

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

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**MICHAEL McNAIR**

Appellant,

vs.

**THE STATE OF NEVADA**

Respondent.

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**Docket No. 78871**

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Appeal From A Judgment of Conviction (Jury Trial)  
Eighth Judicial District Court  
The Honorable Douglas Herndon, District Judge  
District Court No. C-17-327395-1

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**APPELLANT'S APPENDIX VOLUME 4 OF 10**

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1 JURL

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CLERK OF THE COURT

2  
3 FEB 27 2019

4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6 BY, Kory Schlitz  
7 KORY SCHLITZ, DEPUTY

8 State of Nevada  
9 vs  
10 Michael McNair

CASE NO.: C-17-327395-1

DEPARTMENT III

11 JURY LIST

12 1. Stephen Aguirre	13 8. Paul Gustilo
14 2. Maricar Martinez	15 9. Neil White
16 3. Renee Robinson	17 10. Fannie Trinidad
18 4. Dawn Evangelista	19 11. Ruth Devon
20 5. Harry Alcantara	21 12. Ashley Padilla
22 6. Patricia Stockwell	23 13. Michael Carey
24 7. Lorna Stevens	25 14. David Patlan

26 ALTERNATES

27 SECRET FROM ABOVE

28 C-17-327395-1  
JURL  
Jury List  
4819248



000626



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL MCNAIR,

Defendant.

CASE NO. C-17-327395-1

DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON,  
DISTRICT COURT JUDGE

WEDNESDAY, FEBRUARY 27, 2019

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

APPEARANCES:

For the State:

JACQUELINE M. BLUTH, ESQ.  
JEFFREY S. ROGAN, ESQ.  
Chief Deputy District Attorneys

For the Defendant:

RANDALL H. PIKE, ESQ.  
MELINDA E. SIMPKINS, ESQ.  
NAVID AFSHAR, ESQ.  
Chief Deputy Special Public Defenders

RECORDED BY: SARA RICHARDSON, COURT RECORDER

TRANSCRIBED BY: MANGELSON TRANSCRIBING

1 Las Vegas, Nevada, Wednesday, February 27, 2019

2  
3 [Trial began at 10:20 a.m.]

4 [Outside the presence of the prospective jury]

5 THE COURT: Okay. And you guys did not have anything  
6 outside the presence, right?

7 MS. BLUTH: No, Your Honor.

8 MR. PIKE: Well, I guess now's a good a time as any.  
9 There -- the gun that was identified as the gun that was involved in this  
10 shooting, had previously been misidentified as a gun that was involved  
11 in another homicide --

12 THE COURT: Okay.

13 MR. PIKE: -- that is gone. The owner of the gun was the  
14 cousin of my client's wife. He -- we anticipate that he would be testifying  
15 there how and when Mister -- anybody else came involved with this gun  
16 is kind of unknown to Mr. Doge. He's suggested in his oral statement  
17 that my client may have taken it from him as he was assisting him with  
18 something. There has been no *Petrocelli* hearing that's been noticed or  
19 anything else to indicate that he stole the gun --

20 THE COURT: Okay.

21 MR. PIKE: -- so I just -- I don't know if that would be coming  
22 out in opening or -- just the relationship as to this individual have the gun  
23 and then it was used in the weapon and it was not given and Mr. McNair  
24 was not given permission to --

25 THE COURT: He has a -- the gun's not stolen or anything like



1 that tough, right? It was --

2 MS. BLUTH: It's Mr. House's position that Michael probably  
3 did steal it from him --

4 THE COURT: No, no, no, but I mean --

5 MS. BLUTH: I apologize.

6 THE COURT: -- what's the gentleman's name that owned the  
7 gun?

8 MS. BLUTH: Damar House.

9 MR. PIKE: Damar House.

10 THE COURT: Mr. House legally owned the gun.

11 MS. BLUTH: Yes.

12 THE COURT: I mean, it's not a stolen gun, not anything like  
13 that, okay.

14 MR. PIKE: No, and he did not --

15 THE COURT: So he legally owns it and he's -- his position is I  
16 didn't give him permission to take it but he hasn't filed a police report,  
17 said it was stolen, anything like that?

18 MR. PIKE: Right.

19 THE COURT: Or --

20 MS. BLUTH: I have no --

21 THE COURT: -- has.

22 MS. BLUTH: I'm not getting into that at all.

23 THE COURT: Okay.

24 MR. PIKE: Just out of an abundance of caution.

25 THE COURT: Okay.

1 MS. BLUTH: No, I appreciate it. But yeah, I'm not getting -- I  
2 will get into the connection between Mr. McNair and Mr. House.

3 THE COURT: Okay.

4 MS. BLUTH: But I'm not getting into the fact that, you know --  
5 any of that.

6 THE COURT: Okay.

7 MS. BLUTH: Any bad acts stuff, I'm not getting into.

8 THE COURT: Okay.

9 MR. PIKE: Okay. That's all.

10 THE COURT: JR, you can go ahead, thank you.

11 [In the presence of the prospective jury]

12 THE MARSHAL: All rise for the jurors.

13 Panel's present, Your Honor.

14 THE COURT: Thank you.

15 Okay. First off, good morning, Ladies and Gentlemen, thank  
16 you for coming back. We will be back on the record with Mr. McNair, his  
17 attorneys, and the State's attorneys present, along with our prospective  
18 jurors. We're going to fill the seats from the three that got vacated  
19 yesterday, so I need Ms. Gruber, Badge Number 55. Come on down. If  
20 you could take Seat Number 7 on the top row, Monica, thank you.

21 And then Ms. Evangelista and Ms. Padilla. Ms. Evangelista is  
22 going to take the seat here on my front row. Or excuse me, Ms.  
23 Evangelista, in the middle row. And then Ms. Padilla, the seat on the  
24 front row.

25 And then JR, if you could give the microphone to Ms. Gruber,

1 please.

2 Ms. Gruber, how you doing?

3 PROSPECTIVE JUROR NUMBER 055: Good.

4 THE COURT: Good. How long have you lived here in Las  
5 Vegas?

6 PROSPECTIVE JUROR NUMBER 055: Ten years.

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

8 PROSPECTIVE JUROR NUMBER 055: Masters.

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

10 PROSPECTIVE JUROR NUMBER 055: I'm a teacher, high  
11 school.

12 THE COURT: Pardon? I'm sorry?

13 PROSPECTIVE JUROR NUMBER 055: High school teacher,  
14 English.

15 THE COURT: High school, okay. What do you teach? Did  
16 you break my microphone? You got to pay for that thing, come on.

17 PROSPECTIVE JUROR NUMBER 055: 9<sup>th</sup> grade English.

18 THE COURT: English, okay. Are you married?

19 PROSPECTIVE JUROR NUMBER 055: No.

20 THE COURT: Any children?

21 PROSPECTIVE JUROR NUMBER 055: Two, in college.

22 THE COURT: Have you ever been a juror before?

23 PROSPECTIVE JUROR NUMBER 055: No.

24 THE COURT: Do you want to be?

25 PROSPECTIVE JUROR NUMBER 055: Yes.

1 THE COURT: Okay. You don't have to say yes just because  
2 I'm asking. Honest opinions, it's okay.

3 Have you ever been the victim of any kind of crime before?

4 PROSPECTIVE JUROR NUMBER 055: Personally or like --

5 THE COURT: Yes.

6 PROSPECTIVE JUROR NUMBER 055: Okay, no.

7 THE COURT: Okay. When you say personally, is there  
8 somebody else close to you that had been?

9 PROSPECTIVE JUROR NUMBER 055: Yeah, several.

10 THE COURT: Okay. I'll let Ms. Bluth, maybe, and Mr. Pike  
11 follow up on that.

12 How about you ever been arrested, charged, convicted of any  
13 kind of crime?

14 PROSPECTIVE JUROR NUMBER 055: No.

15 THE COURT: Do you believe that you could treat police  
16 officers like any other witness and judge what you think about them  
17 based on the totality of the case or do you think you'd treat them  
18 differently for any reason?

19 PROSPECTIVE JUROR NUMBER 055: I'd treat them based  
20 on the evidence that I see.

21 THE COURT: Okay. Do you think you could keep an open  
22 mind in the case and not decide any of the issues until it's time to  
23 deliberate with your fellow jurors?

24 PROSPECTIVE JUROR NUMBER 055: Yes, sir.

25 THE COURT: Okay. Thank you. Can you pass that forward

1 and then over to the left, please, to Ms. Evangelista?

2 Badge Number 62. How are you?

3 PROSPECTIVE JUROR NUMBER 062: Good.

4 THE COURT: How long have you lived here?

5 PROSPECTIVE JUROR NUMBER 062: 12 years.

6 THE COURT: And your level of education?

7 PROSPECTIVE JUROR NUMBER 062: Bachelors.

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

9 PROSPECTIVE JUROR NUMBER 062: Surgical tech.

10 THE COURT: Is that like an outpatient center or a hospital?

11 PROSPECTIVE JUROR NUMBER 062: Hospital.

12 THE COURT: Okay. And like an emergency room setting or

13 just --

14 PROSPECTIVE JUROR NUMBER 062: Operating room.

15 THE COURT: Pretty much anywhere?

16 PROSPECTIVE JUROR NUMBER 062: We do -- yeah, it's --

17 we do pretty much everything there except for transplants and --

18 THE COURT: Okay. And do you rotate to multiple hospitals?

19 PROSPECTIVE JUROR NUMBER 062: No, I'm stationed --

20 you know, I'm there at Southern Hill Hospital.

21 THE COURT: Okay. Are you married?

22 PROSPECTIVE JUROR NUMBER 062: No.

23 THE COURT: Any children?

24 PROSPECTIVE JUROR NUMBER 062: One.

25 THE COURT: How old.

1 PROSPECTIVE JUROR NUMBER 062: Four.  
2 THE COURT: Have you ever been a juror before?  
3 PROSPECTIVE JUROR NUMBER 062: I have.  
4 THE COURT: Okay. How long ago was that?  
5 PROSPECTIVE JUROR NUMBER 062: I want to say like four  
6 years -- three or four years ago.  
7 THE COURT: Okay. So here in Clark County?  
8 PROSPECTIVE JUROR NUMBER 062: Yes.  
9 THE COURT: Was it in State Court or Federal Court? In this  
10 building?  
11 PROSPECTIVE JUROR NUMBER 062: It was here, yeah --  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NUMBER 062: -- in civil.  
14 THE COURT: A civil case?  
15 PROSPECTIVE JUROR NUMBER 062: Yeah.  
16 THE COURT: And what was the nature of the case, contract  
17 case, personal injury?  
18 PROSPECTIVE JUROR NUMBER 062: It was like a business  
19 contract I guess you would --  
20 THE COURT: Okay. Not very exciting?  
21 PROSPECTIVE JUROR NUMBER 062: It was.  
22 THE COURT: Oh was it? Good.  
23 PROSPECTIVE JUROR NUMBER 062: Yeah.  
24 THE COURT: How long a trial was it?  
25 PROSPECTIVE JUROR NUMBER 062: Three weeks.

1 THE COURT: Whoa.

2 THE PROSPECTIVE JURY: [Various exclamatory

3 responses].

4 THE COURT: I told you guys, I told you.

5 All right. So did the jury reach a verdict?

6 PROSPECTIVE JUROR NUMBER 062: Yes.

7 THE COURT: And were you the foreperson of the jury?

8 PROSPECTIVE JUROR NUMBER 062: No.

9 THE COURT: Okay. Have you ever been the victim of any

10 crime before?

11 PROSPECTIVE JUROR NUMBER 062: Not -- no, a car

12 broken into.

13 THE COURT: Okay. Well, did you ever call the police for

14 anything that happened?

15 PROSPECTIVE JUROR NUMBER 062: Yes.

16 THE COURT: You did, okay. And was that here in Clark

17 County?

18 PROSPECTIVE JUROR NUMBER 062: Yes.

19 THE COURT: And did you ever go to court?

20 PROSPECTIVE JUROR NUMBER 062: It was a restraining

21 order, like -- does that count?

22 THE COURT: Oh, no, I'm sorry. So on the car --

23 PROSPECTIVE JUROR NUMBER 062: Oh, no, that --

24 THE COURT: No.

25 PROSPECTIVE JUROR NUMBER 062: We did call the

1 police. It was at Tropicana Hotel, they stole the car and emptied it out  
2 and put it on another floor --

3 THE COURT: Oh, okay.

4 PROSPECTIVE JUROR NUMBER 062: -- and they found it,  
5 so.

6 THE COURT: So you got your car back --

7 PROSPECTIVE JUROR NUMBER 062: Got the car back.

8 THE COURT: -- but you never had to go to court over that?

9 PROSPECTIVE JUROR NUMBER 062: No, just lost  
10 everything in it.

11 THE COURT: And that's my fault, my question wasn't that  
12 clear.

13 PROSPECTIVE JUROR NUMBER 062: I'm sorry.

14 THE COURT: No, no, no, you're fine.

15 PROSPECTIVE JUROR NUMBER 062: I'm nervous, I don't  
16 now why.

17 THE COURT: So there was another occasion that you had  
18 some involvement, as well as with the court system, I guess, in getting a  
19 restraining order.

20 PROSPECTIVE JUROR NUMBER 062: The restraining order  
21 was different, yeah.

22 THE COURT: Okay. Was that in relation to a relationship you  
23 had?

24 PROSPECTIVE JUROR NUMBER 062: Yes.

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



1 PROSPECTIVE JUROR NUMBER 062: Just last year.

2 THE COURT: Last year. Is that case still pending in any  
3 fashion or has that all been closed at this point?

4 PROSPECTIVE JUROR NUMBER 062: It's been closed, I  
5 believe.

6 THE COURT: Okay. And was that all done through the  
7 Family Court or down in one of the lowers courts in this building?

8 PROSPECTIVE JUROR NUMBER 062: Family Court --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 062: -- and there's a  
11 custody --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NUMBER 062: -- that's gone  
14 through already, I believe.

15 THE COURT: Okay. And I'm sorry, did I get to the question  
16 of have you ever been arrested, convicted, any kind of crimes?

17 PROSPECTIVE JUROR NUMBER 062: No. No crimes.

18 THE COURT: How about police officers, do you think you  
19 would give them more or less credence for any reason, just because  
20 they're police officers or do you think you could treat them like every  
21 other witness?

22 PROSPECTIVE JUROR NUMBER 062: Like every other  
23 witness.

24 THE COURT: Okay. Do you believe you could keep an open  
25 mind in the case and not decide any issues until it's submitted to you for

1 your deliberation?

2 PROSPECTIVE JUROR NUMBER 062: Yes.

3 THE COURT: Thank you. If you could pass it forward and  
4 again, we'll go down to our left to Ms. Padilla.

5 Good morning, Ms. Padilla.

6 PROSPECTIVE JUROR NUMBER 063: Good morning.

7 THE COURT: How long have you lived here?

8 PROSPECTIVE JUROR NUMBER 063: Six years.

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

10 PROSPECTIVE JUROR NUMBER 063: Arizona.

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

12 PROSPECTIVE JUROR NUMBER 063: Some college.

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

14 PROSPECTIVE JUROR NUMBER 063: Housekeeping.

15 House cleaning.

16 THE COURT: Pardon?

17 PROSPECTIVE JUROR NUMBER 063: House cleaner.

18 THE COURT: Okay. Are you married?

19 PROSPECTIVE JUROR NUMBER 063: No.

20 THE COURT: Any children?

21 PROSPECTIVE JUROR NUMBER 063: No.

22 THE COURT: Ever been a juror before?

23 PROSPECTIVE JUROR NUMBER 063: No.

24 THE COURT: Ever been the victim of any crime before?

25 PROSPECTIVE JUROR NUMBER 063: Yes.

1 THE COURT: Okay. Here in Clark County or somewhere  
2 elements?

3 PROSPECTIVE JUROR NUMBER 063: Somewhere else.

4 THE COURT: Okay. How long ago?

5 PROSPECTIVE JUROR NUMBER 063: Almost ten years  
6 ago.

7 THE COURT: Okay. So you were a minor I take it?

8 PROSPECTIVE JUROR NUMBER 063: No.

9 THE COURT: No? Okay. Sorry, I mean, that's kind of  
10 complimentary, right? I didn't want to ask you what your age was.

11 Can you tell me what it was, what happened, and did it go to  
12 court, anything like that?

13 PROSPECTIVE JUROR NUMBER 063: It did go to court, I  
14 got arrested for it.

15 THE COURT: Oh, so you weren't the victim of a crime, you  
16 got charged with some crime?

17 PROSPECTIVE JUROR NUMBER 063: Yeah, it's -- it was a  
18 domestic violence. I had called to get --

19 THE COURT: Oh, okay.

20 PROSPECTIVE JUROR NUMBER 063: -- a restraining order  
21 because he had attacked me but they ended up arresting me instead.

22 THE COURT: Okay. Was this in Arizona?

23 PROSPECTIVE JUROR NUMBER 063: No, it was New  
24 Mexico.

25 THE COURT: New Mexico, okay. And I'm sorry, how long

1 ago?

2 PROSPECTIVE JUROR NUMBER 063: About nine or ten  
3 years ago.

4 THE COURT: And did that ever go to trial in any fashion?

5 PROSPECTIVE JUROR NUMBER 063: I did go to court and  
6 they ended up dismissing and dropping everything.

7 THE COURT: Okay. So police officers, do you think you  
8 would have a tendency to give them more or less credence just because  
9 they were police officers or do you think you could treat them like any  
10 other witness?

11 PROSPECTIVE JUROR NUMBER 063: Like any other  
12 witness.

13 THE COURT: Do you believe you could keep an open mind  
14 and not decide any issues in our case until it's submitted to you for your  
15 deliberations?

16 PROSPECTIVE JUROR NUMBER 063: Yes.

17 THE COURT: All right, great. Thank you.

18 All right. I'm going to let Ms. Bluth pick back up with our panel  
19 and finish up with her questions before we move over to the Defense.

20 Jacque.

21 MS. BLUTH: Thank you.

22 Good morning, Ms. Padilla. Since you have the mic, I'm going  
23 to start with you, okay?

24 PROSPECTIVE JUROR NUMBER 063: Okay.

25 MS. BLUTH: All right. So I want to ask you a little bit about

1 what you were talking about in regards to you were the victim of a  
2 domestic violence so you called, right?

3 PROSPECTIVE JUROR NUMBER 063: Yes.

4 MS. BLUTH: You called the police.

5 PROSPECTIVE JUROR NUMBER 063: Yes.

6 MS. BLUTH: Did they show up right away?

7 PROSPECTIVE JUROR NUMBER 063: It took them a little bit  
8 but it -- they showed up, yes.

9 MS. BLUTH: Okay. So how does that situation unfold into  
10 you getting arrested?

11 PROSPECTIVE JUROR NUMBER 063: Well, I had -- I was  
12 working for the University of New Mexico at the time.

13 MS. BLUTH: Okay.

14 PROSPECTIVE JUROR NUMBER 063: I worked for the  
15 medical examiners as an autopsy assistant. And my boyfriend at the  
16 time was just a college student and I had noticed that he taken money  
17 out of my account, a significant amount and I come to find out he was  
18 intoxicated and high and he was at the strip club all day. So he came  
19 home and I asked him to leave, I was done with the relationship. And he  
20 ended up grabbing me and throwing me against the wall and like  
21 slamming me against the wall, so I reached up and slapped him to get  
22 away. I got in my car, I drove.

23 I called the cops, said I wanted a restraining order, told them  
24 what happened. They ended up finding him, they brought him over and  
25 they asked him and he admitted to everything but he didn't admit to

1 slamming me against the wall and because I had admitted to slapping  
2 him in self-defense they took me in. So they let him walk.

3 MS. BLUTH: So, I mean, rightfully, you're -- you would be  
4 very upset with how you were treated, right?

5 PROSPECTIVE JUROR NUMBER 063: I was very upset.

6 MS. BLUTH: Yeah. But then once it gets to court it seems  
7 like things get settled. So how when you got to court, how did it get  
8 remedied to the point where either -- you know, the city attorney or the  
9 district attorney found out what happened in this incident?

10 PROSPECTIVE JUROR NUMBER 063: I just remember I  
11 ended up going to court I believe two, possibly three times and he never  
12 showed up, so they just dropped everything.

13 MS. BLUTH: Got it. How has that changed the way you view  
14 this process; either as -- towards police officers, towards the court  
15 system? Or has it changed it?

16 PROSPECTIVE JUROR NUMBER 063: I think at the time I  
17 was very upset, I felt it was very unfair, I felt like they should have at  
18 least taken both of us. But over the years as I've gotten to work for law  
19 enforcement, like I said I work for the medical examiners and I worked  
20 on high profile cases such as this, it just kind of -- what happened,  
21 happened and I had to let that go and just face the facts that I couldn't  
22 change anything about it. I don't know what the cops' reasoning for just  
23 taking me was but I -- people make mistakes as well so I just kind of got  
24 over that.

25 MS. BLUTH: How long did you work at the medical

1 examiner's office?

2 PROSPECTIVE JUROR NUMBER 063: Two years.

3 MS. BLUTH: And then after you left those two years, did you  
4 ever do any further work in that field?

5 PROSPECTIVE JUROR NUMBER 063: I did not. I moved to  
6 Arizona for a year and I looked into looking for a job there in Arizona but  
7 I didn't stay there long enough, I ended up moving here. And in order for  
8 me to pursue that career here, I have to go to more schooling.

9 MS. BLUTH: All right. That doesn't make sense. All right.

10 Yesterday I'm sure you heard all of the questions that I asked  
11 so I'm not going to go through every single one with you.

12 PROSPECTIVE JUROR NUMBER 063: Okay.

13 MS. BLUTH: I'll probably hit a few, but I wanted to ask you  
14 before we start, were there any that I said that you were like oh, I've got  
15 a strong answer to that. Or you heard someone's opinion and you  
16 thought well I disagree.

17 PROSPECTIVE JUROR NUMBER 063: I think the only one  
18 that stuck out was if people were excited to be on -- possibly be on the  
19 jury and I was just because of my background working with the medical  
20 examiners --

21 MS. BLUTH: Yeah.

22 PROSPECTIVE JUROR NUMBER 063: -- and having to work  
23 on high profile cases like this and all the evidence I had to collect, the  
24 photos, I never got to see the other end of the --

25 MS. BLUTH: The process.

1 PROSPECTIVE JUROR NUMBER 063: -- process of that.

2 MS. BLUTH: Yeah, okay. Feel comfortable voicing your  
3 opinions in front of others?

4 PROSPECTIVE JUROR NUMBER 063: Yes.

5 MS. BLUTH: Has there anybody -- well, let me back up.  
6 Besides that incident with the police officers, did you ever have any  
7 other type of incident where you felt with law enforcement that you  
8 weren't treated with the dignity and respect in which you deserved as a  
9 citizen?

10 PROSPECTIVE JUROR NUMBER 063: No.

11 MS. BLUTH: In regards to the criminal justice system, do --  
12 that we have here in the United States --

13 PROSPECTIVE JUROR NUMBER 063: Uh-huh.

14 MS. BLUTH: -- do you think it works, do you think it needs  
15 work? Where are you at on that spectrum?

16 PROSPECTIVE JUROR NUMBER 063: There was  
17 somebody yesterday that said that, you know, anything can have  
18 improvement, I agree to that. Where we can improve, I'm not sure. I  
19 just get up and do what I need to do as a civilian every day, so.

20 MS. BLUTH: Working in the medical examiner's office, I'm  
21 sure you probably have a better idea in regards to real world capabilities  
22 of able to get DNA and fingerprints and things like that.

23 PROSPECTIVE JUROR NUMBER 063: Right.

24 MS. BLUTH: Do you ever watch any of those shows that I  
25 was talking about, like CSI or anything like that?



1 PROSPECTIVE JUROR NUMBER 063: The only show I've  
2 watched is First 48.

3 MS. BLUTH: Okay. So it's based on reality.

4 PROSPECTIVE JUROR NUMBER 063: Uh-huh. And Dr. G.  
5 I don't know if anybody remembers Dr. G. She was a medical examiner  
6 that had her own show that talked about, you know, what she was  
7 finding and trying to find cause of death. Because of all of my cases  
8 were where doctors would not sign off on their death certificate; so  
9 suicides, homicides, things like that.

10 MS. BLUTH: Right. Okay. What about anybody in your  
11 family have military experience? Do you have any military experience?

12 PROSPECTIVE JUROR NUMBER 063: I do not have military  
13 experience. Both of my uncles on my father's side, one was in the Army  
14 and one was in the Air Force.

15 MS. BLUTH: When I was speaking yesterday and I think  
16 Judge did as well about, you know, the two phases to a trial, did you  
17 follow what I was saying in regards to that?

18 PROSPECTIVE JUROR NUMBER 063: Yes.

19 MS. BLUTH: Do you have any issues with separating those  
20 two phases in your mind?

21 PROSPECTIVE JUROR NUMBER 063: No.

22 MS. BLUTH: Any issues with sitting in judgment of another  
23 person?

24 PROSPECTIVE JUROR NUMBER 063: No.

25 MS. BLUTH: All right. Is there anything we need to know

1 about you that you think would help us in assessing whether or not  
2 you're the right juror for this case?

3 PROSPECTIVE JUROR NUMBER 063: Not really, I think I'm  
4 pretty open-minded. I like to base things on facts.

5 MS. BLUTH: Okay. Thank you.

6 PROSPECTIVE JUROR NUMBER 063: That's really it.

7 MS. BLUTH: I appreciate it.

8 PROSPECTIVE JUROR NUMBER 063: Thank you.

9 MS. BLUTH: Would you mind passing that back to Ms.  
10 Evangelista, which is Badge Number 062?

11 Hi, how are you?

12 PROSPECTIVE JUROR NUMBER 062: Good, thanks.

13 MS. BLUTH: Okay. So I want to talk to you a little bit about  
14 the process when you were a juror, back in 2016. So, you know, civil's a  
15 little -- obviously you can probably tell, a little bit different than criminal.

16 PROSPECTIVE JUROR NUMBER 062: Yeah.

17 MS. BLUTH: But the basis of sitting there, listening, looking at  
18 evidence is the same. Did you find that to be a positive experience?

19 PROSPECTIVE JUROR NUMBER 062: I did in the end,  
20 yeah.

21 MS. BLUTH: When it was over, did you have the opportunity  
22 to speak to the attorneys afterwards?

23 PROSPECTIVE JUROR NUMBER 062: I don't think so. I  
24 don't -- other than them just thanking us as a group. That's all I  
25 remember.

1 MS. BLUTH: Okay. And I don't want to get into the specifics  
2 of your deliberation process because that pretty much just belongs to  
3 you guys but I do want to ask you when -- did you feel comfortable in  
4 voicing your opinions when you were back there?

5 PROSPECTIVE JUROR NUMBER 062: Yes.

6 MS. BLUTH: Did you feel like when you voiced your opinions,  
7 they were listened to and respected?

8 PROSPECTIVE JUROR NUMBER 062: Yes.

9 MS. BLUTH: Did you feel comfortable or were you open to  
10 listening to the other people as well?

11 PROSPECTIVE JUROR NUMBER 062: Yes. It was a good  
12 experience, like we didn't have any real issues discussing the whole  
13 case and it went pretty smoothly, I think.

14 MS. BLUTH: Is there anything about this being criminal in  
15 nature that makes you uncomfortable? Anything about the charges, or  
16 anything you've heard thus far?

17 PROSPECTIVE JUROR NUMBER 062: Not particularly, no.

18 MS. BLUTH: Would you -- like would you want to be a juror  
19 again?

20 PROSPECTIVE JUROR NUMBER 062: I was surprised, I  
21 guess, when they called my name, I thought we were going in an order,  
22 but I think it would -- it's fine, yeah, I don't have -- either way it didn't  
23 matter --

24 MS. BLUTH: You're indifferent to it?

25 PROSPECTIVE JUROR NUMBER 062: Yeah.

1 MS. BLUTH: What about that questions that I was asking  
2 yesterday? Was there anything that really -- that you -- sometimes  
3 people will go home and they'll have like all night to think about this and  
4 then they come back the next day and they think you know, there was  
5 that one question I would have answered it this way. Did you think  
6 about that at all, was there anything that stood out to you?

7 PROSPECTIVE JUROR NUMBER 062: Not really, no.

8 MS. BLUTH: Ever had any negative contacts with law  
9 enforcement where you felt like you weren't treated the way that you  
10 should have been treated?

11 PROSPECTIVE JUROR NUMBER 062: No.

12 MS. BLUTH: I want to talk about that situation in regards to --  
13 well first of all to -- about the car burglary. It's my understanding that  
14 you called 9-1-1 but you never had to go to court.

15 PROSPECTIVE JUROR NUMBER 062: Correct.

16 MS. BLUTH: But were the people caught?

17 PROSPECTIVE JUROR NUMBER 062: They said -- the last  
18 thing that we heard was the cam -- they had cameras on the parking lot  
19 floor but not where our car was so they didn't see anything, so they -- I  
20 don't believe anybody was ever caught, I never heard anything.

21 MS. BLUTH: Do you feel like there was more that should  
22 have been done or do you feel like in that situation there wasn't a whole  
23 lot of resources that could have been sent?

24 PROSPECTIVE JUROR NUMBER 062: I mean, I was happy  
25 we got our back, I -- everything in it -- I -- it was my birthday so I had

1 some gifts in there that I just had got and we didn't even live here in  
2 Vegas yet, so we were on vacation here and so it was kind of downer,  
3 but --

4 MS. BLUTH: Yeah.

5 PROSPECTIVE JUROR NUMBER 062: -- it was okay.

6 MS. BLUTH: And after that you even decided to move here  
7 though.

8 PROSPECTIVE JUROR NUMBER 062: We did, yeah.

9 MS. BLUTH: And I want to talk a little bit about the restraining  
10 order?

11 PROSPECTIVE JUROR NUMBER 062: Yes.

12 MS. BLUTH: Was there any type of an event or like a  
13 domestic violence event that leaded up -- led up to you needing to get  
14 the restraining order?

15 PROSPECTIVE JUROR NUMBER 062: He has a drug and  
16 alcohol problem, so it was more of the threat. He didn't physically touch  
17 me, he was banging on the door and very agitated and so not knowing  
18 where he was, you know, meant -- I mean, I knew where he was but I --

19 MS. BLUTH: Yeah, mentally.

20 PROSPECTIVE JUROR NUMBER 062: -- didn't know where  
21 he wanted to take this and he was acting crazy so I had to call. And he  
22 continues to have that problem today, so it's good.

23 MS. BLUTH: Did the police respond when you called?

24 PROSPECTIVE JUROR NUMBER 062: They did.

25 MS. BLUTH: Did you feel like that was handled appropriately?

1 PROSPECTIVE JUROR NUMBER 062: You know, they -- so  
2 at first they just told him that -- to leave and so, you know, he left but he  
3 came right back so I called him again and they didn't arrest him, they  
4 just said that he's -- like if he ever comes back again he's charged with  
5 trespassing so he's not allowed within a certain range of the apartment.  
6 You know, I mean, it was frustrating, the whole process of it but, I mean,  
7 I understand both sides of it and it's just something you have to deal  
8 with, you know, unfortunately.

9 MS. BLUTH: Yeah. Was your child in the home during this  
10 last time?

11 PROSPECTIVE JUROR NUMBER 062: He was.

12 MS. BLUTH: And is it both your child?

13 PROSPECTIVE JUROR NUMBER 062: Yes.

14 MS. BLUTH: Now, is that restraining order still active?

15 PROSPECTIVE JUROR NUMBER 062: No.

16 MS. BLUTH: The Family Court stuff, did you say that it is  
17 concluded, like you got the custody?

18 PROSPECTIVE JUROR NUMBER 062: So I just called the  
19 lawyer, it's -- he never responded, so it's a default.

20 MS. BLUTH: Ah.

21 PROSPECTIVE JUROR NUMBER 062: And they're going to  
22 just -- it has to go get signed off I guess and then he has no intention of  
23 responding to it either, so.

24 MS. BLUTH: Does he have any active criminal cases  
25 because of the drug issues?

1 PROSPECTIVE JUROR NUMBER 062: He just got arrested  
2 this weekend I heard but I don't know -- he was -- he said I won't tell you  
3 -- I'll tell you in person but I said don't bother anymore, okay?

4 MS. BLUTH: Okay.

5 PROSPECTIVE JUROR NUMBER 062: Yeah.

6 MS. BLUTH: What are your thoughts about our criminal  
7 justice system? Think it works? Think it needs improvements?

8 PROSPECTIVE JUROR NUMBER 062: I mean, it's not  
9 perfect. I -- like some other people said I wouldn't know -- I wouldn't  
10 have any specific, you know, answers, like how to fix it. I -- you know,  
11 it's probably the best it can be, you know, considering everything, you  
12 know?

13 MS. BLUTH: Okay. Sure. We talked about the two phases of  
14 a criminal trial -- well with a homicide trial. Did you understand kind of  
15 where I was going with that, in regards to you only get to Phase 2 if you  
16 come back as a jury and find the Defendant guilty of first-degree  
17 murder?

18 PROSPECTIVE JUROR NUMBER 062: Right.

19 MS. BLUTH: Are you okay when you're in that first phase,  
20 what we call the trial phase, are you okay with the premise that look,  
21 when you're in that phase, you can't be thinking at all about gosh, if I  
22 come back with this, then I'm going to have to do this? They're really  
23 separate in nature, even though we kind of do them back to back.

24 PROSPECTIVE JUROR NUMBER 062: Yes.

25 MS. BLUTH: Is that okay with you?

1 PROSPECTIVE JUROR NUMBER 062: Yes

2 MS. BLUTH: And are you okay considering the three forms  
3 that we talked about yesterday? And if you want me to repeat when I  
4 say forms, I mean, a punishment of the penalties. Do you understand  
5 those three or would you like me to re-go through them?

6 PROSPECTIVE JUROR NUMBER 062: I think I understand.

7 MS. BLUTH: Okay. And you're good with all three of those?

8 PROSPECTIVE JUROR NUMBER 062: Yes.

9 MS. BLUTH: All right. Is there anything that I haven't asked  
10 you that you think that we should know about you?

11 PROSPECTIVE JUROR NUMBER 062: Nothing I can think of  
12 right now.

13 MS. BLUTH: Okay. If you wouldn't mind, would you pass that  
14 just next to you to Dr. Nguyen really quickly?

15 PROSPECTIVE JUROR NUMBER 062: Sure.

16 MS. BLUTH: His Badge Number's 020.

17 Hi, Dr. Nguyen.

18 PROSPECTIVE JUROR NUMBER 020: Hi.

19 MS. BLUTH: Were you able to talk to the patient or speak to  
20 your office in regards to the appointments for the woman twice a week?

21 PROSPECTIVE JUROR NUMBER 020: Yes, she has  
22 something called CAP Paratransit. Do you know what that is?

23 MS. BLUTH: No.

24 PROSPECTIVE JUROR NUMBER 020: When you have no  
25 one to drive you, you have --



1 MS. BLUTH: Oh, yeah.

2 PROSPECTIVE JUROR NUMBER 020: -- to rely on --

3 MS. BLUTH: Okay.

4 PROSPECTIVE JUROR NUMBER 020: -- the state or I  
5 don't -- I think it's a -- so you schedule it a week in advance. So you  
6 don't -- so you have to -- if you have people drive you, you can do  
7 whatever you want.

8 MS. BLUTH: Sure.

9 PROSPECTIVE JUROR NUMBER 020: So if you have no  
10 one then you have to rely on this thing that they give you and it's like a --  
11 that little minibus.

12 MS. BLUTH: Yeah.

13 PROSPECTIVE JUROR NUMBER 020: And so they're not  
14 really responsive, it's like once a week. But you schedule them once a  
15 week.

16 MS. BLUTH: Okay.

17 PROSPECTIVE JUROR NUMBER 020: So maybe next week  
18 but not this week.

19 MS. BLUTH: So this week her appointments are at 4:00 on  
20 which days?

21 PROSPECTIVE JUROR NUMBER 020: She's a Monday at  
22 4:00 and a Thursday at 4:00.

23 MS. BLUTH: Okay.

24 PROSPECTIVE JUROR NUMBER 020: And then obviously  
25 next week she can potentially change, but we -- I schedule her at 4:00

1 for a reason.

2 MS. BLUTH: Right, so you can spend more time with her --

3 PROSPECTIVE JUROR NUMBER 020: So I don't want to  
4 rush --

5 MS. BLUTH: -- at the end of your day.

6 PROSPECTIVE JUROR NUMBER 020: -- because it hurts.

7 MS. BLUTH: Yeah.

8 PROSPECTIVE JUROR NUMBER 020: It can hurt. If you put  
9 the needle in the head and you do the wrong spot, it hurts. So I try  
10 really -- do it really slow so I don't want to have a patient after. So  
11 sometimes what I do is I say no patients after -- we can stay until 6:00,  
12 no big deal. But if you do like lunchtime -- like I used to do stuff at lunch  
13 but it's no good because we always overbook at lunch.

14 MS. BLUTH: Sure.

15 PROSPECTIVE JUROR NUMBER 020: There's 30 patients  
16 there. They're all cancer patients, they all have like six people in the  
17 room. I mean, you've probably have been -- everyone's been touched  
18 by cancer. So they're all there and that's why it's hard is so they have  
19 lots of questions. So for her, she's widowed and she has three little  
20 ones, it's crazy. And she has a helper and her helper drives her and it  
21 was great and their helper left this week.

22 So I -- this is why -- I learned all this yesterday, I was talking to  
23 my nurse. She was telling all this stuff as I'm trying to figure it out and  
24 she's like --

25 MS. BLUTH: Sure.

1 PROSPECTIVE JUROR NUMBER 020: -- oh, her, quote,  
2 unquote, friend, is gone for a month. So she has backup but it's hard.

3 MS. BLUTH: Okay. All right. Thank you.

4 Would you mind passing the microphone back, please?

5 Can I have your badge number, please? Yes

6 PROSPECTIVE JUROR NUMBER 055: 55.

7 THE COURT: Ms. Gruber.

8 MS. BLUTH: Ms. Gruber.

9 PROSPECTIVE JUROR NUMBER 055: 055.

10 MS. BLUTH: 055, thank you so much.

11 All right. So you stated that you were one who actually did  
12 want to be a juror?

13 PROSPECTIVE JUROR NUMBER 055: Yes.

14 MS. BLUTH: Why is that?

15 PROSPECTIVE JUROR NUMBER 055: I just think the whole  
16 process is interesting.

17 MS. BLUTH: Okay. Would you think it was interesting no  
18 matter what type of case it was or is it this case in particular, once  
19 you've heard what's going on?

20 PROSPECTIVE JUROR NUMBER 055: Any kind of case.

21 MS. BLUTH: I want to follow up in regards to you stated that  
22 several family members of yours have been victims. Can you explain to  
23 me what their relation was to you and how they were victimized?

24 PROSPECTIVE JUROR NUMBER 055: Well I grew up on a  
25 Native American Reservation and so it's just a different kind of life. So

1 my grandfather was burned alive, my grandmother was killed by a hit  
2 and run, my brother was murdered, my aunt was beaten to death by her  
3 boyfriend so it's just --

4 MS. BLUTH: Is that all on the Reservation?

5 PROSPECTIVE JUROR NUMBER 055: Yes.

6 MS. BLUTH: And I apologize because I know you've stated  
7 you've been for ten years in Las Vegas, where did you grow up?

8 PROSPECTIVE JUROR NUMBER 055: In Arizona.

9 MS. BLUTH: Did you live -- how much of your life did you live  
10 on the Reservation?

11 PROSPECTIVE JUROR NUMBER 055: When I'm not here I  
12 live on the Reservation.

13 MS. BLUTH: When you say when you're not here, what do  
14 you mean?

15 PROSPECTIVE JUROR NUMBER 055: Most of my life I've  
16 lived on the Reservation except when I went to school here. And then I  
17 moved here in 2008.

18 MS. BLUTH: Okay. And has it always been the Reservation  
19 in Arizona?

20 PROSPECTIVE JUROR NUMBER 055: Yes.

21 MS. BLUTH: What part of Arizona is it?

22 PROSPECTIVE JUROR NUMBER 055: The Tri-State area.

23 MS. BLUTH: When your grandfather was alive, what were the  
24 circumstances that led to that?

25 PROSPECTIVE JUROR NUMBER 055: A jealous woman.

1 MS. BLUTH: Okay. And then your grandmother was hit and  
2 run. Your brother was murdered and --

3 PROSPECTIVE JUROR NUMBER 055: Yes.

4 MS. BLUTH: I think I asked you and I apologize but all of this  
5 happened on the Reservation?

6 PROSPECTIVE JUROR NUMBER 055: Yes.

7 MS. BLUTH: And so explain to me like the criminal process  
8 when those things happen?

9 PROSPECTIVE JUROR NUMBER 055: If it's not a felony, it's  
10 taken care of on the Reservation with like the tribal court system --

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NUMBER 055: -- which is why I'm  
13 actually interested in the system here --

14 MS. BLUTH: All right.

15 PROSPECTIVE JUROR NUMBER 055: -- it's supposed to be  
16 the same but it's really not. If it goes to felony status, the FBI has to  
17 come in.

