who the witness is, you're going  
17 to give just whatever weight you think that witness is  
18 entitled to.

19           You're just going to give that witness whatever  
20 weight you think that witness' testimony deserves and sit  
21 down at the end and deliberate all the evidence with your  
22 fellow jurors fairly and impartially.

23           Is that accurate.

24           PROSPECTIVE JUROR: Yes, ma'am.

25           THE COURT: Thank you.



1           You'll let us know questions if you have any concerns  
2           about that.

3           There was one other hand in that row. Mr. Ward.

4           PROSPECTIVE JUROR: Ward, 312 -- I don't have  
5           relatives but I have a friend who is Metro police.

6           THE COURT: Current friend. Who is it.

7           PROSPECTIVE JUROR: Brandon Better.

8           THE COURT: No connection you know of to this  
9           matter.

10          PROSPECTIVE JUROR: Not that I know of.

11          THE COURT: Do you talk about his work often.

12          PROSPECTIVE JUROR: Occasionally, nothing  
13          seriously in depth.

14          THE COURT: Same to you. Do you believe that  
15          somebody coming in here as a member of law enforcement  
16          would have greater sway with you, shall we say, then  
17          someone else.

18          PROSPECTIVE JUROR: I don't believe so.

19          THE COURT: You can be open-minded as to any of  
20          the evidence and weigh it fairly and impartially however  
21          you see fit.

22          PROSPECTIVE JUROR: Yes.

23          THE COURT: Okay.

24          One instruction also is going to say that it's  
25          everyone's job to do equal and exact justice between the

1 State and Mr. Honea.

2 Anyone here who is going to start with one side or  
3 the other having an advantage. Okay. Fair enough.

4 No other hands in that first row.

5 Second row.

6 PROSPECTIVE JUROR: I have a close friend that  
7 is a police officer at CCDC.

8 THE COURT: Same question is there any reason  
9 you believe that would impact your ability to be fair and  
10 impartial in this trial.

11 PROSPECTIVE JUROR: Of course not.

12 THE COURT: You'll weigh the testimony of  
13 witnesses as you see fit.

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: I asked my question differently.  
16 Are you going to weigh the evidence as you see hit fairly  
17 and impartial.

18 PROSPECTIVE JUROR: Of course.

19 THE COURT: No extra good or bad weight to a law  
20 enforcement witness. Okay. Thank you.

21 PROSPECTIVE JUROR: Hankins, 513 -- North Las  
22 Vegas Police Department.

23 THE COURT: One other connection to North Las  
24 Vegas. Same situation. Any reason that you know -- have  
25 reason to be overly weighing again or giving benefit of

1 doubt to any witness because they are members of law  
2 enforcement.

3 PROSPECTIVE JUROR: No.

4 THE COURT: Next.

5 PROSPECTIVE JUROR: McMullen, 514 -- just one of  
6 my clients. We do a lot of homes for maintenance. He's a  
7 sergeant, but it won't have anything to do with this case.  
8 We are not friends. We just do work for him.

9 THE COURT: Good to know.

10 The flip side could be in my next question that might  
11 reveal this. Maybe somebody you know is in law  
12 enforcement and may have a negative impact. You might  
13 weigh the witness testimony in a negative. We're just  
14 looking for folks who will weigh whatever evidence comes  
15 in and give it whatever weight they see fit, fair and  
16 impartially.

17 Can you do that.

18 PROSPECTIVE JUROR: No problem.

19 THE COURT: Next.

20 PROSPECTIVE JUROR: My husband works for North  
21 Las Vegas.

22 THE COURT: Your badge number.

23 PROSPECTIVE JUROR: 437.

24 THE COURT: No connection to this case, but same  
25 question to just for the record. Will you be able to hear

1 the testimony of all witnesses the same or would you have  
2 some reason to be partial one way or the other to police  
3 officer testimony because they are a member of law  
4 enforcement.

5 PROSPECTIVE JUROR: All the same.

6 THE COURT: Anyone here who even without a close  
7 connection to a family member or friend who believes they  
8 could not be fair and impartial, receive testimony of law  
9 enforcement.

10 I see an hand.

11 PROSPECTIVE JUROR: John Perreault, 459 -- I  
12 just have a tendency to believe in police.

13 THE COURT: One of the things -- the instruction  
14 that talks about credibility or believability, we'll give  
15 some instruction on how to do that. One of the other  
16 instructions talks about as jurors we don't live in a  
17 bubble. Everybody who comes in here has life experiences,  
18 common sense. Your common sense as reasonable men and  
19 woman, you'll hear that in the instruction. How you  
20 deliberate.

21 What you can't do is you can't make unreasonable  
22 inferences. You can't make a decision in this case based  
23 on, you know, prejudice for or against either side.

24 The question is, you know, somebody comes in to  
25 testify, whoever that person is. Will you listen with an

1 open mind. Will you note the evidence. Then will you  
2 ultimately at the end of the trial sit down with fellow  
3 your jurors and fairly and impartially and weigh all that  
4 evidence in whatever weight given at the end of the  
5 trial.

6 Can you do that.

7 PROSPECTIVE JUROR: I will listen to what they  
8 had to say. In the back of my mind it's always goes to be  
9 due to special training in his field, I tend to believe  
10 him.

11 THE COURT: That didn't answer my question, but  
12 fair enough. You want to tell me you would tend to  
13 believe a police officer. Is there any situation in which  
14 you can see where you would set aside this preconceived  
15 belief.

16 PROSPECTIVE JUROR: Just that I would listen to  
17 it all, that is why we're here. But still in the back of  
18 my mind this guy is law enforcement.

19 THE COURT: Fair enough. Counsel may have  
20 additional questions for you on that point as well.

21 Anyone else on that subject.

22 Sort of touching on similar issues but broader in  
23 scope and a little different. Is there anyone here who  
24 has had interaction with law enforcement or other aspects  
25 of the criminal justice system because they have been the

1 victim of a crime. That's you yourself again, family  
2 members or close friend been the victim of any crime that  
3 has then put you in contact in any way, shape, or form  
4 with law enforcement or the criminal justice system.

5 Anyone.

6 I don't think I've ever asked that question that  
7 hasn't happened.

8 Yes.

9 PROSPECTIVE JUROR: Blaire Savko, 404 -- my dad  
10 was arrested here in Las Vegas. He worked for Caesar's.  
11 I didn't live here. His past caught up with him in Texas.  
12 He was an alcoholic. My parents split up. He had a job.  
13 I don't remember what he did. He made good money. He'd  
14 get bonuses every year. He took two of those \$10,000  
15 bonuses in advance and didn't --

16 THE COURT: In Texas.

17 PROSPECTIVE JUROR: It was in Texas but he got  
18 caught out here. He was arrested. He had lived here for  
19 6 years. The game warden went to his job and arrested him  
20 because they sent it through the system. I had to talk  
21 back and forth with the police officers at the Las Vegas  
22 jail here.

23 THE COURT: You had interaction.

24 PROSPECTIVE JUROR: I did, but I don't know the  
25 names. This was 7, 8, 9 years ago.

1           THE COURT: How do you feel overall how the  
2 system handled your father's case.

3           PROSPECTIVE JUROR: They did what they should  
4 have done, you know. They did right. He was in the  
5 wrong. He shouldn't have done what he did. He paid for  
6 it. Nut I have an open-minded. I listen to everybody.  
7 Everybody has a story.

8           THE COURT: Did he go to trial.

9           PROSPECTIVE JUROR: He did in Texas. They  
10 shipped him back to Texas. He got his charge dropped from  
11 felony to misdemeanor. He had to pay it back. He's  
12 haunted by that. He did it to himself.

