

**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 2**

TODD M. LEVENTHAL, ESQ.  
Nevada Bar #008543  
Leventhal and Associates, PLLC  
626 South Third Street  
Las Vegas, Nevada 89101  
(702) 472-8686

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

AARON D. FORD  
Nevada Attorney General  
Nevada Bar #007704  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

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## **CERTIFICATE OF SERVICE**

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AARON D. FORD  
Nevada Attorney General

TODD M. LEVENTHAL, ESQ.  
Counsel for Appellant

CHARLES W. THOMAN  
Chief Deputy District Attorney

BY /s/ E.Davis  
Employee, District Attorney's Office

CWT/Elise Conlin/ed

1 PROSPECTIVE JUROR NO. 419: I can consider two, but  
2 I can't consider life.

3 MR. GIORDANI: Okay. That's important to know. You  
4 mean life without the possibility of parole?

5 PROSPECTIVE JUROR NO. 419: Life without the  
6 possibility of parole.

7 MR. GIORDANI: Okay. So when you --

8 PROSPECTIVE JUROR NO. 419: Because like I said, I  
9 didn't give life, so who am I to take life, but I can consider  
10 the other two.

11 MR. GIORDANI: Okay. I appreciate your honesty. Is  
12 there anyone else, before I wrap this up for my -- my part of  
13 this, anyone else that feels like they can't consider one of  
14 those three punishments? That's very important. All right.  
15 Thank you, ma'am. And Ms. Cabrera.

16 PROSPECTIVE JUROR NO. 420: Correct.

17 MR. GIORDANI: Correct.

18 PROSPECTIVE JUROR NO. 420: 420.

19 MR. GIORDANI: 420. Thank you. Not going to keep  
20 going with all these questions, ma'am. Can you give me just a  
21 summary of -- of your thoughts, and whether you think you'd be  
22 a good juror in this case?

23 PROSPECTIVE JUROR NO. 420: I, too, am grateful to  
24 live in a country that implements a process like we have here.  
25 It's not perfect, but it is the best in the world. And, yes,

1 I would be a fair and unbiased juror.

2 MR. GIORDANI: Okay. There's one thing I haven't  
3 really mentioned, and -- and I'm just going to just mention  
4 this to the whole panel, and I'm -- I'll take that microphone  
5 from you. Briefly, there -- this case arose in 2006, okay.  
6 There is -- there is a lot of time that's intervened since  
7 2006. That is something that is not going to be a part of  
8 this case. You cannot consider or speculate as to why you're  
9 -- you're seeing this this many years later. Is there anyone  
10 who has a problem with that idea and just won't be able to do  
11 that? Okay. Well, I should have kept that microphone, I'm  
12 sorry. I should have kept that.

13 MR. LEVENTHAL: I turned it off, John.

14 MR. GIORDANI: Thank you.

15 THE MARSHAL: I turned it back on.

16 MR. GIORDANI: Thanks.

17 PROSPECTIVE JUROR NO. 370: Koda Singh, Juror 370.  
18 Something that actually popped into my head during the  
19 questioning of everybody else when you were talking. It --  
20 something occurring in 2006 and it being 2018 and the amount  
21 of time that has passed by, I would find it pretty hard of any  
22 eyewitnesses that were coming forward, whether they were  
23 police officers or somebody on the scene of how much time has  
24 gone by and how much that story has changed.

25 MR. GIORDANI: Okay. That -- that's all subject to

1 cross-examination. You're going to hear from witnesses. You  
2 know, they're going to testify, and -- and you're going to be  
3 able to judge whether they can remember 12 years ago, all of  
4 those things. That's okay. That's what you're supposed to  
5 do, that's your job. What you can't do is speculate or -- or  
6 insinuate anything on the time lapse itself. Does that make  
7 sense?

8 PROSPECTIVE JUROR NO. 370: Sure, yeah.

9 MR. LEVENTHAL: Your Honor, I'm going to object as  
10 to the counsel giving -- it's up to the court to give the law  
11 in what they can and can't do.

12 MR. GIORDANI: Well, actually that's not --

13 THE COURT: Okay. I'm --

14 MR. GIORDANI: -- the law I'm addressing.

15 THE COURT: Yeah, I'm okay with where you --

16 MR. GIORDANI: Thank you.

17 THE COURT: -- have been thus far.

18 MR. GIORDANI: Thank you. Does that make sense to  
19 you?

20 PROSPECTIVE JUROR NO. 370: Yeah.

21 MR. GIORDANI: And you're looking at me a little  
22 puzzled here.

23 PROSPECTIVE JUROR NO. 370: I'm still a little  
24 concerned, because I almost think that they coincide with the  
25 same of what you're saying --

1 MR. GIORDANI: Okay. Let me put it this way --  
2 PROSPECTIVE JUROR NO. 370: -- or what I am saying.  
3 MR. GIORDANI: -- let me -- let me kind of rephrase  
4 here. The judge is the gatekeeper of all the evidence that's  
5 going to come before you. You agree with that; right?  
6 PROSPECTIVE JUROR NO. 370: 10-4.  
7 MR. GIORDANI: The -- the judge makes a decision on  
8 what is admissible and what is not. You, as a juror, are  
9 limited to what you hear in this courtroom, so what the Judge  
10 says is admissible evidence. I'm telling you upfront, because  
11 we've addressed it with the Judge, that the time lapse itself  
12 is not relevant. So you're not allowed to speculate as to why  
13 there is a time lapse. Okay? Is that not a 10-4 anymore?  
14 PROSPECTIVE JUROR NO. 370: No. I --  
15 MR. GIORDANI: Okay.  
16 PROSPECTIVE JUROR NO. 370: -- I don't understand  
17 how I cannot speculate that. That's where I'm confused.  
18 MR. GIORDANI: And it's -- it's hard to know what  
19 you're going to do in the future. What I'm telling you is you  
20 need to be able to follow the law, as the judge gives it to  
21 you, and only consider the evidence that is admitted through  
22 the Judge, through testimony. Does that make sense?  
23 PROSPECTIVE JUROR NO. 370: Yes.  
24 MR. GIORDANI: So if you don't hear any testimony  
25 about what has happened for 12 years, you're not to consider

1 it. Agree there?

2 PROSPECTIVE JUROR NO. 370: Okay.

3 MR. GIORDANI: Does that -- does that make sense?

4 PROSPECTIVE JUROR NO. 370: Yeah.

5 MR. GIORDANI: Okay. Can you do that?

6 PROSPECTIVE JUROR NO. 370: No.

7 MR. GIORDANI: Okay. All right. Hope I didn't open

8 up a can of -- can of worms here. Anyone else --

9 PROSPECTIVE JUROR NO. 370: I hope I didn't. I just

10 -- speaking up --

11 MR. GIORDANI: No. I appreciate the honesty.

12 PROSPECTIVE JUROR NO. 370: Sorry.

13 MR. GIORDANI: Anyone else agree with Mr. Singh, or

14 -- or does everyone understand where I'm going with that?

15 PROSPECTIVE JUROR NO. 376: I agree with him.

16 MR. GIORDANI: You agree that you could not?

17 THE RECORDER: Can you -- microphone, please?

18 PROSPECTIVE JUROR NO. 376: 12 years.

19 MR. GIORDANI: Can you pass that microphone, please?

20 THE COURT: Okay. Maybe there is a little bit of

21 confusion here.

22 MR. GIORDANI: Thank you, Judge.

23 THE COURT: Because I don't think that -- I mean,

24 what you were speaking of earlier. You're allowed to take the

25 fact that it's now 2018 and this occurred in 2006 into



1 consideration. You understand that?

2 PROSPECTIVE JUROR NO. 370: Yes. Correct.

3 THE COURT: That seemed to be your issue.

4 PROSPECTIVE JUROR NO. 370: Right.

5 THE COURT: Okay. But the -- that's -- that will be  
6 permitted. You'll know what the dates are.

7 PROSPECTIVE JUROR NO. 370: Okay.

8 THE COURT: There will be witnesses that will  
9 testify about the date, the time, the place that this  
10 occurred. You can -- I'm -- we're not going to ask you to  
11 forget about the fact that we're in September 2018. Do you  
12 understand that?

13 PROSPECTIVE JUROR NO. 370: Yes.

14 THE COURT: Is there anything about the fact that  
15 this occurred in 2006 and we're going to trial in 2018 that  
16 would impair or interfere with your ability to sit on this  
17 panel and be a fair and impartial juror?

18 PROSPECTIVE JUROR NO. 370: Yes.

19 THE COURT: Okay. What I'm probably going to do is  
20 I'm probably going to clear the courtroom and I'll have him  
21 stay in here while I voir dire further. So we're going to  
22 take a recess.

23 During this recess, you're admonished not to talk or  
24 converse amongst yourselves, with anyone else, on any subject  
25 connected with this trial or read, watch, or listen to any

1 report or commentary on the trial or any person connected with  
2 this trial by any medium of information, including, without  
3 limitation, newspapers, television, the Internet, or radio or  
4 form or express any opinion on any subject connected with this  
5 trial until the case is finally submitted to you. We'll be in  
6 recess.

7           Except you. You stay here. It'll probably be at  
8 least five minutes.

9                       (Jury recessed at 4:45 P.M.)

10           THE COURT: Okay. The record will reflect that the  
11 hearing is taking place outside the presence of the other  
12 jurors. Mr. Koda Singh is present in the courtroom. I just  
13 want to give you an -- I just want to be able to discuss it  
14 with you further.

15           PROSPECTIVE JUROR NO. 370: Yes, ma'am.

16           THE COURT: Because it seems like you're indicating  
17 that because this -- I mean, we're telling you this incident  
18 occurred in 2006, and we're now going to trial in 2018, and  
19 you think that would --

20           THE MARSHAL: Ma'am, Judge -- Judge. Juror 32 made  
21 the comment she had the same concerns as this gentleman on her  
22 way out --

23           THE COURT: Okay. I'll -- I'll let you know.

24           THE MARSHAL: Separate? Okay.

25           THE COURT: Okay. So is there anything just about

1 the passage of time that would interfere with your ability to  
2 be fair and impartial?

3 PROSPECTIVE JUROR NO. 370: Yeah. Quite frankly, I  
4 don't even remember what happened last week, so I know that  
5 there are facts, but there is a lot of time that has gone  
6 by --

7 THE COURT: Sure.

8 PROSPECTIVE JUROR NO. 370: -- and I don't feel  
9 comfortable making a judgement call on this amount of lapse of  
10 time, regardless of what the facts might be, but the recounts  
11 of -- I just don't feel comfortable about it at all.

12 THE COURT: Okay. So we -- you know you haven't  
13 heard any evidence?

14 PROSPECTIVE JUROR NO. 370: I -- I fully understand  
15 that. I am 100 percent understanding what you guys are saying  
16 to me, I just do not feel comfortable with it at all.

17 THE COURT: Regardless of what the evidence will be?

18 PROSPECTIVE JUROR NO. 370: Yes, ma'am.

19 THE COURT: Okay. You just can't be fair and  
20 impartial?

21 PROSPECTIVE JUROR NO. 370: Yes.

22 THE COURT: Okay. But you understand you would be  
23 able to take into consideration that this occurred in 2006 and  
24 it's now 2018? You would be permitted to -- I mean, I'm not  
25 going to tell you to forget about what day and time it is.

1                   PROSPECTIVE JUROR NO. 370: I understand what you're  
2 saying.  
3                   THE COURT: Okay. But just the passage of time is  
4 such that you don't care what the evidence is?  
5                   PROSPECTIVE JUROR NO. 370: Well, regardless if I  
6 care or not is not --  
7                   THE COURT: Well, no --  
8                   PROSPECTIVE JUROR NO. 370: -- necessarily what I  
9 feel --  
10                  THE COURT: -- I --  
11                  PROSPECTIVE JUROR NO. 370: -- it's just I don't --  
12 the lapse of time, it makes me uncomfortable to be -- to make  
13 a proper judgement.  
14                  THE COURT: Okay. And so you believe you couldn't?  
15                  PROSPECTIVE JUROR NO. 370: Yes.  
16                  THE COURT: Okay. If you were selected to serve,  
17 what would you do?  
18                  PROSPECTIVE JUROR NO. 370: I have no idea. I guess  
19 I would be here, wouldn't I? I don't have a --  
20                  THE COURT: Okay. I --  
21                  PROSPECTIVE JUROR NO. 370: -- choice; right?  
22                  THE COURT: -- guess -- yeah. I'm trying to get at,  
23 are you telling me beforehand, don't empanel me on this  
24 because I can't be fair and impartial based on the passage of  
25 time only.

1 PROSPECTIVE JUROR NO. 370: Yes.  
2 THE COURT: Okay. Is there any follow up from --  
3 MR. GIORDANI: No.  
4 THE COURT: -- the State? Any follow up from the  
5 defense?  
6 MR. LEVENTHAL: No, Your Honor.  
7 THE COURT: Okay. I am going to excuse you from  
8 your service. So Officer Hawkes will give you further  
9 direction. Thank you very much.  
10 PROSPECTIVE JUROR NO. 370: Thank you, ma'am.  
11 THE COURT: Sorry it's so late.  
12 PROSPECTIVE JUROR NO. 370: It's okay.  
13 THE COURT: Don't let anybody else know.  
14 PROSPECTIVE JUROR NO. 370: Yes, ma'am.  
15 THE COURT: So it sounds like the Juror No. 32 --  
16 because I don't want to open this all up in front of the  
17 entire panel.  
18 MR. GIORDANI: I agree.  
19 THE COURT: But No. 32 wanted to have a  
20 conversation?  
21 THE MARSHAL: Yes, ma'am.  
22 THE COURT: She can --  
23 MS. LEXIS: I think there was a --  
24 THE COURT: -- come in.  
25 MS. LEXIS: -- another -- another gentleman over

1 here on the third row, as well.

2 MR. GIORDANI: I'm sorry to do it at the end of the

3 day, but I figured --

4 THE COURT: It's okay.

5 MR. GIORDANI: -- I had to ask it.

6 MR. LEVENTHAL: Well, but -- it was the form, I

7 think, of the question --

8 THE COURT: I think --

9 MR. LEVENTHAL: -- is what I objected to, is -- is

10 what -- what sort of preempted it.

11 THE COURT: So Koda Singh has been excused.

12 MS. LEXIS: I think it was Robert Storebo that also

13 nodded. He's in Seat 23, Badge No. 376.

14 THE COURT: I'm sorry. Will you bring in No. 32?

15 THE MARSHAL: Yes, ma'am. I didn't know if we were

16 waiting.

17 THE COURT: Yeah. Sorry. Sorry. Thank you. You

18 can come right up here. The record will reflect that Maureen

19 Cabrera is present in the courtroom and this is outside the

20 presence of the other jurors. It's my understanding you

21 wanted to address something with the Court?

22 PROSPECTIVE JUROR NO. 420: I just had the same

23 concerns the other gentleman had.

24 THE COURT: What -- what's your concern?

25 PROSPECTIVE JUROR NO. 420: I don't know. The

1 absence of knowledge of what -- I don't know, why so long in  
2 the bringing the trial.

3 THE COURT: Okay. Is that important to you?

4 PROSPECTIVE JUROR NO. 420: Probably not.

5 THE COURT: Okay. Because here -- I mean, like I  
6 told one of the other jurors, it's 2018 and we're telling you  
7 this occurred in 2006. Is just the passage of time, that fact  
8 alone, something that it would interfere with your ability to  
9 be fair and impartial?

10 PROSPECTIVE JUROR NO. 420: No.

11 THE COURT: Okay. You can consider it, you can  
12 consider that witnesses will be testifying in this courtroom  
13 in 2018 about something that occurred in 2006. You understand  
14 that; correct?

15 PROSPECTIVE JUROR NO. 420: Correct.

16 THE COURT: Okay. But you're okay with what I've  
17 told you thus far?

18 PROSPECTIVE JUROR NO. 420: I am.

19 THE COURT: And the fact that there is -- it's just  
20 not that one fact, the fact that it was 2006, and we're going  
21 to trial in 2018, that alone would not interfere with your  
22 ability to be fair and impartial?

23 PROSPECTIVE JUROR NO. 420: Definitely not.

24 THE COURT: Okay. Does the State have any follow  
25 up?

1 MR. GIORDANI: No, Your Honor.  
2 MR. LEVENTHAL: No, Your Honor.  
3 THE COURT: Okay. Thank you. I'm just going to ask  
4 you to step outside, and when you go outside, please do not  
5 tell any of the other jurors about our conversation in here  
6 outside their presence.  
7 PROSPECTIVE JUROR NO. 420: Yes, Your Honor.  
8 THE COURT: Okay.  
9 PROSPECTIVE JUROR NO. 420: Thank you.  
10 THE COURT: Thank you. Okay. So the record will  
11 reflect that the hearing is taking place outside the presence.  
12 When I come back in, I have excused Koda Singh for cause, and  
13 so I'll replace Koda Singh first. Are there any other  
14 challenges for cause?  
15 MS. LEXIS: Well, there was another individual who  
16 raised their hand, concerning the passage of time question,  
17 Your Honor. It's Juror No. 376, Robert Storebo, who indicated  
18 he agreed with Mr. Singh's statements, concerning --  
19 THE COURT: What number is he?  
20 MR. GIORDANI: Seat 23.  
21 MS. LEXIS: Seat 23.  
22 THE CLERK: Seat 23.  
23 THE COURT: Okay. Does the State have any  
24 challenges for cause? I'm assuming since you haven't made  
25 any, you don't have any.



1 MR. GIORDANI: There -- yes, there was --  
2 MR. LEVENTHAL: Angela Che.  
3 MR. GIORDANI: I believe that -- if that's Seat  
4 31 --  
5 MS. LEXIS: And --  
6 MR. LEVENTHAL: The non-English speaking --  
7 MS. LEXIS: -- no --  
8 MR. LEVENTHAL: -- person.  
9 MS. LEXIS: Okay. Well --  
10 MR. GIORDANI: No.  
11 MS. LEXIS: -- the State would -- it's Michael  
12 Whitman who said he would have a problem --  
13 THE COURT: Okay.  
14 MS. LEXIS: -- closing --  
15 THE COURT: I was worried that you were going to do  
16 that. I was going to stop you, Mr. Giordani. I'd like you to  
17 make your challenges for cause when you have them. I was  
18 worried that maybe you weren't doing that.  
19 MR. GIORDANI: Oh. Yeah. I was waiting until the  
20 end. I apologize.  
21 THE COURT: I like them to be made when you have  
22 them --  
23 MR. GIORDANI: Okay.  
24 THE COURT: -- so that if I feel like I'm going to  
25 allow the defense to voir dire -- because they haven't had a

1 chance to voir dire any of these jurors, or if I want to do  
2 follow up, so --

3 MR. GIORDANI: Okay.

4 THE COURT: -- that's okay. I can bring in No. 23  
5 and question him, but then probably after that I'm going to  
6 have to probably excuse everybody until tomorrow morning.

7 MR. GIORDANI: Right.

8 (Off-record colloquy)

9 THE COURT: Pardon?

10 THE MARSHAL: What was the juror's name?

11 THE COURT: His name is --

12 MS. LEXIS: Storebo.

13 THE CLERK: Storebo.

14 THE COURT: Sorry. Sorry. Yeah. I know. I'm -- I  
15 apologize.

16 THE MARSHAL: Storebo?

17 MS. LEXIS: Yeah. Storebo.

18 THE CLERK: Storebo.

19 THE COURT: Storebo.

20 MR. GIORDANI: Seat 23.

21 THE COURT: Robert Storebo.

22 (Off-record colloquy)

23 THE COURT: Okay. The record will reflect that Mr.  
24 Storebo is present in the courtroom. Was there something you  
25 wanted to address with the court?

1                   PROSPECTIVE JUROR NO. 376:  No, I -- I just had --  
2 the other gentleman that spoke --  
3                   THE COURT:  Uh-huh.  
4                   PROSPECTIVE JUROR NO. 376:  -- I had a thing on the  
5 witnesses, after 12 years being a witness.  
6                   THE COURT:  Okay.  What -- what's your thing?  
7                   PROSPECTIVE JUROR NO. 376:  I can't remember 12  
8 years ago myself a lot of things, but --  
9                   THE COURT:  Okay.  
10                  PROSPECTIVE JUROR NO. 376:  -- that -- I just had a  
11 question about that, it just --  
12                  THE COURT:  All right.  Go ahead.  You can -- you  
13 can ask.  
14                  PROSPECTIVE JUROR NO. 376:  That was the question.  
15 How are you going to believe somebody on something that  
16 happened 12 years ago today?  
17                  THE COURT:  Okay.  And that would be the job of the  
18 jurors.  
19                  PROSPECTIVE JUROR NO. 376:  Right.  
20                  THE COURT:  Do you understand that?  
21                  PROSPECTIVE JUROR NO. 376:  Yes.  
22                  THE COURT:  Is it -- is the fact that this is --  
23 this trial is occurring several years later, is that fact  
24 alone something that would interfere with your ability to be  
25 fair and impartial?

1 PROSPECTIVE JUROR NO. 376: It just seems a long  
2 time for me, yeah.

3 THE COURT: Sure. It is.

4 PROSPECTIVE JUROR NO. 376: Okay.

5 THE COURT: Yeah. But, I mean, you understand,  
6 you'll be able to consider it's 12 years later, and you'll be  
7 able to judge the credibility and the evidence based on time.  
8 You -- you understand that; correct?

9 PROSPECTIVE JUROR NO. 376: Yes.

10 THE COURT: Okay. Do you have any problem with that  
11 if you were selected to serve?

12 PROSPECTIVE JUROR NO. 376: The problem I have is  
13 I --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 376: -- I know there are  
16 statements 12 years ago, but if any questions goes off  
17 whatever statement it was, how would you remember?

18 THE COURT: I'm not sure I understand the question  
19 so I'm going ask you to ask it --

20 PROSPECTIVE JUROR NO. 376: And I didn't --

21 THE COURT: -- again.

22 PROSPECTIVE JUROR NO. 376: -- understand yours, but  
23 I'll tell it again.

24 THE COURT: Sorry.

25 PROSPECTIVE JUROR NO. 376: You witness something

1 and you wrote it down.

2 THE COURT: Got it.

3 PROSPECTIVE JUROR NO. 376: Okay. If the questions,  
4 12 years later, are asked about what you swore to, it's all  
5 down there in writing and signed or -- but if any question is  
6 asked that isn't on that, that would be speculation that the  
7 guy can remember 12 years ago.

8 THE COURT: Okay. Those would -- that would be fair  
9 for you to consider. I mean, I think I understand like  
10 witnesses -- witnesses that give accounts and witness  
11 statements, they'll be subject to cross-examination. So in  
12 other words, if you -- if someone testifies in this courtroom  
13 about something new or different, then what they may have put  
14 in a written statement, you would be able to consider that in  
15 judging their credibility.

16 PROSPECTIVE JUROR NO. 376: Okay.

17 THE COURT: Certainly.

18 PROSPECTIVE JUROR NO. 376: That was the question I  
19 had.

20 THE COURT: Okay. You absolutely would be able to  
21 consider the passage of time in determining a witness's  
22 credibility.

23 PROSPECTIVE JUROR NO. 376: Okay.

24 THE COURT: Okay. And -- and now that we've had  
25 this discussion, if you were selected to serve, is there

1 anything about this that would interfere with your ability to  
2 be fair and impartial?

3 PROSPECTIVE JUROR NO. 376: I don't think so.

4 THE COURT: Okay. I appreciate you coming in here,  
5 and I just ask that you don't discuss with any of your fellow  
6 jurors anything that we have discussed in here.

7 PROSPECTIVE JUROR NO. 376: Okay.

8 THE CLERK: Okay. Thank you, sir. And you can step  
9 outside.

10 The juror has left the courtroom. How many  
11 challenges for cause do you have? Because I hesitate to have  
12 them come back in --

13 MR. GIORDANI: We're just --

14 THE COURT: -- because it's going to --

15 MR. GIORDANI: -- I think we're at three.

16 THE COURT: Okay. I'm probably just going to ask  
17 you to make them --

18 MR. GIORDANI: Three or four.

19 THE COURT: -- tomorrow. Are you done with your  
20 voir dire?

21 MR. GIORDANI: Yes. I mean, I was going to clarify  
22 that last but if you're ready to go, then --

23 MR. LEVENTHAL: I think tomorrow morning --

24 MR. GIORDANI: -- I can do it in the morning.

25 THE COURT: It's 5:00.

1 MR. LEVENTHAL: -- Judge, the Court needs to -- or I  
2 request that the Court give a curative instruction to the  
3 jury, to the venire, only because I think the way -- and I'm  
4 not blaming Mr. Giordani, the way that it was brought out was  
5 you cannot at all, and that's why I objected. And the Court  
6 is now telling people that they -- of course, they can, it's  
7 part of -- you -- you're not going to tell me --

8 THE COURT: Well --

9 MR. LEVENTHAL: -- 2000 -- and that's where I think  
10 the confusion came from, that's all.

11 THE COURT: Yeah.

12 MR. LEVENTHAL: I just think there is confusion  
13 that's coming from them thinking they can't consider it, and  
14 credibility is always a question.

15 THE COURT: Always.

16 MR. LEVENTHAL: And you know, we are talking 12  
17 years ago how credible those witnesses are coming in here, so  
18 it -- there is a question, and to tell them not -- they can't  
19 consider it --

20 THE COURT: Well, I --

21 MR. LEVENTHAL: -- I don't think is the right --

22 THE COURT: This is what I think it's trying to say,  
23 and it's because I know that that's -- maybe I understood his  
24 statement. You can't speculate as to why this is going to  
25 trial --

1 MR. GIORDANI: Exactly.

2 THE COURT: -- 12 years later.

3 MR. GIORDANI: That's what I said.

4 THE COURT: You can consider it being 12 years

5 later, and I think that's fair, if you want me to tell this

6 panel they can consider the timing and that, you know, they

7 can consider cross-examination and the -- the passage of time,

8 they can always consider that. Always. I think what he was

9 trying to get at, you can't speculate why this is going to

10 trial based on the underlying reasons it is going to trial 12

11 years later.

12 MR. LEVENTHAL: Right.

13 THE COURT: Okay. Because --

14 MR. GIORDANI: Exactly.

15 THE COURT: -- that would be completely unfair to

16 your client.

17 MR. LEVENTHAL: Exactly. And I understand that, and

18 that's fair. I didn't take it that way, and nor did,

19 apparently, some other jurors, but that -- that's something I

20 would ask for.

21 THE COURT: I am happy to tell them tomorrow, and

22 then Mr. Giordani can follow up with anymore and then you can

23 make your challenges for cause.

24 MR. GIORDANI: Okay.

25 THE COURT: So --

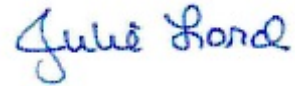


1 THE MARSHAL: Just dismiss them?  
2 THE COURT: Yeah. It's 5:00. So 10:30, and they  
3 all have to come back --  
4 MR. GIORDANI: Oh, wait.  
5 THE COURT: -- and they can --  
6 MR. GIORDANI: I'm sorry to interrupt, but before  
7 you say 10:30. I just learned that Herndon is starting his  
8 calendar at 10:30 tomorrow, and I have like four cases on  
9 there. Can we start at 11:00, maybe, just so we -- I can  
10 appear and try to get my cases called? I don't know --  
11 THE COURT: Why is --  
12 MR. GIORDANI: -- he's starting at 10:30, it -- the  
13 email just came out.  
14 MS. LEXIS: I think he's in trial and he also has a  
15 jury out.  
16 MR. GIORDANI: Oh.  
17 THE COURT: Yeah, well I'm in trial, too.  
18 MS. LEXIS: I know. I know. I know.  
19 MR. GIORDANI: If we can just get a --  
20  
21 THE COURT: That is such a -- I mean, that is so --  
22 THE MARSHAL: They have one --  
23 THE COURT: -- weird.  
24 THE MARSHAL: -- out and they were picking a new one  
25 today.

1           THE CORRECTIONAL OFFICER:  Yeah, but they stopped.  
2  Something happened.  
3           MR. GIORDANI:  I'm just asking for a half hour be  
4  able to appear and --  
5           THE COURT:  Yeah.  
6           MR. GIORDANI:  -- try to --  
7           THE MARSHAL:  11:00?  
8           THE COURT:  11:00.  
9           MR. GIORDANI:  Thank you, Your Honor.  
10          THE COURT:  Geez.  I mean, the night before changing  
11 the time of your -- everybody is going to be there at the  
12 regular time.  
13          MR. GIORDANI:  Well, they sent the email out I think  
14 to everyone who had something on calendar saying be advised.  
15          THE COURT:  Okay.  Well, you got it, so I guess they  
16 did a good job.  
17          MR. GIORDANI:  Right.  
18          (Court recessed at 5:02 P.M., until Tuesday,  
19                  September 25, 2018, at 11:13 A.M.)  
20                           \*   \*   \*   \*   \*  
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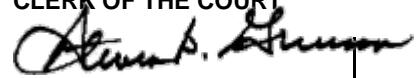
\* \* \* \* \*

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



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JULIE LORD, INDEPENDENT TRANSCRIBER  
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

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

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE  
TUESDAY, SEPTEMBER 25, 2018

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

APPEARANCES:

FOR THE STATE:	JOHN L. GIORDANI, III, ESQ. AGNES M. LEXIS, ESQ. <i>Chief Deputy District Attorneys</i>
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FOR THE DEFENDANT:	TODD M. LEVENTHAL, ESQ. RICHARD E. TANASI, ESQ.
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RECORDED BY: KRISTINE SANTI, COURT RECORDER  
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1                   LAS VEGAS, NEVADA, TUESDAY, SEPTEMBER 25, 2018

2                   (Case called at 11:13 A.M.)

3                   (Outside the presence of the prospective jurors)

4                   THE COURT: Okay. The record will reflect that the  
5 defendant is present in the courtroom and that the hearing is  
6 taking place outside the presence of the jury panel.

7                   This morning when we were done with our calendar  
8 Kevin Wilson, who is number 18 in the box, he talked to the  
9 Court Marshal and he apparently had some kind of back  
10 condition and wanted to go to the ER.

11                   So I thought -- I just -- I excused him to go. I  
12 just wanted to make sure I informed you of that. You can make  
13 any objection, but I made the decision to let him leave the  
14 courthouse and go seek whatever medical attention he needed to  
15 seek. So when they come back in -- do we have everybody here?

16                   THE MARSHAL: Yes, ma'am.

17                   THE COURT: Oh, good. I am going to replace Koda  
18 Singh and Mr. Wilson, so it'll be yeah, 18 and 19. And I will  
19 replace -- Darren Yates-Johnson will become No. 19, and Edward  
20 Behlmann will become No. 18.

21                   I'll get them back up to speed and then I'll turn  
22 the panel back over to the State.

23                   MR. LEVENTHAL: Your Honor? Your Honor?

24                   THE COURT: Wait, wait, wait. I think -- I've --  
25 clearly I made a mistake.

1 MR. LEVENTHAL: I think there's a Linda --  
2 THE COURT: Okay.  
3 MR. LEVENTHAL: Linda Smith? Oh, sorry.  
4 THE COURT: Sorry. I keep doing --  
5 THE CLERK: Right.  
6 THE COURT: You're right. It'll be Linda Smith --  
7 MR. LEVENTHAL: Will be 18?  
8 THE COURT: -- will be 18. So she'll take -- no,  
9 she'll be 19 --  
10 THE CLERK: Correct.  
11 MR. LEVENTHAL: She'll -- 19.  
12 THE COURT: -- because I -- I replace them in the  
13 order that they get excused. So Koda Singh got excused 1st  
14 night, so Linda Smith will become No. 19. And then I excused  
15 Cannon. Then Darren Yates-Johnson will be No. 18.  
16 THE CLERK: Yeah.  
17 THE COURT: Thank you. Susan wouldn't have let me  
18 screw it up, so thank you. Sorry about that.  
19 THE MARSHAL: Do you want them in position now,  
20 ma'am, when they come in, or do you want to call them up  
21 once --  
22 THE COURT: No, I'll call them when they come in.  
23 MR. TANSANI: Your Honor, I don't know if it's out  
24 of sequence, if maybe we can address some cause motions at  
25 this point or would you like us to wait until after Mr.

1 Leventhal and I have a chance --

2 THE COURT: You -- it's not even your panel. How  
3 could you have a challenge yet?

4 MR. TANSANI: Just readdressing a couple that we've  
5 already talked about but --

6 THE COURT: Okay. Well, you can make your cause  
7 challenges when -- yeah, I guess I've never -- you want to  
8 make cause challenges now? You believe --

9 MR. TANSANI: Just -- I was just building off of  
10 some of the causes that we've addressed already with Ms. Che,  
11 in particular, the language barrier, but absolutely, we can --

12 THE COURT: Okay.

13 MR. TANSANI: -- I can -- I can wait until it's our  
14 turn.

15 THE COURT: All right. Because the State, I think,  
16 is just about to go into their challenges.

17 MR. GIORDANI: Correct.

18 THE COURT: So maybe they'll be -- maybe they'll be  
19 handled with their challenges.

20 MR. TANSANI: Okay.

21 THE COURT: Okay. We can bring them in.

22 (Prospective jurors enter at 11:16 A.M.)

23 (Inside the presence of the prospective jurors)

24 MR. LEVENTHAL: And Your Honor, one other thing is  
25 the Court indicated yesterday it would give a curative

1 instruction regarding sort of what they can consider and not  
2 consider.

3 THE COURT: Yeah.

4 MR. LEVENTHAL: Thank you.

5 THE COURT: I'll start out -- I tell -- trying to  
6 alleviate any confusion --

7 MR. LEVENTHAL: Thank you.

8 THE COURT: -- that they will be able to consider  
9 the passage of time.

10 MR. LEVENTHAL: Thank you very much.

11 MR. GIORDANI: Thank you. Also --

12 MS. LEXIS: Yeah, go ahead.

13 MR. GIORDANI: -- a couple of them tried to say  
14 "hello" and we just kept our heads down. Will you give them  
15 the ole' talk --

16 THE COURT: Sure.

17 MR. GIORDANI: -- we're not allowed to talk to them?

18 THE COURT: I did yesterday, but I'll tell them  
19 again.

20 MR. GIORDANI: Oh, did you?

21 THE COURT: Uh-huh.

22 MS. LEXIS: They're friendly. I don't want them to  
23 think we're snobby.

24 MR. GIORDANI: They would only be right as to half  
25 of this crew.



1 MS. LEXIS: Aw, excuse you.

2 MR. GIORDANI: I didn't say which half. I didn't  
3 say which half.

4 MS. LEXIS: Oh.

5 THE COURT: We all knew.

6 THE MARSHAL: All rise for the entering jury,  
7 please.

8 (Prospective jurors enter at 11:18 A.M.)

9 THE MARSHAL: We've got one missing, Your Honor.  
10 She ran out of the line to go to the bathroom.

11 THE COURT: Okay.

12 (Pause in the proceedings)

13 THE COURT: You know who it is, right?

14 THE MARSHAL: Um --

15 THE COURT: Do you want to sit on that back row?  
16 That's fine. That's fine. That's fine.

17 THE CLERK: After 477.

18 THE MARSHAL: 483, it's Brooks.

19 THE COURT: But you know what the juror looks like?  
20 No?

21 THE MARSHAL: (Shakes head in the negative)

22 THE COURT: No? Oh, okay. Then how'd you  
23 know? Okay, here we go.

24 THE MARSHAL: The young lady that was in front of  
25 her --

1 THE COURT: All right.  
2 THE MARSHAL: -- told me.  
3 THE COURT: Okay. Thank you.  
4 Does the State stipulate to the presence of the jury  
5 venire?  
6 MR. GIORDANI: Yes, Your Honor.  
7 THE COURT: Does the defense?  
8 MR. LEVENTHAL: We do, Your Honor.  
9 THE COURT: Okay. At this time, I am going to ask  
10 Linda Smith --  
11 PROSPECTIVE JUROR NO. 435: Yes.  
12 THE COURT: -- Linda Smith, you're going to come up  
13 and take Seat 19. And Darren Yates-Johnson, you're going to  
14 take Seat 18.  
15 PROSPECTIVE JUROR NO. 447: Okay.  
16 THE MARSHAL: You'll be in this seat right here next  
17 to this gentleman.  
18 PROSPECTIVE JUROR NO. 435: Okay.  
19 THE MARSHAL: Thank you.  
20 THE COURT: Okay. Before -- thank you very much.  
21 Good morning, and thank you very much for coming back today.  
22 It's nice to see everybody back again.  
23 There were just a couple of things that I wanted to  
24 go over with you before I did continue with the questioning.  
25 Yesterday, I did admonish the ladies and gentlemen

1 that are on the jury panel that myself, the attorneys, the  
2 parties, all persons involved in this case with the exception  
3 of Officer Hawkes are not permitted to have any communication  
4 with you whatsoever outside of the courtroom.

5           So if we see you in the hallway, if we see you  
6 coming up and down the elevators, we're going to intentionally  
7 ignore you. Please do not be offended by that. We're all  
8 just maintaining our obligation to maintain the integrity of  
9 the jury system.

10           So if there's something you need to discuss with the  
11 parties or the Court, I'd just ask that you do so in the  
12 presence of both sides and while we are in the courtroom.

13           Also, I want to try to alleviate any confusion that  
14 may have arisen at the end of the day yesterday. I know you  
15 have heard that this event took place in 2006. It is now  
16 2018. You will be able to consider the passage of time as it  
17 is relevant in this case, if you are selected to be on the  
18 jury panel.

19           So I think there was a little bit of confusion with  
20 that yesterday and I just wanted to clarify that before we  
21 continued.

22           Ms. Smith? Can you -- can you tell me how long  
23 you've lived in Clark County?

24           PROSPECTIVE JUROR NO. 435: Since '74.

25           THE COURT: Your education background?

1           PROSPECTIVE JUROR NO. 435: I have a bachelor's  
2 degree in accounting.

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

4           PROSPECTIVE JUROR NO. 435: I'm retired.

5           THE COURT: What'd you do before you retired?

6           PROSPECTIVE JUROR NO. 435: I was a manager of a  
7 production company, embroidery silkscreen company.

8           THE COURT: Your marital status?

9           PROSPECTIVE JUROR NO. 435: I'm married.

10          THE COURT: Is your spouse employed?

11          PROSPECTIVE JUROR NO. 435: No, he's also retired.

12          THE COURT: What did your -- what did your spouse do  
13 before retirement?

14          PROSPECTIVE JUROR NO. 435: He was a union  
15 carpenter.

16          THE COURT: Okay. Do you have any children?

17          PROSPECTIVE JUROR NO. 435: We have two; one son and  
18 one daughter and they're both adults. My son is a heavy  
19 equipment operator and my daughter is an officer manager for  
20 the same company that I worked for.

