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Respondent.

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## Docket 79036 Document 2020-19234

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**CHRISTOPHER SENA**  
**Case No. 79036**

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1 PROSPECTIVE JUROR NO. 081: Yes.  
2 THE COURT: How long ago?  
3 PROSPECTIVE JUROR NO. 081: So it was many years  
4 ago. It wasn't really a friend, it was when I was babysitting  
5 some foster children they were sexually abused. There were  
6 three of them. There was a little boy, age 7; two little  
7 girls, age 2 and 3.  
8 THE COURT: Okay.  
9 PROSPECTIVE JUROR NO. 081: And they were sexually  
10 and physically abused. The little boy has skin grafts all  
11 over his body from the abuse. And while I was babysitting the  
12 birth father of the little girls tried to break into the house  
13 and --  
14 THE COURT: Okay.  
15 PROSPECTIVE JUROR NO. 081: -- take the girls, but  
16 the police made it in time.  
17 THE COURT: Okay. So you said during the time that  
18 you were babysitting them; so was it something they revealed  
19 to you or was it something --  
20 PROSPECTIVE JUROR NO. 081: I was aware when I was  
21 babysitting these children --  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 081: -- I had watched them  
24 before.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 081: But I didn't know that

3 the birth father of the two girls was out.

4 THE COURT: Okay. So is there anything about that

5 experience and what you know of that case that you think would

6 affect your ability to be fair and impartial here?

7 Tell us about it. You're shaking your head "yes".

8 PROSPECTIVE JUROR NO. 081: Yes.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 081: Children are innocent

11 and these poor little kids were so abused and they just could

12 barely function and they were so little that it disgusts me.

13 I just would not -- I don't think I could be fair.

14 THE COURT: Okay. Okay. All right.

15 Have you or anyone close to you such as a family

16 member or a friend ever been accused of a crime?

17 PROSPECTIVE JUROR NO. 081: Yes.

18 THE COURT: Tell me about that.

19 PROSPECTIVE JUROR NO. 081: So a felony, robbery.

20 THE COURT: Is that George's kid?

21 PROSPECTIVE JUROR NO. 081: Yes.

22 THE COURT: Okay. Were you still married to Mr.

23 Assad when that -- when that was happening?

24 PROSPECTIVE JUROR NO. 081: We weren't married.

1 We'd been together about 15 years -- or about 10 years at that  
2 point.

3 THE COURT: Okay. Did you ever marry him?

4 PROSPECTIVE JUROR NO. 081: Yes.

5 THE COURT: Okay. Okay, well --

6 PROSPECTIVE JUROR NO. 081: Yes, we did.

7 THE COURT: -- so you married him --

8 PROSPECTIVE JUROR NO. 081: Finally, two years ago.

9 THE COURT: -- after that happened?

10 PROSPECTIVE JUROR NO. 081: Okay. All right.

11 Okay. Are you still married to him?

12 PROSPECTIVE JUROR NO. 081: Yes, I am.

13 THE COURT: All right. Okay. That's why I'm a  
14 little confused. So George is back working with the hotels  
15 now?

16 PROSPECTIVE JUROR NO. 081: Commissioner of  
17 Transportation.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 081: Transportation Division.

20 THE COURT: All right. Okay.

21 PROSPECTIVE JUROR NO. 081: I'm in the hotels.

22 THE COURT: All right. I'm sorry.

23 So -- so I mean, I know about that case, and a lot  
24 of people probably don't. And I know the State knows about

1 that case. And I know that --

2 PROSPECTIVE JUROR NO. 081: Um-hum.

3 THE COURT: -- the defense knows about the case.

4 But is there anything about that case you think would affect

5 your ability to be fair and impartial here --

6 PROSPECTIVE JUROR NO. 081: About --

7 THE COURT: -- what happened with George's --

8 PROSPECTIVE JUROR NO. 081: -- no.

9 THE COURT: -- kid?

10 PROSPECTIVE JUROR NO. 081: No.

11 THE COURT: Okay. All right. And would you have a

12 tendency to give more weight or credence or less weight or

13 credence to the testimony of a police officer simply because

14 he or she is a police officer?

15 PROSPECTIVE JUROR NO. 081: Yes.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 081: I would say so.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 081: My father's a retired

20 Metro, many family members are Metro. Of course, I would look

21 at all of the evidence but if there was any -- if there -- it

22 was open to lean either way I would definitely lean towards

23 the police officer's word.

