

IN THE SUPREME COURT OF THE STATE OF NEVADA

Barry Harris,
Appellant

vs.

The State of Nevada,
Respondent,

) Supreme Court Case No.: 76774

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1 THE COURT: Okay. Which court?

2 PROSPECTIVE JUROR NO. 0280: Municipal court.

3 THE COURT: I know, but Las Vegas, Henderson?

4 PROSPECTIVE JUROR NO. 0280: City of Las Vegas

5 Municipal Court --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0280: First floor, window 27.

8 THE COURT: Okay. All right.

9 PROSPECTIVE JUROR NO. 0280: And then I -- I spent a
10 year and a half working for the City Attorney's Office, City.

11 THE COURT: All right.

12 PROSPECTIVE JUROR NO. 0280: And I know a couple of
13 District Attorneys.

14 THE COURT: Who do you know?

15 PROSPECTIVE JUROR NO. 0280: Chad used to work at the
16 City Attorney's Office.

17 THE COURT: Okay. Chad Lexis?

18 PROSPECTIVE JUROR NO. 0280: Yes.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0280: And then the husband of
21 one of the City Attorney's Office, John. I -- I can't remember
22 the last name.

23 THE COURT: All right. Okay.

24 PROSPECTIVE JUROR NO. 0280: I met him once.

25 THE COURT: All right. Any other questions?

1 PROSPECTIVE JUROR NO. 0280: What is it?

2 THE COURT: Any other questions?

3 PROSPECTIVE JUROR NO. 0280: I know a few officers and
4 people who work for Metro.

5 THE COURT: Okay. Who -- who do you know?

6 PROSPECTIVE JUROR NO. 0280: I'm not very social with
7 them. I mean, like we go hiking with a friend. I haven't hiked
8 with her for like five years.

9 THE COURT: Okay. Who is that?

10 PROSPECTIVE JUROR NO. 0280: Her name is -- last name
11 is Flores. I can't even remember -- oh, Florencia, Florencia
12 Ritan (phonetic).

13 THE COURT: Okay. But you haven't done anything
14 really with her for about five years?

15 PROSPECTIVE JUROR NO. 0280: Yeah.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0280: Maybe -- maybe four,
18 maybe four years.

19 THE COURT: And then who else do you know at Metro?

20 PROSPECTIVE JUROR NO. 0280: My friend used to work
21 for Metro. He -- he's no longer with the force. And then
22 throughout the years that I've been with the court, I've been
23 doing events with Metro like outreach events. So I kind of meet
24 officers, but it's just like the hi, how you doing, that's it.
25 So it's a lot of -- can't remember all the names.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0280: And then the daughter of
3 a friend is also with Metro. She's, I think, records. I'm not
4 even sure.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0280: And then I also have
7 friends who practice law.

8 THE COURT: Okay. Who -- who are they?

9 PROSPECTIVE JUROR NO. 0280: Mariana Kihuen.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 0280: She's an attorney.

12 THE COURT: What kind of law does she practice?

13 PROSPECTIVE JUROR NO. 0280: I think it's criminal.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0280: And then Vincent Ginn.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0280: He used to work at the
18 City Attorney's Office, too. That's how I met him.

19 THE COURT: All right. His practice is?

20 PROSPECTIVE JUROR NO. 0280: Criminal.

21 THE COURT: Criminal, okay.

22 PROSPECTIVE JUROR NO. 0280: I don't know if he does
23 any civil. I don't know. And then I'm still friends with some
24 of the city attorneys.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0280: Mostly one -- one of
2 them, like we have lunch once in a while, it's for friends.

3 THE COURT: Okay. And so lunch every now and then?

4 PROSPECTIVE JUROR NO. 0280: Uh-huh.

5 THE COURT: You need to answer yes or no.

6 PROSPECTIVE JUROR NO. 0280: Yes.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR NO. 0280: Sorry.

9 THE COURT: Okay. Any other questions?

10 PROSPECTIVE JUROR NO. 0280: And then I was a victim
11 of domestic violence about 15 years ago.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0280: A victim of my --

14 THE COURT: Was that here in Southern Nevada?

15 PROSPECTIVE JUROR NO. 0280: -- my ex-husband. Yes.

16 THE COURT: Okay. And, generally, what did that
17 involve?

18 PROSPECTIVE JUROR NO. 0280: I was satisfied with
19 the --

20 THE COURT: You were --

21 PROSPECTIVE JUROR NO. 0280: Yeah, he was arrested and
22 -- and the divorce came and TMI.

23 THE COURT: Okay. Any other questions?

24 PROSPECTIVE JUROR NO. 0280: I think that's pretty
25 much it. Oh, well, with scheduling, I don't have a problem

1 because I work here in the building, obviously. But on
2 Wednesday morning I do have a job interview.

3 THE COURT: Okay. What time is that?

4 PROSPECTIVE JUROR NO. 0280: 10:30.

5 THE COURT: All right. Okay. All right. Who is that
6 with?

7 PROSPECTIVE JUROR NO. 0280: Child services officer in
8 -- with the City.

9 THE COURT: Okay. All right. I'm guessing we can
10 probably work with them to get that --

11 PROSPECTIVE JUROR NO. 0280: Oh, yeah.

12 THE COURT: -- that changed. Okay. All right. All
13 right.

14 PROSPECTIVE JUROR NO. 0280: If need to.

15 THE COURT: Thank you very much.

16 PROSPECTIVE JUROR NO. 0280: Thank you.

17 THE COURT: Any other questions?

18 PROSPECTIVE JUROR NO. 0280: Not that I can remember
19 off --

20 THE COURT: All right. Well, let me -- anything about
21 your work with the municipal court or with the City Attorney's
22 Office that would affect your ability to be a fair juror in this
23 case?

24 PROSPECTIVE JUROR NO. 0280: No, not at all.

25 THE COURT: And anything in terms of knowing Chad

1 Lexis or John with the District Attorney's Office that would
2 affect your ability to be a fair juror in this case?

3 PROSPECTIVE JUROR NO. 0280: No.

4 THE COURT: Okay. Anything in terms of your
5 friendship with a number of people who have worked -- or have
6 worked or are working with Metro? Anything about that that
7 would affect your ability to be a fair juror in this case?

8 PROSPECTIVE JUROR NO. 0280: No.

9 THE COURT: And anything in terms of your friendship
10 or association with Kihuen or Ginn or any of the other attorneys
11 with the City Attorney's Office?

12 PROSPECTIVE JUROR NO. 0280: No, not at all.

13 THE COURT: Okay. And do you feel that you -- oh, and
14 then your -- the domestic violence incident that you dealt with
15 about 15 years ago, anything about that incident and your
16 experience that would affect your ability to be a fair juror in
17 this case?

18 PROSPECTIVE JUROR NO. 0280: No.

19 THE COURT: Okay. You feel you'd be able to follow my
20 instructions and fairly and unbiasedly apply those instructions
21 to the evidence admitted?

22 PROSPECTIVE JUROR NO. 0280: Yes, sir.

23 THE COURT: Okay. Thank you so much. All right. We
24 broke off for break with has anyone ever testified at a court
25 proceeding, deposition, grand jury, or preliminary hearing, or

1 at some other proceeding where you were put under oath and
2 answered questions? And I saw a number of hands, so that's why
3 we took the break. Let's go back to No. 6, Mr. -- hand the mic
4 back to No. 6, Mr. Roberts.

5 Go ahead.

6 PROSPECTIVE JUROR NO. 0148: Civil proceedings related
7 to intellectual property, depositions, and I've testified under
8 oath for various gaming jurisdictions outside of Nevada.

9 THE COURT: Okay. The civil --

10 PROSPECTIVE JUROR NO. 0148: Always -- always for
11 political questioning, not in court proceedings.

12 THE COURT: Always for what, I'm sorry?

13 PROSPECTIVE JUROR NO. 0148: Political questioning in
14 State gaming boards and --

15 THE COURT: Oh, okay.

16 PROSPECTIVE JUROR NO. 0148: -- and things like that.
17 Not for any kind of court proceeding.

18 THE COURT: All right. Anything about those
19 experiences that would affect your ability to be a fair juror?

20 PROSPECTIVE JUROR NO. 0148: No.

21 THE COURT: Okay. Thank you very much. Anyone else
22 in the back row? Yeah. We have Ms. Collins's hand up. Go
23 ahead.

24 PROSPECTIVE JUROR NO. 0153: Yes. I did a deposition
25 for -- regarding a family trust.

1 THE COURT: Okay. About when was that?

2 PROSPECTIVE JUROR NO. 0153: Pardon?

3 THE COURT: About when was that?

4 PROSPECTIVE JUROR NO. 0153: That was at least about
5 12 to 15 years ago.

6 THE COURT: Okay. Anything about that experience that
7 would affect your ability to be a fair juror in this case?

8 PROSPECTIVE JUROR NO. 0153: No.

9 THE COURT: Okay. Thank you. Anyone else in that
10 back row? All right. Next row down.

11 Okay. We have Ms. Ramirez, No. 19's hands up. Go
12 ahead.

13 PROSPECTIVE JUROR NO. 0195: I was a part of a
14 deposition for a will.

15 THE COURT: Okay. About how long ago was that?

16 PROSPECTIVE JUROR NO. 0195: Last year.

17 THE COURT: All right. And that here in Southern
18 Nevada?

19 PROSPECTIVE JUROR NO. 0195: Yes.

20 THE COURT: Anything about that experience that would
21 affect your ability to be a fair juror in this case?

22 PROSPECTIVE JUROR NO. 0195: No.

23 THE COURT: Okay. Thank you very much. Anybody else
24 in the second row? All right. Let's go to the third row, and
25 No. 22, Ms. Serrano.

1 PROSPECTIVE JUROR NO. 0202: Yeah. I was on
2 deposition for my company, and there was a sexual harassment
3 case and it was dismissed.

4 THE COURT: Okay. About how long ago was that?

5 PROSPECTIVE JUROR NO. 0202: About four or five years
6 ago.

7 THE COURT: Was that here in Southern Nevada?

8 PROSPECTIVE JUROR NO. 0202: Yes.

9 THE COURT: All right. Anything about that experience
10 that would affect your ability to be a fair juror in this case?

11 PROSPECTIVE JUROR NO. 0202: No.

12 THE COURT: Okay. Thank you. Anyone else in that
13 third row down? Oh. I see Ms. Catanzaro's hand up.

14 PROSPECTIVE JUROR NO. 0226: Yeah. I testified for
15 the government in a federal case.

16 THE COURT: Okay. About when was that?

17 PROSPECTIVE JUROR NO. 0226: Probably about five years
18 ago.

19 THE COURT: Okay. Was that a criminal or a civil
20 proceeding?

21 PROSPECTIVE JUROR NO. 0226: No, it was criminal.

22 THE COURT: Criminal? All right. What were the
23 nature of the charges?

24 PROSPECTIVE JUROR NO. 0226: He was -- he was charged
25 with corruption, embezzlement --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0226: -- theft from the
3 government.

4 THE COURT: All right. Were you a witness in that
5 case?

6 PROSPECTIVE JUROR NO. 0226: I work for a casino that
7 he had -- he owed us over \$100,000 in debt.

8 THE COURT: Okay. All right.

9 PROSPECTIVE JUROR NO. 0226: So it was basically about
10 money laundering and counting transactions at --

11 THE COURT: Okay. All right.

12 PROSPECTIVE JUROR NO. 0226: -- the casino.

13 THE COURT: Anything about that experience that would
14 affect your ability to be a fair juror in this case?

15 PROSPECTIVE JUROR NO. 0226: No.

16 THE COURT: Would you be able, do you think, to follow
17 my instructions and fairly and unbiasedly apply those
18 instructions to the evidence admitted?

19 PROSPECTIVE JUROR NO. 0226: Absolutely.

20 THE COURT: All right. Thank you. Anybody else in
21 that row? Anyone in the fourth row? All right. No other
22 hands.

23 All right. Let me ask, have any of you ever been
24 accused of a crime or serious misconduct? Any of you ever been
25 accused of a crime of serious misconduct? All right. Let's go

1 up to No. 4, Ms. Ubaldo.

2 Okay. Go ahead.

3 PROSPECTIVE JUROR NO. 0146: Misdemeanor.

4 THE COURT: Okay. When --

5 PROSPECTIVE JUROR NO. 0146: Charges are here.

6 THE COURT: Those were here in Southern Nevada?

7 PROSPECTIVE JUROR NO. 0146: Yeah.

8 THE COURT: About when was that?

9 PROSPECTIVE JUROR NO. 0146: A few years ago.

10 THE COURT: Okay. And what was -- what -- what
11 happened --

12 PROSPECTIVE JUROR NO. 0146: It was multiple --

13 THE COURT: -- to those charges?

14 PROSPECTIVE JUROR NO. 0146: -- multiple cases.

15 THE COURT: Multiple --

16 PROSPECTIVE JUROR NO. 0146: So battery, fighting.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0146: Driving without no
19 license.

20 THE COURT: I'm sorry, what?

21 PROSPECTIVE JUROR NO. 0146: Driving without no
22 license.

23 THE COURT: Okay. All right. And were those -- how
24 were those resolved?

25 PROSPECTIVE JUROR NO. 0146: I'm paying them off now,

1 at least trying to.

2 THE COURT: Okay. All right. Do you feel you were
3 treated fairly or unfairly in those cases?

4 PROSPECTIVE JUROR NO. 0146: I feel like it was
5 unfairly.

6 THE COURT: Okay. And were those all out of -- what
7 jurisdiction? Las Vegas, Henderson?

8 PROSPECTIVE JUROR NO. 0146: Las Vegas.

9 THE COURT: Okay. All right. Anything about those
10 experiences that would affect your ability to be a fair juror in
11 this case?

12 PROSPECTIVE JUROR NO. 0146: Yes, because, honestly, I
13 don't want to be part of the jury. I don't --

14 THE COURT: All right.

15 PROSPECTIVE JUROR NO. 0146: -- really want to serve,
16 sir.

17 THE COURT: I understand you don't -- may not want to
18 serve. I'm asking, though, is there anything about those
19 experiences in those misdemeanor cases that affect your ability
20 to be fair to both sides in this case?

21 PROSPECTIVE JUROR NO. 0146: Yes

22 THE COURT: Okay. And how does it impact you?

23 PROSPECTIVE JUROR NO. 0146: Because it -- I just --
24 same thing he's going through. I don't know. I just don't --

25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 0146: -- think I'm going to be
2 able to be fair on this case.

3 THE COURT: All right. Anybody else, either you --
4 have you been accused of a crime or serious misconduct? Anyone
5 else? All right. Let's go to No. 6, Mr. Roberts.

6 PROSPECTIVE JUROR NO. 0148: DUI.

7 THE COURT: Okay. About how long ago?

8 PROSPECTIVE JUROR NO. 0148: 2011.

9 THE COURT: And do you feel you were fairly or
10 unfairly handled by the system?

11 PROSPECTIVE JUROR NO. 0148: It --

12 THE COURT: You can be honest.

13 PROSPECTIVE JUROR NO. 0148: The State Supreme Court
14 invalidated the -- the premise under which I was picked up,
15 so --

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 0148: -- I guess -- I guess it
18 was unfair at the time.

19 THE COURT: All right. Very good. Is there anything
20 about that experience that would affect your ability to be a
21 fair juror in this case?

22 PROSPECTIVE JUROR NO. 0148: No, sir.

23 THE COURT: All right. Thank you very much. Anybody
24 else? Have you -- or ever been accused of a crime or serious
25 misconduct? Let the record reflect no other hands.

1 Let me ask you, and if you already brought it up, you
2 don't need to, but let me ask you any one of you feel that
3 either you or someone close to you has been treated unjustly by
4 the police or a prosecutor? You feel either you or someone
5 close to you have been treated unjustly by the police or a
6 prosecutor. All right. Let the record reflect no hands.

7 PROSPECTIVE JUROR NO. 0264: Sorry. It's me.

8 THE COURT: I'm sorry?

9 THE CLERK: No. 10.

10 THE COURT: Oh. No. 10. Oh, I apologize, Ms. --

11 PROSPECTIVE JUROR NO. 0264: It's okay.

12 THE COURT: -- Wright-Myers. Go ahead.

13 PROSPECTIVE JUROR NO. 0264: It's okay. I've had
14 multiple problems with my children with domestic violence, and a
15 lot times the -- the punishment hurt me more than it did my
16 children.

17 THE COURT: Okay. And so you're not happy with the
18 police or the prosecutors or -- or both?

19 PROSPECTIVE JUROR NO. 0264: Both.

20 THE COURT: Okay. Any -- focusing --

21 PROSPECTIVE JUROR NO. 0264: Police arrested one of my
22 boyfriends unfairly. We were trying to tell them something, and
23 the police officer was spitting his chew all over our sidewalk.
24 We were -- he was asked multiple times to please quit spitting
25 on there because I hate shoes and I walk out there barefooted

1 all the time to -- and they arrested him for a felony, and he
2 lost his security clearance for the government.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0264: And --

5 THE COURT: All right. I think I've heard enough.
6 Let me just ask you in terms of that -- that -- that situation
7 with your children and your -- your friend, is there anything
8 about that experience that would, you think, would affect your
9 ability to be a fair juror in this case? Focusing on that.

10 PROSPECTIVE JUROR NO. 0264: Don't know.

11 THE COURT: Okay. And that's -- what we're doing here
12 is totally separate and apart from your children's circumstances
13 or your friend's circumstances. We're going to be presenting
14 witnesses to testify here, evidence will be admitted. You think
15 you would be able to focus on the evidence here and -- and
16 follow my instructions and be fair to both sides?

17 PROSPECTIVE JUROR NO. 0264: I can try.

18 THE COURT: Okay. All right. Thank you very much.
19 Anybody else? Either you or someone close to you you feel have
20 been treated unjustly by the police or a prosecutor? Oh. Let's
21 go down to No. 28, Mr. Wolfbrandt.

22 PROSPECTIVE JUROR NO. 0232: There's -- there's a
23 shooting at the Mandalay Bay. There are, I mean, to -- to the
24 end -- other peoples, my friends at Faith Lutheran that got
25 hurt, they got broken arm and broken leg.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0232: Because this dude right
3 here, I saw him --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0232: -- to break -- to break
6 off the -- to break off two -- two largest of windows.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0232: And started shooting --

9 THE COURT: All right.

10 PROSPECTIVE JUROR NO. 0232: -- like -- like twice --

11 THE COURT: I understand. Do you -- do you have some
12 particular concern with how the police or the prosecutors
13 handled that situation?

14 PROSPECTIVE JUROR NO. 0232: That's right.

15 THE COURT: What's your concern as far as the police
16 or the prosecutors?

17 PROSPECTIVE JUROR NO. 0232: Those police need to
18 arrested them for good.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0232: Because you don't mess
21 with my friends of mine.

22 THE COURT: Okay. All right. Okay. Thank you very
23 much.

24 All right. Anybody else? All right. And then now if
25 a police officer or other government agent was to testify in

1 this case, you must judge their testimony and believability just
2 as you would an ordinary witness, and evaluate their testimony
3 just like anyone else in the case. In deciding the facts in
4 this case, you may have to decide which testimony to believe,
5 and which testimony not to believe. You may believe everything
6 a witness says, or part of it, or none of it.

7 In that regard, I will instruct you as to possible
8 circumstances you may take into account when considering the
9 testimony of any witness, including law enforcement officers, or
10 government agents; one, the witness's opportunity and ability to
11 hear or know the things testified to; two, the witness's memory;
12 three, the witness's manner while testifying; four, the
13 witness's interest in the outcome of the case, if any; five, the
14 witness's bias or prejudice, if any; six, whether other evidence
15 contradicted the witness's testimony; seven, the reasonableness
16 of the witness's testimony in light of all the evidence; and
17 eight, any other factors that bear on believability.

18 The weight of the evidence as to a fact is not
19 necessarily dependent on the number of witnesses who testify
20 about it. What is important is how believable the witnesses are
21 and how much weight you think their testimony deserves.

22 In that regard, you must consider the testimony of a
23 law enforcement agent or officer just like that of any other
24 witness, assessing the officer or agent's opportunity and
25 ability to see or hear or know the things he or she testifies

1 to, their memory, their manner testifying, their interest in the
2 outcome of the case, their bias or prejudice, whether their
3 testimony is corroborated or contradicted by other testimony,
4 and whether their testimony is reasonable in light of all the
5 evidence and any other circumstances you feel bear on a
6 witness's believability.

7 If a police officer or other government agent
8 testifies, is there anyone who would not be able to follow my
9 instructions, and treat the officer or agent as an ordinary
10 witness, and evaluate their testimony by the factors I have just
11 stated, just like any other witness? Let the record reflect no
12 hands.

13 Is there anyone who would give more credibility or
14 less credibility to a police officer or a government agent's
15 testimony simply because they are a police officer or government
16 agent? Let the record reflect no hands.

17 Now, is there anyone who feels that they would not be
18 able to follow my instructions on the law, if not consistent
19 with what you feel the law should be? Okay. Let's go to No. 6,
20 Mr. Roberts.

21 Okay. Mr. Roberts, you wouldn't be able to follow my
22 instructions on the law if you disagreed with them?

23 PROSPECTIVE JUROR NO. 0148: Correct.

24 THE COURT: Okay. Do you have --

25 PROSPECTIVE JUROR NO. 0148: I had a gun stolen out of

1 my car.

2 THE COURT: I'm sorry, what?

3 PROSPECTIVE JUROR NO. 0148: I had a gun stolen out of
4 my car.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 0148: A man was arrested,
7 sitting in a stolen car, in possession of my stolen gun. He was
8 released on his own recognizance, never showed up for court. I
9 can't get my gun back.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 0148: So my belief that the
12 system helps the victims and punishes the perpetrators is zero.

13 THE COURT: All right. Well, I understand you're --
14 you're not happy with your gun situation. I can appreciate
15 that. Trust me, having dealt with these situations over the
16 years, I do appreciate it. But you wouldn't be able to follow
17 my instructions on the law?

18 PROSPECTIVE JUROR NO. 0148: If I felt like the law
19 was in contrary to what's best for people as a whole, I would
20 have a real problem with that.

21 THE COURT: Okay. All right. Okay. Let me ask
22 again, anyone else who believes they would not be able to follow
23 my instructions on the law if not consistent with what you
24 believe the law should be? All right. Let the record reflect
25 no other hands.

1 All right. Let me explain in general. The trial will
2 proceed with the attorneys first giving opening statements.
3 Witnesses will testify; exhibits will get admitted. And then
4 after all the evidence is in, I will give you the law that you
5 are to use to evaluate the evidence and to determine if the
6 State has proven the essential factual elements of each crime
7 charged, beyond a reasonable doubt.

8 Then the attorneys will give their closing arguments,
9 and you will retire at that point in time to the jury
10 deliberation room to deliberate and reach a verdict. Your job
11 is to judge and figure out the facts, and take the law I give
12 you and see if the facts you find prove the elements of the
13 charges beyond a reasonable doubt and come up with a verdict.

14 The jury is to judge the questions of fact. My
15 responsibility is to ensure you are presented with evidence that
16 under the law is appropriate to consider, and the law that you
17 are to use in determining the facts and evaluating the evidence,
18 to determine if the State has proven what it needs to prove as
19 to each charge beyond a reasonable doubt, and determining if the
20 defendant is guilty or not guilty of the crimes charged. It
21 would be a violation of your duty to render a judgement based on
22 something other than the law given by the court.

23 With that in mind, again, is there anyone who doesn't
24 believe they cannot follow and apply the law that I give if you
25 didn't agree with the law? Okay. Let the record reflect no

1 other hands.

2 Now, there are some key principles to our criminal
3 justice system, and I want to go through these to make sure that
4 all of you are comfortable with accepting and abiding by these
5 principles. The first one is that the information in this case,
6 the charging document in this case, is simply a notice document.
7 It is not evidence in any way of a crime.

8 It is simply a document which gives the defendant
9 notice that he's being charged with certain crimes, and gives
10 the public notice that the defendant is being accused of certain
11 crimes. But it has absolutely no evidentiary value at all, and
12 it's not something that you can consider in any way in your
13 deliberations.

14 Is there anyone who has a problem with following this
15 principle of our justice system, that the charging document, the
16 information in this case, is simply a notice document and not
17 evidence in any way of a crime? All right. Let the record
18 reflect no hands.

19 Now, the defendant is presumed innocence. It's the
20 State's obligation to prove beyond a reasonable doubt that the
21 defendant is guilty of the crimes in which he is charged. Now,
22 we hear the phrase frequently the defendant is presumed
23 innocence. We hear that phrase a lot. But I don't think we
24 often think a lot about it.

25 And what it means is that at this point in time the

1 defendant is innocence, no ifs, ands, or buts about it. If I
2 was to send you back to the jury room right now and tell you to
3 reach a verdict, your verdict would have to be not guilty
4 because the defendant is considered innocent until he has proven
5 by the State beyond a reasonable doubt that he is guilty.

6 Now, this is a hard concept for some jurors. I've
7 seen some jurors when asked the question of what verdict would
8 you render right now say they don't know as they would have to
9 see the evidence. But the point I'm trying to make is the
10 defendant is considered innocent right now. And if you are
11 asked to render a verdict right now, it would have to be not
12 guilty. He remains innocent until the State has prove its case
13 beyond a reasonable doubt.

14 Is there anyone who has a problem or issue with the
15 idea that the defendant right now is innocent, and you have to
16 find him not guilty until the State provides evidence beyond a
17 reasonable doubt of his guilt? Let the record reflect no hands.

18 Now, the plaintiff or the State is obligated to prove
19 their case beyond a reasonable doubt, and the defendant has no
20 obligation to prove his innocence. This last point is very
21 important. The defendant does not have to do anything. And I
22 want to emphasize that. The defendant does not have to do
23 anything.

24 His attorney and the defendant could just sit there
25 and say nothing. And if at the end of the State's presentation

1 of evidence you did not believe that the State had proven beyond
2 a reasonable doubt that a crime had been committed and the
3 defendant had committed the crime, then you would have the
4 obligation to find -- to find the defendant not guilty, even
5 though the defendant and his attorney didn't say or do anything.

6 Also, a part of this principle is that the defendant,
7 pursuant to the Fifth Amendment of the United States
8 Constitution and the Nevada Constitution has an absolute right
9 if he chooses not to testify to not testify, and the State
10 cannot use the fact the defendant did not testify as part of its
11 case to prove the defendant's guilt, and you cannot consider it
12 at all in evaluating if the State has met its burden of proving
13 its case beyond a reasonable doubt.

14 This is a hard concept for some people, but I will
15 instruct you that cannot consider if a defendant chooses not to
16 testify in evaluating and making your verdict in this case, and
17 that your verdict must be only on the evidence introduced at
18 trial. Is there anyone who doesn't think that they can follow
19 my instructions on this point? All right. Let the record
20 reflect no hands.

21 I want to emphasize this last point again because I've
22 had jurors say that it would bother them if the defendant didn't
23 testify or they would like to hear the defendant testify. And
24 this quite simply is not the law. The defendant has a right to
25 decide if he testifies or doesn't testify, and you need to put

1 aside any feelings or preferences you have about the defendant's
2 decision, and in deliberations focus just on the evidence
3 presented in determining if the State has met its burden proving
4 its case beyond a reasonable doubt. Does anyone have a concern
5 with being able to follow this principle? Let the record
6 reflect no hands.

7 Now, let me ask, will -- is there anyone who would not
8 be able to wait in forming your opinion as to the appropriate
9 verdict until after all the evidence and arguments are
10 presented, the law is given to you, and you go back as a whole
11 jury deliberate? Is there anyone who has a concern about their
12 ability to wait until that point in time before forming your
13 opinion as to appropriate verdict? Let the record reflect no
14 hands.

15 Is there anyone who ha a concern with sitting in
16 judgment of another human being which you think may interfere
17 with your ability to consider the evidence, follow my
18 instructions, and be fair to both sides? Let the record reflect
19 no hands.

20 I've gone through a bunch of questions, so let me ask,
21 is there anything any one of you feels that I've missed that you
22 feel we should know about you that -- in regard to any biases or
23 prejudice or concerns as far as your ability to be fair? Let
24 the record reflect no hands.

25 All right. We're going to go for about another 15

1 minutes. And at this point in time we're going to hear -- get a
2 chance to hear from all of you. I've got a list of questions
3 here in which I'm going to hand you and ask you to answer. And
4 the first question is how long have you lived here and where
5 generally in the valley do you live? I do not want a street
6 address. I want to know North Las Vegas, Boulder City,
7 Henderson, Green Valley, Summerlin, Southern Highlands, that
8 kind of thing.

9 If you've lived here less than 10 years, where did you
10 live before you moved here? What is your education? How are
11 you employed? And if it's not obvious from your job title, then
12 explain to us what you generally do. If you're retired, tell us
13 how you were employed when you retired. Are you married or have
14 a partner, and what is your spouse or partner's job? Do you
15 have any children, and what are the ages of those children
16 living at home?

17 And don't be embarrassed by how old some of the kids
18 may be living at home. I've had -- we've had up into the 50s,
19 so don't worry about that. Have you ever been a juror, and was
20 it a civil or criminal trial? And without telling us the
21 verdict, and I want to emphasize, without telling us the
22 verdict, did you reach a verdict and were you the foreperson?

23 All right. Marshal, can you hand this the -- start
24 off with No. 1, Ms. McCloud. Go ahead.

25 PROSPECTIVE JUROR NO. 0141: I've lived in Vegas my

1 whole life. I was born and raised here. I live in east Las
2 Vegas.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0141: But I go to school in
5 Green Valley. I have a high school diploma, but I'm currently
6 working on my bachelor's degree in fashion design. I am
7 employed. I'm a stylist for BCBG. It's a clothing brand. I am
8 not married. I'm 20 years old. I don't have any children. And
9 I have never been a juror.

10 THE COURT: Okay. Thank you. If you'd hand that list
11 of questions off to No. 2, Guzman.

12 PROSPECTIVE JUROR NO. 0142: I've lived in Vegas 45
13 years.

14 THE COURT: What part of Vegas do you live in just
15 generally?

16 PROSPECTIVE JUROR NO. 0142: Decatur and Charleston.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0142: Well, I'll skip No. 2. I
19 graduated from high school.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0142: I drive a bus.

22 THE COURT: For who?

23 PROSPECTIVE JUROR NO. 0142: Well, I'm a school bus
24 driver.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0142: I'm divorced.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 0142: I have -- I have a boy
4 and a girl.

5 THE COURT: Do they live at home or are they out on
6 their own?

7 PROSPECTIVE JUROR NO. 0142: They live with their
8 moms.

9 THE COURT: Okay. How old are they?

10 PROSPECTIVE JUROR NO. 0142: My daughter is about 34
11 years old. My son is about 32.

12 THE COURT: Okay. And have you ever been a juror
13 before?

14 PROSPECTIVE JUROR NO. 0142: No.

15 THE COURT: Okay. All right. Hand that list off, if
16 you would, to No. 3, Ms. Seiling.

17 PROSPECTIVE JUROR NO. 0144: I've lived here 19 years.
18 I live in the southwest. I have a smidgen of college. I work
19 in the casino industry.

20 THE COURT: What generally do you do?

21 PROSPECTIVE JUROR NO. 0144: Table games, so I take
22 people's money.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0144: My partner also works in
25 table games. We have two kids, 13 and 6, and I've never been on

1 a jury.

