

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEMAR DEMON MATTHEWS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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Case No. 77751

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**RESPONDENT'S APPENDIX
Volume 1**

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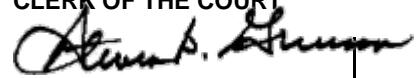
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. 06-C-228460-2
)	
Plaintiff,)	DEPT. NO. XII
)	
v.)	
)	
JEMAR D. MATTHEWS,)	
a/k/a JEMAR MATTHEWS,)	
a/k/a JEMAR DEMON MATTHEWS,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

MONDAY, SEPTEMBER 24, 2018

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 1

APPEARANCES:

FOR THE STATE:

JOHN L. GIORDANI, III, ESQ.
AGNES M. LEXIS, ESQ.
Chief Deputy District Attorneys

FOR THE DEFENDANT:

TODD M. LEVENTHAL, ESQ.
RICHARD E. TANASI, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, MONDAY, SEPTEMBER 24, 2018

2 (Case called at 11:06 A.M.)

3 (Outside the presence of the prospective jurors)

4 THE COURT: Okay. State of Nevada versus Jemar
5 Matthews, Case C-228460. Mr. Matthews is present with Mr.
6 Leventhal. Do you want to make your appearances.

7 MR. LEVENTHAL: Good morning, Your Honor. Todd
8 Leventhal and Richard Tanasi, right here, on behalf of Mr.
9 Matthews. He's present and he's in custody and he's wearing
10 regular clothes today.

11 THE COURT: Okay.

12 MR. GIORDANI: John Giordani and Agnes Lexis on
13 behalf of the State, Your Honor.

14 MS. LEXIS: Good morning.

15 THE COURT: Everyone ready to go?

16 MR. GIORDANI: Yes, ma'am.

17 MR. LEVENTHAL: We are, Judge. Just one
18 housekeeping matter.

19 THE COURT: Sure.

20 MR. LEVENTHAL: I have an expert witness that's
21 going to be out of town, and depending on where we are this
22 week, I told him, and I informed the State, that he may, if he
23 could, be taken out of turn and testify on Friday. That would
24 be the only thing, depending on where we're at. We may have
25 the case by Friday, we may not. I just wanted to let the

1 Court know that. In addition --

2 THE COURT: Your expert can only testify on Friday?

3 MR. LEVENTHAL: He's in another trial starting
4 Monday, and so he'll be out of the jurisdiction Monday to --
5 all of next week. He can testify any time this week,

6 THE COURT: Okay.

7 MR. LEVENTHAL: I just thought Friday would be --

8 THE COURT: But Friday is kind of like the last day?

9 MR. LEVENTHAL: Correct. Yeah, he can -- he can --
10 he's got the whole week to testify. I just thought Friday
11 would be a good day to take him out of order. But if the
12 Court wants him out of order any time this week, that's fine.

13 THE COURT: Okay. I just wanted to make sure that
14 it's not -- we're just one day that we're tied into. And I'm
15 assuming the State would have no objection to accommodating
16 that --

17 MR. GIORDANI: Yeah. No problem.

18 THE COURT: -- witness? What is that witness's
19 name?

20 MR. LEVENTHAL: Dr. Mark Chambers.

21 THE COURT: Okay. He's local.

22 MR. LEVENTHAL: He is. He is, but he has another
23 trial out of the jurisdiction next week.

24 THE COURT: Okay.

25 MR. LEVENTHAL: And he's been noticed up.

1 THE COURT: Okay.

2 MR. LEVENTHAL: And also I know that there was an
3 issue with me last week, and I wanted to apologize to the
4 Court. And, you know, the Court indicated that was very
5 uncharacteristic of me, and it was, and I apologize to the
6 Court that that occurred. That wasn't my intent, and I
7 apologize to the Court profusely for what happened.

8 THE COURT: No, it's a new day.

9 MR. LEVENTHAL: Okay.

10 THE COURT: So --

11 MR. LEVENTHAL: Great. Thank you.

12 THE COURT: That was a little -- that was a little
13 out there.

14 MR. LEVENTHAL: It was.

15 THE COURT: I do appreciate that, but I think there
16 were a lot of other things going on that day, too. So thank
17 you.

18 MR. LEVENTHAL: No, I -- I appreciate that.

19 THE COURT: Thank you.

20 MR. LEVENTHAL: Thank you.

21 THE COURT: Anything else before we bring them in?

22 MR. GIORDANI: No, Your Honor.

23 THE COURT: You guys will have to catch up later.

24 MR. GIORDANI: Yeah.

25 MS. LEXIS: Yes.

1 MR. LEVENTHAL: I was almost arrested.
2 MR. GIORDANI: Oh. Wow. All right.
3 THE COURT: Hawkes will poke his head in here. But
4 I had nothing to do with it. I mean, you put that on the
5 record. I had nothing to do with it.
6 MR. LEVENTHAL: Absolutely.
7 THE COURT: It wasn't by me.
8 MR. LEVENTHAL: No, it was not.
9 THE COURT: Okay. I just want to make sure that's
10 clear.
11 MR. LEVENTHAL: It was an independent decision by a
12 CO that they were going to arrest me.
13 (Inside the presence of the prospective jury)
14 THE COURT: You can all have a seat when you come
15 in.
16 Does the State stipulate to the presence of our jury
17 venire?
18 MR. GIORDANI: Yes, Your Honor.
19 THE COURT: The defense?
20 MR. LEVENTHAL: Yes, Your Honor.
21 THE COURT: Okay. Thank you very much.
22 Good morning, ladies and gentlemen, and welcome to
23 Department 12. You can all have a seat. Welcome to
24 Department 12 of the Eighth Judicial District Court. My name
25 is Michelle Leavitt. I'm a presiding judge in this

1 department.

2 You have been summonsed here today to serve as
3 jurors in a criminal case. Before I do allow the attorneys to
4 speak to you and give you a brief statement of the facts in
5 the case, I'm going to introduce some of the staff in
6 Department 12 and give you a brief description of what they
7 do.

8 You've already met Officer Hawkes. Officer Hawkes
9 is the court marshal in Department 12. He's in charge of the
10 security in Department 12. He is also the person that you
11 have the most contact with. Throughout this process of
12 selecting a jury, myself, the parties, the attorneys, the
13 staff in Department 12, with the exception of Officer Hawkes,
14 are not permitted to have any communication with you
15 whatsoever outside of the courtroom. So if there's anything
16 that you need to communicate to the court when we're not in
17 the courtroom, you do so through Officer Hawkes.

18 Kris is over here. Kris is the court recorder.
19 It's her job to take down everything that's being said during
20 these proceedings. She will prepare the official transcript
21 of these proceedings, which means that she will type verbatim
22 everything that is being said during these proceedings. So
23 when you are called upon to address the Court, I ask that you
24 please state your name and badge number before responding so
25 that we have a clear record of everyone that is speaking at

1 all times.

2 TJ is in the middle. He's the law clerk in
3 Department 12. Susan is the clerk of the court, and Susan is
4 in charge of all of the evidence that will be introduced at
5 the time of trial. She also keeps the official record and the
6 official minutes. To my left is Ben, and Ben is a law student
7 and he's interning in Department 12, so he'll be observing the
8 proceedings.

9 At this time both sides are going to have an
10 opportunity to introduce themselves. Both sides will give you
11 a brief statement of the facts, and then they will read --
12 they will read you their witness list. I ask that you pay
13 close attention to all the names of the persons that will be
14 called to testify in this matter because at some point I will
15 ask you if you are familiar with any of the witnesses who will
16 be called to testify.

17 The State of Nevada may address the panel.

18 MR. GIORDANI: Thank you, Your Honor.

19 Good morning, ladies and gentlemen. My name is John
20 Giordani. I'm a Chief Deputy District Attorney with the Clark
21 County DA's Office. This is my colleague, Agnes Lexis, she's
22 also a Chief Deputy DA with the Clark County District
23 Attorney's Office.

24 Mr. Jemar Matthews sits here before you charged with
25 the murder of Mercy Williams back in 2006. We've alleged in

1 an information that on that day Mr. Matthews approached Ms.
2 Williams and her friends with a group of his friends and
3 opened fire on them. Two people were injured during the
4 course of that shooting.

5 Thereafter, we've charged robbery with use of a
6 deadly weapon. When Mr. Matthews and his friends fled from
7 the area of the murder, they carjacked an elderly couple.
8 After that they engaged in a high-speed pursuit, and then
9 there was a shooting where an officer was involved.

10 I'm going to read a witness list for you. It's
11 fairly lengthy. Bear with me. We're not calling all of these
12 witnesses, to be clear. We're calling about 20 of them, but I
13 have to read all the witness names so you can tell the Court
14 if you know any of those people on the list.

15 The following are Metro officers, Z. Adam, Rocky
16 Alby, J. Ankeny, K. Atkinson, Chad Baker, Jeremiah Ballejos,
17 N. Banez, J. Barnett, Gino Basslott, S. Beck, M. Beitel, Betty
18 Bentley and Melvin Bolden are laypeople, Fred Boyd and D.
19 Briggs are with Metro, Nikole Brooks is a layperson, C. Brown
20 is with Metro, Sandra Bruins is a layperson.

21 D. Burgess, A. Burke, and Michael Calarco are with
22 Metro, Michael Burks and Marion Campbell are laypeople, Andre
23 Carter is an expert with Metro, A. Cavaricci, T. Conn, and
24 Elizabeth Crockett, Myniece Cook, a layperson, D. Culver,
25 Bradley Cup, G. Dale, M. Depierro, C. Donegan, J. Dukes, C.

1 Dunn, E. Ericson, R. Evans, B. Ewing, all with Metro, Todd
2 Fasulo and K. Fender, also with Metro.

3 Stephanie Fletcher, she's a crime scene analyst with
4 Metro, P. Fuller, R. Garrett, Kellie Gauthier, L. Gilbert, J.
5 Guyer, J. Hardwick, Kenneth Hardy, all with Metro, M. Howard,
6 D. Howard, R. Hubbard, P. Hughes, R. Hunt, all with Metro, I
7 have a James Krylo with Metro, T. Kyger, Ruth Leon, she's an
8 investigator with the DA's Office, Ric Moon is also an
9 investigator with the DA's Office.

10 A. Lewis, P. Lewis, M. Loeffler, Michael Martinez,
11 Danielle Mattison, all Metro, Randy McLaughlin is a crime
12 scene analyst with Metro, Randall McPhail is a former crime
13 scene analyst with Metro, K. Mead, J. Mitchell, Cliff Mogg,
14 Kyle Moore, P. Moutimer, S. Murray, and J. Nelson, all with
15 Metro, Amy Nemcik, crime scene analyst with Metro.

16 D. Newton, last name Nicols, Dean O'Kelley with
17 Metro, Dr. Alane Olson, she's the forensic pathologist with
18 the coroner's office. Geishe Orduno and Melvin Bolden, they
19 are laypeople, Corte Overson is with Metro, Nicolas Owens, J.
20 Peacock, Mike Perkins, all with Metro, D. Petrucci, W.
21 Pollock, R. Price, A. Punnicci, all with Metro.

22 Leanna Risso and David Ruffino, crime scene analysts
23 with Metro, Jesse Sams, a crime scene analyst with Metro,
24 Shelly Shrum, also a crime scene analyst. M. Seed, D. Shane,
25 and R. Shoemaker, all with Metro, Jeff Smink and William Speas

1 are both crime scene analysts with Metro, Michel-le Tolefree,
2 she's a layperson, Matt Trammell is also an investigator with
3 our office.

4 Crystina Vachon, she's a forensic scientist out of
5 Bexar County, Texas. Sharon Walker is a layperson, Brian
6 Walter is a Metro officer, Marc Washington is now a Metro
7 officer, was a crime scene analyst back in 2006, Martin
8 Wildemann was a homicide detective back in 2006, Cora Williams
9 is a layperson, Robert Wilson is with Metro. And that should
10 cover it. Thank you all for your time and attention over the
11 next few days. I appreciate it.

12 THE COURT: Thank you.

13 Mr. Leventhal.

14 MR. LEVENTHAL: Good morning, everybody. My name is
15 Todd Leventhal and I'm a defense attorney. And along with
16 Rich Tanasi, we represent Jemar Matthews. It's our contention
17 that, while tragic that it happened, somebody did die in 2006.
18 The question, though, before whoever sits on the jury is
19 whether or not Mr. Matthews is that person. And you're going
20 to hear a lot of speculation --

21 MR. GIORDANI: Objection at this point, Your Honor.
22 It's not an opening.

23 THE COURT: Yeah, It's --

24 MR. LEVENTHAL: It's not an opening.

25 THE COURT: -- it's not an opening.

1 MR. LEVENTHAL: Okay.

2 THE COURT: Just a brief statement.

3 MR. LEVENTHAL: You're going to hear a lot of fact,
4 and we hope that you are open to those facts and listen to
5 what exactly -- what happened during that time.

6 Our witness list includes Dr. Mark Chambers, he's an
7 eyewitness expert, Ronald Scott, he's an expert in gunshot
8 residue, Mildred Rogers, Patsy Thomas, Tasha Paige, Renay
9 Barret, Jemar Matthews may or may, Karla Delgado, Russel --
10 Perry Russel, Scott Bakken, he's an investigator. And that's
11 the list of our witnesses. Thank you very much for your
12 attention.

13 THE COURT: Thank you. At this time the clerk will
14 call the roll of the panel of prospective jurors. When your
15 name is called, if you'll please indicate present or here.

16 THE CLERK: Thank you, Your Honor.

17 (Prospective jury roll called)

18 THE COURT: Is there anyone whose name was not
19 called by the clerk? The record will reflect no response from
20 the panel. If you'll all please stand and raise your right
21 hand, the clerk is going to administer the oath.

22 (Prospective jury sworn)

23 THE COURT: Okay. Thank you very much. Ladies and
24 gentlemen, we're about to commence what is called voir dire
25 examination. The term voir dire means to tell the truth.

1 During this process you will be asked questions bearing upon
2 your ability to sit as fair and impartial jurors. To
3 accomplish this result, various questions will be asked of you
4 by myself or counsel for the parties.

5 On occasion, some of these questions will seem
6 somewhat personal. While we do not wish to unnecessarily pry
7 into your personal lives, the questions are necessary so that
8 counsel and the Court can make an intelligent determination as
9 to your capabilities to serve fairly and impartially.

10 I want you to know that myself and the attorneys and
11 all persons involved are concerned with having this matter
12 tried by jurors who are completely open-minded, neutral,
13 objective, and unbiased in their thinking. Wide discretion is
14 vested in the trial judge as to the method of examination of
15 jurors.

16 As I stated previously, I will personally conduct
17 the voir dire, but I will give the attorneys the opportunity
18 to participate in this questioning. It is important that you
19 know the significance of full, complete, and honest answers to
20 all the questions we're about to ask you.

21 I caution not to try to hide or withhold anything
22 which might indicate bias or prejudice of any sort by any of
23 you. Should you fail to answer truthfully or if you hide or
24 withhold anything touching upon your qualifications, that fact
25 may tend to contaminate your verdict and subject you to

1 further inquiry, even after you're discharged as jurors.

2 Your decision should be based upon all of the
3 evidence presented during this trial and not based upon any
4 preconceived prejudice or bias. I will conduct a general voir
5 dire examination of all of you while you're seated in the
6 audience. After those general questions, the clerk will call
7 32 names using the order provided to us by the jury
8 commissioner to fill the jury box.

9 At some point during this process of selecting a
10 jury, the attorneys for both sides will have the right to ask
11 that a particular person not serve as a juror. These requests
12 are called challenges. There are two types of challenges,
13 challenges for cause and peremptory challenges.

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

21 A peremptory challenge means that a juror can be
22 excused from duty without counsel having to give a reason for
23 the excusal. Please do not be offended should you be excused
24 by either of the challenge procedures. They are simply a part
25 of the procedure designed to protect the rights of the parties

1 under our system of government.

2 If you wish to respond to a question individually in
3 the affirmative, please raise your hand, state your name and
4 indicate the badge number that's been provided to you by the
5 jury commissioner before responding.

6 Is there anyone on our panel who has ever been
7 convicted of a felony? Okay. We're going to get the
8 microphone over there so we can make sure we hear everybody.
9 Good morning.

10 PROSPECTIVE JUROR NO. 271: Scott Simmons, Badge No.
11 271.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 271: What was the felony for?

14 THE COURT: I'm sorry. I said is there anyone on
15 the panel who has ever been convicted of a felony.

16 PROSPECTIVE JUROR NO. 271: Yes.

17 THE COURT: Okay. Go ahead.

18 PROSPECTIVE JUROR NO. 271: I've been convicted for
19 the attempt to grow marijuana in 2011 and possession of
20 marijuana.

21 THE COURT: Okay. Is that here in Clark County?

22 PROSPECTIVE JUROR NO. 271: No, in Maricopa County,
23 Arizona.

24 THE COURT: All right. Is it still a felony?

25 PROSPECTIVE JUROR NO. 271: No, they were both

1 undesignated and both dropped.

2 THE COURT: They were both undesignated felonies, so
3 they dropped to misdemeanors.

4 THE COURT: Okay. So you're not currently under a
5 felony conviction?

6 PROSPECTIVE JUROR NO. 271: Correct.

7 THE COURT: Okay. Thank you, sir.

8 I saw someone else that had their hand up. You have
9 a juror in the front. You have a juror right in the front.

10 THE MARSHAL: Remember, jurors, you've got to get
11 your hands up so we can see where you're at.

12 PROSPECTIVE JUROR NO. 334: Misty Lake, 334.

13 THE COURT: Good morning, Ms. Lake.

14 PROSPECTIVE JUROR NO. 334: Hi. Does a DUI count?

15 THE COURT: Well, it depends. Was it a felony or a
16 misdemeanor?

17 PROSPECTIVE JUROR NO. 334: I think it's -- he
18 dropped it to a misdemeanor --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 334: -- after I completed
21 everything.

22 THE COURT: All right. Was that here in Clark
23 County?

24 PROSPECTIVE JUROR NO. 334: Yeah, in Boulder City.
25 It's the same thing.

1 THE COURT: Right. And were there any injuries or
2 an accident?

3 PROSPECTIVE JUROR NO. 334: No, it was just my heart
4 pills that -- that I'm not supposed to be driving with, which
5 I wasn't aware of --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 334: -- until we went to
8 court. And I took the test and it showed up on there, so --

9 THE COURT: Okay. But do you know was it a
10 misdemeanor? Do you know what it was?

11 PROSPECTIVE JUROR NO. 334: All I know is I spent
12 five days in jail.

13 THE COURT: Oh, I'm sorry.

14 PROSPECTIVE JUROR NO. 334: Yeah.

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

16 PROSPECTIVE JUROR NO. 334: 2014.

17 THE COURT: I don't believe that's a -- you don't
18 believe you have a felony conviction?

19 PROSPECTIVE JUROR NO. 334: I don't -- I'm not too
20 sure, sweetie. This is my first time. I'm not --

21 THE COURT: Okay. Okay. Thank you, Ms. Lake.

22 PROSPECTIVE JUROR NO. 334: Thank you.

23 THE COURT: But there were no injuries and no car
24 accident?

25 PROSPECTIVE JUROR NO. 334: No, no. It was just I

1 had -- I had five miles over the speed limit.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 334: Yeah.

4 THE COURT: All right. Thank you very much.

5 PROSPECTIVE JUROR NO. 334: Thank you.

6 THE COURT: Thank you for being here.

7 I know there was someone that had their hand up over

8 here. Good morning.

9 PROSPECTIVE JUROR NO. 505: Good morning. Lachandra

10 Holt, Badge 505. Convicted of a felony back in 1999, forgery,

11 burglar, checks.

12 THE COURT: Is it still a felony?

13 PROSPECTIVE JUROR NO. 505: Yes.

14 THE COURT: Are you sure?

15 PROSPECTIVE JUROR NO. 505: It's on my record.

16 THE COURT: All right. But it remained a felony

17 when you were -- when you completed everything?

18 PROSPECTIVE JUROR NO. 505: Yes.

19 THE COURT: Okay. Do you mind, the court marshal is

20 just going to ask you to write down a few identifying

21 information so I can just check. It was here in Clark County?

22 PROSPECTIVE JUROR NO. 505: Yes.

23 THE COURT: All right. And then as soon as we're

24 done with that information, we'll shred it so -- and then I'll

25 let you know.

1 PROSPECTIVE JUROR NO. 505: Okay.

2 THE COURT: Okay. Thank you.

3 PROSPECTIVE JUROR NO. 505: You're welcome.

4 THE COURT: Anyone else that wishes to address the
5 Court? Okay. The record will reflect no further response
6 from the panel.

7 Is there anyone on the panel who is not a United
8 States citizen? The record will reflect no response from the
9 panel.

10 Is there anyone on the panel who is not a resident
11 of Clark County, Nevada? The record will reflect no response
12 from the panel.

13 Is there anyone on the panel who has such a
14 sympathy, prejudice, or bias relating to age, religion, race,
15 gender, or national origin that you feel would affect your
16 ability to be an open-minded, fair, and impartial juror?
17 Okay. All right. You know, before you respond, I'm just
18 going to ask that you come down to the bench. The court
19 marshal will escort you, and I'll just have the lawyers join
20 me at the bench.

21 (Bench conference)

22 THE COURT: Good morning. If you don't mind stating
23 your name and badge number.

24 PROSPECTIVE JUROR NO. 320: Stacy Embry, 320.

25 THE COURT: Okay. And all four lawyers are present.

1 Go ahead Ms. Embry.

2 PROSPECTIVE JUROR NO. 320: I'm from a white small
3 town and we don't have black people who live there, so I don't
4 think it would be fair for me to be on -- on this jury because
5 I feel like I may be racist.

6 THE COURT: Okay. Well, you're the only one who can
7 tell me whether you're going to be racist.

8 PROSPECTIVE JUROR NO. 320: Yes. And plus I was
9 attacked in 2011 by a Filipino and my face was cut open. I
10 testified against him. I got him -- or he got two to four
11 years in prison. ICE took him into custody when he was
12 released from Desert -- High Desert prison. He was Filipino.
13 He attacked me and ICE took him into custody and they deported
14 him.

15 THE COURT: Okay. All right. And you can just go
16 have a seat back --

17 PROSPECTIVE JUROR NO. 320: Okay.

18 THE COURT: -- over there until you're given further
19 direction.

20 PROSPECTIVE JUROR NO. 320: Thank you.

21 THE COURT: Okay. Thank you. At the break.

22 I'm sorry. I was going to call the other gentleman
23 up. Sorry. She's going to be excused. I'll just do it at
24 the break. I don't want people to know. They can go out the
25 back door.

1 Good morning. How are you?
2 PROSPECTIVE JUROR NO. 352: Okay. 352 is badge
3 number.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 352: Last name Donovan.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 352: I'm retired military.
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 352: There's -- the Court
10 might be interested that I've been diagnosed with PTSD as far
11 as judgment is concerned and other issues that are in there
12 that might want to be considered before I go any further.
13 Page 5 --
14 THE COURT: Page what?
15 PROSPECTIVE JUROR NO. 352: -- in the page number up
16 here.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NO. 352: Page 5.
19 THE COURT: Page 5.
20 PROSPECTIVE JUROR NO. 352: And halfway down, PTSD.
21 MR. LEVENTHAL: We'll stip.
22 MR. GIORDANI: Yes.
23 THE COURT: Okay. Okay. And then you feel like
24 that would interfere with your ability to --
25 PROSPECTIVE JUROR NO. 352: Absolutely.

1 THE COURT: -- be here and sit?
2 PROSPECTIVE JUROR NO. 352: Absolutely.
3 THE COURT: Okay. All right. I don't need to keep
4 this. I appreciate you bringing it to me. You can go back
5 and take your seat --
6 PROSPECTIVE JUROR NO. 352: All right.
7 THE COURT: -- until given further direction.
8 PROSPECTIVE JUROR NO. 352: Thank you.
9 THE COURT: Thank you.
10 Yeah, both of them. There's no objection to both of
11 them being excused; right? Okay. So probably at the break.
12 MR. GIORDANI: Was there one more?
13 THE COURT: Was there one more?
14 THE MARSHAL: No.
15 THE COURT: Okay. I didn't think so.
16 (End of bench conference)
17 THE COURT: Anyone else that wishes to respond to
18 that question? Okay. The record will reflect no further
19 response from the panel.
20 Are there any of you on the panel who are acquainted
21 with the defendant in this matter? Anyone that's familiar
22 with Mr. Matthews? The record will reflect no response from
23 the panel.
24 Are there any of you who are acquainted with his
25 attorneys? The record will reflect no response from the

1 panel.

2 Are there any of you who are acquainted with the
3 Deputy District Attorneys that have been assigned to prosecute
4 this matter? The record will reflect no response from the
5 panel.

6 The District Attorney's Office employs many deputies
7 and other personnel. Is there anyone who has such a close
8 relationship with either the District Attorney, Mr. Steve
9 Wolfson, his deputies, or other members of his staff that you
10 feel might affect your ability to serve as a fair and
11 impartial juror in this particular case? The record will
12 reflect no response from the panel.

13 Are there any of you on the panel who are acquainted
14 with any of the witnesses whose names were previously
15 mentioned by the attorneys? Okay.

16 PROSPECTIVE JUROR NO. 299: Barbara Galindo, No.
17 299. I know Rocky Alby through a previous employer of mine,
18 and Dean O'Kelley through a business that I was an
19 entrepreneur in the same business as him.

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

22 PROSPECTIVE JUROR NO. 299: No.

23 THE COURT: Okay. Thank you.

24 PROSPECTIVE JUROR NO. 299: You're welcome.

25 THE COURT: Anyone else who wishes to respond? We

1 have one back here.

2 PROSPECTIVE JUROR NO. 467: Sandra Ganski, 467. I
3 am dear friends with Roger Price, Lieutenant, he just retired
4 from Metro.

5 THE COURT: Okay. When you say dear friends, what
6 does that mean?

7 PROSPECTIVE JUROR NO. 467: It just means you said
8 do we know them. So I'm --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 467: -- close to him and his
11 wife.

12 THE COURT: All right. Well, you said dear friend.
13 What does that mean?

14 PROSPECTIVE JUROR NO. 467: Nothing, just close
15 friends. Went to their wedding. Just close friends.

16 THE COURT: Okay. Is there --

17 PROSPECTIVE JUROR NO. 467: Just my choice of word.

18 THE COURT: And that person, you understand, could
19 be called to be a witness.

20 PROSPECTIVE JUROR NO. 467: Correct.

21 THE COURT: Is there anything about that that would
22 affect your ability to be fair and impartial to the parties
23 here?

24 PROSPECTIVE JUROR NO. 467: No.

25 THE COURT: Okay. Thank you.

1 Anyone else? The record will reflect no further
2 response from the panel. We do expect this case to last about
3 a week and a half, and so I expect to be here through this
4 whole week through Friday, and then potentially through
5 Wednesday. And when I say a week and a half, sometimes I
6 think it's fair to tell you it could sometimes go longer than
7 that. Sometimes we finish earlier, but not that often, in all
8 fairness. So it is a possibility we would be here through
9 Friday, and then at least through probably Wednesday of next
10 week.

11 So before I allow you to respond, I just want to
12 tell you what the schedule of the Court is. On Monday,
13 Wednesday, and Fridays generally it would be 8:30 to 5:00, and
14 on Tuesdays and Thursdays it would generally be 10:30 to 5:00
15 p.m. Is there anyone -- and I do try to stop by 5:00 if that
16 helps you, because I know a lot of people have childcare
17 issues that they have to take care of after 5:00, as well.

18 So if I am going to go past 5:00, I will usually
19 tell the jury panel. If I have persons that can't stay past
20 5:00, I won't go past 5:00 no matter what. So is there anyone
21 that serving for that period of time would be such an undue
22 hardship or burden such that it would just make it impossible
23 for you to be here?

24 PROSPECTIVE JUROR NO. 244: Danielle Mashal, 244. I
25 have an outside sales job that's strictly commission based, so

1 every day of work for me is my entire salary and financial.

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

3 PROSPECTIVE JUROR NO. 244: I do online fundraisers
4 for schools, so I work specifically with school clubs and
5 school sports programs. So my schedule is strictly based off
6 of different schools that I work with in Clark County. So
7 changing one day of my schedule is also affecting the other
8 teams and schools that I work with.

9 THE COURT: Okay. So if you were asked to be here,
10 how would that affect you?

11 PROSPECTIVE JUROR NO. 244: Well, I already had to
12 move around three fundraisers today, and tomorrow I have full
13 fundraisers from 7:00 a.m. until 10:00 p.m. from --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 244: -- UNLV to --

16 THE COURT: How long have you had your jury summons?

17 PROSPECTIVE JUROR NO. 244: For about a week now.

18 THE COURT: You only had your jury summons for a
19 week?

20 PROSPECTIVE JUROR NO. 244: I got it in the mail.
21 My mom showed it to me.

22 THE COURT: Okay. Because you should have gotten it
23 at least a month ago.

24 PROSPECTIVE JUROR NO. 244: Yeah, but it's still
25 hard to move these things around because they've been planned

1 for a year, so it goes off of like school sports schedules and
2 when certain groups meet on campus.

3 THE COURT: Okay. So you're here today, so
4 obviously --

5 PROSPECTIVE JUROR NO. 244: Yeah.

6 THE COURT: -- someone took care of whatever you had
7 today.

8 PROSPECTIVE JUROR NO. 244: I'm the only Las Vegas
9 rep, so I cancelled it for today.

10 THE COURT: All right. So let me -- maybe I can be
11 more clear. If you're asked to be here, you're ordered to be
12 here. Everything else has to be put aside. So here's the
13 thing. I know everybody that's here, probably every single
14 person has a job. That's not what I'm asking because I know
15 people have to set aside job, family, kids, responsibilities
16 to be here. I understand that. Is there something other than
17 that --

18 PROSPECTIVE JUROR NO. 244: No.

19 THE COURT: -- that would make it impossible for you
20 to be here.

21 PROSPECTIVE JUROR NO. 244: No.

22 THE COURT: I'm concerned financially, would you be
23 able to support yourself if you were here?

24 PROSPECTIVE JUROR NO. 244: No, I need that money.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 244: So --

2 THE COURT: Okay. Thank you. And we can just pass
3 it down.

4 PROSPECTIVE JUROR NO. 246: Ted Koga, Badge 246. I
5 have an elderly mom that I'm the primary caregiver for, and
6 she's recovering from back surgery. Her recovery is taking
7 longer than expected from the time I received the summons, and
8 she's unable to drive to get groceries or anything, and she
9 has some upcoming medical appointments.

10 THE COURT: Okay. And if you're asked to be here,
11 how will that affect you? Will you be able to rearrange
12 things?

13 PROSPECTIVE JUROR NO. 246: She's already postponed
14 one of her medical appointments because I have a work schedule
15 to go around, and I'm the only one that can, you know, provide
16 her with any care right now.

17 THE COURT: Okay. Thank you.

18 Anyone else? You can just pass it down, and when
19 you get the microphone, go ahead and stand up.

20 PROSPECTIVE JUROR NO. 270: My name is Kayla, Badge
21 No. 270.

22 THE COURT: Kayla Johnson; correct?

23 PROSPECTIVE JUROR NO. 270: Yes.

24 THE COURT: Go ahead, Ms. Johnson.

25 PROSPECTIVE JUROR NO. 270: Currently my daughter

1 has a UTI infection, so it's been lingering for two weeks now.
2 My mom, she doesn't have a vehicle, she's currently keeping my
3 daughter. So this is affecting childcare issues, as well as
4 her going to school. Also, my mother works at 3:30, so I have
5 no childcare to support her at this moment. So she's relying
6 on me, or she'll be at home by herself.

7 THE COURT: Okay. Where is your daughter right now?

8 PROSPECTIVE JUROR NO. 270: With my mother before
9 she goes to work right now.

10 THE COURT: Okay. And then what grade is she in?

11 PROSPECTIVE JUROR NO. 270: She's in kindergarten.

12 THE COURT: Okay. Is she going to school today?

13 PROSPECTIVE JUROR NO. 270: No, she's off today.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 270: She's with my mother.
16 So I'm off today. I have a mixed schedule. I work at Money
17 Tree, so my schedule is all around. I can work from 7:30 to
18 3:30, or 3:30 to 11:00 p.m. depending on my schedule.

19 THE COURT: Okay. So it sounds like you can
20 accommodate things when you're working. If you're here, would
21 you be able to accommodate the same way?

22 PROSPECTIVE JUROR NO. 270: If I'm here, I just
23 don't know who will support my kids. I also have a son, as
24 well, so --

25 THE COURT: Okay. So now is the time to tell me.

1 PROSPECTIVE JUROR NO. 270: So at this moment, I
2 don't believe I can accommodate my schedule for the jury here.

3 THE COURT: And your kids, you wouldn't have anybody
4 to watch your children?

5 PROSPECTIVE JUROR NO. 270: I can -- I'm trying to
6 make sure she's medically, you know, taken care of so that she
7 can go to school while I'm at work --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 270: -- and someone can pick
10 her up, but everybody is relying on me. My mother doesn't
11 have a car, and my sister has a car, but she works, as well.
12 So our schedules are --

13 THE COURT: And you work, too; correct?

14 PROSPECTIVE JUROR NO. 270: Yes, I'm a single
15 mother --

16 THE COURT: So who does it --

17 PROSPECTIVE JUROR NO. 270: -- with two kids.

18 THE COURT: -- when you're working?

19 PROSPECTIVE JUROR NO. 270: When I'm working, I have
20 to plan each and every day out. So I have to look at my
21 schedule, see who can help me wherever I can get help.

22 THE COURT: And I understand that. Been there. I
23 completely understand planning each day out.

24 PROSPECTIVE JUROR NO. 270: Yeah.

25 THE COURT: So my question is would you be able to

1 do that if you are asked to be here?

2 PROSPECTIVE JUROR NO. 270: I can try, but there's
3 no guarantee.

4 THE COURT: Okay. Here's the thing. If you're not
5 here, it's a big problem.

6 PROSPECTIVE JUROR NO. 270: I understand.

7 THE COURT: I mean, you're ordered to be here.

8 PROSPECTIVE JUROR NO. 270: Absolutely.

9 THE COURT: You have to be here.

10 PROSPECTIVE JUROR NO. 270: Yeah.

11 THE COURT: So that's -- that's my question. If
12 you're ordered to be here, can you work out your schedule?

13 PROSPECTIVE JUROR NO. 270: I mean, I can try, but
14 like I said, there's no guarantee because I'm a single mother
15 and I only have my sister and my mom here in Vegas.

16 THE COURT: Okay. Thank you.

17 PROSPECTIVE JUROR NO. 270: Thank you.

18 THE COURT: Anyone else?

19 THE MARSHAL: Anybody else in this top row?

20 THE COURT: Okay. The second row. Anyone in the
21 second row? Third row? Right down here.

22 PROSPECTIVE JUROR NO. 395: Hi, I'm Celeste Staana,
23 Badge 395. I'm a full-time grad student, and also I have a
24 one-year-old, so every time I'm here I'm living off my student
25 loans, and I don't want to have to -- I don't really have

1 people watching my son unless he's in childcare, and I go to
2 school Monday to Friday, so --

3 THE COURT: What are you studying?

4 PROSPECTIVE JUROR NO. 395: PA, so I'm in a program
5 that's very like --we're -- we're studying all the time. I
6 don't think I can afford to be here and be really focused
7 thinking about, you know, missing class and exams.

8 THE COURT: When you say PA, is that a physician's
9 assistant?

10 PROSPECTIVE JUROR NO. 395: Yes.

11 THE COURT: Where are you studying?

12 PROSPECTIVE JUROR NO. 395: Touro.

13 THE COURT: Okay. How would it affect your program
14 if you were here for two weeks?

15 PROSPECTIVE JUROR NO. 395: I won't be able to
16 study. I have, you know, exams are very vital to us and like
17 I'm studying every day, so I guess this would --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 395: -- not allow me to
20 study.

21 THE COURT: Thank you. Thank you for being here.
22 Anyone else? Okay. Over here on the left.

23 PROSPECTIVE JUROR NO. 413: Hello.

24 THE COURT: Good morning.

25 PROSPECTIVE JUROR NO. 413: My name is Martha

1 Arroyo. My number is 413.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 413: I have the same issue
4 as, you know, being a mother and stuff. The thing is my
5 budget, that I have to pay for somebody to babysit my daughter
6 while I come here. The thing is not coming here. The thing
7 is paying the money that I have to pay every day for somebody
8 to watch my daughter. And this time I got an Uber, so I paid
9 Uber to come here.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 413: So that's my main thing,
12 the budget.

13 THE COURT: All right. So if you were asked to be
14 here, would you be able to financially do it?

15 PROSPECTIVE JUROR NO. 413: No.

16 THE COURT: Okay. Thank you.

17 PROSPECTIVE JUROR NO. 413: Thank you.

18 THE MARSHAL: Anybody else on this side? Over here?

19 PROSPECTIVE JUROR NO. 428: Hello.

20 THE COURT: Good morning.

21 PROSPECTIVE JUROR NO. 428: My name is Michelle
22 Quiroz, Badge No. 428. I'm a full-time student at CSN, North
23 Las Vegas campus. I go to school Monday through Wednesday, so
24 I won't be able to be here Tuesday and Wednesday.

