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IN THE SUPREME COURT OF THE STATE OF NEVADA

| | | | |
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| CHRISTOPHER SENA, |) | No. 79036 | |
| |) | | Electronically Filed |
| Appellant, |) | | May 20 2020 01:10 p.m. |
| |) | | Elizabeth A. Brown |
| v. |) | | Clerk of Supreme Court |
| |) | | |
| THE STATE OF NEVADA, |) | | |
| |) | | |
| Respondent. |) | | |
| |) | | |

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| | |
|------------------------------|---|
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IN THE SUPREME COURT OF THE STATE OF NEVADA

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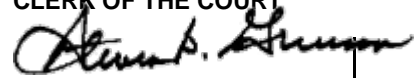
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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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|----------------------|---|------------------------|
| THE STATE OF NEVADA, |) | CASE NO. C-15-311453-1 |
| |) | |
| Plaintiff, |) | DEPT. NO. XIX |
| |) | |
| v. |) | |
| |) | |
| CHRISTOPHER SENA, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

WEDNESDAY, SEPTEMBER 5, 2018

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

APPEARANCES:

FOR THE STATE: JAMES R. SWEETIN, ESQ.
Chief Deputy District Attorney

MARY KAY HOLTHUS, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT: VIOLET R. RADOSTA, ESQ.
DAVID E. LOPEZ-NEGRETE, ESQ.
Deputy Public Defenders

ALSO PRESENT:

Elsa Marsico
Spanish Interpreter

RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 5, 2018

2 (Case called at 11:57 A.M.)

3 (Outside the presence of the prospective jury)

4 THE COURT: All right. We're on the record in the
5 case of State of Nevada versus Christopher Sena. I'd like the
6 record to reflect the presence of the defendant and his
7 counsel, as well as the plaintiff and their counsel. We're
8 outside the presence of the jury panel.

9 Before we get started, I've been handed a copy of a
10 motion filed by the State. Have you received a copy of this,
11 Ms. Radosta?

12 MS. RADOSTA: Is it the motion to strike?

13 THE COURT: Yes.

14 MS. RADOSTA: Yes.

15 THE COURT: According to their -- did you want to
16 address it at all? Did you want to have an opportunity to
17 respond to it?

18 MS. RADOSTA: Well, first of all, the notice that
19 they are objecting, just for the record, has been filed since
20 December 29, 2017. So the fact that this notice to strike is
21 being filed today on the first day of trial is, obviously,
22 untimely. So for that reason, first and foremost, we would be
23 asking that the motion be denied.

24 THE COURT: Okay.

25 MS. RADOSTA: For the fact that it's untimely.

1 THE COURT: Ms. Holthus.

2 MS. HOLTHUS: And as we pointed out, we just
3 realized we had the other one that we had addressed and we
4 just actually, getting ready for trial yesterday, discovered
5 that this had been filed. We contacted -- Mr. Sweetin
6 contacted Ms. Radosta. We're fine with working with them. We
7 want to go to trial now, so we weren't going to, you know,
8 cause it, but we have to have some information.

9 We did attempt -- we didn't attempt, we actually
10 contacted Larry Smith, the witness, who indicated he had never
11 been approached the defense, he had no information, he was not
12 aware that he was testifying regarding anything. And as far
13 as he knew, he knew nothing, basically. So in light of that,
14 we're bringing it.

15 They still have to comply with the statute. Whether
16 we object timely or not, there's no notice as set forth, which
17 is effectively a non-notice. And, therefore, we could have
18 waited until they go to call the expert and say you didn't
19 comply with the notice requirements, we request that they be
20 forbidden. We're bringing it up now so that we can address it
21 now probably a week before we even get to witnesses.

22 MS. RADOSTA: During our conversation yesterday, I
23 did inform Mr. Sweetin that -- and to be clear, I did not have
24 my notice in front of me when I was speaking to Mr. Sweetin
25 yesterday, and I certainly will acknowledge that our notice

1 does not have the topic of what he would be intending to
2 testify about.

3 But he is listed from Nevada Digital Forensic, and
4 it was clear from my conversation with Mr. Sweetin yesterday
5 that he was -- that Mr. Sweetin, at least, was aware that this
6 would be some type of computer expert. And I informed him
7 over the phone yesterday that I could not specifically tell
8 him what Mr. Smith would be testifying about until I heard
9 their expert testify. There may or may not be a need for Mr.
10 Smith to testify based on what -- I think it's Detective
11 Ramirez.

12 THE COURT: No, but the whole -- the whole complaint
13 always is that --

14 MS. RADOSTA: Right.

15 THE COURT: -- that at least you've got to let them
16 know something. I mean, here it just says his name and where
17 he's from. So if I was to look at this independent of any
18 argument by parties, I would be of the opinion that you were
19 calling him just to be a witness, not as an expert witness,
20 though, because you don't have to give notice of -- of just,
21 you know, a lay person's testimony as to --

22 MS. HOLTHUS: We certainly don't have a basis to
23 object to them calling him as a lay witness.

24 MS. RADOSTA: I mean --

25 MS. HOLTHUS: But they did title it expert.

1 MS. RADOSTA: -- for the record, if the Court needs
2 us to -- or, I'm sorry, if the State needs us to amend our
3 notice, we would have no objection to literally the notice
4 that they gave for Vicente Ramirez is, you know, testify as to
5 an expert as to the forensic examination of computers and
6 related technology and/or as to the forensic examination of
7 computers and related technology acquired in the instant case.

8 THE COURT: Okay.

9 MS. RADOSTA: That's the notice that they provided
10 for their expert. And I truly don't know at this point in
11 time, until we hear Detective Ramirez's testimony, anything
12 beyond he might refute some of what Detective Ramirez
13 testifies to and he may not.

14 THE COURT: Okay. How do you want to address the
15 fact that it is untimely?

16 MS. HOLTHUS: Our motion to strike? Like I said, I
17 think we're entitled to notice. I think we could have brought
18 that as they went to call the witness and say we object, he
19 wasn't noticed in a timely manner. I don't know that we're
20 required to bring the motion to strike him from the list.

21 THE COURT: All right.

22 MS. HOLTHUS: And that's -- that's a requirement
23 that --

24 THE COURT: Well, any time you're asking to -- to
25 suppress or preclude an individual from using something at

1 trial, I mean, there is a time frame.

2 MS. HOLTHUS: Well, we didn't even know that they
3 were calling him, honestly. I mean, that -- that's --

4 THE COURT: Well, it was on the notice.

5 MS. HOLTHUS: I know. I understand. And, honestly,
6 if that's what they're --

7 THE COURT: And I don't know whether or not they're
8 still calling him or not.

9 MS. HOLTHUS: If that's what they're calling him
10 for, we don't -- we don't object. We just --

11 THE COURT: Okay. All right.

12 MS. HOLTHUS: That's all we wanted.

13 THE COURT: All right. Well, there it is, Ms.
14 Radosta.

15 MS. RADOSTA: Okay. That's fine.

16 THE COURT: She says they don't object as long as
17 you're calling them for the same purposes of what their --

18 MS. HOLTHUS: Of our expert.

19 THE COURT: Yeah.

20 MS. RADOSTA: And that's -- okay. That's what I
21 informed Mr. Sweetin yesterday when we were on the phone.

22 MR. SWEETIN: That's not what she informed me. Just
23 to be clear, just so the record is clear, when we were on the
24 phone she told me she had no responsibility to have a
25 discussion with me as to what she was or was not calling this

1 witness for.

2 THE COURT: Okay.

3 MR. SWEETIN: I informed her --

4 THE COURT: Are you satisfied with what she's just
5 represented?

6 MR. SWEETIN: I am satisfied so long as that's the
7 parameters.

8 THE COURT: Okay.

9 MR. SWEETIN: What was on our notice is on their
10 notice.

11 THE COURT: Okay.

12 MS. RADOSTA: Well, just to be clean, we will file
13 an amended notice if that's all right with the Court --

14 THE COURT: Sure.

15 MS. RADOSTA: -- just so it's clean.

16 THE COURT: That's fine.

17 MS. RADOSTA: And we'll --

18 THE COURT: Do that and --

19 MS. RADOSTA: -- we'll try to take care of that in
20 the next day or two.

21 THE COURT: All right. Okay. All right. So
22 anything else?

23 MS. RADOSTA: Yes, actually.

24 THE COURT: Okay.

25 THE CLERK: Are you denying that motion?

1 THE COURT: Yes.

2 THE CLERK: Okay.

3 MS. RADOSTA: We, within the last -- let me think
4 for a second. I believe it was over the weekend I reached out
5 to the State. They had informed us of their intent to use our
6 client's statement during the course of the trial. And after
7 that email, I realized, as I was looking through my -- a
8 couple of banker boxes full of discovery that I did not
9 actually have the audio of my client's statement.

10 And it's only relevant regarding him because now of
11 their intent to play it for the jury at some point in time.
12 But in realizing that I didn't have his statement, I realized
13 I didn't have audio and/or video of any of the multiple
14 interviews in this case, and there have been multiple
15 interviews in this case.

16 So I reached out to Mr. Sweetin and Ms. Holthus over
17 the weekend. They got back to me. They disputed whether or
18 not I had been provided these pieces of discovery previously.
19 I had gone back and checked all emails, checked all ROCs, and
20 had no evidence at all that these had been provided to me
21 previously.

22 So late yesterday afternoon, Mr. Sweetin's court --
23 sorry, secretary, assistant, sorry, reached out and said they
24 had 25 discs for me to pick up of the new -- of all of the
25 audio and/or video. They were handed to me this morning in

1 court. They did offer to let me pick them up yesterday
2 afternoon, but it was just a hectic afternoon, obviously, the
3 day before we start trial.

4 And in looking through them just really quickly this
5 morning, it appears that there is at least one, and maybe two
6 statements here that have never been previously provided to us
7 and have not been -- and have not been transcribed. For sure
8 there are two statements here from Anita Sena, one is dated
9 September 17, 2014, and then there's a second one from Anita
10 Sena that's dated, according to the date on the disc,
11 10/28/2014. That's the one, the second one, that has never
12 been previously provided.

13 And this has been -- has been brought up on a couple
14 of different occasions. She testified at the preliminary
15 hearing that there was a second interview, that she was
16 interviewed more than once by detectives. And at that point
17 in time, I had reached out to the State and asked them for the
18 second interview.

19 I had in front of Your Honor, I did file a discovery
20 motion approximately a year ago, maybe a little bit longer
21 than a year ago, contained within that motion which was
22 ultimately taken off calendar by Your Honor for other reasons,
23 but contained in that was also a request for any and all
24 statements, including the second statement that Anita swore
25 under oath she gave to detectives. And now we're just

1 provided with audio of it.

2 At this point in time, Your Honor, I'm not sure
3 what, if any, problem there is with this other than the late
4 -- plain and simple late discovery given to us of one of the
5 main witnesses in the case. And just to give the Court a
6 little bit of background, Anita's -- there is no video
7 involving Anita in this case. There is no medical exam
8 involving Anita in this case. There is no DNA involving Anita
9 in this case.

10 It is just her word that anything happened between
11 her and my client. Just her word. So a second statement that
12 she gave to police that has been in the State's custody now
13 for almost four years and is just being provided to us now
14 could potentially be a very important piece of discovery that
15 is being turned over to us at an incredibly late date.

16 THE COURT: Okay.

17 MS. RADOSTA: I don't want to ask for any specific
18 relief at this point in time, Judge, until I have a chance to
19 review it.

20 THE COURT: That's fine.

21 MS. RADOSTA: It may not be -- it may be two minutes
22 long where she says I don't want to talk to you and, you know,
23 walks out of the room. I honestly don't know.

24 THE COURT: Okay.

25 MS. RADOSTA: But I wanted to give the Court the

1 information that we're going to try to review it hopefully
2 tonight, depending on how late we get out of here, and maybe
3 be able to ask for, if we're going to ask for some type of
4 relief, be able to address it tomorrow morning.

5 THE COURT: Okay.

6 MS. RADOSTA: Hopefully. No promises, though,
7 Judge.

8 THE COURT: I got you. Okay.

9 MS. RADOSTA: I don't want to ask that --

10 THE COURT: I'm not requiring you to right now.

11 MS. RADOSTA: Yeah.

12 THE COURT: I'll give you an opportunity to look at
13 it, see if there's something on there.

14 MS. RADOSTA: And I'll also try to look through the
15 other -- there are other --

16 THE COURT: You believe there's other ones in there
17 that weren't provided to you?

18 MS. RADOSTA: Well, here's the problem, Judge.
19 There are a bunch of -- they have the same -- like just for an
20 example, Tamara Grisham, 12/1/14. But then there's another
21 one in here for Tamara Grisham with the same date on it.

22 THE COURT: Okay.

23 MS. RADOSTA: Which, in theory, it's just a
24 duplicate, but sometimes it's not.

25 THE COURT: Okay.

1 MS. RADOSTA: You really have to go through and look
2 at them all.

3 MS. HOLTHUS: It's audio and a video.

4 MS. RADOSTA: Okay. They're informing me right now
5 one is audio and one is video, but in my experience, that's
6 true, yeah, 95 percent of the time. But every so often it's
7 not. And I really looked through them really, really quickly
8 right when they handed them to me, but it appears that the
9 only -- well, and here's another one from Anita that is either
10 10/20/14 or 10/28. Then this is a third one of Anita.

11 That could be another duplicate. So I'm going to
12 have to look through another one of Anita. I'm going to have
13 to look through them all, Judge, but just looking at them
14 really quickly, the only one that jumped out at me as a
15 problem was Anita.

16 THE COURT: Okay.

17 MS. RADOSTA: So --

18 THE COURT: All right. Well, if you find something
19 else and you want to address it, I'll certainly hear it. At
20 this point in time I'm not going to require that you make any
21 -- take a position on it until you've heard it and seen it and
22 see if there's anything that you think is possibly exculpatory
23 or something that you think is different than what you knew of
24 before.

25 MS. RADOSTA: Okay. Thank you.

1 THE COURT: Okay. Anything else?

2 MS. RADOSTA: No. Did we --

3 MR. LOPEZ-NEGRETTE: The Preciado issue.

4 MS. RADOSTA: Oh, thank you. Your Honor, to move on
5 to the jury selection.

6 THE COURT: Uh-huh.

7 MS. RADOSTA: We are -- we had previously alerted
8 the State that we had objections of the first batch of jury
9 questionnaires that went out, that we felt that there were a
10 significant number of people who had already indicated their
11 inability to be fair and impartial on the jury questionnaire.

12 And based on the Preciado case, at this point in
13 time, Your Honor, we would be moving to strike everybody from
14 the first, specifically right now, from the first 250. We
15 went through all of the 450 and we feel that there's a
16 significant number in the second batch, as well, but we let
17 the Court know originally of all of the people that we felt
18 indicated that they could not be fair and impartial based on
19 the questionnaire alone.

20 And the Preciado case is very clear that if
21 somebody's ability -- if they state that their ability to be
22 impartial is equivocal, that they should not be able -- that
23 they should not be seated as a juror. At this point in time,
24 Your Honor, we have -- I think Mr. Sweetin threw out the
25 number approximately 70 percent of the first 250.

1 THE COURT: Can you -- can you go to -- just so
2 we're talking about.

3 MS. RADOSTA: Yeah.

4 THE COURT: Go to Adam Dunbar. His -- I think he's
5 No. 1.

6 MS. RADOSTA: Okay.

7 THE COURT: Is he somebody that you were saying
8 couldn't be fair and impartial based on your reading of the
9 Preciado case?

10 MS. RADOSTA: Court's indulgence.

11 MS. HOLTHUS: Was he listed on defense?

12 MS. RADOSTA: Yes. In response to answer -- to
13 Question No. 20 --

14 THE COURT: Okay.

15 MS. RADOSTA: -- when the question is, you know, can
16 you promise to remain fair and impartial -- can you promise to
17 remain fair and impartial and objectively evaluate all
18 evidence before returning a verdict? And that's in reference
19 to the graphic videotape is the first part of that question.
20 And his answer is I cannot promise.

21 THE COURT: Okay.

22 MS. RADOSTA: Children should never be subjected to
23 this type of behavior.

24 THE COURT: Okay.

25 MS. RADOSTA: So he's already saying he does not

1 know if he can be fair and impartial at this point in time.
2 But beyond that, on the question -- on the page before, he is
3 indicating on Question 16 that he would feel pressure to vote
4 guilty for fear of public retaliation.

5 THE COURT: Uh-huh.

6 MS. RADOSTA: So he's already thinking this is --
7 that he's leaning towards guilty at this point in time.

8 THE COURT: Okay.

9 MS. RADOSTA: So even if he now says I -- you know
10 what today, if we ask him questions today and he says, no, I
11 can be fair and impartial, the answers on his jury
12 questionnaire --

13 THE COURT: I know, but the reason why I left this
14 on is because they've had an opportunity to reflect. They've
15 had an opportunity to understand the importance of their
16 position as a potential juror --

17 MS. RADOSTA: Right.

18 THE COURT: -- to reflect on their answers that
19 they've given.

20 MS. RADOSTA: Uh-huh.

21 THE COURT: And so if they -- if you are saying that
22 if they come in now and say, no, Judge, I can tell you I can
23 be fair --

24 MS. RADOSTA: Uh-huh.

25 THE COURT: -- that you're saying based on the

1 Preciado case --

2 MS. RADOSTA: Right.

3 THE COURT: -- they're gone based on this. I don't

4 -- I don't read it that way.

5 MS. RADOSTA: Okay.

6 THE COURT: You're basically saying that once you

7 say it, then you're stuck with that for the rest of your life.

8 MS. RADOSTA: Well, if they, for the --

9 THE COURT: At one time I didn't like a certain

10 football team. Now it's my favorite football team. But

11 you're saying the way you read Preciado is that I'm damned for

12 the rest of my life because a certain football team that I

13 said I didn't like. That makes no sense to me. Especially in

14 a situation that's important like this.

15 MS. RADOSTA: Right.

16 THE COURT: An individual's -- I recognize there's

17 probably some of them, based on what you're saying, will

18 probably not change.

19 MS. RADOSTA: Right.

20 THE COURT: And I want them to tell me that. I want

21 them to say that. And if they are, that's fine. I mean, if

22 this person sticks with this type of position even after being

23 questioned by the parties --

24 MS. RADOSTA: Uh-huh.

25 THE COURT: -- then, yeah, he's -- he -- I don't

1 know how he could be impartial. And so -- and I'll tell you,
2 this case is going to -- we're going to probably run into a
3 big majority of that.

4 And, I mean, just based on the facts that has been
5 presented and the factual scenario, I think people are seeing
6 -- and then -- and then because of the time frame. I think
7 they run together because they know that we want them for at
8 least a month. They're going to be coming up with answers
9 that probably aren't necessarily the same as what they would
10 be giving in here, even though it says that you're doing this
11 basically under oath.

12 MS. RADOSTA: Right.

13 THE COURT: It's a difference between sitting in
14 this courtroom and standing up and taking an oath and writing
15 something down in the -- in the --

16 MS. RADOSTA: But for the sake of argument, Your
17 Honor, Mr. Dunbar, the one we were talking about, he also has
18 in his reference that his girlfriend was molested by an uncle.
19 There are other factors. I don't really -- I disagree with
20 the Court that people are answering these questions lightly or
21 that they are answering these questions in a --

22 THE COURT: I'm not saying -- I didn't say that
23 they're answering them lightly.

24 MS. RADOSTA: Well, and the idea that they've had
25 time to reflect and now --

1 THE COURT: Yeah.

2 MS. RADOSTA: -- when they come into the courtroom

3 that they might have a difference of opinion, I disagree with

4 that. I think that actually on the page --

5 THE COURT: Well, we'll see. We're going to find

6 out.

7 MS. RADOSTA: But --

8 THE COURT: Because if there are some that do,

9 then --

10 MS. RADOSTA: But how --

11 THE COURT: People --

12 MS. RADOSTA: But for the sake of argument --

13 THE COURT: Greater minds disagree.

14 MS. RADOSTA: -- how, if they now come in and say,

15 nope, I'm good, I can be impartial, when you explain it to --

16 THE COURT: Then you say why -- why have you changed

17 your position from what you said previously?

18 MS. RADOSTA: Okay.

19 THE COURT: And if they give you an answer that is

20 unequivocal, then you've met the very parameters of Preciado.

21 MS. RADOSTA: But if they even say, well, you know

22 what, Judge, when you put it to me that way, that it's

23 important and that this -- or, you know that --

24 THE COURT: Yeah.

25 MS. RADOSTA: Then how does that undo the answer

1 when they say I don't think I can be fair and impartial? How
2 does that undo that?

3 THE COURT: They undid it. They tell you.

4 MS. RADOSTA: So if it were -- for the sake of
5 argument, if it were reversed, if they were saying, well, you
6 know what, no matter what you tell me, no matter what evidence
7 I see, I'm voting not guilty.

8 THE COURT: Right.

9 MS. RADOSTA: If that say, oh, well, you -- you
10 explained it to me that way --

11 THE COURT: I think you're entitled to the same,
12 you're entitled to the same position that you are the other
13 way. No, I can never find a person that does this type of
14 thing guilty. Okay. Then they come in and -- and you ask
15 them the questions. And if they say, well, you know, I don't
16 know, but, yeah, I can. That's when I start looking at
17 whether or not they're equivocal or not. This here doesn't
18 tell me that he -- that he's --

19 MS. RADOSTA: What about -- I mean, for the sake of
20 -- for the sake of argument, Mr. Dunbar, he does say I can't
21 promise, but there were plenty of people that flat out, their
22 answer was, no, I cannot be fair and impartial.

23 THE COURT: Okay.

24 MS. RADOSTA: I was molested myself, my daughter was
25 molested, whatever their specific reason was.

1 THE COURT: Well, we're going to have to hear them.

2 MS. RADOSTA: But also, Your Honor, for --

3 THE COURT: Here's the problem, Ms. Radosta.

4 MS. RADOSTA: Uh-huh.

5 THE COURT: Is that you want them excused, the State
6 says we don't agree with it.

7 MS. RADOSTA: We want them excused not -- not
8 because it's not -- I mean, this is not a situation where we
9 are asking for these to be stipulated. We are basing it on
10 the Preciado case. The jury questionnaire is clear that --

11 THE COURT: Well --

12 MS. RADOSTA: -- even though there -- this is a
13 questionnaire, they are instructed to answer these questions
14 truthfully and completely at the time. They are -- it's taken
15 very seriously.

16 For the sake of argument, if we're not going to take
17 their answers on these questionnaires at face value, then I
18 don't really understand the value of the jury questionnaire if
19 we can come into court and -- and question what they answered
20 on the jury questionnaire. If we don't -- if we don't presume
21 that they're telling us the truth on this jury questionnaire,
22 then what was the point of it?

23 THE COURT: Well, I think oftentimes there's a lot
24 of questions that are follow-up questions that they have with
25 regards to the limited information that's provided to them in

1 a question. And it's kind of unfair to them that we cut them
2 off by a pointed question like this that they may have
3 questions about.

4 And so for them to just -- for us to just say, no,
5 we're excusing you for this statement here, and you're saying
6 that they have no means of changing their mind or
7 understanding to do something different I think is unfair. I
8 think it's unfair to them. That's the biggest fight that a
9 lot of judges have about jury questionnaires.

10 MS. RADOSTA: Okay.

11 THE COURT: And so -- so the issue is this, is that
12 -- is that if they're going to stick by the position that
13 they're taking here, then, yes, I agree with you. They'll be
14 excused. But what you're saying basically now is just excuse
15 them, Judge, without any explanation, just excuse them without
16 any questions in that area, we don't want to do that, just
17 excuse them.

18 Because you're saying that you're done with it,
19 you're satisfied with it. If you're satisfied with this, then
20 let's do this, Ms. Radosta. Let's not ask any further
21 questions of the jury at all and you decide which jurors you
22 want based on just the questionnaires.

23 MS. RADOSTA: But that's not what --

24 THE COURT: No, that's exactly what you're trying to
25 tell me.

1 MS. RADOSTA: No, that's not what I'm trying to tell
2 Your Honor. I'm saying that based on the way I am reading
3 Preciado that if they change their answer, it is now an
4 equivocal position, not an unequivocal position.

5 THE COURT: Preciado -- Preciado talks about --
6 talks about a situation where they're kind of being
7 rehabilitated by the court in the questions that were being
8 there, and the court was concerned about that. But if they're
9 unequivocal about it saying, no, you know, I didn't understand
10 this, maybe the -- I mean, I think that many of these people
11 will stick with what they're saying.

12 MS. RADOSTA: Uh-huh.

13 THE COURT: And if I do, then I think there are
14 challenges for cause. But to just take it right now for just
15 what they're saying and without any further questioning by
16 either side --

17 MS. RADOSTA: Okay.

18 THE COURT: That's why I say if that's the position
19 we're going to take, then we don't need any further questions
20 of the jury.

21 MS. RADOSTA: That's not --

22 THE COURT: You guys all get together, and we'll
23 just go through the list right now --

24 MS. RADOSTA: That's not --

25 THE COURT: -- based on what it is.

1 MS. RADOSTA: That's not a fair assessment, Your
2 Honor. This is not the jury questionnaire that we
3 submitted --

4 THE COURT: Okay. But you want me to --

5 MS. RADOSTA: But this is not the jury --

6 THE COURT: But you want me to excuse people simply
7 based on their answers.

8 MS. RADOSTA: Yes.

9 THE COURT: Yeah.

10 MS. RADOSTA: The answers to the questions that were
11 -- that were approved by the Court. The question is clear,
12 Judge. Can you be fair and impartial? It is the standard of
13 -- of the court on these type --

14 THE COURT: Okay.

15 MS. RADOSTA: -- on any and all types of cases.

16 THE COURT: We'll be getting through many of them.
17 I understand what you're saying, but I'm not in a position
18 right now to just exclude them just based on that. If you get
19 together and you both agree, yes, I will.

20 MS. RADOSTA: Okay.

21 THE COURT: But other than that, I'm not in a
22 position just to exclude them just based on -- based on their
23 answers that they given in there by themselves without any
24 further questioning.

25 MS. RADOSTA: So --

1 THE COURT: If there's any -- if there's any
2 challenge by either party, okay.

3 MS. RADOSTA: So for the sake of argument, then, and
4 I'm not saying that this is what I would do, but if when we
5 have the 34 in the box and I would a question of the panel --

6 THE COURT: Okay.

7 MS. RADOSTA: -- do you feel at this point in time
8 knowing that, they're literally asked that same question.

9 And --

10 THE COURT: Questions of the panel. What do you --

11 MS. RADOSTA: If I -- if I asked the entire panel,
12 the 34 people that we have sitting in the box.

13 THE COURT: Okay.

14 MS. RADOSTA: If I would ask them basically Question
15 20, as you're aware from the synopsis of the case, one piece
16 of evidence is a graphic videotape involving a sex assault
17 allegedly perpetrated on a child by the defendant, as a juror,
18 despite the graphic nature of the videotape, can you promise
19 to remain fair and impartial and objectively evaluate all
20 evidence before returning a verdict? If I say how do you --
21 does anybody in this -- in the 34 up here feel that they
22 cannot be fair and impartial at this point in time, and we
23 have 20 people raise their hands --

24 THE COURT: So are we going to do that? Are we
25 going to --

1 MS. RADOSTA: I --
2 THE COURT: -- back through and ask questions --
3 MS. RADOSTA: I prefaced that --
4 THE COURT: -- again of the questions --
5 MS. RADOSTA: -- Your Honor --
6 THE COURT: -- that are already asked?
7 MS. RADOSTA: I prefaced that with saying I'm not
8 saying that this is how I'm going to do it.
9 THE COURT: Okay.
10 MS. RADOSTA: But if I did it that way --
11 THE COURT: Uh-huh. And I'd stop you.
12 MS. RADOSTA: Then -- so -- so then --
13 THE COURT: If you have specific questions about
14 specific --
15 MS. RADOSTA: So -- so you're then telling me, and
16 I'm just trying to figure out individually now, every person
17 that we feel was an automatic for cause challenge based on the
18 Preciado case, I can speak to them individually?
19 THE COURT: Yes.
20 MS. RADOSTA: Okay.
21 THE COURT: I'm not going to stop you from doing
22 that. If you have any specific questions based on the
23 questionnaire, based on their answers to the question, they're
24 fair game.
25 MS. RADOSTA: Okay.

1 THE COURT: I'm not -- I'm not going to stop you
2 from that, Ms. Radosta, in any of those -- any of those
3 questions. The very first question, just their name if you
4 had a specific -- you told me your name is Adam Dunbar, is
5 that -- Mr. Dunbar, does that relate to the Dunbar candy bars
6 or anything? I mean, I -- if you had a question or something
7 like that. I'm not going to stop you if you're -- if you're
8 giving them an understanding of which question you're talking
9 about. Do you understand?

10 MS. RADOSTA: Yeah. No, no, no.

11 THE COURT: Okay.

12 MS. RADOSTA: I'm just -- I'm just playing it
13 through in my head, Judge.

14 THE COURT: Okay.

15 MS. RADOSTA: I'm just -- I'm just playing it
16 through in my head.

17 THE COURT: Okay.

18 MS. RADOSTA: Court's indulgence.

19 Your Honor, for the record, in light of this
20 request, this motion that we made to strike anybody who
21 answered the question in our opinion that was a for cause
22 challenge --

23 THE COURT: Okay.

24 MS. RADOSTA: -- we would like to make our Excel
25 sheet where we identified the people that we feel are for

1 cause challenges a court exhibit.

2 THE COURT: Okay.

3 MS. RADOSTA: So may I approach?

4 MS. HOLTHUS: Can we get a copy of that?

5 MS. RADOSTA: Do we have another?

6 MR. LOPEZ-NEGRETTE: Yeah.

7 MS. RADOSTA: This, just for the record, is just --

8 THE COURT: And does it -- does it highlight the for

9 cause reason, or just --

10 MS. RADOSTA: Yes. Well, it's just -- the reason

11 listed on that, Judge, would be the reason why we think they

12 are a for cause challenge.

13 THE COURT: Okay.

14 THE CLERK: Excuse me. Their name is not listed on

15 it and it's not the correct badge number on there, so I don't

16 know.

17 THE COURT: Yeah, how do we -- that might be --

18 THE CLERK: That was one of the issues that we need

19 to raise, but I [inaudible] they didn't provide names.

20 MS. HOLTHUS: And I don't know, Judge. Did we make

21 a record that we did file a second amended information which

22 essentially --

23 MS. RADOSTA: Right.

24 MS. HOLTHUS: I just want to, before I forget,

25 essentially --

1 THE COURT: Well, hold on. Let's -- yeah, I'll get
2 to that.

3 MS. HOLTHUS: All right.

4 THE COURT: We'll talk --

5 MS. RADOSTA: I just overheard your clerk saying
6 that it doesn't -- they don't have the correct badge numbers.
7 This is the badge number that we -- is identified, 12 dash --

8 MR. LOPEZ-NEGRETTE: No, it's 01.

9 MS. RADOSTA: Oh, I'm sorry. 01-0001.

10 MS. HOLTHUS: I didn't say -- did you just say I
11 said that?

12 MS. RADOSTA: No.

13 MS. HOLTHUS: Oh.

14 MS. RADOSTA: I overheard Tia say it. And I'm not
15 -- I just want to clarify for -- just clarify for the record
16 what we just asked to be made a court exhibit. First of all,
17 it is just for the first 250 -- the first 250 questionnaires
18 that we did. We have a second document, as well, for the
19 second --

20 How many did we do in the second batch? Another
21 200?

22 -- for another 200.

23 THE COURT: Well, I'm looking at No. 7.

24 MS. RADOSTA: Uh-huh.

25 THE COURT: And I can't -- maybe I don't have all

1 the pages, but --

2 MS. RADOSTA: Wait, Judge.

3 THE COURT: The one that says --

4 MS. RADOSTA: Can I -- can I see what --

5 THE COURT: -- can you promise to remain fair, and

6 it says no.

7 MS. RADOSTA: Can I -- I'm sorry, can I see what I

8 handed you, Judge? And I inadvertently handed you -- which

9 one were you just looking at, Judge?

10 THE COURT: No. 7.

11 MS. RADOSTA: Okay. Can you pull that one up?

12 MR. LOPEZ-NEGRETTE: Sure.

13 MS. RADOSTA: For a second I thought I handed you

14 the second batch, the second one, not the first one. On

15 Question 20 he answers, no, he cannot be fair and impartial.

16 And it's Steve --

17 THE COURT: But, see, I mean, but you wrote -- you

18 wrote on here that you're making part of this record, that you

19 want to move -- you wrote daughter may be sexual assault

20 victim by boyfriend. It says suspected abuse by boyfriend.

21 There's a big difference between that --

22 MS. RADOSTA: Well --

23 THE COURT: -- and sexual assault. I mean, and

24 that's what I'm not -- I'm just looking at it. This stuff

25 that you're writing in here that's supposed to be sufficient

1 from this. And you just say can't be partial. I don't see
2 anything in here --

3 MS. RADOSTA: He says --

4 THE COURT: -- can't be impartial.

5 MS. RADOSTA: Question 20, Judge.

6 THE COURT: I know, but you say can't be impartial.
7 As you're aware, it just says from the synopsis of this case,
8 one piece of evidence is a graphic video involving sexual
9 assault allegedly perpetrated on a child by the defendant. As
10 a juror, despite the graphic nature of the video, can you
11 promise to remain fair and impartial and objectively evaluate
12 all evidence before returning a verdict, please discuss. He
13 says no. So you just say he can't be impartial.

14 MS. RADOSTA: That's the -- that's the answer to the
15 question, that he can't be fair and impartial.

16 THE COURT: To the whole case or to --

17 MS. RADOSTA: That's what the question --

18 THE COURT: -- to a video?

19 MS. RADOSTA: Can you promise to remain fair and
20 impartial and objectively evaluate all evidence before
21 returning a verdict? That's the question he answered.

22 THE COURT: Okay.

23 MS. RADOSTA: He said no. That's the phrasing of
24 the question that was presented in the jury questionnaire.

25 THE COURT: Okay. Let me hear from the State with

1 regards to the way that they've pointed this out. Let me hear
2 from the State. I mean, you stipulated to a lot of them, and
3 there's a portion of them that they challenge. And, I mean, I
4 don't know if you've looked at these, as well.

5 MS. HOLTHUS: I mean, our position is -- well, first
6 of all, we weren't for the jury questionnaire at the outset
7 for --

8 THE COURT: No, I know.

9 MS. HOLTHUS: -- a lot of these reasons. Having
10 said that, they got it, and we did, we got rid of a lot of
11 people. We stipulated to a lot of people that weren't
12 available that we believe couldn't ultimately be fair. In
13 this particular case, however, we think we have a right to
14 talk to them.

15 And if we were in court and somebody said, you know,
16 I couldn't be fair because of blah blah blah, we'd have a
17 right to traverse and to see, to -- to -- I mean, this is a
18 weird case because it's really strange to say to somebody, I'm
19 going to show you a videotape of this crime happening, can you
20 now forget it happened? It's a little bit different.

21 And so the way we ask the questions is -- can be
22 confusing, and there's a lot of interpretation. I mean, they
23 may be saying, well, yeah, you know, obviously I see that, I
24 can't unsee it, but I can still keep an open mind as to the
25 rest of the evidence, and we have a right to pursue that with

1 the jurors. And I'm not sure why -- why we wouldn't.

2 So and as to this, I don't think this -- I mean, I
3 guess if this is an exhibit, the jury questionnaires
4 themselves are already part of the court record; right?

