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Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME V PAGES 971-1219

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LEONARD RAY WOODS
Case No. 78816

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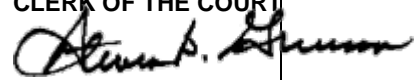
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1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,
7 Plaintiff,

CASE#: C-15-309820-1

DEPT. III

8 vs.

9 LEONARD RAY WOODS,
10 Defendant.

11
12 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

13 THURSDAY, NOVEMBER 1, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**
15 **DEFENDANT'S PRO PER MOTION TO DISMISS COUNT 2-7**
16 **DEFENDANT'S PRO PER MOTION FOR BAIL HEARING**
17 **CALENDAR CALL**

18 APPEARANCES:

19 For the State:

MICHELLE FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorneys

21 For the Defendant:

Pro per

22 Also Present:

JULIA M. MURRAY, ESQ.
Deputy Public Defender

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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Las Vegas, Nevada, Thursday, November 1, 2018

[Hearing began at 10:55 a.m.]

THE COURT: Mr. Woods, I'm going to continue your matters over to tomorrow, so I can get through my trial, that'll be tomorrow at 9 o'clock.

MS. MURRAY: Your Honor, before you continue them over, he handed -- I'm sorry, I'm sick -- he handed me two documents that I'd like to file this morning. One is a notice of evidence he plans to introduce at trial.

THE COURT: Okay.

MS. MURRAY: The other is a motion for an evidentiary hearing.

May I approach?

THE COURT: Yeah.

MS. MURRAY: Thank you.

THE COURT: We'll talk about those tomorrow but you can go ahead and get 'em filed.

MS. MURRAY: And also, just so the record is clear, there were some emails exchanged yesterday regarding an opposition that the State had. I let them know that I was unavailable yesterday to deliver that to the jail. They indicated they were faxing it over.

THE COURT: Okay.

MS. MURRAY: He did not receive it yesterday. He did receive a copy this morning.

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THE COURT: Okay.

MS. MURRAY: And I think he potentially wanted to let the Court know that he was intending to reply.

THE COURT: All right. We'll talk about that tomorrow as well.

MS. MURRAY: No problem. Thank you.

THE COURT: All right, guys, thank you.

MS. FLECK: So is calendar call then tomorrow also?

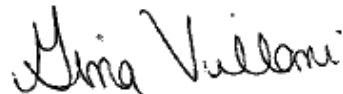
THE COURT: Yeah, we'll do everything on this case tomorrow; okay.

MS. MURRAY: Okay.

[Hearing concluded at 10:56 a.m.]

* * * * *

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



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 THE STATE OF NEVADA,
6 Plaintiff,

CASE#: C-15-309820-1
DEPT. III

7 vs.

8 LEONARD RAY WOODS,
9 Defendant.

10
11 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
12 MONDAY, NOVEMBER 5, 2018

13 **RECORDER'S TRANSCRIPT OF HEARING:**
14 **DEFENDANT'S PRO PER MOTION TO DISMISS COUNT 2-7**
15 **DEFENDANT'S PRO PER MOTION FOR BAIL HEARING**
16 **MOTION FOR EVIDENTIARY HEARING**
17 **MOTION TO CLARIFY RULING**
18 **CALENDAR CALL**

19 APPEARANCES:

20 For the State:

MICHELLE FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorneys

21 For the Defendant:

Pro per

22 Also Present:

JULIA M. MURRAY, ESQ.
Deputy Public Defender

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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Las Vegas, Nevada, Monday, November 5, 2018

[Hearing began at 9:38 a.m.]

THE COURT: All right. We have Mr. Woods' matter, 309820.
Ms. Murray, standby counsel is present.

Mr. Woods has four motions on today. There was also
another motion filed at the last hearing that's not showing on the
calendar but we have that one as well.

Which one do you want to do first, Mr. Woods?

MS. MURRAY: Your Honor, before you call them, I made an
error when I filed the motions last week.

THE COURT: Okay.

MS. MURRAY: I did not realize that the batch actually
contained multiple motions. Mr. Woods just pointed out to me and I
think the State is realizing the same at this point. So that's my mistake.
I filed it as one but it's really like -- more than one. I don't know the
number.

THE COURT: Which one are you referring to?

MS. MURRAY: The title on the front says, motion for
evidentiary hearing.

THE COURT: Correct.

MS. MURRAY: And behind it there's actually like a series of
motions and -- just the way it was handed to me, I filed it as one, as
opposed to as whatever it is.

THE COURT: I only have three pages.

1 MS. MURRAY: It gets even weirder.
2 THE COURT: I don't know if there's something else on it.
3 MS. MURRAY: Yeah, in the -- I don't --
4 THE COURT: Motion for evidentiary hearing --
5 THE LAW CLERK: There were --
6 THE COURT: -- is there something other than the three
7 pages?
8 THE LAW CLERK: -- there were two stapled to this --
9 THE COURT: Okay.
10 THE LAW CLERK: -- and we separated them.
11 THE COURT: And what are they?
12 THE LAW CLERK: So there should be three motions today.
13 THE COURT: Well, what was -- what was part of this? Just
14 tell me what it was.
15 MS. MURRAY: I filed it as one full packet as opposed to
16 three.
17 THE COURT: Right.
18 But what was attached to it? What's the other stuff?
19 THE DEFENDANT: I'm just saying, what are the other
20 motions?
21 MS. MURRAY: I honestly don't know.
22 MR. ROGAN: It's the motion to dismiss open and gross
23 lewdness charge. It's stapled.
24 THE COURT: I got that one.
25 MR. ROGAN: And then there's the third one, which is motion

1 to clarify ruling.

2 THE COURT: I got that one as well.

3 MS. MURRAY: Okay. I just -- and I apologize that was my
4 mistake.

5 THE COURT: That's okay.

6 They're -- I think they're all on. So the motion for evidentiary
7 hearing is on, the motion to clarify ruling is on, and the other one, the
8 motion to dismiss lewdness charge is the one that's not showing up, but
9 that's the one I said we have that as well.

10 MR. ROGAN: Okay.

11 THE COURT: All right. Mr. Woods.

12 THE DEFENDANT: Okay. Before we start real quick, I was --
13 I wanted to know did the State mind if we added the investigator, Ruben
14 Garcia, to the witness list. I didn't put him on there.

15 THE COURT: Okay.

16 THE DEFENDANT: I don't know if you guys have --

17 MS. FLECK: We don't have -- object to anyone --

18 THE COURT: Okay. We will include -- we will include
19 Mr. Garcia as one of the proposed defense witnesses.

20 THE DEFENDANT: Okay. And I also filed a letter stating that
21 I wanted to introduce evidence. Now it's a lot of evidence there and I
22 was wondering how do I go about getting that to the State?

23 THE COURT: You'll have to talk to your attorney. Evidence
24 gets introduced during trial. You don't introduce evidence just by filing
25 something saying here's the evidence that -- that -- I know you filed

1 something that says, I do by -- hereby introduce the following into
2 evidence.

3 MR. ROGAN: Your Honor, if I could address, I think he's just
4 asking how he's going to get it to us.

5 MS. MURRAY: And I -- he truly was just trying to disclose the
6 information.

7 THE COURT: Understood.

8 MS. MURRAY: I sent --

9 THE COURT: I'm just --

10 MS. MURRAY: -- that --

11 THE COURT: -- hold -- guys, stop, okay. When I need
12 comments, I'll ask somebody for comments; okay. We're already a half
13 an hour late getting started and I've got a jury trial starting at 10 o'clock.

14 So you filed something saying, I hereby introduce the following
15 into evidence. I'm just telling you that doesn't introduce anything; okay.

16 THE DEFENDANT: All right.

17 THE COURT: Evidence gets introduced at trial through
18 witnesses. So if you have evidence that you want to introduce through
19 trial, I get that you're disclosing this to people --

20 THE DEFENDANT: Okay.

21 THE COURT: -- which is great. If you need to get copies of
22 anything to anybody, you can do that through your attorney; okay.

23 THE DEFENDANT: All right.

24 THE COURT: But understand that you just can't come in and
25 call yourself or an investigator and start introducing all kinds of evidence

1 from other people, there's rules of evidence that pertain to that. So
2 you're going to have to talk to your attorney about how you need to go
3 about seeking to introduce these things during the trial; okay.

4 THE DEFENDANT: Okay.

5 THE COURT: All right.

6 THE DEFENDANT: That's what I was kind of didn't want to
7 surprise them with anything, trying to give them head's up.

8 THE COURT: Understood.

9 THE DEFENDANT: Okay. And the last one, before we get
10 started, was is there any way I can get a -- they told me to ask you
11 because she had problem getting this information from the Judge
12 Sciscento's signature, maybe through stationary document he's ruled
13 upon or something like that so I --

14 THE COURT: I am not providing you anything related to
15 another judge's --

16 THE DEFENDANT: Okay.

17 THE COURT: -- personal items. So that request will be
18 denied.

19 All right. So which of the five motions do you want to start
20 with?

21 THE DEFENDANT: Okay. The motion to dismiss Counts 2
22 through 7.

23 THE COURT: Okay. Anything to add? I did read everything,
24 in all the motions, just so we're clear.

25 THE DEFENDANT: Okay.

1 THE COURT: So if you have anything you wanted to add to
2 that --

3 THE DEFENDANT: Yes.

4 THE COURT: -- please do.

5 THE DEFENDANT: Yes, yes.

6 Okay. The reason for dismissal of the charges 2 through 7, is
7 that Officer Blasko saying that the cell phone was part of the original cell
8 phone was a fabrication of evidence because the cell phone was not any
9 part of that warrant.

10 Detective Shane violates the Supreme Court ruling, Fourth
11 Amendment law, when he unreasonably delayed obtaining a warrant for
12 the search. He also violates proper procedure when the judge
13 commanded him among other things to prepare a written inventory of
14 the property seized and make a return to me within 10 days. Detective
15 Shane never writes this inventory or the return. He gets the forensic
16 return, which I have here, on August 24th, well after the 10 days or the
17 six -- August 6th application. And still does not write the inventory
18 return.

19 Okay, now, I was charged with peeping or spying through a
20 window or a door of another while in possession of a recording device,
21 which didn't make sense to me because even though a few people
22 stayed at this address and there were several who came and went on a
23 constant basis, I'm the only person found to have legally resided at this
24 address, 172 Montello Avenue, through my utility bills that they have on
25 record and my lease and my driver's license. So it couldn't be dwelling

1 of another one. It was my home.

2 Secondly, there's no proof who was behind this recording
3 device. No face appears at all in any of these photos and then that's
4 never been proven that these photos were taken by this cell phone or
5 any other cell phone. As the charge says, recording device, it could
6 have been taken by any recording device.

7 I was charged also with capturing an image of a private area.
8 Again, these photos have never been proven to be taken by a cell phone
9 or sent to a cell phone, taken by a camera and then sent to a cell phone,
10 taken by one cell phone sent to another, or if the pictures were taken by
11 a cell phone at all and certainly never proven to be taken by this
12 particular cell phone. The only time any mention in the discovery about
13 how any pictures were taken or sent was the July 17th picture that
14 Divina took, that the forensic -- prove -- never materialized, which says
15 Woods didn't even see that picture anyway. Which I was not charged
16 for and most definitely could be the same case here.

17 So how can I -- how and why can I be charged for photos with
18 no proof who took or sent them and not charged for the photos who was
19 known to send them.

20 Okay. This cell phone has never been established or proven
21 to be Woods. The cell phone was found in a truck not registered to
22 Woods. The phone was never on Woods person or taken from Woods.
23 This was never a service bill found in Woods' name linking him to this
24 phone. Nothing in the discovery or forensic done says or prove this cell
25 phone belongs to Leonard Woods. This phone did not have Woods'

1 fingerprints or DNA on it. The cell phone was not inventoried with the
2 items seized from that warrant search on that day. The cell phone was
3 not put in Woods' property when he was booked into CCDC or given to
4 him when he was released from CCDC. No one ever asked Woods, is
5 this your cell phone? Nor did Woods ever acknowledge to anyone that
6 this cell phone was his. So how is Woods charged with anything that
7 has anything to do with this cell phone? When it has never been proven
8 as Woods'. All the forensic done -- ever prove was that these pictures
9 were in the hard drive, not taken by this phone.

10 So, all right, in my conclusion to that, I was just saying that
11 Blasko and Shane clearly violated the Fourth Amendment rights when
12 they failed to follow the correct procedures, the correct warrant
13 procedures. And that since there was no proof of how these photos
14 were taken and sent and by whom, these charges should be dismissed.

15 THE COURT: All right. State.

16 MR. ROGAN: Your Honor, I have nothing further to add, other
17 than what -- based upon the argument today where Mr. Woods is
18 arguing that, look, it's not even his phone, it's not been proven his
19 phone. If it's not his phone, he doesn't have standing to bring anything
20 with regard to the privacy or possessory interest under the Fourth
21 Amendment. And so that would be a further reason to deny the motion.

22 THE COURT: So is that correct, Mr. Woods, are you denying
23 any possessory interest in the phone that's in -- at issue here?

24 THE DEFENDANT: Yes, the phone wasn't never proven to be
25 Woods' phone.

1 THE COURT: Okay. Because --

2 THE DEFENDANT: I never acknowledged that the phone --

3 THE COURT: -- Mr. Rogan's right. If you don't have a
4 possessory interest in the item that was -- that the item that was
5 originally searched, which was the vehicle belonging to the young lady,
6 and you're denying any possessory interest in the property that was
7 seized, the phone, then you don't have standing to object to any of the
8 searches related to that phone, which means all of this stuff about the
9 warrants and everything else are irrelevant. If you're denying an interest
10 in the item seized and the search that was conducted on the items
11 seized, you don't have standing to object to any of that.

12 So, I mean, that -- and that's a little different. You didn't put in
13 any of these motions that you were denying that it was your phone. You
14 were objecting to the searches and now it sounds like you're denying
15 that you have any possessory interest in the phone.

16 So that -- if that's true, if that's the position you're taking, then
17 the motions dismissed in part because you have no standing to object to
18 an item that isn't -- that isn't yours and that you maintain no possessory
19 interest in or claim of ownership to. That's the first thing.

20 Secondly, I would also say that a lot of the arguments about
21 who did it, and who took the photos, and did they use a camera and then
22 them to this phone, or did they use the phone, all those are questions of
23 fact for a jury to decide.

24 THE DEFENDANT: All right.

25 THE COURT: Things can be implied, inferences can be made

1 based upon whose phone something is, whose emails are on there,
2 whose text messages, whose photographs, what the phone records
3 show in terms of who it may have belonged to or not, what people
4 testified to about whether somebody had a phone or not. But that's not
5 any basis for dismissing these charges.

6 Finally, the issue related to the search warrants, I don't believe
7 there was any unreasonable delay in obtaining a warrant within 21 days
8 after the phone was seized. The phone was seized from a vehicle.
9 Patrol officers were originally involved, thereafter detectives get
10 involved, they sought the search warrant. There was never any request.
11 Mr. Woods was in custody for four days and then was released. There
12 was never any request for the return of the property. There hasn't been
13 any showing how there's been any prejudice to anybody because of
14 that.

15 And under *Leon* I don't think there's any basis to assert that
16 there's any impartiality or misrepresentations or any other improprieties
17 in the warrant itself. So that motion is going to be denied.

18 All right. You also have your motion to dismiss the lewdness
19 charge. That's part of what was attached to the evidentiary hearing
20 motion. That's the one that didn't get calendared but we did put it on for
21 today.

22 All right. So anything to add to that one, Mr. Woods?

23 THE DEFENDANT: Yes.

24 Okay. Not only are these allegations false, unsubstantiated,
25 and unproven the accuser has been made -- have made false claims

1 pertaining to male and female authority figures in her life. She is also
2 known to take nude photos of herself. The accuser refers herself to a
3 sexually derogatory term called "thot box," which I have here. A lot of
4 people I don't know if they know what the term "thot" is, t-h-o-t, it's an
5 acronym for "thirsty ho's out there." So if somebody's describing herself
6 as a "thirsty ho" that pretty much tells you what you need to know about
7 this person.

8 That also coincides with someone who takes nude photos of
9 herself, sending nude photos, tries to frame or make false sexual claims
10 against another.

11 I have -- there's also a pattern of fact that nobody has taken
12 the time to acknowledge. Divina has, on at least four different
13 occasions, accuse adults in her life of doing wrong to her and puts these
14 adults against each other until the disaster strikes.

15 In twenty-eleven-twelve she accused her then stepmom, Rena
16 Taylor, of abusing her and treating her brother unfairly, until finally
17 there's a break-up and the dad ultimately gets kicked out, moves the
18 kids to Reno and then Arizona.

19 She then, in 2013, accuses the dad of having guns, using
20 drugs, touching her inappropriately, slapping her around, and making
21 her sleep in the closet. To where after a couple of failed attempts by her
22 mom, Woods goes down to Arizona with the mom, confronts the dad,
23 gets Divina out of that situation.

24 So then she accuses Woods in 2015 of touching her breasts,
25 creating friction between her mom and Woods that led to Woods' arrest.

1 Not even a week later she accuses the dad's cousin, Dorian
2 Leal, of inappropriate behavior, and leads her mom to be kicked out of
3 his residence.

4 Also this guy is driving the same kind of car that was seen
5 leaving the murder scene.

6 All of these separate incidents are recorded and no one has
7 yet said, wait a minute, what's going on here with this girl, the one who
8 was manipulative and crying wolf whenever she wants to get her way.

9 So the -- this accusation was denied before in the JC courts
10 and should be dismissed again now.

11 Once again, there is no merit, proof, or truth to these
12 allegations; therefore, the defense requests this Honorable Court to
13 grant this motion and dismiss this open and gross lewdness charge.

14 THE COURT: All right. State.

15 MS. FLECK: Well, I mean, Judge --

16 THE COURT: I would agree that none of this is in the motion
17 that was filed.

18 MS. FLECK: Right.

19 It's --

20 THE COURT: Well, I take that back, the very first couple of
21 sentences he stated were in the motion that he filed.

22 MS. FLECK: Right.

23 And it's the first that we've heard about any of this, so
24 obviously, you know, in order to get into any sort of prior false allegation
25 we have to have a *Miller* hearing where he has to actually prove that the

1 allegation was made and that it was false.

2 So I think that obviously we would object to any of this coming
3 in. It's not relevant at all nor has it been proven. It's his bare, you know,
4 allegations at this point in time. So we object to any of it coming in. I
5 think that it's -- what he's saying is not a basis for the motion to dismiss
6 the open and gross lewdness charge. So it would really have to be
7 framed in a completely different way.

8 So at this point I don't think that he obviously, you know, I
9 don't know how to respond to any of the -- the "thot box" or the "thirsty
10 ho's out there" these kinds of things. It's my belief that the text that he's
11 actually referring to is somebody that Divina is texting. But I haven't
12 been able to research that well enough. But, regardless, I don't think it's
13 relevant. It doesn't come in. And in order for him to get into anything
14 like a prior false allegation, he would have to have filed much different
15 motions.

16 THE COURT: Mr. Woods.

17 THE DEFENDANT: Well, I just thought because this was part
18 of the discovery I could use it, the cell phone, the --

19 THE COURT: No, you -- you --

20 THE DEFENDANT: -- that was taken from the cell phone.

21 THE COURT: -- I don't think that's the basis mainly of what
22 Ms. Fleck's saying. It's the -- all this other stuff that you're throwing out
23 there today that wasn't part of the motion that you filed, where you're
24 now saying that Divina was abused by multiple other people.

25 THE DEFENDANT: But this is in the discovery, I can use

1 what's in the discovery.

2 THE COURT: I -- I --

3 THE DEFENDANT: I have to put in a motion?

4 THE COURT: -- I don't have all the discovery but I don't know
5 anybody mentioning anything about other people abusing Divina. If they
6 did, if there's anything in the discovery about that, then, yes, you file a
7 particular motion, which is a request for a *Miller* hearing, if you believe
8 there's been prior false allegations where you would bear the burden of
9 showing that those were, in fact, false allegations and that they were
10 relevant to the allegations in this case, of a similar conduct, of a similar
11 nature, that there's legal grounds, that something like that could be
12 granted.

13 But it's not a motion to dismiss open or gross lewdness charge
14 and talking about how this young lady refers to herself in some type of
15 sexual derogatory way and then coming in at a hearing and orally
16 throwing all this other stuff out. These are wholly, separate, kind of a
17 distinct issue.

18 That's where the objections coming from.

19 THE DEFENDANT: So I would have to file another motion
20 and then put what I just said into the *Miller* motion?

21 THE COURT: Well, and show how it was you plan --

22 THE DEFENDANT: And show them; okay.

23 THE COURT: -- to be able show that that was a false
24 allegation.

25 But, look, today was the day trial was supposed to start, so I'm

1 not taking anymore -- anymore motions at this point. We have to --
2 we're going to start trial next Monday morning and we're getting through
3 all the motions that have been filed so far.

4 So this particular motion is going to be denied. I mean the
5 allegation of open or gross lewdness is very simple. It alleges that
6 Mr. Woods touched the breasts of this young lady, that's it.

7 Whether she called herself -- whether she was sexually active,
8 whether she referred to herself, if this was, in fact, her phone, with some
9 kind of moniker that you believe to be a sexually derogatory term or not,
10 none of that is relevant to whether you touched her breasts and she
11 didn't want you to.

12 If you didn't do it, then anything related to what she called
13 herself or didn't call herself or whether she ever took a naked picture of
14 herself, none of that is relevant to that finite issue of what that charge is
15 about.

16 So I don't see any basis, based upon what's in here. And I get
17 that you're saying, you know, she's a liar and none of this is proven.
18 Again, this is the same theme in all of your motions, that's what the trial
19 is for. That's where people come in and testify. You have a chance to
20 cross-examine them and test the evidence against you and see if the
21 State is going to prove the allegations or not prove the allegations; okay.

22 THE DEFENDANT: All right.

23 THE COURT: So I'm going to deny that motion. And I think it
24 is inappropriate to raise a *Miller* hearing, false allegations as part of what
25 is couched as a motion to dismiss when those allegations have never

1 been raised in any other motion filed or even in the instant motion that
2 was filed.

3 MS. FLECK: Judge, I just like to take this opportunity to
4 remind the defendant that we need everything that he is planning on
5 using, like we haven't seen any of this stuff. So whatever he's referring
6 to has not been turned over to the defense. We have made requests for
7 reciprocal --

8 THE COURT: In terms of in the discovery?

9 MS. FLECK: In -- in --

10 THE COURT: So there isn't anything in the discovery about
11 her saying --

12 MS. FLECK: I have not --

13 THE COURT: -- that her mom -- well, look, her mom
14 mistreating her, dad using drugs, none of that would even be relevant to
15 the *Miller* hearing. The only thing that -- that would even be relevant if
16 somebody raised a *Miller* hearing question was him saying that she said
17 that her father inappropriately touched her.

18 So is that not in the discovery?

19 THE DEFENDANT: That's in -- that's --

20 MS. MURRAY: Your Honor, it is in the defense investigation.
21 It is in the items --

22 THE COURT: Okay.

23 MS. MURRAY: -- he listed last week that he wanted to
24 disclose.

25 THE COURT: Okay.

1 MS. MURRAY: I did send those items to be copied into a
2 clean set for the State and they should have them by the end of the day
3 today.

4 MS. FLECK: Okay.

5 THE COURT: Okay.

6 MS. FLECK: Thank you.

7 THE COURT: Thank you.

8 All right. Mr. Woods, your next motion, motion to clarify a
9 ruling.

10 Anything to add to that motion? This is --

11 THE DEFENDANT: Okay. I didn't bring my added papers so
12 I just have to read this one.

13 Okay. In Woods' motion to dismiss the murder charge --

14 THE COURT: Okay. Let me interrupt you, I don't want you
15 just to keep reading the motion. I've read all the motions. I'm just
16 asking if there's anything you need to add to it.

17 So you keep starting out by the very first line in your motion,
18 I'm reading it right here, it's front of me, In Woods' motion to dismiss.

19 I've read all this already. So you just need to tell me what you
20 need me to know about it. Not just read it again; okay.

21 THE DEFENDANT: Okay. This one pretty much speaking for
22 itself. I just wanted to know, you know, why you ruled on the cell phone
23 that wasn't in my motion to begin with. I was talking about the victim's
24 cell phone and it ruled out as the --

25 THE COURT: You were complaining that the police did not --

1 did not seize the -- the -- the deceased woman's purse and the cell
2 phone that were found there by her body; right?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. State, anything to add on that?

5 MR. ROGAN: No.

6 THE COURT: All right. As I said last time, the -- there isn't
7 any showing that those things were of any evidentiary value. And when
8 you're looking at what the police do or do not seize at the time of a crime
9 and in the area of a crime, you have a young lady who is -- is killed in
10 the parking lot of a Walgreens, there is zero evidence that was available
11 to the police that suggested that this was a robbery. That anybody that
12 attacked her ever tried to rob her of the purse or the phone or ever
13 touched the purse or the phone or anything like that. It was alleged to
14 be her purse and her phone. So the value of seizing those things into
15 evidence doesn't really exist.

16 Now, I get what you're saying, well, maybe they could have
17 tested 'em and maybe there could have been something on there,
18 maybe there could have been blood that got on there or maybe there
19 could have been a this, that, and the other.

20 You can certainly make those arguments at trial; you can
21 question police officers about that. But the context of -- they don't just
22 seize everything; right, they're not going to seize every car in a parking
23 lot, they're not going to seize every piece of trash, or every, you know,
24 discarded hat or anything like that. But you can make the argument that
25 there are certain things that they should have seized.

1 But in the context of this, my ruling was, there was no showing
2 that there was any kind of gross negligence or bad faith or even simple
3 negligence on behalf of the police in not seizing those items.

4 There was a witness there, the young lady, Divina, who says
5 you were the person that committed that murder. That she's somebody
6 that knew you very well.

7 So from the police standpoint of, okay, we have an eyewitness
8 who knows the defendant very well and says the defendant was there
9 and he committed this crime and then took off after that, that -- that
10 faces 'em really with not a lot of reasoning to take the dead woman's
11 purse and phone into custody or to seize it and place it in the evidence
12 vault.

13 Regarding the phone itself, people can subpoena the phone
14 records, if there was something of value on that phone, you think, the
15 phone records could have been obtained. But I don't think there was
16 any basis to allege the case should be dismissed because the police did
17 not take those items of evidence -- into evidence; okay.

18 THE DEFENDANT: My other -- when you say the witnesses
19 there, there's also witnesses that after they show my picture said that
20 absolutely was not him. And --

21 THE COURT: I'm not disputing that. I'm not disputing that.
22 This is all -- you have to go backwards three years and look at it in view
23 of what the police did or didn't seize at that time, what they had available
24 to them in deciding whether or not there's any evidence whatsoever to
25 suggest that there was any kind of negligence or more importantly gross

1 negligence that somehow warrants some type of sanction, as opposed
2 to you simply having the ability to ask them about it at the time of trial
3 and then make argument to the jury if you think it's appropriate about
4 what those items of evidence not being seized would somehow have
5 proven the case; okay.

6 All right. And then you have a motion for evidentiary hearing,
7 which is kind of dealing with the search warrant stuff again. It's come up
8 in several motions.

9 So I have to start out by saying, again, if you're -- if you're
10 disavowing any interest in the property seized, then you don't have
11 standing to object to the property seized.

12 Do you understand what I say when I say "standing"?

13 THE DEFENDANT: Yeah. But even if you're -- you're
14 accused of, you know, I'm accused of the cell phone -- I'm accused --

15 THE COURT: I -- I understand --

16 THE DEFENDANT: -- with the cell phone.

17 THE COURT: -- I understand. But being accused of a crime
18 doesn't mean you automatically have standing to object to a search of
19 things. You still have to have some type of -- for instance, if somebody
20 searches a home and you don't live there but you've been staying there,
21 then you might have a possessory interest even though it's not your
22 home.

23 If on the other hand somebody searches a residence that you
24 have no interest in, you're not staying there, and items seized or
25 purported to be your property, then you might have a reason to object to

1 the search if it's your property and you knew that it was being stored
2 there.

3 But if it's not your residence or vehicle or storage space or
4 anything like that, and you're saying, your position is, that's not my
5 property at all either, then you do not have standing to object to the -- to
6 the search and seizure.

7 So all along, throughout this, you've never said that you were
8 dis -- denying any possessory interest in the phone. You were filing all
9 these motions and it appeared to me that you were saying, yeah, that's
10 my phone, but I'm objecting to the searches that people did of it because
11 I think they were improper.

12 Now, today it sounds like you're saying, that's not my phone, I
13 think the searches were improper, but also that's not my phone.

14 THE DEFENDANT: No, I was basically saying that it was
15 never proven to be my phone.

16 THE COURT: Okay. Well, but, proof -- proof is a trial thing
17 again; okay.

18 THE DEFENDANT: Okay.

19 THE COURT: I mean, it's going to be their burden to show
20 that this is your phone.

21 THE DEFENDANT: All right.

22 THE COURT: And you're the one that that had possession of
23 whatever is on that phone; okay --

24 THE DEFENDANT: Okay.

25 THE COURT: -- that's for trial. But it's -- an important issue

1 before that is, do you claim ownership in it and therefore have standing
2 to object to the search of it or are you disclaiming any ownership interest
3 in it?

4 THE DEFENDANT: I was just saying it was not proven to be
5 my phone.

6 THE COURT: Okay. But you're not listening to the question.

7 THE DEFENDANT: And I stand on that right there.

8 THE COURT: So are you now saying that, yes, I mean, I'm --
9 I'm -- I'm saying I had a possessory interest in that phone or not? And
10 I'm not saying -- they don't get to come in at trial and -- and necessarily
11 say, Mr. Woods said something in court; okay.

12 But you, a moment ago, said you didn't have any ownership
13 interest in it.

14 THE DEFENDANT: That's what I was staying away from. I
15 didn't want them to come later on and say, Woods said this was his
16 phone or he said it wasn't his phone.

17 THE COURT: Yeah, but you can't --

18 THE DEFENDANT: I was just saying it was never proven to
19 be my phone.

20 THE COURT: -- you can't kind of play both sides of the issue.
21 You can't say, I don't -- I'm not claiming any ownership interest in it but I
22 want to be able to object to the search of it because they haven't yet
23 proven that I had an ownership interest in it.

24 THE DEFENDANT: All right. I get it.

25 So I have to say it was --

1 THE COURT: Well --

2 THE DEFENDANT: -- my phone before I can say --

3 THE COURT: -- well, here's the thing, let's get past that, for

4 purposes of this hearing I'm going to just rule from the basis of

5 Mr. Woods is still asserting some type of ownership interest. I won't

6 make you say that such that you can object to the search.

7 So what do you want to add to the motion for evidentiary

8 hearing?

9 THE DEFENDANT: Oh, I have nothing to add to the

10 evidentiary hearing.

11 THE COURT: All right. State, anything to add?

12 MR. ROGAN: No.

13 THE COURT: All right. This goes, again, and this has come

14 up in several motions already, about this search that was conducted on

15 the phone that was taken out of the -- and I don't recall her name.

16 Who is the decedent?

17 MS. MURRAY: Divina Leal -- oh, I'm sorry, Josie Jones.

18 THE DEFENDANT: No, it's Josie.

19 THE COURT: -- Josie's car.

20 So the phone was taken out of the car Josie owned and then

21 later on a search warrant was sought to examine that phone.

22 The objections are basically that there was a delay in

23 searching the phone after it was obtained from the vehicle. They had a

24 delay of getting any kind of report back. There, you know, I have to

25 point out again, there hasn't been any showing that there was ever any

1 type of request to have this phone returned to anybody or any kind of
2 showing that there was any prejudice that's been sustained by anybody
3 by having the phone searched when it was. But the search warrant was
4 authored on, and signed by the judge, on August 6th, 2015.

5 The search warrant -- the search is actually just the copying of
6 the hard drive of the phone. Not the production of a forensic report.

7 So the search gets done, thereafter a forensic report
8 apparently, according to Mr. Woods' motion, forensic evidence report
9 was received on August 24th, 2015.

10 If there was any delay in that because of the nature of getting
11 it from patrol officers to detectives and getting a forensic evaluators
12 involved in it to do the search of it, I don't think that was at all
13 unreasonable. We're talking a short matter of days.

14 And, again, no showing of any prejudice or any kind of
15 improprieties in the warrant itself, and under *Leon* as I kind of eluded to
16 earlier, there isn't any showing of any impartiality of the judge, any
17 misrepresentations or otherwise in the search warrant itself, no problems
18 with the probable cause that are alleged in there.

19 So I don't think that there's any basis to suppress anything
20 related to the search warrant.

21 THE DEFENDANT: For it to be a complete search warrant
22 though, doesn't the return have to be returned to the judge so he can
23 okay what was found in that search?

24 THE COURT: There is a variety of things that occur in search
25 warrants. Sometimes it's a list of items that were seized from

1 somewhere. Sometimes it's a forensic report because you can't really
2 search a phone without an item seized like a piece of paper or a
3 photograph or a shoe or anything like that, you do any forensic report of
4 the phone.

5 What is the prejudice you're alleging from any of this, 'cause
6 that's nowhere in the motions? I mean, there doesn't seem to be any
7 challenge to the fact that the search was done, the report was prepared,
8 everybody has the report. It's known what's alleged to have been
9 searched on that phone and there was never any request to have the
10 phone returned.

11 THE DEFENDANT: Okay. On the first -- on the first warrant,
12 it's all there, the -- the phone call, the warrant, and the warrant return.

13 THE COURT: Right.

14 THE DEFENDANT: But in my -- in my discovery I don't have
15 the warrant return for -- it's like the warrant return was never made in the
16 second warrant search. That's what I was alluding to.

17 THE COURT: Okay. Well, I, again, that doesn't really show
18 that there's any prejudice relating to any of these delays that occurred
19 with this particular search warrant. And, again, we're talking about a
20 very, very short period of time.

21 So, I, yeah, I don't think there's a basis --

22 THE DEFENDANT: How about the three week delay?

23 THE COURT: -- I don't think there's a basis to -- to suppress
24 the search warrant on the phone.

25 THE DEFENDANT: And on -- when I was released from

1 CCDC and I asked them what happened to the phone.

2 THE COURT: Okay.

3 THE DEFENDANT: How can I -- that's -- that's not -- what I'm
4 saying is how can I bring that in court and say, I asked what happened
5 to the phone. I was supposed to be charged with the phone and you
6 said you took the phone from me. I asked what happened to that phone.

7 THE COURT: Okay. Well, I --

8 THE DEFENDANT: But it was never given to me.

9 THE COURT: -- that's --

10 THE DEFENDANT: But they -- but they're saying that I never
11 asked for the phone back. I mean, I didn't understand --

12 THE COURT: Did you ever say that in any of the motions?

13 THE DEFENDANT: Huh?

14 THE COURT: Did you ever say that in any of the motions?
15 That's the first time you've said, oh, no, no, no, when I got out of custody
16 and I asked about where the phone was.

17 THE DEFENDANT: No. I said the phone was never returned
18 to me. I didn't know I had to specifically say, I asked for the phone. I
19 just said, where was the phone, you guys said I was supposed to have
20 the phone in my property but it wasn't a phone returned to me.

21 THE COURT: If you think it's relevant at trial to ask the
22 officers about that, you can certainly do so.

23 THE DEFENDANT: All right.

24 THE COURT: But I'm not suppressing the search of the
25 phone. I don't think that there were improprieties in the warrant or the

1 handling of that warrant such that there's any basis to suppress phone. I
2 mean, we've talked about this in at last four or five different motions so
3 far.

4 Last motion I have is a motion for bail hearing.

5 THE DEFENDANT: Okay. I was telling you before but you
6 was telling me that that ship has sailed when I told you that my last
7 one -- my last public defender didn't never file the motion for bail
8 hearing.

9 THE COURT: Right.

10 THE DEFENDANT: So I filed one myself.

11 THE COURT: No, no, no --

12 THE DEFENDANT: You told me --

13 THE COURT: -- the ship that --

14 THE DEFENDANT: -- if I wanted one to file one myself.

15 THE COURT: -- the ship that sailed was writ arguments
16 attacking the sufficiency of the evidence. That was jurisdictional and
17 that had to have been done within a certain time after the transcripts
18 were filed in the case. So if that wasn't done, there's not a basis to redo
19 that.

20 A bail motion, look, we get bail motions all the time. I would
21 never tell you your ship sailed on a bail motion. I just said, if you want to
22 file a bail motion, you can file a bail motion.