25 THE COURT: Okay. I just want to make sure it's

1 clear if and when I have a jury panel that's empaneled,
2 they'll be ordered to be here. So I don't know how else to
3 say this, you don't get to pick and choose when you're going
4 to be here. So if you're empaneled on this panel, you'll be
5 here on Monday and Wednesday. Do you understand that? So now
6 I'm going to ask you how would that affect your schooling if
7 you were required to miss -- you go to school Monday through
8 Wednesday?

9 PROSPECTIVE JUROR NO. 428: Yes.

10 THE COURT: How would that affect your schooling?

11 PROSPECTIVE JUROR NO. 428: I have exams every
12 day --

13 THE COURT: Okay. What --

14 PROSPECTIVE JUROR NO. 428: -- in each class.

15 THE COURT: -- are you studying?

16 PROSPECTIVE JUROR NO. 428: Secondary education.

17 THE COURT: And how many credits do you have?

18 PROSPECTIVE JUROR NO. 428: About 65 right now.

19 THE COURT: No, how many credits are you currently?

20 PROSPECTIVE JUROR NO. 428: Oh, nine.

21 THE COURT: Nine credits?

22 PROSPECTIVE JUROR NO. 428: Uh-huh.

23 THE COURT: Okay. And if you were asked to be here
24 for two weeks, that would probably substantially impair your
25 endeavors?

1 PROSPECTIVE JUROR NO. 428: Yes.

2 THE COURT: What year are you in?

3 PROSPECTIVE JUROR NO. 428: This is my second year
4 in college. I should be graduating this semester, so that
5 would definitely --

6 THE COURT: Oh.

7 PROSPECTIVE JUROR NO. 428: -- impact me negatively.

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

10 PROSPECTIVE JUROR NO. 498: Luis Hernandez, Badge
11 No. 498. I, as well, go to school. I am studying to be an
12 auto tech right now at CSN. I'm a full-time student. I have
13 -- taking 12 credits. I'm taking -- we do like five -- we do
14 five-week blocks instead --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 498: -- to get done with the
17 program faster, and this is my last week of HVAC, and I have a
18 test on Friday for the final exam for the whole class.

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

21 Anyone else? Anyone else that wishes to respond to
22 the Court? Okay. The record will reflect no further response
23 from the panel.

24 Are there any of you on the panel who believe that
25 for any other reason you would not be able to serve on this

1 particular case?

2 Okay. Go ahead. Officer Hawkes, you have one in
3 the front row, second row, in the front, and about the middle.

4 PROSPECTIVE JUROR NO. 338: Michael Whitman, Badge
5 No. 338.

6 THE COURT: Good morning.

7 PROSPECTIVE JUROR NO. 338: I remember briefly
8 hearing about this case in the news back when it was --
9 originally happened.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 338: So I don't know if that
12 would -- how it would affect my objectivity.

13 THE COURT: Okay. Well, how -- if -- how would it
14 affect you, the fact that you may have heard that -- heard
15 something about it on the news?

16 PROSPECTIVE JUROR NO. 338: It might because I've
17 already heard some of the details, you know, about it on the
18 news.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 338: So I'm not sure if that
21 would --

22 THE COURT: So let me ask -- let me ask you this.
23 Obviously, when we have jurors, we want jurors to judge the
24 case based solely upon what they see and hear in the courtroom
25 and nothing else. And if you were selected to be a juror, you

1 would be instructed that you could only reach a decision and
2 judge the case based solely on the evidence, and the evidence
3 would not include news clips, it would just be what you see
4 and hear in the courtroom and -- and to follow the law as
5 given to you by the Court. Could you set aside anything that
6 you may have seen or heard in the news and judge this case
7 based solely on the evidence?

8 PROSPECTIVE JUROR NO. 338: Probably not completely.

9 THE COURT: Okay.

10 MR. GIORDANI: Your Honor, I'm sorry, can we
11 approach briefly?

12 THE COURT: Sure.

13 (Bench conference)

14 MR. GIORDANI: Just before it goes any further, the
15 one thing is it was on the news twice, right. So it was on
16 the news when it happened, and it was on the news when it got
17 reversed. So I don't want him --

18 THE COURT: It was on the news when?

19 MR. LEVENTHAL: When it got reversed.

20 MR. GIORDANI: When it got reversed.

21 THE COURT: Oh.

22 MR. LEVENTHAL: It went to the Ninth Circuit.

23 MR. GIORDANI: So I don't want to --

24 THE COURT: Yeah, I knew that, but I just --

25 MR. GIORDANI: I don't want him throwing something

1 out.

2 THE COURT: Okay. You're being super cautious.

3 MR. GIORDANI: Right.

4 MR. LEVENTHAL: Yeah, if he wants to --

5 MR. GIORDANI: Like he was wrongfully --

6 THE COURT: I mean, I would be shocked --

7 MR. GIORDANI: -- wrongfully convicted --

8 THE COURT: -- if this guy knew that, but --

9 MR. LEVENTHAL: From an '06.

10 MR. GIORDANI: -- or something like that.

11 THE COURT: Yeah.

12 MR. LEVENTHAL: I would be shocked in '06. I think

13 he's thinking recently when it was overturned he might have

14 heard.

15 THE COURT: Okay. You know what, I might just have

16 him come up to the --

17 MR. LEVENTHAL: Yeah, perfect.

18 THE COURT: -- bench.

19 MR. GIORDANI: Yeah.

20 THE COURT: Officer Hawkes, will you just have this

21 juror come up to the bench.

22 MR. GIORDANI: Yeah, there's also some --

23 THE COURT: What's his name?

24 MR. LEVENTHAL: What?

25 MR. GIORDANI: The gang shit.

1 THE COURT: What? Michael Whitman, okay.

2 MR. LEVENTHAL: Judge, before he gets up here,

3 there's also gang affiliation, a whole bunch of gang stuff

4 that was part of the --

5 THE COURT: Okay.

6 MR. LEVENTHAL: -- media.

7 THE COURT: Okay. The record will reflect that Mr.

8 Whitman is at the bench with all four lawyers. When do you

9 think you heard about this in the news?

10 PROSPECTIVE JUROR NO. 338: Well, it sounds

11 familiar, I mean, the --

12 THE COURT: When?

13 PROSPECTIVE JUROR NO. 338: -- circumstances of the

14 case.

15 THE COURT: When you do you think you heard about

16 it?

17 PROSPECTIVE JUROR NO. 338: Back in like 2006, '05,

18 2006 time frame.

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 338: It just -- it sounds

21 familiar, like something --

22 THE COURT: And what do you remember?

23 PROSPECTIVE JUROR NO. 338: -- I heard in the news.

24 Well, I remember, you know, that it was a party situation, I

25 remember a drive-by shooting or that there was a chase that

1 people were shooting at each other.

2 THE COURT: Okay. It doesn't --

3 PROSPECTIVE JUROR NO. 338: And I know that --

4 THE COURT: -- sound like you really remember much.

5 PROSPECTIVE JUROR NO. 338: Yeah.

6 THE COURT: I mean, do you remember what news
7 channel you heard it on?

8 PROSPECTIVE JUROR NO. 338: Not specifically.

9 THE COURT: Okay. But that would have been over 10,
10 12 years ago; right?

11 PROSPECTIVE JUROR NO. 338: Yeah.

12 THE COURT: Okay. But here's why, do we have to
13 worry about you judging this case based on something you may
14 remember from the news media, or can you judge this case based
15 solely on the evidence?

16 PROSPECTIVE JUROR NO. 338: Well, I think I could
17 probably base it solely on the evidence of the case.

18 THE COURT: Okay. Well, I've got to be sure --

19 PROSPECTIVE JUROR NO. 338: Right.

20 THE COURT: -- you know, because you understand how
21 unfair it would be to ever judge a case one way or the other
22 based on what a news outlet said. I mean --

23 PROSPECTIVE JUROR NO. 338: I know.

24 THE COURT: -- you agree that that would be
25 outrageous; right?

1 PROSPECTIVE JUROR NO. 338: Yeah, and that's why I
2 wanted to mention it --

3 THE COURT: Sure.

4 PROSPECTIVE JUROR NO. 338: -- because I --

5 THE COURT: Sure. We're all affected by the news,
6 by things we see and hear --

7 PROSPECTIVE JUROR NO. 338: Right.

8 THE COURT: -- and our experiences in life.

9 PROSPECTIVE JUROR NO. 338: Right.

10 THE COURT: I like that. I like jurors who are
11 well-rounded and have lots of experiences. But what I do need
12 to make sure is that I have jurors that can set aside anything
13 they may have seen or heard in the media about this case and
14 judge this case solely on the evidence that you see and hear
15 in the courtroom and the instructions on the law. You
16 understand that?

17 PROSPECTIVE JUROR NO. 338: Yeah, I pretty much do.
18 I'm just not sure whether anything would creep in or not.

19 THE COURT: That's okay. I don't want you to think
20 that you're not allowed to think about it or remember it. But
21 what you would not be permitted to do is to substitute the
22 evidence that you see and hear in the courtroom --

23 PROSPECTIVE JUROR NO. 338: Right.

24 THE COURT: -- for something you saw in the news
25 media.

1 PROSPECTIVE JUROR NO. 338: Right.
2 THE COURT: You understand that?
3 PROSPECTIVE JUROR NO. 338: Yeah, I do.
4 THE COURT: And that would be crazy unfair; right?
5 PROSPECTIVE JUROR NO. 338: Yeah.
6 THE COURT: I mean, because the media isn't always
7 accurate, either; correct?
8 PROSPECTIVE JUROR NO. 338: True.
9 THE COURT: Okay. Well, I hold the attorneys, I
10 believe, to a much higher standard. Do you understand that?
11 PROSPECTIVE JUROR NO. 338: Uh-huh.
12 THE COURT: Is that a yes?
13 PROSPECTIVE JUROR NO. 338: Yes.
14 THE COURT: So if you are selected, could you judge
15 this case solely on the evidence and the instructions on the
16 law?
17 PROSPECTIVE JUROR NO. 338: Yeah.
18 THE COURT: And not -- you can think about what you
19 may have seen or heard, you just can't substitute that for the
20 evidence --
21 PROSPECTIVE JUROR NO. 338: Right.
22 THE COURT: -- do you understand that?
23 PROSPECTIVE JUROR NO. 338: Yes.
24 THE COURT: Do you have any questions about that?
25 PROSPECTIVE JUROR NO. 338: No.

1 THE COURT: Okay. I don't know if either side wants
2 to follow up at all while we're here.

3 MR. GIORDANI: Can you promise to not tell or talk
4 to any fellow jurors if you're selected about what you may
5 have seen or heard on the news --

6 PROSPECTIVE JUROR NO. 338: Yes.

7 MR. GIORDANI: -- just so it doesn't bleed over to
8 anyone else, your knowledge of the [indiscernible].

9 PROSPECTIVE JUROR NO. 338: Yes.

10 THE COURT: Okay. You know what, that's -- that's
11 actually a good point and every time you go out, I'm going to
12 read you an admonishment that says you cannot discuss anything
13 about this case with anyone, including your fellow jurors.

14 PROSPECTIVE JUROR NO. 338: Right.

15 THE COURT: I mean, you can't talk about the case,
16 any of the facts or circumstances until you go back to
17 deliberate upon your verdict.

18 PROSPECTIVE JUROR NO. 338: All right.

19 THE COURT: And I know that sometimes that's hard,
20 but you understand that and why we do that?

21 PROSPECTIVE JUROR NO. 338: Yes, I do.

22 THE COURT: And are you a person that would be able
23 to do that?

24 PROSPECTIVE JUROR NO. 338: Yes.

25 THE COURT: Okay. So we don't have to worry about

1 you talking to any other juror about what you may have seen or
2 heard in the media; correct?

3 PROSPECTIVE JUROR NO. 338: No. Right. That's
4 correct.

5 THE COURT: Okay.

6 MR. LEVENTHAL: My concern --

7 THE COURT: Mr. Leventhal.

8 MR. LEVENTHAL: Yes, you indicated while you were
9 sitting down that there was something in the news that -- that
10 you thought that would affect your decision-making process.
11 And --

12 PROSPECTIVE JUROR NO. 338: Well, just --

13 MR. LEVENTHAL: -- I just want to make sure that now
14 do you still have that view, or did the Judge sort of tell you
15 where you need to be and you're sort of, you know, neutral
16 right now because he sits there not guilty? You understand
17 that?

18 PROSPECTIVE JUROR NO. 338: Yes.

19 MR. LEVENTHAL: Okay. So what was it in the news
20 that you -- if you can remember specifically?

21 PROSPECTIVE JUROR NO. 338: I just -- I remember
22 what sounded like -- a case that sounded -- sounds very like
23 this one. I mean, it was a long time ago, but, I mean, it
24 sounds -- the circumstances --

25 MR. LEVENTHAL: Okay.

1 PROSPECTIVE JUROR NO. 338: -- sounded like it --
2 MR. LEVENTHAL: Do you remember where it happened?
3 PROSPECTIVE JUROR NO. 338: No.
4 MR. LEVENTHAL: No? Okay. So nothing specific
5 about it, you just remember a general story?
6 PROSPECTIVE JUROR NO. 338: Yeah.
7 MR. LEVENTHAL: Okay. Okay.
8 THE COURT: Anything else for this juror?
9 MR. LEVENTHAL: No.
10 MR. GIORDANI: No, Your Honor.
11 THE COURT: Okay. Thank you.
12 Thank you, Mr. Whitman, for coming up here.
13 PROSPECTIVE JUROR NO. 338: Thank you.
14 (End of bench conference)
15 THE COURT: Okay. Is there anyone else that wishes
16 to address the Court? Good morning.
17 PROSPECTIVE JUROR NO. 348: Yes, Your Honor. My
18 name is Donnie Ashford, Badge no. 348.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 348: And I'm not sure this
21 case is going to go beyond October 10th, but I have eye
22 surgery scheduled for that day?
23 THE COURT: If we're here after October 10th,
24 they're going to be in big trouble.
25 PROSPECTIVE JUROR NO. 348: Okay. Good to know.

1 THE COURT: I mean, I appreciate you asking that,
2 but, I mean, we're close to October, so I just want to make
3 sure.

4 The end of next week will be what day?

5 THE CLERK: October 5th.

6 THE COURT: Yeah, I don't think -- I mean, the end
7 of next week would be October 5th, and so I do not -- and, I
8 mean, that's stretching it. I think we will be done earlier
9 than the 5th. So by the 10th for sure we'll be done. So I
10 appreciate that and thank you for your willingness to be here.

11 Anyone else? Good morning.

12 PROSPECTIVE JUROR NO. 442: Hi. My name is Lisa,
13 Juror No. 442.

14 THE COURT: So Lisa Cannon. Ms. Cannon, good
15 morning. Go ahead.

16 PROSPECTIVE JUROR NO. 442: Good morning. Selena
17 Roswell was a friend of mine.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR NO. 442: Selina Rowsell, the
20 young lady that was killed Thursday and her two sons was a
21 friend of mine, so I don't think I can sit on a murder trial
22 right now.

23 THE COURT: Okay. I'm sorry. You have a friend who
24 was just the victim? I apologize because I'm not familiar.

25 PROSPECTIVE JUROR NO. 442: It's okay.

1 THE COURT: And so this just happened last Thursday?
2 PROSPECTIVE JUROR NO. 442: Yes. It's okay. I
3 thought I could be objective because it's a different
4 situation, but as I'm sitting here, I --
5 THE COURT: Okay. Okay, Ms. Cannon. Thank you.
6 PROSPECTIVE JUROR NO. 442: Thank you.
7 THE COURT: Anyone else that wishes to address the
8 Court? Okay. The record will reflect no further response
9 from the panel. Is there anyone on this panel who has ever
10 been engaged in law enforcement work or have a spouse or close
11 relative who has ever been engaged in law enforcement work?
12 Good morning.
13 PROSPECTIVE JUROR NO. 308: Hi. Lorina Cardenas,
14 Badge No. 308. I'm an officer with U.S. Customs and Border
15 Protection.
16 THE COURT: I'm sorry. I'm having a hard time
17 hearing.
18 PROSPECTIVE JUROR NO. 308: I'm an officer --
19 THE MARSHAL: Can you speak right into the
20 microphone.
21 PROSPECTIVE JUROR NO. 308: I'm an officer with U.S.
22 Customs and Border Protection right now.
23 THE COURT: Okay. Currently?
24 PROSPECTIVE JUROR NO. 308: Uh-huh.
25 THE COURT: What's your assignment? What do you do?

1 PROSPECTIVE JUROR NO. 308: Officer.
2 THE COURT: Okay. I'm just --
3 PROSPECTIVE JUROR NO. 308: Oh, all I do, I just
4 admit people or not admit people.
5 THE COURT: Okay. And you work here in Clark
6 County?
7 PROSPECTIVE JUROR NO. 308: Yes, McCarran Airport.
8 THE COURT: Oh, okay. Is there anything about your
9 current employment -- sorry, I guess that makes sense.
10 Anything about your current employment that would affect your
11 ability to be fair and impartial?
12 PROSPECTIVE JUROR NO. 308: No.
13 THE COURT: Okay. Thank you.
14 THE MARSHAL: Anybody else on the back row? Bottom
15 row?
16 PROSPECTIVE JUROR NO. 354: Lewis Moore, Badge No.
17 354. My brother is a corrections officer.
18 THE COURT: Do you know where he works?
19 PROSPECTIVE JUROR NO. 354: Ely.
20 THE COURT: So he's in the Ely State Prison, so a
21 Nevada CO?
22 PROSPECTIVE JUROR NO. 354: Yes.
23 THE COURT: Is there anything about his employment
24 that would affect your ability to be fair and impartial?
25 PROSPECTIVE JUROR NO. 354: No.

1 THE COURT: And you understand that if you are
2 selected to serve on this panel, you won't be permitted to
3 discuss this case with anyone, including your fellow jurors
4 until you go back to deliberate upon your verdict. So you
5 understand you couldn't call your brother up and discuss the
6 case with him?

7 PROSPECTIVE JUROR NO. 354: Absolutely.

8 THE COURT: And you would comply with that; correct?

9 PROSPECTIVE JUROR NO. 354: Yes.

10 THE COURT: Okay. Thank you, sir.

11 THE MARSHAL: Anybody else on this row?

12 PROSPECTIVE JUROR NO. 348: Donnie Ashford, Badge
13 No. 348. My cousin is currently the president of the Police
14 Foundation, Hubert Williams, who was the prosecutor out of
15 Newark, New Jersey. I have two cousins who are police
16 officers in Chicago currently. And also I have a sister that
17 was a year older than myself who was murdered and raped in the
18 building next door to her. And I think it would be extremely
19 hard for me to be fair and impartial in this particular trial.

20 THE COURT: Okay. Because of maybe what happened to
21 your sister?

22 PROSPECTIVE JUROR NO. 348: They have never found
23 who did it to her, and it happened right around 2005, 2006, as
24 well.

25 THE COURT: Okay. Where did that happen?

1 PROSPECTIVE JUROR NO. 348: In Chicago.

2 THE COURT: Okay. So you believe that -- and I

3 always -- I hate to ask these follow up questions, but I just

4 -- I have to, so bear with me. Because you talked about

5 something happened to your sister in Chicago; correct?

6 PROSPECTIVE JUROR NO. 348: Yes.

7 THE COURT: Do you think that would affect your

8 ability to judge this case fairly and impartially?

9 PROSPECTIVE JUROR NO. 348: That's a very difficult

10 question to answer. I would try and give my total best, but

11 I'm not certain I could do that because the murderer has never

12 been found.

13 THE COURT: Okay. And, again, that's terrible.

14 It's awful and I apologize. But would that affect your

15 ability to judge this case solely on the evidence and the law?

16 PROSPECTIVE JUROR NO. 348: I don't think so.

17 THE COURT: Okay. But you would be able to set that

18 aside and judge this case solely upon what you see and hear in

19 the courtroom?

20 PROSPECTIVE JUROR NO. 348: I have so far, Your

21 Honor --

22 THE COURT: Sure.

23 PROSPECTIVE JUROR NO. 348: -- and I think I would

24 probably be able to do so.

25 THE COURT: Okay. But you haven't heard any

1 evidence yet.

2 PROSPECTIVE JUROR NO. 348: No.

3 THE COURT: Okay. And so if you're empaneled,
4 you'll -- you'll hear evidence. And, again, I have to make
5 sure I have jurors that can judge this case and reach a
6 decision based upon the evidence that they see and hear in the
7 courtroom and follow the instructions on the law. Do you
8 understand that?

9 PROSPECTIVE JUROR NO. 348: Yes, I do.

10 THE COURT: Could you do that?

11 PROSPECTIVE JUROR NO. 348: Yes.

12 THE COURT: Okay. And then you also said you had
13 some family members that were in law enforcement, any family
14 members and friends. Anything about their employment that
15 would affect your ability to be fair and impartial?

16 PROSPECTIVE JUROR NO. 348: No.

17 THE COURT: Okay. Thank you, sir. Thank you very
18 much for being here.

19 Anyone else?

20 THE MARSHAL: Anyone else up here? Front row up
21 here?

22 PROSPECTIVE JUROR NO. 371: Hi. My name is Allan
23 Cruz, Badge No. 371. My older brother is a correctional
24 officer at a state prison.

25 THE COURT: Here in Nevada?

1 PROSPECTIVE JUROR NO. 371: Yes.

2 THE COURT: Which one?

3 PROSPECTIVE JUROR NO. 371: I believe it's called
4 some Desert --

5 THE COURT: High Desert?

6 PROSPECTIVE JUROR NO. 371: Yeah, High Desert.

7 THE COURT: Okay. How long has he done that?

8 PROSPECTIVE JUROR NO. 371: He has recently been
9 employed in the past two months.

10 THE COURT: Okay. Is there anything about his
11 employment that would affect your ability to be fair and
12 impartial?

13 PROSPECTIVE JUROR NO. 371: No.

14 THE COURT: And you know that you would not be able
15 to discuss the case with him --

16 PROSPECTIVE JUROR NO. 371: Yes.

17 THE COURT: -- if you're empaneled to be a juror.
18 And you would comply with that order?

19 PROSPECTIVE JUROR NO. 371: Yes.

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

22 PROSPECTIVE JUROR NO. 391: Adam Ludwig, 391. My
23 father is a 25-year veteran of the Alameda County Sheriff's
24 Department. My twin brother is a corrections officer for
25 Metro, and my younger brother is a detective for Metro.

1 THE COURT: Okay. Anything about their employment
2 that would affect your ability to be fair and impartial?

3 PROSPECTIVE JUROR NO. 391: No.

4 THE COURT: And you understand that you would not be
5 able to discuss the case with anyone, including your fellow
6 jurors, until you go back to deliberate upon your verdict?

7 PROSPECTIVE JUROR NO. 391: Yes.

8 THE COURT: And you would comply with that?

9 PROSPECTIVE JUROR NO. 391: Yes, I would.

10 THE COURT: And so you would comply with the order
11 not to talk to any family members about the case; correct?

12 PROSPECTIVE JUROR NO. 391: That's correct.

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

15 Anyone else? Good morning.

16 PROSPECTIVE JUROR NO. 419: Saimone. Saimone
17 Sailor, Badge No. 419. My mother is a retired corrections
18 officer for Metro. My stepfather just currently retired
19 corrections officer for Metro. My cousin is currently still a
20 corrections officer for Metro. And then I have a cousin who
21 is a detective for Metro.

22 THE COURT: Okay. Anything about their employment
23 or former employment that would affect your ability to be fair
24 and impartial?

25 PROSPECTIVE JUROR NO. 419: No.

1 THE COURT: And, again, you understand you wouldn't
2 be permitted to discuss the case with anyone, including your
3 fellow jurors until you go back to deliberate upon your
4 verdict. Do you understand that?

5 PROSPECTIVE JUROR NO. 419: Yes.

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

7 PROSPECTIVE JUROR NO. 419: Yes.

8 THE COURT: Okay. Thank you.

9 THE MARSHAL: Anybody else over on this side?

10 PROSPECTIVE JUROR NO. 477: Emily Williams, 477. My
11 brother-in-law is a Metro police officer.

12 THE COURT: Your brother-in-law is?

13 PROSPECTIVE JUROR NO. 477: A Metro police officer.

14 THE COURT: Okay. Anything about his employment --

15 PROSPECTIVE JUROR NO. 477: No.

16 THE COURT: -- that would affect your ability to be
17 fair and impartial?

18 PROSPECTIVE JUROR NO. 477: No.

19 THE COURT: Okay. Thank you.

20 Anyone else that wishes to respond?

21 THE MARSHAL: Anyone over on this side?

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

24 Is there anyone on this panel who believes that they
25 may not be able to follow all the instructions on the law as

1 given to you by the Court, even if you don't agree with what
2 the law is? Is there anyone who believes they cannot follow
3 laws given to you by the Court? Okay. The record will
4 reflect no response from the panel.

5 As a follow up to the previous question, in any
6 criminal trial, the members of the jury sitting collectively
7 are the judges of the question of fact in the case. As the
8 judge in the case, I am the judge of the questions of law and
9 it's my responsibility to be sure that I give instructions on
10 the law that apply to this particular case.

11 It would be a violation of a juror's duty if he or
12 she tried to render a judgment based upon what he or she
13 believed the law to be if that differed from my instructions.
14 With that in mind, is there anyone who feels that they cannot
15 be fact finders and follow my instructions on the applicable
16 law in this case? The record will reflect no response from
17 the panel.

18 Under our system there are certain principles of law
19 that apply in every criminal trial. They are that the
20 information filed in this case is a mere accusation and is not
21 evidence of guilt, that as the defendant sits here today, he
22 is presumed innocent, and the State must, therefore, prove
23 that the defendant is guilty by proof beyond a reasonable
24 doubt. Does anyone not understand or believe in these basic
25 precepts of American justice? The record will reflect no

1 response from the panel.

2 Does anybody know anything about this case other
3 than what has been stated in the courtroom here today, other
4 than what's already been discussed with the Court? Okay. The
5 record will reflect no response from the panel.

6 I'm just going to have the jury panel stay here.
7 I'm going to meet with the lawyers out in the hallway because
8 it'll just be easier. I just want to remind you that we are
9 still in session, and we will just be out for a couple minutes
10 and then we'll return.

11 (Pause in the proceedings)

12 THE COURT: Okay. Does the State and the defense
13 stipulate to the presence of the jury panel?

14 MR. GIORDANI: Yes, Your Honor.

15 MR. TANASI: Yes, Your Honor.

16 MR. LEVENTHAL: Yes, Your Honor.

17 THE COURT: Okay. At this time the clerk is going
18 to call the first 32 names. When you're name is called, if
19 you'll please take your seat in the jury box.

20 Ms. Mashal, I'm going to ask you to step down out of
21 the box.

22 THE CLERK: Ted Koga will be Seat No. 1.

23 THE COURT: So you're just going to move down.

24 THE CLERK: William Snyder, Seat 2. Elizabeth
25 Ohlsen, Seat 3.

1 THE COURT: Okay. Kayla Johnson, if you don't mind
2 stepping down, as well. And Stacy Embry, you can step out of
3 the box, as well.

4 THE CLERK: Scott Simmons, Seat 4. Sebastian
5 Dimate, Seat 5. Barbara Galindo, Seat 6. Lorina Cardenas,
6 Seat 7. Lucia Federico, Seat 8. Jeffery Kangiser, Seat 9.
7 Cinthya Suarez, Seat 10. Angela Berens, Seat 11. Misty Lake,
8 Seat 12. Michael Whitman, Seat 13. Wendy Sandefur, Seat 14.

9 THE COURT: Donnie Ashford and Bill Donovan, if you
10 don't mind stepping down. Actually, you know what, I made a
11 mistake, Mr. Ashford, I was not going to. So, Mr. Ashford, if
12 you don't mind staying. I apologize. So Mr. Ashford, you'll
13 become Juror No. 15. That was my mistake. I apologize. And,
14 Mr. Donovan, you can step down. So Mr. Ashford will be 15,
15 and Moore will be 16.

16 THE CLERK: Yes, Your Honor. Lewis Moore, Seat 16.
17 Angela Che, Seat 17.

18 THE COURT: So it'll just be moved down.

19 THE CLERK: Sure.

20 THE COURT: Sorry about that.

21 THE CLERK: It's okay. Kevin Wilson, Seat -- I'm
22 sorry. 16.

23 THE COURT: Where are you at?

24 THE CLERK: 18. Kevin Wilson will be Seat 16.

25 THE COURT: Okay. No. No. 16 -- okay No. 14 is

1 Sandefur, No. 15 is Ashford, No. 16 is Moore, 17 is Che.
2 THE CLERK: Okay. I was off one.
3 THE COURT: Sorry. Right. Because I -- I messed
4 up.
5 (Off-record colloquy)
6 THE COURT: Sorry. I made a mistake, ladies and
7 gentlemen.
8 THE CLERK: Kevin Wilson, Seat 18. Koda Singh, Seat
9 19. Allan Cruz, Seat 20. Sheryl Ashford, Seat 21. Don
10 Gifford, Seat 22. Robert Storebo, Seat 23. Treant Smith,
11 Seat 24. Adam Ludwig, Seat 25. Julie Ipema, Seat 26.
12 THE COURT: Now, Celeste Staana, if you just don't
13 mind, you can take a seat in the back.
14 THE CLERK: Susan Haduca, Seat 27.
15 THE COURT: Martha Arroyo, if you don't mind, you
16 can come out of the box and sit in the back.
17 THE CLERK: John Paton, Seat 28. Keith Szita, Seat
18 29. Adam Mancini, Seat 30. Saimone Sailor, Seat 31. And
19 Maureen Cabrera, Seat 32.
20 THE COURT: Okay. At this time, ladies and
21 gentlemen, we are going to -- I'm going to have a list for
22 you, Hawkes. We are going --
23 THE MARSHAL: Yes, ma'am.
24 THE COURT: -- to recess for lunch.
25 During this recess you're admonished not to talk or

1 converse amongst yourselves or with anyone else on any subject
2 connected with this trial, or read, watch, or listen to any
3 report of or commentary on the trial or any person connected
4 with this trial by any medium of information, including,
5 without limitation, newspapers, television, the Internet, or
6 radio, or form or express any opinion on any subject connected
7 with this trial until the case is finally submitted to you.

8 We'll be in recess until 1:30. The people that are
9 in the box, the first 32, I just ask that you look to your
10 left and right so you know where you're sitting because when
11 you come back in, I'm just going to ask you to sit in those
12 same seats. You can come to the 14th floor. Officer Hawkes
13 will greet you and he'll bring you in when we're ready. Thank
14 you very much, and we'll be in recess until 1:30.

15 (Prospective jury recessed at 12:15 P.M.)

16 THE COURT: Okay. See you at 1:30. You all can go.
17 Yeah, you can go.

18 THE CORRECTIONAL OFFICER: Hawkes told them to wait.

19 THE COURT: Go ahead and go out.

20 PROSPECTIVE JUROR: Where do we go?

21 THE COURT: Right there. Officer Hawkes will give
22 you further direction.

23 PROSPECTIVE JUROR: Thank you, Your Honor.

24 THE COURT: Thank you.

25 Okay. The record will reflect that the hearing is

1 taking place outside the presence of the jury panel.

2 MR. TANASI: Just a quick question for clarity.

3 It's my understanding is only the 32 coming back or --

4 THE COURT: Oh, no, everybody is coming back.

5 MR. TANASI: I thought I heard -- I thought I heard

6 you say just the 32, so --

7 THE COURT: Right.

8 MR. TANASI: -- I apologize.

9 THE COURT: The people that are in the box, those

10 are the first 32. That'll be who I'm going to voir dire when

11 we come back.

12 MR. TANASI: Okay. And everyone else?

13 THE COURT: And everyone else except the ones I told

14 you I was going to excuse, so there should be 12 -- there

15 should be 32 in the box and 12 extra jurors.

16 MR. TANASI: Understood. Thank you.

17 THE COURT: In the courtroom, but we have extra ones

18 downstairs.

19 MR. TANASI: Thank you.

20 THE COURT: Okay. Thank you.

21 (Court recessed at 12:17 P.M., until 1:31 P.M.)

22 (Outside the presence of the prospective jury)

23 THE COURT: Oh. Did you want something outside the

24 presence?

25 MR. GIORDANI: Yes, briefly.

1 THE COURT: Okay. Go ahead. The record will
2 reflect that the hearing is taking place outside the presence
3 of the jury panel.

4 MR. GIORDANI: Thanks, Your Honor.

5 THE COURT: Does Hawkes know? We'll just have to
6 make sure he doesn't come in because I sent him to bring them
7 in.

8 MR. GIORDANI: Okay.

9 THE COURT: Okay.

10 MR. GIORDANI: So two things, Your Honor, we just
11 want to address. I think we're going to be on the same page
12 about it, but it should be addressed before jury selection
13 starts. Obviously, the case went to trial back in '07.

14 THE COURT: Sure.

15 MR. GIORDANI: It was reversed, you know, many years
16 later. We -- I think we're all on the same page that we can't
17 reference in any way that there was a prior trial once we
18 start getting into trial transcripts, and we, obviously, can't
19 say he was convicted once before or anything like that. It
20 just kind of came up when that person who saw something in the
21 media --

22 THE COURT: Sure. I mean, I've had cases like this
23 where you have to do them again, and I'm not going to allow
24 you to make reference to a prior trial. We usually just refer
25 to them as prior proceedings. So I think it's fair for both

1 sides because, yeah, I haven't -- I think if the jury were to
2 hear -- if the panel were to hear that, it would cause a
3 mistrial.

4 MR. GIORDANI: Right.

5 THE COURT: So it's not fair to either side.

6 MR. GIORDANI: Thank you. And then the other thing
7 is the -- you'll hear during the course of the trial there
8 were officers in the area of the murder. I mean, literally
9 like a block or two away because there had been a murder the
10 night before and they feared retaliation, some gang rivalry
11 stuff going on.

12 We've provided all the discovery for the prior
13 murder the night before, but what the State's intent is to do
14 is to sanitize this as much as possible and we're staying away
15 from the gang stuff to the extent we can while still telling
16 the story. So I just wanted to put that on the record now.
17 It's probably more appropriate to be addressed when witnesses
18 are about to go up, but I just wanted to put that out there.

19 MR. LEVENTHAL: Well, we'd object to that,
20 obviously, because the relevancy of why the cops were there or
21 how they were there on a different murder, it would take us
22 down to a whole different path on --

23 THE COURT: Yeah, why do we have to -- why do we
24 have to tell the jury why the police are there? Why can't it
25 just be the police are there?

1 MR. GIORDANI: Well, they're in a plain clothes
2 capacity. They're in this exact area because they feared
3 retaliation from a murder the night before. They're all going
4 to say they were part of the gang intel unit, you know, plain
5 clothes officers in the area.

6 The victim -- well, not the victim but a person who
7 was with the victim, Mr. Maurice Hickman, was a gang member, a
8 known gang member at the time that house was shot up where the
9 victim actually passed away in the front yard was a known
10 hangout for that gang. I'm not saying we're getting into any
11 of the gang stuff at all. Of course, not as it applies to Mr.
12 Matthews. All I'm saying is that we have to be able to
13 explain res gestae why the officers were a couple hundred feet
14 away from this home when everything went down.

15 MR. LEVENTHAL: I don't see --

16 THE COURT: I don't -- I'm not following why. I
17 mean, the police can be there. They're working as part of
18 their job. I don't understand why we have to tell them
19 exactly why they're there.

20 MR. GIORDANI: Okay. All right.

21 THE COURT: I mean, I think you -- they're there.
22 They're in plain clothes. I don't even know if we have to get
23 into what they were wearing. The police were there, they were
24 actively working a case; correct?

25 MR. GIORDANI: Yeah.

1 THE COURT: I think you can speak in general terms.
2 You don't have to tell them about a -- if you start talking
3 about a prior murder, I mean, I'm starting to think, well,
4 does it have anything to do with this case. The jury would
5 think that it had to do with this case.

6 MR. GIORDANI: Okay.

7 THE COURT: We don't --

8 MR. GIORDANI: So you want us --

9 THE COURT: -- want them --

10 MR. GIORDANI: -- to just stay away from that?

11 THE COURT: -- to do that.

12 MR. GIORDANI: That's why I'm bringing it up now.
13 So you want me to stay -- us to stay away from that entirely?

14 THE COURT: I think you can, and I think you can
15 just say the police are there and they're working a case.

16 MR. GIORDANI: Okay.

17 THE COURT: I mean, they're -- they -- they're in
18 the area if you feel like you have to get into that. I guess
19 police are out in the community. That's what they do. So I'm
20 not sure why the jury has to be told a specific reason why the
21 police are there.

