

1 I'm going to publish State's 17. Is that a picture of the El  
2 Pollo Loco you worked at on that evening?

3 A Yes.

4 Q And what was your shift on October 28th, 2014?

5 A Afternoon.

6 Q What time does that run from?

7 A 4:00 to 2:30.

8 Q So, you worked late into the night; is that correct?

9 A Yes.

10 Q I'm going to direct your attention to about 11:30  
11 P.M., okay? Is the store closed at that point in time?

12 A Yes.

13 Q What -- how many people are you working with at that  
14 point in time?

15 A Five.

16 Q And who was the shift manager that night?

17 A Jamie.

18 Q Would that be Jamie Schoebel who just walked out of  
19 the courtroom?

20 A Yes.

21 Q And was there a woman named Diana Mena working with  
22 you that evening?

23 A Yes.

24 Q And is her last name M-e-n-a?

25 A Yes.

CONTINUED

NEXT

VOLUME

1 arrest; this is your only chance to say sorry and why you are  
2 sorry, and that the judge and the DA will look favorably upon  
3 that, and that actually has borne out in front of us and will  
4 happen during the course of this trial.

5           He's taken the least amount of responsibility and  
6 he's gained the greatest advantage. He said, I was just the  
7 guy who was driving the car. I didn't actually go in and  
8 pistol-whip anybody, I didn't punch the pregnant lady in the  
9 stomach, it was just me driving the car. When he was asked  
10 the critical question about when -- or who are the people that  
11 were involved with this case, he said these words; no more, no  
12 less. No more, no less.

13           What we do know though about Mr. Johns is that he  
14 owns that Charger, it's registered to him, it's his vehicle,  
15 and that no evidence was recovered from the crime scenes at  
16 all in this case; it was recovered from Mr. Johns's car. It  
17 came out of his trunk, and he admits to committing five of  
18 those robberies.

19           When he was asked about taking responsibility and  
20 that he was just the getaway driver, the statement he told the  
21 police is, I was just trying to protect my brother, that's why  
22 I was doing this. Those days are long over. He's not trying  
23 to protect his brother anymore. He's taken the easy way out.

24           The police have taken the easy way out in this case.  
25 They've closed 13 robberies, they've submitted this to the

1 prosecution, so that way, 43 victims will have a shot at  
2 getting justice. For Donte, it's simple. He could get  
3 probation, and he's been out of custody since July of 2015.

4 Ladies and gentlemen, the people who took the easy  
5 way out in this case are the police when they started to tie  
6 and sew a thread -- a common thread that they want you to  
7 believe when you watch the evidence unfold in this case, but  
8 as you watch it, ask yourself these questions of, is it  
9 fitting together the way that they said it would?

10 The only person in this case who has not taken the  
11 easy way out -- well, two people. The only person who's not  
12 taken the easy way out is Brandon Starr. He sits here accused  
13 of 82 felony counts, he has pled not guilty to each and every  
14 one of those counts, and at the end of this trial, we are  
15 going to ask you to return a verdict on all 82 not guilty.  
16 Thank you.

17 THE COURT: Thank you, Ms. Lobo.

18 MS. LOBO: Thank you.

19 THE COURT: Ms. Mercer, Mr. Portz, did you have  
20 witnesses now?

21 MR. PORTZ: We do, Your Honor.

22 THE COURT: Call your first witness.

23 MR. PORTZ: Thank you, Your Honor. The State calls  
24 Jamie Schoebel. May I approach the clerk, Your Honor?

25 THE COURT: Yes.

1 MR. PORTZ: Thank you.

2 THE MARSHAL: Step up here, please. Watch your step  
3 there. Remain standing, face the clerk, and raise your right  
4 hand, please.

5 JAMIE SCHOEBEL, STATE'S WITNESS, SWORN

6 THE CLERK: Thank you. Please be seated. If you  
7 could state your first and last name, spelling on the record.

8 THE MARSHAL: Just pull your chair up and speak up.

9 THE WITNESS: Jamie Schoebel. J-a-m-i-e,  
10 S-c-h-o-e-b-e-l.

11 MR. PORTZ: May I proceed?

12 THE COURT: Your witness, Mr. Portz.

13 MR. PORTZ: Thank you very much.

14 DIRECT EXAMINATION

15 BY MR. PORTZ:

16 Q And good morning, Ms. Schoebel. Can you please tell  
17 the members of the jury what it is you do for a living?

18 A I'm a shift leader at Checkers Restaurant.

19 Q Okay, and have you always worked for Checkers?

20 A No.

21 Q Who did you work for before Checkers?

22 A El Pollo Loco.

23 Q And which El Pollo Loco did you work at?

24 A On Charleston.

25 Q And to be more specific, would that be the one on

1 4011 East Charleston here in Clark County, Nevada?

2 A Yes.

3 Q Ma'am --

4 MR. PORTZ: Would Your Honor like the State to ask  
5 permission to publish each exhibit that's already been  
6 admitted?

7 THE COURT: Well, I'll need you to identify them  
8 based on the previous ruling I had, okay?

9 MR. PORTZ: Yes, Your Honor.

10 THE COURT: You won't -- if they've been admitted,  
11 just identify them and -- for the record, and then, yeah, you  
12 don't need to ask permission as you talk, okay?

13 MR. PORTZ: Thank you. I appreciate that.

14 BY MR. PORTZ:

15 Q Ma'am, I'm going to publish what's been admitted by  
16 stipulation as State's Exhibit 1. It's going to pop up on  
17 that screen next to you. Do you recognize this map?

18 A Yeah.

19 Q Okay. And you'll see a little bubble there on the  
20 bottom kind of left quadrant of the map. Do you see that?

21 A Yes.

22 Q It says 4011 East Charleston?

23 A Um-hum.

24 Q Okay. Is that the location of your store, the El  
25 Pollo Loco you used to work at?

1 A Yes.

2 Q Okay. When did you leave that El Pollo Loco for  
3 Checkers?

4 A April of 2015.

5 Q Okay. And were you working at that El Pollo Loco on  
6 October 28th of 2014?

7 A Yes.

8 Q I'm going to publish what's already been admitted by  
9 stipulation as State's 17. Do you recognize what we're  
10 looking at here?

11 A Yeah.

12 Q What is that?

13 A The outside of the El Pollo Loco.

14 Q Okay, so this is a photograph of your -- the  
15 restaurant you worked at?

16 A Yes.

17 Q What was your shift on October 28th, 2014?

18 A 4:00 to 12:00.

19 Q And --

20 A 4:00 P.M. to 12:00 A.M.

21 Q Okay, so you get off around midnight?

22 A Yes.

23 Q And what was your position on that date?

24 A Shift leader.

25 Q And what are the responsibilities of a shift leader?

1           A     A manager in charge. We run the store, count money,  
2 do inventory, run the crew.

3           Q     So, when you say run the crew, do you mean like  
4 oversee other employees?

5           A     Yes.

6           Q     And were there other employees working with you on  
7 that night?

8           A     Yes.

9           Q     And could you tell us who was working with you in  
10 addition to yourself?

11          A     David Caballero.

12          Q     And what was David's position?

13          A     Burrito boy.

14          Q     And what does a burrito boy do?

15          A     He makes -- preps the food, salads, tacos.

16          Q     And who else was working with you that night?

17          A     Jose Borja.

18          Q     And what was Jose's position?

19          A     He's a cook.

20               THE COURT: For the record, do you know the spelling  
21 of their last name?

22               THE WITNESS: Some of them.

23               THE COURT: For these ones here that you're naming,  
24 can you spell them?

25               THE WITNESS: Not perfectly, but --



1 THE COURT: Do the best you can, all right?

2 THE WITNESS: Okay.

3 THE COURT: David Caballero, what -- how do you  
4 spell his last name?

5 THE WITNESS: C-a-b-e-l-l-o.

6 THE COURT: Okay, and then Jose?

7 THE WITNESS: Borja, B-o-r-j-a.

8 THE COURT: Okay, thank you.

9 MR. PORTZ: Thank you.

10 THE COURT: Go ahead.

11 BY MR. PORTZ:

12 Q And it's David Caballero, right; not Cabello?

13 A Caballero, it's pronounced.

14 Q So there's an R in there somewhere?

15 A There might be.

16 Q Maybe? Okay. That's okay. Were there any female  
17 employees working with you?

18 A Yes.

19 Q Who else was working?

20 A Diana Mena.

21 Q And what was -- and can you spell Diana's last name,  
22 if you could?

23 A M-e-n-a.

24 Q And what was her position?

25 A Cashier.

1 Q And anyone else?

2 A Jennifer Hernandez.

3 Q Common spelling of Hernandez?

4 A Yes.

5 Q Okay, and what was Jennifer's position?

6 A Prep cook.

7 Q Now, can you please tell the members of the jury,  
8 just not on this particular night, but every night, what time  
9 does the restaurant itself close?

10 A Inside, we close at 10:00 P.M. Drive-thru, we close  
11 at 11:00 P.M.

12 Q Okay. So, when you say inside, do you mean sort of  
13 the main --

14 A The lobby.

15 Q -- dining area? The lobby?

16 A Um-hum.

17 Q So, at 10:00 P.M., the public no longer has access  
18 to the store, correct?

19 A No.

20 Q Only through the drive-thru?

21 A Yes.

22 Q All right. And you said the drive-thru closes at  
23 what time?

24 A 11:00 P.M.

25 Q So, let's just kind of go to your common procedures

1 when you close first the main lobby/dining area at 10:00 P.M.  
2 What do you do -- what do you oversee your employees doing as  
3 shift manager?

4 A The cashier would be working drive-thru until 11:00,  
5 and also cleaning the lobby. Everybody else, cleaning up,  
6 closing down their stations.

7 Q And you said there's a cash -- a cashier working one  
8 of the cash registers, correct?

9 A Yes.

10 Q Okay. How many cash registers are in your El Pollo  
11 Loco?

12 A Three.

13 Q And where are they located?

14 A There would be two in the front and one in the  
15 drive-thru.

16 Q Okay. The two in the front, those are in the lobby  
17 where people come in to eat?

18 A Yes.

19 Q What happens to those registers after you close the  
20 main lobby at 10:00 P.M.?

21 A Those registers are closed out as the cashiers go  
22 home.

23 Q Okay, and what happens to the money that's inside  
24 those registers?

25 A The money is deposited into a smart safe.

1 Q Who deposits the money there?

2 A The cashier.

3 Q Now, you said the drive-thru closes at 11:00 P.M.,  
4 correct?

5 A Yes.

6 Q Okay, but that cash register obviously doesn't --  
7 that stays open until 11:00 when you guys are done with --

8 A Yes.

9 Q -- the drive-thru customers? Okay. So, at 11:00  
10 P.M., what do you guys do with that -- that portion of your  
11 restaurant?

12 A That box? The cashier closes down the drive-thru,  
13 turns off her headset, locks the window, takes out her  
14 register, and counts it.

15 Q And when she's done counting it, what does she do  
16 with the money inside?

17 A She's to deposit it into the smart safe.

18 Q Do you handle this money at any point in time?

19 A I double -- double-count it.

20 Q You double -- okay, so you'll actually go through  
21 the cash after the cashier has gone through it?

22 A Um-hum, and then they'll deposit it.

23 Q The cashier deposits it into the safe?

24 A Yes, because they go in with their own codes.

25 Q Okay. Who has access to that safe after it's been

1 deposited?

2 A The bank.

3 Q Do you as a shift manager have access to opening  
4 that safe?

5 A No.

6 Q Do the employees of El Pollo Loco wear work  
7 uniforms?

8 A Yes.

9 Q Is there anything different about your uniform from  
10 your other employees to signify that you are the shift  
11 manager?

12 A Yeah, we have different colored shirts.

13 Q Okay. What color was your employees' shirts?

14 A Gray.

15 Q And what color is your shirt that you wear as a  
16 manager?

17 A Maroon.

18 Q Now, I want to talk to you about what happens after  
19 you close down the store at 11:00 P.M.

20 A Um-hum.

21 Q Okay? At some point while you're shutting down the  
22 registers and cleaning up the restaurant, does something out  
23 of the ordinary happen to you?

24 A That night in particular, yes.

25 Q Okay. And that night being October 28th, 2014,

1 correct?

2 A Yes.

3 Q Okay. About what time does something happen that  
4 catches your attention?

5 A I want to say between 11:15 and 11:30.

6 Q Okay, and what -- where were you when this something  
7 happens?

8 A In the office.

9 Q In which office?

10 A The front office.

11 Q Okay, and --

12 A The manager's office.

13 Q And what were you doing in the manager's office?

14 A Putting in my inventory in the computer.

15 Q Was anyone with you at that time?

16 A No.

17 Q Where had your employees gone?

18 A They had gone outside to take out the trash.

19 Q And when you say go outside, did they go -- what  
20 side of the restaurant did they exit to go take out the trash?

21 A They went out the back door.

22 Q Does the public have access to the back door of your  
23 restaurant?

24 A No.

25 Q I'm going to publish --

1 MR. PORTZ: Court's indulgence. What's been  
2 admitted by stipulation as State's Exhibit 20.

3 BY MR. PORTZ:

4 Q Can you tell us what we're looking at here?

5 A That's the back door.

6 Q Okay. And that's from the inside of your store,  
7 correct?

8 A Yes.

9 Q And so you exit that door to get to the trash?

10 A Yes.

11 Q And I'm showing you State's 18. What are we looking  
12 at here?

13 A That's the trash can area.

14 Q Okay, and can you see that back door in this  
15 exhibit?

16 A Yes.

17 Q Okay, I'm going to zoom-in a little to help us. And  
18 if you'd touch that screen in front of you, you can actually  
19 circle it. Can you circle the back door to show the members  
20 of the jury where -- okay. So, for the record, you've  
21 indicated a door just to the right of a ladder that goes up to  
22 the top of the El Pollo Loco roof. I'm just saying that for  
23 the record, okay? Is there a surveillance camera in the back  
24 that you're aware of?

25 A Yes.

1 Q Can you please circle that for the ladies and  
2 gentlemen of the jury? Okay. For the record, it looks like  
3 -- and were you trying to circle this little black --

4 A Yeah.

5 Q That, okay, little black dot just to the left of the  
6 ladder up above the door frames. Okay, and that surveillance  
7 video -- are you familiar as the shift manager with your  
8 surveillance video system?

9 A Yes.

10 Q And you're aware of the cameras that you have around  
11 your store?

12 A Yes.

13 Q Are there more than just this one camera?

14 A On the outside, no.

15 Q Okay, but on the inside, are there more?

16 A Yes.

17 Q And where does this camera look at while it's  
18 videotaping?

19 A Outside the back door.

20 Q Does it look at the back door that you've circled on  
21 this exhibit?

22 A Yes.

23 Q So, if you could just touch the bottom left, I  
24 believe that will clear the screen.

25 THE COURT: Try the bottom right, right in the



1 corner.

2 MR. PORTZ: Ms. Mercer's going to check --

3 THE COURT: There you go.

4 MR. PORTZ: There we go. Okay.

5 BY MR. PORTZ:

6 Q So, you're inside the manager's office, and all your  
7 employees are out back with the trash, correct?

8 A Yes.

9 Q Okay. What happens next?

10 A I hear one of my employees come running in,  
11 screaming, (indecipherable, speaking Spanish).

12 Q Okay, so which employee do you hear screaming that?

13 A Diana. Diana Mena.

14 Q Diana Mena? And you said something. Can you say  
15 that again, what she was screaming?

16 MR. TANASI: Objection, hearsay, Your Honor.

17 MR. PORTZ: Your Honor, this is an excited  
18 utterance. She's clearly stated the woman was screaming.

19 THE COURT: Overruled, overruled. You can answer.

20 THE WITNESS: She was saying (speaking Spanish)  
21 which means, they come in to rob us.

22 BY MR. PORTZ:

23 Q Okay, and is that Spanish that she was screaming  
24 that in?

25 A Yes.

1 Q And what's the next thing that you noticed  
2 happening?

3 A I turn around and they're all right there, all my  
4 employees, and two men.

5 Q Okay. And just so the jury kind of understands, can  
6 you describe what you can see from your office? Let me --  
7 actually, let me assist you here. I'm going to publish  
8 State's 22. Do you recognize what we're looking at here?

9 A Yeah.

10 Q Can you just describe for the jury what we're  
11 looking at so they kind of have a sense of where we are in the  
12 store and what rooms are what?

13 A That's the front counter where the two registers are  
14 held.

15 Q Okay, and is that facing out to the main lobby?

16 A Yes.

17 Q And then, there's a door to the left of that  
18 counter. Do you see that door on the left side of the screen?

19 A Yes, that would be the office.

20 Q Okay, so is that the manager's office that you're  
21 inside?

22 A Yes.

23 Q Okay. Now, you said that after you heard Diana  
24 screaming in Spanish, "They came to rob us" --

25 A Um-hum.

1 Q -- that the next thing is you saw all your  
2 employees. Where were they located?

3 A In the front right there by the registers.

4 Q Okay, right in front of these registers that we see  
5 in this exhibit?

6 A Yeah.

7 Q And was there anyone else with them?

8 A Two men.

9 Q And could you tell the race of these two men?

10 A African American.

11 Q Both of them?

12 A Yes.

13 Q And could you tell where they had come from?

14 A From the back.

15 Q Now, what did these two men do with your employees?

16 A They told them to get on the floor.

17 Q And does anyone say anything to you?

18 A They told me to open the safe.

19 Q And before we get into what happens next, I want to  
20 take a moment to talk about these two men. So, you've already  
21 indicated both of them were African American; is that correct?

22 A Yes.

23 Q Okay. Did any of them have anything in their hands?

24 A Yes.

25 Q Okay. Let's start this way. Did you notice a

1 height difference between the two of them?

2 A One tall, one shorter.

3 Q Okay, so let's start with the taller one. About how  
4 tall do you think the tall one was?

5 A 5'10, 5'11, maybe 6.

6 Q Maybe 6? Okay. What about the shorter one?

7 A Maybe 5'7, 5'8.

8 Q Okay. So, there was a noticeable difference in the  
9 height of these two individuals; is that fair to say?

10 A Yes.

11 Q Now, the taller one, what did he have in his hand?

12 A I don't remember.

13 Q Okay. What do you remember being in either of their  
14 hands?

15 A One had a gun and one had a knife.

16 Q Okay. So, you're not sure which one, but you  
17 remember one had a gun and one had a knife?

18 A Yes.

19 Q The person -- the one with the gun, I know you don't  
20 know which of those two it was, but did you get a good look at  
21 that gun?

22 A Yes.

23 Q And do you know what the difference is between a  
24 revolver and a semi-automatic firearm?

25 A Yes.

1 Q Okay. Which -- which type of gun was this that you  
2 saw?

3 A A revolver.

4 Q So, it was one of those guns with like the spindle  
5 things that the cowboys used in the old westerns?

6 A Yes.

7 Q And do you recall what color that revolver was?

8 A Black.

9 Q And then you said the other one had a knife on him;  
10 is that correct?

11 A Yes.

12 Q Okay. And while I'm saying "him," could you tell  
13 whether they were male or female?

14 A Yes.

15 Q How could you tell?

16 A Their voice.

17 Q Okay. Was there anyone else other than your  
18 employees and these two men present?

19 A No.

20 Q Can you describe what these two men were wearing;  
21 what type of clothing they were wearing?

22 A Both of their face were covered, I believe with a  
23 red bandana, and all I can remember is gloves and a gray  
24 sweater.

25 Q Do you remember anything about the color of those

1 gloves?

2 A No.

3 Q Okay, but you do remember something covering their  
4 face?

5 A Yes.

6 Q And did both of them have a bandana covering their  
7 face?

8 A I believe so.

9 Q Now, they have all four of your employees and the  
10 two -- the two men, one with a knife and one with a gun, right  
11 there by the register. Does someone come into your office  
12 first with you?

13 A Yes.

14 Q Okay. Which one comes in first?

15 A The one with the gun.

16 Q And what does the one with the gun say to you?

17 A To open the safe.

18 Q Does he stay inside the room with you the whole  
19 time?

20 A No.

21 Q Okay, what happens?

22 A The one with the knife comes in there.

23 Q Um-hum.

24 A And the one with the gun steps out next to the cook.

25 Q Okay. Does the one -- and the cook is who?

1 A Mario Borja -- or Jose Borja.

2 Q Okay. So, Jose, you also call him Mario?

3 A Yes.

4 Q Okay. So, the guy with the gun goes to Jose, and  
5 the guy with the knife comes into the room with you --

6 A Yes.

7 Q -- correct? Okay. What does the guy with the  
8 knife, if anything, say to you?

9 A I think I can remember him saying, shut up, bitch,  
10 or move, bitch.

11 Q Is this before or after you open the safe?

12 A After I open the safe.

13 Q Okay. Did -- were you able to open the safe  
14 immediately when the gunman came in and said, open the safe?

15 A No.

16 Q Okay. About how long did it take you, would you --  
17 maybe that's a hard thing to estimate, but about how long do  
18 you think it took you to open -- get that safe open?

19 A Maybe two or three minutes.

20 Q While you were trying to open the safe, what were  
21 these two individuals doing, the guy with the gun and the guy  
22 with the knife?

23 A The guy with the knife was just standing there, and  
24 the guy with the gun, every time the safe didn't open, he hit  
25 Jose in the head with the gun.

1           Q     Okay, so he actually took -- you actually saw him  
2 use the firearm and hit him in the head with it?

3           A     Yes.

4           Q     Okay. Does the safe make a noise when it doesn't  
5 open?

6           A     No.

7           Q     Aside from hitting Jose in the head with the gun  
8 every time the safe didn't open, did the guy with the gun do  
9 or say anything else about Jose while you were trying to open  
10 the safe?

11          A     That if it didn't open, he was going to kill him.

12          Q     And where was he pointing the gun when he said that  
13 to you?

14          A     At Jose's head.

15          Q     What are the female employees that are with you at  
16 this point, where -- what are they doing? What's their state?

17          A     They're laying on the ground.

18          Q     Okay. Can you hear them saying anything or doing  
19 anything?

20          A     No.

21          Q     Once you open the safe, what happens?

22          A     The guy with the knife steps in and grabs the money.

23          Q     Okay. And is it at this point that you recall him  
24 saying, shut up, bitch?

25          A     Yeah.



1 Q What had you said to him --

2 A I had asked --

3 Q -- that caused him to say that?

4 A -- if I should move so he can get it; I'll move out  
5 the way.

6 Q And that's what he said in return?

7 A Yeah.

8 Q Okay. Who grabs -- well, what's inside the safe  
9 when you open it?

10 A Money.

11 Q And is this coin money, paper money, both?

12 A Both.

13 Q And who grabs the money inside the safe?

14 A The man with the knife.

15 Q And is that a large room that you're in, or a tiny  
16 room that you're in?

17 A Tiny.

18 Q Is the man with the knife at all touching you in any  
19 way?

20 A No.

21 Q After -- do you know about how much money was inside  
22 that safe that the man took the money from?

23 A We're to keep I think 2,300.

24 Q And do you think all 2,300 was taken from the safe  
25 ultimately?

1 A No.

2 Q About how much would you estimate was taken from  
3 that safe?

4 A Between 800 and 1,000, or a little over.

5 Q Where was the man with the knife, if you remember,  
6 putting the money that he was taking out of the safe?

7 A In his hands.

8 Q In his hands? When he's done taking the money, what  
9 happens next?

10 A They leave. I feel him -- something hit my stomach,  
11 maybe brushed by my stomach.

12 Q And was there any particular reason that you bring  
13 that up or that that caused you any concern?

14 A Yes, I was four months pregnant.

15 Q Did the fact that you were four months pregnant and  
16 these individuals were being violent with your employees and  
17 threatening towards you have anything to do with your  
18 complying and handing over the cash?

19 A Yes.

20 Q After you feel something brush up against your  
21 stomach and the money's been taken, what did the two suspects  
22 do at that point in time?

23 A They leave out the back door. They tell us to stay  
24 down.

25 Q Because you indicated both of these individuals had

1 their faces covered, do you recall if they had anything over  
2 the tops of their head as well?

3 A I think -- I thought they were wearing hoodies, but  
4 I don't remember anymore.

5 Q Okay. You could tell they were African American; is  
6 that correct?

7 A Yes.

8 Q Could you see enough of them to identify who they  
9 were?

10 A No.

11 Q Now, you've told us already that your store is  
12 equipped with surveillance cameras; is that correct?

13 A Yes.

14 Q And you're familiar with your surveillance video  
15 system?

16 A Just from looking at the cameras inside the office,  
17 yes.

18 Q And they were working properly on this night in  
19 question, October 28th?

20 A Yes.

21 Q Okay. And have you in fact viewed surveillance  
22 video footage of the incident that you just testified to to  
23 this jury?

24 A Yes.

25 Q And did -- after reviewing it, did the images

1 captured on that surveillance video appear to fairly and  
2 accurately depict everything that you've testified to here  
3 today?

4 A Yes.

5 MR. PORTZ: At this point, Your Honor, the State  
6 will move to admit State's Exhibit -- Proposed Exhibits 31 and  
7 31A, surveillance video.

8 THE COURT: Do you have it?

9 MR. TANASI: Your Honor, we have seen a copy of the  
10 video, yes.

11 THE COURT: No, I mean, do you have the video, Mr.  
12 Portz?

13 MR. PORTZ: I do, Your Honor.

14 THE COURT: I -- do you have an objection at this  
15 time?

16 MR. TANASI: Your Honor, I don't, I think, as long  
17 as the State can continue to lay the foundation --

18 THE COURT: That's why --

19 MR. TANASI: -- for her knowledge of the video.

20 THE COURT: That's -- okay, okay. Mr. Portz, I  
21 think maybe with respect to this, you probably ought to lay a  
22 little bit more foundation, just so we know that she's seen  
23 this one, and you know. Is there -- is there something on the  
24 video that -- I mean, on --

25 MR. PORTZ: Your Honor, well, the witness has

1 already indicated she's seen the video.

2 THE COURT: No, I know that, but I know that in this  
3 case, there's --

4 MS. MERCER: Your Honor, may we approach, please?

5 THE COURT: Yes. Okay.

6 (Off-record bench conference)

7 MR. PORTZ: Okay. Can we switch over to the camera  
8 -- the video and audio?

9 BY MR. PORTZ:

10 Q Now, Ms. Schoebel, you already discussed your  
11 surveillance system. Before we move to admit the State's  
12 exhibit, I'm going to show you on your screen portions of four  
13 separate video camera angles from your surveillance system,  
14 just so that you can verify that those are in fact shots from  
15 your store on the night in question, okay?

16 A Okay.

17 Q Then we'll move to admit.

18 (Exhibit 31A is played)

19 (Stopped playing of Exhibit 31A)

20 BY MR. PORTZ:

21 Q Okay, ma'am, so is that October 28th, 2014?

22 A Yes.

23 Q Okay. Can you tell us, is this a camera from your  
24 store?

25 A Yes.

1 Q Is this in fact the camera that you circled for us  
2 earlier on the exhibit showing the back door?

3 A Yes.

4 Q Okay. So, what is this camera showing a picture of?

5 A Diana Mena going out the back door.

6 Q Okay, and you recall this from being video footage  
7 from the surveillance on the night in question?

8 A Yes.

9 Q Okay. We're going to go to another angle before we  
10 play through that.

11 (Exhibit 31A is played)

12 (Stopped playing of Exhibit 31A)

13 MR. PORTZ: And we'll pause it right here.

14 BY MR. PORTZ:

15 Q Okay, ma'am, do you recognize what's depicted in  
16 this particular video surveillance camera?

17 A The front two registers.

18 Q And this is from your store?

19 A Yes.

20 Q On the night in question?

21 A Yes.

22 Q Thank you. This is going to be the third.

23 (Exhibit 31A is played)

24 (Stopped playing of Exhibit 31A)

25 MR. PORTZ: Pause it right there.

1 BY MR. PORTZ:

2 Q And what are we looking at here, ma'am?

3 A That's the prep kitchen where the back door is  
4 located.

5 Q Okay, so is this the interior side of that back door  
6 that your employees went out of earlier that night?

7 A Yes.

8 Q And this is one of your surveillance cameras inside  
9 your store --

10 A Yes.

11 Q -- from the night in question?

12 A Yes.

13 Q Thank you. And then the final fourth version.

14 (Exhibit 31A is played)

15 (Stopped playing of Exhibit 31A)

16 BY MR. PORTZ:

17 Q What are we looking at here, ma'am?

18 A It's the office.

19 Q Okay. Is this the manager's office next to those  
20 two cashier registers?

21 A Yes.

22 Q And who is inside the office at this point?

23 A I am.

24 Q That's you in there?

25 A Yes.

1 Q And is there a security camera inside the manager's  
2 office that depicts this angle of your office?

3 A Yes.

4 Q Okay, and this is from the night in question as  
5 well, correct?

6 A Yes.

7 MR. PORTZ: Court's indulgence.

8 BY MR. PORTZ:

9 Q And then finally, ma'am, we've talked a lot about  
10 what happened this night. Before I get to the video, after  
11 the crime occurred, did anyone call the police?

12 A Yes.

13 Q Okay. Do you recall who called the police?

14 A I did.

15 Q And what did you dial? 911, 311?

16 A 911.

17 Q And have you heard the recording of that 911 phone  
18 call?

19 A Yeah.

20 Q Did you recognize the voice on that phone call to be  
21 yours?

22 A Yes.

23 Q Okay, and was it a fair and accurate reflection of  
24 the conversation you had with the 911 operator from the  
25 moments following the robbery that took place?



1 A Yes.

2 MR. PORTZ: Your Honor, and I'm going to publish a  
3 portion of that so that she can verify.

4 (Exhibit 31A is played)

5 (Stopped playing of Exhibit 31A)

6 MR. PORTZ: Thank you. For the record, we paused it  
7 at 17 seconds.

8 BY MR. PORTZ:

9 Q Ma'am, you heard the initial portion of that  
10 recording; that was the date and time and -- of the robbery,  
11 correct?

12 A Yes.

13 Q Okay. And then there was a woman screaming,  
14 "Someone robbed us." Do you hear that?

15 A Yes.

16 Q Did you recognize that person's voice?

17 A Yes.

18 Q Whose was it?

19 A Mine.

20 MR. PORTZ: At this point, Your Honor, the State  
21 would move for admission of State's 31 and 31A.

22 THE COURT: Okay, so how is -- is 31 the video, and  
23 31A is the audio?

24 MS. MERCER: 31 is the envelope, Your Honor, and 31A  
25 is the disk, and it contains both the surveillance and the

1 911.

2 THE COURT: Okay. All right. Any objection based  
3 on --

4 MR. TANASI: No objection, Your Honor.

5 THE COURT: Mr. Maningo, Ms. Lobo, any objection?

6 MR. MANINGO: No objection, Your Honor. Thank you.

7 THE COURT: All right, okay. So, 31 and 31A?

8 MS. MERCER: Yes, Your Honor.

9 THE COURT: It will be admitted.

10 (Exhibits 31 and 31A are admitted)

11 THE COURT: All right.

12 MR. PORTZ: Thank you. We're going to start with  
13 31, the video portion. I'd ask Ms. Mercer to pull up the  
14 first camera angle. Your Honor --

15 THE COURT: Yes?

16 MR. PORTZ: Before we begin playing, can we again  
17 approach?

18 THE COURT: Yes. Okay.

19 (Off-record bench conference)

20 MR. PORTZ: Okay. So, we're going to play the first  
21 file, which is "Backdoor.mp4."

22 (Exhibit 31A is played)

23 (Stopped playing of Exhibit 31A)

24 MR. PORTZ: For the record, we've paused the  
25 recording at 14 seconds.

1 BY MR. PORTZ:

2 Q Who was that first person to walk out the back door,  
3 ma'am?

4 A Diana Mena.

5 Q Okay. And can you tell who the second person is  
6 coming out?

7 A David Caballero.

8 Q Okay. We'll continue playing.

9 (Exhibit 31A is played)

10 (Stopped playing of Exhibit 31A)

11 MR. PORTZ: And we're going to pause it here at 19  
12 seconds.

13 BY MR. PORTZ:

14 Q Can you tell who the third person was to walk out  
15 the back door?

16 A Jennifer Hernandez.

17 Q Okay, thank you.

18 MR. PORTZ: Okay. For the record, we're  
19 fast-forwarding approximately three minutes into the video.

20 (Exhibit 31A is played)

21 (Stopped playing of Exhibit 31A)

22 MR. PORTZ: And we'll pause it right there, and  
23 we're pausing at three minutes and 18 seconds on the  
24 recording.

25 BY MR. PORTZ:

1 Q Could you recognize that fourth individual who  
2 walked outside?

3 A Jose Borja.

4 MR. PORTZ: Now we're going to fast-forward to  
5 approximately four minutes and 15 seconds.

6 (Exhibit 31A is played)

7 (Stopped playing of Exhibit 31A)

8 MR. PORTZ: Okay. And for the record, we've paused  
9 it at four minutes and 24 seconds.

10 BY MR. PORTZ:

11 Q Ma'am, did we see all four of your employees run  
12 back in?

13 A No.

14 Q Who did we see run back in?

15 A Jennifer, Diana, and Jose.

16 Q Okay, and who's outside still?

17 A David.

18 Q And are there any other individuals with those four  
19 of your employees?

20 A Two men.

21 MR. PORTZ: We'll continue playing.

22 (Exhibit 31A is played)

23 (Stopped playing of Exhibit 31A)

24 MR. PORTZ: For the record, we've paused at four  
25 minutes and 28 seconds.

1 BY MR. PORTZ:

2 Q Did everyone, including the two men, enter your  
3 store?

4 A Yes.

5 Q Okay.

6 MR. PORTZ: I'm going to fast-forward now to about  
7 five minutes and 18 seconds.

8 (Exhibit 31A is played)

9 (Stopped playing of Exhibit 31A)

10 BY MR. PORTZ:

11 Q Okay, ma'am, and in that portion --

12 MR. PORTZ: For the record, we've stopped at five  
13 minutes and 28 seconds.

14 BY MR. PORTZ:

15 Q Did you see two individuals run outside the back of  
16 your store?

17 A Yes.

18 Q Okay, and would those be the two individuals who  
19 committed the robbery while you were there?

20 A Yes.

21 Q Okay.

22 MR. PORTZ: We're going to switch now to the front  
23 counter. I'm sorry, let's do inside back door first.

24 (Exhibit 31A is played)

25 MR. PORTZ: Okay, can we pause it right there,

1 please, at 21 seconds?

2 (Stopped playing of Exhibit 31A)

3 BY MR. PORTZ:

4 Q Ma'am, what did we just see happen there?

5 A Diana, David, and Jennifer go outside.

6 Q Okay.

7 MR. PORTZ: Let's fast-forward to two minutes and 12  
8 seconds, please.

9 (Exhibit 31A is played)

10 (Stopped playing of Exhibit 31A)

11 MR. PORTZ: And we'll pause it there at two minutes  
12 and 19 seconds.

13 BY MR. PORTZ:

14 Q Who just left now?

15 A Jose.

16 Q Okay.

17 MR. PORTZ: Can we please fast-forward to three  
18 minutes and 20 seconds?

19 MS. MERCER: I'm sorry, what was the time?

20 MR. PORTZ: Three minutes and 20 seconds.

21 (Exhibit 31A is played)

22 (Stopped playing of Exhibit 31A)

23 BY MR. PORTZ:

24 Q Okay, ma'am. Did we just see all of your employees  
25 run back in with the two men that you said came in and robbed

1 your store?

2 A Yes.

3 Q Okay. Now, at this frame --

4 MR. PORTZ: And we've paused, for the record, at  
5 three minutes and 30 seconds.

6 BY MR. PORTZ:

7 Q Do you see one of the men who robbed your store in  
8 this frame?

9 A Yes.

10 Q Okay. Where is he located; on the right or the left  
11 of the two people in the picture?

12 A The right.

13 Q Who's the person on the left?

14 A David.

15 Q Okay, thank you.

16 MR. PORTZ: We can continue playing.

17 (Exhibit 31A is played)

18 (Stopped playing of Exhibit 31A)

19 MR. PORTZ: And now I will ask that we fast-forward  
20 to four minutes and 25 seconds, please.

21 (Exhibit 31A is played)

22 (Stopped playing of Exhibit 31A)

23 MR. PORTZ: Okay, you might have gone a little too  
24 far. Would you like to format it to 20 seconds maybe?

25 (Exhibit 31A is played)

1 (Stopped playing of Exhibit 31A)

2 MR. PORTZ: Okay, ma'am. And now we're pausing it  
3 at four minutes and 25 seconds.

4 BY MR. PORTZ:

5 Q Do we see those two individuals running out your  
6 back door of your store again?

7 A Yes.

8 Q Okay, and those you remember being the two men that  
9 robbed you that night?

10 A All right, thank you.

11 MR. PORTZ: We'll now switch to the front counter.  
12 And we can fast-forward to about 25, 30 seconds. That's good.

13 (Exhibit 31A is played)

14 (Stopped playing of Exhibit 31A)

15 MR. PORTZ: Okay, pause there, please.

16 BY MR. PORTZ:

17 Q Ma'am, who is -- who is the woman in the frame  
18 paused at 31 seconds?

19 A Diana Mena.

20 MR. PORTZ: Okay, we'll continue playing.

21 (Exhibit 31A is played)

22 (Stopped playing of Exhibit 31A)

23 MR. PORTZ: Okay.

24 BY MR. PORTZ:

25 Q And now, who is the woman to the right of Diana



1 Mena?

2 MR. PORTZ: We've paused, for the record, at 33  
3 seconds.

4 THE WITNESS: Jennifer Hernandez.

5 BY MR. PORTZ:

6 Q And then, there is a gentleman who has a gray and  
7 red glove wrapped around the back of his neck. Who is that  
8 person?