23 THE DEFENDANT: Okay.

24 THE COURT: And you did file the motion, that was one of the
25 ones that was filed on October 24th, and generally with a bail motion I

1 ask that people get a pretrial risk assessment. But, I mean, I know that
2 you're not as knowledgeable on that process since you're acting as your
3 own attorney, so we will waive that and just move forward on the motion.

4 All right. What else would you like to offer to the Court in
5 terms of bail setting?

6 THE DEFENDANT: I would just like to offer to the Court that
7 the bail be set kind of the standard what I've been seeing in your court
8 so far, you know, nothing like unreasonable or out -- you know, too
9 outstanding. I've seen anywhere from -- well, I don't -- do I have to give
10 numbers of what I seen in the court?

11 THE COURT: Yeah, I mean, if you believe -- obviously bail is
12 a -- is a numerical process. It's kind of an imperfect process. But it's a
13 numerical process where the Court's trying to weigh the likelihood of
14 people coming back to court, the likelihood that somebody could commit
15 another crime, all these different things that come up with a bail amount
16 that represents a, you know, kind of a fair assessment of all those
17 considerations.

18 THE DEFENDANT: Okay. Now I've seen anywhere in your
19 court from 150,000 all the way down to 20,000.

20 Now, personally, I've got out of -- I went to the prison in '93, I
21 got out in '98. I have really, pretty much, been trouble-free since then, a
22 couple of misdemeanors here and there. I -- when I looked at my past
23 history I didn't even know I had failure to appear but I had two and I'm 49
24 years old and they were look back -- back in the '90s. I've been staying
25 out here pretty much since 2008. So I don't consider myself a flight risk

1 or a risk at all. And -- I'm going to leave it right there.

2 THE COURT: Okay. State.

3 MS. FLECK: And, Judge, it's our position that he's not entitled
4 to bail. The proof is evident and presumption great that he will be found
5 guilty of a first degree murder.

6 You know, the one thing that he keeps forgetting is that phone
7 call, he's on a recorded jail call where he admits that he did something
8 to -- to the victim and that he's afraid she's going to die.

9 So there, you know, besides all of the evidence that we
10 believe we have just from the scene and from the witnesses, he also
11 there -- I mean, there's a clear admission from when he's in custody.

12 So we would ask that that be denied and that he remain with
13 no bail at this time.

14 THE COURT: Well, I think it's the rare, non-capital case that
15 deserves a true no bail. So I think Mr. Woods is entitled to a bail setting
16 in the case.

17 You know, your range, I'll tell you, is a little off. I have
18 homicide cases where I've given people an OR with house arrest. Not
19 just \$20,000 bail. But I also have homicide cases where they stay in on
20 no bail. So it's not just 150. It's 250. It's 500. It's a \$1 million.
21 Sometimes it's no bail.

22 I would agree with the State and that my review of the totality
23 of evidence in this case would suggest that the -- that the proof is
24 evident and the presumption great that there's going to be a likelihood of
25 a first degree murder conviction. But I still think that there's an

1 appropriateness for a bail setting in the case. So taking everything into
2 consideration, including the allegations that there's a series of crimes
3 occurring over a period of time, I think it's appropriate to set bail in the
4 amount of \$500,000.

5 All right. I think that's the last motion that we had on for today;
6 correct?

7 MS. FLECK: I think so.

8 THE COURT: All right. So, as I said, Mr. Woods, I'm
9 intending to start your trial next Monday because we're still in trial right
10 now. So it would start next Monday at 10:00 a.m.

11 THE DEFENDANT: Well, I still have some outstanding
12 subpoenas out there.

13 THE COURT: Okay.

14 THE DEFENDANT: And that -- he was telling me that he
15 should have them like in a week to a month. I wasn't sure. I still have --

16 THE COURT: A week to a month?

17 MS. MURRAY: There -- they relate to phone records that
18 were on an itemized list that the defendant provided to the Court and
19 that we subpoenaed, a handful of court dates ago, and then there's was
20 a follow-up request for a court order from Mr. Woods that we were
21 hoping would expedite the process in receiving those records.

22 THE COURT: Okay.

23 MS. MURRAY: That request was denied by the Court. We
24 have not yet received any return on the actual subpoena.

25 THE COURT: Okay.

1 MS. MURRAY: So he doesn't know if he'll need to do the
2 follow-up step, we're filing the motion to request for the court order. But
3 that subpoena remains outstanding. The only court date we were able
4 to put on it was last week's calendar call date, which is the date that was
5 put on it.

6 When we had no return by that date and no one appeared in
7 court, I did advise my investigator to follow-up with them and have an
8 answer for me as fast as possible as to why it wasn't responded to.

9 THE DEFENDANT: And one more thing, we also had other
10 stores down in San Diego, the State was alleging that I was up here
11 stalking people, where I was seen at other places when I wasn't. I have
12 other stores that I only knew the streets at the time, but Ruben has
13 found the name of these stores and he's getting the evidence that I was
14 indeed at these stores on this day -- on these days in San Diego.

15 THE COURT: Well, here's the problem, Mr. Woods, I
16 understand that -- that, you know, you're representing yourself now but
17 you can't choose to represent yourself almost three years into a litigation
18 and then unreasonably delay it; okay. So -- and it sounds like now you
19 want to assert an alibi defense, which has never been filed either.

20 THE DEFENDANT: No, not an alibi for the murder per se.
21 But alibi for things pertaining before that, what they're saying happened
22 before that.

23 THE COURT: For some of the other crimes that are alleged
24 or?

25 THE DEFENDANT: No. Well, they're saying like it was a

1 stalking before the murder and I'm trying to tell them that I was 350 miles
2 away from here.

3 THE COURT: Okay, okay.

4 THE DEFENDANT: That couldn't have been.

5 THE COURT: Well, look, I mean, I told you a week or more
6 ago -- actually I told you when you started this process, that if you felt
7 like you needed to continue the trial, you were going to need to do that
8 quickly, access everything and then file a motion.

9 A week or more ago you asked about continue -- how do I
10 continue a trial. I said you've got to file a motion to continue it. You
11 keep filing all these motions, arguing about the evidence, but you
12 haven't filed any requests to continue the trial.

13 THE DEFENDANT: I was under the impression --

14 THE COURT: Today is the date that the trial was supposed to
15 start.

16 THE DEFENDANT: -- I was under the impression I was
17 supposed to ask you for a continuance not -- not --

18 THE COURT: You told --

19 THE DEFENDANT: -- not file the motion for it.

20 THE COURT: -- a week or so ago, you -- more than a week
21 ago, you said, how do I -- how do I continue a trial. And I said, if you
22 want to seek to continue a trial, you file a motion to continue the trial.
23 And then you keep filing all these other motions but you haven't -- you
24 haven't even asked to continue the trial orally in court. You ask how do
25 you go about requesting it and I told you to file a motion.

1 So are you now saying you want to continue your trial?

2 THE DEFENDANT: Yes, Your Honor, this is my reason for
3 wanting to continue the trial.

4 THE COURT: It's a simple question, are you now --

5 THE DEFENDANT: Yes.

6 THE COURT: -- saying you want to continue the trial?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. You need to file a motion and you
9 need to do it really quickly so that the State can respond to it.

10 We're going to put it on calendar Wednesday morning and we
11 will deal with that issue; okay.

12 THE DEFENDANT: So bring the motion to continue --

13 THE COURT: No, file --

14 THE DEFENDANT: Wednesday morning?

15 THE COURT: -- the motion and get it to them so they have a
16 chance to look at it. I don't know, maybe they'll agree with it, even
17 though this case is ancient at this point. Maybe they won't agree to it.
18 And then if I deny it, we're going to trial next Monday; okay.

19 THE DEFENDANT: Okay.

20 THE COURT: But you've got -- get them a copy of the motion.

21 THE DEFENDANT: Okay. This is what I was going to say, a
22 couple of times when I file motions through the clerk, he sends them
23 back. So I don't know how to get that to them that quick.

24 MS. MURRAY: Your Honor, would it be possible that we just
25 put it on calendar for tomorrow morning and that way --

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THE COURT: No --

MS. MURRAY: -- we can file --

THE COURT: -- I'm not putting it on tomorrow morning.

MS. MURRAY: Okay.

THE COURT: Guys, I'm in another murder trial. I can't continue to have Mr. Woods on every day where we do what we're doing right now; right.

MS. MURRAY: No, I was trying to help with the mechanism.

THE COURT: We can't just argue motions and get through it. It's always something else has to come up.

And so, no, it's going to be on Wednesday morning.

MS. MURRAY: Okay.

THE COURT: Get something to your attorney.

MS. MURRAY: Okay. We'll figure it out. That's fine.

THE COURT: Something to her so the State understands what we're going to deal with on Wednesday morning; okay.

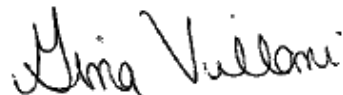
THE DEFENDANT: Okay.

THE COURT: All right. We're in recess.

[Hearing concluded at 10:19 a.m.]

* * * * *

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



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,
8 Plaintiff,
9 vs.
10 LEONARD RAY WOODS,
11 Defendant.

}
CASE#: C-15-309820-1
} DEPT. III
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}

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, NOVEMBER 7, 2018

15 **RECORDER'S TRANSCRIPT OF HEARING:**
16 **MOTION TO CONTINUE TRIAL**
17 **CALENDAR CALL**

18 APPEARANCES:

19 For the State: JEFFREY S. ROGAN, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: Pro per

22 Also Present: JULIA M. MURRAY, ESQ.
23 Deputy Public Defender

24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, November 7, 2018

2
3 [Hearing began at 10:01 a.m.]

4 THE COURT: Mr. Woods' matter, 309820. Mr. Woods is
5 present.

6 So, Mr. Woods, I did see that you filed a request to continue.
7 My understanding is the State is not opposing that; correct?

8 MR. ROGAN: That is correct.

9 THE COURT: Okay. So we're going to grant your motion to
10 continue the trial.

11 Do you have any idea about how much time you're asking for?

12 THE DEFENDANT: Your Honor, I was thinking like a couple
13 months. Well, my general idea was all these holidays coming up, you
14 know, sometime after the holidays would be fine with me.

15 THE COURT: Okay.

16 THE DEFENDANT: I should be ready to go by then.

17 THE COURT: And what about from you-all's perspective, in
18 terms of your calendars?

19 MR. ROGAN: Ms. Fleck wasn't able to come this morning, so
20 I'm not sure of her calendar. If the Court sets it and there's a conflict,
21 then we'll just put it back on calendar to change that date.

22 THE COURT: Okay.

23 All right. Let's try for March 18th. So trial date would be
24 March 18th, the calendar call date is going to be.

25 THE CLERK: March 7th at 9:00 a.m.

1 THE COURT: And we will set a status check in 60 days.

2 THE CLERK: It will be January 9th at 9:30.

3 THE COURT: And that'll be just to make sure that we're on
4 track with maintaining that trial date. Because obviously this case is
5 very old at this point so we need to work towards going forward on that
6 date. And then, obviously, if there's any impediment to that, if
7 somebody finds out from a witness standpoint or an attorney's
8 scheduling standpoint, once you have a chance to talk to Ms. Fleck,
9 then, yeah, just put it back on calendar and we can move that if we need
10 to.

11 MR. ROGAN: Will do.

12 Thank you, Your Honor.

13 THE COURT: Thank you.

14 MS. MURRAY: Thank you.

15

16 [Hearing concluded at 10:03 a.m.]

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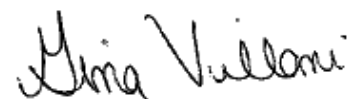
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video proceedings in the above-entitled case to the best of my ability.

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District Court Dept. IX



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,
10 vs.
11 LEONARD RAY WOODS,
12 Defendant.

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CASE#: C-15-309820-1
DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, JANUARY 9, 2019

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorney

For the Defendant: Pro per

Also Present: EDWARD KANE, ESQ.
Deputy Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Las Vegas, Nevada, Wednesday, January 9, 2019

[Hearing began at 1:25 p.m.]

THE COURT: Mr. Woods is 309820, on page 12. He's present in custody. Mr. Woods is representing himself. Mr. Kane is standing in for Ms. Murray.

MR. KANE: Julia Murray's standby counsel.

THE COURT: Thank you.

All right. This was just on for a status check. We had previously moved Mr. Woods' trial to March 18. I wanted to make sure that we were kind of proceeding along towards that trial date and that nobody was aware of any issues with any witnesses or anything like that right now.

MR. KANE: I was given no information on that by Ms. Murray. I was told the clothing has been arranged for the trial and I let Mr. Woods know about that this afternoon.

THE COURT: Okay. No issues from the State?

THE DEFENDANT: I had one --

MR. ROGAN: Judge --

THE DEFENDANT: Oh, go ahead.

MR. ROGAN: I'm sorry.

THE COURT: Okay. Just a second, Mr. Woods.

MR. ROGAN: I think the last -- the last time we were here there was a stack of documents that the defendant had provided to us. We're still going through those. There may be some small motions in

1 limine to exclude some mention of certain things.

2 THE COURT: Okay. But you're not aware of any conflict with
3 the trial date that we set?

4 MR. ROGAN: None.

5 THE COURT: Okay. Mr. Woods.

6 THE DEFENDANT: The one issue I had with the trial date,
7 you said it wasn't set in stone, if there's any issues. Okay, when I was
8 looking over my discovery I found out the victim's birthday is at the end
9 of that week. So I didn't want that to be like a, you know, a sway for the
10 jury or -- you understand what I'm saying -- or something that the
11 prosecution could use.

12 THE COURT: Well, look, I mean, that's -- that's the best date
13 that --

14 THE DEFENDANT: Well, what I was saying is --

15 THE COURT: -- we could find.

16 THE DEFENDANT: -- otherwise if somebody vacated like a
17 spot earlier than that. I didn't want to set it further but if it could get
18 moved ahead.

19 THE COURT: Well, I'm not going to move the date based on
20 that. I mean, what you're talking about in terms of setting the date and
21 any conflict, is if there was any witnesses who are unavailable for a
22 particular time period, and most specifically any expert witnesses that
23 were otherwise going to be out of the jurisdiction, that's what I'm talking
24 about when the dates not set in stone.

25 That's not an issue. I mean, it may not be that there's any

1 reason even to let the jury know what the victim's birthdate is, quite
2 honestly.

3 So we can -- we can do our best to work around that; okay.

4 THE DEFENDANT: All right.

5 THE COURT: All right. So we'll set another status check in
6 30 days and that'll be.

7 THE CLERK: February 6 at 9:30.

8 MR. KANE: What date again, Ms. Clerk?

9 THE CLERK: February 6.

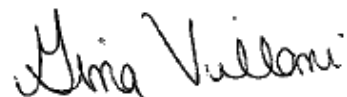
10 MR. KANE: Thank you.

11 MR. ROGAN: Thank you, Your Honor.

12
13 [Hearing concluded at 1:27 p.m.]

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23 Court Recorder/Transcriber
24 District Court Dept. IX
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
LEONARD RAY WOODS,
Defendant.

CASE#: C-15-309820-1
DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, FEBRUARY 6, 2019

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: MICHELLE FLECK, ESQ.
MARC DIGIACOMO, ESQ.
Chief Deputy District Attorneys

For the Defendant: Pro per

Also Present: JOSEPH K. ABOOD, ESQ.
Deputy Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, February 6, 2019

2
3 [Hearing began at 9:56 a.m.]

4 THE COURT: Mr. Woods' matter is 309820. He's present in
5 custody. This is on for a status check. Mr. Woods is representing
6 himself in proper person, the Public Defender's Office is acting as
7 standby counsel. And we have a trial date set now for March 18th.

8 And this is just on --

9 MR. DIGIACOMO: And I think we might need Ms. Fleck for
10 this.

11 THE COURT: Well, you're standing in good; right.

12 MR. DIGIACOMO: Is it -- if it's on for just something --

13 THE COURT: It's just on -- it was really on just for a status
14 check to make sure everybody was okay with that date from a witness
15 scheduling standpoint. I mean, it's -- we've been through a number of --
16 of trial dates through the years on the case, so it's not really any --
17 discovery issue any longer. We had recently continued it over to this
18 date and just wanted to make sure that it was good from a witness
19 calendaring standpoint. Which I'm assuming that there isn't anything
20 and you don't have anything obviously.

21 MR. DIGIACOMO: I -- I don't even know --

22 THE COURT: I can -- I can recall it when Ms. Fleck gets here,
23 if we need to. Just let her know that we called and we left --

24 MR. DIGIACOMO: I will check with her. And if -- if she has
25 any issues, she'll get ahold of Mr. Abood or Mr. Coffee and --

1 MR. ABOOD: Ms. Murray.
2 THE COURT: Murray.
3 MR. ABOOD: Ms. Murray asked me to stand in.
4 THE COURT: Julia Murry has it.
5 MR. DIGIACOMO: Okay.
6 THE COURT: Okay.
7 MR. DIGIACOMO: Ms. Murry and --
8 THE COURT: So we'll --
9 MR. DIGIACOMO: -- ask them to talk about it and see if it
10 needs to be put back on calendar.
11 THE COURT: All right. We're just going to leave it on the
12 next 30 day date would be calendar call anyway. So calendar calls on
13 March 7th.
14 MR. ABOOD: Thank you.
15 THE COURT: All right, guys, thank you.
16 MR. DIGIACOMO: Thank you, Judge.
17 [Hearing trailed at 9:58 a.m.]
18 [Hearing recalled at 10:26 a.m.]
19 THE COURT: Just so you know, Michelle, Mr. DiGiacomo
20 was here on Leonard Woods and we set --
21 MS. FLECK: I think I got that information. We're just --
22 calendar call stands.
23 THE COURT: Yeah, we just left it on for calendar call.
24 MS. FLECK: Great.
25 THE COURT: I assumed there wasn't any problems with

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dates --

MS. FLECK: No problem.

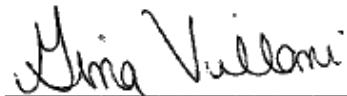
THE COURT: Okay, thank you.

MS. FLECK: Thank you.

[Hearing concluded at 10:26 a.m.]

* * * * *

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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-15-309820-1

DEPT. III

10 vs.

11 LEONARD RAY WOODS,
12 Defendant.

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
15 THURSDAY, MARCH 7, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **CALENDAR CALL**

18
19 APPEARANCES:

20 For the State:

MICHELLE FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

Pro per

23 Also Present:

JULIA M. MURRAY, ESQ.
Deputy Public Defender

24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 Las Vegas, Nevada, Thursday, March 7, 2019

2
3 [Hearing began at 11:18 a.m.]

4 THE COURT: Mr. Woods, page 3.

5 Is it on for -- good morning -- on for calendar call

6 MS. MURRAY: Good morning.

7 THE COURT: Mr. Woods is filing a motion in open court
8 today, a motion to dismiss open murder charge. So we will set that for
9 the morning of trial.

10 MS. MURRAY: Okay.

11 THE COURT: It is March 18th.

12 THE DEFENDANT: Your Honor, I have a --

13 THE COURT: What else do you want to tell me about
14 calendar call, guys?

15 THE DEFENDANT: -- I have a few issues, if I may, after
16 they --

17 THE COURT: Okay. State.

18 MS. FLECK: Good morning, Your Honor, we are ready.

19 THE COURT: Okay. Mr. Woods.

20 THE DEFENDANT: Okay. The first issue, I've got three
21 issues as a matter of fact. The first issue is a few of us down in the
22 module were sexually violated by Correction Officer T. Akkad, T, period.
23 A-k-k-a-d.

24 THE COURT: Okay.

25 THE DEFENDANT: Now it's an ongoing investigation. They

1 removed him from his post so far. But I want to tell you exactly what's
2 going on but some of the language and what happened is really raw. So
3 Julia suggested a closed session, but I -- she also made me a copy. So
4 if you was --

5 THE COURT: I'm not, I mean, if there's something you want
6 to file against the jail, that has nothing to do with my murder case. So
7 I'm not really -- I don't need you to make a record of everything that was
8 going on with something else.

9 THE DEFENDANT: Okay. Well, I was just saying that, I
10 mean, come on now, I'm supposed to be mentally focused for this
11 murder case and I got stuff like this happening to me down there, you
12 know.

13 THE COURT: Okay. So what's --

14 THE DEFENDANT: And there's been cases of retaliation,
15 intimidation on part of these officers.

16 THE COURT: Okay.

17 THE DEFENDANT: I don't know what to do. I just wanted to
18 make you aware of that.

19 THE COURT: Okay.

20 THE DEFENDANT: Okay. My second issue was I wanted it
21 to be put on record that you asked a lot of times, but I don't know why
22 not in my case, that have any plea negotiations been reached or have
23 any deals been reached in.

24 THE COURT: I've asked that in your case.

25 THE DEFENDANT: Well, not to my knowledge. But,

1 anyway, I wanted the -- the record to show that I've reached out to her --

2 THE COURT: Okay.

3 THE DEFENDANT: -- a couple of times. And you heard her
4 in here say that talking to me would be a waste of her time. I don't
5 think -- I don't know if she just thinks I'm just too beneath her to even --

6 THE COURT: I -- I think the --

7 THE DEFENDANT: -- approach me and talk to me about --

8 THE COURT: -- that the representation -- the representation
9 was whatever discussions had been had in the past when you had an
10 attorney were so far apart, that unless, I think what Ms. Fleck said was
11 that unless there was a willingness to plead to first degree murder, then
12 there wasn't -- then you guys weren't going to be close on negotiations.

13 THE DEFENDANT: Okay. Well, that's fine.

14 THE COURT: Okay.

15 THE DEFENDANT: But she also came in here and threw out
16 some numbers that she didn't get from me. She never talked to me.

17 THE COURT: Okay.

18 THE DEFENDANT: So I don't know where those numbers
19 came from --

20 THE COURT: Look, I will --

21 THE DEFENDANT: -- anywhere.

22 THE COURT: -- I will ask the State to make a formal offer so
23 that you have something to consider obviously.

24 THE DEFENDANT: Oh, no, I was just making it out there
25 that there has been no negotiation.

1 THE COURT: Okay.

2 THE DEFENDANT: But that's fine. I just wanted that to be
3 out there.

4 THE COURT: Well -- so, hold on, do you want them to make
5 an offer to you or not?

6 THE DEFENDANT: I wanted at least a negotiation to take
7 place. There's never been a negotiation with me.

8 THE COURT: Okay. So you -- that's what an offer would be.
9 So I'm asking you, I will ask them to -- well, just make a formal offer. I
10 know that there was discussion on the record of this previously,
11 including both before and after Mr. Woods became in proper person,
12 and the representation was that it didn't feel like there was any --
13 anywhere close to what people thought was appropriate resolution.

14 But go ahead and make a formal offer, if you would.

15 MS. FLECK: You know, I can't remember exactly where we
16 were but I think that we were at a first degree murder, that we would
17 take -- we would take life without off of the table.

18 THE COURT: Okay.

19 MS. FLECK: And otherwise it was plead to the first degree
20 murder, the 20 to life, right to argue on the weapon, and right to argue
21 on the other charges.

22 THE COURT: Okay. So the request would be that he's
23 pleading to all of the other charges and a first degree murder, removing
24 life without, and arguing about the weapon enhancement?

25 MS. FLECK: That's correct.

1 And we, I mean, of course if -- if we're even in the ballpark, I'll
2 talk to him about the other charges, in terms of the open and gross --

3 THE COURT: Okay.

4 MS. FLECK: -- and in terms of the peeping.

5 You know, I think it's really disingenuous to say that we
6 haven't had these kinds of discussions 'cause we've been having them
7 for years. He's been at something like a voluntary.

8 THE COURT: Okay.

9 MS. FLECK: So -- and that was I think the highest that he
10 ever got to. So we have definitely been involved in negotiations.
11 Certainly Ms. Murray and I have throughout the years.

12 THE COURT: Okay. So regardless of anything in the past
13 that's the current offer that starts with the homicide charge where --
14 where the offer that they've made -- and that remains open?

15 MS. FLECK: Yes, absolutely.

16 THE COURT: Okay.

17 MS. FLECK: Now, once we bring in -- Divina out, you know,
18 once the victim flies out.

19 THE COURT: I get it.

20 All right. What you got next?

21 THE DEFENDANT: Which is ridiculous in itself, that's the
22 same thing I would get if I lost at trial. So that doesn't even make any
23 sense.

24 THE COURT: Well, I mean, look, that's -- everybody has
25 their own opinions.

1 THE DEFENDANT: Okay.

2 THE COURT: I'm not getting involved in negotiations. I
3 mean, that's --

4 THE DEFENDANT: Okay. Well, that's -- that's a done issue.

5 THE COURT: Okay.

6 THE DEFENDANT: My third issue was, okay, you also ask at
7 the end of hearings that, does anyone have problems with any
8 witnesses. Now, I'm having problems with some of these witnesses
9 saying that they don't have money to get out here.

10 THE COURT: Okay.

11 THE DEFENDANT: Now, we discussed financial options
12 before, if you recall, some months back, and that didn't really go
13 anywhere, you know, and you even made court orders so I can
14 adequately defend myself.

15 THE COURT: Right.

16 THE DEFENDANT: But all I got from that was two -- two
17 legal pads. So I don't know how that possibly --

18 THE COURT: Well, you have never --

19 THE DEFENDANT: -- makes me adequately defend myself.

20 THE COURT: -- you have never come to court asking me to
21 do anything related to witnesses being able to travel here.

22 THE DEFENDANT: Yes, I did, Your Honor. I asked you, do I
23 get stipend or any kind of account so I can get witnesses, expert
24 witnesses, and all that. I asked you that several months ago.

25 THE COURT: No, no. You've asked me about whether you

1 get any special treatment at the jail and I said no --

2 THE DEFENDANT: No.

3 THE COURT: -- you have standby counsel to help
4 investigate your case. You have never -- because I would have told you
5 what I'm going to tell you right now, is I'm happy to sign an order that
6 directs the county to provide travel payments to any witnesses that you
7 want to bring in to trial. And I'll -- anybody can prepare the order and I'll
8 sign it today and they'll pay for your witnesses to come out here.

9 THE DEFENDANT: Okay. Now, there's two witnesses in
10 particular that I -- I need. I can't even see us having a trial without these
11 two witnesses.

12 THE COURT: Okay.

13 THE DEFENDANT: One is Garland Calhoun. He's the one
14 that they -- so at the murder scene, back when they showed him my
15 picture, he said this is definitely not the guy who committed this murder.

16 THE COURT: Okay.

17 THE DEFENDANT: So he definitely needs to be there. Now
18 I don't -- I never hear his name popped up. They're talking about the
19 victim, the victim's daughter but his name never pops up and he's all
20 through my discovery saying --

21 THE COURT: Okay.

22 THE DEFENDANT: -- this is not the guy. So he definitely
23 needs to be there.

24 MS. FLECK: I can tell you --

25 THE DEFENDANT: The second --

1 MS. FLECK: -- we have him --
2 THE DEFENDANT: -- the second issue is --
3 MS. FLECK: -- not to interrupt -- but we have him under
4 subpoena. He'll be at trial.
5 THE COURT: Okay.
6 THE DEFENDANT: Right.
7 The second --
8 MS. MURRAY: And just so the Court knows, we did issue a
9 sub to Mr. Calhoun as well but they did not respond to the subpoena we
10 issued on behalf of Mr. Woods.
11 THE COURT: Okay.
12 MS. MURRAY: They still have not.
13 THE COURT: All right.
14 THE DEFENDANT: Okay. The second guy --
15 THE COURT: Regardless of whether the State calls him, I'll
16 ask them to make sure he knows he's still under subpoena in case you
17 want to call him as a witness.
18 All right. Go ahead.
19 THE DEFENDANT: Okay. And the second guy is Dorian
20 Leal. Now this guy just wrote back -- she just gave me this paper today.
21 He just wrote back and said he's never ever resided in Las Vegas.
22 Now, this is one of the guys who had a fight with the victim a
23 week before she passed.
24 THE COURT: Okay.
25 THE DEFENDANT: And he was a potential suspect on my

1 list.

2 THE COURT: Okay.

3 THE DEFENDANT: So now he's saying he's never resided
4 here and we have definite proof that he did reside here and had contact
5 with the victim.

6 THE COURT: Okay.

7 THE DEFENDANT: So I was wondering how we possibly get
8 it so he has to come also.

9 THE COURT: Look, you know, we had this discussion, you
10 are the attorney, it is your obligation to do your job as the attorney. I
11 don't do anything for you. I can sign an order that grants fees from the
12 county to pay for a witness to travel here. But I don't -- I don't subpoena
13 your witnesses, I don't investigate, I don't arrange for them to be here,
14 that is not my obligation.

15 THE DEFENDANT: That's not what I was saying at all.

16 THE COURT: Okay.

17 THE DEFENDANT: My whole thing is, since I just got this
18 today, do I ask for a continuance to get more time to get these guys or --

19 THE COURT: All right. I can't advise you on what to do. But
20 what I can tell you is this case is going to trial March 18th.

21 THE DEFENDANT: It's no problem.

22 THE COURT: It's been pending for --

23 THE DEFENDANT: So that means no --

24 THE COURT: -- it's been --

25 THE DEFENDANT: -- so that's no problem.

1 THE COURT: -- pending for well over four years and it is
2 seventh trial date.

3 THE DEFENDANT: That's fine.

4 THE COURT: It's going to trial March 18th.

5 THE DEFENDANT: I'm ready to go.

6 THE COURT: Okay.

7 THE DEFENDANT: I just want my people there. I can't have
8 a trial with my main witnesses not being there. What kind of fairness
9 would that be to me?

10 THE COURT: Look, all I know is you're representing
11 yourself, it's your obligation to procure your evidence and your
12 witnesses. We've had two status checks since I granted your last
13 continuance, in both January and February, there were no issues raised
14 about any problem with this trial date, any problem with witnesses,
15 nothing.

16 And I'm not granting a continuance now, which you're not
17 asking for, I understand, you're telling me you're ready to go so, which is
18 good because we're going to go to trial March 18th.

19 THE DEFENDANT: Okay. You said it's up to me to get
20 these witnesses in because I'm representing myself.

21 THE COURT: Correct.

22 THE DEFENDANT: But you also tell me to go through Julia
23 and her investigator.

24 THE COURT: I tell -- I told you to go through Julie -- Julia,
25 excuse me, to communicate --

1 MS. MURRAY: I'll go by any of 'em.

2 THE COURT: -- with their investigator. She doesn't do your
3 work either. She answers questions.

4 THE DEFENDANT: Okay. Well, that's not my --

5 THE COURT: That's all standby counsel does.

6 THE DEFENDANT: -- investigator. How come I don't get an
7 account -- you make a court order so I can have my own investigator so
8 I can -- so I know that these guys are getting --

9 THE COURT: No, you have the --

10 THE DEFENDANT: -- subpoenaed --

11 THE COURT: -- investigator that has investigated your case
12 for four and a half years in the Public Defender's Office --

13 THE DEFENDANT: But he was fired --

14 THE COURT: -- while Ms. Murray was the attorney --

15 THE DEFENDANT: -- along with Julia.

16 THE COURT: -- the trials going to be really long if you keep
17 interrupting me; okay.

18 That's your investigator. And so I said communicate through
19 Julia, put it in writing what you need the investigator to do, and she'll get
20 it to the investigator so he can do those things.

21 THE DEFENDANT: So it's the standby counsel and the
22 investigator are being forced on me, not assigned to me, it's being
23 forced on me.

24 THE COURT: Nope, they're assigned to you. Not forced on
25 you, they're --

1 THE DEFENDANT: I don't understand the difference.

2 THE COURT: -- they're assigned to you.

3 Well, the difference is you perceive they're being forced and
4 I'm telling you --

5 THE DEFENDANT: Because I fired them.

6 THE COURT: -- that I assigned --

7 THE DEFENDANT: Fire means terminated, let go, they
8 shouldn't even be here.

9 THE COURT: No, you didn't fire them.

10 THE DEFENDANT: I did --

11 THE COURT: You choose to represent yourself and I
12 appointed standby counsel for you. There was no conflict causing the
13 withdrawal of the Public Defender's Office. You said you wanted to
14 represent yourself. I appointed them to be standby counsel to assist
15 you.

16 THE DEFENDANT: With the motion to dismiss counsel.

17 THE COURT: Okay.

18 THE DEFENDANT: Was my understanding.

19 THE COURT: Okay. They are standby counsel. I mean, you
20 can do the trial by yourself, if you don't want them to be involved.

21 THE DEFENDANT: That's fine. That's fine. I've been trying
22 to get the understanding. I didn't know fire mean they still get to be on
23 your --

24 THE COURT: Well, you don't get to fire them. They were
25 appointed as your attorney and you said you wanted to represent

1 yourself. So I then appointed them as standby counsel.

2 If you affirmatively tell me you don't want them as standby
3 counsel, then you can represent yourself at trial without standby
4 counsel, whatever you want to do. They're there to help you and answer
5 questions if you have questions. If you don't want them there, then I will
6 tell them they don't have to be involved in the trial.

7 THE DEFENDANT: Okay. That's fine.

8 THE COURT: So what's your pleasure? Do you --

9 THE DEFENDANT: I'll talk to -- I'll talk to Julia --

10 THE COURT: Okay.

11 THE DEFENDANT: -- and let you know.

12 THE COURT: All right. So we're going to start with jury --

13 MS. MURRAY: Well, Your Honor, could we perhaps trail it so
14 we can have that conversation. I think it's relevant to what you're about
15 to do.

16 THE COURT: Well, yeah, you can talk to him. I've got a few
17 other cases to deal with as well.

18 But trial, just so everybody knows, trial will start March 18th at
19 10:00 a.m. I'm going to require both sides, because I will do all the voir
20 dire, to submit written questions to me that you want -- that you are
21 proposing that the jury be asked. Those will need to be to me by next
22 Wednesday, at the end of the day.

23 We'll start jury selection at 10:00 a.m. on March 18th; okay.

24 MS. FLECK: Thank you, Your Honor.

25 THE COURT: Thank you.

1 We'll also have on calendar at 10:00 a.m. this motion that
2 was filed today to dismiss open murder charge.

3 And, then, yeah, Julia go ahead and then I'll recall it.

4 MS. MURRAY: Thank you. I appreciate that.

5 [Hearing trailed at 11:29 a.m.]

6 [Hearing recalled at 11:47 a.m.]

7 THE COURT: All right. Recall Mr. Woods' matter before we
8 take our break. Mr. Rogan's present for the State. Ms. Murray is still
9 present as standby counsel with Mr. Woods.

10 So, Mr. Woods, what's your pleasure, do you want Ms. Murray
11 to continue on as standby counsel?

12 THE DEFENDANT: Yes, she's gonna stay on standby.

13 THE COURT: Okay, great. Then I will see everybody on the
14 18th.

15 Thank you.

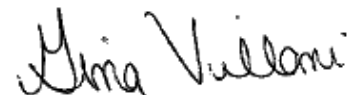
16 MR. ROGAN: Thank you, Your Honor.

17 THE DEFENDANT: Thank you.

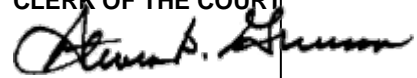
18 [Hearing concluded at 11:48 a.m.]

19 * * * * *

20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 

24 Gina Villani
25 Court Recorder/Transcriber
District Court Dept. IX



1 **RTRAN**

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4
5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

10 **vs.**

11 **LEONARD RAY WOODS,**
12 **Defendant.**

)
)
) **CASE NO: C-15-309820-1**
) **DEPT. III**
)
)
)
)

13
14 **BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE**

15
16 **MONDAY, MARCH 18, 2019**

17
18 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
19 ***RE: DAY 1***

20 **APPEARANCES:**

21 **For the Plaintiff(s):**

MICHELLE N. FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.

22 **For the Defendant:**

23 **Standby Counsel**

PRO SE

JULIA M. MURRAY, ESQ.

24
25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

1 **LAS VEGAS, NEVADA, MONDAY, MARCH 18, 2019**

2 [Proceeding commenced at 10:57 a.m.]

3
4 [Outside the presence of the prospective jury panel.]

5 THE COURT: Okay. We will be on the record -- 309820.
6 Mr. Woods is present, representing himself. Ms. Murray is present
7 as standby counsel. Ms. Fleck and Mr. Rogan are here for the State.