2 THE COURT: All right. Thank you. If you'd hand that
3 now to No. 4, Ms. Ubaldo.

4 PROSPECTIVE JUROR NO. 0146: I've lived here for ten
5 years. I'm originally from Guam. I have a high school diploma,
6 I'm employed, my job title is the pharmacy help, I'm single, no
7 children, and, no, I've never been a juror.

8 THE COURT: Okay. If you can hand that now to No. 5,
9 Ms. Ramos.

10 PROSPECTIVE JUROR NO. 0147: I live in Las Vegas for
11 nine years. I used to live in the Philippines. I have a degree
12 in psychology.

13 THE COURT: Where generally in Vegas do you live?

14 PROSPECTIVE JUROR NO. 0147: Southwest.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0147: I am a research
17 coordinator, pharmaceutical research. I am married. I do not
18 have any children, and I have never been a juror.

19 THE COURT: What does your significant other do?

20 PROSPECTIVE JUROR NO. 0147: He's a nurse.

21 THE COURT: Okay. Thank you. Hand that now to No. 6,
22 Mr. Roberts.

23 PROSPECTIVE JUROR NO. 0148: I've been in Las Vegas
24 for 30 years. I live in Summerlin. I have a bachelor's degree.
25 I'm a business consultant, mostly project management. I am not

1 currently married. I have one son living in Southern
2 California. He's 35 years old. I have a stepdaughter who is 46
3 who lives here in town. Never been a juror.

4 THE COURT: Okay. Thank you. If you can hand that
5 now to No. 7, Mr. Davidson.

6 PROSPECTIVE JUROR NO. 0150: I have lived here about
7 15 years, originally from San Diego. I live in Green Valley. I
8 have a partial college education. I am employed. I'm a network
9 engineer or an analyst. I am divorced. I have two children,
10 both in college, living with me. And I've been a juror twice,
11 both criminal and civil.

12 THE COURT: Okay. Were you -- don't tell us the
13 verdict, but were you able to reach a verdict in each case?

14 PROSPECTIVE JUROR NO. 0150: Yes.

15 THE COURT: And were you ever the foreperson?

16 PROSPECTIVE JUROR NO. 0150: I'm sorry?

17 THE COURT: Were you ever the foreperson?

18 PROSPECTIVE JUROR NO. 0150: No. No, sir.

19 THE COURT: Okay. All right. Thank you very much.
20 If you go to No. 8, Ms. Galindo.

21 PROSPECTIVE JUROR NO. 0152: I live on the east side
22 of Vegas. I'm originally from California. I moved here in '99.
23 I do not have any high school education. I'm a scheduler at a
24 radiology center. I am married. I have three children of my
25 own, and raised two kids from my husband's prior marriage, and I

1 have not been a juror.

2 THE COURT: All right. If you can hand that now to
3 No. 9, Ms. Collins.

4 PROSPECTIVE JUROR NO. 0153: I have lived here in Las
5 Vegas about 50 years. The south -- southeast side of town.
6 I've had some college. I am an operations clerk at a bank. I
7 am a widow, no kids, and I have been a juror before three times.

8 THE COURT: How many times?

9 PROSPECTIVE JUROR NO. 0153: Three.

10 THE COURT: Okay. Were those criminal or civil
11 trials?

12 PROSPECTIVE JUROR NO. 0153: Two criminal, one civil.

13 THE COURT: Okay. And, again, don't tell us the
14 verdict, but were you able to reach verdicts?

15 PROSPECTIVE JUROR NO. 0153: Yes.

16 THE COURT: And were you ever the foreperson?

17 PROSPECTIVE JUROR NO. 0153: No.

18 THE COURT: Okay. I know you think three is a lot,
19 but I've actually had one juror who came in and had 12 trials
20 that he had been on. And he got picked again for his 13th
21 trial, so anyway. All right. Thank you. Oh, what did your --
22 and I'm sorry for your loss, but what did your husband do before
23 he passed?

24 PROSPECTIVE JUROR NO. 0153: He was a mechanic.

25 THE COURT: Okay. All right. Thank you. If you'd

1 hand that now to No. 10, Ms. Wright-Myers.

2 PROSPECTIVE JUROR NO. 0264: I have been here
3 forcefully here for about 25 years. My daughter got kidnapped,
4 and so I came here to get her back. I live in Henderson. I
5 have a 23-year-old son that lives with me and an 18-year-old
6 daughter. I have six kids, four grandchildren, two more on the
7 way, and three stepchildren. I just started my own company, but
8 right now we're kind of struggling because I just had back
9 surgery. My husband also had a DUI so he can't drive so a lot
10 of it's up to me. And, no, I've never been a juror.

11 THE COURT: Okay. Does your husband have employment
12 or is he currently employed?

13 PROSPECTIVE JUROR NO. 0264: Through my company. I
14 had to start a remodeling company --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0264: -- so he could be
17 employed because he just couldn't handle being at other jobs.

18 THE COURT: All right. All right. Thank you very
19 much.

20 PROSPECTIVE JUROR NO. 0264: Uh-huh.

21 THE COURT: If you could hand that list and microphone
22 all the way down to No. 11, Ms. Miller. Okay. Ms. Miller.

23 PROSPECTIVE JUROR NO. 0269: I've lived in Las Vegas
24 about three and a half years, and I live in the southwest area
25 of town. I'm currently studying for my travel specialist

1 degree, and I do have a high school education. I'm employed
2 with a resort company out in Summerlin. I've been with the
3 company a little over three years. I'm not married, and I don't
4 have any children living with me, and I've never been a juror.

5 THE COURT: Okay. Thank you. And if you'd hand that
6 now to No. 12.

7 PROSPECTIVE JUROR NO. 0171: I've been here for like
8 four years, southwest Las Vegas. Before, I lived in California.
9 High school diploma, sales associate. I'm divorced, no
10 children, I haven't been a juror.

11 THE COURT: Okay. Thank you. If you'd hand that now
12 to No. 13, Mr. Brown.

13 PROSPECTIVE JUROR NO. 0173: I've lived in North Las
14 Vegas for 30 years. I did not graduate from high school. I
15 work for McKinley Excavating. I have two children, and my wife
16 works at a dental office, and I have served on a jury.

17 THE COURT: Okay. How many times?

18 PROSPECTIVE JUROR NO. 0173: Just once.

19 THE COURT: Was it criminal or civil case?

20 PROSPECTIVE JUROR NO. 0173: I think it was civil.

21 THE COURT: All right. Again, don't tell us the
22 verdict, but did you reach a verdict?

23 PROSPECTIVE JUROR NO. 0173: Yes.

24 THE COURT: And were you the foreperson?

25 PROSPECTIVE JUROR NO. 0173: No.

1 THE COURT: Okay. Thank you. If you can hand that
2 now to No. 14, Ms. Iverson.

3 PROSPECTIVE JUROR NO. 0184: I've lived here since
4 1990. I have a bachelor's degree. I'm a teacher for kids with
5 special needs. My husband works for Century Link, and don't ask
6 me to explain what he does because I don't understand it. I
7 have three children and two grandchildren. One -- one child is
8 still living at home. He's 18. I have not been a juror.

9 THE COURT: Okay. Thank you. You can hand that now
10 to No. 15, Mr. Kubiak.

11 PROSPECTIVE JUROR NO. 0185: Yes. I've been living in
12 Vegas 13 years, Summerlin area. I'm originally from Buffalo,
13 New York. Four years of high school. I'm retired. I'm
14 married. My wife works at Venetian. She's an accountant.

15 THE COURT: What did you do before you retired?

16 PROSPECTIVE JUROR NO. 0185: I was a receiver for
17 Wonder Bread Hostess.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 0185: And I've -- let's see, no
20 children and I've never been on a jury.

21 THE COURT: Okay. Thank you. If you'd hand that now
22 to No. 16.

23 PROSPECTIVE JUROR NO. 0189: I've been living in Vegas
24 for 25 years. I'm from southwest. I have a high school
25 diploma. I'm a parking attendant at Tropicana. I'm married and

1 I have two children, 13 and 5. My wife is a stay home mom, and
2 I've never been a juror.

3 THE COURT: Okay. Thank you. If you'd hand that now
4 to No. 17, Ms. Pelley.

5 PROSPECTIVE JUROR NO. 0191: I've lived in the Las
6 Vegas area 25 years. Excuse me, 22 years, and currently in the
7 Henderson area. Associate degree for education. I work for a
8 heating and air conditioning company in the accounting
9 department. My husband is also employed at the same place as a
10 field foreman. And no children and never on a jury.

11 THE COURT: Okay. If you'd hand that now to No. 18,
12 Mr. Court.

13 PROSPECTIVE JUROR NO. 0193: I have lived in Vegas for
14 21 of my 23 years. I grew up in North Las Vegas. I have some
15 college education, still attending. I'm employed. I'm a biomed
16 technician at Freedom Medical. I'm not married, I have no kids,
17 and I've never been a juror.

18 THE COURT: Okay. Thank you. If you'd hand that now
19 to 19, Ms. Ramirez.

20 PROSPECTIVE JUROR NO. 0195: I've lived in Las Vegas
21 for 20 years. I'm originally from Texas. I have some college
22 education. I'm a Verizon tech coach. I'm single, no children,
23 never been a juror.

24 THE COURT: Okay. Thank you. Hand that now to No.
25 20, Ms. Biggs.

1 PROSPECTIVE JUROR NO. 0277: I've lived here for about
2 13 years, and right now I live in the Spring Valley area. I've
3 had some college, and I illustrate and design games for a slot
4 company. And I'm married and we have two little kids. they're
5 two and five, and I've never been a juror.

6 THE COURT: What does your spouse do?

7 PROSPECTIVE JUROR NO. 0277: He's a tattoo artist.

8 THE COURT: Okay. All right. Thank you. Hand that
9 down now to No. 21, Ms. Gonzalez.

10 PROSPECTIVE JUROR NO. 0280: I've been in Vegas for 26
11 years and all over Vegas, and the last six months in North Las
12 Vegas. I have a bachelor's degree. I'm a court clerk. I have
13 two kids from my previous marriage, and my husband, he works IT
14 with the City of Las Vegas. And I was a juror once for a civil
15 case.

16 THE COURT: Don't tell us the verdict, did they reach
17 a verdict?

18 PROSPECTIVE JUROR NO. 0280: Yes.

19 THE COURT: And were you the foreperson?

20 PROSPECTIVE JUROR NO. 0280: No.

21 THE COURT: Okay. Thank you. If you'd hand that to
22 No. 22, Ms. Serrano.

23 PROSPECTIVE JUROR NO. 0202: I've been in Las Vegas
24 since 1999. I went to school in Germany. And I've worked for a
25 company for 15 years in Las Vegas. I was a supervisor.

1 THE COURT: What generally does the company do?

2 PROSPECTIVE JUROR NO. 0202: Japanese cash machine.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0202: And I'm retired right
5 now. I have two children, 54 and 51. My husband is retired
6 Army and retired post office. What else? I've never been a
7 juror.

8 THE COURT: Okay. All right. If you'd hand that now
9 to No. 23, Mr. Stockton.

10 PROSPECTIVE JUROR NO. 0210: I've lived in southwest
11 Las Vegas Mountains Edge for eight years. I have some college.
12 I play poker professionally. My wife is -- stays at home. We
13 have two kids, five and three, and I've never been a juror.

14 THE COURT: Okay. Thank you. You can hand that now
15 to 24, Ms. Vasquez.

16 PROSPECTIVE JUROR NO. 0212: I was born and
17 practically raised here in Las Vegas. I live on the southwest
18 side of town. I did live in Texas for awhile. I graduated from
19 there. I have an associate's degree in business management. I
20 currently work for Dotty's. I'm the assistant controller of
21 gaming. Never been married. I have four children, 26, 24, 13,
22 and 11, three of which are living at home. I was on a jury
23 once, but I never made it to deliberation.

24 THE COURT: Okay. All right. And then now 25, Ms.
25 Dabney.

1 PROSPECTIVE JUROR NO. 0215: I've lived here my whole
2 life for 24 years in Summerlin. I have a bachelor's degree. I
3 am a waitress. I am not married, I don't have any kids, and
4 I've never been on a jury.

5 THE COURT: Okay. All right. Let's hand that to No.
6 26, Ms. Sanchez.

7 PROSPECTIVE JUROR NO. 0220: I've been living in
8 Henderson for the last seven years. Prior to there we lived in
9 Burbank, California. And I'm a secretary. I work for Sunrise
10 Senior Living as a human resources. And my husband is retired.
11 He used to -- he used to work for Teledyne Microelectronic as an
12 engineer. I have four kids. They're all grown up. And I've
13 never been a juror.

14 THE COURT: Okay. All right. If you'd hand that now
15 to No. 27, Ms. Catanzaro.

16 PROSPECTIVE JUROR NO. 0226: Yeah. I live out in
17 Mesquite Monday through Friday because I work out there, and
18 then I have a house in Las Vegas, southeast side of town. I've
19 been here 35 years. I have a bachelor's in accounting. My job
20 title is gaming compliance. I'm married and I have two
21 daughters, both live with me, and a grandson who is 13. And
22 I've never been a juror.

23 THE COURT: Okay. All right. And we'll -- Mr.
24 Wolfbrandt. Actually, this is probably a good time for us to
25 take our lunch break, and we can catch the rest of the people

1 when we get back. So why don't we do that and we'll take a
2 break right now.

3 All right. We're going to try -- I'm going to
4 encourage you to get back here by 2:00. As I said before, until
5 we get you all back, we can't get started again. That applies
6 to the 32 over here and the gallery back there. It's very
7 important that you all get back. As soon as you get back, we'll
8 get started again with the jury selection process.

9 And we have a few people left to go through, and then
10 we're going to let the attorneys get a chance to ask you a few
11 questions, and then we should have our jury and we'll get
12 started with the trial. We'll keep this moving as quickly as
13 possible for all of you because I know you do have your lives
14 that you want to get back to as soon as you can.

15 While you're out there, again, do not talk to each
16 other about this case or about anyone who has anything to do
17 with it. Do not talk with anyone else about this case or about
18 anyone that has anything to do with it until you've been
19 discharged as potential jurors or as jurors. Anyone else
20 includes members of your family and your friends.

21 You may tell them that you are a juror in a criminal
22 -- or being considered as a juror in a criminal case, but don't
23 tell them anything else about it until after you have been
24 discharged by me. Do not let anyone talk to you about the case
25 or about anyone who has anything to do with it. If someone

1 should try to talk to you, please report it to me immediately by
2 contacting the marshal.

3 Do not read any news stories or articles or listen to
4 any radio or television reports about the case or about anyone
5 who has anything to do with it. Do not visit the scene of any
6 events mentioned during the trial or undertake any investigation
7 or research or experimentation on your own. This includes use
8 of social media to in any way discuss the case or the use of the
9 Internet or other reference materials to do any investigation or
10 research, and do not begin to form or express any opinion on any
11 subject connected with this case until it's finally submitted to
12 you.

13 All right. I really do appreciate everybody's
14 patience. I know you've been here a long, long time. We'll see
15 you back at 2:00 and get things moving.

16 (Prospective jury recessed at 1:09 p.m.)

17 (Inside the presence of Prospective Juror No. 232)

18 THE COURT: Mr. Wolfbrandt, could I ask you to stay
19 behind for just a minute.

20 PROSPECTIVE JUROR NO. 0232: All right.

21 THE COURT: Okay. Go ahead and have a seat, Mr.
22 Wolfbrandt.

23 THE RECORDER: Your Honor, can I give him this
24 microphone.

25 THE COURT: Oh, yeah. Why don't we go ahead and --

1 THE RECORDER: Uh-oh. Battery.
2 THE COURT: Okay.
3 THE MARSHAL: We need a new battery?
4 THE RECORDER: Yeah.
5 THE COURT: Okay. All right. Thank you, Mr.
6 Wolfbrandt. I appreciate you staying back for a couple minutes.
7 You had started to talk about a concern you had regarding police
8 handling of, I think, some injuries to your friends during the
9 shooting.
10 PROSPECTIVE JUROR NO. 0232: That's right.
11 THE COURT: What were you trying to explain to me?
12 PROSPECTIVE JUROR NO. 0232: My friends are -- went to
13 Faith Lutheran --
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 0232: -- High School.
16 THE COURT: All right.
17 PROSPECTIVE JUROR NO. 0232: And they had -- they had
18 a broken arm and a broken leg.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 0232: And the -- that they got
21 shot.
22 THE COURT: And you felt that the -- there was some --
23 the police or a prosecutor had not appropriately handled their
24 situation?
25 PROSPECTIVE JUROR NO. 0232: I'm not there. I was

1 working on that day.

2 THE COURT: Okay. All right. But you raised your
3 hand when I asked if the police or prosecutor should have --

4 PROSPECTIVE JUROR NO. 0232: I did.

5 THE COURT: -- treated a friend or someone close to
6 you unjustly. Why do you feel that?

7 PROSPECTIVE JUROR NO. 0232: Because my father told me
8 that. I didn't know.

9 THE COURT: Okay. So now do you feel you've been
10 understanding all the questions that I've been asking?

11 PROSPECTIVE JUROR NO. 0232: I have.

12 THE COURT: Okay. Is there anything you want to add
13 to any of your answers so far?

14 PROSPECTIVE JUROR NO. 0232: No, I don't.

15 THE COURT: Okay. All right. Would you like to serve
16 on this jury?

17 PROSPECTIVE JUROR NO. 0232: Yeah, why not?

18 THE COURT: Okay. Well, I'm asking you.

19 PROSPECTIVE JUROR NO. 0232: I need to [indiscernible]
20 for -- for -- I'm choosing guilty for this man right here right
21 in front of me.

22 THE COURT: You're choosing guilty?

23 PROSPECTIVE JUROR NO. 0232: Yes, of -- of that man.

24 THE COURT: Okay. All right. Now, I told you that
25 right now he's presumed innocence. You didn't indicate that you

1 had a problem with that. Do you have a problem presuming or
2 assuming that he's innocent right now?

3 PROSPECTIVE JUROR NO. 0232: I have no problem at all.

4 THE COURT: Okay. But you are choosing -- you already
5 have chosen guilty?

6 PROSPECTIVE JUROR NO. 0232: Yeah.

7 THE COURT: Okay. All right. Does the State need to
8 ask any other questions?

9 MS. SUDANO: No, Your Honor.

10 THE COURT: All right. Defense?

11 MR. SHEETS: No, Your Honor.

12 THE COURT: Okay. All right. You know, Mr.
13 Wolfbrandt, why don't you go outside and sit in the hallway just
14 for a minute. We may call you back in, but just go out and sit
15 in the hallway for just a minute. Okay?

16 PROSPECTIVE JUROR NO. 0232: All right.

17 THE COURT: All right. Thank you.

18 (Outside the presence of Prospective Juror No. 232)

19 THE COURT: All right. Let's just talk about Mr.
20 Wolfbrandt for a second. Does either party want to make a
21 motion?

22 MS. CRAGGS: We would, Your Honor. I think based on
23 the conversation you just had with him, I think both parties
24 would agree that we would want to kick him for cause at this
25 point.

1 MR. SHEETS: I concur.

2 THE COURT: Okay. Well, he indicated that he was
3 picking guilty, and I'm -- I think that that, at this stage, it
4 makes sense for us to strike him.

5 Marshal, would you go ahead and tell him that he
6 doesn't need to come back after the lunch period.

7 THE MARSHAL: I'm going to let him keep his badge,
8 too, Your Honor.

9 THE COURT: Whatever you want to do. I'll leave it up
10 to you. All right.

11 MS. CRAGGS: Judge, there were a few answers that we
12 wanted to bring up, as well, that you got after we had our first
13 break that we thought we wanted to renew some of our cause
14 challenges based on those answers.

15 THE COURT: Okay.

16 MS. CRAGGS: I don't know if now would be appropriate
17 or --

18 THE COURT: Yeah, I want to -- I want to decide if
19 we're going to remove anybody at the -- I want to get them back
20 -- get new people in.

21 MS. CRAGGS: Then starting with No. 4, Ms. Ubaldo, she
22 did respond to you when you asked her about her own criminal
23 cases whether or not she could be fair. She said she would try
24 to be fair, but she wasn't sure she could be fair, and her
25 dissatisfaction with the system in general due to her own

1 criminal history. So we felt based on her answers regarding the
2 fairness that she should be kicked for cause at this point.

3 THE COURT: Defense position?

4 MR. SHEETS: I'd ask Your Honor for the opportunity to
5 try and talk to her on voir dire. This is one where she -- she
6 did indicate she could be fair a couple of times, and then, I
7 mean, she's really focusing on the I don't want to serve. I
8 think that was really what it is.

9 THE COURT: I mean --

10 MR. SHEETS: And I have a personal problem with people
11 just saying I don't want to serve --

12 THE COURT: Well, I'm not --

13 MR. SHEETS: -- and expecting to get off.

14 THE COURT: -- thrilled on that, either. Although, I
15 thought at the end she actually said that she couldn't be fair
16 when we were talking about her misdemeanor cases. But I'll --
17 at this point I'll let you have a chance to chat with her.

18 MS. CRAGGS: And, Your Honor, my co-counsel did remind
19 me that she actually did say I can't be fair, and then pointed
20 at Mr. Harris and said because I know what he's going through.

21 THE COURT: Okay. All right. Well, I thought she
22 said she couldn't be fair, but I'll let you have a chance to --
23 to speak with her.

24 MR. SHEETS: Thank you, Your Honor.

25 THE COURT: All right. Anyone else?

1 MS. CRAGGS: Yes, Your Honor. No. 6, Mr. Roberts, I
2 know we talked about him before, but this time through he said
3 that he would not be able to follow the law as instructed if he
4 disagreed with it.

5 THE COURT: Does defense have a problem with striking
6 Mr. Roberts?

7 THE DEFENDANT: No, sir.

8 MR. SHEETS: Court's indulgence. I just want to
9 explain my rationale to my client.

10 (Off-record colloquy)

11 MR. SHEETS: Your Honor, I heard the same statement
12 that the State did. My client has asked me not to try and
13 oppose for cause at this time.

14 THE COURT: All right. Well, what do you -- what's
15 your -- what is the defense position? Are you --

16 MR. SHEETS: I heard the same statements regarding not
17 being able to follow the instructions if he doesn't agree. I
18 know that's not what Your Honor is looking for on a jury. Based
19 on my client's recommendation, I'd like the opportunity to
20 potentially rehab him on voir dire, but I would submit.

21 THE DEFENDANT: He was fair.

22 THE COURT: Are you submitting on that or are you
23 wanting to -- I mean, I've got -- I've got to have an answer.

24 MR. SHEETS: Okay. I'd -- I'd like the opportunity to
25 rehab on voir dire.

1 THE COURT: All right. I'll give you the opportunity
2 to rehabilitate him on voir dire.

3 MS. CRAGGS: Okay.

4 THE COURT: State.

5 MS. CRAGGS: And, Your Honor, our last one would be
6 Melanie Wright-Myers, No. 10. And she said that she would try
7 to be fair, but then she also started crying, she said she had a
8 lot of problems with the police, a distrust of the system
9 because of how her children, I believe, have been treated due to
10 several DV incidents between herself and her children. There
11 just seems to be a lot of issues and she has a general problem
12 with the justice system.

13 THE COURT: I'm going to say, this -- what's the
14 defense --

15 MR. SHEETS: I concur.

16 THE COURT: You concur.

17 THE DEFENDANT: No, you don't.

18 THE COURT: Okay. I was going to say. I think she
19 was crying at just about every turn, so all right. We'll strike
20 No. 10, Ms. Wright-Myers.

21 Anyone else for the State?

22 MS. CRAGGS: No, Your Honor.

23 THE COURT: All right. Anyone for the defense?

24 THE DEFENDANT: No. 21.

25 MR. SHEETS: Court's indulgence. Let me look at my

1 client's request very quickly.

2 THE COURT: Sure.

3 (Off-record colloquy)

4 MR. SHEETS: Your Honor, let me just quickly glance
5 through mine here.

6 THE COURT: Okay.

7 MR. SHEETS: See if there are any answers that change
8 my position. I've got two more to check, Your Honor. I keep
9 them on the long list, that's why I have to flip so many pages.
10 I'm sorry.

11 THE COURT: It's all right.

12 MR. SHEETS: Yeah. No, we are set thus far, Your
13 Honor.

14 THE COURT: Okay. All right. I'm going to finish up
15 the -- we're going to add the two people. At this point in time
16 I'm going to strike Ms. Wright-Myers and Mr. Wolfbrandt. And
17 we'll finish up with the people on their -- on their personal
18 backgrounds.

19 And then I'll let each side have an opportunity to ask
20 questions, and so I'm -- I'm -- and I'm telling you in terms of
21 asking questions, I want us to be progressing off of either
22 something new or progressing off an answer. I will cut you off
23 if you're just repeating questions that I've asked.

24 And I'm not particularly enamored by questions which
25 get into trying to give examples of different types of evidence.

1 So, you know, you aren't going to thrill me if you start talking
2 about how you drive by a park and you see a guy on their knees
3 with a woman and holding up their hand, you know, what are they
4 supposed to assume from that. I'm not going to be --

5 MS. CRAGGS: I was not planning on doing that.

6 THE COURT: I'm not going to be particularly thrilled
7 to hear that kind of question. I mean, you're allowed to ask
8 questions to see if there's issues of bias and prejudice and how
9 strong those are, but this is not to essentially argue your case
10 or to convey instructions or touch on anticipated instructions
11 on the law. So just keep that in mind. I will --

12 And I see your hand, Mr. Harris, and I will let you
13 have a chance to chat here in a second.

14 I will hold you guys to that. And then we'll do
15 perempts, and I want to try to get openings and get as far as we
16 can get done today, so if we can. All right. Anything before I
17 let Mr. Harris talk to his attorney and determine if he wants to
18 say anything to me? Anything else further from the State?

19 MS. CRAGGS: No, Judge.

20 THE COURT: From your perspective, Mr. Sheets?

21 MR. SHEETS: No, Your Honor.

22 THE COURT: All right. Mr. Harris, talk to your
23 attorney before you say anything to me. Because anything you
24 say to me is public record --

25 THE DEFENDANT: Yes, sir.

1 THE COURT: -- and can be used against you. So ask
2 him -- before you start -- I mean, I will let -- I will give you
3 about two or three minute to say something to me, but I want you
4 to talk to your attorney first and make sure he doesn't have an
5 issue with you saying it.

6 (Off-record colloquy)

7 MR. SHEETS: Your Honor, my client is asking to
8 address the Court.

9 THE COURT: I'll give you a couple minutes, Mr.
10 Harris, but everybody has got to get their own lunch and get out
11 here.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: But I will give you a couple minutes.

14 THE DEFENDANT: Yes, sir. I understand that, and I'm
15 sorry if I'm keeping you guys behind for your lunch break --

16 THE COURT: That's fine.

17 THE DEFENDANT: -- and everything.

18 THE COURT: Let's get direct and talk.

19 THE DEFENDANT: I was just trying to come directly to
20 you because I understand what's going on and I want people to
21 understand the system of how we living today in the United
22 States of America and this is supposed to be our safeguard. I
23 want them to understand the 27 amendments, I want them to
24 understand the laws and the rights, I want them to understand my
25 60-day speedy trial that was -- that was way overdue 30 days

1 ago.

2 THE COURT: Well, the speedy trial, I've ruled on it
3 and the prior judge has ruled on it, and that's not going to be
4 an issue here in court. So I'm not going to let your attorney
5 get into the 60-day speedy trial rights.

6 THE DEFENDANT: But it is the process, and that
7 process --

8 THE COURT: I understand.

9 THE DEFENDANT: -- to be treated fair.

10 THE COURT: You may have a right to raise that on an
11 appeal if you are found guilty. You may have that on a right to
12 appeal, but that's not an issue we're looking at here.

13 THE DEFENDANT: Okay. What about the issue of
14 representing -- ask the people do they understand their rights
15 as Americans?

16 THE COURT: Well, I've already gone through the
17 procedures that relate to the criminal trial. I don't see the
18 relevance of people -- asking people if they have their -- know
19 their rights as Americans.

20 THE DEFENDANT: Right. But at the same time I was ask
21 them questions, I was asking what a judge do, what a district
22 attorney do. They found me competent to stand trial and to my
23 nature of understanding the laws and the circumstances, and I
24 have -- took it upon myself to do research to understand it even
25 more. And I know what a judge is allowed to do, I know if it's

1 advised between a judge, I know the 12.25s. I know -- I know I
2 got a lawyer to make them representations for me, but what I'm
3 -- what I'm stating, Your Honor, could you ask, at least let
4 them know what the rights are, ask them what they rights are?

5 THE COURT: I will instruct them on the law as it
6 applies to this case. I'm not going to go into right and -- and
7 law that isn't relevant to the case or relevant to their job as
8 jurors.

9 THE DEFENDANT: Yes, sir. So, now, when you say law,
10 you're saying like first degree kidnapping, you're going to give
11 them instructions of what first degree kidnapping is?

12 THE COURT: Right.

13 THE DEFENDANT: Right burglary is. And could you give
14 them instructions that I got bound over on -- on charges that
15 was no probable cause? Because --

16 THE COURT: Well, now, see they're going to determine
17 -- whether or not you feel that you were bound over on charges
18 without probable cause is not relevant at this stage of the
19 proceeding. The jury will decide if the State has proven its
20 case beyond a reasonable doubt. What happened down below is not
21 something we're considering here. You may, again, have an
22 appeal issue if you're convicted --

23 THE DEFENDANT: Yes, sir.

24 THE COURT: -- but it's not an issue we're considering
25 here.

1 THE DEFENDANT: I just was reading some laws that if
2 another judge know about another judge bias, that I should let
3 the other judge know. Like I told you earlier, the other judge
4 called me a narcissist, the judge called me a pimp, the judge
5 called me a thug ---

6 THE COURT: And you may have --

7 THE DEFENDANT: -- the judge said that Mr. Steven
8 Brian Wolfson --

9 THE COURT: And I understand what you're saying.

10 THE DEFENDANT: -- she had to look on the calendar
11 for --

12 THE COURT: You maybe had an ability to file a motion
13 at that point in time, but at this point in time we've started
14 the trial and whatever happened between you and that previous
15 judge I'm not worrying about at this point. You may have
16 something, again, that if you're convicted, and we'll have to
17 see if you're convicted.

18 THE DEFENDANT: I did file motions on record. I got
19 motions that I filed myself, but the judge said no lawyer or the
20 court system will listen to what I've got to say about law.

21 THE COURT: No. What happens is if you filed motions
22 and you were represented by an attorney --

23 THE DEFENDANT: At the time I wasn't.

24 THE COURT: -- then -- then when you're -- if you're
25 represented by an attorney, the motions have to be filed by the

1 attorney. We won't consider anything filed by you when you're
2 represented by an attorney.

3 THE DEFENDANT: Yeah, at the time I wasn't. My -- my
4 current lawyer Scott Ramsey --

5 THE COURT: Well, I understand your concern about it,
6 but at this stage we've started this trial. Whatever happened
7 in the preliminary hearing, like I said, you may have an appeal
8 issue, but at this point it's not relevant to what these jurors
9 need to do, and so I'm not going to spend any more time on that.