9 A Jose Borja.

10 MR. PORTZ: Please continue playing.

11 (Exhibit 31A is played)

12 (Stopped playing of Exhibit 31A)

13 MR. PORTZ: Okay, we'll pause it there, about 41  
14 seconds.

15 BY MR. PORTZ:

16 Q What happened to Jose there, ma'am?

17 A The man hit him in the head.

18 Q Is that the man with the red hat and the red and  
19 gray glove?

20 A Yes.

21 Q And what did he hit him in the head with?

22 A The gun.

23 Q And as you testified earlier, is that because you  
24 weren't opening the safe fast enough, he hit the man in the  
25 head?

1 A Yes.

2 MR. PORTZ: Okay, continue playing.

3 (Exhibit 31A is played)

4 MR. PORTZ: Okay, what is -- we'll pause there for a  
5 moment.

6 (Stopped playing of Exhibit 31A)

7 MR. PORTZ: We're at 52 seconds.

8 BY MR. PORTZ:

9 Q What is the man pointing at Jose's head now as Jose  
10 lays on the ground?

11 A A gun.

12 Q Does this correspond to the time when you said that  
13 he was going to shoot Jose if you didn't open the register?

14 A Yes, the safe.

15 Q How were you feeling when you heard him say that?

16 A Scared.

17 MR. PORTZ: Continue playing, please.

18 (Exhibit 31A is played)

19 BY MR. PORTZ:

20 Q Are all your employees now on the ground, ma'am?

21 A I can only see three of them.

22 (Stopped playing of Exhibit 31A)

23 BY MR. PORTZ:

24 Q Okay, ma'am. Are those two suspects no longer in  
25 the screen?

1 A No.

2 Q Have they -- have they -- is this about the time  
3 that they had left the building?

4 A Yes.

5 Q Okay.

6 MR. PORTZ: We'll now move on to office.

7 (Exhibit 31A is played)

8 BY MR. PORTZ:

9 Q Okay, now we're looking at you inside your office,  
10 correct?

11 A Yes.

12 Q Are you doing the inventory there?

13 A Yes.

14 (Stopped playing of Exhibit 31A)

15 BY MR. PORTZ:

16 Q Okay, ma'am, we saw you attempt to close the door.  
17 Do you recall doing that?

18 A Yes.

19 Q Who stopped you from closing that door?

20 A The man with the gun.

21 Q And what is the man with the gun doing right now?

22 A Pointing the gun at me.

23 Q And does it appear his hands are covered in gray and  
24 red?

25 A Yes.

1 (Exhibit 31A is played)

2 BY MR. PORTZ:

3 Q Can you tell or do you recall where the gun was  
4 pointed at you?

5 A No.

6 Q On the bottom right corner, do we see Jose going  
7 down to the ground after being hit with a pistol?

8 A Yes.

9 MR. PORTZ: Stop right there.

10 (Stopped playing of Exhibit 31A)

11 BY MR. PORTZ:

12 Q Now, is this the same man with the gun, or is this a  
13 different man?

14 A Different man.

15 Q Okay. What -- what -- this is the guy with the  
16 knife then; is that fair to say? There were two guys; one  
17 with a gun, one with a knife?

18 A Yes.

19 Q Do we see the knife in this one?

20 A Yes.

21 Q In this frame --

22 MR. PORTZ: And for the record, we're paused at --  
23 I'm sorry, I can't -- one minute and one second.

24 BY MR. PORTZ:

25 Q Can you see the knife?

1 A Yes.

2 Q Is that it in his right hand there?

3 A Yes.

4 Q Okay.

5 MR. PORTZ: We'll continue playing.

6 (Exhibit 31A is played)

7 BY MR. PORTZ:

8 Q Okay, ma'am, we now see you covering your stomach.

9 Is there any particular reason that you've placed both your  
10 hands over your stomach at this point?

11 A I felt something hit my stomach; brush up against  
12 me.

13 Q And now has the man with the knife taken the money  
14 and left?

15 A Yes.

16 Q Okay, and what are you doing?

17 A On the ground, sitting.

18 Q Okay. And just to be clear, I know it's probably  
19 obvious, but what's to the left of you is that the man with  
20 the knife was digging through?

21 A The safe.

22 Q Okay, that's the safe that you opened for them?

23 A Yes.

24 Q After this incident, did you notice any injuries on  
25 Jose, your cook, who had been hit in the head with the

1 firearm?

2 A His head was kind of bleeding.

3 Q Okay. And you said you were the one who called 911  
4 after this happened?

5 A Yes.

6 Q Do you know what phone you used?

7 A I believe the store phone.

8 (Stopped playing of Exhibit 31A)

9 MR. PORTZ: And at this point, I am going to move to  
10 publish State's 31A.

11 (Exhibit 31A is played)

12 (Stopped playing of Exhibit 31A)

13 MR. PORTZ: Thank you, ma'am. And just for the  
14 record, the portion of 31A we just played was the 911 call  
15 from this event. And thank you very much, Michelle. Your  
16 Honor, I have no further questions.

17 THE COURT: Mr. Tanasi, any cross?

18 MR. TANASI: Briefly, Your Honor. Thank you.

19 CROSS-EXAMINATION

20 BY MR. TANASI:

21 Q Good afternoon, Ma'am. My name's Richard Tanasi. I  
22 represent Mr. Hobson. I have just a few questions for you on  
23 cross-exam, is that okay? All right. Prior to today's  
24 testimony, you have had an opportunity to testify again,  
25 correct?

1 A Yes.

2 Q And was that the grand jury proceeding?

3 A Yes.

4 Q Is that right? That was on January 22nd, 2015,  
5 correct?

6 A Yeah.

7 Q And prior to that testimony in front of the grand  
8 jury, did you have an opportunity to speak with the State;  
9 specifically, speak with Mr. Portz or Ms. Mercer prior to that  
10 testimony?

11 A Yeah.

12 Q Okay. And then fast-forward into today, here you  
13 are testifying again. Have you had a chance and an  
14 opportunity to speak with Mr. Portz and/or Ms. Mercer prior to  
15 today's testimony?

16 A Yes.

17 Q Okay. At the grand jury proceeding -- well, let's  
18 back up. If I understand your testimony today, you understand  
19 or you now know the difference between a revolver and a  
20 semi-automatic; is that --

21 A Yes.

22 Q Okay. Would you agree with me though, at the time  
23 of the grand jury, you didn't know the difference?

24 A No, I didn't.

25 Q Okay. All right, ma'am, thank you.

1 MR. TANASI: I have no further questions.

2 THE COURT: Okay. Mr. Maningo, Ms. Lobo? Mr.  
3 Maningo?

4 MR. MANINGO: No questions. Thank you, Your Honor.

5 THE COURT: Okay. Any redirect?

6 MR. PORTZ: Court's brief indulgence. Just a couple  
7 quick questions in response to Mr. Tanasi's.

8 REDIRECT EXAMINATION

9 BY MR. PORTZ:

10 Q Ma'am, on the night of the robbery, were you asked  
11 to fill out a voluntary statement by the police?

12 A Yes.

13 Q And that was before you even knew Ms. Mercer or my  
14 name; is that correct?

15 A Yes.

16 Q Okay. And in that statement, did you tell the  
17 police that there was a man with a gun and a man with a knife?

18 A Yes.

19 Q Okay, and that the man with the gun hit the cook?

20 A Yes.

21 Q And that the man with the knife may have hit your  
22 stomach during this robbery?

23 A Yes.

24 Q Okay. And that 911 call that you made that we just  
25 listened to, was that made just minutes after the robbery



1   itself?

2           A     Yes.

3           Q     Okay, before you even knew Ms. Mercer or my name?

4           A     Yes.

5           Q     Okay. And did the statements you made on that 911  
6 call coincide with what you told us here today is your  
7 testimony?

8           A     Yes.

9           Q     And when you met with Ms. Mercer and I, the only  
10 thing that we've ever told you to do is to tell the truth; is  
11 that correct?

12          A     Yes.

13          Q     Thank you, ma'am.

14                THE COURT: Recross?

15                MR. TANASI: Please, briefly, Your Honor.

16                THE COURT: Okay.

17                        RE CROSS-EXAMINATION

18 BY MR. TANASI:

19          Q     We have just a couple more questions with respect to  
20 the statement that you filled out. It was on October 28th,  
21 2014; do you remember that?

22          A     Yeah.

23          Q     Okay. In that statement though, you identify that  
24 you did see a man with a gun and a man with a knife, correct?

25          A     Yes.

1 Q But you didn't go the extra step to say it was a man  
2 with a revolver and a man with a semi-automatic; is that fair?

3 A Yes.

4 Q Thank you, ma'am.

5 MR. PORTZ: Nothing else, Your Honor. Thank you.

6 THE COURT: Okay. All right. So -- okay. All  
7 right, Ms. Schoebel, thank you so much. You can step down.  
8 You're excused, okay? Let's see. Let's take a --

9 MR. PORTZ: Your Honor, the next witness does  
10 require the use of an interpreter. It should be short. It's  
11 the --

12 THE COURT: We have her right here, the interpreter.

13 MR. PORTZ: I just wasn't sure if you were  
14 contemplating a break.

15 THE COURT: That's fine. Yeah, let's go ahead and  
16 do that one, and then we'll take a break, okay?

17 MR. PORTZ: Thank you, Your Honor.

18 THE COURT: All right. Call your next witness, Mr.  
19 Portz.

20 MR. PORTZ: Thank you, Your Honor. The State's next  
21 witness is Jose Borja. And for the ladies and gentlemen of  
22 the jury, this is in reference to counts 1 through 7.

23 THE MARSHAL: Step up and watch your step. Step up  
24 here, raise your right hand, and face the clerk.

25 THE COURT: Hold on, we're going to swear the

1 interpreter in first.

2 THE INTERPRETER: Oh.

3 THE COURT: Okay.

4 THE CLERK: Please raise your hand. You do -- is it  
5 Spanish?

6 THE INTERPRETER: Yes.

7 MARIA PERALTA DE GOMEZ, SPANISH INTERPRETER, SWORN

8 THE CLERK: Thank you. Can you please state and  
9 spell your name?

10 THE INTERPRETER: Yes. Maria Peralta De Gomez.

11 M-a-r-i-a, P-e-r-a-l-t-a, space, D-e, space, G-o-m-e-z.

12 THE COURT: Okay, thank you. All right.

13 JOSE MARIO BORJA ESQUIVEL, STATE'S WITNESS, SWORN

14 THE CLERK: Thank you. Please -- please be seated.  
15 Please state your full and last name, and spelling for the  
16 record.

17 THE WITNESS: Jose Mario Borja Esquivel.

18 THE COURT: Can you spell it?

19 THE INTERPRETER: Okay.

20 THE WITNESS: J-O-S-E, M-A-R-I-O, B-O-R-J-A,  
21 E-S-Q-U-I-V-E-L.

22 THE COURT: Okay, your witness.

23 MR. PORTZ: Thank you.

24 DIRECT EXAMINATION

25 BY MR. PORTZ:

1 Q Good afternoon, Mr. Borja. Sir, where are you  
2 employed?

3 A El Pollo Loco.

4 Q How long have you worked for El Pollo Loco?

5 A Eight years.

6 Q And what is the location of the particular El Pollo  
7 Loco store that you work at today?

8 A It's on Charleston and Sacramento.

9 Q Okay. And to be specific, would that be 4011 East  
10 Charleston here in Clark County, Nevada?

11 A Yes.

12 Q What's your position with El Pollo Loco?

13 A Cook.

14 Q And Mr. Borja, is it fair to say that you understand  
15 a little English?

16 A More or less.

17 Q Okay, but you're using the aid of an interpreter  
18 today, correct?

19 A Yes.

20 Q Okay. So, please, just for the remaining questions,  
21 wait until she interprets what I'm saying in Spanish to you,  
22 and then respond to her.

23 A Okay.

24 Q Thank you, sir. Now, I'm going to direct your  
25 attention to October 28th, 2014, that night, sir, okay? And

1 jurors from asking any excess number of questions.

2 Questions may be asked after both lawyers have  
3 finished questioning the witnesses, and only at that time.  
4 For example, the State calls a witness, conducts direct  
5 examination, the defense then has the opportunity to  
6 cross-examination those witnesses. This process may go on  
7 back and forth a number of times, you know, direct, cross,  
8 redirect, recross, re-redirect, re-recross. And sometimes it  
9 goes on quite a ways.

10 Only when they're finished with their questioning,  
11 if you so desire that you want to ask a question, I want you  
12 to write it down on your notepad, take a full notepad page,  
13 write down your question at the top of the page, put your name  
14 and your juror number where you're seated. So Juror No. 1, 2,  
15 3, 4, so forth and so on. And your question that you write  
16 after I get it, the attorneys and myself, we will review it,  
17 and I will look to see -- I mean, I will look to determine  
18 whether or not it is actually a proper question.

19 Understand that the questions that you pose must be  
20 factual in nature and they're designed to clarify information  
21 that's already been presented. It must be directed to the  
22 witness as if you were asking the witness. Not to the lawyers  
23 or to the Court. It will be asked exactly like you write it.  
24 So understand that it must be legible, it must be -- it must  
25 fit certain portions of the testimony that's already being

1 presented, and I will ask it exactly like it's written. I  
2 will not add words. If I can't understand it after we discuss  
3 it, I won't ask it.

4 Also, understand after consulting with counsel, I'll  
5 determine whether or not it's legally proper. The only  
6 questions permissible under the rules of evidence will be  
7 asked. A lot of times jurors ask for hearsay, which would be  
8 asking for hearsay answers. And just like any objections that  
9 would be made by another party as to that particular question,  
10 if one of the parties asked it, that would still be an  
11 objection as if you asked that question and it's not properly  
12 admissible.

13 If I determine that your question is improperly  
14 asked, I will -- I will not ask it. And please don't take  
15 offense to that. And if I determine that it is properly  
16 asked, I will ask it exactly like it's written. After I do  
17 so, then the attorneys will have an opportunity to do follow  
18 up questions based on those questions. And, once again, I'll  
19 look to the jury to see whether or not you all have questions  
20 after that. If you have a question, just write, like I said,  
21 write it on the piece of paper and then raise it up when I  
22 look to you and my marshal will collect the questions, okay.

23 Until this case is submitted to you, you must not  
24 discuss it with anyone, even with your fellow jurors. After  
25 it is submitted to you, you must discuss it only in the jury

1 room with your fellow jurors. It is important that you keep  
2 an open mind and not decide any issue in this case until the  
3 entire case has been submitted to you under instructions from  
4 me. If you cannot hear a witness, please raise your hand as  
5 an indication.

6 Also, if you need to use the restroom or if you feel  
7 ill, please raise your hand as an indication. I've been  
8 trying to take -- I haven't been really good at it, but I try  
9 to take breaks about every 90 minutes. Or if you all need to  
10 go earlier, you let me know. Sometimes at the 90 minute we  
11 might be in the middle of a portion of testimony or a portion  
12 of the case that I really don't want to break, and I'll look  
13 to the jury. And if you want to go on, we'll go ahead and go  
14 on.

15 Also, I will allow you to bring in drinks in the  
16 courtroom as I've already indicated. Understand, this is not  
17 your home. This is my courtroom and -- and we have to clean  
18 up. So if somebody is spilling things all over, then my  
19 marshal doesn't get too happy about that. And I don't want  
20 you -- don't want you to ruin it for everyone else. So if you  
21 bring coffee in or something, make sure you have a lid on it.  
22 If you bring bottled water, that's great, you can screw the  
23 lid on.

24 Also, you can bring in anything in to make you  
25 comfortable. If you feel cold, or you feel like you're going

1 to be cold, bring in a sweater, or if you feel like you need a  
2 pillow for your back, bring in a pillow for your back. Also,  
3 if you need to feel more comfortable with snacks, you can  
4 bring that in, as well. I always bring this up because it's  
5 happened. If, however, you're over there eating Doritos and  
6 it's interfering with my record, I'll stop you from doing so,  
7 you understand? So just keep that in mind, okay.

8           Also, let me remind you, until this case is  
9 submitted to you, do not talk to each other about it or anyone  
10 else who has anything to do with it until the case, the end of  
11 the case when you go to the jury room to decide your verdict.  
12 Do not talk to anyone else about the case or anyone that has  
13 anything to do with it until the trial has ended and you have  
14 been discharged as jurors. Anyone else includes members of  
15 your family and friends.

16           I kind of touched on this the other day. It's  
17 interesting, one of your jurors here has indicated in  
18 questioning about concerns of his wife. Well, that's a  
19 concern oftentimes in these cases. They want to know -- their  
20 spouses want to know where -- where you're at and sometimes  
21 they don't believe that you're down here doing this. As I  
22 said, invite them down if they don't believe it, but you  
23 cannot discuss the case with them. And if they continue to  
24 pursue and pressure you, let us know and my marshal will  
25 address that issue. You can tell them that you are in a



1 criminal case, but you can't tell them anything about it until  
2 you've been discharged by me.

3           Do not let anyone talk to you about the case or  
4 anyone who has anything to do with it. If someone should try  
5 to do so, please contact my marshal immediately and let them  
6 know that somebody is trying to talk to you. When you're here  
7 in the courthouse or you're around the courthouse eating, make  
8 sure you wear your badge. That way people know that you are  
9 on a jury and they will, if they're following their  
10 admonitions, they'll stay away from you.

11           Certainly, court personnel, people that do  
12 understand the ethical standards, they will not approach you  
13 or talk to you about anything. If someone comes up to you and  
14 asks you are you on a jury, and you can tell them yes. But if  
15 they start talking to you about is, so tell me about it, what  
16 case is it, where are you at, then you let my marshal know,  
17 okay.

18           Once again, on your honor do not read any news  
19 stories or articles or listen to any radio or television  
20 reports about the case or about anyone who has anything to do  
21 with it. Obviously, I'm not in your home, I can't tell you to  
22 -- I can't stop you if I see you doing it. You have to, if  
23 you're watching TV and something happens to come up and it --  
24 and it mentions something that you think has something to do  
25 with this case, I'd ask that you please either turn it off or

1 go to a different station or go out of the room. Also, same  
2 with newspapers and that.

3 And it goes to -- it goes with it, as well, as do  
4 not do any research on it, do not get on the Internet and look  
5 this up. Do not visit the scene or any of the events  
6 mentioned during the trial or undertake any investigation or  
7 research on your own. Obviously, there was a number of  
8 establishments that were named. Whether or not you remember  
9 what was named at this point, I don't know. I saw some of you  
10 taking notes about it, but, you know, if it's some place that  
11 you frequent or whatever, that -- I'm not -- I'm not telling  
12 you to stop or change your -- change your trip, but do not go  
13 there with the intention that you're doing any investigation  
14 with regards to this case.

15 Also, if you invite individuals in to watch the  
16 case, see, we've got room now, but if you do so, let them know  
17 that I won't allow them to come in and out of the courtroom  
18 while the witnesses are on the stand. I think that's highly  
19 inappropriate and I don't think it's really fair to the  
20 witnesses.

21 Okay. Ladies and gentlemen, it's a quarter to 5:00  
22 now. I suspect these opening statements are going to be  
23 somewhat lengthy based on the -- just the nature of the  
24 indictment. My anticipation was is that you were going to be  
25 able to hear openings statements tonight, but I'm not going to

1 do that to you. I'm not going to do it to the parties, as  
2 well. So it's a quarter to 5:00. Ladies and gentlemen, we're  
3 going to take our weekend recess. And my calendar is --

4 11:00?

5 THE CLERK: Yeah.

6 THE COURT: Okay. I'm going to ask that you be back  
7 here on Monday by 11:00. Do not come in the courtroom. Stay  
8 outside the courtroom. My marshal will come out and collect  
9 you.

10 You're admonished not to converse amongst yourselves  
11 or with anyone else on any subject connected with this trial,  
12 or read, watch, or listen to any report of or commentary on  
13 the trial or any person connected with this case or by any  
14 medium of information, including, without limitation,  
15 newspapers, television, the Internet, or radio. You're  
16 further admonished not to form or express any opinion on any  
17 subject connected with this trial until the case is finally  
18 submitted to you.

19 Is there any questions? Okay. So we'll be at ease  
20 while the jury leaves the room. You all have a good weekend.  
21 I'll see you back at 11:00 on Monday, okay. Thank you. Leave  
22 your books and that there. Leave them on your chair. My  
23 marshal will collect them.

24 (Jury recessed at 4:43 p.m.)

25 THE COURT: Okay. We're outside the presence of the

1 jury. I wanted to put on the record before we get started on  
2 this. There was a discussion at the bench that sparked the  
3 release of Mr. Baugus. And it came addressed it previously  
4 regrading some hardship that he had. And then after it was  
5 noticed with the court, the concern that he had with his --  
6 with his child custody issue, the defense then said they would  
7 have no objection to letting him leave at this time. So now  
8 we're working with three alternates. Does everyone agree with  
9 that?

10 MR. TANASI: Yes, Your Honor.

11 MS. MERCER: Yes, Your Honor.

12 MR. MANINGO: Yes, sir.

13 THE COURT: All right. Do you have anything that  
14 you need to put on the record at this time by either side?

15 MS. MERCER: No, Your Honor.

16 MR. TANASI: Nothing on the record, Your Honor. I  
17 just had a question regarding scheduling that's anticipated  
18 for next week, but it doesn't need to be on the record.

19 THE COURT: Well, we'll start at 11:00 on Monday.

20 MR. TANASI: Okay.

21 THE COURT: Tuesday probably --

22 MS. MERCER: Your Honor, on Monday do you anticipate  
23 taking a lunch break, or should we just anticipate going all  
24 day?

25 THE COURT: No, I'll give them lunch.

1 MS. MERCER: Okay.

2 THE COURT: We start at 11:00. Probably around 1:00  
3 we'll give them lunch.

4 MS. MERCER: Okay.

5 THE COURT: Depending -- I'll probably give them  
6 lunch after your opening.

7 (Court recessed at 4:43 p.m., until Monday,  
8 May 9, 2016, at 11:14 a.m.)

9 \* \* \* \* \*

10 CERTIFICATE

11 ATTEST: I hereby certify that I have truly and correctly  
12 transcribed the audio/visual proceedings in the above-entitled  
13 case to the best of my ability.

14 

15  
16  
17 \_\_\_\_\_  
18 JULIE LORD, INDEPENDENT TRANSCRIBER

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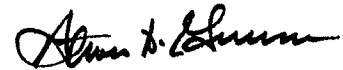
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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

TONY LEE HOBSON,  
and BRANDON STARR,

Defendants.

.....

CASE NO. C-14-303022-1

CASE NO. C-14-303022-2

DEPT. NO. XIX

**TRANSCRIPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 4**

MONDAY, MAY 9, 2016

APPEARANCES:

FOR THE STATE:

ELIZABETH A. MERCER, ESQ.  
KENNETH PORTZ, ESQ.  
*Deputy District Attorneys*

FOR DEFENDANT HOBSON:

RICHARD E. TANASI, ESQ.

FOR DEFENDANT STARR:

LANCE A. MANINGO, ESQ.  
ADRIAN LOBO, ESQ.

ALSO PRESENT:

MARIA PERALTA DE GOMEZ  
*Spanish Interpreter*

COURT RECORDER:

CHRISTINE ERICKSON  
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC  
Englewood, CO 80110  
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Proceedings recorded by audio-visual recording, transcript  
produced by transcription service.

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WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
Jamie Schoebel	44	86	87	88
Jose Mario Borja Esquivel*	91	106	109	--
Diana Mena	114	127	128	--
Darnell Butler	129	150		
Yanais Silva	153	171	175	--
Shanon Poole	177	---		
Trevor Faraone	204	224		

**\*With Spanish Interpreter**

\* \* \* \* \*

EXHIBITS

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1           LAS VEGAS, NEVADA, MONDAY, MAY 9, 2016, 11:14 A.M.

2                   (Outside the presence of the jury)

3           THE MARSHAL: Department 19 is now in session, the  
4 Honorable Judge William Kephart presiding. Please be seated.

5           THE COURT RECORDER: We're on the record.

6           MR. TANASI: Good morning.

7           MS. LOBO: Good morning.

8           THE COURT: Good morning, everybody.

9           MS. MERCER: Good morning, Your Honor.

10          MR. TANASI: Good morning, Judge.

11          MR. MANINGO: Morning.

12          THE COURT; On the record in case C-303022, State of  
13 Nevada vs. Tony Hobson and Brandon Starr. I'd like the record  
14 to reflect the presence of the State, their counsel, both  
15 defendants, as well as their counsel. Is there anything that  
16 needs to be brought before the Court's attention before we get  
17 the jury back?

18          MR. PORTZ: Your Honor, just briefly, we discussed  
19 this with opposing counsel this morning. Because there are so  
20 many counts and so many different events, it's the State's  
21 intention, and this is what we did at the grand jury, to  
22 notify the jurors -- when we call a witness up, we'll simply  
23 state, this is reference -- this is in reference to incident  
24 number 1 of 14, counts 1 through 7, just so that they're aware  
25 of who the witness's testimony -- what counts the witness's



1 testimony applies to.

2 THE COURT: Okay. Any particular objections to  
3 that?

4 MR. TANASI: No, Your Honor.

5 MR. MANINGO: No, Your Honor.

6 THE COURT: Okay. All right. So, other than that,  
7 are we ready to get started then?

8 MR. TANASI: Yes, Your Honor.

9 THE COURT: All right. Jim, go ahead and get the  
10 jury in then.

11 (Within the presence of the jury)

12 THE MARSHAL: Please be seated. Department 19 is  
13 back in session.

14 THE COURT: Okay. This is a continuation of the  
15 jury trial in C-303022, State of Nevada vs. Tony Hobson and  
16 Brandon Starr. Is Vissa Noquez here?

17 JUROR NO. 1: I'm here.

18 THE COURT: Robert Bass?

19 JUROR NO. 2: Here.

20 THE COURT: Vince Gaeta?

21 JUROR NO. 3: Present.

22 THE COURT: Lin-Belle Addington?

23 JUROR NO. 4: Here.

24 THE COURT: Daniel Boggs?

25 JUROR NO. 5: Here.

1 THE COURT: Nicholas Kozlowski?  
2 JUROR NO. 6: Present.  
3 THE COURT: William Burns?  
4 JUROR NO. 7: Here.  
5 THE COURT: Angila Jenkins?  
6 JUROR NO. 8: Here.  
7 THE COURT: David Snyder?  
8 JUROR NO. 9: Here.  
9 THE COURT: Glynis Bernard?  
10 JUROR NO. 10: Here.  
11 THE COURT: Daniel Powers?  
12 JUROR NO. 11: Here.  
13 THE COURT: Charles Worth?  
14 JUROR NO. 12: Here.  
15 THE COURT: Janet Swanson-Sulerud?  
16 JUROR NO. 13: Here.  
17 THE COURT: Heather Hedrick?  
18 JUROR NO. 14: Here.  
19 THE COURT: And Dustin Bigelow?  
20 JUROR NO. 15: Here.  
21 THE COURT: Will the parties stipulate to all  
22 presence of the jury?  
23 MS. MERCER: Yes, Your Honor.  
24 MR. TANASI: Yes, Your Honor.  
25 MS. LOBO: Yes, Your Honor.

1 THE COURT: Okay. Before we took a break, I just  
2 finished addressing the jury, and at this point in time, if  
3 the State wishes, it's time for you to do your opening  
4 statements.

5 MS. MERCER: Thank you, Your Honor.

6 THE COURT: Okay.

7 STATE'S OPENING STATEMENT

8 MS. MERCER: Good morning, ladies and gentlemen. As  
9 you heard in the opening statement by my co-counsel, this  
10 trial pertains to 14 separate robbery events. It is alleged  
11 by the State that between October 28th of 2014 and November  
12 25th of 2014, the defendants, Tony Hobson, who is  
13 approximately 5-foot-7 inches tall, and Brandon Starr, who is  
14 approximately 6-foot-4 inches tall, were involved in each and  
15 every single one of these incidents.

16 In addition, you will hear that Donte Johns is -- or  
17 was a charged co-defendant. You will hear from Donte Johns at  
18 some point during the trial, and specifically, you will hear  
19 from him with regards to his role as a driver in these  
20 robberies. He never went into any of the establishments; he  
21 drove them to and from the robbery locations.

22 Specifically, he will tell you that he was involved  
23 in the number 4 Pizza Hut robbery, which is the second Pizza  
24 Hut robbery in this series. He will tell you that he was  
25 involved in the number 5 Little Caesar's robbery, which was on

1 the same night approximately an hour-and-a-half to two hours  
2 later. He will tell you that he was involved in a Popeye's  
3 robbery down off Stephanie near RC Willey, which is the  
4 Henderson robbery charged in this series.

5 He will also tell you that he was involved in the  
6 number 11 El Pollo Loco robbery and the number 12 Taco Bell  
7 robbery, both of which also took place in the same night. He  
8 will also tell you that he was involved in the last completed  
9 robbery of this series, which was the 13th robbery that  
10 occurred at Popeye's the night before they were arrested on  
11 November 25th of 2014.

12 He was arrested at the Taco Bell, which is incident  
13 number 14, along with Tony Hobson and Brandon Starr. He was  
14 in the driver seat when police approached the vehicle and  
15 pulled everyone out. He was dressed in a blazer, dress shoes,  
16 button-up shirt, clearly not intending to go in and commit a  
17 robbery.

18 These are the locations of the various robberies  
19 that took place. You will notice that the bulk of them took  
20 place in this vicinity, and you will hear that Defendant  
21 Hobson and Starr resided at 3955 East Charleston during the  
22 time of these robberies. So in the beginning, most of those  
23 robberies took place close to their residence. They then  
24 started deviating up into the northwest and down in Henderson,  
25 but you'll also notice and you'll also hear that these

1 locations are really off of freeways -- very close to a  
2 freeway. Not in areas that would be difficult to get to,  
3 areas that would -- they were areas that were easily spotted,  
4 these locations.

5 With regards to the number 1 incident, there were  
6 five different people present during that robbery. And in the  
7 interest of saving time, the State will not be calling every  
8 single person that was present during these robberies. It  
9 would get redundant, and it's not necessary because they were  
10 all captured on video.

11 But with regards to the first incident, that  
12 incident took place at 11:30 P.M. at the El Pollo Loco at 4011  
13 East Charleston. At the time, Jamie Schoebel was the manager.  
14 You will hear from her. You will also hear from Jose Borja.  
15 During that incident, he was pistol-whipped with a firearm  
16 because the defendants didn't believe they were acting quickly  
17 enough. You will also hear from Diana Mena, who was standing  
18 close to Jose Borja at the time he was pistol-whipped, and you  
19 will see that surveillance video.

20 The State is going to ask, as you listen to the  
21 evidence in this case and you watch those surveillance videos,  
22 that you pay very close attention to the details that you can  
23 observe from those surveillance videos; in particular, what  
24 each of the suspects is wearing, indications of the height  
25 variances between the two of them.

1           With regards to this incident, you will hear that  
2 Tony -- or I'm sorry, Brandon Starr, who was wearing a red  
3 Cincinnati baseball cap, and wearing gray gloves with red  
4 lettering on them, and carrying a firearm. This is him  
5 pistol-whipping Jose Borja. You will see that that firearm is  
6 a revolver. It has a cylinder right here. And he was wearing  
7 a gray thermal, like a long-sleeved thermal sweatshirt. In  
8 this particular incident, Tony Hobson was wearing a gray  
9 hoodie and carrying a knife. The witnesses will tell you  
10 about the height variations between the two suspects.

11           Then, on October 2nd -- or October 29th, 2014, the  
12 second robbery occurs, and it happens again shortly after  
13 11:00. With regards to this incident, it took place at the  
14 7-Eleven very close to where they were residing at 4581 East  
15 Charleston. The only employee working, the only victim of a  
16 robbery was Darnell Butler, who you will hear from, and once  
17 again, you'll see surveillance footage.

18           When you watch the surveillance footage, you will  
19 see that Tony Hobson actually forgot to put his mask on when  
20 he entered the store. And this is one of the robberies where  
21 you -- there's actually very good perspective as to the height  
22 differences, because when he walks in, you can tell that he's  
23 significantly shorter than Brandon Starr. Once again, he's  
24 wearing that gray hoodie. You will be able to tell from the  
25 surveillance footage that the inside of the gray hoodie has a

1 plaid pattern on it. Again, he's got a red bandana and he's  
2 wearing red gloves with white lettering.

3 And with regards to this incident, pay particular  
4 attention to the shoes that are depicted in that surveillance  
5 video. They're a pair of gray sneakers. There's another  
6 viewpoint of his red gloves with white writing on top of the  
7 gloves. Then, in walks Brandon Starr, significantly taller.  
8 Brandon Starr is once again wearing those -- the gray gloves  
9 with the red lettering. He's wearing a black and gray hoodie.

10 Then, the third incident takes place on November 1st  
11 of 2014 at 11:02 P.M. This one happens at a Pizza Hut at 6130  
12 West Lake Mead. There are three employees present during the  
13 robbery; Shanon Poole, Daniel Heffner, and George Thimakis.  
14 You are only going to hear from Shanon Poole, who was the  
15 manager at the time.

16 That surveillance video only captures the customer  
17 area, and it captures them entering the establishment. This  
18 is Brandon Starr entering in a Pirates cap with a red bill,  
19 once again carrying the same revolver, and dressed in black.  
20 Tony Hobson walks in, wearing his same gray sneakers, black  
21 clothing, red gloves with the white lettering, red bandana.  
22 Again, you can tell he's significantly shorter than Brandon  
23 Starr.

24 In this particular incident, the defendants were  
25 smart enough to jump over the counter and leave shoe prints

1 behind. Those shoe impressions were lifted by crime scene  
2 analysts and compared by Eric Gilkerson, who determined that  
3 the mark left by Tony Hobson in those gray sneakers was  
4 compatible with the sneakers that he was arrested in. It was  
5 a match. There were identifying characteristics associated  
6 with those shoes that were present in the foot impression left  
7 behind.

8           Once again, Brandon Starr is wearing the gray gloves  
9 with the red lettering, and he's wearing black boots. Those  
10 black boots were consistent with the boot print left on the  
11 counter top. Here's a picture of the shoe impressions. This  
12 is the boot; this is the Reebok. You can see that it says  
13 "Reebok" and there's indications of wearing on the soles.

14           Then, fast-forward to the number 4 Pizza Hut  
15 robbery. This is the November 3rd, 2014 robbery at 10:55 P.M.  
16 This is one involving Trevor Faraone, or Faraone. I can't  
17 pronounce his last name. He's the manager.

18           Ashley Charmichael was present, Thomas Bagwell was  
19 present, and then about halfway through the robbery, Guy Brown  
20 returned from making a delivery. He was unaware that a  
21 robbery was occurring. When he walked in, they approached  
22 him. They took the 40 or 60 bucks that he'd just made from  
23 the delivery, and they also took some other stuff from his  
24 person. In that incident, you'll hear from Trevor and you'll  
25 hear from Guy.



1           This is the surveillance still here. Brandon Starr  
2 is wearing a gray and black hoodie. The top portion is where  
3 the gray is, and the bottom is black. You'll see it over and  
4 over again in the surveillance footage. He's also wearing the  
5 red gloves with black lettering, and once again wearing a  
6 baseball cap with a red bill underneath that hoodie. And  
7 you'll be able to tell the size differences with regard to  
8 this video very well.

9           And Tony Hobson walks in wearing gray and black  
10 hoodie, matches the one that Brandon Starr was wearing, once  
11 again wearing a red bandana, once again wearing the red gloves  
12 with the white lettering, and once again carrying a knife.  
13 Brandon Starr was armed with a firearm in that one, and Tony  
14 Hobson was carrying a knife.

15           Then, about 30 minutes to an hour later, they go to  
16 the Little Caesar's. At that robbery -- with regard to the  
17 first four robberies that took place, they gained entrance  
18 through the main entrances of the business. They did so with  
19 this one, too, but it was because a delivery man was making a  
20 delivery to Little Caesar's, so he snuck -- they snuck in  
21 behind him as the doors were opening.

22           His name was Jesus Dorame, and the company he worked  
23 for is associated with Little Caesar's. Different name, but  
24 both owned by the same people. Idania Sacba was there by  
25 herself because the store was technically closed. She was

1 just there to drop off paperwork from the store where she  
2 actually worked.