21          THE COURT: The same company that you -- the  
22 production company?

23          PROSPECTIVE JUROR NO. 435: Yes.

24          THE COURT: Okay. And have you ever served as a  
25 juror before?

1 PROSPECTIVE JUROR NO. 435: Yes, I have.  
2 THE COURT: How many times?  
3 PROSPECTIVE JUROR NO. 435: Just once.  
4 THE COURT: Was it civil or criminal?  
5 PROSPECTIVE JUROR NO. 435: Civil.  
6 THE COURT: Was it here in Clark County?  
7 PROSPECTIVE JUROR NO. 435: Yes, it was.  
8 THE COURT: Were you selected to be the foreperson?  
9 PROSPECTIVE JUROR NO. 435: No.  
10 THE COURT: Without telling me your verdict, were  
11 you able to reach a verdict?  
12 PROSPECTIVE JUROR NO. 435: Yes, we were.  
13 THE COURT: Okay. Have you or anyone close to you  
14 such as a family member or friend ever been the victim of a  
15 crime?  
16 PROSPECTIVE JUROR NO. 435: No.  
17 THE COURT: Have you or anyone close to you such as  
18 a family member or a friend ever been accused of a crime?  
19 PROSPECTIVE JUROR NO. 435: No.  
20 THE COURT: Okay. Would you have a tendency to give  
21 more weight or credence or less weight or credence to the  
22 testimony of a witness simply because that witness is a police  
23 officer?  
24 PROSPECTIVE JUROR NO. 435: No.  
25 THE COURT: Do you know of any reason why you could

1 not be a completely fair and impartial juror if you were  
2 selected to serve on this panel?

3 PROSPECTIVE JUROR NO. 435: No, ma'am, I don't.

4 THE COURT: Thank you.

5 If you don't mind passing it over to Mr. -- is Mr.  
6 Johnson okay or both names?

7 PROSPECTIVE JUROR NO. 447: I go by Yates.

8 THE COURT: Oh, okay. Mr. Yates. Thank you.

9 How long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 447: 24 years.

11 THE COURT: Your education background?

12 PROSPECTIVE JUROR NO. 447: High school.

13 THE COURT: And what do you do for a living?

14 PROSPECTIVE JUROR NO. 447: Right now, I'm  
15 unemployed. I recently just sold half of my franchise so --  
16 or my half in a franchise.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 447: So right now, I'm  
19 between jobs.

20 THE COURT: All right. What kind of -- so you --  
21 did you work in the franchise?

22 PROSPECTIVE JUROR NO. 447: Yeah, yeah. I delivered  
23 bread for Sara Lee.

24 THE COURT: Okay. Your marital status?

25 PROSPECTIVE JUROR NO. 447: Married.

1 THE COURT: Is your spouse employed?  
2 PROSPECTIVE JUROR NO. 447: Yes.  
3 THE COURT: What does your spouse do for a living?  
4 PROSPECTIVE JUROR NO. 447: She's a supervisor at  
5 Costco.  
6 THE COURT: Do you have any children?  
7 PROSPECTIVE JUROR NO. 447: No.  
8 THE COURT: Have you ever served as a juror before?  
9 PROSPECTIVE JUROR NO. 447: Yes, ma'am.  
10 THE COURT: How many times?  
11 PROSPECTIVE JUROR NO. 447: Two times; one time it  
12 got settled before we came in the courtroom and then the other  
13 time it was a civil.  
14 THE COURT: Okay. So the time that you served on a  
15 panel --  
16 PROSPECTIVE JUROR NO. 447: Yes.  
17 THE COURT: -- it was civil. Was it here in Clark  
18 County?  
19 PROSPECTIVE JUROR NO. 447: Yes.  
20 THE COURT: Okay. Were you selected to be the  
21 foreperson?  
22 PROSPECTIVE JUROR NO. 447: No.  
23 THE COURT: Without telling me your verdict were you  
24 able to reach a verdict?  
25 PROSPECTIVE JUROR NO. 447: Yes.

1 THE COURT: Okay. Now, the other time, was that a  
2 civil or criminal?

3 PROSPECTIVE JUROR NO. 447: It was -- I believe it  
4 was criminal.

5 THE COURT: And you were selected to serve but it  
6 resolved?

7 PROSPECTIVE JUROR NO. 447: Yeah. We got selected  
8 and walked up and -- kind of just outside the courtroom and  
9 they ended up getting -- finding a verdict without us going  
10 in.

11 THE COURT: Okay. So it got resolved, you're not  
12 sure how?

13 PROSPECTIVE JUROR NO. 447: Yeah.

14 THE COURT: Okay. Anything about either of those  
15 experiences that would affect your ability to be fair and  
16 impartial in this case?

17 PROSPECTIVE JUROR NO. 447: Not at all.

18 THE COURT: Have you or anyone close to you such as  
19 a family member or friend ever been the victim of a crime?

20 PROSPECTIVE JUROR NO. 447: No, ma'am.

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

23 PROSPECTIVE JUROR NO. 447: No, ma'am.

24 THE COURT: Would you have a tendency to give more  
25 weight or credence or less weight or credence to the testimony



1 of a witness simply because that witness is a police officer?  
2 PROSPECTIVE JUROR NO. 447: No, ma'am.  
3 THE COURT: Do you know of any reason why you could  
4 not be a completely fair and impartial juror if you were  
5 selected to serve?  
6 PROSPECTIVE JUROR NO. 447: No, ma'am.  
7 THE COURT: Thank you. Thank you, very much for  
8 being here.  
9 At this time, the State of Nevada may return to the  
10 panel.  
11 MR. GIORDANI: Thank you, Your Honor.  
12 Good morning, everyone.  
13 Mr. Yates, do you still have the microphone there?  
14 PROSPECTIVE JUROR NO. 447: Yes.  
15 MR. GIORDANI: How are you, sir?  
16 PROSPECTIVE JUROR NO. 447: Good. How are you  
17 doing?  
18 THE COURT RECORDER: Is that on?  
19 THE COURT: Yeah, I think it's on.  
20 MR. GIORDANI: No.  
21 THE COURT: Usually, if I can -- oh, the -- the  
22 attorney microphone?  
23 THE COURT RECORDER: Yeah.  
24 THE COURT: No problem.  
25 MR. GIORDANI: All right.

1                   Were you paying attention yesterday during that long  
2 drawn out process?

3                   PROSPECTIVE JUROR NO. 447: Yes.

4                   MR. GIORDANI: All right. I'm going to try to  
5 streamline a little bit, but I want to ask you a lot of the  
6 same questions.

7                   PROSPECTIVE JUROR NO. 447: Yeah, you're good.

8                   MR. GIORDANI: Do you have a feeling one way or the  
9 other about how our criminal justice system works and whether  
10 it works effectively?

11                  PROSPECTIVE JUROR NO. 447: I believe it's  
12 completely fair.

13                  MR. GIORDANI: Okay.

14                  PROSPECTIVE JUROR NO. 447: It's as fair as it can  
15 be.

16                  MR. GIORDANI: Okay.

17                  PROSPECTIVE JUROR NO. 447: I mean, no one's  
18 perfect, nothing's perfect but.

19                  MR. GIORDANI: Sure. If you're selected as a juror  
20 will you make an effort to judge this case fairly based solely  
21 on what you hear from this witness stand?

22                  PROSPECTIVE JUROR NO. 447: Yes.

23                  MR. GIORDANI: Okay. There was some discussion  
24 yesterday about your feelings, or jurors' feelings about the  
25 police. And the reason behind that is, is there's going to be

1 police officers as witnesses in this case like there are in  
2 most criminal cases; do you get that?

3 PROSPECTIVE JUROR NO. 447: Yes.

4 MR. GIORDANI: What we want is jurors, sir, who can  
5 analyze their testimony just like you would a lay person  
6 walking in off the street. Do you think you're the type of  
7 person that can do that?

8 PROSPECTIVE JUROR NO. 447: Well, yeah, to be fair,  
9 they're -- I mean, they're police and they have a crazy job,  
10 but they are still people so.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 447: They're as credible as  
13 anyone else.

14 MR. GIORDANI: All right. How was it that you would  
15 go about determining the credibility of a witness's testimony?

16 PROSPECTIVE JUROR NO. 447: Just kind of -- I feel  
17 like you can get a kind of feel --

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 447: -- a feel for how they  
20 are and how truthful they're being as far as their statement  
21 and --

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 447: -- their responses to  
24 everything.

25 MR. GIORDANI: And how -- how do you get that feel?

1 Is it you observe their -- their demeanor --  
2 PROSPECTIVE JUROR NO. 447: Their --  
3 MR. GIORDANI: -- or what they say?  
4 PROSPECTIVE JUROR NO. 447: -- their demeanor and  
5 then with prior knowledge to the case in general and kind of  
6 putting the pieces together with the case and then what they  
7 say and just going back and forth and kind of comparing in my  
8 head and --  
9 MR. GIORDANI: Okay.  
10 PROSPECTIVE JUROR NO. 447: -- making sure  
11 everything kind of fits in line and it makes sense because --  
12 MR. GIORDANI: Okay.  
13 PROSPECTIVE JUROR NO. 447: -- if it doesn't make  
14 sense, you know.  
15 MR. GIORDANI: Yeah. That's an interesting point.  
16 So what I call that is corroboration.  
17 PROSPECTIVE JUROR NO. 447: Yes.  
18 MR. GIORDANI: So one witness saying something and  
19 then another witness following up and kind of confirming that.  
20 PROSPECTIVE JUROR NO. 447: Exactly. If you have  
21 two complete random stories it --  
22 MR. GIORDANI: Okay.  
23 PROSPECTIVE JUROR NO. 447: -- someone's lying and  
24 you kind of ruin --  
25 MR. GIORDANI: Right.

1 PROSPECTIVE JUROR NO. 447: -- both you guys' story,  
2 so.  
3 MR. GIORDANI: Makes sense.  
4 So the Judge gave you that admonishment just now  
5 about the passage of time.  
6 PROSPECTIVE JUROR NO. 447: Yes.  
7 MR. GIORDANI: Obviously, we're 12 years this Sunday  
8 since this murder occurred.  
9 PROSPECTIVE JUROR NO. 447: Okay.  
10 MR. GIORDANI: If I confused anyone, including you,  
11 I apologize.  
12 PROSPECTIVE JUROR NO. 447: Ah, you --  
13 MR. GIORDANI: The idea that time has passed is very  
14 relevant to perception, right?  
15 PROSPECTIVE JUROR NO. 447: Yes.  
16 MR. GIORDANI: A witness's perception and their  
17 memory of events and all of that.  
18 PROSPECTIVE JUROR NO. 447: Yes.  
19 MR. GIORDANI: Of course. What I need to understand  
20 is can you as a juror not speculate as to the reason for the  
21 12-year difference in crime and trial?  
22 PROSPECTIVE JUROR NO. 447: Yes.  
23 MR. GIORDANI: The reason for it?  
24 PROSPECTIVE JUROR NO. 447: Yes.  
25 MR. GIORDANI: Right? It could be anything. It

1 doesn't matter. It's not relevant.

2 PROSPECTIVE JUROR NO. 447: Yeah, it doesn't matter.

3 MR. GIORDANI: You could down a rabbit hole and  
4 think, you know, whatever you want to think.

5 Do you understand the distinction there?

6 PROSPECTIVE JUROR NO. 447: Yes.

7 MR. GIORDANI: Okay. And do you think that you can  
8 judge the credibility of the witnesses, including the passage  
9 of time and their ability to perceive and remember events and  
10 then set aside the reason why, you know, 12 years has passed?

11 PROSPECTIVE JUROR NO. 447: Yes.

12 MR. GIORDANI: Okay. Understood.

13 I talked with one of the jurors yesterday about  
14 equal justice. Do you remember that conversation a while ago?

15 PROSPECTIVE JUROR NO. 447: Kind of, yes.

16 MR. GIORDANI: Okay. So there is this idea, this  
17 general protections given to everyone, you --

18 PROSPECTIVE JUROR NO. 447: Oh, yeah.

19 MR. GIORDANI: -- me --

20 PROSPECTIVE JUROR NO. 447: Yeah.

21 MR. GIORDANI: -- everybody?

22 PROSPECTIVE JUROR NO. 447: Um-h'm.

23 MR. GIORDANI: Protections if you're accused,  
24 meaning you're presume innocent, you have the right to remain  
25 silent. The State has to prove the case and you don't have to

1 prove a thing.

2 Do you agree with all those ideas?

3 PROSPECTIVE JUROR NO. 447: Completely.

4 MR. GIORDANI: Okay. On the other side, victims  
5 should be treated equally as well; would you agree with me  
6 there?

7 PROSPECTIVE JUROR NO. 447: Yes.

8 MR. GIORDANI: Okay. So if there's a victim that  
9 you don't -- you maybe not -- would not hang out with or  
10 someone that you may not normally come into contact with in  
11 your everyday life --

12 PROSPECTIVE JUROR NO. 447: Yes.

13 MR. GIORDANI: -- would you agree that they're  
14 entitled to equal justice; they're a human being?

15 PROSPECTIVE JUROR NO. 447: Completely. Just  
16 because I don't agree with what they do, it doesn't mean they  
17 have less of standards of life than I do.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 447: So.

20 MR. GIORDANI: All right.

21 I'm just going to wrap up here. If you were sitting  
22 in the State's seat, Ms. Lexis's seat or my seat, would you  
23 want a juror such as yourself?

24 PROSPECTIVE JUROR NO. 447: Yes, sir.

25 MR. GIORDANI: And if you were sitting where Mr.

1 Matthews is sitting, accused, or sitting where his lawyers are  
2 sitting would you want a juror such as yourself?

3 PROSPECTIVE JUROR NO. 447: Yes, sir.

4 MR. GIORDANI: All right. Thank you, sir.

5 You can pass the microphone to Mrs. Smith.

6 How are you, ma'am?

7 PROSPECTIVE JUROR NO. 435: I'm well. How are you?

8 MR. GIORDANI: Great, thank you.

9 PROSPECTIVE JUROR NO. 435: Good.

10 MR. GIORDANI: I have basically the same questions  
11 for you. Can you give me kind of the synopsis of your  
12 feelings on the system and jury system?

13 PROSPECTIVE JUROR NO. 435: Well, I agree with  
14 several people yesterday that we live in the best system in  
15 the world so.

16 MR. GIORDANI: Yeah.

17 PROSPECTIVE JUROR NO. 435: I've lived outside of  
18 the country so I have something to compare it to.

19 MR. GIORDANI: Okay.

20 PROSPECTIVE JUROR NO. 435: So.

21 MR. GIORDANI: Would you agree with me that although  
22 it's the best system in the world, it's not perfect?

23 PROSPECTIVE JUROR NO. 435: Oh, yes.

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 435: Oh, yeah.



1           MR. GIORDANI: Are you the type of juror, the type  
2 of person if you're picked as a juror --  
3           PROSPECTIVE JUROR NO. 435: Um-h'm.  
4           MR. GIORDANI: -- that could sit through the trial,  
5 evaluate the witnesses, and wait until the end once you've  
6 heard it all to come to a determination?  
7           PROSPECTIVE JUROR NO. 435: Yes, I am.  
8           MR. GIORDANI: Okay.  
9           I should ask Mr. Yates, so I'll just ask you, and if  
10 you want to chime in, go ahead.  
11           I referenced three possible penalties for first  
12 degree murder yesterday; do you recall that?  
13           PROSPECTIVE JUROR NO. 435: Yes, I do.  
14           MR. GIORDANI: Fixed term of 20 to 50 years --  
15           PROSPECTIVE JUROR NO. 435: Um-h'm.  
16           MR. GIORDANI: -- a term of 20 years to life --  
17           PROSPECTIVE JUROR NO. 435: Right.  
18           MR. GIORDANI: -- or a term of life without the  
19 possibility of parole.  
20           PROSPECTIVE JUROR NO. 435: Right.  
21           MR. GIORDANI: We're not saying you need to know  
22 which one you'd lean towards or anything like that. That  
23 would actually be bad if you were leaning already --  
24           PROSPECTIVE JUROR NO. 435: Right.  
25           MR. GIORDANI: -- but, you know, you're not.

1           What we need to know is can you consider all three?  
2           PROSPECTIVE JUROR NO. 435: Yes, I can.  
3           MR. GIORDANI: Do you think you can?  
4           PROSPECTIVE JUROR NO. 435: Um-h'm.  
5           MR. GIORDANI: And, Mr. Yates?  
6           PROSPECTIVE JUROR NO. 447: Yes.  
7           MR. GIORDANI: Okay. Is there anything that was  
8 talked about yesterday while you were sitting back there just  
9 watching, that you felt, oh, I should chime in, or I wish I as  
10 up there with the microphone right now, I would say something?  
11           PROSPECTIVE JUROR NO. 435: No. I think I've said  
12 just about what everybody was talking about, about our  
13 judicial system, I think it's really fair and honest, as much  
14 as it can be.  
15           And I do agree with -- with several people about  
16 listening to everything and making your own decisions and not  
17 be pre-judged about things. Everybody has a fair trial.  
18           MR. GIORDANI: All right.  
19           PROSPECTIVE JUROR NO. 435: A right to a fair trial.  
20           MR. GIORDANI: All right.  
21           Could I have the Court's brief indulgence?  
22           THE COURT: You may.  
23           MR. GIORDANI: All right. Your Honor, should --  
24           THE COURT: Do you want to approach?  
25           MR. GIORDANI: -- we approach? Yes.

1 THE COURT: Okay.

2 MR. GIORDANI: Thank you.

3 (Bench conference)

4 THE COURT: Yes, counsel. Get all of your notes.

5 The recorder has asked, too, that before you speak

6 you just state your name because she says you guys especially,

7 you're both soft-spoken and you sound the same. So we just

8 need to have a clear record of who's speaking.

9 MR. LEVENTHAL: Oh, sure.

10 THE COURT: So before you just say Tanasi --

11 MR. TANSANI: Absolutely.

12 THE COURT: -- before you speak.

13 MR. TANSANI: We'll do.

14 THE COURT: Okay.

15 MR. GIORDANI: Oh, sorry.

16 THE COURT: Go ahead with your first one.

17 MR. GIORDANI: This is Giordani. So our first cause

18 challenge is 334, Ms. Lake.

19 THE COURT: Okay. Misty Lake. And she is --

20 MS. LEXIS: In Seat No. 12.

21 THE COURT: Okay.

22 MS. LEXIS: She indicated that she had a problem

23 with sending someone to jail when talking about the three,

24 whether she would consider the three potential punishments.

25 MR. TANSANI: Say your name.

1 MS. LEXIS: Ms. Lexis speaking.  
2 And that's -- that's what I had down for her.  
3 THE COURT: Okay.  
4 MR. TANSANI: And I just would ask for the  
5 opportunity to rehabilitate her and just kind of get more  
6 information on that, flesh that out.  
7 Tanasi speaking, sorry.  
8 THE COURT: Okay. So basically, it's just a cause  
9 challenge for her indication she wouldn't be able to send  
10 someone to jail. So I'll allow you to take her on voir dire.  
11 MR. TANSANI: Okay. Thank you.  
12 MR. GIORDANI: Our next would be --  
13 THE COURT: I want to take care of this one. The  
14 reason why I like to do them so you know who will go in the  
15 next seat.  
16 MR. GIORDANI: Okay. Fair enough.  
17 THE COURT: So --  
18 MS. LEXIS: Okay.  
19 THE COURT: -- we've got to take care of this one  
20 first.  
21 MR. GIORDANI: Thank you.  
22 MS. LEXIS: Okay. Thank you.  
23 THE COURT: If I -- if -- because if I grant it --  
24 MS. LEXIS: That's right.  
25 THE COURT: -- we'll put somebody new in.

1 MR. GIORDANI: Yeah.

2 MS. LEXIS: That makes sense.

3 MR. TANSANI: Your Honor, would you like me to get  
4 into my questioning now or you're --

5 THE COURT: Yeah, I'm going to let you voir dire her  
6 right now.

7 MR. TANSANI: Okay.

8 (End of bench conference)

9 THE COURT: Okay. Ms. Lake, I have indicated that  
10 Mr. Tanasi can ask you a few questions.

11 So if you don't mind -- I don't know where the  
12 microphone is -- if you don't mind passing it down to Ms.  
13 Lake.

14 PROSPECTIVE JUROR NO. 334: Me?

15 THE COURT: Uh-huh. We just have a couple questions  
16 for you.

17 MR. TANSANI: Good morning, ma'am.

18 PROSPECTIVE JUROR NO. 334: Good morning.

19 MR. TANSANI: I apologize. More -- more questions  
20 from that other lawyer.

21 PROSPECTIVE JUROR NO. 334: Okay.

22 MR. TANSANI: I do apologize, putting that out there  
23 for you.

24 There is -- there was a question asked earlier -- or  
25 yesterday of you concerning those three punishments and

1 whether potentially you could consider all three of them; do  
2 you remember that line of questioning from Mr. Giordani?

3 PROSPECTIVE JUROR NO. 334: Yes.

4 MR. TANSANI: Okay. And as you sit here today,  
5 having sat through this process now for an entire day, and  
6 going over some additional questions here today as well,  
7 understanding the importance of fairness to everybody  
8 involved, and the importance of you being a fair and impartial  
9 juror if you're chosen, as you sit here today, would you be  
10 able to consider all three of those punishments?

11 PROSPECTIVE JUROR NO. 334: Yes.

12 MR. TANSANI: Okay. And in addition to that,  
13 potentially you will also learn about something called  
14 mitigation. And mitigation is something you'll learn from Her  
15 Honor is something used essentially to potentially reduce the  
16 punishment to consider what the appropriate punishment can be;  
17 mitigation. I mean, it can be anything.

18 Do you understand that?

19 PROSPECTIVE JUROR NO. 334: Yes.

20 MR. TANSANI: And is that something you think you'd  
21 be able to consider, both mitigation and those three  
22 punishments?

23 PROSPECTIVE JUROR NO. 334: Yes.

24 MR. TANSANI: Okay. Thank you.

25 THE COURT: Mr. Giordani, do you want any follow-up?

1 MR. GIORDANI: Briefly. Thank you, Your Honor.  
2 THE COURT: Okay.  
3 MR. GIORDANI: Good morning, ma'am.  
4 PROSPECTIVE JUROR NO. 334: Good morning.  
5 MR. GIORDANI: You said yesterday when I asked about  
6 the penalty questions that you had a problem sending someone  
7 to jail.  
8 PROSPECTIVE JUROR NO. 334: Yes.  
9 MR. GIORDANI: And then today you say, I can  
10 consider all three.  
11 PROSPECTIVE JUROR NO. 334: Yes. I went home last  
12 night a I --  
13 MR. GIORDANI: Okay.  
14 PROSPECTIVE JUROR NO. 334: -- I thought it through  
15 my head and --  
16 MR. GIORDANI: Okay.  
17 PROSPECTIVE JUROR NO. 334: -- you know.  
18 MR. GIORDANI: That's perfectly fine. We need  
19 jurors, like I said, that can consider all three.  
20 You would agree with me that right now you know  
21 nothing about the case? You know --  
22 THE COURT: Other than what --  
23 MR. GIORDANI: -- no facts.  
24 THE COURT: -- we've told you.  
25 MR. GIORDANI: Right.

1 PROSPECTIVE JUROR NO. 334: Yeah.

2 MR. GIORDANI: You don't know facts, you haven't

3 heard any evidence.

4 PROSPECTIVE JUROR NO. 334: No.

5 MR. GIORDANI: When you come to a penalty phase, if

6 we get there, you will be able to consider all the things you

7 heard in the trial, and then you're going to hear mitigation

8 and some other things in a penalty phase if we get there.

9 Are you sitting here now saying, once I hear all the

10 evidence all three of those options are on the table?

11 PROSPECTIVE JUROR NO. 334: Yes.

12 MR. GIORDANI: Okay. All right.

13 Thank you, ma'am.

14 I'll pass.

15 THE COURT: Okay. You may approach.

16 (Bench conference)

17 THE COURT: So based on the questioning, I'm going

18 to overrule that challenge for cause. Go ahead and make your

19 next one.

20 MR. GIORDANI: The next was 338, Mr. Whitman.

21 THE COURT: Okay.

22 MR. GIORDANI: This is Giordani.

23 THE COURT: He's in Seat 13.

24 MR. GIORDANI: Seat 13. Unlike Ms. Lake, he didn't

25 say he just had a problem sending someone to jail, he said he



1 didn't know if he could even consider life without. And I  
2 think I followed up with at least two or three questions  
3 trying to clarify, and I think he stood firm on that. So --

4 MS. LEXIS: As a quote -- Agnes Lexis -- he says, "I  
5 don't know if I could go to that extreme."

6 MR. TANSANI: Same thing, Your Honor. I would just  
7 ask for the ability to rehabilitate.

8 THE COURT: You can -- you can take him on voir  
9 dire.

10 MR. TANSANI: Thank you.

11 MS. LEXIS: Thank you.

12 (Bench conference)

13 THE COURT: Ms. Lake, if you don't mind passing the  
14 microphone to Mr. Whitman, we just are going to have a couple  
15 of questions from basically follow-up from yesterday for you.

16 Mr. Tanasi, are you going --

17 MR. TANSANI: Yeah.

18 THE COURT: -- voir dire? Uh-huh.

19 MR. TANSANI: Mr. Whitman, how are you sir?

20 PROSPECTIVE JUROR NO. 338: Okay.

21 MR. TANSANI: Kind of the same line of questioning  
22 as I just put your co-potential juror on the spot with, Ms.  
23 Lake.

24 Again, having had a chance to kind of sit through  
25 this entire process from start to finish yesterday and a

1 little bit again this morning, understanding the importance of  
2 fairness in this courtroom, and impartiality in this  
3 courtroom, do you think you would be able to consider all  
4 three of the punishments in this case?

5 PROSPECTIVE JUROR NO. 338: I would still have  
6 problems with life in prison without parole.

7 MR. TANSANI: Understood.

8 PROSPECTIVE JUROR NO. 338: I think I have problems  
9 with that one. The other ones I'm fine, but I would have  
10 problems with that particular one.

11 MR. TANSANI: Fair enough. And I don't mean to kind  
12 of drill down a little more, but having problems with it,  
13 versus not being able to even consider it, would you agree  
14 with me are two different things?

15 PROSPECTIVE JUROR NO. 338: Yeah, true. But I don't  
16 think I would give that as a -- as a penalty.

17 THE COURT: I'm sorry. Could you say that again?

18 PROSPECTIVE JUROR NO. 338: I don't think I would  
19 give that as a penalty.

20 MR. TANSANI: Okay. And again, something I kind of  
21 spoke with -- with Ms. Lake about in terms of mitigation; you  
22 are going to hear mitigation in this case --

23 PROSPECTIVE JUROR NO. 338: Right.

24 MR. TANSANI: -- which is essentially anything that  
25 can reduce the punishment in this case if and when we get to

1 that phase.

2 PROSPECTIVE JUROR NO. 338: Right.

3 MR. TANSANI: Would you be able to consider that  
4 evidence fairly?

5 PROSPECTIVE JUROR NO. 338: Yeah, I could consider  
6 mitigation. I just wouldn't, you know, consider the life in  
7 prison without parole.

8 THE COURT: I can't hear him.

9 MR. TANSANI: And why wouldn't you be able to  
10 consider it?

11 PROSPECTIVE JUROR NO. 338: Just that -- I guess  
12 call it -- just a value. I don't want to be -- I don't want  
13 to give somebody a sentence that's so extreme that they don't  
14 have the possibility to, you know, get out and change their  
15 life afterwards so.

16 MR. TANSANI: All right. Fair enough. Thank you.

17 THE COURT: Okay. The parties may approach.

18 (Bench conference)

19 MR. TANSANI: I'll submit it, Your Honor.

20 THE COURT: Okay. I'm going to grant the challenge  
21 for cause, so Mr. Whitman's going to step out and I'm going to  
22 put Edward Behlmann in there.

23 MR. TANSANI: Behlmann.

24 THE COURT: And then I'll question him, and then  
25 I'll let you voir dire him.

1 MR. GIORDANI: Okay.  
2 We have one more cause.  
3 THE COURT: Oh, you have one more cause? Okay. Is  
4 that it, just one more?  
5 MR. GIORDANI: Yes.  
6 THE COURT: Okay. Why don't you do that.  
7 MR. GIORDANI: Okay.  
8 THE COURT: Do the next one, because I'll put Mr.  
9 Behlmann will become number 13.  
10 MR. TANASI: Behlmann becomes 13.  
11 THE COURT: Yes.  
12 MS. LEXIS: He's at the end, right? Oh, yeah, yeah,  
13 yeah.  
14 THE COURT: Edward Behlmann will become Juror No.  
15 13.  
16 MR. TANASI: Got it. Thank you.  
17 MR. GIORDANI: Our final -- this is Giordani -- our  
18 final cause challenge is 419, Sailor. She said straight out  
19 she can't consider life without.  
20 THE COURT: She's in Seat 31. I have written down,  
21 says she cannot consider life without the possibility of  
22 parole. Are you going to want the opportunity to --  
23 MR. TANASI: Just -- if I can, Your Honor.  
24 THE COURT: Okay. All right.  
25 MR. TANASI: That was Sailor?

1 THE COURT: Yeah.  
2 MS. LEXIS: Yes.  
3 THE COURT: No. 13.  
4 (End of bench conference)  
5 THE COURT: Okay. At this time, if -- Officer  
6 Hawkes --  
7 THE MARSHAL: Yes, ma'am?  
8 THE COURT: -- can you take the microphone to Ms.  
9 Sailor?  
10 Ms. Sailor, I'm going to allow Mr. Tanasi to ask you  
11 a few follow-up questions.  
12 MR. TANSANI: Good morning, ma'am.  
13 PROSPECTIVE JUROR NO. 419: Good morning.  
14 MR. TANSANI: Again, kind of putting you on the spot  
15 for the same line of questioning as I have done already for  
16 Ms. Lake and Mr. Whitman.  
17 Notes kind of indicate, for everyone involved, that  
18 yesterday you had mentioned you could not consider all three  
19 punishments?  
20 PROSPECTIVE JUROR NO. 419: That's true. And I  
21 still will not -- I stand firm on my word because of what I've  
22 seen with my three friends.  
23 THE MARSHAL: Can you speak directly in --  
24 PROSPECTIVE JUROR NO. 419: What I've seen with my  
25 three friends, I stand firm on my word. I didn't give life --



1 MR. TANSANI: Scratch [inaudible].

2 THE COURT: So I'll grant the challenges to Whitman

3 and Sailor. And Edward Behlmann become No. 13, and Silvia

4 Alvarez will be No. 31. I'll question them and turn the panel

5 back to the State.

6 MR. GIORDANI: Thank you.

7 MS. LEXIS: Thank you.

8 MR. TANSANI: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (End of bench conference)

11 THE COURT: At this time, Mr. Whitman, I'm going to

12 ask you to step down out of the jury box. You can come sit

13 out in the gallery, and I'm going to ask Edward Behlmann to

14 take that seat.

15 Ms. Sailor, I'm going to ask you to step out of Seat

16 31. You can sit anywhere else in the gallery that you want

17 to, and I'm going to ask Silvia Alvarez if you'll take Seat

18 31. Yeah, just right down there. Thank you.

19 So Mr. -- is it Behlmann?

20 PROSPECTIVE JUROR NO. 451: Behlmann, yes.

21 THE COURT: Okay. Good morning.

22 PROSPECTIVE JUROR NO. 451: Good morning.

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

24 Can you tell me how long you've lived in Clark

25 County?

1 PROSPECTIVE JUROR NO. 451: Just over a year.  
2 THE COURT: Welcome to Clark County with your Jury  
3 Summons.  
4 PROSPECTIVE JUROR NO. 451: Thank you.  
5 THE COURT: Thank you. Where did you moved from?  
6 PROSPECTIVE JUROR NO. 451: Colorado.  
7 THE COURT: Okay. Your education background?  
8 PROSPECTIVE JUROR NO. 451: High school.  
9 THE COURT: And what do you do for a living?  
10 PROSPECTIVE JUROR NO. 451: Trade shows, sales,  
11 direct sales.  
12 THE COURT: Okay. Your marital status?  
13 PROSPECTIVE JUROR NO. 451: I am married.  
14 THE COURT: Is your spouse employed?  
15 PROSPECTIVE JUROR NO. 451: Yes, she's the office  
16 manager for the direct sales.  
17 THE COURT: Okay. Do you have children?  
18 PROSPECTIVE JUROR NO. 451: Three.  
19 THE COURT: Are any of those kids old enough to be  
20 employed?  
21 PROSPECTIVE JUROR NO. 451: Yes.  
22 THE COURT: Can you --  
23 PROSPECTIVE JUROR NO. 451: One's a grad student in  
24 Colorado, one's a student at UNLV, and my son, the middle one,  
25 is the warehouse manager for my company.



1           THE COURT: The child that's in grad school, what is  
2 that child studying?  
3           PROSPECTIVE JUROR NO. 451: Physical Therapy.  
4           THE COURT: Okay. And the one in undergrad, what is  
5 that child studying?  
6           PROSPECTIVE JUROR NO. 451: Hospitality.  
7           THE COURT: I'm sorry?  
8           PROSPECTIVE JUROR NO. 451: Hospitality.  
9           THE COURT: Okay. Have you ever served as a juror  
10 before?  
11          PROSPECTIVE JUROR NO. 451: No.  
12          THE COURT: Have you or anyone close to you such as  
13 a family member or friend ever been the victim of a crime?  
14          PROSPECTIVE JUROR NO. 451: No.  
15          THE COURT: Have you or anyone close to you such as  
16 a family member or friend ever been accused of a crime?  
17          PROSPECTIVE JUROR NO. 451: Yes.  
18          THE COURT: Okay. Can you tell me about that?  
19          PROSPECTIVE JUROR NO. 451: I have two. The first  
20 time, I was 19. I was in the military. Misappropriation of  
21 government property, and I was discharged. And then I had a  
22 DUI and possession of cocaine in '96, I think.  
23          THE COURT: Okay. So both of those were a long time  
24 ago; correct?  
25          PROSPECTIVE JUROR NO. 451: They were.

1 THE COURT: Okay. And the first one, it was handled  
2 in the military?

3 PROSPECTIVE JUROR NO. 451: Yes.

4 THE COURT: Okay. And the second one in '96, was  
5 that -- can you tell me what jurisdiction that was in?

6 PROSPECTIVE JUROR NO. 451: It was in Missouri,  
7 southeast Missouri.

8 THE COURT: Okay. And was it a misdemeanor?

9 PROSPECTIVE JUROR NO. 451: It was sealed and  
10 dropped afterwards.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 451: After everything was  
13 done.

14 THE COURT: So no conviction at all?

15 PROSPECTIVE JUROR NO. 451: No.

16 THE COURT: Okay. Do you believe you were treated  
17 fairly?

18 PROSPECTIVE JUROR NO. 451: In that instance, yes.

19 THE COURT: Okay. Is there another instance where  
20 you didn't feel like you were treated fairly?

21 PROSPECTIVE JUROR NO. 451: The military.

22 THE COURT: Okay. Go ahead. Tell me about that.

23 PROSPECTIVE JUROR NO. 451: Well, I was young and I  
24 made a mistake and --

25 THE COURT: Sure.

1           PROSPECTIVE JUROR NO. 451:  -- the jury was kind of  
2 instructed to give me the hardest penalty that they could, and  
3 so they did.  So --

4           THE COURT:  Okay.  So you don't think that the --  
5 because I'm assuming it was a court marshal?

6           PROSPECTIVE JUROR NO. 451:  Correct.

7           THE COURT:  Okay.  So you don't think that the court  
8 marshal was really that fair to you?

9           PROSPECTIVE JUROR NO. 451:  Correct.

10          THE COURT:  Okay.  Based on the instructions of the  
11 law?

12          PROSPECTIVE JUROR NO. 451:  No, not the law but just  
13 the -- like the captain of the ship I was on.

14          THE COURT:  Okay.  What does that mean?  Did  
15 somebody argue to give the harshest penalty?  Because you said  
16 the jury was basically instructed to give you the harshest  
17 penalty.  What does that mean?

18          PROSPECTIVE JUROR NO. 451:  So the -- actually the  
19 -- it was a long time ago.

20          THE COURT:  Sure.

21          PROSPECTIVE JUROR NO. 451:  The -- so the court  
22 marshal they said the charges which I was guilty of and I take  
23 responsibility for that.  But they gave me the harshest  
24 penalty that they could and I don't think the crime warranted  
25 that.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 451: And everybody at the  
3 trial said that it shouldn't be that.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 451: But the jurors decided,  
6 because the captain had mentioned something outside of the  
7 court that he wasn't happy about it.

8 THE COURT: Okay. So you think the jury heard  
9 something outside of evidence?

10 PROSPECTIVE JUROR NO. 451: No, I think they were  
11 like instructed -- well, not instructed, but they were given  
12 the impression that they shouldn't be lenient with me.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 451: That's where I'm going.

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

18 PROSPECTIVE JUROR NO. 451: No.

19 THE COURT: Okay. Anything else? Because both of  
20 those incidents, they were a long time ago; correct?

21 PROSPECTIVE JUROR NO. 451: Correct.

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

25 PROSPECTIVE JUROR NO. 451: No.

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

5 PROSPECTIVE JUROR NO. 451: No.

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

9 PROSPECTIVE JUROR NO. 451: Well, just the fact that  
10 I was given chances throughout my life and -- to do the --  
11 with the no chance of parole, I would have a problem with  
12 that.

13 THE COURT: okay.

14 PROSPECTIVE JUROR NO. 451: Because I think  
15 everybody deserves a chance --

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 451: -- to be rehabilitated.

18 THE COURT: So we were -- that goes to the question  
19 of whether you could consider all three forms of punishment.

20 PROSPECTIVE JUROR NO. 451: Correct.

21 THE COURT: Because if there is a certain verdict  
22 you've heard that the jury would be instructed to consider the  
23 three forms of punishment. One would be a term of years, 20  
24 to 50. One would be life without. And one would be life with  
25 the possibility after a minimum of 20 years has been served.

