

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

2
3
4 ABEBAW TESFAYE KASSA,)
5)
6 Appellant,)
7)
8 vs.)
9)
10 THE STATE OF NEVADA,)
11)
12 Respondent.)
13)

Docket No.: 76870
DIST. Case No.: 2016-317365-1

Electronically Filed
Mar 07 2019 01:59 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

14 **INDEX FOR APPELLANT'S APPENDIX**

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Steven D. Grierson

1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LEAH BEVERLY
6 Deputy District Attorney
7 Nevada Bar #12556
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 4/27/17
13 10:00 AM
14 MARCHESE

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

CASE NO: C-16-317365-1

17 -vs-

DEPT NO: XXIII

18 ABEBAW TESFAYE KASSA,
19 #2166067

20 Defendant.

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

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

25 That ABEBAW TESFAYE KASSA, the Defendant(s) above named, having committed
26 the crimes of **MURDER** (Category A Felony - NRS 200.010, 200.030 - NOC 50000, and
27 **FIRST DEGREE ARSON** (Category B Felony - NRS 205.010 - NOC 50414), on or about
28 the 27th day of July, 2016, within the County of Clark, State of Nevada, contrary to the form,
force and effect of statutes in such cases made and provided, and against the peace and dignity
of the State of Nevada,

COUNT 1 - MURDER

did willfully, unlawfully, feloniously and with malice aforethought, kill ALIPIO
LOLITA BUDIAO, a human being, the said killing committed during the perpetration or
attempted perpetration of Arson, to-wit: by setting fire to and/or causing to be burned, a certain

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1 residence, located at 1009 Marion Drive, Las Vegas, Clark County, Nevada, owned by
2 JOSEFINA ADAMS and/or occupied by ALIPIO LOLITA BUDIAO, by use of open flame
3 and flammable and/or combustible materials, and/or by manner and means unknown.

4 COUNT 2 - FIRST DEGREE ARSON

5 did willfully, unlawfully, maliciously, and feloniously set fire to, burn, and/or cause to
6 be burned, a certain residence, located at 1009 Marion Drive, Las Vegas, Clark County,
7 Nevada, owned by JOSEFINA ADAMS, by use of open flame and flammable and/or
8 combustible materials, and/or by manner and means unknown.

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

11 BY 

12 LEAH BEVERLY
13 Deputy District Attorney
14 Nevada Bar #12556
15

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

18 <u>NAME</u>	<u>ADDRESS</u>
19 ADAMS, I.	CLARK COUNTY FIRE DEPARTMENT
20 ADAMS, JOSEFINA	c/o CCDA, 200 Lewis, Ave., LV, NV
21 ALVARADO, D.	LVMPD P#6065
22 ARTIS, B.	LVMPD P#13475
23 ATWOOD, C.	LVMPD P#10003
24 BAKER, J.	LVMPD P#4895
25 CAMPBELL, J.	CLARK COUNTY FIRE DEPARTMENT
26 EGGLESTON, M.	CLARK COUNTY FIRE DEPARTMENT
27 EMBRY, C.	LVMPD P#6223
28 GUTIERRES, YESTERIA	1405 Helen Bella Dr., LV, NV

1	HECKARD, D.	FIREFIGHTER CAPT. E-8, CCFD
2	JARRARD, H.	CLARK COUNTY FIRE DEPARTMENT
3	KREUTZER, K.	CLARK COUNTY FIRE DEPARTMENT
4	LEWIS, A.	LV FIRE DEPARTMENT
5	MANCAO, E.	LVMPD P#6844
6	NEEL, A.	CLARK COUNTY FIRE DEPARTMENT
7	NGUYEN, JINH	1009 Marion Dr., LV, NV
8	OSBORN, K.	FIREFIGHTER E-8, CLARK CO. FIRE DEPT.
9	OSTROWSKI, C.	LVMPD P#6057
10	PAUL, E.	CLARK COUNTY FIRE DEPARTMENT
11	POE, S.	CLARK COUNTY FIRE DEPARTMENT
12	POWERS, R.	FIREFIGHTER E-8, CLARK CO. FIRE DEPT.
13	RAMOS, CHRISTOPHER	1009 Marion Dr., LV, NV
14	REESE, S.	LVMPD P#7322
15	ROSSELL, E.	LVMPD P#6636
16	ROUNDY, K.	LVMPD P#6214
17	RYCRAFT, F.	LVMPD P#14866
18	SAWA	LVMPD P#12996
19	SHAMIRZA, ALFRED	DISTRICT ATTORNEY INVESTIGATOR
20	SHOEMAKER, E.	LVMPD P#5309
21	SIMMS, DR.	CLARK COUNTY CORONER'S OFFICE
22	STALEY, L.	LVMPD P#14734
23	STEELSMITH, B.	LVMPD P#8058
24	STEPHENS, B.	CLARK COUNTY FIRE DEPARTMENT
25	TAPIA, D.	LVMPD P#10044
26	TERRY, M.	LVMPD P#14813
27	TURNER, G.	LVMPD P#13518
28	WEAVER, R.	LVMPD P#6367

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WHARTON, JOYCE
ZAMORA, C.

1105 Marion Dr., LV, NV
LVMPD P#9217

16F12380X /mlb/L-2
LVMPD EV#160727000650;
07270166217661
(TK4)

Steven D. Grlerson

1 NOTC
2 JESS R. MARCHESE, ESQ.
3 Nevada Bar No. 8175
4 601 S. Las Vegas Boulevard
5 Las Vegas, NV 89101
6 (702) 385-5377 Fax (702) 474-4210
7 marcheselaw@msn.com
8 Attorney for Defendant KASSA

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

Case No.: C-16-317365-1
Dept. No.: XX

v.

ABEBAW KASSA,

Defendant.

**DEFENDANT'S NOTICE OF ENTRY OF PLEA OF NOT GUILTY BY REASON OF
INSANITY AND NOTICE OF DEFENDANT'S INTENTION TO SEEK A VERDICT OF
GUILTY BUT MENTALLY ILL AS TO ANY OFFENSE OF WHICH THE JURY FINDS
HIM GUILTY**

COMES NOW Defendant, ABEBAW KASSA, by and through his attorney of record,
JESS R. MARCHESE, ESQ., and hereby files this notice pursuant to NRS 174.035(5).

NRS 174.035(5) authorizes a plea of not guilty by reason of insanity, either as an
alternative or in addition to a previously entered plea of not guilty.

NRS §175.533 provides in pertinent part:

1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find
the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease
or defect of the mind, the defendant was mentally ill at the time of the commission of the
offense; and

(c) The defendant has not established by a preponderance of the evidence that the defendant
is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

1 If the jury in this case returns a verdict of guilty as to any offense in this case, the
2 defendant will request a verdict of guilty but mentally ill, provided that the trier of fact
3 determines that the conditions of NRS 175.533 have been met.
4

5
6 Respectfully submitted, December 27, 2017

7 **MARCHESE LAW OFFICES**

8 By: /s/
9 Jess R. Marchese, Esq. (SBN 8175)
10 Attorney for Defendant

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that a true and correct copy of Defendant's Notice was filed via the 8th
13 Judicial District efilng system to all registered recipients on the 27th day of December, 2017.
14

15
16
17
18 By: /s/
19 Employee of Marchese Law Offices
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Steven D. Grierson

1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LEAH BEVERLY
6 Chief Deputy District Attorney
7 Nevada Bar #012556
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 State of Nevada

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,
12 Plaintiff,

13 -vs-

14 ABEBAW TESFAYE KASSA,
15 #2616067
16 Defendant.

CASE NO. C-16-317365-1
DEPT NO. XX

17 **STATE'S NOTICE OF MOTION FOR INDEPENDENT PSYCHOLOGICAL**
18 **EVALUATION OF DEFENDANT AND REQUEST FOR DISCOVERY**

19 DATE OF HEARING:
20 TIME OF HEARING: 8:30 A.M.

21 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
22 through LEAH BEVERLY, Chief Deputy District Attorney, and hereby submits the attached
23 Points and Authorities in support of the State's Notice of Motion and Motion for Independent
24 Psychological Evaluation of Defendant and Request for Discovery.

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

28 ///

///

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1 NOTICE OF HEARING

2 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
3 will bring the foregoing motion on for setting before the above entitled Court, in Department
4 XX thereof, on _____, the 23 day of January, 2018, at the hour of 8:30 o'clock AM, or
5 as soon thereafter as counsel may be heard.

6 DATED this 9th day of January, 2018.

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

10 BY /s/ LEAH BEVERLY
11 LEAH BEVERLY
12 Chief Deputy District Attorney
13 Nevada Bar #12556

14 POINTS AND AUTHORITIES

15 **THE STATE REQUEST THAT DEFENDANT BE SUBJECTED TO AN**
16 **INDEPENDENT PSYCHOLOGICAL EVALUATION AND REQUEST ALL**
DISCOVERY REGARDING THE EVALUATION DONE BY DR. CHAMBERS

17 On December 27, 2017, Defendant filed a Notice of Entry of Plea of Not Guilty by
18 Reason of Insanity and Notice of Defendant's Intention to Seek a Verdict of Guilty but
19 mentally Ill as to Any Offense of Which the Jury Finds him Guilty. As part of Defendant's
20 Motion, defense counsel provided the State will the following documents: 1) Competency
21 Evaluations, 2) Sunrise Medical Records and 3) a report from Dr. Mark Chambers. In the
22 instant State's Motion, given Defendant's plea, the State is requesting that Defendant be
23 subjected to an independent psychological evaluation by a doctor of the State's choosing. This
24 request is pursuant to NRS 174.035(6). Additionally, the State request the below discovery
25 from Defendant:

- 26 1. Any and all records, documents or studies relied upon by Dr. Chambers in his
27 evaluation of Defendant including by not limited:
28

- 1 a. Any and all medical records from Southern Nevada Adult Mental Health
2 Services pertaining to Defendant
3 b. Any and all medical records from Rawson-Neal Hospital pertaining to
4 Defendant
5 c. Complete record of all medical records from Sunrise Hospital pertaining to
6 Defendant not already provided to the State
7 d. Results, raw data, and actual test questions administered to Defendant by Dr.
8 Chambers during his evaluation and diagnosis of Defendant
9 e. All studies relied upon Dr. Chambers in his diagnosis of Defendant
10 2. All medical records from the Clark County Detention Center regarding Defendant to
11 the extent that they were relied upon by Dr. Chambers in his evaluation and diagnosis
12 of Defendant
13 3. All records, reports, evaluations from Lakes Crossings regarding Defendant to the
14 extent that they were relied upon by Dr. Chambers in his evaluation and diagnosis of
15 Defendant

16 CONCLUSION

17 For the foregoing reasons, the State respectfully requests that this Court grant the
18 State's Motion.

19 DATED this 9th day of January, 2018.

20 Respectfully submitted,

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

24 BY /s/ LEAH BEVERLY
25 LEAH BEVERLY
26 Chief Deputy District Attorney
27 Nevada Bar #012556

27 ///

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Notice of Motion and Motion for Independent Psychological Evaluation of Defendant and Request for Discovery, was made this 9th day of January, 2018, by Electronic Filing to:

JESS R. MARCHESE, ESQ.
marchesclaw@msn.com

/s/ J. MOSLEY
Secretary for the District Attorney's Office

Steven D. Grierson

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C317365-1
)	DEPT NO. XII
vs.)	
)	
ABEBAW KASSA,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

TUESDAY, JUNE 12, 2018

APPEARANCES:

FOR THE STATE:	LEAH C. BEVERLY, ESQ.
	DAVID STANTON
	Chief Deputy District Attorneys

FOR THE DEFENDANT:	JESS R. MARCHESE, ESQ.
	BENJAMIN C. DURHAM, ESQ

AMHARIC INTERPRETER	TESHAGER KELKAY
---------------------	-----------------

RECORDED BY: TRISHA GARCIA, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

1 LAS VEGAS, CLARK COUNTY, NEVADA, JUNE 12, 2018, 11:27 A.M.

2 * * * * *

3 (Outside the presence of the jury)

4 THE COURT: Okay. Good morning. State of Nevada
5 versus Kassa. He's present. He's in custody. He's using the
6 interpreter.

7 Would the interpreter, please state your name for the
8 record.

9 THE INTERPRETER: Tesh Kelkay, K-e-l-k-a-y.

10 THE COURT: And the type of interpreter.

11 THE INTERPRETER: Amharic.

12 THE COURT: Haric?

13 THE INTERPRETER: Amharic, A-m-h-a-r-i-c.

14 THE COURT: Okay. And are you okay where you're
15 sitting? The interpreter.

16 THE INTERPRETER: Yes.

17 THE COURT: Are you okay?

18 THE INTERPRETER: Yes, I am.

19 THE COURT: And you don't need earphones or anything
20 like that?

21 THE INTERPRETER: No.

22 THE COURT: You're all good, and so you'll let me
23 know if you have any issues. Do you have somebody that's going
24 to trade off with you or?

25 THE INTERPRETER: I'm not sure. I just got word 10

JD Reporting, Inc.

1 minutes ago.

2 THE COURT: So you have to let me know if and when
3 you need a break.

4 THE INTERPRETER: Okay, I will.

5 THE COURT: Okay?

6 THE INTERPRETER: Okay.

7 THE COURT: Both parties may state their appearances.

8 MS. BEVERLY: Leah Beverly and Dave Stanton for the
9 State.

10 MR. MARCHESE: Jess Marchese and Benjamin Durham on
11 behalf of Mr. Kassa. He's present in custody with the
12 assistance of the interpreter.

13 THE COURT: Thank you.

14 MS. BEVERLY: I just wanted to make a record of the
15 offer before we proceeded to trial. In this case I did offer
16 Mr. Kassa a negotiation of pleading guilty of one count of
17 second-degree murder of mentally ill for the stipulation of 10
18 to life. It's my understanding he doesn't want that offer. I
19 didn't give another alternate negotiations. I don't know if he
20 doesn't want anything or what's the situation.

21 THE COURT: Okay. That was -- that's the offer --

22 MS. BEVERLY: Yes.

23 THE COURT: -- and you're going to revoke it when we
24 start?

25 MS. BEVERLY: Yes.

1 THE COURT: Okay.

2 MS. BEVERLY: Yes.

3 MR. MARCHESE: That is a correct statement, Your
4 Honor. I believe we addressed this in front of Judge Johnson
5 as well, but I did relay that to my client. In addition I
6 spoke to him about some possible counter offers and if there
7 was anything that he wanted me to relate to the State on his
8 behalf, and I did not receive any response in reference to
9 that, so at this point we are ready for trial.

10 THE COURT: Okay. But he knows that you have put
11 everybody on notice that he is entering a plea of not guilty by
12 reason of insanity or not guilty, but mentally ill?

13 MR. MARCHESE: That is correct. He's also had at
14 least two evaluations after being at Lake's Crossing and going
15 through the competency proceedings in this case, which he was
16 cooperative on both. So he's well aware of it, and we actually
17 just had a conversation on Sunday in reference to that.

18 MS. BEVERLY: And it's just the State's understanding
19 that the plea is not guilty by reason of insanity and that's
20 how the clerk would read it; is that right?

21 THE COURT: So maybe I should clarify then because I
22 read your notice and it appeared to me as though you had
23 alternative which the statute allows you to do because you said
24 you cited to both statutes and said not guilty by reason of
25 insanity or not guilty -- I'm sorry. Not guilty by reason of

1 insanity or guilty, but mentally ill; is that correct?

2 MR. MARCHESE: That is -- that's a correct statement
3 of the notice that we filed with the courts I believe it was
4 back in December.

5 MR. STANTON: And, Your Honor, for purposes of the
6 jury, I think and I'm sure counsel will correct me if I'm
7 wrong, but I think the litigation of this case is premised upon
8 the defendant's plea of not guilty by reason of insanity and
9 not guilty. With guilty, but mentally ill I think is a
10 alternative that can be found by the jury, and we've submitted
11 verdict forms to address that, but the defendant to my
12 knowledge, and Ms. Beverly is by far more informed than I am
13 about the procedural history, is that he has never pled guilty
14 but mentally ill. So as I think pronounced to this jury he has
15 entered a plea of not guilty by reason of insanity and not
16 guilty.

17 THE COURT: Okay.

18 MR. MARCHESE: That's a correct statement, Your
19 Honor. And Mr. Stanton and Ms. Beverly came to me before
20 court as well as your clerk as to how we would like it read to
21 the jury, and that's how we'd like it read. That might be
22 something that during closing argument you can bring up. Maybe
23 a horrible analogy, but it would be like please give my client
24 probation, Your Honor, but if you're not inclined given the 12
25 to 30, so to speak --

1 THE COURT: No, I think the statute allows that.

2 MR. MARCHESE: Right. So we're certainly going to
3 argue the not guilty by reason of insanity and that is our
4 preference that the jury agree with that, but in the
5 alternative should they find him guilty that would be our
6 preference.

7 THE COURT: Okay. So I guess you can argue three
8 things. He's not guilty. He's not guilty by reason of
9 insanity. Or he's not -- he's guilty, but mentally ill.

10 MR. MARCHESE: Correct statement.

11 MS. BEVERLY: Okay.

12 THE COURT: Okay?

13 MR. STANTON: I just, yeah, my concern is to the jury
14 when they come in that the clerk's pronouncement when she reads
15 the Information that it be not guilty by reason of insanity and
16 not guilty.

17 THE COURT: That's what I believe she should read --

18 MR. STANTON: Right.

19 THE COURT: -- do you agree with that?

20 MR. MARCHESE: And that's what we'd like because the
21 jury might start getting confused and say why are we even here
22 if he's not guilty.

23 THE COURT: Right.

24 MS. BEVERLY: Okay.

25 THE COURT: I think it's an alternative that they can

1 be instructed on --

2 MR. MARCHESE: Absolutely.

3 MR. STANTON: Right.

4 THE COURT: -- during deliberations. So I'm assuming
5 there's going to be expert testimony on the guilty by reason of
6 insanity?

7 MR. MARCHESE: That is correct, Your Honor, and this
8 might be a good segue into that unless the State or Your Honor
9 had another issue that they wanted to raise?

10 MS. BEVERLY: No.

11 MR. MARCHESE: As Your Honor's aware, this case
12 started in front of Judge Johnson. We had had some issues
13 schedulingwise. I was actually going to look for a start next
14 week, but Ms. Beverly -- she has a family reunion slash
15 vacation scheduled so we had to keep it at this week.

16 My expert Dr. Brown is ready to testify. Your Honor
17 might have even seen that we filed a quote unquote blue jeans
18 notice. In order to do that I need to put IT on notice as to
19 when they need to get him ready to testify. He's currently in
20 Philadelphia giving some sort of a seminar --

21 THE COURT: Okay.

22 MR. MARCHESE: I don't think this is going to be an
23 issue, but he is scheduled to testify Thursday afternoon. I
24 just want let the Court know, I mean, we all know how trials
25 go, jurors don't show up, there's arguments outside of the

1 presence of the jury, what have you, that we might have an
2 issue having to call him out of order if our schedule doesn't
3 permit.

4 MS. BEVERLY: And the State had no objection in him
5 testifying via Skype, and we have no objection to him going out
6 of order if needed. But I really think once we pick a jury
7 hopefully today at the latest tomorrow morning we're going to
8 start flying through the witnesses because there's not a lot
9 that's in dispute.

10 MR. MARCHESE: Right. And there was some
11 stipulations --

12 MS. BEVERLY: That we'll talk about.

13 MR. MARCHESE: -- we'll probably --

14 MS. BEVERLY: Yeah.

15 MR. MARCHESE: We've had a meeting of the minds; we
16 just haven't come to a written stipulation on some of the
17 issues, but we're not contesting that the victim here was
18 killed that their -- so we're going to stipulate to that
19 element. We're also going to stipulate to the -- that there
20 was, in fact, arson.

21 MS. BEVERLY: Cause basically causing the origin of
22 the fire.

23 MR. MARCHESE: The cause of arson. We're not
24 obviously conceding that charge of course, but because I
25 believe that expert was unavailable this week?

1 MS. BEVERLY: Right. Our fire investigator was
2 unavailable, but since the cause and origin of the fire is
3 really not in dispute in this case, I think Your Honor can tell
4 what the dispute is, we're going to come up with just a written
5 stipulation to read to the jury. We'll talk about that this
6 afternoon about, like, the cause of the fire being incendiary
7 and the origin being a kitchen stove of such nature.

8 THE COURT: Okay.

9 MR. MARCHESE: And then one other issue --

10 THE COURT: Sure.

11 MR. MARCHESE: -- and I promise I'll sit down, Your
12 Honor.

13 THE COURT: No, you're fine.

14 MR. MARCHESE: Obviously being that the kind of case
15 that this is we had Mr. Kassa evaluated. The State did as
16 well. It's come to our attention in speaking with
17 Dr. Zuchowski that's in --

18 THE COURT: Okay. Now I'm just concerned 'cause the
19 interpreter is not interpreting.

20 THE INTERPRETER: Oh, he asked, Your Honor, he just
21 suggest to me he understands when he needs any phrase to be
22 interpreted he will --

23 THE DEFENDANT: Yeah.

24 THE INTERPRETER: -- you know, give me indication.
25 just to (inaudible).

1 MS. BEVERLY: He's been evaluated in English. He's
2 been -- so.

3 THE COURT: Okay. So -- so the interpreter is here
4 just in case he needs something interpreted?

5 MR. MARCHESE: I --

6 THE INTERPRETER: (Inaudible.)

7 THE COURT: I mean, 'cause he's entitled to
8 understand these proceedings in his language if that's what he
9 chooses.

10 MR. MARCHESE: I think it might be best if he does
11 interpret everything. I mean, I just -- I don't want to create
12 a bad record here. And I'm sure the State's in agreement on
13 that. I mean, Ms. Beverly is correct. I would say he's very
14 close to fluent; however, when there is legal terms that are
15 used, I think that's where the issue arises.

16 THE COURT: Okay. So I would prefer if the
17 interpreter interprets.

18 MR. MARCHESE: Yes.

19 THE COURT: So we have a clear record that the
20 proceedings he understood them and that they were in his native
21 tongue.

22 MR. MARCHESE: Correct.

23 THE COURT: Or interpreted into his native tongue.

24 MR. MARCHESE: And I'll try to slow down because I
25 know that it will be a little bit more difficult to interpret

1 and listen.

2 With that being said it is our intention to call
3 Dr. Zuchowski. We found out yesterday from our investigator
4 that Dr. Zuchowski would not be attending these proceedings.
5 I -- I've spoken with Dr. Zuchowski. He is an agreement that
6 he would testify in behalf of the defense. We have not noticed
7 him. I will -- we'll bring that out. The State did notice
8 him.

9 The State gave us a report I believe it was last
10 Monday. They forwarded a copy of Dr. Zuchowski's report. He
11 resides in Reno. So I am looking at doing his testimony as
12 well via Skype so I can save the State some money or the County
13 it should be because Dr. Drew Christensen will be the one
14 paying for that. But I just wanted everyone on notice in
15 reference to that. And if anyone had any problems then
16 obviously this is probably the forum to address it.

17 THE COURT: Do any --

18 MS. BEVERLY: I have no problem to any of the experts
19 testifying via Skype whoever they end up calling. So --

20 MR. MARCHESE: Well -- I'm sorry, go ahead.

21 MS. BEVERLY: I have just -- I have no objection to
22 that.

23 MR. MARCHESE: It would just be Dr. Brown and
24 Dr. Zuchowski. They're the only experts to my knowledge in
25 reference to mental illness that have been noticed by either

1 side.

2 MS. BEVERLY: Okay.

3 MR. STANTON: There's only one caveat to Zuchowski.
4 The State would like to address the Court about the
5 foundational aspect of the State's retention of him for this
6 case and whether that's relevant testimony before this jury.
7 But we don't need to do that now. We can do that down the road
8 a bit. But testifying to the sum and substance of that
9 Ms. Beverly indicated we have no objection.

10 THE COURT: I assume he was retained to rebut the not
11 guilty by reason of insanity?

12 MR. STANTON: He was retained to evaluate the
13 defendant after the defendant pled a GRI.

14 THE COURT: Okay.

15 MS. BEVERLY: Right. And then just last, but not
16 least, Your Honor, obviously there's going to be some medical
17 records in this case. Mr. Marchese and I have talked, and we
18 have decided that neither one of us, if it's okay with the
19 Court, needs to bring in a custodian of records for the medical
20 records, they are what they are so save some witnesses.

21 THE COURT: Okay. So you're going to stipulate to
22 their admission?

23 MS. BEVERLY: Yes. And he's stipulating to
24 (indiscernible).

25 THE COURT: Okay.

1 MR. MARCHESE: Yes. There might be a couple little
2 issues of some of the things contained therein. One of them
3 for example had the declaration of arrest inside of it, but we
4 can work that out. My client also had a misdemeanor battery
5 citation that was in one of his prior records; it doesn't
6 relate to this case. So when I did my redactions of the
7 personal identifiers the one I just took the citation out --

8 THE COURT: Sure.

9 MS. BEVERLY: And I redacted the State's records.

10 MR. MARCHESE: Yeah. So but we'll get together and
11 Ms. Beverly has been more than reasonable, and I appreciate her
12 professionalism so I don't think it's going to be an issue.

13 THE COURT: Okay. So anything else before we bring
14 the panel in?

15 MR. STANTON: One final thing, Judge --

16 THE COURT: You bet.

17 MR. STANTON: -- for your pronouncement it's been a
18 while since I've tried a case in front of you, but for your
19 pronouncement to this venire about the length of the trial, as
20 best we can -- here's the State's assessment. If we start
21 tomorrow morning early 8:30, 9:00, 9:30, we believe that the
22 primary State's case in chief will be complete tomorrow.

23 THE COURT: Oh, okay.

24 MR. STANTON: There are two straggler witnesses that
25 might carry over to Thursday. The only witness that's an

1 absolute accommodation if possible would be the forensic
2 pathologist from the coroner. And the only accommodation I
3 would ask for that is that he be the first witness in the
4 afternoon session whether that be tomorrow or Thursday. They
5 are three doctors short over there, and so they're buried. And
6 he was not the attending physician of this autopsy. That
7 coroner has since retired.

8 And so we also had a discussion this morning that
9 with the defense case experts and whoever else, I would
10 anticipate Wednesday, Thursday assuming we get a jury today.
11 And then if there is a penalty phase, it would be very
12 abbreviated, and we would be prepared to present the following
13 day whenever that may be. And it would last no longer than a
14 day. I couldn't even think we would fill up half a day. So
15 that's kind of the attorneys' best guess about what you've got
16 to tell the venire.

17 MS. BEVERLY: So maybe just tell them Monday at the
18 latest I'd say.

19 THE COURT: Okay. It sounds like Monday at the
20 latest and --

21 MS. BEVERLY: Just in case.

22 MR. MARCHESE: Yes.

23 THE COURT: -- probable it'll be done this week.

24 MS. BEVERLY: Right.

25 MR. MARCHESE: And Your Honor's schedule, tomorrow's

1 8:30 and then Thursday and Friday?

2 THE COURT: What is the -- I usually like on my
3 criminal day to start at 10:30. I'll just check to make sure
4 that's going to be okay.

5 Okay. So 10:30 won't be difficult, and I just need
6 to check one more thing before I tell you what time we'll start
7 Friday, but it'll be in the morning.

8 MR. MARCHESE: Okay. We'll figure it out.

9 MS. BEVERLY: Okay.

10 MR. STANTON: And then, Judge, if we can have for
11 tomorrow, once again, if we have a jury today then we can start
12 at 8:30, but if we don't -- but if we do then I think if
13 counsel can meet at 8:30 and then we tell the juror, if we have
14 a jury, to come back at 9:00. We can resolve any of our
15 pretrial issues in that half an hour, and then we'll be ready
16 to go right into the case at 9:00 tomorrow morning. So we'd be
17 here at 8:30, resolve some evidentiary issues and then be
18 prepared to open and present our case.

19 THE COURT: I can start earlier too.

20 MR. STANTON: No. There's no need.

21 THE COURT: I'm just saying.

22 MR. STANTON: Judge, I'm telling you this case is
23 going to fly.

24 THE COURT: Okay.

25 MR. STANTON: From the State's case in chief.

1 MR. MARCHESE: I think it will.

2 THE COURT: Okay.

3 MS. BEVERLY: We always say that and then --

4 THE COURT: No, I believe you.

5 MR. STANTON: I mean, but look we've got one issue in
6 this case, right, I mean, granted --

7 THE COURT: Right.

8 MR. STANTON: -- that's going to take a little bit, a
9 while to present the evidence, but other than that the skeletal
10 outline of the facts is going to be relatively truncated.

11 THE COURT: Okay. Anything else before we bring them
12 in?

13 MR. STANTON: Not from the State.

14 MS. BEVERLY: Not from the State.

15 THE COURT: Okay.

16 MR. MARCHESE: Thank you.

17 THE COURT: And we have how many that -- 50? I think
18 we have 50 potential jurors.

19 THE CLERK: Yes, 50.

20 THE COURT: Okay.

21 (Panel of prospective jurors entering 11:48 a.m.)

22 THE COURT: Okay. Does the State stipulate to the
23 presence of the jury venire?

24 MS. BEVERLY: Yes, Your Honor.

25 THE COURT: The defense?

1 MR. MARCHESE: Defense so does.

2 THE COURT: Thank you very much.

3 Good morning, ladies and gentlemen, and welcome to
4 Department 12 at the Eighth Judicial District Court. My name
5 is Michelle Leavitt. I'm the presiding Judge in this
6 department.

7 You've been summonsed here today to serve as jurors
8 in a criminal case. Before I do allow the attorneys to
9 introduce themselves and give you a brief statement of the
10 facts, I'm going to introduce the members of the staff in
11 Department 12 and give you a brief description of what they do.

12 You have already met Officer Hawkes; he's a court
13 marshal in Department 12. He's in charge of the security in
14 Department 12. He is also the person that you'll have the most
15 contact with throughout this process. Throughout the process
16 of selecting a jury and after we do have a jury impaneled,
17 myself, the attorneys, the parties are not permitted to have
18 any communication with you outside of the courtroom with the
19 exception of Officer Hawkes. He's the only one that's
20 permitted to communicate with you when we're outside of the
21 courtroom.

22 So when we break and have recesses and we go to lunch
23 and we come in and out of the courthouse, I just want to inform
24 you that if we see you, the attorneys, the parties, myself, the
25 staff with the exception of Officer Hawkes, we're not going to

1 communicate with you. We will not acknowledge if you say
2 hello. Please do not be offended by that. We're all just
3 maintaining our obligation to maintain the integrity of the
4 jury system. So if there is something that you need to
5 communicate to the Court, I ask that you do it in the courtroom
6 in the presence of all parties and on the record. The only
7 person that's permitted to have any communication with you
8 outside of that is Officer Hawkes.

9 To my right is Susan, and Susan is a clerk of the
10 court in Department 12. It's her job to keep the official
11 record. She takes the official minutes. She will also be the
12 person that takes charge of all of the evidence when it's
13 introduced at the time of trial. To her right is TJ, and TJ is
14 a law clerk in Department 12, and he assists the Court with
15 legal issues. And to his right is Tricia; she's the court
16 recorder. It's her job to take down everything that's being
17 said during this trial.

18 At the end of the trial, she'll be called upon by
19 myself to prepare a written transcript, which means she is
20 going to listen to the recording, and she is going to type
21 verbatim everything that transpires in the courtroom. So I ask
22 that if you're called upon to address the Court or the lawyers
23 at any time that before you respond that you please state your
24 name and the badge number that's been provided to you by the
25 jury commissioner so we have a clear record of who is speaking

1 at all times.

2 At this time going to allow the State of Nevada to
3 introduce themselves. Both sides are going to have an
4 opportunity to give you a brief statement of the facts.
5 They're also going to read you their witness list. I ask that
6 you pay close attention to the names on that witness list
7 because at some point I will ask you if any of you are familiar
8 with any of the witnesses who will be called to testify in this
9 matter.

10 MS. BEVERLY: Thank you, Your Honor.

11 Good afternoon, everyone. My name is Leah Beverly
12 and with me is David Stanton, and we are both chief deputy
13 district attorneys with the Clark County District Attorney's
14 Office. This week we are prosecuting the case of State of
15 Nevada versus Abebaw Kassa.

16 Now, this particular case involves an incident that
17 happened on July the 27th of 2016, at the address of 1009
18 Marion Drive which is here in Las Vegas. On that day the State
19 has alleged that Mr. Kassa set fire to the home that he was
20 living in and tragically the victim in this case Lolita Budiao
21 died in the course of that fire.

22 In our case in chief we plan to call the following
23 witnesses, the coroner Dr. Roquero, excuse me. Officers Brian
24 Artis and Matthew Terry. The homeowner Josefina Adams. Fire
25 investigator Andy Lewis. Firefighters Jordan Campbell and

1 Calvin Garland. Neighbors Sheila Gonzalez and Joyce Wharton.
2 And resident of the home Kristopher Ramos.

3 THE COURT: Thank you very much.

4 Mr. Marchese.

5 MR. MARCHESE: Thank you, Your Honor.

6 Good afternoon, everyone. My name is Jess Marchese.
7 I am here with my cocounsel Benjamin Durham, and we represent
8 this gentleman here in the black tie Mr. Abebaw Kassa.

9 In our case in chief we'll probably call some
10 witnesses. The first of whom will be Dr. Gregory Brown. We
11 may also call Dr. Steven Zuchowski. We also may call Mr. Toby
12 Tobiasson, Habteye Kassa, Abiye Chane, Gulilat Regassa, and
13 lastly Lemlem Kassa. Thank you.

14 THE COURT: Okay. Thank you very much. At this time
15 the clerk's going to call the roll of the panel of prospective
16 jurors. When your name is called, if you'll please indicate
17 present or here.