3           With regards to this robbery, you will see that they  
4 enter wearing the same clothing that they were wearing in the  
5 Pizza Hut robbery. Tony Hobson's wearing a gray hoodie with  
6 -- I'm sorry, gray and black hoodie, red gloves with white  
7 lettering, red bandana. Brandon Starr is wearing the gray and  
8 red gloves, black pants, gray and black hoodie, red cap. And  
9 with this one, you'll see that Brandon Starr is hunching down  
10 in several of the video surveillances, as if to make himself  
11 shorter.

12           Then, the robberies stop for a period of time. They  
13 pick back up on November 15th. This robbery happened at a  
14 Popeye's. Again, there were several employees present. Most  
15 of these robberies took place as the stores were closing down.  
16 Just -- most of the stores' closing hours varied between the  
17 lobby, the main dining area, and the drive-thru. These  
18 robberies were occurring while the drive-thru was still open  
19 or shortly after it closed, so everyone was doing their duties  
20 to clean up the store and get out of there.

21           With regards to this robbery, you will hear from  
22 Karina Aguilar and Jeronimo Urbina. And this -- this is where  
23 their method of entry kind of changed a little bit, because  
24 they started splitting up. Brandon Starr would bust out the  
25 windows or the doors to gain entrance to the store, and then,

1 when the employees all started running towards the back, Tony  
2 Hobson would be in the back waiting for them to stop them from  
3 exiting or force them back inside. This is the first one  
4 where that occurred.

5 Again, you'll see they're wearing the same clothing.  
6 Brandon in the black windbreaker, gray and white gloves.  
7 Brandon Starr. And you'll see that he's carrying the bag out  
8 with the gun in his left hand, bag of cash.

9 The number 7 robbery occurred November 17th, 2014 at  
10 12:42 A.M. at Burger King. With regards to this particular  
11 incident, this is the only incident where an item was not  
12 successfully stolen, so this is charged as an attempt robbery  
13 with use. Sonia Soto De Mason was working, Cornell Combs was  
14 working, and Jose Romero-Pitano (phonetic) was working.

15 When Brandon Starr tried to break out the window in  
16 this particular incident, he was unsuccessful, so the two of  
17 them went around to the back door. And when the employees  
18 tried to run out that back door because they'd heard the loud  
19 crash, they were confronted by the two defendants. Brandon  
20 Starr punched Cornell Combs so hard that it knocked him down,  
21 and you'll see that on the surveillance video, and then walks  
22 over him. Jose Romero actually managed to get away, which is  
23 likely why they didn't obtain anything in this robbery,  
24 because he was the only one with access to the safe; he was  
25 the manager.

1           There's where they attempted to break in and were  
2 unsuccessful, so they had to go around to the back door. Once  
3 again, they're wearing the same gloves and the same clothing.  
4 Brandon Starr's got his hoodie on with the red billed baseball  
5 cap, the red gloves with the black lettering, and Tony Hobson  
6 is wearing the same gloves and same hoodie, and he's wearing  
7 his gray sneakers.

8           Number 8 is the November 17th, 2014 robbery at 12:57  
9 A.M. at Wendy's. Again, several witnesses -- or several  
10 employees present; Janie Fannon, Jesus Lopez, Anthony  
11 Maddaford, and Juan Mendoza. Noemy Morrquin was also present,  
12 but not an employee. She was waiting for her, at the time,  
13 boyfriend, now husband, to get off work. You will hear from  
14 Noemy and Juan Mendoza.

15           Again, they broke out a window -- one of them broke  
16 out the window, Brandon Starr; and the other one, Tony Hobson,  
17 ran around the back to make sure the employees couldn't get  
18 away. You can see the revolver again. That's Juan Mendoza in  
19 the office.

20           And in this incident, a blue Walmart bag starts  
21 showing up. The blue Walmart bag is provided by either Tony  
22 Hobson or Brandon Starr to the employees to place the money in  
23 and leave the scene, and it depended on which incident that --  
24 which -- which defendant handed the blue Walmart bag to the  
25 employee. In this particular incident, it was Brandon Starr.

1 Here is a surveillance still, it's not a very clear one, where  
2 Tony Hobson is crouched down on the floor, trying to assist in  
3 getting the money out of the safe. You can again see the back  
4 of his gray sneaker, and you can see his red and white gloves.

5           Number 9 is the November 21st, 2014 robbery. Two  
6 employees were present; Jessica Hubbard and Jorge Morales.  
7 You will hear from Jessica Hubbard. This robbery took place  
8 at the Wendy's across from the In-N-Out off of Lake Mead and  
9 95 area. Once again, Brandon Starr broke out the window in  
10 the front door, reached in, opened the door, gained entrance  
11 that way. Tony Hobson went around -- or followed in behind  
12 him on this one. Again, you can see they're wearing the same  
13 clothing. Brandon Starr always wears the black pants, black  
14 shoes, and Tony Hobson has his gray sneakers on.

15           They've also started wearing medical masks. You  
16 will hear that about halfway through this robbery series, Tony  
17 Hobson's girlfriend gave birth to a child in the lobby of the  
18 hospital at the -- where the child was born. They had medical  
19 masks available for anybody to just take. There was a medical  
20 mask dispenser because -- probably because it was flu season,  
21 I don't know, but that's about when they start wearing these  
22 medical masks.

23           Once again, you can see that Brandon Starr has his  
24 red gloves with black lettering, his gray and black hoodie,  
25 and he's carrying a revolver. Tony Hobson standing behind

1 him, dressed in his black hoodie, black pants, white medical  
2 mask, and once again, he's got his red gloves with white  
3 lettering on them and his gray sneakers.

4           The 10th robbery happens down in Henderson, right  
5 off of Stephanie near the RC Willey and the 215. Once again,  
6 several employees present; Angelica Uribe (phonetic), Skyler  
7 Cox, Maria Sanchez, Gamaliel Zavala (phonetic) Enriquez,  
8 Guillermo Rodriguez (phonetic), and Silvia Villegas. You're  
9 only going to hear from Angelica and Skyler. The rest of them  
10 managed to successfully escape out the back door in this  
11 incident.

12           With regards to this particular incident, Tony  
13 Hobson -- or I'm sorry, Brandon Starr broke out the entrance  
14 -- the main entrance to the Popeye's and walked through the  
15 broken window. Tony Hobson jumped through the drive-thru  
16 window. This is one incident where Donte Johns was the  
17 driver.

18           Again, same clothing. Gray and black hoodie, black  
19 pants, black shoes, baseball cap with red bill. That's  
20 Brandon Starr. And this is Tony Hobson coming in through the  
21 window. You can very clearly see he's wearing his red gloves  
22 with white lettering and black clothing. He's also wearing  
23 the gray sneakers, and they're both donning the medical masks  
24 once again. The Walmart bag appears in this incident as well.  
25 That's Alejandra and Skyler on the ground -- or Angelica and

1 Skyler.

2           The number 11 incident happened on November 23rd,  
3 2014 at 11:10 P.M. Five -- or four employees present. You're  
4 going to hear from Laura Lopez and Yanais Alejandra Silva, but  
5 Luis Lopez and Sergio Hernandez-Bautista were also there. You  
6 will hear that Sergio was the brother of Laura Lopez. This  
7 incident happened at 7380 West Cheyenne. You will hear that  
8 it was in close proximity to a Magoo's. Donte Johns recalls  
9 parking next to the Magoo's when he dropped the two of them  
10 off.

11           Once again, Brandon Starr broke out the front door  
12 to gain entrance and jumped over the counter. You can see  
13 he's wearing the same clothing; black pants, black shoes, gray  
14 and black hoodie, and he's got his hoodie pulled up. You can  
15 also see that he's wearing the gray and red glove on one hand,  
16 and then a gray and black glove on the other hand. He's also  
17 carrying the blue Walmart bag in that picture. He hands it  
18 over to the clerk to put the money in.

19           In that incident, there's another great example of  
20 the height variations. Tony Hobson on the right; Brandon  
21 Starr on the left. They also left shoe prints behind at that  
22 incident.

23           With regards to the number 12 Taco Bell, this was a  
24 short distance from the last robbery, the number 11 robbery,  
25 and there were three female employees working; Vanessa

1 Gonzalez, Jamie Ward, and Holly Hadeed. Jamie Ward managed to  
2 escape and run down the street to call 911. Vanessa Gonzalez  
3 and Holly Hadeed were inside of the Taco Bell during the  
4 robbery. This surveillance video actually has audio.

5 (Surveillance video is played)

6 MS. MERCER: That was Brandon Starr. You could see  
7 the red and black glove. He picked up -- because they  
8 couldn't gain access to the safe, they just took whatever they  
9 could, which was one of the employee's cell phones that was  
10 sitting on the desk. Once again, they broke out the front  
11 door to gain access to the business, and -- well, Brandon  
12 Starr did, and Tony Hobson ran around the back to keep the  
13 employees from leaving.

14 This time, Brandon Starr's armed with a semi-  
15 automatic firearm, as you can tell from the slide right here,  
16 but he's wearing the same clothing; black pants, black shoes,  
17 gray and black hoodie, the red glove on one hand with the  
18 black "N" and the black letters, and the gray glove in his  
19 left hand -- on his left hand with the red letters. Tony  
20 Hobson's wearing the same red gloves with white lettering,  
21 black hoodie, and they're both wearing medical masks.

22 Donte Johns will tell you what he remembers about  
23 that incident is that it was -- or that -- about that location  
24 is that it was close to the freeway, being the 215, because it  
25 was up in Summerlin at the Taco Bell just past Hills Center,



1 heading towards the 215 on Lake Mead.

2           The 13th robbery is the last one -- the last  
3 completed robbery in the series, and it happened on November  
4 24th, 2014 just around 11:00 P.M. at the Popeye's at 6121  
5 Vegas Drive. Once again, there were five employees present.  
6 You're not going to hear from every single one of them. It  
7 was Angelica Abrego, Gabriela Oyoque, Rafael Velazquez, Jose  
8 Espinoza, and Alma Gomez. With regards to this incident, you  
9 will hear from Rafael and Alma, and potentially others if we  
10 feel the need to, but at this time, those are the two we plan  
11 on calling.

12           Once again, the front door was broken out to gain  
13 entrance by Brandon Starr. The blue Walmart bag once again  
14 shows up in this one. Brandon Starr is once again wearing his  
15 gray and black hoodie, and his black boots, and his black  
16 pants. Tony Hobson is once again wearing all black; his black  
17 hoodie, black pants, and his gray sneakers.

18           With regards to this incident, you will hear that  
19 when the cash was taken, the money had just been counted down  
20 from the various cash drawers; the two inside the lobby, and  
21 then the one at the drive-thru. When they count down the  
22 drawers prior to putting them in the safe, they print out a  
23 report of how much money was in the drawer -- how many -- how  
24 much money should have been in the drawer, how much money was  
25 in the drawer, the employee's name is on the receipt, and then

1 the manager handwrites the amount at the top of the receipt.  
2 Those receipts were taken with the money during this robbery.

3 Then, on November 14th -- or I'm sorry, November  
4 25th, with regards to the 14th incident, you will hear that  
5 the detectives within the Las Vegas Metropolitan Police  
6 Department assigned to the robbery unit were having a very  
7 difficult time identifying these suspects because they were  
8 always wearing gloves, which means no fingerprints, no DNA.

9 So they decided that they would go to various  
10 locations throughout the Valley, hoping to identify the  
11 suspect vehicle. They had a suspect vehicle in mind. They  
12 knew it was a gray Charger, and they knew that from  
13 surveillance video at two different locations.

14 You will hear that Ted Weirauch from the robbery  
15 unit decided that he wanted to go back to the vicinity where  
16 the original robberies were happening down in what is referred  
17 to as the Southeast Area Command. As he was driving down the  
18 road, he spotted a Dodge Charger, and he decided that he was  
19 just going to follow it and see what happened.

20 So, he pulled in the parking lot approximately 50  
21 feet away from the vehicle in a manner as not to catch their  
22 attention or alarm them, and he watched. He watched for about  
23 20 or 30 minutes. He could tell that the vehicle was occupied  
24 by at least two people, but he didn't know for certain how  
25 many people. So, as he waited and as he watched, he saw the

1 right rear passenger door open, and Brandon Starr got out. He  
2 walked to the trunk and he put a mask on, the white medical  
3 mask.

4 At that point, Detective Weirauch called in patrol  
5 officers to conduct a stop, because he wasn't willing to wait  
6 for them to actually complete another robbery. When patrol  
7 pulled them out of the vehicle, they noticed that -- or they  
8 were taken into custody, and Detective Abell noticed that at  
9 the time that they were stopped, they were wearing items of  
10 clothing that were identifiable in the surveillance video.

11 Brandon Starr in particular was wearing this gray  
12 and black hoodie with a red zipper. And in the trunk in front  
13 of where Brandon Starr was standing was a hatchet with an  
14 orange handle. When you watch the surveillance from the  
15 number 13 event, you will see that Brandon Starr was holding a  
16 hatchet with an orange handle.

17 As they started removing the layers and documenting  
18 what was in that trunk with the assistance of the crime scene  
19 analysts, they found other relevant items, which I'll get to  
20 in a second. But at the time he was arrested, he was also  
21 wearing this baseball cap, which was depicted in one of the  
22 other surveillance videos.

23 In the trunk in front of where Brandon Starr was  
24 standing, they located that semi-automatic handgun, one black  
25 and red glove with the black lettering, and one gray and red

1 glove -- the left hand red, and gray glove. They continued to  
2 move stuff away and found a revolver that matched the  
3 description of the revolver seen in the surveillance videos  
4 over and over again early on in the series.

5 Tony Hobson was seated in the right front passenger  
6 seat, and search incident to arrest, the officers located a  
7 blue Walmart bag in his waistband. And on the seat where he  
8 was seated, the red gloves with the white lettering on the  
9 front -- on the tops of them were located, along with a mask.  
10 Tony Hobson was also wearing the gray sneakers, the Reebok  
11 sneakers that were used to make the comparisons by Eric  
12 Gilkerson, and a black hoodie.

13 And this is what Donte Johns was wearing when he was  
14 arrested in the driver seat of that vehicle; a jacket,  
15 button-up shirt, and as you can see, shiny dress shoes. Not  
16 robbery attire.

17 You will hear that Brandon Starr's DNA was located  
18 on that red and gray glove that was recovered in the trunk,  
19 and his DNA was also located on that revolver. With regards  
20 to Tony Hobson, you will hear that the gloves that he was  
21 wearing in almost every single one of these incidents with the  
22 exception of two, the red gloves with the white lettering on  
23 the top and the black outlines, had his DNA on them.

24 And you will hear that after their arrest, robbery  
25 detectives went to 3955 East Charleston and executed a search

1 warrant. They found some very relevant items inside of that  
2 residence. In particular, this is the gray hoodie with the  
3 plaid lining inside that was found there, the Pirates cap  
4 depicted in one of the robbery events with black and the red  
5 bill, the red Cincinnati hat, and in this drawer in Tony  
6 Hobson's -- or Brandon Starr's room, a wad of cash.

7 In addition, when they searched the trash can, they  
8 found some very interesting materials in there as well. You  
9 will hear from several of the victims and employees in this  
10 case that when the robberies were occurring, oftentimes, they  
11 would make off with a lot of coins -- rolls of coins. The  
12 wrappers for those coins in the trash can, as well as the  
13 receipts from the November -- the number 13 robbery. You will  
14 hear from the manager in that case that that is her  
15 handwriting on those receipts. They also located a coin  
16 sorter and boxes consistent with boxes that were taken from  
17 some of these robberies that contained the rolls of coins.

18 This is the receipt I was referring to, this is the  
19 manager's handwriting up here where it says "386.14." This  
20 indicates the cashier who was manning that drawer, and this  
21 tells you that it occurred on November 24th -- that this  
22 receipt was printed on November 24th of 2014.

23 You will also hear from Detective Abell, who was the  
24 lead detective on this case, and he will tell you that when he  
25 started perusing Facebook, he found an interesting photograph,

1 which is a photograph of Brandon Starr wearing those red and  
2 gray gloves that were used in the commission of these  
3 robberies.

4 At the conclusion of this case, the State is going  
5 to ask that you find the defendants guilty of every single one  
6 of the charges in the Indictment.

7 THE COURT: Thank you, Ms. Mercer. Mr. Tanasi, did  
8 you want to address the jury?

9 MR. TANASI: Thank you, Your Honor.

10 THE COURT: Okay.

11 DEFENDANT HOBSON'S OPENING STATEMENT

12 MR. TANASI: Ms. Mercer, Mr. Portz, good morning.  
13 Folks, good morning. This is a case with many, many pieces,  
14 okay, but many pieces that don't fit together as nicely and as  
15 easily as the State would have you think.

16 Now, what you've heard to this point is a good  
17 opening statement from a good prosecutor. What you have not  
18 heard to this point is evidence. You've heard a roadmap,  
19 you've heard a frame, you've heard about pieces. What your  
20 folks' job as jurors who have taken the oath in this case is  
21 to find and determine the facts, and draw your own inferences.  
22 I wrote that down because it's important. You guys are doing  
23 that, you guys are making that conclusion; not the State, and  
24 not their good opening statement.

25 So, let's talk about these events, the 14 of them,

1 right? I just want to put something you've seen already on  
2 the Elmo here. Again, you all can see for yourself that these  
3 robberies, they're all over the Valley. Yeah, there's a  
4 cluster, but there are also outliers. We have one out in  
5 Henderson. We have robberies out in the northwest. Not all  
6 in one specific area; different locations spanning a different  
7 time frame, right? October through November of 2014.

8           What you're going to hear, folks, is a variety of  
9 descriptions from a variety of suspects. Over 50 potential  
10 victims in this case -- 50 listed victims in this case, but as  
11 you've just heard from the State, you're not going to hear  
12 from all of them. Why? Why? Importantly, not one of the  
13 victims you will hear for -- from or the victims you won't  
14 hear from, not one of them identified Mr. Hobson or Mr. Starr.  
15 Not one.

16           These suspects are described in a variety of  
17 different ways by the folks who were there living through  
18 this, okay? Three to four possible suspects. You've heard  
19 about Mr. Hobson, you've heard about Mr. Starr, you've heard  
20 about Mr. Johns. Who is the fourth?

21           One possible female. One of the suspects might be  
22 5'10, 5'11, or 6-foot-tall. Another suspect might even be  
23 6-foot, 6-foot-1, 6-foot-2, 6-foot-3, or 6-foot-4. One you'll  
24 learn was described as possibly 7-foot-2. Another, or a  
25 description of them, was that they were relatively the same

1 height. One suspect's described as 240 pounds, another as 300  
2 pounds, and one at one time had small dread locks.

3           You're going to hear about the weapons involved, and  
4 you've seen that kind of already. A revolver, semi-automatic,  
5 an axe, a pipe.

6           You're going to learn about their clothing during  
7 these events. Black pants, gray, black, blue hooded  
8 sweatshirts, white socks, blue Red Socks cap, a cap with the  
9 letter "C" or "P," a green shirt, boots, and sneakers with an  
10 "N" mark on them from the folks that lived through this.

11           Their hands. They used latex gloves sometimes,  
12 you'll hear. Black gloves, red gloves, once even gloves with  
13 a yellow cuff.

14           The bags. Going to hear a lot about these -- this  
15 bag, this Walmart bag. You're going to learn that the victims  
16 described it as a Walmart bag, a blue bag, a plastic Cardenas  
17 bag, and sometimes even a cardboard box. Different events,  
18 ladies and gentlemen.

19           And let's talk about the Taco Bell arrest, the last  
20 incident in these events. Detective Weirauch, whose job is  
21 not to patrol, he's the detective; he was out patrolling that  
22 night, and as luck would have it, he picked the Nellis area --  
23 the Nellis area to drive around looking for the Dodge Charger,  
24 and he wound up right behind the Dodge Charger.

25           Instead of making an immediate arrest, he let things



1 play out, he says, you'll learn. Calls in for backup, three  
2 different patrol officers come; Officer Mohler, Malloy  
3 (phonetic) and Warren (phonetic), okay? You'll hear that they  
4 arrive and they take the defendants into custody, and must do  
5 what every good cop does, which is a pat-down search. Officer  
6 safety. Before you arrest somebody, you want to make sure  
7 that they are not carrying a weapon on their waist. You're  
8 going to want to make sure that they don't have guns in their  
9 hand or contraband in their pockets, surely.

10 So they are taken into custody by these three  
11 officers, and Detective Matlock arrives on the scene, another  
12 detective who's in this investigation, and as luck would have  
13 it, he spots a blue bag on Mr. Hobson's waist, something that  
14 the officers who took him into custody had missed.

15 But surely there's a picture you'll see, right, of a  
16 Walmart bag on Mr. Hobson's waist? You'll see a picture of  
17 that, right? You won't. You've seen already a picture of the  
18 blue Walmart bag or a blue bag from a surveillance shot,  
19 right, in one of the robberies, but -- and then a picture that  
20 kind of like superimposed next to a picture of Mr. Hobson, but  
21 you didn't see the bag on his waist. Why?

22 And you also, as the State mentioned, are going to  
23 hear about this arrest -- or this search, rather, that takes  
24 place, not at Mr. Hobson's house; at Mr. Hobson's girlfriend's  
25 house, Brianna Rankin (phonetic). Mr. Hobson was not living

1 at that house at the time of the robberies or at the time of  
2 the search. He was living with his sister, Lynette Hobson.  
3 You'll hear from her.

4 And you heard about these receipts. These receipts  
5 are found, okay? You'll see that the receipts are depicted,  
6 1, 2, and 3, right next to each other on the kitchen counter.  
7 You saw for your own eyes a picture of the receipt -- or a  
8 receipt in the kitchen waste bag, okay?

9 You'll learn that there are two different versions  
10 of where these receipts were found from two different police  
11 officers. You're going to learn that Detective Abell, he  
12 found them in the kitchen garbage can; and Detective Flynn, he  
13 found them in the bedroom night stand. Two different versions  
14 from two different police officers. Why, folks?

15 You're going to hear science. We talked a lot about  
16 science during jury selection, but you're going to hear it.  
17 You're going to hear DNA, and you're going to learn that Mr.  
18 Hobson's DNA is allegedly, okay, on one of the gloves. I say  
19 allegedly because here's the thing, folks. The State's  
20 scientist is going to come in and tell you that, and the  
21 State's scientist is also going to tell you that it's a  
22 mixture of three other individuals on the same glove. Science  
23 is not absolute; science is for you all to accept and reject.

24 You're going to hear some more science from the  
25 State's scientist. Footwear evidence. Footwear evidence that

1 you're going to hear from the State's footwear scientist who  
2 says he would expect Mr. Hobson's Reeboks are identified. He  
3 would expect Mr. Hobson's Reeboks are identified in the Pizza  
4 Hut robbery. He would expect it. He's not 100 percent,  
5 folks. And here's the thing, you're going to get to see the  
6 footprints and decide for yourself.

7           You've already seen it and you'll see it again, the  
8 picture of who the State says is Mr. Hobson who forgets to put  
9 his mask on, right? Is that picture, folks, as conclusive as  
10 the State has just told you? Again, you get to judge for  
11 yourself. Or is it a picture of a hooded black man the State  
12 wants you to believe is Mr. Hobson just because it's another  
13 piece of evidence, right? Icing on the cake.

14           And with these pieces that are kind of disconnected,  
15 who's going to come in -- who's going to come in and tie it  
16 all together? Their home run hitter, right? Mr. Johns, he's  
17 going to come in. He's a young man, he's a military man,  
18 okay, and I have a lot of respect for that, I do, okay, but  
19 folks, his testimony is bought and paid for. Bought and paid  
20 for, and you'll hear that. He signed an agreement with the  
21 State of Nevada to testify. Why?

22           At the end of this trial, folks, I'm confident  
23 you're going to see what I see in this case, which is that  
24 these pieces all don't fit together. And I'm going to ask you  
25 at the end of this trial to return the only verdict in this

1 case, which is not guilty. Thank you.

2 THE COURT: Thank you, Mr. Tanasi. Ms. Lobo or Mr.  
3 Maningo?

4 MR. MANINGO: Ms. Lobo.

5 THE COURT: Ms. Lobo?

6 MS. LOBO: Yes.

7 THE COURT: Okay.

8 MS. LOBO: Thank you, Judge.

9 DEFENDANT STARR'S OPENING STATEMENT

10 MS. LOBO: Ladies and gentlemen, this is a case  
11 about taking the easy way out. Two specific parties in this  
12 case have chosen to take the easy way out, and the evidence in  
13 this case is going to show exactly that. The Las Vegas  
14 Metropolitan Police Department took the easy way out when they  
15 were tying together 13 robbery events that were happening all  
16 over the Valley. The second person in this case who took the  
17 easy way out is now the State's witness, their star witness  
18 who will come here to testify.

19 Before I get to Mr. Johns and I explain his  
20 testimony and what he is going to offer for the State of  
21 Nevada, let's talk about what was happening on October 28th.  
22 You saw all the pictures that the State presented, detailing  
23 all of the robberies that happened all over the Valley,  
24 predominantly the east side, the northeast, and then down to  
25 the southeast area. So, let's talk about what happened and

1 what Metro was dealing with at that time.

2           October 28th began at that El Pollo Loco, just as  
3 Ms. Mercer said. Five victims had the daylights scared out of  
4 them that night. They went to work, and it was supposed to be  
5 a normal night of work, but what happened in that case is they  
6 went through absolute terror.

7           Some individuals came in there shrouded in all black  
8 with a gun and with a knife as they heard the demands to get  
9 down on the floor, open the F'ing safe. These people were  
10 scared out of their mind that night because of two hoodlums  
11 that came in to steal property that did not belong to them.

12           Then what happened three days later? I will run  
13 through all of these. Three days later, Pizza Hut, three more  
14 victims. Two days later, four more victims. The tallies  
15 began to roll and [inaudible]. It was rolling into more  
16 victims, more events.

17           From the first event all the way through the next  
18 event, the next event, not one single victim could identify  
19 these people, and rightfully so. The people who were  
20 perpetrating these crimes were completely covered. They wore  
21 gloves. They were trying to do the best that they can, but  
22 Metro at this point had five unopen, unsolved cases.

23           Two days go by, Burger King, two more victims. The  
24 same day, Wendy's, five more victims. Not a single arrest,  
25 not a single lead. Nothing was happening for the Las Vegas

1 Metropolitan Police Department to bring these cases to a  
2 close.

3 Four days later, two more victims. Two days later,  
4 four more victims at El Pollo Loco. And then the same day at  
5 Taco Bell, three more victims. It was increasing with  
6 intensity. It was also increasing in violence. People  
7 actually being struck with a firearm in the back of their  
8 head. The very next day, Popeye's, seven more victims.

9 This is what I would like to say, at least for the  
10 robbery division of Metro, it appeared to be that there was a  
11 crime wave occurring in the Valley. At this point, what they  
12 were dealing with in less than 30 days is 43 victims that are  
13 named in this case.

14 Three of these people were pistol-whipped. They  
15 were actually struck in the back of the head or somewhere on  
16 their body as these individuals were coming in and  
17 perpetrating these violent, horrible acts upon them. A  
18 pregnant woman, you'll hear in this case, was actually punched  
19 in the stomach. They were increasing in frequency. The  
20 number of victims per event was increasing. They were  
21 happening at numerous times throughout the day. There are  
22 some days where there was two events that were happening.

23 Still not a lead. No victim could identify them  
24 because these individuals were wearing masks covering their  
25 faces, wearing gloves, very dark clothing, and not a whole lot

1 of variance -- or a lot of variance in the descriptions of  
2 them. No DNA, rightfully so, at the crime; no fingerprints at  
3 the crime as well.

4 Metro seemed to be in a hard position, and it's safe  
5 to say that they wanted to make sure that they caught these  
6 people that were perpetrating all of these robberies all over  
7 our community. They had 13 unsolved open cases.

8 But Detective Abell, who's the lead detective in  
9 this case, got the case early on. I think it was about the  
10 third, is what we'll hear, maybe after the first, that he was  
11 assigned the case. All of these events fell under him because  
12 he's the lead detective, he's the person who's running the  
13 investigation, he's the point person for Metro.

14 And so, doing what any prudent detective should do  
15 for the police department, he sends out emails. They connect  
16 with each other inside of the department. Robbery works  
17 together as a team. If I have information about a crime, then  
18 I share it with my coworkers. Emails are being sent as to  
19 what is going on in the Valley.

20 Still, nothing is happening at this point, until the  
21 most critical thing that was the big break in this case is  
22 that a silver Charger was found in video surveillance. When  
23 the video of the Charger was found, finally, aha, we've got  
24 something here.

25 And so, what the State touched on -- they didn't use

1 this fancy Latin term about modus operandi, but it's a Latin  
2 word that means mode of operation, and you'll probably hear it  
3 throughout this case with various detectives, and probably  
4 also with the DNA people, and possibly also with the shoe --  
5 footwear people.

6 But before I get to modus operandi, I want to talk  
7 to you about it, because it kind of happens in two different  
8 ways. Modus operandi can be the first way. It's a signature  
9 action. So, if we think about modus operandi -- this is just  
10 my own example to bear out with you guys -- is that there  
11 could be a signature crime.

12 So, say I go into a robbery -- or into a bank to  
13 commit a robbery. I walk up to the teller and I say -- write  
14 a note saying, "Roses are red, violets are blue, give me all  
15 your money or I'm going to shoot you in the shoe," right? Not  
16 a great poet, but that's all I could think that would rhyme  
17 with it. I hand that to the teller. That's a signature  
18 action. That's something that's unique and distinctive in the  
19 way that a robbery would be committed.

20 The other way that modus operandi bears out in this  
21 case, and what the State has said, saying multiple times over  
22 and over, it's a gray windbreaker, a windbreaker, a  
23 windbreaker. And they showed you a lot of pictures of a  
24 windbreaker in some of these cases, but what you'll see is  
25 that that's probably not the unique thing that comes to mind



1 with people.

2           So, as you think about modus operandi and whether  
3 you see unique actions or you see unique descriptions of  
4 crime, the thing that came to my mind in this case is the  
5 movie Point Break, right? They go in there and they've got  
6 the presidents' face masks on, and that is kind of as  
7 signature as it's going to get. If somebody comes in wearing  
8 that to multiple banks or multiple stores, that's modus  
9 operandi.

10           And what we've got in this case is a little bit  
11 different. What we have is the police tying together 13  
12 different events that are not going to have a signature crime.  
13 Not the poetry, that's pretty extreme on the opposite end, but  
14 no signature event that would tie together these.

15           But we do have what you would find in any robbery;  
16 robbery with a gun, robbery with a knife, robbery in one of  
17 the events that we'll hear from is that there might have been  
18 a pipe that individuals used when they went into these stores.  
19 Happened at nighttime. Money was demanded from these people.  
20 They were ordered to the ground, ordered to the safe, and that  
21 it's pretty nondescript clothing.

22           Yes, you did see some photos of windbreakers in this  
23 case, but what you also heard, the State even referred to, and  
24 what we'll have witnesses come here to testify, telling you,  
25 is that it was also possibly a hoodie. Now we've heard of a

1 gray thermal that's used, but that bandanas were used, masks  
2 were used, gloves were used in this case; not what you would  
3 normally think about, is this really a signature series  
4 events?

5           So, when you listen to the evidence in this case,  
6 think about, how is it all tying together? Is it as neatly as  
7 the State would like you to believe, or is there some  
8 disconnect in these events?

9           A blue Walmart bag was used towards the end, but in  
10 some of them, it could have been a plastic bag that was used,  
11 a Cardenas bag that was used in it. So, ask yourself, is this  
12 really the windbreaker case? Is this the MO of these people  
13 that are going in there? And that's something that you should  
14 all look critically at as you hear all the evidence in this  
15 case.

16           So, we don't have a signature action or a signature  
17 crime being committed. We have regular run-of-the-mill  
18 robberies that are being committed, and we also have varying  
19 descriptions of the robbers.

20           Mr. Tanasi briefly touched on it. In some of these  
21 events, you will hear that only one person entered the store.  
22 In another one of these events, you'll hear that three people  
23 entered the store. In some of the events, you'll hear that it  
24 was two people that entered the store. The height ranges for  
25 one suspect goes from 5'10 to 6-foot, as you heard. The

1 second suspect, from 5'10 to 7'2. And that weight ranges  
2 could be anywhere from 180 pounds all the way up to 300  
3 pounds.

4 One person may have had dread locks, one person was  
5 wearing a beanie, one we don't even have a description at all,  
6 and one may have actually been female in this case. That's  
7 what the victims that filled out their statements, doing the  
8 best that they could under those circumstances, saw and  
9 reported.

10 So, let's get to November 25th, the actual night of  
11 the arrest, as Detective Weirauch, who was on that email chain  
12 that goes out through Metro, he is -- has all of this  
13 information. The silver Charger is the best piece of evidence  
14 that they had to start linking together to catch these people,  
15 these hoodlums that were out perpetrating these crimes.

16 So, November 25th, he's out there, and he sees the  
17 Charger and he pulls behind it. He's driving down Nellis and  
18 he follows it into the Taco Bell parking lot. You'll hear  
19 that he's testified at the grand jury that he parked directly  
20 behind that Charger and he watched that Charger for 36  
21 minutes, is what he testified to. He sat in that Charger 36  
22 minutes, waiting to see what was going to happen. In that  
23 Charger sat Tony, Donte, and Brandon.

24 So, here's Brandon's connection to Donte in this  
25 case. He's friends with Tony Hobson. He's known him since

1 before they moved to Las Vegas. They've known each other  
2 since they lived in California and were friends. He  
3 considered him a friend and he would hang out with him. He  
4 didn't, however, know Donte very well. Donte is his -- Tony's  
5 younger brother. He would see him every now and again, they  
6 would go do things together, but the friendship was really  
7 between Tony and Brandon.

8           At the time of this arrest, Brandon was also working  
9 at Ralph Lauren, and was in the process of trying to get a  
10 second job as well. He had been hanging out that night -- I  
11 skipped one. He had been hanging out that night with Tony,  
12 and they were going to Taco Bell.

13           So, let's go back to the moment where the arrest is  
14 about to take place. As all three of them are sitting in the  
15 car that night, you are going to hear that Detective Weirauch  
16 says that he sees Brandon with a mask exit the car. He has  
17 the mask on, and he's going to the trunk, and he's rummaging  
18 inside of the trunk.

19           But what you will not see -- and what you do see is  
20 just as important as what you don't see in this case -- is  
21 that Brandon -- I'm sorry, Detective Weirauch didn't ever  
22 activate a dash cam. There's no body cam, no cell phone cam,  
23 nothing that he could have recorded the actual evidence for  
24 you all to see that a mask was on his face that night.

25           What you will see is DNA and footwear evidence in

1 this case, but there's no DNA that's actually at the crime  
2 scene. All of the DNA that you will see that is associated  
3 with Brandon in this case comes from the car where he was  
4 sitting with the men who he had had prior contact and prior  
5 relationships with. There is no exact match, science is not  
6 100 percent, and that there were multiple DNA profiles found  
7 on the evidence. There's mixtures where Brandon's evidence --  
8 or Brandon's DNA was found as well.

9 No expert is going to tell you how or when that DNA  
10 came to be on a piece of evidence in this case. They will not  
11 be able to tell you that the DNA showed up that night, it  
12 showed up six weeks ago, it showed up a week ago. Nobody can  
13 time/date it, nobody can stamp it.

14 The footwear evidence. The boots that Brandon was  
15 wearing that night and that the State is saying that these  
16 boots were the ones that were used in all of the other  
17 robberies don't have an exact match either. The State's  
18 expert, who's a big fancy guy from Quantico, Virginia who's  
19 going to come here and testify for you is going to tell you  
20 that as the boots pertain to Brandon in this case, that it  
21 could have been, and that it can't be -- could not be  
22 determined, and that it can't be eliminated as a source.  
23 That's the best that this expert is going to be able to give  
24 you.

25 But let's get to the State's star witness in this

1 case. This is Donte Johns, who you saw in the State's opening  
2 power point. Ladies and gentlemen, if this was May of 2015,  
3 and I was here in front of you defending Mr. Starr and Mr.  
4 Tanasi's defending Mr. Hobson, right sitting over there in  
5 that corner, we would have seen Donte Johns with his lawyer,  
6 but fast-forward now one year later. What's happened in that  
7 time period? Because Donte Johns is obviously not there.

8           Instead, Mr. Johns is going to come through those  
9 doors, and he's going to walk right in front of you, and he's  
10 going to come to this witness stand, and he's going to swear  
11 to tell the truth in this case. Why is he going to do that?  
12 Because he signed a deal with the State. He signed a very  
13 beneficial deal with the State.

14           He admitted to committing five of the robberies in  
15 his voluntary statement with the police, but through the  
16 State's opening, we saw that there are seven events now that  
17 he's willing to say that he was involved with. Why is he  
18 interested in giving this testimony? He has the most to gain.  
19 He has pled guilty to a number of felonies. Those felonies,  
20 he's got a shot at probation. A shot. Not a guarantee, a  
21 shot, depending upon how things go here. Johns's way out.  
22 This is inarguably his way out of this case.

23           He took the bait from Detective Abell and Detective  
24 Weirauch, and when he was told that this is your only chance  
25 to say sorry when he was interviewed that night after his

1 case at all for you? I mean, if in any way that we have - we  
2 have two young black men here standing trial?