8 We will begin jury selection this afternoon. But this
9 morning was the time that we set for the Motion to Dismiss Open
10 Murder Charge, that was filed on March 7th. I did get an opposition
11 to that from the State.

12 Mr. Woods, is there anything you wanted to add to the
13 motion?

14 THE DEFENDANT: Oh, excuse me. Stand up?

15 THE COURT: Yeah. Go ahead.

16 THE DEFENDANT: Yes.

17 THE COURT: This is informal, if you want to sit down, you
18 can sit down. Don't worry about it. Everybody can sit down. It's
19 okay.

20 MS. MURRAY: You can do whatever you want. Sit or
21 stand.

22 THE DEFENDANT: I guess I feel better standing. Okay.
23 You know, I write all my things out. I know you don't like me
24 reading sometime, but --

25 THE COURT: Well, I mean -- from the standpoint of

1 reading, all I tell people -- whether it's attorneys or anybody, a
2 proper person, is -- I read everything you file. So to the extent you
3 just want to read what you filed, I don't want to do that.

4 But if you have notes that you've written down about
5 argument that you want to make, that's fine. Go ahead.

6 THE DEFENDANT: All right. All right. Nevada law says
7 that commit -- to commit a crime, you have to violate Nevada
8 Revised Statute, and open murder does not have a statute. What I
9 found is that open murder, the legal term in any law book, as it's
10 defined, is not a specific murder charge, and is definitely not
11 applicable to a charge that's alleged to me.

12 Open murder, by its own definition, is a complaint
13 charging first-degree murder and all necessarily included offenses,
14 including second-degree and all degrees of manslaughter. It is also
15 information -- charging murder without specifying the degree.

16 It should fall under the void for Vegas doctrine because it
17 is so unconstitutionally and enforceable, that persons of common
18 intelligence must guess at its meaning and differ about its
19 application. Open murder is also an option for the jury to decide in
20 its conviction.

21 And here's where the problems arise in this particular
22 case. I am alleged, both to my criminal complaint and my amended
23 criminal complaint, to have willfully, deliberately, and with
24 premeditation killed someone. Not only does a criminal complaint
25 have to specify the crime charged, which open murder does not, that

1 language -- willful, deliberate, and premeditation -- is only applicable
2 to first-degree murder. It is specific and does not apply to
3 second-degree murder because second-degree murder, in its
4 definition says without intent, premeditation, or deliberation. So I
5 can't possibly be charged with -- or be eligible for second-degree
6 murder or any other manslaughter charges, based on those
7 allegations against me.

8 Compounded with the aggravated charge against me in
9 NRS 200.030, which means killing by torture, poison, or lying in wait.
10 Those terms only apply to capital murder, which I am not eligible,
11 and first-degree murder, which, again, rules out second-degree or
12 any of the manslaughter charges.

13 Open murder gives the Court grounds to give the jury
14 instructions to be able to find a defendant guilty of a lesser charge if
15 they can't or won't convict on first-degree.

16 But how can you convict someone on second-degree or
17 manslaughter when those charges don't apply to his allegations?
18 You wouldn't give the jury instructions, it's okay to convict someone
19 of first-degree murder, that's on trial for manslaughter. But open
20 murder would legally say that they could.

21 I would have been -- I would have to have been charged
22 with murder only, NRS 200.010, for open murder to be in force to
23 apply, or no specific degree of murder, which I was not. Open
24 murder does not have an NRS, and it doesn't have a term of years
25 associated with a conviction, so how can it be a charge?

1 I have been erroneously, wrongfully, and incorrectly
2 charged with open murder. The charge should have been
3 first-degree murder only, because that's what my allegations apply
4 to -- only and specifically. Open murder does not apply here. It's not
5 a specific murder charge, and it is too vague. It is a complaint; it is
6 an option; it is information. But it is not an applicable charge.

7 This motion and oral arguments prove that this open
8 murder charge should be dismissed. Anything else would be a
9 gross miscarriage of justice.

10 Thank you.

11 THE COURT: Okay. State?

12 MR. ROGAN: Your Honor, we'll submit it.

13 THE COURT: So here's the thing, Mr. Woods.

14 I mean, the way the charge is pled is appropriate under
15 Nevada law. I mean, it does charge open murder. It charges that
16 you, then and there, willfully, feloniously, and without authority of
17 law, and with malice aforethought, killed Josie Jones -- and then it
18 goes into, with use of a deadly weapon. That's the definition of
19 murder -- the unlawful killing of a human being with malice
20 aforethought.

21 The State is required, where they've done so here, to
22 include in that notice to you of the nature of the liability theories that
23 they're pursuing in the case. That's what applies to the first-degree
24 murder part, i.e., that the killing was willful, deliberate, and
25 premeditated, or that it was committed by lying in wait.

1 A jury, at the time that they assess the case and they get
2 their jury instructions, they could decide that a murder was
3 committed -- meaning the unlawful killing of a human being with
4 malice aforethought; but they could decide, it was not committed
5 with deliberation and premeditation. They could also decide it was
6 not committed by lying in wait. And therefore, it would be
7 second-degree murder by default, as opposed to first-degree
8 murder.

9 Depending upon what other evidence gets brought out at
10 trial, it may be that manslaughter instructions are appropriate. It
11 may be that they're not appropriate. That's decided at the end of the
12 case. But it's not inappropriate to charge somebody with murder,
13 and then allege theories which would support first-degree murder.
14 And then you instruct the jury at the end of the case about what
15 murder -- first-degree is, what second-degree is, et cetera, and how
16 they work through their job as jurors. And they decide whether
17 somebody's guilty of first-degree murder or second-degree murder,
18 or maybe even not guilty.

19 But there's not anything inappropriate about this charge.
20 You don't have to specify first-degree murder. Sometimes you may
21 see specificity in regard to first-degree kidnapping, for instance.
22 Other times it may just be pled as kidnapping, with certain theories
23 of liability in there, and the jury could decide it was first-degree or
24 second-degree.

25 But the nature of a murder charge is that what gets

1 charged is murder, and then there are theories for the notice
2 requirement that lists what theories it would -- it could be proceeded
3 under to be first-degree murder. Okay?

4 So I'm going to deny the Motion to Dismiss the Open
5 Murder Charge.

6 The State also filed, and I know it wasn't anything that
7 you're really looking to argue or -- or it wasn't a motion asking for
8 anything, other than you were -- filed an objection to -- it alleges that
9 there were certain documents that were provided last week, and so
10 kind of preemptively saying you're going to have some objection to
11 certain things if they're sought to be introduced, I guess?

12 MR. ROGAN: Right.

13 THE COURT: Okay.

14 MR. ROGAN: The only thing -- there's a whole -- I'm not
15 sure if the defendant's actually seen it, Your Honor.

16 MS. MURRAY: And he's never seen this.

17 THE COURT: Oh, okay. All right. Why don't you get Ms.
18 Murray and Mr. Woods a copy of what got filed.

19 MR. ROGAN: So there was a lot of documents that were
20 provided previously to us, and then last week there were a few
21 things that we got that were new. The one that was most
22 objectionable to us is, number one, the Josie Jones' misdemeanor
23 convictions.

24 THE COURT: Okay.

25 MR. ROGAN: So we raised that issue with you.

1 But the defendant -- we also wanted to go on record just
2 because of prior things the defendant has said in court regarding the
3 victim, Divina Leal, that would have required certain motions to have
4 been filed which weren't filed. And we didn't want to bring those up
5 until the first day of trial, so that the Court could be aware that we'd
6 be ready to object to it.

7 THE COURT: Okay.

8 MR. ROGAN: And then we threw in just a couple of those
9 -- a couple more series of documents -- the family court records and
10 the school records -- just because we felt those were most
11 objectionable.

12 THE COURT: Okay. So rather than -- than get into any --
13 get into the weeds on discussing this right now, Mr. Woods, I'll give
14 you and Ms. Murray an opportunity obviously to look at that. It's not
15 anything that's going to come up during the jury selection process.
16 But prior to opening statements, we can have a discussion on the
17 record about any of these issues. Okay?

18 So they're basically just saying, look, there's certain things
19 that were provided to them in discovery from you all that they're
20 objecting to coming into trial because there weren't any motions
21 filed to get some of this stuff in or that they're arguing that it has no
22 relevance.

23 So take a look at that, discuss it with your standby
24 counsel. And then we'll discuss it on the record, probably tomorrow
25 before --

1 THE DEFENDANT: Okay. I have a couple of issues I would
2 like for you address, if you could.

3 THE COURT: Okay.

4 THE DEFENDANT: One is on my last question on the
5 questionnaire --

6 THE COURT: Okay.

7 THE DEFENDANT: -- if it's all right with everybody
8 involved, I wanted to change the last word from right to honest, if
9 that's at all possible.

10 THE COURT: Well, we're going to talk about the questions
11 in just a second. But on this, did you have anything else about this
12 for right now? We're not going -- I'm not going to give you any kind
13 of rulings on this right now. I'm going to give you an opportunity to
14 read it and talk to Julia about it. Okay?

15 THE DEFENDANT: What -- this what they just saying --

16 THE COURT: The objections that they filed. Okay?

17 THE DEFENDANT: Okay. And one other thing, if I could.

18 THE COURT: Okay.

19 THE DEFENDANT: I wanted to ask the Court to make all
20 submitted voir dire papers by the prosecution and the defense a
21 court exhibit.

22 THE COURT: Yep. They'll be filed as court exhibits.

23 THE DEFENDANT: Okay.

24 THE COURT: We got a one-page listing of 11 questions
25 that the defendant was proposing. That's going to be filed as a court

1 exhibit. And then two page -- or, no, it's actually one page by the
2 State, as well, of --

3 THE DEFENDANT: It was three, actually.

4 THE COURT: Well, it's just one -- I don't know what the
5 last page is. The last page that was provided -- it is three pages. It's
6 one page of questions. Then on page 2, at the very bottom it printed
7 out the word race, but it looks like that was supposed to be at the top
8 of page 3. And as best I could tell, when I started to look at page 3, it
9 looks more like that was --

10 MS. FLECK: Notes.

11 THE COURT: -- just kind of notes that you all would begin
12 making about people. I don't know.

13 MS. FLECK: Can I see it?

14 THE COURT: Yeah. So I didn't go through it all. All I did
15 was look at the first page of questions.

16 THE DEFENDANT: There was three submitted, Your
17 Honor. I would like three to be the exhibit.

18 THE COURT: Okay. Hold on. But what I'm saying is the
19 last page I don't think is questions. If it's not -- unless I'm wrong,
20 because it didn't appear to be -- when Jackie printed it out, and she
21 said it didn't appear to be questions about anything.

22 MS. FLECK: Yeah. That's actually -- that's just our -- that's
23 for -- that was not supposed to be submitted, but --

24 THE COURT: Okay. All right. So you got something that
25 they didn't intend to --

1 MS. FLECK: Yeah.

2 THE COURT: -- submit to you. But in any event, yes, all
3 the questions are going to be marked as court exhibits, just so you
4 know. All the proposed questions from each side will be marked as
5 court exhibits.

6 MS. FLECK: Can I get a copy of that, just because -- just
7 for our records also.

8 THE COURT: Yeah. Well, it's your e-mail.

9 MS. FLECK: Oh, yeah. Okay. I'll look at an e-mail. You're
10 right. Sorry.

11 THE COURT: So in regard to the questions, I don't have
12 any problem with pretty much any of the questions that people are
13 proposing, other than, Mr. Woods, on your No. 8, what are your
14 views on the State having no physical evidence for a conviction?
15 That's not an appropriate question.

16 I mean, it's -- whatever the evidence is is whatever the
17 evidence will be at trial. Asking the jury what their views is on the
18 State's evidence right now is not an appropriate question.

19 Number 9, do you believe someone who falsely accuses
20 another person should also be punished? I can find a way to revise
21 that, about do you -- you know, 9, 10, and 11 all deal with false
22 accusations. Do you believe police officers are always right? Do you
23 believe police officers could tamper with evidence or lie? Things like
24 that. Okay.

25 The idea of should they be punished isn't really relevant to

1 the jury deciding things. I agree that you're entitled to have the jury
2 answer questions about, Do they believe that police officers could lie
3 about things? Do you believe they're always right? Do you believe a
4 police officer could tamper with evidence? Anything like that. But
5 whether they should be punished, that aspect of it I don't think is
6 relevant.

7 THE DEFENDANT: Okay.

8 THE COURT: But I will ask the questions about, Are you
9 always going to believe a police officer? Or do you believe that a
10 police officer could be wrong about things? They could lie about
11 things? I'll certainly ask those. Okay.

12 THE DEFENDANT: So you don't want me to revise it,
13 you're going to revise it on your own with the question?

14 THE COURT: Yeah.

15 THE DEFENDANT: Okay.

16 THE COURT: I'm asking all the questions --

17 THE DEFENDANT: No, that's fine.

18 THE COURT: -- that are provided by both sides. Okay?

19 THE DEFENDANT: All right.

20 THE COURT: And then the way we'll do it is once we get
21 them in here and I go through all of the original questions, we'll take
22 a break. And then if anybody -- and then we'll talk about people that
23 have raised I want to be excused for an undue burden.

24 So the way we do that, Mr. Woods, is when I go through
25 my first series of questions with the whole panel --

1 THE DEFENDANT: I'm going to sit down.

2 THE COURT: You can sit down.

3 -- some people are going to say, I can't be here for two
4 weeks because I've got this to do or that to do; or I'm the most
5 important person at my job; or I can't afford it -- whatever it may
6 be -- reasons they think they should not have to stay here. So after I
7 get all that information from people, we'll send the jury out, and then
8 we'll have a discussion.

9 And if you guys -- meaning you and Ms. Murray and the
10 State -- if you all agree to let somebody go, I'll let them go. If one
11 side or the other says, nope, I want to keep that person for now, then
12 we'll keep them. Okay? And then later on we can revisit whether
13 they should stay. But that's just the first part of kind of looking at
14 people that have raised reasons why they cannot stay here because
15 of work, childcare issues, money, travel, whatever it may be. We call
16 those the undue burden people.

17 Once we get through that, then we will get everybody back
18 in, and I'll run through the rest of my questions, as well as you all's
19 questions. And then we'll take a break again. And you guys can
20 raise people that you think should be challenged for cause -- which is
21 the portion where you're saying, I don't think these people could be
22 fair and impartial for some reason.

23 I'll rule on those challenges. Once we've excluded those
24 people, we'll refill those seats. I'll go back through these series of
25 questions again. And then we'll kind of whittle it down to -- what

1 we're looking for is 32 people passed for cause.

2 Once I get 32 people passed for cause, then each side gets
3 9 challenges and leaves us with our 14 jurors. Okay?

4 Do you have any questions about any of that?

5 THE DEFENDANT: No.

6 THE COURT: No? Okay.

7 MS. FLECK: Judge, I would just ask that -- just the first
8 two pages be submitted to the Court. It was not a -- that's not an
9 actual filing, and those are just internal notes about jury selection
10 and thoughts and ideas. It's basically work product. So I would ask
11 that -- that was clearly a mistake that that was submitted.

12 THE COURT: Okay.

13 MS. FLECK: That was -- that came from an old sheet of
14 paper or like a list of things that we think about during jury selection.
15 And it's really not proper for jury selection. And it was erroneous
16 that it was submitted to the Court.

17 THE COURT: Okay. Well, like I said, I'm going to mark as
18 exhibits the questions that each side submitted. The reality is, Mr.
19 Woods, you -- you know, you got something that they didn't intend
20 for you to get, that gives you a little insight as to who they like as
21 jurors; right?

22 THE DEFENDANT: It gives more insight than that, actually.

23 THE COURT: Well, I mean, like -- look, they, you know,
24 aren't big fans of people who are artists or writers. They want
25 people that can be fair and impartial. You know, they want people to

1 be able to articulate things. So, yeah, I mean, it's -- those are just
2 kind of their internal thoughts on things.

3 But all I'm marking as court exhibits, because it's what
4 needs to get into the record, are the proposed questions that each
5 side is asking.

6 Okay. Either side have anything else before we --

7 MS. FLECK: Nothing from the State.

8 THE COURT: -- break and come back at 1:00? No?

9 MS. FLECK: I guess that the only other thing is -- is that, at
10 the end of court, the last time we were here, we had sort of had
11 some other discussions, I guess, about possible resolution.

12 THE COURT: Okay.

13 MS. FLECK: The -- again, the last time that the defendant
14 had ever articulated anything to me, he was at a four to ten. I had let
15 Ms. Murray know if it comes up again, same thing we kind of had
16 said, if he gets up into a first-degree murder, we can start to talk, is
17 there anything closer that we're at? And I have heard nothing.

18 So before we start, I just want to make sure that -- and
19 especially before we fly Divina in -- want to make sure that we're not
20 anywhere closer, because obviously when she gets to the stand, you
21 know, there will be no negotiation.

22 THE COURT: Okay. Mr. Woods, anything in regard to
23 that?

24 THE DEFENDANT: I mean, she didn't have -- she didn't
25 reach out to me to try to negotiate anything, so I don't know what

1 she's talking about.

2 THE COURT: Well, I think she's --

3 THE DEFENDANT: It stands where it was when we last
4 left.

5 THE COURT: -- she's referencing the conversation that
6 was had at the calendar call when you brought up the -- that I
7 routinely talk to defendants about -- or the attorneys in cases about
8 have there been any offers? And you raised a question about that.

9 So I asked the State if there was an offer that was to be
10 conveyed. And they had indicated at that time that their only offer
11 would involve pleading guilty to first-degree murder. And you had
12 said at that time that you weren't interested in that.

13 So I would assume that's still your position?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. So all they're saying is if that's your
16 position, then they're moving forward, bringing their witnesses in.
17 And they're not going to make any kind of other offers or attempts to
18 resolve the case.

19 Is that correct?

20 MS. FLECK: That's correct.

21 THE COURT: Okay. You understand all that as well?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. All right. Anything further?

24 MS. MURRAY: Just scheduling. I'm only going to be here
25 for part of the week.

1 THE COURT: Okay.

2 MS. MURRAY: I have someone else covering for me the
3 latter part of the week --

4 THE COURT: Okay.

5 MS. MURRAY: -- and then I'll be back next week.

6 THE COURT: Okay.

7 MS. MURRAY: On Thursday, the person covering for me
8 had a preliminary hearing that's supposed to be going in the
9 morning. And I think, tentatively, I've been told you were planning
10 on starting at 11:00. It was their request that if possible, we start at
11 1:00 --

12 THE COURT: Okay.

13 MS. MURRAY: -- so that he doesn't have to move the
14 other hearing. I don't know if that's available or not. I'll find
15 someone else, if it's not.

16 THE COURT: It will kind of depend on, you know, how
17 we're proceeding along.

18 MS. MURRAY: Okay.

19 THE COURT: I am likely going to have to be dark on
20 Thursday the 28th -- so not this week, but next week -- because I
21 might have to go up to Carson City. I'm still trying to figure that out.

22 But generally I don't have any problem starting at 1 o'clock
23 in the afternoon on a particular day, if it accommodates everybody's
24 schedule. I just want to make sure we're still, you know, kind of
25 proceeding along, and we get our trial done.

1 Wednesday may be a 1 o'clock day, this week, because
2 that's a homicide calendar day. I have to look at it. If it's not that
3 big, then we can probably still do it at 10:30. Tomorrow would be at
4 10:30. But do you guys have any objection to starting Thursday at
5 1:00?

6 MS. FLECK: Not at all.

7 THE COURT: Okay. So, yeah, Julia, just let him -- who is it
8 that's going to be here?

9 MS. MURRAY: Robson Hauser.

10 THE COURT: Okay. Yeah. Just tell him that.

11 MS. FLECK: And actually, depending on how far we get in
12 jury selection and when we open and stuff, we might even request
13 for Wednesday to just go ahead and be at 1:00 because of our
14 witness lineup also, and who's flying in and out. But --

15 THE COURT: Okay.

16 MS. FLECK: -- let's just -- I kind of have no idea how jury
17 selection will go or how long it will take.

18 THE COURT: Okay.

19 MS. FLECK: So we'll know more tomorrow.

20 THE COURT: Okay. Got it. Okay. So I don't -- well, let's
21 just plan on that then.

22 MS. FLECK: 1 o'clock on Wednesday?

23 THE COURT: Because that way, I don't -- I'm not worried
24 about pushing people through the homicide calendar in the
25 morning. So if it gets done 10:30-ish, whatever, that's great. But

1 usually that drags on a little bit, if I allow it to, and I would rather
2 allow people to do that if they need to.

3 So we'll plan on starting at 1:00 on Wednesday and 1:00
4 on Thursday. Friday, depending on your calendars, I mean, we can
5 start as early as 9:00.

6 MS. FLECK: That's great.

7 MS. MURRAY: Whatever you guys want. It will be
8 Mr. Hauser on Friday.

9 THE COURT: If you guys have stuff in the morning, that's
10 fine.

11 MR. ROGAN: I just have a hearing on an admitted -- a guy
12 going to gambler's court, Judge Villani, at 9 o'clock. It shouldn't take
13 longer than a half an hour.

14 THE COURT: So 10:00?

15 MR. ROGAN: 10:00's fine.

16 THE COURT: Okay. So Friday we'll plan on 10:00. Next
17 Monday, is probably going to be 1:00. Next Tuesday, the 26th,
18 should be 10:30. Next Wednesday the --

19 MS. FLECK: 27th.

20 THE COURT: -- 27th, should be as early as you guys are
21 available. So again, if you have morning appearances and you want
22 10:00, that's fine.

23 MS. MURRAY: I'll be back by Wednesday and --

24 THE COURT: -- but we can probably start as early at 9:00.

25 MS. MURRAY: I can do whatever you guys want. I have

1 nothing. I blocked it.

2 THE COURT: Okay. And then, like I said, Thursday, the
3 28th, right now, I'm anticipating dark.

4 MS. MURRAY: Okay.

5 MS. FLECK: Okay.

6 THE COURT: And then Friday, we would pick back up
7 again at 9:00 or 10:00, whatever's best for you all.

8 MS. MURRAY: Okay.

9 MS. FLECK: Okay.

10 THE COURT: Okay?

11 THE DEFENDANT: Your Honor, I had one last question for
12 you.

13 THE COURT: Yeah.

14 THE DEFENDANT: But can I -- can I --

15 MS. MURRAY: You can ask me first.

16 THE COURT: Talk to Julia first?

17 THE DEFENDANT: Yes.

18 THE COURT: Yeah. Go ahead.

19 THE DEFENDANT: Okay. Your Honor, I was asking
20 because I -- when I was reading, doing my homework about trials --

21 THE COURT: Okay.

22 THE DEFENDANT: -- it said that, like, some motions get
23 heard during the process of trial.

24 THE COURT: Okay.

25 THE DEFENDANT: And I was wondering, because I know

1 we're right here, and I had a motion that I wanted to file. So I was,
2 like, do I just -- it's not okay? Or --

3 THE COURT: Well --

4 THE DEFENDANT: It's a *limine* motion.

5 THE COURT: -- look, all I can tell you is if you've got
6 something to file, you need to get it filed as quick as you can.

7 But when I talk about motions that come up in trial, it's
8 generally, you know, let's say, all of a sudden, a witness doesn't
9 show up. And now the State says, We're going to move to admit
10 their prior testimony, because we had them under subpoena. We've
11 expected them to be here, and now all of a sudden, they're not here.
12 And they establish, you know, due diligence that would allow
13 something like that to happen. Or either side learns about
14 something during the course of trial, and now they want to raise an
15 issue to the Court in some fashion.

16 It is not during trial that you now start filing all the
17 motions that should have been done before trial.

18 So I don't know what your motion is, but, I mean, I would
19 just say you need to kind of get it filed so we can address it.

20 I mean, what is it trying to address?

21 THE DEFENDANT: Okay. Well, her determination is
22 different. But she said it's relating to the authenticated --
23 unauthenticated telephone calls.

24 THE COURT: Unauthenticated telephone calls? Okay. So,
25 like, jail phone calls?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. Do you guys have jail phone calls?

3 MS. FLECK: We do.

4 THE COURT: Involving Mr. Woods or somebody else?

5 MS. FLECK: Mr. Woods.

6 THE COURT: Okay.

7 THE DEFENDANT: It's actually involving somebody else
8 that they're saying is me.

9 THE COURT: Okay.

10 THE DEFENDANT: That's why I was --

11 THE COURT: Well, so if they've got phone calls that
12 they're purporting to play, then they have to establish the foundation
13 somehow that it's you, first. And that can be done by any variety of
14 ways -- whether it's, you know, an officer coming in and testifying
15 that these calls were made, you know, associated with your account
16 number at the jail; or an officer or a detective saying, Yes, I've had
17 conversations with Mr. Woods and this is his voice; or the person
18 identifies himself, whatever it may be.

19 I mean, all -- you know, any piece of evidence comes in
20 after foundation is laid to get it admitted. So if you're objecting to --
21 are you objecting to the phone calls, saying they're not me, so I want
22 that to be done beforehand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. So before we have the phone calls
25 admitted, then we'll talk about it outside the presence of the jury, so

1 you can preserve that issue. You don't have to file anything in
2 writing.

3 THE DEFENDANT: Okay.

4 THE COURT: And we'll talk about how they're going to be
5 authenticated or what foundation there is before we allow them in
6 front of the jury. Okay?

7 THE DEFENDANT: Okay.

8 MS. FLECK: And I do plan on playing one in particular in
9 my opening --

10 THE COURT: Okay.

11 MS. FLECK: -- so I'll go ahead and send that to the Court --

12 THE COURT: Okay.

13 MS. FLECK: -- so that you will have an opportunity to
14 review it yourself --

15 THE COURT: Okay.

16 MS. FLECK: -- I mean, in anticipation of a ruling.

17 THE COURT: And we'll talk about that then after we get
18 done with jury selection, but before we do opening statements as
19 well.

20 THE DEFENDANT: Oh, I was just told to ask that it be
21 provided to me also, so I can --

22 THE COURT: The particular call they want to use in
23 opening?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Yeah. Well, that, as well as, are you using

1 any other evidentiary items in opening -- photographs or anything
2 like that?

3 MS. FLECK: Yes.

4 THE COURT: Okay. So provide them -- you don't have to
5 provide them a PowerPoint but provide them with copies of which
6 evidentiary items you want use, so we can have any discussion
7 about those before the opening statement. Okay?

8 MS. FLECK: What we can do is we can print out a
9 thumbnail of our pictures that we propose -- will propose for all of
10 the photos we propose in our -- during -- throughout the trial, and
11 then he'll know which ones are in opening also. But we're going to
12 -- I have a folder of just trial photos --

13 THE COURT: Okay.

14 MS. FLECK: -- so we can print off the thumbnails, and
15 then Mr. Woods can look through those.

16 THE COURT: Okay. But I'd also like just to specify, these
17 are the ten that we're --

18 MS. FLECK: For opening?

19 THE COURT: -- using in opening.

20 MS. FLECK: Okay.

21 MR. ROGAN: Okay.

22 THE COURT: So that I can rule on those --

23 MS. FLECK: Okay.

24 THE COURT: -- to see what's going to be admissible or
25 not --

1 MS. FLECK: Sounds good.

2 THE COURT: -- beforehand, as opposed to just guessing
3 which of the 50 are, you know, going to be.

4 MS. FLECK: Okay.

5 THE COURT: Okay. All right.

6 MS. FLECK: And then, I guess, just in terms of the call, my
7 understanding is he has everything, so the specific call is the one
8 where he says, I did something to Josie and she's not going to make
9 it. But did you -- Mr. Woods want another copy of that? Or if I
10 reference it that way, do you know which call that is?

11 THE DEFENDANT: That's -- it's that call I'm talking about.

12 THE COURT: Okay.

13 MS. FLECK: So you do have it, though?

14 THE DEFENDANT: I have the transcripts of it. I don't have
15 the call.

16 MS. FLECK: Okay.

17 THE COURT: Okay.

18 MS. FLECK: I will provide -- how should I get that to him?

19 THE COURT: Do you have the disk, Julia?

20 MS. MURRAY: Can we have a moment?

21 THE COURT: Yeah.

22 MS. MURRAY: Can you pass the audio to the defendant,
23 just --

24 MS. FLECK: I'll e-mail it to you.

25 MS. MURRAY: -- he's saying that there was an issue with

1 the audio.

2 MS. FLECK: Yes. Absolutely.

3 THE COURT: Okay. All right. So we'll get another copy of
4 the audio.

5 MS. MURRAY: And I'll bring a laptop over this afternoon

6 --

7 MS. FLECK: Okay.

8 MS. MURRAY: -- so we can listen to it.

9 THE COURT: Okay.

10 MS. FLECK: Sounds good.

11 MR. ROGAN: Thank you, Your Honor.

12 MS. FLECK: See you at 1:00.

13 THE COURT: All right. See you back at 1:00, guys. Thank
14 you.

15 [Recess taken from 11:25 a.m., until 1:04 p.m.]

16 [Outside the presence of the prospective jury panel.]

17 MS. FLECK: -- of all of our photos, thus far, that we're
18 using, that I can give to Mr. Woods.

19 So the only thing is, I'm not sure how you want to deal
20 with it -- of him just looking at them to see them, and then maybe
21 me blacking them out, because there are the four pictures from the --
22 well, three of them -- are from the bathroom for the alleged peeping.

23 THE COURT: Okay.

24 MS. FLECK: So I wouldn't -- I don't necessarily feel
25 comfortable with them going over to CCDC.

1 THE COURT: Let me take a look.

2 MS. MURRAY: And, Your Honor, those are the same
3 photos that were requested this morning, that I brought over the
4 electronic versions of --

5 MS. FLECK: It's these -- that's just the bathroom, but it's
6 those three.

7 MS. MURRAY: -- that need to get addressed either way,
8 so that he can have them accessed.

9 THE COURT: Okay.

10 MS. FLECK: So maybe he can see them and then we can,
11 like, mark them out with a black pen or something.

12 MS. MURRAY: And what he's saying is he doesn't need a
13 personal copy. He wants for there to be a printed copy in the
14 courtroom. That's what he was just letting me know.

15 THE COURT: Okay. So, like, mark these as a court
16 exhibit?

17 MS. MURRAY: I think he just meant that -- I can't produce
18 the photos that they have alleged are the conduct of the peeping --

19 THE COURT: Got it.

20 MS. MURRAY: -- because they come under that protection
21 clause where I can't reproduce the data.

22 THE COURT: Right. Right.

23 MS. MURRAY: He would like there to be made available,
24 in the courtroom, those photos, so that he can refer to them when
25 he's questioning those witnesses.

1 THE COURT: Got it.

2 MS. MURRAY: And I can't produce those for him to do
3 that.

4 THE COURT: Well, you -- did the State have printed out
5 copies of these photos for purposes of admitting as exhibits?

6 MS. FLECK: We're going to.

7 THE COURT: Okay. So there'll be printed-out copies of
8 them for people to utilize when you're questioning witnesses.

9 What Ms. Murray was just kind of referring to, Mr. Woods,
10 was what I alluded to earlier when I said, you know, sometimes,
11 photographs can be what's considered contraband, meaning it can't
12 be reproduced by anybody.

13 So law enforcement provides it in a format that people can
14 view it from the defense perspective, but they can't reproduce it at
15 all because it's contraband under the law, and so it would be illegal
16 to reproduce it and possess it.

17 That doesn't mean that you don't have access to it and
18 that it won't be an exhibit here in court, though.

19 Okay. Do you want these back?

20 MS. FLECK: So do you want me to -- was I to give that to
21 Mr. Woods?

22 THE COURT: Well, all he was asking for was to make sure
23 there were copies of those photos in court, so that if he's
24 questioning witnesses, he has that evidence available to him, so --

25 MS. MURRAY: He had also asked to see what they

1 intended to use during opening.

2 THE COURT: Yeah. That was separate from this, though;
3 right?

4 MS. FLECK: Yeah. And that one -- because I have not -- I
5 -- so maybe I was wrong. But this morning I thought I said I would
6 print off a thumbnail of all the ones that we're going to admit, for
7 him.

8 THE COURT: Okay.

9 MS. FLECK: And then also I will do one for just my
10 opening, but I don't know all the pictures I'm using.

11 THE COURT: Don't know about the opening yet?

12 MS. FLECK: Yeah. But that, I would be willing to give him,
13 if maybe he looks at it.

14 THE COURT: These are the ones you're going to use in
15 the case?

16 MS. FLECK: Yes.

17 THE COURT: Okay. So -- hey, here's what I'm going to do,
18 Julia. I'm going to go ahead and order Michelle to provide these.
19 But for you to maintain possession of these --

20 MS. MURRAY: And that's fine.

21 THE COURT: -- as opposed to being able to --

22 THE DEFENDANT: That's what I was saying in the first
23 place.

24 MS. MURRAY: Yeah.

25 THE COURT: Okay.

1 MS. MURRAY: And that's fine.
2 THE COURT: All right.
3 MS. MURRAY: Thank you.
4 THE COURT: Thank you. Thursday was the date you guys
5 were asking for 1 o'clock; right?
6 MS. MURRAY: That was my request and --
7 THE COURT: Yes. Okay. Got it.
8 MS. MURRAY: -- we can fix it, if that's an issue.
9 THE COURT: No, no, no. That's okay.
10 MS. MURRAY: Okay.
11 [Pause in the proceedings.]
12 MS. MURRAY: Judge Herndon?
13 THE COURT: Yep.
14 MS. MURRAY: The e-mail that the State sent just a little
15 while ago, is it possible to forward that to your, like, JEA or law clerk,
16 and have a copy printed so I can let Mr. Woods read it?
17 THE COURT: Yeah. I didn't have a chance to look at it. Is
18 there a transcript on there? Or is it just --
19 MS. MURRAY: So I have the materials here, and that
20 part's no problem. It's just the body of the e-mail, because they
21 explain what they propose their foundation to be in it.
22 THE COURT: Got it.
23 MS. MURRAY: That's got to go to him, not me.
24 THE COURT: Supposedly I can print things here in court.
25 So let me see --

1 MS. MURRAY: Oh, okay. Perfect.

2 THE COURT: -- how this works.

3 MS. MURRAY: Thank you.

4 [Pause in the proceedings.]

5 THE COURT: Here you go, Julia.

6 MS. MURRAY: Thank you.

7 THE COURT: Uh-huh.

8 [Pause in the proceedings.]

9 THE COURT: You guys want to -- Jennifer Maier is the
10 very last person in your panel, so Panelist No. 60; Badge No. 105, is
11 apparently having somewhat of a panic attack. So right now the
12 marshal has her in the anteroom, right outside the courtroom there,
13 because she was crying and panicking, having to come up the
14 elevator.

15 So what's your pleasure, folks?

16 MS. FLECK: I don't mind releasing her.

17 THE COURT: Mr. Woods, you have any opinion?

18 THE DEFENDANT: No. No, Your Honor.

19 THE COURT: Okay. No -- no, you don't mind releasing
20 her? Or no -- no, what?

21 THE DEFENDANT: I mean, I don't even know who this
22 person is, what she looks like or nothing. But I'm just supposed to
23 make a decision like that?

24 THE COURT: Well, I mean, that's -- a lot of times that
25 happens with jury selection. I mean, you're looking at some people

1 that physically, kind of, start indicating before they even come in the
2 courtroom that they don't think they can do it.

3 And they -- so we rely on the marshal to tell us what's
4 going on. And when the marshal tells myself and the attorneys,
5 we've got a juror out there that's crying and having a panic attack, I
6 just let everybody know, and you do what you want to do. If you
7 don't want to let her go, then we'll keep her here for now, and we'll
8 get her in the courtroom.

9 THE DEFENDANT: No. If she's out there having a panic
10 attack, let her go on and go.

11 THE COURT: Okay. All right.

12 So why don't you bring her in. And then what we'll do,
13 JR, is just take her out this way so that we're not going back -- I don't
14 want her, you know, in front of all the other jurors or anything, if
15 she's really upset. And then you can take her and get her down the
16 back elevator and on her way. Okay?

17 [In the presence of Prospective Juror No. 105.]

18 THE COURT: Hi, Ms. Maier.

19 PROSPECTIVE JUROR NO. 105: Hi.

20 THE COURT: I understand that jury duty just may not be
21 in the cards for you. And I'm sorry that you had to come down and
22 that you're having a difficult time emotionally with the prospect of
23 this. Okay? But the parties have agreed to go ahead and release
24 you.