1           And you understand the three forms?  
2           PROSPECTIVE JUROR NO. 451: I do.  
3           THE COURT: Okay. Would you be able to consider all  
4 three forms of punishment --  
5           PROSPECTIVE JUROR NO. 451: No.  
6           THE COURT: -- if you were put in that -- I'm sorry?  
7           PROSPECTIVE JUROR NO. 451: No, I could not.  
8           THE COURT: Okay. What couldn't you consider?  
9           PROSPECTIVE JUROR NO. 451: The life without the  
10 possibility.  
11          THE COURT: Okay. So you can't think of any  
12 situation or set of circumstances where you would consider it?  
13          PROSPECTIVE JUROR NO. 451: Yes, I could.  
14          THE COURT: Okay. So that's what I'm -- I'm getting  
15 at. I'm not -- myself, I'm not going to tell you how much  
16 weight or which one to consider more or less. What I'm trying  
17 to -- what I'm trying to determine is that before we start  
18 this trial whether you can give me a commitment that if it  
19 comes to that point that you will consider all three forms.  
20          If there is a form of punishment you --  
21          PROSPECTIVE JUROR NO. 451: Sure. I could --  
22          THE COURT: -- won't consider --  
23          PROSPECTIVE JUROR NO. 451: -- consider it but I  
24 wouldn't lean that way.  
25          THE COURT: Okay. But if you were selected you

1 could consider all three forms of punishment?

2 PROSPECTIVE JUROR NO. 451: Yes.

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

5 PROSPECTIVE JUROR NO. 451: No.

6 THE COURT: Okay. Thank you, sir. Thank you very  
7 much for answering my questions.

8 Ms. Alvarez, can you tell me how long you've lived  
9 in Clark County?

10 PROSPECTIVE JUROR NO. 454: 18 years.

11 THE COURT: Your education background?

12 PROSPECTIVE JUROR NO. 454: No.

13 THE COURT: Your education background?

14 PROSPECTIVE JUROR NO. 454: The same to -- I no  
15 complete high school in Mexico.

16 THE COURT: Okay. And are you employed?

17 PROSPECTIVE JUROR NO. 454: Yes.

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

19 PROSPECTIVE JUROR NO. 454: Housekeeping.

20 THE COURT: Okay. Are you married?

21 PROSPECTIVE JUROR NO. 454: Yes.

22 THE COURT: Okay. Is your spouse employed?

23 PROSPECTIVE JUROR NO. 454: Yes.

24 THE COURT: What does your spouse do?

25 PROSPECTIVE JUROR NO. 454: Constructions.

1 THE COURT: Construction? Do you have any children?  
2 PROSPECTIVE JUROR NO. 454: Yes. Two.  
3 THE COURT: Okay. Are either of your kids old  
4 enough to be employed?  
5 PROSPECTIVE JUROR NO. 454: Yes.  
6 THE COURT: Can you tell me what each does for a  
7 living?  
8 PROSPECTIVE JUROR NO. 454: My son working in Tesla  
9 company or company Tesla. And another is a student, UNLV.  
10 THE COURT: Okay. Have you ever served as a juror  
11 before?  
12 PROSPECTIVE JUROR NO. 454: Two times, but this is  
13 the first time to stay here.  
14 THE COURT: Okay. So --  
15 PROSPECTIVE JUROR NO. 454: The other times I was  
16 let go early.  
17 THE COURT: All right. Two times you've been  
18 selected?  
19 PROSPECTIVE JUROR NO. 454: Yes.  
20 THE COURT: Okay. Were they civil or criminal?  
21 PROSPECTIVE JUROR NO. 454: Civil.  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 454: Civil.  
24 THE COURT: Were you selected to be the foreperson?  
25 PROSPECTIVE JUROR NO. 454: No.



1           THE COURT: Okay. Without telling me your verdict  
2 were you able to reach a verdict in each case?

3           PROSPECTIVE JUROR NO. 454: I'm sorry. My English  
4 is not good. Sorry. I have a not of nervous. My --

5           THE COURT: Okay.

6           PROSPECTIVE JUROR NO. 454: -- but I sure need to  
7 cry now.

8           THE COURT: No, no, no.

9           PROSPECTIVE JUROR NO. 454: I'm sorry.

10          THE COURT: I think you're doing fine. I think  
11 you're doing fine.

12          How long have you been in the United States?

13          PROSPECTIVE JUROR NO. 454: Twenty years.

14          THE COURT: Okay. Do you -- because I feel like  
15 you're communicating fine with me. And you -- have you been  
16 able -- that's -- I don't want you to panic. I just want to  
17 make sure you understand the proceedings.

18          PROSPECTIVE JUROR NO. 454: Yeah, I understand  
19 sometimes, but I have a lot of -- a lot of nerves. I'm sorry.

20          THE COURT: You have, I'm sorry, what?

21          PROSPECTIVE JUROR NO. 454: For the nervous. I have  
22 a lot of nervous when you ask me because my English is not  
23 good.

24          THE COURT: Okay. I think you're doing great. I  
25 don't have any problem. So don't be nervous. I apologize for

1 making you nervous. So you've served as a juror before and it  
2 was two times; correct?

3 PROSPECTIVE JUROR NO. 454: Yes.

4 THE COURT: Were you impaneled and did you listen to  
5 a case?

6 PROSPECTIVE JUROR NO. 454: No.

7 THE COURT: No? Okay. You just got called to the  
8 courthouse like you did today?

9 PROSPECTIVE JUROR NO. 454: Yes.

10 THE COURT: All right. Have you or anyone close to  
11 you such as a family member or friend ever been the victim of  
12 a crime?

13 PROSPECTIVE JUROR NO. 454: No.

14 THE COURT: Okay. Have you ever been accused of a  
15 crime, or anyone close to you been accused of a crime?

16 PROSPECTIVE JUROR NO. 454: No, ma'am.

17 THE COURT: Okay. Would you have a tendency to give  
18 more weight or credence or less weight or credence to the  
19 testimony of a witness --

20 PROSPECTIVE JUROR NO. 454: No, ma'am.

21 THE COURT: -- simply because that witness is a  
22 police officer?

23 PROSPECTIVE JUROR NO. 454: No, ma'am.

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

1 PROSPECTIVE JUROR NO. 454: No.

2 THE COURT: Thank you. Thank you very much for  
3 being here and thank you for answering my questions.

4 At this time, the State of Nevada may voir dire the  
5 two jurors.

6 MR. GIORDANI: Thank you.

7 Mr. Behlmann, how are you?

8 PROSPECTIVE JUROR NO. 451: Fine, thanks.

9 MR. GIORDANI: Good. And that's 451.

10 PROSPECTIVE JUROR NO. 451: Correct.

11 MR. GIORDANI: You can probably guess what I'm going  
12 to ask you about.

13 PROSPECTIVE JUROR NO. 451: Yes.

14 MR. GIORDANI: You were talking about the penalty,  
15 and you kind of came back to yes, I could consider it, after  
16 the Judge asked you, can you think of a scenario where life  
17 without would be appropriate. Not in those words. Do you  
18 remember that?

19 PROSPECTIVE JUROR NO. 451: Correct. Yes.

20 THE COURT: Okay. Tell me what type of scenario  
21 you're talking about; are you talking about the World Trade  
22 Center bombings and that's when you'll give life without or  
23 what?

24 PROSPECTIVE JUROR NO. 451: No, but multiple like  
25 serial, I guess.

1           MR. GIORDANI: Okay. And this is important. It's  
2 -- we're not asking for a penalty right now.

3           PROSPECTIVE JUROR NO. 451: Right. No, I  
4 understand.

5           MR. GIORDANI: No one even knows what we're going to  
6 ask for.

7           PROSPECTIVE JUROR NO. 451: Correct.

8           MR. GIORDANI: Just we need people who can fairly  
9 consider all three, not someone who's leaning already without  
10 hearing a shred of evidence towards the two lessers; does that  
11 make sense to you?

12          PROSPECTIVE JUROR NO. 451: It does, yes.

13          MR. GIORDANI: And after putting it that way, do you  
14 think you could consider fairly all three of the penalties?

15          PROSPECTIVE JUROR NO. 451: Yes. I could consider  
16 them fairly.

17          MR. GIORDANI: Okay. Now, this isn't a serial  
18 killer case.

19          PROSPECTIVE JUROR NO. 451: Right. Sorry --

20          MR. GIORDANI: Is life without on the table?

21          PROSPECTIVE JUROR NO. 451: Well, I don't know the  
22 circumstances or --

23          MR. GIORDANI: Right.

24          PROSPECTIVE JUROR NO. 451: -- anything so --

25          MR. GIORDANI: Right.

1           PROSPECTIVE JUROR NO. 451:  -- but I would say, you  
2 know, probably not.

3           MR. GIORDANI:  Okay.  And I apologize.  This gets  
4 awkward because we can't tell you facts --

5           PROSPECTIVE JUROR NO. 451:  Right, no, I understand.

6           MR. GIORDANI:  -- but we have to predict if you can  
7 consider all three.  So I get where you're coming from.

8           PROSPECTIVE JUROR NO. 451:  Yeah, I would -- I would  
9 say in this case probably not all three.

10          MR. GIORDANI:  Okay.

11          PROSPECTIVE JUROR NO. 451:  Just from --

12          THE COURT:  Okay.  But you haven't --

13          PROSPECTIVE JUROR NO. 451:  -- what's been said.

14          THE COURT:  -- heard any evidence.

15          PROSPECTIVE JUROR NO. 451:  Well, I've heard the  
16 charges.

17          THE COURT:  Okay.

18          PROSPECTIVE JUROR NO. 451:  So --

19          THE COURT:  And you -- and -- I mean, you've heard  
20 very -- both sides, I gave them a very short opportunity --

21          PROSPECTIVE JUROR NO. 451:  Correct.

22          THE COURT:  -- to give you just a brief statement.

23          PROSPECTIVE JUROR NO. 451:  Right.

24          THE COURT:  And you think just based on what you've  
25 heard you would not be able to fairly consider all three forms

1 of punishment?

2 PROSPECTIVE JUROR NO. 451: Could you refresh what

3 I've heard so far?

4 MR. GIORDANI: Well, I don't want to do that unless

5 the Judge --

6 THE COURT: No, I'm --

7 MR. GIORDANI: -- wants to.

8 THE COURT: I mean, you -- you --

9 MR. GIORDANI: I mean, just from what's gone through

10 my head and sitting here yesterday, and what I've thought

11 about, I don't think I could, no.

12 MR. GIORDANI: Okay.

13 THE COURT: Okay.

14 MR. GIORDANI: All right. Thank you, sir.

15 I'll pass.

16 THE COURT: All right. At this time, Mr. Behlmann,

17 I'm going to ask you to step down out of the box. You can

18 take a seat out in the gallery.

19 MR. GIORDANI: Thank you, sir. Thank you.

20 THE COURT: Eduardo Narvaez-Deleon. You're going to

21 be Seat No. 13.

22 Okay. Thank you very much. How long have you lived

23 in Clark County?

24 PROSPECTIVE JUROR NO. 455: Thirty-one years.

25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR NO. 455: High school.  
2 THE COURT: What do you do for a living?  
3 PROSPECTIVE JUROR NO. 455: I work in a warehouse.  
4 We sell fasteners; screws, bolts, that kind of stuff.  
5 THE COURT: Okay. Your marital status?  
6 PROSPECTIVE JUROR NO. 455: Engaged.  
7 THE COURT: Okay.  
8 PROSPECTIVE JUROR NO. 455: I don't know if that  
9 counts.  
10 THE COURT: Is your fiancé employed?  
11 PROSPECTIVE JUROR NO. 455: She is.  
12 THE COURT: Okay. What does she do for a living?  
13 PROSPECTIVE JUROR NO. 455: She works at the  
14 Children's Heart Center in Summerlin.  
15 THE COURT: Okay. Do you have any children?  
16 PROSPECTIVE JUROR NO. 455: No kids.  
17 THE COURT: Okay. Have you ever served as a juror  
18 before?  
19 PROSPECTIVE JUROR NO. 455: No, I have not.  
20 THE COURT: Have you or anyone close to you such as  
21 a family member or friend ever been the victim of a crime?  
22 PROSPECTIVE JUROR NO. 455: No.  
23 THE COURT: Have you or anyone close to you such as  
24 a family member or friend ever been accused of a crime?  
25 PROSPECTIVE JUROR NO. 455: No.

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

4 PROSPECTIVE JUROR NO. 455: No.

5 THE COURT: Do you know of any reason why you could  
6 not be a fair and impartial juror if selected to serve?

7 PROSPECTIVE JUROR NO. 455: no.

8 THE COURT: Okay. And you have heard what the three  
9 forms of punishment are if this went to a penalty phase of the  
10 trial; correct?

11 PROSPECTIVE JUROR NO. 455: I have.

12 THE COURT: And if -- if this did go to a penalty  
13 phase are you a juror that can consider all three forms of  
14 punishment?

15 PROSPECTIVE JUROR NO. 455: At first I couldn't  
16 consider the life without possibility but I haven't heard  
17 anything and depending on what the facts are it's definitely  
18 something I can consider.

19 THE COURT: Okay. So you know what the three forms  
20 are --

21 PROSPECTIVE JUROR NO. 455: Right.

22 THE COURT: -- the term of years, life with and life  
23 without?

24 PROSPECTIVE JUROR NO. 455: Life without.

25 THE COURT: And you believe that if you were



1 selected to serve and it went to a penalty phase you would be  
2 able to consider all three forms of punishment?

3 PROSPECTIVE JUROR NO. 455: After all the facts and  
4 everything is out yeah, I can -- I can --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 455: -- consider all three.

7 THE COURT: Okay. Any reason why you could not sit  
8 on this panel?

9 PROSPECTIVE JUROR NO. 455: No.

10 THE COURT: Okay. Mr. Giordani?

11 MR. GIORDANI: Thank you, Your Honor.

12 And do you go by Mr. Deleon or --

13 PROSPECTIVE JUROR NO. 455: Narvaez. That's --  
14 Deleon is my mother's last name --

15 MR. GIORDANI: Oh, okay.

16 PROSPECTIVE JUROR NO. 455: -- and I don't know why  
17 she did that way.

18 MR. GIORDANI: It's Narvaez?

19 PROSPECTIVE JUROR NO. 455: Yeah. You can -- or --  
20 Narvaez is fine.

21 MR. GIORDANI: Eddie?

22 PROSPECTIVE JUROR NO. 455: Eddie is fine, too.

23 MR. GIORDANI: Were you paying attention yesterday,  
24 Eddie?

25 PROSPECTIVE JUROR NO. 455: I was, yes.

1           MR. GIORDANI: Do you have feelings one way or  
2 another about the criminal justice system in general or  
3 American system?

4           PROSPECTIVE JUROR NO. 455: I think we have a pretty  
5 good system. I had my preconceived notions coming in here,  
6 but actually watching it in person, those have been wiped  
7 away. You know, television and all that stuff has --

8           MR. GIORDANI: Sure.

9           PROSPECTIVE JUROR NO. 455: -- you know, dramatic  
10 all against one side, they build a stack up against the  
11 defense and --

12          MR. GIORDANI: Right.

13          PROSPECTIVE JUROR NO. 455: -- but being here and  
14 watching you ask everybody making sure it's going to be fair  
15 for both sides has changed my opinion.

16          MR. GIORDANI: Okay. That's good, because we want  
17 people who are fair. That's the bottom line here.

18          PROSPECTIVE JUROR NO. 455: Um-h'm.

19          MR. GIORDANI: The one thing that causes me a little  
20 concern is that you said, you know, at first I couldn't  
21 consider life without and now that I've sat through this I  
22 definitely can.

23                 Has it changed that much that now you're firm in  
24 your belief?

25          PROSPECTIVE JUROR NO. 455: I mean, I would agree --

1 for what the guy who was sitting here earlier --

2 MR. GIORDANI: Uh-huh.

3 PROSPECTIVE JUROR NO. 455: -- said is, you know,

4 serial instances --

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 455: -- to where you can

7 consider life without parole. But, I mean, I haven't seen any

8 of the facts or anything so saying that I absolutely won't

9 consider it is -- would be a lie because I haven't seen

10 anything.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 455: I don't know anything

13 about the case or anything.

14 MR. GIORDANI: Okay. That's fair enough and I

15 appreciate the honesty.

16 The question is whether you can have an open mind

17 and fairly consider all three. Like I told your fellow juror,

18 you guys -- we might not even ask for life without parole.

19 You know nothing about the case at all. But we may very well

20 ask for it. And --

21 PROSPECTIVE JUROR NO. 455: Right.

22 MR. GIORDANI: -- if we walk in -- into arguments

23 with a jury who has this preconceived notion that life without

24 parole is for serial killers, baby killers and -- then that's

25 not fair to us. It's -- it's supposed to be fair to both

1 sides, even playing field.

2 PROSPECTIVE JUROR NO. 455: That makes sense. It's

3 just -- that's a -- that's a huge thing to ask somebody to

4 decide on --

5 MR. GIORDANI: I know.

6 PROSPECTIVE JUROR NO. 455: -- someone else's life

7 so that's why it's --

8 MR. GIORDANI: I know.

9 PROSPECTIVE JUROR NO. 455: -- it's kind of tough --

10 MR. GIORDANI: And --

11 PROSPECTIVE JUROR NO. 455: -- you know, to even --

12 you know, but like I said, I don't know anything about the

13 case. I haven't seen any facts or any evidence or anything so

14 it's -- to say that I won't consider it, it would be a lie --

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 455: -- you know, if I see

17 something and I'm just taken by it, then it could be a

18 possibility.

19 MR. GIORDANI: Fair enough. Would you say as you

20 sit here now having -- knowing nothing about the case or no

21 facts yet that you lean towards one penalty or another?

22 PROSPECTIVE JUROR NO. 455: No.

23 MR. GIORDANI: Okay. Yesterday, I talked a whole

24 lot, wore people out regarding police and the system and all

25 of that. Is there anything you heard yesterday or that you've

1 heard briefly this morning that you think we should know about  
2 you as a juror?

3 PROSPECTIVE JUROR NO. 455: No.

4 MR. GIORDANI: All right.

5 PROSPECTIVE JUROR NO. 455: No.

6 MR. GIORDANI: Okay. And you said that you work in  
7 a warehouse. What do you do on a day-to-day basis? Do you  
8 like stock --

9 PROSPECTIVE JUROR NO. 455: We supply a lot of the  
10 major construction companies out here with their fasteners.

11 MR. GIORDANI: Oh, okay. So --

12 PROSPECTIVE JUROR NO. 455: So it's shipping and  
13 receiving, forklift. We also are open to the public so  
14 working the counter, pulling orders for said customers.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 455: And then I also deliver  
17 those orders, you know, so it's basically -- I'm the only  
18 warehouse guy there.

19 MR. GIORDANI: Okay.

20 PROSPECTIVE JUROR NO. 455: So it's basically  
21 whatever work that needs to get done, you know, and I'm going  
22 to be on the road fixing swamp coolers.

23 MR. GIORDANI: Really. Okay.

24 PROSPECTIVE JUROR NO. 455: So yeah, so whatever  
25 needs to get done. We're a small company.

1 MR. GIORDANI: And do you have a direct supervisor?  
2 PROSPECTIVE JUROR NO. 455: Yeah, yeah. Well, it's  
3 the two owners and Larry who's my direct supervisor but we've  
4 been working together for so long so it's kind of weird  
5 calling them that.  
6 MR. GIORDANI: Okay. Fair enough.  
7 All right, sir, I appreciate it and I will just have  
8 you pass the microphone over.  
9 Can I move on?  
10 THE COURT: Yes, to Ms. Alvarez.  
11 MR. GIORDANI: Thank you, sir.  
12 Hi. Stay sitting. It's Ms. Alvarez, 454.  
13 I don't mean to make you nervous. I think you're  
14 doing great, just like the Judge did. Just a couple  
15 questions, okay?  
16 Are you all right?  
17 THE MARSHAL: You have to answer out loud into the  
18 microphone.  
19 PROSPECTIVE JUROR NO. 454: Yes.  
20 MR. GIORDANI: Okay. Do you believe that the  
21 American criminal justice system is a fair system?  
22 PROSPECTIVE JUROR NO. 454: Yes, I believe that.  
23 MR. GIORDANI: Okay. Do you think that if you sat  
24 if you were picked as one of the jurors that you could pay  
25 attention to all the evidence and if you can't understand

1 something you'd raise your hand and tell the Judge?

2 PROSPECTIVE JUROR NO. 454: Yes.

3 MR. GIORDANI: Okay. Do you think you've understood

4 the questions that I've asked just in the last like ten

5 minutes? Is that a "yes"? You have to answer out loud.

6 PROSPECTIVE JUROR NO. 454: Yes.

7 MR. GIORDANI: You've understood everything I've

8 asked?

9 PROSPECTIVE JUROR NO. 454: Sometimes.

10 MR. GIORDANI: Okay.

11 PROSPECTIVE JUROR NO. 454: Um-h'm.

12 MR. GIORDANI: That's okay. Are you fluent enough

13 that you can understand conversational English at work as a

14 housekeeper?

15 PROSPECTIVE JUROR NO. 454: Sometimes, I know -- I

16 know conversation with -- in English, only in the Spanish.

17 MR. GIORDANI: Okay. At work?

18 PROSPECTIVE JUROR NO. 454: Sometimes a few things

19 for the guest told me, I need this, this, that's it, in a few

20 words answer.

21 MR. GIORDANI: That's okay. Don't apologize. Do

22 you think that if you were picked as a juror you could be fair

23 to this side, to the State, and also to Mr. Matthews who is

24 accused, he's on trial?

25 Do you think you can be fair to both sides or are

1 you understanding my question?

2 PROSPECTIVE JUROR NO. 454: I'm not understand your

3 question. This is my problem.

4 MR. GIORDANI: All right.

5 PROSPECTIVE JUROR NO. 454: And I'm sorry.

6 PROSPECTIVE JUROR NO. 299: I can -- I can explain

7 to her in Spanish.

8 MR. GIORDANI: Oh, no, it's okay, ma'am.

9 PROSPECTIVE JUROR NO. 299: Okay.

10 THE COURT: No, no, we're good.

11 PROSPECTIVE JUROR NO. 299: All right.

12 MR. GIORDANI: Thank you. I appreciate it. Can

13 we --

14 PROSPECTIVE JUROR NO. 454: Yeah, I'm sorry.

15 MR. GIORDANI: It's okay.

16 THE COURT: Sure. You can approach.

17 (Bench conference)

18 MR. GIORDANI: That wasn't going anywhere.

19 MS. LEXIS: Yeah.

20 THE COURT: I'm going to excuse Ms. Alvarez for

21 cause and I'm going to put Harold Patterson in. He's No. 31.

22 MR. GIORDANI: Do you remember --

23 MR. TANSANI: 31, you said?

24 MR. GIORDANI: -- the first -- the first trial I did

25 in front of you I suggested that we have an interpreter sit



1 with the juror and you almost ripped my head off?

2 THE COURT: We had an interpreter, they've got to be  
3 able to understand.

4 MR. TANSANI: You said 31, Your Honor?

5 THE COURT: Yeah, she's 31.

6 MR. TANSANI: Okay, thank you.

7 THE COURT: She's 31.

8 MR. TANSANI: Got it. Thank you.

9 THE COURT: Thank you.

10 MR. GIORDANI: Thank you.

11 MS. LEXIS: Thank you.

12 (End of bench conference)

13 THE COURT: Okay. Ms. Alvarez, I'm just going to  
14 ask you to step out of Seat 31. You can -- you can sit back  
15 where you were before. Harold Patterson, you're going to  
16 become Juror No. 31. You can just trade seats if you want.

17 Is the microphone there, Mr. Patterson?

18 PROSPECTIVE JUROR NO. 458: It is not.

19 THE COURT: Okay. Can you tell me how long you've  
20 lived in Clark County?

21 PROSPECTIVE JUROR NO. 458: Since 2004.

22 THE COURT: Okay. Your education background?

23 PROSPECTIVE JUROR NO. 458: High school.

24 THE COURT: Can you tell me what you do for a  
25 living?

1           PROSPECTIVE JUROR NO. 458: Senior Engineer for  
2 Windstream Communications.

3           THE COURT: Okay. Your marital status?

4           PROSPECTIVE JUROR NO. 458: Married.

5           THE COURT: Is your spouse employed?

6           PROSPECTIVE JUROR NO. 458: No.

7           THE COURT: Do you have children?

8           PROSPECTIVE JUROR NO. 458: No.

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

10          PROSPECTIVE JUROR NO. 458: No.

11          THE COURT: Have you or anyone close to you such as  
12 a family member or friend ever been the victim of a crime?

13          PROSPECTIVE JUROR NO. 458: No.

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

16          PROSPECTIVE JUROR NO. 458: I have two DUI's in  
17 1989.

18          THE COURT: Okay. Were they -- so they were in  
19 another jurisdiction?

20          PROSPECTIVE JUROR NO. 458: Yeah, Ohio.

21          THE COURT: They were in Ohio? And were they  
22 misdemeanors?

23          PROSPECTIVE JUROR NO. 458: Yes.

24          THE COURT: Okay. Do you think you were treated  
25 fairly during those proceedings?

1 PROSPECTIVE JUROR NO. 458: Absolutely.

2 THE COURT: Okay. Anything about that that would  
3 interfere with your ability to be fair and impartial in this  
4 case?

5 PROSPECTIVE JUROR NO. 458: Absolutely not.

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. 458: No.

9 THE COURT: And you've heard us discuss that if this  
10 went to a penalty phase the jury would determine the penalty;  
11 you heard us discussing that?

12 PROSPECTIVE JUROR NO. 458: I have.

13 THE COURT: And you heard what the three forms of  
14 punishment that the jury would be able to consider?

15 PROSPECTIVE JUROR NO. 458: Absolutely.

16 THE COURT: Okay. Are you a juror that could  
17 consider all three forms of punishment?

18 PROSPECTIVE JUROR NO. 458: Absolutely.

19 THE COURT: Okay, sir. Thank you very much.

20 Mr. Giordani -- Mr. Giordani is probably going to  
21 want to ask you a couple more questions.

22 MR. GIORDANI: Just a couple. That's a lot of  
23 absolutely's so I've got to follow-up on that; okay?

24 PROSPECTIVE JUROR NO. 458: Perfect.

25 MR. GIORDANI: So with regard to considering the

1 three penalties you've heard the back and forth now and it's  
2 been explained pretty throughly. You think no issue there?  
3 You don't know the facts yet, right?

4 PROSPECTIVE JUROR NO. 458: No issue whatsoever.

5 MR. GIORDANI: Okay. And you think all those could  
6 be potentially appropriate for a first degree murder case?

7 PROSPECTIVE JUROR NO. 458: Absolutely.

8 MR. GIORDANI: Okay. Yesterday, I talked a lot  
9 about the system with your fellow jurors. And do you get the  
10 gist of what we're trying to get at with those questions, sir?

11 PROSPECTIVE JUROR NO. 458: The truth, yes.

12 MR. GIORDANI: Okay. And fairness, and  
13 understanding that we should start on the level playing field,  
14 is that -- is that your mindset that we as the parties should  
15 start on a level playing field?

16 PROSPECTIVE JUROR NO. 458: Yes.

17 MR. GIORDANI: With that said, do you understand,  
18 Mr. Matthews, just like you and everybody else in this room,  
19 he's -- he has the presumption of innocence. Until we prove  
20 our case he's presumed innocent; do you get that?

21 PROSPECTIVE JUROR NO. 458: Absolutely.

22 MR. GIORDANI: Are you okay with that?

23 PROSPECTIVE JUROR NO. 458: I'm perfectly okay with  
24 that.

25 MR. GIORDANI: All right. And you're okay with this

1 idea that the State has the burden of proof in the criminal  
2 case?

3 PROSPECTIVE JUROR NO. 458: Absolutely.

4 MR. GIORDANI: Okay. Is there anything that you're  
5 not so firm in your beliefs about that we should know?

6 PROSPECTIVE JUROR NO. 458: None.

7 MR. GIORDANI: Okay. All right. Thank you, sir.  
8 I'll pass, Your Honor.

9 THE COURT: Okay.

10 MR. GIORDANI: And I will pass the panel, actually,  
11 for cause.

12 THE COURT: Okay. You'll pass the panel --

13 MR. GIORDANI: Right.

14 THE COURT: -- for cause?

15 MR. GIORDANI: Um-h'm.

16 THE COURT: Yes?

17 MR. GIORDANI: Yes, Your Honor.

18 THE COURT: Okay. Mr. -- it's the defense's panel.

19 MR. LEVENTHAL: Thank you, Your Honor.

20 THE COURT: And Mr. Leventhal, you're going to go  
21 first?

22 MR. LEVENTHAL: Yes, Judge. Thank you.

23 THE COURT: Okay.

24 MR. LEVENTHAL: Good afternoon -- I mean, good  
25 morning, everybody. I think it's like noon now. How are you?

1 UNIDENTIFIED PROSPECTIVE JUROR: Good morning.

2 MR. LEVENTHAL: Good morning.

3 So again my name is Todd Leventhal and I represent  
4 Jemar Matthews. As you know, he's standing trial here. And  
5 with Mr. Tanasi, we plan on showing you what our belief of  
6 this case is going to be about. But before I get there, I  
7 want to let you know that this is obviously voir dire, okay?

8 And voir dire is to tell the truth and we get to  
9 know who each and every one of you are.

10 Mr. Giordani yesterday and this morning thoroughly  
11 went through with each one of you quite a bit. And so I was  
12 able to sit there and listen and I'll tell you that I have  
13 nothing but respect for these two attorneys. I think they  
14 represent the State with great integrity and they do a  
15 fabulous job.

16 With that, I'm going to be asking you some other  
17 questions just to get to know you. I may repeat myself, I may  
18 -- may -- he may have asked you yesterday -- I took a lot of  
19 notes. He may have asked you yesterday. But again, it's just  
20 for me to get to know every one of you; okay?

21 So I'm going to start, sort of, go in order. If we  
22 get the mic over to Mr. Koga.

23 PROSPECTIVE JUROR NO. 246: Good morning.

24 MR. LEVENTHAL: Good morning. Good morning, sir.  
25 How are you?

1 PROSPECTIVE JUROR NO. 246: Good.

2 MR. LEVENTHAL: Good. Mr. Koga, you -- you work at  
3 Tumi?

4 PROSPECTIVE JUROR NO. 246: Yes.

5 MR. LEVENTHAL: Is that the -- the handbag place  
6 where they --

7 PROSPECTIVE JUROR NO. 246: Yes.

8 MR. LEVENTHAL: -- sell the bags and the backpacks?  
9 Okay. Are you a manager or an associate there?

10 PROSPECTIVE JUROR NO. 246: Sales.

11 MR. LEVENTHAL: Sales? Okay. Do you ever -- do you  
12 ever sort of collaborate with your fellow sales associates,  
13 meaning, do you ever have a meeting, do you ever get together?

14 PROSPECTIVE JUROR NO. 246: Not a meeting, but we do  
15 team sell.

16 MR. LEVENTHAL: You do team sell. Okay. So does  
17 that mean like one or two of you are selling or is that a  
18 couple of you guys?

19 PROSPECTIVE JUROR NO. 246: It's -- it would be  
20 assisting in situations where the other person may need more  
21 information.

22 MR. LEVENTHAL: Okay. Now, how do you control it?  
23 Do you sort of control that -- that sales, are you a leader,  
24 or do you sort of follow along with what other people are  
25 doing? How do you -- how do you get involved in that?

1 PROSPECTIVE JUROR NO. 246: We're all pretty much on  
2 our own and we have, you know, for relationship that we know  
3 through non-verbal communication that, you know, if someone  
4 wants additional assistance. But for the most part, it's just  
5 a free flying environment.

6 MR. LEVENTHAL: Okay. And how long have you done  
7 that?

8 PROSPECTIVE JUROR NO. 246: Five years.

9 MR. LEVENTHAL: A lot of you were asked yesterday if  
10 you could be fair and impartial. And again, I'm going to  
11 maybe ask that same question, because you know, Mr. Giordani  
12 is correct, we all want a fair shake, okay? And they've got  
13 the burden, the State has the burden.

14 Is there anything in your background that you can  
15 think of that would favor one side or the other as you sit  
16 here today?

17 PROSPECTIVE JUROR NO. 246: No.

18 MR. LEVENTHAL: No? Okay. Great. Thank you so  
19 much for your time.

20 If you can pass the mic over to Mr. Snyder.

21 PROSPECTIVE JUROR NO. 257: Snyder.

22 MR. LEVENTHAL: Mr. Snyder, how are you today?

23 PROSPECTIVE JUROR NO. 257: Good. Thank you.

24 MR. LEVENTHAL: Good. Do you got any good lawyer  
25 jokes?



1 PROSPECTIVE JUROR NO. 257: Not that I can say in  
2 court.

3 MR. LEVENTHAL: No? You are a real estate  
4 supervisor --

5 PROSPECTIVE JUROR NO. 257: Yes.

6 MR. LEVENTHAL: -- for the City of --

7 PROSPECTIVE JUROR NO. 257: Las Vegas.

8 MR. LEVENTHAL: -- Las Vegas, correct? Yeah.

9 Tell me about it. Do you -- do you also -- do you  
10 put together any kind of meetings? Do you do anything like  
11 that where you guys have to corroborate, get together, decide  
12 an issue?

13 PROSPECTIVE JUROR NO. 257: Yes, all the time.

14 MR. LEVENTHAL: And -- and when you do that you're a  
15 supervisor so are you sort of the leader of that?

16 PROSPECTIVE JUROR NO. 257: Most of the time.

17 MR. LEVENTHAL: Most of the time? And how -- what's  
18 your -- what's your style of leadership; is it your way or do  
19 you sort of listen --

20 PROSPECTIVE JUROR NO. 257: Listen.

21 MR. LEVENTHAL: -- to everybody?

22 PROSPECTIVE JUROR NO. 257: I listen.

23 MR. LEVENTHAL: Listen to what other people have to  
24 say?

25 PROSPECTIVE JUROR NO. 257: Yeah. There's certain

1 rules just like in the court that we have to follow.

2 MR. LEVENTHAL: Okay. Do you find that you can

3 change your mind easily or can you, if you're dead set on

4 something; tell me about how that process would go for you if

5 you -- if somebody could change your --

6 PROSPECTIVE JUROR NO. 257: Try to be open.

7 MR. LEVENTHAL: You try to be open?

8 PROSPECTIVE JUROR NO. 257: Yeah. In --

9 MR. LEVENTHAL: Okay.

10 PROSPECTIVE JUROR NO. 257: -- whatever the facts

11 are we can make a decision.

12 MR. LEVENTHAL: But ultimately it's your decision?

13 PROSPECTIVE JUROR NO. 257: Um --

14 MR. LEVENTHAL: As the supervisor?

15 PROSPECTIVE JUROR NO. 257: Yes.

16 MR. LEVENTHAL: Okay. And you listen to other

17 people during that decision but ultimately it's your decision,

18 right?

19 PROSPECTIVE JUROR NO. 257: Yes.

20 MR. LEVENTHAL: And you are a leader in that group

21 then?

22 PROSPECTIVE JUROR NO. 257: Yes.

23 MR. LEVENTHAL: Okay. You have two children, you

24 indicated?

25 PROSPECTIVE JUROR NO. 257: Yes.

1 MR. LEVENTHAL: Okay. And then one stepson;  
2 correct?  
3 PROSPECTIVE JUROR NO. 257: Yes.  
4 MR. LEVENTHAL: Okay. Again, is there anything in  
5 your background that you can think of that would sort of favor  
6 one side or the other?  
7 PROSPECTIVE JUROR NO. 257: Uh, no.  
8 MR. LEVENTHAL: No?  
9 PROSPECTIVE JUROR NO. 257: No.  
10 MR. LEVENTHAL: Do you watch TV?  
11 PROSPECTIVE JUROR NO. 257: Rarely.  
12 MR. LEVENTHAL: Rarely? Okay. So you don't watch  
13 crime shows or anything like that?  
14 PROSPECTIVE JUROR NO. 257: I have in the past, but.  
15 MR. LEVENTHAL: Okay. What do you like?  
16 PROSPECTIVE JUROR NO. 257: I couldn't tell you now.  
17 I haven't watched anything like that for 6, 7 years.  
18 MR. LEVENTHAL: Okay. Very good. Thank you for  
19 your time. I appreciate. If you can pass the --  
20 PROSPECTIVE JUROR NO. 257: Thank you.  
21 MR. LEVENTHAL: -- mic over.  
22 Come on, give me your best lawyer joke.  
23 PROSPECTIVE JUROR NO. 266: I don't have any.  
24 MR. LEVENTHAL: Ms. Ohlsen, you don't have any?  
25 PROSPECTIVE JUROR NO. 266: No.

1           MR. LEVENTHAL: No? Okay. Why do you want to be  
2 here? Why do you want to be on the jury?

3           PROSPECTIVE JUROR NO. 266: Um --

4           MR. LEVENTHAL: Okay. Let me -- you know what, let  
5 me back up. I sort of asked the wrong question. Let me back  
6 up. Do you want to be on the jury?

7           PROSPECTIVE JUROR NO. 266: Yes and no.

8           MR. LEVENTHAL: Yes, and no. Okay.

9           PROSPECTIVE JUROR NO. 266: No, because I have work  
10 and I'm a store manager. There is a lot going on in my  
11 location and I'm here which they're taking care of it but  
12 yes --

13          MR. LEVENTHAL: Okay.

14          PROSPECTIVE JUROR NO. 266: -- because I've never  
15 done it.

16          MR. LEVENTHAL: Okay. Fair enough. Do you find  
17 this is part of like, you know, you being a citizen or is this  
18 something that you're actually interested in?

19          PROSPECTIVE JUROR NO. 266: I think it's my civil  
20 duty, you know.

21          MR. LEVENTHAL: Describe to me what happened when  
22 you first saw that jury summons; what happened to you, what  
23 did your sort of gut -- did you start going through excuses on  
24 how I'm going to get out of it?