3 PROSPECTIVE JUROR NO. 049: I would hope not, that  
4 it wouldn't make any kind of a difference. That's just a hard  
5 question, really, to answer. I don't know until I hear all  
6 the different facts that are present if I, in fact, am chosen  
7 to be a juror.

8 MR. MANINGO: Thank you. And I know these race  
9 issues are hard to talk about, especially in a setting like  
10 this.

11 Mr. Gaeta, thank you.

12 PROSPECTIVE JUROR NO. 019: Vincent Gaeta, Badge 19.  
13 Emotionally, I just think it's a shame. I mean, I'm the last  
14 of the baby boomers. I was born in 1964 and I was raised by  
15 parents that didn't harbor any ill will toward anybody. In  
16 fact, had friends of all ethnicities that I treated the same  
17 in my life. And it's just -- to me it's a shame that our  
18 country is at a point, whether it's the media or the  
19 politicization or exploitation of certain things that have  
20 happened along the way. I've never seen it worse in my  
21 lifetime than it is of late, and that's really concerning for  
22 me.

23 In fact, my father used to say that at some point in  
24 your lifetime if everybody marries someone of a different  
25 race, there would be no more racism. You know, I'm also in a

1 relationship with someone that's not of the same race as  
2 myself and have beautiful kids. And some of the most  
3 beautiful people in the world are mixed race. You know, it's  
4 kind of like the mutts are the best dogs. So, anyway, I just  
5 think it's shame. That's -- emotionally that what it does to  
6 me. I'm kind of ashamed that our country has gotten to this  
7 point.

8 MR. MANINGO: Well, I'll share that I have a  
9 Caucasian mother and a Filipino father, so I understand.

10 PROSPECTIVE JUROR NO. 049: I have a Filipino wife.

11 MR. MANINGO: I understand. So I take it from the  
12 conversation that few would agree or make the statement that  
13 race isn't an issue anymore today; right? We can all agree  
14 that race is an issue? Who here couldn't set aside race  
15 issues and be a fair juror? Anyone? That's what we're  
16 getting at. That's what I -- that's what I want to know if  
17 anyone is willing to take that position. Nobody thinks that  
18 just because Tony Hobson and Brandon Starr are young black men  
19 standing trial that they're more likely guilty right now.  
20 Nobody thinks that, do they?

21 Thank you for your patience with the race issues. I  
22 know that's not a comfortable place to go. I want to -- I  
23 want to turn my attention over to this side of the room just  
24 for a moment because I -- I haven't -- I feel like I don't  
25 know some of you.



1 But I'm going to start with Ms. Plank, and you've  
2 spoke to us a little but already. I think you told us  
3 regrettably that you had been robbed two or three times.

4 PROSPECTIVE JUROR NO. 011: Virginia Plank, Badge  
5 11, that's correct.

6 MR. MANINGO: Thank you. And -- and as much as you  
7 were a victim three times, and one of them was pepper spray,  
8 is that going to filter in to how you sit as a juror in this  
9 case if you're selected?

10 PROSPECTIVE JUROR NO. 011: As I said before, I  
11 would hope not, but I don't know. And I will add onto that  
12 that of two of the three times I could identify race on them  
13 and those were black people. And it's -- I heard a saying. I  
14 want to share this with everybody just because it's so neat.  
15 I had somebody who taught me a saying a long time ago. And  
16 that is the color of a person has nothing to do with  
17 prejudism. Prejudism is something like I don't like purple.  
18 What we're talking about is racism. Give it the proper name.  
19 Racism is bad.

20 MR. MANINGO: And you say it with disdain and I  
21 appreciate that. You take a position that race is an issue  
22 and racism is a bad thing.

23 PROSPECTIVE JUROR NO. 011: Correct. I see people  
24 as people.

25 MR. MANINGO: So you wouldn't take a position that

1 Mr. Hobson and Mr. Starr are --

2 PROSPECTIVE JUROR NO. 011: I would hope not.  
3 That's all I can say. I would consciously at this point say,  
4 no, I wouldn't do that, but, you know, who knows when it comes  
5 down to it. I would hope not.

6 MR. MANINGO: On the issue of being the victim, and  
7 we've spoken a lot to a lot of people so forgive me if these  
8 weren't your words, but something was said along the lines of  
9 if I -- if I hear these victims' stories, I'll probably be  
10 hypersensitive to it and that will really weigh heavy on me.  
11 It might be Ms. Greenough. But do you agree with that?

12 PROSPECTIVE JUROR NO. 012: Like --

13 MR. MANINGO: No, I'm talking to Ms. Plank about  
14 that statement. If you hear victims tell a story that rings  
15 similar to yours, is that going to affect you?

16 PROSPECTIVE JUROR NO. 011: Possibly.

17 MR. MANINGO: Would you --

18 PROSPECTIVE JUROR NO. 011: If it rings similar to  
19 mine. I also would be able to go, well, now, that doesn't  
20 seem normal or logical or whatever if it didn't to me. But if  
21 it was something that rang really true to mind, it's possible.

22 MR. MANINGO: And that was an emotional situation.  
23 All those were emotional situations for you; right?

24 PROSPECTIVE JUROR NO. 011: Correct.

25 MR. MANINGO: So if it does ring true, even if

1 myself or the State or the Judge says set that aside, be fair  
2 and impartial, that would be tough, wouldn't it?

3 PROSPECTIVE JUROR NO. 011: That would.

4 MR. MANINGO: Mr. -- can you pass it to Mr. Worth,  
5 please. Mr. Worth, I apologize that you haven't been -- been  
6 addressed yet. I think you're in that corner and maybe we've  
7 overlooked a little bit. You're an instructor at CSN?

8 PROSPECTIVE JUROR NO. 106: Correct.

9 MR. MANINGO: What do you do there?

10 PROSPECTIVE JUROR NO. 106: I teach EMT classes,  
11 paramedic classes, anything EMS related.

12 MR. MANINGO: Is there anything about what we've  
13 talked about yesterday or today that you have opinions on that  
14 you'd be willing to share with us?

15 PROSPECTIVE JUROR NO. 106: In terms of what?

16 MR. MANINGO: Anything that has -- has resonated  
17 with you, anything that you might have been sitting there in  
18 the corner and we haven't seen you raise your hand or that you  
19 would want to add to, whether it be race or your opinions on  
20 police or whether it be the burden of proof?

21 PROSPECTIVE JUROR NO. 106: I can just say from  
22 being a paramedic previously, I worked with the cops a lot  
23 and --

24 MR. MANINGO: Okay.

25 PROSPECTIVE JUROR NO. 106: -- I've got, you know,

1 good respect for them. They've always kept me safe, so --

2 MR. MANINGO: Would you give them their testimony  
3 more weight than anyone else's?

4 PROSPECTIVE JUROR NO. 106: More weight? No, I  
5 couldn't say that.

6 MR. MANINGO: What about the scenario that there's  
7 no other testimony, there's no other evidence, yet an officer,  
8 uniformed or not, take the stand and says that the stoplight  
9 was green. Gets off the stand, one question only. Another  
10 lay witness just in street clothes, civilian, comes up there  
11 and testifies under oath and says the stoplight was red. If  
12 you're asked to go back and deliberate whether the stoplight  
13 was red or green, what do you think you would say?

14 PROSPECTIVE JUROR NO. 106: What would I think I  
15 would say? Sorry.

16 MR. MANINGO: I mean, if you had to make a decision  
17 on that, an officer says green light, a lay witness says red  
18 light.

19 PROSPECTIVE JUROR NO. 106: I don't think there's  
20 enough evidence on either side. I wouldn't make a judgment.

21 MR. MANINGO: Okay. Would any -- would anyone say  
22 the light was green just because it was an officer that  
23 testified?

24 Mr. Eldridge, could you remind me what you do for  
25 work, sir?

1 PROSPECTIVE JUROR NO. 154: I work for Clark County  
2 RPM, Real Property Management.

3 MR. MANINGO: That's right. And what do you do for  
4 them?

5 PROSPECTIVE JUROR NO. 154: I work at Horseman's  
6 Park and I do horse arenas as far as maintenance and preparing  
7 the dirt for horses to ride on.

8 MR. MANINGO: With respect to any of the responses  
9 from anyone on the panel, did -- did you strongly agree or  
10 disagree with anything that anyone else has said?

11 PROSPECTIVE JUROR NO. 154: No, not really.

12 MR. MANINGO: Do you have anything additional to  
13 offer us with respect to any of the questions that have been  
14 asked of anyone else?

15 PROSPECTIVE JUROR NO. 154: The only thing I would  
16 have to add is that police officers have to deal with a bunch  
17 of nuts out there, so that's where I'm at with that that you  
18 guys were talking about today.

19 MR. MANINGO: So you would agree with what Mr. Gaeta  
20 and I and some of the others were talking about with respect  
21 to who difficult their job is?

22 PROSPECTIVE JUROR NO. 154: Oh, yeah, definitely.  
23 Yeah, there's -- people out there are crazy.

24 MR. MANINGO: Court's indulgence.  
25 Thank you, sir.

1           Thank you, Your Honor. I'm just going to review my  
2 notes just for a moment.

3           Mr. Deluca, I don't believe I've had a chance to  
4 talk to you yet. And -- oh, I'm sorry. And I apologize if my  
5 notes aren't accurate, but I have here by your name something  
6 along the line of talking about an experience or something  
7 with thugs. Does that ring a bell? Did you mention that at  
8 all?

9           PROSPECTIVE JUROR NO. 029: No. No.

10          MR. MANINGO: Was that somebody else?

11          PROSPECTIVE JUROR NO. 029: That was -- that was  
12 here.

13          MR. MANINGO: Oh, I apologize. I couldn't remember  
14 what -- who that was. I apologize. So it was a note taking  
15 competition. I apologize on that one. Thank you, sir. I  
16 think I'm all set.

17          THE COURT: Okay. Can parties approach, then.

18                   (Off-record bench conference)

19          THE COURT: Okay. Okay, ladies and gentlemen, once  
20 again, if you hear your name, you're going to be excused. I'm  
21 going to go ahead and allow you to leave. Contact the jury  
22 commissioner, and then we'll fill those spots, okay.

23                  Juror No. 070, seated in Seat 19, Monte Lai, you're  
24 excused. Okay. Thank you.

25                  Okay. Call the next in order.

1 THE CLERK: For Seat No. 19 is going to be Juror No.  
2 054, Steven Davies.

3 THE COURT: Okay. Mr. Davies, how long have you  
4 lived in Las Vegas?

5 PROSPECTIVE JUROR NO. 054: A little over four years  
6 now.

7 THE COURT: And where are you from originally?

8 PROSPECTIVE JUROR NO. 054: Omaha, Nebraska.

9 THE COURT: And are you employed, sir?

10 PROSPECTIVE JUROR NO. 054: Yes, sir.

11 THE COURT: What do you do for work?

12 PROSPECTIVE JUROR NO. 054: I work for Warner  
13 Enterprises, the trucking company. I run a dedicated account  
14 for Office Max and Office Depot here in Vegas.

15 THE COURT: Okay. And how high did you get in your  
16 education?

17 PROSPECTIVE JUROR NO. 054: I got a general studies  
18 bachelor's.

19 THE COURT: And in what area? General studies?

20 PROSPECTIVE JUROR NO. 054: General studies.

21 THE COURT: Okay. Are you married?

22 PROSPECTIVE JUROR NO. 054: Yes.

23 THE COURT: Does your spouse work?

24 PROSPECTIVE JUROR NO. 054: Yes.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NO. 054: She's a teacher?

2 THE COURT: Here in the Clark County School  
3 District?

4 PROSPECTIVE JUROR NO. 054: Yep.

5 THE COURT: And do you have any children?

6 PROSPECTIVE JUROR NO. 054: Nope.

7 THE COURT: Have you ever served as a juror before,  
8 sir?

9 PROSPECTIVE JUROR NO. 054: I have not.

10 THE COURT: Okay. Sir, have you or anyone close to  
11 you such as a family member or friend ever been a victim of a  
12 crime?

13 PROSPECTIVE JUROR NO. 054: No.

14 THE COURT: Have you or anyone close to you such as  
15 a family member or a friend ever been accused of a crime?

16 PROSPECTIVE JUROR NO. 054: Nope.

17 THE COURT: Okay. Would you have a tendency to give  
18 more weight and credence or less weight or credence to the  
19 testimony of a police officer simply because he or she is a  
20 police officer?

21 PROSPECTIVE JUROR NO. 054: Nope.

22 THE COURT: And can you wait in forming your opinion  
23 as to the guilt or innocence of the defendant until all the  
24 evidence has been heard and after considering the instructions  
25 I'll give you on the law?



1 PROSPECTIVE JUROR NO. 054: Yes.

2 THE COURT: All right. And do you know of any  
3 reason why you couldn't be completely fair and impartial if  
4 you were chosen here as a juror?

5 PROSPECTIVE JUROR NO. 054: Nope.

6 THE COURT: Is there any medical reason that would  
7 prevent you from being able to participate in this?

8 PROSPECTIVE JUROR NO. 054: No.

9 THE COURT: Okay. Mr. Portz or Ms. Mercer.

10 MR. PORTZ: Thank you, Your Honor.

11 Mr. Davies, welcome to the panel. I'm just going to  
12 run through a few of the questions that you've heard me ask  
13 already just to see where we're at and everything, and then I  
14 think we'll be good to go, okay. So my first question is do  
15 you have any experience with security work or work with  
16 surveillance systems?

17 PROSPECTIVE JUROR NO. 054: No. When I got out of  
18 the Army, my first job for about three months was with a  
19 security company, but I had nothing to do with surveillance.

20 MR. PORTZ: Okay. Did your position as a security  
21 officer or even your position in the military, do you think  
22 that in any way would affect your ability to sit as an  
23 impartial juror in this case?

24 PROSPECTIVE JUROR NO. 054: No.

25 MR. PORTZ: Ever work at a fast food restaurant?

1 PROSPECTIVE JUROR NO. 054: When I was in high  
2 school I worked at Subway, and then through high school and my  
3 first couple years of college I delivered pizzas.

4 MR. PORTZ: So knowing, you know, based on the  
5 State's introduction and our allegation of what had occurred  
6 and where, these are mostly fast food restaurants. Is there  
7 anything about your experience with the fast food industry  
8 that would affect your ability to sit fairly and impartially  
9 and be fair to both sides in this case?

10 PROSPECTIVE JUROR NO. 054: No.

11 MR. PORTZ: Thank you. Now, you have police in your  
12 family; is that correct? Did I catch that right? Law  
13 enforcement?

14 PROSPECTIVE JUROR NO. 054: Well, I think my cousins  
15 are law enforcement officers. I don't really speak to that  
16 side of the family, but --

17 MR. PORTZ: Okay.

18 PROSPECTIVE JUROR NO. 054: -- I know that my uncle  
19 was a -- he was a police officer, but, again, I -- you know, I  
20 don't have any contact with police officers.

21 MR. PORTZ: Not a lot of interaction with members of  
22 your family that are in law enforcement?

23 PROSPECTIVE JUROR NO. 054: No.

24 MR. PORTZ: Okay. Now, you said that side of the  
25 family. Is that side of the family, is there kind of bad

1 blood there or --

2 PROSPECTIVE JUROR NO. 054: Well, yeah, my -- my  
3 father and him didn't -- they don't get along, so --

4 MR. PORTZ: Okay. And I don't want to get too  
5 personal, but is there anything about your father's  
6 relationship with your uncle and the fact that your uncle is a  
7 law enforcement officer that would prejudice you one way or  
8 another?

9 PROSPECTIVE JUROR NO. 054: no.

10 MR. PORTZ: Okay. And as you made clear with Judge  
11 Kephart, you would not weigh a police officer's testimony any  
12 more than you would any other witness simply because they were  
13 a police officer; correct?

14 PROSPECTIVE JUROR NO. 054: That is correct.

15 MR. PORTZ: Okay. Sir, would you require or would  
16 it be necessary for you for a victim to identify the attacker  
17 or do you think that there are other means of identification  
18 than just an eyewitness?

19 PROSPECTIVE JUROR NO. 054: Yes.

20 MR. PORTZ: Yes, you believe there are other ways to  
21 prove ID?

22 PROSPECTIVE JUROR NO. 054: Yes.

23 MR. PORTZ: The discussion about hearing testimony  
24 from someone who may have been involved in some of these  
25 incidents, would you automatically disregard that person's

1 testimony because they were somehow involved, or would you  
2 view all the facts and circumstances surrounding their  
3 testimony and weigh that when you assess the credibility of  
4 others?

5 PROSPECTIVE JUROR NO. 054: I think everything has  
6 to be considered before you -- you know, you reach your  
7 conclusion.

8 MR. PORTZ: Okay. And that -- that would include  
9 every witness's testimony, is that fair to say?

10 PROSPECTIVE JUROR NO. 054: Yes.

11 MR. PORTZ: And every piece of evidence that comes  
12 before you, you want to see all of that before you make a  
13 decision; is that correct

14 PROSPECTIVE JUROR NO. 054: Yes.

15 MR. PORTZ: Are you a fan of the CSI shows or  
16 anything like that?

17 PROSPECTIVE JUROR NO. 054: No, I know they exist,  
18 but I don't.

19 MR. PORTZ: Sure. No particular piece of forensic  
20 evidence you're going to require? You know, I'm beating a  
21 dead horse here, but like you said, you want to look at  
22 everything with regards to forensic evidence, witness  
23 testimony, whatever might be presented to you, you would look  
24 at all of it and not just require one particular piece, is  
25 that fair to day?

1 PROSPECTIVE JUROR NO. 054: That's correct. Yes.

2 MR. PORTZ: I ask this of some of the other -- well,  
3 actually, I'm going to jump ahead. Mr. -- no, Ms. Lobo had  
4 gotten up and asked some questions of the other panel before  
5 you were a member about whether or not you would expect the  
6 defense to put on a case or your ideas of reasonable doubt.  
7 Now, you know, the Court is going to instruct you on what the  
8 law is. Do you promise, if you are selected as a juror in  
9 this case and take an oath to follow the law that the Court  
10 gives you, do you promise to follow that law?

11 PROSPECTIVE JUROR NO. 054: Yes.

12 MR. PORTZ: And that law, however it interprets the  
13 term reasonable doubt, you promise to follow that definition?

14 PROSPECTIVE JUROR NO. 054: Yep.

15 MR. PORTZ: Okay. And if that law tells you that  
16 the defense has absolutely not case or anything that they have  
17 to put on, that the burden beyond a reasonable doubt rests  
18 entirely with the State. Do you promise that you will follow  
19 that law and hold the State to its burden?

20 PROSPECTIVE JUROR NO. 054: Yeah.

21 MR. PORTZ: You understand that the defense does not  
22 have to present any evidence whatsoever, the burden is  
23 entirely on the State of Nevada to prove its case and the  
24 allegations?

25 PROSPECTIVE JUROR NO. 054: Yeah.

1 MR. PORTZ: And then finally do you promise to be,  
2 if you're selected on this jury panel, to do the best job you  
3 can to be fair and impartial to both sides, the State and Mr.  
4 Hobson and Mr. Starr?

5 PROSPECTIVE JUROR NO. 054: Absolutely.

6 MR. PORTZ: Okay. Thank you very much, sir. And if  
7 you wouldn't mind passing the microphone to Ms. Jenkins.

8 Ms. Jenkins -- sorry, Ms. Jenkins. Ms. Jenkins, I  
9 just had a quick follow up with regards to the questions that  
10 Ms. Lobo had asked before about what you would need the  
11 defense to show or prove in this case. As I mentioned with  
12 Mr. Davies here, the Court is going to give you the law at the  
13 end of this case. We're not here to talk about it right now.  
14 If you're instructed, as I mentioned, that the defense, that  
15 the burden rests entirely on the State of Nevada, it's our job  
16 to present evidence to prove to you beyond a reasonable doubt  
17 of the allegations that we've made, do you promise to follow  
18 the law that the Court gives you?

19 PROSPECTIVE JUROR NO. 063: Yes, I would.

20 MR. PORTZ: Okay. And so understanding that, you  
21 know, you're not an attorney; is that correct?

22 PROSPECTIVE JUROR NO. 063: Correct.

23 MR. PORTZ: Okay. So not being familiar with the  
24 law or anything of that nature, you know, you might -- you  
25 will wait until you're instructed, you won't bring your own

1 ideas of what the law should be into the equation?

2 PROSPECTIVE JUROR NO. 063: Correct.

3 MR. PORTZ: And do you promise if you're selected as  
4 a juror that you will do the best job that you can to be fair  
5 to both the State, Mr. Starr, and Mr. Hobson?

6 PROSPECTIVE JUROR NO. 063: Yes.

7 MR. PORTZ: Thank you very much, ma'am.

8 Thank you, Your Honor. We'll pass.

9 THE COURT: Mr. Tanasi.

10 MR. TANASI: Yes, thank you, Your Honor.

11 Mr. Davies, good afternoon at this point. Sir, I  
12 have a note, and my notes can be awful so I apologize in  
13 advance, but do you or anyone in your family know Detective  
14 Flynn?

15 PROSPECTIVE JUROR NO. 054: Yeah. When his name was  
16 mentioned. I don't personally know him. My wife is really --  
17 is good -- is friends with his wife.

18 MR. TANASI: Sure.

19 PROSPECTIVE JUROR NO. 054: I just know the name.  
20 So when it came up and the judge said if you, you know, he  
21 said if you know somebody, say something. But like I said, I  
22 never met him. I just know who he is.

23 MR. TANASI: Right. You're probably familiar with  
24 the saying happy wife, happy life?

25 PROSPECTIVE JUROR NO. 054: Yeah.

1 MR. TANASI: And I don't mean to make light of that,  
2 but is there any issue, or will you have any issue, you know,  
3 with the point of going home and, you know, having Detective  
4 Flynn testifying and maybe for some reason you have an issue  
5 with Detective Flynn at the end of this case, would you have  
6 any issue with being fair and neutral regarding Detective  
7 Flynn?

8 PROSPECTIVE JUROR NO. 054: No, none.

9 MR. TANASI: Okay. So you would evaluate his  
10 testimony kind of open and objectively? Is that -- is that  
11 true?

12 PROSPECTIVE JUROR NO. 054: Yeah, I mean --

13 MR. TANASI: Okay. All right. Sir, I -- when I  
14 spoke to the group before, I kind of referenced the fear and  
15 the emotion in this case and we've talked a lot about it  
16 already. Is there anything about the emotion in this case  
17 that would keep you from being fair and impartial to Mr.  
18 Hobson or Mr. Starr?

19 PROSPECTIVE JUROR NO. 054: No.

20 MR. TANASI: Okay. Science, same idea, we touched  
21 on it a little bit already. You know, is there -- are you  
22 more in the camp of folks that would say, hey, if there's  
23 science then he must be guilty, why are we here, or are you in  
24 that other camp of folks that would say, look, let's hear what  
25 the whole case is about, let's see what that science says?



1 PROSPECTIVE JUROR NO. 054: I'm the whole, you know,  
2 get everything together before you make a decision on  
3 anything.

4 MR. TANASI: Thank you, sir. Have you ever been  
5 falsely accused of anything? Not a crime necessarily, but  
6 anything at home or at work or anything along those lines?

7 PROSPECTIVE JUROR NO. 054: Yeah. I mean, nothing  
8 that really sparks an idea, you know. I mean, you know, in 35  
9 years I'm sure I have, but --

10 MR. TANASI: Sure.

11 PROSPECTIVE JUROR NO. 054: -- you know, it doesn't  
12 really stick out to me.

13 MR. TANASI: Do you have kids?

14 PROSPECTIVE JUROR NO. 054: No.

15 MR. TANASI: No. Okay. Do you have nieces and  
16 nephews?

17 PROSPECTIVE JUROR NO. 054: Yeah.

18 MR. TANASI: Are they young?

19 PROSPECTIVE JUROR NO. 054: Yep.

20 MR. TANASI: Okay. You ever had them over to the  
21 house?

22 PROSPECTIVE JUROR NO. 054: No, they live back in  
23 the mid-west.

24 MR. TANASI: Okay.

25 PROSPECTIVE JUROR NO. 054: So I don't really see

1    them much.

2                   MR. TANASI: Well, let me put it to you this way.  
3    I've got a young child, he's four years old, and he's got  
4    nieces and nephews. And they come over to the house from time  
5    to time. They go out and they play. And sometimes my little  
6    four year old will come running around the corner and he's  
7    like, Daddy, Daddy, Chase, my cousin, he pushed me. And,  
8    okay, my son who is four and I think a habitual liar by  
9    nature, right, by four years old, I'll say, okay, you know,  
10   let's go figure this out. Go back over to the side of the  
11   yard and I'll ask, you know, what happened. And, you know,  
12   Chase will say I didn't put him. You know, and that causes me  
13   to kind of go through and ask my son what happened, ask Chase  
14   what happened. And so my question to you is in a case like  
15   this, is that something you're going to be willing to do and  
16   you're okay with doing is going through each fact and each  
17   circumstance?

18                  PROSPECTIVE JUROR NO. 054: Yeah, I mean, I think  
19   that's the job of, you know, the jurors to hear the whole  
20   story and, you know, once it's all said and done, then you can  
21   make a decision based off of the facts and -- and everything  
22   that's been presented.

23                  MR. TANASI: Great. Thank you. Long trial. Talked  
24   about this ad nauseam, by making it longer by continuing to  
25   talk about. But a three-week trial most likely. Anything

1 about that that's going to cause you to be not fair?

2 PROSPECTIVE JUROR NO. 054: No.

3 MR. TANASI: Okay. All right, sir. Thank you.

4 Ms. Jenkins. Can you pass the mic. Thank you.

5 You're getting picked on a lot, and I apologize to continue to  
6 do so. But it's an important job you have and, you know, it's  
7 important to us that you can be fair and impartial, so I hope  
8 you can appreciate kind of where we're coming from. One quote  
9 that I had written down was where there's smoke there's fire.  
10 And I think you had said that, is that fair? And you have  
11 been asked questions about whether or not you can kind of put  
12 that notion aside as you come into this courtroom. Because if  
13 I have it correctly, you come into the courtroom with this  
14 notion that where there is smoke there's fire, is that fair?

15 PROSPECTIVE JUROR NO. 063: I would -- yeah, I would  
16 say that's initially true. I will say through this whole  
17 process, and I haven't taken this lightly, partially because  
18 of personally what it will do for the next three weeks. And,  
19 you know, and I do look at those gentlemen and say, you know  
20 what, it has made me realize, and I've thought a tremendous  
21 amount about this because it's day three for me, we have --  
22 it's our duty, we have to make sure that we do the best of our  
23 ability and that is to be impartial to the very end.

24 MR. TANASI: So is it --

25 PROSPECTIVE JUROR NO. 063: So --

1 MR. TANASI: Sorry. I didn't mean to cut you off.

2 PROSPECTIVE JUROR NO. 063: No.

3 MR. TANASI: So is it fair to say as you sit here  
4 now you're not under the notion of where there's smoke there's  
5 fire?

6 PROSPECTIVE JUROR NO. 063: No, I would be lying to  
7 you if I said that that wasn't still there, but -- but what I  
8 do believe is that I think that's somewhat human nature. But  
9 I also believe that it's just as important, and I think I  
10 could be, where the logical side of me says, okay, that's  
11 fine, but at the end of the day you still have to listen to  
12 both sides and -- and make a logical conclusion based on both  
13 sides.

14 MR. TANASI: Sure. And would you be able to do that  
15 for all 82 counts in this case, count by count by count?

16 PROSPECTIVE JUROR NO. 063: Yes, I think I could.

17 MR. TANASI: Okay. And let's assume if the case  
18 were to -- if the State has convinced you of one count, would  
19 you then just when you're looking at a list of all the counts  
20 in the case, would you then just go check, check, check,  
21 check, check right down the line, guilty on all counts?

22 PROSPECTIVE JUROR NO. 063: No, because we can't do  
23 that legally. No.

24 MR. TANASI: Okay. Thank you, ma'am.

25 THE COURT: Mr. Lobo or Mr. Maningo, did you have

1 any questions?

2 MR. MANINGO: Court's indulgence just a moment, Your  
3 Honor.

4 THE COURT: Sure. Sure.

5 MS. LOBO: No, Your Honor.

6 MR. MANINGO: Nothing further. Thank you, Judge.

7 THE COURT: Okay. Will the parties reapproach,  
8 then.

9 (Off-record bench conference)

10 THE COURT: Okay, ladies and gentlemen. I want to  
11 ask just a couple follow up questions with regards to the  
12 panel here, the 36. Based on all of the discussions that have  
13 been had in the last three days and the questions that I asked  
14 and the questions of the defense attorneys, as well as the  
15 prosecution attorneys have asked, it's kind of not fair to you  
16 all.

17 And in the beginning of the questioning I told you  
18 we'd be asking personal questions and we're not trying to --  
19 we're not trying to, you know, get really into certain things,  
20 but -- and it's kind of vague for you all, as well, because I  
21 didn't give you any of the law. You really don't know what  
22 you're being governed here. And so that's part of the system.  
23 We watch you kind of you navigate in those rough spots.

24 And -- and it's a question that the courts deal with  
25 oftentimes of how much do we give you before we get started.

1 And, obviously, the factual areas that you're going to be  
2 determining, you won't have any of those facts other than that  
3 brief entrance by both parties to kind of give you a brief  
4 statement. But understanding that in a criminal case or in a  
5 civil case the charging party, which would be the plaintiff,  
6 has an obligation of proving their case.

7 In a criminal case it's beyond a reasonable doubt is  
8 the standard that they have to -- they have to overcome. If  
9 they charge you one count or a thousand counts, for every  
10 count they have to -- and you'll be instructed in that regard.  
11 And rightfully so. If the State wishes to -- to ask the Court  
12 to issue some type of punishment or some type of sanction  
13 against somebody or a plaintiff asks the Court to issue some  
14 type of money damages or something against a -- a -- someone  
15 they're challenging, the person making the allegations under  
16 our system of justice has the obligation of proving that.

17 And the -- and the defendants have no obligation  
18 whatsoever. If both attorneys and the defendants believe that  
19 they don't want to present any evidence at all, that's their  
20 right, and they're not obligated to. So the question asked of  
21 some of you in regards to that is would you require the State  
22 or the defense to prove anything, is there anyone that believe  
23 that under our system of justice that you would require the  
24 State -- and let me -- let me preface it with this, as well.

25 When we start this, there's a question -- a question

1 was asked if you had to vote today, right now, and no evidence  
2 has been presented, how would you vote? I would -- pretty  
3 much everybody, is there anybody that disagrees that you would  
4 have to vote not guilty because nothing has been presented?  
5 Even though there's an allegation and I have a charging  
6 document here which is not evidence, since the State has not  
7 presented anything, there's no evidence so you'd have to find  
8 him not guilty. Anyone disagree with that?

9           Okay. Does anyone disagree with the precept that  
10 the defense does not have to present anything? If they -- if  
11 they just sit there and don't say a single thing, it's still  
12 the obligation of the jury to make a determination whether or  
13 not the State has proven their case beyond a reasonable doubt.  
14 Does anyone have any problem with that at all?

15           Okay. And with everything else being asked, is  
16 there anything that anyone wants to say in regards to this  
17 that based on all the questioning that was asked that you  
18 think that we're disregarding or we're missing or we're not --  
19 we're not considering, obviously? Does anyone in this first  
20 36 want to address the Court in any way regarding your serving  
21 as a juror? Okay. All right. No one has.

22           Okay. Ladies and gentlemen, the 36 that we talked  
23 about, you are my panel. So now what we're going to be doing  
24 is I'm going to be giving the attorneys what we call the  
25 peremptory challenges sheet and they're going to be -- and I

1 do this by -- in the blind, as well, that way you don't know  
2 who -- who is relieving whoever. But everyone after No. 36 --  
3 well, I'm sorry, after the seat number -- after Mr. Bigelow.  
4 Mr. Bigelow, you're No. 36.

5           So everyone after Mr. Bigelow, I want to tell you  
6 thank so much for sitting through this and I'm going to  
7 release you now. I'm going to let you go back to the jury  
8 commission room. And, please, if there's anything I want you  
9 -- I extend an open invitation to you all if you have any  
10 questions that you'd like to ask of the Court at a later date.  
11 But at this point in time I just want to thank you.

12           And hopefully, other than the fact that we took your  
13 time for a couple days and didn't even get to question you,  
14 you just got to sit through and watch everybody else, you will  
15 at least take this away with you is that -- is that the system  
16 that we have, the way we ask those questions in a way that we  
17 put every one of you somewhat on the stand to address in front  
18 of a number of private individuals has been a system that  
19 we've tried to work out and worth through for years and years  
20 since -- since the beginning of our country.

21           And I truly believe that it is -- it is the best  
22 system that we have. And it's unfortunate that we have  
23 individuals that try to shirk their responsibility here and  
24 try to get out of things, say certain things that we know  
25 because we've been doing this forever. I mean, you're not the



1 first 130 people that we've talked to. So we -- that's why I  
2 know the one question that I'm going to ask is going to get  
3 everybody's hands, and that's fair. But we do know  
4 individuals that when you're here, please understand that this  
5 is so important to our system of justice that we -- that we  
6 push through it the best the way we can.

7 And for all of you that weren't -- didn't have the  
8 opportunity to be a part of this first 36, I want to thank you  
9 all and I'm going to excuse you now and let you go back to the  
10 jury commission room. And if the question comes up that you  
11 have any -- you want to discuss anything with anybody, you can  
12 now, all right. Thank you so much.

13 (Prospective jurors released at 12:22 p.m.)

14 (Pause in the proceedings)

15 MS. MERCER: Your Honor, can we approach real quick?

16 THE COURT: Yes.

17 (Off-record bench conference)

18 (Pause in the proceedings)

19 THE COURT: Okay. Ladies and gentlemen, in the Case  
20 C-303022, the State of Nevada versus Tony Hobson and Brandon  
21 Starr, it appears from the Court that all peremptory  
22 challenges have either been exercised and waived. At this  
23 point in time I'll go ahead and note -- let's see. Okay.  
24 Ladies and gentlemen, if you hear your name called you need to  
25 stay. That means that you are going to be seated on my jury.

1 And all the other individuals whose names aren't called,  
2 you'll be excused.

3 And before we get to that I want to thank all of you  
4 once again for sitting through this. Normally what I do is I  
5 let everybody go out during this process, but because we went  
6 over the number of days we did, the parties asked that you  
7 remain so they could see and make sure they connect the names  
8 to the faces who they actually discussed with, okay.

9 Seated as Juror No. 1 is Vissia Noquez. Juror No. 2  
10 would be Robert Bass. Juror No. 3 would be Vince Gaeta.  
11 Juror No. 4 would be Lin-Belle Addington. Juror No. 5 would  
12 be Daniel Boggs. Juror No. 6 would be Nicholas Kozlowski.  
13 Juror No. 7 would be William Burns. Juror No. 8 would be  
14 Angila Jenkins. Juror No. 9 will be David Snyder. Juror No.  
15 10 will Glynis Bernard. Juror No. 11 will be Daniel Powers.  
16 Juror No. 12 will be Charles Worth. Juror No. 14 will be --  
17 I'm sorry. Juror No. 13 will be Janet Swanson-Sulerud. Juror  
18 No. 15 will be Heather -- 14 will be Heather Hedrick. 15 will  
19 be Exazavion Baugus. And Juror No. 16 will be Dustin Bigelow.

20 Okay. So everyone whose name I did not call, you  
21 are excused. I'm going to allow you to go back to the jury  
22 room, let them know you've been excused, and I want to thank  
23 you for the time that you've given us, okay.

24 (Prospective jurors excused at 1:01 p.m.)

25 THE COURT: Okay. So, ladies and gentlemen, what

1 I'm going to do at this point in time is I'm going to go ahead  
2 and release you for lunch. It's now 1:00. I'm going to give  
3 you until 2:15. And my marshal is going to give you all a  
4 badge, so I'm going to ask that you wear that. When you come  
5 back my marshal will set you up because -- where you're going  
6 to be seated in the positions in the actual box where that  
7 will be your seat throughout the trial.

8           During this recess you are admonished not to talk or  
9 converse amongst yourselves or with anyone else on any subject  
10 connected with this trial, read, watch, or listen to any  
11 report of or commentary on the trial or any person connected  
12 with this trial by any medium of information, including,  
13 without limitation, newspapers, television, the Internet, or  
14 radio, or form or express any opinion on any subject connected  
15 with this trial until the case is finally submitted to you.

16           Okay. So we'll be at ease while you exit the room.  
17 Be back at a quarter after 2:00, okay.

18                       (Jury recessed at 1:02 p.m.)

19           THE COURT: Okay. We're outside the presence of the  
20 jury. At this point in time there was some discussion at the  
21 bench regarding challenges for cause in which the defense had  
22 -- the State had not requested of the panel any challenges,  
23 and the defense had a number of challenges. Did you want to  
24 make a record with respect to that Mr. Tanasi or Ms. Lobo or  
25 Mr. Maningo?