18 THE CLERK: Thank you, Your Honor.

19 (Roll called)

20 THE COURT: Is there anyone whose name was not called
21 by the clerk of the court?

22 The record will reflect no response from the panel.

23 If the ladies and gentlemen of the panel would please
24 stand and raise your right hand so you can be sworn in by the
25 clerk.

1 (Panel of prospective jurors sworn)

2 THE COURT: Thank you very much.

3 We are about to commence what is called voir dire
4 examination. The term voir dire means to tell the truth.
5 During this process you'll be asked questions bearing upon your
6 ability to sit as fair and impartial jurors. To accomplish
7 this result, various questions will be asked of you by myself
8 or counsel for the parties. On occasion some of these
9 questions will seem somewhat personal. While we do not wish to
10 unnecessarily pry into your personal lives, the questions are
11 necessary so that counsel and the Court can make an intelligent
12 determination as to your capabilities to serve fairly and
13 impartially.

14 I want you to know that myself, the attorneys, and
15 all persons involved in this case are concerned with having
16 this matter tried by jurors who are completely open-minded,
17 neutral, objective and unbiased in their thinking. Wide
18 discretion is vested in the trial Judges to the method of
19 examination of jurors. As I stated previously I will
20 personally conduct the voir dire, but I will give the attorneys
21 the opportunity to participate in this questioning.

22 It is important that you know the significance of
23 full, complete and honest answers to all the questions we're
24 about to ask you. I caution you not to try to hide or withhold
25 anything which may indicate bias or prejudice of any sort by

1 any of you. Should you fail to answer truthfully or if you
2 hide or withhold anything touching upon your qualifications,
3 that fact may tend to contaminate your verdict and subject you
4 to further inquiry even after you're discharged as jurors.
5 Your decision should be based upon all the evidence presented
6 during this trial and not based upon any preconceived prejudice
7 or bias.

8 I will conduct a general voir dire examination of all
9 of you while you're seated in the audience. After those
10 general questions, the clerk will call the first 32 names using
11 the order provided to us by the jury commissioner to fill the
12 jury box. At some point during the process of selecting a jury
13 the attorneys for both sides have the right to ask that a
14 particular person not serve as a juror. These requests are
15 called challenges. There are two types of challenges,
16 challenges for cause and peremptory challenges.

17 The challenge for cause means that a juror has been
18 excused because his or her answers to some of the voir dire
19 questions indicate that he or she would have a difficult time
20 in giving a fair and impartial hearing to the case. I will ask
21 the attorneys to pass or waive the prospective jury panel for a
22 cause challenge when they are done questioning the panel.

23 A peremptory challenge means that a juror can be
24 excused from duty without counsel having to give a reason for
25 the excusal. Please do not be offended should you be excused

1 by either of the challenge procedures; they are simply a part
2 of the procedure designed to protect the rights of the parties
3 under our system of government.

4 If you wish to respond to a question individually in
5 the affirmative, I just remind you to raise your hand and state
6 your name and badge number before responding.

7 Is there anyone on a panel who has ever been
8 convicted of a felony?

9 The record will reflect no response from the panel.

10 Is there anyone on the panel who is not a US citizen?

11 The record will reflect no response from the panel.

12 Is there anyone on the panel who is not a resident of
13 Clark County, Nevada?

14 The record will reflect no response from the panel.

15 Is there anyone on the panel who has such a sympathy,
16 prejudice or bias relating to age, religion, race, gender or
17 national origin that they feel would affect their ability to be
18 open minded, fair and impartial jurors?

19 Okay. Why don't we start up here with --

20 Your name --

21 PROSPECTIVE JUROR NO. 003: 003, Loren Trauth --

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR NO. 003: -- 003.

24 THE COURT: Thank you. Good morning.

25 PROSPECTIVE JUROR NO. 003: Good morning. I had an

1 aunt that was murdered, and it's very hard for me to be
2 unbiased when it comes to any kind of criminal activity that
3 certain elements are involved in.

4 THE COURT: Okay. I'm sorry that you have to tell us
5 that. Was that --

6 PROSPECTIVE JUROR NO. 003: It's very emotional.

7 THE COURT: Are you okay? We can discuss it here, or
8 we can discuss it at the bench. It's your pleasure. I want to
9 protect your privacy as much as possible.

10 PROSPECTIVE JUROR NO. 003: I think I'd rather come
11 up if that's okay.

12 THE COURT: Okay.

13 And the attorneys may approach.

14 (Conference at the bench begins)

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NO. 003: It's just a difficult
17 situation.

18 THE COURT: (Unintelligible) just a minute.

19 PROSPECTIVE JUROR NO. 003: I'm so sorry.

20 THE COURT: The record will reflect that Ms. Loren
21 Trauth is present at the bench and all four lawyers are
22 present.

23 Again, I'm sorry you have to tell us this --

24 PROSPECTIVE JUROR NO. 003: Yeah, I'm a little --
25 little nervous.

1 THE COURT: -- did this happen here or --

2 PROSPECTIVE JUROR NO. 003: No, in New Orleans. I've
3 only been here a little over a year and a half.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 003: And it actually did
6 happen in 2005, but it was an aunt that I was very, very close
7 with, my mother's sister. And she was followed home by a
8 couple of black gentlemen. If I want to call them gentlemen,
9 black young people. And they followed her to her house and
10 they murdered her in her driveway, shot her in her driveway.
11 And then they bragged about how good her dinner was that she
12 had brought home from her daughter's house. I'm sorry, I'm
13 just kind of shaking.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 003: It's still a very
16 emotional situation 'cause we were so very close.

17 THE COURT: Of course.

18 PROSPECTIVE JUROR NO. 003: And it's just been very
19 hard, you know, left New Orleans part of -- partially because
20 the crime situation there. And then came to Las Vegas to start
21 a new life, and I'll be honest it's a big city, but 2 million
22 people compared to 400,000 is a big difference. But it is very
23 difficult for me to be unbiased.

24 THE COURT: Okay. But you understand that that has
25 nothing to do with this case?

1 PROSPECTIVE JUROR NO. 003: I just wanted to --

2 THE COURT: Okay --

3 PROSPECTIVE JUROR NO. 003: -- make myself, you know.

4 THE COURT: Okay. All right. Do you believe that
5 what happened -- it sounds like because you know a lot about it
6 that they caught --

7 PROSPECTIVE JUROR NO. 003: Yes. They are in prison
8 for life, but you know I felt like they should have gotten the
9 death penalty. The family -- the children decided to go in a
10 different route so they wouldn't have to go back every year and
11 you know petition for them -- they wanted to have it closed,
12 you know, the case closed.

13 THE COURT: Was it a trial? Was it a plea? How was
14 it resolved; do you recall?

15 PROSPECTIVE JUROR NO. 003: There was a trial for --
16 I wasn't there for the first one because there was a shooter
17 and the driver, and I was there for when the driver was
18 convicted. The shooter had admitted to it, and then I went to
19 the trial for the driver.

20 THE COURT: Okay. Do you feel like your experience
21 would interfere with your ability to be fair to the parties in
22 this case?

23 PROSPECTIVE JUROR NO. 003: I don't know. He's -- is
24 he Indian? Is he Muslim? What is he even -- what is his
25 nationality?

1 THE COURT: Okay.

2 MR. STANTON: The State has no objection to excusing
3 this juror.

4 MR. DURHAM: Neither do we.

5 PROSPECTIVE JUROR NO. 003: Okay.

6 THE COURT: Okay. You can give her further
7 instructions. Thank you very much you are excused.

8 PROSPECTIVE JUROR NO. 003: Okay. Thank you.

9 (Conference at the bench ends)

10 THE MARSHAL: Anybody else with an answer to that
11 question on the top row?

12 THE COURT: I'll give you a minute, Officer Hawkes.

13 THE MARSHAL: Yeah, I'm just --

14 THE COURT: Oh, okay.

15 THE MARSHAL: -- I'll be right out in a second.

16 THE COURT: Got it.

17 THE MARSHAL: Anybody else in the top row? In the
18 bottom row here? Up front? Back here?

19 Here you go, sir.

20 PROSPECTIVE JUROR NO. 048: Good afternoon, Your
21 Honor. 048. Last name's Blinn.

22 THE COURT: Your badge number?

23 PROSPECTIVE JUROR NO. 048: 048, ma'am.

24 THE COURT: Okay. Go ahead.

25 PROSPECTIVE JUROR NO. 048: Service connected PTSD

1 veteran from Desert Storm in '91 and I don't feel I can be
2 impartial in this case.

3 THE COURT: Because --

4 PROSPECTIVE JUROR NO. 048: I have a prejudice
5 against people with certain religions in -- from parts of the
6 world.

7 THE COURT: Okay. Why don't you approach the bench.

8 PROSPECTIVE JUROR NO. 048: Yes, ma'am.

9 THE COURT: The court marshal will direct you.

10 (Conference at the bench begins)

11 THE COURT: All right. Just a moment.

12 PROSPECTIVE JUROR NO. 048: Yes, ma'am.

13 THE COURT: Mr. Blinn is present at the bench with
14 all four lawyers.

15 I'm sorry, you said you were --

16 PROSPECTIVE JUROR NO. 048: Yeah, I don't know -- I
17 don't know where the defendant is from, but he appears to be
18 Middle Eastern for me --

19 THE COURT: Okay --

20 PROSPECTIVE JUROR NO. 048: -- and for my service in
21 Desert Storm. I just automatically -- the whole PTSD and I
22 just -- it makes me very uncomfortable. I can feel like my
23 chest tightening and my body's starting to shake. I don't
24 associate with people that I dealt with in the Middle East.

25 THE COURT: Okay. So you believe based on what you

1 believe because we haven't talked about his nationality --

2 PROSPECTIVE JUROR NO. 048: Yeah.

3 THE COURT: -- what you believe it to be --

4 PROSPECTIVE JUROR NO. 048: Yes, ma'am.

5 THE COURT: -- (indiscernible) between and you can't
6 be fair?

7 PROSPECTIVE JUROR NO. 148: Yes, ma'am. Just from --
8 just from my history, yes.

9 THE COURT: Okay.

10 MR. STANTON: I have no objection, Your Honor.

11 THE COURT: The only thing from -- defense?

12 MR. MARCHESE: No, Your Honor.

13 THE COURT: Okay.

14 The court marshal will give you further instruction.

15 (Conference at the bench ends)

16 THE MARSHAL: Anybody else?

17 Please stand up.

18 THE COURT: Thank you.

19 Go ahead.

20 PROSPECTIVE JUROR NO. 063: I not understand the
21 question.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 063: What was the question?

24 THE COURT: Oh, you want me to repeat the question?

25 PROSPECTIVE JUROR NO. 063: Yes, please.

1 THE COURT: Okay. Is there anyone who has such a
2 sympathy, prejudice or bias relating to age, religion, race,
3 gender or national origin that you feel would affect your
4 ability to be an open minded, fair and impartial juror?

5 Did you want to respond to that? You don't have to.

6 PROSPECTIVE JUROR NO. 063: I didn't -- I don't
7 really understand what exactly that means.

8 THE COURT: You don't understand the question or you
9 don't understand the proceedings?

10 PROSPECTIVE JUROR NO. 063: The question.

11 THE COURT: Okay. Is it -- do you speak English? It
12 sounds like you do.

13 PROSPECTIVE JUROR NO. 063: Yeah, I do, but I don't
14 understand everything.

15 THE COURT: Okay. How long have you been in -- you
16 need to state your name and badge number, please.

17 PROSPECTIVE JUROR NO. 063: 063, Meseret Benti.

18 THE COURT: Okay. And you're a US citizen?

19 PROSPECTIVE JUROR NO. 063: Yes.

20 THE COURT: How long have you been a US citizen?

21 PROSPECTIVE JUROR NO. 063: More than 10 years.

22 THE COURT: Okay. How long have you been in the
23 United States?

24 PROSPECTIVE JUROR NO. 063: More than 10 years.

25 THE COURT: More than 10 years, 11, 12?

1 PROSPECTIVE JUROR NO. 063: Yeah --
2 THE COURT: When did you come to the United States?
3 PROSPECTIVE JUROR NO. 063: '96.
4 THE COURT: I'm sorry?
5 PROSPECTIVE JUROR NO. 063: '96.
6 THE COURT: Okay. And do you work?
7 PROSPECTIVE JUROR NO. 063: Yes.
8 THE COURT: What do you do?
9 PROSPECTIVE JUROR NO. 063: Driver. I'm a driver.
10 THE COURT: Okay. A cabdriver? A Lyft driver? A --
11 PROSPECTIVE JUROR NO. 063: Cabdriver.
12 THE COURT: A cabdriver?
13 PROSPECTIVE JUROR NO. 063: Yes.
14 THE COURT: How long have you done that?
15 PROSPECTIVE JUROR NO. 063: Almost three years.
16 THE COURT: Okay. And did you work before that?
17 PROSPECTIVE JUROR NO. 063: Yes.
18 THE COURT: And what did you do?
19 PROSPECTIVE JUROR NO. 063: Valet attendant.
20 THE COURT: A valet attendant?
21 PROSPECTIVE JUROR NO. 063: Yes.
22 THE COURT: Okay. Thank you very much. You can have
23 a seat.
24 PROSPECTIVE JUROR NO. 063: Okay.
25 THE MARSHAL: Anybody else?

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1 THE COURT: Is there anyone else that wishes to
2 respond to that question? Okay. The record will reflect no
3 further response from the panel.

4 Are there any of you on the panel who are acquainted
5 with the defendant in this matter?

6 Okay. Sir, go ahead.

7 PROSPECTIVE JUROR NO. 066: Brian Antonio, 066.

8 THE COURT: You're familiar with Mr.--

9 PROSPECTIVE JUROR NO. 066: I'm not familiar with
10 him, but I'm saying that I used to have a roommate by the name
11 of Abraham Kassa who lived with me for, like, five years.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 066: I didn't know if that
14 mattered or anything, so I just wanted to put it out there.

15 THE COURT: All right. Does it matter to you?

16 PROSPECTIVE JUROR NO. 066: No, I just didn't know if
17 I was supposed let you guys know.

18 THE COURT: I appreciate that. Is there anything
19 about your roommate and that they may have the same -- it
20 appears like they may have the same last name --

21 PROSPECTIVE JUROR NO. 066: Yeah, they have --

22 THE COURT: -- is there anything about that that
23 would interfere with your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 066: Probably not. I don't
25 think so.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 066: I just wanted to put it
3 out there that I knew someone with the same last name.

4 THE COURT: I do appreciate that. Do you know this
5 Mr. Kassa?

6 PROSPECTIVE JUROR NO. 066: No.

7 THE COURT: Do you ever recall meeting him?

8 PROSPECTIVE JUROR NO. 066: Not that I know of.

9 THE COURT: Ever recall your roommate talking about
10 other family members?

11 PROSPECTIVE JUROR NO. 066: His dad and his brother.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 066: But supposedly his
14 brother lived in California from what I assume.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NO. 066: I don't know.

17 THE COURT: Okay. Thank you very much.

18 PROSPECTIVE JUROR NO. 066: You're welcome.

19 THE COURT: And I appreciate you letting us know
20 that.

21 Is there anyone else? The record will reflect no
22 response from the panel.

23 Are there any of you on the panel who are acquainted
24 with his attorneys, the defendant's attorneys?

25 Officer Hawkes, you have someone up here.

1 PROSPECTIVE JUROR NO. 037: 037, I'm sorry, 037.
2 Jason Puente. I actually had a DUI, like, 10 years ago and his
3 attorney was my -- who I went through when I had my -- when I
4 went through it.

5 THE COURT: Okay. So one of these attorneys
6 represented you previously?

7 PROSPECTIVE JUROR NO. 037: Mr. Marchese, yeah.

8 THE COURT: Okay. And 10 years ago?

9 PROSPECTIVE JUROR NO. 037: Seven somewhere around
10 there, seven or eight, yeah.

11 THE COURT: Okay. Anything about that that would
12 interfere with your ability to be fair and impartial?

13 PROSPECTIVE JUROR NO. 037: No.

14 THE COURT: And it was professional --

15 PROSPECTIVE JUROR NO. 037: Yes.

16 THE COURT: -- and you're not a client of him right
17 now?

18 PROSPECTIVE JUROR NO. 037: Yeah. Absolutely, yeah.

19 THE COURT: All right. Thank you.

20 Anyone else familiar with the defendant's attorneys?

21 The record will reflect no response from the panel.

22 Are there any of you who are acquainted with the
23 deputy district attorneys who have been assigned to prosecute
24 this matter?

25 The record will reflect no response from the panel.

1 The district attorney's office employs many deputies
2 and other personnel. Is there anyone who has such a close
3 relationship to either Mr. Steve Wolfson, the district
4 attorney, his deputies or other members of his staff that you
5 feel might affect your ability to serve as a fair and impartial
6 juror in this particular case?

7 The record will reflect no response from the panel.

8 Are there any of you on the panel who are acquainted
9 with any of the witnesses who will be called to testify in this
10 matter?

11 The record will reflect no response from the panel.

12 We do expect this case to be a rather short case. We
13 expect it to be done this week. However, there is a
14 possibility it could go over into Monday, but I don't think
15 that we would go beyond Monday.

16 Is there anyone that serving for that short period of
17 time would create such an undue hardship or burden that it
18 would make it impossible for you to be here?

19 Okay.

20 PROSPECTIVE JUROR NO. 002: Joahn Palma, 002. I'm a
21 consultant and I work based off the hours I work. Since I'm
22 not present at work I don't get paid.

23 THE COURT: All right. How would that affect you if
24 you're required to be here till next Monday?

25 PROSPECTIVE JUROR NO. 002: That would put me out at

1 least 5, 6 days out of work so I pretty much use it to pay all
2 my bills so.

3 THE COURT: Okay. You would not be able to pay your
4 bills?

5 PROSPECTIVE JUROR NO. 002: Correct.

6 THE COURT: Okay. Thank you, sir.

7 THE MARSHAL: Anybody else in the top row?

8 Pass it down, please.

9 PROSPECTIVE JUROR NO. 011: Alphonse Paduano, 0011.
10 I'm a deacon in the Roman Catholic Church aside from having my
11 regular job as a casino dealer. So being away for any length
12 of time from church duties and what I do would hinder me.

13 THE COURT: Okay. How -- you work also?

14 PROSPECTIVE JUROR NO. 011: Yes, I do.

15 THE COURT: All right. So what are your church
16 duties and when do you conduct them?

17 PROSPECTIVE JUROR NO. 011: Well, it's not only on
18 weekends, you know, there's visitations, there's Catholic
19 charities down here. There's a lot that we do during the week
20 also.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 011: So I'm a swing shift
23 worker, but still find time during the day also.

24 THE COURT: All right. But you know if you're called
25 to serve on this jury panel that we are here during business

1 hours 8:30 to 5:00 generally?

2 PROSPECTIVE JUROR NO. 011: Correct. Right.

3 THE COURT: Okay. So you would just have to not do
4 that for a few days. Is that going to be okay?

5 PROSPECTIVE JUROR NO. 011: Yeah. It's just the
6 length of time I'm having a problem with, you know,
7 (inaudible).

8 THE COURT: Okay. What time?

9 PROSPECTIVE JUROR NO. 011: You said till Monday.

10 THE COURT: Right. I said that would probably be the
11 latest.

12 PROSPECTIVE JUROR NO. 011: Oh, okay. Yeah.

13 THE COURT: Okay. But then you'd be able to go back
14 to all your duties.

15 PROSPECTIVE JUROR NO. 011: Right.

16 THE COURT: Okay. Would you be able to be here?

17 PROSPECTIVE JUROR NO. 011: Yes.

18 THE COURT: Okay. Thank you, sir. Thank you for
19 being here.

20 PROSPECTIVE JUROR NO. 016: Your Honor, my name is
21 Roque Hernandez, 016. And I have a boat cruise on Friday and
22 it will last until the 19th.

23 THE COURT: Okay. I'm sorry?

24 PROSPECTIVE JUROR NO. 016: A boat cruise -- going
25 to --

1 THE MARSHAL: He's going on a cruise.

2 THE COURT: Oh, a cruise. When are you going?

3 PROSPECTIVE JUROR NO. 016: Friday, and it will last
4 until the 19th.

5 THE COURT: Okay. And you've had this preplanned?

6 PROSPECTIVE JUROR NO. 016: Yes, ma'am, yeah, it's a
7 high school reunion sorta.

8 THE COURT: All right. And you're set to leave
9 Friday morning, afternoon ---

10 PROSPECTIVE JUROR NO. 016: Friday, yeah.

11 THE COURT: Okay. All right. Thank you, sir.

12 PROSPECTIVE JUROR NO. 016: Thank you.

13 THE COURT: Good morning.

14 PROSPECTIVE JUROR NO. 017: Sorry. 0017, Tiffany
15 Saliani. I'm a single mom and as such I don't have any paid
16 time off available to accrue, and missing a couple of days work
17 does hinder my ability to pay my bills.

18 THE COURT: Okay. What do you do?

19 PROSPECTIVE JUROR NO. 017: I'm an admin at a therapy
20 place for children.

21 THE COURT: All right. And you won't get paid if
22 you're required to be here?

23 PROSPECTIVE JUROR NO. 017: No, I don't. I don't get
24 paid if I'm required to be here.

25 THE COURT: All right. You asked before you came

1 here?

2 PROSPECTIVE JUROR NO. 017: Yeah. We're not a State
3 facility, and I don't have any -- or a casino or anything.
4 They don't pay us for our time.

5 THE COURT: Okay. And if you are required to be here
6 for that long you would not be able to pay your bills?

7 PROSPECTIVE JUROR NO. 017: No. It would make it
8 really difficult 'cause I can't make up the money.

9 THE COURT: Thank you. Thank you for being here.
10 Anyone else on the second row?

11 Right -- Officer Hawkes, I don't know where you're
12 going. You've got a bunch of people right there.

13 THE MARSHAL: I'm trying to get to the second row.

14 THE COURT: I thought you were going to walk out into
15 the gallery.

16 THE MARSHAL: No, no. (Unintelligible) stand up when
17 I went to the top row.

18 PROSPECTIVE JUROR NO. 019: Juror 019, William
19 Costello. I'm a member of a trade organization and we're
20 teaching a course up in Reno from Monday through Wednesday of
21 next week. I am the coordinator for this course and due to the
22 nature of our organization it's only people who are in our
23 trade who can lead the course. So if it went through Sunday
24 when I fly up there, I couldn't be able to stay for the jury.

25 THE COURT: Well, if you were on this panel you would

1 be ordered to stay here. I mean, you understand that, right?

2 PROSPECTIVE JUROR NO. 019: Understood.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 019: And due to the nature of
5 our organization there's no one who can fill my spot to be able
6 to coordinate this course. It's only 230 members in our
7 organization, so I think it would be impossible to fulfill. We
8 have people who have signed up for this class. It's 110 people
9 for this class, and we would be unable to fulfill their
10 requirement.

11 THE COURT: When was this class scheduled?

12 PROSPECTIVE JUROR NO. 019: It was scheduled at the
13 beginning of the year.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 019: Yeah. And I booked
16 tickets, and I booked the hotel space for all of the students
17 and all this many months ago.

18 THE COURT: Before you got your jury summons?

19 PROSPECTIVE JUROR NO. 019: Correct.

20 THE COURT: Okay. Thank you, sir.

21 PROSPECTIVE JUROR NO. 019: Thank you.

22 THE MARSHAL: You can just pass that down.

23 PROSPECTIVE JUROR NO. 027: Hello.

24 THE COURT: Good morning.

25 PROSPECTIVE JUROR NO. 027: My number is 027. My

1 name is Tiffany Sendra. I run my own business. So missing days
2 of work -- and I go to school too so, like, missing any days
3 right now would be, like, you know, I won't be able to make my
4 money or anything like that so --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 027: Kind of freaking out
7 about that.

8 THE COURT: All right. So I understand that it's
9 probably a hardship for everyone to be here. Everyone that has
10 jobs are probably going to miss their jobs, family obligations.
11 When I'm looking -- because I assume everybody has those types
12 of issues. Is it something, I mean, what is it that's
13 bothering you that you want to tell me? You can be here, you
14 can't be here?

15 PROSPECTIVE JUROR NO. 027: I mean, I can if I have
16 to --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 027: -- but my issue is, like,
19 I'm just going to be absolutely dreading it because at this
20 point I'm freaking out about money because I run my own
21 business, so I have to constantly be working in order to make
22 money.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NO. 027: I sell CBD oil -- oil so.

25 THE COURT: Okay. And, I mean, you have like a

1 storefront --

2 PROSPECTIVE JUROR NO. 027: I do online stuff right
3 now. So right now I'm trying to promote and do advertising and
4 school and all that stuff.

5 THE COURT: Okay. And being here, I mean, we're not
6 here 24 hours. Remember I said it's usually between 8:30 and
7 5:00?

8 PROSPECTIVE JUROR NO. 027: Right. Business hours
9 which is when I do most of my work.

10 THE COURT: Online is --

11 PROSPECTIVE JUROR NO. 027: Uh-huh. Yeah, I have to
12 call other people and work with their schedules too so.

13 THE COURT: Okay. Would you be able to pay your
14 bills if you were asked to be here? I mean, I'm not trying to
15 make it so people are homeless, I hope you understand that.

16 PROSPECTIVE JUROR NO. 027: No, totally. Yeah, I get
17 that. I don't -- I honestly don't know because at this point
18 my money it varies on each day. So I hustle each day to get
19 every single dollar so I'm just --

20 THE COURT: Sure.

21 PROSPECTIVE JUROR NO. 027: Yeah, I'm just trying as
22 hard as I can. And at this point even just taking a few days
23 I'm, like, freaking out so.

24 THE COURT: Okay. Let me ask you this. You said you
25 go to school also?

1 PROSPECTIVE JUROR NO. 027: Yes.

2 THE COURT: Where do you go to school?

3 PROSPECTIVE JUROR NO. 027: I do online schooling as
4 well.

5 THE COURT: And when do you, I guess, fit the school
6 in? Can you do it whenever you want?

7 PROSPECTIVE JUROR NO. 027: I guess, yeah. But I've
8 had block schedules for a few months now where I have, like,
9 two or three hours every day where I just focus on school.

10 THE COURT: So every day it's two to three hours?

11 PROSPECTIVE JUROR NO. 027: Yeah.

12 THE COURT: How many --

13 PROSPECTIVE JUROR NO. 027: I'm -- I'm sorry.

14 THE COURT: How many credits?

15 PROSPECTIVE JUROR NO. 027: I'm not sure. I'm trying
16 to become a health coach. So it's just kind of like a program
17 online.

18 THE COURT: Okay. So not necessarily measured in
19 credits. How do you measure how much schooling you're doing?
20 Is it by course?

21 PROSPECTIVE JUROR NO. 027: Just certifications I
22 guess you could say until I get certified.

23 THE COURT: Okay. And how long does it take?

24 PROSPECTIVE JUROR NO. 027: Six months to a year.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 027: So coming up on that year
2 mark where I need to get it done.

3 THE COURT: All right. So you're towards the end?

4 PROSPECTIVE JUROR NO. 027: Uh-huh.

5 THE COURT: Being here for a few days might interfere
6 with getting it done, or would you be able to get it done
7 eventually?

8 PROSPECTIVE JUROR NO. 027: I've actually had to
9 reschedule a few of my labs that I had scheduled for this week.
10 So I'm required to finish 12 of those, and I've finished three
11 and I had three scheduled for this week. So I'm already kind
12 of behind because --

13 THE COURT: Twelve in a year and you've only done
14 three?

15 PROSPECTIVE JUROR NO. 027: I know. I'm slacking.

16 THE COURT: Okay. All right. Anything else?

17 PROSPECTIVE JUROR NO. 027: No. That's it.

18 THE COURT: Okay. Thank you. Thank you very much
19 for being here.

20 PROSPECTIVE JUROR NO. 027: Yeah.

21 THE MARSHAL: Next? Anybody else in this row? In
22 the front?

23 THE COURT: Good morning.

24 PROSPECTIVE JUROR NO. 033: Good morning. Hello.
25 I'm Julie Giron and my badge number is 033.

1 THE MARSHAL: Ma'am, can you speak directly into the
2 microphone, please.

3 PROSPECTIVE JUROR NO. 033: Julie Giron. My badge
4 number is 033. I'm a grandmother of four kids, 11, 7, a 5, and
5 a 2. My daughter works to provide for my grandkids. And
6 especially now that it's summertime I take care of them, you
7 know, when she goes to work.

8 THE COURT: Are they all out of school?

9 PROSPECTIVE JUROR NO. 033: Yes, ma'am.

10 THE COURT: Okay. You were able to be here today;
11 correct?

12 PROSPECTIVE JUROR NO. 033: Yeah, 'cause she's off
13 today. She works Monday, Tuesday, Wednesday, Thursday.

14 THE COURT: She works Monday because today is
15 Tuesday?

16 PROSPECTIVE JUROR NO. 033: She works Monday,
17 Wednesday, Thursday and Friday.

18 THE COURT: Okay. What are her hours?

19 PROSPECTIVE JUROR NO. 033: She starts at 8:00
20 o'clock in the morning.

21 THE COURT: Okay. What does she do?

22 PROSPECTIVE JUROR NO. 033: She's a personal trainer
23 at a gym.

24 THE COURT: All right. That's a very nice grandma to
25 watch four kids.

1 PROSPECTIVE JUROR NO. 033: Yeah. I've been doing
2 that for -- and then she goes to school too so.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 033: I've been doing that
5 since we moved here. Because I want her to go to school to
6 provide for the grandkids.

7 THE COURT: Of course. And if you were required to
8 be here she'd have to find someone else for the kids; right?

9 PROSPECTIVE JUROR NO. 033: Yes, yeah. She has to go
10 out to find a daycare because the kids haven't been in a
11 daycare for -- I always took care of them.

12 THE COURT: All right --

13 PROSPECTIVE JUROR NO. 033: So this would be --

14 THE COURT: -- and she knows you've had a jury
15 summons for a couple of months now; right?

16 PROSPECTIVE JUROR NO. 033: I told her a week or two,
17 yeah.

18 THE COURT: Okay. All right.

19 PROSPECTIVE JUROR NO. 033: That's when I told her
20 and then today she's off so. And one more thing is that I
21 don't have a ride to come here.

22 THE COURT: You don't have a what?

23 PROSPECTIVE JUROR NO. 033: A ride.

24 THE COURT: How did you get here today?

25 PROSPECTIVE JUROR NO. 033: I took the Uber because I

1 don't want to be late.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 033: Because I have to take
4 three -- it takes three buses to get here because I live in
5 Henderson. So but --

6 THE COURT: All right. But if you were required to
7 be here, you either take a bus or you take an Uber; right?

8 PROSPECTIVE JUROR NO. 033: Yes.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 033: That's why I took it
11 today because I don't want to be late.

12 THE COURT: Okay. I appreciate that, and thank you
13 very much for being here.

14 PROSPECTIVE JUROR NO. 033: Okay. Thank you.

15 THE MARSHAL: Next in the front row.

16 PROSPECTIVE JUROR NO. 035: Good afternoon. My name
17 is Linda Kapel, Juror No. is 0035. I'm an employee of downtown
18 Dillard's Summerlin for Estée Lauder for 43 years. We've had an
19 event planned for the last eight weeks. We have Jake who is an
20 international makeup artist, and we have two people on our
21 counter and I am the major seller. We're required to do
22 \$10,000 on that day --

23 THE COURT: On one day?

24 PROSPECTIVE JUROR NO. 035: -- and I have 55 ladies
25 coming in and if I don't show up there's nobody there to help

1 facilitate so, you know --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 035: -- it might not seem like
4 a big thing --

5 THE COURT: (Unintelligible.)

6 PROSPECTIVE JUROR NO. 035: -- but my pay is based
7 upon what I sell. So I've been working really hard for last
8 eight weeks. I purposely took today and tomorrow off because I
9 thought it was just going to be two days, but I did not know it
10 was going to run longer than that where I would have to miss
11 out.

12 THE COURT: Okay. Well, who told you it was only two
13 days?

14 PROSPECTIVE JUROR NO. 035: Well, I've never done
15 jury duty before and everybody I've talked to said oh, you'll
16 probably be there, like, one or two days. So when you said
17 Friday or Saturday I was, like, oh, my gosh, I have my job.

18 THE COURT: I didn't say Saturday. I mean, I've been
19 known to do that, but I won't do that in this trial.

20 PROSPECTIVE JUROR NO. 035: Yeah, I'm just stating
21 my --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 035: -- my situation so.

24 THE COURT: Monday through Friday you have the
25 weekends off. We can't even conduct court on Sunday so.

1 PROSPECTIVE JUROR NO. 035: I know. But we're down
2 to two people on our line. So that means that the one lady
3 that's 70 years old has to run the counter for 10 hours and
4 she's not going to be able to do it. So I'm the only other one
5 left.

6 THE COURT: Okay. And your employer is?

7 PROSPECTIVE JUROR NO. 035: Dillards department
8 store.

9 THE COURT: Okay. I just wanted to make sure --

10 PROSPECTIVE JUROR NO. 035: Uh-huh.

11 THE COURT: -- it's not Estée Lauder, it's Dillards?

12 PROSPECTIVE JUROR NO. 035: Estée Lauder pays half my
13 pay; Dillards pays the other half.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR NO. 035: You're welcome.