5 THE COURT: Yeah, they're all right here.

6 MS. HOLTHUS: So to the extent that on appeal we
7 needed to go back and we could say that they mischaracterized
8 and this is what was said and --

9 THE COURT: Well, I think based on -- do you have --
10 you need a copy of this. I think my position I'm taking is
11 that -- is that I think that the jury can be questioned about
12 this. Some of them may never change.

13 MS. HOLTHUS: Absolutely.

14 THE COURT: Some of them may say, no, that's exactly
15 -- you're exactly right, I can't be fair in these types of
16 cases. But some of them may say, no, I -- look, I thought
17 about this, I reflected on it, I thought about my position, or
18 I don't know, however they take it, and, you know, I can be
19 fair, I'll listen to everything you give me, and I'll do what
20 I can.

21 But, you know, I agree in a lot of regards with both
22 sides here. This is a tough case to get a jury in. It really
23 is. You have that right to a jury trial, the State has a
24 right to a jury trial. The reality is is that -- is that for
25 you to ask the public in which an individual is living in that

1 is being tried by his peers to just put away their thoughts
2 and everything about certain things and is -- is -- is not
3 fair to them.

4 And so I think when we're asking -- when we ask
5 questions, I allow these questionnaires because they can be
6 helpful. But to just flat say based on the questionnaire
7 alone, without any additional information, that -- that one
8 side wants to exclude them and the other side is objecting to
9 it, I'm not going to do it unless it's real clear.

10 And once they get in here and they're addressing
11 this, they may stay at that position. If they do, then a
12 challenge for cause is appropriate. But if they don't, I want
13 to hear the reasons behind it because I don't think that the
14 case that you're citing is specifically saying that is that
15 they can never change their position and never with the --
16 that -- that's ridiculous. And if the court is saying that,
17 then I think they're ridiculous.

18 And so, I mean, that's my word for the day that
19 might put me in trouble, but that's how it is. So I don't
20 interpret it that way. I can't -- I just don't see that the
21 court, for doing justice in a community in a case similar to
22 this, would take that type of position. And so I'll mark
23 this.

24 MS. RADOSTA: Thank you.

25 THE COURT: I want it clear, though, that by the

1 very first one that I looked at, No. 7, I can see where
2 there's some -- some poetic licensing that the defense has
3 taken.

4 MS. RADOSTA: It's not -- but, Your Honor, just so
5 that the Court is aware, we did not create this document to
6 make it a court exhibit. This was a --

7 THE COURT: Oh, okay.

8 MS. RADOSTA: -- document created for --

9 THE COURT: Then, here, you can take it back.

10 MS. RADOSTA: No, no. It was created for us as a
11 shorthand way of looking at the --

12 THE COURT: I know. But now --

13 MS. RADOSTA: -- jury questionnaires --

14 THE COURT: -- you're asking me to make it --

15 MS. RADOSTA: -- and now we are.

16 THE COURT: -- as a court exhibit.

17 MS. RADOSTA: Right.

18 THE COURT: I want it clear that this language in
19 here is the defense language.

20 MS. RADOSTA: That's fine. If the --

21 THE COURT: Okay.

22 MS. RADOSTA: It's the defense's request to make it
23 a court exhibit. Of course --

24 THE COURT: Okay. That's fine.

25 MS. RADOSTA: -- it's the defense's language.

1 THE COURT: All right. Okay.

2 MS. RADOSTA: I mean, I don't know, is there a way
3 to make it --

4 THE COURT: Other than that, can we get the jury in?

5 MS. RADOSTA: Is there a way to make it a defense --
6 I mean, I think it has to be a court exhibit, so --

7 THE COURT: I just think it's a little bit, just
8 from my first reading of that, it appears that it's --

9 MS. RADOSTA: Well, it was created by us, Judge, so
10 of course it's going to be --

11 THE COURT: Okay. Created by the defense.

12 MS. RADOSTA: Yeah.

13 THE COURT: All right.

14 MS. HOLTHUS: May I now just make a record that we
15 filed the second amended information that essentially combines
16 the remaining four counts into Count 120.

17 THE COURT: That's this right here. Yeah. Do you
18 have a copy of it?

19 MS. RADOSTA: Yes.

20 THE COURT: All right.

21 THE CLERK: Can you ask them what we're doing about
22 the reading?

23 THE COURT: What's that?

24 THE CLERK: Can you ask them what we're going to do
25 about the reading?

1 THE COURT: Oh. Yeah, that's the last one. My
2 clerk is extremely worried about this.

3 MS. HOLTHUS: And I think we've --

4 THE COURT: I've heard it over and over and over
5 because there's so much here. We had to, in the past, I've
6 had to -- well, I haven't. My clerk has had to read in -- it
7 was that big robbery case we had. There was like 79, and it's
8 just cumbersome and it's time consuming. We'll do it if
9 either party objects to it. I think that the information
10 provided to me by Mr. Sweetin in the email that was sent to --
11 to Ms. Radosta is that the parties are stipulating that we can
12 just make a copy and give it to the --

13 MS. RADOSTA: I haven't seen that. When was that
14 email sent? Was that yesterday?

15 THE COURT: You were in it. You responded it.

16 MS. RADOSTA: Okay. What was -- what they requested
17 yesterday, we did not agree to.

18 MS. HOLTHUS: She said that she didn't want a
19 summary.

20 MS. RADOSTA: Yes.

21 MS. HOLTHUS: And when I said a summary --

22 MS. RADOSTA: Yes.

23 THE COURT: Right. I'm not --

24 MS. HOLTHUS: -- what I meant is just --

25 THE COURT: -- talking about a summary. I'll give

1 them the whole -- the whole --

2 MS. RADOSTA: Okay.

3 THE COURT: -- indictment.

4 MS. RADOSTA: For the record, the email yesterday,

5 Your Honor, was that we would agree to a summary of the

6 charges being read and we would put our defense strategies for

7 not having it read on the record.

8 THE COURT: No. No, no, no, no, no. The end of it

9 -- Dave, go get it. It's on my desk.

10 MS. RADOSTA: So if there was something else --

11 THE COURT: No, there's a part --

12 MS. RADOSTA: -- I have not checked --

13 THE COURT: -- in there that you --

14 MS. RADOSTA: -- email this morning, so --

15 THE COURT: No, there's a part in there that I

16 believe you responded basically saying that you have no

17 objection to the -- the information.

18 MS. RADOSTA: Right.

19 THE COURT: Using the information --

20 MS. RADOSTA: Right. Yeah.

21 THE COURT: -- in place of it being read in.

22 MS. RADOSTA: That was the first -- the first part

23 of my response.

24 THE COURT: That's all I was talking about.

25 MS. RADOSTA: Yeah.

1 MS. HOLTHUS: Judge, but I believe that we have
2 discussed it today and what we've agreed upon is we'll give
3 them copies of the information. We would ask, though, that
4 your clerk, prior to that, read the title section, essentially
5 saying defendant is charged with 120 counts which include, and
6 then read the titles under that first paragraph, and then just
7 to say as set forth in the second amended information which
8 you have been provided.

9 THE COURT: Here's what I have, Violet.

10 MS. RADOSTA: Yeah.

11 THE COURT: It says we have previously stated that
12 we are fine with the Court not reading the information to the
13 jury and giving them a copy.

14 MS. RADOSTA: Right.

15 THE COURT: That's all I wanted to address.

16 MS. RADOSTA: Yeah. Yeah.

17 THE COURT: Okay.

18 MS. RADOSTA: No, sorry, Judge. I was --

19 THE COURT: That's all I was --

20 MS. RADOSTA: It went on beyond that. That was
21 my --

22 THE COURT: Okay.

23 MS. RADOSTA: -- my response.

24 THE COURT: Because all I was looking at is because
25 -- because the State did some research on it --

1 MS. RADOSTA: Uh-huh.

2 THE COURT: -- in Kelly versus State, a 1960 case.

3 Basically, the Supreme Court found that it was a technical

4 error not to have read the information before evidence was

5 presented. And in that particular case it appeared that

6 neither party had agreed to stipulate to using the actual

7 information. So -- so I think that if the parties are

8 stipulating to it, then they're not -- you know, there would

9 be no problem. That's why I wanted to make sure. If you're

10 not --

11 MS. RADOSTA: No.

12 THE COURT: -- then I'll read it in.

13 MS. RADOSTA: If it's just read to the jury -- I

14 mean, if it's just given to the jury, I think we do need to

15 make sure, though, as we do when it's normally read, that he

16 has entered not guilty pleas.

17 THE COURT: Okay.

18 MS. RADOSTA: That part has to be --

19 THE COURT: So you're -- what you're objecting to is

20 that if I was to say that -- that he's -- he's facing Count 1,

21 conspiracy to commit sexual assault, Counts 2, 4, 5, 7, 9, 10,

22 12, 13, 15, 17, 18, 20, 107, 108, 109, 110, 111, 112, 113,

23 114, lewdness with a child under the age of 14, that's what

24 your objection is?

25 MS. RADOSTA: Well, first of all --

1 THE COURT: I mean, they'd have a copy of this.
2 MS. RADOSTA: I think what you just read is
3 incorrect, first of all, but --
4 THE COURT: No, I have it right here.
5 MS. RADOSTA: What did you just say?
6 MS. HOLTHUS: The State has no objection to that.
7 THE COURT: 2 is a lewdness, 4 is a lewdness --
8 MS. RADOSTA: Well, Your Honor, I thought --
9 THE COURT: -- 5 is a lewdness, 7 is a lewdness, 9
10 is a lewdness. That's what I'm saying. I just --
11 MS. RADOSTA: In the end, Your Honor, we feel that
12 if you want to address, say there's 120 counts and these are
13 the nature of the offenses, that's what we think would be
14 appropriate. But there is --
15 THE COURT: Okay. All right.
16 MS. RADOSTA: But --
17 THE COURT: So without reading it directly, I could
18 -- I could tell them we'll give them a copy of it. There's
19 124 counts.
20 MS. HOLTHUS: We changed it.
21 THE COURT: Is it changed?
22 MS. RADOSTA: 120 now.
23 THE COURT: Okay. 15 of which are lewdness with a
24 child under the age of 14, 10 of which are sexual assault of a
25 minor, something like that?

1 MS. HOLTHUS: That's fine, Your Honor.
2 THE COURT: Are you okay with that?
3 MS. HOLTHUS: That's fine with us.
4 MS. RADOSTA: Yes.
5 THE COURT: Okay. All right. So I'll do that
6 before.
7 MS. HOLTHUS: And will we then give them an
8 opportunity to read it before we start?
9 THE COURT: What's that?
10 MS. HOLTHUS: Will they have a chance to read it
11 before we start?
12 THE COURT: I'm going to provide this to the jury.
13 I'm not going to provide it to all the panel.
14 MS. HOLTHUS: Right. No, I mean, eventually. Yeah.
15 THE COURT: I'll give this to the jury.
16 MS. HOLTHUS: Okay.
17 THE COURT: I'll give them an opportunity before we
18 get started to read it themselves.
19 MS. HOLTHUS: Okay.
20 THE COURT: I'm not going to give it to them --
21 well --
22 MS. RADOSTA: They shouldn't be allowed to probably
23 take it home.
24 THE COURT: No, they --
25 MS. RADOSTA: Yeah.

1 THE COURT: -- they will not. I'm going to give it
2 to them right before we start our openings, okay, before you
3 start your openings, give them an opportunity to read through
4 it. I'm going to inquire if they -- if they've read through
5 it, if they need any further statement from the Court
6 regarding this, all right.

7 But I'll let them know during the portion when I get
8 to -- there's a part in here where we have -- I have them read
9 it to the jury. At that point in time we'll hand it to them
10 and I'll tell them don't read it until I'm done with -- and I
11 charge them is what I'm doing. I'll tell them that, you know,
12 just for their edifice, he's charged with 120 counts, one is a
13 conspiracy, then of which are lewdness with -- that kind of
14 thing. I'll do that.

15 And then I'll go through the rest of my charging and
16 then we'll give this to them, I'll give them an opportunity to
17 read it. And then when they're done and they tell me they're
18 done reading it, then I'll leave it with them for the opening
19 -- with the opening statements, and then I'll collect it back
20 from them.

21 MS. HOLTHUS: Okay.

22 THE COURT: Unless you want me to leave it with them
23 during the trial.

24 MS. HOLTHUS: I would request that if the --

25 THE COURT: What do you think?

1 MS. RADOSTA: I would -- honestly, I don't think
2 that that's a good idea, but --
3 THE COURT: Okay.
4 MS. RADOSTA: Because they won't be listening.
5 They'll be flipping through it, they'll be --
6 THE COURT: Well, they might --
7 MS. RADOSTA: For the sake of argument, Judge, we
8 want their full attention. And anything --
9 THE COURT: Okay.
10 MS. RADOSTA: -- that could take their --
11 THE COURT: Okay. I'll take it.
12 MS. RADOSTA: -- attention away --
13 THE COURT: I'll collect it back from them, okay.
14 And then at the close when -- when I read jury instructions to
15 them, I'll give it to them again because they'll have a copy
16 of it, and then they'll -- and they will get a copy of it to
17 go into the jury room.
18 MS. RADOSTA: So on that note, Judge, we did not
19 research if it has to be read as part of jury instructions or
20 not. I hadn't thought about that.
21 THE COURT: Okay.
22 MS. RADOSTA: So I appreciate your position right
23 now.
24 THE COURT: Maybe we'll do by then. I'll take a
25 look at it --

1 MS. RADOSTA: Yeah.

2 THE COURT: -- and see whether or not I need to, and
3 if they do, then I'll read it to them.

4 MS. RADOSTA: Yeah, I mean, for the --

5 THE COURT: It doesn't bother me. I mean --

6 MS. RADOSTA: Yeah.

7 THE COURT: -- it's long.

8 MS. RADOSTA: It is long.

9 THE COURT: It would take probably an hour to read
10 it to them, but I'll do it. If we need to when we get to the
11 end, we'll get over that hurdle at the end.

12 MS. RADOSTA: Yeah. Absolutely.

13 THE COURT: Right now we're at the beginning. We're
14 satisfied, okay.

15 MS. RADOSTA: Uh-huh.

16 THE COURT: All right. So are we ready now?

17 MS. HOLTHUS: Yeah. Can I go to the restroom while
18 they bring the jury in?

19 MS. RADOSTA: Me too.

20 THE COURT: Sure. Go ahead. Do you need to go,
21 too? Anyone else? All right. You guys go ahead and go. All
22 right. Don't beat each other up in the bathroom.

23 Ed, why don't you go ahead and start bringing them
24 in and seating them.

25 (Inside the presence of the prospective jury)

1 THE COURT: Okay. Everybody go ahead and have a
2 seat. All right. Good afternoon, ladies and gentlemen. This
3 is the time set for trial in Case No. C311453. And the State
4 of Nevada is the plaintiff versus Christopher Sena, he's the
5 defendant. I want the record to reflect the presence of the
6 defendant, his counsel, and the State and their counsel, all
7 officers of the court.

8 Are the parties ready to proceed in this matter?

9 MS. HOLTHUS: The State is.

10 MS. RADOSTA: Yes, Your Honor. Thank you.

11 THE COURT: Okay. Ladies and gentlemen, you're in
12 Department 19 of the Eighth Judicial District Court here in
13 the State of Nevada, County of Clark. My name is William
14 Kephart, and I am the presiding judge over this matter.

15 I want to take the opportunity before we get started
16 on this matter to thank you all for being -- participating in
17 this. I know you've been going through a number of jury
18 questionnaires, you've been asked a lot of questions before
19 even coming in here now, before even meeting us.

20 And I want to tell you how important your job really
21 is. I do believe that this is the one thing that separates us
22 from the rest of the world is the jury system in the United
23 States and the ability of an individual to exercise that
24 right. And without people like you, it wouldn't take place.
25 Many of you probably if I said if you want to leave, go ahead

1 and leave, many of you probably would trample that door trying
2 to get through it.

3 I hope that after this proceeding that you'll
4 understand how important your position really is to the system
5 of justice that we all enjoy here in the State of Nevada and
6 the United States. Also, we do recognize that it's highly
7 inconvenient for you and we try to move it as quick as we can.

8 We've been in court all day. I know you've been
9 waiting and standing out there, and I apologize to you for the
10 facilities. This is not the best facility for jurors. We
11 don't have any special places for you other than on the third
12 floor. We have to hustle you up and down the elevators and it
13 takes some time to do that, it's crowded. It takes time to
14 get you in the courtroom here.

15 This is probably going to be -- well, I will tell
16 you, this is the toughest part about a jury trial is -- is
17 getting individuals to sit, getting individuals to respond,
18 getting individuals to take part in this. So before we even
19 get started, I want to thank you all for at least getting to
20 this part.

21 I want to also introduce to you individuals that you
22 may be coming into contact with during this trial. My staff,
23 you've met my marshal already, Edward Kunz. He's the
24 individual that you will be communicating with throughout this
25 trial if you need to communicate with the Court. Please don't

1 just try to walk up to the bench here. Then he will get
2 involved.

3 If you -- if we call upon you, we'll be talking to
4 you in this proceeding here. But if you're out in the hall or
5 something and you need to talk to the Court or you have some
6 concerns, you'll figure it out as we go along, that's who you
7 want to talk to, okay.

8 To his immediate left, you've met my judicial
9 executive assistant, Minddie Lloyd. She handles all of my
10 matters outside the courtroom itself, sets my calendars, my
11 personal calendars, handles all the correspondence that I have
12 with people outside the courtroom, phone calls, sets my dates
13 for meetings that I have and for events that I'm going to,
14 even sets my doctor appointments and that. So, I mean, that's
15 -- that's what she does.

16 And then to her immediate left is Christine
17 Erickson. She's my court recorder. If you look around the
18 courtroom, you'll see a number of cameras. In front of many
19 of you, there's microphones. Everything that's being said is
20 being recorded both audibly and visually. So she keeps that
21 record when we do -- when we do these trials.

22 If individuals need to have something read back,
23 she's able to find it right away. So you'll hear her
24 occasionally typing on the -- on the keyboard because she's
25 keeping herself aware of where to get to certain portions of

1 the testimony and to answers that's being given in here.

2 To her immediate left is my court clerk. She's
3 obligated to take care of my calendar, my official record.
4 She handles all the witnesses in our courtroom, she swears
5 them in, she handles all the evidence during the trial, keeps
6 them in a safe place, she marks the exhibits, keeps me going
7 in the -- in the criminal calendars, gets me straight when I'm
8 in here.

9 And to her left is my -- he's my court -- my clerk.
10 He handles -- when we're in trials like this, many times he
11 helps with assisting with the jurors. But he handles briefing
12 matters for me before I get ready for arguments, he does some
13 research for me, keeps me straight in a number of matters and
14 that and makes sure he's leading me in the right direction
15 when it comes to legal matters.

16 So with that being said, I'm going to ask the State
17 to introduce themselves. If they'd like to, give us a brief
18 statement of the nature of the case, state the names of the
19 witnesses that you may be calling in this case.

20 Mr. Sweetin.

21 MR. SWEETIN: Thank you, Judge.

22 Good afternoon, ladies and gentlemen. My name is
23 James Sweetin, and seated next to me is Mary Kay Holthus. And
24 we're Deputy District Attorneys of the Clark County DA's
25 office. We've been assigned to prosecute this case, State of

1 Nevada versus Christopher Sena.

2 Now, I know that you have filled out jury
3 questionnaires and there was sort of a synopsis of the facts
4 of the case in that -- in that jury questionnaire. Now, I'm
5 going to remind you of those because I know it's been awhile
6 since you filled those out.

7 Christopher Sena, the defendant in this case, is
8 alleged to have sexually abused various members of his
9 immediate and extended family over the approximate period of
10 May 22, 2001, through June 30, 2014, specifically that abuse
11 is alleged to have been perpetrated upon seven individuals to
12 include the defendant's biological daughter and three sons, as
13 well as a young sister-in-law and two young nieces.

14 All of the alleged victims were minors when such
15 abuse commenced. The sexual abuse occurred in the defendant's
16 Las Vegas residence. The defendant gained access to the
17 alleged victims by virtue of the fact that they either lived
18 in or visited the defendant's residence.

19 The alleged sexual abuse included the defendant
20 sexually touching and penetrating such young victims, as well
21 as videotaping such young victims both in the nude, as well as
22 while they were being sexually abused. Many of the alleged
23 acts of sexual abuse were perpetrated by the defendant with
24 the assistance of two of his wives, Terrie Sena and Deborah
25 Sena.

1 The defendant was originally married to Terrie Sena,
2 and subsequently married Deborah Sena after divorcing Terrie
3 Sena. Either Terrie or Deborah Sena are the biological
4 mothers of each of the above-referenced four children of the
5 defendant. Both Terrie and Deborah Sena lived at the same
6 residence as the defendant at the same time for much of the
7 above-referenced period of time we're talking about.

8 During this time, both Terrie and Deborah Sena
9 sexually touched and penetrated some of the above-referenced
10 victims in which acts the defendant did participate. Such --
11 much of this abuse was documented on videos maintained by the
12 defendant, and which will be shown in the course of the trial.

13 Terrie and Deborah Sena have both pled guilty in the
14 -- to the crime of sexual assault based upon the
15 above-referenced conduct and have agreed to testify to such
16 conduct during the course of this trial. Based upon the
17 above, the defendant was charged with the charges that -- a
18 number of charges that were made reference to.

19 Now, the State has previously provided defense
20 counsel with a list of witnesses that it might call in the
21 course of this trial, and I'm going to read you all of those
22 witnesses. Certainly, the State will not be calling all of
23 these witnesses in the course of the trial, but we retain the
24 right to call these witnesses.

25 And one of the reasons it's important for you to

1 listen to it is the Judge is going to be asking you in a
2 minute whether or not you recognize any of these names as
3 people that you know.

4 First, Anita Sena, Brandon Sena, Canace Barr, who is
5 an attorney here in town, Kristin Bernat who works for
6 Department of Family Services, Mike Bolognini who works for
7 Cox Communications, Michael Brinkley who is with the police
8 department, Dr. Sandra Cetl, Cheryl Cooley who is with the
9 Department of Family Services, Nileen Knoke who is also with
10 Cox Communications, potentially a custodian of records from
11 Google, K. Davis who works for the Department of Family
12 Services, Walt Detweiler who is with the police department,
13 Erin Clark, Kalena Edwards who is with the Department of
14 Family Services, Rachelle Ekroos who is a nurse practitioner
15 here in town, Kimberly Grisham, Farah Henson who is with the
16 Department of Family Services, Patty Hinkson, Steve Hinkson,
17 Michele Iacullo who is with the police department, Lynn
18 Jasames who is with the Department of Family Services, William
19 Kurau who is a police officer, Alan Livengood who is also with
20 Cox Communications, Michael Loeffler who is with the police
21 department, Melissa Clark, Nick Madsen, all with the police
22 department, Nick Madsen, Nicole Mariam, Mark Martinez, and
23 Scott Miller, Sharice Parish who is with the Department of
24 Family Services, Ryan Sena, Vince Ramirez who is with the
25 police department, Louise Renhard, Larry Samples, and Ryan

1 Santarosa, all three of them with the police department,
2 Stacey Scott who is with the Department of Family Services,
3 Deborah Sena, Terrie Sena, Tamara Grisham, Terry Tails Sena,
4 Jillian Tindall who is an attorney here in town, Jennifer
5 Wheeler with the Department of Family Services, and finally
6 Megal Zingelman who is with the Las Vegas Metropolitan Police
7 Department. Thank you.

8 THE COURT: All right. Thank you, Mr. Sweetin.

9 Ms. Radosta, would you like to introduce your client
10 and co-counsel.

11 MS. RADOSTA: Thank you.

12 THE COURT: Give us a brief statement of what you
13 believe you will be presenting and any witnesses you may call.

14 MS. RADOSTA: Thank you.

15 Good afternoon, everybody. My name is Violet
16 Radosta. This is my co-counsel, David Negrete, and this is
17 our client, Christopher Sena. In addition to the witnesses
18 that the State has already listed, we anticipate calling Larry
19 Smith, Arlon Lewis, Patricia Hinkson, Steve Hinkson, and Jane
20 Everette. Oh, that's right, and Bruce McCallister.

21 What we'll be asking you for, ladies and gentlemen,
22 is just two really simple things. The State already read you
23 a synopsis that you're familiar with from the jury
24 questionnaire, but we would just be asking you to keep an open
25 mind and to give us your attention. Because although the

1 State has mentioned that there is a video in this particular
2 case, there is a lot more to this case than the video.

3 There's a lot more evidence and a lot of witnesses
4 that we ask you to pay attention to and to give us an open
5 mind. And when everything is said and done, we will be asking
6 you for a not guilty verdict on behalf of Mr. Sena. Thank
7 you.

8 THE COURT: All right. Thank you, Ms. Radosta.

9 At this point in time, ladies and gentlemen, we're
10 going to call your name. If you're here, answer by saying
11 present or here. That way we just keep a list of who is here
12 and it will be evident why we're doing it.

13 So go ahead.

14 (Prospective jury roll called)

15 THE COURT: With regards to, so the record is clear,
16 with regards to Badge 165, Ann Hast, she came in with a
17 toddler this morning, and she was instructed to come back
18 tomorrow.

19 MS. RADOSTA: Okay.

20 MS. HOLTHUS: Which number --

21 MS. RADOSTA: I presume --

22 MS. HOLTHUS: -- is that?

23 MS. RADOSTA: -- without the child?

24 THE COURT: What's that?

25 MS. RADOSTA: Without the child?

1 THE COURT: Yeah.

2 MS. RADOSTA: Okay.

3 THE COURT: All right. Ladies and gentlemen, since
4 we're going to be asking you some questions, I'm going to ask
5 that all of you stand, raise your right hand. I'm going to
6 have you sworn in.

7 (Prospective jury sworn)

8 THE COURT: Is there anyone in this panel that would
9 not take that oath? All right. No one has answered.

10 Ladies and gentlemen, what we're about to begin here
11 is jury selection. It's called voir dire. During this
12 process you are going to be asked some questions, and the
13 questions are going to be bearing on your ability to be fair
14 and impartial jurors.

15 You've been provided already with a jury
16 questionnaire, and some of the questions I'm going to ask are
17 not meant to just repeat it, but some things I ask in the
18 sense of from coming from the Court in a manner to which we
19 can get the record and then you're going to be -- have some
20 follow up questions with regards to some of your answers that
21 you've had, given us in your jury questionnaire.

22 Ladies and gentlemen, understanding that the
23 questions sometimes asked by myself or counsel on occasion
24 seem somewhat personal, we're not trying to get into your
25 personal feelings about certain things, but it's necessary for

1 the Court and the parties to make sure that they make an
2 intelligent decision and determination as to your capabilities
3 to serve fairly and impartially.

4 The term fair and impartial comes up a lot during
5 jury questionnaire -- jury questions, and you'll see it during
6 the voir dire here. And so I want you to understand how
7 important and significant it is that you answer full,
8 complete, and honest with your answers to all the questions
9 that we're going to be asking you.

10 Please do not try to hide anything or withhold
11 anything that might indicate a potential bias or prejudice of
12 you -- by you of any sort for any reason. Should you fail to
13 answer truthfully or if you try to hide or withhold certain
14 information bearing on your qualifications, that could
15 possibly contaminate your verdict.

16 I will tell you, contrary to a lot of what many
17 individuals believe, there are people that want to be on
18 juries and they want to be here so bad that they're willing to
19 even not be forthright with the Court and they get on the
20 juries. And if they are there and they haven't given true and
21 accurate answers to their -- to the questions that are asked
22 to them and it's found out, it usually causes a tremendous
23 problem with the case. So they're usually sitting here
24 instead of out there where you're at. And I don't think any
25 of you want to know that, because when they leave, they don't

1 leave out that door, they leave out that door.

2 You know, I try to make things -- try to lighten
3 things up here a little bit. Maybe sometimes when I say
4 things it might be funny to some of you. Maybe it might be
5 corny to some of you. Maybe you might think maybe I better
6 laugh because the Judge said it. It doesn't work like that.
7 So please understand that what we're going through is an
8 important process. It is time consuming. We'll deal with it
9 the best way we can. Bear with us, and hopefully we don't
10 repeat ourselves too often, okay.

11 I'm going to ask some general questions, then after
12 that time I'll give an opportunity for the -- for the parties
13 to ask questions. Understand that there -- there are certain
14 procedures in which individuals may be asked not to sit as
15 part -- as -- and be on this jury, and that's called
16 challenges. There's two different types of challenges in this
17 process, one is called a challenge for cause, one is called a
18 peremptory challenge.

19 A peremptory challenge is a challenge posed by the
20 parties after we've gotten to the point where we've gotten
21 past the challenges for cause, and it's really a challenge
22 that has no reason, it doesn't have to be presented to the
23 Court what the reason is, other than maybe the parties who
24 were examining you saw during some of the questioning that
25 they felt that you wouldn't be particularly good for this type

1 of case.

2 Understand that we have all kinds of different types
3 of cases in here. Right now there's probably about 30
4 different potential jurors -- juries that we're dealing with.
5 So when you were down there downstairs, you probably saw many
6 other individuals that were going through the same type of
7 thing that you're all going through.

8 Some cases take a little bit longer than other
9 cases, some cases move quicker. Some cases are criminal
10 matter, some cases are civil matters. This is a criminal case
11 in which you've heard the basic allegations that's involved
12 here.

13 The most boring part, in my opinion, of the trial is
14 this, is picking the jury and going through it. And you'll
15 see why after we start down asking. For those of you that
16 have been in juries before, you probably know what I'm talking
17 about. But what I try to do is make sure that if there's
18 anything that I can do to make this something that will be
19 rememberable for you and hopefully positive for you because we
20 want you back. We want -- we need you for this process.

21 I will tell you that of all the jury trials that
22 I've done, at the end of the jury trial I have an opportunity
23 to speak with the jury, and I have yet to find anybody that's
24 saying it wasn't a positive experience. So we recognize that
25 it's an awesome responsibility that you have and that's put

1 on, but it is an important aspect of the criminal justice
2 system.

3 So at times when the parties will be asking -- in
4 the past, when I first started, I've been doing this over 30
5 years. When I first started doing this, we used to have to
6 stand up and ask the Court to excuse an individual. I always
7 pick on Juror No. 1 just because you're the first in line, but
8 Mr. Dunbar.

9 What would happen is, say I -- say I was with the
10 State or with the defense, I would have to stand up and say,
11 Judge, we'd like to thank and excuse Juror No. 1, Adam Dunbar.
12 And what I found out and my experience in what has happened
13 with that is that individuals take offense to it because they
14 know who did it.

15 Say I was with the State and I -- you know, the
16 prosecution and I -- and I say that, or even with the defense,
17 you might wait outside, and this happened many times, wait
18 outside and want to talk to the attorneys and say why did you
19 excuse me, I'd be a good juror, I'm fair, I listen to things,
20 I'm conscientious, I recognize what's going on in the
21 community, I'd be a good juror, why did you excuse me, why did
22 you excuse me, to the point where it got actually cumbersome
23 to the attorneys.

24 Because in our courtroom the attorneys will be
25 moving in and out of this courtroom through those doors. They

1 go out past the jurors and out past the prospective jurors and
2 -- and they would be seeing them, and so to -- to say that.

3 We don't do that any longer. It's done at the bench
4 and -- and I'm the one excusing you, you have no idea if it
5 was me that was excusing you or either one of the parties that
6 was excusing you. And I welcome in the future if you are
7 excused that if you have a concern, you can come talk to you
8 and I'll explain to you what happened one way or the other,
9 okay.

10 Like I said, please don't be offended should you be
11 excused by one of these particular challenges. It's simply a
12 part of the procedures that we use that we found is the best
13 to protect the right of the parties under our system of
14 government.

15 Also, understand that in this courtroom, in the
16 courthouse, like I said, the parties have to move through the
17 courthouse and many times they'll come into contact with you.
18 The reason why you're wearing a badge right now is to let the
19 parties in the courthouse know that you're a potential juror.
20 If you become a juror, we give you a different badge that
21 actually says juror. But the reason why you're wearing that
22 is for people to know that.

23 These parties, the attorneys here, I will tell you,
24 I've known all of them the whole time they've been practicing
25 -- practicing law in the State of Nevada. All of them are

1 very polite individuals, all of them are very engaging
2 individuals, but when it comes to trials, they shut that down
3 and that's because we're instructing them to do so.
4 Ethically, they cannot have any communication, any interaction
5 with jurors or potential jurors. We found that that could
6 cause a problem.

7 Let's say -- let's say one of the parties is on his
8 way into the courtroom or her way into the courtroom and their
9 mind is set on their case and you say hello to them and they
10 ignore you, not because they meant to ignore you, but because
11 their mind was set on their case and that was what was more
12 important to them than to say hello to a juror. And you may
13 take offense to that and hold that against them, and we found
14 that that's a big possibility.

15 So we have instructed them to have no interaction
16 whatsoever with jurors. We're fearful that it may cause or
17 contaminate a verdict, so they do that under our direction.
18 You'll be instructed later this very thing that I'm talking to
19 you, but I do it now because that way if you have a tendency
20 to say hello to them or whatever and they don't say anything
21 back to you, it's not because they're being rude or
22 anti-social or -- or trying to ignore you or anything, it's
23 just that they're being instructed by the Court not to. And
24 you will be instructed, as well, not to have any interaction
25 with them, okay.

1 When I'm asking you questions, if you wish to
2 respond to any of my questions, I'll ask that you raise your
3 hand. And if you all will look at your badges that you have
4 on your chest right now, there's -- you have two numbers. You
5 have what they call a Juror ID number. It's pretty big. And
6 then you have a badge number.

7 Mr. Dunbar has got a badge number of 01-0001. What
8 I ask for is him, for the record, to just give me -- if he
9 wanted to answer, he would raise his hand and say my name is
10 Adam Dunbar and my badge number is, the last three digits,
11 001. Okay? We'll -- we'll keep you going on that.

12 And don't worry about it. Don't get too concerned
13 about it. We'll make sure we have -- because that's what
14 Christy does, she will remind me consistently of what's the
15 badge number, what's the name. So sometimes you guys jump
16 right on board with me and I never have to ask, but if you
17 forget about it or whatever, don't worry about it. We'll get
18 it on the record. Like I said, if you wish to respond to a
19 question, you just basically raise your hand, tell me your --
20 when I call on you, tell me your name and your badge number,
21 okay.

22 All right. Before we get going really into the
23 questions, is there anyone here that is a convicted felon?
24 All right. No one has raised their hand.

25 Is anyone not a United States citizen? All right.

1 No one else has raised their hand.

2 Is there anyone who has such a sympathy, prejudice,
3 or bias related to age, religion, race, gender, or national
4 origin that they feel would affect their ability to be
5 open-minded, fair and impartial jurors? Anyone? All right.
6 We've got in the back row. Okay.

7 PROSPECTIVE JUROR NO. 267: My name is William
8 Robinson, 267. I'm retired military. I've been all over the
9 word. And what I've heard today, I've seen happen before and
10 it's against my religion, against my principles of what -- you
11 know, if he was accused, to me that's being guilty.

12 THE COURT: It's against your religion and against
13 your principles? What religion says if you're accused, you're
14 guilty? The inquisitives?

15 PROSPECTIVE JUROR NO. 267: No, I --

16 THE COURT: The inquisition?

17 PROSPECTIVE JUROR NO. 267: I mean, my --

18 THE COURT: Okay. Well, that's what you were just
19 saying.

20 PROSPECTIVE JUROR NO. 267: Well, I'm Roman
21 Catholic.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 267: And from what I've seen
24 and what I was raised to believe, what we're talking about
25 here, I could not be biased about it.

