

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CASH)
)
Appellant,)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)
_____)

S.C. Case No. 77018

Electronically Filed
Mar 14 2019 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX Vol 2 of 6

(Appeal from a Judgment of Conviction Following a Jury Trial and Verdict)

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INDEX TO ALL VOLUMES

<u>Document</u>	<u>Page No.</u>
Volume 1	
Jury Trial Day 1	AA001
Jury Trial Day 2	AA266
Volume 2	
Jury Trial Day 3	AA507
Jury Trial Day 4	AA748
Jury Trial Day 5	AA755
Volume 3	
Jury Trial Day 6	AA1012
Jury Trial Day 7	AA1234
Jury Trial Day 8	AA1337
Volume 4	
Amended Information	AA1342
Judgement of Conviction	AA1347
Sentencing Transcript	AA1349

1 THE COURT: Ages?
2 PROSPECTIVE JUROR NUMBER 022: 27.
3 THE COURT: In law or law enforcement?
4 PROSPECTIVE JUROR NUMBER 022: No.
5 THE COURT: Have you ever sat as a juror before?
6 PROSPECTIVE JUROR NUMBER 022: No, this is my first
7 time.
8 THE COURT: Is there any reason you could not be fair and
9 impartial to both parties?
10 PROSPECTIVE JUROR NUMBER 022: No.
11 THE COURT: State.
12 MS. BLUTH: Thank you.
13 I'm going to stay right here because I'm closer; okay?
14 PROSPECTIVE JUROR NUMBER 022: Okay.
15 MS. BLUTH: Any questions so far that you had a strong
16 opinion on?
17 PROSPECTIVE JUROR NUMBER 022: Yes.
18 MS. BLUTH: Okay. Start from the top.
19 PROSPECTIVE JUROR NUMBER 022: Basically, I don't feel
20 that where you could decide on someone's, you know, the 10 year, 20
21 year.
22 MS. BLUTH: Yeah, the penalty.
23 PROSPECTIVE JUROR NUMBER 022: I don't -- I don't think I
24 could be responsible for -- for making that decision. I just really don't feel
25 like it. I'm not a very -- I just don't think I could do it.

1 MS. BLUTH: Okay. Talk to me about what -- so you're talking
2 about specifically the sentencing phase; right?

3 PROSPECTIVE JUROR NUMBER 022: Yes.

4 MS. BLUTH: So any concerns in regards to the guilt phase?

5 PROSPECTIVE JUROR NUMBER 022: Yes, I mean, like, it
6 would weigh on my conscience if I -- if I would make a wrong decision or if
7 I would feel that I made a wrong decision.

8 MS. BLUTH: Okay.

9 PROSPECTIVE JUROR NUMBER 022: I couldn't live with that.

10 MS. BLUTH: Okay. So you'd be doubting yourself?

11 PROSPECTIVE JUROR NUMBER 022: Yes.

12 MS. BLUTH: I had -- there was a similar sentiment being
13 expressed a little bit ago by the gentleman in the corner. And I asked him,
14 you know, I was trying to break it down in very simple terms, because
15 these legal terms are so difficult to understand without being able to
16 provide you with the legal definition.

17 But I said, you know, if the law says, we have to prove to you to
18 this level. Because you feel anxious or you feel nervous about making the
19 wrong decision, would you hold the State to a higher burden? And, you
20 know, I don't want you to -- it's okay to say yes if it's the truth. We just
21 have to know because probably not the case for you.

22 PROSPECTIVE JUROR NUMBER 022: I really don't know. I
23 mean, I just -- I just don't feel like -- I don't feel really -- feel like good
24 about it.

25 MS. BLUTH: Okay. It makes you feel uncomfortable?

1 PROSPECTIVE JUROR NUMBER 022: Yes, I'm very
2 uncomfortable with this.

3 MS. BLUTH: All right. And uncomfortable to the point where
4 you question if you could do it or not?

5 PROSPECTIVE JUROR NUMBER 022: Right, yes.

6 MS. BLUTH: Let's talk about the penalty phase now, so the
7 sentencing phase.

8 PROSPECTIVE JUROR NUMBER 022: Yes.

9 MS. BLUTH: Is there a specific one out of the three that you're
10 like, ah, or just the thought of you being responsible of telling somebody
11 else, this is the amount of time I see appropriate?

12 PROSPECTIVE JUROR NUMBER 022: It's me. Like I don't
13 think I can -- I can be responsible for somebody's life and to say, you can
14 have 10 years, 20 years. I just -- I feel like it's not my responsibility, like, I
15 don't want to be responsible for that.

16 MS. BLUTH: Okay. And because of that, you couldn't do it?

17 PROSPECTIVE JUROR NUMBER 022: Yes. I feel kind of like
18 even nervous talking about it.

19 MS. BLUTH: No, I can tell, yeah. I can tell that it brings you -- it
20 brings you anxiety.

21 PROSPECTIVE JUROR NUMBER 022: Yes, very much so.

22 MS. BLUTH: Okay. I appreciate your honesty.

23 Your Honor, the State would --

24 THE COURT: Any questions?

25 MS. BLUTH: -- make a motion.

1 MR. LONG: I agree.

2 THE COURT: All right. You're free to go.

3 PROSPECTIVE JUROR NUMBER 022: Thank you.

4 THE COURT: Although I think it was a cheap way out. And the
5 reason I feel that way is because everybody else -- it's a burden on
6 everybody to be here and I understand that.

7 Fill that spot.

8 THE COURT CLERK: That was Christine Hadary, juror number
9 22?

10 MS. DIGIACOMO: That was her.

11 THE MARSHAL: Yes, ma'am.

12 THE COURT CLERK: Okay. Next person is Geoffrey Lee.

13 THE COURT: All right. Mr. Lee, tell me where you work?

14 PROSPECTIVE JUROR NUMBER 064: I run a financial
15 planning practice.

16 THE COURT: That's right; okay.

17 Are you married?

18 PROSPECTIVE JUROR NUMBER 064: Yes, I am.

19 THE COURT: Does your spouse work?

20 PROSPECTIVE JUROR NUMBER 064: Yes, she works with
21 me.

22 THE COURT: Have you ever sat as a juror before?

23 PROSPECTIVE JUROR NUMBER 064: Yes, I have.

24 THE COURT: Where?

25 PROSPECTIVE JUROR NUMBER 064: Here in Clark County.

1 THE COURT: When?

2 PROSPECTIVE JUROR NUMBER 064: Roughly five or seven
3 years ago.

4 THE COURT: What kind of case was it?

5 PROSPECTIVE JUROR NUMBER 064: It was a -- it was like
6 someone got hurt in a casino. I think it was a civil case.

7 THE COURT: Civil case. There were only probably eight jurors
8 and six of you had to decide the issue.

9 Were you able to reach a verdict, when you went back in the
10 jury room, without telling us what the verdict is?

11 PROSPECTIVE JUROR NUMBER 064: I really don't
12 remember. But I think we came to a decision and then the case was
13 appealed or something.

14 THE COURT: Were you the jury foreperson?

15 PROSPECTIVE JUROR NUMBER 064: No, I was not.

16 THE COURT: Do you understand the difference between civil
17 and criminal, civil, six out of eight decide the issue; criminal, all 12 have to
18 make the decision.

19 Do you understand that?

20 PROSPECTIVE JUROR NUMBER 064: Yeah.

21 THE COURT: Does everybody else understand that? Okay.

22 Can you be fair and impartial to both parties in this case? I
23 know you said you work with some cops, but can't call them for help in
24 this.

25 PROSPECTIVE JUROR NUMBER 064: Yeah, yes, I can try.

1 THE COURT: State.

2 MS. DIGIACOMO: Thank you.

3 So you said your wife works for you, do you have your own, I
4 guess, business?

5 PROSPECTIVE JUROR NUMBER 064: I work under a broker
6 dealer, and my wife and I run a husband and wife team practice, yes.

7 MS. DIGIACOMO: Okay. So is she also a certified financial
8 planner as well?

9 PROSPECTIVE JUROR NUMBER 064: Yes, she is.

10 MS. DIGIACOMO: And has anyone in your family or anyone
11 close to you been the victim of a crime?

12 PROSPECTIVE JUROR NUMBER 064: My brother, yes.

13 MS. DIGIACOMO: Okay. What was it?

14 PROSPECTIVE JUROR NUMBER 064: My brother in Hawaii
15 got beat up by a homeless guy. And my brother's face got severely
16 smashed to the point where he's lucky that he can, through lots of
17 surgeries, can look normal.

18 MS. DIGIACOMO: So how many surgeries has he gone
19 through?

20 PROSPECTIVE JUROR NUMBER 064: I don't recall but it was
21 at least three or four.

22 MS. DIGIACOMO: Did the homeless guy get prosecuted?

23 PROSPECTIVE JUROR NUMBER 064: Yes, he did.

24 MS. DIGIACOMO: Did you follow the case at all or did you just
25 talk to your brother about it?

1 PROSPECTIVE JUROR NUMBER 064: I don't follow it daily,
2 but I was aware of the victim talking to my brother.

3 MS. DIGIACOMO: Okay. Is the case still going on?

4 PROSPECTIVE JUROR NUMBER 064: No, it's been closed.

5 MS. DIGIACOMO: Okay. Do you have, I guess, any opinion
6 regarding how that case went through the system, where you satisfied;
7 not satisfied?

8 PROSPECTIVE JUROR NUMBER 064: I was satisfied he was
9 caught. But I was not satisfied that a person has got in trouble for that in
10 the past and the system -- the overall justice system is -- it sucks
11 sometimes.

12 MS. DIGIACOMO: Right.

13 So he had done this in the past, and so if he had -- if he had
14 been, I guess, convicted previously, maybe it wouldn't have happened to
15 your brother.

16 Is that what you mean?

17 PROSPECTIVE JUROR NUMBER 064: Yes.

18 MS. DIGIACOMO: Anyone else in your family?

19 PROSPECTIVE JUROR NUMBER 064: No.

20 MS. DIGIACOMO: And you said he's had a couple of surgeries,
21 does he still have to have more or is he done?

22 PROSPECTIVE JUROR NUMBER 064: The surgeries are
23 done but he still has pain.

24 MS. DIGIACOMO: He still has?

25 PROSPECTIVE JUROR NUMBER 064: He still has pain in his

1 face.

2 MS. DIGIACOMO: Oh, pain. Okay.

3 Has anyone in your family or anyone close to you ever been
4 accused of a crime?

5 PROSPECTIVE JUROR NUMBER 064: No.

6 MS. DIGIACOMO: So other than what you told us already,
7 talked about your brother's case, how do you feel about the criminal
8 justice system as a whole?

9 PROSPECTIVE JUROR NUMBER 064: I think for the most
10 part it's mostly fair. But I do think there's lots of injustices with people who
11 have more money or people who have more wealth. I do think that people
12 who are African American, as that woman in the back explained,
13 sometimes get a more prejudice verdict or they're not given the benefit of
14 the doubt or other minorities.

15 MS. DIGIACOMO: Okay. But you do agree as well though that
16 it's the State's burden to prove the case beyond a reasonable doubt?

17 PROSPECTIVE JUROR NUMBER 064: I believe that a lot of
18 DA's, or people in your shoes, are given thousands of cases and are
19 overburdened with a lot of work. So it's just procedural. It's just
20 procedural manners that they just follow. Meaning, it -- they'll take deals
21 and say, I'll give you 10 years or 15 years or I'll reduce this if this
22 happens.

23 I do know that lots of attorneys, me having clients that are
24 attorneys, that are friends of judges and I feel like there's a bias that
25 sometimes can get created because of those relationships that they have

1 privately with judges.

2 MS. DIGIACOMO: Okay, wait, let's -- well, let's start with that.
3 I'm sorry, I didn't quite understand the biases, who's got the biases
4 because of their relationship?

5 PROSPECTIVE JUROR NUMBER 064: There are some
6 attorneys in town, for example, people brought up DUI's, that people
7 could -- there are some attorneys that say, pay me X amount because I'm
8 the best in town and they have relationships with judges and sometimes
9 those judges give leniencies one way versus others. I have seen that.

10 MS. DIGIACOMO: And that -- that goes into your belief that
11 sometimes if people have enough money, they can buy themselves
12 something better out of our justice system?

13 PROSPECTIVE JUROR NUMBER 064: Yes, that's been
14 proven many times in our country.

15 MS. DIGIACOMO: Okay. And that's a flaw?

16 PROSPECTIVE JUROR NUMBER 064: It's a flaw but it's -- it
17 exists.

18 MS. DIGIACOMO: Okay. Now, let's talk about DA's, you said,
19 you know, that you know DA's have thousands of cases and plea deals
20 are done. Is that what you were saying?

21 PROSPECTIVE JUROR NUMBER 064: I could be wrong on
22 that. But I do think that the State doesn't usually always hire enough
23 people and therefore people are getting overburdened with work.

24 And so while it could be sensitive on one person that might
25 spend the rest of their life in jail, for DA's it's just next man up, next case

1 up. It's just a procedure.

2 MS. DIGIACOMO: Well, okay, it's a procedure.

3 Would you agree that most government entities don't have full
4 resources to do everything that they might want to do, when you said that
5 we don't hire enough people, for example?

6 PROSPECTIVE JUROR NUMBER 064: Yeah, they don't hire
7 enough people. I don't think there's enough training. And I honestly think
8 it just doesn't pay as well, which is why I think if it was privatized, then I
9 think there might be more people eager to take on those kind of work.

10 MS. DIGIACOMO: If being a prosecutor was privatized?

11 PROSPECTIVE JUROR NUMBER 064: Or somehow you can
12 get involvement with -- I shouldn't speak on that because I don't know.

13 MS. DIGIACOMO: All right. Well, you would agree with me
14 though that if -- I think, we're up to about 50,000 cases come through our
15 criminal justice system here in Clark County, you would agree with me
16 that there's probably not the resources to try every one of those cases?

17 PROSPECTIVE JUROR NUMBER 064: I would agree with
18 that.

19 MS. DIGIACOMO: Okay. So plea deals are a necessary part
20 of keeping the system going. You would agree with that?

21 PROSPECTIVE JUROR NUMBER 064: I don't agree with that
22 but I understand that that's how the system works.

23 MS. DIGIACOMO: Okay. So if you don't agree with plea deals,
24 what would be your solution? Just let every case take years to get to
25 trial?

1 PROSPECTIVE JUROR NUMBER 064: I think there has to be
2 a system change where there's just more people, more hands on deck
3 that could properly have enough attention to -- to ensure that these cases
4 can get followed through with a lot of detail and a lot of people.

5 MS. DIGIACOMO: Okay. And that's fair.

6 But we don't have that system; you would agree?

7 PROSPECTIVE JUROR NUMBER 064: Yes.

8 MS. DIGIACOMO: Okay. All right. So because that would
9 mean higher taxes, et cetera, and more -- for more money to come into
10 the criminal justice system; right?

11 PROSPECTIVE JUROR NUMBER 064: Higher taxes if there's
12 a purpose behind it would be fine.

13 MS. DIGIACOMO: Would be okay with you; all right.

14 So with all of the opinions you just expressed, let me ask you,
15 can you keep an open mind in this case and be fair to both sides?

16 PROSPECTIVE JUROR NUMBER 064: I don't think I can.

17 MS. DIGIACOMO: Why not?

18 PROSPECTIVE JUROR NUMBER 064: I just have biases
19 based on -- I have biases based on my work and the people that I work
20 with.

21 MS. DIGIACOMO: Okay.

22 PROSPECTIVE JUROR NUMBER 064: Both with attorneys
23 and the judicial system.

24 MS. DIGIACOMO: And so your bias is what though? You can't
25 be fair because why, because you don't like the way the systems run?

1 PROSPECTIVE JUROR NUMBER 064: I don't like the way the
2 systems run; yes, that would be a good way to summarize it.

3 MS. DIGIACOMO: So if you were sitting at this table over here
4 accused of a crime, you wouldn't want a person with your mind set on the
5 jury?

6 PROSPECTIVE JUROR NUMBER 064: No, I would not.

7 And the other thing I would do is if I was in those shoes, I would
8 get-together the most resources I could, pay the highest level attorney so
9 that person gives a better chance than someone who has less resources,
10 who has a state appointed attorney, who is just taking on another case,
11 and hopefully finishing his tenure and taking his pension and move on.

12 MS. DIGIACOMO: Your Honor, I would challenge.

13 MR. LONG: No objection.

14 THE COURT: You're free to go.

15 Fill that spot, please.

16 THE COURT CLERK: Stacey Munoz.

17 THE COURT: All right. We're going to take our evening
18 recess.

19 During the recess you're admonished not to talk or converse
20 among yourselves or with anyone else on any subject connected with this
21 trial. Or read or watch or listen to any report of or commentary on the trial
22 or any person connected with this trial by any medium of information,
23 including, without limitation, newspapers, television, radio, or the Internet.
24 Or form or express an opinion on any subject connected with the trial until
25 the case is finally submitted to you.

1 Please do not get on social media and write anything, do not
2 get on the computer and try to do some research so you can learn more
3 and be better educated. What you learn is what you learn in this
4 courtroom.

5 See you back tomorrow at 8:45.

6 Everybody comes back or I have to issue an order to show
7 cause to hold them in contempt.

8 MR. LONG: Not charge \$2000; right?

9 THE COURT: Oh, yeah I want the pilot, just stay seated for a
10 second.

11 [Remaining prospective jury panel exits courtroom]

12 THE COURT: Are you a juror?

13 PROSPECTIVE JUROR NUMBER 084: No, but I need to ask a
14 question. I just had major surgery three weeks ago. Am I -- I have a
15 doctor's appointment tomorrow.

16 THE COURT: Yeah, you go -- leave us your badge number.

17 MR. LONG: Yeah, I'm fine.

18 PROSPECTIVE JUROR NUMBER 084: I've just been very
19 uncomfortable--

20 MS. DIGIACOMO: Yeah, who is it? What's your badge
21 number?

22 084, Your Honor.

23 THE COURT CLERK: Belinda Serino.

24 PROSPECTIVE JUROR NUMBER 084: Yes.

25 THE COURT: Yeah, you're excused. Thank you.

1 PROSPECTIVE JUROR NUMBER 084: Okay.
2 THE COURT: Just leave your badge with the officer out in the
3 hall.

4 PROSPECTIVE JUROR NUMBER 084: Okay.

5 [Remaining prospective jury panel exits courtroom]

6 THE COURT: All right. This is Mr. Pridmore-Brown.

7 PROSPECTIVE JUROR NUMBER 061: Yes, sir.

8 THE COURT: Okay. You wanted to mention some things?

9 PROSPECTIVE JUROR NUMBER 061: So I'm what is known
10 in the TSA as a Federal Flight Deck Officer. So I am a sworn law
11 enforcement officer with the Department of Homeland security.

12 THE COURT: So you're not a pilot, you fly though?

13 PROSPECTIVE JUROR NUMBER 061: No, no, no, I am a
14 pilot.

15 THE COURT: Oh.

16 PROSPECTIVE JUROR NUMBER 061: But this is a program
17 where we could volunteer and we go through law enforcement training --

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NUMBER 061: -- at the Federal Law
20 Enforcement Training Center in New Mexico and we fly armed.

21 THE COURT: Okay. Either of you wish to have him off?

22 MS. DIGIACOMO: No.

23 MR. LONG: I'm uncomfortable with the law enforcement officer
24 passing judgment on a criminal Defendant. I think he would be fair. I
25 think he's an exceptional man, very smart, pilots are, but he's a law

1 enforcement officer.

2 THE COURT: Okay.

3 MR. LONG: He's been through an academy.

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

5 PROSPECTIVE JUROR NUMBER 061: I'm really not trying to
6 get off.

7 THE COURT: I know.

8 MR. LONG: Oh, I know.

9 PROSPECTIVE JUROR NUMBER 061: I would have done it.

10 MR. LONG: Yeah.

11 THE COURT: If I didn't think you were -- if I thought you were,
12 you --

13 PROSPECTIVE JUROR NUMBER 061: I was really -- I was
14 almost not going to say anything but.

15 THE COURT: No, you've got to say it.

16 PROSPECTIVE JUROR NUMBER 061: -- but they said
17 something to us that we should.

18 MS. BLUTH: But, Judge, we do need to make a record.
19 Because, I mean, just because he's a law enforcement, I mean, that's not
20 a reason for -- I mean he can peremptory, but there's absolutely no
21 reason for cause. I mean, just because -- I mean, he answered all the
22 questions, said that he could be fair. If we had every person who came in
23 here and said he worked with law enforcement or knew law enforcement,
24 we'd never get a jury.

25 MS. DIGIACOMO: And there's another retired officer that's still

1 on the jury.

2 MR. LONG: There's a difference between someone who works
3 with law enforcement and someone who's been through FLETC.

4 THE COURT: Been through the training.

5 MS. DIGIACOMO: Well, we have the -- the officer on the --

6 THE COURT: All right. All right.

7 PROSPECTIVE JUROR NUMBER 061: My concern is that I
8 am sworn --

9 THE COURT: Hold on. Go ahead.

10 PROSPECTIVE JUROR NUMBER 061: My only concern
11 coming into this was that, you know, I made an oath to -- to uphold the
12 laws as a law enforcement officer. And that, you know, I would have to
13 be, you know, separating that and, you know, interpreting the laws and
14 what I saw in here. So that was my concern.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NUMBER 101: But I'm not --

17 THE COURT: I think you would be a good juror, and since the
18 State's objecting, there really isn't a reason -- there's a reason, it's not
19 enough for cause.

20 I'm going to leave you on, I'm sorry. You'll probably be kicked in
21 peremptories but you need to come back tomorrow.

22 PROSPECTIVE JUROR NUMBER 061: Okay.

23 THE COURT: Thank you. Thanks for being candid.

24 MR. LONG: Yes, thank you.

25 THE COURT: Also the record will reflect that James Kilber,

1 juror number 20, had a flight for tomorrow and I released him. So I just
2 wanted to put that on the record.

3 See you guys tomorrow.

4 MS. DIGIACOMO: All right. Thanks.

5 MS. BLUTH: Thank you.

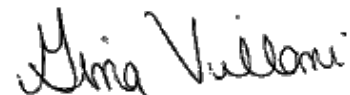
6 MR. LONG: Thank you.

7 THE COURT: 8:45. I have a real short law and motion
8 calendar.

9 [Jury Trial, Day 1, concluded at 4:39 p.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 

24 Gina Villani
25 Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
THOMAS CASH,
Defendant.

CASE#: C-18-329699-1

DEPT. VIII

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
JURY TRIAL - DAY 2**

For the State:

For the Defendant:

RECORDED BY: GINA VILLANI, COURT RECORDER

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Las Vegas, Nevada, Tuesday, June 19, 2018

[Jury Trial began at 9:30 a.m.]

[Outside the presence of the prospective jury panel]

THE COURT: All right. Bring them in.

Oh, let's put on the record though.

Are you recording?

THE COURT RECORDER: Yeah.

THE COURT: All right. Put on the record that juror number 14
who was -- I don't remember her name.

MS. DIGIACOMO: Stacey Munoz.

THE COURT: -- Munoz, had to take her father to the doctor
and then take him home and she's still at the doctor's office with him. We
relieved her. And there was no objection from either party; is that correct?

MS. DIGIACOMO: That's correct.

And just for the record she was badge number 065.

THE COURT: Thank you.

[Brief pause in proceeding]

[In the presence of the prospective jury panel]

THE MARSHAL: All rise, please.

And be seated.

THE COURT: All right. Fill 14 spot, please.

THE COURT CLERK: That's Stephanie Wolf.

THE COURT: All right. Tell me your name again.

PROSPECTIVE JUROR NUMBER 067: Stephanie Wolf.

1 THE COURT: Make sure you talk into the mic.
2 PROSPECTIVE JUROR NUMBER 067: Yes, sir.
3 THE COURT: It's directional. So you kind of have to be about
4 three inches away from it.
5 Do you work?
6 PROSPECTIVE JUROR NUMBER 067: No, I do not.
7 THE COURT: Are you married?
8 PROSPECTIVE JUROR NUMBER 067: Yes, I am.
9 THE COURT: Spouse work?
10 PROSPECTIVE JUROR NUMBER 067: Yes, he does.
11 THE COURT: What does your spouse do?
12 PROSPECTIVE JUROR NUMBER 067: He is a mission
13 controller for a company called JT3.
14 THE COURT: Children?
15 PROSPECTIVE JUROR NUMBER 067: Yes, two.
16 THE COURT: Ages?
17 PROSPECTIVE JUROR NUMBER 067: 17 and 12.
18 THE COURT: Have you ever sat as a juror before?
19 PROSPECTIVE JUROR NUMBER 067: Yes, I have.
20 THE COURT: Where?
21 PROSPECTIVE JUROR NUMBER 067: 19 years ago in San
22 Diego.
23 THE COURT: What kind of case?
24 PROSPECTIVE JUROR NUMBER 067: Criminal.
25 THE COURT: Without telling us a verdict, were you able to

1 reach a verdict?

2 PROSPECTIVE JUROR NUMBER 067: Yes, we were.

3 THE COURT: Were you the jury foreperson?

4 PROSPECTIVE JUROR NUMBER 067: No, I was not.

5 THE COURT: What kind of case was it?

6 PROSPECTIVE JUROR NUMBER 067: Resisting arrest.

7 THE COURT: Is there anything about that experience that
8 would prejudice you against the Defendant or the State of Nevada?

9 PROSPECTIVE JUROR NUMBER 067: No, there's not.

10 THE COURT: You'll be fair and impartial?

11 PROSPECTIVE JUROR NUMBER 067: Yes.

12 THE COURT: State.

13 MS. BLUTH: Thank you.

14 PROSPECTIVE JUROR NUMBER 067: Good morning.

15 MS. BLUTH: All right. So let's talk about when you were here
16 yesterday and you heard all of the questions being asked. Were there
17 any that stuck out to you that you had strong opinions on or that you
18 disagreed with?

19 PROSPECTIVE JUROR NUMBER 067: Not in particular.

20 MS. BLUTH: Okay. Any family members who have been a
21 victim of a crime?

22 PROSPECTIVE JUROR NUMBER 067: Yes.

23 MS. BLUTH: Okay. Can you tell me a little bit about that,
24 please.

25 PROSPECTIVE JUROR NUMBER 067: My sister was a victim

1 of domestic violence.

2 MS. BLUTH: And when was that, and how long did it last?

3 PROSPECTIVE JUROR NUMBER 067: 15 years ago is when
4 the family found out, but she had kept it hidden from all of us for her --
5 about five years of her marriage.

6 MS. BLUTH: Okay. And where was that at?

7 PROSPECTIVE JUROR NUMBER 067: Florida.

8 MS. BLUTH: Did she ultimately contact the authorities?

9 PROSPECTIVE JUROR NUMBER 067: No, she did not.
10 She -- my family is in California, she went to California to -- for the
11 summer to spend time with our parents, and it was then when she
12 disclosed that there was a problem and decided to file for divorce and
13 didn't go back to Florida.

14 MS. BLUTH: Okay.

15 PROSPECTIVE JUROR NUMBER 067: She had to go back for
16 the court cases but never went back.

17 MS. BLUTH: Okay. Understand.

18 And is -- are there any other family members?

19 PROSPECTIVE JUROR NUMBER 067: No.

20 MS. BLUTH: Okay. So because police weren't called in that
21 situation, I'm guessing that, you know, you don't have an opinion in
22 regards to how that was handled because it never even reached any part
23 of the criminal justice system?

24 PROSPECTIVE JUROR NUMBER 067: Correct.

25 MS. BLUTH: Is that fair?

1 PROSPECTIVE JUROR NUMBER 067: It went to court but it
2 was for divorce and child custody issues.

3 MS. BLUTH: Okay. So nothing criminal though, just more civil
4 in regards to child custody?

5 PROSPECTIVE JUROR NUMBER 067: Correct.

6 MS. BLUTH: Okay. And then any other families or friends --
7 family members or friends?

8 PROSPECTIVE JUROR NUMBER 067: No.

9 MS. BLUTH: What about individuals you know that may have
10 been accused of a crime?

11 PROSPECTIVE JUROR NUMBER 067: No.

12 MS. BLUTH: And you said that you are not employed, and I'm
13 guessing that you take care of your children?

14 PROSPECTIVE JUROR NUMBER 067: Yes.

15 MS. BLUTH: Before children, were you in school, did you have
16 a job?

17 PROSPECTIVE JUROR NUMBER 067: I worked in the
18 mortgage industry.

19 MS. BLUTH: Okay. And how long did you do that for?

20 PROSPECTIVE JUROR NUMBER 067: It went from banking to
21 mortgage over the period of 11 years.

22 MS. BLUTH: Now --

23 PROSPECTIVE JUROR NUMBER 067: And my husband is
24 retired military, 20 years in the navy.

25 MS. BLUTH: And what was his position?

1 PROSPECTIVE JUROR NUMBER 067: Air controller.

2 MS. BLUTH: Did you guys move around a lot?

3 PROSPECTIVE JUROR NUMBER 067: No, he was stationed
4 in San Diego for the entire time. And when he retired, we moved here.

5 MS. BLUTH: Thank you.

6 PROSPECTIVE JUROR NUMBER 067: U'm-h'm.

7 MS. BLUTH: All right. I was asking yesterday about whether
8 people have had negative contacts with law enforcement, meaning, you
9 know, you feel like you weren't treated the way that you should have
10 been. Did you have any situations like that in your life that you can think
11 of?

12 PROSPECTIVE JUROR NUMBER 067: None.

13 MS. BLUTH: All right. What are your thoughts about local law
14 enforcement?

15 PROSPECTIVE JUROR NUMBER 067: I support them.
16 Neither here nor there. I think they're good.

17 MS. BLUTH: Okay. And what about the criminal justice system
18 in general in our country?

19 PROSPECTIVE JUROR NUMBER 067: I think it works.

20 MS. BLUTH: Any of those shows that we've been talking about,
21 do you watch any of those shows?

22 PROSPECTIVE JUROR NUMBER 067: NCIS, Elementary,
23 Bull.

24 MS. BLUTH: Okay. And in watching those, do you see the
25 difference between real and Hollywood or do you have an expectation that

1 every case that comes in here has the types of things that you see in
2 those?

3 PROSPECTIVE JUROR NUMBER 067: Oh, no, it's quite
4 different.

5 MS. BLUTH: Okay. What are your thoughts in regards to
6 following a law as a jury, even if you don't agree with it, like with my
7 hypothetical yesterday?

8 PROSPECTIVE JUROR NUMBER 067: The law is the law.

9 MS. BLUTH: We talked a lot yesterday about fist fights and
10 guns and things like that, and you heard a lot of people with somewhat
11 different opinions. Where are you at?

12 PROSPECTIVE JUROR NUMBER 067: I think if someone
13 takes a weapon to a fist fight, that they're expecting something to escalate
14 or. But then if someone has a concealed weapons permit, you know, they
15 not necessarily expecting something to escalate, but can take care of --
16 use deadly force if necessary.

17 MS. BLUTH: Okay. And when you say, if necessary, what
18 does that term mean to you?

19 PROSPECTIVE JUROR NUMBER 067: If your life is in danger.

20 MS. BLUTH: Okay. And you told judge that you have never
21 been a juror before; correct?

22 PROSPECTIVE JUROR NUMBER 067: No, I have.

23 MS. BLUTH: Oh, I apologize, that you have.

24 And that was in San Diego?

25 PROSPECTIVE JUROR NUMBER 067: Correct.

1 MS. BLUTH: All right. And we can't talk about, you know, what
2 went on in the deliberation, like we can't talk about conversations that
3 happened in the deliberation room. But what I do want to ask you is, is
4 what tools did you use -- like when you went back there does everybody
5 agree right away or did you guys have to kind of hash things out?

6 PROSPECTIVE JUROR NUMBER 067: We didn't agree right
7 away. In fact, we were a hung jury until the judge said, no, go back and
8 work it out. And so we spoke for another day and a half, I believe. And
9 we listened to court testimony to help us come to the decision that we did.

10 MS. BLUTH: In that jury, were you -- or, yeah, in that trial, were
11 you allowed to ask questions yourselves as jurors?

12 PROSPECTIVE JUROR NUMBER 067: I don't remember.

13 MS. BLUTH: It doesn't happen --

14 PROSPECTIVE JUROR NUMBER 067: I know I didn't ask any,
15 but I really don't remember.

16 MS. BLUTH: It doesn't happen in every jurisdiction that jurors
17 are allowed to ask questions of witnesses. So I wasn't sure.

18 But you -- in this trial, like I was talking about yesterday, you do
19 get to write questions but you also have a notepad to write notes as well
20 so you guys can kind of refresh each other's memories.

21 Do you feel comfortable voicing your opinion in front of other
22 people?

23 PROSPECTIVE JUROR NUMBER 067: Yes, small groups,
24 not -- I'm, like, shaking right now.

25 MS. BLUTH: Oh, no, I know.

1 PROSPECTIVE JUROR NUMBER 067: This is a bit
2 uncomfortable for me.

3 MS. BLUTH: Yeah.

4 PROSPECTIVE JUROR NUMBER 067: But in small groups or,
5 you know, in front of an elementary class I could. But this is a little
6 nerve-wracking.

7 MS. BLUTH: Okay. All right. And then what about sitting in a
8 position where you're judging another's actions, how do you feel about
9 that?

10 PROSPECTIVE JUROR NUMBER 067: Following the law,
11 the -- I agree with the judicial system. And if it's black and white, this is
12 right; this is wrong and.

13 MS. BLUTH: Okay. So no issues with it?

14 PROSPECTIVE JUROR NUMBER 067: No.

15 MS. BLUTH: And I talked yesterday about, you know, the two
16 different phases of a trial when it's a murder case. And you only get to
17 that second phase if you find the Defendant guilty of first degree murder.

18 Do you remember the three sentences that I spoke about
19 yesterday or do you want me to say them again?

20 PROSPECTIVE JUROR NUMBER 067: I remember them.

21 MS. BLUTH: Okay. First of all, when you're in the trial phase,
22 so whether you're making the decision -- or while you're making the
23 decision of whether or not the Defendant is guilty, can you keep your mind
24 in that phase?

25 PROSPECTIVE JUROR NUMBER 067: Yes.

1 MS. BLUTH: And then once -- if you find the Defendant guilty
2 of first degree murder, you move into that second phase. Are the -- can
3 you fairly consider all three of those options with your, you know, your
4 other juror members?

5 PROSPECTIVE JUROR NUMBER 067: Yes.

6 MS. BLUTH: Is there anything that we haven't asked you or
7 that you think we should know in deciding whether or not you're the proper
8 jury or juror to serve?

9 PROSPECTIVE JUROR NUMBER 067: I watch a lot of
10 Investigation Discovery.

11 MS. BLUTH: Okay. So have you -- what do you watch there?

12 PROSPECTIVE JUROR NUMBER 067: I have seen you.

13 MS. BLUTH: You what?

14 PROSPECTIVE JUROR NUMBER 067: I've seen you.

15 MS. BLUTH: Okay. That's awkward.

16 PROSPECTIVE JUROR NUMBER 067: Sorry.

17 MS. BLUTH: Oh, goodness.

18 Okay. So anything that I did, and you can be honest, that
19 would, you know, you would hold against the State or you would hold
20 against Mr. Cash?

21 PROSPECTIVE JUROR NUMBER 067: No.

22 MS. BLUTH: Okay. All right. And you can be fair to both
23 sides?

24 PROSPECTIVE JUROR NUMBER 067: Yes.

25 MS. BLUTH: Thank you so much.

1 Your Honor, we'll pass the juror.

2 MR. LONG: Ms. Wolf, if someone brings a gun to a fist fight or
3 brings a weapon of some type, can that person ever be justified in using
4 it?

5 PROSPECTIVE JUROR NUMBER 067: If their life is in danger
6 I believe so.

7 MR. LONG: Okay. Do you agree that sometimes trouble finds
8 people and that people don't necessarily go out looking for it?

9 PROSPECTIVE JUROR NUMBER 067: Yes, I do.

10 MR. LONG: Okay. Do you believe someone could be justified
11 in taking a human life?

12 PROSPECTIVE JUROR NUMBER 067: If their life is in danger,
13 yes.

14 MR. LONG: Okay. I'll pass for cause, Your Honor.

15 THE COURT: Okay. Pass that mic over.

16 Tell me your name.

17 PROSPECTIVE JUROR NUMBER 023: Kristin Torgesen.

18 THE COURT: Do you work?

19 PROSPECTIVE JUROR NUMBER 023: Part-time sometimes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR NUMBER 023: Substitute teacher
22 when schools in and then I just do credentialing for my husband's medical
23 office from home.

24 THE COURT: So your husband --

25 PROSPECTIVE JUROR NUMBER 023: Podiatrist.

1 THE COURT: Podiatrist?

2 PROSPECTIVE JUROR NUMBER 023: I just keep him on
3 staff, him and his partners.

4 THE COURT: Children?

5 PROSPECTIVE JUROR NUMBER 023: Yes, six.

6 THE COURT: Ages?

7 PROSPECTIVE JUROR NUMBER 023: 24, nine -- maybe 20,
8 17, 15 --

9 THE COURT: The older ones, let's just talk about the older
10 ones.

11 PROSPECTIVE JUROR NUMBER 023: Okay. You put me on
12 the spot.

13 THE COURT: In law or law enforcement?

14 PROSPECTIVE JUROR NUMBER 023: No.

15 THE COURT: Have you ever sat as a juror before?

16 PROSPECTIVE JUROR NUMBER 023: No.

17 THE COURT: Can you think any reason you would not be fair
18 to both parties in this case?

19 PROSPECTIVE JUROR NUMBER 023: No.

20 THE COURT: State.

21 MS. DIGIACOMO: Thank you.

22 Now, you said you've never been the victim of a crime; correct?

23 PROSPECTIVE JUROR NUMBER 023: No.

24 MS. DIGIACOMO: Okay. What about anyone close to you,
25 family members?

1 PROSPECTIVE JUROR NUMBER 023: No.

2 MS. DIGIACOMO: What about anyone close to you or family
3 members or close friends been either accused of a crime or --

4 PROSPECTIVE JUROR NUMBER 023: No.

5 MS. DIGIACOMO: -- convicted? No.

6 How long have you lived in Las Vegas?

7 PROSPECTIVE JUROR NUMBER 023: I moved back about 18
8 years ago, but I pretty much -- well, I actually don't live in Las Vegas but.
9 But the area, I've been back. So I grew up here, went away to school,
10 medical school with my husband, I've been back 18 years.

11 MS. DIGIACOMO: Okay. So you were born and raised here
12 and then left and came back?

13 PROSPECTIVE JUROR NUMBER 023: Yes.

14 MS. DIGIACOMO: Okay. And do have you any opinions about
15 the criminal justice system that you've heard everyone else talking about
16 it, what do you think?

17 PROSPECTIVE JUROR NUMBER 023: I don't have very -- I
18 don't have -- had a need to be involved in it ever. So, no, I don't have a
19 very strong opinion of it either way.

20 MS. DIGIACOMO: How do you feel about being a juror?

21 PROSPECTIVE JUROR NUMBER 023: I'm not sure how I feel
22 about being a juror. I think it's -- I think it'll be a difficult -- especially this
23 one. It would be a difficult juror to be in.

24 MS. DIGIACOMO: Why -- when you say, this one, what's so
25 difficult?

1 PROSPECTIVE JUROR NUMBER 023: Because this is a
2 murder case.

3 MS. DIGIACOMO: So the charge?

4 PROSPECTIVE JUROR NUMBER 023: Yes.

5 MS. DIGIACOMO: Okay. Do you think you could do it, sit in
6 judgment, or as we've been saying, or make the decision here?

7 PROSPECTIVE JUROR NUMBER 023: I think I could. I'm --
8 my fear is I tend to be a little bit quick to judge others, and so that would
9 be my concern is that I would be a little quick to judge.

10 MS. DIGIACOMO: Well, okay. And some people are quick to
11 judge. But are you the type of person that can change your mind though
12 when presented with other viewpoints or more facts?

13 PROSPECTIVE JUROR NUMBER 023: I'd like to think that I
14 was. It would -- for sure depend on what was presented.

15 MS. DIGIACOMO: Okay. Well, and I understand that. But
16 you're not saying you're the type of person that this is my decision and I'm
17 not listening to anybody else?

18 PROSPECTIVE JUROR NUMBER 023: Right. I think in the
19 case, like, so if we come to the, bring a gun to a fight, I'm sitting here
20 thinking, is there a reason to even go to the fight? And then if you're
21 going to bring a gun to a fight, you're going to expect to use the gun or
22 you're prepared to use the gun. I have nothing against guns. You know,
23 I've shot guns my whole life. My family's hunters. And, you know, my
24 husband carries a concealed weapon. I don't have anything against guns,
25 but bringing a gun to a fight I have a problem with.

1 MS. DIGIACOMO: Okay. And why do you have a problem with
2 it?

3 PROSPECTIVE JUROR NUMBER 023: Because I think there's
4 reasons to not go to a fight. Now, if you're home and someone comes to
5 you, you're not going to a fight, you're not bringing a gun to a fight, if you
6 are protecting yourself because, you, you know, legally have a concealed
7 weapon or own a weapon legally and you use that to protect your home.
8 I'm completely fine with that. But you go to a fight, you're somewhere
9 where that fights going to happen, I might be -- that that's my issue. I
10 might be a little quick to judge on that.