24 THE COURT: Okay. Is there any medical reason that

1 would prevent you from participating as a juror?  
2 PROSPECTIVE JUROR NO. 081: No.  
3 THE COURT: All right. Okay. Thank you.  
4 PROSPECTIVE JUROR NO. 081: Thank you.  
5 THE COURT: Can you pass that over to Robert  
6 Clawson?  
7 Mr. Clawson, how long have you lived in Las Vegas?  
8 PROSPECTIVE JUROR NO. 025: Fifty-four years.  
9 THE COURT: And once again, tell us what you do for  
10 work.  
11 PROSPECTIVE JUROR NO. 025: I work for the  
12 University, the Thomas & Mack Center, Sam Boyd Stadium.  
13 THE COURT: Okay. How far did you get in your  
14 education?  
15 PROSPECTIVE JUROR NO. 025: Four years college.  
16 THE COURT: Okay. Did you graduate from college?  
17 PROSPECTIVE JUROR NO. 025: Yes.  
18 THE COURT: Do you have a Bachelors in something?  
19 PROSPECTIVE JUROR NO. 025: A BS in Computer  
20 Science.  
21 THE COURT: Okay. Are you married?  
22 PROSPECTIVE JUROR NO. 025: I am.  
23 THE COURT: Is your spouse employed?  
24 PROSPECTIVE JUROR NO. 025: Yes.

1 THE COURT: What does your spouse do?  
2 PROSPECTIVE JUROR NO. 025: She works for a bank --  
3 Bank of Internet. She's like a loan processor.  
4 THE COURT: Okay. And do you have any children?  
5 PROSPECTIVE JUROR NO. 025: I've got two.  
6 THE COURT: How old are they?  
7 PROSPECTIVE JUROR NO. 025: Twenty-three and 20.  
8 THE COURT: Are they employed?  
9 PROSPECTIVE JUROR NO. 025: Yes. Well, the oldest  
10 one is. She actually works at the bank that my wife does.  
11 And my son is currently at CSN.  
12 THE COURT: He's a head of the -- of CSN?  
13 PROSPECTIVE JUROR NO. 025: No, he's a student at  
14 CSN.  
15 THE COURT: Oh, okay. I thought you said currently  
16 a head --  
17 PROSPECTIVE JUROR NO. 025: No, no.  
18 THE COURT: I'm just not hearing right, I guess. I  
19 -- I've been hearing all kinds of weird things here today, so.  
20 PROSPECTIVE JUROR NO. 025: Yeah.  
21 THE COURT: Okay. So have you ever served as a  
22 juror before?  
23 PROSPECTIVE JUROR NO. 025: Yes.  
24 THE COURT: How many times?

1 PROSPECTIVE JUROR NO. 025: Three.  
2 THE COURT: All here in Las Vegas?  
3 PROSPECTIVE JUROR NO. 025: Yes.  
4 THE COURT: The most recent one, when was that?  
5 PROSPECTIVE JUROR NO. 025: It was probably ten  
6 years ago.  
7 THE COURT: Okay. Was it a criminal or civil  
8 matter?  
9 PROSPECTIVE JUROR NO. 025: Civil.  
10 THE COURT: And were you able to reach a verdict in  
11 that case?  
12 PROSPECTIVE JUROR NO. 025: Yes.  
13 THE COURT: Were you the foreperson in that case?  
14 PROSPECTIVE JUROR NO. 025: Yes, I was.  
15 THE COURT: Okay. Is there anything about that  
16 experience you think would affect your ability to be fair and  
17 impartial in this case?  
18 PROSPECTIVE JUROR NO. 025: No.  
19 THE COURT: Okay. The one before that, criminal or  
20 civil?  
21 PROSPECTIVE JUROR NO. 025: It was criminal.  
22 THE COURT: Here in Las Vegas?  
23 PROSPECTIVE JUROR NO. 025: Yes.  
24 THE COURT: And were you able to reach a verdict in

1 that case?

2 PROSPECTIVE JUROR NO. 025: Yes.

3 THE COURT: Were you the foreperson in that one as

4 well?

5 PROSPECTIVE JUROR NO. 025: No.

6 THE COURT: Okay. Anything about that experience

7 you think would affect your ability to be fair and impartial?

8 PROSPECTIVE JUROR NO. 025: No.

9 THE COURT: Okay. And the one before that, the

10 first one.