18 MS. BLUTH: All right. So it seems to me like all three of  
19 those would have been felonies.

20 PROSPECTIVE JUROR NUMBER 055: Yes.

21 MS. BLUTH: Was your grandma -- during the hit and run was  
22 she killed?

23 PROSPECTIVE JUROR NUMBER 055: Yes.

24 MS. BLUTH: All right. When those situations, those three --  
25 did you have more than three? I only said three. Was there more than

1 three that you named? Your grandfather --

2 PROSPECTIVE JUROR NUMBER 055: I mentioned my aunt  
3 but --

4 MS. BLUTH: What -- tell me again about your aunt.

5 PROSPECTIVE JUROR NUMBER 055: Domestic violence.

6 MS. BLUTH: Was that also dealt with off the Reservation?

7 PROSPECTIVE JUROR NUMBER 055: Yes.

8 MS. BLUTH: All right. And then your aunt, was she killed  
9 during that or --

10 PROSPECTIVE JUROR NUMBER 055: Yes.

11 MS. BLUTH: So she was murdered as well?

12 PROSPECTIVE JUROR NUMBER 055: Yes.

13 MS. BLUTH: Okay. Were you present during any of those  
14 actual events?

15 PROSPECTIVE JUROR NUMBER 055: No.

16 MS. BLUTH: Did you go to the court process?

17 PROSPECTIVE JUROR NUMBER 055: No.

18 MS. BLUTH: How do you feel the FBI handled each of those  
19 matters?

20 PROSPECTIVE JUROR NUMBER 055: Not seeing it, I think  
21 that justice was served.

22 MS. BLUTH: In regards to your aunt, was she murdered by  
23 your uncle?

24 PROSPECTIVE JUROR NUMBER 055: No, she was my aunt  
25 so my -- I guess, yes.

1 MS. BLUTH: I mean, her --  
2 PROSPECTIVE JUROR NUMBER 055: I mean, like he's not  
3 related to me but yeah --  
4 MS. BLUTH: So was it her husband?  
5 PROSPECTIVE JUROR NUMBER 055: -- her husband.  
6 Yeah.  
7 MS. BLUTH: Okay. So her husband killed her and then -- but  
8 you didn't go into any of the court process, but you believe that justice  
9 was served.  
10 PROSPECTIVE JUROR NUMBER 055: Yes.  
11 MS. BLUTH: And do -- did any of these homicides result --  
12 was it gun violence or --  
13 PROSPECTIVE JUROR NUMBER 055: No.  
14 MS. BLUTH: And then your brother, what were the  
15 circumstances around his murder?  
16 PROSPECTIVE JUROR NUMBER 055: He got in a fight with  
17 one of his caregivers and he ended up getting stabbed.  
18 MS. BLUTH: Why did he have caregivers?  
19 PROSPECTIVE JUROR NUMBER 055: He was  
20 schizophrenic.  
21 MS. BLUTH: All right. Did you answer no to the fact of any  
22 family members or yourself accused, you know, on the other side of it --  
23 did --  
24 PROSPECTIVE JUROR NUMBER 055: Oh no, always  
25 victims.

1 MS. BLUTH: Always victims, okay.

2 Because of your life experiences and everything, you know,  
3 that you've gone through, I mean, that's a lot of pain and loss, really  
4 tragedy. Can you be fair to both sides with that kind of a background?

5 PROSPECTIVE JUROR NUMBER 055: Yes, I've learned to  
6 compartmentalize.

7 MS. BLUTH: Okay. Is there anything about the facts of this  
8 case -- I mean, obviously we're here for a murder, right? And -- so  
9 you're going to see pictures of Mr. Phillips, who's the decedent in this  
10 case. Is there anything about that that brings you concern?

11 PROSPECTIVE JUROR NUMBER 055: No.

12 MS. BLUTH: How do you feel about local law enforcement  
13 here in Las Vegas?

14 PROSPECTIVE JUROR NUMBER 055: I think they do a  
15 good job.

16 MS. BLUTH: What about the criminal justice system in a  
17 whole? And you said -- you know, you said on the Reservation it's  
18 supposed to be the same but it's really not. What did you mean by that?

19 PROSPECTIVE JUROR NUMBER 055: That I think it's easier  
20 for people to not follow the law like how they're supposed to. Like things  
21 are written on a book -- in the book for a reason but I think on the  
22 Reservation there's some give and take --

23 MS. BLUTH: Yeah.

24 PROSPECTIVE JUROR NUMBER 055: -- that I don't see  
25 here.



1 MS. BLUTH: Do you think overall -- I think everybody agrees,  
2 right, no system is perfect in the criminal justice system. But some  
3 people see it as closer to perfect and some people see it as flawed.  
4 Where would you be on that spectrum?

5 PROSPECTIVE JUROR NUMBER 055: Closer towards  
6 perfect, I think.

7 MS. BLUTH: Okay. Any issues in judging another individual's  
8 actions?

9 PROSPECTIVE JUROR NUMBER 055: No.

10 MS. BLUTH: I'm going to ask you the same question that I  
11 asked Ms. Padilla and Ms. Evangelista and that was about the two  
12 phases of a trial. Are you comfortable with how I've explained that?

13 PROSPECTIVE JUROR NUMBER 055: Oh yes.

14 MS. BLUTH: Okay. It makes perfect sense --

15 PROSPECTIVE JUROR NUMBER 055: Yeah, it does.

16 MS. BLUTH: Well, I shouldn't say perfect sense but it's  
17 making sense to you?

18 PROSPECTIVE JUROR NUMBER 055: Yes, it's very logical.

19 MS. BLUTH: Okay. Any issue with the three forms of  
20 punishment that Judge and I spoke about yesterday?

21 PROSPECTIVE JUROR NUMBER 055: No.

22 MS. BLUTH: Is there anything that I haven't asked you that  
23 you think we should know when we're assessing whether or not you're  
24 the right juror for this case?

25 PROSPECTIVE JUROR NUMBER 055: No.

1 MS. BLUTH: All right. Thank you so much.

2 PROSPECTIVE JUROR NUMBER 055: Thank you.

3 MS. BLUTH: If you wouldn't mind passing it just to your right  
4 to Mr. Haman, 013.

5 I forgot to ask you a question yesterday. We talked a lot about  
6 some of the things that you were saying yesterday is that, you know,  
7 victimless crimes you have an issue with and I understand that. When  
8 Mr. Rogan got up yesterday and was talking about the crimes in this  
9 case, we obviously spoke about murder and he also talked about the  
10 second charge which is a carrying of a concealed weapon. Some  
11 people consider that a violent crime, some people don't, and so I didn't  
12 know where you were on that spectrum in regards to whether or not you  
13 thought that that was a violent crime.

14 PROSPECTIVE JUROR NUMBER 013: That's a good  
15 question. I've never thought about it.

16 MS. BLUTH: Yeah.

17 PROSPECTIVE JUROR NUMBER 013: I don't have  
18 anywhere near the level of a problem with that sort of a statute, needing  
19 a permit to carry concealed. I'm glad the state issues them, I have one  
20 myself. And I don't have any particular problem with the State  
21 penalizing people for violating that rule.

22 MS. BLUTH: Okay.

23 PROSPECTIVE JUROR NUMBER 013: It's not the same in  
24 my mind as a victimless crime.

25 MS. BLUTH: Okay. Thank you, I appreciate that.

1                   And I'm going to get into some specific people in one second  
2 but there's a question that I forgot to ask yesterday for the group as a  
3 whole and that is in every courtroom, no matter what the charge is,  
4 whether it be shoplifting, murder, child abuse, the State always has to  
5 prove the case to the jury beyond what's referred to as a reasonable  
6 doubt.

7                   And remember, yesterday I was talking about aft -- right  
8 before we do closing arguments, so after you've heard the trial the  
9 Judge reads to you the law, so what the elements of each of the crimes,  
10 et cetera and what he'll define to you is what this term reasonable doubt  
11 means, there's a definition for it. So the State has to prove to you that  
12 the Defendant committed these crimes beyond what's referred to as a  
13 reasonable doubt.

14                  And my point is, is it doesn't matter if it's shoplifting, it doesn't  
15 matter if it's a murder, the State's burden is all -- it's always the same.  
16 It's no higher because of a -- because it's a murder. Is there anybody  
17 who has an issue with that that thinks that well, it's a murder case so the  
18 burden should be higher? Is there anybody who -- or who has any type  
19 of comment or input on that?

20                  Showing no response. Okay, thank you.

21                  Could you please pass it right in front of you to Mr. Patlan,  
22 Badge Number 022?

23                  So right before we broke yesterday you had the mic. Anything  
24 you thought about last night in regards to thoughts that you had about  
25 specific questions or other people's answers?

1 PROSPECTIVE JUROR NUMBER 022: No.

2 MS. BLUTH: All right. So when your house was burglarized  
3 you stated that you had called 9-1-1 or no one -- it was either no one  
4 was caught or that you didn't have to go to court.

5 PROSPECTIVE JUROR NUMBER 022: Correct, both.

6 MS. BLUTH: And I didn't write down if that was in Chicago or  
7 Las Vegas, I apologize.

8 PROSPECTIVE JUROR NUMBER 022: It was Chicago.

9 MS. BLUTH: When you called 9-1-1, did you feel like you  
10 were heard?

11 PROSPECTIVE JUROR NUMBER 022: Yeah. It was clear  
12 that they'd broken in through the basement window, stole jewelry and  
13 that was all they had to go off of. There was no trail to try to catch  
14 anyone.

15 MS. BLUTH: Did you think that this was just a random  
16 burglary? Did you feel like it might have been someone you knew?

17 PROSPECTIVE JUROR NUMBER 022: We think it was  
18 someone we knew, but we couldn't prove it.

19 MS. BLUTH: Okay. Any issues or hard feelings one way or  
20 the other in regards to how that was handled because nobody was  
21 caught?

22 PROSPECTIVE JUROR NUMBER 022: No, because, you  
23 know, they only had what they can go off of, so.

24 MS. BLUTH: Okay. You moved here from Chicago for what  
25 reason?

1 PROSPECTIVE JUROR NUMBER 022: At the time we  
2 moved our kids were -- my oldest was four, so daycare costs was pretty  
3 high for three kids, so my in-laws at the time retired here so we worked it  
4 out where they would watch the kids if we could move here. So I was  
5 able to secure my job remotely, working from home. My wife at the time  
6 had found a job here and once we had work secured, daycare costs  
7 were covered by my in-laws before they went to school, so it made  
8 sense.

9 MS. BLUTH: Okay. Got it. How do you feel about local law  
10 enforcement? I know you've only been here four years, but what do you  
11 feel about it?

12 PROSPECTIVE JUROR NUMBER 022: I haven't had any  
13 interactions with them. In fact where we live I rarely see the police which  
14 I think is a good thing.

15 MS. BLUTH: Yeah.

16 PROSPECTIVE JUROR NUMBER 022: But beyond that no, I  
17 have no issues.

18 MS. BLUTH: What about in Chicago? Any interactions one  
19 way or the other?

20 PROSPECTIVE JUROR NUMBER 022: Well where we lived  
21 yeah, we did have to call the police a couple times but their response  
22 was good and helpful.

23 MS. BLUTH: What are your thoughts on the criminal justice  
24 system?

25 PROSPECTIVE JUROR NUMBER 022: Well it's hard to say

1 because I have little interaction with it, but my hope is that everything  
2 like we're doing today is based off of facts. I haven't, you know,  
3 researched any case studies or looked at statistics to see whether or not  
4 it's good or bad I guess, but the other side, the prison system I think is  
5 where -- not that I have an issue with it but I recognize issues with it just  
6 some things that I've read and seen as far as overpopulation and  
7 whether or not rehabilitation is successful through a certain amount of  
8 time in prison. But beyond that, no other opinion.

9 MS. BLUTH: When we were talking yesterday about, you  
10 know, if the jury comes back with a first degree conviction, right, you  
11 move on to the penalty phase and you have those three, the 20 to 50  
12 years, life in prison with the possibility of parole at 20 years, and then life  
13 without. Do you feel comfortable with those three? Can you fairly  
14 consider all three of those as an option?

15 PROSPECTIVE JUROR NUMBER 022: I think I could, yeah.  
16 One of my close cousins, he's older than me but when he was 16, he  
17 committed a crime, shoplifting, and I think he hit someone's wall during  
18 the process and he was sent to prison, Joliette, for like seven years.

19 MS. BLUTH: At 16 years old.

20 PROSPECTIVE JUROR NUMBER 022: Yeah, they charged  
21 him as an adult. And yeah, he was there for seven years and I haven't  
22 spoken to him about those details but when he came out of it he was a  
23 completely different person. Whether or not it was because of those  
24 seven years or it could it have been shorter? I don't know.

25 MS. BLUTH: Okay.

1 PROSPECTIVE JUROR NUMBER 022: But yeah, I felt really  
2 bad for him because of --

3 MS. BLUTH: Yeah.

4 PROSPECTIVE JUROR NUMBER 022: Yeah. But, again, I  
5 have -- again, it's hard to say whether or not that's the reason he's a  
6 different person now --

7 MS. BLUTH: Uh-huh.

8 PROSPECTIVE JUROR NUMBER 022: -- but yeah, he's  
9 flourishing now.

10 MS. BLUTH: Okay. Anything that I haven't asked you that  
11 you think that we should know about you, either side, in whether -- you  
12 know, in assessing whether --

13 PROSPECTIVE JUROR NUMBER 022: I mean, yeah, I  
14 mean, I have three kids obviously and I share custody with my wife, I  
15 have joint custody so just the coordination of school and picking them up  
16 and all that comes into play.

17 MS. BLUTH: Sure.

18 PROSPECTIVE JUROR NUMBER 022: But it shouldn't  
19 impede my judgment here if I were to be selected.

20 MS. BLUTH: If you are selected, I know a lot of the times you  
21 just let the marshal know about certain issues and then --

22 PROSPECTIVE JUROR NUMBER 022: Sure.

23 MS. BLUTH: -- we -- everybody works pretty hard to try to  
24 accommodate -- especially children issues.

25 PROSPECTIVE JUROR NUMBER 022: Yeah.

1 MS. BLUTH: Okay. Thank you so much. If you wouldn't  
2 mind passing it forward to Mr. McAndrew, who's Badge Number 036.

3 Good morning, Mr. McAndrew.

4 PROSPECTIVE JUROR NUMBER 036: Good morning.

5 MS. BLUTH: So I wanted to talk to you a little bit about the  
6 DUI still pending.

7 PROSPECTIVE JUROR NUMBER 036: Uh-huh.

8 MS. BLUTH: When was that arrest?

9 PROSPECTIVE JUROR NUMBER 036: Last April.

10 MS. BLUTH: Last April.

11 PROSPECTIVE JUROR NUMBER 036: Uh-huh.

12 MS. BLUTH: And when you -- I think you said -- or I know you  
13 said yesterday that you believe it's the district attorney's office handling it  
14 but you're not 100 percent sure.

15 PROSPECTIVE JUROR NUMBER 036: Correct. I haven't  
16 even been to court yet on it. I think the court date is in May.

17 MS. BLUTH: Okay. And --

18 PROSPECTIVE JUROR NUMBER 036: Coming up, so.

19 MS. BLUTH: And did you say you hired Chip Siegel?

20 PROSPECTIVE JUROR NUMBER 036: Chip Siegel, correct,  
21 yes.

22 MS. BLUTH: All right. Did you know him previously or is that  
23 a friend referral?

24 PROSPECTIVE JUROR NUMBER 036: My previous  
25 girlfriend got a DUI several years ago and she hired Chip and he did a



1 great job, so.

2 MS. BLUTH: Okay.

3 PROSPECTIVE JUROR NUMBER 036: Yeah.

4 MS. BLUTH: So Mr. Rogan and I, we don't handle DUIs --

5 PROSPECTIVE JUROR NUMBER 036: Okay.

6 MS. BLUTH: -- we mainly handle homicides so you wouldn't  
7 see us in that process but obviously we're a part of the same office that's  
8 prosecuting you. Do you have any issue with that? Does that bother  
9 you in any way? Does it affect you?

10 PROSPECTIVE JUROR NUMBER 036: Not necessarily.

11 MS. BLUTH: Okay. Is there anything that we should be  
12 concerned about in that regard? I mean, obv -- we literally know nothing  
13 about your case and we won't have anything to do with it but sometimes  
14 when people come in here and they have an active case sometimes  
15 they're like I'm -- yeah, I'm mad, I think you guys are unreasonable or,  
16 you know, something like that.

17 PROSPECTIVE JUROR NUMBER 036: No, not -- I mean,  
18 you know, the case is pending, so it's in limbo.

19 MS. BLUTH: Uh-huh.

20 PROSPECTIVE JUROR NUMBER 036: So I don't have any,  
21 you know, notion one way or the other. You know, I believe that, you  
22 know, the system works, so I'm hopeful for my day in court and to be  
23 able to, you know, try to rectify the situation.

24 MS. BLUTH: Yeah. Do you feel like you were treated with  
25 respect when you were stopped?

1 PROSPECTIVE JUROR NUMBER 036: Yeah, I think for the  
2 most part, yes.

3 MS. BLUTH: Do you take issue with how you were treated  
4 though? I mean, with either during the stop or once you got to jail or --

5 PROSPECTIVE JUROR NUMBER 036: Not necessarily so.

6 MS. BLUTH: Did it change the way you felt about law  
7 enforcement in any way?

8 PROSPECTIVE JUROR NUMBER 036: I think, you know,  
9 initially, I probably felt a little bit negatively towards the situation, just for,  
10 you know, a number of different reasons. But I think overall it hasn't  
11 changed my opinion by any means.

12 MS. BLUTH: And what would you say your opinion is in  
13 regards to law enforcement, just in general?

14 PROSPECTIVE JUROR NUMBER 036: I think in general I  
15 have a very favorable opinion. I mean, my uncle was a NYPD detective,  
16 my father worked with the Rhode Island State Police for many years --

17 MS. BLUTH: Right.

18 PROSPECTIVE JUROR NUMBER 036: -- so I think I have a  
19 very favorable opinion.

20 MS. BLUTH: Anything that I haven't asked you or you thought  
21 about last night in regards to just this process and being a part of it?

22 PROSPECTIVE JUROR NUMBER 036: Nothing came to  
23 mind, no.

24 MS. BLUTH: Okay. Thank you very much.

25 PROSPECTIVE JUROR NUMBER 036: Uh-huh.

1 MS. BLUTH: If you wouldn't mind passing it just one to you  
2 left, to Mr. Lemus. Well there's nobody --

3 PROSPECTIVE JUROR NUMBER 035: Yay, it's my turn.

4 MS. BLUTH: -- to your right. Yeah, you're excited. All right,  
5 good. I like that.

6 That row over there take note because I need that -- a little  
7 more of this out of you.

8 Mr. Lemus, I just wanted to ask you a little bit if -- about just  
9 what -- the things you heard yesterday. Anything stick out to you? I  
10 don't know -- I mean, I know about the questions you answered from His  
11 Honor yesterday, but other than that you didn't really -- really didn't raise  
12 your hand and have too many opinions about what I talked about.

13 PROSPECTIVE JUROR NUMBER 035: I guess I lead a  
14 boring life.

15 MS. BLUTH: No.

16 PROSPECTIVE JUROR NUMBER 035: The only issue I have  
17 is the burden falls on the prosecution. I feel if we're here going through  
18 this process, you should have -- you have enough evidence to be here,  
19 so I feel in my mind that he's guilty.

20 MS. BLUTH: Okay.

21 PROSPECTIVE JUROR NUMBER 035: I mean, that's what  
22 I've come up with in my mind.

23 MS. BLUTH: So like he made it this far then --

24 PROSPECTIVE JUROR NUMBER 035: Correct.

25 MS. BLUTH: Okay.

1 PROSPECTIVE JUROR NUMBER 035: I mean, we're here,  
2 going through the process. I feel that they should -- the Defense should  
3 have some kind of, you know -- they should have some kind of  
4 witnesses or something to prove that he's innocent as well.

5 MS. BLUTH: So that's --

6 PROSPECTIVE JUROR NUMBER 035: I don't think that's  
7 fair.

8 MS. BLUTH: Okay. Let me just play devil's advocate with you  
9 for a little bit --

10 PROSPECTIVE JUROR NUMBER 035: Okay.

11 MS. BLUTH: -- all right? So let's say you were charged with a  
12 crime that you absolutely did not commit, right? And in that situation if  
13 you didn't commit that crime, like you're going to fight it, right, like screw  
14 that, I'm not taking anything? I'm going -- taken this to --

15 PROSPECTIVE JUROR NUMBER 035: Correct.

16 MS. BLUTH: -- [indiscernible], right? So there's a saying that  
17 says, you know, if you -- let's see, hold on, because now I'm going to  
18 mess up the saying and I don't want to mess it up, but -- Randy, what is  
19 it --

20 MR. PIKE: I don't think that's it.

21 MS. BLUTH: -- if you do the -- you got to do the proving if you  
22 do the -- Judge? Somebody? I know that you guys have heard it.

23 PROSPECTIVE JUROR NUMBER 035: Did I stump you?

24 MS. BLUTH: Yeah.

25 MR. PIKE: If you're going to hold some -- yeah. If you're

1 going to hold somebody for something you have to prove it.

2 MS. BLUTH: That's not the same. I mean, that's the gist but  
3 it's cooler than that.

4 THE COURT: Are you --

5 PROSPECTIVE JUROR NUMBER 035: I would want to  
6 testify.

7 THE COURT: -- talking about the kind of if you do the  
8 accusing, you do the proving?

9 MS. BLUTH: Yeah.

10 THE COURT: Okay.

11 MS. BLUTH: I kept wanting to say if you do the choosing you  
12 do the -- but no, it's if you do the accusing you do the proving and it's  
13 that like if the State is going to charge someone with a crime, then it's  
14 their responsibility to prove that it happened. And so I get what you're  
15 saying, right? A lot of people when we ask that question about, you  
16 know, that it's the State's burden and the Defense can just sit there and  
17 play on their phones and do their magazines.

18 PROSPECTIVE JUROR NUMBER 035: Yeah.

19 MS. BLUTH: It's unnerving to people because it's like no, you  
20 should have to do a job.

21 PROSPECTIVE JUROR NUMBER 035: Exactly.

22 MS. BLUTH: And they will ask questions. They may call  
23 witnesses, they may not. But the point is that as the State of Nevada, if  
24 you're going to charge someone with something you need to prove to  
25 the jury that they did it.

1 PROSPECTIVE JUROR NUMBER 035: Understood.

2 MS. BLUTH: Do you believe in that or you just really don't

3 believe in that concept?

4 PROSPECTIVE JUROR NUMBER 035: That's a tough

5 question.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NUMBER 035: You know, what's

8 just going on in my head right now is like --

9 MS. BLUTH: Yeah.

10 PROSPECTIVE JUROR NUMBER 035: -- I feel if he's here,

11 he's guilty.

12 MS. BLUTH: And first of all let me just --

13 PROSPECTIVE JUROR NUMBER 035: I would want to

14 testify if I'm in that position, I would want to testify and I want my

15 attorney to do his job and prove to everybody that I'm innocent.

16 MS. BLUTH: Okay. So you seem like a very nice person but

17 you seem pretty confident, right? So some people are more confident

18 getting up in front of others, but let's think like Ms. Hernandez yesterday,

19 she was saying like I am so shy, I do not want to talk in front of people.

20 PROSPECTIVE JUROR NUMBER 035: I'm shy and I'm

21 reserved but I mean, I will, you know, speak my mind. I'm not going to

22 raise my hand --

23 MS. BLUTH: Yeah.

24 PROSPECTIVE JUROR NUMBER 035: -- and volunteer.

25 MS. BLUTH: But I guess what I'm saying is like some people

1 may feel more comfortable getting up and taking the stand and speaking  
2 in front of people, are you -- or testifying, whereas some people might be  
3 like ah, I'm afraid that this attorney might try to mix up my words or try to  
4 trick me into something. Do you -- could you at least see from that point  
5 of view how some people may not feel comfortable or even through the  
6 advice of their Counsel say hey, we've got this, you don't need to do  
7 that?

8 PROSPECTIVE JUROR NUMBER 035: I can see that. But  
9 like I said before if I'm in that position I'm going to go up there -- and if  
10 I'm innocent I -- there's no problem for me.

11 MS. BLUTH: Okay. I appreciate your honesty. Thank you.

12 All right. Mr. Bushong, yeah, can I talk to you one more time,  
13 033.

14 THE COURT: Yay, you're done.

15 MS. BLUTH: I know. Mr. Bushong, one thing that I didn't  
16 follow up with you yesterday is you talked about, you know, like you just  
17 trust people in general. Like you said I'm a skeptic, I think was the word.

18 PROSPECTIVE JUROR NUMBER 033: Skeptical, yes.

19 MS. BLUTH: Skeptical. Would you believe anybody that went  
20 up there? Or are you still --

21 PROSPECTIVE JUROR NUMBER 033: Well I wouldn't  
22 automatically doubt anyone.

23 MS. BLUTH: Okay.

24 PROSPECTIVE JUROR NUMBER 033: Just be skeptical of  
25 their reason for their testimony.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NUMBER 033: You know, it's just  
3 experience, you know? Things like watching Michael Cullen this  
4 morning. You just --

5 MS. BLUTH: Okay. Let's not go there because I was worried  
6 about --

7 PROSPECTIVE JUROR NUMBER 033: You just have to  
8 know that people will say what they need to say in their best interest.

9 MS. BLUTH: Sure.

10 PROSPECTIVE JUROR NUMBER 033: If I could say though,  
11 upon reflection last night --

12 MS. BLUTH: Yes.

13 PROSPECTIVE JUROR NUMBER 033: -- I accept that to  
14 have a polite society we need to check one another, so I can accept a  
15 civic duty to do that.

16 MS. BLUTH: Okay. The only concern that I have is that if  
17 someone is so skeptical that they would be unable to make a decision  
18 just because they were constantly doubting everyone. Should I have  
19 that concern about you?

20 PROSPECTIVE JUROR NUMBER 033: No, not really and I  
21 would hope that I would be able to make decisions best based on  
22 physical evidence and not have to decide if that individual is telling the  
23 truth. You know, I'm not familiar with the whole process here --

24 MS. BLUTH: Sure.

25 PROSPECTIVE JUROR NUMBER 033: -- and what -- you



1 know, what might be presented. So I don't know if jurors have to make  
2 decisions simply based on what someone says or if there's going to be  
3 evidence that's tangible and you know, with no doubt.

4 MS. BLUTH: Right. You know, when I -- yesterday when I  
5 was talking a little bit about before I did homicides, I did -- I worked  
6 closely on sexual assault on children and to be honest with you in those  
7 cases it's rarely -- like this many cases maybe I had that ever had  
8 evidence and it really is about the -- what the child said and you have to  
9 come in there -- and sometimes my only evidence was a four-year old  
10 child that walked up there and talked about what happened. There's not  
11 always physical evidence.

12 And I'm not saying there is or there isn't in this case only  
13 because I -- we can't get into those facts --

14 MR. PIKE: No, Your Honor, I -- and I -- pardon --

15 MS. BLUTH: That's okay.

16 MR. PIKE: I'd have to object on this because there is a  
17 specific guidance or rule that involves sexual assault cases that say if --

18 THE COURT: Well, yeah, I -- I'll -- I'm sorry to interrupt you,  
19 Randy, but I'm going to sustain the objection. I don't want to go too far  
20 down the road about talking about other types of cases.

21 MS. BLUTH: Okay.

22 THE COURT: And I mean, just making reference to the fact  
23 that you have to evaluate witnesses somehow if you don't have physical  
24 evidence is okay.

25 MS. BLUTH: Yeah. So that's basically what's I'm saying is

1 sometimes you have to evaluate, you know, victims or witness testimony  
2 and there aren't physical -- there isn't physical evidence in cases, is that  
3 something you are uncomfortable in doing?

4 PROSPECTIVE JUROR NUMBER 033: Yes.

5 MS. BLUTH: Okay. So in -- do you believe every case that  
6 comes through this courtroom should have physical evidence or  
7 scientific evidence?

8 PROSPECTIVE JUROR NUMBER 033: That it should have?  
9 Well it doesn't matter if it should have, the question is will it have -- I  
10 mean --

11 MS. BLUTH: That --

12 PROSPECTIVE JUROR NUMBER 033: You know, I --

13 MS. BLUTH: Does it have to in order for you to sit as a juror?

14 PROSPECTIVE JUROR NUMBER 033: Well to say that I  
15 would base my decision just based on what somebody's telling me --

16 MS. BLUTH: Uh-huh.

17 PROSPECTIVE JUROR NUMBER 033: -- and have to decide  
18 if they're telling the truth or not simply to decide, I wouldn't want to be  
19 placed in that situation.

20 MS. BLUTH: Okay. That's always the hard part, right about  
21 the law and can't.

22 PROSPECTIVE JUROR NUMBER 033: Right.

23 MS. BLUTH: So you wouldn't want to but could you?

24 PROSPECTIVE JUROR NUMBER 033: I don't know.

25 MS. BLUTH: You're not sure.

1 PROSPECTIVE JUROR NUMBER 033: Right.

2 MS. BLUTH: Okay. Thank you. Would you mind passing it  
3 down to the -- all the way back. Let's pass it to Mr. Dresel, Badge  
4 Number 052.

5 Good morning, Mr. Dresel.

6 PROSPECTIVE JUROR NUMBER 052: Good morning.

7 MS. BLUTH: Just wanted to talk to you. What are your  
8 thoughts in regards to what Mr. Bushong was just talking about in  
9 regards to physical evidence versus, you know, testimony of individuals?

10 PROSPECTIVE JUROR NUMBER 052: I think you have to  
11 weigh them on what comes out.

12 MS. BLUTH: Okay.

13 PROSPECTIVE JUROR NUMBER 052: I don't have a  
14 problem either way.

15 MS. BLUTH: Okay. In regards to some of the conversation  
16 we were having about local law enforcement and criminal justice in  
17 general, tell me your thoughts about that.

18 PROSPECTIVE JUROR NUMBER 052: I don't have real  
19 negative or real positive either way, so I'm pretty neutral on that.

20 MS. BLUTH: Do you want to be a juror? Set aside like the  
21 time constraints and things like that, you've heard about this case, do  
22 you want to be a juror?

23 PROSPECTIVE JUROR NUMBER 052: Sure.

24 MS. BLUTH: Why?

25 PROSPECTIVE JUROR NUMBER 052: Just because as

1 others have said, it's a -- it's kind of a fascinating process and it's  
2 something I haven't done before. And, you know, the only reservation I  
3 have is just because of other responsibilities and --

4 MS. BLUTH: Sure.

5 PROSPECTIVE JUROR NUMBER 052: -- you know, fitting it  
6 in with what we have to do.

7 MS. BLUTH: Do you think that you have certain qualities or  
8 characteristics that would make you a good juror, make you a good  
9 individual who can assess credibility, things like that?

10 PROSPECTIVE JUROR NUMBER 052: Yeah, I think so. So  
11 I'm a pretty logical thinker and I don't have a problem expressing my  
12 opinions and -- but I like to -- I recognize there's always two sides to  
13 things so I'd like to think that I'm open to, you know, others' opinions and  
14 try to evaluate what we hear and try to sort things out.

15 MS. BLUTH: Did you -- have -- did you have any feelings one  
16 way or the other about how I was discussing dividing the trial into the  
17 two phases?

18 PROSPECTIVE JUROR NUMBER 052: No.

19 MS. BLUTH: Any issues with that?

20 PROSPECTIVE JUROR NUMBER 052: None.

21 MS. BLUTH: Thank you very much. Would you please pass  
22 that once to your right to Ms. Martinez?

23 Good morning.

24 PROSPECTIVE JUROR NUMBER 039: Good morning.

25 MS. BLUTH: Ms. Martinez is Badge Number 039.

1 Any thoughts last night in regards to any of the questions that I  
2 asked, or any other opinions voiced by prospective jurors?

3 PROSPECTIVE JUROR NUMBER 039: No.

4 MS. BLUTH: What are your thoughts, just in general, about  
5 the criminal justice system? Think it works, there's flaws, where are you  
6 at?

7 PROSPECTIVE JUROR NUMBER 039: I think there's flaws  
8 in everything.

9 MS. BLUTH: Okay.

10 PROSPECTIVE JUROR NUMBER 039: And like everyone  
11 else said I wouldn't know which -- where to improve.

12 MS. BLUTH: Generally, do you trust the system? I mean, I  
13 know you're saying -- you know, there's no perfect system --

14 PROSPECTIVE JUROR NUMBER 039: Yes.

15 MS. BLUTH: But generally, do you have faith in the system?

16 PROSPECTIVE JUROR NUMBER 039: Yes.

17 MS. BLUTH: And what about law enforcement?

18 PROSPECTIVE JUROR NUMBER 039: Same thing, yes.

19 MS. BLUTH: Any interactions, positive or negative, at all with  
20 police?

21 PROSPECTIVE JUROR NUMBER 039: No. Well, when you  
22 asked about if we were ever a victim, I wasn't. My parents were out of  
23 town, I was watching their house and their house almost got burglarized.

24 MS. BLUTH: So when you say almost, were you home?

25 PROSPECTIVE JUROR NUMBER 039: Well they didn't get

1 inside.

2 MS. BLUTH: Were you home?

3 PROSPECTIVE JUROR NUMBER 039: We had an alarm. I  
4 was called. I'm the first contact since they were actually out of the  
5 country.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NUMBER 039: So --

8 MS. BLUTH: Did the police arrive?

9 PROSPECTIVE JUROR NUMBER 039: Yeah, it took a long  
10 time for them to get there. It was about 9:00 at night. They did come,  
11 they were very nice. I actually entered the house without them because  
12 it was taking way too long. My husband did meet me there, we walked  
13 around, but we walked in and we found that nothing was touched or  
14 anything.

15 MS. BLUTH: Okay.

16 PROSPECTIVE JUROR NUMBER 039: It was a little scary.

17 MS. BLUTH: I think that's probably frustrating though when  
18 you feel like, you know --

19 PROSPECTIVE JUROR NUMBER 039: It was a little bit but I  
20 understood it was 9:00. I know my friends always tell me 5:00 is the  
21 change of shift and it is just a home burglary that they didn't get inside.

22 MS. BLUTH: Right.

23 PROSPECTIVE JUROR NUMBER 039: So I think, you know,  
24 priority.

25 MS. BLUTH: Any issues with the two phases of the trial or the

1 three forms of punishment that we've been discussing?

2 PROSPECTIVE JUROR NUMBER 039: No.

3 MS. BLUTH: Do you watch any of those shows like --

4 PROSPECTIVE JUROR NUMBER 039: No. Maybe once but  
5 not like every week, no.

6 MS. BLUTH: All right. Anything that I haven't asked you that  
7 you think we should know?

8 PROSPECTIVE JUROR NUMBER 039: Thank you.

9 MS. BLUTH: Let me see if I have anything for -- yeah, Mr.  
10 Oyler, I have a few questions for you, Badge Number 053.

11 PROSPECTIVE JUROR NUMBER 053: Okay. Shoot.

12 MS. BLUTH: Thank you. Yesterday when I was talking about  
13 -- well I think a lot of people were talking about their views in regards to  
14 either positive or negative contacts with law enforcement. Where are  
15 you at with that?

16 PROSPECTIVE JUROR NUMBER 053: All positive.

17 MS. BLUTH: Positive. And what about just in general, our  
18 criminal justice system, how do you see it?

19 PROSPECTIVE JUROR NUMBER 053: You know I haven't  
20 had a lot of interaction, but I believe it works. Again, I don't know a lot of  
21 specifics where maybe it doesn't so what I know and I see, I think it  
22 works.

23 MS. BLUTH: I know you didn't raise your hand yesterday  
24 about that shows that we were talking about, CSI --

25 PROSPECTIVE JUROR NUMBER 053: Oh, I did.

1 MS. BLUTH: You did raise your hand?  
2 PROSPECTIVE JUROR NUMBER 053: Yeah.  
3 MS. BLUTH: Oh --  
4 PROSPECTIVE JUROR NUMBER 053: But I don't watch  
5 them. I've seen them but I don't -- I'm not a continuous watcher.  
6 MS. BLUTH: In watching those shows, do you feel like you  
7 would be able to set them aside though and assess maybe what -- you  
8 hear a crime scene analyst come in and --  
9 PROSPECTIVE JUROR NUMBER 053: As far as I'm  
10 concerned those shows are Hollywood. Kind of -- there's more drama  
11 put to it to -- I guess for viewer attendance type thing, so --  
12 MS. BLUTH: Sure.  
13 PROSPECTIVE JUROR NUMBER 053: -- I don't look at them  
14 as something that's real.  
15 MS. BLUTH: Okay. Thank you very much, I'll pass.  
16 PROSPECTIVE JUROR NUMBER 053: Uh-huh.  
17 MS. BLUTH: Would you mind passing it to Mr. Harris, who's  
18 right beside you, 054.  
19 Hi, Mr. Harris.  
20 PROSPECTIVE JUROR NUMBER 054: Good morning.  
21 MS. BLUTH: I wanted to ask you a few questions about your  
22 home being vand -- I wrote vandalized. Was it burglarized or  
23 vandalized?  
24 PROSPECTIVE JUROR NUMBER 054: Vandalized.  
25 MS. BLUTH: Okay. And that was -- it wasn't very long ago,



1 right, it was -- last year, wasn't it?

2 PROSPECTIVE JUROR NUMBER 054: Yes.

3 MS. BLUTH: Called 9-1-1?

4 PROSPECTIVE JUROR NUMBER 054: Yes.

5 MS. BLUTH: But didn't go to court.

6 PROSPECTIVE JUROR NUMBER 054: No.

7 MS. BLUTH: Anybody caught?

8 PROSPECTIVE JUROR NUMBER 054: No.

9 MS. BLUTH: How do you feel about that? Frustrated?

10 PROSPECTIVE JUROR NUMBER 054: Yeah, I was  
11 frustrated that the police didn't show up, but I totally understand. You  
12 know, it's not a priority call and once we realized no one was there,  
13 there's nothing you could really do about it.

14 MS. BLUTH: So when you say van -- I mean, was it inside,  
15 was it outside, what did they -- what was the vandalism?

16 PROSPECTIVE JUROR NUMBER 054: Outside of -- we  
17 were having some pool work done, the pool was empty, so I believe the  
18 individuals felt it was a vacant home so they started throwing rocks to  
19 possibly see if there was anyone home so they damaged -- broke out  
20 the double pane glass doors and damaged the wood on the side of the  
21 house.

22 MS. BLUTH: Okay. So you've worked, you know, for a pretty  
23 long time in regards to different areas of the criminal justice system.  
24 How do you think it works?

25 PROSPECTIVE JUROR NUMBER 054: I think it's a very

1 good system. I've lived and traveled all over the world and depending --  
2 assessing it based on other laws and other systems, I think the United  
3 States has the best justice system. But, again, it can be improved as  
4 well.

5 MS. BLUTH: Okay. You know, having worked in this system  
6 for so long, do you think you could be fair to both sides?

7 PROSPECTIVE JUROR NUMBER 054: Yes, absolutely.

8 MS. BLUTH: Is there anything I haven't asked you or is there  
9 anything that was voiced by another jurors that you had opinion about?

10 PROSPECTIVE JUROR NUMBER 054: No.

11 MS. BLUTH: Okay. Thank you so much. If you wouldn't  
12 mind passing it to Ms. Bustos, Badge Number 044.

13 Good morning.

14 PROSPECTIVE JUROR NUMBER 044: Good morning.

15 MS. BLUTH: So I literally don't have anything down on my  
16 sticky for you except for the things that you answered Judge yesterday.  
17 Are you a quiet person by nature or you just haven't really had any  
18 specific answers?

19 PROSPECTIVE JUROR NUMBER 044: Yeah, I'm pretty  
20 quiet.

21 MS. BLUTH: Are you so quiet that you would maybe feel  
22 uncomfortable voicing your opinion if you were selected as one of the  
23 12?

24 PROSPECTIVE JUROR NUMBER 044: Probably.

25 MS. BLUTH: You would feel uncomfortable with it?

1 PROSPECTIVE JUROR NUMBER 044: Yeah.

2 MS. BLUTH: If you got back there and your opinions differ  
3 though, in comparison to the other 11, tell me how you would handle  
4 that.

5 PROSPECTIVE JUROR NUMBER 044: Well I would  
6 probably say my view and if they don't, you know, agree with me, I  
7 guess I'd go with the rest.

8 MS. BLUTH: Okay. So, originally though you would feel  
9 comfortable voicing your opinion?

10 PROSPECTIVE JUROR NUMBER 044: Uh-huh. Yes.

11 MS. BLUTH: Yes?

12 PROSPECTIVE JUROR NUMBER 044: Yes.

13 MS. BLUTH: I'm sorry did you say -- okay.

14 PROSPECTIVE JUROR NUMBER 044: Uh-huh.

15 MS. BLUTH: But then if you couldn't convince them you think  
16 you might just go -- you would just go with what they said?

17 PROSPECTIVE JUROR NUMBER 044: Yeah.

18 MS. BLUTH: Any issues with this process, by being a juror  
19 and sitting in judgment of another individual's actions?