11 MS. DIGIACOMO: Because it looks like they're expecting to
12 use it?

13 PROSPECTIVE JUROR NUMBER 023: Yes.

14 MS. DIGIACOMO: Okay.

15 PROSPECTIVE JUROR NUMBER 023: I mean, someone's
16 protecting their kids that's one thing. Someone's going to a fight, it gets a
17 little out of hand, you use a gun, I might be a little harsher on that type of
18 judgment. That's just the way I probably think.

19 MS. DIGIACOMO: Okay. Now, you said you've never been
20 really involved with the court systems, so even through your husband's
21 business never?

22 PROSPECTIVE JUROR NUMBER 023: He has had to testify
23 as an -- in others, malpractice cases. Just as a special, you know.

24 MS. DIGIACOMO: Expert witness?

25 PROSPECTIVE JUROR NUMBER 023: Expert witness, yes.

1 But I didn't go. I was -- no, I've never been involved in court.

2 MS. DIGIACOMO: Okay. Well, do you watch any of the law
3 shows or like the subject?

4 PROSPECTIVE JUROR NUMBER 023: About ten years ago,
5 back when CSI was brand new, the one in Las Vegas, I probably
6 watched -- followed it for about two years.

7 MS. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 023: But I haven't watched
9 it probably for about ten years now.

10 MS. DIGIACOMO: Okay. So you don't have any expectations
11 as you sit there about how this case needs to be presented or what
12 evidence needs to be brought in?

13 PROSPECTIVE JUROR NUMBER 023: No. I think that you
14 would expect certain amount of evidence but not like the fine hair strands.

15 MS. DIGIACOMO: Okay.

16 PROSPECTIVE JUROR NUMBER 023: But I definitely think
17 you'd want evidence.

18 MS. DIGIACOMO: Well, obviously, we can't prove our case
19 without evidence.

20 PROSPECTIVE JUROR NUMBER 023: Right.

21 MS. DIGIACOMO: But as you sit there, you're not like, if they
22 don't have anything with DNA, I can't even consider this?

23 PROSPECTIVE JUROR NUMBER 023: Right, no.

24 MS. DIGIACOMO: Okay. What about following the law even if
25 you disagree with it?

1 PROSPECTIVE JUROR NUMBER 023: I'm a law follower and I
2 expect other people to be law followers.

3 MS. DIGIACOMO: That's not an issue for you?

4 PROSPECTIVE JUROR NUMBER 023: No.

5 MS. DIGIACOMO: Okay. So your husband's a podiatrist and
6 you work in his office?

7 PROSPECTIVE JUROR NUMBER 023: Yes. I never go into
8 the office. I just keep him and his partner's --

9 MS. DIGIACOMO: Just do it from home?

10 PROSPECTIVE JUROR NUMBER 023: -- on insurance plans,
11 on staff at hospital, surgery centers. I can do all that from home.

12 MS. DIGIACOMO: Okay. So do you yourself have any sort of
13 medical background?

14 PROSPECTIVE JUROR NUMBER 023: No.

15 MS. DIGIACOMO: Just office stuff?

16 PROSPECTIVE JUROR NUMBER 023: Yeah, no, it's just all
17 paperwork, faxing, telephone calls.

18 MS. DIGIACOMO: Okay. And, I'm sorry, I know we stopped
19 counting your kids, we started with the oldest.

20 PROSPECTIVE JUROR NUMBER 023: There's six.

21 MS. DIGIACOMO: How many do you have? You have six;
22 okay.

23 PROSPECTIVE JUROR NUMBER 023: Two out of the house,
24 four still at home.

25 MS. DIGIACOMO: Okay. Gotcha.

1 And so four of them are still underage that you have to take
2 care of?

3 PROSPECTIVE JUROR NUMBER 023: Yes. And that would
4 be my only concern of it being a long, you know, I did make arrangements
5 yesterday and today. But if it was long with it being -- if it was a school
6 year, it's no problem, they're all in school. The youngest is ten. But, you
7 know, I'd have to make arrangements every day.

8 MS. DIGIACOMO: Okay. So the 17 year old can't watch --

9 PROSPECTIVE JUROR NUMBER 023: She works.

10 MS. DIGIACOMO: Oh, she works; okay.

11 PROSPECTIVE JUROR NUMBER 023: U'm-h'm.

12 MS. DIGIACOMO: What is a -- what's your definition of a long
13 trial?

14 PROSPECTIVE JUROR NUMBER 023: A week.

15 MS. DIGIACOMO: Okay. That would be a long.

16 So if this trial went this week and possibly into next week, that
17 would be --

18 PROSPECTIVE JUROR NUMBER 023: But cut into our family
19 reunion that would be a difficult -- we do have a family reunion planned
20 so. It would be difficult, yes.

21 MS. DIGIACOMO: Is your family reunion out of town?

22 PROSPECTIVE JUROR NUMBER 023: Yeah, u'm-h'm.

23 MS. DIGIACOMO: And when are you supposed to leave for
24 that?

25 PROSPECTIVE JUROR NUMBER 023: Friday.

1 MS. DIGIACOMO: Friday after --
2 PROSPECTIVE JUROR NUMBER 023: Work.
3 MS. DIGIACOMO: Huh? After work?
4 PROSPECTIVE JUROR NUMBER 023: Yeah.
5 MS. DIGIACOMO: Okay. So if we were in court until early --
6 before the evening, it wouldn't affect your trip?
7 PROSPECTIVE JUROR NUMBER 023: [Shakes head.]
8 MS. DIGIACOMO: Is that a no for the record?
9 PROSPECTIVE JUROR NUMBER 023: No.
10 MS. DIGIACOMO: Okay. And I get, it's a hardship for
11 everyone --
12 PROSPECTIVE JUROR NUMBER 023: Right.
13 MS. DIGIACOMO: -- to serve on a jury. But let's say you got
14 picked and it does go into next week, would you be able to focus and do
15 the job as a juror that's expected of you?
16 PROSPECTIVE JUROR NUMBER 023: It would be -- it would
17 be frustrating.
18 MS. DIGIACOMO: Right.
19 PROSPECTIVE JUROR NUMBER 023: So it might -- I think it
20 might affect me. But I think I can do it. But I -- I can't say it wouldn't affect
21 how I felt about being here. If I, you know, missed my own family reunion.
22 MS. DIGIACOMO: Well, I am not saying everyone who gets
23 picked for the jury is going to come through those doors every day just
24 laughing and smiling --
25 PROSPECTIVE JUROR NUMBER 023: Right.

1 MS. DIGIACOMO: -- and so happy to be here, you know.
2 What I'm asking though is, I get, everyone has pressures in their life and
3 everyone has things that are going to preoccupy them, you know, in their
4 personal life or work. But I'm just asking if you come through those doors
5 to sit as a juror, can you just make a decision based upon the evidence
6 presented to you versus I am so ticked I am here, I am not -- never going
7 to vote guilty because I cannot believe the State made me come in here.
8 You know, that's what I'm asking.

9 PROSPECTIVE JUROR NUMBER 023: I'm sure I would be as
10 optimistic as I could be.

11 MS. DIGIACOMO: Okay. But would you just, you know, listen
12 to the evidence and make a decision based upon the evidence?

13 PROSPECTIVE JUROR NUMBER 023: Yeah.

14 MS. DIGIACOMO: Okay. You said you haven't watched any of
15 the law shows for like about ten years, what --

16 PROSPECTIVE JUROR NUMBER 023: And I only watched the
17 one.

18 MS. DIGIACOMO: Okay. And what do you watch, like, if you're
19 going to turn on the TV?

20 PROSPECTIVE JUROR NUMBER 023: Hallmark.

21 MS. DIGIACOMO: Hallmark?

22 PROSPECTIVE JUROR NUMBER 023: Stick to Hallmark.

23 MS. DIGIACOMO: Yeah, my favorite --

24 PROSPECTIVE JUROR NUMBER 023: And family, you know,
25 I've got -- we watch a lot of family shows.

1 MS. DIGIACOMO: Okay.

2 PROSPECTIVE JUROR NUMBER 023: If we're watching TV
3 together, play games.

4 MS. DIGIACOMO: Okay. And what kind of games do you guys
5 play?

6 PROSPECTIVE JUROR NUMBER 023: Board games, mainly.

7 MS. DIGIACOMO: Board games; okay.

8 PROSPECTIVE JUROR NUMBER 023: U'm-h'm.

9 MS. DIGIACOMO: With regard to if you were seated as a juror,
10 and we've talked yesterday, I'm sure everyone remembers ad nauseam,
11 the trial phase and there could be possibly a penalty phase. Can you, if
12 you are selected on a jury, just focus on, you know, trial phase first and
13 not think about the fact there could be a penalty?

14 PROSPECTIVE JUROR NUMBER 023: You know, you'd like
15 to think that you could. But I, you know, you had a night to think about
16 different scenarios and what might have happened. We have no idea
17 what happened. But at least for me -- you almost in your mind already
18 have an idea what you might -- would do if it was this or that. So, I mean,
19 that's kind of the hard thing is. I haven't even gotten to the first phase,
20 and I'm already thinking about what I would do if it was this or that in the
21 second phase so.

22 MS. DIGIACOMO: Well, and that's --

23 PROSPECTIVE JUROR NUMBER 023: Is that pretty normal?

24 MS. DIGIACOMO: Well, yeah.

25 PROSPECTIVE JUROR NUMBER 023: I mean, we've had a

1 night to think well, if, you know, it was this, would I do this and.

2 MS. DIGIACOMO: No, no, no, that's normal. And we're not
3 saying like that's wrong you can't do that. What we're saying is, or asking,
4 let's say you're back there deliberating and you just want to get home and
5 don't want to do a possible penalty phase, would you say, I am never
6 going to do first degree murder, let's do second so we can go home.
7 That's what we're talking about.

8 PROSPECTIVE JUROR NUMBER 023: Oh, no.

9 MS. DIGIACOMO: We don't want you to base your decision
10 what you think happened, factually whether he's guilty or not guilty, based
11 upon the fact there may be a penalty.

12 PROSPECTIVE JUROR NUMBER 023: No.

13 MS. DIGIACOMO: Okay. So you can just focus on the guilt or
14 innocence first?

15 PROSPECTIVE JUROR NUMBER 023: Yes.

16 MS. DIGIACOMO: Okay. And then if we do get to a penalty
17 phase in this case, can you do it, can you make a decision?

18 PROSPECTIVE JUROR NUMBER 023: Yes.

19 MS. DIGIACOMO: And would you, I guess, consider all three of
20 the options, the term of years, life without, and life with?

21 PROSPECTIVE JUROR NUMBER 023: I think I could, yes.

22 MS. DIGIACOMO: Okay. I'll pass for cause.

23 MR. LONG: Good morning, Ms. Torgesen.

24 You said you don't live in Las Vegas proper, where do you live?

25 PROSPECTIVE JUROR NUMBER 023: Boulder City.

1 MR. LONG: Okay. And you'd be able to make the drive in
2 every day if you were selected?

3 PROSPECTIVE JUROR NUMBER 023: I was told I had to
4 make it work. And so, I guess, I would have to make it work. It's not
5 convenient, but I know it's not convenient for everyone.

6 MR. LONG: Is that where you grew up, Boulder City?

7 PROSPECTIVE JUROR NUMBER 023: Yes.

8 MR. LONG: Is that where you went to high school?

9 PROSPECTIVE JUROR NUMBER 023: Yes.

10 MR. LONG: Okay. What's your degree in?

11 PROSPECTIVE JUROR NUMBER 023: Spanish education,
12 teacher.

13 MR. LONG: All right. You've heard what I asked your
14 neighbors to your right, anything that I have said about as far as there
15 being ever justification to take a life, is there anything in there that upsets
16 you or sets off any red flags?

17 PROSPECTIVE JUROR NUMBER 023: I, you know, I think
18 it's -- it's situational for sure. Even in self-defense, you know, you can --
19 did you pick the fight and then, oh, you know. Or did someone pick a fight
20 with you but the Bro Code said you still had to go to the fight and bring
21 your gun, you know. Or were you -- I think it depends on the situation. If
22 you're home, you know, if you're home, someone comes to you, into your
23 territory, and threatens you and your family, that's very different to me.

24 MR. LONG: Okay. The last question I have is, do you know
25 anyone who's been affected by domestic violence --

1 PROSPECTIVE JUROR NUMBER 023: No.

2 MR. LONG: -- either been a victim of it, gone to jail for it --

3 PROSPECTIVE JUROR NUMBER 023: No.

4 MR. LONG: -- got divorced because of it?

5 Do you have any feelings about domestic violence, like it's a

6 family issue, it should be kept in the home or the opposite?

7 PROSPECTIVE JUROR NUMBER 023: I think, no. I think if

8 there's domestic violence, you should not be kept to yourself if you're --

9 MR. LONG: Okay. Pass for cause, Your Honor.

10 THE COURT: All right. Tell me your name again.

11 PROSPECTIVE JUROR NUMBER 024: Helen McGuire.

12 THE COURT: And do you work?

13 PROSPECTIVE JUROR NUMBER 024: Retired.

14 THE COURT: From what?

15 PROSPECTIVE JUROR NUMBER 024: The Guam police.

16 THE COURT: Oh, that's the Guam police; okay.

17 MR. LONG: Yeah.

18 THE COURT: When did you move here?

19 PROSPECTIVE JUROR NUMBER 024: I'm hard of hearing

20 even with my hearing aid. Can you please repeat the question.

21 THE COURT: Get her headphones, Thomas.

22 [Brief pause in proceeding]

23 THE COURT: All right. Tell me how long you've lived here?

24 PROSPECTIVE JUROR NUMBER 024: 18 years.

25 THE COURT: Have you ever sat as a juror before?

1 PROSPECTIVE JUROR NUMBER 024: No.
2 THE COURT: And children, how many children do you have?
3 PROSPECTIVE JUROR NUMBER 024: Four children.
4 THE COURT: Are they here in the United States?
5 PROSPECTIVE JUROR NUMBER 024: Yes.
6 THE COURT: Any of them in law or law enforcement?
7 PROSPECTIVE JUROR NUMBER 024: No, security agency.
8 THE COURT: Okay. And you've never sat as a juror before?
9 PROSPECTIVE JUROR NUMBER 024: No.
10 THE COURT: Could you be fair to both parties in this case?
11 PROSPECTIVE JUROR NUMBER 024: I could be.
12 THE COURT: Okay. State.
13 MS. BLUTH: Did you say what your husband did, your
14 significant other?
15 PROSPECTIVE JUROR NUMBER 024: Oh, I'm a widow and
16 my second husband is retired also.
17 MS. BLUTH: And what is your second husband retired from?
18 PROSPECTIVE JUROR NUMBER 024: Courier.
19 MS. BLUTH: Say it again?
20 PROSPECTIVE JUROR NUMBER 024: Courier.
21 MS. BLUTH: Career?
22 PROSPECTIVE JUROR NUMBER 024: Yeah, delivery
23 package.
24 MS. BLUTH: Oh, a carrier, a carrier, okay, gotchu.
25 PROSPECTIVE JUROR NUMBER 024: Yeah.

1 MS. BLUTH: Okay. Perfect.
2 And then what about your first husband, who's now deceased?
3 PROSPECTIVE JUROR NUMBER 024: He's in construction.
4 MS. BLUTH: Okay. Thank you.
5 How long have you been in Las -- just in Las Vegas?
6 PROSPECTIVE JUROR NUMBER 024: 18 years.
7 MS. BLUTH: Oh, 18 years in Las Vegas, okay, sorry. I thought
8 that meant --- I thought you meant total in the United States.
9 Is that for the United States as well?
10 PROSPECTIVE JUROR NUMBER 024: 47 years here in the
11 United States.
12 MS. BLUTH: Okay. Okay. So when you -- how long were
13 you -- I heard you yesterday say you were a retired police officer but also
14 a prison guard.
15 PROSPECTIVE JUROR NUMBER 024: No, that's part of the
16 assignment as a police officer.
17 MS. BLUTH: Can you tell me a little about the assignment,
18 because I'm not -- I don't really know in regards to Guam?
19 PROSPECTIVE JUROR NUMBER 024: Well, first thing in
20 Guam is you are a Police Officer 1, and you could be assigned to the
21 detention, and that's part of the assignments. And I was guarding at -- the
22 first year of my police work you could be assigned to detention, you could
23 be assigned to administrative, traffic, all that assignments.
24 MS. BLUTH: Okay.
25 PROSPECTIVE JUROR NUMBER 024: So I was assigned to

1 detention at one time.

2 MS. BLUTH: Okay. And so tell me about when -- not when you
3 were assigned in detention, but tell me the types of crimes you could
4 investigate?

5 PROSPECTIVE JUROR NUMBER 024: Assault cases.

6 MS. BLUTH: And when you use the --

7 PROSPECTIVE JUROR NUMBER 024: Traffic.

8 MS. BLUTH: -- when you use the term, assault, do you mean
9 sexual assault or like battery and assault?

10 PROSPECTIVE JUROR NUMBER 024: Mostly sexual assault
11 being a female officer.

12 MS. BLUTH: Okay. And how long did you do that for?

13 PROSPECTIVE JUROR NUMBER 024: I would say about
14 eight years.

15 MS. BLUTH: Was that of adults or children or both?

16 PROSPECTIVE JUROR NUMBER 024: Both.

17 MS. BLUTH: And then any other major areas of investigation
18 besides sexual assault?

19 PROSPECTIVE JUROR NUMBER 024: No.

20 MS. BLUTH: Did you ever work in Homicide, Robbery?

21 PROSPECTIVE JUROR NUMBER 024: No.

22 MS. BLUTH: Do you --

23 PROSPECTIVE JUROR NUMBER 024: Oh, excuse me.

24 MS. BLUTH: Yeah.

25 PROSPECTIVE JUROR NUMBER 024: I do take complaints

1 about robberies, but I don't do the intense investigations. We got crime
2 lab and detectives to handle it.

3 MS. BLUTH: Okay. Yesterday you said that while you were, so
4 I think this would be in your first year of police work, you were assaulted
5 as a guard?

6 PROSPECTIVE JUROR NUMBER 024: Yes.

7 MS. BLUTH: Can you kind of explain to me the facts that
8 surround that?

9 PROSPECTIVE JUROR NUMBER 024: Well, I believe there's
10 detainees were planning escape, and I was just left by myself at the office
11 because -- see part also of the assignment is some of the guards will go
12 get a meal for the detainees in a different facility. So I was just by myself
13 and they thought maybe they could go and try -- they tried to overpower
14 me and attempting to escape.

15 MS. BLUTH: Okay. And were you physically harmed?

16 PROSPECTIVE JUROR NUMBER 024: They did not harm me
17 physically. But when they tried to go and force me to put me in the cell,
18 they drag -- and drag me and tried to chloroform me so I won't be yelling.
19 And from there I got damage muscles in my back.

20 MS. BLUTH: How many of them were against you?

21 PROSPECTIVE JUROR NUMBER 024: I would say there's like
22 three or four of them.

23 MS. BLUTH: How did that situation end?

24 PROSPECTIVE JUROR NUMBER 024: The person or the
25 officer that was picking up the meal noticed that there's something wrong

1 when he came in. And he tried, you know, he buzzed for me to go and let
2 him in. It was downstairs though, and we were in the second floor. And
3 as soon as I noticed that he was there, I like yell, and that -- that -- that's
4 how the -- the detainees start -- well, I mean, you know, running into their
5 cells.

6 MS. BLUTH: Okay. So they didn't -- they weren't able to
7 escape?

8 PROSPECTIVE JUROR NUMBER 024: No, they were not.

9 MS. BLUTH: Were they then charged with the crime -- further
10 crimes?

11 PROSPECTIVE JUROR NUMBER 024: Yes, they were
12 charged for attempting to escape and they were all convicted of it.

13 MS. BLUTH: Did you have to go to court and testify against
14 them?

15 PROSPECTIVE JUROR NUMBER 024: Yes.

16 MS. BLUTH: How does that experience or does that
17 experience affect you in anyway in being a juror?

18 PROSPECTIVE JUROR NUMBER 024: It didn't affect me.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NUMBER 024: It's -- because as a
21 witness, you don't stay in court to hear all everybody's testimony, you only
22 stay outside.

23 MS. BLUTH: Yeah.

24 PROSPECTIVE JUROR NUMBER 024: Until it's your turn.

25 MS. BLUTH: Right.

1 But, I mean, like, overall did that, I mean, that situation must
2 have been scary; right, so I just wondered --

3 PROSPECTIVE JUROR NUMBER 024: It was.

4 MS. BLUTH: -- going through that like emotionally and
5 physically, does it affect you in your ability to be a fair juror to both sides?

6 PROSPECTIVE JUROR NUMBER 024: No, it wouldn't affect
7 me.

8 MS. BLUTH: Okay. What would you say in regards to your --
9 your thoughts in the criminal justice system in America, since you've kind
10 of been, I mean, in the, you know, in the mainland United States?

11 PROSPECTIVE JUROR NUMBER 024: I think we are fair, we
12 are the best system of judicial in the world, I would say.

13 MS. BLUTH: What about local law enforcement?

14 PROSPECTIVE JUROR NUMBER 024: I have no bad run-in
15 with the law so.

16 MS. BLUTH: Since you worked in this line of work, you
17 recognize like the real world capabilities in regards to recovery of
18 evidence?

19 PROSPECTIVE JUROR NUMBER 024: Yes.

20 MS. BLUTH: Do you ever watch any of the shows that some
21 people have been talking about?

22 PROSPECTIVE JUROR NUMBER 024: I have watched it for
23 entertainment.

24 MS. BLUTH: Okay. And you recognize that it's just
25 entertainment?

1 PROSPECTIVE JUROR NUMBER 024: Yes.

2 MS. BLUTH: What about yesterday when we were talking
3 about, you know, following laws even if you don't agree with them as a
4 juror. So you get -- read a law, maybe you don't agree with that law, but
5 as a juror it's your job to follow it. Are you okay with that premise or do
6 you struggle with that?

7 PROSPECTIVE JUROR NUMBER 024: Well, I've been a
8 law-abiding citizen, a person that is a law enforcement so.

9 MS. BLUTH: Okay. So you don't see any issues with that?

10 PROSPECTIVE JUROR NUMBER 024: No.

11 MS. BLUTH: What about sitting in judgment of another
12 person's actions, is there anything about that that brings you
13 apprehension or nervousness?

14 PROSPECTIVE JUROR NUMBER 024: No, I think I could go
15 and judge a person according to the evidence that will be presented.

16 MS. BLUTH: What are your thoughts in regards to that
17 conversation that we've been having, we've been using the term, bringing
18 a gun to a fight, to a fist fight, and that's not even saying that there's a gun
19 in this case, but we're just trying to develop scenarios to understand
20 people's thought process.

21 PROSPECTIVE JUROR NUMBER 024: For me, I believe that
22 the person shouldn't be bringing any gun at all, especially if they're going
23 to a party where there will be drinking or something going on. Because it
24 seems like a drunk person or somebody that has been drinking is --
25 become brave.

1 MS. BLUTH: So let me ask you, so a couple of jurors
2 discussed yesterday that some people have, you know, carry a concealed
3 weapon. So they are -- they lawfully have a weapon and they conceal it
4 and that's their right to do so. So you're somewhere and you start fighting
5 with someone, a fight breaks out, and then you go to your weapon. So it's
6 not like, you know, you're going to go fight with somebody and you go in
7 your house and you get your gun and you get ready to fight. Do you know
8 what I mean?

9 PROSPECTIVE JUROR NUMBER 024: U'm-h'm.

10 MS. BLUTH: Sometimes there's more organic situations where
11 you are in a fist fight and you choose to get a weapon that's already on
12 your person.

13 Like talk to me about your thoughts in regards to that.

14 PROSPECTIVE JUROR NUMBER 024: Well, it's like
15 everybody have said over here that, yeah, in defense of your life and the
16 life of other, than you should be using it or that will be a last resort.

17 MS. BLUTH: Okay. So as last resort, you're meaning like the
18 level of danger you feel you're in should be very heightened for you to
19 grab something and take someone else's life?

20 PROSPECTIVE JUROR NUMBER 024: Yes.

21 MS. BLUTH: Would that be a fair representation?

22 PROSPECTIVE JUROR NUMBER 024: Yeah, that will be fair,
23 yes.

24 MS. BLUTH: Are you comfortable with all three of the
25 sentences that we were speaking about yesterday or would you like me to

1 say them again?

2 PROSPECTIVE JUROR NUMBER 024: No, I will be
3 comfortable with these three.

4 MS. BLUTH: Just because you were a police officer, is there
5 anything about you being a police officer in the past that would prevent
6 you from being a fair and impartial juror?

7 PROSPECTIVE JUROR NUMBER 024: I would say I will be
8 more biased towards the prosecution side. Because I'm pretty sure that
9 the officer who conducted all this investigations have do their diligence
10 and investigating, and then the prosecution side that will be -- they have
11 prepared their case.

12 MS. BLUTH: Okay. But I mean what if I don't -- what if we as
13 the prosecutors we don't do our job or you don't think that the police did
14 their job. If we don't prove to you that the Defendant committed this
15 crime, so we fail in our job and we don't prove to you that he committed
16 this crime, would you still walk in here and find him guilty anyway even
17 though we didn't prove it to you?

18 PROSPECTIVE JUROR NUMBER 024: No.

19 MS. BLUTH: Would you hold us to our burden, which is beyond
20 a reasonable doubt, and if we do prove that the Defendant committed
21 these crimes, would you find him guilty of them?

22 PROSPECTIVE JUROR NUMBER 024: Would you repeat that
23 again?

24 MS. BLUTH: Sure.

25 If Ms. DiGiacomo and I as the prosecutors, if we prove that the

1 Defendant committed this crime beyond a reasonable doubt, would you
2 have any problem coming in here and finding him guilty?

3 PROSPECTIVE JUROR NUMBER 024: Oh, yes.

4 MS. BLUTH: You would be able to?

5 PROSPECTIVE JUROR NUMBER 024: I will be able to find
6 him guilty.

7 MS. BLUTH: But in the opposite, if we fail to do our job and we
8 didn't prove to you that the Defendant committed that crime, could you
9 walk back in here and look at us and say, I'm sorry, you didn't do your job,
10 I'm going to find him not guilty?

11 PROSPECTIVE JUROR NUMBER 024: Oh, yes, yes.

12 MS. BLUTH: Okay. No problems with that?

13 PROSPECTIVE JUROR NUMBER 024: No, problem with that.

14 MS. BLUTH: Okay. Thank you so much.

15 We'll pass for cause, Judge.

16 MR. LONG: Your Honor, I'd ask that she be dismissed for
17 cause. She stated that she's biased towards the prosecution and that the
18 police --

19 THE COURT: I agree.

20 All right. You're released. Thank you.

21 THE COURT CLERK: That's badge 24, Tom?

22 THE MARSHAL: Yes.

23 THE COURT CLERK: Anai Meza.

24 THE COURT: All right. Tell me your name.

25 PROSPECTIVE JUROR NUMBER 068: Yes, this is Anai Meza.

1 THE COURT: Do you work?
2 PROSPECTIVE JUROR NUMBER 068: Yes.
3 THE COURT: What do you do?
4 PROSPECTIVE JUROR NUMBER 068: I work for Las Vegas
5 Athletic Club corporate office.
6 THE COURT: Are you married?
7 PROSPECTIVE JUROR NUMBER 068: No.
8 THE COURT: Children?
9 PROSPECTIVE JUROR NUMBER 068: No.
10 THE COURT: Have you ever sat as a juror before?
11 PROSPECTIVE JUROR NUMBER 068: No.
12 THE COURT: Can you think of any reason you would not be
13 fair and impartial to both parties in this case?
14 PROSPECTIVE JUROR NUMBER 068: Yes.
15 THE COURT: What?
16 PROSPECTIVE JUROR NUMBER 068: I just don't feel
17 comfortable answering any questions, for the reason why I don't believe in
18 justice.
19 THE COURT: I'll let the State ask you some questions.
20 MS. DIGIACOMO: Okay. Well, let's start with that, why don't
21 you believe in justice and what do you mean by that?
22 PROSPECTIVE JUROR NUMBER 068: Like I said, I don't feel
23 comfortable answering any questions.
24 MS. DIGIACOMO: So are you refusing to answer my
25 questions?

1 PROSPECTIVE JUROR NUMBER 068: Yes.

2 THE COURT: All right. You'll do 300 hours of community
3 service. You'll come back every morning at eight o'clock and bring me
4 proof of what community service you do.

5 MS. DIGIACOMO: Your Honor, can we approach?

6 THE COURT: Nope.

7 PROSPECTIVE JUROR NUMBER 068: Sir, I just feel super
8 nervous. That's why.

9 THE COURT: That's all right. You come back -- you come
10 back tomorrow morning at eight o'clock and you bring me where you're
11 going to do your community service and you'll have 300 hours.

12 Thank you. You're excused.

13 Failure to do that, I'll issue a warrant for your arrest.

14 PROSPECTIVE JUROR NUMBER 068: Sorry?

15 THE COURT: If you don't come tomorrow, I'll issue a warrant
16 for your arrest.

17 THE COURT CLERK: Patricia Hanson.

18 THE COURT: Tell me your name.

19 PROSPECTIVE JUROR NUMBER 069: Patricia Hanson.

20 THE COURT: Do you work?

21 PROSPECTIVE JUROR NUMBER 069: Part time.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR NUMBER 069: I teach the trauma
24 nursing course and CPR and advanced cardiac life support.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NUMBER 069: Divorced.
2 THE COURT: Did your ex-spouse work?
3 PROSPECTIVE JUROR NUMBER 069: He was a special
4 agent for the IRS and he worked for CID for the navy.
5 THE COURT: How long have you lived in Las Vegas?
6 PROSPECTIVE JUROR NUMBER 069: 24 years.
7 THE COURT: Children?
8 PROSPECTIVE JUROR NUMBER 069: Two.
9 THE COURT: Where do they live?
10 PROSPECTIVE JUROR NUMBER 069: One lives in New York,
11 he's an attorney for JP Morgan, and my daughter lives here.
12 THE COURT: And your daughter, in law or law enforcement?
13 PROSPECTIVE JUROR NUMBER 069: No. My
14 daughter-in-law is -- she's an attorney also.
15 THE COURT: No, your daughter. Is she --
16 PROSPECTIVE JUROR NUMBER 069: My daughter, no, she's
17 a bartender at Gilley's.
18 THE COURT: Have you ever sat as a juror before?
19 PROSPECTIVE JUROR NUMBER 069: No.
20 THE COURT: You'll be fair and impartial to both parties in this
21 case?
22 PROSPECTIVE JUROR NUMBER 069: I think so.
23 THE COURT: State.
24 MS. DIGIACOMO: Thank you.
25 So are you a nurse?

1 PROSPECTIVE JUROR NUMBER 069: Yes.

2 MS. DIGIACOMO: Okay. And you said yesterday that you
3 were actually assaulted by a patient back in, I think it was 1984?

4 PROSPECTIVE JUROR NUMBER 069: '94.

5 MS. DIGIACOMO: Oh, 1994. I can't read my own handwriting.

6 Okay. And you said that you weren't satisfied with what
7 happened?

8 PROSPECTIVE JUROR NUMBER 069: Yeah, because the
9 police couldn't do anything. He said he didn't witness it. So I was the one
10 that had to go down to the DA and file charges.

11 MS. DIGIACOMO: Okay. Did you actually do that?

12 PROSPECTIVE JUROR NUMBER 069: Yes.

13 MS. DIGIACOMO: Okay. And so did the case actually go
14 through the criminal justice system?

15 PROSPECTIVE JUROR NUMBER 069: They looked at me like
16 they have more important things to do, like a murder case, so I don't think
17 it went anywhere.

18 MS. DIGIACOMO: Okay. So you never had to go to court?

19 PROSPECTIVE JUROR NUMBER 069: No.

20 MS. DIGIACOMO: Never contacted?

21 PROSPECTIVE JUROR NUMBER 069: No.

22 MS. DIGIACOMO: Okay. So that frustrated you?

23 PROSPECTIVE JUROR NUMBER 069: Yeah.

24 MS. DIGIACOMO: Anything about that though that you would
25 hold against possibly the State in this case or even the defense?

1 PROSPECTIVE JUROR NUMBER 069: No.

2 MS. DIGIACOMO: You can set that aside?

3 PROSPECTIVE JUROR NUMBER 069: Yeah.

4 MS. DIGIACOMO: Okay. Now, have -- has anyone close to
5 you or family member been the victim of a crime?

6 PROSPECTIVE JUROR NUMBER 069: Yeah, one I forgot was
7 the day I was moving out of the house my husband went ballistic, because
8 I was taking my own speakers, and he went after me and he was arrested
9 for domestic violence.

10 MS. DIGIACOMO: And that was here or where?

11 PROSPECTIVE JUROR NUMBER 069: Yeah, here.

12 MS. DIGIACOMO: Here?

13 PROSPECTIVE JUROR NUMBER 069: U'm-h'm.

14 MS. DIGIACOMO: And how long ago was that?

15 PROSPECTIVE JUROR NUMBER 069: Oh, I want to say
16 about 1999.

17 MS. DIGIACOMO: Okay. And so was this when it was during
18 the break-up?

19 PROSPECTIVE JUROR NUMBER 069: Yes.

20 MS. DIGIACOMO: Okay. Was that the only incident of
21 domestic violence between the two of you?

22 PROSPECTIVE JUROR NUMBER 069: Yes.

23 MS. DIGIACOMO: Okay.

24 PROSPECTIVE JUROR NUMBER 069: He had to go to anger
25 management and that. As far as I know, it was dropped.

1 MS. DIGIACOMO: Okay. So it's not that there was like a
2 history there?

3 PROSPECTIVE JUROR NUMBER 069: No.

4 MS. DIGIACOMO: He just lost it?

5 PROSPECTIVE JUROR NUMBER 069: Yeah, he just lost it
6 during the divorce. I mean, he was like a complete stranger.

7 MS. DIGIACOMO: And I think that happens.

8 So my next question, anyone close to you or family or arrested,
9 he obviously was arrested?

10 PROSPECTIVE JUROR NUMBER 069: Yeah, he was
11 arrested. And I have -- my brother's son, my nephew, went he got back
12 from Afghanistan he went through a crazy period and he head-butted a 17
13 year old and he was arrested for that.

14 MS. DIGIACOMO: Was it a misdemeanor or do you know?

15 PROSPECTIVE JUROR NUMBER 069: You know, I don't -- I
16 know he ended up going to the VA for 30 days for treatment. And I don't
17 know if it was just considered misdemeanor.

18 MS. DIGIACOMO: Okay. But did you -- did you, I guess, keep
19 up with the case or follow the case?

20 PROSPECTIVE JUROR NUMBER 069: Tried to.

21 MS. DIGIACOMO: All right. But do you have any --

22 PROSPECTIVE JUROR NUMBER 069: But it was in New
23 Jersey so it's a little bit harder to.

24 MS. DIGIACOMO: Okay.

25 PROSPECTIVE JUROR NUMBER 069: And the family was

1 kind of hush-hush. I think they were embarrassed.

2 MS. DIGIACOMO: And it was your --

3 PROSPECTIVE JUROR NUMBER 069: It was my nephew.

4 MS. DIGIACOMO: Your nephew but by --

5 PROSPECTIVE JUROR NUMBER 069: My brother's son.

6 MS. DIGIACOMO: Your biological brother's son?

7 PROSPECTIVE JUROR NUMBER 069: Right.

8 MS. DIGIACOMO: So they just didn't want to talk about it?

9 PROSPECTIVE JUROR NUMBER 069: Right, oh, yeah.

10 MS. DIGIACOMO: Well, do you have an opinion whether or not
11 he was treated fairly or unfairly by the system?

12 PROSPECTIVE JUROR NUMBER 069: I thought he was
13 treated very lenient for what he did.

14 MS. DIGIACOMO: Okay. And he was able to get services and
15 get better, I guess?

16 PROSPECTIVE JUROR NUMBER 069: Supposedly.

17 MS. DIGIACOMO: Okay. Has he had more issues?

18 PROSPECTIVE JUROR NUMBER 069: He's always had anger
19 management problems, even before he went to Afghanistan, but my
20 brother and sister-in-law don't like to see it.

21 MS. DIGIACOMO: Oh, okay.

22 Anyone else in your family been arrested or charged with a
23 crime or close friends?

24 PROSPECTIVE JUROR NUMBER 069: The only other thing I
25 had a good friend murdered by her own mother.

1 MS. DIGIACOMO: When was that?

2 PROSPECTIVE JUROR NUMBER 069: 2001. She shot her in
3 the head because she didn't want her to get married.

4 MS. DIGIACOMO: So she was supposed to get married and
5 her mother just shot her?

6 PROSPECTIVE JUROR NUMBER 069: And then she shot
7 herself.

8 MS. DIGIACOMO: Oh, so she wasn't prosecuted obviously?

9 PROSPECTIVE JUROR NUMBER 069: No.

10 MS. DIGIACOMO: And that was 1991?

11 PROSPECTIVE JUROR NUMBER 069: No, it was about --

12 MS. DIGIACOMO: 2001?

13 PROSPECTIVE JUROR NUMBER 069: 2001. It was the same
14 as 9/11.

15 MS. DIGIACOMO: Was their police involvement?

16 PROSPECTIVE JUROR NUMBER 069: Oh, sure.

17 MS. DIGIACOMO: Okay. Do you have any opinion about
18 whether or not the situation was handled properly by the police?

19 PROSPECTIVE JUROR NUMBER 069: As far as I know it
20 was.

21 MS. DIGIACOMO: Okay. So their determination you were fine
22 with?

23 PROSPECTIVE JUROR NUMBER 069: Right.

24 MS. DIGIACOMO: Okay.

25 PROSPECTIVE JUROR NUMBER 069: And then military you

1 wanted to know?

2 MS. DIGIACOMO: Yeah.

3 PROSPECTIVE JUROR NUMBER 069: I was an army nurse
4 for 29 years in the U.S. Army. I retired as a lieutenant colonel.

5 MS. DIGIACOMO: Okay. Did you ever have to take part in the
6 military justice system, like sit on a jury or --

7 PROSPECTIVE JUROR NUMBER 069: No.

8 MS. DIGIACOMO: -- be a witness?

9 PROSPECTIVE JUROR NUMBER 069: No.

10 MS. DIGIACOMO: Did you know any -- I guess, did you have
11 any friends that were in the JAG system or military?

12 PROSPECTIVE JUROR NUMBER 069: Well, my ex worked for
13 navy and CID.

14 MS. DIGIACOMO: Oh, that's right. You did say.

15 PROSPECTIVE JUROR NUMBER 069: And he -- the only one
16 I can think of there was an investigation, there was a manhole cover and
17 the guy didn't mark it, and so he was coming up, as the backhoe was
18 going, and it literally chopped his head off.

19 MS. DIGIACOMO: Ew.

20 PROSPECTIVE JUROR NUMBER 069: And my husband was
21 involved in that investigation.

22 MS. DIGIACOMO: Okay. Did he talk to you about it?

23 PROSPECTIVE JUROR NUMBER 069: A little bit.

24 MS. DIGIACOMO: Okay. Is there anything about his
25 background or your military background that would affect your ability to be

1 fair and impartial here?

2 PROSPECTIVE JUROR NUMBER 069: No.

3 MS. DIGIACOMO: Okay. So let me ask you, because your --
4 you kind of have a unique perspective being from the military, you know,
5 having people that have gone through the system. What do you think
6 about our criminal justice system?

7 PROSPECTIVE JUROR NUMBER 069: I think it's the best we
8 have. I was in the Gulf War, and I can tell you over in Saudi when they
9 behead people every Friday, and it takes six witnesses for rape, our
10 system is a lot better than other countries.

11 MS. DIGIACOMO: Right. Especially --

12 PROSPECTIVE JUROR NUMBER 069: It's the best we have.

13 MS. DIGIACOMO: Right. Especially with rape cases, I mean,
14 that's generally a crime kind of done in secret, so there's not a lot of
15 witnesses.

16 PROSPECTIVE JUROR NUMBER 069: Right.

17 MS. DIGIACOMO: So you have no issue, I take it, holding the
18 State to its burden to prove this case beyond a reasonable doubt?

19 PROSPECTIVE JUROR NUMBER 069: No.

20 MS. DIGIACOMO: Okay.

21 PROSPECTIVE JUROR NUMBER 069: And the show I watch
22 is Forensics Files.

23 MS. DIGIACOMO: Okay.

24 PROSPECTIVE JUROR NUMBER 069: The real one.

25 MS. DIGIACOMO: Right. So you like the real stuff?

1 PROSPECTIVE JUROR NUMBER 069: Yes.

2 MS. DIGIACOMO: Okay. But you still understand that things
3 that you see happen in other cases don't necessarily happen in all cases?

4 PROSPECTIVE JUROR NUMBER 069: Right.

5 MS. DIGIACOMO: All right. So do you have any expectations,
6 as you sit here before this trial starts, of what you expect has to come into
7 evidence before you'd even like consider the case?

8 PROSPECTIVE JUROR NUMBER 069: No.

9 MS. DIGIACOMO: Do you watch any other shows other than
10 like the Forensic Files?

11 PROSPECTIVE JUROR NUMBER 069: Just FOX news.

12 MS. DIGIACOMO: Okay.

13 PROSPECTIVE JUROR NUMBER 069: Kind of boring, huh?

14 MS. DIGIACOMO: I'm surprised nobody said HGTV yet. But I
15 get that a lot. I guess, I hear some coming up.

16 So let me ask you, will you follow the law --

17 PROSPECTIVE JUROR NUMBER 069: Yes.

18 MS. DIGIACOMO: -- as instructed? Okay.

19 Now, we've been talking about this, bringing a gun to a fist fight,
20 do you -- you've heard what everyone else has said so far, do you have
21 any opinions? What do you think about it?