16 THE COURT: Thank you for being here.

17 PROSPECTIVE JUROR NO. 037: 0037 or 037, Jason. The
18 hardship would be I had to take off two months -- I had cardiac
19 arrest in January 16th --

20 THE COURT: Oh, I'm sorry.

21 PROSPECTIVE JUROR NO. 037: -- it's all right. I
22 made it so, but I had to take two months off and now the bills
23 are starting to come in now. So taking -- I bartend so not
24 being on the bar it hurts so I wouldn't -- it would really put
25 a strain on it, and I'm doing my cardiac rehab right now Monday

1 Wednesday and Fridays so.

2 THE COURT: Okay. How would it affect you
3 financially if you were required to be here?

4 PROSPECTIVE JUROR NO. 037: I would -- it would set
5 me back tremendously because obviously bartending we don't get,
6 you know, our hourly wage is minimal.

7 THE COURT: What hours do you work?

8 PROSPECTIVE JUROR NO. 037: Usually 12 to right
9 around 8:30 9:00 o'clock 10:00 o'clock at night.

10 THE COURT: Okay. So noon to --

11 PROSPECTIVE JUROR NO. 037: Noon to 8:00,
12 9:00 depending on business, you know, how busy it is.

13 THE COURT: Would you be able to be able to pay your
14 bills?

15 PROSPECTIVE JUROR NO. 037: I'm not sure if I would
16 be able to or not. Like I said, the bills -- medical bills are
17 the ones that are burying me right now so.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 037: That would be very
20 difficult.

21 THE COURT: And you -- your cardiac rehab, that's on
22 Mondays and Wednesdays?

23 PROSPECTIVE JUROR NO. 037: Monday, Wednesday,
24 Friday.

25 THE COURT: Okay. And what time do you go to that?

1 PROSPECTIVE JUROR NO. 037: Ten -- no 9:30 to 11:00.

2 THE COURT: And that's some sort of therapy I assume?

3 PROSPECTIVE JUROR NO. 037: Yeah, where you go and
4 they put, you know, the monitors on your heart to see that, you
5 know, when you're doing the exercise that you're not getting
6 too excited over it, and, you know, and your pulse isn't going
7 over what it should be, like, exceeding -- it's, like, your
8 heart rate.

9 THE COURT: Okay. And how long -- how much longer of
10 that do you have to do?

11 PROSPECTIVE JUROR NO. 037: I think I have six weeks
12 left.

13 THE COURT: Okay. Thank you, sir. Thank you for
14 being here.

15 Anyone else on the left before I go over here?

16 Okay. I think you're good.

17 PROSPECTIVE JUROR NO. 044: Good afternoon, Your
18 Honor.

19 THE COURT: Good afternoon.

20 PROSPECTIVE JUROR NO. 044: Badge 44, Casiano
21 Flaviano. Unfortunately I'm -- my duties as a medical director
22 for an inpatient rehabilitation facility in town require that I
23 be the one to determine the eligibility and authorization of
24 any admission into the unit. And right now they're holding off
25 any decisions until after 5:00 for today, but it would be a

1 hardship for the facility if I were not available to do that
2 particular job for a few days into Monday.

3 THE COURT: Okay. But they know you're here; right?

4 PROSPECTIVE JUROR NO. 044: Yes, ma'am.

5 THE COURT: Okay. Thank you. Thank you for being
6 here.

7 Anyone else?

8 PROSPECTIVE JUROR NO. 040: Good morning, Your Honor.

9 THE COURT: Good morning.

10 PROSPECTIVE JUROR NO. 040: 040, John Golez. This is
11 all about financial issues, paying the bills, support my kids,
12 two kids going to UNLV. So I really need to go to work every
13 day. I work as a cabdriver.

14 THE COURT: Okay. And what hours do you work?

15 PROSPECTIVE JUROR NO. 040: From 11:00 to 11:00,
16 like, for the hardship for five days.

17 THE COURT: Okay. And if you're required to be here,
18 would you be able to pay your bills?

19 PROSPECTIVE JUROR NO. 040: Yeah.

20 THE COURT: Okay. All right. Thank you.

21 PROSPECTIVE JUROR NO. 040: Uh-huh. Welcome.

22 THE COURT: Thank you for being here.

23 Good morning.

24 PROSPECTIVE JUROR NO. 049: Good morning, Your Honor.

25 THE COURT: I guess it's afternoon.

1 PROSPECTIVE JUROR NO. 049: Oh, afternoon. 049,
2 Nellana Lobdell. I'm a mental health therapist, and I work with
3 a caseload of about 70 court-ordered clients. The hardship is
4 if I'm not there, they don't get seen. I work four tens,
5 Monday, Wednesday, Thursday, Friday, like, 8:00 to about 7:00.
6 So that's my concern that the court-ordered clients won't be
7 seen this week.

8 THE COURT: Okay. Thank you. Thank you for being
9 here.

10 THE MARSHAL: Anybody else in this front row here?

11 PROSPECTIVE JUROR NO. 057: Good afternoon. My badge
12 number is 0057. I don't know if --

13 THE COURT: Zero, zero --

14 PROSPECTIVE JUROR NO. 057: 0057.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 057: Well, I don't know if
17 they give me, like, on work -- I don't know they let me come
18 this week because eventually I take my vacations for this
19 month, and I had three weeks, and I told them already and I
20 don't know if I'm able to come this week or not.

21 THE COURT: You told who you weren't able to come?

22 PROSPECTIVE JUROR NO. 057: Oh, my boss. I don't
23 know I need to tell her is able, like, not work this week
24 because already I take my vacations -- my vacation for this
25 month.

1 THE COURT: Okay. So I don't know, is there a
2 question? You need to tell your boss that you're here? I'm
3 assuming your --

4 PROSPECTIVE JUROR NO. 057: No. She knows that I'm
5 here --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 057: -- but I don't know if
8 she can let me come this week because I'm already take my
9 vacations.

10 THE COURT: She would be in violation of the law if
11 she prevented you from being here so --

12 PROSPECTIVE JUROR NO. 057: I'm not even --

13 THE COURT: -- she's going to let you be here I
14 promise you that.

15 PROSPECTIVE JUROR NO. 057: Yeah, I know. Even it's
16 going to be hard to pay my bills later because I cannot miss so
17 many -- well, this week and the next vacations.

18 THE COURT: Okay. What do you do?

19 PROSPECTIVE JUROR NO. 057: Work housekeeping.
20 That's --

21 THE COURT: And where?

22 PROSPECTIVE JUROR NO. 057: I'm doing her house, and
23 I'm the only employee there watching over other employees. But
24 I'm the only one be there working for her to take care of the
25 house.

1 THE COURT: Okay. All right. Thank you.

2 PROSPECTIVE JUROR NO. 057: Okay.

3 THE COURT: Thank you for being here.

4 PROSPECTIVE JUROR NO. 061: Good afternoon. Badge
5 number 0061, Vivian Martin. I'm just concerned about being
6 able to afford all of my bills and rent after a huge
7 (indiscernible) bill after last week. And it would be
8 difficult for me to miss days of work. I work Monday through
9 Friday 8 to 5.

10 THE COURT: Okay. And so what you do?

11 PROSPECTIVE JUROR NO. 061: I'm an English teacher
12 for foreign nationals.

13 THE COURT: And do you get paid if you're here?

14 PROSPECTIVE JUROR NO. 061: I will not get paid if
15 I'm here, no. I don't have any paid time off. I've taken all
16 of my vacation for the year.

17 THE COURT: And if you're required to be here, would
18 you be able to pay your bills?

19 PROSPECTIVE JUROR NO. 061: I don't think so.

20 THE COURT: Okay. Thank you.

21 Anyone else?

22 PROSPECTIVE JUROR NO. 063: 063, Meseret Benti. I'm
23 also a single mom, but I work six days to cover my bill. And
24 my job is -- I work where the schedule is Friday, Saturday,
25 Sunday, Monday; the rest I sign in myself to work to cover my

1 bill. So the company will not pay me with my day of which I'm
2 working. So my job is based on -- my income is with my
3 (indiscernible). So I have to work six days to cover my bill,
4 but if I'm here that means I'm not going to get that money to
5 cover my rent or my utilities.

6 THE COURT: Okay. If you're required to be here are
7 you going to be able to pay your bills?

8 PROSPECTIVE JUROR NO. 063: Today I should been at
9 work, but I'm here. I'm not getting money -- the check I'm
10 getting is not going to cover my bills.

11 THE COURT: Okay. Thank you. Thank you for being
12 here.

13 Anyone else?

14 Okay. The record will reflect no further response
15 from the panel.

16 Are there any of you who believe that for any other
17 reason you would be unable to serve as a juror in this
18 particular case?

19 The record will reflect no response from the panel.

20 Is there anyone on the panel who's ever been engaged
21 in law enforcement work or had a spouse or close relative whose
22 ever been engaged in law enforcement work?

23 Okay. We'll start over here. Second row.

24 PROSPECTIVE JUROR NO. 025: Hi. Number 25, Leslie
25 Church. My aunt is the Sheriff's assistant. So just

1 disclosing that.

2 THE COURT: Okay. Is there anything about that that
3 would interfere with your ability to be fair and impartial?

4 PROSPECTIVE JUROR NO. 025: No.

5 THE COURT: And you understand that if you're asked
6 to serve as a juror on this case, that you're not permitted to
7 discuss the case with anyone including your fellow jurors until
8 you go back to deliberate on your verdict; do you understand
9 that?

10 PROSPECTIVE JUROR NO. 025: I do.

11 THE COURT: And you would comply with that order?

12 PROSPECTIVE JUROR NO. 025: Yep.

13 THE COURT: Okay. Thank you.

14 PROSPECTIVE JUROR NO. 025: Thanks.

15 THE MARSHAL: Anybody else in this row? The bottom.

16 PROSPECTIVE JUROR NO. 037: 037, Jason. My fiancé
17 actually works for parole and probation; she's a PSI
18 investigator.

19 THE COURT: PSI investigator or writer?

20 PROSPECTIVE JUROR NO. 037: Writer, I'm sorry.

21 THE COURT: Okay. Anything about that that would
22 interview with your ability to be fair and impartial?

23 PROSPECTIVE JUROR NO. 037: No. I just wanted to
24 disclose that so that way --

25 THE COURT: Okay, and again you know you wouldn't be

1 able to discuss the case with anyone including your fellow
2 jurors until you went back to deliberate upon your verdict?

3 PROSPECTIVE JUROR NO. 037: Absolutely.

4 THE COURT: So you know you couldn't discuss the case
5 when you went home. You could say I'm a juror in a criminal
6 case, but you could not say anything else until you are
7 discharged by myself; do you understand that?

8 PROSPECTIVE JUROR NO. 037: Absolutely.

9 THE COURT: And would you comply with the order?

10 PROSPECTIVE JUROR NO. 037: Absolutely.

11 THE COURT: Okay. Thank you.

12 Anyone else?

13 THE MARSHAL: Anybody over here?

14 PROSPECTIVE JUROR NO. 051: Juror No. 0051, Sandy
15 Gilmore. And my nephew is a police officer in Washington
16 state.

17 THE COURT: Anything about that that would interfere
18 with your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR NO. 051: No.

20 THE COURT: Okay. Thank you.

21 PROSPECTIVE JUROR NO. 054: 054. I'm a retired
22 corrections officer.

23 THE COURT: And you're Kathy Baker; correct?

24 PROSPECTIVE JUROR NO. 054: Correct.

25 THE COURT: And you're a retired corrections officer?

1 PROSPECTIVE JUROR NO. 054: (No audible response.)

2 THE COURT: Is that a, yes?

3 PROSPECTIVE JUROR NO. 054: Yes.

4 THE COURT: Okay. From what jurisdiction?

5 PROSPECTIVE JUROR NO. 054: City of Las Vegas.

6 THE COURT: How long did you do that?

7 PROSPECTIVE JUROR NO. 054: Nine years.

8 THE COURT: Okay. Is there anything about your
9 former employment that would interfere with your ability to be
10 fair and impartial in this particular case?

11 PROSPECTIVE JUROR NO. 054: No, Your Honor.

12 THE COURT: Thank you. Thank you for being here.

13 PROSPECTIVE JUROR NO. 059: Hi. Elizabeth Ewing,
14 zero, sorry, I forgot, 059. My ex-husband is -- was a police
15 officer; he is retired sergeant. Just wanted to disclose it.

16 THE COURT: Anything about his former employment that
17 would affect your ability to be fair and impartial?

18 PROSPECTIVE JUROR NO. 059: No.

19 THE COURT: Is that for Metro and Clark County?

20 PROSPECTIVE JUROR NO. 059: Yes.

21 THE COURT: Okay. Thank you.

22 Anyone else?

23 PROSPECTIVE JUROR NO. 049: Juror 049, Nellana
24 Lobdell. I communicate with probation, parole, court
25 coordinators on a daily basis. I just thought I should

1 disclose that.

2 THE COURT: Okay. But you have heard what I have
3 indicated to other jurors --

4 PROSPECTIVE JUROR NO. 049: Yes.

5 THE COURT: -- that if you were selected to serve as
6 a juror, you would not be able to discuss this case with anyone
7 including your fellow jurors --

8 PROSPECTIVE JUROR NO. 049: Correct.

9 THE COURT: -- do you understand that?

10 PROSPECTIVE JUROR NO. 049: Yes.

11 THE COURT: And you would comply with that order?

12 PROSPECTIVE JUROR NO. 049: Absolutely.

13 THE COURT: So you understand any contacts that you
14 have in the court system you would not be permitted to
15 communicate with them at all about this case until you are
16 discharged as a juror; do you understand that?

17 PROSPECTIVE JUROR NO. 049: Yes.

18 THE COURT: And you would comply with that order?

19 PROSPECTIVE JUROR NO. 049: Yes, I would.

20 THE COURT: Okay. Thank you.

21 THE MARSHAL: Anybody else?

22 PROSPECTIVE JUROR NO. 067: I'm Number 067, Elizabeth
23 Erickson. My husband's a retired police officer and retired
24 from the State of Nevada as a fraud investigator.

25 THE COURT: Okay. Anything about his former

1 employment that would affect your ability to be fair and
2 impartial in this case?

3 PROSPECTIVE JUROR NO. 067: No.

4 THE COURT: Okay. Thank you. Thank you for being
5 here.

6 PROSPECTIVE JUROR NO. 065: 065, Alice Villamar. I
7 have a niece in Utah that's a retired police officer also.

8 THE COURT: Anything about her employment that would
9 affect your ability to be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 065: No.

11 THE COURT: Thank you. Thank you for being here.

12 Is there anyone else -- just to -- thank you.

13 PROSPECTIVE JUROR NO. 047: 047, Carol Mialback. I
14 have a cousin in Indiana that's a police officer, but nothing
15 would affect.

16 THE COURT: Anything about that cousin's employment
17 that would affect your ability to be fair and impartial in this
18 case?

19 PROSPECTIVE JUROR NO. 047: No, ma'am.

20 THE COURT: Thank you.

21 THE MARSHAL: Anybody else?

22 THE COURT: The record will reflect no further
23 response from the panel.

24 Is there anyone on the panel who may not be able to
25 follow all the instructions of the Court on the law even if the

1 instructions differ from your personal conceptions of what the
2 law ought to be? Okay.

3 The record will reflect no response from the panel.

4 As a follow-up to the previous question in any
5 criminal trial the members of the jury sitting collectively are
6 the judges of the question of fact in this case. As the Judge
7 in the case I am the Judge of the questions of law, and it's my
8 responsibility to be sure that I give instructions on the law
9 that apply to this particular case. It would be a violation of
10 a juror's duty if he or she tried to render a judgment based
11 upon what he or she believed the law to be if that differed
12 from my instructions.

13 With that in mind, is there anyone who feels that
14 they cannot be fact finders and follow the instructions on the
15 applicable law in this case?

16 The record will reflect no response from the panel.

17 Under our system there are certain principles of law
18 that apply in every criminal trial. They are that the
19 Information filed in this case is a mere accusation and is not
20 evidence of guilt, that as the defendant sits here today he is
21 presumed innocent, and the State must therefore prove that the
22 defendant is guilty by proof beyond a reasonable doubt.

23 Does anybody on the panel not understand or believe
24 in these basic precepts of American justice?

25 The record will reflect no response from the panel.

1 At this time, ladies and gentlemen, I'm going to take
2 a short break with the attorneys in the hallway. I'm going to
3 ask you to stay in here because it will just be easier. We're
4 going to stay on the record. The court marshal and the court
5 recorder will still be in here, so we're still in session; I
6 just remind you of that. And we'll come back in. There's a
7 process we have to go through, and then I will excuse you for
8 our lunch break.

9 So all the attorneys meet in the hallway.

10 (Pause in the proceedings.)

11 THE COURT: Does the State stipulate to the presence
12 of the jury venire?

13 MR. STANTON: Yes.

14 THE COURT: The defense?

15 MR. MARCHESE: Yes, Your Honor.

16 THE COURT: Okay. There being no objection, the
17 clerk's going to call the first 32 names. When your name is
18 called you're going to take your seat in the jury box. Some of
19 you are going to be asked to step down so that we can fill the
20 jury box.

21 Mr. Palma, I'm going to ask you to step down. You
22 can sit wherever you want in the gallery.

23 And the clerk will now start calling the names.

24 THE CLERK: Yes, Your Honor.

25 Graciela Nungaray, Seat Number 1.

1 THE COURT: So you're just gonna skip down a couple
2 of seats.

3 THE CLERK: Jeffrey Manuel, Seat Number 2. Jeffrey
4 Corcoran, Seat Number 3. Susan Sanders, Seat Number 4.
5 Alphonse Paduano, Seat Number 5. Francine Schowers, Seat
6 Number 6.

7 THE COURT: Are you okay there? I mean --

8 UNIDENTIFIED SPEAKER: If I can stay here that's
9 fine.

10 THE COURT: Perfect you can stay there.

11 THE CLERK: Thank you, Your Honor.

12 Laura Wood, Seat Number 7. Karen Geiger, Seat
13 Number 8.

14 THE COURT: Okay. You know what --

15 THE MARSHAL: Can you leave an empty seat, ma'am, can
16 you slide over little.

17 THE COURT: Yeah, do you mind it's just for -- it's
18 really for our edification so that I know. That'll make it a
19 lot easier for us. Thank you for doing that.

20 THE CLERK: José Olivas, Seat Number 9.

21 THE COURT: Okay. So, Roque Hernandez, Tiffany
22 Saliani, if you don't mind stepping down. You can open -- let
23 me see -- that door, okay. I was going to say that door opens
24 up. It's open. All right. You can take a seat in the
25 gallery. You can sit wherever you want out there.

1 THE CLERK: So José Olivas, Seat Number 9.

2 THE COURT: And you're Mr. Olivas?

3 PROSPECTIVE JUROR NO. 020: Yes.

4 THE COURT: Got it. Okay.

5 THE CLERK: Michael Caswell, Seat Number 10.

6 THE COURT: So, Mr. Costello, I'm just going to ask
7 you to step down out of the box as well.

8 THE CLERK: Thomas Artis, Seat Number 11.

9 THE COURT: Okay. Mr. Artis, it's up to you. Are
10 you okay sitting up there? You can sit wherever's most
11 comfortable for you.

12 PROSPECTIVE JUROR NO. 023: Right here's fine, ma'am,
13 if that's okay.

14 THE COURT: Okay. Would it be better if you're down
15 here on the floor on the end?

16 PROSPECTIVE JUROR NO. 023: Yeah, I can do that.

17 THE COURT: Okay. Officer Hawkes, can you maybe get
18 him a chair on the end here on the floor. Do we have an
19 empty -- do we have a chair we can put --

20 THE MARSHAL: If I can just have you -- if you don't
21 mind standing up and let him sit down --

22 PROSPECTIVE JUROR NO. 038: I can sit on this
23 (inaudible) I'm fine with that.

24 THE MARSHAL: Well, he's going to be moving as soon
25 as we get the rest of the jurors seated. So he'll be moving

1 from that chair. Thank you, sir. I appreciate it.

2 THE COURT: Do you mind just standing just for a
3 minute.

4 PROSPECTIVE JUROR NO. 038: Yeah, that's fine.

5 THE COURT: Because we're going to seat you in
6 another seat anyways, okay.

7 PROSPECTIVE JUROR NO. 038: That's fine. That's
8 fine. That's okay.

9 THE COURT: Thank you. That's very nice. Thank you.

10 PROSPECTIVE JUROR NO. 023: Thank you.

11 PROSPECTIVE JUROR NO. 038: Welcome.

12 THE CLERK: Thomas Artis, Seat Number 11. Leslie
13 Church, Seat Number 12.

14 THE COURT: If you don't mind leaving Seat No. 11
15 open. Right. There you go.

16 THE MARSHAL: Eleven's on the top over there. You
17 can have a seat down there.

18 UNIDENTIFIED SPEAKER: So right here?

19 THE COURT: Okay. Sorry. Sorry.

20 THE CLERK: Alison Humphries, Seat Number 13.
21 Tiffany Sendra, Seat Number 14. Russell Tabor, Seat Number 15.
22 Jacob Jimenez, Seat Number 16. Lori Belden, Seat 17. Ann
23 Newby, Seat 18. Julie Giron, Seat 19. Kathryn Visnaw, Seat
24 20.

25 THE MARSHAL: And we're going to have you sit right

1 in this first chair here.

2 THE CLERK: Linda Kapel, Seat 21. Marci Henderson
3 Seat 22.

4 THE MARSHAL: Right there, ma'am.

5 THE CLERK: Gilberto Delreal-Delgado, Seat 23.

6 THE COURT: So, Mr. Jason Puente, if you don't mind
7 you can just take a seat out in the gallery.

8 THE CLERK: John Golez, Seat 24. Thomas Mattick,
9 Seat 25. Casiano Flaviano, Seat 26. Carol Mialback, Seat 27.
10 Nellana Lobdell, Seat 28. Nathan Kerkhoff, Seat 29. Sandra
11 Gilmore, Seat 30. Charlton Simons, Seat 31. Kathy Baker, Seat
12 32.

13 THE COURT: Okay. At this time, ladies and
14 gentlemen, we're going to recess for lunch. When you come back
15 after lunch you'll meet in the hallway. When everybody's here
16 Officer Hawkes will greet you and bring you in when we're ready
17 to start. I have the first 32 seated in the jury box. If
18 you'll just remember where you're sitting because when you come
19 back in I'm going to ask you that you sit in the same seats.

20 During this recess you're admonished not to talk or
21 converse amongst yourselves, with anyone else on any subject
22 connected with this trial or read, watch or listen to any
23 report of or commentary on the trial, any person connected with
24 this trial by any medium of information including without
25 limitation newspapers, television, the Internet, or radio or

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1 form or express any opinion on any subject connected with this
2 trial till the case is finally submitted to you.

3 We'll be in recess till 2:15. Make sure you come up.
4 We're on the 14th floor and Officer Hawkes will greet you.
5 Thank you very much. We're in recess.

6 (Panel of prospective jurors exiting 12:54 p.m.)

7 THE COURT: Okay. See you at you 2:15.

8 MR. MARCHESE: Thank you.

9 MS. BEVERLY: Thank you.

10 (Proceedings recessed 12:56 p.m. to 2:26 p.m.)

11 (Pause in the proceedings)

12 (Panel of prospective jurors entering 2:35 p.m.)

13 THE CLERK: Does the State stipulate to the presence
14 of the jury venire?

15 MS. BEVERLY: Yes, Your Honor.

16 THE COURT: The defense?

17 MR. MARCHESE: Yes, Your Honor.

18 THE COURT: Thank you.

19 Ms. Nungaray.

20 PROSPECTIVE JUROR NO. 004: Yes.

21 THE COURT: We're going to get the microphone to you
22 before I start asking you questions.

23 How long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 004: Ten -- 12 years.

25 THE COURT: Okay. Can you tell me your -- what do

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1 you do for a living?

2 PROSPECTIVE JUROR NO. 004: I'm a bookkeeper.

3 THE COURT: Okay. And your education background?

4 PROSPECTIVE JUROR NO. 004: Some college.

5 THE COURT: How much college? One year? Two years?

6 PROSPECTIVE JUROR NO. 004: About three.

7 THE COURT: Three years. What did you study?

8 PROSPECTIVE JUROR NO. 004: Paralegal studies and
9 accounting.

10 THE COURT: Did you ever use your paralegal studies
11 education?

12 PROSPECTIVE JUROR NO. 004: That was probably about
13 13 years ago, and it was in a civil litigation firm. I was
14 there for under a year.

15 THE COURT: Okay. So yes, you worked as a paralegal
16 in a civil litigation firm?

17 PROSPECTIVE JUROR NO. 004: Yes.

18 THE COURT: Was that here in Clark County?

19 PROSPECTIVE JUROR NO. 004: No.

20 THE COURT: It was in another jurisdiction?

21 PROSPECTIVE JUROR NO. 004: Yes. It was in Los
22 Angeles.

23 THE COURT: Okay. Your marital status?

24 PROSPECTIVE JUROR NO. 004: Married.

25 THE COURT: Is your spouse employed?

1 PROSPECTIVE JUROR NO. 004: No.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 004: Yes.

4 THE COURT: How many?

5 PROSPECTIVE JUROR NO. 004: I have four, but my
6 youngest is turning 18 tomorrow.

7 THE COURT: Okay. Your youngest is almost 18?

8 PROSPECTIVE JUROR NO. 004: Tomorrow.

9 THE COURT: Okay. So they're all old enough to be
10 employed?

11 PROSPECTIVE JUROR NO. 004: Yes.

12 THE COURT: Can you tell us what each does for a
13 living?

14 PROSPECTIVE JUROR NO. 004: Well, my youngest just
15 graduated --

16 THE COURT: Sure.

17 PROSPECTIVE JUROR NO. 004: -- she's working at a
18 restaurant until she goes to CSN. The second one before that
19 she works in an ophthalmologist and she's studying -- she's
20 doing her own little business. The other two, one is in
21 California because she's my stepchild. The other, my oldest he
22 works for Hyundai.

23 THE COURT: For?

24 PROSPECTIVE JUROR NO. 004: Hyundai auto.

25 THE COURT: What does he do?

1 PROSPECTIVE JUROR NO. 004: Something about testing
2 the vehicles.

3 THE COURT: Okay. Have you ever served as a juror
4 before?

5 PROSPECTIVE JUROR NO. 004: No.

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

7 PROSPECTIVE JUROR NO. 004: No.

8 THE COURT: Do you know anyone, a family member,
9 close friend that's ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 004: Yes.

11 THE COURT: Okay. Who was it?

12 PROSPECTIVE JUROR NO. 004: My daughter.

13 THE COURT: Can you tell us about it.

14 PROSPECTIVE JUROR NO. 004: Not openly.

15 THE COURT: Do you want to -- you can -- do you want
16 to approach the bench?

17 PROSPECTIVE JUROR NO. 004: Uh-huh.

18 THE COURT: Okay. If you can just follow -- the
19 court marshal will direct you down here.

20 (Conference at the bench begins)

21 PROSPECTIVE JUROR NO. 004: It's two --

22 THE COURT: That's, okay. That's, okay. Just a
23 minute.

24 The record will reflect Ms. Nungaray is present and
25 all four lawyers.

1 I'm sorry. Was it -- is it your youngest daughter?

2 PROSPECTIVE JUROR NO. 004: Yes.

3 THE COURT: Okay. Go ahead.

4 PROSPECTIVE JUROR NO. 004: It's too much of a new
5 case.

6 THE COURT: It's too much of a what?

7 PROSPECTIVE JUROR NO. 004: Of a very new case and
8 it's very, very close to me.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 004: I should probably say
11 that I may even, like, some of the paperwork shows me as a
12 victim as well.

13 THE COURT: Okay. So you've been the victim of a
14 crime?

15 PROSPECTIVE JUROR NO. 004: Not directly, but because
16 I'm her mother.

17 THE COURT: Okay. What happened to your daughter?

18 PROSPECTIVE JUROR NO. 004: Do I have to say?

19 THE COURT: Well, can you --

20 PROSPECTIVE JUROR NO. 004: It's just really, really,
21 really difficult.

22 THE COURT: Okay. Is it an open case?

23 PROSPECTIVE JUROR NO. 004: I guess so.

24 THE COURT: Has it been reported to the police?

25 PROSPECTIVE JUROR NO. 004: Yes.

1 THE COURT: Has anyone been charged with a crime?

2 PROSPECTIVE JUROR NO. 004: Yes.

3 THE COURT: Okay. So there's been an individual
4 charged with a crime?

5 PROSPECTIVE JUROR NO. 004: Uh-huh.

6 THE COURT: Who is it?

7 PROSPECTIVE JUROR NO. 004: My husband.

8 THE COURT: Okay. Your husband's been charged with a
9 crime and --

10 PROSPECTIVE JUROR NO. 004: Yes.

11 THE COURT: -- your daughter's a victim?

12 PROSPECTIVE JUROR NO. 004: Yes.

13 THE COURT: Okay. And when was it reported?

14 PROSPECTIVE JUROR NO. 004: Reported?

15 THE COURT: Yeah. So I'm assuming it was reported --
16 you said it was reported to the police; right?

17 PROSPECTIVE JUROR NO. 004: Yeah, yeah, when it
18 happened in February.

19 THE COURT: Was it Metro? February this year?

20 PROSPECTIVE JUROR NO. 004: Uh-huh.

21 THE COURT: Is that a yes?

22 PROSPECTIVE JUROR NO. 004: Yes.

23 THE COURT: Okay. And your husband has been charged.
24 Has he been arrested?

25 PROSPECTIVE JUROR NO. 004: Yes.

1 THE COURT: Is he in custody?

2 PROSPECTIVE JUROR NO. 004: No.

3 THE COURT: Did he bond out? (Inaudible?)

4 PROSPECTIVE JUROR NO. 004: No. He OR.

5 THE COURT: Okay. And can you tell me generally what
6 he was charged with? You don't have to tell me specifically.
7 Is it one crime, several?

8 PROSPECTIVE JUROR NO. 004: I think it's now to one,
9 it's lewdness.

10 THE COURT: A lewdness charge?

11 PROSPECTIVE JUROR NO. 004: (No audible response.)

12 THE COURT: And so it occurred in Clark County?

13 PROSPECTIVE JUROR NO. 004: Yes.

14 THE COURT: Have you spoke to the prosecutor at all
15 about it?

16 PROSPECTIVE JUROR NO. 004: Yeah.

17 THE COURT: Okay. Because that's a DA, right?

18 PROSPECTIVE JUROR NO. 004: Yes.

19 THE COURT: And do you know -- that DA is obviously
20 from the same office as these DAs; do you understand that?

21 PROSPECTIVE JUROR NO. 004: Probably, yes.

22 THE COURT: Okay. Because it's being prosecuted by
23 the Clark County District Attorney's Office; is that correct?

24 PROSPECTIVE JUROR NO. 004: Yes.

25 THE COURT: Okay. Have you gone to any court

1 proceedings?

2 PROSPECTIVE JUROR NO. 004: Yes. Sentencing isn't
3 until August 15th.

4 THE COURT: Oh, so he's pled guilty?

5 PROSPECTIVE JUROR NO. 004: Yes.

6 THE COURT: Okay. And you've attended the court
7 proceedings?

8 PROSPECTIVE JUROR NO. 004: Yes.

9 THE COURT: They've been in this courthouse?

10 PROSPECTIVE JUROR NO. 004: Yes. Different floor.

11 THE COURT: Okay. Do you know what floor you went
12 to?

13 PROSPECTIVE JUROR NO. 004: The first three were
14 in --

15 THE COURT: Like a lower floor?

16 PROSPECTIVE JUROR NO. 004: -- eighth? No, the last
17 one was on a lower level.

18 THE COURT: Like all the way in the basement?

19 PROSPECTIVE JUROR NO. 004: (No audible response.)

20 THE COURT: Is that a yes?

21 PROSPECTIVE JUROR NO. 004: Yes.

22 THE COURT: Okay. And is that where he entered his
23 plea?

24 PROSPECTIVE JUROR NO. 004: Yes.

25 THE COURT: Okay. And it's set for sentencing?

1 PROSPECTIVE JUROR NO. 004: Yes.

2 THE COURT: Okay. Is he living with you? What's the
3 status?

4 PROSPECTIVE JUROR NO. 004: No. We are separate
5 housing.

6 THE COURT: Okay. You understand it's probably the
7 District Attorney's Office that's prosecuting your husband?

8 PROSPECTIVE JUROR NO. 004: Yes. Uh-huh.

9 THE COURT: You understand that?

10 PROSPECTIVE JUROR NO. 004: Yes.

11 THE COURT: Is there anything about that that would
12 interfere with your ability to be fair and impartial in this
13 case?

14 PROSPECTIVE JUROR NO. 004: Not to me because it's a
15 totally separate case. I am not, I mean, you know, I've -- I
16 can't tell you, like, completely my feelings about my case
17 because there's so much to it that I'd be here the whole day.
18 But to me not really because I don't know these gentlemen, I
19 don't know him, but it's up to you.

20 THE COURT: Okay. And you said you're a victim, and
21 when you say that you're saying that because your child --

22 PROSPECTIVE JUROR NO. 004: That's because the papers
23 say that. I did get a, like --

24 THE COURT: Oh, a victim --

25 PROSPECTIVE JUROR NO. 004: -- a letter.

1 THE COURT: Okay. You've been given the option to
2 speak in court?

3 PROSPECTIVE JUROR NO. 004: Yes.

4 THE COURT: Okay. And give a statement?

5 PROSPECTIVE JUROR NO. 004: Yes.

6 THE COURT: Is there anything about what's happening
7 to your daughter now and the fact that your husband's being
8 prosecuted that would interfere with your ability to be fair
9 and impartial to the parties in this case?

10 PROSPECTIVE JUROR NO. 004: I don't think so. But
11 like I said to your judgment.

12 THE COURT: Okay. I appreciate. Sorry you had to
13 tell us that.

14 Does the State have any follow up?

15 MR. STANTON: Just, ma'am, do you think -- this is
16 David Stanton from the District Attorney's Office. Do you
17 think, Ms. Nungaray, that your husband and your daughter were
18 treated fairly?