25 PROSPECTIVE JUROR NO. 105: Thank you.

1 THE COURT: And so rather than going back out with the
2 other jurors, I'm going to have my marshal take you to one of the
3 back hallways, and they will get you down and then you'll be on
4 your way. Okay?

5 PROSPECTIVE JUROR NO. 105: Thank you.

6 THE COURT: Okay. Take care.

7 [Outside the presence of Prospective Juror No. 105.]

8 THE COURT: And then we had all the others, though;
9 right? As far as you know? Or do you not know?

10 Okay. All right. We'll wait for JR to get back. Thank you.

11
12 Did you think I was asking you, Julia?

13 [Pause in the proceedings.]

14 [In the presence of the prospective jury panel.]

15 THE COURT: All right. You all can be seated.

16 We will be on the record in 309820, State of Nevada
17 versus Leonard Woods.

18 Mr. Woods; Ms. Murray, as counsel; State's attorneys; and
19 jurors are all present.

20 Good afternoon, ladies and gentlemen. How you doing?
21 But not so good, I guess, since you've been here since 8 o'clock. So I
22 apologize for that. I don't really control the Jury Commissioner's
23 Office. We just tell them when we have a trial that's scheduled to go,
24 and they get people in from the community. So I apologize that
25 you've been here since 8 o'clock. Usually, they bring folks in later in

1 the morning that are going to be for an afternoon trial. So I don't
2 know what happened, but I'll certainly look into that. Not that it's
3 going to necessarily help you all since you've already been here. So
4 again, I apologize for that.

5 So I hesitate to ask my next question, which is how many
6 of you are excited to be here? Couple?

7 Okay. Well, we'll continue to work on that as we go
8 through the jury selection process.

9 How many of you have ever been jurors before? And by
10 that, I mean, not just did the process of selection, but actually were
11 selected and then heard a trial? Fair number? Okay.

12 How many of you have gone through the selection
13 process, but you just weren't chosen as a jury? Okay. So we got a
14 big number of folks that have never done this before. So let me
15 speak to you all before we get started -- well, primarily to you all,
16 since you've never done it before.

17 And that's just to kind of familiarize you a little bit with you
18 what's going on and kind of who everybody is in the courtroom and
19 things like that. And then we'll get started with the process of asking
20 some questions and getting our jury selected.

21 So my name is Douglas Herndon. I'm the presiding judge
22 here in Department 3 of the 8th Judicial District Court.

23 You've been summoned here for what is going to be a
24 criminal jury trial. And everybody will introduce themselves to you
25 in a moment, in terms of attorneys and parties. But before we do

1 that, I'll just kind of familiarize you with everybody.

2 So seated at the table, to my -- kind of directly in front of
3 me, next to the jury box, are the two prosecutors for the State of
4 Nevada. Seated at the table, here to my left, is Mr. Woods, who is
5 the defendant.

6 Mr. Woods has chosen to represent himself, so he's going
7 to be the attorney in the case. And next to him is Julia Murray. Julia
8 Murray is a criminal defense attorney, who is what we call standby
9 counsel, to assist Mr. Woods, answer any questions he has during
10 the course of the proceedings as well.

11 Seated immediately to my left, I have the court clerk and a
12 court recorder. So functions that they do: Cathy, as my court clerk --
13 they're responsible for kind of keeping track of everything that's
14 going on in court, no matter what the proceedings are or which case
15 it is, and taking all that information and kind of synthesizing it down.
16 So when we post the minutes -- the public minutes of what's going
17 on -- if anybody wants to look and see what a given department is
18 doing on a given day in a given case, or all of our cases, you can
19 kind of access that information to see what orders, rulings, et cetera,
20 have been given by the Court. She keeps track of all the exhibits that
21 are introduced in court, administers the oath to people -- whether it's
22 jurors or witnesses before they answer questions -- and just a whole
23 host of other things as well.

24 Sarah, my court recorder, keeps track of and runs all the
25 system that records everything that we do in court. So rather than

1 the olden days of court reporting, where everybody was typing
2 everything down, most of our courts run with audio/video now. So
3 you'll kind of notice there's some cameras up in the soffits of the
4 courtroom that -- they really only focus on the witness stand, the
5 bench, and the attorneys' tables -- not you all.

6 But the audio portion does pick up your voices when
7 you're answering questions during jury selection. And then later on
8 we use those audio/videos to produce a transcript of the
9 proceedings. So it's important as we go through the selection
10 process -- couple things are important: Number one, we'll have to
11 pass a microphone around when you're answering individual
12 questions just because there are not microphones placed
13 everywhere to pick up your voices, and we need to make sure we
14 hear you. It's a little bit of a pain, but you'll get used to it fairly
15 quickly.

16 Additionally, we have to make sure we identify people that
17 are answering questions. So if I have a question and, let's say, Mr.
18 Desantis raises his hand -- Mr. Desantis, how you doing?

19 PROSPECTIVE JUROR NO. 022: I'm good. How are you?

20 THE COURT: I'm doing very well. Thank you for asking.

21 So Mr. Desantis' badge number is 022 -- just the last three
22 numbers on that badge. So I'll always try and identify you before
23 you answer one of my questions. If I forget to do that and you could
24 identify yourself, that would be great. Inevitably, we're both going
25 to forget, so I might interrupt you at some point to just say, yeah,

1 that was Mr. Desantis, Badge No. 22, or whatever it may be. Just so
2 you're not some anonymous person in our transcript that's talking.

3 Um-hmm and hmm-um doesn't always work real well.
4 And we have a lot of yes or no type questions, so if you could try
5 and keep to the yes or no, that would be great. If you answer
6 um-hmm or hmm-um, or maybe you're just nodding or shaking your
7 head, I might jump in again just to say, was that a yes? Was that a
8 no? Just to make sure we have a clear record.

9 And lastly, try and make sure we don't talk over each
10 other. So I'll try and let you finish answering questions before I ask
11 another one. But you're going to see that the questions can be kind
12 of repetitive, so if you would let us finish asking that question before
13 you answer, that would be helpful as well. Okay.

14 Additionally, I have my marshal, JR, the gentleman in the
15 black shirt. He's primarily the marshal that works with my
16 department. All of the marshals, collectively, are responsible for
17 everything in the building, collectively. So you're going to see a
18 whole host of marshals in and out of the courtroom during the
19 course of the trial, just like you'll see them all over the building.

20 Whether it is the conduct of a trial in assisting the jury,
21 getting you all through the metal detectors in the morning,
22 facilitating your movement around the building, helping to answer
23 questions about, you know, where to go to lunch, where to park,
24 how do I get a letter for my employer, all that kind of stuff. They're
25 there to assist you, and they're the only ones that can assist you.

1 The attorneys, the parties -- they are prohibited from
2 talking to you outside of court -- not that they're antisocial or they
3 dislike you or anything like that; they just don't want to be accused
4 of trying to win favors with our jurors or contaminate a verdict at all.
5 Okay?

6 So please do not try and talk to them at all. Even if you
7 see them in the morning, they're not going to strike up a
8 conversation with you in the elevator or anything like that. If you
9 have concerns or things that you need answered or questions you
10 need to get to my attention, you can always talk to the marshals.
11 Okay.

12 And then finally, I have a law clerk, Jackie. You may see
13 her come in and out of court on occasion as well. But primarily, she
14 kind of gets involved at the end of the case when she's one of the
15 officers that helps take charge of the jury when you guys go back to
16 deliberate. Sound good? Okay.

17 So one of the things that I'm going to do is have Cathy call
18 the roll of our jurors, so we can make sure we have everybody that
19 we're supposed to have. So if you hear your name, if you would just
20 answer, present or here, for me, I would appreciate it.

21 [Clerk calls roll of prospective jury panel.]

22 THE COURT: All right. Anybody who is not -- or anybody
23 present whose name was not called?

24 Seeing no other hands.

25 Okay. You all can remain seated, but we swear you in

1 before you answer questions. So if you could just raise your right
2 hand for me, we'll get you sworn in.

3 [The prospective jury panel was sworn in by the Clerk.]

4 THE COURT: Okay. Before I start asking questions, I'm
5 going to let the parties introduce themselves to you all. They will tell
6 you a little bit about what the case is about, and by that I simply
7 mean telling you what that charges are, or when they're alleged to
8 have occurred, where they're alleged to have occurred, that kind of
9 stuff; as well as speak to you about any potential witnesses that may
10 be called in the case. And then we'll get into the actual questioning
11 of you all to get a jury seated. Okay?

12 And we'll start with the State, Ms. Fleck.

13 MS. FLECK: Thank you, Your Honor.

14 Good afternoon, ladies and gentlemen. My name is
15 Michelle Fleck. This is Jeff Rogan. We are the chief deputy district
16 attorneys assigned to handle the case of State of Nevada versus the
17 defendant Leonard Woods.

18 The defendant in this case has been charged with eight
19 criminal counts. Those include one count of murder with use of a
20 deadly weapon; four counts of peeping or spying through a window,
21 door, or other opening of dwelling of another while in possession of
22 a recording device; two counts of capturing an image of the private
23 area of another person; and one count of open and gross lewdness.

24 All eight of these charges arise from events which
25 occurred here in Las Vegas, Nevada, between March 9th of 2015 and

1 August 5th of 2015. There are two separate scenes, if you will, that
2 you may hear about in this case.

3 One includes the peeping, the open and gross, and the
4 capturing -- all of those charges. Those arise from events which
5 occurred at 3492 Pinon Peak. Those all involve a girl who, at the
6 time, was 15 years old, by the name of Divina Leal.

7 The homicide count in this case arises from events which
8 occurred on August 5th of 2015, and that was at a Walgreens at
9 Tropicana in Decatur. The victim in that case is Divina's mother. Her
10 name was Josie Jones.

11 Now, I'm going to read a number of witnesses that the
12 State may call. This is a very exhaustive list. We definitely won't call
13 all of these people, but let the judge know if you recognize any of
14 these people as someone who is familiar to you.

15 A woman by the name of Carree Anderson, a John
16 Anderson. You will hear from various members of the Las Vegas
17 Metropolitan Police Department to include officers, crime scene
18 analysts, and detectives. That will include Joel Blasko, Officer
19 Booze, a lay witness by the name of Garland Calhoun, Officer Matt
20 Campbell.

21 From the Clark County Coroner's Office -- obviously you
22 heard it was a homicide -- you will hear from a doctor, a medical
23 examiner by the name of Jennifer Corneal.

24 We may call a number of what's called a custodian of
25 records. It's basically a person who comes in and just lays a

1 foundation for certain videos or documents. Custodian of records
2 from the following businesses: The Clark County Detention Center,
3 the El Cortez Hotel and Casino, the Las Vegas Metropolitan Police
4 Department Records Department or Communications Department,
5 and also a custodian of records from Walgreens.

6 You may hear from a crime scene analyst, Robbie Don
7 [phonetic]; Detective Jason Darr, Detective Buddy Embrey, crime
8 scene analyst, Shawn Fletcher, Officer Cody Fulwiler; lay witnesses
9 within the community, Dora Del Prado and Christina Delpino; crime
10 scene analyst, Bradley Grover, lay witnesses Devyn Hagarty and
11 John Harney -- I'm sorry -- Officer John Harney; Officer Vincent
12 Haynes; lay witnesses within the community, Dorie Henley and
13 Philip Henley; Officer Paul Hunter.

14 From the Clark County District Attorney's Office, you may
15 hear from Matt Johns and/or Ruth Leon; forensic scientist within
16 Metro, David Johnson. Of course, you will be hearing from the
17 15-year-old that I referenced -- she's now 19 -- Divina Leal; Officer
18 Lee; a Detective Dan Long; Detective Terri Miller; lay witness, Rachel
19 Ramos; Officer Landon Reyes; lay witness, Yesenia Rivas; Detective
20 Donald Shane; crime scene analyst, Jeffery Smink; Detective Sam
21 Smith; Officer Timothy Striegel; Officer Travis Swartz; lay witness,
22 Ashleigh Williams; Detective Robert Williams -- I'm sorry -- Detective
23 Robert Wilson; and crime scene analyst Amanda Wright.

24 Mr. Rogan and I, on behalf of the State of Nevada, thank
25 you all for your time and attention in this case.

1 THE COURT: All right. Mr. Woods.

2 THE DEFENDANT: Good morning, everyone.

3 My name is Leonard Woods, and I'm representing myself
4 today in this case. I'm looking forward to speaking with each and
5 every one of you that's going to be picked for this jury to explain
6 exactly why I'm not guilty of this crime of murder.

7 You don't know how much I want to release the stigma
8 from my name, from my family's name. This is humiliating and
9 embarrassing --

10 MS. FLECK: Judge, we're just going to object --

11 THE COURT: Mr. Woods, it's not an opportunity to engage
12 in the jury like that. This is just an opportunity to talk to them. It's
13 okay to tell them that you've plead not guilty, and if you have any
14 witnesses that you want to speak to them about that potentially you
15 may be calling. Okay?

16 THE DEFENDANT: Well, that's all I have to say. I'm just
17 looking forward to speaking with you guys to show you that I'm not
18 guilty of this crime. And the witness list she's already said that she's
19 going to call is pretty much who I wanted to speak to anyway.

20 THE COURT: Okay. All right. So here's how the jury
21 selection process works, folks, for those of you in particular that
22 have never done it before.

23 I have a number of questions that I go through that are
24 designed to just kind of elicit some basic background information.

25 We don't have a lot of information about you all. When

1 you come in to be potential jurors, we know a little bit of information
2 that jury services provides to me, that lets us know, generally
3 speaking, whether you're employed or not, things like that. Doesn't
4 give us any personal identifying information, and doesn't really give
5 us any information that would allow us to know whether you could
6 be fair and impartial in this particular case, or whether there's
7 anything that would prohibit you from doing that.

8 So that's the whole idea of jury selection is to be able to
9 go through and chat with folks so that the attorneys, Mr. Woods, can
10 intelligently put together a jury that they feel will be fair and
11 impartial and try the case in an appropriate manner.

12 So I have the questions that I want to ask. The attorneys,
13 and Mr. Woods submit questions to me that I'll ask from them as
14 well, so that we can elicit the information from you. It's probably not
15 going to be that we get a jury selected today. I'm guessing it will
16 probably be late tomorrow before we get through this process and
17 get it fully selected.

18 Nonetheless, the things that I want you to recall, or hold
19 on to, as we go through this process are, number one, there are no
20 right or wrong answers to anything that we do in jury selection.

21 Okay? It's just an opportunity for us to learn a little bit about you.
22 So please don't feel like you have to, you know, shape an answer in
23 a certain way because of who's asking it or how they've worded it,
24 anything like that.

25 Just be as open and honest as you can and complete with

1 your answers. Don't try and hide anything. There's no need to hide
2 anything. And if you do, that fact alone can contaminate a verdict;
3 and that would be a bad thing.

4 Additionally, we don't always hit on everything with our
5 questions -- at least, I know for myself. So if there's something that
6 you feel is important for us to know, and I haven't got upon it with
7 any of my questions, feel free to raise your hand and just say, hey,
8 by the way, I thought you should know, you know, this particular
9 thing.

10 It's not my desire, I can tell you, to unnecessarily pry into
11 your lives. But on the other hand, obviously, we don't know
12 anything about you, and in order to figure out if there's anything that
13 would cause you to be biased or prejudiced in any fashion to either
14 of the parties here, I kind of need to know about that. So there are
15 some things that are going to be sensitive issues that I'm going to
16 have to ask you about, and I apologize ahead of time for that.

17 We will take a break about every hour and half or so.
18 Generally, during the court process, we'll take a break. I know it's a
19 little warm in here; right? Well, one thing I can't do is control the
20 temperature in my own courtroom, you know it. I don't really want
21 to control it anywhere else in the building, but it would be nice if I
22 could do it in here.

23 So we sent an e-mail to facilities, asking them if they could
24 lower the temperature in here a little bit. It's usually always warmer
25 when we have a large group of people in here, so I apologize.

1 But as I said, we'll take a break about every hour and a
2 half, so you can plan on that. If any of you aren't feeling well, or you
3 need a break before that, if you could just get the marshal's attention
4 or my attention, and we can certainly do that as well. Okay?

5 All right. So the first -- and the way this will happen, I'll go
6 about asking questions, generally, for the panel as a whole. And
7 then once I get done with that, I'm going to focus more on the first
8 32 of you, which is everybody seated over here to my right, and the
9 first row seated over here to my left, because I need 32 people, what
10 I refer to, as being passed for cause, which means, we've gone
11 through and we've questioned you. There aren't any reasons that
12 would prohibit you from being fair and impartial to both sides. And
13 once I have that group settled, than the parties get to use those 32
14 people to choose the 14 that are going to hear our trial.

15 So it's much more efficient if I just kind of focus on the
16 first 32. And then if anybody gets replaced, or anybody gets
17 excused, I'll replace those seats and then we'll keep going. Okay?

18 So if you want to answer any questions, just raise your
19 hand. I usually will start, like, on the top row where Mr. Desantis is
20 and work across, and then go to the middle row, bottom row, first
21 row, second row, third row, first row, second row. So just make
22 sure, as I'm moving around, that you kind of get your hand up high
23 enough for me to see it.

24 All right. Is there anybody in our panel who has ever been
25 convicted of a felony?

1 Yep. Can we get the microphone up here?
2 Kimberly, how do I pronounce your last name?
3 PROSPECTIVE JUROR NO. 034: Milanes.
4 THE COURT: Milanes, Badge No. 34. Okay. What do you
5 got?
6 PROSPECTIVE JUROR NO. 034: A few years ago I had a
7 medical condition, and I hit somebody going off the road.
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 034: And I moved my car.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 034: And I didn't have very
12 good counsel and didn't make me feel like I could go to trial so I pled
13 guilty --
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 034: -- to attempting to --
16 THE COURT: Like a leaving the scene of an accident kind
17 of thing?
18 PROSPECTIVE JUROR NO. 034: -- attempting to leave the
19 scene of an accident.
20 THE COURT: Okay. As a felony?
21 PROSPECTIVE JUROR NO. 034: Yeah. Class B.
22 THE COURT: Okay. And did that stay on your record as a
23 felony or did it get reduced?
24 PROSPECTIVE JUROR NO. 034: It has been -- no. It has
25 been removed and downgraded to a misdemeanor.

1 THE COURT: Okay. All right. So --
2 PROSPECTIVE JUROR NO. 034: It's off my record now.
3 THE COURT: -- and my question wasn't very articulate. I
4 apologize.
5 PROSPECTIVE JUROR NO. 034: Okay.
6 THE COURT: So been convicted of a felony and still a
7 convicted felon. So let's confine our question to that. You got your
8 voting rights back and everything --
9 PROSPECTIVE JUROR NO. 034: Oh, yeah.
10 THE COURT: -- when that gets reduced down. Thank you
11 very much.
12 Anybody else on that question?
13 I see no other hands. Thank you.
14 Is there anybody -- and you can just hold it for right now --
15 not that you're going to answer every question, but -- is there
16 anybody here who is not a United States citizen?
17 MALE SPEAKER: Judge.
18 THE COURT: Yep.
19 PROSPECTIVE JUROR NO. 090: I just have -- I have felony
20 convictions --
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 090: -- but I'm not in the first
23 32, so --
24 THE COURT: Hold on. Let me get it over to you.
25 And is that, Ms. Cardenas?

1 PROSPECTIVE JUROR NO. 090: Yes.

2 THE COURT: All right. Badge No. 90. What do you got,
3 Emily?

4 PROSPECTIVE JUROR NO. 090: I have three actual felony
5 convictions. There was one in 1994, 2004, and 2006.

6 THE COURT: Okay. And what were they for?

7 PROSPECTIVE JUROR NO. 090: Nonsufficient funds,
8 pandering, and the last one was a drug charge of some sort. I don't
9 know.

10 THE COURT: And did they all stay on your record as
11 felonies?

12 PROSPECTIVE JUROR NO. 090: The drug charge may
13 have been adjudicated after drug court.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 090: I don't know.

16 THE COURT: Okay. Did you go to drug court as part of a
17 probation?

18 PROSPECTIVE JUROR NO. 090: Yes.

19 THE COURT: And was there an agreement to drop it down
20 if you were successful? Or do you --

21 PROSPECTIVE JUROR NO. 090: There was. I don't think I
22 paid off everything, so I don't know if it was ever adjudicated or not,
23 but --

24 THE COURT: Okay. What about the earlier two?

25 PROSPECTIVE JUROR NO. 090: The earlier two stayed as

1 felonies.

2 THE COURT: They stayed as felonies? Okay. And you
3 never had any petitions to seal your record or get civil rights back
4 or --

5 PROSPECTIVE JUROR NO. 090: I haven't -- no. I haven't
6 had all that done. But I do have -- I can vote.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 090: I know that. But --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 090: -- I don't have, like, can't
11 have a gun, nothing like that.

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

13 Anybody else? Still on the felony question. I'm sorry.
14 See no hands.

15 The second question was, Is there anybody here who is
16 not a United States citizen? See no hands.

17 Is there anybody here who believes they have such a
18 sympathy, bias, prejudice -- relating to age, religion, race, gender, or
19 natural origin -- that they feel would affect their ability to be a fair
20 and impartial juror?

21 Yep. Right here.

22 PROSPECTIVE JUROR NO. 098: I do.

23 THE COURT: Hold on one second. Ms. Greathouse;
24 correct?

25 PROSPECTIVE JUROR NO. 098: Yes.

1 THE COURT: Okay. Badge No. 98. Yes, ma'am.

2 PROSPECTIVE JUROR NO. 098: I've had several family
3 members that have been killed, and for whatever the reason, I don't
4 think I can be open, fair enough, to have to deal with somebody
5 else's life under these circumstances.

6 THE COURT: Okay. So less about the five things I was
7 talking about -- age, religion, race, gender, or national origin -- and
8 more just about the fact that you've dealt with similar issues as this
9 case. And so you're not comfortable having to -- that you might not
10 be able to be fair to either side or to one side or the other?

11 PROSPECTIVE JUROR NO. 098: To either side.

12 THE COURT: To either side? Okay.

13 All right. I may get into that a little later with some more
14 questions. Okay? Thank you.

15 Anybody else on that question? See no -- yes.

16 PROSPECTIVE JUROR NO. 062: Judge, if we have a
17 similar situation to that, we should wait for further questions from
18 you?

19 THE COURT: Yeah, yeah. I mean, like I said, there's a
20 series of questions that I go through. And if I don't hit upon what
21 your issue is with one of my questions, then, by all means, revisit it.
22 But right now, that one was just talking about whether anybody is
23 biased or prejudiced on this certain kind of thing.

24 PROSPECTIVE JUROR NO. 062: Yeah, got it. Thank you.

25 THE COURT: Okay. And what was your badge number,

1 just so we get it?

2 PROSPECTIVE JUROR NO. 062: 062.

3 THE COURT: Mr. Lane.

4 PROSPECTIVE JUROR NO. 062: Yes.

5 THE COURT: Okay. Thank you, sir. Okay.

6 Is there anybody here who is acquainted with either of the
7 prosecutors, Ms. Fleck or Mr. Rogan? See no hands.

8 Anybody acquainted with any of the prosecutors in the
9 Clark County District Attorney's Office?

10 Got a hand in the far back, JR

11 PROSPECTIVE JUROR NO. 076: 076.

12 THE COURT: 076. Thank you very much. Ms. Davis.

13 PROSPECTIVE JUROR NO. 076: Yeah.

14 THE COURT: Who do you know, Ms. Davis?

15 PROSPECTIVE JUROR NO. 076: I'm friendly with Hagar
16 Trippiedi.

17 THE COURT: Okay. And do you know her socially? Went
18 to school together? Or what?

19 PROSPECTIVE JUROR NO. 076: Her husband is a very
20 close family friend of ours. And her daughter and my daughter are
21 in the same class.

22 THE COURT: Got it.

23 PROSPECTIVE JUROR NO. 076: So we're social as well.

24 THE COURT: Okay. So you see her frequently or just
25 occasionally?

1 PROSPECTIVE JUROR NO. 076: Frequently.
2 THE COURT: And does she ever discuss her work with
3 you?
4 PROSPECTIVE JUROR NO. 076: Never.
5 THE COURT: Never? Okay. Thank you.
6 Anybody else on that question?
7 Anybody believe they know or are acquainted with either
8 Mr. Woods or Ms. Murray? See no hands.
9 Anybody know or acquainted with any criminal defense
10 attorneys in Las Vegas?
11 Got a couple hands. We can start on the front row there,
12 JR Thank you.
13 Ms. Nelson, Badge No. 61.
14 PROSPECTIVE JUROR NO. 061: Yes. My husband is Roy
15 Nelson.
16 THE COURT: Oh, okay.
17 PROSPECTIVE JUROR NO. 061: He presides in this
18 courtroom.
19 THE COURT: Oh, wow. You're very acquainted with a
20 criminal defense attorney then.
21 All right. Thank you, Gina.
22 And then we had a hand in the very back, Ms. Davis,
23 again.
24 Don't worry, I won't make you yell it out, Ms. Davis. Hold
25 on. Badge No. 76. Yes, ma'am.

1 PROSPECTIVE JUROR NO. 076: Yeah. We're friendly with
2 Joel Mann.

3 THE COURT: Okay. Similar relationship with Mr. Mann?
4 Family friends?

5 PROSPECTIVE JUROR NO. 076: We share hockey --
6 season hockey tickets together.

7 THE COURT: Got it. Okay. Do you -- so you see him fairly
8 regularly, I would assume? Okay. Did he ever talk about his work
9 with you?

10 PROSPECTIVE JUROR NO. 076: No.

11 THE COURT: Okay. Thank you.

12 Anybody else on that last question? See no other hands.
13 Thank you.

14 Does anybody believe they're acquainted with any of the
15 witnesses who were spoken to you about by the parties in the case?
16 Believe you know any of the witnesses?

17 Up here on the front row, JR

18 Yes, sir. What's your badge number?

19 PROSPECTIVE JUROR NO. 052: 052.

20 THE COURT: Thank you very much. Mr. -- is it Strumillo?

21 PROSPECTIVE JUROR NO. 052: Yeah.

22 THE COURT: Okay. You can go ahead.

23 PROSPECTIVE JUROR NO. 052: My wife is a crime scene
24 analyst, and I know several of the crime scene analysts, personally.

25 THE COURT: Crime scene analyst with Metro?

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PROSPECTIVE JUROR NO. 052: Yes.

THE COURT: And does your wife share your last name?

PROSPECTIVE JUROR NO. 052: Yes.

THE COURT: Okay. So who all did we have that were crime scene analysts that you read off on your witness list?

MS. FLECK: We have crime scene analyst Robby Don, crime scene analyst Shawn Fletcher, crime scene analyst Bradley Grover, crime scene analyst Amanda Wright.

THE COURT: Okay.

MS. FLECK: And I'm sorry. Jeffery Smink.

THE COURT: Okay. Those five individuals, are they ones that you know?

PROSPECTIVE JUROR NO. 052: I know Robby and Jeff.

THE COURT: Okay. And do you know them just through your wife working with them? Or do you socialize together?

PROSPECTIVE JUROR NO. 052: We socialize from time to time.

THE COURT: Okay. Do they ever talk about their work with you?

PROSPECTIVE JUROR NO. 052: Not specifics, I would say, but the generalities of work.

THE COURT: Okay. And how about your wife? Does she -- I'm assuming she talks about her work.

PROSPECTIVE JUROR NO. 052: It's pillow talk.

THE COURT: Pardon?

1 PROSPECTIVE JUROR NO. 052: It's pillow talk, essentially.

2 THE COURT: Does she ever talk about any of the other
3 crime scene analysts?

4 PROSPECTIVE JUROR NO. 052: I'm sure she does at some
5 point.

6 THE COURT: Doesn't -- nothing rings a bell of saying, this
7 person's good, bad, indifferent, or anything like that?

8 PROSPECTIVE JUROR NO. 052: Oh, I have no idea.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 052: Probably not.

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

12 Anybody else on that last question know any of the
13 witnesses? See no more hands. Thank you.

14 Okay. Our trial is expected to last about two weeks;
15 correct? Yes? All right.

16 THE CLERK: Yes, Your Honor.

17 THE COURT: So I'm going to ask you if serving that
18 amount of time is going to be an undue burden upon anybody.

19 Before I ask, let me give you a little information, because
20 people generally -- and, look, it's inconvenient; right? It's
21 inconvenient to do jury duty. I get that. Before you balance that
22 inconvenience, understanding that, if I excuse you, you're not done
23 with jury duty.

24 So Jury Services can tell you to come back tomorrow,
25 come back next week for another trial, whatever it may be. If you

1 serve with me for the next couple of days, and you're just not
2 chosen, then you're done with jury duty.

3 But in any event, people generally want to know what the
4 schedule of the court is because they're kind of trying to figure out
5 how do you fit this in around the other things I have going on in my
6 life?

7 So on most days we would not start court before 10:30
8 because we have, what we call, law and motion calendars in the
9 morning, where other cases getting ready for trial, they need their
10 motions and issues decided. We do that in the mornings, and then
11 we start our trials thereafter.

12 In the district court, we can't start those calendars until 9
13 o'clock because all of the attorneys have to be in the other courts --
14 justice court and municipal court -- on their other cases, and those
15 courts start at 7:30, 8 o'clock. So it's usually about 10:30 before we
16 can get started. Depending upon how big my law and motion
17 calendar may be, there's going to be days where we won't start until
18 1 o'clock, because I don't want to bring you in and have you sitting
19 around waiting, and the calendar takes a really long time.

20 On Friday, we might be able to start earlier, and by that, I
21 would say maybe about 10 o'clock because there's usually a little
22 less going on on those days from a law and motion standpoint. But
23 never start before 10:30. I have a few days at least that I can tell you
24 right now, we'll be starting at 1 o'clock. And then we'll always stop
25 by 5 o'clock because I know you've got things to do in the evening

1 like anybody else.

2 Sometimes we may stop a little early because the parties
3 get done with a particular witness and the next witness may take a
4 little while. So rather than start them, we'll just pass that over to the
5 next day. I can tell you as well, right now, that it looks like next week
6 on Thursday, the 28th, we will not be in court. I have to go to Carson
7 City on that date, so that would be a dark day. But the other days we
8 should we able to be in court on the schedule that I just talked about.

9 Tomorrow, for instance, should be 10:30; Wednesday and
10 Thursday of this week, we'll start at 1 o'clock. Next Monday, we
11 would be starting at 1 o'clock. And then the other days next week I
12 would anticipate 10:00 or 10:30, as we move throughout the week.

13 So before you answer the question about whether it's
14 going to be an undue burden, let me also just explain to you that a
15 lot of you are going to bring up reasons why you think you should
16 not serve, and at the end of the day, I'm going to keep you here.
17 And understand that that's on me; it's not on the attorneys. I don't
18 want you to find fault with them because you have to stay here.

19 We talk about undue burdens. And we specify -- or I
20 should not say specify -- we're really kind of intent on the undue part
21 of it, because it's inconvenient on everybody to be here. I
22 understand that -- whether it's a financial concern, childcare,
23 whatever it may be. But undue burdens really speak to people that
24 have a particular significant problem with serving jury duty -- not
25 just that it's going to be inconvenient, not just that you're the only

1 person at your work that can do your job. There's a lot of people
2 that are irreplaceable at work, but our businesses have to kind of
3 figure out how to function without you being there.

4 So in any event, the point of that is just if you're going to
5 be upset at anybody, be upset at me. Don't be upset at anybody
6 else. Okay?

7 So anybody it's going to be an undue burden upon to
8 serve for the next two weeks?

9 Go ahead and raise your hands.

10 We'll start up here with, Mr. Desantis, which is Badge
11 No. 22.

12 Yes, sir.

13 PROSPECTIVE JUROR NO. 022: My wife's making me ask
14 this question. Our due date for our first child is literally today --

15 THE COURT: Oh.

16 PROSPECTIVE JUROR NO. 022: -- and we have one car.

17 THE COURT: That's a pretty good reason. And I'm sorry.
18 Did you say that's your first child?

19 PROSPECTIVE JUROR NO. 022: Yes, sir.

20 THE COURT: All right. Congratulations.

21 PROSPECTIVE JUROR NO. 022: Thank you.

22 THE COURT: Okay. Anybody else in that row?
23 Why don't you go ahead and pass it down, Paul. Thank
24 you.

25 Yes. Mr. Gong, Badge 26.

1 PROSPECTIVE JUROR NO. 026: Yes. 26, yes. My wife
2 and I will be traveling in about a month time.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 026: And in about two weeks'
5 time, I need to schedule dental surgery.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 026: And with that, I would
8 need about a week and a half for the surgery to heal --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 026: -- before we travel.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 026: So if the trial drags on
13 more than two weeks, than it would --

14 THE COURT: It would be a problem?

15 PROSPECTIVE JUROR NO. 026: -- be a bit of problem for
16 me.

17 THE COURT: Got it. Okay. Thank you.

18 Anybody else in that top row?

19 PROSPECTIVE JUROR NO. 027: Yes.

20 THE COURT: Yeah. I'm sorry.

21 PROSPECTIVE JUROR NO. 027: Number 27.

22 THE COURT: Mr. Loeffelman.

23 PROSPECTIVE JUROR NO. 027: Correct.

24 THE COURT: 27.

25 PROSPECTIVE JUROR NO. 027: Yes. I've had a meeting

1 scheduled in Chicago starting next Wednesday -- Wednesday and
2 Thursday. It's been on my calendar. I'm hosting a national industry
3 segment meeting.

4 And then my daughter is getting married in California on
5 April 6th. I need to be there on the 5th.

6 THE COURT: Okay. Got it. Thank you.

7 Anybody else in that row?

8 Yes. Mr. Tan, Badge No. 30.

9 PROSPECTIVE JUROR NO. 030: Yes. Just mine is the
10 problem is is just, yeah, two of the childcare is the problem. I have
11 four and three -- I have four years old and six years old daughter
12 right now.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 030: And it's just me and my
15 wife who is taking care them and send them to school.

16 THE COURT: So who's taking care of them today?

17 PROSPECTIVE JUROR NO. 030: Right now just I asked a
18 friend.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 030: But the problem is it's just
21 me and my wife. She works on every Monday, Wednesday, and
22 Friday.

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

24 Anybody else on the top row? Nope. How about my
25 middle row?

1 Could you pass it forward for me? Thank you very much.

2 PROSPECTIVE JUROR NO. 040: Theodore Kwan.

3 THE COURT: Thank you. Badge No. 40.

4 PROSPECTIVE JUROR NO. 040: 040. Yes. I'm a
5 restaurant owner. And I have no one to oversee the restaurant
6 regularly for the next two weeks or however long the trial goes on.

7 THE COURT: Okay. Okay. Thank you.

8 And Ms. Campos, did you have your hand up or no?

9 PROSPECTIVE JUROR NO. 041: Yeah.

10 THE COURT: Okay. Could you guys pass it down there?
11 Badge 41.

12 PROSPECTIVE JUROR NO. 041: Yeah. I have trouble with
13 childcare and I don't drive. So that's my problem. And I live close to
14 Henderson.

15 THE COURT: Okay. So somebody dropped you off today?

16 PROSPECTIVE JUROR NO. 041: Yeah.

17 THE COURT: Got it. You don't drive or won't drive?

18 PROSPECTIVE JUROR NO. 041: I don't drive.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 041: I was in a really bad car
21 accident.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 041: It traumatized me.

24 THE COURT: Okay. No. Understood. All right. Who else
25 got -- okay. Go ahead.

1 PROSPECTIVE JUROR NO. 037: Tamara Alhaery, 037.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR NO. 037: My husband is out of
4 town four days out of the week, sometimes five. And I'm here by
5 myself with also two kids, eight and ten. And I have no family here
6 to drive them back and forth to the school.

7 THE COURT: Okay. And that same schedule will continue
8 on for him during the next two weeks of our trial?

9 PROSPECTIVE JUROR NO. 037: Yeah. He actually stayed
10 here today, just so I can be here today. So he didn't travel today.
11 He's going to travel tomorrow.

12 THE COURT: Okay. Thank you.

13 Who else I got in that row? Nobody?

14 How about bottom row? Anybody?

15 Yeah. Could you pass that forward for me? Thank you,
16 ma'am.

17 PROSPECTIVE JUROR NO. 044: It's Karim Hussain, Badge
18 44.

19 THE COURT: 44. Yes, sir.

20 PROSPECTIVE JUROR NO. 044: My father's recovering
21 from deep brain stimulation surgery, and usually my mom takes care
22 of him. She's his primary caregiver. But usually, two to three days a
23 week, I have to go help them out from time to time when my mom
24 has to go check on stuff at her work.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 044: So that's it.