10 THE DEFENDANT: Well, I was just speaking because some
11 things I researched in other cases.

12 THE COURT: I understand. And, I'm sorry, I'm going
13 to have to cut you off.

14 THE DEFENDANT: Yes, sir. I [indiscernible].

15 THE COURT: I'm not going to discuss anything in terms
16 of the preliminary hearing. We're focusing on the trial right
17 here, okay.

18 THE DEFENDANT: I thought it was -- I thought it was
19 your job to hear what I had to say and like my concerns.

20 THE COURT: And I have heard what you said and I have
21 explained to you at this point in time I'm not going to deal
22 with a preliminary hearing. Your attorney may have a basis for
23 an appeal on this, and there may be something he can file after
24 the trial. But right now I'm focusing on getting a jury picked
25 to hear the evidence from the State and anything you want to

1 offer from the defense.

2 THE DEFENDANT: I understand. I just was thinking
3 like the process back then was showing bias of this judge.

4 THE COURT: And I appreciate you feel that there was
5 bias on the part of the judge. Like I said, there may have been
6 some motion that could have been appropriately filed at that
7 point. Apparently, it wasn't filed by your attorney if you did
8 file something. At this point, that's not an issue and it's
9 something we can consider later on. All right. We've all got
10 to eat our lunches --

11 MR. SHEETS: Thank you, Your Honor.

12 THE COURT: -- so I'm going to cut off things at this
13 point --

14 MR. SHEETS: I was going to --

15 THE COURT: -- and we'll get back together at 2:00.

16 MR. SHEETS: I was going to implore if I might be able
17 to squeak in an extra ten minute out of Your Honor to try and
18 get something in my stomach.

19 THE COURT: No.

20 MR. SHEETS: Oh, my gosh.

21 THE COURT: 2:00.

22 MR. SHEETS: Okay.

23 THE COURT: Sorry. Everybody is living by those.

24 THE DEFENDANT: Could I have my brother -- like my
25 family is kicked out the courtroom with the jury; is that right?

1 THE MARSHAL: They weren't kicked out. They weren't
2 kicked out of the courtroom.

3 THE COURT: The jury we exclude, but, I mean, your
4 family -- your family can sit in and watch.

5 THE DEFENDANT: Because I was -- I was noticing that
6 he left every time the jury left.

7 THE COURT: Well, I mean, a lot of times people do,
8 but, no, your family doesn't need to leave the courtroom.

9 THE DEFENDANT: Okay. Thank you, Your Honor.

10 (Court recessed at 1:28 p.m., until 2:11 p.m.)

11 (Outside the presence of the prospective jury)

12 THE COURT: Ready to go?

13 THE MARSHAL: Yeah, we're ready.

14 THE COURT: All right. Let's bring them in.

15 (Inside the presence of the prospective jury)

16 THE COURT: Okay. Let the record reflect the presence
17 of the attorneys for both sides, the presence of the defendant.
18 Do the parties stipulate to the voir dire panel?

19 MS. CRAGGS: Yes, Your Honor.

20 THE COURT: Okay. Ladies and gentlemen, thank you all
21 for getting back in timely fashion. We didn't -- this is really
22 good for this large group of people, so I really do appreciate
23 that. And I did speak with counsel during the break, and at
24 this point in time we're going to excuse Juror No. 10, Ms.
25 Wright-Myer.

1 Thank you, Ms. Wright-Myer, for your participation
2 here today.

3 Okay. And we're going to need a new Juror No. 10, and
4 that's going to be Erik Hara. And we're also going to need a
5 new Juror No. 28, and that will be Ada Tario. Okay. Let's go
6 -- let's start off with Mr. Hara, and 10. Could you give him
7 the questions?

8 PROSPECTIVE JUROR NO. 0283: I have lived --

9 THE COURT: Okay. Hold on just a second --

10 PROSPECTIVE JUROR NO. 0283: Oh. Yes, sir.

11 THE COURT: -- Mr. Hara. Did you have a -- good
12 afternoon, by the way.

13 PROSPECTIVE JUROR NO. 0283: Yes I did, how is yours
14 going?

15 THE COURT: Good so far. All right. Did you have a
16 chance to hear the questions that I asked earlier today?

17 PROSPECTIVE JUROR NO. 0283: Yes, I did.

18 THE COURT: Would you have answered any of those?

19 PROSPECTIVE JUROR NO. 0283: On one, yes.

20 THE COURT: Okay. Go ahead and answer that.

21 PROSPECTIVE JUROR NO. 0283: It would be due to
22 scheduling, but I don't know if that would interfere with my
23 ability or not, but it's something that I wouldn't want to
24 announce in front of the group.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0283: If I could speak to you
2 and the attorneys, and then you could make the decision.

3 THE COURT: All right. We'll probably save that for a
4 break.

5 PROSPECTIVE JUROR NO. 0283: Okay.

6 THE COURT: But -- so any other questions?

7 PROSPECTIVE JUROR NO. 0283: No.

8 THE COURT: All right. Why don't you go ahead and
9 read the -- off on those questions?

10 PROSPECTIVE JUROR NO. 0283: Okay. I've lived in Las
11 Vegas for 25 years, I live up in Summerlin. I have a bachelor's
12 in healthcare administration. I'm currently employed with
13 Costco. I am married with a child of 9. My wife works for
14 Clark County Social Services. And I have been a juror once.

15 THE COURT: Criminal or civil case?

16 PROSPECTIVE JUROR NO. 0283: Civil.

17 THE COURT: And don't tell us the verdict, but did you
18 reach a verdict?

19 PROSPECTIVE JUROR NO. 0283: Yes.

20 THE COURT: And were you the foreperson?

21 PROSPECTIVE JUROR NO. 0283: No.

22 THE COURT: Okay. Thank you very much. If you'd hand
23 that microphone and list up two spots, to No. 28, Ms. Tario.

24 All right. Good afternoon, ma'am.

25 PROSPECTIVE JUROR NO. 0286: Good afternoon.

1 THE COURT: How are you doing?

2 PROSPECTIVE JUROR NO. 0286: Good, how are you?

3 THE COURT: Good. Did you have a chance to hear the
4 questions that I asked earlier today?

5 PROSPECTIVE JUROR NO. 0286: I did.

6 THE COURT: Any of those you would have answered?

7 PROSPECTIVE JUROR NO. 0286: Just one.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0286: I was the victim of
10 domestic violence like 10 years ago.

11 THE COURT: Okay. Was that here in Southern Nevada?

12 PROSPECTIVE JUROR NO. 0286: It was.

13 THE COURT: Were police --

14 PROSPECTIVE JUROR NO. 0286: Yes.

15 THE COURT: -- brought into this?

16 PROSPECTIVE JUROR NO. 0286: Yes.

17 THE COURT: Was anyone ever apprehended or prosecuted?

18 PROSPECTIVE JUROR NO. 0286: Yes.

19 THE COURT: Okay. Were you satisfied or dissatisfied
20 with the police?

21 PROSPECTIVE JUROR NO. 0286: Satisfied.

22 THE COURT: All right. Anything about that experience
23 that you feel would affect your ability to be a fair juror in
24 this case?

25 PROSPECTIVE JUROR NO. 0286: Not at all.

1 THE COURT: You feel that you'd be able to follow my
2 instructions and fairly and unbiasedly apply those instructions
3 to the evidence admitted?

4 PROSPECTIVE JUROR NO. 0286: Absolutely.

5 THE COURT: All right. Go ahead and read off those
6 questions.

7 PROSPECTIVE JUROR NO. 0286: I've lived in Las Vegas,
8 the east side of town, for about 24 years. I have some college
9 education. I am employed. I work as a patient care coordinator
10 for OptumCare Primary Care. I am separated, I have three
11 children, 20 -- ages 20, 16, and 15, and they all live at home,
12 and I've never been a juror.

13 THE COURT: Okay. Thank you. If you'd hand that, and
14 let's bring it over to No. 29, Mr. Nordsiek. Go ahead, sir.

15 PROSPECTIVE JUROR NO. 0235: I've lived in Vegas for
16 nine years, northwest. I have some college education. I'm
17 employed as a aircraft mechanic. I'm married with three
18 children, two live with me, 15 and 11, and I have not been a
19 juror before.

20 THE COURT: All right. Thank you. If you'd hand that
21 now to No. 30.

22 PROSPECTIVE JUROR NO. 0240: I have lived in Henderson
23 for 20 years. I have a high school diploma. I am employed at
24 Clark County Detention Center. I am married with two children,
25 ages four and six, and I've never been a juror.

1 THE COURT: Okay. Thank you. If you'd hand that now
2 to No. 31, Mr. Simoni.

3 PROSPECTIVE JUROR NO. 0243: I lived in Henderson for
4 four years from -- well, I moved here from Pittsburgh,
5 Pennsylvania. High school education. I'm employed at Timet on
6 Water Street. And my sweetie, she's retired, she used to be a
7 receptionist in a doctor's office back in Pennsylvania. She has
8 two kids. And I've never been a juror.

9 THE COURT: Okay. Thank you. And now No. 32, Mr.
10 Pasco.

11 PROSPECTIVE JUROR NO. 0259: Lived here in Las Vegas
12 since 2006. Started a bachelor's in science in electrical
13 engineering, and working as a maintenance engineer in Wyndham.
14 Happily divorced, got seven kids, and three grandkids. Never
15 been a juror.

16 THE COURT: Okay. Very good. Thank you very much.
17 All right. Well, I appreciate all of you giving us a little
18 information about yourself. At this point in time, I'm going to
19 let the attorneys for both sides ask some questions. They can
20 ask questions generally the way I've been asking questions, sort
21 of as a group, you know. And -- or they can ask you questions
22 individually.

23 Same principles apply, as to my questions. All we're
24 looking for is honest answers. If at any time you are asked a
25 question that you feel you need to have a sidebar, let -- let me

1 know and we'll have a sidebar either at that time, or when we
2 have a break the next time. If you don't understand a question
3 that an attorney asks, say you -- or you don't hear it, say I
4 didn't hear that or I -- could you rephrase the question, and
5 they'll be glad to rephrase the question and help you get
6 through what -- the information that they're to get through.

7 So with that, we'll be pleased to hear from the State.

8 MS. CRAGGS: Thank you, Judge. Is it all right if I
9 move the podium a little bit?

10 THE COURT: Sure.

11 MS. CRAGGS: Thank you.

12 All right. How is everybody doing?

13 PROSPECTIVE JURY PANEL: Good.

14 MS. CRAGGS: Good. As Ms. Sudano said, my name is Ms.
15 Craggs, Genevieve Craggs. I work for the State. I'm the
16 prosecutor in this case, and I just have a few questions for
17 you. Some general questions, some questions I want to follow up
18 on what you told the Judge. As he said, the State and the
19 defense in this case have an interest in just making sure that
20 everybody who sits on the jury can be fair and can follow the
21 law.

22 So I might be asking you some questions that make you
23 a little bit uncomfortable. I'm not trying to pry into your
24 personal life. We're just trying to make sure that both the
25 State and the defendant in this case have a fair jury. And as

1 the judge said, if -- if there's at any point you feel like you
2 need to talk to us in private, we'll be happy to accommodate you
3 in that way.

4 So we'll start off really easy. Does anybody here
5 know anybody else that's on the panel? Okay. Oh. Let's see,
6 Ms. Ramirez, No. 19. Does somebody have the microphone, or is
7 it -- oh, thank you. Let me just pass it back.

8 Go ahead, Ms. Ramirez.

9 PROSPECTIVE JUROR NO. 0195: I know Ms. Dabney, she's
10 my sister-in-law's sister.

11 MS. CRAGGS: Who is that, Ms. Dabney? Oh. Okay. And
12 will Ms. Dabney being on the jury in any way cause you have
13 issues in terms of being fair and impartial?

14 PROSPECTIVE JUROR NO. 0195: Not at all.

15 MS. CRAGGS: Would you be able to have discussions
16 with her and deliberate and talk with her about what you've
17 heard on the law when it comes time to do that? Want me to say
18 it again --

19 PROSPECTIVE JUROR NO. 0195: Yeah.

20 MS. CRAGGS: -- slower?

21 PROSPECTIVE JUROR NO. 0195: Yeah.

22 MS. CRAGGS: Okay. Will you be able to talk with Ms.
23 Dabney about what you hear, in terms of the evidence, and the
24 law, as you're instructed, by the judge, even though you may
25 have a relationship outside of being on the jury together, if

1 you're both picked?

2 PROSPECTIVE JUROR NO. 0195: Yes.

3 MS. CRAGGS: Okay. Great. If you could pass it down
4 to Ms. Dabney for me. Thank you.

5 No. 25, same questions for you, any issues there?

6 PROSPECTIVE JUROR NO. 0215: Nope.

7 MS. CRAGGS: Okay. Great. And did I see another
8 hand? Was that it? Okay. Does anybody here enjoy watching
9 those like CSI, Law and Order shows? Oh. I see -- I saw your
10 hand go up. Okay. Let's see, Ms. Vasquez, No. 24. Could you
11 pass it over to her, please? Thank you.

12 What show do you like? All of them?

13 PROSPECTIVE JUROR NO. 0212: I'm bored with Law and
14 Order, but CSI, NCIS?

15 MS. CRAGGS: All that stuff.

16 PROSPECTIVE JUROR NO. 0212: All that stuff.

17 MS. CRAGGS: Do you watch CSI Las Vegas?

18 PROSPECTIVE JUROR NO. 0212: I haven't in a while.

19 MS. CRAGGS: Okay. But you have?

20 PROSPECTIVE JUROR NO. 0212: I check it out.

21 MS. CRAGGS: All right.

22 PROSPECTIVE JUROR NO. 0212: Yeah.

23 MS. CRAGGS: So, obviously, in those shows you have
24 about an hour, and a crime is committed and there's all this
25 interesting forensic evidence, and they solve -- you know, they

1 solve the crime through some sort of like interesting test, and
2 it's all done in an hour and it's all really interesting, does
3 that sound correct?

4 PROSPECTIVE JUROR NO. 0212: Yes.

5 MS. CRAGGS: Okay. And you understand that in terms
6 of how things are actually done, crimes are actually
7 investigated, and the forensic testing that we have available to
8 us, it's not exactly the same as what's on CSI.

9 PROSPECTIVE JUROR NO. 0212: Yeah, I understand life
10 is not like TV.

11 MS. CRAGGS: Yes. And -- well, you've already
12 probably figured out that this is not going to be done in an
13 hour.

14 PROSPECTIVE JUROR NO. 0212: Yeah.

15 MS. CRAGGS: Okay. Does anybody disagree with that?
16 Obviously, that CSI is fictional, it's made for TV, and clearly,
17 this process is going to be a little bit different? Okay.
18 Seeing no hands.

19 Now, I know the judge asked you a couple of questions
20 about experiences with law enforcement. If -- was there
21 anything in terms of a particularly negative or particularly
22 positive experience that you've had with law enforcement, that
23 wasn't covered by the Judge, something that you feel you would
24 need to share? Okay. Seeing no hands.

25 And -- so the judge also talked to you about how this

1 process is probably going to take, we're hoping, four days,
2 maybe go into next week. Does everybody here understand that
3 even though this case might just be a few days long, it still
4 should be treated seriously, and is as important as a case that
5 might last three weeks, four weeks? Seeing no hands.

6 Okay. So now I'm going to just follow up on a couple
7 of folks who shared a little bit about their experiences. And
8 if I could go back to Ms. Dabney, No. 25. And you talked a
9 little bit about this, you said that your father was arrested
10 for domestic violence?

11 PROSPECTIVE JUROR NO. 0215: Yes.

12 MS. CRAGGS: Okay. Could you just tell me a little
13 bit more about what happened there? Was --

14 PROSPECTIVE JUROR NO. 0215: What happened --

15 MS. CRAGGS: -- that with your mother?

16 PROSPECTIVE JUROR NO. 0215: Yes, with my mother.

17 MS. CRAGGS: Okay. Was that something that
18 happened --

19 PROSPECTIVE JUROR NO. 0215: My whole life.

20 MS. CRAGGS: Your whole life?

21 PROSPECTIVE JUROR NO. 0215: Yeah. More than once.

22 MS. CRAGGS: So it's something that went on for a
23 period of years?

24 PROSPECTIVE JUROR NO. 0215: Yes.

25 MS. CRAGGS: Okay. And did your mother eventually

1 leave him, or is she still with him?

2 PROSPECTIVE JUROR NO. 0215: No, she left.

3 MS. CRAGGS: Okay. And that took some time?

4 PROSPECTIVE JUROR NO. 0215: Yeah.

5 MS. CRAGGS: Okay. In terms of the abuse that went
6 on, were you present for that?

7 PROSPECTIVE JUROR NO. 0215: Yes, almost always.

8 MS. CRAGGS: Okay. And you feel that despite having
9 some history where you at least present for this type of abuse,
10 you think that you can set that aside and be fair and impartial
11 to Mr. Harris?

12 PROSPECTIVE JUROR NO. 0215: I -- sure. Yeah.

13 MS. CRAGGS: Sure?

14 PROSPECTIVE JUROR NO. 0215: Yeah.

15 MS. CRAGGS: You obviously understand that what
16 happened between your parents is different than whatever Mr.
17 Harris is alleged to have committed?

18 PROSPECTIVE JUROR NO. 0215: Uh-huh.

19 MS. CRAGGS: Yes.

20 THE COURT: You need to answer yes or no.

21 PROSPECTIVE JUROR NO. 0215: Yes.

22 THE COURT: I'm sorry.

23 PROSPECTIVE JUROR NO. 0215: That's okay.

24 MS. CRAGGS: And, again, like I said, not trying to
25 pry, but do you understand sort of some of the reasons for why

1 your mother may have stayed throughout that time period even
2 though she was being abused?

3 PROSPECTIVE JUROR NO. 0215: Yes, I understand.

4 MS. CRAGGS: Okay. What do you think --

5 PROSPECTIVE JUROR NO. 0215: Fear.

6 MS. CRAGGS: -- some of those reasons were?

7 PROSPECTIVE JUROR NO. 0215: Fear.

8 MS. CRAGGS: Fear?

9 PROSPECTIVE JUROR NO. 0215: And maybe love, but
10 mostly fear.

11 MS. CRAGGS: Okay. And when you say love, what do you
12 mean by that?

13 PROSPECTIVE JUROR NO. 0215: That she cared about my
14 dad, but --

15 MS. CRAGGS: She didn't want to get him in trouble.

16 PROSPECTIVE JUROR NO. 0215: Yeah.

17 MS. CRAGGS: Okay.

18 PROSPECTIVE JUROR NO. 0215: And she also didn't want
19 him to hurt her.

20 MS. CRAGGS: Yes.

21 PROSPECTIVE JUROR NO. 0215: More.

22 MS. CRAGGS: Okay. And were you yourself ever a
23 victim of that?

24 PROSPECTIVE JUROR NO. 0215: Physically, no.

25 MS. CRAGGS: In other ways?

1 PROSPECTIVE JUROR NO. 0215: Yeah.

2 MS. CRAGGS: Okay. And do you mean like emotional
3 abuse?

4 PROSPECTIVE JUROR NO. 0215: Yeah. I mean, he was
5 just a scary person. I don't know. He's just a scary man.

6 MS. CRAGGS: I understand. Now, you said he was
7 arrested eventually.

8 PROSPECTIVE JUROR NO. 0215: Uh-huh.

9 MS. CRAGGS: Did your mother call the police?

10 PROSPECTIVE JUROR NO. 0215: Yeah. I think my cousin
11 called the police.

12 MS. CRAGGS: Okay. And the victim in that case, was
13 that your mother?

14 PROSPECTIVE JUROR NO. 0215: It was my mother.

15 MS. CRAGGS: And I apologize if you said this, was
16 your father prosecuted for that?

17 PROSPECTIVE JUROR NO. 0215: I don't think so -- or,
18 no. Yes, he was. He had to have -- take classes, so yes.

19 MS. CRAGGS: He had to take classes?

20 PROSPECTIVE JUROR NO. 0215: Uh-huh.

21 MS. CRAGGS: Do you remember if you or your mother
22 ever had to go to court?

23 PROSPECTIVE JUROR NO. 0215: I never had to go to
24 court. I'm not sure if my mom did.

25 MS. CRAGGS: Okay. Was she happy about the fact that

1 he was being prosecuted?

2 PROSPECTIVE JUROR NO. 0215: I think it was
3 bittersweet, probably. I think -- I don't think she wanted him
4 to spend his life in jail, but I think she needed to like -- had
5 to get away, so --

6 MS. CRAGGS: Complicated --

7 PROSPECTIVE JUROR NO. 0215: Uh-huh.

8 MS. CRAGGS: -- situation? Okay. If we could pass it
9 back to -- thank you for sharing -- No. 1, Ms. McCloud.

10 PROSPECTIVE JUROR NO. 0141: Hi.

11 MS. CRAGGS: So you just said a couple things earlier
12 when you were talking to the judge that I wanted to follow up
13 on. So you said that your cousin was the victim of domestic
14 violence; is that right?

15 PROSPECTIVE JUROR NO. 0141: Yes.

16 MS. CRAGGS: Okay. And you said, first of all,
17 something about somebody being mentally abusive.

18 PROSPECTIVE JUROR NO. 0141: Yes.

19 MS. CRAGGS: Who were you referring to?

20 PROSPECTIVE JUROR NO. 0141: Her boyfriend at the
21 time.

22 MS. CRAGGS: Okay. And -- and how did you feel he was
23 being mentally abusive?

24 PROSPECTIVE JUROR NO. 0141: They -- she stayed with
25 me and my family at the time, and he wasn't very supportive of

1 her having other children, so that was a big issue for him, and
2 he would just, you know -- you know, talk to the kids like, you
3 know, very angry and like aggressive and cursing at them and my
4 cousin and just, you know, always like calling them like out of
5 their names and everything like that. Just to try to like rile
6 -- rile her up, but for me, it just upset the kids the most.

7 MS. CRAGGS: And she -- you said she was staying with
8 you at the time?

9 PROSPECTIVE JUROR NO. 0141: Yes.

10 MS. CRAGGS: Okay. Was he also staying with you at
11 the time?

12 PROSPECTIVE JUROR NO. 0141: No.

13 MS. CRAGGS: Okay. He was just a boyfriend?

14 PROSPECTIVE JUROR NO. 0141: Yes.

15 MS. CRAGGS: Okay. Do you know if this kind of
16 behavior had gone on for many years, or how long was she with
17 him?

18 PROSPECTIVE JUROR NO. 0141: I'm going to say on and
19 off for about seven years.

20 MS. CRAGGS: Okay. And then was -- were the police
21 ever called?

22 PROSPECTIVE JUROR NO. 0141: Multiple times because
23 they would get into fights in my house, and it was, you know, a
24 mess. But, like I said, like my concern were -- were the kids,
25 the children, because they were really, really small and

1 impressionable, but they did -- you know, we had to get the
2 police involved a couple times.

3 MS. CRAGGS: And was your cousin the one calling, or
4 were you the one calling?

5 PROSPECTIVE JUROR NO. 0141: Me, my -- she called
6 once, but like, you know, just us in the house observing it,
7 like that's pretty much what it was.

8 MS. CRAGGS: Okay. So you said she did call once?

9 PROSPECTIVE JUROR NO. 0141: Yes.

10 MS. CRAGGS: Okay. Was he ever prosecuted, do you
11 know?

12 PROSPECTIVE JUROR NO. 0141: No.

13 MS. CRAGGS: Okay. Do you know if your cousin ever
14 went to court in order for him to be prosecuted, or what
15 occurred?

16 PROSPECTIVE JUROR NO. 0141: She did not.

17 MS. CRAGGS: Okay. Do you know if her not coming
18 resulted in the charges being dropped, or -- or how that --

19 PROSPECTIVE JUROR NO. 0141: Yeah. That's basically
20 what it was, she didn't really care for him, you know, to be
21 like arrested, she just -- it was just like a defense mechanism
22 for her.

23 MS. CRAGGS: Did you ever talk to her about why she
24 didn't want him to be arrested?

25 PROSPECTIVE JUROR NO. 0141: Yeah. And that's, you

1 know, basically what she said. I mean, she's just -- she
2 doesn't want to be like the snitch, I guess. It's just really
3 stupid like in my mind, but --

4 MS. CRAGGS: Is that when -- because I also had
5 written down that you said people involved not wanting to do
6 what they need to do.

7 PROSPECTIVE JUROR NO. 0141: Yes.

8 MS. CRAGGS: Okay. And were you referring to the fact
9 that your cousin didn't want to?

10 PROSPECTIVE JUROR NO. 0141: Yes.

11 MS. CRAGGS: Okay. And in terms of why, I guess, you
12 said that she didn't want to be the snitch, was it also because
13 she had feelings for him still?

14 PROSPECTIVE JUROR NO. 0141: Yes. A lot of -- put it
15 that way. I mean, she has -- her oldest child is by him, and
16 also her youngest that she had about a year ago, so that's what
17 I was referring to, as well. So the oldest is seven, so about
18 on and off for about seven years they've been together, so I'm
19 assuming that there's still feelings there. It's just
20 unfortunate.

21 MS. CRAGGS: Are they still together today?

22 PROSPECTIVE JUROR NO. 0141: I don't know how to
23 answer that.

24 MS. CRAGGS: That's okay. Can you set aside any of
25 your feelings regarding that situation with your cousin, set

1 those aside, listen to the evidence as presented, and then make
2 a determination based on what -- if the State is actually able
3 to meet their burden regarding Mr. Harris's guilt or innocence?

4 PROSPECTIVE JUROR NO. 0141: Originally, I thought so,
5 I would be able to, but it's really hard to unsee the things
6 that I've seen, so I'm -- I really am not sure.

7 MS. CRAGGS: Okay. Do you -- you do understand, of
8 course, and I know these seem like silly questions, but you do
9 understand, obviously, that what happened between your cousin
10 and her boyfriend is a completely separate situation?

11 PROSPECTIVE JUROR NO. 0141: Yes.

12 MS. CRAGGS: Okay. And do you also understand that
13 it's actually the State who has the burden to prove to you
14 beyond a reasonable doubt that Mr. Harris is guilty?

15 PROSPECTIVE JUROR NO. 0141: Yes.

16 MS. CRAGGS: And that as he sits here today, he's not
17 guilty?

18 PROSPECTIVE JUROR NO. 0141: Yes.

19 MS. CRAGGS: And that he actually doesn't have to do
20 anything. He and his defense team could just sit there. It's
21 all up to the State to have to prove the charges?

22 PROSPECTIVE JUROR NO. 0141: Yes.

23 MS. CRAGGS: So taking all those things into
24 consideration, do you think you'd be able to try and listen to
25 the evidence and separate those two situations?

1 PROSPECTIVE JUROR NO. 0141: I will try, but it's --
2 it's still, you know, a little iffy.

3 MS. CRAGGS: I appreciate your honesty.

4 PROSPECTIVE JUROR NO. 0141: Yeah.

5 MS. CRAGGS: That's all we want. Thank you.

6 If I could go to No. 5, Ms. Ramos.

7 PROSPECTIVE JUROR NO. 0147: Hello.

8 MS. CRAGGS: So I wanted to just ask you a few
9 questions. You said that your cousin was arrested --

10 PROSPECTIVE JUROR NO. 0147: Yes.

11 MS. CRAGGS: -- for domestic violence.

12 PROSPECTIVE JUROR NO. 0147: Yes.

13 MS. CRAGGS: And she was actually brought to jail?

14 PROSPECTIVE JUROR NO. 0147: Uh-huh.

15 MS. CRAGGS: Okay. What --

16 THE COURT: You need to answer yes or no.

17 PROSPECTIVE JUROR NO. 0147: Yes.

18 MS. CRAGGS: Thank you.

19 THE COURT: Okay.

20 MS. CRAGGS: What actually occurred regarding that
21 situation?

22 PROSPECTIVE JUROR NO. 0147: I really -- the story
23 that was told to me is that they always have a problem, they
24 have a kid together, but they always have a problem, they're
25 always fighting. Both of them have issues. And I believe my

1 cousin said she threw a water bottle to her boyfriend at that
2 time, and then the boyfriend called the police and then the
3 police showed up. And then what she was telling me is that when
4 there is a call like that, they usually have to take someone in,
5 and I guess that's what happened. But the charges were dropped
6 because of the absurdity of it. My cousin is 4'11" and the
7 boyfriend is like 6'1", so like the threat, you know, like -- so
8 that's what happened.

9 MS. CRAGGS: Are you close to your cousin?

10 PROSPECTIVE JUROR NO. 0147: Somewhat.

11 MS. CRAGGS: Okay. So you talked to her about what
12 happened?

13 PROSPECTIVE JUROR NO. 0147: Yes, I did.

14 MS. CRAGGS: Okay. And did you feel -- did you have
15 any, I guess, negative feelings about the fact that -- you said
16 the absurdity of the charges.

17 PROSPECTIVE JUROR NO. 0147: I feel like both of them
18 have issues just because it's always on and off. So I felt like
19 with my cousin being taken away, it kind of made her realize
20 that you can't just call them. You know, because she's done --
21 before where she would call the police to just like aggravate
22 the boyfriend, so I felt like the relationship is just not good.

23 MS. CRAGGS: I understand. Thank you.

24 Okay. Let's go to -- let's see, No. 22, Ms. Serrano.
25 And I know you are -- you're emotional about this, so I'm sorry

1 to have to ask you these questions. If you need to take a
2 minute, or if you want to talk just with us, we can do that too,
3 okay. Just tell me.

4 PROSPECTIVE JUROR NO. 0202: Okay.

5 MS. CRAGGS: So I know you said your granddaughter was
6 killed; is that right? You have to say yes --

7 PROSPECTIVE JUROR NO. 0202: Yes.

8 MS. CRAGGS: -- or no. Okay. And you said -- I think
9 you said, was it her boyfriend?

10 PROSPECTIVE JUROR NO. 0202: No. She never met the
11 man.

12 MS. CRAGGS: Oh, okay. So it was --

13 PROSPECTIVE JUROR NO. 0202: She was walking home from
14 school, in Wichita Falls, Texas, two years ago. September
15 [indiscernible] started.

16 MS. CRAGGS: Okay.

17 PROSPECTIVE JUROR NO. 0202: And she was shot 14
18 times.

19 MS. CRAGGS: Oh, my goodness. Okay. I'm so sorry
20 about that. And you said that it's -- it's going to trial in
21 September?

22 PROSPECTIVE JUROR NO. 0202: September 10th.

23 MS. CRAGGS: Okay. And you said that you would be
24 able to be fair and impartial --

25 PROSPECTIVE JUROR NO. 0202: Oh, yes.

1 MS. CRAGGS: -- in this case; right? It's a different
2 place --

3 PROSPECTIVE JUROR NO. 0202: Oh, that's --

4 MS. CRAGGS: -- different --

5 PROSPECTIVE JUROR NO. 0202: Yeah.

6 MS. CRAGGS: Okay. And then one other question for
7 you. I think you talked about a lawsuit that you testified in.
8 Was it a sexual harassment lawsuit?

9 PROSPECTIVE JUROR NO. 0202: Yes, from work.

10 MS. CRAGGS: Okay. And can you tell me about that?
11 Were you the person bringing the lawsuit?

12 PROSPECTIVE JUROR NO. 0202: No, the company did.
13 There was a lady, she got terminated from work. I used to be
14 the supervisor.

15 MS. CRAGGS: Okay.

16 PROSPECTIVE JUROR NO. 0202: And sexual harassment --
17 something happened with her pants, they were split open when she
18 was working.