1 MR. TANASI: Sure. Your Honor, with respect to  
2 Juror 007, Ms. Miller, there was a request to strike her for  
3 cause. From our position it seemed that the emotions of the  
4 case would be too much for her to be fair and impartial. With  
5 respect to Juror No. 70, Mr. Lai, there as a request to strike  
6 him for cause, as well, given his, I think, predisposition  
7 related to the burden in the case, and then also kind of how  
8 he felt about criminal defense lawyers, as well. With respect  
9 to Ms. Jenkins, Juror No. 63, we did make that motion for  
10 cause.

11 And if I could have the Court's indulgence just for  
12 one moment to confer with my counsel.

13 THE COURT: Okay.

14 MR. TANASI: With respect to Ms. Jenkins, Your  
15 Honor, we're just going to withdraw that request for -- for  
16 challenging for cause.

17 THE COURT: Did you have any other challenge?

18 MR. TANASI: Those are the three that I had noted,  
19 Your Honor, and that's all that we have.

20 THE COURT: Ms. Lobo, did you have any challenge?

21 MS. LOBO: No, Your Honor.

22 THE COURT: Mr. Maningo?

23 MR. MANINGO: No, we conferred --

24 THE COURT: Okay.

25 MR. MANINGO: -- amongst ourselves. Thank you, Your

1 Honor.

2 THE COURT: With respect to Mr. Lai, I granted that  
3 motion and he was excused. With regards to Ms. Jenkins, you  
4 had withdrawn that; is that correct?

5 MR. TANASI: Correct, Your Honor.

6 THE COURT: Okay. So, State, did you want to  
7 respond with regards to their motion to challenge Ms. Miller?

8 MS. MERCER: Your Honor, we agreed with Your Honor  
9 at the bench that the fact that she's emotional doesn't  
10 automatically disqualify her from her jury service. The fact  
11 of the matter is that she's had experiences on both sides.  
12 She's got grandsons who are facing robbery charges or were  
13 convicted, and she's been a victim of a burglary at her  
14 business. She ultimately said that she would do everything  
15 she could to be fair and impartial, and didn't indicate that  
16 she had any previous positions as to the defendants' guilt in  
17 this case.

18 THE COURT: Okay. Thank you. Yes, I denied the  
19 motion with regards to Ms. Miller. I felt that although she  
20 indicated that she is emotional under the circumstances of  
21 this matter, I find it hard pressed that a lot of individuals  
22 would be emotional. And she indicated that she would follow  
23 the rules as dictated to her by the Court, and -- and what  
24 struck me is that she did say that she had individuals, her  
25 both two grandsons that are involved with these charges and --

1 and that's why she -- it makes her emotional on behalf of the  
2 defendants. So for that reason I denied the motion. So we  
3 made the record. And it's now five after 1:00, and I've given  
4 the jury until 15 after 2:00. I'm going to ask the -- what  
5 I'm going to do is charge the jury to come back. I'll seat  
6 them, we'll charge them, and then will the parties be prepared  
7 to do their openings statements today?

8 MS. MERCER: I'm ready, Your Honor.

9 MR. TANASI: Defense is ready, Your Honor.

10 MS. LOBO: I'm ready.

11 THE COURT: Okay. Let's - let's see where we're at.  
12 Do you have any witnesses available?

13 MS. MERCER: We have three on standby, Your Honor.  
14 We were going to ask from guidance from you as to --

15 THE COURT: I probably -- I'm not going to require  
16 it. We'll get started on Monday with them. Because I'll tell  
17 you, my clerk just reading the -- just the charges is probably  
18 going to take 30 to 40 minutes just that. So, and give her a  
19 break. She's a little nervous about it.

20 Okay. So go ahead and grab some lunch. Do what you  
21 need to do to get ready and we'll get started at a quarter  
22 after, okay.

23 (Court recessed at 1:07 p.m., until 2:21 p.m.)

24 THE COURT: Okay. We're on the record in the case  
25 of State of Nevada versus Tony Hobson and Brandon Starr in C-

1 303022. I'd like the record to reflect the presence of  
2 counsel for the State, as well as the defendants and their  
3 counsel. Are we ready to proceed?

4 MS. MERCER: Yes, Your Honor, but I think the  
5 parties wanted to place a stipulation regarding the evidence  
6 on the record --

7 THE COURT: Okay.

8 MS. MERCER: -- before we start.

9 THE COURT: All right.

10 MS. MERCER: I think now that defense counsel has  
11 had the opportunity to review the exhibit list and compare it  
12 to the representations made before it. They're prepared to  
13 stipulate to all of the exhibits, with the exception of 31,  
14 36, 52, 64, 71, 82, 92, 101, 115, 136, 154, 165, and 179.

15 THE COURT: 129 or 179?

16 MS. MERCER: 179.

17 THE COURT: 179. Okay. All right. So you're  
18 agreeing to stipulate to the admission of everything except  
19 those numbers that was just read?

20 MR. TANASI: Your Honor, just as a catchall, from  
21 the defense perspective, we're not agreeing to any of the  
22 video in this case without proper foundation being laid.

23 THE COURT: Is that -- is that what's included here?

24 MS. MERCER: Yes, Your Honor.

25 THE COURT: Okay. So my question, you're -- you're

1 stipulating to the admission of all exhibits -- how many  
2 exhibits are there?

3 MS. MERCER: 279, I believe.

4 THE COURT: Okay. All 279 with the exception of the  
5 numbers just delineated, 31, 36, 52, 64, 71, 82, 92, 101, 115,  
6 136, 154, 165, and 179; right?

7 MR. TANASI: That is accurate, Your Honor. But,  
8 again, with respect to the video itself and with respect to  
9 any of the stills that came from the video themselves. We are  
10 not stipulating to that. That's been the one point of  
11 contention with the evidence in this case.

12 THE COURT: All right. So that -- that's clear.  
13 All right.

14 MR. MANINGO: And that's the same for both  
15 defendants, Your Honor.

16 THE COURT: Are these exhibits, though, that was  
17 just named, are they the ones that involve the video and any  
18 still photos?

19 MR. TANASI: That, Your Honor --

20 MR. MANINGO: Yes.

21 MR. TANASI: -- in looking through this, yes, that's  
22 what I understand.

23 THE COURT: Okay. So all the other ones do not as  
24 far as you know?

25 MR. TANASI: As far as I know.



1 THE COURT: All right.

2 MR. TANASI: And, again, I -- if something comes up  
3 during the course of trial I would like to just make sure  
4 we're reserving that right.

5 THE COURT: Yeah. Make a note in your notes --

6 MR. TANASI: Sure.

7 THE COURT: -- those -- the numbers here. So if --  
8 so if Ms. Mercer stands up and says I have Exhibit No. 29,  
9 which isn't on this list, and it turns out it's a photo or a  
10 video, then --

11 MR. TANASI: Understood.

12 THE COURT: -- address it. Okay.

13 MR. TANASI: Understood.

14 THE CLERK: I show -- my State exhibit list has 292  
15 exhibits.

16 MS. MERCER: Oh. 292, sorry.

17 THE COURT: Okay.

18 THE CLERK: So are we stipulating to the physical  
19 evidence that's on there, as well?

20 MS. MERCER: No, just not that yet because we  
21 haven't opened it.

22 THE CLERK: Okay. So it's not a full stipulation of  
23 all the other exhibits, then.

24 MS. MERCER: Yes. I didn't realize those were  
25 already on the exhibit list. I apologize.

1 THE COURT: Okay. So other than that are we ready?

2 MS. MERCER: Yes, Your Honor.

3 MR. TANASI: Yes, Your Honor.

4 MR. MANINGO: Yes, Your Honor.

5 THE COURT: All right. Jim, go ahead and bring the  
6 jury in.

7 (Pause in the proceedings)

8 THE COURT: Before we get the jury in, my marshal  
9 has indicated that Juror No. 15, Exazavion Baugus has brought  
10 in some court documents to show that he actually has to be in  
11 family court, we knew that because he represented that, in ten  
12 days. So what I've told my marshal to do is to inform him  
13 that we're contacting that court to let them know that he's in  
14 jury -- he's sitting on the jury right now. Okay. All right.

15 MR. TANASI: Thank you, Judge.

16 MS. MERCER: Thank you, Your Honor.

17 (Inside the presence of the jury)

18 MR. TANASI: Your Honor, may we approach?

19 THE COURT: Yes.

20 (Off-record bench conference)

21 THE COURT: Okay. Ladies and gentlemen, we're back  
22 on the record in the case the State of Nevada versus Tony  
23 Hobson and Brandon Starr in C-303022. During the break it  
24 came to the Court's attention with regards to one particular  
25 juror that he had provided my marshal with some information

1 regarding a court proceeding. And the parties, what we were  
2 just discussing at the bench is that the parties have agreed  
3 to allow you to leave. I just want to make sure it's clear on  
4 the record.

5 Mr. Hobson, your attorneys have represented -- your  
6 attorney has represented to the Court that you have no  
7 objection to allowing Mr. Baugus to be excused.

8 THE DEFENDANT HOBSON: No, I don't have objection --  
9 an objection.

10 THE COURT: You do?

11 THE DEFENDANT HOBSON: No, I do not.

12 THE COURT: Oh, you do not. Okay.

13 And, Mr. Starr, your attorneys have both also  
14 represented that same, is that you have no objection to  
15 allowing Mr. Baugus --

16 THE DEFENDANT STARR: I have no objection.

17 THE COURT: Okay. All right. Mr. Baugus, at this  
18 point I really want to tell you thank you for going through  
19 this. And I -- and I appreciate your time and attention. Go  
20 ahead and good luck with the child, okay. All right.

21 So we're going to -- we're going to move the seats  
22 around again. So -- so, Mr. Kozlowski, you don't have to sit  
23 in that -- that chair is probably not very comfortable.

24 JUROR SEAT NO. 6: I appreciate it, Your Honor.

25 THE COURT: Okay. So could all of -- Mr. Worth, Ms.

1 Sulerud, Ms. Hedrick, could you move to your right. And then  
2 Mr. Powers, could you move down here to the -- right in the  
3 front. Yes. And then everyone in that row move to your  
4 right. And then Mr. Kozlowski, you'll be seated right in  
5 front of Ms. Noquez and behind Mr. Worth, okay.

6 Okay. So we have 15 juror, then.

7 THE CLERK: Yes.

8 THE COURT: Okay.

9 JUROR SEAT NO. 6: Your Honor, for clarification.  
10 You said I'm No. 7. Am I still 6, just sitting in this chair,  
11 or am I now 7?

12 THE COURT: Oh, I'm sorry. Yeah. You're -- you're  
13 No. 6.

14 JUROR SEAT NO. 6: Okay. Thank you, Your Honor.

15 THE COURT: And you're seated in -- where No. 7 was.  
16 I'm sorry. Okay.

17 All right. Okay. So before we get started, just  
18 indicate if you're here by -- once I call your name, okay.  
19 Vissia Noquez.

20 JUROR NO. 1: Here.

21 THE COURT: Robert Bass

22 JUROR NO. 2: Here.

23 THE COURT: Vince Gaeta.

24 JUROR NO. 3: Present.

25 THE COURT: Lin-Belle Addington.

1 JUROR NO. 4: Here.  
2 THE COURT: Daniel Boggs.  
3 JUROR NO. 5: Here.  
4 THE COURT: Nicholas Kozlowski.  
5 JUROR NO. 6: Present.  
6 THE COURT: William Burns.  
7 JUROR NO. 7: Here.  
8 THE COURT: Angila Jenkins.  
9 JUROR NO. 8: Here.  
10 THE COURT: David Snyder.  
11 JUROR NO. 9: Here.  
12 THE COURT: Glynis Bernard.  
13 JUROR NO. 10: Here.  
14 THE COURT: Daniel Powers.  
15 JUROR NO. 11: Here.  
16 THE COURT: Charles Worth.  
17 JUROR NO. 12: Here.  
18 THE COURT: Janet Swanson-Sulerud.  
19 JUROR NO. 13: Here.  
20 THE COURT: Heather Hedrick.  
21 JUROR NO. 14: Here.  
22 THE COURT: And Dustin Bigelow.  
23 JUROR NO. 15: Here.  
24 THE COURT: Will the parties stipulate to the  
25 presence of the jury?

1 MR. TANASI: Yes, Your Honor.

2 MS. MERCER: Yes, Your Honor.

3 THE COURT: Okay. Ladies and gentlemen, once again,  
4 please rise. I'm going to have you sworn. Now you are my  
5 jury, okay.

6 (Jury panel sworn)

7 THE COURT: Okay. Ladies and gentlemen of my jury  
8 in Case C-303022, before the case commences with opening  
9 statements, I have some introductory remarks that I want to  
10 pass along to all of you. I'd like be able to just say them  
11 from memory, but they are of such importance I think I need to  
12 read many of them to you. What I'm about to say is intended  
13 to serve as a general introduction to the trial of this case.  
14 It is not a substitute for the detailed instructions on the  
15 law, which I will give you at the close of the case and before  
16 you retire to consider you verdict.

17 This is a criminal case commenced to by the State of  
18 Nevada, which I may sometimes refer to as the State against  
19 both Daniel -- I mean, Tony Hobson and Brandon Starr. This  
20 case is based on an indictment. I'm going to ask my clerk to  
21 read the indictment now to you and state wait the defendants'  
22 pleas are. Bear with her, ladies and gentlemen.

23 (Indictment read by the clerk)

24 THE COURT: Hold on a minute.

25 Will the parties approach.

1 Just take a breather.

2 (Off-record bench conference)

3 THE COURT: Ladies and gentlemen, with the numbers  
4 that we have here, I kind of caught something I thought was a  
5 little disconnected, so I'm going to give you a quick break  
6 here now. You've been sitting here listening for over an hour  
7 or so.

8 During this recess you are admonished not to talk or  
9 converse amongst yourselves or with anyone else on any subject  
10 connected with this trial, read, watch, or listen to any  
11 report of or commentary on the trial or any person connected  
12 with this trial by any medium of information, including,  
13 without limitation, newspapers, television, the Internet, or  
14 radio, or form or express any opinion on any subject connected  
15 with this trial until the case is finally submitted to you.

16 It's 20 'til. Give us about 15 minutes again. So  
17 be ready bout 10 'til -- or, I'm sorry, 5 'til. And then just  
18 be outside the courtroom, all right. We'll be at ease while  
19 the jury leaves the room.

20 (Jury recessed at 3:35 p.m.)

21 THE COURT: Okay. We're outside the presence of the  
22 jury. During -- while we were reading the indictment, when we  
23 started reading my clerk had indicated that she was reading  
24 the superseding indictment. I have a second superseding  
25 indictment that was filed on April 24, 2015. And according to

1 my court clerk that was only filed in the Donte Johns matter.  
2 So -- but both of them have 82 counts.

3           So what I'm going to do is I want the State to take  
4 a look at the superseding indictment, as well as the second  
5 superseding indictment and see if there's any difference that  
6 you're -- that you're concerned with in light of what I caught  
7 was -- it seems that the superseding indictment had neglected  
8 to address the April 22 event, which would be 48, 49, 50, 51  
9 of the second superseding indictment. So far that's the only  
10 thing I've caught. So I'm going to give you some time to see  
11 if you can reconcile this and see what the concern is.

12           MR. PORTZ: Thank you, Your Honor.

13           MS. MERCER: Thank you, Your Honor.

14           THE COURT: All right. Okay. We're off the record.

15           (Court recessed at 3:37 p.m., until 3:50 p.m.)

16           (Outside the presence of the jury)

17           THE COURT: Okay. We're back in the record in the  
18 State of Nevada versus Tony Hobson and Brandon in C-303022. I  
19 want the record to reflect the presence of defendants and  
20 their counsel, as well as the State and the counsel.

21           During the break did you have an opportunity to  
22 review the superseding indictment and -- and compare it the  
23 second superseding indictment and which one are we using?

24           MS. MERCER: Your Honor, I think the parties are at  
25 this point willing to just keep going with the superseding.



1 THE COURT: Superseding indictment. Okay.

2 MS. MERCER: And I corrected the dates on -- on the  
3 counts that were corrected in the second superseding -- the  
4 filed version of the second superseding and reordered, by  
5 substantively everything is the same.

6 THE COURT: Okay. Do you understand that, Mr.  
7 Tanasi?

8 MR. TANASI: We do. And I think just the jury  
9 verdict, though, that was mentioned would reflect the second  
10 superseding indictment.

11 MS. MERCER: Correct.

12 MS. LOBO: Yes, Your Honor.

13 THE COURT: There was agreements?

14 MS. LOBO: Yes.

15 THE COURT: Okay. All right.

16 MR. TANASI: Thank you, Your Honor.

17 THE COURT: What I'm going to do was I'm going to  
18 get the jury back in. And where did we -- do you know what  
19 number we left off at?

20 THE CLERK: We're going to start with 55.

21 THE COURT: Okay. We're starting at 55. I'm going  
22 to go ahead and have Tia continue on. Cori is doing some  
23 mother things. So I don't know how -- how to say it. She's  
24 got some obligations and so that's what she's -- and I didn't  
25 want anybody to think that I'm removing her or anything, she's

1 doing a fine job. It's just -- just -- okay. So go ahead and  
2 bring the jury back in.

3 (Inside the presence of the jury)

4 THE COURT: Okay. This is the continuation of the  
5 jury trial in C-303022, State of Nevada versus Tony Hobson and  
6 Brandon Starr. I'd like the record to reflect the presence of  
7 all the jury members, the State with their counsel, defendants  
8 and their counsel. Will the parties stipulate to the presence  
9 of the jury?

10 MS. MERCER: Yes, Your Honor.

11 MS. LOBO: Yes, Your Honor.

12 MR. TANASI: Yes, Your Honor.

13 THE COURT: Ladies and gentlemen, we've corrected  
14 what we had concerns with and so -- and just because there's  
15 so many counts, I'm going to have Tia, Ms. Everette here,  
16 complete the reading. I think we put -- it's quite a bit on  
17 one person, so okay. So all right.

18 (Indictment continued to be read by the clerk)

19 THE COURT: Thank you. Thank you both, ladies.

20 Ladies and gentlemen, this case is based on this  
21 indictment that was just read to you by both my clerks. You  
22 should distinctly understand that the indictment is simply a  
23 charge and that by no means in any sense evidence of the  
24 allegation it contains.

25 The defendants here have pled not guilty to this

1 indictment as you've just heard from my clerks. The State,  
2 therefore, then has the burden of proving each of the  
3 essential elements of the charges beyond a reasonable doubt.  
4 As the defendants sit here now, they are not guilty. The  
5 purpose of this trial is to determine whether the State will  
6 meet that burden.

7           It is your primary responsibility as jurors to find  
8 and determine the facts. Under our system of criminal  
9 procedure, you are the sole judge of the facts. You are to  
10 determine the facts from the testimony you hear and the other  
11 evidence including exhibits introduced here in court. It is  
12 us up to you to determine the inferences which you feel may be  
13 drawn properly from that evidence.

14           The trial in this matter begins by opening  
15 statements. The District Attorney will make an opening  
16 statement if they so desire, which is an outline to help you  
17 understand what the State expects to prove. Next, the  
18 defendants' attorneys may, if they so desire, make an opening  
19 statement, but they do not have to. Opening statements serve  
20 as an introduction to the evidence, which the party making the  
21 statement intends to prove, but it is not evidence.

22           Next, the State will commence with this case in  
23 chief. This is the State's opportunity to present its  
24 evidence. This consists of calling of witnesses, production  
25 of physical items of evidence, such as documents, photographs,

1 and the like. Counsel for the defendant may cross-examine the  
2 State's witnesses. Following the State's case in chief, the  
3 defendant may present evidence and the District Attorneys may  
4 cross-examine the defense witnesses. However, as I've said  
5 before, the defendant is not obligated to present any  
6 evidence.

7           There are two kinds of evidence, direct and  
8 circumstantial. Direct evidence is testimony by a witness  
9 about what the witness personally saw or heard or did.  
10 Circumstantial evidence is testimony or exhibits which are  
11 proof or particular fact from which if proven you may infer  
12 existence of the second fact.

13           I'd just like to go into this once again. It was  
14 kind of touched on by Mr. Portz, but if the question is is it  
15 raining outside -- this is an easy one. That's why we use it  
16 all the time. If the question is is it raining outside. A  
17 witness comes in here, sits on the stand, swears to tell the  
18 truth. They ask a question, sir, is it raining outside? He  
19 says, yes, it's raining outside. That's direct evidence.

20           On the other hand, if the question is is it raining  
21 outside, he walks in here, when he comes in the door he has an  
22 umbrella, he shakes the umbrella off, he's got a rain coat on,  
23 it's wet. He sits down and the question is did you just come  
24 from outside? You may infer possibly from that evidence and  
25 circumstances that it's raining outside. You may consider

1 both direct and circumstantial evidence in deciding this case,  
2 and the law permits you to give equal weight to both. But it  
3 is for you to decide to how much weight you see fit to give to  
4 whatever evidence.

5           Anything you may have seen or heard outside the  
6 courtroom is not evidence and you must disregard that.  
7 Regarding the presentation of evidence, it is the duty of an  
8 attorney here to object to evidence which he or she feels may  
9 not properly be brought before you. At times I may sustain  
10 objections or direct you to disregard certain testimony or  
11 exhibits. If I do so, you must not consider any evidence in  
12 which I have sustained an objection or which I have instructed  
13 you to disregard.

14           In considering the weight and value of testimony of  
15 witnesses, you may take into consideration the appearance,  
16 attitude, and behavior of the witness, the interest of the  
17 witness and the outcome of the case, if any, the relationship  
18 of the witness to the defendant or the State, the inclination  
19 of the witness to speak truthfully or not, and the probability  
20 or improbability of the witness's statements and all the facts  
21 and circumstances in evidence. Thus, you may give the  
22 testimony of any witness just such weight and value as you  
23 believe that testimony of that witness deserves and is  
24 entitled to receive.

25           If the defendant presents evidence, the State will

1 have the opportunity to present rebuttal evidence and the  
2 defendant may have the opportunity to present surrebuttal  
3 evidence. After all the evidence has been presented, I will  
4 instruct you on the law. After the instructions on the law  
5 have been read to you, each side will have the opportunity to  
6 present closing arguments. What is said in closing argument  
7 is not evidence, just like what's said in opening statements  
8 are not evidence.

9           The arguments are designed to summarize and  
10 interpret the evidence while discussing with you how to apply  
11 the law to the particular evidence and the facts in this case.  
12 Since the State has the burden of proving the defendant guilty  
13 beyond a reasonable doubt, the State has the right to open and  
14 close the arguments. This means the State will make a closing  
15 argument, followed by closing arguments from the defense, and  
16 the State may make rebuttal closing argument.

17           After the arguments have been completed, you will  
18 retire on your verdict. I may, during the trial, take notes  
19 of the witness's testimony. You may not make or draw any  
20 inferences from that action. I am required to prepare for  
21 legal arguments of counsel during this trial, and for that  
22 reason I may take notes. The jury will not have a transcript  
23 to consult at the close of the case, however, the jury, you  
24 have been furnished notepads and pencils and you will be  
25 allowed to take notes.

1           If any juror discovers during the trial or after the  
2 jury has retired to deliberate that he or she has personal  
3 knowledge of any fact in controversy in this case, you shall  
4 disclose that situation to myself in the absence of other  
5 jurors. This means that if you learn during the course of  
6 this trial that you are acquainted with the facts of this case  
7 or the witnesses and that you've not previously told me about,  
8 you must then declare that fact to me. You communicate that  
9 through my court marshal.

10           Additionally, if the aforementioned situation  
11 arises, you're admonished that you may not relate to any of  
12 your fellow jurors the facts relating to this case that are  
13 within your own personal knowledge. Also, if you discover  
14 that any other juror has personal knowledge of any fact in  
15 controversy of this case, you should also disclose that  
16 situation to myself in the absence of other jurors. Once  
17 again, you communicate that through my marshal. And if the  
18 aforementioned situation does arise, you are admonished that  
19 you may not relate to any of your fellow jurors any of the  
20 fact relating to this case that are within your own personal  
21 knowledge or what you have learned from the other juror or  
22 what's in the other juror's knowledge.

23           You will also recall that during the course of the  
24 trial, as I indicated before, the attorneys for both sides,  
25 the parties, the witnesses and court personnel, other than my

1 marshal, are not permitted to converse with any members of the  
2 jury. As I previously stated, these individuals are not being  
3 anti-social, rather they are bound by ethics and the law not  
4 to talk to you. To do so will contaminate your verdict.

5           Moreover, you are admonished that you are not to  
6 visit the scene of any of these acts or occurrences made  
7 mention of during this trial unless specifically directed to  
8 do so by the Court. Please don't investigate the case or  
9 anyone who has anything to do with his case on your own. Do  
10 not undertake any legal or factual research on your own.

11           Finally, you must not be influenced in any degree by  
12 any personal feelings of sympathy for or prejudiced against  
13 the State or the defendant. Both sides are entitled to the  
14 same fair and impartial consideration. This is the area right  
15 here I specifically stress about using social media. It's  
16 really easy to Google things nowadays. I'm asking you not to  
17 do so. You're on -- you're on your honor with that.

18           You will be given the opportunity to ask written  
19 questions of any of the witnesses called in this matter to  
20 testify. You are not encouraged to ask a large number of  
21 questions because that is primarily the responsibility of  
22 these attorneys. Only a limited number of questions may be  
23 posed by jurors, and you will not be allowed to become the  
24 third attorney or advocate a certain position with your  
25 questions. I have the discretion to preclude individual



1 would be more focused on how I'm going to pay bills and  
2 everything at home than the case itself.

3 MR. TANASI: Understood. Thank you, sir.

4 PROSPECTIVE JUROR NO. 012: One of the first  
5 questions we were asked yesterday had to do with regard to  
6 these three weeks, had to do with hardship. And I expressed  
7 the fact that I do basically contract work that I've done from  
8 home. I'm very good at it and I love, but it requires that I  
9 be accessible via phone and computer work. A week would be  
10 one thing. Three weeks is really going to put a financial  
11 strain on me because that's going to be potential clients for  
12 this company that I could have converted and gotten paid for.  
13 So earning, live alone, and I need that extra income to  
14 supplement Social Security. So that's another stress in  
15 addition a bit of an emotional nature to begin with.

16 MR. TANASI: Understood. Thank you, ma'am.

17 Is there anyone else? Thank you.

18 Just give me one, please. Okay, folks. Thank you  
19 for your time.

20 THE COURT: Thank you, Mr. Tanasi.

21 MR. TANASI: Thank you.

22 THE COURT: Ms. Lobo, Mr. --

23 MR. MANINGO: Ms. Lobo, then I'll finish.

24 MS. LOBO: Yes.

25 MR. MANINGO: Thank you, Your Honor.

1 THE COURT: Well, could you approach?

2 MS. LOBO: Sure.

3 (Off-record bench conference)

4 THE COURT: Ladies and gentlemen, what happened is  
5 that I was just informed my -- the computer crashed. And so  
6 right as Ms. Lobo started to address you all, I was informed  
7 that the computer crashed. That's why I brought them up here  
8 to talk. And as a matter of fact, even though you hear some  
9 white noise, a portion of what's being discussed here goes on  
10 there, so that's -- so I'm just waiting. So just be patient  
11 with us and then I'll --

12 THE RECORDER: It's coming up.

13 THE COURT: Are you okay? Is it coming back? Do I  
14 need to just give them a break or --

15 THE RECORDER: No, we're good.

16 THE COURT: We're good. Okay. All right. So we're  
17 back on the record in C-303022. Ms. Lobo.

18 MS. LOBO: Thank you, Judge.

19 All right. Second lawyer from the defense table.  
20 Thank you for your patience. I want to introduce myself  
21 again. I'm Adrian Lobo. This is Lance Maningo and we have  
22 questions because we want to make sure we get the most fair  
23 and impartial jury for Mr. Brandon Starr and Mr. Tony Hobson.  
24 So thank you for your attention in advance, and I promise I  
25 won't be duplicative and ask the same questions over and over

1 again.

2 So the first topic that I would like to talk to you  
3 guys about is actually -- let's start with what Mr. Gaeta  
4 talked about yesterday if we could. Mr. Gaeta had expressed  
5 an opinion yesterday about wanting to know more information  
6 about a deal with a witness that's going to be coming here to  
7 testify. He had said that he would like to know what the  
8 nature of the deal was. He would like to know additional  
9 information. Now, some people probably, I think, agreed with  
10 Mr. Gaeta. Is there anybody who disagrees with Mr. Gaeta?  
11 And I believe Ms. Orlando talked about it a little bit when  
12 Mr. Portz was talking to you. Is there anybody who agrees  
13 with Ms. Orlando and disagrees with Mr. Gaeta?

14 Okay. And if I could go pass the mic down to the  
15 second row. I believe that's Mr. -- Mr. Burns.

16 PROSPECTIVE JUROR NO. 021: Mr. Boggs.

17 THE COURT: 21.

18 MS. LOBO: Thank you. What -- what are your  
19 thought? Why do you disagree with Mr. Gaeta or have --

20 PROSPECTIVE JUROR NO. 021: Well, it's just so  
21 common to have witnesses given immunity to one extent or  
22 another.

23 MS. LOBO: Okay.

24 PROSPECTIVE JUROR NO. 021: It doesn't stop trials  
25 from going on or coming up with the correct verdict. It's

1 just one piece of the puzzle.

2 MS. LOBO: Okay.

3 PROSPECTIVE JUROR NO. 021: And I'm smart enough to  
4 look past that.

5 MS. LOBO: And you said that it's just part of the  
6 process that people are given immunity. Is that what you  
7 said?

8 PROSPECTIVE JUROR NO. 021: Well, his testimony will  
9 be just one part of the whole trial.

10 MS. LOBO: Okay.

11 PROSPECTIVE JUROR NO. 021: And it's up to us to  
12 decide whether or not he's telling the truth, so I'm --

13 MS. LOBO: Okay. Anybody else who has those same  
14 sentiments or feelings?

15 Yes. I'm sorry. I can't remember your name.

16 PROSPECTIVE JUROR NO. 014: Badge 14, Scott Young.

17 MS. LOBO: Okay. Scott Young. I'm not sure if you  
18 can hear him, Judge.

19 THE COURT: We'll give him the mic.

20 MS. LOBO: Okay. Mr. Young, what do you think about  
21 that?

22 PROSPECTIVE JUROR NO. 014: Yeah, my feeling is  
23 witnesses, whatever, you know, deal they may have or may not  
24 have, it's part of, I believe, an individual said earlier it's  
25 when he takes an oath, we'll take that as fact, and we'll

1 determine with all the other evidence, you know, determine the  
2 overall outcome. I will determine whether someone has a deal  
3 or not. But weigh that with whatever other evidence is  
4 presented. It's just one piece, part of the whole puzzle.

5 MS. LOBO: Okay. But it is something that you would  
6 not hold that against the prosecution?

7 PROSPECTIVE JUROR NO. 014: That is correct.

8 MS. LOBO: Okay. Ms. Greenough. If you could just  
9 pass the microphone.

10 PROSPECTIVE JUROR NO. 012: Because I commented  
11 yesterday, agreeing with what had been said, but pretty much  
12 saying I'd be real curious to know what the deal was. It  
13 wouldn't be mandatory that I know, but I think it's not going  
14 to sway things one way or the other. I totally agree with  
15 what he just said.

16 MS. LOBO: Okay. All right. Anybody else on this  
17 back row that we didn't see? Anybody else? I'm not seeing  
18 hands. Okay.

19 I would like to talk to Mr. Kozlowski.

20 PROSPECTIVE JUROR NO. 047: Yes.

21 MS. LOBO: If I could ask you a question. You  
22 shared briefly when Mr. Tanasi was asking you a question about  
23 your wife accusing you on a weekly basis of adultery or  
24 something of that sort.

25 PROSPECTIVE JUROR NO. 047: Yes.

1 MS. LOBO: Has there been a time that you have had  
2 to disprove what didn't happen?

3 PROSPECTIVE JUROR NO. 047: Oh, absolutely.

4 MS. LOBO: Okay. How did you go about doing that?

5 PROSPECTIVE JUROR NO. 047: Hand over the phone.  
6 Check the tape.

7 MS. LOBO: Okay.

8 PROSPECTIVE JUROR NO. 047: In that case. One time  
9 I actually thought of it, this one is kind of funny in a way,  
10 too. I was pushing someone out for management purposes. They  
11 were just a poor performer. The person happened to be a  
12 lesbian, so she called the HR director and said that I hate  
13 lesbians.

14 MS. LOBO: Not your wife. The lady?

15 PROSPECTIVE JUROR NO. 047: The woman --

16 MS. LOBO: Okay.

17 PROSPECTIVE JUROR NO. 047: -- that was I managing  
18 out professionally and made it about something that's an  
19 extremely sensitive topic, as opposed to it being about her  
20 poor performance. Ironically, I had just promoted a lesbian a  
21 week before, so it kind of washed the whole situation. But in  
22 that case it was kind of another thing, well, no, here's the  
23 performance, here's what it is, it's nothing about who you are  
24 or where you're from or what you're about.

25 MS. LOBO: Okay.

1 PROSPECTIVE JUROR NO. 047: So it's -- again,  
2 accusations are one thing, but it's all about the evidence  
3 that supports it, as well.

4 MS. LOBO: Okay. So you were able to find a way to  
5 do that; right?

6 PROSPECTIVE JUROR NO. 047: Absolutely.

7 MS. LOBO: Okay. Could you imagine a circumstance  
8 where you did not, you weren't able to find a way?

9 PROSPECTIVE JUROR NO. 047: Yeah, anything that's  
10 hearsay. So, someone just makes an accusation just based off  
11 of what they've heard. I'm sure that's happened sometime in  
12 personal life. Absolutely. It's happened, you know, someone  
13 says you said something and you didn't, but you agree to  
14 disagree and move on --

15 MS. LOBO: Anyone here --

16 PROSPECTIVE JUROR NO. 047: -- in that case.

17 MS. LOBO: Oh, sorry. I didn't mean to cut you off.

18 PROSPECTIVE JUROR NO. 047: No. In that case.

19 MS. LOBO: Okay. Anybody else have maybe a similar  
20 situation or can think of something similar about how you  
21 would go about proving something did not occur? I'm not  
22 showing any hands. Sure, Mr. Kozlowski.

23 PROSPECTIVE JUROR NO. 047: I mean, you can't -- I  
24 mean, thinking criminally, but just also personally like an  
25 alibi. So, for instance, if my wife, this is hypothetical,

1 but she claims I was somewhere. No, I was with this person.  
2 Call them --

3 MS. LOBO: Right.

4 PROSPECTIVE JUROR NO. 047: -- that's where I was or  
5 whatever it was. That would be an example.

6 MS. LOBO: What if you weren't with anybody?

7 PROSPECTIVE JUROR NO. 047: What am I accused of?

8 MS. LOBO: Adultery. Let's just stick with your  
9 facts that you gave us.

10 PROSPECTIVE JUROR NO. 047: All right. It depends  
11 on where she gets her idea from.

12 MS. LOBO: Okay.

13 PROSPECTIVE JUROR NO. 047: If it's -- if it's  
14 non-descriptive and it's something that seems imaginative,  
15 then it's just that. But if she's got something that she  
16 believes is damning and, you know, she sees a message or  
17 whatever and she thinks it's something, then you could scroll  
18 up and you see the rest of the conversation or you show them  
19 who the contact is or whatever it may be in that case. It  
20 depends on how it's brought before you. So it's a near  
21 impossible question to answer.

22 MS. LOBO: Right. Well, sorry if it was a poor  
23 question, but --

24 THE COURT: Ms. Lobo, hold off one minute.

25 MS. LOBO: Okay.



1 THE RECORDER: Go ahead.

2 THE COURT: You all right? Okay. All right. Go  
3 ahead.

4 MS. LOBO: Okay.

5 PROSPECTIVE JUROR NO. 047: It wasn't a poor  
6 question. It's just -- it depends on who it's brought to you.

7 MS. LOBO: Right.

8 PROSPECTIVE JUROR NO. 047: So if my wife is  
9 accusing me because she sees me messaging a person with a  
10 woman's name and she just literally sees that there's dialogue  
11 going on without any context whatsoever, then you just show  
12 the context; right?

13 MS. LOBO: Right.

14 PROSPECTIVE JUROR NO. 047: But if she checks a  
15 credit card receipt and says why were you at this restaurant,  
16 why does it seem like you've got enough food for two people,  
17 where's the receipt, well, then that's something else. And  
18 then it's a matter of, well, here's who I was with and, you  
19 know, it just depends on what the evidence is that's brought  
20 before you.

21 MS. LOBO: So in your second scenario that you just  
22 gave, and I don't know if everybody could hear it, is it seems  
23 like it would be a little bit more challenging if you were at  
24 a restaurant by yourself and just happened to order a lot of  
25 food.

1 PROSPECTIVE JUROR NO. 047: Yeah, and I do a lot,  
2 actually. So, yeah, no, absolutely.

3 MS. LOBO: Okay. All right. Anybody else have  
4 anything to say or comment upon what Mr. Kozlowski said? I'm  
5 showing no hands. Okay.

6 Okay. I want to talk to you guys briefly about -- I  
7 think it was Ms. Greenough who brought up yesterday she said  
8 the words, I think, for probably out of all of us to say proof  
9 beyond a reasonable doubt. I think it was her who brought  
10 that up. And so I wanted to talk to you a little bit about  
11 that and what that exactly means.