20 PROSPECTIVE JUROR NUMBER 044: Well, I already have  
21 a vacation planned so if I was selected I wouldn't really be all here.

22 MS. BLUTH: When's your vacation?

23 PROSPECTIVE JUROR NUMBER 044: It's from the 8<sup>th</sup>  
24 through the 11<sup>th</sup>.

25 MS. BLUTH: Okay. Oh, and you know what, I'm glad that you

1 brought that up because I was supposed to ask you some questions  
2 about that. The 8<sup>th</sup> is a Friday, right?

3 PROSPECTIVE JUROR NUMBER 044: Yeah.

4 MS. BLUTH: What time is your -- is it a flight or --

5 PROSPECTIVE JUROR NUMBER 044: Yeah, it's a flight.

6 MS. BLUTH: What time is your flight?

7 PROSPECTIVE JUROR NUMBER 044: It's 12:00.

8 MS. BLUTH: And then what time do you get in on the 11<sup>th</sup>?

9 PROSPECTIVE JUROR NUMBER 044: I think in the  
10 afternoon. I brought my itinerary.

11 MS. BLUTH: That's okay. I mean, I -- maybe Judge will want  
12 to see it but I --

13 PROSPECTIVE JUROR NUMBER 044: Okay.

14 MS. BLUTH: -- just generally it's sometime in the afternoon  
15 on Monday. It's not like you're not going to be able to be here at 9:00  
16 a.m.?

17 PROSPECTIVE JUROR NUMBER 044: Correct.

18 MS. BLUTH: Okay. All right. Thank you so much. Would  
19 you mind passing it once to your right to Ms. Trinidad.

20 PROSPECTIVE JUROR NUMBER 045: Yes.

21 MS. BLUTH: Good morning.

22 PROSPECTIVE JUROR NUMBER 045: Good morning.

23 MS. BLUTH: All right. I want to talk a little bit about the auto  
24 burglary. You said that there -- you called 9-1-1 but nobody even  
25 came --

1 PROSPECTIVE JUROR NUMBER 045: Oh, no, I didn't call  
2 9-1-1, security in the hospital just told me that my car had got broken  
3 into and then I went to the police station to file the report.

4 MS. BLUTH: Okay. I got it. But nobody was caught, correct?

5 PROSPECTIVE JUROR NUMBER 045: No.

6 MS. BLUTH: Are you frustrated by that? Do you think that  
7 more should have been done?

8 PROSPECTIVE JUROR NUMBER 045: Not really. I mean, it  
9 is what it is. I can't change it.

10 MS. BLUTH: Yeah. Do you -- how would you say you  
11 generally view law enforcement here locally?

12 PROSPECTIVE JUROR NUMBER 045: I'm -- I don't have  
13 much, you know, interaction with them. They're -- for me it's good. I  
14 mean, only a couple of times -- maybe if I worked in the emergency  
15 room and if they brought in people. The only time I encounter them is if  
16 they bring prisoners to the hospital.

17 MS. BLUTH: Right.

18 PROSPECTIVE JUROR NUMBER 045: So there are two of  
19 them always but they're pretty good.

20 MS. BLUTH: Okay. And how often would you say that you  
21 come into contact with either prisoners or inmates when the police bring  
22 them in?

23 PROSPECTIVE JUROR NUMBER 045: Twice a month, three  
24 times a month.

25 MS. BLUTH: Any issues with the -- because you have, you

1 know, somewhat interaction with individuals like inmates or prisoners on  
2 a general basis as well -- or I mean, on a somewhat ongoing basis, as  
3 well as police officers, does that affect you in any way of how you could  
4 be fair?

5 PROSPECTIVE JUROR NUMBER 045: I don't think so.

6 MS. BLUTH: Are you comfortable with sitting in judgment of  
7 another person's actions?

8 PROSPECTIVE JUROR NUMBER 045: I think so.

9 MS. BLUTH: All right. I've talked a lot about the two phases  
10 yesterday of the trial, did you understand what I was saying in regards to  
11 that?

12 PROSPECTIVE JUROR NUMBER 045: Yes.

13 MS. BLUTH: And you'd feel comfortable that you would be  
14 able to when you're in one you can't be thinking about the other?

15 PROSPECTIVE JUROR NUMBER 045: Yes.

16 MS. BLUTH: Is there anything that I haven't asked you that  
17 you think that each of us should know?

18 PROSPECTIVE JUROR NUMBER 045: Not that I can think  
19 of.

20 MS. BLUTH: If you were sitting where we were sitting, would  
21 you feel comfortable having you on the jury?

22 PROSPECTIVE JUROR NUMBER 045: I would think so.

23 MS. BLUTH: What about the other side? If you were sitting  
24 where Mr. McNair was sitting, would you feel comfortable with someone  
25 like you?

1 PROSPECTIVE JUROR NUMBER 045: I would think so.

2 MS. BLUTH: And why is that?

3 PROSPECTIVE JUROR NUMBER 045: I mean, I'm willing to  
4 listen, I guess. Open, you know. Look at the facts and weigh the facts  
5 and make a decision out of it.

6 MS. BLUTH: Thank you.

7 All right. Do I say Benkovitz? Am I saying it right?

8 PROSPECTIVE JUROR NUMBER 046: Benkovitz, yeah.

9 MS. BLUTH: I want to talk about a few things. Number one,  
10 when you got in trouble in New York when you were a minor, right,  
11 was --

12 PROSPECTIVE JUROR NUMBER 046: Yes.

13 MS. BLUTH: What did you say?

14 PROSPECTIVE JUROR NUMBER 046: Yeah, what about it?

15 MS. BLUTH: What was the -- what did you get caught for, I  
16 didn't write it down?

17 PROSPECTIVE JUROR NUMBER 046: I got caught for  
18 criminal trespassing, swimming in a swimming pool that was locked and  
19 closed at midnight at a country club with a bunch of friends.

20 MS. BLUTH: Did you have clothes on?

21 PROSPECTIVE JUROR NUMBER 046: Underwear.

22 MS. BLUTH: And you got charged for that?

23 PROSPECTIVE JUROR NUMBER 046: Yeah, criminal  
24 trespassing or -- you know, it's just a fine. Little, you know. And then I  
25 got caught with a small amount of a controlled substance at a Frank

1 Zappa concert. And that involved hiring a lawyer and, you know, I got  
2 off on be good for five years and it's off your record, whatever they call  
3 that.

4 MS. BLUTH: When was that?

5 PROSPECTIVE JUROR NUMBER 046: It was about -- I was  
6 17 years old, so it was '79.

7 MS. BLUTH: Okay. Anything about either of those -- I mean,  
8 I know they're a long time ago but sometimes people hold on -- they're  
9 frustrated. Anything about either of those situations where you feel like  
10 you weren't treated properly?

11 PROSPECTIVE JUROR NUMBER 046: No.

12 MS. BLUTH: All right.

13 PROSPECTIVE JUROR NUMBER 046: I was treated well, I  
14 was just a stupid kid.

15 MS. BLUTH: Okay. But now on the other side of it, in regards  
16 to the auto burglary?

17 PROSPECTIVE JUROR NUMBER 046: It was just smashing  
18 my driver's window in the driveway and going through the glove  
19 compartment and nothing was stolen. I don't keep anything valuable in  
20 my car.

21 MS. BLUTH: So you didn't call -- your not calling the police  
22 didn't have anything to do with your views on law enforcement, you just  
23 felt like they --

24 PROSPECTIVE JUROR NUMBER 046: No.

25 MS. BLUTH: -- didn't take anything --



1 PROSPECTIVE JUROR NUMBER 046: Yeah. The cop --  
2 police wouldn't have done anything anyway.

3 MS. BLUTH: Okay. Generally, what would you say your  
4 views are towards local law enforcement?

5 PROSPECTIVE JUROR NUMBER 046: Very good. I'm  
6 respectful of the law enforcement. I think Metro and Henderson do a  
7 great job. And -- from what I've seen. I mean, I haven't had any -- I've  
8 got a couple ex-students on the force and that's about it.

9 MS. BLUTH: A couple what?

10 PROSPECTIVE JUROR NUMBER 046: A couple of old  
11 students that are on the Henderson force, I believe.

12 MS. BLUTH: Have you always worked at the same high  
13 school?

14 PROSPECTIVE JUROR NUMBER 046: No.

15 MS. BLUTH: Which high schools have you worked at?

16 PROSPECTIVE JUROR NUMBER 046: I worked at Eldorado  
17 High School for 12 years and now I'm at East Career and Technical  
18 Academy, which is a -- sort of like a trade school. It's a regular high  
19 school, but kids want to be there so it makes a hell of a difference, you  
20 know?

21 MS. BLUTH: Yeah.

22 PROSPECTIVE JUROR NUMBER 046: There's no discipline  
23 problems or anything.

24 MS. BLUTH: What would you say in regards to our criminal  
25 justice system, just on a national level? You think it works, where are

1 you at?

2 PROSPECTIVE JUROR NUMBER 046: I think it's fair. A few  
3 things that irritate me and I really don't want to insult anybody but over  
4 the years, especially in the states of California and Colorado, liberal  
5 judges have let very light sentences for people who have done crime  
6 against children and that really ticks me off, being a teacher and  
7 everything.

8 MS. BLUTH: Okay. Anything I haven't asked you that you  
9 had an opinion about that you think that we should know?

10 PROSPECTIVE JUROR NUMBER 046: No, just going over  
11 the question what Your Honor asked me yesterday.

12 MS. BLUTH: What was it, I don't remember.

13 PROSPECTIVE JUROR NUMBER 046: I think it was on  
14 whether I could listen to all the evidence before I make a decision and I  
15 really don't know. I really don't know what my mind's going to do, you  
16 know?

17 MS. BLUTH: Yeah.

18 PROSPECTIVE JUROR NUMBER 046: I mean, it could be a  
19 half hour into the trial and I could say he's guilty as hell or I could go the  
20 other way, half hour into the trial I could say man, the cops framed this  
21 guy.

22 MS. BLUTH: Yeah.

23 PROSPECTIVE JUROR NUMBER 046: So I don't know  
24 what's going to happen. I feel like a little overwhelmed that we're being  
25 thrown to the wolves.

1 MS. BLUTH: No.

2 PROSPECTIVE JUROR NUMBER 046: You know, like give  
3 me a copyright infringement case or something like that first and let me  
4 get my feet wet before you put me on a murder trial.

5 MS. BLUTH: You do not want that. No, let me -- so I totally  
6 get where you're coming from. Let me put it to you like this though. You  
7 know, let's say Witness 1 you're like oh, man he's good for it, he's guilty.  
8 But Witness 2 you're like oh, wait, you know, I'm not sure. I mean, I  
9 think it's okay to have like feelings when one witness is up and then  
10 change the second witness. I think the point is you have to be open  
11 though to just hearing everything.

12 I don't -- I think that at some times probably jurors at one point  
13 or the other think oh, I know exactly what happened. And then two  
14 witnesses later, maybe they change the other way. But as long as  
15 you're open to hey, I need to kind of wait and assess all of it and I need  
16 to go speak to my fellow jurors and see if there's something I missed or  
17 is there something they missed. Then I think that your feelings are  
18 natural and I think that they're okay.

19 Would you be open to that say Witness 1, you have an  
20 opinion? Would you keep in the back of your mind okay, but this can  
21 change with Witness 2 or 3 because I just don't know what's coming my  
22 way?

23 PROSPECTIVE JUROR NUMBER 046: Yeah, probably.

24 MS. BLUTH: Does that make you feel a little bit more  
25 comfortable?

1 PROSPECTIVE JUROR NUMBER 046: Maybe a little, yes.  
2 MS. BLUTH: Okay. All right. Thank you so much.  
3 May we approach, Judge?  
4 THE COURT: Sure.  
5 [Bench Conference Begins]  
6 MS. BLUTH: So -- sorry. We're going to pass for cause now  
7 but obviously there's some of the -- I mean, some of the people that  
8 we've already discussed with you that we tried to get kicked previously --  
9 THE COURT: Okay.  
10 MS. BLUTH: I still want to keep my thoughts -- I would still  
11 want to keep those but I recognize that you made the ruling that Randy  
12 can speak to them.  
13 THE COURT: So that's --  
14 MS. BLUTH: I get it.  
15 THE COURT: Tell me again who all that's going to be. So --  
16 MS. BLUTH: So --  
17 MR. ROGAN: Sorry, yeah, I was like --  
18 MS. BLUTH: That would be --  
19 THE COURT: Don't elbow Navid out of the way.  
20 MS. BLUTH: -- Haman, 013.  
21 THE COURT: Sorry, again.  
22 MS. BLUTH: Haman --  
23 THE COURT: Okay.  
24 MS. BLUTH: -- 013. Lyons, 05 -- I can't read my reading if  
25 it's --

1 MR. ROGAN: 050.  
2 MS. BLUTH: -- 050.  
3 THE COURT: That's okay.  
4 MS. BLUTH: I feel like Mr. Nguyen, I feel bad at this point you  
5 guys, he is like so nervous.  
6 THE COURT: Oh, he just can't stop talking.  
7 MS. BLUTH: Yeah. I mean, pretty soon I'm going to be crying  
8 up there. Okay. Mr. Lindenberg, 034 -- or Lindenbach is his name --  
9 THE COURT: Uh-huh.  
10 MS. BLUTH: -- 034. Bushong, 033. Brown, 031. That's it,  
11 right? No.  
12 MR. ROGAN: Bustos we were going to let her go.  
13 MS. BLUTH: Oh yeah, Bustos I think we should let go with  
14 the vacation now that we've worked out those hours, we don't want her  
15 to miss two days.  
16 THE COURT: Okay. Bustos.  
17 MS. BLUTH: Yeah. But I think we're agreeing to Nguyen and  
18 Bustos right now, right?  
19 MR. PIKE: That's correct.  
20 MS. SIMPKINS: Right.  
21 MS. BLUTH: So I -- whenever you want to fill them, but we're  
22 going to agree to those two, Bustos and Nguyen.  
23 THE COURT: All right. So that leaves the other five, Haman,  
24 Lyons, Lindenbach, Bushong, and Brown that you're challenging for  
25 cause.

1 MS. BLUTH: Yes.

2 THE COURT: Okay. Are you agreeing to any of those right  
3 now or no?

4 MR. PIKE: I would like Brown and --

5 MS. SIMPKINS: Lindenbach --

6 MR. PIKE: -- Lindenbach --

7 MS. BLUTH: Oh, and you know what, I will agree with you  
8 guys that Mr. Lemus, I'm not going to be able to rehabilitate him in  
9 regards to his feelings about the system where your client is guilty  
10 because he's sitting there. So, 035, I'll agree to dismiss.

11 MS. SIMPKINS: Yeah, we wouldn't have a problem with that.

12 MS. BLUTH: I would hope not.

13 MR. PIKE: [Inaudible].

14 THE COURT: It's okay. I'm not going to let them go right  
15 now. Just know that if there's any of those that you agree to, other than  
16 Bustos and Nguyen, don't worry about questioning them.

17 MS. BLUTH: Okay.

18 THE COURT: All right. I'll let go ahead and question the  
19 whole panel and then we'll send them all out en masse. Okay?

20 MS. BLUTH: Sound good?

21 THE COURT: All right. Thank you.

22 MR. PIKE: Thank you.

23 [Bench Conference Concludes]

24 THE COURT: Okay. Ms. Bluth, no more questions right now?

25 MS. BLUTH: No, Your Honor, thank you.

1 THE COURT: All right. On behalf of the Defense, Mr. Pike,  
2 Ms. Simpkins, Mr. Afshar?

3 And by the way, I wasn't offended, don't worry.

4 MR. PIKE: And I finally get to talk. Looking for liberal judges,  
5 that's -- Nevada isn't the place to be. I heard some crickets I think.

6 This is an unusual process, this isn't how you make friends,  
7 this isn't how you go through and decide who's going to make decisions  
8 for you. A lot of times you get to spend a long period of time getting to  
9 know people. You spend a little bit of time here, a little bit of there,  
10 seeing the different circumstances and then you make a decision, well  
11 they're people I want to be around, they're people I want to make  
12 decisions, they're people I can trust. This is an opportunity that has  
13 developed over centuries that allows us to bring in the community  
14 because we trust the community. We trust people to make the decision  
15 because you come from all different parts of life. And so that's why  
16 there's so many questions that come from us. And fortunately, we've  
17 gone through a lot of questioning and I'm just going to try and go through  
18 and supplement that and not go through quite as much as has been  
19 done.

20 The -- I'm going to jump into a different area than I first was  
21 going to do and I guess that that would lead me to you, Mr. Trinidad.  
22 Oh, I'm sorry, I apologize, Mr. Lemus.

23 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

24 MR. PIKE: Do you -- you had some strong feelings about the  
25 jobs that we have. What the State's obligation is and what our obligation

1 is.

2 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

3 MR. PIKE: The charging document, the Information, you  
4 haven't even read that yet.

5 PROSPECTIVE JUROR NUMBER 035: Correct.

6 MR. PIKE: You have heard that the State has charged  
7 Michael McNair with a murder. In that charging document it actually  
8 says either he shot him or somebody else shot him. Do you think it  
9 should be the burden of the State to prove who actually shot Mr.  
10 Gordon?

11 PROSPECTIVE JUROR NUMBER 035: Yes.

12 MR. PIKE: And so if somebody else was identified by the  
13 eyewitnesses as being the person that shot --

14 MS. BLUTH: Judge, I'm going to apologize, I'm going to  
15 object just to the specifics of this case --

16 MR. PIKE: Okay.

17 MS. BLUTH: -- in regards to the questioning.

18 THE COURT: Well, why don't you approach real quick?

19 MR. PIKE: Okay. I'll withdraw the question.

20 THE COURT: Okay.

21 MR. PIKE: So if I was --

22 PROSPECTIVE JUROR NUMBER 035: Am I on trial here?

23 THE COURT: No.

24 MR. PIKE: Kind of. Let me ask you this, if you were to vote  
25 right now and say I'm going to make a decision right now and I'm -- how



1 would you vote on this -- the case the State of Nevada versus Michael  
2 McNair?

3 May the record reflect that there was a heavy sigh?

4 THE COURT: The gentleman sighed.

5 PROSPECTIVE JUROR NUMBER 035: Well, I mean, it's  
6 obviously I have not heard the facts so I really couldn't vote at this point.  
7 But in my mind, if we're here and we have enough witnesses and  
8 evidence to be here, in my mind I feel that he's guilty.

9 MR. PIKE: You don't even know how he got here, do you?

10 PROSPECTIVE JUROR NUMBER 035: No, but we're here.

11 MR. PIKE: Okay. I agree with that.

12 PROSPECTIVE JUROR NUMBER 035: We're here.

13 MR. PIKE: So -- and we're here in a country that has a  
14 presumption of innocence.

15 PROSPECTIVE JUROR NUMBER 035: Agree.

16 MR. PIKE: And you're saying that you presume -- let me see  
17 if I was -- I'm going to stand right between these two tables here and  
18 right now you have a strong feeling that -- and I'm going towards the  
19 Plaintiff's table -- that the State has it --

20 PROSPECTIVE JUROR NUMBER 035: Correct.

21 MR. PIKE: -- so you feel that strong feeling right now.

22 PROSPECTIVE JUROR NUMBER 035: Yep.

23 MR. PIKE: Okay. So -- and even standing right between the  
24 Defendant's table and the Plaintiff's table -- and honestly if I were just to  
25 change those two things over that wouldn't make any difference. But

1 right now you haven't heard a piece of evidence.

2 PROSPECTIVE JUROR NUMBER 035: Agreed.

3 MR. PIKE: You're just here, we're all here, we're in a -- we're  
4 all going to commit ourselves to do what the law says that we're  
5 supposed to do.

6 PROSPECTIVE JUROR NUMBER 035: Right.

7 MR. PIKE: Right. Okay. And everybody's agreed with the  
8 presumption of innocence. So since you haven't heard any evidence,  
9 the presumption innocence means I stand way over here because he's  
10 innocent. He's presumed innocent, there hasn't been a thing that has  
11 been said that he's guilty, right?

12 PROSPECTIVE JUROR NUMBER 035: Correct.

13 MR. PIKE: Okay. So with the presumption of innocence, then  
14 you at this point in time would now vote for him to be found not guilty?

15 PROSPECTIVE JUROR NUMBER 035: What you're saying  
16 doesn't change my mind though. I mean --

17 MR. PIKE: Okay. So your mind said --

18 PROSPECTIVE JUROR NUMBER 035: Right.

19 MR. PIKE: -- such that --

20 PROSPECTIVE JUROR NUMBER 035: Yeah. I mean, I  
21 understand what you're saying but it's not going to change my mind.

22 MR. PIKE: Okay. So you at this point in time feel that you  
23 would not be able to serve on this jury?

24 PROSPECTIVE JUROR NUMBER 035: I don't think I would  
25 be a good juror.

1 MR. PIKE: Okay. Thank you. And, again, the right answer is  
2 your answer and I honor that and I appreciate that.

3 PROSPECTIVE JUROR NUMBER 035: Thank you, I  
4 appreciate that.

5 MR. PIKE: No, I do. And that's true with everybody. We're all  
6 different people and that's why we're here we don't have -- well, why  
7 are juries necessary? Well, historically they were -- in England where  
8 we came from, there were 222 crimes that had the death penalty and  
9 then juries developed because we didn't want to kill people that wrote  
10 bad checks or killed the king's rabbits or doing things that. Then juries  
11 could supersede the king. The jury is a mighty thing that we have in our  
12 country.

13 So, knowing that you have that power, I'm going to take a step  
14 back from the presumption of innocence and now talk a little bit about --  
15 and putting the horse -- the cart before the horse. I don't think we're  
16 ever going to get to the point where you're going to have to make a  
17 decision on the penalty in this case, but I have to ask you these  
18 questions because in this case it's important.

19 The State of Nevada is a truth in sentencing case. Does  
20 anybody have a question what truth in sentencing means? If you'd just  
21 raise your hand.

22 THE COURT: Probably everybody.

23 MR. PIKE: Okay. Just about everybody. All right. When the  
24 Court gives you the instructions and when you are told that somebody is  
25 going to receive a sentence of 20 to 50 years, that means exactly that.

1 They must do 20 consecutive years in prison before they can even apply  
2 for parole. They will sit in prison for that period of time. They may get  
3 out after 50 years because their sentence will expire but they can try and  
4 get parole after 20 years.

5 Same thing with life with the possibility of parole after 20  
6 years. Now, again, 20 calendar years. There -- that is the law in the  
7 state of Nevada because when you impose a sentence that is the truth.  
8 That is what the sentence is going to be.

9 When you give somebody life without the possibility of parole,  
10 that means you have chosen where they're going to die, just not when  
11 they're going to die. They're going to die in prison. Now, understanding  
12 that and that Nevada is that type of a sentence -- a sentencing state,  
13 does anybody have concerns or do you now feel that you may be unable  
14 to serve in the event that it was ever going to get to that stage?

15 There being no response from the panel.

16 Then you can see why we're spending this amount of time.

17 Now I -- Mr. Lemus assisted me in going through and doing a  
18 demonstration on what the burden -- or the presumption of innocence is.  
19 Does anybody have a problem with the presumption of innocence to  
20 such an extent that they feel that at this point in time they would not vote  
21 that Michael McNair was not guilty of the offenses to which he's  
22 charged?

23 No response from any of the jurors. Thank you.

24 There -- the burden of proof is beyond a reasonable doubt.  
25 Now that's just a term of art. The Court will instruct you what that is. But

1 what I would like to do is see if I can somebody else's assistance with  
2 this. Mr. Conti.

3 I appreciated your response in dealing with students when  
4 they're coming in with something. I was a scoutmaster for 15 years and  
5 I believe in that with kids. But this is a situation -- let me ask you this,  
6 you know, a lot of us drive down to the state line and we buy lottery  
7 tickets. And when you buy a lottery ticket on the back of it, it says you  
8 have to re -- if you win, you have to present that ticket within like six  
9 months to a year -- or one year in order to claim the money. So the --  
10 are you the type of person that feels that once that year is done they  
11 can't collect it?

12 PROSPECTIVE JUROR NUMBER 049: That was the rule.

13 MR. PIKE: That's the rule, okay. And so if the State has the  
14 obligation to present something beyond a reasonable doubt, even if they  
15 get closer and closer and closer --

16 PROSPECTIVE JUROR NUMBER 049: If they don't hit the  
17 mark, they don't hit the mark.

18 MR. PIKE: They don't hit the mark. And you'll hold the State  
19 to that burden of proof, right?

20 PROSPECTIVE JUROR NUMBER 049: Yes.

21 MR. PIKE: Okay. Now, along with -- does anybody have a  
22 feeling that well maybe if they get close to it that, I don't know we'll go  
23 ahead and just -- you know, because we spent this amount of time that  
24 we'll go ahead and make a finding of guilt because maybe something  
25 happened? Somebody died. Mr. Gordon died.

1 No response from any members of the jury.

2 In going through the decision that needs to be made in this  
3 case, only if the jury reaches a verdict does it have to be unanimous. If  
4 you make a decision after your deliberations you have -- before you can  
5 bring back a verdict to the court and say that this is our finding, all 12 of  
6 us, so whoever the 12 jurors are sat in this case, that doesn't mean that  
7 you have to forgo any of your own personal beliefs.

8 If you have a belief, whether you -- they haven't proven it to  
9 you, we need to know that you are going to be strong enough to  
10 deliberate, talk, try and reach a verdict. But if you -- was not proven to  
11 you beyond a reasonable doubt, would you be able to hold out and try to  
12 reach a verdict but not surrender your beliefs? Can everybody do that?  
13 I want everybody to put up your hand if you can do that.

14 Everybody could. I like that a lot better than nobody raising  
15 their hand, so I appreciate that.

16 Now, I'd like to get into some personal information. Has  
17 anybody here ever worked with the homeless?

18 Okay. Let's see. Ms. Robinson. And Juror Number 2 -- or 3.

19 PROSPECTIVE JUROR NUMBER 003: Yes.

20 MR. PIKE: Okay. What did you do -- was that here in Las  
21 Vegas?

22 PROSPECTIVE JUROR NUMBER 003: Yes, it was.

23 MR. PIKE: Okay. And what did you do?

24 PROSPECTIVE JUROR NUMBER 003: I just work down at  
25 the Rescue Missions serving dinner.

1 MR. PIKE: And were those -- the mission that you worked at,  
2 was that down near North Las Vegas, Catholic Charities right over  
3 there --

4 PROSPECTIVE JUROR NUMBER 003: It was called the  
5 Rescue Mission and I believe it was in North Las Vegas.

6 MR. PIKE: Okay. Is that the one on Bonanza?

7 PROSPECTIVE JUROR NUMBER 003: I think so.

8 MR. PIKE: Okay.

9 PROSPECTIVE JUROR NUMBER 003: Yeah.

10 MR. PIKE: And when you were down in that area, did you  
11 park your car in a locked area?

12 PROSPECTIVE JUROR NUMBER 003: Yes.

13 MR. PIKE: Okay. Kind of a -- did that appear to be a  
14 dangerous area to you?

15 PROSPECTIVE JUROR NUMBER 003: We were invited into  
16 the campus. There was a guard gate and then we let the guard know  
17 what we were there for and they opened the gates and we went in. And  
18 so the only area that I saw was the locked facility of the Rescue Mission.

19 MR. PIKE: And so that's something that you've just done on  
20 occasion with a service group or a church group that you belong to?

21 PROSPECTIVE JUROR NUMBER 003: Church group, yes.

22 MR. PIKE: Church group, okay.

23 Have you ever worked in any of the counting of the  
24 homeless --

25 PROSPECTIVE JUROR NUMBER 003: No, sir.

1 MR. PIKE: All right. Thank you.  
2 And let's see who else? Okay. Is that Mr. Stevens?  
3 PROSPECTIVE JUROR NUMBER 009: Gustilo.  
4 MR. PIKE: I'm sorry, Mr. Gustilo.  
5 PROSPECTIVE JUROR NUMBER 009: Yes.  
6 MR. PIKE: I'll get this. Okay. I want you to share your  
7 experience with us.  
8 PROSPECTIVE JUROR NUMBER 009: A part of the service  
9 club for about two years and about four or five times a year we feed the  
10 homeless. The church -- there's a church, Maryland and Sahara. So  
11 our club buys the food and then we serve the food. It's about -- maybe  
12 80 people show up when we're there. It's just more feeding the  
13 homeless.  
14 MR. PIKE: As a part of that, did you ever drive through the  
15 homeless corridor area and see the tents and the homeless?  
16 PROSPECTIVE JUROR NUMBER 009: No, not for this place,  
17 no.  
18 MR. PIKE: Okay. Have you driven through that area of town?  
19 PROSPECTIVE JUROR NUMBER 009: Very infrequently.  
20 MR. PIKE: Okay.  
21 PROSPECTIVE JUROR NUMBER 009: Rare occasion.  
22 MR. PIKE: And the next person, I'm sorry. Okay. Dr.  
23 Nguyen.  
24 PROSPECTIVE JUROR NUMBER 020: I have quite a few  
25 homeless cancer patients.



1 MR. PIKE: Do you go -- Do they come into your service or do  
2 you go out to their area?

3 PROSPECTIVE JUROR NUMBER 020: They take a bus  
4 and -- or someone drops them off.

5 MR. PIKE: And so with those, do you work on them -- with  
6 them on a day to day basis or just when they're brought in for your  
7 specialty?

8 PROSPECTIVE JUROR NUMBER 020: They come in -- if  
9 they're very sick they come in weekly. And many times they're more  
10 needy because it's cold or it's, you know -- we have social workers who  
11 try to help them but a lot of times they're down and out because of their  
12 disease. So their finances are bad because insurance doesn't pay for  
13 their chemo. So it's not like they did something wrong and they got  
14 cancer, so it's hard.

15 MR. PIKE: They -- did you ever deal with any that had any  
16 mental illnesses or --

17 PROSPECTIVE JUROR NUMBER 020: Yes. I see that come  
18 into play a lot. That's the reason why their social situation is kind of  
19 ruined because they don't have family or friends or they're someone --  
20 they're separated from everyone and that's the reason why they ended  
21 homeless. They may have finances, they may have money, but  
22 something's happening -- their mental illness blocks them from being  
23 functional in society. I had a guy who had a transplant and he lived in  
24 his car. He was always on time but he lived in his car in the parking  
25 garage. And we knew about it too and he -- I mean, it's hard because it

1 was probably bipolar disease or something like that.

2 MR. PIKE: Thank you. And Ms. Belmonte.

3 PROSPECTIVE JUROR NUMBER 019: Yes, attorney. I --  
4 my company right now serves homeless people. We find them housing.  
5 And previously also I was the Director of Homeless for the Department  
6 of Human Services in Hawaii and I administered a lot of grants from the  
7 legislature to help homeless people. From everything from job, to  
8 housing, to everything that they needed. GED training, everything else.  
9 House -- yeah, we built housing for them too. So --

10 MR. PIKE: Okay.

11 PROSPECTIVE JUROR NUMBER 019: -- I'm a strong  
12 advocate of homeless.

13 MR. PIKE: Okay. Like Habitat for Humanity and services like  
14 that.

15 PROSPECTIVE JUROR NUMBER 019: Yes, sir.

16 MR. PIKE: Okay. Thank you very much. And -- okay, Mr.  
17 Conti.

18 PROSPECTIVE JUROR NUMBER 049: Mine was very  
19 similar. I was a key club advisor so we would go down to the city  
20 mission once or twice a year, serve food, help them in kind of the sales  
21 division, whatever they're selling their furniture, just help wherever they  
22 needed help.

23 MR. PIKE: And have you ever been down to the homeless  
24 corridor --

25 PROSPECTIVE JUROR NUMBER 049: Just driving through.

1 MR. PIKE: Just driving through, okay.

2 Okay. The -- Ms. Padilla.

3 PROSPECTIVE JUROR NUMBER 063: I don't know if this  
4 qualifies but like I feed the homeless if I see one. And then I did perform  
5 a few autopsies on the homeless at the medical examiners.

6 MR. PIKE: Before I move on, since you have the microphone,  
7 let me ask you some questions about your time at the auto -- working  
8 with autopsies. So, it's my understanding that an autopsy is basically a  
9 postmortem or after-death examination by a doctor and the assistants,  
10 along with the detectives in order to determine that cause of death, and  
11 if there's any physical evidence that can be obtained from the body.

12 PROSPECTIVE JUROR NUMBER 063: Correct.

13 MR. PIKE: Okay. So in that -- the homicide is simply a death  
14 caused at the hands of another, right?

15 PROSPECTIVE JUROR NUMBER 063: Right.

16 MR. PIKE: Okay. That's something that is done as a matter  
17 of course, whenever a body may be found that obviously if there's -- a  
18 determination that there's a suicide or death of natural causes, they also  
19 make that determination.

20 PROSPECTIVE JUROR NUMBER 063: Correct.

21 MR. PIKE: Okay. And you assisted with that so you would  
22 not be offended by any autopsy photographs.

23 PROSPECTIVE JUROR NUMBER 063: No.

24 MR. PIKE: Thank you.

25 Okay. And the next person who had had any work with the

1 homeless. Okay, Ms. Brown.

2 PROSPECTIVE JUROR NUMBER 031: Basically, it started in  
3 Chicago because I used to work in the jail part with the inmates so a lot  
4 those people that -- and I think they were the ones that would take  
5 medicines and they were living on Skid Row. So I would see them and  
6 then after getting off of work and stuff and you go home and you see  
7 them again and it comes a thing where they know you so I would end up  
8 bringing coats.

9 And we were able to -- at County and stuff, people throw away  
10 so much food and as long as we got it approved by management and  
11 stuff, at the end of the day and stuff, we could take and pack up the  
12 plates and take them out. So that started there.

13 I moved here, was kind of shocked at what I saw down on  
14 where -- they have it down there. And when I worked at UMC we tried to  
15 get together like on the weekends we'd go do hot chocolate and coats  
16 but found out because Metro told us that we can't do that. So you have  
17 to go through some [unintelligible] or whatever to get them. I don't know  
18 if it's a permit or whatever.

19 So basically I kind of stopped doing that because that's like,  
20 you know, somebody telling me well, I can't help someone. So now over  
21 in the area where I live at, which is a nice area, they're kind of like  
22 setting up camp. So what I do is I don't feed them but I have a tendency  
23 to collect clothes so when I drive back I usually just drop a box off for  
24 them and stuff and they're going to come get it, so.

25 So in my own way I kind of do it on my own when I see

1 someone. And if there is a need, I don't necessarily approach them but I  
2 might leave something for them.

3 MR. PIKE: So you don't judge why they're there or why they  
4 may be homeless, you just want to help them?

5 PROSPECTIVE JUROR NUMBER 031: No, because I've had  
6 people in my own family that were homeless and some of them had  
7 mental issues and some of them were military.

8 MR. PIKE: Although you've gone through a number of  
9 circumstances that lead you to be very emotional about participating in  
10 this system, you've gone through a couple of days now. Do you feel  
11 more at ease in going through and serving as a juror in this case?

12 PROSPECTIVE JUROR NUMBER 031: Yeah. It's almost like  
13 dividing my life as a nurse. That part of it and knowing what my  
14 responsibilities are and because in my particular job it is my  
15 responsibility to oversee certain things. Pushing that off to the side and  
16 realizing that okay, I may have to give up a few days or whatever on this  
17 side to go into a whole other situation, which is number one, I'm not  
18 really familiar with it. Being able to sit and be in judgment of other  
19 people and stuff, based off of what the circumstances are like in this  
20 particular instance what this deals with which is -- leads me in my life  
21 where I really haven't had too much involvement with law enforcements,  
22 other than with my son who gets racial profiled all the time and stuff. So  
23 that kind of like, you know -- it kind of hits you in your face.

24 But then when I go home and I think about it, I'm kind of like  
25 well, I'm a firm believer that God usually puts me in particular incidents

1 for a reason. I may not understand that right now but later on down the  
2 line and stuff or whatever, some part of it may come to light.

3 I happened to call my boss and let her know I have no idea  
4 when I'm going to -- what's going to happen but I'm just letting you know  
5 so that you'll be aware of it and the only thing she told me she says oh,  
6 I've always wanted to do that. I wish I had the opportunity to do that.  
7 And she says, you know, you'd be good at doing that. I have no idea  
8 why she said that because I am a low profile person. Out of sight, out of  
9 mind is how I usually try and run my life and stuff and take care of my  
10 patients, give what I need to do for them and have an attentive ear. So I  
11 don't see how the way that I operate in my life how I would fit into this  
12 process.

13 MR. PIKE: Sometimes individuals that are involved in a  
14 nursing facility have to stand up to doctors. There may be some  
15 question regarding medications or some concerns for a patient. You've  
16 probably had to stand up to a doctor and let them know --

17 PROSPECTIVE JUROR NUMBER 031: I still do right now.

18 MR. PIKE: You can do it right now, okay. So look that may  
19 be something that may qualify you and make you a really good juror, just  
20 to -- you're able to sit through it, catch some facts, and, you know, stick  
21 to your guns and make the decision. Still comfortable with that?

22 PROSPECTIVE JUROR NUMBER 031: Yeah, I guess --  
23 yeah, I -- yeah.

24 MR. PIKE: Okay.

25 PROSPECTIVE JUROR NUMBER 031: But I can be very

1 opinionated too.

2 MR. PIKE: Okay. Do you think that your being opinionated  
3 would disqualify you as serving as a juror on this case?

4 PROSPECTIVE JUROR NUMBER 031: You know, it's really  
5 hard when you sit with a group -- it's just like doing interdisciplinary  
6 meetings. You got maybe ten people in a room and you're reviewing a  
7 case or you're going over something that has to do with someone getting  
8 something that they need. And on my end of it as a nurse, I'm that  
9 patient's advocate. I've been working with them, I know what they need,  
10 I know spiritually where they're at, emotionally where they're at,  
11 financially where they're at.

12 And when you have other -- I don't want say hierarchy -- but  
13 other individuals that are deciding the fate or what a person can have  
14 and not really tuning in and listening to the needs of what people need,  
15 only looking at that dollar sign and that they're going to have to make  
16 that decision, then I have to take and growl out -- or go over with another  
17 group and try to, not manipulate them, but try to present my case to  
18 them as to what I've been working with and needing to get the things  
19 that I need for an individual.

20 Because when you work with that individual all the time,  
21 people that don't, and all they do is look at statistics, analytics and stuff  
22 and numbers, and you -- and just looking at that individual as a number  
23 and a dollar sign, that bothers me.

24 MR. PIKE: Thank you.

25 And who else has worked with the homeless? Yeah, just go

1 back there.

2 Okay. I want to say Ms. Hernandez.

3 PROSPECTIVE JUROR NUMBER 039: Martinez.

4 MR. PIKE: I'm sorry?

5 PROSPECTIVE JUROR NUMBER 039: Martinez.

6 MR. PIKE: Martinez, okay. I'm sorry.

7 Would you describe for us what you do with the homeless?

8 PROSPECTIVE JUROR NUMBER 039: I will go with my  
9 daughter and her classmates to catholic charities, St. Vincent dining hall  
10 or the Hands of Hope food pantry.

11 MR. PIKE: Do you do anything besides working with the food  
12 and with their nourishment, do you do anything as far as counseling,  
13 assisting or just --

14 PROSPECTIVE JUROR NUMBER 039: No.

15 MR. PIKE: Okay. Thank you very much. And nobody else.

16 Has anybody here been the witness -- have been a witness to  
17 a crime? Nobody has been a witness.

18 Oh, I'm sorry. Okay.

19 PROSPECTIVE JUROR NUMBER 054: Of course, been --

20 MR. PIKE: Of course.

21 PROSPECTIVE JUROR NUMBER 054: -- being in law  
22 enforcement, yeah.

23 MR. PIKE: And you've had to testify in different courts and  
24 different areas?

25 PROSPECTIVE JUROR NUMBER 054: Yes, sir.



1 MR. PIKE: Okay. And you've testified all over the world, I  
2 guess.

3 PROSPECTIVE JUROR NUMBER 054: Yes.

4 MR. PIKE: Okay. Now, as part of your duties in your  
5 employment, not only in testifying but you've also received training on  
6 how to conduct interrogations, would that be fair?

7 PROSPECTIVE JUROR NUMBER 054: Yes.

8 MR. PIKE: Okay. And an interrogation is a conversation with  
9 either a witness or a possible defendant to try and gather information  
10 from them.

11 PROSPECTIVE JUROR NUMBER 054: Correct.

12 MR. PIKE: Okay. Have you received any training regarding  
13 the Reid Method of interrogation?

14 PROSPECTIVE JUROR NUMBER 054: Yes.

15 MR. PIKE: Okay. Would you describe that whether -- what  
16 that is for the jury?

17 PROSPECTIVE JUROR NUMBER 054: Wow, it's been 15  
18 years, but basically Reid is an interviewing technique that you read  
19 multiple factors. You take into consideration their written statement,  
20 their body language, and a series of questions that you ask the  
21 individual. And based on their reactions, totality, you come to a decision  
22 on whether the individuals being truthful or telling lies.