1 THE COURT: Okay. You could not be biased?
2 PROSPECTIVE JUROR NO. 267: Yes. I mean, I could
3 not --
4 THE COURT: So that means you're impartial?
5 PROSPECTIVE JUROR NO. 267: Impartial.
6 THE COURT: Okay. So you could not be impartial is
7 what you mean?
8 PROSPECTIVE JUROR NO. 267: Right.
9 THE COURT: And that's based on religious beliefs,
10 military beliefs?
11 PROSPECTIVE JUROR NO. 267: And the way I was
12 raised.
13 THE COURT: Okay. What -- what branch of the
14 military were you in?
15 PROSPECTIVE JUROR NO. 267: Air Force, sir.
16 THE COURT: Well, than you for your --
17 PROSPECTIVE JUROR NO. 267: Combat communications.
18 THE COURT: All right. Any other military
19 individuals here? Before we go any further, I want to thank
20 you all for your service, all right. If I forget to do that,
21 I've done it. All right. Thank you so much. We had some
22 people even clapping and I appreciate that.
23 Any of you have a similar type of belief based on
24 your military service? All right. Okay.
25 All right, Mr. Robinson, anything else?

1 PROSPECTIVE JUROR NO. 267: That's it.

2 THE COURT: All right. Thank you.

3 Please understand, also, I'm not -- I'm not ignoring
4 his answer. We're just making notes of it. There may be some
5 additional questions. And the parties are making notes of
6 that for purposes of addressing the Court, okay.

7 So we're not ignoring you, Mr. Robinson. I don't
8 just automatically say, okay, thank you, go ahead, don't let
9 the door hit you in the back. You know, I mean, I don't do
10 that, okay. So we'll -- we'll address it further.

11 Anyone else with regards to that question, that they
12 have any -- and I'll read it again just so we all know. Is
13 there anyone here that has such sympathy, prejudice, or bias
14 relating to age, religion, race, gender, or national origin
15 that they feel would affect their ability to be fair and
16 open-minded in this matter as a juror? All right. Okay.

17 Are any of you acquainted with the defendant or his
18 attorneys? Okay.

19 Are any of you acquainted with the Deputy District
20 Attorneys? Okay.

21 PROSPECTIVE JUROR NO. 036: Good afternoon, Your
22 Honor. George Ward, Badge No. 036. In my previous employment
23 I was associated with Chief Deputy Holthus and Chief Deputy --
24 I'm sorry --

25 THE COURT: Sweetin.

1 PROSPECTIVE JUROR NO. 036: Sweetin. Sorry.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 036: I just drew a blank.
4 THE COURT: Lasting impression, Mr. Sweetin.
5 PROSPECTIVE JUROR NO. 036: Well, I'm actually more
6 familiar with his son, Bob, so just --
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 036: -- you know, through my
9 previous employment. I did retire last June, and I'm familiar
10 with Your Honor, as well. So I just want to -- I put that in
11 my questionnaire, but --
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 036: -- you know, those are
14 relationships that I've had previously with -- through my
15 previous employer with --
16 THE COURT: Is there anything about --
17 PROSPECTIVE JUROR NO. 036: -- Clark County District
18 Court.
19 THE COURT: -- your previous employment or knowing
20 Ms. Holthus or Mr. Sweetin or even the Court that you believe
21 would affect your ability to be fair and impartial?
22 PROSPECTIVE JUROR NO. 036: I would like to think
23 not, but I don't want any answers that I give right now to
24 taint the rest of the jury pool.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 036: So I don't know if Your
2 Honor -- if I could approach and just kind of give some
3 background information. But I don't believe it would be a
4 true conflict, but I think for the parties involved that it
5 would be best if I disclose --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 036: -- certain things. Not
8 in the audience right now in the jury gallery.

9 THE COURT: Okay. That's fine. Anything else?

10 PROSPECTIVE JUROR NO. 036: No, Your Honor.

11 THE COURT: All right. Thank you, Mr. Ward.

12 Anyone else? Anyone else know Ms. Holthus or Mr.
13 Sweetin? How about any -- okay.

14 THE MARSHAL: We've got one, Your Honor.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NO. 040: Juror 040, Chelsea
17 Stuenkel. Same thing, just on a professional level with my
18 current work. I've worked cases underneath the Deputy
19 District Attorney Holthus.

20 THE COURT: Is there anything about your knowledge
21 of Ms. Holthus that you think would affect your ability to be
22 fair and impartial here?

23 PROSPECTIVE JUROR NO. 040: No, sir.

24 THE COURT: Okay. Anyone else? All right.

25 How about the names of the witnesses that the

1 parties have alluded to? Did any of them stick out to any of
2 you that you think you know them and wanted to let the Court
3 know? Anyone? All right. No one has raised their hand.

4 Okay. I know that you were told in the jury
5 questionnaire the basic length of this trial, and I've heard a
6 lot of -- I've got some correspondence with a lot of
7 individuals considering that. And so now we're going to talk
8 about that. It's expected to last probably four weeks, give
9 or take.

10 MS. RADOSTA: Yeah.

11 THE COURT: We're hoping to finish in the last week.
12 A lot of it depends on how quick we can get the jury, too.
13 But we want to make sure that we take our time here and we
14 don't overlook certain things. So we're talking, yeah, four
15 weeks. And I will tell you that if it goes beyond that, I
16 hold -- I continue on. I don't stop it and then bring it back
17 later.

18 I've been pretty good at -- we have not had any
19 cases that have been longer than we've anticipated. And if I
20 see that things are going a little bit longer, holding over a
21 little longer, I'll ask the jury if they'll be willing to stay
22 longer. I start my calendars on days that I don't have any
23 other calendar. I start the jury trials around 9:00 in the
24 morning and we go until 5:00.

25 I give you a lunch break, give you other breaks.

1 But the last trial I did, the parties of the juries were fine
2 and we stayed until 7:00 two night in the jury trial. And
3 that was -- and then they deliberated until about 7:00 on one
4 of the nights. So I leave that all up to the jury.

5 Sometimes juries, like I'm in a situation where
6 we're getting ready to break for lunch or break for a break
7 and we might be I the middle of a certain witness and rather
8 than to break for that and interrupt the witness, I'll ask the
9 jury, and I will tell you nine times out of ten, the juries
10 always say, yeah, we'll stay with this -- with this witness.
11 Sometimes they haven't. I mean, they say, yeah, we need a
12 break, and we'll give them a break.

13 But this is one time where the -- the jury is
14 actually going to get part of the -- part of the say in what's
15 going on in the courtrooms is when we're talking about breaks,
16 how long we're going to take. I've even had an opportunity
17 where we went on a weekend on a Saturday, but I try not to do
18 that. I leave it up to the jury, okay.

19 So with that being said, would serving that period
20 of time present an undue burden upon any of you? Here's where
21 I get a lot of answers. So don't be afraid, raise your hand.
22 Okay. We'll just start in the back. All right.

23 PROSPECTIVE JUROR NO. 001: Adam Dunbar, 001.

24 THE COURT: All right.

25 PROSPECTIVE JUROR NO. 001: Financially, I can't

1 take work off for four weeks to six weeks or longer. I live
2 by myself, I've got a lot of bills to pay, a mortgage. My
3 work, I'm the only chef there that can handle my duties.

4 THE COURT: Where do you work?

5 PROSPECTIVE JUROR NO. 001: I'm at a restaurant,
6 Duffy's Restaurant.

7 THE COURT: Okay. All right. Here's something I --
8 anything else with that?

9 PROSPECTIVE JUROR NO. 001: Yeah.

10 THE COURT: Okay. We'll talk about it. I want to
11 let everybody know with regards to that -- go ahead and have a
12 seat, sir. I appreciate your respect, though. I do.

13 In the state of Nevada, judges have recognized that
14 oftentimes it doesn't seem fair to our jurors that we take
15 them out of their lives and we put them in here. And you will
16 get paid some money. It's not -- and I will tell you -- and I
17 saw the look on your face, you know, it's not -- it's not as
18 much as you probably make.

19 We've compared similar systems around the world to
20 see how other systems will try to compensate individuals that
21 they're asking for their time. And we actually proposed a
22 change in that to the legislature, legislation. And they came
23 back to us and told us that they addressed it with their
24 constituents, and the constituents felt that it was a civic
25 duty for individuals to be part of the jury and they felt they

1 shouldn't get paid at all.

2 Now, fortunately, no one has went that drastic. And
3 it's not a lot of money. I think it's about maybe \$40, \$50 a
4 day. Some of you that make a considerable amount more than
5 that are probably cringing over that. And other individuals
6 that make -- make less than that are probably happy with that.

7 But if -- many employers will pay for individuals
8 that are in the jury duty. I don't know if any of you have
9 checked into that or not, but I will tell you that
10 financially, you know, contrary to a lot of what individuals
11 want to say is that it's not at the top of the list of the
12 courts for purposes of excusing individuals, okay. But we do
13 consider it. We take it into consideration.

14 That's why I hear what you're saying with regards to
15 you're the sole breadwinner, so to speak, you're the only chef
16 at your employment, so I recognize that and we'll discuss
17 that, okay. So I just wanted everybody to know the position
18 the courts have taken on that.

19 So okay. Anyone else? Any other -- okay, just pass
20 it down.

21 PROSPECTIVE JUROR NO. 002: My name is Lindsay
22 Blood, Badge No. 002.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 002: I live in a single
25 income home. I'm a stay at home mother. My husband will have

1 to take time off of work because we have five children and it
2 will cause financial hardship on us.

3 THE COURT: Okay. All right. Thank you.

4 Next. All right.

5 PROSPECTIVE JUROR NO. 003: Marlen Garner, 003.

6 Mine is really just dependent on when the trial is supposed to
7 start. I will be out of the country from September 12th
8 through the 18th.

9 THE COURT: Okay. Thank you.

10 Next.

11 PROSPECTIVE JUROR NO. 011: Kate Gorski, No. 011.

12 Again, just like other people's travel plans, I'll be out of
13 state September 19th through the 25th.

14 THE COURT: December 19th?

15 PROSPECTIVE JUROR NO. 011: September.

16 THE COURT: Oh. Okay.

17 PROSPECTIVE JUROR NO. 012: Jill Pressman, 012. The
18 Jewish holidays fall during that time frame. I'm not sure if
19 we're recessing or not during those days.

20 THE COURT: When are the -- when are the Jewish
21 holidays?

22 PROSPECTIVE JUROR NO. 012: It's Rosh Hashanah, it's
23 on -- Rosh Hashanah is this Friday, and then the following
24 Wednesday is Yom Kippur. So it's September --

25 THE COURT: So --

1 PROSPECTIVE JUROR NO. 012: I don't have a calendar
2 in front of me to --

3 THE COURT: So Friday and Wednesday?

4 PROSPECTIVE JUROR NO. 012: Friday -- this Friday
5 coming up, and then it's two weeks Wednesday, something like
6 that.

7 THE COURT: Okay. So those are the days you'd have
8 a concern with, is --

9 PROSPECTIVE JUROR NO. 012: Correct.

10 THE COURT: -- Friday and Wednesday?

11 PROSPECTIVE JUROR NO. 012: It's -- I've got to find
12 a calendar.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 012: The 7th and 12th, I
15 guess, the days for Rosh Hashanah and Yom Kippur. So I don't
16 have the dates in front of me to actually tell you exactly. I
17 know one is this weekend because we're planning for it.

18 THE COURT: The 7th and the 19th. Okay. All right.

19 PROSPECTIVE JUROR NO. 016: Julie Arcemont, Juror
20 016. I'm an independent contractor optometrist with eight
21 employees, so I -- it's very difficult for me to take the time
22 off.

23 THE COURT: How many employees?

24 PROSPECTIVE JUROR NO. 016: Eight. And also I'll be
25 out of the country from October 17th to November 2nd if it

1 goes long. And I have two minor children, also.

2 THE COURT: Okay. Thank you.

3 Anyone else in that row? Okay. The front -- do me
4 a favor, ma'am. Could you pass -- is there anyone else in the
5 second row? Anyone? No one else. Okay. So you're the next
6 in line. Perfect.

7 MS. RADOSTA: Your Honor, can we approach just
8 really quickly.

9 THE COURT: Sure.

10 Just a minute, ma'am.

11 (Off-record bench conference)

12 THE COURT: Okay, ma'am. Sorry.

13 PROSPECTIVE JUROR NO. 041: Gina Incaviglia, Badge
14 No. 041. I am currently in college for MLS, a bachelor's
15 degree at College of Southern Nevada, and I'm doing
16 internships from Monday through Friday for eight hours a day
17 between now and December 16th. So if I were to be picked, my
18 graduation will be delayed by a year, and it will be really
19 hard to reschedule. And, plus, I'm paying out of pocket for
20 the classes.

21 THE COURT: Okay. Thank you.

22 PROSPECTIVE JUROR NO. 042: Nicholas Devita, 042.
23 Mine is not so much financial as much as getting projects
24 completed for contracts that I already have. I run my own
25 business doing iron fabrication, so I'd like to keep my

1 projects going, so that's about it.

2 THE COURT: Are you the only one that works for --

3 does what you do, or --

4 PROSPECTIVE JUROR NO. 042: Yeah, I'm the sole

5 proprietor, I guess.

6 THE COURT: Okay. You don't have any employees or

7 anything like that/

8 PROSPECTIVE JUROR NO. 042: No.

9 THE COURT: Okay.

10 Anyone in the -- oh, going the other way. Okay. Go

11 ahead.

12 PROSPECTIVE JUROR NO. 040: Chelsea Stuenkel, 040.

13 I know it doesn't look like it, but I'm due in six weeks just

14 in case it goes long, just for disclosure.

15 THE COURT: Okay. All right.

16 PROSPECTIVE JUROR NO. 037: My name is Arlene Erwin,

17 0037. I have two kids to take care of. I have to take them

18 to school and pick them up. Thank you.

19 THE COURT: Is there -- do you have any family here?

20 PROSPECTIVE JUROR NO. 037: My husband.

21 THE COURT: Okay. Can your husband pick them up?

22 PROSPECTIVE JUROR NO. 037: He has to work.

23 THE COURT: Okay. So are you -- are you employed?

24 PROSPECTIVE JUROR NO. 037: Yes, but I start at

25 noon, so I --

1 THE COURT: You start work at noon?
2 PROSPECTIVE JUROR NO. 037: Yes.
3 THE COURT: So who picks them up?
4 PROSPECTIVE JUROR NO. 037: My husband, after work.
5 THE COURT: Okay. So when do your kids have to be
6 to school?
7 PROSPECTIVE JUROR NO. 037: At 8:00. They have to
8 be there at 8:00.
9 THE COURT: Oh, you'll probably -- you'll be able to
10 do that. And your husband can pick them up?
11 PROSPECTIVE JUROR NO. 037: Yeah.
12 THE COURT: Okay. You'll be fine, but -- okay. All
13 right.
14 Anyone else? Okay.
15 PROSPECTIVE JUROR NO. 025: Robert Clawson, 025. It
16 would create a hardship for me due to my employment. I work
17 for the University. I work, actually, for the Thomas and Mack
18 Center. I'm an associate facility director and we have events
19 going all the time. I also negotiate contracts, which I'm
20 currently involved in about four of them. We've got a client
21 in the building this week. It's a multi-million-dollar client
22 to us that I -- that I also manage events. So time away from
23 the building, there's potential of us losing contacts and --
24 and, you know, getting these contracts to -- to completion.
25 So that would create, you know, obviously, a bad scenario for

1 -- for the University.

2 THE COURT: Okay. All right. Thank you, Mr.
3 Clawson.

4 Anyone else in that row? How about the third row
5 right here? Can you hand that over to the -- okay.

6 PROSPECTIVE JUROR NO. 043: Hello. I am Karen
7 Hubbs, 043.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 043: I had plans to leave out
10 of town with my husband. We're celebrating 29 years of his
11 retirement from the fire department, and we're --

12 THE COURT: When's your plans to leave out of town?

13 PROSPECTIVE JUROR NO. 043: Tomorrow through the
14 16th, so if it's after that. Thank you.

15 THE COURT: Okay. Did you have like -- do you have
16 airline tickets or anything like that?

17 PROSPECTIVE JUROR NO. 043: We're driving.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 043: We're driving.

20 THE COURT: Are you -- are you taking time off to go
21 do it, or are you employed yourself or --

22 PROSPECTIVE JUROR NO. 043: No, I am not.

23 THE COURT: Okay. Is it something that you could
24 put off?

25 PROSPECTIVE JUROR NO. 043: Well, we're --

1 THE COURT: I mean, he's --
2 PROSPECTIVE JUROR NO. 043: -- other people are --
3 THE COURT: -- retired and you've got forever now;
4 right?
5 PROSPECTIVE JUROR NO. 043: I agree. I agree. You
6 know, we're looking forward to that part of it.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 043: Honestly, Judge, this is
9 something we've been planning for the last six months, so --
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 043: I'll just leave it to
12 your discretion.
13 THE COURT: All right. Okay. Thank you.
14 Anyone else? Anyone? Anyone in that row? Okay.
15 How about in the fourth row? Someone in the fourth row? All
16 right.
17 PROSPECTIVE JUROR NO. 074: This is Nagendra
18 Achanta, 074.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 074: I have to take my
21 daughter, dropping to school and pick her up. I have only one
22 car. So I end up -- if I have to spend four weeks, then I'm
23 not sure that they'll keep me because I'm a contractor.
24 THE COURT: You say you have to drop your daughter
25 off at school, as well?

1 PROSPECTIVE JUROR NO. 074: Yes. I have a single
2 car. I mean, that's not [indiscernible], I can manage, but --
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 074: -- not working for four
5 weeks, that really impacts my --
6 THE COURT: Okay. What do you do for --
7 PROSPECTIVE JUROR NO. 074: I'm a software quality
8 assurance consultant at IGT. I work as a contractor there.
9 THE COURT: Is there anyone else that does what you
10 do?
11 PROSPECTIVE JUROR NO. 074: No. For my testing, my
12 team, I'm the only tester in there. Yeah, we usually have a
13 lot of products running and it really impacts my job.
14 THE COURT: Okay. Thank you.
15 PROSPECTIVE JUROR NO. 074: Thank you, sir.
16 THE COURT: Anyone else in that row? Anyone in the
17 front row?
18 MS. HOLTHUS: You missed one.
19 THE MARSHAL: We've got one over here.
20 THE COURT: Oh, I'm sorry, sir. I didn't even see
21 you.
22 PROSPECTIVE JUROR NO. 075: Kaleb Miley, Juror 075.
23 It would make a hardship for me at work. I'm the only one at
24 my position for NV Energy. I'm the fleet parts manager there.
25 I run two fleet shops, and I'm the only one that orders the

1 parts for all the vehicles there.

2 THE COURT: So they might have to just give us free
3 power for a little while; right? If they couldn't get out --

4 PROSPECTIVE JUROR NO. 075: It's all the --

5 THE COURT: -- if those vehicles --

6 PROSPECTIVE JUROR NO. 075: -- NV Energy 2.0.

7 THE COURT: -- couldn't get out there.

8 PROSPECTIVE JUROR NO. 075: They're cutting back.

9 Waiting for that vote.

10 THE COURT: Okay. All right. Thank you, Mr. Miley.

11 Anyone else in the front row? All right. Why don't
12 we just -- however you want to do it, Ed.

13 PROSPECTIVE JUROR NO. 081: Heidi Johnson, 081.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 081: I'll be out of the
16 country from October 6th to October 19th.

17 THE COURT: I really would be surprised if we got
18 that far, if we went that long, I mean. So if we're done
19 before that, you're okay?

20 PROSPECTIVE JUROR NO. 081: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 081: But we do have our hotel
23 and our flights and everything booked starting on the 6th.

24 THE COURT: Well, I'll tell you, if you make it on
25 our jury and we get that far, I will not affect your

1 traveling, just all the rest of the jurors will have to wait.
2 All right, everybody? Okay.
3 Okay. Anyone else in that row? All right. Okay,
4 sir.
5 PROSPECTIVE JUROR NO. 086: My name is Nelson
6 Pacheco-Medina, Badge No. 086.
7 THE COURT: Uh-huh.
8 PROSPECTIVE JUROR NO. 086: So at home I am the sole
9 -- I'm the only person that works in my household. I live by
10 myself. And definitely in terms of like my position and
11 stuff, I am a sales consultant, work with a lot of clients
12 like in terms of like bars and restaurants and it would
13 definitely affect --
14 THE COURT: You're a what consultant?
15 PROSPECTIVE JUROR NO. 086: A sales consultant.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 086: I work with a lot of
18 bars and restaurants in terms of like electronics and stuff to
19 be able to basically refurbish like their new restaurants and
20 stuff like that. So it would definitely affect my overall
21 performance and definitely put my whole livelihood in
22 jeopardy.
23 THE COURT: Okay. I got you.
24 PROSPECTIVE JUROR NO. 086: Thank you.
25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NO. 087: David Moore, 087. I'm a
2 freshman high school teacher. We're about halfway through the
3 first quarter, and that would take me out of the classroom at
4 least through the end of the first quarter.

5 THE COURT: Do your students like you?

6 PROSPECTIVE JUROR NO. 087: They're freshmen.

7 THE COURT: Well, from that answer --

8 PROSPECTIVE JUROR NO. 087: They're still kind of
9 afraid, you know. Yes.

10 THE COURT: What -- what do you teach?

11 PROSPECTIVE JUROR NO. 087: Workplace skills and
12 career readiness.

13 THE COURT: Okay. Would this not be something that
14 you could take back to your class and talk about your
15 experience?

16 PROSPECTIVE JUROR NO. 087: Absolutely. And that is
17 part of it. It's -- you know, to -- I would be out almost,
18 then, the rest of the quarter.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 087: That's the issue. So,
21 yeah, positive things from it for sure.

22 THE COURT: Okay. All right. Thank you, Mr. Moore.

23 PROSPECTIVE JUROR NO. 087: All right.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 089: Hi, Judge. Camryn, 089.

1 I'll be out of town September 15th and 16th.

2 THE CLERK: That's Saturday and Sunday.

3 THE COURT: Saturday and Sunday?

4 THE CLERK: Yeah.

5 THE COURT: That's Saturday and Sunday.

6 PROSPECTIVE JUROR NO. 089: Uh-huh.

7 THE COURT: We're okay.

8 PROSPECTIVE JUROR NO. 089: Do you guys not do it on
9 weekends?

10 THE COURT: We won't. We won't then. Okay. All
11 right. So if you -- if -- if that's not an issue for you,
12 you're fine?

13 PROSPECTIVE JUROR NO. 089: Uh-huh.

14 THE COURT: Is that a yes?

15 PROSPECTIVE JUROR NO. 089: Uh-huh. Yes. Yes.

16 THE COURT: Okay. You're going to hear that a lot
17 in this trial. When someone goes uh-huh, uh-huh. I don't
18 know what they're saying. So I say is that a yes? That way
19 we know what we're hearing. Or is that a no? Okay?

20 PROSPECTIVE JUROR NO. 089: Uh-huh. Yes.

21 THE COURT: Okay. All right. Anyone else in that
22 row? Okay.

23 PROSPECTIVE JUROR NO. 100: Christina Kyker, 100.

24 THE COURT: Uh-huh.

25 PROSPECTIVE JUROR NO. 100: I work in an office

1 where it's just me and an operations manager. I'm the only
2 one that does all of the office end of the business. And if
3 I'm gone for a month, there's nobody to perform order entry,
4 billing, any of the processes that I do. Plus, I'm in the
5 process of training on fuel in town.

6 THE COURT: What type of office is it?

7 PROSPECTIVE JUROR NO. 100: It's New West Oil. It's
8 an oil distributor. I do all their order entry, billing,
9 office admin, HR locally.

10 THE COURT: Is that like oil for --

11 PROSPECTIVE JUROR NO. 100: It's a Valvoline
12 distributor in town, fuel, oil.

13 THE COURT: Oh, okay.

14 PROSPECTIVE JUROR NO. 100: My manager is already
15 texting me, you done yet, get back.

16 THE COURT: Wow.

17 PROSPECTIVE JUROR NO. 100: He's helpless without
18 me.

19 THE COURT: Okay. All right. Thank you, Ms. Kyker.

20 PROSPECTIVE JUROR NO. 109: Hi. I am Erica Solomon.
21 My badge number is 109. I have two concerns regarding being a
22 juror. One mainly is financial hardship. Up until two weeks
23 ago my husband was the sole provider and I was a stay at home
24 mom. He recently lost his job, and I accepted a nanny
25 position. However, that depends on whether or not I'm chosen

1 as a juror. And, also, my other concern would be I don't
2 drive by choice, personal choice. So if I were to be chosen,
3 I would most likely need to rely on public transportation,
4 which is sort of hard being that none of us are -- make --
5 have an income right now.

6 THE COURT: Does your husband drive?

7 PROSPECTIVE JUROR NO. 109: Yes, he does.

8 THE COURT: Could he bring you?

9 PROSPECTIVE JUROR NO. 109: If he's not working yet,
10 absolutely.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 109: But I'm sort of hoping
13 he finds a job yesterday, so --

14 THE COURT: I got you. Okay. All right. Thank
15 you.

16 Anyone else in that row? Can you just pass it
17 across.

18 PROSPECTIVE JUROR NO. 338: Steve Waldron, Badge
19 338. I'm a tax CPA and we're coming upon our second tax
20 season, which is September 15th where all the corporate tax
21 returns are due, and then October 15th when all the individual
22 tax returns would be due. And the government isn't
23 necessarily the nicest, let's say, giving any extensions on
24 those things anymore.

25 THE COURT: So --

1 PROSPECTIVE JUROR NO. 338: So it would be tough.
2 THE COURT: -- the government, if you told them you
3 were in a jury trial, they don't care?
4 PROSPECTIVE JUROR NO. 338: To the Department of
5 Labor, it would not matter. Yeah, to the Department of
6 Labor --
7 THE COURT: Wow.
8 PROSPECTIVE JUROR NO. 338: -- they would say that's
9 too bad. And so I have 5500s that are due for various
10 different entities and so forth.
11 THE COURT: Okay. So you're right in the middle of
12 corporate tax?
13 PROSPECTIVE JUROR NO. 338: Corporate tax right now,
14 and then we'll switch over to get all the individual taxes out
15 by October 15th, yes.
16 THE COURT: Okay. All right. Thank you.
17 Anyone else in that row?
18 PROSPECTIVE JUROR NO. 325: Hello. I'm Oscar
19 Guerrero. I'm 325. It would create a financial hardship.
20 I'm pretty much the main source of income, and I have no
21 vacation time.
22 THE COURT: Who do you work for?
23 PROSPECTIVE JUROR NO. 325: IGM. We make slot
24 machines.
25 THE COURT: They won't pay you --

1 PROSPECTIVE JUROR NO. 325: As far as I know --
2 THE COURT: -- for jury duty?
3 PROSPECTIVE JUROR NO. 325: I didn't ask. I guess I
4 could ask, but it slipped my mind.
5 THE COURT: I would be surprised if they didn't.
6 PROSPECTIVE JUROR NO. 325: Okay.
7 THE COURT: But I don't know. How big is the
8 company?
9 PROSPECTIVE JUROR NO. 325: Not that big. It's --
10 THE COURT: What's not that big? How many -- how
11 many employees?
12 PROSPECTIVE JUROR NO. 325: About 150 employees.
13 THE COURT: Well, that's pretty good.
14 PROSPECTIVE JUROR NO. 325: Okay.
15 THE COURT: I think they probably -- okay. All
16 right. Well, check in on it, okay. I'm going to give
17 everybody a break here pretty soon, and if they have that
18 question, then just call your employers, okay.
19 PROSPECTIVE JUROR NO. 321: Hi. Cassandra Lucero,
20 Juror No. 321. I am the office manager for a structural
21 engineer. I'm his only employee. I do the accounts
22 receivable, accounts payable, his errands, meet with clients,
23 answer the phones, filing, everything. So if it was only a
24 day or two or three days it would be one thing, but for a
25 whole month, the office almost has to shut down without me.

1 THE COURT: Okay. Thank you.
2 Anyone else?
3 PROSPECTIVE JUROR NO. 320: My name is Dany Canales,
4 320.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 320: I'd like to, but my
7 English is no -- is no good. I understand 50 percent, and I'm
8 not sure.
9 THE COURT: How long have you been in the United
10 States?
11 PROSPECTIVE JUROR NO. 320: Ten years.
12 THE COURT: Ten years?
13 PROSPECTIVE JUROR NO. 320: I am starting, but I'm a
14 mom, wife, and [indiscernible].
15 THE COURT: Are you employed?
16 PROSPECTIVE JUROR NO. 320: Yes.
17 THE COURT: What do you do for work?
18 PROSPECTIVE JUROR NO. 320: I work in warehouse,
19 DHL. DHL.
20 THE COURT: Okay. What do you do for them?
21 PROSPECTIVE JUROR NO. 320: I scan products for
22 return.
23 THE COURT: You scan products that come in?
24 PROSPECTIVE JUROR NO. 320: Yeah.
25 THE COURT: Okay. All right. Where are you from

1 originally?

2 PROSPECTIVE JUROR NO. 320: I'm from Honduras.

3 THE COURT: From where?

4 PROSPECTIVE JUROR NO. 320: Honduras.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 320: Central America.

7 THE COURT: Are you a U.S. citizen?

8 PROSPECTIVE JUROR NO. 320: Yes.

9 THE COURT: Is that a yes?

10 PROSPECTIVE JUROR NO. 320: Yes.

11 THE COURT: Did you say I think?

12 PROSPECTIVE JUROR NO. 320: No, I said yes. I am

13 sorry. I prepare, but when I reading something, it's

14 difficult to me yet.

15 THE COURT: Because when you become a U.S. citizen

16 you have to take it in English, right --

17 PROSPECTIVE JUROR NO. 320: Yes.

18 THE COURT: -- the test?

19 PROSPECTIVE JUROR NO. 320: I take it in English.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 320: I study when I children,

22 but it's -- it's not -- it's not the saying when I study --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 320: -- in the country.

25 THE COURT: I understand. So what's your main --

1 what's your -- the main language? Is it Spanish or --
2 PROSPECTIVE JUROR NO. 320: It's Spanish.
3 THE COURT: Is there -- is there a different dialect
4 in Honduras then there would be in Mexico or something? So
5 you would need a Honduran Spanish interpreter? If I got you
6 one, would that -- would that help you?
7 PROSPECTIVE JUROR NO. 320: Yeah.
8 THE COURT: Okay. Let's see if we can reach out.
9 Okay. And so the whole concern you have is your English? You
10 don't really understand me completely, is that what you're
11 saying?
12 PROSPECTIVE JUROR NO. 320: No understanding
13 complete.
14 THE COURT: Okay. Let me see if I can get you an
15 interpreter, okay?
16 PROSPECTIVE JUROR NO. 320: Okay.
17 THE COURT: All right. Thank you.
18 Anyone else in that row? Okay.
19 PROSPECTIVE JUROR NO. 319: Kenneth Johnson, No.
20 319.
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 319: I know you mentioned the
23 dates, but I have surgery October 15th. So it probably won't
24 be a problem, I just wanted to make the Court aware of that.
25 THE COURT: Okay. Once again, if we're all the way

1 up to there, I don't think there's going to be an issue, okay.
2 PROSPECTIVE JUROR NO. 319: Okay.
3 THE COURT: All right. Okay.
4 Anyone else that -- okay.
5 PROSPECTIVE JUROR NO. 292: Hi. Kathleen, Juror
6 292. I travel for my job, and we start traveling on the 12th
7 and I'll be gone for four weeks.
8 THE COURT: What do you do for work?
9 PROSPECTIVE JUROR NO. 292: I work for the samples
10 and mobile photo studio for Zappos.
11 THE COURT: Okay. I would be real surprised if they
12 weren't paying you.
13 PROSPECTIVE JUROR NO. 292: I'm -- it's not
14 financial. I just travel for my job and I have to --
15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 292: -- go travel.
17 THE COURT: Well, I know, but it's with Zappos;
18 right?
19 PROSPECTIVE JUROR NO. 292: Right.
20 THE COURT: You work for Zappos?
21 PROSPECTIVE JUROR NO. 292: But there's nobody else
22 that does my job. I'm the operations specialist. I prep the
23 product, I do the information.
24 THE COURT: Okay. Okay. Thank you.
25 Anyone else in the next row? Can you just pass it

1 back and have them pass it down to the right. Okay.

2 PROSPECTIVE JUROR NO. 350: My name is Lamar Noorda.
3 I'm No. 350. I run a small construction business. We're
4 really busy. It wouldn't be impossible, but it would create a
5 real hardship for me. Unfortunately, I don't have employees
6 that can do what I need to do in the next few weeks with just
7 big projects going on here in Vegas.

8 THE COURT: Okay. And building -- building a
9 stadium, you are? Okay.

10 Anyone else? Okay.

11 PROSPECTIVE JUROR NO. 545: My name is Moises. My
12 badge number is 545. I'm scheduled for Friday the 7th. I
13 have a doctor's appointment. I might have a surgery done, so
14 I don't know if I'm going to be able to come back.

15 THE COURT: When are you scheduled for surgery?

16 PROSPECTIVE JUROR NO. 545: This Friday.

17 THE COURT: Okay. Can you tell me what type of
18 surgery?

19 PROSPECTIVE JUROR NO. 545: Intestines.

20 THE COURT: Okay. Is that -- are you inpatient, are
21 they -- are you going to be in the hospital or --

22 PROSPECTIVE JUROR NO. 545: I don't know. I've got
23 to -- I've got to go and see if they're going to be able to do
24 it.

25 THE COURT: What time is it scheduled?

1 PROSPECTIVE JUROR NO. 545: 11:30, I believe.
2 THE COURT: Okay. All right. Thank you.
3 PROSPECTIVE JUROR NO. 224: My name is Ryan
4 Ulibarri, Badge No. 224, and I am a full-time college student
5 at CSN. My major is automotive. And I need the time to study
6 and do my mid-terms and do my final. I'll be needing the
7 whole month of September, please.
8 THE COURT: You're a student at UNLV?
9 PROSPECTIVE JUROR NO. 224: At CSN.
10 THE COURT: Thank you. What you are studying?
11 PROSPECTIVE JUROR NO. 224: Automotive.
12 THE COURT: Okay. Thank you.
13 Anyone else on that row?
14 PROSPECTIVE JUROR NO. 216: Hi, Your Honor. My name
15 is Breena Hopkins, Badge No. 0216.
16 THE COURT: Uh-huh.
17 PROSPECTIVE JUROR NO. 216: I'm a full-time nursing
18 student at UNLV. I am also a single mom of two boys. They
19 don't get out of school until like 3:00 p.m., but, you know,
20 there's nobody else to pick them up besides me and take them
21 to school. Also, they go to --
22 THE COURT: When do they get out?
23 PROSPECTIVE JUROR NO. 216: At 3:00.
24 THE COURT: What's going to happen today? Who is
25 going to get them today?

1 PROSPECTIVE JUROR NO. 216: My mom is going to get
2 them today.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 216: But that can't be an
5 everyday thing for her.

6 THE COURT: Why?

7 PROSPECTIVE JUROR NO. 216: Because she has a job.

8 THE COURT: Okay. Is there anyone else that can
9 pick them up?

10 PROSPECTIVE JUROR NO. 216: No. Their father is in
11 Dallas.

12 THE COURT: How old are they?

13 PROSPECTIVE JUROR NO. 216: They are 6 and 7.

14 THE COURT: Okay. Do they have a bus or anything
15 for them that young?

16 PROSPECTIVE JUROR NO. 216: They do, but there would
17 be nobody to pick them up.

18 THE COURT: What do you mean?

19 PROSPECTIVE JUROR NO. 216: Who is going to pick
20 them up if I'm not home?

21 THE COURT: Well, I know, but can they go out of the
22 school, get on the bus, ride the bus to the bus stop, and then
23 walk to their house?