22 MR. GIORDANI: Fair enough.

23 MR. LEVENTHAL: And while we're at it, as the Court
24 knows, he was with a co-defendant, Pierre Joshlin, before. I
25 don't know how relevant and how much they plan on getting into

1 what happened with the co-defendant. Obviously, he was also
2 found guilty, he also appealed federally. However, he was
3 denied his -- his 2254. So to get into that whole thing, I
4 don't think we need to go there because he's a man standing
5 here by himself alone, and whatever happened to Pierre Joshlin
6 should not be relevant to this whole matter.

7 MR. GIORDANI: Oh, no, no, no. That whole thing --

8 THE COURT: It might be.

9 MR. GIORDANI: -- is the entire case. We're
10 presenting all the evidence that we presented the first time
11 most likely. The fact that they were in a car together, they
12 committed a murder together, they committed a carjacking
13 together is going to come in no matter what.

14 THE COURT: Yeah, I mean, I don't think we need to
15 tell the jury what happened to his co-defendant, where he
16 currently is right now, but I don't understand if they -- if
17 they were being treated -- if they were being tried separately
18 that evidence would come in. I'm not sure I follow you on
19 what you think specifically should be excluded.

20 MR. LEVENTHAL: Well, I think the question then
21 becomes -- then it goes into the previous trial. Then we're,
22 well, what happened to the co-defendant? I don't know, does
23 that come in? Does it come in that he was found guilty and
24 now he's gone?

25 THE COURT: No.

1 MR. GIORDANI: No, no, no.

2 THE COURT: I can't imagine that that would be
3 relevant.

4 MR. LEVENTHAL: Yeah. No, exactly. So I'm just
5 trying to figure out, okay, so the fact that they chased the
6 other guy, caught him, too, that's relevant in terms of what
7 happened to Mr. --

8 THE COURT: Sure. Sure. I think it may be, but I
9 completely agree that we're not going to go down a road where
10 we talk about where he is, what happened to him, why he's not
11 here with your client. I don't think any of that is relevant.

12 MR. LEVENTHAL: Sure.

13 THE COURT: And that -- I mean, issues like that
14 come up in cases where we have people that get tried
15 separately all the time and there's multiple actors. You can
16 talk about -- I mean, you have to talk about the facts, but
17 there -- I don't see any reason to get into where the
18 co-defendant is, whether he got -- no, none of that is
19 relevant. But the facts are relevant.

20 MR. LEVENTHAL: Okay. Fair enough.

21 THE COURT: What he may have done during that time
22 and who he was with and what they were doing, that's relevant,
23 just not where he is, what's the state of his conviction,
24 whether he got relief from an appellate court or not is not
25 relevant.

1 MR. LEVENTHAL: Very good. Thank you, Your Honor.
2 MR. GIORDANI: Understood. Understood. That would
3 be everything on behalf of the State.
4 MR. LEVENTHAL: That's all from us. Thank you.
5 THE COURT: Okay.
6 (Inside the presence of the prospective jury)
7 THE COURT: Does the State stipulate to the presence
8 of the venire?
9 MR. GIORDANI: Yes, Your Honor.
10 THE COURT: Defense?
11 MR. LEVENTHAL: Yes, Your Honor. Thank you.
12 THE COURT: Okay. You can all just have a seat
13 wherever you're comfortable now. Thank you. Thank you very
14 much for coming back.
15 Mr. Koga, can you tell me how long you've lived in
16 Clark County?
17 PROSPECTIVE JUROR NO. 246: I've been in Clark
18 County since 2007.
19 THE COURT: Can you tell me what you do for a
20 living?
21 PROSPECTIVE JUROR NO. 246: I'm a part-time retail
22 sales person.
23 THE COURT: And your education background?
24 PROSPECTIVE JUROR NO. 246: High school.
25 THE COURT: Okay. Are you married?

1 PROSPECTIVE JUROR NO. 246: Single.

2 THE COURT: Okay. Do you have children?

3 PROSPECTIVE JUROR NO. 246: None.

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

7 PROSPECTIVE JUROR NO. 246: No.

8 THE COURT: Thank you, sir. Thank you very much for
9 being here.

10 Mr. Snyder, good afternoon. How long have you lived
11 in Clark County?

12 PROSPECTIVE JUROR NO. 257: Since '98.

13 THE COURT: Okay. Your education background?

14 PROSPECTIVE JUROR NO. 257: I have a BS degree,
15 economics

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

17 PROSPECTIVE JUROR NO. 257: I work for the City of
18 Las Vegas.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NO. 257: Real estate and real
21 estate supervisor.

22 THE COURT: How long have you worked for the City?

23 PROSPECTIVE JUROR NO. 257: Ten years.

24 THE COURT: What does a real estate supervisor do?

25 PROSPECTIVE JUROR NO. 257: Oh, he messes around

1 with real estate. We buy and sell real estate for the City.
2 THE COURT: Oh, okay.
3 PROSPECTIVE JUROR NO. 257: When we -- when we build
4 roads, when we need to use [indiscernible] or whatever.
5 THE COURT: So you go in and condemn.
6 PROSPECTIVE JUROR NO. 257: Oh, yeah.
7 THE COURT: Because you're the city.
8 PROSPECTIVE JUROR NO. 257: We love to do that.
9 THE COURT: Because you're the government.
10 PROSPECTIVE JUROR NO. 257: That's right.
11 THE COURT: Okay. Your marital status?
12 PROSPECTIVE JUROR NO. 257: Married.
13 THE COURT: Is your spouse employed?
14 PROSPECTIVE JUROR NO. 257: Self-employed.
15 THE COURT: What does your spouse do for a living?
16 PROSPECTIVE JUROR NO. 257: She's a life coach.
17 THE COURT: Okay. Do you have children?
18 PROSPECTIVE JUROR NO. 257: I have two grown
19 children and one stepson.
20 THE COURT: So are all three employed, or, I guess,
21 old enough to be employed?
22 PROSPECTIVE JUROR NO. 257: Yes, they're old enough,
23 and, fortunately, they're all employed.
24 THE COURT: Okay. Can you tell me what each does
25 for a living?

1 PROSPECTIVE JUROR NO. 257: One is a secretary for a
2 church. The second, no, I can't tell you what she does
3 because --

4 THE COURT: That's okay.

5 PROSPECTIVE JUROR NO. 257: -- yeah, she lives in
6 Phoenix and I know she just changed. And then the third works
7 for UPS.

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

11 PROSPECTIVE JUROR NO. 257: No reason.

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

14 Ms. Ohlsen, good afternoon. How long have you lived
15 in Clark County?

16 PROSPECTIVE JUROR NO. 266: Since 2003.

17 THE COURT: You're education background?

18 PROSPECTIVE JUROR NO. 266: Bachelor's.

19 THE COURT: And what's your bachelor's in?

20 PROSPECTIVE JUROR NO. 266: Business administration.

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

22 PROSPECTIVE JUROR NO. 266: Store manager at
23 Walgreen's.

24 THE COURT: How long have you done that?

25 PROSPECTIVE JUROR NO. 266: Since 2007.

1 THE COURT: Okay. Your marital status?
2 PROSPECTIVE JUROR NO. 266: Married.
3 THE COURT: Is your spouse employed?
4 PROSPECTIVE JUROR NO. 266: Yes.
5 THE COURT: What does your spouse do for a living?
6 PROSPECTIVE JUROR NO. 266: He's a PE teacher --
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 266: -- at Somerset.
9 THE COURT: Is that for the Clark County School
10 District?
11 PROSPECTIVE JUROR NO. 266: No, it's for -- it's the
12 State. It's a charter school.
13 THE COURT: Okay. Do you have children?
14 PROSPECTIVE JUROR NO. 266: Yes.
15 THE COURT: How many?
16 PROSPECTIVE JUROR NO. 266: Two.
17 THE COURT: Are they old enough to be employed?
18 PROSPECTIVE JUROR NO. 266: No.
19 THE COURT: Do you know of any reason why you could
20 not be a fair and impartial juror if we selected you to serve
21 on this panel?
22 PROSPECTIVE JUROR NO. 266: No.
23 THE COURT: Thank you. Thank you for being here.
24 Mr. Simmons, good afternoon. How long have you
25 lived in Clark County?

1 PROSPECTIVE JUROR NO. 271: 2013.

2 THE COURT: Okay. Where did you move from?

3 PROSPECTIVE JUROR NO. 271: Phoenix.

4 THE COURT: Okay. So five years. What's your
5 education background?

6 PROSPECTIVE JUROR NO. 271: High school grad, some
7 college.

8 THE COURT: What did you study in college?

9 PROSPECTIVE JUROR NO. 271: Electrical engineering.

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

11 PROSPECTIVE JUROR NO. 271: I have two jobs. I work
12 for a closet company doing installations, and then I bartend
13 and serve at BJ's Restaurant.

14 THE COURT: Your marital status?

15 PROSPECTIVE JUROR NO. 271: Single.

16 THE COURT: Do you have children?

17 PROSPECTIVE JUROR NO. 271: No.

18 THE COURT: Do you know of any reason why you could
19 not be a fair and impartial juror if you were selected to
20 serve?

21 PROSPECTIVE JUROR NO. 271: No.

22 THE COURT: Okay. And I know you told me in the
23 beginning about some issues that you had in, was it Arizona?

24 PROSPECTIVE JUROR NO. 271: Correct.

25 THE COURT: And those were all resolved?

1 PROSPECTIVE JUROR NO. 271: Correct.

2 THE COURT: And they were, I can't remember what you
3 said, either sealed or dismissed?

4 PROSPECTIVE JUROR NO. 271: They were both
5 undesignated, I think it's called. So after I completed
6 probation and all the classes, they dropped to misdemeanors.

7 THE COURT: Okay. So you called it undesignated and
8 dropping to a misdemeanor. Is it -- is it synonymous?

9 PROSPECTIVE JUROR NO. 271: What's the -- I don't
10 know what that means. I'm sorry.

11 THE COURT: Well, what do you mean when you say it's
12 undesignated?

13 PROSPECTIVE JUROR NO. 271: I pled guilty to a
14 felony.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 271: They said it was an
17 undesignated felony. So after I completed all the courses and
18 probation, it drops to a misdemeanor, it's no longer a felony
19 on my record.

20 THE COURT: Okay. Do you think you were treated
21 fairly during that process?

22 PROSPECTIVE JUROR NO. 271: Yes.

23 THE COURT: Anything about those issues that would
24 interfere with your ability to be fair and impartial if you
25 were selected to serve in this matter?

1 PROSPECTIVE JUROR NO. 271: No.

2 THE COURT: Thank you, sir. Thank you for being
3 here.

4 Sebastian Dimate, good afternoon.

5 PROSPECTIVE JUROR NO. 284: Good afternoon.

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

7 PROSPECTIVE JUROR NO. 284: I've lived here my whole
8 life.

9 THE COURT: Okay. Can you give me an idea how long
10 that is?

11 PROSPECTIVE JUROR NO. 284: Oh. Since '97.

12 THE COURT: Okay. Your education background?

13 PROSPECTIVE JUROR NO. 284: High school.

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

15 PROSPECTIVE JUROR NO. 284: I work at a law firm. I
16 scan files, I just do a bunch for them.

17 THE COURT: Okay. What law firm do you work at?

18 PROSPECTIVE JUROR NO. 284: Bryan A. Lowe &
19 Associates.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR NO. 284: Bryan A. Lowe &
22 Associates.

23 THE COURT: Do you know what kind of law they
24 practice?

25 PROSPECTIVE JUROR NO. 284: Estate planning, real

1 estate, stuff like that.

2 THE COURT: So they do mostly civil?

3 PROSPECTIVE JUROR NO. 284: Yeah.

4 THE COURT: And how long have you worked there?

5 PROSPECTIVE JUROR NO. 284: Since 2015.

6 THE COURT: Okay. And you have heard me tell some
7 of the other jurors that you're not permitted to discuss the
8 case with anyone, including your fellow jurors, until you go
9 back to deliberate upon the case.

10 PROSPECTIVE JUROR NO. 284: Yes, ma'am.

11 THE COURT: Do you understand that?

12 PROSPECTIVE JUROR NO. 284: Yes, ma'am.

13 THE COURT: And I know the lawyers at your firm
14 would understand your ethical responsibility, but you would
15 not be permitted to call anyone up in your firm, any lawyers
16 or anyone that works there and discuss the case until after
17 you were discharged as a juror. Do you understand that?

18 PROSPECTIVE JUROR NO. 284: Yes.

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

20 PROSPECTIVE JUROR NO. 284: Yes.

21 THE COURT: Okay. Your marital status?

22 PROSPECTIVE JUROR NO. 284: Single.

23 THE COURT: Do you have children?

24 PROSPECTIVE JUROR NO. 284: No.

25 THE COURT: Do you know of any reason why you could

1 not be a fair and impartial juror?

2 PROSPECTIVE JUROR NO. 284: No.

3 THE COURT: Thank you, sir. Thank you for being
4 here.

5 Ms. Galindo, good afternoon.

6 PROSPECTIVE JUROR NO. 299: Good afternoon.

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

8 PROSPECTIVE JUROR NO. 299: Since 1977.

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

10 PROSPECTIVE JUROR NO. 299: I own my own business.

11 THE COURT: What kind of business is it?

12 PROSPECTIVE JUROR NO. 299: Landscape maintenance.

13 THE COURT: Landscape maintenance?

14 PROSPECTIVE JUROR NO. 299: Yes, ma'am.

15 THE COURT: Okay. How long have you had that
16 business?

17 PROSPECTIVE JUROR NO. 299: 12 years.

18 THE COURT: Your marital status?

19 PROSPECTIVE JUROR NO. 299: Married.

20 THE COURT: I'm sorry. Did you tell me about your
21 education background?

22 PROSPECTIVE JUROR NO. 299: No.

23 THE COURT: Okay. Go ahead.

24 PROSPECTIVE JUROR NO. 299: I completed some
25 college.

1 THE COURT: Okay. What did you study?
2 PROSPECTIVE JUROR NO. 299: I studied legal
3 secretary and computers and accounting.
4 THE COURT: How many -- how many years of college
5 did you have?
6 PROSPECTIVE JUROR NO. 299: Four.
7 THE COURT: Okay. So you went for quite a bit of
8 time, but it didn't result in a degree?
9 PROSPECTIVE JUROR NO. 299: Correct.
10 THE COURT: Okay. So you understand that anything
11 that you may have learned as a legal secretary, if it was
12 inconsistent with the instructions on the law as given to you,
13 you understand you would be required to follow the law as
14 given to you by the Court?
15 PROSPECTIVE JUROR NO. 299: Yes, I do.
16 THE COURT: Do you have any problem with that?
17 PROSPECTIVE JUROR NO. 299: No.
18 THE COURT: Okay. And your spouse, is your spouse
19 employed?
20 PROSPECTIVE JUROR NO. 299: He works with me with
21 our business.
22 THE COURT: Okay. Do you have kids?
23 PROSPECTIVE JUROR NO. 299: Three.
24 THE COURT: Are they --
25 PROSPECTIVE JUROR NO. 299: They're all adults.

1 THE COURT: Okay. Can you tell me what each does
2 for a living?

3 PROSPECTIVE JUROR NO. 299: Our son is a UPS worker.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 299: And one of our daughters
6 is a cocktail waitress, and our other daughter drives for
7 Uber.

8 THE COURT: Do you know of any reason why you could
9 not be a fair and impartial juror?

10 PROSPECTIVE JUROR NO. 299: No.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR NO. 299: You're welcome.

13 THE COURT: Thank you for being here.

14 Ms. Cardenas, good afternoon. How long have you
15 lived in Clark County?

16 PROSPECTIVE JUROR NO. 308: January 26, 2015.

17 THE COURT: Okay. Your education background?

18 PROSPECTIVE JUROR NO. 308: Associate's.

19 THE COURT: And what's your associate's degree in?

20 PROSPECTIVE JUROR NO. 308: Just general education.

21 THE COURT: Okay. And you work for, you told me
22 earlier, U.S. Customs?

23 PROSPECTIVE JUROR NO. 308: Yes, U.S. Customs.

24 THE COURT: Okay. And you're an officer?

25 PROSPECTIVE JUROR NO. 308: Yes.

1 THE COURT: And you work at McCarran Airport;
2 correct?
3 PROSPECTIVE JUROR NO. 308: Yes.
4 THE COURT: All right. Your marital status?
5 PROSPECTIVE JUROR NO. 308: Single.
6 THE COURT: Do you have kids?
7 PROSPECTIVE JUROR NO. 308: No.
8 THE COURT: Any reason why you could not be a fair
9 and impartial juror if you were selected to serve?
10 PROSPECTIVE JUROR NO. 308: No.
11 THE COURT: Thank you. Thank you for being here.
12 Lucia Federico.
13 PROSPECTIVE JUROR NO. 311: Yes.
14 THE COURT: How long have you lived in Clark County?
15 PROSPECTIVE JUROR NO. 311: 2007.
16 THE COURT: Your education background?
17 PROSPECTIVE JUROR NO. 311: Like middle school in
18 Mexico.
19 THE COURT: Okay. What did you study?
20 PROSPECTIVE JUROR NO. 311: No, middle school, like
21 I don't go to the high school.
22 THE COURT: I'm sorry?
23 PROSPECTIVE JUROR NO. 311: I go to -- I -- I start
24 like middle school here --
25 THE COURT: Oh.

1 PROSPECTIVE JUROR NO. 311: -- but I start in
2 Mexico.
3 THE COURT: Okay. And what do you do for a living?
4 PROSPECTIVE JUROR NO. 311: I work at a snack bar at
5 Sam's Town.
6 THE COURT: How long have you worked at Sam's Town?
7 PROSPECTIVE JUROR NO. 311: Ten years and a half.
8 THE COURT: Okay. Your marital status?
9 PROSPECTIVE JUROR NO. 311: Yes, ma'am.
10 THE COURT: You're married?
11 PROSPECTIVE JUROR NO. 311: Yes.
12 THE COURT: Okay. Is your spouse employed?
13 PROSPECTIVE JUROR NO. 311: Yes.
14 THE COURT: What does your spouse do?
15 PROSPECTIVE JUROR NO. 311: He work at an air
16 condition company.
17 THE COURT: Okay. Do you have any children?
18 PROSPECTIVE JUROR NO. 311: Yes, we -- three.
19 THE COURT: Okay. Are your three kids old enough to
20 be employed?
21 PROSPECTIVE JUROR NO. 311: Two of them.
22 THE COURT: Okay. Can you tell me what your two
23 kids do for a living?
24 PROSPECTIVE JUROR NO. 311: My older son, he work at
25 the MGM. The middle one, he live in Idaho, he work in the

1 company, also. I'm not sure, like for iPhone, like taking
2 calls or something like this.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 311: And my youngest one,
5 he's still in high school.

6 THE COURT: Okay. Do you know of any reason why you
7 could not be a fair and impartial juror?

8 PROSPECTIVE JUROR NO. 311: No.

9 THE COURT: Thank you. Thank you for being here.
10 Jeffery --

11 PROSPECTIVE JUROR NO. 314: Kangiser, Your Honor.

12 THE COURT: Kangiser. Okay. Thank you. How long
13 have you lived in Clark County?

14 PROSPECTIVE JUROR NO. 314: Since 2002.

15 THE COURT: Your education background?

16 PROSPECTIVE JUROR NO. 314: High school and trade
17 school.

18 THE COURT: What kind of trade school training do
19 you have?

20 PROSPECTIVE JUROR NO. 314: For CDL Class A.

21 THE COURT: Okay. And what do you do for a living?

22 PROSPECTIVE JUROR NO. 314: Commercial truck
23 driving.

24 THE COURT: Do you leave the city a lot?

25 PROSPECTIVE JUROR NO. 314: I travel mainly on the

1 I-15 between Los Angeles and Salt Lake City.

2 THE COURT: Okay. So you do the --

3 PROSPECTIVE JUROR NO. 314: Yes, I do, I leave the
4 city really frequently, yes.

5 THE COURT: Okay. But you understand if you were on
6 this panel, you would be here in Clark County --

7 PROSPECTIVE JUROR NO. 314: Yes.

8 THE COURT: -- throughout the trial?

9 PROSPECTIVE JUROR NO. 314: Yes. And I'm --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 314: -- prepared to inform my
12 supervisors and I -- I'm financially okay with that.

13 THE COURT: Okay. Your marital status?

14 PROSPECTIVE JUROR NO. 314: Single.

15 THE COURT: Do you have children?

16 PROSPECTIVE JUROR NO. 314: No.

17 THE COURT: Any reason why you could not be a fair
18 and impartial juror?

19 PROSPECTIVE JUROR NO. 314: No, Your Honor.

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

22 Ms. Suarez, how long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 330: For about four years.

24 THE COURT: Where did you move from?

25 PROSPECTIVE JUROR NO. 330: New Jersey.

1 THE COURT: Your education background?
2 PROSPECTIVE JUROR NO. 330: Massage therapist.
3 THE COURT: So you're currently working as a massage
4 therapist?
5 PROSPECTIVE JUROR NO. 330: Yes, I do that --
6 THE COURT: So --
7 PROSPECTIVE JUROR NO. 330: -- part-time, and then
8 I'm an assistant manager at Little Caesar's.
9 THE COURT: Okay. Are you married?
10 PROSPECTIVE JUROR NO. 330: No.
11 THE COURT: Okay. Do you have children?
12 PROSPECTIVE JUROR NO. 330: No.
13 THE COURT: Any reason why you could not be a fair
14 and impartial juror if we selected you to serve?
15 PROSPECTIVE JUROR NO. 330: No, ma'am.
16 THE COURT: Thank you, Ms. Suarez. Thank you for
17 being here.
18 Ms. Angela Berens, how long have you lived in Clark
19 County?
20 PROSPECTIVE JUROR NO. 333: Five years.
21 THE COURT: Your education background?
22 PROSPECTIVE JUROR NO. 333: Master's.
23 THE COURT: Can you tell me what your master's
24 degree is in?
25 PROSPECTIVE JUROR NO. 333: Music education and

1 performance.

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

3 PROSPECTIVE JUROR NO. 333: I'm a high school

4 teacher.

5 THE COURT: Do you teach music?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 THE COURT: Okay. Your marital status?

8 PROSPECTIVE JUROR NO. 333: Single.

9 THE COURT: They say that music, people that have

10 music degrees, they do really good in law school. Did you --

11 I don't know why, but they said that people that study music

12 do -- they say you can do really well on the LSAT? Just

13 saying. I always wondered.

14 PROSPECTIVE JUROR NO. 333: Cool.

15 THE COURT: I wondered what the correlation was.

16 Your marital status?

17 PROSPECTIVE JUROR NO. 333: Single.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR NO. 333: No.

20 THE COURT: Any reason why you cannot be a fair and

21 impartial juror?

22 PROSPECTIVE JUROR NO. 333: No.

23 THE COURT: Thank you. Thank you very much for

24 being here.

25 Misty Lake. Good afternoon. How long have you

1 lived in Clark County?

2 PROSPECTIVE JUROR NO. 334: 2006.

3 THE COURT: Okay. Your education background?

4 PROSPECTIVE JUROR NO. 334: High school.

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

6 PROSPECTIVE JUROR NO. 334: I am a housewife.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 334: I have some health

9 issues, so my husband made me quit my job three years ago.

10 THE COURT: Okay. Do your health issues, do they

11 interfere with your ability to be a juror?

12 PROSPECTIVE JUROR NO. 334: No.

13 THE COURT: Okay. All right. And your married;

14 correct?

15 PROSPECTIVE JUROR NO. 334: Yes.

16 THE COURT: Is your -- is your spouse employed?

17 PROSPECTIVE JUROR NO. 334: Yes, my husband is a

18 forklift mechanic.

19 THE COURT: Okay. Do you have children?

20 PROSPECTIVE JUROR NO. 334: I have three kids.

21 THE COURT: Okay. Are they old enough to be

22 employed?

23 PROSPECTIVE JUROR NO. 334: Yes.

24 THE COURT: What does each do for a living?

25 PROSPECTIVE JUROR NO. 334: My youngest one is an

1 intern. She just graduated from UNLV as a -- to be a lawyer.
2 She's an intern at the women's prison.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 334: My daughter is a UPS
5 supervisor in New Jersey. My son is a general manager of the
6 largest seafood restaurant in New York.

7 THE COURT: Okay. Now, you said your first
8 daughter, that she's graduating and she wants to be a lawyer?

9 PROSPECTIVE JUROR NO. 334: Yeah, my youngest one.
10 She's just 22.

11 THE COURT: Okay. So she just graduated her
12 undergraduate?

13 PROSPECTIVE JUROR NO. 334: She has -- she graduated
14 in 2017 at UNLV?

15 THE COURT: Okay. The law school or undergraduate?

16 PROSPECTIVE JUROR NO. 334: She went to school to be
17 a lawyer, so --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 334: I don't know, sweetie.

20 THE COURT: Well, you said that she was 21?

21 PROSPECTIVE JUROR NO. 334: Yeah.

22 THE COURT: That would be awful young to have gone
23 to undergrad and law school, but I don't know.

24 PROSPECTIVE JUROR NO. 334: Oh, yeah. Well, she
25 just went to UNLV, sweetie, so --

1 THE COURT: Okay. Well, UNLV has a law school, as
2 well.
3 PROSPECTIVE JUROR NO. 334: Yeah.
4 THE COURT: All right. So it doesn't sound like --
5 has she taken the bar exam?
6 PROSPECTIVE JUROR NO. 334: No, not yet, sweetie.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 334: Oh, I'm sorry, Your
9 Honor.
10 THE COURT: That's okay. What does she do at the
11 prison?
12 PROSPECTIVE JUROR NO. 334: She's an intern. That's
13 all she told me.
14 THE COURT: Okay. And you understand that if you
15 were selected to serve that you could not discuss this case
16 with anyone, including your fellow jurors, until you went back
17 to deliberate upon your verdict? You understand that;
18 correct?
19 PROSPECTIVE JUROR NO. 334: Yes.
20 THE COURT: And you would comply with that order?
21 PROSPECTIVE JUROR NO. 334: Yes.
22 THE COURT: Okay. Do you know of any reason why you
23 could not be a fair and impartial juror?
24 PROSPECTIVE JUROR NO. 334: No.
25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NO. 334: Thank you.
2 THE COURT: Thank you for being here.
3 Mr. Whitman, good afternoon. How long have you
4 lived in Clark County?
5 PROSPECTIVE JUROR NO. 338: Since 2000.
6 THE COURT: Okay. Your education background?
7 PROSPECTIVE JUROR NO. 338: High school.
8 THE COURT: Okay. What do you do for a living?
9 PROSPECTIVE JUROR NO. 338: I'm currently
10 unemployed.
11 THE COURT: Okay. What was your last job?
12 PROSPECTIVE JUROR NO. 338: I worked at a call
13 center, customer service.
14 THE COURT: Okay. Your marital status?
15 PROSPECTIVE JUROR NO. 338: Single.
16 THE COURT: Do you have kids?
17 PROSPECTIVE JUROR NO. 338: No.
18 THE COURT: Any reason why you could not be a
19 completely fair and impartial juror?
20 PROSPECTIVE JUROR NO. 338: No.
21 THE COURT: Thank you, Mr. Whitman. Thank you for
22 being here.
23 Ms. Wendy Sandefur.
24 PROSPECTIVE JUROR NO. 342: Yes.
25 THE COURT: Good afternoon. How long have you lived

1 in Clark County?

2 PROSPECTIVE JUROR NO. 342: 2002.

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

4 PROSPECTIVE JUROR NO. 342: Medical

5 transcriptionist.

6 THE COURT: Okay. What's your education background?

7 PROSPECTIVE JUROR NO. 342: A little college. A

8 little general college.

9 THE COURT: Okay. So you just study general

10 education?

11 PROSPECTIVE JUROR NO. 342: Yes.

12 THE COURT: Okay. And your marital status?

13 PROSPECTIVE JUROR NO. 342: Widow.

14 THE COURT: Do you have kids?

15 PROSPECTIVE JUROR NO. 342: Yes.

16 THE COURT: How many?

17 PROSPECTIVE JUROR NO. 342: One.

18 THE COURT: One child. Is that child old enough to

19 be employed?

20 PROSPECTIVE JUROR NO. 342: Yes, she is.

21 THE COURT: What does she do for a living?

22 PROSPECTIVE JUROR NO. 342: She's an entrepreneur.

23 She's in hydro colon therapy.

24 THE COURT: She's in what?

25 PROSPECTIVE JUROR NO. 342: Hydro colon therapy.

1 THE COURT: Okay. Do you know of any reason why you
2 could not be a fair and impartial juror?
3 PROSPECTIVE JUROR NO. 342: No.
4 THE COURT: Okay. Thank you. Thank you for being
5 here.
6 PROSPECTIVE JUROR NO. 342: Okay.
7 THE COURT: Mr. Ashford, good afternoon again. How
8 long have you lived in Clark County?
9 PROSPECTIVE JUROR NO. 348: Since August of 2016.
10 THE COURT: So fairly new to Clark County.
11 PROSPECTIVE JUROR NO. 348: Yes.
12 THE COURT: Where did you move from?
13 PROSPECTIVE JUROR NO. 348: We sold our house in
14 Moreno Valley and moved here.
15 THE COURT: Okay. Your education background?
16 PROSPECTIVE JUROR NO. 348: High school, some
17 college.
18 THE COURT: What did you study?
19 PROSPECTIVE JUROR NO. 348: Business.
20 THE COURT: Okay. What do you do for a living?
21 PROSPECTIVE JUROR NO. 348: I'm retired Air Force,
22 and retired from the Department of Labor.
23 THE COURT: What did you do at the Department of
24 Labor?
25 PROSPECTIVE JUROR NO. 348: I enrolled students for

1 different vocational training programs.

2 THE COURT: Okay. Your marital status?

3 PROSPECTIVE JUROR NO. 348: Married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 348: She's retired.

6 THE COURT: What did she retire from?

7 PROSPECTIVE JUROR NO. 348: She was working for the

8 Pentagon Federal Credit Union.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR NO. 348: One son.

11 THE COURT: Is he old enough to be employed?

12 PROSPECTIVE JUROR NO. 348: Yes, he is.

13 THE COURT: Can you tell me what he does for a

14 living?

15 PROSPECTIVE JUROR NO. 348: He actually is a

16 songwriter. He writes music for different people.

17 THE COURT: Do you know of any reason why you could

18 not be a fair and impartial juror?

19 PROSPECTIVE JUROR NO. 348: None whatsoever.

20 THE COURT: Thank you, Mr. Ashford. Thank you for

21 being here.

22 Mr. Moore.

23 PROSPECTIVE JUROR NO. 354: Yes, ma'am.

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

25 PROSPECTIVE JUROR NO. 354: 40 years.

1 THE COURT: What's your education background?
2 PROSPECTIVE JUROR NO. 354: Associate's, general
3 education.
4 THE COURT: What do you do for a living?
5 PROSPECTIVE JUROR NO. 354: Casino manager.
6 THE COURT: How long have you done that?
7 PROSPECTIVE JUROR NO. 354: Seven, eight years.
8 THE COURT: Okay. Your marital status?
9 PROSPECTIVE JUROR NO. 354: Married.
10 THE COURT: Is your spouse employed?
11 PROSPECTIVE JUROR NO. 354: Yes.
12 THE COURT: What does your spouse do?
13 PROSPECTIVE JUROR NO. 354: She's a dealer.
14 THE COURT: Okay. At your casino?
15 PROSPECTIVE JUROR NO. 354: No.
16 THE COURT: Okay. Do you have children?
17 PROSPECTIVE JUROR NO. 354: No.
18 THE COURT: Any reason why you could not be a fair
19 and impartial juror?
20 PROSPECTIVE JUROR NO. 354: No.
21 THE COURT: Thank you, sir. Thank you for being
22 here.
23 Angela Che?
24 PROSPECTIVE JUROR NO. 356: Hi.
25 THE COURT: Hi. Good afternoon. How long have you

1 lived in Clark County?

2 PROSPECTIVE JUROR NO. 356: 2009.

3 THE COURT: Okay. Your education background?

4 PROSPECTIVE JUROR NO. 356: High school in China.

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

6 PROSPECTIVE JUROR NO. 356: Restaurant work.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 356: Restaurant.

9 THE COURT: Okay. Are you married?

10 PROSPECTIVE JUROR NO. 356: Single.

11 THE COURT: Okay. Do you have kids?

12 PROSPECTIVE JUROR NO. 356: One. One.

13 THE COURT: One? Is that child old enough to be

14 employed?

15 PROSPECTIVE JUROR NO. 356: Right now go to the

16 UNLV.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 356: [Indiscernible].

19 THE COURT: Any reason why you could not be a fair

20 and impartial juror?

21 PROSPECTIVE JUROR NO. 356: No.

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

23 Mr. Kevin Wilson, how long have you lived in Clark

24 County?

25 PROSPECTIVE JUROR NO. 357: Since 2003.

1 THE COURT: Okay. What do you do for a living?
2 PROSPECTIVE JUROR NO. 357: I'm an area manager for
3 Escape Campervans.
4 THE COURT: I'm sorry. Will you just say that
5 again?
6 PROSPECTIVE JUROR NO. 357: Area manager for Escape
7 Campervans.
8 THE COURT: And your education background?
9 PROSPECTIVE JUROR NO. 357: University, athletic
10 trainer.
11 THE COURT: Okay. Your marital status?
12 PROSPECTIVE JUROR NO. 357: Married.
13 THE COURT: Is your spouse employed?
14 PROSPECTIVE JUROR NO. 357: Yes, she works for the
15 same company. She's an assistant manager.
16 THE COURT: Okay. Do you have children?
17 PROSPECTIVE JUROR NO. 357: One son, ninth grade.
18 THE COURT: Okay. Any reason why you could not be a
19 fair and impartial juror?
20 PROSPECTIVE JUROR NO. 357: No.
21 THE COURT: Thank you. Thank you for being here.
22 Mr. Koda Singh, how long have you lived here in
23 Clark County?
24 PROSPECTIVE JUROR NO. 370: 30 years.
25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR NO. 370: Some college.
2 THE COURT: What did you study?
3 PROSPECTIVE JUROR NO. 370: Business.
4 THE COURT: What do you do for a living?
5 PROSPECTIVE JUROR NO. 370: I'm an owner-operator of
6 a third-party inspection firm --
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 370: -- in construction.
9 THE COURT: Your marital status?
10 PROSPECTIVE JUROR NO. 370: Single.
11 THE COURT: Do you have kids?
12 PROSPECTIVE JUROR NO. 370: Yes.
13 THE COURT: How many?
14 PROSPECTIVE JUROR NO. 370: One.
15 THE COURT: I'm assuming that child is a minor?
16 PROSPECTIVE JUROR NO. 370: Yes.
17 THE COURT: Okay. Any reason why you could not be a
18 fair and impartial juror?
19 PROSPECTIVE JUROR NO. 370: No.
20 THE COURT: Thank you. Thank you for being here.
21 Mr. Cruz.
22 PROSPECTIVE JUROR NO. 371: Yes.
23 THE COURT: How long have you lived in Clark County?
24 PROSPECTIVE JUROR NO. 371: Since 2003.
25 THE COURT: Are you employed?

1 PROSPECTIVE JUROR NO. 371: Yes.
2 THE COURT: What do you do?
3 PROSPECTIVE JUROR NO. 371: I work at Amazon
4 Warehouse.
5 THE COURT: Okay. Your education background?
6 PROSPECTIVE JUROR NO. 371: High school, some
7 college.
8 THE COURT: What did you study in college?
9 PROSPECTIVE JUROR NO. 371: I was going to be a
10 surgical tech.
11 THE COURT: Okay. Your marital status?
12 PROSPECTIVE JUROR NO. 371: Single.
13 THE COURT: Do you have kids?
14 PROSPECTIVE JUROR NO. 371: No.
15 THE COURT: Any reason why you could not be a fair
16 and impartial juror?
17 PROSPECTIVE JUROR NO. 371: No.
18 THE COURT: Thank you, sir. Thank you for being
19 here.
20 Ms. Sheryl Ashford.
21 PROSPECTIVE JUROR NO. 372: Yes.
22 THE COURT: How long have you lived in Clark County?
23 PROSPECTIVE JUROR NO. 372: Since 2006.
24 THE COURT: What do you do for a living?
25 PROSPECTIVE JUROR NO. 372: I'm a sales associate at

1 Walmart.

2 THE COURT: Your education background?

3 PROSPECTIVE JUROR NO. 372: I have an associate's

4 degree in fine arts. I also have an associate's degree in

5 forensic sculpting.

6 THE COURT: In forensic sculpting?

7 PROSPECTIVE JUROR NO. 372: Uh-huh.

8 THE COURT: Is that -- is that a yes?

9 PROSPECTIVE JUROR NO. 372: Yes.

10 THE COURT: What is forensic sculpting?

11 PROSPECTIVE JUROR NO. 372: You use clay to build

12 out away from bone to recreate the image of the individual.