22 PROSPECTIVE JUROR NUMBER 069: I think the person's
23 probably basically afraid and so they seem to have to bring a gun with
24 them wherever they go but. And if it's self-defense, or, you know,
25 somebody were to attack my kids, I'd have no problem using it.

1 MS. BLUTH: Okay. So you do think there's times when it could
2 be okay to bring a gun to a fist fight?

3 PROSPECTIVE JUROR NUMBER 069: Yes.

4 MS. DIGIACOMO: When we were talking to you about that
5 there's a possibility this trial could be in two phases, the trial phase and a
6 possible penalty phase, can you, I guess, keep them separate, and when
7 you do the trial phase first, not think about penalty in your decision?

8 PROSPECTIVE JUROR NUMBER 069: Yes.

9 MS. DIGIACOMO: And if we got to a penalty phase, could you
10 consider all three?

11 PROSPECTIVE JUROR NUMBER 069: Yes.

12 MS. DIGIACOMO: Is there anything else that you want to tell
13 us that we didn't ask you?

14 PROSPECTIVE JUROR NUMBER 069: As far as forensics, I
15 belong to the International Association of Forensics Nursing.

16 MS. DIGIACOMO: Okay. And what do you do with that? Have
17 you ever testified?

18 PROSPECTIVE JUROR NUMBER 069: No, I was an expert
19 witness for a malpractice case up in Reno.

20 MS. DIGIACOMO: So you've testified?

21 PROSPECTIVE JUROR NUMBER 069: Yes.

22 MS. DIGIACOMO: Okay. Anything about that experience that
23 would, I guess, affect your ability to be fair and impartial here?

24 PROSPECTIVE JUROR NUMBER 069: No.

25 MS. DIGIACOMO: Okay. All right. Thank you.

1 Pass for cause.

2 MR. LONG: Good morning, ma'am.

3 Your life sounds anything but boring. You have more stamps in
4 your passport than most people can learn about.

5 Now, your husband, he was a career IRS agent after his military
6 career?

7 PROSPECTIVE JUROR NUMBER 069: Actually during.
8 Initially he was active duty, learned to be an electrician on his ship, got out
9 and went to school, and then became an IRS special agent.

10 MR. LONG: Okay.

11 PROSPECTIVE JUROR NUMBER 069: So reserves was
12 actually later while he was going -- working for the IRS.

13 MR. LONG: Okay. And did you and he talk a lot about the
14 investigations, the arrests, things that he was doing?

15 PROSPECTIVE JUROR NUMBER 069: Yes.

16 MR. LONG: Okay. Do you feel that law enforcement is usually
17 correct in investigating a person?

18 PROSPECTIVE JUROR NUMBER 069: I think so.

19 MR. LONG: Do you think that by the time a person gets seated
20 in that chair, that if they didn't do something wrong, they wouldn't be
21 sitting there?

22 PROSPECTIVE JUROR NUMBER 069: There's a good
23 chance, but you'd have to hear all the evidence.

24 MR. LONG: And do you think that you could find someone, a
25 crime as serious of murder, find there be justification in taking a life?

1 PROSPECTIVE JUROR NUMBER 069: For self-defense or for
2 your family.

3 MR. LONG: Okay. Your Honor, I'd ask for dismissal for cause.

4 THE COURT: Do you have any traverse?

5 MS. DIGIACOMO: I'm sorry, Court's indulgence.

6 THE COURT: Do you want to traverse?

7 MS. DIGIACOMO: Yes.

8 [Colloquy between District Attorney and Defense counsel]

9 MS. DIGIACOMO: Okay. So with regard to his question about
10 if somebody is sitting over here then they must have done something
11 wrong, your answer, if I understood correctly, it's possible that's correct,
12 but you'd have to hear all the evidence before you made that decision?

13 PROSPECTIVE JUROR NUMBER 069: Right.

14 MS. DIGIACOMO: Okay. So as you sit here right now, you're
15 not, like, oh, you know, there's already a strike against that table because
16 he's sitting there?

17 PROSPECTIVE JUROR NUMBER 069: No.

18 MS. DIGIACOMO: Okay. Because in our criminal justice
19 system the State can't proceed without somebody sitting there; is that fair
20 to say?

21 PROSPECTIVE JUROR NUMBER 069: True.

22 MS. DIGIACOMO: Okay. But it is our burden to prove the case
23 beyond a reasonable doubt and the charges beyond a reasonable doubt?

24 PROSPECTIVE JUROR NUMBER 069: Right.

25 MS. DIGIACOMO: And you agree with that?

1 PROSPECTIVE JUROR NUMBER 069: Right.

2 MS. DIGIACOMO: And you will do that?

3 PROSPECTIVE JUROR NUMBER 069: Yes.

4 MR. LONG: Now, ma'am, your children are attorneys?

5 PROSPECTIVE JUROR NUMBER 069: My son is, but he
6 works for a bank. He does investigations for the bank.

7 MR. LONG: And do you talk with him about his cases or
8 anything?

9 PROSPECTIVE JUROR NUMBER 069: Without mentioning
10 names.

11 MR. LONG: And would you be okay proceeding on this case,
12 and this is the only individual you listen to, get advice from?

13 PROSPECTIVE JUROR NUMBER 069: Yes.

14 MR. LONG: Okay. And you've heard what I've asked your
15 neighbors to your right about there being justification in some instances of
16 taking a human life.

17 PROSPECTIVE JUROR NUMBER 069: True.

18 MR. LONG: Do you believe that?

19 PROSPECTIVE JUROR NUMBER 069: Yes.

20 MR. LONG: Okay. And who do you know that has been
21 affected by domestic battery, domestic violence besides yourself?

22 PROSPECTIVE JUROR NUMBER 069: My mother years ago
23 but it was brief.

24 MR. LONG: Now, your husband, when he had this problem, I
25 guess he's your ex-husband now, did he lose his job because of the

1 domestic battery?

2 PROSPECTIVE JUROR NUMBER 069: No, he was long
3 retired by then.

4 MR. LONG: Okay. Did he lose his right to carry a firearm?

5 PROSPECTIVE JUROR NUMBER 069: No.

6 MR. LONG: Okay. So he probably wasn't convicted of
7 domestic battery, pled it down to disturbing or something?

8 PROSPECTIVE JUROR NUMBER 069: Probably.

9 MR. LONG: I'm going to -- I renew my position.

10 THE COURT: I'm going to leave her for cause. Thanks.
11 Pass that mic over.

12 Tell me your name.

13 PROSPECTIVE JUROR NUMBER 026: I'm Jennifer
14 Harrington.

15 THE COURT: Do you work?

16 PROSPECTIVE JUROR NUMBER 026: I do.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NUMBER 026: I am the owner,
19 director, and lead teacher for a start-up, one classroom preschool, that is
20 open year round.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR NUMBER 026: I am.

23 THE COURT: Does your spouse work?

24 PROSPECTIVE JUROR NUMBER 026: Yes.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NUMBER 026: He's a chief
2 technology officer.

3 THE COURT: Children?

4 PROSPECTIVE JUROR NUMBER 026: Yes.

5 THE COURT: Ages?

6 PROSPECTIVE JUROR NUMBER 026: 16 and 18.

7 THE COURT: Have you ever sat as a juror before?

8 PROSPECTIVE JUROR NUMBER 026: No.

9 THE COURT: Can you think of any reason you would not be
10 fair and impartial to both parties in this case?

11 PROSPECTIVE JUROR NUMBER 026: No.

12 THE COURT: State.

13 MS. BLUTH: All right. So tell me what questions you've had
14 answered, if any?

15 PROSPECTIVE JUROR NUMBER 026: Let's see, I think
16 probably the biggest one is sitting in judgment for me.

17 MS. BLUTH: Okay.

18 PROSPECTIVE JUROR NUMBER 026: In my line of work, I'm
19 a Montessori teacher, and we train to teach peace and problem-solving,
20 conflict resolution, starting at age three for children. And so that's sort of
21 the mindset that I'm coming from. I try and see everyone as good and
22 how we can resolve issues without resorting to violence.

23 And so for me the burden of being asked to make a decision in
24 this type of murder case, would weigh extremely heavily on me. Like, I
25 just think it would be extremely difficult for me.

1 MS. BLUTH: So let's talk about it, your feelings in regards to
2 the two phases that I've been talking about.

3 PROSPECTIVE JUROR NUMBER 026: Yes.

4 MS. BLUTH: Would those -- would the feelings that you're
5 talking about weigh heavily in both of these phases or is one more
6 bothersome to you than the other?

7 PROSPECTIVE JUROR NUMBER 026: Well, I think the first
8 one is, you know, would only, you know, I think that one is more difficult
9 because then we'd have to go to the second part but. You know, I think
10 just convicting someone of a crime and having that, you know, basically to
11 some extent be the end of their life, you know, outside of prison, that
12 would be extremely difficult for me.

13 MS. BLUTH: Do you -- if you consider that -- but another
14 person's life has already been lost?

15 PROSPECTIVE JUROR NUMBER 026: I understand that.

16 MS. BLUTH: But it doesn't really weigh into --

17 PROSPECTIVE JUROR NUMBER 026: Well, it's not an easy
18 situation no matter which way you look at it.

19 MS. BLUTH: Right.

20 PROSPECTIVE JUROR NUMBER 026: I understand the
21 victim, you know, needs justice and their family.

22 MS. BLUTH: But it's just --

23 PROSPECTIVE JUROR NUMBER 026: It's just -- it's just
24 heavy for me. It's just --

25 MS. BLUTH: Right. There's no wrong answer.

1 PROSPECTIVE JUROR NUMBER 026: Yeah.

2 MS. BLUTH: I'm just trying to fully gauge like where your
3 thought process is.

4 There are people who say this would weigh on me heavily, and
5 then there's people are saying that this -- like I feel like this, just this, is
6 making you upset. Like right now --

7 PROSPECTIVE JUROR NUMBER 026: It is.

8 MS. BLUTH: -- as we sit here.

9 PROSPECTIVE JUROR NUMBER 026: Yeah.

10 MS. BLUTH: And I don't want that to be like that. And if it's
11 weighing that heavily on you, then this probably isn't the right place for
12 you.

13 So, Judge, I'm going to move for cause.

14 And I appreciate your honesty.

15 MR. LONG: No objection.

16 THE COURT: All right. You're excused.

17 PROSPECTIVE JUROR NUMBER 026: Okay. Thank you.

18 THE COURT: Thank you.

19 THE COURT CLERK: That's number 26, Tom?

20 THE MARSHAL: Yes.

21 THE COURT CLERK: Next one is Fernando -- I can't
22 pronounce the last name.

23 MS. DIGIACOMO: Morquecho.

24 THE COURT CLERK: Yes, juror number 70.

25 THE COURT: Tell me your name.

1 PROSPECTIVE JUROR NUMBER 070: Fernando Morquecho,
2 sir.

3 THE COURT: Do you work?

4 PROSPECTIVE JUROR NUMBER 070: Yes, I do.

5 THE COURT: What do you do?

6 PROSPECTIVE JUROR NUMBER 070: I work full time for a
7 landscape/construction company and then part-time for a retail store.

8 THE COURT: Married?

9 PROSPECTIVE JUROR NUMBER 070: No, sir.

10 THE COURT: Children?

11 PROSPECTIVE JUROR NUMBER 070: No.

12 THE COURT: Have you ever sat as a juror before?

13 PROSPECTIVE JUROR NUMBER 070: No, first time.

14 THE COURT: Can you be fair and impartial to both parties in
15 this case?

16 PROSPECTIVE JUROR NUMBER 070: Yes.

17 THE COURT: State.

18 MS. DIGIACOMO: Thank you.

19 All right. Sir, so you're been sitting here, yesterday and today,
20 is there anything that stands out in your mind as something you wanted to
21 state?

22 PROSPECTIVE JUROR NUMBER 070: Not -- not that I could
23 think of, no.

24 MS. DIGIACOMO: Okay. And you've never been the victim
25 yourself?

1 PROSPECTIVE JUROR NUMBER 070: No.

2 MS. DIGIACOMO: Okay. Do you know anyone close to you or
3 family that's ever been the victim of a crime?

4 PROSPECTIVE JUROR NUMBER 070: My father.

5 MS. DIGIACOMO: Okay. What --

6 PROSPECTIVE JUROR NUMBER 070: In December and April
7 he had his truck stolen twice.

8 MS. DIGIACOMO: In December, this last December, and April?

9 PROSPECTIVE JUROR NUMBER 070: Yeah.

10 MS. DIGIACOMO: Car stolen twice. Did the police respond?

11 PROSPECTIVE JUROR NUMBER 070: Yeah, both times. The
12 first time they found it a week later. And then the --

13 MS. DIGIACOMO: Well, obviously so it could be stolen again;
14 right?

15 PROSPECTIVE JUROR NUMBER 070: Yeah.

16 MS. DIGIACOMO: Okay. So the second time, did he not get it
17 back?

18 PROSPECTIVE JUROR NUMBER 070: The second time my
19 brother actually found it.

20 MS. DIGIACOMO: Oh, really.

21 PROSPECTIVE JUROR NUMBER 070: Yeah.

22 MS. DIGIACOMO: Okay. So did the police get involved?

23 PROSPECTIVE JUROR NUMBER 070: They did at first and
24 then after they were going to investigate it. But we never heard back from
25 them.

1 MS. DIGIACOMO: Okay. So you don't know what happened
2 with the case, if anyone was caught?

3 PROSPECTIVE JUROR NUMBER 070: The second time, no,
4 but the first time someone was caught. It was parked in front of his
5 house. So --

6 MS. DIGIACOMO: Okay.

7 PROSPECTIVE JUROR NUMBER 070: Yeah, like we're going
8 into trial, but he keeps on missing court. And I think he's arrested now,
9 but we're still waiting that trial.

10 MS. DIGIACOMO: Okay. So the first one it's through -- going
11 through the court system right now?

12 PROSPECTIVE JUROR NUMBER 070: Yes.

13 MS. DIGIACOMO: The one from December?

14 PROSPECTIVE JUROR NUMBER 070: Yes.

15 MS. DIGIACOMO: But the one from April, that your brother
16 found the car, there's nobody with it?

17 PROSPECTIVE JUROR NUMBER 070: No, nobody.

18 MS. DIGIACOMO: Okay. So nobody is going to be arrested for
19 that?

20 PROSPECTIVE JUROR NUMBER 070: No.

21 MS. DIGIACOMO: I see.

22 Anything about that experience, and going through the court
23 system now, that would affect your ability to be fair and impartial here?

24 PROSPECTIVE JUROR NUMBER 070: No, I think they
25 handled it pretty well, the police, yes.

1 MS. DIGIACOMO: All right. So what about anyone close to
2 you or family that's been arrested or accused of a crime?

3 PROSPECTIVE JUROR NUMBER 070: Not that I know of, no.

4 MS. DIGIACOMO: And you said you have one brother?

5 PROSPECTIVE JUROR NUMBER 070: I have a brother and a
6 sister, yeah.

7 MS. DIGIACOMO: You have a brother and a sister.

8 Are they older or younger?

9 PROSPECTIVE JUROR NUMBER 070: I'm the middle child, so
10 my brother's the older and my sister is the youngest.

11 MS. DIGIACOMO: Okay. So it was your brother that found the
12 car.

13 Was it close to your house?

14 PROSPECTIVE JUROR NUMBER 070: No, it was actually
15 around here, like downtown area, and we live up by Summerlin so.

16 MS. DIGIACOMO: Was he looking for it or just happened --

17 PROSPECTIVE JUROR NUMBER 070: No, he was actually
18 driving home from work and he --

19 MS. DIGIACOMO: He just happened to see it?

20 PROSPECTIVE JUROR NUMBER 070: Yes.

21 MS. DIGIACOMO: Oh, wow. Okay. Very lucky.

22 What about our criminal justice system, I know you're kind of
23 going through it, do you have an opinion?

24 PROSPECTIVE JUROR NUMBER 070: No, I mean there are
25 some flaws, but for the most part I feel like it works, for the most part.

1 MS. DIGIACOMO: Okay. Now, do you have any issue sitting in
2 judgment of -- on somebody's actions --

3 PROSPECTIVE JUROR NUMBER 070: Um --

4 MS. DIGIACOMO: -- and being on this jury?

5 PROSPECTIVE JUROR NUMBER 070: Honestly I wouldn't
6 know, like, I'm a little nervous right now.

7 MS. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 070: And I'd probably be a
9 little nervous knowing that I have someone's life in my hands --

10 MS. DIGIACOMO: Okay.

11 PROSPECTIVE JUROR NUMBER 070: -- of course, with 11
12 other people.

13 MS. DIGIACOMO: Right.

14 PROSPECTIVE JUROR NUMBER 070: But honestly, I don't
15 know. I would have to see a little more.

16 MS. DIGIACOMO: All right. Well, and it's fair and I would think
17 that's a normal reaction for anybody that's going to have to hear a case
18 like this.

19 But do you think, aside from the nervousness, that you could
20 actually hear the evidence and make a decision with your fellow jurors?

21 PROSPECTIVE JUROR NUMBER 070: I feel like I could,
22 yeah.

23 MS. DIGIACOMO: I forgot my next question.

24 Okay. Do you watch any of the law shows?

25 PROSPECTIVE JUROR NUMBER 070: Criminal Minds from

1 time to time, but not religiously, you know, just every now and then.

2 MS. DIGIACOMO: Okay. So do you have any, I guess,
3 expectations as you sit there?

4 PROSPECTIVE JUROR NUMBER 070: I know it's all
5 Hollywood and it's nothing like real life.

6 MS. DIGIACOMO: Okay. Do you have any bumper stickers on
7 your car?

8 PROSPECTIVE JUROR NUMBER 070: I don't, no.

9 MS. DIGIACOMO: All right. Now, you said that you work for a
10 landscape company full-time and then you also do some retail?

11 PROSPECTIVE JUROR NUMBER 070: Yeah.

12 MS. DIGIACOMO: All right. So the full-time landscape
13 company, what do you do for them?

14 PROSPECTIVE JUROR NUMBER 070: Just construction
15 work, like rock removal, and all that.

16 MS. DIGIACOMO: Oh, okay. So you're actually doing the work
17 not like in the office?

18 PROSPECTIVE JUROR NUMBER 070: Oh, no. I do the work.

19 MS. DIGIACOMO: Okay. And then you work retail as well?

20 PROSPECTIVE JUROR NUMBER 070: Yeah, afternoons.

21 MS. DIGIACOMO: Do you go to school at all?

22 PROSPECTIVE JUROR NUMBER 070: Yeah. But right now
23 it's summer break. So I won't go until the fall.

24 MS. DIGIACOMO: And that's why you're doing the two jobs
25 now?

1 PROSPECTIVE JUROR NUMBER 070: Yeah.

2 MS. DIGIACOMO: What are you studying in school?

3 PROSPECTIVE JUROR NUMBER 070: Film and business.

4 MS. DIGIACOMO: Are where are you studying that?

5 PROSPECTIVE JUROR NUMBER 070: UNLV.

6 MS. DIGIACOMO: Okay. So film and business, what do you

7 want to do with that degree?

8 PROSPECTIVE JUROR NUMBER 070: Eventually create my

9 own like cinematography business, yeah.

10 MS. DIGIACOMO: How much longer do you have to go?

11 PROSPECTIVE JUROR NUMBER 070: Around, I want to say

12 four to five semesters left.

13 MS. DIGIACOMO: Oh, okay. So you're half way there?

14 PROSPECTIVE JUROR NUMBER 070: Yeah.

15 MS. DIGIACOMO: If you were to sit as a juror in this case, you

16 would have to, or you would be asked, you know, to follow the law as

17 instructed by the judge, even if you disagree with it. Do you think you

18 could do that?

19 PROSPECTIVE JUROR NUMBER 070: Yeah, I could do that.

20 MS. DIGIACOMO: Other than what we've talked about with the

21 car being stolen and going through the system -- well, let me ask you, are

22 you going to be a witness in that case?

23 PROSPECTIVE JUROR NUMBER 070: No. Actually my mom

24 and my dad are.

25 MS. DIGIACOMO: Your mom and dad?

1 PROSPECTIVE JUROR NUMBER 070: U'm-h'm.

2 MS. DIGIACOMO: So you're just kind of going through the
3 process with them?

4 PROSPECTIVE JUROR NUMBER 070: Yes.

5 MS. DIGIACOMO: Do you know anyone else who's involved in
6 the criminal justice system?

7 PROSPECTIVE JUROR NUMBER 070: No, I don't.

8 MS. DIGIACOMO: Friends? Family?

9 PROSPECTIVE JUROR NUMBER 070: Uh-uh.

10 MS. DIGIACOMO: No one?

11 PROSPECTIVE JUROR NUMBER 070: No.

12 MS. DIGIACOMO: And when we've been talking about the Bro
13 Code and bringing a gun to a fist fight, what are your opinions on that?

14 PROSPECTIVE JUROR NUMBER 070: I don't know because I
15 have, like, really strong gun opinions.

16 MS. DIGIACOMO: Okay.

17 PROSPECTIVE JUROR NUMBER 070: Like, I feel like a lot of
18 people shouldn't be able to carry guns in this country, but a lot of people
19 do eventually get their hands on. And, I believe, that's what eventually
20 causes a lot of deaths in this country, like --

21 MS. DIGIACOMO: Unnecessarily?

22 PROSPECTIVE JUROR NUMBER 070: Yeah.

23 MS. DIGIACOMO: Is that what I'm sensing from you?

24 PROSPECTIVE JUROR NUMBER 070: U'm-h'm.

25 MS. DIGIACOMO: Okay. Well, and I get you have strong

1 opinions about guns, so let's change it so that if it's not guns, what about
2 bringing a big tire iron to a fist fight? Let's change the weapon, do you
3 have -- what do you think about that scenario now?

4 PROSPECTIVE JUROR NUMBER 070: I feel like you shouldn't
5 bring an extra weapon if -- because if you bring something else, say a gun
6 or a -- whatever you -- what was it again?

7 MS. DIGIACOMO: I said a tire iron.

8 PROSPECTIVE JUROR NUMBER 070: A tire iron.

9 MS. DIGIACOMO: Big long metal thing.

10 PROSPECTIVE JUROR NUMBER 070: Yeah. I feel like you --
11 you're already thinking in your head there's going to be more damage to it.
12 So like you're already thinking ahead of what the other person is thinking.
13 So you're already thinking one step ahead of the person.

14 MS. DIGIACOMO: Okay. Planning to escalate it?

15 PROSPECTIVE JUROR NUMBER 070: Yeah.

16 MS. DIGIACOMO: Okay. So in this case, and I know you
17 mentioned you were a little nervous about it, but there'd be two, possibly
18 two phases to it, do you think when you're, if you were sat as a juror, that
19 when you're considering what we call, you know, the trial phase, making
20 the determination whether or not the State has proven its case, can you
21 keep the idea of possible penalty out of your mind and just look at the
22 facts?

23 PROSPECTIVE JUROR NUMBER 070: I think that's the
24 biggest thing that makes me nervous is the penalty phase, because I don't
25 know if it would be the right decision eventually, you know, to put

1 someone into -- in life in prison or to give them X amount of years, you
2 know.

3 MS. DIGIACOMO: Would you agree though, as you sit here
4 today, it's probably harder for you to comprehend it because you don't
5 know anything about the case?

6 PROSPECTIVE JUROR NUMBER 070: Yeah, because I don't
7 know anything, yeah.

8 MS. DIGIACOMO: And you haven't heard any of the facts?

9 PROSPECTIVE JUROR NUMBER 070: Correct.

10 MS. DIGIACOMO: But do you think you could keep an open
11 mind --

12 PROSPECTIVE JUROR NUMBER 070: Yes, I can.

13 MS. DIGIACOMO: -- and consider all three penalties, if it even
14 got to that point?

15 PROSPECTIVE JUROR NUMBER 070: Yes, I can.
16 Eventually, yeah.

17 MS. DIGIACOMO: Okay. Is there anything else I should have
18 asked you, and I didn't, that you wanted to tell us?

19 PROSPECTIVE JUROR NUMBER 070: No, I think --

20 MS. DIGIACOMO: No.

21 PROSPECTIVE JUROR NUMBER 070: It's all good, yeah.

22 MS. DIGIACOMO: All right. I'll pass for cause, Your Honor.

23 THE COURT: Thank you.

24 MR. LONG: Good morning, sir.

25 What kind of -- if you do, do you play any video games?

1 PROSPECTIVE JUROR NUMBER 070: From time to time,
2 yeah, I do.

3 MR. LONG: What type do you play?

4 PROSPECTIVE JUROR NUMBER 070: Mostly sport video
5 games, like, Madden, FIFA.

6 MR. LONG: What kind of sports do you like?

7 PROSPECTIVE JUROR NUMBER 070: Football, soccer. I
8 played football in high school.

9 MR. LONG: Where did you go?

10 PROSPECTIVE JUROR NUMBER 070: Bonanza High School.

11 MR. LONG: Oh, okay. You said that our criminal justice
12 system it's pretty good but it has some flaws, what flaws are you
13 specifically referring to?

14 PROSPECTIVE JUROR NUMBER 070: I feel like from time to
15 time some punishments don't fit the crime. That's the biggest flaw I see.

16 MR. LONG: Okay. Are they too hard or they too light?

17 PROSPECTIVE JUROR NUMBER 070: Both. A mix of both,
18 yeah.

19 MR. LONG: I would assume you have strong feelings about
20 auto theft?

21 PROSPECTIVE JUROR NUMBER 070: Yeah.

22 MR. LONG: Now, UNLV where it looks like you've taken two
23 years of college course work, have you taken any government or civics or
24 law classes?

25 PROSPECTIVE JUROR NUMBER 070: I have not. I'm

1 actually going to take a criminal justice class this following summer.

2 MR. LONG: Okay. What's your understanding, just because
3 you look very young, of the presumption of innocence that my client now
4 has?

5 PROSPECTIVE JUROR NUMBER 070: Can you reword that?

6 MR. LONG: Yeah.

7 What's your understanding of the presumption of innocence?

8 PROSPECTIVE JUROR NUMBER 070: Well, I mean, I don't
9 know any back story of what he did, so I wouldn't.

10 MR. LONG: What do you think he's guilty of right now before
11 we put on the case?

12 PROSPECTIVE JUROR NUMBER 070: Well, the case is
13 murder; right, so I'm guessing murder is why he's in here so.

14 MR. LONG: Yeah, but at this very moment, Tuesday at 10:42
15 a.m., is he guilty of anything?

16 PROSPECTIVE JUROR NUMBER 070: No, until he's proven --
17 he's guilty until -- he's innocent until proven guilty; correct?

18 MR. LONG: Okay. Well, the judge is going to instruct you on
19 the law. I just wanted to know, do you agree with that, that he's innocent
20 until proven guilty?

21 PROSPECTIVE JUROR NUMBER 070: Yeah.

22 MR. LONG: Okay. And do you believe that there are
23 circumstances, not thinking about escalation, not thinking about
24 somebody packing heat that's not supposed to, do you agree that are
25 circumstances where someone is justified in taking the life of another

1 person?

2 PROSPECTIVE JUROR NUMBER 070: For some cases, yeah.

3 MR. LONG: Okay. And what type of situation?

4 PROSPECTIVE JUROR NUMBER 070: Self-defense mostly.

5 MR. LONG: What about defense of others?

6 PROSPECTIVE JUROR NUMBER 070: That would, yeah, that
7 be too.

8 MR. LONG: Okay. When your brother saw the truck, was there
9 anybody in it?

10 PROSPECTIVE JUROR NUMBER 070: No, there wasn't any.

11 MR. LONG: So he didn't have to confront anybody --

12 PROSPECTIVE JUROR NUMBER 070: No.

13 MR. LONG: -- tune anybody up or anything?

14 PROSPECTIVE JUROR NUMBER 070: No.

15 MR. LONG: Okay. I'll pass for cause, Your Honor.

16 THE COURT: Thanks.

17 Let's -- do you guys need a break? Somebody? Yeah. Let's
18 take a five minute recess. It always takes ten with this many people but
19 as quickly as you can.

20 Don't talk about the case or anything you heard about in here.

21 I'll see you in -- as quickly as you can.

22 [Outside the presence of the prospective jury panel]

23 THE COURT: Okay. The door is closed.

24 MS. BLUTH: Judge, I want to say one thing.

25 THE COURT: What?

1 MS. BLUTH: I think that the young Hispanic female, I think that
2 she was a victim. I think she was trying to say she can't say it.

3 THE COURT: Well, she can't not answer questions.

4 MS. BLUTH: I know. But I think she was trying to say she can't
5 say it publicly like in front of everybody. Is there any way we could --

6 THE COURT: Well, we'll talk to her tomorrow when she gets
7 here.

8 MS. BLUTH: Okay. I just don't want her to --

9 THE COURT: You be here at eight o'clock tomorrow morning.

10 MS. BLUTH: Yeah, right.

11 THE COURT: She may sit all day until I get to her.

12 MS. BLUTH: I think if we just would have talked to her outside
13 the presence, I think. Because she was almost crying. I think she was
14 embarrassed. So we'll just see tomorrow.

15 THE COURT: To say I'm not answering questions --

16 MS. BLUTH: Publicly.

17 THE COURT: -- it's too important to this gentleman and to the
18 State and to the Court and to the other jurors to say, I'm not answering
19 any of your questions.

20 MS. BLUTH: Publicly.

21 THE COURT: It's all public.

22 [Recess taken at 10:46 a.m.]

23 [Trial resumed at 10:54 a.m.]

24 [In the presence of the prospective jury panel]

25 THE MARSHAL: All rise, please.

1 And be seated.

2 THE COURT: All right. Tell me, do you work?

3 PROSPECTIVE JUROR NUMBER 028: Hello.

4 THE COURT: Tell me your name.

5 PROSPECTIVE JUROR NUMBER 028: I'm Francisco Bistrain.

6 THE COURT: Do you work?

7 PROSPECTIVE JUROR NUMBER 028: I'm sorry?

8 THE COURT: Do you work?

9 PROSPECTIVE JUROR NUMBER 028: No, I'm unemployed.

10 THE COURT: What do you do when you work?

11 PROSPECTIVE JUROR NUMBER 028: I'm sorry?

12 THE COURT: What do you do when you work?

13 PROSPECTIVE JUROR NUMBER 028: No, I'm unemployed.

14 THE COURT: Okay. When you work --

15 PROSPECTIVE JUROR NUMBER 028: Oh, I'm -- I just

16 finished college. I'm going to -- I'm looking for work as an entry level

17 pastry cook -- chef.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NUMBER 028: No, sir.

20 THE COURT: Children?

21 PROSPECTIVE JUROR NUMBER 028: No.

22 THE COURT: Have you ever sat as a juror before?

23 PROSPECTIVE JUROR NUMBER 028: No.

24 THE COURT: Can you be fair and impartial in this case to both

25 sides?

1 PROSPECTIVE JUROR NUMBER 028: Um --

2 THE COURT: You'll be fair on both sides? You'll listen to the

3 evidence before you make a decision?

4 PROSPECTIVE JUROR NUMBER 028: Yeah, I believe so;

5 yes, sir.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 028: With intent.

8 THE COURT: I'll let the State ask some questions.

9 MS. BLUTH: I'm sorry, what did you say, that last thing you

10 said?

11 PROSPECTIVE JUROR NUMBER 028: With intent.

12 MS. BLUTH: What do you mean?

13 PROSPECTIVE JUROR NUMBER 028: If I'm biased, it's

14 unconsciously.

15 MS. BLUTH: Oh, okay, gotchu.

16 Do you -- I know this is a weird question; right, because if it's

17 unconscious, then you don't know. But do you feel like you might be

18 unconsciously biased? I never heard that phrase before that's why I'm

19 asking.

20 PROSPECTIVE JUROR NUMBER 028: Well, I'm an inpatient

21 man, and I've been told that my attitude is somewhat volatile.

22 MS. BLUTH: Oh.

23 PROSPECTIVE JUROR NUMBER 028: It might be part due to

24 my ADHD and short attention span. But if you've seen like the movie 12

25 Angry Men, I could potentially like vote with like the majority and not even

1 know why.

2 MS. BLUTH: Okay. All right. Well, those are really good --
3 those are really good answers.

4 So, but I want to make sure that I understand it; okay. So when
5 you say you're, like you have a little bit of a volatile personality, is that due
6 to your ADHD?

7 PROSPECTIVE JUROR NUMBER 028: Potentially.

8 MS. BLUTH: Okay. Do you take any type of medications to
9 even that out?

10 PROSPECTIVE JUROR NUMBER 028: I do not.

11 MS. BLUTH: Have you ever?

12 PROSPECTIVE JUROR NUMBER 028: I believe so when I
13 was a kid.

14 MS. BLUTH: Okay. Like does -- if you -- do you get angry
15 quickly?

16 PROSPECTIVE JUROR NUMBER 028: I've been known to
17 have anger issues, but I think I've been working that out.

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NUMBER 028: I haven't had any, like,
20 medical proof about it so.

21 MS. BLUTH: Yeah.

22 When you talk about having a short attention span, do you have
23 the capabilities to sit and, you know, listen all day to testimony?

24 PROSPECTIVE JUROR NUMBER 028: It would be very
25 difficult for my mind not to wander, but I would attempt to do my best to

1 listen to what I need.

2 MS. BLUTH: When you were in school, and I'm not talking
3 about -- because did you say you just graduated from college?

4 PROSPECTIVE JUROR NUMBER 028: Yes, yes, ma'am.

5 MS. BLUTH: Okay. And which college was that?

6 PROSPECTIVE JUROR NUMBER 028: The Art Institute of Las
7 Vegas.

8 MS. BLUTH: Okay. Right on.

9 When you were -- so not like the Art Institute, but let's talk about
10 like high school; right, where you don't have so many breaks or like
11 elementary school where you're there all day long. Would it be hard for
12 you to focus?

13 PROSPECTIVE JUROR NUMBER 028: I usually have trouble
14 focusing during lectures. If I'm not like physically distracted, my mind
15 wanders.

16 MS. BLUTH: Okay. I know this hasn't been the most
17 invigorating process for the last day and a half. Has your mind been
18 wandering as we've been sitting here?

19 PROSPECTIVE JUROR NUMBER 028: As I've been sitting in
20 this chair, constantly.

21 MS. BLUTH: Okay.

22 PROSPECTIVE JUROR NUMBER 028: But unintentionally.

23 MS. BLUTH: No, that's okay. Those are good answers.

24 But like you're saying, it's not intentional that your minds
25 wandering. It's just -- it's hard to focus sometimes when it's boring.

1 PROSPECTIVE JUROR NUMBER 028: Yeah. I mean
2 sometimes my mind can wander about wandering.

3 MS. BLUTH: Wander about wandering?

4 PROSPECTIVE JUROR NUMBER 028: I like think to myself,
5 stop --

6 MS. BLUTH: Wandering?

7 PROSPECTIVE JUROR NUMBER 028: -- wandering, and then
8 I start thinking to myself about telling myself about not wandering and it
9 just becomes this very annoying loop.

10 MS. BLUTH: I get it. I have -- I'm super obsessive compulsive.
11 So I get it. I know what you're talking about because I obsess over
12 obsessing.

13 So do you think that maybe being a juror is something that, it's
14 not that you're not capable of it, but that it would be difficult to pay
15 attention and to keep your mind focused in order to be -- act in a proper
16 way for a jury?

17 PROSPECTIVE JUROR NUMBER 028: Well, thanks to some
18 instructions -- instructors from high school they've convinced me that
19 being part of a jury is something that I would like to do at some point in my
20 life, at least once. But with my current state, I guess, it's something I
21 would call mental immaturity. But it's not something I would like to avoid
22 entirely.

23 MS. BLUTH: No, and I don't think that you're trying to avoid it. I
24 don't want you to think that I think that you're trying to avoid it.

25 PROSPECTIVE JUROR NUMBER 028: Well, I'm not accusing

1 you. I'm just, you know --

2 MS. BLUTH: I can tell that you -- you just are a little bit worried
3 about having the ability to sit here and under -- not understand, but sit
4 here and take it all in 'right?

5 PROSPECTIVE JUROR NUMBER 028: Yeah.

6 MS. BLUTH: Okay. Judge, just because of some of the issues
7 that he's disusing, I'm going to move for cause.

8 MR. LONG: No objection.

9 THE COURT: All right.

10 MS. BLUTH: Thank you for your answers.

11 THE COURT: Thank you for your answers. We're going to
12 excuse you at this time; okay.

13 PROSPECTIVE JUROR NUMBER 028: Okay.

14 THE COURT: There's no right or wrong answers but I
15 understand.

16 THE COURT CLERK: Duvalier Perez-Heredia.

17 THE COURT: All right. Mr. Heredia, do you work?

18 PROSPECTIVE JUROR NUMBER 071: Yes.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NUMBER 071: Kitchen worker.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR NUMBER 071: Yes.

23 THE COURT: Spouse work?

24 PROSPECTIVE JUROR NUMBER 071: I'm sorry, sir, I don't
25 speak English well, can you repeat me?

1 THE COURT: Does your spouse work?
2 PROSPECTIVE JUROR NUMBER 071: Oh, no, she doesn't
3 work now.
4 THE COURT: Do you have children?
5 PROSPECTIVE JUROR NUMBER 071: Yeah, I have two.
6 THE COURT: Ages?
7 PROSPECTIVE JUROR NUMBER 071: 24 and 20 -- no, 22,
8 sorry.
9 THE COURT: Are either of them in law or law enforcement?
10 PROSPECTIVE JUROR NUMBER 071: No.
11 THE COURT: Have you ever sat as a juror before?
12 PROSPECTIVE JUROR NUMBER 071: No. I came two times,
13 but I no selected.
14 THE COURT: How long have you been in the United States?
15 PROSPECTIVE JUROR NUMBER 071: About 22 years.
16 THE COURT: You'll be fair, you'll be fair in this trial and listen
17 to the evidence and make a decision from the evidence you see and
18 hear?
19 PROSPECTIVE JUROR NUMBER 071: I don't understand.
20 THE COURT: 22 years, you understand.
21 State.
22 MS. DIGIACOMO: Okay. So the last thing you just said was
23 you didn't -- you don't know or?
24 PROSPECTIVE JUROR NUMBER 071: I'm sorry, but I can't
25 speak well. I understand a little bit so.

1 MS. DIGIACOMO: Okay. So as you've been sitting here,
2 yesterday and today, have you understood everything we've been saying?
3 PROSPECTIVE JUROR NUMBER 071: Some -- some --
4 sometime.
5 MS. DIGIACOMO: Okay. So let me ask you this, when you're
6 at work, do you speak English or Spanish?
7 PROSPECTIVE JUROR NUMBER 071: Most the people speak
8 Spanish when I -- in my job, in the store, they speak Spanish.
9 MS. DIGIACOMO: Okay.
10 PROSPECTIVE JUROR NUMBER 071: I don't use it every
11 time.
12 MS. DIGIACOMO: Okay. What about at home, what do you
13 speak?
14 PROSPECTIVE JUROR NUMBER 071: Huh?
15 MS. DIGIACOMO: What do you speak at home?
16 PROSPECTIVE JUROR NUMBER 071: Spanish.
17 MS. DIGIACOMO: Spanish only?
18 PROSPECTIVE JUROR NUMBER 071: Yes.
19 MS. DIGIACOMO: Okay. So it's not that you don't understand
20 some English, it's just you don't understand the more complicated words;
21 is that fair?
22 PROSPECTIVE JUROR NUMBER 071: Yeah, because in
23 my -- yeah, I told him, in my work, when I need something, I -- the people
24 is speaking Spanish there in the store too. I can get it.
25 MS. DIGIACOMO: Okay. So do you feel like if you were

1 selected to be on this jury, that you might have issues with some of the
2 testimony you might hear?

3 PROSPECTIVE JUROR NUMBER 071: I will like it but I -- I
4 don't understand the -- I follow the laws but I don't understand how it will
5 happen.

6 MS. DIGIACOMO: Let me ask you, do you read English?

7 PROSPECTIVE JUROR NUMBER 071: Little bit.

8 MS. DIGIACOMO: Okay. So what do you mean by a little bit?

9 PROSPECTIVE JUROR NUMBER 071: But sometimes I read
10 the books or the magazine, but I don't understand too much.

11 MS. DIGIACOMO: Okay. So you can read signs and that kind
12 of thing?

13 PROSPECTIVE JUROR NUMBER 071: Yeah, the sign, yeah,
14 the sign.

15 MS. DIGIACOMO: Okay. But you don't -- if you were going to
16 read a book, do you read it in English or Spanish?

17 PROSPECTIVE JUROR NUMBER 071: Spanish.

18 MS. DIGIACOMO: Your Honor, I'll move for cause.

19 MR. LONG: No objection.

20 THE COURT: He can stay. I'm not kicking him.

21 MS. DIGIACOMO: Okay.

22 Let me ask you, sir, what kind of shows do you watch?

23 PROSPECTIVE JUROR NUMBER 071: Huh?

24 MS. DIGIACOMO: What kind of television shows do you
25 watch?

1 PROSPECTIVE JUROR NUMBER 071: Oh, in Spanish.
2 Sometime I watch the news in English, but I see only the television not -- I
3 don't understand too much, the news. In the morning I watch because the
4 traffic or the weather something.