2 THE COURT: And that will continue on for the next two

3 weeks or --

4 PROSPECTIVE JUROR NO. 044: Yes, sir. He just got out of

5 surgery.

6 THE COURT: Okay. Thank you.

7 Anybody else on that row?

8 Could you pass it down? Thank you.

9 PROSPECTIVE JUROR NO. 047: 04 --

10 THE COURT: I'm going to try it any way. How about

11 Pavloviciene?

12 PROSPECTIVE JUROR NO. 047: Pavloviciene.

13 THE COURT: Pavloviciene? Got it. Okay. What's the

14 origin?

15 PROSPECTIVE JUROR NO. 047: My language not perfect

16 to be judging somebody. And sometime I'm not catching some --

17 THE COURT: What's your first language?

18 PROSPECTIVE JUROR NO. 047: Lithuanian.

19 THE COURT: Okay. Okay. Thank you.

20 Anybody else on that row? Yep.

21 PROSPECTIVE JUROR NO. 049: Hi. Michele Lynn, Badge

22 No. 49.

23 THE COURT: 49. Thank you.

24 PROSPECTIVE JUROR NO. 049: I'm a single parent with

25 two daughters, the only source of income. And their school is

1 15 miles from my house. That's one way.

2 THE COURT: And how old are your kids?

3 PROSPECTIVE JUROR NO. 049: They're 15.

4 THE COURT: Twins?

5 PROSPECTIVE JUROR NO. 049: They just turned 15.

6 Yeah. Twins.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 049: They just started high
9 school.

10 THE COURT: All right. Thank you.

11 Yes? No? Okay. First row over here.

12 All right. We'll start with Mr. Lane on the end, Badge
13 No. 62.

14 PROSPECTIVE JUROR NO. 062: Thank you, Judge. I'm
15 scheduled for vacation next week -- Wednesday, Thursday, Friday, a
16 much-needed vacation. And I will be retiring after 22 and a half
17 years at the Las Vegas Clark County Library District next month.
18 There are a lot of loose ends to cover and others to train.

19 THE COURT: Okay. So you're doing all that now and after
20 your vacation, but before you retire?

21 PROSPECTIVE JUROR NO. 062: That's correct.

22 THE COURT: You know when a really good time to take a
23 vacation is? After jury duty.

24 PROSPECTIVE JUROR NO. 062: Well, let's just say, I have
25 some extra vacation days.

1 THE COURT: No, I'm just kidding. Okay. So you're going
2 to be gone Wednesday, Thursday, Friday of next week?

3 PROSPECTIVE JUROR NO. 062: That's correct.

4 THE COURT: All right. Thank you.

5 Anybody else on that row?

6 Yes, ma'am.

7 PROSPECTIVE JUROR NO. 059: Number 59.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 059: I just have a question.
10 What were the hours that you stated? Because I have a child that I
11 take to school in the mornings.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 059: So it would have to be
14 before 9:00, so I just wanted to make sure.

15 THE COURT: Yeah. We won't start before 10 o'clock on
16 any given day. But probably more like 10:30.

17 PROSPECTIVE JUROR NO. 059: And on Friday the 22nd,
18 did you say -- you didn't mention that date.

19 THE COURT: Friday the 22nd, I think what I said, was on
20 Fridays, we can start a little earlier. But that would not be any earlier
21 than 10 o'clock.

22 PROSPECTIVE JUROR NO. 059: Okay.

23 THE COURT: Good?

24 PROSPECTIVE JUROR NO. 059: Thank you.

25 THE COURT: Um-hmm. And that was Ms. Ballinger;

1 correct?

2 PROSPECTIVE JUROR NO. 059: Right.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 059: I also had a question.

5 THE COURT: Sure.

6 PROSPECTIVE JUROR NO. 059: Me being with the
7 LVMPD, that has no conflict; correct?

8 THE COURT: Well --

9 PROSPECTIVE JUROR NO. 059: I didn't know anybody in
10 the names.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 059: But my office is with the
13 detectives and the recruiting officers.

14 THE COURT: So you're a civilian employee?

15 PROSPECTIVE JUROR NO. 059: I'm a civilian employee.

16 THE COURT: Okay. And what type of work do you do for
17 the department?

18 PROSPECTIVE JUROR NO. 059: I work for the LVMPD
19 Foundation.

20 THE COURT: Okay. Which does?

21 PROSPECTIVE JUROR NO. 059: Hosts all the events to
22 gain the funds for all of the officers to do, like, we're -- right now,
23 getting money for their training centers.

24 THE COURT: Okay. So just kind of the fundraising arm of
25 the department?

1 PROSPECTIVE JUROR NO. 059: Friends of Metro.
2 THE COURT: That's a very simplistic way of putting it.
3 PROSPECTIVE JUROR NO. 059: Friends of Metro.
4 THE COURT: I'm just trying to make a record. I know
5 what you do.
6 PROSPECTIVE JUROR NO. 059: Yeah.
7 THE COURT: Okay. So you work with pretty much people
8 across the board at Metro --
9 PROSPECTIVE JUROR NO. 059: Right.
10 THE COURT: -- it's not just any given entity --
11 PROSPECTIVE JUROR NO. 059: It's not just one.
12 THE COURT: -- you're not involved in investigation of
13 crime or production of records related to that, or interview of people.
14 It's just purely on the civilian side of the foundation?
15 PROSPECTIVE JUROR NO. 059: And as a civilian, I'm also
16 a volunteer for the LVMPD.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NO. 059: Like, I -- we do the STRT,
19 the handicap. So we go out with any --
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NO. 059: -- of the incidents that
22 happen.
23 THE COURT: Thank you.
24 All right. Anybody else on that row? Yep.
25 PROSPECTIVE JUROR NO. 057: Laurence Robbins, Badge

1 57.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR NO. 057: Okay. I have two
4 potential concerns. One is I'm a high school teacher and I teach
5 advance placement classes, so having me out of the classroom for
6 two weeks will detrimentally affect my students on their test scores.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 057: Less important for you,
9 more for me -- we're supposed to be in LA on Saturday because we
10 have tickets to go see Cats at 1:00. And since there's no school on
11 Friday, my wife told me we're driving out Thursday night --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 057: -- which would make
14 Friday difficult.

15 THE COURT: Okay. What do you teach? Which subject?

16 PROSPECTIVE JUROR NO. 057: AP World History.

17 Another class called AP Seminar, which is a research and writing
18 class. And then just also regular world history.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 057: But it's the AP courses
21 where I'm really concerned about not being able to --

22 THE COURT: I have a high school student.

23 PROSPECTIVE JUROR NO. 057: -- address skills.

24 THE COURT: I get it.

25 PROSPECTIVE JUROR NO. 057: Yeah.

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

2 PROSPECTIVE JUROR NO. 057: Okay. Thank you.

3 THE COURT: Anybody else on that row?

4 PROSPECTIVE JUROR NO. 055: Number 55, Mechelle
5 Detroz.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR NO. 055: Yes. I work swing shift.

8 My duty is from Saturday to Wednesday, 4:30 to 1:00. And it's going
9 to be hard for me -- like, if it's weekend, I'm going to work, and then
10 Monday I have to go here. Lack of sleep, like.

11 THE COURT: Well, your employer cannot make you work
12 if you're doing jury duty, so --

13 PROSPECTIVE JUROR NO. 055: Even if --

14 THE COURT: -- if you're serving a certain amount of hours
15 in jury duty during the day, they cannot make you come in and work
16 thereafter. You're free to go to work. Anybody is if they want to,
17 and work that around jury duty. But you can't be made to go to work
18 by your employer.

19 PROSPECTIVE JUROR NO. 055: My concern is on the
20 weekends.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 055: Since --

23 THE COURT: On having to work your shifts on the
24 weekends, and then come into court on Monday?

25 PROSPECTIVE JUROR NO. 055: So I have work on the

1 weekends and then I can come on the Monday?

2 THE COURT: Right. Your -- what do you mean when you
3 say your concern is the weekend?

4 PROSPECTIVE JUROR NO. 055: Yeah. Because
5 sometimes I go home around 2 a.m., 3 a.m., and then, my mind is
6 still -- like, lack of sleep, like that.

7 THE COURT: Like, you would work Sunday night until 3
8 a.m. Monday morning --

9 PROSPECTIVE JUROR NO. 055: Yeah.

10 THE COURT: -- and then have to come to court?

11 PROSPECTIVE JUROR NO. 055: Yes.

12 THE COURT: Yeah. They can't make you work that shift
13 Sunday night, knowing that you have to do jury duty.

14 PROSPECTIVE JUROR NO. 055: Oh, so I can, like, ask
15 them.

16 THE COURT: Okay. Yeah. So I got letters for your
17 employers. I got a good letter and I got a bad letter. I got a, Hey --

18 PROSPECTIVE JUROR NO. 055: That's only my concern.

19 THE COURT: -- I need you to do the right thing and here's
20 the law that pertains to that kind of letter, if they're making it
21 difficult. Okay? You just tell me which one you need.

22 PROSPECTIVE JUROR NO. 055: Okay.

23 THE COURT: Okay. Anybody else on that row? Yes.

24 PROSPECTIVE JUROR NO. 053: I'm 53, Sarah Sink.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NO. 053: Mine is just financial. I
2 can't afford to take two weeks unpaid. My employer won't pay me
3 for jury duty.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 053: So that's -- I don't know if
6 that's a good reason.

7 THE COURT: And where is it that you work?

8 PROSPECTIVE JUROR NO. 053: I work at an interior
9 design studio.

10 THE COURT: Okay. Thank you.

11 Nope? How about next row back? Yes.

12 PROSPECTIVE JUROR NO. 068: I'm Victor Gonzalez.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR NO. 068: 68. I don't speak very
15 good English. And that's it.

16 THE COURT: All right. First language, Spanish?

17 PROSPECTIVE JUROR NO. 068: Yeah.

18 THE COURT: All right. Thank you.

19 Who else I got on that row? Anybody? How about in the
20 back row?

21 PROSPECTIVE JUROR NO. 080: Margaret Carsello, jury
22 732.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR NO. 080: I take care of my
25 80-year-old mother. I have surgery scheduled for the 24th. And I

1 should be right now with my husband getting a biopsy on a mass on
2 his lung. And I've only heard about half of what you said.

3 THE COURT: You have trouble hearing?

4 PROSPECTIVE JUROR NO. 080: Yeah.

5 THE COURT: Okay. We can get you some headphones
6 that are tied into our microphone system that will make it a little
7 easier to hear.

8 So let's do that first. Can you hear me?

9 PROSPECTIVE JUROR NO. 080: That's much better.

10 Thank you.

11 THE COURT: Okay. Great. So you said that you have --
12 you're the caretaker for your 80-year-old mother?

13 PROSPECTIVE JUROR NO. 080: Yes.

14 THE COURT: And she's scheduled for surgery when?

15 PROSPECTIVE JUROR NO. 080: No. I'm scheduled for
16 surgery on the 24th.

17 THE COURT: Oh, I'm sorry. You're scheduled for surgery
18 on the 24th.

19 PROSPECTIVE JUROR NO. 080: And my husband is
20 getting a biopsy on a mass on his lung right now, and I should be
21 there.

22 THE COURT: Okay. Okay. Thank you.

23 Anybody else on that back row?

24 Yes, ma'am.

25 PROSPECTIVE JUROR NO. 082: Amanda Finn, 82. I'm a

1 first-grade teacher, and it's really hard for us to be out of the
2 classroom for two weeks or however long the trial would go.

3 THE COURT: It's not like they got AP classes or anything.
4 Come on.

5 PROSPECTIVE JUROR NO. 082: They do not, but we don't
6 have subs.

7 THE COURT: Right. Give them a week off. Come on,
8 they're kids. All right. So it is difficult, I understand, to have you out
9 of the classroom. Do you guys have a teacher in training or a
10 substitute that comes in while you're gone?

11 PROSPECTIVE JUROR NO. 082: I don't have a sub today.
12 And our teacher in training actually just took a different job, so
13 currently, no.

14 THE COURT: Okay. All right. And are you at a private
15 school or are you in the school district?

16 PROSPECTIVE JUROR NO. 082: In the school district.

17 THE COURT: Okay. Thank you.

18 Anybody else in that row? Nope?

19 How about my first row over here? Yes? Start here on the
20 end.

21 PROSPECTIVE JUROR NO. 100: My name is Debra
22 Martinez.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR NO. 100: 100. My 84-year-mother
25 had knee surgery two weeks ago. And they're releasing her from

1 rehab tomorrow, and I have to take care of her until Saturday.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 100: And I'm more than happy
4 to come back any other time.

5 THE COURT: Okay. Thank you.

6 Anybody else over there?

7 PROSPECTIVE JUROR NO. 098: Mildred Greathouse, 98. I
8 am a teacher as well -- a retired teacher, still teaching. And my little
9 second graders, they'll miss me. They'll miss me. And they're also
10 getting ready for testing as well.

11 THE COURT: All right. Are they taking -- is it ERB's or --

12 PROSPECTIVE JUROR NO. 098: It's NWEA.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 098: And we're preparing the
15 second graders for the third-grade test.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 098: So --

18 THE COURT: And are you also at the school district?

19 PROSPECTIVE JUROR NO. 098: No. It's a charter school.

20 THE COURT: Charter school? Okay. Thank you.

21 Who else on that row? Yes.

22 PROSPECTIVE JUROR NO. 095: Hi. My name is -- oh, is
23 this on? Can you hear me?

24 THE CLERK: I think it's on. I can hear you.

25 PROSPECTIVE JUROR NO. 095: Okay.

1 THE COURT: You can go ahead.
2 PROSPECTIVE JUROR NO. 095: I'm No. 95.
3 THE COURT: Ms. Welsh?
4 PROSPECTIVE JUROR NO. 095: Yes.
5 THE COURT: Thank you.
6 PROSPECTIVE JUROR NO. 095: I have three kids as well.
7 We are in a zone variance. I have no problem getting them there,
8 and then coming here. It's just the pickup at 3:11.
9 THE COURT: Okay.
10 PROSPECTIVE JUROR NO. 095: Thanks.
11 THE COURT: So they're not close to home that they can
12 walk home, back home?
13 PROSPECTIVE JUROR NO. 095: No, no.
14 THE COURT: Okay. And how old are your --
15 PROSPECTIVE JUROR NO. 095: So their teacher's taking
16 them home today -- one teacher.
17 THE COURT: Okay. How old are your kids?
18 PROSPECTIVE JUROR NO. 095: Six, eight, and ten.
19 THE COURT: Thank you. All right.
20 Who else I got over there? Yes.
21 PROSPECTIVE JUROR NO. 094: Cathryn Aguilar, No. 94.
22 THE COURT: Thank you.
23 PROSPECTIVE JUROR NO. 094: I go to UNLV. So this
24 week doesn't hurt me because I'm on spring break, but next week
25 does hurt me because I do have to be in my classrooms because we

1 -- I do have another midterm coming up.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 094: And then pertaining to an
4 earlier question. I am a major in criminal justice, so I do have some
5 professors that are attorneys.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 094: And one forensic --

8 THE COURT: What better thing to do as a criminal justice
9 major than jury duty; right?

10 PROSPECTIVE JUROR NO. 094: Well, I know that. No.
11 No. I would love to be here, but --

12 THE COURT: Who are your professors?

13 PROSPECTIVE JUROR NO. 094: One is Daniel Holstein.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 094: And then Jason Mitchell.

16 THE COURT: Okay. All right. And are you a full-time
17 student?

18 PROSPECTIVE JUROR NO. 094: Yes.

19 THE COURT: All right. Thank you.

20 Anybody else in that row?

21 Yes, sir.

22 PROSPECTIVE JUROR NO. 091: 91.

23 THE COURT: Mr. Antonucci.

24 PROSPECTIVE JUROR NO. 091: Yep. I'm a pastor and the
25 Chaplain for the Golden Knights. I have the -- I have a chapel with

1 the Knights on Wednesday, which could probably be cancelled. But
2 the bigger issue is on Friday, I have a wedding at 5:30 --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 091: -- that I have to perform.

5 THE COURT: All right. So assuming we get done in time
6 for you to get to that wedding, are you okay?

7 PROSPECTIVE JUROR NO. 091: Yeah.

8 THE COURT: What would that mean in terms of get done
9 in time?

10 PROSPECTIVE JUROR NO. 091: 4:00, 4:15, maybe.

11 THE COURT: Okay. Okay. Thank you.

12 PROSPECTIVE JUROR NO. 090: Emily Cardenas, No. 90.
13 And I've only been on the job for four months, that I'm at currently.
14 And they're not going to pay me for jury duty. And I -- my husband
15 passed four years ago, so I'm the only provider.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 090: I'm broke.

18 THE COURT: All right.

19 Anybody else over there? Yes.

20 PROSPECTIVE JUROR NO. 088: Yeah. I'm Pinkie Gomez,
21 No. 88.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR NO. 088: And I have three -- I have
24 two 8-year-olds and a 13-year-old. So my husband, he usually
25 travels during the week. He usually gets home on Fridays and then

1 he's gone on Monday. So I don't have anybody who will we able to
2 pick them up or anything for the afternoons.

3 THE COURT: Thank you.

4 How about -- behind you. Yes.

5 PROSPECTIVE JUROR NO. 102: I'm Badge No. 102. I'm
6 also a UNLV student. I'm approaching commencement -- or I'm
7 graduating this summer or fall -- depending on my internship. So I
8 have commencement this spring, and I have three capstones that I
9 can't miss. So this week is fine, like she said. But I can't -- next
10 week, I have classes where I'm required to attend.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 102: And one of them is a
13 management course. I'm a restaurant manager besides.

14 THE COURT: And are you full-time student as well?

15 PROSPECTIVE JUROR NO. 102: I have three classes.
16 That's the only issue. Like, they're all capstones, but I was supposed
17 to have a fourth, and I was dropped from that one.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 102: So I'm technically
20 part-time.

21 THE COURT: Thank you.

22 And finally, Ms. Mathews?

23 PROSPECTIVE JUROR NO. 103: I'm good.

24 THE COURT: Or you're on the jury, good. There you go.
25 Thank you. All right. Yep.

1 PROSPECTIVE JUROR NO. 101: My name is Angelo Solis,
2 and I don't speak English.

3 THE COURT: Okay. Badge No. 101?

4 PROSPECTIVE JUROR NO. 101: Yes.

5 THE COURT: Mr. Solis-Guardado?

6 PROSPECTIVE JUROR NO. 101: Um-hmm.

7 THE COURT: Thank you.

8 Okay. I tell you what.

9 JR, why don't you get the microphone, if you would
10 please. We'll start back on this side of the courtroom.

11 Is there anybody here who has ever been engaged in law
12 enforcement work or somebody close to you that's been in engaged
13 in law enforcement work?

14 And when I ask that question, I don't mean that you got a
15 cousin that you never see in Chicago, that works as a cop; right? I
16 mean, somebody that's close enough that you would talk to them
17 about the work they do. So you or anyone else closely associated
18 with you in law enforcement work.

19 We're starting on the top row there with Ms. Gately.

20 PROSPECTIVE JUROR NO. 023: Yes. My brother is a
21 police officer, but he does not live here.

22 THE COURT: Okay. Where does he -- where is he an
23 officer?

24 PROSPECTIVE JUROR NO. 023: In New York.

25 THE COURT: Thank you.

1 Anybody else in that top row? Yep.
2 If you could pass it down to your right for me, Kayla.
3 Thank you.
4 PROSPECTIVE JUROR NO. 027: Juror 27.
5 THE COURT: Mr. Loeffelman. Yes, sir.
6 PROSPECTIVE JUROR NO. 027: And my future son-in-law
7 is a California Highway Patrolman.
8 THE COURT: Got it. Thank you.
9 Anybody else on the top? Middle row?
10 Yes, ma'am. Ms. Alhaery, Badge 37.
11 PROSPECTIVE JUROR NO. 037: No, I don't. I just passing
12 the --
13 THE COURT: Oh, I'm sorry. Thank you.
14 Okay. Mr. Hubbard-Gabel?
15 PROSPECTIVE JUROR NO. 033: Yes. Correct.
16 THE COURT: 33.
17 PROSPECTIVE JUROR NO. 033: I'm not sure if it pertains.
18 But I live with a peacekeeper or an officer of the peace here in
19 Nevada.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NO. 033: He works by the High
22 Desert.
23 THE COURT: As a --
24 PROSPECTIVE JUROR NO. 033: I hear his horror stories
25 every night.

1 THE COURT: -- correction's officer?
2 PROSPECTIVE JUROR NO. 033: What's that?
3 THE COURT: Correction's officer?
4 PROSPECTIVE JUROR NO. 033: Yes, sir.
5 THE COURT: Yep. Absolutely. Okay. Thank you.
6 Anybody else on that row? Nope. Bottom row.
7 Could you pass it right forward for me, Dylan? Thank you.
8 PROSPECTIVE JUROR NO. 045: I have a loud voice, so --
9 THE COURT: No. It's okay.
10 PROSPECTIVE JUROR NO. 045: Does a nephew who's an
11 air marshal count?
12 THE COURT: Sure.
13 PROSPECTIVE JUROR NO. 045: Oh, okay.
14 THE COURT: All right. So you're Ms. Wesley?
15 PROSPECTIVE JUROR NO. 045: Yes.
16 THE COURT: Badge 45.
17 PROSPECTIVE JUROR NO. 045: Yes.
18 THE COURT: Your nephew is an air marshal where? Is he
19 stationed at any particular area?
20 PROSPECTIVE JUROR NO. 045: He's on the East Coast.
21 THE COURT: On the East Coast?
22 PROSPECTIVE JUROR NO. 045: That's all I know because
23 he can't talk about anything.
24 THE COURT: Okay. Got it. Thank you.
25 Anybody else on that row? Yep.

1 Right next to you, Ms. --

2 PROSPECTIVE JUROR NO. 046: My name is Maria Servin.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR NO. 046: 46. I'll be working

5 tomorrow, only off this Monday.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 046: Not too much English, a

8 little.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR NO. 038: Judge, I'm not sure -- my

11 niece is a lawyer.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 038: She works for the federal

14 government here in Las Vegas.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 038: And she worked for some

17 years for the City.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 038: She left the federal

20 government, worked for the City, and now is back with the federal

21 government.

22 THE COURT: So Mr. Bacallao?

23 PROSPECTIVE JUROR NO. 038: That's right.

24 THE COURT: Okay. Badge No. 38. And did -- was she,

25 like, a criminal attorney with the government?

1 PROSPECTIVE JUROR NO. 038: She's a prosecutor.

2 THE COURT: Okay. So was she an Assistant U.S.

3 Attorney --

4 PROSPECTIVE JUROR NO. 038: Yes, that's right.

5 THE COURT: -- for the federal government? Okay. And
6 then what's her name?

7 PROSPECTIVE JUROR NO. 038: Raquel Lazo.

8 THE COURT: Okay. Thank you.

9 Anybody else? Yep. Go ahead.

10 PROSPECTIVE JUROR NO. 051: I don't know if this is
11 important. My name is Sarah Waggoner. I'm 51.

12 THE COURT: Everything is important, Sarah.

13 PROSPECTIVE JUROR NO. 051: I worked for a member of
14 Congress, and one of my outreach areas was to law enforcement
15 agencies. So I met with law enforcement officers. But never, like, on
16 specific cases, but just in general.

17 THE COURT: Okay. You currently work for?

18 PROSPECTIVE JUROR NO. 051: No. In the past.

19 THE COURT: Okay. And who did you work with?

20 PROSPECTIVE JUROR NO. 051: Cresent Hardy.

21 THE COURT: Okay. So was that primarily up in the
22 Mesquite, the northern part of the county? Or all over?

23 PROSPECTIVE JUROR NO. 051: No. Yeah. The 4th
24 Congressional District. So, I mean, it was Clark County, Lincoln, Nye

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THE COURT: Right.

PROSPECTIVE JUROR NO. 051: -- Esmeralda, Mineral.

THE COURT: No. I just mean in terms of your interaction with law enforcement. Did it involve, like, more of the Metropolitan Police Department? Or more of the rural area of that district?

PROSPECTIVE JUROR NO. 051: Both.

THE COURT: Both? Okay.

PROSPECTIVE JUROR NO. 051: Both. Our office was on the same floor as the training division for the North Las Vegas Police Department, so I'm most familiar with them.

THE COURT: Okay. Thank you.

Anybody else over here? Nope.

Go over to the first row over there.

Yes, Ms. Nelson.

PROSPECTIVE JUROR NO. 061: My brother-in-law is a correction's officer at CCDC.

THE COURT: Okay. So is that brother-in-law Roy's brother, or brother-in-law, another of your sibling's brother?

PROSPECTIVE JUROR NO. 061: Roy's brother.

THE COURT: Roy? Okay. Thank you.

And Ms. Nelson is Badge No. 61.

PROSPECTIVE JUROR NO. 061: Correct.

THE COURT: Okay. Who else on that row?

PROSPECTIVE JUROR NO. 059: Badge No. 59. Do I need to repeat myself?

1 THE COURT: No, no, no. It's okay. Ms. Ballinger. Thank
2 you.

3 Anybody else?

4 PROSPECTIVE JUROR NO. 057: Badge 57, Laurence
5 Robbins.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR NO. 057: My wife -- one of my --
8 one of her best friends from college is a Ventura County Sheriff.

9 THE COURT: Thank you. That was Badge 57.

10 Who else on that row? Anybody? Nope.

11 Could you pass it right behind you? Thank you.

12 PROSPECTIVE JUROR NO. 070: Badge No. 70, Steve
13 Cawthon. I'm a deputized federal flight deck officer.

14 THE COURT: Thank you.

15 Anybody else on that row? Nope.

16 Back row?

17 Yep. Thank you.

18 PROSPECTIVE JUROR NO. 082: 82. My boyfriend's
19 brother is a Henderson Police Officer.

20 THE COURT: Ms. Finn; correct?

21 PROSPECTIVE JUROR NO. 082: Yes.

22 THE COURT: Thank you.

23 Who else I got?

24 PROSPECTIVE JUROR NO. 078: 78. My brother-in-law is a
25 K-9 officer in Utah.

1 THE COURT: Thank you. Ms. Hendricks?
2 PROSPECTIVE JUROR NO. 078: Yes.
3 PROSPECTIVE JUROR NO. 077: Number 77.
4 THE COURT: Thank you.
5 PROSPECTIVE JUROR NO. 077: My brother-in-law is a --
6 works at the jail here in Metro.
7 THE COURT: Correction's officer?
8 PROSPECTIVE JUROR NO. 077: Yes.
9 THE COURT: Okay. Mr. Reinhardt; correct?
10 PROSPECTIVE JUROR NO. 077: Yes.
11 THE COURT: Thank you.
12 Is there one more hand back there?
13 Yeah. Ms. Davis?
14 PROSPECTIVE JUROR NO. 076: 76, yeah. My uncle and
15 cousins are all police officers/detectives in Florida. And then I have a
16 close friend here who's on the North Las Vegas Police.
17 THE COURT: Thank you.
18 Anybody else on that row? Nope.
19 How about the front row here? Anybody?
20 Yes. Ms. Millhouse -- or Ms. Greathouse, Badge 98.
21 PROSPECTIVE JUROR NO. 098: My niece is a correctional
22 officer for Metro, I believe.
23 THE COURT: Here in Las Vegas?
24 PROSPECTIVE JUROR NO. 098: Yes.
25 THE COURT: With the prison system? With the jail?

1 PROSPECTIVE JUROR NO. 098: With the prison system.

2 THE COURT: Prison? Thank you.

3 Who else is?

4 PROSPECTIVE JUROR NO. 091: 91.

5 THE COURT: Thank you. Mr. Antonucci.

6 PROSPECTIVE JUROR NO. 091: I'm good friends with a

7 Metro Police Officer.

8 THE COURT: Who is it? I'm sorry.

9 PROSPECTIVE JUROR NO. 091: Bryan Bininski [phonetic].

10 THE COURT: But I mean --

11 PROSPECTIVE JUROR NO. 091: Oh, my name?

12 Antonucci.

13 THE COURT: No, no, no. I got your name. I didn't hear if
14 you said he was a family member, friend?

15 PROSPECTIVE JUROR NO. 091: Friend, yes.

16 THE COURT: Thank you.

17 Okay. Anybody else?

18 Yep. On the end, Ms. Gomez.

19 PROSPECTIVE JUROR NO. 088: Yes, 88. I have two
20 sisters, U.S. Customs Border Patrol -- one in Texas, one in California.
21 I used to work for the California Highway Patrol as a dispatcher. And
22 I have my brother-in-law and I think about five or six cousins that are
23 MPs -- two in Kuwait and the other three I can't remember where
24 they're at.

25 THE COURT: Okay. Thank you.

1 Back? Nope? Okay. All right.

2 Next question I have for the panel as a whole: Is there
3 anybody on my panel who believes they would be unable to follow
4 the instructions on the law -- those are the jury instructions that you
5 get at the end of the case -- that you would be unable to follow those
6 instructions if you disagreed with some aspect of the law?

7 Does that question make sense? I didn't write that
8 question.

9 So we do this at trial; right? We pick a jury. The parties
10 have an opportunity to make opening statements. The parties have
11 an opportunity to present evidence -- witnesses, documents,
12 whatever it may be. And then at the end of the case, before the
13 closing arguments, I read the jury instructions to you. You actually
14 get a packet of them to have your own packet of jury instructions.

15 Jury instructions just comprise the law that I've
16 determined is in existence right now and applies to these particular
17 charges. Your obligation, when you swear an oath as a juror, is I'm
18 going to follow the law. That's the only way the process is fair is if
19 all the jurors listen to the same evidence in court, you follow the
20 same law, and you get together and you come up with what you feel
21 is a proper verdict.

22 So is there anybody that feels, like, for any reason they
23 would be unable to follow the law?

24 Yeah. Got a hand in the back. Yes, ma'am.

25 PROSPECTIVE JUROR NO. 080: I don't know that I could

1 be impartial. My brother got murdered. My son just died. And
2 anything to do with a child, I don't think that I could be impartial
3 here.

4 THE COURT: Okay. So that's a little different from my
5 question. It's not really about following the law. You just feel like
6 you may have some bias that makes you not a good juror for this
7 particular case?

8 PROSPECTIVE JUROR NO. 080: Well, if you say the law is
9 this way and I feel a different way, I don't know that I could say -- I'm
10 just too emotional right now from things that have happened to me.

11 THE COURT: Okay. All right. We may get back into that
12 in a little bit. Okay? Thank you.

13 Anybody else? See no other hands.

14 As a follow-up to that question, I can tell you that your
15 primary obligation as jurors is to be the fact finders. So you listen to
16 the evidence that's provided to you, by whomever is producing it,
17 and you decide what you think the facts of any given event are, and
18 then I decide what the law is based on what the charges are.

19 And then your obligation is to take the facts as you've
20 determined them to be, combine it with the law that I've given you,
21 and come up with a just and proper verdict.

22 Kind of understanding that process, is there anybody that
23 feels they could not do that? They could not be a fact finder? Listen
24 to, evaluate evidence, and decide what, if anything, you think
25 occurred in any given situation?

1 See no hands. Thank you. Under --
2 Yeah? Same thing?
3 PROSPECTIVE JUROR NO. 080: Yeah. I just -- I can't think
4 straight.
5 THE COURT: Okay. All right. That's -- what's your badge
6 number, again?
7 PROSPECTIVE JUROR NO. 080: 732.
8 THE COURT: No. Badge No. 80, Ms. Carsello?
9 PROSPECTIVE JUROR NO. 080: Yeah. 80.
10 THE COURT: Okay. That's the same young lady that was
11 speaking just a moment ago, as well.
12 All right. Thank you, ma'am.
13 Okay. The last questions I wanted to ask the group of you
14 as a whole: Under our system of criminal procedure, there are
15 certain principles of law that apply in any criminal trial no matter
16 what the charges are and no matter where in the United States or
17 what court the matter is involved in.
18 And those principles are, number one, that a defendant,
19 somebody that's been accused of a crime, is presumed innocent.
20 Everybody understand the presumption of innocence?
21 Anybody have any disagreement with the presumption of
22 innocence?
23 See no hands. Thank you.
24 Second principle is that somebody gets noticed that
25 they've been charged with a crime by the filing of a document. It's

1 called either an information or an indictment. That just lists the
2 charges that the State has charged somebody with and gives them
3 notice that they've been charged or accused of committing these
4 certain crimes. That document is not evidence in a case. It's just the
5 allegations that somebody receives.

6 Does everybody understand that? Anybody have any
7 problem or disagreement with that?

8 I see no hands.

9 The third principle is that the State, which is the entity that
10 charges somebody with a crime, they have the burden of proving
11 that crime. A defendant does not have a burden to prove their
12 innocence.

13 Does everybody understand that? Anybody disagree with
14 the principle that the State has the obligation to prove someone's
15 guilt; a defendant does not have an obligation to prove their
16 innocence?

17 See no hands. Thank you.

18 Okay. I tell you what, we're going to take a short break
19 before we continue on. When we get back, I'm going to start some
20 individualized questions with the first 32 of you. But I'm going to
21 discuss some things with the attorneys before we move any further.

22 So one thing I have to tell you every time we take a break
23 is that: During the recess you are admonished not to talk or
24 converse among yourselves or with anyone else on any subject
25 connected with the trial. You cannot read, watch, or listen to any

1 report of or commentary on the trial by any medium of information,
2 including, without limitation to, newspapers, television, Internet,
3 radio. You cannot form any opinions about the case until it's
4 submitted to you for your deliberations.

5 That just means that whenever we take a break, you have
6 to find other things to talk about. The only time jurors can talk about
7 a case is when you're actually deliberating in the jury deliberation
8 room.

9 How many of you do not have Smartphones? Anybody
10 left? One guy in America somewhere; right? Okay. So please, do
11 not go on your phones, trying to do research about a case. Whether
12 it's at our recess, at home later on, computers, tablets, whatever.
13 Everything you need to know to decide a case, you'll learn here in
14 the courtroom. Doing anything outside of that process contaminates
15 the process and is not only not fair to the parties, it's not fair to your
16 fellow jurors. So don't be looking up peoples' names, legal
17 definitions, anything like that.

18 How many of you do not have social media? I probably
19 still got a few of you; right? Okay. For those of you with social
20 media accounts, please don't go online, kind of saying, hey, I'm
21 doing jury duty, I'm at the courthouse, blah, blah, blah. Because all
22 you do is, you know, kind of invite people to comment on that and
23 receive all their opinions about everything, which I would like to
24 avoid.

25 Again, we just need to listen to what occurs in court and

1 form your own opinions. So please don't engage in any kind of
2 social media communication either.

3 When you come back to court, you'll be in the same seats
4 for right now. So if you want to leave anything in your seat, feel free
5 to do so. You can also bring drinks back into the courtroom if you
6 want to. But we'll be in break for probably about 15 minutes. Okay?
7 And I need everybody to go ahead and step outside with the officers.

8 [Outside the presence of the prospective jury panel, and in the
9 presence of Prospective Juror No. 045.]

10 PROSPECTIVE JUROR NO. 045: You won't hold it against
11 me if I sit here and read my Brett Favre book; would you?

12 THE COURT: Brett Favre. I love Brett Favre.

13 PROSPECTIVE JUROR NO. 045: Do you?

14 THE COURT: Well, yeah. But don't read it while I'm
15 asking you questions. Okay? You got to listen to my questions.

16 PROSPECTIVE JUROR NO. 045: Oh, really?

17 THE COURT: Yeah.

18 PROSPECTIVE JUROR NO. 045: Oh, darn. I hadn't
19 thought of that.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR NO. 045: No. I'm a big Packer fan.

22 THE COURT: Okay. I get it.

23 PROSPECTIVE JUROR NO. 045: You know, that's all. I
24 don't need to go anywhere. I thought I'd just sit here.

25 THE COURT: Oh, no, no, no. You can't sit here right now.

1 I thought you meant --

2 PROSPECTIVE JUROR NO. 045: Oh, I can't?

3 THE COURT: -- while we're in court.

4 PROSPECTIVE JUROR NO. 045: That's why I asked you.

5 THE COURT: Oh, no. Gosh, I'm sorry. I misunderstood.

6 PROSPECTIVE JUROR NO. 045: I have to leave right now?

7 THE COURT: Yeah. You got to sit outside. But you can
8 take your book and read outside.

9 PROSPECTIVE JUROR NO. 045: I didn't know that part of
10 it. Sorry, sorry, everybody, sorry.

11 THE COURT: I'm sorry, Ms. Wesley. That's okay.

12 [Outside the presence of Prospective Juror No. 045.]