19 MS. CRAGGS: Okay.

20 PROSPECTIVE JUROR NO. 0202: And I sent her home to
21 change clothes.

22 MS. CRAGGS: Okay.

23 PROSPECTIVE JUROR NO. 0202: And then she gets some
24 work wrong, she got terminated, and then she filed a lawsuit
25 against the company for sexual harassment because I sent her

1 home. And I told her go in the restroom. I was going to give
2 her a jacket to cover up.

3 MS. CRAGGS: Okay.

4 PROSPECTIVE JUROR NO. 0202: And she was -- she says,
5 well, you harass me, you get this. And I said, no, I said you
6 cannot stay in the company like this. And she filed a lawsuit,
7 and then we have to go in preparation, we have to swear in, and
8 -- and it was dismissed.

9 MS. CRAGGS: Okay.

10 PROSPECTIVE JUROR NO. 0202: It didn't do nothing.

11 MS. CRAGGS: So did the judge --

12 PROSPECTIVE JUROR NO. 0202: She wanted to have --

13 MS. CRAGGS: -- judge just --

14 PROSPECTIVE JUROR NO. 0202: -- money from the
15 company. She tried to make money, and that was it.

16 MS. CRAGGS: Okay. So nothing ever came of it?

17 PROSPECTIVE JUROR NO. 0202: Nothing.

18 MS. CRAGGS: Okay. Now did that give you any sort of
19 negative feelings toward the justice system?

20 PROSPECTIVE JUROR NO. 0202: No, I liked it.

21 MS. CRAGGS: You liked the end result; right?

22 PROSPECTIVE JUROR NO. 0202: Yes, because I didn't do
23 nothing wrong, so --

24 MS. CRAGGS: Okay. Thank you.

25 And if I could go to No. 21, Ms. Gonzalez. You looked

1 like you knew I was coming to you. You also mentioned with the
2 Judge that you were a victim of domestic violence by your
3 ex-husband; is that correct?

4 PROSPECTIVE JUROR NO. 0280: Yes.

5 MS. CRAGGS: And I think you also said you have a
6 couple kids with the same person; is that correct?

7 PROSPECTIVE JUROR NO. 0280: Yes.

8 MS. CRAGGS: Okay. Can you tell me a little about
9 that? Did it go on for a long time?

10 PROSPECTIVE JUROR NO. 0280: Yes. They were -- my
11 kids were 6 and 10, and he was addicted to drugs. So the one
12 time that it -- we were married for 11 years, and one time he
13 hit me. I called the police. I guess he was also scaring the
14 kids and holding them. He bruised up their little arms. And he
15 was arrested. The case was dismissed. I don't even know why or
16 how. I think they gave him like credit time served or
17 something.

18 MS. CRAGGS: Okay. So maybe --

19 PROSPECTIVE JUROR NO. 0280: But after that I
20 separated, and then started the divorce process, so I really
21 wasn't that involved. There was a petition order, stay away and
22 all that. So, yeah, and he doesn't really have a relationship
23 with my kids. They're 25 and 21 now. They see him like every 3
24 years.

25 MS. CRAGGS: Okay.

1 PROSPECTIVE JUROR NO. 0280: And I think -- is there
2 any other questions?

3 MS. CRAGGS: Maybe a few. So it sounds like
4 potentially there was a plea deal that occurred as opposed to it
5 being dismissed?

6 PROSPECTIVE JUROR NO. 0280: Probably.

7 MS. CRAGGS: Okay. You're just not sure exactly what
8 happened?

9 PROSPECTIVE JUROR NO. 0280: Yeah. And I -- I never
10 asked.

11 MS. CRAGGS: So it only happened that one time, and
12 you called the police?

13 PROSPECTIVE JUROR NO. 0280: Uh-huh.

14 MS. CRAGGS: Yes?

15 THE COURT: You need to answer yes or no.

16 PROSPECTIVE JUROR NO. 0280: Yes.

17 MS. CRAGGS: Thank you. How about any sort of
18 behavior in terms of maybe isolating you or controlling you, did
19 that occur prior to that incident happening?

20 PROSPECTIVE JUROR NO. 0280: There was a lot of
21 emotional abuse, yes, and financial. I would have to sleep with
22 my purse underneath my pillow all those years, so yes.

23 MS. CRAGGS: Does it -- is it fair to say that it
24 sounds like a kind of -- built up to that point?

25 PROSPECTIVE JUROR NO. 0280: Yes.

1 MS. CRAGGS: Okay. And then, obviously, I mean,
2 you're very familiar with the justice system, I know that. So
3 you said that you didn't have any bias regarding that specific
4 incident that occurred, either towards the State, which you work
5 for municipal court, so that would be a problem --

6 PROSPECTIVE JUROR NO. 0280: Yes.

7 MS. CRAGGS: -- is that correct? Or towards Mr.
8 Harris?

9 PROSPECTIVE JUROR NO. 0280: I -- I see both sides,
10 and I can be neutral and --

11 MS. CRAGGS: You can be --

12 PROSPECTIVE JUROR NO. 0280: -- fair.

13 MS. CRAGGS: -- fair. Okay. Thank you.

14 Last one, Ms. Tario, No. 28. You're our newest
15 number.

16 PROSPECTIVE JUROR NO. 0286: Yes, ma'am.

17 MS. CRAGGS: Okay. So you also talked -- you know
18 what I'm going to ask you.

19 PROSPECTIVE JUROR NO. 0286: Yes.

20 MS. CRAGGS: You also talked to the judge about this.
21 Can you tell me a little bit more about your situation, please?

22 PROSPECTIVE JUROR NO. 0286: Well, I had -- I had two
23 instances. I had an ex-boyfriend that I had, that I -- I dated
24 for like six months, and he was abusive to the point that I
25 ended up in a shelter with my kids. He was -- he never touched

1 -- laid hands on me. He was just abusive and threatened to do
2 things. And that went to -- I ended up at a shelter with the --
3 with the kids when the kids were small, and he got caught. We
4 put a restraining order on him, and last I heard he got
5 deported. I never had to go to court or anything --

6 MS. CRAGGS: Okay.

7 PROSPECTIVE JUROR NO. 0286: -- for that. And then
8 with my ex -- well, husband, one time, but he was an alcoholic.
9 Not that I'm saying that it was right, but it happened one time.
10 And he went through AA, and it never happened again.

11 MS. CRAGGS: Okay.

12 PROSPECTIVE JUROR NO. 0286: We're not together
13 anymore, but it was just one time, not -- and again, I'm not
14 making excuses for him.

15 MS. CRAGGS: I don't feel like you are. Did you call
16 the police that one time?

17 PROSPECTIVE JUROR NO. 0286: I did.

18 MS. CRAGGS: Okay. And you don't know what happened
19 as a result of that phone call?

20 PROSPECTIVE JUROR NO. 0286: He -- well, he was never
21 arrested.

22 MS. CRAGGS: Okay.

23 PROSPECTIVE JUROR NO. 0286: He was never arrested.

24 MS. CRAGGS: So you called, but they didn't --

25 PROSPECTIVE JUROR NO. 0286: I -- I called, and he had

1 left by then, by the time they -- he -- you know, by the time he
2 -- the cops showed up, he was gone.

3 MS. CRAGGS: Okay.

4 PROSPECTIVE JUROR NO. 0286: And then he, you know, he
5 got caught another time drinking and he went through AA, but his
6 problem was the alcohol.

7 MS. CRAGGS: Okay. I want to go back to the first
8 time you're talking about your boyfriend, I think you said of
9 six months; is that right?

10 PROSPECTIVE JUROR NO. 0286: No. It was somebody that
11 I dated for six months.

12 MS. CRAGGS: Okay. And you said that there was never
13 physical abuse, but there was other abuse. What --

14 PROSPECTIVE JUROR NO. 0286: Well he -- like he used
15 to say like I'm going to burn the house when you're sleeping
16 with the kids. And then he would go and do car damage to my
17 mom's cars and my car. So it was just -- it was -- it was very
18 intense. It was just the physical abuse that he would put fear
19 into me, that I was like always like scared that he would do
20 something.

21 MS. CRAGGS: And this went on for a period of time?

22 PROSPECTIVE JUROR NO. 0286: Not that long.

23 MS. CRAGGS: Okay.

24 PROSPECTIVE JUROR NO. 0286: I would say three months,
25 maybe.

1 MS. CRAGGS: And what were some of the reasons that
2 you didn't leave as soon as this kind of behavior started?

3 PROSPECTIVE JUROR NO. 0286: I was afraid.

4 MS. CRAGGS: You were afraid, okay.

5 PROSPECTIVE JUROR NO. 0286: Not only that, but he --
6 he was my support a lot. I had -- you know, I had gone through
7 a divorce, I don't know, two, three years before that, and I was
8 having financial issues and he was my support.

9 MS. CRAGGS: And you mean by support, you mean
10 financial support?

11 PROSPECTIVE JUROR NO. 0286: Well, a little bit. Not
12 so much, but yes.

13 MS. CRAGGS: So financial support, maybe emotional
14 support, as well?

15 PROSPECTIVE JUROR NO. 0286: Yeah.

16 MS. CRAGGS: All right. Now, has anyone here ever
17 volunteered at a shelter for victims of domestic violence?
18 Okay. Can you pass it to Ms. Dabney? Please don't get afraid
19 to raise your hands.

20 Ms. Dabney, No. 25, where have you volunteered?

21 PROSPECTIVE JUROR NO. 0215: SafeNest or whatever the
22 -- yeah, I don't know exactly. I went with a group.

23 MS. CRAGGS: Okay. What did you do there?

24 PROSPECTIVE JUROR NO. 0215: Probably like four years
25 ago, maybe? It's been a while.

1 MS. CRAGGS: What -- but what did you do in your
2 volunteering?

3 PROSPECTIVE JUROR NO. 0215: We helped set up rooms,
4 and then we also like organized like all the stuff that they
5 like had like that was coming through, and then we did meals for
6 -- we did like everything in a whole day.

7 MS. CRAGGS: Oh, okay. Cool. If you could please
8 pass it down to, I think it was Ms. Gonzalez.

9 Did you also raise your hand?

10 PROSPECTIVE JUROR NO. 0280: Yes.

11 MS. CRAGGS: Okay. No. 21.

12 PROSPECTIVE JUROR NO. 0280: I attended orientation to
13 volunteer at the Shade Tree, and I volunteered just once
14 organizing their stuff in the warehouse or something like that.

15 MS. CRAGGS: When did you volunteer there?

16 PROSPECTIVE JUROR NO. 0280: Almost four years ago.

17 MS. CRAGGS: Okay. Anybody else? Okay. Seeing no
18 hands. How about anybody ever donating to a charity that gives
19 money to domestic violence victims or help support victims, that
20 kind of thing?

21 PROSPECTIVE JUROR NO. 0280: I --

22 MS. CRAGGS: It's already with you, 21.

23 PROSPECTIVE JUROR NO. 0280: -- donate clothing and
24 stuff to SafeNest --

25 MS. CRAGGS: Okay.

1 PROSPECTIVE JUROR NO. 0280: -- all the time.

2 MS. CRAGGS: Okay. I thought I saw more hands.

3 Anybody else?

4 If we could go all the way back to Ms. Collins, No. 9,
5 please.

6 PROSPECTIVE JUROR NO. 0184: Do you want me to go
7 while I'm --

8 MS. CRAGGS: Oh, I didn't see --

9 PROSPECTIVE JUROR NO. 0184: -- I have the mic.

10 MS. CRAGGS: -- your hand. I'm sorry, yes. Let me
11 just make sure I've got it. Ms. Iverson.

12 PROSPECTIVE JUROR NO. 0184: Yes.

13 MS. CRAGGS: No. 14.

14 PROSPECTIVE JUROR NO. 0184: Yes.

15 MS. CRAGGS: Okay.

16 PROSPECTIVE JUROR NO. 0184: I've donated time and
17 making like blankets and sent pajamas there, and -- but I've
18 just never actually worked there --

19 MS. CRAGGS: Okay. How often --

20 PROSPECTIVE JUROR NO. 0184: -- or volunteered at the
21 place.

22 MS. CRAGGS: I'm sorry. I cut you off. Go ahead.

23 PROSPECTIVE JUROR NO. 0184: And I haven't volunteered
24 at the actual place.

25 MS. CRAGGS: Okay. How often do you do that kind of

1 thing?

2 PROSPECTIVE JUROR NO. 0184: Once or twice a year.

3 MS. CRAGGS: Thank you. If you could go back to Ms.
4 Collins now, No. 9.

5 PROSPECTIVE JUROR NO. 0153: And you said donations
6 and --

7 MS. CRAGGS: Yes.

8 PROSPECTIVE JUROR NO. 0153: Yeah, I've done that,
9 but --

10 MS. CRAGGS: What kinds of things have you donated,
11 and where do you donate to?

12 PROSPECTIVE JUROR NO. 0153: Oh, it's usually -- it's
13 like through work, usually like through cash donations.

14 MS. CRAGGS: And, specifically, to like domestic
15 violence charities?

16 PROSPECTIVE JUROR NO. 0153: If that's what's coming
17 up, yeah.

18 MS. CRAGGS: So you're just donating to -- to
19 everything that comes up basically?

20 PROSPECTIVE JUROR NO. 0153: Well, yeah. It's not
21 like it's every day, but yeah.

22 MS. CRAGGS: Okay. Thank you. Okay. So just a
23 general question, but if nobody raises their hand, I have to
24 pick on somebody, so please do. Is everybody here familiar with
25 the term -- or anybody here familiar with the term, like the

1 victim brought the charges or the victim dropped the charges?

2 Oh, I see -- I see it. Are you shaking --

3 PROSPECTIVE JUROR NO. 0243: Well --

4 MS. CRAGGS: -- your head yes?

5 PROSPECTIVE JUROR NO. 0243: Yeah.

6 MS. CRAGGS: Okay. Give me a second. All right. Mr.
7 Simoni, could you pass that down for me? Thank you.

8 And not necessarily yourself, but the term. Go ahead.

9 PROSPECTIVE JUROR NO. 0243: I read it in a paper when
10 the -- the Sanchez, what's he, Bishop Gorman's head coach?

11 MS. CRAGGS: Uh-huh.

12 PROSPECTIVE JUROR NO. 0243: Whenever, supposedly
13 Christmas time, him and his live-in, and then all of a sudden
14 she dropped the charges.

15 MS. CRAGGS: Okay. Ms. Gonzalez, I think you were
16 raising your hand too, No. 21. I'm just going to keep going
17 back to you.

18 PROSPECTIVE JUROR NO. 0280: Working --

19 MS. CRAGGS: Do you -- what do you think that that
20 terms means?

21 PROSPECTIVE JUROR NO. 0280: Well, working at the City
22 Attorney's Office you get calls from victims. I don't work
23 directly with them, but translating sometimes, victims trying to
24 drop the charges. And they were explained that they're not
25 pressing the charges, it's the City pressing the charges. So

1 that's all I know.

2 MS. CRAGGS: Okay. So, basically, it's not actually
3 up to the victims whether or not charges are dropped, or whether
4 or not charges are brought, is that fair to say?

5 PROSPECTIVE JUROR NO. 0280: Yes.

6 MS. CRAGGS: Okay. And that sometimes you have
7 victims call and actually ask for charges to be dropped, yes or
8 no?

9 PROSPECTIVE JUROR NO. 0280: Yes.

10 MS. CRAGGS: Okay. What are some reasons that victims
11 would call and ask for charges to be dropped?

12 MR. SHEETS: At this point, Your Honor, I'm going to
13 object.

14 THE COURT: I'll sustain. Let's move on.

15 MS. CRAGGS: Okay. Thank you, Judge.

16 But, basically, you would just explain to them that
17 it's not up to them, it's up to the State?

18 PROSPECTIVE JUROR NO. 0280: Correct.

19 MS. CRAGGS: Okay. Now, does anyone have an issue
20 with the fact that the State is one that brings the charges in
21 the case, and it's not actually the victim's decision? Seeing
22 no hands.

23 Now, I want you guys to think about a really bad
24 horror movie that you've seen, and in those horror movies,
25 somebody, you know, runs out of the house, and the killer is in

1 the house, and then they decide to turn around and run back in.
2 And you're sitting there like what are you thinking, that was
3 the stupidest choice you could have made. Okay.

4 Now, can you maybe look at decisions that somebody has
5 made in their life, even if they're different than the ones you
6 would have made, and try to understand the reasons for that?
7 Anyone have a problem kind of understanding that concept?
8 Seeing no hands.

9 And, similarly, does everybody here understand that
10 the law protects everybody, regardless of what choices that
11 they've made in their lives? It protects everybody equally?
12 Does anybody have a problem with that? Okay. Seeing no hands.

13 And then regarding your job as jurors, and that you're
14 going to, eventually, if you're picked for the jury, have to
15 deliberate, does anybody here think they'd have a problem
16 deliberating with strangers, people that they don't know,
17 standing up to somebody else if you have a different opinion?
18 Are you raising your hand no? Okay. Can we go back to No. 1,
19 please, Ms. McCloud. Go ahead.

20 PROSPECTIVE JUROR NO. 0141: It's -- it's just really
21 hard to try to see everyone's point of view at one time, you
22 know what I mean. Like we all have to, you know, come to a one
23 solid, you know, agreement. And personally, for me, it's like
24 -- it's hard for me to get my point across when I have so many
25 people.

1 MS. CRAGGS: Okay. Fair enough. I appreciate that.
2 And I know we've already talked about this, but, you know, you
3 would do your best to listen to the evidence, and then come to
4 your own conclusions; is that fair?

5 PROSPECTIVE JUROR NO. 0141: Yes.

6 MS. CRAGGS: Okay. Anybody else? Okay. How about
7 can everybody here come back with a guilty verdict if the State
8 proves beyond a reasonable doubt every element of the charges?
9 Would anybody have an issue with that? Okay. Seeing no hands.

10 And, similarly, if the State fails to meet our burden,
11 if we fail to prove beyond a reasonable doubt the elements of
12 the charges, you come back as a not guilty verdict for Mr.
13 Harris, does anybody have an issue for that? Okay. Anybody
14 here have any issue sitting in judgement of another person?

15 THE COURT: I've already asked that, counsel.

16 MS. CRAGGS: Oh. Sorry, Judge. Thank you. Okay.

17 And is there anything else that I haven't asked that
18 you might have in the back of your head that you want to tell
19 me, that you think I should have asked? Okay.

20 Court's indulgence. Just a couple more questions,
21 Judge.

22 Ms. Ubaldo.

23 PROSPECTIVE JUROR NO. 0146: Yes.

24 MS. CRAGGS: Can we go back to you, please? No. 4.

25 PROSPECTIVE JUROR NO. 0146: Sure.

1 MS. CRAGGS: So earlier when you were speaking with
2 the Judge, I think you said that you didn't think you could be
3 fair; is that right? When you were talking about your cases
4 that you had a few years ago?

5 PROSPECTIVE JUROR NO. 0146: That I didn't think I
6 could be fair?

7 MS. CRAGGS: Yes. Is that a correct statement of what
8 you had said to us earlier?

9 PROSPECTIVE JUROR NO. 0146: No.

10 MS. CRAGGS: Okay. I thought earlier when we were
11 talking about -- I think you said you had some misdemeanor
12 cases --

13 PROSPECTIVE JUROR NO. 0146: Yeah.

14 MS. CRAGGS: -- in the system? Okay. I thought you
15 said that you'd have a hard time being fair because you kind of
16 understood maybe what the defendant was going through, is that
17 not what you said?

18 PROSPECTIVE JUROR NO. 0146: No, that's correct.
19 Yeah.

20 MS. CRAGGS: Okay.

21 PROSPECTIVE JUROR NO. 0146: As far as that.

22 MS. CRAGGS: Can you explain to me what you mean a
23 little bit more?

24 PROSPECTIVE JUROR NO. 0146: I just don't -- I don't
25 feel like I don't -- I don't want to be in a position where I

1 have to make a judgement on somebody that went through kind of a
2 similar -- the same thing as me. I mean, I have a domestic, but
3 it's still similar, and I just -- I just don't think I'm fit for
4 that position.

5 MS. CRAGGS: And when you say you have a domestic,
6 does that mean you were arrested for domestic violence?

7 PROSPECTIVE JUROR NO. 0146: Well, I don't have a
8 domestic.

9 MS. CRAGGS: Oh. Okay.

10 PROSPECTIVE JUROR NO. 0146: We have different
11 situations, but I'm -- I don't feel comfortable being in the
12 position to judge somebody else, period. So --

13 MS. CRAGGS: And did you feel like -- and is that
14 because you felt like the justice system -- justice system
15 wasn't necessarily fair to you during your case?

16 PROSPECTIVE JUROR NO. 0146: Yes.

17 MS. CRAGGS: Okay. And -- and how so?

18 PROSPECTIVE JUROR NO. 0146: Because my -- it was just
19 from the beginning, certain -- just being picked out for no
20 reason, even with my ticket. For them to put me as a black
21 woman when I'm clearly Asian, just for simple things like with
22 pulling me over, saying I have no plates, but I got my car from
23 a dealership. Just certain things that I went through in my
24 past, so it's just -- I don't feel like -- sometimes -- I'm not
25 saying every single person in the system is bad, but the things

1 that I did come across, I don't -- it's -- some things are very
2 unfair.

3 MS. CRAGGS: Okay. So it would be hard for you to
4 listen to the evidence with an open mind?

5 PROSPECTIVE JUROR NO. 0146: Yes.

6 MS. CRAGGS: If we would go over to Mr. Roberts, No.
7 6. And I wanted to just follow up with you on -- I think you --
8 I think you said, and correct me if I'm wrong, that if you
9 disagreed with the law, you wouldn't be able to follow it?

10 PROSPECTIVE JUROR NO. 0148: Correct.

11 MS. CRAGGS: Okay. So even if the Judge gave you an
12 instruction saying this is what the law is, if you disagreed
13 with it, you would not be able to follow that instruction?

14 PROSPECTIVE JUROR NO. 0148: I will follow what I
15 think is right and wrong. I think the justice system is
16 woefully broken. I think most of it is a waste of time. I
17 don't think it helps the victims at all. I think that, more
18 often than not, the guilty walk free, and I don't feel like
19 we're doing anything of any value here.

20 MS. CRAGGS: Okay. And we appreciate your honesty, of
21 course.

22 All right. I'm all -- I'm done questioning, Your
23 Honor.

24 THE COURT: All right. Thank you.

25 We'll be pleased to hear from the defense.

1 MR. SHEETS: Good afternoon. Looks like everybody is
2 super excited to be here today. I want to thank everybody for
3 being here. I know this is tough. This is not what everybody
4 envisions wanting to do, having everybody pry into their
5 personal lives and proclivities and everything that's going on.
6 So I thank you kindly for taking the time to do that with us.

7 Similarly, I'm going to ask some general questions,
8 and then I may go and address everybody somewhat individually.
9 Now, we heard the Judge earlier talk about presumption of
10 innocence and -- and what that means, that every defendant is
11 presumed to be innocent. Does anybody have any issue with what
12 the term presumption means? Seeing no hands.

13 So does anybody have -- does anybody have an opinion
14 or is -- would anybody here be more likely than less likely to
15 find my client guilty, if -- if everybody, both the State and
16 the defense were to stand up and sit down right now? I'm sorry,
17 Mr. -- is it Pasco? Or no --

18 PROSPECTIVE JUROR NO. 0243: Simoni.

19 MR. SHEETS: -- Simoni? Yes. No. 31.

20 PROSPECTIVE JUROR NO. 0243: I can talk loud.

21 MR. SHEETS: I have no doubt.

22 PROSPECTIVE JUROR NO. 0243: I was brought up, a man
23 should never hit a woman and you put a lady on a pedestal, and
24 that's all I have to say.

25 MR. SHEETS: So -- can we pass the microphone, sir?

1 Could we pass -- have the mic come over? Could we get that?

2 PROSPECTIVE JUROR NO. 0243: I have it.

3 MR. SHEETS: Could you just repeat that, so that the
4 record can get that.

5 PROSPECTIVE JUROR NO. 0243: I said I was brought up,
6 a man should never hit a woman, and you always put a lady and a
7 woman on a pedestal.

8 MR. SHEETS: So -- and you say that in response to my
9 question about -- if -- if everybody stood up and sat down,
10 you'd -- would you be more or less likely to find my client
11 guilty? If everybody just stood up right now and sat down,
12 didn't present anything?

13 PROSPECTIVE JUROR NO. 0243: What are you saying?

14 MR. SHEETS: If -- if both the State and the defense
15 stood up right now and sat down without presenting any
16 testimony --

17 PROSPECTIVE JUROR NO. 0243: Right.

18 MR. SHEETS: -- or evidence, would you be more or less
19 likely to find my client guilty?

20 PROSPECTIVE JUROR NO. 0243: I would still think he's
21 guilty.

22 MR. SHEETS: Okay. So -- and is that -- is that
23 simply based on the nature of the charges?

24 PROSPECTIVE JUROR NO. 0243: Yes.

25 MR. SHEETS: Okay. And you don't think that -- in --

1 in -- and I'm not trying to single you out. Everybody tries to
2 be fair, including yourself; correct? But sometimes, just when
3 you -- when somebody is charged with something, maybe it's not
4 the right case, maybe it's not the right fit.

5 PROSPECTIVE JUROR NO. 0243: It takes two to tango.

6 MR. SHEETS: So in this particular case, because of
7 those opinions, do you think that it -- it would be -- it would
8 impair your ability to kind of go into this thing with an open
9 mind? Is that --

10 PROSPECTIVE JUROR NO. 0243: Yes.

11 MR. SHEETS: Okay. And it's -- it's likely that in
12 other cases, why you would be able to be completely free
13 spirited in your mind, in this one, you'd have --

14 PROSPECTIVE JUROR NO. 0243: Yes.

15 MR. SHEETS: -- a slant? Okay. Thank you, sir.

16 Who else -- who else agrees with that sentiment?

17 PROSPECTIVE JUROR NO. 0146: As far as him being
18 guilty?

19 MR. SHEETS: Yes, more or less likely to be guilty.
20 Ms. Ubaldo.

21 PROSPECTIVE JUROR NO. 0146: When you guys said until
22 proven guilty, I feel like we don't know the complete story.
23 But off the charges, you would think he's just some type of like
24 woman abuser, but I don't know the story. None of us do. You
25 guys said he's innocent right now. How do I -- how do we know

1 if -- if the girl didn't touch him? And just because he's a
2 man, a black man at that, whatever he went through, they just
3 charged him for it. So I think -- I don't -- I would think he's
4 less guilty than you think because I don't know the complete
5 story.

6 MR. SHEETS: Now, there was quite a bit of
7 conversation with you from the State about whether or not you
8 could be fair in this case, you could be open minded. If the
9 State came and they presented evidence beyond a reasonable doubt
10 that my client had -- had committed the acts that are charged,
11 would you have a problem finding my client guilty?

12 PROSPECTIVE JUROR NO. 0146: If they have actual
13 evidence as far as him committing it?

14 MR. SHEETS: If they proved to you beyond a reasonable
15 doubt, every element in the offence --

16 PROSPECTIVE JUROR NO. 0146: No.

17 MR. SHEETS: -- would you have a problem finding him
18 guilty?

19 PROSPECTIVE JUROR NO. 0146: No.

20 MR. SHEETS: Would you be able to listen to
21 instructions provided by the Judge here, and apply those to what
22 you've heard in order to render a decision?

23 PROSPECTIVE JUROR NO. 0146: As far as in this case, I
24 don't -- I wouldn't -- I didn't -- like I said earlier, I don't
25 want to participate in it at all.

1 MR. SHEETS: Is it that you -- is it more that you
2 don't want to be on a jury, or is it fact specific? Is there
3 something that makes you specifically not want to serve on this
4 jury today?

5 PROSPECTIVE JUROR NO. 0146: I just don't want to
6 serve on the jury.

7 MR. SHEETS: On any jury?

8 PROSPECTIVE JUROR NO. 0146: Just personal reasons,
9 certain things.

10 MR. SHEETS: But if you were ordered to serve on a
11 jury, would you be able to follow those instructions and render
12 a decision?

13 PROSPECTIVE JUROR NO. 0146: I don't have an answer to
14 that. I don't think I would be able to, like I said.

15 MR. SHEETS: Okay. Now, we had heard the comment
16 earlier from Mr. Simoni that a female should be put on a
17 pedestal and that a man should never ever put his hands on a
18 woman. Who else agrees with that sentiment?

19 PROSPECTIVE JUROR NO. 0235: The sentiment, or your
20 questions you asked?

21 MR. SHEETS: With his sentiment. All right. So we'll
22 start over at No. 1, Ms. McCloud.

23 Can you explain that? Can you explain your position
24 on that?

25 PROSPECTIVE JUROR NO. 0141: My father has never, you

1 know, put his hands or done any type of emotional physical abuse
2 to my mom, my sister, or me, so, you know, he's always raised me
3 and sisters that, you know, we're basically queens, like we need
4 to be treated as such. But that's only if you have, you know,
5 the mentality to be, and I just don't feel like violence in
6 general should be a thing. That's how I see it. And especially
7 like domestic violence. Like I'm so uncomfortable talking about
8 it, like it's just so hard because you never know what's going
9 on on either side of the party.

10 MR. SHEETS: Thank you. Who was the next hand? We
11 could all raise our hands to answer that one.

12 No. 6, Mr. Roberts. What's your position, do you
13 agree with that sentiment?

14 PROSPECTIVE JUROR NO. 0148: Yes.

15 MR. SHEETS: Okay. Now, you had made a lot of
16 statements earlier today about -- or about -- the system was --
17 isn't good enough for victims. Do you -- do you also understand
18 -- do you believe in the constitutional rights that exist for
19 charged defendants?

20 PROSPECTIVE JUROR NO. 0148: Yes.

21 MR. SHEETS: And do you believe that they should be
22 followed?

23 PROSPECTIVE JUROR NO. 0148: Yes.

24 MR. SHEETS: If you were instructed as to those
25 rights, are you able to put aside your personal opinion about

1 what you think the system should be doing, and participate in
2 the system as it functions today?

3 PROSPECTIVE JUROR NO. 0148: I can participate.

4 MR. SHEETS: Would you be able to clear -- would you
5 be able to clear your mind and render a decision based solely on
6 those instructions instead of your theory as to what those
7 instructions should say?

8 PROSPECTIVE JUROR NO. 0148: I don't believe so.

9 MR. SHEETS: Okay. I appreciate your honesty. Thank
10 you very much.

11 Next. Mr. Davidson?

12 PROSPECTIVE JUROR NO. 0150: Yes.

13 MR. SHEETS: Okay. Going back to the original
14 discussion of a man should never put his hands on a woman. What
15 -- what's your --

16 PROSPECTIVE JUROR NO. 0150: Correct.

17 MR. SHEETS: -- position?

18 PROSPECTIVE JUROR NO. 0150: It's the way I was
19 brought up, it's the way I bring my children up, my son and my
20 daughter, and it doesn't -- doesn't matter how big the woman is
21 or how small, it's not the fact. It's just you do not put hands
22 on a woman --

23 MR. SHEETS: Do you believe --

24 PROSPECTIVE JUROR NO. 0150: -- period.

25 MR. SHEETS: -- that it's okay for a woman to put her

1 hands on a man?