25          PROSPECTIVE JUROR NO. 266: No.

1 MR. LEVENTHAL: No?

2 PROSPECTIVE JUROR NO. 266: Because -- no, I did it

3 one other time. I was never selected --

4 MR. LEVENTHAL: Okay.

5 PROSPECTIVE JUROR NO. 266: -- but --

6 MR. LEVENTHAL: All right. You're a manager of

7 Walgreens?

8 PROSPECTIVE JUROR NO. 266: Yes.

9 MR. LEVENTHAL: And tell me what is your style for

10 running -- I know that you probably have meetings, right?

11 PROSPECTIVE JUROR NO. 266: Um-h'm.

12 MR. LEVENTHAL: What's your style as a manager; do

13 you have sales associates there that you meet with?

14 PROSPECTIVE JUROR NO. 266: Yes, we actually do

15 weekly meetings and we collaborate with all the employees and

16 get ideas from the employees now.

17 MR. LEVENTHAL: Okay. And then I'll ask you, how do

18 you decide on -- what's your -- what's your decision process?

19 I mean, is it your way or do you listen to other people's

20 views?

21 PROSPECTIVE JUROR NO. 266: No, we listen to other

22 people when we collaborate.

23 MR. LEVENTHAL: Okay. And then --

24 PROSPECTIVE JUROR NO. 266: And we try things, you

25 know, if it doesn't work we try something else.

1           MR. LEVENTHAL: And ultimately, is it your decision  
2 then how to move forward since you're the manager?

3           PROSPECTIVE JUROR NO. 266: It is my decision  
4 ultimately.

5           MR. LEVENTHAL: Okay.

6           PROSPECTIVE JUROR NO. 266: But I obviously let my  
7 employees speak and we try their things.

8           MR. LEVENTHAL: Okay. If you're in a disagreement  
9 with your employees, how do you -- how -- what's usually the  
10 outcome? Is it your way, or --

11          PROSPECTIVE JUROR NO. 266: No, we work it out  
12 and --

13          MR. LEVENTHAL: You work it out?

14          PROSPECTIVE JUROR NO. 266: -- come to a middle --

15          MR. LEVENTHAL: Okay.

16          PROSPECTIVE JUROR NO. 266: -- an agreement.

17          MR. LEVENTHAL: Okay. So you more or less kind of  
18 converge and then you'll take ideas from everybody?

19          PROSPECTIVE JUROR NO. 266: Yes.

20          MR. LEVENTHAL: Okay. Is there anything in your  
21 past that would -- you can think of -- and I know it's a  
22 really open-ended question -- that you can't give both sides  
23 fairness in this case, Mr. Matthews as well as the State. Is  
24 there anything in your past that you can think of? Are you  
25 pro-State, pro-defense?

1 PROSPECTIVE JUROR NO. 266: No, neither.  
2 MR. LEVENTHAL: Okay. Very good. Thank you so  
3 much.  
4 PROSPECTIVE JUROR NO. 266: Um-h'm.  
5 Mr. Simmons?  
6 PROSPECTIVE JUROR NO. 271: Yes.  
7 MR. LEVENTHAL: Juror No. 271, No. 4. How are you  
8 today?  
9 PROSPECTIVE JUROR NO. 271: I'm doing good.  
10 MR. LEVENTHAL: Excellent.  
11 PROSPECTIVE JUROR NO. 271: Thank you.  
12 MR. LEVENTHAL: You're a bartender?  
13 PROSPECTIVE JUROR NO. 271: I mostly serve at BJ's  
14 now.  
15 MR. LEVENTHAL: Oh, do you?  
16 PROSPECTIVE JUROR NO. 271: Yeah.  
17 MR. LEVENTHAL: Okay. And you also do closet  
18 installations?  
19 PROSPECTIVE JUROR NO. 271: Correct.  
20 MR. LEVENTHAL: Excellent. And I know you've got a  
21 great lawyer joke. I'm going to ask everybody so you might  
22 want to think about it.  
23 PROSPECTIVE JUROR NO. 271: I don't have one. I was  
24 trying to think. No.  
25 MR. LEVENTHAL: Really, you don't have one?

1 PROSPECTIVE JUROR NO. 271: Yeah.

2 MR. LEVENTHAL: Okay. When you -- so do you work  
3 pretty much on your own when you install closets?

4 PROSPECTIVE JUROR NO. 271: No, I work with one  
5 other person every day.

6 MR. LEVENTHAL: Okay.

7 PROSPECTIVE JUROR NO. 271: The same person.

8 MR. LEVENTHAL: And that's basically your job is to  
9 do that, but then bartender at night, is that what it is?

10 PROSPECTIVE JUROR NO. 271: Correct.

11 MR. LEVENTHAL: Okay. And BJ's, that's like a local  
12 casino here?

13 PROSPECTIVE JUROR NO. 271: No, it's a restaurant  
14 brew house. They're all across America now.

15 MR. LEVENTHAL: Okay.

16 PROSPECTIVE JUROR NO. 271: The U.S.

17 MR. LEVENTHAL: I don't -- I know that this was  
18 brought up a little bit but your -- the conviction that you  
19 got with the marijuana that was -- what year was that?

20 PROSPECTIVE JUROR NO. 271: 2011.

21 MR. LEVENTHAL: 2011? Okay. And it was the  
22 possession as well?

23 PROSPECTIVE JUROR NO. 271: Correct.

24 MR. LEVENTHAL: And that was here in Clark County,  
25 right?



1 PROSPECTIVE JUROR NO. 271: No, it was in --  
2 MR. LEVENTHAL: No.  
3 PROSPECTIVE JUROR NO. 271: -- Maricopa County,  
4 Arizona.  
5 MR. LEVENTHAL: Maricopa, okay. I can't imagine you  
6 being charged with that here. It's legal, isn't it?  
7 PROSPECTIVE JUROR NO. 271: Yep.  
8 MR. LEVENTHAL: I think so. All right.  
9 Do you ever get involved with meetings, like do you  
10 have meetings? Do you collaborate? Do you ever get involved  
11 with meetings with other people about certain things?  
12 PROSPECTIVE JUROR NO. 271: Not necessarily. I  
13 mean, we have like -- when we get to BJ's at the beginning of  
14 the shift everybody talks, tells you what's going on with  
15 specials and stuff but it's not really a meeting. It's just  
16 the manager telling you what's going on.  
17 MR. LEVENTHAL: Okay.  
18 PROSPECTIVE JUROR NO. 271: And then we have safety  
19 meetings at the closet company like every quarter that we have  
20 to do.  
21 MR. LEVENTHAL: If -- I want you for a minute to  
22 think about this. If you were sitting where Mr. Matthews is  
23 sitting right now would you want yourself on that jury?  
24 PROSPECTIVE JUROR NO. 271: Yeah.  
25 MR. LEVENTHAL: Why?

1 PROSPECTIVE JUROR NO. 271: I think I can be fair.  
2 Absolutely. I'd be fair to everybody.  
3 MR. LEVENTHAL: You'd be fair to everybody?  
4 PROSPECTIVE JUROR NO. 271: I'm very open-minded.  
5 MR. LEVENTHAL: Okay. Excellent. Thank you very  
6 much. I appreciate your time.  
7 Mr. Dimate?  
8 PROSPECTIVE JUROR NO. 284: Yes.  
9 MR. LEVENTHAL: How are you today?  
10 PROSPECTIVE JUROR NO. 284: Good. And you?  
11 MR. LEVENTHAL: Excellent. Are you ready?  
12 PROSPECTIVE JUROR NO. 284: Yep.  
13 MR. LEVENTHAL: Give it to me.  
14 PROSPECTIVE JUROR NO. 284: Oh, wait. Oh, no, not  
15 with the lawyer joke. Maybe out in the hallway --  
16 MR. LEVENTHAL: Oh, really?  
17 PROSPECTIVE JUROR NO. 284: -- when we --  
18 MR. LEVENTHAL: That bad? I know you all got one.  
19 Come on now, I mean.  
20 PROSPECTIVE JUROR NO. 284: I work at a law firm.  
21 I've got a lot of them.  
22 MR. LEVENTHAL: I'm a disgrace to my family so don't  
23 worry about it. I'm good.  
24 You work at a law firm, that's true. You work  
25 around the sharks, right? Civil, huh?

1 PROSPECTIVE JUROR NO. 284: Um-h'm.

2 MR. LEVENTHAL: Okay. So when you're working, I

3 understand that you do office stuff is what you said. So what

4 does that mean --

5 PROSPECTIVE JUROR NO. 284: Yeah.

6 MR. LEVENTHAL: -- some filing, running, things of

7 that nature?

8 PROSPECTIVE JUROR NO. 284: Like I'll scan files,

9 I'll witness for executions on documents --

10 MR. LEVENTHAL: Okay.

11 PROSPECTIVE JUROR NO. 284: -- and stuff like that.

12 MR. LEVENTHAL: And that's a civil estate planning

13 firm?

14 PROSPECTIVE JUROR NO. 284: Yeah.

15 MR. LEVENTHAL: Okay. So they don't do any criminal

16 whatsoever, right?

17 PROSPECTIVE JUROR NO. 284: No.

18 MR. LEVENTHAL: Okay. If you were Mr. Matthews,

19 would you want yourself as a juror?

20 PROSPECTIVE JUROR NO. 284: Yeah.

21 MR. LEVENTHAL: Why is that?

22 PROSPECTIVE JUROR NO. 284: Because I'm fair. I'm

23 not -- I'm open-minded. I don't lean towards one side. When

24 I'm presented the facts I'll make my decision based on the

25 facts.

1           MR. LEVENTHAL: If -- if an officer walks in here  
2 with his shiny badge and sits down would you give him a little  
3 bit more credibility than say a lay person or somebody who  
4 doesn't have a badge and a gun?

5           PROSPECTIVE JUROR NO. 284: No.

6           MR. LEVENTHAL: No?

7           PROSPECTIVE JUROR NO. 284: No.

8           MR. LEVENTHAL: And why is that?

9           PROSPECTIVE JUROR NO. 284: He's a person just like  
10 I am.

11          MR. LEVENTHAL: Okay. Have you ever been accused of  
12 something you didn't do?

13          PROSPECTIVE JUROR NO. 284: Nope.

14          MR. LEVENTHAL: No? Have you ever accused somebody  
15 of something that you found out later that they didn't do?

16          PROSPECTIVE JUROR NO. 284: Well, like small stuff.

17          MR. LEVENTHAL: Like small stuff?

18          PROSPECTIVE JUROR NO. 284: Yeah.

19          MR. LEVENTHAL: How did you deal with it, do you  
20 remember?

21          PROSPECTIVE JUROR NO. 284: Just asked.

22          MR. LEVENTHAL: What's that?

23          PROSPECTIVE JUROR NO. 284: I just asked.

24          MR. LEVENTHAL: You just asked them?

25          PROSPECTIVE JUROR NO. 284: Yeah, I just --

1 MR. LEVENTHAL: Okay.

2 PROSPECTIVE JUROR NO. 284: -- straight up, like hey

3 did you take --

4 MR. LEVENTHAL: All right.

5 PROSPECTIVE JUROR NO. 284: -- my charger.

6 MR. LEVENTHAL: All right.

7 PROSPECTIVE JUROR NO. 284: Oh, wait, let me check.

8 Oh man, I took your charger, yeah.

9 MR. LEVENTHAL: Is there any reason why you -- do

10 you want to be here?

11 PROSPECTIVE JUROR NO. 284: Wrong question,

12 honestly.

13 MR. LEVENTHAL: What's that?

14 PROSPECTIVE JUROR NO. 284: The wrong question.

15 MR. LEVENTHAL: The wrong question?

16 PROSPECTIVE JUROR NO. 284: Yeah.

17 MR. LEVENTHAL: Well, the last time I said why do

18 you want -- I mean, I asked, you know, do you want to be here.

19 So the wrong question. Let me see if I can get to the right

20 question.

21 PROSPECTIVE JUROR NO. 284: All right.

22 MR. LEVENTHAL: When you got your summons for jury

23 duty --

24 PROSPECTIVE JUROR NO. 284: Um-h'm.

25 MR. LEVENTHAL: -- did you open the book of excuses

1 and try to figure out one?

2 PROSPECTIVE JUROR NO. 284: No.

3 MR. LEVENTHAL: No.

4 PROSPECTIVE JUROR NO. 284: No, not like that. No.

5 MR. LEVENTHAL: Okay. It's not that bad?

6 PROSPECTIVE JUROR NO. 284: I wasn't trying to find  
7 an excuse.

8 MR. LEVENTHAL: Okay.

9 PROSPECTIVE JUROR NO. 284: If there was an excuse  
10 at hand, I would try to use it though.

11 MR. LEVENTHAL: You would try to use it?

12 PROSPECTIVE JUROR NO. 284: Yeah.

13 MR. LEVENTHAL: Okay. Well, she's tough. She'd get  
14 to you.

15 PROSPECTIVE JUROR NO. 284: Oh, yeah.

16 MR. LEVENTHAL: So wrong question. So you do want  
17 to be or you don't want to be here?

18 PROSPECTIVE JUROR NO. 284: Well, I mean, honestly,  
19 I'm buying a house soon in the next two weeks I should have it  
20 closed and everything so you know work and all that kind of  
21 stuff I need money and --

22 MR. LEVENTHAL: Right.

23 PROSPECTIVE JUROR NO. 284: -- you know, I don't  
24 have that much money but I do want to settle my living  
25 situation but --

1 MR. LEVENTHAL: Well --  
2 PROSPECTIVE JUROR NO. 284: -- it is my first time,  
3 too, so --  
4 MR. LEVENTHAL: Right.  
5 PROSPECTIVE JUROR NO. 284: -- that's why I kind of  
6 want to be here, at the same time.  
7 MR. LEVENTHAL: Okay. And so everybody goes through  
8 life and then we're asked -- sometimes we're asked to be  
9 sitting on a jury. Is it something that you're going to be  
10 sort of nodding off or thinking about while witnesses are  
11 testifying or --  
12 PROSPECTIVE JUROR NO. 284: Oh, no.  
13 MR. LEVENTHAL: -- are you going to be able to  
14 concentrate and focus and --  
15 PROSPECTIVE JUROR NO. 284: I'm here --  
16 MR. LEVENTHAL: -- you'd be all right?  
17 PROSPECTIVE JUROR NO. 284: I'm here to do my duty.  
18 MR. LEVENTHAL: Excellent. Excellent. Thank you  
19 very much for your time. If you can pass it.  
20 Ms. Galindo?  
21 PROSPECTIVE JUROR NO. 299: Yes.  
22 MR. LEVENTHAL: How are you today?  
23 PROSPECTIVE JUROR NO. 299: Good. How are you?  
24 MR. LEVENTHAL: Have you got a joke?  
25 PROSPECTIVE JUROR NO. 299: No.

1           MR. LEVENTHAL: Okay. I've got to tell you, I had  
2 50 jokes last trial. It hurt. It really did.

3           You indicated that you knew a couple of the officers  
4 or detectives that are coming in.

5           PROSPECTIVE JUROR NO. 299: Yes, that's correct.

6           MR. LEVENTHAL: And I think one of them was Rocky  
7 and one of them was O'Reilly [phonetic]?

8           PROSPECTIVE JUROR NO. 299: Yes.

9           MR. LEVENTHAL: Yes. How do you know them?

10          PROSPECTIVE JUROR NO. 299: I'm sorry, Rocky Alby,  
11 he was a customer at an automotive shop that I worked at. He  
12 used to bring in vehicles from when he worked at City Hall.

13          MR. LEVENTHAL: Okay. And O'Reilly?

14          PROSPECTIVE JUROR NO. 299: I know him through ACN,  
15 like a company, that he became an entrepreneur with and he  
16 retired from Metro but then I guess he went back, because I am  
17 no longer in that company.

18          MR. LEVENTHAL: Okay. Are you still in  
19 communications with either of those two detectives?

20          PROSPECTIVE JUROR NO. 299: No.

21          MR. LEVENTHAL: No?

22          PROSPECTIVE JUROR NO. 299: No.

23          MR. LEVENTHAL: And how would you -- how would you  
24 describe your relationship -- let's start with O'Reilly. How  
25 would you describe your relationship with him, was it --



1 PROSPECTIVE JUROR NO. 299: I never really --  
2 MR. LEVENTHAL: -- just in passing?  
3 PROSPECTIVE JUROR NO. 299: -- had a real  
4 relationship with him, I just knew him through the company.  
5 MR. LEVENTHAL: Okay. If he were to walk in here  
6 today would he -- and saw you, would he wave and say "hello"?  
7 PROSPECTIVE JUROR NO. 299: Probably not, because he  
8 hasn't seen me in years.  
9 MR. LEVENTHAL: Okay. Fair enough. And how about  
10 Rocky, same question.  
11 PROSPECTIVE JUROR NO. 299: Same thing.  
12 MR. LEVENTHAL: Same exact thing? If he walked in  
13 here today --  
14 PROSPECTIVE JUROR NO. 299: He probably wouldn't  
15 remember me.  
16 MR. LEVENTHAL: -- he wouldn't remember you either?  
17 Okay, fair enough.  
18 All right. You own a landscape maintenance company?  
19 PROSPECTIVE JUROR NO. 299: Yes, I do.  
20 MR. LEVENTHAL: All right. And do you have people  
21 that work for you?  
22 PROSPECTIVE JUROR NO. 299: My husband is my primary  
23 worker, and then he has helpers as needed.  
24 MR. LEVENTHAL: Okay. Excellent.  
25 I'm going to ask you a question. Do you feel like

1 maybe different areas of Clark County, people who live in  
2 those areas are treated differently by police?

3 PROSPECTIVE JUROR NO. 299: I'm really not sure.

4 MR. LEVENTHAL: You're not sure? Okay.

5 If you were Mr. Matthews, sitting there, would you  
6 want yourself as a juror?

7 PROSPECTIVE JUROR NO. 299: Yes.

8 MR. LEVENTHAL: Why is that?

9 PROSPECTIVE JUROR NO. 299: Because I would be fair.

10 MR. LEVENTHAL: Okay. And what does "fair" mean to  
11 you?

12 PROSPECTIVE JUROR NO. 299: That you listen to all  
13 aspects of the case and then you judge it by everything you've  
14 seen.

15 MR. LEVENTHAL: Okay. So as you sit here today you  
16 understand that Mr. Matthews is obviously an innocent man,  
17 right? Just like every one of you, right?

18 PROSPECTIVE JUROR NO. 299: Yes.

19 MR. LEVENTHAL: Okay. And it's -- and you  
20 understand that I have to do nothing. I mean, I've got the  
21 easiest job in the world. I don't have to do a thing, right?

22 PROSPECTIVE JUROR NO. 299: Right.

23 MR. LEVENTHAL: Do you understand that?

24 PROSPECTIVE JUROR NO. 299: Yes, I do.

25 MR. LEVENTHAL: I don't have to say a word, I don't

1 have to present anything.

2 PROSPECTIVE JUROR NO. 299: Yes.

3 MR. LEVENTHAL: It's the State's burden to do that,  
4 right?

5 PROSPECTIVE JUROR NO. 299: Yes.

6 MR. LEVENTHAL: Okay. Thank you for your time. I  
7 appreciate it.

8 PROSPECTIVE JUROR NO. 299: Thank you.

9 MR. LEVENTHAL: If you could pass it over to Ms.  
10 Cardenas.

11 PROSPECTIVE JUROR NO. 308: Yes.

12 MR. LEVENTHAL: Cardenas. Immigration.

13 PROSPECTIVE JUROR NO. 308: Yes.

14 MR. LEVENTHAL: Yes. What -- what part of your -- I  
15 mean, look, you're an officer with immigration, correct?

16 PROSPECTIVE JUROR NO. 308: Yes.

17 MR. LEVENTHAL: Yeah. And how do you see -- how do  
18 you see people doing what you do; do you see people for who  
19 they are? I mean, do you -- you have to be somewhat  
20 judgmental or -- to understand who is maybe not legal or legal  
21 coming in or whether they're lying to you; correct?

22 PROSPECTIVE JUROR NO. 308: Yes.

23 MR. LEVENTHAL: Have you had training in that?

24 PROSPECTIVE JUROR NO. 308: Yes.

25 MR. LEVENTHAL: Okay. What kind of training have

1 you had?

2 PROSPECTIVE JUROR NO. 308: We -- well, on-the-job  
3 training, of course. And then they send us for five months of  
4 training at FLETC Law Enforcement Center in Georgia.

5 MR. LEVENTHAL: Okay. And what sort of courses do  
6 you take over there?

7 PROSPECTIVE JUROR NO. 308: We take anything based  
8 off of behavior. We study books of the law and then how to  
9 charge someone with the law. We do training to know what kind  
10 of force to use based on the situation, based on the person,  
11 based on the -- there has to be a crime, a threat and  
12 resistance level.

13 MR. LEVENTHAL: Okay. So you do a lot of judging  
14 of people --

15 PROSPECTIVE JUROR NO. 308: Yes.

16 MR. LEVENTHAL: -- right? And you then come to some  
17 formation in your mind on what this person is going to be or  
18 act like?

19 PROSPECTIVE JUROR NO. 308: Yes.

20 MR. LEVENTHAL: Okay. How have you not been able so  
21 far to judge this case, or have you?

22 PROSPECTIVE JUROR NO. 308: Because I don't have the  
23 facts. So, I'll examples from my work. When someone comes up  
24 to me, they're nervous, they're sweating. It's freezing in  
25 the airport and there's no reason why you should be dripping

1 sweat shaking at me.

2 So, I ask you questions. Then I'll ask you different  
3 questions. I'll ask you questions again. And when they trip  
4 up I'm like, hum, that's not what you said 10 seconds ago.  
5 Send you, see what you have.

6 MR. LEVENTHAL: Okay.

7 PROSPECTIVE JUROR NO. 308: Something on the border.  
8 There's someone who she just looks shady, the way she acts,  
9 the way she presents herself is different from every other  
10 person who crosses the border.

11 MR. LEVENTHAL: Okay.

12 PROSPECTIVE JUROR NO. 308: U.S. citizen though.  
13 But I can't prove it. If I can't prove it, there's nothing  
14 for me to do. It wasn't until my last day there is when I  
15 found her with drugs on her baby. That's the only time.

16 So I can't judge this case based off of what the  
17 openings statements are, or based off of the little snippets I  
18 hear. Yes, it's murder. But can they prove that he did it?  
19 Can they prove without reasonable doubt that he did it, was  
20 there -- and then based off of that, was there intention, was  
21 there -- what was an intended murder, to go off of the three  
22 things that we charge them with at the end -- may or may not  
23 charge them with.

24 So you can't just say he's guilty because he's  
25 innocent right now until they prove otherwise.

1           MR. LEVENTHAL: But when you first saw that person  
2 sweating, it gave you something, right?  
3           PROSPECTIVE JUROR NO. 308: Yes.  
4           MR. LEVENTHAL: An initial something's there, right?  
5           PROSPECTIVE JUROR NO. 308: Yes.  
6           MR. LEVENTHAL: Sort of that if there's smoke  
7 there's fire type of thing, right?  
8           PROSPECTIVE JUROR NO. 308: Yes.  
9           MR. LEVENTHAL: And later on you were able to  
10 confirm that, right?  
11          PROSPECTIVE JUROR NO. 308: Yes.  
12          MR. LEVENTHAL: Okay. But you were able to confirm  
13 that based upon your investigation, I guess, right?  
14          PROSPECTIVE JUROR NO. 308: Yes.  
15          MR. LEVENTHAL: Okay. So when you first --  
16 something gave you some kind of pause to stop this person, but  
17 then at the end, if you found this person not to be -- have  
18 you ever done that where you've really thought somebody did it  
19 and --  
20          PROSPECTIVE JUROR NO. 308: Well, this person --  
21          MR. LEVENTHAL: -- it turned out they didn't?  
22          PROSPECTIVE JUROR NO. 308: -- yeah, well, no this  
23 person was sent in from another officer. The officer said,  
24 check for drugs.  
25          MR. LEVENTHAL: Okay.

1           PROSPECTIVE JUROR NO. 308: And the person didn't  
2 look like they had drugs, and so I just questioned them  
3 further. And then I'm like, all right, let me see your --  
4 there's something with this picture. There's nothing in your  
5 bag, I know that. But there's still something wrong.

6           He had 20 credit cards, all with his face on it, 20  
7 ID's, all with his face. Different names and different  
8 genders for him. So there was something wrong with him, but.

9           MR. LEVENTHAL: Different genders, yeah, I --

10          PROSPECTIVE JUROR NO. 308: Yeah.

11          MR. LEVENTHAL: Boy, that was some investigation,  
12 right? Okay. Thank you very much for your time. I  
13 appreciate it.

14          Ms. Federico.

15          PROSPECTIVE JUROR NO. 311: Yes.

16          MR. LEVENTHAL: That's number --

17          PROSPECTIVE JUROR NO. 311: 311.

18          MR. LEVENTHAL: -- 311. How are you today?

19          PROSPECTIVE JUROR NO. 311: Good.

20          MR. LEVENTHAL: Good. You indicated that you  
21 thought our system here is fair.

22          PROSPECTIVE JUROR NO. 311: I think --

23          MR. LEVENTHAL: You wrote down "fair system".

24          PROSPECTIVE JUROR NO. 311: I think so.

25          MR. LEVENTHAL: Do you believe so?

1 PROSPECTIVE JUROR NO. 311: Yes.

2 MR. LEVENTHAL: And what makes it fair, in your  
3 mind?

4 PROSPECTIVE JUROR NO. 311: Well, because I think do  
5 your job, everybody --

6 THE COURT: I'm sorry, I can't hear you.

7 PROSPECTIVE JUROR NO. 311: Um, because you -- they  
8 do their job, you know? Like police, have to do his job.

9 MR. LEVENTHAL: Okay. And if a policeman does his  
10 job and comes in here and tells you that he did his job, do  
11 you believe him automatically?

12 PROSPECTIVE JUROR NO. 311: No.

13 MR. LEVENTHAL: Why not?

14 PROSPECTIVE JUROR NO. 311: Well, I -- I can hear --  
15 I can hear.

16 MR. LEVENTHAL: Okay. Police are people, too,  
17 right?

18 PROSPECTIVE JUROR NO. 311: Excuse me?

19 MR. LEVENTHAL: Police are people. They're humans,  
20 just like you and I --

21 PROSPECTIVE JUROR NO. 311: Yes, they -- they  
22 humans, yes.

23 MR. LEVENTHAL: -- right?

24 PROSPECTIVE JUROR NO. 311: Yeah. But --

25 MR. LEVENTHAL: They're fallible meaning they can



1 get --

2 PROSPECTIVE JUROR NO. 311: Right.

3 MR. LEVENTHAL: -- things wrong sometimes, right?

4 PROSPECTIVE JUROR NO. 311: Right. Right.

5 MR. LEVENTHAL: And you're open to that, correct?

6 PROSPECTIVE JUROR NO. 311: Correct.

7 MR. LEVENTHAL: Okay. You wouldn't just come in

8 here and say because a cop came and sat here that he says it,

9 it must be true, right?

10 PROSPECTIVE JUROR NO. 311: No.

11 MR. LEVENTHAL: No.

12 PROSPECTIVE JUROR NO. 311: We human also.

13 MR. LEVENTHAL: Right. Do you believe that police

14 treat people differently in different areas in Clark County?

15 PROSPECTIVE JUROR NO. 311: Yes.

16 MR. LEVENTHAL: Tell me about it. Elaborate on it.

17 PROSPECTIVE JUROR NO. 311: Oh, tell me -- give me

18 the question again.

19 MR. LEVENTHAL: Do you believe that police officers

20 treat people differently in different areas of Clark County?

21 PROSPECTIVE JUROR NO. 311: No.

22 MR. LEVENTHAL: No.

23 PROSPECTIVE JUROR NO. 311: No.

24 MR. LEVENTHAL: They treat everyone the same?

25 PROSPECTIVE JUROR NO. 311: Yes.

1 MR. LEVENTHAL: Okay. Do you believe that people  
2 would have -- some people would have fear of police?  
3 PROSPECTIVE JUROR NO. 311: If I believe?  
4 MR. LEVENTHAL: Do you understand the question?  
5 PROSPECTIVE JUROR NO. 311: No.  
6 MR. LEVENTHAL: Do you believe that somebody could  
7 have fear in the police, meaning, not want to come in contact  
8 with police officers?  
9 PROSPECTIVE JUROR NO. 311: No.  
10 MR. LEVENTHAL: No? You think they should always  
11 come in contact with officers?  
12 PROSPECTIVE JUROR NO. 311: I don't really  
13 understand that question.  
14 MR. LEVENTHAL: If you were sitting where my  
15 client's sitting, Mr. Jemar Matthews, would you want yourself  
16 as a juror?  
17 PROSPECTIVE JUROR NO. 311: Yes.  
18 MR. LEVENTHAL: Okay. And why is that?  
19 PROSPECTIVE JUROR NO. 311: I like to be fair.  
20 MR. LEVENTHAL: I appreciate it. Thank you very  
21 much.  
22 PROSPECTIVE JUROR NO. 311: You're welcome.  
23 MR. LEVENTHAL: If you can pass it over to Mr.  
24 Kangiser.  
25 PROSPECTIVE JUROR NO. 314: You got it.

1 MR. LEVENTHAL: I got something right today.  
2 PROSPECTIVE JUROR NO. 314: I don't have a joke by  
3 the way.  
4 MR. LEVENTHAL: You don't have a joke?  
5 PROSPECTIVE JUROR NO. 314: No.  
6 MR. LEVENTHAL: Really?  
7 PROSPECTIVE JUROR NO. 314: I would, but cell phones  
8 aren't allowed in the courtroom. I would look one up.  
9 MR. LEVENTHAL: All right. Santa Claus, the Tooth  
10 Fairy, a good lawyer and an old drunk are walking down the  
11 street. They see a hundred dollar bill. The old drunk picks  
12 it up. Why?  
13 PROSPECTIVE JUROR NO. 314: I don't know.  
14 MR. LEVENTHAL: The other three are fictitious  
15 characters. I got that a couple weeks ago.  
16 Tell me something; why do you want to be here?  
17 PROSPECTIVE JUROR NO. 314: Why do I want to be  
18 here. I was asking myself that last night. And I guess I am  
19 curious. I've -- I feel also it is a civic duty of mine, you  
20 know, and if I don't do it now, it's going to come up later.  
21 MR. LEVENTHAL: Okay. You've never served on a  
22 jury, correct?  
23 PROSPECTIVE JUROR NO. 314: No.  
24 MR. LEVENTHAL: Okay. And what do you think about  
25 the system that makes it fair?

1           PROSPECTIVE JUROR NO. 314: The fact that we are all  
2 entitled to defense, a jury, you know, judgment and  
3 everything. It's just there's checks and balances. There's -  
4 - there is -- it's not just one person passing judgment, it's  
5 a whole bunch of people.

6           So just having a second opinion in any situation  
7 would make the situation a bit more fair, I think.

8           MR. LEVENTHAL: Okay. That's fair enough.

9           Would you want to -- if you were sitting in Jemar's  
10 seat right now, Jemar Matthews, would you want yourself as a  
11 juror there?

12          PROSPECTIVE JUROR NO. 314: Yes.

13          MR. LEVENTHAL: And why is that?

14          PROSPECTIVE JUROR NO. 314: Just beyond the fact  
15 that I believe myself to be a fair person, I tend to look at  
16 things, you know, I will -- I would look at the evidence that  
17 is presented to me and, you know, not just listen to opinions  
18 but try to focus on what is clear fact.

19          MR. LEVENTHAL: Okay. Have you ever been in a group  
20 or a group type setting, collaborated with anybody on certain  
21 things?

22          PROSPECTIVE JUROR NO. 314: Beyond work, I mean,  
23 sure.

24          MR. LEVENTHAL: Okay. And do you consider yourself  
25 a leader, do you consider yourself as part of the group or one

1 of the followers? How do you see yourself in that group  
2 [inaudible]?

3 PROSPECTIVE JUROR NO. 314: If the opportunity  
4 presents itself, I tend to step up because I feel like if  
5 nobody else will, I will sure as heck try.

6 MR. LEVENTHAL: Okay. So you -- if you've got a  
7 view, you're going to make sure that that gets out there?

8 PROSPECTIVE JUROR NO. 314: Yes.

9 MR. LEVENTHAL: Okay. And how -- if someone else --  
10 are you open to other people trying to talk to you about that  
11 view if they're --

12 PROSPECTIVE JUROR NO. 314: Yes.

13 MR. LEVENTHAL: -- think different?

14 PROSPECTIVE JUROR NO. 314: I absolutely believe  
15 that if -- if you have something to say, you should say it.  
16 And just everybody should have their say in the matter of  
17 something.

18 MR. LEVENTHAL: Okay. So you're open to other  
19 people's views as well?

20 PROSPECTIVE JUROR NO. 314: Yes.

21 MR. LEVENTHAL: Okay.

22 PROSPECTIVE JUROR NO. 314: Yes.

23 MR. LEVENTHAL: Very good. Thank you very much.  
24 So, Ms. Suarez?

25 PROSPECTIVE JUROR NO. 330: Yes.

1 MR. LEVENTHAL: Good morning.  
2 PROSPECTIVE JUROR NO. 330: Good morning.  
3 MR. LEVENTHAL: How are you today?  
4 PROSPECTIVE JUROR NO. 330: Good. How are you?  
5 MR. LEVENTHAL: Excellent.  
6 You indicated that you were a victim of an armed  
7 robbery?  
8 PROSPECTIVE JUROR NO. 330: Yes.  
9 MR. LEVENTHAL: And you -- I believe you said you  
10 testified at a preliminary hearing?  
11 PROSPECTIVE JUROR NO. 330: Yes, I did.  
12 MR. LEVENTHAL: Okay. How long ago was that?  
13 PROSPECTIVE JUROR NO. 330: It's about to be two  
14 years.  
15 MR. LEVENTHAL: Two years ago?  
16 PROSPECTIVE JUROR NO. 330: Yes.  
17 MR. LEVENTHAL: Okay. And were you able to identify  
18 the person that did this to you?  
19 PROSPECTIVE JUROR NO. 330: The defendant did look  
20 familiar for some reason. I felt like I had seen him before.  
21 So I wasn't --  
22 MR. LEVENTHAL: You mean --  
23 PROSPECTIVE JUROR NO. 330: -- a hundred percent  
24 sure that it was him.  
25 MR. LEVENTHAL: I'm sorry. Before the actual

1 robbery or before the prelim?

2 PROSPECTIVE JUROR NO. 330: Before the prelim.

3 MR. LEVENTHAL: Before the prelim?

4 PROSPECTIVE JUROR NO. 330: Um-h'm.

5 MR. LEVENTHAL: So when -- after you were robbed  
6 were you able to give a description of the person that robbed  
7 you?

8 PROSPECTIVE JUROR NO. 330: Not really, because --  
9 it was two guys and I remember one of them was wearing a mask  
10 and I wasn't a hundred percent sure if the other one was as  
11 well. And the -- what's it called -- the surveillance videos  
12 there was one that wasn't wearing one. I just didn't  
13 recognize him. So I wasn't a hundred percent sure.

14 MR. LEVENTHAL: Interesting.

15 PROSPECTIVE JUROR NO. 330: Right.

16 MR. LEVENTHAL: So you weren't able to give your own  
17 description but there was a video surveillance that was --

18 PROSPECTIVE JUROR NO. 330: Yes.

19 MR. LEVENTHAL: -- there to document who it was?

20 PROSPECTIVE JUROR NO. 330: Right.

21 MR. LEVENTHAL: Okay.

22 PROSPECTIVE JUROR NO. 330: It just wasn't very  
23 clear.

24 MR. LEVENTHAL: Okay. When the police asked you to  
25 identify the person, did they give you what's called a

1 line-up?

2 PROSPECTIVE JUROR NO. 330: No.

3 MR. LEVENTHAL: No? You just told them you couldn't

4 identify them?

5 PROSPECTIVE JUROR NO. 330: Right.

6 MR. LEVENTHAL: You're an assistant manager at

7 Little Caesars?

8 PROSPECTIVE JUROR NO. 330: Yes.

9 MR. LEVENTHAL: And do you -- do you have meetings?

10 PROSPECTIVE JUROR NO. 330: Rarely.

11 MR. LEVENTHAL: Rarely? So do you do everything on

12 your own, I guess?

13 PROSPECTIVE JUROR NO. 330: Pretty much, yeah.

14 MR. LEVENTHAL: Okay. Why -- do you want to be here

15 today?

16 PROSPECTIVE JUROR NO. 330: I didn't when I got the

17 summons, I was like, oh my God, why me. And I still am not a

18 hundred percent here, like I'd rather be at work. But I am

19 interested in, I don't know, seeing how it will turn out, you

20 know, with how it develops and everything with all the

21 evidence.

22 MR. LEVENTHAL: Okay.

23 PROSPECTIVE JUROR NO. 330: Yeah.

24 MR. LEVENTHAL: So you can be fair to both sides?

25 PROSPECTIVE JUROR NO. 330: Yes.



1 MR. LEVENTHAL: And you could pay attention and  
2 listen to everything that's being said?  
3 PROSPECTIVE JUROR NO. 330: Yes.  
4 MR. LEVENTHAL: Thank you very much.  
5 PROSPECTIVE JUROR NO. 330: Um-h'm.  
6 MR. LEVENTHAL: Pass it --  
7 Ms. Berens?  
8 PROSPECTIVE JUROR NO. 333: Yes.  
9 MR. LEVENTHAL: Yes. You're a high school teacher?  
10 PROSPECTIVE JUROR NO. 333: Yes.  
11 MR. LEVENTHAL: And I believe you're also a music  
12 ed, right?  
13 PROSPECTIVE JUROR NO. 333: Yes.  
14 MR. LEVENTHAL: Why didn't you become an attorney?  
15 Apparently, you should have become an attorney, right? I  
16 don't know, that's what I heard.  
17 Tell me, what's your -- what's your knowledge of the  
18 criminal justice system? Do you have any basis or knowledge  
19 of it?  
20 PROSPECTIVE JUROR NO. 333: Just what we learned  
21 throughout schooling and throughout watching the news and  
22 things like that, yeah.  
23 MR. LEVENTHAL: Okay. Are there TV shows especially  
24 that you like to watch?  
25 PROSPECTIVE JUROR NO. 333: Not really.