19 PROSPECTIVE JUROR NO. 004: Yeah, because I mean it's
20 just something we went through, and, you know, I'm going to
21 tell you guys my husband has been my husband for 20 years
22 biological father. I know him. It was just I don't know
23 happened, you know, but we're in treatment so you know. Was he
24 treated fairly, yes, because I don't ever want this to happen
25 to anybody again, you know, so, yeah, he was and --

1 THE COURT: Just take your time.

2 PROSPECTIVE JUROR NO. 004: Every action has its
3 consequence.

4 MR. STANTON: I have nothing else. Thank you.

5 THE COURT: Okay. Does -- Mr. Marchese?

6 MR. MARCHESE: No, Your Honor.

7 THE COURT: Okay. Thank you very much. If you want
8 to just wait a minute before you turnaround in front.

9 PROSPECTIVE JUROR NO. 004: (Inaudible.)

10 THE COURT: Just let me know when you're ready.

11 PROSPECTIVE JUROR NO. 004: I do. Just a sec. No,
12 it's okay.

13 THE COURT: Are you okay?

14 PROSPECTIVE JUROR NO. 004: It's just -- it's me.
15 Are my eyes red?

16 THE COURT: No, you look fine. You're really fine.

17 PROSPECTIVE JUROR NO. 004: Okay. Thank you.

18 THE COURT: Are you good?

19 (Conference at the bench ends)

20 THE COURT: I just have a couple more questions for
21 you. Would you have a tendency to give more weight or credence
22 or less weight or credence to the testimony of a police officer
23 simply because that witness is a police officer?

24 PROSPECTIVE JUROR NO. 004: I think it just depends
25 on the facts.

1 THE COURT: Okay. So you'll judge a police officer's
2 credibility the way you would judge any other witness's
3 credibility?

4 PROSPECTIVE JUROR NO. 004: Right.

5 THE COURT: Okay. Do you know of any reason why you
6 could not be a completely fair and impartial juror if you were
7 selected to serve on this panel?

8 PROSPECTIVE JUROR NO. 004: No.

9 THE COURT: Thank you. Thank you very much for being
10 here.

11 Mr. Jeffrey Manuel, how long have you lived in Clark
12 County?

13 PROSPECTIVE JUROR NO. 005: 30 years.

14 THE COURT: Your employment background?

15 PROSPECTIVE JUROR NO. 005: As an accountant.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 005: As an accountant.

18 THE COURT: Okay. And your education background?

19 PROSPECTIVE JUROR NO. 005: Bachelor's degree.

20 THE COURT: In accounting?

21 PROSPECTIVE JUROR NO. 005: Yes.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR NO. 005: Married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 005: No.

1 THE COURT: Do you have children?

2 PROSPECTIVE JUROR NO. 005: Yes.

3 THE COURT: Are they old enough to be employed?

4 PROSPECTIVE JUROR NO. 005: No, very young.

5 THE COURT: Okay. Have you ever served as a juror
6 before?

7 PROSPECTIVE JUROR NO. 005: No.

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

9 PROSPECTIVE JUROR NO. 005: No.

10 THE COURT: Do you know anyone, a family member,
11 close friend that's ever been the victim of a crime?

12 PROSPECTIVE JUROR NO. 005: I don't think so.
13 Nothing serious.

14 THE COURT: Okay. Have you ever been accused of a
15 crime?

16 PROSPECTIVE JUROR NO. 005: I don't think so.

17 THE COURT: Well, you would know. I hope.

18 PROSPECTIVE JUROR NO. 005: Hopefully not.

19 THE COURT: Okay. Well, if you don't know --

20 PROSPECTIVE JUROR NO. 005: No.

21 THE COURT: -- then I'm sure you haven't been.

22 PROSPECTIVE JUROR NO. 005: Right.

23 THE COURT: Okay. Do you know anybody, friends,
24 family members that have ever been accused of a crime?

25 PROSPECTIVE JUROR NO. 005: I'm not sure.

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1 THE COURT: Okay. Would you have a tendency to give
2 more weight or credence or less weight or credence to the
3 testimony of a police officer simply because that witness is a
4 police officer?

5 PROSPECTIVE JUROR NO. 005: I think so.

6 THE COURT: I'm sorry?

7 PROSPECTIVE JUROR NO. 005: I think so.

8 THE COURT: Yes, you would?

9 PROSPECTIVE JUROR NO. 005: Yes. Yes.

10 THE COURT: Okay. Do you want to explain that?
11 Simply because the witness is a police officer and which way is
12 it?

13 PROSPECTIVE JUROR NO. 005: I just have great respect
14 for the police officers, and I know that some of them are good
15 and bad, but I don't know I think they're more -- most of them
16 are good I'm hoping.

17 THE COURT: Okay. My question is would you have --
18 would you give that witness more credence or less credence
19 simply based on the fact that they're a police officer?

20 PROSPECTIVE JUROR NO. 005: Yes, I think I would.

21 THE COURT: Okay. So you wouldn't be able to judge
22 their credibility like another witness?

23 PROSPECTIVE JUROR NO. 005: I give them more because
24 they're police officers. I think -- it seems like I'd give
25 them more -- I tend to believe them more.

1 THE COURT: Okay. What if somebody came in, they're
2 a police officer and you notice they testified to things that
3 were inconsistent with what other people said?

4 PROSPECTIVE JUROR NO. 005: If it gets proven. I
5 have no problem if I know he's lying.

6 THE COURT: All right. Well, here's the question I'm
7 trying to get at.

8 PROSPECTIVE JUROR NO. 005: Okay.

9 THE COURT: I mean, if you're judging the credibility
10 of each witness a certain way looking for if it's corroborated,
11 their ability to see, recall, recollect, are you going to do
12 that with the police officer, or is the police officer going to
13 get a pass simply because a police officer is a police officer?

14 PROSPECTIVE JUROR NO. 005: I think I'm not going to
15 give them a pass because they're police officers, but I think
16 they have the training and all of that to, you know, recall
17 more details and, you know, they have experience.

18 THE COURT: Okay. What kind of training do you think
19 a police officer has that I guess makes them a better witness?

20 PROSPECTIVE JUROR NO. 005: They've seen it more.
21 They have experience. They've seen it -- they've seen it
22 before, I'm hoping. For, you know, they've been through this
23 process before.

24 THE COURT: Okay. What process?

25 PROSPECTIVE JUROR NO. 005: The process of, you know,

1 documenting or recollecting events.

2 THE COURT: Okay, well let me ask you this. If you
3 see a police officer and you see things that maybe are
4 inconsistent in their own testimony, are you going to be able
5 to recognize that, or are you going to say, no, they're a
6 police officer so everything they're saying is the truth?

7 PROSPECTIVE JUROR NO. 005: No, absolutely not. If
8 they're lying, they're lying.

9 THE COURT: Okay. I guess that's what I'm trying to
10 ask you.

11 PROSPECTIVE JUROR NO. 005: Absolutely.

12 THE COURT: Are you open to the fact -- I'm not
13 saying lying, that they're human?

14 PROSPECTIVE JUROR NO. 005: Absolutely. Absolutely.

15 THE COURT: Okay. Now just because you're a police
16 officer doesn't mean you have superhuman powers and you always
17 get everything correct; right?

18 PROSPECTIVE JUROR NO. 005: Absolutely. You know,
19 they could be wrong too.

20 THE COURT: Okay. And so the Court will give you
21 instructions on how to judge the credibility of a witness --

22 PROSPECTIVE JUROR NO. 005: Okay. Okay.

23 THE COURT: -- would you follow that instruction?

24 PROSPECTIVE JUROR NO. 005: Absolutely.

25 THE COURT: Okay. I'm never going to give you an

1 instruction that says, judge a person's credibility better or
2 more because they're a police officer --

3 PROSPECTIVE JUROR NO. 005: Absolutely.

4 THE COURT: -- do you understand that?

5 PROSPECTIVE JUROR NO. 005: Absolutely, yeah.

6 THE COURT: Okay. So you're open to the fact that,
7 you know, that their testimony could be inaccurate, wrong in
8 comparison to other testimony?

9 PROSPECTIVE JUROR NO. 005: Yes.

10 THE COURT: And you would weigh that?

11 PROSPECTIVE JUROR NO. 005: Absolutely.

12 THE COURT: Okay. Along with the other testimony?

13 PROSPECTIVE JUROR NO. 005: Sure.

14 THE COURT: Correct?

15 PROSPECTIVE JUROR NO. 005: Yep.

16 THE COURT: Okay. Do you know of any reason why you
17 could not be a completely fair and impartial juror if you were
18 selected to serve?

19 PROSPECTIVE JUROR NO. 005: I don't think so.

20 THE COURT: Okay. Thank you, sir. Thank you for
21 being here.

22 Mr. Jeffrey Corcoran, good afternoon.

23 PROSPECTIVE JUROR NO. 006: Yes.

24 THE COURT: How long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 006: Forty-eight years.

1 THE COURT: Okay. Your education background?

2 PROSPECTIVE JUROR NO. 006: Bachelor's.

3 THE COURT: And what is your Bachelor's in?

4 PROSPECTIVE JUROR NO. 006: Journalism.

5 THE COURT: Okay. What do you do for a living?

6 PROSPECTIVE JUROR NO. 006: Race sports book teller.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR NO. 006: Single.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR NO. 006: No.

11 THE COURT: Have you ever served as a juror before?

12 PROSPECTIVE JUROR NO. 006: No.

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

14 PROSPECTIVE JUROR NO. 006: Yes.

15 THE COURT: Okay. Can you tell us about that.

16 PROSPECTIVE JUROR NO. 006: It was a carjacking here

17 in Vegas about 25 years ago.

18 THE COURT: Did you call the police?

19 PROSPECTIVE JUROR NO. 006: Yes.

20 THE COURT: And they responded?

21 PROSPECTIVE JUROR NO. 006: Yes.

22 THE COURT: Did they catch the person?

23 PROSPECTIVE JUROR NO. 006: No.

24 THE COURT: Do you think you were treated fairly?

25 PROSPECTIVE JUROR NO. 006: Yes.

1 THE COURT: Were you satisfied with the way it was
2 handled?

3 PROSPECTIVE JUROR NO. 006: Yes.

4 THE COURT: Okay. When you say carjacking, were you,
5 like, held up? Why don't you explain that ---

6 PROSPECTIVE JUROR NO. 006: I was giving somebody a
7 ride home, a couple guys a ride home from the bar, and that's
8 when it happened.

9 THE COURT: And they took your car?

10 PROSPECTIVE JUROR NO. 006: Yes.

11 THE COURT: By force?

12 PROSPECTIVE JUROR NO. 006: Yes.

13 THE COURT: Okay. Is there anything about that that
14 would interfere with your ability to be fair and impartial in
15 this case?

16 PROSPECTIVE JUROR NO. 006: No.

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

18 PROSPECTIVE JUROR NO. 006: No.

19 THE COURT: Do you know anybody, friends, family
20 members that have ever been accused of a crime?

21 PROSPECTIVE JUROR NO. 006: No.

22 THE COURT: Would you have a tendency to give more
23 weight or credence or less weight or credence to the testimony
24 of a police officer simply because ---

25 PROSPECTIVE JUROR NO. 006: I would say the same.

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1 THE COURT: -- simply because that person is a police
2 officer?

3 PROSPECTIVE JUROR NO. 006: No, I'm saying the same
4 because they're a person. In other words they're the same
5 credibility as anybody else.

6 THE COURT: Okay. So you'll follow the instructions
7 on the law?

8 PROSPECTIVE JUROR NO. 006: Yes.

9 THE COURT: And you'll judge that person's
10 credibility like you would any other witness?

11 PROSPECTIVE JUROR NO. 006: Yes.

12 THE COURT: Okay. Do you know of any reason why you
13 could not be a completely fair and impartial juror if you were
14 selected to serve?

15 PROSPECTIVE JUROR NO. 006: No.

16 THE COURT: Thank you, sir. Thank you for being
17 here.

18 Ms. Sanders, how long you lived in Clark County?

19 PROSPECTIVE JUROR NO. 008: Twenty-four years.

20 THE COURT: Your education background?

21 PROSPECTIVE JUROR NO. 008: High school.

22 THE COURT: What do you do for a living?

23 PROSPECTIVE JUROR NO. 008: Operations manager.

24 THE COURT: Your marital status?

25 PROSPECTIVE JUROR NO. 008: Happily married.

1 THE COURT: Is your spouse employed?

2 PROSPECTIVE JUROR NO. 008: Yes, he is.

3 THE COURT: Can you tell us what your spouse does for
4 a living?

5 PROSPECTIVE JUROR NO. 008: Sure. He's an account
6 development manager for a retail company.

7 THE COURT: Okay. Do you have children?

8 PROSPECTIVE JUROR NO. 008: I do. Two.

9 THE COURT: Are they old enough to be employed?

10 PROSPECTIVE JUROR NO. 008: They sure are.

11 THE COURT: Okay. Can you tell me what each does.

12 PROSPECTIVE JUROR NO. 008: My son is a budget
13 analyst for the Department of Labor in Alaska, and my
14 daughter's a project manager.

15 THE COURT: Okay. Have you ever served as a juror
16 before?

17 PROSPECTIVE JUROR NO. 008: Have not.

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

19 PROSPECTIVE JUROR NO. 008: A theft many, many years
20 ago. Home theft, nothing serious.

21 THE COURT: Okay. What does that mean to you? What
22 happened?

23 PROSPECTIVE JUROR NO. 008: Somebody allowed
24 themselves into my open garage and took some of my belongings.

25 THE COURT: Okay. Did you call the police?

1 PROSPECTIVE JUROR NO. 008: You know, it was so many
2 years ago I don't -- I don't think we did. No, we did not.

3 THE COURT: Okay. Other than that have you ever been
4 the victim of a crime?

5 PROSPECTIVE JUROR NO. 008: No.

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

7 PROSPECTIVE JUROR NO. 008: No.

8 THE COURT: Do you know anybody, friends, family
9 members that have ever been accused of a crime?

10 PROSPECTIVE JUROR NO. 008: No.

11 THE COURT: Would you have a tendency to give more
12 weight or credence or less weight or credence to the testimony
13 of a police officer simply because the witness is a police
14 officer?

15 PROSPECTIVE JUROR NO. 008: No, more, no less.

16 THE COURT: Okay. Thank you. Do you know of any
17 reason why you could not be a completely fair and impartial
18 juror?

19 PROSPECTIVE JUROR NO. 008: No.

20 THE COURT: Thank you. Thank you for being here.

21 Mr. Paduano.

22 PROSPECTIVE JUROR NO. 011: Yes.

23 THE COURT: Is that right?

24 PROSPECTIVE JUROR NO. 011: Yes.

25 THE COURT: How long have you lived in Clark County?

1 PROSPECTIVE JUROR NO. 011: Thirty-one years.

2 THE COURT: And I think you told me already you're a
3 dealer?

4 PROSPECTIVE JUROR NO. 011: Yes.

5 THE COURT: What do you deal?

6 PROSPECTIVE JUROR NO. 011: Craps.

7 THE COURT: Okay. How long have you done that?

8 PROSPECTIVE JUROR NO. 011: Forty years.

9 THE COURT: Wow. Your education background?

10 PROSPECTIVE JUROR NO. 011: Formation when I studied
11 for the deacon in five years.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR NO. 011: Yes. Happily married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR NO. 011: Yes, she is.

16 THE COURT: Can you tell us what she does for living.

17 PROSPECTIVE JUROR NO. 011: She's a food server.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR NO. 011: No children.

20 THE COURT: Have you ever served as a juror before?

21 PROSPECTIVE JUROR NO. 011: No, I haven't.

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

23 PROSPECTIVE JUROR NO. 011: Yes, we have.

24 THE COURT: Okay. Your family, you and your --

25 PROSPECTIVE JUROR NO. 011: Me and my wife actually.

1 THE COURT: Okay. Go ahead. You can --

2 PROSPECTIVE JUROR NO. 011: It was almost like a
3 home invasion, but it was in the early hours of the morning.
4 We woke up and a lot of things, personal stuff was stolen. We
5 did call the police.

6 THE COURT: You mean, like, you were sleeping when it
7 happened?

8 PROSPECTIVE JUROR NO. 011: Yes. Yes.

9 THE COURT: And you woke up to it?

10 PROSPECTIVE JUROR NO. 011: Yes.

11 THE COURT: All right. And you did call the police?

12 PROSPECTIVE JUROR NO. 011: Yes, we did.

13 THE COURT: And was it investigated?

14 PROSPECTIVE JUROR NO. 011: I think -- yes, it was.

15 THE COURT: How long ago was it?

16 PROSPECTIVE JUROR NO. 011: '90 -- maybe 1990, '89,
17 '90, somewhere around there.

18 THE COURT: Did they arrest anybody?

19 PROSPECTIVE JUROR NO. 011: No.

20 THE COURT: Do you think you were treated fairly?

21 PROSPECTIVE JUROR NO. 011: Yes.

22 THE COURT: Anything about that that would interfere
23 with your ability to be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 011: No.

25 THE COURT: Okay. Have you ever been accused of a

1 crime or know anybody that's been accused of a crime?

2 PROSPECTIVE JUROR NO. 011: No.

3 THE COURT: Would you have a tendency to give more
4 weight or credence or less weight or credence to the testimony
5 of a police officer simply based on the employment of the
6 witness?

7 PROSPECTIVE JUROR NO. 011: No, I would be equal with
8 everyone.

9 THE COURT: Okay. Do you know of any reason why you
10 could not be a completely fair and impartial juror?

11 PROSPECTIVE JUROR NO. 011: No.

12 THE COURT: Thank you, sir. Thank you for being
13 here.

14 Ms. Francine. Francine, is it Schowers?

15 PROSPECTIVE JUROR NO. 014: Schowers.

16 THE COURT: Schowers. How long have you lived in
17 Clark County?

18 PROSPECTIVE JUROR NO. 014: Do I need to stand?

19 THE COURT: You're, okay. If you're comfortable, I
20 can hear you.

21 PROSPECTIVE JUROR NO. 014: Fifty-nine years.

22 THE COURT: Your education background?

23 PROSPECTIVE JUROR NO. 014: Twelve. High school.

24 THE COURT: Okay. Are you employed?

25 PROSPECTIVE JUROR NO. 014: No.

1 THE COURT: Your marital status?

2 PROSPECTIVE JUROR NO. 014: Married.

3 THE COURT: Is your spouse employed?

4 PROSPECTIVE JUROR NO. 014: Yes.

5 THE COURT: What does your spouse do for a living?

6 PROSPECTIVE JUROR NO. 014: Slot supervisor.

7 THE COURT: Okay. Do you have children?

8 PROSPECTIVE JUROR NO. 014: One son.

9 THE COURT: Is he old enough to be employed?

10 PROSPECTIVE JUROR NO. 014: Yes.

11 THE COURT: What does he do for a living?

12 PROSPECTIVE JUROR NO. 014: Cox, he works at Cox.

13 THE COURT: Cox Communication?

14 PROSPECTIVE JUROR NO. 014: Yes.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR NO. 014: No.

17 THE COURT: Have you ever been the victim of a crime,
18 or know anybody that's been the victim of a crime?

19 PROSPECTIVE JUROR NO. 014: No.

20 THE COURT: Have you ever been accused of a crime or
21 know anybody that's been accused of a crime?

22 PROSPECTIVE JUROR NO. 014: No.

23 THE COURT: Would you have a tendency to give more
24 weight or credence or less weight or credence to the testimony
25 of a police officer simply because that witness is a police

1 officer?

2 PROSPECTIVE JUROR NO. 014: No.

3 THE COURT: Do you know of any reason why you could
4 not be a completely fair and impartial juror if you were
5 selected to serve?

6 PROSPECTIVE JUROR NO. 014: No.

7 THE COURT: Thank you. Thank you for being here.

8 Ms. Wood, how long have you lived in Clark County?

9 PROSPECTIVE JUROR NO. 015: 27 years.

10 THE COURT: And are you employed?

11 PROSPECTIVE JUROR NO. 015: Yes.

12 THE COURT: What do you do for a living?

13 PROSPECTIVE JUROR NO. 015: Paratransit bus driver.

14 THE COURT: Do you work for the City or do you work
15 for the --

16 PROSPECTIVE JUROR NO. 015: RTC.

17 THE COURT: The Regional Transportation Commission?

18 PROSPECTIVE JUROR NO. 015: (No audible response.)

19 THE COURT: Okay. How long have you done that?

20 PROSPECTIVE JUROR NO. 015: On and off for about 20
21 years.

22 THE COURT: Your education background?

23 PROSPECTIVE JUROR NO. 015: Some college.

24 THE COURT: What did you study?

25 PROSPECTIVE JUROR NO. 015: Business management.

1 THE COURT: Okay. Your marital status?

2 PROSPECTIVE JUROR NO. 015: Single.

3 THE COURT: Do you have children?

4 PROSPECTIVE JUROR NO. 015: Yes.

5 THE COURT: How many?

6 PROSPECTIVE JUROR NO. 015: Three.

7 THE COURT: Are they old enough to be employed?

8 PROSPECTIVE JUROR NO. 015: Yes.

9 THE COURT: Can you tell us what they do for a
10 living.

11 PROSPECTIVE JUROR NO. 015: One works at the Santa
12 Fe. The other is a project manager --

13 THE COURT: Okay, the one at Santa Fe what does that
14 child do?

15 PROSPECTIVE JUROR NO. 015: He works in the café.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 015: He works in the café.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 015: The other one works for
20 Pulgamyer (phonetic). She's a project manager at a
21 architectural firm. And my other son works on an Internet
22 business.

23 THE COURT: An Internet business?

24 PROSPECTIVE JUROR NO. 015: Yes, in Michigan.

25 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 015: No.

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

4 PROSPECTIVE JUROR NO. 015: Yes.

5 THE COURT: Okay. Can you tell us about that.

6 PROSPECTIVE JUROR NO. 015: In Minnesota when I lived
7 there I was burglarized.

8 THE COURT: Okay. What does that mean to you?

9 PROSPECTIVE JUROR NO. 015: When I was gone they came
10 into my house and took all my belongings.

11 THE COURT: Okay. And did you call the police?

12 PROSPECTIVE JUROR NO. 015: Yes.

13 THE COURT: And did they investigate it?

14 PROSPECTIVE JUROR NO. 015: No.

15 THE COURT: Okay. So were you happy with the way it
16 was handled?

17 PROSPECTIVE JUROR NO. 015: The insurance paid for
18 everything.

19 THE COURT: Okay. Is that a yes or a no? Were you
20 happy with the way it was handled?

21 PROSPECTIVE JUROR NO. 015: Yes.

22 THE COURT: Okay. So you considered it more of an
23 insurance issue than, I guess, a police crime issue?

24 PROSPECTIVE JUROR NO. 015: I think it was personal
25 because they took strange things that a normal burglary

1 wouldn't have done. Like, brand-new pairs of shoes and
2 personal items so I think it was somebody that did it
3 personally.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 015: But I couldn't prove it.

6 THE COURT: All right. Did you have a hunch?

7 PROSPECTIVE JUROR NO. 015: Yes.

8 THE COURT: Okay. A friend or something?

9 PROSPECTIVE JUROR NO. 015: An ex.

10 THE COURT: Oh, okay, you thought it was a --

11 PROSPECTIVE JUROR NO. 015: Yes.

12 THE COURT: Okay. And, but they never -- the police
13 never solved it?

14 PROSPECTIVE JUROR NO. 015: No.

15 THE COURT: And you just treated it as an insurance
16 claim?

17 PROSPECTIVE JUROR NO. 015: Yes. I told them who I
18 thought it was, and that was the end of it.

19 THE COURT: All right. Anything about that that
20 would interfere with your ability to be fair and impartial in
21 this case?

22 PROSPECTIVE JUROR NO. 015: No.

23 THE COURT: Have you ever been accused of a crime?

24 PROSPECTIVE JUROR NO. 015: Yes.

25 THE COURT: Okay. Can you tell us about that.

1 PROSPECTIVE JUROR NO. 015: Yes. I --

2 THE COURT: Okay, if you're --

3 PROSPECTIVE JUROR NO. 015: -- was arrested.

4 THE COURT: -- hesitating if you want to come up here
5 that's fine too.

6 PROSPECTIVE JUROR NO. 015: Yeah.

7 THE COURT: All right. That's fine. The marshal
8 will escort you up here.

9 (Conference at the bench begins)

10 THE COURT: That's, okay. Just wait till the lawyers
11 get here.

12 Ms. Wood is present at the bench with all four
13 lawyers.

14 Go ahead.

15 PROSPECTIVE JUROR NO. 015: I was arrested four
16 different times.

17 THE COURT: Okay. Was that here in Clark County
18 or --

19 PROSPECTIVE JUROR NO. 015: Yes, and once in
20 Minnesota.

21 THE COURT: Okay. So --

22 PROSPECTIVE JUROR NO. 015: It was for soliciting
23 prostitution.

24 THE COURT: All right. Okay.

25 PROSPECTIVE JUROR NO. 015: It was 20 years ago.

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1 It's totally changed now.

2 THE COURT: Okay. But that was here in Clark County?

3 PROSPECTIVE JUROR NO. 015: Four times, yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 015: It was back in the
6 1990s.

7 THE COURT: Okay. And were you ever prosecuted, you
8 know, charged and have to go to court?

9 PROSPECTIVE JUROR NO. 015: Yes.

10 THE COURT: All right. Do you remember where it was?
11 Was it justice --

12 PROSPECTIVE JUROR NO. 015: It was downtown and here.
13 This didn't exist then it was with the County and it was with
14 the City.

15 THE COURT: Okay. And so you were probably
16 prosecuted by the Clark County District Attorney's Office?

17 PROSPECTIVE JUROR NO. 015: Uh-huh.

18 THE COURT: Is that a yes?

19 PROSPECTIVE JUROR NO. 015: Yes.

20 THE COURT: Is there anything about that that would
21 interfere with your ability to be fair and impartial in this
22 case?

23 PROSPECTIVE JUROR NO. 015: No.

24 THE COURT: Okay. Do you think you were treated
25 fairly those times?

1 PROSPECTIVE JUROR NO. 015: Yes.

2 THE COURT: Okay. And I think did you say there is
3 something that happened in Minnesota?

4 PROSPECTIVE JUROR NO. 015: Yes, I was --

5 THE COURT: Similar?

6 PROSPECTIVE JUROR NO. 015: Yes.

7 THE COURT: Okay. Do you think you were treated
8 fairly there?

9 PROSPECTIVE JUROR NO. 015: Yes.

10 THE COURT: Anything about that that would interfere
11 with your ability to be fair and impartial in this case?

12 PROSPECTIVE JUROR NO. 015: I'll be fair and
13 impartial, yes.

14 THE COURT: Okay. Because I just want to make sure
15 that neither side has any follow-up? (Unintelligible.)

16 MR. STANTON: The State does not. No.

17 MR. MARCHESE: No, Your Honor.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 015: I had to support my
20 family and I did what I did.

21 THE COURT: Listen I appreciate you telling us. I'm
22 sorry had to tell us that.

23 PROSPECTIVE JUROR NO. 015: Okay.

24 THE COURT: And I'm just going to follow up with a
25 couple more questions for you.

1 PROSPECTIVE JUROR NO. 015: Okay. I just didn't want
2 everyone in the courtroom to, like, look.

3 THE COURT: I'm with ya.

4 (Conference at the bench ends)

5 THE COURT: Would you have a tendency to give more
6 weight or credence or less weight or credence to the testimony
7 of a police officer simply because the witness is a police
8 officer?

9 PROSPECTIVE JUROR NO. 015: No. I would judge
10 everybody fairly.

11 THE COURT: Okay. Do you know of any reason why you
12 could not be a completely fair and impartial juror if you were
13 selected to serve?

14 PROSPECTIVE JUROR NO. 015: I'd be okay.

15 THE COURT: Okay. Thank you, Ms. Wood. Thank you
16 for being here.

17 Karen Geiger; correct?

18 PROSPECTIVE JUROR NO. 018: Yes.

19 THE COURT: How long have you lived in Clark County?

20 PROSPECTIVE JUROR NO. 018: Fifteen years.

21 THE COURT: What do you do for a living?

22 PROSPECTIVE JUROR NO. 018: I'm a patient consultant
23 at a medical dispensary.

24 THE COURT: How long have you done that?

25 PROSPECTIVE JUROR NO. 018: Just up -- coming up a

1 year.

2 THE COURT: Okay. Your education background?

3 PROSPECTIVE JUROR NO. 018: Graduated high school and
4 went to trade school for cosmetology.

5 THE COURT: Okay. Do you have a license?

6 PROSPECTIVE JUROR NO. 018: Yes.

7 THE COURT: Okay. Your marital status?

8 PROSPECTIVE JUROR NO. 018: Divorced.

9 THE COURT: Do you have kids?

10 PROSPECTIVE JUROR NO. 018: Yes.

11 THE COURT: How many?

12 PROSPECTIVE JUROR NO. 018: Just one.

13 THE COURT: Is that child old enough to be employed?

14 PROSPECTIVE JUROR NO. 018: Yes.

15 THE COURT: What does that child do for a living?

16 PROSPECTIVE JUROR NO. 018: She works for the Clark
17 County School District at Safe Key and also she has -- she's
18 starting her credentials to be a personal trainer.

19 THE COURT: Okay. Have you ever served as a juror
20 before?

21 PROSPECTIVE JUROR NO. 018: No.

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

23 PROSPECTIVE JUROR NO. 018: No.

24 THE COURT: Do you know anyone, family members or
25 friends that have been the victim of a crime?

1 PROSPECTIVE JUROR NO. 018: No.

2 THE COURT: Have you ever been accused of a crime?

3 PROSPECTIVE JUROR NO. 018: No.

4 THE COURT: Do you know any family members or friends
5 that have ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 018: No.

7 THE COURT: Would you have a tendency to give more
8 weight or credence or less weight or credence to the testimony
9 of a police officer simply because that witness is a police
10 officer?

11 PROSPECTIVE JUROR NO. 018: No, I would not.

12 THE COURT: Do you know of any reason why you could
13 not be a completely fair and impartial juror?

14 PROSPECTIVE JUROR NO. 018: No.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NO. 018: Sure.

17 THE COURT: Thank you for being here.

18 Jose Olivas.

19 PROSPECTIVE JUROR NO. 020: Yes.

20 THE COURT: Good afternoon.

21 PROSPECTIVE JUROR NO. 020: Good afternoon.

22 THE COURT: How long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 020: Lived in Clark County for
24 about 10 years now.

25 THE COURT: Your education background?

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1 PROSPECTIVE JUROR NO. 020: High school.

2 THE COURT: Okay. And what do you do for a living?

3 PROSPECTIVE JUROR NO. 020: At work at Cox

4 Communications.

5 THE COURT: What do you do?

6 PROSPECTIVE JUROR NO. 020: I install cable,

7 Internet, telephone, and home security systems.

8 THE COURT: Okay. How long have you done that?

9 PROSPECTIVE JUROR NO. 020: I've done it with this
10 company two and a half years, but in total eight years doing
11 it.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR NO. 020: Married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR NO. 020: Yes.

16 THE COURT: What does your spouse do for a living?

17 PROSPECTIVE JUROR NO. 020: She works in retail at
18 Sephora.

19 THE COURT: Do you have children?

20 PROSPECTIVE JUROR NO. 020: Yes, two children.

21 THE COURT: Are they minors?

22 PROSPECTIVE JUROR NO. 020: Minors, yes.

23 THE COURT: Okay. Have you ever served as a juror
24 before?

25 PROSPECTIVE JUROR NO. 020: No.

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

2 PROSPECTIVE JUROR NO. 020: Yes. Once it was a
3 mobile detailing business I had. They actually stole our
4 trailer that had many tools in it.

5 THE COURT: And did you call the police?

6 PROSPECTIVE JUROR NO. 020: Yes. Called the police.

7 THE COURT: Was -- so it was reported.

8 PROSPECTIVE JUROR NO. 020: Yes.

9 THE COURT: Did they investigate?

10 PROSPECTIVE JUROR NO. 020: They did. They weren't
11 able to catch the people, but they did find the trailer empty,
12 I believe the very next day.

13 THE COURT: Okay. Were you satisfied with the way it
14 was handled?

15 PROSPECTIVE JUROR NO. 020: Yeah. I don't feel like
16 there was very much they can do unless they caught him
17 red-handed which, you know, I'm sure they dumped it right away.

18 THE COURT: Okay. Anything about that incident that
19 would affect your ability to be fair and impartial in this
20 case?

21 PROSPECTIVE JUROR NO. 020: No.

22 THE COURT: Have you ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 020: No.

24 THE COURT: Know anybody, friends, family members
25 ever been accused of a crime?

1 PROSPECTIVE JUROR NO. 020: My brother. My oldest
2 brother he went to jail for stealing a car and another time for
3 resisting arrest I think.

4 THE COURT: Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 020: No. It's in California.

6 THE COURT: All right. Do you think he was treated
7 fairly?

8 PROSPECTIVE JUROR NO. 020: Yeah.

9 THE COURT: All right. Anything about his
10 interaction with law enforcement that would affect your ability
11 to be fair and impartial in this case?

12 PROSPECTIVE JUROR NO. 020: Not at all.

13 THE COURT: Would you have a tendency to give more
14 weight or credence or less weight or credence to the testimony
15 of a police officer simply because the witness is a police
16 officer?

17 PROSPECTIVE JUROR NO. 020: No more, no less.

18 THE COURT: Thank you. Do you know any reason why
19 you could not be a completely fair and impartial juror if you
20 were selected to serve?