12 Now, there could be two camps of lawyers. One camp  
13 of lawyers would say -- or camp of people would say that  
14 lawyers, criminal defense attorneys in particular, that we use  
15 proof beyond a reasonable doubt as a loophole. Now, other  
16 people might say that proof beyond a reasonable doubt means  
17 that there is justice and to make sure that people have a fair  
18 opportunity if they're forced to go to trial. Who would tend  
19 to agree that proof beyond reasonable doubt can mean a  
20 technicality or a loophole? Is there anybody here who has  
21 that kind of idea in their head?

22 PROSPECTIVE JUROR NO. 012: Say your question one  
23 more time again.

24 MS. LOBO: Sure. I said that there would be  
25 probably two group of people. One group would say that proof

1 beyond a reasonable doubt could mean a technicality or it's  
2 something that lawyers use as a loophole in the law. The  
3 other group of people would say that that is the justice  
4 standard to make sure that people have a fair and just trial,  
5 they have a good representation. Who has probably an  
6 inclination or maybe thinks that proof beyond a reasonable  
7 doubt is a loophole or technicality? Did that help or not?

8 PROSPECTIVE JUROR NO. 012: Yeah, I was just  
9 thinking.

10 MS. LOBO: Okay. Anybody have any thoughts on that?  
11 Yes, Ms. Greenough.

12 PROSPECTIVE JUROR NO. 012: Since I said it, I can  
13 go either way. I think --

14 THE MARSHAL: Wait one second.

15 PROSPECTIVE JUROR NO. 012: I can -- I can see both  
16 sides of that, I would have to say, just based on certain  
17 pretty well-known cases. I'll just use one example, the  
18 Trayvon Martin case. A lot of people had their own thoughts.  
19 They weren't there. They weren't in the court or anything.  
20 But in some cases it seems like it can be a loophole.

21 MS. LOBO: Okay.

22 PROSPECTIVE JUROR NO. 012: I don't know how else to  
23 answer that. I can -- I can see it both ways. That's the  
24 best thing I can say to that.

25 MS. LOBO: Why do you think it was a loophole in

1 that case?

2 PROSPECTIVE JUROR NO. 012: Because I felt so  
3 strongly. It's just, again, what I had researched on my own  
4 and heard in the news. I just had strong feelings about that  
5 particular case.

6 MS. LOBO: Okay. Thank you for sharing.

7 Is there anybody else who agrees with Ms. Greenough  
8 or maybe that jogged another thought in their head about what  
9 I said? Nobody else? I'm showing no hands.

10 What would you, all of you, the first 36, like to  
11 see as evidence presented from the defense? And I'm just  
12 going to open that up to everybody. What would you all like  
13 to see from Mr. Tanasi, Mr. Maningo, and myself in  
14 representing Mr. Starr and Mr. Hobson?

15 Yes, ma'am. And if we can get the mic in the second  
16 row.

17 PROSPECTIVE JUROR NO. 063: Angie Jenkins.

18 MS. LOBO: Yes, Ms. Jenkins.

19 PROSPECTIVE JUROR NO. 063: No. 63. I think it was  
20 probably reiterated yesterday that there's probably quite a  
21 few people here that feel like there are so many counts  
22 against these gentlemen that where there's smoke, there's  
23 fire.

24 MS. LOBO: Uh-huh.

25 PROSPECTIVE JUROR NO. 063: And so I think as the

1 defense, I think it's going to be imperative that you really  
2 truly prove that all these numerous accounts, there isn't some  
3 validity to it. And I think as a jury, one of our  
4 responsibilities is going to have to be, you know, obviously,  
5 this is an emotional case. But trying to put aside emotion  
6 and say if there's so many charges against someone, you're  
7 going to really have to prove that there isn't some validity.  
8 And I think that that's --

9 MS. LOBO: Okay.

10 PROSPECTIVE JUROR NO. 063: -- going to be the  
11 biggest challenge.

12 MS. LOBO: Okay. And do you have any, I guess,  
13 anything in particular that comes to mind that you would think  
14 that would be helpful or beneficial that we should do?

15 MR. PORTZ: Your Honor, at this point can we  
16 approach again?

17 THE COURT: Yes.

18 MR. PORTZ: Thank you.

19 (Off-record bench conference)

20 MS. LOBO: Okay. Ms. Jenkins. Okay. You still  
21 have the microphone. I was just making sure. Okay. So not  
22 going into specifically what you would like to see from the  
23 defense, I understand your answer to be that maybe you think  
24 -- and correct me if I misspeak, that we have a daunting  
25 burden, it sounds like, or a task before us with that many

1 counts.

2 PROSPECTIVE JUROR NO. 063: Correct. I think at the  
3 end of the day our job as potential jurors is to make sure  
4 that whatever the plaintiff has against your client, you guys  
5 have, as the defense attorneys, true accountability or -- or  
6 -- I don't know if that's the right word -- true explanations,  
7 valid explanation, of what is being -- is what your -- your  
8 clients are being accused of.

9 MS. LOBO: Okay. I'd like to actually -- okay. I'm  
10 actually going to make a comment, and then I'll follow up with  
11 Mr. Gaeta if I could. Just briefly, Ms. Mercer yesterday  
12 touched on that fact if everybody had to vote right now that  
13 it would be not guilty. But I see you smiling, Ms. Jenkins.  
14 I think it's people realize what kind of task is in front of  
15 us, right.

16 But as it stands, Mr. Tanasi, Mr. Maningo, and  
17 myself could all do nothing in this trial because we don't  
18 have a burden. They have the burden. They brought the  
19 charges, they have those 82 counts that they have to prove.  
20 And we don't really have to do anything. We will, because I  
21 know my team very well, but we don't have to. The law doesn't  
22 require it. So with that I'm going to go to Mr. Gaeta if I  
23 could get the mic passed back to him.

24 Sir, what did you have to add to the discussion?

25 PROSPECTIVE JUROR NO. 019: Badge No. 19, Vincent

1 Gaeta. On that note it's a matter of rules. So when people  
2 struggle with that question that seems ridiculous to me. It's  
3 a basic rule of law. So that -- that goes without saying.  
4 People are innocent until proven guilty. And I just feel duty  
5 bound because I've sat here and listened to everybody talk  
6 about how they have all these charges and where there's smoke  
7 there's fire and these guys have got to be guilty right off  
8 the get go. And you ask how -- what your job should be and  
9 what's going to help you accomplish your goal as getting an  
10 innocent verdict.

11 I believe that conversely with all the charges, it's  
12 almost like loading up. We have so many and you go for broke.  
13 I think you start out by proving in one instance that they  
14 weren't involved in one of those cases. And that would, for  
15 me, cast a shadow of a doubt on all the charges. Because if  
16 they're trying to put these guys at every single one of these  
17 places, that seems like, again, like you're kind of going for  
18 broke and loading up. And that can sometimes work against the  
19 prosecution in my view. So to something to say, I think  
20 you've got to first cast a shadow of doubt and maybe that  
21 opens the door, and then you can do it a second time, and who  
22 knows at that point.

23 MS. LOBO: All right. Thank you. Does anybody --  
24 yes, Mr. Burns. If we could pass it two rows down.

25 PROSPECTIVE JUROR NO. 056: Yes, ma'am. William

1 Burns.

2 MS. LOBO: Yes.

3 PROSPECTIVE JUROR NO. 056: Badge 56. I guess I  
4 just, you know, like everything in life. Do your best at your  
5 job, they'll do the best of their job, and the Judge can do  
6 the best of his.

7 MS. LOBO: Absolutely.

8 PROSPECTIVE JUROR NO. 056: That's what it's about.  
9 I mean, all we can do is hope that we did the best at our job  
10 and that you did the best at your job.

11 MS. LOBO: Okay. Let's talk about that. That's a  
12 good place. Unless somebody else has something to add from  
13 the discussion. I don't mean to have my back to you guys, but  
14 did anybody else have anything to share? Okay.

15 Let's talk about that because we mentioned the 82  
16 counts. So there's 82 counts in the indictment. The  
17 prosecution does have to prove each one of those beyond a  
18 reasonable doubt. How will it be if one count is stronger  
19 than the next? Say -- take what Mr. Gaeta said. Say that  
20 absolutely without a doubt one event they prove. How will  
21 that affect the judgment if the evidence isn't so strong on  
22 the other ones?

23 Mr. Kozlowski?

24 PROSPECTIVE JUROR NO. 047: It shouldn't -- you  
25 can't come in with presumptions and you can't come in with any



1 sort of -- it's -- they're isolated incidents. You know, if  
2 there's 82 counts, there are 82 separate counts. One is not  
3 related to another unless proven that they're related to  
4 another. You have to come in with novice approach. Before  
5 yesterday for me and some of these people on Wednesday, we  
6 knew nothing of anything. We only know what has been shared  
7 to us at this point. And then people have made assumptions  
8 and have drawn conclusions from those assumptions. We still  
9 know nothing and we need to take that approach.

10 MS. LOBO: Okay. So you would start with each one  
11 individually it sounds like.

12 PROSPECTIVE JUROR NO. 019: Badge 19, Vincent Gaeta.  
13 Again, this is -- it comes down to the rule of law. I mean,  
14 if there's 81 counts and I would believe the jury's job is to  
15 come to a determination on what counts they should be  
16 sentenced on, or the Judge would do that, I guess. I don't  
17 know. I guess my question -- it raises a question is it all  
18 for -- all for naught? Go for broke one way or the other? So  
19 if it's one definitely and 80 not, are they still going to be  
20 sentenced -- will they be sentenced accordingly?

21 MS. LOBO: Sentencing is left to the Court.

22 PROSPECTIVE JUROR NO. 019: That's what I'm getting  
23 at.

24 MS. LOBO: Yeah.

25 PROSPECTIVE JUROR NO. 019: So I don't know how we

1 -- how we weigh that on juries. Like when we go through do we  
2 go through each one and kind of determine piece by piece --

3 MS. LOBO: Right.

4 PROSPECTIVE JUROR NO. 019: -- which ones we believe  
5 and which ones they didn't prove?

6 MS. LOBO: The Judge will give you --

7 PROSPECTIVE JUROR NO. 019: And then that would have  
8 a determination on the sentencing. So, again, it's a rule of  
9 law. It's not for us to sit there and, I would hope not, to  
10 weed the whole thing out and base it on that one thing.

11 MS. LOBO: Well, and we're going to pass it two rows  
12 down, if we could, to the gentleman next to Mr. Burns.

13 PROSPECTIVE JUROR NO. 049: Badge No. 49, James  
14 Keegan. In mind's eye, listening that there are so many  
15 counts, okay, I would really hope that you would be able to  
16 persuade and show evidence that, you know, these counts are in  
17 actuality not true. Now, sitting here being fair and  
18 impartial, listening through the whole -- the whole situation  
19 would be something that each one of us that might, you know,  
20 would be selected would have to do.

21 But it did prejudice me a little bit just to hear  
22 what the awesome amount of accounts and the witnesses that are  
23 involved when I first heard you all making your opening  
24 statements. I was going, wow. I just wanted to bring that  
25 up. It's kind of like my human nature just coming out

1 thinking, whereas like the lady said before, smoke, there  
2 might be fire. So I -- I want to be able to listen to what  
3 you present, you know, as a defense attorney on each one of  
4 these charges to show that in actuality that these gentlemen  
5 are not guilty of what they are, you know, accused of. I just  
6 wanted to bring that up.

7 MS. LOBO: Okay. No, thank you for sharing that.  
8 As far as each of the counts go, I want to talk to you about  
9 -- I believe Mr. Lai made the comment that if -- you know, he  
10 would just want to get it over with. And what your job as  
11 jurors are is once we present evidence on both sides, or the  
12 prosecution has the burden to do it, we do not, but once we  
13 present all of that, you have to weigh that evidence and then  
14 assess did they meet the burden for those 82 counts.

15 Who here would say, you know, like Mr. Lai, because  
16 life doesn't stop on the outside. You would feel pressure to  
17 get it over with or just overwhelmed by the fact that you've  
18 got to go through all of these different counts and weigh the  
19 evidence. Anybody else have the same sentiment as Mr. Lai?  
20 I'm not seeing any hands.

21 All right. Let's go to -- who has heard in TV or  
22 movies I plead the Fifth? Who has heard that by a show of  
23 hands? Okay. Showing a lot of hands. Anybody care to share  
24 where they heard it from if they can remember directly?

25 PROSPECTIVE JUROR NO. 012: Probably my kids.

1 MS. LOBO: From your kids? Okay. Not from a TV  
2 show?

3 PROSPECTIVE JUROR NO. 012: From young age to old  
4 age. But also on TV.

5 MS. LOBO: Okay.

6 THE COURT: For the record --

7 PROSPECTIVE JUROR NO. 012: Law & Order.

8 THE COURT: -- that's Judith Greenough, Badge No.  
9 012.

10 PROSPECTIVE JUROR NO. 012: Sorry.

11 MS. LOBO: Okay. So, Ms. Greenough, you heard it  
12 from your kids?

13 PROSPECTIVE JUROR NO. 012: Well, kids, but TV  
14 shows, Law & Order.

15 MS. LOBO: Okay.

16 PROSPECTIVE JUROR NO. 012: Things like that. Just,  
17 you know, anybody that doesn't want to tell you the truth or  
18 tell you anything, for that matter.

19 MS. LOBO: Okay. So somebody -- you said somebody  
20 who does not want to tell you the truth.

21 PROSPECTIVE JUROR NO. 012: That's been pretty much  
22 my experience --

23 MS. LOBO: Okay.

24 PROSPECTIVE JUROR NO. 012: -- when I've heard it  
25 used on -- in the TV shows.

1 MS. LOBO: Does the person look like they're  
2 dishonest or maybe guilty when they say it?

3 PROSPECTIVE JUROR NO. 012: Not necessarily, no.

4 MS. LOBO: Okay.

5 PROSPECTIVE JUROR NO. 012: Outside of my kids.

6 MS. LOBO: Okay.

7 PROSPECTIVE JUROR NO. 012: But not necessarily.

8 MS. LOBO: But you said that they don't want to tell  
9 the truth. What makes you think that?

10 PROSPECTIVE JUROR NO. 012: Or they don't want to  
11 give full disclosure. I think that's a better way to put it.

12 MS. LOBO: Okay. If you -- opening it up to the  
13 group, can anybody here think of a reason why somebody who is  
14 innocent or not guilty would not want to take the stand and  
15 testify on their own behalf in their defense? Can anybody  
16 here think of a reason why that would happen?

17 Are you the first 36?

18 PROSPECTIVE JUROR: No, I'm not.

19 MS. LOBO: Okay. Sorry. I'll get to you if we --  
20 if we can. But let's pass it to Mr. Young, and then I'll come  
21 back over here.

22 PROSPECTIVE JUROR NO. 014: Some points I've heard  
23 over the past are, you know, you can have gentleman who are --  
24 you know, may be incarcerated at the time when they go on the  
25 defense, on the stand, a prosecution lawyer can tear them

1 apart, confusing them, the person on the stand could be  
2 agitated and they can almost necessarily trick them into  
3 something, but make them look, maybe manipulate them into  
4 something that may not have happened or, you know, essentially  
5 frame it to where, you know, they're meaningless but -- but  
6 what they say can mean completely something else.

7 MS. LOBO: Okay.

8 PROSPECTIVE JUROR NO. 014: In order to protect the  
9 witness from or protect the defendant from maybe saying  
10 something they did not intend to say or having it framed in a  
11 different manner.

12 MS. LOBO: Okay. So just what I'm hearing is that  
13 being up against a skilled prosecutor such as Ms. Mercer and  
14 Mr. Portz, that could be probably maybe intimidating?

15 PROSPECTIVE JUROR NO. 014: Correct.

16 MS. LOBO: Okay. Anybody else? Mr. Gaeta, and then  
17 I see Ms. Addington.

18 PROSPECTIVE JUROR NO. 019: Well, you touched on it  
19 at the very end. Someone might not have the mental capacity  
20 or the intellect to be able to withstand questioning from  
21 someone that could lead them down a path that they may not  
22 want to go. And there's an old adage, I think in criminal and  
23 defense cases, that your attorneys always advise you not to  
24 say anything because by not saying anything you can't  
25 incriminate yourself. Which just goes to an old adage, how

1 did the fish get caught.

2 MS. LOBO: Right.

3 PROSPECTIVE JUROR NO. 019: He opened his mouth;  
4 right?

5 MS. LOBO: Right. Okay. All right. Thank you, Mr.  
6 Gaeta. If we could pass it down to Ms. Addington on the end.

7 PROSPECTIVE JUROR NO. 020: I'm Badge 20, I guess.  
8 Yeah. Well, no one is required to speak if they're charged  
9 with something. If I'm not mistaken, you're not required to  
10 go up there and testify in your own defense. And just because  
11 someone does not testify in their own defense, you can't look  
12 at that, to me, in a way that, well, he's not speaking because  
13 he has something to hide. It's not his job to get on the  
14 stand and defend himself. It's the job of the prosecutor to  
15 prove the charges.

16 MS. LOBO: Okay. Thank you.

17 PROSPECTIVE JUROR NO. 020: But I don't -- is that  
18 what you're talking about?

19 MS. LOBO: Yes. Yeah, that was perfect. I was just  
20 asking. I mean, thank you for sharing. That was perfect.  
21 And what I would be asking on behalf of Mr. Tanasi and Mr.  
22 Maningo is that if we -- we are going to make that decision  
23 about whether or not Mr. Hobson or Mr. Starr does testify, is  
24 there anybody here who would have a problem if they did not  
25 hear from them? I'm not seeing any hands.

1 PROSPECTIVE JUROR NO. 020: I don't think most of us  
2 would expect them to.

3 MS. LOBO: Okay. All right. Thank you.

4 Court's indulgence. Okay. Thank you, Judge.

5 THE COURT: All right.

6 MS. LOBO: I'm going to pass it to Mr. Maningo.

7 THE COURT: All right. Mr. Maningo.

8 MR. MANINGO: Thank you, sir.

9 I know you all were hoping me, being at the end of  
10 the table, I wouldn't stand up. I don't -- I don't take  
11 offense to that. Being third on the defense team rotation,  
12 I'm going to talk to you all about two polarizing, potentially  
13 polarizing issues. We're going to talk a little but about  
14 your feelings, your opinions, and your thoughts about law  
15 enforcement in general, and we're also going to talk about  
16 race.

17 First, I want to ask all of you who shares the  
18 opinion with me that law enforcement and police work is  
19 difficult?

20 PROSPECTIVE JUROR NO. 019: Law enforcement? I  
21 didn't --

22 MR. MANINGO: Law enforcement or police work, that  
23 it's a difficult job. Most of you share that -- share that  
24 opinion. Who is willing to raise their hand and tell me why  
25 they think it's a difficult job? Who can tell me? Who can



1 start?

2 Mr. Gaeta, please. What makes law enforcement --

3 PROSPECTIVE JUROR NO. 019: They have to deal with  
4 things that most of us aren't exposed to ever in life on a  
5 daily basis. So it's -- you know, even walking from the  
6 parking garage to the Justice Center, the folks that, you  
7 know, are homeless and sleeping on benches and walking and  
8 look like they've lost their mind. Domestic violence, going  
9 to people's houses and putting themselves between  
10 circumstances like that.

11 MR. MANINGO: Putting themselves in harm's way at  
12 times?

13 PROSPECTIVE JUROR NO. 019: Just everything, you  
14 know. The world has become a very difficult place. And to  
15 sit there and put yourself out there every day and not knowing  
16 if you're going to make it home, to me, is, you know, I have  
17 the utmost respect for police officers, as well as folks in  
18 the military that serve. That's -- those are difficult things  
19 to do.

20 MR. MANINGO: Absolutely. If you don't mind passing  
21 the microphone down.

22 PROSPECTIVE JUROR NO. 047: Nicholas Kozlowski, 47.  
23 They deal with a prejudice and an air that most of us don't in  
24 our everyday job, so, you know --

25 MR. MANINGO: What do you mean?

1 PROSPECTIVE JUROR NO. 047: So people have a  
2 predisposed concept of what a police officer is like, what  
3 they're -- what the system is supposed to be like. They have  
4 -- they have an opinion about it. You know, they go to a deli  
5 counter you don't have really an opinion of the butcher. They  
6 do that and you just kind of go about your way. But people  
7 have an opinion about police officers one way or another,  
8 maybe good, maybe bad, maybe different, but it's one of those  
9 positions that people have distinctive opinions about.

10 MR. MANINGO: Absolutely. I think I started by  
11 stepping up and saying these are two potentially polarizing  
12 issues. Let me ask a whole question for everyone, just to  
13 everyone in the first group. Who would generally have a  
14 favorable opinion of law enforcement? Thank you.

15 Who generally would have a dis-favorable or critical  
16 opinion of law enforcement?

17 PROSPECTIVE JUROR NO. 047: In what terms? That it  
18 exists?

19 MR. MANINGO: No, not that it exists. But I think  
20 you mentioned that when you walk into the deli and you see the  
21 butcher it's a neutral feeling. This is -- this is an  
22 individual who is cutting the meat and providing me and making  
23 me a sandwich. And maybe I misunderstood what you offered.

24 PROSPECTIVE JUROR NO. 047: No, no.

25 MR. MANINGO: But when you think police, there's a

1 visceral emotional response that some people get, and I'm just  
2 asking if any of you share that. I think some of you raised  
3 your hands to the positive saying I have a generally favorable  
4 feeling or vibe when I hear Las Vegas Metro, LAPD, NYPD,  
5 favorable. And others, on the second half of that question,  
6 I'll ask again, and if the answer is a negative for the panel,  
7 that's fine. But anyone have a generally dis-favorable  
8 feeling, emotional response when they hear police? Nobody?

9 Let's go to those that have the favorable. Can I  
10 see those hands one more time? And I think, Mr. Young, if I  
11 may.

12 PROSPECTIVE JUROR NO. 014: Yes, sir.

13 MR. MANINGO: You -- you told us that you -- and  
14 correct me if I'm wrong, you married into a law enforcement  
15 family?

16 PROSPECTIVE JUROR NO. 014: That's correct, sir.

17 MR. MANINGO: And is that the basis, because you  
18 were a raised hand for favorable; correct?

19 PROSPECTIVE JUROR NO. 014: That's correct.

20 MR. MANINGO: Tell us about your experiences with  
21 your family and why you have a favorable perspective on law  
22 enforcement.

23 PROSPECTIVE JUROR NO. 014: Even before I married  
24 into that family, when I was dating my now wife, it bore no  
25 importance to me that her father was a police officer. I

1 already had my beliefs into the police officer. Just taking  
2 what that gentleman over there said about they deal with a lot  
3 of things that we're not exposed to, they deal with a lot of  
4 people who are having the worst day of their lives. And it's  
5 something that we as the general public in our jobs don't have  
6 to handle. So just the sheer respect of the duties that they  
7 perform that all of us probably wouldn't have the capabilities  
8 of handling.

9 MR. MANINGO: So in addition to being in harm's way,  
10 like Mr. Gaeta discussed, do you think other pressures on  
11 police officers and law enforcement do you think?

12 PROSPECTIVE JUROR NO. 014: Oh, without a doubt,  
13 especially in today's -- today's society.

14 MR. MANINGO: And I know you kind of live in a law  
15 enforcement family. Can you tell us your experiences with  
16 those pressures and what they are?

17 PROSPECTIVE JUROR NO. 014: Just, you know, my  
18 father-in-law retired in 2009. So I would imagine with him --  
19 if he was still active within the last few years there would  
20 be a lot more pressure on him just with the negative media  
21 coverage, CNN, Fox News of just police work in general, just  
22 the overanalyzing, just these guys cannot make a mistake at  
23 all or else they could lose their jobs if the police chiefs  
24 can lose their jobs now. They're under such a heavy  
25 microscope now that --

1 MR. MANINGO: Sure.

2 PROSPECTIVE JUROR NO. 014: -- they need to make  
3 sure they're on their Ps and Qs and doing, you know, the  
4 correct process. Are there bad cops? Yes, there are. Do  
5 cops make mistakes in their jobs and investigations? Well,  
6 certainly.

7 MR. MANINGO: Like any profession.

8 PROSPECTIVE JUROR NO. 014: Correct. Yeah. Just  
9 like us.

10 MR. MANINGO: I want to -- I want to parlay your  
11 comments to the rest of the panel, if I may. Anyone sensitive  
12 or take offense, I should say, to the critical media  
13 prospective of police that's going on right now? Mr. Young,  
14 I'll start here since the microphone is here, but I want those  
15 hands again, if I may.

16 How do you feel about the critical prospective?

17 PROSPECTIVE JUROR NO. 014: It may not be just  
18 overall looking at the police work. It's more of what's  
19 selling our show, you know. Any items involving police  
20 brutality, that's our show, that's our ratings, that brings in  
21 advertisers. I look at it more in that way than not, you  
22 know, maybe fulling looking at the full situation. Whether  
23 right or wrong, but just hitting those points to essentially  
24 create buzz for their shows.

25 MR. MANINGO: As much as you have these opinions

1 about law enforcement, if an officer were to take the stand  
2 and testify in this case, do you feel that you would give his  
3 testimony possibly more weight than you would some ordinary  
4 lay witness?

5 PROSPECTIVE JUROR NO. 014: No, sir.

6 MR. MANINGO: We're all products of our history;  
7 right?

8 PROSPECTIVE JUROR NO. 014: Correct.

9 MR. MANINGO: You don't think that that might filter  
10 in to you as you're evaluating evidence or listening to  
11 testimony?

12 PROSPECTIVE JUROR NO. 014: No, sir. I've had  
13 conversations with my father-in-law and other police officers  
14 about stuff like Making a Murderer, or the onsite case work.  
15 There are probably missteps of that police work done, you  
16 know. And I'll -- you know, most police officers you talk to,  
17 they don't want bad police work around them. They can look at  
18 -- you know, look at things, you know, pretty well objectively  
19 and said he's kind of skipped steps here, he kind of, you  
20 know, penned in on the guy and did a little more of, you know,  
21 what else could have happened. They locked on this one thing  
22 and that's all they focused on and they got lazy with their  
23 police work.

24 MR. MANINGO: Let me stay over here just for a  
25 minute. Who over on this side in the first group shares some

1 opinions regarding police that Mr. Young shared with us? Any?  
2 I know there were hands over here when I asked the question  
3 about who is sensitive about how the media is critical of  
4 police. Can I see those hands again? Ms. Jenkins, if I can  
5 start with you.

6 PROSPECTIVE JUROR NO. 063: Angie Jenkins, No. 63.  
7 I do think a lot of it is media. I think it's about ratings.  
8 I think that -- that police officers and our military are  
9 under extreme scrutiny to be perfect, and they are still men  
10 and women. And nobody's field is perfect, but I do think a  
11 lot of it is the media. I think socially we are becoming so  
12 hypersensitive to so many things that the people that are put  
13 in place to implement some of those things just go to the  
14 firing squad for it. And I think we're all human and it  
15 doesn't matter what field you're in. You do make mistakes and  
16 there are things that happen.

17 MR. MANINGO: Let me ask you the same question. If  
18 an officer were to take the stand and offer testimony in this  
19 case, would you tend to believe that testimony more so just  
20 because that witness is a police officer?

21 PROSPECTIVE JUROR NO. 063: You know, it would  
22 depend on the topic. If you are asking me medical questions  
23 and you had a doctor on the stand, I would hope you'd listen  
24 to the doctor before you'd listen to me. So I think it  
25 depends on the topic that you're asking. I think police

1 officers have certain knowledge, they have certain history  
2 that they've experienced far more than I have. If we're  
3 asking about raising our children and I have three children  
4 and he has three children, okay, you're going to take merit to  
5 both of us, but I think it depends on the topic.

6 MR. MANINGO: So you'll globally look at the  
7 credibility of each witness --

8 PROSPECTIVE JUROR NO. 063: Absolutely.

9 MR. MANINGO: -- and be able to evaluate that?

10 PROSPECTIVE JUROR NO. 063: Absolutely.

11 MR. MANINGO: Who else is sensitive? If you could  
12 pass. And when I say sensitive, I mean to the public scrutiny  
13 of law enforcement.

14 PROSPECTIVE JUROR NO. 049: Badge No. 49, James  
15 Keegan. Sir, I grew up in the south, and from a little child  
16 my mom and dad instilled in me to have respect for law  
17 enforcement people and authority as such. And being in the  
18 military, as I was in the Marine Corps, this is kind of  
19 instilled into you from boot camp all the way as you progress  
20 in your career. After listening how things have gone from 40,  
21 50 years and up to now, our present society, the media, to me,  
22 is -- I don't want to really -- it's kind of hard to say.  
23 They're evil to me. They tend to look out and try to slander,  
24 you know, people. They -- I don't know. I just don't feel  
25 good about the media when they go after police officers.



1           Now, granted, just like in the military, they say  
2 there's a 10 percent that are maybe just non-conformance, they  
3 don't do the things they ought to. Now, in the police force  
4 and that, there's always good apples and there's bad apples.  
5 Fortunately, from my experiences in life, I've dealt with  
6 mostly good apples. That does not mean, you know, that there  
7 are bad people out there that are police officers, there  
8 probably are, but I just think it's an over-biased opinion in  
9 the media to look to find fault in people that are in law  
10 enforcement, military, and such. I just wanted to add that,  
11 please.

12           MR. MANINGO: If during this case issue with the  
13 investigation might be brought up by the defense, would you  
14 take offense to that?

15           PROSPECTIVE JUROR NO. 049: Sir, I'd listen to it as  
16 impartially as I could. But, you know, and I think the Judge  
17 actually mentioned about a question I should have spoken up to  
18 about if I would tend to agree with or, you know, maybe give  
19 more credence to what a police officer said, in that aspect I  
20 think I might.

21           MR. MANINGO: And that's a pretty strong belief you  
22 have, isn't it?

23           PROSPECTIVE JUROR NO. 049: Yes, sir.

24           MR. MANINGO: I think you said that it was something  
25 that was instilled --

1 PROSPECTIVE JUROR NO. 049: Instilled, yes, sir.

2 MR. MANINGO: -- instilled from the south from your  
3 parents as you -- as you were raised.

4 PROSPECTIVE JUROR NO. 049: In Charleston, South  
5 Carolina, sir. Yes.

6 MR. MANINGO: Very good. So even if the Judge were  
7 to say, but, sir, you could still be fair and impartial and  
8 you can listen to the law, and if he said those things, you  
9 couldn't just put your -- your years of upbringing aside and  
10 -- and forget about that, could you?

11 PROSPECTIVE JUROR NO. 049: I'll be honest with you,  
12 it would be kind of difficult. Yes, sir. Of course, I would  
13 try to be as impartial as I could, listen to what is being  
14 said, the evidence that is, you know, being provided or  
15 whatever statements are being stated. But, yeah, I would  
16 probably -- I've just been taught. It's kind of hard for me  
17 to change my upbringing unless they, you know, come out and  
18 hit me in the head and say, hey, okay, this is -- this is what  
19 it is.

20 MR. MANINGO: Yeah, and no one is expecting any of  
21 you to change your upbringings for the purposes of this trial,  
22 and so thank you very -- thank you very much for your honesty.

23 PROSPECTIVE JUROR NO. 049: Yes, sir.

24 MR. MANINGO: Anyone else agree with what Mr. -- is  
25 it Keegan? I'm sorry.

1 PROSPECTIVE JUROR NO. 049: Keegan.

2 MR. MANINGO: With what Mr. Keegan said, just  
3 brought up in a way that -- or just has these life experiences  
4 that would make them more likely to favor officer testimony?

5 Mr. Young -- and, I'm sorry, did anybody else have  
6 anything to offer about being critical of police in the media?  
7 Mr. Gaeta?

8 PROSPECTIVE JUROR NO. 019: I did just briefly.

9 MR. MANINGO: Thank you.

10 PROSPECTIVE JUROR NO. 049: No. 19, Vincent Gaeta.  
11 It's unfortunate that the media has been politicized. Like  
12 somebody over here defined the different networks, and it kind  
13 of weighs in on two topics that you wanted to raise your poll  
14 rising. Not only does it mess with how people feel about  
15 police officers, but it is about race. And kind of to be  
16 fair, for me it's difficult to judge a whole group whether it  
17 be all police officers or all people of a certain race by the  
18 actions of a few. And it seems that that's the world we live  
19 in now. They want to focus on some of the -- there's also the  
20 jumping to conclusions before all the facts are in that's  
21 troubling to me.

22 So not to be defensive of police officers, but I do  
23 have a problem when they zero in on a select few and try to  
24 cast a shadow on all of them and make -- basically put targets  
25 on good people's backs when they're going out and doing the

1 work in the community. That's the toughest work to do. Talk  
2 about being perfect as a police officer, they're operating in  
3 probably the most imperfect part of our world, dealing with,  
4 you know, crime and all the things they do.

5 MR. MANINGO: Do you think they feel a lot of  
6 pressure to resolve the crimes and to do a good job?

7 PROSPECTIVE JUROR NO. 019: You know, again, go back  
8 to what I said, there's in every aspect there is a few --  
9 there is -- there is probably a certain few that don't do a  
10 good job in every -- whether they're a police officer or  
11 sports or business. 10 percent of the people probably it's  
12 questionable the job they do, and the other 90 are probably  
13 just fine.

14 MR. MANINGO: If we could start working the  
15 microphone towards the front. It's Ms. Bernard? Yes, you  
16 were -- you were involved with security and risk management;  
17 is that right?

18 PROSPECTIVE JUROR NO. 074: Well, just lost  
19 prevention.

20 MR. MANINGO: Loss prevention. Thank you. As a  
21 loss -- doing your loss prevention and your security, did you  
22 feel pressure to catch the people that were stealing things  
23 from your store?

24 PROSPECTIVE JUROR NO. 074: Not really because,  
25 actually, I was like in areas where I could see people coming

1 in and whatever if I seen someone take something, walk into  
2 the store, take something, then I go down onto the floor and  
3 then follow them and watch them, but pressure, I don't --

4 MR. MANINGO: But if they -- these people, if you  
5 saw them, but yet they were to leave the store before you were  
6 able to get down there and catch them, would that fall on you?

7 PROSPECTIVE JUROR NO. 074: Well, one thing is that  
8 was my job, and I was kind of required to try my best to do  
9 the -- do the job, so, yeah, somewhat.

10 MR. MANINGO: And so would you -- would you -- would  
11 your supervisors or your bosses come to you and say, Ms.  
12 Bernard --

13 PROSPECTIVE JUROR NO. 074: Yes.

14 MR. MANINGO: -- you didn't catch this guy or that  
15 guy?

16 PROSPECTIVE JUROR NO. 074: Yes.

17 MR. MANINGO: Anyone else feel job pressure from  
18 bosses? Anyone -- I'll just raise my hand. Silly question.  
19 I'm sorry.

20 If you could pass the microphone back one to Ms.  
21 Lockhart. Could you -- I think, and I hope I don't have the  
22 wrong person because we've been at this for awhile and my  
23 notes are a little scattered, but I think you told us about an  
24 incident in your -- in your history where you had to testify  
25 about vandalism?

1 PROSPECTIVE JUROR NO. 062: Yeah.

2 MR. MANINGO: I have that right person?

3 PROSPECTIVE JUROR NO. 062: Yes.

4 MR. MANINGO: Thank you.

5 PROSPECTIVE JUROR NO. 062: Yes.

6 MR. MANINGO: I have a note about something about  
7 exaggerated the matter. Can you --- can you tell me more  
8 about that?

9 PROSPECTIVE JUROR NO. 062: Okay. The -- the people  
10 that were accused did do partially what was said. But then  
11 the other side, the people I lived with and rented a room  
12 from, the mother exaggerated the damage because the house was  
13 in a fixer up condition, and she wanted a lot of other things  
14 fixed.

15 MR. MANINGO: Okay.

16 PROSPECTIVE JUROR NO. 062: So she had said, accused  
17 them that they did certain things in that house that they  
18 didn't do, it was already like that.

19 MR. MANINGO: And that would --

20 PROSPECTIVE JUROR NO. 062: So both sides did wrong  
21 things basically.

22 MR. MANINGO: Okay. And so then that was  
23 frustrating to you?

24 PROSPECTIVE JUROR NO. 062: Yeah.

25 MR. MANINGO: Okay. And it was -- it was the

1 victims of the vandalism that were doing the exaggerating?

2 PROSPECTIVE JUROR NO. 062: Yes.

3 MR. MANINGO: Okay. Mr. --

4 THE COURT: Mr. Maningo, before you go.

5 MR. MANINGO: Oh, I'm sorry.

6 THE COURT: I just need -- just you.

7 MR. MANINGO: Yes.

8 (Off-record bench conference)

9 THE COURT: Okay. Ladies and gentlemen, I'm going  
10 to give you all a recess at this time. During this recess you  
11 are admonished not to talk or converse amongst yourselves or  
12 with anyone else on any subject connected with this trial,  
13 read, watch, or listen to any report of or commentary on the  
14 trial or any person connected with this trial by any medium of  
15 information, including, without limitation, newspapers,  
16 television, the Internet, or radio, or form or express any  
17 opinion on any subject connected with this trial until the  
18 case is finally submitted to you.