11 PROSPECTIVE JUROR NO. 025: No. No, no problems.

12 THE COURT: Okay. How long ago was the first one?

13 PROSPECTIVE JUROR NO. 025: It had to be darn near

14 20 years ago.

15 THE COURT: Okay. And was that a criminal or civil

16 matter?

17 PROSPECTIVE JUROR NO. 025: That was a criminal.

18 THE COURT: Okay. So you understand the difference

19 between the criminal and the civil standard?

20 PROSPECTIVE JUROR NO. 025: Yes, I do.

21 THE COURT: Okay. You've had to actually look at

22 them both?

23 PROSPECTIVE JUROR NO. 025: That is correct.

24 THE COURT: All right. Were you able to reach a

1 verdict in the first case?

2 PROSPECTIVE JUROR NO. 025: Yes.

3 THE COURT: All right. And anything about that case  
4 that would affect your ability to be fair and impartial in  
5 this case?

6 PROSPECTIVE JUROR NO. 025: No.

7 THE COURT: All right. Have you or anyone close to  
8 you such as a family member or a friend ever been a victim of  
9 a crime?

10 PROSPECTIVE JUROR NO. 025: Yes.

11 THE COURT: Can you tell me about that?

12 PROSPECTIVE JUROR NO. 025: Yeah, my younger sister,  
13 she was molested when we were youths, you know, so this  
14 happened approximately 45 years ago.

15 THE COURT: Okay. By a family member?

16 PROSPECTIVE JUROR NO. 025: No, it wasn't. It was a  
17 neighbor.

18 THE COURT: Okay. When did you find out about it?

19 PROSPECTIVE JUROR NO. 025: When it -- when it  
20 happened.

21 THE COURT: Okay. Did -- was anybody prosecuted  
22 or --

23 PROSPECTIVE JUROR NO. 025: There was a plea deal.

24 THE COURT: Okay. So someone actually got charged?

1 PROSPECTIVE JUROR NO. 025: That is correct.

2 THE COURT: And how old do you think you were when  
3 it happened?

4 PROSPECTIVE JUROR NO. 025: I -- eight -- eight,  
5 nine, somewhere in there.

6 THE COURT: Is there anything about that experience  
7 and what you know happened there you think would affect your  
8 ability to be fair and impartial here?

9 PROSPECTIVE JUROR NO. 025: I don't think so.

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

13 PROSPECTIVE JUROR NO. 025: No.

14 THE COURT: Okay. Would you have a tendency to give  
15 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. 025: I would give more.

19 THE COURT: Okay. Can you tell me what the basis  
20 would be for?

21 PROSPECTIVE JUROR NO. 025: Well, I've got a lot of  
22 family members that are in law enforcement so just, you know,  
23 being around them, I've got a lot of respect for them, for  
24 what they do. You know, I hold them to a high regard, so.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 025: So, yes.

3 THE COURT: Would you be open-minded to disputes  
4 between evidence that a police officer presents versus  
5 evidence that's presented by a non-police officer?

6 PROSPECTIVE JUROR NO. 025: Yes.

7 THE COURT: Okay. When I asked the question about  
8 would you give more weight or credence to the testimony simply  
9 because he or she is a police officer, is it when they come in  
10 with a badge on that you -- you hold them at a higher regard?

11 PROSPECTIVE JUROR NO. 025: It's more or less  
12 knowing the people.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 025: The personal  
15 relationships. I do work with officers pretty much on a daily  
16 basis.

17 THE COURT: Okay. Okay. Can you wait in forming  
18 your opinion as to the guilt or innocence of the defendant  
19 until all the evidence has been presented and I've instructed  
20 you on the law?

21 PROSPECTIVE JUROR NO. 025: Yes.

22 THE COURT: And do you know of any reason why you  
23 couldn't be completely fair and impartial if you're selected  
24 here as a juror?

1 PROSPECTIVE JUROR NO. 025: No.

2 THE COURT: Is there any medical reason that would  
3 prevent you from participating as a juror.

4 PROSPECTIVE JUROR NO. 025: Yeah, I would like to --  
5 you to consider, I do have migraines. So --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 025: -- at times, focusing  
8 sometimes when you do go through that process, you know, this  
9 thing lasting for four weeks, it might be an issue.

10 THE COURT: Okay. Would you be embarrassed to let  
11 us know that you need to take a break or something with  
12 regards to that?

