

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3 LEONARD RAY WOODS,)

No. 78816

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

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9 _____)

10 **APPELLANT'S APPENDIX VOLUME VI PAGES 1220-1401**

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INDEX
LEONARD RAY WOODS
Case No. 78816

PAGE NO.

Amended Criminal Complaint filed 08/25/15	2-5
Amended Information filed 03/25/19	494-496
Amended Jury List filed 03/25/19	531
Court's Exhibit #3 Dated 03/20/19	2160
Court's Exhibit #4 Dated 03/20/19	2161
Criminal Complaint filed 08/07/15	1
Defendant's Notice of Witnesses filed 10/24/18	437-438
District Court Minutes from 10/06/15 through 06/13/19	567-638
Information filed 10/06/15	61-65
Instructions to the Jury filed 03/25/19	497-530
Instructions to the Jury filed 03/26/19	532-547
Instructions to the Jury filed 03/27/19	550-561
Introduction of Evidence filed 11/01/18	472-473
Judgment of Conviction (Jury Trial) filed 05/17/19	564-565
Judicial Notice of My Consent Decree Settlement filed 09/26/18	318-325
Jury List filed 03/19/19	491
Justice Court Minutes from 08/07/15 through 10/02/15	10-14
Media Request and Order Allowing Camera Access to Court Proceedings filed 10/09/15	66-69
Motion for Bail Hearing filed 10/24/18	443-445
Motion for Continuance filed 11/07/18	474-475
Motion for Discovery filed 09/12/18	293-298
Motion for Evidentiary Hearing filed 11/01/18	464-466
Motion to Clarify Ruling filed 11/01/18	461-463
Motion to Compel Production of Discovery filed 03/15/16 Date of Hrg: 03/29/16	181-203

1	Motion to Continue Trial Date filed 12/08/15	
2	Date of Hrg: 12/17/15.....	70-73
3	Motion to Continue Trial Date filed 03/16/16	
4	Date of Hrg: 03/22/16.....	204-207
5	Motion to Dismiss and Appointment of Alternate Counsel filed 06/29/16	
6	Date of Hrg: 07/21/16.....	238-243
7	Motion to Dismiss and Appointment of Alternate Counsel filed 11/21/16.....	244-252
8	Motion to Dismiss and Appointment of Alternate Counsel filed 10/25/17	
9	Date of Hrg: 11/16/17.....	261-269
10	Motion to Dismiss Counts 2-7 filed 10/24/18	439-442
11	Motion to Dismiss Murder Charge filed 10/10/18	410-419
12	Motion to Dismiss Open and Gross Lewdness Charge filed 11/01/18.....	467-471
13	Motion to Dismiss Open Murder Charge filed 03/07/19.....	476-478
14	Motion to Dismiss the Charges of Ownership or Possession of Firearm by Prohibited Person filed 09/26/18.....	364-369
15	Motion to Proceed as Attorney-In-Fact of Record filed 09/12/18.....	290-292
16	Motion to Review Officer Files filed 10/10/18	420-423
17	Motion to Sever filed 09/12/18.....	299-309
18	Motion to Suppress Arrest filed 09/26/18	370-377
19	Motion to Suppress Contents of Search of Cell Phone filed 09/26/18.....	326-363
20	Motion to Suppress Statements for Fifth Amendment Violation filed 03/15/16	
21	Date of Hrg: 03/31/16.....	96-180
22	Notice of Appeal filed 05/15/19	563
23	Notice of Witnesses and/or Expert Witnesses filed 12/10/15	74-92
24	Order Authorizing Standby Counsel to Bring Digitally-Stored Case Materials Into the Clark County Detention Center filed 09/12/18	311-312
25	Order Authorizing Standby Counsel to Provide Writing Materials to Pro Per Defendant Leonard Woods filed 09/12/18	315-316
26	Order for Production of Inmate filed 03/27/19.....	562
27	Order Granting and Denying Defendant's Pro Per Motions filed 10/25/18	
28	Date of Hrg: 10/10/18.....	446-448
	Order Permitting Release of Sealed Transcript to Defendant filed 07/30/19	566

1	Order to File Declaration of Counsel Under Seal filed 09/12/18	310
2	Order to File Declaration of Counsel Under Seal filed 09/12/18	317
3	Order to File Ex Parte Order Under Seal filed 09/12/18	313
4	Order to File Ex Parte Order Under Seal filed 09/12/18	314
5	Petition for Writ of Mandamus filed 11/21/16	253-260
6	Pro Per Motion to Proceed Pro Se filed 08/21/18	
7	Date of Hrg: 09/11/18	283-289
8	Request to File Ex Parte Application and	
9	Order for Transport Under Seal filed 10/11/18	425
10	Request to File Order to Transport Leonard Woods to the Clark County	
	Office of the Public Defender Under Seal filed 10/11/18	424
11	Second Amended Criminal Complaint filed 10/02/15	6-9
12	State's Amended Notice of Witnesses filed 12/20/17	270-274
13	State's Objection to Certain Items of Evidence of Testimony Which	
14	May Be Offered by the Defendant filed 03/15/19	482-485
15	State's Opposition to Defendant's Motion for Discovery filed 10/01/18	
	Date of Hrg: 10/10/18	393-395
16	State's Opposition to Defendant's Motion to Dismiss Counts 2-7 filed 10/31/18	
17	Date of Hrg: 11/01/18	449-460
18	State's Opposition to Defendant's Motion to	
	Dismiss Murder Charge filed 10/17/18	
19	Date of Hrg: 10/18/18	432-436
20	State's Opposition to Defendant's Motion to Dismiss	
	Open Murder Charge filed 03/14/19	
21	Date of Hrg: 03/18/19	479-481
22	State's Opposition to Defendant's Motion to Dismiss the Charges of	
	Ownership of Possession of Firearm by Prohibited Person filed 10/01/18	
23	Date of Hrg: 10/10/18	396-398
24	State's Opposition to Defendant's Motion to Review Officer's Files filed 10/17/18	
	Date of Hrg: 10/18/18	426-431
25	State's Opposition to Defendant's Motion to Sever filed 10/02/18	
26	Date of Hrg: 10/10/18	399-409
27	State's Opposition to Defendant's Motion to Suppress	
	Contents of Search of Cell Phone filed 10/03/18	
28	Date of Hrg: 10/10/18	409A-409E

1	State's Opposition to Defendant's Motion to Suppress Arrest filed 10/01/18	
2	Date of Hrg: 10/10/18.....	378-392
3	State's Opposition to Defendant's Motion to Suppress	
4	Statements for Fifth Amendment Violation filed 05/05/16	
5	Date of Hrg: 05/12/16.....	208-221
6	State's Response to Defendant's Motion to Compel Discovery filed 05/11/16	
7	Date of Hrg: 05/12/16.....	222-237
8	State's Response to Defendant's Motion to Continue Trial Date filed 12/15/15	
9	Date of Hrg: 12/17/15.....	93-95
10	State's Second Amended Notice of Witnesses filed 03/18/19	486-490
11	Stipulation and Order to Unseal Transcript filed 02/11/20	2137-2140
12	Supplemental Notice of Expert Witnesses filed 12/29/17.....	275-282
13	Verdict filed 03/25/19.....	492-493
14	Verdict filed 03/26/19.....	548
15	Verdict filed 03/27/19.....	549

TRANSCRIPTS

16	Recorder's Transcript	
17	JURY TRIAL DAY 1	
18	Date of Hrg: 03/18/19.....	1035-1237
19	Recorder's Transcript	
20	JURY TRIAL DAY 2	
21	Date of Hrg: 03/19/19.....	1238-1401
22	Recorder's Transcript	
23	JURY TRIAL DAY 3	
24	Date of Hrg: 03/20/19.....	1402-1549
25	Recorder's Transcript	
26	JURY TRIAL DAY 4	
27	Date of Hrg: 03/21/19.....	1550-1697
28	Recorder's Transcript	
	JURY TRIAL DAY 5	
	Date of Hrg: 03/22/19.....	1698-1884
	Recorder's Transcript	
	JURY TRIAL DAY 6	
	Date of Hrg: 03/25/19.....	1885-1978

1	Recorder's Transcript	
2	JURY TRIAL DAY 7	
	Date of Hrg: 03/26/19.....	1979-2105
3	Recorder's Transcript	
4	JURY TRIAL DAY 8	
	Date of Hrg: 03/27/19.....	2106-2125
5	Recorder's Transcript	
6	All Pending Motions	
	Date of Hrg: 01/17/17.....	721-721f
7	Recorder's Transcript	
8	All Pending Motions	
	Date of Hrg: 10/10/18.....	895-939
9	Recorder's Transcript	
10	Calendar Call	
	Date of Hrg: 03/07/19.....	1020-1034
11	Recorder's Transcript	
12	Calendar Call; Defendant's Motion to Continue Trial Date	
	Date of Hrg: 12/17/15.....	648-669
13	Recorder's Transcript	
14	Calendar Call; Defendant's Motion to Continue Trial Date	
	Date of Hrg: 03/22/16.....	670-673
15	Recorder's Transcript	
16	Defendant's Motion to Compel Production of Discovery; Defendant's Motion to Suppress Statements for Fifth Amendment Violation; Status Check: Reset Trial Date	
17	Date of Hrg: 05/12/16.....	674-692
18	Recorder's Transcript	
19	Defendant's Motion to Dismiss Counsel and Appointment of Alternate Counsel	
	Date of Hrg: 07/21/16.....	2141-2159
20	Recorder's Transcript	
21	Defendant's Pro Per Motion to Dismiss Counsel and Appointment of Alternate Counsel	
	Date of Hrg: 12/13/16.....	696-699
22	Recorder's Transcript	
23	Defendant's Pro Per Motion to Dismiss Counsel and Appointment of Alternate Counsel	
24	Date of Hrg: 11/15/17.....	723-772
25	Recorder's Transcript	
26	Defendant's Pro Per Motion to Dismiss Counts 2-7; Defendant's Pro Per Motion for Bail Hearing	
	Date of Hrg: 11/01/18.....	971-973

1	Recorder's Transcript	
2	Defendant's Pro Per Motion to Dismiss Counts 2-7; Defendant's Pro Per	
3	Motion for Bail Hearing; Motion for Evidentiary Hearing; Motion to	
	Clarify Ruling; Calendar Call	
3	Date of Hrg: 11/05/18.....	974-1008
4	Recorder's Transcript	
5	Defendant's Pro Per Motion to Dismiss Murder Charge;	
5	Defendant's Pro Per Motion to Review Officer's Files	
6	Date of Hrg: 10/24/18.....	959-970
6	Recorder's Transcript	
7	Defendant's Pro Per Motion to Suppress Contents of Search of	
8	Cell Phone; Defendant's Pro Per Motion to Dismiss Murder Charge;	
8	Defendant's Pro per Motion to Review Officer's Files	
9	Date of Hrg: 10/18/18.....	940-958
9	Recorder's Transcript	
10	Faretta Canvass	
11	Date of Hrg: 07/28/16.....	693-695
11	Recorder's Transcript	
12	Faretta Canvass	
13	Date of Hrg: 12/20/16.....	700-720
13	Recorder's Transcript	
14	Faretta Canvass	
15	Date of Hrg: 08/29/18.....	817-861
15	Recorder's Transcript	
16	Initial Arraignment	
17	Date of Hrg: 10/06/15.....	639-642
17	Recorder's Transcript	
18	Motion to Continue Trial; Calendar Call	
19	Date of Hrg: 11/07/18.....	1009-1011
19	Recorder's Transcript	
20	Sentencing	
21	Date of Hrg: 05/15/19.....	2126-2136
21	Recorder's Transcript	
22	Status Check: Reset Trial Date	
23	Date of Hrg: 02/09/17.....	707-710
23	Recorder's Transcript	
24	Status Check: Trial Readiness	
25	Date of Hrg: 09/27/17.....	721g-721i
25	Recorder's Transcript	
26	Status Check: Trial Readiness	
27	Date of Hrg: 10/04/17.....	721j-721m
27		
28		

1	Recorder's Transcript	
2	Status Check: Trial Readiness	
2	Date of Hrg: 11/08/17	721n-722
3	Recorder's Transcript	
4	Status Check: Trial Readiness	
4	Date of Hrg: 12/13/17	773-776
5	Recorder's Transcript	
6	Status Check: Trial Readiness	
6	Date of Hrg: 01/10/18	777-785
7	Recorder's Transcript	
8	Status Check: Trial Readiness	
8	Date of Hrg: 02/07/18	786-788
9	Recorder's Transcript	
10	Status Check: Trial Readiness	
10	Date of Hrg: 03/07/18	789-795
11	Recorder's Transcript	
11	Status Check: Trial Readiness	
12	Date of Hrg: 06/20/18	796-799
13	Recorder's Transcript	
13	Status Check: Trial Readiness	
14	Date of Hrg: 07/18/18	800-810
15	Recorder's Transcript	
15	Status Check: Trial Readiness	
16	Date of Hrg: 08/01/18	811-812
17	Recorder's Transcript	
17	Status Check: Trial Readiness	
18	Date of Hrg: 08/15/18	813-816
19	Recorder's Transcript	
19	Status Check: Trial Readiness	
20	Date of Hrg: 09/12/18	862-880
21	Recorder's Transcript	
21	Status Check: Trial Readiness	
22	Date of Hrg: 09/26/18	881-894
23	Recorder's Transcript	
23	Status Check: Trial Readiness	
24	Date of Hrg: 01/09/19	1012-1015
25	Recorder's Transcript	
25	Status Check: Trial Readiness	
26	Date of Hrg: 02/06/19	1016-1019
27	Recorder's Transcript	
27	Trial Setting	
28	Date of Hrg: 10/20/15	643-647

1	Reporter's Transcript	
2	Waiver of Preliminary Hearing	
3	Date of Hrg: 10/02/15	55-60

3
4
5
6
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1 Every individual in the country has the right --

2 PROSPECTIVE JUROR NO. 032: Right.

3 THE COURT: -- to represent themselves, no matter what
4 they're charged with.

5 PROSPECTIVE JUROR NO. 032: But that -- for those many
6 -- for that many felonies -- eight? And you -- I just -- I don't
7 understand that one.

8 THE COURT: Well, that's not --

9 PROSPECTIVE JUROR NO. 032: That's not for me to
10 understand, but that was just a question I had. I'm just, like, wow,
11 like --

12 THE COURT: Okay. Understood.

13 But how about on that last issue that I was talking about?
14 If a defendant chooses not to testify, there's no obligation on a
15 defendant that they have to testify in a case. If somebody chooses
16 not to testify, would you hold it against the defense because of that?
17 Anybody?

18 I see no hands. Thank you.

19 I don't want to go into -- because that's part of jury
20 instructions -- the term beyond a reasonable doubt -- what that
21 means. But is everybody okay with the fact that it's the State that
22 carries that burden and their burden is to prove a case beyond a
23 reasonable doubt? Anybody have any disagreement with that?

24 I see no hands.

25 Does everybody believe that you would be able to follow

1 whatever definition I give you of beyond a reasonable doubt and
2 apply that into your evaluation of the evidence in the case?

3 Yep. Okay. Nobody raised their hands with any problem
4 on that.

5 Okay. The last question I have right now -- and then we're
6 probably going to break for the evening, because I don't want to
7 start up everything with the eight of you over to my left.

8 But the last question I have for the 24 of you to my right is
9 that every state is a little different, in terms of what the jurors'
10 involvement is in the criminal justice system. Where I'm from in
11 Texas, for instance, the jury generally decides whether somebody's
12 guilty or not guilty, and they also decide the punishment for any
13 crime. That's a function that the jury's engaged in.

14 In Nevada, punishment is an issue that lies solely with the
15 Court, except if somebody's convicted of first-degree murder. If
16 somebody's convicted of first-degree murder, then the jury decides
17 what their punishment should be. And the jury has three options
18 available to them.

19 The first option is a sentence of 50 years, with a minimum
20 of 20 years before someone's eligible for parole. The second option
21 is a life sentence with a minimum of 20 years before someone's
22 eligible for parole. And the third option is life in prison without the
23 possibility of parole.

24 So if the jury deliberates on a case and convicts somebody
25 of first-degree murder, then there is a separate hearing where it's

1 just kind of like a trial where witnesses can be produced, evidence
2 can be produced, and then the jury would deliberate to decide what
3 someone's punishment should be.

4 Is there anybody that believes they would not be able to
5 consider all three of those options before deciding what someone's
6 punishment should be?

7 I see no -- I got one hand. Mr. Navarrete-Solis, Badge
8 No. 31.

9 PROSPECTIVE JUROR NO. 031: 31.

10 THE COURT: Could you get the microphone up there?
11 Thank you.

12 PROSPECTIVE JUROR NO. 031: Sir, the more you're
13 saying -- I just have a question. I mean, I believe there's no
14 100 percent on anything; you can never go a hundred percent.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 031: And also, I mean, I
17 believe that you're probably more prepared than I am to actually
18 give a sentence like that.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 031: You have more
21 knowledge on the case, more knowledge on the law, and it's a heavy
22 burden. And I understand that. So it's difficult for me -- it would be
23 difficult for me to make a choice like that.

24 THE COURT: So a couple of things. Let's break that down.

25 PROSPECTIVE JUROR NO. 031: Um-hmm.

1 THE COURT: Just because I have more experience,
2 doesn't mean that's a good thing; right?

3 PROSPECTIVE JUROR NO. 031: Well, you have more
4 education on the subject.

5 THE COURT: Well, part of the beauty of it is, that you, as
6 jurors, hear one case and decide what should happen in that one
7 case.

8 PROSPECTIVE JUROR NO. 031: Um-hmm.

9 THE COURT: Not based on any other things out there;
10 right? You're just basing it on that one case.

11 What's the evidence? And is somebody guilty or not
12 guilty? And then if they're found guilty of first-degree murder, what
13 do I think the penalty should be for what's occurred in this case and
14 what I've been provided with?

15 But you're right in that it's difficult and it's hard. And it
16 should be, probably; right? I mean, you're talking about the most
17 serious of crimes that are charged, and it should be something that
18 everybody feels is a really weighty responsibility.

19 And so sometimes, people may say, I just can't do that.
20 It's probably far more often in a capital case which is where the
21 death penalty is involved, where you have people that say, I'm
22 automatically going to give everybody the death penalty, or I could
23 never do that no matter what the circumstances are, so I couldn't
24 consider those options; right?

25 PROSPECTIVE JUROR NO. 031: Okay.

1 THE COURT: This is not a capital case. The death penalty
2 is not an option if somebody's convicted of first-degree murder, but
3 they are still three serious options. So I don't disagree with you that
4 it's a difficult thing to do. But only you guys can tell me, I would
5 automatically exclude one of those options and not give it any
6 consideration. Or, no, Judge, I can listen, I can consider all those
7 three options, and then I'll decide what somebody's punishment
8 should be.

9 So does anybody, like Mr. Navarrete-Solis feel like -- well,
10 first off, I would think everybody would feel, like, hey, this is an
11 important thing. It's very serious and it is very weighty; true? Yes.
12 Okay.

13 Let me just ask that last question again, though. Does
14 anybody feel like they could not consider any of those options?

15 Got one more hand. Ms. Miranda.

16 PROSPECTIVE JUROR NO. 069: Yes. Ms. Miranda, Badge
17 90 -- 69.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 069: I'm not sure if this is part
20 of the same thing, but I do not consider those three options if it was
21 capital case. I would automatically say the death penalty.

22 THE COURT: Okay. Well, it's not a capital case.

23 PROSPECTIVE JUROR NO. 069: Right. So if not, then I --

24 THE COURT: That capital -- the death penalty is not an
25 option.

1 PROSPECTIVE JUROR NO. 069: Right. So then just those
2 three would be the option?

3 THE COURT: Just those three.

4 PROSPECTIVE JUROR NO. 069: Okay.

5 THE COURT: And it's not a -- where I'm asking you to sit
6 here right now --

7 PROSPECTIVE JUROR NO. 069: Right.

8 THE COURT: -- and say this is what I would do. That's
9 inappropriate; right?

10 PROSPECTIVE JUROR NO. 069: Okay.

11 THE COURT: You don't know anything about evidence --
12 you haven't decided that somebody's guilty or not guilty; right?

13 PROSPECTIVE JUROR NO. 069: Right.

14 THE COURT: But it's just, can I -- do those three options,
15 can I look at those and say, okay, yeah, I could see where any one of
16 those could apply, depending on what I hear. And I'll give them
17 consideration, and then I'll decide what's appropriate.

18 PROSPECTIVE JUROR NO. 069: Okay. Thank you for
19 clarifying that.

20 THE COURT: Sure. So do you think you could do that?

21 PROSPECTIVE JUROR NO. 069: Yes. Based off of those
22 three choices.

23 THE COURT: Anybody else on that question?

24 No. Okay.

25 So I tell you what, here's what we're going to do. We're

1 going to go ahead and break for the evening because it's about 4:40.
2 But I'm going to have you step outside for a minute before you take
3 off, and let me talk to the parties, and see if there's any more of you
4 that can be excused right now or whether I'm going to need all of
5 you to come back.

6 And we're going to start tomorrow at 10:30. So when you
7 come back tomorrow, I'm going to have you come back to the third
8 floor, down in Jury Services. And then JR will go down there and
9 get you and bring you back up here when we're ready. Okay?

10 And that same admonition will apply that I gave you
11 earlier today, about during the recess, you are admonished not to
12 talk or converse among yourselves or with anyone else on any
13 subject connected with the trial, or read, watch, or listen to any
14 report of or commentary on the trial by any medium of information,
15 including, without limitation, to newspapers, television, the Internet,
16 or radio, or form or express any opinion on any subject connected
17 with the case until it's finally submitted to you. No legal or factual
18 research or investigation, no social media communication on your
19 own.

20 So if everybody could just step outside. Give me about
21 five minutes. And then I'll get JR back out for you.

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

23 THE COURT: Okay. Anything either side wants to raise
24 with any of the people that have been questioned right now about
25 excluding any of them?

1 MS. FLECK: Not from the State.

2 THE COURT: Mr. Woods?

3 THE DEFENDANT: Of course not from the State. Well,
4 you -- I mean, we just heard several of them already said they
5 already had opinions of a guilty verdict --

6 THE COURT: Okay.

7 THE DEFENDANT: -- without even hearing any of the
8 evidence. Of course the State's going to want those people --

9 THE COURT: So who, in particular, do you want to me
10 consider excluding right now?

11 THE DEFENDANT: In fact, that was Arielle Donmore said
12 she couldn't be fit. Oh, okay.

13 THE COURT: No. That's okay. You can do the names. I
14 know who they are.

15 THE DEFENDANT: 24.

16 THE COURT: It's -- that's Badge No. 24.

17 THE DEFENDANT: Anthony Gong said he couldn't be fair.

18 THE COURT: Badge No. 26.

19 THE DEFENDANT: 31, Navarrete-Solis said several times
20 he couldn't be fair. He was ready to convict me right now.

21 THE COURT: Okay. That's Badge No. 31.

22 THE DEFENDANT: The black guy, Coleman. Oh, man,
23 he -- that was just ridiculous --

24 THE COURT: Okay.

25 THE DEFENDANT: -- without even hearing anything.

1 THE COURT: Let me just --

2 THE DEFENDANT: Kimberly Milanese --

3 THE COURT: Hold on, hold on. Mr. Coleman is Badge
4 No. 32. Okay.

5 THE DEFENDANT: Number 34.

6 THE COURT: Ms. Milanese, Badge No. 34.

7 THE DEFENDANT: She said something about just hearing
8 my voice.

9 THE COURT: Okay. What else you got?

10 THE DEFENDANT: I mean, I kind of got distracted.
11 Some are okay.

12 Number 41, Munoz. She said she couldn't be fair.

13 THE COURT: Okay.

14 THE DEFENDANT: Am I missing one of --

15 [Pause in the proceedings.]

16 THE COURT: Oh, Ms. Munoz. Right.

17 THE DEFENDANT: Okay. So that's what I got before I --

18 THE COURT: Okay. All right.

19 State, with regard to any of the -- I know you said you
20 weren't moving to challenge anybody.

21 MS. FLECK: No. We're not moving. But, you know, based
22 upon his requests, Mr. Coleman, we will submit on him. I do think
23 that he, based upon his preconceived notions of guilt, based on his
24 own children.

25 THE COURT: Okay.

1 MS. FLECK: We would agree Ms. Milanes, also based
2 upon her own personal experiences --

3 THE COURT: Okay.

4 MS. FLECK: -- seemed to be beyond rehabilitation.

5 I think that Ms. Munoz, based upon the fact that she was
6 crying, might be beyond rehabilitation.

7 THE COURT: Okay.

8 MS. FLECK: I feel that Mr. Gong, he basically, expressed
9 concern with the system generally. And to me, it wasn't that he had
10 preconceived notions of guilt. He had a bad experience with his one
11 particular jury.

12 I do think that he can be rehabilitated. And I think that,
13 you know, to express to him that, hey, listen, you know, we can all
14 agree that these crimes, once they are proven beyond a reasonable
15 doubt, you know, then they would be, you know, worthy of whatever
16 feelings these people are having about child crimes and things like
17 that.

18 However, we haven't given any evidence yet. They've
19 seen no evidence. As he sits here today, the defendant is absolutely
20 innocent. I don't think that Mr. Gong had anything, as opposed to
21 Mr. Coleman, that was personally directed at the defendant.

22 THE COURT: Okay.

23 MS. FLECK: So I do think he can be rehabilitated.

24 I think the same with Ms. Donmore. She said it would be
25 difficult. She likened the, you know, Divina to a 15-year-old in her

1 life. I think that that's going to be with a lot of people. I feel that she
2 also said more her experience was more that it was -- would be
3 difficult.

4 And Mr. Navarrete, I also agree -- or I also think he said
5 that it would be difficult. You know, he said, this would be hard. I
6 don't know. I would have a hard time with it.

7 And those are not firm statements that they could not be
8 fair, like, I would agree with Mr. Woods that Mr. Coleman kind of
9 ended up saying. But I think that Ms. Donmore, Mr. Gong, and Mr.
10 Navarrete could be rehabilitated. But I'll submit that to the Court's
11 discretion.

12 THE COURT: All right. So I am going to exclude Mr.
13 Coleman, Ms. Milanes, Ms. Munoz, Ms. Navarrete-Solis, and Mr.
14 Gong.

15 Ms. Donmore, I might try and have a little more
16 conversation with. I think she was a little more vague in what she
17 said.

18 Mr. Coleman, I think was pretty clearly indicating a bias
19 that it's not, you know, a factor of continuing to ask questions to see
20 if you get a different answer. I mean, he was very strong in what he
21 had to say.

22 Ms. Milanes was as well, in addition to indicating that her
23 and her sister were both sexually abused.

24 Ms. Munoz, in a similar fashion, had prior experience with
25 sexual abuse in her family that was a very, very directly analogous to

1 this case since it involved her -- saying, that her cousin had been
2 improperly videotaped.

3 Mr. Navarrete-Solis, I think what he was talking about the
4 hard part, he was talking about the punishment aspect. In terms of
5 the trial phase of it, he expressed a lot of things that I think would be
6 concerning of a bias or prejudice fashion that would make it
7 inappropriate for him to serve as well.

8 And then, Mr. Gong, in a similar fashion it was -- it wasn't
9 really anything about a sex issue. But he was talking about the prior
10 trial, and in ways that give me concern about how, you know, he
11 views the way this should conduct itself.

12 But also, he was talking about the murder, 30 or so years
13 ago, and that he comes in with a bias towards the State in that
14 fashion. So I think it would be appropriate to release him at this time
15 as well.

16 So those five will be released.

17 I'm going to keep Ms. Donmore for right now. Okay.

18 THE DEFENDANT: Well, I think what was missed on Ms.
19 Donmore, she said that she agreed with the guy on the end. I don't
20 know why that was missed by the prosecution or yourself, but that's
21 what she said.

22 THE COURT: Well, I'm cognizant of everything
23 Ms. Donmore said. I just view her a little differently than what
24 everybody else said, in terms of her stance right now. But like I said,
25 I'll follow up a little more tomorrow before reaching an ultimate

1 decision on her.

2 THE DEFENDANT: All right.

3 THE COURT: So, JR, you can tell those five -- Coleman,
4 Milanes, Gong, Navarrete-Solis, and Ms. Munoz -- that they're all,
5 excused. Okay? Sure. Badge No. 32 is Coleman; 34 is Milanes; 26 is
6 Gong; 31 is Navarrete-Solis; and 75 is Ms. Munoz. Thank you.