21 PROSPECTIVE JUROR NO. 020: No.

22 THE COURT: Thank you. Thank you for being here,
23 sir.

24 Mr. Caswell.

25 PROSPECTIVE JUROR NO. 022: Yes.

1 THE COURT: Good afternoon. How long have you lived
2 in Clark County?

3 PROSPECTIVE JUROR NO. 022: About eight years.

4 THE COURT: Okay. What do you do for a living?

5 PROSPECTIVE JUROR NO. 022: I'm a full-time student
6 at the University of Las Vegas.

7 THE COURT: Okay. What are you studying?

8 PROSPECTIVE JUROR NO. 022: Political science and
9 law.

10 THE COURT: Do you want to go to law school?

11 PROSPECTIVE JUROR NO. 022: Maybe.

12 THE COURT: You said political science and law;
13 right?

14 PROSPECTIVE JUROR NO. 022: Yeah.

15 THE COURT: What kind of law?

16 PROSPECTIVE JUROR NO. 022: Civil law, criminal law,
17 whichever works.

18 THE COURT: Okay. Well, what kind of classes do you
19 take? Come on, you're a full-time student.

20 PROSPECTIVE JUROR NO. 022: Everything, really. I
21 mean, last semester I took Japanese this semester I'm taking
22 philosophy.

23 THE COURT: I'm talking about law classes.

24 PROSPECTIVE JUROR NO. 022: Yeah, law classes, like.

25 THE COURT: Have you taken business law, criminal

1 justice?

2 PROSPECTIVE JUROR NO. 022: Criminal justice so far.
3 That's the first one.

4 THE COURT: Okay. And you don't know if you want to
5 go to law school yet?

6 PROSPECTIVE JUROR NO. 022: About 50-50.

7 THE COURT: Well, what do you want to do with the
8 other 50 when you think if I don't go to law school what else
9 are you going to do?

10 PROSPECTIVE JUROR NO. 022: Run for office.

11 THE COURT: Oh, okay. What do you want to run for?

12 PROSPECTIVE JUROR NO. 022: Senator.

13 THE COURT: State or US?

14 PROSPECTIVE JUROR NO. 022: State.

15 THE COURT: So you want to be a State Senator?

16 PROSPECTIVE JUROR NO. 022: Uh-huh.

17 THE COURT: Is that a yes?

18 PROSPECTIVE JUROR NO. 022: Yes, ma'am.

19 THE COURT: And -- well, when are you going to run?

20 You don't have to get a degree to run.

21 PROSPECTIVE JUROR NO. 022: Hum.

22 THE COURT: Soon?

23 PROSPECTIVE JUROR NO. 022: Maybe. Give it 10 years.

24 THE COURT: I'm just wondering. You want to wait
25 about 10 years?

1 PROSPECTIVE JUROR NO. 022: Yeah, I want to have a
2 lot of life experiences before I set out to do this.

3 THE COURT: Okay. Well, good for you.

4 PROSPECTIVE JUROR NO. 022: Thank you.

5 THE COURT: Your marital status?

6 PROSPECTIVE JUROR NO. 022: Happily single.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 022: I hope not, no.

9 THE COURT: Have you ever served as a juror before?

10 PROSPECTIVE JUROR NO. 022: Nope.

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

12 PROSPECTIVE JUROR NO. 022: Yes.

13 THE COURT: Okay. Can you tell us about that.

14 PROSPECTIVE JUROR NO. 022: This might take a while.

15 I was stolen from ---

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 022: -- a few years ago.

18 Nothing happened from that. It was from a friend. I was like
19 cool. And that's about it. Just stolen from.

20 THE COURT: That didn't take long.

21 PROSPECTIVE JUROR NO. 022: Yeah.

22 THE COURT: Okay. So you had a friend that stole
23 from you?

24 PROSPECTIVE JUROR NO. 022: Yes.

25 THE COURT: Was that when you were kids?

1 PROSPECTIVE JUROR NO. 022: About three or four years
2 ago.

3 THE COURT: Okay. Did you call the police? What did
4 you do?

5 PROSPECTIVE JUROR NO. 022: I disowned him as my
6 friend. That's about it.

7 THE COURT: Okay. So just sort of ruined the
8 friendship?

9 PROSPECTIVE JUROR NO. 022: Yeah, basically.

10 THE COURT: But you didn't feel the need to, like,
11 report it to the police?

12 PROSPECTIVE JUROR NO. 022: There's no reason to ruin
13 his life over something very minor.

14 THE COURT: Okay. Have you ever -- have you ever
15 been accused of a crime?

16 PROSPECTIVE JUROR NO. 022: No.

17 THE COURT: Do you know anybody, friends, family
18 members that have ever been accused of a crime?

19 PROSPECTIVE JUROR NO. 022: No.

20 THE COURT: Okay. Would you have a tendency to give
21 more weight or credence or less weight or credence to the
22 testimony of a police officer simply because the witness is a
23 police officer?

24 PROSPECTIVE JUROR NO. 022: About even.

25 THE COURT: Okay. I'm not sure what that means.

1 PROSPECTIVE JUROR NO. 022: I wouldn't be in favor or
2 against it. I'd take his opinion --

3 THE COURT: Or her.

4 PROSPECTIVE JUROR NO. 022: -- or her, of course.
5 I'd take their opinion as equal as any other witnesses that
6 were to come up.

7 THE COURT: Okay. So you'd judge that witness's
8 credibility like you would any other witness?

9 PROSPECTIVE JUROR NO. 022: Yes, of course.

10 THE COURT: And you'd follow the instructions on the
11 law as given to you by the Court on how to do that?

12 PROSPECTIVE JUROR NO. 022: Yes, ma'am.

13 THE COURT: Okay. Are you employed at all, or do you
14 just go to school?

15 PROSPECTIVE JUROR NO. 022: I just go to school for
16 now.

17 THE COURT: Okay. Do you know of any reason why you
18 could not be a completely fair and impartial juror if we
19 selected you to serve?

20 PROSPECTIVE JUROR NO. 022: Not that I know of, no.

21 THE COURT: Okay. Thank you very much for answering
22 my questions and thank you for being here.

23 Mr. Artis. You're okay. I can hear just as long as
24 you speak up.

25 PROSPECTIVE JUROR NO. 023: Yes, ma'am.

1 THE COURT: How long have you lived in Clark County?

2 PROSPECTIVE JUROR NO. 023: I grew up here, ma'am,
3 and lived outside the States for 22 years and came back --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 023: -- after my deployment.

6 THE COURT: Your education background?

7 PROSPECTIVE JUROR NO. 023: Bachelor's degree in
8 civil engineering, minor in petroleum engineering.

9 THE COURT: Okay. What do you do for a living?

10 PROSPECTIVE JUROR NO. 023: Retired at the moment.

11 THE COURT: Okay. What did you do before you
12 retired?

13 PROSPECTIVE JUROR NO. 023: I worked for a Slumber J
14 which was assigned to Chevron. So lived overseas embarked in
15 their projects. I'm multilingual.

16 THE COURT: So you were an engineer?

17 PROSPECTIVE JUROR NO. 023: Yes, ma'am.

18 THE COURT: Your marital status?

19 PROSPECTIVE JUROR NO. 023: Married.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR NO. 023: Only for three more
22 months until she retires.

23 THE COURT: I'm sorry?

24 PROSPECTIVE JUROR NO. 023: Yeah, for another three
25 months, ma'am.

1 THE COURT: What does she do?

2 PROSPECTIVE JUROR NO. 023: She's head of VIP service
3 reservations at Caesars Entertainment.

4 THE COURT: Do you have kids?

5 PROSPECTIVE JUROR NO. 023: Grown people, yes, ma'am.

6 THE COURT: Okay. How many kids do you have?

7 PROSPECTIVE JUROR NO. 023: Three sons.

8 THE COURT: What do they do for a living?

9 PROSPECTIVE JUROR NO. 023: My oldest has been in
10 Seattle for many years; he works for Boeing.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 023: My youngest son lives in
13 Florida, he's business. And my middle son's a pilot.

14 THE COURT: Have you ever served as a juror before?

15 PROSPECTIVE JUROR NO. 023: No, ma'am.

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

18 PROSPECTIVE JUROR NO. 023: Yes, ma'am, but not in
19 the US.

20 THE COURT: Okay. Where was it?

21 PROSPECTIVE JUROR NO. 023: Working on a project in
22 Nigeria, and we were held up at gunpoint.

23 THE COURT: So you got out safely thank goodness;
24 right?

25 PROSPECTIVE JUROR NO. 023: Yeah, and they took two

1 people, but they even, yeah, it was a mess.

2 THE COURT: What do you mean they took two people?
3 Why don't you tell me what happened.

4 PROSPECTIVE JUROR NO. 023: We were going to a
5 project offshore. So we were flying to the heliport, and we
6 got ambushed. And they took our guards and took the guards
7 away and took our money, but left us alone.

8 THE COURT: Okay. What did you do?

9 PROSPECTIVE JUROR NO. 023: Well, we went up without
10 a cell phone, so we called the office and they sent other
11 police out there to rescue us.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 023: So we waited. Didn't
14 make any -- better not make any moves; we just waited.

15 THE COURT: All right. So some bad people came after
16 you while you were there?

17 PROSPECTIVE JUROR NO. 023: Yeah.

18 THE COURT: And you called your employer and they
19 sent people in to help you?

20 PROSPECTIVE JUROR NO. 023: They sent guards out,
21 yes, ma'am.

22 THE COURT: Okay. Have you ever been accused of a
23 crime?

24 PROSPECTIVE JUROR NO. 023: No, ma'am.

25 THE COURT: Know anybody, friends, family members

1 that have ever been accused of a crime?

2 PROSPECTIVE JUROR NO. 023: Not that I know of. Even
3 the distants. I haven't checked on all of them yet, but --

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR NO. 023: Uh-huh.

6 THE COURT: Would you have a tendency to give more
7 weight or credence or less weight or credence to the testimony
8 of a police officer simply because the witness is a police
9 officer?

10 PROSPECTIVE JUROR NO. 023: No, ma'am.

11 THE COURT: Okay. Do you know of any reason why you
12 could not be a completely fair and impartial juror?

13 PROSPECTIVE JUROR NO. 023: No, ma'am.

14 THE COURT: Thank you, sir. Thank you very much for
15 being here.

16 Leslie Church, how long have you lived in Clark
17 County?

18 PROSPECTIVE JUROR NO. 025: 29 years.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 025: Bachelor's fine arts,
21 English.

22 THE COURT: What do you do for a living?

23 PROSPECTIVE JUROR NO. 025: I'm a filming and event
24 coordinator.

25 THE COURT: Your marital status?

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1 PROSPECTIVE JUROR NO. 025: Single.
2 THE COURT: Do you have kids?
3 PROSPECTIVE JUROR NO. 025: No.
4 THE COURT: Have you ever served as a juror before?
5 PROSPECTIVE JUROR NO. 025: No.
6 THE COURT: Have you ever been the victim of a crime?
7 PROSPECTIVE JUROR NO. 025: I've had my car broken
8 into a couple times.
9 THE COURT: All right. Did you call the police?
10 PROSPECTIVE JUROR NO. 025: No.
11 THE COURT: So you just came, saw it was broken into
12 and --
13 PROSPECTIVE JUROR NO. 025: Treated it as an
14 insurance claim.
15 THE COURT: -- life just goes on?
16 PROSPECTIVE JUROR NO. 025: Uh-huh.
17 THE COURT: Okay. Anything other than that?
18 PROSPECTIVE JUROR NO. 025: Nope.
19 THE COURT: Have you ever been accused of a crime?
20 PROSPECTIVE JUROR NO. 025: No.
21 THE COURT: Know anybody, friends, family members
22 that have ever been accused of a crime?
23 PROSPECTIVE JUROR NO. 025: My uncle served time for
24 a couple DUIs.
25 THE COURT: Okay. Why don't you tell me about that.

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1 Was it here in Clark County?

2 PROSPECTIVE JUROR NO. 025: It was in Clark County,
3 and he had gotten several of them, and I'm not really sure how
4 many you need to get to serve prison time, but he did and then
5 he relocated to Utah with our grandfather, and then he racked
6 up another DUI and served out in Utah.

7 THE COURT: All right. So you believe he went to
8 prison here in Nevada for a DUI?

9 PROSPECTIVE JUROR NO. 025: Yeah.

10 THE COURT: All right. Do you know how long ago that
11 was?

12 PROSPECTIVE JUROR NO. 025: That was probably five
13 years ago.

14 THE COURT: Okay. Is there anything about that that
15 would interfere with your ability to be fair and impartial --

16 PROSPECTIVE JUROR NO. 025: No.

17 THE COURT: -- in this case? Do you know much about
18 the case other than what you've been told by family members?

19 PROSPECTIVE JUROR NO. 025: No, not much.

20 THE COURT: You didn't follow the case?

21 PROSPECTIVE JUROR NO. 025: No.

22 THE COURT: Okay. Anything other than that?

23 PROSPECTIVE JUROR NO. 025: Nope.

24 THE COURT: Would you have a tendency to give more
25 weight or credence or less weight or credence to the testimony

1 of a police officer simply because the witness is a police
2 officer?

3 PROSPECTIVE JUROR NO. 025: No.

4 THE COURT: Do you know of any reason why you could
5 not be a fair and impartial juror?

6 PROSPECTIVE JUROR NO. 025: No.

7 THE COURT: Thank you. Thank you for being here.
8 Ms. Humphries, how long have you lived in Clark
9 County?

10 PROSPECTIVE JUROR NO. 026: 12 years.

11 THE COURT: Your education background?

12 PROSPECTIVE JUROR NO. 026: I have a Master's in
13 educational psychology.

14 THE COURT: What do you do for a living?

15 PROSPECTIVE JUROR NO. 026: I work for a software
16 company; I'm a senior manager.

17 THE COURT: Okay. Your marital status?

18 PROSPECTIVE JUROR NO. 026: I'm married.

19 THE COURT: Okay. Is your spouse employed?

20 PROSPECTIVE JUROR NO. 026: He's retired.

21 THE COURT: What did he do before he retired?

22 PROSPECTIVE JUROR NO. 026: Worked in high-tech same
23 computer companies --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 026: -- worked for Microsoft

1 and Apple.

2 THE COURT: Do you have kids?

3 PROSPECTIVE JUROR NO. 026: I have one son in LA.

4 THE COURT: Okay. Do you know what he does for a
5 living?

6 PROSPECTIVE JUROR NO. 026: He works in social media.

7 THE COURT: Have you ever served as a juror before?

8 PROSPECTIVE JUROR NO. 026: No.

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

10 PROSPECTIVE JUROR NO. 026: Yes.

11 THE COURT: Okay. Can you tell us about that.

12 PROSPECTIVE JUROR NO. 026: Yeah, I had my wallet
13 stolen at Trader Joe's a few years ago here.

14 THE COURT: Okay. Did you call the police?

15 PROSPECTIVE JUROR NO. 026: I did, and I had to go
16 down and report it. They didn't come out.

17 THE COURT: You had to go to, like, a sub station and
18 report it?

19 PROSPECTIVE JUROR NO. 026: Yeah, exactly.

20 THE COURT: Did you ever get your wallet back?

21 PROSPECTIVE JUROR NO. 026: I'm sorry?

22 THE COURT: Did you ever get your wallet back?

23 PROSPECTIVE JUROR NO. 026: Nope.

24 THE COURT: Were you satisfied with the way you were
25 treated?

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1 PROSPECTIVE JUROR NO. 026: Oh, yeah. I mean, they
2 were very nice, but nobody ever found anything or -- I never
3 got my wallet back or my photos.

4 THE COURT: Anything other than that?

5 PROSPECTIVE JUROR NO. 026: No.

6 THE COURT: All right. Have you ever been accused of
7 a crime?

8 PROSPECTIVE JUROR NO. 026: No.

9 THE COURT: Do you know anybody, family members or
10 friends that have ever been accused of a crime?

11 PROSPECTIVE JUROR NO. 026: No.

12 THE COURT: Would you have the tendency to give more
13 weight or credence or less weight or credence to the testimony
14 of a police officer simply based on the fact that the witness
15 is a police officer?

16 PROSPECTIVE JUROR NO. 026: No.

17 THE COURT: Do you know of any reason why you could
18 not be a completely fair and impartial juror if you were
19 selected to serve?

20 PROSPECTIVE JUROR NO. 026: No.

21 THE COURT: Thank you. Thank you for being here.
22 Ms. Tiffany Sendra.

23 PROSPECTIVE JUROR NO. 027: Hello.

24 THE COURT: How long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 027: I've been here for about

1 10 years.

2 THE COURT: Okay. Your education background?

3 PROSPECTIVE JUROR NO. 027: High school and doing
4 college now.

5 THE COURT: Okay. And you indicated earlier you're
6 employed and you're a business owner?

7 PROSPECTIVE JUROR NO. 027: Yes, ma'am.

8 THE COURT: Okay. Do you have -- and you said you
9 do -- you sell something on the Internet; correct?

10 PROSPECTIVE JUROR NO. 027: CBD oil.

11 THE COURT: And do you have to have a business
12 license? How do you do that?

13 PROSPECTIVE JUROR NO. 027: Yep. I do have a
14 business license right now so.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 027: Yep.

17 THE COURT: Your marital status?

18 PROSPECTIVE JUROR NO. 027: I'm single.

19 THE COURT: Do you have kids?

20 PROSPECTIVE JUROR NO. 027: No.

21 THE COURT: Have you ever served as a juror before?

22 PROSPECTIVE JUROR NO. 027: I have not.

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

24 PROSPECTIVE JUROR NO. 027: Yes.

25 THE COURT: Okay. Can you tell me about that.

1 PROSPECTIVE JUROR NO. 027: There were a few
2 instances. One was a few years ago; I was robbed at gunpoint.

3 THE COURT: Okay. That was a few years ago?

4 PROSPECTIVE JUROR NO. 027: Yeah.

5 THE COURT: Here in Clark County?

6 PROSPECTIVE JUROR NO. 027: Yes.

7 THE COURT: I'm assuming you called the police?

8 PROSPECTIVE JUROR NO. 027: I did.

9 THE COURT: Okay. Where was this at?

10 PROSPECTIVE JUROR NO. 027: It was right by Durango
11 High School so off of, like, Russell, and I don't actually
12 remember --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 027: -- which is pretty
15 messed up but.

16 THE COURT: And is that where you went to school?

17 PROSPECTIVE JUROR NO. 027: Yeah.

18 THE COURT: So it was while you were a high school
19 student?

20 PROSPECTIVE JUROR NO. 027: Uh-huh.

21 THE COURT: Is that a yes?

22 PROSPECTIVE JUROR NO. 027: Yes.

23 THE COURT: Okay. And you called the police?

24 PROSPECTIVE JUROR NO. 027: Yes, I did.

25 THE COURT: So it was reported?

1 PROSPECTIVE JUROR NO. 027: Yeah.

2 THE COURT: Did they ever find the person?

3 PROSPECTIVE JUROR NO. 027: No. Nah.

4 THE COURT: Okay. Was it one person? More than one?

5 PROSPECTIVE JUROR NO. 027: There were two people.

6 THE COURT: Okay. But they never found out who it
7 was?

8 PROSPECTIVE JUROR NO. 027: No.

9 THE COURT: Okay. Did you think you were treated
10 fairly?

11 PROSPECTIVE JUROR NO. 027: Yeah, for the most part.
12 I kinda well, I kinda feel like maybe we were looked at like we
13 were younger obviously teenagers so I feel like we were not
14 talked down to, but like treated like kids you know. It was
15 weird.

16 THE COURT: Okay. But were you a minor?

17 PROSPECTIVE JUROR NO. 027: Sure. Yeah.

18 THE COURT: Okay. So but it sounds like you might
19 have been a little bit offended. I'm trying to figure out you
20 think the police talked down to you because you were a minor?

21 PROSPECTIVE JUROR NO. 027: Yes. Yeah, and I guess
22 maybe now it's just, like, realizing that that situation isn't
23 something that kids, like, just right after that I felt like I
24 grew up. So it was just weird. Like, I almost just died and
25 then they were talking to me like a kid. So I'm like -- but.

1 THE COURT: Oh, you felt like you had been through
2 something so serious, and then they were speaking to you like
3 you were a child?

4 PROSPECTIVE JUROR NO. 027: Right. Like it was,
5 yeah.

6 THE COURT: You said we, was there more than one
7 person?

8 PROSPECTIVE JUROR NO. 027: Yes. So I was with a few
9 of my friends.

10 THE COURT: All right. Other than that, do you think
11 you were treated fairly?

12 PROSPECTIVE JUROR NO. 027: Yeah.

13 THE COURT: I know you said you had a couple more
14 instances.

15 PROSPECTIVE JUROR NO. 027: I was also physically
16 assaulted, yeah.

17 THE COURT: Did you call the police?

18 PROSPECTIVE JUROR NO. 027: Yes.

19 THE COURT: When was that?

20 PROSPECTIVE JUROR NO. 027: That was two years ago.

21 THE COURT: And did they apprehend anybody, arrest
22 anybody?

23 PROSPECTIVE JUROR NO. 027: They did actually.
24 Because after he assaulted me he went and assaulted somebody
25 else. So he was just kinda on the loose just doing his thing.

1 THE COURT: Okay. And so a person got arrested?

2 PROSPECTIVE JUROR NO. 027: Yes.

3 THE COURT: And was that person charged?

4 PROSPECTIVE JUROR NO. 027: Yeah.

5 THE COURT: Okay. Was that here in Clark County?

6 PROSPECTIVE JUROR NO. 027: Uh-huh.

7 THE COURT: Is that a yes?

8 PROSPECTIVE JUROR NO. 027: Yes.

9 THE COURT: Did you have to go to court and testify
10 or identify the person?

11 PROSPECTIVE JUROR NO. 027: I did not go.

12 THE COURT: Did they ask you to come?

13 PROSPECTIVE JUROR NO. 027: I honestly -- I hardly
14 remember. It's like --

15 THE COURT: Okay, but you remember you reported it,
16 and you believe someone was apprehended and charged?

17 PROSPECTIVE JUROR NO. 027: Yes.

18 THE COURT: But you don't recall ever having to go to
19 court and testify or identify anybody?

20 PROSPECTIVE JUROR NO. 027: Yeah.

21 THE COURT: Okay. Do you think you were treated
22 fairly in that incident?

23 PROSPECTIVE JUROR NO. 027: Yes.

24 THE COURT: Okay. Anything else?

25 PROSPECTIVE JUROR NO. 027: No.

1 THE COURT: Okay. Have you ever been accused of a
2 crime?

3 PROSPECTIVE JUROR NO. 027: No.

4 THE COURT: Know anybody, friends, family members
5 that have ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 027: Family, yeah.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 027: It was just drug-related
9 there in California so.

10 THE COURT: Okay. Brothers, sisters, aunts?

11 PROSPECTIVE JUROR NO. 027: My sister.

12 THE COURT: Okay. And she had a drug offense?

13 PROSPECTIVE JUROR NO. 027: Uh-huh.

14 THE COURT: Is that a yes?

15 PROSPECTIVE JUROR NO. 027: Yes.

16 THE COURT: I'm sorry I'm correcting you it's just
17 for the record.

18 PROSPECTIVE JUROR NO. 027: No. It's okay. I'm
19 sorry. I'm, like, I have to get in the habit of saying yes.
20 So, yes.

21 THE COURT: We're used to it so --

22 PROSPECTIVE JUROR NO. 027: I know.

23 THE COURT: -- I don't mean to constantly be
24 correcting you, but we just do that for the record.

25 PROSPECTIVE JUROR NO. 027: No, you're fine. You're

1 fine.

2 THE COURT: So it was a sister in California?

3 PROSPECTIVE JUROR NO. 027: Yes.

4 THE COURT: Did she do time?

5 PROSPECTIVE JUROR NO. 027: Yeah, she did.

6 THE COURT: Okay. Do you think she was treated
7 fairly?

8 PROSPECTIVE JUROR NO. 027: Oh, yeah.

9 THE COURT: Anything about that incident that would
10 affect your ability to be fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 027: Nope.

12 THE COURT: Okay. Would you have a tendency to give
13 more weight or credence or less weight or credence to the
14 testimony of a police officer just based on the fact the
15 witness is a police officer?

16 PROSPECTIVE JUROR NO. 027: No.

17 THE COURT: Thank you. Do you know of any reason why
18 you could not be a completely fair and impartial juror if we
19 selected you to serve on this panel?

20 PROSPECTIVE JUROR NO. 027: No, but I will say that
21 just I am like a very emotional person, and I do get triggered
22 easily. I'm diagnosed with PTSD so certain things do trigger
23 me more than others, and sometimes, like, I just don't know if
24 I'm -- I know I'm mentally stable, but emotionally I can with
25 certain things, like, not really handle them better.

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1 THE COURT: Okay. When you say you were diagnosed
2 with PTSD, I'm assuming that that was subsequent to a traumatic
3 event?

4 PROSPECTIVE JUROR NO. 027: Yes.

5 THE COURT: Was that -- have you already described
6 that to us?

7 PROSPECTIVE JUROR NO. 027: Yes.

8 THE COURT: Okay. And you sought medical attention
9 for that?

10 PROSPECTIVE JUROR NO. 027: Yes, I still am, yeah.

11 THE COURT: Okay. If you have any issues, if you
12 have a problem with getting my attention or the court marshal
13 because obviously I don't want you to have any problems here.

14 PROSPECTIVE JUROR NO. 027: Yeah, no, I would totally
15 do that.

16 THE COURT: Okay. Other than that anything that
17 would interfere with your ability to be fair and impartial?

18 PROSPECTIVE JUROR NO. 027: No.

19 THE COURT: Okay. Thank you very much for being
20 here, ma'am.

21 PROSPECTIVE JUROR NO. 027: Thank you.

22 THE COURT: Mr. -- is it Tabor?

23 PROSPECTIVE JUROR NO. 029: Yes, ma'am.

24 THE COURT: Okay. How long have you lived in Clark
25 County?

1 PROSPECTIVE JUROR NO. 029: On and off for 25 years.
2 THE COURT: Your education background?
3 PROSPECTIVE JUROR NO. 029: High school diploma.
4 THE COURT: What do you do for a living?
5 PROSPECTIVE JUROR NO. 029: I'm a aircraft refueler.
6 THE COURT: I'm sorry?
7 PROSPECTIVE JUROR NO. 029: Refuel aircraft.
8 Airplane.
9 THE COURT: Where do you do that?
10 PROSPECTIVE JUROR NO. 029: McCarran.
11 THE COURT: Okay. I just was asking at McCarran
12 Airport?
13 PROSPECTIVE JUROR NO. 029: Yes, ma'am.
14 THE COURT: Okay. So do you work -- who do you work
15 for? Who's your employer?
16 PROSPECTIVE JUROR NO. 029: Menzies Aviation.
17 THE COURT: Okay. Your marital status?
18 PROSPECTIVE JUROR NO. 029: Single.
19 THE COURT: Do you have kids?
20 PROSPECTIVE JUROR NO. 029: No.
21 THE COURT: Have you ever served as a juror before?
22 PROSPECTIVE JUROR NO. 029: No, ma'am.
23 THE COURT: Have ever been the victim of a crime?
24 PROSPECTIVE JUROR NO. 029: Yes.
25 THE COURT: Can you tell me about that.

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1 PROSPECTIVE JUROR NO. 029: My motorcycle was stolen
2 a couple years ago.

3 THE COURT: Did you report it to the police?

4 PROSPECTIVE JUROR NO. 029: No.

5 THE COURT: What do you mean, your motorcycle was
6 stolen and you just went home.

7 PROSPECTIVE JUROR NO. 029: Just move on. It was old
8 and cheap anyway.

9 THE COURT: And where was it that it got stolen?

10 PROSPECTIVE JUROR NO. 029: Just outside my
11 apartment.

12 THE COURT: Okay. Anything else?

13 PROSPECTIVE JUROR NO. 029: No.

14 THE COURT: Have you ever been accused of a crime?

15 PROSPECTIVE JUROR NO. 029: Yes.

16 THE COURT: Okay. Can you tell me --

17 PROSPECTIVE JUROR NO. 029: Petty -- petty larceny.

18 THE COURT: Okay. When was that?

19 PROSPECTIVE JUROR NO. 029: It was about 15 years
20 ago.

21 THE COURT: Were you an adult or when -- was that
22 when you were a child?

23 PROSPECTIVE JUROR NO. 029: I was 15, 16. I was in
24 high school.

25 THE COURT: Okay. I'm not asking about stuff you did

1 when you were a juvenile, okay.

2 PROSPECTIVE JUROR NO. 029: I just -- you asked if I
3 had been accused so I --

4 THE COURT: I appreciate that, but as an adult have
5 you ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 029: No, ma'am.

7 THE COURT: Okay. Friends, family members, do you
8 know anybody that's ever been accused of a crime?

9 PROSPECTIVE JUROR NO. 029: My brother has been in
10 and out of jail for drugs and violence.

11 THE COURT: Okay. What jurisdiction?

12 PROSPECTIVE JUROR NO. 029: Clark County.

13 THE COURT: You say drugs and violence, what does
14 that mean?

15 PROSPECTIVE JUROR NO. 029: I'm not entirely sure.
16 I'm kind of estranged with him. But just from what I've heard
17 he's -- it's just I -- drugs and domestic violence and other
18 violence. I don't know the details.

19 THE COURT: Who do you hear it from?

20 PROSPECTIVE JUROR NO. 029: Mostly my mom and my
21 sister.

22 THE COURT: Okay. Is he in custody now? Out of
23 custody?

24 PROSPECTIVE JUROR NO. 029: I believe he's free at
25 the moment.

1 THE COURT: Okay. Do think he's been treated fairly?

2 PROSPECTIVE JUROR NO. 029: Yeah.

3 THE COURT: And you know there's a possibility he
4 could have been prosecuted by the Clark County District
5 Attorney's Office?

6 PROSPECTIVE JUROR NO. 029: Uh-huh.

7 THE COURT: Is that a yes?

8 PROSPECTIVE JUROR NO. 029: Yes, ma'am.

9 THE COURT: Any problem with that?

10 PROSPECTIVE JUROR NO. 029: No.

11 THE COURT: Okay. Anything else?

12 PROSPECTIVE JUROR NO. 029: Nope.

13 THE COURT: Would you have a tendency to give more
14 weight or credence or less weight or credence to the testimony
15 of a police officer simply because the witness is a police
16 officer?

17 PROSPECTIVE JUROR NO. 029: No.

18 THE COURT: Can you be fair and impartial in this
19 case?

20 PROSPECTIVE JUROR NO. 029: Yes, ma'am.

21 THE COURT: Okay. Thank you very much for being
22 here.

23 Mr. Jimenez, how long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 030: Eighteen years.

25 THE COURT: What do you do for living?

1 PROSPECTIVE JUROR NO. 030: I'm a senior rep for a
2 financing company.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 030: Two years of college in
5 communications.

6 THE COURT: Your marital status?

7 PROSPECTIVE JUROR NO. 030: I'm married.

8 THE COURT: Is your spouse employed?

9 PROSPECTIVE JUROR NO. 030: Yes.

10 THE COURT: What does your spouse do?

11 PROSPECTIVE JUROR NO. 030: She's a key account
12 executive for a health insurance company.

13 THE COURT: Do you have kids?

14 PROSPECTIVE JUROR NO. 030: Nope. No, ma'am.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR NO. 030: No, ma'am.

17 THE COURT: Okay. Have ever been the victim of a
18 crime?

19 PROSPECTIVE JUROR NO. 030: Couple of vehicles
20 stolen. One in Florida when I lived in Florida and the other
21 one when I lived in Puerto Rico.

22 THE COURT: Did you report it to the police?

23 PROSPECTIVE JUROR NO. 030: In Puerto Rico forget
24 about it you're wasting your time. You're wasting your time.

25 THE COURT: Okay. How about in Florida?

1 PROSPECTIVE JUROR NO. 030: In Florida I reported.
2 Honestly, the car was a junk already. It was so messed up.
3 They were doing me a favor anyway. I did find it later on
4 because it didn't run anymore so I guess whoever stole it just
5 left it there on the side.

6 THE COURT: Okay. Anything about those incidents
7 that would interfere with your ability to be fair and impartial
8 in this case?

9 PROSPECTIVE JUROR NO. 030: No, it wouldn't. No,
10 ma'am.

11 THE COURT: Okay. Have you ever been accused of a
12 crime?

13 PROSPECTIVE JUROR NO. 030: No, ma'am.

14 THE COURT: Do you know anybody, family members or
15 friends that have ever been accused of a crime?

16 PROSPECTIVE JUROR NO. 030: A friend of mine served
17 some time in jail in Puerto Rico for drugs, you know, he was
18 selling drugs.

19 THE COURT: Okay. So selling drugs in Puerto Rico
20 and had to go to prison for it?

21 PROSPECTIVE JUROR NO. 030: Yes, ma'am.

22 THE COURT: And do you think he was treated fairly?

23 PROSPECTIVE JUROR NO. 030: Yes, ma'am.

24 THE COURT: Anything about that incident that would
25 interfere with your ability to be fair and impartial in this

1 case?

2 PROSPECTIVE JUROR NO. 030: No, ma'am.

3 THE COURT: Would you have a tendency to give more
4 weight or credence of less weight or credence to the testimony
5 of a police officer simply because the witness is a police
6 officer?

7 PROSPECTIVE JUROR NO. 030: No, ma'am.

8 THE COURT: Do you know of any reason why you could
9 not be a completely fair and impartial juror if you were
10 selected to serve?