24 PROSPECTIVE JUROR NO. 216: No, they're not allowed
25 to do that.

1 THE COURT: Why is that?

2 PROSPECTIVE JUROR NO. 216: Because they're not of

3 age. They're 6 and 7.

4 THE COURT: Okay. That's not my question. They

5 have busses for them?

6 PROSPECTIVE JUROR NO. 216: Yeah, they have busses,

7 but they're 6 and 7. They're not allowed to be home alone.

8 THE COURT: Okay. Okay. So that's the -- you're

9 saying that no one is going to be there?

10 PROSPECTIVE JUROR NO. 216: Yeah. Nobody is going

11 to be there. I'm home or my mom gets home.

12 THE COURT: Can they go to your -- go to your mom's?

13 PROSPECTIVE JUROR NO. 216: No. My mom, she gets

14 home at 6:30.

15 THE COURT: Okay. So she works until 6:30?

16 PROSPECTIVE JUROR NO. 216: Yeah.

17 THE COURT: What about your -- your father?

18 PROSPECTIVE JUROR NO. 216: My father lives in

19 California.

20 THE COURT: Okay. So you don't have any sisters or

21 anybody else that can help or --

22 PROSPECTIVE JUROR NO. 216: She works.

23 THE COURT: No one else?

24 PROSPECTIVE JUROR NO. 216: Nope.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NO. 210: Trevor Ellis, Badge No.
2 0210. I'm just going to be out of town September 14th until
3 the 18th.

4 THE COURT: September 14th to the 18th?

5 PROSPECTIVE JUROR NO. 210: Yeah.

6 THE COURT: Where are you going?

7 PROSPECTIVE JUROR NO. 210: North Carolina to see my
8 mom.

9 THE COURT: Okay. You already have tickets for that
10 and everything or --

11 PROSPECTIVE JUROR NO. 210: There -- it's -- I
12 didn't actually pay for it. I have stuff that I have paid for
13 that's out there, but I haven't paid for the actual plane
14 ticket yet because I was waiting on this.

15 THE COURT: Okay. All right. Thank you.

16 PROSPECTIVE JUROR NO. 182: Tyvon Warren, Badge No.
17 182. It's going to be a hardship for me because my other
18 manager is going to be out of the store for cervical cancer,
19 and I'm the only other manager that can actually run the
20 store.

21 THE COURT: What type of store?

22 PROSPECTIVE JUROR NO. 182: T-Mobile. And she's
23 going to be out for about two to three weeks.

24 THE COURT: You're the only -- there's, what, two
25 managers for T-Mobile?

1 PROSPECTIVE JUROR NO. 182: Correct. Two per store.
2 THE COURT: Isn't there like a hundred T-Mobile
3 stores in Las Vegas, though?
4 PROSPECTIVE JUROR NO. 182: There is, but there's --
5 like I'm a TPR company.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 182: So I don't work for
8 corporate. I work for Sky Communications.
9 THE COURT: Okay. Okay. Thank you.
10 Anyone else in that -- in that row? All the way
11 down to your right. Okay.
12 PROSPECTIVE JUROR NO. 129: Tim Duran, Badge 0129.
13 I am the only caregiver for my 92-year-old dad, and I drive
14 him to the VA hospital three times a week. That's about it.
15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 247: Dana Deiana, Badge No.
17 247. At the risk of sounding redundant, Your Honor, I'd have
18 to echo in the statements from some of my contemporaries. I'm
19 in retail sales and I'm not exempt. Most of my income is
20 based on commission. I don't receive any paid time off.
21 Currently, I don't have sufficient financial reserves in
22 place, and I don't have an additional source of income. The
23 best I could give you probably would be about a week, week and
24 a half in taking one for the team, but that would be about it.
25 THE COURT: Okay. Thank you.

1 Anyone else in that row?

2 PROSPECTIVE JUROR NO. 266: Kathleen Colman, 266.

3 My issues are doctors' appointments that have come up since I

4 filled out the questionnaire. My husband and I both have one

5 on the 10th. He ha one on the 11th at 4:00 and one on the

6 12th at 1:00, and the most important one on the 19th and I

7 need to be with him.

8 THE COURT: Okay. Thank you.

9 Anyone else in that row? Okay.

10 PROSPECTIVE JUROR NO. 286: Jose Medina, 0286. My

11 only concern is I'm a maintenance technician for a property

12 and there is no other maintenance technician right now. So I

13 would be, you know, as far as work orders or turning vacant

14 units, there is no one else available to do that.

15 THE COURT: Is it for like an apartment complex?

16 PROSPECTIVE JUROR NO. 286: Yes.

17 THE COURT: Okay. Okay. Thank you.

18 All right. Anyone else? All right. Okay. Are

19 there any other reasons other than what you've just stated to

20 the Court that you believe would affect your ability to sit in

21 this case, in this particular case, that you haven't told me

22 that you kind of heard as you went along, maybe you thought

23 about it? Anyone else? Okay. In the back row, anybody? No?

24 In the second row?

25 Second row. Go ahead.

1 PROSPECTIVE JUROR NO. 022: My name is Alex Cordero,
2 Badge No. 022. My partner I've been with for 12 years was a
3 victim of sexual abuse. So just being with someone that over
4 that time period I've seen the instability and mental health
5 from like border personality disorder to bipolar. She's a
6 wonderful person, but I've just kind of seen the damage
7 firsthand that it can do to someone. I, myself, was a victim
8 of sexual abuse when I was much younger. I have just dealt
9 with it and coped with it, but I just -- I'm not so sure if I
10 could be impartial in that -- in this particular type of case.

11 THE COURT: Okay. Okay. Anyone else? Can you hand
12 that directly up?

13 PROSPECTIVE JUROR NO. 043: I, too, was a victim of
14 sexual --

15 THE COURT: Can you -- name and badge number?

16 PROSPECTIVE JUROR NO. 043: I'm so sorry, Your
17 Honor. Karen Hubbs, 043. I, too, was a victim of sexual
18 abuse in my early teenage years, which I mentioned in my
19 questionnaire. I'm also kind of an amateur sleuth. I saw
20 this on Channel 8. And to be quite honest, being a mother, I
21 think my mind is pretty much made up and I'm pretty -- I
22 already have my mind done up and it would be a guilty verdict.

23 THE COURT: Okay. Thank you.

24 Anyone else? Okay. Can you -- do you mind?

25 PROSPECTIVE JUROR NO. 043: Yeah.

1 THE COURT: Thank you so much, Ms. Hubbs.

2 PROSPECTIVE JUROR NO. 073: Ron Quon, Badge No. 073.

3 Since the 1st I had a little mishap, and this one is scheduled

4 to come off on the 7th, and depending on this one is when this

5 cast is coming off.

6 THE COURT: Did you have -- did it happen at the

7 same time?

8 PROSPECTIVE JUROR NO. 073: Oh, hell, yeah.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 073: My friend says I don't

11 half-ass nothing. I go full out when I do things.

12 THE COURT: So you have a date to get those taken

13 off?

14 PROSPECTIVE JUROR NO. 073: This one is scheduled to

15 come off this Friday. This one is pending.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 073: I've got two breaks or

18 two fractures in this wrist.

19 THE COURT: Uh-huh.

20 PROSPECTIVE JUROR NO. 073: And I've got a fractured

21 finger in this hand.

22 THE COURT: All right. What time on Friday?

23 PROSPECTIVE JUROR NO. 073: I believe it's like 9:00

24 in the morning.

25 THE COURT: 9:00?

1 PROSPECTIVE JUROR NO. 073: Yes, sir.
2 THE COURT: Okay. Okay. Thank you.
3 Anyone else? All right. We have some more hands
4 out in the crowd. Right here in the front. Right here in the
5 front. Ed, right here in the front. Right here in the dark.
6 Okay. Someone else. Okay.
7 PROSPECTIVE JUROR NO. 089: Camryn, 089.
8 THE COURT: Hold on. Before we go any further, I
9 need to ask Ms. Canales Ruiz, do you mind moving into the back
10 with my interpreter --
11 PROSPECTIVE JUROR NO. 320: Thank you.
12 THE COURT: -- so you can -- oh, you've already got
13 set up with the headset? Oh, okay. Perfect. She's going to
14 speak on that, and then I'm going to call you back, okay. All
15 right. Okay.
16 All right. Go ahead.
17 PROSPECTIVE JUROR NO. 089: When I actually first
18 read this case, I thought that it was one of my friends who
19 was going through a trial or whatever, but, I mean, it turned
20 out not to be, obviously. But not through saying anything,
21 just through asking questions about her case. I just wanted
22 to -- but, no, so I just see myself as being biased here just
23 because, I mean, she is my -- my best friend and it's very
24 similar stuff.
25 THE COURT: So you're saying it's because you have a

1 friend that's having an issue similar to this matter is that
2 -- is that you believe that you could not be --

3 PROSPECTIVE JUROR NO. 089: Uh-huh.

4 THE COURT: -- fair and impartial in this case
5 because of your friend?

6 PROSPECTIVE JUROR NO. 089: Yeah.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 089: I would say that.

9 PROSPECTIVE JUROR NO. 109: Hi. Erica Solomon,
10 Badge No. 109. I did put in my paperwork questionnaire that I
11 was a victim of sexual abuse long-term from childhood to my
12 late teens. I believe I would do my best to be fair; however,
13 being that it hits so close to home, it just hits close to
14 home. So I'll do my best, I just want to be honest, as well.

15 THE COURT: Do you believe that -- understanding
16 that this is a case that has nothing to do with you --

17 PROSPECTIVE JUROR NO. 109: Yeah, correct.

18 THE COURT: -- other than the nature of it; is that
19 right?

20 PROSPECTIVE JUROR NO. 109: Yeah. Yes.

21 THE COURT: Okay. Now, you said you'd do your best
22 to be fair.

23 PROSPECTIVE JUROR NO. 109: Uh-huh.

24 THE COURT: Are you saying that you -- that you
25 think you could still be impartial but you just -- it's just

1 the nature of the offense is what gives you concern?

2 PROSPECTIVE JUROR NO. 109: Yeah. I mean, I'm
3 pretty stubborn and headstrong, so I feel as if I'm determined
4 to be fair, I will be.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 109: However, just the nature
7 of it. And I also put in my paperwork I don't know how well I
8 will do with images.

9 THE COURT: Okay. That's fair. Okay, Ms. Solomon.
10 Thank you.

11 PROSPECTIVE JUROR NO. 109: Thank you.

12 THE COURT: Anyone else in that -- okay.

13 PROSPECTIVE JUROR NO. 122: Carolyn Carroll, Badge
14 No. 122.

15 THE COURT: Uh-huh.

16 PROSPECTIVE JUROR NO. 122: And I also did put in my
17 paper that I have -- related to someone that has gone through
18 sexual abuse. I believe I could still be fair, but I just
19 wanted to make that known and be very honest about it. It was
20 pretty painstaking.

21 THE COURT: Okay. So much like what I asked Ms.
22 Solomon.

23 PROSPECTIVE JUROR NO. 122: Yeah.

24 THE COURT: The question is that -- is that even
25 though that you have experience with this, you believe that

1 you can be fair and --

2 PROSPECTIVE JUROR NO. 122: I believe I can still be
3 fair.

4 THE COURT: Here's the whole issue with that is that
5 -- is I'm not asking everyone to just disregard their past or
6 anything like that. That's why we asked the questions that we
7 did with respect to the jury questionnaires. Just the
8 question of if you think that there's something in the past
9 that will affect you, that's what we want to know about. In
10 the sense -- the best question is if you're seated in the
11 defendant's position, and knowing what you know about what's
12 happened with your friend, do you think you would want 12
13 individuals with your same frame of mind seated in the jury --

14 PROSPECTIVE JUROR NO. 122: No.

15 THE COURT: -- if they were trying you? Okay.

16 PROSPECTIVE JUROR NO. 122: No.

17 THE COURT: And why is that?

18 PROSPECTIVE JUROR NO. 122: I don't think that it
19 would be maybe fair.

20 THE COURT: Okay. Well, that's the whole issue.

21 PROSPECTIVE JUROR NO. 122: Yeah.

22 THE COURT: So you're saying that you don't think
23 you could be fair?

24 PROSPECTIVE JUROR NO. 122: I don't think so.

25 THE COURT: Okay. Because of your experience or

1 your friend's experience, are you saying that you -- basically
2 the defendant is starting out in a tougher position simply
3 because of what you know about your situation?

4 PROSPECTIVE JUROR NO. 122: Yes.

5 THE COURT: Okay. Okay. That's -- that's fair.
6 All right. Okay.

7 PROSPECTIVE JUROR NO. 124: Lorie Pair, Badge 124.

8 I was a victim of sexual abuse as a younger age and
9 I feel like that I probably wouldn't be a fair individual in
10 the case. I feel like that you would have to prove his not
11 being guilty versus the other way around.

12 THE COURT: Okay. Okay, thank you.

13 Anyone else in that front row?

14 PROSPECTIVE JUROR NO. 324: Jose Gutierrez, Badge
15 324. My girlfriend had the same thing when she was little.
16 She came from another country. And yeah, I don't know how --
17 how I will judge it.

18 THE COURT: Because the information that you know
19 about your girlfriend you're saying that you don't think you
20 could be fair here?

21 PROSPECTIVE JUROR NO. 324: Yeah.

22 THE COURT: Okay. Thank you.

23 Anyone else in that row?

24 PROSPECTIVE JUROR NO. 321: Cassandra Lucero, 321.
25 All three of my sister-in-laws have been sexually abused and

1 they have confided in me many stories, and I've seen how it
2 has affected them. I don't know how open-minded I can be
3 knowing what I know about them.

4 THE COURT: Okay. Thank you.

5 All right. So we're back to --

6 MS. HOLTHUS: There's another one, Judge.

7 THE COURT: -- Ms. Ruiz, are you able to -- are you
8 able hear the interpreter?

9 PROSPECTIVE JUROR NO. 320: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 320: Yes.

12 THE COURT: Perfect. So the question I asked is
13 about a couple of them; I asked if whether or not serving as a
14 juror for a period of time in this matter would affect you
15 with an undue burden upon you.

16 And then you said that you had issues with English,
17 and that's how we got to you. And so if you were to serve as
18 a juror here, if you were -- if I asked for your service for
19 about four weeks, would that affect you -- would that put an
20 undue burden on you?

21 PROSPECTIVE JUROR NO. 320: I'm try to speak
22 English.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 320: No, I just no. But at
25 this moment we have passed the (indecipherable) for Mrs. -- I

1 don't know who's the name -- my brother have court and my
2 family's -- it's really hard.

3 THE COURT: I'm sorry. I'm really sorry, Ms. Ruiz,
4 I didn't hear what you said, something about your brother?

5 PROSPECTIVE JUROR NO. 320: Yes. My brother's a
6 real good person. She -- he has degree. He's no bad person,
7 but his girlfriend accused my brother and -- and at this time
8 I am feeling bad for (indecipherable).

9 THE COURT: Do you mind -- do you mind speaking in
10 Spanish so the interpreter -- because I'm having a hard time
11 understanding. Okay.

12 PROSPECTIVE JUROR NO. 320: (Through Interpreter).
13 My brother was accused -- is being accused of touching a girl
14 in [inaudible].

15 THE COURT: Okay. Currently?

16 PROSPECTIVE JUROR NO. 320: Ten years ago.

17 THE INTERPRETER: Oh, ten years ago.

18 THE COURT: Okay. And was that here in Las Vegas?

19 PROSPECTIVE JUROR NO. 320: Yes.

20 THE COURT: Is there any -- what happened in that
21 case?

22 PROSPECTIVE JUROR NO. 320: Right now, I cannot
23 explain at this time.

24 THE COURT: Well, what happened to your brother?

25 PROSPECTIVE JUROR NO. 320: He's not in jail.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 320: Awaiting sentence.

3 THE COURT: So did he plead to something or did he
4 go trial or?

5 THE INTERPRETER: Court's indulgence.

6 THE COURT: Um-hum.

7 PROSPECTIVE JUROR NO. 320: The charges were filed
8 this week, Your Honor.

9 THE COURT: Oh, just now? Okay. Okay, and it's
10 your position based on what you know of that case that you
11 think would affect your ability to be fair and impartial here?

12 PROSPECTIVE JUROR NO. 320: I don't feel I'm capable
13 of doing it. I cry and cry, constantly.

14 THE COURT: Is it because of the case involving your
15 brother?

16 PROSPECTIVE JUROR NO. 320: Yes. That's the first
17 time.

18 THE COURT: Okay. Okay, all right. Thank you.

19 Anyone else in that row? Anyone in the second row?

20 PROSPECTIVE JUROR NO. 545: My name is Moises, Badge
21 No. 545. Some of the people in this room, my wife was
22 molested when she was a child. And after that, we remarried
23 for four years and it's always been a struggle because the way
24 mentally she's affected. And I have a three-year old
25 daughter, and my -- the videos that you guys going to show,

1 I'm already really mad and irritated, just annoyed to hear
2 what this [inaudible] going to be about.

3 THE COURT: You're already irritated about the case
4 because of the nature of the crime?

5 PROSPECTIVE JUROR NO. 545: Yes, because partially
6 [inaudible] and [inaudible].

7 THE COURT: What's --

8 PROSPECTIVE JUROR NO. 545: His uncle, the molester.

9 THE COURT: Uh-huh.

10 PROSPECTIVE JUROR NO. 545: He was never thrown in
11 jail or judged and it's really hard and I don't know how to
12 like go about it.

13 THE COURT: You don't think you can set that aside?

14 PROSPECTIVE JUROR NO. 545: Well, I don't think and
15 even watch the videos and then look at my daughter.

16 THE COURT: Okay. Thank you.

17 Anyone else in the second row?

18 PROSPECTIVE JUROR NO. 266: Kathleen Colman, 266. I
19 saw this case when it was on the news and was extremely upset
20 by it. I don't feel that I can be impartial. And I know I
21 definitely could not watch the videos.

22 THE COURT: Okay. Thank you.

23 Anyone else in that row?

24 PROSPECTIVE JUROR NO. 250: Yes, Daniel Ferreira,
25 0250. I feel as though I wouldn't really be that fair because

1 I had a family member that was sexually abused and I just feel
2 there's no -- I -- I couldn't be fair enough if I was picked
3 as a juror, because I've seen what my -- you know, my family
4 member went through and it was -- it took a lot out of her.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR NO. 250: Okay.

7 THE COURT: Anyone else in that -- in the back? Can
8 you just pass that -- can you pass that to your right, sir?

9 PROSPECTIVE JUROR NO. 250: Oh, I'm sorry.

10 THE COURT: I'm just trying to keep -- make sure we
11 don't -- ma'am, raise your hand. There you go. That's --
12 that's who it was. Okay.

13 PROSPECTIVE JUROR NO. 133: Erica Urias, Badge No.
14 133. I have three children and I don't know if I'd be able to
15 watches the images or view images and be fair if I'm unable to
16 view the content and the evidence.

17 THE COURT: Okay. Thank you.

18 Anyone else in that row? Okay, sir?

19 PROSPECTIVE JUROR NO. 150: Dave Moffat, 150.

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR NO. 150: As I put in my
22 paperwork, when I was younger, I was abused. It still affects
23 me. I'm 61, and it still affects me. So to be fair,
24 impartial, I couldn't do it.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NO. 210: Trevor Ellis, 0210. My
2 fiancé is a victim of sexual abuse also and I can't do the
3 video footage either. I've tried it before. I actually took
4 a class at as CSN and the professor actually put on a film
5 that showed a 12-year old getting raped and I couldn't do
6 that. I had to just drop the class altogether.

7 THE COURT: You had a class where a teacher showed a
8 12-year --

9 PROSPECTIVE JUROR NO. 210: Yeah.

10 THE COURT: -- old being raped? At what school?

11 PROSPECTIVE JUROR NO. 210: That was at CSN.

12 THE COURT: Where?

13 PROSPECTIVE JUROR NO. 210: At CSN.

14 THE COURT: CSN?

15 PROSPECTIVE JUROR NO. 210: Yeah.

16 THE COURT: What's the teacher's name?

17 PROSPECTIVE JUROR NO. 210: I don't -- I don't
18 remember. That was like 2012. It's not an actual like --
19 like -- like child porn or anything. It was like a movie that
20 had -- that had a scene and the --

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR NO. 210: -- that involved it,
23 but, you know.

24 THE COURT: Okay. All right. Okay, that kind of
25 raised some flags up on there. If somebody's showing that

1 kind of -- okay, all right.

2 PROSPECTIVE JUROR NO. 216: Hi, Your Honor. Breena
3 Hopkins.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 216: And the Badge No. is
6 216. I have two boys, so I don't think I would be fair just
7 of the nature of the case. Also, I'm just going to be honest,
8 I'm not going to feel comfortable watching the video. I don't
9 think I would be able to watch it personally.

10 THE COURT: Okay. Anyone else?

11 All right. No one else. Okay.

12 THE COURT: Has anyone in this panel ever engaged in
13 law enforcement work, or have a spouse or close relative that
14 engaged in law enforcement work?

15 All right. Let's start in the back row.

16 My Marshal used to be like 400 pounds until he
17 carried the mic around. Look at him now. Works -- works
18 good, don't it? Okay.

19 PROSPECTIVE JUROR NO. 011: Kate Gorski, No. 011.
20 I'm a 911 Dispatcher for Las Vegas Metro Police. My mom is a
21 retired investigative specialist with Metro. And my dad's a
22 retired police officer. And my grandfather was an officer in
23 California.

24 THE COURT: Okay. Is there anything about your
25 employment, you family's employment --

1 PROSPECTIVE JUROR NO. 011: I remember my mom
2 talking about this case. She actually worked on some of the
3 investigation with this particular case --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 011: -- a matter of years ago
6 before she retired. I recognized the names immediately when
7 read about it.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 011: I don't know if my dad
10 had any involvement with it. I take calls daily from victims
11 that report crimes like this. I don't know if that would
12 affect my ability to be fair and impartial in this, but I
13 can't stay away from the media with the nature of my job we
14 are aware of any incidents going on 24/7. We can't really
15 close our -- our minds off to the media or anything over the
16 course of a trial, because I'm -- I can't do that with the
17 job that I work at.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 011: I -- I take calls like
20 this all the time from victims reporting cases like this and
21 it --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 011: -- it's hard to get
24 those victims' voices out of my head.

25 THE COURT: So is there -- is there anything about

1 what you do or your relationship with your family you think
2 that would affect your ability to be fair and impartial here?

3 PROSPECTIVE JUROR NO. 011: I'm my mom's daughter.

4 THE COURT: Um-hum.

5 PROSPECTIVE JUROR NO. 011: I actually aspire to
6 test someday for the position that she held on the Department,
7 and I -- I remember a lot of what she talked about when she
8 worked in the Bureau that she did. And I have an
9 investigative mind, I have a curious mind. I like to seek out
10 answers and I -- I don't know that I wouldn't in the course of
11 this trial, try to --

12 THE COURT: What do you mean by that?

13 PROSPECTIVE JUROR NO. 011: I like to know as much
14 information as possible.

15 THE COURT: Okay. So you're telling me that you may
16 do some investigation on your own?

17 PROSPECTIVE JUROR NO. 011: No, I mean, if I was
18 directed not to. I mean, I wouldn't --

19 THE COURT: Well, you will be --

20 PROSPECTIVE JUROR NO. 011: -- go ahead and --

21 THE COURT: -- if you make it to the jury.

22 PROSPECTIVE JUROR NO. 011: It's hard, because I
23 work -- I -- I mean, all my friends are people that I work
24 with.

25 THE COURT: Um-hum.

1 PROSPECTIVE JUROR NO. 011: And so I don't know if I
2 would accidentally hear something, something like that --

3 THE COURT: Um-hum.

4 PROSPECTIVE JUROR NO. 011: -- so.

5 THE COURT: Okay. Well, my question though is that,
6 do you think that it would affect your ability to be fair and
7 impartial? Like, if you heard something that affected you, I
8 would expect that you would tell me, and then we'd deal with
9 it here. But I mean, is there something in your past you
10 think that -- that -- I mean, are you starting out already
11 saying there's no way that I can, you know, he's already --

12 PROSPECTIVE JUROR NO. 011: It's hard for me to have
13 an impartial view of crimes such as this when you hear --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 011: -- when I hear the
16 victim's side of it most of the days that I work.

17 THE COURT: Okay. Thank you.

18 PROSPECTIVE JUROR NO. 011: Thank you.

19 THE COURT: Okay. Anyone else in that row?
20 Anybody? No, no, no. Anybody in the second row? Right --
21 right in front of you, ma'am. Okay, you've got it. All
22 right.

23 PROSPECTIVE JUROR NO. 036: George Ward, Badge No.
24 036. Current prosecutor, most recently with the Henderson
25 City Attorney's Office, and it's -- my full career was

1 entirely composed of being a prosecutor with the one exception
2 of the stint that I was Judge Mosley's law clerk.

3 THE COURT: Okay. So -- all right. Is there
4 anything about that you think that would affect your ability
5 -- other than -- I mean, we're going to talk to you later, but
6 besides that, do you think it would affect your ability to be
7 fair and impartial?

8 PROSPECTIVE JUROR NO. 036: No, I don't think so.

9 THE COURT: Oh, okay. All right. Thank you, Mr.
10 Ward.

11 Can you pass that to your right?

12 PROSPECTIVE JUROR NO. 040: Chelsea Stuenkel, 040.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 040: I'm currently employed
15 with the Nevada Department of Public Safety seven years as a
16 State Trooper, and the last year as a Parole and Probation
17 Officer.

18 THE COURT: Okay. Is there anything about that you
19 think would affect your ability to be fair and impartial here?

20 PROSPECTIVE JUROR NO. 040: No, sir.

21 THE COURT: All right. Thank you, Ms. Stuenkel.

22 PROSPECTIVE JUROR NO. 040: Um-hum.

23 THE COURT: Anyone in the third row? Can you hand
24 that right forward? Okay.

25 PROSPECTIVE JUROR NO. 049: My name is Robert

1 McDermitt, 049. I worked for California Housing Authority for
2 three-and-a-half years, and currently I'm an investigator at
3 the Cosmopolitan where I'm a video specialist.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 049: So I have extreme
6 knowledge and I rely heavily on video.

7 THE COURT: Is there anything about what you do for
8 work you think would affect your ability to be fair and
9 impartial here?

10 PROSPECTIVE JUROR NO. 049: No. My wife was also
11 sexually assaulted, so that may have. But as far as -- like I
12 said, I rely heavily on video --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 049: -- and I believe what I
15 see.

16 THE COURT: When you say, it may have, though, with
17 regards to your -- your wife's past, did you know her when she
18 -- that happened to her?

19 PROSPECTIVE JUROR NO. 049: No, I didn't.

20 THE COURT: So it's -- it's what she --

21 PROSPECTIVE JUROR NO. 049: But I've been married to
22 her for 20 years --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 049: -- and she lives it
25 weekly, yeah.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 049: She can -- she's

3 constantly talking to me about it and going over her

4 experiences.

5 THE COURT: Okay. Are you able to set that aside

6 though and hear the evidence --

7 PROSPECTIVE JUROR NO. 049: I don't know if I could.

8 THE COURT: -- here?

9 PROSPECTIVE JUROR NO. 049: I don't know. I can't

10 say "yes" for sure.

11 THE COURT: Okay. Do you think that you would

12 automatically vote one way simply because of what happened

13 before --

14 PROSPECTIVE JUROR NO. 049: No, not --

15 THE COURT: -- to your wife?

16 PROSPECTIVE JUROR NO. 049: -- necessarily, no.

17 THE COURT: Okay. Would you wait and listen to all

18 the evidence before you make your decision?

19 PROSPECTIVE JUROR NO. 049: Yeah, but like I said, I

20 rely heavily on video and I believe what I see.

21 THE COURT: Okay. Well, that's evidence.

22 PROSPECTIVE JUROR NO. 049: Yeah, yeah.

23 THE COURT: And so what I'm talking about is --

24 PROSPECTIVE JUROR NO. 049: Absolutely. But I'm

25 saying just strictly off video I could make my determination

1 rather than as far as evidence, other evidence.

2 THE COURT: Okay. My more concern was is that your

3 statement about your wife --

4 PROSPECTIVE JUROR NO. 049: Yes.

5 THE COURT: -- I want to know did -- are you coming

6 in here with the -- with a --

7 PROSPECTIVE JUROR NO. 049: I haven't come in with

8 any perceived notion --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 049: -- at all, no.

11 THE COURT: All right. Okay. That's what I --

12 okay, all right.

13 PROSPECTIVE JUROR NO. 049: All right.

14 THE COURT: Thank you. Anyone else? Okay, Ms.

15 Hubbs?

16 PROSPECTIVE JUROR NO. 043: Hi. Ms. Hubbs, 043. My

17 father-in-law was Commander of Metro Intelligence for 25

18 years, Preston E. Hubbs.

19 THE COURT: Okay. Is there anything about your

20 relationship with your father-in-law you think would affect

21 your ability to be fair and impartial here?

22 PROSPECTIVE JUROR NO. 043: No.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 043: More concerned about the

25 videos.

1 THE COURT: Okay. And what do you mean?

2 PROSPECTIVE JUROR NO. 043: I'm very disturbed that

3 I would have the opportunity to watch something that was so

4 heinous.

5 THE COURT: Well, you haven't seen it yet.

6 PROSPECTIVE JUROR NO. 043: I've heard about it.

7 And --

8 THE COURT: You've heard about it?

9 PROSPECTIVE JUROR NO. 043: Yeah, on the -- on the

10 news they said --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 043: -- you know, what they

13 said on the news.

14 THE COURT: Okay. All right. Next? And someone

15 else I think that was in that row. Yeah, there she is.

16 PROSPECTIVE JUROR NO. 052: Karen Ackerman, Badge

17 No. 052. Just full disclosure, that I used to work with law

18 enforcement when I arrested shoplifters in a retail situation.

19 THE COURT: Okay. So you were like a loss

20 prevention officer?

21 PROSPECTIVE JUROR NO. 052: Exactly.

22 THE COURT: Okay. For a retail store here?

23 PROSPECTIVE JUROR NO. 052: Yes.

24 THE COURT: And you worked with law enforcement

25 officers under those occasions?

1 PROSPECTIVE JUROR NO. 052: Yes.

2 THE COURT: Is there anything about that you think
3 would affect your ability to be fair and impartial here?

4 PROSPECTIVE JUROR NO. 052: No, sir.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR NO. 070: Jim Freund, Badge No.
7 070. Thirty-five years law enforcement, recently retired from
8 LAPD. I was a supervising homicide detective of a variety of
9 units and teams. For many years, I also supervised a sexual
10 crimes -- sexual assault crimes unit in the LAPD as well.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 070: And prior to being a
13 supervising detective I've worked a variety of investigations
14 that includes sexual assault crimes and homicide.

15 THE COURT: Okay. Is there anything about what you
16 used to do that you think would affect your ability to be fair
17 and impartial?

18 PROSPECTIVE JUROR NO. 070: No, Your Honor.

19 THE COURT: Okay. So you can keep an open mind in
20 this matter?

21 PROSPECTIVE JUROR NO. 070: Yes, sir.

22 THE COURT: Okay. All right.

23 Anyone else in that row, in the front row? Okay.
24 All right.

25 PROSPECTIVE JUROR NO. 073: Ron Quon, Badge -- Badge

1 073. I used to be a former police officer in (indecipherable)
2 California.

3 THE COURT: How long ago was that?

4 PROSPECTIVE JUROR NO. 073: Back 2003, five years.

5 THE COURT: Well, how far did you get in -- how --
6 how high did you get in your rank?

7 PROSPECTIVE JUROR NO. 073: Well, I did patrol.
8 Sometimes I'd work a gang unit, and part of the gang unit is
9 we also did some vice work.

10 THE COURT: Okay. All right. Is there anything
11 about your former employment as a police officer you think
12 would affect your ability to be fair and impartial here?

13 PROSPECTIVE JUROR NO. 073: No.

14 THE COURT: All right. Okay, thank you.

15 Anyone else in the front row with regards to law
16 enforcement? To the left -- okay, that's fine.

17 PROSPECTIVE JUROR NO. 327: Johnnie Williams, 0327.

18 Brother-in-law is retired California highway
19 patrolman, currently now he works for Merced County as a
20 Sheriff. That's it.

21 THE COURT: Okay. Is there anything about your
22 relationship with your brother-in-law that you think would
23 affect your ability to be fair and impartial here?

24 PROSPECTIVE JUROR NO. 327: He tells me stories. Or
25 right now he's [inaudible] Merced County Sheriff, delivers

1 warrants and -- and as a retired cop, so. He tells me what he
2 -- what goes on with family disturbances and stuff like that.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 327: And --

5 THE COURT: Is there anything about that you think
6 would --

7 PROSPECTIVE JUROR NO. 327: No.

8 THE COURT: Okay. All right. Thank you.

9 Anyone else in that front row?

10 PROSPECTIVE JUROR NO. 342: Josephine Churchill,
11 Badge No. 342.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 342: My father was military
14 police army. My husband was SWAT, Detective for the Anaheim
15 Police Department 30 years. I was the -- in the records
16 division in Santa Ana PD. And my daughter works for the
17 government at the test site.

18 THE COURT: Is there anything about what you used to
19 do or what your father or your husband or -- or is it your
20 daughter?

21 PROSPECTIVE JUROR NO. 342: Yes, daughter.

22 THE COURT: About --

23 PROSPECTIVE JUROR NO. 342: No, there nothing that I
24 would look at the evidence and whatever was presented and
25 figure out what was right and wrong.

1 THE COURT: Okay. All right. Thank you.
2 Anyone else, in the -- in this side over here? No
3 one? Over to the left? All right. We had someone in the
4 front row. Ed? Okay.
5 PROSPECTIVE JUROR NO. 081: Heidi Johnson, Badge
6 081. My father is a retired Metro along with two of my
7 cousins. My husband was a municipal court judge for ten
8 years, and many of my friends are with Metro.
9 THE COURT: Is there anything about your
10 relationship with your husband or your family members and what
11 they used to do, that would affect your ability to be fair and
12 impartial here?
13 PROSPECTIVE JUROR NO. 081: No.
14 THE COURT: All right. Thank you, Ms. Johnson.
15 Anyone else on that side? All right. Right behind
16 you. You're up.
17 PROSPECTIVE JUROR NO. 150: Dave Moffat, Badge No.
18 150. My brother-in-law is retired lieutenant commanders in
19 California Highway Patrol and [inaudible] patrol. And his
20 [inaudible].
21 THE COURT: Is there anything about that
22 relationship with your family that -- and what they do you --
23 would affect your ability to be fair and impartial here?
24 PROSPECTIVE JUROR NO. 150: No, not on that one.
25 THE COURT: Okay. All right. Thank you.

1 MS. RADOSTA: I'm sorry, Judge. Could we just -- we
2 missed his Badge Number.

3 THE COURT: It's David Moffat, Badge 150.

4 MS. RADOSTA: Thank you.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 245: Hello, Judge. Michael
7 Bailey, Badge No. 245.

8 I currently am living with a parole officer here in
9 Nevada for the past 15 years.

10 THE COURT: Okay. Is there anything about your
11 living with this parole officer that would affect your ability
12 to be fair and impartial --

13 PROSPECTIVE JUROR NO. 245: I don't believe so.

14 THE COURT: -- in this case?

15 PROSPECTIVE JUROR NO. 245: No, sir.

16 THE COURT: What's that?

17 PROSPECTIVE JUROR NO. 245: I believe -- no, sir.

18 THE COURT: Okay. All right.

19 PROSPECTIVE JUROR NO. 245: Um --

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR NO. 245: -- also for disclosure,
22 I have a cousin that was involved in a sexual abuse case about
23 40 years ago.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR NO. 245: About 40 years ago.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 245: When he was very --

3 eight years old.