13          THE COURT: That's your experience and that's a  
14 family member.

15          So anybody with themselves in the past -- we're not  
16 trying to prior into your personal lives, other then we  
17 need to -- for purposes of finding out if there is  
18 anything that might be -- even if you don't perceive it to  
19 be a bias. It is your oath as jurors to answer this  
20 question honestly.

21          Is there anyone here who they themselves or a close  
22 friend or family member has been the victim of a crime or  
23 had any interaction with law enforcement or the criminal  
24 justice system.

25          PROSPECTIVE JUROR: Mary Hewitt, 430 -- my

1 son-in-law was murdered here by a family member.

2 THE COURT: How long ago was that.

3 PROSPECTIVE JUROR: 5 years ago.

4 THE COURT: You said it was by a family member.  
5 Sounds like you know who did it. Was that person --

6 PROSPECTIVE JUROR: It was her son.

7 THE COURT: Tried.

8 PROSPECTIVE JUROR: He was tried.

9 THE COURT: Was that something that you were  
10 knowledgeable of.

11 PROSPECTIVE JUROR: He turned himself in.

12 THE COURT: What's your feeling about how the  
13 system worked in that situation.

14 PROSPECTIVE JUROR: Fair.

15 THE COURT: Anything about that situation that  
16 would impact your ability to be a fair an impartial juror  
17 here.

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay.

20 Anyone else.

21 PROSPECTIVE JUROR: Thomas Collins, 333 -- I  
22 have been arrested for driving under the influence.

23 THE COURT: How long ago was that.

24 PROSPECTIVE JUROR: 2009.

25 THE COURT: None of the names mentioned here are



1 related to anything you had.

2 PROSPECTIVE JUROR: No.

3 THE COURT: You had a direct connection  
4 situation. I asked as far as victim's of crime, so I'll  
5 go over to the converse of that question if anyone has  
6 been accused of. You are mentioning something being  
7 accused of.

8 How did your case resolve. Did you go to trial. Did  
9 you plead guilty. What did do you.

10 PROSPECTIVE JUROR: I pleaded no contest.

11 THE COURT: You got a negotiation of some  
12 kind.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: How did you feel about the system of  
15 justice.

16 PROSPECTIVE JUROR: I felt everything went  
17 fine.

18 THE COURT: Anything about your particular  
19 personal experience with the criminal justice system that  
20 might effect your ability to be fair and impartial.

21 PROSPECTIVE JUROR: I don't believe so.

22 THE COURT: No prior history here that you might  
23 bring into this case. Or a better way to ask it. Would  
24 you be able to set aside your prior experience and receive  
25 the evidence related to this case.

1 PROSPECTIVE JUROR: Be able to put aside  
2 anything.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR: Misty Escoto, 501 -- I was  
5 involved in two different cases as a witness in Los  
6 Angeles County.

7 THE COURT: Did they involve a close friend or  
8 family member.

9 PROSPECTIVE JUROR: One was a former teacher.  
10 One was married to my dad's sister.

11 THE COURT: The former teacher, what was that  
12 situation.

13 PROSPECTIVE JUROR: Child abuse.

14 THE COURT: By that teacher.

15 PROSPECTIVE JUROR: By the teacher.

16 THE COURT: You participated in that process.  
17 What was the other situation.

18 PROSPECTIVE JUROR: It was also child abuse.

19 THE COURT: What type, physical.

20 PROSPECTIVE JUROR: Physical, sexual.

21 THE COURT: So was that person -- did that  
22 person go to trial.

23 PROSPECTIVE JUROR: They did, yes.

24 THE COURT: The outcome there, did you -- were  
25 you directly observing of that or did you hear about it.

1 PROSPECTIVE JUROR: I was involved.

2 THE COURT: You had some knowledge to that.

3 PROSPECTIVE JUROR: I was -- it was toward me. I  
4 was the Defendant or -- he abused me.

5 THE COURT: You were the victim.

6 PROSPECTIVE JUROR: The victim.

7 THE COURT: You had to give that testimony. Is  
8 this something we can further inquire of now or would you  
9 prefer to do that separately.

10 PROSPECTIVE JUROR: I'm fine.

11 THE COURT: How many years ago.

12 PROSPECTIVE JUROR: It was when I was about 9,  
13 10.

14 THE COURT: You are how old now.

15 PROSPECTIVE JUROR: 37.

16 THE COURT: It's not a situation -- there's a  
17 certain amount of time that goes by. Fine.

18 The real issue of course is you heard about what the  
19 charges are in this case. I am going to come back and be  
20 more specific as far as my questions about this type of  
21 case and the allegations.

22 So you had your own experience. The person was  
23 tried. Did they get convicted.

24 PROSPECTIVE JUROR: They were convicted and fled  
25 to another country.

1 THE COURT: They're never --

2 PROSPECTIVE JUROR: No.

3 THE COURT: Served time.

4 PROSPECTIVE JUROR: No.

5 THE COURT: I know this is a general question,  
6 but I have to ask. I start there to be more specific  
7 about that experience. Will it effect your ability to be  
8 fair and impartial here.

9 PROSPECTIVE JUROR: I don't think it will, but I  
10 can't guarantee that.

11 THE COURT: The truth is obviously none of us  
12 can guarantee anything, tomorrow, the next day,  
13 deliberations or otherwise. What we are asking for is  
14 your honest opinion, your honest answer in terms of -- and  
15 what we don't want is not every trial is perfect for every  
16 person, right. If the fact you had the prior experience  
17 you had in those circumstances, family member, criminal  
18 justice system, that that might come forward and be  
19 present in this trial in any way, making you emotional,  
20 distracted, making you intend to want to do something  
21 related to this trial because of what occurred there.  
22 Anything like that would potentially get in the way of  
23 your service. Nobody would fault you for that, but we  
24 would need to know your best belief of whether or not you  
25 can be fair and impartial and set that aside.

1                   PROSPECTIVE JUROR: I can be fair and  
2 impartial.

3                   THE COURT: Thank you.

4                   Anyone else.

5                   Is there anyone here who they themselves in the  
6 past, family member or close friend, has ever been accused  
7 of a crime and therefore had interactions with law  
8 enforcement because of being accused of a crime.

9                   Anyone.

10                  We're not trying to be problematic. You are out of  
11 the top 32, so we don't need to inquire just yet.

12                  Go ahead.

13                  PROSPECTIVE JUROR: Sarah Rice, 428 -- my  
14 ex-husband was in prison for marijuana, so he's a felon --  
15 convicted felony.

16                  THE COURT: How long ago was that.

17                  PROSPECTIVE JUROR: 20 years ago.

18                  THE COURT: Not in this state.

19                  PROSPECTIVE JUROR: Virginia.

20                  THE COURT: In that circumstance how did you  
21 feel the system handled his circumstance.

22                  PROSPECTIVE JUROR: I didn't know him then. I  
23 think they handled it well. He got 2 years in prison.

24                  THE COURT: Overall any reason to believe that  
25 that would somehow backup on you and become an issue for

1       you here.

2               PROSPECTIVE JUROR: Not at all.

3               THE COURT: Anybody else.

4               PROSPECTIVE JUROR: Penny West, 454 -- I have a  
5       sister in Alaska arrested for stealing prescription  
6       drugs.

7               THE COURT: How long ago was that.

8               PROSPECTIVE JUROR: 5 years ago.

9               THE COURT: Did she go to trial or plea.

10              PROSPECTIVE JUROR: She served time.

11              THE COURT: Was convicted of that crime.

12              PROSPECTIVE JUROR: Yes.

13              THE COURT: Were you knowledgeable about it as  
14       it was happening or something that happened after the  
15       fact.

16              PROSPECTIVE JUROR: I just found out because she  
17       lives in Alaska. She called my parents just let us  
18       know.