13 THE COURT: Oh. Okay. Your marital status?

14 PROSPECTIVE JUROR NO. 372: I'm married.

15 THE COURT: Is your spouse employed?

16 PROSPECTIVE JUROR NO. 372: She is a pastry chef

17 from home.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR NO. 372: Five.

20 THE COURT: Okay. Are any of them old enough to be

21 employed?

22 PROSPECTIVE JUROR NO. 372: They are all grown.

23 THE COURT: Okay. Why don't you just start at the

24 top and tell me what each does for a living.

25 PROSPECTIVE JUROR NO. 372: My oldest son owns a

1 vineyard and winery in Italy with his wife.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 372: My second oldest is in
4 the military.
5 THE COURT: What branch?
6 PROSPECTIVE JUROR NO. 372: Army.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 372: He is overseas right
9 now. My twins are nurses in the Mount Clemens, Michigan area.
10 THE COURT: Both are nurses?
11 PROSPECTIVE JUROR NO. 372: Yes, they are.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 372: And my youngest is
14 deceased.
15 THE COURT: Okay. I'm sorry. Any reason why you
16 could not be a fair and impartial juror?
17 PROSPECTIVE JUROR NO. 372: No.
18 THE COURT: Thank you. Thank you very much for
19 being here.
20 Mr. Gifford.
21 PROSPECTIVE JUROR NO. 374: Yes.
22 THE COURT: Good afternoon. How long have you lived
23 in Clark County?
24 PROSPECTIVE JUROR NO. 374: Came to Clark County in
25 1952.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 374: Shy of 14 years, I've
3 been here for the duration.

4 THE COURT: Okay. Your education background?

5 PROSPECTIVE JUROR NO. 374: Former military. I also
6 have an undergrad and master's in business administration,
7 focused on economics and finance, and I have a number of years
8 of post-grad in engineering, I just didn't complete the
9 dissertation.

10 THE COURT: So pretty -- almost a doctorate without
11 the dissertation?

12 PROSPECTIVE JUROR NO. 374: Yes.

13 THE COURT: Yes. Okay. And are you currently
14 employed?

15 PROSPECTIVE JUROR NO. 374: I am.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR NO. 374: I'm the principal of a
18 consulting company. I provide expert witnessing services.
19 I've been doing that for 22 years. I testify in district
20 court and superior court in California and Nevada so far.

21 THE COURT: Okay. So you provide -- I assume you
22 provide expert testimony in civil matters?

23 PROSPECTIVE JUROR NO. 374: Yes, but I've also
24 provided testimony in a criminal matter, as well.

25 THE COURT: Okay. Give me an example of how you

1 would give expert testimony in a criminal matter.

2 PROSPECTIVE JUROR NO. 374: The State Attorney
3 General's Office hired me a number of years ago in -- in a
4 federal case, whereas a man was making allegations against the
5 State with respect to inadequacy of light to prepare his case
6 while he was in prison.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 374: So I went into the cell
9 for a period of time with a light meter and some other
10 instruments and evaluated the situation and prepared myself to
11 testify in that matter.

12 THE COURT: Okay. And then you -- and that was a
13 criminal matter, or was it somebody that was in custody filing
14 a civil action?

15 PROSPECTIVE JUROR NO. 374: You know, that's
16 probably a better description. Yeah.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 374: Originally, it was a
19 criminal matter, but, indeed, at that point in time it was a
20 civil matter.

21 THE COURT: Okay. And so you've testified in
22 California courts?

23 PROSPECTIVE JUROR NO. 374: Yes.

24 THE COURT: In Nevada courts?

25 PROSPECTIVE JUROR NO. 374: Yes.

1 THE COURT: So -- and have they been state and
2 federal?

3 PROSPECTIVE JUROR NO. 374: I have not testified in
4 federal court yet. It -- cases in federal court have always
5 solved, they've always been resolved before I got to testify.

6 THE COURT: Okay. But you have testified in Clark
7 County District Court?

8 PROSPECTIVE JUROR NO. 374: Approximately, 10 or 11
9 times --

10 THE COURT: Okay. So --

11 PROSPECTIVE JUROR NO. 374: -- here in Clark County.

12 THE COURT: So that's a lot.

13 PROSPECTIVE JUROR NO. 374: Including Your Honor in
14 your court.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 374: A number of years ago.

17 THE COURT: What kind -- what -- and it was a civil
18 case?

19 PROSPECTIVE JUROR NO. 374: It was.

20 THE COURT: Sorry. You poor thing. And then you
21 got a summons to come back again. Well, I'm glad you're here.
22 But 10 or 11 times where you've actually come in and
23 testified, that pretty substantial. So -- and California, as
24 well. Any other states?

25 PROSPECTIVE JUROR NO. 374: No. Those two states

1 are the only ones where I've testified. Many times in
2 deposition, a couple hundred times, New York, Arizona, and
3 elsewhere, but in terms of actually testifying in court, I'm
4 limited at this point to California and Nevada.

5 THE COURT: Okay. Is there anything about those
6 experiences that would interfere with your ability to be fair
7 and impartial in this case?

8 PROSPECTIVE JUROR NO. 374: No.

9 THE COURT: Okay. So you obviously probably know a
10 lot about procedure and rules of the court. You'd have to in
11 order to provide expert testimony; correct?

12 PROSPECTIVE JUROR NO. 374: Yes, Your Honor, I do.

13 THE COURT: But you would -- you would not -- you
14 would not -- you would rely on the law as given to you by the
15 Court; is that correct?

16 PROSPECTIVE JUROR NO. 374: That's correct.

17 THE COURT: Regardless of whatever you thought the
18 law to be in your expert testimony capacity; correct?

19 PROSPECTIVE JUROR NO. 374: That would be my
20 objective, yes.

21 THE COURT: Okay. And you probably know a lot of
22 lawyers and people in the legal profession.

23 PROSPECTIVE JUROR NO. 374: Indeed.

24 THE COURT: And you understand that you wouldn't be
25 permitted to discuss this case with any of them until you were

1 discharged as a juror. You understand that; correct?

2 PROSPECTIVE JUROR NO. 374: I do.

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

4 PROSPECTIVE JUROR NO. 374: Yes.

5 THE COURT: Okay. Your marital status?

6 PROSPECTIVE JUROR NO. 374: I'm married.

7 THE COURT: Is your spouse employed?

8 PROSPECTIVE JUROR NO. 374: She's a real estate

9 professional. Not particularly active, but she is licensed.

10 THE COURT: Okay. Do you have children?

11 PROSPECTIVE JUROR NO. 374: I do.

12 THE COURT: How many?

13 PROSPECTIVE JUROR NO. 374: Three.

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

15 PROSPECTIVE JUROR NO. 374: Oh, yes.

16 THE COURT: Okay. Well, you're happy. What do they

17 each do for a living?

18 PROSPECTIVE JUROR NO. 374: One is a medical doctor,

19 another one is a music professional, and the other one is

20 lawyer here in Clark County.

21 THE COURT: Okay. What type of law does that child

22 practice?

23 PROSPECTIVE JUROR NO. 374: He's with a defense firm

24 primarily doing defense for insurance companies.

25 THE COURT: Okay. So civil defense?

1 PROSPECTIVE JUROR NO. 374: Exactly.

2 THE COURT: And, again, I know you understand this,
3 but just for the record, you would comply with the Court's
4 order not to discuss this case with anyone, including your
5 child until this case was over and you were discharged;
6 correct?

7 PROSPECTIVE JUROR NO. 374: That's true.

8 THE COURT: Okay. Any reason why you could not be a
9 fair and impartial juror?

10 PROSPECTIVE JUROR NO. 374: No.

11 THE COURT: Thank you. Thank you very much for
12 being here.

13 Mr. Storebo.

14 PROSPECTIVE JUROR NO. 376: It's Storebo.

15 THE COURT: Sorry. Sorry.

16 PROSPECTIVE JUROR NO. 376: It's okay.

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

18 PROSPECTIVE JUROR NO. 376: Since 1990.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 376: Some college.

21 THE COURT: What did you study?

22 PROSPECTIVE JUROR NO. 376: General.

23 THE COURT: What do you do for a living? I'm sorry.
24 What do you do for a living?

25 PROSPECTIVE JUROR NO. 376: I work for the Home

1 Depot.

2 THE COURT: Okay. Your marital status?

3 PROSPECTIVE JUROR NO. 376: Married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 376: Retired from the Clark

6 County School District.

7 THE COURT: Was she a teacher?

8 PROSPECTIVE JUROR NO. 376: Yes, she was.

9 THE COURT: Okay. Do you have kids?

10 PROSPECTIVE JUROR NO. 376: One son.

11 THE COURT: Is he old enough to be employed?

12 PROSPECTIVE JUROR NO. 376: Yes, he is.

13 THE COURT: Can you tell me what he does for a

14 living?

15 PROSPECTIVE JUROR NO. 376: He's the director of

16 Parks and Recreation for the State of Minnesota.

17 THE COURT: Do you know of any reason why you could

18 not be a fair and impartial juror?

19 PROSPECTIVE JUROR NO. 376: No.

20 THE COURT: Thank you. Thank you very much for

21 being here.

22 Is it Treant?

23 PROSPECTIVE JUROR NO. 381: Yes.

24 THE COURT: Treant Smith?

25 PROSPECTIVE JUROR NO. 381: Yes.

1 THE COURT: How long have you lived in Clark County?
2 PROSPECTIVE JUROR NO. 381: Since 1981.
3 THE COURT: Your education background?
4 PROSPECTIVE JUROR NO. 381: Some college.
5 THE COURT: What did you study?
6 PROSPECTIVE JUROR NO. 381: Microcomputer
7 programming.
8 THE COURT: What do you do for a living?
9 PROSPECTIVE JUROR NO. 381: Assistant store manager
10 for Levi's.
11 THE COURT: I'm sorry. Assistant --
12 PROSPECTIVE JUROR NO. 381: Assistant store manager
13 for Levi's.
14 THE COURT: Okay. Your marital status?
15 PROSPECTIVE JUROR NO. 381: Single.
16 THE COURT: Do you have kids?
17 PROSPECTIVE JUROR NO. 381: A daughter, 14.
18 THE COURT: Any reason why you could not be a fair
19 and impartial juror if you were selected to serve?
20 PROSPECTIVE JUROR NO. 381: No.
21 THE COURT: Thank you. Thank you very much for
22 being here.
23 Mr. Ludwig.
24 PROSPECTIVE JUROR NO. 391: Yes, ma'am.
25 THE COURT: How long have you lived in Clark County?

1 PROSPECTIVE JUROR NO. 391: Since 2005.

2 THE COURT: Okay. Your education background?

3 PROSPECTIVE JUROR NO. 391: Some college.

4 THE COURT: What did you study?

5 PROSPECTIVE JUROR NO. 391: Computer science and

6 math minor, but I didn't finish.

7 THE COURT: Pardon?

8 PROSPECTIVE JUROR NO. 391: But I did not finish.

9 THE COURT: Okay. What do you currently do for a

10 living?

11 PROSPECTIVE JUROR NO. 391: I'm an accident

12 investigator. I investigate taxicab accidents for one of the

13 major taxicab companies in the valley.

14 THE COURT: Okay. So you're employed by one of the

15 taxicab companies?

16 PROSPECTIVE JUROR NO. 391: Yes. Frias

17 Transportation.

18 THE COURT: All right. Are you an accident

19 reconstruction?

20 PROSPECTIVE JUROR NO. 391: Yeah. We do that, yes.

21 THE COURT: Pretty much?

22 PROSPECTIVE JUROR NO. 391: Yeah.

23 THE COURT: You go out --

24 PROSPECTIVE JUROR NO. 391: We take video, we go

25 out, we measure, we -- we do all that. But, granted, cab

1 drivers are in accidents five or six times a night, so --

2 THE COURT: So you're like so busy.

3 PROSPECTIVE JUROR NO. 391: Yeah, I'm like so busy.

4 THE COURT: You get called out a lot?

5 PROSPECTIVE JUROR NO. 391: Yes, ma'am.

6 THE COURT: Okay. I didn't mean to be that

7 disrespectful.

8 PROSPECTIVE JUROR NO. 391: No, no, no. It's not.

9 It's not.

10 THE COURT: But you started it.

11 PROSPECTIVE JUROR NO. 391: I did. I did. I did.

12 THE COURT: And so if one of your cab drivers is

13 involved in an accident, they would call you and you would go

14 out --

15 PROSPECTIVE JUROR NO. 391: I respond to the scene.

16 THE COURT: -- and basically --

17 PROSPECTIVE JUROR NO. 391: Yeah.

18 THE COURT: -- and reconstruct it?

19 PROSPECTIVE JUROR NO. 391: Yes.

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

21 PROSPECTIVE JUROR NO. 391: For five years.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR NO. 391: I'm married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 391: Yes, she is.

1 THE COURT: What does she do?

2 PROSPECTIVE JUROR NO. 391: She is in large group --

3 let's see, I know it's a title. Large group insurance -- I

4 don't know. She puts things into action with large group

5 insurance companies for Anthem.

6 THE COURT: Okay. Do you have children?

7 PROSPECTIVE JUROR NO. 391: Yes, three.

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

9 PROSPECTIVE JUROR NO. 391: Two of them are.

10 THE COURT: Can you tell me what those two do for a

11 living?

12 PROSPECTIVE JUROR NO. 391: The oldest is a

13 full-time student at -- up in Idaho, BYU Idaho, and the second

14 oldest is a teacher assistant up in St. George while she

15 attends Dixie State.

16 THE COURT: Okay. Any reason why you could not be a

17 fair and impartial juror if you were selected to serve?

18 PROSPECTIVE JUROR NO. 391: No, ma'am.

19 THE COURT: Thank you. Thank you very much for

20 being here.

21 Julie Ipema.

22 PROSPECTIVE JUROR NO. 401: Yeah, that's correct.

23 THE COURT: Okay. How long have you lived in Clark

24 County?

25 PROSPECTIVE JUROR NO. 401: Since 1996.

1 THE COURT: What do you do for a living?
2 PROSPECTIVE JUROR NO. 401: I work at a casino as a
3 cage cashier.
4 THE COURT: Okay. Your education background?
5 PROSPECTIVE JUROR NO. 401: High school.
6 THE COURT: Okay. Your marital status?
7 PROSPECTIVE JUROR NO. 401: Single.
8 THE COURT: Do you have children?
9 PROSPECTIVE JUROR NO. 401: Three grownup children,
10 two daughters, one son.
11 THE COURT: Okay. Can you tell me what they do for
12 a living?
13 PROSPECTIVE JUROR NO. 401: My youngest just
14 graduated from UNLV as anthropology, and she's currently
15 self-employed as a belly dancing class.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 401: She gives classes. My
18 son, he work at the Digitech, he's at Digitech, and my
19 daughters, other daughters, live in California.
20 THE COURT: Okay. Do you know of any reason why you
21 could not be a fair and impartial juror if you were selected
22 to serve?
23 PROSPECTIVE JUROR NO. 401: Not at all.
24 THE COURT: Thank you. Thank you for being here.
25 Ms. Haduca.

1 PROSPECTIVE JUROR NO. 403: Yes.
2 THE COURT: How long have you lived in Clark
3 County?
4 PROSPECTIVE JUROR NO. 403: Six years.
5 THE COURT: What do you do for a living?
6 PROSPECTIVE JUROR NO. 403: I am self-employed.
7 THE COURT: Okay. What do you do for a living?
8 PROSPECTIVE JUROR NO. 403: Entertain.
9 THE COURT: Okay. Your education background?
10 PROSPECTIVE JUROR NO. 403: High school and
11 cosmetology.
12 THE COURT: Your marital status?
13 PROSPECTIVE JUROR NO. 403: Single.
14 THE COURT: Do you have kids?
15 PROSPECTIVE JUROR NO. 403: I have one.
16 THE COURT: Okay. Is your -- I'm assuming your
17 child is a minor?
18 PROSPECTIVE JUROR NO. 403: Yes, he's seven.
19 THE COURT: Okay. Any reason why you could not be a
20 fair and impartial juror if selected to serve?
21 PROSPECTIVE JUROR NO. 403: No.
22 THE COURT: Thank you. Thank you very much for
23 being here.
24 Let's see. John Paton; correct?
25 PROSPECTIVE JUROR NO. 414: Yes, ma'am.

1 THE COURT: Okay. How long have you lived in Clark
2 County?
3 PROSPECTIVE JUROR NO. 414: Since 2001.
4 THE COURT: Okay. What do you do for a living?
5 PROSPECTIVE JUROR NO. 414: I'm an automation
6 technician for Cirque Du Soleil.
7 THE COURT: Okay. You're going to have to tell me
8 what that means.
9 PROSPECTIVE JUROR NO. 414: Automation is all the
10 computer controlled large moving pieces in the show.
11 Automation is responsible for maintaining and running during
12 the show.
13 THE COURT: Okay. Do you work for a specific show
14 or for the entire company?
15 PROSPECTIVE JUROR NO. 414: I work for Michael
16 Jackson One as a maintenance, stage maintenance.
17 THE COURT: Okay. Your education background?
18 PROSPECTIVE JUROR NO. 414: Some college, computer
19 science.
20 THE COURT: Okay. Your marital status?
21 PROSPECTIVE JUROR NO. 414: Single.
22 THE COURT: Do you have children?
23 PROSPECTIVE JUROR NO. 414: One son, 13.
24 THE COURT: Okay. Do you know of any reason why you
25 could not be a fair and impartial juror if you were selected

1 to serve?

2 PROSPECTIVE JUROR NO. 414: No.

3 THE COURT: Thank you. Thank you very much for
4 being here.

5 Keith, is it Szita?

6 PROSPECTIVE JUROR NO. 415: Szita?

7 THE COURT: Okay. How long have you lived in Clark
8 County?

9 PROSPECTIVE JUROR NO. 415: Since 1993.

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

11 PROSPECTIVE JUROR NO. 415: I own a company that
12 operates hotels in Thailand and Hungary.

13 THE COURT: You own a company that operates hotels
14 in Thailand?

15 PROSPECTIVE JUROR NO. 415: And in Hungary.

16 THE COURT: And in Hungary. But you're here in
17 Clark County?

18 PROSPECTIVE JUROR NO. 415: Yes, we do excursion
19 tours from Las Vegas out there.

20 THE COURT: Okay. Your education background?

21 PROSPECTIVE JUROR NO. 415: MBA.

22 THE COURT: Your marital status?

23 PROSPECTIVE JUROR NO. 415: Married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 415: Yes.

1 THE COURT: What does your spouse do?
2 PROSPECTIVE JUROR NO. 415: She's a director in the
3 in-suite dining of a hotel here in town.
4 THE COURT: I'm sorry. I'm having --
5 PROSPECTIVE JUROR NO. 415: She's a director of
6 in-suite dining at a hotel here in town.
7 THE COURT: Okay. Do you have children?
8 PROSPECTIVE JUROR NO. 415: Two girls.
9 THE COURT: Are they old enough to be employed?
10 PROSPECTIVE JUROR NO. 415: No.
11 THE COURT: Okay. Any reason why you could not be a
12 fair and impartial juror?
13 PROSPECTIVE JUROR NO. 415: No.
14 THE COURT: Thank you. Thank you very much for
15 being here.
16 Adam Mancini.
17 PROSPECTIVE JUROR NO. 418: Yes, ma'am.
18 THE COURT: Okay. How long have you lived in Clark
19 County?
20 PROSPECTIVE JUROR NO. 418: 26 years.
21 THE COURT: Okay. Your education background?
22 PROSPECTIVE JUROR NO. 418: Bachelor of Science
23 Geology.
24 THE COURT: What do you do for a living?
25 PROSPECTIVE JUROR NO. 418: I'm a geologist.

1 THE COURT: Okay. I know what a geologist does, but
2 in theory, I'm just curious. What kind of company do you work
3 for, what do you do?

4 PROSPECTIVE JUROR NO. 418: I work for a
5 geotechnical engineering firm.

6 THE COURT: Oh, okay.

7 PROSPECTIVE JUROR NO. 418: And third-party
8 inspection service firm.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR NO. 418: Single.

11 THE COURT: Do you have kids?

12 PROSPECTIVE JUROR NO. 418: No.

13 THE COURT: Any reason why you could not be a fair
14 and impartial juror if you were selected to serve?

15 PROSPECTIVE JUROR NO. 418: No, ma'am.

16 THE COURT: Thank you. Thank you very much for being
17 here.

18 Saimone Sailor. Good afternoon.

19 PROSPECTIVE JUROR NO. 419: Hello.

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

21 PROSPECTIVE JUROR NO. 419: 34 years.

22 THE COURT: Okay. Your education background?

23 PROSPECTIVE JUROR NO. 419: A master's in education.

24 THE COURT: Okay. And what do you do for a living?

25 PROSPECTIVE JUROR NO. 419: A kindergarten teacher.

1 THE COURT: Okay. And do you work for the school
2 district?
3 PROSPECTIVE JUROR NO. 419: I work for the Clark
4 County School District.
5 THE COURT: Okay. How long have you taught
6 kindergarten?
7 PROSPECTIVE JUROR NO. 419: Taught kindergarten
8 three years. Worked for the school district doing pre-K 17
9 years.
10 THE COURT: Okay. Your marital status?
11 PROSPECTIVE JUROR NO. 419: Married.
12 THE COURT: Okay. Is your spouse employed?
13 PROSPECTIVE JUROR NO. 419: Yes, at Amazon
14 Warehouse.
15 THE COURT: Okay. Do you have children?
16 PROSPECTIVE JUROR NO. 419: Four.
17 THE COURT: Okay. Are any of your children old
18 enough to be employed?
19 PROSPECTIVE JUROR NO. 419: My twin boys are.
20 THE COURT: Okay. Can you tell me what they do?
21 PROSPECTIVE JUROR NO. 419: My one twin boy works
22 for FedEx, and the other one goes to Arizona State now.
23 THE COURT: Any reason why you could not be a fair
24 and impartial juror?
25 PROSPECTIVE JUROR NO. 419: No.

1 THE COURT: Thank you. Thank you very much for
2 being here.

3 Ms. Maureen Cabrera.

4 PROSPECTIVE JUROR NO. 420: Good afternoon.

5 THE COURT: How long -- good afternoon. Thank you
6 very much for being here. How long have you lived in Clark
7 County?

8 PROSPECTIVE JUROR NO. 420: Since 2005.

9 THE COURT: Okay. Your education background?

10 PROSPECTIVE JUROR NO. 420: Some college, elementary
11 education.

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

13 PROSPECTIVE JUROR NO. 420: I work for
14 Williams-Sonoma as a sales associate.

15 THE COURT: Your marital status?

16 PROSPECTIVE JUROR NO. 420: I'm married.

17 THE COURT: Okay. Is your spouse employed?

18 PROSPECTIVE JUROR NO. 420: He's retired.

19 THE COURT: What did he retire from?

20 PROSPECTIVE JUROR NO. 420: He retired from the
21 steel mills in Northwest Indiana.

22 THE COURT: Okay. Do you have children?

23 PROSPECTIVE JUROR NO. 420: Four.

24 THE COURT: Are any of your kids old enough to be
25 employed?

1 PROSPECTIVE JUROR NO. 420: They are.

2 THE COURT: Can you tell me what each does?

3 PROSPECTIVE JUROR NO. 420: One works for Nordstrom,
4 one is a stay at home mom, and I have a daughter that works
5 for Clark County, and then a youngest daughter that works at a
6 clothing manufacturing company. I can't remember the name
7 right now.

8 THE COURT: Do you know of any reason why you could
9 not be a fair and impartial juror if you were selected to
10 serve?

11 PROSPECTIVE JUROR NO. 420: I do not. I'm good,
12 Your Honor.

13 THE COURT: Okay. Thank you.

14 All right. For the panel of 32, I just have a few
15 more questions, so if you want to respond, I just ask that you
16 raise your hand. We can make sure that the microphone gets to
17 you and so we have a good record of who is speaking. Are
18 there any on the panel of 32 that have ever served as a juror
19 before? Have you come in, selected, been empaneled?

20 Go ahead, sir.

21 PROSPECTIVE JUROR NO. 246: I was a juror in
22 California in Los Angeles.

23 THE COURT: Will you just state your name and badge
24 number?

25 PROSPECTIVE JUROR NO. 246: Oh, I'm sorry. Ted

1 Koga, Badge 246.

2 THE COURT: Okay. So you served previously in
3 California?

4 PROSPECTIVE JUROR NO. 246: Yes.

5 THE COURT: One time?

6 PROSPECTIVE JUROR NO. 246: Yes.

7 THE COURT: Was it civil or criminal?

8 PROSPECTIVE JUROR NO. 246: It was a civil case.

9 THE COURT: Okay. Were you selected to be the
10 foreperson?

11 PROSPECTIVE JUROR NO. 246: No.

12 THE COURT: Without telling me your verdict, did you
13 reach a verdict?

14 PROSPECTIVE JUROR NO. 246: Yes.

15 THE COURT: Was there anything about that experience
16 that would interfere with your ability to be fair and
17 impartial in this case?

18 PROSPECTIVE JUROR NO. 246: No.

19 THE COURT: Thank you, sir.

20 PROSPECTIVE JUROR NO. 246: I did -- I just wanted
21 to amend because I forgot to mention I also own a photography
22 business --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 246: -- when you were asking
25 what my line of work was.

1 THE COURT: Okay. And so you also own a photography
2 business?

3 PROSPECTIVE JUROR NO. 246: Yes, I'm a sole investor
4 in an LLC, so it's a pass-through corporation.

5 THE COURT: Okay. Thank you, sir.

6 Anyone else that's ever served as a juror before??

7 PROSPECTIVE JUROR NO. 342: Wendy Sandefur, 342.

8 THE COURT: Okay. How many times?

9 PROSPECTIVE JUROR NO. 342: Just once.

10 THE COURT: Was that here in Clark County?

11 PROSPECTIVE JUROR NO. 342: No, it was in Los
12 Angeles, California.

13 THE COURT: Was it civil?

14 PROSPECTIVE JUROR NO. 342: Civil.

15 THE COURT: Okay. Were you selected to be the
16 foreperson?

17 PROSPECTIVE JUROR NO. 342: No.

18 THE COURT: Were you able to reach a verdict?

19 PROSPECTIVE JUROR NO. 342: Yes.

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

23 PROSPECTIVE JUROR NO. 342: No.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR NO. 354: Lewis Moore, Badge No.

1 354. I've done it twice, once was criminal, once was civil.
2 THE COURT: Okay. Were they in Clark County?
3 PROSPECTIVE JUROR NO. 354: Yes.
4 THE COURT: Were you selected to be the foreperson
5 in either one?
6 PROSPECTIVE JUROR NO. 354: No.
7 THE COURT: Without telling me your verdict, were
8 you able to reach a verdict in each case?
9 PROSPECTIVE JUROR NO. 354: One yes, and one was a
10 mistrial.
11 THE COURT: Okay. Which one did you reach the
12 verdict?
13 PROSPECTIVE JUROR NO. 354: The criminal.
14 THE COURT: Okay. And then the civil there was a
15 mistrial?
16 PROSPECTIVE JUROR NO. 354: Yes.
17 THE COURT: So at some point something happened and
18 the judge excused you?
19 PROSPECTIVE JUROR NO. 354: Yes, the judge had a
20 family emergency.
21 THE COURT: Oh. Okay. Anything about those
22 experiences that would affect your ability to be fair and
23 impartial in this case?
24 PROSPECTIVE JUROR NO. 354: No.
25 THE COURT: Thank you, sir.

1 Go ahead.

2 PROSPECTIVE JUROR NO. 356: My number is 356. My
3 language is bad sometimes English is a little bit, I don't
4 know too much, but sometimes no understand.

5 THE COURT: Okay. But you haven't had any problems
6 communicating with me; is that correct?

7 PROSPECTIVE JUROR NO. 356: No.

8 THE COURT: Okay. How long have you lived in the
9 United States?

10 PROSPECTIVE JUROR NO. 356: A long time. About --

11 THE COURT: How many -- how long have you lived in
12 the United States?

13 PROSPECTIVE JUROR NO. 356: Oh, 15 years.

14 THE COURT: Okay. And you're a U.S. citizen?

15 PROSPECTIVE JUROR NO. 356: Yeah.

16 THE COURT: Okay. And do you think you're having
17 trouble understanding?

18 PROSPECTIVE JUROR NO. 356: Sometimes.

19 THE COURT: Okay. If you have any trouble
20 understanding what I'm saying or anybody else, will you raise
21 your hand and let me know so we can clarify it for you?

22 PROSPECTIVE JUROR NO. 356: No, professional this
23 [indiscernible] to find out I don't know, understand a little
24 bit.

25 THE COURT: Okay. I'm sorry. I apologize. Go

1 ahead.

2 PROSPECTIVE JUROR NO. 356: I did professional
3 [indiscernible], but sometimes I don't understand.

4 THE COURT: Okay. If there's something you don't
5 understand, do you mind raising your hand and just letting me
6 know?

7 PROSPECTIVE JUROR NO. 356: Oh.

8 THE COURT: Okay?

9 PROSPECTIVE JUROR NO. 356: Yeah. Yeah.

10 THE COURT: Okay. Thank you.

11 Okay. Go ahead.

12 PROSPECTIVE JUROR NO. 357: Kevin Wilson, 357. I
13 was on a trial in New Zealand.

14 THE COURT: Okay. How was that? Well, no, we don't
15 need to go down there. Was that civil or criminal?

16 PROSPECTIVE JUROR NO. 357: That was criminal.

17 THE COURT: Okay. Were -- do they have a
18 foreperson?

19 PROSPECTIVE JUROR NO. 357: Yes.

20 THE COURT: Okay. Were you selected to be --

21 PROSPECTIVE JUROR NO. 357: No.

22 THE COURT: -- the foreperson? All right. Was
23 there anything about that experience that would affect your
24 ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 357: No.

1 THE COURT: Okay. Thank you, sir.
2 Anyone else that's ever served as a juror before?
3 Okay. The record will reflect no further response from the
4 panel.
5 Mr. Paton.
6 PROSPECTIVE JUROR NO. 414: Yes, ma'am.
7 THE COURT: Do you have any issues that would
8 interfere with your ability to serve on this panel?
9 PROSPECTIVE JUROR NO. 414: I have a concern.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 414: I was hospitalized last
12 Sunday and released on Tuesday for a-fib.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 414: Atrial fibrillation. My
15 concern was that my heart rate today is slightly elevated, but
16 otherwise I feel good.
17 THE COURT: Okay. I just want to make sure you're
18 okay because I would, obviously, never ever want to compromise
19 somebody's health.
20 PROSPECTIVE JUROR NO. 414: Yes, ma'am.
21 THE COURT: So have you been released from the
22 doctor to go back to work?
23 PROSPECTIVE JUROR NO. 414: Yes, ma'am.
24 THE COURT: Okay. Do you feel okay being here?
25 PROSPECTIVE JUROR NO. 414: Earlier I was concerned,

1 this morning, because my heart rate was ten beats higher than
2 it normally is, but it's -- it's remained the same, so I'm
3 going to see.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 414: I'm good.

6 THE COURT: All right. At any time if you have any
7 issues, you just let me know, okay?

8 PROSPECTIVE JUROR NO. 414: Yes, ma'am.

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

11 Was there anyone else on the panel that has ever
12 served as a juror before? Okay. The record will reflect no
13 further response from the panel.

14 Have you or anyone close to you, such as a family
15 member or friend ever been the victim of a crime? Okay. If
16 you don't mind, Mr. Paton, just passing the microwave -- the
17 microwave -- the microphone. Geez.

18 PROSPECTIVE JUROR NO. 372: Yes, Your Honor.

19 THE COURT: Will you state your name and badge
20 number.

21 PROSPECTIVE JUROR NO. 372: Badge No. 372.

22 THE COURT: Okay. And your name?

23 PROSPECTIVE JUROR NO. 372: Sheryl Ashford.

24 THE COURT: Thank you. You wanted to respond?

25 PROSPECTIVE JUROR NO. 372: My youngest daughter.

1 She was murdered by a cocaine dealer.

2 THE COURT: Oh.

3 PROSPECTIVE JUROR NO. 372: Uh-huh.

4 THE COURT: When did that happen?

5 PROSPECTIVE JUROR NO. 372: 15 years ago.

6 THE COURT: What jurisdiction was it?

7 PROSPECTIVE JUROR NO. 372: God, Detroit area.

8 THE COURT: Okay. And were the police involved?

9 PROSPECTIVE JUROR NO. 372: Yes.

10 THE COURT: And it sounds like they were able to

11 apprehend someone?

12 PROSPECTIVE JUROR NO. 372: No.

13 THE COURT: No?

14 PROSPECTIVE JUROR NO. 372: No.

15 THE COURT: Okay. How do -- how do you have the

16 information that you provided to -- to me?

17 PROSPECTIVE JUROR NO. 372: They brought my two

18 granddaughters to me in the middle of the night telling me

19 that their mother was found dead in the car with them, and

20 they were asleep.

21 THE COURT: Okay. You said murdered by the cocaine

22 -- was it a drug overdose?

23 PROSPECTIVE JUROR NO. 372: She had five keys of

24 cocaine in the trunk of her car.

25 THE COURT: Okay. And what was it, a drug overdose?

1 PROSPECTIVE JUROR NO. 372: They're not absolutely
2 certain at this point in time. They suspected her husband who
3 later -- well, also disappeared from the face of the planet.

4 THE COURT: Okay. And you have the children?

5 PROSPECTIVE JUROR NO. 372: No. No, they were
6 raised by their -- by her husband's parents.

7 THE COURT: Okay. Anything about that experience
8 that would interfere with your ability to be fair and
9 impartial in this case?

10 PROSPECTIVE JUROR NO. 372: I might have a little
11 bit of an issue with that, yes.

12 THE COURT: Okay. Is there anything about your
13 daughter's case that has anything to do with this case?

14 PROSPECTIVE JUROR NO. 372: No.

15 THE COURT: Okay. Would you be able to separate
16 your daughter's --

17 PROSPECTIVE JUROR NO. 372: I would make an attempt
18 to, yes.

19 THE COURT: Will you be able to separate your
20 daughter's case from the facts and circumstances in this case?

21 PROSPECTIVE JUROR NO. 372: Uh-huh.

22 THE COURT: Is that a yes?

23 PROSPECTIVE JUROR NO. 372: Yes.

24 THE COURT: Okay. Because you understand it
25 wouldn't be fair to judge this case based on something that

1 happened in your personal life --

2 PROSPECTIVE JUROR NO. 372: Right.

3 THE COURT: -- in another jurisdiction? You agree
4 with that?

5 PROSPECTIVE JUROR NO. 372: Yes, ma'am.

6 THE COURT: And everybody comes to the courtroom
7 with different experiences. I don't want people to set aside
8 their experiences, except when they're going to render a
9 judgment, that you set aside any personal experiences and
10 judge this case based solely upon what you see and hear in the
11 courtroom and the instructions on the law. And you -- you
12 understand that; correct?

13 PROSPECTIVE JUROR NO. 372: Yes, ma'am, I do.

14 THE COURT: Are a person that can do that?

15 PROSPECTIVE JUROR NO. 372: I will make every effort
16 to, yes.

17 THE COURT: Okay. Well, I need people that are
18 going to give me their word before we start that that's what
19 they will do. Can you give me your word?

20 PROSPECTIVE JUROR NO. 372: I will give you my word.

21 THE COURT: Thank you. Thank you very much.

22 Anyone else? You can go ahead and --

23 PROSPECTIVE JUROR NO. 381: Treant Smith, 381. I
24 just got -- somebody broke into my house and took some stuff.
25 I got robbed like two years ago.

1 THE COURT: Okay. Did you call the police?
2 PROSPECTIVE JUROR NO. 381: Yeah.
3 THE COURT: And they responded?
4 PROSPECTIVE JUROR NO. 381: Uh-huh.
5 THE COURT: Is that a yes?
6 PROSPECTIVE JUROR NO. 381: Yes. I'm sorry. Yes.
7 THE COURT: Did they catch whoever it was?
8 PROSPECTIVE JUROR NO. 381: Yes.
9 THE COURT: Okay. And what happened with the case?
10 PROSPECTIVE JUROR NO. 381: To my knowledge, I guess
11 they went to jail to my knowledge. I guess they
12 [indiscernible]. And then I guess the person, well, their
13 aunt, as well. I think it was like [indiscernible].
14 THE COURT: Okay. Did you have to go to court and
15 testify?
16 PROSPECTIVE JUROR NO. 381: No.
17 THE COURT: All right. were you happy with the way
18 it was handled?
19 PROSPECTIVE JUROR NO. 381: Yes, for the most part.
20 It's like what can I do about it? It's just my stuff that --
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 381: -- was taken. That was
23 pretty much it, so --
24 THE COURT: Okay. So the person was caught, but you
25 didn't get your property back is what --

1 PROSPECTIVE JUROR NO. 381: Correct.

2 THE COURT: -- it sounds like. Okay. Is there

3 anything about that experience that would interfere with your

4 ability --

5 PROSPECTIVE JUROR NO. 381: No.

6 THE COURT: -- to be fair in this case?

7 PROSPECTIVE JUROR NO. 381: No.

8 THE COURT: Thank you. Thank you, Mr. Smith.

9 Anyone else that's ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 342: Wendy Sandefur, 342. My

11 father was killed in the '70s. It was a robbery.