4 THE COURT: Is there anything about what you know of

5 that case you think would affect your ability to be fair and

6 impartial here?

7 PROSPECTIVE JUROR NO. 245: I don't think so. I

8 would view the evidence first before I made a decision.

9 THE COURT: Okay. Okay, thank you.

10 I have someone else had their hands up over here,

11 Ed. Ed? Oh, sorry. Okay, go ahead.

12 PROSPECTIVE JUROR NO. 100: Christina Kyker, 100.

13 My husband's a former shift sergeant at NDOC for Southern

14 Desert Correctional Center.

15 THE COURT: Okay. Is there anything about what he

16 used to do as a -- is he still there?

17 PROSPECTIVE JUROR NO. 100: No, he's now a Federal

18 prisoner at FCI Bastrop.

19 THE COURT: What did you say?

20 PROSPECTIVE JUROR NO. 100: He's now a federal

21 prisoner at FCI Bastrop.

22 THE COURT: Oh, okay. I thought you said he was a

23 former --

24 PROSPECTIVE JUROR NO. 100: He was. He used to

25 run --

1 THE COURT: -- and now he's a --
2 PROSPECTIVE JUROR NO. 100: -- Southern Desert --
3 THE COURT: -- federal prisoner?
4 PROSPECTIVE JUROR NO. 100: Um-hum.
5 THE COURT: Well, from one extreme to the other,
6 huh?
7 PROSPECTIVE JUROR NO. 100: 18 years military and
8 law enforcement and I got a call from Metro one day.
9 THE COURT: Wow. Is there anything about what you
10 know of that situation you think would affect your ability to
11 be fair and impartial here?
12 PROSPECTIVE JUROR NO. 100: His didn't include this,
13 so no.
14 THE COURT: Okay. Okay, all right. Thank you, Ms.
15 Kyker.
16 PROSPECTIVE JUROR NO. 005: Hi, I'm Stephanie
17 Taylor, and I'm Badge 005. I do have a nephew who is a patrol
18 officer -- a patrol officer in Anaheim, California.
19 I don't think that would be a conflict at all,
20 however, I'm an elementary school principal. I've been with
21 the Clark County School District for 25 years. And I do deal
22 with school police, Metro, Department of Family Services from
23 time to time regarding cases of child abuse and neglect.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 005: And I think this would

1 be difficult for me to be completely impartial. When I've had
2 to deal with small children dealing with abuse of a
3 [inaudible] adult, I find that they're usually very, very
4 honest. So, okay.

5 THE COURT: All right. Thank you.

6 PROSPECTIVE JUROR NO. 012: Jill Pressman, No. 012.
7 Just for disclosure, I work for the State of Nevada in Human
8 Resources. I do human resource training which includes
9 Highway Patrol, Metro -- Highway Patrol and Probation. Also,
10 Child -- people who work in Child --

11 THE COURT: CPS?

12 PROSPECTIVE JUROR NO. 012: -- in child areas, and I
13 teach sexual harassment as a specific course.

14 THE COURT: Okay. Is there anything about that, you
15 think would affect your ability to be fair and impartial --

16 PROSPECTIVE JUROR NO. 012: I'm a little bit --

17 THE COURT: -- here?

18 PROSPECTIVE JUROR NO. 012: -- on the zero tolerance
19 policy and I preach zero tolerance. And so --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 012: -- that could affect my
22 ability in terms of if I believe there's a case, I believe
23 very much in zero tolerance. I'm not very forgiving on it.

24 THE COURT: Well, isn't zero tolerance basically
25 once you've made up your mind?

1 PROSPECTIVE JUROR NO. 012: Well, no, in terms of --

2 THE COURT: Or, I mean, do you start out beforehand
3 with just an accusation that, I'm zero tolerance, and if
4 you're accused of it, you're -- you're good for it; is that
5 what you're saying?

6 PROSPECTIVE JUROR NO. 012: Well, normally, when
7 there's evidence that would show it --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 012: -- I'm normally for
10 [inaudible] -- I'm normally for the evidence if there's a case
11 against it.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 012: But I believe -- I teach
14 the zero tolerance policy that if you do something, and you
15 say you didn't know it was against the policy, I feel like you
16 should have known it was a policy. You've signed off on it.
17 And you kind of know what's right and wrong. And I have a
18 true problem with -- with that.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 012: A little bit justice.

21 THE COURT: You have a problem --

22 PROSPECTIVE JUROR NO. 012: Well, I teach --

23 THE COURT: I -- I'm having a --

24 PROSPECTIVE JUROR NO. 012: -- Human -- I -- how I
25 explain it is --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 012: -- I work in Human
3 Resources.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 012: I see all kinds of
6 cases. I teach a sexual harassment course.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 012: And we talk about the
9 importance of had -- keeping your hands to yourself and not --
10 and following the policy and all that.

11 THE COURT: But if you had nothing to support
12 somebody making an allegation that -- that a person didn't
13 keep their hands to their self you would --

14 PROSPECTIVE JUROR NO. 012: Then -- then --

15 THE COURT: -- still take the --

16 PROSPECTIVE JUROR NO. 012: -- I would support they
17 were -- they were not guilty.

18 THE COURT: Okay. Well, that's the issue we're
19 getting at.

20 PROSPECTIVE JUROR NO. 012: Correct.

21 THE COURT: But it sounded to me when you start out
22 saying, I have a zero tolerance, that means that an accusation
23 and a --

24 PROSPECTIVE JUROR NO. 012: No, you're right.

25 THE COURT: -- that's enough.

1 PROSPECTIVE JUROR NO. 012: You're correct on that.
2 Correct.
3 THE COURT: Okay. So you would require the State to
4 still prove the case, would you not?
5 PROSPECTIVE JUROR NO. 012: Absolutely.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 012: I just have --
8 THE COURT: But you're just saying that --
9 PROSPECTIVE JUROR NO. 012: -- [inaudible] in my
10 background.
11 THE COURT: -- if you make that decision, based on
12 what you saw, then basically you're zero tolerance as a matter
13 that -- it would be something that's left up to me --
14 PROSPECTIVE JUROR NO. 012: Correct.
15 THE COURT: -- right?
16 PROSPECTIVE JUROR NO. 012: Correct.
17 THE COURT: Okay. All right.
18 PROSPECTIVE JUROR NO. 012: Absolutely.
19 THE COURT: Okay. All right. Well, I appreciate
20 that. And just so the record -- it's -- it's -- once again,
21 Ms. Pressman?
22 PROSPECTIVE JUROR NO. 012: Correct.
23 THE COURT: Okay. I'm going to put "zero tolerance"
24 here, okay? All right. Okay.
25 Anyone else? All right. There we go.

1 PROSPECTIVE JUROR NO. 025: Hi. Robert Clawson,
2 025. Just for disclosure, my younger sister is a corrections
3 officer out at Indian Springs. My brother-in-law is retired
4 Metro Lieutenant, was the head of Homicide.

5 THE COURT: Who that?

6 PROSPECTIVE JUROR NO. 025: Raymond Steiber.

7 THE COURT: Okay, yep. Is he retired? I though the
8 just --

9 PROSPECTIVE JUROR NO. 025: Yeah, he retired --

10 THE COURT: Maybe it's his son.

11 PROSPECTIVE JUROR NO. 025: -- actually about three
12 years ago.

13 THE COURT: Is it is son Ray Ray that just --

14 PROSPECTIVE JUROR NO. 025: Yeah, Raymond and
15 Zachary which are cousins, are active Metro.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 025: I've got several friends
18 on the Force, as I mentioned earlier. I'm in the event
19 business, so I deal with East, whether it's Henderson,
20 University or Metro.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 025: Almost on a daily basis.

23 THE COURT: Okay. Thank you.

24 Well, let me ask you; is there anything about your
25 relationship with Metro and the relationships that you have

1 with your family that are part of that, that you think would
2 affect your ability to be fair and impartial here?

3 PROSPECTIVE JUROR NO. 025: No, sir.

4 THE COURT: Okay. All right. Thank you.

5 Anyone else? Okay.

6 Is there anyone that believes that they could not
7 follow the instructions and the Court -- by the Court if the
8 instructions they feel were different from what their concepts
9 of what they believe the law ought to be?

10 I'll give you an example. The best example I always
11 use is in the State of Nevada if you grew up here in the State
12 of Nevada or if you've been here in the State of Nevada for a
13 number of years, we used to not have a speed limit in the
14 State of Nevada.

15 And so people used to drive from here to Reno and
16 those straight roads, as fast as their car would take them.
17 My dad -- I used to joke about him. It's kind of dumb now,
18 but my dad had a stick he used to stick between the seat and
19 the gas pedal and that was his cruise control. That's how --
20 as far as that car would go, we would go.

21 And then the law came out with the 55 and it said
22 that you can't go past 55 in the State of Nevada. Well, most
23 people that fought that and argued against it were the
24 individuals that live in the rural areas because they --
25 basically their position was is that it can't apply to us.

1 Those people don't know anything about Nevada.

2 And if you look at the geographical makeup of
3 Nevada, Nevada is a big state. And there's parts of Nevada
4 you could see for miles out there in front of you. And so
5 their argument was, is well, how could they possibly say that
6 we can't go fifty -- I mean, we have to 55 here? And so, it
7 can't apply to us.

8 So if they were seated on a jury and -- and I
9 instructed them that the law says you can't -- that if you go
10 faster than 55, that you're breaking the law. And the
11 question that the jury would be determining the facts is
12 whether or not the person went faster than 55, and you say,
13 yeah, okay, they went 60. I'll accept that.

14 But then you say, you know what, I know the law --
15 the Court's telling me that -- that 55 is the law, and I'm
16 fine in 60, but I don't care, I can't find him guilty because
17 I don't think that that law applies to us.

18 That's what I'm talking about, when -- when the
19 question is, is are you able to follow my instructions on the
20 law, even if the instructions differ from your personal
21 concepts of what you believe the law ought to be? Is there
22 anyone that -- does everyone understand that, that's what that
23 is? Is there anyone that doesn't understand that?

24 Okay. Is there anyone that would say, no, I can't
25 follow the law, Judge. There'd be times that I believe that

1 you might instruct me but I can't really give you an answer
2 right now, but I won't follow your instructions. That's
3 basically what you'd be telling me.

4 Is there anyone that would say that? Okay. No one
5 has raised their hand on that.

6 So just as a follow-up with that is that if you're
7 telling me that you can follow my instructions, anyone who
8 feels that they cannot be fact finders and follow my
9 instructions in this matter? And if they take my -- take the
10 oath, and you sit on my jury, and then you get back in the
11 jury room and say, you know what, I know the Judge says that
12 this is the law, but I can't follow it, then you'd be
13 violating your oath.

14 Does everyone understand that? All right. No one
15 has -- okay.

16 Under our system of justice here, certain principles
17 of law apply in every criminal trial. They are, A, that the
18 Information, or in this case, it's actually a Second Amended
19 Information, is that it's a mere accusation, it's no evidence
20 of the truth, or evidence of the guilt of the defendant.

21 Does everyone understand that? Okay, it's just a --
22 it's just an accusation saying this is what we believe we can
23 prove. Does everyone understand that?

24 Okay. That the defendant is presumed innocent. As
25 he sits here right now, he is innocent. Does anyone have a

1 problem with that?

2 The reason why I ask that now is because I know that
3 you've had an opportunity to review the questionnaire here.
4 You understand when the State got up and gave the statement of
5 facts that they believe they could prove is that that's
6 evidence that they have to be -- that they have to present,
7 and you as a jury would make the determination whether or not
8 they've actually presented that evidence.

9 And so right now, if you sit here with the
10 determination that he's guilty simply because the State says
11 this is what we believe we have, you're not giving him the
12 protections that we have under our system. Does everyone
13 understand that? Does everyone understand that?

14 Okay. And the last precept is the State must prove
15 that the defendant is guilty beyond a reasonable doubt. Okay.
16 In civil trials, the standard is -- is less than what's in
17 criminal trials.

18 Now, it's not beyond all doubt. It's beyond
19 reasonable doubt, and you'll be instructed on what the actual
20 definition of that is.

21 For those of you that have been in trials before you
22 may understand that there's a different standard between a
23 civil trial and a criminal trial. And you'll have an
24 opportunity to discuss that further if you'd like.

25 Does anyone not understand or believe these --

1 believe in these concepts of American jurisprudence? Anyone?
2 All right.

3 Does anyone know anything about the case other than
4 what was stated here in the courtroom today? We've heard some
5 of you say that you've heard about it on the news. Has anyone
6 not told us anything that they've heard about other than what
7 they've already said?

8 Okay. All right. Okay. Ladies and gentlemen, it's
9 now 2:30. I'm going to give everybody a break and I want to
10 -- although you're not my jury yet, I need to read you this
11 admonishment; okay? And then I'll talk to you a little bit
12 about it before I let you take a break.

13 During this recess, you're admonished not to talk to
14 or converse amongst yourselves or with anyone else on any
15 subject connected with this trial.

16 That means when you go out in the hall, don't get
17 talking with each other about what's happening in here. Don't
18 call anybody on the phone and say, hey, I'm down here in the
19 jury trial and -- and this is the case and this is the case,
20 what it's about, and explain to them what you've heard and
21 that kind of thing.

22 Don't get on Facebook and take a picture of yourself
23 and say, I'm in front of Courtroom -- Department 19 and -- and
24 this is where I'm at, and the Judge is super funny; don't do
25 things like that; okay?

1 Don't go out in the hall and get on your Internet
2 and find out anything about the case. Don't do any
3 independent research. Don't try to find out who Mr. Sweetin,
4 or Ms. Holthus, or Ms. -- Ms. Radosta, or Mr. Negrete is, or
5 even the defendant. Don't look up my name. Don't do anything
6 like that; okay?

7 When you're done with this case, you can do all you
8 want. You can find out all -- all you can about us if you'd
9 like. But at this point in time, do not do that.

10 You're not to read, watch or listen to any report or
11 commentary on the trial or any person connected with this
12 trial, by any medium of information, including without
13 limitation to newspapers, television, the Internet or radio.

14 Now, we obviously can't follow you around all the
15 time. We can't obviously have somebody behind you 24 hours a
16 day to find out whether or not you're going to listen to my
17 admonishment. You're on the honor system.

18 But I will tell you, with social media now, and with
19 the Internet, we have an ability to find out a little bit more
20 than some people really realize. We've had situations in
21 cases where individuals have been found communicating on
22 Facebook when they're not supposed to, talking about the case,
23 talking about the trial. Then once again, like I say, they
24 end up up here, and then I'm questioning them, and on
25 occasion, they've went out that door; okay?

1 So if you see something on the -- on the news or you
2 -- you are looking at a newspaper and you see something in the
3 newspaper that you think has something to do with this, I'm
4 asking you to walk away from it. Don't try to confirm whether
5 or not it's something to do with this.

6 Just -- if you think it is, walk away from it.
7 You'll have an opportunity later to always go back and look
8 and see what you might have missed. And if you hear something
9 on the radio or you -- once again, if you're watching
10 television and you see something that comes up, walk away from
11 it, turn it off, if you can.

12 If somebody else is in the room and they're watching
13 it, you just walk away from it. If somebody approaches you
14 and tries to talk to you about this, tries to, you know, burn
15 your ears out about what you're doing, trying to investigate
16 on their own, please walk away from them. If they persist,
17 then let my Marshal know.

18 Once again, you're not to form or express any
19 opinion on any subject connected with this trial until it's
20 finally submitted to you.

21 Although you're not my jurors yet, we're in the
22 process of this, and I'm asking you to follow my admonishment;
23 all right?

24 It's 25 'till. I'll give you 15 minutes, so we'll
25 be about 10 'till. Go ahead and go to the restroom. If you

1 want to get anything to drink, you can bring it in with you as
2 long as you have a lid on it; all right?

3 Does anyone have any questions, before you leave?
4 Any questions? No? Remember where you're seated. Remember
5 where you're seated. When you come back in, sit back in the
6 same seat that you're in when you're leaving now; okay?

7 Take anything you've brought in with you; okay?

8 We'll be at ease while the jury exists the
9 courtroom.

10 (Pause in the proceedings)

11 THE COURT: Yeah. You'll -- you'll need to leave
12 the courtroom; okay?

13 (Prospective jurors exit at 2:39 P.M.)

14 (Outside the presence of the prospective jurors)

15 THE COURT: Okay. We're outside the presence of the
16 jury. I'm going to use the restroom and then when we come
17 back in and maybe we'll talk about some of these -- some of
18 the individuals now?

19 MS. RADOSTA: Yeah. Oh, and we found another one
20 that was stipulated kicked out that --

21 THE COURT: Okay, cool.

22 MS. RADOSTA: -- is here, so.

23 THE COURT: Just let me know and then I'll -- okay?

24 So --

25 MS. RADOSTA: And also, is there a way -- Mr. Sena

1 didn't -- he ate at 3:00 A.M. --

2 THE COURT: Okay.

3 MS. RADOSTA: -- and then didn't have lunch because

4 of the timing. They said that they could grab lunch during

5 our break but we thought actually --

6 THE COURT: I heard they were bringing up a lunch --

7 bag lunch or something?

8 MS. RADOSTA: I don't know if they did or not.

9 That's all.

10 THE CORRECTIONS OFFICER: We will.

11 MS. RADOSTA: Okay. That's all.

12 THE COURT: Okay.

13 MS. RADOSTA: I mean, I ate breakfast, but it was

14 more like around 7:30 so.

15 THE COURT: Oh, they did?

16 THE CLERK: The other CO, before she left for her

17 lunch break, they called [inaudible] said to bring it up, but

18 I don't know [inaudible].

19 THE COURT: Okay. Did you guys bring a bag lunch up

20 for him?

21 THE CORRECTIONS OFFICER: No, I didn't bring one,

22 no. I'll go down right now.

23 THE COURT: Okay. All right. Well, go do that

24 then.

25 MS. RADOSTA: Thank you, Judge.

1 THE COURT: All right. Let's go ahead and take a
2 quick restroom break and then we'll come back in and we'll go
3 over these; okay?

4 MS. RADOSTA: Okie dokie.

5 THE COURT: All right.

6 (Court recessed at 2:40 P.M. until 2:53 P.M.)

7 (Outside the presence of the prospective jurors)

8 THE COURT: All right. We're back on the record in
9 the case of State of Nevada versus Christopher Sena, Case No.
10 C-311453. We're outside the presence of the jury. I'd like
11 the record to reflect the presence of the defendant and his
12 counsel -- go ahead and have a seat, guys --

13 MS. RADOSTA: Thank you.

14 THE COURT: -- and the State and their counsel.

15 At this point in time, do you want to discuss the
16 challenges, any challenges at this time?

17 MS. RADOSTA: Sorry, Judge. Give me a second.

18 For the record, it's our belief that No. 3 -- I'm
19 sorry, Badge No. 3 and Badge No. 22, were already stipulated
20 by both sides to be --

21 MS. HOLTHUS: 22, who is it?

22 MS. RADOSTA: Mr. Cordero.

23 MS. HOLTHUS: On what basis?

24 MS. RADOSTA: Oh, we just have "stipulated" next to
25 him on ours. He said first of all he's out of -- he -- he had

1 said on his form he was out of state --

2 MS. HOLTHUS: Oh, okay.

3 MS. RADOSTA: -- mid-September. Then he also -- he

4 also shared that he himself is a sex assault victim, his

5 partner's a sex assault victim, but I just have on my form,

6 and on the list from Mr. Sweetin, that he was one of them that

7 we had agreed --

8 MS. HOLTHUS: I don't -- I don't --

9 MS. RADOSTA: -- I believe.

10 MS. HOLTHUS: -- I didn't -- I didn't write the "out

11 of state" by him. I didn't -- if that was the case, I don't

12 have that notes by him. What's his badge number.

13 MS. RADOSTA: 22.

14 MS. HOLTHUS: 22.

15 MS. RADOSTA: Badge No. 22. Yeah, he would have

16 been (indecipherable).

17 MS. HOLTHUS: Yeah, what did I put him over here

18 for. Yeah, he's out of town.

19 MS. RADOSTA: Yeah.

20 MS. HOLTHUS: In Texas. I did have --

21 MS. RADOSTA: So --

22 MS. HOLTHUS: -- I did put him in the agreed upon.

23 THE COURT: So Number 3 and Number -- and Number 3.

24 MS. RADOSTA: She also shared with us that she has a

25 vacation planned.

1 THE COURT: Yeah, she --

2 MS. RADOSTA: But she was already --

3 THE COURT: Yeah, it's Marlen Garner. So No. 3,
4 Badge No. 3, Marlen Garner, and Badge No. 22, Alex Cordero
5 will be excused; okay?

6 MS. RADOSTA: Thank you.

7 MS. HOLTHUS: Yes.

8 MS. RADOSTA: And then beyond that --

9 MS. HOLTHUS: Gorski, did she put that on her
10 questionnaire? She says she's out of state 9/19 to 9/25.
11 Kathleen Gorski.

12 MS. RADOSTA: Yeah, she -- we have it written down
13 from her --

14 MS. HOLTHUS: Did you agree to let her go?

15 MS. RADOSTA: -- but she is also -- she has also
16 previously worked with -- she's a Metro 911 dispatch. Her
17 whole family -- her mom worked --

18 MS. HOLTHUS: Right.

19 MS. RADOSTA: -- with both Ms. Holthus and Mr.
20 Sweetin --

21 MS. HOLTHUS: Well, I'm not agreeing to anything
22 other than if she's out of state for those dates at this
23 point.

24 MS. RADOSTA: We, I think, offered her as somebody
25 and at the time the State was not willing to agree, but that

1 was based -- that was the basis for our offering was her
2 vacation schedule.

3 (Pause in the proceedings)

4 THE COURT: What date is the 19th?

5 MS. RADOSTA: I think it's a Wednesday through like
6 a Sunday.

7 THE COURT: Okay. We'll have to probably clarify
8 what she means by that, well, is she traveling, is she flying,
9 does she have prearranged -- she just said here today out of
10 state from 9/19 to the 25th.

11 MS. RADOSTA: Um-hum.

12 THE COURT: So --

13 MS. HOLTHUS: Yeah.

14 THE COURT: -- all right, let's just go through
15 these. Okay, let's start at the beginning; all right?

16 MS. HOLTHUS: Okay.

17 THE COURT: No. 1, Adam Dunbar, he said he had
18 financial issues and he's a sole provider and he's the only
19 chef. He didn't weigh in on anything else other than what was
20 said on the -- on the questionnaire.

21 So based on just my questions, do you have any
22 grounds for -- for excusing Mr. Dunbar --

23 MS. RADOSTA: At this point --

24 THE COURT: -- either party?

25 MS. RADOSTA: -- I would say no.

1 THE COURT: Okay.

2 MS. RADOSTA: I mean, I -- honestly, I think he'd
3 probably be better suited for a different trial just because
4 of the financial issues, but he --

5 THE COURT: Yeah, I know.

6 MS. RADOSTA: -- hasn't said anything that really --

7 THE COURT: Okay.

8 MS. RADOSTA: -- you know?

9 MS. HOLTHUS: Don't chefs work at night, by the way?

10 THE COURT: What about Lindsay Blood? She's a stay-
11 at-home mother, five children, financial hardships.

12 MS. HOLTHUS: I'm not there yet.

13 THE COURT: Okay. Ms. Radosta?

14 MS. RADOSTA: Oh, sorry.

15 THE COURT: Do you agree?

16 MS. RADOSTA: Yeah, at this --

17 THE COURT: Okay.

18 MS. RADOSTA: -- point, no, I don't think --

19 THE COURT: Okay.

20 MS. RADOSTA: -- she's said anything that --

21 THE COURT: Garner's excused. Stephanie Taylor,
22 said that she's a -- nephew --

23 MS. HOLTHUS: She's a principal.

24 THE COURT: -- of a patrol officer --

25 MS. RADOSTA: She was the school principal.

1 THE COURT: -- in Anaheim, California, and she could
2 be fair and all that; so okay?

3 MS. RADOSTA: She actually said that her being a
4 school principal, she thinks it would make it very difficult
5 for her to be fair and --

6 THE COURT: Okay, yeah.

7 MS. RADOSTA: -- I'm not sure if she actually said,
8 difficult to be fair and impartial --

9 THE COURT: School district principal, difficult to
10 be --

11 MS. HOLTHUS: I think there's more to --

12 THE COURT: -- impartial.

13 MS. HOLTHUS: -- more to be asked. She said she
14 thinks kids are honest, but I think that that needs to be
15 pursued more. I'm not going to agree to it at this point.

16 THE COURT: Okay. Steve Burtis, he's not here.

17 MS. RADOSTA: He didn't show up.

18 THE COURT: Kathlyn Gorski, that's the one we talked
19 about previously. I think we need --

20 MS. HOLTHUS: Depending on if -- if --

21 THE COURT: -- to question more with regards to the
22 -- the --

23 MS. HOLTHUS: Trip.

24 MS. RADOSTA: Um-hum.

25 THE COURT: Okay. And then you have --

1 MS. RADOSTA: Although, I will say --
2 THE COURT: -- Jill --
3 MS. RADOSTA: I will say regarding Ms. Gorski --
4 THE COURT: Um-hum.
5 MS. RADOSTA: -- the -- she also indicated her
6 mother worked on this case. So she could potentially have
7 knowledge about this case that won't be introduced during the
8 trial, and I really think it would be a huge potential problem
9 to leave her on the jury. I think there's enough there for
10 cause right now.
11 THE COURT: Okay. I got you. Did you hear that?
12 MS. HOLTHUS: Did we? Yeah, I -- I don't agree at
13 this point. If -- let's just see what the out of state does,
14 that may resolve it.
15 MS. RADOSTA: It's not -- no, it's not the out of
16 state. She said her mother worked on this case.
17 THE COURT: Yeah.
18 MS. RADOSTA: She might know facts about this --
19 THE COURT: I -- I --
20 MS. RADOSTA: -- case that are not going to --
21 THE COURT: -- I read her as --
22 THE COURT: I heard her say that --
23 MS. HOLTHUS: I thought she said she might know
24 this --
25 THE COURT: I heard her say that based on what she's

1 done as a dispatcher, I wrote down she said that she couldn't
2 be impartial.

3 MS. RADOSTA: She did say that as well.

4 THE COURT: I wrote, said not impartial. So -- so
5 I'm going to grant it with her. Okay?

6 So then you have Jill Pressman is the Jewish holiday
7 issue, and --

8 MS. RADOSTA: She was also the zero tolerance --

9 THE COURT: Yeah.

10 MS. RADOSTA: -- zero policy.

11 THE COURT: I wrote her down. But I -- I don't see
12 based on that that -- I mean, we can probably accommodate her
13 for the holidays, maybe, but I don't know.

14 MS. RADOSTA: I think -- I think --

15 THE COURT: But --

16 MS. HOLTHUS: What's the rule; is it in by sundown,
17 or is it --

18 MS. RADOSTA: I'm not -- you know --

19 MS. HOLTHUS: -- the whole day off?

20 MS. RADOSTA: I'm -- yeah, if -- if it's the one
21 that -- where they -- where it's --

22 THE COURT: Sundown to, I think, sun up.

23 MS. HOLTHUS: I don't know.

24 MS. RADOSTA: I'm not sure off the top of my head.

25 THE COURT: We can ask. Okay, but I don't --

1 MS. RADOSTA: Yeah.

2 THE COURT: -- think there's enough here.

3 Glen Caceres, no.

4 Julie Arcemont says, independent contractor.

5 MS. HOLTHUS: Where are you? Which one are you on?

6 THE COURT: No. 16.

7 MS. HOLTHUS: Okay. Got it. I got it.

8 THE COURT: Said that she's out of -- out of the

9 country -- I mean, out of the county from 10/17 so -- until

10 11. So that was -- she says she has two minor children, but

11 she didn't say that it was going to affect anything.

12 The next one would be Robert Clawson. Works -- this

13 is the individual sitting in the front row here, says he --

14 he's got some issues with Thomas & Mack contract issues, a

15 younger sister --

16 MS. RADOSTA: Um-hum.

17 THE COURT: -- correction officer, didn't say it

18 would affect him at all. But do you want to -- do you see any

19 grounds for cause here?

20 MS. HOLTHUS: I don't.

21 THE COURT: Do you?

22 MS. RADOSTA: Court's indulgence for just a second.

23 Based on what he said in court, but he -- he's

24 somebody that I would feel much more comfortable questioning

25 outside the presence based on some of his answers on his

1 questionnaire, Judge. I just move right now.

2 He said some things on his questionnaire that he
3 would punish, according to God's law.

4 THE COURT: Okay.

5 MS. RADOSTA: He was quoting, you know, things that
6 there are above man's law. I just think he could potentially
7 be a --

8 THE COURT: But he wouldn't be punishing him because
9 he doesn't do -- have punishment.

10 MS. RADOSTA: I understand that, Judge. But the
11 things that he could say in front of the whole panel could
12 potentially be -- I think could taint the panel.

13 THE COURT: Okay.

14 MS. RADOSTA: That's my -- that's my issue with the
15 things that he's said so far in his -- nothing that he's said
16 so far in court, but the things that he said on his Jury
17 Questionnaire that caused me concern.

18 THE COURT: Okay. George Ward, he's the one that
19 basically says because he knows Mary Kay and Mr. Sweetin that
20 he wanted to disclose outside the presence of the jury. So,
21 I'll call him in first.

22 MS. RADOSTA: He's the former prosecutor, lifelong
23 prosecutor --

24 THE COURT: Right.

25 MS. RADOSTA: -- right?

1 THE COURT: Right.

2 MS. RADOSTA: Yeah.

3 THE COURT: Then you have --

4 MS. RADOSTA: And just for the record, I did notice

5 he and you, Your Honor, talking just briefly as he walked out

6 of the courtroom. It wasn't anything.

7 THE COURT: Um-hum.

8 MS. RADOSTA: But I think you asked him, when did

9 you retire and he said --

10 THE COURT: Right. Because he said --

11 MS. RADOSTA: -- last year.

12 THE COURT: -- he retired. He said he retired a

13 year ago.

14 MS. RADOSTA: Yeah.

15 THE COURT: So. Arlene Erwin, two kids to take to

16 school.

17 MS. RADOSTA: Husband works.

18 MS. HOLTHUS: I think we established that was okay,

19 because it was 8:00 o'clock --

20 MS. RADOSTA: Yeah.

21 MS. HOLTHUS: -- she could make it.

22 THE COURT: Okay, yep.

23 MS. RADOSTA: Yes.

24 THE COURT: Chelsea Stuenkel?

25 MS. RADOSTA: Stuenkel.

1 THE COURT: I think she didn't say anything that I
2 could see that -- do you have grounds to strike her?

3 MS. RADOSTA: Well, at this point, I mean, she said
4 that she's worked with both Ms. -- I think definitely with Ms.
5 Holthus and perhaps also with Mr. Sweetin, as a P&P Officer.
6 I mean, maybe she hasn't --

7 THE COURT: She said she can be fair and impartial
8 and that doesn't -- I asked if there's anything about her
9 relationship with them that would affect her and she said
10 "no".

11 MS. RADOSTA: Do you -- by the way, Judge, do you
12 know her?

13 THE COURT: Um, yeah, I know --

14 MS. RADOSTA: Because she indicated --

15 THE COURT: -- who she is.

16 MS. RADOSTA: -- on her form that she knew you.

17 THE COURT: Yeah, I know who she is.

18 MS. RADOSTA: Okay.

19 THE COURT: She's a -- well, she's -- works for P&P.
20 So --

21 MS. RADOSTA: Okay. Because she didn't offer --

22 THE COURT: I think she knows --

23 MS. RADOSTA: -- that up --

24 THE COURT: -- Minddie more than --

25 MS. RADOSTA: Okay.

1 THE COURT: -- more than me, so.

2 MS. RADOSTA: Okay. At this point, there's not
3 enough at this point.

4 THE COURT: Gina Incaviglia. She says that she's
5 currently in college.

6 MS. HOLTHUS: Yeah, we're fine with releasing --

7 THE COURT: It's going to -- this is --

8 MS. HOLTHUS: -- her.

9 THE COURT: -- going to affect her. I'm --

10 MS. RADOSTA: Yeah.

11 THE COURT: -- I'm going to excuse her.

12 MS. HOLTHUS: Yeah.

13 THE COURT: Okay.

14 MS. HOLTHUS: Did she put that on her questionnaire
15 because I --

16 MS. RADOSTA: Yes.

17 MS. HOLTHUS: -- would have probably let her go.

18 THE COURT: Nicholas --

19 MS. RADOSTA: Yeah, she did.

20 THE COURT: -- Devita, he says his works projects,
21 he's the only iron -- only proprietor. Does -- he's the only
22 one that does what he has to do so it's -- it's a work issue.

23 MS. RADOSTA: Is he the one who --

24 THE COURT: He's the one sitting right here on the
25 very end.

1 MS. RADOSTA: Okay.

2 THE COURT: I don't see that that's grounds.

3 Karen Hubbs.

4 MS. RADOSTA: She was out of state tomorrow through

5 the 16th.

6 THE COURT: Plans on leaving to go out of state

7 tomorrow. She said that she possibly could rearrange that.

8 She says she was the victim of sexual assault.

9 MS. RADOSTA: Yeah. She did --

10 THE COURT: She said her mind's already made up.

11 MS. RADOSTA: Yes. Because of --

12 THE COURT: And --

13 MS. RADOSTA: -- what she's seen on T.V.

14 THE COURT: Right.

15 MS. RADOSTA: And to be fair --

16 THE COURT: Um-hum.

17 MS. RADOSTA: -- she's saying she saw this on T.V.

18 THE COURT: Yeah.

19 MS. RADOSTA: Who knows if that's accurate or not,

20 but she does feel like -- I think -- I think there's enough

21 there for cause at this point --

22 THE COURT: I'm -- I'm going to excuse her.

23 MS. RADOSTA: -- in time.

24 THE COURT: What's -- what's your position, State?

25 Do you -- I mean, based on what she's said --

1 MS. HOLTHUS: We'll submit it.

2 THE COURT: -- that -- she's the one sitting right
3 in front of you guys, right there, so.

4 MS. HOLTHUS: I'll submit it.

5 THE COURT: Okay. Next one is Robert McDermitt.
6 He's the investigator for the Cosmos. He's a video guy. He's
7 really good with video. He's the one right here. I thought
8 he was going to give us something about -- about -- because
9 his -- his wife had been sexually assaulted. She lives it
10 everyday, he says.

11 And -- but he -- he told me that he -- that's not
12 going to affect him here, he just feels that when he sees the
13 video he believes in the video and so -- so I don't see
14 there's any grounds to strike --

15 MS. RADOSTA: Actually --

16 THE COURT: -- him.

17 MS. RADOSTA: -- Your Honor, if I could, he seemed
18 -- he said a couple times, I'm going to rely on the video.

19 THE COURT: Um-hum.

20 MS. RADOSTA: On the video. And so there is a lot
21 of other evidence in this case besides the video.

22 THE COURT: Right.

23 MS. RADOSTA: I'm -- in my opinion, he was already
24 saying that the video is it, and he's -- he's -- I mean, he
25 didn't absolutely say, my mind is made up. But he said a

1 couple of times, I work with video, I know video doesn't lie.

2 THE COURT: Um-hum.

3 MS. RADOSTA: And I think he's already to the point
4 where he's not going to listen to any other evidence other
5 than.