5 MS. DIGIACOMO: Okay. And you said that you follow the law,
6 so if you were seated on this jury, would you follow the law as the court
7 instructs you?

8 PROSPECTIVE JUROR NUMBER 071: Yes.

9 MS. DIGIACOMO: Do you have any friends that speak
10 Spanish -- or excuse me, English only?

11 PROSPECTIVE JUROR NUMBER 071: No, I have only
12 Spanish friends.

13 MS. DIGIACOMO: Do you -- have you ever been through any
14 part of the criminal justice system here before?

15 PROSPECTIVE JUROR NUMBER 071: No.

16 MS. DIGIACOMO: So has anyone close to you or friends been
17 the victim of a crime?

18 PROSPECTIVE JUROR NUMBER 071: No.

19 MS. DIGIACOMO: Has anyone been arrested for a crime?

20 PROSPECTIVE JUROR NUMBER 071: Only me.

21 MS. DIGIACOMO: You were arrested?

22 PROSPECTIVE JUROR NUMBER 071: Yes.

23 MS. DIGIACOMO: Okay. What were you arrested for?

24 PROSPECTIVE JUROR NUMBER 071: 20 years ago in Los
25 Angeles I have a DUI.

1 MS. DIGIACOMO: Okay. 20 years ago?

2 PROSPECTIVE JUROR NUMBER 071: 20 years ago.

3 MS. DIGIACOMO: How do you think you were treated by the
4 system?

5 PROSPECTIVE JUROR NUMBER 071: I believe in the
6 system.

7 MS. DIGIACOMO: But, okay, when you went through your DUI,
8 did you think you were treated fairly when you went through the system?

9 PROSPECTIVE JUROR NUMBER 071: I don't understand.
10 But I complete all the programs, they told me I complete everything with
11 the law.

12 MS. DIGIACOMO: So you -- when you got all done, you were
13 okay with how you were treated?

14 PROSPECTIVE JUROR NUMBER 071: I don't understand
15 that.

16 MS. DIGIACOMO: Do you have any, you know, bad feelings
17 about what you went through with the DUI?

18 PROSPECTIVE JUROR NUMBER 071: No, I have only the
19 DUI.

20 MS. DIGIACOMO: No, no, but I'm asking, when you went
21 through the DUI, did you not like the -- having to go to court and having to
22 do the stuff?

23 PROSPECTIVE JUROR NUMBER 071: I complete all the
24 programs, the law. I complete the law, the programs.

25 MS. DIGIACOMO: Anything about that that would affect your

1 ability to be fair and impartial here?

2 PROSPECTIVE JUROR NUMBER 071: I don't understand
3 that.

4 MS. DIGIACOMO: What don't you understand?

5 PROSPECTIVE JUROR NUMBER 071: Your question.

6 MS. DIGIACOMO: Which part of it, like a word, the whole
7 question, what don't you understand?

8 PROSPECTIVE JUROR NUMBER 071: The whole question.

9 MS. DIGIACOMO: Okay. Do you know what it means to be
10 fair?

11 PROSPECTIVE JUROR NUMBER 071: Be fair? I don't
12 understand. That's the word that fair.

13 MS. DIGIACOMO: I'm sorry?

14 PROSPECTIVE JUROR NUMBER 071: I don't understand that
15 question.

16 MS. DIGIACOMO: You don't -- I'm asking you, do you know
17 what it means to be fair, do you know what the word fair is defined as?

18 PROSPECTIVE JUROR NUMBER 071: No.

19 MS. DIGIACOMO: Okay. What about impartial?

20 PROSPECTIVE JUROR NUMBER 071: I selected?

21 MS. DIGIACOMO: I'm sorry?

22 PROSPECTIVE JUROR NUMBER 071: I selected for the jury?

23 MS. DIGIACOMO: If selected for the jury, do you know what it
24 means to be fair and impartial?

25 PROSPECTIVE JUROR NUMBER 071: Impartial?

1 MS. DIGIACOMO: Okay. What does that mean?
2 PROSPECTIVE JUROR NUMBER 071: I don't know.
3 MS. DIGIACOMO: Your Honor, I'd renew my objection -- or my
4 motion.
5 MR. LONG: No objection.
6 THE COURT: He stays. He's been here 22 years, you speak
7 just great English.
8 MR. LONG: Okay. Mr. Perez-Heredia, it says that you have a
9 master's degree?
10 PROSPECTIVE JUROR NUMBER 071: No.
11 MR. LONG: Did you go to any college?
12 PROSPECTIVE JUROR NUMBER 071: In Mexico.
13 MR. LONG: What college did you attend in Mexico?
14 PROSPECTIVE JUROR NUMBER 071: Only the Cubalinia
15 (phonetic) High School.
16 MR. LONG: Okay. No college?
17 PROSPECTIVE JUROR NUMBER 071: No, no, college. When
18 I come to the United States, I went to the school a lot of times, but I can't
19 get it -- they read English and speak English because a lot of people is
20 speaking Spanish there.
21 MR. LONG: Okay. Do you think that anyone can be justified in
22 taking the life of another person?
23 PROSPECTIVE JUROR NUMBER 071: Can you repeat the
24 question, please.
25 MR. LONG: Do you think it's ever okay to kill somebody?

1 PROSPECTIVE JUROR NUMBER 071: No.
2 MR. LONG: I renew my objection for cause, Your Honor.
3 THE COURT: Okay. Thanks. He stays.
4 Hand the mic over to the next person.
5 Tell me your name.
6 PROSPECTIVE JUROR NUMBER 029: Isabel Edelman.
7 THE COURT: Do you work?
8 PROSPECTIVE JUROR NUMBER 029: Yes, sir.
9 THE COURT: What do you do?
10 PROSPECTIVE JUROR NUMBER 029: I'm a phone
11 technician.
12 THE COURT: Are you married?
13 PROSPECTIVE JUROR NUMBER 029: Yes, sir.
14 THE COURT: Spouse work?
15 PROSPECTIVE JUROR NUMBER 029: Retired.
16 THE COURT: From what?
17 PROSPECTIVE JUROR NUMBER 029: Pest control.
18 THE COURT: Children?
19 PROSPECTIVE JUROR NUMBER 029: Stepchildren.
20 THE COURT: Ages?
21 PROSPECTIVE JUROR NUMBER 029: 27, 24, 23 something
22 like that.
23 THE COURT: Any of them in law or law enforcement?
24 PROSPECTIVE JUROR NUMBER 029: One's in the navy.
25 THE COURT: Law or law enforcement?

1 PROSPECTIVE JUROR NUMBER 029: No, no, law
2 enforcement.

3 THE COURT: Have you ever sat as a juror before?

4 PROSPECTIVE JUROR NUMBER 029: No, sir.

5 THE COURT: Can you be fair and impartial to both parties in
6 this case?

7 PROSPECTIVE JUROR NUMBER 029: I'm not sure because
8 I'm pretty opinionated about if the person's already here, there's a reason
9 for it.

10 THE COURT: We bring our commonsense in. But as he sits
11 here today, he's innocent until the contrary is proven. Do you understand
12 that?

13 PROSPECTIVE JUROR NUMBER 029: Yes, I do.

14 THE COURT: Okay. State.

15 MS. BLUTH: All right. So let's get right into that, what you just
16 talked about; okay. So I was talking to the gentleman, who was behind
17 you yesterday, kind of about this same topic in regards to this thought
18 that, you know, if it's already gotten this far, then the State must have
19 something 'right?

20 PROSPECTIVE JUROR NUMBER 029: [Nods head.]

21 MS. BLUTH: But I want you to try, if you can, to look at it from
22 the other side, as if, let's say you were charged with something and you
23 know you didn't do it, you know, and you're like, I'm taking this thing to the
24 bank, like I'm not letting -- I'm not going down for something I didn't do.

25 Can you see it from that side?

1 PROSPECTIVE JUROR NUMBER 029: I'm not really sure
2 because I've never been in that situation. I mean, I -- I don't know.

3 MS. BLUTH: I think, you know, one of the most important
4 things to our forefathers was this idea though that we are innocent until
5 we're proven guilty, because otherwise we could be getting thrown in jail
6 for this or that. So this idea of, you know, just because we work for the
7 State and we're prosecutors doesn't mean we really believe in that as
8 well, like, you should be innocent until you're proven guilty.

9 And so this idea that, well, they got this far so they must have
10 him on something, it kind of goes against the grain of what our society
11 was built on. And I'm not saying -- I don't want you to think I'm giving you
12 like a history lecture because it kind of sounds like it. But it is such an
13 important part of our system. And I understand what you're saying,
14 probably because of, you know, the things we see on TV and the things
15 we read that you've got to go through a lot to get to this stage.

16 But if you didn't do something, if you in your heart thought you
17 didn't do something, would you fight it?

18 PROSPECTIVE JUROR NUMBER 029: Yes.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NUMBER 029: But why can't it be the
21 other way around, why can't you be guilty and then proven innocent?

22 MS. BLUTH: I mean --

23 THE COURT: That's not the way our system is based.

24 PROSPECTIVE JUROR NUMBER 029: Right but.

25 THE COURT: That's communist thought.

1 PROSPECTIVE JUROR NUMBER 029: Well, I am Cuban.

2 THE COURT: You're innocent until the State proves otherwise.

3 MS. BLUTH: I mean, if someone is taking your liberty away,
4 shouldn't it be their responsibility to prove that you did something? Okay,
5 actually, I've got a good question for you.

6 PROSPECTIVE JUROR NUMBER 029: Okay.

7 MS. BLUTH: All right. So today -- let's say you got home today
8 and there was a letter in the mail from the Nevada Highway Patrol that
9 said on Monday on -- do you take the 15 or the 215 or the 95?

10 PROSPECTIVE JUROR NUMBER 029: Neither one actually.

11 MS. BLUTH: Or whatever?

12 PROSPECTIVE JUROR NUMBER 029: Neither one, but okay.

13 MS. BLUTH: Okay. Let's say the 15?

14 PROSPECTIVE JUROR NUMBER 029: Okay, Sure.

15 MS. BLUTH: All right. And it says, you have been charged with
16 reckless driving, you were going a 100 miles an hour on Monday on the
17 215. It doesn't -- how are you going to prove a negative?

18 PROSPECTIVE JUROR NUMBER 029: How can I prove that I
19 wasn't there?

20 MS. BLUTH: Yeah.

21 PROSPECTIVE JUROR NUMBER 029: That's pretty hard.

22 MS. BLUTH: Right, yeah.

23 So that's why we aren't -- that's why we're not guilty until proven
24 innocent.

25 PROSPECTIVE JUROR NUMBER 029: All right.

1 MS. BLUTH: I mean, if it's something that you so fundamentally
2 disagree with, then that is totally your right, and I don't want you to think
3 that I'm badgering you. If it's something that you so fundamentally
4 disagree with, then you shouldn't be a juror. Because as Mr. Cash sits
5 there, he is innocent until we do our job and prove him guilty.

6 And his attorney, it sounds foreign, but his attorney could be
7 over there on his cell phone, reading a newspaper, he can bring an iPad
8 and watch TV, because he literally doesn't have to do anything. I mean
9 he would yell at him but.

10 But you know what I mean?

11 PROSPECTIVE JUROR NUMBER 029: Yes.

12 MS. BLUTH: Like he's not going to do that because he's a
13 good attorney and he'll ask questions and do things like that.

14 But that's really the cornerstone of our system. And if you
15 disagree with that premise, then you probably shouldn't be a juror. Where
16 are you at?

17 PROSPECTIVE JUROR NUMBER 029: I'm not going to
18 change the way I feel, I mean, you know. But, I mean, I understand
19 where you're coming from.

20 MS. BLUTH: Yeah.

21 PROSPECTIVE JUROR NUMBER 029: But I still feel that if the
22 person is there, it's for a reason.

23 MS. BLUTH: Okay. Is there anything I could say that would
24 change your mind in regards to that?

25 PROSPECTIVE JUROR NUMBER 029: I don't know. You can

1 try.

2 MS. BLUTH: I have been. I'm not -- usually I can be quite
3 persuasive. I'm not doing a good job today.

4 No, but, if that is how you feel, if you think, well, let me put it --

5 THE COURT: A person is not guilty until the State presents
6 evidence and a jury decides, yep, there's enough evidence to hold that
7 person guilty. That is the way our system is made. This is the way we
8 are. You're not guilty until the contrary is proven.

9 PROSPECTIVE JUROR NUMBER 029: But, Your Honor,
10 excuse me, I'm sorry, I don't mean to disagree with you. But if the
11 person -- I already -- I'm going to be repeat myself. If a person is already
12 here, isn't there some evidence that might show that the person is already
13 guilty?

14 THE COURT: Have you heard any evidence?

15 PROSPECTIVE JUROR NUMBER 029: I'm sorry?

16 THE COURT: Have you heard any evidence?

17 PROSPECTIVE JUROR NUMBER 029: No, I said --

18 THE COURT: No, you haven't heard any evidence.

19 PROSPECTIVE JUROR NUMBER 029: -- there might be
20 some. I said there might be some because that's why the person is here.

21 THE COURT: There may be a reason.

22 MS. BLUTH: So -- well, that's a good point. I mean, of course
23 the State has evidence to present to you, maybe you don't agree with that
24 evidence, but that's why you're the juror; right. I mean, I -- so let's take it
25 back, for him to get here, yeah, does the State have evidence, of course

1 we do, otherwise it doesn't get here. But it doesn't mean that the
2 evidence is right or it doesn't mean the witnesses are right that's why we
3 need jurors. It's because you need to evaluate the evidence and see if
4 what we're saying is true.

5 So if you're saying -- when you word it kind of like that I see
6 where you're coming from. Yeah, of course, there's evidence. You have
7 to agree with our evidence. And not only do you have to agree with it, but
8 you have to say, okay, I see it, you've proven beyond a reasonable doubt
9 that he did those things.

10 What I want to ask you is, would -- if the State didn't do their
11 job, like, let's say, you know, we didn't prove to you, would you still be
12 looking at him to prove he was innocent? Do you expect him to prove to
13 you that he's innocent?

14 PROSPECTIVE JUROR NUMBER 029: Yes.

15 MS. BLUTH: Okay. Judge, I'm asking for cause for that.

16 THE COURT: Yeah?

17 MR. LONG: No objection.

18 THE COURT: You're released.

19 THE COURT CLERK: Number 29, Tom?

20 THE MARSHAL: Yes.

21 THE COURT CLERK: Kathy McMenamin.

22 THE COURT: Tell me your name.

23 PROSPECTIVE JUROR NUMBER 072: Kathy McMenamin.

24 THE COURT: Do you work?

25 PROSPECTIVE JUROR NUMBER 072: I do.

1 THE COURT: What do you do?
2 PROSPECTIVE JUROR NUMBER 072: I'm a loan servicing
3 representative for Western Alliance Bank.
4 THE COURT: Are you married?
5 PROSPECTIVE JUROR NUMBER 072: Yes.
6 THE COURT: Spouse work?
7 PROSPECTIVE JUROR NUMBER 072: Yes.
8 THE COURT: What does your spouse do?
9 PROSPECTIVE JUROR NUMBER 072: He's a corporate
10 trainer for Hilton.
11 THE COURT: Children?
12 PROSPECTIVE JUROR NUMBER 072: Two.
13 THE COURT: Ages?
14 PROSPECTIVE JUROR NUMBER 072: 36 and 34.
15 THE COURT: Either of them in law or law enforcement?
16 PROSPECTIVE JUROR NUMBER 072: No.
17 THE COURT: Have you ever sat as a juror before?
18 PROSPECTIVE JUROR NUMBER 072: I have.
19 THE COURT: Where?
20 PROSPECTIVE JUROR NUMBER 072: Here.
21 THE COURT: When?
22 PROSPECTIVE JUROR NUMBER 072: About two and a half
23 years ago.
24 THE COURT: What kind of case?
25 PROSPECTIVE JUROR NUMBER 072: It was a sexual assault

1 case.

2 THE COURT: Without telling us a verdict, were you able to
3 reach a verdict?

4 PROSPECTIVE JUROR NUMBER 072: There was a
5 technicality before we ever deliberated and there was a plea at the time.
6 So I --

7 THE COURT: Is there anything about that experience that
8 would prejudice you against the State or the Defendant?

9 PROSPECTIVE JUROR NUMBER 072: No.

10 THE COURT: You'll be fair and impartial?

11 PROSPECTIVE JUROR NUMBER 072: Yes.

12 THE COURT: State.

13 MS. DIGIACOMO: Thank you.

14 And I apologize, I missed, what is it that you do for a living?

15 PROSPECTIVE JUROR NUMBER 072: I'm a loan servicing
16 specialist for a bank.

17 MS. DIGIACOMO: Okay. And so your husband's a corporate
18 trainer.

19 How long have you guys been in Las Vegas?

20 PROSPECTIVE JUROR NUMBER 072: 11 years.

21 MS. DIGIACOMO: 11 years here.

22 And did you come for work?

23 PROSPECTIVE JUROR NUMBER 072: Yes, he was
24 transferred here.

25 MS. DIGIACOMO: He was transferred?

1 PROSPECTIVE JUROR NUMBER 072: U'm-h'm.

2 MS. DIGIACOMO: And do your kids live elsewhere?

3 PROSPECTIVE JUROR NUMBER 072: They do. One's in
4 California and one's in Colorado.

5 MS. DIGIACOMO: What do they do?

6 PROSPECTIVE JUROR NUMBER 072: The one in California
7 is a visual affects artist and the one in Colorado is a financial planner.

8 MS. DIGIACOMO: Okay. You said you've never been the
9 victim of a crime?

10 PROSPECTIVE JUROR NUMBER 072: I have not. My
11 neighbor has. He was shot and killed two years ago in front of our home.

12 MS. DIGIACOMO: In front of your home?

13 PROSPECTIVE JUROR NUMBER 072: Yes, between our two
14 homes.

15 MS. DIGIACOMO: And, I guess, was anyone caught?

16 PROSPECTIVE JUROR NUMBER 072: Yes, he was caught a
17 few days later. He was a disgruntled employee. The case still has not
18 come to trial yet.

19 MS. DIGIACOMO: Are you a witness?

20 PROSPECTIVE JUROR NUMBER 072: I am.

21 MS. DIGIACOMO: Did you have to testify once already or are
22 you just waiting for trial?

23 PROSPECTIVE JUROR NUMBER 072: No, we filled out the
24 paperwork, we were subpoenaed, my husband and I, and then the case
25 has been postponed.

1 MS. DIGIACOMO: Okay. So you'll eventually get there?

2 PROSPECTIVE JUROR NUMBER 072: I believe so.

3 MS. DIGIACOMO: And you said it was two years ago?

4 PROSPECTIVE JUROR NUMBER 072: U'm-h'm.

5 MS. DIGIACOMO: So the case has been going on that long?

6 PROSPECTIVE JUROR NUMBER 072: U'm-h'm.

7 MS. DIGIACOMO: Is that a yes? I'm sorry, you have to --

8 PROSPECTIVE JUROR NUMBER 072: Yes, two years ago.

9 MS. DIGIACOMO: Okay. Anyone else that you know that's
10 been the victim of a crime?

11 PROSPECTIVE JUROR NUMBER 072: No.

12 MS. DIGIACOMO: Okay. And so, I guess, with being a part of
13 that case, did you actually see what happened?

14 PROSPECTIVE JUROR NUMBER 072: We heard it, we were
15 in our backyard, and we heard the gunshots. And when we out front, we
16 found him in the street.

17 MS. DIGIACOMO: So you're the ones that found him?

18 PROSPECTIVE JUROR NUMBER 072: No, someone else had
19 prior to us.

20 MS. DIGIACOMO: Okay. Did you call 9-1-1?

21 PROSPECTIVE JUROR NUMBER 072: They were already
22 there. We heard shots, sounded like fireworks, we didn't go around
23 immediately, and then the helicopters were out, and then I ran out in the
24 front yard and the police were there and paramedics.

25 MS. DIGIACOMO: Okay. Did it happen at night then?

1 PROSPECTIVE JUROR NUMBER 072: Seven o'clock.

2 MS. DIGIACOMO: Okay. Anything about that that would affect

3 your ability to be fair and impartial here?

4 PROSPECTIVE JUROR NUMBER 072: I don't think so.

5 MS. DIGIACOMO: Okay. You separate that out from the facts

6 here?

7 PROSPECTIVE JUROR NUMBER 072: Yes, yes.

8 MS. DIGIACOMO: Anyone else that you know, close to you or

9 family, that's been arrested or accused of a crime?

10 PROSPECTIVE JUROR NUMBER 072: No.

11 MS. DIGIACOMO: And I'm afraid to ask this, so how do you

12 feel about our criminal justice system?

13 PROSPECTIVE JUROR NUMBER 072: I feel it's fine. I'm sure

14 there's room for improvement.

15 MS. DIGIACOMO: What about, you know, if you sat as a juror

16 in this case, the judge would instruct you on the law at the end and you

17 would have to follow the law, even if you disagree with it. Are you okay

18 with that?

19 PROSPECTIVE JUROR NUMBER 072: Yes.

20 MS. DIGIACOMO: Do you watch any of the law shows?

21 PROSPECTIVE JUROR NUMBER 072: No, I watch HGTV.

22 MS. DIGIACOMO: All right, HGTV.

23 So you don't -- as you sit here right now, you don't have any

24 expectations or things that you think need to be brought into court before

25 you'd even consider?

1 PROSPECTIVE JUROR NUMBER 072: No, I do not.

2 MS. DIGIACOMO: Okay. So do you, other than, you know,
3 you're going to be a witness in this case, do you have anyone else that's
4 part of the criminal justice system, friends, family, ever been a witness
5 before?

6 PROSPECTIVE JUROR NUMBER 072: No, no.

7 MS. DIGIACOMO: And then how do you feel about what we've
8 been talking about bringing a gun to a fist fight?

9 PROSPECTIVE JUROR NUMBER 072: I think if someone's
10 angry and they have a weapon, they will use it. That's what happened to
11 my neighbor.

12 MS. DIGIACOMO: Okay. Did your neighbor know the person
13 that shot him?

14 PROSPECTIVE JUROR NUMBER 072: It was an
15 ex-employee.

16 MS. DIGIACOMO: Oh, that's right, you said that, I apologize.

17 But are there times though then that somebody could take
18 another life and be justified?

19 PROSPECTIVE JUROR NUMBER 072: Yes, I believe so.

20 MS. DIGIACOMO: Okay. And when would those be?

21 PROSPECTIVE JUROR NUMBER 072: If your life is in danger
22 or if my family's was, yes.

23 MS. DIGIACOMO: And you say, in danger, you mean?

24 PROSPECTIVE JUROR NUMBER 072: Threatened, their life
25 threatened.

1 MS. DIGIACOMO: Okay. Like immediate danger?

2 PROSPECTIVE JUROR NUMBER 072: Yes, yes.

3 MS. DIGIACOMO: Okay. If you sat on this jury, and there's the
4 two phases we've been talking about, can you just do the first trial phase,
5 look at the evidence, make a decision without thinking about their could
6 be possible penalty?

7 PROSPECTIVE JUROR NUMBER 072: Yes.

8 MS. DIGIACOMO: And if this got to a penalty phase, would you
9 be able to consider all three?

10 PROSPECTIVE JUROR NUMBER 072: Yes.

11 MS. DIGIACOMO: Anything else you want to tell us or that I
12 should have asked you?

13 PROSPECTIVE JUROR NUMBER 072: No.

14 MS. DIGIACOMO: Okay. I'll pass for cause.

15 MR. LONG: Ms. McMenamin, I hope I'm saying that right.

16 PROSPECTIVE JUROR NUMBER 072: Yes.

17 MR. LONG: Your neighbor that was shot and killed, is this a
18 capital case, do you know?

19 PROSPECTIVE JUROR NUMBER 072: I don't know.

20 MR. LONG: Okay. Have you read about it in the newspaper,
21 anything?

22 PROSPECTIVE JUROR NUMBER 072: Just when it
23 happened.

24 MR. LONG: Okay.

25 PROSPECTIVE JUROR NUMBER 072: We're friends, of

1 course, with his wife and son, they still live there.

2 MR. LONG: Do you know what the defense is going to be?

3 PROSPECTIVE JUROR NUMBER 072: The suspect's mental
4 capacity.

5 MR. LONG: Okay. So it's an insanity defense?

6 PROSPECTIVE JUROR NUMBER 072: I believe so.

7 MR. LONG: Okay. And have you been in touch with victim
8 advocates or police officers or anyone --

9 PROSPECTIVE JUROR NUMBER: Not since --

10 MR. LONG: -- talking about this case?

11 PROSPECTIVE JUROR NUMBER 072: No, no, not since it
12 happened.

13 MR. LONG: If you ran out there, after the cops already got
14 there, why do they need you as a witness?

15 PROSPECTIVE JUROR NUMBER 072: They asked -- well,
16 because we heard him and we had to see my neighbor an hour prior to
17 that.

18 MR. LONG: Okay.

19 PROSPECTIVE JUROR NUMBER 072: They went up and
20 down the block and asked everyone if they heard anything or saw
21 anything.

22 MR. LONG: Okay. And you heard the shots --

23 PROSPECTIVE JUROR NUMBER 072: Correct.

24 MR. LONG: -- and you thought they were fireworks?

25 PROSPECTIVE JUROR NUMBER 072: Yes.

1 MR. LONG: Okay. You said that our criminal justice system is
2 okay but needs some improvements, what specific improvements would
3 you make?

4 PROSPECTIVE JUROR NUMBER 072: I just think there's
5 always some room for improvement. Maybe the type of sentencing or the
6 amount could be different.

7 MR. LONG: And on your prior jury experience, were you upset
8 that you didn't get to deliberate?

9 PROSPECTIVE JUROR NUMBER 072: I did kind of want to
10 see how it ended up. We all had our opinions. The judge did sit with us
11 afterwards and explained what truly happened and so it made sense to us
12 at that time then.

13 MR. LONG: Okay. And the State asked if you thought there
14 were limited circumstances in which it was okay to take the life of another
15 person, you said self-defense, defense of family?

16 PROSPECTIVE JUROR NUMBER 072: Yes.

17 MR. LONG: Those types of things?

18 PROSPECTIVE JUROR NUMBER 072: Yes.

19 MR. LONG: Okay. Anyone you know affected by domestic
20 battery --

21 PROSPECTIVE JUROR NUMBER 072: No.

22 MR. LONG: -- friends, family? Okay.

23 That's all that I have.

24 I'll pass for cause.

25 THE COURT: Thanks.

1 Tell me your name.

2 PROSPECTIVE JUROR NUMBER 030: Christopher Brody.

3 THE COURT: Do you work?

4 PROSPECTIVE JUROR NUMBER 030: Yes, sir.

5 THE COURT: What do you do?

6 PROSPECTIVE JUROR NUMBER 030: Teacher and a coach

7 and a student.

8 THE COURT: Where do you teach?

9 PROSPECTIVE JUROR NUMBER 030: Here in Clark County

10 School District.

11 THE COURT: What grade?

12 PROSPECTIVE JUROR NUMBER 030: Chaparral High

13 School.

14 THE COURT: What are you studying?

15 PROSPECTIVE JUROR NUMBER 030: I get my masters in

16 curriculum this summer and my subject area is social studies.

17 THE COURT: Married?

18 PROSPECTIVE JUROR NUMBER 030: No, sir.

19 THE COURT: Children?

20 PROSPECTIVE JUROR NUMBER 030: Yes, sir.

21 THE COURT: Ages?

22 PROSPECTIVE JUROR NUMBER 030: 20, 15, 10.

23 THE COURT: 20 year old, in law or law enforcement?

24 PROSPECTIVE JUROR NUMBER 030: No.

25 THE COURT: Have you ever sat as a juror before?

1 PROSPECTIVE JUROR NUMBER 030: No, sir.

2 THE COURT: Can you be fair and impartial to both parties in
3 this case?

4 PROSPECTIVE JUROR NUMBER 030: Yes, sir.

5 THE COURT: State.

6 MS. BLUTH: All right. Are you divorced?

7 PROSPECTIVE JUROR NUMBER 030: Yes.

8 MS. BLUTH: Okay. And what did your spouse do while you
9 were married?

10 PROSPECTIVE JUROR NUMBER 030: She's an office
11 manager at an elementary school.

12 MS. BLUTH: Okay. Did you say what sport you coach?

13 PROSPECTIVE JUROR NUMBER 030: Golf.

14 MS. BLUTH: And I heard you say that you're a teacher, but I
15 didn't know if you said what subject?

16 PROSPECTIVE JUROR NUMBER 030: U.S. History.

17 MS. BLUTH: Why didn't you help me out with that last -- like
18 you could have done it a lot -- I was struggling.

19 Okay. All right. So you've been here, talk to me about things
20 you have answers to?

21 PROSPECTIVE JUROR NUMBER 030: I don't know. I think
22 I've got a lot of different answers to a lot of different questions.

23 MS. BLUTH: Right.

24 PROSPECTIVE JUROR NUMBER 030: I think I'd probably
25 have to be asked the questions to be more specific.

1 MS. BLUTH: Sure.

2 Okay. So just the easy ones, have you ever been the victim,
3 anybody who is a close friend or relative been the victim of a crime?

4 PROSPECTIVE JUROR NUMBER 030: Yes.

5 MS. BLUTH: Okay. Could you tell me about that, please.

6 PROSPECTIVE JUROR NUMBER 030: Brandon was a
7 student, a former student, graduated, he was shot and killed on October
8 1st. Richard Nelson was shot in front of his home two years ago by a
9 mother and a son combination. Paul Smith was shot two and a half years
10 ago, he survived, over a cell phone dispute right outside of Chaparral
11 campus. Marcos Arenas was one of my former students, he was the kid
12 that was run over by a car protecting his iPad.

13 I could keep going.

14 MS. BLUTH: Yeah.

15 Did you watch any of the news coverage on Marcos's case?

16 PROSPECTIVE JUROR NUMBER 030: Yes.

17 MS. BLUTH: Okay.

18 PROSPECTIVE JUROR NUMBER 030: Coincidentally, he -- I
19 was with him in eighth grade, he went to Bonanza High School, he came
20 back and worked for us. The individuals that -- there was a co-worker of
21 mine that was working, he actually moved from Garside to Sierra Vista, he
22 had the student in his class that was actually driving the car.

23 MS. BLUTH: So the reason why I was asking if you watched
24 the news coverage is, the -- Marcos's case is my case and so I've been
25 the prosecutor on that. And so I just wanted to -- sometimes when, you

1 know, we as prosecutors or even as defense attorneys have worked
2 closely with families or friends that people know then they tend to be more
3 biased towards us.

4 And so I just want -- I didn't know if you had make that
5 connection, if you had watched the news coverage.

6 PROSPECTIVE JUROR NUMBER 030: I do remember
7 watching the coverage, but I don't remember seeing you as part of it at all.

8 MS. BLUTH: That's okay. I change my hair a lot.

9 But do you -- knowing that, do you feel any more of a, like,
10 prejudice or bias towards a side having worked on Marcos's case?

11 PROSPECTIVE JUROR NUMBER 030: I don't know if it's a
12 bias, but I'm definitely -- I went to school in this community, elementary,
13 sixth grade center back when they thought was a good idea, high school,
14 I've got two degrees from UNLV so.

15 MS. BLUTH: The community's --

16 PROSPECTIVE JUROR NUMBER 030: I'm a veteran. So I
17 just -- yeah, I feel very tied to the community.

18 MS. BLUTH: Yeah.

19 PROSPECTIVE JUROR NUMBER 030: I've been here since I
20 think 1981 so.

21 MS. BLUTH: The -- each of the cases that you spoke about,
22 most of them are really young lives taken far too soon, does the age of a
23 victim affect you in anyway?

24 PROSPECTIVE JUROR NUMBER 030: I think I might be more
25 touched if it was a younger victim, but, you know, being in the district

1 20-plus years, it's just kind of --

2 MS. BLUTH: Yeah.

3 PROSPECTIVE JUROR NUMBER 030: -- something we just
4 kind of grow with, you kind of get used to it. Teachers have so many jobs,
5 you're counselors, you're parents. It's just something you got to, you
6 know, hunker down and you move on.

7 MS. BLUTH: Any -- what about the same question but accused
8 of a crime, any relatives or close family friends?

9 PROSPECTIVE JUROR NUMBER 030: Fortunately, I haven't
10 had any family friends, or anybody that has ever been accused. I do
11 know a lot of people in the legal system. I went to school with a lot of
12 people that are police officers, family friends that are judges and lawyers.

13 MS. BLUTH: Okay. Do you know any prosecutors or criminal
14 defense attorneys?

15 PROSPECTIVE JUROR NUMBER 030: Mr. William Terry is a
16 very good friend of mine. I've known since 1981.

17 MS. BLUTH: Okay. Do you follow any of the cases that Bill
18 does?

19 PROSPECTIVE JUROR NUMBER 030: No, the last one was
20 the, I think, the Binion trial.

21 MS. BLUTH: Yeah.

22 PROSPECTIVE JUROR NUMBER 030: Only because I knew
23 Sandra Murphy kind of offhand. But it was just --

24 MS. BLUTH: Okay.

25 PROSPECTIVE JUROR NUMBER 030: -- more entertainment

1 than, I think, anything.

2 MS. BLUTH: What do you think about our criminal justice
3 system?

4 PROSPECTIVE JUROR NUMBER 030: Historically, I mean,
5 there are flaws, there's always room for improvement. Being a history
6 teacher, I have a little different perspective on some things. Like maybe
7 through civil rights and different eras that we've gone through where
8 there's definitely been some bias or unfairness. But I think we're getting
9 to the point where we're starting to maybe see those things and hopefully
10 we can move to fix them.

11 MS. BLUTH: If you had to name like the number one flaw, what
12 would you say that it is?

13 PROSPECTIVE JUROR NUMBER 030: I think that there is
14 some type of -- I don't really want to say racial bias. But I do believe that
15 lower income people would have move of a difficult and more of an uphill
16 stride then somebody that is not of color and has money.

17 MS. BLUTH: Okay. And then how do we fix that?

18 PROSPECTIVE JUROR NUMBER 030: Awareness, education.
19 I mean, I just saw a video with a guy that got beat up right outside of an
20 elevator and it was black person that was hitting him. So it's not per se
21 racial. I think it's just education and training. As a teacher, I want to say, I
22 think we can kind of think our way out of anything --

23 MS. BLUTH: Yeah.

24 PROSPECTIVE JUROR NUMBER 030: -- and hopefully just
25 teach our way out of some things.

1 MS. BLUTH: Okay. What do you think about, you know, I
2 mean, imagine as, as being a teacher and a coach, that there are some
3 fights that are occurring between young men and young women. So what
4 do you think about this idea of, you know, bringing weapons into fist
5 fights?

6 PROSPECTIVE JUROR NUMBER 030: As a veteran and a
7 weapon owner, I used to actually have a concealed weapon permit also. I
8 have weapons at home.

9 I kind of think if you're going into a situation and you have to
10 take your weapon, there's some type of unconscious bias that you need to
11 use it.

12 I mean, I stopped carrying mine. I go to the grocery store, I
13 don't think about bringing it. I go to the movies, I don't think about
14 bringing it.

15 MS. BLUTH: Yeah.

16 PROSPECTIVE JUROR NUMBER 030: So I think if you're
17 consciously thinking that you need to take a weapon, then, I think, you
18 know, unconscious you're kind of already thinking something. And if
19 you're going to a situation where you feel that you're in danger, I would
20 question even going to that situation.

21 MS. BLUTH: Sure.

22 PROSPECTIVE JUROR NUMBER 030: I mean to me there's
23 already a mental block there, if you feel that you still need to go
24 regardless of the danger.

25 MS. BLUTH: What about though, you know, we had some

1 people talking about yesterday, the weapons already on you, you know,
2 some people do carry weapons, whether it be, I don't know, there's so
3 many different types of weapons.

4 PROSPECTIVE JUROR NUMBER 030: I think that's a little bit
5 different. If I'm in the situation, I have the weapon on me, and the
6 situation is brought to me, that's completely different than me
7 understanding a situation and grabbing a weapon to go to it.

8 MS. BLUTH: Yes, okay.

9 But let's -- so let's talk about the weapon is already on the
10 person and you're in a fist fight, are there situations when people should
11 be able to use their weapon?

12 PROSPECTIVE JUROR NUMBER 030: Absolutely.

13 MS. BLUTH: And --

14 PROSPECTIVE JUROR NUMBER 030: I think as a veteran
15 and a citizen I would have to agree with that.

16 MS. BLUTH: Okay. And explain to me like situations or
17 circumstances where those types of decisions are appropriate?

18 PROSPECTIVE JUROR NUMBER 030: If I'm at a streetlight
19 and I have a weapon on me and somebody attacks my car with a weapon
20 and my life is in jeopardy, I think that I would have the ability to use that.

21 Now, if my first option is to drive away, then I think fleeing at
22 that point would probably be a better result than just coming out and
23 branding a weapon and shooting somebody.

24 MS. BLUTH: So it's circumstantial?

25 PROSPECTIVE JUROR NUMBER 030: Absolutely.

1 MS. BLUTH: Grave circumstances call for grave reactions?

2 PROSPECTIVE JUROR NUMBER 030: Absolutely. And I also
3 think that a cognitive thinker should have that weapon. If you're not a
4 forward thinker, then you probably shouldn't worry about being armed.

5 MS. BLUTH: Okay. What are your thoughts on following the
6 law sometimes you don't agree with it?

7 PROSPECTIVE JUROR NUMBER 030: I thought about this a
8 lot when you guys talked about it yesterday. I had a situation with a
9 former best friend of mine was actually growing marijuana for his sister
10 who couldn't get it legally through medical. And I also thought that if either
11 one of them were ever caught, I don't think I would prosecute because I
12 don't believe that they were doing -- breaking the law to get ahead. I think
13 they were breaking the law for self-defense. And I think we all kind of
14 agree that self-defense is the only reason that we might be able to kind of
15 step out of the -- out of line.

16 MS. BLUTH: Okay. So you're saying if they were charged with
17 possession of marijuana or --

18 PROSPECTIVE JUROR NUMBER 030: That's kind of why I
19 thought marijuana was just a hard subject to use.

20 MS. BLUTH: Yeah. And it is but it's also kind of a good subject
21 because people do have like a feeling towards it and then the law is the
22 law, even though the law has changed. Do you know what I mean?

23 PROSPECTIVE JUROR NUMBER 030: But it's still federal, so,
24 I mean.

25 MS. BLUTH: Yeah, yeah.

1 PROSPECTIVE JUROR NUMBER 030: But even -- and they
2 were going across lines, state lines, so I think it would get to a federal
3 point. But even then, I'm not prosecuting you for trying to save your sister,
4 and I'm not prosecuting the sister for trying to save her own life either so.

5 MS. BLUTH: Because there was a medicinal need for it, is
6 what you're saying?

7 PROSPECTIVE JUROR NUMBER 030: Yeah. So I think that's
8 what the -- I kind of think that's what you guys are, you know, getting us
9 there for. The law isn't -- is crystal clear but there are things before and
10 after those gray areas that I think that we're supposed to discuss and kind
11 of debate.

12 MS. BLUTH: Now, what about, you know, judging, being a
13 judge of another person's actions, where were you on that?

14 PROSPECTIVE JUROR NUMBER 030: I've learned through
15 education and teaching that never, ever judge a book by its cover,
16 because you have no idea what kind of gem or what kind of experiences
17 somebody has had that will open your eyes to something you never saw.

18 MS. BLUTH: Can you sit though in judgment of someone
19 criminally, like whether or not that person was acting in conformance with
20 the law or breaking it?

21 PROSPECTIVE JUROR NUMBER 030: Absolutely, until I see
22 all the evidence.

23 MS. BLUTH: Okay. And you have said a couple of times that
24 you are a veteran, so could you -- what military background?

25 PROSPECTIVE JUROR NUMBER 030: United States Army

1 infantry.

2 MS. BLUTH: Thank you. Thank you for your service.

3 And how long were you there?

4 PROSPECTIVE JUROR NUMBER 030: '91 to '95.

5 MS. BLUTH: And give me an idea, like in infantry, like what
6 were you doing?

7 PROSPECTIVE JUROR NUMBER 030: We're frontline. So we
8 were pretty much the guys that they called to jump out of airplanes and
9 helicopters to go to -- or do whatever we need to do. So I was at
10 Readiness Deployment Unit. So within 24 to 48 hours we should have
11 boots on the ground.

12 MS. BLUTH: Did you deploy several times, one time?

13 PROSPECTIVE JUROR NUMBER 030: I was at the tail end of
14 Desert Storm but there were a lot of white flags at that point so we really
15 didn't have to do much.

16 MS. BLUTH: Okay. When you have two students that are
17 telling you what, like an event has occurred, and their stories are so
18 different. What tools do you use to figure out what really went on?

19 PROSPECTIVE JUROR NUMBER 030: I know the students.

20 MS. BLUTH: Yeah, but I mean, not, no. No, you don't.

21 PROSPECTIVE JUROR NUMBER 030: If I know the students,
22 I could be a better judge of character. But if I don't know the students,
23 then usually we're going to get -- you've got to get more. I mean, in
24 education if something happens with a student, we typically get a
25 statement from the entire class. At some point when you've got 40

1 students in there, some stories start to lineup.