13 THE COURT: I thought she meant, like, during while I was
14 asking questions.

15 MS. FLECK: I was just waiting for her to clarify that.

16 THE COURT: Okay. So in terms of the people that raised
17 undue burdens. Again, if you guys agree, we'll let somebody go; if
18 you disagree, we'll keep them for now.

19 We have, let's see here, Mr. Desantis, Badge 22, who's
20 wife's due date was today.

21 MS. FLECK: We agree.

22 MS. MURRAY: Your Honor, can we just have one second?

23 THE COURT: Yeah. You want to chat? We'll go ahead
24 and take a break first.

25 MS. MURRAY: He just had a quick question. I just can't

1 hear.

2 THE COURT: Okay.

3 [Pause in the proceedings.]

4 MS. MURRAY: Thank you.

5 THE COURT: Okay. And just so you guys know going in, I
6 mean, generally, full-time students are ones that I think are
7 appropriate, people that have travel plans, people that have distinct
8 medical issues that prohibit them from doing jury duty -- they or
9 their family members, I'm sympathetic to. People that are:
10 It's going to be difficult at my work, I'm the only person at my work
11 that does this, those things -- those people generally need to stick
12 around. But --

13 Okay. Mr. Desantis whose wife is due to give birth today.
14 State agreed?

15 MS. FLECK: Yes.

16 THE COURT: What's the defense position?

17 THE DEFENDANT: To let him go?

18 MS. MURRAY: Yeah. Do you agree with letting him go?

19 THE DEFENDANT: Oh, he's -- yes. If somebody's having a
20 -- yeah.

21 THE COURT: You agreed? Okay.

22 THE DEFENDANT: Yeah.

23 THE COURT: So we'll let Mr. Desantis go.

24 Mr. Gong, Badge 26. He indicated that he needs to have
25 surgery, but it sounds like two weeks shouldn't be a problem for

1 him, so long as he can have his surgery, and then before he leaves
2 town, two weeks later.

3 I mean, I'll let you guys ask him more questions if you
4 want, but it sounded like he was okay if we're done with our trial.

5 MR. ROGAN: We're not asking any questions.

6 THE COURT: Pardon?

7 MR. ROGAN: We're not asking any questions, though.

8 THE COURT: Oh, that's right.

9 MR. ROGAN: Right.

10 THE COURT: Well, in my questions, as we move forward.
11 Thank you, Jeff. I'm sorry.

12 If anything else arises from that -- and maybe I'll go into it
13 a little further with him -- but he said he was leaving the country in a
14 month. And he needed to have surgery a week and a half before he
15 left the country. So if we're done with our trial in two weeks, I don't
16 anticipate that that should be a problem.

17 Mr. Loeffelman, Badge No. 27, indicated that he was going
18 to be out of state next Wednesday and Thursday. He also indicated
19 some things about April, but I'm not worried about that. So he's
20 going to be gone two days of our trial next week.

21 MS. FLECK: No objection.

22 THE COURT: One of those days, we're going to be dark.
23 But Wednesday, certainly, we were not going to be dark.

24 MS. FLECK: No objection.

25 THE COURT: Mr. Woods?

1 THE DEFENDANT: No objection to that one.

2 THE COURT: Okay. Ms. -- I think the next one was Ms.
3 Alhaery, Badge 37, who said her husband is out of town during the
4 week, and she has two kids that she's responsible for.

5 MS. FLECK: Yeah. I mean, you know, the only one before
6 that was also Geoffrey Tan who said the same thing, he had
7 childcare issues for a four- and six-year-old daughter. You know, if
8 she doesn't have anyone else in town and they're that age, I think
9 that we -- I don't know how we'd keep her.

10 THE COURT: All right. So you're agreeing to exclude her?

11 MS. FLECK: I would agree to exclude.

12 THE COURT: And Mr. Tan, as well. And you're right, I
13 skipped over Mr. Tan. I didn't see that on there.

14 MS. FLECK: Anybody that has childcare issues that they
15 don't have another option for, I would agree to kick.

16 THE COURT: Okay. Mr. Woods?

17 THE DEFENDANT: I have no problem with that.

18 THE COURT: Okay. With the proposition for any of the
19 jurors, or just the two that we're discussing right now?

20 THE DEFENDANT: Just the two that was discussed.

21 THE COURT: Okay. So Mr. Tan and Ms. Alhaery. All
22 right.

23 Mr. Kwan. He just basically said he's a restaurant owner
24 and needs to be at work.

25 MS. FLECK: Yeah. I think we keep him for now.

1 THE COURT: Okay. One side wants to keep him, so we'll
2 keep him.

3 Julieta Campos, Badge 41. She indicated having some
4 childcare issues as well.

5 MS. FLECK: I have no objection.

6 THE COURT: Mr. Woods?

7 THE DEFENDANT: Yeah. I have no objection.

8 THE COURT: All right. So Ms. Campos go.

9 Mr. Hussain had indicated that his dad had surgery and his
10 mom is generally in charge of his aftercare, but he is helping out as
11 well.

12 MS. FLECK: You know, Judge, I don't know. I mean, it
13 sounds as though he does have another option for his dad --

14 THE COURT: Okay.

15 MS. FLECK: -- and so I wouldn't be inclined to, now,
16 maybe if we could flush it out more through questioning.

17 THE COURT: Okay. I'll see if anything more comes out.
18 One side wants to keep him, so we'll keep him.

19 Ms. Servin, Badge 46, indicated that she doesn't really
20 speak English very well. And we had several people that indicated a
21 language barrier.

22 So what's the State's -- it's Ms. Servin, Badge 46, English --
23 or excuse me -- Spanish; Badge 47, Ms. Pavloviciene was Lithuanian;
24 Badge 68, Victor Gonzalez, Spanish; and Badge 101, Angelo
25 Solis-Guardado was Spanish as well.

1 MS. FLECK: My vote is to remove anyone who doesn't
2 have a comfortable working of the -- working knowledge of the
3 English language.

4 THE COURT: Mr. --

5 MS. FLECK: Especially in a case that's this important.

6 THE COURT: Mr. Woods?

7 THE DEFENDANT: Even though I hate to admit it, I agree
8 with that.

9 THE COURT: Okay. It's okay to agree every so often. You
10 guys can agree on things.

11 THE DEFENDANT: No. I just didn't want to agree with
12 her. All right. Could you read back those numbers for me, please?

13 THE COURT: Yeah. It's Ms. Servin, Badge 46.

14 THE DEFENDANT: Servin. Okay.

15 THE COURT: Ms. Pavloviciene, Badge 47.

16 THE DEFENDANT: Okay. I like her.

17 THE COURT: Ms. -- or excuse me -- Mr. Gonzalez, Badge
18 68; and then Mr. Solis-Guardado, Badge 101.

19 So you agreed with those four; correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. All right. Then the next one I had was
22 Ms. Lynn, Badge 49, who was a single mother, who had twins. I
23 believe she said her husband travels as well. Or no, she's a single
24 mother with twins. I'm sorry. She did not have a husband that
25 travelled.

1 MS. FLECK: Yeah. So the only thing is is that her kids are
2 15. You know, I just don't know. I don't know really what other
3 options there are for 15-year-olds to get places.

4 THE COURT: I don't really know either. I just know that
5 she said she's responsible for getting them to and from school.

6 MS. FLECK: Yeah. I have no problem --

7 THE COURT: So you want to keep --

8 MS. FLECK: -- I don't have any problem releasing her.

9 THE COURT: Okay. Mr. Woods?

10 THE DEFENDANT: Yeah. We can let her go.

11 THE COURT: Okay. Then Ms. Sink, Badge No. 53. She
12 was really just kind of a generic -- can't afford to pay for jury duty.

13 MS. FLECK: Which one? Oh, Ms. Sink?

14 THE COURT: Sink.

15 MS. FLECK: I don't think that there's really grounds to kick
16 her right now.

17 THE COURT: Okay.

18 MS. FLECK: But I don't -- I'm not opposed to it either. But
19 I just -- I don't know that -- it seems as though that's kind of a job she
20 could work in the mornings when we're not in court. It also seems
21 like a job that you're having maybe some projects that don't require
22 sitting at a desk from 8:00 to 5:00 or something like that --

23 THE COURT: Okay.

24 MS. FLECK: -- but maybe I'm wrong.

25 THE COURT: So you want to keep her for now?

1 MS. FLECK: Yes, please.

2 THE COURT: All right. So we got one side that wants to
3 keep her.

4 Mr. Robbins, 57, who is the high school AP teacher.

5 MS. FLECK: And I also think he -- he also said he was
6 going to be out of state on Friday, so I don't have a problem kicking
7 him.

8 THE COURT: Yeah. It sounded like -- I mean, from that
9 aspect of things, that he could tell his wife that he has to stay here
10 because it's not until this weekend. She wanted to leave Thursday
11 night I think is what he said.

12 MS. FLECK: Yeah.

13 THE COURT: But he was more concerned with his AP
14 students.

15 MS. FLECK: I don't have a problem kicking him.

16 THE COURT: Mr. Woods, what about Mr. Robbins?

17 THE DEFENDANT: I'd like to keep Mr. Robbins.

18 THE COURT: Okay. One side wants to keep him, we'll
19 keep him.

20 Mr. Lane, 62, is scheduled to be on vacation next
21 Wednesday, Thursday, Friday.

22 MS. FLECK: No problem. Oh, I don't have a problem
23 releasing him.

24 THE COURT: Mr. Woods?

25 THE DEFENDANT: I'd like to keep the librarian.

1 MS. FLECK: So my only thing is is that if we are -- I think
2 that it's, you know, not fair to be inconsistent. He said that he has
3 preplanned travel from Wednesday to Friday --

4 THE COURT: Correct.

5 MS. FLECK: -- where he's already made his arrangements
6 and he's already gotten his tickets or whatever it is -- his
7 arrangements made. So I don't really think it's fair to keep
8 somebody, when we're releasing other people, like Mr. Loeffelman
9 who has a preexisting travel plan.

10 THE COURT: Well, I'll keep Mr. Lane for now. The defense
11 wants to keep him. And I'll inquire of him a little more about his
12 out-of-town plans -- if they're tickets that he's already purchased,
13 what it is exactly. If it is that he has a prearranged vacation that's
14 already set, then I would release him because I generally do that.
15 But I'll inquire of him a little further.

16 And then, let's see, the next one I had from a burden
17 standpoint is Ms. Carsello, Badge No. 80. That is the lady that has
18 the hearing difficulty, that was saying she doesn't think she could be
19 fair, that her husband's having a biopsy today, that she's scheduled
20 for surgery herself on the 24th, and that she's also a caretaker for her
21 80-year-old mother.

22 MS. FLECK: I think she has many things going on and she
23 should be released.

24 THE COURT: Mr. Woods?

25 THE DEFENDANT: Yeah. She should go.

1 THE COURT: Okay. Ms. Finn, 82, is a first-grade teacher.

2 MS. FLECK: What was her --

3 THE COURT: My sense with the school district is, you can
4 find a substitute for --

5 MS. FLECK: Yeah. I don't think we should release Ms.
6 Finn.

7 THE COURT: -- a first-grade teacher. But -- so you want to
8 keep her?

9 MS. FLECK: I think that, yeah, for now. Maybe if she says
10 other things, but I think she could -- she can definitely get a
11 substitute.

12 THE COURT: Okay. So one side wants to keep her, we'll
13 keep her for now.

14 Ms. Gomez, Badge 88. She's the one who said her
15 husband travels and she has three children -- 8, 8, and 13 years old.

16 MS. FLECK: Release.

17 THE COURT: Mr. Woods?

18 THE DEFENDANT: Ms. Gomez, that's the one -- yeah, she
19 can be released.

20 THE COURT: Can leave?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. So we'll excuse her.

23 Ms. Cardenas, Badge No. 90. I think she's not eligible for
24 jury duty since she's telling me that she still has at least two felony
25 convictions on her record. But she also indicated that she just

1 started a new job, her husband passed away a couple years ago, and
2 can't afford to do jury duty.

3 MS. FLECK: Agreed.

4 THE DEFENDANT: Yeah, she can go.

5 THE COURT: Okay. Mr. Antonucci. Actually, I think he's
6 okay. He's the pastor who said he --

7 MS. FLECK: Yeah. I think we can work --

8 THE COURT: -- has the thing on Friday. So if we break,
9 you know, 30 minutes early on Friday, that's okay.

10 MS. FLECK: Agreed.

11 THE COURT: Ms. Anzures, Badge No. 94, has indicated
12 that she was a full-time student.

13 MS. FLECK: I think we should release a full-time student.

14 MS. MURRAY: I have to make disclosure on that one.

15 THE COURT: Okay.

16 MS. MURRAY: She doesn't know who I am, but I know
17 who she is.

18 THE COURT: Have you taught her?

19 MS. MURRAY: Yeah. I co-teach often in that class.

20 THE COURT: Okay.

21 MS. MURRAY: And I just checked to make sure that she's
22 in that current class. And Robson Hauser, who is going to be my
23 coverage the days I'm out --

24 THE COURT: Right.

25 MS. MURRAY: -- does that class when I'm unavailable.

1 She will know him.

2 THE COURT: Okay.

3 MS. MURRAY: He does know her.

4 THE COURT: Okay.

5 MS. MURRAY: So --

6 THE COURT: All right. Well, like I said --

7 MS. MURRAY: Just so you guys know that's there.

8 THE COURT: -- before you even started, I generally will
9 exclude the full-time students. So I'll go ahead and exclude her.

10 Tricia Welsh, Badge 95, indicated that she has three kids,
11 at 6, 8, and 10 years old --

12 MS. FLECK: Release.

13 THE COURT: -- that she's responsible for. And she -- I
14 think she's the one that said they have a zone variance, so they're
15 not real close to their school.

16 MS. FLECK: Yeah. I think we need to release her.

17 THE COURT: Mr. Woods?

18 THE DEFENDANT: Yeah. I'm okay with that.

19 THE COURT: Okay. Ms. Greathouse, Badge No. 98. I
20 don't think she had an undue burden.

21 Well, she is a retired -- she's currently working as a
22 second-grade teacher at the charter school, even though she's
23 retired. I'm assuming she retired from maybe the school district and
24 is now working with the charter school.

25 MS. FLECK: So that doesn't bother me. And I think that

1 the second graders can live without her for the two weeks. The one
2 thing she did say, though, which, I imagine she'll get herself kicked
3 for cause once you question her more -- so that we can maybe
4 decide now -- but she did say that she is -- my sense is she's had
5 people in her life that have been murdered. She said -- what -- the
6 way she worded it was, I've just had too many people die this way or
7 that have been killed for me to be fair. And then you said, To which
8 side? And she said either side.

9 THE COURT: Okay.

10 MS. FLECK: But my sense is is that she's -- someone in
11 her life has been the victim of a violent crime or a murder.

12 THE COURT: Mr. Woods?

13 THE DEFENDANT: No. She can be released.

14 THE COURT: Okay. And then Debra Martinez, Badge
15 No. 100. She indicated that her mom had knee surgery, and she
16 needs to help take care of her the rest of this week. 84-year-old
17 mother had knee surgery.

18 MS. FLECK: I don't have a problem releasing her. I would
19 say the one thing I think that give her credibility is she said, if it was
20 even next week, she would be fine, but it was only this week because
21 she just had the surgery. So -- unless you want to flesh out if there's
22 someone else who can help. But I think she maybe would have said
23 that.

24 THE COURT: Okay. Mr. Woods?

25 THE DEFENDANT: I would like her to be questioned a little

1 bit more --

2 THE COURT: Okay.

3 THE DEFENDANT: -- and find out more information, I
4 guess.

5 THE COURT: All right. So we'll keep her. The other -- last
6 one, Mr. Usaraga, Badge No. 102. I'm going to go ahead and excuse
7 him. He was another full-time student. He's also working on his
8 capstone project for graduation, so --

9 All right. So that means that we're going to excuse 17.
10 How many of those are in the beginning here? There's eight of them
11 will be in the first 32. So we'll replace those seats after we excuse
12 those folks. And then I'll start with my individual questioning.
13 Okay?

14 MS. FLECK: Okay, Judge.

15 THE COURT: Okay. All right. We will be in recess, guys.
16 Thank you.

17 [Recess taken from 2:57 p.m., until 3:14 p.m.]

18 THE COURT: Yep.

19 MS. FLECK: With regard to scheduling's for openings,
20 would you estimate we would start Wednesday with opening?

21 THE COURT: Well, unless we get the jury picked early
22 enough tomorrow to do that.

23 MS. FLECK: Okay.

24 THE COURT: So if we have a jury early tomorrow
25 afternoon, I would say, that we'd go ahead and open --

1 MS. FLECK: Okay.

2 THE COURT: -- rather than just being dark all afternoon.

3 MS. FLECK: But if we get later in the afternoon?

4 THE COURT: If we get mid-later in the afternoon, then,
5 yeah, I would say we'll just do openings at 1 o'clock on Wednesday,
6 and then move into witnesses.

7 MS. FLECK: Okay. So maybe we'll know more tonight.

8 THE COURT: Little bit, yeah.

9 MS. FLECK: Okay.

10 THE COURT: All right. You guys have anything outside
11 the presence?

12 MS. FLECK: Nothing from the State.

13 THE COURT: Nope.

14 Anything, Mr. Woods?

15 THE DEFENDANT: No.

16 THE COURT: Nope?

17 All right. JR, you can get them in.

18 By the way, the only other thing I would mention, neither
19 of you had it on your list of questions, but obviously I have to ask
20 them about the punishment. So I'll just ask them about the options.

21 MS. FLECK: Okay.

22 THE COURT: Okay.

23 [In the presence of the prospective jury panel.]

24 THE COURT: Okay. Be seated. Thank you.

25 Okay. So now that you're all comfortable and seated, I'm

1 going to excuse a number of you. I had to get you all back in here to
2 do that. But we had some discussions during the recess, with the
3 parties. And so there's about 17 or so folks, I think, that are going to
4 be excused.

5 So we're going to excuse Mr. Desantis, Badge No. 22; Mr.
6 Loeffelman, 27; Mr. Tan, 30; Ms. Alhaery, Badge 37; Ms. Campos, 41;
7 Ms. Servin, 46; Ms. Pavloviciene, 47; Ms. Lynn, 49; Mr.
8 Gonzalez-Diaz, 68; Ms. Carsello, 80; Ms. Gomez, 88; Ms. Cardenas,
9 90; Ms. Anzures, 94; Ms. Welsh, 95; Ms. Greathouse, 98; Mr.
10 Solis-Guardado, 101; and Mr. Usaraga, Badge No. 102.

11 You guys are all excused. I appreciate very much your
12 presence here today and your patience with us and your
13 participation. Jury Services will reach out to you to let you know if
14 and when they're going to need you to come back. Okay? So you
15 guys can go ahead and take off. Thank you.

16 So I've got to fill some of the empty seats that just got
17 vacated in the first 32. We're going to start with Ms. Thomas,
18 Kathleen Thomas, Badge No. 65. Come on down. Back row, first
19 seat.

20 Mr. Robert -- how do I pronounce your last name?

21 PROSPECTIVE JUROR NO. 066: Wuopio.

22 THE COURT: Wuopio, Badge 66. If you could take the --
23 it's going to be that third seat from the end, on the left.

24 Followed by Monique Miranda, Badge No. 69, the second
25 seat from the left, on the top row. Ma'am, you're going to be all the

1 way down here on the end, at the top row. Thank you.

2 Top row, sir, third seat from the left. And

3 Ms. Miranda will be second seat from the left.

4 And then Mr. Cawthon, Badge No. 70. The empty seat on
5 my middle row, in the very middle of the row, please.

6 Donna Clark, Badge 71, the seat at the end of the middle
7 row.

8 John Vilseck, 72; Barbara Alberico, 73; Arleane Munoz,
9 75 -- these three seats in the bottom row. Thank you.

10 And then, JR, can you get the microphone up to
11 Ms. Thomas, Badge 65?

12 Good afternoon, Ms. Thomas. What?

13 PROSPECTIVE JUROR NO. 065: Good afternoon.

14 THE COURT: Good. You nervous?

15 PROSPECTIVE JUROR NO. 065: Little bit. I -- yeah.

16 THE COURT: Okay. Good nerve, bad nerves? Like, didn't
17 study for school kind of nerves? Or --

18 PROSPECTIVE JUROR NO. 065: Yeah. A little bit.

19 THE COURT: Don't like being the first person to answer
20 questions kind of thing?

21 PROSPECTIVE JUROR NO. 065: That.

22 THE COURT: I got it. All right. So, yeah. Ms. Thomas has
23 hit upon the fact that she's kind of the guinea pig; right? So she and
24 I are going to have a conversation. And it's real easy kind of stuff,
25 don't worry. And then everybody will have the same kind of

1 conversation as we pass it down. So that's going to be really
2 repetitive, but it's just to get some background information.

3 So how long have you lived here, Ms. Thomas?

4 PROSPECTIVE JUROR NO. 065: Since 1987.

5 THE COURT: Okay. And if it's less than 10 years, I'll ask
6 you all where you moved here from.

7 And what's your level of education?

8 PROSPECTIVE JUROR NO. 065: I have a CPA degree or
9 bachelor's of CPA.

10 THE COURT: Okay. What type of work do you do?

11 PROSPECTIVE JUROR NO. 065: I'm an auditor.

12 THE COURT: Are you married?

13 PROSPECTIVE JUROR NO. 065: No.

14 THE COURT: Do you have any children?

15 PROSPECTIVE JUROR NO. 065: No.

16 THE COURT: All right. Thank you. See that wasn't too
17 bad; right?

18 Okay. If you could pass it to your right for me, please.

19 Ms. Gately, Badge 23. How long have you lived here?

20 PROSPECTIVE JUROR NO. 023: Five years.

21 THE COURT: And where did you move here from?

22 PROSPECTIVE JUROR NO. 023: From New York.

23 THE COURT: What's your level of education?

24 PROSPECTIVE JUROR NO. 023: I have a master's degree.

25 THE COURT: And what type of work do you do?

1 PROSPECTIVE JUROR NO. 023: I'm a teacher.
2 THE COURT: And what grade level do you teach?
3 PROSPECTIVE JUROR NO. 023: Primary autism. So I
4 have kinder, first, and second.
5 THE COURT: With the school district?
6 PROSPECTIVE JUROR NO. 023: Um-hmm.
7 THE COURT: Okay. Are you married?
8 PROSPECTIVE JUROR NO. 023: No.
9 THE COURT: Any children?
10 PROSPECTIVE JUROR NO. 023: No.
11 THE COURT: Thank you.
12 If you could pass it to Ms. Donmore, Badge 24.
13 Ma'am, how long have you lived here?
14 PROSPECTIVE JUROR NO. 024: 13 years.
15 THE COURT: And what's your level of education?
16 PROSPECTIVE JUROR NO. 024: Master's degree.
17 THE COURT: What type of work do you do?
18 PROSPECTIVE JUROR NO. 024: Teacher.
19 THE COURT: Like, I think I got all the teachers today.
20 Who's teaching the classes?
21 PROSPECTIVE JUROR NO. 024: Right.
22 THE COURT: What grade level do you teach, ma'am?
23 PROSPECTIVE JUROR NO. 024: First.
24 THE COURT: Okay. With the school district?
25 PROSPECTIVE JUROR NO. 024: Yes.

1 THE COURT: Private school? Charter school?
2 PROSPECTIVE JUROR NO. 024: School district.
3 THE COURT: School district. Okay. Are you married?
4 PROSPECTIVE JUROR NO. 024: No.
5 THE COURT: Any children?
6 PROSPECTIVE JUROR NO. 024: No.
7 THE COURT: Thank you.
8 And then, Ms. Durna, Badge No. 25. How long have you
9 lived here?
10 PROSPECTIVE JUROR NO. 025: Well, I was born and
11 raised here, but --
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 025: -- my husband was
14 actually stationed in Gulfport, so I just moved back.
15 THE COURT: Just moved back. Got it. And what's your
16 level of education?
17 PROSPECTIVE JUROR NO. 025: Some college.
18 THE COURT: Okay. And you're a teacher?
19 PROSPECTIVE JUROR NO. 025: No.
20 THE COURT: No?
21 PROSPECTIVE JUROR NO. 025: Not this time.
22 THE COURT: Good. Finally. What type of work do you
23 do?
24 PROSPECTIVE JUROR NO. 025: I'm a receptionist.
25 THE COURT: Your husband still in the military?

1 PROSPECTIVE JUROR NO. 025: No.
2 THE COURT: Okay. What type of work is he doing now?
3 PROSPECTIVE JUROR NO. 025: He's a security guard.
4 THE COURT: Thank you. For a casino industry, business?
5 PROSPECTIVE JUROR NO. 025: Wal-Mart.
6 THE COURT: Pardon?
7 PROSPECTIVE JUROR NO. 025: Wal-Mart.
8 THE COURT: Got it.
9 PROSPECTIVE JUROR NO. 025: For -- I don't know what
10 the company's called.
11 THE COURT: That's okay. Children?
12 PROSPECTIVE JUROR NO. 025: No.
13 THE COURT: No? Thank you.
14 Mr. Gong, Badge No. 26. How long have you lived here,
15 sir?
16 PROSPECTIVE JUROR NO. 026: Very well. Thank you, sir.
17 THE COURT: I'm doing well. Thank you. How long have
18 you lived here?
19 PROSPECTIVE JUROR NO. 026: About a year.
20 THE COURT: And where did you move here from?
21 PROSPECTIVE JUROR NO. 026: California.
22 THE COURT: What's your level of education?
23 PROSPECTIVE JUROR NO. 026: Bachelor's degree.
24 THE COURT: What type of work do you do?
25 PROSPECTIVE JUROR NO. 026: Retired.

1 THE COURT: Are you married?
2 PROSPECTIVE JUROR NO. 026: Yes.
3 THE COURT: And what type of work does your spouse
4 do?
5 PROSPECTIVE JUROR NO. 026: She's retired also.
6 THE COURT: Children?
7 PROSPECTIVE JUROR NO. 026: No.
8 THE COURT: Thank you. If you could pass that next to
9 you, to Mr. Wuopio, Badge 66.
10 How long have you lived here, sir?
11 PROSPECTIVE JUROR NO. 066: 22 years.
12 THE COURT: Your level of education?
13 PROSPECTIVE JUROR NO. 066: Associate degree.
14 THE COURT: What type of work do you do?
15 PROSPECTIVE JUROR NO. 066: Retired.
16 THE COURT: Are you married?
17 PROSPECTIVE JUROR NO. 066: Yes.
18 THE COURT: And what type of work does your spouse
19 do?
20 PROSPECTIVE JUROR NO. 066: Retired.
21 THE COURT: You know what, actually, I should have
22 asked. Was there a particular profession that you retired from?
23 PROSPECTIVE JUROR NO. 066: I worked for General
24 Electric Health Care for 34 years.
25 THE COURT: Okay. And spouse? Any particular

1 profession?

2 PROSPECTIVE JUROR NO. 066: She was food service in
3 the high school in St. Louis for years.

4 THE COURT: Got it. Do you have children?

5 PROSPECTIVE JUROR NO. 066: Yes.

6 THE COURT: And how many and how old are they? If
7 they're grown, you can just say, grown.

8 PROSPECTIVE JUROR NO. 066: Two. That's scary. I just
9 forgot their ages. 45 and 47.

10 THE COURT: Okay. Grand kids?

11 PROSPECTIVE JUROR NO. 066: Yes.

12 THE COURT: How many?

13 PROSPECTIVE JUROR NO. 066: Two. Granddaughter, 23,
14 and a grandson, 18.

15 THE COURT: Got it. Thank you.

16 All right. If you could pass it to your right for me as well.

17 Which gets me to Ms. Miranda; correct?

18 PROSPECTIVE JUROR NO. 069: Yes.

19 THE COURT: Badge No. 69. How long have you lived
20 here?

21 PROSPECTIVE JUROR NO. 069: Born and raised.

22 THE COURT: What's your level of education?

23 PROSPECTIVE JUROR NO. 069: Some college.

24 THE COURT: What type of work do you do?

25 PROSPECTIVE JUROR NO. 069: Massage therapist.

1 THE COURT: Are you married?
2 PROSPECTIVE JUROR NO. 069: Divorced.
3 THE COURT: Children?
4 PROSPECTIVE JUROR NO. 069: No children.
5 THE COURT: No children? Okay. Thank you.
6 If you could pass it over to you right, please. Thank you.
7 To Mr. Navarrete-Solis, Badge No. 31. How long have you
8 lived here?
9 PROSPECTIVE JUROR NO. 031: Close to 20 years.
10 THE COURT: Your level of education?
11 PROSPECTIVE JUROR NO. 031: Bachelor's degree.
12 THE COURT: What type of work do you do?
13 PROSPECTIVE JUROR NO. 031: Unemployed.
14 THE COURT: Any particular profession you had been in?
15 PROSPECTIVE JUROR NO. 031: Finance.
16 THE COURT: Okay. Are you married, sir?
17 PROSPECTIVE JUROR NO. 031: No, sir.
18 THE COURT: Any children?
19 PROSPECTIVE JUROR NO. 031: No.
20 THE COURT: All right. Thank you.
21 Could you just pass it forward for me. And we'll just kind
22 of go from left to right on this row, guys.
23 So I have Ms. Clark.
24 PROSPECTIVE JUROR NO. 071: Yes.
25 THE COURT: Badge No. 71.

1 PROSPECTIVE JUROR NO. 071: Correct.
2 THE COURT: Ms. Clark, how long have you lived here?
3 PROSPECTIVE JUROR NO. 071: Since 1999.
4 THE COURT: And what's your level of education?
5 PROSPECTIVE JUROR NO. 071: Bachelor's.
6 THE COURT: What type of work do you do?
7 PROSPECTIVE JUROR NO. 071: Retired.
8 THE COURT: Any particular profession you retired from?
9 PROSPECTIVE JUROR NO. 071: Sales. Management.
10 THE COURT: Are you married?
11 PROSPECTIVE JUROR NO. 071: Yes.
12 THE COURT: What type of work does your spouse do?
13 PROSPECTIVE JUROR NO. 071: He owns a behavioral
14 health agency.
15 THE COURT: Children?
16 PROSPECTIVE JUROR NO. 071: Yes.
17 THE COURT: How many and how old are they?
18 PROSPECTIVE JUROR NO. 071: Two. 50 and 46.
19 THE COURT: Grand kids?
20 PROSPECTIVE JUROR NO. 071: Yes.
21 THE COURT: How many?
22 PROSPECTIVE JUROR NO. 071: One.
23 THE COURT: One? Okay. Thank you.
24 If you could pass it to your left for me, please.
25 Mr. Kwan, Badge No. 40. How long have you lived here,

1 sir?

2 PROSPECTIVE JUROR NO. 040: Born and raised; 24 years.

3 THE COURT: And what's your level of education?

4 PROSPECTIVE JUROR NO. 040: Bachelor's.

5 THE COURT: You told me you're a restaurant owner;

6 correct?

7 PROSPECTIVE JUROR NO. 040: Yep. Food and beverage.

8 THE COURT: Okay. Are you married?

9 PROSPECTIVE JUROR NO. 040: No.

10 THE COURT: Any children?

11 PROSPECTIVE JUROR NO. 040: Nope.

12 THE COURT: Thank you.

13 Ms. Vandermeer, Badge No. 39. How long have you lived

14 here?

15 PROSPECTIVE JUROR NO. 039: 16 years.

16 THE COURT: Your level of education?

17 PROSPECTIVE JUROR NO. 039: Some college.

18 THE COURT: What type of work do you do?

19 PROSPECTIVE JUROR NO. 039: Customer service rep.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR NO. 039: Yep. Yes.

22 THE COURT: And what type of work does your spouse

23 do?

24 PROSPECTIVE JUROR NO. 039: He's retired now.

25 THE COURT: Okay. What particular profession retired

1 from?

2 PROSPECTIVE JUROR NO. 039: He was a -- in real estate
3 sales.

4 THE COURT: Okay. Children?

5 PROSPECTIVE JUROR NO. 039: No.

6 THE COURT: Thank you.

7 Mr. Bacallao, Badge No. 38. How long have you lived
8 here?

9 PROSPECTIVE JUROR NO. 038: About two and a half
10 years.

11 THE COURT: And where did you move here from?

12 PROSPECTIVE JUROR NO. 038: Phnom Penh, Cambodia.

13 THE COURT: What's your level of education?

14 PROSPECTIVE JUROR NO. 038: A master's.

15 THE COURT: What type of work do you do?

16 PROSPECTIVE JUROR NO. 038: Teacher.

17 THE COURT: Teacher. What grade level?

18 PROSPECTIVE JUROR NO. 038: I'm teaching sixth grade
19 French and eighth grade English.

20 THE COURT: Okay. With the school district?

21 PROSPECTIVE JUROR NO. 038: Yes, that's right.

22 THE COURT: Are you married?

23 PROSPECTIVE JUROR NO. 038: Nope.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NO. 038: No.

1 THE COURT: All right. Thank you.
2 Mr. Cawthon, Badge No. 70. How long have you lived
3 here?
4 PROSPECTIVE JUROR NO. 070: 33 years, sir.
5 THE COURT: And your level of education?
6 PROSPECTIVE JUROR NO. 070: Master's.
7 THE COURT: What type of work do you do?
8 PROSPECTIVE JUROR NO. 070: Airline pilot.
9 THE COURT: Are you married?
10 PROSPECTIVE JUROR NO. 070: Yes, I am.
11 THE COURT: And what type of work does your spouse
12 do?
13 PROSPECTIVE JUROR NO. 070: She's retired, casino
14 marketing.
15 THE COURT: Children?
16 PROSPECTIVE JUROR NO. 070: Yes, sir.
17 THE COURT: And how many and how old are they?
18 PROSPECTIVE JUROR NO. 070: One. He's 32 years old.
19 THE COURT: Any grand kids?
20 PROSPECTIVE JUROR NO. 070: No, not yet.
21 THE COURT: Thank you.
22 All right. Ms. Milanes, Badge No. 34. How long have you
23 lived here?
24 PROSPECTIVE JUROR NO. 034: About seven years.
25 THE COURT: Where did you move here from?

1 PROSPECTIVE JUROR NO. 034: Washington state.
2 THE COURT: What's your level of education?
3 PROSPECTIVE JUROR NO. 034: Some college and military
4 training.
5 THE COURT: Are you married?
6 PROSPECTIVE JUROR NO. 034: Yes.
7 THE COURT: And what type of work does your spouse
8 do?
9 PROSPECTIVE JUROR NO. 034: Government contractor.
10 THE COURT: Children?
11 PROSPECTIVE JUROR NO. 034: Yes.
12 THE COURT: How many and how old are they?
13 PROSPECTIVE JUROR NO. 034: Three. 36, 34, and 26.
14 THE COURT: Grand kids?
15 PROSPECTIVE JUROR NO. 034: Yes. Six with one on the
16 way.
17 THE COURT: Six with one on the way. They all here?
18 PROSPECTIVE JUROR NO. 034: No. One's still up in
19 Washington.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NO. 034: He's 18.
22 THE COURT: But all the rest of -- the rest of that gaggle
23 are here?
24 PROSPECTIVE JUROR NO. 034: No. My son's in Texas.
25 THE COURT: Oh. Well, okay. Okay. Thank you.

1 Mr. Hubbard-Gabel, Badge No. 33. How long have you
2 lived here?
3 PROSPECTIVE JUROR NO. 033: Born and raised.
4 THE COURT: And your level of education?
5 PROSPECTIVE JUROR NO. 033: High school.
6 THE COURT: What type of work do you do?
7 PROSPECTIVE JUROR NO. 033: Currently unemployed.
8 THE COURT: Any particular profession you're in prior to
9 the current time?
10 PROSPECTIVE JUROR NO. 033: Security and first aid.
11 THE COURT: Are you married?
12 PROSPECTIVE JUROR NO. 033: No.
13 THE COURT: Children?
14 PROSPECTIVE JUROR NO. 033: I certainly hope not.
15 THE COURT: They're not all bad.
16 All right. Mr. Coleman, Badge No. 32. How long have you
17 lived here, sir?
18 PROSPECTIVE JUROR NO. 032: 13 years, sir.
19 THE COURT: And what's your level of education?
20 PROSPECTIVE JUROR NO. 032: Some college.
21 THE COURT: What type of work do you do?
22 PROSPECTIVE JUROR NO. 032: Sales specialist.
23 THE COURT: Are you married?
24 PROSPECTIVE JUROR NO. 032: Yes, sir. 24 years.
25 THE COURT: Congratulations. What type of work does

1 your spouse do?