1 MR. LEVENTHAL: No?

2 PROSPECTIVE JUROR NO. 333: I try not to watch very  
3 much TV. I don't really have time either, so.

4 MR. LEVENTHAL: Okay. As a teacher, you're sort of  
5 the leader of a classroom. What grade is it?

6 PROSPECTIVE JUROR NO. 333: High school.

7 MR. LEVENTHAL: High school?

8 PROSPECTIVE JUROR NO. 333: Yes.

9 MR. LEVENTHAL: Have you ever accused a student of  
10 doing something that they -- you later found out they didn't  
11 do?

12 PROSPECTIVE JUROR NO. 333: To be completely honest,  
13 yes.

14 MR. LEVENTHAL: You did?

15 PROSPECTIVE JUROR NO. 333: Yeah. New teachers, we  
16 learn things. Definitely.

17 MR. LEVENTHAL: Okay. What did you do about that?  
18 How did you handle that situation?

19 PROSPECTIVE JUROR NO. 333: Made it right.

20 MR. LEVENTHAL: Okay.

21 PROSPECTIVE JUROR NO. 333: Yeah.

22 MR. LEVENTHAL: You made it right?

23 PROSPECTIVE JUROR NO. 333: Yeah. I learned early  
24 on in my teaching that -- I teach what people might call "at  
25 risk" kids.

1 MR. LEVENTHAL: Okay.

2 PROSPECTIVE JUROR NO. 333: I realized early on that  
3 I needed to create an environment where my students felt open  
4 enough to express their values and their opinions and for me  
5 to listen to that.

6 And I think that that one instance that I'm thinking  
7 of in particular really helped me shape what my classroom  
8 looks like today in knowing that I did wrongly accuse a  
9 student based on what some other kid said and that I needed to  
10 kind of follow through with my own investigation and making  
11 that right as well.

12 I learned a lot about kind of how -- well, how kids  
13 a lot of times don't express their opinions or their values  
14 unless they're in a safe environment and so I try my hardest  
15 to be that teacher now that allows them to have an opinion  
16 about something, whether I agree or disagree.

17 MR. LEVENTHAL: Excellent. So you -- you want to be  
18 here?

19 PROSPECTIVE JUROR NO. 333: Yes.

20 MR. LEVENTHAL: And why would you make such a great  
21 juror; because of that, because of your listening skills and  
22 your fairness?

23 PROSPECTIVE JUROR NO. 333: I do think so. I'm a  
24 fair person. I'm an impartial person. You kind of have to be  
25 to be a teacher, because no matter what a kid comes walking

1 into your classroom like or looks like or talks like, you have  
2 to understand that all your students have a right to be  
3 successful and you need to figure out what it is that that  
4 student needs to be successful.

5           It's not fair to say, I'm not going to work with  
6 you, but just the rest of you. And I think that that kind of  
7 builds character, especially teaching high school. I want  
8 kids to leave with the ability to add something to society,  
9 not the opposite.

10           MR. LEVENTHAL: Absolutely. Excellent. Thank you  
11 so much for sharing that. I appreciate that.

12           PROSPECTIVE JUROR NO. 333: Uh-huh.

13           MR. LEVENTHAL: Could we get the mic down that row?  
14 Thank you.

15           And Ms. Lake?

16           PROSPECTIVE JUROR NO. 334: Aloha.

17           MR. LEVENTHAL: I don't know. Good afternoon.

18           Do you sort of feel like you've been picked on a  
19 little bit? A little bit?

20           PROSPECTIVE JUROR NO. 334: Yeah, it's scary.

21           MR. LEVENTHAL: It's scary, yeah.

22           PROSPECTIVE JUROR NO. 334: Yeah. My nerves. I  
23 have asthma so I have to maintain myself sitting here.

24           MR. LEVENTHAL: You live up in Boulder City?

25           PROSPECTIVE JUROR NO. 334: I live -- the last

1 stoplight going to Boulder City.

2 MR. LEVENTHAL: Okay. And how long have you lived  
3 up there?

4 PROSPECTIVE JUROR NO. 334: 12 years.

5 MR. LEVENTHAL: 12 years? Okay. Do you want to be  
6 here today, Ms. Lake?

7 PROSPECTIVE JUROR NO. 334: After going home last  
8 night, and thinking about it, and I didn't speak to my husband  
9 because he was laughing, yes, I want to be here.

10 MR. LEVENTHAL: Okay. Why?

11 PROSPECTIVE JUROR NO. 334: Because I want to make  
12 sure the system works for everybody the -- the ones who made a  
13 mistake and want to, you know, do something to make them right  
14 and just to be fair.

15 MR. LEVENTHAL: Okay. Interesting. As you sit  
16 here, is there anything in your background that would favor  
17 either the State or the defense, do you think?

18 PROSPECTIVE JUROR NO. 334: No.

19 MR. LEVENTHAL: No? I didn't get -- what do you do  
20 for a living?

21 PROSPECTIVE JUROR NO. 334: I stay home now.

22 MR. LEVENTHAL: You stay home?

23 PROSPECTIVE JUROR NO. 334: But I was -- I worked  
24 for Utopia for several years as an admin for -- how would I  
25 call them -- people that go into the state hospital for

1 whatever reason and then they come out. And we rehabilitate  
2 them, find them places to live, and do all that.

3 It was really stressful --

4 MR. LEVENTHAL: Yeah.

5 PROSPECTIVE JUROR NO. 334: -- so my husband made me  
6 quit.

7 MR. LEVENTHAL: Wow. So this should be nothing to  
8 you then, huh?

9 PROSPECTIVE JUROR NO. 334: Oh, yeah, this is  
10 nothing.

11 MR. LEVENTHAL: This is easy?

12 PROSPECTIVE JUROR NO. 334: Yeah, this is really --

13 MR. LEVENTHAL: You've just got to sit and listen.

14 PROSPECTIVE JUROR NO. 334: -- it is. It's easy.

15 MR. LEVENTHAL: Okay.

16 PROSPECTIVE JUROR NO. 334: Seriously, I have -- I  
17 used to have -- like I had a professor from Switzerland came  
18 here with a billion dollars within a year he had nothing. And  
19 he looked at me, he said, but I am somebody. I said, yes, you  
20 are. You know, but he felt that Las Vegas took all his money.  
21 I was like, okay. You know, everybody comes here to win money  
22 but you lost all your money.

23 MR. LEVENTHAL: Those casinos are built on --

24 PROSPECTIVE JUROR NO. 334: Yeah. Some people --

25 MR. LEVENTHAL: -- [inaudible], are they?

1 PROSPECTIVE JUROR NO. 334: -- are different.  
2 MR. LEVENTHAL: Yeah.  
3 PROSPECTIVE JUROR NO. 334: But because he thought  
4 he was a professor at a University in another country, we're  
5 basically the same.  
6 MR. LEVENTHAL: Yeah.  
7 PROSPECTIVE JUROR NO. 334: But if you take  
8 something that don't belong to you, then that's not cool.  
9 That's not right, you know?  
10 MR. LEVENTHAL: Absolutely.  
11 PROSPECTIVE JUROR NO. 334: But he -- he said we  
12 took something from him, so I'm okay. I put him in -- I put  
13 him in a senior home. I did. I did.  
14 MR. LEVENTHAL: Yeah.  
15 PROSPECTIVE JUROR NO. 334: You know, where he can  
16 live for free and try to rehabilitate himself. So I believe  
17 there is, you know, justice is good enough, that people will  
18 see whether or not they're wrong or right. They might learn  
19 something, you know --  
20 MR. LEVENTHAL: Excellent.  
21 PROSPECTIVE JUROR NO. 334: -- from you --  
22 MR. LEVENTHAL: Well, thank you.  
23 PROSPECTIVE JUROR NO. 334: -- or anybody else.  
24 MR. LEVENTHAL: Thank you very much. For sure.  
25 PROSPECTIVE JUROR NO. 334: And this is really

1 nervous. Is this the last time I'm going to get this?

2 MR. LEVENTHAL: I don't know. I can't -- I can't --

3 from me, yes. Maybe. I don't know. We'll see.

4 PROSPECTIVE JUROR NO. 334: I could say [inaudible]

5 but I do.

6 MR. LEVENTHAL: I'm all confused now. You're Mr.

7 Deleon?

8 PROSPECTIVE JUROR NO. 455: Yes.

9 MR. LEVENTHAL: How are you, Mr. Deleon?

10 PROSPECTIVE JUROR NO. 455: I'm good. How are you

11 doing?

12 PROSPECTIVE JUROR NO. 455: I -- with all the

13 changes, I had to sort of come all over the place.

14 What do you know about the criminal justice system?

15 What's your understanding of it?

16 PROSPECTIVE JUROR NO. 455: Obviously, there is

17 always the prosecution, there's a defense, and then there's a

18 jury and that's about it, just what you've seen on TV --

19 MR. LEVENTHAL: What TV shows --

20 PROSPECTIVE JUROR NO. 455: -- movies, TV shows.

21 MR. LEVENTHAL: -- what TV shows do you -- do you

22 like to watch?

23 PROSPECTIVE JUROR NO. 455: I'm not big on watching

24 TV shows, but I mean there's obviously the big ones on

25 Netflix, you know, Making a Murderer, there's the comedy about



1 the courtroom, Jane [phonetic] I think it was called.

2 MR. LEVENTHAL: [Inaudible] do you watch that one?

3 PROSPECTIVE JUROR NO. 455: No, I've never heard of  
4 it.

5 MR. LEVENTHAL: What would make you -- do you want  
6 to be here?

7 PROSPECTIVE JUROR NO. 455: At first, no. But still  
8 kind of no.

9 MR. LEVENTHAL: Still kind of no?

10 PROSPECTIVE JUROR NO. 455: Yeah, I mean, I've got  
11 work and stuff, but that's no excuse, I mean, it is what it  
12 is.

13 MR. LEVENTHAL: Well, it is because I guess my  
14 question is would it -- is it going to affect you know people  
15 have problems in life stresses and life and sometimes, you  
16 know, you daydream or -- is it going to -- do you think that  
17 that's going to affect the way you listen to the evidence as  
18 it comes -- comes in?

19 PROSPECTIVE JUROR NO. 455: I don't think so.  
20 Yesterday I was paying attention the whole time.

21 MR. LEVENTHAL: Excellent. Okay.

22 PROSPECTIVE JUROR NO. 455: It was a pretty long day  
23 but I was paying attention all the way through so --

24 MR. LEVENTHAL: Okay.

25 PROSPECTIVE JUROR NO. 455: -- I don't think so.

1 MR. LEVENTHAL: What's going to make you a good  
2 juror? Why it is -- why would Mr. Matthews and the State want  
3 you as a juror? I mean, everyone said fair. Is that -- I  
4 mean, is that --

5 PROSPECTIVE JUROR NO. 455: I mean, I'm going to  
6 listen. I'll pay attention. I won't let any kind of  
7 preconceived notions affect my judgment on -- based on what  
8 the facts are. Yeah, I'll listen.

9 MR. LEVENTHAL: Tell me, do you think that people  
10 are treated differently in different communities?

11 PROSPECTIVE JUROR NO. 455: Yeah.

12 MR. LEVENTHAL: Okay.

13 PROSPECTIVE JUROR NO. 455: Yeah. I grew up in  
14 North Las Vegas and I lived on the east side for a little  
15 while and I could say, yeah.

16 MR. LEVENTHAL: And could you understand why  
17 somebody would not want to engage with police officers?

18 PROSPECTIVE JUROR NO. 455: Absolutely.

19 MR. LEVENTHAL: Okay. Thank you very much.

20 PROSPECTIVE JUROR NO. 455: No problem.

21 MR. LEVENTHAL: Appreciate it.

22 All right. I'm getting there. How are you?

23 PROSPECTIVE JUROR NO. 342: Oh, I'm fine.

24 MR. LEVENTHAL: Hold on. Hold on.

25 I'm all over the place.

1 THE COURT: Ms. -- it's Ms. Sandefur.  
2 MR. LEVENTHAL: Sandefur, No. 14. 342.  
3 PROSPECTIVE JUROR NO. 342: Yes.  
4 MR. LEVENTHAL: Good afternoon. Good morning.  
5 PROSPECTIVE JUROR NO. 342: Good afternoon.  
6 MR. LEVENTHAL: I still don't know what time it is.  
7 PROSPECTIVE JUROR NO. 342: Me either.  
8 MR. LEVENTHAL: How are you today? I know we --  
9 this has been a long process.  
10 PROSPECTIVE JUROR NO. 342: Yes.  
11 MR. LEVENTHAL: You okay?  
12 PROSPECTIVE JUROR NO. 342: Yes.  
13 MR. LEVENTHAL: It hasn't even started yet.  
14 PROSPECTIVE JUROR NO. 342: Oh God.  
15 MR. LEVENTHAL: I wrote down, you indicated when you  
16 were asked about the system you said "pretty fair".  
17 PROSPECTIVE JUROR NO. 342: Yes.  
18 MR. LEVENTHAL: What do you mean by that?  
19 PROSPECTIVE JUROR NO. 342: I mean that I'm a little  
20 shaky about the system, you know, I just feel like there's --  
21 sometimes it's good sometimes it's bad some -- you know, it's  
22 -- it is what it is.  
23 MR. LEVENTHAL: It is what it is. But it's still  
24 the best, right?  
25 PROSPECTIVE JUROR NO. 342: Yes.

1 MR. LEVENTHAL: Okay. I mean, thank goodness that  
2 Mr. Matthews has Mr. Tanasi and I over there fighting for him,  
3 it's good that the State has their attorneys fighting for  
4 them. We have a Judge who's the referee that will give you  
5 the law and so that's what makes it fair; correct?

6 PROSPECTIVE JUROR NO. 342: Correct.

7 MR. LEVENTHAL: Okay. And you can keep an open  
8 mind, right?

9 PROSPECTIVE JUROR NO. 342: Correct.

10 MR. LEVENTHAL: Okay. And what experiences do you  
11 bring that -- into this that you -- that you think would make  
12 you a good juror?

13 PROSPECTIVE JUROR NO. 342: Well, I know I'll be  
14 fair. I'll be fair to all the information I receive.

15 MR. LEVENTHAL: Okay. Have you ever been in any  
16 type of meetings or have you ever corroborated with anybody?  
17 I know that you're in the medical --

18 PROSPECTIVE JUROR NO. 342: Yeah, medical  
19 transcriptionist.

20 MR. LEVENTHAL: Transcriptions. Do you --

21 PROSPECTIVE JUROR NO. 342: Oh, yes.

22 MR. LEVENTHAL: Okay.

23 PROSPECTIVE JUROR NO. 342: Um-h'm.

24 MR. LEVENTHAL: And during these meetings do you  
25 consider yourself a leader, or a follower, or sort of someone

1 just in between there.

2 PROSPECTIVE JUROR NO. 342: Sometimes -- I'm not a  
3 followers.

4 MR. LEVENTHAL: You're not a follower.

5 PROSPECTIVE JUROR NO. 342: But sometimes in the  
6 middle, sometimes --

7 MR. LEVENTHAL: Okay.

8 PROSPECTIVE JUROR NO. 342: -- a lead.

9 MR. LEVENTHAL: Are you open to other people's  
10 views?

11 PROSPECTIVE JUROR NO. 342: Oh, of course.

12 MR. LEVENTHAL: Okay. Was there ever a time that  
13 you can remember that somebody actually changed your mind on  
14 something?

15 PROSPECTIVE JUROR NO. 342: Oh, sure.

16 MR. LEVENTHAL: Lots of times?

17 PROSPECTIVE JUROR NO. 342: Well, I've been here a  
18 hundred years so I guess you could say some.

19 MR. LEVENTHAL: You and me both. If you were -- God  
20 forbid -- sitting in the seat where Mr. Jemar Matthews is  
21 sitting, would you want yourself as a juror?

22 PROSPECTIVE JUROR NO. 342: Yes.

23 MR. LEVENTHAL: Yes? I appreciate your time. Thank  
24 you.

25 Mr. Ashford.

1 PROSPECTIVE JUROR NO. 348: Good morning.  
2 MR. LEVENTHAL: Man, I have a lot notes for you.  
3 PROSPECTIVE JUROR NO. 348: Or afternoon. Okay.  
4 MR. LEVENTHAL: How are you?  
5 PROSPECTIVE JUROR NO. 348: I'm good.  
6 MR. LEVENTHAL: You have quite a family of both  
7 prosecutors, police officers, and I think I heard you say you  
8 might even have a defense attorney in there.  
9 PROSPECTIVE JUROR NO. 348: Yes.  
10 MR. LEVENTHAL: Poor guy. They're all in Chicago?  
11 PROSPECTIVE JUROR NO. 348: No. New Jersey.  
12 MR. LEVENTHAL: New Jersey?  
13 PROSPECTIVE JUROR NO. 348: Yes.  
14 MR. LEVENTHAL: Okay. When you were -- and I don't  
15 mean to keep bringing this up because I know that Mr. Giordani  
16 had asked you. But something struck me that you indicated  
17 that when this happened to your sister, and I know -- I don't  
18 want to bring it up but I have to.  
19 Your initial gut reaction was to say that I cannot  
20 -- and I wrote it down -- I cannot be fair and impartial.  
21 That was your initial reaction, right?  
22 PROSPECTIVE JUROR NO. 348: Yes.  
23 MR. LEVENTHAL: Okay. And then somewhere along the  
24 line you were asked again and you indicated that you, in fact,  
25 can be?

1 PROSPECTIVE JUROR NO. 348: Yes, I can.

2 MR. LEVENTHAL: Okay. What -- during that time what

3 changed? What do you believe changed during this emphatical,

4 "I cannot" to this "I can"?

5 PROSPECTIVE JUROR NO. 348: Well, I have -- I've had

6 12 years to think about what happened to my sister. And the

7 fact remains that nothing has changed. And I have to keep an

8 even mind about her as an individual, what happened, and move

9 beyond that. I can't dwell on the past. I have to be very

10 focused because in my previous job as a senior admissions

11 counselor, I was responsible for seven individuals where I had

12 to chair meetings with those individuals.

13 And I couldn't take one person's opinion over

14 someone else. I had to listen to everything that was being

15 said in the meeting and make a good and solid decision on what

16 was right versus what was wrong.

17 MR. LEVENTHAL: Okay. So you were a leader then?

18 PROSPECTIVE JUROR NO. 348: Yes.

19 MR. LEVENTHAL: And so ultimately the decision-

20 making process came down to you?

21 PROSPECTIVE JUROR NO. 348: Absolutely.

22 MR. LEVENTHAL: And were you -- was there ever a

23 time that you can remember during that process where maybe

24 someone was able to change your mind?

25 PROSPECTIVE JUROR NO. 348: Yes.

1 MR. LEVENTHAL: Okay. So you were open to other  
2 people's views?

3 PROSPECTIVE JUROR NO. 348: Absolutely.

4 MR. LEVENTHAL: But ultimately, you stuck to your  
5 ground and if that's what you wanted, it was ultimately your  
6 decision?

7 PROSPECTIVE JUROR NO. 348: It was my decision, but  
8 I looked at all the facts within that, because I didn't want  
9 to come back and be wrong, so I had to make sure that I  
10 covered or crossed all the "T's" and dotted all my "I's" to  
11 make sure that I was making a fair and good decision that was  
12 going to affect not just me but everybody involved.

13 MR. LEVENTHAL: Did you ever make a decision that  
14 you regretted?

15 PROSPECTIVE JUROR NO. 348: Not really, no.

16 MR. LEVENTHAL: No? I make one every day. Not  
17 really?

18 PROSPECTIVE JUROR NO. 348: No.

19 MR. LEVENTHAL: No? Okay. When you said you  
20 couldn't be fair and impartial what was going through your  
21 mind at that point; was it sort of -- fair and impartial, was  
22 it I can't sit in judgment of somebody or I -- or was it more  
23 like the cops haven't found who-done-it and so I can't trust  
24 them? I'm just trying to figure out what part of that, I  
25 cannot be fair and impartial.



1 PROSPECTIVE JUROR NO. 348: Well, I have had a  
2 number of family members that are deceased, have been shot.  
3 That was my older sister who was murdered. I have a sister  
4 that's directly under me who her boyfriend shot her in the  
5 knee that went to school with me.

6 Unfortunately, she would not testify against him,  
7 and to this day, she is crippled. And I had a cousin, my  
8 mother's oldest sister, oldest son, he was attacked in the  
9 hallway going up to the third floor. He was stabbed to death.  
10 And he crawled all the way to the third floor where he died.

11 And those things stuck in my mind for a number of  
12 years. And just recently, I had to let go of that, because  
13 there was nothing I could do. So I think that was the reason  
14 why I initially said what I did. But after thinking about  
15 that, I came to the realization that I can be a fair and  
16 impartial individual and make a good decision on someone.

17 MR. LEVENTHAL: Well, I appreciate you sharing that.  
18 Thank you very much.

19 PROSPECTIVE JUROR NO. 348: You're welcome.

20 MR. LEVENTHAL: Mr. Moore?

21 PROSPECTIVE JUROR NO. 354: Yes.

22 MR. LEVENTHAL: Very good. You have a brother  
23 that's in the -- is a correctional officer at Ely?

24 PROSPECTIVE JUROR NO. 354: Yes, sir.

25 MR. LEVENTHAL: Is he older or younger?

1 PROSPECTIVE JUROR NO. 354: Older.

2 MR. LEVENTHAL: Older? How often do you talk to

3 him?

4 PROSPECTIVE JUROR NO. 354: Probably once a month,

5 once every other month, or once or twice a month, I would say.

6 MR. LEVENTHAL: Does he know that you're on jury

7 duty?

8 PROSPECTIVE JUROR NO. 354: No.

9 MR. LEVENTHAL: He doesn't know anything about --

10 PROSPECTIVE JUROR NO. 354: No.

11 MR. LEVENTHAL: -- where you're at right now?

12 Is there anything about your brother being

13 correction officer that would cause you some bias one way or

14 another?

15 PROSPECTIVE JUROR NO. 354: Not at all.

16 MR. LEVENTHAL: Not at all?

17 PROSPECTIVE JUROR NO. 354: No.

18 MR. LEVENTHAL: Okay. Do you talk to him about what

19 he does up there in Ely?

20 PROSPECTIVE JUROR NO. 354: No.

21 MR. LEVENTHAL: I'm sorry?

22 PROSPECTIVE JUROR NO. 354: No? Okay.

23 And you're a casino manager?

24 PROSPECTIVE JUROR NO. 354: Yes, sir.

25 MR. LEVENTHAL: Where is that at?

1 PROSPECTIVE JUROR NO. 354: The Golden Nugget.  
2 MR. LEVENTHAL: Golden Nugget? Okay.  
3 As a manager, how do you conduct your meetings?  
4 PROSPECTIVE JUROR NO. 354: You know, we pre-shift  
5 everyday so, you know, I talk with everyone, let everyone know  
6 what's going on. When it comes to making a decision, I take a  
7 lot of input from my team and then I make the decision.  
8 MR. LEVENTHAL: Okay. So you -- you're sort of a  
9 leader?  
10 PROSPECTIVE JUROR NO. 354: Yes.  
11 MR. LEVENTHAL: And you take input. Are you -- are  
12 you -- do you think you're able to change your mind once other  
13 people's views come in or --  
14 PROSPECTIVE JUROR NO. 354: Absolutely.  
15 MR. LEVENTHAL: You are?  
16 PROSPECTIVE JUROR NO. 354: Yes.  
17 MR. LEVENTHAL: Okay. But ultimately, the -- sort  
18 of the buck stops with you, the decision is yours?  
19 PROSPECTIVE JUROR NO. 354: Yes.  
20 MR. LEVENTHAL: Right? And -- and -- and have you  
21 ever regretted a decision that you made in [inaudible]?  
22 PROSPECTIVE JUROR NO. 354: Absolutely. I've made  
23 mistakes, yes.  
24 MR. LEVENTHAL: You have? You've made mistakes.  
25 Okay. How did you correct those mistakes or what did you do?

1 PROSPECTIVE JUROR NO. 354: You make it right. I  
2 mean, if you short somebody something you give them, you know,  
3 the -- whatever you owe them back. You know, if my boss asks  
4 me a question, I give him an answer. And right or wrong, you  
5 know, that's how I go along with my life.

6 MR. LEVENTHAL: Excellent. Do you want to be here  
7 on this jury?

8 PROSPECTIVE JUROR NO. 354: It really doesn't matter  
9 to me. I mean, either here or working, you know, it's one  
10 thing or another, so --

11 MR. LEVENTHAL: Okay.

12 PROSPECTIVE JUROR NO. 354: -- you know, I'm very  
13 unbiased, so.

14 MR. LEVENTHAL: Okay. I appreciate your time.  
15 Thank you.

16 PROSPECTIVE JUROR NO. 354: Thank you.

17 MR. LEVENTHAL: Ms. Che?

18 PROSPECTIVE JUROR NO. 356: Hi.

19 MR. LEVENTHAL: Hi. How are you?

20 PROSPECTIVE JUROR NO. 356: How are you? Yeah.

21 MR. LEVENTHAL: Do you want to be on the jury?

22 PROSPECTIVE JUROR NO. 356: Huh?

23 MR. LEVENTHAL: Do you want to be on the jury?

24 PROSPECTIVE JUROR NO. 356: (Indecipherable).

25 MR. LEVENTHAL: I'm sorry, I can't hear you.

1 PROSPECTIVE JUROR NO. 356: (Indecipherable).  
2 MR. LEVENTHAL: A cell phone?  
3 PROSPECTIVE JUROR NO. 356: Yeah.  
4 MR. LEVENTHAL: You want a cell phone?  
5 PROSPECTIVE JUROR NO. 356: No, no, no, no.  
6 Before, you have a [indecipherable] send my home but I come  
7 here.  
8 MR. LEVENTHAL: I'm not understanding.  
9 THE COURT: I can't -- I can't even hear. Can you  
10 talk in the microphone because I can't even hear.  
11 PROSPECTIVE JUROR NO. 356: You have  
12 [indecipherable]. This is --  
13 UNIDENTIFIED SPEAKER: Summons.  
14 PROSPECTIVE JUROR NO. 356: Summon, yeah, yeah.  
15 UNIDENTIFIED SPEAKER: Mail.  
16 MR. LEVENTHAL: Oh.  
17 PROSPECTIVE JUROR NO. 356: Yeah, yeah, yeah.  
18 MR. LEVENTHAL: The summons?  
19 PROSPECTIVE JUROR NO. 356: Yeah, yeah, yeah.  
20 MR. LEVENTHAL: That you got in the mail?  
21 PROSPECTIVE JUROR NO. 356: Yeah.  
22 MR. LEVENTHAL: So my question was do you want to be  
23 a juror? I know you have to be here, but do you want to be  
24 here?  
25 PROSPECTIVE JUROR NO. 356: (Indecipherable) but I

1 don't.

2 MR. LEVENTHAL: Do you understand what I'm saying or  
3 are you having trouble understanding me?

4 PROSPECTIVE JUROR NO. 356: I don't -- but I must  
5 have here but I come from first but I come here.

6 MR. LEVENTHAL: Your Honor, may we -- do you want us  
7 to do this one at a time?

8 THE COURT: Sure.

9 MR. LEVENTHAL: Maybe we approach?

10 THE COURT: You may approach.

11 (Bench conference)

12 MR. LEVENTHAL: I think you know where I'm going.

13 THE COURT: Yeah.

14 MR. LEVENTHAL: Yikes.

15 THE COURT: Excuse.

16 MR. LEVENTHAL: Yeah a for cause.

17 THE COURT: Okay. Any objection?

18 MR. GIORDANI: Yep. No objection.

19 THE COURT: Okay. I'm going to replace her with  
20 Sandra Ganski. And then after that, we're going to break for  
21 lunch.

22 MR. LEVENTHAL: Okay. So Sandra Ganski becomes 17?

23 THE COURT: That is correct.

24 MR. GIORDANI: Ganski.

25 MR. LEVENTHAL: Thank you.

1 THE COURT: Thank you.

2 (End of bench conference)

3 THE COURT: Okay. At this time, I'm just going to  
4 ask that you step down out of the box. And I'm going to ask  
5 Sandra Ganski, and you're going to become Juror No. --

6 THE CLERK: 17.

7 THE COURT: -- 17. If you don't mind coming up and  
8 sitting in the box and I'm just going to ask you a few  
9 questions.

10 Good afternoon. How long have you lived in Clark  
11 County?

12 PROSPECTIVE JUROR NO. 467: Since 2000.

13 THE COURT: Okay. Your education background?

14 PROSPECTIVE JUROR NO. 467: A bachelors in science.

15 THE COURT: In?

16 PROSPECTIVE JUROR NO. 467: Science. Yeah.

17 THE COURT: Oh, in science?

18 PROSPECTIVE JUROR NO. 467: Medical science, yes.

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

20 PROSPECTIVE JUROR NO. 467: I'm a retail manager and  
21 a licensed optician for Lens Crafters.

22 THE COURT: Your marital status?

23 PROSPECTIVE JUROR NO. 467: I'm engaged.

24 THE COURT: Okay. Is your fiancé employed?

25 PROSPECTIVE JUROR NO. 467: He is.

1 THE COURT: What does he do?  
2 PROSPECTIVE JUROR NO. 467: He is a general manager  
3 for an electrical company.  
4 THE COURT: Okay. Do you have any kids?  
5 PROSPECTIVE JUROR NO. 467: Two.  
6 THE COURT: Are they old enough to be employed?  
7 PROSPECTIVE JUROR NO. 467: They are.  
8 THE COURT: Can you tell me what each does?  
9 PROSPECTIVE JUROR NO. 467: My daughter is a manager  
10 for Kroger and my son is IT and does web design for a private  
11 computer company.  
12 THE COURT: Thank you. Have you ever served as a  
13 juror before?  
14 PROSPECTIVE JUROR NO. 467: I have once.  
15 THE COURT: Okay. Was that here in Clark County?  
16 PROSPECTIVE JUROR NO. 467: It was.  
17 THE COURT: Was it civil or criminal?  
18 PROSPECTIVE JUROR NO. 467: Civil.  
19 THE COURT: Were you selected to be the foreperson?  
20 PROSPECTIVE JUROR NO. 467: Yes.  
21 THE COURT: Without telling me your verdict were you  
22 able to reach a verdict?  
23 PROSPECTIVE JUROR NO. 467: Yes.  
24 THE COURT: Anything about that experience that  
25 would affect your ability to be fair and impartial if you were



1 selected to serve on this panel?

2 PROSPECTIVE JUROR NO. 467: None whatsoever.

3 THE COURT: Okay How long ago was it?

4 PROSPECTIVE JUROR NO. 467: Eight years ago,

5 approximately.

6 THE COURT: And so it was in this building?

7 PROSPECTIVE JUROR NO. 467: Yes.

8 THE COURT: Okay. Have you or anyone close to you

9 such as a family member or friend ever been the victim of a

10 crime?

11 PROSPECTIVE JUROR NO. 467: No.

12 THE COURT: Have you or anyone close to you such as

13 a family member or friend ever been accused of a crime?

14 PROSPECTIVE JUROR NO. 467: No.

15 THE COURT: Would you have a tendency to give more

16 weight or credence or less weight or credence to the testimony

17 of a witness simply because that witness is a police officer?

18 PROSPECTIVE JUROR NO. 467: No.

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

20 not be a completely fair and impartial juror if we selected

21 you to serve?

22 PROSPECTIVE JUROR NO. 467: No.

23 THE COURT: And you had an opportunity to hear that

24 if -- if the jury returns a certain verdict that we would go

25 into what's called the penalty part of the trial?

1 PROSPECTIVE JUROR NO. 467: Yes.

2 THE COURT: And you understand that the jury would  
3 determine what the punishment would be and you -- we told you  
4 earlier what the three forms were; a term of years, life with  
5 and life without and you understand those?

6 PROSPECTIVE JUROR NO. 467: I do.

7 THE COURT: If you were selected to serve are you  
8 juror that could consider all three forms of punishment in  
9 Nevada?

10 PROSPECTIVE JUROR NO. 467: Yes, I would.

11 THE COURT: Okay. Thank you very much.

12 You know what, I'll allow -- Mr. Giordani, I'll  
13 allow you --

14 MR. GIORDANI: Oh.

15 THE COURT: -- to voir dire this juror only.

16 MR. GIORDANI: Okay.

17 Hi, Mrs. Ganski; how are you?

18 PROSPECTIVE JUROR NO. 467: Good. How are you, sir?

19 MR. GIORDANI: Good. I'll be pretty quick here.

20 PROSPECTIVE JUROR NO. 467: Okay.

21 MR. GIORDANI: You've heard a whole lot of  
22 questioning of other jurors. Can you give me kind of a  
23 synopsis of your feeling on the system, the criminal justice  
24 system in general?

25 PROSPECTIVE JUROR NO. 467: I think it's fair.

1 MR. GIORDANI: Okay. How do you feel generally  
2 about police officers?

3 PROSPECTIVE JUROR NO. 467: I feel they have a tough  
4 job and there's good and bad in all.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 467: But for the most part, I  
7 am -- I support police officers.

8 MR. GIORDANI: Okay. Supporting them is one thing,  
9 right?

10 PROSPECTIVE JUROR NO. 467: Um-h'm.

11 MR. GIORDANI: But giving their testimony more  
12 weight just because they wear a badge is another.

13 PROSPECTIVE JUROR NO. 467: Right.

14 MR. GIORDANI: Are you saying you simply support  
15 police officers because you appreciate what they do, or the  
16 other, that you're going to just adopt what they have to say  
17 because they're police officers?

18 PROSPECTIVE JUROR NO. 467: No, I treat every  
19 individual by their -- by their character, their morals.

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR NO. 467: So I would judge  
22 everyone based on honestly truth and morality.

23 MR. GIORDANI: Okay. Fair enough. Yesterday, you  
24 said you had a friend that you went to his wedding.

25 PROSPECTIVE JUROR NO. 467: Yes.

1 MR. GIORDANI: He's a Metro officer.  
2 PROSPECTIVE JUROR NO. 467: Um-h'm.  
3 MR. GIORDANI: I don't believe he's a witness in  
4 this case.  
5 PROSPECTIVE JUROR NO. 467: No, I believe his name  
6 was called so I thought it was -- I needed to say --  
7 MR. GIORDANI: Oh, okay.  
8 PROSPECTIVE JUROR NO. 467: -- yeah, because you --  
9 I was told to speak up if I recognized any of the names.  
10 MR. GIORDANI: What was his name?  
11 THE COURT: I think she did say he -- one of -- it  
12 was one of the witnesses.  
13 PROSPECTIVE JUROR NO. 467: Roger Price.  
14 MS. LEXIS: Roger Price.  
15 MR. GIORDANI: Oh, okay. Well, he --  
16 PROSPECTIVE JUROR NO. 467: Yeah, Lieutenant Price.  
17 He just retired.  
18 MS. LEXIS: Yes.  
19 MR. GIORDANI: Okay.  
20 THE COURT: Good memory.  
21 MR. GIORDANI: It's very likely he's not a witness  
22 because I didn't know his name so --  
23 PROSPECTIVE JUROR NO. 467: Right. No, and it would  
24 have no bearing on my judgment.  
25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 467: Yes.

2 MR. GIORDANI: You are probably good position

3 because you know a police officer to understand that they have

4 a whole lot of training --

5 PROSPECTIVE JUROR NO. 467: Yes.

6 MR. GIORDANI: -- in note-taking, observation, and

7 all that, such as your -- your fellow juror right behind you,

8 described earlier.

9 PROSPECTIVE JUROR NO. 467: Yes.

10 MR. GIORDANI: Do you think that police officers,

11 when it comes to observing things, are more uniquely situated

12 to do so accurately as opposed to you or me or someone off the

13 street?

14 PROSPECTIVE JUROR NO. 467: I do believe they're

15 trained in it.

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 467: And because they have --

18 have more practice at it, in general.

19 MR. GIORDANI: All right.

20 PROSPECTIVE JUROR NO. 467: Not necessarily the case

21 every single time but I do think if you do something on a

22 daily basis you're more apt to be a lot better at.

23 MR. GIORDANI: Okay. Fair enough.

24 PROSPECTIVE JUROR NO. 467: Yes.

25 MR. GIORDANI: With that said, you -- I think you

1 made it pretty clear, you can wait to listen to what officers  
2 and lay people alike have to say before you draw a conclusion;  
3 is that --

4 PROSPECTIVE JUROR NO. 467: Yes.

5 MR. GIORDANI: -- fair?

6 PROSPECTIVE JUROR NO. 467: Yes.

7 MR. GIORDANI: All right. Anything else that I have  
8 discussed or Mr. Leventhal has talked about that you think we  
9 should know about?

10 PROSPECTIVE JUROR NO. 467: No.

11 MR. GIORDANI: Do you think you can be fair to both  
12 sides in this case?

13 PROSPECTIVE JUROR NO. 467: Yes.

14 MR. GIORDANI: And one thing that hasn't really come  
15 up today; there's the three penalties. You've indicated you  
16 can consider those.

17 PROSPECTIVE JUROR NO. 467: Yes.

18 MR. GIORDANI: There's also going to be some  
19 photographs of, you know, gunshot wounds.

20 PROSPECTIVE JUROR NO. 467: I was a medic for three  
21 years with AMR so I'm okay.

22 MR. GIORDANI: All right. And you had medical  
23 background --

24 PROSPECTIVE JUROR NO. 467: Yes.

25 MR. GIORDANI: -- in your education as well --

1 PROSPECTIVE JUROR NO. 467: Um-h'm.

2 MR. GIORDANI: -- so --

3 PROSPECTIVE JUROR NO. 467: It wouldn't --

4 MR. GIORDANI: -- not going to be an issue?

5 PROSPECTIVE JUROR NO. 467: -- by anything that --

6 yeah.

7 MR. GIORDANI: Okay. All right. Thank you, ma'am.

8 We'll pass for cause.

9 THE COURT: Okay. At this time, ladies and

10 gentlemen we're going to recess for lunch.

11 During this recess you are admonished not to talk or

12 converse amongst yourselves or with anyone else on any subject

13 connected with this trial or read, watch or listen to any

14 report of or commentary on the trial or any person connected

15 with this trial by any medium of information, including,

16 without limitation, newspapers, television, the Internet, or

17 radio or form or express any opinion on any subject connected

18 with this trial until the case is finally submitted to you.

19 We'll be in recess until 2:15.

20 Thank you very much.

21 THE MARSHAL: Thank you. All rise for the exiting

22 jury, please. Jurors?