13 PROSPECTIVE JUROR NO. 025: No, I wouldn't.

14 THE COURT: Okay. Is there anything that you would  
15 need from the Court if you were selected as a juror in that  
16 regard, other than just letting us know that you --

17 PROSPECTIVE JUROR NO. 025: Yeah.

18 THE COURT: -- need a break?

19 PROSPECTIVE JUROR NO. 025: Yeah. Just -- I would  
20 need to obviously, you know, be able to maybe go away, take  
21 some time away.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 025: Because usually like  
24 even lights sometimes --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 025: -- I'm very sensitive to

3 light.

4 THE COURT: Okay. Would possibly wearing sunglasses

5 be sufficient for you?

6 PROSPECTIVE JUROR NO. 025: You know, I've never

7 tried it. I'm not that cool.

8 THE COURT: Okay. All right. Okay, Mr. Clawson, I

9 think I -- if you made it on a jury we'd have to leave it up

10 to your decision telling us whether or not you need a break or

11 you needed something to cover your eyes or something; okay?

12 PROSPECTIVE JUROR NO. 025: Okay.

13 THE COURT: All right, Mr. Clawson. Thank you.

14 PROSPECTIVE JUROR NO. 025: Thank you.

15 THE COURT: Can you pass that to Michael Bond, is

16 Badge 029.

17 Mr. Bond, how long have you lived in Las Vegas?

18 PROSPECTIVE JUROR NO. 025: Twenty-nine years.

19 THE COURT: And are you employed?

20 PROSPECTIVE JUROR NO. 025: Yes.

21 THE COURT: What do you do for work?

22 PROSPECTIVE JUROR NO. 025: I'm a CPA. I work in

23 internal audit.

24 THE COURT: Okay. How far did you get in your

1 education?

2 PROSPECTIVE JUROR NO. 025: I have a bachelor's

3 degree.

4 THE COURT: In?

5 PROSPECTIVE JUROR NO. 025: In business accounting.

6 THE COURT: Okay. And do you have any -- are you

7 married?

8 PROSPECTIVE JUROR NO. 025: Yes.

9 THE COURT: Is your spouse employed?

10 PROSPECTIVE JUROR NO. 025: She is.

11 THE COURT: What does she do?

12 PROSPECTIVE JUROR NO. 025: She's a project manager.

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

14 PROSPECTIVE JUROR NO. 025: No children.

15 THE COURT: All right. Have you ever served as a

16 juror before?

17 PROSPECTIVE JUROR NO. 025: I have not.

18 THE COURT: Have you or anyone close to you such as

19 a family member or friend ever been a victim of a crime?

20 PROSPECTIVE JUROR NO. 025: My sister, some sort of

21 sexual thing when she was young. I don't know the details,

22 but.

23 THE COURT: Okay. Is there anything about that,

24 that you know, or any limited information that you have about

1 it, you think would affect your ability to be fair and  
2 impartial here?

3 PROSPECTIVE JUROR NO. 025: I don't think so.

4 THE COURT: Okay. Have you or anyone close to you  
5 such as a family member or a friend ever been accused of a  
6 crime?

7 PROSPECTIVE JUROR NO. 025: No.

8 THE COURT: Would you have a tendency to give more  
9 weight or credence or less weight or credence to the testimony  
10 of a police officer simply because he or she is a police  
11 officer?

12 PROSPECTIVE JUROR NO. 025: No.

13 THE COURT: Can you wait in forming your opinion as  
14 to the guilt or innocence of the defendant until all the  
15 evidence has been presented and I've instructed you on the law?

16 PROSPECTIVE JUROR NO. 025: Yes.

17 THE COURT: Is there any reason that you believe  
18 that you couldn't be completely fair and impartial in this  
19 matter?