23 MR. PIKE: Okay. Or you're going to have to interrogate more  
24 or it may lead you to other information or other witnesses.

25 PROSPECTIVE JUROR NUMBER 054: Correct.

1 MR. PIKE: Okay. And in relationship to that, the interrogation  
2 technique that is used, you can actually provide somebody false  
3 information to see how they react to that?

4 PROSPECTIVE JUROR NUMBER 054: Correct.

5 MR. PIKE: Approximately how many cases did you handle  
6 over your career?

7 PROSPECTIVE JUROR NUMBER 054: Hundreds.

8 MR. PIKE: Hundreds, okay. I would have guessed  
9 thousands. Thank you very much.

10 Has anybody ever worked as security before? Or was ever in  
11 the military? Okay. Thank you.

12 PROSPECTIVE JUROR NUMBER 033: Bushong, Number  
13 33.

14 MR. PIKE: Bushong, thank you.

15 Okay. And how -- where did you work security?

16 PROSPECTIVE JUROR NUMBER 033: In the Air Force, I  
17 was security police guarding nuclear missiles. When I got out I worked  
18 security at a casino here in town.

19 MR. PIKE: Okay. Did you make arrests?

20 PROSPECTIVE JUROR NUMBER 033: I made one -- well,  
21 not an arrest. As a security guard, I handcuffed someone so that Metro  
22 could come.

23 MR. PIKE: And so you investigated different types of crimes I  
24 assume and --

25 PROSPECTIVE JUROR NUMBER 033: No, sir.

1 MR. PIKE: No.

2 PROSPECTIVE JUROR NUMBER 033: No.

3 MR. PIKE: Okay. So how did you come to detain somebody  
4 for Metro? What kind of a case was that?

5 PROSPECTIVE JUROR NUMBER 033: Well, we had  
6 trespassed this individual and he came back. We found him in a hall. I  
7 was told to handcuff him and bring him to the office.

8 MR. PIKE: Okay. And so you didn't do any interrogations  
9 of --

10 PROSPECTIVE JUROR NUMBER 033: Correct.

11 MR. PIKE: -- individuals when you served in that capacity. All  
12 right, thank you.

13 And Mr. Lemus.

14 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

15 MR. PIKE: I noticed yesterday you had a shirt that had  
16 security on it.

17 PROSPECTIVE JUROR NUMBER 035: That's who I work  
18 for.

19 MR. PIKE: Okay.

20 PROSPECTIVE JUROR NUMBER 035: We just deal with the  
21 security doors. It has nothing to do with security with human beings or  
22 people.

23 MR. PIKE: Okay. So you help make our homes safe --

24 PROSPECTIVE JUROR NUMBER 035: Correct.

25 MR. PIKE: -- by selling those --

1 PROSPECTIVE JUROR NUMBER 035: Yes, sir.

2 MR. PIKE: -- items that do that. And what's the company you

3 work for?

4 PROSPECTIVE JUROR NUMBER 035: Security lock

5 distributors.

6 MR. PIKE: Okay. So now you've got a commercial.

7 PROSPECTIVE JUROR NUMBER 035: Thank you. I

8 appreciate that.

9 MR. PIKE: A lot of indicated that you watch the CSI television

10 programs and the First 48 Hours. Anybody watch Perry Mason?

11 What about -- there are programs mostly on the Sundance

12 channel which you got to look for it to find it about people that have been

13 exonerated when they've been convicted.

14 Okay. If you'd pass it back, please.

15 Let's start with you, Ms. Gruber.

16 PROSPECTIVE JUROR NUMBER 055: Yes.

17 MR. PIKE: Okay. What programs do you watch?

18 PROSPECTIVE JUROR NUMBER 055: Like the First 48 and

19 the medical examiner one, I know who Dr. G was.

20 MR. PIKE: Okay. Did you -- and you raised your hand on I

21 asked about programs involving exonerations where people have been

22 convicted and then they were found to have not committed that crime.

23 PROSPECTIVE JUROR NUMBER 055: Yes.

24 MR. PIKE: What programs of that kind?

25 PROSPECTIVE JUROR NUMBER 055: They're like on

1 Netflix. They're -- it's like the genre of -- where they follow like a case  
2 along --

3 MR. PIKE: Like the Making of a Murderer?

4 PROSPECTIVE JUROR NUMBER 055: Yeah, like those  
5 ones.

6 MR. PIKE: You watch that. And in that -- on those programs,  
7 do you believe that there can be mistakes that are made?

8 PROSPECTIVE JUROR NUMBER 055: Yes.

9 MR. PIKE: And that's one of the reasons we have such a high  
10 burden of proof, beyond a reasonable doubt and -- so will you be able to  
11 take that back with you -- that experience back with you, although it was  
12 in television, into and have a healthy -- I don't want to say skepticism but  
13 that's the word. A healthy determination that the State has to meet that  
14 burden. If they don't -- even if they come that close that you find Mr.  
15 McNair not guilty.

16 PROSPECTIVE JUROR NUMBER 055: Absolutely.

17 MR. PIKE: Thank you.

18 And Mr. Haman?

19 PROSPECTIVE JUROR NUMBER 013: Yeah, I don't  
20 remember the name of the shows but over the past several years I've  
21 heard or seen instances of exonerations due to a false confession or a  
22 poor trial results, things like that.

23 MR. PIKE: So sometimes -- so do you accept that that is --  
24 the presumption that it is better that [unintelligible] guilty [unintelligible]  
25 not guilty versus being incarcerated.

1 PROSPECTIVE JUROR NUMBER 013: Yeah. And I think  
2 our American legal system is slanted that way on purpose. It's bad if a  
3 guilty person gets released but it's even worse if an innocent person  
4 gets thrown in jail. We do that on purpose. That's why the prosecution  
5 has the burden of proof.

6 MR. PIKE: So on the burden of proof issue, again, it -- as the  
7 Madam Prosecutor has indicated that the Defense will try to do what  
8 they can and we will present evidence but we could not ask a question  
9 of any of the witnesses. And if the State doesn't meet their burden you  
10 can find somebody not guilty.

11 PROSPECTIVE JUROR NUMBER 013: Yeah, absolutely.

12 MR. PIKE: Okay. Although I didn't indicate it on my first little  
13 statement that I said, you know, basically the witnesses in this case are  
14 the witnesses. They are the witnesses, they were the people that were  
15 around there. There were some eyewitness. Some police officers who  
16 did the investigation. And those will also be the Defense witnesses  
17 through cross-examination. It doesn't matter who calls a witness, it  
18 depends on what you believe that that witness can offer to -- the  
19 question is whether or not the State has proven its case beyond a  
20 reasonable doubt.

21 So my question to you is, you accept the fact that we don't  
22 have to call anybody -- call any additional witnesses other than the  
23 witnesses that have been listed on the -- the list of witnesses read to  
24 you.

25 PROSPECTIVE JUROR NUMBER 013: Yeah, that's how the

1 system's set up.

2 MR. PIKE: Okay. Thank you.

3 The decision that you make in this case really involves -- it's  
4 the most important decision in somebody's life and that's Michael  
5 McNair's. Do you feel comfortable making a decision that has that  
6 amount of consequences to Michael McNair?

7 Let's go ahead and have everybody raise their hand on that  
8 one. Thank you.

9 UNIDENTIFIED SPEAKER: What's the question?

10 UNIDENTIFIED SPEAKER: Ask us again so we know the  
11 questions.

12 MR. PIKE: That's true. That's true. I appreciate that.

13 All right. Let me do it -- let me -- I'll try and rephrase it, thank  
14 you. You'll hear that a lot during the trial, let me rephrase that question.

15 The question is, is do you -- you are given an opportunity to sit  
16 as a juror in this case. This is the most important decision that my  
17 client -- in Michael McNair's life on this day. Does everybody agree -- or  
18 if you agree that -- with that statement and if you agree that you are  
19 comfortable sitting in judgment of Michael McNair's case, would you  
20 please raise your hand.

21 All right. We've got a couple people who are not agreeing with  
22 that.

23 MS. BLUTH: I'm sorry, Randy, can you restate the question?  
24 I'm a little confused.

25 MR. PIKE: I can try.

1 MS. BLUTH: It's okay. I'm probably just not hearing it right.

2 MR. PIKE: Let me reverse the question and do it this way.

3 Because of the seriousness of the charges and seriousness of potential  
4 sentences that you've heard, is there anybody here that is  
5 uncomfortable with sitting on this trial?

6 And we have four people involved in that. Okay.

7 And let's see that would be Mr. Bushong?

8 PROSPECTIVE JUROR NUMBER 033: Bushong, Number  
9 33.

10 MR. PIKE: Okay. Got the microphone back there, would you  
11 pass it up, please?

12 You've indicated before that you'd have problems in making a  
13 determination regarding the penalty, correct?

14 THE COURT: Before you go on let me just make a record so  
15 we know who all it was. I think it was Mr. Bushong, Dr. Nguyen, Mr.  
16 Kinney, and Mr. Benkovitz, correct?

17 Okay. Go ahead, Randy, I'm sorry.

18 MR. PIKE: Okay. What is your hesitation in sitting on this  
19 case?

20 PROSPECTIVE JUROR NUMBER 033: Skepticism of what I  
21 hear from people. What they say. Just -- skeptical as to whether or not  
22 they have an agenda. Not assuming that that is the case but just not --  
23 you know, not comfortable that I would have to make a decision based  
24 on what I hear someone tell me, when it conflicts with what someone  
25 else is saying.



1 MR. PIKE: So do you feel that you'd be a good person to  
2 determine who was telling the truth or who was lying on that or --

3 PROSPECTIVE JUROR NUMBER 033: No.

4 MR. PIKE: You wouldn't. So you don't feel that -- you would  
5 feel uncomfortable making that judgment call on potential witnesses?

6 PROSPECTIVE JUROR NUMBER 033: In this case, yes.

7 MR. PIKE: Okay. Maybe not in a civil case but in this case.

8 PROSPECTIVE JUROR NUMBER 033: Possibly.

9 MR. PIKE: Thank you. I appreciate your answer.

10 Okay. And Mister -- or Doctor.

11 PROSPECTIVE JUROR NUMBER 020: When you had talked  
12 about, you know, life in prison and dying in prison's very serious.

13 MR. PIKE: Okay.

14 PROSPECTIVE JUROR NUMBER 020: To -- like I say a  
15 case like this would go for three or four weeks or what not, I would want  
16 to make sure that the person -- a juror would put all of his energy and  
17 attention into that case. I know -- for my purposes, I know that I would  
18 be thinking about -- like I can't be here that long. I know everyone's got  
19 stuff to do but I wouldn't want my thought process to be thinking about  
20 something when his life is at stake or his -- yeah, I mean, life in prison.  
21 That's a huge deal.

22 And, you know, if it was a case that -- because I -- this is a  
23 huge -- this is -- I've never been to anything like this before, you know?  
24 And if someone was going to help make a judgment on me, I'd want  
25 them to be 100 percent into it and say, you know, if it's three, four, five

1 weeks, so be it, you know. And I don't want -- does that make -- I don't  
2 know if that makes any sense.

3 MR. PIKE: No, no, I appreciate that.

4 PROSPECTIVE JUROR NUMBER 020: That's not fair.  
5 That's not fair to him.

6 MR. PIKE: No, you're concern -- you want to be able to  
7 devote your concentration to that.

8 PROSPECTIVE JUROR NUMBER 020: Yes.

9 MR. PIKE: And have you ever treated any prisoners?

10 PROSPECTIVE JUROR NUMBER 020: Yes.

11 MR. PIKE: Have you gone into prisons and treated them?

12 PROSPECTIVE JUROR NUMBER 020: No, they come in. I  
13 actually was supposed to see someone today and he was homeless and  
14 he -- I had to write a letter to his parole officer or something like that.  
15 And I don't know where he is right now.

16 MR. PIKE: And they're still human, so you --

17 PROSPECTIVE JUROR NUMBER 020: I --

18 MR. PIKE: You give them the best treatment that you can.

19 PROSPECTIVE JUROR NUMBER 020: Absolutely. I mean,  
20 we don't know what happened. There's always something that  
21 happened. You know, in the end cancer's a great equalizer, so. But I  
22 feel like yeah, I can analyze data, I can make a decision but you want to  
23 be 100 percent into it not like, okay, this case is now four weeks in, I'm  
24 really -- I'm thinking about what's going on outside, that's not fair. I'm -- I  
25 know that sounds ridiculous and it's lame but I --

1 MR. PIKE: I appreciate it. Thank you.

2 And Mr. Kinney.

3 PROSPECTIVE JUROR NUMBER 010: Yeah, actually I  
4 thought about it all night and Mr. Lemus just pegged it for me. I've seen  
5 a lot of bad things and I think a good juror should start off zero-zero.  
6 And if Metro is agreed and the prosecutors have agreed, I'm having a  
7 hard time with it; starting out zero-zero.

8 MR. PIKE: Okay. Well actually it's not even zero-zero. So  
9 with the presumption, you'd even disagree with the presumption.

10 PROSPECTIVE JUROR NUMBER 010: I'm afraid so.

11 MR. PIKE: Okay. So at this point in time you don't feel that  
12 that -- you would be able to overcome that presum -- that feeling that  
13 you have and you would not be able to give Mr. McNair the presumption  
14 of the doubt that he's entitled to by the Constitution.

15 PROSPECTIVE JUROR NUMBER 010: I'm afraid I wouldn't.  
16 I'm --

17 MR. PIKE: Well --

18 PROSPECTIVE JUROR NUMBER 010: -- being honest.

19 MR. PIKE: Is afraid -- I'm -- and again the answer that you  
20 give is your correct answer. Everybody has different opinions. So if you  
21 feel confident in that and that you would not be able to serve on this jury.

22 PROSPECTIVE JUROR NUMBER 010: Those are my  
23 thoughts, yep.

24 MR. PIKE: Okay. Thank you very much. I appreciate --

25 PROSPECTIVE JUROR NUMBER 010: Sure.

1 MR. PIKE: -- your candor.

2 And we -- do we have one other person, I -- yes, I'm sorry.

3 Mr. Benkovitz.

4 MR. PIKE: I'd like to point out that liking Frank Zappa does  
5 not disqualify you for sitting in a jury. Ozzy Osbourne maybe.

6 PROSPECTIVE JUROR NUMBER 046: [Unintelligible].

7 MR. PIKE: Well the question was is --

8 PROSPECTIVE JUROR NUMBER 046: Yes, I do not feel  
9 comfortable --

10 MR. PIKE: Yeah, what is it --

11 PROSPECTIVE JUROR NUMBER 046: -- having Mr.  
12 McNair's future in my hands.

13 MR. PIKE: Right.

14 PROSPECTIVE JUROR NUMBER 046: That's what I was  
15 alluding to before. Like I don't know if it's a good analogy but it's like if I  
16 got pilot's license last week and you said here, take this Southwest flight  
17 to Chicago with 185 people on it today. That's how I feel that -- without  
18 having seen the whole process of an actual trial or however evidence is  
19 presented, plus I don't do good with gore too when they put the guy up  
20 there on -- with bullet holes in him. And I just don't feel comfortable  
21 being on a case of this magnitude as my first.

22 MR. PIKE: So now being aware that the truth in sentencing  
23 law in Nevada then would result in one of those three very serious and  
24 harsh punishments, you believe that you could not serve as to that  
25 portion?

1 PROSPECTIVE JUROR NUMBER 046: I believe I'd just be  
2 going along with the consensus of my --

3 MR. PIKE: Okay.

4 PROSPECTIVE JUROR NUMBER 046: -- fellow jurors and --

5 MR. PIKE: So you --

6 PROSPECTIVE JUROR NUMBER 046: I don't know. I don't  
7 feel comfortable determining the man's future --

8 MR. PIKE: All right.

9 PROSPECTIVE JUROR NUMBER 046: -- without seeing the  
10 whole process through at least once. I mean, I watch those shows, but  
11 like the gentleman down there said they're just built for drama, you  
12 know. They throw extra crap in there. And I've never been through a  
13 real trial before.

14 MR. PIKE: Yeah. CSIs do not go out and interview suspects.  
15 They don't make arrests. They don't have holographic computers that  
16 they use. So that is very much just Hollywood, and this is real life. And  
17 when it gets down to it, just like you wouldn't want to have 128 people on  
18 a plane that's lives -- a plane that you're piloting --

19 PROSPECTIVE JUROR NUMBER 046: Right.

20 MR. PIKE: -- you feel uncomfortable enough that you wouldn't  
21 want to have Michael McNair's future life in your hands as well.

22 PROSPECTIVE JUROR NUMBER 046: Yes, sir.

23 MR. PIKE: Okay. Thank you very much, sir.

24 Now I'd like to talk a little bit about negative contact with  
25 police. If almost every time I've driven through Lincoln County, Nevada,

1 which is just up towards Ely, I get pulled over because I don't a Lincoln  
2 license plate, that's a negative contact with the police. It's innocuous  
3 sometimes but nevertheless it -- there are times when almost everybody,  
4 either going through a speed trap or something like that we have a  
5 negative contact with police. That doesn't disqualify you from serving as  
6 a juror. It's just part of real-life experiences and it doesn't affect how you  
7 may react to testimony if it's believable.

8 So if you have had a negative contact with police and I believe  
9 a number of you have, is that something that you think at this point in  
10 time disqualifies you from sitting as a juror?

11 Nobody has raised their hand.

12 How many of you have ever visited a prison?

13 Okay. We have four, okay. Get the microphone -- there we  
14 go. Gustilo [unintelligible].

15 PROSPECTIVE JUROR NUMBER 010: Kinney, sir.

16 MR. PIKE: Kinney, I'm sorry. Juror Number 10. Okay. Did  
17 you go to work with a program there, did you go to visit somebody?

18 PROSPECTIVE JUROR NUMBER 010: Visit somebody.

19 MR. PIKE: You went to visit there.

20 PROSPECTIVE JUROR NUMBER 010: Yes.

21 MR. PIKE: So you know -- did you ever go back into the  
22 custodial areas or the areas where the prisoners are held?

23 PROSPECTIVE JUROR NUMBER 010: No, just visitation.

24 MR. PIKE: Visitation, okay. And in order to do that you had to  
25 go through a number of guard stations.

1 PROSPECTIVE JUROR NUMBER 010: Sure.

2 MR. PIKE: Go through make sure you didn't have any --

3 PROSPECTIVE JUROR NUMBER 010: Sure.

4 MR. PIKE: -- contrabands; any metal or anything like that?

5 PROSPECTIVE JUROR NUMBER 010: Yes.

6 MR. PIKE: Okay. Do you have an opinion on whether or

7 not -- on what it's like to live in prison?

8 PROSPECTIVE JUROR NUMBER 010: I knew I never want

9 to end up in one, that's for sure.

10 MR. PIKE: Okay. And that was just from that exposure of

11 the --

12 PROSPECTIVE JUROR NUMBER 010: Yes, 100 percent.

13 MR. PIKE: You ever watch the programs about long-term

14 incarceration in different prisons like San Quentin or in Nevada?

15 PROSPECTIVE JUROR NUMBER 010: Not really.

16 MR. PIKE: Lock up: Raw --

17 PROSPECTIVE JUROR NUMBER 010: No.

18 MR. PIKE: -- I guess is the name of the show.

19 PROSPECTIVE JUROR NUMBER 010: No.

20 MR. PIKE: Okay. And do you -- and that personal information

21 you have from visiting the prison and doing -- would that again, make

22 you understand how serious and how uncomfortable prison life is?

23 PROSPECTIVE JUROR NUMBER 010: Absolutely.

24 MR. PIKE: Thank you.

25 PROSPECTIVE JUROR NUMBER 010: Sure.

1 MR. PIKE: And who else been to visit a prison?  
2 PROSPECTIVE JUROR NUMBER 018: We used to do  
3 ministry in prison for the women and for the youth.  
4 MR. PIKE: Okay. And that's -- I'm sorry. Juror Number 18.  
5 PROSPECTIVE JUROR NUMBER 018: Yes, Belmonte.  
6 Sorry.  
7 MR. PIKE: Okay. So you went to the women's prison here on  
8 Smiley Road?  
9 PROSPECTIVE JUROR NUMBER 018: No, it's actually in  
10 Hawaii.  
11 MR. PIKE: Okay.  
12 PROSPECTIVE JUROR NUMBER 018: Yeah. And then the  
13 youth prison as well. We just used to do ministry for them and for the  
14 youth is we used to go there once a month, cut their hair, if there's  
15 somebody who has a birthday we would bring a birthday cake, give them  
16 gifts, and basically that kind. And same thing with the women's ministry.  
17 You know, our women's ministry used to go there, do bible study,  
18 worship, and basically that's it. But these are prisoners.  
19 MR. PIKE: All right. Have you ever been to any of the  
20 Nevada prisons?  
21 PROSPECTIVE JUROR NUMBER 018: No.  
22 MR. PIKE: Do you know where the -- where Ely, Nevada is?  
23 PROSPECTIVE JUROR NUMBER 018: Not really.  
24 MR. PIKE: It's where our maximum prison is held in Nevada.  
25 PROSPECTIVE JUROR NUMBER 018: Okay. Never been.



1 MR. PIKE: Okay. Well now you have a new vacation spot  
2 you can go visit. That's the birthplace of Patricia Nixon. That's  
3 President Nixon's wife. [Unintelligible].

4 And who else? Sir, I'm sorry. That would be Mr. Patlan. Oh,  
5 I'm sorry, Mr. Aguirre.

6 PROSPECTIVE JUROR NUMBER 021: Number 21.

7 MR. PIKE: You're Number 21.

8 PROSPECTIVE JUROR NUMBER 021: Yeah.

9 MR. PIKE: And what prison have you visited?

10 PROSPECTIVE JUROR NUMBER 021: The Colorado  
11 Supermax.

12 MR. PIKE: Was that to visit someone or were you working  
13 there or --

14 PROSPECTIVE JUROR NUMBER 021: Yes, my wife's  
15 brother is in there.

16 MR. PIKE: So you're familiar with what he's able to do or  
17 what the prison is like?

18 PROSPECTIVE JUROR NUMBER 021: Yes.

19 MR. PIKE: I

20 PROSPECTIVE JUROR NUMBER 021: I mean, I didn't  
21 see -- I went online to look at what the cells looked like and what kinds of  
22 opportunities they have to see sunlight and things like that.

23 MR. PIKE: Okay. And there are severe restrictions in prison,  
24 right?

25 PROSPECTIVE JUROR NUMBER 021: Yes.

1 MR. PIKE: At least in that prison, right?

2 PROSPECTIVE JUROR NUMBER 021: Yes.

3 MR. PIKE: All right. Thank you.

4 And we had one -- that would be Ms. Padilla, Juror Number --

5 I'm sorry, I didn't catch your number. 50 --

6 PROSPECTIVE JUROR NUMBER 063: 63.

7 MR. PIKE: 63.

8 PROSPECTIVE JUROR NUMBER 063: My dad was a

9 corrections officer for the penitentiary in New Mexico and I went out to

10 see him or pick him up once. So I never actually like went in, I just went

11 to the prison.

12 MR. PIKE: Did he tell you what it was like being inside of a

13 prison?

14 PROSPECTIVE JUROR NUMBER 063: He didn't tell me

15 growing up, but as I got older he would share similar stories and he

16 knew he had got put in situations. He was held hostage and he got a

17 gash across him face from an inmate. But I didn't know that until I was

18 much older.

19 MR. PIKE: So it's -- the information you have it's a dangerous

20 place.

21 PROSPECTIVE JUROR NUMBER 063: Yes.

22 MR. PIKE: Okay. Mr. Haman, if I could ask you a few

23 questions. You had indicated that you had some in -- some concerns

24 over the penal system in the United States. Does that have to do -- do

25 you feel that the -- there are too many incarcerations or too few

1 incarceration? What's your opinion?

2 PROSPECTIVE JUROR NUMBER 013: Yeah, I don't believe  
3 the victimless crimes should be prosecuted and I think there's a very  
4 high number of people that are locked up for low level drug offenses and  
5 it's a waste of time and money and hurts people that don't need to be  
6 harmed by the State. I think it's a fairly big problem.

7 MR. PIKE: Do you think that it actually has become as --  
8 something that's been referred to as prison-industrial complex where it's  
9 a for-profit

10 PROSPECTIVE JUROR NUMBER 013: Yeah, I think that's a  
11 bit of a misnomer. It's not like these are real private law systems. The  
12 fact that -- I mean, the cops get a lot of money for prosecuting drugs too,  
13 you know? I mean, paychecks and departments and fiefdoms. Whether  
14 it's the State or an ostensibly private company, I don't think it makes that  
15 big a difference. The State makes all the rules.

16 MR. PIKE: Have you ever -- as part of your arriving at the  
17 decisions that you have, have you ever gone online or ever investigated  
18 what the prisons are like in the state of Nevada?

19 PROSPECTIVE JUROR NUMBER 013: No, I don't know  
20 anything about them.

21 MR. PIKE: I'm sorry, there was so much covered by so many  
22 different people that just -- I'm not trying to slight anybody by not asking  
23 question by question but just want to go through.

24 THE COURT: I need to give them a break, Mr. Pike, so if this  
25 is a good time to break for lunch.

1 MR. PIKE: Judge, take the time.

2 THE COURT: Okay. All right. Folks, we'll go ahead and take  
3 a lunch recess.

4 During the recess you're admonished not to talk or converse  
5 among yourselves or with anyone else on any subject connected with  
6 this trial. Or read or watch or listen to any report of or commentary on  
7 the trial any medium of information including, without limitation,  
8 newspapers, television, the internet, and radio. And you cannot form or  
9 express an opinion on any subject connected with the trial until the case  
10 is finally submitted to you.

11 We'll be in recess for an hour, so I'll see you back at 1:30.

12 Do you want them downstairs, JR, or just come up here?

13 THE MARSHAL: Up here, Judge.

14 THE COURT: All right. So just come on up in the hallway.  
15 As soon as we get you all we'll start back up. Thank you.

16 Mr. Aguirre, can you stay here for just one second for me,  
17 please? Thank you.

18 [Outside the presence of the prospective jury,  
19 with the exception of Prospective Juror Number 021]

20 THE COURT: All right. We just have Mr. Aguirre here.

21 I didn't want to pry and I didn't want to ask it in front of  
22 everybody else but ADX Florence, the Federal Supermax Prison of  
23 Colorado is a very particular prison. So could you tell me what it is that  
24 you're brother-in-law was incarcerated for.

25 PROSPECTIVE JUROR NUMBER 021: He's -- he was

1 Osama Bin Laden's secretary.

2 THE COURT: Okay. So how long has he been there now?

3 PROSPECTIVE JUROR NUMBER 021: The last time -- I  
4 can't remember. The last time I saw him, was ten -- over ten years ago.

5 THE COURT: Ten years ago.

6 PROSPECTIVE JUROR NUMBER 021: He dropped by to  
7 say hello and then he was arrested.

8 THE COURT: I'm guessing you don't get many visitation  
9 opportunities.

10 PROSPECTIVE JUROR NUMBER 021: No, no. You have  
11 to -- it's up to them if they want to let you see somebody.

12 THE COURT: Sure.

13 PROSPECTIVE JUROR NUMBER 021: And they can just tell  
14 you go away.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 021: Yeah. So but --

17 THE COURT: All right.

18 PROSPECTIVE JUROR NUMBER 021: Yeah, so.

19 THE COURT: Understood. Do you guys have any questions?

20 MS. BLUTH: Nope.

21 MR. PIKE: No.

22 THE COURT: No, okay.

23 Thank you very much. We'll see you after lunch. Appreciate  
24 it.

25 PROSPECTIVE JUROR NUMBER 021: All right.

1 [Outside the presence of the prospective jury]  
2 THE COURT: Do you guys want to chat about some folks  
3 before --  
4 MS. BLUTH: Yeah, if you don't mind.  
5 THE COURT: Okay. So we have -- what we discussed at the  
6 bench after the State's questions had ended was that there was an  
7 agreement to excuse -- by both sides to excuse Dr. Nguyen and Ms.  
8 Bustos, correct?  
9 MS. SIMPKINS: Yes.  
10 THE COURT: All right. That's Badge 44, Ms. Bustos and Dr.  
11 Nguyen is Badge 20.  
12 MS. SIMPKINS: And I believe Mr. Lemus as well, Your  
13 Honor, Badge 35.  
14 THE COURT: Yeah, I didn't know if you guys were agreeing  
15 to that. They had offered that up saying they thought you all would  
16 challenge him but I would assume at this point you all are challenging  
17 him, correct?  
18 MR. PIKE: Yeah.  
19 THE COURT: All right. So we will exclude Mr. Lemus as well  
20 as an agreement.  
21 And then the five that the State challenged beyond that,  
22 Haman, Lyons, Lindenbach, Bushong, and Brown. I know you haven't  
23 finished questioning them, Randy, but is there an agreement on any of  
24 those or do you want to wait until we're done?  
25 MR. PIKE: Well, we have a challenge on Mr. Kinney.

1 THE COURT: Okay. So Kinney.

2 MR. PIKE: Assumed that he's guilty. Wouldn't change --

3 THE COURT: Badge Number 10, he's the --

4 MS. SIMPKINS: Yes.

5 THE COURT: -- gentleman that was saying that Mr. Lemus

6 kind of hit it on the head for him this morning. Are you guys going to

7 agree to him or do you want to traverse at all?

8 MS. BLUTH: I think I can give Kinney a shot, so I'm going to

9 try with him.

10 THE COURT: Okay. All right. So we'll leave him for now.

11 And I'm not going to excuse any of them until you're done, Randy. We'll

12 just do the whole group at once.

13 MR. PIKE: That's fine. I'm -- and I'm close to being done.

14 THE COURT: Okay.

15 [Colloquy between Counsel]

16 THE COURT: What's that?

17 MS. BLUTH: We agree --

18 MR. PIKE: We'll agree on --

19 MS. BLUTH: -- on Bushong.

20 MR. PIKE: -- Mr. Bushong.

21 THE COURT: You're going to agree on Bushong? Okay.

22 So that means what we got left right now is the four from the

23 State, Haman, Lyons, Lindenbach, and Brown, and then Mr. Kinney by

24 the Defense.

25 MS. SIMPKINS: So two -- let us just decide real quick on two,

1 Judge.

2 THE COURT: Okay.

3 [Colloquy between Counsel]

4 THE COURT: We good?

5 MS. BLUTH: No, there's a few more, Judge. Mr. Bushong.

6 THE COURT: A few more that are agreed to?

7 MS. BLUTH: Agreed to, yeah.

8 THE COURT: Okay. So we have Bushong already.

9 MS. BLUTH: Oh, I'm sorry, we already had him as agreed to?

10 THE COURT: Yeah.

11 MS. BLUTH: Oh.

12 MR. ROGAN: Benkovitz.

13 MS. BLUTH: Oh and then Benkovitz.

14 THE COURT: Oh, Benkovitz.

15 MS. SIMPKINS: Benkovitz.

16 THE COURT: Okay.

17 MS. BLUTH: Benkovitz.

18 THE COURT: So we'll agree to Benkovitz as well, which is  
19 Badge Number 46. Okay.

20 [Colloquy between Counsel]

21 THE COURT: So raise your hands if you thought Mr. Aguirre  
22 was going to say his brother-in-law was Osama Bin Laden's secretary.

23 MR. PIKE: That was not -- yeah.

24 THE COURT: I thought he was going to say he was like some  
25 horrible domestic crime kind of guy that ended up in Florence. But you



1 don't end up in Florence unless there's something really really bad going  
2 on. But I -- I mean, I almost said it while everybody was here just saying  
3 oh, what's he, you know, incarcerated for. I was like nah, I think I should  
4 do that outside of the others.

5 MR. AFSHAR: It's a good thing you waited. That would have  
6 been awkward.

7 MR. ROGAN: He would have been a lonely man on that jury.

8 THE COURT: That's just horrible. I feel horrible for him. All  
9 right.

10 MS. BLUTH: So are we good with that? Everything good?  
11 Or did you want to talk about someone else?

12 MR. PIKE: No, that's -- I think we'll leave Lindenbach on --

13 MS. BLUTH: Okay.

14 THE COURT: Well, look we're going to go ahead and go into  
15 recess. You guys can talk about others --

16 MS. BLUTH: Sure.

17 THE COURT: -- if you want we can make a record when we  
18 get back after lunch.

19 [Recess taken at 12:34 p.m.]

20 [Trial resumed at 1:45 p.m.]

21 [In the presence of the prospective jury]

22 THE MARSHAL: All rise for the jurors.

23 The panel is present, Your Honor.

24 THE COURT: Thank you. You all can be seated.

25 All right. We will be back on the record. Mr. McNair is here

1 with his attorneys, State's attorneys, prospective jurors are present. So,  
2 Mr. Pike, we will continue on with your questions.

3 MR. PIKE: Thank you, Your Honor.

4 THE COURT: Uh-huh.

5 MR. PIKE: Thanks for your patience, Ladies and Gentlemen,  
6 prospective jurors. We've pretty much gone over all the questions I've  
7 had in relationship to the -- that goes to the qualifying information of you  
8 being able to serve as a juror on this case. And as you've answered the  
9 questions we just wanted to make sure that everybody had an  
10 opportunity to come in and bring the best that they have, to not have  
11 anything withheld or any prejudice or -- prejudices or past experiences  
12 that would affect their decision making in this courtroom for Michael  
13 McNair and for the State. And so I just have a few specific questions  
14 and if I could ask you, Mr. Harris.

15 You've spent a lot of your life in law enforcement, is that --  
16 would that be a fair statement?

17 PROSPECTIVE JUROR NUMBER 054: Yes.

18 MR. PIKE: Okay. Sometimes that may give rise to a feeling  
19 that you would go in and you would consider that police -- police officers  
20 or other law enforcement people would be people that you would more  
21 identify with and that you would give more credence to. Of course the  
22 other one is, is that familiarity breeds contempt, so maybe you spent a  
23 lot of time dealing with correcting other officers. So I'm just going to ask  
24 you did you ever have to supervise off -- other officers and did you ever  
25 have to discipline other officers?

1 PROSPECTIVE JUROR NUMBER 054: Yes, to both of your  
2 questions. I, as -- in addition to being a special agent, at one time I had  
3 an assignment in our office of professional responsibility which required  
4 me to conduct investigations of other special agents.

5 MR. PIKE: Okay. And so is there anything about your service  
6 as an officer and as an agent, as a special agent, that would in your  
7 mind or even in your feelings be an indication that you would give the  
8 officers more of the benefit of the doubt?

9 PROSPECTIVE JUROR NUMBER 054: I'm more of a person  
10 that depends on the totality of the evidence and the credibility --  
11 evaluating the credibility of witnesses. So I've been on both sides where  
12 I've -- my investigations have cleared individuals, as well as led to  
13 convictions. So I use the attitude of I conduct an impartial investigation  
14 and let the jury and let the prosecutors decide the outcome and the  
15 judges.

16 MR. PIKE: And the prosecutors. What about the Defense  
17 attorneys? Do we influence that sometimes?

18 PROSPECTIVE JUROR NUMBER 054: Absolutely, yes.  
19 Defense is absolutely just as important as the judges, as well as the  
20 prosecutors.

21 MR. PIKE: Okay. And are you a firm believer in the  
22 presumption of innocence?

23 PROSPECTIVE JUROR NUMBER 054: Yes.

24 MR. PIKE: That if there are two things that have equal weight  
25 that the presumption of innocence falls on the favor of the Defense. You

1 ever heard it explained that way?

2 PROSPECTIVE JUROR NUMBER 054: Yes.

3 MR. PIKE: Okay. And do you agree with that?

4 PROSPECTIVE JUROR NUMBER 054: Yes, I can agree with  
5 that, yes.

6 MR. PIKE: Okay. And in fact, you probably were sworn to  
7 upheld the Constitution.

8 PROSPECTIVE JUROR NUMBER 054: Yes.

9 MR. PIKE: On more than one occasion.

10 PROSPECTIVE JUROR NUMBER 054: Yes.

11 MR. PIKE: Okay. Thank you.

12 And Mr. Haman, you have expressed some concerns and  
13 referred to a jury nullification. But as we had an opportunity to speak,  
14 you indicated that none of these two offenses that are part and parcel of  
15 the information you would consider as victimless crimes, is that correct?

16 PROSPECTIVE JUROR NUMBER 013: As I understand the  
17 nature of the charges, yeah, that's correct.

18 MR. PIKE: Yeah, so you can compartmentalize your feelings  
19 about a type of a case that may warrant that kind of approach, as  
20 opposed to this case. And you'd be able to make a decision based upon  
21 the testimony of the witnesses and the evidence that's produced before  
22 you and you'd be able to make a determination based upon that  
23 evidence?

24 PROSPECTIVE JUROR NUMBER 013: I believe so.

25 MR. PIKE: Okay. And similarly, you believe in the

1 presumption of innocence.

2 PROSPECTIVE JUROR NUMBER 013: Absolutely.

3 MR. PIKE: And if two witnesses were testifying of the same  
4 thing but they had different visions, or different opinions as to what  
5 happened, then the presumption of innocence you would tend to -- well  
6 the law would be that -- the Constitution would be that you -- that would  
7 go towards it, correct?

8 PROSPECTIVE JUROR NUMBER 013: Yeah, I think the  
9 State has to prove its case beyond a reasonable doubt.

10 MR. PIKE: And you'd hold them to that. Even if they got up to  
11 99.9 percent and they didn't get that last one-hundredth percent, you'd  
12 hold them to that and you'd acquit Michael McNair?

13 PROSPECTIVE JUROR NUMBER 013: That's our job.

14 MR. PIKE: That's your job, thank you.

15 And Ms. Lyons.

16 MS. BLUTH: Judge, I apologize. I need to make one  
17 clarification in regards to -- I -- Mr. Pike used the term 99 percent and  
18 100 percent. I don't think you're saying that that's what reasonable  
19 doubt but if we could just have some clarity because I think that gets  
20 confusing.

21 MR. PIKE: Okay.

22 THE COURT: Go ahead, Randy. Thank you.

23 MR. PIKE: So to clarify --

24 MS. BLUTH: Thanks.

25 MR. PIKE: -- that, let's say this last part that last 1 percent

1 and this is reasonable doubt. If the State goes over this it's reasonable  
2 doubt, if they don't go over that then they haven't reached that  
3 reasonable doubt. Did you understand that my question was --

4 PROSPECTIVE JUROR NUMBER 013: I think so.

5 MR. PIKE: -- [Unintelligible].

6 THE COURT: I think for everybody's purposes what I'll just  
7 say is reasonable doubt isn't based on percentages. It'll be defined to  
8 you in the jury instructions but it doesn't break itself down in any kind of  
9 numerical fashion.

10 All right. You can go ahead, Mr. Pike.

11 MR. PIKE: Fair enough. Thank you, Your Honor.

12 And Ms. Lyons, you would agree with me that it's important  
13 that a jury's -- have a good variety of people that are making a decision  
14 for this young man's life?

15 PROSPECTIVE JUROR NUMBER 050: Yes.

16 MR. PIKE: And some people may have good feelings about  
17 the police, some people may have bad feelings about the police, but the  
18 real question is can you sit and listen to the evidence and make a  
19 decision based upon the evidence. And that you would keep your  
20 personal feelings removed from that decision; although -- and you'd give  
21 the best trial that you could to both the State and to the Defense?

22 PROSPECTIVE JUROR NUMBER 050: Yes.

23 MR. PIKE: And there is nothing about anything about your  
24 experiences that would stop you or prohibit you from being a juror in this  
25 case?

1 PROSPECTIVE JUROR NUMBER 050: No.

2 MR. PIKE: Thank you.

3 And Ms. Padilla, if I could ask you a few more questions, if I  
4 may. You had described this case as a high-profile case. Have you  
5 read anything in the newspapers about this?

6 PROSPECTIVE JUROR NUMBER 063: No.

7 MR. PIKE: Okay. It's just the fact that it's -- from your  
8 experience in another state, any homicide case was a high-profile case?

9 PROSPECTIVE JUROR NUMBER 063: Correct.

10 MR. PIKE: Okay. There's nothing about this that is going to  
11 allow the -- publicity or anything else.

12 PROSPECTIVE JUROR NUMBER 063: No. And ever since  
13 working for the medical examiners, I do not watch the news and I don't  
14 read the papers because it just -- working there and seeing the news, it  
15 was -- there was totally two different sides that I was hearing. So  
16 working there I just learned to not watch the news. And quite honestly  
17 the new is depressing to me so I'd rather not hear about all of that.

18 MR. PIKE: I appreciate that. But to a certain extent -- to a  
19 certain extent, pardon my misspeaking there, it is a high-profile case  
20 because Michael's life and his future is in your hands.

21 PROSPECTIVE JUROR NUMBER 063: Correct.

22 MR. PIKE: So that may -- I want to make sure that you  
23 understand that as well.

24 PROSPECTIVE JUROR NUMBER 063: Correct.

25 MR. PIKE: Okay. And let's see Ms. Brown, if I may. We had

1 an opportunity to speak a little bit earlier and it seems that since  
2 yesterday and your opportunity to think through this and talk and make  
3 arrangements at work that you can compartmentalize any feelings that  
4 you may have had about previous experiences that may have been  
5 negative towards the police or other people then -- and that you'd be  
6 able to be a fair juror in this case.