2 MS. BLUTH: Okay. So looking at consistency with others, is
3 that kind of what you're saying?

4 PROSPECTIVE JUROR NUMBER 030: [No audible response.]

5 MS. BLUTH: Then tell me how you judge someone's character
6 that you don't know? So like you meet them.

7 PROSPECTIVE JUROR NUMBER 030: I just try to listen to
8 what they say and try to put things together to make sure they're being
9 factual. Otherwise, I really don't have any special -- I don't have any
10 magic formula for it.

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NUMBER 030: I mean, we had a
13 stabbing last year at Chaparral and just -- it is what it is. And I didn't know
14 either student so it was just kind of easy.

15 MS. BLUTH: You've heard us talk about the two different
16 phases to a murder trial, do you feel comfortable with the questions that
17 we've been asking about, you know, when you're in the trial phase, when
18 you're just deciding guilt or innocence?

19 PROSPECTIVE JUROR NUMBER 030: Yes.

20 MS. BLUTH: Your mind needs to stay focused on that, it can't
21 be going into, gosh, if I find him guilty of this, then sentence this, et
22 cetera? Is that --

23 PROSPECTIVE JUROR NUMBER 030: That's not -- yeah, I'm
24 not a Criminal Mind show watcher at all so.

25 MS. BLUTH: Okay. And then you've heard us discuss the

1 three possible sentences, do you know what those are?

2 PROSPECTIVE JUROR NUMBER 030: Yes.

3 MS. BLUTH: Okay. And do you feel comfortable being able to
4 assess all three of those?

5 PROSPECTIVE JUROR NUMBER 030: Yes.

6 MS. BLUTH: Is there anything that we haven't or I haven't
7 asked you that, you know, someone else was asked that you have an
8 opinion about?

9 PROSPECTIVE JUROR NUMBER 030: I don't think so.

10 MS. BLUTH: Or is there anything that you think we should
11 know about you when assessing whether or not you're the appropriate
12 juror for this jury?

13 PROSPECTIVE JUROR NUMBER 030: Not that I can think of.

14 MS. BLUTH: Okay. Thank you so much for your answers.

15 I'll pass for cause, Your Honor.

16 MR. LONG: Mr. Brody, what year did you start at Chaparral?

17 PROSPECTIVE JUROR NUMBER 030: Four years ago, so
18 2014.

19 MR. LONG: All right. And you listed off the names of a lot of
20 students, and I agree I remembered some of them, I've heard of some of
21 them, especially the iPad one that happened up by Bonanza.

22 Do you think, not counting the iPad one, did any of those
23 students contribute to their own demise, whether it being involved in
24 gangs, breaking the law somehow?

25 PROSPECTIVE JUROR NUMBER 030: Not that I can really

1 think of. Each one -- I mean, Brandon was at a concert. Rich he just
2 walked out to protect his sister. Marcos was just protecting his iPad.

3 MR. LONG: Yeah.

4 PROSPECTIVE JUROR NUMBER 030: And Paul was just
5 protecting his cell phone. I mean, I can't really think of any of those
6 situations where they.

7 MR. LONG: Do you know anybody from your years of teaching
8 that was involved in a gang and they passed --

9 PROSPECTIVE JUROR NUMBER 030: Absolutely.

10 MR. LONG: -- and you said, h'm, not surprised, I'm sad, but I'm
11 not surprised?

12 PROSPECTIVE JUROR NUMBER 030: Absolutely.

13 MR. LONG: Okay. Now, you're a golf coach, that's what you
14 coach, do you coach any other sports?

15 PROSPECTIVE JUROR NUMBER 030: I coached basketball
16 for 18 years.

17 MR. LONG: Oh, okay.

18 Okay, you talked about where you were a veteran.

19 Do you know whether, in your role as a teacher or just as a
20 member of the community, do you know anybody who has been affected
21 by domestic battery?

22 PROSPECTIVE JUROR NUMBER 030: There's been a couple
23 of times where I've had to call Child Protective Services to report some
24 different things that I've seen.

25 MR. LONG: Now, is that usually parent on child?

1 PROSPECTIVE JUROR NUMBER 030: Yes. Or the child
2 saying that they're going to do something to themselves.

3 MR. LONG: Okay. How about relationships going sour, how
4 about young men being abusive towards women, have you ever seen
5 that?

6 PROSPECTIVE JUROR NUMBER 030: Unfortunately, the
7 school district is at the point where a boyfriend and girlfriend are fighting
8 now pretty much all of them are considered domestic violence cases. So
9 we actually do see that quite a bit.

10 MR. LONG: And what's your feeling about it, do you feel like
11 the school districts blowing it out of proportion or do you feel like you or
12 the justice system or the school system or the parents need to jump in
13 there before it gets any worse?

14 PROSPECTIVE JUROR NUMBER 030: You know, parents
15 and education can help but it's, I think, this is one of those intrinsic things
16 that we just have to fix. They've seen that somewhere and it worked
17 somewhere before. So I think education, therapy, those are the things
18 that's going to stop it, awareness.

19 MR. LONG: Last question, where did you go to high school?

20 PROSPECTIVE JUROR NUMBER 030: Rancho High School.

21 MR. LONG: Okay. What year did you graduate?

22 PROSPECTIVE JUROR NUMBER 030: I graduated in '92, the
23 old Rancho.

24 MR. LONG: Before they made a great, big new one.

25 PROSPECTIVE JUROR NUMBER 030: Exactly.

1 MR. LONG: I don't have any other questions.
2 I'll pass for cause.
3 THE COURT: Tell me your name.
4 PROSPECTIVE JUROR NUMBER 031: Jasmine Dixon.
5 THE COURT: Do you work?
6 PROSPECTIVE JUROR NUMBER 031: Yes.
7 THE COURT: What do you do?
8 PROSPECTIVE JUROR NUMBER 031: Retail.
9 THE COURT: Married?
10 PROSPECTIVE JUROR NUMBER 031: No.
11 THE COURT: Children?
12 PROSPECTIVE JUROR NUMBER 031: No.
13 THE COURT: Ever sat as a juror before?
14 PROSPECTIVE JUROR NUMBER 031: No.
15 THE COURT: Can you be fair to both parties in this case?
16 PROSPECTIVE JUROR NUMBER 031: Yes.
17 THE COURT: State.
18 MS. DIGIACOMO: Thank you.
19 Now, did you say you've been the victim of a crime before?
20 PROSPECTIVE JUROR NUMBER 031: Yes.
21 MS. DIGIACOMO: Okay. I can't read my own handwriting. It
22 was so yesterday.
23 So was it extortion?
24 PROSPECTIVE JUROR NUMBER 031: Yes.
25 MS. DIGIACOMO: Okay. And you thought the police didn't

1 handle in appropriately?

2 PROSPECTIVE JUROR NUMBER 031: Correct.

3 MS. DIGIACOMO: Okay. Why not?

4 PROSPECTIVE JUROR NUMBER 031: They told me because
5 it was through text messages there was nothing they could do, so they
6 never moved forward. And I was still harassed for a year.

7 MS. DIGIACOMO: Okay. When was that?

8 PROSPECTIVE JUROR NUMBER 031: That was in 2016.

9 MS. DIGIACOMO: So you were getting harassed by somebody
10 you knew over texts?

11 PROSPECTIVE JUROR NUMBER 031: Yes.

12 MS. DIGIACOMO: And they -- so the police did nothing?

13 PROSPECTIVE JUROR NUMBER 031: No.

14 MS. DIGIACOMO: Okay. So that's frustrating?

15 PROSPECTIVE JUROR NUMBER 031: Very.

16 MS. DIGIACOMO: And you still kept getting harassed, did you
17 ever try and get, like, a protective orders?

18 PROSPECTIVE JUROR NUMBER 031: I tried to get a
19 restraining order and -- because I didn't know exactly his last name they
20 wouldn't make me go through it.

21 MS. DIGIACOMO: So you just knew him by face and his first
22 name?

23 PROSPECTIVE JUROR NUMBER 031: I knew him personally.
24 We were in a situation-ship.

25 MS. DIGIACOMO: Okay. But you didn't know his last name?

1 PROSPECTIVE JUROR NUMBER 031: No.

2 MS. DIGIACOMO: Okay. Well, the fact that that case was not
3 handled the way you wanted it to be handled and it caused you more grief
4 to say it lightly, is there anything about that that you would hold against
5 either the State or the defense in trying to be fair and impartial in this
6 case?

7 PROSPECTIVE JUROR NUMBER 031: Well, any situation I've
8 had with the police has been not pleasant at all.

9 MS. DIGIACOMO: Okay. Like what's another example?

10 PROSPECTIVE JUROR NUMBER 031: When I was younger,
11 there was a fight that broke out, and trying to explain the situation they
12 just looked at all us of like because we were minorities and it was bound
13 to happen police sometimes don't show or they just look over us and
14 glaze at us. And it's just -- it's really disheartening for us.

15 I've been in situations where I've seen gunshots straight in my
16 face, someone getting hurt. And instead of, you know, asking us the
17 proper questions, they just frisk us and threw us in -- at attention, man,
18 whoever seemed fit, I would say.

19 MS. DIGIACOMO: So even though you were a victim, they
20 treated you like you were a suspect?

21 PROSPECTIVE JUROR NUMBER 031: Yes.

22 MS. DIGIACOMO: So if officers come in and testify, are you
23 already going to be, like, they got three strikes against them just because
24 they're officers and I've had such bad experience?

25 PROSPECTIVE JUROR NUMBER 031: Yes. And I'm part of

1 the Black Lives Matter Movement where I've protested against officers.

2 MS. DIGIACOMO: Okay. Well, and --

3 PROSPECTIVE JUROR NUMBER 031: Police brutality.

4 MS. DIGIACOMO: Right.

5 Would you -- do you think though it's all officers are like that or
6 it's just a handful of bad ones?

7 PROSPECTIVE JUROR NUMBER 031: I think it's a really good
8 majority.

9 MS. DIGIACOMO: The majority?

10 PROSPECTIVE JUROR NUMBER 031: I just don't feel -- I
11 don't feel safe or protected by them.

12 MS. DIGIACOMO: Okay. So if they came in and testified, it's
13 fair to say you would kind of tune them out and be, like, whatever,
14 because they already have strikes against them, being the fact they are
15 officers, and you don't think that officers treat everyone fairly?

16 PROSPECTIVE JUROR NUMBER 031: I would listen to them,
17 but I would probably feel a little biased just because I know they lie, I
18 know they do, they just do certain things against the minority community
19 that just is disheartening. So I --

20 MS. DIGIACOMO: Well, and I'm not saying you wouldn't listen
21 to what they say, but it's kind of -- but they're already coming with strikes
22 against them that they'd have to overcome for you to believe them?

23 PROSPECTIVE JUROR NUMBER 031: Yes.

24 MS. DIGIACOMO: Okay. So, I guess, is it also fair that maybe
25 you'd feel more comfortable being a juror on a civil case versus a criminal

1 case where there would be officer involvement?

2 PROSPECTIVE JUROR NUMBER 031: I wasn't a juror but I
3 was -- my father's been part of a civil case and I didn't feel comfortable
4 during that either.

5 MS. DIGIACOMO: Okay.

6 PROSPECTIVE JUROR NUMBER 031: Because they called
7 me to be a witness and I said no.

8 MS. DIGIACOMO: Okay. No, but I meant if you sat as a juror
9 on a civil case versus a criminal case, would you feel more comfortable
10 with that?

11 PROSPECTIVE JUROR NUMBER 031: Yes.

12 MS. DIGIACOMO: Okay. And let me ask you, just if you were
13 in my position and seated at that table, would you want a juror with your
14 same mindset on your jury?

15 PROSPECTIVE JUROR NUMBER 031: No.

16 MS. DIGIACOMO: Your Honor, I would move for cause.

17 MR. LONG: May I?

18 THE COURT: Yes.

19 MR. LONG: Ms. Dixon, following up what the State said, if you
20 were seated where Mr. Cash is seated, would you want someone with
21 your mindset on the jury?

22 PROSPECTIVE JUROR NUMBER 031: Yes.

23 MR. LONG: Okay. Now, you say that police lie, in your
24 opinion, that they sometimes pick on people of color, perhaps embellish
25 charges. If there's no allegation of police brutality, do you believe what

1 they have to say, do you believe they do decent investigations?

2 PROSPECTIVE JUROR NUMBER 031: No.

3 MR. LONG: Okay. And what do you think the cops failed to
4 do?

5 PROSPECTIVE JUROR NUMBER 031: I think they fail to go
6 through all of the steps, they just, you know, sometimes body cameras are
7 suddenly off, or the information from the witnesses get twisted. It's just --
8 I've also been in situations of, like, abuse where my word wasn't taken
9 and then vice versa with my friends as well so.

10 MR. LONG: You've been the victim of domestic abuse?

11 PROSPECTIVE JUROR NUMBER 031: U'm-h'm.

12 MR. LONG: And you told the police?

13 PROSPECTIVE JUROR NUMBER 031: Yes.

14 MR. LONG: And the police didn't do anything?

15 PROSPECTIVE JUROR NUMBER 031: No.

16 MR. LONG: And let's say that a person is not a policeman, is
17 that person, who's not affiliated with law enforcement, in your opinion ever
18 justified in taking a life?

19 PROSPECTIVE JUROR NUMBER 031: I don't believe you
20 should play God.

21 MR. LONG: Okay. Do you believe self-defense?

22 PROSPECTIVE JUROR NUMBER 031: Yes.

23 MR. LONG: Okay. Your Honor, I'm going to have to agree with
24 the State as far as cause.

25 THE COURT: All right. You're free to go. Thank you.

1 We'll take our afternoon recess.

2 During the recess you're not to talk or converse among
3 yourselves or with anyone else on any subject connected with this trial.
4 Or read or watch or listen to any report of or commentary on the trial or
5 any person connected with this trial by any medium of information,
6 including, without limitation, newspapers, television, radio, or the Internet.
7 Or form or express an opinion on any subject connected with the trial until
8 the case is finally submitted to you.

9 Remember, do not get on any social media, do not publish
10 anything about this case, and please don't do any investigation on
11 computers.

12 See you back here at one o'clock.

13 [Outside the presence of the prospective jury panel]

14 THE COURT: All right. The door is closed. See you guys at
15 1:00.

16 MS. BLUTH: Okay.

17 MS. DIGIACOMO: Thank you.

18 MR. LONG: Thank you.

19 [Recess taken at 11:55 a.m.]

20 [Jury trial resumed at 1:05 p.m.]

21 THE COURT: All right. You guys ready?

22 MS. BLUTH: Yes.

23 THE COURT: Bring them in, Thomas.

24 [In the presence of the prospective jury panel]

25 THE MARSHAL: All rise, please.

1 And be seated.

2 THE COURT: All right.

3 THE MARSHAL: We've got to fill a spot.

4 THE COURT: So he threw you under the bus.

5 THE COURT CLERK: Toshiana Pierson.

6 THE COURT: She's never thrown you under the bus.

7 All right. Tell me your name.

8 PROSPECTIVE JUROR NUMBER 073: My name is Tosh

9 Pierson.

10 THE COURT: Do you work?

11 PROSPECTIVE JUROR NUMBER 073: Yes.

12 THE COURT: What do you do?

13 PROSPECTIVE JUROR NUMBER 073: Purchasing for station

14 casinos.

15 THE COURT: Married?

16 PROSPECTIVE JUROR NUMBER 073: Yes.

17 THE COURT: Spouse work?

18 PROSPECTIVE JUROR NUMBER 073: I'm sorry, ah, yes.

19 THE COURT: Spouse work?

20 PROSPECTIVE JUROR NUMBER 073: Yes.

21 THE COURT: What does your spouse do?

22 PROSPECTIVE JUROR NUMBER 073: He's a plumber.

23 THE COURT: Children?

24 PROSPECTIVE JUROR NUMBER 073: No.

25 THE COURT: Have you ever sat as a juror before?

1 PROSPECTIVE JUROR NUMBER 073: No.

2 THE COURT: Can you be fair to both parties in this case?

3 PROSPECTIVE JUROR NUMBER 073: Yes.

4 THE COURT: State.

5 MS. BLUTH: Hi, Ms. Pierson.

6 PROSPECTIVE JUROR NUMBER 073: Hi.

7 MS. BLUTH: All right. Ever been a victim of a crime or have

8 any family members, close friends?

9 PROSPECTIVE JUROR NUMBER 073: Yes.

10 MS. BLUTH: Can you tell me.

11 PROSPECTIVE JUROR NUMBER 073: Yes. My car was

12 stolen about 20 years ago.

13 MS. BLUTH: Oh, right.

14 PROSPECTIVE JUROR NUMBER 073: And I had just moved

15 out of my apart -- or my house with my husband now, which was my

16 boyfriend then, and I had all my stuff in the car, and a gang member had

17 taken my vehicle and stole all my stuff with it.

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NUMBER 073: And it ended up in a

20 high speed chase with the police.

21 MS. BLUTH: And I had written in my notes from yesterday that

22 you were not satisfied with the way that that was handled?

23 PROSPECTIVE JUROR NUMBER 073: Correct.

24 MS. BLUTH: And that you had gone to court as well. But I

25 think that you were more dissatisfied with this -- not the police officers but

1 how it was handled in the court system. Do I have that right or do I have it
2 wrong?

3 PROSPECTIVE JUROR NUMBER 073: That's correct.

4 MS. BLUTH: Okay. So you went to court, at what stage did
5 you go to court, like at the preliminary hearing?

6 PROSPECTIVE JUROR NUMBER 073: Yes.

7 MS. BLUTH: And did you testify?

8 PROSPECTIVE JUROR NUMBER 073: No.

9 MS. BLUTH: It was negotiated before the preliminary hearing
10 went forward?

11 PROSPECTIVE JUROR NUMBER 073: Yeah, they were
12 gonna -- they ordered him for restitution.

13 MS. BLUTH: Okay.

14 PROSPECTIVE JUROR NUMBER 031: To payback. And it
15 was never -- I never got anything from it, never heard anything back from
16 it, or anything at all.

17 MS. BLUTH: Okay. So your dissatisfaction was more with the
18 prosecutors who handled that case, negotiated and then there was no
19 follow-up?

20 PROSPECTIVE JUROR NUMBER 073: Correct.

21 MS. BLUTH: Okay. And tell me, again, what year was that in?

22 PROSPECTIVE JUROR NUMBER 073: I think it was about '98.

23 MS. BLUTH: All right. Because you were dissatisfied with that,
24 does that affect you in either way, you know, pro State, anti-State, pro
25 Defendant, anti-Defendant, if you were selected as a juror?

1 PROSPECTIVE JUROR NUMBER 073: No.

2 MS. BLUTH: Okay. Is there anything about it that affects you
3 in anyway if you were to sit as a juror?

4 PROSPECTIVE JUROR NUMBER 073: No.

5 MS. BLUTH: All right. Any family members or anybody else
6 that you know victims of crime?

7 PROSPECTIVE JUROR NUMBER 073: Not victims of crime,
8 no.

9 MS. BLUTH: Okay. You're hesitant, so what?

10 PROSPECTIVE JUROR NUMBER 073: Well, I mean, not
11 victims of crime, but I know my family members have -- there's been
12 crimes committed.

13 MS. BLUTH: Oh, okay.

14 So accused of a crime?

15 PROSPECTIVE JUROR NUMBER 073: Correct.

16 MS. BLUTH: Talk to me about that, please.

17 PROSPECTIVE JUROR NUMBER 073: My brother he had
18 three domestic violence charges against him and also three DUI's as well.

19 MS. BLUTH: Are those all in Las Vegas?

20 PROSPECTIVE JUROR NUMBER 073: Yes.

21 MS. BLUTH: Your relationship with your brother, are you guys
22 close, distant?

23 PROSPECTIVE JUROR NUMBER 073: Yes.

24 MS. BLUTH: Okay. Does your brother have a problem with,
25 like, anger or alcohol or combination or?

1 PROSPECTIVE JUROR NUMBER 073: He used to.
2 MS. BLUTH: Okay.
3 PROSPECTIVE JUROR NUMBER 073: But he is -- that was a
4 long time ago. So, no, not anymore, no. He has satisfied all that.
5 MS. BLUTH: Okay. So that was a while ago and he's since
6 that period everything's been okay?
7 PROSPECTIVE JUROR NUMBER 073: That's correct.
8 MS. BLUTH: Do you feel like when he was going through that
9 patch that he was being treated fairly or did you think the system was not
10 treating him fairly?
11 PROSPECTIVE JUROR NUMBER 073: I think that he was
12 being treated pretty fairly, yes.
13 MS. BLUTH: Okay. What do you think about our criminal
14 justice system overall in the United States?
15 PROSPECTIVE JUROR NUMBER 073: I think it's fair overall.
16 MS. BLUTH: And what about local law enforcement?
17 PROSPECTIVE JUROR NUMBER 073: I think it's fair overall
18 as well.
19 MS. BLUTH: Have you had any interactions where you felt like
20 you weren't treated the way you should have been treated?
21 PROSPECTIVE JUROR NUMBER 073: No.
22 MS. BLUTH: Or anybody you're close to had that type of
23 sentiment?
24 PROSPECTIVE JUROR NUMBER 073: No.
25 MS. BLUTH: What did you think about the hypothetical I gave

1 yesterday in regards to, I used marijuana, you know, sometimes there's
2 laws that we don't agree with but, you know, we still have to follow them.
3 And it's the same when we're jurors, it's not really about whether or not
4 you agree with the law. It's your job to look at the law and see if the facts
5 meet the law or they don't meet the law.

6 PROSPECTIVE JUROR NUMBER 073: Abide by the law, yes.

7 MS. BLUTH: Yeah.

8 Are you okay with that premise?

9 PROSPECTIVE JUROR NUMBER 073: Yes.

10 MS. BLUTH: When you're in a group, are you a loud person,
11 are you the quiet person, or are you somewhere in the middle?

12 PROSPECTIVE JUROR NUMBER 073: It depends.

13 MS. BLUTH: Okay.

14 PROSPECTIVE JUROR NUMBER 073: It depends on my
15 circumstance. It depends on, yeah. If large crowds, usually I'm very
16 quiet. If it's, you know, medium crowds, I'm -- it just depends on the
17 situation --

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NUMBER 030: -- what we're talking
20 about and stuff.

21 MS. BLUTH: If you were selected as a juror and you guys got
22 back into the deliberation room and you were deciding, you know, this
23 case, and 11 people saw it one way and you saw it another way, walk me
24 through how you would handle that situation?

25 PROSPECTIVE JUROR NUMBER 073: I would explain why I

1 would think it would be that way, why I would not agree if there was, you
2 know, deliberating on or whatever, and we would need to come to some
3 kind of conclusion at that point.

4 MS. BLUTH: Okay. Do you feel like you can speak your
5 opinion when needed?

6 PROSPECTIVE JUROR NUMBER 073: Yes.

7 MS. BLUTH: But do you also feel like, you know, you can listen
8 and try to take others views in as well?

9 PROSPECTIVE JUROR NUMBER 073: Yes.

10 MS. BLUTH: What are your thoughts in sitting a position of
11 judgment of another person in this respect?

12 PROSPECTIVE JUROR NUMBER 073: In judgment of a
13 person? I would need to weigh the details to see that it was fair, you
14 know.

15 MS. BLUTH: Do you have any values or beliefs though, like
16 ethically, morally, philosophically, religiously, that's there, you know, there
17 are some individuals, I cannot sit in judgment of another person, even if
18 it's criminally, anything like that. Is that you, or, no, you're okay with that?

19 PROSPECTIVE JUROR NUMBER 073: I guess I'm not
20 understanding the question, I'm sorry.

21 MS. BLUTH: So, you know, as a juror, you are selected to sit in
22 judgment, you're basically judging someone's conduct and seeing if it's a
23 crime or it's not a crime.

24 PROSPECTIVE JUROR NUMBER 073: Right.

25 MS. BLUTH: Some people struggle with that, they think that

1 they're judging another person and that you shouldn't judge another
2 human.

3 PROSPECTIVE JUROR NUMBER 073: Right.

4 MS. BLUTH: I'm just trying to figure out if you're one of those
5 people.

6 PROSPECTIVE JUROR NUMBER 073: I am not.

7 MS. BLUTH: Okay. You're okay?

8 PROSPECTIVE JUROR NUMBER 073: Yes, I'm okay with
9 that, yes.

10 MS. BLUTH: All right. You heard me talk about the two
11 different phases of a trial, there's a trial phase and a penalty phase.

12 PROSPECTIVE JUROR NUMBER 073: U'm-h'm.

13 MS. BLUTH: And what we've been talking about is when you're
14 in the trial phase you really -- you can't be thinking about the other phase.
15 Your job in that phase is to decide whether or not you find the Defendant
16 guilty of those crimes.

17 PROSPECTIVE JUROR NUMBER 073: Right.

18 MS. BLUTH: So you can't let your mind be thinking, well, if I do
19 A, then I'm going to have to do B.

20 PROSPECTIVE JUROR NUMBER 073: Correct.

21 MS. BLUTH: Are you okay with that premise, is it something
22 you feel okay with?

23 PROSPECTIVE JUROR NUMBER 073: Yes.

24 MS. BLUTH: We talked about the three forms of punishment,
25 three possible sentences, when you heard those yesterday, can you --

1 can you consider all three of those?

2 PROSPECTIVE JUROR NUMBER 073: Yes.

3 MS. BLUTH: Is there anything about this process, other than,
4 you know, speaking in front of a large group, that makes you
5 uncomfortable or makes you doubt whether or not you're the right person
6 for this?

7 PROSPECTIVE JUROR NUMBER 073: No.

8 MS. BLUTH: The shows we've been talking about, any type
9 of --

10 PROSPECTIVE JUROR NUMBER 073: I watch all of them.

11 MS. BLUTH: You do?

12 PROSPECTIVE JUROR NUMBER 073: Pretty much. My
13 husband has it on all the time.

14 MS. BLUTH: Okay. Both, the like real life documentary ones,
15 like First 48, or more the Hollywood ones?

16 PROSPECTIVE JUROR NUMBER 073: More of the just, you
17 know, the Hollywood ones, the NCIS, those ones that come on TV, Law
18 and Order, that sort of thing.

19 MS. BLUTH: Okay. Do you think that that's what the real world
20 is like? Like are you expecting those types of things?

21 PROSPECTIVE JUROR NUMBER 073: No, no.

22 MS. BLUTH: What do you think that people used before we
23 had modern technology, like DNA, like fingerprints, things like that, what
24 do you think jurors looked at to assess these types of cases?

25 PROSPECTIVE JUROR NUMBER 073: I think it was each

1 other. I think that everybody, you know, they would -- well, it's a hard one
2 to -- I think it would be everybody's word against everybody else's word,
3 that's what I think.

4 MS. BLUTH: Have you ever been in a situation where two
5 people are telling you the same story and it's clear one of them is not
6 telling the truth, I mean, they're just not matching up.

7 PROSPECTIVE JUROR NUMBER 073: Yes.

8 MS. BLUTH: And what tools do you use to assess, okay,
9 what's really going on?

10 PROSPECTIVE JUROR NUMBER 073: I just use my own
11 judgment. I think -- I don't know. I just kind of -- just think that -- I don't
12 know, in my own head. It's just kind of -- sometimes it's easy to tell if
13 someone's lying or not lying. It's just something that I do.

14 MS. BLUTH: What are your thoughts in these types of
15 hypotheticals we've been talking about, you know, individuals are in a fight
16 and somebody reaches for a weapon, or maybe somebody already has a
17 weapon on them, do you think that it's appropriate to use a weapon when
18 you're engaged in a fist fight?

19 PROSPECTIVE JUROR NUMBER 073: No.

20 MS. BLUTH: Okay. Do you -- I feel like I cut you off. I feel like
21 you were about to say something, I'm sorry.

22 PROSPECTIVE JUROR NUMBER 073: No, I was just going to
23 say I would feel -- if it's any of my family members or anything like that, I
24 would definitely -- that would be the only time. Other than that, I would
25 not want to touch a gun ever so.

1 MS. BLUTH: Okay. And we, you know, we've been using the
2 weapon as a gun, but I think that Ms. DiGiacomo said, I don't know if she
3 said like a hammer or an ice pick, or something like that. So it doesn't
4 necessarily have to be a gun.

5 PROSPECTIVE JUROR NUMBER 073: Right, right.

6 MS. BLUTH: But do you agree with me that depending on the
7 level of danger that might affect whether or not the use of a weapon would
8 be appropriate in your mind is what I'm saying?

9 PROSPECTIVE JUROR NUMBER 073: It wouldn't matter. It
10 would not matter. If there was anybody in my life that was in danger, that
11 was close to me, it wouldn't matter on that.

12 MS. BLUTH: It would not matter?

13 PROSPECTIVE JUROR NUMBER 073: No.

14 MS. BLUTH: I'm sorry, is that what you're saying?

15 PROSPECTIVE JUROR NUMBER 073: Yeah. In other words,
16 if anybody's -- if any of my family or friends or anything that was being hurt
17 or whatever, then it would not matter what weapon it was.

18 MS. BLUTH: You would be okay with the use of a weapon?

19 PROSPECTIVE JUROR NUMBER 073: Yes.

20 MS. BLUTH: Okay. Even if the danger wasn't a serious
21 danger?

22 PROSPECTIVE JUROR NUMBER 073: If it wasn't serious, no.

23 MS. BLUTH: All right.

24 PROSPECTIVE JUROR NUMBER 073: Only if it was serious.

25 MS. BLUTH: Okay. You're talking about like a threat of death

1 or --

2 PROSPECTIVE JUROR NUMBER 073: Correct.

3 MS. BLUTH: Okay.

4 PROSPECTIVE JUROR NUMBER 073: Only, yes.

5 MS. BLUTH: Okay. Do you have any friends or family either in
6 the legal field or in law enforcement?

7 PROSPECTIVE JUROR NUMBER 073: I do.

8 MS. BLUTH: Can you tell me about that?

9 PROSPECTIVE JUROR NUMBER 073: I have an uncle that's
10 in Salt Lake City, he is a -- I think, he's a chief police officer.

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NUMBER 073: And I also have an
13 uncle that's in the U.S. Navy. He's a one-star general.

14 MS. BLUTH: Okay. Great.

15 And then -- I have another question. I can't right now.

16 You said that you had never -- yeah, never mind, you already
17 answered that one.

18 All right. I appreciate your time. Thank you.

19 PROSPECTIVE JUROR NUMBER 073: Thank you.

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

21 MR. LONG: Good afternoon, Ms. Pierson.

22 PROSPECTIVE JUROR NUMBER 073: Hello.

23 MR. LONG: You said your husband is a plumber, is he a new
24 construction guy, does he do HVAC?

25 PROSPECTIVE JUROR NUMBER 073: He is in the union.

1 He's a local 525.

2 MR. LONG: Okay. What kind of things does he usually do,
3 new construction, remodels?

4 PROSPECTIVE JUROR NUMBER 073: Yes, he's commercial.

5 MR. LONG: Commercial?

6 PROSPECTIVE JUROR NUMBER 073: Yes.

7 MR. LONG: Oh, okay.

8 All right. And the person who stole your car, was he punished
9 at all, did he go to prison or did he make some deal?

10 PROSPECTIVE JUROR NUMBER 073: I think he made some
11 deal.

12 MR. LONG: Okay.

13 PROSPECTIVE JUROR NUMBER 073: I never really heard
14 back on the exact details on that actually. That was, yeah.

15 MR. LONG: Okay. Now, jumping right to what the State was
16 saying about are there situations where you can, in good conscious, take
17 somebody's life. Do you believe there's ever justification for taking the life
18 of another person?

19 PROSPECTIVE JUROR NUMBER 073: Just to take one, no.

20 MR. LONG: Is there any situation where you're justified in
21 taking the life of another person?

22 PROSPECTIVE JUROR NUMBER 073: If someone was to
23 come into my house and try to kill my child, if I had a child, or my husband
24 or my mom, my dad, whoever, yes.

25 MR. LONG: Yourself?

1 PROSPECTIVE JUROR NUMBER 073: Myself, yes, of course.

2 MR. LONG: And your brother, do you mind giving me his last
3 name?

4 PROSPECTIVE JUROR NUMBER 073: Craig.

5 MR. LONG: Does it start with H?

6 PROSPECTIVE JUROR NUMBER 073: Craig.

7 MR. LONG: Oh, that's his last name?

8 PROSPECTIVE JUROR NUMBER 073: U'm-h'm.

9 MR. LONG: Okay. He sounds like somebody that I defended a
10 long time ago and I just wanted to make sure.

11 It wasn't -- his first name doesn't start with T?

12 PROSPECTIVE JUROR NUMBER 073: No.

13 MR. LONG: Okay. Never mind, scratch that.

14 PROSPECTIVE JUROR NUMBER 073: No, no, it doesn't start
15 with a T, no.

16 MR. LONG: Besides your brother, do you know anybody who
17 has been affected by domestic battery, either a victim or a perpetrator
18 that's had to do jail time because he's, or she, has done domestic battery?

19 PROSPECTIVE JUROR NUMBER 073: Not that I can think off
20 the top of my head right now, no.

21 MR. LONG: Okay. All right. I will pass for cause, Your Honor.

22 THE COURT: All right. Tell me your name.

23 PROSPECTIVE JUROR NUMBER 032: Patrick Ward.

24 THE COURT: Do you work?

25 PROSPECTIVE JUROR NUMBER 032: Yes.

1 THE COURT: What do you do?
2 PROSPECTIVE JUROR NUMBER 032: I am a shipping and
3 warehouse manager for a firearms manufacturer.
4 THE COURT: Are you married?
5 PROSPECTIVE JUROR NUMBER 032: No.
6 THE COURT: Children?
7 PROSPECTIVE JUROR NUMBER 032: No.
8 THE COURT: Ever sat as a juror before?
9 PROSPECTIVE JUROR NUMBER 032: No, sir.
10 THE COURT: Can you be fair to both?
11 PROSPECTIVE JUROR NUMBER 032: Absolutely.
12 THE COURT: State.
13 MS. DIGIACOMO: Thank you.
14 All right. So you work for -- did you say it's a firearms
15 manufacturer?
16 PROSPECTIVE JUROR NUMBER 032: Yes, ma'am.
17 MS. DIGIACOMO: Is it -- and it's local?
18 PROSPECTIVE JUROR NUMBER 032: Yes, ma'am. It's New
19 Frontier Armory.
20 MS. DIGIACOMO: Okay. And how long have you worked for
21 them?
22 PROSPECTIVE JUROR NUMBER 032: Seven and a half
23 years roughly.
24 MS. DIGIACOMO: Now, you said you've never been the victim
25 of a crime?

1 PROSPECTIVE JUROR NUMBER 032: No.

2 MS. DIGIACOMO: Okay. What about anyone close to you,
3 family, friends?

4 PROSPECTIVE JUROR NUMBER 032: No, no, no one close.

5 MS. DIGIACOMO: What about ever accused or arrested of a
6 crime?

7 PROSPECTIVE JUROR NUMBER 032: Yes, I actually recently
8 had a really close friend. She was accused of assault with a deadly
9 weapon out in front of her home. I don't know the specifics of the court
10 proceedings, but it was -- she entered a no contest. It got pleaded down
11 to no jail time or anything like that so.

12 MS. DIGIACOMO: Okay. Like to a misdemeanor?

13 PROSPECTIVE JUROR NUMBER 032: Yeah, I'm not -- yeah,
14 I'm not too specific. Community service and a suspended sentence, I
15 think, so.

16 MS. DIGIACOMO: What was the weapon that was used?

17 PROSPECTIVE JUROR NUMBER 032: Firearm.

18 MS. DIGIACOMO: It was a firearm?

19 PROSPECTIVE JUROR NUMBER 032: Yeah.

20 MS. DIGIACOMO: Did you get it for her?

21 PROSPECTIVE JUROR NUMBER 032: She bought it at the
22 store I worked for. But I did not give it to her, no.

23 MS. DIGIACOMO: Okay. How long ago was that?

24 PROSPECTIVE JUROR NUMBER 032: Fall of this past year
25 some time.

1 MS. DIGIACOMO: Oh, so just last fall?

2 PROSPECTIVE JUROR NUMBER 032: Yeah.

3 MS. DIGIACOMO: Okay. Did you go to court with her, follow
4 the proceedings?

5 PROSPECTIVE JUROR NUMBER 032: I did not. I wasn't -- I
6 wasn't even in town at the time. I just heard about it from her side of the
7 story and everything like that so.

8 MS. DIGIACOMO: Do you have an opinion about how she was
9 treated?

10 PROSPECTIVE JUROR NUMBER 032: She thinks mis-fairly.
11 She -- again, only hearing one side of the story, I think it was perfectly fine
12 honestly so. They took her in for the night, she was held, charged, and
13 released and all that. And she doesn't think she should have been
14 arrested, but, you know.

15 MS. DIGIACOMO: But you can kind of see there's probably
16 another side to the story?

17 PROSPECTIVE JUROR NUMBER 032: I understand as if I
18 showed up to that situation, I probably would have done that if I was in the
19 police officer's shoes so.

20 MS. DIGIACOMO: Okay. So nothing about that would affect
21 you from being fair and impartial to both sides?

22 PROSPECTIVE JUROR NUMBER 032: No, not at all, no.

23 MS. DIGIACOMO: All right. Now, how do you feel about our
24 criminal justice system in general?

25 PROSPECTIVE JUROR NUMBER 032: I think it's the best

1 flawed system in the world. And I know you'll ask what I think is flawed. I
2 just --

3 MS. DIGIACOMO: Well, no, no.

4 PROSPECTIVE JUROR NUMBER 032: Oh, okay, never mind.

5 MS. DIGIACOMO: No, I'm just kidding, go ahead.

6 PROSPECTIVE JUROR NUMBER 032: Oh, okay. Sorry. I
7 think we -- my only gripe about is I think we put a lot of money into the
8 police side and a lot of money into the prison side and I think the middle,
9 the court system, I think is a little lack --

10 MS. DIGIACOMO: Rehabilitation?

11 PROSPECTIVE JUROR NUMBER 032: I think so. I think, you
12 know, I think I've seen a documentary, Gideon's Army, and I think we
13 could put a little bit more into public defenders, stuff like that so. That's
14 my only gripe. But otherwise it's pretty solid.

15 MS. DIGIACOMO: Okay. So more resources to probably try
16 and keep people out of the system?

17 PROSPECTIVE JUROR NUMBER 032: Right, absolutely. And
18 if you do get into it, you don't have to be a millionaire to have decent
19 counsel.

20 MS. DIGIACOMO: Are you saying public defenders aren't
21 decent?

22 PROSPECTIVE JUROR NUMBER 032: No, I'm saying they
23 just have too much --

24 MS. DIGIACOMO: Right.

25 PROSPECTIVE JUROR NUMBER 032: -- workloads. So you

1 get more of them, they can focus on one -- a few cases.

2 MS. DIGIACOMO: Gotcha.

3 Do you watch any of the law shows?

4 PROSPECTIVE JUROR NUMBER 032: None of them.

5 MS. DIGIACOMO: What do you watch?

6 PROSPECTIVE JUROR NUMBER 032: Comedy and drama
7 mostly.

8 MS. DIGIACOMO: Rom-coms?

9 PROSPECTIVE JUROR NUMBER 032: Some if they're okay.

10 MS. DIGIACOMO: Okay. So do you, sitting there, have any
11 expectations, like maybe after seeing My Cousin Vinny, as to what you
12 think is going to happen if you sit as a juror here?

13 PROSPECTIVE JUROR NUMBER 032: No, no, I understand
14 that there isn't always, you know, a magic fingerprint that pops up. I
15 understand sometimes it's just circumstantial and eyewitness reports and
16 stuff like that -- that -- nothing's perfect. So I understand.

17 MS. DIGIACOMO: And so you can just keep an open mind and
18 see -- view the evidence and then make your decision?

19 PROSPECTIVE JUROR NUMBER 032: Right.

20 MS. DIGIACOMO: Okay. What about following the law, do you
21 have any issues following the law even if you disagree with it?

22 PROSPECTIVE JUROR NUMBER 032: No, I was in the Air
23 Force for six years. So there was a lot of rules I had to enforce that I
24 didn't necessarily agree with all the time. Such as, if there's a couple of
25 hairs touching your ear, you're out of regs with your haircut. I don't think a

1 couple of hairs, here and there, is really, you know, need to write
2 somebody up. But, you know, I had to enforce it if it got out of hand so,
3 you know.

4 MS. DIGIACOMO: So is that how you ended up in Vegas, did
5 you get stationed here?

6 PROSPECTIVE JUROR NUMBER 032: Yeah. I was stationed
7 here for three years. I went overseas for the last three of my enlistment
8 and then I moved back here because I liked the city.

9 MS. DIGIACOMO: Okay. So you feel like you're going to make
10 this your home then and stay?

11 PROSPECTIVE JUROR NUMBER 032: Oh, yeah, absolutely.

12 MS. DIGIACOMO: What did you do for the Air Force?

13 PROSPECTIVE JUROR NUMBER 032: I was ammunitions
14 technician. So I maintained missals, installed software, stuff like that.

15 MS. DIGIACOMO: So that was the six years prior to the seven
16 and a half you worked for the armory?

17 PROSPECTIVE JUROR NUMBER 032: Yes. Yeah, I was
18 actually -- I was here from 18 to 21 years of age, left, and then came back
19 in 2010.

20 MS. DIGIACOMO: Okay.

21 PROSPECTIVE JUROR NUMBER 032: And I've been here
22 ever since.

23 MS. DIGIACOMO: Okay. Now, are you familiar at all with the
24 court process or have friends or family that work in the court system?