19              THE COURT: Your understanding of how the system  
20       worked in her situation.

21              PROSPECTIVE JUROR: They do what they had to  
22       do.

23              THE COURT: Anything about that that would  
24       impact your ability to serve as a juror here.

25              PROSPECTIVE JUROR: Not at all.

1 THE COURT: Yes.

2 PROSPECTIVE JUROR: Natasha Leos, 422 -- I have  
3 a few family members who have been in prison or convicted  
4 felons.

5 THE COURT: Here in Nevada. Who are they.

6 PROSPECTIVE JUROR: Both of my brothers have  
7 been in. One got out last year. My cousin for things  
8 like grand theft auto, embezzlement, domestic violence,  
9 things like that drugs. Just a little bit of this that.

10 THE COURT: So we can be more specific if need  
11 be as we talked about these. For instance with your  
12 brothers situations, the one recently finished his term.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Is it probation, incarceration.

15 PROSPECTIVE JUROR: Incarceration. He was gone  
16 for 3 years.

17 THE COURT: The other brother did he get  
18 prosecuted.

19 PROSPECTIVE JUROR: He went to prison twice  
20 already. He hasn't been back in about 5 years. But my  
21 older brother, the one that just got out, recently.

22 THE COURT: I assume some difficult  
23 circumstances you're dealing with that in your family.

24 Were you knowledgeable of and dealing with their  
25 interactions with law enforcement at the time or is that

1 something you heard about because your older brother,  
2 through the family.

3 PROSPECTIVE JUROR: My mom was the one involved  
4 in talking with people. I would hear it, but I wasn't  
5 really involved. I didn't want to have anything to do  
6 with it, honestly.

7 THE COURT: Do you have an opinion on how the  
8 criminal justice system worked in those situations.

9 PROSPECTIVE JUROR: On certain things, certain  
10 times they've gone, but nothing recently.

11 THE COURT: When you say certain -- you mean --  
12 I asked the question differently.

13 Do you have a positive opinion, negative opinion,  
14 about how the system worked in their cases.

15 PROSPECTIVE JUROR: I mean it was pretty fair.  
16 My opinion about the system would be mainly in New Mexico  
17 not here.

18 THE COURT: i'm getting the sense those might be  
19 negative opinions, curious how come.

20 PROSPECTIVE JUROR: My dad was killed and found  
21 in a not very nice way. I feel like more could have been  
22 done because of his past history they he looked over what  
23 shouldn't have been looked over.

24 THE COURT: How long ago was that.

25 PROSPECTIVE JUROR: Last year.



1           THE COURT: I can see emotion coming out for  
2           you. I'm not trying to poke at that. Not every trial is  
3           going to be the best for each person. That seems to be  
4           recent. I don't want to put words in your mouth. Do you  
5           believe that that is something you can set aside and not  
6           have come to the forefront, if you will, and impact your a  
7           ability to be fair and impartial here.

8           PROSPECTIVE JUROR: Yeah.

9           THE COURT: Because it's in another state.

10          PROSPECTIVE JUROR: Yes.

11          THE COURT: We don't have charges in this case  
12          like that, but we do have members of law enforcement who  
13          are going to come in. I did ask the question in terms of  
14          negative bias, positive bias with regard to law  
15          enforcement. Do you think anything like that. Would it  
16          be a problem for you in this trial.

17          PROSPECTIVE JUROR: I don't think so.

18          THE COURT: You mentioned beyond your brothers,  
19          you had a cousin.

20          PROSPECTIVE JUROR: Yes.

21          THE COURT: Are those more recent, less  
22          resent.

23          PROSPECTIVE JUROR: My cousin was in prison She  
24          was in there 2013 to 2014.

25          THE COURT: Any opinions with regard to her case

1       effecting your ability to be fair and impartial here.

2               PROSPECTIVE JUROR: No. She did it.

3               THE COURT: The system worked in her case.

4               PROSPECTIVE JUROR: Yeah.

5               THE COURT: Anything else about that you want to  
6 share with us. Counsel may have additional questions for  
7 you.

8               Any other hands in the back.

9               PROSPECTIVE JUROR: Bethani Hunter, 491 -- my  
10 boyfriend was arrested probably 6 years ago for domestic  
11 violence on his ex.

12              THE COURT: Before you knew him.

13              PROSPECTIVE JUROR: Yeah. So he was in jail for  
14 like, 2 months he said.

15              THE COURT: Anything about when he talked about  
16 that situation or anything like that that could effect  
17 your ability here.

18              PROSPECTIVE JUROR: No.

19              THE COURT: Okay.

20              Anybody else we haven't heard from.

21              Now we've heard from juror who talked about this  
22 specifically. I very much appreciate your candor.

23              Anybody needs to take about something, fine, but we  
24 do need to know either as victim of accused of.

25              Anyone here they themselves, family members, or close

1 friends has ever been accused of or victim of any sex  
2 assault, sex crimes, related crimes of any kind. We need  
3 to know because those are the charges in this case. We  
4 need to know those experiences.

5 Ms. Rice, is that something you'd like to discuss now  
6 or do it with out other jurors present.

7 PROSPECTIVE JUROR: Without.

8 THE COURT: Ms. Hunter, you had your hand up as  
9 well.

10 PROSPECTIVE JUROR: Without.

11 THE COURT: Okay. Understood. So we'll come  
12 back to you all. Is there anyone else who has their hand  
13 up.

14 Yes, ma'am.

15 PROSPECTIVE JUROR: Sonia Riley, 460.

16 THE COURT: Anyone here, you yourself, close  
17 friend of family member.

18 Anybody else.

19 PROSPECTIVE JUROR: Blaire Savko, 404 -- I was  
20 touched by my -- a fellow kid at baby sitting. I was  
21 2-and-a-half. He was 8. I didn't know what was happening  
22 at the time. I was too little.

23 THE COURT: Did someone else tell you this had  
24 happened.

25 PROSPECTIVE JUROR: I remembered it.

1           THE COURT: Were you able to talk to somebody  
2 about it.

3           PROSPECTIVE JUROR: Not until I was older. Not  
4 until I was older.

5           THE COURT: Then did you -- the same type of  
6 question. Is that something you think will effect your  
7 ability to be fair and impartial here.

8           PROSPECTIVE JUROR: No, because he was young  
9 too, you know.

10          My domestic partner was molested by his baby sitter  
11 from age of 5 to 12. He forgives her.

12          THE COURT: You've talked about it.

13          PROSPECTIVE JUROR: We talked about it. We  
14 talked about it, you know.

15          THE COURT: He forgives her.

16          PROSPECTIVE JUROR: He forgives his parents. He  
17 was 1 of 5, and he was the only one that was ever left  
18 alone with her.

19          THE COURT: Was there, in either of the  
20 situations, were there consequences I guess is the best  
21 way to ask it.

22          PROSPECTIVE JUROR: No, because he didn't say  
23 anything. He didn't think -- he tried to tell his mom,  
24 but she was too busy being a single mom of 5.

25          THE COURT: Will that effect your ability to be

1 fair and impartial in this trial.

2 PROSPECTIVE JUROR: No.

3 THE COURT: Thank you.

4 Ms. Hunter and Ms. Rice, Ms. Riley, anybody else who  
5 needed to speak with us separately. All right.

6 PROSPECTIVE JUROR: Private.

7 THE COURT: You are.

8 PROSPECTIVE JUROR: Dominique Corona, 346.

9 THE COURT: That's 4 folks.

10 Anyone else who has an answer to those questions that  
11 we have asked in terms of any, again, summarized  
12 connections to law enforcement, interactions with law  
13 enforcement and/or the criminal justice system, either  
14 themselves, close friend, family member accused of a  
15 crime, victims of crime, specifically sex related crimes.

16 Anybody we haven't heard from so far.

17 PROSPECTIVE JUROR: McMullen, 514 -- my dad's  
18 wife's sister is in prison for murder. I think they did  
19 the right thing. I have no ill-feelings.