12 THE COURT: Okay. What jurisdiction was it?

13 PROSPECTIVE JUROR NO. 342: It was in Los Angeles,

14 California.

15 THE COURT: Okay. Did the police get involved?

16 PROSPECTIVE JUROR NO. 342: Yes, and they still

17 haven't found the killer.

18 THE COURT: So still today.

19 PROSPECTIVE JUROR NO. 342: To this day.

20 THE COURT: It's an open case?

21 PROSPECTIVE JUROR NO. 342: I don't know about that.

22 I was in my 20s.

23 THE COURT: Well, I guess an unsolved case?

24 PROSPECTIVE JUROR NO. 342: Yes, so unsolved.

25 THE COURT: All right. Anything about that that

1 would interfere with your ability to fair and impartial in
2 this case?

3 PROSPECTIVE JUROR NO. 342: No.

4 THE COURT: Okay. Thank you.

5 Anyone else that wishes to respond?

6 PROSPECTIVE JUROR NO. 348: Donnie Ashford, Badge
7 No. 348. As I mentioned earlier, I had a sister who was older
8 than myself, she was raped and murdered in the apartment next
9 door to where she lived, and the case has not been solved as
10 of yet.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 348: And that was back in
13 2005, 2006.

14 THE COURT: All right. Do you follow the case? And
15 I guess do you follow it, I mean, by checking in with the
16 police department or detectives?

17 PROSPECTIVE JUROR NO. 348: Yes, I do, because I
18 have two cousins who are Chicago policemen back there and I
19 touch bases with them periodically to see if they have any
20 news. As of yet, nothing has happened.

21 THE COURT: Okay. But there are, I assume,
22 officers, detectives that are assigned to that case?

23 PROSPECTIVE JUROR NO. 348: Yes.

24 THE COURT: And it's an -- it's an open case?

25 PROSPECTIVE JUROR NO. 348: Yes, it is.

1 THE COURT: Okay. And when you say you follow it, I
2 mean, how often do you check up on it?

3 PROSPECTIVE JUROR NO. 348: I probably speak to my
4 cousins maybe once a month.

5 THE COURT: Okay. So pretty regularly.

6 PROSPECTIVE JUROR NO. 348: Yes.

7 THE COURT: Is there anything about that case being
8 open, unsolved that would interfere with your ability to be
9 fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 348: Not at this time because
11 I'm pretty level-minded. And I think based on what they're
12 doing I'm pretty satisfied. So, no, there would be nothing
13 that would make me a little impartial.

14 THE COURT: Okay. Thank you, sir.

15 Anyone else?

16 PROSPECTIVE JUROR NO. 308: Lorina Cardenas, 308.
17 They labeled me a victim because it was assault on an officer,
18 but we had three guys twice my size tackle me to get in
19 through the Mexican border, but --

20 THE COURT: What?

21 PROSPECTIVE JUROR NO. 308: -- I tackled one back.
22 And then -- but I had to release him.

23 THE COURT: Say that again. So you're at work?

24 PROSPECTIVE JUROR NO. 308: I'm at work and three
25 guys from India came through the Mexican border and then they

1 tried to run me down because it was just me and my partner.
2 My partner didn't help me, so they jumped on me. Two got
3 away. I tackled one.

4 THE COURT: Your partner didn't help you?

5 PROSPECTIVE JUROR NO. 308: She didn't. I tackled
6 one, but I had to release him to get to my radio and call for
7 help, and then the entire border just tackled the other guys.
8 And then when I got up, the doors were broken, I opened the
9 doors, I tackled the same guy. They called me a victim
10 because they all tackled me, but all three were charged with a
11 felony because they assaulted an officer and were deported --

12 THE COURT: Yeah.

13 PROSPECTIVE JUROR NO. 308: -- but they're all
14 caught.

15 THE COURT: Felony on a federal officer; correct?

16 PROSPECTIVE JUROR NO. 308: Yeah. And then they
17 were deported after they served time in the U.S.

18 THE COURT: Yeah. You're not getting in the U.S.
19 after that; right? Okay. Did you have to go to court and
20 testify?

21 PROSPECTIVE JUROR NO. 308: No. They sent me this
22 big envelope, but I already -- I got transferred from the
23 border to Las Vegas, and so my supervisor was like, well,
24 you're on annual leave and you're in a different state.
25 They're like, oh, you know what, we don't need you, we have

1 the video footage, and that's good enough. And then they
2 convicted them.

3 THE COURT: Did the U.S. Attorney say they didn't
4 need you, or your supervisor did?

5 PROSPECTIVE JUROR NO. 308: No, everyone in Arizona
6 and Las Vegas. They had the video of all angles, and so they
7 were just like we don't need you, that's enough.

8 THE COURT: Anything about that experience that
9 would interfere with your ability to be fair and impartial in
10 this case?

11 PROSPECTIVE JUROR NO. 308: No.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 314: Jeffery Kangiser, Badge
14 314. I had a vehicle stolen from me by some roommates.

15 THE COURT: Okay. Did you get your car back?

16 PROSPECTIVE JUROR NO. 314: Yeah, they -- Metro
17 found the vehicle. The perpetrators were never found. I
18 believe they're out of state.

19 THE COURT: But they -- you said they were
20 roommates. You knew who they were?

21 PROSPECTIVE JUROR NO. 314: Yes, they were my
22 stepmother's former friends, and they had -- I had left my
23 keys at the house the night before, and they had taken my
24 vehicle to possibly run some errands, whatever, without any of
25 our permission. So we basically considered it stolen. And

1 Metro, again, found the vehicle abandoned somewhere, and I
2 then I retrieved it, traded in, whatever, but the perpetrators
3 were never found.

4 THE COURT: Okay. Anything about that experience
5 that would interfere with your ability to be fair in this
6 case?

7 PROSPECTIVE JUROR NO. 314: Not at all.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 330: Cinthya, 330. It was an
10 armed robbery about two years ago at Little Caesar's.

11 THE COURT: So you were at work?

12 PROSPECTIVE JUROR NO. 330: Yep.

13 THE COURT: What happened?

14 PROSPECTIVE JUROR NO. 330: My phone got stolen, and
15 a couple of other employees. There was two guys. One of them
16 were caught, and I actually had to come to testify here.

17 THE COURT: Okay. So two -- two perpetrators came
18 in?

19 PROSPECTIVE JUROR NO. 330: Yep.

20 THE COURT: And they had firearms?

21 PROSPECTIVE JUROR NO. 330: Uh-huh.

22 THE COURT: Is that a yes?

23 PROSPECTIVE JUROR NO. 330: At least one of them,
24 yeah.

25 THE COURT: Okay. And so, obviously, you called the

1 police?

2 PROSPECTIVE JUROR NO. 330: Well, my manager was on
3 the phone with another manager reporting all the inventory,
4 and they heard what happened, so they called the police.

5 THE COURT: All right. And the police responded?

6 PROSPECTIVE JUROR NO. 330: Uh-huh. Yep.

7 THE COURT: Is that a yes?

8 PROSPECTIVE JUROR NO. 330: Yes.

9 THE COURT: And you indicated that at least one of
10 them was caught?

11 PROSPECTIVE JUROR NO. 330: Yes, ma'am.

12 THE COURT: And you had to come to court and
13 testify?

14 PROSPECTIVE JUROR NO. 330: Yes, I did.

15 THE COURT: How long ago was that?

16 PROSPECTIVE JUROR NO. 330: The robbery was about
17 two years ago. I would say around this time, actually, in
18 2016. And I believe I had to go to court in December that
19 year, and then not again until December the next year, but
20 they said I didn't have to go because he was just going to go
21 get sent to prison for like eight years.

22 THE COURT: Okay. So you testified at least two
23 times?

24 PROSPECTIVE JUROR NO. 330: No, I actually just had
25 to come once. The second time they said I didn't have to

1 anymore.

2 THE COURT: All right. Did you testify when you
3 came the first time?

4 PROSPECTIVE JUROR NO. 330: Yes, I did.

5 THE COURT: And did you have to identify anyone?

6 PROSPECTIVE JUROR NO. 330: They didn't ask -- they
7 just asked me if I knew the guy, but not while I was at the
8 stand.

9 THE COURT: Okay. Were you able to identify the
10 person?

11 PROSPECTIVE JUROR NO. 330: He kind of looked
12 familiar. I was not 100 percent sure, so I didn't.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 330: Yeah.

15 THE COURT: Is there -- but you said they didn't get
16 the second person?

17 PROSPECTIVE JUROR NO. 330: No.

18 THE COURT: Okay. Anything about that experience
19 that would interfere with your ability to be fair in this
20 case?

21 PROSPECTIVE JUROR NO. 330: No, ma'am.

22 THE COURT: Okay. Do you think you were treated
23 fairly?

24 PROSPECTIVE JUROR NO. 330: Yeah.

25 THE COURT: Well, you kind of hesitate.

1 PROSPECTIVE JUROR NO. 330: I mean, I don't know, it
2 was so long ago. I just moved on. Like --
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 330: Yeah. I got the money
5 back for my phone, so that's pretty much it.
6 THE COURT: Okay. I didn't mean do you think you
7 were treated fairly by the perpetrators.
8 PROSPECTIVE JUROR NO. 330: Oh.
9 THE COURT: I mean, do you think you were treated --
10 because you clearly weren't.
11 PROSPECTIVE JUROR NO. 330: Right.
12 THE COURT: Were you treated fairly by --
13 PROSPECTIVE JUROR NO. 330: Everything else, yeah.
14 It was fine.
15 THE COURT: -- law enforcement?
16 PROSPECTIVE JUROR NO. 330: Uh-huh. Yeah.
17 THE COURT: Is that a yes?
18 PROSPECTIVE JUROR NO. 330: Yes.
19 THE COURT: Okay. Thank you.
20 PROSPECTIVE JUROR NO. 333: Angela Berens, 333. My
21 disabled uncle was murdered by a friend from his AA group in
22 2014.
23 THE COURT: Was that here in Clark County?
24 PROSPECTIVE JUROR NO. 333: No, it was Norwalk,
25 Ohio, which is just outside of Sandusky, Ohio.

1 THE COURT: Okay. Was the person apprehended?

2 PROSPECTIVE JUROR NO. 333: The person,

3 unfortunately, was killed by law enforcement as he was a

4 threat to law enforcement as they were trying to arrest him.

5 THE COURT: Okay. So they were trying to arrest him

6 for the murder?

7 PROSPECTIVE JUROR NO. 333: Yes.

8 THE COURT: And then something happened and the

9 police killed him?

10 PROSPECTIVE JUROR NO. 333: Yes.

11 THE COURT: What happened, do you know?

12 PROSPECTIVE JUROR NO. 333: He was trying to escape,

13 and I believe that he was holding one of his young children

14 hostage and in front of him as he was trying to escape from

15 police, but I don't know all the details.

16 THE COURT: Okay. Anything about that experience

17 that would interfere with your ability to be fair and

18 impartial?

19 PROSPECTIVE JUROR NO. 333: No.

20 THE COURT: Okay. Thank you.

21 Anyone else?

22 PROSPECTIVE JUROR NO. 371: Allan Cruz, Badge No.

23 371. My mother was in a case against the welfare system for

24 fraud.

25 THE COURT: Okay. What do you mean? Was she a

1 victim, was she --

2 PROSPECTIVE JUROR NO. 371: She was the defendant.

3 THE COURT: Okay. Was she charged with a crime?

4 PROSPECTIVE JUROR NO. 371: I'm not really too sure

5 about the details.

6 THE COURT: Okay. Anything about that that would

7 interfere with your ability to be fair in this case?

8 PROSPECTIVE JUROR NO. 371: No.

9 THE COURT: Okay. Thank you, sir.

10 Anyone else? Go ahead.

11 PROSPECTIVE JUROR NO. 403: Susan Haduca, 403. I

12 honestly don't know if it has anything to do with this, but --

13 THE COURT: Go ahead.

14 PROSPECTIVE JUROR NO. 403: -- my adopted dad went

15 to jail for molestation, and it didn't go to trial because he

16 committed suicide.

17 THE COURT: Okay. So did that occur in Clark

18 County?

19 PROSPECTIVE JUROR NO. 403: California.

20 THE COURT: All right. And how long ago was that?

21 PROSPECTIVE JUROR NO. 403: Like 13 years ago.

22 THE COURT: Is there anything about that that would

23 interfere with your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 403: No.

25 THE COURT: Were you one of the victims?

1 PROSPECTIVE JUROR NO. 403: Yes.

2 THE COURT: Okay. So were you -- did you have to be
3 interviewed by police, did you participate?

4 PROSPECTIVE JUROR NO. 403: I basically got taken
5 away and went into like CPS, and he committed suicide, so it
6 really didn't go farther than that.

7 THE COURT: Okay. After being arrested and --

8 PROSPECTIVE JUROR NO. 403: Yeah. Like he got
9 arrested and then they let him out, and the day before he was
10 supposed to go to court, that morning he shot himself, and I
11 ran away.

12 THE COURT: Okay. But you were -- you were back in
13 the home?

14 PROSPECTIVE JUROR NO. 403: Yes.

15 THE COURT: Okay. So you had been returned to the
16 home by CPS?

17 PROSPECTIVE JUROR NO. 403: Uh-huh.

18 THE COURT: Yes?

19 PROSPECTIVE JUROR NO. 403: Yes.

20 THE COURT: With him in the home?

21 PROSPECTIVE JUROR NO. 403: Yes. He wasn't supposed
22 to be in the home, but, yes, they let him out, and I was still
23 in the home while he was there.

24 THE COURT: Okay. He wasn't supposed to be there?

25 PROSPECTIVE JUROR NO. 403: He wasn't supposed to be

1 there, but he was there.

2 THE COURT: So he was there in violation of --

3 PROSPECTIVE JUROR NO. 403: Yes.

4 THE COURT: -- probably a court order?

5 PROSPECTIVE JUROR NO. 403: Yes. And then the night
6 before he stayed at his son's house and shot himself there.

7 THE COURT: Okay. I'm sorry. Anything about that
8 experience that would interfere with your ability to be fair
9 in this case?

10 PROSPECTIVE JUROR NO. 403: No.

11 THE COURT: Okay. Thank you.

12 Anyone else? Okay. The record will reflect no
13 further response from the panel.

14 Have you or anyone close to you, such as a family
15 member or friend, ever been accused of a crime? Okay. If we
16 can pass the microphone back. Other than what's already -- if
17 you've already discussed it with me, that's okay. Go ahead.

18 PROSPECTIVE JUROR NO. 371: Yeah, I have --

19 THE COURT: Your name and badge number.

20 PROSPECTIVE JUROR NO. 371: Allan Cruz, Badge No.
21 371.

22 THE COURT: Go ahead.

23 PROSPECTIVE JUROR NO. 371: One of my closest
24 friends was charged for domestic violence.

25 THE COURT: Here in Clark County?

1 PROSPECTIVE JUROR NO. 371: Yes.

2 THE COURT: Is that case currently pending?

3 PROSPECTIVE JUROR NO. 371: I think it's closed, but
4 he's still paying his dues.

5 THE COURT: Okay. So it sounds like he hasn't --
6 he's still paying something?

7 PROSPECTIVE JUROR NO. 371: Yeah. I think he's
8 still --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 371: -- paying the court and
11 the bail bond.

12 THE COURT: All right. So sounds like it's probably
13 an open case still. How long ago did it occur?

14 PROSPECTIVE JUROR NO. 371: That occurred last year.

15 THE COURT: Okay. And he was arrested and charged?

16 PROSPECTIVE JUROR NO. 371: Yes.

17 THE COURT: And do you just know about the case from
18 your friend?

19 PROSPECTIVE JUROR NO. 371: Yes.

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

22 PROSPECTIVE JUROR NO. 371: No.

23 THE COURT: Do you think your friend was treated
24 fairly?

25 PROSPECTIVE JUROR NO. 371: Yes.

1 THE COURT: Okay. Thank you. You can go ahead and
2 pass it down to Mr. Whitman.

3 PROSPECTIVE JUROR NO. 338: Mike Whitman, Badge 338.
4 Back in 2012 I actually was arrested for destruction of
5 property. It was considered a felony, but it was dropped down
6 to a misdemeanor. And it was -- it had actually occurred in
7 2010.

8 THE COURT: Okay. But -- and I apologize I didn't
9 hear clearly. What type of an allegation was it?

10 PROSPECTIVE JUROR NO. 338: Destruction of property.

11 THE COURT: Destruction of property, but you pled to
12 a misdemeanor?

13 PROSPECTIVE JUROR NO. 338: Well, it was -- it was
14 supposed to be charged as a felony, but the lawyer got it
15 brought down to a misdemeanor.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 338: So I was in the County
18 Detention Center for two days, made restitution payments,
19 community service --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 338: -- and then it was --
22 and then it was dismissed and stayed as a misdemeanor.

23 THE COURT: All right. So it's -- the state of the
24 record today is that it would be a misdemeanor; correct?

25 PROSPECTIVE JUROR NO. 338: Yeah, correct.

1 THE COURT: Do you think you were treated fairly?
2 PROSPECTIVE JUROR NO. 338: For the most part, yeah.
3 THE COURT: Okay. Anything about that experience
4 that would affect your ability to be fair and impartial?
5 PROSPECTIVE JUROR NO. 338: No.
6 THE COURT: Okay. Was it the District Attorney's
7 Office that charged you?
8 PROSPECTIVE JUROR NO. 338: Yeah, it was.
9 THE COURT: Okay.
10 PROSPECTIVE JUROR NO. 338: I believe, yeah.
11 THE COURT: Anything about that that would interfere
12 with your ability to be fair and impartial to these DAs that
13 are here today?
14 PROSPECTIVE JUROR NO. 338: No.
15 THE COURT: Okay. Thank you.
16 Okay. Anyone else? Anyone else? Okay. The record
17 will reflect no further response from the panel.
18 Is there anyone on the panel who would have a
19 tendency to give more weight or credence or less weight or
20 credence to the testimony of a witness simply because that
21 witness is a police officer? Okay. The record will reflect
22 no further response from the panel. At this time I'm going to
23 allow the State of Nevada to voir dire the panel.
24 What's wrong?
25 MR. GIORDANI: Some of them were asking for a

1 bathroom break.

2 THE COURT: Oh, okay. If you need a break, no
3 problem. We'll take a break.

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

13 We'll be in recess for 15 minutes. Thank you.

14 (Jury recessed at 2:48 P.M.)

15 THE COURT: Anything outside the presence?

16 MR. LEVENTHAL: No, Your Honor.

17 MR. GIORDANI: Your Honor, actually -

18 MS. LEXIS: Yeah.

19 MR. GIORDANI: -- yes, I apologize, so we don't have
20 to break again.

21 THE COURT: No problem.

22 MR. GIORDANI: Just with kind of the mechanics
23 moving forward. Your Honor didn't cover the penalty phase at
24 all, and I'm not critical of that in any way, I'm just
25 wondering and making sure that its okay at least from our

1 perspective that we can get into.

2 THE COURT: Sure. I can if you want me to, but I
3 don't have any -- of course I have no problem with -- with the
4 attorneys.

5 MR. GIORDANI: I'll be handling it no matter what,
6 so --

7 THE COURT: Okay. I assumed -- I assumed that.
8 Sometimes the attorneys want me to do it, and sometimes you're
9 comfortable doing it. So are you comfortable doing it
10 yourself?

11 MR. GIORDANI: I'm absolutely comfortable. I just
12 didn't -- I wanted to make sure the door was still open to do
13 so because Your Honor didn't go down that road with them.

14 THE COURT: Absolutely.

15 MR. GIORDANI: Thank you.

16 THE COURT: No problem. Thank you.

17 MR. LEVENTHAL: Your Honor, there was one other
18 matter.

19 THE COURT: Sure.

20 MR. LEVENTHAL: And it just might be, I don't know
21 if we can stip to it, but Mr. Paton, he indicated he has a
22 high heart rate this morning. I don't know if you want to,
23 you know, dismiss him for cause at this point.

24 THE COURT: Well, he said he wanted to stay.

25 MR. LEVENTHAL: Well, I understand that, so do I,

1 but if he's got a high heart rate, that's a medical condition.
2 But that's fine. Che indicated that she didn't understand a
3 lot of what you were saying. I don't know if we need to
4 continue on or if we want to put somebody else in that
5 position. I don't know if you want to stip, but it didn't
6 seem like she was understanding even Your Honor even though
7 she sort of said yes, sort of said no. So I just have that
8 worry and I wanted to put that on the record.

9 THE COURT: I don't have a -- I mean, if you want to
10 stipulate I can take her out, or if you want to voir dire her
11 further, I would consider that. What do the -- what do the
12 parties think right now?

13 MR. GIORDANI: Do you want to just submit it?

14 MS. LEXIS: I don't care.

15 MR. GIORDANI: Yeah, I mean, it doesn't matter
16 really. I can --

17 MR. LEVENTHAL: On both of them or --

18 MR. GIORDANI: No.

19 MS. LEXIS: No, just on Che.

20 MR. GIORDANI: Just on Che, as to Ms. Che. I agree
21 with the Court on the gentleman with the --

22 THE COURT: Right. Mr. Paton wanted to stay, so --

23 MR. LEVENTHAL: Yeah, I know. That's fine. I just
24 wanted to bring it up in case anything happens to him. I
25 don't know. I just -- I mean, we have enough here that we

1 don't need to take the risk. That's all.

2 MS. LEXIS: He said he would let us know if it

3 became a problem. That's the --

4 THE COURT: Yeah.

5 MS. LEXIS: That's the impression I got.

6 MR. GIORDANI: And Ms. Che, I think Your Honor asked

7 her enough questions. I think we can leave her for now

8 unless --

9 THE COURT: Okay. But I would obviously revisit it.

10 MR. GIORDANI: Okay.

11 THE COURT: Okay.

12 MR. LEVENTHAL: Thank you, Judge.

13 THE COURT: Thank you.

14 MR. LEVENTHAL: Thank you.

15 (Court recessed at 2:51 P.M., until 3:07 P.M.)

16 (Outside the presence of the prospective jury)

17 MR. TANASI: Actually, Your Honor, one other quick

18 thing.

19 THE COURT: Sure. Go ahead.

20 MR. TANASI: Mr. Leventhal and I are going to just

21 split up a portion of the voir dire, if that's okay.

22 THE COURT: No problem.

23 MR. TANASI: Okay.

24 THE COURT: No problem.

25 MR. TANASI: Thank you.

1 (Inside the presence of the prospective jury)

2 THE COURT: Does the State of Nevada stipulate to

3 the presence of the jury panel?

4 MR. GIORDANI: Yes, Your Honor.

5 THE COURT: The defense?

6 MR. LEVENTHAL: Yes, Your Honor. Thank you.

7 THE COURT: Okay. Mr. Giordani.

8 MR. GIORDANI: May I? Thank you, Your Honor.

9 All right. Good afternoon, everybody. Thanks for

10 bearing with us. As you've probably gathered already from the

11 Judge's questions, there's really three things we're trying to

12 do with this full process here, and that's find people who are

13 fair, who are impartial, and who can follow the law as given

14 to you by the Court. I'm going to try not to duplicate a lot

15 of the questions that Her Honor asked you, but there is going

16 to be a couple -- a little bit of spillover. Bear with me a

17 little bit. I want to first start out with --

18 Is it not working?

19 THE MARSHAL: Yeah, but you got to stay a little

20 closer to it.

21 THE COURT: Is he okay?

22 MR. GIORDANI: Everyone understand, on this first 32

23 that's been questioned so far, that in the criminal justice

24 system, everyone is entitled to a jury of their peers when

25 they're accused of a crime. Does everyone understand that

1 idea, concept? Does anyone disagree with that concept? Do
2 you sit here and you think not everybody should be given a
3 jury, we should jump right into penalizing somebody or
4 anything like that?

5 All right. There's another important concept in --
6 in criminal law, and that's that each and every one of us as
7 Americans, as human beings, frankly, we're entitled to this
8 presumption of innocence; right? So the State brings charges,
9 you're presumed innocent until the State, Ms. Lexis and myself
10 in this case, proves you guilty. Does everyone agree with
11 that concept? Does anyone disagree with that concept?

12 All right. So with that there's this thing called
13 the burden of proof, and in a criminal case it's beyond a
14 reasonable doubt. We're not permitted to define that for you,
15 the Judge will do that later when she gives you the jury
16 instructions, but does anyone have a problem as you sit here
17 now with what you know about it, with this concept of the
18 State proving this case beyond a reasonable doubt? All right.
19 Seeing no hands, no hands to any of those questions.

20 I want to ask you a couple follow up questions as to
21 the questions you responded to earlier with the Judge, but
22 before I do so, I want to address a couple important points.
23 First off, you heard me read the charges, or -- or tell you
24 the general charges in -- in the beginning of this. One of
25 the charges in this case is murder. There are varying types

1 of murder, and if someone is convicted at a trial of first
2 degree murder, which is one of the types, the jury, not the
3 Judge, decides the penalty, okay.

4 So there's -- we loosely refer to it as the guilt
5 phase and the penalty phase. This is one of those cases where
6 there may be a second phase. One of those cases where if this
7 defendant, Mr. Matthews, is convicted of first degree murder,
8 you as the jury are you going to have to then decide what his
9 punishment is, or what his sentence is.

10 In the State of Nevada, there are three options --
11 well, there's four. There's a death penalty, which is not an
12 option here, we're not asking for the death penalty. There's
13 three other options that you need to be able to consider.
14 There is a term, fixed term of 20 to 50 years in prison, there
15 is any fixed term on the bottom, which is 20 years to life,
16 which is a range, and then there is the possibility of life
17 without the possibility of parole, meaning life in prison.
18 Those are your three options if we get to a penalty phase.

19 Does everyone understand where I'm going so far?
20 Anyone have an issue with that? What we need to know up front
21 is if you are the right people for this type of case. Can
22 everyone here sit here and tell this Court and myself that you
23 can consider all three of those penalties if we get to a
24 penalty phase in this trial? All right. Everyone is nodding.

25 Is there anyone on this panel who has a problem just

1 hearing those three penalties read to you? Is there anyone
2 who has a problem and thinks I'm not going to be able to
3 consider life without the possibility of parole, or vice
4 versa, I'm not just going to be able to consider 20 to 50
5 years for killing someone? Nobody? Okay. Well --

6 PROSPECTIVE JUROR NO. 338: I do.

7 MR. GIORDANI: All right. Let's start with you,
8 ma'am, and -- and we still need your name and badge number.

9 PROSPECTIVE JUROR NO. 334: Oh, here. You can go
10 first.

11 MR. GIORDANI: Okay. And sir, let me stop you. You
12 don't have to stand up for me. You stand for the Court. You
13 don't have to stand for me, so feel free to keep your seat.
14 And that's for everyone. Go ahead, sir.

15 PROSPECTIVE JUROR NO. 338: Name is Mike Whitman,
16 Badge No. 338. The one I would have a problem with would be
17 life without parole.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 338: I'm not sure I could
20 really go to that extreme, but --

21 MR. GIORDANI: Okay. Well --

22 MR. LEVENTHAL: I'm sorry, I didn't hear the answer.

23 MR. GIORDANI: I don't want to put words in your
24 mouth. I believe what you said is I don't think I could go to
25 that extreme or something.

1 PROSPECTIVE JUROR NO. 338: Right. I don't -- I'm
2 not sure I could, you know, can -- you know, say life in
3 prison without possibility --
4 MR. GIORDANI: Okay.
5 PROSPECTIVE JUROR NO. 338: -- of parole. I --
6 MR. GIORDANI: Well, let me --
7 PROSPECTIVE JUROR NO. 338: -- I'm not sure I
8 could --
9 MR. GIORDANI: Let me break that down --
10 PROSPECTIVE JUROR NO. 338: -- pick that?
11 MR. GIORDANI: -- and have you think about it for a
12 second. So you would agree to me there are varying levels of
13 murder?
14 PROSPECTIVE JUROR NO. 338: True.
15 MR. GIORDANI: Okay. There's potential murder in a
16 real heated self-defense situation where, you know, you may
17 think that person deserves a chance a parole --
18 PROSPECTIVE JUROR NO. 338: Right.
19 MR. GIORDANI: -- and there's, you know, baby
20 killers, or -- or whatever it may be, there's different
21 levels; right?
22 PROSPECTIVE JUROR NO. 338: Right.
23 MR. GIORDANI: You agree with me there?
24 PROSPECTIVE JUROR NO. 338: Yes.
25 MR. GIORDANI: You would agree with me you haven't

1 heard a single fact or piece of evidence in this case yet?

2 PROSPECTIVE JUROR NO. 338: True.

3 MR. GIORDANI: Okay. So you know nothing about Mr.
4 Matthews or what we've accused him of -- of doing or anything
5 like that, would you agree there?

6 PROSPECTIVE JUROR NO. 338: Right.

7 MR. GIORDANI: Are you saying now, without knowing
8 anything, that you just, philosophically, you just can't wrap
9 your head around life without the possibility of parole, or
10 would you have to hear the evidence first?

11 PROSPECTIVE JUROR NO. 338: I'd have to hear the
12 evidence, but it's just that I don't know if I could, you
13 know, have it -- give a sentence that's that --

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR NO. 338: -- extreme.

16 MR. GIORDANI: I appreciate the honesty. That's
17 what this is about, you know. Maybe not -- you're not a good
18 fit for this type of case, but you can do some other type --
19 some like six-month civil case we'll send you down the hall
20 for. I'm just kidding. All right. No, I appreciate the
21 honesty, sir. Thank you very much.

22 PROSPECTIVE JUROR NO. 334: My answer is the same as
23 his.

24 MR. GIORDANI: Oh, you're not getting off the hook
25 that easy. What is your badge number, ma'am?

1 PROSPECTIVE JUROR NO. 334: Badge No. 334.

2 MR. GIORDANI: All right. You said without the

3 microphone that your number was the same as his; right?

4 PROSPECTIVE JUROR NO. 334: Okay.

5 MR. GIORDANI: Tell me in your words, though, what

6 you feel and what you're thinking about this penalty issue.

7 PROSPECTIVE JUROR NO. 334: Without even seeing the

8 evidence, I don't think I -- I'm not that type of --

9 THE RECORDER: Can you hold the --

10 PROSPECTIVE JUROR NO. 334: -- person that can --

11 THE RECORDER: -- microphone up, please?

12 PROSPECTIVE JUROR NO. 334: -- send somebody else --

13 MR. GIORDANI: Can you speak --

14 PROSPECTIVE JUROR NO. 334: I don't think I'm -- I

15 would be able to send somebody to jail.

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 334: That's just me.

18 MR. GIORDANI: Okay. And you heard me go back and

19 forth with your fellow --

20 PROSPECTIVE JUROR NO. 334: Yeah.

21 MR. GIORDANI: -- juror there, and you still feel

22 that way?

23 PROSPECTIVE JUROR NO. 334: Yes.

24 MR. GIORDANI: All right. Thank you very much,

25 ma'am. I appreciate that.

1 PROSPECTIVE JUROR NO. 334: Okay.

2 MR. GIORDANI: I believe there was a hand raised in
3 the back row.

4 PROSPECTIVE JUROR NO. 334: They didn't really
5 have --

6 MR. GIORDANI: Or no?

7 PROSPECTIVE JUROR NO. 334: -- their hand up?

8 MR. GIORDANI: Anyone else?

9 PROSPECTIVE JUROR NO. 334: It makes me nervous.

10 MR. GIORDANI: You got to hold the mic up when
11 you're --

12 PROSPECTIVE JUROR NO. 334: I know, but it makes me
13 nervous, so I want to pass it on.

14 MR. GIORDANI: Okay. All right. Anyone else who
15 has -- would like to respond to that question? Seeing no
16 hands.

17 You've, obviously, now heard that someone has been
18 murdered. With that, there's going to come some photographs,
19 evidence that we've put forward, testimony from a coroner and
20 such that you'll have to consider. We're not going to throw a
21 hundred autopsy photographs up in front of you, but there are
22 going to be a few, and you're going to have to consider those
23 in coming to your decision.

24 Anyone on this jury panel, the first 32 at least,
25 that feels like they can't consider that type of evidence or

1 can't look at gory photographs, it bother -- it'll bother them
2 too much or anything like that? All right. No response.

3 There was a question asked by the Judge, and I want
4 to just follow up a little bit, and it was regarding either
5 being the victim of a crime or being accused of a crime. So
6 this is, obviously, a process where we try to find out as much
7 about you as we can, and those questions are specifically
8 important in a criminal case, and here's why.

9 So as prosecutors with the DA's office, with the
10 State, cases are submitted to us by law enforcement agencies.
11 We prosecute them to the full extent of our ability. With
12 that comes law enforcement witnesses. And so if you've had
13 prior interactions with law enforcement, whether they be
14 positive or negative, we need to know if something about that
15 interaction is going to impede your ability to be fair here.
16 Does everyone understand where I'm going with that?

17 So with that said, is there anyone in this panel
18 here who has had a positive interaction with law enforcement
19 that they think might cause some issue here? Seeing no
20 response.

21 Anyone who thinks they've had a negative interaction
22 with law enforcement that might affect how they deal with this
23 case? All right. You guys aren't giving me much, but I guess
24 that's a good thing; right?

25 I want to go up -- can you pass the microphone up to

1 Mr. Koga, please. Thank you.
2 How are you, sir?
3 PROSPECTIVE JUROR NO. 246: Good. Thank you.
4 MR. GIORDANI: 246 is your badge number; right?
5 PROSPECTIVE JUROR NO. 246: Yes.
6 MR. GIORDANI: What is your feeling on the criminal
7 justice system, Mr. Koga?
8 PROSPECTIVE JUROR NO. 246: I've seen, I guess, some
9 bias by the police.
10 MR. GIORDANI: Okay.
11 PROSPECTIVE JUROR NO. 246: And I've been a victim
12 of, well, I guess, assumptions. But I've also seen like some
13 of the things that they have to face because I -- I've known
14 people in law enforcement, you know, in other cities.
15 MR. GIORDANI: Uh-huh. So is that something, based
16 on your life experience, that -- that either side here should
17 be concerned with?
18 PROSPECTIVE JUROR NO. 246: I don't think it would
19 affect it because nothing in my personal experience comes
20 close to what you mentioned. So it's not a circumstance of
21 comparing or, you know, thinking of what happened to me.
22 MR. GIORDANI: Okay. Let me ask you the general
23 question, do you think the system is fair in general?
24 PROSPECTIVE JUROR NO. 246: I'd probably say 80
25 percent of the time.

1 MR. GIORDANI: All right. And that's fair, your
2 opinion is your opinion. What we need to know is if -- if
3 that opinion is going to bleed in and -- and cause us to start
4 on an uneven playing field. We just want a fair shake; right?
5 Anything about your personal beliefs on the system that we
6 should be concerned about being the State, Ms. Lexis and
7 myself?

8 PROSPECTIVE JUROR NO. 246: I've never been on a
9 criminal case, so from my point of view, if -- I mean, my
10 judgement would be solely based on what is presented to me.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 246: And I don't have any
13 prior knowledge of what happened through media or anything
14 else, so --

15 MR. GIORDANI: Perfect. So I think -- if I'm
16 getting what you're saying, you understand that this case is
17 just what you hear in the four corners of this room, and what
18 comes from that witness stand?

19 PROSPECTIVE JUROR NO. 246: Yes.

20 MR. GIORDANI: It doesn't have anything to with
21 anything you heard in the media or anything like that?

22 PROSPECTIVE JUROR NO. 246: Yes.

23 MR. GIORDANI: You would agree with me there? Okay.
24 You were a juror in a civil case in California, sir?

25 PROSPECTIVE JUROR NO. 246: Yes.

1 MR. GIORDANI: And was that a positive experience
2 overall, or --

3 PROSPECTIVE JUROR NO. 246: I'd say overall there
4 were some challenges with the jury team itself. We had one
5 juror that was very close to being, you know, booted from the
6 jury for, I think it was either not full disclosure, or she
7 wasn't paying attention during the trial --

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 246: -- so during
10 deliberations, she couldn't really contribute. So some jury
11 members felt like they should approach the judge with it.

12 MR. GIORDANI: Good idea.

13 PROSPECTIVE JUROR NO. 246: So it -- it came close
14 to it, but it -- it resolved itself before the end of it.

15 MR. GIORDANI: Okay. Overall -- I'm -- I'm not
16 going to ask this every single time I talk to someone, but
17 anything about your prior juror experience that -- that causes
18 you concern sitting here today?