11 PROSPECTIVE JUROR NO. 030: No, ma'am.

12 THE COURT: Thank you, sir. Thank you for being
13 here.

14 Ms. Belden.

15 PROSPECTIVE JUROR NO. 031: Yes, ma'am.

16 THE COURT: How long have you lived in Clark County?

17 PROSPECTIVE JUROR NO. 031: 51 years.

18 THE COURT: What do you do for living?

19 PROSPECTIVE JUROR NO. 031: I am a lab assistant at
20 Mountain View Hospital.

21 THE COURT: Your education background?

22 PROSPECTIVE JUROR NO. 031: Currently in college for
23 a degree in healthcare.

24 THE COURT: Okay. So where are you going to school?
25 Are you full time --

1 PROSPECTIVE JUROR NO. 031: CSN.

2 THE COURT: All right.

3 PROSPECTIVE JUROR NO. 031: It's part time.

4 THE COURT: What type of program is it?

5 PROSPECTIVE JUROR NO. 031: Radiation therapy.

6 THE COURT: Okay. Are we going to interfere with
7 your school schedule?

8 PROSPECTIVE JUROR NO. 031: I'm sorry?

9 THE COURT: Would we interfere -- would jury service
10 interfere with your school schedule?

11 PROSPECTIVE JUROR NO. 031: No.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR NO. 031: Divorced.

14 THE COURT: Do you have kids?

15 PROSPECTIVE JUROR NO. 031: Two.

16 THE COURT: Are they old enough to be employed?

17 PROSPECTIVE JUROR NO. 031: They are.

18 THE COURT: Can you tell --

19 PROSPECTIVE JUROR NO. 031: My daughter works for
20 Medic West as an advanced EMT here in Clark County. And my son
21 is currently living in Washington state, and he works for a
22 pharmaceutical company.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 031: Never.

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

1 PROSPECTIVE JUROR NO. 031: No.

2 THE COURT: Do you know anyone, family members or
3 friends that have ever been the victim of a crime?

4 PROSPECTIVE JUROR NO. 031: Actually, yes. About
5 three weeks ago a very good friend of mine was killed in a car
6 accident with her husband. And actually it was a DUI.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 031: It was a hit and run.

9 THE COURT: A hit and run? Is that what you said?

10 PROSPECTIVE JUROR NO. 031: Yeah.

11 THE COURT: And how do you know if it was a hit and
12 run? Did they catch the person?

13 PROSPECTIVE JUROR NO. 031: They did.

14 THE COURT: And that's how you know it's a DUI?

15 PROSPECTIVE JUROR NO. 031: Yeah.

16 THE COURT: All right. What jurisdiction was this
17 in?

18 PROSPECTIVE JUROR NO. 031: Here in Clark County.

19 THE COURT: Oh, this was in Clark County. It was
20 just a few weeks ago?

21 PROSPECTIVE JUROR NO. 031: Yeah.

22 THE COURT: And I'm assuming -- how do you know about
23 it? Just by listening to family members and friends? I'm
24 sorry.

25 PROSPECTIVE JUROR NO. 031: Well, I work with her.

1 THE COURT: I'm sorry.

2 PROSPECTIVE JUROR NO. 031: So I showed up at work
3 and found out about it.

4 THE COURT: Okay. And you believe they've
5 apprehended somebody?

6 PROSPECTIVE JUROR NO. 031: Yes, they did.

7 THE COURT: Okay. Have you been following the case?

8 PROSPECTIVE JUROR NO. 031: Only on their Facebook
9 page that was set up for them, and through conversation at
10 work. I don't have cable at home --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 031: -- so I try to stay out
13 of the news, but that case I follow as much as I can.

14 THE COURT: Okay. Is there anything about that that
15 would interfere with your ability to be fair and impartial in
16 this case?

17 PROSPECTIVE JUROR NO. 031: I don't really know. I
18 can't answer that question honestly because I don't know the
19 details of this case. But that one really bothers me so. The
20 fact that the person they did apprehend claims he wasn't even
21 driving and his -- I have a problem with that.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 031: Especially when two
24 people have lost their lives.

25 THE COURT: And horrible. Can't even -- I can't even

1 imagine. But it sounds like you're following the case through
2 Facebook; right?

3 PROSPECTIVE JUROR NO. 031: Yeah.

4 THE COURT: Are you going to court and listening to
5 the proceedings?

6 PROSPECTIVE JUROR NO. 031: No, there's nothing as of
7 yet. I mean, they just did a preliminary hearing on the guy.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 031: And I don't know because
10 I don't -- I work during the weekend and I so during the
11 weekday I usually have my grandson after school and stuff. So
12 the only way I can get information is through other people who
13 are keeping up with the news or on the Internet.

14 THE COURT: Okay. No, I appreciate that. I just am
15 concerned about your response. Do you know of anything
16 regarding that case that would interfere with your ability to
17 be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 031: I'm going to say no.

19 THE COURT: Okay. Because you understand I can't
20 wait until you listen to the case.

21 PROSPECTIVE JUROR NO. 031: I get --I get what you're
22 saying.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 031: And I'm being honest with
25 you too so.

1 THE COURT: Sure. I need jurors that can tell me
2 before we start the case, before they hear the evidence
3 regardless of what the evidence is if they can be fair and
4 impartial.

5 PROSPECTIVE JUROR NO. 031: I feel that I can.

6 THE COURT: So that's my question.

7 PROSPECTIVE JUROR NO. 031: Yes.

8 THE COURT: Okay. So nothing about that case will
9 interfere with your ability to judge this case fairly and
10 impartially; correct?

11 PROSPECTIVE JUROR NO. 031: I don't think so.

12 THE COURT: Okay. Thank you. Have you ever been
13 accused of a crime?

14 PROSPECTIVE JUROR NO. 031: No.

15 THE COURT: Know anybody family member, friends that
16 have ever been accused of a crime?

17 PROSPECTIVE JUROR NO. 031: A friend of mine was a
18 few years back and she served time. It was another DUI. There
19 was a child involved and the child died. But I was not --
20 she's an old friend from my past that I just recently got in
21 touch with. So she went through that trial and served time all
22 while we were not in contact. So I don't -- I can't comment on
23 whether that I felt she was treated fairly or not.

24 THE COURT: Okay. But do you have any reason to
25 believe she was not treated fairly?

1 PROSPECTIVE JUROR NO. 031: No. I don't -- I don't.
2 really know the details, and I don't make judgment calls on
3 that.

4 THE COURT: Okay. Anything about that incident --

5 PROSPECTIVE JUROR NO. 031: No.

6 THE COURT: -- that would interfere with your ability
7 to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 031: No.

9 THE COURT: Okay. Anything else?

10 PROSPECTIVE JUROR NO. 031: No.

11 THE COURT: Okay. Would you have a tendency to give
12 more weight or credence or less weight or credence to the
13 testimony of a police officer simply because the witness is a
14 police officer?

15 PROSPECTIVE JUROR NO. 031: No.

16 THE COURT: Can you be fair and impartial in this
17 case?

18 PROSPECTIVE JUROR NO. 031: Yes, ma'am.

19 THE COURT: Okay. Thank you. Thank you very much
20 for being here.

21 Ms. Newby.

22 PROSPECTIVE JUROR NO. 032: Yes. I've been here for
23 23 years.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR NO. 032: I'm a Clark County school

1 teacher.

2 THE COURT: What do you teach?

3 PROSPECTIVE JUROR NO. 032: Fourth grade.

4 THE COURT: How long have you done that?

5 PROSPECTIVE JUROR NO. 032: Four years, but I've
6 taught for 12.

7 THE COURT: Okay. And I'm assuming your Bachelor's
8 is in education?

9 PROSPECTIVE JUROR NO. 032: Uh-huh. Yes, ma'am.

10 THE COURT: Okay. And you're out for the summer?

11 PROSPECTIVE JUROR NO. 032: Yep. Yes, ma'am.

12 THE COURT: Your marital status?

13 PROSPECTIVE JUROR NO. 032: Married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR NO. 032: Yes. He's a -- works for
16 a rec center for Clark County; he's a rec specialist.

17 THE COURT: Do you have kids?

18 PROSPECTIVE JUROR NO. 032: Yes. Under the age of
19 14.

20 THE COURT: Okay. How many kids do you have?

21 PROSPECTIVE JUROR NO. 032: Three.

22 THE COURT: And they're all minors?

23 PROSPECTIVE JUROR NO. 032: Yes.

24 THE COURT: Okay. Have you ever served as a juror
25 before?

1 PROSPECTIVE JUROR NO. 032: No.

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

3 PROSPECTIVE JUROR NO. 032: Yes. Our house has
4 gotten broken into a couple of times.

5 THE COURT: And did you call the police?

6 PROSPECTIVE JUROR NO. 032: Yes, we did.

7 THE COURT: And that -- was it Metro? Was it here in
8 Clark County?

9 PROSPECTIVE JUROR NO. 032: Yes, it was.

10 THE COURT: Okay. And was it Metro?

11 PROSPECTIVE JUROR NO. 032: I'll be honest with you
12 it must have been Metro. My husband dealt with a lot of it. I
13 just saw officers come. I don't really know if they're Metro
14 or not.

15 THE COURT: That's okay. That's okay. Twice?

16 PROSPECTIVE JUROR NO. 032: Yes.

17 THE COURT: Okay. Do you think you were treated
18 fairly?

19 PROSPECTIVE JUROR NO: 032: Yes.

20 THE COURT: Did they ever find the, I guess, the
21 perpetrators?

22 PROSPECTIVE JUROR NO: 032: No.

23 THE COURT: So you never had to go to court and
24 testify?

25 PROSPECTIVE JUROR NO. 032: No. No, ma'am.

1 THE COURT: Anything about those incidents that would
2 interfere with your ability to be fair and impartial in this
3 case?

4 PROSPECTIVE JUROR NO. 032: No.

5 THE COURT: Have ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 032: No, ma'am.

7 THE COURT: Know anybody, family member or friends
8 that have ever been accused of a crime?

9 PROSPECTIVE JUROR NO. 032: Yes, my husband.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 032: Domestic violence with
12 his first wife.

13 THE COURT: So I'm -- did you know him then?

14 PROSPECTIVE JUROR NO. 032: No.

15 THE COURT: Okay. So I'm assuming you know about his
16 case based on what he's told you?

17 PROSPECTIVE JUROR NO. 032: Yes.

18 THE COURT: All right. Anything about that that
19 would interfere with your ability to be fair and impartial in
20 this case?

21 PROSPECTIVE JUROR NO. 032: No.

22 THE COURT: Okay. Would you have tendency to give
23 more weight or credence or less weight or credence to the
24 testimony of a police officer simply because the witness is a
25 police officer?

1 PROSPECTIVE JUROR NO. 032: No.

2 THE COURT: Do you know of any reason why you could
3 not be a fair and impartial juror in this case?

4 PROSPECTIVE JUROR NO. 032: No. I'd be fine.

5 THE COURT: Thank you. Thank you for being here.

6 PROSPECTIVE JUROR NO. 032: Thank you.

7 THE COURT: Ms. Julie Giron, good afternoon.

8 PROSPECTIVE JUROR NO. 033: Yes, ma'am.

9 THE COURT: How long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 033: Five years.

11 THE COURT: Okay. Your education background?

12 PROSPECTIVE JUROR NO. 033: High school.

13 THE COURT: Are you employed other than I know you
14 told me you take care of grandkids?

15 PROSPECTIVE JUROR NO. 033: I'm retired.

16 THE COURT: Okay. What did you retire from?

17 PROSPECTIVE JUROR NO. 033: I used to work at the
18 hospital.

19 THE COURT: What did you do at the hospital?

20 PROSPECTIVE JUROR NO. 033: Housekeeping.

21 THE COURT: Your marital status?

22 PROSPECTIVE JUROR NO. 033: Separate, divorce.

23 THE COURT: And you have kids?

24 PROSPECTIVE JUROR NO. 033: Yeah, I have two.

25 THE COURT: How --- and are they old enough to be

1 employed?

2 PROSPECTIVE JUROR NO. 033: Yes.

3 THE COURT: Can you tell us what each does for a
4 living?

5 PROSPECTIVE JUROR NO. 033: My son works at a
6 restaurant and my daughter is a personal trainer here in Clark
7 County.

8 THE COURT: Have you ever served as a juror before?

9 PROSPECTIVE JUROR NO. 033: No.

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

11 PROSPECTIVE JUROR NO. 033: Yes.

12 THE COURT: Can you tell me about that.

13 PROSPECTIVE JUROR NO. 033: It was in California.

14 While I was away on vacation they stole my two cars, and they
15 took it to here in Las Vegas from California to here.

16 THE COURT: You were in California and two cars got
17 stolen?

18 PROSPECTIVE JUROR NO. 033: Uh-huh.

19 THE COURT: Is that a yes?

20 PROSPECTIVE JUROR NO. 033: When I was on vacation
21 somebody broke in my house and took all the keys.

22 THE COURT: Oh, you were on vacation and someone
23 broke in your house here?

24 PROSPECTIVE JUROR NO. 033: No, in California.

25 THE COURT: Okay. Sorry. And did you report it to

1 the police?

2 PROSPECTIVE JUROR NO. 033: Yes.

3 THE COURT: Did they ever catch the person?

4 PROSPECTIVE JUROR NO. 033: Yes, they catch here in
5 Las Vegas.

6 THE COURT: They caught the person here in Clark
7 County?

8 PROSPECTIVE JUROR NO. 033: Uh-huh.

9 THE COURT: They --

10 PROSPECTIVE JUROR NO. 033: They're gangsters from
11 California.

12 THE COURT: Okay. Do you think you were treated
13 fairly?

14 PROSPECTIVE JUROR NO. 033: Yeah.

15 THE COURT: Okay. And I'm assuming you were happy
16 with the way it was resolved?

17 PROSPECTIVE JUROR NO. 033: Yes.

18 THE COURT: Okay. Did you ever have to go to court
19 and testify?

20 PROSPECTIVE JUROR NO. 033: No.

21 THE COURT: Okay. Did you want to say something?

22 PROSPECTIVE JUROR NO. 033: Yeah, and one more. I
23 borrowed my daughter's car here, and they stole it while I live
24 right here in California, I mean, Nevada two years ago.

25 THE COURT: So you were driving your daughter's car

1 and that car got stolen?

2 PROSPECTIVE JUROR NO. 033: Yes.

3 THE COURT: And did you report it to the police?

4 PROSPECTIVE JUROR NO. 033: Yes.

5 THE COURT: And did they find the car?

6 PROSPECTIVE JUROR NO. 033: They found the car about
7 less than 30 days about 29, 28 days.

8 THE COURT: Do you believe you were treated fairly?

9 PROSPECTIVE JUROR NO. 033: Yes.

10 THE COURT: Anything about that incident that would
11 interfere with your ability to be fair and impartial in this
12 case?

13 PROSPECTIVE JUROR NO. 033: I would say I've been
14 with this crime and you know sometimes I think that they
15 committed a crime they pay for it, you know, because they
16 committed a crime. But sometimes maybe I don't know I'm not
17 that fair or you know everybody for people that commits crimes.
18 It's like --

19 THE COURT: Okay. Have you ever served as a juror
20 before?

21 PROSPECTIVE JUROR NO. 033: No.

22 THE COURT: Are you concerned about whether you could
23 be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 033: I would say I'm concerned
25 with I feel like when you commit a crime you pay for what --

1 THE COURT: I'm sorry, you're concerned because why?

2 PROSPECTIVE JUROR NO. 033: Because if you commit a
3 crime, and then you hurt other people, you know, and you know
4 you don't want that to happen to you family or yourself, but --

5 THE COURT: Okay. You think that feeling is going to
6 interfere with your ability to be fair to the State of Nevada
7 or to the defendant?

8 PROSPECTIVE JUROR NO. 033: Well, I would say no.
9 No. But that's what, yes, I think you know, but no.

10 THE COURT: Okay. Will you follow the law as given
11 to you by the Court?

12 PROSPECTIVE JUROR NO. 033: Yes, I will.

13 THE COURT: Okay. And you'll follow the instructions
14 on the law?

15 PROSPECTIVE JUROR NO. 033: Yes.

16 THE COURT: Okay. Have you ever been accused of a
17 crime or know anybody that's been accused of a crime?

18 PROSPECTIVE JUROR NO. 033: No.

19 THE COURT: Okay. Would you have a tendency to give
20 more weight or credence or less weight or credence to the
21 testimony of a police officer simply because the witness is a
22 police officer?

23 PROSPECTIVE JUROR NO. 033: No.

24 THE COURT: Thank you. Thank you for being here.

25 Kathryn Visnaw.

1 Thank you. How long have you lived in Clark County?

2 PROSPECTIVE JUROR NO. 034: 18 years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 034: Bachelor's degree in
5 human resources personnel management. And I'm retired for
6 about nine months now. Here in Las Vegas I was a loan officer,
7 auto loan and mortgage finance.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 034: My husband is also
10 retired.

11 THE COURT: Okay. What did your husband do before he
12 retired?

13 PROSPECTIVE JUROR NO. 034: Forty years aerospace.

14 THE COURT: Do you have children?

15 PROSPECTIVE JUROR NO. 034: I have one son in
16 California who's grown obviously, property management
17 supervisor. I have a stepson in St. Louis, Missouri who is a
18 heavy construction supervisor for a construction school back
19 there for the state. And a stepdaughter who's a hospice care
20 RN.

21 THE COURT: Have you ever served as a juror before?

22 PROSPECTIVE JUROR NO. 034: Not in Clark County.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 034: I have in Los Angeles
25 County, grand jury six months once a week. Orange county --

1 THE COURT: Okay. Let's start with that. You were
2 in -- you were called to be a member of the grand jury in Los
3 Angeles?

4 PROSPECTIVE JUROR NO. 034: Yes, and I lived in Long
5 Beach at the time.

6 THE COURT: And you served for -- I'm sorry, and you
7 served for six months?

8 PROSPECTIVE JUROR NO. 034: Right. One day a week
9 for six months.

10 THE COURT: Okay. Anything about that service that
11 would interfere with your ability to be fair and impartial in
12 this case?

13 PROSPECTIVE JUROR NO. 034: No. It has nothing to do
14 with us.

15 THE COURT: Okay. Go ahead.

16 PROSPECTIVE JUROR NO. 034: And then I was on in
17 Orange County a criminal case and a civil case.

18 THE COURT: Okay. So two other -- they -- it was
19 actually a trial?

20 PROSPECTIVE JUROR NO. 034: Yes, both of them.

21 THE COURT: Okay. The criminal one were you selected
22 to be the foreperson?

23 PROSPECTIVE JUROR NO. 034: No. I was on the
24 panel --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 034: -- but they stopped it
2 halfway through it the person pleaded to a lesser.

3 THE COURT: Okay. So you never had to go deliberate?

4 PROSPECTIVE JUROR NO. 034: No. We never had to the
5 jury duty. The civil we chose it was we found the person I
6 guess you consider guilty or the plaintiff.

7 THE COURT: Okay. But in civil you don't really do
8 guilty --

9 PROSPECTIVE JUROR NO. 034: Right. They, you know,
10 had to settle -- they had to settle on finances on who was
11 responsible for what.

12 THE COURT: Okay. So were you selected to be the
13 foreperson in that civil case?

14 PROSPECTIVE JUROR NO. 034: No.

15 THE COURT: Did you deliberate? Did the jury go back
16 and deliberate?

17 PROSPECTIVE JUROR NO. 034: Yes, we did.

18 THE COURT: Okay. Without telling me what your
19 verdict was, were you able to reach a verdict?

20 PROSPECTIVE JUROR NO. 034: Yeah. We found for of
21 the, well, I guess it'd be the defendant. I guess I don't know
22 since it's civil they're not really plaintiff and defendant are
23 they considered?

24 THE COURT: No, they are in civil --

25 PROSPECTIVE JUROR NO. 034: Oh, okay. All right.

1 THE COURT: -- they call them plaintiff and
2 defendant.

3 PROSPECTIVE JUROR NO. 034: So it would have been the
4 defendant, and they won a few thousand dollars about a hundred
5 thousand.

6 THE COURT: Did the defendant have a counterclaim?

7 PROSPECTIVE JUROR NO. 034: No. I mean, the
8 plaintiff --

9 THE COURT: Because usually the plaintiff is the one
10 that brings the claim.

11 PROSPECTIVE JUROR NO. 034: I'm sorry?

12 THE COURT: The plaintiff is the one that brings a
13 claim and a defendant defends the claim.

14 PROSPECTIVE JUROR NO. 034: Okay.

15 THE COURT: Listen I don't know some courtrooms I
16 just have it like this.

17 PROSPECTIVE JUROR NO. 034: I'm trying to think of
18 how they were seated, but the person who brought the claim won
19 it. They won a 1000 -- a hundred thousand dollars.

20 THE COURT: Okay. So the plaintiff. Anything about
21 that experience that would interfere with your ability to be
22 fair and impartial this case?

23 PROSPECTIVE JUROR NO. 034: No. Has nothing to do
24 with this.

25 THE COURT: Have ever been the victim of a crime?

1 PROSPECTIVE JUROR NO. 034: No.

2 THE COURT: Do you know anybody family member,
3 friends that have ever been the victim of a crime?

4 PROSPECTIVE JUROR NO. 034: No.

5 THE COURT: Have you ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 034: No.

7 THE COURT: Do you know anybody, family members or
8 friends that have ever been accused of a crime?

9 PROSPECTIVE JUROR NO. 034: No.

10 THE COURT: Would you have a tendency to give more
11 weight or credence or less weight or credence to the testimony
12 of a police officer simply because the witness is a police
13 officer?

14 PROSPECTIVE JUROR NO. 034: Of course not.

15 THE COURT: Do you know of any reason why you could
16 not be a completely fair and impartial juror if selected to
17 serve?

18 PROSPECTIVE JUROR NO. 034: No.

19 THE COURT: Thank you very much. Thank you for being
20 here.

21 Ms. Linda Kapel, how long have you lived in Clark
22 County?

23 PROSPECTIVE JUROR NO. 035: 65 years with the
24 exception of 23 years when my husband was in the military and
25 we were traveling around.

1 THE COURT: Your education background?

2 PROSPECTIVE JUROR NO. 035: Graduated from Western in
3 '71, went straight into cosmetics since then.

4 THE COURT: You told me earlier you're employed ---

5 PROSPECTIVE JUROR NO. 035: Through Dillards.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 035: They bought
8 (indiscernible) out in '85.

9 THE COURT: And you're married?

10 PROSPECTIVE JUROR NO. 035: I am. Uh-huh.

11 THE COURT: And you --

12 PROSPECTIVE JUROR NO. 035: We were married for 18
13 years divorced for 16 and remarried for 7.

14 THE COURT: Okay. And is your spouse employed?

15 PROSPECTIVE JUROR NO. 035: Yes, he works for the
16 government. He works in the intelligence communications
17 division at Creech Air Force Base.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR NO. 035: We do, we have three.
20 Our oldest daughter lives in Miami, Florida and is a manager of
21 a restaurant there. Our middle daughter is estranged from us.
22 She does live here, but we have no contact with her. My son is
23 in charge of communications in the computers for the Chimera
24 Golf Course.

25 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 035: I never have.

3 THE COURT: Okay. Have you ever been the victim of a
4 crime?

5 PROSPECTIVE JUROR NO. 035: We've had things stolen
6 out of our garage before and our car, but, you know, we just
7 file the claims through the insurance.

8 THE COURT: Okay. So you never called the police?

9 PROSPECTIVE JUROR NO. 035: Nope.

10 THE COURT: Anything other than that? Is that a, no?

11 PROSPECTIVE JUROR NO. 035: No. Sorry.

12 THE COURT: Okay. Have you ever been accused of a
13 crime?

14 PROSPECTIVE JUROR NO. 035: No. I was arrested -- we
15 had a domestic violence it was about 16 years ago. My husband
16 was an alcoholic at the time, and we got into an argument. I
17 tried to leave the house, and he wouldn't let me, and he picked
18 up the phone and called 9-1-1. Police came, asked if they
19 could enter. I've never had the problem with police nor my
20 husband and once they entered into the house it was a crime
21 scene. They listened to what he had to say, listened to what I
22 had to say, told me to turn around, slapped the handcuffs on me
23 and took me downtown.

24 THE COURT: Okay. Were you charged with the crime?

25 PROSPECTIVE JUROR NO. 035: The charges were later

1 dropped if I attended a anger management class.

2 THE COURT: So you were charged with the crime and
3 you went to court and it was resolved, go to this class, and it
4 was dismissed?

5 PROSPECTIVE JUROR NO. 035: Yeah, I think it's still
6 on the record though because I didn't pay to have it -- what do
7 u call it where it's --

8 THE COURT: Sealed?

9 PROSPECTIVE JUROR NO. 035: Sealed, yeah.

10 THE COURT: Okay. So you have a conviction for -- do
11 you know what the conviction is for?

12 PROSPECTIVE JUROR NO. 035: You know what it was like
13 16 years ago. Who would have known being called to serve on a
14 jury was going to bring up emotions like this on a good day so.

15 THE COURT: I'm sorry.

16 PROSPECTIVE JUROR NO. 035: It's, okay, but I tried
17 to put that past. I did my anger management and later
18 remarried again and you know it is what it is.

19 So your next question that's going to be asked, do
20 you think I was fairly treated? No, I do not.

21 THE COURT: Okay. Go ahead. Tell me about that.

22 PROSPECTIVE JUROR NO. 035: Well, I, you know, when
23 there's no -- there's no witnesses, but you take the word of
24 one person and that person, the other person they turn around
25 and you're not asked anything, and you're told to turn around

1 and you take the handcuffs, and you're put in the back of a
2 squad car which I had never been done before. I had never even
3 had a ticket before, and then I have to spend 36 hours in the
4 basement with all the convicts that pretty much changed and
5 rocked my life. So I did what I was told to do. I paid my
6 fine; I think it was \$1600 and I moved on with my life. Tried
7 to be little bit more careful and be a better person.

8 THE COURT: Okay. And so it sounds like you don't
9 think you were treated fairly by the police? .

10 PROSPECTIVE JUROR NO. 035: No, I don't.

11 THE COURT: Okay. But when you got to court did you
12 feel -- do your remember where you went to court?

13 PROSPECTIVE JUROR NO. 035: We went to the -- it was
14 a smaller court over in the other the justice building over
15 there by what is it 95, I-15 over there.

16 THE COURT: Like, City Hall?

17 PROSPECTIVE JUROR NO. 035: Yeah.

18 THE COURT: So, like --

19 PROSPECTIVE JUROR NO. 035: He had an attorney; I had
20 an attorney, and it was gonna come down to a thing of what do
21 you want to do, and I just said just let me go to the classes I
22 just want this over with.

23 THE COURT: Okay. So you think you pled to something
24 to just get it resolved?

25 PROSPECTIVE JUROR NO. 035: Yeah, absolutely. Yes.

1 THE COURT: So by that point you just wanted to be
2 done with it?

3 PROSPECTIVE JUROR NO. 035: I just wanted it done.
4 I'd been humiliated. I was angry. The kids were upset. My
5 work thought I was a no-show. So, yeah, it was just a really
6 bad time.

7 THE COURT: Okay. I'm sorry. Sorry.

8 PROSPECTIVE JUROR NO. 035: It's all right.

9 THE COURT: Would you have the tendency to give more
10 weight or credence or less weight or credence to the testimony
11 of a police officer simply because the witness is a police
12 officer?

13 PROSPECTIVE JUROR NO. 035: Absolutely not.

14 THE COURT: Okay. Can you be fair and impartial if
15 asked to serve on this case?

16 PROSPECTIVE JUROR NO. 035: Absolutely.

17 THE COURT: Thank you. Thank you for being here.

18 Ms. Marci Henderson, how long have you lived in Clark
19 County?

20 PROSPECTIVE JUROR NO. 036: Fifteen years.

21 THE COURT: Your education background?

22 PROSPECTIVE JUROR NO. 036: I have a Bachelor's
23 degree in early childhood education.

24 THE COURT: What do you do for a living?

25 PROSPECTIVE JUROR NO. 036: I have four small

1 children and I stay at home and take care of them.

2 THE COURT: Okay. Your marital status?

3 PROSPECTIVE JUROR NO. 036: I'm married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 036: Yeah. He's
6 self-employed; he owns a insurance brokerage agency.

7 THE COURT: Okay. What type of insurance?

8 PROSPECTIVE JUROR NO. 036: He focuses mainly on,
9 like, Medicare products.

10 THE COURT: Okay. And you do have kids, but it
11 sounds like they're all minors?

12 PROSPECTIVE JUROR NO. 036: Yes.

13 THE COURT: Are they out of school for the summer?

14 PROSPECTIVE JUROR NO. 036: Yes, they are.

15 THE COURT: Okay. So you're like happy you're here?

16 PROSPECTIVE JUROR NO. 036: Still no.

17 THE COURT: I'm just teasing. I'm just teasing.

18 When you said four small kids I'm assuming you have them
19 covered?

20 PROSPECTIVE JUROR NO. 036: Yes, I do.

21 THE COURT: And if you're asked to be here everything
22 will be good?

23 PROSPECTIVE JUROR NO. 036: Yes.

24 THE COURT: Okay. And I'm sorry, have you ever
25 served as a juror before?

1 PROSPECTIVE JUROR NO. 036: No.

2 THE COURT: Okay. Have you ever been the victim of a
3 crime?

4 PROSPECTIVE JUROR NO. 036: No.

5 THE COURT: Do you know anybody, family members or
6 friends that have ever been the victim of a crime?

7 PROSPECTIVE JUROR NO. 036: No.

8 THE COURT: Have you ever been accused of a crime?

9 PROSPECTIVE JUROR NO. 036: Nope.

10 THE COURT: Any family members or friends that have
11 ever been accused of a crime?

12 PROSPECTIVE JUROR NO. 036: No.

13 THE COURT: Would you have a tendency to give more
14 weight or credence or less weight or credence to the testimony
15 of a police officer simply because the witness is a police
16 officer?

17 PROSPECTIVE JUROR NO. 036: No.

18 THE COURT: Can you be fair and impartial if we ask
19 you to serve on this panel?

20 PROSPECTIVE JUROR NO. 036: Yes.

21 THE COURT: Thank you. Thank you for being here.
22 Mr. Delgado.

23 PROSPECTIVE JUROR NO. 038: Yes. Gilberto
24 Delreal-Delgado.

25 THE COURT: Thank you. How long have you lived in

1 Clark County?

2 PROSPECTIVE JUROR NO. 038: Twenty-one years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 038: High school. Mexico.

5 THE COURT: What do you do for a living?

6 PROSPECTIVE JUROR NO. 038: Right now I work like
7 maintenance.

8 THE COURT: Okay. Your marital status?

9 PROSPECTIVE JUROR NO. 038: Yes.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR NO. 038: Married.

12 THE COURT: Okay. Is your spouse employed?

13 PROSPECTIVE JUROR NO. 038: Yes, and right now she's
14 self-employ.

15 THE COURT: Okay. What does she do?

16 PROSPECTIVE JUROR NO. 038: She's making Uber right
17 now, five months ago.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR NO. 038: She's making Uber.

20 THE COURT: Okay. Do you have kids?

21 PROSPECTIVE JUROR NO. 038: Yes, three.

22 THE COURT: Are they old enough to be employed?

23 PROSPECTIVE JUROR NO. 038: No. There is three so
24 she's a -- he's a bartender. Second one my daughter is 26
25 she's a -- she works for the lawyer's office. And my --

1 THE COURT: She works with a lawyer's office?

2 PROSPECTIVE JUROR NO. 038: Yes.

3 THE COURT: Here in Clark County?

4 PROSPECTIVE JUROR NO. 038: Yes, but I don't know
5 where exactly.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 038: And my little one --
8 little one she's in college CSN.

9 THE COURT: Do you know what she's studying?

10 PROSPECTIVE JUROR NO. 038: She's liked to go to vet,
11 to do vet, you know to take care of animals.

12 THE COURT: Okay. Have you ever served as a juror
13 before?

14 PROSPECTIVE JUROR NO. 038: No.

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

16 PROSPECTIVE JUROR NO. 038: No.

17 THE COURT: Do you know anybody, family members or
18 friends that have ever been the victim of a crime?

19 PROSPECTIVE JUROR NO. 038: Not really because I
20 don't like to know what's going on with the family.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 038: I got a bunch of cousin
23 in California everyone is in guilt so don't know why.

24 THE COURT: All right. Have you ever been accused of
25 a crime?

1 PROSPECTIVE JUROR NO. 038: No.

2 THE COURT: Do you know anybody, family members or
3 friends that have ever been accused of a crime?

4 PROSPECTIVE JUROR NO. 038: No.

5 THE COURT: Would you have a tendency to give more
6 weight or credence or less weight or credence to the testimony
7 of a police officer simply because the witness is a police
8 officer?

9 PROSPECTIVE JUROR NO. 038: No.

10 THE COURT: Can you be fair and impartial in this
11 case if we ask you to serve?

12 PROSPECTIVE JUROR NO. 038: Yes, I can do.

13 THE COURT: Thank you, sir. Thank you very much for
14 being here.

15 PROSPECTIVE JUROR NO. 038: You're welcome.

16 THE COURT: Mr. John Golez.

17 PROSPECTIVE JUROR NO. 040: Yeah. Yes, ma'am.

18 THE COURT: How long have you lived in Clark County?

19 PROSPECTIVE JUROR NO. 040: I've been here for almost
20 14 years.

21 THE COURT: Okay. Your education background?

22 PROSPECTIVE JUROR NO. 040: I finished my education
23 way back in the Philippines. Bachelor in science, accounting
24 major.

25 THE COURT: Okay. So Bachelor of science and

1 accounting. And what do you do for a living?

2 PROSPECTIVE JUROR NO. 040: I drive in a cabdriver.

3 THE COURT: Okay. Your marital status?

4 PROSPECTIVE JUROR NO. 040: Married.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR NO. 040: Yeah.

7 THE COURT: What does your spouse do?

8 PROSPECTIVE JUROR NO. 040: She works as a registered
9 nurse here in Spring Valley.

10 THE COURT: Okay. Do you have kids?

11 PROSPECTIVE JUROR NO. 040: Yeah. I've got two.

12 THE COURT: Are they old enough to be employed?

13 PROSPECTIVE JUROR NO. 040: No. They're still full
14 time student at UNLV.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR NO. 040: No.