25 PROSPECTIVE JUROR NUMBER 032: I know friends or

1 family that work in it. This is my first jury summons, so, yeah.

2 MS. BLUTH: All right. And how do you feel about being a
3 juror?

4 PROSPECTIVE JUROR NUMBER 032: I actually -- to be
5 honest, I kind of hope I get selected honestly. I know that's not really the
6 prevailing opinion here lately.

7 MS. DIGIACOMO: They'll let you know later.

8 PROSPECTIVE JUROR NUMBER 032: No, I -- but I --

9 MS. DIGIACOMO: You just became foreman.

10 PROSPECTIVE JUROR NUMBER 032: I -- I -- there's people
11 on each sides of isle. There's -- I was thinking about it last night, there's
12 two families, both looking at it differently, and they're literally having the
13 worst time of their lives. And I feel like I'm capable of listening intently.
14 And, you know, you always -- you hear cases on the news, someone on
15 one side is saying justice isn't served, but I don't know the particulars of
16 those cases.

17 MS. DIGIACOMO: Right.

18 PROSPECTIVE JUROR NUMBER 032: But I feel like if -- at
19 least if I'm one-twelfth of the jury, I can at least know that, you know, my
20 vote mattered and I did the best I could. So I hope I can do that.

21 MS. DIGIACOMO: Okay. Great. That's a great answer. I think
22 that's my first time in 19 years of hearing it like put like that.

23 PROSPECTIVE JUROR NUMBER 032: Wow.

24 MS. DIGIACOMO: No, that's a great way of putting it. You've
25 got to look at both sides. That's exactly why both sides deserve a fair trial.

1 All right. Do you have any bumper stickers on your car?

2 PROSPECTIVE JUROR NUMBER 032: Absolutely not.

3 MS. DIGIACOMO: I didn't think so, but I thought I'd ask.

4 All right. So, probably the question you've been waiting for,
5 bringing a gun to a fist fight.

6 PROSPECTIVE JUROR NUMBER 032: It's a -- I -- in the real
7 world, there's not, like, hey, let's meet out behind the cafeteria at 11:00
8 and fist fight, you know. With adults it happens. So it's if you have one on
9 you or if maybe it never starts as a fist fight, you know, and it just
10 escalates from there, I -- I occasionally conceal carry. I don't do it all the
11 time. I understand that things can get -- escalate quickly. It can start out
12 as one thing and become another in a matter of seconds. So I wouldn't
13 recommend bringing one if you know it's just going to be a fist fight. But I
14 also understand that's not how the real world works. And sometimes that
15 you end up bringing one when you don't intend to so.

16 MS. DIGIACOMO: And when -- do you feel like there are times
17 when you can be justified in using or escalating the system -- the situation
18 when it was just a fist fight?

19 PROSPECTIVE JUROR NUMBER 032: There are situations,
20 yes, I do. Where if you feel like you're -- if you feel like you're preserving
21 your own life or somebody else's, then yes. Otherwise, no.

22 MS. DIGIACOMO: Okay. So when you say, preserving your
23 life or someone else's --

24 PROSPECTIVE JUROR NUMBER 032: Yes.

25 MS. DIGIACOMO: -- would you -- so it would have to be

1 something like imminent or deadly force to be used?

2 PROSPECTIVE JUROR NUMBER 032: Right. It would -- if
3 someone got complete control of the fight and is not stopping, and it
4 looks, you know, person's already unconscious or something then that's --

5 MS. DIGIACOMO: Okay.

6 PROSPECTIVE JUROR NUMBER 032: -- you know, that's
7 different. It's not two guys are standing and throwing, you know.

8 MS. DIGIACOMO: Okay.

9 PROSPECTIVE JUROR NUMBER 032: That's not the same
10 thing.

11 MS. DIGIACOMO: All right. That makes sense.

12 Now, do you feel you're a good judge of character?

13 PROSPECTIVE JUROR NUMBER 032: I think as good as
14 anyone else. I mean, without, you know, in this circumstance we're going
15 to be meeting a bunch of people for the first time. I won't know a lot but
16 if -- I can hear them talk. I can -- if there's any, you know, if -- I can kind of
17 tell when people are lying, if their stories change or if I can, that's an
18 embellishment; right, that, you know. But I wouldn't say I'm amazing, but I
19 don't think I'm poor at it.

20 MS. DIGIACOMO: Okay. But you are, I guess are you open to,
21 you know, have you ever, like, made a call about somebody and then you
22 changed your mind as time went on?

23 PROSPECTIVE JUROR NUMBER 032: Absolutely, all the
24 time.

25 MS. DIGIACOMO: Or as other people talk to you?

1 PROSPECTIVE JUROR NUMBER 032: Yeah, I'll get a first
2 impression from somebody. And then the next two times I interact with
3 them, I'm like, oh, I had the complete wrong idea about you. So, yeah, I'm
4 open minded for sure.

5 MS. DIGIACOMO: Okay. Cool.

6 And then the question about the trial phase and then there
7 possibly could be a penalty phase.

8 PROSPECTIVE JUROR NUMBER 032: Right.

9 MS. DIGIACOMO: Can you keep focused on which phase
10 you're in and not think about the other one?

11 PROSPECTIVE JUROR NUMBER 032: I -- yes, I can.
12 Because if for some -- if whatever happens and we find him not guilty, the
13 penalty phase is totally irrelevant because there's no penalty.

14 MS. DIGIACOMO: True.

15 But are you going to find him not guilty just so you don't have to
16 stick around for the penalty phase?

17 PROSPECTIVE JUROR NUMBER 032: No, not at all.

18 MS. DIGIACOMO: All right.

19 PROSPECTIVE JUROR NUMBER 032: No.

20 Just -- you shouldn't focus on something that may not ever
21 happen until it has to happen so.

22 MS. DIGIACOMO: Perfect.

23 Anything else that you'd like to tell us or that we should
24 consider?

25 PROSPECTIVE JUROR NUMBER 032: I don't think so.

1 Unless you have other questions, I'm good.

2 MS. DIGIACOMO: All right. Thank you.

3 I'll pass for cause.

4 MR. LONG: Mr. Ward, you retired from the Air Force here in
5 Las Vegas?

6 PROSPECTIVE JUROR NUMBER 032: No, I separated after
7 my six-year enlistment. I actually separated from Mountain Home, Idaho.

8 MR. LONG: Oh, okay.

9 Is that where you're from?

10 PROSPECTIVE JUROR NUMBER 032: No, that was just my
11 last duty station before my enlistment was up.

12 MR. LONG: All right. You said that we have the best flawed
13 system and what would make it better maybe is if had more on the
14 defense side, more on the rehabilitation side?

15 PROSPECTIVE JUROR NUMBER 032: She -- I think so, yeah.
16 I mean, as far as, like, she used that term. But, yeah, I mean, for, you
17 know, drug offenders and stuff like that that are non-violent. I mean, I
18 would think that some sort of rehab for their first time offenses might be
19 better than jail but.

20 Yeah, I just -- I've seen enough people go through, you know,
21 civil courts and stuff like that, it's not -- it's not a cheap process for
22 anybody. So if they have to hire counsel on their own, so just for people
23 without money. And, you know, more public defenders means they can
24 focus more.

25 MR. LONG: What type of civil lawsuits have you seen? Have

1 you been a party --

2 PROSPECTIVE JUROR NUMBER 032: I don't know if divorce
3 would fall under that? Okay, then those --

4 MR. LONG: That's a lawsuit.

5 PROSPECTIVE JUROR NUMBER 032: Okay, yeah, that's --
6 then that's -- I've seen --

7 MR. LONG: Husband sues wife or wife sues husband.

8 PROSPECTIVE JUROR NUMBER 032: -- I've seen plenty --
9 I've seen plenty of those so. That would be it.

10 MR. LONG: Yeah.

11 And I'm assuming, based on your military background and your
12 current occupation, you don't have a problem with one defending one's
13 life, defending property, defending others?

14 PROSPECTIVE JUROR NUMBER 032: No, no, sir.

15 MR. LONG: Okay. I'll pass for cause, Your Honor.

16 THE COURT: Thank you.

17 Tell me your name.

18 PROSPECTIVE JUROR NUMBER 033: Lauren Ledbetter.

19 THE COURT: Do you work?

20 PROSPECTIVE JUROR NUMBER 033: Yeah.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NUMBER 033: I work over at Target
23 and I'm also a student.

24 THE COURT: What are you studying?

25 PROSPECTIVE JUROR NUMBER 033: Hotel management.

1 THE COURT: Are you married?
2 PROSPECTIVE JUROR NUMBER 033: No.
3 THE COURT: Children?
4 PROSPECTIVE JUROR NUMBER 033: No.
5 THE COURT: Have you ever sat as a juror before?
6 PROSPECTIVE JUROR NUMBER 033: No.
7 THE COURT: Can you think of any reason you wouldn't be fair
8 and impartial to both parties in this case?
9 PROSPECTIVE JUROR NUMBER 033: No.
10 THE COURT: State.
11 PROSPECTIVE JUROR NUMBER 033: Hello.
12 MS. BLUTH: Have you ever been in this type of situation
13 before where you've gotten this far in the process?
14 PROSPECTIVE JUROR NUMBER 033: No. The first time I
15 was summoned I was dismissed because of finals.
16 MS. BLUTH: Oh.
17 Was that recently or a couple of years ago?
18 PROSPECTIVE JUROR NUMBER 033: A couple of years ago.
19 MS. BLUTH: Okay.
20 PROSPECTIVE JUROR NUMBER 033: Yeah.
21 MS. BLUTH: What year are you in school?
22 PROSPECTIVE JUROR NUMBER 033: Well, I've graduated in
23 December with my associates and then I'm re-enrolling to get my
24 bachelors.
25 MS. BLUTH: Okay. And, I mean, I know it's self-explanatory

1 hotel management, but what do you -- what are you seeking to do with it?

2 PROSPECTIVE JUROR NUMBER 033: Well, I'm trying to get a
3 job at the Disneyland Hotel, and I want to work over there and gain
4 experience and then open up my own hotels.

5 MS. BLUTH: Okay, cool.

6 So talk to me about some of the questions we've been asking,
7 have you had an opinion that's like strongly differed from something
8 somebody else has said?

9 PROSPECTIVE JUROR NUMBER 033: I would say mostly in
10 terms of law enforcement and the court system. I feel like locally, in
11 Vegas, we have great officers and everything. But then I think overall, like
12 in the U.S., there's just been a lot of, like, hate crimes and sentencing
13 that's too intense then I think that they should be. And then I also feel like
14 some of them aren't intense enough.

15 MS. BLUTH: Okay.

16 PROSPECTIVE JUROR NUMBER 033: But, yeah.

17 MS. BLUTH: So you feel like maybe across the board
18 sentencing maybe it's inconsistent or it's not matching the crime that's
19 being committed?

20 PROSPECTIVE JUROR NUMBER 033: Yeah.

21 MS. BLUTH: But locally, you're saying you don't have any
22 issues with law enforcement?

23 PROSPECTIVE JUROR NUMBER 033: Correct.

24 MS. BLUTH: Are you born and raised Las Vegas?

25 PROSPECTIVE JUROR NUMBER 033: Yes, I am.

1 MS. BLUTH: Okay. Ever had any negative contacts with law
2 enforcement here?

3 PROSPECTIVE JUROR NUMBER 033: No, I haven't.

4 MS. BLUTH: All right. Ever been a victim of a crime or any
5 family members?

6 PROSPECTIVE JUROR NUMBER 033: No.

7 MS. BLUTH: And what about accused?

8 PROSPECTIVE JUROR NUMBER 033: No.

9 MS. BLUTH: Have you had any close family members who had
10 a negative interaction with law enforcement?

11 PROSPECTIVE JUROR NUMBER 033: Not that I know of.

12 MS. BLUTH: All right. When -- so when you're seeing these
13 discrepancies in like sentencings, are you looking at like national news
14 that's reporting on them?

15 PROSPECTIVE JUROR NUMBER 033: U'm-h'm, yes, I am.

16 MS. BLUTH: All right. And so sometimes it's too light; and
17 sometimes it's too harsh?

18 PROSPECTIVE JUROR NUMBER 033: Yeah, I would agree.
19 Like, I feel like racism comes into play, there's like a lot of African
20 Americans that they're getting too intense, like too much of sentencing.
21 And then you see like a white male rape someone and they get like three
22 months. To me that's not enough. So it's just like issues like that.

23 MS. BLUTH: Okay. Is there anything about your feelings in
24 that regard that you think would weigh on you if you were a juror in this
25 case?

1 PROSPECTIVE JUROR NUMBER 033: I don't think so. I think
2 I would just be fair and just do what I think is right and wouldn't take, like,
3 any racism or any of that into play.

4 MS. BLUTH: Okay. I mean, that's probably -- not probably, I
5 mean, that's how it's supposed to be; right? So we need jurors who are,
6 like, like you, who aren't going to see any -- anything other than the facts.
7 Because that's really -- like, within these four walls, evidence is shown to
8 you and testimony is given. And that's what it's supposed to be based on.
9 And if people follow those rules, then things should work out fairly. But, I
10 mean, we're human and people make errors.

11 So you feel comfortable with yourself being able to do that?

12 PROSPECTIVE JUROR NUMBER 033: Yeah, I think so.

13 MS. BLUTH: Do you feel comfortable voicing your opinion in
14 front of other people?

15 PROSPECTIVE JUROR NUMBER 033: Yeah, I'm fine with it.
16 Like, I'll get opinionated when I need to be.

17 MS. BLUTH: All right. Do you think you're a good listener?

18 PROSPECTIVE JUROR NUMBER 033: I think so.

19 MS. BLUTH: Do you watch any of like the reality based shows,
20 so like First 48 or --

21 PROSPECTIVE JUROR NUMBER 033: No, I don't.

22 MS. BLUTH: -- the police shows, I guess I should say, not just
23 reality.

24 PROSPECTIVE JUROR NUMBER 033: No, I don't watch really
25 any real ones or fake ones. Like the only show I'll watch is How to Get

1 Away with Murder. But --

2 MS. BLUTH: That's --

3 PROSPECTIVE JUROR NUMBER 033: -- but even then that's,
4 like, supper unrealistic and, like, you can tell it's, like, written too
5 conveniently, like.

6 MS. BLUTH: Yeah.

7 PROSPECTIVE JUROR NUMBER 033: And it's for the drama
8 and stuff.

9 MS. BLUTH: Yeah, okay. I haven't seen that one. So, I guess,
10 so I don't have any questions -- like I don't have any knowledge based on
11 that one. I just remember seeing commercials because it's after Grey's
12 Anatomy.

13 PROSPECTIVE JUROR NUMBER 033: It's good, yeah. It's
14 written by the same person. So it's just, like, Grey's Anatomy but just with
15 lawyers. Like drama and all that-wise.

16 MS. BLUTH: Oh, all right.

17 PROSPECTIVE JUROR NUMBER 033: Scandalous. It's great.

18 MS. BLUTH: Scandalous?

19 PROSPECTIVE JUROR NUMBER 033: Every Thursday night.

20 MS. BLUTH: Okay. Got it. Oh, you're funny.

21 Okay. So what do you think about following laws when you
22 don't agree with them?

23 PROSPECTIVE JUROR NUMBER 033: I feel like the laws the
24 law and it needs to be followed.

25 MS. BLUTH: Okay.

1 PROSPECTIVE JUROR NUMBER 033: But then I also can
2 think it can be a gray area. Like, in the example that was presented about
3 marijuana in, like, it being illegal but then growing it to help your sister.
4 Like, I can see the circumstances of why it was broken.

5 MS. BLUTH: Sure.

6 PROSPECTIVE JUROR NUMBER 033: But I can still agree,
7 like, this is the rules that you have to abide by.

8 MS. BLUTH: Yeah. And the marijuana one, where you're trying
9 to save the life of your sister, that was a -- darn, you, for bringing that into
10 the hypothetical because that one makes it rough.

11 But we're not talking about any -- trying to save that sister and
12 the only thing that's going to help her is marijuana. But general -- I mean,
13 generally, like, you know, for instance, jaywalking, pretty much all of us do
14 it; right, but it's still the law?

15 PROSPECTIVE JUROR NUMBER 033: Right.

16 MS. BLUTH: And while we all may jaywalk, if we were a juror
17 and jaywalking was illegal, would you still follow the law?

18 PROSPECTIVE JUROR NUMBER 033: Yeah.

19 MS. BLUTH: Because jaywalking is --

20 PROSPECTIVE JUROR NUMBER 033: I would, yes.

21 MS. BLUTH: Okay. What about the fight hypothetical?

22 PROSPECTIVE JUROR NUMBER 033: I feel like if you know
23 that a fights going to happen, and you purposely bring something that can
24 end someone's life, I think, like, it's not okay and it's just really messed up.
25 But I do realize that people, like, have license to carry and their -- they

1 don't have the intention to use it, but then there may be a time when they
2 have to because they have no other choice.

3 MS. BLUTH: Sure.

4 PROSPECTIVE JUROR NUMBER 033: So with that I'm okay
5 with. But if you're purposely going in with the mindset of injuring
6 someone, then I'm not okay with that.

7 MS. BLUTH: So, yeah, let's talk about the idea that, you know,
8 people carry all the time; right, whether they -- without any idea that
9 they're going to be in any type of fight. It's just on their person. And if it's
10 just a fist fight, like at what point, if at any point, does it escalate to where
11 you bring out a weapon and use deadly harm or kill somebody?

12 PROSPECTIVE JUROR NUMBER 033: I'm sorry, what's the
13 question for that?

14 MS. BLUTH: Like when is that okay, if it's okay at all?

15 PROSPECTIVE JUROR NUMBER 033: Oh, like in
16 self-defense I can agree with that. But if, like, someone, maybe just to
17 end the fight, like, just 'cause they're over it and then bringing it out, then
18 it's not okay.

19 MS. BLUTH: Okay. So you're talking about like a threat of
20 death or?

21 PROSPECTIVE JUROR NUMBER 033: Right, yes.

22 MS. BLUTH: Okay. How do you feel about being a juror and
23 sitting in judgment of another person?

24 PROSPECTIVE JUROR NUMBER 033: I'm okay with it. I don't
25 see any problems with it. Like, it doesn't freak me out or anything so.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NUMBER 033: I'm here for it.

3 MS. BLUTH: And then what about your thoughts on the three
4 sentences that I spoke about yesterday, the three possible sentences?

5 PROSPECTIVE JUROR NUMBER 033: I'm okay with that as
6 well.

7 MS. BLUTH: All right. If selected as a juror, you would
8 probably be one of, like, the younger people on the jury, does that make
9 you feel any weight? Like does it intimidate you? Does it not bother you
10 at all?

11 PROSPECTIVE JUROR NUMBER 033: If anything, I think it
12 would kind of excite me. Because I feel like I'd bring a different point of
13 view that maybe others wouldn't see.

14 MS. BLUTH: Because of like --

15 PROSPECTIVE JUROR NUMBER 033: Because I'm so young,
16 yeah.

17 MS. BLUTH: Okay. What about, like, when you, meet
18 somebody or if two people are telling you a story and it's not making
19 sense, you know, like, there's two complete different sides, what tools do
20 you use to figure out what's going on?

21 PROSPECTIVE JUROR NUMBER 033: I mainly go by
22 feelings. Because I'm like a people watcher. I'll sit back and observe.
23 And then I'll just kind of see how that person's acting and then kind of go
24 based on the vibes that they give me and then just go from there.

25 MS. BLUTH: Okay. Any family, friends or -- actual family or

1 family friends that are lawyers or judges?

2 PROSPECTIVE JUROR NUMBER 033: No.

3 MS. BLUTH: Any type of legal field?

4 PROSPECTIVE JUROR NUMBER 033: No.

5 MS. BLUTH: Or law enforcement, I should have asked too?

6 PROSPECTIVE JUROR NUMBER 033: No.

7 MS. BLUTH: Okay. If at the end of this trial you went back
8 there with your other fellow jurors and you decided that the State had met
9 their burden, that they had proven to you that the Defendant had
10 committed these crimes, would you have any problem coming in here and
11 telling the Defendant, we found you guilty of the crimes with which the
12 State charged you?

13 PROSPECTIVE JUROR NUMBER 033: I would not want to be
14 the one like saying it. But I would be okay with like being with the group
15 and everything.

16 MS. BLUTH: You just don't want to be the one, like --

17 PROSPECTIVE JUROR NUMBER 033: Yeah.

18 MS. BLUTH: -- saying it out loud?

19 PROSPECTIVE JUROR NUMBER 033: Yeah.

20 MS. BLUTH: Okay. Perfect. Thank you so much.

21 We'll pass for cause, Your Honor.

22 MR. LONG: Just briefly, Ms. Ledbetter. Where did you go to
23 high school?

24 PROSPECTIVE JUROR NUMBER 033: I went partly with my
25 church and then I also did Odyssey Charter High School.

1 MR. LONG: Oh, okay.

2 And you get your news from the Internet, like most people?

3 PROSPECTIVE JUROR NUMBER 033: Sure.

4 MR. LONG: What sights do you usually read?

5 PROSPECTIVE JUROR NUMBER 033: I mainly do like Twitter
6 and things like that, and then I'll go, like, on FOX or something like that to,
7 like, follow up to see what's correct and what's not.

8 MR. LONG: Okay. And these sentences that you talked about,
9 where sometimes African American's sentences are disproportionate, you
10 know, the punishment doesn't fit the crime, someone with less pigment,
11 I'm assuming you're talking about the Stanford case, rapes a girl and gets
12 -- I don't know. What did he get? Three months or something like that.

13 PROSPECTIVE JUROR NUMBER 033: Yeah.

14 MR. LONG: Three months and told he's a naughty boy and.

15 Can you think of one example in particular, besides that one,
16 that was stuck in your mind?

17 PROSPECTIVE JUROR NUMBER 033: Well, I always think of
18 Michael Brown, that always comes to mind.

19 MR. LONG: Yeah.

20 Now, do you think that with all of these travesties that go out
21 nationwide, and the thing about Twitter and websites and FOX News and
22 whatever, is that 30 years ago you would open the newspaper and it
23 would tell you what happened in Las Vegas. It wouldn't tell you what
24 happened in South Carolina. It wouldn't tell you what happened in Los
25 Angeles. It wouldn't tell you what happened in Canada. But with this

1 information age we get news -- we get it from everywhere.

2 All of that, that you know, all of that up here, are you still going
3 to be able to focus and say is he guilty, if he is, to what degree? This
4 penalty phase, that the State has talked about frequently, that only
5 happens if there is a conviction for first degree, find him guilty of second
6 degree or involuntary manslaughter or voluntary manslaughter, it doesn't
7 happen.

8 And are you able to, I guess, put aside the consequences, just
9 focus on whether or not Mr. Cash is guilty?

10 PROSPECTIVE JUROR NUMBER 033: Yes, I believe so.

11 MR. LONG: Regardless of what happens outside the
12 courtroom?

13 PROSPECTIVE JUROR NUMBER 033: Yes.

14 MR. LONG: If they're people holding signs, justice?

15 PROSPECTIVE JUROR NUMBER 033: Yes.

16 MR. LONG: You can ignore all that?

17 PROSPECTIVE JUROR NUMBER 033: Yeah, I can.

18 MR. LONG: Okay. And do you think, you're rather young, do
19 you think that there's ever a situation where someone is justified in taking
20 the life of another person?

21 PROSPECTIVE JUROR NUMBER 033: I think so. As long as
22 it's, like, in self-defense or like protecting someone else.

23 MR. LONG: Okay. And you stated that, you know, the Bro
24 Code that we had mentioned, if two guys agree to meet in an alley and
25 slug it out, you don't bring a gun.

1 PROSPECTIVE JUROR NUMBER 033: Right.
2 MR. LONG: But do you believe that sometimes trouble finds
3 you?
4 PROSPECTIVE JUROR NUMBER 033: Yes, I don't believe
5 that.
6 MR. LONG: Not every fight begins like television where they
7 talk a lot of trash to each other and then duke it out?
8 PROSPECTIVE JUROR NUMBER 033: Right.
9 MR. LONG: I'll pass for cause, Your Honor.
10 THE COURT: All right.
11 Tell me your name.
12 PROSPECTIVE JUROR NUMBER 034: Teresa Orndoff.
13 THE COURT: Do you work?
14 PROSPECTIVE JUROR NUMBER 034: No, I'm retired.
15 THE COURT: From what?
16 PROSPECTIVE JUROR NUMBER 034: Clark County School
17 District.
18 THE COURT: What did you teach?
19 PROSPECTIVE JUROR NUMBER 034: I was an office
20 manager.
21 THE COURT: Married?
22 PROSPECTIVE JUROR NUMBER 034: Yes.
23 THE COURT: Spouse work?
24 PROSPECTIVE JUROR NUMBER 034: Yes.
25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NUMBER 034: He sells real estate.

2 THE COURT: Children?

3 PROSPECTIVE JUROR NUMBER 034: Two.

4 THE COURT: Ages?

5 PROSPECTIVE JUROR NUMBER 034: 40 and 36.

6 THE COURT: Either of them in law or law enforcement?

7 PROSPECTIVE JUROR NUMBER 034: No.

8 THE COURT: Ever sat as a juror before?

9 PROSPECTIVE JUROR NUMBER 034: No.

10 THE COURT: Can you be fair and impartial to the Defendant
11 and to the State?

12 PROSPECTIVE JUROR NUMBER 034: I will definitely try.

13 THE COURT: All right. State.

14 MS. DIGIACOMO: Thank you.

15 Has anyone close to you or good family friend ever been the
16 victim of a crime?

17 PROSPECTIVE JUROR NUMBER 034: Okay. You need to
18 stop right there. My son is a felon. I have had domestic violence in my
19 family. I've been married to my husband 44 years, the first woman I ever
20 seen beat was my mother-in-law.

21 MS. DIGIACOMO: By?

22 PROSPECTIVE JUROR NUMBER 034: Her husband.

23 Both my brothers-in-law beat their wives, or did, to the last
24 ones.

25 My brother-in-law has been in the court system for elderly

1 abuse.

2 My son went to prison. He's out of prison. He's doing good.

3 My daughter was in the service. She punched me in the face.

4 So when you're talking about abuse, I've seen it.

5 MS. DIGIACOMO: Okay. Are you -- is it my turn now?

6 PROSPECTIVE JUROR NUMBER 034: Yes.

7 MS. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 034: I just wanted to put
9 that all out before you drug through everything else.

10 MS. DIGIACOMO: Oh, no, that's fine, that's fine. No, I
11 appreciate that. But that was a lot to take it.

12 So, okay. So you've seen the domestic abuse in your
13 husband's family; right?

14 PROSPECTIVE JUROR NUMBER 034: Yes.

15 MS. DIGIACOMO: All, your father-in-law, brother's-in-laws?

16 PROSPECTIVE JUROR NUMBER 034: And my daughter.

17 MS. DIGIACOMO: Well, and I was going to get to that.

18 PROSPECTIVE JUROR NUMBER 034: Oh, yes.

19 MS. DIGIACOMO: Okay. But I'm saying, but you didn't see it in
20 your family growing up?

21 PROSPECTIVE JUROR NUMBER 034: Not -- no.

22 MS. DIGIACOMO: Not to that extent?

23 PROSPECTIVE JUROR NUMBER 034: No, my father never,
24 no.

25 MS. DIGIACOMO: Okay. And you said you've been with your

1 husband for?

2 PROSPECTIVE JUROR NUMBER 034: 44 years.

3 MS. DIGIACOMO: 44 years, wow. We need your secret.

4 PROSPECTIVE JUROR NUMBER 034: Have a big house.

5 MS. DIGIACOMO: All right. Okay.

6 So and you said both of your brother-in-law's were -- did you
7 say arrested or convicted of domestic violence and elder abuse or just
8 one?

9 PROSPECTIVE JUROR NUMBER 034: My one brother-in-law
10 was convicted of elderly abuse.

11 MS. DIGIACOMO: Of?

12 PROSPECTIVE JUROR NUMBER 034: His mother.

13 MS. DIGIACOMO: His mother, okay.

14 PROSPECTIVE JUROR NUMBER 034: We've been in court
15 several times. We were in court several times on the matter, yes.

16 MS. DIGIACOMO: Here?

17 PROSPECTIVE JUROR NUMBER 034: In Clark County.

18 MS. DIGIACOMO: Okay.

19 PROSPECTIVE JUROR NUMBER 034: My mother-in-law had
20 dementia and they stole a large sum of money, him and his sister. And
21 the court system found -- he finally said he took the money but there was
22 no follow up. He never had to pay the money back to the trust.

23 MS. DIGIACOMO: Let me ask you, did he get prison or
24 probation?

25 PROSPECTIVE JUROR NUMBER 034: Neither.

1 MS. DIGIACOMO: So he was never convicted?

2 PROSPECTIVE JUROR NUMBER 034: He said he took the
3 money. And so that was -- what do you call it? I'm not sure what you call
4 it when you say that you did it, he had he money, and it was pretty well
5 dropped. He never had to pay it back to the trust.

6 MS. DIGIACOMO: Okay. That's -- so the case was dropped
7 then?

8 PROSPECTIVE JUROR NUMBER 034: No, it went -- it went in
9 front of a judge.

10 MS. DIGIACOMO: It did?

11 PROSPECTIVE JUROR NUMBER 034: Yes.

12 MS. DIGIACOMO: But that's what I'm asking, if he was
13 sentenced, he would have been ordered to pay that restitution back?

14 PROSPECTIVE JUROR NUMBER 034: He was told to pay it
15 back.

16 MS. DIGIACOMO: But he just didn't do it?

17 PROSPECTIVE JUROR NUMBER 034: But he never did it.

18 MS. DIGIACOMO: And no consequences?

19 PROSPECTIVE JUROR NUMBER 034: No.

20 MS. DIGIACOMO: He didn't end up going to prison or anything
21 because he wouldn't pay it back?

22 PROSPECTIVE JUROR NUMBER 034: No.

23 MS. DIGIACOMO: Okay. So is it fair to say you're not happy
24 with the way that case worked out in the system?

25 PROSPECTIVE JUROR NUMBER 034: No.

1 MS. BLUTH: No, you're --
2 PROSPECTIVE JUROR NUMBER 034: Not happy with --
3 MS. DIGIACOMO: Right, right, okay.
4 PROSPECTIVE JUROR NUMBER 034: Yeah.
5 MS. DIGIACOMO: Anything about that though, are you going
6 to hold it against us --
7 PROSPECTIVE JUROR NUMBER 034: Oh, no, no.
8 MS. DIGIACOMO: -- or --
9 PROSPECTIVE JUROR NUMBER 034: No.
10 MS. DIGIACOMO: Okay. So that was one brother and the
11 sister that did the elder abuse?
12 PROSPECTIVE JUROR NUMBER 034: Yes.
13 MS. DIGIACOMO: But both brothers also had domestic
14 violence?
15 PROSPECTIVE JUROR NUMBER 034: Yes.
16 MS. DIGIACOMO: Okay.
17 PROSPECTIVE JUROR NUMBER 034: The one brother with
18 the elderly abuse, he'd been in jail several times for domestic violence.
19 MS. DIGIACOMO: Was the domestic violence against mom or?
20 PROSPECTIVE JUROR NUMBER 034: His wife's, girlfriends.
21 MS. DIGIACOMO: Okay. And then the other brother, that
22 wasn't the elder abuse, he had DV's too, was that on family members or
23 was it like girlfriends?
24 PROSPECTIVE JUROR NUMBER 034: It was his wife's.
25 MS. DIGIACOMO: His wives, okay.

1 So you saw this for a lot of years?

2 PROSPECTIVE JUROR NUMBER 034: Yes.

3 MS. DIGIACOMO: Were the police usually called when

4 incidents happened?

5 PROSPECTIVE JUROR NUMBER 034: To my knowledge, no.

6 MS. DIGIACOMO: Okay.

7 PROSPECTIVE JUROR NUMBER 034: I shouldn't say that

8 because -- well, to my knowledge, no. But my one brother-in-law did wind

9 up in jail quite a bit in Henderson.

10 MS. DIGIACOMO: Okay. So at least the police were called by

11 whoever that partner was?

12 PROSPECTIVE JUROR NUMBER 034: Right.

13 MS. DIGIACOMO: Okay. Now, you said your daughter was in

14 the service?

15 PROSPECTIVE JUROR NUMBER 034: Yes.

16 MS. DIGIACOMO: Which branch?

17 PROSPECTIVE JUROR NUMBER 034: The marine Corp.

18 MS. DIGIACOMO: The marines.

19 And then she punched you?

20 PROSPECTIVE JUROR NUMBER 034: She assaulted me

21 twice.

22 MS. DIGIACOMO: Two times.

23 And then did you call the police?

24 PROSPECTIVE JUROR NUMBER 034: No, I did not. My

25 10-year-old granddaughter witnessed it and I did not want to have -- her

1 testify against her mother.

2 MS. DIGIACOMO: How long ago was that?

3 PROSPECTIVE JUROR NUMBER 034: Probably about seven,
4 eight years ago.

5 MS. DIGIACOMO: And what's your relationship like now?

6 PROSPECTIVE JUROR NUMBER 034: We do not talk.

7 MS. DIGIACOMO: Okay. So and is it because of those
8 incidents?

9 PROSPECTIVE JUROR NUMBER 034: Some of it, yes.

10 MS. DIGIACOMO: Do you still see her daughter?

11 PROSPECTIVE JUROR NUMBER 034: Yes. My
12 grandchildren live here in town. She lives in California. I'm very close
13 with my grandchildren.

14 MS. DIGIACOMO: Okay. And then lastly, I think it's lastly, you
15 said your son was in prison?

16 PROSPECTIVE JUROR NUMBER 034: Yes.

17 MS. DIGIACOMO: For what?

18 PROSPECTIVE JUROR NUMBER 034: He was stupid. He got
19 involved in drugs and traffic tickets. And he did go to prison, he got out,
20 and he went back. We call it summer camp, High Desert. He is doing
21 very well now. He has two jobs. He works --

22 MS. DIGIACOMO: In the prison or out?

23 PROSPECTIVE JUROR NUMBER 034: Out of prison.

24 MS. DIGIACOMO: Okay.

25 PROSPECTIVE JUROR NUMBER 034: He's out of prison. He

1 works two jobs now. He works at a garage. And when the teamsters
2 need him, he goes and works for the teamsters.

3 MS. DIGIACOMO: Okay. So he's seemed to have turned it
4 around?

5 PROSPECTIVE JUROR NUMBER 034: He says he will never
6 go back.

7 MS. DIGIACOMO: And so you said -- you mentioned drugs,
8 which is a lot of basis for a lot of crimes. Is he not doing drugs anymore?

9 PROSPECTIVE JUROR NUMBER 034: Oh, no, uh-huh. He
10 would not touch meth. As a matter of fact, he had a girlfriend, he just
11 said, see you later. Because he said she made him feel like he needed to
12 get high.

13 MS. DIGIACOMO: Oh.

14 PROSPECTIVE JUROR NUMBER 034: He says, I can't do
15 that.

16 MS. DIGIACOMO: And how long ago was it that he got out of
17 prison?

18 PROSPECTIVE JUROR NUMBER 034: Oh, gee. I want to say
19 four or five years. We just talked about this the other way about his
20 having his file sealed.

21 MS. DIGIACOMO: Okay.

22 PROSPECTIVE JUROR NUMBER 034: And I think he said it's
23 been four years that he's been out of prison.

24 MS. DIGIACOMO: Okay.

25 Okay. Anyone else that we didn't discuss that's either been

1 accused or victim of a crime?

2 PROSPECTIVE JUROR NUMBER 034: My husband was
3 arrested for assault on my daughter, which didn't really happen. God, my
4 family just sounds really abusive, huh? I was out of town, my daughter
5 was told to be home at 11 o'clock, she didn't make it home, so my
6 husband waited up for her, and when he -- when she came home, he
7 went out and he pulled her out of the car. And the young man that she
8 was with, his father was a sergeant in Metro, and my husband had a
9 baseball bat and he pushed him in the chest with the baseball bat. And
10 the guy got out of the car, ran off, called his daddy and had seven to nine
11 cops at my house, they arrested my husband and left my young son with
12 his sister, who as soon as everyone left, took off and left my young son at
13 home by himself.

14 MS. DIGIACOMO: And this is the same daughter that punched
15 you?

16 PROSPECTIVE JUROR NUMBER 034: Yes.

17 MS. DIGIACOMO: Okay. So --

18 PROSPECTIVE JUROR NUMBER 034: You see why I don't to
19 talk to her?

20 MS. DIGIACOMO: -- is it fair to -- yeah. I was going to say, is it
21 fair to there's kind of a long history there of issues with her?

22 PROSPECTIVE JUROR NUMBER 034: The issue is that she --
23 she's very good looking. She can bat those eyes. She can lie with the
24 best of them and make you believe that, honey, I slept with your husband
25 last night and you were right next door, didn't you hear us? She could lie

1 that good and she's good at it.

2 MS. DIGIACOMO: Okay. So very manipulative too?

3 PROSPECTIVE JUROR NUMBER 034: Yes.

4 MS. DIGIACOMO: Okay. So when your husband was arrested
5 and all these cops showed up, I mean --

6 PROSPECTIVE JUROR NUMBER 034: I wasn't there.

7 MS. DIGIACOMO: You weren't there but did he end up getting,
8 you know, going through the court system and getting prosecuted?

9 PROSPECTIVE JUROR NUMBER 034: Yes, we did have to go
10 to the court system. Judge Abbatangelo was the judge at the time. We
11 had an attorney. She had an -- prosecutor, I guess, it would be like you;
12 right?

13 MS. DIGIACOMO: It would have been our office --

14 PROSPECTIVE JUROR NUMBER 034: Yes.

15 MS. DIGIACOMO: -- if it was Judge Abbatangelo.

16 PROSPECTIVE JUROR NUMBER 034: And, you know, you
17 don't want to tell everyone about your dirty laundry. It's just like I had
18 really mixed feelings about telling you guys all this. I mean, you
19 personally don't know me, but it's hard to sit here and say, nah, nah, nah,
20 nah, you know.

21 MS. DIGIACOMO: Well, no, and it's fine. And we are -- we
22 appreciate your honesty because we are just trying to weed out and figure
23 out, like, who can be fair and who can't. So, no, I appreciate it. And I
24 guarantee you, everyone has a family like that or family members like
25 that. I included because.

1 PROSPECTIVE JUROR NUMBER 034: Well, what happened
2 with my husband, they wanted to fine him \$2000, if she came back to live
3 in our house. So I stood up and I said that she could move out. I mean
4 she didn't want to follow our rules.

5 MS. DIGIACOMO: Right.

6 PROSPECTIVE JUROR NUMBER 034: She wasn't 18 years
7 old, but she had caused major grief in my household, you know. If you
8 don't want to follow our house rules, there's the door. And so they plea
9 bargained it down. I don't remember what it was.

10 MS. DIGIACOMO: Did it stay in front of Judge Abbatangelo?

11 PROSPECTIVE JUROR NUMBER 034: It was plea bargained
12 down that day.

13 MS. DIGIACOMO: Yeah, so it was probably a misdemeanor or
14 something.

15 PROSPECTIVE JUROR NUMBER 034: And he had to go to
16 anger management and that was the end of that one.

17 MS. DIGIACOMO: And how long ago was that?

18 PROSPECTIVE JUROR NUMBER 034: Oh, geez.

19 MS. DIGIACOMO: A long time?

20 PROSPECTIVE JUROR NUMBER 034: She's 40. She was --

21 MS. DIGIACOMO: 17 at the time?

22 PROSPECTIVE JUROR NUMBER 034: -- 17, 18 years old.
23 No, she wasn't 18. She was 17.

24 MS. DIGIACOMO: Okay. So anything about that that would
25 cause you not to be able to be fair and impartial in this case?

1 PROSPECTIVE JUROR NUMBER 034: When it comes to
2 abuse, it is hard for me. I mean, I can listen to it and I can try to be fair. I
3 do feel that there are times when a life should be taken. I believe there's
4 times that you need to step up and take care of a situation. I don't always
5 think the police do the right thing. I mean, in my case with my husband, I
6 don't think they would have arrested him if the boy's father hadn't been a
7 sergeant.

8 MS. DIGIACOMO: All right. And you would agree with me
9 though, 20 years ago or 20 plus years ago, was a different time than
10 maybe it is now?

11 PROSPECTIVE JUROR NUMBER 034: But it still puts a bad
12 taste in your mouth.

13 MS. DIGIACOMO: Oh, and I'm not saying it doesn't leave a
14 bad taste. But I'm just saying, like, what you're describing, would you
15 still -- would you have those expectations if you saw officers come in and
16 kind of think they're all part of that same group?

17 PROSPECTIVE JUROR NUMBER 034: I would actually listen
18 to everything. You know, I have my own beliefs. But I believe everyone
19 has a right to be heard. I wouldn't want to be sitting in his seat, and say,
20 oh, he's guilty. I don't need to listen to what's going on with him. I
21 wouldn't want -- I wouldn't -- I wouldn't do that to anyone.

22 MS. DIGIACOMO: Okay. So I'm sensing from you, if you were
23 seated at either of these tables, you would be okay with a juror with your
24 mindset on the jury?

25 PROSPECTIVE JUROR NUMBER 034: Yes.

1 MS. DIGIACOMO: Because you're going to keep an open
2 mind?

3 PROSPECTIVE JUROR NUMBER 034: Yes.

4 MS. DIGIACOMO: Now, and I understand abuse is -- is, not a
5 difficult topic for you, but like one that brings up a lot of emotion; is that fair
6 to say?