7 MS. MURRAY: Did you read 31, Your Honor?

8 THE COURT: 31, Navarrete-Solis, yeah.

9 MS. MURRAY: You did read that one? Okay.

10 THE COURT: Yeah.

11 MS. MURRAY: I thought so. I thought I heard you say it --

12 THE COURT: Donmore is the only one that Mr. Woods has
13 raised that I've decided to keep for right now.

14 MS. MURRAY: Okay.

15 THE COURT: Okay?

16 MS. FLECK: So then we'll start filling tomorrow with
17 Davis?

18 THE COURT: Yes. So we start -- and I told Jury Services
19 that we're going to need more jurors anyway. So we'll start
20 tomorrow with Davis -- so Davis, Reinhardt, Hendricks, Ferguson,
21 and Finn will replace the five seats that were just vacated.

22 And I'll probably go through the individual questions with
23 them first, and then move over to the eight to pick back up.

24 THE DEFENDANT: Your Honor, I got a couple questions, if
25 I may.

1 THE COURT: Sure.

2 THE DEFENDANT: Okay. One is, why were the counts not
3 clarified? Because to me it seemed like they think I sexually
4 assaulted this girl several times, see. That's what they kept saying is
5 that several times he sexually assaulted somebody, instead of saying
6 that it was, like, pictures taken.

7 THE COURT: I don't think anybody ever used the word,
8 sexual assault.

9 THE DEFENDANT: No. I'm saying -- I said -- I didn't say
10 that's what they said. I'm saying, that's what it felt like they were --
11 that's what their interpretation was.

12 THE COURT: Well, all we tell jurors at the beginning of a
13 case is this is what the charges were. And I think the State
14 adequately told them, this is what the charge is and the allegation.
15 We don't go into telling them what all the facts are because that's for
16 the trial.

17 THE DEFENDANT: Not the facts, just that they were
18 pictures and not an act. You know what I mean? Like a physical --
19 that's what I was getting from --

20 THE COURT: Well, I think you're, you know, getting into
21 an argument about what's an act and what's not an act. I mean, it's
22 an act to take a picture. Assuming somebody takes an inappropriate
23 picture of a child, that's an act in and of itself.

24 THE DEFENDANT: But I think you know what I'm talking
25 about, like physically having sex with a minor. That's what I'm

1 saying.

2 THE COURT: Okay.

3 THE DEFENDANT: That's what I'm saying I was feeling
4 from -- did they get a wrong --

5 THE COURT: I don't -- I did not get the impression from
6 any juror that they were, all of a sudden, inferring that you had
7 sexually abused anybody.

8 THE DEFENDANT: Was it not even Coleman?

9 THE COURT: Now --

10 THE DEFENDANT: That's what his big thing was.

11 THE COURT: -- hey, well, look, Mr. Woods, here's the
12 other thing. I mean, a lot of people are going to consider it sexual
13 abuse to take picture -- inappropriate pictures of a child.

14 THE DEFENDANT: Okay. Well --

15 THE COURT: I mean, regardless of not physically touching
16 them, people are still going to consider that sexual abuse and be
17 offended by it.

18 THE DEFENDANT: That's fine and dandy. But I haven't
19 been convicted of that. The evidence haven't even came out.

20 THE COURT: Correct.

21 THE DEFENDANT: It seemed like I was being convicted
22 right now, before it even --

23 THE COURT: Look, this is the nature of jury selection. You
24 get people in here. You tell them what the charges are, and you get
25 their opinions about what they think about all this. That's what helps

1 you and the State both figure out who you want to keep on the jury
2 and who you want to exclude.

3 But we don't tell people, you can't have an opinion. You
4 want to hear their opinions, because that's giving you information
5 about what these people are thinking.

6 THE DEFENDANT: Yeah. That's -- but some of that was so
7 vicious, you don't think that influenced the rest of the guy -- the rest
8 of the people that was in here? You had some people even crying
9 that you haven't even got to yet.

10 THE COURT: I don't think that this jury panel has
11 expressed things in any way that's different than any other jury
12 panel.

13 When you start talking about issues of homicide and
14 inappropriate sexual crimes with children, you always get jurors that
15 are, like, you know what, this is a really difficult thing to talk about,
16 and I have really strong opinions about this.

17 THE DEFENDANT: Okay. And why was the sexual part --
18 or the -- that part of it was stressed more than the homicide. You
19 asked one question, basically about the murder. But all of the
20 questions were about, like, this is what the case was basically on.
21 These charges were thrown in with the murder. Not --

22 THE COURT: I disagree, Mr. Woods. I asked people,
23 specifically, were they ever the victim of or has anybody ever been
24 arrested or charged with any kind of crime of sexual abuse? And
25 then I asked people as well, did you ever -- which was your

1 question -- did you ever have a loved one that's been killed in any
2 kind of criminal conduct?

3 Now, the fact that people choose to respond more on the
4 sexual abuse thing, the reality is there are a lot of people who have
5 that in their families, and far less people that have had a homicide in
6 their families. So you're going to get more people that kind of
7 respond to that question.

8 THE DEFENDANT: All right.

9 THE COURT: And generally speaking, in my experience in
10 29 years, I think it's a lot easier for people to be fair and impartial
11 when somebody's charged with a homicide, and oftentimes more
12 difficult if they're charged with sexual abuse-related crimes. It's just
13 kind of the nature of that.

14 THE DEFENDANT: All right. My second question was, I
15 mean, just make me understand. I don't have a problem with it. I
16 just need to understand. Why was the first-degree guilt and
17 conviction only spoken about? Why not second and manslaughter?
18 It was just only, what do you think about if it was first-degree?

19 THE COURT: That's the only time they punish somebody
20 is if it's a first-degree murder conviction. If you're convicted of
21 anything less than first-degree murder, then I decide the
22 punishment. If you're convicted of first-degree murder, then that's
23 not up to me. It's the jury that gets to decide the punishment. So we
24 have to ask them now, because we can't talk to them again later, if
25 they can be fair and evaluate all forms of punishment if they convict

1 you. If they don't convict you, than they're not involved in
2 punishment at all. So we don't go through asking them about those
3 other ones.

4 THE DEFENDANT: All right.

5 THE COURT: Okay.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. So I will see everybody tomorrow
8 at 10:30.

9 MS. MURRAY: And, Your Honor, just a reminder, is it
10 okay if Mr. Woods --

11 THE DEFENDANT: Yes. Yeah, yeah, yeah. By all means,
12 absolutely.

13 MS. MURRAY: -- stays for a minute, so I can let him --

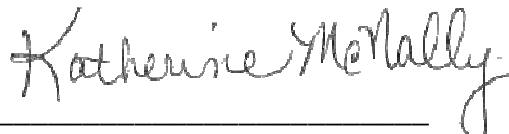
14 THE COURT: Stick around. Do whatever you guys need to
15 do.

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

17 [Proceedings adjourned at 4:50 p.m.]

18 * * * * *

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

22 

23 _____
24 Katherine McNally
25 Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC

Albert B. Hanson

RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

VS.

LEONARD RAY WOODS,
Defendant.

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

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, MARCH 19, 2019

RECORDER'S TRANSCRIPT OF PROCEEDINGS
RE: DAY 2

APPEARANCES:

For the Plaintiff(s):

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

For the Defendant:
Standby Counsel

PRO SE
JULIA M. MURRAY, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 **LAS VEGAS, NEVADA, TUESDAY, MARCH 19, 2019**

2 [Proceeding commenced at 10:48 a.m.]

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

5 THE COURT: Outside the presence of our jurors.

6 Mr. Woods is here. Ms. Murray is here assisting him.

7 State' attorneys are here.

8 We have all of your jurors except Mr. Kwan, who is Badge
9 No. 40. He is on the -- towards the end of the middle row over here.
10 So my -- I'm going to go ahead and get started without him because
11 I've already finished going through those 24 people, and I was
12 moving over to this row of 8. And we'll see if he shows back up.
13 Obviously, if he doesn't show back up, then we'll have another
14 conversation. He's the gentleman who was the restaurant owner.

15 MS. FLECK: Mr. Kwan who is in Seat 15.

16 MS. MURRAY: Yeah. The guy sitting down here.

17 THE COURT: Yeah. I don't know if it's actually -- yes, it is
18 Seat 15. Yeah. Second row down, in the middle row there.

19 Okay. Do you guys have anything outside the presence
20 before we get everybody in?

21 MS. FLECK: Not from the State. Sorry, your Honor.

22 THE COURT: Okay. All right. Guys, you can go ahead and
23 let them know to get them in. Thank you.

24 So I'm actually just going to go ahead and question those
25 eight, and then we'll talk about challenges before I fill those other

1 seats back up.

2 MS. FLECK: Okay.

3 [Pause in the proceedings.]

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

5 MS. MURRAY: Your Honor --

6 THE COURT: Yeah.

7 MS. MURRAY: -- before we begin, there's just a question
8 that just popped up. Can we fill you in real quickly?

9 THE COURT: Sure.

10 [Bench conference was had and transcribed as follows:]

11 MS. MURRAY: Thank you. Sorry.

12 Right as they started to come in, Leonard remembered
13 that he meant to ask whether or not you still intended to ask the
14 revised question from his submission. He said it regards false
15 allegations, and that you had said that you were going reword it and
16 work on it, but he never heard anything like yesterday.

17 THE COURT: On which one? Which question?

18 MS. MURRAY: I believe it was towards the bottom of the
19 list he submitted. It was one of -- when we went over what you were
20 going to ask yesterday, it was the one that you said you would revise
21 it and then ask a format of it.

22 THE COURT: I think that's the one that I asked about.

23 MS. MURRAY: I'm sorry. He realized it like as we -- they
24 were walking in.

25 THE COURT: He said -- yeah. Because I asked them about

1 peace officers always being right or whether they could lie, about
2 witnesses could falsely accuse people. I think that's what I was
3 talking about, because I was revising it to --

4 MS. MURRAY: Can I show him --

5 THE COURT: Yeah.

6 MS. MURRAY: -- how you asked it? Can I borrow this for
7 one second and say this is how he phrased it?

8 THE COURT: You can just tell him that I was saying that I
9 would revise it, because it was the punishment part that I was taking
10 out of his questions.

11 MS. MURRAY: Okay. Okay. Thank you so much.

12 [Bench conference was concluded.]

13 THE COURT: Okay. Good morning, ladies and gentlemen.
14 Thank you all very much for coming back.

15 So we will be on the record. Mr. Woods is here
16 representing himself. Ms. Murray assisting. State's attorneys are
17 present. Our prospective jurors are present.

18 We had left off at the end of the day -- I had finished going
19 through a number of questions with the three rows to my right.

20 So can we get microphone over here to the row to my left?
21 And you can start on either end. It doesn't matter.

22 Okay. We'll start with Mr. Lane; correct.

23 PROSPECTIVE JUROR NO. 062: Yeah.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 062: Yes, Your Honor.

1 THE COURT: Hold on just a second.
2 MS. MURRAY: May I bring this up?
3 THE COURT: Yeah. Sure.
4 [Bench conference was had between the Court and Ms. Murray and
5 was not transcribed.]
6 THE COURT: All right. Mr. Lane, you got my microphone;
7 correct?
8 PROSPECTIVE JUROR NO. 062: Yes.
9 THE COURT: Badge No. 62. All right.
10 PROSPECTIVE JUROR NO. 062: That's it.
11 THE COURT: How you doing, by the way?
12 PROSPECTIVE JUROR NO. 062: Pretty good. Thank you.
13 THE COURT: Excellent.
14 PROSPECTIVE JUROR NO. 062: And you?
15 THE COURT: Okay. How long have you lived here, sir?
16 PROSPECTIVE JUROR NO. 062: 22 and a half years.
17 THE COURT: And what's your level of education?
18 PROSPECTIVE JUROR NO. 062: I have two master's
19 degrees, one in music and one in library and information science.
20 THE COURT: Okay. And you told me yesterday that you
21 work with the library district?
22 PROSPECTIVE JUROR NO. 062: Yes.
23 THE COURT: Soon to be retired?
24 PROSPECTIVE JUROR NO. 062: Soon.
25 THE COURT: Soon. Okay. Is that retirement going into

1 some other profession? Or retirement going into enjoying your
2 golden years kind of thing?

3 PROSPECTIVE JUROR NO. 062: I don't know. I've been
4 thinking about starting a wine blog, because that's a passion of
5 mine.

6 THE COURT: Okay. Got it. Are you married, sir?

7 PROSPECTIVE JUROR NO. 062: Yes.

8 THE COURT: And what type of work does your spouse
9 do?

10 PROSPECTIVE JUROR NO. 062: Children's librarian and
11 substitute teacher for Clark County School District.

12 THE COURT: Do you have children?

13 PROSPECTIVE JUROR NO. 062: No.

14 THE COURT: Okay. All right. Can you pass that to your
15 left for me, please?

16 PROSPECTIVE JUROR NO. 062: Sure.

17 THE COURT: Ms. Nelson is Badge No. 61. Ms. Nelson,
18 how are you?

19 PROSPECTIVE JUROR NO. 061: Good.

20 THE COURT: Good. How long have you lived here?

21 PROSPECTIVE JUROR NO. 061: Born and raised.

22 THE COURT: And what's your level of education?

23 PROSPECTIVE JUROR NO. 061: I have a degree in
24 education.

25 THE COURT: And what type of work do you do?

1 PROSPECTIVE JUROR NO. 061: I'm currently
2 unemployed.

3 THE COURT: Okay. Any particular profession you were in
4 before the current time?

5 PROSPECTIVE JUROR NO. 061: For the last ten years, I
6 was a stay-at-home mom and before that, I was in interior design.

7 THE COURT: Okay. You're married?

8 PROSPECTIVE JUROR NO. 061: Yes.

9 THE COURT: And you told us yesterday that your
10 husband is a criminal defense attorney; correct?

11 PROSPECTIVE JUROR NO. 061: Correct.

12 THE COURT: All right. Children?

13 PROSPECTIVE JUROR NO. 061: Two.

14 THE COURT: How old are they?

15 PROSPECTIVE JUROR NO. 061: Almost 14 and 10.

16 THE COURT: Thank you.

17 Ms. Ballinger, Badge No. 59. How long have you lived
18 here?

19 PROSPECTIVE JUROR NO. 059: 18 years.

20 THE COURT: Your level of education?

21 PROSPECTIVE JUROR NO. 059: Some college.

22 THE COURT: You told us yesterday that you work with the
23 Metropolitan Police Department Foundation; correct?

24 PROSPECTIVE JUROR NO. 059: That's correct.

25 THE COURT: Okay. Are you married?

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PROSPECTIVE JUROR NO. 059: Yes.

THE COURT: And what type of work does your spouse do?

PROSPECTIVE JUROR NO. 059: He's an engineer for Boeing.

THE COURT: Children?

PROSPECTIVE JUROR NO. 059: Yes.

THE COURT: How many and how old are they?

PROSPECTIVE JUROR NO. 059: I had to write it down. I have 8.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 059: We have a 49, a 46, a 43, a 41, a 40, 39, 36. And we adopted a baby from birth, and he's 7 now.

THE COURT: Okay. What about grand kids?

PROSPECTIVE JUROR NO. 059: Yes. We have six.

THE COURT: Okay. So jury duty may be a break for you?

PROSPECTIVE JUROR NO. 059: No.

THE COURT: You've got eight -- eight kids and six grand kids, and you don't think hanging out here would be a little bit of the break?

PROSPECTIVE JUROR NO. 059: You know what, they are fresh breath of oxygen. They are awesome.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 059: You're welcome.

1 THE COURT: Can you pass it to Mr. Robbins, please.
2 Mr. Robbins is Badge No. 57. How long have you lived
3 here?
4 PROSPECTIVE JUROR NO. 057: Five and a half years.
5 THE COURT: And where'd you move here from?
6 PROSPECTIVE JUROR NO. 057: Chicago.
7 THE COURT: What's your level of education?
8 PROSPECTIVE JUROR NO. 057: I have a PhD.
9 THE COURT: And what type of work do you do? Oh,
10 you're a --
11 PROSPECTIVE JUROR NO. 057: I'm a teacher.
12 THE COURT: -- AP high school teacher; correct?
13 PROSPECTIVE JUROR NO. 057: Yes. High school.
14 THE COURT: Are you married?
15 PROSPECTIVE JUROR NO. 057: Yes.
16 THE COURT: What type of work does your spouse do?
17 PROSPECTIVE JUROR NO. 057: Also a teacher.
18 THE COURT: And what grade level does your spouse
19 teach?
20 PROSPECTIVE JUROR NO. 057: Kindergarten.
21 THE COURT: Okay. Children?
22 PROSPECTIVE JUROR NO. 057: Yeah. Two girls, 15 and
23 9.
24 THE COURT: Okay. Thank you.
25 Ms. -- is it Quaresma?

1 PROSPECTIVE JUROR NO. 056: Correct, sir.

2 THE COURT: Okay. Badge 56. Ms. Quaresma, how long

3 have you been you lived here?

4 PROSPECTIVE JUROR NO. 056: Born and raised, Your

5 Honor.

6 THE COURT: And what's your level of education?

7 PROSPECTIVE JUROR NO. 056: Some college.

8 THE COURT: What type of work do you do?

9 PROSPECTIVE JUROR NO. 056: I'm in advertising.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR NO. 056: Yes.

12 THE COURT: And what type of work does your spouse

13 do?

14 PROSPECTIVE JUROR NO. 056: He's the community

15 program specialist for the City of Las Vegas.

16 THE COURT: Do you have children?

17 PROSPECTIVE JUROR NO. 056: No, sir. Not yet.

18 THE COURT: Thank you.

19 Ms. Detroz, Badge No. 55. How long have you lived here?

20 PROSPECTIVE JUROR NO. 055: 20 years.

21 THE COURT: Pardon.

22 PROSPECTIVE JUROR NO. 055: 20.

23 THE COURT: 20. Thank you. What's your level of

24 education?

25 PROSPECTIVE JUROR NO. 055: Bachelor.

1 THE COURT: What type of work do you do?
2 PROSPECTIVE JUROR NO. 055: Medical technologies.
3 THE COURT: Are you married?
4 PROSPECTIVE JUROR NO. 055: Yes.
5 THE COURT: And what type of work does your spouse
6 do?
7 PROSPECTIVE JUROR NO. 055: Same. Medical
8 technologies.
9 THE COURT: Children?
10 PROSPECTIVE JUROR NO. 055: One.
11 THE COURT: How old?
12 PROSPECTIVE JUROR NO. 055: 16.
13 THE COURT: Thank you.
14 Ms. Sink, Badge No. 53. How long have you lived here?
15 PROSPECTIVE JUROR NO. 053: Seven years.
16 THE COURT: And where'd you move here from?
17 PROSPECTIVE JUROR NO. 053: Washington state.
18 THE COURT: What's your level of education?
19 PROSPECTIVE JUROR NO. 053: Bachelor's degree.
20 THE COURT: What type of work do you do?
21 PROSPECTIVE JUROR NO. 053: Interior design.
22 THE COURT: Are you married?
23 PROSPECTIVE JUROR NO. 053: Yes.
24 THE COURT: And what type of work does your spouse
25 do?

1 PROSPECTIVE JUROR NO. 053: Core drilling.
2 THE COURT: Pardon.
3 PROSPECTIVE JUROR NO. 053: Core drilling, so
4 exploration mining.
5 THE COURT: Thank you. Children?
6 PROSPECTIVE JUROR NO. 053: No.
7 THE COURT: Thank you.
8 And Mr. Strumillo, Badge No. 52. How long have you
9 lived here, sir?
10 PROSPECTIVE JUROR NO. 052: 25 years.
11 THE COURT: Your level of education?
12 PROSPECTIVE JUROR NO. 052: Some college.
13 THE COURT: Remind me again what type of work you do?
14 PROSPECTIVE JUROR NO. 052: I'm a stagehand.
15 THE DEFENDANT: Excuse me, Your Honor. What was
16 that again?
17 THE COURT: Stagehand.
18 THE DEFENDANT: Stagehand.
19 THE COURT: What's your level of education -- or excuse
20 me. Are you married?
21 PROSPECTIVE JUROR NO. 052: Yes.
22 THE COURT: And what type of work does your spouse
23 do?
24 PROSPECTIVE JUROR NO. 052: Is a crime scene analyst.
25 THE COURT: Oh, that's correct. Okay. That's why I said

1 remind me what you do, because I knew we had that conversation
2 yesterday. I apologize. It was your spouse. Children?

3 PROSPECTIVE JUROR NO. 052: Yes.

4 THE COURT: How many?

5 PROSPECTIVE JUROR NO. 052: One, 4.

6 THE COURT: Four. Okay. So the eight of you that we've
7 just chatted, how many of you all have you ever been jurors before?

8 All right. Could you pass it back down to your right,
9 Mr. Strumillo? Thank you.

10 Mr. Robbins, Badge No. 57. How many times, sir?

11 PROSPECTIVE JUROR NO. 057: Just once on a jury.

12 THE COURT: Okay. And how long ago was it?

13 PROSPECTIVE JUROR NO. 057: Sometime within the last
14 15 years. I don't remember.

15 THE COURT: Okay. Chicago?

16 PROSPECTIVE JUROR NO. 057: Yes.

17 THE COURT: Criminal or civil case?

18 PROSPECTIVE JUROR NO. 057: Civil.

19 THE COURT: And do you remember what the charges
20 were? What it was about?

21 PROSPECTIVE JUROR NO. 057: It was basically -- it was a
22 car accident, and they were trying to decide whether or not
23 somebody was at -- whether or not to assign fault to an individual.

24 THE COURT: Okay. So you were asked to decide liability
25 and maybe awarding damages to people?

1 PROSPECTIVE JUROR NO. 057: I don't remember if there
2 were damages awarded, but --

3 THE COURT: Okay. Were you the foreperson of the jury?

4 PROSPECTIVE JUROR NO. 057: I don't think so.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 057: I don't remember. It's
7 been a while.

8 THE COURT: Were you the guy that was asked to sign the
9 verdict form or anything?

10 PROSPECTIVE JUROR NO. 057: I mean, I would
11 remember if I -- again, I don't remember. I remember being in the
12 room, but I don't remember; so I'm just going to go with no. Yeah.

13 THE COURT: Smart answer. Okay.

14 PROSPECTIVE JUROR NO. 057: There we go.

15 THE COURT: There we go. Did the jury reach a verdict?

16 PROSPECTIVE JUROR NO. 057: Yes.

17 THE COURT: Okay. Great.

18 And could you pass it to your right for me, please.

19 Ms. Ballinger, how many times have you been a juror?

20 PROSPECTIVE JUROR NO. 059: Once.

21 THE COURT: And how long ago was that?

22 PROSPECTIVE JUROR NO. 059: About 22 years ago.

23 THE COURT: And was that -- where was that?

24 PROSPECTIVE JUROR NO. 059: In California.

25 THE COURT: Okay. Civil or criminal case?

1 PROSPECTIVE JUROR NO. 059: Civil.

2 THE COURT: Do you remember what it was about?

3 PROSPECTIVE JUROR NO. 059: Drunk driver.

4 THE COURT: Do you remember whether you were the

5 foreperson?

6 PROSPECTIVE JUROR NO. 059: No, I was not. Even with

7 all my children, I have to remember everything.

8 THE COURT: All right. Did the jury reach a verdict?

9 PROSPECTIVE JUROR NO. 059: Yes.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NO. 059: Actually, no.

12 THE COURT: Actually, no? Okay.

13 PROSPECTIVE JUROR NO. 059: It was -- nobody could

14 make a decision.

15 THE COURT: Okay. So we got no verdict. All right.

16 PROSPECTIVE JUROR NO. 059: And I was on the grand

17 jury for two years.

18 THE COURT: Okay. How long ago was that?

19 PROSPECTIVE JUROR NO. 059: 20 years ago.

20 THE COURT: So also in California?

21 PROSPECTIVE JUROR NO. 059: Also in California.

22 THE COURT: How long did you sit on the grand jury in

23 California? What was their time period?

24 PROSPECTIVE JUROR NO. 059: The time period was two

25 years.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 059: And it was for --

3 THE COURT: Did you guys hear cases once a week?

4 Twice a week?

5 PROSPECTIVE JUROR NO. 059: We did our cases once a

6 week.

7 THE COURT: Once a week? Like full day 8:00 to 5:00 kind

8 of deal?

9 PROSPECTIVE JUROR NO. 059: Yes, sir.

10 THE COURT: Three, four cases a day type thing?

11 PROSPECTIVE JUROR NO. 059: We were working on just

12 one.

13 THE COURT: Oh, okay.

14 PROSPECTIVE JUROR NO. 059: [Indiscernible] so it was

15 just one for the two.

16 THE COURT: One case for the two years?

17 PROSPECTIVE JUROR NO. 059: Yes, sir.

18 THE COURT: Got it. Okay. And was that -- obviously that

19 was a criminal case.

20 What was the nature of the charges that were being

21 sought in that?

22 PROSPECTIVE JUROR NO. 059: It was the -- it was the --

23 I'm trying to think of the gentleman. I'm sorry.

24 THE COURT: And you don't have to remember the

25 specifics. But, I mean, was it a case involving fraud or theft or

1 drugs?

2 PROSPECTIVE JUROR NO. 059: It was abuse, molestation

3 --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 059: -- harassment.

6 THE COURT: Okay. And you sat for two years. And then
7 grand jury finished its business, and then you went on your way?

8 PROSPECTIVE JUROR NO. 059: Yes, sir.

9 THE COURT: Okay. Got it. Thank you.

10 PROSPECTIVE JUROR NO. 059: Uh-huh.

11 THE COURT: All right. Was there anybody else over there
12 that had been a juror?

13 Oh, I'm sorry. Did I pass --

14 Were you raising your hand, Ms. Quaresma?

15 PROSPECTIVE JUROR NO. 059: No, sir.

16 THE COURT: No? Okay. I'm sorry.

17 All right. Would anybody on that row of eight folks, do
18 any of you believe that you'd have a tendency to give more weight
19 or credence or less weight or credence to the testimony of police
20 officers just because they're police officers? Or do you think you
21 could judge them like any other witness and evaluate their testimony
22 in light of all the other facts and circumstances in the case?
23 Anybody think you'd treat them differently?

24 See no hands. Thank you.

25 Do you all believe that you'd be able to keep an open mind

1 and not decide any issue in the case until it's submitted to you for
2 your deliberations? Anybody could not do that?

3 See no hands. Thank you.

4 In regard to the question -- I kind of asked this question
5 yesterday of the other group, and I parceled it out. So rather than
6 parcel it out, I'll just kind of ask it completely.

7 But have any of you all, or anyone close to you, ever been
8 the victim of any kind of crime? Obviously, that would include if you
9 or anyone close to had ever been the victim of any kind of sexual
10 offense, whether it's reported to the police or not?

11 Yes. Okay. So pass it down to the end to Mr. Lane.

12 All right. Mr. Lane?

13 PROSPECTIVE JUROR NO. 062: Yes. About 13 years ago,
14 my sister's ex-husband murdered her boyfriend and then attempted
15 to murder her. Very grizzly situation. I was her sole emotional
16 support because my mother had a meltdown. And she had just
17 received her Doctorate in Veterinary Medicine within the past year,
18 and her hands were really sliced up, so it compromised her career
19 for some time.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 062: And then I also had to
22 officiate over the -- after the police released the crime scene, over the
23 cleanup. So it's extraordinary the amount of blood that was clotted
24 on the floor.

25 My wife reminded me last night. I don't know -- please

1 don't quote me -- she said there were 40 stab wounds. I don't know
2 if that is accurate. But it was a traumatic experience. And I'm not
3 too keen on going through a homicide here -- well, alleged homicide
4 hearing, again, frankly.

5 THE COURT: Right. Okay. Understood. And I apologize
6 for having to make you discuss that today, but I appreciate your
7 candor. How long ago was that?

8 PROSPECTIVE JUROR NO. 062: 2000 -- late 2005, and then
9 Judge Leavitt presided over the trial in 2006.

10 THE COURT: Was it --

11 PROSPECTIVE JUROR NO. 062: I was not part of the trial.

12 THE COURT: Okay. Myron Leavitt or his daughter
13 Michelle Leavitt?

14 PROSPECTIVE JUROR NO. 062: Geesh.

15 THE COURT: We had two Leavitts that --

16 PROSPECTIVE JUROR NO. 062: It's -- I believe it was
17 Michelle.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 062: Yeah.