17 THE COURT: Have ever been the victim of a crime?

18 PROSPECTIVE JUROR NO. 040: No.

19 THE COURT: Do you know anybody, family members or
20 friends that have ever been the victim of a crime?

21 PROSPECTIVE JUROR NO. 040: No.

22 THE COURT: Have you ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 040: Nope.

24 THE COURT: Do you know anybody, family members or
25 friends that have ever been accused of a crime?

1 PROSPECTIVE JUROR NO. 040: No.

2 THE COURT: Do you know of any reason why you could
3 not be a completely fair and impartial jury if selected to
4 serve?

5 PROSPECTIVE JUROR NO. 040: No.

6 THE COURT: Thank you, sir.

7 PROSPECTIVE JUROR NO. 040: You're welcome.

8 THE COURT: Thank you for being here.

9 Mr. Mattick.

10 PROSPECTIVE JUROR NO. 042: Yes.

11 THE COURT: Good afternoon.

12 PROSPECTIVE JUROR NO. 042: Good afternoon.

13 THE COURT: How long have you lived in Clark County?

14 PROSPECTIVE JUROR NO. 042: 30 years.

15 THE COURT: Your education background?

16 PROSPECTIVE JUROR NO. 042: Master of divinity.

17 THE COURT: What do you do for a living?

18 PROSPECTIVE JUROR NO. 042: Retired clergy.

19 THE COURT: Your marital status?

20 PROSPECTIVE JUROR NO. 042: Married.

21 THE COURT: Is your spouse employed?

22 PROSPECTIVE JUROR NO. 042: Vice president

23 compensation MGM Resorts.

24 THE COURT: Do you have kids?

25 PROSPECTIVE JUROR NO. 042: Yes, I do.

1 THE COURT: Are they ---

2 PROSPECTIVE JUROR NO. 042: The oldest is clergy in
3 California. The next oldest is vice principal at a middle
4 school in Reno. The next is a physician in Denver. And the
5 other is a pharmacist at UMC hospital here.

6 THE COURT: Have you ever served as a juror before?

7 PROSPECTIVE JUROR NO. 042: Yes.

8 THE COURT: How many times?

9 PROSPECTIVE JUROR NO. 042: Once.

10 THE COURT: Was that here in Clark County?

11 PROSPECTIVE JUROR NO. 042: Yes.

12 THE COURT: Was it civil or criminal?

13 PROSPECTIVE JUROR NO. 042: Civil I believe. A
14 lawsuit against Circus Circus.

15 THE COURT: Were you selected to be the foreperson?

16 PROSPECTIVE JUROR NO. 042: Yes, I was.

17 THE COURT: Without telling me what your verdict was,
18 were you able to reach a verdict?

19 PROSPECTIVE JUROR NO. 042: Yes, we were.

20 THE COURT: Anything about that experience that would
21 interfere with your ability to be fair and impartial in this
22 case?

23 PROSPECTIVE JUROR NO. 042: No.

24 THE COURT: Was that in this courthouse or the other
25 one? Just trying to get a feel for how long ago it was?

1 PROSPECTIVE JUROR NO. 042: Oh, gosh it was probably
2 10 years ago.

3 THE COURT: So the other building?

4 PROSPECTIVE JUROR NO. 042: Probably the other
5 building, yes, ma'am.

6 THE COURT: Okay. Have you ever been the victim of a
7 crime?

8 PROSPECTIVE JUROR NO. 042: No.

9 THE COURT: Family members or friends?

10 PROSPECTIVE JUROR NO. 042: Yes, ma'am.

11 THE COURT: Okay. Can you tell --

12 PROSPECTIVE JUROR NO. 042: Auto theft. My
13 daughter's car was stolen twice. And there was no criminal
14 charges. The person was not found. The car was recovered
15 damaged.

16 THE COURT: Anything about that experience that would
17 affect your ability to be fair and impartial?

18 PROSPECTIVE JUROR NO. 042: No, ma'am.

19 THE COURT: Anything else?

20 PROSPECTIVE JUROR NO. 042: No, ma'am.

21 THE COURT: Have you ever been accused of a crime?

22 PROSPECTIVE JUROR NO. 042: No, ma'am.

23 THE COURT: Family members or friends that have ever
24 been accused of a crime?

25 PROSPECTIVE JUROR NO. 042: Friend. DUI in

1 California.

2 THE COURT: Okay. Do you know what happened as a
3 result of that?

4 PROSPECTIVE JUROR NO. 042: I believe there was a
5 felony charge. I don't -- I believe she did a short time in
6 prison and then probation.

7 THE COURT: Okay. Anything about that experience
8 that would affect your ability to be fair and impartial in this
9 case?

10 PROSPECTIVE JUROR NO. 042: No, ma'am.

11 THE COURT: Would you have a tendency to give more
12 weight or credence or less weight or credence to the testimony
13 of a witness --

14 PROSPECTIVE JUROR NO. 042: No, ma'am.

15 THE COURT: -- simply because the witness is a police
16 officer?

17 PROSPECTIVE JUROR NO. 042: No, ma'am.

18 THE COURT: Thank you. Any reason why you could not
19 be a fair and impartial juror if we selected you to serve?

20 PROSPECTIVE JUROR NO. 042: No, ma'am.

21 THE COURT: Okay. Thank you very much, and thank you
22 for being here.

23 At this time we're going to take a recess. During
24 this recess you're admonished not to talk or converse amongst
25 or with anyone else on any subject connected with this trial or

1 read, watch or listen to any report of or commentary on the
2 trial, or any person connected with this trial by any medium of
3 information including without limitation newspapers,
4 television, the Internet, or radio or form or express an
5 opinion on any subject connected with this trial till the case
6 is finally submitted to you.

7 Okay. We'll be in recess till 4:15. Thank you very
8 much.

9 (Proceedings recessed 4:01 p.m. to 4:17 p.m.)

10 (Outside the presence of the prospective jury panel)

11 THE MARSHAL: Lining up right now.

12 THE COURT: Okay.

13 MR. STANTON: Judge, I've got a meeting with Daskas
14 and Wolfson tomorrow afternoon for about a half an hour, but
15 we -- it won't affect how we're presenting it so just --

16 THE COURT: What time?

17 MR. STANTON: I think it's like 2:00. It's only a
18 half an hour long, but we don't need to be in recess if we're
19 going Ms. --

20 MS. BEVERLY: I might be able to. I can -- I have --

21 MR. STANTON: Leah's got tons of witnesses --

22 THE COURT: Okay. Okay. All right.

23 MR. STANTON: -- we'll just keep them.

24 THE COURT: We'll go.

25 (Panel of prospective jurors entering 4:18 p.m.)

1 THE COURT: Does the State stipulate to the presence
2 of the jury panel?

3 MS. BEVERLY: Yes. Yes, Your Honor.

4 THE COURT: The defense?

5 MR. MARCHESE: We do, Your Honor.

6 THE COURT: Thank you very much.

7 Mr. Flaviano, how long have you lived in Clark
8 County?

9 PROSPECTIVE JUROR NO. 044: 17 years, Your Honor.

10 THE COURT: I'm sorry?

11 PROSPECTIVE JUROR NO. 044: 17 years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR NO. 044: Postgraduate.

14 THE COURT: Okay. So why don't you take me through
15 your education. What's your undergraduate in?

16 PROSPECTIVE JUROR NO. 044: I have an undergraduate
17 degree in engineering.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 044: Doctorate, medical
20 doctor. I had postgraduate training in physical medicine rehab
21 and sports medicine.

22 THE COURT: Okay. And you're employed. You told me
23 you were the medical director of a --

24 PROSPECTIVE JUROR NO. 044: Yes, Your Honor.

25 THE COURT: -- inpatient treatment center?

1 PROSPECTIVE JUROR NO. 044: Inpatient rehabilitation
2 facility of Dignity Health.

3 THE COURT: Okay. I -- physical rehab?

4 PROSPECTIVE JUROR NO. 044: Physical rehab.

5 THE COURT: All right. How long have you done that?

6 PROSPECTIVE JUROR NO. 044: Twenty-five years.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR NO. 044: Married.

9 THE COURT: Is your spouse employed?

10 PROSPECTIVE JUROR NO. 044: Yes.

11 THE COURT: What does your spouse do for a living?

12 PROSPECTIVE JUROR NO. 044: She's also a medical
13 doctor.

14 THE COURT: Do you have kids?

15 PROSPECTIVE JUROR NO. 044: Yes.

16 THE COURT: How many?

17 PROSPECTIVE JUROR NO. 044: Two.

18 THE COURT: Are they old enough to be employed?

19 PROSPECTIVE JUROR NO. 044: Old enough to be
20 employed, but they're both still in school. The oldest one is
21 in medical school and the younger one is in graduate school.

22 THE COURT: The one that's in graduate school what is
23 that child studying?

24 PROSPECTIVE JUROR NO. 044: Museum studies.

25 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 044: Yes.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR NO. 044: One in Illinois and once
5 here in Clark County.

6 THE COURT: Okay. So the one in Illinois was that
7 civil or criminal?

8 PROSPECTIVE JUROR NO. 044: Civil.

9 THE COURT: Were you selected to be the foreperson?

10 PROSPECTIVE JUROR NO. 044: No.

11 THE COURT: Without telling me what your verdict was,
12 were you able to reach a verdict?

13 PROSPECTIVE JUROR NO. 044: Yes.

14 THE COURT: Okay. Is there anything about that
15 experience that would affect your ability to be fair and
16 impartial in this case?

17 PROSPECTIVE JUROR NO. 044: No.

18 THE COURT: And you served in Clark County?

19 PROSPECTIVE JUROR NO. 044: Yes, Your Honor.

20 THE COURT: How long ago was that?

21 PROSPECTIVE JUROR NO. 044: I would say two or three
22 summers ago.

23 THE COURT: Oh, so not that -- only two or three
24 years ago?

25 PROSPECTIVE JUROR NO. 044: (No audible response.)

1 THE COURT: And you're back again. Well, thank you
2 for coming back.

3 PROSPECTIVE JUROR NO. 044: I try to do my part.

4 THE COURT: And so that was in this building?

5 PROSPECTIVE JUROR NO. 044: It seems like it was
6 maybe in another building. It was not as ornate as your court,
7 Your Honor.

8 THE COURT: Then it sure wasn't the federal
9 courthouse. You don't think it was in this building?

10 PROSPECTIVE JUROR NO. 044: It seems familiar looking
11 out and seeing the scenery, but I'm not quite sure.

12 THE COURT: All right. And that was criminal?

13 PROSPECTIVE JUROR NO. 044: Yes, Your Honor.

14 THE COURT: Were you selected to be the foreperson?

15 PROSPECTIVE JUROR NO. 044: No.

16 THE COURT: Without telling me what your verdict was
17 were you able to reach a verdict?

18 PROSPECTIVE JUROR NO. 044: Yes, we were.

19 THE COURT: Okay. Is there anything about that
20 experience that would affect your ability to be fair and
21 impartial in this case?

22 PROSPECTIVE JUROR NO. 044: It did not affect my
23 ability, but I got to see the inner workings about the panel,
24 you know, discussing the evidence and, you know, how the law
25 applies to the situation.

1 THE COURT: Anything about that experience that would
2 interfere with your ability to be fair and impartial in this
3 case?

4 PROSPECTIVE JUROR NO. 044: No, Your Honor.

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

7 PROSPECTIVE JUROR NO. 044: Just last month we're
8 dealing with fraudulent unemployment claim against my office.
9 The employee was a victim of identity theft.

10 THE COURT: Okay. And so is that ongoing?

11 PROSPECTIVE JUROR NO. 044: I'd like to say ongoing,
12 but after we went through the reporting process I'm just told
13 it's a federal task force case. So I may not hear anything
14 else about it.

15 THE COURT: Okay. So the federal government is
16 investigating -- is it the FBI?

17 PROSPECTIVE JUROR NO. 044: That's what I was told.
18 I was told that.

19 THE COURT: Okay. Anything about that that would
20 interfere with your ability to be fair and impartial in this
21 case?

22 PROSPECTIVE JUROR NO. 044: I'm not sure, but I'm
23 really angry that, you know, these things happen all the time
24 and nobody ever gets how do you say punished. There's a lot of
25 work that gets done, and I feel like they robbed me of

1 something and then they continued to rob me every day. When
2 you have a case like that you have to file for a credit card
3 freeze which costs money over time. So I'm paying for somebody
4 else's crime.

5 THE COURT: Okay. So it happened to you personally?
6 Maybe I don't understand.

7 PROSPECTIVE JUROR NO. 044: Well, as the employer and
8 the person whose identity was stolen was my wife who worked for
9 the company.

10 THE COURT: Oh.

11 PROSPECTIVE JUROR NO. 044: So I had to go through
12 that as a company owner and as the spouse of somebody that's
13 been a victim.

14 THE COURT: Oh, okay. Sorry about that. Is there
15 anything about that that would interfere with your ability to
16 be fair and impartial to the parties in this case?

17 PROSPECTIVE JUROR NO. 044: No.

18 THE COURT: Okay. Anything other than that that
19 you've been a victim of?

20 PROSPECTIVE JUROR NO. 044: More credit card fraud
21 cloning and stuff like that. Again, you know, you have to do
22 steps on your part because somebody had done something to you
23 so.

24 THE COURT: Sure. Have you ever been accused of a
25 crime?

1 PROSPECTIVE JUROR NO. 044: No, ma'am.

2 THE COURT: Have any family members or friends that
3 have ever been accused of a crime?

4 PROSPECTIVE JUROR NO. 044: No, Your Honor.

5 THE COURT: Okay. Would you have a tendency to give
6 more weight or credence or less weight or credence to the
7 testimony of a police officer simply because the witness is a
8 police officer? And you rolled your eyes at me.

9 PROSPECTIVE JUROR NO. 044: I recall -- a lot of
10 times it's not the status of the police officer, but eyewitness
11 accounts sometimes don't really carry as much weight as
12 forensic evidence and, you know, knowing now what we know now
13 I'm not saying that this is a system that we have because of
14 what we know from before. Knowing what we know now recall is
15 an individual's interpretation of their memory.

16 THE COURT: Okay. So I assume you'll follow the law
17 and judge the credibility of each witness based upon what they
18 testify to and not based upon what they do for a living?

19 PROSPECTIVE JUROR NO. 044: Yes, Your Honor.

20 THE COURT: Okay. Do you know of any reason why you
21 could not be a completely fair and impartial juror if we select
22 you to serve?

23 PROSPECTIVE JUROR NO. 044: No, Your Honor.

24 THE COURT: Thank you. Thank you for being here.
25 Carol Mialback.

1 PROSPECTIVE JUROR NO. 047: Mialback.

2 THE COURT: Mialback. How long have you lived in
3 Clark County?

4 PROSPECTIVE JUROR NO. 047: Seven years and eight
5 months.

6 THE COURT: Your education background?

7 PROSPECTIVE JUROR NO. 047: High school.

8 THE COURT: And what do you do for a living?

9 PROSPECTIVE JUROR NO. 047: I just recently retired a
10 month ago for the second time.

11 THE COURT: And what did you retire from?

12 PROSPECTIVE JUROR NO. 047: I worked for an airline
13 for 31 years, and I retired from them eight years ago; I was
14 freight operations manager. And then I moved from Chicago to
15 Las Vegas, and I needed insurance so I went to work in the
16 grocery stores in the little gaming room, and I've been doing
17 that for six years as a service host. And I just decided a
18 couple months ago, two months ago that I was going to go on
19 full retirement. So I'm home now.

20 THE COURT: Your marital status?

21 PROSPECTIVE JUROR NO. 047: I'm happily divorced.

22 THE COURT: Do you have kids?

23 PROSPECTIVE JUROR NO. 047: Yes, I have one --

24 THE COURT: I'm happy you're happy.

25 PROSPECTIVE JUROR NO. 047: It's been 26 years so. I

1 have one son age 33.

2 THE COURT: And can you tell us what he does for a
3 living.

4 PROSPECTIVE JUROR NO. 047: Well, he gets my travel
5 benefits for the rest of my life, so he's trying to do his own
6 online business --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 047: -- but he bartends to
9 make enough money to work for nine months and then travels for
10 three. And he's currently in Paris for the next three months.

11 THE COURT: Good for him. Have you ever served as a
12 juror before?

13 PROSPECTIVE JUROR NO. 047: No.

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

15 PROSPECTIVE JUROR NO. 047: Yes. Lots.

16 THE COURT: Okay. Lots? Sorry.

17 PROSPECTIVE JUROR NO. 047: Well, when I was 22 I had
18 a car stolen in Boise, Idaho where I was living. And I did do
19 a police report on it. They did find the vehicle and it was
20 full of cigarette butts, pop cans and stuff so they figured
21 kids just took on a joy ride until it ran out of gas.

22 When I was 23 I had hired on with the airline and was
23 living in California and I came home one night and I had to
24 park my car in the alley carport, and when I got out of my car
25 I saw somebody standing at me that looked like he had a shotgun

1 to me, and I screamed loud enough that I had a sore throat for
2 three days and the apartment complex three doors down reported
3 it to the police. And the police came out and stated to me
4 that the night before there were break-ins with a crowbar in
5 the alley. So they figured this may have been a reoccurrence
6 where the person came back, and it was a crowbar. I screamed
7 so loud I think I put the guy into a panic and he froze.

8 And then when I was going through my divorce with my
9 husband, I had to take out an order of protection against him.
10 He was in the military so every time we'd go to court he'd get
11 these good guy hits, like good guy; you got your white uniform
12 on.

13 Let's see. Mother's Day this year I live in a
14 subdivision that we have alleyways and our garages are both
15 across the alley. And the people behind me, the woman that
16 owns the house she had moved out for, like, six months she's
17 been gone. And she had a few 20 year olds living there, and
18 they were fixing up bikes and electric bikes and cars in the
19 garage making noise for the past six months up until 2:00 in
20 the morning real loud noises. I was waiting for the woman to
21 come back home to discuss it with her. Well, on Mother's Day I
22 came home to watch -- the prince had just got married that
23 story and the noise was so loud --

24 THE COURT: Prince Harry?

25 PROSPECTIVE JUROR NO. 047: Yeah. I was sitting in

1 my garage smoking my cigarettes because that's where I do my
2 smoking, watching the show, and at 10:30 at night they're
3 revving up the bikes really loud and the guy said to me, sorry
4 about all the noise and that's when I blew. We had a conflict
5 between each other just --

6 THE COURT: Verbal?

7 PROSPECTIVE JUROR NO. 047: Just verbal conflict.
8 Three years ago I had a \$3,000 remote-control screen door put
9 on my garage, and so then two nights later I came home I was
10 helping some friends pack to move, and the whole bottom of my
11 screen door was slashed. So at midnight I had the police come
12 out. He took pictures. He says -- I explained to him my
13 situation two days prior to that, he says, well, we have no
14 eyewitnesses. There's nothing we can really do except consider
15 them potential people that cut my screen. So I wasn't very
16 happy about that.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 047: And I think that's about
19 all that's happened to me.

20 THE COURT: Okay. Anything about those incidents
21 that would interfere with your ability to be fair to the
22 parties in this action?

23 PROSPECTIVE JUROR NO. 047: No.

24 THE COURT: Okay. Have you ever been accused of a
25 crime?

1 PROSPECTIVE JUROR NO. 047: No.

2 THE COURT: Any family members or friends that have
3 ever been accused of a crime?

4 PROSPECTIVE JUROR NO. 047: My brother.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 047: He was a year and three
7 days older than me, and he got put in jail when he was 18 for
8 drinking illegally under age. He was involved in drugs, and I
9 was -- I had since moved out of the Chicago area and was living
10 in Idaho so him and I were seeing each other, but he moved to
11 New Mexico to go to school. And when he was 24 years old him
12 and his girlfriend were on his motorcycle his Harley coming
13 back from somewhere and there was a drunk driver passed out on
14 the freeway, and he hit the back of the truck and was killed.

15 And so my dad and I drove to New Mexico and we met
16 with my brother's friend who was a lawyer, and he referenced my
17 dad that he thinks my brother was set up to be killed, but my
18 father and mother didn't wish to pursue it. So I don't know --
19 we never found out if it was intentional or accidental.

20 THE COURT: Okay. Anything other than that?

21 PROSPECTIVE JUROR NO. 047: No.

22 THE COURT: Okay. Would you have a tendency to give
23 more weight or credence or less weight or credence to the
24 testimony of a police officer simply because the witness is a
25 police officer?

1 PROSPECTIVE JUROR NO. 047: No.

2 THE COURT: Can you be fair and impartial to the
3 parties in this case?

4 PROSPECTIVE JUROR NO. 047: I sure could.

5 THE COURT: Thank you. Thank you very much for being
6 here.

7 Nellana Lobdell, how long have you lived in Clark
8 County?

9 PROSPECTIVE JUROR NO. 049: Three years.

10 THE COURT: Could you go through your education
11 background.

12 PROSPECTIVE JUROR NO. 049: I have a Bachelor's in
13 physical education, secondary teaching credentials,
14 administrator credentials and a Master's in counseling,
15 psychology. I'm licensed in the State of Nevada as a clinical
16 professional counselor.

17 THE COURT: And can you just for the record tell me
18 your employment.

19 PROSPECTIVE JUROR NO. 049: I worked for healthcare
20 for Molina Healthcare, the Choices program.

21 THE COURT: Your marital status?

22 PROSPECTIVE JUROR NO. 049: Married.

23 THE COURT: Is your spouse employed?

24 PROSPECTIVE JUROR NO. 049: He is.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NO. 049: He's the CFO for a credit
2 card processing company.

3 THE COURT: Do you have children?

4 PROSPECTIVE JUROR NO. 049: I do.

5 THE COURT: Are they old enough to be employed?

6 PROSPECTIVE JUROR NO. 049: They are.

7 THE COURT: Can you tell me what each does for a
8 living.

9 PROSPECTIVE JUROR NO. 049: My stepson is -- he's a
10 student right now graduating from engineering school this next
11 spring. My second oldest, my son restores and builds classic
12 cars. And my daughter is a aerialist.

13 THE COURT: Oh, an --

14 PROSPECTIVE JUROR NO. 049: Aerialist. Like Cirque
15 du Soleil.

16 THE COURT: Does she work in one of those shows?

17 PROSPECTIVE JUROR NO. 049: She works in many of
18 them, yes, but she's in Los Angeles.

19 THE COURT: Okay. Have you ever served as a juror
20 before?

21 PROSPECTIVE JUROR NO. 049: I have.

22 THE COURT: Okay. How many times?

23 PROSPECTIVE JUROR NO. 049: Once.

24 THE COURT: Was it here in Clark County?

25 PROSPECTIVE JUROR NO. 049: No. It was -- that was

1 in Anchorage, Alaska.

2 THE COURT: Was it civil or criminal?

3 PROSPECTIVE JUROR NO. 049: Criminal.

4 THE COURT: Were you selected to be the foreperson?

5 PROSPECTIVE JUROR NO. 049: I was.

6 THE COURT: Okay. Without telling me what your
7 verdict was, were you able to reach a verdict?

8 PROSPECTIVE JUROR NO. 049: No, we were not.

9 THE COURT: Okay. Is there -- so after you
10 deliberated for a while was -- the Judge just called it?

11 PROSPECTIVE JUROR NO. 049: Yes.

12 THE COURT: Okay. Anything about that experience
13 that would affect your ability to be fair and impartial in this
14 case?

15 PROSPECTIVE JUROR NO. 049: It was very frustrating,
16 but, no.

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

19 PROSPECTIVE JUROR NO. 049: Yes, I have.

20 THE COURT: All right. Can you tell me about that.

21 PROSPECTIVE JUROR NO. 049: About a year and a half
22 ago my truck they attempted to steal it, broke the window,
23 tried to hot wire it and something interrupted them and they
24 left.

25 THE COURT: Okay. So your vehicle didn't -- it was

1 like an attempt to steal --

2 PROSPECTIVE JUROR NO. 049: It was an attempt.

3 THE COURT: All right. Did you call the police?

4 PROSPECTIVE JUROR NO. 049: I did.

5 THE COURT: And did they come out and investigate?

6 PROSPECTIVE JUROR NO. 049: They didn't come. We
7 waited for about 3, 4 hours and we kept being told there was
8 other things more important.

9 THE COURT: Okay. Did you ever go make a report?

10 PROSPECTIVE JUROR NO. 049: I did.

11 THE COURT: All right. Were you satisfied with the
12 way it was handled?

13 PROSPECTIVE JUROR NO. 049: I understood they had
14 accidents and big things going on, but, yeah, I guess so.

15 THE COURT: Okay. Anything about that experience
16 that would interfere with your ability to be fair and impartial
17 in this case?

18 PROSPECTIVE JUROR NO. 049: No.

19 THE COURT: Have you ever been accused of a crime?

20 PROSPECTIVE JUROR NO. 049: No.

21 THE COURT: Any family members or friends that have
22 ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 049: Yes.

24 THE COURT: Go ahead.

25 PROSPECTIVE JUROR NO. 049: Can I come and tell you

1 about it?

2 THE COURT: Absolutely. The court marshal will
3 escort you up here.

4 (Conference at the bench begins)

5 PROSPECTIVE JUROR NO. 049: Okay.

6 THE COURT: Just a minute. Are you, okay?

7 PROSPECTIVE JUROR NO. 049: I'll get emotional.

8 THE COURT: Okay. All four lawyers are present.
9 Ms. Lobdell is present at the bench.

10 Go ahead.

11 PROSPECTIVE JUROR NO. 049: Okay. So both of my
12 children have mental illnesses. My son is bipolar. On his
13 first psychotic break he was unaware that he was evading police
14 officers for over an hour, and he came out of it, pulled over,
15 stuck his hands out the window and they arrested him, took him
16 to jail. One of the officers -- when I was allowed to pick him
17 up one of the officers had recognized that he was not okay.
18 And they released him to me because they had no other mental
19 health professionals to assess him.

20 Took him to a psychiatrist. He had already been
21 diagnosed with depression. This was his first manic type
22 delusional episode. He ended up having to go to jail and
23 despite having a forensic type mental health assessment that
24 clearly diagnosed him with bipolar. He had to go to jail and
25 he was on probation for three years.

1 THE COURT: For how many years?

2 PROSPECTIVE JUROR NO. 049: For three years.

3 THE COURT: Was this in Alaska?

4 PROSPECTIVE JUROR NO. 049: This was in -- he
5 committed the offense in San Luis Obispo County, California --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 049: -- and we were able to
8 have him transferred to Oklahoma to live with us while he
9 recuperated and got stabilized. He's never had any other
10 offenses. His psychiatrist says he's the poster child for
11 bipolar.

12 My daughter has generalized anxiety disorder. She
13 was at a party and she went outside sat down on the curb having
14 a panic attack. A neighbor across the street was a police
15 officer thought she was drunk. She laid down on her back for a
16 while. He thought she passed out. He called the police had
17 her arrested --

18 THE COURT: For what?

19 PROSPECTIVE JUROR NO. 049: I believe it was drunk in
20 public is what it got dropped to. They tried to charge her
21 with -- she got in her vehicle she started to leave when she
22 was feeling better and they charged -- her original charge was,
23 what is that, drunk driving.

24 THE COURT: Had she had alcohol?

25 PROSPECTIVE JUROR NO. 049: Yes, she had.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 049: And eventually we hired a
3 lawyer and it was reduced to drunk in public.

4 THE COURT: Okay. Where was that?

5 PROSPECTIVE JUROR NO. 049: That was in Los Angeles,
6 Thousand Oaks, Ventura County.

7 My stepson I don't even know his complete record, car
8 theft, burglary, extensive.

9 THE COURT: Okay. Did you raise that stepson, I
10 mean, did you --

11 PROSPECTIVE JUROR NO. 049: Partially.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 049: He came into my life when
14 he was six.

15 THE COURT: Okay. So you've been in his life pretty
16 much his whole life.

17 PROSPECTIVE JUROR NO. 049: Right.

18 THE COURT: Where is he now?

19 PROSPECTIVE JUROR NO. 049: He is in Anchorage,
20 Alaska.

21 THE COURT: Okay. Do you think he was treated
22 fairly?

23 PROSPECTIVE JUROR NO. 049: Yes, I do.

24 THE COURT: Okay. How about your other two kids?

25 PROSPECTIVE JUROR NO. 049: No, I don't.

1 THE COURT: Okay. And can you explain that.

2 PROSPECTIVE JUROR NO. 049: I don't feel that the
3 mental illness was believed, and I think the fact that I was a
4 mental health counselor they thought I was just trying to pull
5 shenanigans to get him of trouble.

6 THE COURT: Your son?

7 PROSPECTIVE JUROR NO. 049: Yes.

8 THE COURT: Okay. How about your daughter?

9 PROSPECTIVE JUROR NO. 049: Well, with that, you
10 know, we wanted to know was she drunk; was she legally drunk.
11 The blood test -- they took her to the hospital because she was
12 having a panic attack and became very combative, and the police
13 really roughed her up really, really bad, bruised her, cut her,
14 and we tried to get the blood work, and it just had
15 disappeared. There was nothing there. So we were never able
16 to confirm who was telling the truth on that.

17 THE COURT: Okay. So she clearly was never charged
18 with any kind of DUI?

19 PROSPECTIVE JUROR NO. 049: No.

20 THE COURT: Okay. And you think it was, like, drunk
21 in public --

22 PROSPECTIVE JUROR NO. 049: That's what they gave her
23 in the end, yeah.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 049: We hired an attorney and

1 he got it to that.

2 THE COURT: All right. Anything -- is there anything
3 else?

4 PROSPECTIVE JUROR NO. 049: No. Let's see, I mean, I
5 know many, many people that have committed crimes because of my
6 work. They're all criminals through Clark County. So I, you
7 know, everything from burglary to car theft, sales, possession,
8 drugs, prostitution --

9 THE COURT: That's part of your professional work;
10 correct?

11 PROSPECTIVE JUROR NO. 049: Yes. Yes.

12 THE COURT: Okay. And what type of -- you said
13 they're court ordered?

14 PROSPECTIVE JUROR NO. 049: Right.

15 THE COURT: Can you explain that to me.

16 PROSPECTIVE JUROR NO. 049: Drug court --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 049: --- mental health court,
19 dependency court, justice court, federal DUI, federal
20 probation, federal pretrial, so all different. There's a lot
21 of white-collar crimes clients that I deal with.

22 THE COURT: Basically all the law enforcement
23 jurisdiction, county, city, state and federal?

24 PROSPECTIVE JUROR NO. 049: Yes.

25 THE COURT: And most of your clients are court

1 ordered?

2 PROSPECTIVE JUROR NO. 049: Yes.

3 THE COURT: Okay. Have you or anyone close to you
4 such as a family member, friend have been accused of a crime
5 other than what you've told us?

6 PROSPECTIVE JUROR NO. 049: I'm trying to think if
7 there's anything else.

8 THE COURT: I know -- and I don't need you to go
9 into, like, all your professional work.

10 PROSPECTIVE JUROR NO. 049: Okay. Maybe a nephew --
11 I have a niece that has a federal -- felony DUI.

12 THE COURT: Okay. Was it on federal property?

13 PROSPECTIVE JUROR NO. 049: A felony DUI.

14 THE COURT: Oh, I thought you said federal.

15 PROSPECTIVE JUROR NO. 049: I did and then I
16 corrected it.

17 THE COURT: Okay. All right. Anything about these
18 experiences that would affect your ability to be fair and
19 impartial in this case?

20 PROSPECTIVE JUROR NO. 049: I will probably look
21 extra hard at the police officers and use all of my clinical
22 skills to assess if they're telling the truth.

23 THE COURT: You have some kind of clinical skills to
24 tell if someone's telling the truth?

25 PROSPECTIVE JUROR NO. 049: Yes, I do.

1 THE COURT: Okay. Okay.

2 PROSPECTIVE JUROR NO. 049: I'm a mental health
3 therapist.

4 THE COURT: Okay. I'm just wondering. I don't know.

5 PROSPECTIVE JUROR NO. 049: Yes, I do.

6 THE COURT: And what skills are those?

7 PROSPECTIVE JUROR NO. 049: Just watching for any
8 contradictions, watching their body language, watching just --

9 THE COURT: You don't have to be a mental health
10 therapist to do that.

11 PROSPECTIVE JUROR NO. 049: Okay.

12 THE COURT: I don't know, right, I mean, everybody
13 can look at body language, look for inconsistencies -- what
14 I'm -- do you have, like, professional skills? How do I -- I
15 thought you were trying to convey to me that you had some sort
16 of professional skill set in order to determine whether someone
17 was telling you the truth.

18 PROSPECTIVE JUROR NO. 049: I believe I do.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 049: I believe that I have --
21 what should I -- how do I say this, that I can tell if they're
22 telling the truth or not based on the years and years of
23 working with criminals and with just a variety of people with
24 different diagnoses.

25 THE COURT: Okay. I'm concerned just about what the

1 police officer because you said you're going to look extra
2 hard --

3 PROSPECTIVE JUROR NO. 049: Uh-huh.

4 THE COURT: -- at the police officer. So you know
5 the question I've been asking, would you have a tendency to
6 give more weight or credence or less weight or credence to the
7 testimony of a police officer?

8 PROSPECTIVE JUROR NO. 049: After I assess their
9 honesty and sincerity probably not more or less --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 049: -- but I will really be
12 looking hard.

13 THE COURT: Okay. Harder than you would a layperson?

14 PROSPECTIVE JUROR NO. 049: Possibly.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 049: Because of my bad
17 experiences.