2 PROSPECTIVE JUROR NO. 0150: You can't control that.

3 But I'm saying, for me, that's -- if that happens, it happens.

4 But I've known people that have had that, and they've stepped
5 away because they will not strike a woman because of what would
6 happen --

7 MR. SHEETS: So is it --

8 PROSPECTIVE JUROR NO. 0150: -- in court.

9 MR. SHEETS: -- is it your position that if a woman
10 were to hit a man first, that a man should not use force to
11 protect himself?

12 PROSPECTIVE JUROR NO. 0150: Correct. He should run.

13 MR. SHEETS: Under any circumstances it's not
14 acceptable?

15 PROSPECTIVE JUROR NO. 0150: 911.

16 MR. SHEETS: Who -- who agrees with that sentiment?
17 And if we could just keep our hands up for that one. So it's
18 No. 1, No. 6, No. 7, 8, 9, 10, 13, 14, 18, and 31. And I'm
19 sorry, could you, one more time, just keep your hands up on that
20 question, just it's -- it's a lot of things to write down here.
21 I don't think I expected this many hands.

22 All right. And so all of you have raised your hand
23 and said that -- that no matter what, even if a woman hits the
24 man first, a man should never make physical contact with the
25 woman. How many of you that raised your hands believe that you

1 could put that belief aside if you were instructed differently
2 as to the law? So I'm seeing no hands.

3 So I hate to do this, but if we could pass it back to
4 Ms. McCloud, No. 1.

5 So Ms. McCloud, so you rose your hand and said that
6 when -- when I asked the question; right?

7 PROSPECTIVE JUROR NO. 0141: Yes.

8 MR. SHEETS: And so it's your position that -- that
9 even if a woman hits the man, the man should never hit the
10 woman; correct?

11 PROSPECTIVE JUROR NO. 0141: Yes.

12 MR. SHEETS: Okay. Now, if you were instructed that
13 the law says otherwise, if you were instructed that -- that
14 somebody has a right to use self-defense if force is used
15 against them first, and -- and that differed from your opinion,
16 would you be able to put that opinion aside and -- and make a
17 decision based on those instructions, or do you think that you
18 would not be able to put that belief set aside or that it
19 permeates you too much?

20 PROSPECTIVE JUROR NO. 0141: it does permeate me a lot
21 because that's how I was brought up.

22 MR. SHEETS: Thank you. If we could pass to Mr.
23 Roberts, No. 6.

24 Is your position the same on that, Mr. Roberts?

25 PROSPECTIVE JUROR NO. 0148: It would depend on the --

1 the circumstances, but I've never seen a circumstance where a
2 man can't turn around and walk away. If you're being shot at
3 and you want to shoot back, that's a different issue, but if
4 you're being punched, you -- you can easily get more than an arm
5 length away.

6 MR. SHEETS: And so if you were instructed that the
7 law said you were entitled to stand your ground, would you --
8 would you be able to follow that instruction, or would you --

9 PROSPECTIVE JUROR NO. 0148: Depends on the -- on the
10 details.

11 MR. SHEETS: So it's possible, based on your opinions,
12 that you would not be able to follow that instruction?

13 PROSPECTIVE JUROR NO. 0148: It's possible.

14 MR. SHEETS: Okay. No. 7, Mr. Davidson.

15 Similarly, you had raised your hand. Would you be
16 able to follow those instructions?

17 PROSPECTIVE JUROR NO. 0150: If it's the law, I
18 understand, but to me, just to conceive for myself, maybe that's
19 how I look at things. I'm sorry, but that just -- you know.

20 MR. SHEETS: No, I -- believe me, I completely
21 understand the sentiment. But if the law tells you you have to
22 think a different way for the purposes of this case, are you --
23 are you able to kind of set that personal belief set aside and
24 follow those instructions, or do you think that this is probably
25 just not the right case for you because that opinion would get

1 in the way?

2 PROSPECTIVE JUROR NO. 0150: It would have to be the
3 -- it depends on the variables like the gentleman next to me
4 said.

5 MR. SHEETS: Okay. So would it be fair to say that
6 you would -- you would listen to all the facts and all the
7 evidence and follow those instructions versus what your own
8 personal belief set was?

9 PROSPECTIVE JUROR NO. 0150: Correct.

10 MR. SHEETS: Okay. All right.

11 Ms. Galindo. What are your thoughts on -- on that?
12 Would you be able to follow instructions, or is this one of
13 those situations where your own personal beliefs might prevent
14 you from doing so?

15 PROSPECTIVE JUROR NO. 0152: No, I'll be able to
16 follow instructions.

17 MR. SHEETS: Ms. Collins, is that the same for you?

18 PROSPECTIVE JUROR NO. 0153: I think so. I could
19 follow the instructions.

20 MR. SHEETS: Okay. Mr. Hara?

21 PROSPECTIVE JUROR NO. 0283: Could you repeat it just
22 one more time? I don't which question I'm answering.

23 MR. SHEETS: If -- if you would be able to -- you --
24 you had raised your hand to, under no circumstances, even if hit
25 first, should a man put his hands on a woman. If you were

1 instructed that the law went -- was different than that theory,
2 would you be able to put aside your own personal belief and
3 follow that legal theory, or do you believe that your personal
4 feelings on the issue might get in the way of your ability to
5 independently assess?

6 PROSPECTIVE JUROR NO. 0283: I would like to say that
7 I would go with the law, but, honestly, I don't think I would.

8 MR. SHEETS: No, and that -- that's fair. I
9 appreciate the honesty. And -- and sometimes -- I mean, you
10 would agree sometimes just certain cases trigger certain
11 emotions in -- in people; correct?

12 PROSPECTIVE JUROR NO. 0283: Correct.

13 MR. SHEETS: Yeah. And so sometimes cases, and
14 sometimes facts, prohibit people from being fair even though
15 they're otherwise fair, would you agree with that?

16 PROSPECTIVE JUROR NO. 0283: Yes.

17 MR. SHEETS: Okay. If we could pass to Mr. Brown.

18 Mr. Brown, you've heard us kind of talking a lot about
19 -- about this subject. Do you believe you would be able to
20 follow the instructions, or do you believe that your personal
21 bias -- and I don't mean bias, but your own personal feelings
22 might get in the way?

23 PROSPECTIVE JUROR NO. 0173: I'm going to be honest
24 with you, I think my personal feelings would get in the way.

25 MR. SHEETS: And do you think that -- so no matter how

1 hard you tried, you don't think that -- you think it would still
2 kind of sneak in there?

3 PROSPECTIVE JUROR NO. 0173: I think so because of
4 just the way I was raised.

5 MR. SHEETS: Fair enough.

6 Ms. Iverson, what say you?

7 PROSPECTIVE JUROR NO. 0184: I'm really in between. I
8 mean, I think I could be objective, but I just don't agree that
9 that's okay, ever.

10 MR. SHEETS: Now let me ask you kind of a follow-up
11 question to that. If -- if this were a case of -- say this were
12 a case of theft where there was an allegation that somebody had
13 stolen something from a Walmart. Do you think you would be able
14 to give that case a more open mind than this case?

15 PROSPECTIVE JUROR NO. 0184: About following the law?

16 MR. SHEETS: Correct.

17 PROSPECTIVE JUROR NO. 0184: Yes.

18 MR. SHEETS: So -- so it would be fair to say that
19 because of the nature of the charges and that individual opinion
20 that it could make it more difficult in this type of a criminal
21 case for you to more independently or freely follow the
22 instructions?

23 PROSPECTIVE JUROR NO. 0184: Yes.

24 MR. SHEETS: And even though I'm certain you would try
25 your best, that it is possible that -- that your judgement could

1 be somewhat swayed by that personal belief?

2 PROSPECTIVE JUROR NO. 0184: Yes. It's hard to know
3 because I don't know the details yet, but --

4 MR. SHEETS: Fair enough.

5 PROSPECTIVE JUROR NO. 0184: -- fundamentally, yeah, I
6 would be able to.

7 MR. SHEETS: Could pass to No. 18, Mr. Court.

8 So what's your position?

9 PROSPECTIVE JUROR NO. 0193: I mean, it -- for me, I
10 mean, I was raised were there's no circumstance where you should
11 ever hit a woman. Maybe under the most severe life threatening
12 circumstances, you know, something could be looked past, but I
13 mean, you know, I'm a big dude, so you know, I was raised you
14 don't ever do it.

15 I mean, I would feel like I could -- I could be
16 objective, but I would really more need the details, as in like,
17 you know, severity of situation, you know, whether it was a
18 confrontation that could have been avoided, or, you know, it --
19 you know, something happened, you know. Just, I guess, if it
20 was something that could have been avoided, I would -- I would
21 feel a little bit more with the social contract aspect of it of
22 you don't do it. And then in extreme cases, I guess, you know,
23 I would -- I would prefer to stand by the law.

24 MR. SHEETS: So if the -- it was interesting you said
25 the social contract aspect of it. If you were instructed that

1 the law said you didn't have to try to avoid it, would you be
2 able to set your beliefs aside and follow that instruction, or
3 do you think that that would still weigh in your opinion?

4 PROSPECTIVE JUROR NO. 0193: I think, again, it goes
5 down, for me, to the details. I would -- I would try as hard as
6 I could, and I think most likely I would be as objective as
7 possible, but I can't, you know, lie and say that there wouldn't
8 still be kind of that, you know, part of me that feels some type
9 of way about it.

10 MR. SHEETS: Well, then that's the ultimate concern,
11 is that we -- we're looking for individuals who can, obviously,
12 be kind of free and -- and everybody is going to have their own
13 personal backgrounds and their personal beliefs. I mean, it's
14 just part of being who we are and human. And I think what's
15 most important is -- or what it sounds to me like you're saying
16 is you want to be, but -- but you're still probably going to
17 look at it, and you're still going to think about whether they
18 could have avoided it or should have avoided it even if you're
19 told that doesn't matter.

20 PROSPECTIVE JUROR NO. 0193: I mean, that's a
21 possibility. I would like to say I'd -- I'd be objective about
22 it, but you know --

23 MR. SHEETS: But you can't promise it?

24 PROSPECTIVE JUROR NO. 0193: I can't.

25 MR. SHEETS: Okay. If we could go to Ms. Dabney.

1 Hey-oh.

2 PROSPECTIVE JUROR NO. 0215: Hi.

3 MR. SHEETS: So what are your thoughts on the issue?

4 PROSPECTIVE JUROR NO. 0215: I just -- you're asking
5 -- you were asking if like we -- if the law said like it was
6 self-defense or whatever, like I just have a hard time saying
7 hitting somebody is self-defense. Like, to me, that's just like
8 -- especially like a man to a woman. That's my personal -- I --
9 like everyone else said, I don't know the details, but like
10 there's subduing, there's leaving, there's something. I just
11 don't think that you need to hit someone.

12 MR. SHEETS: Okay. And -- and would that affect your
13 ability to follow the instructions if the instructions said you
14 could stand your ground, or that you had the right to physically
15 defend yourself as a man against a woman?

16 PROSPECTIVE JUROR NO. 0215: Yeah.

17 MR. SHEETS: Okay. And that might adversely impact
18 your decision?

19 PROSPECTIVE JUROR NO. 0215: Yeah.

20 MR. SHEETS: Okay. Thank you very much.

21 Mr. Simoni, I think we pretty much addressed it, but
22 if we could pass it up to Mr. Simoni here. Do you agree with
23 Ms. Dabney's sentiment on the issue, or do you think you could
24 independently assess based on the instructions?

25 PROSPECTIVE JUROR NO. 0243: You know what, I'm very

1 head strong, my beliefs are my beliefs. If it was a theft,
2 that's a different story, but not this.

3 MR. SHEETS: Okay. All right. Now, having heard what
4 we just talked about, do -- do you, Mr. Davidson, have a
5 different opinion or has your opinion changed?

6 PROSPECTIVE JUROR NO. 0150: No, you asked -- you
7 asked -- you asked me the question if -- if I -- if I could
8 change based upon what the law, but it depends on the variables.
9 So, no, I could be objective I would think, but, I mean, there
10 is an undertone behind that. For me, it's kind of hard. It's
11 -- no offense to Mr. Harris. It's not whether -- but, you know,
12 I mean, again, it's the -- the perception of that. Just like
13 the gentleman said, if it's a theft, the law is the law. I get
14 it, okay. But I mean, like Ms. Dabney said, it's you can walk
15 away, as I say, walk away, you can -- you can call the police.
16 I mean, that's what they -- if you're a man, you're supposed to
17 do that; right?

18 MR. SHEETS: Well, it depends on what the law tells
19 you to do.

20 PROSPECTIVE JUROR NO. 0150: Yeah, I mean, I -- I
21 don't know. I mean, to me, it's just -- it just -- that's the
22 way I am. I don't know, but --

23 MR. SHEETS: So in the -- so are -- I'm just am trying
24 to make sure. Do you -- do you worry that that -- or do you
25 feel that that undertone might still affect your decision even

1 if you're instructed --

2 PROSPECTIVE JUROR NO. 0150: No, I can be --

3 MR. SHEETS: -- that the law is completely different?

4 PROSPECTIVE JUROR NO. 0150: I think I can be
5 objective, sir, I just -- it just depends, again, on the
6 variables and severity, so --

7 MR. SHEETS: Thank you very much.

8 And Ms. Galindo, having heard all of that, do you
9 believe that you could put aside that personal feeling if the
10 instructions say otherwise, or do you believe that it will still
11 permeate your ability to -- to make a decision?

12 PROSPECTIVE JUROR NO. 0152: No, I could put that
13 aside.

14 MR. SHEETS: And same for you, Ms. Collins? Just one
15 last time. I'm sorry.

16 PROSPECTIVE JUROR NO. 0153: Yes, I believe I could
17 put it aside.

18 MR. SHEETS: Okay. Now, how many of you have formed
19 an opinion of my client, just as he sits here right now? Has
20 anybody formed an opinion, good, bad, ugly, beautiful? No
21 hands? Okay.

22 Now, is there anybody here that believes that in a
23 case with charges such as these, that there is an obligation for
24 the defense to present evidence? Okay. If we could come up to
25 here to No. 27, Ms. Catanzaro. Did I say it right?

1 PROSPECTIVE JUROR NO. 0226: Catanzaro.

2 MR. SHEETS: Catanzaro. So you -- you had -- you had
3 raised your hand that you believe that the defense is obligated
4 to present testimony. Could you elaborate on that?

5 PROSPECTIVE JUROR NO. 0226: It's part of the law,
6 isn't it?

7 MR. SHEETS: If you were --

8 PROSPECTIVE JUROR NO. 0226: He has a right to your
9 defense.

10 MR. SHEETS: If you were instructed that the law does
11 not require the defense to present any testimony or any
12 evidence, would you hold it against Mr. Harris if he didn't
13 present any evidence or --

14 PROSPECTIVE JUROR NO. 0226: No.

15 MR. SHEETS: -- testimony? Would you be able to keep
16 an open mind and assess the State's case in its entirety?

17 PROSPECTIVE JUROR NO. 0226: Yeah.

18 MR. SHEETS: Now, if the State presented evidence that
19 you didn't agree with or where you had reasonable doubt, and
20 then the defendant decided not to testify or present evidence,
21 would you be able to find the defendant not guilty in that
22 circumstance, or would you find the defendant guilty because he
23 didn't present any evidence?

24 PROSPECTIVE JUROR NO. 0226: I wouldn't find him
25 guilty for not saying anything.

1 MR. SHEETS: Excellent. Anybody have a different
2 viewpoint on that issue?

3 THE COURT: Counsel, I think we're going to take a
4 bathroom break right now.

5 MR. SHEETS: Yes, Your Honor.

6 THE COURT: And what I'm going to ask, we had some new
7 potential jurors come in. What I'm going to ask is that those
8 new individuals that came in, stay here for a little bit, and
9 then everybody else, you go take your bathroom break and line
10 back up, and as soon as we get you all back together, we'll keep
11 moving forward. While you're out there -- hold on, hold on.

12 While you're out there, do not talk to each other
13 about the case, don't talk with anyone else about the case,
14 don't let anyone talk to you about the case, don't look at any
15 news stories or articles, listen to any radio or television, do
16 not do any investigation, experimentation, or research on your
17 own, including use of social media, or the Internet, or other
18 reference materials, and do not begin to form or express any
19 opinion on any subject connected with the case until it's
20 finally submitted to you. We'll see you back as soon as you can
21 get back.

22 (Prospective jury recessed at 3:19 p.m.)

23 (Inside the presence of second prospective jury)

24 THE COURT: Okay. Let's look at the new group of
25 people that have come in to the courtroom for possible

1 consideration on -- as members of the jury. We want to thank
2 you for your presence here today. I know you're probably not
3 thrilled and it's been a long day, but it really is important
4 that you're here, and I appreciate your coming up here and
5 meeting your civic responsibilities. I'm going to ask that you
6 stand now and be sworn in to answer questions.

7 (Prospective jury sworn)

8 THE COURT: You can be seated. All right. At this
9 point I'm sure you're sort of wondering what's going and what
10 this case is about, and this is a criminal case and people are
11 being considered for possible service on a criminal trial jury.
12 I'm going to ask the State attorneys to introduce themselves and
13 to give a very short summary of their case and a list of
14 witnesses, and then I'll ask the defense to introduce themselves
15 and give you any additional witnesses.

16 So I'd be pleased to hear from the State.

17 MS. SUDANO: Thank you, Your Honor.

18 Let me put this notebook away. I apologize. All
19 right. My name is Michelle Sudano. I'm joined by Genevieve
20 Craggs. We are both Deputy District Attorneys. We were
21 assigned to prosecute Case No. C326569, which is State of Nevada
22 versus Barry Harris. It's a domestic violence case that we're
23 here on.

24 There are a number of charges in this case, including
25 burglary while in possession of a firearm, first degree

1 kidnapping with use of a deadly weapon resulting in substantial
2 bodily harm, assault with use of a deadly weapon, battery with
3 use of a domestic -- or, excuse me, battery with use of a deadly
4 weapon constituting domestic violence, battery domestic violence
5 by strangulation, battery domestic violence resulting in
6 substantial bodily harm, preventing or dissuading a witness from
7 reporting a crime or commencing prosecution, and carrying a
8 concealed weapon.

9 The incidents that gave rise to all of those charges
10 took place on August 22, 2017, at 3850 Mountain Vista Street at
11 Apartment 267. That's here in Las Vegas, Clark County, Nevada.
12 You will hear from the defendant's girlfriend, the victim in
13 this case, Nicole Dotson. You may also hear from Tanisha Jones,
14 a Dr. Lisa Gavin of the Clark County Coroner's Office. You may
15 hear from some additional medical personnel, including Priscilla
16 Benedict, Patrick Flores, Nick Knight, Cheuk Lam, and Dr. Peter
17 Williams.

18 You may also hear from some other individuals from the
19 District Attorney's Office, including Jerome Revels, Debra
20 Patterson, Richmond Warnke, and Kelly Ploense. You may hear
21 from custodians of records from the Clark County Detention
22 Center, AMR, Medic West, Sunrise Hospital, or the Las Vegas
23 Metropolitan Police Department.

24 And then finally you may hear from several police
25 officers with the Las Vegas Metropolitan Police Department,

1 including Shawn Beck, Nicholas Bianco, Kevin Carey, John
2 Deschutter, J. Emery, Gabrielle Guerrero, Michael Hambly, Blake
3 Ferron, Ken Krmpotich, Lance Landholm, Joseph Lepore, Brandon
4 McFarlane, Chad Palmira, Kevin Samuels, Jason Santos, Mark Shea,
5 Linda Theobold, and Gilbert Vannostrand.

6 And don't worry, you're not going to hear from all of
7 those folks. Thank you all for your attention.

8 THE COURT: As the prosecutor did state at the very
9 end, and just to alleviate some of your fears, that's a pretty
10 long list, generally not -- very few of the people on the list
11 are called. We try and include a list of any possible person
12 that could be called. Right now, just if you heard a name that
13 sounds familiar, put that in the back of your head and we may
14 ask you later on if you think you might know any of the
15 witnesses.

16 Now, I'd be pleased to hear from defense.

17 MR. SHEETS: Good afternoon. My name is Damian
18 Sheets. I work for the law firm of Mayfield Gruber & Sheets,
19 and I defend Mr. Harris, who is present. Potential witnesses
20 from our case would be either Mr. Harris, Ryan Conner, our
21 private investigator, any of the witnesses listed by the State.
22 Individuals who might work with my office would be Myra
23 Gonzalez, Judith Veyond (phonetic), Elisabeth Allison, Danielle
24 Littman, Harvey Gruber, and Maritza Montez Mendoza.

25 THE COURT: Okay. I'm going to just at this point go

1 through the questions that were previously asked today. I'm not
2 going to have you answer any of the questions right now, but I
3 want you to listen to the questions. And if you think that you
4 would have answered any of those questions, put that in the back
5 of your head.

6 And if you get called up, I'll ask you if you heard
7 the questions that I asked previous today and if you would have
8 answered in them. And then if you would have, say yes and we'll
9 give you some time to answer, and if you say no, then we'll move
10 on.

11 But it is really important that you listen carefully
12 now as I go through each of these questions and put in the back
13 of your mind if you would answer any of these questions in case
14 you get called up to be considered for the jury. As I go
15 through the questions, if there's anything you don't understand
16 or you need me to repeat because you didn't hear it, don't
17 hesitate to raise your hand and say can you repeat that, I
18 didn't hear it, or could you explain that to me.

19 And if there's some question, I'll just let you know,
20 if one of these questions is someone sensitive to you and if you
21 get called up and you need to answer a question but you feel
22 uncomfortable saying anything in front of anyone, you can ask
23 for a sidebar and we'll go into the back with the attorneys.
24 And it is recorded, but you won't need to say it in front of
25 everybody in the room.

1 Again, what we're looking for is no right answer or
2 wrong answer. We're just looking for an honest answer. Jurors
3 frequently will tell me that they're concerned, you know, that
4 the question may show some bias or prejudice, and that's
5 perfectly okay. It's all right to have bias and prejudice. We
6 all have biases or prejudices whether they're conscious or
7 unconscious. The key thing is most of the time when we identify
8 those biases or prejudices, we can put them aside and still be
9 fair to both sides when we consider the evidence and consider
10 the law and deliberate. So, as I said, there's no right or
11 wrong answer.

12 So at this point in time, like I said, I'm going to go
13 through the questions we've asked earlier. I want you to put in
14 your brains any questions that you would have answered. The
15 first question, though, I would like to hear right now, is there
16 anyone who has trouble with language, either understanding the
17 English language or hearing what I'm saying because of a hearing
18 problem?

19 Okay. I see one hand. And your badge number, sir?

20 PROSPECTIVE JUROR NO. 1309: Excuse me?

21 THE COURT: What's your badge number?

22 THE MARSHAL: Need a microphone?

23 MS. SUDANO: Can we have the mic? Yeah.

24 PROSPECTIVE JUROR NO. 1309: 1309.

25 THE COURT: 1309. Okay. Mr. Moore.

1 PROSPECTIVE JUROR NO. 1309: And I'm having a problem
2 hearing you.

3 THE COURT: You have hearing issues? Okay.
4 Do we have another --

5 THE MARSHAL: Yeah.

6 THE COURT: -- set there?
7 Is that working any better?

8 PROSPECTIVE JUROR NO. 1309: Yes.

9 THE COURT: Okay. Good. Good. That's why we got
10 them. So very good. All right. Anybody else, either a
11 language issue or a hearing issue? I'm not seeing any other
12 hands.

13 All right. Okay. The questions, and like I said,
14 note these if you would answer them. Is there anyone who is not
15 a U.S. citizen? Is there anyone who has been convicted of a
16 felony? Is there anyone with prejudice or bias for or against
17 any individuals relating to age, gender, religion, ethnic
18 origin, or gender identity?

19 Is there anyone acquainted or associated or have any
20 information or knowledge of the defense attorney in this case?
21 Is there anyone who is acquainted, knows, has knowledge of, or
22 any information concerning the defendant in this case? Is there
23 anyone who knows, is acquainted with, has knowledge of, or any
24 information relating to the prosecutors in this case?

25 Is there anyone who knows a member of the Clark County

1 District Attorney's Office, either an attorney or a staff
2 member? The Clark County District Attorney's Office
3 participates in a reality type television program called Sin
4 City Justice on the Investigation Discovery Channel. Has anyone
5 ever watched this program?

6 Does anyone know anyone who works for Metro, Las Vegas
7 Metropolitan Police Department, either as a police officer or
8 staff member? Is there anyone who thinks they might know one of
9 the witnesses mentioned by the State or by defense?

10 Does anyone believe they know anything about the facts
11 of this particular case, either through personal knowledge,
12 conversations with people, the news media, or social media?

13 The parties think that there's a good chance we may be
14 done with the trial on Thursday. However, if the trial does go
15 into Friday, other than jury deliberations, we won't be working
16 on Friday. We'll go and have trial on Monday. But if we can
17 get through the presentation of evidence and arguments by the
18 end of Thursday, we would allow the jury to deliberate on
19 Friday.

20 The schedule is today to go to about 5:00, and then
21 tomorrow from 1:00 to 4:00, Wednesday from 9:00 to 5:00 with a
22 break for lunch, and Thursday from 12:30 to 4:00. So that's
23 sort of the general schedule. If you are called up to be
24 considered as a witness, I'll ask you also if there is -- if you
25 have a problem serving on the jury with that schedule.

1 Now, let me ask, and I'll ask you if there's anyone
2 who was really thrilled and happy to get the summons to be
3 considered for the jury, if there was anyone who was really
4 upset that you got the summons and if you were upset because of
5 scheduling issues you've already mentioned. You don't need to
6 explain them again.

7 Are any one of you or a close family member or friends
8 are or have been engaged in the some way in the practice of law,
9 either as an attorney or a paralegal or a staff member. Anyone
10 one of you or a close family member or friend ever been engaged
11 in law enforcement work or security work?

12 Now, as has been explained by the prosecutor, this
13 case involves a number of different charges. Does anyone feel
14 that they possibly cannot keep an open mind and be fair as to
15 whether the State has met its burden of proof until the end of
16 trial because of the nature of the charges in this case, which
17 include burglary while in possession of a firearm, first degree
18 kidnapping with use of a deadly weapon resulting in substantial
19 bodily harm, assault with a deadly weapon, battery constituting
20 domestic violence, preventing or dissuading a victim or witness
21 from reporting crime, or carrying a concealed weapon?

22 Have you or any close family member or friend been the
23 victim of some type of domestic violence or domestic wrongful
24 conduct? If you were, was a police report made, do you know if
25 anyone was apprehended or prosecuted, and were you satisfied or

1 dissatisfied with law enforcement's response to the crime?

2 Have you or any close family member or friends been
3 the victim of a violent crime? Did -- was a police report made?
4 To your knowledge, was anyone apprehended and prosecuted? Were
5 you satisfied or dissatisfied with law enforcement's response to
6 the crime?

7 Any of you or a close family member or friend been a
8 victim of a crime that you believe would impact on your ability
9 to be fair to both sides in this case? Have any one of you ever
10 testified at a court proceeding, deposition, grand jury, or
11 preliminary hearing or at some other proceeding where you were
12 put under oath and answered questions? What type of proceeding,
13 and what generally did you testify about?

14 Have you ever been accused of a crime or serious
15 misconduct? Anyone of you feel that you or someone close to you
16 has been treated unjustly by the police or a prosecutor? Anyone
17 feel that you or someone close to you has been treated unjustly
18 by some State or government agency?

19 If a police officer or other government agent was to
20 testify, you must judge their testimony and believability just
21 as you would an ordinary witness and evaluate their testimony
22 like anyone else in the case. In deciding the facts in this
23 case, you may have to decide which testimony to believe and
24 which testimony not to believe. You may believe everything a
25 witness says or part of it or none of it.

1 In that regard, I will instruct you as to possible
2 circumstances you may take into account in considering the
3 testimony of any witness, including law enforcement officers or
4 government agents. These include, one, the witness's
5 opportunity and ability to see or hear or know the things
6 testified to; two, the witness's memory; three, the witness's
7 manner while testifying; four, the witness's interest in the
8 outcome of the case, if any; five, the witness's bias or
9 prejudice, if any; six, whether other evidence contradicted the
10 witness's testimony; seven, the reasonableness of the witness's
11 testimony in light of all the evidence; and, eight, any other
12 factors that bear on believability.

13 The weight of the evidence as to a fact does not
14 necessarily depend on the number of witnesses who testify about
15 it. What is important is how believable the witnesses are and
16 how much weight you think their testimony deserves. In that
17 regard, you must consider the testimony of a law enforcement or
18 police officer or government agent just like that of any other
19 witness.

20 Assessing the officer or agent's opportunity and
21 ability to see or hear or know things he or she testifies to,
22 their memory, their manner of testifying, their interest in the
23 outcome of the case, their bias or prejudice, whether their
24 testimony is corroborated or contradicted by other testimony,
25 whether the testimony is reasonable in light of all the evidence

1 and any other circumstances you feel bear on a witness's
2 believability.

3 If a police officer or other government agent
4 testifies, is there anyone who would not be able to follow my
5 instructions and treat the officer or agent as an ordinary
6 witness and evaluate their testimony by the factors I've just
7 stated just like any other witness?

8 Is there anyone who would give more credibility or
9 less credibility to a police officer or government agent's
10 testimony simply because they are a police officer or government
11 agent? Anyone believe that they would not be able to follow my
12 instructions on the law if not consistent with what you believe
13 the law should be?

14 In general, the trial will proceed with the attorneys
15 first giving opening statements. Witnesses will testify and
16 exhibits will be admitted. Then after all the evidence is in, I
17 will give you the law that you are to use to evaluate the
18 evidence and determine if the State has proved the essential
19 factual elements of each crime charged beyond a reasonable
20 doubt.

21 Then the attorneys will give their closing arguments,
22 and you will then retire to the jury deliberation room to
23 deliberate and reach a verdict. Your job is to judge or figure
24 out the facts and take the law I give you and see if the facts
25 you find prove the elements of the charges beyond a reasonable

1 doubt and come up with a verdict.

2 The jury is the judge of questions of fact, and my
3 responsibility is to ensure you are presented with evidence that
4 under the law is appropriate to consider and the law you are to
5 use in determining the facts and evaluating the evidence to
6 determine if the State has proved what it needs to prove with
7 each charge beyond a reasonable doubt, and determining if the
8 defendant is guilty or not guilty of the crimes charged.

9 It would be a violation of your duty to render a
10 judgment based on something other than the law given by the
11 Court. With that in mind, is there anyone who doesn't believe
12 they can follow and apply the law that I give you if you didn't
13 agree with the law?

14 There are certain key principles in our criminal
15 justice system that I want to go through and see if you call can
16 accept and abide by these principles. The first one is that the
17 information in this case is simply a notice document. It is not
18 evidence in any way. It is simply a document that is intended
19 to give the defendant notice that he's being charged with a
20 crime and to give the public notice that a defendant is being
21 accused of a crime, but it is not evidence in any way and cannot
22 be used in any way in your deliberations as a jury. Is there
23 anyone who has any problem or concern with being able to follow
24 this important principle of our justice system?

25 Second, the defendant is presumed to be innocent. The

1 State's obligation is to prove its case beyond a reasonable
2 doubt. We hear the phrase often that the defendant is presumed
3 innocent, but I think we don't often think a lot about it. What
4 it means is at this point in time the defendant is innocent, no
5 ifs, ands, or buts about it.