20 THE COURT: Something you knew of at the time it  
21 was happening.

22 PROSPECTIVE JUROR: No, after the fact, while  
23 she was on trial. No close ties, except a family on  
24 holidays and making a phone call.

25 THE COURT: Ms. Riley.

1               PROSPECTIVE JUROR: I have many people that have  
2               been put to jail or prison.

3               THE COURT: Is this related to your work or  
4               personal.

5               PROSPECTIVE JUROR: Personal and work.

6               THE COURT: Since we're going to be talking to  
7               you otherwise, we can talk about that then.

8               Anybody else that we need to hear from before I ask  
9               the jurors to step out so we can speak with the individual  
10              jurors. Okay.

11                               JURY ADMONITION

12              During the recess, ladies and gentlemen, you are  
13              admonished not to converse among yourselves or with anyone  
14              else, including, without limitation, the lawyers, parties  
15              and witnesses, on any subject connected with this trial,  
16              or any other case referred to during it, or read, watch,  
17              or listen to any report of or commentary on the trial, or  
18              any person connected with this trial, or any such other  
19              case by any medium of information including, without  
20              limitation, newspapers, television, internet or radio.

21              You are further admonished not to form or express any  
22              opinion on any subject connected with this trial until the  
23              case is finally submitted to you.

24              We're not going to complete process today I'm still  
25              going through questions counsel will opportunity return

1 but afternoon return tomorrow more on that step outright  
2 now everybody inclusive of those talk to bring back one by  
3 one.

4 (Panel excused from the courtroom.)

5 THE COURT: Ms. Hunter, we appreciate these are  
6 difficult questions. Not every trial is the best fit for  
7 every person. Just help us understand what your  
8 information is.

9 PROSPECTIVE JUROR: So my mom's ex-husband, I  
10 don't know how old I was, probably like 7, 8 maybe. He  
11 used to come in my room, and he would like molested me for  
12 the longest time. I don't know how long it was because  
13 every time he come in he'd tell me -- threaten me and tell  
14 me not to tell my mom. So I ended up telling her when we  
15 moved out here. I was in 8th grade by the time we moved  
16 out here, so this had been going on for a couple of  
17 years.

18 THE COURT: Did anything ever occur with him in  
19 terms of --

20 PROSPECTIVE JUROR: No. They tried. My mom was  
21 trying to get something going just nothing ever happened  
22 So he just kind of got away.

23 THE COURT: How do you feel about this trial for  
24 you.

25 PROSPECTIVE JUROR: I'm fine. I'm good.

1           THE COURT:  You don't think it would impact  
2     you.

3           PROSPECTIVE JUROR:  It happened quite awhile  
4     ago.

5           THE COURT:  How long ago.

6           PROSPECTIVE JUROR:  Since I was 7, 8 years  
7     old.

8           THE COURT:  How old are you now.

9           PROSPECTIVE JUROR:  25.

10          THE COURT:  We can't predict the future.  But  
11     the circumstances we would want to hope to be sure that  
12     these things wouldn't expectedly come up and get in the  
13     way with you.

14          The real question, obviously, we wouldn't want you to  
15     try to be addressing things that maybe weren't addressed  
16     in the past, unrelated circumstances, in this case.

17          Do you know what I mean by that.

18          PROSPECTIVE JUROR:  Yeah.

19          THE COURT:  Counsel may have questions they  
20     would like to ask Ms. Hunter.

21          MS. KOLLINS:  When your mom was trying to move  
22     forward and get something accomplished in terms of  
23     notifying law enforcement, did that happen here or --

24          PROSPECTIVE JUROR:  Here.  I don't know who she  
25     had me talking to, but like we went to somebody's office



1 We were -- she was trying to get this information out of  
2 me, but I couldn't. I could not.

3 MS. KOLLINS: You didn't make a disclosure.

4 PROSPECTIVE JUROR: I tried to give them as much  
5 information as I could, but it was like I was still kind  
6 of scared he was going to come get me.

7 MS. KOLLINS: You realize that this case we have  
8 here is separate from that.

9 PROSPECTIVE JUROR: Yes.

10 MS. KOLLINS: Even though it's the same  
11 jurisdiction, it doesn't mean it was necessarily handled  
12 the same way.

13 PROSPECTIVE JUROR: Right.

14 MS. KOLLINS: You can set that aside and be  
15 fair.

16 PROSPECTIVE JUROR: Yes.

17 MS. KOLLINS: That's yes, for the record.

18 PROSPECTIVE JUROR: Yes.

19 MS. MCNEILL: Ms. Hunter, a few questions.

20 I know it's uncomfortable to talk about. I guess  
21 that you mentioned that that you waited awhile before you  
22 moved away from him to tell your mom. When you talked to  
23 your mom, did you feel like she believed you.

24 PROSPECTIVE JUROR: Her reaction was, I don't  
25 know, like, yeah she didn't really seem like she believed

1 me too much. Why am I going to lie and tell her this  
2 about -- they had already gotten a divorce, why are you  
3 still kind of trying to defend this man.

4 I'm telling you. Why I'd come up with this, just,  
5 you know, so I didn't feel like she believed me too much.  
6 I don't know.

7 MS. MCNEILL: Based on that experience with one  
8 the victim and difficulties with your mom believing you, I  
9 know you said you didn't think it would affect you, but  
10 sometimes we think that things aren't going to effect us  
11 then you are sitting here and it does. Have you gotten  
12 therapy or anything and dealt with any of these issues.

13 PROSPECTIVE JUROR: She tried. I kind of have  
14 just locked him in a box and forgotten about it. I feel  
15 kind of sort of I have the issues. Like for me to like  
16 hug a grown man, I can't do that. The only one I can hug  
17 is my boyfriend I have now. I can't anybody else. It's  
18 very weird. I feel like something is going to happen,  
19 just like very on the edge. So I can't get, like a  
20 counselor or anybody to talk to about that.

21 MS. MCNEILL: Based on that it sounds like this,  
22 as much as you say you put it in a box, it does still come  
23 up. Does it still effect you a little.

24 PROSPECTIVE JUROR: A little.

25 MS. MCNEILL: Let me ask you this way. You

1 heard what the charges are, right. You can hear witnesses  
2 talk about these types of things. They have to talk about  
3 sex acts, those types of things. Knowing that you still  
4 are effected by what happened to you if you were sitting  
5 where Mr. Honea is, would you want you on the jury knowing  
6 you've got stuff that might effect you.

7 That is no for the record.

8 PROSPECTIVE JUROR: Yes.

9 MS. MCNEILL: Okay.

10 THE COURT: I guess I wanted to ask it this way.  
11 I'll leave at that. I'm trying to think how to articulate  
12 my question.

13 We really appreciate it. You may step out. We'll  
14 get back to.

15 PROSPECTIVE JUROR: Thank you.

16 MS. KOLLINS: She wouldn't be human if she's not  
17 effected. Every single sexual abuse victim, whether it be  
18 something that was minuscule in the scheme of things or  
19 something protracted, there's going to b effected in some  
20 form. It's who they are. It doesn't mean they are not  
21 going to be fair. I guess that's where I'm at. Of course  
22 they are effected. Is she the ideal juror for this,  
23 perhaps not. But that doesn't rise to the level of cause.  
24 If we kick every single person that has ever been a victim  
25 of sexual abuse because they have been a victim, that

1 doesn't rise to the level of cause.

2 I understand the argument. I understand certainly  
3 they may be more sensitive to certain issues, but that  
4 doesn't make them unfair and make them unbiased against  
5 Mr. Honea.

6 She said she could be fair. She said she realized  
7 that this case wasn't the same that happened to her. Is  
8 she effected, of course. Every person that comes in here  
9 is effected. So that's the State's stand. I'll submit  
10 it, your Honor. Thank you.