19 It is now close to a quarter till. Be ready to get  
20 started back at 11:00. We'll be at ease while the jury leaves  
21 the room.

22 (Court recessed at 10:42 a.m., until 11:12 a.m.)

23 (Outside the presence of the prospective jury panel)

24 THE COURT: Okay. We're on the record in State of  
25 Nevada versus Tony Hobson and Brandon Starr in C-303022. I'd

1 like the record to reflect the presence of the defendants,  
2 their counsel, as well as the State and their counsel. Are we  
3 ready to bring the jury back in?

4 MS. LOBO: Yes, Your Honor.

5 MR. PORTZ: Yes, Your Honor.

6 MR. MANINGO: Yes, Your Honor. Thank you.

7 THE COURT: Jim, you want to get them back in.

8 (Inside the presence of the prospective jury panel)

9 THE COURT: Jim. Jim, somebody is -- Jim.

10 PROSPECTIVE JUROR NO. 137: Hello, I'm Ricardo,  
11 Badge No. 137. This is causing too much stress. I feel my  
12 blood pressure going up, anxiety, I'm also claustrophobic.  
13 I'm sweating profusely and I got to get out of here. I sure  
14 don't want to be here. I'm telling you, I'm being -- I'm very  
15 claustrophobic. Right now I'm sweating just because I'm in  
16 the corner. It's really -- turn up the air or something.

17 THE COURT: Okay. Jim, why don't you move Mr.  
18 Gutierrez up, put him up in the chair over here where he's got  
19 a little more room, okay. All right. Let's see if that will  
20 help at this point. Okay. All right.

21 I'd like the record to reflect we're back on the  
22 record in C-303022, and all the members of the prospective  
23 jury panel is here. Will the parties stipulate to that fact?

24 MR. PORTZ: Yes, Your Honor.

25 MS. LOBO: Yes, Your Honor.



1 THE MARSHAL: I have another question.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 161: My name is Tiffinee  
4 Smith, Badge No. 161. Your Honor, I would just like to ask if  
5 I could be dismissed from the case because my grandmother  
6 passed last night and my family will have to travel to  
7 Louisiana next week.

8 THE COURT: Okay. Does anyone have any questions?

9 MS. MERCER: No, Your Honor.

10 MR. TANASI: No, Your Honor.

11 MS. LOBO: No, Your Honor.

12 THE COURT: Okay. Ms. Smith, I will allow you to  
13 --I'm sorry to hear that about your mother or your  
14 grandmother. So go back over the jury commission room and let  
15 them know that you've been excused, okay.

16 PROSPECTIVE JUROR NO. 161: Thank you.

17 THE COURT: And tell them what happened, and then  
18 what we'll is we'll probably have to renote you for another  
19 -- on another date.

20 PROSPECTIVE JUROR NO. 161: Okay.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR NO. 161: Thank you.

23 THE COURT: Okay. So before we took a break, Mr.  
24 Maningo was questioning the prospective jury panel, the first  
25 36.

1 Mr. Maningo.

2 MR. MANINGO: Thank you, Your Honor.

3 Thank you. Welcome back everyone. When we broke we  
4 were talking about law enforcement. Does anyone in the first  
5 set have any other comments they'd like to share with their --  
6 with respect to their feelings on law enforcement and police?

7 Who shares the opinion that race is a significant  
8 issue in our society? Can I have the -- to the back row,  
9 please, Jim.

10 Mr. Bass, tell me what you feel about race as an  
11 issue today.

12 PROSPECTIVE JUROR NO. 010: Not in a positive way or  
13 negative way. I was just answering affirmatively that I think  
14 it's a big part of society.

15 MR. MANINGO: Of course. Can you expand on that  
16 like what your -- your thoughts are on race issues?

17 PROSPECTIVE JUROR NO. 010: I don't hold any  
18 opinions on one or the other. I mean, it's just -- it's a  
19 neutral issue for me.

20 MR. MANINGO: Okay. Just recognizing that it is an  
21 issue?

22 PROSPECTIVE JUROR NO. 010: Uh-huh.

23 MR. MANINGO: But you would recognize -- would you  
24 agree that there are biases which, I would say would be any  
25 tendencies to favor certain races or whatever it may be, any

1 prejudices that would be tendencies to disfavor?

2 PROSPECTIVE JUROR NO. 010: Yes, that's very  
3 prevalent in society.

4 MR. MANINGO: And racial prejudices and biases  
5 exist?

6 PROSPECTIVE JUROR NO. 010: Yes. Uh-huh.

7 MR. MANINGO: Who doesn't agree with that or who has  
8 something else to comment with that? Yeah, please, can you  
9 pass it down.

10 PROSPECTIVE JUROR NO. 056: William Burns, No. 56.

11 MR. MANINGO: Thank you, Mr. Burns.

12 PROSPECTIVE JUROR NO. 056: It might be exactly what  
13 you're saying. I think sometimes you open your eyes and you  
14 realize it more. You have to recognize it to combat it. I  
15 mean, everybody has to see some way to be made to look at  
16 anybody. And you've got to look at yourself and say, okay,  
17 there's a chance or somebody else might have a bias. And I  
18 guess if you don't recognize it, everybody I guess might have  
19 some.

20 MR. MANINGO: Sure.

21 PROSPECTIVE JUROR NO. 056: And if you don't  
22 recognize it, you're never going to combat it.

23 MR. MANINGO: I think that's -- I think that's dead  
24 on.

25 Who else raised their hand when I had asked if there

1 were -- if you shared the opinion in that there were race  
2 issues?

3 Please, Ms. Addington.

4 PROSPECTIVE JUROR NO. 020: I'm Badge 20. I don't  
5 -- I don't think that anyone here could disagree that there  
6 aren't racial issues in our country. It's sad. It's a shame.  
7 It shouldn't be, but it is.

8 MR. MANINGO: Have you personally experienced any  
9 one being mistreated based on race that you can think of?

10 PROSPECTIVE JUROR NO. 020: Yes.

11 MR. MANINGO: Is that something you would be willing  
12 to share with us?

13 PROSPECTIVE JUROR NO. 020: Uh-huh.

14 MR. MANINGO: Go ahead.

15 PROSPECTIVE JUROR NO. 020: My mother and her -- my  
16 grandmother, her husband left her in the depression and my  
17 grandmother was left to raise two children and take care of  
18 her mother. And she met, who I consider to be my grandfather,  
19 and he was Chinese, a Chinese-American. And they lived in  
20 Illinois and it was probably at -- right after World War I,  
21 and in order for my grandparents to be married, they had to  
22 cross four state lines because it was illegal in the state of  
23 Illinois for white Caucasians to marry Asians. So it goes  
24 that far back with me. And then I just remember telling  
25 people when I was little that my grandfather was Chinese and

1 people telling me that that wasn't true and I shouldn't say  
2 that. And I just wasn't aware. But from a very small age  
3 I've seen just in the neighborhoods and where we lived people  
4 looking at us like we were different.

5 MR. MANINGO: Who else has -- Mr. Kozlowski.

6 PROSPECTIVE JUROR NO. 047: On a professional sense  
7 I deal with it daily where if I'm in one of my stores in one  
8 of my states and I can tell that the level of service or that  
9 there are preconceived notions among some of my staff and it's  
10 really redirecting them and getting them back to neutral.  
11 Something that I handle consistently. Whether it's someone  
12 comes in with a certain dress, attire, or a certain race, and  
13 then they make presumptions of income level or presumptions of  
14 -- of reason for being there. And it's redirecting them and  
15 getting them back to neutral and what is your real job. Your  
16 job is to sell.

17 MR. MANINGO: What do you normally do to do that, to  
18 redirect them and bring them back to neutral.

19 PROSPECTIVE JUROR NO. 047: You reinforce their job,  
20 which is to sell. You sell regardless of what someone looks  
21 like. You do -- you do your job. And then on a personal  
22 sense, I'm in an interracial marriage. My wife is Latin and  
23 we have a son together. And she's been asked multiple times  
24 while at the grocery store if she's nannying her son because  
25 my son is pretty -- pretty white looking.

1 MR. MANINGO: Yeah.

2 PROSPECTIVE JUROR NO. 047: So that one hits home.

3 MR. MANINGO: I believe Ms. -- thank you. Mr.  
4 Sneen. Excuse me. Mr. Keegan. I apologize.

5 PROSPECTIVE JUROR NO. 049: Badge No. 49, James  
6 Keegan. Growing up in Charleston, South Carolina, during the  
7 south -- during the '50s and '60s, I witnessed firsthand  
8 segregation and such to the extent where the stories that you  
9 may have heard about the busses and sitting in the back of the  
10 bus, you know, they would separate colored people, they would  
11 call them back in the day then, you know, from the -- the  
12 white people, which was kind of a disheartening thing for me  
13 in a sense because my mom and dad brought me up to believe  
14 that, you know, as God says, that we're all created equal.

15 I see -- nowadays it seems like the circle has kind  
16 of swung full circle where, you know, certain ethnicities, I  
17 guess we all have the same prejudice, think that our lives  
18 matter more than others, which is kind of disheartening to me  
19 in that sense. But the witnessing first hand, you know, some  
20 of the things that went on back in the day there when I was a  
21 younger person, you know, I have experienced and seen these  
22 things in actuality. I just wanted to bring that up.

23 MR. MANINGO: Thank you. Anyone else have any  
24 opinions to share on race?

25 Ms. Sneen, thank you.

1 PROSPECTIVE JUROR NO. 037: Badge 37. With my job  
2 I've worked with individuals that are intellectually disabled.  
3 I did have a staff. One time the individual called me that  
4 was with her mother and they are African-American, called and  
5 said the staff made them feel like they lived in the ghetto,  
6 that they should not even be having services. So I had to  
7 investigate it, work with the State, with the agency that I  
8 work with, and I did end up terminating that staff. They're  
9 there to do a job, not to discriminate on race, age, anything.  
10 So, but --

11 MR. MANINGO: Thank you.

12 Anyone else have anything to share? Please. Thank  
13 you. I'm sorry, this side has been quieter, so I'm not  
14 familiar with the names. Ms. Hedrick?

15 PROSPECTIVE JUROR NO. 175: I haven't talked yet.

16 MR. MANINGO: Thank you. Thank you.

17 PROSPECTIVE JUROR NO. 175: Heather Hedrick, Badge  
18 No. 175. Just kind of piggybacking on what the gentleman over  
19 there said. I have a nephew that is biracial and he's in  
20 middle school now. And I notice a lot of prejudice that he  
21 deals with at school, and I think a lot of people see -- it's  
22 sad, but I think they see color before they see a person. And  
23 I think a lot of people are treated unfairly because of that.

24 MR. MANINGO: And I know it's -- I know this is a  
25 sensitive topic, and I know it's difficult to speak in public.

1 I know it's difficult to share your feelings. But does anyone  
2 want to tell us about some racial biases or prejudices that  
3 they harbor inside themselves? You know, we've been  
4 practicing a long time collectively, Rich, Adrian, and I. And  
5 I know that we seldom get people to raise their hands to that  
6 question. We live in a politically correct society or we try  
7 to, but it's a difficult question.

8           And I won't press anyone individually, of course,  
9 but does anyone have anything they'd like to offer that just  
10 says maybe -- God, you know, maybe I had that uncle who, you  
11 know, didn't like black people, or maybe I had that -- that  
12 old grandfather that -- that used the "N" word. You know, I  
13 mean, I had that in my family, you know. I don't think it's  
14 actually bad, you know, it doesn't make me a bad person or  
15 anything. I don't think it necessarily makes me horrible  
16 because I have it in my family, but you raised your hand  
17 again, Ms. Hedrick.

18           PROSPECTIVE JUROR NO. 175: Just going back to my  
19 nephew, there was a period of about ten years I didn't speak  
20 to my father or my mother because they are prejudice, I guess,  
21 is the way you would say it, and I helped my sister raise my  
22 nephew from the time he was a baby. And I have a hard time  
23 with that issue just because turning your back on a family  
24 member because of a skin color issue, it's just --

25           MR. MANINGO: Anyone agree with Ms. Hedrick on that



1 or have anything to add to that?

2 Mr. Burns.

3 PROSPECTIVE JUROR NO. 056: William Burns, Badge 56.

4 I guess I'm like you, I mean, I didn't realize it until I went  
5 back home sometimes that -- how my family really was.

6 Sometimes you realize, when you're not like that, you can have  
7 family that are, and they do the jokes and when I was growing  
8 up I heard jokes and I didn't think about it. I go back 20  
9 years later and I have a different opinion on something. So,  
10 I mean, it just depends on how you're brought up that's going  
11 to make you who you are.

12 MR. MANINGO: You know, and I think we said it  
13 earlier that we're all products of our history and our -- and  
14 our upbringing. And I don't mean to put you on the spot, Mr.  
15 Burns. I really appreciate you offering that to us. Do you  
16 think that that in your past would bear any influence on you  
17 as you sit here today as a juror?

18 PROSPECTIVE JUROR NO. 056: No, I don't. I grew up  
19 with a father who was abusive and I decided I was going to be  
20 different. Throughout my years, I guess I didn't see it when  
21 I was in the military, but I saw everybody as they are. It  
22 wasn't really until I went home this last time that I really  
23 looked at my family going that joke -- I guess probably I  
24 heard the jokes when I was a kid. I don't know. I was  
25 looking at them going, really?

1 MR. MANINGO: Yeah. No, I know.

2 PROSPECTIVE JUROR NO. 056: I don't think it's going  
3 to judge me. I mean, I've been in Europe, I've traveled  
4 around the world, I've been around a lot of people. I've  
5 never looked at anybody besides they're a person. But, yeah,  
6 I did grow up around it. So, I mean, if that's a bad verdict,  
7 then, sorry.

8 MR. MANINGO: I can't thank you enough for sharing.

9 Does anyone else have -- have anything to add to  
10 that topic? It is a polarizing issue. Ms. Greenough  
11 mentioned the Trayvon Martin case. And then there are others,  
12 there are Eric Garner in New York. I don't know if you recall  
13 the "I can't breathe". There are Michael Brown and the  
14 Ferguson riots, those -- those situations. And then there's  
15 the movement Black Lives Matter. I trust you've all at least  
16 heard of that. When I say those names and that movement, is  
17 there an emotional response from anyone here? Thank you.

18 PROSPECTIVE JUROR NO. 049: James Keegan, No. 49. I  
19 feel that in all these instances the police officers were  
20 slandered to the point where the media tried them before  
21 actual facts came out. To me, that was a horrible thing.

22 MR. MANINGO: So your main scrutiny with that is --  
23 is the attack, just the attack on the police?

24 PROSPECTIVE JUROR NO. 049: That is correct, sir.

25 MR. MANINGO: Okay. Would that filter into this

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

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BRANDON STARR, )  
#1165964, )  
Appellant, )  
v. )  
STATE OF NEVADA, )  
Respondent. )  
\_\_\_\_\_ )

**CASE NO.: 71401** Electronically Filed  
**E-FILE** Jun 21 2017 09:23 a.m.  
D.C. Case: C-14-303022-2 Elizabeth A. Brown  
Dept.: XIX Clerk of Supreme Court

**APPELLANT'S APPENDIX VOLUME V**

Appeal from a Denial of Post Conviction Relief  
Eighth Judicial District Court, Clark County

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an assistant to Terrence M. Jackson, Esq., am a person competent to serve papers and not a party to the above-entitled action and on the 19th day of June, 2017, I served a copy of the foregoing: Appellant's Appendix and Index, Volumes I - XII, as follows:

[X] Via Electronic Service (*eFlex*) to the Nevada Supreme Court and to the Eighth Judicial District Court, and by U.S. mail with first class postage affixed to the Petitioner/Appellant as follows:

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By: /s/ Ila C. Wills  
Assistant to Terrence M. Jackson, Esq.

  
CLERK OF THE COURT

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

THE STATE OF NEVADA,	.	CASE NO. C-14-303022-1
	.	CASE NO. C-14-303022-2
Plaintiff,	.	
	.	DEPT. NO. XIX
vs.	.	
	.	<b>TRANSCRIPT OF</b>
TONY LEE HOBSON,	.	<b>PROCEEDINGS</b>
and BRANDON STARR,	.	
	.	
Defendants.	.	
. . . . .		

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 3**

FRIDAY, MAY 6, 2016

APPEARANCES:

FOR THE STATE:	ELIZABETH A. MERCER, ESQ. KENNETH PORTZ, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT HOBSON:	RICHARD E. TANASI, ESQ.
FOR DEFENDANT STARR:	LANCE A. MANINGO, ESQ. ADRIAN LOBO, ESQ.

COURT RECORDER:

CHRISTINE ERICKSON  
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC  
Englewood, CO 80110  
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript  
produced by transcription service.

1           LAS VEGAS, NEVADA, FRIDAY, MAY 6, 2016, 8:49 A.M.

2           (Outside the presence of the prospective jurors)

3           THE COURT: All right. We're on the record in the  
4 Case No. C-303022. The State of Nevada versus Tony Hobson and  
5 Brandon Star. I'd like the record to reflect the presence of  
6 the defendant and their counsel, as well as the State and Mr.  
7 Portz. This is the continuation of the jury trial. Do we  
8 need to put anything on the record at this time before we  
9 bring the jury in?

10           MR. TANASI: I don't think so, Your Honor.

11           MS. LOBO: No, Your Honor.

12           THE COURT: All right. Jim, go ahead and bring them  
13 back, then.

14           (Inside the presence of the prospective jury panel)

15           THE COURT: Mr. Kinnally, are all the jurors  
16 accounted for this morning?

17           THE MARSHAL: Yes, Your Honor.

18           THE COURT: Okay. Ladies and gentlemen, this is the  
19 continuation of the jury trial in C-303022, the State of  
20 Nevada versus Tony Hobson and Brandon Starr. For the record,  
21 I'd to reflect the presence of the State with their counsel,  
22 the defendant and their counsel, and all prospective juror  
23 members.

24           Last night before we took the break, I had excused  
25 three jurors seated in Seat No. 1, 9, and 15. At this time



1 I'm going to ask the clerk to call the next in order to fill  
2 those positions.

3 THE CLERK: In Seat No. 1 it's going to be Badge No.  
4 046, Vissia Noquez. In Seat No. 9 it's going to be Badge No.  
5 047, Nicholas Kozlowski. In Seat No. 15 it's going to be  
6 Badge No. 049, Regina Orlando.

7 THE COURT: Jim, do you want to give Ms. Noquez,  
8 Juror No. 46 the mic.

9 Ms. Noquez, is it Vissia Noquez?

10 PROSPECTIVE JUROR NO. 046: Right.

11 THE COURT: Ms. Noquez is Badge 046. Ma'am, how  
12 long have you lived in Las Vegas?

13 PROSPECTIVE JUROR NO. 046: 11 and a half years.

14 THE COURT: Where are you from originally?

15 PROSPECTIVE JUROR NO. 046: I stayed three years in  
16 California. I'm from the Philippines.

17 THE COURT: Okay. Are you employed, ma'am?

18 PROSPECTIVE JUROR NO. 046: Yes.

19 THE COURT: What do you do for work?

20 PROSPECTIVE JUROR NO. 046: I'm a nurse.

21 THE COURT: And how high did you get in your  
22 education?

23 PROSPECTIVE JUROR NO. 046: Bachelor's in nursing.

24 THE COURT: Okay. Are you married?

25 PROSPECTIVE JUROR NO. 046: Yes.

1 THE COURT: Does your spouse work?

2 PROSPECTIVE JUROR NO. 046: Retired now.

3 THE COURT: What is he retired from?

4 PROSPECTIVE JUROR NO. 046: Accounting clerk. He  
5 retired early for medical reasons.

6 THE COURT: Okay. Do you have any children?

7 PROSPECTIVE JUROR NO. 046: I have two, 32 and 35.

8 A nurse and a computer engineer. They are in the Philippines.

9 THE COURT: They're in the Philippines?

10 PROSPECTIVE JUROR NO. 046: Yeah.

11 THE COURT: Okay.

12 Jim, do you want to give Ms. Addington some water?

13 PROSPECTIVE JUROR NO. 020: I have some.

14 THE COURT: Are you okay, ma'am?

15 PROSPECTIVE JUROR NO. 020: I apologize.

16 THE COURT: No, no. You're okay. Just let me know,  
17 are you all right?

18 PROSPECTIVE JUROR NO. 020: It's just the end of a  
19 cold.

20 THE COURT: Okay. We've got some wind blowing, too.

21 Ms. Noquez, have you ever served on a jury before?

22 PROSPECTIVE JUROR NO. 046: No, sir.

23 THE COURT: Okay. All right. Thank you, ma'am.

24 Can you pass the mic up to Mr. Kozlowski. His badge number is

25 -- Nicholas Kozlowski is Badge No. 47. He's seated in Juror

1 Seat No. 9.

2 Sir, how long have you been in Las Vegas?

3 PROSPECTIVE JUROR NO. 047: It'll be five years next  
4 month.

5 THE COURT: Where are you from originally?

6 PROSPECTIVE JUROR NO. 047: Born in Pittsburgh, and  
7 then New York, and then Miami.

8 THE COURT: Okay. And you told us that you are  
9 employed. Can you give us an understanding of your employment  
10 again?

11 PROSPECTIVE JUROR NO. 047: Yeah, I'm a district  
12 manager for Puma, the sneaker company.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 047: I have 11 stores in six  
15 states and two countries, and then soon to be 12.

16 THE COURT: Okay. And how high did you get in your  
17 education, sir?

18 PROSPECTIVE JUROR NO. 047: Bachelor's in politic  
19 science from Syracuse University.

20 THE COURT: Okay. And are you married?

21 PROSPECTIVE JUROR NO. 047: Yes, I am.

22 THE COURT: And your wife, she does the same thing;  
23 right?

24 PROSPECTIVE JUROR NO. 047: No, no, no. She's in  
25 medical. She works for IHD. She works here out of Vegas, but

1 she does take trips to -- to Reno.

2 THE COURT: Okay. And how many children do you have  
3 again?

4 PROSPECTIVE JUROR NO. 047: I have three.

5 THE COURT: And how --

6 PROSPECTIVE JUROR NO. 047: One of my own that's  
7 two, and then two step-children, eight and nine, daughters.

8 THE COURT: Okay. Have you ever served as a juror  
9 before?

10 PROSPECTIVE JUROR NO. 047: No, sir.

11 THE COURT: Okay. Thank you, Mr. Kozlowski. Could  
12 you pass it up to Ms. Orlando. She's seated in Juror Seat No.  
13 15, and her badge number is 049. And her name is Regina  
14 Orlando.

15 PROSPECTIVE JUROR NO. 049: Yes, sir.

16 THE COURT: Ms. Orlando, how long have you lived in  
17 Las Vegas?

18 PROSPECTIVE JUROR NO. 049: 15 years.

19 THE COURT: And where are you from originally?

20 PROSPECTIVE JUROR NO. 049: New Jersey.

21 THE COURT: And are you employed, ma'am?

22 PROSPECTIVE JUROR NO. 049: Yes, I am.

23 THE COURT: What do you do for work?

24 PROSPECTIVE JUROR NO. 049: I work for United Health  
25 Care, business systems analyst.

1 THE COURT: Okay. And how high did you get in your  
2 education?

3 PROSPECTIVE JUROR NO. 049: Bachelor of Science,  
4 business administration.

5 THE COURT: And are you married?

6 PROSPECTIVE JUROR NO. 049: No.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 049: No.

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

10 PROSPECTIVE JUROR NO. 049: I was an alternate in  
11 another state, Pennsylvania.

12 THE COURT: Okay. So you never -- you did not go  
13 through the deliberation process, then?

14 PROSPECTIVE JUROR NO. 049: No, I did not.

15 THE COURT: All right. Of the three that just came  
16 in, Ms. Noquez, Mr. Kozlowski, and Ms. Orlando, have you ever  
17 -- have you or anyone close to you such as a family member or  
18 friend ever been accused of a -- or victim of a crime. I'm  
19 sorry. Ever been a victim of a crime? Okay. No one has  
20 indicated that they have.

21 You or anyone close to you such as a family member  
22 or friend ever been accused of a crime? Okay. None of them  
23 indicated that they are.

24 Would you have a tendency to give more weight and  
25 credence or less weight and credence to the testimony of a

1 police officer simply because he or she is a police officer?  
2 Okay. No one has raised their hand on that. And can you wait  
3 in forming your opinion as to the guilt or innocence of the  
4 defendants here until all the evidence is heard until after  
5 consideration of the instructions that I've given you on the  
6 law? Okay. They've all shaken their head yes.

7 Of the three of you do you know of any reason why  
8 you couldn't be completely fair and impartial juror if you're  
9 selected on this case? Okay. No one has indicated. And do  
10 you have any medical reasons you believe that would prevent  
11 you from being able to sit in this case? Okay.

12 Ms. Mercer, Mr. Portz, did you want to address the  
13 three?

14 MR. PORTZ: Thank you, Your Honor.

15 THE COURT: Okay.

16 MR. PORTZ: Good morning, again, everyone to our  
17 three new prospective jurors. Welcome to the show. We're so  
18 close. You almost made it. So I'm not trying to make light  
19 of it. I do want to underscore the importance and make sure  
20 our three new members would agree with me. Is there anyone  
21 who disagrees that the function and role of a juror is a very  
22 important one in today's society? Okay. I'm showing no  
23 response. So everyone would agree with that statement;  
24 correct? Okay. Thank you.

25 Now, does anyone of the three of you, and you can

1 just show by hand, have any experience or any military related  
2 experience? Okay. And that's going to be Ms. Orlando;  
3 correct?

4 PROSPECTIVE JUROR NO. 049: Regina Orlando, Badge  
5 No. 49.

6 MR. PORTZ: Thank you, ma'am. And what is your  
7 military experience?

8 PROSPECTIVE JUROR NO. 049: I was in the Air Force  
9 for four years.

10 MR. PORTZ: Okay. What did you do in the Air Force?

11 PROSPECTIVE JUROR NO. 049: I was an aircraft  
12 scheduler.

13 MR. PORTZ: And was that here in Vegas, or was that  
14 when you were elsewhere?

15 PROSPECTIVE JUROR NO. 049: Elsewhere. I served a  
16 tour overseas.

17 MR. PORTZ: Thank you, ma'am. And then has  
18 anyone --

19 Oh, I'm sorry. Yesterday we went over family  
20 members, as well. Is that irrelevant now, or is it just for  
21 myself?

22 MR. PORTZ: No, go ahead, Mr. Kozlowski.

23 PROSPECTIVE JUROR NO. 047: My father was in  
24 Vietnam, drafted to do service. He worked in hospital --  
25 hospital clerical work over in South Vietnam, and then my

1 grandfather was in the Navy in World War I throughout the  
2 entire duration.

3 MR. PORTZ: Okay. Thank you very much for sharing  
4 that. And of the three new perspective jurors, does anyone  
5 have any experience with security or surveillance video  
6 review?

7 PROSPECTIVE JUROR NO. 047: I do.

8 MR. PORTZ: Okay. Mr. Kozlowski, can you say your  
9 badge number again?

10 PROSPECTIVE JUROR NO. 047: Yeah, it's 47.

11 MR. PORTZ: Thank you.

12 PROSPECTIVE JUROR NO. 047: As a district manager I  
13 deal with potential internal or external theft or liability  
14 that happens from within that, whether it's associates  
15 stealing from each other, associates stealing from customers.  
16 You know, I've had instances where an associate stole a cell  
17 phone from a customer, believe or not. Things like that. So  
18 I've had to, you know, use video surveillance in order to use  
19 it as evidence and for -- you know, it's only part of the  
20 process, but, yeah, I have.

21 MR. PORTZ: And so that's one of your  
22 responsibilities with your role with Puma?

23 PROSPECTIVE JUROR NO. 047: Yeah, one of my roles  
24 and responsibilities is any internal investigation, whether  
25 it's theft or a human resources related issue, I have to be



1 the witness and sometimes the investigator.

2 MR. PORTZ: Okay. And I'm assuming this is for your  
3 retail stores? These are events that occur in retail stores?

4 PROSPECTIVE JUROR NO. 047: Absolutely. Yeah.

5 MR. PORTZ: Are they retail stores in Vegas or you  
6 mentioned you cover a lot of -- of --

7 PROSPECTIVE JUROR NO. 047: So I have two here in  
8 Vegas at both of the outlet malls, the north and the south,  
9 and then I have nine others out of state or out of country.

10 MR. PORTZ: How -- so is it fair to say, then, that  
11 you're familiar with your surveillance security system that  
12 Puma uses at other retail stores?

13 PROSPECTIVE JUROR NO. 047: In a basic form of being  
14 able to see it and knowing how to use it, but the inner  
15 workings of it, not necessarily.

16 MR. PORTZ: Okay. But you're able to go pull video,  
17 rewind, fast-forward?

18 PROSPECTIVE JUROR NO. 047: Absolutely.

19 MR. PORTZ: Okay. And you're familiar with your  
20 stores, you know what your stores look like and you can see  
21 when the surveillance video is capturing an image of, say,  
22 someone pocketing a Puma bag or something in their jacket?

23 PROSPECTIVE JUROR NO. 047: Absolutely. Absolutely.

24 MR. PORTZ: Okay. So when you see it and you know,  
25 okay, that's my store and you recognize your security system

1 is working properly?

2 PROSPECTIVE JUROR NO. 047: Absolutely.

3 MR. PORTZ: What sort of things do you tend to, I  
4 guess, look for in your surveillance videos?

5 PROSPECTIVE JUROR NO. 047: Surveillance is only to  
6 reinforce anything else that comes up. It's not anything more  
7 than that. It's just the second form of -- of evidence. It  
8 is not, you know, in no way do we manage or handle situations  
9 where you see something on video and that's the written way it  
10 is done. It's more for support for either what's been  
11 reported either directly or indirectly, or what has been  
12 accused.

13 MR. PORTZ: Okay. So that's an interesting point  
14 you bring up. So it's just one layer, as you mentioned, of  
15 the evidence that you look at; right? It's not the end all,  
16 be all of proof that this person did something wrong; right?

17 PROSPECTIVE JUROR NO. 047: Absolutely.

18 MR. PORTZ: Okay. So what other things do you look  
19 for? Do you look for, say, other individuals in the store who  
20 maybe saw this person engage in that illegal activity?

21 PROSPECTIVE JUROR NO. 047: Yeah, so it could be  
22 eyewitness accounts. Again, you need typically more than just  
23 one. There's two sides to every story and you need a series  
24 of sources there. But, you know, if -- if a series of  
25 evidence align in a way, then absolutely. But it depends on

1 what the situation is. It could be, you know, time fraud for  
2 instance.

3           So if someone comes in and claims that they've been  
4 coming, I then would check the security detail of when the  
5 alarm is deactivated, when they actually arrived, when the  
6 camera show they arrived, down to was it physically them or  
7 was it somebody else that was using their numbers. You know,  
8 it's not just what I see with my eyes. It's also what my  
9 recording shows me, you know, does the system say that that  
10 item is missing. If we then do and go look for it, is it  
11 actually missing, you know? So there's a series of orders  
12 that go into it.

13           MR. PORTZ: And you tend to use all that to  
14 corroborate and to point to some sort of conclusion?

15           PROSPECTIVE JUROR NO. 047: Absolutely.

16           MR. PORTZ: Okay. Well, that brings me to a topic I  
17 was going to bring up a little down the line, but I think I  
18 might as well do it now since we're on it. Of our three new  
19 prospective jurors, are you familiar with the term  
20 circumstantial evidence?

21           PROSPECTIVE JUROR NO. 047: Absolutely.

22           MR. PORTZ: Okay. So, Mr. Kozlowski, yes.

23           PROSPECTIVE JUROR NO. 049: Yes.

24           MR. PORTZ: Yes, ma'am. Okay. And it's sort of  
25 this idea of what we -- we use circumstances to infer

1 something that maybe necessarily we didn't see ourselves;  
2 correct?

3 PROSPECTIVE JUROR NO. 049: Uh-huh.

4 MR. PORTZ: Okay. So, for instance -- if you'd pass  
5 the microphone to Ms. Orlando. And this is an example that we  
6 tend to use a lot. You might even hear it again later on the  
7 courtroom. It doesn't really work today since it was raining,  
8 but yesterday when you came to the courthouse did you drive,  
9 take the bus, did someone drop you off?

10 PROSPECTIVE JUROR NO. 049: I drove.

11 MR. PORTZ: Okay. And when you walked up to begin  
12 your jury service, was it dry out and sunny?

13 PROSPECTIVE JUROR NO. 049: Yes.

14 MR. PORTZ: Okay. So say once you completed jury  
15 service and the judge let us take our break or take a lunch  
16 break or something like that. You've been in here for a few  
17 hours. You walk outside to Lewis to cross the street to go  
18 grab a bite and the streets are covered in water. What are  
19 you able to determine happened while you were inside doing  
20 jury duty?

21 PROSPECTIVE JUROR NO. 049: That there was a storm,  
22 it rained.

23 MR. PORTZ: That it rained. Okay. So you didn't  
24 see it rain, but you were able to use the fact that the ground  
25 outside is wet to determine that; is that correct?

1 PROSPECTIVE JUROR NO. 049: Correct.

2 MR. PORTZ: Okay. So maybe it's possible if we're  
3 just looking at Lewis, maybe a street cleaner came by and just  
4 watered the street. Is that a possibility?

5 PROSPECTIVE JUROR NO. 049: That is a possibility.

6 MR. PORTZ: Okay. So there's a chance maybe that  
7 there is something else that happened; right? Okay. What if  
8 you walked around the corner and you saw that the rest of the  
9 city as far as you could see was soaking wet. Would you be  
10 more likely or less likely to believe that it had rained?

11 PROSPECTIVE JUROR NO. 049: More likely that it  
12 rained.

13 MR. PORTZ: Okay. What other things could you do?  
14 For instance, do you think maybe looking at the weather report  
15 to confirm whether or not it had rained, would that help you  
16 determine if it rained?

17 PROSPECTIVE JUROR NO. 049: Yes, it would.

18 MR. PORTZ: Okay. So, again, even though you  
19 couldn't see the rain itself because you were inside doing  
20 jury duty, it's no longer raining when you walk out, you're  
21 able to determine based on the circumstances that there was  
22 rain; right?

23 PROSPECTIVE JUROR NO. 049: Correct.

24 MR. PORTZ: Okay. Could you pass it back to Ms.  
25 Noquez.

1           And, ma'am, I'm going to give you a similar example.  
2 One of our jurors who was excused the other day mentioned that  
3 her home had been burglarized and that a week or two later  
4 police called her to have her come down and look at some items  
5 and see if they belong to her. Do you recall that?

6           PROSPECTIVE JUROR NO. 046: [Indiscernible].

7           MR. PORTZ: Okay. Well, let's talk about this as an  
8 example. Let's use this as another example of circumstantial  
9 evidence, okay. Say your home had been burglarized while you  
10 were away on vacation, okay. So you didn't see who broke into  
11 your house; right? Let's say two weeks later the police call  
12 you and they found your property in someone's possession,  
13 okay. It's been two weeks. Is there a reason for you to  
14 think that the person who is possessing the items that were  
15 stolen from your house during that burglary was the person who  
16 broke into your house?

17           PROSPECTIVE JUROR NO. 046: No.

18           MR. PORTZ: No? But they're in possession of those  
19 items.

20           PROSPECTIVE JUROR NO. 046: Probably somebody gave  
21 it to him.

22           MR. PORTZ: Okay. So it's possible that that's the  
23 person that broke into your house, but it's also possible that  
24 someone gave it to them over the course of two weeks; right?

25           PROSPECTIVE JUROR NO. 046: Yeah.

1 MS. LOBO: Judge, may we approach?

2 THE COURT: Yes.

3 (Off-record bench conference)

4 THE COURT: Go ahead, Mr. Portz.

5 MR. PORTZ: Thank you, Your Honor.

6 So we were discussing maybe a couple of weeks later  
7 there's a chance someone handed the property to them and  
8 that's not the person that actually broke into your house;  
9 right?

10 PROSPECTIVE JUROR NO. 046: Yes.

11 MR. PORTZ: Okay. What if -- what if, say, they  
12 located the property only ten minutes after your home was  
13 burglarized at a location that's only ten minutes away from  
14 your house. Would you be more likely to believe --

15 PROSPECTIVE JUROR NO. 046: More likely is the one  
16 who took our property.

17 MR. PORTZ: Okay. Because here's a shorter period  
18 of time and it matches up with what happened; right?

19 PROSPECTIVE JUROR NO. 046: Yes.

20 MR. PORTZ: Okay. What if they found that property  
21 with someone inside a vehicle that, say, a witness who was  
22 standing outside your house during the burglary saw that  
23 vehicle driving away from your house. Would that make it more  
24 likely or less likely that these were the individuals?

25 PROSPECTIVE JUROR NO. 046: More likely is the one

1 who took it.

2 MR. PORTZ: So I guess what I'm getting at is this.  
3 You didn't see the burglary, but you can still take evidence  
4 and build on evidence and look for corroborating pieces and  
5 come to a conclusion as to what actually happened, is that  
6 fair to say?