23 (Prospective jurors exit at 1:05 P.M., until 2:23 P.M.)

24 (Inside the presence of the prospective jurors)

25 THE COURT: Does the State of Nevada stipulate to

1 the presence of the jury panel?

2 MR. GIORDANI: Yes, Your Honor.

3 THE COURT: The defense?

4 MR. LEVENTHAL: Yes, Your Honor. Thank you.

5 THE COURT: Mr. Leventhal, you may --

6 MR. LEVENTHAL: Yes.

7 THE COURT: -- continue with your voir dire.

8 MR. LEVENTHAL: Thank you, Your Honor.

9 Your Honor, at this time, I'm going to turn over the

10 rest of the voir dire over to my co-counsel, Mr. Tanasi.

11 THE COURT: Okay. Thank you.

12 MR. LEVENTHAL: I thank you guys for your time.

13 THE COURT: Thank you very much.

14 MR. LEVENTHAL: Yeah. Thank you. Thank you, Your

15 Honor.

16 THE MARSHAL: One second, Judge.

17 Jurors, the court recorder was telling me she's

18 having trouble hearing you. You need to speak directly into

19 the top of this microphone or it's not going to pick you up.

20 MR. TANSANI: May I proceed, Your Honor?

21 THE COURT: Yes, yes.

22 MR. TANSANI: Thank you.

23 THE COURT: Thank you.

24 MR. TANSANI: Thank you.

25 Hello, folks. Again, more questioning, and now from



1 a different lawyer. And I'm guessing for most of you that's  
2 probably not at this point what anybody wants. But again, I  
3 do want to reiterate how important this process is and how  
4 important it is for us to go through and really get to the  
5 bottom of how you feel about things, not necessarily what it  
6 is that you think maybe all of us want to hear but in fact  
7 exactly what it is, how you feel about things.

8 I promise we're not going to talk -- I won't talk  
9 about politics or anything like that, but you know, if you  
10 were a democrat or a republican or independent you're going to  
11 have feelings behind why you feel that way and behind maybe  
12 the different principles behind those ideas. You're going to  
13 have feelings rooted in that.

14 And that's what I'm trying to get to here today,  
15 it's what we're all trying to get to. So, fair?

16 All right. If I can please start with Ms. Ganski.  
17 Did I pronounce that right, Ms. Ganski?

18 PROSPECTIVE JUROR NO. 467: Yeah. Yes.

19 MR. TANSANI: 467, correct?

20 PROSPECTIVE JUROR NO. 467: Yeah, correct.

21 MR. TANSANI: All right. Ma'am, now are you -- I  
22 want to make sure I have this -- this right. You do have  
23 friends that are in law enforcement, correct?

24 PROSPECTIVE JUROR NO. 467: I do.

25 MR. TANSANI: Okay. Close friends?

1 PROSPECTIVE JUROR NO. 467: Yes.

2 MR. TANSANI: All right. And do you talk with those  
3 close friends in law enforcement about what they do for a  
4 living?

5 PROSPECTIVE JUROR NO. 467: In general; no names or  
6 circumstances.

7 MR. TANSANI: Sure. Do you ever talk about their  
8 cases or how they handle their cases?

9 PROSPECTIVE JUROR NO. 467: No.

10 MR. TANSANI: No. So some folks kind of have the --  
11 the idea or the notion that where there's smoke there's fire;  
12 have you heard that saying before?

13 PROSPECTIVE JUROR NO. 467: I've heard it.

14 MR. TANSANI: All right. So the idea that, you  
15 know, we wouldn't be sitting here today if, in fact, Mr.  
16 Matthews didn't do something; right? We wouldn't be here  
17 today unless he did something. That's kind of where the smoke  
18 there's fire notion comes in.

19 Some people have that. Other people have the notion  
20 that no, let's get to the bottom of this. Let's figure out  
21 why we're here and let's go through the process. So as you  
22 sit here today kind of which camp would you say you fell into?

23 PROSPECTIVE JUROR NO. 467: I believe that -- I  
24 don't believe where there's smoke there's fire in every  
25 situation. That would be put everything into one category.

1 So that's just too generalized for me.

2 MR. TANSANI: Okay. Fair enough.

3 And with respect to lawyers and criminal defense  
4 lawyers, I want to talk about that for a second.

5 You know, there's some people who just plain don't  
6 like lawyers, and specifically, they don't like criminal  
7 defense lawyers. I've got a friend that I've known since high  
8 school who falls into that boat who doesn't like criminal  
9 defense lawyers.

10 We're still friends, but he doesn't like us. And so  
11 other people understand that defense lawyers have a job to do  
12 in the pursuit of fairness and justice.

13 And so as you sit here today kind of which -- which  
14 category would you fall into?

15 PROSPECTIVE JUROR NO. 467: I don't like or dislike.  
16 I treat everyone as an individual. So everyone deserves to be  
17 represented because they're innocent until proven guilty. And  
18 so I don't have -- I don't have any feelings either way.

19 MR. TANSANI: We talked a little bit about  
20 punishment and again if, and only if, you all come to the  
21 conclusion that Mr. Matthews is guilty, if and only if that  
22 happens, the next phase is the punishment phase. I just want  
23 to talk about that for a moment.

24 Again, there is those three different options to  
25 consider. I won't go through them again, but do you have any

1 issue if we get to that phase, with kind of considering all  
2 three of those options?

3 PROSPECTIVE JUROR NO. 467: No difficulty  
4 whatsoever.

5 MR. TANSANI: And you're going to learn about  
6 mitigation throughout this process as well. Mitigation is  
7 something that basically reduces or gives you the ability to  
8 reduce punishment. Do you have any issue or problem as you  
9 sit here today with considering mitigation as you're later  
10 instructed?

11 PROSPECTIVE JUROR NO. 467: None.

12 MR. TANSANI: Okay. Is there anything that over  
13 lunch popped in your head that you thought maybe I want to --  
14 I want to share that with Mr. Leventhal, I want to tell him  
15 this, or I want to tell the Court that. Is there anything  
16 along those lines?

17 PROSPECTIVE JUROR NO. 467: As far as my beliefs or  
18 the trial; no.

19 MR. TANSANI: Okay.

20 PROSPECTIVE JUROR NO. 467: None.

21 MR. TANSANI: All right. And ma'am, as you sit here  
22 today, if you were in Mr. Matthews' shoes, sitting where he  
23 is, would you want to be on the jury?

24 PROSPECTIVE JUROR NO. 467: I believe so, yes. Yes.

25 MR. TANSANI: Okay. All right.

1 If you could pass the microphone over one more.  
2 PROSPECTIVE JUROR NO. 467: Okay.  
3 MR. TANSANI: Thank you. Yes.  
4 How are you, sir?  
5 PROSPECTIVE JUROR NO. 447: Good how are you doing  
6 MR. TANSANI: Good, good.  
7 All right. I've got you as Mr. Yates-Johnson;  
8 correct?  
9 PROSPECTIVE JUROR NO. 447: Yes.  
10 MR. TANSANI: Okay. So that's Juror No. 447, right?  
11 PROSPECTIVE JUROR NO. 447: Correct.  
12 MR. TANSANI: All right. Sir, I noted you have some  
13 work in -- in franchise, franchise work that you do?  
14 PROSPECTIVE JUROR NO. 447: Yeah, I actually just  
15 sold my half of a franchise.  
16 MR. TANSANI: Okay.  
17 PROSPECTIVE JUROR NO. 447: I got out of it.  
18 MR. TANSANI: And I must have missed it, I  
19 apologize, if I make you run it again. What was the franchise  
20 for? What was the business?  
21 PROSPECTIVE JUROR NO. 447: For delivering bread for  
22 Sara Lee.  
23 MR. TANSANI: Okay.  
24 PROSPECTIVE JUROR NO. 447: Yeah.  
25 MR. TANSANI: How long did you do that for?

1 PROSPECTIVE JUROR NO. 447: Going on -- this is --  
2 would have been my sixth year --  
3 MR. TANSANI: Okay.  
4 PROSPECTIVE JUROR NO. 447: -- so.  
5 MR. TANSANI: And were you actually out on the  
6 street delivering --  
7 PROSPECTIVE JUROR NO. 447: Yeah.  
8 MR. TANSANI: -- bread?  
9 PROSPECTIVE JUROR NO. 447: My warehouse is actually  
10 right down the street from here --  
11 MR. TANSANI: Okay.  
12 PROSPECTIVE JUROR NO. 447: -- and then I delivered  
13 to Henderson, so.  
14 MR. TANSANI: I see. How'd you get into that?  
15 PROSPECTIVE JUROR NO. 447: Just saw it, and me and  
16 a buddy decided to go in on it and kind of thought it'd be  
17 lucrative and it was.  
18 MR. TANSANI: Yeah.  
19 PROSPECTIVE JUROR NO. 447: But getting up at  
20 midnight is not my forte anymore so.  
21 MR. TANSANI: So what made you sell it, why'd you  
22 change?  
23 PROSPECTIVE JUROR NO. 447: The hours.  
24 MR. TANSANI: The hours?  
25 PROSPECTIVE JUROR NO. 447: Yeah.

1 MR. TANSANI: And what are you doing now, again?

2 PROSPECTIVE JUROR NO. 447: Actually, trying to get

3 into Costco right now -- yeah, just in between.

4 MR. TANSANI: So again, kind of the hypothetical

5 that I had, that I posed to the juror before you, just with

6 respect to defense lawyers again, there's that camp of folks

7 who just don't -- don't like them.

8 PROSPECTIVE JUROR NO. 447: Yeah.

9 MR. TANSANI: And then there's that camp that

10 understands the role. Are you in either one of those camps?

11 PROSPECTIVE JUROR NO. 447: I understand the role.

12 MR. TANSANI: Okay.

13 PROSPECTIVE JUROR NO. 447: I understand you both

14 have jobs to do, they do and you do, so.

15 MR. TANSANI: Okay.

16 PROSPECTIVE JUROR NO. 447: There's no different.

17 MR. TANSANI: And as you sit here today would you

18 have any problem being fair and impartial to both sides?

19 PROSPECTIVE JUROR NO. 447: No, not at all.

20 MR. TANSANI: Okay. All right. If you'd pass the

21 mic. Thank you.

22 How are you, ma'am?

23 PROSPECTIVE JUROR NO. 435: Good, how are you?

24 MR. TANSANI: Good. Thank you.

25 Linda Smith, correct?

1 PROSPECTIVE JUROR NO. 435: Correct.

2 MR. TANSANI: All right. And Juror No. 435, right?

3 PROSPECTIVE JUROR NO. 435: Correct.

4 MR. TANSANI: All right. So, same kind of idea,

5 same -- same question. As you sit here today do you fall into

6 either one of those camps with respect to your thoughts on the

7 justice system and criminal defense lawyers?

8 PROSPECTIVE JUROR NO. 435: Just -- I think they're

9 both needed for fairness, so. I don't -- I don't favor one

10 over the other but they're both needed.

11 MR. TANSANI: Okay. Have you had any dealings with

12 lawyers?

13 PROSPECTIVE JUROR NO. 435: No.

14 MR. TANSANI: Okay. And, you know, in terms of the

15 notion when I talked about with smoke and fire.

16 PROSPECTIVE JUROR NO. 435: Um-h'm.

17 MR. TANSANI: Are you -- do you find yourself in

18 either one of those camps, someone who maybe thinks, yeah, you

19 know, where there's smoke there's fire, we wouldn't be sitting

20 here if there was something versus no, wait, there's an

21 accusation and I need to flesh it out?

22 PROSPECTIVE JUROR NO. 435: That's what we're here

23 for is to find out the truth. So no, I don't believe in the

24 smoke and fire thing. I believe everybody gets a fair shake

25 and they just need to -- everything needs to be laid out.



1 MR. TANSANI: Okay. And do you have any opinions in  
2 general about the criminal justice system?

3 PROSPECTIVE JUROR NO. 435: Well, I stated them once  
4 before that I think it's a very fair system. I've seen in in  
5 operations in other countries and I think we have -- besides  
6 being human I think we have the world's best.

7 MR. TANSANI: Kind of going back to the roles,  
8 there's some folks that -- that, you know, there's -- it's  
9 kind of -- it's too easy for criminal defendants, for people  
10 accused of crimes. And it's too hard, conversely, for the  
11 State because the State has that burden to prove guilt beyond  
12 a reasonable doubt.

13 PROSPECTIVE JUROR NO. 435: Um-h'm.

14 MR. TANSANI: Do you feel that way?

15 PROSPECTIVE JUROR NO. 435: No, I don't.

16 MR. TANSANI: All right. And do you have any family  
17 members or friends that are in law enforcement?

18 PROSPECTIVE JUROR NO. 435: No, I do not.

19 MR. TANSANI: No. Okay. And as you sit here today,  
20 would you give anymore weight to the officer if he came in  
21 with a shiny badge or she came in with the shiny badge and  
22 told you about what she observed and what she reported?

23 PROSPECTIVE JUROR NO. 435: I would listen to them,  
24 but I would listen to all -- everybody that was on the witness  
25 stand.

1 MR. TANSANI: And if, in fact, you know, you'll  
2 learn that they're trained to observe and --  
3 PROSPECTIVE JUROR NO. 435: Right.  
4 MR. TANSANI: -- report things, right?  
5 PROSPECTIVE JUROR NO. 435: Right.  
6 MR. TANSANI: Again, even with that training would  
7 you still hold them to the same standard when it comes to  
8 observations as a normal person who walked in?  
9 PROSPECTIVE JUROR NO. 435: Probably a little higher  
10 standard because that is their training. So they'd need to be  
11 more factual. But not -- not that their word is better than  
12 anyone else's.  
13 MR. TANSANI: So you would -- fair to say you would  
14 observe and sort of apply the same kind of decision-making to  
15 whether or not you believe the police officer over any other  
16 person?  
17 PROSPECTIVE JUROR NO. 435: That's correct.  
18 MR. TANSANI: Okay. All right. Any other comments  
19 or ideas that you'd like to share that you just maybe been,  
20 you know, throughout this long process, you've been sitting  
21 there thinking, hey, I want to volunteer this?  
22 PROSPECTIVE JUROR NO. 435: No. None.  
23 MR. TANSANI: Okay, ma'am. Thank you. If you could  
24 pass the microphone. Thank you.  
25 All right. Mr. Cruz?

1 PROSPECTIVE JUROR NO. 371: Yes.

2 MR. TANSANI: All right. And Badge No. 371,  
3 correct?

4 PROSPECTIVE JUROR NO. 371: That's correct.

5 MR. TANSANI: All right. Again, kind of those two  
6 camps, that, you know, some people, you fall into that camp  
7 where they just don't like lawyers and they just don't like  
8 defense lawyers. The other camp has no opinion. Which camp  
9 do you fall into?

10 PROSPECTIVE JUROR NO. 371: I'm not particularly  
11 biased against any lawyers. I mean, everybody has a job that  
12 they need to do.

13 MR. TANSANI: And again, talking about the  
14 punishment that we've gone over a few times. Will you have  
15 any problem with fairly considering all three if we get that  
16 far, if and only if?

17 PROSPECTIVE JUROR NO. 371: I mean, I feel like  
18 after hearing everybody's opinion like I'm kind of like  
19 toppling over because I do feel that maybe in the system we do  
20 need to have rehabilitation. So I don't know really -- I  
21 don't really have a clear answer for you.

22 MR. TANSANI: Sure. But would you be able to  
23 consider all three punishments?

24 PROSPECTIVE JUROR NO. 371: Considering the  
25 circumstances, yeah.

1 MR. TANSANI: Okay And you'll learn later on about  
2 a concept called mitigation. Mitigation is essentially any  
3 information that will reduce a punishment. Will you fairly  
4 consider that as well?

5 PROSPECTIVE JUROR NO. 371: Yes.

6 MR. TANSANI: All right, sir.

7 Again, as you sit here, is there anything that  
8 you'd like to share that you haven't shared yet, now that you  
9 have the mic?

10 PROSPECTIVE JUROR NO. 371: No.

11 MR. TANSANI: Okay. All right.

12 If we could pass the microphone back down this way?  
13 All right. Ms. Ashford, correct?

14 PROSPECTIVE JUROR NO. 372: Yes.

15 MR. TANSANI: All right. And Juror No. 372?

16 PROSPECTIVE JUROR NO. 372: Yes, I am.

17 MR. TANSANI: Okay. I hate to keep scratching the  
18 wound because you've shared a lot with us already with respect  
19 to losses that you've suffered.

20 PROSPECTIVE JUROR NO. 372: Um-h'm.

21 MR. TANSANI: But what I really just want to make  
22 sure all of us understand is whether or not, you know, the  
23 emotion of those losses that I can't fathom, those emotions  
24 that you have that you bring into this courtroom, do they in  
25 any way do they impact your ability to be fair and impartial

1 in this case?

2 PROSPECTIVE JUROR NO. 372: No, it would not.

3 MR. TANSANI: Okay. And particularly, when we're  
4 talking about punishment if we get to that phase, those three  
5 decisions; when you're saddled with that decision, if you are,  
6 and you're trying to decide and weigh and balance all of it,  
7 all of that emotion that you have, that natural emotion that  
8 you've brought into this courtroom, will any of that affect  
9 your ability to be fair and impartial if we get to the  
10 punishment phase?

11 PROSPECTIVE JUROR NO. 372: That would be strictly  
12 based on the evidence that's been given and the proof that's  
13 been provided.

14 MR. TANSANI: And again, the concept of mitigation  
15 that I spoke about a moment ago, you know, this idea that it's  
16 anything you bring with you into deciding whether or not to  
17 reduce a punishment.

18 Do you have any issue with that concept of  
19 mitigation?

20 PROSPECTIVE JUROR NO. 372: No, none whatsoever.

21 MR. TANSANI: None whatsoever. Same idea of what I  
22 had asked earlier about the -- where there's smoke there's  
23 fire. Excuse me. Do you have any feelings on that? Do you  
24 -- again, do you sit here thinking, you know, we wouldn't be  
25 here in this moment right now, we wouldn't be this far if Mr.

1 Matthews didn't do something?

2 PROSPECTIVE JUROR NO. 372: He may have made a bad  
3 decision, but that isn't for me to decide at this moment. I  
4 have no information to base that from. The bottom line is,  
5 you're assessed by what we know.

6 MR. TANSANI: And when you say he may have made a  
7 bad decision, what do you mean by that?

8 PROSPECTIVE JUROR NO. 372: Oh, all of us make bad  
9 decisions.

10 MR. TANSANI: So is it fair to say then as you're  
11 sitting here now -- and I don't want to put words in your  
12 mouth --

13 PROSPECTIVE JUROR NO. 372: Um-h'm.

14 MR. TANSANI: -- you think he may have made a bad  
15 decision at one point or another?

16 PROSPECTIVE JUROR NO. 372: It's possible, and it's  
17 possible I have, as well, as well as yourself.

18 MR. TANSANI: Sure.

19 PROSPECTIVE JUROR NO. 372: Whether or not we go the  
20 extensive punishment or not is a decision that isn't now to be  
21 made, it's when everything is rendered as complete.

22 MR. TANSANI: And again, remembering there's two  
23 decisions that you all will be making.

24 PROSPECTIVE JUROR NO. 372: Um-h'm.

25 MR. TANSANI: One, first, whether or nor not Mr.

1 Matthews is guilty of any crime. That's the first decision.  
2 PROSPECTIVE JUROR NO. 372: Yes.  
3 MR. TANSANI: Then the second, if we get there,  
4 would be punishment. So --  
5 PROSPECTIVE JUROR NO. 372: Right.  
6 MR. TANSANI: -- as you sit here do you already kind  
7 of believe that maybe he's made a bad decision and we're just  
8 going to decide?  
9 PROSPECTIVE JUROR NO. 372: No. I said he may have.  
10 That's just a precipice to a concept.  
11 MR. TANSANI: Okay. And again, as you've been  
12 sitting here through this process, is there -- is there  
13 anything else that you would like to share with the rest of  
14 the group now that you have --  
15 PROSPECTIVE JUROR NO. 372: No.  
16 MR. TANSANI: -- the opportunity and the microphone  
17 to do so?  
18 PROSPECTIVE JUROR NO. 372: Just the response about  
19 the joke.  
20 MR. TANSANI: The joke?  
21 PROSPECTIVE JUROR NO. 372: Yeah. He asked about  
22 lawyer jokes.  
23 MR. TANSANI: Sure.  
24 PROSPECTIVE JUROR NO. 372: Yeah.  
25 MR. TANSANI: Do you have one?

1 PROSPECTIVE JUROR NO. 372: What do you call a  
2 submarine at the bottom of the ocean?

3 THE COURT: Oh, wait, wait, wait, wait, no, no, no.  
4 We're not going to do that. No. We're not going to --

5 PROSPECTIVE JUROR NO. 372: Well, that's the only  
6 other concept I had for you.

7 THE COURT: Yeah. We're not going to tell jokes  
8 about lawyers, because I tend to think the profession's a very  
9 noble profession.

10 PROSPECTIVE JUROR NO. 372: Oh, as I do, as well.

11 THE COURT: So while we're in here, we're not going  
12 to joke about lawyers.

13 PROSPECTIVE JUROR NO. 372: All right. But, no,  
14 there's nothing else I have to contribute at this time.

15 MR. TANSANI: Fair enough. Thank you, ma'am.

16 PROSPECTIVE JUROR NO. 372: Thank you.

17 MR. TANSANI: All right. If you'll pass the mic.  
18 How are you, sir?

19 PROSPECTIVE JUROR NO. 374: Very good. Thank you.

20 MR. TANSANI: All right. And Mr. Gifford, correct?

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

22 MR. TANSANI: 374, right?

23 PROSPECTIVE JUROR NO. 374: Agreed.

24 MR. TANSANI: All right. So again, do you have any  
25 feelings one way or another on lawyers?



1 PROSPECTIVE JUROR NO. 374: Well, yeah, I'm skewed  
2 in favor of lawyers.

3 MR. TANSANI: Okay.

4 PROSPECTIVE JUROR NO. 374: I have so many friends,  
5 and a son and, yeah, I -- I think lawyers are great for the  
6 most part. I guess, I'm a bit of an anomaly.

7 MR. TANSANI: Okay. Fair enough. And again, this  
8 notion of smoke and fire, do you have any idea or any comments  
9 on that?

10 PROSPECTIVE JUROR NO. 374: Well, as a scientist, I  
11 tend to follow the smoke and try to ascertain objectively what  
12 the issues are that created that.

13 I -- the longer I'm working in support of litigation  
14 in the world that I work in, I -- I tend to -- to believe that  
15 there are not so much as coincidences I once thought. I'm a  
16 little skewed towards that point of view that where there's  
17 smoke, very often there is fire. I'm a little more in that  
18 camp.

19 MR. TANSANI: Okay. So applying it kind of to  
20 today's setting where we're at today, do you kind of have the  
21 notion then that we wouldn't be sitting here if Mr. Matthews  
22 didn't do something that put us all here?

23 PROSPECTIVE JUROR NO. 374: I have that notion, but  
24 let me clarify something --

25 MR. TANSANI: Sure.

1 PROSPECTIVE JUROR NO. 374: -- in support of what I  
2 said yesterday.

3 MR. TANSANI: Okay. I believe that it's a juror's  
4 job, including myself, to be objective; to look at the  
5 evidence and base a decision as -- from a -- being objective  
6 as opposed to coming in with preconceived notions.

7 MR. TANSANI: And do you have any preconceived  
8 notions as you sit there?

9 PROSPECTIVE JUROR NO. 374: I have no information  
10 other than my inclination just in lifetime the -- I'm -- I'm a  
11 little more inclined to believe where there's smoke there's  
12 fire. Nonetheless, in the work that I do, I find myself on  
13 both camps, on the plaintiff's side and the defendant's side,  
14 and determine it's my job to set those prejudices aside and  
15 attempt to be as objective as possible.

16 MR. TANSANI: As you sit here today do you tink that  
17 it's more difficult or more onerous on the State than it is on  
18 say the defense? In other words, they've got this burden,  
19 this heavy burden and -- and the defense, as Mr. Leventhal  
20 pointed out, we could sit and say nothing and do nothing.

21 Is there -- is there anything about that kind of  
22 dichotomy that you have a problem with or a thought?

23 PROSPECTIVE JUROR NO. 374: No, I don't have a  
24 problem with any of that. I think as the -- as the material  
25 facts in the case are presented, I think we're going to find

1 that it may be even more difficult for the defense side or for  
2 the plaintiff side. It just depends.

3 The State may have a more difficult job just as a  
4 function of what evidence is available.

5 MR. TANSANI: Sure. Fair enough.

6 And, sir I had this written down that you had  
7 earlier mentioned that you would -- you would take a bullet  
8 for a cop? Do I have that right?

9 PROSPECTIVE JUROR NO. 374: I did say that.

10 MR. TANSANI: You did say that.

11 And again, that's very noble. And I don't at all  
12 mean to demean -- to belittle that in any way with my  
13 questioning. But does that demonstrate in any way that you  
14 have a certain elevated level of respect for police officers?

15 PROSPECTIVE JUROR NO. 374: Well, recently, I was in  
16 San Diego and I did a ride-along with a Sergeant in a gang  
17 unit. And one of the things that he trained me on before we  
18 got into the vehicle was the use of the weapons.

19 And there was an agreement with you in the squad  
20 that in the instance they needed to be protected if I would be  
21 willing to do that and the answer was yes. And, I'm inclined  
22 to do that.

23 Am I interested in an assailant who is determined to  
24 be guilty or not guilty to be shot or injured? No. Would I  
25 protect a person that I felt was innocent? I would tend to do

1 that as well.

2 But yes, I would tend to take a bullet for a cop.

3 MR. TANSANI: During that ride-along, did you talk  
4 with the officer about what law enforcement is like?

5 PROSPECTIVE JUROR NO. 374: Absolutely.

6 MR. TANSANI: What'd you guys talk about?

7 PROSPECTIVE JUROR NO. 374: Oh, we talked about the  
8 -- the element that he works in in this area of San Diego.  
9 It's a gang unit and they interact with gangsters and people  
10 all the time. I rode along for in excess of five hours, maybe  
11 six hours that night. And I witnessed a great deal of  
12 interaction between -- between suspects and the police  
13 officers. I was witness to a drug arrest by an ICE agent who  
14 came on the scene.

15 I stood back and witnessed all of that. My  
16 interaction was just really getting a feel for what happens on  
17 the streets.

18 MR. TANSANI: Sure. You used the word there  
19 "element", different elements in different communities or  
20 different neighborhoods, right?

21 PROSPECTIVE JUROR NO. 374: Yes.

22 MR. TANSANI: Do you believe that to be true that  
23 different -- different neighborhoods have different elements?

24 PROSPECTIVE JUROR NO. 374: Absolutely.

25 MR. TANSANI: And what do you mean by elements?

1 PROSPECTIVE JUROR NO. 374: Well, my son was a  
2 student in La Jolla for eight years and yet when we were in  
3 National City in San Diego, I determined that if I was going  
4 to walk the streets of National City as opposed to La Jolla I  
5 would use my better judgment and probably walk in La Jolla.

6 That's all I meant by that.

7 MR. TANSANI: Okay Fair enough.

8 Is there anything else that you'd like to share now  
9 that you have the microphone?

10 PROSPECTIVE JUROR NO. 374: No, I'm good.

11 MR. TANSANI: Okay. Thank you, sir.

12 PROSPECTIVE JUROR NO. 374: Sure.

13 MR. TANSANI: All right, sir, Mr. -- I don't know if  
14 I'm going to pronounce this right, but Storebo?

15 PROSPECTIVE JUROR NO. 376: Storebo.

16 MR. TANSANI: Storebo. Apologize. 376, correct?  
17 Worked in -- works in the Home Depot currently?

18 PROSPECTIVE JUROR NO. 376: Yes, sir.

19 MR. TANSANI: Okay. And you're also retired Marine  
20 Corps, correct?

21 PROSPECTIVE JUROR NO. 376: Yeah, retired.

22 MR. TANSANI: Okay. Thank you for your service.

23 Sir, as you sit here today, do you have any thoughts  
24 about the notion of where there's smoke there's fire?

25 PROSPECTIVE JUROR NO. 376: Well, that's like what

1 come first, the chicken or the egg, or usually if there's a  
2 fire there's smoke, and when there's smoke there's fire.

3 MR. TANSANI: Sure. All right. So again, that's  
4 the general kind of concept. But specifically, as we're  
5 sitting here today, do you have any specific notions that, you  
6 know, we wouldn't be sitting here today if it wasn't for  
7 something Mr. Matthews did?

8 PROSPECTIVE JUROR NO. 376: No.

9 MR. TANSANI: With respect to the penalty that we've  
10 talked a lot about already, I just want to make sure I'm clear  
11 on your feelings on the penalty.

12 If we get to that phase, those three different  
13 choices will you have any difficulty in considering any one of  
14 those three?

15 PROSPECTIVE JUROR NO. 376: No.

16 MR. TANSANI: Okay. Again, that concept of  
17 mitigation that I've talked about a couple times, and the  
18 concept of anything that you're bringing in the courtroom that  
19 can reduce the punishment. Will you have any problem  
20 considering mitigation in this case?

21 PROSPECTIVE JUROR NO. 376: No.

22 MR. TANSANI: Do you have any thoughts on whether  
23 it's kind of too easy for people accused of crimes for  
24 defendants, because they don't have the same burden as, say  
25 the State that has that heavy burden of proof beyond a

1 reasonable doubt?

2 PROSPECTIVE JUROR NO. 376: Well, I have a lot of  
3 thoughts, because I work in retail and you see people stealing  
4 stuff and supposedly they go to jail but two months later  
5 they're back stealing again. So it's -- I don't know what  
6 happens but I guess the punishment isn't very good and they  
7 just keep doing it. Or if it's just their nature or they do  
8 not care to work and would rather steal.

9 MR. TANSANI: Now, I don't want to sound too much  
10 like a therapist because I'm -- I'm not but how does that make  
11 you feel?

12 PROSPECTIVE JUROR NO. 376: It makes me feel bad. I  
13 try to live an honest life. I work hard for what I get. I  
14 don't think -- I think everybody has the same opportunity to  
15 do the same thing. It isn't to come out of my money for  
16 somebody else to take it away.

17 MR. TANSANI: I understand. So kind of having that  
18 -- that feeling, that emotion, is there anything about those  
19 feelings and emotions that you bring with you into the  
20 courtroom that will keep you from being fair and impartial to  
21 Mr. Matthews?

22 PROSPECTIVE JUROR NO. 376: Well, that's a  
23 hypothetical question, but you have to listen to the evidence  
24 and make up your mind.

25 MR. TANSANI: Okay. And again, you say you have to,

1 and then -- and I don't mean to pick on you but you said it's  
2 a hypothetical question. But it's essentially the law, right?  
3 And so my question is, can you do that? Can you be  
4 fair --  
5 PROSPECTIVE JUROR NO. 376: Yes.  
6 MR. TANSANI: -- and impartial in this case and  
7 leave those emotions at the door?  
8 PROSPECTIVE JUROR NO. 376: Yes.  
9 MR. TANSANI: Okay. Any other things that you'd  
10 like to share about this process, about the criminal justice  
11 system that you haven't already?  
12 PROSPECTIVE JUROR NO. 376: No.  
13 MR. TANSANI: All right. Thank you.  
14 Pass the mic. Thank you.  
15 All right. Mr. Smith?  
16 PROSPECTIVE JUROR NO. 381: Yes.  
17 MR. TANSANI: How are you, sir?  
18 PROSPECTIVE JUROR NO. 381: Good. And you?  
19 MR. TANSANI: Good. Thank you. Three-eight --  
20 PROSPECTIVE JUROR NO. 381: One.  
21 MR. TANSANI: -- one? All right. Thank you.  
22 So again, the concept of smoke and fire, we've  
23 talked a lot about it. Do you have any thoughts on that?  
24 PROSPECTIVE JUROR NO. 381: Kind of. It's just I  
25 believe that we are here for a reason so --



1 MR. TANSANI: Okay.

2 PROSPECTIVE JUROR NO. 381: -- yeah.

3 MR. TANSANI: All right. When you say, we are here  
4 for a reason, what do you mean?

5 PROSPECTIVE JUROR NO. 381: Well, I figure  
6 something must have happened for us to be here is my opinion.

7 MR. TANSANI: Okay. And is that something that must  
8 have happened? Is it something in your mind that you believe  
9 Mr. Matthews did?

10 PROSPECTIVE JUROR NO. 381: Yes. But it must be  
11 for a reason, so until I find out what's going on from like  
12 everybody's testimony or whatever else then I couldn't make a  
13 decision as to if I felt they're guilty or not.

14 MR. TANSANI: So is it fair to say then as you sit  
15 here today you can carefully listen to all the evidence before  
16 you decide what the outcome is in this case?

17 PROSPECTIVE JUROR NO. 381: Yes.

18 MR. TANSANI: Despite kind of your hunches or your  
19 thoughts, you still can listen to and flesh out all the  
20 evidence in this case?

21 PROSPECTIVE JUROR NO. 381: Yes.

22 MR. TANSANI: Listen to the law, as Her Honor will  
23 instruct you --

24 PROSPECTIVE JUROR NO. 381: Um-h'm.

25 MR. TANSANI: And make your own decision; is that

1 fair?

2 PROSPECTIVE JUROR NO. 381: Yes.

3 MR. TANSANI: Okay. Is that also true if and only

4 if we get to that penalty phase, that you can carefully

5 consider all three of those punishment options?

6 PROSPECTIVE JUROR NO. 381: Yes.

7 MR. TANSANI: Okay. And then in terms of

8 mitigation, anything that you bring with you into this

9 courtroom that you can consider on whether to reduce the

10 punishment or not, do you have any issues with that?

11 PROSPECTIVE JUROR NO. 381: No.

12 MR. TANSANI: Okay. And is that something you can

13 safely and fairly do in this case?

14 PROSPECTIVE JUROR NO. 381: Yes.

15 MR. TANSANI: All right. Thank you, sir.

16 PROSPECTIVE JUROR NO. 381: Thanks.

17 MR. TANSANI: Mic. How are you sir?

18 PROSPECTIVE JUROR NO. 391: Good. Thank you.

19 MR. TANSANI: Mr. Ludwig, correct?

20 PROSPECTIVE JUROR NO. 391: Yes.

21 MR. TANSANI: All right. Three-ninety --

22 PROSPECTIVE JUROR NO. 391: 391.

23 MR. TANSANI: -- 91. If I've written over the last

24 number, sir.

25 PROSPECTIVE JUROR NO. 391: I -- that's totally

1   okay.

2                   MR. TANSANI:   I apologize.   Okay.   So you do have  
3 members of your family who are in law enforcement, correct?

4                   PROSPECTIVE JUROR NO. 391:   Yes.

5                   MR. TANSANI:   Okay.   And is there anything about  
6 your relationship with those family members that would make it  
7 uncomfortable for you sitting here as a juror and being part  
8 of this case?

9                   PROSPECTIVE JUROR NO. 391:   Not at all.

10                  MR. TANSANI:   Not at all.   Okay.

11                  And we've talked a little bit -- or I've talked a  
12 lot about the where there's smoke there's fire concept.

13                  PROSPECTIVE JUROR NO. 391:   Yes.

14                  MR. TANSANI:   Do you have any thoughts on that?

15                  PROSPECTIVE JUROR NO. 391:   Where there's smoke  
16 there's fire.

17                  MR. TANSANI:   Okay.   Pretty direct about it.

18                  PROSPECTIVE JUROR NO. 391:   Yes, sir.

19                  MR. TANSANI:   What do you mean?

20                  PROSPECTIVE JUROR NO. 391:   Well, what I mean by  
21 that is that we wouldn't be here unless something happened.

22                  MR. TANSANI:   Okay.

23                  PROSPECTIVE JUROR NO. 391:   Now, under the law, we  
24 have to presume that he is innocent.   That is clear cut.   Then  
25 if he's innocent then we wouldn't be here.   So there has to be

1 something that has been -- that has happened that has caused  
2 us to be here.

3 MR. TANSANI: So fair to say you believe we wouldn't  
4 be here if he was innocent; is that right or not?

5 PROSPECTIVE JUROR NO. 391: No.

6 MR. TANSANI: Okay.

7 PROSPECTIVE JUROR NO. 391: Something --

8 MR. TANSANI: But --

9 PROSPECTIVE JUROR NO. 391: -- but you know --

10 MR. TANSANI: [Inaudible].

11 PROSPECTIVE JUROR NO. 391: -- yeah, no, I know. I  
12 know where you're going. I know where you're going and that's  
13 totally okay. But I want to stick to the concept of yes,  
14 where there's smoke there's fire.

15 MR. TANSANI: Okay. All right. Again, is that  
16 something you've all discussed with a concept like that, maybe  
17 not those same words, but discussed with family members in law  
18 enforcement?

19 PROSPECTIVE JUROR NO. 391: Sure.

20 MR. TANSANI: And those that are in law enforcement  
21 what, you know, what have they told you?

22 PROSPECTIVE JUROR NO. 391: About?

23 MR. TANSANI: About that concept?

24 PROSPECTIVE JUROR NO. 391: Oh, about that concept?

25 MR. TANSANI: Sure.

1 MR. TANSANI: Of course, yeah, I mean, if something  
2 -- if something smells fishy, yeah, it's fishy; okay?

3 We just had something that happened here in the  
4 community just a couple weeks ago; okay?

5 A woman cried foul and said that her baby was taken  
6 from Sunset Park. Okay. My brother was actually called away  
7 from family dinner to go and investigate with the FBI. The  
8 first thing he said was, we're going to sit on the mother.  
9 Meaning, we're going to watch her. We're not going to run  
10 around the city, you know, looking for a kidnapped baby.

11 We're going to watch the mother. A day later she  
12 was -- you know, the baby was found dead and, you know, their  
13 instincts aren't wrong sometimes.

14 MR. TANSANI: That's a sad, horrible story and --

15 PROSPECTIVE JUROR NO. 391: Yeah, I don't know how  
16 they do it.

17 MR. TANSANI: So you just said something that kind  
18 of stuck with me, that their instincts aren't wrong sometimes.

19 PROSPECTIVE JUROR NO. 391: Yeah, a lot of times.

20 MR. TANSANI: Okay.

21 PROSPECTIVE JUROR NO. 391: A lot of times.

22 If I can follow it up with another. I'm on an  
23 accident, you know, which I am on several a night, okay?  
24 Police there. One of our cabs had hit a pedestrian, okay?  
25 Nine times out of ten -- ten times out of ten you think that

1 pedestrian was doing something that was safe and my driver hit  
2 him. Okay. And, in fact, that's the way the police had  
3 looked at it.