6 If I was to send you back to the jury room right now
7 and tell you to reach a verdict, your verdict would have to be
8 not guilty because the defendant is considered innocent until he
9 is proven by the State beyond a reasonable doubt that he is
10 guilty. This is a hard concept for some jurors.

11 I've seen some jurors, when asked the question of what
12 verdict would you render right now say they don't know as they
13 would have to see the evidence. But the point I'm trying to
14 make is the defendant is considered innocent right now, and if
15 you were asked to render a verdict right now, it would have to
16 be not guilty.

17 He remains innocent until the State has proven its
18 case beyond a reasonable doubt. Is there anyone who has a
19 problem or issue with the idea that the defendant right now is
20 innocent and you have to find him not guilty until the State
21 proves -- provides evidence beyond a reasonable doubt of his
22 guilt?

23 The plaintiff is obligated -- the State is obligated
24 to prove its case beyond a reasonable doubt, and the defendant
25 has no obligation to prove his innocence. This last point is

1 very important. The defendant does not have to do anything.

2 His attorney and the defendant can sit there and say
3 nothing, and if at the end of the State's presentation of the
4 evidence you did not believe that the State had proven beyond a
5 reasonable doubt that a crime had been committed and the
6 defendant had committed the crime, then you would have an
7 obligation to find the defendant not guilty, even though the
8 defendant and his attorney didn't say anything or do anything.

9 Also, a part of this principle is that the defendant,
10 pursuant to the Fifth Amendment to the United States
11 Constitution and the Nevada Constitution, has an absolute right
12 if he chooses not to testify, and the State cannot use the fact
13 the defendant didn't testify as part of its case to prove the
14 defendant's guilt, and you cannot consider it at all in
15 evaluating if the State has met its burden of proving its case
16 beyond a reasonable doubt.

17 This is a hard concept for some people, but I will
18 instruct you that you cannot consider if a defendant chooses not
19 to testify in evaluating and making your verdict in this case.
20 And your verdict must be only on the evidence introduced at
21 trial. Is there anyone who doesn't think that they can follow
22 my instructions on these points?

23 I want to emphasize this last point again because I
24 have had jurors say that it would bother them if a defendant
25 didn't testify or they would like to hear the defendant testify.

1 And this, quite simply, is not the law.

2 The defendant has the right to decide if he testifies
3 or doesn't testify, and you need to put aside any feelings or
4 preferences you have about the defendant's decision, and in
5 deliberations focus just on the evidence presented in
6 determining if the State has met its burden of proving its case
7 beyond a reasonable doubt. Does anyone have a concern with
8 being able to follow this principle?

9 Will you be able to wait in forming your opinion as to
10 appropriate verdict until after all the evidence and arguments
11 are presented and the law is given to you and you get together
12 as a whole jury to deliberate? In other words, you can't make
13 up your mind now or after the plaintiff's opening or the
14 defendant's opening. You have to wait until all of the evidence
15 has been presented, the parties have done their closing
16 arguments and you've received the law and go back to the jury
17 room with your other jurors. Is there anyone who feels they
18 would not be able to follow this obligation?

19 Is there anyone who has a concern with sitting in
20 judgment of another human being which you think may interfere
21 with your ability to consider the evidence, follow my
22 instructions, and be fair to both sides?

23 Is there anything I haven't asked you that you feel
24 that you should tell us, tell the Court or tell the parties,
25 that you feel might be relevant to you being fair or biased or

1 prejudiced in any way?

2 Okay. Those are essentially all the questions that I
3 asked up until we started doing voir dire by the attorneys for
4 both sides. And so what I'm going to -- like I said, if you
5 would have answered any of those, I need you to put those
6 questions that you would have answered in the back of your head,
7 and if you get called up, we'll rely on you to -- to let us know
8 which questions you would have answered.

9 All right. Why don't -- I know we've got the jurors
10 probably all out there. I'm going to ask -- give you all a
11 chance to run to the restroom and get right back as quickly as
12 you can so that we can bring everybody in and continue on with
13 the jury selection process. I need you to get back because
14 until you all get back, we can't get started again. So I need
15 you to all get back so that we can keep this process moving and
16 try to get you out of here today if at all possible.

17 While you're out there, don't talk about the case with
18 each other, don't let anyone talk to you about the case, don't
19 talk with anyone else about the case, don't do anything on
20 social media about the case or anything on the Internet or any
21 other reference materials about the case, and do not begin to
22 form or express any opinion on any subject connected with the
23 case until you're discharged. Thanks a lot.

24 (Prospective jury recessed at 3:43 p.m.)

25 THE COURT: Okay. I think I got through every

1 question that I had asked earlier. Is this point -- you know, I
2 know that you probably have some concerns with some of the
3 jurors, but is there anyone we can excuse that the parties are
4 prepared to both agree on right now that we can excuse?

5 MS. CRAGGS: Your Honor, the State has the same two
6 folks that we brought up before. After Mr. Sheets' questioning,
7 I don't believe that they were rehabilitated from their points
8 that one won't follow the law and the other one can't be fair
9 and doesn't want to be here and is coming up with every possible
10 answer that she can essentially to get out of it --

11 THE COURT: All right.

12 MS. CRAGGS: -- including saying she can't be fair to
13 the parties.

14 THE COURT: Okay. And that's No. 4, Ms. Ubaldo, and
15 No. 6, Mr. Roberts. What's the defense position on those two?

16 MR. SHEETS: I concur, Your Honor.

17 THE COURT: Okay. I'll go ahead --

18 THE DEFENDANT: I object, Your Honor.

19 THE COURT: -- and strike those.

20 THE DEFENDANT: I object to that.

21 THE COURT: We'll strike those. Anyone else right now
22 that both parties can concur on?

23 THE DEFENDANT: 31.

24 MS. CRAGGS: I don't think we'd object to that one.

25 MR. SHEETS: 31. I guess they -- State said they

1 would not object to that one.

2 THE COURT: Okay. Mr. Simoni, I'll go ahead and we'll
3 strike Mr. Simoni.

4 THE DEFENDANT: 30.

5 MR. SHEETS: Hang on.

6 THE DEFENDANT: Personal bias.

7 MR. SHEETS: I'm getting there. Patience, old man.

8 All right. If I could just --

9 THE COURT: Sure. Chat with the State if you want to.

10 THE DEFENDANT: Do I get over there, too, Your Honor?

11 THE COURT: No, you have to stay over there.

12 THE DEFENDANT: I can't hear what they talking about.

13 THE COURT: Well, you can ask your attorney what was
14 said while you -- when he comes back.

15 THE DEFENDANT: Can they speak up a little bit?

16 THE COURT: That's -- you're not allowed to go over
17 there.

18 (Off-record colloquy)

19 THE DEFENDANT: Could y'all speak up a little bit.

20 Is this discussion held off calendar, Your Honor?

21 THE COURT: We'll put -- when they come back, if
22 anything needs to be put on record, we'll put it on record and
23 you'll hear it, so --

24 THE DEFENDANT: I'll just --

25 THE COURT: -- be quiet.

1 THE DEFENDANT: Are you telling me to shut up?
2 THE COURT: I'm telling you to be quiet, yes.
3 THE DEFENDANT: You're telling me to shut up.
4 THE COURT: No, I'm telling you to be quiet. Listen
5 to me.
6 MR. SHEETS: Okay. So we agreed on No. --
7 MS. SUDANO: No. 10 and No. 31.
8 MR. SHEETS: No. 10, which is, I guess, on our roll
9 sheet No. 37, and No. 31. And then the others --
10 THE COURT: Mr. Simoni we already concurred on.
11 Let's --
12 MR. SHEETS: Yes. I'm sorry. No. 10, then, which is
13 No. 37, so it's going to be --
14 THE DEFENDANT: 14, 18, 26.
15 MS. SUDANO: Mr. Hara.
16 MR. SHEETS: -- Erik Hara.
17 THE COURT: Mr. Hara?
18 MR. SHEETS: Yes.
19 THE COURT: Does the State concur with that one?
20 MS. CRAGGS: Yes.
21 THE COURT: Okay. All right.
22 THE DEFENDANT: No. 30.
23 THE COURT: All right. Anyone else that both sides
24 can agree on at this point?
25 MR. SHEETS: Nothing that --

1 THE DEFENDANT: No. 30.

2 MR. SHEETS: -- we agree on at this point, Your Honor.

3 THE COURT: All right. That's good. I'm not
4 precluding --

5 THE DEFENDANT: No. 30.

6 THE COURT: -- anyone from raising any issue later on,
7 but I wanted to get rid of anyone that we had concurrence on.
8 So right now when we bring everybody back, we're going to get
9 rid of No. 4, Ms. Ubaldo; No. 6, Mr. Roberts; No. 10, Mr. Hara;
10 No. 31, Mr. Simoni; is that correct?

11 MS. SUDANO: Yes, Your Honor.

12 MS. CRAGGS: Correct.

13 THE COURT: Okay. Very good. All right. Run to the
14 restroom as quickly as you can and get back.

15 (Court recessed at 3:47 p.m., until 3:53 p.m.)

16 (Inside the presence of the prospective jury)

17 THE COURT: All right. Very good. All right. Let
18 the record reflect the presence of the attorneys for both sides,
19 the presence of the defendant. Do the parties stipulate to the
20 presence of the voir dire panel?

21 MS. CRAGGS: Yes, Your Honor.

22 MR. SHEETS: Yes, Your Honor.

23 THE COURT: Okay. Thanks for getting back in a timely
24 fashion. I know that took longer, but we had to deal with some
25 of the new potentially prospective jurors that came in, so I

1 appreciate everyone's patience.

2 I did speak with counsel during the break. I am going
3 to excuse some individuals at this time. Again, if I don't
4 excuse you and you think that you should have been for some
5 reason, blame me. I'm the one who makes the decision and not
6 the parties in this case, so it's my decision in that regard.

7 So at this point, we are going to excuse Juror No. 4,
8 Ms. Ubaldo.

9 You're excused. Thank you for your participation here
10 today.

11 And we are going to excuse Juror No. 6, Mr. Roberts.

12 Thank you, sir, for your participation.

13 We're going to excuse Juror No. 10, Mr. Hara.

14 Thank you, Mr. Hara, for your participation here
15 today.

16 PROSPECTIVE JUROR NO. 0283: Thank you, Your Honor.

17 THE COURT: And then Juror No. 31, Mr. Simoni.

18 Thank you, sir, for your participation here today.

19 PROSPECTIVE JUROR NO. 0243: Thank you, Your Honor.

20 THE COURT: All right. We'll need a new Juror No. 4,
21 and that will be Michelle Godkin.

22 PROSPECTIVE JUROR NO. 0301: Yes.

23 THE COURT: And we'll need a new Juror No. 6, and that
24 will be Ms. Lytle-Jones. Hi.

25 PROSPECTIVE JUROR NO. 0314: Hi.

1 THE COURT: And we'll need a new Juror No. 10, and
2 that will be Ms. Hawkins. And we'll need a new Juror 31, and
3 that will be Mr. Raymond. Okay. All right. If we could hand
4 the microphone up to No. 4, Ms. Godkin, and give her the list of
5 questions.

6 Good afternoon, Ms. Godkin.

7 PROSPECTIVE JUROR NO. 0301: Hi. Good afternoon.

8 THE COURT: How are you?

9 PROSPECTIVE JUROR NO. 0301: I'm fine. Is this on?
10 Okay.

11 THE COURT: Yeah. It's on. Did you have a chance to
12 hear all the questions I asked earlier today?

13 PROSPECTIVE JUROR NO. 0301: Yes. I think I remember
14 everything.

15 THE COURT: Okay. Good. And is there any -- would
16 you have answered any of those questions?

17 PROSPECTIVE JUROR NO. 0301: Yes. My husband is a
18 police officer for the City of North Las Vegas. He does work
19 for a multijurisdictional task force, and Metro is on that task
20 force, so I am familiar with a lot of Metro officers.

21 THE COURT: All right. Any you socialize with?

22 PROSPECTIVE JUROR NO. 0301: Yes. All of them --

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 0301: -- on his task force.

25 THE COURT: Okay. What kind of socializing we talking

1 about?

2 PROSPECTIVE JUROR NO. 0301: Barbecues, parties --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0301: -- retirement events,
5 things of that nature.

6 THE COURT: All right. Okay. Go on. What other
7 questions would you have answered?

8 PROSPECTIVE JUROR NO. 0301: I would have said yes to
9 the scheduling, but my girlfriend said she could pick my
10 children up from school every day this week if I needed it, so
11 that's no longer an issue.

12 THE COURT: Okay. Great. That's good. Thank you.
13 What other questions?

14 PROSPECTIVE JUROR NO. 0301: I think that's it.

15 THE COURT: All right. Well, let me just ask in terms
16 of your husband's work and with -- at North Las Vegas Police
17 Department with the multijurisdictional task force with Metro's
18 participation, is there anything about your association with him
19 and his work that would affect your ability to be a fair juror
20 in this case?

21 PROSPECTIVE JUROR NO. 0301: I don't believe so.

22 THE COURT: All right. You feel you would be able to
23 follow my instructions and fairly and unbiasedly apply those
24 instructions to the evidence admitted?

25 PROSPECTIVE JUROR NO. 0301: Yes.

1 THE COURT: All right. Why don't you go through and
2 read off the answers to that list of questions.

3 PROSPECTIVE JUROR NO. 0301: Okay. I've lived here
4 since 2000. I live in the Northwest, in Providence. I am from
5 Southern California. I have an associate of accounting. I'm
6 currently working for the City of North Las Vegas as a front
7 desk receptionist and Parks and Rec. I am married. My husband
8 is a police officer, we do have two children, my daughter is 18,
9 my son is 14. And I have never been a juror.

10 THE COURT: Okay. Thank you. If you would hand that
11 down now to Ms. Lytle-Jones.

12 Hi. How are you today?

13 PROSPECTIVE JUROR NO. 0314: Hello. Good.

14 THE COURT: Okay. Did you hear all the questions that
15 I asked earlier today?

16 PROSPECTIVE JUROR NO. 0314: Yes, I did.

17 THE COURT: And would you have answered any of those?

18 PROSPECTIVE JUROR NO. 0314: One.

19 THE COURT: Okay. Go ahead, what is that one?

20 PROSPECTIVE JUROR NO. 0314: The scheduling.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 0314: Actually, I work for an
23 employer that doesn't pay for time. I have to use my own time.
24 Never heard of it before, it's a -- I'll explain later, the
25 questions, the reason why, but I work from 5:30 to 2:00 in the

1 morning. 5:00 in the morning -- 5:30 morning to 2:00. I mean,
2 I can try to talk to my HR lady, but --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0314: -- I'll see.

5 THE COURT: Who do you work for?

6 PROSPECTIVE JUROR NO. 0314: It's a company called
7 Livanta. It's contracted to Medicare as a quality improvement
8 organization.

9 THE COURT: Okay. All right. Any other question you
10 would have answered?

11 PROSPECTIVE JUROR NO. 0314: No.

12 THE COURT: All right. Why don't you go ahead and
13 read through that list of questions.

14 PROSPECTIVE JUROR NO. 0314: So I've been here for
15 like three and a half years, moved out here from Illinois, so
16 that's some, you know, different things here. And --

17 THE COURT: Where do you live generally here?

18 PROSPECTIVE JUROR NO. 0314: Generally? Okay. So,
19 generally, I'll say Chicago, but south suburban Chicago.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0314: Yeah.

22 THE COURT: And when you moved here, where do you --

23 PROSPECTIVE JUROR NO. 0314: Live here? Oh. In the
24 southwest --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0314: -- side, yeah.

2 THE COURT: That's good. Thank you.

3 PROSPECTIVE JUROR NO. 0314: Let's see. Oh. The
4 higher level education I have is an associate degree.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0314: Like I said before, my
7 employer is Livanta. It's like contracted through Medicare. I
8 am married to -- he does security. And no --

9 THE COURT: And where does he does -- where does he do
10 security?

11 PROSPECTIVE JUROR NO. 0314: Oh. He used to -- well,
12 right now he's laid off, but he used to work at a -- somewhere
13 in Green Valley area.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0314: Yeah. The --

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 0314: -- residence there, so --
18 but we have no children.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0314: And this one, never been
21 a juror before, so --

22 THE COURT: All right. Thank you.

23 PROSPECTIVE JUROR NO. 0314: -- yeah.

24 THE COURT: If you'd hand that down now to No. 10, Ms.
25 Hawkins.

1 PROSPECTIVE JUROR NO. 0315: Hello.
2 THE COURT: Good afternoon, Ms. Hawkins.
3 PROSPECTIVE JUROR NO. 0315: Good afternoon.
4 THE COURT: How are you doing?
5 PROSPECTIVE JUROR NO. 0315: I'm okay.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 0315: How are you?
8 THE COURT: I'm doing okay, too. Did you have a
9 chance to hear the questions that I asked earlier today?
10 PROSPECTIVE JUROR NO. 0315: Yes, I did.
11 THE COURT: All right. Would you have answered any of
12 those questions?
13 PROSPECTIVE JUROR NO. 0315: Yes. Recently as --
14 recently as February.
15 THE COURT: I'm sorry, what is recent as February?
16 PROSPECTIVE JUROR NO. 0315: Domestic violence.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NO. 0315: I work for Clark County
19 School District and I'm a teacher's assistant. My teacher that
20 I work directly with was murdered, along with her boyfriend, and
21 it was domestic.
22 THE COURT: All right. I'm sorry.
23 PROSPECTIVE JUROR NO. 0315: She had been reporting it
24 to parole probation. You name it, she did it.
25 THE COURT: So --

1 PROSPECTIVE JUROR NO. 0315: And I was a witness to
2 all of it.

3 THE COURT: So you're not satisfied with how the
4 justice system handled that situation?

5 PROSPECTIVE JUROR NO. 0315: Absolutely not.

6 THE COURT: Okay. Let me ask you, is -- you know,
7 this obviously is a different circumstance and situation here.
8 Do you think you'd be able to focus on the evidence presented
9 here, the witnesses who testify here, and the exhibits that are
10 introduced here, focus on what the evidence is on this case, and
11 apply my law and be -- that I -- apply the law that I give you,
12 and be fair to both sides?

13 PROSPECTIVE JUROR NO. 0315: Well, to be honest with
14 you, mentally, I wasn't doing well afterwards. And since it's
15 so recent, that even just thinking about it and knowing how many
16 times she went to try and, you know, get help for it --

17 THE COURT: Well -- and I -- and I understand. I
18 guess the issue is --

19 PROSPECTIVE JUROR NO. 0315: -- it would be very hard.

20 THE COURT: It would be very hard?

21 PROSPECTIVE JUROR NO. 0315: Uh-huh.

22 THE COURT: Okay. Would you have answered any other
23 questions?

24 PROSPECTIVE JUROR NO. 0315: No.

25 THE COURT: Okay. All right. Why don't you go ahead

1 and read through the answers there?

2 PROSPECTIVE JUROR NO. 0315: I was born and raised in
3 Las Vegas, but now I'm currently living in northwest. I have
4 some college. Again, I'm employed by the Clark County School
5 District, so is my husband. I have one child that's 31. She
6 does not live at home. I have never been a juror.

7 THE COURT: Okay. Thank you. If you'd pass that up
8 and we'll give it to No. 31, Mr. Raymond. Thank you.

9 All right. Mr. Raymond, did you have a chance to hear
10 the -- how are you doing? I should --

11 PROSPECTIVE JUROR NO. 0316: Great, great.

12 THE COURT: Okay. And did you have a chance to hear
13 the questions I asked earlier today?

14 PROSPECTIVE JUROR NO. 0316: Yes.

15 THE COURT: And would you have answered any of those?

16 PROSPECTIVE JUROR NO. 0316: Yeah. One. I've had two
17 times where I've had to testify in a criminal case.

18 THE COURT: Okay. As a witness?

19 PROSPECTIVE JUROR NO. 0316: Yeah. As a witness. I
20 work at a convenience store that's been robbed, and both times
21 were when I had to testify as to people were robbing the store.

22 THE COURT: All right. Is there anything about those
23 -- about how long ago were those?

24 PROSPECTIVE JUROR NO. 0316: The first one was about
25 maybe 15 years ago, and the other one was about 10 years ago.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0316: Yeah.

3 THE COURT: Was anyone apprehended in those cases?

4 PROSPECTIVE JUROR NO. 0316: Yeah. In both those
5 cases, yeah.

6 THE COURT: All right. And were you happy or unhappy
7 with how the police responded?

8 PROSPECTIVE JUROR NO. 0316: It was fine.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 0316: Yeah.

11 THE COURT: Anything about those incidents and
12 circumstances that would affect your ability to be a fair juror
13 in this case?

14 PROSPECTIVE JUROR NO. 0316: No.

15 THE COURT: You feel you'd be able to follow my
16 instructions on the law and fairly and unbiasedly apply those
17 instructions to the evidence admitted?

18 PROSPECTIVE JUROR NO. 0316: Yes.

19 THE COURT: Okay. Thank you very much. Go ahead and
20 read through the questions there.

21 PROSPECTIVE JUROR NO. 0316: Okay. I've lived here
22 for about 16 years. I live downtown. I have some college. I
23 have two jobs. I work as a -- at a convenience store graveyard
24 shift, and also in the day time I work as a department manager.
25 I'm not married, I don't have any children, and I've never been

1 a juror.

2 THE COURT: Okay. Thank you very much.

3 All right. We'll go ahead and allow defense counsel
4 to continue his individual voir dire. If you have anything.
5 Don't feel you have to ask any more questions.

6 MR. SHEETS: So welcome to those that are new to the
7 panel. I'll actually start with you since you already have the
8 microphone anyways, Mr. Raymond. We -- you heard -- did you
9 hear the discussion earlier about a man hitting a woman and all
10 that?

11 PROSPECTIVE JUROR NO. 0316: Yes.

12 MR. SHEETS: Did you believe -- do you believe that
13 there's a -- that there's never a situation where a man should
14 lay his hands on a woman?

15 PROSPECTIVE JUROR NO. 0316: I personally don't think
16 a man should lay his hands on a woman, no.

17 MR. SHEETS: Okay. Do you believe that there's ever
18 an instance where it would be acceptable for a man to put his
19 hands on a woman?

20 PROSPECTIVE JUROR NO. 0316: Not my personal opinion,
21 no.

22 MR. SHEETS: Okay. But if the law -- so even in a
23 situation where a man was defending himself, would that still be
24 unacceptable to you?

25 PROSPECTIVE JUROR NO. 0316: Yeah. Just as my

1 personal feelings, yeah.

2 MR. SHEETS: Okay. Now, if the law came to you and
3 said well, that's -- that's not what the law considers to be
4 right and wrong, and give you a different definition, would you
5 be able to put that personal belief aside and follow the law, or
6 do you believe that that opinion would continue to permeate you?

7 PROSPECTIVE JUROR NO. 0316: Yeah. I'd be able to put
8 that personal belief aside and just follow the law.

9 MR. SHEETS: Okay. Excellent. Thank you very much.
10 If you could pass it up to Ms. Hawkins. All the way in the
11 back, on the far right.

12 THE COURT: Thank you.

13 MR. SHEETS: Ms. Hawkins, you know where I'm going.

14 PROSPECTIVE JUROR NO. 0315: Yes, I do.

15 MR. SHEETS: So what do you -- what do you believe as
16 far as the -- the man on the woman?

17 PROSPECTIVE JUROR NO. 0315: I believe there should
18 never be an incident where a man should hit a woman. There is
19 too many different ways that he could restrain her.

20 MR. SHEETS: Do you believe it's okay for a woman to
21 put her hands on a man?

22 PROSPECTIVE JUROR NO. 0315: No.

23 MR. SHEETS: Okay. Do you believe that that opinion
24 will affect your ability to freely make a decision in this case?

25 PROSPECTIVE JUROR NO. 0315: That what, a man

1 shouldn't hit a woman?

2 MR. SHEETS: Yeah. Do you believe that if you were
3 instructed that there were circumstances where a man could hit a
4 woman, that you'd be able to follow that, or do you believe so
5 strongly in your conviction --

6 PROSPECTIVE JUROR NO. 0315: No. I -- I --

7 MR. SHEETS: -- that that would affect --

8 PROSPECTIVE JUROR NO. 0315: -- I don't think there's
9 an incident where he should hit a woman.

10 MR. SHEETS: Okay. So -- so you don't think there's a
11 situation that -- and you've heard talk about how we all try to
12 be fair, but there are just some things that we know we can't --
13 we can't clear our head on. Is this --

14 PROSPECTIVE JUROR NO. 0315: Right.

15 MR. SHEETS: -- one of those instances?

16 PROSPECTIVE JUROR NO. 0315: Yes.

17 MR. SHEETS: Okay. If we could pass down to Ms.
18 Lytle-Jones. And I hope I said that right.

19 PROSPECTIVE JUROR NO. 0314: That's fine. Yeah.

20 MR. SHEETS: Ms. Lytle-Jones, what is your thought on
21 -- on the issue? Do you tend to agree with Ms. Hawkins's
22 position?

23 PROSPECTIVE JUROR NO. 0314: I do. To most people --
24 well, my personal belief, I don't believe a man should strike a
25 woman at all. But then, in the back of my mind, is I don't know

1 what the story is, so I do -- I just don't know until I hear
2 everything on one side.

3 MR. SHEETS: So do you think that the law said it was
4 okay for a man to strike a woman in self-defense that you would
5 be able to accept that definition and use that definition when
6 rendering your decision, or do you think that your personal
7 belief set would affect that?

8 PROSPECTIVE JUROR NO. 0314: It all depends.

9 THE COURT: I need you to speak up --

10 PROSPECTIVE JUROR NO. 0314: I just --

11 THE COURT: -- just a little.

12 PROSPECTIVE JUROR NO. 0314: I'm sorry, yeah. My bad.

13 THE COURT: That's all right.

14 PROSPECTIVE JUROR NO. 0314: It -- that kind of --

15 MR. SHEETS: So I saw you -- saw you waving your hands
16 like --

17 PROSPECTIVE JUROR NO. 0314: Yeah.

18 MR. SHEETS: -- yeah, not sure. So you think it's --
19 it's --

20 PROSPECTIVE JUROR NO. 0314: It --

21 MR. SHEETS: -- it's possible that -- that your
22 personal opinion could affect your ability?

23 PROSPECTIVE JUROR NO. 0314: It could.

24 MR. SHEETS: Okay. I appreciate that. Thank you very
25 much. If you could pass it to -- yep. Everybody knows I'm

1 coming.

2 PROSPECTIVE JUROR NO. 0301: I don't believe that
3 physical violence is acceptable by either party ever.

4 MR. SHEETS: And I'm not saying I disagree with you at
5 all. If -- if the law says that -- that one person may use
6 physical force to defend against another person using physical
7 force, would you be able to accept that definition, or -- or
8 would your mind set have you believe that both parties should be
9 punished?

10 PROSPECTIVE JUROR NO. 0301: I do feel like it would
11 depend on the circumstances, but I can be -- you know, I can
12 look at both sides, and if I'm -- you know, if you're telling me
13 that the law says it is this way, and I may begrudgingly go
14 okay, if this is what the law says, then that's what we have to
15 do, but, you know.

16 MR. SHEETS: So you're willing to, as much as you may
17 disagree with the jury instructions, say you know what, it's
18 what I've got to do, it's the oath I'm going to take as a juror?

19 PROSPECTIVE JUROR NO. 0301: Right. Even if I don't
20 agree with it, yes.

21 MR. SHEETS: Okay. All right. So is there anybody
22 here -- we'll finally get off that topic. Is there anybody here
23 who believes that -- that a witness is more or less credible
24 just because of the fact that he may be a police officer? No
25 hands. How about a nurse? A doctor? Oh.

1 PROSPECTIVE JUROR NO. 0315: Can you repeat that?

2 MR. SHEETS: Yeah. Is -- the whole -- is there
3 anybody who believes that a witness may be more or less credible
4 because of the fact that he's a police officer? No hands.

5 Is there anybody who believes that a witness may be
6 more or less credible because they're a doctor? Is there
7 anybody who -- here who --

8 THE COURT: No hands. Just let the record reflect no
9 hands.

10 MR. SHEETS: No hands. Is there anybody here that --
11 that believes that the testimony of a witness would be more or
12 less credible, because that particular individual were a nurse?
13 And we're seeing no hands.

14 Does anybody here have a problem with the theory if --
15 if -- I'll restart that question. If -- if you -- if you were
16 instructed that you are to -- that you are to treat all
17 witnesses, nurses, doctors, officers, and laypersons with the
18 same weight, you are not to treat them differently or elevate
19 their testimony simply because they may be qualified as an
20 expert, is there anybody here that would have a problem with
21 that, or would they give deference to somebody who might be
22 called a so-called expert? Yes.

23 PROSPECTIVE JUROR NO. 0301: I think I might.

24 MR. SHEETS: Ms. Godkin.

25 PROSPECTIVE JUROR NO. 0301: I think I might if

1 somebody is a professional and they -- they know what they're
2 doing, and they're supposed to be an expert in their field, I
3 would, you know, give them more weight, probably.

4 THE COURT: And this is No. 4, Ms. Godkin.

5 PROSPECTIVE JUROR NO. 0301: Yes.

6 MR. SHEETS: Yes. So if you were instructed that you
7 were to not give it more weight, would you be able to set that
8 aside --

9 THE COURT: Well, counsel, they would be instructed to
10 give it the weight that they feel --

11 MR. SHEETS: Right.

12 THE COURT: -- it deserves. You know, and that they
13 can disregard or regard it however much weight they feel it --
14 feel the opinions of the expert. They're not required to accept
15 it. Would you be able to follow any instruction that I would
16 give as to an expert witness?

17 PROSPECTIVE JUROR NO. 0301: Yes. I mean, if -- if
18 you're bringing in an expert witness, and you're saying, well,
19 don't listen to what they're saying, well then what's --

20 THE COURT: Right.

21 PROSPECTIVE JUROR NO. 0301: -- the point of having
22 the witness at all? I mean, aren't we supposed to look at
23 everybody and say, okay, if this gentleman is a doctor, he
24 probably knows something about the injury or whatever it is, as
25 opposed to the guy on the street who is a taxi cab driver.

1 MR. SHEETS: So if you were instructed that, as -- as
2 His Honor indicated and you were allowed to give it whatever
3 weight you saw fit, would you -- would you give that same
4 consideration to lay witnesses regarding their testimony, or
5 would you give the expert an elevated --

6 PROSPECTIVE JUROR NO. 0301: Yes. If it was on the
7 same level. If you're asking a layman about an injury in
8 comparison to the doctor, then obviously I'm going to give the
9 doctor more weight than I am the layman. But if it's just
10 across the board, like just what somebody saw, or something like
11 that, then, yeah.

12 THE COURT: Counsel, we're -- I want you to move on.
13 We're getting into instructions on the law, and I don't want to
14 go there.

15 MR. SHEETS: Yes. One follow-up. Just let me know if
16 it's too hard. And I'm very cautious.

17 THE COURT: Go ahead.

18 MR. SHEETS: If a so-called witness were to testify,
19 and you -- and this witness were qualified as an expert and you
20 were to not necessarily believe what they said, would you be
21 willing to accept that disbelief, or would you automatically
22 assume it to be true, because --

23 PROSPECTIVE JUROR NO. 0301: No, I --

24 MR. SHEETS: -- they qualify as an expert?

25 PROSPECTIVE JUROR NO. 0301: No, if I didn't believe

1 what they said, I wouldn't, just because they were a doctor, I
2 wouldn't believe it.