20 THE COURT: All right. So you were not part of the trial,
21 meaning you never had to testify or anything?

22 PROSPECTIVE JUROR NO. 062: Correct.

23 THE COURT: All right. Did you participate in, like, coming
24 and watching proceedings on occasion or --

25 PROSPECTIVE JUROR NO. 062: I did not want to --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 062: -- because my sister was
3 living with us.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 062: And that proximity was
6 enough. I mean, especially given some of the other issues that I had
7 to take care which I mentioned.

8 THE COURT: Sure. Did you or anybody that you spoke to
9 or were close with have communications with the attorneys involved
10 in the case, anything like that?

11 PROSPECTIVE JUROR NO. 062: No.

12 THE COURT: Okay. So you wouldn't really be in a
13 position to say, Hey, I think the -- the court system worked well, or
14 we were really disappointed in it. You kind of stayed out of that
15 whole part of that?

16 PROSPECTIVE JUROR NO. 062: Completely. But I mean
17 I've always worked on the presumption of innocence.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 062: I mean, that's inherent
20 within our system of jurisprudence. It's just that I'm just saying
21 emotionally and intellectually the scars are still there.

22 THE COURT: Oh, look --

23 PROSPECTIVE JUROR NO. 062: And that -- that's -- that's
24 more the issue with me, frankly.

25 THE COURT: Okay. Understood. And that's a heavy

1 enough issue that even though you work off the presumption of
2 innocence, you think it would be troubling for you to sit on this case
3 and be fair and impartial?

4 PROSPECTIVE JUROR NO. 062: That's it in a nutshell.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 062: Yeah.

7 THE COURT: All right. Thank you. Who else had their
8 hand up?

9 Okay. Ms. Nelson?

10 PROSPECTIVE JUROR NO. 061: A sibling of mine was
11 molested. It was not reported.

12 THE COURT: Okay. And that was when you were a minor
13 or no?

14 PROSPECTIVE JUROR NO. 061: Yes.

15 THE COURT: Okay. Never reported?

16 PROSPECTIVE JUROR NO. 062: Never reported.

17 THE COURT: Okay. Thank you.

18 Anybody else?

19 Ms. Ballinger?

20 PROSPECTIVE JUROR NO. 061: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 061: As a child, to my teenage
23 years, my sister and I were both abused, molested.

24 THE COURT: Not here, I take it?

25 PROSPECTIVE JUROR NO. 061: Not here.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 061: In California.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 061: And it was the man my

5 mom was married to, and then he was murdered.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 061: That was never solved or

8 ever found who did it.

9 THE COURT: Okay. And was it ever reported to the police,

10 the events with yourself and your sibling? Not the murder.

11 PROSPECTIVE JUROR NO. 061: Not until we were in our

12 late 20s.

13 THE COURT: Okay. Was there ever any type of court case

14 after that?

15 PROSPECTIVE JUROR NO. 061: Not that I'm aware of.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 061: Although we were asked

18 by officers, millions of times --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 061: -- if we had done it.

21 THE COURT: Okay. So you were inquired about as

22 whether you had involvement in the death of the gentleman?

23 PROSPECTIVE JUROR NO. 061: Yes.

24 THE COURT: Okay. But when I said reported to the

25 police --

1 PROSPECTIVE JUROR NO. 061: No.

2 THE COURT: -- I was talking about the abuse that -- that
3 you were reporting?

4 PROSPECTIVE JUROR NO. 061: No, sir.

5 THE COURT: That was never reported?

6 PROSPECTIVE JUROR NO. 061: No, sir.

7 THE COURT: Okay. Did it come out when you were being
8 talked to by the police about the killing of the gentleman?

9 PROSPECTIVE JUROR NO. 061: Yes, sir.

10 THE COURT: Okay. Okay. Anything else?

11 PROSPECTIVE JUROR NO. 061: No, sir.

12 THE COURT: Okay. Thank you.

13 Mr. Robbins.

14 PROSPECTIVE JUROR NO. 057: My wife was taken
15 advantage of on a date in high school that was never reported to the
16 police.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 057: As a teacher, I've had
19 multiple teenage girls come to me, and I've had to report several
20 cases to CPS and notify police.

21 THE COURT: Okay. So at your school, I mean, is your
22 mandatory reporting requirement you guys go to the counselor, the
23 principal, and say, This has come to my attention as a teacher? Or
24 do you can directly contact CPS? How does that work?

25 PROSPECTIVE JUROR NO. 057: I directly contact CPS.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 057: Sometimes also directly

3 contact either CCSD police or Metro.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 057: And then I tell counselors

6 and administrators that I've had to do this --

7 THE COURT: Okay. Got it.

8 PROSPECTIVE JUROR NO. 057: -- at the same time.

9 THE COURT: Okay. Okay. Thank you.

10 PROSPECTIVE JUROR NO. 057: Okay.

11 THE COURT: Anybody else?

12 PROSPECTIVE JUROR NO. 057: And then also, you know,

13 just various -- I've had multiple bicycles stolen, car stereos stolen --

14 THE COURT: Any of that here in Las Vegas?

15 PROSPECTIVE JUROR NO. 057: Bike. Yes.

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 057: Somebody broke into

18 my -- actually I left the garage door open because there was a

19 hockey game on that I was trying to get inside for. But they took a

20 bike and went through the car and some -- and things like that.

21 THE COURT: Was that reported to the police at all?

22 PROSPECTIVE JUROR NO. 057: Yes. Yeah. Henderson

23 Police.

24 THE COURT: Ever go to court?

25 PROSPECTIVE JUROR NO. 057: No.

1 THE COURT: No.

2 PROSPECTIVE JUROR NO. 057: Oh, hang on. Sorry. One
3 other --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 057: There was a noninjury hit
6 and run involving my daughter a couple years ago that was reported
7 to the police. It went to court, and she was fined.

8 THE COURT: Fined?

9 PROSPECTIVE JUROR NO. 057: Yeah.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NO. 057: Okay.

12 THE COURT: Ms. Fink.

13 PROSPECTIVE JUROR NO. 053: Sink.

14 THE COURT: Ms. Sink. Excuse me.

15 PROSPECTIVE JUROR NO. 053: Yup. I've had two close
16 friends to me sexually assaulted.

17 THE COURT: And were either of those here in Las Vegas?
18 Back in Washington?

19 PROSPECTIVE JUROR NO. 053: Washington State and
20 then in Idaho State, as well.

21 THE COURT: Okay. Reported to the police?

22 PROSPECTIVE JUROR NO. 053: The first one was reported
23 to the school. Nothing happened. I don't know if she retracted it,
24 but now there is a case ongoing --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 053: -- due to other people
2 coming forward, as well. And then the second one in Idaho was
3 reported to administration --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 053: -- but didn't go any
6 further than that.

7 THE COURT: All right. Thank you.

8 Mr. Strumillo, no hand? Okay.

9 That same question but flipped around. You or anyone
10 close to you all ever been arrested or charged or convicted of any
11 kind of crime? And that would obviously again include any type of
12 sexual offenses as well.

13 All right. Ms. Sink?

14 PROSPECTIVE JUROR NO. 053: Yes.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 053: I have a couple of family
17 members convicted of drug crimes, as well as like DUIs.

18 THE COURT: Okay. Were those all out of state?

19 PROSPECTIVE JUROR NO. 053: Yeah. Out of Nevada.

20 THE COURT: Anybody else?

21 Yep. Ms. Quaresma, Badge 56.

22 PROSPECTIVE JUROR NO. 056: Hi. Yes. Correct, sir.

23 My husband was charged with disturbing the peace in the
24 state of California 10 years ago -- him and his buddy from like a
25 rowdy college party in 2009.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 056: His sister, my husband's
3 sister, in 2010, also in the state of California, went to prison for
4 getting in a pretty bad fight. I believe her charge was assault with a
5 deadly weapon.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 056: She was just released last
8 year. And then same individual, my husband's sister, she's had
9 several DUIs.

10 THE COURT: All in California?

11 PROSPECTIVE JUROR NO. 056: All in California.

12 THE COURT: Okay. Great. Thank you.

13 Anybody else? Yeah. Mr. Robbins.

14 PROSPECTIVE JUROR NO. 057: My stepfather-in-law, my
15 wife's mom's husband, had several -- was convicted of several DUIs
16 in the '80s in California.

17 THE COURT: Thank you.

18 Anybody else? No?

19 All right. How about with regard to any type of
20 relationships that you or anyone close to you have been involved in
21 that involved domestic violence or any kind of restraining orders?
22 Anybody have any experience with that type of an issue?

23 Yep. Ms. Ballinger.

24 PROSPECTIVE JUROR NO. 059: My mother with that man
25 that she was married to.

1 THE COURT: Okay. And did that just involve issues of
2 domestic violence or did it involve a restraining order or both?

3 PROSPECTIVE JUROR NO. 059: Just the domestic
4 violence; just the domestic violence.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 059: My sister and I never told
7 anybody about the other thing.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 059: And it was back in the
10 day.

11 THE COURT: Back in the day. Understood.

12 All right. Anybody else on that question?

13 PROSPECTIVE JUROR NO. 059: I have a question, Your
14 Honor.

15 THE COURT: Sure.

16 PROSPECTIVE JUROR NO. 059: When you had talked --
17 when you asked the other question, I do a lot of volunteering at the
18 school.

19 And when you're in the situation that I was in as a child,
20 you get to sense things. And I had sensed this gentleman that
21 comes into the school plays with the children and stuff -- I felt he
22 was molesting girls or children. And so we had the school videos
23 look back at some of the things that I had seen and felt, and so they
24 did find that. And it was reported to the police.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 059: CCSDPD took care of it.
2 And then he was no longer allowed on the premises.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 059: Whether he was arrested
5 or not, I don't know from that, because they don't tell you once that
6 happens.

7 THE COURT: All right. So while you're volunteering at the
8 school, you notified the school about the things that are concerning
9 to you, and then they -- thereafter, an investigation was done?

10 PROSPECTIVE JUROR NO. 059: That's correct. Like
11 children who are not eating or children that don't have food. Yeah.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 059: We see all that when
14 we're feeding the children and stuff.

15 THE COURT: Okay. Thank you.

16 Anybody on the row of eight over there, do you have any
17 strong feelings about the criminal justice system one way or the
18 other? Really strong feelings favorably, very strong feelings
19 disfavorably, experiences that were really good, experiences that
20 were really bad?

21 Mr. Robbins.

22 PROSPECTIVE JUROR NO. 057: So I'm a little conflicted
23 just from a social justice point of view. I'm busy teaching my
24 students, like, we just did a whole unit on rights, and then went into
25 a Black Lives Matter thing.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 057: And went into statistics
3 on, you know, arrest -- you know, arrest rates for -- versus race
4 proportions in the country and also imprisonment. And so --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 057: -- you know, there's some
7 concern or discontent about the way the system operates.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 057: But beyond that, no.

10 THE COURT: Beyond that no?

11 PROSPECTIVE JUROR NO. 057: Yeah.

12 THE COURT: Okay. And your concerns, really from a
13 statistical and scientific analysis about whether everything's working
14 appropriately or not, is that something that causes you any concern
15 about being fair and impartial in this particular case?

16 PROSPECTIVE JUROR NO. 057: I don't think so.

17 THE COURT: Okay. It's just more of an overall, Hey,
18 maybe there's a lot of stuff we need to look at as to how we're doing
19 it?

20 PROSPECTIVE JUROR NO. 057: Yes. Yeah, I would say
21 that's fair.

22 THE COURT: Okay. Anybody else on that question?

23 We talked a little bit yesterday about obviously you all are
24 the, you know, the best narrators of your story to tell me how you'll
25 do moving forward.

1 So the question that was posed to the other folks was,
2 look, once we start this process and we get our 14 jurors in place,
3 and then you get to the end of the case you can't just say, Oh, wait a
4 minute. I don't really want to do this any longer. You've got to be
5 willing to go back and deliberate with your fellow jurors and go
6 through the evidence and voice your opinion and come up with
7 whatever proper verdict the collective group decides is appropriate.

8 Is there anybody that believes that for any reason you
9 couldn't do that?

10 I see no hands. Thank you.

11 Is there anybody that believes that you are at all -- that the
12 nature of the charge of homicide here, that the defendant is charged
13 with the murder charge in this case, that causes you any concern
14 about being fair and impartial in the case?

15 I see no hands. Thank you.

16 Is there anybody that believes -- well, actually I don't think
17 I asked this in terms of when we were talking about crimes.

18 But does any -- do any of you all yourselves know or
19 anyone close to you knows of any members of your family or close
20 friends who have been killed by the criminal conduct of somebody
21 else?

22 Yes. Ms. Quaresma.

23 PROSPECTIVE JUROR NO. 056: In 2006 my best friend's
24 father, here in Nevada, Sergeant Henry Prendez was shot and killed
25 on duty --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 056: -- responding to the
3 domestic violence call.

4 THE COURT: And you said Sergeant Prendez was friends
5 with your father?

6 PROSPECTIVE JUROR NO. 056: No. My best friend's
7 father.

8 THE COURT: Best friend's father.

9 PROSPECTIVE JUROR NO. 056: Brooke Prendez's father.

10 THE COURT: Got it. Okay.

11 Okay. How about the question I asked yesterday about
12 interracial relationships? Do any of you all have any family
13 members or close friends that are involved in interracial
14 relationships?

15 Yes. Ms. Sink.

16 Could you pass it down to your left, Ms. Quaresma?
17 Thank you.

18 PROSPECTIVE JUROR NO. 053: I mean, I have a lot of
19 close friends and family who are involved --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 053: -- specifically aunts and
22 uncles.

23 THE COURT: All right. And I think yesterday I just kind of
24 calculated how many people there were. But the gist of the question
25 I'm getting to, Is there anybody that has any concerns about

1 interracial relationships, regardless of who it is that's involved in?

2 I see no hands from any of our eight folks. Thank you.

3 Do any of you believe that just because somebody is
4 arrested and charged with a crime that they must automatically be
5 guilty?

6 I see no hands. Thank you.

7 Does anybody have any opinion or -- I should probably
8 word this -- does anybody have any problem with the fact that in the
9 criminal justice system the defendant has no burden of proof? They
10 do not have to call witnesses or produce evidence, and they do not
11 have to prove their innocence -- rather the burden of proof rests
12 upon the State to prove someone's guilt beyond a reasonable doubt.
13 Anybody have any issue with that? See no --

14 PROSPECTIVE JUROR NO. 053: [Indiscernible.]

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 053: So yesterday when the
17 attorneys had said that that homicide happened at a Walgreens.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 053: To me, my first instinct is
20 this is a public place. You know, there's obviously lots of witnesses.
21 So I already started thinking about that probably means there's, like,
22 a significant amount of evidence that would point toward
23 Mr. Woods.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 053: But then -- you know,

1 then I stop and I intellectualize. Then I started thinking about, Okay.
2 Well, you know, there can be mistakes and so on. But I don't know if
3 that -- I mean, is just that -- the fact that I'm already going through
4 that thought process, is that problematic? Or the fact that I'm
5 checking myself --

6 THE COURT: Is it problematic that you're wondering what
7 the evidence is?

8 PROSPECTIVE JUROR NO. 053: No. The fact that it's -- it's
9 in such a public place makes me feel like there's probably a
10 significant amount of evidence that I would --

11 THE COURT: I --

12 PROSPECTIVE JUROR NO. 053: -- feel it's probably fairly
13 trustworthy right now.

14 THE COURT: If I understand your question correctly, I
15 think everybody comes into court and you hear about a charge,
16 whatever it may be, and you start -- you know, naturally people are
17 curious and they start wondering about it.

18 PROSPECTIVE JUROR NO. 053: Um-hmm.

19 THE COURT: But whether there is evidence or not and
20 whether that evidence points to somebody being guilty or not guilty,
21 those are all what the trial is for; right?

22 PROSPECTIVE JUROR NO. 053: Right.

23 THE COURT: I mean, what you think may be a significant
24 amount of evidence, may be something that favors one side or it
25 may be something that favors the other side. It may be something

1 that another person said, well, that's not really a significant amount,
2 even though you may view it as a significant amount. So right now
3 really isn't the time to decide whether there's evidence and what the
4 evidence is.

5 It's just can you abide by the presumption of innocence,
6 and then sit and listen to the trial whatever evidence is produced,
7 and then make a decision solely based upon that, as opposed to
8 speculating about anything?

9 PROSPECTIVE JUROR NO. 053: Okay. Yeah. In that case,
10 yeah, the answer is yes. But I don't know, like -- I don't know how
11 you stop the speculation.

12 THE COURT: Yeah.

13 PROSPECTIVE JUROR NO. 053: Yeah.

14 THE COURT: Well, you stop the speculation basically by
15 listening to the trial. I don't mean that to be trite, but --

16 PROSPECTIVE JUROR NO. 053: Right. Yeah. I
17 understand.

18 THE COURT: You listen to the trial, you listen to the
19 evidence, and that's how you decide the case based on what's given
20 to you.

21 PROSPECTIVE JUROR NO. 053: Okay.

22 THE COURT: I mean, you'll get jury instructions at the end
23 of the case that talk about, look, you don't speculate or guess about
24 things. You use the evidence in the case to reach decisions and
25 decide collectively what you think if anything occurred and what you

1 think if anything about who was alleged to have committed the acts.

2 PROSPECTIVE JUROR NO. 053: Okay.

3 THE COURT: Okay?

4 PROSPECTIVE JUROR NO. 053: All right. Thank you.

5 THE COURT: Uh-huh. Anybody else on that question,
6 which was just about if the defendant has no burden in the case, the
7 State has the burden of proving guilt, a defendant does not have to
8 prove innocence.

9 I see no other hands.

10 How about on the issue that I talked with the other jurors
11 about yesterday that a defendant does not have to testify?

12 I mean, that's a decision that a defendant gets to make
13 solely on the advice of and talking with an attorney. They have no
14 obligation to testify. They have an absolute right not to testify. Does
15 anybody have any problem with that?

16 I see no hands. Thank you.

17 We also asked some questions yesterday about witnesses
18 and police officers in terms of everybody being human and
19 everybody making mistakes, whether you're a lay witness or police
20 officer. Anybody disagree with that statement?

21 I see no hands.

22 Everybody -- anybody disagree with the statement that
23 police officers could be dishonest about things?

24 I see no hands.

25 Anybody disagree with the statement that witnesses can

1 falsely accuse people of things?

2 I see no hands.

3 That police officers could, you know, be inappropriate with
4 evidence potentially in a case? Anybody disagree with that
5 statement?

6 I see no hands. Thank you.

7 One of the other questions that I had asked your fellow
8 jurors was about the potential to have to assess penalty in the case,
9 if and only if somebody is convicted of first-degree murder. And I
10 told the other jurors that those three options that are available to
11 you, if you convict somebody of first-degree murder, the three
12 penalty options are: A penalty of 50 years, with a minimum 20 years
13 before parole eligibility; a sentence of life in prison, with a minimum
14 20 years before parole eligibility; or a sentence of life without the
15 possibility of parole.

16 Do all of you believe that you could consider all three
17 options before deciding on somebody's penalty?

18 Actually, let me say this. Could anybody not consider all
19 three options before deciding on penalty?

20 I see no hands. Thank you.

21 Is there anything that we've chatted about today or
22 that you raised yesterday, other than the things that you've already
23 told us, like when Mr. Lane expressed his concerns about being fair
24 and impartial based upon the experience that his sister had -- but
25 beyond any of that, is there anybody that feels anything that they've

1 talked about today would prohibit them from being fair and impartial
2 in the case?

3 I see no other hands. Thank you.

4 Okay. We will note for the record that Mr. Kwan came in a
5 little bit ago.

6 Mr. Kwan, we started without you. I hope you don't mind.
7 But since we had already asked the questions yesterday. Okay? So I
8 appreciate you getting here today.

9 And we're going to go ahead and fill in the seats that got
10 vacated yesterday [indiscernible] when we broke which there's five
11 seats that we need to fill up. Right?

12 Okay. You can go ahead.

13 THE CLERK: So Stephanie Davis, Badge 076.

14 THE COURT: So, Ms. Davis, if you could come on up to
15 the empty seat in the middle of the top row.

16 THE CLERK: Brian Reinhardt, Badge 077.

17 THE COURT: Mr. Reinhardt, you'll take the seat on the end
18 of that middle row or top row.

19 THE CLERK: Kalani Hendricks, Badge 078.

20 THE COURT: Ma'am, you're going to take the seat that's
21 on the end of the middle row.

22 THE CLERK: Alice Ferguson, Badge 081.

23 THE COURT: The seat, Ms. Ferguson, in the middle of the
24 middle row.

25 And then Ms. Finn, Badge 82. Ms. Finn, if you could take

1 the seat down here in the front row for me, please.

2 And then JR, can you get the microphone up there on the
3 top row please to Ms. Davis?

4 Good morning, Ms. Davis. How are you?

5 PROSPECTIVE JUROR NO. 076: Good morning. Good.
6 How are you?

7 THE COURT: I'm good. Thank you. Ms. Davis is Badge
8 No. 76. So, Ms. Davis, how long have you lived here?

9 PROSPECTIVE JUROR NO. 076: 22 years.

10 THE COURT: And what's your level of education?

11 PROSPECTIVE JUROR NO. 076: Bachelor's degree.

12 THE COURT: What type of work do you do?

13 PROSPECTIVE JUROR NO. 076: Public relations.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NO. 076: Divorced.

16 THE COURT: Children?

17 PROSPECTIVE JUROR NO. 076: One nine-year-old.

18 THE COURT: Thank you. Ever been a juror before?

19 PROSPECTIVE JUROR NO. 076: No.

20 THE COURT: Okay. Could you pass that down to your
21 right? We'll get it to Mr. Reinhardt, Badge No. 77.

22 Mr. Reinhardt, how are you?

23 PROSPECTIVE JUROR NO. 077: Pretty good. Thank you.

24 THE COURT: How long have you lived here?

25 PROSPECTIVE JUROR NO. 077: Pretty much since 1985.

1 THE COURT: And what's your level of education?
2 PROSPECTIVE JUROR NO. 077: Associate's.
3 THE COURT: What type of work do you do?
4 PROSPECTIVE JUROR NO. 077: Software engineer.
5 THE COURT: Are you married?
6 PROSPECTIVE JUROR NO. 077: Yes.
7 THE COURT: And what type of work does your spouse
8 do?
9 PROSPECTIVE JUROR NO. 077: She's an office manager --
10 THE COURT: Children?
11 PROSPECTIVE JUROR NO. 077: -- at a doctor's office.
12 Four children.
13 THE COURT: Four children. And what's their age range?
14 PROSPECTIVE JUROR NO. 077: Seven, eight, ten, and
15 eighteen.
16 THE COURT: And I'm sorry. You said your wife works at a
17 doctor's office?
18 PROSPECTIVE JUROR NO. 077: Yes. She's the office
19 manager.
20 THE COURT: Okay. What type of practice is that?
21 PROSPECTIVE JUROR NO. 077: Allergist.
22 THE COURT: Okay. You ever been a juror before?
23 PROSPECTIVE JUROR NO. 077: No.
24 THE COURT: Okay. Thank you.
25 Could you pass that forward. And folks we're going to

1 send it all the way down to your left, to the very end of that row, to
2 Ms. Hendricks.

3 Good morning, Ms. Hendricks.

4 PROSPECTIVE JUROR NO. 078: Good morning.

5 THE COURT: Badge No. 78. How long have you lived
6 here?

7 PROSPECTIVE JUROR NO. 078: Since '92.

8 THE COURT: And what's your level of education?

9 PROSPECTIVE JUROR NO. 078: Bachelor's.

10 THE COURT: What type of work do you do?

11 PROSPECTIVE JUROR NO. 078: I'm a store manager of a
12 drugstore.

13 THE COURT: Are you married?

14 PROSPECTIVE JUROR NO. 078: Yes.

15 THE COURT: And what type of work does your spouse
16 do?

17 PROSPECTIVE JUROR NO. 078: Guest services in a hotel.

18 THE COURT: Children?

19 PROSPECTIVE JUROR NO. 078: One.

20 THE COURT: How old?

21 PROSPECTIVE JUROR NO. 078: 37.

22 THE COURT: Grand kids?

23 PROSPECTIVE JUROR NO. 078: None.

24 THE COURT: None. Thank you. Have you ever been a
25 juror before?

1 PROSPECTIVE JUROR NO. 078: Yes.
2 THE COURT: All right. How many times?
3 PROSPECTIVE JUROR NO. 078: Once.
4 THE COURT: And how long ago was that?
5 PROSPECTIVE JUROR NO. 078: Probably, I think, within
6 five years, here in Nevada.
7 THE COURT: Okay. Do you remember was it a civil or a
8 criminal case?
9 PROSPECTIVE JUROR NO. 078: Criminal.
10 THE COURT: And do you remember what the charges
11 were?
12 PROSPECTIVE JUROR NO. 078: It was armed robbery of a
13 Carl Jr's.
14 THE COURT: Did the jury reach a verdict?
15 PROSPECTIVE JUROR NO. 078: Yes.
16 THE COURT: Were you the foreperson of the jury?
17 PROSPECTIVE JUROR NO. 078: No.
18 THE COURT: Okay. Thank you. Was it in my department?
19 You look really familiar to me.
20 PROSPECTIVE JUROR NO. 078: I don't think so.
21 THE COURT: I've had this lady that's been a juror in my
22 department three times.
23 PROSPECTIVE JUROR NO. 078: Oh.
24 THE COURT: Right. Now, I've been around for a while, so
25 it's not like we keep getting her back every year. I mean, it's been,

1 like, three years apart, three years apart, three years apart. But it's
2 just funny that she keeps ending up in my department.

3 Okay. Thank you very much.

4 Can you pass it down to your right for me, please. And
5 we'll get it to Ms. Ferguson.

6 Hi, Ms. Ferguson.

7 PROSPECTIVE JUROR NO. 081: Hello, there.

8 THE COURT: Badge No. 81. How long have you lived
9 here?

10 PROSPECTIVE JUROR NO. 081: Two and a half years.

11 THE COURT: And where'd you move here from?

12 PROSPECTIVE JUROR NO. 081: San Francisco.

13 THE COURT: What's your level of education?

14 PROSPECTIVE JUROR NO. 081: Master's.

15 THE COURT: What type of work do you do?

16 PROSPECTIVE JUROR NO. 081: Corporate development.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR NO. 081: Yes.

19 THE COURT: And what type of work does your spouse
20 do?

21 PROSPECTIVE JUROR NO. 081: Private equity and health
22 care.

23 THE COURT: Children?

24 PROSPECTIVE JUROR NO. 081: Not yet.

25 THE COURT: Thank you. Ever been a juror before?

1 PROSPECTIVE JUROR NO. 081: Not -- never been
2 selected.
3 THE COURT: Okay. Thank you.
4 Could you go ahead and pass it forward. And folks if you
5 guys would help me get it over to Ms. Finn. Thank you very much,
6 ma'am.
7 All right. Ms. Finn is Badge No. 82. Good morning, Ms.
8 Finn.
9 PROSPECTIVE JUROR NO. 082: Good morning.
10 THE COURT: And how long have you lived here?
11 PROSPECTIVE JUROR NO. 082: About five and a half
12 years.
13 THE COURT: And where'd you move here from?
14 PROSPECTIVE JUROR NO. 082: Chicago.
15 THE COURT: What's your level of education?
16 PROSPECTIVE JUROR NO. 082: A master's degree.
17 THE COURT: And you're a first-grade teacher; correct?
18 PROSPECTIVE JUROR NO. 082: Correct. Yes.
19 THE COURT: Okay. Are you married?
20 PROSPECTIVE JUROR NO. 082: No.
21 THE COURT: And do you have any children?
22 PROSPECTIVE JUROR NO. 082: No.
23 THE COURT: Ever been a juror before?
24 PROSPECTIVE JUROR NO. 082: Nope.
25 THE COURT: Want to be a juror? See how I slid that in

1 there? Pretty good; right?

2 PROSPECTIVE JUROR NO. 082: That's, like, a trick
3 question.

4 THE COURT: You teachers are smart, though. You held
5 off and didn't answer.

6 Okay. Have you or any -- any of the five of you that I've
7 been chatting with -- and you can just hold on to the microphone for
8 right now -- but you or anyone close to any of you ever been the
9 victim of a crime, whether it's a sex offense or anything else,
10 whether it was reported to the police or not? Any of the five of you?