20 PROSPECTIVE JUROR NO. 025: No.

21 THE COURT: Is there any medical reason that would  
22 prevent you from participating?

23 PROSPECTIVE JUROR NO. 025: No.

24 THE COURT: All right. Thank you so much, Mr. Bond.

1 Can you pass that to Susan Crowley, is Badge 032.  
2 Ms. Crowley, how long have you lived in Las Vegas?  
3 PROSPECTIVE JUROR NO. 032: 49 years.  
4 THE COURT: And are you employed?  
5 PROSPECTIVE JUROR NO. 032: No, I'm retired.  
6 THE COURT: What'd you retire from?  
7 PROSPECTIVE JUROR NO. 032: I was a chemist at a  
8 chemical plant.  
9 THE COURT: Okay. So how far did you get in your  
10 education?  
11 PROSPECTIVE JUROR NO. 032: I have a BS in  
12 Chemistry.  
13 THE COURT: Okay. Are you married?  
14 PROSPECTIVE JUROR NO. 032: I'm widowed.  
15 THE COURT: Okay. Do you have any children?  
16 PROSPECTIVE JUROR NO. 032: No.  
17 THE COURT: Have you ever served as a juror before?  
18 PROSPECTIVE JUROR NO. 032: I have.  
19 THE COURT: How many times?  
20 PROSPECTIVE JUROR NO. 032: Just once.  
21 THE COURT: And how long ago?  
22 PROSPECTIVE JUROR NO. 032: About three years ago.  
23 THE COURT: Was it here in Las Vegas?  
24 PROSPECTIVE JUROR NO. 032: Yes.

1 THE COURT: Was it a criminal or civil matter?  
2 PROSPECTIVE JUROR NO. 032: Criminal.  
3 THE COURT: Did you reach a verdict in that matter?  
4 PROSPECTIVE JUROR NO. 032: Yes.  
5 THE COURT: Okay. Were you the foreman --  
6 PROSPECTIVE JUROR NO. 032: No.  
7 THE COURT: -- or foreperson?  
8 PROSPECTIVE JUROR NO. 032: No.  
9 THE COURT: Okay. Is there anything about that  
10 experience you think would affect your ability to be fair and  
11 impartial in this matter?  
12 PROSPECTIVE JUROR NO. 032: No.  
13 THE COURT: Okay. Have you or anyone close to you  
14 such as a family member or a friend ever been a victim of a  
15 crime?  
16 PROSPECTIVE JUROR NO. 032: Yes.  
17 THE COURT: How long ago?  
18 PROSPECTIVE JUROR NO. 032: About -- again, about  
19 three years ago.  
20 THE COURT: Okay. And what happened?  
21 PROSPECTIVE JUROR NO. 032: My sister was the victim  
22 of a home invasion.  
23 THE COURT: Okay. Here in Las Vegas?  
24 PROSPECTIVE JUROR NO. 032: Yes.

1 THE COURT: Okay. Did they catch anyone?  
2 PROSPECTIVE JUROR NO. 032: Yes.  
3 THE COURT: Do you know whether or not they were  
4 able to prosecute anyone?  
5 PROSPECTIVE JUROR NO. 032: I know that they've --  
6 they've been going through the justice system.  
7 THE COURT: Okay.  
8 PROSPECTIVE JUROR NO. 032: I don't know if they've  
9 been prosecuted.  
10 THE COURT: Okay. Is there anything about that case  
11 you think would affect your ability to be fair and impartial  
12 here?  
13 PROSPECTIVE JUROR NO. 032: No.  
14 THE COURT: Okay. Can you wait in forming -- I'm  
15 sorry -- would you have a tendency to give more weight or  
16 credence or less weight or credence to the testimony of a  
17 police officer simply because he or she is a police officer?  
18 PROSPECTIVE JUROR NO. 032: No.  
19 THE COURT: Can you wait in forming your opinion as  
20 to the guilt or innocence of the defendant until all the  
21 evidence has been presented and I've instructed you on the  
22 law?  
23 PROSPECTIVE JUROR NO. 032: Yes.  
24 THE COURT: Do you know of any reason why you

1 couldn't be completely fair and impartial if you're selected  
2 here?

3 PROSPECTIVE JUROR NO. 032: No.

4 THE COURT: Is there any medical reason that would  
5 prevent you from participating?

6 PROSPECTIVE JUROR NO. 032: No.

7 THE COURT: Okay. All right. Thank you, Ms.  
8 Crowley.

9 Can you pass that to Matthew Royer, is Badge 035.  
10 Mr. Royer, how long have you lived in Las Vegas?

11 PROSPECTIVE JUROR NO. 035: Twenty-four years.

12 THE COURT: And are you employed?

13 PROSPECTIVE JUROR NO. 035: Yes.

14 THE COURT: What do you do for work?

15 PROSPECTIVE JUROR NO. 035: Second grade teacher. I  
16 also do web marketing for two different companies.

17 THE COURT: How far did you get in your education?

18 PROSPECTIVE JUROR NO. 035: I have a bachelors  
19 degree in music merchandising and I'm continuing credits so  
20 that I can continue to teach.