19 PROSPECTIVE JUROR NO. 246: No.

20 MR. GIORDANI: Do you think you can be fair to both
21 sides in this particular case?

22 PROSPECTIVE JUROR NO. 246: Yes. I'll -- as I said,
23 like my view is a distinct occasion, so it's not like I'm
24 basing it on any other --

25 MR. GIORDANI: All right.

1 PROSPECTIVE JUROR NO. 246: -- you know, occurrence,
2 so --

3 MR. GIORDANI: All right. Thank you, sir. You can
4 pass the microphone over to Mr. Snyder, 257.

5 How are you sir?

6 PROSPECTIVE JUROR NO. 257: Good.

7 MR. GIORDANI: Do you have any opinion, sir, on the
8 -- the criminal justice system in general?

9 PROSPECTIVE JUROR NO. 257: Not really. They have a
10 tough job.

11 MR. GIORDANI: "They" being law enforcement?

12 PROSPECTIVE JUROR NO. 257: Yes, law enforcement
13 and --

14 MR. GIORDANI: All right.

15 PROSPECTIVE JUROR NO. 257: -- everybody. You have
16 a tough job. Defense has a tough job.

17 MR. GIORDANI: Fair enough. Do you think that you
18 can judge this case solely based upon what you hear from the
19 witness stand?

20 PROSPECTIVE JUROR NO. 257: Yes.

21 MR. GIORDANI: All right. What's your -- I'm going
22 to ask you kind of a question that hasn't been addressed yet.
23 What is your approach when a witness gets on this witness
24 stand to assessing their credibility? How do you -- how are
25 you going to assess the credibility of a witness?

1 PROSPECTIVE JUROR NO. 257: I guess their demeanor,
2 their -- their -- the facts they give, kind of detail that
3 they can provide.

4 MR. GIORDANI: Okay. The detail. Okay. So that
5 would be the specifics of what they observed and, I guess,
6 opportunity to have observed those things?

7 PROSPECTIVE JUROR NO. 257: Yes.

8 MR. GIORDANI: All right. Can you think of a
9 situation where you might question the credibility of a
10 witness?

11 PROSPECTIVE JUROR NO. 257: Yes, very definitely.

12 MR. GIORDANI: Give me an example.

13 PROSPECTIVE JUROR NO. 257: Their tone of voice, the
14 way they present themselves on the -- the stand --

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 257: -- if they're avoiding
17 the questions, if they're not being clear with the -- with the
18 answers.

19 MR. GIORDANI: Okay. Can you make a promise as you
20 sit here that you'll judge each witness based upon what they
21 have to say, not how they look walking into the courtroom or
22 the fact that they're wearing a badge or they're in street
23 clothes or anything like that?

24 PROSPECTIVE JUROR NO. 257: Yeah, I think I can.

25 MR. GIORDANI: Okay. Would you agree with me, sir,

1 that everyone is entitled to equal justice?

2 PROSPECTIVE JUROR NO. 257: Yes.

3 MR. GIORDANI: All right. So if there is a victim
4 that you may not share characteristics with or you don't like
5 the way they dress, or whatever it may be, would you agree
6 with me that that person is still a victim if we prove it?

7 PROSPECTIVE JUROR NO. 257: Yes.

8 MR. GIORDANI: Right? They -- they're entitled to
9 the same justice as you or me or the Judge or anybody else in
10 this courtroom?

11 PROSPECTIVE JUROR NO. 257: Yes.

12 MR. GIORDANI: And Mr. Matthews?

13 PROSPECTIVE JUROR NO. 257: Yes.

14 MR. GIORDANI: All right. All right. Thank you,
15 sir. If you can pass the microphone to Ms. Ohlsen, 266.

16 How are you, ma'am?

17 PROSPECTIVE JUROR NO. 266: Good.

18 MR. GIORDANI: Good. You said your job -- I'm
19 sorry, your education was in business administration?

20 PROSPECTIVE JUROR NO. 266: Yes.

21 MR. GIORDANI: And you're -- oh, you're not a PE
22 teacher. Your husband is a PE teacher?

23 PROSPECTIVE JUROR NO. 266: Yes. My husband is a PE
24 teacher.

25 MR. GIORDANI: And you're a Walgreen's store

1 manager; right?

2 PROSPECTIVE JUROR NO. 266: Correct.

3 MR. GIORDANI: What is your feeling on the criminal
4 justice system, ma'am?

5 PROSPECTIVE JUROR NO. 266: I'm impartial. I
6 haven't really done much with the law --

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 266: -- you know, so I just
9 want to hear the facts and make a decision based off of that.

10 MR. GIORDANI: All right. You think our system is
11 fair?

12 PROSPECTIVE JUROR NO. 266: Yeah, for the most part.

13 MR. GIORDANI: All right. Do you have any feelings,
14 strong feelings one way or the other, about law enforcement?

15 PROSPECTIVE JUROR NO. 266: No.

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 266: They're there to do
18 their job. I call them a lot. I work in retail.

19 MR. GIORDANI: Oh, right.

20 PROSPECTIVE JUROR NO. 266: They respond quickly.

21 MR. GIORDANI: Good point. So have you been a
22 witness in shoplifting cases and that type of thing?

23 PROSPECTIVE JUROR NO. 266: We've had one where one
24 of my assistants had to do it, but recently my store was
25 robbed, which I can't discuss any of the details because we're

1 just beginning that.

2 MR. GIORDANI: Oh. It's a pending case?

3 PROSPECTIVE JUROR NO. 266: Yes.

4 MR. GIORDANI: Okay. Are you a witness in that
5 case?

6 PROSPECTIVE JUROR NO. 266: I wasn't even in town
7 for the case, so --

8 MR. GIORDANI: Okay. Fair enough. Do you think
9 that you would make a good juror in this case?

10 PROSPECTIVE JUROR NO. 266: Yes.

11 MR. GIORDANI: Why?

12 PROSPECTIVE JUROR NO. 266: I like to hear the facts
13 and make my decision based off of that.

14 MR. GIORDANI: All right. Are -- are the parties on
15 an equal playing field? Meaning you don't have any biases
16 against one side or the other?

17 PROSPECTIVE JUROR NO. 266: Correct.

18 MR. GIORDANI: As we start?

19 PROSPECTIVE JUROR NO. 266: Uh-huh.

20 MR. GIORDANI: Okay. And that was a yes; right?

21 PROSPECTIVE JUROR NO. 266: Yes.

22 MR. GIORDANI: All right. Is there anything I
23 haven't asked you that you think either side here should know
24 about you in particular?

25 PROSPECTIVE JUROR NO. 266: No.

1 MR. GIORDANI: Okay. All right. Pass the
2 microphone down. Thank you, ma'am.

3 Mr. Simmons?

4 PROSPECTIVE JUROR NO. 271: Yes.

5 MR. GIORDANI: How are you, sir?

6 PROSPECTIVE JUROR NO. 271: I'm good.

7 MR. GIORDANI: Good. And it's 271?

8 PROSPECTIVE JUROR NO. 271: Yeah.

9 MR. GIORDANI: I want to follow up with you about
10 your -- the marijuana thing. It started out with an attempt
11 to grow, and then it was reduced, ultimately, to a
12 misdemeanor?

13 PROSPECTIVE JUROR NO. 271: Correct.

14 MR. GIORDANI: Like a possession, misdemeanor
15 possession, fictitious --

16 PROSPECTIVE JUROR NO. 271: I'm not sure what the
17 final charge was after it dropped.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 271: I don't know that it
20 changed. I just know that it went to a misdemeanor.

21 MR. GIORDANI: Okay.

22 PROSPECTIVE JUROR NO. 271: I no longer had the
23 felony on my record.

24 MR. GIORDANI: All right. Obviously, marijuana is
25 legal here. Ms. Lexis and I certainly aren't in the business

1 of prosecuting marijuana. We do murder, so this is not an
2 issue. What could be an issue is you were prosecuted once,
3 and what we don't want is someone who is going to somehow have
4 some prejudice or bias against us in this case. You get why
5 I'm asking you about this?

6 PROSPECTIVE JUROR NO. 271: Yes, sir.

7 MR. GIORDANI: Okay. Any concerns you have about
8 having gone through the system yourself that would cause you
9 to be unfair here that we should know about?

10 PROSPECTIVE JUROR NO. 271: No, I was treated fairly
11 the whole time.

12 MR. GIORDANI: Okay. Do you have an opinion on the
13 system in general, the criminal justice system?

14 PROSPECTIVE JUROR NO. 271: Without law there isn't
15 order, so it's a must. I mean, nobody is perfect, but --

16 MR. GIORDANI: Okay. You think it's fair?

17 PROSPECTIVE JUROR NO. 271: If it's proven, it's
18 fair.

19 MR. GIORDANI: Okay. Can you hold us, Ms. Lexis and
20 I, to our burden of proof that I discussed earlier?

21 PROSPECTIVE JUROR NO. 271: Yes.

22 MR. GIORDANI: Make sure that we have to -- we have
23 to prove our case beyond a reasonable doubt before you find
24 Mr. Matthews guilty?

25 PROSPECTIVE JUROR NO. 271: Yes, sir.

1 MR. GIORDANI: You're okay with that. Any issues
2 with the presumption of innocence or anything like that?
3 PROSPECTIVE JUROR NO. 271: No, sir.
4 MR. GIORDANI: All right. Thank you, sir.
5 Ms. Dimate. Mr. Dimate. I'm sorry. How are you,
6 sir?
7 PROSPECTIVE JUROR NO. 284: Good. And you?
8 MR. GIORDANI: Good. And it's 284?
9 PROSPECTIVE JUROR NO. 284: Uh-huh.
10 MR. GIORDANI: What do you do for that law firm,
11 Bryan Lowe & Associates?
12 PROSPECTIVE JUROR NO. 284: I scan wills, I do
13 errands for them that they can't do when they're busy.
14 MR. GIORDANI: Okay.
15 PROSPECTIVE JUROR NO. 284: Just office stuff.
16 MR. GIORDANI: How did you end up in that position?
17 PROSPECTIVE JUROR NO. 284: I know the head lawyer
18 that runs the office.
19 MR. GIORDANI: Okay.
20 PROSPECTIVE JUROR NO. 284: I know him through a
21 family friend.
22 MR. GIORDANI: Do you want to be a lawyer yourself
23 one day?
24 PROSPECTIVE JUROR NO. 284: Honestly, it's a lot of
25 school for me.

1 MR. GIORDANI: Okay. But you didn't go into that
2 job thinking, oh, maybe I'll go to law school based on this
3 and kind of --

4 PROSPECTIVE JUROR NO. 284: Well, maybe a paralegal
5 or something, but --

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 284: -- not -- not a full
8 lawyer.

9 MR. GIORDANI: All right. Have you done any
10 studying so far on the criminal justice system?

11 PROSPECTIVE JUROR NO. 284: No.

12 MR. GIORDANI: All right. I need to say it, so the
13 Judge is going to give you instructions on -- on the law in
14 this case --

15 PROSPECTIVE JUROR NO. 284: Okay.

16 MR. GIORDANI: -- as it applies, the most recent law
17 today. You have to follow that law and you can't bring in any
18 independent knowledge from other stuff. Can you do that?

19 PROSPECTIVE JUROR NO. 284: Yeah.

20 MR. GIORDANI: Can you promise to follow the Judge's
21 law as she gives it to you?

22 PROSPECTIVE JUROR NO. 284: Yes.

23 MR. GIORDANI: Okay. Have you ever had an
24 interaction with law enforcement? Metro police or anybody
25 like that?

1 PROSPECTIVE JUROR NO. 284: Like school fights.
2 MR. GIORDANI: Okay. You --
3 PROSPECTIVE JUROR NO. 284: But --
4 MR. GIORDANI: -- yourself or --
5 PROSPECTIVE JUROR NO. 284: Not me, no. I was a
6 witness. Yeah.
7 MR. GIORDANI: Do you have a feeling one way or the
8 other about law enforcement?
9 PROSPECTIVE JUROR NO. 284: No.
10 MR. GIORDANI: Kind of neutral?
11 PROSPECTIVE JUROR NO. 284: Yeah.
12 MR. GIORDANI: Can you treat law enforcement
13 officers, if they come in as witnesses, just like any other
14 person?
15 PROSPECTIVE JUROR NO. 284: Yes, sir.
16 MR. GIORDANI: All right. Anything I haven't asked
17 you that I should have, sir?
18 PROSPECTIVE JUROR NO. 284: No.
19 MR. GIORDANI: Anything we should know?
20 PROSPECTIVE JUROR NO. 284: No.
21 MR. GIORDANI: All right. Thank you very much.
22 Ms. Galindo.
23 PROSPECTIVE JUROR NO. 299: Hello.
24 MR. GIORDANI: 299. How are you?
25 PROSPECTIVE JUROR NO. 299: Good. Thank you. How

1 are you?

2 MR. GIORDANI: Good. Thank you. So you studied to

3 be a legal secretary, and then you ended up owning a

4 landscaping business; right?

5 PROSPECTIVE JUROR NO. 299: Yes.

6 MR. GIORDANI: What's the -- how did -- how did your

7 life path take you from studying to be a legal secretary to

8 owning a business?

9 PROSPECTIVE JUROR NO. 299: I was a legal secretary

10 when I was in my 20s, and then I met my husband later on when

11 I was in my 30s. So he did landscaping, and we decided to

12 open our own company.

13 MR. GIORDANI: Okay. And now you don't have a boss,

14 it's just --

15 PROSPECTIVE JUROR NO. 299: Not anymore.

16 MR. GIORDANI: Are you -- are you your husband's

17 boss?

18 PROSPECTIVE JUROR NO. 299: No, we're -- we're

19 just --

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR NO. 299: -- together.

22 MR. GIORDANI: Equal partners in that business?

23 PROSPECTIVE JUROR NO. 299: Yes.

24 MR. GIORDANI: And it's -- it's landscape

25 maintenance; right?

1 PROSPECTIVE JUROR NO. 299: Yes.

2 MR. GIORDANI: You send out trucks and they do their
3 thing and come back and report to you? Okay. Do you have any
4 feelings one way or the other about the criminal justice
5 system?

6 PROSPECTIVE JUROR NO. 299: No. I just think that
7 -- that you need to look at the whole situation and see what
8 happened before you come to a conclusion.

9 MR. GIORDANI: All right. So can you wait before
10 you draw any conclusions to hear all the evidence that we
11 present --

12 PROSPECTIVE JUROR NO. 299: Yes.

13 MR. GIORDANI: -- against Mr. Matthews?

14 PROSPECTIVE JUROR NO. 299: Yes.

15 MR. GIORDANI: Okay. Can you wait until the Judge
16 orders you to deliberate before you come to a decision?

17 PROSPECTIVE JUROR NO. 299: Exactly.

18 MR. GIORDANI: All right. Anything, ma'am, that I
19 haven't asked you, or that any of your fellow jurors have
20 talked about, that you think we should -- that you have an
21 opinion on one way or another?

22 PROSPECTIVE JUROR NO. 299: No.

23 MR. GIORDANI: All right. Would you be a good juror
24 in this case?

25 PROSPECTIVE JUROR NO. 299: Yes, I would.

1 MR. GIORDANI: Okay. Thank you. You can pass the
2 microphone down.

3 It's Ms. Cardenas.

4 PROSPECTIVE JUROR NO. 308: Yes.

5 MR. GIORDANI: 308; right?

6 PROSPECTIVE JUROR NO. 308: Yes.

7 MR. GIORDANI: How are you?

8 PROSPECTIVE JUROR NO. 308: Good.

9 MR. GIORDANI: Good. You like to fight big guys --

10 PROSPECTIVE JUROR NO. 308: Yes.

11 MR. GIORDANI: -- at the border?

12 PROSPECTIVE JUROR NO. 308: Yes.

13 MR. GIORDANI: So you -- so you ended up -- they try
14 to get through the border, they attack you, you go down, then
15 two of them run -- or three of them run, and you tackle the
16 first?

17 PROSPECTIVE JUROR NO. 308: The first two, one said
18 run, and then they both ran over me. I caught the first one,
19 but he kept running, and I just kept holding onto him, and
20 then he fell. We broke the doors, and then -- so he couldn't
21 get out the sliding door, because it was broken, but my
22 partner didn't call for help, didn't help me, just stood
23 there. And -- but it was just us two, because we were in the
24 walking lane.

25 MR. GIORDANI: Right.

1 PROSPECTIVE JUROR NO. 308: And all of my officers,
2 they were on the driving lane. So they couldn't see me
3 because I'm little, and we were on the ground, and there was a
4 wall there, like a tiny little wall, but I'm tiny. And so I
5 had to let go of him, grab my radio, call for help. But the
6 other two escaped, and all the guys just dropped what they
7 did. They tackled the other two.

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 308: And so my guy escaped
10 me, but I ran and then I tried to tackle him again, but he was
11 too big, and then more guys helped me take him to the ground.

12 MR. GIORDANI: Okay. So a couple things to follow
13 up there. Did your partner that left you kind of hanging
14 there, did she get any admin --

15 PROSPECTIVE JUROR NO. 308: No, but she ended up
16 leaving. She gave up --

17 MR. GIORDANI: Okay.

18 PROSPECTIVE JUROR NO. 308: -- her gun and went to
19 admin herself.

20 MR. GIORDANI: Oh, okay. So now she's in decision
21 making, the admin position. Great.

22 PROSPECTIVE JUROR NO. 308: Yeah.

23 MR. GIORDANI: Okay. So I'm going to save the
24 defense from asking you this. You're -- you're a law
25 enforcement officer --

1 PROSPECTIVE JUROR NO. 308: Yes.

2 MR. GIORDANI: -- so we have to ask. Are you going
3 to give more weight to a law enforcement officer just because
4 they're wearing a badge or they come in and they I'm with
5 Metro or anything like that?

6 PROSPECTIVE JUROR NO. 308: No, because in my job,
7 even if an officer comes to me and says this person is guilty
8 of this crime, you should arrest him or deport him, we have to
9 take a look at all the facts to see why and how and where and
10 what -- like what type, like just look at it as a whole to see
11 why was this person -- like, for instance, one person had
12 residue of drugs, the drugs are so old and she was so sick, we
13 understood --

14 MR. GIORDANI: Sure.

15 PROSPECTIVE JUROR NO. 308: -- and we let her go,
16 versus a mother who had drugs under her child, fresh right
17 there. That -- that person goes to jail. So --

18 MR. GIORDANI: All right.

19 PROSPECTIVE JUROR NO. 308: -- you have to look at
20 all the facts just to see if they're guilty or not. And it
21 can't --

22 MR. GIORDANI: Right.

23 PROSPECTIVE JUROR NO. 308: -- just be an officer's
24 word, maybe they're having a bad day. I don't know. But we
25 just look at it, we have to take it into account, their story,

1 their story and the facts, and then we make a decision
2 whether --

3 MR. GIORDANI: Perfect. Okay. Should either side,
4 I guess especially defense, have any concern with you sitting
5 as a juror in this case?

6 PROSPECTIVE JUROR NO. 308: I don't think so
7 because, well, for one, you said murder, so that just rang a
8 bell, but I don't see any facts yet, so until I see all the
9 facts as to what situation he was put in, I don't know what
10 the situation is.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 308: I like to look at
13 everything to make a fair -- to make it fair for him or the
14 other person.

15 MR. GIORDANI: Good. All right. All right. I
16 appreciate it. You can pass the microphone down now to Ms.
17 Federico.

18 311; right? How are you, ma'am?

19 PROSPECTIVE JUROR NO. 311: Good. Thank you.

20 MR. GIORDANI: Good. Do you have any feelings about
21 the criminal justice system in general, ma'am?

22 PROSPECTIVE JUROR NO. 311: No.

23 MR. GIORDANI: You think it's fair, you think our
24 system is fair?

25 PROSPECTIVE JUROR NO. 311: I think so, yes.

1 MR. GIORDANI: All right. Do you have any
2 background in law or legal training?
3 PROSPECTIVE JUROR NO. 311: No.
4 MR. GIORDANI: I think I -- I kind of missed writing
5 notes on you. You work at Sam's Town; right?
6 PROSPECTIVE JUROR NO. 311: Right.
7 MR. GIORDANI: Did you say security, or no?
8 PROSPECTIVE JUROR NO. 311: I work the snack bar.
9 MR. GIORDANI: Oh, okay.
10 PROSPECTIVE JUROR NO. 311: The snack bar.
11 MR. GIORDANI: I'm sorry.
12 PROSPECTIVE JUROR NO. 311: Yes.
13 MR. GIORDANI: I didn't -- all right.
14 PROSPECTIVE JUROR NO. 311: Yes.
15 MR. GIORDANI: Do you -- did you pay attention when
16 I was asking all your other fellow jurors questions just now?
17 PROSPECTIVE JUROR NO. 311: Yes.
18 MR. GIORDANI: Do you think there is anything we
19 need to know about you, ma'am? Your feelings on the system or
20 law enforcement, or anything like that?
21 PROSPECTIVE JUROR NO. 311: No.
22 MR. GIORDANI: Okay. If you were sitting where Ms.
23 Lexis is sitting, right there, my trial partner there, would
24 you want a juror like yourself on -- on your case?
25 PROSPECTIVE JUROR NO. 311: This is the first time I

1 -- I'm here.

2 MR. GIORDANI: I understand. Are you --

3 PROSPECTIVE JUROR NO. 311: Yeah.

4 MR. GIORDANI: -- understanding my question there?

5 PROSPECTIVE JUROR NO. 311: Yes.

6 MR. GIORDANI: So if you're sitting where I sit --

7 PROSPECTIVE JUROR NO. 311: Oh.

8 MR. GIORDANI: -- and you're the prosecutor, would

9 you want a juror like you on the case?

10 PROSPECTIVE JUROR NO. 311: I prefer here.

11 MR. GIORDANI: Okay. Let me ask it this way. If

12 you were accused of a crime, sitting where Mr. Matthews is

13 sitting, accused, the State saying you did something, would

14 you want someone like you making the decision, judging you?

15 PROSPECTIVE JUROR NO. 311: Yes.

16 MR. GIORDANI: Okay. All right. Are you

17 understanding the way I'm asking that?

18 PROSPECTIVE JUROR NO. 311: Yeah. You ask me if I

19 want -- if I'm -- was him; right?

20 MR. GIORDANI: Yeah.

21 PROSPECTIVE JUROR NO. 311: You -- if I want

22 something like me, fair; right?

23 MR. GIORDANI: That's the whole point, yes.

24 PROSPECTIVE JUROR NO. 311: Yes.

25 MR. GIORDANI: You think you're a fair person?

1 PROSPECTIVE JUROR NO. 311: Yes, I'm a fair person.
2 MR. GIORDANI: Thank you. You can pass the
3 microphone.
4 Mr. Kangiser.
5 PROSPECTIVE JUROR NO. 314: Kangiser, yes.
6 MR. GIORDANI: Kangiser. Sorry about that. 314.
7 PROSPECTIVE JUROR NO. 314: Nobody gets it right the
8 first time.
9 MR. GIORDANI: All right. Any feelings about the
10 criminal justice system, sir?
11 PROSPECTIVE JUROR NO. 314: I believe it is as fair
12 as it can be.
13 MR. GIORDANI: What do you mean by that?
14 PROSPECTIVE JUROR NO. 314: We're all human, but I
15 believe that everybody deserves a fair shake.
16 MR. GIORDANI: Okay.
17 PROSPECTIVE JUROR NO. 314: And, yes, I think that
18 all in all it is -- it is fair. I've been treated fairly and
19 I don't have any sort of bias.
20 MR. GIORDANI: Okay. And you said that the people
21 who -- the roommates who stole your car, they were not really
22 caught, or nothing ever came of that?
23 PROSPECTIVE JUROR NO. 314: No.
24 MR. GIORDANI: Any -- do you have any issues because
25 you were the victim and your case wasn't really prosecuted, I

1 guess, for lack of better term?

2 PROSPECTIVE JUROR NO. 314: No. Metro found the
3 vehicle. They did what I -- what I expected them to do, and I
4 think either way, they are better off gone as it is. So
5 they're probably worse off now because we still have all their
6 stuff.

7 MR. GIORDANI: Nice. Okay. Instant restitution
8 right there.

9 PROSPECTIVE JUROR NO. 314: Yes. Exactly.

10 MR. GIORDANI: All right. What do you feel about
11 law enforcement, or how do you feel about law enforcement?

12 PROSPECTIVE JUROR NO. 314: Again, they're human.
13 Obviously, we live in a difficult time, but I do believe that
14 they have a very difficult life, so -- and I probably would
15 not want to be in their position, so I believe they do the
16 best that they can.

17 MR. GIORDANI: Okay. Would you want a juror such as
18 yourself, if you were sitting on either side, in this case?

19 PROSPECTIVE JUROR NO. 314: Yes.

20 MR. GIORDANI: Both sides?

21 PROSPECTIVE JUROR NO. 314: Yes.

22 MR. GIORDANI: All right. Thank you, sir. You can
23 pass the mic down.

24 Ms. Suarez. How are you?

25 PROSPECTIVE JUROR NO. 330: Good. Thank you.

1 MR. GIORDANI: Good. And it's badge 330?
2 PROSPECTIVE JUROR NO. 330: Yes.
3 MR. GIORDANI: So you were the victim of an armed
4 robbery.
5 PROSPECTIVE JUROR NO. 330: Correct.
6 MR. GIORDANI: One guy gets caught, he's prosecuted,
7 and you actually testified in this courthouse?
8 PROSPECTIVE JUROR NO. 330: Correct.
9 MR. GIORDANI: Did you testify at a preliminary
10 hearing, or like in front of a jury --
11 PROSPECTIVE JUROR NO. 330: Preliminary.
12 MR. GIORDANI: -- a jury trial?
13 PROSPECTIVE JUROR NO. 330: Preliminary.
14 MR. GIORDANI: Okay.
15 PROSPECTIVE JUROR NO. 330: Yeah.
16 MR. GIORDANI: Do you remember who the prosecutor
17 was on this -- your case?
18 PROSPECTIVE JUROR NO. 330: Jack something.
19 MR. GIORDANI: Okay.
20 PROSPECTIVE JUROR NO. 330: I'm not sure.
21 MR. GIORDANI: Okay. Nobody sitting here; right?
22 Not me, not Ms. Lexis; right?
23 PROSPECTIVE JUROR NO. 330: Right.
24 MR. GIORDANI: Okay. Just for the record.
25 PROSPECTIVE JUROR NO. 330: Uh-huh.

1 MR. GIORDANI: Were -- were you happy with how
2 everything turned out?
3 PROSPECTIVE JUROR NO. 330: Yes.
4 MR. GIORDANI: Did that person end up going to
5 prison, you said, for like --
6 PROSPECTIVE JUROR NO. 330: Yes.
7 MR. GIORDANI: -- eight years?
8 PROSPECTIVE JUROR NO. 330: Uh-huh.
9 MR. GIORDANI: Okay.
10 PROSPECTIVE JUROR NO. 330: Correct.
11 MR. GIORDANI: And the other person, do you know if
12 they were caught or still out there?
13 PROSPECTIVE JUROR NO. 330: No idea.
14 MR. GIORDANI: All right. Anything that you would
15 like to chime in on or -- or have an opinion on with regard to
16 the questions I've asked your fellow jurors?
17 PROSPECTIVE JUROR NO. 330: No, not really.
18 MR. GIORDANI: All right. You have a feeling about
19 the system?
20 PROSPECTIVE JUROR NO. 330: Unbiased.
21 MR. GIORDANI: You're biased, or you're unbiased?
22 PROSPECTIVE JUROR NO. 330: I'm unbiased.
23 MR. GIORDANI: Okay.
24 PROSPECTIVE JUROR NO. 330: Just -- just -- I don't
25 know, I think it's a hard -- definitely a very hard

1 profession --

2 MR. GIORDANI: Uh-huh.

3 PROSPECTIVE JUROR NO. 330: -- to have somebody's

4 like, I guess, fate, in your hands, to make such a hard

5 decision to send them to jail, to not, how long. It's

6 definitely hard, and I feel like you take the necessary steps

7 to look at everything and. yeah, make a fair decision about

8 it.

9 MR. GIORDANI: Okay. And you understand that in

10 this type of case, it's not the Judge that will do the

11 sentencing.

12 PROSPECTIVE JUROR NO. 330: Right.

13 MR. GIORDANI: You know, it's going to be you. So

14 it's hard, but it -- it's something that you have to be

15 prepared to do and you can tell us up front, yes, I can do it.

16 PROSPECTIVE JUROR NO. 330: Correct.

17 MR. GIORDANI: Can you do that --

18 PROSPECTIVE JUROR NO. 330: Yes.

19 MR. GIORDANI: -- here?

20 PROSPECTIVE JUROR NO. 330: Yes.

21 MR. GIORDANI: Okay. All right. Thank you, ma'am.

22 Now, Ms. Berens, 333.

23 PROSPECTIVE JUROR NO. 333: Yes.

24 MR. GIORDANI: How are you doing today?

25 PROSPECTIVE JUROR NO. 333: Good. How are you?

1 MR. GIORDANI: Good. So I want to talk to you about
2 your uncle's case --
3 PROSPECTIVE JUROR NO. 333: Uh-huh.
4 MR. GIORDANI: -- or what could have been a case.
5 PROSPECTIVE JUROR NO. 333: Yeah.
6 MR. GIORDANI: You said to the judge that -- that he
7 was killed by the police, and I thought you said while he was
8 holding a child and trying to use him as a shield, and you
9 said, unfortunately, he was killed by police.
10 PROSPECTIVE JUROR NO. 333: Yes, I believe that --
11 MR. GIORDANI: Why do you mean -- why do you say
12 that?
13 PROSPECTIVE JUROR NO. 333: I believe in any
14 instance when a life is lost, that it's unfortunate.
15 MR. GIORDANI: Okay.
16 PROSPECTIVE JUROR NO. 333: So that's why I chose
17 the word unfortunately.
18 MR. GIORDANI: Okay.
19 PROSPECTIVE JUROR NO. 333: And it -- just to
20 clarify for the record, that was the person that had killed my
21 uncle, the one that was shot by police, not my uncle. I
22 wasn't -- I was kind of unclear.
23 MR. GIORDANI: Oh. I'm sorry.
24 PROSPECTIVE JUROR NO. 333: Yeah.
25 MR. GIORDANI: No, I think I misspoke. Okay. I

1 understand now.

2 PROSPECTIVE JUROR NO. 333: Uh-huh.

3 MR. GIORDANI: So that person was being pursued,
4 used --

5 PROSPECTIVE JUROR NO. 333: By police and, I
6 believe, again, this -- I do not know all the exact details,
7 but I do believe that somebody had told him the police were
8 coming for him, and he was trying to make a run for it with
9 one of his children. And as he was running from police, he
10 was using one of his children as a shield, and police were
11 having to gun him down, because he was about to escape, and
12 then was killed.

13 MR. GIORDANI: Okay. So I have to ask you, this guy
14 is using a child as a shield, he has murdered your uncle. Are
15 you the type of person that you can't see any situation where
16 shooting someone is justified, or killing someone like the
17 police killed him?

18 PROSPECTIVE JUROR NO. 333: Can you reword the
19 question?

20 MR. GIORDANI: Yeah.

21 PROSPECTIVE JUROR NO. 333: Sorry.

22 MR. GIORDANI: No. That was probably a bad
23 question. So when I hear that someone has just murdered
24 someone, they're using their own child as a human shield and
25 fleeing from police, I kind of assume that there's a weapon

1 that they have.

2 PROSPECTIVE JUROR NO. 333: Uh-huh.

3 MR. GIORDANI: It kind of sounds justified to me. I

4 mean, I don't know much about it, but --

5 PROSPECTIVE JUROR NO. 333: Yeah.

6 MR. GIORDANI: -- are you the type of person that we

7 should be concerned has an issue with judging --

8 PROSPECTIVE JUROR NO. 333: No.

9 MR. GIORDANI: -- someone?

10 PROSPECTIVE JUROR NO. 333: I think in -- in that

11 case, this gentleman that killed my uncle was having a

12 breakdown from being in AA and having a relapse.

13 MR. GIORDANI: Oh.

14 PROSPECTIVE JUROR NO. 333: And I believe that had

15 he gone to court or things like that, that he might have been

16 seen mentally incompetent, and so I don't think -- I don't

17 hold a grudge against that person. I don't think that that

18 person losing his life was justified, because I don't think

19 that anyone losing their life is justified. I -- I don't

20 believe I'm the kind of person to judge. I believe in

21 forgiveness. I do teach high school.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 333: And, yeah, I guess that

24 would answer the question.

25 MR. GIORDANI: That does.

1 PROSPECTIVE JUROR NO. 333: Yeah.
2 MR. GIORDANI: I just have one follow up.
3 PROSPECTIVE JUROR NO. 333: Yes.
4 MR. GIORDANI: Can you -- can you think of a
5 situation where an officer may be justified in discharging his
6 duty weapon --
7 PROSPECTIVE JUROR NO. 333: Yes.
8 MR. GIORDANI: -- to protect himself or protect the
9 community --
10 PROSPECTIVE JUROR NO. 333: Yes.
11 MR. GIORDANI: -- from a fleeing felon --
12 PROSPECTIVE JUROR NO. 333: Uh-huh.
13 MR. GIORDANI: -- that type of thing?
14 PROSPECTIVE JUROR NO. 333: Yeah. I -- in this
15 case, I think that there was no right answer --
16 MR. GIORDANI: Okay.
17 PROSPECTIVE JUROR NO. 333: -- from police having to
18 use their weapon against this person.
19 MR. GIORDANI: All right.
20 PROSPECTIVE JUROR NO. 333: Yeah, I believe there
21 was no right answer. And so it was kind of just a really
22 unfortunate situation.
23 MR. GIORDANI: Okay.
24 PROSPECTIVE JUROR NO. 333: I don't think ill of the
25 law enforcement officer that had to shoot that person.

1 Otherwise, he would have escaped with said child, and put
2 child in danger, and so I -- yeah, there's no right answer I
3 don't think.

4 MR. GIORDANI: All right. No, I agree with you.

5 PROSPECTIVE JUROR NO. 333: Yeah.

6 MR. GIORDANI: Now are you going to be able to, if
7 Mr. Matthews is convicted of first degree murder, make a
8 decision on those three penalties that I described earlier?

9 PROSPECTIVE JUROR NO. 333: Yes.

10 MR. GIORDANI: Okay. Are those all on the option
11 block with you?

12 PROSPECTIVE JUROR NO. 333: Yes.

13 MR. GIORDANI: Okay. All right. Thank you, ma'am.
14 If you could pass the microphone down one.

15 What's your badge number, sir?

16 PROSPECTIVE JUROR NO. 371: Badge No. 371.

17 MR. GIORDANI: Kind of jumping out of order here, so
18 bear with me. Mr. Cruz; right?

19 PROSPECTIVE JUROR NO. 371: Yes.

20 MR. GIORDANI: How are you doing?

21 PROSPECTIVE JUROR NO. 371: Good. How about
22 yourself?

23 MR. GIORDANI: Good. Thank you. Your mom, you
24 said, had some kind of welfare fraud like either a case where
25 she was being prosecuted, or she was involved in it; is that

1 right?

2 PROSPECTIVE JUROR NO. 371: Yes.

3 MR. GIORDANI: Is that something that is going on

4 right now?

5 PROSPECTIVE JUROR NO. 371: No.

6 MR. GIORDANI: Okay. Is it -- was it local when it

7 did happen?

8 PROSPECTIVE JUROR NO. 371: Yes, I believe so.

9 MR. GIORDANI: All right. Anything about that that

10 should cause us concern?

11 PROSPECTIVE JUROR NO. 371: No.

12 MR. GIORDANI: You don't have any like ill will

13 towards the system or the State or anything like that?

14 PROSPECTIVE JUROR NO. 371: No.

15 MR. GIORDANI: All right. Have you been paying

16 attention when I talk to your other jurors?

17 PROSPECTIVE JUROR NO. 371: Yes.

18 MR. GIORDANI: Do you have any feelings one way or

19 another about the criminal justice system?

20 PROSPECTIVE JUROR NO. 371: No.

21 MR. GIORDANI: No feelings? Do you think it's fair?

22 PROSPECTIVE JUROR NO. 371: I mean, I haven't really

23 been involved with like, anything like this, so I wouldn't

24 really have a clear answer for you.

25 MR. GIORDANI: I get it. Well, you're -- you're a

1 citizen of this community just like me, just like everybody
2 else; right? So do you think our system, if you're, say,
3 accused of a crime at some point in your life, is a fair one?
4 Do you think our system is a fair one and deals with these
5 types of things appropriately?

6 PROSPECTIVE JUROR NO. 371: Yes, I do, because I
7 feel like there are laws that protect us too, so --

8 MR. GIORDANI: Uh-huh.

9 PROSPECTIVE JUROR NO. 371: -- it's fair.

10 MR. GIORDANI: Right. And there's a right to a
11 trial.

12 PROSPECTIVE JUROR NO. 371: Right.

13 MR. GIORDANI: So all these facts, these evidence --
14 this evidence that we'll show you other the next week that
15 will get vetted by the defense and you guys will get to make
16 the decision. You get that; right?