11 Yep. Okay. We'll start with Ms. Finn.

12 PROSPECTIVE JUROR NO. 082: I was the victim -- I had all
13 four of my tires stolen off my car my first year I lived here. The
14 police were contacted, but nothing was ever done.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 082: And then my uncle,
17 about --

18 THE COURT: So like literally your car is on blocks in the
19 street then?

20 PROSPECTIVE JUROR NO. 082: It was like half on the
21 ground and half on cinder blocks. Yes.

22 THE COURT: Wow. Okay.

23 PROSPECTIVE JUROR NO. 082: And then about ten years
24 ago, my uncle was the victim of an armed robbery in Chicago.

25 THE COURT: Okay. So let's start with the armed robbery.

1 I'm assuming you were a child then.

2 PROSPECTIVE JUROR NO. 082: Yeah.

3 THE COURT: Okay. So did you have any involvement in
4 being a witness, go to court, or anything like that?

5 PROSPECTIVE JUROR NO. 082: No.

6 THE COURT: Okay. With regard to the theft of your tires,
7 you said it was reported to the police?

8 PROSPECTIVE JUROR NO. 082: Yes.

9 THE COURT: But no court case?

10 PROSPECTIVE JUROR NO. 082: No. It was -- there was no
11 video footage outside my apartment complex or anything. And it
12 was done in the middle of the night, so --

13 THE COURT: Okay. Have you ever had occasion as a
14 teacher to have to report either physical or being suspected of
15 physical or sexual abuse of any of your students?

16 PROSPECTIVE JUROR NO. 082: Yes, to CPS.

17 THE COURT: Okay. And same thing I asked Mr. Robbins.
18 Within your school, do you report directly to CPS? Or do you have
19 an administrator that you go through in your school to report? Or --

20 PROSPECTIVE JUROR NO. 082: So we report it to CPS
21 first, and then I contact the counselor and our administrators.

22 THE COURT: To let them know that you've reported it?

23 PROSPECTIVE JUROR NO. 082: Correct.

24 THE COURT: Okay. And did that arise because you
25 suspected things or because kids made disclosures to you?

1 PROSPECTIVE JUROR NO. 082: All three times I've called
2 it's because kids have made disclosures to me.

3 THE COURT: Okay. Got it. All right. Could you pass --
4 well, actually before we move it on. Have you or anyone close to
5 you ever been arrested or accused, convicted of any kind of crime,
6 sex offense or otherwise?

7 PROSPECTIVE JUROR NO. 082: My uncle has been
8 arrested and spent time in jail for DUIs and drug offenses.

9 THE COURT: Okay. Here or back in Illinois?

10 PROSPECTIVE JUROR NO. 082: In Illinois.

11 THE COURT: Okay. Great. Thank you.

12 You can go ahead and pass it back to the middle row.
13 We'll go to Ms. Ferguson, Badge No. 81.

14 PROSPECTIVE JUROR NO. 081: Hello.

15 THE COURT: So that first question about being a victim.

16 PROSPECTIVE JUROR NO. 081: Yes. I have a compound
17 example that will answer numerous questions at the same time.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 081: My brother-in-law in the
20 state of Iowa is current currently undergoing a conviction for a
21 crime -- alleged crime for murdering his mother. He lost the civil
22 trial brought about by his father, and he's currently undergoing the
23 criminal one right now.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 082: Unfortunately, he was

1 actually framed by the police. There were evidence that the police
2 did actually find the two confessed killers between the end of the
3 civil trial and beginning of the criminal trial. And also they found the
4 weapon in their possession, but decided to not bring that into court.
5 So after the end of the criminal trial, he will be suing the police
6 department --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 082: -- for obstruction of
9 justice and all that stuff.

10 THE COURT: So when you say ongoing, like, literally in
11 trial right now? Or just waiting to get to trial?

12 PROSPECTIVE JUROR NO. 082: Yes. My mother-in-law
13 was subpoenaed yesterday.

14 THE COURT: Okay. Got it. And I'm sorry, you said that
15 was Iowa?

16 PROSPECTIVE JUROR NO. 082: Yes.

17 THE COURT: Yes?

18 PROSPECTIVE JUROR NO. 082: The state of Iowa. Yes.

19 THE COURT: Okay. All right. And so that kind of, like you
20 said, encompasses both having family members as victims, as well
21 as family members that have been charged.

22 PROSPECTIVE JUROR NO. 082: Yes. And then to your
23 other question that will come later about the credence of police
24 testimony and all that stuff.

25 THE COURT: Okay. Got it. Thank you. Assumably you're

1 going to answer that that you would have a problem with police
2 officers?

3 PROSPECTIVE JUROR NO. 082: I do think they value their
4 camaraderie, their brotherhood, their power --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 082: -- more so than justice at
7 times.

8 THE COURT: Okay. Thank you.

9 Could you pass it down to your left for me please.

10 Ms. Hendricks, Badge No. 78. That first question about
11 anybody in your family that's been -- or anyone close to you that's
12 been the victim of a crime?

13 PROSPECTIVE JUROR NO. 078: I've been robbed at
14 gunpoint twice, pepper-sprayed at work where we're constantly
15 having to deal with problems. We've been robbed in our house
16 once. And I think that's everything.

17 THE COURT: Okay. Well, that's enough; right?

18 So pepper-sprayed at work by somebody trying to rob you
19 at work?

20 PROSPECTIVE JUROR NO. 078: Yes, yeah, yeah.

21 THE COURT: Okay. And I'm assuming the police were
22 called when this happened at work?

23 PROSPECTIVE JUROR NO. 078: The police were called.
24 The two armed robberies, they were both called. Yeah.

25 THE COURT: Okay. What about the pepper spray

1 robbery?

2 PROSPECTIVE JUROR NO. 078: Yeah. They were called
3 as well.

4 THE COURT: Okay. And did any of those result in a court
5 case?

6 PROSPECTIVE JUROR NO. 078: The two armed robberies
7 did. I believe both of those were a conviction.

8 THE COURT: Okay. And did you testify?

9 PROSPECTIVE JUROR NO. 078: I didn't have to testify. I
10 did have to do a lot of ID'ing and talking to the detectives several
11 different times.

12 THE COURT: Okay. So you gave like a statement to the
13 police where maybe they record it or you write it down?

14 PROSPECTIVE JUROR NO. 078: Statement to the police.
15 They came out to the house. I did a photo lineup.

16 THE COURT: Okay. And they show you a bunch of photos
17 and ask if you recognized anybody?

18 PROSPECTIVE JUROR NO. 078: Yeah.

19 THE COURT: Okay. And then you mentioned your own
20 home had been burglarized?

21 PROSPECTIVE JUROR NO. 078: Yes.

22 THE COURT: Okay. Were the police called in that?

23 PROSPECTIVE JUROR NO. 078: Yes.

24 THE COURT: And did that result in a court case?

25 PROSPECTIVE JUROR NO. 078: No.

1 THE COURT: Okay. And I'm assuming all those things we
2 were talking about Las Vegas?

3 PROSPECTIVE JUROR NO. 078: Yes.

4 THE COURT: Okay. All right. How about you, family
5 members, anyone close to you, ever been accused of or arrested or
6 convicted of any crimes?

7 PROSPECTIVE JUROR NO. 078: No. My husband did
8 something stupid when he was a teenager, but that's about it.

9 THE COURT: Okay. So when he was like a juvenile?

10 PROSPECTIVE JUROR NO. 078: Yeah.

11 THE COURT: Okay. Thank you.

12 All right. Can you pass that up behind you, please. We're
13 going to get it back over to Ms. Davis, Badge No. 76.

14 Yes, ma'am.

15 PROSPECTIVE JUROR NO. 076: My ex-husband was
16 molested as a child, in Connecticut.

17 THE COURT: In Connecticut. Okay. Do you know if it was
18 ever reported to law enforcement?

19 PROSPECTIVE JUROR NO. 076: Not to law enforcement,
20 but to adults.

21 THE COURT: Okay. Did any people that it was reported to
22 ever pursue anything with law enforcement?

23 PROSPECTIVE JUROR NO. 078: They did not.

24 THE COURT: Did not. Okay. Anything else regarding
25 being a victim of any kind of crime?

1 PROSPECTIVE JUROR NO. 078: Just last month I had
2 some really good friends and their house was broken into here in
3 Las Vegas.

4 THE COURT: Okay --

5 PROSPECTIVE JUROR NO. 078: While they were inside
6 sleeping, and many things were stolen including their car.

7 THE COURT: -- okay.

8 PROSPECTIVE JUROR NO. 078: The car was found, but
9 the people have not been.

10 THE COURT: Got it. Thank you. What about anybody
11 arrested or convicted or charged with any kind of crimes? No?

12 PROSPECTIVE JUROR NO. 078: No.

13 THE COURT: Okay. And, Mr. Reinhardt, did you have any
14 answer to any of those?

15 PROSPECTIVE JUROR NO. 077: Yes.

16 THE COURT: Yes? Let's pass it down to Mr. Reinhardt.

17 Yes, sir.

18 PROSPECTIVE JUROR NO. 077: When I was living in
19 Phoenix for a short time I had -- my car was shot -- shot up and a
20 friend was shot and a girl also died.

21 THE COURT: This all one event?

22 PROSPECTIVE JUROR NO. 077: Yes.

23 THE COURT: Or it's separate?

24 PROSPECTIVE JUROR NO. 077: Yes.

25 THE COURT: One event?

1 PROSPECTIVE JUROR NO. 077: One event.
2 THE COURT: Okay. You in the car, as well, or just the --
3 PROSPECTIVE JUROR NO. 077: Yes.
4 THE COURT: Okay. And this is driving down the street?
5 PROSPECTIVE JUROR NO. 077: Taco Bell drive-thru.
6 THE COURT: Taco Bell drive-thru. Wow. Okay. Police
7 called, I'm assuming?
8 PROSPECTIVE JUROR NO. 077: Yes.
9 THE COURT: And did the matter ever go to court?
10 PROSPECTIVE JUROR NO. 077: No.
11 THE COURT: Okay. Anything else?
12 PROSPECTIVE JUROR NO. 077: Brother with multiple
13 DUIs.
14 THE COURT: Okay. And is that Arizona?
15 PROSPECTIVE JUROR NO. 077: Here.
16 THE COURT: Here. Okay. Are any of those currently
17 pending, or no?
18 PROSPECTIVE JUROR NO. 077: No.
19 THE COURT: Okay. Thank you.
20 Okay. And then as Ms. Ferguson alluded to, the next
21 question I was going to ask all of you was about the testimony of
22 police officers.
23 If anybody of the five of you that I've chatted with believes
24 that you would treat police officers differently in their testimony, or
25 could you treat them the same as any other witness and decide what

1 you thought about their testimony and credibility based on
2 everything in the case? Anybody think you would treat a police
3 officer differently just because they were a police officer?

4 And I'll get back to you in a minute, Ms. Ferguson.

5 How about the other four? Anybody?

6 I see no hands.

7 Okay. Could you go ahead and pass it back on down?

8 So, Ms. Ferguson, you're not alone. We have jurors all the
9 time that say sometimes they say I have really great experiences
10 with the police officers, and I could just never believe that they
11 would do anything wrong. Other people say, I've had really bad
12 experiences, and I think they always do something wrong. And then
13 other times we have people that say, maybe I had really good
14 experiences, maybe I had bad experiences but it has nothing to do
15 with this case. I could be fair and impartial in the case and evaluate
16 whatever I'm going to hear.

17 Where do you fall on the spectrum of those things?

18 PROSPECTIVE JUROR NO. 081: It's clearly not a hundred
19 percent.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 081: It would depend on the
22 people that would come to the stand.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 081: I think you can read
25 people based on where their loyalties lie where they prioritize.

1 THE COURT: Sure.

2 PROSPECTIVE JUROR NO. 081: So it would depend on
3 the people that come to the stand.

4 THE COURT: Okay. So you don't automatically start by
5 saying, I'm going to distrust them. You're going to start with, I'm
6 going to just listen to who they are and watch them and figure out
7 what I think about what they say?

8 PROSPECTIVE JUROR NO. 081: No. I automatically start
9 with I'm going to distrust them.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 081: But if they -- the burden of
12 proof is on them in my mind.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 081: So --

15 THE COURT: Okay. So, yes, I will distrust them from the
16 start, but maybe they can prove to me that they're worthy of being
17 believed?

18 PROSPECTIVE JUROR NO. 081: Yes.

19 THE COURT: Okay. Okay. The next question I had was, of
20 the five of you, do you all believe that you could wait in forming an
21 opinion on whether or not Mr. Woods is guilty or not guilty until
22 after you've heard all the evidence in the case and you go deliberate
23 with your fellow jurors?

24 Anybody could not do that?

25 Ms. Ferguson, what do you got?

1 PROSPECTIVE JUROR NO. 081: It's not the nature of the
2 allegations that bother me.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 081: But it's the simple fact
5 that he chose to defend himself. I feel like unless someone is a
6 practiced lawyer with a winning streak, lots of experience, and a
7 three-year law degree, the only reason they would -- for someone to
8 defend themselves without all of that, it automatically means that he
9 is guilty.

10 THE COURT: Okay. So the fact that he's chosen to defend
11 himself is going to cause you to kind of have a bias against him, and
12 he starts out disfavored to that -- that respect?

13 PROSPECTIVE JUROR NO. 081: Yes.

14 THE COURT: Okay. Understood.

15 How about anybody else on that question? I didn't see
16 any other hands from the other four. No?

17 Okay. In regard to -- and you can hold on to the
18 microphone right now, Ms. Ferguson, in case you're going to answer
19 any of these other questions.

20 Any of the five of you ever had yourselves, family
21 members, or anyone close to you any involvement in any type of
22 domestic violence relationships and/or have restraining orders?

23 Yeah. Can you past it to your left, first. I guess that's
24 closer.

25 Ms. Hendricks.

1 PROSPECTIVE JUROR NO. 078: My sister was an -- or her
2 former husband -- Child Protective Services had to be called in, in
3 their divorce.

4 THE COURT: Okay. Because of issues with the kids or
5 between the adults?

6 PROSPECTIVE JUROR NO. 078: With the kids.

7 THE COURT: With the kids. Okay. And was there
8 restraining orders that were put in place?

9 PROSPECTIVE JUROR NO. 078: At one point, yes.

10 THE COURT: Or maybe a court order?

11 PROSPECTIVE JUROR NO. 078: Court order about the
12 time spent with the kids.

13 THE COURT: With the kids. Understood. And was that
14 here in Las Vegas?

15 PROSPECTIVE JUROR NO. 078: No. That was in Utah.

16 THE COURT: Utah. Thank you.

17 Okay. Could you pass it forward for me. We'll get it over
18 to Ms. Finn.

19 Badge 82, Ms. Finn. Yes, ma'am.

20 PROSPECTIVE JUROR NO. 082: I took a restraining order
21 out against an ex-boyfriend when I was in college.

22 THE COURT: Okay. And in Illinois?

23 PROSPECTIVE JUROR NO. 082: Yes, in Illinois.

24 THE COURT: Okay. And was that based on issues of
25 domestic violence or other issues?

1 PROSPECTIVE JUROR NO. 082: Yeah. And for stalking.

2 THE COURT: Stalking?

3 PROSPECTIVE JUROR NO. 081: Yeah.

4 THE COURT: Okay. Okay. Got it. And I'm not familiar
5 with the process in Illinois. Did you have to go in front of a judge to
6 request a restraining order?

7 PROSPECTIVE JUROR NO. 082: No, I did not. Oh, well, to
8 file it, I didn't. But then to get it --

9 THE COURT: Extended?

10 PROSPECTIVE JUROR NO. 082: Yeah, we did.

11 THE COURT: Okay. So you had to fill out certain
12 paperworks and affidavits, and then they granted it. And then you
13 had to go to court to get it extended?

14 PROSPECTIVE JUROR NO. 082: Correct.

15 THE COURT: Okay. And how long ago are we talking?

16 PROSPECTIVE JUROR NO. 082: Eight, nine years ago.

17 THE COURT: Okay. Thank you.

18 Any of the other five on that question?

19 I see no other hands. Thank you.

20 Anybody other than what may have already been
21 mentioned -- and that would include you, Ms. Ferguson -- anybody
22 have any strong feelings for or against the criminal justice system?

23 I see no other --

24 PROSPECTIVE JUROR NO. 076: I just have a question.

25 THE COURT: No question?

1 PROSPECTIVE JUROR NO. 076: I do.

2 THE COURT: You have a question?

3 PROSPECTIVE JUROR NO. 076: About sort of that.

4 THE COURT: Sure. All right, Ms. Davis.

5 PROSPECTIVE JUROR NO. 076: Again, this is my first time
6 on a jury. So I was under the impression that we're given juror
7 numbers because we are to remain anonymous.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 076: So I've just been very
10 uncomfortable, since yesterday, that my name's been used multiple
11 times.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 076: And I've been very upset
14 about it since yesterday.

15 THE COURT: All right. So when you're seated on a jury,
16 you're assigned a number, which is, you know, one, two, three, up
17 through 14, because we keep 14 jurors.

18 During the court process, we generally just engage with
19 people and are talking to people and have to be able to ascertain
20 who is whom versus a particular number. The information that I get
21 in terms of ID numbers, and all that kind of stuff, that all stays with
22 the court once jury selection process is over. So it's not like it gets
23 disseminated to anybody, and there's no personal identifying
24 information in there. It's just we talk to people by their names.

25 So I'm -- look, I get your concern. And I'm sorry it makes

1 you uncomfortable. It just kind of how to process works here. Okay?
2 Does that cause you the kind of concern that makes you think you
3 can't be fair and impartial here? Or you're just kind of mad at me
4 that that's how --

5 PROSPECTIVE JUROR NO. 076: Possibly. No, no, no. It
6 doesn't have to do with you.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 076: But it's concerning me.
9 Yes.

10 THE COURT: Okay. So the fact that it's been going on for
11 a couple of days, does that make you kind of be, like, well, it's kind of
12 already out there who I am, so I'm okay with it now? Or still not
13 okay with it?

14 PROSPECTIVE JUROR NO. 076: No. I'm still very
15 extremely uncomfortable about it.

16 THE COURT: Got it. All right.

17 Anybody else on the issue of the criminal justice system?

18 And, Ms. Ferguson, I just assumed from your earlier
19 comments that it was your -- your level of distrust of police also
20 probably involved the criminal justice system; true?

21 PROSPECTIVE JUROR NO. 081: Yes.

22 THE COURT: Okay. All right.

23 How about the question I asked everybody earlier today
24 and yesterday about the fact that we go through this process, and
25 we're kind of getting your information, and we do this in a real

1 academic way; right? We're just talking about it. It's not actually
2 having to do it.

3 At the end of the case, when you're called upon to
4 deliberate, that's when you actually have to sit down and work
5 through evidence, discuss things with each other, and come up with
6 reaching a verdict. You cannot, once you get to that point, say, Well,
7 I know we talked about it, but I really don't want to do it now. You
8 have to be willing to go back there and deliberate with your fellow
9 jurors.

10 Any of the five of you feel like that you could not do that?

11 I see no hands. Thank you.

12 I also asked questions of everybody about potentially
13 being involved in a punishment decision. So if and only if
14 somebody is convicted of first-degree murder, then the jury would
15 decide what their punishment should be. And again, there's the
16 three options that are available to the jurors: A 50-year sentence
17 with the minimum of 20 years before parole eligibility; a sentence of
18 life in prison with the minimum of 20 years before parole eligibility;
19 and a sentence of life without the possibility of parole eligibility.

20 Would all of you be able -- or could anybody not consider
21 all three of those options before deciding on someone's
22 punishment?

23 I see no hands.

24 PROSPECTIVE JUROR NO. 081: And Judge, I have a quick
25 question.

1 THE COURT: Sure. Let me get the microphone back to
2 you, Mr. White. Yes.

3 PROSPECTIVE JUROR NO. 081: In that three-tier
4 sentencing structure for first-degree murder --

5 THE COURT: Right.

6 PROSPECTIVE JUROR NO. 081: -- there is, like, in my own
7 particular situation that I related earlier, it was life with the possibility
8 of parole, but there was a deadly weapons enhancement. So after
9 that initial --

10 THE COURT: The jurors don't have any involvement in
11 anything dealing with weapons.

12 PROSPECTIVE JUROR NO. 081: Oh, okay.

13 THE COURT: All you're doing is deciding what the
14 sentence is for the homicide charge, the murder itself.

15 PROSPECTIVE JUROR NO. 081: Okay. Thank you.

16 THE COURT: Yeah. If and only if somebody's convicted of
17 first-degree murder, those are the three options that are available to
18 you, you all, you know, go back and deliberate, decide what you
19 think is appropriate. And then, as I said yesterday, the Court decides
20 sentencing on every other aspect of the criminal justice system in
21 Nevada.

22 PROSPECTIVE JUROR NO. 081: Thank you.

23 THE COURT: Uh-huh.

24 PROSPECTIVE JUROR NO. 057: Actually, I have one quick
25 question regarding --

1 THE COURT: Okay. Get it down Mr. Robbins.

2 Yes, sir.

3 PROSPECTIVE JUROR NO. 057: So is -- for time frame, is
4 the sentencing -- would that be included in the whole two-week
5 period that we're looking at?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NO. 057: Okay.

8 THE COURT: Yes. Which -- and that's a really good
9 question. And I apologize I didn't mention that yesterday. One thing
10 rolls right into another thing. It's not, like, if you all return a verdict
11 for first-degree murder, I say, Okay. Go home and we'll see you back
12 in a month or something.

13 It is -- we start back up as quickly as we can to move into
14 the second phase. So we consider that whole thing when I'm trying
15 to -- when I give you a time estimate about being two weeks.

16 PROSPECTIVE JUROR NO. 057: Okay. Thank you.

17 THE COURT: Yes, sir.

18 Mr. Lane, you got your hand back up again?

19 PROSPECTIVE JUROR NO. 062: Oh, no. I'm sorry.

20 THE COURT: No? Okay. Your hand was up; so I wasn't
21 sure if --

22 PROSPECTIVE JUROR NO. 062: Oh, no. I'm sorry.

23 THE COURT: -- that was a question or not.

24 Okay. All right. And I saw there were -- yeah. One more.
25 There were no hands amongst my five in regard to the question of

1 having any problems with the punishment options.

2 But, yes, ma'am.

3 PROSPECTIVE JUROR NO. 025: This is in regards to the
4 two week. I found out yesterday -- I didn't say anything about the
5 undue hardship because I found out yesterday I wouldn't be paid for
6 the two weeks --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 025: -- and I can't miss out on
9 two weeks of pay.

10 THE COURT: You found out yesterday that you're not
11 going to get paid?

12 PROSPECTIVE JUROR NO. 025: That we're -- that I'm not
13 getting paid at work for jury duty, no.

14 THE COURT: Okay. Where do you work again?

15 PROSPECTIVE JUROR NO. 025: Southwest Autism and
16 Behavioral Solutions.

17 THE COURT: And what did they tell you?

18 PROSPECTIVE JUROR NO. 025: That they're not --
19 there's -- they're not paying me.

20 THE COURT: They're not paying you at all? Not -- I mean,
21 asking you to use time off? Or --

22 PROSPECTIVE JUROR NO. 025: No. They didn't ask me to
23 use time off.

24 THE COURT: Okay. Now, they didn't threaten your job at
25 all?

1 PROSPECTIVE JUROR NO. 025: No, no, no, no.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 025: I'm just not getting paid
4 because I'm not there.
5 THE COURT: And that's Ms. Durna; correct?
6 PROSPECTIVE JUROR NO. 025: Uh-huh.
7 THE COURT: Okay. Badge No. 25.
8 PROSPECTIVE JUROR NO. 025: Yes.
9 THE COURT: Okay. Thank you.
10 Okay. Anybody in the five that I've just been chatting
11 with -- any of you all feel any kind of bias or prejudice related to the
12 fact that one of the charges in this space -- in the case involves an
13 alleged murder?
14 I see no hands.
15 Do any of you know anybody -- family members, close
16 family members, close friends -- who has been killed by the criminal
17 conduct of somebody else?
18 I see no hands. Thank you.
19 Do any of you all have any feelings of bias or prejudice
20 against the issue of interracial relationships?
21 I see no hands.
22 Any of the five of you have close family members or
23 friends who are involved in interracial relationships?
24 I see no hands amongst those five people.
25 PROSPECTIVE JUROR NO. 077: I --

1 THE COURT: Yep, Mr. Reinhardt. Yeah. Why don't you
2 go ahead and pass it down.

3 This is just yes, I have some friends or family members?

4 PROSPECTIVE JUROR NO. 077: Yes. I do, yes.

5 THE COURT: Okay. Got it. Thank you.

6 Do any of you believe that someone is automatically guilty
7 just because they've been arrested and charged with a crime?

8 I see no hands. Thank you.

9 Anybody have any views on the defense having no burden
10 in the case, meaning that the State has the burden of proving
11 beyond a reasonable doubt the elements of each of the crimes
12 charged and the defense has no burden of proof. So they do not
13 have to prove anything to you; they do not have to call witnesses or
14 produce evidence.

15 Anybody have any issue with that?

16 I see no hands.

17 Anybody have any issue with the fact that a criminal
18 defendant does not have to testify, cannot be compelled to testify?

19 I see no hands. Thank you.

20 Anybody disagree with the statement that police officers,
21 like any other witnesses, are human and they can make mistakes?

22 I see no hands.

23 Anybody have any disagreement with the statement that
24 police officers could potentially do inappropriate things with
25 evidence in a case?

1 I see no hands.

2 Anybody have any disagreement with the statement that
3 witnesses sometimes could lie or not be honest or falsely accuse
4 people of things?

5 I see no hands. Thank you.

6 Okay. I tell you what, let's take a break before we continue
7 on. I might try and get a little more done before we actually break
8 for lunch. But I won't get you too -- too much further past noon
9 because it's already noon.

10 But we're going to take a recess right now for about 10 or
11 15 minutes. During the recess, you are admonished not to talk or
12 converse among yourselves or with anyone else about any subject
13 connected with the trial, or read, watch, or listen to any report of or
14 commentary on the trial by any medium of information, including,
15 without limitation, a newspaper, television, the Internet, and radio,
16 or form or express any opinion on any subject connected with the
17 case until it's finally submitted to you. No legal or factual research,
18 investigation, or social media communication on your own please.

19 Again, you can leave whatever you want in your chairs.
20 You'll come back to those chairs. Okay? So if you could all just step
21 outside right now. Appreciate it.

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

23 THE COURT: Okay. So this morning we questioned the
24 eight folks, as well as the five that were replaced the seats that were
25 excused yesterday based on Mr. Woods's challenges.

1 So in regard to those 13 people, the State have any
2 challenges?

3 MS. FLECK: To the new people that came in?

4 THE COURT: Yeah. The ones that we questioned today.
5 So --

6 MS. FLECK: So --

7 THE COURT: -- you guys didn't have any challenges to the
8 first 24 yesterday.

9 MS. FLECK: No.

10 THE COURT: And then so just this eight behind.

11 MS. FLECK: The only thing from yesterday that I'll remind
12 us -- the Court -- that we were going to talk to Ms. Donmore again.

13 THE COURT: Yeah.

14 MS. FLECK: The defendant hadn't challenged that.

15 THE COURT: Yeah.

16 MS. FLECK: And just real quick on that, looking back on
17 my notes, I do think that she may have been similarly situated to
18 other people that we have excused, so --

19 THE COURT: Okay.

20 MS. FLECK: -- I will submit it on that --

21 THE COURT: Okay.

22 MS. FLECK: -- given that that was the defendant's request.

23 THE COURT: So, Mr. Woods, are you still challenging Ms.
24 Donmore then?

25 THE DEFENDANT: Yeah. No, I know. I was just -- I was

1 just thinking she didn't want to get rid of her yesterday, but
2 something -- all of a sudden wants to get rid of her.

3 MS. FLECK: Well, so --

4 THE COURT: Look, all she's saying is she went back and
5 read through the notes yesterday, and so she's not going to object to
6 your challenge.

7 And I'm just asking, Are you still challenging her?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. So we'll excuse Ms. Donmore.

10 MS. FLECK: I think that Mr. Lane, based upon the personal
11 situation that he went through, expressed that he would have a very
12 difficult time emotionally sitting on this case, and it sounded pretty
13 traumatic just hearing it. So we would have no opposition to him.

14 THE COURT: Okay.

15 MS. FLECK: I think that Ms. Ferguson has said negative
16 things for both the State and the defendant, the last, most
17 specifically, was that he is already guilty because he's defending
18 himself; so I think she's an inappropriate juror.