7 PROSPECTIVE JUROR NO. 046: Yes.

8 MR. PORTZ: So if you were selected to be a juror on  
9 this panel, will you keep an open mind and weigh all the  
10 evidence and wait until the evidence is closed, both sides  
11 rest, before you make a determination as to what your verdict  
12 would be in this case?

13 PROSPECTIVE JUROR NO. 046: Yes.

14 MR. PORTZ: Thank you. Could you pass it back to  
15 Mr. Kozlowski.

16 And I had it passed to you, but I'm just going to  
17 ask a general question again.

18 PROSPECTIVE JUROR NO. 047: Okay.

19 MR. PORTZ: Anyone of our three new prospective  
20 jurors have any experience with fast food industry or with  
21 convenience stores? Okay. And we're going to go with Ms.  
22 Orlando. And could you state your badge number again, please.

23 PROSPECTIVE JUROR NO. 049: Badge No. 49.

24 MR. PORTZ: All right. What's your experience with  
25 -- is it fast food or convenience stores?



1 PROSPECTIVE JUROR NO. 049: Fast food.

2 MR. PORTZ: Okay. And what's that?

3 PROSPECTIVE JUROR NO. 049: I worked at a Burger  
4 King during college.

5 MR. PORTZ: How did you like that experience?

6 PROSPECTIVE JUROR NO. 049: It was interesting.

7 MR. PORTZ: Interesting. Did anything -- I guess  
8 you get to see how kind of the sausage is made, so to speak,  
9 in the back. Is that -- do you still eat fast food?

10 PROSPECTIVE JUROR NO. 049: No, I do not.

11 MR. PORTZ: No, you don't. Is that a result of your  
12 working there or is that --

13 PROSPECTIVE JUROR NO. 049: No, it's not result of  
14 that.

15 MR. PORTZ: That's good to know because I might have  
16 Burger King later. Anything about, you know, you heard me  
17 recite some of the factual allegations in this case. Is there  
18 anything about the fact that fast food restaurants were the  
19 site of a number of burglaries, robberies, that would affect  
20 your ability to sit fair and impartial in judgment this week?

21 PROSPECTIVE JUROR NO. 049: No.

22 MR. PORTZ: Did you have any sort of traumatic  
23 experiences or anything dangerous happen while you were at  
24 Burger King?

25 PROSPECTIVE JUROR NO. 049: No, I did not.

1 MR. PORTZ: Okay. Does anyone here have any --  
2 well, does anyone here own a firearm of our three new jurors?  
3 Okay. Ma'am, Ms. Orlando.

4 PROSPECTIVE JUROR NO. 049: Badge No. 49.

5 MR. PORTZ: Thank you.

6 PROSPECTIVE JUROR NO. 049: I have my CCW.

7 MR. PORTZ: Okay. What are your thoughts on  
8 firearms?

9 PROSPECTIVE JUROR NO. 049: In what respect?

10 MR. PORTZ: I guess just in, you know, you own -- is  
11 it one firearm or multiple firearms?

12 PROSPECTIVE JUROR NO. 049: Multiple.

13 MR. PORTZ: Multiple. Okay. And I guess to get a  
14 CCW you have to go through some sort of training, is that fair  
15 to say?

16 PROSPECTIVE JUROR NO. 049: That is correct.

17 MR. PORTZ: Okay. What's the point of that  
18 training?

19 PROSPECTIVE JUROR NO. 049: For safety, proper use.

20 MR. PORTZ: Do you have any general opinions on  
21 firearms themselves, or do any of our jurors have a strong  
22 opinion one way or another on firearms that might affect their  
23 ability to sit fairly or impartially in this case? I'm  
24 showing a negative response from the three jurors.

25 Have any of our three prospective jurors had any

1 interactions with law enforcement, either positive or  
2 negative? Negative response.

3 Even -- let's go to what Ms. Mercer mentioned  
4 yesterday, even, say, being pulled over and written up for a  
5 ticket. A negative response. We have responsible drivers.  
6 Oh, nope, not Ms. Orlando. Sorry.

7 PROSPECTIVE JUROR NO. 049: Badge No. 49. I think I  
8 was pulled over once for speeding in college, but did not  
9 receive a ticket.

10 MR. PORTZ: Okay. Anything about that interaction  
11 that makes you feel one way or another towards law  
12 enforcement?

13 PROSPECTIVE JUROR NO. 049: No. No.

14 MR. PORTZ: Okay. Ms. Mercer also mentioned  
15 yesterday this idea of whether or not you as jurors, if you  
16 are chosen to sit on this panel, would require a victim to ID  
17 their attacker in order to convict. Do you recall that  
18 question being asked yesterday? So let me give an example.  
19 Ms. Plank had discussed the other day being involved in a  
20 burglary that occurred at a convenience store that she ran.  
21 And she said that she was pepper sprayed in the face and she  
22 couldn't identify the person who broke into the store.

23 Ms. Orlando, can you think of other reasons why  
24 someone might not be able to identify an attacker or someone  
25 who came in and robbed them?

1 PROSPECTIVE JUROR NO. 049: Badge No. 49. If they  
2 had something over their face, maybe they couldn't recognize  
3 them or something was obstructing their view.

4 MR. PORTZ: Okay. So if they had their head looking  
5 down at the floor the whole time, they're trying not to look  
6 at the individual, or if the individual who was attacking them  
7 has covered their face, it might be hard to be able to point  
8 that person out, is that fair to say?

9 PROSPECTIVE JUROR NO. 049: Yes.

10 MR. PORTZ: Okay. So you -- none of our jurors here  
11 would require identification by a victim as necessary to  
12 establish who perpetrated the crime; is that fair to say?  
13 Okay. I'm showing -- I'm sorry, Gaeta, I can only address  
14 the --

15 PROSPECTIVE JUROR NO. 019: That's all right.

16 MR. PORTZ: Otherwise we would be here --

17 PROSPECTIVE JUROR NO. 019: I thought you opened it  
18 up to everybody.

19 MR. PORTZ: Otherwise we would be here until next  
20 week and I know you guys are --

21 THE COURT: I promise you we would not. Go ahead.

22 MR. PORTZ: Okay. So, again, this kind of ties into  
23 our circumstantial evidence or other pieces of evidence that  
24 might tie someone to a crime. What kind of things might you  
25 think if, say, a victim couldn't ID could help assist in

1 identifying the person who committed the crime?

2 PROSPECTIVE JUROR NO. 047: Is it open to the floor?

3 MR. PORTZ: Yes, Mr. Kozlowski, would you like to  
4 speak?

5 PROSPECTIVE JUROR NO. 047: It could be someone that  
6 witnessed someone going into the building, someone that  
7 witnessed their whereabouts at that time. It could be, you  
8 know, they talked about DNA evidence if that was a  
9 possibility, if there was fingerprints if they weren't -- if  
10 their fingers were exposed. You know, I don't watch a lot of  
11 TV, but if hair follicles, everyone seems to lose hair  
12 everywhere, you know, all of the sudden on these television  
13 shows, so if that exists. Any of those things. There's a lot  
14 more than just the individual's account with their own eyes.  
15 They say, and I don't know if it's true, but eyewitness is a  
16 pretty poor form of evidence, and I've seen that in my own --  
17 my own work where someone claims they've seen something, and  
18 then you go and check the film and it doesn't necessarily  
19 support that fact.

20 MR. PORTZ: Right. Okay. So, again, you're going  
21 to look for evidence that either supports or does not support  
22 an assertion that's being made. Is that fair to say?

23 PROSPECTIVE JUROR NO. 047: Absolutely.

24 MR. PORTZ: Okay. Ms. Mercer also brought up  
25 yesterday with the rest of the panel this idea that there is

1 an individual who was involved in some of these robberies who  
2 is going to testify for the State. I want to ask straight  
3 out, is there any of the three prospective jurors who simply  
4 by virtue of the fact that this individual was associated with  
5 some of these events would flat out disregard everything this  
6 person has to say? I'm showing a negative response.

7 So, Mr. -- is it Gaeta or Gaeta?

8 PROSPECTIVE JUROR NO. 019: Gaeta.

9 MR. PORTZ: Yesterday Mr. Gaeta brought up a couple  
10 of factors that he would like to consider. One, he mentioned  
11 he'd like to know what kind of deal that person might be  
12 getting to determine and assess their credibility. Is that  
13 something that each of you would want to consider, as well?

14 PROSPECTIVE JUROR NO. 047: Inside the courtroom  
15 that person takes an oath under perjury. So if they are  
16 saying something here, then that is what is official in the  
17 courtroom.

18 MR. PORTZ: Okay. And that -- again, that was Mr.  
19 Kozlowski. And one of your -- your jobs as jurors is to  
20 assess the credibility of every witness who walks up here.

21 PROSPECTIVE JUROR NO. 047: Absolutely.

22 MR. PORTZ: Now, everyone does take an oath, but  
23 it's your role to be the fact finders to weigh the evidence.  
24 One of the other things that Mr. Gaeta recommended -- or not  
25 recommended, but said that he would like to know is the type

1 of sentence that this person might be facing, whether or not  
2 they're getting a sweetheart deal or if they're facing  
3 something more significant might affect his opinion on whether  
4 or not this person is testifying credibly or not. Is there  
5 anyone who disagrees or agrees with that assessment?

6 PROSPECTIVE JUROR NO. 047: I don't think needing to  
7 know their -- their deal is essential, but, again, it's one  
8 piece of evidence amongst many. It's not just the end all, be  
9 all.

10 MR. PORTZ: When we're talking about this issue of  
11 witness credibility, what are some other things you might look  
12 -- look towards? Like, for instance, one of our jurors who  
13 was dismissed the other day had to discuss a very troubling  
14 time where she had to testify against a friend that she cared  
15 about and it cost her friend because she testified. She  
16 didn't want to testify, but it -- it basically -- it cost her  
17 that friendship. Would the jurors here consider circumstances  
18 of the relationships of the parties, as well?

19 Ms. -- I'm sorry, Ms. Orlando, you're shaking your  
20 head. Do you have a -

21 PROSPECTIVE JUROR NO. 049: Badge No. 49. I think  
22 any personal relationship is irrelevant in the facts and the  
23 law.

24 MR. PORTZ: Okay. So I guess what I'm getting at,  
25 will the three of you, if you're selected as jurors, again,

1 and this goes with every witness, not just one particular  
2 witness, look to what they're saying and look at all the other  
3 evidence that's presented to you, see if it's corroborated or  
4 if the evidence belies whatever that person testifies to and  
5 take that into consideration when you judge their credibility  
6 as witnesses and ultimately make your decision based on all of  
7 the evidence?

8 PROSPECTIVE JUROR NO. 047: Absolutely.

9 MR. PORTZ: So, Mr. Kozlowski, you brought something  
10 up that I want to talk about, too. The -- all those TV shows  
11 with the hair follicles and the --

12 PROSPECTIVE JUROR NO. 047: Yeah, there's always --  
13 there's always sperm involved. It's weird.

14 MR. PORTZ: Yeah. I don't think we'll get to that  
15 in this case, but --

16 PROSPECTIVE JUROR NO. 047: If it was CSI we would.

17 MR. PORTZ: That's right. So there's this very  
18 popular television series, CSI. It sounds like you at least  
19 are familiar with it. You watch it?

20 PROSPECTIVE JUROR NO. 047: I know it exists, but I  
21 don't watch it.

22 MR. PORTZ: Okay. There's a lot of those crime  
23 drama shows. You know, briefly, I mean, our three prospective  
24 juror, you understand that these shows, there's a dramatic  
25 element, there's something theatrical about it. It's not



1 necessarily real life. Is that fair to say?

2 PROSPECTIVE JUROR NO. 047: Very fair.

3 MR. PORTZ: Okay. I mean, Ms. Mercer and I don't  
4 sit in our office with live satellite feed chasing suspects  
5 and the office doesn't provide us with big yellow hummers to  
6 drive around town and catch bad guys or anything like that.  
7 So everyone understands that? Okay.

8 Anyone who of our three prospective jurors would sit  
9 here, and we heard a lot of discussion about this yesterday,  
10 so you can jump on it or just agree, but would say that, you  
11 know, if there weren't this one piece of evidence, if they  
12 didn't look for and find a hair follicle to test at a crime  
13 scene, I'm going to acquit because they could have done that  
14 and they missed it. I'm going to disregard all the other  
15 evidence and just acquit because they didn't do this one  
16 certain thing I think they should have done or I saw on TV?

17 PROSPECTIVE JUROR NO. 047: Absolutely not.

18 MR. PORTZ: I'm showing a negative response. One  
19 second, please.

20 Okay. I just have one question for each of our  
21 jurors, so if we can start with Ms. Orlando. I'm going to ask  
22 each of you the same question. If you're selected as a juror  
23 on this panel, do you promise to do the best job you can to  
24 follow the law and be fair to both sides, the State and the  
25 defense in this case?

1 PROSPECTIVE JUROR NO. 049: Yes, I do.

2 MR. PORTZ: Thank you, ma'am. Would you pass it to  
3 Ms. Kozlowski.

4 Mr. Kozlowski, same question.

5 PROSPECTIVE JUROR NO. 047: Absolutely.

6 MR. PORTZ: Thank you, sir.

7 Mr. Noquez?

8 PROSPECTIVE JUROR NO. 046: Yes, I do.

9 MR. PORTZ: Thank you very much, ma'am.

10 Thank you all for your time and your service.

11 THE COURT: Okay. Mr. Tanasi, Mr. Maningo, and Ms.  
12 Lobo.

13 MR. TANASI: Thank you, Your Honor.

14 THE COURT: Okay.

15 MR. TANASI: Good morning, folks.

16 PROSPECTIVE JURY PANEL: Good morning.

17 MR. TANASI: It's Friday. More questions from  
18 another lawyer. Did I read anybody's mind here? You know,  
19 I'll level with you guys. I am an attorney, as you all know.  
20 I have family members who they don't like attorneys. They've  
21 made no bones about it. They don't like attorneys. And  
22 that's okay. I think they still love me, you know, despite  
23 the issue of me being an attorney. So my question to -- to  
24 the first 36 is this. Is there anybody in this group who just  
25 plain does not like attorneys by a show of hands? Okay.

1 Negative response.

2 Next question I have, a little bit more specific for  
3 the group, is there anybody here who just plain doesn't like  
4 criminal defense attorneys? It's a negative response from the  
5 group. Thank you.

6 THE COURT: Hold on. Hold on. You have one  
7 response.

8 MR. TANASI: Oh, I'm sorry. I missed it. Two?

9 THE COURT: Two responses.

10 MR. TANASI: All right.

11 THE COURT: All right. Anyone in the back row?  
12 Anyone in the second row? The third row? The fourth row?  
13 Okay. Did you raise your hand, sir? Okay. Here comes the  
14 mic.

15 PROSPECTIVE JUROR NO. 070: Monte Lai, Badge No. 70.

16 MR. TANASI: Thank you, sir. I'll take no offense.  
17 Tell me -- tell me how you feel about defense attorneys.

18 PROSPECTIVE JUROR NO. 070: I just feel like  
19 criminal lawyer, they -- well, I mean, they defend for a  
20 criminal. I mean, they have their right, but personally, I  
21 just don't guide the way. I mean, your job you do.

22 MR. TANASI: Understood. So you don't like the job  
23 that I do. I appreciate your honesty. I do. I don't meant  
24 to keep [inaudible] about it, either, but can you still be  
25 fair and impartial as a juror in this case for my client, Tony

1 Hobson?

2 PROSPECTIVE JUROR NO. 070: In this case, I can try,  
3 but I'm not sure because as I recall, you know, I've been  
4 robbed before. I -- I don't know how to describe how it will  
5 go. I will say -- or how the process will go. But if they  
6 come out like [indiscernible] or something, I probably will go  
7 more for the victim or the State or something against the  
8 [indiscernible]. Maybe, I'm not sure. That's why I will try,  
9 but I'm not sure.

10 MR. TANASI: Sure. And, again, specifically about  
11 not liking criminal defense lawyers, is there anything about  
12 that that would keep you from being fair and impartial to this  
13 trial?

14 PROSPECTIVE JUROR NO. 070: That part, probably not.  
15 I don't think so. I mean, that's your job, so I don't think  
16 so.

17 MR. TANASI: Okay. And I apologize. I missed who  
18 else raised their hand. If anyone else raised their hand and  
19 said that they actually would have -- that they don't like  
20 criminal defense lawyers. Who out there raised their hand?  
21 Someone in the front row or -- okay.

22 All right. In all seriousness, ladies and  
23 gentlemen, this case is a -- it's a serious case, okay, you've  
24 heard that. You've heard some pretty scary allegations, okay.  
25 You've heard some things that made me scared when I first get

1 the case, right? You hear about robberies. You hear about  
2 people getting pointed around and ordered around at gunpoint.  
3 That's scary stuff, okay. And for me emotionally, that's  
4 scary, too. The thought of myself being involved in that, the  
5 thought of my wife, my kids being involved in that. It's  
6 scary.

7           Then my emotion kind of turns to anger when I think  
8 about it. You know, visualizing my four year old going  
9 through something like this. Awful. Absolutely awful. And  
10 so my question for the group is this. Who here is emotional  
11 about this case just based on what they've heard. They're  
12 just flat out emotional about it by a show of hands.

13           Ma'am, in the back row. Could we pass the mic. Ms.  
14 Miller? Thank you.

15           PROSPECTIVE JUROR NO. 007: I'm -- I am emotional  
16 about it and it stems because of my grandsons that were  
17 involved with this, which just was beyond my comprehension.  
18 And, I mean, that was 18 months ago. And now I have another  
19 grandson that was not, you know, with a gun or anything, but  
20 still stealing. It's freaking me out. It's just not right.  
21 I don't understand. It's just -- I can't -- I have a real  
22 difficult time with people terrorizing, threatening, you know,  
23 and the emotional effect it must have on those people. I  
24 mean, I've never had come even close to somebody really  
25 pointing a gun at me, but I just -- it scares the [inaudible]

1 out of me.

2 MR. TANASI: Well, thank you for sharing that and  
3 it's got to be tough to do in front of the whole group. My  
4 question, if you don't mind, is can you set that kind of  
5 emotion aside in this case and sit here for what could be  
6 three weeks and be fair and impartial to Mr. Hobson and Mr.  
7 Starr?

8 PROSPECTIVE JUROR NO. 007: I would give it a try.

9 MR. TANASI: Okay.

10 PROSPECTIVE JUROR NO. 007: That's all I can say.

11 MR. TANASI: Understood. Thank you, ma'am.

12 PROSPECTIVE JUROR NO. 007: Was there anyone else  
13 who raised their hand about being emotional about this case?  
14 Okay.

15 THE COURT: Jim, do you want to --

16 MR. TANASI: Okay. That's Ms. Greenough.

17 PROSPECTIVE JUROR NO. 012: Greenough, 12.

18 THE COURT: -- hand it to Ms. Greenough.

19 PROSPECTIVE JUROR NO. 012: I can talk loudly.

20 THE COURT: Okay. We can talk. Can you hear her  
21 okay, Christine?

22 MR. TANASI: Sure. Judge, can you hear?

23 PROSPECTIVE JUROR NO. 012: I would say, just as I  
24 expressed yesterday, when things happen in your past,  
25 sometimes those emotions don't go away. And probably because

1 I had an attempted break in recently and I live alone, as much  
2 as I want to be fair and give everybody a shot, when I heard  
3 the opening remarks all of the charges, mentally I'm going  
4 there has to be something there. And that's not a thought  
5 that I would want somebody on a jury if I were in their chair  
6 to have. I think I would do my best to be impartial, but as I  
7 said yesterday, too, I think victims, especially if any were  
8 held at gunpoint, or in my case it was a knife, things of that  
9 nature and then just feeling violated from being robbed, that  
10 would probably wear --

11 MR. TANASI: Sure.

12 PROSPECTIVE JUROR NO. 012: -- on my emotions.

13 MR. TANASI: I understand. And I don't mean to keep  
14 picking on you.

15 PROSPECTIVE JUROR NO. 012: That's okay.

16 MR. TANASI: But --

17 PROSPECTIVE JUROR NO. 012: No, some of these -- you  
18 know some things got more vivid after the questioning  
19 yesterday, quite honestly.

20 MR. TANASI: Understood. Understood. But I think  
21 as you said, and I just want to make sure I understand it  
22 clearly, you don't think you would want you on this jury if --

23 PROSPECTIVE JUROR NO. 012: I wouldn't want 12 of  
24 me, I don't think.

25 MR. TANASI: Okay.

1 PROSPECTIVE JUROR NO. 012: That was a thought I had  
2 last night --

3 MR. TANASI: Understood.

4 PROSPECTIVE JUROR NO. 012: -- in doing my own soul  
5 searching, if you will.

6 MR. TANASI: Okay. Thank you for sharing.

7 Anyone else who raised their hand about just being  
8 too emotional essentially to be fair in this case? All right.  
9 Thank you.

10 So Mr. Portz touched on it a little bit already.  
11 There will be science in this case, okay. There'll be DNA  
12 evidence in this case. There will be footprint evidence in  
13 this case, okay. And some folks, they might say, well, if  
14 there's DNA evidence and there's footwear evidence, then why  
15 are we here; right? That would be the first camp. Let's  
16 imagine a second camp of folks. The second camp of folks  
17 might say, you know what, if there's DNA evidence and there's  
18 footwear evidence, that's science. I want to see what the  
19 science says, I want to see how they --

20 MR. PORTZ: Your Honor --

21 MR. TANASI: -- reach their conclusion.

22 MR. PORTZ: I apologize to interrupt, Mr. Tanasi.  
23 Can we approach?

24 THE COURT: Sure.

25 MR. PORTZ: Thank you.



1 (Off-record bench conference)

2 THE COURT: Mr. Tanasi, go ahead.

3 MR. TANASI: Thank you, Judge.

4 Okay. So if I can try to reimagine the two groups  
5 for us. The first group is science. The first group is DNA  
6 and footwear evidence. Why are we here? That's the question.  
7 That's kind of group and camp number one.

8 Group and camp number two would be asking, wait a  
9 minute, what does the science show, how did the scientists  
10 reach their conclusions, do I agree with the scientist's  
11 conclusions, and is there more than just science in this case?  
12 That would be the second group. And so my question for the  
13 first 36 is this. Who in the first 36 is in that first group,  
14 that group of people that are sitting in here saying if  
15 there's science, why are we here? Okay. Thank you. It's a  
16 negative response from everyone.

17 This question has been kind of posed already to some  
18 level, but I want to build on it just a little bit more. To  
19 the group of 36, who here has been falsely accused of  
20 something? It doesn't have to be a crime, just falsely  
21 accused of something? By a show of hands, anybody, at work,  
22 at school, at home, anybody?

23 THE COURT: We have a number of them.

24 MR. TANASI: We have a number of responses.

25 THE COURT: Anybody in the back row? Okay. In that

1 second row? Can you -- can you pass it there. There you go,  
2 sir. It's coming.

3 MR. TANASI: Thank you.

4 PROSPECTIVE JUROR NO. 021: 21.

5 MR. TANASI: Mr. Boggs.

6 PROSPECTIVE JUROR NO. 021: Yeah, in high school/

7 MR. TANASI: Sure.

8 PROSPECTIVE JUROR NO. 021: My PE teacher gives me a  
9 supplement.

10 MR. TANASI: You don't need to go into the  
11 allegations of what it is, but, you know, what did you do in  
12 response to that?

13 PROSPECTIVE JUROR NO. 021: Well, tried to explain  
14 myself to the powers that be to no avail because it was me  
15 against the teacher.

16 MR. TANASI: So you say to no avail. It sounds  
17 like --

18 PROSPECTIVE JUROR NO. 021: Yeah.

19 MR. TANASI: -- you weren't able to clear your name?

20 PROSPECTIVE JUROR NO. 021: Right.

21 MR. TANASI: How did that make you feel?

22 PROSPECTIVE JUROR NO. 021: Well, not good.

23 MR. TANASI: Sure. Okay. Is there anything else  
24 you'd like to share over that?

25 PROSPECTIVE JUROR NO. 021: No, I can't think of

1 anything.

2 MR. TANASI: Thank you, sir. Can you pass it down.  
3 Thank you.

4 PROSPECTIVE JUROR NO. 047: This might lighten up  
5 the room, I don't know. My wife like on a monthly basis  
6 accuses me of adultery. It's because I travel for a living  
7 and if there's any woman's number in either of my phones, work  
8 or personal --

9 MR. TANASI: Sure.

10 PROSPECTIVE JUROR NO. 047: -- it's automatically a  
11 mistress.

12 MR. TANASI: Right. Okay. How does that make you  
13 feel?

14 PROSPECTIVE JUROR NO. 047: Kind of like the room  
15 just was at this point, but originally it's quite frustrating.

16 MR. TANASI: Sure. And okay, we'll leave that  
17 alone. Is there anyone else?

18 PROSPECTIVE JUROR NO. 047: That's it.

19 MR. TANASI: Anyone else?

20 PROSPECTIVE JUROR NO. 056: William Burns, No. 56.

21 MR. TANASI: Thank you.

22 PROSPECTIVE JUROR NO. 056: Anytime you work on -- I  
23 worked on aircraft all the time in the military. If something  
24 was wrong, there's always people who are like did you do your  
25 job? Okay, yeah. I mean, I guess everybody we're always

1 judged by somebody at one time or falsely accused at --

2 MR. TANASI: Sure.

3 PROSPECTIVE JUROR NO. 056: -- anything in life.

4 So, I mean, it's not big, nothing big, but, yeah, everybody in  
5 their lifetime has probably been accused of something, be it a  
6 teacher or whatever.

7 MR. TANASI: And just if you could pick only one of  
8 those examples, what did you do about it when you were  
9 accused?

10 PROSPECTIVE JUROR NO. 056: I just, you know,  
11 explained that I did do it or prove that I did do it or  
12 whatever I had to do at the time. I mean, it could be  
13 anything from them just saying you falsified a document to  
14 saying, no, I did this step or my friend over here -- one case  
15 run the rounds through a drum system. They said it couldn't  
16 have worked the way it did. I'm like, you're right, it  
17 probably shouldn't have, it was backwards, but I did run the  
18 rounds. I did my ops check. And a friend of mine said, yeah,  
19 he did the ops check, and closed case, I mean --

20 MR. TANASI: Sure. Thank you, sir.

21 Anyone else falsely accused? I saw some hands over  
22 here if we could -- yeah, thank you.

23 PROSPECTIVE JUROR NO. 011: Virginia Plank, No. 11.  
24 I was accused by a -- I was a supervisor at work and I was  
25 accused by an underling of threatening her and throwing

1 something at her and I did neither.

2 MR. TANASI: Sure. So what did you do in response  
3 to that accusation?

4 PROSPECTIVE JUROR NO. 011: Well, she -- the  
5 accusation wasn't made to me. It was made to my supervisors  
6 who then called in a third party to meditate on this. And the  
7 third party looked at the video and said that the person was  
8 very obviously self-editing and it hadn't happened.

9 MR. TANASI: How did that whole process make you  
10 feel?

11 PROSPECTIVE JUROR NO. 011: Well, when it was going  
12 on I was in tears and crying just because of the fact that I  
13 was accused of not doing something -- of doing something that  
14 I hadn't done. Then after I was cleared I felt, you know -- I  
15 won't say vindicated, but like, okay, justice has been served.  
16 It was proven I didn't do what she said.

17 MR. TANASI: Sure. Well, thank you very much.

18 PROSPECTIVE JUROR NO. 012: Boy, stuff from ages  
19 ago.

20 MR. TANASI: I'm sorry.

21 PROSPECTIVE JUROR NO. 012: This is kind of  
22 connected with an earlier question about a good or bad  
23 experience with law enforcement. Probably 18 years old, just  
24 a couple years ago, and I was driving from New York to  
25 Connecticut and I had just gotten -- well, actually, I was

1 close to 20 because I had just gotten out of the Navy. And I  
2 was driving up to Connecticut in the back roads of Virginia.  
3 And I wear and wore hard contact lenses for distances, but I  
4 had taken them out and put my glasses on. I was in the back  
5 roads probably going a little too fast, but not too, too fast.  
6 It was an old car.

7 Got stopped and I took my glasses off because I  
8 didn't need them for close up vision to get out the license  
9 and so on. I had a not very nice cop and I had to follow -- I  
10 got an escort, front and back, follow him back to whatever  
11 town it was in the boondocks. I wasn't sure I was ever going  
12 to get out of the boondocks, but I was accused not only of the  
13 speeding, but of driving without corrective lenses. And I  
14 probably paid, I don't know 80 bucks, which was a lot of money  
15 back in the '60s just to get out of there. But the accusation  
16 was that I was also driving, they wanted to make the fine  
17 higher, that I was also driving without corrective lenses,  
18 which wasn't true.

19 MR. TANASI: Sure.

20 PROSPECTIVE JUROR NO. 012: And it doesn't feel  
21 good, but mostly it was a fear factor and just grateful to get  
22 out of there at the time.

23 MR. TANASI: So the accusation itself actually made  
24 you fearful?

25 PROSPECTIVE JUROR NO. 012: Oh, yeah. Yeah.

1 MR. TANASI: And I will just point out that I'm from  
2 Connecticut myself, and so I know the boondocks that you're  
3 speaking of.

4 PROSPECTIVE JUROR NO. 012: Well, this was before I  
5 got to Connecticut.

6 MR. TANASI: Oh, okay. Got you. All right.

7 PROSPECTIVE JUROR NO. 012: No, no, no. This was --  
8 I'm not going to say a state because I don't want offend  
9 anybody, but this was on my way to there. Love Connecticut.

10 MR. TANASI: Okay. Anyone else? I think the  
11 gentleman in the back row. Oh, he's out of the first 36, so  
12 one more.

13 PROSPECTIVE JUROR NO. 077: Over here.

14 MR. TANASI: Oh, I'm sorry, sir.

15 THE COURT: Okay. Mr. Powers. Jim, right in the  
16 front row. Thanks.

17 PROSPECTIVE JUROR NO. 077: Dan Powers, No. 77. A  
18 long time ago, most of my life I've been in the Army for '70  
19 to '97. Early on accused by a platoon sergeant of saying  
20 something, calling him a name, didn't do it. Took me into the  
21 old man anyway and gave me a choice, you either do this or it  
22 gets worse. And I said, okay, I'll do that. So I went out  
23 and polished like artillery shells in the front yard for two  
24 weeks.

25 MR. TANASI: Yikes.

1 PROSPECTIVE JUROR NO. 077: And then at the end of  
2 all that, when we finished the school and I was leaving, the  
3 guy came up to me and said, well, I know you didn't really do  
4 it, just thought you were getting too big for your britches.  
5 So I did not punch him, but yeah. So, you know, processes,  
6 while it's unfair, it happens. Suck it up and move on.

7 MR. TANASI: Understood. Thank you for you sharing.

8 Anyone else? It's been mentioned a few times, and,  
9 again, this question is for the first 36. This trial could go  
10 to -- to three weeks, okay. I -- it's my job, okay, to be  
11 here for two to three weeks. I have my own business, as well.  
12 And so running my own business and being here for three weeks  
13 is going to be tough, okay. I don't ask for pity, I'm just  
14 telling you I understand that for some folks that's going to  
15 be a hard thing to do, sit here for three weeks.

16 And we've touched on it, and I just want to make  
17 sure that we're clear, of all the folks that are in this first  
18 36, is there anybody here who is just thinking, you know what,  
19 this trial is too long, three weeks, I cannot sit here and be  
20 fair to anybody, let along Mr. Hobson and Mr. Starr. I can't  
21 be fair. It's too long for me to focus and be fair. So by a  
22 show of hands in the first 36, who is at that pint right now?  
23 Okay. Thank you. We've got three here. Thank you, sir.  
24 Where's mic? Oh, go ahead.

25 PROSPECTIVE JUROR NO. 084: No. 84, Jacqueline



1 Ayala. My stress levels are like up to here and I won't be  
2 able to concentrate on anything. I'll probably be like what  
3 did you say, or going back and forth. So it's -- I mean, I  
4 can try to concentrate really hard, but I just have like a  
5 million things that I have to do.

6 MR. TANASI: So given the million things that'll be  
7 on your mind, would you want yourself on a jury judging  
8 yourself?

9 PROSPECTIVE JUROR NO. 084: No, because I might miss  
10 something and I will be like make a wrong decision or  
11 something.

12 MR. TANASI: Okay. Thank you, ma'am.  
13 Sir?

14 PROSPECTIVE JUROR NO. 070: Thank you. Well, I --  
15 Monte Lai, Badge No. 70. Yeah, I -- I'm not sure because  
16 three weeks is really too long. I might have the feel like I  
17 should get it done, the process get it done, even if they were  
18 to, oh, okay, then we just try to rush a bit and get it done.  
19 So I don't know if I can really by the time the point of  
20 pressure get to me that I'm not sure if I can really like  
21 carefully go through the detail, the facts, everything. I'll  
22 probably just get, oh, let's get it over and go home.  
23 Probably feel that way.

24 MR. TANASI: Sure. Would you want yourself sitting  
25 on a jury judging you?

1 PROSPECTIVE JUROR NO. 070: Excuse me?

2 MR. TANASI: Sure. It was a bad question. Would  
3 you want to be on a jury that judges you?

4 PROSPECTIVE JUROR NO. 070: No.

5 MR. TANASI: Given all of the issues you just  
6 mentioned?

7 PROSPECTIVE JUROR NO. 070: No, probably not.

8 MR. TANASI: All right. Thank you, sir. If you can  
9 pack the microphone two rows, I think.

10 PROSPECTIVE JUROR NO. 057: Steve Goulder, Badge 57.  
11 I tell you this only as a matter of record --

12 MR. TANASI: Okay.

13 PROSPECTIVE JUROR NO. 057: -- that I work 10 to 12  
14 hours a day every day, Saturday included, and a half a dozen  
15 hours on Sunday. I have a crew of five or six people that  
16 rely on me, and they have -- they have 50 people behind them  
17 that rely on them to keep the process moving. So I'm not  
18 looking for pity, not looking for excused, but I will be  
19 working those 10 or 12 hours a day at night.

20 MR. TANASI: Okay. Is that something you would be  
21 able to kind of manage through the duration of the three-week  
22 trial and still be fair to Mr. Hobson and Mr. Starr?

23 PROSPECTIVE JUROR NO. 057: So that's tough because  
24 I'll be working on three hour of sleep a night or so.

25 MR. TANASI: Sure.

1 PROSPECTIVE JUROR NO. 057: Focus could be a  
2 problem.

3 MR. TANASI: Okay.

4 PROSPECTIVE JUROR NO. 057: I don't know.

5 MR. TANASI: Thank you for sharing.

6 PROSPECTIVE JUROR NO. 022: Hi. I'm Sam Menor,  
7 Badge 22. Sir, I make -- I work for tips so that 21 days is  
8 going to affect my -- my day. And I don't have nobody to pick  
9 up my kids at school. And [inaudible].

10 MR. TANASI: I understand. Given managing that,  
11 managing the financial side and managing the family side of  
12 things, do you think over the course of three weeks you could  
13 be fair and impartial to Mr. Hobson and Mr. Starr?

14 PROSPECTIVE JUROR NO. 022: I don't know if I could  
15 be partial. I'm not sure.

16 MR. TANASI: Thank you, sir.

17 Is there anyone else? I saw some hands over here.  
18 Thank you.

19 PROSPECTIVE JUROR NO. 154: Jerry Eldridge, 154.

20 MR. TANASI: Good morning, sir.

21 PROSPECTIVE JUROR NO. 154: I just think the focus  
22 for me would be, you know, paying attention three weeks. I'm  
23 kind of an outside working, impatient type of person. I'm  
24 always moving, so I don't know if I could sit in here for  
25 three weeks and focus.

1 MR. TANASI: Sure. So understanding that, if you  
2 were on trial, would you want you sitting on the jury if you  
3 were maybe impatient and unable to focus?

4 PROSPECTIVE JUROR NO. 154: Well, not really.

5 MR. TANASI: Okay. So do you think you'd be able to  
6 be fair and impartial to Mr. Hobson and Mr. Starr given those  
7 three weeks and that kind of limitations?

8 PROSPECTIVE JUROR NO. 154: Well, I think I could be  
9 fair and impartial, but what if I just miss something, you  
10 know, that was important by not paying attention or  
11 completely, you know, focused on paying attention. That's --  
12 that's kind of where I'm at with it.

13 MR. TANASI: sure.

14 PROSPECTIVE JUROR NO. 154: I can be fair and  
15 impartial. The focus thing is --

16 MR. TANASI: Tough.

17 PROSPECTIVE JUROR NO. 154: Yeah.

18 MR. TANASI: Understood. Thank you, sir. Pass it  
19 down. I saw a couple other hands.

20 Thank you. Good morning.

21 PROSPECTIVE JUROR NO. 004: Exazavion Baugus, Badge  
22 No. 4. So I was asked yesterday if my job would pay for me to  
23 stay here for the three weeks, and she said no, just for one  
24 day. So I think that me being here three weeks and I'm the  
25 only one paying for everything at the house, I think my eyes