11 THE COURT: Ms. McNeill or Mr. MacArhtur.

12 MS. MCNEILL: I wouldn't suggest that anyone who  
13 had been a victim should be removed. I think you have to  
14 evaluate each person and deal with things differently.

15 My concern is this. She said that initially she  
16 wouldn't be effected but then she talked about the fact  
17 that she can't hug men. She clearly got a little  
18 emotional. This is something she's still dealing with.

19 The last thing you would want is somebody who is  
20 going to be triggered by evidence you hear and gets back  
21 there and cannot be fair to the Defendant or the State,  
22 whichever way it goes.

23 I wouldn't submit that anyone who has been a victim  
24 of a type of sex act can't be fair, but I think she was  
25 clear that there are concerns. She didn't rise to the

1 level of being unequivocal that it would effect her, she  
2 said I think so, but it was clear when I talked to her she  
3 hasn't received therapy for this. She still has issues  
4 come up in her daily life that she's certainly going to  
5 have problems being fair to Mr. Honea.

6 THE COURT: I'm going to excuse Ms. Hunter.  
7 I'll articulate it this way.

8 When she first talked about it and indicated it had  
9 been awhile ago. She thought she probably would set it  
10 aside. My inclination there is to think that very well  
11 could be possible. I still had misgivings. Then some  
12 things developed in the questioning made it clear to me  
13 this is still very present for her. What you just pointed  
14 out Ms. McNeill that she still has present issues, and I  
15 don't think there is any way to be certain as testimony is  
16 coming in what's alleged in this case that that is not  
17 going to potentially impact her. Because it is very  
18 present for her currently.

19 It was also, non-verbal, so I want to make a record  
20 of it. You asked the fairly standard question these days  
21 would you be the juror if you were sitting here with your  
22 opinions, et cetera, however you phrased it, it was zero  
23 hesitation she immediately shook her head and made an  
24 expression, like, no. Definitely not type of thing. It  
25 wasn't not a thoughtful let me think about it, maybe I

1       could   It was clear that she was expressing, even though  
2       non-verbally, an enact to or at least an understanding of  
3       her own position coming in as to the Defendant.

4             I think, again, we can't risk -- we don't need to  
5       risk, with the number of jurors we have under, the  
6       circumstances of what is presently an issue for her  
7       clearly related to her own experiences.

8             I don't disagree with you, Ms. Kollins, not everybody  
9       who's had a prior experience rises to the level of cause.  
10      But her current experience that she's having related to  
11      her history makes it problematic in this trial.

12            I'll excuse Ms. Hunter.

13            Elvis, bring in Ms. Rice.

14            Sorry this trial raises up whatever these issues are  
15      you want to share.   What did you need to share with us.

16                    PROSPECTIVE JUROR:   I was molested as a child.

17                    THE COURT:   By a family member.

18                    PROSPECTIVE JUROR:   My mom's boyfriend.

19                    THE COURT:   Was that person -- did you report  
20      it.

21                    PROSPECTIVE JUROR:   My friend did and but  
22      nothing came of it.   There was no trial.   I got some  
23      counseling, but mostly it was so long ago.   I don't  
24      remember it that well.   There was no real justice of it.

25                    THE COURT:   It begs the question, this is the

1        thing we would worry about, right. Is that this trial has  
2        its own evidence. You heard a little about the facts and  
3        circumstances, different from what you mentioned, but  
4        obviously at the heart of it has some overlap. But what  
5        we don't want is anyone who wouldn't be able to be sure  
6        they could set that aside during the course of the trial  
7        or during the course of deliberations, would somehow have  
8        that information from their past come in here and effect  
9        how they could be fair in deliberation.

10            You said it was some time ago. You said you have  
11        some difficulty remembering it. Did you counsel or treat  
12        for it.

13            PROSPECTIVE JUROR: A little when I was younger.  
14        So, yeah, I would say, yeah.

15            THE COURT: You didn't see justice happening  
16        there. Would you have any reason to try to be finding  
17        justice in this case.

18            PROSPECTIVE JUROR: I don't think so. I can be  
19        fair and reasonable, rational and look at facts without  
20        having that effect my opinion.

21            THE COURT: Ms. Kollins, questions to ask of Ms.  
22        Rice.

23            MS. KOLLINS: Was that reported here in Las  
24        Vegas.

25            PROSPECTIVE JUROR: No, from Texas.

1 MS. KOLLINS: How old were you.

2 PROSPECTIVE JUROR: I think I was 7 or 8.

3 MS. KOLLINS: Nothing else, your Honor.

4 MS. MCNEILL: Court's indulgence, your Honor.  
5 No questions.

6 THE COURT: Thank you. You may step out. We'll  
7 get back to you.

8 Anybody want to make a record of Ms. Rice.

9 MS. KOLLINS: No, your Honor. She said she  
10 could be fair.

11 MS. MCNEILL: I'll submit.

12 THE COURT: I didn't have the same concerns with  
13 Ms. Rice we had with Ms. Hunter. It seems to have been  
14 some significant time ago. Some memories with it, but it  
15 doesn't seem she'll bring it back into this trial. So I  
16 will not excuse Ms. Rice for cause.

17 I skipped over -- I didn't intend to -- Ms. Corona.  
18 She's in seat number 8, juror 346.

19 What would you like to share with us.

20 PROSPECTIVE JUROR: Nothing like too much. I  
21 have social anxiety.

22 THE COURT: Understood.

23 PROSPECTIVE JUROR: My dad was arrested for like  
24 a couple of days because -- my parents are divorced. My  
25 mom got a new significant other. He kind of got escalated



1 and he went to her house and kind of was just slamming on  
2 doors trying to get in.

3 THE COURT: How long ago was this your father  
4 got arrested.

5 PROSPECTIVE JUROR: Possibly, I would say 4  
6 years ago.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: It was only for a couple of  
9 days.

10 THE COURT: Was it your mom that reported him  
11 because he came over and was making noise and threats and  
12 things. Did he get charged? Was he prosecuted, anything  
13 like that.

14 PROSPECTIVE JUROR: I don't remember the details  
15 exactly. I do know he went to jail for a couple of days.  
16 I don't think it was anything too intense.

17 THE COURT: Of course, with others who had  
18 family members or themselves had interaction with law  
19 enforcement, we want to be sure if it's the answer, if  
20 it's not tell us otherwise, but that that can be set aside  
21 and wouldn't be something that would be effecting you in  
22 your ability to serve in this trial.

23 PROSPECTIVE JUROR: It can be set aside. I'm  
24 open-minded. I feel like they did what they had to do.

25 And then for law enforcement, as well, my

1 ex-boyfriend of 6 years his step-dad was a part of Metro.  
2 So then I don't really know a lot of friends His step-dad  
3 is like a friend, but --

4 THE COURT: What is his step-dad's name.

5 PROSPECTIVE JUROR: Dean Mills.

6 THE COURT: He's retired now.

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: Are you able to weigh the evidence  
9 of members of law enforcement the same as anybody else, or  
10 do you think you'd have a tendency to give greater weight  
11 to or be biased in favor of law enforcement.

12 PROSPECTIVE JUROR: I'm open-minded. I like to  
13 see both perspectives.

14 THE COURT: Is that all you had to share with  
15 us.

16 PROSPECTIVE JUROR: For like the sexual assault,  
17 one of my best friends was raped in high school.

18 THE COURT: Stranger or someone she knew.

19 PROSPECTIVE JUROR: I'm pretty sure it was an  
20 acquaintance. It was a guy friend and they went up to  
21 like I believe the lake. I guess he brought a friend.  
22 I'm not sure if they ever got charged or anything From  
23 what I know they didn't, but that wouldn't impact my  
24 opinions.

25 THE COURT: You don't think it would have any

1 effect on you here.