17 PROSPECTIVE JUROR NO. 371: Yes.

18 MR. GIORDANI: So now I'm going to ask you again, do
19 you think our system is fair or no?

20 PROSPECTIVE JUROR NO. 371: Yes, it is.

21 MR. GIORDANI: Okay. And I don't mean to pick at
22 you, I just need to get a clear answer.

23 PROSPECTIVE JUROR NO. 371: Oh, you're good.

24 MR. GIORDANI: All right. Anything else that --
25 that you think, just based on your personality, or anything

1 that we should know as the attorneys on this case?

2 PROSPECTIVE JUROR NO. 371: No.

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

4 You can pass the microphone.

5 I'm going backwards, now. So it's Mr. Singh; right?

6 PROSPECTIVE JUROR NO. 370: Yes. Badge No. 371.

7 MR. GIORDANI: Thank you. How are you --

8 PROSPECTIVE JUROR NO. 370: Or, I'm sorry.

9 MR. GIORDANI: -- doing, sir?

10 PROSPECTIVE JUROR NO. 370: 370.

11 MR. GIORDANI: 370; right? How are you doing today?

12 PROSPECTIVE JUROR NO. 370: I'm doing all right.

13 MR. GIORDANI: So you're the owner operator of a

14 construction -- is it construction consultant?

15 PROSPECTIVE JUROR NO. 370: We do third-party

16 inspections --

17 MR. GIORDANI: Okay.

18 PROSPECTIVE JUROR NO. 370: -- and engineering.

19 MR. GIORDANI: Okay. Are you -- so are you like a

20 managing supervisor, you supervise employees, or you just own

21 it and --

22 PROSPECTIVE JUROR NO. 370: I -- I do it all. I

23 manage --

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 370: -- employees and I also

1 facilitate work and project manage.

2 MR. GIORDANI: All right. You've been paying
3 attention. I've seen you chuckle a couple of times --

4 PROSPECTIVE JUROR NO. 370: Sure.

5 MR. GIORDANI: -- at your fellow jurors. How do you
6 feel about the criminal justice system?

7 PROSPECTIVE JUROR NO. 370: I think it works. I
8 don't necessarily find it fair in the aspect that I don't -- I
9 don't think in absolutes, and I think to say something is fair
10 is too absolute.

11 MR. GIORDANI: Okay. Imperfect would be one
12 descriptor.

13 PROSPECTIVE JUROR NO. 370: Sure.

14 MR. GIORDANI: Do you agree with me there?

15 PROSPECTIVE JUROR NO. 370: Yes.

16 MR. GIORDANI: Do you think it's fair to the extent
17 it can be?

18 PROSPECTIVE JUROR NO. 370: I really don't like that
19 word fair.

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR NO. 370: But yes, I do agree with
22 you.

23 MR. GIORDANI: All right. What do you think would
24 -- I'm just spit balling here, what do you think would make it
25 more fair, or what are -- what are the specific things you see

1 wrong with it, if at all?

2 PROSPECTIVE JUROR NO. 370: I don't even have a
3 justified answer for that.

4 MR. GIORDANI: That's fair. That's fair. You would
5 agree with me that the fact that every citizen gets a jury
6 trial is a positive thing if they're accused of a crime;
7 right?

8 PROSPECTIVE JUROR NO. 370: Yes.

9 MR. GIORDANI: Correct? So members of the community
10 make the decision on guilt or not guilty.

11 PROSPECTIVE JUROR NO. 370: Yes.

12 MR. GIORDANI: Okay. You're okay with that idea?

13 PROSPECTIVE JUROR NO. 370: Yeah.

14 MR. GIORDANI: All right. So I should probably
15 tailor my questions a little bit. Instead of just saying the
16 system is -- whether it's fair or not. This idea of a jury
17 trial, trial by juror, that's okay by you; right?

18 PROSPECTIVE JUROR NO. 370: Yes.

19 MR. GIORDANI: And you understand this idea that Mr.
20 Matthews and anyone accused of a crime is presumed innocent
21 until the State proves a case against them?

22 PROSPECTIVE JUROR NO. 370: Yes.

23 MR. GIORDANI: All right. Should we, as the State,
24 Ms. Lexis and I, have any concern with a person such as
25 yourself sitting on the jury?

1 PROSPECTIVE JUROR NO. 370: No.

2 MR. GIORDANI: Okay. And likewise, should -- should

3 Mr. Matthews, sitting there accused of some very serious

4 crimes, should he have an issue with a person such as yourself

5 on the jury?

6 PROSPECTIVE JUROR NO. 370: No.

7 MR. GIORDANI: Okay. I believe you said you had one

8 child, but that child was, obviously, under 18; right?

9 PROSPECTIVE JUROR NO. 370: Yes.

10 MR. GIORDANI: Okay. And your -- your college

11 experience was what? Or what did you study in school?

12 PROSPECTIVE JUROR NO. 370: It was business.

13 MR. GIORDANI: Okay. And now you run a business,

14 and own a business, okay.

15 PROSPECTIVE JUROR NO. 370: Didn't finish college,

16 but I run a business.

17 MR. GIORDANI: All the billionaires end up college

18 dropouts and they make billions; right?

19 PROSPECTIVE JUROR NO. 370: From my industry, I

20 doubt I'll ever become a billionaire, but --

21 MR. GIORDANI: Well, fair. All right. Thank you,

22 sir. You can pass that to Mr. Wilson, 357.

23 PROSPECTIVE JUROR NO. 357: Yes, that's correct.

24 MR. GIORDANI: And you're from New Zealand; right,

25 sir?

1 PROSPECTIVE JUROR NO. 357: Yes.

2 MR. GIORDANI: I don't want to get too far into it,
3 but you said you sat on a jury.

4 PROSPECTIVE JUROR NO. 357: Yes.

5 MR. GIORDANI: I don't know anything about New
6 Zealand's criminal justice system. Was there 12 members of
7 the jury?

8 PROSPECTIVE JUROR NO. 357: That is correct.

9 MR. GIORDANI: All right. And unanimous, you have
10 to be unanimous?

11 PROSPECTIVE JUROR NO. 357: Yes.

12 MR. GIORDANI: Okay. Anything you learned about the
13 law, you have to set that aside, throw that out the window.
14 Can you do that?

15 PROSPECTIVE JUROR NO. 357: Yes.

16 MR. GIORDANI: Okay. The law is going to be what
17 the Judge instructs you on here, and only the law given in
18 this case. Can you --

19 PROSPECTIVE JUROR NO. 357: Absolutely.

20 MR. GIORDANI: -- follow that? Okay. How do you
21 feel about our American justice systems?

22 PROSPECTIVE JUROR NO. 357: I've been in America
23 over 20 years, and I find that -- I find it fair, as -- as you
24 described it.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 357: As you wouldn't describe
2 it. And so it seems a little bit more complicated, but it
3 certainly is fair for everybody, and the -- the fact that
4 everyone is innocent until proven guilty is a -- is a big part
5 of that, and -- which is a big thing in America, and --
6 MR. GIORDANI: Right. Okay.
7 PROSPECTIVE JUROR NO. 357: -- something I've become
8 to believe in. Not that I didn't believe in it, but --
9 MR. GIORDANI: Sure. But that's an important
10 tenant, that's one of the pillars --
11 PROSPECTIVE JUROR NO. 357: Absolutely.
12 MR. GIORDANI: -- of our system.
13 PROSPECTIVE JUROR NO. 357: Yes.
14 MR. GIORDANI: Okay. Do you think that if you were
15 sitting where Mr. Matthews is sitting, accused of -- of these
16 crimes, that you'd want a juror like yourself?
17 PROSPECTIVE JUROR NO. 357: Yes.
18 MR. GIORDANI: Do you think that Ms. Lexis and I
19 should -- should -- would want a juror such as yourself?
20 PROSPECTIVE JUROR NO. 357: Yes.
21 MR. GIORDANI: Let me ask you a weird question. Do
22 you want to be a juror in this case?
23 PROSPECTIVE JUROR NO. 357: If you had asked me that
24 this morning, I would have said no, but I've enjoyed the
25 day --

1 MR. GIORDANI: All right.
2 PROSPECTIVE JUROR NO. 357: -- and this is
3 interesting, and --
4 MR. GIORDANI: Oh, good.
5 PROSPECTIVE JUROR NO. 357: Yeah.
6 MR. GIORDANI: Okay. So now you're -- you're open
7 to it.
8 PROSPECTIVE JUROR NO. 357: Yes.
9 MR. GIORDANI: You're good with it?
10 PROSPECTIVE JUROR NO. 357: Absolutely.
11 MR. GIORDANI: All right.
12 PROSPECTIVE JUROR NO. 357: I was trying to think of
13 ways to get out of it this morning, but my sore back doesn't
14 count, apparently.
15 MR. GIORDANI: Yeah, no. That's not going to do
16 it --
17 PROSPECTIVE JUROR NO. 357: No.
18 MR. GIORDANI: -- not in front of Judge Leavitt.
19 PROSPECTIVE JUROR NO. 357: No.
20 MR. GIORDANI: I can tell you that right now.
21 PROSPECTIVE JUROR NO. 357: I learned that early on,
22 yes.
23 MR. GIORDANI: All right. How do you feel about law
24 enforcement in general?
25 PROSPECTIVE JUROR NO. 357: My experience with them

1 has been positive, usually --

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 357: -- a fair amount.

4 MR. GIORDANI: All right. And what is Escape

5 Campervans? Is that -- do you --

6 PROSPECTIVE JUROR NO. 357: Oh, we rent small camper

7 vans. We've got 550 of them.

8 MR. GIORDANI: Oh, okay. So you rent out the vans

9 and people take them --

10 PROSPECTIVE JUROR NO. 357: Yeah.

11 MR. GIORDANI: -- and then you turn them back in --

12 okay.

13 PROSPECTIVE JUROR NO. 357: Vegas is a good spot for

14 that.

15 MR. GIORDANI: I bet. And your wife works for you

16 -- or in the business, but she's the assistant manager, and

17 you're the area manager?

18 PROSPECTIVE JUROR NO. 357: That is correct.

19 MR. GIORDANI: How does that work out for you?

20 PROSPECTIVE JUROR NO. 357: It has its moments, but

21 we've worked together for, well, eight or nine years, and

22 we're still together.

23 MR. GIORDANI: Okay. My wife would not let me call

24 her the assistant manager, I'll tell you.

25 PROSPECTIVE JUROR NO. 357: Oh, she's the boss.

1 MR. GIORDANI: Exactly. All right. Thank you, sir.
2 I appreciate that. And you can pass it down now to Ms. Che.
3 PROSPECTIVE JUROR NO. 356: Yes.
4 MR. GIORDANI: Am I pronouncing that right?
5 PROSPECTIVE JUROR NO. 356: Uh-huh.
6 MR. GIORDANI: Ms. Che?
7 PROSPECTIVE JUROR NO. 356: Yes.
8 MR. GIORDANI: How are you?
9 PROSPECTIVE JUROR NO. 356: Fine.
10 MR. GIORDANI: Good. Badge 356. You said earlier
11 you were having some trouble understanding. I have to follow
12 up. Okay.
13 PROSPECTIVE JUROR NO. 356: Yeah.
14 MR. GIORDANI: Okay. Have you understood when I
15 talk to your fellow jurors so far?
16 PROSPECTIVE JUROR NO. 356: Yeah.
17 MR. GIORDANI: Don't just say yeah to make me happy
18 because we need the truth. Because if you can't understand
19 things that witnesses are saying, that's a problem.
20 PROSPECTIVE JUROR NO. 356: Yes, I believe I'll
21 [inaudible].
22 MR. GIORDANI: Okay.
23 PROSPECTIVE JUROR NO. 356: Yeah.
24 MR. GIORDANI: Are there -- are there words that
25 I've used with these other jurors --

1 PROSPECTIVE JUROR NO. 356: No.
2 MR. GIORDANI: -- that you don't understand?
3 PROSPECTIVE JUROR NO. 356: No.
4 MR. GIORDANI: Okay. So you're understanding what
5 I'm saying and what they're saying back to me?
6 PROSPECTIVE JUROR NO. 356: Little -- little bit.
7 MR. GIORDANI: All right.
8 PROSPECTIVE JUROR NO. 356: Yeah.
9 MR. GIORDANI: Are you -- are you concerned, are you
10 worried --
11 PROSPECTIVE JUROR NO. 356: Uh-huh.
12 MR. GIORDANI: -- that as this week goes on, and
13 there's 15, 20 witnesses that talk, that testify, are you
14 worried that you won't be able to understand everything they
15 say?
16 PROSPECTIVE JUROR NO. 356: Yeah. Little bit.
17 MR. GIORDANI: Okay.
18 PROSPECTIVE JUROR NO. 356: Yeah.
19 MR. GIORDANI: All right. All right, thank you,
20 ma'am. You can pass the microphone down.
21 And it's Mr. Moore; correct?
22 PROSPECTIVE JUROR NO. 354: Yes.
23 MR. GIORDANI: How are you doing, sir?
24 PROSPECTIVE JUROR NO. 354: Good. You?
25 MR. GIORDANI: Good. Thank you. I'm trying to move

1 this along a little bit, so those questions I've asked all
2 your fellow jurors, do you -- can you give me kind of a
3 summary of how you feel about the system and law enforcement
4 and all that?

5 PROSPECTIVE JUROR NO. 354: The system, I think, is
6 -- is about as good as it can get, you know. It's not 100
7 percent, of course.

8 MR. GIORDANI: Sure.

9 PROSPECTIVE JUROR NO. 354: But you know, overall,
10 it's well. Law enforcement, other than them giving me
11 tickets, you know, I've never had a bad experience.

12 MR. GIORDANI: Okay. And your brother is a
13 corrections officer?

14 PROSPECTIVE JUROR NO. 354: Yes.

15 MR. GIORDANI: At Ely?

16 PROSPECTIVE JUROR NO. 354: Yes.

17 MR. GIORDANI: That's one of our prisons here in
18 Nevada?

19 PROSPECTIVE JUROR NO. 354: Yes.

20 MR. GIORDANI: Anything about that that either side
21 here should be concerned about? Either the defense or -- or
22 us, as the State?

23 PROSPECTIVE JUROR NO. 354: I mean, I would -- I'd
24 feel bad, you know, sending somebody to where my brother is,
25 you know. I worry for his sake.

1 MR. GIORDANI: Oh, okay. I see what you're saying.

2 PROSPECTIVE JUROR NO. 354: Yeah.

3 MR. GIORDANI: Now, it -- it's important that we
4 have people that are fair minded, you know, and aren't going
5 to make judgements right off the bat. And so when we ask
6 about this law enforcement question, do you have family or
7 friends in law enforcement, it's because we want people who
8 aren't just going to adopt what law enforcement has to say
9 because they're wearing a badge. Are -- are you the type of
10 person that can wait, listen to what each and every witness
11 has to say before you come to a conclusion?

12 PROSPECTIVE JUROR NO. 354: Yes.

13 MR. GIORDANI: Just because your brother is a CO
14 doesn't mean you're going to adopt everything a police officer
15 says?

16 PROSPECTIVE JUROR NO. 354: Absolutely.

17 MR. GIORDANI: Okay. Is there anything about your
18 prior jury service, either the criminal case or the civil
19 case, that you think may affect your -- your deliberation or
20 decision making here?

21 PROSPECTIVE JUROR NO. 354: No.

22 MR. GIORDANI: Okay. The criminal case is the one
23 that had -- you had actually reached a verdict; correct?

24 PROSPECTIVE JUROR NO. 354: Yes. I was an alternate
25 on that one.

1 MR. GIORDANI: Oh, okay.

2 PROSPECTIVE JUROR NO. 354: So I actually didn't get
3 to deliberate.

4 MR. GIORDANI: Okay. Did you want to deliberate?

5 PROSPECTIVE JUROR NO. 354: If that came around,
6 then I would have, but I mean I didn't really have a one way
7 or another.

8 MR. GIORDANI: Okay. And before -- I'm just going
9 to ask you a couple more questions but before I do, not
10 allowed to say what the verdict is.

11 PROSPECTIVE JUROR NO. 354: Okay.

12 MR. GIORDANI: Keep that in mind, okay? Or was.
13 How long did you sit through that trial?

14 PROSPECTIVE JUROR NO. 354: The first one was, I
15 want to say --

16 MR. GIORDANI: Just the criminal. Just the
17 criminal.

18 PROSPECTIVE JUROR NO. 354: Oh, just the criminal
19 one? Week and a half, maybe. Two weeks.

20 MR. GIORDANI: Okay. And so when you were told you
21 were an alternate, that -- that was done, you were done there?

22 PROSPECTIVE JUROR NO. 354: Yes.

23 MR. GIORDANI: Okay. Did you ever check in to see
24 what the result was?

25 PROSPECTIVE JUROR NO. 354: Well, no. We sat

1 through until they actually read the results.

2 MR. GIORDANI: Oh, okay. So you -- you sat through
3 in the courtroom?

4 PROSPECTIVE JUROR NO. 354: Yes, but not in the
5 deliberation area.

6 MR. GIORDANI: Understood. Okay. Okay. Did you
7 find that to be a positive experience, even though you were an
8 alternate?

9 PROSPECTIVE JUROR NO. 354: Yeah. I thought it was
10 interesting. I had never done it before.

11 MR. GIORDANI: Okay. All right. Thank you, sir.
12 Pass the microphone over to, where are you, I'm sorry, Mr.
13 Ashford.

14 How are you?

15 PROSPECTIVE JUROR NO. 348: Good.

16 MR. GIORDANI: Good. And it's 348; right?

17 PROSPECTIVE JUROR NO. 348: Correct.

18 MR. GIORDANI: So, sir, you have a whole bunch of
19 relatives in law enforcement?

20 PROSPECTIVE JUROR NO. 348: Yes.

21 MR. GIORDANI: The obvious question is should the
22 defense or Mr. Matthews be concerned with someone from a law
23 enforcement family such as yourself?

24 PROSPECTIVE JUROR NO. 348: I don't feel that he
25 should be concerned with that because I've communicated with

1 my family members over the past 20, 25 years, whether it was
2 getting advice for any different situations, whether it was
3 from some of my cousins who are policemen, I have cousins who
4 are defense attorneys, prosecutors, and I listen very
5 carefully to what they have to say. And I judge their
6 opinions because everybody is not guilty until all the facts
7 have come out. And once the facts come out, then we can all
8 collectively sit down and say whether or not this person is
9 right or wrong.

10 MR. GIORDANI: Understood.

11 PROSPECTIVE JUROR NO. 348: So I feel what yourself
12 is doing, the -- I mean the attorneys for the victim, you
13 know, everything has to be listened to very carefully and a
14 decision has to be made based on the facts.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 348: So I'm -- I'm pretty
17 comfortable with where I'm sitting, and, you know, being a
18 position such as I am.

19 MR. GIORDANI: You mentioned about your -- your
20 sister --

21 PROSPECTIVE JUROR NO. 348: Yes.

22 MR. GIORDANI: -- and what happened to her. I'm
23 sorry to hear that. You -- initially, when you were
24 questioned on it, and you kind of intimated or gave this
25 impression, at least to me, that that might have some

1 influence on what you hear. And was I just reading you wrong,
2 or is there something to that?

3 PROSPECTIVE JUROR NO. 348: Well, you know, one has
4 to think about the whole situation. And as I looked at what
5 happened to her, it could have been she was at the wrong place
6 at the wrong time. I don't really know what happened because
7 no one has -- has never been prosecuted for it, but I also
8 look at myself and say if I have to be a person sitting on the
9 outside looking in of someone else who has done something
10 similar, or the same thing, I have to be very honest and
11 upfront about it.

12 MR. GIORDANI: Sure. That's what we want.

13 PROSPECTIVE JUROR NO. 348: So I feel that at this
14 point, knowing that the persons that did what they did to her
15 hasn't been caught, I can't dwell on that, I have to look
16 beyond that and make the right decision based on all the facts
17 of whoever it is that I'm making the decision on, and that's
18 the way I see things.

19 MR. GIORDANI: Okay. What I need to get a clear
20 answer on, and I'm not saying you're being unclear, but what
21 we need to understand is are you going to have any carry over
22 bias or anything against Mr. Matthews because he's charged
23 with murder and the -- the victim happens to be a female? Is
24 that something that you're going to carry over your personal
25 experience or your feelings about your sister and apply here,

1 or can you take that experience -- your personal experience
2 for what it is, but judge this case based solely on what you
3 hear from the witness stand?

4 PROSPECTIVE JUROR NO. 348: I cannot put my personal
5 feelings into what happened in his particular case.

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 348: I have to know all of
8 the facts and particulars first before I can sit down and make
9 a firm decision on what needs to happen.

10 MR. GIORDANI: Understood. And just up front, it
11 wouldn't be fair to Mr. Matthews to sit a juror, to -- if I
12 picked you, and you're someone that's going to go, well, my
13 sister was murdered, the guy was never caught, this guy is
14 accused of murder of a woman, and you know, you kind of get
15 vengeance on him, or whatever it may be. You understand where
16 I'm going with that; right?

17 PROSPECTIVE JUROR NO. 348: Absolutely.

18 MR. GIORDANI: It would not be fair to him. You
19 agree he has nothing to do with what happened to your sister?

20 PROSPECTIVE JUROR NO. 348: No. He has nothing
21 whatsoever to do with what happened to my sister. Like I
22 said, it could have been she was at the wrong place at the
23 wrong time.

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 348: I have to judge every

1 individual based on who they are. I can't put my sister in
2 the middle of somebody else's situation.

3 MR. GIORDANI: Okay. Well, and let me -- let me
4 just correct you a little bit here. I want to be clear.
5 We're not judging Mr. Matthews on who he is. We're judging on
6 actions, things he did. We're going to ask you did he do this
7 or did he not. Not is he a good guy or is he a bad guy.
8 That's -- that has no place in the courtroom. You get that;
9 right? You agree --

10 PROSPECTIVE JUROR NO. 348: Absolutely.

11 MR. GIORDANI: -- with me there?

12 PROSPECTIVE JUROR NO. 348: Absolutely.

13 MR. GIORDANI: Okay. So the other side of that
14 coin, what -- what you were saying, you can't let what
15 happened to your sister bleed into his trial, Mr. Matthews'
16 trial. Also the fact that someone was not caught, that causes
17 us a little concern on the State side; right? So I -- I don't
18 want you -- I don't want a juror that's going to, say, hold a
19 grudge against the police in this case because the police in
20 the other case -- in your sister's case didn't catch anybody.
21 Does that make sense to you?

22 PROSPECTIVE JUROR NO. 348: Absolutely.

23 MR. GIORDANI: All right. And -- and do you think
24 that that's going to be an issue for you at all?

25 PROSPECTIVE JUROR NO. 348: No, not at all.

1 MR. GIORDANI: All right. Thank you, sir. Anything
2 else that I haven't asked you that I've addressed with the
3 other people that you could tell me?
4 PROSPECTIVE JUROR NO. 348: No.
5 MR. GIORDANI: All right. And you can pass the
6 microphone on over to Ms. Sandefur.
7 How are you?
8 PROSPECTIVE JUROR NO. 342: I'm fine.
9 MR. GIORDANI: And you're 342?
10 PROSPECTIVE JUROR NO. 342: Yes.
11 MR. GIORDANI: Your father was killed in the 70s in
12 -- in Los Angeles?
13 PROSPECTIVE JUROR NO. 342: That is correct.
14 MR. GIORDANI: I'm sorry to bring it up, but same
15 concerns as I had with -- with Mr. Ashford here. Is there
16 anything about what happened to your dad that causes you
17 concern or should cause either side here concern?
18 PROSPECTIVE JUROR NO. 342: No.
19 MR. GIORDANI: All right. Do you check in and
20 see --
21 PROSPECTIVE JUROR NO. 342: No, I haven't checked
22 in.
23 MR. GIORDANI: Okay. It's been a while.
24 PROSPECTIVE JUROR NO. 342: It's been a while.
25 MR. GIORDANI: It's the 70s.

1 PROSPECTIVE JUROR NO. 342: Yes.

2 MR. GIORDANI: Okay. What is your feeling, ma'am,

3 on the system in general? You've heard all of the questions

4 I've asked.

5 PROSPECTIVE JUROR NO. 342: Well, yeah, somebody --

6 a jury trial, I think it's fair.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 342: A jury trial.

9 MR. GIORDANI: All right. What about the -- the

10 entire system? Uh-oh. Was that a loaded question?

11 PROSPECTIVE JUROR NO. 342: Yes.

12 MR. GIORDANI: All right.

13 PROSPECTIVE JUROR NO. 342: I thought we were going

14 to stick to the jury trial.

15 MR. GIORDANI: Well, no. Because you gave that

16 smirk when I did it, so now I knew I had to ask. So I have to

17 know.

18 PROSPECTIVE JUROR NO. 342: No, I -- I was just

19 teasing. Yeah. I think it's pretty fair.

20 MR. GIORDANI: Okay. Pretty fair, not perfect?

21 PROSPECTIVE JUROR NO. 342: Pretty fair.

22 MR. GIORDANI: All right. Anything that -- that

23 should cause either side concern?

24 PROSPECTIVE JUROR NO. 342: No.

25 MR. GIORDANI: You understand this case needs to be

1 judged on what's coming from the witness --

2 PROSPECTIVE JUROR NO. 342: That's right.

3 MR. GIORDANI: -- stand and that's it?

4 PROSPECTIVE JUROR NO. 342: Yes.

5 MR. GIORDANI: Anything I've asked your fellow

6 jurors that I haven't asked you that you think we should know

7 about you?

8 PROSPECTIVE JUROR NO. 342: No.

9 MR. GIORDANI: All right. Thank you very much,

10 ma'am.

11 Mr. Whitman. The -- I only want to follow up on one

12 thing that you had mentioned earlier. And you said with your

13 malicious destruction, or the destruction of property thing.

14 PROSPECTIVE JUROR NO. 338: Yes.

15 MR. GIORDANI: You said you were treated fairly for

16 the most part? Excuse me. For the most part?

17 PROSPECTIVE JUROR NO. 338: For the most part, yeah.

18 It was kind of -- it was kind of messed up in the beginning

19 because I -- you know, the incident had occurred and I never

20 was, you know, police never showed up, nobody ever said

21 anything, and I didn't know that I was supposed to show up the

22 court date until I wasn't there. So they had a bench warrant

23 issued, that I didn't -- that I didn't even know about. I got

24 pulled over for a traffic stop, they did it --

25 MR. GIORDANI: Bench warrant --

1 PROSPECTIVE JUROR NO. 338: -- checked on the ID
2 and --

3 MR. GIORDANI: Okay.

4 PROSPECTIVE JUROR NO. 338: -- that's why I went
5 into the Clark County Detention Center.

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 338: So the police weren't at
8 fault, but I -- I was, at the time, upset, because I thought,
9 well, how am I supposed to show up for a court date that I
10 know nothing about? So --

11 MR. GIORDANI: Okay. Let me ask you this, is it
12 something that -- that should cause Ms. Lexis and I concern?

13 PROSPECTIVE JUROR NO. 338: No. I mean, it -- I --
14 no. I don't know why it -- it got screwed up, and I don't
15 know why I was never told I was supposed to show up in court,
16 but, no, I don't think that that would be something that would
17 cause concern.

18 MR. GIORDANI: Okay. You understand, you know, the
19 prosecuting agency, it's either our office or a couple of
20 other prosecuting agencies?

21 PROSPECTIVE JUROR NO. 338: Right.

22 MR. GIORDANI: So the reason I have to ask, and I
23 want a clear answer, is we don't want someone who's going to
24 hold a grudge -- a grudge against us just because they've been
25 prosecuted by some other prosecuting attorney. You get that?

1 PROSPECTIVE JUROR NO. 338: Yeah. No, it -- it was
2 -- at the time it was very aggravating when I was sitting over
3 in the detention center.

4 MR. GIORDANI: Sure.

5 PROSPECTIVE JUROR NO. 338: I got -- you know, had I
6 known about the court date, obviously, I would have been
7 there, but, you know, that was several years ago so I don't
8 really think about it.

9 MR. GIORDANI: All right. Thank you, sir.

10 And Ms. Lake. I'm sorry, I have to come back to
11 you, 334.

12 PROSPECTIVE JUROR NO. 334: Can mine be really
13 simple, one question?

14 MR. GIORDANI: Yes. I'll be quick, I promise.

15 PROSPECTIVE JUROR NO. 334: Thank you.

16 MR. GIORDANI: Tell me what your youngest daughter
17 actually does. What does she do?

18 PROSPECTIVE JUROR NO. 334: Right now she's an
19 intern at the prison.

20 MR. GIORDANI: And intern at the prison.

21 PROSPECTIVE JUROR NO. 334: Yeah.

22 MR. GIORDANI: Does she wear a uniform?

23 PROSPECTIVE JUROR NO. 334: Yeah. Yeah. She's in
24 admin, but she has to wear the uniform.

25 MR. GIORDANI: Oh, okay.

1 PROSPECTIVE JUROR NO. 334: Yeah. And,
2 unfortunately, she's going to drop everything and go back home
3 and take care of my mother-in-law.
4 MR. GIORDANI: Oh, okay. Your mother-in-law has
5 health issues?
6 PROSPECTIVE JUROR NO. 334: Yeah. That's really sad
7 because she worked really hard, but --
8 MR. GIORDANI: Okay.
9 PROSPECTIVE JUROR NO. 334: -- you know.
10 MR. GIORDANI: Your -- your DUI conviction you
11 mentioned, it was a heart medication, all of that.
12 PROSPECTIVE JUROR NO. 334: Yeah.
13 MR. GIORDANI: I won't get into detail. Same
14 question as Mr. Whitman. Anything about your case that should
15 cause either side concern here?
16 PROSPECTIVE JUROR NO. 334: No.
17 MR. GIORDANI: Okay. Your Honor, can I confer with
18 Ms. Lexis before I get to the last row here?
19 THE COURT: Sure.
20 MR. GIORDANI: Just give me a break one second.
21 (Pause in proceedings)
22 MR. GIORDANI: All right. 4:07. I'll try to get
23 through this last group quickly. Sorry. You can pass that
24 microphone down. Thank you, ma'am.
25 Can I have your badge number, please?

1 PROSPECTIVE JUROR NO. 372: 372.
2 MR. GIORDANI: Ms. Ashford.
3 PROSPECTIVE JUROR NO. 372: Yes.
4 MR. GIORDANI: How are you?
5 PROSPECTIVE JUROR NO. 372: I'm well. Thank you.
6 Yourself?
7 MR. GIORDANI: I'm well. Thank you. How -- what is
8 it that brought you to study forensic sculpting?
9 PROSPECTIVE JUROR NO. 372: I had been in the arts
10 program and I had heard about this very abstract instructor at
11 Scottsdale Academy. And I put my application in and it took
12 two years for my portfolio to be accepted. It's a very
13 difficult program to get into. I just wanted to really be
14 able to sculpt well.
15 MR. GIORDANI: Okay. So it was more the artistic
16 side of it, as opposed --
17 PROSPECTIVE JUROR NO. 372: Yes.
18 MR. GIORDANI: -- to the forensic --
19 PROSPECTIVE JUROR NO. 372: Uh-huh.
20 MR. GIORDANI: -- pathology type side of it?
21 PROSPECTIVE JUROR NO. 372: Yes.
22 MR. GIORDANI: Okay. And, ultimately, you ended up
23 not going down that career path?
24 PROSPECTIVE JUROR NO. 372: Actually, I did. I
25 worked in a private sector for --

1 MR. GIORDANI: Oh, you did?
2 PROSPECTIVE JUROR NO. 372: -- a company out of
3 Southfield, Michigan.
4 MR. GIORDANI: Oh.
5 PROSPECTIVE JUROR NO. 372: Digital Animation
6 Corporation. We created 60 frame per second animations for
7 Lotus, for Photoshop smart screen, we were the developers of
8 the very first Photoshop programs --
9 MR. GIORDANI: Wow.
10 PROSPECTIVE JUROR NO. 372: -- that came out.
11 MR. GIORDANI: So in animation, computer --
12 PROSPECTIVE JUROR NO. 372: Uh-huh.
13 MR. GIORDANI: -- animation?
14 PROSPECTIVE JUROR NO. 372: Yes. Computer,
15 digitalized.
16 MR. GIORDANI: Completely different from sculpting?
17 PROSPECTIVE JUROR NO. 372: Yeah. But it was all
18 kind of the same flow because you have to understand the base
19 to do all that.
20 MR. GIORDANI: Okay. You're speaking way above my
21 head, so I'll move on to something I know about. What do you
22 -- what do you feel about the criminal justice system in
23 general?
24 PROSPECTIVE JUROR NO. 372: It is extremely
25 fallible, but it is our best.

1 MR. GIORDANI: Okay. Extremely fallible?
2 PROSPECTIVE JUROR NO. 372: Uh-huh. Yeah. There is
3 misconceptions --
4 MR. GIORDANI: Sure.
5 PROSPECTIVE JUROR NO. 372: -- on all things --
6 MR. GIORDANI: Okay.
7 PROSPECTIVE JUROR NO. 372: -- and I take that into
8 consideration.
9 MR. GIORDANI: Right. I'm not going to disagree
10 with you at all, but what I want to understand is are you the
11 type of person that thinks it's so fallible that you may take
12 some pledge for justice or something? Do we need to be
13 concerned with this extremely fallible --
14 PROSPECTIVE JUROR NO. 372: No.
15 MR. GIORDANI: -- idea?
16 PROSPECTIVE JUROR NO. 372: No. No.
17 MR. GIORDANI: Okay. You understand where I'm
18 getting that?
19 PROSPECTIVE JUROR NO. 372: Yes, I do.
20 MR. GIORDANI: All right. So what did you do
21 between the -- the digital animation and the sales that you do
22 now?
23 PROSPECTIVE JUROR NO. 372: I did student teaching
24 at the community college where I graduated from, St. Clair
25 Community. I also went and did animation study program at

1 Michigan State. I just kind of explored all different facets
2 of the artistic nature.

3 MR. GIORDANI: Okay. And I want to talk to you a
4 little about your daughter.

5 PROSPECTIVE JUROR NO. 372: Yes.

6 MR. GIORDANI: I'm sorry, but I have to get into it
7 a little bit. You said a couple things that just kind of
8 raised, not a flag, but just something I need to follow up on.
9 You said her husband magically disappeared?

10 PROSPECTIVE JUROR NO. 372: Yeah. He's not been
11 heard or seen --

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 372: -- since that week.

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR NO. 372: He disappeared, I
16 believe, on the day before.

17 MR. GIORDANI: But what the Judge was asking you is
18 -- she asked you if it was an overdose.

19 PROSPECTIVE JUROR NO. 372: They are not positive.

20 MR. GIORDANI: So you're -- you're saying --

21 PROSPECTIVE JUROR NO. 372: She did not have --

22 MR. GIORDANI: -- they don't know her --

23 PROSPECTIVE JUROR NO. 372: -- other markings to say
24 that she had drug use before --

25 MR. GIORDANI: Oh.

1 PROSPECTIVE JUROR NO. 372: -- but she did in fact
2 die from an overdose. Whether it was voluntary or not was
3 still questioned.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 372: And my grandchildren
6 were asleep, they did not know what happened.

7 MR. GIORDANI: Okay. Grandchildren are asleep,
8 husband was --

9 PROSPECTIVE JUROR NO. 372: It was --

10 MR. GIORDANI: -- missing the day before?

11 PROSPECTIVE JUROR NO. 372: Yeah. He had left the
12 courthouse after her arrest --

13 MR. GIORDANI: Her arrest?

14 PROSPECTIVE JUROR NO. 372: Uh-huh.

15 MR. GIORDANI: For what?

16 PROSPECTIVE JUROR NO. 372: Oh. She assumed my
17 identity and had run me \$127,000 into debt. Credit cards,
18 car, you know, it was --

19 MR. GIORDANI: Oh.

20 PROSPECTIVE JUROR NO. 372: -- pretty financially
21 devastating.

22 MR. GIORDANI: I'm sure it was.

23 PROSPECTIVE JUROR NO. 372: Uh-huh.

24 MR. GIORDANI: So she got arrested for that?

25 PROSPECTIVE JUROR NO. 372: Yes.

1 MR. GIORDANI: And then she eventually gets out and
2 she --

3 PROSPECTIVE JUROR NO. 372: She was released with
4 bail. She had been out less than 24 hours, had picked up her
5 children, had picked up her drugs, and was on her way to
6 Canada with them.

7 MR. GIORDANI: The five kilos of --

8 PROSPECTIVE JUROR NO. 372: Uh-huh.

9 MR. GIORDANI: -- cocaine? Okay. And then she
10 passes away when in that process?

11 PROSPECTIVE JUROR NO. 372: While she was driving
12 down the I-94, to my understanding.

13 MR. GIORDANI: Okay. That's a very unique set of
14 circumstances, obviously.

15 PROSPECTIVE JUROR NO. 372: Yes.

16 MR. GIORDANI: Is there anything about that
17 experience in your life that -- that we should be concerned
18 about in this case?