7 PROSPECTIVE JUROR NUMBER 034: Yes.

8 MS. DIGIACOMO: But you would agree that, especially with
9 what you've seen from all the different people, that not every abuse
10 situation is the exact same?

11 PROSPECTIVE JUROR NUMBER 034: Correct.

12 MS. DIGIACOMO: And it depends upon the people involved?

13 PROSPECTIVE JUROR NUMBER 034: Correct.

14 MS. DIGIACOMO: Like your daughter and, you know, and with
15 the guy she was with, I mean, she's younger and might not have known
16 better?

17 PROSPECTIVE JUROR NUMBER 034: Oh, she knew.

18 MS. DIGIACOMO: Well, you know what I mean --

19 PROSPECTIVE JUROR NUMBER 034: She knew exactly
20 what she was doing.

21 MS. DIGIACOMO: -- but versus being a 40 year old now
22 maybe she would have a different perspective of how to behave.

23 PROSPECTIVE JUROR NUMBER 034: [Shakes head.]

24 MS. DIGIACOMO: You don't think so.

25 Well, let me ask you this, let's set her aside --- well, I mean, in

1 general though, do you think somebody with more life experience should
2 know better versus, you know, a teenage kid?

3 PROSPECTIVE JUROR NUMBER 034: Yes.

4 MS. DIGIACOMO: Okay.

5 All right. What was I going to ask you now?

6 PROSPECTIVE JUROR NUMBER 034: I'm sorry, I threw you
7 off.

8 MS. DIGIACOMO: No, no, you're fine.

9 PROSPECTIVE JUROR NUMBER 034: I threw it all out there
10 so you'd know.

11 MS. DIGIACOMO: And I appreciate that because this way I'm
12 not going to feel like I missed anything.

13 Okay. So just segueing into the criminal justice system, what, I
14 mean I know you think, like, the police, you know, your husband wouldn't
15 have been arrested but for his dad being a sergeant. But how do you feel
16 like our system generally?

17 PROSPECTIVE JUROR NUMBER 034: I personally think
18 there's a lot of gray area. I truly do. I believe that you guys are
19 overworked, underpaid. I think the prisons are overloaded with things that
20 really should have been, I'm sorry, you're gonna do community service,
21 you're going to pay restitution, you're going to go to this, you're going to
22 go to that. But that's my own personal belief because of my son. But it
23 was the best thing for him to go to prison honest.

24 MS. DIGIACOMO: Right.

25 PROSPECTIVE JUROR NUMBER 034: So I think I can be

1 open minded.

2 MS. DIGIACOMO: Well, it sounds like he had a chance to stay
3 out of prison and ended up back there too?

4 PROSPECTIVE JUROR NUMBER 034: Yes, he made bad
5 choices.

6 MS. DIGIACOMO: Right.

7 And so if somebody is given a chance, like probation, and
8 staying out and doing what they're supposed to and they don't, do you feel
9 there should be consequences?

10 PROSPECTIVE JUROR NUMBER 034: In certain cases I think
11 there should be more follow up. It shouldn't be so black and white. I
12 believe when you're told, you're going to do this sentence and you're
13 going to get this help and this help and this help, and when you get out
14 we're going to make sure we follow up with you. I think those steps
15 should be done. I shouldn't -- I don't think they should go to prison, be
16 thrown out on the street, and then let it drop. I think there's other steps
17 that need to be followed.

18 MS. DIGIACOMO: And that's a fair point, you know, some sort
19 of transmission from coming out of prison into -- back into the community.

20 PROSPECTIVE JUROR NUMBER 034: [Nods heads.]

21 MS. DIGIACOMO: Okay. But how do you feel about the
22 system that it is the State's burden to prove beyond a reasonable doubt?

23 PROSPECTIVE JUROR NUMBER 034: Oh, no, it is.

24 MS. DIGIACOMO: Okay. And you have no problem holding us
25 to that burden?

1 PROSPECTIVE JUROR NUMBER 034: Oh, no.

2 MS. DIGIACOMO: Are you going to hold us to a higher burden
3 though?

4 PROSPECTIVE JUROR NUMBER 034: I can't say I won't, and
5 I can't say I will. It depends on your evidence.

6 MS. DIGIACOMO: Right. And that's a fair statement. But what
7 I'm saying is, if the judge instructs on the law and says, you know, the
8 burden is beyond a reasonable doubt, that's not any doubt.

9 PROSPECTIVE JUROR NUMBER 034: Well, if he tells me it's
10 beyond a reasonable doubt, then I will go with the evidence. And I will
11 voice my opinion, as I've already done as you can tell.

12 MS. DIGIACOMO: I'm sorry, you lost foreman to her so.

13 PROSPECTIVE JUROR NUMBER 034: I don't want to be
14 foreman. I can tell you right now.

15 I, you know, I'm going to listen to everything and I'm going to
16 make my own decision, whether he's guilty, whether he's not guilty,
17 whether you made me believe, okay, these things really happened. Or he
18 makes me believe, okay, well, you know, there's a questionable gray area
19 there.

20 MS. DIGIACOMO: Okay.

21 PROSPECTIVE JUROR NUMBER 034: There's a lot of gray
22 area here. We don't know what the case is. We don't know a whole lot of
23 things. So it's hard for me to say, I will just do this.

24 MS. DIGIACOMO: Well, it ties into though, will you follow the
25 law?

1 PROSPECTIVE JUROR NUMBER 034: Yes.

2 MS. DIGIACOMO: Okay. So if the judge --

3 PROSPECTIVE JUROR NUMBER 034: I always have been a
4 law abiding citizen.

5 MS. DIGIACOMO: Okay. Now, I forgot my question.

6 PROSPECTIVE JUROR NUMBER 034: It looks like he's about
7 to die laughing over there.

8 PROSPECTIVE JUROR NUMBER 052: [Inaudible]

9 MS. BLUTH: He's given up.

10 MS. DIGIACOMO: So with regard to, and maybe you don't
11 have an opinion, but I'm thinking you do, with regard to the, you know,
12 bringing a gun to a fist fight, what do you --

13 PROSPECTIVE JUROR NUMBER 034: I worked for the school
14 district for 30 years. I think if you're going to fight, you need to fight
15 one-on-one. Don't be bringing a gun to a fight. I mean, you know, if
16 you're going to have a gun fight, tell the other person, hey, I'm bringing a
17 gun, we're going to shoot it out. If you're going to fight fist to fist, do it.

18 MS. DIGIACOMO: Okay.

19 PROSPECTIVE JUROR NUMBER 034: Oh, I'm sorry.

20 MS. DIGIACOMO: No, no, you -- no, and that's a fair point.

21 So with regard to, and I'm sure you're going to say you can, but
22 with the trial phase versus a possible penalty --

23 PROSPECTIVE JUROR NUMBER 034: I can handle that.

24 MS. DIGIACOMO: Okay.

25 PROSPECTIVE JUROR NUMBER 034: I mean, here's the

1 black side and here's the white side, the two of them will come together to
2 agree on situations.

3 MS. DIGIACOMO: Okay. Now, when you make up your mind,
4 if you're selected as a juror, and you're back in the deliberation room, and
5 you're, like, I think X, and everyone else is, like, well we think Y?

6 PROSPECTIVE JUROR NUMBER 034: Do I look like the type
7 that's gonna just go with Y because everyone went with Y?

8 MS. DIGIACOMO: No.

9 PROSPECTIVE JUROR NUMBER 034: I'm going to argue my
10 side.

11 MS. DIGIACOMO: That's what I was going to ask. Are you just
12 going to go, ah, call it quits?

13 PROSPECTIVE JUROR NUMBER 034: No.

14 MS. DIGIACOMO: Or are you going to try and listen to their
15 side and try and tell them -- explain yours.

16 PROSPECTIVE JUROR NUMBER 034: Yes, I would do that.

17 MS. DIGIACOMO: Okay. I will pass for cause, Your Honor.

18 Oh, wait, I have one more question.

19 PROSPECTIVE JUROR NUMBER 034: Oh, gosh.

20 MS. DIGIACOMO: What book are you reading right now?

21 PROSPECTIVE JUROR NUMBER 034: Oh, it's called The
22 Shadow Keepers.

23 MS. DIGIACOMO: Okay. And the --

24 PROSPECTIVE JUROR NUMBER 034: It is fictional. And,
25 yes, I watch all the movies. And, yes, I know that it's -- I watch TV for

1 entertainment, not to be educated. I don't watch the news. I find the
2 news depressing. I don't like depressing stuff. I don't watch it.

3 MS. DIGIACOMO: Okay. And would you be okay if you were
4 sitting on this jury and, I mean, this is not to entertain you?

5 PROSPECTIVE JUROR NUMBER 034: Oh, I understand that.

6 MS. DIGIACOMO: Okay.

7 PROSPECTIVE JUROR NUMBER 034: This is real life.

8 MS. DIGIACOMO: Okay.

9 PROSPECTIVE JUROR NUMBER 034: This is somebody's
10 life.

11 MS. DIGIACOMO: Thank you.

12 THE COURT: Pass for cause?

13 MS. DIGIACOMO: Yes.

14 MR. LONG: Ms. Orndoff, what schools did you work in?

15 PROSPECTIVE JUROR NUMBER 034: Oh, gee, I started at
16 Vegas Verdes. I was a kindergarten aid.

17 MR. LONG: I could probably be shorter, did you work at Lewis
18 Rowe?

19 PROSPECTIVE JUROR NUMBER 034: No.

20 MR. LONG: Will Buckley?

21 PROSPECTIVE JUROR NUMBER 034: No.

22 MR. LONG: Berkeley Bunker?

23 PROSPECTIVE JUROR NUMBER: I did 21 years at Ronzone.

24 MR. LONG: Okay.

25 PROSPECTIVE JUROR NUMBER 034: I retired from there.

1 MR. LONG: Okay, yeah, that's it.

2 Now, you've seen a lot of domestic battery --

3 PROSPECTIVE JUROR NUMBER 034: Yes.

4 MR. LONG: -- based on your conversation you had with
5 Ms. DiGiacomo?

6 Do you believe that women or men, victims of domestic battery,
7 regardless of their gender, sometimes minimize what happened?

8 PROSPECTIVE JUROR NUMBER 034: Yes.

9 MR. LONG: Why do you think they do that?

10 PROSPECTIVE JUROR NUMBER 034: Because they're
11 ashamed.

12 MR. LONG: Okay. Do you believe that, they call it battered
13 women's syndrome, but I'm confident it could affect men as well, do you
14 believe that's real?

15 PROSPECTIVE JUROR NUMBER 034: Yes.

16 MR. LONG: And what do you know about that?

17 PROSPECTIVE JUROR NUMBER 034: Well, I've never seen a
18 man beaten up from another -- from a woman. But I've seen plenty of
19 women.

20 MR. LONG: Okay. And, hypothetically, if someone came to the
21 aid of a woman, is that a good thing or a bad thing?

22 PROSPECTIVE JUROR NUMBER 034: I think that's a good
23 thing.

24 MR. LONG: Okay. And you testified that in -- you didn't testify,
25 you stated, that in some rare circumstances it is okay, a person could be

1 justified in taking the life of another?

2 PROSPECTIVE JUROR NUMBER 034: Yes.

3 MR. LONG: Okay. And those circumstances include?

4 PROSPECTIVE JUROR NUMBER 034: Include small children.

5 I mean, I couldn't stand by and watch someone abuse a child. I don't
6 think that you should go to a fight with a gun. If you're going to fight,
7 you're going to fight. I think that children should always be protected. I
8 think women in general should always be protected.

9 MR. LONG: Great. We will pass for cause, Your Honor.

10 THE COURT: Thank you.

11 All right. Pass that mic over.

12 Tell me your name.

13 PROSPECTIVE JUROR NUMBER 035: Erica Mosca.

14 THE COURT: And do you work?

15 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

16 THE COURT: What do you do?

17 PROSPECTIVE juror number 035: I'm a founder and executive
18 director of a local college access and community empowerment non-profit
19 organization.

20 THE COURT: Married?

21 PROSPECTIVE JUROR NUMBER 035: No, sir.

22 THE COURT: Children?

23 PROSPECTIVE JUROR NUMBER 035: No.

24 THE COURT: Have you ever sat as a juror before?

25 PROSPECTIVE JUROR NUMBER 035: No.

1 THE COURT: You know I'm amazed that so many haven't in
2 this venire.

3 Can you be fair and impartial to both parties in this case?

4 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

5 THE COURT: State.

6 MS. BLUTH: Thank you.

7 Can you tell me a little bit about your non-profit?

8 PROSPECTIVE JUROR NUMBER 035: Yeah, sure. We work
9 with students in East and North Las Vegas where they're the first in their
10 family to go to college. We support them four years in high school, four
11 years in college, and our main focus is that they come back to the
12 community and be diverse leaders who give back.

13 MS. BLUTH: How long have you been a part of it?

14 PROSPECTIVE JUROR NUMBER 035: I started it in 2012.

15 MS. BLUTH: And like give me a little bit about your
16 background, like --

17 PROSPECTIVE JUROR NUMBER 035: Sure. I was a former
18 Clark County School District teacher in East Las Vegas. I then did a
19 master's program and then came back to Las Vegas and worked for the
20 superintendent's office and policy before I started my non-profit.

21 MS. BLUTH: And did I ask you how long it's been open for, the
22 non-profit?

23 PROSPECTIVE JUROR NUMBER 035: Yes, since 2012. So
24 this is year seven.

25 MS. BLUTH: What made you want to do that?

1 PROSPECTIVE JUROR NUMBER 034: I'm proud to be the
2 first person in my family to go to college. And I was very lucky to get a
3 scholarship to a very good institution. And I experienced what it was like
4 to come from the background as a first generation student and wanted to
5 support others to have that opportunity.

6 MS. BLUTH: Okay. So what are like your day-to-day activities
7 in that position?

8 PROSPECTIVE JUROR NUMBER 035: Sure. So mainly three
9 things with development, operations, and programs. So I'm the only
10 full-time staff member currently, but we do have a part-time program
11 manager. So it's usually grant writing, fundraising, meetings. However, I
12 also run program during the school year. So we serve students from the
13 9th grade to college juniors. And so it's after school. And we pull from 18
14 different high schools in the valley.

15 MS. BLUTH: So what do you do after school, like is it --

16 PROSPECTIVE JUROR NUMBER 035: We do things, such as,
17 internship placement, leadership speakers, ACT prep, college visits,
18 academic tutoring, social/emotional support, parent empowerment.

19 MS. BLUTH: Ever been the victim of a crime or had a family
20 member or friend?

21 PROSPECTIVE JUROR NUMBER 035: I was remiss in raising
22 my hand yesterday. When I was in college my purse was stolen off my
23 person, but my college police department was called. I thought it was
24 handled fine and it doesn't impact my judgment.

25 When I was younger, my father was a victim of assault, but I

1 was -- I was very young so I don't remember any of the details. It doesn't
2 impact my point of view.

3 And then I do have a first cousin who was found guilty of a hit
4 and run in San Diego. I was a character witness and it happened last
5 year.

6 MS. BLUTH: What happened with the case?

7 PROSPECTIVE JUROR NUMBER 035: He was, I believe, that
8 he was found guilty. But because the person was jaywalking, he was let
9 go for time served.

10 MS. BLUTH: Anything about that process that bothered you?

11 PROSPECTIVE JUROR NUMBER 035: No, I thought he was
12 very lucky that he had a very caring public defender.

13 MS. BLUTH: Yeah, and, you know, it's -- it's funny people's
14 perception about public defenders because they're actually really, really
15 good attorneys. And so I'm glad that you said that because they get a
16 really bad rap and they're excellent, excellent attorneys who believe in
17 what they do. So I'm glad that you said that.

18 All right. So nothing about that though, I mean, you were a
19 character witness for your cousin.

20 Anything about how he was treated by the police or how he was
21 treated by the prosecution that bothers you?

22 PROSPECTIVE JUROR NUMBER 035: Not in that case, no.

23 MS. BLUTH: Okay. Is there any other case out there that?

24 PROSPECTIVE JUROR NUMBER 035: I just have a nuance
25 view. I've seen both positive and negative. We had a DARE officer when

1 I was a teacher, our organization has volunteered with the Northeast Area
2 Command on National Night Out. But I've also seen excessive force and
3 called it in and experience other things that are negative. So I think I have
4 a nuance view of both the positive and negative and understand that it's
5 individually based.

6 MS. BLUTH: Now, I was going to say, I mean, would you agree
7 with me that, like, police officers are like any other profession, there's like
8 good cops, bad cops, good apples, bad apples?

9 PROSPECTIVE JUROR NUMBER 035: Yes.

10 MS. BLUTH: Just like, you know, teachers, lawyers, doctors?

11 PROSPECTIVE JUROR NUMBER 035: U'm-h'm.

12 MS. BLUTH: But I do want to hear a little bit about your
13 negative contacts with law enforcement, if you wouldn't mind.

14 PROSPECTIVE JUROR NUMBER 035: Sure. Yes, in my
15 opinion, saw excessive force. So I did call. I --

16 MS. BLUTH: Where was it at?

17 PROSPECTIVE JUROR NUMBER 035: Where I used to live
18 on Boulder and Tropicana area.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NUMBER 035: And the detective did
21 call me back. So I thought that that was positive.

22 MS. BLUTH: Okay.

23 PROSPECTIVE JUROR NUMBER 035: And I also work with
24 students who live in East and North Las Vegas and very exposed to
25 negative experiences from our students with law enforcement.

1 MS. BLUTH: Okay. So are you -- if I were to ask you, like,
2 what are your views on local law enforcement, how would you express it?

3 PROSPECTIVE JUROR NUMBER 035: Same nuance in that I
4 would say, in general, a flawed system, like many people have shared,
5 but people do their best with the circumstances that they have.

6 MS. BLUTH: Okay. What about how the criminal justice
7 system works in our country?

8 PROSPECTIVE JUROR NUMBER 035: Yes. I also
9 understand that we are very lucky, that people, for instance, are here in a
10 jury, that we have a right to a trial, that we have a right to appeal, that we
11 have a right to a defense. But I also work in a school system and
12 understand the school-to-prison pipeline, the prison industrial complex,
13 and all of the other negative policy things that do exist.

14 MS. BLUTH: What would you say those are?

15 PROSPECTIVE JUROR NUMBER 035: For example, the -- so
16 I understand that laws are made by men and women. So, for example,
17 the cake, the cake law that was just passed, the Supreme Court, I don't
18 agree with that. And I understand that judges are elected, that they're
19 money and elections, they have more of a systemic view about the legal
20 system.

21 MS. BLUTH: Do you think that it has an effect on how you
22 would view this case?

23 PROSPECTIVE JUROR NUMBER 035: No, I would try very
24 hard to be impartial.

25 MS. BLUTH: Okay. Where do, like, trying hard, means you

1 have to, like, put some effort into it; right, so where do your biases or
2 prejudices lie?

3 PROSPECTIVE JUROR NUMBER 035: For me, as someone
4 who works in -- to prevent systemic inequity, I understand that people who
5 are born into lower income circumstances have a harder chance when it
6 comes to systems of oppression and power.

7 MS. BLUTH: I guess that -- and I understand greatly what
8 you're saying and empathize to a certain degree. But when you get here
9 it's really, you know, so, like, was a crime committed? It doesn't matter.
10 Mr. Cash's background doesn't matter. My background doesn't matter. It
11 doesn't matter your background. It's really here's the conduct and here
12 are the crime -- here is the crime and does it fit? And that is what jurors
13 are tasked with doing.

14 So, now, of course, you can, you know, if a police officer, if you
15 don't think that the police officer did a good investigation or didn't do it
16 fairly or -- that can be weighed in. But like the systemic oppression that
17 you're talking about, that really can't bleed into the -- into the process
18 because it's -- here's the conduct and is it criminal or not?

19 Can you boil it down to that or do you think because of the
20 position you're in and your background that's a difficult thing for you to do?

21 PROSPECTIVE JUROR NUMBER 035: I would try very hard
22 understanding that two families have experienced something very
23 negative.

24 MS. BLUTH: Yeah.

25 We haven't had to do this today but yesterday we were kind of

1 badgering people with the I try thing; right, because it's --

2 PROSPECTIVE JUROR NUMBER 035: Okay, yes.

3 MS. BLUTH: No, it's okay because that's an honest answer.

4 It's just a scary answer because you have to know whether or not you're
5 able to do it, because after you're selected, it's really hard to kind of unring
6 the bell, you know.

7 So if you're struggling with that, or you think that it might affect
8 you, then a civil case is probably where they're fighting over money, is
9 probably a more appropriate venue for you. I'm just trying to gauge.

10 PROSPECTIVE JUROR NUMBER 035: Right. Because I
11 believe in the process. So I'm trying to be a very good citizen.

12 MS. BLUTH: Yeah, of course.

13 PROSPECTIVE JUROR NUMBER 035: And understanding of I
14 would try my best. I don't know honestly if I could devoid everything that
15 I've experienced and study and work in for my perspective.

16 MS. BLUTH: Yeah. And you --

17 PROSPECTIVE JUROR NUMBER 035: Maybe an
18 unconscious bias.

19 MS. BLUTH: Yeah, that's what I'm afraid of and that's a really
20 good term. Is, yeah, an unconscious bias where I don't think you're trying
21 to get out of jury duty at all. I think you recognize it's your civic duty and
22 that you want to be a part of it. But you really are coming from a
23 background and, I mean, you used the term systemic oppression, which
24 is -- I get it. It's a valid thing. Especially in the job that you do.

25 But if your feelings are so strong that it creates a bias or even a

1 prejudice against the State, that's worry -- you could understand how that
2 would be worrisome from my perspective?

3 PROSPECTIVE JUROR NUMBER 035: Yes, yes.

4 MS. BLUTH: And so is it something you can do or you're really
5 just not sure?

6 PROSPECTIVE JUROR NUMBER 035: I'm not sure.

7 MS. BLUTH: Okay. Judge, I'm going to ask for cause.

8 But I appreciate your honesty.

9 THE COURT: Do you want to ask her some questions?

10 MR. LONG: Yeah, I'd like to ask her some questions.

11 Ms. Mosca, where did you go to college?

12 PROSPECTIVE JUROR NUMBER 035: My undergraduate is
13 from Boston University.

14 MR. LONG: And where's your grad?

15 PROSPECTIVE JUROR NUMBER 035: UNLV and Harvard.

16 MR. LONG: So which one's better?

17 PROSPECTIVE JUROR NUMBER 035: I liked BU the best.

18 MR. LONG: And, I mean, between UNLV and Harvard?

19 PROSPECTIVE JUROR NUMBER 035: People are nicer at
20 UNLV.

21 MR. LONG: What schools have you taught at before and after?

22 PROSPECTIVE JUROR NUMBER 035: I taught at GoldFarb
23 Elementary School off the Charleston and Nellis.

24 MR. LONG: Okay. And at this moment, you're not teaching --

25 PROSPECTIVE JUROR NUMBER 035: Correct.

1 MR. LONG: -- you're full-time at your non-profit?

2 PROSPECTIVE JUROR NUMBER 035: Full-time non-profit,
3 yes.

4 MR. LONG: Okay. And you're in your seventh year or eighth
5 year?

6 PROSPECTIVE JUROR NUMBER: This school year, fiscal
7 year, will be seventh.

8 MR. LONG: Okay. Great.

9 Now, do you understand that Mr. Cash is presumed innocent?

10 PROSPECTIVE JUROR NUMBER 035: Yes.

11 MR. LONG: And do you understand that regardless of what's
12 going on out in the world, the school-to-prison pipeline, unfair sentences
13 handed down to minorities, police brutality in certain neighborhoods, lack
14 of opportunity, you know, like you stated, and I think I saw you on the
15 Review Journal news, because when you said first generation going to
16 college, I -- I don't watch the news on TV. I click on stories on the Review
17 Journal and I think I saw you there.

18 People born in South Central Los Angeles don't have the same
19 opportunities as someone born in Summerlin to go to college and things
20 like that. But regardless of all that's happening, when you're in here,
21 these four walls, only thing we're worried about is Mr. Cash. We don't
22 care about the color of his skin. We don't care about his age. We care
23 about the facts. Did he commit murder? Can you put all that, that we all
24 ingest in this information age, Twitter and news feeds and things like that,
25 and just focus on this case?

1 PROSPECTIVE JUROR NUMBER 035: I would try consciously
2 to, but I don't know unconsciously.

3 MR. LONG: Well, has there ever been an instance in your life,
4 you're not terribly old, where you've done something that you realized, oh,
5 that's my subconscious kicking in. Has that ever happened?

6 PROSPECTIVE JUROR NUMBER 035: Yes, yes. I'm sure.

7 MR. LONG: When has that happened?

8 PROSPECTIVE JUROR NUMBER 035: With the work that we
9 do when new students join and if they are a certain amount of not being --
10 not using -- we call it advocacy core value. So if they don't use a lot of
11 advocacy, then we just assume that maybe they don't care.

12 MR. LONG: They're not terribly motivated?

13 PROSPECTIVE JUROR NUMBER 035: Right. And that you
14 find out later they're not.

15 MR. LONG: But you've judged their character from what you've
16 seen and what you've heard; right?

17 PROSPECTIVE JUROR NUMBER 035: They --

18 MR. LONG: You've looked at them, you've listened to them,
19 and you say, not a whole lot of motivation here, he's here for the food or
20 she's here for the food?

21 PROSPECTIVE JUROR NUMBER 035: And then I've been
22 wrong, yeah.

23 MR. LONG: Or wants the T-shirt?

24 And, yeah, so do you really attribute that to your subconscious
25 or do you attribute that to being a good judge of character?

1 PROSPECTIVE JUROR NUMBER 035: I would attribute that to
2 wanting to be open to change my mind, and also I would attribute it to the
3 fact -- to socialization factors that made me think that way in the first
4 place. But then also being willing to get to know the student.

5 MR. LONG: Yeah, but you've never sat down and said, boy, my
6 subconscious pulled a fast one on me there, did you?

7 PROSPECTIVE JUROR NUMBER 035: Later, not in the
8 present.

9 MR. LONG: Okay. You're Honor, I'd ask that we keep
10 Ms. Mosca. I don't want to remove her for cause.

11 THE COURT: All right. Thank you.

12 I have to balance all of the challenges and the rights and
13 responsibilities, and thank you for your time, you're excused.

14 PROSPECTIVE JUROR NUMBER 035: Thank you.

15 THE COURT: Fill that spot, please.

16 THE COURT CLERK: That's number 35, Tom?

17 THE MARSHAL: 64.

18 THE COURT: The new one?

19 THE MARSHAL: No.

20 [Colloquy between the Court and the Court Staff]

21 THE COURT CLERK: The new one is Megan Lane.

22 THE COURT: We are going to take a five minute recess. You'll
23 sit up here when you get back.

24 Don't talk about this case. We've got about an hour more that
25 we'll do and then we're going to have to take a break for the evening.

1 [Outside the presence of the prospective jury panel]
2 THE COURT: All right. Take five minutes. We're going to go
3 until 3:30. I've made arrangements.
4 MS. BLUTH: Okay. Keep pushing.
5 [Recess taken at 2:24 p.m.]
6 [Jury Trial resumed at 2:34 p.m.]
7 [In the presence of the prospective jury panel]
8 THE MARSHAL: All rise, please.
9 And be seated.
10 THE COURT: All right. Where are we at? Okay.
11 Tell me your name.
12 PROSPECTIVE JUROR NUMBER 075: Megan Lane.
13 THE COURT: Do you work?
14 PROSPECTIVE JUROR NUMBER 075: No.
15 THE COURT: Have you worked?
16 PROSPECTIVE JUROR NUMBER 075: Yes.
17 THE COURT: What have you done?
18 PROSPECTIVE JUROR NUMBER 075: My backgrounds in
19 horticulture.
20 THE COURT: Are you married?
21 PROSPECTIVE JUROR NUMBER 075: No.
22 THE COURT: Children?
23 PROSPECTIVE JUROR NUMBER 075: No.
24 THE COURT: Ever sat as a juror before?
25 PROSPECTIVE JUROR NUMBER 075: No.

1 THE COURT: Can you be fair and impartial to both parties in
2 this case?

3 PROSPECTIVE JUROR NUMBER 075: Yes.

4 THE COURT: State.

5 MS. BLUTH: Hi.

6 So tell me what you did in horticulture?

7 PROSPECTIVE JUROR NUMBER 075: I have a degree in
8 landscape design from University of Tennessee. I haven't really done a
9 whole lot with it to be honest with you.

10 MS. BLUTH: Okay.

11 PROSPECTIVE JUROR NUMBER 075: Mainly retail and
12 service industry.

13 MS. BLUTH: Okay. Tell me about your last job?

14 PROSPECTIVE JUROR NUMBER 075: My last job was with
15 Boston Proper, which is a clothing company. I was a lead sales associate
16 there.

17 MS. BLUTH: Where was that?

18 PROSPECTIVE JUROR NUMBER 075: Downtown Summerlin.

19 MS. BLUTH: So right now are you looking for work or you're
20 just on a break?

21 PROSPECTIVE JUROR NUMBER 075: No, apparently I have
22 some health problems.

23 MS. BLUTH: Oh, okay.

24 Is --

25 PROSPECTIVE JUROR NUMBER 075: I've been out of work a

1 few years.

2 MS. BLUTH: -- is there -- is it anything that would prevent you
3 from being a juror?

4 PROSPECTIVE JUROR NUMBER 075: Possibly.

5 MS. BLUTH: Okay. Could you tell me about it?

6 PROSPECTIVE JUROR NUMBER 075: I just might have to
7 have -- I have gastroparesis. So I might have to go to the bathroom a lot
8 for various reasons or leave.

9 MS. BLUTH: Okay. As you --

10 PROSPECTIVE JUROR NUMBER 075: Lots of doctor's
11 appointments.

12 MS. BLUTH: Okay. As you've been sitting here, have you
13 been able -- you've been behind me, so I haven't been watching much.

14 PROSPECTIVE JUROR NUMBER 075: Yeah.

15 MS. BLUTH: Have you --

16 PROSPECTIVE JUROR NUMBER 075: Except for once or
17 twice. I think I've been okay.

18 MS. BLUTH: Okay. All right. So, like, give me, like, in six
19 hours how many breaks would you need?

20 PROSPECTIVE JUROR NUMBER 075: Probably three.

21 MS. BLUTH: Three?

22 PROSPECTIVE JUROR NUMBER 075: Probably. It just -- it
23 depends on the pain and a whole bunch of things. If I eat.

24 MS. BLUTH: Okay.

25 PROSPECTIVE JUROR NUMBER 075: Things like that.

1 MS. BLUTH: Well, I don't want you starving yourself.

2 PROSPECTIVE JUROR NUMBER 075: Yeah, I don't either.

3 MS. BLUTH: Okay. All right. So but like once every two hours

4 is the usual?

5 PROSPECTIVE JUROR NUMBER 075: Yeah, that's fine.

6 MS. BLUTH: Okay. So when you have been sitting here, and

7 you've been, I mean, you've been here for a long time. And the good

8 news is we only have to get to this person; right? We just have to get to

9 him. So those people, I mean, you may get in one of these seats. But

10 once we get to here, then we start knocking off half of you.

11 PROSPECTIVE JUROR NUMBER 075: Okay.

12 MR. LONG: Figuratively.

13 MS. BLUTH: So what have you thought about when you've

14 been sitting there in regards to the questions? Like have you had a

15 different opinion than some of our other fellow prospective jurors? Have

16 you thought a lot about a certain question? Like some jurors tell me, last

17 night I went home and I thought about that one for a while. Anything like

18 that?

19 PROSPECTIVE JUROR NUMBER 075: Nothing really.

20 MS. BLUTH: Okay. Now, are you born and raised in Louisiana

21 or what's your background?

22 PROSPECTIVE JUROR NUMBER 075: Tennessee. And

23 raised there, yes.

24 MS. BLUTH: And when did you come to Vegas?

25 PROSPECTIVE JUROR NUMBER 075: My family moved here

1 in '98. So I've lived here off and on since 2002.

2 MS. BLUTH: Okay. And off and on, did you go back to the
3 south?

4 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

5 MS. BLUTH: All right. And so, like, give me an idea in your
6 spare time, like, what -- where do you get your news or what do you do for
7 fun, things like that?

8 PROSPECTIVE JUROR NUMBER 075: The news off the
9 television. I take care of my parents who are getting older. So I spend a
10 lot of time with them, taking care of them, my family.

11 MS. BLUTH: Okay. Ever been a victim of a crime or known
12 anybody?

13 PROSPECTIVE JUROR NUMBER 075: I've been assaulted.

14 MS. BLUTH: Okay. Can you tell me about that?

15 PROSPECTIVE JUROR NUMBER 075: Just put myself in a
16 bad situation. It was attempted rape. I jumped out a window and I didn't
17 report it.

18 MS. BLUTH: You didn't report it?

19 PROSPECTIVE JUROR NUMBER 075: I was seen by an
20 ambulance but that was that.

21 MS. BLUTH: Okay. How long ago was that?

22 PROSPECTIVE JUROR NUMBER 075: That was in 2010.

23 MS. BLUTH: And was that here?

24 PROSPECTIVE JUROR NUMBER 075: No.

25 MS. BLUTH: What state?

1 PROSPECTIVE JUROR NUMBER 075: Tennessee.

2 MS. BLUTH: Okay. And so but -- so you received medical
3 treatment. So but the police --

4 PROSPECTIVE JUROR NUMBER 075: I went -- I left my,
5 where I worked, I worked at a bar, and left, and was in a bad situation,
6 and went back to the bar and there happened to be an ambulance there
7 already.

8 MS. BLUTH: Okay. That makes sense.

9 And you didn't report it, which is actually very common in those
10 types of situations.

11 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

12 MS. BLUTH: Looking back now, do you wish you would have
13 or do you still feel the same? How do you feel?

14 PROSPECTIVE JUROR NUMBER 075: I still feel the same.

15 MS. BLUTH: And is that because you didn't want to deal with
16 the whole process or didn't feel like you would be treated fairly or thought
17 you'd be judged?

18 PROSPECTIVE JUROR NUMBER 075: Maybe a little of both.
19 I was young. It was stupid.

20 MS. BLUTH: Do you have -- was part of that feeling, like, oh, I
21 put myself in a bad position, so part of it's my fault --

22 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

23 MS. BLUTH: -- or maybe people will judge me?

24 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

25 MS. BLUTH: Okay. Do you think that, so taking that situation

1 into like a whole different hypothetical, like somebody who leaves their car
2 in the grocery store parking lot, with the keys in it, and then somebody --
3 obviously that's not a smart decision -- but then someone -- and then
4 someone goes and steals their car.

5 Do you think that the individual who left their keys in their car,
6 they're as responsible as the person that stole it because they didn't make
7 the smartest decision?

8 PROSPECTIVE JUROR NUMBER 075: No.

9 MS. BLUTH: Okay. Any other family members or any other
10 situations with you where someone has been victimized?

11 PROSPECTIVE JUROR NUMBER 075: No. I mean, more
12 verbal, I guess, just bad situations, nothing physical.

13 MS. BLUTH: Like domestic violence but like more verbal
14 abuse?

15 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

16 MS. BLUTH: Okay. Is that you personally or family or friends?

17 PROSPECTIVE JUROR NUMBER 075: Both.

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NUMBER 075: Or all three.

20 MS. BLUTH: Okay. And was that also in the other state?

21 PROSPECTIVE JUROR NUMBER 075: No. Yes, it was --
22 well, in both states.

23 MS. BLUTH: Okay. Was that present in the home you grew up
24 in?

25 PROSPECTIVE JUROR NUMBER 075: Yes.

1 MS. BLUTH: Okay. Was that ever reported or how was that
2 handled?

3 PROSPECTIVE JUROR NUMBER 075: It was reported and
4 there was a lengthy divorce in the main situation.

5 MS. BLUTH: Okay.

6 PROSPECTIVE JUROR NUMBER 075: There was some stuff
7 that happened that went unreported.

8 MS. BLUTH: Do you -- when it did go reported, did you feel like
9 the police handled that situation properly, took it seriously?

10 PROSPECTIVE JUROR NUMBER 075: I felt a little, like, it
11 wasn't taken as seriously. I felt like my hands were kind of tied. I felt like
12 we couldn't do anything because everybody's hands were tied.

13 MS. BLUTH: What do you mean, like, by the hands being tied?

14 PROSPECTIVE JUROR NUMBER 075: There was an incident
15 with my sister and because she was a minor she had to press charges
16 herself. So nothing was ever done about the situation.

17 MS. BLUTH: Okay. Was the aggressor her boyfriend or --

18 PROSPECTIVE JUROR NUMBER 075: Stepfather.

19 MS. BLUTH: Stepfather, okay.

20 Has that changed the way you view law enforcement?

21 PROSPECTIVE JUROR NUMBER 075: No.

22 MS. BLUTH: What are your thoughts about local law
23 enforcement?

24 PROSPECTIVE JUROR NUMBER 075: I think we have good
25 law enforcement. I think Las Vegas is a tough city.

1 MS. BLUTH: In what regard?

2 PROSPECTIVE JUROR NUMBER 075: There's a lot of crime.
3 I grew up in small town in the south so.

4 MS. BLUTH: Yeah, a lot different.

5 PROSPECTIVE JUROR NUMBER 075: It's a big city.

6 MS. BLUTH: Yeah.

7 What about the criminal justice system kind of across the board
8 in the United States?

9 PROSPECTIVE JUROR NUMBER 075: I think it's good. It
10 works for the most part.

11 MS. BLUTH: All right. Have you ever had any, you know, we
12 just talked about the battery, domestic violence situations and the verbal
13 aggression, what about just negative contacts with law enforcement
14 where you felt personally like you weren't treated properly?

15 PROSPECTIVE JUROR NUMBER 075: No.

16 MS. BLUTH: Any family friends with law enforcement judges,
17 attorneys?

18 PROSPECTIVE JUROR NUMBER 075: Yes.

19 MS. BLUTH: Can you give me an idea of what that is.

20 PROSPECTIVE JUROR NUMBER 075: My sister and I would
21 love to tell you but we didn't know until it was all said and done years later.
22 She got a couple of DUI's and I think a public intoxication.

23 MS. BLUTH: Okay. So --

24 PROSPECTIVE JUROR NUMBER 075: Nothing felony or
25 anything like that.

1 MS. BLUTH: Okay. Was that in Nevada or in Tennessee?
2 PROSPECTIVE JUROR NUMBER 075: It was in Tennessee.
3 MS. BLUTH: All right. Any other family members?
4 PROSPECTIVE JUROR NUMBER 075: Uh-uh.
5 MS. BLUTH: Okay. And then do you know personally though
6 like friends with any law enforcement?
7 PROSPECTIVE JUROR NUMBER 075: Sure.
8 MS. BLUTH: Okay. Tell me about that.
9 PROSPECTIVE JUROR NUMBER 075: Not with law
10 enforcement. But it's been on the other side, they've been arrested.
11 MS. BLUTH: Okay. Tell me about that?
12 PROSPECTIVE JUROR NUMBER 075: My ex's children have
13 been in quite a built of trouble. One ended up at High Desert for a while.
14 Drugs and theft and things like that.
15 MS. BLUTH: Okay. How did you feel like in your sister's
16 situation and with your ex's children, how they were dealt with, either by
17 the police, with the criminal justice system?
18 PROSPECTIVE JUROR NUMBER 075: As far as I know,
19 everything was straight up.
20 MS. BLUTH: Do you watch any of the shows that we've been
21 talking about?
22 PROSPECTIVE JUROR NUMBER 075: All of them.
23 MS. BLUTH: Yeah. The real ones and the --
24 PROSPECTIVE JUROR NUMBER 075: I don't really watch the
25 real ones, just the fictional really.

1 MS. BLUTH: And which ones are those, the fictional ones, like?

2 PROSPECTIVE JUROR NUMBER 075: The NCIS, CSI,
3 Criminal Minds. I watch all of them.

4 MS. BLUTH: Okay. What about them interest you?

5 PROSPECTIVE JUROR NUMBER 075: I think it's just the
6 mystery, figuring out the end.

7 MS. BLUTH: Do you -- do you think that there's a difference in
8 capabilities in the real world?

9 PROSPECTIVE JUROR NUMBER 075: Oh, yeah.

10 MS. BLUTH: Okay. Do you have expectations based on those
11 shows on the type of evidence that police or district attorneys should
12 present?

13 PROSPECTIVE JUROR NUMBER 075: No.

14 MS. BLUTH: What about following the law when you don't
15 agree with it? You've heard me ask that question. I did the marijuana
16 hypothetical. Where were you at there?

17 PROSPECTIVE JUROR NUMBER 075: You got to follow the
18 law.

19 MS. BLUTH: What about the conversations we've been talking
20 about bringing guns to fist fights or bringing a weapon to a fist fight? And I
21 know a lot of people have talked about, you know, well, if you're -- you
22 know you're going to have -- you know you're going to be a fist fight. So
23 before you go there you go and grab a gun. I'm not necessarily talking
24 about that hypothetical. I'm talking about a weapons readily available to
25 you during a fight.

1 What are your thoughts on that?

2 PROSPECTIVE JUROR NUMBER 075: Same, pretty much the

3 same as everyone else, self-defense, defense of other people would be a

4 cause. But it shouldn't be a first option.

5 MS. BLUTH: Okay. How do you feel about speaking in front of

6 other people?