19 THE COURT: Okay.

20 MS. FLECK: Ms. Davis, we didn't really -- I didn't really get
21 a strong sense of how much she couldn't be fair. But she did say,
22 based upon the fact that her name has been used, she said I can't be
23 fair.

24 THE COURT: Okay.

25 MS. FLECK: Otherwise, I think that she, you know, would

1 be a good juror for everybody. But I don't know how much that's
2 weighing on her.

3 THE COURT: Yeah. I'm probably going to go back and
4 talk to her a little more. I may just bring her in outside the presence
5 of everybody else.

6 MS. FLECK: Okay. And then the last one was Ms. Durna.
7 What number is --

8 THE COURT: Durna is Badge No. 25, who says that now --
9 that she won't be paid for being here for two weeks.

10 MS. FLECK: Oh, yeah. So I wasn't sure what we were
11 going to do about that. She didn't --

12 THE COURT: Yeah. I mean I'd probably let her go
13 because that sometimes happens. An employer doesn't have to pay
14 their employees. Unfortunately, the policies are really varied here in
15 Nevada. So they can just tell an employee I'm not going to fire you,
16 but you don't get paid while you're here.

17 Okay. Mr. Woods, any challenges that you have to add to
18 what the State has just listed?

19 THE DEFENDANT: No. I wouldn't mind Lane and Davis
20 being excused.

21 THE COURT: Okay. Okay.

22 THE DEFENDANT: But I think -- despite what she said, I
23 think Ferguson would be a good juror just for the simple fact that I
24 think if she knew I didn't -- I don't feel like I chose to defend myself. I
25 feel like I was forced to defend myself, I think she'd have a different

1 outlook on that, so I want to hear a little more from her.

2 THE COURT: Well, we don't go into that.

3 THE DEFENDANT: No. I didn't say we had to go into that.
4 I'm just saying, it'll come out in the trial.

5 THE COURT: Well --

6 THE DEFENDANT: So I think --

7 THE COURT: No.

8 THE DEFENDANT: -- if she's a juror then.

9 THE COURT: The only thing the jury knows is that you
10 chose to represent yourself. That's why you're acting as the
11 attorney. We don't go into the trial -- you don't get an opportunity to
12 go tell jurors that I was forced to do this. I mean, that's not a part of
13 the trial.

14 THE DEFENDANT: I know. I'm not going to say that to
15 them specifically, but I can see that coming up, because --

16 THE COURT: Well, I'm telling you --

17 THE DEFENDANT: -- I didn't choose to --

18 THE COURT: -- it's not going to come up.

19 How do you think it would come up? That is a pretrial
20 issue that is not coming up in front of the jury.

21 You don't go tell the jury that the judge forced me, the
22 system forced me, I don't want to represent myself.

23 You've chosen to represent yourself and that's all the jury
24 knows by way of explanation to them as to why you're the attorney.

25 THE DEFENDANT: All right. Well, I didn't choose to

1 represent myself. I was forced to represent myself, so --

2 THE COURT: Okay. Well, we'll just --

3 THE DEFENDANT: -- That's our difference of opinion right
4 there.

5 THE COURT: We're going to agree to disagree about that.

6 THE DEFENDANT: Okay.

7 THE COURT: But what I'm telling you is you're not going
8 to be talking about that to the jury in any way.

9 Okay. But did you have any challenges other than the
10 ones that we've been talking about?

11 THE DEFENDANT: No. But if that's comes up, I can't
12 speak on it? Not me bringing it up. If it comes up --

13 THE COURT: Well, I don't know how that would come up.
14 But if something is coming up that you believe allows you to talk to a
15 witness or anybody about that issue, then we need to talk about it
16 outside the presence of the jury first. But I can't imagine how that's
17 going to come up. So --

18 Okay. I -- well, Mr. Woods challenged Ms. Donmore. The
19 State has agreed. So I'll excuse her.

20 The State indicated the belief that Mr. Lane should be
21 excused. Mr. Woods agreed. So we'll excuse Mr. Lane.

22 What about Ms. Durna that the State brought up this
23 morning? She's the lady at the very end that said, I just found out I
24 won't get paid. Do you have a position as to her?

25 THE DEFENDANT: I kind of thought that was funny. She

1 said she didn't think she was going to get paid for being a juror? Is
2 that what she was saying?

3 THE COURT: No, no, no. Her employer.

4 THE DEFENDANT: Or her job?

5 THE COURT: She didn't find out until she checked with
6 her employer after court that their employer policy is they won't pay
7 her to be here during jury duty.

8 THE DEFENDANT: I don't want nobody not to get -- you
9 know what I mean?

10 THE COURT: Well --

11 THE DEFENDANT: I wouldn't want to take from nobody's
12 livelihood or --

13 THE COURT: Understood. Understood. I'm going to go
14 ahead and excuse her.

15 I mean, if we had a two- or three-day trial, and people tell
16 me that they're not going to be paid, that's one thing. I think it's a
17 substantial hardship on somebody to go without pay from their
18 employer for a two-week period, particularly in light of the type of
19 work that she indicated that she does. And I think that financial
20 burden would be more than I think is appropriate to ask.

21 So I'll go ahead and excuse her.

22 Ms. Ferguson, I'm going to go ahead and excuse. I know
23 Mr. Woods isn't agreeing to that. But I think the totality of what Ms.
24 Ferguson has said causes me to believe that she would not be an
25 appropriate juror and would not be fair and impartial potentially to

1 both sides in the case.

2 She was unequivocal about what she was saying, her
3 concerns what the police officers are. And as much as I tried to kind
4 of rehabilitate that, she stayed on the, I look at them with disfavor;
5 they start out lower and would have to earn my trust. As opposed to
6 everybody starts out the same, and I listen to what they have to say
7 and decide what I think about them. As well as her very clear
8 statements that she believes that Mr. Woods is guilty based upon the
9 fact that he has chosen to represent himself. So I am going to
10 excuse her.

11 And then JR, can you get Ms. Davis and just bring her
12 back in here real quick?

13 A what? Credentials? Why would I want to see his
14 credentials?

15 MS. FLECK: He's the pilot.

16 MR. ROGAN: He's the pilot.

17 THE COURT: Yeah. But why do I need his pilot
18 credentials?

19 MR. ROGAN: He said he wanted to show them to you.

20 THE COURT: Okay.

21 MS. FLECK: I mean I'm curious.

22 THE COURT: Yeah. Okay. Just give me Ms. Davis please.
23 He didn't say anything about having a -- it would be here.

24 MS. MURRAY: No. He's the one that sat on the coroner's
25 inquest.

1 THE COURT: Ms. Davis, you can grab just a seat wherever
2 you want up there, no particular place.

3 PROSPECTIVE JUROR NO. 076: Okay.

4 THE COURT: So I just wanted to give you an opportunity
5 to talk a little more about your discomfort without everybody else
6 being around.

7 You're not the first person that's ever expressed this.
8 Okay? So please, please don't feel like I'm picking on you or you're
9 all alone or anything like that. But I want to be able to assure you, as
10 much as I can, that despite your discomfort, I don't think there's a
11 reason that you have anything to fear or be uncomfortable about.

12 I know that that's a rational response that people have.
13 But I can assure you that -- and I've been doing this for 30 years --
14 that despite your not liking the idea of referring to you by name,
15 you're perfectly [indiscernible]. But tell me anything more that you
16 want to.

17 PROSPECTIVE JUROR NO. 076: I just -- I'm a single mom.
18 It just makes me uncomfortable. I fear for my own safety. I just do.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 076: It's something I felt since
21 yesterday. I didn't bring it up.

22 THE COURT: Fear for your safety here?

23 PROSPECTIVE JUROR NO. 076: Yes.

24 THE COURT: Okay. Or outside of the courthouse?

25 PROSPECTIVE JUROR NO. 076: Just -- personally, the fact

1 that the defendant knows my full name and information about me
2 makes me very uncomfortable.

3 THE COURT: Okay. And that level of discomfort would
4 cause you to what?

5 PROSPECTIVE JUROR NO. 076: I can't say right at this
6 moment. I don't know.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 076: It just makes me -- I didn't
9 sleep well last night. I was very upset. Obviously, safety is my
10 utmost concern for myself and my child --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 076: -- because it's just us.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 076: But it just made me --
15 sorry -- it just made me very uncomfortable.

16 THE COURT: Okay. So I don't want to put -- put words in
17 your mouth. But my sense would be that if somebody says, I'm
18 really uncomfortable about the defendant having my personal
19 information, my sense would be you're kind of prejudiced against
20 the defendant.

21 PROSPECTIVE JUROR NO. 076: I don't mean --

22 THE COURT: And by prejudiced, I'm not talking about race
23 or anything, just meaning I don't -- if you're uncomfortable with the
24 defendant having your personal information, that you might feel
25 more bias against that side. Kind of like, well, I don't like the fact

1 that they've got my information, so I'm more likely to convict them
2 to solve that? Or no?

3 PROSPECTIVE JUROR NO. 076: No. I -- well, the opposite.
4 I don't want them to be convicted because I don't want them to think
5 I put them in jail.

6 THE COURT: Okay. All right. So your discomfort is more
7 disfavoring the State because you'd be -- because you're worried
8 about the defense, you don't want to make them madder or
9 something by --

10 PROSPECTIVE JUROR NO. 076: I mean, it might sound
11 ridiculous maybe, but yes.

12 THE COURT: Okay. So in any event, your discomfort is
13 something that you think is going to make you unable to be fair and
14 impartial?

15 PROSPECTIVE JUROR NO. 076: Possibly.

16 THE COURT: Okay. All right.

17 PROSPECTIVE JUROR NO. 076: I mean, in this scenario.

18 THE COURT: Possibly is a word that when it gets used, I
19 got to dig a little deeper.

20 PROSPECTIVE JUROR NO. 076: In this scenario, yes.

21 THE COURT: Okay. All right. And I apologize.

22 PROSPECTIVE JUROR NO. 076: Just being honest.

23 THE COURT: It's just that when -- no, no, no. I want you
24 to be absolutely honest. I don't want people to shape an answer
25 because I'm asking; right?

1 PROSPECTIVE JUROR NO. 076: No.

2 THE COURT: I mean, we have to ask you prospectively,
3 when you're deliberating, right, is this going to cause you a problem
4 where you're thinking about this and, therefore, not being fair to
5 both sides in your deliberation because you're worried about your
6 level of discomfort and fear?

7 PROSPECTIVE JUROR NO. 076: Especially when it comes
8 to something of someone's being put away for life.

9 THE COURT: Okay. Okay. All right. I appreciate it. Thank
10 you very much.

11 PROSPECTIVE JUROR NO. 076: You're welcome.

12 THE COURT: You can go ahead and step back outside.
13 Okay. I take it you're still challenging her, Mr. Woods?

14 THE DEFENDANT: Yeah.

15 THE COURT: Yes? Okay. State, anything further?

16 MS. FLECK: No. We would agree.

17 THE COURT: All right. We'll go ahead and excuse her as
18 well.

19 So here's what we'll do, JR, you can go ahead and send
20 them to lunch. But you can excuse -- you got your pen? Ferguson,
21 which is Badge No. 81; and then Davis, Badge No. 76; Lane, Badge
22 No. 62; Durna, Badge No. 25; and Donmore, Badge No. 24.

23 Okay. And then just tell them that we're going to start
24 back up around 1:15. They can come back up to the courtroom. I
25 don't want them going back to Jury Services since Mariah got all

1 bummed about that.

2 Okay. And just so you all know since we're going into the
3 afternoon with jury selection, my plan would be that we get our jury
4 selected. And then we can have discussions about evidence and all
5 that. And then we'll just start tomorrow with opening statements
6 and whatever else is --

7 MS. FLECK: Okay. That's perfect. Thank you.

8 THE COURT: All right. Okay. Go to lunch. And I'll see
9 you back in an hour, guys.

10 MS. FLECK: Are we going to bring Cawthon in or just --

11 THE COURT: Pardon. No. I mean I --

12 MS. FLECK: Okay.

13 THE COURT: I'll ask JR again, and we can talk to him
14 when we come back this afternoon. I'm not --

15 MS. FLECK: Okay.

16 MR. ROGAN: I think he just wants to that he's some sort
17 of law enforcement officer for airlines.

18 THE COURT: Well, I think he mentioned something about
19 being involved with air marshals.

20 MS. FLECK: He said he was a deputized air marshal.

21 THE COURT: Yeah.

22 MR. ROGAN: Yeah.

23 THE COURT: I don't know why he needs to show me his
24 credentials.

25 MS. FLECK: Everyone is always looking for your

1 validation. I mean, you know, that's just what I've seen.

2 THE COURT: Right.

3 MS. FLECK: Right.

4 THE COURT: True. I guess. The people who I have no
5 interest in validating are the ones that are interested in being
6 validated. My kids couldn't care.

7 [Recess taken from 12:04 p.m., until 12:05 p.m.]

8 MS. MURRAY: Can we -- can he just have a moment when
9 we return then, to ask a question before the jury comes in? Oh, it's
10 good now.

11 THE COURT: Go ahead.

12 THE DEFENDANT: Okay. I believe you're going to tell me
13 feel like you did, but I thought that you could've -- the question that I
14 raised earlier --

15 THE COURT: Okay.

16 THE DEFENDANT: -- I thought it could have been more -- I
17 hear a lot of the other questions asked a lot over and over again, so
18 it's the -- but that one question about the false allegation, you put it
19 in a way that it's not saying, Do you feel like -- what is your opinion
20 about somebody falsely, you know --

21 THE COURT: Okay. You're talking about --

22 THE DEFENDANT: Only accusing --

23 THE COURT: Your Question No. 9 that you proposed was,
24 Do you believe someone who falsely accuses another should be
25 punished? That's the question we're talking about?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And what I had said yesterday was
3 that the issue of whether they should be punished or not is irrelevant
4 to anything that the jury is considering. So I was going to revise the
5 question -- I would still ask it just to make sure people believe that,
6 you know, witnesses, police officers, lay witnesses, whomever can
7 falsely accuse people of things.

8 What their opinion is of the people that would do that is
9 not relevant to anything. The idea is just that you get people that are
10 open-minded and realize that -- that witnesses in the case maybe are
11 lying, maybe they're telling the truth, maybe they're falsely accusing.
12 As opposed to somebody that says, Oh, no. I believe people always
13 tell the truth. And everybody that comes into court is going to tell
14 the truth.

15 So if somebody would have raised their hand to say, No, I
16 disagree with that. I think everybody tells the truth all the time, then
17 we would be having more of a conversation. But everybody agreed
18 that police officers can lie, witnesses can falsely accuse people,
19 police officers could do inappropriate things with evidence -- I mean
20 they're all open to those possibilities, so there's not really anything
21 to follow up on.

22 I generally don't repeat any of the questions, other than
23 I'm talking to this group and now I'm talking to that group. Unless
24 somebody raises their hand, and then you have to dig down with
25 them about why they're raising hand. But I don't ask the same

1 question, you know, over and over again to the same group of
2 people.

3 I mean, if they don't have a response to it, they don't have
4 a response. So --

5 THE DEFENDANT: I was fine with, like, revising the
6 punishment part. I had no problem with that. But I thought it would
7 have been revised more.

8 THE COURT: To ask them what they thought of those
9 people?

10 THE DEFENDANT: Like if you asked the opinion on other
11 questions.

12 THE COURT: Like what?

13 THE DEFENDANT: So I thought that may --

14 THE COURT: What other questions?

15 THE DEFENDANT: Like the -- I mean -- I mean, I'm
16 thinking about so much I can't just say it right offhand, but --

17 THE COURT: Okay. Well, some questions have multiple
18 parts to it. Like when I say, Does anybody have any issue with the
19 fact that the defense has no burden of proof? And there's no hands
20 being raised. And I say so that includes the fact that the State is the
21 one that has the burden of proof. No hands are being raised. And
22 what about the fact that the defendant does not have to testify?

23 So all those things are kind of part and parcel of that. But
24 that's one that I'm not just going to ask generally --

25 THE DEFENDANT: Okay. Now that you're saying --

1 THE COURT: -- I'm going to make sure that everybody
2 hears every part of that.

3 THE DEFENDANT: Now that you said that, this is one that
4 what I feel like is kind of repetitive. You asked, like, Have any of you
5 been, like, victims of a sexual crime? Have anybody you know been
6 victims of sexual crimes?

7 THE COURT: Okay.

8 THE DEFENDANT: And then it's like sexual crimes is
9 asked multiple times.

10 THE COURT: Well, but that's multiple -- those are multiple
11 levels; right? Have you or anyone close to you been the victim of a
12 crime, including any kind of sexual offense, including things that
13 weren't even reported to the police?

14 So you don't want to make it just singular to the person
15 because, let's say, you've got a person that you say, Have you ever
16 been the victim of a crime? And they say no. But it turns out that
17 five family members have been sexually abused. You're going to
18 want to know that; right? You're your attorney. You're going to
19 want to know that. How does that impact, you know, how I choose
20 this jury? I may not want somebody that's family members have all
21 been molested. But if I don't ask you and somebody close to you,
22 then we can't get both parts of that.

23 THE DEFENDANT: So can my question be multiply asked?
24 Like have you ever been falsely accused? Or do you know of anyone
25 else who has ever been falsely accused of a crime?

1 THE COURT: I can -- yeah. I can ask that.

2 THE DEFENDANT: That's kind of where I was going with
3 it.

4 THE COURT: Okay. I mean that's not what your question
5 was, but that's a reasonable question.

6 THE DEFENDANT: Okay.

7 THE COURT: So I'll ask that with the group once we get
8 back, whether any of them or anyone close to them has ever been
9 falsely accused of any kind of crime. Okay.

10 THE DEFENDANT: I appreciate it.

11 THE COURT: All right.

12 MS. MURRAY: And then just a logistical matter, when I
13 come up and give you his questions like that on the bench --

14 THE COURT: Right.

15 MS. MURRAY: -- you're recording; right?

16 THE COURT: Yeah.

17 MS. MURRAY: So I don't need to, like, make records later.

18 THE COURT: No. The bench conferences are always
19 recorded.

20 MS. MURRAY: All right. I just want to make sure since he
21 isn't privy to my --

22 THE COURT: I mean, my plan is to avoid bench
23 conferences during the trial, though, obviously.

24 MS. MURRAY: Right.

25 THE COURT: Because I don't want to treat anybody any

1 differently. So if we ever need to do things we're going to have to
2 go outside the presence or make records when we go outside the
3 presence.

4 So I'll just ask, like, if somebody raises an objection, and
5 just -- if I know what the objection is right away and know what the
6 ruling is, I'm going to rule. If I need a response, I'll ask for a
7 response. But not speaking objections and responses. It's just
8 objection, hearsay; objection, you know, hearsay; and the response
9 is Present State impression, or presence in suppression or whatever
10 it is. And we'll move on. And we'll make records outside the
11 presence when we need to.

12 MS. MURRAY: Oh, yeah.

13 THE DEFENDANT: Thank you.

14 THE COURT: Okay.

15 MS. MURRAY: Thanks for waiting for us.

16 THE COURT: All right. No problem.

17 [Recess taken from 12:10 p.m., until 1:30 p.m.]

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

19 THE COURT: -- jurors here that we got Marc Randazza.

20 MR. ROGAN: Oh, no.

21 MS. MURRAY: You know who else had jury duty today?
22 We could have had Will Ewing in here today.

23 THE COURT: Oh, really?

24 MS. MURRAY: Yeah.

25 THE COURT: So Marc Randazza is a first amendment

1 attorney.

2 MS. MURRAY: Yes.

3 THE COURT: I can't -- he may be under sanction right
4 now.

5 MS. FLECK: Oh, boy.

6 THE COURT: I thought I heard something where he got
7 sanctioned or something.

8 MR. ROGAN: I think I had him as a victim once too.

9 THE COURT: Anyways so he's an attorney. I recognize
10 that one.

11 MS. FLECK: So we will only --

12 THE COURT: I'm not going deal with them yet until we get
13 through the other five.

14 MS. FLECK: Yes, yes.

15 THE COURT: And then if we still need more people, then
16 I'll go and get them up to speed and start with them.

17 MS. FLECK: Perfect.

18 THE COURT: Okay? All right. So why don't you just
19 move all the existing people forward. Okay? And then you can put
20 our 20 over here on the left. Okay?

21 All right. Anybody have anything outside the presence?

22 MS. FLECK: Not from the State.

23 THE COURT: No?

24 THE DEFENDANT: No.

25 THE COURT: Okay. You can bring them in.

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[Pause in the proceedings.]

[In the presence of the prospective jury panel.]

THE COURT: You guys can be seated. Thank you.

All right. We'll be on the record. Mr. Woods is here, with Ms. Murray acting as standby counsel. The State's attorneys are present. Our projective jurors are present.

We're going to continue on with our jury selection process.

Before we do that, though, welcome to the 20 of you to my left. I will tell you that I'm not going to go into everything with you right now until we finish up with some of the folks that we have from our first group of folks here. But we're in the second day of picking a jury. It may be that we don't need you, but I had Jury Services send us some extra folks up here in case we do. Once I finish up the questioning of the remaining five people from my first panel, I'll get you all up to speed on everything that we've been doing, go through some questions with you all, and then kind of place you, if I need to, over here with the group of the other folks. Okay?

So just kind of pay attention to what's going on. Some of the questions may be similar, if and when you get to this side of the room. But otherwise you can just kind of hang out quietly and be thankful that you're not answering questions right now; right? Yes? Okay.

All right. When we left off, we had excused a few people, so we need to get those seats filled first, those five seats. So that's

1 going to involve who do we got?

2 THE CLERK: 084, Cynthia Ambre.

3 THE COURT: So, Ms. Ambre, if you can come on up and
4 take the seat on the top row, third from the right.

5 Mr. Hughes, Badge 86, next seat there in the middle of
6 those three.

7 Mr. Antonucci, Badge 91, that third seat up there.

8 Ms. Martinez, Badge No. 100. It's going to be the seat in
9 the middle row here.

10 And then finally, Ms. Mathews, Badge 103, will take the
11 seat that Mr. Lane vacated there on the end of that row. Thank you.

12 And can we get the microphone up there, if we could
13 please, to Ms. Ambre?

14 Cynthia, how you doing?

15 PROSPECTIVE JUROR NO. 084: I'm great. Thank you.

16 THE COURT: Am I pronouncing your last name right? Is it
17 Ambre?

18 PROSPECTIVE JUROR NO. 084: Ambre.

19 THE COURT: Ambre. Okay. I'm sorry. So, Ms. Ambre,
20 how long have you lived here?

21 PROSPECTIVE JUROR NO. 084: Born and raised.

22 THE COURT: And what's your level of education?

23 PROSPECTIVE JUROR NO. 084: A bachelor's in science in
24 accounting.

25 THE COURT: Okay. And what type of work do you do?

1 PROSPECTIVE JUROR NO. 084: I'm an internal auditor.
2 THE COURT: Are you married?
3 PROSPECTIVE JUROR NO. 084: Yes.
4 THE COURT: And what type of work does your spouse
5 do?
6 PROSPECTIVE JUROR NO. 084: He's in technology and
7 telemetry.
8 THE COURT: Do you all have children?
9 PROSPECTIVE JUROR NO. 084: Yes.
10 THE COURT: How many? And how old are they?
11 PROSPECTIVE JUROR NO. 084: Four. 50, 49, 39, and 36.
12 THE COURT: Grand kids?
13 PROSPECTIVE JUROR NO. 084: 11.
14 THE COURT: Eleven? Ding, ding, we got a winner.
15 Eleven. What's their age range? You can write it down on, like Ms.
16 Ballinger did.
17 PROSPECTIVE JUROR NO. 084: I'll do my best.
18 THE COURT: Just between this and this.
19 PROSPECTIVE JUROR NO. 084: Between 28 and 8.
20 THE COURT: Oh, okay. Big range. Okay. Have you ever
21 been a juror before?
22 PROSPECTIVE JUROR NO. 084: No.
23 THE COURT: Okay. Thank you very much.
24 Could you pass that to your right, please, to Mr. Hughes,
25 Badge No. 086.

1 Mr. Hughes, how long have you lived here?
2 PROSPECTIVE JUROR NO. 086: Ten years in May.
3 THE COURT: And what's your level of education?
4 PROSPECTIVE JUROR NO. 086: Master's degree.
5 THE COURT: What type of work do you do?
6 PROSPECTIVE JUROR NO. 086: I'm an accountant.
7 THE COURT: Are you married?
8 PROSPECTIVE JUROR NO. 086: No.
9 THE COURT: Any children?
10 PROSPECTIVE JUROR NO. 086: No.
11 THE COURT: Ever been a juror?
12 PROSPECTIVE JUROR NO. 086: No.
13 THE COURT: Okay. See how easy that was.
14 Would you pass it on to Mr. Antonucci for me?
15 Mr. Antonucci, how long have you lived here?
16 PROSPECTIVE JUROR NO. 091: Ten years.
17 THE COURT: Your level of education?
18 PROSPECTIVE JUROR NO. 091: Master's.
19 THE COURT: And what type of work do you do?
20 PROSPECTIVE JUROR NO. 091: Pastor.
21 THE COURT: Oh, you told me about that.
22 Were you able to get everything worked out okay, in terms
23 of the Golden Knights issue?
24 PROSPECTIVE JUROR NO. 091: I'll cancel it, yeah. If I
25 can't be there tomorrow, I'll cancel it.

1 THE COURT: Okay. And what time would you need to
2 leave to be there tomorrow?

3 PROSPECTIVE JUROR NO. 091: You mean for the
4 wedding on Friday?

5 THE COURT: No, no, no. Not the Friday.

6 PROSPECTIVE JUROR NO. 091: Oh, it's at 10:00.

7 THE COURT: At 10 a.m.?

8 PROSPECTIVE JUROR NO. 091: Yeah.

9 THE COURT: Oh, okay. So tomorrow was the day we're
10 not starting until 1:00.

11 PROSPECTIVE JUROR NO. 091: Oh.

12 THE COURT: So are you okay?

13 PROSPECTIVE JUROR NO. 091: Yeah.

14 THE COURT: Okay. And then Friday, I think we discussed,
15 so long as we break by maybe 4:30, which I'm sure your fellow
16 jurors probably aren't going to object to on a Friday, then you can
17 get to the wedding? Yes?

18 PROSPECTIVE JUROR NO. 091: I think so, yeah.

19 THE COURT: Okay. I'm trying to draw into my religious
20 background to see if it's going to sound stupid to ask if you're
21 married or not.

22 PROSPECTIVE JUROR NO. 091: Yes.

23 THE COURT: But I can't remember. Yes?

24 PROSPECTIVE JUROR NO. 091: Yep.

25 THE COURT: Okay. What type of work does your spouse

1 do?

2 PROSPECTIVE JUROR NO. 091: She's a therapist, mostly
3 marriage and family counselling.

4 THE COURT: Thank you. Children?

5 PROSPECTIVE JUROR NO. 091: Two, 19 and 17.

6 THE COURT: Thank you. Ever been a juror before?

7 PROSPECTIVE JUROR NO. 091: No.

8 THE COURT: Okay. Appreciate it.

9 Will you pass it -- we're going to Ms. Martinez here in
10 front. Thank you.

11 Ms. Martinez is Badge No. 100. Ms. Martinez, how long
12 have you lived here?

13 PROSPECTIVE JUROR NO. 100: 40 years.

14 THE COURT: Pardon?

15 PROSPECTIVE JUROR NO. 100: 40 years.

16 THE COURT: And your level of education?

17 PROSPECTIVE JUROR NO. 100: High school.

18 THE COURT: What type of work do you do?

19 PROSPECTIVE JUROR NO. 100: I'm a Titan Operator for
20 Teamsters Union.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR NO. 100: Yes.