6 THE COURT: Well, no, he told me he -- I remember
7 him saying that he felt -- he put a high emphasis on the
8 video, basically is how I understood it. But he did say that
9 he -- he recognizes that there's other evidence but he -- the
10 video doesn't lie. I remember him -- that, so I don't think
11 at this point in time that there's grounds to strike him.

12 I think we can ask further questions if you feel
13 uncomfortable that he needs to be -- understand that he needs
14 to look at everything and if he says he wouldn't consider
15 anything else, then yes, that would be grounds to strike him.

16 MS. RADOSTA: Okay.

17 THE COURT: The next one's Karen Ackerman, No. 52.
18 She said she worked with Las Vegas in Loss Prevention. It was
19 the lady here in the front. I don't think there's any grounds
20 for that.

21 Then you have Laura Velasquez, I already excuse her.
22 I'm sorry, that --

23 MS. RADOSTA: Yeah.

24 THE COURT: Cristina Moya, show cause.

25 MS. RADOSTA: She didn't --

1 THE COURT: Okay. Jim Freund, retired LAPD,
2 Homicide, Sexual Assault Units, but he said he could be fair.
3 MS. HOLTHUS: Right.
4 THE COURT: Ronald Quon, he says he has a doctor
5 appointment 9:00 o'clock on Friday. This is the guy right
6 here with the broken wrist, to have his cast removed.
7 MS. RADOSTA: Um-hum.
8 THE COURT: And he was the former police officer.
9 MS. RADOSTA: I -- just because of his doctor's
10 appointment on Friday morning, I mean, unfortunately, it may
11 ultimately not affect the trial, but it -- we could have a
12 jury by Friday morning, and if he's on it then that's a
13 problem, so.
14 MS. HOLTHUS: Are we starting at 9:00?
15 MS. RADOSTA: That was the plan.
16 THE COURT: What's that?
17 MS. HOLTHUS: Are we starting at 9:00 on Friday?
18 THE COURT: Yeah, more than likely. So --
19 MS. HOLTHUS: We could start at 10:00 --
20 THE COURT: We could ask him and see --
21 MS. HOLTHUS: -- or he could ask them to move it.
22 THE COURT: -- I'll -- we'll ask him. I'll ask the
23 question when he comes back in about --
24 MS. HOLTHUS: I could --
25 THE COURT: -- if he could move his --

1 MS. HOLTHUS: -- take the cast really.
2 THE COURT: -- appointment. And then you have
3 Nagendra Achanta, independent contractor.
4 MS. HOLTHUS: Is the guy with one car --
5 MS. RADOSTA: He said that --
6 MS. HOLTHUS: -- and kids? I didn't understand what
7 he --
8 MS. RADOSTA: Yeah.
9 MS. HOLTHUS: -- was telling me.
10 MS. RADOSTA: He said that he has -- he's an
11 independent contractor and because he is --
12 THE COURT: He's the only one.
13 MS. RADOSTA: -- the only one on the team that if he
14 isn't there for four weeks he could lose the contract.
15 THE COURT: Yeah.
16 MS. RADOSTA: So as far as like financial issues he
17 actually seemed in my opinion to articulate it a little bit
18 better than just, I'm the only person on the office.
19 THE COURT: Yeah.
20 MS. RADOSTA: Being an independent contractor I --
21 he absolutely could --
22 MS. HOLTHUS: I am --
23 MS. RADOSTA: -- lose -- I --
24 MS. HOLTHUS: I just --
25 MS. RADOSTA: -- I think he can -- I think --

1 MS. HOLTHUS: I disagree. I think that he's no more
2 important than Dunbar financially. I think they both wait,
3 but that's my opinion.

4 MS. RADOSTA: Well, Dunbar is not going to lose his
5 job as a chef.

6 MS. HOLTHUS: Dunbar's not going to get paid for
7 four weeks.

8 THE COURT: Oh, he is. He'll get --

9 MS. HOLTHUS: I'm guessing contractor guy --

10 THE COURT: -- \$40 a day.

11 MS. HOLTHUS: Okay. I'm -- that's probably --

12 THE COURT: So he is getting paid.

13 MS. HOLTHUS: -- not going to pay his rent.

14 MS. RADOSTA: But --

15 MS. HOLTHUS: Or his mortgage. I'm just saying.

16 MS. RADOSTA: -- actually, you know --

17 THE COURT: Well, if we want to do that, we need to
18 release everybody that's got a financial issue.

19 MS. HOLTHUS: I wasn't releasing either of them.

20 THE COURT: Oh, okay. I was just --

21 MS. RADOSTA: And --

22 THE COURT: -- what I'm saying is that -- is that --
23 I mean, if we take that position that it'd be everybody.

24 MS. HOLTHUS: No, that --

25 MS. RADOSTA: Absolutely.

1 MS. HOLTHUS: -- no, that's what I'm saying. I
2 don't think -- I think there are some extreme ones. Sometimes
3 there are people who have been unemployed for six months and
4 they've just finally got a job and they're digging their way
5 out.

6 THE COURT: Yeah.

7 MS. HOLTHUS: And then giving them deferred --

8 THE COURT: You know --

9 MS. HOLTHUS: -- service isn't bad.

10 THE COURT: -- I give -- I give enough room on the
11 days that I'm doing my calendar that we start like at 1:00
12 o'clock and that so individuals can address their -- their
13 work issues and --

14 MS. RADOSTA: Just though to address that, the
15 difference between Mr. Dunbar and -- and Mr. -- and I'm sorry,
16 I've already -- Mr. --

17 THE COURT: Achanta.

18 MS. RADOSTA: -- Achanta, is he is an independent
19 contractor. He will not be paid by anybody for being here,
20 unlike Mr. --

21 MS. HOLTHUS: Mr. Kephart will pay him.

22 MS. RADOSTA: -- Dunbar who works as a chef for
23 somebody that most likely is -- I mean, any -- any restaurant,
24 any other official business in -- in Clark County are supposed
25 to pay their employees. So there is a difference.

1 THE COURT: Okay.

2 MS. RADOSTA: He is -- he is an independent
3 contractor. Nobody is going to be paying him except the \$40 a
4 day that he gets. I'm just -- there is a distinction between
5 Mr. Dunbar and Mr. Achanta.

6 MS. HOLTHUS: And that's what our chef said is that
7 he doesn't get paid. So --

8 MS. RADOSTA: He said -- I thought he said, I
9 haven't looked into it.

10 THE COURT: Okay.

11 MS. RADOSTA: So.

12 THE COURT: Well, I put a question mark --

13 MS. HOLTHUS: Well, I'm not agreeing, so whatever.

14 THE COURT: -- by Mr. Achanta.
15 I'm going to excuse Mr. Achanta.

16 And we have Kaleb Miley, work hardship, Nevada
17 Energy, Fleet Manager. I'm not -- I'm not going to with him,
18 okay. There's more people with --

19 MS. RADOSTA: Right.

20 THE COURT: -- with them and -- okay.
21 Then you have Heidi Johnson.

22 MS. HOLTHUS: She's out of -- out of the country at
23 10/6, but we should be --

24 THE COURT: October.

25 MS. HOLTHUS: -- fine by then or --

1 THE COURT: All right. Anything further on that
2 one?

3 MS. RADOSTA: She also, though, shared with us that
4 she used to be married to a municipal court judge, if I'm
5 remembering correctly.

6 MS. HOLTHUS: I don't think that's cause.

7 MS. RADOSTA: Hang on. No, I'm confusing my --

8 MS. HOLTHUS: No, she said something about her
9 husband's a municipal court judge for ten years but I -- I
10 don't recall anything cause related being said, like I can't
11 be fair, or that would impact me at all.

12 MS. RADOSTA: Court's indulgence.

13 (Pause in the proceedings)

14 MS. RADOSTA: Did she -- out of curiosity did she
15 share with the Court that she was George Assad's wife? That's
16 the municipal court judge that she was married to, is Judge
17 Assad.

18 THE COURT: She said at a previous -- she didn't say
19 who it was.

20 MS. RADOSTA: Okay. All right.

21 THE COURT: She just said a municipal court judge.

22 MS. RADOSTA: I don't recall if she got into some of
23 the things that she in her questionnaire so I'll just -- I'll
24 just let her be further questioned.

25 THE COURT: Okay. And then Nelson Pacheco-Medina

1 only works in the -- the only one working in the house, sales
2 consultant. He said his -- he's the one that said his
3 livelihood's in jeopardy.

4 MS. RADOSTA: Yeah.

5 THE COURT: He's the gentleman that's right here in
6 the --

7 MS. RADOSTA: He's commissioned --

8 MS. HOLTHUS: If you're leaving Achanta, then we've
9 got to take him out.

10 THE COURT: All right. Yep. I'll excuse him.
11 And David Moore, a freshman high school teacher, I
12 don't know --

13 MS. HOLTHUS: Nah.

14 THE COURT: -- about that. I'm not going to excuse
15 him for that.

16 Camryn Estrada, she said she'd be biased --

17 MS. RADOSTA: Yes.

18 THE COURT: -- because of this case -- type of case.

19 MS. HOLTHUS: That --

20 MS. RADOSTA: We would move to strike her for that.

21 MS. HOLTHUS: Oh, that's --

22 THE COURT: She's the one -- she brought that up on
23 her own, too, I mean, just --

24 MS. RADOSTA: She -- she said it.

25 MS. HOLTHUS: She just said her best friend went

1 through it but --

2 MS. RADOSTA: And she said she's --

3 MS. HOLTHUS: -- I mean, there's some traverse -- I

4 mean, I --

5 THE COURT: Okay. No, I'll let you --

6 MS. HOLTHUS: -- we can't kick everybody in the

7 community who's --

8 THE COURT: No, I know, but we've got to be --

9 MS. HOLTHUS: -- there are some that I -- I agree,

10 that there are a couple here who are obviously being

11 emotionally impacted at even --

12 THE COURT: No, I'll let you question her.

13 MS. HOLTHUS: Thank you.

14 THE COURT: I think that -- I'd be surprised though

15 based on what she was saying here that she's going to change.

16 MS. HOLTHUS: Okay.

17 THE COURT: So I think -- and, you know, it might

18 just be my perception, my perception is sometimes I think

19 individuals see it as an out and they -- they --

20 MS. RADOSTA: Um-hum.

21 THE COURT: -- but some of them might be legit, you

22 know, but --

23 MS. HOLTHUS: I agree and --

24 MS. RADOSTA: I mean, there --

25 MS. HOLTHUS: -- I have --

1 THE COURT: -- so --
2 MS. HOLTHUS: -- a couple here that I do think are
3 legit --
4 THE COURT: -- so --
5 MS. HOLTHUS: -- and they impact them in a way that
6 they can't --
7 THE COURT: So I'll let you question further but I
8 think this one, she's -- to my -- in my opinion she's on the
9 fence.
10 MS. HOLTHUS: Okay.
11 THE COURT: So --
12 MS. RADOSTA: I mean, she -- she just volunteered
13 that.
14 THE COURT: She did.
15 MS. RADOSTA: Very --
16 THE COURT: She did.
17 MS. RADOSTA: -- very organically --
18 THE COURT: No, I agree.
19 MS. RADOSTA: -- if you will.
20 THE COURT: I agree.
21 MS. RADOSTA: It wasn't, you know --
22 THE COURT: But she -- I agree.
23 MS. RADOSTA: There are those people that are
24 raising their hand for every question and then they also --
25 THE COURT: Well, she's --

1 MS. RADOSTA: -- throw in, oh and by the way, I
2 can't be fair and impartial. She's not one of them. She's --
3 THE COURT: She -- no, she did. She wanted to tell
4 me, I can't do this because I'm not going to be here on -- on
5 the weekend.
6 MS. RADOSTA: She thought -- she thought we worked
7 weekends.
8 THE COURT: And I said, well, if it's not a big
9 deal; no, it's no big deal. And so I'll let you question --
10 MS. RADOSTA: Well, they do on the T.V. shows --
11 THE COURT: -- yeah.
12 MS. RADOSTA: -- you know --
13 THE COURT: Then Christina Kyker, she has a work
14 issue, she's the only worker.
15 MS. HOLTHUS: How would you like you --
16 THE COURT: She's an oil distributor --
17 MS. RADOSTA: Was she the one --
18 THE COURT: -- who said --
19 MS. RADOSTA: Was she the one who said her --
20 THE COURT: -- it would basically close it down --
21 MS. RADOSTA: -- her --
22 THE COURT: -- if she's not the one that's sending
23 stuff out.
24 MS. HOLTHUS: Yeah, her.
25 MS. RADOSTA: Was she the one who said her boss is

1 already texting her?

2 THE COURT: Yeah.

3 MS. HOLTHUS: She's also the one -- and I would like
4 you to inquire further -- her husband's a former guard and now
5 he's an inmate. I'd like to know about his crime --

6 THE COURT: Right.

7 MS. HOLTHUS: -- if you would find out for us,
8 please.

9 MS. RADOSTA: I think she did talk about that in
10 her --

11 MR. LOPEZ-NEGRETTE: She said it's not sex assault.

12 MS. RADOSTA: Yeah, she -- she referenced in here,
13 not sex assault, but she did share that in her Jury
14 Questionnaire.

15 MS. HOLTHUS: Okay.

16 MS. RADOSTA: Because I -- I did the same thing you
17 did, Your Honor.

18 THE COURT: Um-hum.

19 MS. RADOSTA: I was like, what -- did I read that
20 correctly?

21 THE COURT: Yeah. Okay, the next one is Erica
22 Solomon, financial hardship, recent lost job. Her husband
23 just lost his job. She's got transportation issues. She said
24 she --

25 MS. HOLTHUS: I would let her go.

1 THE COURT: Okay.

2 MS. RADOSTA: No objection.

3 THE COURT: Victim of sexual assault --

4 MS. HOLTHUS: Financial hardship.

5 THE COURT: -- long-term -- okay. I'll excuse.

6 MS. RADOSTA: She also that she just got the nanny

7 job only if she doesn't get --

8 THE COURT: Right.

9 MS. RADOSTA: -- jury duty for the next month.

10 THE COURT: Carolyn Carroll, she said that someone

11 who's had a sexual assault, she doesn't think she could be

12 fair. That's the one I had quite a discussion with, African-

13 American lady in the front row there.

14 MS. RADOSTA: Um-hum. We would move to strike.

15 MS. HOLTHUS: I won't object. I think she's

16 somebody who's using it to get out, but that's --

17 THE COURT: Well, I -- based on what she told me

18 though she --

19 MS. HOLTHUS: That's fine.

20 THE COURT: -- she said she couldn't be fair.

21 Lorie Pair, victim of sexual assault, I wrote would

22 not be fair.

23 MS. HOLTHUS: You did?

24 MS. RADOSTA: Yeah. That -- we would have to prove

25 him not guilty.

1 THE COURT: Yeah.

2 MS. RADOSTA: That's what she said.

3 THE COURT: That's -- yep.

4 MS. RADOSTA: We would move to strike.

5 THE COURT: Okay. Timothy Duran --

6 MS. HOLTHUS: Oh, yeah, she was emotional.

7 THE COURT: He says he's taking his dad to the VA

8 three times a week and he's --

9 MS. HOLTHUS: No objection.

10 MS. RADOSTA: Yeah. We'd --

11 THE COURT: -- the only transportation. Excuse,

12 okay.

13 Erica Urias --

14 MS. RADOSTA: She said she couldn't watch the video.

15 THE COURT: Yep.

16 MS. HOLTHUS: We need to talk a little bit more

17 about that because I didn't know that was an option.

18 MS. RADOSTA: A lot of people said that in their

19 Jury Questionnaires, so --

20 MS. HOLTHUS: I know, but it's -- I don't know that

21 that's an option.

22 MS. RADOSTA: But for the --

23 MS. HOLTHUS: And -- I don't know.

24 THE COURT: Yeah.

25 MS. RADOSTA: For the sake of argument, think we

1 need to be aware of those people that are saying it up-front,
2 and I mean, I don't think at this point there's enough to kick
3 her, but she's --

4 THE COURT: Okay.

5 MS. RADOSTA: -- telling us right now, she won't
6 watch a large part of the State's case. Certainly, we would
7 have no objection to her not watching the video.

8 THE COURT: Okay.

9 MS. RADOSTA: But it is what it is.

10 THE COURT: All right.

11 MS. RADOSTA: We want people to pay attention to all
12 of the case.

13 THE COURT: Okay.

14 MS. RADOSTA: So.

15 THE COURT: The next one would be David Moffat. He
16 said as a child, he's still affected. He about broke down in
17 tears in here.

18 MS. HOLTHUS: Him --

19 MS. RADOSTA: Yes.

20 MS. HOLTHUS: -- him I will let go. I think he's
21 still being affected by it right now.

22 MS. RADOSTA: Yeah.

23 THE COURT: Any objection?

24 MS. RADOSTA: No objection.

25 THE COURT: Okay. Tyvon Warren, says he's the only

1 manager for T-Mobile.

2 MS. HOLTHUS: Nah.

3 THE COURT: Okay. Trevor Ellis said he's going to
4 be gone 9/14 through 9/18. He hasn't bought his tickets yet
5 but he's going to North Carolina.

6 MS. HOLTHUS: Yes.

7 THE COURT: And then he said his fiance's -- was a
8 victim of sexual assault and he has trouble with the video,
9 too.

10 MS. HOLTHUS: I'm not sure what his issue is, but if
11 he's going to North Carolina, I'm not sure he's getting a
12 ticket. I don't know that I believe him, but --

13 THE COURT: I -- yeah, I know, but he --

14 MS. HOLTHUS: -- but I'm like --

15 MS. RADOSTA: He also -- he also --

16 MS. HOLTHUS: -- do you know how much it's going to
17 cost?

18 MS. RADOSTA: -- and --

19 MS. HOLTHUS: But it -- I don't think it's worth
20 wasting time at this point.

21 MS. RADOSTA: -- he's also a full-time -- he didn't
22 tell us this, but on his form, or on his Jury Questionnaire he
23 says he's a full-time UNLV student as well.

24 MS. HOLTHUS: I suspect it's an excuse he forgot,
25 because he's given us every other one.

1 THE COURT: Yeah. Any objection to him being
2 excused?
3 MS. RADOSTA: No.
4 THE COURT: Breena Hopkins, a full-time nursing --
5 she's -- she is --
6 MS. RADOSTA: She's --
7 THE COURT: Any objection to excusing her?
8 MS. RADOSTA: No.
9 MS. HOLTHUS: I'm sorry, which one?
10 MS. RADOSTA: Ms. Hopkins.
11 THE COURT: Breena Hopkins.
12 MS. HOLTHUS: Yeah, that's fine.
13 THE COURT: You want to excuse her?
14 MS. HOLTHUS: Yes.
15 THE COURT: Okay.
16 MS. HOLTHUS: Full-time student.
17 THE COURT: Well, she had --
18 MS. HOLTHUS: Nursing student.
19 THE COURT: -- full-time everything.
20 MS. HOLTHUS: Well, yeah.
21 THE COURT: Full-time mom, full-time --
22 MS. HOLTHUS: She had me at full-time nursing.
23 THE COURT: -- full-time transportator of her kids.
24 MS. HOLTHUS: She started losing me.
25 THE COURT: Full-time anti-sexual assault charges.

1 MS. HOLTHUS: Yeah.

2 THE COURT: Full-time student, full -- everything

3 you could think of she was --

4 MS. HOLTHUS: I know, like I said --

5 THE COURT: -- you know --

6 MS. HOLTHUS: -- I was more sympathetic when she

7 first said it.

8 THE COURT: All right. Ryan Ulibarri, college

9 student --

10 MS. HOLTHUS: Fine.

11 THE COURT: -- CSN. I always -- you know, I'll tell

12 you this. I -- my inclination is to excuse the students.

13 I've always been that way. So if you don't have any

14 objection, that's the position --

15 MS. HOLTHUS: I don't if they're -- if they're --

16 yeah.

17 THE COURT: Violet, do you have any --

18 MS. RADOSTA: No objection.

19 THE COURT: Okay. Michael Bailey, lives with a

20 parole officer, said -- and was involved in the sexual assault

21 but he says that he can be -- it wouldn't affect him.

22 MS. RADOSTA: At this -- I mean, at this --

23 THE COURT: Did I read that right?

24 MS. HOLTHUS: Yeah.

25 MS. RADOSTA: Yes.

1 THE COURT: Okay.

2 MS. RADOSTA: Um --

3 THE COURT: All right. Dana Deiana, retired sales,
4 commission, no --

5 MS. HOLTHUS: Where are you?

6 THE COURT: It's No. 247. Dana Deiana.

7 MS. HOLTHUS: Oh.

8 MS. RADOSTA: Commissioned based pay --

9 THE COURT: Retail sales --

10 MS. RADOSTA: -- retail sales.

11 THE COURT: -- no time off, no other source of
12 income.

13 MS. HOLTHUS: All right. Let them go, I guess.

14 THE COURT: Okay. Let them go?

15 MS. HOLTHUS: No paid time off. Well, I mean --

16 THE COURT: Okay.

17 MS. HOLTHUS: -- if we're letting other people --

18 THE COURT: Yep.

19 MS. HOLTHUS: -- that don't get -- have any money
20 coming in, it doesn't --

21 THE COURT: Yeah, I know. I know.

22 MS. HOLTHUS: -- seem fair to single this person
23 out.

24 THE COURT: Well, I wouldn't if it was just a short
25 time, but a whole week -- a whole month --

1 MS. RADOSTA: Right.
2 MS. HOLTHUS: No, I get it.
3 THE COURT: -- that's -- okay.
4 MS. HOLTHUS: I couldn't probably do it.
5 THE COURT: Daniel Ferreira.
6 MS. RADOSTA: He did say he can't be fair.
7 THE COURT: He said, I can't be fair because of a
8 family member being abused, is what he flat said.
9 MS. RADOSTA: He's seen the -- yeah, and he's seen
10 the effect of it. We'd move to strike.
11 THE COURT: Any objection? Daniel Ferreira.
12 MS. HOLTHUS: I don't think we --
13 THE COURT: Okay.
14 MS. HOLTHUS: -- went very far with that, on that
15 one.
16 THE COURT: The next one's Kathleen Coleman, 266.
17 MS. RADOSTA: And -- sorry, Judge, are you --
18 THE COURT: Are we still on Daniel -- yeah, I was
19 going to excuse him --
20 MS. RADOSTA: Okay.
21 THE COURT: -- based on your motion.
22 MS. RADOSTA: Thank you.
23 THE COURT: Daniel Coleman -- or Kathleen Coleman.
24 MS. RADOSTA: She had all the doctors appointments.
25 THE COURT: Yeah. And then she said she couldn't be

1 impartial is what -- well, also --

2 MS. RADOSTA: She also did indicate that these all

3 came up since --

4 MS. HOLTHUS: Yeah, it sounded like her husband may

5 have been diagnosed for something not good.

6 MS. RADOSTA: Yeah.

7 THE COURT: Yeah.

8 MS. RADOSTA: So we will --

9 THE COURT: Okay, I'll excuse her.

10 MS. RADOSTA: -- move to strike. Yeah.

11 THE COURT: William Robinson, 267. Retired

12 military. He's the one that said --

13 MS. HOLTHUS: I don't even know what that meant, but

14 I'm --

15 THE COURT: Yeah.

16 MS. HOLTHUS: -- okay with getting rid of him.

17 THE COURT: Do you want to excuse him?

18 MS. RADOSTA: No objection.

19 MS. HOLTHUS: Yeah, I can't judge guilty because

20 accused.

21 THE COURT: Yeah.

22 MS. HOLTHUS: Yeah.

23 MS. RADOSTA: He -- he was dancing around it.

24 Basically, he was saying, yeah --

25 THE COURT: He didn't want to be here so I'm going

1 to say he was guilty.

2 MS. HOLTHUS: I didn't think he was dancing.

3 MS. RADOSTA: I --

4 MS. HOLTHUS: I think he said, I don't want to be

5 here. He's accused, so he's guilty.

6 THE COURT: Yeah. That's --

7 MS. RADOSTA: Yeah, no, that's --

8 THE COURT: -- exactly what he did.

9 MS. HOLTHUS: If I'm not mistaken.

10 MS. RADOSTA: -- I mean, I don't think he wanted to

11 come right out and say, I look at him and I see a guilty

12 person.

13 THE COURT: Well, because he knows what he was

14 saying was so --

15 MS. RADOSTA: Right.

16 MS. HOLTHUS: Ridiculous.

17 MS. RADOSTA: Yes. That's what I mean by --

18 THE COURT: -- contrived, you know?

19 MS. RADOSTA: -- dancing around it. No, not

20 ridiculous, it's what he believes and he just didn't like how

21 it sounded coming out of his mouth.

22 THE COURT: Jose Medina, 286. He's the only

23 maintenance tech for a -- for a --

24 MS. HOLTHUS: No.

25 THE COURT: -- property, apartment complex.

1 MS. HOLTHUS: He didn't indicate it was financial,
2 so somebody --

3 THE COURT: Nope.

4 MS. HOLTHUS: -- has to wait for their clogged
5 toilet.

6 THE COURT: He said that no one else will be able to
7 do what he did, but he didn't --

8 MS. HOLTHUS: Yeah.

9 THE COURT: -- say it's going to affect him.
10 Kathleen Crow, 292, Zappos, I -- other people can do
11 her job.

12 MS. RADOSTA: I'm not so sure, Judge. I would ask
13 maybe --

14 THE COURT: You can ask more questions, but based on
15 what she told me, I'm not going to excuse her.

16 MS. RADOSTA: Well, yeah, just because it sounded
17 not like it's somebody else can't do her job, but she's like
18 already -- they've already planned to send her out of town for
19 four weeks starting on the 12th --

20 THE COURT: Yeah.

21 MS. RADOSTA: -- so.

22 THE COURT: Okay. Kenneth Johnson, Badge 319.

23 MS. HOLTHUS: Surgery, let him go.

24 THE COURT: Surgery. I'm going to -- he's got
25 surgery, he's fine.

1 Dany --
2 THE CLERK: So let him go?
3 THE COURT: No, I'm not excusing Kenneth Johnson.
4 MS. HOLTHUS: Oh, you're keeping the surgery guy?
5 MS. RADOSTA: Well, the surgery is --
6 THE COURT: He doesn't have it until October 15th.
7 MS. HOLTHUS: Oh, I was thinking Friday, I thought.
8 THE COURT: No, that was the guy we --
9 MS. HOLTHUS: Oh, shoot.
10 THE COURT: -- we already talked -- he's --
11 MS. HOLTHUS: Oh, shoot. Okay. You're right.
12 THE COURT: Okay.
13 MS. HOLTHUS: I wrote 10/15 and thought 9/15.
14 THE COURT: Then you have Dany Canales Ruiz, she's
15 the individual who can't speak --
16 MS. HOLTHUS: I would say let her go.
17 THE COURT: Are you okay --
18 MS. RADOSTA: Given what she finally shared with us,
19 yeah, I think --
20 MS. HOLTHUS: She's been crying for --
21 THE COURT: Okay.
22 MS. RADOSTA: Yeah.
23 MS. HOLTHUS: -- the last 20 minutes.
24 THE COURT: All right. You'll need to stay just to
25 let her know that we're letting her go; okay?

1 THE INTERPRETER: Okay. Thank you, Your Honor.
2 THE COURT: All right.
3 And then you have Cassandra Lucero, Badge 321.
4 MS. HOLTHUS: She's fine.
5 THE COURT: She said that she may not be open minded
6 Her sister-in-law as a sexual assault victim, officer manager,
7 insuring -- she's the one that says that they will close her
8 doors if she's not working.
9 MS. RADOSTA: I would move to strike, Your Honor,
10 just because she said she didn't think that she could --
11 THE COURT: Be open-minded.
12 MS. RADOSTA: -- be open-minded, yeah, because of --
13 MS. HOLTHUS: I didn't write that down, so I must
14 not have been impressed by it, but yeah.
15 THE COURT: I'm going to excuse her.
16 MS. RADOSTA: Okay.
17 MS. HOLTHUS: Okay.
18 THE COURT: Jose Gutierrez, he says his girlfriend
19 was sexual assaulted, may not be able to be fair. I wrote
20 that down.
21 MS. RADOSTA: Yeah.
22 THE COURT: That's what he said.
23 MS. HOLTHUS: I think that was another wishy washy
24 one then, Judge, could we --
25 MS. RADOSTA: I --

1 THE COURT: Okay. I'll let you question.
2 MS. RADOSTA: -- for the record --
3 MS. HOLTHUS: Thank you.
4 MS. RADOSTA: -- we'd be moving to strike.
5 THE COURT: All right. Oscar Guerrero, Badge 325,
6 financial hardships, main income. He's the only source of
7 income in his house.
8 MS. HOLTHUS: Well, is there a difference between
9 main source of income and only source of income? Because I
10 would say only source, not main, if --
11 THE COURT: Yeah.
12 MS. HOLTHUS: -- I was the only. So I'm --
13 THE COURT: No.
14 MS. HOLTHUS: -- wondering if there's somebody else
15 working.
16 THE COURT: I think there is a difference.
17 Johnie Williams, 327. Brother-in-law, retired LAPD,
18 nothing.
19 MS. HOLTHUS: Are you keeping Guerrero --
20 THE COURT: Yes.
21 MS. HOLTHUS: -- for now? Okay.
22 THE COURT: Stephen Waldron, 338. He's a CPA. He
23 says they're in tax -- their corporate tax starts right now.
24 I'm not going to excuse him, okay, not on that.
25 Josephine Churchill is 342.

1 MS. RADOSTA: Did -- I'm sorry, could we just back
2 up to Mr. Waldron for a second?

3 THE COURT: Okay, yeah.

4 MS. RADOSTA: Did the Court ask anything about
5 anybody being arrested? You haven't asked that yet, no?

6 THE COURT: Nope.

7 MS. RADOSTA: Yet? No?

8 THE COURT: Nope.

9 MS. RADOSTA: Okay.

10 THE COURT: Nope, nope, nope.

11 MS. RADOSTA: Because he -- he shared something on
12 his questionnaire and I --

13 THE COURT: Okay.

14 MS. RADOSTA: -- was making sure you didn't.

15 THE COURT: Josephine Churchill was fine, just said
16 everyone she's related to is a police officer.

17 Lamar Noorda, has a small construction company and
18 he's in a big project and he's the only one that understands
19 it basically. Okay.

20 And then you have Moises Salgado. He's the one that
21 says he has surgery on Friday at 11:30.

22 MS. RADOSTA: We'd strike him.

23 THE COURT: So I'm going to excuse him.

24 MS. HOLTHUS: I knew I heard it somewhere.

25 THE COURT: Okay. He's Badge 545. He's on --

1 THE CLERK: Page 7.
2 THE COURT: -- page 7.
3 All right. So --
4 THE CLERK: Did we agree to let go [inaudible]?
5 THE COURT: No.
6 THE CLERK: No? Okay.
7 THE COURT: Tyvon Warren. No. No.
8 Okay, go ahead and get the jury in.
9 (Court/Clerk conferring)
10 THE COURT: I need you just to bring in Ward, George
11 Ward.
12 MS. RADOSTA: Oh, yeah. I'm only showing two from
13 the first 34 that got kicked; is that right? Or is there
14 more?
15 THE CLERK: No, that's six.
16 THE COURT: No.
17 MS. HOLTHUS: What happened to the jury?
18 THE CLERK: I had seats 3 --
19 THE COURT: Can you walk out and just tell him to
20 bring in George Ward?
21 THE CLERK: -- which is Garner.
22 MS. RADOSTA: Right.
23 THE CLERK: 5, is Gorski.
24 MS. RADOSTA: Yeah.
25 THE CLERK: Seat 11, is Cordero.

1 MS. RADOSTA: Yeah.

2 THE CLERK: Seat 19, Incaviglia.

3 MS. RADOSTA: Oh, yeah.

4 THE CLERK: Seat 21 is Hubbs. And Seat 33, is

5 Achanta.

6 MS. RADOSTA: Okay. Thanks, sorry. I had them all

7 written down and I just lost my place.

8 (Pause in the proceedings)

9 (In the presence of Prospective Juror No. 036)

10 THE COURT: All right. Yes, Mr. Ward, can you go

11 back --

12 PROSPECTIVE JUROR NO. Yes.

13 THE COURT: -- towards your seat?

14 All right. Okay. All right. We're in the presence

15 of Prospective Juror George Ward, and Badge 036. Mr. Ward had

16 indicated that and the question of whether or not he knew any

17 of the parties, he indicated that he knew both Ms. Holthus and

18 Mr. Sweetin as well as the Court, based on previous

19 employment, and he felt more comfortable in disclosing how he

20 knew both the prosecutors outside the presence of the jury.

21 So is that -- am I about -- am I right with that?

22 PROSPECTIVE JUROR NO. 036: That is correct, Judge.

23 THE COURT: Okay. Mr. Ward, what did you want to

24 tell us?

25 PROSPECTIVE JUROR NO. 036: Well, first I want to

1 apologize to Mr. Sweetin. I just had a momentary lapse of
2 seniority at this stage, but yeah, I came to know both of them
3 through my employment, first of all, with Judge Mosley. At
4 some point, Mr. Sweetin was on the track with Scott Mitchell.
5 And Ms. Holthus did several trials in front of Judge Mosley.
6 And I'll be honest with you, the two of them helped shape my
7 decision to become a prosecutor.

8 MS. HOLTHUS: Ah.

9 PROSPECTIVE JUROR NO. 036: I have the highest
10 regard for both of them. They were -- obviously, Ms. Holthus
11 has been on the sexual assault track for decades now and I've
12 seen her in action and honestly, a lot of the cross-
13 examination skills that I took away from that could be
14 attributed to her.

15 There's a case that comes to mind, the Darren Lewis
16 [phonetic] case where it was Randy Pike and it was a -- it was
17 a case I'll never forget. I don't think she will either,
18 where he took the stand and just kind of -- it was textbook
19 cross-examination and it got her the conviction.

20 And Mr. Sweetin, with his meticulousness, his
21 accounting background, it's something that I aspire to be as
22 technically precise.

23 So my -- my concern is just that to have such high
24 regard for them, I would love to serve on this jury. I --
25 honestly, I was excited. But if I didn't know the two

1 prosecutors, I think it's a cleaner slate. But, you know,
2 with my interactions with them, and also with Jim's son, Bob,
3 who I've worked in a professional capacity while I was at the
4 City of Henderson, is the City Attorney of Mesquite, and we
5 got to know each other through appeals, and he's just a great
6 guy.

7 So I'm just concerned that I'm not sure I could be
8 100 percent impartial because of these two prosecutors and the
9 high regard that I hold them, and that I don't want that to
10 subconsciously kind of influence how much validity to the
11 evidence and the techniques that are demonstrated in the
12 trial.

13 So that -- that was my concern. And I think once --
14 I didn't want to say that in front of the entire jury, just
15 because I don't want to attest to their qualifications and
16 their skill level. So that was the concern that I had.

17 THE COURT: All right. Mr. Ward, do you have any
18 question? Does anyone want to ask any further questions?

19 MS. RADOSTA: Well, I think at this point we -- we'd
20 ask you just strike --

21 THE COURT: Okay.

22 MS. RADOSTA: -- him for cause. I mean, I think
23 he's being totally honest. I think he's being --

24 THE COURT: No, I --

25 MS. RADOSTA: -- totally straightforward. But at

1 this point, I think that his prior interactions -- and he's
2 even said, he's not sure if it --

3 MS. HOLTHUS: Okay.

4 MS. RADOSTA: -- would affect him.

5 THE COURT: Okay.

6 MS. RADOSTA: So we'd ask to strike him for cause.

7 MS. HOLTHUS: We like him a lot, but.

8 THE COURT: No, I know. Well, here's the way I look
9 at it, Mr. Ward, is I -- I really value your answer in the
10 sense that I believe in your case, you understand the concern
11 with the Court wanting a fair and impartial juror. And with
12 your answer, you're basically saying that you recognize that,
13 you probably recognize that more so than most of the
14 prospective jurors that are here.