7 PROSPECTIVE JUROR NUMBER 031: I can try but I can't  
8 promise. It just depends on with the experience that I experienced and  
9 stuff and if I am able to take and just not drift, but I don't believe in lying  
10 so to be honest that's just up in the air.

11 MR. PIKE: All right. You don't believe in lying and so --

12 PROSPECTIVE JUROR NUMBER 031: Right.

13 MR. PIKE: -- you don't believe when other -- you don't believe  
14 that other people should lie, right?

15 PROSPECTIVE JUROR NUMBER 031: Yeah, but --

16 MR. PIKE: And you're trying to tell the truth and you're trying  
17 to give us everything that you feel. Well, you -- and when you first raised  
18 your hand as part of this jury panel, you swore that you'd tell the truth  
19 and that's what you've done. Now, if you're selected for the jury, you're  
20 going to raise your hand again and you're going to be sworn to do your  
21 best to give fair justice and fair actions as a juror, with consideration for  
22 both the State and the Defense. And you would do it -- you would do  
23 that. You would follow your oath, wouldn't you?

24 PROSPECTIVE JUROR NUMBER 031: I would try.

25 MR. PIKE: Okay. You would swear that you would.



1 PROSPECTIVE JUROR NUMBER 031: No, no.

2 MR. PIKE: And --

3 PROSPECTIVE JUROR NUMBER 031: I'm going to be  
4 honest with you, no. I don't believe in swearing if I can't totally --

5 MR. PIKE: Okay.

6 PROSPECTIVE JUROR NUMBER 031: -- believe in  
7 something, so no.

8 MR. PIKE: All right. Well then may you -- would you affirm  
9 under the penalties of perjury.

10 THE COURT: It's the same thing as swearing.

11 PROSPECTIVE JUROR NUMBER 031: I'm not going to -- no,  
12 I'm not -- no. I don't believe in swearing. If they want -- if someone  
13 wants you -- no, I don't. No. That's like -- no.

14 MR. PIKE: Well, that's probably a bad word. How about enter  
15 into an oath.

16 PROSPECTIVE JUROR NUMBER 031: I took an oath as a  
17 nurse because I believe in the oath that I read, okay.

18 MR. PIKE: And you took an oath for --

19 PROSPECTIVE JUROR NUMBER 031: Now you want me to  
20 take an oath to something that you're going to tell me when basically I'm  
21 not knowledgeable of it and then on this side, that side, and wanting me  
22 to put my biases aside, if I've had bad experience with police, I'm going  
23 to be honest with you, being a nurse, I've seen good ones and bad ones  
24 and more bad ones than good ones because of what I do.

25 MR. PIKE: All right. I'm not asking you to take aside -- to put

1     aside anything

2                 PROSPECTIVE JUROR NUMBER 031: Okay.

3                 MR. PIKE: Because that's what makes you, you.

4                 PROSPECTIVE JUROR NUMBER 031: Right.

5                 MR. PIKE: And what I've experienced makes me, me.

6                 PROSPECTIVE JUROR NUMBER 031: Uh-huh.

7                 MR. PIKE: You know, and that's -- we -- if we didn't trust in  
8     the entire society given all the experiences that they've had and  
9     everything else, that's the whole point of getting these people together  
10    because we're entitled to a trial of our peers.

11                PROSPECTIVE JUROR NUMBER 031: Exactly. And that's a  
12    big responsibility. That's the part -- that weight of that is what I struggle  
13    with.

14                MR. PIKE: But you make life and death decisions for  
15    people --

16                PROSPECTIVE JUROR NUMBER 031: Yep.

17                MR. PIKE: -- all the time, so you're really well equipped for  
18    this.

19                PROSPECTIVE JUROR NUMBER 031: Yeah.

20                MR. PIKE: And I -- and you try your hardest in those cases  
21    to -- for those patients.

22                PROSPECTIVE JUROR NUMBER 031: But I've done that for  
23    a number of years and I've studied to do that.

24                MR. PIKE: And this is an opportunity to do something new  
25    and to take your skill set and --

1 PROSPECTIVE JUROR NUMBER 031: This is like a crash  
2 course and I don't believe in crash courses. It's too much at stake here,  
3 I mean -- you know. Not only -- I mean, on both sides of it. You know,  
4 the witnesses are going to testify and then the individual that's standing  
5 before justice.

6 And that weight on me, you know, having to sit through things  
7 and listen through things and look at pictures and then try to weigh out,  
8 you know, who's telling the truth. That's a big weight. I'm not going to  
9 lie to anybody. And irregardless of my religious convictions and stuff like  
10 that, which I basically do not carry on my shoulder or else I would not be  
11 able to do my job as well because everybody is entitled to their own  
12 opinion and just like I'm entitled to mine. And it's just a big weight.

13 MR. PIKE: And it should be and it is.

14 PROSPECTIVE JUROR NUMBER 031: Right.

15 MR. PIKE: We all agree with that. Everybody here agrees  
16 with that. We welcome you into the courtroom today.

17 PROSPECTIVE JUROR NUMBER 031: Well thank you for  
18 that.

19 MR. PIKE: I'm sure that the jury --

20 PROSPECTIVE JUROR NUMBER 031: This has been an  
21 experience.

22 MR. PIKE: -- would welcome you in if you could join with  
23 them.

24 And then Ms. Gruber.

25 PROSPECTIVE JUROR NUMBER 055: Yes.

1 MR. PIKE: Hi. You had gone through a number of cases in  
2 which -- and you describe them in which your family had been victims of  
3 different crimes.

4 PROSPECTIVE JUROR NUMBER 055: Yes.

5 MR. PIKE: And they were handled by different kind of judicial  
6 systems and it's -- the closest I ever came to that was a cattle wrestling  
7 case out at the Moapa Indian Reservation just north of here. And we  
8 were given permission to handle that case by the tribal council. But it's  
9 my understanding that what you were dealing with were tribal councils  
10 who would make decisions like -- or would -- were they really judges  
11 or --

12 PROSPECTIVE JUROR NUMBER 055: Oh, they have  
13 judges.

14 MR. PIKE: Oh, they're --

15 PROSPECTIVE JUROR NUMBER 055: Yeah.

16 MR. PIKE: -- named as judges, okay. In the Tri-State area, is  
17 the Cal-Nev-Ari area which --

18 PROSPECTIVE JUROR NUMBER 055: Oh, no. Arizona,  
19 California, and Nevada.

20 MR. PIKE: Okay. There's a little town called --

21 PROSPECTIVE JUROR NUMBER 055: Like I said it's Cal-  
22 Nev-Ari, yeah.

23 MR. PIKE: Cal-Nev-Ari.

24 PROSPECTIVE JUROR NUMBER 055: North of that, yeah.

25 MR. PIKE: Right down there towards -- it's just south of

1 Laughlin, right?

2 PROSPECTIVE JUROR NUMBER 055: Yes.

3 MR. PIKE: Okay. Right on the Colorado River.

4 PROSPECTIVE JUROR NUMBER 055: Yes.

5 MR. PIKE: And that's part of the [unintelligible], the Navajo or  
6 the --

7 PROSPECTIVE JUROR NUMBER 055: Mojave.

8 MR. PIKE: Mojave, okay. So there -- you've dealt with those  
9 different judicial setups. Is there anything -- have you ever had any  
10 family members that were part of law enforcement?

11 PROSPECTIVE JUROR NUMBER 055: Yes, my dad was a  
12 police officer.

13 MR. PIKE: Okay. So you've seen both sides of it.

14 PROSPECTIVE JUROR NUMBER 055: Yes.

15 MR. PIKE: Does -- having seen both sides and having that  
16 information, does that tend to have you lean on one side or the other or  
17 are you more going to believe the police officers, you're going to more --  
18 than civilian witnesses?

19 PROSPECTIVE JUROR NUMBER 055: I believe facts.

20 MR. PIKE: I'm sorry?

21 PROSPECTIVE JUROR NUMBER 055: I follow facts.

22 MR. PIKE: You follow the facts?

23 PROSPECTIVE JUROR NUMBER 055: Yes.

24 MR. PIKE: Okay. There's two types of evidence, there's  
25 direct evidence and that's what somebody gets up on the stand and

1 says this is what I saw. And in -- and with those witnesses you have to  
2 kind of see their demeanor, how they describe it, and whether or not  
3 they're being truthful and/or whether they're being accurate. Do you feel  
4 like you're a good person that can discern whether or not somebody is  
5 telling the truth or whether or not they're mistaken or whether or not  
6 they're really accurate and they're doing the best they can?

7 PROSPECTIVE JUROR NUMBER 055: I think I'm a pretty  
8 good judge of character.

9 MR. PIKE: Okay. And there's nothing about your family  
10 having been both in law enforcement and being victims of crime that  
11 would influence you one way or the other?

12 PROSPECTIVE JUROR NUMBER 055: No, I judge on my  
13 own.

14 MR. PIKE: Okay. Thank you very much.

15 I have no further questions.

16 THE COURT: Thank you. Will you guys approach?

17 [Bench Conference Begins]

18 THE COURT: Do you have any challenges other than  
19 Kinney?

20 MR. PIKE: No.

21 THE COURT: Okay.

22 MR. PIKE: The rest of them we agree on.

23 THE COURT: Did you guys agree to Benkovitz, right?

24 MS. BLUTH: Did we agree what?

25 THE COURT: Do you agree to Benkovitz?

1 MS. BLUTH: Yeah.

2 THE COURT: All right. So -- do you agree to Kinney? Agree  
3 or not agree to Kinney?

4 MS. BLUTH: Not agree.

5 THE COURT: Not agree to Kinney. And then you had left  
6 Haman, Lyons, Lindenbach, and Brown.

7 MS. BLUTH: Yeah.

8 THE COURT: Are you still challenging those four?

9 MS. BLUTH: Yes.

10 THE COURT: Okay. Are you agreeing on any of those?

11 MR. PIKE: Yes, we'd agree to Lindenbach.

12 THE COURT: Agree to which one?

13 MR. PIKE: Lindenbach.

14 THE COURT: Lindenbach, okay.

15 All right. Anything else you wanted to add on Haman and  
16 Lyons? Not inclined to grant the challenges on those two. So if there's  
17 anything else then --

18 MS. BLUTH: You mean is there anything else since the last  
19 time we brought it up?

20 THE COURT: Yeah, I'm satisfied by everything Haman said  
21 that this is not a case for which the jury nullification issue is going to be  
22 issue. His expression of opinions to me was more specific to the  
23 victimless crime thing instead of the general, you know, sovereign  
24 citizen --

25 MS. BLUTH: Yeah.

1 THE COURT: -- kind of more all the laws no matter what they  
2 are.

3 MS. BLUTH: I agree with you in regards to that aspect of it.  
4 The only resulting issue that I had with him is that they whole liability  
5 issue of it. Because look our position is, is that McNair is the shooter.

6 THE COURT: Right.

7 MS. BLUTH: But I could see a jury saying look, we don't know  
8 if he's gen -- if he is in fact the shooter but he was in on it. So it's this  
9 idea that --

10 THE COURT: Still not a victimless crime.

11 MS. BLUTH: But I don't -- but I asked him specifically though  
12 in regards to like is just about victimless crimes or would there be certain  
13 nuances in the law --

14 THE COURT: Right.

15 MS. BLUTH: -- and he said yeah, there definitely could be  
16 and of course I can't get into the specifics of it --

17 THE COURT: Yeah, but --

18 MS. BLUTH: -- but do you think -- I mean, I guess my  
19 question is, is if he just believes in jury nullification, then why are we  
20 keeping him on when we have someone who would be willing to follow  
21 the law.

22 THE COURT: Because there's a multitude of people that  
23 believe in that but just don't ever express it. Like the idea --

24 MS. BLUTH: But I would kick them.

25 THE COURT: -- that -- and I think we recognize repeatedly



1 that the jury is a great equalizer. Sometimes they find the guy guilty of  
2 voluntary when he's guilty of first because they don't think he really  
3 deserves the first, right? So it's nullification of all different kinds. But I  
4 think when a guy talks, at least in my opinion, about jury nullification and  
5 jury selection, you got to dig down a little bit to figure out what they're  
6 talking about.

7 MS. BLUTH: Uh-huh.

8 THE COURT: Most people are the, I can't tell you what I'm  
9 going to ignore because I haven't heard it yet.

10 MS. BLUTH: Right.

11 THE COURT: If I don't like the law, I'm going to ignore it.  
12 This guys was really really specific. And I've seen that before as well  
13 where it just kind of -- there's certain things that I don't think should be  
14 crimes and it's this kind of stuff. If it's not that, then I'm okay. So there's  
15 always a worry with a juror about whether they are going to, you know,  
16 find some other guilty based on aiding and abetting, conspiracy theories,  
17 who's the principal, et cetera, et cetera that we just don't go into in jury  
18 selection because we can't dig that far down into the law.

19 MS. BLUTH: Uh-huh.

20 THE COURT: But I still think he's okay. I mean, I know you're  
21 going to challenge him --

22 MS. BLUTH: Yeah.

23 THE COURT: -- but I think he's okay.

24 MS. BLUTH: Who was the other person though that you  
25 asked about?

1 THE COURT: Lyons. I draw a distinction between Lyons and  
2 Brown. And I know you guys are, you know, agreeing to Brown but I  
3 don't think Brown has really changed in terms of having a plethora of  
4 things that she's -- anxiety, the things with her family, the things with her  
5 work, and just continuing to say I'm just nah -- I just -- I don't think I can  
6 do it. I mean, I don't think I can be fair. And anything less than  
7 unequivocal is challengeable in my mind.

8 Ms. Lyons is a little different. She used the I try in a way that,  
9 to me, doesn't mean I'm not sure I can be fair it's just -- you know,  
10 sometimes people will say can you do this, oh, yeah, I'll try and do that.  
11 Other people say I'll try but I'm not really sure. So Ms. Brown and Ms.  
12 Lyons to me were different. And I don't think Ms. Lyons qualifies for a  
13 challenge for cause. Ms. Brown in my mind does. And I'll let you guys  
14 speak to that in a moment if you want. But if there's anything else you  
15 want to add on Ms. Lyons.

16 MS. BLUTH: Go ahead, Jeff, in regards to Lyons.

17 MR. ROGAN: Ms. Lyons, the one thing -- I heard her  
18 responses today and they were somewhat different than her responses  
19 yesterday but the one thing that was not addressed was her comment,  
20 unequivocal comment that I would believe a un-uniformed police officer  
21 rather than an un-uniformed police officer. So she has that prejudice  
22 about her that has not been rectified or clarified by the Defense. And I  
23 think that disqualifies her because she is simply assuming that a person  
24 because they wear a uniform is untruthful. And I think that because of  
25 that she cannot sit and judge this case fairly.

1 THE COURT: But you agree that oftentimes we have people  
2 that come in and they say oh, I like cops. Cops have always been really  
3 been great to me, I got ten cops in my family --

4 MR. ROGAN: Right.

5 THE COURT: -- so I believe they're really good people and  
6 they're always telling the truth but I can listen to the case and evaluate  
7 whether I think somebody is telling the truth or not. And then conversely  
8 you have the people on the other side tat say I 've had really bad  
9 experiences, I'm -- I tend to be distrusting of police officers, but I'm going  
10 to listen to what you present to me here and decide whether I think it's  
11 good or not.

12 MR. ROGAN: But she didn't say that. She didn't say I will  
13 listen to the police officer and make that decision, she said I will not  
14 believe a police officer who's in uniform over a police officer who's not in  
15 uniform and I think that's the distinction between your example.

16 THE COURT: Ehh. Well, I think part of it is you can't just take  
17 the one answer, right? You got to take the totality of what somebody  
18 says about whether they can be fair or not and not --

19 MR. ROGAN: Yeah.

20 THE COURT: -- tend to -- I mean, if a police officer is talking  
21 to me and it's not in uniform I don't know he's a police officer so I would  
22 tend to trust what people have to say. Whereas if somebody is in  
23 uniform, I might start out being a little distrustful. Maybe -- you guys  
24 have anything to add on Lyons or Brown?

25 MR. PIKE: Not really. It all depends on how they approach.

1 She's going to listen to what they have to say --

2 THE COURT: Right.

3 MR. PIKE: -- and honestly this is what --

4 MS. BLUTH: Sorry, which one are we talking about? I'm  
5 sorry.

6 MR. PIKE: Lyons.

7 THE COURT: Lyons.

8 MR. PIKE: Lyons. And I agree with the Court that she is not  
9 unequivocal in saying that she wouldn't always disagree with somebody  
10 in uniform. She'd be less likely too but not that she would completely  
11 disregard them. [Unintelligible] this is not a case that involves a lot of  
12 officers in uniforms. And officers in uniforms come in and block  
13 everything off, the detectives take it from there.

14 THE COURT: She's going to know they're officers in the case  
15 because they're going to say I'm a police officer.

16 MR. PIKE: Yeah.

17 THE COURT: So it doesn't really matter if they're in a uniform  
18 or not. That's --

19 MR. PIKE: [Unintelligible].

20 THE COURT: -- not a good point.

21 MS. BLUTH: So then she'll know when they walk in --

22 THE COURT: All right.

23 MS. BLUTH: -- not to trust them.

24 MR. PIKE: She seemed today to -- I didn't mean to interrupt  
25 Your Honor. She seems --

1 THE COURT: No, no, no, I'm still okay on Lyons.

2 MR. PIKE: Okay.

3 THE COURT: What about Brown?

4 MR. AFSHAR: I was just going to address Brown briefly. So I  
5 know Brown's kind of a little tricky. Your Honor is far more aware than  
6 the legal standard than I am but I mean, it really boils down to would her  
7 views so impair her ability that she couldn't follow the Court's  
8 instructions. Yesterday, I mean, she said she was a victim but several  
9 people have been victims on this panel.

10 THE COURT: Sure.

11 MR. AFSHAR: She didn't really say who she would take that  
12 out on, one way or another. And today I feel like there was a change in  
13 her demeanor. The -- you know, yesterday was the anxiety issue.

14 THE COURT: She's a little defeated today.

15 MR. AFSHAR: But one thing that I really liked was --

16 MS. SIMPKINS: She's calmed down.

17 MR. AFSHAR: -- yeah -- Mister --

18 MS. BLUTH: She has.

19 MR. AFSHAR: Mr. Pike asked her -- or asked everyone, who  
20 doesn't feel they could do it and she didn't raise her hand. And I feel like  
21 she's truthful, I think that's a good juror. And she said look, there's good  
22 cops, there's bad cops --

23 THE COURT: Right.

24 MR. AFSHAR: -- I admit she did say like there's more bad,  
25 but I don't see anything that would -- maybe we could maybe like

1 traverse a little bit more but I don't see there's anything that says that  
2 she could not follow the Court's instructions.

3 THE COURT: Well she's not somebody that I think we're  
4 going to get a lot more out of by continuing to talk to her.

5 MR. AFSHAR: That's a fair --

6 THE COURT: I think she said pretty much what she said.  
7 And one of the keys for me was actually the last few things that she said  
8 to you where you were asking her those questions and she's like I'm not  
9 going to swear to anything because I'm not sure that I can do it. And I  
10 don't want to tell you that I'm going to be fair and do something a certain  
11 way when I'm not sure that I can because of everything. Which is  
12 probably about as truthful as you're going to get from certain people  
13 about whether they can do it.

14 There's a difference in my mind between I'm not comfortable  
15 doing it and I can't tell you that I'm going to be able to do it fairly, so.

16 MS. SIMPKINS: Part of that arose from the fact that she's not  
17 trained in this area too. And I mean, she -- you know, she's going to get  
18 instructions, they're going to be in writing, she's going to have them in  
19 front of her.

20 THE COURT: I know.

21 MS. SIMPKINS: I think we can alleviate that problem.

22 THE COURT: I know.

23 MS. BLUTH: My issue isn't necessarily with her -- she's flat  
24 out multiple times I can't be a fact finder. I'm like that's their whole job.

25 THE COURT: Well that was yesterday. That was a concern

1 yesterday. I mean, yesterday she was demonstratively, you know, upset  
2 when she was talking about her anxiety that -- it was concerning to me.  
3 A lot of people calm down a little bit over the course of being here. And  
4 like I said sometimes they feel a little defeated like I didn't get to leave  
5 when I first brought this up so I got to stick here now.

6 But the aspects of her ability to do the job have remained  
7 pretty constant in my mind. So I'm going to grant the challenge as to  
8 her.

9 I'm going to keep Haman and Lyons. And then I'm going to  
10 grant the challenge as to Kinney as well. Kinney to me was spot on with  
11 what Lemus was saying and then it was a the more I thought about it  
12 overnight, that's a real important thing to be able to say. I tend to think  
13 that I'm going into this thinking the guy's guilty and you guys start three  
14 points down and you guys start three points up.

15 So that means I'm going to excuse 1, 2, 3, 4, 5, 6 -- 8.  
16 Lindenbach, Bushong, Brown, Bustos, Nguyen, Lemus, Kinney, and  
17 Benkovitz, okay?

18 MS. BLUTH: Yes.

19 THE COURT: Okay.

20 MR. PIKE: Okay. Thank you, Your Honor.

21 THE COURT: Uh-huh.

22 [Bench Conference Concludes]

23 THE COURT: Okay. I am going to excuse about eight of  
24 you. So if you'd let me read through these names before you leave I  
25 would appreciate it.

1 We are going to excuse Mr. Lindenbach, Badge Number 34;  
2 Mr. Bushong, Badge Number 33; Ms. Brown, Badge Number 31; Ms.  
3 Bustos, Badge Number 44; Dr. Nguyen, Badge Number 20; Mr. Lemus,  
4 Badge Number 35; Mr. Kinney, Badge Number 10; and Mr. Benkovitz,  
5 Badge Number 46.

6 Ladies and Gentlemen, I thank you very much for your time  
7 the last couple of days and you all are done with jury duty, I appreciate  
8 it. Take care.

9 All right. So I'm going to need Mr. Ankrum. How are you  
10 doing, Mr. Ankrum? You're going to take the seat on the top row for me,  
11 please. Mr. Carey is going to take the seat in the middle of the first row -  
12 - or in the middle row here. And then Ms. Pool, Ms. Braughton, Ms.  
13 Devon, and Mr. Alcantara are going to take these four seats here on my  
14 front row. So it's going to be Ms. Pool next to Ms. Padilla.

15 So Ms. Pool, Ms. Braughton, Ms. Devon, and then Ms.  
16 Alcantara.

17 Ms. Stockwell is going to take the seat on the end of that first  
18 row there and then Mr. Riecki. I'm sorry, two down to your left, ma'am.  
19 I'm sorry. And then Mr. Riecki, the seat on the end.

20 I'm sorry, sometimes it gets hard keeping all this stuff in order,  
21 I apologize.

22 All right. Can we get the microphone to MR. Ankrum?

23 Oh, you already got it? Great. Thank you, Michael.

24 Mr. Ankrum, how long have you lived here, sir?

25 PROSPECTIVE JUROR NUMBER 064: Lived here for three



1 years.

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

3 PROSPECTIVE JUROR NUMBER 064: Simi Valley,  
4 California.

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

6 PROSPECTIVE JUROR NUMBER 064: High school.

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

8 PROSPECTIVE JUROR NUMBER 064: I'm a store manager  
9 for Whole Foods.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR NUMBER 064: No.

12 THE COURT: Any children?

13 PROSPECTIVE JUROR NUMBER 064: Yes.

14 THE COURT: How many and how old are they?

15 PROSPECTIVE JUROR NUMBER 064: One, 14.

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

17 PROSPECTIVE JUROR NUMBER 064: No.

18 THE COURT: Ever been the victim of a crime before?

19 PROSPECTIVE JUROR NUMBER 064: Yes and no.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 064: In my occupation I  
22 deal with a lot of --

23 THE COURT: Shoplifters.

24 PROSPECTIVE JUROR NUMBER 064: Shoplifters,  
25 homeless people, stuff like that and so.

1 THE COURT: Have you ever had to notify the police because  
2 of incidents that have happened at the store?

3 PROSPECTIVE JUROR NUMBER 064: Yes, on a weekly  
4 basis.

5 THE COURT: Even at Whole Foods? I thought that was just  
6 like at Albertsons.

7 PROSPECTIVE JUROR NUMBER 064: Yeah, it's the Whole  
8 Foods on --

9 THE COURT: Whole Food is so, you know --

10 PROSPECTIVE JUROR NUMBER 064: -- Town Square.

11 THE COURT: Okay. All right. Have you ever had to go to  
12 court?

13 PROSPECTIVE JUROR NUMBER 064: I haven't had to go to  
14 court.

15 THE COURT: Okay. Have you ever been arrested, charged,  
16 convicted of any kind of crimes?

17 PROSPECTIVE JUROR NUMBER 064: No.

18 THE COURT: All right. Do you believe you could keep an  
19 open mind here and then not decide any issues in the case until it's  
20 submitted to you for your deliberations?

21 PROSPECTIVE JUROR NUMBER 064: Yeah, let's give it a  
22 shot.

23 THE COURT: Okay. Sometimes people use colloquialisms  
24 like that but it's important that you be able to commit to that, so could  
25 you commit to that?

1 PROSPECTIVE JUROR NUMBER 064: Yes.

2 THE COURT: Okay. How about in regard to police officers.  
3 Do you think you could treat them like any other witness or do you think  
4 that you would treat them differently for any reason?

5 PROSPECTIVE JUROR NUMBER 064: I think I'd treat them  
6 differently.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NUMBER 064: We hold them to a  
9 higher level.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 064: We put our respect  
12 and our honor -- I mean, anybody can talk about a police officer but they  
13 don't put the badge and do what they do on a daily basis.

14 THE COURT: Absolutely. So in terms of treat them  
15 differently, I don't mean give them respect for the job that they do, I  
16 mean would you automatically believe them versus anybody else just  
17 because they're a police officer or do you think you could evaluate their  
18 testimony in light of all the other facts and circumstances in the case?

19 PROSPECTIVE JUROR NUMBER 064: I could evaluate their  
20 testimony.

21 THE COURT: Okay. And then finally you heard yesterday I  
22 hope when I was talking about the fact that if somebody's convicted of  
23 first-degree murder there is a separate hearing where the jury decides  
24 the sentence and there's three options to choose from. Do you recall  
25 that?

1 PROSPECTIVE JUROR NUMBER 064: Yes.

2 THE COURT: Okay. The options being a 50-year sentence  
3 with a minimum 20 years before parole eligibility; life in prison with a  
4 minimum of 20 years before parole eligibility; and then a sentence of life  
5 without the possibility of parole. Could you give consideration to all  
6 three forms of punishment before deciding on someone's sentence?

7 PROSPECTIVE JUROR NUMBER 064: Yes.

8 THE COURT: Okay. Thank you very much. Could you pass  
9 that forward to Mr. Carey?

10 Mr. Carey, I apologize that I didn't give you better directions  
11 when we were getting you over here. Badge Number 65. How long  
12 have you lived here, sir?

13 PROSPECTIVE JUROR NUMBER 065: 12 years.

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

15 PROSPECTIVE JUROR NUMBER 065: High school.

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

17 PROSPECTIVE JUROR NUMBER 065: Industrial sales.

18 THE COURT: Are you married, sir?

19 PROSPECTIVE JUROR NUMBER 065: Yes.

20 THE COURT: What type of work does your spouse do?

21 PROSPECTIVE JUROR NUMBER 065: Currently not  
22 working.

23 THE COURT: Okay. Children?

24 PROSPECTIVE JUROR NUMBER 065: Four. All grown.

25 THE COURT: Okay. How about grandkids?

1 PROSPECTIVE JUROR NUMBER 065: Five.

2 THE COURT: Five, thank you. Have you ever been a juror  
3 before?

4 PROSPECTIVE JUROR NUMBER 065: No.

5 THE COURT: Have you ever been the victim of a crime  
6 before?

7 PROSPECTIVE JUROR NUMBER 065: No

8 THE COURT: Have you ever been arrested, convicted, or  
9 accused of any kind of crime?

10 PROSPECTIVE JUROR NUMBER 065: No.

11 THE COURT: Have you -- or do you think you could treat  
12 police officers like any other witness and evaluate their testimony based  
13 on everything in the case or do you think you would automatically give  
14 them more or less credence just because they're police officers?

15 PROSPECTIVE JUROR NUMBER 065: I believe I could treat  
16 them just like anyone else?

17 THE COURT: Okay. Do you believe you could keep an open  
18 mind and not decide any issue in the case until it's submitted to you for  
19 your deliberations?

20 PROSPECTIVE JUROR NUMBER 065: I do.

21 THE COURT: And do you believe you could consider all three  
22 forms of punishment before deciding on someone's sentence, if you are  
23 asked to participate in that?

24 PROSPECTIVE JUROR NUMBER 065: I can.

25 THE COURT: Okay. Thank you. Could you pass the forward

1 and then we will have it sent down here to the left to Ms. Pool.  
2 Ms. Pool, how are you?  
3 PROSPECTIVE JUROR NUMBER 068: I am good.  
4 THE COURT: Badge Number 68. How long have you lived  
5 here?  
6 PROSPECTIVE JUROR NUMBER 068: Almost 11 years.  
7 THE COURT: And what's your level of education?  
8 PROSPECTIVE JUROR NUMBER 068: Some college.  
9 THE COURT: What type of work do you do?  
10 PROSPECTIVE JUROR NUMBER 068: Bookkeeper.  
11 THE COURT: Are you married?  
12 PROSPECTIVE JUROR NUMBER 068: I am.  
13 THE COURT: What type of work does your spouse do?  
14 PROSPECTIVE JUROR NUMBER 068: He does lighting for  
15 film and television commercials.  
16 THE COURT: Do you have any children?  
17 PROSPECTIVE JUROR NUMBER 068: I do.  
18 THE COURT: How many and how old are they?  
19 PROSPECTIVE JUROR NUMBER 068: Two; 15 and 13.  
20 THE COURT: Did you figure out since yesterday what kind of  
21 judge your sister is?  
22 PROSPECTIVE JUROR NUMBER 068: No. All I had time to  
23 do was take my daughter to volleyball.  
24 THE COURT: No, no, that's okay.  
25 PROSPECTIVE JUROR NUMBER 068: It was super busy.

1 THE COURT: So the point of that is, you don't really talk to  
2 her about her work or what she does or kind of cases or anything like  
3 that.

4 PROSPECTIVE JUROR NUMBER 068: No, we don't talk  
5 about that.

6 THE COURT: Okay. Have you ever been a juror before?

7 PROSPECTIVE JUROR NUMBER 068: I have not.

8 THE COURT: Have you ever been the victim of a crime  
9 before?

10 PROSPECTIVE JUROR NUMBER 068: My bike was stolen  
11 when I was like 10.

12 THE COURT: When you were 10?

13 PROSPECTIVE JUROR NUMBER 068: Yeah.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 068: It hurt.

16 THE COURT: I'm sure. Was that -- that wasn't here I take it,  
17 that was somewhere else.

18 PROSPECTIVE JUROR NUMBER 068: That was in  
19 California.

20 THE COURT: All right. Do you know did your parents call the  
21 police about that or --

22 PROSPECTIVE JUROR NUMBER 068: I don't -- yeah, yeah.

23 THE COURT: Okay. And you never want to court or anything  
24 to testify --

25 PROSPECTIVE JUROR NUMBER 068: No.

1 THE COURT: -- against the neighbor for stealing your bike  
2 or --

3 PROSPECTIVE JUROR NUMBER 068: No.

4 THE COURT: No, okay.

5 PROSPECTIVE JUROR NUMBER 068: We didn't find out  
6 who did it.

7 THE COURT: All right. Have you ever been arrested,  
8 convicted of any kind of crimes?

9 PROSPECTIVE JUROR NUMBER 068: No.

10 THE COURT: Do you believe you can keep an open mind  
11 and not decide any issue in the case until it's submitted to you for your  
12 deliberation?

13 PROSPECTIVE JUROR NUMBER 068: Can you repeat that?

14 THE COURT: Sure. So it's about whether you could sit here  
15 and wait until you've received all the information in the case before  
16 making a decision on the issues in the case?

17 PROSPECTIVE JUROR NUMBER 068: Oh, don't jump to  
18 conclusions --

19 THE COURT: That's okay. Yeah --

20 PROSPECTIVE JUROR NUMBER 068: -- about the -- okay.

21 THE COURT: So can you keep an mind and wait until you  
22 deliberate with your fellow jurors before deciding the issues?

23 PROSPECTIVE JUROR NUMBER 068: I could. I think I  
24 might like go in there with a slanted mind but I think I could talk about it,  
25 absolutely.



1 THE COURT: What do you mean go in there with some  
2 slants?

3 PROSPECTIVE JUROR NUMBER 068: No, I don't mean -- I  
4 mean, like after everything was laid out --

5 THE COURT: Right.

6 PROSPECTIVE JUROR NUMBER 068: -- you know, I would  
7 definitely go in there with an opinion.

8 THE COURT: Oh well --

9 PROSPECTIVE JUROR NUMBER 068: Yeah.

10 THE COURT: Oh, okay. I think I understand what you're  
11 saying.

12 PROSPECTIVE JUROR NUMBER 068: Yeah.

13 THE COURT: So everybody sits and listens to the trial and  
14 you're formulating ideas about what you thought about that witnesses'  
15 testimony, what was important, what was concerning to you, so that  
16 when you get back there you all start discussing those things. The  
17 import is, can you keep an open mind about whether somebody's guilty,  
18 not guilty, all that stuff before you go back and deliberate and hear what  
19 everybody else has to say?

20 PROSPECTIVE JUROR NUMBER 068: Yes.

21 THE COURT: Okay. Do you think you could treat police  
22 officers like any other witnesses and evaluate their testimony based on  
23 what you hear in the case or do you think you'd treat them differently,  
24 good or bad?

25 PROSPECTIVE JUROR NUMBER 068: Well I mean, I -- like

1 Mike was saying I think I have a -- like a respect for cops and they've --  
2 I've never had a bad experience, I've only had good experiences with  
3 police officers, so --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 068: -- I would definitely --  
6 I would try my hardest to treat them like anybody else.

7 THE COURT: Okay. So I think it's natural. You like to think  
8 good things about them because people consider them to have a pretty  
9 tough job. But when it comes into court and you're evaluating their  
10 testimony as a witness, you have to be able to look at it in the lens of  
11 everything else in the case and decide, do I think they're correct or not;  
12 do I think they're truthful or not. Could you do that?

13 PROSPECTIVE JUROR NUMBER 068: I think I could.

14 THE COURT: Okay. Finally, in regards to that question about  
15 potential punishments. If the case were to move to a sentencing phase  
16 because of a first-degree murder conviction, do you believe you could  
17 consider all three forms of punishment before deciding on someone's  
18 sentence?

19 PROSPECTIVE JUROR NUMBER 068: I think that -- see this  
20 is where having listened to everything now, I'm a little unclear on what  
21 you're asking.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 068: I understand that  
24 there's two different parts of this job as a juror.

25 THE COURT: Potentially.

1 PROSPECTIVE JUROR NUMBER 068: Potential.

2 THE COURT: Right.

3 PROSPECTIVE JUROR NUMBER 068: Yes. And --

4 THE COURT: So if you acquit somebody, find them not guilty,  
5 there's no sentencing here. If you decide to find somebody guilty of  
6 something less than first-degree murder, there is no sentencing here.  
7 It's only if you as a juror -- jurors collectively have agreed unanimously  
8 on a verdict of first-degree murder, only then will the case move to a  
9 sentencing hearing. At which point you'd be given what other  
10 information the attorneys wish to provide to you and then you would  
11 deliberate upon the sentence.

12 PROSPECTIVE JUROR NUMBER 068: And in that would  
13 there be any other evidence presented? But it would all just be  
14 presented in the first case?

15 THE COURT: No, no, no --

16 PROSPECTIVE JUROR NUMBER 068: In the first --

17 THE COURT: -- sentencing hearing is just like a trial and then  
18 each side has the opportunity to present whatever evidence they have  
19 available to them that they want to present to you. Calling witnesses,  
20 questioning witnesses, you know, physical things. Again, whether it's  
21 some documents about this, that, or the other. Any information that's  
22 available to you to give you, you know, a better understanding of a  
23 situation to determine somebody's sentence.

24 So that's separate from deciding whether there's evidence  
25 about whether somebody's guilty or not, you will have already decided

1 that. This is more about what information is available to us to help us  
2 make an intelligent decision about how we should sentence a  
3 gentleman.

4 PROSPECTIVE JUROR NUMBER 068: Okay. Yes -- I just --  
5 I keep having this feeling that it would be a weight -- I would always think  
6 that there are these three options that I have to get to --

7 THE COURT: Sure.

8 PROSPECTIVE JUROR NUMBER 068: -- you know, and  
9 everything that I look at, you know, maybe there might be that in the  
10 back of my head.

11 THE COURT: I think I understand maybe what you're getting  
12 at.

13 PROSPECTIVE JUROR NUMBER 068: Okay.

14 THE COURT: And if I'm wrong correct me. But what you  
15 decide in the trial phase, that's certainly available to you when you're  
16 deciding somebody's sentence. What did you think about the crime that  
17 you've convicted this person of? So that part of it is available to you  
18 when you're deciding the sentence, in addition to whatever else people  
19 give you that's relevant to somebody's sentencing during the sentencing  
20 phase. Does that make sense?

21 PROSPECTIVE JUROR NUMBER 068: Yes, that makes  
22 perfect sense.

23 THE COURT: But what you cannot do is sit there during the  
24 trial phase deliberations and decide on whether somebody's guilty or not  
25 guilty based upon what you think about the sentencing part of it. That --

1 you don't worry about that when you're deciding whether somebody's  
2 guilty or not. That has no relevance to the question of whether  
3 somebody's guilty or not guilty. Does that make sense?

4 PROSPECTIVE JUROR NUMBER 068: Yeah, and I think  
5 what I just am coming back to is it's a humongous --

6 THE COURT: It's a big weight.

7 PROSPECTIVE JUROR NUMBER 068: -- weight, yeah.

8 THE COURT: Big responsibility.

9 PROSPECTIVE JUROR NUMBER 068: It's a big  
10 responsibility.

11 THE COURT: As it should be, right?

12 PROSPECTIVE JUROR NUMBER 068: I understand that,  
13 yeah.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 068: And I understand it's  
16 completely necessary and it's our civic duty.

17 THE COURT: Right.

18 PROSPECTIVE JUROR NUMBER 068: I get that. It's being  
19 an American. But at the same time it's just so big.

20 THE COURT: So some of your fellow jurors have talked the  
21 last couple of days about comfort level, right? It's not really comfortable  
22 having to do this, which I'm pretty sure if I asked everybody, everybody  
23 would say I'm not really comfortable, right?

24 PROSPECTIVE JUROR NUMBER 068: I hope so.

25 THE COURT: This isn't really --

1 PROSPECTIVE JUROR NUMBER 068: Yeah.

2 THE COURT: -- what I would like to do. But there's a  
3 difference between that and I can do it, I don't like having to do it, I don't  
4 like having to go on with my life after having had to do that but I can do  
5 it. So is that kind of where you are? It's not something you relish being  
6 involved but if you have to you can do it?

7 PROSPECTIVE JUROR NUMBER 068: I -- well, yeah, I -- if I  
8 have to do it.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 068: I have faith in me.

11 THE COURT: I think yesterday the thing was -- the  
12 gentleman said -- Mr. Bushong. Well if the judge is going to force me to  
13 be here, then I can do it.

14 PROSPECTIVE JUROR NUMBER 068: Yeah.

15 THE COURT: Are you kind of in that category?

16 PROSPECTIVE JUROR NUMBER 068: I'm kind of in that I  
17 am uncomfortable because I feel like just because I'm a human being  
18 and a citizen. I don't think I'm any better or worse than anybody else,  
19 than the person sitting next to me.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 068: I'm saying -- I'm just  
22 voicing, you know, this is like I -- it's a scary thing. But I understand that  
23 it's an important thing.

24 THE COURT: Right.

25 PROSPECTIVE JUROR NUMBER 068: And I think that if I

1 were meant to be here and if I were told that I have to be here, I  
2 definitely could do that.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 068: I just -- like the other  
5 people said, it's just not like what I woke up wanting to do today. So --

6 THE COURT: All right. And you've never been a juror before  
7 either.

8 PROSPECTIVE JUROR NUMBER 068: I have not, no.

9 THE COURT: Okay. All right. Can you pass it down for me,  
10 please?

11 PROSPECTIVE JUROR NUMBER 068: Sure can.

12 THE COURT: All right. Ms. Braughton, Badge Number 70,  
13 how are you?

14 PROSPECTIVE JUROR NUMBER 070: Good, how are you?

15 THE COURT: I'm doing good, thank you for asking. How  
16 long have you lived here?

17 PROSPECTIVE JUROR NUMBER 070: Eight years.

18 THE COURT: And where did you move here from?

19 PROSPECTIVE JUROR NUMBER 070: Oregon.

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

21 PROSPECTIVE JUROR NUMBER 070: Associates.

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

23 PROSPECTIVE JUROR NUMBER 070: Office manager for  
24 marketing and retail.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NUMBER 070: No.