4 He was in a grassy area way over here on the side of  
5 the road. He must have just stepped off and then got hit by a  
6 -- you know, clipped by the cab, you know. I didn't have any  
7 evidence otherwise. Okay. But when I pulled the -- when I  
8 pulled the video the pedestrian had actually climbed out of  
9 another cab on the other side of the road and ran across the  
10 road to get sick in the bushes and got hit by my cab.

11 Not in the crosswalk, not anything. Something  
12 completely different. The officer had it wrong. But we had  
13 video evidence to show that, you know, what it was.

14 They're not infallible. They get things wrong, you  
15 know? But what I'm saying is, is that they're paid observers.  
16 They have -- they have -- you know, they're trained. They're  
17 practiced. They do this all the time, all the time, day in  
18 and day out.

19 MR. TANSANI: So would you give more stock to a  
20 police officer's observation --

21 PROSPECTIVE JUROR NO. 391: Absolutely.

22 MR. TANSANI: -- than say your --

23 PROSPECTIVE JUROR NO. 391: Absolutely.

24 MR. TANSANI: And you said -- I think you said that  
25 their -- their instincts are often right?

1 PROSPECTIVE JUROR NO. 391: Yes, correct.

2 MR. TANSANI: Did I have that right? And so more

3 often than not you think the police and their instincts are

4 potentially as we apply it to the -- this case, their

5 testimony is more often than not going to be correct?

6 PROSPECTIVE JUROR NO. 391: Correct.

7 MR. TANSANI: And that's the notion you have as you

8 sit here today?

9 PROSPECTIVE JUROR NO. 391: Yes.

10 MR. TANSANI: Thank you, sir.

11 I'd appreciate it if you could pass the mic.

12 PROSPECTIVE JUROR NO. 391: Yes.

13 MR. TANSANI: Thank you.

14 PROSPECTIVE JUROR NO. 395: Oh, I finally got it.

15 MR. TANSANI: Hello.

16 PROSPECTIVE JUROR NO. 395: I'm just sorry. I'm not

17 used to it.

18 MR. TANSANI: You're kind of hiding.

19 PROSPECTIVE JUROR NO. 395: I feel very comfortable

20 speaking in the public because I get so shaky.

21 MR. TANSANI: I'm sorry. I'm sorry to make that

22 worse and -- and -- but it's a very important process and as

23 uncomfortable as it is, it's -- it's -- it's really important

24 for all of us to hear exactly what it is you have to say and

25 if you're comfortable, how you're feeling. Fair?

1 PROSPECTIVE JUROR NO. 395: Fair.

2 MR. TANSANI: Kind of? Okay. So we've talked about  
3 the smoke and fire idea.

4 PROSPECTIVE JUROR NO. 395: Yeah.

5 MR. TANSANI: How do you feel about that?

6 PROSPECTIVE JUROR NO. 395: I believe, when there is  
7 smoke there's a fire.

8 MR. TANSANI: Okay.

9 PROSPECTIVE JUROR NO. 395: But that person can be  
10 set up, too, on someone.

11 MR. TANSANI: How could they be set up? What do you  
12 mean by that?

13 PROSPECTIVE JUROR NO. 395: Well, like if for  
14 example, him, if he committed a crime and you don't know  
15 what's behind it, maybe someone set him up, unless you  
16 actually see him doing it.

17 MR. TANSANI: So you would think it's important  
18 then --

19 PROSPECTIVE JUROR NO. 395: Yeah, it important to  
20 really know if he really did it.

21 MR. TANSANI: And so as you sit here today you can  
22 carefully go through all of the evidence in this case without  
23 reaching a -- before reaching a conclusion?

24 PROSPECTIVE JUROR NO. 395: That's correct.

25 MR. TANSANI: I talked a little bit about it being



1 -- some people thinking that the system is just too easy for  
2 defendants, for criminal defendants, and it's too hard for the  
3 State because they -- they carry that heavy burden of proof  
4 beyond a reasonable doubt. Do you -- which camp do you fall  
5 into?

6 PROSPECTIVE JUROR NO. 395: The -- what you call  
7 that again?

8 MR. TANSANI: That was kind of a bad question.

9 PROSPECTIVE JUROR NO. 395: Yes.

10 MR. TANSANI: I'll ask it this way. Do you think  
11 that the State's job is just too hard? It's too hard for  
12 them, it's unfair to the State to expect them to prove their  
13 case beyond a reasonable doubt?

14 PROSPECTIVE JUROR NO. 395: It's probably too hard  
15 for the State.

16 MR. TANSANI: Too hard. So you think it should be  
17 easier for them?

18 PROSPECTIVE JUROR NO. 395: Yeah.

19 MR. TANSANI: Okay. Again, Mr. Leventhal mentioned,  
20 and I did a little bit as well, in terms of, you know, us as  
21 the defense, no obligation to say a word through the entire  
22 trial. That's a right that you have, and that's a right that  
23 everyone has.

24 PROSPECTIVE JUROR NO. 395: Yes.

25 MR. TANSANI: Do you have a different expectation or

1 a problem with that right?

2 PROSPECTIVE JUROR NO. 395: No.

3 MR. TANSANI: Okay. I might have this noted wrong,

4 but are you a grad student?

5 PROSPECTIVE JUROR NO. 395: (Shakes head in

6 negative).

7 MR. TANSANI: No. I have it noted wrong.

8 What do you do for a living?

9 PROSPECTIVE JUROR NO. 395: Oh, I'm a cage cashier.

10 MR. TANSANI: I'm sorry?

11 PROSPECTIVE JUROR NO. 395: At a casino.

12 MR. TANSANI: Oh, a cage cashier?

13 PROSPECTIVE JUROR NO. 395: Yeah.

14 MR. TANSANI: Okay. How long have you been doing

15 that?

16 PROSPECTIVE JUROR NO. 395: For eight years.

17 MR. TANSANI: Okay. And how long have you been in

18 Vegas?

19 PROSPECTIVE JUROR NO. 395: Since 1996.

20 MR. TANSANI: Now that you -- you have the

21 microphone, even though you may not like having a microphone,

22 is there anything you'd like to say about the case or about

23 what we've heard so far?

24 PROSPECTIVE JUROR NO. 395: No.

25 MR. TANSANI: Okay. All right. Thank you.

1 Hello.

2 PROSPECTIVE JUROR NO. 403: Hi.

3 MR. TANSANI: I want to make sure I have your name

4 right. Susan?

5 PROSPECTIVE JUROR NO. 403: Yes.

6 MR. TANSANI: Susan Haduca?

7 PROSPECTIVE JUROR NO. 403: Yes.

8 MR. TANSANI: 403, correct?

9 PROSPECTIVE JUROR NO. 403: Yes.

10 MR. TANSANI: All right. So, again, some of the

11 concept we've -- we've talked about. We'll start with

12 criminal defense lawyers, and lawyers in general. Do you have

13 any ill feelings, bad feelings about defense lawyers? You're

14 not going to hurt my feelings if you say "yes".

15 PROSPECTIVE JUROR NO. 403: No, I don't.

16 MR. TANSANI: Okay.

17 PROSPECTIVE JUROR NO. 403: I don't have any

18 feelings, no.

19 MR. TANSANI: Okay. Talked about smoke, where

20 there's smoke there's fire. Do you have any thoughts on -- on

21 that?

22 PROSPECTIVE JUROR NO. 403: I'm pretty neutral, like

23 basically meaning there's always been situations where people

24 have been at the wrong spot at the wrong time and then

25 obviously, I mean, something has happened, so we are here. So

1 I'm like in the middle because I mean he could have been at  
2 the wrong spot at the wrong time, we don't know. We don't  
3 know the details, we don't know the facts.

4 MR. TANSANI: Right. So fair to say you are someone  
5 who could sit here and comb through the evidence --

6 PROSPECTIVE JUROR NO. 403: Um-h'm.

7 MR. TANSANI: -- when it's all done and make a  
8 decision?

9 PROSPECTIVE JUROR NO. 403: Yes.

10 MR. TANSANI: Okay. And you won't make a decision  
11 until we get to the end?

12 PROSPECTIVE JUROR NO. 403: All the facts, yeah.

13 MR. TANSANI: Okay. And then if and only if we get  
14 to that second penalty -- or to that penalty phase, that  
15 second trial, will you be able to carefully consider all three  
16 punishments?

17 PROSPECTIVE JUROR NO. 403: Yes.

18 MR. TANSANI: Okay. And if mitigation evidence is  
19 presented to you, evidence that you can bring in on our own,  
20 your own sensibilities of it, and evidence that can help you  
21 reduce a crime or a punishment rather, it doesn't excuse the  
22 crime, but it can reduce the punishment, do you have any  
23 problem with considering mitigation evidence?

24 PROSPECTIVE JUROR NO. 403: No.

25 MR. TANSANI: None?

1 THE COURT: Not at all.

2 MR. TANSANI: Okay. Do you have any thoughts on

3 whether it's too easy for people accused of crimes, and too

4 hard for the State? They have this heavy burden of proof and

5 it's too hard for them, it should be -- it should be easier?

6 PROSPECTIVE JUROR NO. 403: I mean, in general, it's

7 hard, but it is going to be hard. I don't feel like it should

8 be easy because you're trying to prove something. So at the

9 end of the day, it's hard. You're fighting for a case. So,

10 no, I don't believe it should be easy because, I mean, it's a

11 big case that we're fighting against, you know?

12 MR. TANSANI: Okay. Okay. Anything now that you

13 have the microphone that you'd like to share that --

14 PROSPECTIVE JUROR NO. 403: No.

15 MR. TANSANI: -- that you're thinking about or --

16 about the process?

17 PROSPECTIVE JUROR NO. 403: No.

18 MR. TANSANI: Okay. All right.

19 PROSPECTIVE JUROR NO. 403: Thank you.

20 MR. TANSANI: Thank you.

21 Hello, sir.

22 PROSPECTIVE JUROR NO. 414: Hello.

23 MR. TANSANI: Mr. Paton?

24 PROSPECTIVE JUROR NO. 414: Yes.

25 MR. TANSANI: All right. 414?

1 PROSPECTIVE JUROR NO. 414: Yes.

2 MR. TANSANI: Is that correct? All right.

3 You work at the Michael Jackson show, correct?

4 PROSPECTIVE JUROR NO. 414: Yes.

5 MR. TANSANI: All right. And I know you've

6 expressed some health issues early on. How are you feeling as

7 you sit here now?

8 PROSPECTIVE JUROR NO. 414: Stable.

9 MR. TANSANI: Stable?

10 PROSPECTIVE JUROR NO. 414: Yeah.

11 MR. TANSANI: Okay. Hopefully, I don't make things

12 any worse for you.

13 PROSPECTIVE JUROR NO. 414: Yeah.

14 MR. TANSANI: So we've talked about this, where

15 there's smoke there's fire concept over, and over again. Do

16 you have any thoughts on that?

17 PROSPECTIVE JUROR NO. 414: Yeah. My common sense

18 tells me that with your life experience you look at something

19 and go, oh, there's smoke. Generally, there's fire going with

20 that. But do I make a decision right then and there that,

21 okay, there's smoke, there's got to be fire? No, I stop and I

22 go, okay, this needs investigating because this is like a red

23 flag.

24 So my common sense tells me, okay, let's go check it

25 out. Look at the evidence of what happened and then, okay,

1 make a decision after.

2 MR. TANSANI: And is that something you will do in  
3 this case?

4 PROSPECTIVE JUROR NO. 414: Yes.

5 MR. TANSANI: Okay. And if, and only if we get to  
6 that -- that punishment phase, will you be able to carefully  
7 consider all three?

8 PROSPECTIVE JUROR NO. 414: Yes.

9 MR. TANSANI: And if mitigation evidence is  
10 presented to you, will you carefully consider it as well?

11 PROSPECTIVE JUROR NO. 414: Yes.

12 MR. TANSANI: Do you have any thoughts on whether  
13 the system is just kind of set up too easy for defendants, and  
14 too hard for the State?

15 PROSPECTIVE JUROR NO. 414: I think both have due  
16 diligence to prove either way, because the case, that travels,  
17 it could go either way, and it's up to the defense attorneys  
18 to protect their client, but the DA also has a due diligence  
19 to provide burden of proof. So I kind of look at them both  
20 sides equally.

21 MR. TANSANI: So as you sit here today do you -- do  
22 you expect the defense to present evidence to you?

23 PROSPECTIVE JUROR NO. 414: Yes. Yeah.

24 MR. TANSANI: So again, I want to make sure I  
25 understand in terms of just kind of the burden, do you then

1 kind of believe that the State's burden is too high, and it's  
2 too hard for them?

3 PROSPECTIVE JUROR NO. 414: No.

4 MR. TANSANI: No. Okay. Now, that you still have  
5 the microphone is there anything else that you'd like to share  
6 at this point?

7 PROSPECTIVE JUROR NO. 414: No.

8 MR. TANSANI: No.

9 PROSPECTIVE JUROR NO. 414: Thank you.

10 MR. TANSANI: All right. Thank you.

11 Hello, sir. How are you?

12 PROSPECTIVE JUROR NO. 416: I'm good. Yourself?

13 MR. TANSANI: Good. Thank you. 416, Keith?

14 PROSPECTIVE JUROR NO. 416: Yes.

15 MR. TANSANI: Okay. How do you pronounce your last  
16 name?

17 PROSPECTIVE JUROR NO. 416: Szita.

18 MR. TANSANI: Szita. Szita.

19 All right. Excursion tours, right?

20 PROSPECTIVE JUROR NO. 416: Yeah, we do excursion  
21 tours, yeah.

22 MR. TANSANI: Okay. How long have you been doing  
23 that for?

24 PROSPECTIVE JUROR NO. 416: Oh, it's about seven  
25 years now.



1 MR. TANSANI: Seven years? So in terms of kind of  
2 some of the concepts we've talked about here and I've talked  
3 about with smoke and fire, do you have any thoughts on that?

4 PROSPECTIVE JUROR NO. 416: No.

5 MR. TANSANI: No. Again, do you have any ideas or  
6 thoughts or feelings concerning whether it's just too easy for  
7 defendants versus being too hard for the State?

8 PROSPECTIVE JUROR NO. 416: Not particularly, no.  
9 No, not in that -- not in that sense how you're wording it,  
10 no.

11 MR. TANSANI: What are your thoughts in terms of  
12 credibility in police officers? We've all talked about it a  
13 bunch of times. But I want to make sure I'm clear with your  
14 thoughts and your feelings.

15 Do you give more kind of credibility to a police  
16 officer over a lay person when it comes to something like  
17 identification, because they're training to observe and  
18 [inaudible].

19 PROSPECTIVE JUROR NO. 416: I would, yes.

20 MR. TANSANI: You would. And why is that?

21 PROSPECTIVE JUROR NO. 416: Because they're trained  
22 for that purpose, you know.

23 MR. TANSANI: Okay. So their training you think  
24 makes them better at identifying folks?

25 PROSPECTIVE JUROR NO. 416: I would assume so, yeah.

1 MR. TANSANI: Okay. So again, fair to say you would  
2 give credibility more to a police officer's identification  
3 than another person's?

4 PROSPECTIVE JUROR NO. 416: I would say the police  
5 officer is trained more than a lay person to identify someone.

6 MR. TANSANI: Okay. So would you give more  
7 credibility to that police officer?

8 PROSPECTIVE JUROR NO. 416: Depending on the  
9 circumstances, yeah.

10 MR. TANSANI: Okay. Well, what kind -- what do you  
11 mean by that?

12 PROSPECTIVE JUROR NO. 416: Well, there's people  
13 that look the same and, you know, somebody could be  
14 misidentified. So if this person says because they're a  
15 police officer this is the person who did it, that doesn't  
16 make that's the person who did it, if that makes any sense.

17 MR. TANSANI: Sure.

18 PROSPECTIVE JUROR NO. 416: It could be the other  
19 person that looks like the other person.

20 MR. TANSANI: Fair enough. Makes sense. Fair  
21 enough. So again, you have the microphone. Is there anything  
22 else that you'd like to share that you haven't had an  
23 opportunity to say?

24 PROSPECTIVE JUROR NO. 416: No.

25 MR. TANSANI: No?

1 PROSPECTIVE JUROR NO. 416: Not in particular, no.  
2 MR. TANSANI: All right. Thank you. If you can  
3 pass the mic.  
4 How are you, sir?  
5 PROSPECTIVE JUROR NO. 418: Good. How are you  
6 doing?  
7 MR. TANSANI: Good. Thank you. 418, right?  
8 PROSPECTIVE JUROR NO. 418: That's it.  
9 MR. TANSANI: All right. Adam Mancini?  
10 PROSPECTIVE JUROR NO. 418: Yes, sir.  
11 MR. TANSANI: All right. You do third party  
12 inspection work, right?  
13 PROSPECTIVE JUROR NO. 418: I do.  
14 MR. TANSANI: Okay.  
15 PROSPECTIVE JUROR NO. 418: I do want to be up-front  
16 with you.  
17 MR. TANSANI: Sure.  
18 PROSPECTIVE JUROR NO. 418: I was reminded last  
19 night that I have a flight purchased before my summons date  
20 next week, Wednesday. So I --  
21 THE COURT: I'm sorry?  
22 PROSPECTIVE JUROR NO. 418: I feel like I wouldn't  
23 be able to levy an unbiased verdict with a self-imposed  
24 deadline.  
25 THE COURT: Okay. What -- you determined what last

1 night?

2 PROSPECTIVE JUROR NO. 418: I was reminded I have a  
3 flight next week, Wednesday at midnight.

4 THE COURT: For what?

5 PROSPECTIVE JUROR NO. 418: A flight to Missouri.

6 THE COURT: For what?

7 PROSPECTIVE JUROR NO. 418: Jefferson City, Missouri  
8 to take an exam.

9 THE COURT: For?

10 PROSPECTIVE JUROR NO. 418: It's a professional  
11 licensure exam for geology.

12 THE COURT: Okay. And you understand if you're on  
13 this panel -- I mean, there could be a chance we're done, I  
14 mean, a good probability but there is also a probability we  
15 wouldn't be done, so you wouldn't be able to go. Do you  
16 understand that?

17 PROSPECTIVE JUROR NO. 418: I understand.

18 THE COURT: Okay. And so what would happen if you  
19 don't go?

20 PROSPECTIVE JUROR NO. 418: Then I'd lose the flight  
21 and wait a year to retake the exam.

22 THE COURT: Okay. So what is it -- are you trying  
23 to ask to be excused? I'm trying to figure out what you're  
24 asking.

25 PROSPECTIVE JUROR NO. 418: I am. And --

1 THE COURT: Okay. You waited all day?  
2 PROSPECTIVE JUROR NO. 418: I did.  
3 THE COURT: Okay. What type of -- I mean, I'm not  
4 trying to mess up your career for you.  
5 PROSPECTIVE JUROR NO. 418: No, of course.  
6 THE COURT: Okay. So you're going to have to give  
7 me a little bit more information. What type of professional  
8 licensing -- you really just -- you remembered this last  
9 night?  
10 PROSPECTIVE JUROR NO. 418: Well, my -- my  
11 girlfriend reminded me.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NO. 418: So it's the -- the  
14 flight date is October 3rd.  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR NO. 418: And in my mind that was  
17 next month. That's obviously --  
18 THE COURT: Yeah. You were thinking October is a  
19 way far away, weren't you?  
20 PROSPECTIVE JUROR NO. 418: Yeah. The time -- time  
21 is flying.  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 418: So as --  
24 THE COURT: So what type of licensing is it?  
25 PROSPECTIVE JUROR NO. 418: As a geologist or --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 418: -- or a civil engineer  
3 in my field.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 418: Once you finish your  
6 degree you take an entrance exam. For us it's called a P --  
7 sorry, an FG, for fundamentals of geology.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 418: Once you take that  
10 you're assessed the Title GIT, Geologist in Training and you  
11 study under a registered geologist for four years. And then  
12 you're assessed your PG, upon completion of your final exam.

13 THE COURT: Okay. So this is a professional exam.  
14 If you don't take it -- and you have to go to Missouri to take  
15 it?

16 PROSPECTIVE JUROR NO. 418: Yeah. So Nevada doesn't  
17 actually have a PG program.

18 THE COURT: Okay. So you would have to wait an  
19 entire year?

20 PROSPECTIVE JUROR NO. 418: Yeah, it's only yearly.

21 THE COURT: How would that affect your professional  
22 work, job, would it?

23 PROSPECTIVE JUROR NO. 418: That would postpone my  
24 advancement as a professional.

25 MR. GIORDANI: Judge, can we briefly approach?

1           THE COURT:   Okay.   Just calm down.   I got it.   Are  
2 you -- I mean, are -- maybe another trial at another time is  
3 better for you; is that --

4           PROSPECTIVE JUROR NO. 418:   Yes, ma'am.

5           THE COURT:   -- fair to say?   Okay.   I wish you  
6 wouldn't have waited all day.   Have you been nervous to --

7           PROSPECTIVE JUROR NO. 418:   I -- I have.

8           THE COURT:   Okay.   All right.

9           PROSPECTIVE JUROR NO. 418:   It's intimidating to be  
10 in an arena that you're not comfortable with.

11          THE COURT:   Oh, okay.   And I just -- but I'm really  
12 not trying to mess up your career for sure.

13          PROSPECTIVE JUROR NO. 418:   Yes, ma'am.

14          THE COURT:   I mean, so and I know October does sound  
15 like next month.   So what I'm going to do is I'm just going to  
16 ask you to step out of the box.

17          MR. TANSANI:   Your Honor, can we just approach just  
18 for a second?

19          THE COURT:   For what?

20          MR. TANSANI:   We just wanted to bring one thing to  
21 the Court's attention in terms of timing.

22          THE COURT:   Sure.

23          MR. TANSANI:   Thank you, Your Honor.

24                       (Bench conference)

25          MR. TANSANI:   Just in terms of timing, I -- we were

1 just talking that we probably will be done by then so like I  
2 wanted to --

3 THE COURT: No, I'm not going to --

4 MR. GIORDANI: There's penalty. We don't know --

5 THE COURT: I'm not going to --

6 MR. TANSANI: Okay.

7 THE COURT: I mean, because here's --

8 MR. GIORDANI: It would be a risk.

9 THE COURT: -- here's the thing. Here -- you want  
10 to -- I don't want to take that risk --

11 MR. TANSANI: Okay. All right.

12 THE COURT: -- because if it gets to that point and  
13 we're not done --

14 MR. TANSANI: Right.

15 THE COURT: -- I'm letting him go.

16 MR. TANSANI: Okay.

17 THE COURT: I'm not -- I mean, this kid can come  
18 back another time.

19 MR. GIORDANI: Yeah.

20 MR. TANSANI: Okay.

21 THE COURT: I just think it's better to not take the  
22 risk.

23 MR. GIORDANI: I agree.

24 MR. TANSANI: Fair enough.

25 THE COURT: I mean, I appreciate that, but --



1 MR. TANSANI: Yeah. I mean, we were just talking  
2 about locking in the exact time, but I mean, that's -- we got  
3 to --

4 MR. LEVENTHAL: Yeah, that's in scheduling.

5 THE COURT: Okay.

6 MR. TANSANI: Okay.

7 THE COURT: All right.

8 MR. TANSANI: Thank you.

9 THE COURT: Thank you.

10 (End of bench conference)

11 THE COURT: They're trying to convince me that they  
12 might be done but I don't want to -- I don't want to take that  
13 risk with you because again, I don't want to mess with your  
14 career.

15 I do appreciate your willingness to be here. I  
16 appreciate you being here for two days, but you can step out  
17 and you can take a seat in the gallery. And again, I  
18 appreciate your willingness to answer all of our questions.

19 At this time, I am going to ask -- it's Melissa?

20 THE CLERK: Yes.

21 THE COURT: Yeah, because I just want to make sure.  
22 Melissa Gapasin?

23 PROSPECTIVE JUROR NO. 472: Yes.

24 THE COURT: You're going to become Juror No. 30.

25 Uh-huh. Okay. And I'm just going to ask you a few questions

1 and then I'll allow the attorneys.

2 How long have you lived in Clark County?

3 PROSPECTIVE JUROR NO. 472: For about 14 months.

4 THE COURT: Oh, you're another one that just got

5 here. Welcome to Clark County.

6 PROSPECTIVE JUROR NO. 472: Thank you.

7 THE COURT: Where did you move from?

8 PROSPECTIVE JUROR NO. 472: Stockton, California.

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

10 PROSPECTIVE JUROR NO. 472: High school with some

11 college with just general education.

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

13 PROSPECTIVE JUROR NO. 472: I'm a remote sales

14 representative with Clark County Credit Union.

15 THE COURT: Your marital status?

16 PROSPECTIVE JUROR NO. 472: Married.

17 THE COURT: Is your spouse employed?

18 PROSPECTIVE JUROR NO. 472: Yes.

19 THE COURT: What does your spouse do?

20 PROSPECTIVE JUROR NO. 472: He's a web and graphic

21 designer for Vino Tech Wine Sellers in California.

22 THE COURT: And do you have children?

23 PROSPECTIVE JUROR NO. 472: Yes, one. A son who's

24 eight.

25 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 472: No.

3 THE COURT: Have you or anyone close to you such as

4 a family member or friend ever been the victim of a crime?

5 PROSPECTIVE JUROR NO. 472: No.

6 THE COURT: Have you or anyone close to you such as

7 a family member or a friend ever been accused of a crime?

8 PROSPECTIVE JUROR NO. 472: Yes.

9 THE COURT: Okay. Can you tell me about that?

10 PROSPECTIVE JUROR NO. 472: Yeah. I have an older

11 brother who's got a couple of things. His senior year of high

12 school he was in a -- the driver in a car accident and his

13 friend passed away.

14 THE COURT: Oh.

15 PROSPECTIVE JUROR NO. 472: And he was -- they were

16 trying to get him for manslaughter but they reduced it to

17 involuntary manslaughter.

18 THE COURT: So was -- I mean, it sounds like he was

19 prosecuted.

20 PROSPECTIVE JUROR NO. 472: Um-h'm. Yeah.

21 THE COURT: Criminally?

22 PROSPECTIVE JUROR NO. 472: Yeah.

23 THE COURT: Okay. What happened as a result of

24 that?

25 PROSPECTIVE JUROR NO. 472: I'm not quite sure

1 because I was about 12. It was kind of a foggy time for my  
2 family. He never had to serve any time or anything like that.  
3 I think there was just community service.

4 THE COURT: Okay. But you think he had a conviction  
5 for involuntary manslaughter?

6 PROSPECTIVE JUROR NO. 472: Yes. Yeah.

7 THE COURT: Now, what jurisdiction was this?

8 PROSPECTIVE JUROR NO. 472: In Seattle, King County.

9 THE COURT: Okay. Do you have any opinion as to  
10 whether he was treated fairly or not?

11 PROSPECTIVE JUROR NO. 472: I was young, so I think  
12 it was more of the financial burden on my family that was  
13 harder than -- than what actually happened, you know the  
14 aftermath it doesn't end so it kind of went on for about -- a  
15 few months. And the -- the kid who passed away, his -- I  
16 think his mom was a Sheriff so nothing stemmed from it. And  
17 my family wasn't treated any certain way but it did push them  
18 close to bankruptcy to pay from what I remember, to pay for  
19 everything, the lawyers and all that, so.

20 THE COURT: Okay. So to pay for -- were they sued  
21 civilly too?

22 PROSPECTIVE JUROR NO. 472: Yes. There was five  
23 guys in the car total. Two of the families did sue for  
24 injuries.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 472: Yeah.  
2 THE COURT: All right. So they had a lot of issues  
3 with --  
4 PROSPECTIVE JUROR NO. 472: Yeah.  
5 THE COURT: -- civil lawsuits as well?  
6 PROSPECTIVE JUROR NO. 472: Um-h'm.  
7 THE COURT: Okay.  
8 PROSPECTIVE JUROR NO. 472: Yeah.  
9 THE COURT: Do you have an opinion as to whether  
10 your brother was treated fairly?  
11 PROSPECTIVE JUROR NO. 472: I think he was treated  
12 fairly, yeah.  
13 THE COURT: Okay.  
14 PROSPECTIVE JUROR NO. 472: Yeah.  
15 THE COURT: Anything about that, that would  
16 interfere with your ability to be fair and impartial in this  
17 case?  
18 PROSPECTIVE JUROR NO. 472: No.  
19 MR. TANSANI: Okay. Go ahead.  
20 PROSPECTIVE JUROR NO. 472: Same brother. Domestic  
21 violence. The charges were eventually dropped but he did  
22 spend three days in jail and it's again cost my family money  
23 to get him out. I think the bail was set at \$16,000, but they  
24 were able to get a lawyer to get him out at \$3500 and there  
25 was that.

1 THE COURT: Okay. Was he an adult?  
2 PROSPECTIVE JUROR NO. 472: Yeah, yeah.  
3 THE COURT: All right. And when was that?  
4 PROSPECTIVE JUROR NO. 472: This was about ten years  
5 ago.  
6 THE COURT: Okay.  
7 PROSPECTIVE JUROR NO. 472: Um-h'm.  
8 THE COURT: Do you know what happened after he got  
9 out? Was he prosecuted? Was there a trial?  
10 PROSPECTIVE JUROR NO. 472: No, the charges were  
11 dropped and they ended up getting married and had three kids  
12 so they're happily ever after at this point.  
13 THE COURT: Okay. Whew. So the --  
14 PROSPECTIVE JUROR NO. 472: Yeah.  
15 THE COURT: -- charges were dropped and nothing --  
16 PROSPECTIVE JUROR NO. 472: Yes.  
17 THE COURT: -- else happened?  
18 PROSPECTIVE JUROR NO. 472: Yeah, nothing else  
19 happened.  
20 THE COURT: Okay. Do you think he was treated  
21 fairly?  
22 PROSPECTIVE JUROR NO. 472: Yeah. I just think it's  
23 very expensive to be innocent until proven guilty kind of  
24 situation. It's the way I've looked at it, it's very pricy to  
25 defend yourself, so.

1           THE COURT:   Okay.  Anything about those situations  
2 that would affect your ability to be fair and impartial in  
3 this case?

4           PROSPECTIVE JUROR NO. 472:  No.

5           THE COURT:   Okay.  Anything else?

6           PROSPECTIVE JUROR NO. 472:  No, that's it.

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

9           PROSPECTIVE JUROR NO. 472:  No.

10          THE COURT:   And you have heard us talk about if  
11 there is a penalty part in this trial, you've heard us discuss  
12 that there are three forms of punishment in the State of  
13 Nevada.

14          PROSPECTIVE JUROR NO. 472:  Um-h'm.

15          THE COURT:   And you know what they are?

16          PROSPECTIVE JUROR NO. 472:  Yes, ma'am.

17          THE COURT:   Do you want me to repeat them?

18          PROSPECTIVE JUROR NO. 472:  No, I know.

19          THE COURT:   Okay.  Are you a juror that if you are  
20 selected you would be able to consider all three forms?

21          PROSPECTIVE JUROR NO. 472:  Yes, ma'am.

22          THE COURT:   Okay.  Thank you very much.

23          Mr. Giordani?

24          MR. GIORDANI:  Thank you, Your Honor.

25          You can have a seat there.  I'm not going to keep

1 repeating these questions, so if you could tell me kind of  
2 your outlook on the criminal justice system and law  
3 enforcement in general.

4 PROSPECTIVE JUROR NO. 472: I think it is -- sorry  
5 to be redundant but it is a very fair system. I'm married to  
6 -- into a family that is not from this country so I have heard  
7 how other systems function and yeah, we're very fortunate  
8 here.

9 MR. GIORDANI: Okay. I agree. So your uniquely  
10 situated in that you have seen kind of what happens outside of  
11 our system?

12 PROSPECTIVE JUROR NO. 472: Um-h'm. Yeah.

13 MR. GIORDANI: Would you agree with me that our  
14 system, although fair generally, is somewhat flawed?

15 PROSPECTIVE JUROR NO. 472: Um-h'm.

16 MR. GIORDANI: Is that a yes?

17 PROSPECTIVE JUROR NO. 472: Yes. I'm sorry, yes.

18 MR. GIORDANI: That's okay. If you're seated as a  
19 juror will you do your best to make sure that Mr. Matthews  
20 gets a fair trial?

21 PROSPECTIVE JUROR NO. 472: Yes, sir.

22 MR. GIORDANI: Will you do your best to make sure  
23 that the State gets a fair shake and that we are not held to a  
24 higher burden than what the law prescribes or anything of that  
25 nature?



1 PROSPECTIVE JUROR NO. 472: Yes, sir.  
2 MR. GIORDANI: With regard to that penalty question.  
3 PROSPECTIVE JUROR NO. 472: Um-h'm.  
4 MR. GIORDANI: Three penalties. I'm not going to  
5 repeat them. You sound like you know them.  
6 PROSPECTIVE JUROR NO. 472: Um-h'm.  
7 MR. GIORDANI: Is there any penalty that you lean  
8 towards right now --  
9 PROSPECTIVE JUROR NO. 472: No.  
10 MR. GIORDANI: -- not knowing any evidence in the  
11 case?  
12 PROSPECTIVE JUROR NO. 472: No.  
13 MR. GIORDANI: Okay. Have you ever had any  
14 experience or interaction with law enforcement yourself?  
15 PROSPECTIVE JUROR NO. 472: Myself, no.  
16 MR. GIORDANI: Okay. Just your older brother?  
17 PROSPECTIVE JUROR NO. 472: Um-h'm. Yes, sir.  
18 MR. GIORDANI: Same -- same brother for those two  
19 cases and then there's nothing else that you wanted to answer  
20 with regard to that question?  
21 PROSPECTIVE JUROR NO. 472: Nothing else that we  
22 know of.  
23 MR. GIORDANI: Okay. No, I thought you had said  
24 there was a few things and then I just heard the two.  
25 PROSPECTIVE JUROR NO. 472: I should -- I should

1 backtrack. I apologize. Misdemeanors of DUI's and my -- my  
2 dad and my brother's.

3 MR. GIORDANI: Okay.

4 PROSPECTIVE JUROR NO. 472: So, yeah.

5 MR. GIORDANI: The reason we ask those questions, of  
6 course, is not to embarrass you or get into your family, but  
7 this idea of was your brother treated fairly that keeps  
8 getting repeated --

9 PROSPECTIVE JUROR NO. 472: Yes.

10 MR. GIORDANI: -- we don't want someone who has some  
11 preconceived notion, bias or prejudice towards law enforcement  
12 because someone's been prosecuted in their family.

13 PROSPECTIVE JUROR NO. 472: I agree.

14 MR. GIORDANI: Make sense?

15 PROSPECTIVE JUROR NO. 472: Yes.

16 MR. GIORDANI: That's not an issue with you?

17 PROSPECTIVE JUROR NO. 472: No, sir.

18 MR. GIORDANI: Okay. Are you going to be able to  
19 look at photographs of the deceased?

20 PROSPECTIVE JUROR NO. 472: Yes.

21 MR. GIORDANI: And be able to consider that like you  
22 would anything else?

23 PROSPECTIVE JUROR NO. 472: Yes.

24 MR. GIORDANI: And do you understand these general  
25 concepts of proof beyond a reasonable doubt?

1 PROSPECTIVE JUROR NO. 472: Yes.  
2 MR. GIORDANI: Presumption of innocence and all  
3 that?  
4 PROSPECTIVE JUROR NO. 472: Yes.  
5 MR. GIORDANI: Okay. Anything else that I should  
6 ask you that I haven't yet?  
7 PROSPECTIVE JUROR NO. 472: No.  
8 MR. GIORDANI: All right. Thank you.  
9 We'll pass for cause. Appreciate it.  
10 THE COURT: Thank you.  
11 Mr. Tanasi?  
12 MR. TANSANI: Thank you, Your Honor.  
13 Hello, ma'am.  
14 PROSPECTIVE JUROR NO. 472: Hi.  
15 MR. TANSANI: How are you?  
16 PROSPECTIVE JUROR NO. 472: I'm good. Thank you.  
17 MR. TANSANI: All right. You thought you were  
18 possibly not going to have to be in the seat, right?  
19 PROSPECTIVE JUROR NO. 472: No. We were counting  
20 down.  
21 MR. TANSANI: Countdown. Right. And here we are.  
22 So just big picture; anything that you've heard any one of us  
23 talk about, because there's been a lot of us and we've all  
24 been talking.  
25 PROSPECTIVE JUROR NO. 472: Um-h'm.

1 MR. TANSANI: Anything that's triggered any thought,  
2 feeling, emotion that you were like, when I get the microphone  
3 I want to share this.

4 PROSPECTIVE JUROR NO. 472: No.

5 MR. TANSANI: Okay. Where there's smoke there is  
6 fire; I sound, you know, very repetitive with it.

7 PROSPECTIVE JUROR NO. 472: Yes.

8 MR. TANSANI: But do you have any thoughts on that  
9 concept?

10 PROSPECTIVE JUROR NO. 472: As a general guideline,  
11 I do think that that's a fair way to look at things. But I  
12 think also being in this setting, you've got to put all those  
13 notions out of your head and come in with a clear mind that  
14 both parties -- and I keep hearing that the State has a harder  
15 job, but because my family has been on the other end, I do  
16 think that the defense has -- has to work just as hard, so.

17 MR. TANSANI: Okay. I mean, the concept of  
18 understanding that the defense could go through the entire  
19 trial and say nothing --

20 PROSPECTIVE JUROR NO. 472: Um-h'm.

21 MR. TANSANI: -- do you expect it to be any  
22 different than that? Do you expect there to be more, the  
23 defense says?

24 PROSPECTIVE JUROR NO. 472: Yes.

25 MR. TANSANI: You do?

1 PROSPECTIVE JUROR NO. 472: Yes.

2 MR. TANSANI: Okay. Why is that?

3 PROSPECTIVE JUROR NO. 472: I think you guys have a

4 job to counter what the DA says and to provide documentation

5 or whatever it may be to show that he's presumably innocent.

6 I think you guys also have to work to prove that, so.

7 THE COURT: Okay. But you understand the defense is

8 not required to do that under our system.