18 THE COURT: All right. And those experiences they
19 were with, but they were with police officers in different
20 jurisdictions; right?

21 PROSPECTIVE JUROR NO. 049: Correct.

22 THE COURT: One was in -- well, I guess they were
23 both in California; right?

24 PROSPECTIVE JUROR NO. 049: Yes, they were.

25 THE COURT: Okay. So I guess my question is, do you

1 paint all police officers with the same brush?

2 PROSPECTIVE JUROR NO. 049: No. Not once I know them
3 and have an assessment of their character.

4 THE COURT: Okay. So are you going to judge a police
5 officer's testimony different than any other person?

6 PROSPECTIVE JUROR NO. 049: I'd like to say no, but
7 I, like I said, I think I will be looking extra hard because my
8 experience has been they are given more credence than they
9 should be because of the uniform.

10 THE COURT: By who?

11 PROSPECTIVE JUROR NO. 049: By a lot of people. By
12 the general public. By the legal system.

13 THE COURT: Okay. So if a police officer comes in is
14 that just because they're a police officer they're going to get
15 less credence from you?

16 PROSPECTIVE JUROR NO. 049: No. Not necessarily.
17 But I'll have to make sure I'm completely satisfied that what
18 they're saying is the truth.

19 THE COURT: (indiscernible) from any other witness?
20 Let me ask you this. Can you be fair to a police officer that
21 comes in and testifies?

22 PROSPECTIVE JUROR NO. 049: Yes.

23 THE COURT: Are you going to be more harsh or less
24 harsh because I'm just telling -- I'm getting the impression
25 the police officer might have a hard time in front of you

1 because of what happened in your personal life. And that's --
2 that's, okay --

3 PROSPECTIVE JUROR NO. 049: They might.

4 THE COURT: -- because I'm not gonna --

5 PROSPECTIVE JUROR NO. 049: They might.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 049: I can't say for sure but
8 they might.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 049: So that's the best I can
11 do.

12 THE COURT: You might have a problem with a witness
13 that's a police officer because you had bad experiences --

14 PROSPECTIVE JUROR NO. 049: Uh-huh.

15 THE COURT: -- and you're a mom, they were with your
16 children?

17 PROSPECTIVE JUROR NO. 049: Uh-huh.

18 THE COURT: Is that a yes?

19 PROSPECTIVE JUROR NO. 049: Yes.

20 THE COURT: But I know you intellectually know that
21 police officers that handled your kid's cases, I mean,
22 everybody's different; right?

23 PROSPECTIVE JUROR NO. 049: Right.

24 THE COURT: Okay. Because it kind of sounds like
25 you're painting all the police officers with the same brush.

1 PROSPECTIVE JUROR NO. 049: I guess it's kind of like
2 PTSD, you kind of, you know, you have enough bad experiences
3 and you start to kind of look at somebody a different way.

4 THE COURT: So vetting the credibility of police
5 officers is like PTSD? I mean, here's --

6 PROSPECTIVE JUROR NO. 049: I'm trying to use a
7 metaphor here.

8 THE COURT: Okay. You know, because I don't know
9 who's going to call police officers, but I can tell you police
10 officers are going to be called to testify, and so if you can't
11 judge their credibility fairly or be fair to them, I just need
12 to know. And again it's okay --

13 PROSPECTIVE JUROR NO. 049: Uh-huh.

14 THE COURT: -- if that's your life experience it's
15 okay; that's just what we're trying to find out.

16 PROSPECTIVE JUROR NO. 049: So I've said I might have
17 a problem with it in the moment is that good enough or do I
18 have to say, yes, I have a problem.

19 THE COURT: No, you're under oath. I just want you
20 to tell the truth.

21 PROSPECTIVE JUROR NO. 049: So it's a possibility
22 that I'll have a problem.

23 THE COURT: Okay.

24 MR. STANTON: I have no questions. Thank you, Judge.

25 THE COURT: Okay.

1 Do you have any (inaudible)?

2 MR. MARCHESE: No.

3 THE COURT: Okay. I'm sorry you had to come up here,
4 but I do appreciate your willingness to be here and answer our
5 questions, okay.

6 PROSPECTIVE JUROR NO. 049: Yes.

7 THE COURT: You can be excused. Go ahead. The court
8 marshal will direct you back.

9 I just thought I was going to have a challenge for
10 cause, but (inaudible).

11 MR. STANTON: Absolutely.

12 MS. BEVERLY: That's true, yeah.

13 MR. STANTON: I just didn't have any further
14 questions to ask her because I think she established cause
15 three different ways.

16 MR. MARCHESE: I mean, I'd like a chance to
17 rehabilitate her. I know you gave me an opportunity to ask
18 questions. I think my questions would not get into specifics
19 of her son, her daughter or whatever the case may be. It's
20 just a little awkward in this setting where I feel --

21 THE COURT: I don't have a problem --

22 MR. MARCHESE: Yeah.

23 THE COURT: -- if you feel like you want --

24 MR. MARCHESE: Yeah.

25 THE COURT: -- to voir dire her more --

1 MR. MARCHESE: Right. I won't --

2 THE COURT: -- do you want to do it now?

3 MR. MARCHESE: Well, whatever you feel comfortable
4 with.

5 MS. BEVERLY: Judge, I would ask that he do it up
6 here because I don't want in front of the jury, like, she has
7 very negative experiences, and I just think in front of a jury
8 she would have the potential to poison a lot of people.

9 MR. MARCHESE: You know --

10 THE COURT: Yeah, I mean, and I don't want her
11 telling this jury panel that she's got some kind of special
12 skill set to tell whether people are telling the truth or
13 not --

14 MS. BEVERLY: Right.

15 MR. MARCHESE: Sure.

16 THE COURT: I mean, that was --

17 MR. MARCHESE: I wasn't going to ask about that. It
18 was just going to her going to be fair or not. I wasn't going
19 to go into specifics (inaudible) --

20 THE COURT: To police officers though, I mean,
21 because that's my concern what she has said regarding police
22 officers --

23 MR. MARCHESE: Sure.

24 THE COURT: -- looking extra hard, they might have a
25 problem with her, but if you want --

1 MR. MARCHESE: I, yeah --

2 THE COURT: -- to voir dire her, I'll allow it.

3 MR. MARCHESE: I don't even believe we're calling
4 Metro officers ---

5 MR. DURHAM: The thing is in this particular case
6 they're not really --

7 MR. STANTON: But they interviewed -- they
8 interviewed the defendant and so that's the --

9 MR. DURHAM: -- much of a difference on it that's the
10 only reason why we wouldn't ---

11 THE COURT: Well, you may or may not with her.

12 MR. DURHAM: Right.

13 MS. BEVERLY: Well, I think --- I think.

14 THE COURT: That's -- therein lies the problem.

15 MS. BEVERLY: I think also the problem is that she's
16 saying she's a human lie detector. So I think --

17 THE COURT: That's the problem. I'm worried about
18 that.

19 MS. BEVERLY: -- that in and of itself aside from the
20 Metro issue is her claiming that she has some special skill
21 set.

22 MR. STANTON: I don't think we'll get past ground
23 zero after that. And she was pretty adamant about it and
24 unqualified.

25 THE COURT: I mean, well, I need to further voir dire

1 her if you want, but I --

2 MR. MARCHESE: We'll submit her.

3 THE COURT: Okay. I'm going to grant the challenge
4 for cause. And I'm going to tell you who I'm going to put in
5 her spot. So it's Alexis Shebay.

6 MS. BEVERLY: Okay.

7 MR. STANTON: Okay.

8 THE COURT: Badge Number 55.

9 MR. STANTON: Got it.

10 MR. DURHAM: Badge 55?

11 THE COURT: Uh-huh.

12 MR. DURHAM: Okay.

13 THE COURT: Okay.

14 (Conference at the bench ends)

15 THE COURT: Okay. At this time, Ms. Lobdell, I'm
16 just going to ask you to -- if you'll stand and you can sit
17 anywhere you want in the gallery.

18 And I'm going to ask Alexis Shebay to take Seat
19 Number 28.

20 Ms. Shebay, how long have you lived in Clark County?

21 PROSPECTIVE JUROR NO. 055: 21 years.

22 THE COURT: Your education background?

23 PROSPECTIVE JUROR NO. 055: I'm a junior in college.

24 THE COURT: What are you studying?

25 PROSPECTIVE JUROR NO. 055: Hospitality management.

1 THE COURT: Are you going to UNLV?

2 PROSPECTIVE JUROR NO. 055: Yeah.

3 THE COURT: Are you out for the summer or?

4 PROSPECTIVE JUROR NO. 055: I'm out for the summer.

5 THE COURT: Okay. Are you employed?

6 PROSPECTIVE JUROR NO. 055: Yeah. I'm a front desk
7 agent and a Bible school teacher for preschool.

8 THE COURT: Your marital status?

9 PROSPECTIVE JUROR NO. 055: Single.

10 THE COURT: Do you have kids?

11 PROSPECTIVE JUROR NO. 055: No.

12 THE COURT: Have you ever served as a juror before?

13 PROSPECTIVE JUROR NO. 055: No.

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

15 PROSPECTIVE JUROR NO. 055: No.

16 THE COURT: You know anybody or have any family
17 member, friends that have ever been the victim of the crime?

18 PROSPECTIVE JUROR NO. 055: No.

19 THE COURT: Have you ever been accused of a crime?

20 PROSPECTIVE JUROR NO. 055: No.

21 THE COURT: Do you know anybody, family members or
22 friends that have ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 055: My brother.

24 THE COURT: Okay. Can you tell me about that.

25 PROSPECTIVE JUROR NO. 055: Yeah. Methamphetamine

1 charges and intention to sell and then having a weapon after
2 going to prison.

3 THE COURT: Was that here in Clark County?

4 PROSPECTIVE JUROR NO. 055: Yeah.

5 THE COURT: Is he in or out of custody?

6 PROSPECTIVE JUROR NO. 055: He's out now.

7 THE COURT: Okay. But he was charged with some drug
8 and firearm charges?

9 PROSPECTIVE JUROR NO. 055: Uh-huh.

10 THE COURT: Is that a yes?

11 PROSPECTIVE JUROR NO. 055: Yes.

12 THE COURT: And do you know if he was prosecuted in
13 state court, federal court?

14 PROSPECTIVE JUROR NO. 055: I'm not sure.

15 THE COURT: Okay. How do you know about his cases?
16 Just family members?

17 PROSPECTIVE JUROR NO. 055: My family, yeah.

18 THE COURT: Okay. So you didn't follow them closely
19 or come to court?

20 PROSPECTIVE JUROR NO. 055: No.

21 THE COURT: You know he may have been prosecuted by
22 the Clark County District Attorney's Office the same office
23 that these prosecutors work in?

24 PROSPECTIVE JUROR NO. 055: Uh-huh, yes.

25 THE COURT: And do you have any problem with that?

1 PROSPECTIVE JUROR NO. 055: No.

2 THE COURT: Will the fact that he was prosecuted
3 interfere with your ability to be fair and impartial to the
4 State of Nevada in this case?

5 PROSPECTIVE JUROR NO. 055: No.

6 THE COURT: Okay. Any other --

7 PROSPECTIVE JUROR NO. 055: No, ma'am.

8 THE COURT: -- that you know that have been accused
9 of a crime?

10 PROSPECTIVE JUROR NO. 055: No.

11 THE COURT: Okay. Would you have a tendency to give
12 more weight or credence or less weight or credence to the
13 testimony of a police officer simply because the witness is a
14 police officer?

15 PROSPECTIVE JUROR NO. 055: No.

16 THE COURT: Okay. Can you be fair and impartial to
17 the parties in this case?

18 PROSPECTIVE JUROR NO. 055: Yes.

19 THE COURT: Thank you very much for being here.

20 Nathan Kerkhoff.

21 PROSPECTIVE JUROR NO. 050: Yep.

22 THE COURT: How long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 050: Five and a half years.

24 THE COURT: Your education background?

25 PROSPECTIVE JUROR NO. 050: Bachelor's. Management

1 business.

2 THE COURT: What do you do for living?

3 PROSPECTIVE JUROR NO. 050: I'm a director of
4 operations.

5 THE COURT: For what type of business?

6 PROSPECTIVE JUROR NO. 050: Hospitality consulting
7 and most recently yesterday with another restaurant group in
8 town.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR NO. 050: Married.

11 THE COURT: Is your spouse employed?

12 PROSPECTIVE JUROR NO. 050: She is.

13 THE COURT: What does she do for a living?

14 PROSPECTIVE JUROR NO. 050: She's in nondestructive
15 testing.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 050: Nondestructive testing
18 layman's terms she -- her company goes into nuclear power
19 plants and does testing on the integrity of the reactors.
20 She's smart.

21 THE COURT: Sounds like it. Do you have any kids?

22 PROSPECTIVE JUROR NO. 050: Yes.

23 THE COURT: Are they old enough to be employed?

24 PROSPECTIVE JUROR NO. 050: No.

25 THE COURT: Have ever served as a juror before?

1 PROSPECTIVE JUROR NO. 050: Nope.

2 THE COURT: Have ever been the victim of a crime?

3 PROSPECTIVE JUROR NO. 050: No.

4 THE COURT: Any family member, friends that have been
5 victims?

6 PROSPECTIVE JUROR NO. 050: No.

7 THE COURT: Have you ever been accused of a crime?

8 PROSPECTIVE JUROR NO. 050: No.

9 THE COURT: Any family member or friends ever been
10 accused of a crime?

11 PROSPECTIVE JUROR NO. 050: No.

12 THE COURT: Would you have a tendency to give more
13 weight or credence or less weight or credence to the testimony
14 of a witness simply because the witness is a police officer?

15 PROSPECTIVE JUROR NO. 050: No.

16 THE COURT: Can you be fair and impartial to the
17 parties in this case?

18 PROSPECTIVE JUROR NO. 050: I can.

19 THE COURT: Thank you, sir.

20 PROSPECTIVE JUROR NO. 050: Yep.

21 THE COURT: Thank you for being here.

22 Ms. Sandra Gilmore.

23 PROSPECTIVE JUROR NO. 051: I've been here 17 years.

24 THE COURT: What do you do for a living?

25 PROSPECTIVE JUROR NO. 051: I run a retail store.

1 THE COURT: How long have you done that?

2 PROSPECTIVE JUROR NO. 051: Oh, gosh --

3 THE COURT: Long time?

4 PROSPECTIVE JUROR NO. 051: -- probably 15 years
5 maybe.

6 THE COURT: Okay. Your education background?

7 PROSPECTIVE JUROR NO. 051: High school.

8 THE COURT: Your marital status?

9 PROSPECTIVE JUROR NO. 051: Married.

10 THE COURT: Is your spouse employed?

11 PROSPECTIVE JUROR NO. 051: He is. He works for
12 everybody's favorite place the DMV.

13 THE COURT: Bet you don't have to wait in line?

14 PROSPECTIVE JUROR NO. 051: Nope.

15 THE COURT: Do you have kids?

16 PROSPECTIVE JUROR NO. 051: No.

17 THE COURT: I'm sorry?

18 PROSPECTIVE JUROR NO. 051: No.

19 THE COURT: Okay. Have you ever served as a juror
20 before?

21 PROSPECTIVE JUROR NO. 051: No.

22 THE COURT: Have ever been the victim of a crime?

23 PROSPECTIVE JUROR NO. 051: No.

24 THE COURT: Do you know any family members or friends
25 that have ever been the victim of a crime?

1 PROSPECTIVE JUROR NO. 051: No.

2 THE COURT: Have you ever been accused of a crime?

3 PROSPECTIVE JUROR NO. 051: No.

4 THE COURT: Do you know any family members or friends
5 that have ever been accused of a crime?

6 PROSPECTIVE JUROR NO. 051: No.

7 THE COURT: Would you have the tendency to give more
8 weight or credence or less weight or credence to the testimony
9 of a police officer simply because the witness is a police
10 officer?

11 PROSPECTIVE JUROR NO. 051: No.

12 THE COURT: Do you know of any reason why you could
13 not be a fair and impartial juror in this particular case?

14 PROSPECTIVE JUROR NO. 051: No, I don't know of any
15 reason.

16 THE COURT: Thank you. Thank you for being here.

17 Mr. Simons, how long have you lived in Clark County?

18 PROSPECTIVE JUROR NO. 053: 29 years.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 053: A Bachelor's.

21 THE COURT: In?

22 PROSPECTIVE JUROR NO. 053: Financial planning.

23 THE COURT: Okay. What do you do for a living?

24 PROSPECTIVE JUROR NO. 053: Financial adviser.

25 THE COURT: Your marital status?

1 PROSPECTIVE JUROR NO. 053: Married.

2 THE COURT: Is your spouse employed?

3 PROSPECTIVE JUROR NO. 053: Yes.

4 THE COURT: What does your spouse do?

5 PROSPECTIVE JUROR NO. 053: Teacher, Clark County
6 School District.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 053: Teacher at Clark County
9 School District.

10 THE COURT: Okay. What subject?

11 PROSPECTIVE JUROR NO. 053: Librarian right now. She
12 works in the school library.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 053: Sorry.

15 THE COURT: Do you have kids?

16 PROSPECTIVE JUROR NO. 053: Yes.

17 THE COURT: Are they old enough to be employed?

18 PROSPECTIVE JUROR NO. 053: Yes.

19 THE COURT: Can you tell me what each does for a
20 living.

21 PROSPECTIVE JUROR NO. 053: The oldest is a physical
22 therapist, and the next four are in college.

23 THE COURT: You have four kids in college right now?
24 That's why you're a financial adviser.

25 PROSPECTIVE JUROR NO. 053: Various degrees from

1 Master's and Doctorate Masters down to, yeah.

2 THE COURT: Well, good for you.

3 PROSPECTIVE JUROR NO. 053: Thank you.

4 THE COURT: Have you ever served as a juror before?

5 PROSPECTIVE JUROR NO. 053: No.

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

7 PROSPECTIVE JUROR NO. 053: No.

8 THE COURT: Do you know any family members or friends
9 that have ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 053: No.

11 THE COURT: Have you ever been accused of a crime?

12 PROSPECTIVE JUROR NO. 053: No.

13 THE COURT: Do you know any family members or friends
14 that have ever been accused of a crime?

15 PROSPECTIVE JUROR NO. 053: No.

16 THE COURT: Would you have a tendency to give more
17 weight or credence or less weight or credence to the testimony
18 of a witness simply because the witness is a police officer?

19 PROSPECTIVE JUROR NO. 053: No.

20 THE COURT: Okay. Can you be fair and impartial to
21 the parties in this case?

22 PROSPECTIVE JUROR NO. 053: Yes.

23 THE COURT: Thank you, sir. Thank you for being
24 here.

25 Ms. Kathy Baker, how long have you lived in Clark

1 County?

2 PROSPECTIVE JUROR NO. 054: 38 years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 054: BA in education.

5 THE COURT: And I know you told me earlier you're now
6 retired; correct?

7 PROSPECTIVE JUROR NO. 054: Correct.

8 THE COURT: And you're a retired -- you were a
9 corrections officer with the City of Las Vegas?

10 PROSPECTIVE JUROR NO. 054: Yes.

11 THE COURT: Were you a corrections officer only in
12 that jurisdiction? Did you work in any other jurisdictions?

13 PROSPECTIVE JUROR NO. 054: Just in the City.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 054: Divorced.

16 THE COURT: Okay. Do you have any kids?

17 PROSPECTIVE JUROR NO. 054: Two grown boys, men.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 054: 38 and 26.

20 THE COURT: What do they do for a living?

21 PROSPECTIVE JUROR NO. 054: My 38 year old is a buyer
22 trader at a fund.

23 THE COURT: I'm sorry is a what?

24 PROSPECTIVE JUROR NO. 054: Buyer trader with a fund
25 in the finance. And my younger one is an EMT.

1 THE COURT: Have you ever served as a juror before?

2 PROSPECTIVE JUROR NO. 054: Never.

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

4 PROSPECTIVE JUROR NO. 054: I had my vehicle stolen.

5 THE COURT: Here in Clark County?

6 PROSPECTIVE JUROR NO. 054: They found it -- I'm

7 sorry?

8 THE COURT: Here in Clark County?

9 PROSPECTIVE JUROR NO. 054: Yes.

10 THE COURT: And did you call the police?

11 PROSPECTIVE JUROR NO. 054: Oh, yes.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 054: They found it in about 30
14 days in the State of Washington.

15 THE COURT: All right. Did they ever find the person
16 who stole it?

17 PROSPECTIVE JUROR NO. 054: The one driving it they
18 couldn't prove that he stole it. So they did put him behind
19 jail -- in jail because he had drugs and -- but they couldn't
20 prove that he was the one that stole it.

21 THE COURT: Okay. Was he charged with being in
22 possession of a stolen vehicle?

23 PROSPECTIVE JUROR NO. 054: I'm sorry?

24 THE COURT: Was he charged with being in possession
25 of your stolen vehicle?

1 PROSPECTIVE JUROR NO. 054: Yes.

2 THE COURT: Okay. But that was in another
3 jurisdiction?

4 PROSPECTIVE JUROR NO. 054: Yes.

5 THE COURT: Did you have to go and testify or do
6 anything?

7 PROSPECTIVE JUROR NO. 054: No. No.

8 THE COURT: Okay. Were you satisfied with the way it
9 was handled?

10 PROSPECTIVE JUROR NO. 054: Yes.

11 THE COURT: Anything else?

12 PROSPECTIVE JUROR NO. 054: No.

13 THE COURT: Okay. Have you ever been accused of a
14 crime?

15 PROSPECTIVE JUROR NO. 054: No.

16 THE COURT: Any family members or friends that have
17 ever been accused of a crime?

18 PROSPECTIVE JUROR NO. 054: Never.

19 THE COURT: Okay. Would you have a tendency to give
20 more weight or credence or less weight or credence to the
21 testimony of a police officer simply because the witness is a
22 police officer?

23 PROSPECTIVE JUROR NO. 054: No.

24 THE COURT: Can you be fair and impartial to the
25 parties in this case?

1 PROSPECTIVE JUROR NO. 054: Always.

2 THE COURT: Okay. Anything about your former
3 employment that would interfere with your ability to be fair
4 and impartial in this particular case?

5 PROSPECTIVE JUROR NO. 054: No.

6 THE COURT: Okay. Thank you very much for being
7 here.

8 At this time I'm going to turn the panel over to the
9 State of Nevada.

10 MR. STANTON: Your Honor, may I bring the easel in
11 the well?

12 THE COURT: Absolutely.

13 MR. STANTON: May I proceed?

14 THE COURT: Sure.

15 MR. STANTON: Ladies and gentlemen, I'm going to
16 address my comments and questions to you at least physically to
17 what we call the venire that's in the box. So those of you who
18 are sitting here in the jury box as well as in the front row.

19 Ladies and gentlemen in the back, if he could listen
20 to the questions that I'm going to ask as well as defense
21 counsel that way when you come up here if there's any subject
22 matter that any of the attorneys bring up then you can just
23 immediately bring the issue to our attention. It speeds up the
24 process quite a bit.

25 Ladies and gentlemen, as I look in all of your faces,

1 you all seem to be very reasonable people. And by the
2 questions and answers you gave you confirmed that. One thing I
3 can't tell is that whether you're the type of person that can
4 abide by the following instruction. It's one of the things
5 that Judge Leavitt gives you every single time we take a
6 recess. It's not only about not discussing the case, but if
7 you're selected as a member of the jury in this case, you
8 cannot do any independent research about this case.

9 So nowadays that means Internet research, as easy as
10 it is to do even down here in the courthouse on a recess, you
11 can't look up terms, definitions, the law, and you can't do
12 independent research like going to a particular scene that
13 you're going to hear about in this case because it has
14 drastically changed since the date of these events.

15 So my question is Number 1, does everyone understand
16 this, but Number 2, is there anybody that would have difficulty
17 in abiding by that restriction? In other words, that you
18 cannot do independent research. Not a problem for anybody?

19 (No audible response.)

20 MR. STANTON: Okay. Great.

21 Second thing is out of the top 30 television shows,
22 although we find out that a lot of people are cutting cable,
23 but at one time the top 30 shows eight of them dealt with the
24 criminal justice system from CSI the original from Las Vegas to
25 CSI Toledo, Ohio or whatever the latest show was. There's also

1 a bunch of shows about Law & Order, courtroom, procedure,
2 evidence, trials. Now, I'm sure you're all aware that that is
3 Hollywood or some production vision of entertainment in
4 particular cases.

5 My concern is does anybody believe that what you see
6 in those shows actually occurs in day-to-day life as you see it
7 depicted in the show? In other words, that's Hollywood and
8 this courtroom is reality, and you've got to understand they're
9 two different worlds.

10 So we have a physician, I'll tell you and I'm sure
11 he'll confirm, that at autopsy if you were to take a laser and
12 slice the cornea of the decedent, you cannot plug it into a
13 computer and determine what it is that they last saw before
14 they died, okay. So there's -- what I don't want is somebody
15 to have seen something on television involving the criminal
16 justice system and then have a preconceived notion and bring it
17 in and apply it to this case. Does anybody think they'll have
18 a problem doing that?

19 (No audible response.)

20 MR. STANTON: Okay. There is -- as the Judge
21 indicated during a trial kind of the beauty of our system is
22 that the jury, fellow citizens sitting in a criminal case are
23 the triers of fact. They were the ones that determine what the
24 facts are in this case and what weight to attach to them. No
25 one else has that function.

1 The Judge, Judge Leavitt in this case has the
2 obligation and the duty to instruct you as the jury at the end
3 of the case what the law is. And you've heard Judge Leavitt on
4 a couple of occasions ask some jurors can you follow the law as
5 I instruct you in this case.

6 It's a little bit similar to that question to you,
7 but I'm going to put a finer point on it. And often over the
8 years I've heard prosecutors and defense attorneys talk about
9 the laws about marijuana evolving, changing, and whatever your
10 thoughts are about particular laws, you have to leave them at
11 the door, courthouse door when you walk in here because whether
12 you agree with the law that's to be applied in this case or
13 not, if you're seated as a juror, you will take an oath to
14 follow that law even though you don't agree with it and even
15 though you might think it's unfair. You have to follow it and
16 there are no exceptions.

17 So let me give you an example. In this particular
18 case the defendant is charged with murder. The theory of
19 murder is under what we call the felony murder rule. And the
20 logic and the basis of the felony murder rule is that there are
21 some felonies that are inherently dangerous. And when you do
22 dangerous felony crimes and someone dies, you're held liable
23 for that death, a robbery, and in this particular case an
24 arson. And arson is an inherently dangerous felony. That if
25 you can commit that act and people die, you are liable for

1 murder. Is there anybody uncomfortable with that doctrine of
2 law?

3 (No audible response.)

4 MR. STANTON: Thank you. In this particular case I
5 will submit that you will hear testimony, and there will be a
6 few, not a lot, of photographs that most reasonable people
7 would consider to be graphic. This is at the core of it a
8 murder case. And there is a medical procedure used in this
9 case as in all homicide cases or most called an autopsy. And
10 not that it's overly graphic as you could possibly imagine, but
11 it is I think graphic in of itself.

12 My question to each one of you is whether or not you
13 can observe that evidence both from the testimony as well as
14 the physical review of the photographs in this case for its
15 evidentiary value? In other words, can you put aside what
16 emotions you may have by looking and hearing this testimony and
17 listen for it to tell you something about this case, how this
18 person died and who killed them. Can you all do that?

19 (No audible response.)

20 MR. STANTON: Ladies and gentlemen, I think for the
21 first time you're going to hear that in this particular case
22 the defendant has pled not guilty by reason of insanity. That
23 is the aspect of this case will include testimony about mental
24 health. Is there anybody and my question here now is for you
25 as a group, does anybody have any problem or issue listening to

1 that testimony and weighing it like all others?

2 Now, this could become from as you heard repeatedly
3 today Judge Leavitt asking individuals here in the venire, the
4 prospective panel if they've ever been the victim of a crime or
5 someone close to them has been accused of a crime. And as you
6 can see by the nature of the questions, we're trying to
7 determine whether or not anybody has something in their life
8 experiences that would cause them to be anything but fair and
9 impartial in this case. And there's no problem with that.
10 There's no right or wrong answer. It's just maybe this case is
11 not the right one for a particular individual.

12 So is there anybody that would have a person close to
13 them or family member that would have had a mental health issue
14 such that this case of a person charged with murder who has
15 pled not guilty by reason of insanity would be unable or
16 uncomfortable in hearing this type of case? Does anybody have
17 that situation?

18 (No audible response.)

19 MR. STANTON: So I don't want to go and ask each one
20 of you about do you have a family friend or someone that's had
21 psychiatric care or been diagnosed with a psychiatric illness.
22 It's simply an introspective request that each one of you look
23 into your life experiences and say if I do have that can I
24 actually be fair and impartial sitting, A, in a criminal trial,
25 B, that it's on a murder charge and, C, that the defendant has

1 pled not guilty by reason of insanity; anybody have an issue or
2 a concern in that regard?

3 (No audible response.)

4 MR. STANTON: There's also going to be evidence about
5 narcotics. Does anybody have from the same type of question --
6 we've had people mention family members accused and maybe doing
7 or have done time or been punished for narcotics offenses, but
8 is there anything about the subject matter of narcotics and the
9 use of them that would cause any member of the prospective
10 panel concerns about hearing that evidence applied into a case
11 like this?

12 (No audible response.)

13 MR. STANTON: The next question has to do with the
14 nature of the charges in this case, and there's two charges;
15 that is, murder as I mentioned to you under the principle of
16 the felony murder rule and then obviously the underlining
17 felony there is arson, and as you can guess that the second
18 offense charged against the defendant is that of arson.

19 Is there anything about those two crimes, murder and
20 arson that would cause any member of the prospective panel
21 concerns about sitting in a case with those charges?

22 (No audible response.)

23 MR. STANTON: And the next question is about people
24 have sometimes religious, moral or philosophical issues about
25 sitting as a juror and their responsibilities in the criminal

1 justice system in the United States. Once again, it is at
2 times religiously based, but it can also be a moral or
3 philosophical background to that. Briefly, some believe that
4 they can't, quote, sit in judgment of another, close quote. Is
5 there anybody that has any concerns or backgrounds that would
6 cause them difficulties in performing the actual duties as a
7 seated juror in a criminal case?

8 (No audible response.)

9 MR. STANTON: Your Honor, how long you want me to go?

10 THE COURT: I didn't realize it was already after
11 5:00 o'clock so --

12 MR. STANTON: Yeah.

13 THE COURT: -- is this probably a good time --

14 MR. STANTON: It's a natural break for me. I don't
15 have much further other than individual questions and that
16 shouldn't take all that long.

17 THE COURT: All right. Thank you very much.

18 At this time we are going to conclude for the
19 evening. We are going to start tomorrow morning at 8:30. So
20 everyone's going to have to come back tomorrow morning. When
21 you come back, you come to the 14th floor. I think everybody's
22 figured out we can't start until each and every one of us is
23 here. So I'd just ask you to keep that in mind tomorrow when
24 you return.

25 So when you come back you can come straight to the

1 14th floor. Officer Hawkes will greet you, and he'll bring you
2 in. I do not think it will be much longer until we have a jury
3 panel impaneled. Once we have a jury panel impaneled we'll
4 start the trial, and then everyone else will be excused. So
5 although I know it's not great to have to come back tomorrow,
6 everyone here is required to come back tomorrow.

7 During this recess you're admonished not to talk or
8 converse amongst yourselves, with anyone else on any subject
9 connected with this trial or read, watch or listen to any
10 report of or commentary on the trial or any person connected
11 with this trial by any medium of information including without
12 limitation newspapers, television, the Internet, radio or form
13 or express any opinion on any subject connected this trial till
14 the case is finally submitted to you.

15 You're further admonished do not communicate with
16 anyone including your fellow jurors about this case on your
17 cell phone through e-mail, BlackBerry, iPhone, text messaging,
18 twitter, through any blog or website, do any Internet chat room
19 or way of any other social networking website including, but
20 not limited to Facebook, MySpace, LinkedIn, and YouTube.

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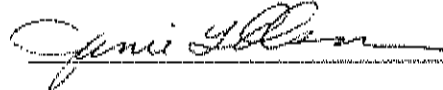
25 / / /

1 We are in recess till tomorrow morning at 8:30. And
2 you're excused.

3 (Proceedings recessed for the evening 5:18 p.m.)

4 ~oOo~

5 ATTEST: I do hereby certify that I have truly and correctly
6 transcribed the audio/video proceedings in the above-entitled
7 case.

8
9 

10 Janie L. Olsen
11 Transcriber

MR. DURHAM: [6] 27/4 200/5 200/9 200/12 201/10 201/12	72/25 73/2 73/5 73/7 73/10 73/12 73/14 73/17 73/20 73/22 73/25 74/2 74/4 74/8 74/11 74/13 74/16 74/18 74/21 74/24 75/2 75/5 75/8 75/10 75/13 75/16 75/19 75/21 75/24 76/1 76/4 76/8 76/10 76/14 76/22 76/25 77/3 77/5 77/10 77/19 78/2 78/9 78/11 78/14 78/17 78/24 79/4 79/8	95/19 95/24 96/2 96/4 96/6 96/9 96/12 96/14 96/17 96/21 96/24 97/5 97/7 97/9 97/11 97/14 97/17 97/22 97/24 98/1 98/3 98/6 98/15 98/19 98/22 98/25 99/3 99/5 99/9 99/12 99/17 99/19 99/23 100/1 100/4 100/6 100/9 100/12 100/19 100/23 101/1 101/9 101/14	113/25 114/4 114/9 114/13 114/17 114/20 114/24 115/2 115/5 115/10 115/13	132/17 132/20
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