21 THE COURT: And get your masters?

22 PROSPECTIVE JUROR NO. 035: Eventually, yeah.

23 THE COURT: Okay. All right. So are you married?

24 PROSPECTIVE JUROR NO. 035: Yes.

1 THE COURT: Is your spouse employed?  
2 PROSPECTIVE JUROR NO. 035: Yes.  
3 THE COURT: What does your spouse do?  
4 PROSPECTIVE JUROR NO. 035: She's an adjunct  
5 professor at CSN.  
6 THE COURT: Okay. And do you have any children?  
7 PROSPECTIVE JUROR NO. 035: Two.  
8 THE COURT: How old?  
9 PROSPECTIVE JUROR NO. 035: 13 and 6.  
10 THE COURT: All right. Have you ever served as a  
11 juror before?  
12 PROSPECTIVE JUROR NO. 035: No.  
13 THE COURT: Have you or anyone close to you such as  
14 a family member or a friend ever been a victim of a crime?  
15 PROSPECTIVE JUROR NO. 035: Yes.  
16 THE COURT: Can you tell us about that?  
17 PROSPECTIVE JUROR NO. 035: Sure. Three years ago,  
18 I was hit by a drunk driver.  
19 THE COURT: Okay.  
20 PROSPECTIVE JUROR NO. 035: Four years ago -- four  
21 or five years ago we were burgled.  
22 THE COURT: Okay. Both here in Las Vegas?  
23 PROSPECTIVE JUROR NO. 035: Henderson.  
24 THE COURT: Okay. Here in the County --

1 PROSPECTIVE JUROR NO. 035: In the Valley, yeah.  
2 THE COURT: -- Clark County? Were they able to --  
3 did they catch anybody in the drunk driver?  
4 PROSPECTIVE JUROR NO. 035: Yes.  
5 THE COURT: Did they prosecute anyone?  
6 PROSPECTIVE JUROR NO. 035: I think -- I think she  
7 just pled.  
8 THE COURT: Okay. So do you feel like you were  
9 treated appropriately under the circumstances?  
10 PROSPECTIVE JUROR NO. 035: In that one, yeah.  
11 THE COURT: What about the burglary?  
12 PROSPECTIVE JUROR NO. 035: No, the -- I know who  
13 did it, but they never -- they never followed through.  
14 THE COURT: Okay. So is that anything that you  
15 think that you would hold against either of the parties --  
16 PROSPECTIVE JUROR NO. 035: No.  
17 THE COURT: -- in this case?  
18 All right. 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. 035: No.  
21 THE COURT: Okay. Would you have a tendency to give  
22 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. 035: 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. 035: 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. 035: No.

10          THE COURT: Is there any medical reason that would  
11 prevent you from participating?

12          PROSPECTIVE JUROR NO. 035: No.

13          THE COURT: All right. Thank you so much, Mr.  
14 Royer.

15          Can you pass that to David Moore, is Badge 087.

16          Mr. Moore, how long have you lived in Las Vegas?

17          PROSPECTIVE JUROR NO. 087: Thirty-nine years.

18          THE COURT: And you're our fifth grade teacher; is  
19 that correct?

20          PROSPECTIVE JUROR NO. 087: High school.

21          THE COURT: Oh, I'm sorry.

22          PROSPECTIVE JUROR NO. 087: Freshman.

23          THE COURT: High school freshmen -- freshmen  
24 teacher. That's -- I demoted him already. Okay.

1                   So what high school are you teaching at?

2                   PROSPECTIVE JUROR NO. 087:   SECTA.   Southeast Career

3   Technical Academy.

4                   THE COURT:   Okay.   And so how far did you get in

5   your education?

6                   PROSPECTIVE JUROR NO. 087:   High school.   Which is

7   -- sounds weird there, but I -- I teach under a business and

8   industry license --

9                   THE COURT:   Okay.

10                  PROSPECTIVE JUROR NO. 087:   -- that gives me an

11   equivalent to a master in my career field, which is

12   (indecipherable) communications.

13                  THE COURT:   Okay.   All right.   So are you married?

14                  PROSPECTIVE JUROR NO. 087:   I am.

15                  THE COURT:   Is your spouse employed?

16                  PROSPECTIVE JUROR NO. 087:   No, a stay-at-home

17   mother.