9 PROSPECTIVE JUROR NO. 472: I understand.

10 THE COURT: That he's -- okay, you understand he's

11 entitled to that presumption regardless of what his lawyers

12 do?

13 PROSPECTIVE JUROR NO. 472: Yes.

14 THE COURT: And although I don't really ever see it,

15 and I don't expect it, these attorneys can sit there and

16 twiddle their thumbs. They have no obligation --

17 PROSPECTIVE JUROR NO. 472: Yeah.

18 THE COURT: -- no duty, no burden. That's our

19 system.

20 PROSPECTIVE JUROR NO. 472: Yes.

21 THE COURT: Do you understand that?

22 PROSPECTIVE JUROR NO. 472: I do.

23 THE COURT: Okay. So I'm concerned by you

24 contending that they're -- you're expecting them --

25 PROSPECTIVE JUROR NO. 472: I guess I should --

1 THE COURT: -- to do something.

2 PROSPECTIVE JUROR NO. 472: -- I would hope that

3 what they have to provide as evidence there will be a defense

4 to that.

5 THE COURT: Okay. But you understand they don't

6 have to do that.

7 PROSPECTIVE JUROR NO. 472: I understand.

8 THE COURT: All right.

9 PROSPECTIVE JUROR NO. 472: But I'm --

10 THE COURT: Are they going to have a problem with

11 you if they don't do that?

12 PROSPECTIVE JUROR NO. 472: I've never done this

13 before so I -- I don't think so but I would like to think that

14 the defense will say something.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 472: I guess maybe it's

17 from --

18 THE COURT: But you understand they're not required

19 to?

20 PROSPECTIVE JUROR NO. 472: I understand that, yes.

21 THE COURT: Okay. That the State is the only party

22 here that has a burden?

23 PROSPECTIVE JUROR NO. 472: Yes.

24 THE COURT: They have the burden to prove each of

25 the allegations by proof beyond a reasonable doubt.

1 PROSPECTIVE JUROR NO. 472: Um-h'm.

2 THE COURT: And that the defendant has no burden and  
3 that he's entitled to the presumption  
4 of innocence.

5 PROSPECTIVE JUROR NO. 472: Yes.

6 THE COURT: Regardless of whether his attorneys put  
7 any evidence on or not. Do you understand that?

8 PROSPECTIVE JUROR NO. 472: I do understand that.

9 THE COURT: Are you okay with that?

10 PROSPECTIVE JUROR NO. 472: Yes, I am.

11 THE COURT: Are you going to have a problem if they  
12 don't put forth --

13 PROSPECTIVE JUROR NO. 472: I will not have a  
14 problem with it.

15 THE COURT: -- documentation or any of the things  
16 that you have --

17 PROSPECTIVE JUROR NO. 472: No.

18 THE COURT: -- just noted?

19 PROSPECTIVE JUROR NO. 472: No, that -- it's not a  
20 problem. I think it's just being in this atmosphere, it would  
21 be assumed that that's how it would go.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 472: But because I've never  
24 done this and never been a part of a trial before that's just  
25 kind of an expectation I have. It's not necessarily obviously

1 a requirement but --

2 THE COURT: Okay. That's what I wanted to make

3 sure. You're not going to require them to do anything --

4 PROSPECTIVE JUROR NO. 472: No, no.

5 THE COURT: -- correct?

6 PROSPECTIVE JUROR NO. 472: No.

7 THE COURT: Okay. Thank you.

8 MR. TANSANI: Thank you, Your Honor.

9 THE COURT: Thank you.

10 MR. TANSANI: And if we get -- and only if we get to

11 that second penalty phase --

12 PROSPECTIVE JUROR NO. 472: Um-h'm.

13 MR. TANSANI: -- will you be able to carefully and

14 fairly consider all three punishments?

15 PROSPECTIVE JUROR NO. 472: Yes, sir.

16 MR. TANSANI: And will you also be able to carefully

17 consider and fairly consider mitigation?

18 PROSPECTIVE JUROR NO. 472: Yes.

19 MR. TANSANI: And mitigation being anything that you

20 believe should reduce the punishment in this case if we get

21 that far?

22 PROSPECTIVE JUROR NO. 472: Yes.

23 MR. TANSANI: You have no problem with that?

24 PROSPECTIVE JUROR NO. 472: I do not have a problem.

25 MR. TANSANI: Defense lawyers.



1 PROSPECTIVE JUROR NO. 472: Um-h'm.  
2 MR. TANSANI: Where do you stand?  
3 PROSPECTIVE JUROR NO. 472: Again, my family has  
4 utilized them, so we're -- they're appreciated.  
5 MR. TANSANI: Good.  
6 PROSPECTIVE JUROR NO. 472: I -- but I also uphold,  
7 you know, the State to respect, of knowing that I believe we  
8 wouldn't be here if they weren't doing their job as well, so.  
9 MR. TANSANI: And I don't want to know who you had  
10 for a defense lawyer or --  
11 PROSPECTIVE JUROR NO. 472: I have no idea.  
12 MR. TANSANI: -- your family had for the defense  
13 lawyer but --  
14 PROSPECTIVE JUROR NO. 472: Yeah.  
15 MR. TANSANI: -- was it a good experience?  
16 PROSPECTIVE JUROR NO. 472: I was never personally  
17 there to be around it but my parents were very pleased with --  
18 with both situations with both lawyers.  
19 MR. TANSANI: Okay. Again, having the mic is there  
20 anything you'd like to say that you haven't had a chance to  
21 say yet?  
22 PROSPECTIVE JUROR NO. 472: No.  
23 MR. TANSANI: All right. Thank you.  
24 PROSPECTIVE JUROR NO. 472: Thank you.  
25 MR. TANSANI: Pass for cause, Your Honor.

1 THE COURT: Are you going to question Juror 32?  
2 MR. TANSANI: Juror 32. Oh.  
3 THE COURT: Yeah.  
4 MR. TANSANI: You know what, I --  
5 THE COURT: 31 and 32. Sorry.  
6 MR. TANSANI: Absolutely. I apologize. I was  
7 getting ahead of myself.  
8 THE COURT: That's okay, that's okay.  
9 MR. TANSANI: Sorry, guys.  
10 All right. Juror No. 32.  
11 THE COURT: Well, it's 31 and 32.  
12 MR. TANSANI: Oh, 31. I apologize. Long day.  
13 Okay. Mr. Patterson.  
14 PROSPECTIVE JUROR NO. 458: Yes, sir.  
15 MR. TANSANI: 458, correct?  
16 PROSPECTIVE JUROR NO. 458: That's correct.  
17 MR. TANSANI: I had the word "absolutely" written  
18 down. So, anything that you've heard so far this afternoon  
19 that you'd like to -- to add to or share with the group?  
20 PROSPECTIVE JUROR NO. 458: No.  
21 MR. TANSANI: Okay. Again, this concept of smoke,  
22 fire; do you have any thoughts on that at all?  
23 PROSPECTIVE JUROR NO. 458: He's innocent.  
24 MR. TANSANI: In your mind, as you sit here --  
25 PROSPECTIVE JUROR NO. 458: He's an innocent man

1 until proven guilty.

2 MR. TANSANI: Okay. Again, talking about the -- the

3 burden, understanding that the State has the burden of proof

4 and the defense has no obligation to present --

5 PROSPECTIVE JUROR NO. 458: None whatsoever.

6 MR. TANSANI: -- any evidence. Do you have any

7 issue with that at all?

8 PROSPECTIVE JUROR NO. 458: None whatsoever.

9 MR. TANSANI: None whatsoever. I have noted that

10 you're -- you're an engineer, correct?

11 PROSPECTIVE JUROR NO. 458: I am.

12 MR. TANSANI: What do you do?

13 PROSPECTIVE JUROR NO. 458: I do telecommunication

14 engineer. I connect cities together, 2 terabyte, plenty of

15 zeros. I connect cities.

16 MR. TANSANI: All right. It sounds like a pretty

17 technical job.

18 PROSPECTIVE JUROR NO. 458: It is.

19 MR. TANSANI: Okay. How long have you done that

20 for?

21 PROSPECTIVE JUROR NO. 458: Three decades.

22 MR. TANSANI: Okay. And the lawyer question that

23 I've asked everyone, do you have any thoughts on defense

24 lawyers, any feelings on defense lawyers that you'd like to

25 share?

1 PROSPECTIVE JUROR NO. 458: They're necessary.  
2 MR. TANSANI: Okay. And again, now that you have  
3 the mic, and you have everyone's attention, is there anything  
4 you'd like to share with the group about anything that's  
5 happened so far in this case?  
6 PROSPECTIVE JUROR NO. 458: No, it's a good process.  
7 MR. TANSANI: Okay. All right. I appreciate it.  
8 Thank you.  
9 PROSPECTIVE JUROR NO. 458: Um-h'm.  
10 Hello, ma'am.  
11 PROSPECTIVE JUROR NO. 420: Hello.  
12 MR. TANSANI: How are you?  
13 PROSPECTIVE JUROR NO. 420: I'm doing great. Than  
14 you. And yourself?  
15 MR. TANSANI: Good. Thank you. Other than almost  
16 forgetting you, I'm doing okay.  
17 32, 420, correct?  
18 PROSPECTIVE JUROR NO. 420: Correct.  
19 MR. TANSANI: All right. So again, just starting  
20 with that concept of smoke and fire, do you have any thoughts  
21 on that?  
22 PROSPECTIVE JUROR NO. 420: Innocent until proven  
23 otherwise.  
24 MR. TANSANI: Okay. And is that something you -- is  
25 that a feeling you had as you came into the courtroom today?

1 PROSPECTIVE JUROR NO. 420: Well, I believe in our  
2 system. I've always heard that. And I think it's the best in  
3 the world.

4 MR. TANSANI: And with respect to criminal defense  
5 lawyers, do you have any thoughts understanding you're not  
6 going to offend me if you say you do.

7 PROSPECTIVE JUROR NO. 420: No, no thoughts either  
8 way.

9 MR. TANSANI: No thoughts either way?

10 PROSPECTIVE JUROR NO. 420: It's something that's  
11 necessary.

12 MR. TANSANI: All right. And then with respect to  
13 the -- the burden that we talked about, do you have any  
14 expectation as you sit there that the defense has to show you  
15 something, or should show you something in this case?

16 PROSPECTIVE JUROR NO. 420: No. Innocent until  
17 proven guilty. So as I sit here today he's innocent until I  
18 hear the facts otherwise.

19 MR. TANSANI: Okay. And that's something, fair to  
20 say, you'll do?

21 PROSPECTIVE JUROR NO. 420: Right.

22 MR. TANSANI: You'll sit there and listen to all the  
23 fact presented in this case before making a decision?

24 PROSPECTIVE JUROR NO. 420: Definitely.

25 MR. TANSANI: Okay. Police officers. How do you

1 feel about police officers and their credibility?

2 PROSPECTIVE JUROR NO. 420: Well, I've never had any

3 dealings positively or negatively with them so I'm neutral. I

4 do believe they have training that makes them more observant.

5 And they do have a tough job.

6 MR. TANSANI: So they have training that makes them

7 more observant. Are they capable of making mistakes?

8 PROSPECTIVE JUROR NO. 420: Definitely.

9 MR. TANSANI: So again, just kind of finishing up,

10 you have the microphone and the chance; is there anything

11 you'd like to share?

12 PROSPECTIVE JUROR NO. 420: No, there is not.

13 MR. TANSANI: Okay. Thank you for your time.

14 PROSPECTIVE JUROR NO. 420: Thank you.

15 MR. TANSANI: And I'll pass, Your Honor.

16 THE COURT: Do you pass the panel for cause?

17 MR. TANSANI: Yes, thank you.

18 THE COURT: Okay. At this time, both sides having

19 passed the panel for cause, the Clerk has prepared what has

20 been marked as Court's Exhibit No. 1, the State of Nevada may

21 exercise --

22 MR. TANSANI: Your Honor, I do apologize. I didn't

23 confer with my counsel. I do have a couple of cause strikes

24 that I'd like to raise.

25 THE COURT: Oh, okay.

1 MR. TANSANI: I apologize.  
2 THE COURT: I apologize. Come on up.  
3 (Bench conference)  
4 MR. TANSANI: I apologize, Your Honor.  
5 THE COURT: That's okay.  
6 MR. TANSANI: So yes, Mr. Ludwig. He's three --  
7 THE COURT RECORDER: Mr. Tanasi, will you get closer  
8 to the microphone?  
9 MR. TANSANI: Yes.  
10 THE COURT RECORDER: Thank you.  
11 MR. TANSANI: Mr. Ludwig.  
12 THE MARSHAL: Let's please keep it down. We're  
13 still on the record.  
14 THE COURT: Yeah, just wait.  
15 (End of bench conference)  
16 THE COURT: Ladies and gentlemen, we are still being  
17 recorded up here and the recorder is required to transcribe  
18 these proceedings. Thank you.  
19 (Bench conference)  
20 THE COURT: Okay. Go ahead.  
21 MR. TANSANI: 391, Mr. Ludwig. Your Honor, I think  
22 he's --  
23 THE COURT: Uh-huh.  
24 MR. TANSANI: -- indicated he would give more  
25 credence is the word I had written down to law enforcement

1 earlier on.

2 THE COURT: I listened to that conversation back and  
3 forth really well and at no time did he say that. You asked  
4 him --

5 MR. TANSANI: Yesterday.

6 THE COURT: -- questions that I felt it was -- I  
7 mean, he's basically told you, he likes cops, you know, but I  
8 don't -- their instincts aren't wrong. I don't -- nothing  
9 that he has said to me was disqualifying.

10 MR. TANSANI: Okay. Yesterday was the day that I  
11 noted that he said the word "credence", giving them more  
12 credence, and then -- and discussing it with him today I  
13 thought I caught that he would, you know, they're more  
14 oftentimes they're not wrong.

15 THE COURT: I mean, I -- I'm -- so what?

16 MR. TANSANI: Yeah.

17 THE COURT: More often than not they're not wrong?

18 MR. TANSANI: Right.

19 THE COURT: I'm okay with that.

20 MR. TANSANI: Okay.

21 THE COURT: He just has to not -- he just has -- he  
22 can't say regardless of what they say, they're a cop, I'm  
23 good.

24 MR. TANSANI: Right.

25 THE COURT: He at no time has said that. He



1 acknowledges that they make mistakes. He gave you examples  
2 how --

3 MR. TANSANI: Okay.

4 THE COURT: -- the other night the cop was --

5 MS. LEXIS: Wrong.

6 THE COURT: -- incorrect in their perception of the  
7 accident until given the video surveillance so.

8 MR. TANSANI: Sure.

9 THE COURT: I mean --

10 MR. TANSANI: Okay.

11 THE COURT: -- I agree he's said things that maybe  
12 you probably wouldn't like that much but I don't think that he  
13 said anything that was, you know, he's got a family full of  
14 cops.

15 MS. LEXIS: Yeah.

16 MR. TANSANI: Right.

17 THE COURT: Anything that disqualifies him.

18 MR. TANSANI: Okay.

19 MR. LEVENTHAL: Fair enough.

20 MR. TANSANI: Fair enough.

21 MR. LEVENTHAL: Okay. Then we'd pass for cause,  
22 Your Honor.

23 THE COURT: Okay.

24 MR. TANSANI: Thank you.

25 (End of bench conference)

1           THE COURT:   Okay.  At this time -- (to the Clerk)  
2 it's the same.

3           THE CLERK:   Correct.

4           THE COURT:   The Clerk has prepared Court's Exhibit  
5 No. 1 and the State may exercise their first peremptory  
6 challenge.

7                       (Pause in the proceedings)

8           THE COURT:   The defense may exercise their first  
9 challenge.

10          MR. LEVENTHAL:  One and one, is that how you want to  
11 do it?

12          THE COURT:   Numbers, yes.

13          MR. LEVENTHAL:  Oh, okay.

14          THE COURT:   So there's a column for each side.

15          MR. LEVENTHAL:  No, no, I understand.  Some courts  
16 allow one, and then two, and then back to one, one and one,  
17 where it's going to be --

18          THE COURT:   Right.

19          MR. LEVENTHAL:  That's fine.  Thank you.

20                       (Pause in the proceedings)

21          THE COURT:   Okay.  The State may exercise their  
22 second peremptory challenge.

23                       (Pause in the proceedings)

24          THE COURT:   Defense may exercise their second  
25 peremptory challenge.

1 MR. LEVENTHAL: Thank you, Your Honor.  
2 MR. TANASI: Thank you.  
3 (Pause in the proceedings)  
4 THE COURT: The State of Nevada may exercise their  
5 third challenge.  
6 (Pause in the proceedings)  
7 THE COURT: The defense may exercise their third  
8 challenge.  
9 MR. TANSANI: Thank you.  
10 (Pause in the proceedings)  
11 THE COURT: The State may exercise their fourth  
12 challenge.  
13 (Pause in the proceedings)  
14 THE COURT: The defense may exercise their fourth.  
15 (Pause in the proceedings)  
16 THE COURT: The defense may -- I'm sorry, the State  
17 may exercise their fifth.  
18 (Pause in the proceedings)  
19 THE COURT: The defense may exercise their fifth.  
20 MR. LEVENTHAL: Thank you, Judge.  
21 (Pause in the proceedings)  
22 MR. LEVENTHAL: Your Honor, may we approach?  
23 THE COURT: Yes, you may.  
24 MR. LEVENTHAL: Thank you.  
25 (Bench conference)

1           MR. LEVENTHAL: This is Todd Leventhal. At this  
2 time I'm going to be --

3           THE COURT: Can I have Court's Exhibit 1?

4           MR. LEVENTHAL: Oh, yes you may. I'm sorry.

5           THE COURT: Are you going to make a -- okay, go  
6 ahead.

7           MR. LEVENTHAL: There you go.

8           I'm going to make a motion for a Batson challenge at  
9 this time. The State just struck Wendy Sandefur. She --  
10 they've -- they've already gotten one African-American female  
11 for cause. They asked for cause. This is the second  
12 African --

13          THE COURT: You mean, Ms. Sailor who said she  
14 couldn't consider --

15          MR. LEVENTHAL: Sailor, correct.

16          THE COURT: -- the three --

17          MR. LEVENTHAL: Correct. Correct.

18          THE COURT: -- forms of punishment?

19          MR. LEVENTHAL: Correct.

20          THE COURT: Hum. Okay.

21          MR. LEVENTHAL: Well, and I understand, but again,  
22 we are dealing with a very limited here, number of African-  
23 Americans, so there's only now two left, one that probably  
24 doesn't have a shot at getting in the box. And I haven't  
25 added up the odds, but the fact that they've gotten rid of

1 Wendy Sandefur, there was no justifiable reason to get rid of  
2 her. She had -- she said she could be fair. She could be  
3 impartial. She gave no indication that she couldn't be.

4 And so there's no justifiable reason and we are  
5 dealing with a limited number of African-Americans on -- that  
6 are still here. One of them is sitting next to her, and the  
7 other one may not even have a shot to get in because he's so  
8 far down. So that's the challenge, that I don't believe  
9 there's anything that they can point to specifically to say  
10 that there's a reason why they excluded her, excused her.

11 MR. GIORDANI: First -- Giordani here -- first  
12 there's no prima facie showing of any bias at this point. The  
13 first African-American woman that was excused for cause, Ms.  
14 Sailor, clearly stated about 50 times that she couldn't  
15 consider life without so that was separate and apartment from  
16 anything we're doing now.

17 In this particular case, now that we've gotten to  
18 our peremptory challenges, she is the first African-American  
19 woman who was struck. She gave very tenuous responses when  
20 asked about being fair and impartial. And I don't know if she  
21 verbally came across that way, but Ms. Lexis and I noted on at  
22 least two occasions that she kind of hesitated and rolled her  
23 eyes, and I think I even commented about that and tried to dig  
24 in a little further. Do you have more?

25 MS. LEXIS: And in comparison to the people who are

1 in the 14 right now, even a comparison to Mr. Ashford who said  
2 unequivocally on two or three separate occasions that he could  
3 be fair they're very forceful in their answers.

4 I noted that she hesitated when you asked, Your  
5 Honor, if there was any reason she could be -- she could not  
6 be fair or impartial. And also during Mr. Giordani's  
7 questioning she hesitated, and then during, I believe it was  
8 Mr. Tanasi or Mr. Leventhal's questioning, concerning about  
9 the criminal justice system she was just very -- she  
10 equivocated a lot, so.

11 MR. LEVENTHAL: I didn't hear any of that. I heard  
12 unequivocal I've -- as a matter of fact she's been on a jury  
13 before. They reached a verdict. While it was a civil jury,  
14 there's nothing that's impartial, that she's indicated that  
15 she couldn't be fair to both sides.

16 She's one of two African-Americans that are left  
17 sort of sitting in the box. We've got one left that's not  
18 going to have a chance to it --

19 THE COURT: Well, I'm not sure I agree with you  
20 because and I'm going to tell you, I don't -- it's not -- I  
21 find it very uncomfortable when I'm asked to determine the  
22 racial makeup.

23 So if you want to do that, I'll allow you to do it,  
24 but I'm not going to -- I'm not going to do that.

25 MR. LEVENTHAL: I understand. I -- I'm --

1 THE COURT: Okay.

2 MR. LEVENTHAL: I'm just making a record that the,  
3 you know, that that's -- there no justifiable reason to get  
4 rid of her. She gave no indication one way or another other  
5 than the fact that she could be fair and impartial. And  
6 that's my challenge.

7 THE COURT: Okay.

8 MR. LEVENTHAL: And I don't think they've met their  
9 burden by saying, well, she -- she rolled her eyes. I've had  
10 a lot of people roll their eyes. I have had a lot of people  
11 look down, and nod and -- nodding yes or nodding no, and  
12 that's not a reason to get rid of somebody, especially --

13 THE COURT: During this panel?

14 MR. LEVENTHAL: Yes, of course.

15 MR. GIORDANI: It's only when he was telling jokes  
16 or trying to --

17 MR. LEVENTHAL: Oh, no, no, no, no, no, no, no, no.

18 THE COURT: I'm sorry. I didn't notice that  
19 happening.

20 MR. LEVENTHAL: No, no, no, like it was -- one  
21 was --

22 THE COURT: I was typing a lien on your behalf.

23 MR. LEVENTHAL: When -- no, no, no, when like  
24 somebody else would make a comment someone would agree or  
25 disagree or nod their head and, you know, I look for those

1 signs. That's all I do. And I don't -- I don't think there's  
2 a justifiable reason.

3 MR. GIORDANI: I didn't mean to interrupt. I look  
4 for those things too, and I clearly saw those with Ms.  
5 Sandefur in our questioning. I have a -- when asked, any  
6 reason why you wouldn't be fair or impartial, she kind of  
7 sighed and said, no, dot dot dot dot dot and I saw that on  
8 numerous occasions.

9 So although I bantered with her and tried to get  
10 more out of her, I don't think I actually did get more  
11 explanation as to why she sighed so much, but I just don't  
12 want her on the jury for that reason because there is some  
13 hesitation about fairness which is the only thing that matters  
14 at this point.

15 THE COURT: Okay. But this --

16 MS. LEXIS: And just lastly, Your Honor -- Agnes  
17 Lexis -- concerning the actual makeup in terms of race, the  
18 stated reasons at least, or the stated races on our jury  
19 questionnaire or the jury sheet that we received, there is 3  
20 in the 32 that have been qualified who have listed themselves  
21 as African-American.

22 THE COURT: That have self-identified?

23 MS. LEXIS: Correct.

24 THE COURT: Okay.

25 MS. LEXIS: Correct.



1           THE COURT: I mean, and I'm happy to make it part of  
2 the record, if you want, Mr. Leventhal. I can make the -- the  
3 jury questionnaire where they self-identify, if you want I can  
4 make that Court's Exhibit 2.

5           MR. LEVENTHAL: Thank you, Your Honor. Thank you.

6           THE COURT: So at this time, the objection's  
7 overruled. Have you exercised yours?

8           MR. LEVENTHAL: No, we haven't. Thank you.

9           THE COURT: Okay.

10          MR. TANSANI: Thank you.

11                   (End of bench conference)

12                   (Pause in the proceedings)

13          THE COURT: The State of Nevada may exercise their  
14 sixth.

15                   (Pause in the proceedings)

16          THE COURT: The defense may exercise their sixth.

17          MR. LEVENTHAL: Thank you.

18                   (Pause in the proceedings)

19          THE COURT: The State may exercise their seventh.

20                   (Pause in the proceedings)

21          THE COURT: The defense may exercise their seventh.

22          MR. LEVENTHAL: Thank you, Judge.

23                   (Pause in the proceedings)

24          THE COURT: The State of Nevada and defense may  
25 exercise their eighth peremptory challenge.

1 (Pause in the proceedings)

2 THE MARSHAL: Hey, hey, hey, no, you can't.

3 THE COURT: What happened?

4 THE MARSHAL: You can't leave the courtroom.

5 THE COURT: It wasn't a juror, was it?

6 MR. LEVENTHAL: Yeah. [Inaudible].

7 THE COURT: Oh.

8 THE CLERK: It was Che.

9 THE COURT: Okay. Are you okay, Ms. Che? Do we

10 need a break?

11 THE MARSHAL: We need a restroom break. She just --

12 THE COURT: We need a break? Okay.

13 All right. We'll take a recess.

14 During the recess you are admonished not to talk or

15 converse amongst yourselves or with anyone else -- thank you

16 -- on any subject connected with this trial or read, watch or

17 listen to any report of or commentary on the trial or any

18 person connected with this trial, by any medium of

19 information, including, without limitation, newspapers,

20 television, the Internet, or radio or form or express any

21 opinion on any subject connected with this trial until the

22 case is finally submitted to you.

23 We'll be in recess for at least 15 minutes. Officer

24 Hawkes will let you know when we're ready to come back in.

25 When I have all you all come back in I'm going to ask that you

1 all stay in the gallery. At that time, the Clerk is going to  
2 call our panel of jurors.

3 If your name is called, you will impaneled and get  
4 going. If not, you'll be excused for the day. Thank you very  
5 much. @

6 THE MARSHAL: Thank you. All rise for the exiting  
7 jury, please. Jurors?

8 (Prospective jurors exit at 3:59 P.M.)

9 (Outside the presence of the prospective jurors)

10 THE COURT: Okay. The record will reflect that the  
11 hearing is continuing to take place. The jury has left the  
12 courtroom. And have you done your eighth yet?

13 MR. GIORDANI: No, Your Honor.

14 THE COURT: Okay. You can go ahead and exercise  
15 your eighth peremptory challenge.

16 MR. GIORDANI: Thank you.

17 THE COURT: Thank you. Sorry.

18 THE MARSHAL: Yes, ma'am. I saw her out of the  
19 corner of my eye going out the door.

20 THE COURT: She bolted.

21 (Pause in the proceedings)

22 MR. GIORDANI: Your Honor, while the jury is out of  
23 the room, ninth is just alternates, right, our ninth?

24 THE COURT: That is correct.

25 MR. GIORDANI: Okay. Thank you.

1 (Pause in the proceedings)

2 THE COURT: The defense may exercise their eighth

3 and final peremptory challenge.

4 MR. LEVENTHAL: Thank you, Your Honor.

5 (Pause in the proceedings)

6 THE COURT: Do you have the exhibit?

7 MR. TANSANI: We do, Your Honor. Sorry.

8 MR. LEVENTHAL: We do, and we're just --

9 THE COURT: Oh, okay.

10 MR. TANSANI: We're conferring.

11 THE COURT: No, take your time.

12 MR. LEVENTHAL: No, we're conferring with just --

13 THE COURT: Take your time.

14 MR. LEVENTHAL: I'm trying to get my --

15 THE COURT: Sorry, I don't mean to --

16 MR. LEVENTHAL: -- I just want to make sure my

17 client --

18 THE COURT: I'm not rushing you.

19 MR. LEVENTHAL: No, thank you.

20 (Pause in the proceedings)

21 THE MARSHAL: I'm getting the badges out while they

22 were conferring on that.

23 THE COURT: Okay.

24 (Pause in the proceedings)

25 (Court/Clerk conferring)

1 THE COURT: Okay. All right. The State of Nevada  
2 and the defense may exercise their ninth and final peremptory  
3 challenge. It's available as to 29 through 32 only.

4 (Pause in the proceedings)

5 THE COURT: The defense may exercise their ninth  
6 challenge. It's 29 through 32 only.

7 MR. TANSANI: Thank you.

8 MR. LEVENTHAL: Thank you, Judge.

9 (Marshal hands Court Exhibit 1 to the Court)

10 THE COURT: Thank you.

11 Okay. Our jury panel will be as follows:

12 Juror No. 1, Ted Koga. Number 2, Elizabeth Ohlsen.  
13 Number 3, Scott Simmons. Number 4, Sebastian Dimate. Number  
14 5, Barbara Galindo. Number 6, Lucia Federico. Number 7,  
15 Cinthya Suarez. Number 8, Eduardo Narvaez-Deleon. Number 9,  
16 Lewis Moore. Number 10, Darren Yates. Number 11, Treant  
17 Smith. Number 12, Julie Ipema. Juror No. 13, Harold  
18 Patterson. Number 14, Maureen Cabrera.

19 Any objection by the State?

20 MR. GIORDANI: No, Your Honor.

21 THE COURT: Any objection by the defense?

22 MR. LEVENTHAL: No, Your Honor. Thank you.

23 THE COURT: Okay. We'll take about 10 minutes and  
24 then we'll bring them back in.

25 MR. LEVENTHAL: What's game plan today?

1 THE COURT: Yeah, I'll probably --  
2 MR. LEVENTHAL: It's 4:20.  
3 THE COURT: It's already -- it'll be 4:30, so I'll  
4 probably just instruct them and have them go home for the day.  
5 What time can you all start?  
6 MR. LEVENTHAL: We all agreed?  
7 MR. GIORDANI: That's what we were going to address.  
8 THE COURT: I knew you were going to start on that.  
9 What time?  
10 MR. GIORDANI: We all agreed 10:00. Is that okay  
11 with the Court?  
12 THE COURT: Yeah. Does everybody have court  
13 appearances?  
14 MR. LEVENTHAL: Yes.  
15 MR. GIORDANI: Yes.  
16 THE COURT: But you can be here by 10:00?  
17 MR. LEVENTHAL: Yes, absolutely.  
18 MR. GIORDANI: Oh, yeah.  
19 THE COURT: Okay. That's fine.  
20 MR. LEVENTHAL: Thank you.  
21 MR. GIORDANI: Thank you.  
22 MR. TANSANI: Thank you.  
23 MS. LEXIS: Thank you.  
24 (Court recessed at 4:14 P.M., until 4:25 P.M.)  
25 (Inside the presence of the prospective jurors)

1           THE MARSHAL: All rise for the entering jury,  
2 please. Please just go through to both sides.

3           THE COURT: Ms. Ohlsen, you're going to be Juror No.  
4 2. I just don't want you to get comfortable. And Mr. Koga,  
5 you're Juror No. 1.

6           THE CLERK: Juror No. 3, Scott Simmons. Juror No.  
7 4, Sebastian Dimate.

8           THE COURT: Sorry, I should have told you two, as  
9 well.

10          THE CLERK: Juror No. 5, Barbara Galindo.

11          THE COURT: Ms. Galindo? Barbara Galindo?

12          JUROR NO. 5: Here.

13          THE COURT: You're going to be Juror No. 5.

14          THE CLERK: Juror No. 6, Lucia Federico. Juror No.  
15 7, Cinthya Suarez. Juror No. 8, Eduardo Narvaez-Deleon.  
16 Juror No. 9, Lewis Moore. Juror No. 10, Darren Yates-Johnson.  
17 Juror No. 11, Treant Smith. Juror No. 12, Julie Ipema.

18          THE MARSHAL: Guys, you're down here.

19                 Hang on one second.

20          THE CLERK: Juror No. 13, Harold Patterson. And  
21 Juror No. 14, Maureen Cabrera.

22          THE COURT: Okay. At this time, ladies and  
23 gentlemen, we do have our impaneled jury. So if your name was  
24 not called you are excused.

25                 Before I do excuse you, let me make sure I extend my

1 thanks and gratitude to you. Two days of answering questions  
2 is a long time and I do appreciate everyone's courtesy and  
3 professionalism and your willingness to be here. Thank you  
4 very much and you are excused. Have a good day.

5 THE MARSHAL: Thank you, everyone. You can deposit  
6 those clear badges in that box behind the door.

7 THE COURT: You're free.

8 (Prospective jurors exit at 4:29 P.M.)

9 UNIDENTIFIED JUROR: How come --

10 THE COURT: You can't ask any questions, sir.  
11 Sorry.

12 UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

13 THE COURT: Thank you.

14 THE MARSHAL: Have a good day, folks.

15 UNIDENTIFIED PROSPECTIVE JUROR: So now I look  
16 forward to getting one of these.

17 THE COURT: Good. Good. Then these lawyers did a  
18 great job then, if someone's looking forward to getting a Jury  
19 Summons.

20 (Inside the presence of the jury)

21 THE COURT: Okay. Does the State stipulate to the  
22 presence of our jury panel as now impaneled?

23 MR. GIORDANI: Yes, Your Honor.

24 THE COURT: The defense?

25 MR. LEVENTHAL: Yes, Your Honor. Thank you.



1           THE COURT:   Okay.  It is 4:30, and I know it has  
2   been a long two days, so I'm just going to give you a few  
3   instructions and excuse you for the day.  You are now our  
4   impaneled jury.  You have been given badges that identify you  
5   as a juror in Department 12, the blue ones.

6           You can take the white ones off and discard them.  
7   But when you are in the courthouse, I do like you to wear  
8   those blue badges.  They identify you as a juror so people  
9   that are involved in this case, people that work in the  
10  courthouse understand not to talk about the case around ladies  
11  and gentlemen who are in the jury panel.

12           So it's very important.  You can take those off when  
13  you leave the courthouse but it's very important that when you  
14  enter the courthouse you do have those badges that identify  
15  you as jurors.

16           When you come tomorrow, we're going to start  
17  tomorrow morning.  I'd ask that you come and be up here ready  
18  to go at 9:45.  I do believe we'll be -- is that okay?  All  
19  right.  I got a look like, whoa.  And I thought, well, that's  
20  pretty good, because I wanted to start at 8:30.  I'm just  
21  going to as you to --

22           UNIDENTIFIED JUROR:  Oh, no.

23           THE COURT:  -- I'll ask you to come up at 9:45.  
24  When we're ready to start Officer Hawkes will greet you and  
25  he'll bring you in here.  I just want to remind everybody that

1 we can't start obviously until we have everybody here  
2 tomorrow. When you come tomorrow, you'll be given further  
3 instructions. Both sides will have an opportunity to speak to  
4 you in an opening statement and then the State will start  
5 calling their witnesses.

6 I want to remind you again, now that I do have an  
7 impaneled jury, myself, the attorneys, the parties, all  
8 persons involved in this case with the exception of Officer  
9 Hawkes are not permitted to have any communication with you  
10 whatsoever. We're going to be together for at least the end  
11 of this week and maybe into next week. We're going to see you  
12 in the hallways. We may even see you in the elevators, and  
13 coming in and out of the courthouse.

14 If we see you, we are going to attempt to ignore  
15 you. Please, again, don't be offended by that. We're all  
16 just maintaining our obligation to maintain the integrity of  
17 the jury system. So again, if there's anything that you need  
18 to address with the Court, you do so in the courtroom in the  
19 presence of both sides while we are in session.

20 Officer Hawkes is permitted -- he's the only one  
21 that's permitted to have any communication with you.

22 Also, in the mornings, it is a little crazy in the  
23 elevator so I just ask you to add a few minutes. I don't know  
24 when you've come before if you've -- oh, I guess today you had  
25 to come all the way up here. The elevator sometimes can take

1 10 to 15 minutes, so I'd just ask that you keep that in mind  
2 because again, we can't start until everyone is here.

3           When you go home tonight, you may tell your -- your  
4 friends, your family members, your coworkers that you are a  
5 juror in a criminal case, but you cannot tell them anything  
6 else. That's very important. You cannot discuss this case.  
7 You can't even discuss it with each other until you go back to  
8 deliberate upon your verdict.

9           So when you're -- most of you will hang out  
10 together. I always say, it's good to talk about anything  
11 except what's going on in the courtroom, because you're not  
12 permitted to have any discussion until you go back after  
13 you've been properly instructed and you go back to deliberate  
14 upon your verdict.

15           So at this time, we are going to conclude for the  
16 evening. I want to remind you, it's tomorrow morning at 9:45.  
17 The schedule for the rest of the week, just so you can plan,  
18 Thursday it would be 10:30, and Friday, I would -- I would  
19 tentatively like to start at 8:30. If that changes, I will  
20 let you know. And if we go into next Monday --

21                           (Court/Clerk conferring)

22           THE COURT: -- okay, we could start as early as  
23 8:30. So, I will keep you apprised of the schedule.

24           During this recess, you are admonished not to talk  
25 or converse amongst yourselves or with anyone else on any

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

8           You are further admonished you may not communicate  
9 with anyone, including your fellow jurors, about this case, on  
10 your cell phone, through e-mail, Blackberry, iPhone, text  
11 messaging, Twitter, through any blog or website, through any  
12 Internet chat room or by way of any other social networking  
13 website, including but not limited to, Facebook, My Space,  
14 LinkedIn and You Tube.

15           Thank you very much. We are in recess until  
16 tomorrow morning at 9:45. You are excused.

17           THE MARSHAL: Thank you. All rise for the exiting  
18 jury, please. Jurors?

19                   (Jury exits at 4:34 P.M.)

20                   (Outside the presence of the jury)

21           THE COURT: Anything outside the presence?

22           MR. GIORDANI: No, Your Honor. Thank you.

23           MR. TANSANI: No, Your Honor.

24           MR. LEVENTHAL: No, Your Honor. Thank you. Have a  
25 great night.

1 THE COURT: Okay. See you tomorrow. Very nice.

2 MS. LEXIS: Thank you.

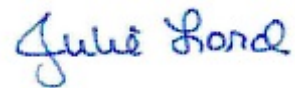
3 THE COURT: Very good job.

4 (Court recessed at 4:34 P.M., until Wednesday,

5 September 26, 2018, at 10:00 A.M.)

6 \* \* \* \* \*

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



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JULIE LORD, INDEPENDENT TRANSCRIBER  
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