3 MR. SHEETS: Is -- is there anybody else here who
4 would -- who would give -- who would be less likely to discredit
5 something because somebody is called an expert?

6 THE COURT: Counsel, again. I'm going to give
7 instructions on this. And this is -- you're getting very
8 imprecise.

9 MR. SHEETS: Yes, sir.

10 THE COURT: We should have discussed this if you
11 wanted to go down this road.

12 MR. SHEETS: Yes, Your Honor.

13 Is there anybody here that -- that believes that --
14 that people can't be wrongfully accused? Is there anybody here
15 that believes that simply because my client is here, because he
16 is facing certain charges, that he must have done something or
17 he must be guilty of something? Is there anybody here who walks
18 in with that -- that mindset?

19 THE COURT: Let the record reflect, no hands.

20 MR. SHEETS: Is there anybody here who believes that
21 -- that defendants can be overcharged, or charged with more
22 crimes than they've committed?

23 THE COURT: Counsel -- well, counsel, we are not going
24 to go down that route. The issue -- the State has filed the
25 charges, the jury will decide if the elements of the charges are

1 proven or not proven by the evidence presented in this case.

2 MR. SHEETS: Is there anybody here that has a problem
3 considering what's not presented, when determining the guilt or
4 innocence of the defendant? For example, if their -- if the
5 State puts their whole case on, their entire case, and there are
6 holes in it, and -- and you're not comfortable with those holes,
7 is there anybody here who would be hesitant to find the
8 defendant not guilty in those circumstances?

9 THE COURT: Well, again, counsel, you're -- you're --
10 you know, holes, I'm going to instruct them that they're
11 supposed to look at all the evidence in the case, how they
12 should look at direct and circumstantial evidence and the
13 witness testimony, and in the end, they're to deliberate and
14 determine whether or not they find proof beyond a reasonable
15 doubt or not. We're not -- I'm not going to have you say if
16 there's holes in the case. We don't know what you're talking
17 about, and I will give instructions on the law as to how they
18 can consider that.

19 MR. SHEETS: Your Honor, could we have a sidebar
20 maybe?

21 THE COURT: All right.

22 (Bench conference)

23 MR. SHEETS: So, yes, Your Honor. My -- my ultimate
24 concern is -- I'm -- I'm not necessarily implying that there's
25 holes in the case. What I'm doing is asking the jury if they

1 find holes in the case if they're comfortable finding not guilty
2 because --

3 THE COURT: Well, I've asked the question, are you --
4 you can ask the question if the jury determines at the end that
5 the State has not proven its case beyond a reasonable doubt, is
6 there anyone who has a problem finding the defendant not guilty.
7 But I'm not going to talk holes. What is a hole? No one knows
8 what a hole is. And we're getting into these abstract, you
9 know, what ifs, and we're not going to go down that road.

10 Now, you can say if the evidence at the end of the day
11 does not convince you for whatever reason that the State has not
12 proven its case beyond a reasonable doubt, you know, are you --
13 is there anyone who has a problem not finding the -- problem
14 finding the defendant not guilty. But I'm not going -- we're
15 not going to be talking holes.

16 MR. SHEETS: Yes, Your Honor. Just going to review
17 other questions so we can address them now if we're --

18 THE COURT: Okay.

19 MR. SHEETS: Another question I intended to ask was if
20 anybody watches the Law and Order show and feels bad because
21 somebody is found not guilty.

22 THE COURT: I mean, I'll let you ask that question if
23 you want.

24 MR. SHEETS: And then I was just going to ask if
25 anybody had any reservation about finding the defendant not

1 guilty --

2 THE COURT: Just --

3 MR. SHEETS: -- for fear of letting a potential
4 criminal loose.

5 THE COURT: Okay. I'll let you ask that one.

6 MR. SHEETS: Then the last two were going to be -- I
7 was going to ask if they were able -- if -- if they believed
8 that the defendant had committed some crimes, but not others, if
9 they would be able to compartmentalize those and address those
10 individually --

11 THE COURT: Well, that's --

12 MR. SHEETS: -- versus it all.

13 THE COURT: -- that's getting into jury instructions,
14 and I'll give them jury instructions in terms of that kind of
15 thing. But, you know, you're asking them to try to
16 conceptualize things that we don't even know what's going to
17 happen at this point.

18 MR. SHEETS: A potential -- I guess, a maybe more
19 broader question is if at the end of the trial the jury finds
20 the defendant committed some of the offenses on the charges but
21 not on the others, would they be okay finding the defendant not
22 guilty on some of those versus just finding him guilty because
23 they found him guilty of some crimes. Ultimately, that's what
24 I'm trying to get at is that if they -- if they think he did a
25 bad deed, are they going to punish him for the whole sheet.

1 THE COURT: Okay. I don't have a problem with letting
2 you ask them that.

3 MR. SHEETS: And my last one -- the only other one was
4 if the jury -- if -- if any of them believe that during the
5 State's presentation -- during the State's presentation of a
6 case, that they could be convinced of a defendant's guilt to
7 such a point where they wouldn't even consider a defense, or if
8 they could keep their mind open. And I think you've asked that
9 question.

10 THE COURT: I think we've asked that question.

11 MR. SHEETS: Okay. All right. So that just makes it
12 easier, that way you don't have to keep cutting --

13 THE COURT: Okay. That's all right.

14 MR. SHEETS: So --

15 THE COURT: All right.

16 MR. SHEETS: Okay. Thank you.

17 THE COURT: Thank you.

18 MS. CRAGGS: Thank you.

19 THE COURT: Thank you.

20 MS. SUDANO: Thank you.

21 (End of bench conference)

22 MR. SHEETS: So we talked a little bit about -- I
23 think it was Law and Order, CSI, all these crime shows we were
24 talking about earlier. We had one real big fan. Has anybody
25 ever watched those shows and -- and seen them find not guilty,

1 and felt -- felt -- well, you felt bad, because they found
2 somebody not guilty? No showing of hands. Okay.

3 Is there anybody here that would feel some kind of
4 reservation or concern with finding somebody not guilty for fear
5 of setting a potential criminal on the loose? Okay. No hands.

6 Is there anybody here -- in a situation where a
7 defendant is charged with multiple offenses, is there anybody
8 here that, if they found that a -- an individual did something
9 -- that a defendant committed one or more of the offenses
10 charged, but there was reasonable doubt as to the other, is
11 there anybody here that feels like they would be more inclined
12 to find them guilty of the others despite that reasonable doubt
13 simply because they think that he might -- or may or may not
14 have done a bad thing? Okay.

15 THE COURT: No -- let the record reflect no hands.

16 MR. SHEETS: No hands. I have no further questions.

17 THE COURT: Okay. Let me just go back and speak to
18 some of the panel.

19 Ms. Godkin, No. 4, if you could hand the mic to you.

20 Ms. Miller, thank you.

21 And we -- we brought up, and I'll -- I'll say this to
22 everyone, the issue has been brought up about the idea of
23 whether it's appropriate ever for a man to hit a woman, or for a
24 woman to hit a man. And I think, you know, generally, I think
25 we'll all agree that violence is something that is not good,

1 which is why we have all these statutes that include violence
2 frequently.

3 The jury's job is to determine the facts of the case,
4 and it's my job to give you the law as it relates to the case.
5 At this point, I don't know what either side is going to
6 present, and you don't know what each side is going to present
7 as evidence.

8 But would you be -- if I gave you instructions on the
9 law, whether it be self-defense or if excusable neglect or
10 whatever it may be, and gave you a definition that explained
11 what facts you would need to find or conclude to determine
12 whether self-defense existed or whether excusable neglect
13 existed or whatever it may be, would you be able to go back
14 there with the jury and listen to the evidence in this case,
15 take the evidence that you heard in this case, the exhibits you
16 had in this case, and follow my instructions on the law?

17 And if you found the facts that would establish
18 self-defense or establish excusable neglect or other
19 justification, would you be able to follow my instructions
20 despite whatever feelings you may have as to the propriety of
21 whether someone should or should not hit someone else?

22 PROSPECTIVE JUROR NO. 0301: Yes, I would.

23 THE COURT: Okay. If you'd hand that down now to No.
24 6, Ms. Lytle-Jones.

25 Ms. Jones, you sort of heard what I went through now.

1 And, you know, at the end of the case I will give you the law as
2 it relates to whatever is an appropriate defense or excuse for
3 any sort of conduct. And in giving you that law, essentially,
4 to find what facts you would need to find to determine
5 self-defense or excusable neglect or whatever else may be
6 appropriate to give at that time, would you be able to follow --
7 to take the evidence as presented with the testimony and
8 exhibits, and go back with the other jurors, and if you found
9 the facts that I -- that met the definition of whatever I give
10 you in the instructions, would you be able to follow my
11 instructions and apply those instructions, regardless of your
12 feelings as to whether or not it's right or wrong to hit
13 someone?

14 PROSPECTIVE JUROR NO. 0314: Yes, I would.

15 THE COURT: Okay. All right. And if you could hand
16 that down to No. 13, Mr. Brown.

17 And Mr. Brown, you expressed, you know, your general
18 feeling that it's never right for a man to hit a woman, you
19 know, and I'm not sure what your feelings was as far as a woman
20 hitting a man, but I think we'll all agree that violence is not
21 the best approach that should be taken to any -- any conflict.

22 What I'm going to ask you essentially is the same,
23 which is at the end of the case I'll give you instructions,
24 which may define a possible excuse or a possible defense or a
25 possible justification to any sort of physical conduct, whether

1 it be by a man or be by a woman. And in giving you those
2 instructions, I'll define the kind of facts that you, as a jury,
3 would need to deliberate and find in order to find that excuse
4 or find that defense or find that justification.

5 Do you think you would be able to follow my
6 instructions, and if you found those facts, follow those
7 instructions despite whatever feelings you had as to the
8 propriety of anyone hitting anyone else?

9 PROSPECTIVE JUROR NO. 0173: I don't know.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 0173: It would be tough.

12 THE COURT: All right. Okay. Do you think you could
13 do it?

14 PROSPECTIVE JUROR NO. 0173: I could try.

15 THE COURT: Okay. All right. Very good. Well, thank
16 you. I appreciate your -- your honesty in that regard. If
17 you'd hand that now to No. 14, Ms. Iverson.

18 Ms. Iverson, I'm going to go through sort of the same
19 thing with you, which is at the end I may, depending upon what
20 evidence is introduced, and that under the law provide you with
21 instructions as to possible defenses, justifications, or excuses
22 for someone's conduct during an incident. And in doing that, in
23 giving you those instructions, I would define what kind of facts
24 you as a jury would need to conclude or to find in order to
25 apply that justification or that excuse or that defense.

1 Do you feel that you would be able to follow my
2 instructions on the law if you found those facts and to follow
3 my instructions on the law if you found those facts?

4 PROSPECTIVE JUROR NO. 0184: Yeah, I think so.

5 THE COURT: Okay. All right. Again, the issue is,
6 you know, we don't know what the facts are in the case. We
7 don't know what the details are or any of that. The issue is,
8 you know, would you be able, if I gave you instructions on an
9 excuse or a justification or defense, if you -- if you -- would
10 you be able to go back as a jury, deliberate with the jury, and
11 if you found that those facts which met the definition for
12 justification or excuse or defense existed, would you be able to
13 follow my instructions and apply that excuse, justification, or
14 defense?

15 PROSPECTIVE JUROR NO. 0184: Yes, I'll try my best.

16 THE COURT: Okay. You think you can do that?

17 PROSPECTIVE JUROR NO. 0184: Yeah.

18 THE COURT: All right. Thank you. And then if you'd
19 hand that mic down to Mr. Court, No. 18.

20 Mr. Court, we've talked about this, but it is
21 important. And ultimately, we don't know what evidence is going
22 to be introduced. You know, at this point, you know, we don't
23 know exactly what instructions you're going to get provided.
24 But if at the end I provide you -- the evidence justifies it and
25 the law justifies it, I can provide you instructions that may

1 give you -- on a defense or a justification or excuse for
2 someone's conduct. And in doing that, I'd give you, you know,
3 definitions as to what facts you would need to find in order to
4 find that defense or excuse or justification.

5 Do you think that you would be able to listen to the
6 evidence, the testimony here, the exhibits that are introduced,
7 and to -- and if you concluded with your jurors that these facts
8 or -- that were necessary to prove a justification defense or
9 excuse under the instructions that I give you existed, do you
10 think you would be able to follow my instructions on the law?

11 PROSPECTIVE JUROR NO. 0193: I mean, I believe so. I
12 mean, if the evidence shows, then yeah.

13 THE COURT: Okay. All right. Thank you. And if you
14 -- oh, I think that's all. If you'd hand that down to No. 22,
15 Ms. Serrano.

16 And, Ms. Serrano, I think -- I'm not sure why I had
17 you marked down. I may have had you marked for a different
18 reason. But do you feel that you would be able to follow
19 instruction that I would give you in terms of any justification
20 or defense or excuse that may -- the evidence or the law may
21 allow at the end of the case?

22 PROSPECTIVE JUROR NO. 0202: I would have no problem.

23 THE COURT: Okay. All right. Let me ask -- I'll let
24 the State -- if the State had a few more questions. Does the
25 State have a few more questions?

1 MS. CRAGGS: Your Honor, my only question would be of
2 the new individuals, the four people that came up, I think Mr.
3 Raymond --

4 THE COURT: Okay. I'll give you a chance to ask
5 questions of the new individuals if you'd like.

6 MS. CRAGGS: Okay. Thank you. Just one, Judge.

7 THE COURT: No, that's fine. You can ask more. You
8 ask two or three.

9 MS. CRAGGS: So for Mr. Raymond, Ms. Hawkins, Ms. --
10 is it Lytle-Jones?

11 PROSPECTIVE JUROR NO. 0314: Yeah.

12 MS. CRAGGS: Okay. And Ms. Godkin. Was there
13 anything that when I was asking my questions of the panel
14 earlier and you were listening, was there any question that I
15 asked that you felt like you would have answered it if you were
16 sitting here? Anything in the back of your head?

17 Okay. If we could please pass it over to Ms. Hawkins,
18 Seat No. 10.

19 PROSPECTIVE JUROR NO. 0315: I'm not sure if you're
20 the one that asked the question about we'd find it hard to find
21 someone guilty or not.

22 MS. CRAGGS: What was that? I'm sorry.

23 PROSPECTIVE JUROR NO. 0315: Were you the one that
24 asked the question if I could make the determination if someone
25 was guilty or not?

1 MS. CRAGGS: If you could sit in judgment of another
2 person?

3 PROSPECTIVE JUROR NO. 0315: No, I couldn't.

4 MS. CRAGGS: Okay. And why is that, ma'am?

5 PROSPECTIVE JUROR NO. 0315: Because of my religious
6 beliefs.

7 MS. CRAGGS: Okay. Thank you. I don't think I have
8 anything further unless the other three had something to add.
9 Okay.

10 THE COURT: Okay. And I'll let the defense, if you
11 have a few follow-ups, quick follow-ups, go ahead.

12 MR. SHEETS: Just a couple brief ones.

13 Ms. -- this is directed at Ms. Lytle-Jones, maybe Ms.
14 Iverson, and Mr. Court. Now, you -- you both -- you all just
15 responded to the Court that you could follow the instructions as
16 given to you. Would your proclivities or beliefs regarding a
17 man putting force on a woman have an impact on how easily you
18 follow that instruction? I think we should start with Ms.
19 Lytle-Jones.

20 THE COURT: Okay. Hand the microphone to her.

21 PROSPECTIVE JUROR NO. 0314: I hope I'm comprehending
22 what you're saying. Are you saying that the question was asked
23 -- if you can repeat. I'm sorry.

24 MR. SHEETS: I'll rephrase it so it's a little --

25 THE COURT: I don't think the question is how easily.

1 The issue is can she follow the instruction.

2 MR. SHEETS: Will you -- will you be able to follow
3 the instruction or do you think you will be able to follow the
4 instruction or you will -- or will you try to follow the
5 instruction?

6 PROSPECTIVE JUROR NO. 0314: I will follow the
7 instruction.

8 MR. SHEETS: Okay. Even if that disagrees with your
9 personal belief set?

10 PROSPECTIVE JUROR NO. 0314: Yes.

11 MR. SHEETS: Will your personal belief set change the
12 burden of proof in your mind?

13 PROSPECTIVE JUROR NO. 0314: I'm not --

14 MR. SHEETS: Is it possible?

15 THE COURT: Well, I'll instruct -- I mean, the burden
16 of proof, I'll instruct that the burden of proof -- the State
17 has the burden, always has the burden, and it never shifts from
18 the State to prove the defendant's guilt beyond a reasonable
19 doubt. Do you understand that? The State has that burden.

20 PROSPECTIVE JUROR NO. 0314: The State. Okay. Wow.

21 THE COURT: The State has the burden and the defendant
22 is presumed innocent. Do you remember these things we talked
23 about earlier?

24 PROSPECTIVE JUROR NO. 0314: A little. Yeah. Yeah.
25 Just trying to --

1 THE COURT: Okay. That's all right.

2 PROSPECTIVE JUROR NO. 0314: I'm sorry. It's like
3 just kind of coming back to me.

4 THE COURT: That okay. That's okay.

5 PROSPECTIVE JUROR NO. 0314: Yeah, so -- yes.

6 MR. SHEETS: Yes, you --

7 THE COURT: Yes, you would follow the Court's
8 instructions?

9 PROSPECTIVE JUROR NO. 0314: Follow instructions.
10 Yes. That's what I meant to say, yeah, to follow the Court's
11 instructions. Yes.

12 MR. SHEETS: Ms. Iverson, same question. Would --
13 would it affect the burden of proof for you, or would you be
14 able to follow the instruction regarding reasonable doubt?

15 PROSPECTIVE JUROR NO. 0184: This is my dilemma. I'm
16 a rule follower, so do I follow what the Judge says or what my
17 morals are, you know what I mean? I'm saying that what if he
18 tells me the law is something I don't believe? So that's my
19 struggle there.

20 MR. SHEETS: So would it be fair to say that there's
21 -- that there's -- no matter how hard you try, there's likely to
22 be a conflict there in your mind?

23 PROSPECTIVE JUROR NO. 0184: Well, I don't know what
24 the law is, so, you know, that's -- that's part of the problem.
25 And I don't know the situation, so I have a hard time saying,

1 yeah, I would have no problem just following it blindly without
2 thinking about it.

3 MR. SHEETS: If it disagreed with your personal
4 belief, would you --

5 PROSPECTIVE JUROR NO. 0184: Right.

6 MR. SHEETS: -- be able to follow the instruction?

7 PROSPECTIVE JUROR NO. 0184: No.

8 MR. SHEETS: Or do you think -- okay, no.

9 PROSPECTIVE JUROR NO. 0184: I would still struggle.
10 I would try to, but I think it would influence.

11 MR. SHEETS: Okay. Thank you very much.

12 And, Mr. Court. Same -- same question as I just asked
13 her. Would you be able to follow the instruction of the
14 instruction was different than your personal belief?

15 PROSPECTIVE JUROR NO. 0193: The instruction as in the
16 burden of proof?

17 MR. SHEETS: Burden of proof, whether or not a man can
18 use force on a woman, any of those things. If you were given an
19 instruction that disagreed with your personal belief on these
20 issues, would you be able to follow the instruction, or would
21 there be a constant battle in your mind with your personal
22 beliefs?

23 PROSPECTIVE JUROR NO. 0193: No, I believe I would be
24 able to follow the instruction. Whether morally, you know, I
25 agreed with it or not, I would -- evidence and evidence that

1 points itself.

2 MR. SHEETS: And one follow-up question, I guess, for
3 the group based on that statement. Is there anybody here who
4 has a problem following the law if it defers from what they
5 think is morally right as instructed by the Judge? No hands.

6 No further questions.

7 THE COURT: All right. Can I see counsel at sidebar.

8 (Bench conference)

9 THE COURT: All right. At this point, let me have any
10 that you want to move for cause. If you moved for cause
11 previously, move it again. This is -- I just want to make clear
12 that if you did a cause the first time through that you still
13 feel is applicable and I didn't grant it at that time, I want
14 you to move it again or, otherwise, it's -- it's not --

15 MR. SHEETS: We're at waiving time now.

16 THE COURT: Huh?

17 MR. SHEETS: We're at waiving time now.

18 THE COURT: Yeah, we're at -- we're at waiving time.

19 So let me ask the State, anyone the State wants to move for
20 cause out of the 32?

21 MS. CRAGGS: Seat 10, Ms. Hawkins.

22 THE COURT: Which one?

23 MS. CRAGGS: Ms. Hawkins, Seat No. 10.

24 MR. SHEETS: I concur.

25 THE COURT: You concur.

1 MR. SHEETS: Can I go get my highlighters to mark
2 them?

3 THE COURT: Sure. Hurry.

4 MR. SHEETS: Sorry. [Indiscernible].

5 THE COURT: That's okay. All right. So we're all in
6 concurrence on No. 10. Hawkins?

7 MS. CRAGGS: Yes, Judge.

8 THE COURT: Anybody else for the State?

9 MS. CRAGGS: No.

10 MS. SUDANO: No. Thank you, Your Honor.

11 THE COURT: Since there's two [indiscernible].

12 MS. SUDANO: Michelle Sudano for the State.

13 THE COURT: Okay. All right.

14 All right. Any for cause from the defense?

15 MR. SHEETS: No. 1, Ms. McCloud. The basis for it was
16 her statement that she would try her best, but it's really,
17 really been hard for her seeing things that she has seen, that
18 she thought that that could affect her ability to be unbiased in
19 this situation, not to mention the scheduling issue we had
20 almost both concurred on that from a scheduling standpoint, as
21 well.

22 THE COURT: All right. Any response by the State?

23 MS. SUDANO: I mean, she indicated early on that she
24 could be fair despite what was happening with everybody, you
25 know, violence shouldn't be a thing with anybody. She did say

1 that she was uncomfortable with domestic violence in general,
2 but that she would try her best to be fair.

3 THE COURT: Okay. Let me think on that one. Go ahead
4 with the others you have.

5 MR. SHEETS: I would -- Ms. Lytle-Jones, she's going
6 to be No. 6.

7 THE COURT: Right.

8 MR. SHEETS: Order No. 41. She -- I mean, she did say
9 that she thought she could follow the instruction. She waived
10 and then said that she didn't think that she could, and then she
11 did think. It's clear that there's a conflict going on there in
12 her mind. I think out of an abundance of caution, given that my
13 client is charged with life and that she's made it clear that
14 there is that conflict, and she has said multiple times she
15 can't be fair, and then said she can follow the instructions,
16 and kind of gone back and forth. I'd move for cause on that
17 one, as well.

18 THE COURT: State's response.

19 MS. SUDANO: And, Your Honor, she did keep indicating
20 that it depended on the circumstances, and that was what
21 everybody was saying throughout was that, you know, they don't
22 know the facts at this point, which is exactly the answer that
23 we want from them is that they don't know anything about the
24 case at this point, so they're having a hard time answering
25 these questions in the abstract. She did repeatedly say that

1 she would be able to follow the law and follow the instructions
2 as given by Your Honor.

3 THE COURT: All right. Yeah, from the very beginning
4 when it was first brought up, she said, you know, she'd have to
5 look at the details which is one of my problems with these kind
6 of questions, which is no one knows exactly what we're talking
7 about here. And so they all are sort of dealing with it in a
8 vacuum. She's indicated fairly clearly at the end, and even
9 when counsel came back for final questioning, but she could
10 follow the law and I'm not going to strike her. So I'll deny
11 that one for cause. Your next one?

12 MR. SHEETS: So much paper. No. 13, Brown, Arland
13 Brown. I think even when Your Honor --

14 THE COURT: Let me just top you for a second. Any
15 objection from the State?

16 MS. CRAGGS: No.

17 THE COURT: Okay. I -- I think he indicated that he
18 -- that it was going to be really hard. I assume that's where
19 you were going to go?

20 MR. SHEETS: Yes, Your Honor.

21 THE COURT: Okay. All right. We'll strike Mr. Brown.
22 Next one?

23 MR. SHEETS: I would object, again, for Mr. Iverson,
24 14, just for the same reason as Ms. Lytle-Jones, that she was
25 going back and forth and back and forth on the issue. I think

1 it shows that there's a conflict there, and since he's facing
2 life, out of an abundance of caution, I'd move to strike for
3 cause.

4 THE COURT: State's response?

5 MS. SUDANO: Your Honor, I think that she is
6 differently situated than Ms. Lytle-Jones in that she -- her
7 initial response was I don't think I can be fair, and then, you
8 know, she said, yeah, I think so, I'll do my best. But I think
9 her final, final answer was I don't believe I can be fair.

10 THE COURT: So you're not opposing?

11 MS. SUDANO: No

12 THE COURT: Okay. That's what I wanted. And I would
13 concur with you. I think she is different than Lytle-Jones in
14 terms of her responses. All right. I'll strike No. 14, Ms.
15 Iverson, for cause. All right. Any more, counsel?

16 MR. SHEETS: Yes, Your Honor. Similarly, No. 18,
17 Count. Again --

18 THE COURT: Mr. Court?

19 MR. SHEETS: Court. I'm sorry. My handwriting is
20 terrible. Again, back and forth, was very adamant at the
21 beginning that he would not be able to differ from his hardline
22 position that there's no circumstance where a man could put his
23 hands on a woman. He did loosen up towards the end, but was
24 still going back and forth.

25 THE COURT: All right. State's response.

1 MS. SUDANO: We believe that he similarly is situated
2 to Ms. Lytle-Jones. You know, he did initially state that he
3 could be objective and that he needed more details, that he
4 would prefer to stand by the law, and that he would try and most
5 likely could be objective were his initial response, and then
6 with the follow-up questions from Your Honor and from Mr.
7 Sheets, both times he did indicate that he would follow the law.

8 THE COURT: Okay. I noted he -- from the beginning
9 noted he needed details, and so, again, the problem I have --
10 and I'm not saying it's a bad question, Mr. Sheets, but the
11 problem I have is we're dealing with, at this point, totally
12 esoteric concepts. No one knows what the facts are and the
13 circumstances. And so he did indicate, and I thought with me
14 and then also with you, Mr. Sheets, that he could follow the
15 law, so I'll deny that motion for cause. Anybody else?

16 MR. SHEETS: No. 25, Ms. Dabney. I think she's been
17 very outspoken against domestic violence allegations and
18 domestic violence. She's indicated from the very get go that
19 she doesn't know how fair. That was the very first thing she
20 said when she walked in, she didn't know how fair she could be
21 to my client. She also agreed with that sentiment that she
22 didn't think she could -- she could follow the instructions if
23 it differed from her personal belief. She was adamant about
24 that, and I don't believe the State did anything to rehabilitate
25 that.

1 THE COURT: I seem to remember that. I don't think I
2 did anything, either. What's the State's position?

3 MS. SUDANO: Your Honor, I think at one point she did
4 say that she could follow the law, but she also made a lot of
5 other statements that she would have a hard time, so we'll
6 submit it on that one.

7 THE COURT: All right. I'll strike Ms. Dabney. All
8 right. Anybody else?

9 MR. SHEETS: Let me check the last two here. No, Your
10 Honor.

11 THE COURT: Okay. That leaves us with Ms. McCloud.
12 I'm going to go ahead and strike Ms. McCloud. All right. All
13 right. So we're with McCloud -- we're going to strike McCloud,
14 Hawkins, Brown, Iverson, and Dabney. All right. So then we'll
15 put on five and those will be the focus for the remainder of our
16 examinations, all right?

17 MR. SHEETS: Yes, Your Honor.

18 THE COURT: Okay. Okay. Thank you.

19 MS. SUDANO: Thank you.

20 THE COURT: Thank you.

21 (End of bench conference)

22 THE COURT: Okay. Ladies and gentlemen, I talked with
23 counsel and I am going to excuse some additional jurors at this
24 time. Again, if you feel you should have been excused and you
25 weren't, it's my decision, so blame me, not the parties.

1 At this point we are going to excuse No. 1, Ms.
2 McCloud. Thank you for your participation here today, Ms.
3 McCloud.

4 And we're going to excuse Juror No. 10, Ms. Hawkins.
5 Ms. Hawkins, thank you for your participation here today.

6 We're going to excuse Juror No. 13, Mr. Brown. Thank
7 you for your participation here today, Mr. Brown.

8 We're going to excuse Juror No. 14, Ms. Iverson.
9 Thank you for your participation, Ms. Iverson.

10 And we're going to excuse Juror No. 25, Ms. Dabney.
11 Thank you for your participation here today, Ms. Dabney.

12 All right. We're going to need a new Juror No. 1, and
13 that's going to be Mr. Jambresic. And then we're going to need
14 a new Juror No. 10, and that's going to be Elizabeth Barnes.

15 THE CLERK: Your Honor --

16 THE COURT: Is there some more?

17 THE CLERK: Yeah.

18 THE COURT: Oh, I -- there's more on that -- oh, okay.
19 No, that will be Vanessa Almazan. I'm sorry. No. 10 will be
20 Ms. Almazan. Okay. Juror No. 13, new Juror No. 13 will be
21 Elizabeth Barnes. New Juror No. 14 will be Ms. Belin.

22 PROSPECTIVE JUROR NO. 1288: Danielle Belin.

23 THE COURT: Danielle Belin. Belin? How do you
24 pronounce it?

25 PROSPECTIVE JUROR NO. 1288: Belin.

1 THE COURT: Belin. And the new Juror No. 25 will be
2 Ms. Jacks. Okay. If you can hand the mic and the questions to
3 No. 1, Mr. Jambresic.

4 How are you this afternoon?

5 PROSPECTIVE JUROR NO. 0318: Good.

6 THE COURT: All right. Did you have an opportunity to
7 hear all the questions I asked earlier today?

8 PROSPECTIVE JUROR NO. 0318: Yes.

9 THE COURT: Would you have answered any of those?

10 PROSPECTIVE JUROR NO. 0318: No, I'm okay.

11 THE COURT: Well, would you have answered any of
12 those?

13 PROSPECTIVE JUROR NO. 0318: No.

14 THE COURT: No? All right. Let's have you read off
15 the answers to these questions, then.

16 PROSPECTIVE JUROR NO. 0318: I'm originally from
17 Croatia. I live 15 years in Las Vegas, Nevada. Las Vegas and
18 Salt Lake, and six years in Las Vegas.

19 THE COURT: Okay. Where generally in Las Vegas? What
20 part of the valley?

21 PROSPECTIVE JUROR NO. 0318: Northwest.

22 THE COURT: All right. Go ahead.

23 PROSPECTIVE JUROR NO. 0318: I finish graduated in
24 Croatia college and in Salt Lake, also, college.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0318: I'm employed in the
2 Palazzo Hotel like HVAC mechanic.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0318: My wife is not working.
5 I have two children, 37 and 34 years old. One is in Florida,
6 and other is in Germany.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0318: I'm married. And I never
9 serve jury.

10 THE COURT: I'm sorry, what?

11 PROSPECTIVE JUROR NO. 0318: I never serve jury.

12 THE COURT: Okay. Very good. Thank you very much.
13 If you'd hand that down to No. 10, Ms. Almazan. How do you
14 pronounce your name? I apologize.