15 And so this -- and the idea that it's taken you to
16 the point where you're saying that I don't know whether or not
17 I could -- I could set aside my knowledge of both the
18 prosecutors and that I -- you didn't really say you didn't
19 know if you could be -- you know, that it would affect your
20 ability to be fair, but you're saying that you think it might
21 affect your -- your perception of the evidence based on your
22 admiration for the two prosecutors.

23 PROSPECTIVE JUROR NO. 036: That is correct.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 036: I feel like I could

1 answer in good faith that I want to -- I feel like I could be
2 fair and impartial but just internally the struggle is, it's
3 because of these two prosecutors who I have the deepest
4 respect for. I'm familiar with their body of work.

5 I'm just -- when it -- if it's a close case, I'm not
6 sure I would subconsciously give deference to them in terms of
7 how they proceed with the case, certain questions that they
8 ask, because that's, you know, been something, not
9 specifically jury trials but, you know, the technique.

10 So I'm just afraid that subconsciously I may give
11 more weight to the things that they do versus the defense.
12 And I don't know any of the attorneys, I'm sure they're fine
13 attorneys, but there's a reason why I chose the prosecution
14 path.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 036: And honestly, they did
17 have significant influence in the way that, you know,
18 ultimately when I had a choice to, you know, go on two paths,
19 I chose this one.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 036: And like I said, I've
22 seen Mary Kay do several trials, I've seen Mr. Sweetin, who
23 was part of the track with Scott Mitchell that I got to be
24 very, you know, close, in terms of discussions and, you know,
25 just talking about careers and whatnot. And that, you know,

1 it was 20 years ago with Judge Mosley, but those things still
2 had a significant impact on how my career proceeded.

3 THE COURT: Okay. All right. Thank you.

4 PROSPECTIVE JUROR NO. 036: Thank you, Judge.

5 THE COURT: No, go ahead and say there.

6 PROSPECTIVE JUROR NO. 036: Counsel --

7 THE COURT: Ed go ahead and bring the jury in.

8 (Pause in the proceedings)

9 (Inside the presence of the prospective jurors at 3:31 P.M.)

10 THE COURT: Okay. Everybody go ahead and have a
11 seat. This is the continuation of jury selection in Case No.
12 C-311453, the State of Nevada versus Christopher Sena. I'd
13 like the record to reflect the presence of the defendant and
14 his counsel, as well as the State and their counsel, and all
15 members of the prospective jury panel.

16 Will the parties stipulate to, well, this section,
17 portion of the prospective jury panel we've been discussing
18 today?

19 MS. HOLTHUS: Yes, Judge.

20 MS. RADOSTA: Yes, Judge.

21 THE COURT: All right. Ladies and gentlemen, if you
22 hear your named called you'll be excused. I'm going to ask
23 that you go back to the Jury Commission room and let them know
24 you've been excused.

25 And if you don't hear your name called, it doesn't

1 mean that we're ignoring what you've told us. There's just
2 some additional discussions that may take place with regards
3 to some additional questions; okay?

4 And I want to tell you once again, thank you so much
5 for taking part in this portion of the jury selection, and
6 maybe we can find another jury for you that might suit you a
7 little better; okay?

8 If you hear your name called, please wait until all
9 the names are called, that way I don't have a big bottleneck
10 at the door; okay?

11 Juror No. 003, Marlen Garner. Juror No. 011,
12 Kathlyn Gorski. Juror No. 022, Alex Cordero. Juror No. 036,
13 George Ward. Juror No. 041, Gina Incaviglia. Juror No. 043,
14 Karen Hubbs. Juror No. 074, Nagendra Achanta. Juror No. 086,
15 Nelson Pacheco-Medina. Juror No. 109, Erica Solomon. Juror
16 No. 122, Carolyn Carroll. Juror No. 124, Lorie Pair. Juror
17 No. 129, Timothy Duran. Juror No. 150, David Moffat. Juror
18 No. 210, Trevor Ellis. Juror No. 216, Breena Hopkins. Juror
19 No. 224, Ryan Ulibarri.

20 PROSPECTIVE JUROR NO. 224: Ulibarri.

21 THE COURT: Ulibarri.

22 Juror No. 247, Dana Deiana. Juror No. 250, Daniel
23 Ferreira. Juror No. 266, Kathleen Colman. Juror No. 320,
24 Dany Canales Ruiz. Juror No. 321, Cassandra Lucero. And
25 Juror No. 545, Moises Salgado.

1 All right. So we'll be at ease while those jurors
2 exit the courtroom. Take your badge with you. Take all your
3 belongings with you. Thank you so much.

4 THE CLERK: [Inaudible].

5 THE COURT: Oh, yeah, I'll tell them.

6 THE CLERK: Okay.

7 THE COURT: I missed that.

8 THE CLERK: Sorry.

9 THE COURT: Yeah. And Mr. Robinson, William
10 Robinson?

11 PROSPECTIVE JUROR NO. 267: Yes, sir.

12 THE COURT: Badge 267, you're excused as well.
13 Okay? Made you sweat a little while. Okay.

14 (Excused Prospective Jurors exit the courtroom)

15 THE COURT: So ladies and gentlemen, if you hear
16 your name called, we're going to fill in these spots right
17 here; all right? I'm going to have you move from where you're
18 at there, put you up in these spots; okay?

19 Call the next one in order.

20 THE CLERK: In Seat No. 3, it's Badge No. 077,
21 Melissa Zaragoza. In Seat 5, it's Badge No. 079, Vidal
22 Alvarado. In Seat No. 11, it's going to be Badge No. 081,
23 Heidi Johnson. In Seat 16, it's Badge No. 087, David Moore.
24 In Seat 19, it's Badge No. 089, Camryn Estrada. In Seat 21,
25 Badge No. 095, Michael Radcliffe. And in Seat 33, it's Badge

1 100, Christina Kyker.

2 THE COURT: Okay. All right, ladies and gentlemen,
3 at this point in time, I'm going to ask each one of you
4 individually some questions, and I'm only dealing with this
5 group up here.

6 As you see, if someone is struck from this group,
7 then we pull from the rest of the pool. And so just -- I'm
8 not going to be asking you those questions until you're up
9 here, so bear in mind, or listen to the questions. Keep in
10 mind that you may be answering those, as well, so you might be
11 kind of preparing your answers.

12 So -- all right. So we can give it to Adam Dunbar,
13 as Badge 001. Mr. Dunbar, and everyone else that's here, some
14 of these questions may be -- you don't need to stand, okay?

15 PROSPECTIVE JUROR NO. 001: Oh.

16 THE COURT: I don't need you all standing on this;
17 all right?

18 Understand that this may be some repetitive
19 questions based on what you have answered already. But
20 they're just some that I want to make sure that the record's
21 clear on this; okay?

22 So, Mr. Dunbar, how long have you lived in Las
23 Vegas?

24 PROSPECTIVE JUROR NO. 001: About 12 years, 13
25 years, since '05.

1 THE COURT: Did you say 12 years or 30 years?
2 PROSPECTIVE JUROR NO. 001: Thirteen.
3 THE COURT: Oh.
4 PROSPECTIVE JUROR NO. 001: Sorry about that.
5 THE COURT: Okay. Where are you from originally?
6 PROSPECTIVE JUROR NO. 001: California.
7 THE COURT: All right. And you said you're
8 employed.
9 PROSPECTIVE JUROR NO. 001: Yes.
10 THE COURT: You're a chef for a --
11 PROSPECTIVE JUROR NO. 001: Yes.
12 THE COURT: -- Japanese restaurant?
13 PROSPECTIVE JUROR NO. 001: Correct.
14 THE COURT: Okay. How far did you get in your
15 education?
16 PROSPECTIVE JUROR NO. 001: Junior college.
17 THE COURT: Okay. What were you studying?
18 PROSPECTIVE JUROR NO. 001: Two years in junior
19 college. Liberal studies.
20 THE COURT: All right. How long have you been a
21 chef?
22 PROSPECTIVE JUROR NO. 001: About six years.
23 THE COURT: Okay. Are you married?
24 PROSPECTIVE JUROR NO. 001: no.
25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR NO. 001: No.

2 THE COURT: Okay. Have you ever served as a juror
3 before?

4 PROSPECTIVE JUROR NO. 001: I have not.

5 THE COURT: All right. Have you or anyone close to
6 you such as a family member or a friend ever been a victim of
7 a crime?

8 PROSPECTIVE JUROR NO. 001: Yes.

9 THE COURT: When and who?

10 PROSPECTIVE JUROR NO. 001: A friend, when they were
11 young, her uncle molested her.

12 THE COURT: Okay. How long ago would you say?

13 PROSPECTIVE JUROR NO. 001: Thirty -- 30 years ago.

14 THE COURT: Were you friends with her when that
15 happened?

16 PROSPECTIVE JUROR NO. 001: No.

17 THE COURT: Okay. When was it you first learned
18 about it?

19 PROSPECTIVE JUROR NO. 001: Probably about 14 years
20 ago.

21 THE COURT: Okay. All right. And is there anything
22 about that experience you think that would affect your ability
23 to be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 001: No.

25 THE COURT: Okay. Have you, or anyone close to you,

1 such as a family member or a friend ever been accused of a
2 crime?

3 PROSPECTIVE JUROR NO. 001: No.

4 THE COURT: All right. Would you have a tendency to
5 give more weight or credence or less weight or credence to the
6 testimony of a police officer simply because he or she is a
7 police officer?

8 PROSPECTIVE JUROR NO. 001: No.

9 THE COURT: Okay. Can you wait in forming your
10 opinion as to the guilt or innocence of the defendant until
11 all the evidence has been heard and after consider the
12 instructions I'll give you on the law?

13 PROSPECTIVE JUROR NO. 001: Yeah.

14 THE COURT: The reason I ask that so everyone
15 understands the reason -- and I ask it of every one of you.
16 The reason I do that is because the way the case proceeds is
17 the State would go first and then the defense would go after
18 the State. And -- and oftentimes there has been situations
19 where when the State's done, some of the jurors will just sit
20 back and cross their arms and almost like they go deaf to the
21 defense. So the defense always asks me to ask that question,
22 because they want to make sure that you hear everything until
23 the case is concluded, to give them that opportunity to -- to
24 make sure that you've heard everything.

25 Now, understand the State has no -- I mean, not the

1 State -- the defense has no obligation to present any evidence
2 if they choose not to. They have no obligation to do so.
3 However, if they are, they're asking that you wait until all
4 of that -- and that -- that's why I -- when I give the jury
5 the admonition to you, I say, you're not to form or express
6 any opinion on any subject connected to this trial until the
7 case is finally submitted to you.

8 What that means is when the case is done, when all
9 the evidence is done and I tell you they're done, the State
10 gets to argue, the defense gets to argue, then you -- it's
11 submitted to you. You go deliberate. That's when you start
12 deciding whether or not there's -- the evidence has been
13 proven or whatever you want to -- do you understand?

14 PROSPECTIVE JUROR NO. 001: Correct. Yeah. Yes,
15 sir.

16 THE COURT: Okay. And that's why I ask that. So
17 can you do that?

18 PROSPECTIVE JUROR NO. 001: I believe so, yes.

19 THE COURT: Okay. Do you know of any reason why you
20 couldn't be completely fair and impartial if you're selected
21 in this case?

22 PROSPECTIVE JUROR NO. 001: No, except for again,
23 for the friend.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 001: But I think I can

1 separate that, I believe.

2 THE COURT: Okay. So you can set that aside?

3 PROSPECTIVE JUROR NO. 001: I believe so. Again,

4 it's hard to say now then actually during the trial.

5 THE COURT: Um-hum. Yeah.

6 PROSPECTIVE JUROR NO. 001: I might have certain

7 feelings that come up.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 001: But as of now, yeah, I

10 think so, yeah.

11 THE COURT: Okay. Is there any medical reason you

12 think that would prevent you from participating?

13 PROSPECTIVE JUROR NO. 001: No.

14 THE COURT: Okay. One additional question; did you

15 have an opportunity to contact your work to see whether or not

16 you will still be getting paid?

17 PROSPECTIVE JUROR NO. 001: I will not be getting

18 paid. It's like a little mom and pop --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 001: -- restaurant so --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 001: -- I won't be getting

23 paid.

24 THE COURT: Do you do like the Hibachi type of

25 cooking, is that what that is, or --

1 PROSPECTIVE JUROR NO. 001: No, not Hibachi. It's
2 -- it's --
3 THE COURT: -- when I say Japanese that's what I
4 think about.
5 PROSPECTIVE JUROR NO. 001: -- noodles, it's
6 everything, hot side --
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 001: -- some side -- there's
9 another chef for sushi.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 001: But I do all the -- I'm
12 the line cook, the prep cook, I'm everything.
13 THE COURT: When -- when -- I mean, do you -- what
14 are your hours?
15 PROSPECTIVE JUROR NO. 001: 11:00 to 2:00 for lunch,
16 so I've missed today. And then 4:00 to 11:00 for dinner,
17 Tuesday through Friday, and then Saturday, Sunday, just
18 dinner.
19 THE COURT: Okay.
20 MS. HOLTHUS: Judge, can we approach?
21 THE COURT: Yes.
22 (Off-record bench conference)
23 THE COURT: Mr. Dunbar --
24 PROSPECTIVE JUROR NO. 001: Yes.
25 THE COURT: -- if we were to keep you --

1 PROSPECTIVE JUROR NO. 001: Um-hum.

2 THE COURT: -- if you were to make it on the jury,
3 would you be able to work -- I mean, I get -- let everyone go
4 by 5:00, would you be able to work sometime in the afternoon
5 or -- or is it going to be a point where they're not going to
6 use you because you're not there from 4:00?

7 PROSPECTIVE JUROR NO. 001: Probably not going to
8 use us, because the dinner rush is probably about 5:00 to
9 about 8:00 --

10 THE COURT: Oh, okay.

11 PROSPECTIVE JUROR NO. 001: -- 5:00 to 7:00 --

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 001: -- and I need to get
14 there for prep and everything.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 001: Yeah.

17 THE COURT: Mr. Dunbar, I'm going to excuse you. I
18 appreciate you being willing to serve here. I'll excuse you
19 if you want to be excused. If not, that's up to you. I'm
20 going to leave it up to you. What do you want to do?

21 PROSPECTIVE JUROR NO. 001: Um --

22 THE COURT: I mean, I don't -- we don't want to --

23 PROSPECTIVE JUROR NO. 001: I understand.

24 THE COURT: -- screw your life up, you know --

25 PROSPECTIVE JUROR NO. 001: I understand. I just --

1 THE COURT: -- it's just --
2 PROSPECTIVE JUROR NO. 001: I do take pride in, you
3 know, this, but financially, yeah, it's --
4 THE COURT: Okay. All right.
5 PROSPECTIVE JUROR NO. 001: -- yeah.
6 THE COURT: Mr. Dunbar, thank you so much.
7 PROSPECTIVE JUROR NO. 001: Yeah.
8 THE COURT: I'll excuse you. You can go ahead and
9 go back to the Jury Commission room and let them know that
10 you've been excused; okay?
11 PROSPECTIVE JUROR NO. 001: Thank you.
12 THE COURT: All right. And we're going to put
13 another person in Mr. Dunbar's spot. Thank you so much, Mr.
14 Dunbar.
15 THE CLERK: In Seat No. 1, it's Badge No. 133,
16 Erica, is it Urias?
17 PROSPECTIVE JUROR NO. 133: Urias.
18 THE COURT: Urias.
19 THE COURT: Okay.
20 MS. RADOSTA: Judge, can I approach your Clerk for a
21 second? I think I got mixed up on some of the people that
22 just got sat in, the new people.
23 Can I actually approach?
24 THE COURT: Yes.
25 MS. RADOSTA: Thanks.

1 THE COURT: Ms. Urias, how long have you lived in
2 Las Vegas?
3 PROSPECTIVE JUROR NO. 133: Ten years.
4 THE COURT: Where are you from originally?
5 PROSPECTIVE JUROR NO. 133: California.
6 THE COURT: Are you employed?
7 PROSPECTIVE JUROR NO. 133: Yes.
8 THE COURT: What do you do for work?
9 PROSPECTIVE JUROR NO. 133: I'm a registered nurse.
10 THE COURT: Okay. And how far did you get in your
11 education then?
12 PROSPECTIVE JUROR NO. 133: I have an associates
13 degree in nursing.
14 THE COURT: Okay. And are you married?
15 PROSPECTIVE JUROR NO. 133: Yes.
16 THE COURT: Is your spouse employed?
17 PROSPECTIVE JUROR NO. 133: Right now, we're
18 currently separated. We live in separate homes.
19 THE COURT: Okay. Do you have any children?
20 PROSPECTIVE JUROR NO. 133: I have three children
21 and five stepkids.
22 THE COURT: How old are they?
23 PROSPECTIVE JUROR NO. 133: 18, 17, 16, 13, 14, 15,
24 11 and 7.
25 THE COURT: Wow. And they're all living there at

1 your house?

2 PROSPECTIVE JUROR NO. 133: I have my two biological
3 -- three biological children live with me, and then my other
4 step kids are with my husband.

5 THE COURT: Okay. So the three that are living with
6 you, how old are they?

7 PROSPECTIVE JUROR NO. 133: 18, 16, and 7.

8 THE COURT: Okay. All right. So have you ever
9 served as a juror before?

10 PROSPECTIVE JUROR NO. 133: No.

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

14 PROSPECTIVE JUROR NO. 133: No.

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

17 PROSPECTIVE JUROR NO. 133: No.

18 THE COURT: Would you have a tendency to give more
19 weight or credence or less weight or credence to the testimony
20 of a police officer simply because he or she is a police
21 officer?

22 PROSPECTIVE JUROR NO. 133: No.

23 THE COURT: Can you wait in forming your opinion as
24 to the guilt or innocence of the defendant until all the
25 evidence has been heard and consider the instructions I give

1 you and the law?

2 PROSPECTIVE JUROR NO. 133: Yes.

3 THE COURT: Do you know of any reason why you
4 couldn't be completely fair and impartial if you're selected
5 in this case?

6 PROSPECTIVE JUROR NO. 133: I just think it would be
7 hard for me to view the evidence and fully given the
8 circumstances of the case. I don't know if I'd be able to
9 watch the videos and go through the evidence.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 133: It'd be kind of hard for
12 me just --

13 THE COURT: Well, as a nurse, you see some pretty
14 horrific things, don't you?

15 PROSPECTIVE JUROR NO. 133: Yes.

16 THE COURT: Okay. And as a nurse you have to
17 evaluate some pretty horrific things before you make a
18 decision on doing something that may be a life or death
19 situation; do you not?

20 PROSPECTIVE JUROR NO. 133: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 133: I just think when
23 children are involved it's -- it's more harder than as adults,
24 for me. That's my opinion.

25 THE COURT: What happens when a child comes in that

1 you have to ascertain or determine the cause or --

2 PROSPECTIVE JUROR NO. 133: Um, well, I'm a labor
3 and delivery nurse. I -- I've been doing that for the last
4 two-and-a-half years. So I deliver babies, and --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 133: -- we necessarily don't
7 deal with, you know, infants, preschoolers, we -- it's just
8 babies coming into the world pretty much.

9 THE COURT: Have you ever seen a situation where a
10 baby comes in that's complicated?

11 PROSPECTIVE JUROR NO. 133: I've delivered babies
12 who are no longer living and, yes.

13 THE COURT: And you've had to endure that.

14 PROSPECTIVE JUROR NO. 133: Yes.

15 THE COURT: Was that uncomfortable for you?

16 PROSPECTIVE JUROR NO. 133: It's not my favorite
17 part of my job. It's one of the worst things I have to deal
18 with as a nurse on my -- in my Department, yes.

19 THE COURT: Under the circumstances here though, the
20 question I'm asking you is that -- I mean, we -- I know that
21 this is a tough situation, a tough case based on what you've
22 heard. But are you saying that you wouldn't be willing to --
23 to look at the evidence here and --

24 PROSPECTIVE JUROR NO. 133: I'm not saying I
25 wouldn't be willing. I don't know if I'd be able to handle

1 the evidence just on the graphics and the stuff like that.

2 THE COURT: Okay. Okay, Do you know of any reason

3 -- do you know of any medical reason that would prevent you

4 from participating in this case?

5 PROSPECTIVE JUROR NO. 133: No.

6 THE COURT: Okay. All right.

7 Okay. Can you pass that over to Lindsay Blood?

8 MS. RADOSTA: Your Honor, can we approach just for a

9 really quick second?

10 THE COURT: Sure. Sure.

11 (Off-record bench conference)

12 THE COURT: So, Ms. Blood?

13 PROSPECTIVE JUROR NO. 002: Yes.

14 THE COURT: She's Badge 002.

15 Ms. Blood, how long have you lived in Las Vegas?

16 PROSPECTIVE JUROR NO. 002: Thirty-one years.

17 THE COURT: How long?

18 PROSPECTIVE JUROR NO. 002: Thirty-one.

19 THE COURT: Okay. Are you employed?

20 PROSPECTIVE JUROR NO. 002: No, I'm a stay-at-home

21 mother.

22 THE COURT: And how far did you get in your

23 education?

24 PROSPECTIVE JUROR NO. 002: I graduated high school.

25 THE COURT: Okay. Are you married?

1 PROSPECTIVE JUROR NO. 002: Yes.
2 THE COURT: Is your spouse employed?
3 PROSPECTIVE JUROR NO. 002: Yes. Yes.
4 THE COURT: What does your spouse do?
5 PROSPECTIVE JUROR NO. 002: He works for the City of
6 Las Vegas. He is [inaudible] for the Parks Department.
7 THE COURT: Can you hear her okay, Christine?
8 THE COURT RECORDER: No, it's cutting in and out.
9 THE COURT: All right. So he works for the City of
10 Las Vegas, Parks and Recreation? Okay.
11 Do you have any children?
12 PROSPECTIVE JUROR NO. 002: Yes, I have five
13 children.
14 THE COURT: Okay. How old are they?
15 PROSPECTIVE JUROR NO. 002: 1, 4, 8 and twin 11-
16 year-olds.
17 THE COURT: Okay. And -- okay. Have you ever
18 served as a juror before?
19 PROSPECTIVE JUROR NO. 002: No.
20 THE COURT: And have you or anyone close to you such
21 as family member or friend ever been a victim of a crime?
22 PROSPECTIVE JUROR NO. 002: Yes.
23 THE COURT: Can you tell us about it?
24 PROSPECTIVE JUROR NO. 002: My sister-in-law was a
25 victim of rape.

1 THE COURT: Okay. How long ago?
2 PROSPECTIVE JUROR NO. 002: Probably about ten years
3 ago.
4 THE COURT: Okay. Here in Las Vegas?
5 PROSPECTIVE JUROR NO. 002: No, in Cedar City.
6 THE COURT: Okay. Is there anything about that
7 event and what you know of it that you think would affect your
8 ability to be fair and impartial here?
9 PROSPECTIVE JUROR NO. 002: I don't think so.
10 THE COURT: Okay. And anyone else?
11 PROSPECTIVE JUROR NO. 002: I have cousins as well.
12 But --
13 THE COURT: Okay. Cousins -- I have cousins, too.
14 PROSPECTIVE JUROR NO. 002: I have cousins that were
15 -- many cousins that have been --
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 002: -- molested.
18 THE COURT: Anything that stands out that you --
19 that we should know about, that you think would affect your
20 ability to be fair and impartial here?
21 PROSPECTIVE JUROR NO. 002: (No audible response).
22 THE COURT: Okay. And was the most recent one, the
23 one that you just talked about?
24 PROSPECTIVE JUROR NO. 002: My sister-in-law.
25 THE COURT: Okay. And are you close with your

1 sister-in-law?

2 PROSPECTIVE JUROR NO. 002: Very.

3 THE COURT: All right. And you've had discussions
4 with her about it?

5 PROSPECTIVE JUROR NO. 002: Yes.

6 THE COURT: All right. Do you think you can still
7 be fair and impartial in this matter?

8 PROSPECTIVE JUROR NO. 002: I think I could.

9 THE COURT: Okay. Have you or anyone close to you
10 such as a family member or friend ever been accused of a
11 crime?

12 PROSPECTIVE JUROR NO. 002: No.

13 THE COURT: What about that -- the one with your
14 sister-in-law, was that -- did anyone get accused of that one?

15 PROSPECTIVE JUROR NO. 002: Yes.

16 THE COURT: What happened to it?

17 PROSPECTIVE JUROR NO. 002: They went to jail.

18 THE COURT: It went to trial then and --

19 PROSPECTIVE JUROR NO. 002: Yes. And then they
20 released, and then they did it again.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR NO. 002: Not to her, but.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 002: But another person.

25 THE COURT: So how did you hear about that?

1 PROSPECTIVE JUROR NO. 002: From her.

2 THE COURT: Oh. So she -- she told you that she

3 knew that it happened again?

4 PROSPECTIVE JUROR NO. 002: Um-hum. It's a small

5 town.

6 THE COURT: Is that a "yes"?

7 PROSPECTIVE JUROR NO. 002: Yes.

8 THE COURT: Okay. And that's Cedar City?

9 PROSPECTIVE JUROR NO. 002: Yes.

10 THE COURT: Okay. Would you have a tendency to give

11 more weight or credence or less weight or credence to the

12 testimony of a police officer simply because he or she is a

13 police officer?

14 PROSPECTIVE JUROR NO. 002: No. No.

15 THE COURT: Okay. Can you wait in forming your

16 opinion as to the guilt or innocence of the defendant until

17 all the evidence has been heard and after considering the

18 instructions that I'll give you on the law?

19 PROSPECTIVE JUROR NO. 002: Yes.

20 THE COURT: Okay. Do you know of any reason why you

21 couldn't be completely fair and impartial if you're selected

22 in this case?

23 PROSPECTIVE JUROR NO. 002: No.

24 THE COURT: Is there any medical reason that would

25 prevent you from participating?

1 PROSPECTIVE JUROR NO. 002: I do have a doctor's
2 appointment next week and that could change things.
3 THE COURT: Okay. Can you change that or?
4 PROSPECTIVE JUROR NO. 002: I have a growth on my
5 ovary.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 002: So I really can't change
8 that.
9 THE COURT: Okay. When is that doctor's appointment
10 scheduled?
11 PROSPECTIVE JUROR NO. 002: The 11th. I believe
12 it's at like 9:30.
13 THE COURT: Okay. All right. Ma'am, I want to go
14 back to the situation you told me about your sister-in-law.
15 PROSPECTIVE JUROR NO. 002: Yes.
16 THE COURT: You said that happened in Cedar City
17 about ten years ago?
18 PROSPECTIVE JUROR NO. 002: About, yes.
19 THE COURT: The individual that was accused of it,
20 did it happen again in Cedar City?
21 PROSPECTIVE JUROR NO. 002: Yes.
22 THE COURT: Okay. So the person didn't move out of
23 Cedar City --
24 PROSPECTIVE JUROR NO. 002: No.
25 THE COURT: -- and it happened someplace else?

1 PROSPECTIVE JUROR NO. 002: Correct.
2 THE COURT: Okay. All right. Okay. All right.
3 Thank you, Ms. Blood.
4 Can you pass that to Melissa Zaragoza, Badge 077.
5 Ms. Zaragoza, how long have you lived in Las Vegas?
6 PROSPECTIVE JUROR NO. 077: Twenty-five years.
7 THE COURT: And are you employed?
8 PROSPECTIVE JUROR NO. 077: Yes.
9 THE COURT: What do you do for work?
10 PROSPECTIVE JUROR NO. 077: I'm a customer service
11 rep.
12 THE COURT: Okay. How far did you get in your
13 education?
14 PROSPECTIVE JUROR NO. 077: I graduated high school.
15 THE COURT: Okay. Are you married?
16 PROSPECTIVE JUROR NO. 077: No.
17 THE COURT: Do you have any children?
18 PROSPECTIVE JUROR NO. 077: Yes.
19 THE COURT: How old and how many?
20 PROSPECTIVE JUROR NO. 077: Two, my daughter's 4,
21 and my son's 1.
22 THE COURT: Okay. And have you ever been -- served
23 as a juror before?
24 PROSPECTIVE JUROR NO. 077: No.
25 THE COURT: Have you or anyone close to you such as

1 a family member or a friend ever been victim of a crime?

2 PROSPECTIVE JUROR NO. 077: No.

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

5 PROSPECTIVE JUROR NO. 077: No.

6 THE COURT: Would you have a tendency to give more
7 weight or credence or less weight or credence to the testimony
8 of a police officer simply because he or she is a police
9 officer?

10 PROSPECTIVE JUROR NO. 077: No.

11 THE COURT: Can you wait in forming your opinion as
12 to the guilt or innocence of the defendant until all the
13 evidence has been heard and after considering the instructions
14 I give you at the close of the case?

15 PROSPECTIVE JUROR NO. 077: Yes.

16 THE COURT: Do you know of any reason why you
17 couldn't be completely fair and impartial if you're selected
18 here?

19 PROSPECTIVE JUROR NO. 077: It's just very hard for
20 me because I love children, it's just very emotional for me.

21 THE COURT: Okay. I'm not asking anybody to put --
22 set their emotions aside or leave them outside the door, I
23 mean, you understand that in certain cases -- and the reason
24 why there's so many people here, and I have another 300 people
25 like you that went through this, as well. I understand that

1 it's emotional.

2 The question is, is that, understanding your
3 emotions, knowing what you are all about, can you set them
4 aside for purposes of determining the strength or weakness of
5 the evidence that's presented in this case?

6 PROSPECTIVE JUROR NO. 077: I just feel like I
7 wouldn't be fair.

8 THE COURT: In what regard? Can you tell me what --
9 what it is that you wouldn't -- why you wouldn't be fair?

10 PROSPECTIVE JUROR NO. 077: I wouldn't fee
11 comfortable like seeing videos or images or anything like
12 that.

13 THE COURT: I don't think anybody would be. I don't
14 -- I really don't think anybody would comfortable in viewing
15 videos or looking at a crime that may have taken place or may
16 have not taken place. But understand under the system of
17 justice that we have, a jury is the determination of the
18 facts. So the jury makes the determination of what the facts
19 are.

20 The video may show something that you completely
21 disagree with the State or disagree with the defense as to
22 what they say it shows. And that's -- that's the beauty of
23 it.

24 Would you consider the video? Would you -- would --
25 if I was instructed -- to instruct you that you need to

1 consider the evidence in the case, would you do that?

2 PROSPECTIVE JUROR NO. 077: I just wouldn't feel
3 comfortable.

4 THE COURT: Okay. Understand not feeling
5 comfortable. Like I said, many of you probably don't want to
6 be here at all, just simply because of the nature of the case.
7 But can -- do you think you could be fair?

8 PROSPECTIVE JUROR NO. 077: I can try.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 077: It's just hard for me
11 because I have two kids of my own.

12 THE COURT: Okay. Are you -- are you in a situation
13 right now that you've already made a decision as to the guilt
14 or innocence of the defendant?

15 PROSPECTIVE JUROR NO. 077: I feel like my mind is
16 set.

17 THE COURT: Right now? And that's -- you haven't
18 heard any evidence at all.

19 PROSPECTIVE JUROR NO. 077: Just by reading
20 everything.

21 THE COURT: But you haven't heard any evidence.

22 PROSPECTIVE JUROR NO. 077: I know.

23 THE COURT: Nothing has been -- I mean, the State
24 gave you a statement, if they weren't able to establish that,
25 and that's you to decide, then --

1 PROSPECTIVE JUROR NO. 077: I can try.
2 THE COURT: Okay. Okay.
3 All right. Is there any medical reason that would
4 prevent you from participating?
5 PROSPECTIVE JUROR NO. 077: No.
6 THE COURT: All right. Can you pass that over then
7 to -- to Stephanie Taylor, is Badge 005.
8 Ms. Taylor, how long have you lived in Las Vegas?
9 PROSPECTIVE JUROR NO. 005: Yes. Twenty-five years.
10 THE COURT: And you said you're a principal with the
11 School District.
12 PROSPECTIVE JUROR NO. 005: Yes, I am.
13 THE COURT: So do you have a Masters?
14 PROSPECTIVE JUROR NO. 005: Yes, I do.
15 THE COURT: Yeah. I say that because in my
16 experience as a Judge, when we talk to teachers, it impresses
17 me that I would say 99 percent of all of our teachers have
18 masters. And so that's impressive to me, that -- yeah.
19 PROSPECTIVE JUROR NO. 005: They're amazing, yes.
20 THE COURT: Yeah. So all right, so do you have any
21 other degrees besides a masters?
22 PROSPECTIVE JUROR NO. 005: No, I just have a
23 bachelors and a masters.
24 THE COURT: Is it in teaching?
25 PROSPECTIVE JUROR NO. 005: No, my bachelors is

1 actually in journalism with an emphasis in public relations.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 005: And my masters is in
4 educational leadership.
5 THE COURT: Good. And are you -- are you married?
6 PROSPECTIVE JUROR NO. 005: I'm divorced.
7 THE COURT: Okay. Do you have any children?
8 PROSPECTIVE JUROR NO. 005: Yes.
9 THE COURT: How many?
10 PROSPECTIVE JUROR NO. 005: I have two.
11 THE COURT: And how old are they?
12 PROSPECTIVE JUROR NO. 005: They're 21 and 22.
13 THE COURT: Are they employed?
14 PROSPECTIVE JUROR NO. 005: They're both full-time
15 students.
16 THE COURT: Here in --
17 PROSPECTIVE JUROR NO. 005: I wish they were
18 employed, yes, they're --
19 THE COURT: They're going to school here?
20 PROSPECTIVE JUROR NO. 005: Yes, yes.
21 THE COURT: Are they living with you?
22 PROSPECTIVE JUROR NO. 005: Yes, they are.
23 THE COURT: Okay. What are they studying?
24 PROSPECTIVE JUROR NO. 005: My daughter just
25 finished her bachelors in psychology --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 005: -- and now she's getting
3 a masters in public policy.

4 THE COURT: And they're not -- and she's not
5 employed?

6 PROSPECTIVE JUROR NO. 005: No, you can't be
7 employed with her masters that she's doing. She's -- it's a
8 -- it's Bradston [phonetic] position.

9 THE COURT: Yeah, because she's pulling some
10 psychology.

11 PROSPECTIVE JUROR NO. 005: At least that's what she
12 tells me, yes.

13 THE COURT: I think she's pulling some psychology.

14 PROSPECTIVE JUROR NO. 005: Yes. And I --

15 THE COURT: I think she's pulling some psychology on
16 you.

17 PROSPECTIVE JUROR NO. 005: Yes. And my son's at
18 CSI [sic] and he's studying business.

19 THE COURT: Okay. That's good.

20 PROSPECTIVE JUROR NO. 005: Um-hum.

21 THE COURT: All right. So have you ever served as a
22 juror before?

23 PROSPECTIVE JUROR NO. 005: No, I haven't.

24 THE COURT: All right. Have you or anyone close to
25 you such as a family member or a friend ever been a victim of

1 a crime?