23 THE COURT: And what type of work does your spouse
24 do?

25 PROSPECTIVE JUROR NO. 100: He drives trucks.

1 THE COURT: Children?
2 PROSPECTIVE JUROR NO. 100: Two.
3 THE COURT: How old are they?
4 PROSPECTIVE JUROR NO. 100: 29 and 37.
5 THE COURT: Any grand kids?
6 PROSPECTIVE JUROR NO. 100: Yes. Seven of them.
7 THE COURT: And ever been a juror before?
8 PROSPECTIVE JUROR NO. 100: Yes.
9 THE COURT: How many times?
10 PROSPECTIVE JUROR NO. 100: Once I was a juror.
11 THE COURT: Once? Okay. We've gone through this on
12 some other occasions, but once actually selected. How long ago
13 was it that you were a juror?
14 PROSPECTIVE JUROR NO. 100: It was between two and
15 three years ago.
16 THE COURT: Okay. Here in Las Vegas?
17 PROSPECTIVE JUROR NO. 100: Yes.
18 THE COURT: Civil or criminal case?
19 PROSPECTIVE JUROR NO. 100: Criminal.
20 THE COURT: And do you remember the nature of the
21 charges?
22 PROSPECTIVE JUROR NO. 100: Embezzlement.
23 THE COURT: Did the jury reach a verdict?
24 PROSPECTIVE JUROR NO. 100: Yes.
25 THE COURT: And were you the foreperson?

1 PROSPECTIVE JUROR NO. 100: No.
2 THE COURT: Okay. Thank you.
3 And if you could pass it forward for me, we'll get it to Ms.
4 Mathews on my front row. Or no. I'm sorry. Not forward.
5 JR, I need you to grab it. Ms. Mathews is on the other
6 row.
7 Ms. Mathews, how are you?
8 PROSPECTIVE JUROR NO. 103: Good. How are you?
9 THE COURT: I'm doing well. Thank you. How long have
10 you lived here?
11 PROSPECTIVE JUROR NO. 103: 32 years.
12 THE COURT: What's your level of education?
13 PROSPECTIVE JUROR NO. 103: Associate.
14 THE COURT: And what type of work do you do?
15 PROSPECTIVE JUROR NO. 103: A nurse.
16 THE COURT: In an office setting, hospital setting?
17 PROSPECTIVE JUROR NO. 103: Hospital, mother/baby.
18 THE COURT: Mother/baby. Okay. Have you ever worked
19 in other than OB/GYN nursing?
20 PROSPECTIVE JUROR NO. 103: No.
21 THE COURT: No. Are you married?
22 PROSPECTIVE JUROR NO. 103: Yes.
23 THE COURT: And what type of work does your spouse
24 do?
25 PROSPECTIVE JUROR NO. 103: He's the manager at the

1 Orleans.

2 THE COURT: Children?

3 PROSPECTIVE JUROR NO. 103: Yes.

4 THE COURT: How many?

5 PROSPECTIVE JUROR NO. 103: Two.

6 THE COURT: And how old are they?

7 PROSPECTIVE JUROR NO. 103: 14 and 17.

8 THE COURT: Thank you. Have you ever been a juror
9 before?

10 PROSPECTIVE JUROR NO. 103: No.

11 THE COURT: Okay. In terms of the question that I've
12 asked everybody, we'll start with -- and you can just hold onto the
13 microphone right now -- but I'll get it back to the other side of the
14 room.

15 But have you or anyone close to you ever been the victim
16 of any kind of crime, whether it was a sexual nature or otherwise?

17 PROSPECTIVE JUROR NO. 103: No.

18 THE COURT: Have you or anyone close to you ever been
19 accused of, arrested, charged with any kind of crime, sexual offense
20 or otherwise?

21 PROSPECTIVE JUROR NO. 103: No.

22 THE COURT: Okay. How about the four of you over here
23 that I just chatted with? Anybody -- is there positive on any of those?

24 Okay. Why don't we go ahead and get it back over here.
25 And then we'll work backwards from that.

1 So who are we starting with? Mr. Hughes?

2 Ms. Ambre, did you have your hand up or no?

3 PROSPECTIVE JUROR NO. 103: Yes.

4 THE COURT: Oh, you did? Okay. Ladies first. Sorry,
5 Mr. Hughes.

6 All right. Ms. Ambre, let's start with the question of being
7 a victim of any kind of crime, you or anyone close to you.

8 PROSPECTIVE JUROR NO. 084: My grandmother was
9 robbed at gunpoint and beaten.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 084: She did not report it
12 because he threatened to kill her family. It was someone she knew.

13 THE COURT: Okay. And was that -- did she live here in
14 Nevada?

15 PROSPECTIVE JUROR NO. 084: Yes.

16 THE COURT: And how long was that?

17 PROSPECTIVE JUROR NO. 084: About 20 years ago.

18 THE COURT: Okay. Anything other than that?

19 PROSPECTIVE JUROR NO. 084: I was the victim of identity
20 theft. And I was robbed last year while we were sleeping and my car
21 was stolen.

22 THE COURT: Okay. Car was stolen at the same time your
23 home was burglarized?

24 PROSPECTIVE JUROR NO. 084: Uh-huh.

25 THE COURT: Were the police called in that event?

1 PROSPECTIVE JUROR NO. 084: Yes.
2 THE COURT: And did that ever go to court?
3 PROSPECTIVE JUROR NO. 084: No.
4 THE COURT: And with the ID theft, did you contact the
5 police?
6 PROSPECTIVE JUROR NO. 084: Yes.
7 THE COURT: Or just your credit card companies?
8 PROSPECTIVE JUROR NO. 084: Yes.
9 THE COURT: Contact the police?
10 PROSPECTIVE JUROR NO. 084: Yes.
11 THE COURT: Any kind of court case that resulted from
12 that?
13 PROSPECTIVE JUROR NO. 084: Yes.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 084: This was my daughter,
16 and I prosecuted her. She was actually picked up for forging a
17 doctor's signature on --
18 THE COURT: Prescriptions?
19 PROSPECTIVE JUROR NO. 084: -- a prescription. They
20 caught her, and then they put my case with that one.
21 THE COURT: Okay. And was that here in Las Vegas as
22 well?
23 PROSPECTIVE JUROR NO. 084: Yes.
24 THE COURT: And you said you had charges filed and she
25 was prosecuted --

1 PROSPECTIVE JUROR NO. 084: Yes.
2 THE COURT: -- so that went to court?
3 PROSPECTIVE JUROR NO. 084: And she went to jail.
4 THE COURT: Did you ever have to testify?
5 PROSPECTIVE JUROR NO. 084: No.
6 THE COURT: Okay. Did her case proceed all the way up
7 into the district courts, this level of courts?
8 PROSPECTIVE JUROR NO. 084: I don't think so. I don't -- I
9 really don't remember.
10 THE COURT: Okay. But it got resolved in some fashion, at
11 some point in the process?
12 PROSPECTIVE JUROR NO. 084: Yes.
13 THE COURT: Okay. Understood. How about being
14 accused of, arrested, convicted of any kind of crimes?
15 PROSPECTIVE JUROR NO. 084: Oh, just my daughter.
16 THE COURT: Just your daughter. Okay. Very good.
17 Thank you.
18 Could you pass it down to Mr. Hughes? Thank you.
19 Mr. Hughes, what do you got on either of those two
20 questions?
21 PROSPECTIVE JUROR NO. 086: Me and ten -- about ten or
22 twelve of my friends have filed a complaint on a property owner and
23 property management company --
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 086: -- of a vacation rental in

1 Destin, Florida --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 086: -- for using audio and
4 video surveillance without our permission.

5 THE COURT: Okay. Like audio and video surveillance
6 internally into the unit that you all rented?

7 PROSPECTIVE JUROR NO. 086: Inside the unit and
8 outside the unit.

9 THE COURT: Okay. And is that filed -- that's one of those
10 things that could be an either/or; right? There are some things that
11 you can not only file a criminal charge on, but you can final a civil
12 lawsuit on as well. Did you guys file something that was requesting
13 a criminal investigation or a civil lawsuit?

14 PROSPECTIVE JUROR NO. 086: I believe it's civil.

15 THE COURT: Okay. And that's currently pending in
16 Florida?

17 PROSPECTIVE JUROR NO. 086: Yes.

18 THE COURT: All right. And is that something that you all
19 you filed on your own? Or did you hire an attorney to file it on your
20 behalf?

21 PROSPECTIVE JUROR NO. 086: We hired an attorney to
22 file it on our behalf.

23 THE COURT: Got it. Thank you. How about anybody --
24 you or anyone close to you ever been arrested, accused, convicted of
25 any kind of crimes?

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PROSPECTIVE JUROR NO. 086: No.

THE COURT: Okay. Thank you.

Mr. Antonucci, did you have your hand up as well?

PROSPECTIVE JUROR NO. 091: On the first question, literally dozens, between my work and somewhat my wife's work, we've had dozens and dozens of people who have been -- they had crimes against them. We've had to report people to CPS, tons, like monthly.

THE COURT: Okay. So a lot of involvement with contacting law enforcement about various things dealing with people that you all have involvement with?

PROSPECTIVE JUROR NO. 091: Yeah.

THE COURT: Okay. Have any of those ever resulted in court cases?

PROSPECTIVE JUROR NO. 091: Yes.

THE COURT: And have you or your wife ever had to testify in any of those?

PROSPECTIVE JUROR NO. 091: I've made statements to the police. I've never had to go to court.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 091: She has, I think, just once.

THE COURT: Okay. And did she go to court and testify? Or just was subpoenaed, showed up, but didn't have to testify?

PROSPECTIVE JUROR NO. 091: I think that one.

THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 091: Yeah.

2 THE COURT: All right. What about arrested, convicted,
3 accused of any kind of crimes?

4 PROSPECTIVE JUROR NO. 091: My dad was on America's
5 Most Wanted.

6 THE COURT: All right.

7 PROSPECTIVE JUROR NO. 091: So I've got that going for
8 me.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 091: True story.

11 THE COURT: Okay. And what was he on America's Most
12 Wanted for?

13 PROSPECTIVE JUROR NO. 091: Believe it or not, he was
14 on for skipping out on parole. He was in jail for embezzling money
15 from a company that he owned with a very famous baseball player.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 091: And so I think he was on
18 America's Most Wanted because they got the baseball player to be
19 on, and so it was for ratings. So not the typical crime, but he was in
20 and out of jail his entire adult life.

21 THE COURT: Okay. The things that he was in and out of
22 jail on mainly involved this kind of theft, embezzlement kind of stuff?

23 PROSPECTIVE JUROR NO. 091: Yeah. Con man kind of
24 stuff.

25 THE COURT: Okay. Understood. Thank you.

1 PROSPECTIVE JUROR NO. 091: And then I've had, again,
2 just through the job, a variety of people who have been arrested for
3 different things.

4 THE COURT: Okay. All right. Anything more? No?
5 Ms. Martinez, did you have your hand up on any of that or
6 no?

7 PROSPECTIVE JUROR NO. 100: No, I didn't.

8 THE COURT: On either one of the questions?

9 PROSPECTIVE JUROR NO. 100: Either one.

10 THE COURT: No? Okay. The five of you that I've been
11 chatting with, do all of you believe that you'd be able to keep an
12 open mind and not decide any issues in the case until it's submitted
13 to you for your deliberations?

14 Anybody could not do that?

15 I see no hands.

16 The question that we've been chatting about with police
17 officers, do the five of you believe that you could treat police officers
18 like any other witness and judge their credibility and testimony
19 based on everything you've heard? Or do you think you would treat
20 them differently for any reason just because their police officer?
21 Anybody treat them differently?

22 I see no hands. Thank you.

23 Any of the five of you that I've been chatting with ever --
24 yourselves or anyone close to you that you would knowledge of --
25 ever been in any kind of domestic relationship that involved

1 domestic violence or had to take out a restraining order in any
2 fashion?

3 All right. Top row? Okay. We'll start with you
4 Mr. Antonucci.

5 PROSPECTIVE JUROR NO. 091: Again, a bunch. Just
6 through doing this job for 20-whatever years.

7 THE COURT: Okay. And this is kind of talking to and
8 counseling people and --

9 PROSPECTIVE JUROR NO. 091: Yeah. Or that.

10 THE COURT: -- sometimes you --

11 PROSPECTIVE JUROR NO. 091: Right.

12 THE COURT: -- you have to kind of go to the next level --

13 PROSPECTIVE JUROR NO. 091: Yeah.

14 THE COURT: -- and contact law enforcement?

15 PROSPECTIVE JUROR NO. 091: Yeah.

16 THE COURT: Okay. But nothing particular to your family
17 members or friends?

18 PROSPECTIVE JUROR NO. 091: No.

19 THE COURT: Okay. If you could pass it --

20 PROSPECTIVE JUROR NO. 091: Well, friends, yeah. But
21 not family members.

22 THE COURT: Okay. And does that involve a little bit of
23 both -- both domestic violence issues and restraining orders?

24 PROSPECTIVE JUROR NO. 091: Domestic violence.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 091: And sexual abuse.

2 THE COURT: Okay. But not ever actually going through
3 the process of getting restraining orders at all?

4 PROSPECTIVE JUROR NO. 091: No.

5 THE COURT: Okay. If you could pass it down to
6 Ms. Ambre, please. Yes, ma'am.

7 PROSPECTIVE JUROR NO. 084: No domestic violence or
8 sexual abuse. I took a restraining order out against my daughter --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 084: -- when I became the
11 permanent legal guardian for my grandson.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 084: I had to go to family
14 court.

15 THE COURT: So was that for reasons separate from the
16 identity theft, just other general kind of need you to stay away?

17 PROSPECTIVE JUROR NO. 084: Because of neglect and
18 drug abuse while he was present.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 084: And I had mentioned it to
21 the school district that we were enrolling him in a Head Start class
22 and didn't know that they would report it to CPS.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 084: And they did. And so that
25 they -- then they begin the visitation, and then they took him away

1 from her --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 084: -- and give him to us. So
4 then we went to the court -- the legal system to get permanent legal
5 custody.

6 THE COURT: Okay. And how old is that grandchild?

7 PROSPECTIVE JUROR NO. 084: Now he's 15.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 084: He's back with me.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 084: I got him when he was
12 three and a half, four. And he went back to his --

13 THE COURT: And are any of the other 11 grand kids also
14 your daughter's kids? Did you have custody of them?

15 PROSPECTIVE JUROR NO. 084: Yeah. There are two
16 others. One was adopted out.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 084: And then there's another
19 one that's currently living with them in Utah.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 084: And she's currently going
22 through a court case there.

23 THE COURT: Okay. Understood. Okay.

24 And Ms. Martinez, no? You did haven't anything on that;
25 correct?

1 Didn't get anything on this side of the room from Ms.
2 Mathews either.

3 Okay. How about any of the five of you have any strong
4 feelings one way or another about the criminal justice system?
5 Really positive? Really negative? Anything that causes you any
6 concern about being a juror?

7 No hands on that question.

8 All of you believe that even though we're talking about
9 this somewhat academically and philosophically right now about the
10 job of being a juror, any of you believe that you would have any
11 problem when we talk about the aspect of getting to deliberations
12 being able to engage with the other jurors, deliberate on the case,
13 issue your opinions, offer any votes that may be called upon?
14 Anybody have any problem with doing that?

15 I see no hands on that either. Thank you.

16 Anybody feel that they are at all biased or prejudiced
17 because one of the charges here involves a murder charge? Of the
18 five of you?

19 I see no hands. Thank you.

20 Do all -- any of you know anybody who has ever been
21 killed by criminal conduct of another person?

22 I see no hands. Thank you.

23 Do any of you believe that someone is automatically guilty
24 simply because they've been arrested or charged with a crime?

25 I see no hands. Thank you.

1 Anybody have any negative opinions or anything that
2 would cause you to be biased or prejudiced, based on the fact that
3 the defense has no burden of proof in the case? The burden rests
4 upon the State to prove someone's guilt beyond a reasonable doubt.
5 Any issue with that?

6 Any issue with the fact that a defendant does not have to
7 testify? That's a decision that Mr. Woods gets to solely make upon
8 the advice and counsel, along with Ms. Murray. Anybody have any
9 issue with that?

10 I see no hands. Thank you.

11 Anybody disagree with the statements that police officers
12 are like any other human beings and that they can make mistakes?

13 I see no hands.

14 That police officers could be incorrect about things or
15 could lie about things?

16 I see no hands.

17 With regard to witnesses themselves, whether it's a lay
18 witness or a police officer, anybody disagree with the statement that
19 witnesses could lie about things or falsely accuse people of things?

20 I see no hands.

21 That police officers could do inappropriate things with
22 evidence in a case? Anybody disagree with that statement?

23 I see no hands on that either.

24 Additionally, you've heard the conversations that I have
25 been having with the other jurors about the potential that the jury

1 could be involved in imposing punishment if somebody's convicted
2 of first-degree murder. If and only if someone's convicted of
3 first-degree murder, then the jury would state to a judge what their
4 sentence would be. And there's three options that would be
5 available to you: The first option being a 50-year sentence with the
6 minimum of 20 years before parole eligibility; the second option
7 being a life sentence with a minimum of 20 years before parole
8 eligibility; and the third option being life without the possibility of
9 parole eligibility.

10 Do any of the five of you believe that you would have a
11 problem considering all three forms of punishment before deciding
12 what someone's sentence should be?

13 I see no hands on that either.

14 Okay. Before we move on, I've got a couple more
15 questions that kind of apply to everybody that was something I
16 wanted to follow up on from earlier.

17 But before I do that, Mr. Cawthon, I know that you had
18 talked to my marshal at the break about something that you wanted
19 to bring to the Court's attention or show me.

20 PROSPECTIVE JUROR NO. 070: Yes, sir.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 070: I have a job that actually
23 involves secret security information. And I was hoping to see you
24 confidentially and I've been asking to have this presented to you.

25 THE COURT: Sure. Let me take a look.

1 Okay. I'll tell you what. When we get to our next break,
2 maybe we'll chat about it a little more. Okay? All right. Thank you --
3 which is probably going to be very quickly actually.

4 But the other thing that I wanted to follow up on is I asked
5 everybody the question -- whether it was when I was talking to the
6 first 24 of you, the second 8 of you, the second group of 5, or this
7 last group of 5 -- about whether you disagree with the statement that
8 somebody could falsely accuse somebody else of something.

9 But I didn't ask if any of you -- and this applies to all 32 of
10 you that are seated in our panel right now -- anybody ever been
11 falsely accused of any kind of crime by anybody? Any -- either
12 yourselves or somebody that you're close with that talked to you
13 about any kind of situation like that?

14 I've I got one hand. Can we get our microphone? Where's
15 our microphone at right now? Oh, no. This way. Sorry.
16 Mr. Cawthon, to your left. Okay.

17 Yes, sir. What do you got? And it's Mr. Hubbard-Gable.

18 PROSPECTIVE JUROR NO. 033: Yes, sir. In high school I
19 was falsely accused of trying to sell someone drugs.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 033: I did not. I had no
22 association with it. It was someone else trying to pawn it off on me.

23 THE COURT: Okay. So like another student --

24 PROSPECTIVE JUROR NO. 033: Yes.

25 THE COURT: -- was getting in trouble and --

1 PROSPECTIVE JUROR NO. 033: It was a friend of a friend
2 situation.

3 THE COURT: Okay. But your understanding is they
4 somehow got caught with something, or somebody said they did it
5 and so they tried to blame you?

6 PROSPECTIVE JUROR NO. 033: I don't actually know the
7 specifics of it.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 033: All I know is I was
10 approached one day by school security --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 033: -- Who basically had to
13 talk with me.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 033: And --

16 THE COURT: And told you that you'd been accused of
17 doing this?

18 PROSPECTIVE JUROR NO. 033: Yeah. Yeah. We went
19 through the whole process, gave my side of things. I guess they
20 compared to what they knew or had found out or whatever. And I
21 was cleared of it, but --

22 THE COURT: Okay. So the school never actually charged
23 you or --

24 PROSPECTIVE JUROR NO. 033: No. No. I never had
25 anything done against me before any -- anything had come from it.

1 It was just the allegations and an investigation.

2 THE COURT: Okay. Got it. Anybody else on that
3 question?

4 I see no other hands.

5 Okay. Give me a minute just real quick here.

6 Oh, the other thing -- the five of you that I just spoke to
7 this afternoon, I don't think I asked you that kind of all-encompassing
8 question at the end of what we had been discussing. Any of you
9 believe that for any reason you could not be completely fair and
10 impartial in this case?

11 I see no hands from any of those five folks.

12 Okay. So here's what we're going to do. I need to take
13 another recess, so I can chat with Mr. Woods and the attorneys. It's
14 going to probably take about 15 or 20 minutes for me to do so. So I
15 know we haven't been in here that long, but I need you to go ahead
16 and step out outside with the same admonition. You cannot talk to
17 anybody, converse about anything associated with the case, can't
18 read, watch, or listen to any kind of news media reports about the
19 case. Don't discuss the case with anyone until deliberations. No
20 legal or factual research or investigation on your own.

21 So if I could have you all step outside -- that includes my
22 new group as well. If you guys can step outside.

23 [Outside the presence of the prospective jury panel, and in the
24 presence of Prospective Juror No. 070.]

25 THE COURT: Mr. Cawthon, why don't you just go ahead

1 and wait for a second. You can go ahead and sit down. Okay. And
2 you can grab a seat, sir. That's okay. And thank you very much for
3 providing me with this.

4 So what Mr. Cawthon provided me with was some
5 information about federal flight deck officers. You all will recall that
6 he had referred earlier to his work, but that the information also
7 includes the ability of an FFDO to make reference to their status in
8 judicial proceedings like jury duty.

9 But you had also provided me with a little bit of
10 information that you've been doing this for about 12 years, that you
11 work with a lot of retired law enforcement officers that will speak
12 frequently to you about the work that they do and cases that they're
13 involved in, assumably; correct?

14 PROSPECTIVE JUROR NO. 070: Yes, sir.

15 THE COURT: Okay. The training session that you're
16 referencing on April 10th, I can tell you that's not going to be an
17 issue. We're not going to be in trial through April 10th.

18 PROSPECTIVE JUROR NO. 070: Okay.

19 THE COURT: But is there anything else that you wanted to
20 add to any of this about any feelings of --

21 PROSPECTIVE JUROR NO. 070: Well, I just felt as the
22 questions were going along, there was a lot that I had not been able
23 to talk about because of that.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 070: You're asking if there are

1 other situations -- plenty people have been talking about other
2 violent crimes that have happened against them.

3 THE COURT: Right.

4 PROSPECTIVE JUROR NO. 070: And that's the one thing,
5 since I'm not really allowed to talk about anything, you know, with
6 the FFDO program -- which I would think include almost all the
7 individuals that I work with that they have shot or shot somebody.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 070: And I have training every
10 six months, and get all these stories. So I would probably say, yes,
11 I'm a little bias towards the police officer side.

12 THE COURT: Okay. So it's not that you felt like you
13 couldn't speak up about things that had happened to you personally.
14 It's just more this is stuff that you're learning through other officers
15 that you've worked with.

16 PROSPECTIVE JUROR NO. 070: Yes, sir. And I was a little
17 sensitive to it because one of our other FFDOs somewhat
18 misrepresented himself as an air marshal.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 070: And so he actually lost his
21 credentials and almost got thrown in jail. So I was probably
22 softballing the questions, but there's probably a lot more that I've
23 seen --

24 THE COURT: But you wanted to make me get it right.

25 PROSPECTIVE JUROR NO. 070: -- and dealt a lot more.

1 And I do -- I am trained locally.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 070: Even though it's a federal
4 position, we train locally every six months with local officers.

5 THE COURT: Okay. So when you say you may be kind of
6 biased in favor of the officers, in what way?

7 PROSPECTIVE JUROR NO. 070: Actually in both ways.
8 Another thing, you know, may be a little more personal that I was
9 thinking when I was driving home also. My wife's nephew was a
10 sheriff with the San Bernardino Police Department who recently was
11 asked to step down from an incident -- a racial incident -- that was
12 quite obvious on YouTube.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 070: I thought that was too
15 much of an extended family, but kind of both sides. I think I would
16 side with the police department that he was mistreated and was
17 unjustly taken off the police department.

18 THE COURT: Okay. So you remember the questions I
19 asked Ms. Ferguson, who was sitting next to you at that one point
20 that, you know, we have law enforcement officers that serve on
21 juries all the time. We have people that have had really good and
22 really bad experiences with law enforcement officers that serve all
23 the time.

24 So the question is, regardless of what your employment or
25 experience is, can you judge this case solely based on what you hear

1 in court? Or do you think you're going to be biased or prejudiced in
2 favor or against one side or the other, such that they're kind of
3 starting off --

4 PROSPECTIVE JUROR NO. 070: Yeah. And unfortunately,
5 I, again, didn't really -- I was kind of softballing some of the stuff that
6 I was seeing. I would agree with some of the jurors that, especially
7 from what I've heard dealing with other police officers, that
8 the defendant representing themselves, I've already pretty much made
9 a judgment and it's going to be very difficult for me to look at this
10 objectively.

11 And I certainly don't want to jeopardize my job also with
12 the FFDO thing sounding like I was not an impartial person.

13 THE COURT: Okay. But your sense is you probably
14 wouldn't be impartial?

15 PROSPECTIVE JUROR NO. 070: That is my sense, Your
16 Honor, yes.

17 THE COURT: Okay. All right. Why don't you go ahead
18 and step outside. I appreciate your candor.

19 PROSPECTIVE JUROR NO. 070: Thank you, sir. I
20 appreciate it.

21 THE COURT: Thank you very much.

22 I am going to file that as a court exhibit. You just -- it's a
23 packet of information. Two of the pages are just printouts of what
24 an FFDO is.

25 [Outside the presence of the Prospective Juror No. 070.]

1 THE COURT: Well, do you guys have any argument about
2 Mr. Cawthon? Any --

3 MS. FLECK: We'll submit it.

4 THE COURT: Okay. Mr. Woods, anything?

5 THE DEFENDANT: I definitely do not want him.

6 THE COURT: Okay.

7 THE DEFENDANT: It's surprising to me. I don't -- I don't
8 particularly care what somebody's feeling. Everybody's entitled to
9 their own opinion.

10 THE COURT: Right.

11 THE DEFENDANT: But it's just surprising me throughout
12 this process how many people are judging me without even a sniff
13 of evidence or facts or nothing. They --

14 THE COURT: You know who is not going to be surprised?
15 The lady sitting right next to you probably.

16 THE DEFENDANT: Oh, she's done told me many of times.

17 THE COURT: I mean, it's just --

18 THE DEFENDANT: But I -- it's just blowing my mind.

19 THE COURT: -- the nature of the process is people come
20 into this with certain notions about things and certain opinions. And
21 most of it, let's face it, is, oh, I saw Dateline or I read something in
22 the paper. So the question is really digging down into, Can people
23 be fair and impartial regardless of what opinions they may have
24 about things, and set aside all that stuff and listen to the case? Or
25 are there people -- and you've seen them, because you've

1 challenged them appropriately -- the ones that say, uh-huh, can't do
2 it. My sense is he's guilty because of A, B, C, or D. Or my sense is
3 there's a child involved in an allegation and I'm just not going to be
4 fair.

5 Most people, thankfully, in our society, say, An allegation
6 is an allegation. I may not like it. But I can listen and be fair and
7 decide based on evidence whether I think somebody's guilty or not.

8 But a lot of people can't do that. They're kind of stuck in
9 their ways that way.

10 THE DEFENDANT: Yeah. I wouldn't say most people. I
11 mean, you've sat on this bench a lot longer than I've been coming to
12 jail. But I mean the whole innocent until proven guilty thing, and I've
13 been to jail a couple times. But this time around it's just like, I
14 don't -- I don't really see it. You know what I mean? I could be
15 wrong, but I mean, the gut feeling that you get sometimes is like --

16 THE COURT: Well, look, I -- the one thing that I have done
17 for 30 years in the criminal justice system is believe that I have to
18 trust people when they -- because enough people give me answers
19 that they can't be fair, that I have to believe when people are
20 answering questions and telling us that they can be fair and evaluate
21 the evidence that they can absolutely do that.

22 And, look, we have trials all the time where people go to
23 trial and end up being acquitted. So I know jurors do their duty and
24 a lot of those jurors you talk to after a case and they may say, Pretty
25 much thought the guy was guilty, but I just didn't think there was

1 enough evidence. And so they find him not guilty what is their
2 obligation.

3 So maybe I'm naive. But I believe in our system,
4 that people do what they're supposed to do --

5 THE DEFENDANT: Don't you see it the opposite way --

6 THE COURT: But I can see from your position -- look, and
7 that is one of the reasons we had the conversation about not
8 representing yourself. It is a very daunting task. And it is a very
9 nervous task to be involved in.