2 THE COURT: Any children?

3 PROSPECTIVE JUROR NUMBER 070: No.

4 THE COURT: Ever been a juror before?

5 PROSPECTIVE JUROR NUMBER 070: No.

6 THE COURT: Should I ask if you want to? I mean, I kind of  
7 hesitate to ask that question now. I don't always get a good response  
8 from that.

9 Seriously, are you one of the people that were kind of excited  
10 or intrigued about coming or --

11 PROSPECTIVE JUROR NUMBER 070: I actually --

12 THE COURT: -- really, really apprehensive.

13 PROSPECTIVE JUROR NUMBER 070: No, I was. And then  
14 whenever you called me down here, I'm like shaking now because it is a  
15 lot --

16 THE COURT: It's kind of neat to watch from the back, right?

17 PROSPECTIVE JUROR NUMBER 070: Yes, exactly.

18 THE COURT: But when you get into the hot seat --

19 PROSPECTIVE JUROR NUMBER 070: Exactly.

20 THE COURT: -- then it becomes a little different. Okay.

21 PROSPECTIVE JUROR NUMBER 070: No, I am happy to be  
22 here.

23 THE COURT: Okay. Good. Look, I mean, they -- the  
24 process I know when you get summons -- this is really for everybody.  
25 When you get summons it's kind of an intimidating process to say oh my



1 gosh I may have to come there and do it. Part of my job is just to kind of  
2 make people feel a little more comfortable and at home in the  
3 surroundings so they can do that best job they can as jurors. So we try  
4 to accommodate that as best we can.

5 Have you ever been the victim of a crime before?

6 PROSPECTIVE JUROR NUMBER 070: I was abused by  
7 mother.

8 THE COURT: Okay. Physical abuse?

9 PROSPECTIVE JUROR NUMBER 070: Yes.

10 THE COURT: And if you don't -- and I hate to have to pry  
11 but --

12 PROSPECTIVE JUROR NUMBER 070: Don't worry, I'm an  
13 open book when it comes to my story.

14 THE COURT: Okay. Well that doesn't necessarily mean I  
15 want you to have to share it, but --

16 PROSPECTIVE JUROR NUMBER 070: No, I know.

17 THE COURT: -- get -- can you just tell me what age you were  
18 and whether there was ever any report to police, did it go to court,  
19 anything like that.

20 PROSPECTIVE JUROR NUMBER 070: It was my entire life  
21 when I was not in foster care and I was in the care of my mom.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 070: Until I was 18. And  
24 the last time I moved out with my adoptive parents.

25 THE COURT: Okay. So I take you went in and out of foster

1 care on --

2 PROSPECTIVE JUROR NUMBER 070: Correct.

3 THE COURT: -- several occasions?

4 PROSPECTIVE JUROR NUMBER 070: Correct.

5 THE COURT: Was that you would get placed in foster care,  
6 CPS would come up with some plan for your mom and ultimately she  
7 would give you back and then --

8 PROSPECTIVE JUROR NUMBER 070: Correct.

9 THE COURT: -- things would occur kind of repetitively?

10 PROSPECTIVE JUROR NUMBER 070: Yeah.

11 THE COURT: All right. I'm sorry, that's kind of a failure. Was  
12 there ever any police involvement or was it just CPS?

13 PROSPECTIVE JUROR NUMBER 070: Police were involved  
14 because as my brother started getting older, he started to become  
15 aggressive.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 070: And the I -- although  
18 I was being abused by mother, I was still protective of her --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 070: -- because she was  
21 also sick. So when they would start at it then I would get into a fight with  
22 my brother and he's had police called on him.

23 THE COURT: Got it. Older brother or younger brother?

24 PROSPECTIVE JUROR NUMBER 070: Younger brother.

25 THE COURT: Younger brother. And did you ever have to go

1 to court at all?

2 PROSPECTIVE JUROR NUMBER 070: I didn't, no.

3 THE COURT: Okay. Not just family court, but like criminal  
4 court.

5 PROSPECTIVE JUROR NUMBER 070: My mom -- I tried to  
6 press charges when I was 17 and my brother was 16 because he hit me  
7 and my mom didn't allow me to.

8 THE COURT: Oh, okay.

9 PROSPECTIVE JUROR NUMBER 070: So.

10 THE COURT: Did you ever have occasion to have guardian  
11 ad lidems or anybody appointed for you through the family court system  
12 while any of this was going on or --

13 PROSPECTIVE JUROR NUMBER 070: Maybe when I was  
14 really young.

15 THE COURT: Okay. You probably don't remember much  
16 about it.

17 PROSPECTIVE JUROR NUMBER 070: Yes.

18 THE COURT: Okay. Thank you. Have you ever been  
19 arrested or convicted of any kind of crimes?

20 PROSPECTIVE JUROR NUMBER 070: No, sir.

21 THE COURT: What about police officers as witnesses? Do  
22 you think you would tend to treat them any differently because they're a  
23 police officer or do you think you could evaluate them like any other  
24 witness and decide what you thought about their testimony?

25 PROSPECTIVE JUROR NUMBER 070: I respect the badge

1 but the badge does not mean that you earn my trust right away.

2 THE COURT: Okay. Well said. How about keep an open  
3 mind? Do you believe you could keep an open mind and not decide the  
4 ultimate issues in the case until it's time to deliberate with your fellow  
5 jurors?

6 PROSPECTIVE JUROR NUMBER 070: Yes, I'm one of the --  
7 I'm -- in my family I'm the most open-minded person there and they're  
8 amazed that I'm even part of that family.

9 THE COURT: So you get interesting holiday dinners, right?

10 PROSPECTIVE JUROR NUMBER 070: Yes.

11 THE COURT: Okay. And then the last question is about the  
12 potential punishments. You've heard the question that we've asked  
13 everybody about that?

14 PROSPECTIVE JUROR NUMBER 070: Yes, I have.

15 THE COURT: And are you comfortable that you understand  
16 what those three options are that I've described?

17 PROSPECTIVE JUROR NUMBER 070: Yes, I do.

18 THE COURT: And do you believe you could consider all of  
19 those before deciding on somebody's punishment?

20 PROSPECTIVE JUROR NUMBER 070: Yes, I do.

21 THE COURT: Okay. Thank you.

22 Ms. -- Ruth, how do I pronounce it? Is it Devon?

23 PROSPECTIVE JUROR NUMBER 071: It's Devon.

24 THE COURT: I'm sorry, I've been pronouncing it wrong.

25 Badge Number 71. Ms. Devon, how long have you lived here?

1 PROSPECTIVE JUROR NUMBER 071: Ten years.  
2 THE COURT: What's your level of education?  
3 PROSPECTIVE JUROR NUMBER 071: Some college.  
4 THE COURT: What type of work do you do?  
5 PROSPECTIVE JUROR NUMBER 071: Property  
6 management consult -- accountant.  
7 THE COURT: Okay. Are you married?  
8 PROSPECTIVE JUROR NUMBER 071: Widowed.  
9 THE COURT: Sorry. Do you have children?  
10 PROSPECTIVE JUROR NUMBER 071: One.  
11 THE COURT: How old?  
12 PROSPECTIVE JUROR NUMBER 071: He's grown.  
13 THE COURT: Grown, okay. And grandkids?  
14 PROSPECTIVE JUROR NUMBER 071: One.  
15 THE COURT: Thank you. Have you ever been a juror  
16 before?  
17 PROSPECTIVE JUROR NUMBER 071: No.  
18 THE COURT: I won't ask. I'll leave that up to that attorneys.  
19 Have you ever been a victim of a crime before?  
20 PROSPECTIVE JUROR NUMBER 071: No.  
21 THE COURT: have you ever been arrested or accused or  
22 convicted of any kind of crime?  
23 PROSPECTIVE JUROR NUMBER 071: No.  
24 THE COURT: Do you believe you would be able to treat  
25 police officers like any other witness and evaluate their testimony based

1 on everything in the case?

2 PROSPECTIVE JUROR NUMBER 071: I believe so.

3 THE COURT: Do you believe you'd be able to keep an open  
4 mind and not decide any issue in the case until it's time for your  
5 deliberations with the other jurors?

6 PROSPECTIVE JUROR NUMBER 071: Yes, I believe so.

7 THE COURT: Okay. And same question about potentially  
8 having a sentencing hearing. You're comfortable that you understand  
9 those three options?

10 PROSPECTIVE JUROR NUMBER 071: I understand.

11 THE COURT: Okay. Do you believe you could consider all of  
12 those before deciding on somebody's sentence?

13 PROSPECTIVE JUROR NUMBER 071: I believe so.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 071: It's heavy.

16 THE COURT: Heavy, right? I mean, it's -- it's -- a lot of times  
17 when we have jury selection in cases that are not homicide cases, that's  
18 one of the things jurors will ask all the time is, do I have to be involved in  
19 somebody's sentence at all and I say no, that's my responsibility and  
20 that's usually a deciding factor for a lot of people about whether they can  
21 jury duty or not. But it is a heavy kind of decision as it should be. But  
22 you're comfortable that you would be able to weigh everything and then  
23 fairly choose amongst those three options?

24 PROSPECTIVE JUROR NUMBER 071: Yes.

25 THE COURT: Okay. Thank you.

1 And then could I -- oh, I've got one more over here, that's  
2 right. Or no -- yes. 73, right?

3 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

4 THE COURT: Okay. Mr. Alcantara --

5 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

6 THE COURT: -- Badge Number 73. How long have you lived  
7 here?

8 PROSPECTIVE JUROR NUMBER 073: 16 years.

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

10 PROSPECTIVE JUROR NUMBER 073: Some college.

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

12 PROSPECTIVE JUROR NUMBER 073: I am a compliance  
13 analyst.

14 THE COURT: Are you married, sir?

15 PROSPECTIVE JUROR NUMBER 073: Yes.

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

17 PROSPECTIVE JUROR NUMBER 073: She's a caregiver to  
18 our handicapped child and my elderly father.

19 THE COURT: More than one child?

20 PROSPECTIVE JUROR NUMBER 073: Yes.

21 THE COURT: How many children total?

22 PROSPECTIVE JUROR NUMBER 073: A total of two.

23 THE COURT: And how old are they?

24 PROSPECTIVE JUROR NUMBER 073: 17 and 20.

25 THE COURT: And I apologize to getting too deep into this but

1 does your hand -- is your handicapped the teenager or the 20-year old?

2 PROSPECTIVE JUROR NUMBER 073: The 20-year old.

3 THE COURT: And boy or girl?

4 PROSPECTIVE JUROR NUMBER 073: Boy.

5 THE COURT: And does he require full-time care?

6 PROSPECTIVE JUROR NUMBER 073: Yes. He has

7 Trisomy-21 Down Syndrome.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NUMBER 073: So he functions to a  
10 point.

11 THE COURT: And what about your dad? Does he require  
12 full-time care?

13 PROSPECTIVE JUROR NUMBER 073: He has the onset of  
14 Alzheimer's and Dementia.

15 THE COURT: Okay. Thank you.

16 Have you ever been a juror before?

17 PROSPECTIVE JUROR NUMBER 073: Yes.

18 THE COURT: And how long ago was that?

19 PROSPECTIVE JUROR NUMBER 073: Approximately two  
20 years.

21 THE COURT: So here in Clark County?

22 PROSPECTIVE JUROR NUMBER 073: Yes.

23 THE COURT: Now you're going to scare everybody and  
24 make them think we get them back here that quickly. It's usually a little  
25 longer than that. Although I have had one lady that during my 14 years



1 has been in my jury panel three times, in my particular courtroom. She  
2 loves me. And the attorneys keep putting her on the jury.

3 What kind of case was it, a civil or a criminal case?

4 PROSPECTIVE JUROR NUMBER 073: Civil.

5 THE COURT: And was it in Federal Court or State Court? In  
6 this building?

7 PROSPECTIVE JUROR NUMBER 073: This building.

8 THE COURT: Okay. State Court. And do you recall the  
9 nature of the case; contracts, personal injury, property?

10 PROSPECTIVE JUROR NUMBER 073: Personal injury.

11 THE COURT: Was it three weeks?

12 PROSPECTIVE JUROR NUMBER 073: Just shy of two  
13 weeks.

14 THE COURT: Just shy of two weeks, okay. Did the jury  
15 reach a verdict?

16 PROSPECTIVE JUROR NUMBER 073: Yes.

17 THE COURT: And were you the foreperson of the jury?

18 PROSPECTIVE JUROR NUMBER 073: I was not.

19 THE COURT: Thank you very much.

20 Have you ever been the victim of a crime?

21 PROSPECTIVE JUROR NUMBER 073: No.

22 THE COURT: Have you ever been accused, convicted,  
23 arrested for any kind of crimes?

24 PROSPECTIVE JUROR NUMBER 073: No, sir.

25 THE COURT: Do you believe you would be able to treat

1 police officers like any other witness and decide their testimony based  
2 on everything that's available to you in the case?

3 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

4 THE COURT: Do you believe you could keep an open mind  
5 and not decide any issue in the case until your deliberations?

6 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

7 THE COURT: And if the case were to result in a first describe  
8 murder conviction and continue on to a sentencing hearing, do you  
9 believe that you would be able to consider all three forms of punishment  
10 that have been discussed here before deciding on somebody's  
11 sentence?

12 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

13 THE COURT: Okay. Thank you very much.

14 JR, could I ask you to grab that from the jury and get it to Ms.  
15 Stockwell for me. Badge Number 74.

16 Hello, Ms. Stockwell. How are you?

17 PROSPECTIVE JUROR NUMBER 074: Okay.

18 THE COURT: Good. Just okay?

19 PROSPECTIVE JUROR NUMBER 074: Uh-huh.

20 THE COURT: Are you shaking?

21 PROSPECTIVE JUROR NUMBER 074: A little.

22 THE COURT: Okay. We'll get through it. How long have you  
23 lived here?

24 PROSPECTIVE JUROR NUMBER 074: 30 years.

25 THE COURT: Okay. And what's your level of education?

1 PROSPECTIVE JUROR NUMBER 074: High school.  
2 THE COURT: What type of work do you do?  
3 PROSPECTIVE JUROR NUMBER 074: Retired.  
4 THE COURT: Any particular profession you retired from?  
5 PROSPECTIVE JUROR NUMBER 074: Clerical.  
6 THE COURT: Are you married?  
7 PROSPECTIVE JUROR NUMBER 074: Yes.  
8 THE COURT: Is your spouse retired as well?  
9 PROSPECTIVE JUROR NUMBER 074: Yes.  
10 THE COURT: Any particular profession they retired from?  
11 PROSPECTIVE JUROR NUMBER 074: No.  
12 THE COURT: Do you have children?  
13 PROSPECTIVE JUROR NUMBER 074: Yes.  
14 THE COURT: How many?  
15 PROSPECTIVE JUROR NUMBER 074: Three, grown.  
16 THE COURT: Three grown. Grandkids?  
17 PROSPECTIVE JUROR NUMBER 074: Two.  
18 THE COURT: Have you ever been a juror before?  
19 PROSPECTIVE JUROR NUMBER 074: No.  
20 THE COURT: Have you ever been the victim of a crime  
21 before?  
22 PROSPECTIVE JUROR NUMBER 074: No.  
23 THE COURT: Have you ever been arrested or convicted of  
24 any kind of crime?  
25 PROSPECTIVE JUROR NUMBER 074: No.

1 THE COURT: Do you believe you would be able to treat  
2 police officers like any other witness and evaluate their testimony based  
3 on everything in the case?

4 PROSPECTIVE JUROR NUMBER 074: I think I would.

5 THE COURT: Okay. Do you believe you can keep an open  
6 mind and not decide any issue on the case until it's time to deliberate?

7 PROSPECTIVE JUROR NUMBER 074: Yes.

8 THE COURT: And if the case results in a first-degree murder  
9 conviction and proceeds to a sentencing hearing, do you believe you  
10 could consider all three forms of punishment that we've discussing  
11 before deciding on someone's sentence.

12 PROSPECTIVE JUROR NUMBER 074: Yes.

13 THE COURT: All right. Thank you. Could you hand that to  
14 your right for me, please, to Mr. Riecki.

15 Last one, Mr. Riecki. Badge Number 76. How are you?

16 PROSPECTIVE JUROR NUMBER 076: Very good, sir.

17 THE COURT: Thank you. How long have you lived here?

18 PROSPECTIVE JUROR NUMBER 076: 25 years now.

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

20 PROSPECTIVE JUROR NUMBER 076: Some college.

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

22 PROSPECTIVE JUROR NUMBER 076: I'm a professional  
23 land surveyor. Currently I'm the city surveyor for the city of Las Vegas.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NUMBER 076: Yes.

1 THE COURT: And what type of work does your spouse do?  
2 PROSPECTIVE JUROR NUMBER 076: She's a realtor.  
3 THE COURT: Children?  
4 PROSPECTIVE JUROR NUMBER 076: I have one step  
5 grandchild we took over when he was two.  
6 THE COURT: And how old is he now?  
7 PROSPECTIVE JUROR NUMBER 076: 22.  
8 THE COURT: 22, thank you. Have you ever been a juror  
9 before?  
10 PROSPECTIVE JUROR NUMBER 076: No.  
11 THE COURT: Have you ever been the victim of a crime  
12 before?  
13 PROSPECTIVE JUROR NUMBER 076: A couple of  
14 automobile break-ins.  
15 THE COURT: And were those things that occurred here in  
16 Clark County?  
17 PROSPECTIVE JUROR NUMBER 076: One here in Clark  
18 County, two in California.  
19 THE COURT: Okay. At any time were the police called in any  
20 of the three events?  
21 PROSPECTIVE JUROR NUMBER 076: They were called  
22 each time and they didn't come out any of those times.  
23 THE COURT: Okay. Never ended up in court on any of them.  
24 PROSPECTIVE JUROR NUMBER 076: No, Your Honor.  
25 THE COURT: Thank you. Have you ever been arrested or

1 convicted of any kind of crime?

2 PROSPECTIVE JUROR NUMBER 076: No, sir.

3 THE COURT: Do you believe that you could treat police  
4 officers like any other witness and evaluate their testimony based on  
5 everything in the case?

6 PROSPECTIVE JUROR NUMBER 076: I do.

7 THE COURT: Do you believe you could keep an open mind  
8 and not decide any issue in the case until it's time to deliberate?

9 PROSPECTIVE JUROR NUMBER 076: I do.

10 THE COURT: And do you believe that if the case results in a  
11 first-degree murder conviction and you have to have involvement on the  
12 sentencing hearing that you can consider all three forms of punishment  
13 before deciding on someone's sentence?

14 PROSPECTIVE JUROR NUMBER 076: Yes.

15 THE COURT: Okay. All right. Then I will turn the eight of you  
16 over to the State for any further questions. I thank you all for your time.  
17 Mr. Rogan.

18 MR. ROGAN: Thank you, Your Honor.

19 THE COURT: All the rest of you just get to sit back and watch  
20 them now like they've been watching you for the last couple of days.

21 MR. ROGAN: All right. Where's that microphone? Why don't  
22 we just start in the back with Mr. Ankrum? There we are.

23 How are you, sir?

24 PROSPECTIVE JUROR NUMBER 064: Good, yourself?

25 MR. ROGAN: Good, thanks. So same types of questions that

1 have been asked for the past two days. Have you -- has someone you  
2 are related to or are you close with been the victim of a crime?

3 PROSPECTIVE JUROR NUMBER 064: No.

4 MR. ROGAN: The same question, has someone you're  
5 related to or close to been accused of a crime?

6 PROSPECTIVE JUROR NUMBER 064: No.

7 MR. ROGAN: And have you had any negative contacts with  
8 law enforcement?

9 PROSPECTIVE JUROR NUMBER 064: No.

10 MR. ROGAN: What about positive contacts with law  
11 enforcement?

12 PROSPECTIVE JUROR NUMBER 064: Yeah, a lot of  
13 positive contacts with law enforcement.

14 MR. ROGAN: You did mention that, now I remember. Is  
15 there anything about that, the experiences that you've had with the  
16 police that are going to -- you're going to bring into this courtroom and  
17 judge them differently such that if you were sitting in the Defendant's  
18 seat, you might think you shouldn't be sitting as a juror in this case?

19 PROSPECTIVE JUROR NUMBER 064: No.

20 MR. ROGAN: Now, you heard the defense attorney talk a lot  
21 about reasonable doubt and the judge is going to instruct you on that at  
22 the end of the trial. And he's actually gone over here and done some  
23 movements with this -- the witness bar up there. Is there anything about  
24 the media reports of some exonerations that make you think oh geez,  
25 you know, reasonable doubt, maybe it should be beyond any doubt, not

1 beyond any reasonable doubt. Do you understand that difference?

2 PROSPECTIVE JUROR NUMBER 064: Well I mean, if you're  
3 guilty of a crime, you know, you should do the punishment.

4 MR. ROGAN: Okay. I'm sorry, I'm asking that totally  
5 absurdly. So do you understand that the burden that the State has is  
6 beyond a reasonable doubt, correct?

7 PROSPECTIVE JUROR NUMBER 064: Correct.

8 MR. ROGAN: All right. It's not beyond any doubt, right?

9 PROSPECTIVE JUROR NUMBER 064: Correct.

10 MR. ROGAN: All right. So when -- you've read in the media I  
11 presume some things about the, you know, occasional DNA  
12 exoneration, right?

13 PROSPECTIVE JUROR NUMBER 064: Yes.

14 MR. ROGAN: Okay. Is there anything about those DNA  
15 exonerations that make you think well, you know, beyond a reasonable  
16 doubt isn't high enough, it should be beyond any doubt?

17 PROSPECTIVE JUROR NUMBER 064: Well it has to be all  
18 the evidence, I have to consider everything, I can't just consider one  
19 piece. You know, if it's just -- the whole case depends on DNA evidence  
20 and there's reasonable doubt behind that DNA evidence then, you know,  
21 you can sway one way or the other. But if DNA is one part of the whole  
22 entire case and the rest of the case is pretty iron tight then --

23 MR. ROGAN: Okay.

24 PROSPECTIVE JUROR NUMBER 064: -- you know, I can  
25 presume innocent or guilty.



1 MR. ROGAN: Okay. So you'll hold us to our burden of  
2 reasonable doubt and you won't hold us to a higher burden of beyond  
3 any doubt, right?

4 PROSPECTIVE JUROR NUMBER 064: Correct.

5 MR. ROGAN: Okay. Now, what do you think of our criminal  
6 justice system?

7 PROSPECTIVE JUROR NUMBER 064: I think it's flawed.  
8 It's -- the punishments are too lenient for the crimes. You know,  
9 somebody's convicted of murder or whatever the case may be. They  
10 get to go to jail, we pay for it. They get to go there, make friends, live  
11 out the rest of their life, while somebody's either dead or has to live with  
12 the crime that they had committed upon them.

13 MR. ROGAN: Okay. So do you think -- in terms -- you think  
14 the punishments might be off from what you would prefer, right?

15 PROSPECTIVE JUROR NUMBER 064: Yes.

16 MR. ROGAN: Okay. In terms of the process of the criminal  
17 justice system, the investigations, the judiciary, the prosecution, the  
18 defense, do you have any opinion about the quality of work that they  
19 engage in?

20 PROSPECTIVE JUROR NUMBER 064: No.

21 MR. ROGAN: Do you yourself or any member of your family  
22 or close friends have any -- have ever served in the military?

23 PROSPECTIVE JUROR NUMBER 064: Yes, my dad was in  
24 the Army.

25 MR. ROGAN: For how long?

1 PROSPECTIVE JUROR NUMBER 064: Four years.

2 MR. ROGAN: And you heard those questions before about --  
3 the CSI questions is what we call them. Do you watch CSI or any of  
4 those types of shows?

5 PROSPECTIVE JUROR NUMBER 064: No, not really.

6 MR. ROGAN: Okay. So you'll listen -- if we have that type of  
7 testimony, you'll listen to their testimony and evaluate it based upon the  
8 testimony alone and not what you see on television?

9 PROSPECTIVE JUROR NUMBER 064: Yes.

10 MR. ROGAN: Do you think that you can follow the law as  
11 you're instructed by the Judge?

12 PROSPECTIVE JUROR NUMBER 064: Yes.

13 MR. ROGAN: Do you believe in jury nullification?

14 PROSPECTIVE JUROR NUMBER 064: No.

15 MR. ROGAN: Can you sit in judgment of other people?

16 PROSPECTIVE JUROR NUMBER 064: Well we judge  
17 people every single day, you know? At least I do in my job.

18 MR. ROGAN: Yeah. The difference here being that there's  
19 actual consequences, right?

20 PROSPECTIVE JUROR NUMBER 064: Same thing in my  
21 job. I judge people there all the time. There's consequences if you  
22 steal. There's consequences if you, you know, don't do your objection.  
23 There's consequences with everything.

24 MR. ROGAN: That's a fair answer.

25 PROSPECTIVE JUROR NUMBER 064: There's judgment in

1 life, everything.

2 MR. ROGAN: Have you yourself ever been a witness or  
3 participated in a trial?

4 PROSPECTIVE JUROR NUMBER 064: No.

5 MR. ROGAN: I think I know the answer to this question but do  
6 you think that you'll be comfortable voicing your opinion if you're chosen  
7 as a juror?

8 PROSPECTIVE JUROR NUMBER 064: No problem at all.

9 MR. ROGAN: All right. You mentioned that you have contact  
10 with some homeless people down at Town Square, is that what you  
11 said?

12 PROSPECTIVE JUROR NUMBER 064: Correct.

13 MR. ROGAN: Anything about that that would affect your  
14 ability to judge the credibility of a homeless person, should they come  
15 and testify here?

16 PROSPECTIVE JUROR NUMBER 064: Well, I mean, it's not  
17 my fault they're homeless or anybody's fault they're homeless but if  
18 they're coming in and they're trying to steal food or something, you  
19 know, they're doing that for -- out of necessity. But if they're trying to  
20 steal alcohol, there's no necessity in that. So it puts my perception of  
21 the homeless people are in my store to steal something.

22 My job as the store manager is to protect the assets of the  
23 store. So I have to judge everybody that walks in that store, I have to  
24 judge, you know, whether you're homeless or not homeless. You know,  
25 I look at everybody equally, you know?

1 MR. ROGAN: And that's the point I want to make. Just  
2 because they're homeless doesn't mean they're a bad person or a good  
3 person, right?

4 PROSPECTIVE JUROR NUMBER 064: Correct.

5 MR. ROGAN: Doesn't mean that they're a criminal or a not  
6 criminal just because they're homeless.

7 PROSPECTIVE JUROR NUMBER 064: Correct.

8 MR. ROGAN: Just like everybody else. And you'll be able to  
9 evaluate their credibility based upon what you see and hear in the  
10 courtroom?

11 PROSPECTIVE JUROR NUMBER 064: Yes.

12 MR. ROGAN: Okay. Thank you. If you could pass to Ms.  
13 Pool, please? Down in front.

14 Hi.

15 PROSPECTIVE JUROR NUMBER 068: Hi.

16 MR. ROGAN: You spoke a lot so I'm going to try to run  
17 through our stock questions with you. Have you -- anyone you're related  
18 to or someone that you're close to been the victim of a crime?

19 PROSPECTIVE JUROR NUMBER 068: Not that I can think of  
20 offhand.

21 MR. ROGAN: Someone that you're related to or close to ever  
22 been accused of a crime?

23 PROSPECTIVE JUROR NUMBER 068: Yes.

24 MR. ROGAN: Okay.

25 PROSPECTIVE JUROR NUMBER 068: My brother.

1 MR. ROGAN: What happened?  
2 PROSPECTIVE JUROR NUMBER 068: He was a drug  
3 dealer. He went to jail.  
4 MR. ROGAN: Jail or prison?  
5 PROSPECTIVE JUROR NUMBER 068: Well, depends on  
6 which --  
7 MR. ROGAN: For a long time or a little bit of time?  
8 PROSPECTIVE JUROR NUMBER 068: Little bit of time.  
9 MR. ROGAN: When was this?  
10 PROSPECTIVE JUROR NUMBER 068: 90s.  
11 MR. ROGAN: All right. Are you close with your brother?  
12 PROSPECTIVE JUROR NUMBER 068: Very.  
13 MR. ROGAN: Now, when he was going through that process  
14 did you participate by going to court in support of him or to testify or  
15 anything of that nature?  
16 PROSPECTIVE JUROR NUMBER 068: I went to visit him,  
17 but I didn't go to court.  
18 MR. ROGAN: While he was incarcerated?  
19 PROSPECTIVE JUROR NUMBER 068: No, I did go to court  
20 once, yeah.  
21 MR. ROGAN: Okay.  
22 PROSPECTIVE JUROR NUMBER 068: He was in and out.  
23 MR. ROGAN: How is he now?  
24 PROSPECTIVE JUROR NUMBER 068: He's like 24 years  
25 sober and he's doing great.

1 MR. ROGAN: Great.

2 PROSPECTIVE JUROR NUMBER 068: He's got a family and  
3 a life and a --

4 MR. ROGAN: So what do you think about that experience  
5 with your brother that you carry into this courtroom with you now and  
6 affect you while you're sitting as a juror?

7 PROSPECTIVE JUROR NUMBER 068: In what manner?

8 MR. ROGAN: In all types of manners. Some people because  
9 of their involvement with family members in the criminal justice system  
10 would tend to favor police or prosecutors. Others say the police are full  
11 of crap, prosecutors are overzealous and tend to favor the Defense, so  
12 it's --

13 PROSPECTIVE JUROR NUMBER 068: No, I have an  
14 understanding that as new issues come in our society that our justice  
15 system evolves with it and so I think -- I don't have any hard feelings  
16 towards -- ultra-soft feelings on either side.

17 MR. ROGAN: Thank you. The question with regard to  
18 reasonable doubt, you're not going to hold the State to a higher burden  
19 than beyond a reasonable doubt. You're going to hold us to our burden  
20 of beyond a reasonable doubt, correct?

21 PROSPECTIVE JUROR NUMBER 068: Correct.

22 MR. ROGAN: And by that same token you're not going to  
23 have a lesser -- you're not going to say well, look, if there's some  
24 evidence there that the Defendant's guilty than I'm going to vote guilty.  
25 You'll hold us to that high burden of beyond a reasonable doubt, right?

1 PROSPECTIVE JUROR NUMBER 068: I will, absolutely.  
2 MR. ROGAN: I can tell by your face I'm a little --  
3 PROSPECTIVE JUROR NUMBER 068: Well, yeah.  
4 MR. ROGAN: I'm confusing you a little bit.  
5 PROSPECTIVE JUROR NUMBER 068: I think I was better  
6 with the visual.  
7 MR. ROGAN: Okay. So using Mr. Pike's visual, somewhere  
8 in this vicinity he put reasonable doubt, right?  
9 PROSPECTIVE JUROR NUMBER 068: Yeah.  
10 MR. ROGAN: He didn't say hey, they burden's way up here,  
11 beyond any doubt, right?  
12 PROSPECTIVE JUROR NUMBER 068: Yeah, I think the top  
13 of the surface is reasonable doubt.  
14 MR. ROGAN: Okay.  
15 PROSPECTIVE JUROR NUMBER 068: I think any below is  
16 just below. Yeah.  
17 MR. ROGAN: And just this spot is where you're going to hold  
18 us too, right?  
19 PROSPECTIVE JUROR NUMBER 068: Yeah.  
20 MR. ROGAN: Not any higher and not any lower.  
21 PROSPECTIVE JUROR NUMBER 068: Just at reasonable  
22 doubt.  
23 MR. ROGAN: Right.  
24 PROSPECTIVE JUROR NUMBER 068: Yes.  
25 MR. ROGAN: Okay.

1 PROSPECTIVE JUROR NUMBER 068: Right there.

2 MR. ROGAN: Your thoughts, generalities, opinions about the  
3 criminal justice system, do you have any? Same question that we've  
4 been asking before, what's your opinion of the criminal justice system,  
5 does it work?

6 PROSPECTIVE JUROR NUMBER 068: Like I said it evolves.  
7 It works as well as it can, and I think as we change it changes and  
8 hopefully -- and that's what legislators are for and I think that there's a  
9 process. So no, I think that there is not a problem with it. I think that if  
10 there is a problem, we address it and we move on. I hope. That's my  
11 optimistic view.

12 MR. ROGAN: Okay. The CSI question. Do you watch any of  
13 those programs?

14 PROSPECTIVE JUROR NUMBER 068: Yes.

15 MR. ROGAN: Okay.

16 PROSPECTIVE JUROR NUMBER 068: Junkie.

17 MR. ROGAN: All right. You know they're fake.

18 PROSPECTIVE JUROR NUMBER 068: I do.

19 MR. ROGAN: All right.

20 PROSPECTIVE JUROR NUMBER 068: I don't think the CSIs  
21 are being buried in the desert. Well they -- it's a joke. Sorry.

22 MR. ROGAN: I think you have to be in on the know on that  
23 one.

24 PROSPECTIVE JUROR NUMBER 068: Yeah, you do. They  
25 cross a lot of lines on their shows. They step on a lot of detective's toes



1 I imagine.

2 MR. ROGAN: I'm sure.

3 PROSPECTIVE JUROR NUMBER 068: Yeah.

4 MR. ROGAN: So you're not going to bring anything that you  
5 saw on TV --

6 PROSPECTIVE JUROR NUMBER 068: No.

7 MR. ROGAN: -- into this courtroom, right?

8 PROSPECTIVE JUROR NUMBER 068: No. I just think it'd  
9 be more interesting as to see how many -- how ridiculous that TV is  
10 compared to reality.

11 MR. ROGAN: That's for sure. Thank you. Now, will you be  
12 able to follow the judge's instructions on the law when they're given to  
13 you at the end of the trial?

14 PROSPECTIVE JUROR NUMBER 068: I don't see any  
15 reason why not.

16 MR. ROGAN: Okay. And you're okay with judging other  
17 people?

18 PROSPECTIVE JUROR NUMBER 068: I don't like love it. I  
19 feel like in this -- like I said before to His Honor that when I'm put in a  
20 position to where I have to do a civic duty, I'm going to do it to the best  
21 of my ability. I am a human being and I get a little bit sensitive, so I don't  
22 -- I think that I can separate that. I don't want to. I'd love to be sent  
23 home and say you don't have to do this. Like somebody else said, can I  
24 get like a baby step kind of jury duty, please, you know?

25 MR. ROGAN: Yeah. That's why they call it duty and service,

1 right?

2 PROSPECTIVE JUROR NUMBER 068: Yeah.

3 MR. ROGAN: Because it's not easy.

4 PROSPECTIVE JUROR NUMBER 068: Yeah.

5 MR. ROGAN: I think we all recognize that. But you're  
6 comfortable sitting here and making that decision? Comfortable in the  
7 idea that you will have a burden ahead of you to make a decision that  
8 could affect Mr. McNair's life?

9 PROSPECTIVE JUROR NUMBER 068: I'm comfortable?  
10 Like I'm not comfortable at all. I mean, like just sitting here is not  
11 comfortable for me. I can accept the fact that --

12 THE COURT: I think Ms. Brown --

13 MR. ROGAN: I think you're --

14 THE COURT: -- left some bad mojo in that chair when she  
15 left, right?

16 PROSPECTIVE JUROR NUMBER 068: I know, right? I'm  
17 not saying that I can't do the job. I'm not saying that. I don't see that.  
18 My civic duty is here. You're asking me to be completely honest with  
19 you.

20 MR. ROGAN: Yep.

21 PROSPECTIVE JUROR NUMBER 068: And I'm being honest  
22 that like I'm not like clicking my heels happily, you know, ooh, yay. You  
23 know, no.

24 MR. ROGAN: I think you put it -- I think you answered the  
25 question I was looking for --

1 PROSPECTIVE JUROR NUMBER 068: Okay.

2 MR. ROGAN: -- you can accept what you --

3 PROSPECTIVE JUROR NUMBER 068: I can accept --

4 MR. ROGAN: -- have to do --

5 PROSPECTIVE JUROR NUMBER 068: Yes.

6 MR. ROGAN: -- and you will do it.

7 PROSPECTIVE JUROR NUMBER 068: Pre -- yes.

8 MR. ROGAN: Okay.

9 PROSPECTIVE JUROR NUMBER 068: Precise language.

10 Thank you.

11 MR. ROGAN: Do you or any member of your family have any

12 military experience?

13 PROSPECTIVE JUROR NUMBER 068: My dad served and

14 my brother served before the drug dealing.

15 MR. ROGAN: Before the drug dealing.

16 PROSPECTIVE JUROR NUMBER 068: Yeah.

17 MR. ROGAN: Okay. What branch of service were they in?

18 PROSPECTIVE JUROR NUMBER 068: Army.

19 MR. ROGAN: Both?

20 PROSPECTIVE JUROR NUMBER 068: Both, yeah.

21 MR. ROGAN: When you were talking with the Judge, you

22 were talking a lot about the -- I guess about that second phase of trial

23 where you might be considering punishment should the jury return a

24 verdict of first-degree murder.

25 PROSPECTIVE JUROR NUMBER 068: I think I

1 misunderstood what he was asking me.

2 MR. ROGAN: Okay.

3 PROSPECTIVE JUROR NUMBER 068: I think the question  
4 was would I be able to -- and correct me if I'm wrong. Would I be able to  
5 choose between those three options, separate from doing the job here,  
6 you know, listening to testimony and coming to a conclusion based on  
7 testimony and evidence. Like two separate things. I thought what he  
8 was asking me was is that going to be something that's going to pop into  
9 my head, like oh my gosh I have to -- you know, like -- I don't want to do  
10 this because it's -- kind of like too big, like this is --

11 THE COURT: Yeah, you don't decide --

12 PROSPECTIVE JUROR NUMBER 068: -- this is going to be  
13 the end result.

14 THE COURT: -- the sentencing in a vacuum, you only decide  
15 that after you've sat through the whole trial and listened to all the  
16 evidence from the trial phase as well.

17 PROSPECTIVE JUROR NUMBER 068: Yes. And then that  
18 would be something different I was asked to do afterward. And not  
19 make decisions in this courtroom based on the fact that those would be  
20 the consequences and that always being in my brain, correct? You --

21 MR. ROGAN: Yes. And that is exactly my question. I was  
22 just a little bit concerned and I want to be absolutely sure that when --  
23 if you're chosen that you're going to be able to deliberate as to guilt  
24 based upon the facts and evidence and the possibility of certain types of  
25 punishment coming from that is not going to enter your mind.

1           Meaning if you're sitting as a juror and you're deliberating,  
2 you're looking at the evidence, you're looking at the law, and you're  
3 making a determination about guilty or not guilty of these crimes. And  
4 you're basing it solely on the facts and the law as presented to you. And  
5 not because of the possible punishments that may result from your  
6 determination of guilt.

7           PROSPECTIVE JUROR NUMBER 068: I think that I -- I can't  
8 say that it's not going to come into my head and it's not going to, you  
9 know -- like I know what the consequences are and I don't think that I'm  
10 going to make a decision based on those consequences, but those  
11 consequences, now that I know them, there would be like oh, okay, I  
12 know what all of this is going to mean or not mean for an individual  
13 based on the fact that you told me.

14           MR. ROGAN: Right.

15           PROSPECTIVE JUROR NUMBER 068: I don't think that I'm  
16 going to weigh that into my decision-making process in the courtroom,  
17 no. I think that it would be like one of those things where I feel like,  
18 okay, this kind of is -- sucks, you know. But I have to like make a  
19 decision here and then make another decision or not back there, right?

20           MR. ROGAN: Right. So what you're saying, if I can just  
21 summarize this. Yeah, I'm going to be thinking about that but it's not  
22 going to affect my decision of guilt or innocence.

23           PROSPECTIVE JUROR NUMBER 068: Yes.

24           MR. ROGAN: Okay.

25           PROSPECTIVE JUROR NUMBER 068: Yeah, that's exactly

1 what I'm saying. It's --

2 MR. ROGAN: You said I think --

3 PROSPECTIVE JUROR NUMBER 068: Oh, I'm tripping over  
4 my words here.

5 MR. ROGAN: That's okay. I'm a lawyer, I do that all the time.  
6 Now you said you think that you'll be able to separate the two. Can you  
7 say yes, I'll be able to make a decision based on --

8 PROSPECTIVE JUROR NUMBER 068: I absolutely will be  
9 able to make a decision.

10 MR. ROGAN: Great.

11 PROSPECTIVE JUROR NUMBER 068: I can separate the  
12 two. Is it going to come into my brain as like oh, that really sucks?  
13 Yeah, it will. But.

14 MR. ROGAN: Okay. That's all I was looking for. Thank you.

15 PROSPECTIVE JUROR NUMBER 068: Thanks.

16 MR. ROGAN: If you could -- you're all done with me.

17 PROSPECTIVE JUROR NUMBER 068: Really?

18 MR. ROGAN: No, you have to stay.

19 If we could pass it to Ms. Braughton and that's Number 70.

20 PROSPECTIVE JUROR NUMBER 070: Correct.

21 MR. ROGAN: Thank you. Same questions. Have someone  
22 you're related to or close with been the victim of a crime, other than what  
23 you've mentioned already?