2 PROSPECTIVE JUROR NO. 032: She's a registered nurse.

3 THE COURT: Does she work with adults or pediatric?

4 PROSPECTIVE JUROR NO. 032: Med-surg, St. Rose,

5 Siena.

6 THE COURT: Okay. Got it. Children?

7 PROSPECTIVE JUROR NO. 032: Yes, five.

8 THE COURT: Five. And how old are they?

9 PROSPECTIVE JUROR NO. 032: 17, 19, 20, 22, and 25.

10 And one grandson.

11 THE COURT: Great. Thank you.

12 Could you pass that forward for me, if you would, please.

13 Ms. Bonney, Badge No. 42. How long have you lived

14 here?

15 PROSPECTIVE JUROR NO. 042: Three years.

16 THE COURT: And where did you move here from?

17 PROSPECTIVE JUROR NO. 042: Oregon.

18 THE COURT: What's your level of education?

19 PROSPECTIVE JUROR NO. 042: High school.

20 THE COURT: What type of work do you do?

21 PROSPECTIVE JUROR NO. 042: Supervisor at a call

22 center.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NO. 042: No.

25 THE COURT: Any children?

1 PROSPECTIVE JUROR NO. 042: Yes.
2 THE COURT: How many?
3 PROSPECTIVE JUROR NO. 042: Two.
4 THE COURT: Two.
5 PROSPECTIVE JUROR NO. 042: 27 and 12.
6 THE COURT: Grand kids?
7 PROSPECTIVE JUROR NO. 042: No.
8 THE COURT: No? Okay. Thank you.
9 Mr. Vazquez, Badge No. 43. How long have you lived
10 here?
11 PROSPECTIVE JUROR NO. 043: Ten years.
12 THE COURT: And your level of education?
13 PROSPECTIVE JUROR NO. 043: Some college.
14 THE COURT: What type of work do you do?
15 PROSPECTIVE JUROR NO. 043: Driver.
16 THE COURT: Are you married?
17 PROSPECTIVE JUROR NO. 043: Yes.
18 THE COURT: And what type of work does your spouse
19 do?
20 PROSPECTIVE JUROR NO. 043: Unemployed right now.
21 THE COURT: Any particular profession your spouse had
22 been in?
23 PROSPECTIVE JUROR NO. 043: No.
24 THE COURT: No. Children?
25 PROSPECTIVE JUROR NO. 043: Three.

1 THE COURT: How old are they?
2 PROSPECTIVE JUROR NO. 043: 30, 25, and 21.
3 THE COURT: Grand kids?
4 PROSPECTIVE JUROR NO. 043: No.
5 THE COURT: No. Thank you.
6 THE DEFENDANT: Excuse me, Your Honor.
7 THE COURT: Yes.
8 THE DEFENDANT: I didn't hear what he did for a living.
9 I'm sorry.
10 THE COURT: Driver.
11 THE DEFENDANT: Driver?
12 THE COURT: Yeah.
13 THE DEFENDANT: Okay. Thank you.
14 THE COURT: Mr. Hussain, Badge No. 44. How long have
15 you lived here, sir?
16 PROSPECTIVE JUROR NO. 044: Born and raised.
17 THE COURT: And what's your level of education?
18 PROSPECTIVE JUROR NO. 044: Some college. Currently
19 finishing a bachelor's.
20 THE COURT: And are you working right now as well?
21 PROSPECTIVE JUROR NO. 044: I am.
22 THE COURT: Okay. What type of work do you do?
23 PROSPECTIVE JUROR NO. 044: Sales and business
24 development.
25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NO. 044: I am.
2 THE COURT: And what type of work does your spouse
3 do?
4 PROSPECTIVE JUROR NO. 044: Architect.
5 THE COURT: Children?
6 PROSPECTIVE JUROR NO. 044: Nope.
7 THE COURT: Nope. Okay. So tell me a little more. Your
8 dad had surgery. How long ago did he have surgery?
9 PROSPECTIVE JUROR NO. 044: About a month ago.
10 THE COURT: And so he's still kind of --
11 PROSPECTIVE JUROR NO. 044: Still a little wonky. If --
12 basically, the device is to help kind of tune the Parkinson's out.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 044: So they're still in the
15 tuning process and the recovery from installing the device.
16 THE COURT: So the -- when you were saying sometimes
17 you need to help your mom out a few times a week --
18 PROSPECTIVE JUROR NO. 044: Um-hmm.
19 THE COURT: -- I'm assuming you work that around going
20 to school and your own job?
21 PROSPECTIVE JUROR NO. 044: Yeah. School's online.
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NO. 044: So that's all at home at
24 night.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 044: And then my own job.
2 And then my mom and dad used to own a company together -- Dad
3 retired, so Mom runs it alone. It's Mom's company now.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 044: So when she has to go
6 take a meeting, I have to go take care of dad.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 044: That's about it.

9 THE COURT: Is taking care of dad just kind of more, you
10 just need to be there in case he needs something? It's not hands on
11 --

12 PROSPECTIVE JUROR NO. 044: Yeah.

13 THE COURT: -- type of thing?

14 PROSPECTIVE JUROR NO. 044: No. In case he, you know,
15 hey, just make sure that he can get down the stairs without falling
16 and --

17 THE COURT: Got it.

18 PROSPECTIVE JUROR NO. 044: -- prep food for him kind
19 of a thing, just to keep him off his feet. That's about it.

20 THE COURT: And are there people that can help you with
21 that?

22 PROSPECTIVE JUROR NO. 044: I have a brother, but he
23 doesn't really help.

24 THE COURT: Okay. It's okay.

25 PROSPECTIVE JUROR NO. 044: It's the honest.

1 THE COURT: He lives here but he's just kind of useless?

2 PROSPECTIVE JUROR NO. 044: Yeah. Yeah, basically.

3 THE COURT: All right. What about --

4 PROSPECTIVE JUROR NO. 044: He works all day and then
5 goes to school for his master's at night. So I can't say he's useless,
6 but he's useless.

7 THE COURT: Okay. What about your spouse?

8 PROSPECTIVE JUROR NO. 044: She does not help, no.
9 She works all day and then comes home and takes care of our
10 house.

11 THE COURT: Okay. And generally, when you need to help
12 your dad out, what -- I mean, is your mom -- is it during the day,
13 when your mom's at work? Or is when -- at night when you would
14 be off your own job?

15 PROSPECTIVE JUROR NO. 044: Depends on random
16 times. My job's pretty flexible, so they kind of let me come and go
17 as I please. Sometimes it's if my mom has a meeting during the day,
18 then I'll go help out during the day. If she's going out with
19 somebody at night, I'll go help out at night. They live down the
20 street, so it's not really kind of difficult for us.

21 THE COURT: Okay. So does she have some flexibility in
22 scheduling work, so that you could avoid having to have care duty
23 for the time that we're in trial?

24 PROSPECTIVE JUROR NO. 044: I think so, but it's
25 something I just kind of have to talk to her first to find out really.

1 THE COURT: Okay. Very good.

2 PROSPECTIVE JUROR NO. 044: Um-hmm.

3 THE COURT: All right. If you could pass it to your right for

4 me, please.

5 Ms. Wesley, Badge No. 45. How long have you lived here?

6 PROSPECTIVE JUROR NO. 045: I've been here 16 years.

7 THE COURT: Okay. And what's your level of education?

8 PROSPECTIVE JUROR NO. 045: Some college.

9 THE COURT: What type of work do you do?

10 PROSPECTIVE JUROR NO. 045: Nursing assistant at a

11 hospital.

12 THE COURT: Do you work with pediatric patients or

13 adults?

14 PROSPECTIVE JUROR NO. 045: No, no, no. Rehab.

15 THE COURT: Oh, rehab. Okay. Thank you. Are you

16 married?

17 PROSPECTIVE JUROR NO. 045: Yes.

18 THE COURT: And what type of work does your spouse

19 do?

20 PROSPECTIVE JUROR NO. 045: Welding and supply

21 business, gases.

22 THE COURT: Do you have children?

23 PROSPECTIVE JUROR NO. 045: Four.

24 THE COURT: And how old are they?

25 PROSPECTIVE JUROR NO. 045: Give me a second.

1 THE COURT: Are they grown?
2 PROSPECTIVE JUROR NO. 045: 39, 40, 40, and 41.
3 THE COURT: Okay. Grand kids?
4 PROSPECTIVE JUROR NO. 045: Seven.
5 THE COURT: Wow. Are they all here?
6 PROSPECTIVE JUROR NO. 045: Hell no. No -- thank the
7 Lord.
8 THE COURT: All right. You can pass it to your right for
9 me. Thank you.
10 So I have Mr. Vilseck?
11 PROSPECTIVE JUROR NO. 072: Yes, sir.
12 THE COURT: All right. Badge No. 72. Mr. Vilseck, how
13 long have you lived here, sir?
14 PROSPECTIVE JUROR NO. 072: Five years.
15 THE COURT: And where did you move here from?
16 PROSPECTIVE JUROR NO. 075: Reno.
17 THE COURT: What's your level of education?
18 PROSPECTIVE JUROR NO. 072: Bachelor's.
19 THE COURT: What type of work do you do?
20 PROSPECTIVE JUROR NO. 072: Sort of somewhat retired
21 from information technology. Currently stay-at-home parent.
22 THE COURT: Got it. Are you married?
23 PROSPECTIVE JUROR NO. 072: Yes.
24 THE COURT: And what type of work does your spouse
25 do?

1 PROSPECTIVE JUROR NO. 072: She's a pediatric allergist.
2 THE COURT: Children?
3 PROSPECTIVE JUROR NO. 072: Two.
4 THE COURT: How old are they?
5 PROSPECTIVE JUROR NO. 072: 13 and 14.
6 THE COURT: Thank you.
7 If you could pass it to your right for me.
8 Getting to, Ms. Alberico.
9 PROSPECTIVE JUROR NO. 073: Yes.
10 THE COURT: All right. Badge No. 73. Ms. Alberico, how
11 long have you lived here?
12 PROSPECTIVE JUROR NO. 073: Since 1985.
13 THE COURT: And what's your level of education?
14 PROSPECTIVE JUROR NO. 073: High school.
15 THE COURT: What type of work do you do?
16 PROSPECTIVE JUROR NO. 073: Retail sales.
17 THE COURT: Are you married?
18 PROSPECTIVE JUROR NO. 073: Widow.
19 THE COURT: I'm sorry. Do you have children?
20 PROSPECTIVE JUROR NO. 073: One.
21 THE COURT: How old?
22 PROSPECTIVE JUROR NO. 073: 40.
23 THE COURT: Grand kids?
24 PROSPECTIVE JUROR NO. 073: No.
25 THE COURT: No? Okay. Thank you.

1 Ms. Munoz, Badge 75. How long have you lived here?
2 PROSPECTIVE JUROR NO. 075: 18 years.
3 THE COURT: Pardon?
4 PROSPECTIVE JUROR NO. 075: 18 years.
5 THE COURT: 18. What's your level of education?
6 PROSPECTIVE JUROR NO. 075: High school.
7 THE COURT: What type of work do you do?
8 PROSPECTIVE JUROR NO. 075: Human resources.
9 THE COURT: Are you married?
10 PROSPECTIVE JUROR NO. 075: Divorced.
11 THE COURT: Children?
12 PROSPECTIVE JUROR NO. 075: Four-year-old.
13 THE COURT: Four-year-old. Okay. Thank you.
14 And finally, Ms. Waggoner, Badge No. 51. How long have
15 you lived here?
16 PROSPECTIVE JUROR NO. 051: Since 2005.
17 THE COURT: And what's your level of education?
18 PROSPECTIVE JUROR NO. 051: I have a bachelor's
19 degree.
20 THE COURT: And what type of work do you do?
21 PROSPECTIVE JUROR NO. 051: I'm in between things at
22 the moment, but in general, government.
23 THE COURT: Okay. When you were working for
24 Congressman Hardy, was that directly as staff for him, or through a
25 political organization?

1 PROSPECTIVE JUROR NO. 051: I was on the official staff,
2 so I was an employee of the U.S. House of Representatives.

3 THE COURT: Got it. Are you married?

4 PROSPECTIVE JUROR NO. 051: No, sir.

5 THE COURT: And do you have any children?

6 PROSPECTIVE JUROR NO. 051: No, sir.

7 THE COURT: Okay. So before I move it over to there, I'll
8 just finish up with this row on some other questions. You can hold
9 on to it for just a second.

10 Is there anybody, just in these three rows right now -- and
11 we'll go through all this once we move the microphone over -- but
12 anybody on these three rows that you or anyone close to you has
13 ever been the victim of a crime? Any kind of crime? You know, your
14 purse got stolen, whatever it may be.

15 Okay. Could you pass it right next to you to Ms. Munoz.

16 Yes, ma'am.

17 PROSPECTIVE JUROR NO. 075: My cousin -- sorry.

18 THE COURT: That's okay.

19 PROSPECTIVE JUROR NO. 075: Well, it isn't -- it was a
20 video camera.

21 THE COURT: Okay. And --

22 PROSPECTIVE JUROR NO. 075: In the bathroom.

23 THE COURT: -- was that with you?

24 PROSPECTIVE JUROR NO. 075: No.

25 THE COURT: No.

1 PROSPECTIVE JUROR NO. 075: Cousin.
2 THE COURT: Cousin?
3 PROSPECTIVE JUROR NO. 075: Yeah.
4 THE COURT: And how long ago was that?
5 PROSPECTIVE JUROR NO. 075: Not even five years.
6 THE COURT: Was that something that occurred here in
7 Las Vegas?
8 PROSPECTIVE JUROR NO. 075: No.
9 THE COURT: Okay. And what state was it in?
10 PROSPECTIVE JUROR NO. 075: Arizona.
11 THE COURT: And was that at a school or a home or --
12 PROSPECTIVE JUROR NO. 075: A relative.
13 THE COURT: A relative?
14 PROSPECTIVE JUROR NO. 075: Yeah.
15 THE COURT: Okay. And was your cousin an adult or a
16 minor at the time?
17 PROSPECTIVE JUROR NO. 075: Minor.
18 THE COURT: Do you know, were the police ever called?
19 PROSPECTIVE JUROR NO. 075: Yeah.
20 THE COURT: And did the case go to court?
21 PROSPECTIVE JUROR NO. 075: Yes.
22 THE COURT: It did? Okay. Do you know if it went to trial?
23 PROSPECTIVE JUROR NO. 075: She dropped charges.
24 THE COURT: Okay. All right. Thank you.
25 Anybody else in the bottom row there?

1 Would you keep passing it down, if you would to,
2 Mr. Hussain.

3 Yes, sir.

4 PROSPECTIVE JUROR NO. 044: Wife's car got broken into
5 right in front of our house, reported it, nothing ever came of it after
6 that.

7 THE COURT: Okay. How long ago was that?

8 PROSPECTIVE JUROR NO. 044: Last -- probably two years
9 ago.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR NO. 044: Um-hmm.

12 THE COURT: And then Ms. Bonney, Badge No. 42.

13 PROSPECTIVE JUROR NO. 042: My mom was shot in an
14 armed robbery.

15 THE COURT: All right. And I'm sorry to have to ask you
16 about that. But how long ago was that?

17 PROSPECTIVE JUROR NO. 042: It was about 20 years ago.

18 THE COURT: And was that here in Las Vegas?

19 PROSPECTIVE JUROR NO. 042: No. In Colorado.

20 THE COURT: And did your mom pass away during the
21 event?

22 PROSPECTIVE JUROR NO. 042: No. She's still alive.

23 THE COURT: Okay. Did the matter ever go to court?

24 PROSPECTIVE JUROR NO. 042: Yes, it did.

25 THE COURT: Did it ever go to trial?

1 PROSPECTIVE JUROR NO. 042: Yes, it did.

2 THE COURT: And did your mom testify?

3 PROSPECTIVE JUROR NO. 042: Yes.

4 THE COURT: Did you take part in the trial process at all?

5 Did you go and observe things or --

6 PROSPECTIVE JUROR NO. 042: No.

7 THE COURT: Okay. And was that an event that occurred
8 where she was working or --

9 PROSPECTIVE JUROR NO. 042: She was working at a
10 grocery store.

11 THE COURT: Got it. Thank you.

12 Okay. How about on our middle row? We have hands?
13 Yes. If you could pass it back, please.

14 Mr. Hubbard-Gabel, 33.

15 PROSPECTIVE JUROR NO. 033: Yes, sir. There's a
16 number of them that I'm close to. I guess, the biggest one would be
17 my best friend had his home broken into, a lot of things stolen.

18 THE COURT: Okay. And was that here in Las Vegas?

19 PROSPECTIVE JUROR NO. 033: Yes, sir.

20 THE COURT: Were the police called?

21 PROSPECTIVE JUROR NO. 033: Yes.

22 THE COURT: And do you know, did that matter ever go to
23 court?

24 PROSPECTIVE JUROR NO. 033: It never did because they
25 never caught them.

1 THE COURT: Got it. Okay. And then when you say,
2 there's a lot of things -- just other smaller stuff, maybe?

3 PROSPECTIVE JUROR NO. 033: TVs, small goods, cash,
4 pretty much anything.

5 THE COURT: Okay. Police ever called on any of those
6 events?

7 PROSPECTIVE JUROR NO. 033: It was a single event. And
8 they had an officer come out after it to take a look.

9 THE COURT: Oh, no. I meant -- I thought when you first
10 got the microphone you said, there's a lot of things. And then --

11 PROSPECTIVE JUROR NO. 033: Oh, oh, oh, no. I mean,
12 like, just multiple events, like, my grandfather's car was stolen here
13 in Vegas as well.

14 THE COURT: Okay. Okay.

15 PROSPECTIVE JUROR NO. 033: I just mean there's, like,
16 more than --

17 THE COURT: All right. Thank you.

18 PROSPECTIVE JUROR NO. 033: Yep.

19 THE COURT: Who else I got on that row? Yep.

20 PROSPECTIVE JUROR NO. 034: Hello.

21 THE COURT: Yes. Ms. Milanes, Badge No. 34.

22 PROSPECTIVE JUROR NO. 034: Yes. I've had a number of
23 incidents of my sister's car was stolen at gunpoint. Our various
24 vehicles had been broken into in our front -- in front of our homes.
25 The worst is my grandmother being raped and murdered. It took 30

1 years to get the guy. That case was solved recently within the last
2 couple years.

3 THE COURT: Okay. So let's break it down.

4 PROSPECTIVE JUROR NO. 034: All right.

5 THE COURT: The car theft, armed robbery of the car --
6 were those things here in Las Vegas?

7 PROSPECTIVE JUROR NO. 034: No, sir.

8 THE COURT: And what jurisdiction were those in?

9 PROSPECTIVE JUROR NO. 034: That was in Orange
10 County, California.

11 THE COURT: Did those ever go to court?

12 PROSPECTIVE JUROR NO. 034: No.

13 THE COURT: Okay. And then the issue with your
14 grandmother -- and I apologize, again, for having to ask about it.
15 Was that here in Las Vegas?

16 PROSPECTIVE JUROR NO. 034: No. That was also in an
17 Anaheim, California.

18 THE COURT: Okay. And so she had been killed many
19 years ago, and then --

20 PROSPECTIVE JUROR NO. 034: 1984.

21 THE COURT: -- more recently something came about that
22 helped somebody --

23 PROSPECTIVE JUROR NO. 034: Yeah. He was actually in
24 jail and being released. And it was a cold case that was being
25 worked. And the officer was working it. And the night before the

1 guy got released for rape, they tied the DNA to him --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 034: -- and was able to bring
4 him to trial, and he was convicted.

5 THE COURT: Okay. So that's what I was going to get to.

6 PROSPECTIVE JUROR NO. 034: Yeah.

7 THE COURT: Ultimately, he got -- this gentleman got
8 charged --

9 PROSPECTIVE JUROR NO. 034: Yes.

10 THE COURT: -- and then there was a trial?

11 PROSPECTIVE JUROR NO. 034: Yes.

12 THE COURT: And did your family have some involvement
13 in the trial?

14 PROSPECTIVE JUROR NO. 034: Yes, sir.

15 THE COURT: Okay. Did you personally go and attend the
16 trial?

17 PROSPECTIVE JUROR NO. 034: Yes, I did.

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

19 Anybody else in that row? Yes.

20 PROSPECTIVE JUROR NO. 070: My wife's coworker was
21 involved in an incident with the Las Vegas Police where he was shot
22 and killed.

23 THE COURT: Your wife's coworker?

24 PROSPECTIVE JUROR NO. 070: Coworker's boyfriend.

25 THE COURT: Coworker's boyfriend. Okay. And were your

1 wife and/or her coworker, were they involved in that? Witness
2 anything?

3 PROSPECTIVE JUROR NO. 070: Yes, they were. She
4 actually made a statement. She was not involved in the trial. They
5 didn't use her statement. But the girlfriend was very much involved.

6 THE COURT: Okay. Your wife just knows about it through
7 the coworker?

8 PROSPECTIVE JUROR NO. 070: Correct.

9 THE COURT: Okay. And how long ago was this?

10 PROSPECTIVE JUROR NO. 070: It was the Eric Scott case.
11 I think it was four or five years ago.

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

13 Yes, Mr. Bacallao.

14 PROSPECTIVE JUROR NO. 038: That's right.

15 THE COURT: Badge 38.

16 PROSPECTIVE JUROR NO. 038: Yep. When I was in high
17 school, a close friend, a child friend, my brother's best friend, was
18 killed in a racially motivated incident.

19 THE COURT: And where did that occur?

20 PROSPECTIVE JUROR NO. 038: In New Jersey.

21 THE COURT: Did that matter ever proceed to court?

22 PROSPECTIVE JUROR NO. 038: It did.

23 THE COURT: Okay. And were you a witness to anything?
24 Or just knew about it through your friends?

25 PROSPECTIVE JUROR NO. 038: Just knew about it, yep.

1 THE COURT: Okay. Thank you. All right.
2 Anybody else in that row?
3 PROSPECTIVE JUROR NO. 039: Yep.
4 THE COURT: Yes, ma'am.
5 PROSPECTIVE JUROR NO. 039: 39.
6 THE COURT: Ms. Vandermeer, Badge 39.
7 PROSPECTIVE JUROR NO. 039: Yeah. Burglary to our
8 house. It was San Francisco. It was brought to trial, and they were
9 convicted.
10 THE COURT: Okay. And how long ago was that?
11 PROSPECTIVE JUROR NO. 039: About 30 years ago.
12 THE COURT: Thank you.
13 Ms. Clark.
14 PROSPECTIVE JUROR NO. 071: Yes.
15 THE COURT: Badge 71.
16 PROSPECTIVE JUROR NO. 071: 71. Excuse me. Our
17 house was robbed when I was a child. We've -- as an adult, I've had
18 several cars broken into. And that's about it.
19 THE COURT: And your family's home being robbed, was
20 that here in Las Vegas?
21 PROSPECTIVE JUROR NO. 071: No. That was in Ohio.
22 THE COURT: Okay. And the issue with your vehicles, has
23 that been in Las Vegas?
24 PROSPECTIVE JUROR NO. 071: One here in Vegas, two in
25 Los Angeles.

1 THE COURT: Okay. The one in Vegas, police called? Ever
2 go to court?

3 PROSPECTIVE JUROR NO. 071: No. My husband didn't
4 call the police. There was a jacket stolen from the car.

5 THE COURT: All right. Got it. Thank you.

6 Okay. How about the top row?

7 Yep. You pass it right behind you, ma'am. Thank you.

8 Yes. Mr. Navarrete-Solis, Badge 31.

9 PROSPECTIVE JUROR NO. 031: Yes. Somebody really
10 close to me -- I'd rather not say who -- was sexually abused as a
11 child.

12 THE COURT: And was that in Las Vegas?

13 PROSPECTIVE JUROR NO. 031: No, sir.

14 THE COURT: Okay. Did that matter ever get reported to
15 police?

16 PROSPECTIVE JUROR NO. 031: Never.

17 THE COURT: Never? Okay. Thank you.

18 PROSPECTIVE JUROR NO. 031: And also my cousin, the
19 youngest in the family, last week, got stabbed with a knife.

20 THE COURT: And where was that?

21 PROSPECTIVE JUROR NO. 031: That was in Mexico.

22 THE COURT: Mexico?

23 PROSPECTIVE JUROR NO. 031: Um-hmm.

24 THE COURT: Okay. Thank you.

25 Anybody else in the top row.

1 Yes.

2 PROSPECTIVE JUROR NO. 069: I'm Monique Miranda,
3 Badge 69.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR NO. 069: About two years ago, late
6 2017, my ex-husband broke into my house and barricaded himself
7 with a shotgun and a sword. And he went to trial for those charges,
8 but I think the ones with the weapons got dropped. And -- but
9 eventually he got deported. So --

10 THE COURT: So --

11 PROSPECTIVE JUROR NO. 069: -- that's about it.

12 THE COURT: You said that occurred how long ago?

13 PROSPECTIVE JUROR NO. 069: Late 2017, in November.

14 THE COURT: Okay. And was that here in Las Vegas?

15 PROSPECTIVE JUROR NO. 069: Yes.

16 THE COURT: And it went to trial?

17 PROSPECTIVE JUROR NO. 069: Yes.

18 THE COURT: A jury trial like this?

19 PROSPECTIVE JUROR NO. 069: I'm not sure. I didn't go
20 to it.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 069: I didn't want to attend.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 069: I don't think he actually
25 had a jury trial. I think he waived his rights to a jury trial.

1 THE COURT: Okay. So it was your house, but you weren't
2 really a witness to anything so that you needed to testify?

3 PROSPECTIVE JUROR NO. 069: I gave my statements.
4 They didn't need us there.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR NO. 069: Thank you.

7 THE COURT: Anybody else on that row?

8 Yes.

9 PROSPECTIVE JUROR NO. 026: Anthony Gong.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR NO. 026: 026.

12 THE COURT: You can go ahead.

13 PROSPECTIVE JUROR NO. 026: Yes. And an ex-high
14 school classmate of mine was -- had murdered his mistress
15 boyfriend. That was about 30 years ago in California. Unfortunately,
16 he had disappeared since then. Nobody can find him.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 026: We also have a rental car
19 broken into in Vancouver, Canada, some 20 years ago. A good
20 friend of ours had her house broken into in California also about 20
21 years ago.

22 THE COURT: Okay. Any of those go to court?

23 PROSPECTIVE JUROR NO. 026: No, I don't believe so.
24 They never got -- they never caught the thief.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NO. 025: Alyssa Durna, No. 25.
2 THE COURT: Thank you.
3 PROSPECTIVE JUROR NO. 025: My brother was robbed at
4 the park while walking home from work.
5 THE COURT: And how long ago was that?
6 PROSPECTIVE JUROR NO. 025: Just last year. I want to
7 say November.
8 THE COURT: Here in Las Vegas?
9 PROSPECTIVE JUROR NO. 025: Um-hmm.
10 THE COURT: Okay. That matter -- were the police called?
11 PROSPECTIVE JUROR NO. 025: Yes. But it didn't go
12 court. They couldn't find him.
13 THE COURT: Didn't go to court. Thank you.
14 PROSPECTIVE JUROR NO. 025: Um-hmm.
15 THE COURT: Anybody else?
16 Yes.
17 PROSPECTIVE JUROR NO. 024: Arielle Donmore, No. 24.
18 THE COURT: Thank you.
19 PROSPECTIVE JUROR NO. 024: In -- about a month ago or
20 something, I had a -- I was coming out of work. And a young
21 teenage boy pulled up on the side of me in his car and called me
22 over. I thought he was looking for a student or something. I'm a
23 teacher, so it was after school hours. And he was masturbating in
24 his car. He wanted me to see that.
25 THE COURT: Did you call the police?

1 PROSPECTIVE JUROR NO. 024: No.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 024: I was ashamed. I haven't
4 even told anybody. This is the first time admitting that it happened.
5 THE COURT: That's okay. Thank you.
6 All right. Anybody else? Nope?
7 Okay. Let me flip the question around a little bit. And
8 we'll still just confine it while we're passing the microphone over
9 here.
10 But how many of any of you, or anyone close to you, has
11 ever been arrested or convicted of any kind of crimes?
12 Okay. We'll start with Ms. Donmore.
13 PROSPECTIVE JUROR NO. 024: I've had a few of my
14 cousins go to prison or jail.
15 THE COURT: Okay. At -- based on cases that arose here
16 or somewhere else?
17 PROSPECTIVE JUROR NO. 024: No. Back home.
18 THE COURT: Back home? Okay.
19 PROSPECTIVE JUROR NO. 024: Um-hmm.
20 THE COURT: And back home is where, again?
21 PROSPECTIVE JUROR NO. 024: Buffalo.
22 THE COURT: Thank you. And just generally, theft crimes,
23 drug crimes, violent crimes?
24 PROSPECTIVE JUROR NO. 024: Violent.
25 THE COURT: Okay. Thank you.

1 Anybody else on that top row?
2 Yep. We'll pass it down.
3 Ms. Miranda -- oh, I'm sorry.
4 PROSPECTIVE JUROR NO. 066: Robert Wuopio, No. 66.
5 THE COURT: Thank you.
6 PROSPECTIVE JUROR NO. 066: My daughter was -- had
7 an involved in a drug crime in Minnesota about 10 years ago.
8 THE COURT: Okay. Thank you.
9 Ms. Miranda, Badge 69.
10 PROSPECTIVE JUROR NO. 069: I have a couple. I have --
11 besides my ex-husband -- I have my father, about, I want to say,
12 2015 he was released under a drug charge for trafficking.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 069: Federally, three border
15 lines. And he did six years. He's deported.
16 And I have my uncle who is passed away now, under a
17 charge of molestation. And I believe that is all.
18 THE COURT: And you said your father's case was a
19 federal case.
20 PROSPECTIVE JUROR NO. 069: Yes.
21 THE COURT: What about your uncle? Where was that?
22 PROSPECTIVE JUROR NO. 069: That was here in Las
23 Vegas as well.
24 THE COURT: Okay. Do you know how long ago that one
25 was?

1 PROSPECTIVE JUROR NO. 069: I want to say, maybe, 11
2 years ago.

3 THE COURT: Okay. Did your uncle's case go to trial?

4 PROSPECTIVE JUROR NO. 069: Yes. It was against my
5 little cousin, so --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 069: Yes. They went to trial.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 069: You're welcome.

10 THE COURT: All right. Anybody else on that top row?
11 Middle row?

12 Yep. If you could pass it forward to the middle row.
13 Thank you.

14 PROSPECTIVE JUROR NO. 038: Badge 38, Mr. Bacallao.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NO. 038: I have -- or had -- a
17 nephew who had a lot of problems when he was a juvenile and was
18 kind of in the system here in Vegas.

19 THE COURT: Okay. When he was -- you said when he
20 was a juvenile. And same kind of question -- drug crimes, theft
21 crimes, violent crimes? What were you dealing with?

22 PROSPECTIVE JUROR NO. 038: Do you know, I'm actually
23 not sure. I think it was kind of a mix of stuff.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 038: They sent him to -- he got

1 in some juvenile program here. And they sent him to the ranch
2 somewhere or something.

3 THE COURT: Got it. Thank you.

4 Who else did I have on that row?

5 Yep. You could pass it down, please. Thank you.

6 To Mr. Hubbard-Gabel, Badge 33.

7 PROSPECTIVE JUROR NO. 033: Yes, sir. Sorry about that.
8 My uncle spent most of -- well, my life anyway -- in jail. In and out,
9 really. All drug-related crimes.

10 THE COURT: And was that occurring here in Las Vegas?

11 PROSPECTIVE JUROR NO. 033: Nevada, anyway.

12 THE COURT: Nevada. Okay. Thank you.

13 Yes, Mr. Coleman.

14 PROSPECTIVE JUROR NO. 032: My nephew went to jail
15 for murder, self-defense murder. Somebody was shooting at him,
16 he shot back. He killed them. He went to prison. And I have my god
17 brother who went to jail under RICO law.

18 THE COURT: Okay. Nephew was prosecuted? Where did
19 that occur?

20 PROSPECTIVE JUROR NO. 032: In Syracuse, New York.

21 THE COURT: New York. Okay. Thank you.

22 And then you said your brother-in-law.

23 PROSPECTIVE JUROR NO. 032: My god brother --

24 THE COURT: God brother.

25 PROSPECTIVE JUROR NO. 032: -- went to -- yes.

1 THE COURT: Okay. And was that prosecuted federally, I
2 guess?

3 PROSPECTIVE JUROR NO. 032: Yes.

4 THE COURT: Okay. Thank you. Thank you.

5 And then how about our bottom row, there was some
6 hands. Could you pass it forward? Thank you.

7 Ms. Bonney.

8 PROSPECTIVE JUROR NO. 042: My father was in jail for
9 indecent exposure.

10 THE COURT: And how long ago?

11 PROSPECTIVE JUROR NO. 042: It's been kind of several
12 times throughout my whole life.

13 THE COURT: Okay. Here in Las Vegas?

14 PROSPECTIVE JUROR NO. 042: In Arizona.

15 THE COURT: Arizona. Thank you.

16 PROSPECTIVE JUROR NO. 042: And Colorado.

17 THE COURT: All right. Thank you.

18 Anybody else down there? Yep.

19 Ms. Wesley.

20 PROSPECTIVE JUROR NO. 045: My son got caught selling
21 marijuana to a friend when he was 17.

22 THE COURT: Here or somewhere else?

23 PROSPECTIVE JUROR NO. 045: In Wisconsin.

24 THE COURT: Wisconsin. Thank you.

25 And then Mr. Vilseck, Badge 72.

1 PROSPECTIVE JUROR NO. 072: Yes, sir. I have a brother
2 that's been arrested multiple times for DUI in Virginia and West
3 Virginia.

4 THE COURT: Thank you.

5 Anybody else?

6 Yes. Ms. Munoz, 75.

7 PROSPECTIVE JUROR NO. 075: Yes. From my cousin's
8 case, it was her dad. It was my uncle.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 075: And he just recently got --
11 this past year -- well, with the initial incident he was convicted as a,
12 what is it? Child -- a pedophile.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 075: A registered sex offender.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 075: And he just recently got
17 for other sex crimes and money laundering for paying for the sex
18 crimes.

19 THE COURT: Okay. So he got prosecuted for what
20 happened with your cousin. And now has been prosecuted for -- he
21 finished that case up and got arrested for some new things?

22 PROSPECTIVE JUROR NO. 075: Correct.

23 THE COURT: Got it. Okay. Thank you. All right.

24 Yes. Go ahead, Ms. Waggoner.

25 PROSPECTIVE JUROR NO. 051: Yes. I have a cousin,

1 about ten years ago, served time in jail in Utah for drug-related
2 crimes. I'm not sure exactly what.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 051: And back to the previous
5 question -- it took me a minute to remember this. My mom's purse
6 was stolen out of our car in 2005. We called the police and nothing
7 ever came of it.

8 THE COURT: Okay. Thank you.

9 How many -- and we kind of got into this with the
10 questions about being a crime victim -- you or anybody close to you.
11 But it may be that some of you have some knowledge of people that
12 just didn't report it.

13 So how many of you -- other than those of you that have
14 already spoken about this -- ever been the victim or anyone in your
15 family, anyone close to you, close enough to talk to them about it,
16 have ever been the victim of any kind of sexual abuse?

17 Could you pass it up behind for me, please.

18 Yes, sir. Mr. Bacallao, Badge No. 38.

19 PROSPECTIVE JUROR NO. 038: That's right, yes. I have a
20 niece who was molested as a child.

21 THE COURT: Okay. Was that just not reported to police at
22 all?

23 PROSPECTIVE JUROR NO. 038: That's right.

24 THE COURT: Okay. And was that by another family
25 member, a friend of the family? What was the relationship?

1 PROSPECTIVE JUROR NO. 038: No. Someone from the
2 church --
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 038: -- where they went.
5 THE COURT: All right. And where was that?
6 PROSPECTIVE JUROR NO. 038: That was in Tampa.
7 THE COURT: Thank you.
8 And could you pass it up behind you, and back to your left
9 there to, Ms. Donmore, Badge No. 24.
10 Yes, ma'am.
11 PROSPECTIVE JUROR NO. 024: My mom told me a few
12 years ago that she was molested when she was younger.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 024: And then a really close
15 friend of mine and her daughter and also her mother have also all
16 been molested.
17 THE COURT: Your friend, her own mother, and her own
18 daughter?
19 PROSPECTIVE JUROR NO. 024: Yes.
20 THE COURT: Okay. So with your mom, was that
21 somebody in your family or a family friend?
22 PROSPECTIVE JUROR NO. 024: It was her uncle.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 024: Um-hmm.
25 THE COURT: And was that ever reported to the police?