10 THE DEFENDANT: I don't think that has anything to do
11 with it. But my opinion to you, don't you -- I know you've seen it the
12 other way many times too, where people say, like, I don't see
13 nothing. No evidence or nothing that says this guy did this crime,
14 but I'm going to [indiscernible] him guilty anyway just because --

15 THE COURT: Well, if you're asking me has a juror ever
16 told me that I found somebody --

17 THE DEFENDANT: No, not told you. But, I mean, your gut
18 feeling like when you said that --

19 THE COURT: I've had one trial in 30 years where I had no
20 idea why the jury did what they did. And it was a civil trial where a
21 lady was suing because her bunion surgery went bad. And that's the
22 only case I've ever had where I just could not really figure out where
23 the jury's verdict came from.

24 Every other case, whether it's a conviction or acquittal, I
25 have felt like there has been evidence to justify what the jury did

1 what they did. And that's irrespective of whether I thought the
2 company was liable or the defendant was guilty. It's -- was there an
3 evidentiary basis for the jury to do what they did? Yes, there was. I
4 mean -- it --

5 A lot of cases can go either way; right? You can look at
6 the evidence and say, I could see where a jury would find this person
7 guilty; I could see where maybe they thought the person was not
8 guilty. So --

9 All right. Well, I'm going to go ahead and excuse
10 Mr. Cawthon. I think he's kind of exaggerating some of his concerns,
11 quite frankly. But the -- I think he was not at all equivocal in saying
12 that he believes he would disfavor Mr. Woods and think he's guilty
13 because of his self-representation. So I think it's appropriate to
14 excuse him.

15 Did the State have any challenges to any of the other four?

16 MS. FLECK: No.

17 THE COURT: No?

18 MS. FLECK: No, sir.

19 THE DEFENDANT: I had one other challenge.

20 THE COURT: Sure.

21 THE DEFENDANT: And I wanted to ask Michelle, if she
22 didn't mind. I had yesterday a strike for cause Arleane Munoz.

23 Did you have what she said to kind of remind me why I
24 would put that about her if you don't mind?

25 MS. FLECK: Isn't she the one in the front row that was

1 crying?

2 THE COURT: Munoz, you challenged. And I agreed and
3 excused her.

4 MS. FLECK: She's the one that said that her -- that
5 someone in her family was videotaped. A minor family member was
6 videotaped, and her uncle had been convicted of a bunch of sex
7 crimes. But there was a victim in her own family, I think it was a
8 cousin, a young cousin --

9 THE COURT: All right.

10 MS. FLECK: -- who somebody had inappropriately
11 videotaped. And also she was crying throughout talking about the
12 nature of the abuse allegation.

13 THE DEFENDANT: Okay. I just hadn't crossed her out.
14 Thank you.

15 THE COURT: Yeah.

16 MS. FLECK: Sure.

17 THE COURT: Yeah. She was excused yesterday.

18 Okay. So you don't have any other challenges as to any of
19 those four, though?

20 THE DEFENDANT: No, no.

21 THE COURT: Okay. So I just realized I forgot to ask these
22 last five about the interracial relationship; so I'll do that when we
23 bring them back in. But I'm also going to need to catch the 20
24 people up to speed.

25 MS. FLECK: So here's what we're willing to do. Since

1 there's just one --

2 THE COURT: Okay.

3 MS. FLECK: -- then we're willing to do our first
4 preemptory for Cawthon or Cothorn -- Cawthon.

5 THE COURT: Oh.

6 MS. FLECK: So that we don't have to -- so that we don't
7 have to deal with the second group.

8 THE COURT: Well, I think it's appropriate to excuse him.
9 You can waive one of your challenges --

10 MS. FLECK: That's --

11 THE COURT: -- if you want.

12 MR. ROGAN: Same difference.

13 MS. FLECK: Yeah. Same difference.

14 THE COURT: It's the same difference.

15 MS. FLECK: Yeah.

16 THE COURT: Okay.

17 MS. FLECK: We -- well, we will waive one. So we'll just
18 go ahead and use our first preemptory on him.

19 THE COURT: Okay. I just need to make sure we end up
20 with 14 people. So if you're going to waive your -- one of yours,
21 then we don't need to question any other jurors.

22 I just need to ask those last four people about the
23 interracial relationship question.

24 MS. FLECK: Okay.

25 THE COURT: So you understand what we're talking about,

1 Mr. Woods?

2 THE DEFENDANT: Yeah.

3 THE COURT: So just mathematically we need to make
4 sure we end up with 14 jurors. So since each of you get nine
5 challenges, the State's indicating they're going to waive at least one;
6 so we don't have to question anymore jurors and get them into that
7 spot.

8 Are you guys going to want to keep them in here while
9 you do your challenges --

10 MS. FLECK: Yes, please.

11 THE COURT: -- so you can see them? Okay.

12 MS. MURRAY: And Your Honor, just for the --

13 THE COURT: You need a little time to chat?

14 MS. MURRAY: Not necessarily. But for the benefit of
15 making sure he understands how count works, could you just
16 explain how you count and how you replace so that he knows what's
17 going to happen?

18 THE COURT: Sure. So here's what'll happen.

19 MS. FLECK: Sorry. Wait, just really fast. Just for my
20 purpose also for counting, can -- let's just leave Cawthon. And we
21 will use our first preemptory for Cawthon, as opposed to waiving or
22 whatever.

23 THE COURT: Okay.

24 MS. FLECK: Because that's how I've sort of figured it out
25 in my head in terms of where people are seated and all that. So I

1 don't want to move everyone up and then --

2 THE COURT: No, no, no. That's fine.

3 MS. FLECK: You know what I'm saying?

4 THE COURT: That's fine.

5 MS. FLECK: Okay.

6 THE COURT: So here's how it works, Mr. Woods. Up in
7 the top right corner that is Ms. Thomas. Ms. Thomas is Juror No. 1.
8 Okay? And it goes from right to left -- one, two, three, four, to eight;
9 and then this middle row goes nine through sixteen; and then the
10 bottom row down here goes seventeen through twenty-four; and
11 then this row over here on the far right is twenty-five, and it goes
12 right to left over to thirty-two, which is Ms. Mathews. So that's one
13 through thirty-two.

14 As you go through and challenge people and strike them,
15 and the State goes through and challenges and strikes them -- once
16 you're done with all of your challenges, then we'll look at the 32.

17 The first 12 that are left are the jurors; the next two are the
18 alternates. Okay?

19 So you'll know, as you're deciding who to strike, you can
20 tell who's going to end up in the jury part and who are the two
21 alternates. Okay?

22 So your first eight challenges can be to anybody in that
23 group of 32. Your last challenge can only be to the people that are
24 left as available alternates. So once you've each done your eight, I'll
25 take a look at the list, and we'll tell you where that break off is --

1 these are the jurors and this is the people that could be an alternate;
2 so you can do your last one there.

3 THE DEFENDANT: Okay. So this is my understanding.
4 We're doing this, just to keep this list. We're trying to --

5 MS. MURRAY: We're going to get to that one.

6 THE DEFENDANT: We're trying to avoid this list.

7 THE COURT: What do you mean avoid?

8 THE DEFENDANT: I mean, we're not trying to use nobody
9 from this list.

10 THE COURT: Yeah. I mean you're going to have the 32
11 people in the room that we've been questioning for the last two
12 days. Those are the potential jurors. And you go through and you
13 kick off whoever you want. The State kicks off the people that they
14 don't want. And the 14 left are going to be the jurors that hear the
15 trial.

16 THE DEFENDANT: Okay. Do you mind me asking why did
17 they even come here?

18 THE COURT: The 20?

19 THE DEFENDANT: Yes.

20 THE COURT: Because I didn't know if I was going to get --
21 need more people. Those last five people, if all five of them said, I'm
22 leaving town tomorrow --

23 THE DEFENDANT: Oh, okay.

24 THE COURT: -- then we would need to go and start
25 questioning those extra people. But as it turns out, we don't need

1 the extra people, so we don't have to draw from them.

2 THE DEFENDANT: So pretty much, no matter if they want
3 to be jurors or not, they are going to be --

4 MS. MURRAY: Some part of the front row.

5 THE COURT: Yeah. The 32.

6 THE DEFENDANT: No. I know what he's saying. I'm just
7 saying --

8 THE COURT: Yeah.

9 THE DEFENDANT: -- the people on this page.

10 THE COURT: Yeah. Look, a lot of times you've got people
11 that they're willing to do it. They don't necessarily want to be
12 jurors --

13 THE DEFENDANT: Yeah.

14 THE COURT: -- but they've said they can be fair and
15 impartial and that they'll do it. And so we have to roll with that.

16 MS. MURRAY: And this -- before the strikes begin -- and
17 so if -- just to make sure his order is correct, could they -- could you
18 do a badge number readout, so that everyone's --

19 THE COURT: Yeah.

20 MS. MURRAY: So I -- because I done him a seating chart,
21 but I want to make sure it is correct.

22 THE COURT: Sure. Well, do you want me to just give you
23 a copy of the list?

24 MS. MURRAY: Is that -- does it have their seat numbers?

25 THE COURT: Yeah. Yeah. Let's make --

1 MS. MURRAY: That would be fantastic.

2 THE COURT: We'll make a copy of this.

3 MS. MURRAY: Thank you.

4 THE COURT: So that you'll have a copy of the list.

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

6 THE COURT: The list, Mr. Woods, is -- what we do with
7 the list is it starts with the State. I'm going to give them the original
8 list. They'll put a check or a number by who they're striking. And
9 then they'll pass you the list, and you and Ms. Murray can talk about
10 it and figure out who you want to challenge. And then you'll put
11 yours in there.

12 And then it goes back and forth. They do one; you do one.
13 They do one; you do one. So we'll give you a separate copy of the
14 list so you guys know who the 1 through 32 are. But the original is
15 the one you'll pass back and forth, and you'll write in your
16 challenges.

17 THE DEFENDANT: We're striking one at a time?

18 MS. MURRAY: Yeah.

19 THE COURT: One at a time.

20 MS. MURRAY: One, one, one.

21 THE COURT: And so if you decide, you know, what I like
22 everybody; I don't want to strike anybody. Then you can just put at
23 the bottom of the list that you're going to waive your fifth challenge
24 or your eighth challenge whatever it is. Same thing with the State.
25 If they want to waive, they'll just write at the bottom that they're

1 going to waive.

2 In which case, if you all waive, then we'll have more than
3 14 people left, but it's still the first 14 are the ones that comprise the
4 jury.

5 THE DEFENDANT: So in this phase if -- say like the
6 prosecution strikes somebody I wanted to keep, there's just struck
7 no, argue no.

8 THE COURT: Yeah. The reality of going back and forth is
9 you may kick people that they like; they may kick people that you
10 like. And so long as there isn't any impropriety in kicking somebody,
11 each side is entitled to kick the jurors that they don't want to keep.

12 MS. MURRAY: Do you understand?

13 THE DEFENDANT: Pretty much.

14 THE COURT: Okay. So do you guys want a few minutes
15 to talk about your notes and everything before we get started? Or
16 are you ready?

17 MS. MURRAY: I mean, I'm just here for the legal
18 questions. I'm not --

19 THE COURT: Understood. Are you ready to go ahead and
20 go?

21 THE DEFENDANT: I would like to go over the charges.

22 MS. MURRAY: Okay.

23 THE DEFENDANT: Not long.

24 THE COURT: Okay. We'll give you -- we'll give you a list
25 first, and I'll give you guys a few minutes to chat about that. And

1 then we'll get going. There's a copy you're going to need.

2 [Pause in the proceedings.]

3 MS. MURRAY: Thank you.

4 MS. FLECK: Thank you.

5 MS. MURRAY: All right. [Indiscernible] does he do
6 replacement or show?

7 Oh, he's in the room. I apologize.

8 THE COURT: Do I do what?

9 MS. MURRAY: Do you do like one to one replacement, or
10 do you do shifting?

11 THE COURT: No. So if -- for instance, if you guys both --

12 MS. MURRAY: Just so I can show him.

13 THE COURT: If everybody keeps number one, she's Juror
14 No. 1. If you guys strike two, three, and four, then whoever's in
15 position number five is going to be Juror No. 2.

16 MS. MURRAY: That's what I thought. Okay. So you just
17 slide them all down?

18 THE COURT: Yeah.

19 MS. MURRAY: Okay. Perfect.

20 [Pause in the proceedings.]

21 THE COURT: You guys ready?

22 MS. MURRAY: I think he needs another minute.

23 [Pause in the proceedings.]

24 MS. MURRAY: All right. I think everything's good now.

25 THE COURT: Good? Okay.

1 MS. MURRAY: The questions, yeah.

2 THE COURT: All right. We will -- you can go and get them
3 all back in, including those 20. And then I'll talk to the 20 and let
4 them go. And then we'll move into selection with the other folks.

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

6 THE COURT: You all can be seated. Thank you.

7 We are going to be back on the record. Mr. Woods is here.
8 Ms. Murray as standby counsel.

9 This gentleman seated at their table is Mr. Hauser, who is
10 also a criminal defense attorney that works with Ms. Murray that will
11 also be here on occasion as the standby counsel of Mr. Woods. All
12 right. And all of our prospective jurors are present. State's
13 attorneys are present as well.

14 Before we move on, I forgot to ask the five of you that I
15 was chatting with last that one last question -- or two questions
16 actually.

17 How many, if any of you, have any close family members
18 or friends that are involved in interracial relationships? One, two,
19 three. Yeah. Okay. So three of you.

20 Any of you all have any issue with people who are
21 involved in interracial relationships? Issues such that they would
22 cause you to feel a certain bias or prejudice if that were an aspect of
23 the case?

24 I see no hands. Thank you very much.

25 Okay. So that means I have 32 people which means you

1 guys are all done. See how easy jury duty was for you all. You
2 show up for five minutes, you're all done. I really appreciate your
3 patience.

4 We started with about 60-some-odd people and have been
5 working through a lot of questions over the last couple of days to get
6 it down to 32 people, and that's a process that we just do to get
7 people passed for cause. And then the attorneys and the parties get
8 together and choose the 14 that are going hear our trial.

9 I was getting a little worried that we were going to run out
10 of people, which is why I asked the Jury Commissioner to give us a
11 little extra folks.

12 Marc, have you ever done jury duty before?

13 UNIDENTIFIED PROSPECTIVE JUROR: I have.

14 THE COURT: Mr. Randazza is an attorney, a First
15 Amendment scholar actually. So attorneys show up, just like judges
16 and everybody else. In fact, I've sat down there and done jury duty
17 on a number of occasions, and I'm on that little video they have. So
18 that everybody kind of starts looking at me every time we sit down
19 there.

20 But anyway, I appreciate your patience because we have
21 our 32. We do not need to move any further with any of you all.
22 You're excused. And they should not try and send you out
23 anywhere else because you were officially part of my panel. So I
24 appreciate your time and your presence here today very much.
25 Okay? You guys can all take off.

1 The remaining 32 of you, the process we now go
2 through is to allow the attorneys and the parties to work through
3 their notes and go through and choose the 14 folks that are going to
4 hear our trial.

5 I'm going to have you stay in the room just because
6 there's a large group of you, and it's a lot easier for them to kind of
7 be able to put your face to their notes and remember things as
8 they're going through the process. They'll just be kind passing a list
9 back and forth. I'm guessing it takes 20, 25, 30 minutes maybe. And
10 then I'll get the bulk of you on your way.

11 But while we're doing this, you can fill free to talk quietly
12 amongst yourselves and -- and get more acquainted with your
13 neighbors.

14 So I'm going to give the list to the State to start. And then
15 once you all have each exercised eight, let me know, and then we'll
16 take a look at the list.

17 Seriously, you can talk it's okay. Everybody's always like
18 waiting for somebody to say something to chat. Either that or you
19 don't like the people you're sitting next to.

20 [Pause in the proceedings.]

21 [Recess taken from 2:46 p.m., until 3:04 p.m.]

22 THE COURT: Okay. Folks, I need to take a break for a
23 couple of minutes if I could. So I'm going to send you outside.

24 During our recess, you are admonished not to talk or
25 converse among yourselves or with anyone else on any subject

1 connected to the trial, or read, watch, or listen to any report or
2 commentary on the trial by any medium of information, including,
3 without limitation, to newspapers, television, the Internet, and radio,
4 or form or express any opinion on any subject connected with the
5 case until it's finally submitted to you. No legal or factual research
6 or investigation on your own.

7 If you could all just step outside for me, please. Thank
8 you.

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

10 THE COURT: Does either side have any challenges to the
11 challenges issued by the opposing side.

12 MS. FLECK: No, Your Honor.

13 THE COURT: Do you guys?

14 THE DEFENDANT: No.

15 THE COURT: No? All right.

16 Let's just make sure we all have the same thing. So if
17 that's the case, I believe your jurors would be Ms. Ambre, Badge No.
18 84; Mr. Hughes, Badge No. 86; Mr. Reinhardt, 77;
19 Mr. Hubbard-Gable, 33; Ms. Martinez, 100; Mr. Bacallao, 38 --
20 Bacallao -- excuse me; Ms. Clark, 71; Mr. Vazquez, 43; Mr. Hussain,
21 44; Ms. Wesley, 45; Ms. Sink, 53; Ms. Detroz, 55; Ms. Quaresma, 56;
22 and then your alternates would be -- or excuse me -- hold on.

23 MS. MURRAY: I believe 56 was an alternate.

24 THE COURT: Ms. Quaresma and Ms. Nelson are your
25 alternates.

1 MS. MURRAY: Correct.

2 THE COURT: So the jury ends with Ms. Detroz. Is that
3 what you have State?

4 MS. FLECK: It is, Your Honor.

5 THE COURT: Defense?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Yes? Okay. And that just means
8 Ms. Mathews is excused because the State waived her on one of
9 their challenges. And I will note for the record that the State did, as
10 they indicated they would do, exercise their first challenge against
11 Mr. Cawthon to excuse him. Even though there are issues raised, it
12 would have resulted in a challenge for cause as well.

13 Okay. I'm going to get them back in here and just let them
14 know who the jurors are. I'm not going to go through all of the
15 preliminary information with them tonight. We'll wait till tomorrow
16 to do that. And then I'll let them step outside with JR., and he can
17 get them their badges and information about parking and all that.
18 And then we'll take a break and start talking about evidence stuff that
19 we need to before openings. Okay?

20 All right. You can get them all back in, JR.

21 [Pause in the proceedings.]

22 THE COURT: All right. You all can be seated. Thank you.
23 So that was quick, I know. I'm sorry about that. I just needed to
24 verify something with everybody.

25 Okay. So I'm going to release 18 of you now. If you

1 would let me read through the names, before you get up to excuse
2 yourself, I would appreciate it.

3 We are going to -- pardon. Oh, Mr. Strumillo. Always
4 somebody trying to sneak out.

5 UNIDENTIFIED PROSPECTIVE JUROR: They're going to
6 get caught.

7 THE COURT: That's true. Mr. Strumillo is buying lunch for
8 everybody. Okay.

9 Mr. Strumillo, I was just explaining that I'm going read
10 through the list of 18 names that are going to be excused. And so if
11 everybody would just set tight until I get through this if you would.

12 So we are going to excuse Ms. Thomas, Badge No. 65; Ms.
13 Gately, Badge No. 23; Mr. Antonucci, Badge No. 91; Mr. Wuopio,
14 Badge No. 66; Ms. Miranda, Badge No. 69; Ms. Hendricks, Badge No.
15 78; Mr. Cawthon, Badge No. 70; Ms. Vandermeer, Badge No. 39;
16 Mr. Kwan, Badge No. 40; Ms. Bonney, Badge No. 42; Mr. Vilseck,
17 Badge No. 72; Ms. Alberico, Badge No. 73; Ms. Finn, Badge No. 82;
18 Ms. Waggoner, Badge No. 51; Mr. Strumillo, Badge No. 52;
19 Mr. Robbins, Badge No. 57; Ms. Ballinger, Badge No. 59; and Ms.
20 Mathews, Badge No. 103.

21 So the 18 of you are all excused. I greatly appreciate your
22 time and your presence and your patience with us the last couple of
23 days. I hope the process has been at least somewhat informative
24 and rewarding for you. And again, I thank you very much on behalf
25 of the community for being willing to do your service with our

1 system. Thank you. And you guys can go ahead and take off.

2 All right. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

3 Okay. Just making sure we still had 14. Okay. So the rest of you I'm
4 going to go ahead and release you now. We're going to start
5 tomorrow at 1 o'clock with opening statements, and then the
6 presentation of evidence in the case.

7 When you step outside, JR's going to get you some
8 different badges that I need you to wear whenever you come into
9 court which is a blue badge that shows you've actually been selected
10 as a juror in a case. So the little white badges, you're all done with
11 those now. There's also different parking. You'll be parking right
12 across the street from the courthouse now, so he'll explain that to
13 you as well.

14 Additionally, when you get here, you may have noticed
15 when you're outside that there's a central hallway that kind of seems
16 to go into the back that's right outside my door and to the right.
17 There's an intercom system there. When you come in in the
18 morning, just buzz that intercom. And we'll bring you back to one of
19 the deliberation rooms. And I'll try and keep you back there during
20 the course of the trial, so you're not waiting out in the hallway
21 because it's not the most optimal place since the attorneys, the
22 witnesses, parties, everybody's going to be out there. So I'll try and
23 keep you all in the back while we do that. I know --

24 You guys can be seated. I'm sorry.

25 I know, now that you're selected as jurors and you're

1 going to be with us for the next couple of weeks, there's going to be
2 more of a need to talk to your loved ones and your employers and
3 whatnot about the fact that you're doing jury duty. I get that. But
4 please just kind of keep it as I've been selected as a juror, and I'm
5 going to be in trial for the next couple of weeks, and the judge asked
6 me not to say anything else about it other than that. The less
7 information you give people, the less questions they'll ask. The
8 more information you give, the more they're going to want to ask
9 you about it. Right? So just let them know that I asked you not to
10 speak about it at all. Okay?

11 Other than that, anybody have any questions right now?
12 Yes, Ms. Sink.

13 A JUROR: So timewise, we're 1 o'clock tomorrow.

14 THE COURT: Tomorrow's 1 o'clock. Thursday's going to
15 be 1 o'clock. Friday is probably going to be 10:30 -- 10 o'clock or
16 10:30. And then once we get closer to the end of the week, we'll talk
17 about next week. Next Thursday I know is still going to be a dark
18 day. Since I have to go to Carson City, we won't have court that day.
19 So you'll be off that day. And then Monday, Tuesday, Thursday, I'm
20 just not sure about just yet whether we could get in a little morning
21 time at 10:30 or whether it may be the afternoon at 1 o'clock. Okay?

22 And I'll try and keep you updated. Usually, the parties are
23 really good about giving me a conservative estimate. So a lot of
24 times a trial gets done quicker than we were expecting it to. What I
25 asked them to do is not be really ambitious and tell me it's going to

1 be three days and then it takes six days. I'd rather tell the jury two
2 weeks, and then we get done in six days kind of thing. So if it feels
3 like we're moving a little more rapidly, I'll be sure to keep everybody
4 abreast of that. Okay?

5 I saw one other hand. Yeah.

6 A JUROR: It just to confirm no weekends?

7 THE COURT: Pardon.

8 A JUROR: It's not on the weekend?

9 THE COURT: No weekend. The weekends are your own.

10 A JUROR: Okay.

11 THE COURT: Absolutely. Yes.

12 A JUROR: I work on weekends. Do I need to work?

13 THE COURT: Is that a I'd really like to not work? Look, to
14 the extent you have any -- you have any discretion in that regard,
15 then do what you want to do. We're not in court. So if you need to
16 work, you can work. Other than what we talked about earlier, if your
17 employer has you working a late-night/swing/graveyard kind of shift
18 Sunday night, then you can tell them I have to be in jury duty
19 Monday morning; so I can't work that shift. Or at least I work maybe
20 a half shift and I have to go home at a reasonable time. And as I
21 said, if they give you in flak about that, be sure to let me know.

22 A JUROR: Okay.

23 THE COURT: Okay.

24 A JUROR: Thank you.

25 THE COURT: Yes.

1 A JUROR: Done around 5 o'clock every day; right?

2 THE COURT: Pardon.

3 A JUROR: Done around 5 o'clock every day?

4 THE COURT: Yes. We'll be done by 5 o'clock. Or, as I
5 said, maybe we'll get done a little earlier. I mean, it's not unusual if
6 we go a little -- five minutes past 5:00 because we're finishing up a
7 witness. But we won't do anything extensive beyond that at all.
8 Okay?

9 And then when you get here tomorrow, you're going to be
10 in totally different seats. It's randomized how we sit you. Okay? So
11 don't worry about that. And then we'll get you clipboards and
12 notepads and everything, so we can get started with the trial. And
13 then I have some kind of preliminary information I'll go through with
14 you at that time as well. Yep?

15 A JUROR: Any dress code or anything?

16 THE COURT: Dress code? I always say dress in layers.
17 Since I don't, you know, control the temperature in my courtroom
18 and you guys are seated right underneath a vent there for
19 air-conditioning, sometimes it gets a little cool; sometimes it may be
20 warmer. But no. If you want to wear jeans and tee shirts, I'd like to
21 wear jeans and tee shirts. Right? But no, there's no particular dress
22 code. Not at all.

23 A JUROR: Thank you.

24 THE COURT: Okay. Yes, ma'am.

25 A JUROR: Just as far as schedule changes or anything like

1 that, what type of correspondence could we expect? Is this all via
2 e-mail or --

3 THE COURT: If we're going to change -- like, if I have to
4 change something for tomorrow?

5 A JUROR: Um-hmm.

6 THE COURT: Yeah. JR's going to get phone numbers
7 from everybody when you leave tonight.

8 A JUROR: Okay.

9 THE COURT: So if we have any changes, we'll reach out
10 directly to you to try and reach you by phone instead of, you know,
11 e-mail. Unless if you -- for whatever reason you don't have a phone
12 or e-mail is the best way to reach you quickly, then you can give him
13 an e-mail address as well.

14 A JUROR: Phone is fine. I was curious what to look out
15 for.

16 THE COURT: Okay. All right. Yes, ma'am.

17 A JUROR: I was just going to ask you some of us were
18 talking. Mr. Woods is representing himself you said?

19 THE COURT: Yes.

20 A JUROR: Then who are those other two to him?

21 THE COURT: Ms. Murray and Mr. Hauser are both
22 criminal defense attorneys.

23 A JUROR: Right.

24 THE COURT: And standby counsel is they're available to
25 assist Mr. Woods, answer questions for him, just assist him with the

1 process of --

2 A JUROR: Okay.

3 THE COURT: -- representing himself in trial.

4 A JUROR: Okay. That's what we were confused about
5 is --

6 THE COURT: Okay.

7 A JUROR: -- who were these two people --

8 THE COURT: Sorry about that. I should -- maybe I didn't
9 explain that as well. Okay.

10 A JUROR: -- in reference to Mr. Woods? Okay. Thanks.

11 THE COURT: All right. Okay. I will see everybody
12 tomorrow at 1 o'clock. Thank you.

13 Okay. We'll take a break for a few minutes, and then we'll
14 come back in and talk about our evidence for tomorrow. Okay?

15 [Pause in the proceedings.]

16 THE COURT: What do you want to talk about first with
17 regard to evidence issues?

18 MS. FLECK: Well, I think we need to get a ruling on the jail
19 phone call.

20 THE COURT: Okay. So, Mr. Woods, you all got a copy
21 that. And did you have a chance to listen to it yesterday at the end
22 of the day?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. So I know that the State is wishing to
25 use that in their opening statement. And the objection you made

1 yesterday was, I think, talking about the authentication of it.

2 So what else, if anything, did you want to add.

3 THE DEFENDANT: I had a whole *Limine in Motion* on that.

4 But I'll just say that I was under the impression that if you were
5 going to use something like that, you had to have it not only
6 authenticated, but it had to be under some kind of seal. That's what I
7 was reading off the -- when I do get time at the law library.

8 THE COURT: Okay.

9 THE DEFENDANT: It has to be up under a sealed order
10 signed by the judge saying that this is -- this guy's signature,
11 authenticated by this judge. They heard it. They, you know, pretty
12 much -- he pretty much ruled that, okay, yes; or okay, no. But that
13 you couldn't just present without it being --

14 THE COURT: Well, I think you're talking about like if a
15 custodian of records is referencing items that nobody's -- you're not
16 bringing in -- for instance, if you say, I want to bring in some medical
17 records, and you're not bringing in the doctor that treated the person
18 or the nurse or the person themselves, but rather a custodian of
19 records signs off on an affidavit saying these are all true and correct
20 copies of the medical records on file for this day for such and such
21 person. Is that what you're talking about in terms of signing off on
22 something?