24 PROSPECTIVE JUROR NUMBER 070: Well, my mother was  
25 abused by my biological father and he went to prison for spousal and

1 child abuse.

2 MR. ROGAN: And how old were you when that took place?

3 PROSPECTIVE JUROR NUMBER 070: Two.

4 MR. ROGAN: Do you have any memory of that, whatsoever?

5 PROSPECTIVE JUROR NUMBER 070: No. And I'm not in  
6 touch with my father at all. I have a dad that's the best.

7 MR. ROGAN: Okay. Your foster -- I mean, your --

8 PROSPECTIVE JUROR NUMBER 070: My adoptive dad.

9 MR. ROGAN: -- adoptive father? Okay.

10 Anyone else?

11 PROSPECTIVE JUROR NUMBER 070: No, that's all I can  
12 think of.

13 MR. ROGAN: Now other than your brother because you've  
14 mentioned him already, someone you're related to or close to ever been  
15 accused of a crime?

16 PROSPECTIVE JUROR NUMBER 070: My mother was  
17 picked up for methamphetamine in the state of Oregon and she was  
18 charged and then made a deal.

19 MR. ROGAN: She made a plea deal.

20 PROSPECTIVE JUROR NUMBER 070: Yeah.

21 MR. ROGAN: All right. And how old were you when that  
22 happened?

23 PROSPECTIVE JUROR NUMBER 070: 10 or 11.

24 MR. ROGAN: Do you have a memory of -- you seem to have  
25 a memory of that?

1 PROSPECTIVE JUROR NUMBER 070: I do. Not -- I  
2 remember having to stay at a friend's house while everything was being  
3 taken care of because she didn't show up one night.

4 MR. ROGAN: Okay. When -- the night that she was  
5 arrested?

6 PROSPECTIVE JUROR NUMBER 070: Yes.

7 MR. ROGAN: Subsequent to arrest, did you go to the court  
8 with her or with anyone to observe any of the proceedings?

9 PROSPECTIVE JUROR NUMBER 070: No, I did not.

10 MR. ROGAN: Did you have any involvement whatsoever in  
11 your mom's treatment or probation or whatever happened to her?

12 PROSPECTIVE JUROR NUMBER 070: No, I did not.

13 MR. ROGAN: Okay. Anything about that that would affect  
14 your ability to be a fair and impartial juror here?

15 PROSPECTIVE JUROR NUMBER 070: No.

16 MR. ROGAN: Do you have an opinion of the fairness or the  
17 flaws in the criminal justice system?

18 PROSPECTIVE JUROR NUMBER 070: I do.

19 MR. ROGAN: Okay. The floor is yours, go ahead.

20 PROSPECTIVE JUROR NUMBER 070: I shouldn't have said  
21 that. No, I'm just kidding. On -- you separated it for the gentleman  
22 behind me and so with you separating it on the punishment side is a  
23 complete different situation. I do have a very strong opinion about that,  
24 about rehabilitation, especially for young people.

25 On the criminal justice side, like this, I have -- I guess my only



1 complaint is that a witness would still -- it's still an opinion because, you  
2 know, the facts can be swayed sometimes -- depending on them the  
3 facts can be swayed to show -- I mean, you look at the exoneration  
4 cases, the facts are swayed one way and then it's later it's like oh, it's  
5 not that way.

6 MR. ROGAN: You say the word swayed and that kind of  
7 conveys that there's some nefarious intent, somebody's doing  
8 something wrong. But I think what you're trying to say and correct me if  
9 I'm wrong is that people can be mistaken in --

10 PROSPECTIVE JUROR NUMBER 070: Yes.

11 MR. ROGAN: -- their eyewitness --

12 PROSPECTIVE JUROR NUMBER 070: Yes.

13 MR. ROGAN: -- observations, right?

14 PROSPECTIVE JUROR NUMBER 070: Yes.

15 MR. ROGAN: Okay. Understandable. I think we've probably  
16 all experienced that in our own daily lives --

17 PROSPECTIVE JUROR NUMBER 070: Yes.

18 MR. ROGAN: -- where two people see the same thing and  
19 have different descriptions about what happened, is that fair?

20 PROSPECTIVE JUROR NUMBER 070: Yes, that's fair.

21 MR. ROGAN: I mean, you've experienced that too.

22 PROSPECTIVE JUROR NUMBER 070: Yes.

23 MR. ROGAN: Now as a juror if you're sad, you have to  
24 perhaps weigh different testimonies of different people who saw the  
25 same thing take place.

1 PROSPECTIVE JUROR NUMBER 070: Yes.

2 MR. ROGAN: Are you able to do that?

3 PROSPECTIVE JUROR NUMBER 070: There's a couple  
4 people who have said that there's two stories. There's actually three  
5 stories. There's their story, our story, and the truth. The truth lies in the  
6 middle. So I look for the common factors I guess you could say and that  
7 is kind of where you go on and then you take it farther with okay, so this  
8 is the common factor. Then -- I don't know if I'm making sense but you  
9 take it farther into okay, where does that lead.

10 And then also understand that everybody's perceptive --  
11 perception is different. Even with the words that I'm paying, you're  
12 probably perceiving it different than what they're actually meaning to  
13 mean, that type of thing. Does that make sense?

14 MR. ROGAN: I think so. But I'm going to divert and put words  
15 in your mouth. Going back to my original question and you said -- I think  
16 what you said this is -- forgive me if I'm wrong but you kind of -- you  
17 have two stories, both are wrong, that there's some happy medium or  
18 middle story that's the truth.

19 PROSPECTIVE JUROR NUMBER 070: Both are accurate to  
20 that person and it's the facts that are in between that are common that's  
21 the truth. But the facts -- the -- both stories are true to that person.

22 MR. ROGAN: And I -- I just have to keep asking on this --

23 PROSPECTIVE JUROR NUMBER 070: No, it's okay.

24 MR. ROGAN: -- because I need to understand. So if two  
25 people are testifying and they say the same thing, then that's a fact?

1 PROSPECTIVE JUROR NUMBER 070: I wouldn't say it's a  
2 fact. A fact is something that's more tangible, right?

3 MR. ROGAN: Okay. I don't know. I think I'm a little lost,  
4 but --

5 PROSPECTIVE JUROR NUMBER 070: Sorry.

6 MR. ROGAN: So I guess the question I have is -- for the point  
7 I'm trying to make is will you be able to -- based upon all of the evidence  
8 that's presented maybe one person's story is 100 percent accurate, we  
9 don't know.

10 PROSPECTIVE JUROR NUMBER 070: No, we don't know.

11 MR. ROGAN: Okay. So there's not a math -- there's not --  
12 you're not simply going to split the baby between all --

13 PROSPECTIVE JUROR NUMBER 070: No.

14 MR. ROGAN: -- of the testimony.

15 PROSPECTIVE JUROR NUMBER 070: No.

16 MR. ROGAN: Okay. And you'll be able to look at the physical  
17 evidence and see if that matches --

18 PROSPECTIVE JUROR NUMBER 070: With the testimony  
19 also.

20 MR. ROGAN: -- up to witness testimony --

21 PROSPECTIVE JUROR NUMBER 070: Yes.

22 MR. ROGAN: -- and do all of that?

23 PROSPECTIVE JUROR NUMBER 070: Yeah, it's all  
24 together. It's just -- I was just I guess -- I went off on a tangent because  
25 I've heard so many people say there's two sides to the story and it's

1 actually three, so.

2 MR. ROGAN: Okay.

3 PROSPECTIVE JUROR NUMBER 070: That's my opinion.

4 MR. ROGAN: Okay.

5 PROSPECTIVE JUROR NUMBER 070: Okay.

6 MR. ROGAN: I will move on.

7 PROSPECTIVE JUROR NUMBER 070: I'm sorry.

8 MR. ROGAN: Oh, before I do, you said punishment -- from  
9 what you were saying, I think you're saying there needs to be more  
10 rehabilitation in punishment --

11 PROSPECTIVE JUROR NUMBER 070: Correct.

12 MR. ROGAN: -- in their prisons or probation or something  
13 that --

14 PROSPECTIVE JUROR NUMBER 070: Correct. For minor  
15 offenses, especially for younger people.

16 MR. ROGAN: Okay.

17 PROSPECTIVE JUROR NUMBER 070: That are just not in  
18 the -- and they don't have the best role models. And as a foster child I  
19 have seen that and I have come on the other side of that because I've  
20 had good people in my life and not everybody has that. So I could have  
21 gotten in trouble but I luckily didn't.

22 MR. ROGAN: Okay. Thank you. Thank you for your honesty.  
23 Moving on to the next questions. Anyone in your family or that you're  
24 close friends with has been in the military?

25 PROSPECTIVE JUROR NUMBER 070: My brother was

1 dishonorably discharged from the Army.

2 MR. ROGAN: Can you go into the reasons why?

3 PROSPECTIVE JUROR NUMBER 070: He is  
4 bipolar/schizophrenic.

5 MR. ROGAN: Okay. This is the same brother that had the  
6 aggressiveness issue.

7 PROSPECTIVE JUROR NUMBER 070: Correct.

8 MR. ROGAN: Now, has your brother since -- other than the  
9 one time that you talked about him, has he been in trouble before with  
10 the police and other circumstances?

11 PROSPECTIVE JUROR NUMBER 070: Correct. Yes.

12 MR. ROGAN: Ongoing because of his diagnosis.

13 PROSPECTIVE JUROR NUMBER 070: Correct.

14 MR. ROGAN: And is that in Oregon?

15 PROSPECTIVE JUROR NUMBER 070: It's actually all over.

16 MR. ROGAN: He travels.

17 PROSPECTIVE JUROR NUMBER 070: He lives in his van.

18 MR. ROGAN: Okay. Are you close with him now?

19 PROSPECTIVE JUROR NUMBER 070: As of right now, no,  
20 I'm not.

21 MR. ROGAN: When he has been through the criminal justice  
22 process, do you believe that has been treated fairly, unfairly, or  
23 something in between?

24 PROSPECTIVE JUROR NUMBER 070: I don't think that --  
25 that's a hard -- I don't think that his punishment was enough for his

1 crimes.

2 MR. ROGAN: So you think that he was treated too leniently?

3 PROSPECTIVE JUROR NUMBER 070: Yes.

4 MR. ROGAN: Does he get in trouble quite often?

5 PROSPECTIVE JUROR NUMBER 070: Yes.

6 MR. ROGAN: And do you follow him to the court -- through  
7 the court proceedings?

8 PROSPECTIVE JUROR NUMBER 070: Nope, I stay out of it.

9 MR. ROGAN: Is there anything about his experiences or your  
10 experiences of his criminal activity that you'll bring into this courtroom  
11 during this trial?

12 PROSPECTIVE JUROR NUMBER 070: I don't see how  
13 because they're his choices.

14 MR. ROGAN: Okay. That's the answer that I think we're  
15 looking for.

16 Do you watch CSI or any of those types of shows?

17 PROSPECTIVE JUROR NUMBER 070: Not anymore.

18 MR. ROGAN: What made you stop?

19 PROSPECTIVE JUROR NUMBER 070: I got into the real  
20 criminal justice side of things, which is why I'm happy to be here  
21 because this is fascinating to me.

22 MR. ROGAN: Do you believe that you'll be able to follow the  
23 law as instructed by the Judge at the end of the fact-finding process?

24 PROSPECTIVE JUROR NUMBER 070: Yes, I do.

25 MR. ROGAN: And you're comfortable sitting in judgment of

1 the facts if you're chosen as a juror?

2 PROSPECTIVE JUROR NUMBER 070: Yes, I am.

3 MR. ROGAN: And you're comfortable voicing your opinion?

4 PROSPECTIVE JUROR NUMBER 070: Yes.

5 MR. ROGAN: You mentioned that you're an open-minded  
6 person and that's something that I think everyone wants. But then you  
7 clarified it by saying that you're unique in your family for that.

8 PROSPECTIVE JUROR NUMBER 070: Yes.

9 MR. ROGAN: I need you to explain that. What do you mean  
10 by that?

11 PROSPECTIVE JUROR NUMBER 070: I don't use my --  
12 everybody has bias, so I don't use my bias, beliefs, or thoughts to  
13 control my actions or my beliefs in a matter. I like to have a like a  
14 debate I guess. I like hearing all sides and I like to really kind of dive  
15 into all sides and really see, okay, so why do you think that and why  
16 does, you know, back and forth type of thing.

17 And as long as I'm being listened to, I'm open to listening to  
18 others as well and that's something that I guess not a lot of people these  
19 days do. They're not willing to listen and I love listening to people.

20 MR. ROGAN: And so that's the reason why you think you'd  
21 be a great juror?

22 PROSPECTIVE JUROR NUMBER 070: Yes.

23 MR. ROGAN: Thank you. If you could just pass it to your  
24 right.

25 Is it Ms. Devon?

1 PROSPECTIVE JUROR NUMBER 071: Yes.  
2 MR. ROGAN: And you are Badge Number 71.  
3 PROSPECTIVE JUROR NUMBER 071: That's correct.  
4 MR. ROGAN: Okay. Has someone you're related to or close  
5 with been the victim of a crime?  
6 PROSPECTIVE JUROR NUMBER 071: No.  
7 MR. ROGAN: Has someone that you're close with or related  
8 to been accused of a crime?  
9 PROSPECTIVE JUROR NUMBER 071: Yes.  
10 MR. ROGAN: Okay. Can you tell me about them?  
11 PROSPECTIVE JUROR NUMBER 071: My son for drug  
12 charges.  
13 MR. ROGAN: Was that here?  
14 PROSPECTIVE JUROR NUMBER 071: No.  
15 MR. ROGAN: All right. Where was that?  
16 PROSPECTIVE JUROR NUMBER 071: California.  
17 MR. ROGAN: And how long ago?  
18 PROSPECTIVE JUROR NUMBER 071: Nine years.  
19 Eight/nine years.  
20 MR. ROGAN: Okay. So 2010 or so?  
21 PROSPECTIVE JUROR NUMBER 071: Yes.  
22 MR. ROGAN: And was he accused of possessing or selling or  
23 trafficking?  
24 PROSPECTIVE JUROR NUMBER 071: There were three  
25 separate offenses. Some possession, some intent to sell --



1 MR. ROGAN: Okay.

2 PROSPECTIVE JUROR NUMBER 071: -- I think it was.

3 MR. ROGAN: So was he prosecuted for those offenses?

4 PROSPECTIVE JUROR NUMBER 071: Yes.

5 MR. ROGAN: And did he go through a trial?

6 PROSPECTIVE JUROR NUMBER 071: No.

7 MR. ROGAN: Did he accept a plea bargain?

8 PROSPECTIVE JUROR NUMBER 071: So the first one I

9 think was some community service. I'm not honestly sure about the

10 second one. But the third time he went before the judge and was

11 allowed to go to a rehab -- one-year rehabilitation. A live-in situation, in

12 lieu of any sentencing.

13 MR. ROGAN: Does your son struggle with drug addiction?

14 PROSPECTIVE JUROR NUMBER 071: Not anymore.

15 MR. ROGAN: Not anymore. So it worked.

16 PROSPECTIVE JUROR NUMBER 071: Yes.

17 MR. ROGAN: So then Mr. Braughton's discussion about

18 rehabilitation through the criminal justice seemed to have worked for

19 your son?

20 PROSPECTIVE JUROR NUMBER 071: Wholeheartedly

21 agree.

22 MR. ROGAN: Okay. At the time did you go to court with your

23 son?

24 PROSPECTIVE JUROR NUMBER 071: I was in court with

25 him on the last time.

1 MR. ROGAN: Uh-huh.

2 PROSPECTIVE JUROR NUMBER 071: Unfortunately, I was  
3 unaware of the others until they were over.

4 MR. ROGAN: I see. Anything about your experience with  
5 your son that would affect your ability to be a fair and impartial juror  
6 here?

7 PROSPECTIVE JUROR NUMBER 071: No. I say that I feel  
8 like he was treated over and above fair and great. I'm thoroughly happy  
9 with how he was treated and think that we got the right outcome  
10 because he's clean, sober, and a great human being, and living a great  
11 life. I'm thoroughly happy with the outcome.

12 MR. ROGAN: That's a great story. Thank you.

13 Anyone else that's been accused of a crime?

14 PROSPECTIVE JUROR NUMBER 071: No.

15 MR. ROGAN: We kind of touched on this with your answer  
16 before. Your opinion about that criminal justice system, is it flawed,  
17 does it work well, do you have no opinion?

18 PROSPECTIVE JUROR NUMBER 071: Well, I guess I'm of  
19 the opinion as a few have said that anything can be improved but I'm -- I  
20 don't have any problem with the way things are today. I mean, I think  
21 we do the best we can. There -- you know, things change and life  
22 happen -- you know, I think things are fine.

23 MR. ROGAN: Fine. Thank you.

24 And going back to the question of the burden, Mr. Pike's trusty  
25 witness stand here. Are you going to hold us to our burden of

1 reasonable doubt?

2 PROSPECTIVE JUROR NUMBER 071: I will.

3 MR. ROGAN: You're not going to impose a higher burden on  
4 us of any doubt?

5 PROSPECTIVE JUROR NUMBER 071: No.

6 MR. ROGAN: And you're not going to lower the burden --

7 PROSPECTIVE JUROR NUMBER 071: No.

8 MR. ROGAN: -- and convict if there's not proof --

9 PROSPECTIVE JUROR NUMBER 071: No.

10 MR. ROGAN: -- beyond a reasonable doubt.

11 Anyone in your family a -- in the military?

12 PROSPECTIVE JUROR NUMBER 071: My husband, my  
13 father, my brother.

14 MR. ROGAN: What branches?

15 PROSPECTIVE JUROR NUMBER 071: Navy and Air Force.

16 MR. ROGAN: Okay. Is anyone a lifer? Served the entire  
17 time?

18 PROSPECTIVE JUROR NUMBER 071: No.

19 MR. ROGAN: Okay. Just all a period of their life. Do you  
20 watch CSI or those programs?

21 PROSPECTIVE JUROR NUMBER 071: Every one.

22 MR. ROGAN: Every one, is that what you said?

23 PROSPECTIVE JUROR NUMBER 071: Several.

24 MR. ROGAN: Okay. Same question as before. Are you  
25 going to be able to put aside what you see on television?

1 PROSPECTIVE JUROR NUMBER 071: Yes, they're  
2 obviously stories.

3 MR. ROGAN: Okay. Are you going to be able to follow the  
4 law as the Judge instructs you?

5 PROSPECTIVE JUROR NUMBER 071: I -- yes.

6 MR. ROGAN: And you're comfortable sitting in judgment?  
7 That's a bad question.

8 PROSPECTIVE JUROR NUMBER 071: Yes.

9 MR. ROGAN: I think your point, Ms. Pool, was correct. It's  
10 never comfortable. But you're accepting of --

11 PROSPECTIVE JUROR NUMBER 071: Yes.

12 MR. ROGAN: -- your role as a juror to sit in judgment?

13 PROSPECTIVE JUROR NUMBER 071: I am.

14 MR. ROGAN: And are you comfortable expressing your  
15 opinion in a group of strangers?

16 PROSPECTIVE JUROR NUMBER 071: Good question. I'm  
17 usually the quiet one. But I can -- when I need to I can say what I need  
18 to say.

19 MR. ROGAN: Thank you, Ms. Devon. If you could pass to  
20 Juror Number 73, Mr. Alcantara.

21 PROSPECTIVE JUROR NUMBER 073: That's correct.

22 MR. ROGAN: Am I pronouncing that -- it correctly?

23 PROSPECTIVE JUROR NUMBER 073: Yes, sir, you are.

24 MR. ROGAN: Thank you. So let me just start with -- it sounds  
25 like you have a lot going on at home, between your son and it's your

1 father-in-law?

2 PROSPECTIVE JUROR NUMBER 073: No, my dad.

3 MR. ROGAN: Your dad. Your dad having dementia and  
4 Alzheimer's.

5 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

6 MR. ROGAN: How long has your dad been diagnosed?

7 PROSPECTIVE JUROR NUMBER 073: Within the last year.

8 MR. ROGAN: And your wife now takes care of him.

9 PROSPECTIVE JUROR NUMBER 073: That's correct.

10 MR. ROGAN: Is that something that's come upon recently or  
11 has she been doing it for the past year or so?

12 PROSPECTIVE JUROR NUMBER 073: No, she has been --  
13 my wife was taking care of both my mom and my dad and my mom  
14 recently passed.

15 MR. ROGAN: I'm sorry to hear that.

16 And the reason I'm just asking these questions is because it  
17 sounds like you've got a lot there and I want to make sure that your  
18 attention here is here if you're chosen as a juror. Will it be here?

19 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

20 MR. ROGAN: Okay. Let's go through our questions then.

21 Has someone you're related to or close with been the victim of a crime?

22 PROSPECTIVE JUROR NUMBER 073: No.

23 MR. ROGAN: Has someone you're close with or related to  
24 been accused of a crime?

25 PROSPECTIVE JUROR NUMBER 073: No.

1 MR. ROGAN: Are you going to hold the State to its burden of  
2 proof beyond a reasonable doubt and not any higher or lower than that?

3 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

4 MR. ROGAN: Do you have an opinion about the criminal  
5 justice system and local law enforcement?

6 PROSPECTIVE JUROR NUMBER 073: No.

7 MR. ROGAN: Just totally indifferent.

8 PROSPECTIVE JUROR NUMBER 073: I am.

9 MR. ROGAN: Okay. Any person in your family or you  
10 yourself been in the military?

11 PROSPECTIVE JUROR NUMBER 073: My dad.

12 MR. ROGAN: And what branch?

13 PROSPECTIVE JUROR NUMBER 073: US Navy.

14 MR. ROGAN: How long?

15 PROSPECTIVE JUROR NUMBER 073: 21 years.

16 MR. ROGAN: I would have thought you were in the military  
17 just by the way you answer questions. You're very straightforward so  
18 I'm surprised that you're not. Did you grow up moving around the  
19 country because of that?

20 PROSPECTIVE JUROR NUMBER 073: Yes.

21 MR. ROGAN: Was he ever in, I guess, military police?

22 PROSPECTIVE JUROR NUMBER 073: No.

23 MR. ROGAN: Do you watch the CSI-type television shows?

24 PROSPECTIVE JUROR NUMBER 073: I've seen it.

25 MR. ROGAN: Are you able to put aside what you've seen on

1 TV and judge the evidence as it's presented to you?

2 PROSPECTIVE JUROR NUMBER 073: Yes.

3 MR. ROGAN: Will you follow the law as the judge gives it to  
4 you?

5 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

6 MR. ROGAN: And are you accepting of your role as a juror to  
7 judge another person for the facts of this case?

8 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

9 MR. ROGAN: Have you ever participated in a trial or been a  
10 witness?

11 PROSPECTIVE JUROR NUMBER 073: Yes.

12 MR. ROGAN: Okay. Tell me about that.

13 PROSPECTIVE JUROR NUMBER 073: It was two years ago,  
14 here, Clark County.

15 MR. ROGAN: Oh, no, I'm sorry, not your jury service. Have  
16 you ever been a witness?

17 PROSPECTIVE JUROR NUMBER 073: Oh no. No, I have  
18 not.

19 MR. ROGAN: Okay. Thank you.

20 PROSPECTIVE JUROR NUMBER 073: I'm sorry.

21 MR. ROGAN: You've already told us about your jury service,  
22 I'm sorry.

23 Are you comfortable voicing your opinion?

24 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

25 MR. ROGAN: Thank you.

1 I think we're moving to the back row to Ms. Stockwell, Badge  
2 Number 74. How are you?

3 PROSPECTIVE JUROR NUMBER 074: Okay.

4 MR. ROGAN: And I feel like we always forget about you folks  
5 that are sitting over there so I'm sorry. Has someone you're related to or  
6 close with been the victim of a crime?

7 PROSPECTIVE JUROR NUMBER 074: No.

8 MR. ROGAN: Someone you're related to or close with been  
9 accused of a crime?

10 PROSPECTIVE JUROR NUMBER 074: Yes.

11 MR. ROGAN: Okay. Tell me about that, please.

12 PROSPECTIVE JUROR NUMBER 074: My twin brother for  
13 securities.

14 MR. ROGAN: I'm sorry, your brother for securities.

15 PROSPECTIVE JUROR NUMBER 074: Uh-huh.

16 MR. ROGAN: A fraud case.

17 PROSPECTIVE JUROR NUMBER 074: Yes.

18 MR. ROGAN: Was it brought by the Federal Government or  
19 the State Government?

20 PROSPECTIVE JUROR NUMBER 074: SEC was involved  
21 and I don't know I never went.

22 MR. ROGAN: Are you close with your brother or --

23 PROSPECTIVE JUROR NUMBER 074: Yes. Yeah, we're  
24 twins.

25 MR. ROGAN: Oh, you are, okay. When was this?



1 PROSPECTIVE JUROR NUMBER 074: In the 80s.  
2 MR. ROGAN: Okay. Was he prosecuted?  
3 PROSPECTIVE JUROR NUMBER 074: Yes.  
4 MR. ROGAN: Was there a trial?  
5 PROSPECTIVE JUROR NUMBER 074: I -- there probably  
6 was but I never went.  
7 MR. ROGAN: Okay. Do you know the outcome of that  
8 criminal prosecution?  
9 PROSPECTIVE JUROR NUMBER 074: He got seven years,  
10 three months.  
11 MR. ROGAN: In prison?  
12 PROSPECTIVE JUROR NUMBER 074: Yes.  
13 MR. ROGAN: And where did he end up serving that time?  
14 PROSPECTIVE JUROR NUMBER 074: Chino.  
15 MR. ROGAN: Chino, California?  
16 PROSPECTIVE JUROR NUMBER 074: Uh-huh.  
17 MR. ROGAN: Did you ever go visit him?  
18 PROSPECTIVE JUROR NUMBER 074: Yes.  
19 MR. ROGAN: Any thoughts as to whether the experience that  
20 your brother endured or what you saw him endure that you would bring  
21 into this courtroom today?  
22 PROSPECTIVE JUROR NUMBER 074: I don't think so.  
23 MR. ROGAN: Okay. Again, it's that word you don't think.  
24 PROSPECTIVE JUROR NUMBER 074: Yeah, I know.  
25 MR. ROGAN: Let's try to firm that up a little bit. So it was 30

1 plus years ago that this happened.

2 PROSPECTIVE JUROR NUMBER 074: Uh-huh.

3 MR. ROGAN: That's a yes?

4 PROSPECTIVE JUROR NUMBER 074: Yes.

5 MR. ROGAN: Okay. And it's involved fraud and this case  
6 involves murder, correct?

7 PROSPECTIVE JUROR NUMBER 074: Right.

8 MR. ROGAN: All right. So there's no similarities in the --

9 PROSPECTIVE JUROR NUMBER 074: No.

10 MR. ROGAN: -- two cases?

11 PROSPECTIVE JUROR NUMBER 074: No.

12 MR. ROGAN: So knowing that -- and that was a Federal  
13 prosecution because it involved the SEC and this is a State prosecution,  
14 right?

15 PROSPECTIVE JUROR NUMBER 074: Yes.

16 MR. ROGAN: All right. So you're able to separate your  
17 experience of what your brother endured from this experience if you're  
18 sat as a juror?

19 PROSPECTIVE JUROR NUMBER 074: Yes.

20 MR. ROGAN: Okay. Will you hold us to our burden of beyond  
21 a reasonable doubt?

22 PROSPECTIVE JUROR NUMBER 074: Yes.

23 MR. ROGAN: Not any higher or any lower?

24 PROSPECTIVE JUROR NUMBER 074: No.

25 MR. ROGAN: Do you have any opinion about the criminal

1 justice system?

2 PROSPECTIVE JUROR NUMBER 074: I think it works.

3 MR. ROGAN: Any members of your family or you yourself  
4 been in the military?

5 PROSPECTIVE JUROR NUMBER 074: No.

6 MR. ROGAN: Do you watch CSI?

7 PROSPECTIVE JUROR NUMBER 074: Yes. I watch all  
8 those.

9 MR. ROGAN: All those shows.

10 PROSPECTIVE JUROR NUMBER 074: I'm retired.

11 MR. ROGAN: So you can separate reality from television,  
12 right?

13 PROSPECTIVE JUROR NUMBER 074: Yes.

14 MR. ROGAN: And you'll be able to put aside what you see on  
15 TV?

16 PROSPECTIVE JUROR NUMBER 074: Uh-huh.

17 MR. ROGAN: Is --

18 PROSPECTIVE JUROR NUMBER 074: Yes.

19 MR. ROGAN: -- that a yes? Okay.

20 If -- I'm sorry. When the judge instructs you on the law, you'll  
21 be able to follow those instructions?

22 PROSPECTIVE JUROR NUMBER 074: Yes.

23 MR. ROGAN: All right. And you -- are you accepting of your  
24 role to sit as a juror; that is to be the fact finder, to judge the facts?

25 PROSPECTIVE JUROR NUMBER 074: Yes.

1 MR. ROGAN: Have you ever been a witness in a trial?  
2 PROSPECTIVE JUROR NUMBER 074: No.  
3 MR. ROGAN: Are you comfortable voicing your opinion?  
4 PROSPECTIVE JUROR NUMBER 074: I think so.  
5 MR. ROGAN: You think so?  
6 PROSPECTIVE JUROR NUMBER 074: I think.  
7 MR. ROGAN: All right. So if this trial -- if you're selected and  
8 this trial goes into next week, you're going to know your fellow jurors a  
9 little bit better than you know them today, do you understand that?  
10 PROSPECTIVE JUROR NUMBER 074: Right. Uh-huh.  
11 MR. ROGAN: All right. Would that make a difference in your  
12 comfort level in expressing your opinion?  
13 PROSPECTIVE JUROR NUMBER 074: I believe so.  
14 MR. ROGAN: All right. And you understand how important it  
15 is to be able to express your opinion when you're deciding the guilt or  
16 innocence of a person, right?  
17 PROSPECTIVE JUROR NUMBER 074: Yes.  
18 MR. ROGAN: And would that also make you more inclined to  
19 share your opinion even though you might be hesitant to do so initially?  
20 PROSPECTIVE JUROR NUMBER 074: Yes.  
21 MR. ROGAN: Thank you, Ms. Stockwell. If you could pass it  
22 to our last person.  
23 Mr. Riecki, how are you today?  
24 PROSPECTIVE JUROR NUMBER 076: Very good, how are  
25 you?

1 MR. ROGAN: Good. You're a land surveyor for the city?

2 PROSPECTIVE JUROR NUMBER 076: I am. I am the city  
3 surveyor. I'm a professional land surveyor by trade.

4 MR. ROGAN: Okay. I don't know what that is.

5 PROSPECTIVE JUROR NUMBER 076: Well land surveyors  
6 measure, divide, map new subdivisions. If you have a property that you  
7 need to predispose for sale, they might prepare a parcel map. Land  
8 surveyors also have a quasi-judicial function when it comes to  
9 determining deeds, and boundaries, land rights. At the city we approve  
10 all private development. Also, capital improvement projects for roads  
11 improvements we do.

12 MR. ROGAN: Okay.

13 PROSPECTIVE JUROR NUMBER 076: I could go on for  
14 about an hour.

15 MR. ROGAN: So you're -- are your guys the ones with the  
16 tripods in the middle of the street doing the boundaries?

17 PROSPECTIVE JUROR NUMBER 076: That is the field effort  
18 that goes on and then there's the office effort that turns all of that field  
19 work into mapping.

20 MR. ROGAN: Okay. And so if I have a boundary dispute with  
21 my neighbor?

22 PROSPECTIVE JUROR NUMBER 076: You would call a  
23 professional land surveyor, yes.

24 MR. ROGAN: Okay.

25 PROSPECTIVE JUROR NUMBER 076: Not me. No, we only

1 deal with --

2 MR. ROGAN: I already wrote your name down, I'm sorry.

3 PROSPECTIVE JUROR NUMBER 076: We only deal with  
4 public rights of way, public owned land, so.

5 MR. ROGAN: Okay.

6 PROSPECTIVE JUROR NUMBER 076: Yes.

7 MR. ROGAN: Thank you. Mr. Riekki, are -- has someone  
8 you're related to or close with been the victim of a crime?

9 PROSPECTIVE JUROR NUMBER 076: Yes.

10 MR. ROGAN: Can you explain that please?

11 PROSPECTIVE JUROR NUMBER 076: My wife, before she  
12 was my wife, was a victim of domestic violence. She's also been a  
13 victim of burglary. And that's about it.

14 MR. ROGAN: All right. So let's start with the former. Your  
15 wife was a -- you said your wife was a victim of domestic violence before  
16 you were married. Did you know her at the time?

17 PROSPECTIVE JUROR NUMBER 076: No, I didn't.

18 MR. ROGAN: So this is just things that she's related to you  
19 since you've met?

20 PROSPECTIVE JUROR NUMBER 076: That's right. With  
21 her previous husband. Also, after I got to know her, she had an incident  
22 with one of her two daughters.

23 MR. ROGAN: Okay.

24 PROSPECTIVE JUROR NUMBER 076: So.

25 MR. ROGAN: Did she ever participate -- did she ever share

1 with you any time the police were called or she had to go to court related  
2 either to her prior husband or her daughter?

3 PROSPECTIVE JUROR NUMBER 076: I don't believe that  
4 the incident with her daughter resulted in going to court.

5 MR. ROGAN: Okay.

6 PROSPECTIVE JUROR NUMBER 076: It was certainly a  
7 black mark on her daughter's name. I was with her when she was  
8 burglarized and I think it was friends of her daughter. There was drug  
9 abuse and, you know, the wrong crowd that they were hanging with, so.

10 MR. ROGAN: Were the police ever involved in any of these  
11 incidents, either the burglary or the domestic violence?

12 PROSPECTIVE JUROR NUMBER 076: Yes.

13 MR. ROGAN: Were you present or were your knowledge -- or  
14 were you aware of that going on?

15 PROSPECTIVE JUROR NUMBER 076: Yes.

16 MR. ROGAN: Okay. Do you think that the police did a good  
17 job?

18 PROSPECTIVE JUROR NUMBER 076: Yes, the police had  
19 been called to her house and then our house on many occasions. And  
20 in all of those interactions they've been prompt, courteous, professional,  
21 and kind.

22 MR. ROGAN: Thank you. The court system, have -- as a  
23 result of those incidences, have you ever been involved in the court  
24 system as a witness or a spectator or anything else?

25 PROSPECTIVE JUROR NUMBER 076: Not in relation to

1 that. I've been deposed a few times on other issues?

2 MR. ROGAN: Okay. On civil cases?

3 PROSPECTIVE JUROR NUMBER 076: Yes.

4 MR. ROGAN: And those relate to your work?

5 PROSPECTIVE JUROR NUMBER 076: Yes.

6 MR. ROGAN: Anything about your depositions or your  
7 experiences of those depositions that would affect your ability to sit as a  
8 juror?

9 PROSPECTIVE JUROR NUMBER 076: No, quite the  
10 opposite, I think.

11 MR. ROGAN: They make you want to sit as a juror?

12 PROSPECTIVE JUROR NUMBER 076: Well it's -- I think that  
13 somebody -- I think His Honor mentioned it, it's been on my bucket list  
14 for a while.

15 MR. ROGAN: Okay. We've already gone over that. You'll  
16 hold the State to its burden of a reasonable doubt?

17 PROSPECTIVE JUROR NUMBER 076: I will.

18 MR. ROGAN: Nothing higher, nothing lower.

19 PROSPECTIVE JUROR NUMBER 076: Correct.

20 MR. ROGAN: All right. Do you have any opinion other than  
21 what you shared, any opinion about the criminal justice system?

22 PROSPECTIVE JUROR NUMBER 076: I'd be a little more  
23 comfortable if sentencing was more uniform across the United States. I  
24 think that there are a lot of people that have been serving a long time in  
25 poor relation to their actual crime.



1 MR. ROGAN: Right.

2 PROSPECTIVE JUROR NUMBER 076: And I think that the  
3 biggest flaw with our criminal justice system is that the Clark County  
4 Detention Center is the largest psychiatric ward in the state. I think  
5 that -- I know that State mental hospitals were taken offline because of a  
6 lot of abuses but nothing came in to fill the void.

7 I've had police officers in relation to my stepdaughters tell me  
8 that they were fully aware that they needed to be under care, under lock  
9 and key, but until they actually hurt someone or hurt themselves, they  
10 couldn't do a thing. And then when they did end up getting arrested,  
11 they were held long enough for a bed to open at Clark County Mental  
12 Health and then released after a week and put on new meds and a new  
13 doctor each month and new meds every month.

14 And if you know anybody that's bipolar or schizophrenic, the  
15 first thing that happens when they get leveled out on a new drug is that  
16 they think they don't need it anymore. And it takes a month for a body to  
17 adjust to a new med. Every time they get a new doctor, they get a  
18 different med. It's a terrible system.

19 MR. ROGAN: So it seems like you have some experience  
20 with this.

21 PROSPECTIVE JUROR NUMBER 076: More than I want.

22 MR. ROGAN: Okay. Are -- is there someone in your family or  
23 that you're close with that's been involved in the criminal justice system  
24 due to a mental illness? Is that why you're so knowledgeable about it?

25 PROSPECTIVE JUROR NUMBER 076: My stepdaughter

1 was arrested after a -- kind of a psychiatric break. She hopped in  
2 somebody's car and kind of demanded a ride and was talking a little  
3 crazy about trying to get to our ward at the time. We took him over when  
4 he was two. It's his son.

5 MR. ROGAN: Uh-huh.

6 PROSPECTIVE JUROR NUMBER 076: It's my step  
7 grandson. And she mentions -- simply mentions something about a gun  
8 and she was picked up for armed kidnapping. And she actually served  
9 quite a bit of time on that and it took a long time for that to drop off the  
10 record.

11 MR. ROGAN: Was that here?

12 PROSPECTIVE JUROR NUMBER 076: Yes.

13 MR. ROGAN: And how long ago?

14 PROSPECTIVE JUROR NUMBER 076: It was about five or  
15 six years ago.

16 MR. ROGAN: Okay. And so she went to prison for that?

17 PROSPECTIVE JUROR NUMBER 076: She never made it to  
18 prison.

19 MR. ROGAN: Okay.

20 PROSPECTIVE JUROR NUMBER 076: She was always in  
21 jail.

22 MR. ROGAN: In the Clark County Detention Center.

23 PROSPECTIVE JUROR NUMBER 076: Yeah. And  
24 eventually it was reduced and then she was on probation for a couple of  
25 years and finally that cleared. That dropped off.

1 MR. ROGAN: Okay. As part of her probation, was she  
2 treated for mental illness or drug addiction or whatever her diagnoses  
3 were?

4 PROSPECTIVE JUROR NUMBER 076: Yeah they had her  
5 on -- it's actually an anti-epilepsy drug, the Dilantin, is all they gave her  
6 while she was in jail. It actually worked better than the psycho drugs  
7 that she was on through Clark County Medical Health.

8 MR. ROGAN: Did you follow the case, meaning did you come  
9 to court to support her?

10 PROSPECTIVE JUROR NUMBER 076: No, sir.

11 MR. ROGAN: No. We have a lot of cases and sometimes we  
12 don't remember who we prosecuted in the past. Do you have any  
13 recollection of whether Ms. Bluth or I participated in your daughter's  
14 case?

15 PROSPECTIVE JUROR NUMBER 076: No, sir.

16 MR. ROGAN: Stepdaughter's case? Okay. Your experience  
17 of that through your daughter and through your wife, is that going to  
18 affect your ability to be fair to Ms. Bluth and myself?

19 PROSPECTIVE JUROR NUMBER 076: No, it will have no  
20 effect.

21 MR. ROGAN: Okay. You're not going to hold it against us?

22 PROSPECTIVE JUROR NUMBER 076: No.

23 MR. ROGAN: Okay.

24 PROSPECTIVE JUROR NUMBER 076: I'm here to make  
25 sure that you meet your burden of proof.

1 MR. ROGAN: That's what we like to hear.  
2 Did you yourself or someone in your family ever serve in the  
3 military?  
4 PROSPECTIVE JUROR NUMBER 076: My father was in  
5 WWII as a merchant marine. My two older brothers were in the Navy.  
6 The first -- or my oldest brother in the Navy, a Vietnam veteran. My next  
7 brother, Vietnam era veteran Army, Special Forces.  
8 MR. ROGAN: Any of them -- were any of them involved in the  
9 military police?  
10 PROSPECTIVE JUROR NUMBER 076: I believe my brother  
11 in the Army served a short term in the military police. He was also a  
12 sheriff's deputy.  
13 MR. ROGAN: Okay.  
14 PROSPECTIVE JUROR NUMBER 076: For about five years  
15 in the late 80s, early 90s.  
16 MR. ROGAN: And he's not anymore?  
17 PROSPECTIVE JUROR NUMBER 076: He's deceased.  
18 MR. ROGAN: Okay.  
19 PROSPECTIVE JUROR NUMBER 076: But he was only in --  
20 he was only on the job for about five years.  
21 MR. ROGAN: All right. Did he talk to you often about his  
22 work at the time?  
23 PROSPECTIVE JUROR NUMBER 076: A little bit.  
24 MR. ROGAN: Any of those exper -- conversations you'll be  
25 able to put aside and judge the facts of this case and judge the

1 testimony of police officers, for example, based upon your common  
2 experience or common knowledge and what [unintelligible]?