15 PROSPECTIVE JUROR NO. 0321: Almazan.

16 THE COURT: Almazan?

17 PROSPECTIVE JUROR NO. 0321: Uh-huh.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 0321: I've lived here for 12
20 years.

21 THE COURT: Well, wait, let me just ask. Did you hear
22 all the questions I asked earlier today?

23 PROSPECTIVE JUROR NO. 0321: Yes.

24 THE COURT: And would you have answered any of those?

25 PROSPECTIVE JUROR NO. 0321: No.

1 THE COURT: Okay. Now, go ahead and answer the
2 questions on that sheet.

3 PROSPECTIVE JUROR NO. 0321: I've lived here for 12
4 years. Right now I live in Henderson. Let's see, I have some
5 college. I'm a retail associate at Ross. I'm not married. I
6 have no children. And I've never been on a jury before.

7 THE COURT: Okay. Thank you very much. If you'd hand
8 that now down to No. 13, Ms. Barnes.

9 Good afternoon, Ms. Barnes. How are you?

10 PROSPECTIVE JUROR NO. 1283: Good afternoon. Very
11 good, Your Honor.

12 THE COURT: I'm doing fine. And so let me ask you,
13 did you hear all the questions that I asked earlier today?

14 PROSPECTIVE JUROR NO. 1283: Yes.

15 THE COURT: Would you have answered any of those?

16 PROSPECTIVE JUROR NO. 1283: No.

17 THE COURT: Okay. Go ahead and read through the sheet
18 there.

19 PROSPECTIVE JUROR NO. 1283: Born and raised in Las
20 Vegas. Currently live in the southeast. Education, bachelor of
21 science in international business. Employed for a
22 pharmaceutical account specialist, senior specialist. Married,
23 and he's a foreman heavy equipment operator.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 1283: I have two children, two

1 and five. Never been a juror.

2 THE COURT: All right. If you'd hand that now to No.
3 14, Ms. Belin.

4 PROSPECTIVE JUROR NO. 1288: Hello, my name is
5 Danielle Belin.

6 THE COURT: Let me ask you. First of all, did you
7 hear all the questions that I asked earlier today?

8 PROSPECTIVE JUROR NO. 1288: Yes. I do have two
9 friends in law enforcement. They're retired.

10 THE COURT: Okay. And how long have you known them?

11 PROSPECTIVE JUROR NO. 1288: 25 years.

12 THE COURT: And where -- what law enforcement did they
13 work before?

14 PROSPECTIVE JUROR NO. 1288: Carl Lindstrom was a U.S.
15 Marshal, and Carpenter, Bill Carpenter and Myra is a -- works
16 here somewhere.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 1288: But Bill Carpenter
19 retired and he was Metro Police Department.

20 THE COURT: All right. Anything about your friendship
21 with them or association with them and their work that would
22 affect your ability to be a fair juror here?

23 PROSPECTIVE JUROR NO. 1288: I don't think so.

24 THE COURT: Okay. You feel you would be able to
25 follow my instructions and fairly and unbiasedly apply those

1 instructions to the evidence admitted?

2 PROSPECTIVE JUROR NO. 1288: Yes.

3 THE COURT: Okay. Any other questions you would have
4 answered?

5 PROSPECTIVE JUROR NO. 1288: No, I don't think so.

6 THE COURT: Okay. All right. Go ahead and go off --
7 finish that.

8 PROSPECTIVE JUROR NO. 1288: So I've lived in Las
9 Vegas. I live on the east side of town since 1986. My
10 education is master's in education. I work for CCSD high
11 school. My husband, I'm married, no children. My husband is a
12 chef. I've been called three times, but never a juror on the --
13 on the --

14 THE COURT: Okay. Very good. Why don't you hand that
15 down to No. 25, Ms. Jacks.

16 And good afternoon, Ms. Jacks. How are you?

17 PROSPECTIVE JUROR NO. 1300: I'm good.

18 THE COURT: All right. Did you hear all the questions
19 that I asked earlier today?

20 PROSPECTIVE JUROR NO. 1300: I did.

21 THE COURT: And would you have answered any of those?

22 PROSPECTIVE JUROR NO. 1300: I have been under oath
23 and in deposition in a divorce trial.

24 THE COURT: Okay. About when was that?

25 PROSPECTIVE JUROR NO. 1300: Huh?

1 THE COURT: About when was that, how long ago?

2 PROSPECTIVE JUROR NO. 1300: About 2000.

3 THE COURT: All right. Was that here in Southern
4 Nevada?

5 PROSPECTIVE JUROR NO. 1300: Yes.

6 THE COURT: Anything about that experience that would
7 affect your ability to be a fair juror in this case?

8 PROSPECTIVE JUROR NO. 1300: No.

9 THE COURT: Okay. What else, other questions would
10 you have answered?

11 PROSPECTIVE JUROR NO. 1300: I have seen that show
12 with the District Attorney on it.

13 THE COURT: Sin City Justice?

14 PROSPECTIVE JUROR NO. 1300: Yes.

15 THE COURT: All right. Well, for rating purposes,
16 they finally scored on that. Do -- I don't know if the
17 prosecutors who are here have appeared on that show or not. Do
18 you recognize them at all from the show?

19 PROSPECTIVE JUROR NO. 1300: No.

20 THE COURT: Okay. Does the fact -- how many times
21 have you watched that show?

22 PROSPECTIVE JUROR NO. 1300: Maybe three or four.

23 THE COURT: Okay. Is there anything about that show
24 and watching it that would affect your ability to be a fair
25 juror in this case?

1 PROSPECTIVE JUROR NO. 1300: No.

2 THE COURT: All right. Go ahead. Any other questions
3 you would have answered?

4 PROSPECTIVE JUROR NO. 1300: No.

5 THE COURT: All right. Then let me just -- from your
6 watching the show, is there anything -- do you feel you could
7 follow my instructions and fairly and unbiasedly apply those
8 instructions to the evidence admitted?

9 PROSPECTIVE JUROR NO. 1300: Yes.

10 THE COURT: Okay. Go ahead and answer those questions
11 there.

12 PROSPECTIVE JUROR NO. 1300: I've lived in Las Vegas
13 since 1969, and I currently live in the northwest. I have some
14 college. I'm employed by a construction company. I do their
15 payroll at home. I'm not married. I have two grown children in
16 their 40s. And I've never been a juror.

17 THE COURT: Okay. Thank you very much.

18 All right. Does State have any questions for our new
19 voir dire panel members?

20 MS. CRAGGS: Briefly, Judge. Thank you.

21 THE COURT: Sure.

22 MS. CRAGGS: Okay. So just to our five new people. I
23 think the folks that came in this afternoon hear all my
24 questions; is that correct? People are shaking their heads and
25 nodding yes.

1 THE COURT: Okay. Is there any one of the new group
2 that came in this afternoon who didn't hear all of counsel's
3 questions? Let the record reflect no hands.

4 MS. CRAGGS: Thank you, Judge.

5 When I was asking those questions, did any of the
6 questions that I asked, would you have answered those if you
7 were sitting on the panel? Okay. I see nobody raising their
8 hand.

9 I guess most importantly, the five new people, does
10 anybody -- are they a victim of domestic violence, have close
11 friends or family that are victims of domestic violence, or have
12 they been accused of domestic violence or had close friends or
13 family accused of domestic violence?

14 THE COURT: Okay. We have one hand up over here, No.
15 10, Ms. Almazan.

16 MS. CRAGGS: If you can pass the microphone back.
17 Thank you.

18 Okay. Can you tell me about that? Was that you or a
19 close friend or family?

20 PROSPECTIVE JUROR NO. 0321: My brother was actually
21 charged with domestic violence.

22 MS. CRAGGS: Okay. And who was the victim in that
23 case?

24 PROSPECTIVE JUROR NO. 0321: His girlfriend.

25 MS. CRAGGS: Okay.

1 PROSPECTIVE JUROR NO. 0321: Uh-huh.
2 MS. CRAGGS: Are you close to your brother?
3 PROSPECTIVE JUROR NO. 0321: Yes.
4 MS. CRAGGS: Okay. Do you know if it went -- ended up
5 going to trial or to court?
6 PROSPECTIVE JUROR NO. 0321: It went to court, but she
7 didn't show up.
8 MS. CRAGGS: Do you know what happened to the case?
9 PROSPECTIVE JUROR NO. 0321: I know he had to take
10 classes.
11 MS. CRAGGS: Okay.
12 PROSPECTIVE JUROR NO. 0321: Yeah.
13 MS. CRAGGS: And what -- did you have any strong
14 negative or positive feelings about that process, about him
15 having to go to court and having to take those classes?
16 PROSPECTIVE JUROR NO. 0321: I was there when
17 everything happened, and I know she kind of lied.
18 MS. CRAGGS: Oh, okay.
19 PROSPECTIVE JUROR NO. 0321: Well, not kind of. She
20 did lie.
21 MS. CRAGGS: So you felt like it wasn't fair that he
22 ended up having to take those classes and go to court?
23 PROSPECTIVE JUROR NO. 0321: Yeah.
24 MS. CRAGGS: Okay. Will you hold the fact that you
25 feel like maybe your brother was wrongfully prosecuted against

1 Ms. Sudano or I who work for the State of Nevada?

2 PROSPECTIVE JUROR NO. 0321: No.

3 MS. CRAGGS: Okay. Will you be able to kind of put
4 that aside and keep an open mind and consider the evidence as we
5 present it to you just based on what you hear?

6 PROSPECTIVE JUROR NO. 0321: Yes.

7 MS. CRAGGS: Nothing further, Judge.

8 THE COURT: Okay. Defense.

9 MR. SHEETS: Now, we've gone over this ad nauseam with
10 everybody else in the gallery, but I've got to ask the question
11 of the five of you that just came up. Out of the five of you
12 that just came up, which of you believes that there's never a
13 circumstance where a man should put his hands on a woman?

14 THE COURT: Okay. Let's go back to No. 10, Ms.
15 Almazan.

16 MR. SHEETS: Yes.

17 PROSPECTIVE JUROR NO. 0321: My brother actually, you
18 know, his girlfriend hit him a different time, and he didn't put
19 hands on her and he actually walked away.

20 MR. SHEETS: Do you believe that there's never a
21 situation where a man should put his hands on a woman?

22 PROSPECTIVE JUROR NO. 0321: Yeah, I don't think.

23 MR. SHEETS: Do you believe that you can put that
24 belief aside and follow instructions if the Court were to
25 instruct you otherwise?

1 PROSPECTIVE JUROR NO. 0321: Yeah.

2 MR. SHEETS: Okay. Does anybody out of the five that
3 just came up, do any of you have a belief regarding domestic
4 violence that if it deferred from the Court's instructions you
5 believe you would not be able to follow the Court's
6 instructions? Okay. No hands.

7 No questions, Your Honor.

8 THE COURT: Okay. Let me see counsel again at
9 sidebar.

10 (Bench conference)

11 THE COURT: Okay. Any of the new five that have come
12 on the State would move for cause?

13 MS. SUDANO: No, Your Honor.

14 THE COURT: Any of the five that have come on that the
15 defense moves for cause?

16 MR. SHEETS: No, Your Honor.

17 THE COURT: All right. Well, we'll do peremptories.
18 I will remind you, if you have it in your hearts anywhere, Ms.
19 Galindo does have the appointment with the child on Wednesday
20 morning that if someone wanted to be kind on a peremptory and
21 had -- felt they had some room to do that, I would ask that to
22 be considered, but, obviously, you need to do what's best for
23 your client or party or side.

24 I also will note Mr. Nordsiek is -- has a flight on
25 Monday morning. So I'll just, again, note that for any thought

1 or consideration that you may want to give in that regard. But,
2 again, as I -- you know, we will work around whatever
3 circumstances that the jurors have, so do what's best for your
4 side during the -- your consideration of peremptories.

5 Anything else before we get started?

6 MR. SHEETS: Just want to make sure, it's eight
7 peremptories each and --

8 THE COURT: Right.

9 MR. SHEETS: -- one strike on the --

10 THE COURT: Use eight peremptories on 1 through 28,
11 each side. Number your peremptories. So your first one is one.
12 If you waive a peremptory, that doesn't waive all the remaining.
13 So if for some reason, I never quite understood why, you decided
14 on number five to waive, just write on the bottom, five waived,
15 and you can knock off six, you know, and the next time seven and
16 eight. Use one each on 29 through 32.

17 MR. SHEETS: Does Your Honor alternate, or do we do
18 them --

19 THE COURT: Alternate. We'll start with the State.

20 MS. SUDANO: Thank you.

21 THE COURT: Okay. Anything else?

22 MR. SHEETS: No, Your Honor.

23 MS. SUDANO: No, Your Honor.

24 THE COURT: All right. Very good.

25 MS. CRAGGS: Thank you.

1 (End of bench conference)

2 THE COURT: Okay. We're actually getting close to
3 finishing the process here today. I'm going to ask you to be a
4 little bit patient. We'll have to run a little bit after 5:00.
5 However, if we can't stay a little after 5:00, everybody will
6 have to come back tomorrow at 1:00. So if I can get a little
7 bit of patience, we should be done here pretty soon.

8 We're going to go into what's called the peremptory
9 challenge process. Essentially, at this point in time we allow
10 counsel for both sides to excuse members of the panel for any
11 reason that they feel, whatever -- it can be anything. If one
12 of you are excused during this process, don't feel you've said
13 anything bad or did something wrong.

14 As I think I mentioned before, at least to the first
15 group that was here, I was a prosecutor for about 32 years. I
16 dealt with a lot of jury trials. And by the end of my career,
17 it pretty much came down to just a gut -- and half the time I
18 waived because I couldn't figure out a good reason to strike
19 somebody or to excuse them. So there's no good, bad, anything
20 like that, but I'd ask you to consider -- just stay here and
21 we'll go through the process.

22 You can talk to each other, not about the case, but
23 you can talk to each other while we go through this. I'm going
24 to ask -- and you can stand up and stretch if you want, but I
25 ask you to stay in your spots that you are now. I think it

1 makes it easier for the attorneys to remember what you say and
2 to -- to put faces and names together. So we'll go give the
3 sheet to the prosecution.

4 (Peremptory challenges exercised)

5 THE COURT: Okay. Counsel, can I see you at sidebar.

6 (Bench conference)

7 THE COURT: Okay. I'm showing Juror No. 1, Ms.
8 Seiling; Juror No. 2, Ms. Ramos; Juror No. 3, Mr. Davidson;
9 Juror No. 4, Ms. Miller; Juror No. 5, Ms. Barnes; Juror No. 6,
10 Ms. Belin; Juror No. 7, Mr. Kubiak; Juror No. 8, Ms. Ramirez;
11 Juror No. 9, Ms. Vasquez; Juror No. 10, Ms. Jacks; Juror No. 11,
12 Ms. Catanzaro; Juror No. 12, Ms. Tario; Juror No. 13, Alternate
13 1, Mr. Raymond; and Juror No. 14, Alternate 2, Mr. Pasco. Do
14 the parties concur with that, State?

15 MS. CRAGGS: The State does, Your Honor.

16 THE COURT: Defense?

17 MR. SHEETS: Yes, Your Honor.

18 THE COURT: All right. Does any party wish to make a
19 motion at this point in time?

20 MS. CRAGGS: No.

21 THE COURT: Okay. That's the State.

22 MR. SHEETS: No basis for a Batson objection.

23 MS. SUDANO: [Inaudible].

24 THE COURT: You would have surprised me, but anything
25 is possible.

1 Defense.

2 MR. SHEETS: No, Your Honor.

3 THE COURT: Okay. All right. I just -- I will swear
4 them in tonight. We'll get started -- can we get started
5 tomorrow at 12:30?

6 MR. SHEETS: Yes.

7 THE COURT: I'm going to see if any of them has -- I'm
8 looking at my calendar. I think we can maybe get started at
9 12:30, and I want to try to get in as much as -- much as we can.
10 If Ms. Seiling sells her tickets, you know, get -- get -- get
11 your speed locomotive up for hitting the game.

12 MR. SHEETS: Maybe I'll have to meet my wife
13 [inaudible].

14 THE COURT: We'll figure it out at the time. We'll
15 see what it is. All right. All right. We'll try to get
16 started tomorrow. I'll do some preliminary instructions, we'll
17 get into openings, and then, State, have your witnesses
18 available.

19 MS. SUDANO: Will do, Your Honor.

20 THE COURT: Okay. All right. Anything else for right
21 now?

22 MS. SUDANO: No.

23 MS. CRAGGS: No, Judge.

24 THE COURT: Okay. All right. Thank you.

25 (End of bench conference)

1 THE COURT: All right. We have our jury put together,
2 so Juror No. 1 is Ms. Seiling. If you would come up and sit in
3 the back row over to this side.

4 Juror No. 2 is Ms. Ramos. Where did she go? Oh,
5 there she is. All right. You sit next to Ms. Seiling.

6 Juror No. 3 is Mr. Davidson. Sit next to Ms. Ramos.

7 Juror No. 4 is Ms. Miller. There you are, Ms. Miller.
8 You're No. 4. If you can sit next to Mr. Ramos.

9 Juror No. 5 is Ms. Barnes. And Juror No. 6 is Ms.
10 Belin. Juror No. 7 is Mr. Kubiak. There he is. All right.
11 Juror No. 8 is Ms. Ramirez. Ms. Ramirez, I'm going to ask you
12 to sit down on the front row right below Ms. Seiling. Right
13 there. Very good.

14 Juror No. 9 is Ms. Vasquez. Juror No. 10 is Ms.
15 Jacks. Juror No. 11 is Ms. Catanzaro. Juror No. 12 is Ms.
16 Tario. Is it Tario or Tario?

17 PROSPECTIVE JUROR NO. 0286: Tario.

18 THE COURT: I apologize.

19 PROSPECTIVE JUROR NO. 0286: That's okay.

20 THE COURT: And then Juror No. 13 is Mr. Raymond. And
21 Juror No. 14 is Mr. Pasco. So you guys go sit up there. And
22 this is our jury for our trial.

23 The rest of you -- the rest of you are excused with my
24 thanks. I know it's been a long day. I know a bunch of you got
25 here probably at 7:30 in the morning, and so it has been a long

1 day for you and I give you my thanks and appreciation.

2 As I said in the very beginning, I'm not under any
3 delusion that any of you are excited about being here or happy
4 about being here, but what -- your being here was very, very
5 important. Because it's this process that we go through in
6 selecting a jury, people out of the community who have no
7 interest or background or biases or prejudices that they can't
8 put aside. That is so key and so crucial for the community to
9 have confidence in the decisions that come out of this court.

10 So I know that maybe you're disappointed or maybe felt
11 it's been a long day, but what you have done here is very, very
12 important. I appreciate it, and I know the parties do. You are
13 excused. The State won't contact you again for jury service for
14 18 months. That doesn't protect you from jury service from the
15 federal district court, so they may still grab you, but you
16 shouldn't hear from the State for 18 months. But thank you very
17 much for your service here today and have a great evening and
18 week.

19 (Prospective jury excused at 5:24 p.m.)

20 THE COURT: All right. Thank you, ladies and
21 gentlemen. I know I mentioned several times starting tomorrow
22 at 1:00, but if possible, I'd like to get started at 12:30. I
23 had my law clerk check my calendar in the morning. I think we
24 can get done with it early enough to get started at 12:30.

25 And I do want to get this going and get as much as we

1 can in and try to get you guys out of -- out of here and out of
2 -- and back to your regular lives as quickly as possible. So
3 we'll try to get started at 12:30. To do that, we need you to
4 get down here about 12:20. We need you to get here about ten
5 minutes ahead of time.

6 And as I emphasize today, and now that we have you 14,
7 I really emphasize we cannot get started without you. So set
8 the alarm clocks, set, you know, your watch or whatever it is,
9 you know, take into account traffic. If you aren't down here,
10 we're all going to be -- be waiting for you, so I really do need
11 you to be here on time. And then lets go ahead and swear in the
12 jury.

13 | (Jury sworn)

14 THE COURT: Okay. All right. The way things will
15 work tomorrow is we'll -- once we get back together, I will
16 start off with some preliminary jury instructions to give you a
17 little bit of sense of how the case will be organized, some
18 general rules and parameters for you to think about as you're
19 listening to the evidence and look at the witness list.

20 As soon as I get done with those instructions, the
21 State will have an opportunity to give an opening statement, and
22 the defense will have an opportunity to give an opening
23 statement. Neither party is required to give an opening
24 statement if they don't want to. It's totally up to them. So
25 they both will have an opportunity to do an opening statement.

1 Once opening statement are done, we'll get right into
2 the evidence and the State will present it's -- will start
3 presenting its case. The State goes first because, as I
4 mentioned a number of times, the State has the burden of proof
5 in a criminal trial, and that burden never shifts from the
6 State. They have the burden of proof approving beyond a
7 reasonable doubt each and every one of the factual elements of
8 the charges against the defendant. So they get to go first.

9 And as I noted before, the defense doesn't have an
10 obligation to do anything. If at the end of the State's case,
11 if the State has failed to present evidence that you feel is
12 sufficient to convince you beyond a reasonable doubt of the
13 defendant's guilt, you have an obligation to find the defendant
14 not guilty, even if the defense didn't do anything. But we do
15 give the defense an opportunity to present evidence if it does
16 want to do so.

17 So once all the evidence is done, we'll go into the
18 final instructions on the law and closing arguments and send you
19 back to the deliberation room. So we'll go through that all in
20 more detail tomorrow with my initial instructions, but that
21 gives you a thumbnail of what's going to happen with the trial
22 going forward.

23 Tonight, let me remind you, until this case is
24 submitted to you, do not talk to each other about it or about
25 anyone who has anything to do with it until the end of the case

1 when you go to the jury room to decide on your verdict. Do not
2 talk with anyone else about this case or about anyone who has
3 anything to do with it until the trial has ended and you've been
4 discharged as jurors.

5 Anyone else includes members of your family, your
6 employer, and your friends. You may tell them that you are a
7 juror in a criminal case, but don't tell them anything else
8 about it until after you've been discharged by me.

9 Do not let anyone talk to you about the case or about
10 anyone who has anything to do with it. If someone should try to
11 talk to you, please report it to me immediately by contacting
12 the marshal. Do not read any news stories or articles or listen
13 to any radio or television reports about the case or about
14 anyone who has anything to do with it. Do not visit the scene
15 of any events mentioned during the trial, or undertake any
16 investigation or research or investigation on your own.

17 This includes use of social media to in any way
18 discuss the case or the use of the Internet or other reference
19 or resource materials to do any investigation or research on
20 your own. And do not begin to form or express any opinion on
21 any subject connected with the case until it is finally
22 submitted to you.

23 Let me just reemphasize again that I am ordering you
24 and asking you not to go on social media in any way to discuss
25 this case while you sit as jurors. As I said, I'm ordering you

1 to do that, so it has the official force of the Court, but I'm
2 asking you to do that for the reasons that I expressed earlier
3 today.

4 It's very important that you are not presented with
5 any information that's not appropriate for you to consider under
6 the rules of evidence. And if you go on social media, people
7 can post things back, message back or whatever it may be, and
8 something that they message back to you may be inappropriate for
9 you to consider or information that you shouldn't have. So just
10 don't in any way go on social media about this case until you've
11 been discharged.

12 Once you've been discharged, you can post anything and
13 everything that you want. You can take pictures of each other
14 and post that on the -- on the Internet, but until then, don't
15 do this. That doesn't preclude you from -- you know, if you
16 want to go on Facebook and wish somebody a happy birthday or
17 talk about the Golden Knights or the upcoming NBA playoffs,
18 whatever that may be, that's totally fine, but don't do anything
19 in reference to this case.

20 Same thing, I'm ordering you and asking you don't go
21 on the Internet and do any sort of research on your own. Don't
22 look up any of our names, don't look up any of the locations
23 that have been mentioned or that will be mentioned during the
24 course of the trial. It's the attorneys' jobs to make sure that
25 you get the information you need to deliberate back in the jury

1 deliberation room. Let them do the job.

2 Don't go home and look up a word that I said or one of
3 the attorneys said today or go on and look up anything on the
4 Internet or any reference materials. Just don't do it. You
5 will be given the opportunity during the course of trial to ask
6 questions of any of the witnesses who testify, and so you'll
7 have a chance if something comes up to -- to ask some questions,
8 written questions. So just don't go on the Internet in any way.
9 Rely on the attorneys to do their job.

10 It's been a long day. I really do appreciate it. I
11 appreciate you staying here so we could get this done. We'll
12 get started at 12:30 tomorrow. And have a fantastic evening.

13 (Jury recessed at 5:31 p.m.)

14 THE COURT: Okay. Is there anything we need to cover
15 tonight by the State?

16 MS. SUDANO: No. Thank you, Your Honor.

17 THE COURT: By the defense?

18 MR. SHEETS: I don't have anything, Your Honor.

19 THE COURT: Okay. Let me just say -- I'll let you
20 have a very brief chance, but I'll have say -- a chance to say
21 something, Mr. Harris.

22 What about jury instructions?

23 MS. SUDANO: I can send them tonight. Take a look at
24 them.

25 MR. SHEETS: I'll do the same. I have a rough draft

1 that I've been writing, as well.

2 THE COURT: All right. Well, you know, get together
3 and figure out where there's agreement or disagreement with
4 this. I do want to get this to the jury if at all possible on
5 Thursday, so I don't want to be spending hours that we can be
6 using for witness time going over the instructions. So send him
7 your copy of the jury instructions. You send your copy of
8 whatever are your instructions. And then get together tomorrow
9 morning or start figuring out how you're going to get together
10 and tell me where you agree and where we disagree.

11 MR. SHEETS: Yes, Your Honor.

12 THE COURT: All right. Now, Mr. Harris, I --
13 everybody has got a lot of things, but I will give you two or
14 three minutes. I would encourage you to speak to your attorney
15 first. Because, again, Mr. Harris, I want to remind you that
16 anything you say here in court is public record and can be
17 potentially used against you. So I really do encourage you to
18 speak through your attorney.

19 And so if you're going to say something to me, I
20 encourage you to speak to your attorney and ask him if you can
21 say it or what you should say before you say anything to me.
22 But I will give you a chance, just two or three minutes to --
23 whatever you want to say here right now.

24 THE DEFENDANT: I'm aware of that. I'm going to speak
25 with him real briefly here.

1 THE COURT: Okay.

2 (Off-record colloquy)

3 THE DEFENDANT: Can I get time tomorrow to read over
4 this stack I just got today?

5 THE COURT: Well, I mean, we aren't starting until
6 12:30.

7 THE DEFENDANT: Well, it might take me a couple hours
8 because I've got to get some rest.

9 THE COURT: Well, you've got tonight and tomorrow
10 morning.

11 THE DEFENDANT: All right. And this -- there's some
12 instructions I would like the jury.

13 THE COURT: Okay. Well, give -- give the -- I'm going
14 to work with your attorney on the instructions, so if you've got
15 some instructions you want to give to your attorney, you go
16 ahead and give them to your attorney. And if he feels that they
17 are appropriate or proper under the law, he can present them to
18 me.

19 THE DEFENDANT: There's a lot of things that I took
20 notice like when my attorney was speaking like open -- like open
21 holes in the -- in my case, which that it is, before -- because,
22 one, they got -- we already know what's put to the side, but for
23 me, people looking at me, and I want the best representation to
24 be represented, you know. I don't want -- I don't want to be
25 conflict with you or the DA or the courtroom proceedings.

1 THE COURT: Okay.

2 THE DEFENDANT: I respect the courtroom. I respect
3 the judicial system. But I also would want to be treated
4 fairly --

5 THE COURT: Okay.

6 THE DEFENDANT: -- through the process. And I would
7 like you to -- to understand that's why I be speaking when I
8 speak because I know that it's not against the law for me to
9 speak on my behalf because I am found competent to stand trial,
10 Your Honor, and I'm standing. And --

11 THE COURT: Okay. All right. Well, like I said, I
12 encourage you to give your thoughts to Mr. Sheets, and he'll
13 raise the issues with -- with the Court. And if there is
14 something you want to raise with me, I'll give you a few minutes
15 here and there during the trial to speak directly with me.

16 THE DEFENDANT: Okay. Could I raise something with
17 you today?

18 THE COURT: Well, why don't you ask Mr. Sheets if it's
19 appropriate real quickly.

20 (Off-record colloquy)

21 THE COURT: The witnesses will testify. If they say
22 something inconsistent with their prior testimony, then you may
23 be able -- your attorney may be able to ask them about those
24 prior inconsistencies. But as a general rule, you just don't --
25 we just don't play all the transcripts or all the recordings,

1 but your attorney can talk to you about it, but those are --
2 those are rules. Look at Nevada Rules of Evidence concerning
3 the admission of hearsay and it will talk about prior
4 inconsistent statement and consistent statements.

5 THE DEFENDANT: I think it's NRS 174 --

6 THE COURT: Well, the long and short of it is your
7 attorney is the one who is responsible for understanding those
8 rules. Be sure you --

9 THE DEFENDANT: But what if I got --

10 THE COURT: -- you note to your attorney that you want
11 these things played, and he'll factor that into his examination
12 of any witnesses, and there are times where the State will even
13 agree that certain transcripts or certain recordings should be
14 presented to the jury. And if they do, we'll present those to
15 the jury.

16 THE DEFENDANT: What if it's evidence, Your Honor,
17 that will get me acquitted for all charges today, the victim
18 saying that I didn't do this on recording?

19 THE COURT: And, again, the -- what a victim said on a
20 recording, the victim will testify here. If you have --

21 THE DEFENDANT: So that victim --

22 THE COURT: -- a recording where --

23 THE DEFENDANT: -- won't be present?

24 THE COURT: -- she says -- the victim will testify.

25 If you have a recording where she denies that there was anything

1 wrong, that may be something that can be used to undermine her
2 credibility. But the jury is going to decide on the credibility
3 of the witness as she testifies here in court.

4 THE DEFENDANT: And I would like permission to
5 subpoena the ATM officers, the medical response officers.

6 THE COURT: Well, you need to discuss that. Your
7 attorney is the one who determines who to subpoena and who not
8 to subpoena.

9 THE DEFENDANT: Can we have a special psychiatrist
10 come in to show the victim's state of mind?

11 THE COURT: All right. You need to talk about this
12 stuff with your attorney.

13 THE DEFENDANT: I already did. I already did.

14 THE COURT: You're represented by -- you're
15 represented by your attorney. If he feels it's not appropriate,
16 then he is the one who controls how the case is developed and
17 presented to the jury.

18 THE DEFENDANT: Well, could I talk to him real quick
19 before he leaves?

20 THE COURT: You can talk to him real quick, but
21 everyone else is going to be leaving. We'll get together
22 tomorrow at 12:30. If there's anything that comes up by either
23 side that's going to require something before the jury, we get
24 started, let my office know and we'll try to meet 15 minutes
25 early.

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MS. SUDANO: Thank you, Your Honor.

MS. CRAGGS: Thank you.

THE COURT: All right. Good night.

(Court recessed at 5:39 p.m., until Tuesday,
April 10, 2018, at 12:43 p.m.)

* * * * *

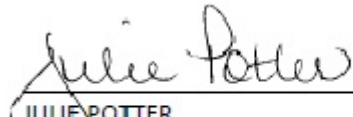
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**Julie Potter
Kingman, AZ 86402
(702) 635-0301**



JULIE POTTER
TRANSCRIBER