19 PROSPECTIVE JUROR NO. 372: No.

20 MR. GIORDANI: All right. Okay. Thank you.
21 Mr. Gifford.

22 PROSPECTIVE JUROR NO. 374: Yes.

23 MR. GIORDANI: 374. How are you, sir?

24 PROSPECTIVE JUROR NO. 374: Fine. Thank you.

25 MR. GIORDANI: Great. You testified multiple times

1 as an expert witness, and we -- I believe we just heard about
2 one of those experiences, and that was the -- in the cell, the
3 amount of light in the cell at the jail?

4 PROSPECTIVE JUROR NO. 374: Yes.

5 MR. GIORDANI: What other types of things do you
6 testify to? Are you an expert in -- in light tracking?

7 PROSPECTIVE JUROR NO. 374: Construction defect,
8 lighting cases --

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR NO. 374: -- economics, fires,
11 explosions. That's the bulk of what I do.

12 MR. GIORDANI: Okay. Fires, explosions. So do you
13 do arson type investigations, or testimony relate to arson
14 investigations?

15 PROSPECTIVE JUROR NO. 374: Related. Not arson so
16 much, no, but in terms of origin and cause, with respect to
17 fires and explosions, yes, I get involved in those as well.

18 MR. GIORDANI: Okay. And in that capacity, have you
19 had many interactions with prosecutors and defense attorneys
20 outside the courtroom? Like preparing for trial or anything
21 such as that?

22 PROSPECTIVE JUROR NO. 374: An untold number of
23 hours in doing that, quite frankly.

24 MR. GIORDANI: Right. And, of course, in court you
25 interact, you get questioned by prosecution and the defense.

1 PROSPECTIVE JUROR NO. 374: That's correct.

2 MR. GIORDANI: Are you -- should either side here be
3 concerned with your personal experience? Let me just ask you
4 bluntly. Sometimes they say there's experts that are hired
5 guns by the defense and hired guns by the State. Should
6 either side here be concerned with you, sir?

7 PROSPECTIVE JUROR NO. 374: I'm not a hired gun, no.
8 I work for both plaintiff and defense side --

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR NO. 374: -- over a course of 22
11 years. My load has been reasonably balanced, although at the
12 present time, I'm more skewed toward the plaintiff side.

13 MR. GIORDANI: Okay. So you've worked for both
14 sides, and I should have just asked it that way, did you work
15 for both sides.

16 PROSPECTIVE JUROR NO. 374: Yes.

17 MR. GIORDANI: I apologize. And any other
18 experience with criminal cases, or criminal jury trials?

19 PROSPECTIVE JUROR NO. 374: Actually, yes. Earlier,
20 something came to mind as we sat here listening.

21 MR. GIORDANI: Okay.

22 PROSPECTIVE JUROR NO. 374: In 1982 or 1983, I was
23 in an intersection where a man came into the intersection
24 driving a very large late model Buick and -- and did a major
25 amount of destruction to a number of vehicles, including mine,

1 and I was somewhat injured. I didn't end up going to the
2 hospital. I was the only person that ended up testifying
3 against the individual --

4 MR. GIORDANI: Oh.

5 PROSPECTIVE JUROR NO. 374: -- when it was brought
6 to trial. So I was brought in as a witness with respect to
7 that particular instance.

8 MR. GIORDANI: A lay witness?

9 PROSPECTIVE JUROR NO. 374: A lay witness, exactly.

10 MR. GIORDANI: Okay.

11 PROSPECTIVE JUROR NO. 374: And testified with
12 respect to my own personal experience in that matter --

13 MR. GIORDANI: Sure. Okay.

14 PROSPECTIVE JUROR NO. 374: -- because I was a
15 witness to it.

16 MR. GIORDANI: Do you think because you've had so
17 much experience in the courtroom that you would -- you would
18 make a good or a fair juror in this particular case?

19 PROSPECTIVE JUROR NO. 374: Well, I've -- I -- I
20 really feel like that's my job as an expert witness is to be
21 objective and neutral. To what degree I have a skew, I have
22 to admit, it depends on the facts of the matter. But my
23 objective is to be impartial and as fair as possible.

24 MR. GIORDANI: Okay. Any feelings one way or the
25 other about police or the justice system that we should be

1 aware about?

2 PROSPECTIVE JUROR NO. 374: Well, I'm ex-military,
3 and I'm a pretty old guy.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 374: And I got to say, I
6 would take a bullet for a cop. It doesn't mean that I don't
7 love people and I don't see people on the other side as
8 necessarily innocent, but that part is true. And in terms of
9 the actual justice system, I think maybe a more fundamental
10 question would be do I think that a person has a fair -- can
11 get a fair trial in this court, and the answer to that is
12 absolutely.

13 MR. GIORDANI: We should just switch spots right
14 now. The rest of my career I'm going to be asking it that
15 way. Okay. And in this particular case, do you think that
16 that -- that would apply?

17 PROSPECTIVE JUROR NO. 374: That's exactly the point
18 I'm making.

19 MR. GIORDANI: Okay. Okay. All right. Thank you,
20 sir.

21 PROSPECTIVE JUROR NO. 374: You're welcome.

22 MR. GIORDANI: Mr. Storebo.

23 You can pass the microphone, thank you, sir.

24 How are you doing?

25 PROSPECTIVE JUROR NO. 376: Good.

1 MR. GIORDANI: Good. I apologize. I stopped taking
2 notes when the Judge asked you about what you do for a living
3 and what your education was. Can you tell me, sir?

4 PROSPECTIVE JUROR NO. 376: I had some college.

5 MR. GIORDANI: Okay. What was -- what -- what did
6 you study?

7 PROSPECTIVE JUROR NO. 376: I was going to be a
8 physical therapist. I quit college and got drafted by the
9 Marine Corps.

10 MR. GIORDANI: Oh. Drafted by the Marine Corps?
11 Okay. How long were you in the Marine Corps?

12 PROSPECTIVE JUROR NO. 376: Two years.

13 MR. GIORDANI: Okay. Thank you for your service.
14 What -- what was your occupation between the Marine Corps and
15 today?

16 PROSPECTIVE JUROR NO. 376: Various jobs. Had my --
17 a few of my own businesses and home improvement, automotive,
18 auto parts stores. Present, I've got 18 and a half years of
19 Home Depot.

20 MR. GIORDANI: Okay. Do you have a feeling, one way
21 or the other, about the -- the criminal justice system in
22 general?

23 PROSPECTIVE JUROR NO. 376: It's pretty good, yeah.
24 It nipped me once, but --

25 MR. GIORDANI: What do you mean by that?

1 PROSPECTIVE JUROR NO. 376: -- I got over it. Well,
2 the things that go on before the trial actually happens. I
3 was stopped for a school bus unloading kids, a lady come and
4 folded the front end of her car on the back of mine. By the
5 time we get to trial, they didn't tell me, but the other side
6 says we admit we're 100 percent at fault, but don't let them
7 use the word school bus because it might sway the jurors. So
8 the attorney comes up and he says what were you looking at, so
9 I was just sworn to tell the truth, I said I was looking at
10 the kids getting off the school bus and the Judge ordered a
11 mistrial.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 376: So it often bothers me
14 when you see a trial or hear about a trial, what stuff
15 actually happened that the jury or a layperson doesn't get to
16 hear.

17 MR. GIORDANI: Okay. The -- the Judge in this case
18 makes decisions on what evidence is admissible and what's not.
19 So we can't have the jurors speculating about anything,
20 really. You have to -- your -- your experience and your
21 decision needs to be limited to the four corners of this
22 courtroom and what you hear here. Can you do that in this
23 case without speculating based on your prior experience about
24 things that happened outside? Is that a yes?

25 PROSPECTIVE JUROR NO. 376: Yes.

1 MR. GIORDANI: All right. Did that case ever go
2 back to trial or --
3 PROSPECTIVE JUROR NO. 376: Yes.
4 MR. GIORDANI: And what happened then?
5 PROSPECTIVE JUROR NO. 376: I got a small
6 settlement.
7 MR. GIORDANI: All right. So the person was found
8 guilty or convicted, I should say.
9 PROSPECTIVE JUROR NO. 376: Not convicted, just get
10 a ticket for driving carelessly, or --
11 MR. GIORDANI: Okay. So the -- the insurance
12 company settled with you, you got a little chunk of change.
13 PROSPECTIVE JUROR NO. 376: She didn't have
14 insurance. I ended up suing my own insurance company, and
15 they brought me to court.
16 MR. GIORDANI: Right. Okay. Okay. That makes
17 sense. All right, sir. Anything else that I should ask you
18 that I haven't yet?
19 PROSPECTIVE JUROR NO. 376: No.
20 MR. GIORDANI: All right. Think you can be fair,
21 sir?
22 PROSPECTIVE JUROR NO. 376: Yes.
23 MR. GIORDANI: Okay. Thank you.
24 Mr. Smith.
25 PROSPECTIVE JUROR NO. 381: Yes.

1 MR. GIORDANI: 381. How are you, sir?

2 PROSPECTIVE JUROR NO. 381: I'm good. And you?

3 MR. GIORDANI: Good, thank you. You indicated you

4 were the victim of a residential burglary, the person was

5 caught, and then I -- I didn't catch it all, but you said

6 something about he had done that to other people, and there

7 was something going on.

8 PROSPECTIVE JUROR NO. 381: Correct.

9 MR. GIORDANI: Can you give me a little more detail

10 on that?

11 PROSPECTIVE JUROR NO. 381: So pretty much my

12 girlfriend's friend's boyfriend broke into our house, and we

13 found out --

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR NO. 381: -- later on that he

16 robbed her aunt as well, so he did go to jail to my

17 understanding.

18 MR. GIORDANI: Okay. So he went to jail based on

19 your -- the residential burglary at your place, or at the

20 other?

21 PROSPECTIVE JUROR NO. 381: I guess like a mixture.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 381: Yeah.

24 MR. GIORDANI: Did you ever actually go to court and

25 testify or anything like that?

1 PROSPECTIVE JUROR NO. 381: No. I did not, no.
2 MR. GIORDANI: Did you have any interaction with law
3 enforcement or at least the prosecuting agents?
4 PROSPECTIVE JUROR NO. 381: No.
5 MR. GIORDANI: Okay. So you just kind of heard
6 through the grape vine what happened?
7 PROSPECTIVE JUROR NO. 381: Correct.
8 MR. GIORDANI: All right. Anything about that
9 experience that should cause either side concern here?
10 PROSPECTIVE JUROR NO. 381: No.
11 MR. GIORDANI: What is your feeling, one way or the
12 other, or what is your feeling in general about the criminal
13 justice system?
14 PROSPECTIVE JUROR NO. 381: Kind of fair. It just
15 depends on the situation I would say.
16 MR. GIORDANI: Okay.
17 PROSPECTIVE JUROR NO. 381: In my opinion, anyway.
18 MR. GIORDANI: That's what we want. That's fair.
19 Your opinion --
20 PROSPECTIVE JUROR NO. 381: Okay. That's it?
21 MR. GIORDANI: -- is what we want. Yeah. Go ahead.
22 PROSPECTIVE JUROR NO. 381: Okay. So I don't want
23 to sound like that person, but I feel like minorities have it
24 a lot worse than white people --
25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 381: -- for the most part.
2 Just because things that I see, is like -- what I might hear
3 about, it's -- depending on what you do, and depending on your
4 nationality, you might get like a much harder, you know,
5 decision, or I guess --
6 MR. GIORDANI: Sentence?
7 PROSPECTIVE JUROR NO. 381: Yeah. Sentence --
8 MR. GIORDANI: Okay.
9 PROSPECTIVE JUROR NO. 381: -- is the --
10 MR. GIORDANI: I get what you're saying there.
11 Obviously, you know, I'm not disagreeing with you in any way.
12 But we -- we need jurors who at least can uphold their duty as
13 a juror in this case.
14 PROSPECTIVE JUROR NO. 381: Uh-huh.
15 MR. GIORDANI: We don't want someone who is going to
16 think the prosecutor is prosecuting someone because they're a
17 minority because that would be horrible and ridiculous --
18 PROSPECTIVE JUROR NO. 381: Understood.
19 MR. GIORDANI: -- to be honest.
20 PROSPECTIVE JUROR NO. 381: Right.
21 MR. GIORDANI: Can you set aside whatever feelings
22 you have about the justice system --
23 PROSPECTIVE JUROR NO. 381: Yes.
24 MR. GIORDANI: -- being kind of fair --
25 PROSPECTIVE JUROR NO. 381: Yes.

1 MR. GIORDANI: -- or sometimes fair and judge this
2 case on what you hear here?

3 PROSPECTIVE JUROR NO. 381: Yeah. Because what it
4 is, is again, I just think that the sentencing is different.

5 MR. GIORDANI: Uh-huh.

6 PROSPECTIVE JUROR NO. 381: So like for the most
7 part like the innocent to proven guilty, I understand that
8 part, it's just a fact of like the overall outcomes.

9 MR. GIORDANI: Okay. Yeah. That's fair. Anything
10 about that -- so you bring up some real big socioeconomic
11 issues and things that we don't have the time to get into --

12 PROSPECTIVE JUROR NO. 381: Uh-huh.

13 MR. GIORDANI: -- frankly, these guys are --

14 PROSPECTIVE JUROR NO. 381: Yeah.

15 MR. GIORDANI: -- really ready to go. So anything
16 about how you feel about the system that's going to bleed over
17 into law enforcement testimony?

18 PROSPECTIVE JUROR NO. 381: No.

19 MR. GIORDANI: And so you've heard me talk with
20 other jurors, there's going to be law enforcement that
21 testifies. Do you have any issues with that?

22 PROSPECTIVE JUROR NO. 381: No.

23 MR. GIORDANI: Are you going to wait to hear what
24 they have to say, just like what any other layperson has to
25 say --

1 PROSPECTIVE JUROR NO. 381: Yes.
2 MR. GIORDANI: -- before you make a decision?
3 PROSPECTIVE JUROR NO. 381: Uh-huh.
4 MR. GIORDANI: All right. Thank you, sir. I
5 appreciate it.
6 PROSPECTIVE JUROR NO. 381: No problem.
7 MR. GIORDANI: Pass that down.
8 Mr. Ludwig, 391. How are you, sir?
9 PROSPECTIVE JUROR NO. 391: I'm doing well. Thank
10 you.
11 MR. GIORDANI: Good. I observed you, and I may have
12 been wrong, but when the judge asked the law enforcement
13 question --
14 PROSPECTIVE JUROR NO. 391: Yeah.
15 MR. GIORDANI: -- I thought I saw a chuckle there.
16 PROSPECTIVE JUROR NO. 391: I did.
17 MR. GIORDANI: Okay. Tell me about that. Why?
18 PROSPECTIVE JUROR NO. 391: Well, being raised by a
19 police officer.
20 MR. GIORDANI: Uh-huh.
21 PROSPECTIVE JUROR NO. 391: 25 years, he has -- you
22 know, he had a way about him. My twin brother has the same
23 way about him, you know, and my younger brother has the same
24 way about him. That's why I didn't go into law enforcement.
25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 391: Because I didn't want to
2 have that same way, you know. But I deal with law enforcement
3 on the daily, okay.

4 MR. GIORDANI: Right.

5 PROSPECTIVE JUROR NO. 391: They all respond if --
6 if anybody is injured in an accident, they all respond, okay.
7 And so I -- I am associated with law enforcement almost every
8 single day.

9 MR. GIORDANI: Right.

10 PROSPECTIVE JUROR NO. 391: So there's a certain --
11 there's a certain respect that I give them because they're
12 doing a job. It's the thin blue line --

13 MR. GIORDANI: Uh-huh.

14 PROSPECTIVE JUROR NO. 391: -- you know. So I just
15 -- yeah, am I going to give more deference to a -- to a police
16 officer than I would somebody else? Probably.

17 MR. GIORDANI: Okay. Well -- so that's -- there's a
18 couple layers to that.

19 PROSPECTIVE JUROR NO. 391: Yeah.

20 MR. GIORDANI: You would agree with me that you're
21 probably better situated than most people because you have law
22 enforcement family.

23 PROSPECTIVE JUROR NO. 391: I don't -- I don't know
24 if I agree with you there, you know.

25 MR. GIORDANI: Well, let me finish it.

1 PROSPECTIVE JUROR NO. 391: Okay. All right.
2 MR. GIORDANI: So you --
3 PROSPECTIVE JUROR NO. 391: You finish. You finish.
4 MR. GIORDANI: I would think you're better situated
5 to understand that law enforcement are just people. They're
6 fallible --
7 PROSPECTIVE JUROR NO. 391: Yes.
8 MR. GIORDANI: -- you know; right? So you're
9 someone that isn't going to just give credence to someone
10 because they're wearing a badge. You know as well as I do, as
11 well as we all should, that they're just people like you and
12 I.
13 PROSPECTIVE JUROR NO. 391: Right.
14 MR. GIORDANI: So that's one side of it. On the
15 other side, you say I don't want to have -- or I didn't want
16 to have that way about me that my dad has and my brother has,
17 et cetera. What do you mean by that way? You can speak
18 frankly.
19 PROSPECTIVE JUROR NO. 391: Yeah. Sure. Law
20 enforcement has to be handled a certain way. It's yes, sir,
21 no, sir.
22 MR. GIORDANI: Okay.
23 PROSPECTIVE JUROR NO. 391: You get pulled over, you
24 know, I -- I'm a gun owner. I keep my hands at 10:00 and
25 2:00. That's the way my -- that's the way, you know, it -- it

1 calms them down. I get on a scene and one of my drivers is
2 not being cooperative. Is anything I can do to get him not be
3 arrested, you know?

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 391: So yeah, I have to -- I
6 have to -- I -- you know, I was in the military, thank you for
7 your service over there, but you -- you act a certain way.
8 You know, when you're on scene like that and when you're
9 dealing with police officers and -- and you know, and I -- I
10 grew up that way.

11 MR. GIORDANI: All right. So obviously, I'm going
12 to cut to the chase here. There's going to be law enforcement
13 witnesses here.

14 PROSPECTIVE JUROR NO. 391: Yeah.

15 MR. GIORDANI: Are you a good fit for this
16 particular type of case, having law enforcement
17 [indiscernible]?

18 PROSPECTIVE JUROR NO. 391: Yeah. I -- I don't
19 understand that question. Am I a good fit? Am I -- you mean
20 am I going to believe law enforcement? Yes.

21 MR. GIORDANI: Actually, I mean --

22 PROSPECTIVE JUROR NO. 391: Am I going to give more
23 credence to law enforcement than I'm going to give to somebody
24 else, is that your question?

25 MR. GIORDANI: Yes.

1 PROSPECTIVE JUROR NO. 391: Yes.

2 MR. GIORDANI: Okay. Well, you answered it. There

3 we go. Thank you, sir.

4 PROSPECTIVE JUROR NO. 391: I will.

5 MR. GIORDANI: I appreciate it. You can pass the

6 microphone down.

7 And it's --

8 PROSPECTIVE JUROR NO. 401: 401.

9 MR. GIORDANI: I'm sorry. Ms. Ipema?

10 PROSPECTIVE JUROR NO. 401: Yes.

11 MR. GIORDANI: And it's 401; right?

12 PROSPECTIVE JUROR NO. 401: That's correct.

13 MR. GIORDANI: How are you, ma'am?

14 PROSPECTIVE JUROR NO. 401: I'm good.

15 MR. GIORDANI: Good. What do you feel about the --

16 the system in general?

17 PROSPECTIVE JUROR NO. 401: The system, or the --

18 MR. GIORDANI: The criminal justice system.

19 PROSPECTIVE JUROR NO. 401: Criminal -- I -- I'm a

20 very honest person. This is actually my first time. I'm a

21 very honest person, and if you want to convict someone, you

22 have to listen to the story first before you judge that

23 person.

24 MR. GIORDANI: Okay. There is -- there's one right

25 that I haven't really talked about, but you bring up a point.

1 PROSPECTIVE JUROR NO. 401: Uh-huh.

2 MR. GIORDANI: Mr. Matthews does -- he has the right

3 to remain silent, just like you have and I have, and everyone

4 in this room has. So you don't have to hear his side, you

5 don't have to hear his story. It's on us, the State, to prove

6 our case.

7 PROSPECTIVE JUROR NO. 401: That's correct.

8 MR. GIORDANI: It's on us

9 PROSPECTIVE JUROR NO. 401: Yes.

10 MR. GIORDANI: You're okay with that?

11 PROSPECTIVE JUROR NO. 401: I'm okay with that.

12 MR. GIORDANI: So you don't need to hear his side?

13 PROSPECTIVE JUROR NO. 401: No, no.

14 MR. GIORDANI: That wouldn't be appropriate here?

15 PROSPECTIVE JUROR NO. 401: No.

16 MR. GIORDANI: You agree with me there?

17 PROSPECTIVE JUROR NO. 401: Yes.

18 MR. GIORDANI: Okay. And I'm sorry to interrupt

19 you. You were saying that you want to hear his side, and I

20 kind of cut you off.

21 PROSPECTIVE JUROR NO. 401: Oh, yeah.

22 MR. GIORDANI: Go ahead.

23 PROSPECTIVE JUROR NO. 401: [Indiscernible].

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 401: Exactly.

1 MR. GIORDANI: Okay. Do you have any feelings about
2 law enforcement one way or another?

3 PROSPECTIVE JUROR NO. 401: No. It's fair.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 401: Yeah.

6 MR. GIORDANI: And police officers, do you have any
7 issues with police or positive or negative interactions?

8 PROSPECTIVE JUROR NO. 401: Well, a few years back,
9 as I was driving at Nellis on Las Vegas Boulevard. I was on
10 the way home from work, and there was a police car on the
11 right side arresting someone on the ground, and there's nobody
12 on that road to say -- there's nobody in there to stop the
13 traffic. So I drove slowly, and this police officer on the
14 opposite, he followed me, you're supposed to stop. And I said
15 sir, there's nobody in there, I drove slowly.

16 So after I explained myself and then, oh, let me see
17 your driver's license and registration papers and I did. And
18 I -- I said -- when I said like, oh, if you don't want people
19 to go through, you're supposed to have someone in there. You
20 know what he did? I give you a ticket, because he wasn't
21 going to let me go.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 401: Just because I -- I was
24 explaining myself.

25 MR. GIORDANI: Right. So it sounds like that --

1 that particular police officer had an issue or --
2 PROSPECTIVE JUROR NO. 401: Yeah.
3 MR. GIORDANI: -- a bad attitude, let me put it that
4 way.
5 PROSPECTIVE JUROR NO. 401: Exactly.
6 MR. GIORDANI: Is there anything about that
7 interaction that -- that you're going to bring into this
8 courtroom? Are you going to judge --
9 PROSPECTIVE JUROR NO. 401: No.
10 MR. GIORDANI: -- police officers -- okay. That's
11 the reason we ask those kinds of --
12 PROSPECTIVE JUROR NO. 401: Yeah.
13 MR. GIORDANI: -- questions. All right. Anything
14 about your -- your life experience that you think we should
15 know in this case, you think you'd be a good fit for a juror
16 -- as a juror?
17 PROSPECTIVE JUROR NO. 401: Yeah, I am.
18 MR. GIORDANI: Okay.
19 PROSPECTIVE JUROR NO. 401: Uh-huh.
20 MR. GIORDANI: All right. You can pass the
21 microphone down.
22 PROSPECTIVE JUROR NO. 401: Okay.
23 MR. GIORDANI: Trying to speed this up, I apologize.
24 Ms. Haduca?
25 PROSPECTIVE JUROR NO. 403: Yes.

1 MR. GIORDANI: Is that how you pronounce it?
2 PROSPECTIVE JUROR NO. 403: Yes.
3 MR. GIORDANI: 403?
4 PROSPECTIVE JUROR NO. 403: Yes.
5 MR. GIORDANI: How are you, ma'am?
6 PROSPECTIVE JUROR NO. 403: I'm doing well. How are
7 you?
8 MR. GIORDANI: Good. You've heard me ask a whole
9 bunch of questions and talk a whole lot.
10 PROSPECTIVE JUROR NO. 403: Yes, I have.
11 MR. GIORDANI: Do you have any opinions about the
12 system or law enforcement or anything you think that we should
13 be aware of?
14 PROSPECTIVE JUROR NO. 403: No. At the end of the
15 day, everybody is doing their job, just like you, just like
16 me, just like everybody sitting here, so --
17 MR. GIORDANI: Fair. Okay.
18 PROSPECTIVE JUROR NO. 403: You can't really knock
19 somebody for doing their job.
20 MR. GIORDANI: Okay. Are you going to be able to
21 set aside your personal experience with --
22 PROSPECTIVE JUROR NO. 403: Yes.
23 MR. GIORDANI: Set aside that?
24 PROSPECTIVE JUROR NO. 403: That has nothing -- like
25 that was -- has nothing to do with this --

1 MR. GIORDANI: Okay.

2 PROSPECTIVE JUROR NO. 403: -- at all.

3 MR. GIORDANI: Fair enough. Did -- so you never

4 ended up going to court; right?

5 PROSPECTIVE JUROR NO. 403: No.

6 MR. GIORDANI: Okay. I'll leave that. I'll leave

7 it at that. Anything else that I -- I should ask you, or

8 anything you feel like we should know about you before we

9 start making a decision on who to pick?

10 PROSPECTIVE JUROR NO. 403: No.

11 MR. GIORDANI: All right. All right.

12 PROSPECTIVE JUROR NO. 403: I'm an open book.

13 MR. GIORDANI: Okay. Thank you, ma'am. You can

14 pass the microphone down.

15 And Mr. Paton.

16 PROSPECTIVE JUROR NO. 414: Paton.

17 MR. GIORDANI: Paton.

18 PROSPECTIVE JUROR NO. 414: Yeah.

19 MR. GIORDANI: I'm sorry.

20 PROSPECTIVE JUROR NO. 414: No problem.

21 MR. GIORDANI: 414?

22 PROSPECTIVE JUROR NO. 414: Yes.

23 MR. GIORDANI: How are you feeling now, as you sit

24 here?

25 PROSPECTIVE JUROR NO. 414: It's settled.

1 MR. GIORDANI: It's settled?
2 PROSPECTIVE JUROR NO. 414: Yeah.
3 MR. GIORDANI: Okay.
4 PROSPECTIVE JUROR NO. 414: So feeling good.
5 MR. GIORDANI: Good. I'm going to just kind of sum
6 this up here. I've asked a whole lot about the system, a
7 whole lot about law enforcement. What we want to know is are
8 you a fair and impartial juror. Is there anything about
9 yourself that you feel like we should know? And please just
10 throw it out there because now is the time. Your feelings on
11 law enforcement, or something that may affect you being a fair
12 impartial juror who follows the law.
13 PROSPECTIVE JUROR NO. 414: I think the jury system
14 as a whole is the best we've got. I understand that it's
15 continually improving because of the cases that rulings are
16 made of and what the Supreme Court does on different rulings.
17 So it's -- it's the best we have, and I think moving forward,
18 we're getting better. However, I understand that in some
19 cases we may miss the boat, and for those eternally sad.
20 MR. GIORDANI: Sure.
21 PROSPECTIVE JUROR NO. 414: But I think most of the
22 time we make an effort to get it right, so from that point of
23 view -- well, one other thing that comes to mind is I
24 understand that there's studies out there that -- what is it,
25 eyewitness testimony is not always correct.

1 MR. GIORDANI: Okay.

2 PROSPECTIVE JUROR NO. 414: And it's just an
3 interesting point that --

4 MR. GIORDANI: Okay. Let me follow up a couple
5 different questions. So as your fellow juror said, what
6 really matters is not whether you think it's fair or whatever,
7 if you're going to do your best to make sure it's fair in this
8 courtroom this week. Are you going to be able to do that, are
9 you going to try and make an effort to give Mr. Matthews a
10 fair trial and give the State a fair shake?

11 PROSPECTIVE JUROR NO. 414: Yeah. Pretty much I --
12 I feel that the case will be represent, the facts will be one
13 way or another, and then we, as a jury, make a decision on
14 those facts.

15 MR. GIORDANI: Sure.

16 PROSPECTIVE JUROR NO. 414: And irrespective of
17 whether I like ice cream or not, that has no bearing on what's
18 in front of me to make a decision.

19 MR. GIORDANI: Okay. Anything else I haven't asked
20 you or that should be asked that you'd like us to know about
21 you, Mr. Paton?

22 PROSPECTIVE JUROR NO. 414: No.

23 MR. GIORDANI: All right. Well, thank you, sir.
24 I'm -- it's not a trick question. I'm just trying to move it
25 along.

1 Mr. Szita.
2 PROSPECTIVE JUROR NO. 416: Szita.
3 MR. GIORDANI: Szita, 416. How are you, sir?
4 PROSPECTIVE JUROR NO. 416: Tired.
5 MR. GIORDANI: Yeah. Sorry. Same -- same question.
6 Is there -- can you give me just a brief synopsis of how you
7 feel about the system and --
8 PROSPECTIVE JUROR NO. 416: I have no opinion one
9 way or the other.
10 MR. GIORDANI: Okay.
11 PROSPECTIVE JUROR NO. 416: It's the system we have.
12 MR. GIORDANI: All right. If you were sitting where
13 Mr. Matthews is sitting, accused of a crime, would you want a
14 juror like you on the jury?
15 PROSPECTIVE JUROR NO. 416: Sure. Why not?
16 MR. GIORDANI: All right. If you're sitting where I
17 sit or where Ms. Lexis is sitting, same question.
18 PROSPECTIVE JUROR NO. 416: Sure, yeah. Sure. Why
19 not?
20 MR. GIORDANI: All right. Are you the type of
21 person that consider -- can consider all three of those
22 punishments I outlined earlier --
23 PROSPECTIVE JUROR NO. 416: The sentencing?
24 MR. GIORDANI: -- if we get to that stage? Yes.
25 PROSPECTIVE JUROR NO. 416: I could put it into

1 rationale. I could.

2 MR. GIORDANI: Put it into --

3 PROSPECTIVE JUROR NO. 416: I -- I could -- I

4 wouldn't have an issue with any of the three sentences.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 416: I could rationalize it.

7 MR. GIORDANI: Okay. And, obviously, we can't ask

8 you to predict the future. We just need to know if you could

9 consider all three.

10 PROSPECTIVE JUROR NO. 416: I wouldn't have an

11 issue.

12 MR. GIORDANI: All right. If you were selected as a

13 juror, do you think that you're the type of person who would

14 speak up in the deliberation room, would lead the discussion,

15 or would you sit back?

16 PROSPECTIVE JUROR NO. 416: I tend to be a soft

17 spoken person, so --

18 MR. GIORDANI: That's why I'm asking.

19 PROSPECTIVE JUROR NO. 416: -- but --

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR NO. 416: -- I -- it depends.

22 MR. GIORDANI: Being soft spoken doesn't mean you're

23 weak. What I want to know is --

24 PROSPECTIVE JUROR NO. 416: Right.

25 MR. GIORDANI: -- are you the type of person that

1 can stick to your convictions, whether you're in the majority,
2 the minority, or whatever it may be?

3 PROSPECTIVE JUROR NO. 416: I would definitely stand
4 by my convictions.

5 MR. GIORDANI: Okay. All right. Anything else that
6 I haven't asked you that I should have asked? Because it's
7 4:40 and I'm -- no?

8 PROSPECTIVE JUROR NO. 416: No. I don't
9 [inaudible].

10 MR. GIORDANI: Okay. Thank you, sir. Pass the
11 microphone down.

12 Mr. Mancini, 418. You're a geologist?

13 PROSPECTIVE JUROR NO. 418: I am.

14 MR. GIORDANI: How are you today?

15 PROSPECTIVE JUROR NO. 418: I'm good. How are you
16 doing?

17 MR. GIORDANI: Good. What do you do on a daily
18 basis? Do you actually go out into the desert and actually
19 get your hands dirty?

20 PROSPECTIVE JUROR NO. 418: I do. It -- it varies
21 day to day. Sometimes I'm in the office managing projects,
22 sometimes I'm in the field --

23 MR. GIORDANI: Okay.

24 PROSPECTIVE JUROR NO. 418: -- in the dirt.

25 MR. GIORDANI: What is the most recent project

1 you've worked on?

2 PROSPECTIVE JUROR NO. 418: The most recent project
3 would be a -- a detention basin --

4 MR. GIORDANI: And what -- what is your --

5 PROSPECTIVE JUROR NO. 418: -- storm water.

6 MR. GIORDANI: -- role?

7 PROSPECTIVE JUROR NO. 418: My role was project
8 managing.

9 MR. GIORDANI: Okay. So you -- do you manage other
10 geologists or employees?

11 PROSPECTIVE JUROR NO. 418: Yeah, our other
12 employees out there --

13 MR. GIORDANI: All right.

14 PROSPECTIVE JUROR NO. 418: -- inspectors.

15 MR. GIORDANI: Okay. And you've head this
16 questioning for hours now --

17 PROSPECTIVE JUROR NO. 418: Yeah.

18 MR. GIORDANI: -- do you have a feeling about the
19 criminal justice system, or can you give me something that
20 tells me what type of person you are when it comes to this
21 particular situation?

22 PROSPECTIVE JUROR NO. 418: Yeah. I -- I trust the
23 system.

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 418: I'm grateful to live in

1 a society that implements a system like this.

2 MR. GIORDANI: Okay. Can you be fair to both sides
3 in this case?

4 PROSPECTIVE JUROR NO. 418: I can.

5 MR. GIORDANI: Is Mr. Matthews going to get a fair
6 trial if you're one of the jurors?

7 PROSPECTIVE JUROR NO. 418: Yes.

8 MR. GIORDANI: And is the State, Ms. Lexis and I,
9 are we going to get a fair shake if you're one of the jurors
10 on this case?

11 PROSPECTIVE JUROR NO. 418: Yes, sir.

12 MR. GIORDANI: All right. Thank you, sir. I'm
13 going to just pass the microphone down to the last two
14 standing.

15 How are you, ma'am?

16 PROSPECTIVE JUROR NO. 419: Good. How are you?

17 MR. GIORDANI: Good. Can you say your name and
18 badge number?

19 PROSPECTIVE JUROR NO. 419: Saimone Sailor. Badge
20 No. 419.

21 MR. GIORDANI: All right. 419. Ms. Sailor, your
22 mom is a retired CO, your dad is a retired CO, cousin and
23 brother with Metro; right?

24 PROSPECTIVE JUROR NO. 419: Yes.

25 MR. GIORDANI: So law enforcement family.

1 PROSPECTIVE JUROR NO. 419: Yes.

2 MR. GIORDANI: How is it that you ended up as a
3 kindergarten teacher?

4 PROSPECTIVE JUROR NO. 419: Because my great uncles
5 are -- my great uncle actually was the sheriff of Oxnard
6 County in California --

7 MR. GIORDANI: Oh, yeah.

8 PROSPECTIVE JUROR NO. 419: -- he retired from
9 there. And just what I seen, growing up as a child, I seen
10 two of my friends killed in front of -- well, actually three.

11 MR. GIORDANI: Wow.

12 PROSPECTIVE JUROR NO. 419: One was killed in front
13 of the school, the other two, we were riding bikes and we were
14 all meeting up because they won a football game, and they got
15 hit by a guy, drug them through the desert, and this was in in
16 '94, '95. So my thoughts of the justice system were a little
17 weary because these men got slaps on the wrist and
18 manslaughter and we were in court to support the families.

19 MR. GIORDANI: Uh-huh.

20 PROSPECTIVE JUROR NO. 419: And this is what I've
21 seen, so it's -- when my mom and my family be in law
22 enforcement, I wanted to go the other way, because it just
23 wasn't a good fit for me, from what I seen.

24 MR. GIORDANI: Okay. A little disheartening?

25 PROSPECTIVE JUROR NO. 419: Very disheartening.

1 MR. GIORDANI: Okay. With all that said, ma'am, do
2 you think that either side in this case should be concerned
3 with a juror such as yourself with your particular background?

4 PROSPECTIVE JUROR NO. 419: I don't think it should
5 be concerned, because we would have to hear what you have. I
6 have to hear what everyone has to say.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 419: So there is not a
9 concern.

10 MR. GIORDANI: All right. If you're on this jury,
11 if you're selected, are you -- is Matt -- Mr. Matthews going
12 to get a fair trial?

13 PROSPECTIVE JUROR NO. 419: Yes.

14 MR. GIORDANI: That's the ultimate question, that's
15 where --

16 PROSPECTIVE JUROR NO. 419: Because at the end of
17 the day, I'm a firm believer, I didn't give life, so who am I
18 to take life. So I have to listen --

19 MR. GIORDANI: All right.

20 PROSPECTIVE JUROR NO. 419: -- to what is said on
21 both sides.

22 MR. GIORDANI: Okay. There -- there are three
23 penalties, if we get to a penalty phase, if it's conviction of
24 first degree murder, three, and only three options. Are you
25 going to be consider all three of those options?