3 PROSPECTIVE JUROR NUMBER 076: Yes, sir.

4 MR. ROGAN: Are you going to be able to follow the laws the  
5 Judge instructs towards the end of this trial?

6 PROSPECTIVE JUROR NUMBER 076: Yes.

7 MR. ROGAN: Are you accepting of your role to sit as the Trier  
8 of Fact, meaning you get to judge the facts of what took place?

9 PROSPECTIVE JUROR NUMBER 076: I am accepting of  
10 that fact.

11 MR. ROGAN: Are you comfortable voicing your opinion?

12 PROSPECTIVE JUROR NUMBER 076: Yes.

13 MR. ROGAN: Thank you.

14 Court's indulgence.

15 Mr. Carey, I skipped you.

16 PROSPECTIVE JUROR NUMBER 065: I wondered why.

17 MR. ROGAN: You thought you were getting out of it.

18 Here you go.

19 So you're Mr. Carey, Badge Number 65?

20 PROSPECTIVE JUROR NUMBER 065: That's correct, yes.

21 MR. ROGAN: Just blending into the background.

22 Okay, sir, so somebody you're related to or been close -- that  
23 you're close with been the victim of a crime?

24 PROSPECTIVE JUROR NUMBER 065: No.

25 MR. ROGAN: Someone you're related to or close with been

1 accused of a crime?

2 PROSPECTIVE JUROR NUMBER 065: No.

3 MR. ROGAN: Any negative experiences with law  
4 enforcement?

5 PROSPECTIVE JUROR NUMBER 065: No.

6 MR. ROGAN: Positive experiences with law enforcement?

7 PROSPECTIVE JUROR NUMBER 065: Yes.

8 MR. ROGAN: Tell me about them. If you could hold that  
9 microphone a little bit --

10 PROSPECTIVE JUROR NUMBER 065: Right.

11 MR. ROGAN: -- closer to your --

12 PROSPECTIVE JUROR NUMBER 065: Just for 11 years  
13 living in Clark County or in Las Vegas, you know, there's been a number  
14 of times when, you know, incidents in the neighborhood happen and that  
15 kind of thing, so when the police are called and so forth, it seems to me  
16 that the group that comes are very aware of the community and very  
17 helpful and, you know, I just basically satisfied with how they do their  
18 business and their system of, you know -- I mostly call non-emergency  
19 and get what I consider to be pretty good results.

20 MR. ROGAN: Thank you. Are you going to be able to hold  
21 the State to its burden of beyond a reasonable doubt?

22 PROSPECTIVE JUROR NUMBER 065: I believe I can, yes.

23 MR. ROGAN: Okay. You're not going to hold us to a higher  
24 burden of beyond any doubt?

25 PROSPECTIVE JUROR NUMBER 065: Correct, I won't.

1 MR. ROGAN: And not going to put a lower burden. Great,  
2 thank you.

3 Have -- has anyone in your family -- I'm sorry. Do you have  
4 any opinions on the criminal justice system?

5 PROSPECTIVE JUROR NUMBER 065: I think it's pretty good  
6 and I think, you know, recently when you do see mistakes or people  
7 released because of new findings and so forth I think that's very helpful.  
8 I think technology and the way we've grown and, you know, our system  
9 has been a benefit.

10 MR. ROGAN: Meaning, you know, people have been  
11 released because 30 years ago we didn't have DNA.

12 PROSPECTIVE JUROR NUMBER 065: Yes, yes.

13 MR. ROGAN: All right. But now we --

14 PROSPECTIVE JUROR NUMBER 065: And we're using all  
15 those things, so yeah, I'm feeling a little better each year about our  
16 technology and implementing it and that kind of thing so yes.

17 MR. ROGAN: Okay. Good. Are you the type of person that  
18 in a criminal case would need some kind of physical evidence to make a  
19 judgment about guilt or innocence?

20 PROSPECTIVE JUROR NUMBER 065: Well I think it would  
21 help, but I don't think I would need only that, no.

22 MR. ROGAN: Okay. Thank you.

23 Have you or anyone in your family been in the military?

24 PROSPECTIVE JUROR NUMBER 065: Oh, my father was,  
25 yes.

1 MR. ROGAN: Tell me about that.

2 PROSPECTIVE JUROR NUMBER 065: Many, many years  
3 ago in Korea. Actually, died before I was born, so.

4 MR. ROGAN: Okay. I'm sorry. Do you watch CSI or any of  
5 those reality TV shows?

6 PROSPECTIVE JUROR NUMBER 065: Actually, a little bit of  
7 like Lester Holtz, 48 Hours, which is usually more after the fact than --  
8 it's kind of interesting and in the middle of that it gets a little clearer. You  
9 start out thinking one thing and then you really find out that if you look at  
10 all the evidence, it's a little bit different at the end. I like that.

11 MR. ROGAN: Right. And that's why we need you to wait to  
12 form your opinion, right?

13 PROSPECTIVE JUROR NUMBER 065: Right. Exactly.

14 MR. ROGAN: Okay. And you'll do that?

15 PROSPECTIVE JUROR NUMBER 065: I will.

16 MR. ROGAN: Will you follow the law as the judge instructs  
17 you towards the end of this trial?

18 PROSPECTIVE JUROR NUMBER 065: Yes.

19 MR. ROGAN: Are you accepting -- or will you accept your role  
20 even though it may be difficult to sit as the Trier of Fact, meaning you  
21 judge what took place?

22 PROSPECTIVE JUROR NUMBER 065: Oh, would you  
23 repeat that, I --

24 MR. ROGAN: Yeah, I know, I'm phrasing that terribly. Are  
25 you accepting of your role as a juror, meaning you have to make a



1 decision about what took place?

2 PROSPECTIVE JUROR NUMBER 065: Yeah.

3 MR. ROGAN: Are you okay with that?

4 PROSPECTIVE JUROR NUMBER 065: Yes.

5 MR. ROGAN: Okay. You'll be able to do that?

6 PROSPECTIVE JUROR NUMBER 065: I believe -- yeah.

7 MR. ROGAN: Okay. Have you ever been a witness or

8 participate in a trial, other than sitting as a juror?

9 PROSPECTIVE JUROR NUMBER 065: No.

10 MR. ROGAN: Never even been deposed or anything?

11 PROSPECTIVE JUROR NUMBER 065: Never what?

12 MR. ROGAN: Been deposed?

13 PROSPECTIVE JUROR NUMBER 065: Oh, no. No.

14 MR. ROGAN: Are you comfortable voicing your opinion?

15 PROSPECTIVE JUROR NUMBER 065: Yes.

16 MR. ROGAN: Thank you.

17 Court's indulgence.

18 Pass for cause, Your Honor.

19 THE COURT: All right. Mr. Pike.

20 MR. PIKE: Thank you.

21 I'm tempted just to mix it all up and take you all out of order.

22 I'll go ahead and start with you, if I may, Mr. Carey.

23 Now you've indicated that you have -- had watched a number

24 of shows that dealt with criminal cases, both fictional and semi ones --

25 semi-fictional that are based on fact and then [unintelligible]. Is that

1 something that you watch a lot of or just sometimes?

2 PROSPECTIVE JUROR NUMBER 065: Actually I didn't -- I  
3 -- actually I don't watch like the CSIs any longer, but ten years ago I did  
4 and then realized they were really staged and it was a lot of fun in Miami  
5 and all that and then it went bad. But -- so I don't -- yeah, I don't like to  
6 watch that. And I don't often watch 48 Hours, but that kind of show is --  
7 I'm not talking about First 48, I mean, like 48 Hours, so.

8 MR. PIKE: Right.

9 PROSPECTIVE JUROR NUMBER 065: But I would say very  
10 much and like I said, the impact I think is kind of interesting when you go  
11 from one to the other so it's not just one way.

12 MR. PIKE: All right. And you watch 60 Minutes or some of  
13 the documentary shows like that that -- and have you ever seen  
14 television shows that deal with convictions being overturned because  
15 either withheld evidence or false confessions or people that accuse  
16 somebody coming forward and changing their testimony?

17 PROSPECTIVE JUROR NUMBER 065: No, not so much  
18 that. But what I have seen and read about is like I said new technology  
19 is vindicating people I guess or getting them, you know, released.

20 MR. PIKE: Well, some of it's new technology, some of it's  
21 DNA, and some of it has to do with just the plain old fact that some  
22 people get up on the stand and lie and then their conscience will get to  
23 them years and years later and they come forward.

24 PROSPECTIVE JUROR NUMBER 065: That's true.

25 MR. PIKE: And we'd agree -- probably with me we've both got

1 some years under our belt that people change and sometimes they  
2 come to a realization that things that they've done in the past have been  
3 inappropriate and they need to try and fix them.

4 PROSPECTIVE JUROR NUMBER 065: Oh, I can agree with  
5 that, yes.

6 MR. PIKE: Okay. Have you ever had any family members  
7 that have been part of the 12-step program?

8 PROSPECTIVE JUROR NUMBER 065: No.

9 MR. PIKE: Okay. I'll save that question for somebody who  
10 has [unintelligible] who may know about that.

11 So have you ever been to a prison?

12 PROSPECTIVE JUROR NUMBER 065: No.

13 MR. PIKE: You ever been to visit anybody in a jail?

14 PROSPECTIVE JUROR NUMBER 065: No.

15 MR. PIKE: If this proceeds and if the jury comes back with a  
16 verdict of guilty of the first-degree murder and only if it's first degree, do  
17 you feel that you could consider all three of the separate punishments  
18 that were -- that the Court has told you about?

19 PROSPECTIVE JUROR NUMBER 065: Yes, I do.

20 MR. PIKE: And you realize now and will you accept what I  
21 told the entire group about the fact that there is truth in sentencing in  
22 Nevada and that regardless of whatever the sentence is, there's going to  
23 be at least a minimum of 20 years in prison before Michael is even -- if  
24 you convict him of first degree, would be eligible for parole.

25 PROSPECTIVE JUROR NUMBER 065: I understand that.

1 MR. PIKE: Okay. And you realize that that's a long time?

2 PROSPECTIVE JUROR NUMBER 065: Yes, yes, I do.

3 MR. PIKE: You could do that.

4 Have you ever had any friends whose children or spouses  
5 were sentenced to prison?

6 PROSPECTIVE JUROR NUMBER 065: No, I have not.

7 MR. PIKE: Okay. So other than what you may have seen on  
8 TV or heard through a third party, you have no idea of what you're  
9 actually sentencing somebody to? What -- that's a bad sentence, I'm  
10 sorry. It's not supposed to end with a preposition.

11 You are unaware of what prog -- what requirements or how  
12 strict prison life is?

13 PROSPECTIVE JUROR NUMBER 065: Yeah, I have not  
14 experienced it, so I can't -- I guess I can agree with you there.

15 MR. PIKE: Okay. And during your career, have you  
16 supervised people before?

17 PROSPECTIVE JUROR NUMBER 065: Yes.

18 MR. PIKE: Have you had to punish people by either, you  
19 know, counseling with them or disciplining them, or firing them?

20 PROSPECTIVE JUROR NUMBER 065: I would say all of  
21 those, yes.

22 MR. PIKE: All those things, okay. So you've had some  
23 experience in dealing with people and dealing with whether or not  
24 they're telling the truth or whether or not they're telling you lies.

25 PROSPECTIVE JUROR NUMBER 065: Yes, sir, yes.

1 MR. PIKE: Okay. So you feel like you'd be comfortable in  
2 listening to witnesses [inaudible] testify of what they would say and  
3 whether or not they were being truthful or whether or not they were  
4 being untruthful?

5 PROSPECTIVE JUROR NUMBER 065: I'm comfortable with  
6 that, yes.

7 MR. PIKE: Okay. And because you've had to fire people, you  
8 understand that there are consequences if people lie on the stand?

9 PROSPECTIVE JUROR NUMBER 065: Yes, yes.

10 MR. PIKE: Okay. Now, this is unusual because you'd  
11 anticipate most of the time that a judge would be the person that would  
12 be doing all the sentencing. And this is an unusual part because in  
13 Nevada if there is a conviction of first degree then the jury does that.

14 The other thing is, is that the jury system is a little bit different  
15 in Nevada in that if you have a question, after the witness has testified,  
16 you can write out the question and then submit it to the Court and the  
17 Court will determine whether or not that's an appropriate question and  
18 would ask it. So you would may be actively involved in questioning or  
19 asking a question of a witness.

20 Is there any question that you have about this system or about  
21 this -- the way a jury trial goes in the state of Nevada that you'd like to  
22 ask at this time?

23 PROSPECTIVE JUROR NUMBER 065: No, not at this time.  
24 I've learned a lot in the last couple days. I'm -- I feel like I'm pretty good.

25 MR. PIKE: Oh, okay, good. Appreciate that.

1 Now if you would pass the microphone back behind you to Mr.  
2 Ankrum.

3 How you doing, Mr. Ankrum?

4 PROSPECTIVE JUROR NUMBER 064: Not too bad.

5 MR. PIKE: I appreciate you being here and being patient  
6 during this period of time. I know that part of your duties as a manager  
7 is overseeing product loss, I guess.

8 PROSPECTIVE JUROR NUMBER 064: Correct.

9 MR. PIKE: Is that the appropriate term --

10 PROSPECTIVE JUROR NUMBER 064: Theft.

11 MR. PIKE: Theft, okay. And that's not just from people that  
12 are coming into the store but people that live in the store -- or -- live in  
13 the store? People that work in the store.

14 PROSPECTIVE JUROR NUMBER 064: It comes from  
15 damaged product. But the majority of it we call it shrink -- unrecorded  
16 shrink comes from theft.

17 MR. PIKE: And -- well, you came in -- well, did you open the  
18 store itself or were assigned to it?

19 PROSPECTIVE JUROR NUMBER 064: I got transferred over  
20 to the store.

21 MR. PIKE: You got transferred over, okay. So you've been  
22 transferred from one store to another. How many stores have you been  
23 over?

24 PROSPECTIVE JUROR NUMBER 064: 11.

25 MR. PIKE: Okay. And when you go to each new store that

1 you're at and you're supervising people, it's not uncommon for you to  
2 find people that you like and you become friendly with them.

3 PROSPECTIVE JUROR NUMBER 064: I don't friends with  
4 anybody.

5 MR. PIKE: I don't friends with anybody?

6 PROSPECTIVE JUROR NUMBER 064: No. I'm a manager.  
7 My job is to follow the rule book or gate book. You follow the rules or  
8 you get fired. There's consequences for your actions.

9 MR. PIKE: Okay. So you are able to maintain a distance  
10 between your employees and stuff?

11 PROSPECTIVE JUROR NUMBER 064: Correct.

12 MR. PIKE: Okay. And that's your -- the way that you feel you  
13 could best be a supervisor and a manager?

14 PROSPECTIVE JUROR NUMBER 064: Correct.

15 MR. PIKE: Because it's hard work and long hours in grocery  
16 stores, isn't it?

17 PROSPECTIVE JUROR NUMBER 064: Yes.

18 MR. PIKE: And you have a low -- I believe you have a low  
19 profit margin because most grocery stores do and so you have to keep  
20 on your toes.

21 PROSPECTIVE JUROR NUMBER 064: I can't discuss that.  
22 Confidentiality.

23 MR. PIKE: Okay. It's a secret. I got it.

24 You have indicated that you felt that the judicial system here is  
25 flawed in that penalties for murder are too light.

1 PROSPECTIVE JUROR NUMBER 064: Yes.

2 MR. PIKE: Okay. Would you consider yourself a pro-death  
3 penalty individual?

4 PROSPECTIVE JUROR NUMBER 064: Yes.

5 MR. PIKE: And would you say that you believe that the death  
6 penalty would be the only appropriate punishment for a first-degree  
7 murder?

8 PROSPECTIVE JUROR NUMBER 064: Probably 99 percent  
9 yes.

10 MR. PIKE: Okay. So you've been told and the Court would  
11 instruct you and if I was misstating if he would have told you as well  
12 about the three options that you would be given if this is a first-degree  
13 murder conviction. Is your opinion such that as the -- let me rephrase  
14 that. Do you believe that the 20 to 50-year sentence is too low and that  
15 you could never impose that?

16 PROSPECTIVE JUROR NUMBER 064: I would probably  
17 push for the maximum.

18 MR. PIKE: Okay, so --

19 PROSPECTIVE JUROR NUMBER 064: You can tell that to  
20 the homeless person's family. I'm sure --

21 MR. PIKE: Okay. So you would --

22 PROSPECTIVE JUROR NUMBER 064: -- they're saying  
23 the --

24 MR. PIKE: -- automatic --

25 PROSPECTIVE JUROR NUMBER 064: -- same.



1 MR. PIKE: You would automatically go to life without the  
2 possibility of parole and you would not consider the other two?

3 PROSPECTIVE JUROR NUMBER 064: He took somebody's  
4 life.

5 MR. PIKE: Okay. So that is your opinion --

6 PROSPECTIVE JUROR NUMBER 064: It's my opinion.

7 MR. PIKE: Your opinion and I appreciate you --  
8 [unintelligible]. But -- and so you would just say, okay, if we're convicting  
9 him, that's all I'm going to do. You can't convince me --

10 PROSPECTIVE JUROR NUMBER 064: Yes.

11 MR. PIKE: -- any other way.

12 PROSPECTIVE JUROR NUMBER 064: Yes.

13 MR. PIKE: Okay. So have you ever visited anybody in the  
14 prison?

15 PROSPECTIVE JUROR NUMBER 064: Not in prison.

16 MR. PIKE: In the jail.

17 PROSPECTIVE JUROR NUMBER 064: No.

18 MR. PIKE: Okay. So you've never visited anybody that's in a  
19 detention center?

20 PROSPECTIVE JUROR NUMBER 064: No.

21 MR. PIKE: So you are unaware of any sort of rehabilitation  
22 programs, work programs, or any --

23 PROSPECTIVE JUROR NUMBER 064: I've watched up --  
24 watched Locked Up: Raw and seen all the big time house shows and  
25 everything else.

1 MR. PIKE: All right. Again, they've got people in there that --

2 THE COURT: Would you guys approach the bench, please?

3 [Bench Conference Begins]

4 THE COURT: We're spending more time on these eight  
5 people than we did the entire rest of the panel.

6 MR. PIKE: Okay.

7 THE COURT: I mean, I don't see any reason to ask any more  
8 questions right now.

9 MR. PIKE: Okay. [Unintelligible].

10 THE COURT: I mean, they may not agree to it but when we  
11 come back and approach the bench, and you guys are going to  
12 challenge him because he said he can't consider anything else. If I think  
13 anybody else needs asking questions we will at that time. But let's go  
14 ahead and move on.

15 MR. PIKE: Okay. I'll move --

16 THE COURT: -- with the other guys questioning.

17 MR. PIKE: -- on.

18 THE COURT: All right. Thank you.

19 [Bench Conference Concludes]

20 THE COURT: All right. Randy.

21 MR. PIKE: Would you agree with me that you've had to adapt  
22 to the 11 different stores that you've been to.

23 PROSPECTIVE JUROR NUMBER 064: I carry the policy with  
24 me. I have to adapt on how I come across and how I communicate. But  
25 as far as hiring, firing roles. I stay straight and even across the whole

1 board, no matter store, California or here.

2 MR. PIKE: Okay. Thank you.

3 Now, the next, I almost called you witness. Ms. Pool  
4 [indiscernible].

5 Okay. You indicated that you went to visit your brother when  
6 he was incarcerated back in the 90s.

7 PROSPECTIVE JUROR NUMBER 068: I did.

8 MR. PIKE: You did. And you believe that now that he's 24  
9 years sober the credit of that you would attribute to his incarceration?

10 PROSPECTIVE JUROR NUMBER 068: I have mixed feelings  
11 about that, honestly. I don't know that -- the way that his story unfolded  
12 is that there was many times he tried to get straight in jail and it didn't  
13 work. It wasn't until he came out and went into a halfway house facility  
14 that he was able to hold on to any long-term sobriety.

15 And so I think that maybe it arrested the development and  
16 maybe had saved some other people's lives because he was, you know,  
17 making crystal meth and dealing it, so I believed that there needed to be  
18 a stop to that. But as far as him getting rehabilitated, I'm not sure that  
19 the actual jail was a huge part of that. I believe that the rehab facility  
20 was that.

21 MR. PIKE: The timeframe that he's -- was -- spent in prison  
22 kept him away from people that he was no longer manufacturing while  
23 he was in prison --

24 PROSPECTIVE JUROR NUMBER 068: That is correct. And,  
25 you know, there are programs in jail like -- I know that he became a

1 huge Christian and I -- but I think -- I don't think that when he got out, if  
2 I'm remembering correctly, I believe he went right back to doing and  
3 dealing drugs regardless of that.

4 MR. PIKE: So that --

5 PROSPECTIVE JUROR NUMBER 068: I think he needed a  
6 12-step program.

7 MR. PIKE: He needed to hit bottom and he's part of a 12-step  
8 program.

9 PROSPECTIVE JUROR NUMBER 068: Correct.

10 MR. PIKE: Okay. Part of that involves restitution, correct?

11 PROSPECTIVE JUROR NUMBER 068: Correct.

12 MR. PIKE: And acknowledging and trying to do reparation for  
13 all the harm he caused.

14 PROSPECTIVE JUROR NUMBER 068: I believe that's one of  
15 the steps.

16 MR. PIKE: Okay. Now in -- I'll jump right to -- thank you for  
17 saying that this works. Now the State has indicated that they want you  
18 to hold them to this beyond a reasonable doubt, not at a reasonable  
19 doubt, not flat with this but above it and you understand that and you'll  
20 listen to what the Judge tells you and says that this is what a reasonable  
21 doubt is because we all have doubts, right?

22 PROSPECTIVE JUROR NUMBER 068: Correct.

23 MR. PIKE: You have doubts because your brother's sobriety  
24 and you have to have a certainty -- a certain amount of certainty before  
25 you would find anybody guilty in the case.

1 PROSPECTIVE JUROR NUMBER 068: Correct.

2 MR. PIKE: Okay. You feel comfortable with that?

3 PROSPECTIVE JUROR NUMBER 068: I do.

4 MR. PIKE: Okay. There any other questions that you have

5 about this trial, the -- what's going to happen, or anything else I haven't

6 answered at this time.

7 PROSPECTIVE JUROR NUMBER 068: I can't think of

8 anything but the more questions you ask of other people I get a better

9 idea of what is expected and what things -- what the terminology means

10 and exactly, you know, kind of where it's going.

11 MR. PIKE: Did you ever get blamed for anything that your

12 brother did?

13 PROSPECTIVE JUROR NUMBER 068: Of course.

14 MR. PIKE: All right.

15 PROSPECTIVE JUROR NUMBER 068: I mean as a child,

16 yes.

17 MR. PIKE: As a child --

18 PROSPECTIVE JUROR NUMBER 068: Yeah. I mean --

19 MR. PIKE: -- how about as an adult?

20 PROSPECTIVE JUROR NUMBER 068: No.

21 MR. PIKE: The police ever come to your house looking for

22 your brother because he sold drugs?

23 PROSPECTIVE JUROR NUMBER 068: Oh yeah.

24 MR. PIKE: Okay. So there were consequences because of

25 your brother's actions, right?

1 PROSPECTIVE JUROR NUMBER 068: Yes.  
2 MR. PIKE: Okay. Thank you.  
3 PROSPECTIVE JUROR NUMBER 068: Sure.  
4 MR. PIKE: Now if you'd pass it down to Ms. Braughton. Am I  
5 pronouncing that --  
6 PROSPECTIVE JUROR NUMBER 070: Braughton.  
7 MR. PIKE: Braught -- okay, it's more of a --  
8 PROSPECTIVE JUROR NUMBER 070: German.  
9 MR. PIKE: Oh, okay. Oh, there you go. I'm a way from that.  
10 All right. You know, there are flaws in the system and you've  
11 gone through your history, I appreciate you being so open about that.  
12 You should do a TED talk. Do you ever listen to those?  
13 PROSPECTIVE JUROR NUMBER 070: I do, yes.  
14 MR. PIKE: They're inspirational and I found a lot of inspiration  
15 in your story.  
16 PROSPECTIVE JUROR NUMBER 070: I've done a domestic  
17 seminar -- domestic violence seminar in my college that I held.  
18 MR. PIKE: And you understand the presumption of  
19 innocence. I've tried to do a demonstration where --  
20 PROSPECTIVE JUROR NUMBER 070: Yeah.  
21 MR. PIKE: -- if two people say something that's completely  
22 different, it's not that there -- there may be truth in the middle, but with  
23 the presumption of innocence, if you can't discern which one is more  
24 reliable than the presumption of innocence inures to the benefit of  
25 Michael.

1 PROSPECTIVE JUROR NUMBER 070: Yes, and I believe  
2 that.

3 MR. PIKE: And you believe that. And that's true of not just  
4 the verdict --

5 PROSPECTIVE JUROR NUMBER 070: Yes.

6 MR. PIKE: -- that's going to hap -- that you're going to try and  
7 reach as a jury but with each witness and their testimony and when that  
8 comes to fruition from that stand. I keep pointing over here. There's  
9 nobody here yet and it's rude to point at real people so I'll point to the  
10 chair.

11 And we really don't use our bias in making decisions or we  
12 try -- I'm asking you to try and understand that the bias in the trial is if  
13 there's a presumption that unless the evidence directly points towards  
14 the guilt of Michael McNair that the bias is the presumption of innocence.

15 PROSPECTIVE JUROR NUMBER 070: That's correct.

16 MR. PIKE: Does that make sense to you?

17 PROSPECTIVE JUROR NUMBER 070: Yes, it does.

18 MR. PIKE: Okay. Good. Thank you so much. I don't have  
19 any more questions for you.

20 Now, Ms. Devon.

21 PROSPECTIVE JUROR NUMBER 071: Devon.

22 MR. PIKE: Devon. You get that all the time.

23 PROSPECTIVE JUROR NUMBER 071: I do actually.

24 Everybody says Devon.

25 MR. PIKE: You know, you think when you have a short name

1 it happens. Pike, Pike, Pike --

2 PROSPECTIVE JUROR NUMBER 071: Right.

3 MR. PIKE: -- I've been called all kinds of things.

4 You also have had an experience in watching somebody  
5 come to sobriety?

6 PROSPECTIVE JUROR NUMBER 071: Correct.

7 MR. PIKE: Did you attend Al Anon?

8 PROSPECTIVE JUROR NUMBER 071: I did not.

9 MR. PIKE: Did you take your son to a 12-step program?

10 PROSPECTIVE JUROR NUMBER 071: No, he was very  
11 much an adult when he went through this. He had been away from  
12 home already -- he wasn't -- we lived in separate states, you know, so at  
13 the time that it happened I was somewhat unaware until it blew up,  
14 okay? I don't know. I did not attend any classes or anything with him.

15 MR. PIKE: Okay. And with the penalty that he received, do  
16 you think that that was appropriate?

17 PROSPECTIVE JUROR NUMBER 071: I do because it  
18 worked. I mean, I had a complete success.

19 MR. PIKE: And you believe that prison can help people  
20 rehabilitate, can help them change?

21 PROSPECTIVE JUROR NUMBER 071: I have no experience  
22 with that. I would have to evaluate that when I had something in front of  
23 me. I have --

24 MR. PIKE: Have you ever visited any prisons?

25 PROSPECTIVE JUROR NUMBER 071: No.



1 MR. PIKE: Do you know where the term penitentiary comes  
2 from?

3 PROSPECTIVE JUROR NUMBER 071: Penitent.

4 MR. PIKE: Absolutely.

5 PROSPECTIVE JUROR NUMBER 071: Maybe.

6 MR. PIKE: Absolutely. It's where people go in -- well the first  
7 prisons in the United States were built by Quakers --

8 PROSPECTIVE JUROR NUMBER 071: Okay.

9 MR. PIKE: -- of all people. And they were trying to help those  
10 people change through penitence, through thoughts and --

11 PROSPECTIVE JUROR NUMBER 071: Okay.

12 MR. PIKE: -- [indiscernible] and being separated.

13 PROSPECTIVE JUROR NUMBER 071: Makes sense.

14 MR. PIKE: Okay. And in your son's case, you believe that  
15 that helped?

16 PROSPECTIVE JUROR NUMBER 071: Well he didn't go to  
17 prison.

18 MR. PIKE: He didn't.

19 PROSPECTIVE JUROR NUMBER 071: He did not.

20 MR. PIKE: Okay. He was facing it.

21 PROSPECTIVE JUROR NUMBER 071: He was facing some  
22 time, probably -- I don't know how much. But it didn't get to that point.  
23 He went into a one-year live-in facility -- rehab facility in place of that.

24 MR. PIKE: Okay. I thought that he had gone -- sometimes  
25 [unintelligible]. And you also would hold the State to above beyond a

1 reasonable doubt, not just flat --

2 PROSPECTIVE JUROR NUMBER 071: Above?

3 MR. PIKE: Yeah, they have to prove it beyond a reasonable  
4 doubt.

5 PROSPECTIVE JUROR NUMBER 071: Yes.

6 MR. PIKE: Okay. That's -- when Mr. Rogan kept coming and  
7 hitting this over here, this flat part here, that was the intent to --

8 PROSPECTIVE JUROR NUMBER 071: That's beyond, not  
9 above.

10 MR. PIKE: That's beyond a reasonable doubt.

11 PROSPECTIVE JUROR NUMBER 071: Right.

12 MR. PIKE: Okay. Good, it worked then. Thanks.

13 Mr. Alcantara?

14 PROSPECTIVE JUROR NUMBER 073: Yes, sir?

15 MR. PIKE: Now, in going through and listening to all that you  
16 heard in reference to the nature of the jury trial, do you feel comfortable  
17 coming in and making a decision regarding the guilt or innocence of  
18 Michael McNair?

19 PROSPECTIVE JUROR NUMBER 073: Yes, sir, I do.

20 MR. PIKE: Okay. Do you believe in the presumption of  
21 innocence?

22 PROSPECTIVE JUROR NUMBER 073: Yes, sir.

23 MR. PIKE: Okay. If you were to vote on -- or render verdict at  
24 this point in time as to Mr. McNair, what would your verdict be?

25 PROSPECTIVE JUROR NUMBER 073: Undecided.

1 MR. PIKE: Okay. You -- there is the presumption of  
2 innocence and there's been no evidence presented to you, so --

3 PROSPECTIVE JUROR NUMBER 073: Well then, you know,  
4 with no -- with nothing to be based on, I think that's a unreasonable  
5 question based upon the severity with -- you know, with what we're  
6 dealing with here.

7 MR. PIKE: Well, I -- not -- respectfully, not necessarily  
8 because right now you have no evidence in front of you. You may  
9 have -- the State may put on a bunch of witnesses and they may not  
10 identify any evidence, competent evidence or believable evidence that  
11 would relate to Mr. McNair. But right now, since they've presented  
12 nothing and there's a presumption of innocence, then he would be not  
13 guilty.

14 PROSPECTIVE JUROR NUMBER 073: He would -- by the  
15 law, yes, he would be.

16 MR. PIKE: Right. Okay. So your verdict -- you would honor  
17 that presumption and --

18 PROSPECTIVE JUROR NUMBER 073: I would have to.

19 MR. PIKE: You would have to, okay. And so you have to  
20 follow the presumption of innocence and you'd be able to do that?

21 PROSPECTIVE JUROR NUMBER 073: I could, yes. Yeah,  
22 the -- just my understanding of your question, you know, of course I  
23 guess we're here in court, you know, and to be placed in this situation to  
24 make a decision without any evidence is challenging because I know  
25 one does not do that in a normal scenario.

1 MR. PIKE: That's true. In normal life, you don't do that. You  
2 wait until you have some information, then you make decisions, and --  
3 but when you receive information from people you know, you may give  
4 them the benefit of the doubt and so you'd be more inclined to believe  
5 them and you don't know any of these witnesses that are coming up and  
6 you're going to have to evaluate them.

7 And so the Constitution steps in and says well there's a  
8 presumption of innocence and so if it inures to the benefit of Michael  
9 McNair, then that's what you would -- you've indicated that you'd follow  
10 that.

11 PROSPECTIVE JUROR NUMBER 073: Yes.

12 MR. PIKE: Okay. And you -- do you assist your wife with her  
13 responsibilities in caring for your father and your son?

14 PROSPECTIVE JUROR NUMBER 073: Yes.

15 MR. PIKE: I've got an 50-year old brother that has Down's  
16 [unintelligible] and he's going to be living with us I think pretty soon. So  
17 is -- does he assist himself on a day-to-day basis, does he require a  
18 great deal of care?

19 PROSPECTIVE JUROR NUMBER 073: Considered high  
20 functioning.

21 MR. PIKE: Okay. Excellent.

22 PROSPECTIVE JUROR NUMBER 073: Yes.

23 MR. PIKE: So, nothing but love.

24 PROSPECTIVE JUROR NUMBER 073: Absolutely.

25 MR. PIKE: Okay. I don't have any further questions.

1 PROSPECTIVE JUROR NUMBER 073: Thank you.

2 MR. PIKE: And going to Ms. Stockwell?

3 PROSPECTIVE JUROR NUMBER 074: Yes.

4 MR. PIKE: You have a twin brother and he ran afoul of the

5 law a little while ago or some time ago?

6 PROSPECTIVE JUROR NUMBER 074: Yes.

7 MR. PIKE: And when you were growing up, I assume you

8 were probably close since you were twins?

9 PROSPECTIVE JUROR NUMBER 074: Yes.

10 MR. PIKE: Did you ever get in trouble for something he did?

11 PROSPECTIVE JUROR NUMBER 074: Not that I can

12 remember, no.

13 MR. PIKE: Okay. So you have good memories in relationship

14 to that. When he was in Chino, did -- you went to visit him?

15 PROSPECTIVE JUROR NUMBER 074: Yes.

16 MR. PIKE: Okay. So what type of a -- was that a minimum

17 security facility, was it a maximum, or do you know?

18 PROSPECTIVE JUROR NUMBER 074: I don't know.

19 MR. PIKE: Okay. Did he have any time that he was -- would

20 be out in the yard or out --

21 PROSPECTIVE JUROR NUMBER 074: Yes.

22 MR. PIKE: Okay. So he wasn't incarcerated where he would

23 be inside of a cell block the entire time?

24 PROSPECTIVE JUROR NUMBER 074: No, uh-uh.

25 MR. PIKE: Okay. Do you believe that doing time in prison is

1 a punishment?

2 PROSPECTIVE JUROR NUMBER 074: Yes.

3 MR. PIKE: And obviously it was not a pleasant thing for him  
4 or your family.

5 PROSPECTIVE JUROR NUMBER 074: No.

6 MR. PIKE: Okay. And do you believe that penitentiaries can  
7 achieve the penance that the Quakers intended for them?

8 PROSPECTIVE JUROR NUMBER 074: Yes.

9 MR. PIKE: Okay. And as far as the sentencing structure that  
10 was given to you by the Court and by me, indicating that these three --  
11 all three of these potential sentences, would you agree with me that all  
12 of those are very severe and harsh?

13 PROSPECTIVE JUROR NUMBER 074: Yes, they are.

14 MR. PIKE: Can you consider each and every one of them in  
15 making a decision if the -- if it ever comes to that?

16 PROSPECTIVE JUROR NUMBER 074: Yes.

17 MR. PIKE: Okay. And you've made important decisions in  
18 your life before, haven't you?

19 PROSPECTIVE JUROR NUMBER 074: Yes.

20 MR. PIKE: And you've thought over them, you've deliberated  
21 over them, and you've had to make a choice between one thing and  
22 another.

23 PROSPECTIVE JUROR NUMBER 074: Yes, uh-huh.

24 MR. PIKE: Okay. And so you feel that you're in a good  
25 position to make a determination as to whether or not the State will have

1 met its burden of proof in this case?

2 PROSPECTIVE JUROR NUMBER 074: I believe so.

3 MR. PIKE: Okay. And if they do not, then you would agree  
4 with me that Michael McNair is entitled to, in fact, he should receive an  
5 acquittal?

6 PROSPECTIVE JUROR NUMBER 074: Yes.

7 MR. PIKE: Okay. Thanks.

8 And finally to Riecki?

9 PROSPECTIVE JUROR NUMBER 076: Riecki.

10 MR. PIKE: Riecki, I'm sorry. The E probably throws a lot of  
11 people off.

12 PROSPECTIVE JUROR NUMBER 076: It sure does.

13 MR. PIKE: Okay. I appreciate that. As part of your  
14 employment with the City of Las Vegas, have you ever gone to the city  
15 facilities, or city jail, or ever had to go into that or tour it?

16 PROSPECTIVE JUROR NUMBER 076: The courtyard of the  
17 marshal's detention center we did a -- additions down there. My brother  
18 was a deputy sheriff and for a while he was a booking officer, so I got a  
19 tour of the Ventura County Detention Center when I was in my early 20s.

20 MR. PIKE: Okay. And was that a minimum or a medium  
21 security --

22 PROSPECTIVE JUROR NUMBER 076: It was just like the  
23 Clark County Detention Center.

24 MR. PIKE: Okay. So you've gone into the Clark County  
25 Detention Center as well?

1 PROSPECTIVE JUROR NUMBER 076: No.

2 MR. PIKE: Oh. In going in to the -- that for a visit, would you  
3 agree with me that being in a jail or a prison is not a place where  
4 somebody wants to be?

5 PROSPECTIVE JUROR NUMBER 076: It's not a place  
6 anybody wants to be.

7 MR. PIKE: Okay. And the cells are small?

8 PROSPECTIVE JUROR NUMBER 076: Yes.

9 MR. PIKE: You see the cells in relationship to that?

10 All right. And you said you have experiences with the Clark  
11 County Detention Center for mental treatment or lack thereof or -- the  
12 changing of medications. Did you ever have to go through any medical  
13 treatment in a facility with your daughter? Was she ever injured and did  
14 not receive care or did she receive okay physical care --

15 PROSPECTIVE JUROR NUMBER 076: No.

16 MR. PIKE: -- in relationship to that?

17 Is there anything about your contact or your involvement with  
18 Clark County Detention Center that -- or any instances with your  
19 daughter that would -- that you either tend to hold it against the State or  
20 against the Defense or would it affect your decision-making in any way?

21 PROSPECTIVE JUROR NUMBER 076: No, and I think I  
22 probably should clarify. The only thing that was upsetting to me that she  
23 was suddenly being held for something that seemed unreasonable.  
24 Believe me I had prayed many times that she would be picked up and  
25 held for a longer period of time. While she was in there it was probably



1 the best period for our family, it was just -- it was odd that it was for the  
2 charge that it was because it was imaginary.

3 And that's what I said -- that's what I was getting at when I  
4 was saying I wish the sentencing could be more uniform because it  
5 seems like some people are let off for horrible stuff and other people are  
6 punished for very little. So, that's one of the reasons that I'm glad I'm  
7 sitting here having this opportunity.

8 MR. PIKE: All right. And the -- now that you've gone through  
9 and understand the range the punishments for first-degree murder, and  
10 the fact that they are certain and there are only three of them, does that  
11 answer some questions you may have about the types of sentences that  
12 are available, at least as --

13 PROSPECTIVE JUROR NUMBER 076: As to this charge,  
14 it's -- I hadn't -- I didn't know that before I got here, but --

15 MR. PIKE: Right. Some people feel that well, if we convict  
16 him of first degree or something like that, he'll be out in two/three years  
17 on parole, but --

18 PROSPECTIVE JUROR NUMBER 076: That's what you  
19 always hear.

20 MR. PIKE: Right. And now you know that -- for a fact that  
21 that is not true.

22 PROSPECTIVE JUROR NUMBER 076: I do.

23 MR. PIKE: Okay. Thank you.

24 No further questions.

25 THE COURT: All right, folks, we're going to take a recess.

1 During the recess you're admonished not to talk or converse among  
2 yourselves or with anyone else on any subject connected with the trial.  
3 Or read or watch or listen to any report of or commentary on the trial by  
4 any medium of information including, without limitation, newspapers,  
5 television, the internet, and radio. Or form or express any opinion on  
6 any subject connected with the case until it's finally submitted to you.

7 We'll be in recess, hopefully no more than about 10 or 15  
8 minutes and then we can get you back in here and see if we can't get  
9 done today. Thank you.

10 THE MARSHAL: All rise for the jurors.

11 [Outside the presence of the prospective jury]

12 THE COURT: Does State have any challenges for cause as  
13 to those eight?

14 MS. BLUTH: I agree that Ankrum should be released.

15 THE COURT: Okay. Defense have any challenges for cause,  
16 other than Mr. Ankrum?

17 MR. PIKE: No.

18 THE COURT: Okay. So I will excuse Mr. Ankrum and then  
19 we'll get somebody else in that seat when we get them back in, which is  
20 going to be Mr. White, right?

21 THE CLERK: Uh-huh.

22 THE COURT: Okay. And if we have to excuse him, just know  
23 that the next person, Pienta, is the gentleman that was -- that had the  
24 issues with coaching baseball.

25 MS. BLUTH: That's right, okay.

**CONTINUED IN NEXT VOLUME**