7 PROSPECTIVE JUROR NUMBER 075: I'm okay.

8 MS. BLUTH: And then what about the three forms of sentence

9 that I was talking about yesterday, are you comfortable with all three of

10 those or do you need me to repeat them?

11 PROSPECTIVE JUROR NUMBER 075: I'm comfortable. I can

12 separate them. I'm not as comfortable with judging someone but.

13 MS. BLUTH: All right. Talk to me about that?

14 PROSPECTIVE JUROR NUMBER 075: It's just uncomfortable.

15 MS. BLUTH: Yeah.

16 And I -- do you look at it as you are judging another person or

17 do you -- can you look at it, like, I'm judging someone's actions, like?

18 PROSPECTIVE JUROR NUMBER 075: I can judge someone's

19 actions.

20 MS. BLUTH: Okay. And when you say you're having issues

21 with it, is that because you were thinking of it, oh, like I'm judging a human

22 being and we're taught so young not to do it?

23 PROSPECTIVE JUROR NUMBER 075: Why is it my place to

24 judge, I guess.

25 MS. BLUTH: Right.

1 PROSPECTIVE JUROR NUMBER 075: Without being there
2 and -- I don't know. It's just -- I think it's difficult. You're taking
3 somebody's else life in your own hands.

4 MS. BLUTH: Sure.

5 We've been talking about, you know, there's a burden that the
6 State -- it's always the State's burden; right? We do the charging and
7 therefore in our system it's up to us to prove that the Defendant has done
8 these things beyond a reasonable doubt that's our burden.

9 Because you feel uncomfortable with that judging issue, would
10 you hold us to a higher burden then what the law requires because?

11 PROSPECTIVE JUROR NUMBER 075: I hope not. I wouldn't
12 intentionally.

13 MS. BLUTH: Okay. Is there anything about you that you think
14 we should know before we make the decision? Like there's a question
15 that I haven't asked that you think would be important?

16 PROSPECTIVE JUROR NUMBER 075: I can't think of one.

17 MS. BLUTH: Okay. All right. Thank you so much.

18 We'll pass for cause, Judge.

19 THE COURT: Thanks.

20 MR. LONG: Ms. Lane, these health problems that you
21 discussed with the district attorney, was there any accompanying
22 depression that comes along with a chronic illness like that?

23 PROSPECTIVE JUROR NUMBER 075: Yes. I have panic
24 anxiety disorder, severely. I've been on medication for several years.

25 MR. LONG: Are you on medication now?

1 PROSPECTIVE JUROR NUMBER 075: Yes.

2 MR. LONG: Do you think that medication would interfere with
3 your ability to sit as a juror?

4 PROSPECTIVE JUROR NUMBER 075: The only thing it does
5 my affect my memory some. So that would be the only thing I can think
6 of.

7 MR. LONG: Okay. Now, affecting your memory, long term
8 memory, short term memory?

9 PROSPECTIVE JUROR NUMBER 075: Short term. Like I'll
10 walk into the next room and not remember what I'm going in there for and
11 then I'll remember. But it's simple stuff like that.

12 MR. LONG: Okay.

13 Your Honor, based on memory problems, I mean, obviously
14 she's given very good answers as a prospective juror, but she's on
15 medication, admitted that it would affect her memory. I'd ask that she be
16 dismissed for cause.

17 THE COURT: Defense?

18 MS. DIGIACOMO: That's fine.

19 MR. LONG: Okay.

20 MS. DIGIACOMO: No objection.

21 THE COURT: You what?

22 MS. DIGIACOMO: I said --

23 MR. LONG: No objection.

24 MS. DIGIACOMO: -- no objection.

25 THE COURT: All right. You're free to go. Thank you.

1 THE COURT CLERK: Sheryl.
2 THE COURT: All right. Tell me your name.
3 PROSPECTIVE JUROR NUMBER 076: Sheryl
4 Maloof-Thompson. I go by Sherri.
5 THE COURT: Do you work?
6 PROSPECTIVE JUROR NUMBER 076: Yes, I do.
7 THE COURT: What do you do?
8 PROSPECTIVE JUROR NUMBER 076: I setup trade shows. I
9 work for Freeman Company.
10 THE COURT: Are you married?
11 PROSPECTIVE JUROR NUMBER 076: Yes.
12 THE COURT: Does your spouse work?
13 PROSPECTIVE JUROR NUMBER 076: Yes.
14 THE COURT: What does your spouse do?
15 PROSPECTIVE JUROR NUMBER 076: He's a wine distributor.
16 THE COURT: Children?
17 PROSPECTIVE JUROR NUMBER 076: Yes.
18 THE COURT: Ages?
19 PROSPECTIVE JUROR NUMBER 076: 19 and 18.
20 THE COURT: 19 and 18, are they -- either of them in law or
21 law enforcement?
22 PROSPECTIVE JUROR NUMBER 076: No.
23 THE COURT: Have you ever sat as a juror before?
24 PROSPECTIVE JUROR NUMBER 076: No.
25 THE COURT: Can you be fair and impartial to the State and to

1 the Defendant?

2 PROSPECTIVE JUROR NUMBER 076: Yes.

3 THE COURT: State.

4 MS. DIGIACOMO: Thank you.

5 And, I apologize, this far down on the list my notes got a little
6 confused. So have you been the victim of a crime before?

7 PROSPECTIVE JUROR NUMBER 076: No.

8 MS. DIGIACOMO: Okay. Anyone close to you been the victim
9 of a crime?

10 PROSPECTIVE JUROR NUMBER 076: My parent's house got
11 broken into in California, probably about five years ago.

12 MS. DIGIACOMO: Did you, I guess, you know, were you
13 involved in the process?

14 PROSPECTIVE JUROR NUMBER 076: No.

15 MS. DIGIACOMO: Do you even know if anyone was caught?

16 PROSPECTIVE JUROR NUMBER 076: They weren't.

17 MS. DIGIACOMO: Do you have an opinion about whether or
18 not handled -- or law enforcement handled it correctly?

19 PROSPECTIVE JUROR NUMBER 076: No, I wasn't there. I
20 lived here.

21 MS. DIGIACOMO: Okay. And then what about anyone, you or
22 anyone close to you, been arrested for a crime?

23 PROSPECTIVE JUROR NUMBER 076: No.

24 MS. DIGIACOMO: Do you have -- well, you've heard everyone
25 else, what are your opinions about our criminal justice system as a whole?

1 PROSPECTIVE JUROR NUMBER 076: I think overall it's good.
2 I mean, there's good and bad with everything.

3 MS. DIGIACOMO: What do you think is some of the good with
4 it?

5 PROSPECTIVE JUROR NUMBER 076: I believe just, you
6 know, the evidence and everything that's shown, I mean, it's pretty
7 thorough process. Like even with us being here to select a jury, you
8 know. It's pretty thorough so.

9 MS. DIGIACOMO: Do you believe in the premise guilty -- or
10 excuse me, innocent until proven guilty?

11 PROSPECTIVE JUROR NUMBER 076: Yes, I do.

12 MS. DIGIACOMO: Okay. And then what are some of the
13 negatives with our criminal justice system?

14 PROSPECTIVE JUROR NUMBER 076: I do think it's long,
15 some of its long, you know. Especially us sitting here. It's been long.

16 MS. DIGIACOMO: I get it.

17 PROSPECTIVE JUROR NUMBER 076: Yeah, I know, I know.
18 I'm just.

19 MS. DIGIACOMO: Try standing here in heels.

20 PROSPECTIVE JUROR NUMBER 076: Yeah, right, right.

21 MS. DIGIACOMO: I get it. And it's an inconvenience but do
22 you understand it's an important part of our system?

23 PROSPECTIVE JUROR NUMBER 076: Right.

24 MS. DIGIACOMO: Everyone's entitled to a fair trial; right?

25 PROSPECTIVE JUROR NUMBER 076: U'm-h'm.

1 MS. DIGIACOMO: Yes?

2 PROSPECTIVE JUROR NUMBER 076: Yes.

3 MS. DIGIACOMO: Okay. Would you watch any of the law
4 shows we've been talking about?

5 PROSPECTIVE JUROR NUMBER: Not really. I mean, they'll
6 be on, like my daughter watches them. So I'll sometimes watch them, but
7 I'm not.

8 MS. DIGIACOMO: So you don't have any expectations about
9 what the State needs to do to prove this case to you based upon what you
10 see on TV?

11 PROSPECTIVE JUROR NUMBER 076: No.

12 MS. DIGIACOMO: All right. And what kind of shows do you
13 watch?

14 PROSPECTIVE JUROR NUMBER 076: HGTV.

15 MS. DIGIACOMO: All right.

16 PROSPECTIVE JUROR NUMBER 076: And the Cooking
17 Channel.

18 MS. DIGIACOMO: Nice.

19 Do you cook, too?

20 PROSPECTIVE JUROR NUMBER 076: No.

21 MS. DIGIACOMO: So you like to watch people cook?

22 PROSPECTIVE JUROR NUMBER 076: Yeah, I like to watch it.

23 MS. DIGIACOMO: All right. What about the notion of the judge
24 instructs on what the law is and you're instructed to follow the law and
25 deciding this case, even if you disagree with it. Are you okay with that?

1 PROSPECTIVE JUROR NUMBER 076: I believe in following
2 the law, uh-huh, yes.

3 MS. DIGIACOMO: Okay. Do you know anyone in the court
4 system, either works in the court system, family friend?

5 PROSPECTIVE JUROR NUMBER 076: I used to be a
6 stenographer.

7 MS. DIGIACOMO: Okay. And how long ago was that?

8 PROSPECTIVE JUROR NUMBER 076: It was -- let's see '95
9 through '99 in district court.

10 MS. DIGIACOMO: Okay. So you've sat through quite a few
11 trials and quite a few jury selections?

12 PROSPECTIVE JUROR NUMBER 076: We would -- I worked
13 for an agency that we were there for like maybe a day or two. So I never
14 really went through the whole trial. So I never --

15 MS. DIGIACOMO: So you didn't work for a judge?

16 PROSPECTIVE JUROR NUMBER 076: We worked for two
17 courtrooms.

18 MS. DIGIACOMO: Okay.

19 PROSPECTIVE JUROR NUMBER 076: So at that time.

20 MS. DIGIACOMO: Okay. So how many trials would you say
21 that you -- well, you never sat through a trial from beginning to end?

22 PROSPECTIVE JUROR NUMBER 076: No.

23 MS. DIGIACOMO: Just came in for witnesses or parts of it?

24 PROSPECTIVE JUROR NUMBER 076: Yes.

25 MS. DIGIACOMO: So anything about that experience that, I

1 guess, would affect your ability to be fair and impartial here?

2 PROSPECTIVE JUROR NUMBER 076: No.

3 MS. DIGIACOMO: Okay. Do you still have friends that work in
4 the court system?

5 PROSPECTIVE JUROR NUMBER 076: No. I mean, not -- no,
6 not that I know of.

7 MS. DIGIACOMO: Okay. With what we've been talking about,
8 bringing, you know, some sort of weapon to a fist fight, what are your
9 opinions on that?

10 PROSPECTIVE JUROR NUMBER 076: I don't really believe in
11 bringing a gun, you know, firearm with you. I mean, I feel like there's too
12 many firearms out there in the wrong hands with the wrong people. Lot of
13 kids have them, you know. I know one of my son's friends went to a party
14 and this kid pulled a gun and pointed it at his head. So I just don't believe
15 with any of that. I don't have any. I just -- I don't believe in that.

16 MS. DIGIACOMO: Okay. Well, and I get maybe guns is not the
17 right example because it does -- a lot of people have strong feelings one
18 way or the other about it.

19 But what about any weapon, are there times when if you're in a
20 fist fight, you think that you could -- one person should escalate it with a
21 weapon?

22 PROSPECTIVE JUROR NUMBER 076: I don't think -- I don't
23 believe in any of that, no. I mean, if it's going to be a fist fight, use your
24 fists. I really don't believe in pulling out a gun.

25 MS. DIGIACOMO: Okay.

1 PROSPECTIVE JUROR NUMBER 076: I don't. Personally I
2 don't.

3 MS. DIGIACOMO: Are there times when you think somebody
4 could pull out a weapon in self-defense or any other way they could be
5 justified?

6 PROSPECTIVE JUROR NUMBER 076: They could. I mean, it
7 happens all the time I'm sure but. I just think weapons are in the wrong --
8 a lot of weapons are out there in the wrong hands. I really do.

9 MS. DIGIACOMO: Okay. And that's fair. Especially with what
10 we've seen with all the school shootings.

11 PROSPECTIVE JUROR NUMBER 076: U'm-h'm, Route 91 is
12 another.

13 MS. DIGIACOMO: Right.

14 PROSPECTIVE JUROR NUMBER 076: You, know, just a lot
15 of.

16 MS. DIGIACOMO: True.

17 Do you think -- aside from the fact there's probably too many
18 guns out there or too many weapons, do you agree though sometimes
19 somebody can use a weapon and it be justified?

20 PROSPECTIVE JUROR NUMBER 076: Yes.

21 MS. DIGIACOMO: What kind of a situation would that be?

22 PROSPECTIVE JUROR NUMBER 076: Probably like everyone
23 else has said if your life's threatened, your family, or child, or in that
24 situation.

25 MS. DIGIACOMO: Okay. So but does it have to be immediate

1 or in the future?

2 PROSPECTIVE JUROR NUMBER 076: What do you mean,
3 I'm sorry?

4 MS. DIGIACOMO: Well, I mean, like, if I call you up and say,
5 I'm going to come kill your son, and you see me on the street the next day
6 and you just pull out a gun and shoot me. Would that be justified?

7 PROSPECTIVE JUROR NUMBER 076: I don't -- no, I don't
8 think so, no.

9 MS. DIGIACOMO: Okay. So it would have to be something
10 more immediate than the --

11 PROSPECTIVE JUROR NUMBER 076: I mean, right at that
12 moment, yeah.

13 MS. DIGIACOMO: Okay. That's what I mean.

14 PROSPECTIVE JUROR NUMBER 076: U'm-h'm.

15 MS. DIGIACOMO: If you were to be chosen to sit on the jury, if
16 you're back in the deliberation room and, you know, half of the people say
17 X and half of the people say Y and you're with the Y's, what would you do
18 to try and, I guess, get a consensus or come to a decision?

19 PROSPECTIVE JUROR NUMBER 076: Probably just listen to
20 both sides and see which side I'm -- I weigh more heavily on.

21 MS. DIGIACOMO: Okay.

22 PROSPECTIVE JUROR NUMBER 076: If I'm in the middle.

23 MS. DIGIACOMO: Okay. Would you -- are you one of those
24 that is not afraid to give your opinion or do you like to just kind of sit back
25 and listen?

1 PROSPECTIVE JUROR NUMBER 076: It depends. I'm more
2 kind of a sit back kind of person personally.

3 MS. DIGIACOMO: But if somebody, if you disagreed with them,
4 would you have any problem, you know, stating your opinion and why?

5 PROSPECTIVE JUROR NUMBER 076: I think it depends on
6 what level. Sometimes I let things just go. That's just me. Just kind of.

7 MS. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 076: I'm not a very
9 aggressive person.

10 MS. DIGIACOMO: Right.

11 Well --

12 PROSPECTIVE JUROR NUMBER 076: Or have to make my
13 point.

14 MS. DIGIACOMO: Let me ask you, if you're back in that
15 deliberation room and you are for one way, say you're for guilty, and
16 everyone else in the room was for not guilty. Are you saying you would
17 just go with not guilty just because everyone else is or would you, you
18 know, have your opinion and stand your ground if you thought you were
19 right?

20 PROSPECTIVE JUROR NUMBER 076: I'd state my opinion.

21 MS. DIGIACOMO: Would you change your opinion just to
22 please everyone or would you, you know, hold your opinion and not
23 change it if you -- if that's what you believed was right?

24 PROSPECTIVE JUROR NUMBER 076: I would hold my own
25 opinion.

1 MS. DIGIACOMO: Okay. And then with regard to the different
2 phases, the penal -- the-- I'm sorry, the trial phase and then a possible
3 penalty phase, can you focus on just the one that you're concentrating on
4 at that time and not consider penalty?

5 PROSPECTIVE JUROR NUMBER 076: Yes. I just -- I have a
6 hard time, I think, just judging someone, just with my faith. And I don't
7 believe in -- I don't believe in that, that it's up to me to judge a person. But
8 that's where I'm at.

9 MS. DIGIACOMO: Okay. So your faith?

10 PROSPECTIVE JUROR NUMBER 076: U'm-h'm.

11 MS. DIGIACOMO: When you're talking about judging a person,
12 are you talking about judging like whether or not they're good and bad
13 person, or are you talking about what we've been talking about here
14 judging their actions, did what they do, you know, demonstrate that they
15 committed a crime. Is there a difference for you?

16 PROSPECTIVE JUROR NUMBER 076: No, I kind of lump it
17 together.

18 MS. DIGIACOMO: Okay. And why do you lump it together?

19 PROSPECTIVE JUROR NUMBER 076: That's just -- I don't
20 know. That's just how I -- I believe. I mean, that's where I'm at.

21 MS. DIGIACOMO: Okay. Well, let me ask you this, you have
22 kids; right?

23 PROSPECTIVE JUROR NUMBER 076: U'm-h'm, yes.

24 MS. DIGIACOMO: Did they ever disagree with each other
25 growing up?

1 PROSPECTIVE JUROR NUMBER 076: Yes, u'm-h'm.

2 MS. DIGIACOMO: Okay. And did you ever have to step in and
3 make a decision about, you know, who really broke the lamp in the living
4 room?

5 PROSPECTIVE JUROR NUMBER 076: Yes, I did, yeah.

6 MS. DIGIACOMO: Okay. So isn't that in effect what you were
7 doing is judging one of their actions?

8 PROSPECTIVE JUROR NUMBER 076: I really wouldn't call it
9 judging. I mean, I don't -- yeah, I -- you're right, you're right, yes, yes.

10 MS. DIGIACOMO: Okay, no.

11 PROSPECTIVE JUROR NUMBER 076: Yeah.

12 MS. DIGIACOMO: I mean, it's what we're asking you to do
13 here, look at the facts and look at whether or not somebody's actions were
14 a crime; right?

15 PROSPECTIVE JUROR NUMBER 076: Right, u'm-h'm.

16 MS. DIGIACOMO: Just like if you were, you know, with your
17 boy or -- I'm sorry, if you said, what, boy or girl -- but with your kids, if
18 you've got a broken light in your living room and you've got two of them
19 sitting there pointing the finger at each other, you have to figure out who
20 did it; right?

21 PROSPECTIVE JUROR NUMBER 076: Right.

22 MS. DIGIACOMO: And then you punish them?

23 PROSPECTIVE JUROR NUMBER 076: Yes. U'm-h'm.

24 MS. DIGIACOMO: Well, I shouldn't assume. I would.

25 So how is that situation in your life different then what we're

1 asking you to do to sit as a juror?

2 PROSPECTIVE JUROR NUMBER 076: Well, I just think the
3 magnitude, you know, a person's life's at stake here. So it's a totally
4 different scenario, I think, because this is -- the magnitude of this situation.

5 MS. DIGIACOMO: Because it's like ten broken lamps, not one?

6 PROSPECTIVE JUROR NUMBER 076: U'm-h'm, yes.

7 MS. DIGIACOMO: Okay. But do you agree though that, I
8 mean, you know, the way our system is set up and this decision needs to
9 be made, is something that everybody has a duty to do, to sit on a jury?

10 PROSPECTIVE JUROR NUMBER 076: Yeah, I know it's a
11 duty, but I just -- I have a hard time judging. That's just me. That's just a
12 personal thing for me.

13 MS. DIGIACOMO: Okay.

14 PROSPECTIVE JUROR NUMBER 076: But I know it's a duty
15 to be here.

16 MS. DIGIACOMO: Okay. So if you were chosen to be on the
17 jury, do you think you could make a decision?

18 PROSPECTIVE JUROR NUMBER 076: I think. I don't know. I
19 kind of struggle with it.

20 MS. DIGIACOMO: Okay. If that --

21 PROSPECTIVE JUROR NUMBER 076: I mean, I'm just being
22 completely honest with you.

23 MS. DIGIACOMO: No, and that's fair. But from our side,
24 obviously, we can't get into your mind and know exactly what you're
25 thinking. So all we can go off if is your words.

1 PROSPECTIVE JUROR NUMBER 076: Right.

2 MS. DIGIACOMO: You know, if you think you -- well, if you can
3 do it, we need to know that. If you think you can't do it, we need to know
4 that. Only you can tell you us.

5 PROSPECTIVE JUROR NUMBER 076: Right, yeah.

6 MS. DIGIACOMO: So what do you think?

7 PROSPECTIVE JUROR NUMBER 076: I mean, I -- I have a
8 hard time with that, with judging someone and the whole penalty phase
9 and everything. I don't think I could do that.

10 MS. DIGIACOMO: You don't think you could do the penalty
11 phase?

12 PROSPECTIVE JUROR NUMBER 076: No.

13 MS. DIGIACOMO: So you -- do you think you might be able to
14 decide whether the actions were criminal or not, but if it was first degree
15 you don't think you could do a penalty?

16 PROSPECTIVE JUROR NUMBER 076: No, I couldn't do that.

17 MS. DIGIACOMO: And you're actually kind of more resolved,
18 you cannot do it?

19 PROSPECTIVE JUROR NUMBER 076: I just -- I feel in my
20 heart, I just couldn't -- I can't do that. It's just -- it's a person and I don't -- I
21 don't feel comfortable, yeah.

22 MS. DIGIACOMO: Okay. So if you were chosen on this jury
23 and if it was first degree and there was a penalty phase, you just couldn't
24 even deliberate?

25 PROSPECTIVE JUROR NUMBER 076: I couldn't put myself in

1 that situation. Or -- I can't. I can't do that.

2 MS. DIGIACOMO: All right. Your Honor, I would challenge.

3 MR. LONG: No objection.

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

5 THE COURT CLERK: Lori Humphrey.

6 THE COURT: Tell me your name.

7 PROSPECTIVE JUROR NUMBER 077: Lori Humphrey.

8 THE COURT: Do you work?

9 PROSPECTIVE JUROR NUMBER 077: I do.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR NUMBER 077: Software sales.

12 THE COURT: Married?

13 PROSPECTIVE JUROR NUMBER 077: Widowed, actually.

14 THE COURT: Sorry.

15 PROSPECTIVE JUROR NUMBER 077: Thank you.

16 THE COURT: What did your ex-spouse or your deceased

17 spouse do?

18 PROSPECTIVE JUROR NUMBER 077: He was retired bus

19 driver.

20 THE COURT: Children?

21 PROSPECTIVE JUROR NUMBER 077: No.

22 THE COURT: Have you ever sat as a juror before?

23 PROSPECTIVE JUROR NUMBER 077: I have not.

24 THE COURT: Can you be fair and impartial to both parties in

25 this case?

1 PROSPECTIVE JUROR NUMBER 077: Yes, sir.

2 THE COURT: State.

3 MS. DIGIACOMO: Thank you.

4 Okay. So did you say that you've been the victim of a crime?

5 PROSPECTIVE JUROR NUMBER 077: No.

6 MS. DIGIACOMO: Okay. Anyone close--

7 PROSPECTIVE JUROR NUMBER 077: Don't know -- don't
8 know anyone, no.

9 Don't know anyone with domestic violence, haven't had any bad
10 -- haven't had any bad experiences with law enforcement. I think they do
11 a fine job. I've been listening.

12 MS. DIGIACOMO: Anything else? Keep going, keep going,
13 you're saving me from having to ask.

14 PROSPECTIVE JUROR NUMBER 077: I know.

15 MS. DIGIACOMO: Criminal justice system, go.

16 PROSPECTIVE JUROR NUMBER 077: Don't know anyone in
17 the criminal justice system. I think it's great. I think it's fine. I think it's
18 fair.

19 MS. DIGIACOMO: Okay. Well, even the premise that the State
20 has to prove --

21 PROSPECTIVE JUROR NUMBER 077: Yes.

22 MS. DIGIACOMO: -- that the Defendant is guilty beyond a
23 reasonable doubt?

24 PROSPECTIVE JUROR NUMBER 077: Yes.

25 MS. DIGIACOMO: Okay. TV shows?

1 PROSPECTIVE JUROR NUMBER 077: Mostly HGTV.

2 MS. DIGIACOMO: Okay.

3 PROSPECTIVE JUROR NUMBER 077: I mean, I've seen
4 some of them obviously, you know. I've seen some of them over time, but
5 I don't think they're realistic. It's Hollywood. I don't expect to see that
6 here.

7 MS. DIGIACOMO: Okay. Perfect.

8 PROSPECTIVE JUROR NUMBER 077: Yeah.

9 MS. DIGIACOMO: Follow the law?

10 PROSPECTIVE JUROR NUMBER 077: I'm sorry?

11 MS. DIGIACOMO: Can you follow the law as instructed?

12 PROSPECTIVE JUROR NUMBER 077: Yes.

13 MS. DIGIACOMO: Even if you disagree with it?

14 PROSPECTIVE JUROR NUMBER 077: Yes.

15 MS. DIGIACOMO: Okay. You forgot the big one, bringing a
16 gun to a fist fight?

17 PROSPECTIVE JUROR NUMBER 077: Oh. I mean, I
18 understand the premise. I think that in real life I think things happen,
19 things escalate whether you mean for them to escalate or not. So I think if
20 there is something within your reach that -- I mean, I could see how it
21 could go there, maybe without the intent upfront that it was going to go
22 there. I mean, I could see how that would -- could happen.

23 And I do believe there's cases where it would be justified, you
24 know, to use deadly force. If I was in fear for my life or someone else's
25 life, you know.

1 MS. DIGIACOMO: Any --

2 PROSPECTIVE JUROR NUMBER 077: I understand that.

3 MS. DIGIACOMO: Fear now or fear for down the future?

4 PROSPECTIVE JUROR NUMBER 077: No, fear now. I mean,
5 it would -- like an imminent threat, yeah.

6 MS. DIGIACOMO: Okay. So, I guess, what kind of a
7 personality do you bring if you were on the jury pool?

8 PROSPECTIVE JUROR NUMBER 077: I think, in general I
9 have a -- I think I'm open minded to listen to all sides and to look at
10 everything that's presented and be able to look at all the facts and
11 everything that's been told to us. I definitely don't have a problem stating
12 my own opinions. So if I didn't necessarily agree with, you know, what
13 other people were saying, I don't have an issue speaking up and saying
14 that. But I'm also not completely close minded, like, I'm open to, okay,
15 you know, I feel this way but also listening to what other people say.

16 MS. DIGIACOMO: Okay.

17 PROSPECTIVE JUROR NUMBER 077: Yeah.

18 MS. DIGIACOMO: What about judging character? How would
19 you say you are in doing that? Especially like with first impressions?

20 PROSPECTIVE JUROR NUMBER 077: I mean, I like to think
21 I'm good. I think it, you know, I think life experience has some to play in
22 that. I think, you know, you have to kind of -- I think body language plays
23 into that some. And just kind of what they're saying and if their story
24 changes. And, I mean, I think the nature of things as you're going to hear
25 the different things from different, you know, same thing, different ways,

1 from different sides. So I think you just have to kind of take in the totality.

2 MS. DIGIACOMO: Now, would you agree with me that two
3 people who witness an event are not going to retell it the exact same
4 way?

5 PROSPECTIVE JUROR NUMBER 077: I would agree with
6 that.

7 MS. DIGIACOMO: Okay. And why? What about that
8 statement do you agree with?

9 PROSPECTIVE JUROR NUMBER 077: I think people see
10 things differently. I mean, I know there's been --

11 MS. DIGIACOMO: From different perspectives?

12 PROSPECTIVE JUROR NUMBER 077: I think perspective has
13 some to do with it. I also, you know, I've seen -- I don't know if it's been
14 on the Internet -- but you see those little things where they do a clip where
15 people are in a classroom and someone runs in and grabs a backpack
16 and you ask ten people that were in the room and he was short, he was
17 tall, he was black, he was white, he had a red shirt, he had a blue shirt.
18 It's -- it's -- you're just -- you're going to see things differently, I think.

19 MS. DIGIACOMO: Right.

20 But all of them agreed someone came in and took that bag.

21 PROSPECTIVE JUROR NUMBER 077: Yes, exactly, yeah.

22 MS. DIGIACOMO: With regard to, you know, there could be a
23 -- there's going to be a trial phase, where the jury would decide whether or
24 not a crime was committed.

25 PROSPECTIVE JUROR NUMBER 077: Yes.

1 MS. DIGIACOMO: Can you sit in that phase and not think
2 about, well, if it's first degree, we're going to have to do penalty?

3 PROSPECTIVE JUROR NUMBER 077: Yes, ma'am.

4 MS. DIGIACOMO: Okay. If it got to a penalty, would you be
5 able to consider all three options?

6 PROSPECTIVE JUROR NUMBER 077: I'm fine with that too,
7 yes.

8 MS. DIGIACOMO: Okay. Anything else that you want to tell
9 me before I sit down, that we need to know? No? All right.

10 PROSPECTIVE JUROR NUMBER 077: I think we're good.

11 MS. DIGIACOMO: I'll pass, Your Honor.

12 MR. LONG: All right. Ms. Humphrey, you probably know what
13 I'm going to ask.

14 PROSPECTIVE JUROR NUMBER 077: Is there ever a time
15 when it could be justified?

16 MR. LONG: Could it be?

17 PROSPECTIVE JUROR NUMBER 077: Is there ever a time
18 when it --

19 MR. LONG: Yeah.

20 PROSPECTIVE JUROR NUMBER 077: Yeah, absolutely, I
21 think so. Like I said, if you're in -- I think if you're in fear of your own life or
22 someone, you know, protecting someone else.

23 MR. LONG: Okay.

24 PROSPECTIVE JUROR NUMBER 077: I think that would be
25 justifiable.

1 MR. LONG: Now, we've talked about, you know, bringing a gun
2 to a fist fight?

3 PROSPECTIVE JUROR NUMBER 077: U'm-h'm.

4 MR. LONG: Do you see a difference between bringing a gun to
5 a fist fight and, I guess, using a weapon that you might have or you might
6 find, a rock on the ground, keys in your pocket?

7 PROSPECTIVE JUROR NUMBER 077: Do you mean the
8 difference of bringing it in the first place? Is that what you're asking?

9 MR. LONG: U'm-h'm.

10 PROSPECTIVE JUROR NUMBER 077: Well, I think, like, the
11 scenario that's kind of come up a couple of times, is if you happen to have
12 the weapon on you in the first place, where it's, you know, readily
13 accessible. So, I think, if you are to have some sort of a weapon,
14 whatever it is, gun, hammer, whatever, on your person and you're in fear
15 of your life or someone's else's life, you'll use whatever you have on you,
16 whether that be a rock that's on the ground, or, you know, something
17 that's on your person. I think, you just use what you have to to fight back.

18 MR. LONG: And that's okay in those situations in your opinion?

19 PROSPECTIVE JUROR NUMBER 077: In that situation, I
20 think, you know, if you're in fear for your life or you're protecting someone
21 else's life, I think that's okay.

22 MR. LONG: Now, do you think all fist fights are fair? I mean,
23 what if there was a fist fight between a man and a woman?

24 PROSPECTIVE JUROR NUMBER 077: Yeah, I mean, I don't --
25 I've never been in a fight, and I've actually never witnessed anyone else

1 being in a fight. I don't -- I wouldn't imagine all fist fights are fair, no. I
2 think there's probably a difference -- bless you.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR NUMBER 077: I think there's probably
5 a difference. You know, there's just some physical differences, men,
6 women, size. You know, obviously if you've got a large man and a small
7 woman, that's not going to be a fair --

8 MR. LONG: And I'm assuming that your husband, who I'm
9 sorry passed, he did not pass from anything related to --

10 PROSPECTIVE JUROR NUMBER 077: No, medical. Yeah,
11 no, heart issue.

12 MR. LONG: Okay. All right. Do you blame anyone or anything
13 for his loss?

14 PROSPECTIVE JUROR NUMBER 077: No.

15 MR. LONG: Just the privilege of growing older?

16 PROSPECTIVE JUROR NUMBER 077: Right, exactly.

17 MR. LONG: Okay. What is MSI, where you work? I know you
18 told. I just didn't have any --

19 PROSPECTIVE JUROR NUMBER 077: Oh, it's a software
20 company, hospitality software so.

21 MR. LONG: Okay. And they're based here in Vegas?

22 PROSPECTIVE JUROR NUMBER 077: Well, actually the
23 office itself is based in Phoenix, Arizona.

24 MR. LONG: Okay.

25 PROSPECTIVE JUROR NUMBER 077: I live here. I work

1 remote.

2 MR. LONG: Okay. Great.

3 PROSPECTIVE JUROR NUMBER 077: I've lived here since
4 '95.

5 MR. LONG: Do you consider yourself part of the Las Vegas
6 community?

7 PROSPECTIVE JUROR NUMBER 077: Yeah, I do.

8 MR. LONG: Plan to stay?

9 PROSPECTIVE JUROR NUMBER 077: Oh, absolutely, yeah.

10 MR. LONG: Okay. And you're fine with the presumption of
11 innocence? You understand that --

12 PROSPECTIVE JUROR NUMBER 077: Yes. Yes, I
13 understand it's the State's --

14 MR. LONG: -- right now as we stand here today --

15 PROSPECTIVE JUROR NUMBER 077: -- burden to prove,
16 yes.

17 MR. LONG: Okay. I will pass for cause, Your Honor.

18 THE COURT: Thank you.

19 Tell me your name.

20 PROSPECTIVE JUROR NUMBER 036: My name Tuyet
21 Nguyen.

22 THE COURT: Do you work?

23 PROSPECTIVE JUROR NUMBER 036: Yes.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR NUMBER 036: Nail. I do the nail.

1 THE COURT: You're married?
2 PROSPECTIVE JUROR NUMBER 036: No, before, but my
3 husband die.
4 THE COURT: Sorry.
5 PROSPECTIVE JUROR NUMBER 036: Yeah.
6 THE COURT: What did your husband do for work when he was
7 alive?
8 PROSPECTIVE JUROR NUMBER 036: He work for the -- like
9 the mail (phonetic).
10 THE COURT: Post office?
11 PROSPECTIVE JUROR NUMBER 036: No, make the mail.
12 MS. BLUTH: Oh, post office?
13 PROSPECTIVE JUROR NUMBER 036: No.
14 UNIDENTIFIED JUROR: He did delivery mail?
15 PROSPECTIVE JUROR NUMBER 036: Yeah.
16 UNIDENTIFIED JUROR: Oh, he did nails.
17 PROSPECTIVE JUROR NUMBER 036: No, no.
18 THE COURT: He did nails as well?
19 PROSPECTIVE JUROR NUMBER 036: No, he do the mail.
20 Make the mail.
21 UNIDENTIFIED JUROR: Mailman?
22 UNIDENTIFIED JUROR: Is he a mailman?
23 MS. DIGIACOMO: No, you're saying he makes the mail.
24 Makes it.
25 THE COURT: Oh. I'm going to let you ask some questions.

1 PROSPECTIVE JUROR NUMBER 036: Sorry, I don't good. I
2 don't how to speak English.

3 THE COURT: How long have you lived here?

4 PROSPECTIVE JUROR NUMBER 036: I live here 2012. And I
5 go to school.

6 MS. BLUTH: Have you -- since we've been here, have you
7 been able to understand what we've been talking about?

8 PROSPECTIVE JUROR NUMBER 036: I do the nail, but I just
9 talk about the nail.

10 MS. BLUTH: Okay.

11 PROSPECTIVE JUROR NUMBER 036: Sorry.

12 MS. BLUTH: I get it.

13 Judge.

14 MR. LONG: No objection.

15 THE COURT: Okay. You're excused.

16 THE COURT CLERK: Elizabeth Bird.

17 THE COURT: Ms. Bird, do you work?

18 PROSPECTIVE JUROR NUMBER 078: Yes, I do.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NUMBER 078: I do accounting for a
21 construction company.

22 THE COURT: Married?

23 PROSPECTIVE JUROR NUMBER 078: Yes.

24 THE COURT: Spouse work?

25 PROSPECTIVE JUROR NUMBER 078: Yes, he works in IT.

1 THE COURT: Children?

2 PROSPECTIVE JUROR NUMBER 078: One, we have a 16
3 year old.

4 THE COURT: Have you ever sat as a juror before?

5 PROSPECTIVE JUROR NUMBER 078: No.

6 THE COURT: Can you be fair and impartial both to the
7 Defendant and to the state?

8 PROSPECTIVE JUROR NUMBER 078: Yes.

9 THE COURT: State.

10 MS. BLUTH: I'm sorry, tell me what your husband does?

11 PROSPECTIVE JUROR NUMBER 078: He does IT.

12 MS. BLUTH: Okay. All right. Ever been a victim?

13 PROSPECTIVE JUROR NUMBER 078: No.

14 MS. BLUTH: Known anybody who has?

15 PROSPECTIVE JUROR NUMBER 078: A cousin that I wasn't
16 close to he was murdered.

17 MS. BLUTH: When?

18 PROSPECTIVE JUROR NUMBER 078: 1997. It was in San
19 Antonio, Texas.

20 MS. BLUTH: I know you said you weren't close to him, but do
21 you know anything about the facts?

22 PROSPECTIVE JUROR NUMBER 078: I do. He was a gang
23 banger and he stole drugs and guns and that led to his demise.

24 MS. BLUTH: Okay. Were the people or person that did that to
25 him were they caught and was there a trial?

1 PROSPECTIVE JUROR NUMBER 078: Yes.
2 MS. BLUTH: Were they convicted?
3 PROSPECTIVE JUROR NUMBER 078: Yes.
4 MS. BLUTH: Okay. Were you apart of that trial? When I say a
5 part of it I mean, did you go, did you watch?
6 PROSPECTIVE JUROR NUMBER 078: No.
7 MS. BLUTH: Do you feel like that situation was handled
8 properly?
9 PROSPECTIVE JUROR NUMBER 078: Yes.
10 MS. BLUTH: Anybody else that you know?
11 PROSPECTIVE JUROR NUMBER 078: No.
12 MS. BLUTH: All right. What about accused of a crime?
13 PROSPECTIVE JUROR NUMBER 078: No.
14 MS. BLUTH: How long have you been in Las Vegas?
15 PROSPECTIVE JUROR NUMBER 078: 25 years.
16 MS. BLUTH: Okay. And what do you think about local law
17 enforcement?
18 PROSPECTIVE JUROR NUMBER 078: I don't have an issue
19 with them.
20 MS. BLUTH: Ever had any run-ins with them --
21 PROSPECTIVE JUROR NUMBER 078: No.
22 MS. BLUTH: -- one way or the other, traffic ticket, anything like
23 that?
24 PROSPECTIVE JUROR NUMBER 078: Oh, well, traffic tickets
25 but.

1 MS. BLUTH: Yeah.

2 PROSPECTIVE JUROR NUMBER 078: They were fair.

3 MS. BLUTH: Okay. And then what about the criminal justice
4 system overall, how do you think about this here in the United States?

5 PROSPECTIVE JUROR NUMBER 078: Overall, I don't have a
6 problem with it. There are some injustices, such as, when an innocent
7 person gets convicted, and that's just the unfortunate, I mean, we're all
8 fallible people. We are, you know.

9 MS. BLUTH: So like the jury gets it wrong; is that what you're
10 saying?

11 PROSPECTIVE JUROR NUMBER 078: Yeah.

12 MS. BLUTH: Do you worry about that?

13 PROSPECTIVE JUROR NUMBER 078: A little bit. A little bit. I
14 mean, if I'm presented with the evidence and I make a decision and 11
15 other people make that same decision, you know, I can be confident with
16 that. But in my mind, I'll be, like, well, what if I, you know, what if I made
17 the wrong decision.

18 MS. BLUTH: Sure.

19 PROSPECTIVE JUROR NUMBER 078: You know, this is
20 somebody else's life.

21 MS. BLUTH: And I don't think anybody should take it lightly;
22 right, like it's a serious thing, no matter if it's a possession of a stolen
23 vehicle case or a murder case?

24 PROSPECTIVE JUROR NUMBER 078: Right.

25 MS. BLUTH: Like being a juror should be something serious.

1 So I think it's totally normal to have thoughts like that. It's when those
2 thoughts become so pervasive that they -- you -- it would -- you would
3 hold me and Ms. DiGiacomo to a higher legal burden than what we have
4 to.

5 Does that make sense?

6 PROSPECTIVE JUROR NUMBER 078: Right. I don't think I
7 would hold you to a higher, yeah.

8 MS. BLUTH: Lower standard?

9 PROSPECTIVE JUROR NUMBER 078: Right.

10 MS. BLUTH: Okay. What do you think about the two different
11 phases of a trial, what about those questions in regards to the trial phase
12 and the sentencing phase?

13 PROSPECTIVE JUROR NUMBER 078: I don't have an issue
14 with either one of them.

15 MS. BLUTH: And you can fairly consider all three that I spoke
16 about yesterday?

17 PROSPECTIVE JUROR NUMBER 078: Yes.

18 MS. BLUTH: Any of the shows that we've been talking about,
19 do you watch any of them?

20 PROSPECTIVE JUROR NUMBER 078: All of them.

21 MS. BLUTH: Okay.

22 PROSPECTIVE JUROR NUMBER 078: And I know that they're
23 Hollywood.

24 MS. BLUTH: And do you watch any of the real ones?

25 PROSPECTIVE JUROR NUMBER 078: I do. I love for