2 PROSPECTIVE JUROR: No.

3 THE COURT: I want to ask now and have counsel  
4 follow up.

5 You mentioned some social anxiety, some anxiety I  
6 expect in a group. If you're on the jury, you're 1 of 12  
7 people to deliberate. We need to have jurors to be able  
8 to go in there and hold their own in that setting with 12  
9 people. Do you believe you could speak up.

10 PROSPECTIVE JUROR: Most definitely. It depends  
11 on how many people are there at the time. I know everyone  
12 is like releasing their information and no one is judging.  
13 I'm not too much of a public speaker. I can deliver  
14 opinions and jump in there if I have something to say.

15 THE COURT: There is an instruction that goes to  
16 this. If 11 people were feeling one way and you feel  
17 another, would you have that discussion with folks or  
18 would you feel like I need to go along with the group.

19 PROSPECTIVE JUROR: I would most definitely go  
20 with what I believe in and stick to my opinion. There is  
21 always going to be that majority.

22 THE COURT: Ms. Kollins.

23 MS. KOLLINS: No.

24 THE COURT: Ms. McNeill, any follow up.

25 MS. MCNEILL: Court's indulgence.

1 MR. MACARTHUR: I'm thinking how to formulate  
2 them. Good afternoon, Ms. Corona.

3 PROSPECTIVE JUROR: Hi.

4 MR. MACARTHUR: All of that is touchy. I  
5 apologize in advance. After listening to you talk about  
6 your experience with having had a friend sexually abused  
7 from what you said it sounds like no charges were brought  
8 against the perpetrator.

9 PROSPECTIVE JUROR: I'm unsure, but she didn't  
10 really give information about that. It's something she  
11 really kept to herself. But feel like she would have  
12 expressed it a bit if she was kind of like happy that they  
13 got charges or anything like that along those lines.

14 MR. MACARTHUR: You feel like if something  
15 happened, you would have heard about it.

16 PROSPECTIVE JUROR: I don't know the exact  
17 answer. I can't really answer to like what went on with  
18 the people who went ahead and raped her. I can't give  
19 detailed information on that.

20 MR. MACARTHUR: Understood.

21 Was it a close friend.

22 PROSPECTIVE JUROR: Yeah. So we were like  
23 really, really close but throughout like the past 2 years  
24 we've been separated a bit just because of  
25 circumstances.

1 MR. MACARTHUR: Not related to that event.

2 PROSPECTIVE JUROR: Right.

3 MR. MACARTHUR: My concern is this. Given that  
4 you have had in your life knowledge of somebody who may  
5 have been sexually abused and nobody held accountable for  
6 that, I would like to inquire as to whether knowledge that  
7 some people are abused and nothing is done about it has  
8 any bearing in this case.

9 PROSPECTIVE JUROR: Right.

10 MR. MACARTHUR: Is there any danger from the  
11 defense's point of view, should I have to worry that you  
12 might feel like in an imperfect world not enough is being  
13 done. I'll start with that question and move on.

14 PROSPECTIVE JUROR: I understand with some  
15 scenarios stuff may not get done. It's going to happen.  
16 The world isn't perfect. I mean, I won't feel anything  
17 like strong -- I won't strongly feel negative if nothing  
18 gets done. It's not my perspective that nothing should  
19 get done. Essentially, I don't know if I feel something  
20 should be done. I guess in this case just because of like  
21 my views I would kind of feel this should have happened  
22 instead, but of course it's like a majority rules so.

23 MR. MACARTHUR: Okay. To follow up that  
24 question.

25 First is do you feel as though every allegation

1 or claim of sexual abuse or assault is probably true.

2 PROSPECTIVE JUROR: No.

3 MR. MACARTHUR: As you sit there now you  
4 understand there are I guess a slue of categories. You  
5 have people who are abused and say they were abused,  
6 right.

7 PROSPECTIVE JUROR: Yes.

8 MR. MACARTHUR: You could have people who were  
9 abused and don't tell anybody.

10 PROSPECTIVE JUROR: Right.

11 MR. MACARTHUR: You could have people who were  
12 not abused and say they were.

13 PROSPECTIVE JUROR: Yeah, most definitely.

14 MR. MACARTHUR: All of these you don't have a  
15 problem that all of these things exist in the same  
16 world.

17 PROSPECTIVE JUROR: No problem.

18 MR. MACARTHUR: Court's indulgence.

19 THE COURT: Yes.

20 MR. MACARTHUR: My second follow-up question was  
21 given that you said something about social anxiety and not  
22 being judged on that. But do you understand that at the  
23 end of the case, if you are a juror, that you will  
24 deliberate with at least 11 other people.

25 PROSPECTIVE JUROR: I understand. That's

1 perfectly fine. It's when I'm the center of attention is  
2 on you, with a grand mass of people.

3 PROSPECTIVE JUROR: I don't mean to imply you  
4 would be the foreman. I do need to follow up with saying  
5 that are you aware that whatever side you are on, guilt or  
6 innocence, that you may be in a room where some or even  
7 the majority of people disagree with you.

8 PROSPECTIVE JUROR: Yes.

9 MR. MACARTHUR: Does it bother you at all the  
10 prospect of having to discussion for lengthy period of  
11 time your position with people that disagree with you.

12 PROSPECTIVE JUROR: I can do that. I understand  
13 like some people are going to stick to their views. I  
14 know what's going to happen.

15 MR. MACARTHUR: Do you understand that sometimes  
16 discussions involving important issues get heated and can  
17 be full-flown arguments. Does the prospect of it being a  
18 heated discussion with other strangers impact your ability  
19 to be a juror here.

20 PROSPECTIVE JUROR: No.

21 MR. MACARTHUR: No further questions.

22 THE COURT: Thank you. You may step out. We'll  
23 get back to.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: Any further record made in that

1       regarding.

2               MS. KOLLINS:   Submit.

3               MR. MACARTHUR:   Submit.

4               THE COURT:   I don't see her -- her answers have  
5       indicated she can or would be able to do her duty.  I also  
6       inquired of social the anxiety and how that might effect  
7       her ability to deliberate.  She gave answers that would be  
8       appropriate for someone able to serve.  She will not be  
9       excused at this time.

10              One more.  We have Sonia Riley.

11              Ms. Riley, what are the circumstances you want to  
12       bring to our attention.

13              PROSPECTIVE JUROR:  I know lots of people that  
14       have been in jail or prison and run-ins with the law.

15              THE COURT:  I thought you indicated you had  
16       something else to share other than that.  Was that the  
17       only thing you had to share.

18              PROSPECTIVE JUROR:  You asked about sex  
19       assault.

20              THE COURT:  Yes.

21              PROSPECTIVE JUROR:  My brother.

22              THE COURT:  Was he a victim or accused.

23              PROSPECTIVE JUROR:  Accused.  He went to prison  
24       for it in another state.  The circumstances involve police  
25       officers and the victim and it was really twisted up in



1       there.

2               THE COURT:   May I have counsel at the bench  
3       before we follow up with you.   Hang on a second.

4               (Discussion held at the bench.)

5               THE COURT:   I wanted to figure out if counsel  
6       thought we could finish this today.   Go ahead.   I'll  
7       invite Ms. Kollins to see if she has questions to ask  
8       you.

9               MS. KOLLINS:   Sure.   How are you.

10              PROSPECTIVE JUROR:   Fine.

11              MS. KOLLINS:   Lot of years.

12              PROSPECTIVE JUROR:   Yes.

13              MS. KOLLINS:   Did you court report for Judge  
14       Gates.

15              PROSPECTIVE JUROR:   Yes.

16              MS. KOLLINS:   You mentioned your brother.   I  
17       know it's a touchy subject.   Obviously the same topic  
18       we're talking about here.   Just from your tone do I gather  
19       you think he was wrongfully prosecuted.   What do you think  
20       about that.