23 THE DEFENDANT: Okay. Well, I knew I had wrote it down.
24 Basically it was NRS 52.015. And it had something to do with to
25 authenticate and lay a foundation to -- I don't know that word you

1 put right there -- to admit any piece of evidence.

2 MS. MURRAY: My notes are not what the statute says.

3 THE DEFENDANT: I know I was saying --

4 MS. MURRAY: My notes are what -- it's different. Can I
5 have one moment?

6 THE COURT: Sure.

7 [Pause in the proceedings.]

8 THE DEFENDANT: Yes. So when there's the 52.015, it's
9 saying that you have to authenticate and lay a foundation to admit
10 any piece of evidence. Like, basically, anything that the State wants
11 to use they have to show -- I don't want to say relevant -- but it is
12 what they say it is.

13 THE COURT: Okay. So every piece of evidence is
14 different; right? The State doesn't, you know, have -- there's no
15 issue of identification to bring in a knife or a gun or a couch or
16 whatever it is; right? You have somebody come in that lays the
17 foundation for this is a piece of evidence and it's relevant in this case
18 through whatever testimony comes in, and then I decide whether to
19 admit that.

20 On a photograph, for instance, a crime scene analyst will
21 come in and say, I responded to this area. I was asked to
22 photograph things. I photographed this area where there appears to
23 be, you know, bloody footprints or a bag of drugs, whatever the
24 question is. And this is a true and accurate photo of what I saw that
25 day and photographed. And then I decide whether to admit that

1 photo.

2 Authentication and identification of certain things --
3 records, that may be a little different what the custodian of records
4 are saying or something like that.

5 In this situation with the phone call, this is purported to be
6 a phone call you made. So it's a statement by a party opponent,
7 which is you, that they're seeking to introduce. So they can
8 introduce that at trial through, potentially, a custodian of records, or
9 what have you, from the jail that comes in, or from a detective that
10 pulls those phone calls and listens to them. Or if there's other ways
11 that that thing is self-authenticating, that there's things on there
12 that -- that through the phone call itself that indicate who the person
13 is making the call, then all of those things are things that the Court
14 can consider.

15 THE DEFENDANT: I read that last night too. My biggest
16 thing was -- and I think you ruled on this particular issue before --
17 that I looked it too at that time.

18 THE COURT: Okay.

19 THE DEFENDANT: That you know that the jail is notorious
20 for people stealing pins and how the phones are built so close in
21 proximity that sometimes the wrong conversation gets recorded.

22 THE COURT: Okay.

23 THE DEFENDANT: People try to -- how would I say it in --
24 well, we say it like more of a ghetto term -- get at somebody's wife --
25 you're trying to steal their pin to talk to their loved one or their sister

1 or their mom or their girlfriend -- especially that's big down there.

2 THE COURT: Okay.

3 THE DEFENDANT: Do you kind of understand what I'm
4 saying? So with the name that was on that particular phone call, I
5 can't see how it's saying it was me making that phone call. And then
6 when you brought a detective pulled it up, I haven't talk to a
7 detective in three and a half years. You can't tell me somebody's
8 going to say three and a half years ago I talked to the guy. Yeah. It
9 sounds like him.

10 You got it? Understand what I'm saying.

11 THE COURT: No. I understand what you're saying. I don't
12 know anything about problems in the jail with stealing pins and
13 things like that or phone calls being misrecorded. That -- that's not
14 anything that I've ever had any part of or been aware of.

15 Can I imagine that somebody would try and use
16 somebody else's pin? Sure. But that -- but when you say that I'm
17 aware of that, no, I'm not aware of any situation that I've ever had in
18 any of my cases where somebody has been found to have stolen
19 somebody else's pin and made phone calls from their pin. I'm not
20 saying it doesn't happen. I'm just saying that's not something that
21 I'm aware of.

22 THE DEFENDANT: Yeah. They even have prompts on the
23 phone that tells you.

24 THE COURT: Okay. Let me -- what's the State's position?

25 MS. FLECK: Well, Judge -- well -- and you know,

1 obviously, we just have to have a good faith basis to believe that it's
2 going to come in, in order to play it in our opening. We'll be able to
3 authenticate it in a myriad of ways. First of all, through the detective
4 who pulled it who will explain how he puts the defendant's pin
5 number in; how then that, based upon his pin number, his
6 identifications, as well as his voice, pulls these particular calls that
7 are attributed only to the defendant.

8 The system also has antifraud, you know, provisions in --
9 or safeguards, so that if somebody is seen to be using someone
10 else's pin that it can flag the calls if someone's using isn't -- it's not
11 gotten picked up on their voice recognition, that it would flag the
12 calls.

13 It clearly self-authenticates itself. It's Leonard Woods.
14 You hear his voice say, This is Leonard Woods. You then hear the
15 voice go on to speak in the call, and it's clearly the defendant.

16 The jury itself will be able to hear the defendant's voice
17 throughout the entire trial and then hear the voice -- the voice on the
18 call. It's clearly him.

19 Furthermore, the content of the call is self-authenticating.
20 He talks about the fact that, you know, he did something, this person
21 did something, to Josie, and that she's not going to make it. The
22 only person that knew that, that was sitting in CCDC, that had been
23 arrested for murder was the defendant.

24 She -- he goes on to tell his friend, Jennifer Woodson,
25 they're trying to get me for a murder. The only person that had been

1 charged for the crime of murder of Josie was the defendant. So it
2 self-authenticates itself through the content.

3 Furthermore, the person that this caller calls is one of the
4 defendant's own named witnesses. It's Jennifer Woodson. It's on
5 his witness list as a friend. You know, so then it also
6 self-authenticates itself based upon who the call is made to and that
7 that is, in fact, the defendant's witness.

8 THE COURT: So here's the thing, Mr. Woods. I mean, a
9 lot of what you're raising is what we refer to as weight versus
10 admissibility, which is you can certainly argue those things to the
11 jury about how much weight they should afford to this, but I think
12 it's very much admissible.

13 I agree that the phone call itself which occurs, if I recall the
14 date from the -- from what I was reviewing was August 6, 2015, the
15 day after the homicide; that the phone call identifies the caller as
16 Leonard Woods. The caller discusses having done something to
17 Josie, who is the name of the homicide victim. The caller, from my
18 listening to it, at one point becomes emotional about what they did
19 and things having gone too far and references being charged with
20 murder.

21 All of those things I think are sufficiently indicative of the
22 State believing that they're going to tie that phone call to you.

23 Personally, I think it sounds like your voice, but maybe I've
24 spent a lot more time with you in court. But I can see where
25 somebody that has spoken to you is going to view that and be able

1 to say, I believe that to be Leonard Woods's voice as well. So there's
2 enough there that I believe the phone call's going to be admissible,
3 so I'll allow the State to use that in their opening statement.

4 THE DEFENDANT: You stated something that wasn't
5 correct. You said that the caller is you referred. The caller identified
6 himself as Leonard Woods, and that's not right. I have the call right
7 here. The caller identified himself as Mannis Woods, whoever that
8 is.

9 THE COURT: You're looking at the transcript. I'm listening
10 to the phone call. The phone call says Leonard Woods. In the very
11 beginning of the phone call, you've received a phone call from
12 Leonard Woods.

13 I know the transcript, later on, said something about
14 there's a separate time. When a separate thing comes in and says
15 Leonard Woods and the transcript says Mannis. I have no idea what
16 Mannis is. But what I listened to was Leonard Woods. I mean, and
17 I -- and that's what I'm relying on and that's what the jury will receive
18 is the actual audio phone call itself, not a transcript of it.

19 All right. So do you have an objection to any of the other
20 items that the State was going to seek to admit in their opening
21 statement with the photographs?

22 THE DEFENDANT: I don't see what good it would do; so
23 no.

24 THE COURT: Okay. Well, look, I mean, it's a difficult
25 proposition to be your own attorney, but if your position --

1 THE DEFENDANT: No. You keep saying that. That don't
2 have nothing to do with it.

3 THE COURT: Please don't interrupt me.

4 THE DEFENDANT: That doesn't have nothing to do with it.

5 THE COURT: I'm just saying if your position is going to
6 be, it's not going do any good, then that could be your position. But
7 if you have an objection, tell me what the objection is.

8 THE DEFENDANT: I mean, every issue I've raised since
9 I've been representing myself got shot down. You haven't granted
10 not one issue I've raised, period.

11 THE COURT: Okay.

12 THE DEFENDANT: So why should I think that any issue I
13 bring up is going to be granted.

14 THE COURT: Okay.

15 THE DEFENDANT: That was my whole position.

16 THE COURT: Okay. So the fact that you challenged 11
17 jurors, and I struck all 11 of them, I would say is a pretty good
18 indication that I'm being fair and impartial and granting requests that
19 you make --

20 THE DEFENDANT: You're going to talk about one day out
21 of six months that I've got --

22 THE COURT: Okay.

23 THE DEFENDANT: -- that I've got -- I had to prepare
24 myself --

25 THE COURT: So again, if you keep interrupting me, you're

1 going to look really bad in front of the jury. I'm just pointing out to
2 you --

3 THE DEFENDANT: I'm pretty much going to look bad in
4 front of the jury anyway.

5 THE COURT: All right. This is going to be a long trial,
6 Mr. Woods.

7 THE DEFENDANT: Yes, it is.

8 THE COURT: Because I will jump down your throat, if, in
9 front of the jury, you act disrespectfully to me, any other attorney,
10 any witness, anything. So you better get it real clear. I'm not going
11 to put a lot of shit during the trial if you can't have the common
12 courtesy of letting other people speak when they're speaking. Got
13 it?

14 THE DEFENDANT: I never disrespected you when we're in
15 trial, when we're in front of people. When we are like this, and I talk
16 to you like I feel like I can, that's when I do that. I don't never
17 disrespect you when I'm --

18 THE COURT: Well, feeling like you can because we're
19 just --

20 THE DEFENDANT: No. I don't -- I'm not --

21 THE COURT: -- sitting here isn't that you can. It's that --

22 THE DEFENDANT: I'm not saying --

23 THE COURT: -- you're choosing to do it.

24 THE DEFENDANT: -- I'm trying to disrespect you. But I'm
25 saying I'm not going to be disrespected, downgraded, talked down

1 to just because you can -- you're a man and I'm a man. So I don't
2 feel like I should be able to just accept anything that you say to me
3 when I feel like it's not right. No disrespect intended.

4 THE COURT: Well, it is disrespectful. Because here's the
5 thing, I'm the Judge and I make rulings. And your obligation, as an
6 attorney, just like your standby attorneys or the State's attorneys, is
7 you abide by my rulings. You may not like it. You may disagree
8 with it. But that's your obligation. That's the professional obligation
9 of an attorney. You argue issues. I make rulings. We move on.

10 So the fact that the jury's not in here and you're a man
11 doesn't give you leeway to act disrespectfully because you don't like
12 what I said. That's just, hey, too bad, so sad. You want to be the
13 attorney? This is part of being the attorney.

14 But in my experience the best predictor of future behavior
15 is going to be past conduct; so if you think you can keep kind of
16 talking over me and things like that in this setting, then it's
17 eventually going to filter out in front of the jury. And I am telling you
18 by warning you repeatedly, if it happens in front of the jury, we're
19 not going to be taking breaks to send them out, and me warn you yet
20 again. I will be admonishing you in front of the jury to be respectful.
21 Okay?

22 THE DEFENDANT: I think you know that that's not going
23 to happen.

24 THE COURT: Oh, I don't know if it is or not. I'm just telling
25 you, you got to let people talk. You got to be respectful whether it's

1 a witness, an attorney, or myself.

2 So I get that you -- you believe that I don't rule on
3 anything in your favor. That's fine. I'm just going to keep asking, Is
4 there any objection to something? If you have an objection, you tell
5 me what the objection is, and I'll rule on it.

6 So I'll ask again. Do you have any objection to any of the
7 photos that the State has proposed to you in their opening?

8 THE DEFENDANT: Just the cellphone photos.

9 THE COURT: All right.

10 THE DEFENDANT: Well, they [indiscernible].

11 THE COURT: Have the copies. Actually can I see the
12 copies again?

13 THE DEFENDANT: Wait a minute. These are the only
14 ones that you're using? Or these the only ones that you're
15 presenting for --

16 MS. FLECK: I did not have the -- I did not put those into
17 what I gave you because I -- they're technically considered -- I mean
18 they're inappropriate for me to send them to the jail.

19 THE COURT: Oh, you're referring to the three photos --

20 THE DEFENDANT: No, I said --

21 MS. MURRAY: No, no, no, no.

22 THE DEFENDANT: I said cellphone photos, not pictures
23 from you.

24 MS. MURRAY: Hang on. Hang on. They're here.

25 THE DEFENDANT: No. Pictures from --

1 MS. FLECK: So --

2 MS. MURRAY: I know what you're talking about.

3 THE DEFENDANT: They're not in there.

4 MS. MURRAY: You're just missing a page.

5 THE COURT: What Ms. Fleck gave me -- and I asked to
6 give to you -- the black and white printouts of photos did not include
7 the three photos of the girl.

8 THE DEFENDANT: No.

9 MS. MURRAY: That's not what he's referring to.

10 THE COURT: Okay.

11 MS. MURRAY: He's referring to three photographs that
12 were provided yesterday that aren't in the set; so hang on.

13 THE COURT: So is there anything you're using in opening,
14 other than what you talked about earlier?

15 MS. FLECK: No.

16 MS. MURRAY: Nope.

17 THE COURT: And the three photos of Divina?

18 MS. FLECK: No. I gave him everything that I'm using in
19 opening. I think you circled the ones that I -- that are going to be
20 reserved for the second phase which is -- which will be the guns.

21 The only things that are not on there are the jail call,
22 obviously, that we just talked about; the Walgreen's video that he
23 has a copy of also; and then the three photographs that were
24 retrieved during the internal analysis of the phone.

25 THE COURT: Three photos of Divina?

1 MS. FLECK: Of Divina through the window.

2 THE COURT: Okay.

3 THE DEFENDANT: I was making sure that this -- Josie's
4 phone wasn't -- because she put them on here. So I was thinking
5 that she made a mistake and not give them to me.

6 THE COURT: So did you say a picture of Josie's phone?
7 Or pictures from Josie's phone?

8 MS. MURRAY: Can I clarify?

9 THE DEFENDANT: No. Just the text message.

10 THE COURT: Yes, you can.

11 MS. MURRAY: Yesterday two sets of photographs were
12 provided -- the ones that is the color thumbnails that the State stated
13 they intend to use during the course of the trial.

14 What he's saying is he has objections to some of those.
15 They are not also in the packet of what they intend to use during
16 opening.

17 THE COURT: All right. So, therefore, the photos that
18 you're proposing to you in your opening -- save and except for the
19 gun photos that we talked about -- those will be admitted --
20 pre-admitted for use in the opening. I still expect that the witness
21 will come in and talk about those.

22 Any other photos --

23 THE DEFENDANT: Yes.

24 THE COURT: -- they'll have to establish foundation and
25 everything through their witnesses. They're not seeking to admit

1 any of those right now.

2 THE DEFENDANT: Okay. The one autopsy photo. How do
3 I even know? I want to say.

4 THE COURT: You object to them using an autopsy photo?

5 THE DEFENDANT: Something that graphic and --

6 THE COURT: Okay.

7 THE DEFENDANT: Well, look, the reality is that there's
8 going to be autopsy photos that get admitted. The one photo that I
9 believe that I viewed in there was a photo from the right side of the
10 homicide victim; correct?

11 MS. FLECK: Yes. It's --

12 THE COURT: Like from, like, mid torso up?

13 MS. FLECK: Correct.

14 THE COURT: Along the right side of her body?

15 MS. FLECK: Correct.

16 THE COURT: I mean, it could be argued that any photo
17 from an autopsy is going to be to kind of graphic because it shows
18 somebody at the time of autopsy. Generally, they're going to be
19 naked because clothing has been removed.

20 But the only way to have people describe and see injuries
21 that are alleged to have occurred in some kind of criminal conduct is
22 to allow the photos to come in. I limit those photos, autopsy photos.
23 So before -- so the one that's being proposed is fine.

24 Before the coroner testifies or a crime scene analyst or
25 anybody else, I'll go through those photos that are proposing to be

1 used. If I feel like there's anything that's duplicitous or anything
2 that's too graphic at all, I'll limit those. But the one that's being
3 proposed for autopsy right now, I very much can see a good faith
4 basis that that's going to be admitted. And so I'll allow that one
5 photo to be used.

6 MS. FLECK: And I will say we were very specific in trying
7 to sanitize all of the crime scene photos and all of the photos of the
8 victim. We haven't presented any, nor will we, where she's covered
9 in blood. Anything that we are presenting to the jury that we will
10 seek to admit is her cleaned up at autopsy. And it's solely for, you
11 know, medical purposes and to use with the medical examiner to
12 show where the wounds were and then her cause and manner of
13 death.

14 THE COURT: Okay. All right. So what about the
15 Walgreens' video? Is there any objection to the use of the
16 Walgreens' video?

17 THE DEFENDANT: Oh, no.

18 THE COURT: Okay. All right. And so I think that was it.
19 Right?

20 MS. FLECK: That's it for openings. In terms of, I think
21 what we were going into, there was just a couple things I wanted to
22 bring up in terms of Mr. Woods' opening.

23 THE COURT: Okay.

24 MS. FLECK: Just, you know, he has brought up numerous
25 times prior false allegations of Divina. Now, obviously -- or I guess I

1 should say false allegations. Clearly his defense in this case is going
2 to be that it's a false allegation by Divina, a hundred percent fair. We
3 expect that. And I think that that's well within his right and
4 his defense.

5 However, I think he needs to be perfectly clear, nothing
6 has been litigated about a prior false allegation. And he has brought
7 that up repeatedly. He's referred to it repeatedly. But nothing of that
8 nature can come into openings nor can she be questioned about it.
9 That all had to be done in some sort of pretrial litigation where he
10 had to prove that there was actual prior false allegation, and none of
11 that has been done.

12 So I think it would be completely inadmissible and
13 improper for him to suggest in any way that this is, you know, oh,
14 she's made allegations like this in the past, or this is something she
15 knows. And I'd like a preopening ruling on that particular subject.

16 THE COURT: All right. Mr. Woods?

17 THE DEFENDANT: I submitted her paperwork that has
18 suggested prior accusations.

19 THE COURT: What are you --

20 THE DEFENDANT: And of --

21 THE COURT: What do you mean -- what do you mean
22 paperwork?

23 THE DEFENDANT: Family court records. The bitter
24 custody battle that they was going through. She says a lot of what
25 her dad was doing to her. I sent that over to her. I don't know why

1 she saying she didn't get it.

2 THE COURT: Well, that's --

3 THE DEFENDANT: A lot of --

4 THE COURT: That's not what they're saying. There's a
5 process. You would have to file a motion to introduce prior false
6 allegations. Then the Court would set an evidentiary hearing where
7 witnesses could be called and evidence is received. And there has to
8 be proof to the Court that, number one, an allegation was made; and
9 number two, that it was false. And once that's found, then that type
10 of evidence could be admissible.

11 So it's not just that one side or the other -- it's kind of like,
12 you know, let's say the State says you've done some bad things in
13 the past. They can't then just provide you some police reports and
14 say, Hey, you did these bad things. We're going to introduce them
15 at trial.

16 They'd have to file a motion to introduce bad act evidence,
17 have to come before the Court, prove that those acts occurred and
18 how they're relevant to the trial. And then I would make a ruling and
19 decide whether they're going to get to come out.

20 So their position is this hasn't been litigated. Regardless
21 of what you may have provided to them in terms of records that you
22 may have discovered, there hasn't been any motions filed or any
23 litigation to the Court to establish anything about prior false
24 allegations.

25 THE DEFENDANT: Okay.

1 THE COURT: All right. So that being the case, then yes, I
2 will grant the request that there can be no mention of any allegation
3 that there were some prior false allegations made by Divina.

4 And I'm sorry, do I pronounce the last name Leal or Leal?

5 MS. MURRAY: Leal.

6 THE COURT: Leal. Okay. All right. What else?

7 MS. FLECK: I think it was just any prior bad act of Josie's,
8 anything that he intends to do to kind of drag Josie through the
9 mud. He has also made reference to her, you know, family court
10 issues, custody issues, prior arrests for prostitution. Anything that
11 would -- kind of a bad act sort of reference with regard to the victim
12 Josie Jones.

13 THE COURT: All right. Mr. Woods?

14 THE DEFENDANT: I don't see how the jury can make an
15 honest and righteous decision without all the facts. It seem like they
16 want them to rule on just some of the facts, instead of the whole
17 picture.

18 THE COURT: Well, I mean, jurors oftentimes don't get
19 everything, whether it's about a victim or a defendant, for a variety
20 of reasons. I mean, things have to be relevant in some fashion to
21 begin with.

22 So how is anything -- and again, there hasn't been any
23 motions filed to get any of this in. But how is, you know, custody
24 disputes between Josie and Divina's father somehow relevant to
25 anything here?

1 THE DEFENDANT: Well, it was -- it was several -- well, first
2 of all, the -- all the arrests not being brought up. They're -- they're
3 trying to paint the picture like -- I mean, I don't to speak ill of the
4 dead. That was my best friend and my -- at one point in time.

5 So you live in a risky -- a higher risk lifestyle.

6 THE COURT: Okay.

7 THE DEFENDANT: All since I met you, till the time of your
8 demise. So they're going to try to paint a picture like you were just
9 this law-abiding, goody two-shoes citizen, which wasn't the case.

10 What I'm saying is it was several other -- several other
11 suspects it could have been. If you eliminating all the suspects, then,
12 of course, you just going to have the finger pointing one way.

13 THE COURT: But they're -- they import of it is that
14 character evidence is only admissible for certain reasons; right?

15 So it's one thing if the State says we want to bring in a
16 bunch of people to say Josie had great character, then -- and I'm
17 confident they're not going to do that because that doesn't really
18 have any relation to this either. So then maybe if there are other
19 things that she's done of a bad character, they would be admissible.
20 Or if there were, you know, evidence of some interactions that she
21 and you had that would give rise to a self-defense claim -- that's all
22 one thing.

23 But the stuff -- at least what was being alleged and what
24 the State provided was that Ms. Jones had some misdemeanor drug
25 possession arrests or convictions or whatever from California,

1 from -- from I'm not sure how long it was. But what -- so what would
2 be the purpose of introducing that?

3 THE DEFENDANT: No. I'm just saying if you live a higher
4 risk lifestyle, sometimes things happen.

5 THE COURT: Well, that's not --

6 THE DEFENDANT: See and what I'm saying -- and the
7 people that she interacted with, it was -- it's a lot of shady characters,
8 end of story. But I'm not being allowed to introduce none of them.
9 That's what I'm hearing. People that had contact with her, like not
10 even a week before her demise it's -- I mean it's in police records.
11 That's where I'm getting my information from. It's not like I'm just
12 throwing something out there.

13 THE COURT: No, no, no. I get that. But I'm still not
14 satisfied that somehow her having past misdemeanor drug
15 convictions is relevant here. I mean, even with live victims, not a
16 deceased victim -- live victims testifying, you're not going to
17 impeach them with prior misdemeanor drug convictions.

18 THE DEFENDANT: I'm not --

19 THE COURT: I mean, it has to be felony convictions
20 to address a person's character.

21 THE DEFENDANT: I'm not just talking about misdemeanor
22 drug.

23 THE COURT: Well, what are you talking about then?

24 THE DEFENDANT: I'm talking about she had, right up until
25 the time she died -- like a week before -- she just had a fight with

1 this -- with the husband's cousin that she was living with. They had
2 interactions behind, but then he kicked her out. So they didn't know
3 that that was a problem.

4 Her husband tried to kill her the same way that she died.
5 They don't want me to bring none of this up. That's what I'm saying.

6 THE COURT: Well --

7 THE DEFENDANT: The husband, several fights between
8 that I even broke up a couple. This is what I'm saying. Not just
9 misdemeanor drug charges. She had two outstanding felony
10 warrants at the time of her demise. I'm saying -- you know what
11 I'm -- it was a lot of --

12 THE COURT: But what I'm trying to tell you is
13 misdemeanor drug offenses, the fact that she has warrants, that's
14 still -- A -- A -- and I'm going to go back even further -- this is the kind
15 of stuff that you need to file *motions in limine* on. And if the Court
16 sets hearings and decides whether things occurred and whether they
17 meet a certain standard of evidence and proof, and then they can
18 come in front of the jury. So that not being done, you don't just do it
19 in the middle of trial. That's one reason to deny it.

20 Separately from that, having misdemeanor drug offenses
21 or warrants is not in any way relevant to whether you killed Josie
22 Jones in the parking lot of Walgreens that night. It doesn't make that
23 fact any more or less ascertainable by the jury to say that she had a
24 warrant for something.

25 THE DEFENDANT: I mean, you keep going back to the

1 misdemeanor. That's --

2 THE COURT: Well, I'm just saying that's one of the things
3 you mentioned, they mentioned, so I'm mentioning it as well.

4 THE DEFENDANT: Okay.

5 THE COURT: I'm sure that's not the --

6 THE DEFENDANT: But that's not -- was my whole basis
7 for none of that.

8 THE COURT: Okay. Well, I --

9 THE DEFENDANT: And just for the record, I wanted to say,
10 since I've been coming to your court, since I've been representing
11 myself, other than today, would you say I've not been -- I've carried
12 myself professionally? I've carried myself with respect. I haven't
13 been -- jumped out of the line -- of the rules so to speak in your
14 courtroom?

15 THE COURT: No, no. I haven't had any problems.

16 THE DEFENDANT: So you got to forgive me for today
17 because --

18 THE COURT: I'm just telling you Once we get into trial --

19 THE DEFENDANT: -- I got -- I guess that's what it is. I'm
20 just close to trial and this is -- this is big. So I apologize, because,
21 you know --

22 THE COURT: But what I'm trying to impart to you is that
23 during trial, it's not the same kind of thing as a law and motion
24 calendar where we can spend a lot of time talking about things and
25 going through things. You can't just keep people here for forever as

1 jurors because we have to keep stopping to take a break and have
2 discussions.

3 THE DEFENDANT: Yeah.

4 THE COURT: I mean, we can do that to a limited extent.
5 But during trial, things are going to come up and the State's going to
6 object, for instance. And if you can't provide the proper evidentiary
7 response, objection gets granted, and we got to move on. And your
8 standby counsel can help you with those things, obviously.

9 But I'm just saying there's going to be a lot of times in trial
10 where you're not going to like how things are going. But you've still
11 got to be able to say, got to respect the process and everybody else
12 involved and get through this, which means you can't interrupt
13 people and do all that. But no, no. Have I had a problem with you?
14 No.

15 THE DEFENDANT: That -- that won't be a problem.

16 THE COURT: Okay.

17 THE DEFENDANT: You know, I just kind of tag at you a
18 little bit when it's just us in here. I wouldn't -- you know me -- I know
19 how to conduct myself. I've never been representing myself in a
20 trial. I've never been in trial. But I'm pretty sure I -- matter of fact, I
21 know how to conduct myself.

22 THE COURT: Okay.

23 THE DEFENDANT: It won't be a problem.

24 THE COURT: All right. Well, overall then on these issues
25 that have come up about -- that the State's raised and things that

1 they were concerned about that have been mentioned at various
2 points of time, but not litigated at all for admissibility, including the
3 issue of misdemeanor drug possession charges, including these
4 issues of the discovery -- or excuse me -- a custody dispute, school
5 district records, things like that, allegations that Ms. Jones was
6 somehow engage in prostitution in the past -- those things haven't
7 been motioned to the Court or litigated in a way through an
8 evidentiary hearing to decide any propriety of that. And so they are
9 not admissible during the course of the trial.

10 All right. What else we got?

11 MS. FLECK: Nothing else from the State.

12 THE COURT: Anything, Mr. Woods?

13 THE DEFENDANT: No.

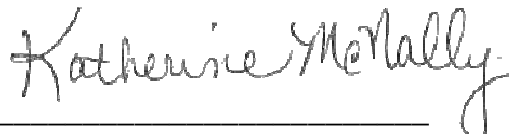
14 THE COURT: Okay. All right. Then I will see everybody
15 tomorrow at 1 o'clock.

16 MS. FLECK: Thank you.

17 [Proceedings adjourned at 3:52 p.m.]

18 * * * * *

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

22 

23 _____
24 Katherine McNally
25 Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC

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LEONARD RAY WOODS,) No. 78816
)
 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 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:

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BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office