1 PROSPECTIVE JUROR NO. 024: I didn't even get into
2 detail with her.

3 THE COURT: Okay. Understood. How about with your
4 friend and her family members?

5 PROSPECTIVE JUROR NO. 024: I don't know if she ever
6 reported it. I know her daughter -- I don't know if they ever reported
7 it. But it was family that --

8 THE COURT: Okay. All right. Anybody else on that
9 question?

10 Yep. Could you pass it forward for me, please? Right in
11 front of you. There you go.

12 Ms. Milanes, Badge No. 34.

13 PROSPECTIVE JUROR NO. 034: Yes. My sister and myself
14 were both molested over a 7-year period by our father, never
15 prosecuted. And yes, it was reported.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 034: But it was so long ago
18 that it was back in the '60s and '70s when they just didn't do that.

19 THE COURT: Okay. So was reported, not prosecuted?

20 PROSPECTIVE JUROR NO. 034: Correct.

21 THE COURT: And when you say reported --

22 PROSPECTIVE JUROR NO. 034: My mother worked for the
23 DA.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 034: So it was --

1 THE COURT: I mean, you, as kids, told somebody in your
2 family what was occurring --

3 PROSPECTIVE JUROR NO. 034: Correct.

4 THE COURT: -- but it just never -- law enforcement never
5 prosecuted it?

6 PROSPECTIVE JUROR NO. 034: Correct. Yes.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 034: And then my own
9 children have been touched inappropriately by various people --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 034: -- within the family or
12 close friends.

13 THE COURT: Any of those been reported to the police?

14 PROSPECTIVE JUROR NO. 034: They were reported, but
15 nothing was ever prosecuted. Lack of evidence.

16 THE COURT: Okay. And was that -- any of that here?

17 PROSPECTIVE JUROR NO. 034: No. It was all in
18 California.

19 THE COURT: All in California. Thank you. Okay. Thank
20 you.

21 Mr. Coleman.

22 PROSPECTIVE JUROR NO. 032: Yes. My oldest daughter
23 -- when me and my wife was first starting off to babysit her, she had
24 an older son. And my daughter came home -- she was, like, touchy,
25 touchy, touch. But when we confronted them, he's saying that he

1 was just tickling her and playing with her.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 032: So we never brung them
4 back. It was just a big, old family feud after that. But it was never
5 reported to the police or nothing like that.

6 THE COURT: Okay. Thank you.

7 Anybody else?

8 Yep. Could you pass it back up. And we'll go down to Mr.
9 Wuopio.

10 PROSPECTIVE JUROR NO. 066: Robert Wuopio, No. 66.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR NO. 066: I have a niece that was
13 abused by her father, back in the early '70s. He was never
14 prosecuted and was never charged or anything.

15 THE COURT: Okay. And was that something that was
16 reported within the family, but never outside of that?

17 PROSPECTIVE JUROR NO. 066: It wasn't even heard of
18 within the family.

19 THE COURT: Okay. Thank you.

20 And if you could pass it down to Ms. Clark, on the very
21 end for me. Thank you.

22 Yes, ma'am. Ms. Clark, Badge 71.

23 PROSPECTIVE JUROR NO. 071: Yes. A dear friend of
24 mine was raped some years ago. She was waiting for a friend to
25 come out. She was picking her up. And she was sitting in the car,

1 and -- I'm sorry.

2 THE COURT: It's okay. Take your time.

3 PROSPECTIVE JUROR NO. 071: Someone knocked on the
4 window. She had dozed off. And she thought it was her friend, and
5 she opened the door. And it was not her friend. And he drove her to
6 another location and raped her repeatedly.

7 THE COURT: And where did that occur?

8 PROSPECTIVE JUROR NO. 071: Ohio.

9 THE COURT: Do you know were the police called?

10 PROSPECTIVE JUROR NO. 071: Police were called.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 071: There wasn't -- they found
13 him.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 071: And there was a trial.

16 THE COURT: There was a trial?

17 PROSPECTIVE JUROR NO. 071: And they put him away.

18 THE COURT: Okay. And was it close in time to this
19 occurred that she told you about this? Or was this something later
20 on that she informed you?

21 PROSPECTIVE JUROR NO. 071: The next day.

22 The next day. Okay. Okay. Thank you.

23 Anybody else?

24 Along that same lines, just with the nature of any kind of
25 sexual abuse or sexual offense, other than what you've already told

1 me about, any of you have, yourselves or anyone close to you, that
2 was arrested specifically or charged specifically with any kind of
3 sexual offense?

4 Can we pass it down, Ms. Clark, to your left, if you would,
5 please. All the way down to the end of the row for Mr. Coleman.

6 Yes, sir.

7 PROSPECTIVE JUROR NO. 032: One of my cousins was
8 charged with sex with a minor. She lied to him about his age. I
9 know that's not an excuse, but he was charged with sex with a
10 minor.

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

12 PROSPECTIVE JUROR NO. 032: That was back in '96.

13 THE COURT: Was that here in Las Vegas or New York?

14 PROSPECTIVE JUROR NO. 032: No. Syracuse, New York.

15 THE COURT: Okay. New York. Thank you.

16 Anybody else?

17 Okay. So with regard to the questions that I've just been
18 chatting with you all about, specifically those of you that have
19 mentioned either yourselves or other close family members or
20 friends being the victims of crimes, or even the questions about
21 being arrested or convicted of any crimes -- whether they're sexual
22 in nature or not -- the totality of our discussions -- is there anybody
23 that feels because of any of that you could not be a fair and impartial
24 juror in this particular case?

25 Okay. So let's start with Mr. Coleman.

1 What's your thoughts, Mr. Coleman?

2 PROSPECTIVE JUROR NO. 032: I just feel, like, when you
3 mention kids, it's, like, when I was -- I would go to jail for somebody
4 who ever touched my kids. And when you mentioned kids, that just
5 -- I mean, I know -- I can't judge him, but I wouldn't be fair to him,
6 because I already felt like he's guilty.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 032: I hate to say that, but I
9 wouldn't be -- I couldn't do it.

10 THE COURT: You should not -- no, no, no. Don't hate to
11 say anything. I mean, the whole process is designed --

12 PROSPECTIVE JUROR NO. 032: I don't even want to say it,
13 but I just couldn't do it --

14 THE COURT: -- for people to --

15 PROSPECTIVE JUROR NO. 032: -- because that's one
16 thing I would always say I would go to jail for if somebody hurting
17 my daughters, and just happened to be one of the -- you know, I just
18 couldn't do it.

19 THE COURT: Okay. So you feel, like, even though the
20 gentleman has -- is cloaked with the presumption of innocence, that
21 you don't think you could be fair?

22 PROSPECTIVE JUROR NO. 032: When you mention kids to
23 me -- guilty. I'm sorry.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 032: I got three girls and that's,

1 like, that's my world. And sir, I'm sorry.

2 THE COURT: Okay.

3 All right. Who else had their hands up? I'm sorry,
4 anybody else on that row?

5 Let's pass it down if we could, please, to Ms. Milanes,
6 Badge No. 34.

7 Yes, ma'am.

8 PROSPECTIVE JUROR NO. 034: 34. Yes, sir. I came in
9 here today, this afternoon, thinking that, you know, I actually enjoy
10 serving on a jury. And the last one I was on, I pretty much thought
11 the guy was guilty, but he turned out -- we unanimously let him go --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 034: -- because the evidence
14 and the way it was presented, we could not convict him.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 034: In this case, because of
17 the nature of the crimes that he is -- as I've been sitting here, I'm
18 catching myself getting very emotional because a lot of this is very
19 raw. And so I honestly have to say that because the nature of the
20 crimes that he is being accused of, I don't know that I could be fair.

21 THE COURT: Okay. Despite having done that before, and
22 kind of gone through that process with that same kind of --

23 PROSPECTIVE JUROR NO. 034: The gentleman that -- on
24 the jury that I served on previously, he was accused of a DUI --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 034: -- and I pretty much
2 thought for sure, you know, oh, yeah, he's guilty. But after evidence
3 was presented and the way that it was presented, it -- we couldn't do
4 it. We would just, like, it just wasn't there.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 034: I could say that I would --
7 definitely I would try. I have a love of the law. I would try to be
8 nonjudgmental. But right now, just right now, I'm feeling very raw.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 034: That's just me being
11 honest.

12 THE COURT: All right. Who else had their hand up? And
13 thank you.

14 If we could pass it right behind you to Ms. Donmore,
15 please.

16 Yes, ma'am.

17 PROSPECTIVE JUROR NO. 024: I'm kind of a mentor to a
18 15-year-old girl, so just hearing 15-year-old girl is, like, you know, it
19 really does something to me. And then having my friend's daughter
20 having been molested, and it being a family member and nothing
21 came of it. And now the young lady, it happened when she was
22 younger, but she's 20 or 21 now.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 024: And she's when in and
25 out of the psych hospital, trying to commit suicide because of it.

1 And it just -- it will be hard.

2 THE COURT: So what do you mean when you say, it will
3 be hard? And I ask that because you're the only person that can give
4 us the information.

5 And probably -- you know, everybody in the courtroom, if
6 you say, oh, I want to talk to you about, you know, a crime being
7 committed against a child is going to have a very strong reaction to
8 that. But that's separate from deciding whether a crime was even
9 committed and deciding whether it was committed against a child.

10 The gentleman, Mr. Woods, is cloaked with the
11 presumption of innocence. You haven't heard any evidence, so
12 nobody knows whether anybody did anything yet.

13 So I understand that everybody's going to have kind of
14 that reaction to, oh, I'm -- you know, I don't like the fact that it's
15 alleged that a child was a victim of a crime here.

16 And a lot of times people will say this would be very hard.
17 But being very hard is different from, No, I couldn't be fair. Does
18 that make sense what I'm saying?

19 PROSPECTIVE JUROR NO. 024: Yeah. And, like she said, I
20 can try -- I would try and be fair. But I don't know if, you know,
21 having all the other thoughts in my mind would cloud my judgment.

22 THE COURT: Okay.

23 Okay. Who else had their hand up? Can you pass it down
24 to Mr. Gong, please. Thank you.

25 Yes, sir.

1 PROSPECTIVE JUROR NO. 026: Thank you. 26. I was a
2 juror on a criminal case in California, a fraud case. The final verdict
3 was 11 to 1, became a hung jury. The defendant actually admitted
4 his guilt, but he wanted a trial. The sole juror who did not convict
5 him --

6 THE COURT: Well, I don't want to go into other trials and
7 what juries did.

8 PROSPECTIVE JUROR NO. 026: Okay.

9 THE COURT: I don't ever ask about that, and there's a
10 reason for that. I mean, I'll ask everybody if you've ever done jury
11 duty before. Did the jury reach a verdict? What the charges were?
12 But I don't want to get into the details of anything like that.

13 PROSPECTIVE JUROR NO. 026: Okay. All right. So --

14 THE COURT: I'm assuming you're telling me this because
15 it has some role in whether you think you could be fair here.

16 PROSPECTIVE JUROR NO. 026: That's what I'm trying to
17 say.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 026: I think I'm a little bit
20 biased --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 026: -- for conviction because
23 of my previous experience.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 026: And also because of the

1 murder case that I mentioned earlier.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 026: I just cannot see people
4 going scot-free --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 026: -- for committing crimes.

7 THE COURT: All right. How long ago were you on
8 another trial?

9 PROSPECTIVE JUROR NO. 026: That was about, maybe,
10 five years ago.

11 THE COURT: Okay. And was -- that was in California?

12 PROSPECTIVE JUROR NO. 026: That was in California,
13 yes.

14 THE COURT: Okay. Very good. Okay. Thank you.

15 PROSPECTIVE JUROR NO. 026: Thank you.

16 THE COURT: And who else did I have?

17 Yes. On the end, Mr. Navarrete-Solis, Badge 31.

18 PROSPECTIVE JUROR NO. 031: Yes, 31. I cannot
19 sympathize with my fellow jurors. I mean, one count -- but more
20 than one count, I have a three-year-old niece and she's the world to
21 me. I don't know, I can't see it that way. I don't know.

22 THE COURT: So you think that because there's a multiple
23 number of counts here, that that's going to cause you --

24 PROSPECTIVE JUROR NO. 031: It's a child.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 031: I mean, come on. You
2 know not to do certain things. I mean, you can see it. And if you
3 start -- if it's a misunderstanding, come on, just solve it before it gets
4 to a bigger problem and more and more problems. That's my
5 opinion.

6 THE COURT: Okay. So -- and you think that's going to
7 affect your ability to be fair here --

8 PROSPECTIVE JUROR NO. 031: I kind of have an opinion
9 already.

10 THE COURT: -- because the multiple -- I mean, specifically,
11 kind of because of the multiple counts and the fact that it's a child,
12 you don't think you can set that aside on this --

13 PROSPECTIVE JUROR NO. 031: I already kind of have an
14 opinion of what I --

15 THE COURT: Okay. All right.

16 Anybody else have their hand up that I missed?

17 Yep. Could we pass it on down to the front, please?

18 Yes, ma'am. Ms. Munoz.

19 PROSPECTIVE JUROR NO. 075: Yeah. Number 60 -- 75. I
20 just don't -- I mean, I guess, it's along the same lines as everybody
21 else. I think I just have -- coming in and hearing him speak, it just --
22 the first time, it just kind of already put an idea in my head.

23 And I think with my cousin and how close we were, and
24 my uncle, I'm very conflicted already before even hearing any
25 evidence.

1 THE COURT: Okay. Such that you don't think you could
2 fairly listen to the evidence --

3 PROSPECTIVE JUROR NO. 075: I think so.

4 THE COURT: -- and kind of set those things aside?

5 Okay. All right. And did anybody else have their hand up
6 on that question? I didn't see any others right now. Okay.

7 So let's go ahead and segue into what we were just talking
8 about with being jurors before, since some of you brought that up.

9 How many of you have been a juror before?

10 Anybody on my bottom row? Nope.

11 So could you pass it right behind you, please, to
12 Ms. Vandermeer.

13 All right. Ms. Vandermeer --

14 PROSPECTIVE JUROR NO. 039: Yes.

15 THE COURT: -- how many times you've been a juror
16 before?

17 PROSPECTIVE JUROR NO. 039: Just once --

18 THE COURT: Just once?

19 PROSPECTIVE JUROR NO. 039: -- when it went to trial.
20 Um-hmm.

21 THE COURT: And how long ago was that?

22 PROSPECTIVE JUROR NO. 039: 40 years ago.

23 THE COURT: Okay. And where was that?

24 PROSPECTIVE JUROR NO. 039: In Los Angeles.

25 THE COURT: What kind of case was it; do you remember?

1 PROSPECTIVE JUROR NO. 039: Drug offense.
2 THE COURT: Drugs. And did the jury reach a verdict?
3 PROSPECTIVE JUROR NO. 039: Yes. He was -- well, there
4 were two defendants -- one was found guilty and the other was not.
5 THE COURT: Okay. Were you the foreperson of the jury?
6 PROSPECTIVE JUROR NO. 039: No.
7 THE COURT: Okay. Could you pass it down to your left
8 for me there.
9 PROSPECTIVE JUROR NO. 039: Um-hmm.
10 THE COURT: Mr. Cawthon, did you have your hand up?
11 PROSPECTIVE JUROR NO. 070: Yes. Six years ago I was
12 on a jury for a police shooting. There was a man that was a sniper in
13 his neighborhood and they shot him. And it was where they tried to
14 prove that the police were rightful in their shooting or not, and they
15 found him guilty.
16 THE COURT: So coroner's inquest?
17 PROSPECTIVE JUROR NO. 070: Coroner's inquest. Yes,
18 sir. Yes.
19 THE COURT: Okay. And that was here in Las Vegas?
20 PROSPECTIVE JUROR NO. 070: Here in Las Vegas, yes.
21 THE COURT: Okay. Thank you.
22 And who else did I have on this row?
23 Yes, Ms. Milanese.
24 PROSPECTIVE JUROR NO. 034: I have been on two
25 juries -- one civilian in Renton, Washington, for a DUI, and another

1 for a military trial.

2 THE COURT: Okay. So the court martial, what was that
3 about?

4 PROSPECTIVE JUROR NO. 034: It actually wasn't a court
5 martial. It was against a civilian on base for DUI.

6 THE COURT: Oh, okay.

7 PROSPECTIVE JUROR NO. 034: One guilty. One not
8 guilty.

9 THE COURT: Okay. And were you the foreperson of either
10 of those?

11 PROSPECTIVE JUROR NO. 034: No, sir.

12 THE COURT: Okay. Thank you. And how long ago were
13 they?

14 PROSPECTIVE JUROR NO. 034: One was back in the '80s
15 and the other one was in the '90s.

16 THE COURT: Okay. Thank you.

17 Who else did I have that's been a juror before?

18 Top row? Let's go back to Ms. Thomas, Badge No. 65.

19 Ms. Thomas --

20 PROSPECTIVE JUROR NO. 065: Yes.

21 THE COURT: -- how many times?

22 PROSPECTIVE JUROR NO. 065: Once.

23 THE COURT: How long ago?

24 PROSPECTIVE JUROR NO. 065: 2016.

25 THE COURT: And here in Las Vegas?

1 PROSPECTIVE JUROR NO. 065: Yes.
2 THE COURT: And what kind of case was it?
3 PROSPECTIVE JUROR NO. 065: It was a civil construction
4 defect.
5 THE COURT: How long was that?
6 PROSPECTIVE JUROR NO. 065: Lasted four days.
7 THE COURT: Okay. Oh, well, that's not bad at all.
8 PROSPECTIVE JUROR NO. 065: Not bad.
9 THE COURT: Okay. Jury reach a verdict?
10 PROSPECTIVE JUROR NO. 065: Yes.
11 THE COURT: And were you the foreperson?
12 PROSPECTIVE JUROR NO. 065: No.
13 THE COURT: Okay. Thank you.
14 Anybody else on the top row?
15 Yep. If we could pass it down to Mr. Gong.
16 So Mr. Gong, when was the trial you're referring to?
17 PROSPECTIVE JUROR NO. 026: It was about five years
18 ago in San Jose, California.
19 THE COURT: Okay. And what was the charge?
20 PROSPECTIVE JUROR NO. 026: The charge was -- it was a
21 fraud case. The defendant was siphoning off -- it was a travel
22 agency, so he was siphoning off money.
23 THE COURT: Got it. And you said the jury did not reach a
24 verdict; correct?
25 PROSPECTIVE JUROR NO. 026: Did not reach the verdict.

1 THE COURT: Okay. Were you the foreperson of the jury?
2 PROSPECTIVE JUROR NO. 026: No, I wasn't.
3 THE COURT: Okay. Thank you.
4 And then anybody else up there on the top?
5 Yes. Mr. Wuopio.
6 PROSPECTIVE JUROR NO. 066: Robert Wuopio, No. 66.
7 THE COURT: How many times?
8 PROSPECTIVE JUROR NO. 066: Three, that I can recall.
9 THE COURT: Okay. Well, it's good to have you back. So
10 --
11 PROSPECTIVE JUROR NO. 066: Thank you.
12 THE COURT: -- what were they? When were they? That
13 kind of stuff.
14 PROSPECTIVE JUROR NO. 066: Okay. I was here about
15 five years ago in this building. I was selected for the jury, and it was
16 settled before we were seated.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NO. 066: It was a plea agreement
19 or whatever. I don't even recall what it was -- what the trial was
20 about.
21 THE COURT: That's okay.
22 PROSPECTIVE JUROR NO. 066: And then before that, I
23 was in a coroner's inquest here in Las Vegas, justifying a police
24 shooting.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 066: And about, oh, probably
2 30 years ago, I was on a trial in St. Louis. Served on a jury. It was a
3 drug conviction -- oh, it was a grocery, small grocery store owner
4 was selling drugs over the counter and --

5 THE COURT: Got it.

6 PROSPECTIVE JUROR NO. 066: -- sold it to the state
7 police.

8 THE COURT: You mentioned St. Louis earlier. Are you
9 from St. Louis, originally?

10 PROSPECTIVE JUROR NO. 066: No. We lived there for
11 about 20 years before we moved here.

12 THE COURT: What part of St. Louis?

13 PROSPECTIVE JUROR NO. 066: South County.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 066: I have a daughter in
16 school at Washington University there. And my mom's from right
17 outside of St. Louis.

18 THE COURT: So what got you out of St. Louis?

19 PROSPECTIVE JUROR NO. 066: Job transfer.

20 THE COURT: Other than bugs and humidity? Yeah.

21 PROSPECTIVE JUROR NO. 066: Humidity, job transfer.

22 THE COURT: All right. Very good. Thank you.

23 Anybody else been a juror? No? Okay.

24 How about is there anybody on the jury that -- in this
25 group over here right now -- that believes you would have a

1 tendency to give more weight or credence, or less weight or
2 credence, whatever the circumstances may be, to the testimony of
3 police officers just because they're a police officer? Or do you think
4 you could evaluate police officers like any other witness, and decide
5 their credibility based on everything in the case?

6 Anybody believe you would treat a police officer
7 differently just because they're an officer?

8 Okay. See no hands.

9 Along those same lines, anybody believe that police
10 officers are automatically always right?

11 Anybody disagree that a police officer can make a mistake
12 like anybody else? Anybody disagree with that?

13 That police officers could lie about things? Anybody
14 disagree with that?

15 And kind of similar to any witness in the case, everybody
16 agree that witnesses may tell the truth, sometimes witnesses may
17 not tell the truth. Anybody have any disagreement with that
18 statement?

19 Are you all comfortable listening to the testimony of
20 people, being police officers or lay witnesses, and kind of making
21 judgments about their credibility in what you see and hear from their
22 testimony? Anybody believe they would not be able to do that for
23 any reason?

24 See no hands.

25 Does everybody believe that you would be able to wait in

1 forming your opinion as to the appropriate verdict until after you've
2 heard all the evidence and been given the legal instructions by the
3 Court? That's means, like most things in life, when you have to wait
4 to get all the information you're going to be given, and then you go
5 back and make a decision about something. You don't make a
6 decision after the State gives an opening statement or the defense
7 cross-examines the first witness. You've got to wait to get all the
8 evidence you're going to be provided with, and then you go back to
9 deliberate and come up with your verdict.

10 Anybody have a problem doing that?

11 Mr. Coleman.

12 PROSPECTIVE JUROR NO. 032: Yes, sir.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 032: I do. Because once you
15 say, 15 -- oh, sorry.

16 THE COURT: Hold on. Let me get you the microphone, if I
17 could.

18 PROSPECTIVE JUROR NO. 032: It's back to what I said
19 before -- once you say, kids, it's, like, I look at him totally different.
20 It's, like -- and I wouldn't be fair for him. I wouldn't. Because when
21 you say, kids, it's, like, okay.

22 THE COURT: So you think that's going to be something
23 that's going to make you shut down and not be able to wait in
24 listening to all the other evidence?

25 PROSPECTIVE JUROR NO. 032: Yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 032: I really do.

3 THE COURT: All right. Thank you.

4 Anybody else on that?

5 Ms. Munoz. Could we pass it down here, if we could.

6 Yes, ma'am.

7 PROSPECTIVE JUROR NO. 075: I think it goes back to the

8 same thing from earlier. I think I have just -- and I feel so badly

9 because that's not how I should be. But I feel like I already have

10 something in my mind, and that's not fair to him.

11 THE COURT: Okay. Like, you've already prejudged things,

12 and you don't think you can set that aside? Okay. All right.

13 And then Mr. Navarrete-Solis, back in the back row, Badge

14 No. 31. You're kind of nodding while she was talking?

15 PROSPECTIVE JUROR NO. 031: Yes. I agree with them.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 031: I know it's a

18 predetermined kind of decision already. But, to me, it's a child. You

19 ruin their life forever.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 031: That's how I feel.

22 THE COURT: So let me ask you all this -- and it was kind

23 of on a question that I skipped over, that I should have asked earlier

24 when we were talking about being a victim of a crime or accused of

25 a crime.

1 But have any of you ever -- other than things that you've
2 already raised -- ever been involved in, yourselves or someone close
3 to you, any kind of domestic violence relationships in any fashion, or
4 had to take out restraining orders in any kind of fashion with
5 anybody?

6 Got a few hands coming up. So let's start on the top.

7 Yes, ma'am.

8 PROSPECTIVE JUROR NO. 069: Well, there was that one
9 case with my ex-husband.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 069: I had to get a restraining
12 order for him since he was living with me.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 069: They weren't able to
15 charge him with burglary, so they dropped those charges. So I had
16 to get the restraining order so that they could charge him and send
17 him to jail.

18 THE COURT: Okay. So that's Ms. Miranda.

19 PROSPECTIVE JUROR NO. 069: Yes.

20 THE COURT: Badge No. 69.

21 PROSPECTIVE JUROR NO. 069: 69, yes.

22 THE COURT: Thank you.

23 Anybody else on the top row? Nope.

24 Go down to the middle row.

25 Yes. Mr. Bacallao.

1 PROSPECTIVE JUROR NO. 038: My sister was married to
2 a horrible man for 22 years, and he was abusive and broke her ribs
3 and put her in the hospital and all sorts of stuff.

4 THE COURT: Did she ever have a restraining order?

5 PROSPECTIVE JUROR NO. 038: No, she didn't.

6 THE COURT: Okay. Thank you.

7 All right. Who else did I have?

8 Would you pass it down to Ms. Milanes.

9 PROSPECTIVE JUROR NO. 034: Getting to be where we're
10 friends here.

11 THE COURT: It's okay.

12 PROSPECTIVE JUROR NO. 034: My ex-husband, very
13 abusive throughout our whole relationship, which lasted just under
14 five years, and I did get a restraining order on him before divorcing
15 him.

16 THE COURT: Okay. Thank you.

17 And then Mr. Hubbard-Gabel, Badge 33.

18 PROSPECTIVE JUROR NO. 033: Yes, sir. My mother had
19 an ex-boyfriend that was both verbally and physically abusive to
20 myself and my sister as kids.

21 THE COURT: Okay. And what kind of age range are we
22 talking about?

23 PROSPECTIVE JUROR NO. 033: I was -- I mean, I was
24 pretty young. My sister was a teen. And it was always kind of a
25 problem of we were idiot kids, he was an adult. So, you know --

1 THE COURT: Automatically he's right and you're wrong?

2 PROSPECTIVE JUROR NO. 033: -- no one really ever took
3 us seriously.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 033: You know.

6 THE COURT: All right. Thank you.

7 Who else did I have? Some other hands. Is that it? Nope.
8 Okay.

9 How about -- does anybody have any strong feelings,
10 positive or negative, about the criminal justice system in general?

11 Sometimes jurors come in and say, I haven't really
12 thought much about it; other times they say, oh, I see this, I read
13 this, I hear this, I think about it all the time, and I have this really, you
14 know, polarizing opinion of blah, whatever it may be.

15 Mr. Gong.

16 Would you pass it back behind you, Dylan, if you would,
17 please.

18 Yes, sir.

19 PROSPECTIVE JUROR NO. 026: Your Honor, I have
20 utmost respect for your profession, as well as the DA and Public
21 Defendant Office --

22 THE COURT: Oh, sounds like you're buttering me up for
23 something.

24 PROSPECTIVE JUROR NO. 026: -- they do an amazing job.
25 However, I think there's a quite a bit of flaw -- or there is

1 quite a bit of room for improvement --

2 THE COURT: Sure.

3 PROSPECTIVE JUROR NO. 026: -- in our judicial system.

4 Like I said, the case I was involved in, we could not reach a verdict

5 because the juror, one -- the sole juror did not want to convict

6 because he had a bad case with police in the past.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 026: He just refused to convict

9 the defendant, period. So you have a situation here that one person

10 can sabotage the whole process, very easily, whether it's

11 intentionally or unintentionally.

12 Perhaps a way for improvement is, instead of, you know,

13 all trial -- you know, maybe just majority rule. Maybe ten-two,

14 maybe nine-three -- make it a little bit easier, make it a little bit faster.

15 The whole judicial process, the whole jury process today, as well as

16 anywhere else, is very lengthy as you have seen.

17 THE COURT: Sure.

18 PROSPECTIVE JUROR NO. 026: And it takes a lot of time

19 and effort, both on your side, on the defendant's, and the DA's side,

20 as well, on the jury side -- on the juror side. So that's all I have to

21 say. Thank you.

22 THE COURT: Okay. I'm sure you can appreciate, however,

23 that the timeliness and ease of things can never trump the idea that

24 a jury needs to unanimously decide whether somebody's guilty of a

25 crime or not, though. I mean, that's a Constitutional foundation.

1 So it doesn't matter if somebody thinks, man, I'd like this
2 to go a lot faster and be a lot easier, you know. In that case, you'd
3 say, we just need one person to decide; right? That's, you know,
4 kind of patently unfair. So I appreciate your frustrations. Every case
5 is a little different.

6 And I don't disagree that obviously, like, every other
7 system in life, this is one that could use some improvement in a
8 variety of ways.

9 Anybody else on that question? No? Okay.

10 Let's see here. Another thing I wanted to ask you about is,
11 you know, we talk in the abstract, when we're sitting here, about
12 going through the process. But only you guys can kind of know
13 yourselves and project this down to the end of a case where you
14 actually have to deliberate. And so the question is: You understand
15 that once you get there, you can't all of a sudden say, well, I don't
16 want to do this, I don't want to deliberate. I just kind of want to go
17 sit in the corner of the room and not really participate.

18 The idea of being on a jury is that you all go back there
19 and bring whatever opinions -- the things that you saw and heard
20 during trial, bring up important points, bring your own life
21 experiences into the room -- and the jury collectively talks about,
22 deliberates, and comes up with a verdict. You can't refuse to
23 deliberate once the jury starts deliberating.

24 Is that question -- or does that statement kind of make
25 sense to everybody? Anybody believe they would have any problem

1 with that?

2 The same issue, Mr. Coleman? Just saying you think you
3 would predispose --

4 PROSPECTIVE JUROR NO. 032: Yeah, no. Because if you
5 got it -- if you have a jury and everybody -- they listen to them --

6 THE COURT: Right.

7 PROSPECTIVE JUROR NO. 032: -- and you got six or
8 seven people already done made their mind, they're going to be --
9 when they try to deliberate, they're going be sitting aside, like, well,
10 we already got our mind made up. We going to let them fight.

11 THE COURT: Well, there's a difference between -- I don't
12 think you're going to have a problem with deliberating. It's just my
13 sense -- no, no, no.

14 PROSPECTIVE JUROR NO. 032: I'm just saying.

15 THE COURT: And I mean that in the most complimentary
16 way. You speak your mind. And, look, we want jurors to do that
17 when they go deliberate. But there's a difference between
18 deliberating and then reaching your opinion about something. And
19 this question is more about some people get back there, and say, I
20 can't do this now. I don't want to deliberate. I don't want to vote. I
21 don't want to be a part of this. That's more what I'm talking about.

22 PROSPECTIVE JUROR NO. 032: Okay.

23 THE COURT: Is that -- you guys understand that? Just
24 that, you know, you need people that are going be willing to follow
25 the process through and engage and take part in it, not get to the

1 deliberation room, and say, now, all of a sudden, I don't want to do
2 anything. I don't want to be part of this process.

3 PROSPECTIVE JUROR NO. 032: But you will have people
4 like that, though.

5 THE COURT: Well, that's why I'm asking you the question,
6 hopefully, to get that out. All right. So I did not see any hands on --

7 Yes. If we could pass it up to Mr. Vilseck.

8 PROSPECTIVE JUROR NO. 072: The only thing I would
9 say is, I'm an introvert.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 072: So I can be shut down
12 real quick by the wrong comment.

13 THE COURT: Okay. And then you kind of don't want to
14 keep talking to folks?

15 PROSPECTIVE JUROR NO. 072: Well, I shut down and
16 start internalizing. So I don't, you know, I won't necessarily bring
17 out my opinions because I'm afraid of, you know, being picked on,
18 teased, whatever, called stupid, whatever.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 072: Reminds me too much of
21 my youth.

22 PROSPECTIVE JUROR NO. 045: I'll protect you.

23 THE COURT: All right. No, I get it. I get it.

24 PROSPECTIVE JUROR NO. 072: Honestly, I don't know
25 that I won't, but I'm just putting that out there. I am an introvert and

1 sensitive to --

2 THE COURT: So some people --

3 PROSPECTIVE JUROR NO. 072: -- the wrong comments.

4 THE COURT: -- are more leading the conversation and
5 other people are more following the conversation. You tend to be
6 the guy that's more, letting everybody else do their thing and have
7 conversations, and maybe jumping in every so often, if you see
8 something?

9 PROSPECTIVE JUROR NO. 072: Correct.

10 THE COURT: Okay. Understood. Okay.

11 You know, a number of you brought up the issue of, well,
12 there was a child that was alleged to be involved as a victim in some
13 of the crimes here.

14 What about just the fact that there's a homicide charge?
15 One of the counts involves a murder charge. Is there anything about
16 that, in and of itself, that makes anybody say, I can't be fair and
17 impartial here?

18 Yep. Mr. Gong, is that related to the same comments you
19 made earlier?

20 PROSPECTIVE JUROR NO. 026: Yes, exactly.

21 THE COURT: Okay. Got it.

22 PROSPECTIVE JUROR NO. 026: Thank you.

23 THE COURT: All right. And I did not see any other hands.

24 I think I asked this question already about following the
25 law. Some of you brought up issues -- and I didn't really get into too

1 deeply, so I apologize. I'm going to go back to that.

2 Any of you know anybody -- other than what we've
3 already discussed, because I know some of you already discussed
4 this -- but know of someone that was close to you that had been
5 killed in any kind of criminal activity? Other than what's already
6 been discussed.

7 See no hands. Thank you.

8 What about anybody have any kind of opinion -- strong,
9 negative, strongly for, strongly against, positive, negative,
10 anything -- on any kind of interracial relationships?

11 Nope.

12 How many of you have family members or friends that are
13 involved -- and there were no hands on that -- that were -- that are
14 involved in interracial relationships?

15 Just for the record, we got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
16 12 -- 12 of the 24 jurors sitting over here to my right, right now.
17 Thank you.

18 Does anybody believe they have any -- other than what
19 we've discussed -- because I know some of you have discussed
20 having some preconceptions about things. But anybody have any
21 preconceptions that just because somebody is arrested -- regardless
22 of what the crime is, just because somebody's arrested, they
23 automatically must be guilty?

24 Nope. So everybody is comfortable applying the
25 presumption of innocence to that. It's just the particular things that

1 you raised in this case about the nature and age of the alleged victim
2 that's causing some concerns?

3 Okay. Got no hands to the first part of that, and some
4 nods yes, to the second part.

5 How about the understanding that the defense has no
6 burden of proof in the case? That was one of the principles that I
7 talked to you about, so that means, the defendant does not have to
8 call witnesses; a defendant does not have to produce evidence; a
9 defendant does not have to testify in a case. They still have no
10 burden of proving anything in the case. The burden falls upon the
11 State to prove someone's guilt beyond a reasonable doubt.
12 Everybody understands that. I know you told me that.

13 Anybody think you would hold it against the defense in
14 some fashion if they did not call witnesses or produce some kind of
15 evidence?

16 See no hands.

17 What about if a defendant chooses not to testify?

18 MR. ROGAN: Your Honor, Mr. Coleman raised his hand --

19 THE COURT: Oh, did you?

20 MR. ROGAN: -- on the last question.

21 THE COURT: I'm sorry.

22 PROSPECTIVE JUROR NO. 032: I'm just curious. If you
23 have that many charges, how do you represent yourself with putting
24 yourself on the mercy of the -- I don't understand that.

25 THE COURT: Well, that's not an issue for jury selection.

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LEONARD RAY WOODS,) No. 78816
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13 day of February, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

LEONARD RAY WOODS, #1216972
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BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office