21              PROSPECTIVE JUROR:   It was in another -- in  
22       Virginia.   The circumstances of the case I don't know that  
23       he actually -- there was something there.   I didn't get  
24       the transcript.   He didn't want me to get involved in  
25       that.

1 MS. KOLLINS: There was a trial.

2 PROSPECTIVE JUROR: There were police officers  
3 involved with the victim as well as him. It was -- there  
4 was a lot of railroading. Police we involved with the  
5 woman, but it was as far as the actual case, it didn't --  
6 wasn't -- I'm not sure.

7 MS. KOLLINS: But that's okay. I'll ask you  
8 another question.

9 You said there was some railroading. By railroading  
10 you mean he was wrongfully accused and prosecuted and sent  
11 down a path that he didn't belong on. Is that what you  
12 mean.

13 PROSPECTIVE JUROR: I don't know if he was  
14 completely wrongfully -- she was a married woman.

15 MS. KOLLINS: She as a married woman and she  
16 accused him of sexual assault.

17 PROSPECTIVE JUROR: When she got caught. My  
18 understanding was he found out she was also sleeping with  
19 several police officers.

20 MS. KOLLINS: Outside of the marriage.

21 PROSPECTIVE JUROR: Yes. They were Caucasian  
22 and he was African-American.

23 MS. KOLLINS: You think there was some race  
24 issues involved.

25 PROSPECTIVE JUROR: In Virginia.

1 MS. KOLLINS: Just asking. Trying to make a  
2 record. Did he go to prison.

3 PROSPECTIVE JUROR: Yes.

4 MS. KOLLINS: Did he go to trial.

5 PROSPECTIVE JUROR: He did.

6 MS. KOLLINS: Did you follow the trial.

7 PROSPECTIVE JUROR: I wasn't there.

8 MS. KOLLINS: You were living in Vegas. He was  
9 there.

10 PROSPECTIVE JUROR: I was in California.

11 MS. KOLLINS: How long ago was this.

12 PROSPECTIVE JUROR: 30 years.

13 MS. KOLLINS: 30. Okay.

14 Obviously, though --

15 PROSPECTIVE JUROR: That's why I say it. A few  
16 years after that, she came up dead.

17 MS. KOLLINS: Okay. While he was  
18 incarcerated.

19 PROSPECTIVE JUROR: Yes. So, he didn't do that.  
20 But they had a history of finding out that that was the go  
21 to for the police officers.

22 MS. KOLLINS: I'm not following you.

23 THE COURT: She was the go to for them.

24 MS. KOLLINS: She was the go to for the police  
25 officers.

1           PROSPECTIVE JUROR: This was a circumstance --  
2           how all this evolved.

3           MS. KOLLINS: There are some circumstances where  
4           she was getting around. She may or may not have been  
5           sleeping with your brother.

6           PROSPECTIVE JUROR: She was.

7           MS. KOLLINS: She was, and then he was  
8           prosecuted for something that amounted to sexual assault  
9           and incarcerated.

10          PROSPECTIVE JUROR: Yes.

11          MS. KOLLINS: She turned up a victim of a  
12          homicide while your brother was incarcerated.

13          PROSPECTIVE JUROR: Yes.

14          MS. KOLLINS: So this case is about sexual  
15          assault. There is a young lady who will come in here and  
16          talk about that.

17          PROSPECTIVE JUROR: Right.

18          MS. KOLLINS: So what I need to know as the  
19          State is are you going to project any of those feelings  
20          because it's obvious you don't think your brother should  
21          have been prosecuted.

22          PROSPECTIVE JUROR: I'm not saying that. I'm  
23          saying there were extenuating circumstances and things.  
24          However it got to where it did, I wasn't there, I didn't  
25          hear it. It just didn't seem completely right.

1 MS. KOLLINS: I guess the impression I get from  
2 your inflection in your voice is that you think it was --  
3 you don't think it was cool and probably shouldn't have  
4 gone down the way it went down. Does that sum it up, sort  
5 of kind of.

6 PROSPECTIVE JUROR: There was a cover up in  
7 there.

8 MS. KOLLINS: So you think --

9 PROSPECTIVE JUROR: Was he involved in anything,  
10 probably, yeah. He was there. I'm sure they was there.

11 MS. KOLLINS: Okay. You think there was dirty  
12 police work in there.

13 PROSPECTIVE JUROR: Yeah.

14 MS. KOLLINS: So back to where I was a couple of  
15 minutes ago. There's a young lady that's going to come in  
16 and talk to you about being sexually abused from a very  
17 young age. There are police officers that are going to  
18 come in here and talk to you about the circumstances in  
19 this case and the evidence.

20 Can you set aside what you think about your brother's  
21 case.

22 PROSPECTIVE JUROR: Oh, yeah.

23 MS. KOLLINS: You can.

24 MS. KOLLINS: You are rolling your eyes and  
25 smiling.

1           PROSPECTIVE JUROR: I have been on that side of  
2 table. I saw both sides. I'm not going to just say he's  
3 a police officer. He's telling the truth. I don't  
4 believe a lot of police officers, but I don't believe they  
5 all lie either.

6           MS. KOLLINS: You wouldn't disbelieve them  
7 because they are police officer.

8           PROSPECTIVE JUROR: No, but I'm going to  
9 listen.

10          MS. KOLLINS: What about the young lady that is  
11 a sex victim.

12          PROSPECTIVE JUROR: A kid.

13          MS. KOLLINS: She's 18 now.

14          PROSPECTIVE JUROR: Not then.

15          MS. KOLLINS: No.

16          PROSPECTIVE JUROR: Will I disbelieve her, no.

17          MS. KOLLINS: All I need you to do is express  
18 that you can set aside your brother's case.

19          PROSPECTIVE JUROR: Yeah.

20          MS. KOLLINS: It has nothing to do with this  
21 case.

22          PROSPECTIVE JUROR: Well, the only thing it has  
23 to do with is would I believe the officers if they say  
24 this, this and this. I know how they operate.

25          MS. KOLLINS: Okay. So let me back up here.

1           Mr. MacArthur stood up here and said this case has to  
2 do with corrupt police. Did you glob onto that and think  
3 about your brother's case. Is that going to impact you  
4 here.

5           PROSPECTIVE JUROR: That's the kind of history  
6 from growing up and seeing lots of things over time. That  
7 didn't do that. I know -- from what he said, no.

8           MS. KOLLINS: Okay.

9           PROSPECTIVE JUROR: I have been on this side of  
10 the table. I have heard it.

11          MS. KOLLINS: I understand you sat through a lot  
12 of these trials. You heard both sides.

13          PROSPECTIVE JUROR: That's harder.

14          MS. KOLLINS: Okay. Does it make it -- why does  
15 it make it harder.

16          PROSPECTIVE JUROR: Because I know how it  
17 works.

18          MS. KOLLINS: How it works, the system works.

19          PROSPECTIVE JUROR: The system works.

20          MS. KOLLINS: Do you think the system works  
21 correctly, works incorrectly. What do you think.

22          PROSPECTIVE JUROR: Sometimes.

23          MS. KOLLINS: Give me an example of the times  
24 where it doesn't work. What you think is wrong with it.

25          PROSPECTIVE JUROR: Well, as a matter of

1 evidence I know you can't introduce evidence that you have  
2 but I know that there is all this other stuff out there.  
3 For me I like to see it all. I know you can't introduce  
4 it all.

5 MS. KOLLINS: You know there is kind of a cloak  
6 about certain things that is just the way it is.

7 PROSPECTIVE JUROR: Exactly.

8 MS. KOLLINS: But you know --

9 PROSPECTIVE JUROR: I know it's here.

10 MS. KOLLINS: But he's going to tell you you  
11 can't think about that. You can't go investigate on your  
12 own. You can't consider things that aren't learned in the  
13 courtroom, even though from all practical purposes, you  
14 may know things happen that will never come before a jury.  
15 Can you still be fair to both sides.