2 PROSPECTIVE JUROR NO. 005: Yes. My mom was
3 molested when she was young by an uncle.

4 THE COURT: Okay. And when was it that you learned
5 about that?

6 PROSPECTIVE JUROR NO. 005: I learned about it many
7 years later from my grandmother.

8 THE COURT: Okay. How old were you when she -- when
9 your grandmother told you?

10 PROSPECTIVE JUROR NO. 005: Oh, goodness, probably
11 30 or so.

12 THE COURT: Okay. Is there anything about that
13 experience and what you were told you think would affect your
14 ability to be fair and impartial in this case?

15 PROSPECTIVE JUROR NO. 005: No, I don't think so. I
16 think it makes you very sensitive though to how easy it would
17 be to take advantage of a family member.

18 THE COURT: Okay. Have you or anyone close to you
19 such as a family member or a friend ever been accused of a
20 crime?

21 PROSPECTIVE JUROR NO. 005: No.

22 THE COURT: Okay. Would you have a tendency to give
23 more weight or credence or less weight or credence to the
24 testimony of a police officer simply because he or she is a
25 police officer?

1 PROSPECTIVE JUROR NO. 005: No.

2 THE COURT: Can you wait in forming your opinion as
3 to the guilt or innocence of the defendant until all the
4 evidence has been heard and after considering the instructions
5 I'll give you on the case -- at the close of this case?

6 PROSPECTIVE JUROR NO. 005: Yes.

7 THE COURT: Okay. Do you know of any reason why you
8 couldn't be completely fair and impartial if you were selected
9 in this case?

10 PROSPECTIVE JUROR NO. 005: My concern about this
11 case is that, you know, for 25 years I've been a teacher and
12 administrator. My number one priority every day has always
13 been to protect students, to protect young students. And I've
14 dealt with situations that have been very hard with abuse, and
15 my heart always goes to the child and that's -- that's
16 difficult for me.

17 THE COURT: Have you been involved in having to
18 resolve disputes as a principal?

19 PROSPECTIVE JUROR NO. 005: Oh, yes.

20 THE COURT: And when you're resolving disputes,
21 would you not say that you want to review all the evidence
22 before you make a decision?

23 PROSPECTIVE JUROR NO. 005: Absolutely.

24 THE COURT: And have you ever had to resolve a
25 dispute between a teacher and a child?

26 PROSPECTIVE JUROR NO. 005: Yes.

27 THE COURT: And so would you want to see all the

1 evidence before you've made the decision one way or the other
2 even though your heart goes out to the child?

3 PROSPECTIVE JUROR NO. 005: Yes.

4 THE COURT: That's kind of what we're asking you to
5 do here.

6 PROSPECTIVE JUROR NO. 005: Um-hum.

7 THE COURT: So understanding, and, you know, proudly
8 saying that you want to protect a child in the position you're
9 in, and I applaud you for that.

10 PROSPECTIVE JUROR NO. 005: Right.

11 THE COURT: My question to you is that, can you be
12 fair in this case?

13 PROSPECTIVE JUROR NO. 005: I really do think I can.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 005: But I am -- because I'm
16 fair every day at my job, at least I hope to be.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 005: That it's just, given my
19 day job and 25 years doing it, it's just -- it's just a little
20 bit difficult.

21 THE COURT: Okay. But you haven't heard anything.
22 You've read some statements that were made to you.

23 PROSPECTIVE JUROR NO. 005: Yes.

24 THE COURT: And a statement was made to you when we

1 started this selection process. But you understand, that's
2 not evidence.

3 PROSPECTIVE JUROR NO. 005: Right.

4 THE COURT: What they say to you, and what that --
5 that's not evidence. That's just saying -- that's basically
6 that allegation I was talking about. Do you understand that?

7 PROSPECTIVE JUROR NO. 005: Yes.

8 THE COURT: So that's basically, in the situation
9 you're in, when an adult and a child has a dispute and you're
10 resolving that dispute.

11 PROSPECTIVE JUROR NO. 005: Um-hum.

12 THE COURT: So do you immediately make a decision
13 based on the adult telling you what happened or do you wait to
14 see what the other side might have?

15 PROSPECTIVE JUROR NO. 005: No, we always have to
16 weigh both sides.

17 THE COURT: Okay. That's what's being asked here.

18 PROSPECTIVE JUROR NO. 005: Right.

19 THE COURT: Do you understand?

20 PROSPECTIVE JUROR NO. 005: Yes.

21 THE COURT: Do you think you could do that?

22 PROSPECTIVE JUROR NO. 005: You know, in my job, you
23 have to have a fairly decent IQ, but you have to have a really
24 powerful kind of, in overdrive, EQ. And I feel -- I just --

1 I'm nervous about it. That's all I can say. I'm nervous
2 about it. Do I think I can do it? I think I can do anything.
3 But I am nervous about this particular subject matter.

4 THE COURT: Okay. All right. Is there any medical
5 reason that would prevent you from participating in the
6 [inaudible]?

7 PROSPECTIVE JUROR NO. 005: No.

8 THE COURT: All right. Thank you, Ms. Taylor.
9 Can you pass it to Vidal Alvarado? This is 079.
10 Mr. -- is that right, Alvarado?

11 PROSPECTIVE JUROR NO. 079: Correct.

12 THE COURT: Mr. Alvarado, how long have you lived in
13 Las Vegas?

14 PROSPECTIVE JUROR NO. 079: Eight years.

15 THE COURT: And where are you from originally?

16 PROSPECTIVE JUROR NO. 079: El Salvador.

17 THE COURT: Okay. And are you employed?

18 PROSPECTIVE JUROR NO. 079: Absolutely.

19 THE COURT: What do you do for work?

20 PROSPECTIVE JUROR NO. 079: I'm a hotel operations
21 manager.

22 THE COURT: Okay. How far did you get in your
23 education?

24 PROSPECTIVE JUROR NO. 079: Bachelors Degree.

1 THE COURT: What's --
2 PROSPECTIVE JUROR NO. 079: A bachelor's degree.
3 THE COURT: In what?
4 PROSPECTIVE JUROR NO. 079: Computer Science
5 Engineering.
6 THE COURT: Okay. Are you married?
7 PROSPECTIVE JUROR NO. 079: No.
8 THE COURT: Do you have any children?
9 PROSPECTIVE JUROR NO. 079: No.
10 THE COURT: Have you ever served as a juror before?
11 PROSPECTIVE JUROR NO. 079: No.
12 THE COURT: Okay. Have you or anyone close to you
13 such as a family member or a friend ever been a victim of a
14 crime?
15 PROSPECTIVE JUROR NO. 079: Negative.
16 THE COURT: Have you or anyone close to you such as
17 a family member or a friend ever been accused of a crime?
18 PROSPECTIVE JUROR NO. 079: No, sir.
19 THE COURT: Would you have a tendency to give more
20 weight or credence or less weight or credence to the testimony
21 of a police officer simply because he or she is a police
22 officer?
23 PROSPECTIVE JUROR NO. 079: No.
24 THE COURT: Can you wait in forming your opinion as

1 to the guilt or innocence of the defendant until all the
2 evidence has been heard and after considering the instructions
3 I'll give you on the law?

4 PROSPECTIVE JUROR NO. 079: Yes, sir.

5 THE COURT: Do you know of any reason why you
6 couldn't be a completely fair and impartial juror if you're
7 selected in this case?

8 PROSPECTIVE JUROR NO. 079: No, sir.

9 THE COURT: Is there any medical reason that would
10 prevent you from participating?

11 PROSPECTIVE JUROR NO. 079: No, sir.

12 THE COURT: All right. Thank you, Mr. Alvarado.
13 Can you pass that to Jill Pressman, is Badge 012.

14 PROSPECTIVE JUROR NO. 012: Hello.

15 THE COURT: Ms. Pressman, how long have you lived in
16 Las Vegas?

17 PROSPECTIVE JUROR NO. 012: I moved here in '93.

18 THE COURT: Where'd you move from?

19 PROSPECTIVE JUROR NO. 012: New York.

20 THE COURT: Okay. Are you employed?

21 PROSPECTIVE JUROR NO. 012: Yes.

22 THE COURT: What do you do for work?

23 PROSPECTIVE JUROR NO. 012: I work for the State of
24 Nevada, Human Resource trainer.

1 THE COURT: Okay. And so how far did you get in
2 your education?
3 PROSPECTIVE JUROR NO. 012: I have a masters.
4 THE COURT: A masters? In what?
5 PROSPECTIVE JUROR NO. 012: (Indecipherable)
6 management.
7 THE COURT: Okay. And are you married?
8 PROSPECTIVE JUROR NO. 012: Yes.
9 THE COURT: Is your spouse employed?
10 PROSPECTIVE JUROR NO. 012: Yes.
11 THE COURT: What does your spouse do?
12 PROSPECTIVE JUROR NO. 012: He's the President of
13 ConvExx, a small convention company.
14 THE COURT: Okay. And do you have any children?
15 PROSPECTIVE JUROR NO. 012: I have two.
16 THE COURT: How old are they?
17 PROSPECTIVE JUROR NO. 012: I have -- I -- I have a
18 fifth grader who's ten and an eight-year-old --
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 012: -- girl.
21 THE COURT: And have you ever served as a juror
22 before?
23 PROSPECTIVE JUROR NO. 012: No.
24 THE COURT: You told us previously that you observe

1 the Jewish Holiday.

2 PROSPECTIVE JUROR NO. 012: Correct.

3 THE COURT: And there's two matters -- two issues
4 that are coming up, two holidays that are coming up.

5 PROSPECTIVE JUROR NO. 012: Correct.

6 THE COURT: Can you tell me how do they work with
7 regards to -- I know -- I understand one of them is from -- is
8 it from sundown to --

9 PROSPECTIVE JUROR NO. 012: They're both from
10 sundown to --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 012: -- the next day sundown.

13 THE COURT: Would you be okay serving as a juror if
14 you were out of here by sundown and you didn't have to come in
15 until after sunup?

16 PROSPECTIVE JUROR NO. 012: Yes.

17 THE COURT: Okay. So if I get you out of here by --
18 if you're a juror and if I get you out of here before sundown,
19 you'll be fine, as long as I don't have you here before sunup?

20 PROSPECTIVE JUROR NO. 012: I have to be out of here
21 by 4:00 to get there, because one's a fasting holiday.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 012: So I have to be able to
24 get home to eat.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 012: And then to temple.

3 THE COURT: Okay. Which one is that one?

4 PROSPECTIVE JUROR NO. 012: So -- Yom Kippur.

5 THE COURT: Okay. So Rash Hashanah is the first

6 one, right?

7 PROSPECTIVE JUROR NO. 012: That's the first one.

8 That's the Jewish New Year.

9 THE COURT: And you just need to be out by -- by --

10 PROSPECTIVE JUROR NO. 012: If I got out by 4:00 to

11 get home in order to have my holiday meal before going to

12 temple.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 012: That would be

15 appreciated.

16 THE COURT: So both of them, the same time by 4:00?

17 PROSPECTIVE JUROR NO. 012: Yes.

18 THE COURT: Okay. All right. If you make it on the

19 jury, make sure you remind me of that; okay? I certainly

20 don't want to do anything to --

21 PROSPECTIVE JUROR NO. 012: Okay.

22 THE COURT: -- affect your holiday; okay?

23 PROSPECTIVE JUROR NO. 012: I appreciate that.

24 THE COURT: All right. Okay. So did I -- I asked

1 you if you'd been a juror before, right, and you said no?
2 PROSPECTIVE JUROR NO. 012: Correct.
3 THE COURT: Is there anyone close to you such as a
4 family member or a friend ever been a victim of a crime?
5 PROSPECTIVE JUROR NO. 012: No.
6 THE COURT: How about has any -- have you or anyone
7 close to you such as a family member or a friend ever been
8 accused of a crime?
9 PROSPECTIVE JUROR NO. 012: Yes.
10 THE COURT: Can you tell us about that?
11 PROSPECTIVE JUROR NO. 012: My first cousin was --
12 served time for drugs.
13 THE COURT: When was it?
14 PROSPECTIVE JUROR NO. 012: In his -- about 20
15 years, because I'm --
16 THE COURT: Back in New York?
17 PROSPECTIVE JUROR NO. 012: No, in California.
18 THE COURT: Okay. Is there anything about that
19 experience and what you knew of that you think would --
20 PROSPECTIVE JUROR NO. 012: No.
21 THE COURT: -- affect your ability to be fair and
22 impartial here?
23 PROSPECTIVE JUROR NO. 012: No, they're -- they're
24 no relation to drugs and sexual crime.

1 THE COURT: I know. But what about -- was there
2 anything that happened, did you feel that he was mistreated or
3 -- or --

4 PROSPECTIVE JUROR NO. 012: Oh, well, now that I --

5 THE COURT: -- he was prosecuted --

6 PROSPECTIVE JUROR NO. 012: -- well, now that drugs
7 are legal --

8 THE COURT: -- or anything --

9 PROSPECTIVE JUROR NO. 012: -- I feel, yes.

10 THE COURT: What's that?

11 PROSPECTIVE JUROR NO. 012: Now, that drugs are
12 legal, then he went to -- you know, that he served for. But,
13 no.

14 THE COURT: So it was marijuana?

15 PROSPECTIVE JUROR NO. 012: Yes.

16 THE COURT: Oh, okay.

17 PROSPECTIVE JUROR NO. 012: Now, I look back on it,
18 I think it was a silly sentence.

19 THE COURT: Okay. So -- so with that in mind, you
20 understand that the prosecution, although it has nothing to do
21 with drugs here, is that the prosecution in this case, may,
22 you know, the State of Nevada has prosecuted individuals in
23 the past for drugs and -- and possibly even marijuana and, as
24 a matter of fact, I know there's one I have right now in my

1 court that has to do with some manufacturing of marijuana --
2 PROSPECTIVE JUROR NO. 012: Okay.
3 THE COURT: -- which is still illegal if you don't
4 have proper licensing.
5 PROSPECTIVE JUROR NO. 012: True.
6 THE COURT: So with that being said, is that
7 something that the State needs to be worried about that --
8 that you're going to hold it against somebody because your ex-
9 husband was prosecuted with -- to a crime that you felt was
10 silly?
11 PROSPECTIVE JUROR NO. 012: Well, it's my first
12 cousin. It wasn't --
13 THE COURT: Oh, I'm sorry. I thought you said it
14 was a --
15 PROSPECTIVE JUROR NO. 012: No, my first cousin.
16 THE COURT: Oh, I thought you said it was my --
17 PROSPECTIVE JUROR NO. 012: No.
18 THE COURT: -- my first husband.
19 PROSPECTIVE JUROR NO. 012: No, no, my first -- my
20 first -- my -- like no, no, no, no.
21 THE COURT: So I was going to count.
22 PROSPECTIVE JUROR NO. 012: No, no, my -- it's my --
23 THE COURT: I was going to ask how many have you
24 had?

1 PROSPECTIVE JUROR NO. 012: -- first cousin. No,
2 no, first cousin.

3 THE COURT: Okay. Okay.

4 PROSPECTIVE JUROR NO. 012: No.

5 THE COURT: Okay. So is that -- that's once again,
6 is that something that was -- that the State may be worried
7 about?

8 PROSPECTIVE JUROR NO. 012: I don't think so.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 012: So you asked for --
11 that's the only crime that I know of in my family.

12 THE COURT: Okay. All right.

13 PROSPECTIVE JUROR NO. 012: That's why.

14 THE COURT: Anyone else?

15 PROSPECTIVE JUROR NO. 012: No.

16 THE COURT: All right. Would you have a tendency to
17 give more weight or credence or less weight or credence to the
18 testimony of a police officer simply because he or she is a
19 police officer?

20 PROSPECTIVE JUROR NO. 012: Yes.

21 THE COURT: Okay. Can you tell me about that?

22 PROSPECTIVE JUROR NO. 012: I look at police
23 officers in a really high -- in high regards. And so I tend
24 to look at them more in a high regards, in terms of what they

1 -- when they testify or they say something --

2 THE COURT: Um-hum.

3 PROSPECTIVE JUROR NO. 012: -- I tend to give them
4 the benefit of the doubt of they're being more honest than an
5 everyday person.

6 THE COURT: Okay. Would you automatically just
7 accept whatever was being said by the police officer
8 irrespective if there was evidence to show contrary?

9 PROSPECTIVE JUROR NO. 012: I have a tendency to be
10 more gullible when someone's wearing a badge and they're in an
11 officer position --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 012: -- in terms of believing
14 them, based on their position.

15 THE COURT: Okay. Can you wait in forming your
16 opinion as to the guilt or innocence of the defendant until
17 all the evidence has been presented and you consider the laws
18 that I instruct you?

19 PROSPECTIVE JUROR NO. 012: Yes.

20 THE COURT: Do you know of any reason why you
21 couldn't be completely fair and impartial if you're selected
22 in this case?

23 PROSPECTIVE JUROR NO. 012: No.

24 THE COURT: Is there any medical reason that would

1 prevent you from participating?

2 PROSPECTIVE JUROR NO. 012: No.

3 THE COURT: Okay. Thank you, Ms. Pressman.

4 Can you pass that to Glen --

5 PROSPECTIVE JUROR NO. 015: Caceres.

6 THE COURT: -- Caceres?

7 PROSPECTIVE JUROR NO. 015: Yes.

8 THE COURT: Is 015. Mr. Caceres, how long have you

9 lived in Las Vegas?

10 PROSPECTIVE JUROR NO. 015: Over 35 years, on and

11 off.

12 THE COURT: Okay. So you're in and out?

13 PROSPECTIVE JUROR NO. 015: Well, I was in the

14 military for awhile.

15 THE COURT: Okay. Are you employed now?

16 PROSPECTIVE JUROR NO. 015: Yes.

17 THE COURT: What do you do for work?

18 PROSPECTIVE JUROR NO. 015: A surgical tech at the

19 hospital.

20 THE COURT: Okay. And how far did you get in your

21 education?

22 PROSPECTIVE JUROR NO. 015: A bachelors in

23 healthcare administration.

24 THE COURT: All right. And are you married?

1 PROSPECTIVE JUROR NO. 015: Divorced.
2 THE COURT: How far -- okay, do you have any
3 children?
4 PROSPECTIVE JUROR NO. 015: Two.
5 THE COURT: How old?
6 PROSPECTIVE JUROR NO. 015: 16 and 18.
7 THE COURT: Are they here with you now?
8 PROSPECTIVE JUROR NO. 015: Yes.
9 THE COURT: Okay. And have you ever served as a
10 juror before?
11 PROSPECTIVE JUROR NO. 015: No. Never.
12 THE COURT: Okay. Have you or anyone close to such
13 as a family member or a friend ever been a victim of a crime?
14 PROSPECTIVE JUROR NO. 015: Yes.
15 THE COURT: Can you tell me about it?
16 PROSPECTIVE JUROR NO. 015: Over 30 years ago, a
17 friend of mine, his sister was molested by her father.
18 THE COURT: Okay. When did you learn about that?
19 PROSPECTIVE JUROR NO. 015: In my 40s.
20 THE COURT: Okay. And was there anything about that
21 experience of what you were told you think would affect your
22 ability to be fair and impartial here?
23 PROSPECTIVE JUROR NO. 015: No.
24 THE COURT: Okay. Anything else -- anyone else

1 victim of a crime?

2 PROSPECTIVE JUROR NO. 015: No.

3 THE COURT: All right. Have you or anyone close to

4 you such as a family member or a friend ever been accused of a

5 crime?

6 PROSPECTIVE JUROR NO. 015: Yes.

7 THE COURT: How long ago?

8 PROSPECTIVE JUROR NO. 015: I don't know. It was my

9 brother.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 015: Yeah. Drugs.

12 THE COURT: Here in Vegas?

13 PROSPECTIVE JUROR NO. 015: Yes.

14 THE COURT: Whatever came of that?

15 PROSPECTIVE JUROR NO. 015: He went to jail for

16 awhile. I don't know if it was --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 015: -- prison or what.

19 THE COURT: Were you close to your brother when this

20 was happening?

21 PROSPECTIVE JUROR NO. 015: No.

22 THE COURT: Were you -- did you know anything about

23 the case when it was happening --

24 PROSPECTIVE JUROR NO. 015: No.

1 THE COURT: -- other than what he was telling you?
2 PROSPECTIVE JUROR NO. 015: Correct. I didn't even
3 talk to him.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 015: We just started talking
6 recently.
7 THE COURT: Is there anything about that experience
8 you think would affect your ability to be fair and impartial
9 here?
10 PROSPECTIVE JUROR NO. 015: No.
11 THE COURT: Would you be holding that against the
12 State at all?
13 PROSPECTIVE JUROR NO. 015: No.
14 THE COURT: Okay. Would you have the tendency to
15 give more weight or credence or less weight or credence to the
16 testimony of a police officer simply because he or she is a
17 police officer?
18 PROSPECTIVE JUROR NO. 015: Absolutely not.
19 THE COURT: Did you say absolutely not?
20 PROSPECTIVE JUROR NO. 015: Yes.
21 THE COURT: Okay. Can you wait in forming your
22 opinion as to the guilty or innocence of the defendant until
23 all the evidence has been presented and I've instructed you on
24 the law?

1 PROSPECTIVE JUROR NO. 015: Absolutely.
2 THE COURT: Do you know of any reason why you
3 couldn't be completely fair and impartial if you were selected
4 here?
5 PROSPECTIVE JUROR NO. 015: No.
6 THE COURT: Is there any medical reason that would
7 prevent you from participating?
8 PROSPECTIVE JUROR NO. 015: No.
9 THE COURT: Okay. All right. Thank you.
10 Can you pass that over to Julie Arcemont?
11 PROSPECTIVE JUROR NO. 016: Arcemont. Um-hum.
12 Arcemont.
13 THE COURT: Arcemont.
14 PROSPECTIVE JUROR NO. 016: Yeah.
15 THE COURT: 016. Ms. Arcemont, how long have you
16 lived in Las Vegas?
17 PROSPECTIVE JUROR NO. 016: Twenty-one years.
18 THE COURT: And are you employed?
19 PROSPECTIVE JUROR NO. 016: Yes.
20 THE COURT: What do you do for work?
21 PROSPECTIVE JUROR NO. 016: Well, I'm a -- I'm an
22 optometrist. I'm an independent contractor --
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 016: -- so I'm -- yeah.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 016: I work.

3 THE COURT: And how far did you get in your
4 education then?

5 PROSPECTIVE JUROR NO. 016: Doctorate of Optometry.

6 THE COURT: Okay. Are you married?

7 PROSPECTIVE JUROR NO. 016: Yes.

8 THE COURT: Is your spouse employed?

9 PROSPECTIVE JUROR NO. 016: Yes.

10 THE COURT: What does your spouse do?

11 PROSPECTIVE JUROR NO. 016: He works for a slot
12 machine company.

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

14 PROSPECTIVE JUROR NO. 016: I have two boys, 15 and
15 13.

16 THE COURT: Okay. And have you ever served as a
17 juror before?

18 PROSPECTIVE JUROR NO. 016: No, I have not.

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

21 PROSPECTIVE JUROR NO. 016: A good friend in college
22 was raped.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 016: So, yes.

1 THE COURT: So when did you learn about that?
2 PROSPECTIVE JUROR NO. 016: Shortly afterward --
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 016: -- in 1993.
5 THE COURT: Were you involved in the case at all?
6 PROSPECTIVE JUROR NO. 016: No. I was just support
7 for her after it happened.
8 THE COURT: Okay. Is there anything about that case
9 you think would affect your ability to be fair and impartial
10 here?
11 PROSPECTIVE JUROR NO. 016: I -- I don't know. No.
12 Probably not.
13 THE COURT: Okay. When you say, I don't know, no,
14 probably not, I mean, what is it?
15 PROSPECTIVE JUROR NO. 016: That's hard to say.
16 THE COURT: That's what you said.
17 PROSPECTIVE JUROR NO. 016: I hope not. No.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 016: I guess.
20 THE COURT: How long ago was it?
21 PROSPECTIVE JUROR NO. 016: It was 1993.
22 THE COURT: Okay. Did -- was it here in --
23 PROSPECTIVE JUROR NO. 016: No, it was in --
24 THE COURT: -- in Nevada?

1 PROSPECTIVE JUROR NO. 016: -- San Diego.
2 THE COURT: Okay. Are you still friends with your
3 -- the friend that --
4 PROSPECTIVE JUROR NO. 016: Yes.
5 THE COURT: -- do you still talk with her on
6 occasion or?
7 PROSPECTIVE JUROR NO. 016: Oh, occasionally.
8 THE COURT: Okay. Okay. And you're of the opinion
9 that you can set that aside and -- and base your decision on
10 the facts of the case itself?
11 PROSPECTIVE JUROR NO. 016: I don't know if that
12 affects me so much as having children affects me --
13 THE COURT: Um-hum.
14 PROSPECTIVE JUROR NO. 016: -- and the whole -- the
15 whole case in general.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 016: But yes, I think -- I
18 think it does affect me, yeah.
19 THE COURT: Okay. I understand it affecting people
20 and that's completely understandable.
21 PROSPECTIVE JUROR NO. 016: Um-hum.
22 THE COURT: But the question that I have is that can
23 you -- can you be fair in this case; wait until all the
24 evidence has been presented to you and decide the case based

1 on the evidence itself?

2 PROSPECTIVE JUROR NO. 016: Honestly, from all that
3 we've heard so far, I don't know that I could.

4 THE COURT: Really?

5 PROSPECTIVE JUROR NO. 016: The -- the summary that
6 we read and what we've heard so far, I don't know that I
7 could.

8 THE COURT: In your profession --

9 PROSPECTIVE JUROR NO. 016: Um-hum.

10 THE COURT: -- when someone tells you something
11 about someone's eyes, do you just accept that and act on that
12 or do you go and do some investigation yourself and look at
13 all the facts to support it?

14 PROSPECTIVE JUROR NO. 016: It depends. I do look
15 at the facts.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 016: That's true. I do the
18 exam and decide.

19 THE COURT: Okay. Have you ever found in certain
20 situations where someone's come to you and said, hey, a doctor
21 said this is what is wrong with me, and you looked at it and
22 found that it was probably not correct?

23 PROSPECTIVE JUROR NO. 016: Sure. That's happened.

24 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 016: It's not quite the same
2 thing.

3 THE COURT: No, I agree with you. But in this
4 situation you'll be set at the so-called doctor basing your
5 opinion on the information that's provided to you as you view
6 it, as you watch it, the evidence that's been presented to
7 you.

8 PROSPECTIVE JUROR NO. 016: Right.

9 THE COURT: So -- so you'll be asked to determine
10 your verdict based on the evidence, solely the evidence
11 presented. And are you saying that you couldn't do that?

12 PROSPECTIVE JUROR NO. 016: I don't know. I'm -- I
13 don't know.

14 THE COURT: Okay. Okay. All right.

15 PROSPECTIVE JUROR NO. 016: Sorry.

16 THE COURT: Okay, thank you.

17 PROSPECTIVE JUROR NO. 016: Okay.

18 THE COURT: Is there any medical reason that would
19 prevent you from participating?

20 PROSPECTIVE JUROR NO. 016: No.

21 THE COURT: Okay. All right. Thank you.

22 Can you pass that over to Shahzad Razi?

23 PROSPECTIVE JUROR NO. 019: Yeah.

24 THE COURT: Mr. Razi is Badge 019. Mr. Razi, how

1 long have you lived in Las Vegas?
2 PROSPECTIVE JUROR NO. 019: Since 2005.
3 THE COURT: And where are you from originally?
4 PROSPECTIVE JUROR NO. 019: Originally, from
5 Pakistan.
6 THE COURT: Okay. Mr. Razi, are you employed?
7 PROSPECTIVE JUROR NO. 019: I'm self-employed.
8 THE COURT: What do you do --
9 PROSPECTIVE JUROR NO. 019: I'm a consultant.
10 THE COURT: -- for work?
11 PROSPECTIVE JUROR NO. 019: I'm a computer systems
12 engineer.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 019: And I do consulting for
15 a construction company.
16 THE COURT: Okay. Are you married?
17 PROSPECTIVE JUROR NO. 019: Yes.
18 THE COURT: Is your spouse employed?
19 PROSPECTIVE JUROR NO. 019: No, she's not.
20 THE COURT: Okay. Do you have any children?
21 PROSPECTIVE JUROR NO. 019: Yes.
22 THE COURT: How many?
23 PROSPECTIVE JUROR NO. 019: Five.
24 THE COURT: How old are they?

1 PROSPECTIVE JUROR NO. 019: 23, 19, 17, 15 and 4-
2 and-a-half years.

3 THE COURT: Okay. The 23-year-old and the 19; do
4 they work?

5 PROSPECTIVE JUROR NO. 019: They go to UNLV.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 019: My daughter is almost
8 finishing her elementary education bachelors.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 019: And my son is going for
11 computer science.

12 THE COURT: Okay. Have you ever served as a juror
13 before?

14 PROSPECTIVE JUROR NO. 019: No.

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

17 PROSPECTIVE JUROR NO. 019: No.

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

20 PROSPECTIVE JUROR NO. 019: No.

21 THE COURT: Okay. Would you have the tendency to
22 give more weight or credence or less weight or credence to the
23 testimony simply because he or she is a police officer?

24 PROSPECTIVE JUROR NO. 019: No.

1 THE COURT: Can you wait in forming your opinion as
2 to the guilt or innocence of the defendant until all the
3 evidence has been presented and I've instructed you on the
4 law?

5 PROSPECTIVE JUROR NO. 019: Yes.

6 THE COURT: Do you know of any reason why you
7 couldn't be completely fair and impartial if you're selected
8 here?

9 PROSPECTIVE JUROR NO. 019: No.

10 THE COURT: Is there any medical reason that would
11 prevent you from participating as a juror?

12 PROSPECTIVE JUROR NO. 019: No medical reason, but I
13 -- on Fridays, I would need like two hours between 1:00 and
14 3:00.

15 THE COURT: Why?

16 PROSPECTIVE JUROR NO. 019: That's my prayer day.

17 THE COURT: Okay. Okay. Okay. Thank you, Mr.
18 Razi.

19 PROSPECTIVE JUROR NO. 019: Yeah.

20 THE COURT: Can you pass that over to Megan
21 Pierrott?

22 PROSPECTIVE JUROR NO. 021: Pierrott.

23 THE COURT: Pierrott, is Badge 021.

24 Ms. Pierrott, how long have you lived in Las Vegas?

1 PROSPECTIVE JUROR NO. 021: Essentially, my entire
2 life.
3 THE COURT: Okay. And are you employed?
4 PROSPECTIVE JUROR NO. 021: I am.
5 THE COURT: What do you do for work?
6 PROSPECTIVE JUROR NO. 021: I'm a registered nurse.
7 THE COURT: And how far did you get in your
8 education then?
9 PROSPECTIVE JUROR NO. 021: Masters Degree.
10 THE COURT: In?
11 PROSPECTIVE JUROR NO. 021: In nursing, with an
12 emphasis on education.
13 THE COURT: Okay. And are you married?
14 PROSPECTIVE JUROR NO. 021: I am.
15 THE COURT: Is your spouse employed?
16 PROSPECTIVE JUROR NO. 021: Yes.
17 THE COURT: What does your spouse do?
18 PROSPECTIVE JUROR NO. 021: He works in the IT
19 Department at UNLV.
20 THE COURT: Okay. And do you have any children?
21 PROSPECTIVE JUROR NO. 021: I do.
22 THE COURT: How old?
23 PROSPECTIVE JUROR NO. 021: One and five.
24 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 021: No, I have not.

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

5 PROSPECTIVE JUROR NO. 021: No.

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

8 PROSPECTIVE JUROR NO. 021: No.

9 THE COURT: Would you have a tendency to give more
10 weight or credence or less weight or credence to the testimony
11 of a police officer simply because he or she is a police
12 officer?

13 PROSPECTIVE JUROR NO. 021: No.

14 THE COURT: Can you wait in forming your opinion as
15 to the guilt or innocence of the defendant until all the
16 evidence has been heard and after considering the instructions
17 I'll give you on the law?

18 THE COURT: Do you know of any reason why you
19 couldn't be completely fair and impartial if you're selected
20 here?

21 PROSPECTIVE JUROR NO. 021: No.

22 THE COURT: Is there any medical reason that would
23 prevent you from participating as a juror?

24 PROSPECTIVE JUROR NO. 021: No.

1 THE COURT: All right. Thank you so much, Ms.
2 Pierrott.
3 Can you pass the mic forward? And can you please
4 pass that all the way down to the other end? It would go to
5 Heidi Johnson, Badge 081.
6 Okay. Ms. Johnson, how long have you lived Las
7 Vegas?
8 PROSPECTIVE JUROR NO. 081: I was born here.
9 THE COURT: Okay. Are you employed?
10 PROSPECTIVE JUROR NO. 081: Yes, I am.
11 THE COURT: What do you do for work?
12 PROSPECTIVE JUROR NO. 081: Hotel Operations
13 Director.
14 THE COURT: Okay. How far did you get in your
15 education?
16 PROSPECTIVE JUROR NO. 081: I attended UNLV,
17 hospitality major.
18 THE COURT: Okay. Did you actually graduate with
19 that?
20 PROSPECTIVE JUROR NO. 081: Yes.
21 THE COURT: So you have a Bachelor in Hospitality?
22 PROSPECTIVE JUROR NO. 081: Yes.
23 THE COURT: Okay. And are you married?
24 PROSPECTIVE JUROR NO. 081: Yes.

1 THE COURT: And is your spouse employed?
2 PROSPECTIVE JUROR NO. 081: Yes, he is.
3 THE COURT: What does he do?
4 PROSPECTIVE JUROR NO. 081: He's a Commissioner.
5 THE COURT: Okay. One of our County Commissioners?
6 PROSPECTIVE JUROR NO. 081: Yes, for the Department
7 of Transportation.
8 THE COURT: Okay. And how -- do you have any
9 children?
10 PROSPECTIVE JUROR NO. 081: No. I have stepchildren
11 but they're grown and out of the house.
12 THE COURT: Okay. Ms. Johnson, did you indicate
13 earlier that you were married to a Municipal Court Judge?
14 PROSPECTIVE JUROR NO. 081: Yes, I did.
15 THE COURT: And is -- was that Mr. Assad or --
16 PROSPECTIVE JUROR NO. 081: Yes, it is.
17 THE COURT: -- Judge Assad?
18 PROSPECTIVE JUROR NO. 081: Um-hum.
19 THE COURT: Okay. All right. Is there anything
20 about your marriage with -- with Judge Assad you think that
21 would affect your ability to be fair and impartial in a -- in
22 a criminal trial?
23 PROSPECTIVE JUROR NO. 081: No.
24 THE COURT: Okay. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 081: Yes, I have.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR NO. 081: One time.

5 THE COURT: And --

6 PROSPECTIVE JUROR NO. 081: It was about five years

7 ago.

8 THE COURT: -- was it here in Las Vegas?

9 PROSPECTIVE JUROR NO. 081: Yes, it was.

10 THE COURT: Do you remember if it was a criminal or

11 a civil trial?

12 PROSPECTIVE JUROR NO. 081: Criminal.

13 THE COURT: Okay. Without telling us what the

14 verdict was, were you able to reach a verdict?

15 PROSPECTIVE JUROR NO. 081: Yes, we were.

16 THE COURT: And were you the foreperson?

17 PROSPECTIVE JUROR NO. 081: No.

18 THE COURT: All right. Is there anything about that

19 experience you think would affect your ability to be fair and

20 impartial if you're selected in this case?

21 PROSPECTIVE JUROR NO. 081: No.

22 THE COURT: All right. Have you or anyone close to

23 you such as a family member or a friend ever been a victim of

24 a crime?

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CHRISTOPHER SENA,) No. 79036
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Appellant,)
)
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v.)
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)
THE STATE OF NEVADA,)
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Respondent.)
)
_____)

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