16 PROSPECTIVE JUROR: I can be fair.

17 THE COURT: The way Ms. Kollins asked it, I'll  
18 follow up. Mr. MacArthur may have questions.

19 PROSPECTIVE JUROR: I have unlearn.

20 THE COURT: Can you be fair to both sides.

21 PROSPECTIVE JUROR: I have unlearned process. I  
22 know you can't introduce all that's out there. I know you  
23 can't introduce it all.

24 THE COURT: Hate to cut you off. Good. Thank  
25 you.



1 Ms. McNeill.

2 MS. MCNEILL: As you indicated you sat through a  
3 lot of trials. You probably have more courtroom  
4 experience than most.

5 PROSPECTIVE JUROR: Yes.

6 MS. MCNEILL: So I mean I think we can agree to  
7 a fact people get convicted of crime.

8 PROSPECTIVE JUROR: Absolutely.

9 MS. MCNEILL: The fact that some police officers  
10 are corrupt.

11 PROSPECTIVE JUROR: Right.

12 MS. MCNEILL: Those are life experiences you  
13 have had as a citizen of the United States.

14 PROSPECTIVE JUROR: Correct.

15 MS. MCNEILL: You know those things because you  
16 live in this country. You have seen them happened in  
17 court.

18 PROSPECTIVE JUROR: In the court and  
19 environments I grew up in.

20 MS. MCNEILL: But those aren't going to make you  
21 say, well, the State doesn't have to do anything. I don't  
22 care what they say. I'm finding not guilty because I  
23 don't like police.

24 PROSPECTIVE JUROR: No.

25 MS. MCNEILL: You understand how a trial works.

1 You sat through enough of them. You understand the burden  
2 of proof.

3 PROSPECTIVE JUROR: Correct.

4 MS. MCNEILL: You're not going to give them or  
5 us any leeway just because of that, right.

6 PROSPECTIVE JUROR: Right.

7 MS. MCNEILL: You brother's case you may feel  
8 he's wrongfully convicted. You are entitled to that  
9 opinion. You are not going to hold that against Ms.  
10 Kollins.

11 PROSPECTIVE JUROR: I'm not saying wrongfully  
12 convicted. That's what I'm not saying. I'm saying maybe  
13 the deck was stacked.

14 THE COURT: I'm curious. You believe your  
15 brother had a consensual relationship with this woman.  
16 Sounds like a lot of people did.

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: When she got caught she made it  
19 sound like it wasn't consensual. Had the truth come out  
20 for your brother then perhaps he would not have been --

21 PROSPECTIVE JUROR: It would have come out for  
22 the officers as well did it.

23 THE COURT: Did it come up after his conviction  
24 about what happened with her.

25 PROSPECTIVE JUROR: I didn't get all the

1 details.

2 THE COURT: Did he do his full sentence.

3 PROSPECTIVE JUROR: He did, pretty much the  
4 whole thing.

5 THE COURT: All right.

6 MS. MCNEILL: But that feeling that you have the  
7 system didn't quite work, the deck was stacked, that  
8 wasn't Ms. Kollins, Ms. Rhoades or the Clark County  
9 District Attorney's office.

10 PROSPECTIVE JUROR: That wasn't in Nevada.

11 MS. MCNEILL: Nothing about any of the things  
12 you talked about means you are not going to be fair to the  
13 State as well as the defense.

14 PROSPECTIVE JUROR: No.

15 MS. MCNEILL: All right.

16 PROSPECTIVE JUROR: Correct.

17 THE COURT: Anything further.

18 MS. MCNEILL: No, ma'am.

19 THE COURT: We'll get back to you Ms. Riley.

20 Thank you.

21 Ms. Kollins.

22 MS. KOLLINS: The best I can say is her answers  
23 were evasive and non-committal with me. She didn't want  
24 to respond.

25 I understood the story. I understand the brother was

1 convicted. She feels like this woman was not a legitimate  
2 victim. There were police officers involved. The deck  
3 was stacked. They were corrupt. However you want to  
4 address it, she would not say that she would set it aside.  
5 She would be fair. I'll submit it.

6 I can use a preempt on her. I can't leave -- just  
7 like you couldn't leave a sexual assault victim on here  
8 that said they were still effected. She's obviously still  
9 effected by what happened to her brother, and it resonates  
10 with her and that's why she brought it up.

11 If the court doesn't release her for cause, which I  
12 think you can based on her responses, I'll exercise a  
13 preempt.

14 I'll submit it.

15 THE COURT: She said something I was about to  
16 bring up for the record.

17 MS. MCNEILL: The difference between her and the  
18 sex assault victim you let go was that Ms. Hunter was not  
19 clear she could be fair, she could set it aside. Where as  
20 Ms. Riley is clear.

21 This the one of the things we deal with. She has  
22 life experiences and we can't have her heck those at the  
23 door. She has certain feelings. She worked in the system  
24 how and know how it works. She at no point said she would  
25 hoped it against the State. And she was very clear that

1 she could be fair to both sides. So I don't think it  
2 rises to the level of cause just because she felt in one  
3 instance the system didn't work for someone.

4 THE COURT: Ms. Riley is a tricky one. It cuts  
5 both ways.

6 She has a mannerism of speaking which is frankly  
7 annoying, but I think that's how she talks. Everything is  
8 a little cagey, right. She talked about the fact that she  
9 has this master's, Ph.D she's getting, this isn't so good,  
10 but she wasn't saying it was bad or good either. There  
11 was like that kind of thing.

12 When she was coming up here and I said do you want to  
13 have a seat in front. She said not really. She feigned  
14 surprise I heard her. She said it loud enough to hear.  
15 She has that sort of way of speaking.

16 The thing that gave me pause ultimately, I'm not  
17 going to excuse her for cause you will have to preempt her  
18 if you don't want to retain her, is where she said she  
19 still had stuff that would be a process to work through.  
20 I honestly don't remember if that was in the context of  
21 her brother's situation.

22 Here's where it falls down for me. She was  
23 unequivocal. She knows how the process works. She's  
24 going to be fair and impartial to both sides. Many times  
25 she said that. She said it was some time ago. That it

1 was in Virginia. That's not here. I just think it's her  
2 way of speaking about things. I don't think she wanted to  
3 give any of us a straight answer, but I think at the end  
4 of the day, having been a court reporter, having worked in  
5 the system, she know how it works. She know what her job  
6 would be and how to do it. Whether or not she might have  
7 some biases in that regard to police, I don't think  
8 they've been expressed in a way that requires us to excuse  
9 her for cause.

10 We'll bring everybody back tomorrow at 1:30. I'll  
11 just let the marshall tell them to return at 1:30. Do we  
12 need them to come back for any reason. Elvis, the only  
13 person being excused is Ms. Hunter. She's the first  
14 person that we brought in. You can excused her first,  
15 then go out and tell the rest to come back or take care of  
16 it all at once.

17 THE MARSHALL: I'll release her. I'll tell the  
18 others to come back tomorrow at 1:30.

19 THE COURT: Okay. We'll see you all tomorrow at  
20 1:30.

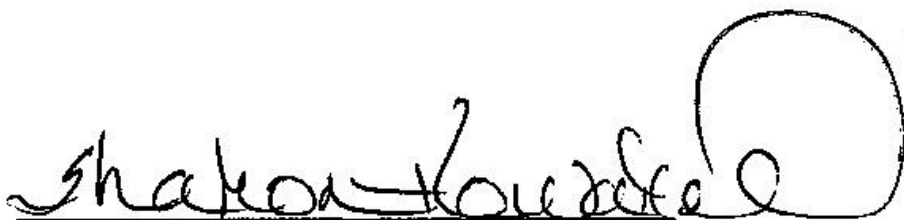
21 (Off the record.)  
22  
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CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard  
C.C.R. #745

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