18                  THE COURT:   Okay.   So you have some children?

19                  PROSPECTIVE JUROR NO. 087:   Two, one and then a

20   stepson.

21                  THE COURT:   How old are they?

22                  PROSPECTIVE JUROR NO. 087:   28, and going on 48.

23                  THE COURT:   Oh, I love that.   A stay-at-home mom

24   with a 48 and a 28.

1 PROSPECTIVE JUROR NO. 087: Well, 28 --  
2 THE COURT: How do you get that job?  
3 PROSPECTIVE JUROR NO. 087: -- [inaudible] -- well,  
4 28, she -- my son is autistic so --  
5 THE COURT: Okay. Okay.  
6 PROSPECTIVE JUROR NO. 087: -- there's the deal  
7 there.  
8 THE COURT: How old is your autistic son?  
9 PROSPECTIVE JUROR NO. 087: 28, yes.  
10 THE COURT: Okay. And so he's still at home?  
11 PROSPECTIVE JUROR NO. 087: Yes.  
12 THE COURT: All right. Okay, so maybe I jumped the  
13 gun on that one.  
14 PROSPECTIVE JUROR NO. 087: A little.  
15 THE COURT: Yeah. So -- but that's still pretty  
16 cool, to get to stay home.  
17 PROSPECTIVE JUROR NO. 087: I wanted to trade years  
18 ago.  
19 THE COURT: Okay. All right. So have you ever  
20 served as a juror before?  
21 PROSPECTIVE JUROR NO. 087: Four times.  
22 THE COURT: Here in Las Vegas?  
23 PROSPECTIVE JUROR NO. 087: Yes.  
24 THE COURT: Okay. What was the most recent one?

1 PROSPECTIVE JUROR NO. 087: I think it was around  
2 2001, I can't remember. The first one was in '84.  
3 THE COURT: Okay. So, '84 and then --  
4 PROSPECTIVE JUROR NO. 087: Then --  
5 THE COURT: -- you had two other -- three other  
6 ones, and the last one --  
7 PROSPECTIVE JUROR NO. 087: Right.  
8 THE COURT: -- was in 2001?  
9 PROSPECTIVE JUROR NO. 087: And there was actually a  
10 fifth at -- I was on the jury but they pled before we were --  
11 the trial started.  
12 THE COURT: Okay. When did that -- when did that go  
13 on?  
14 PROSPECTIVE JUROR NO. 087: Somewhere in there.  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR NO. 087: Yeah.  
17 THE COURT: Let's talk -- let's talk about the most  
18 recent one, 2001. Was that a criminal matter or a civil  
19 matter?  
20 PROSPECTIVE JUROR NO. 087: It was criminal.  
21 THE COURT: Well, was it here in this -- these  
22 courts?  
23 PROSPECTIVE JUROR NO. 087: No.  
24 THE COURT: Or was it federal?

1 PROSPECTIVE JUROR NO. 087: There was a different  
2 building I -- I believe.

3 THE COURT: So it was a federal matter?

4 PROSPECTIVE JUROR NO. 087: One was a federal. That  
5 one I thought was not in this building but it was County.

6 THE COURT: Oh, okay. So it was in the -- it was in  
7 the older courthouse?

8 PROSPECTIVE JUROR NO. 087: Yes.

9 THE COURT: This is pretty new --

10 PROSPECTIVE JUROR NO. 087: Right.

11 THE COURT: -- this one, so. Was this in 2001, were  
12 we here?

13 MS. RADOSTA: 2005, we opened.

14 THE COURT: Oh, so you came -- okay, there's the  
15 answer. So, do you remember who it was in front of, what  
16 Judge?

17 PROSPECTIVE JUROR NO. 087: I am searching for her  
18 name. There have been issues with her bailiff and some other  
19 things went on.

20 THE COURT: Oh, okay. I gotcha. Yeah. Yeah, it  
21 was -- Ms. -- Elizabeth Halverson?

22 PROSPECTIVE JUROR NO. 087: Yes.

23 THE COURT: Okay. You actually sat on a jury in  
24 that case -- or I mean, in --

1 PROSPECTIVE JUROR NO. 087: Right.  
2 THE COURT: -- in front of her?  
3 PROSPECTIVE JUROR NO. 087: Yes.  
4 THE COURT: All right. Were you able to reach a  
5 verdict in that case?  
6 PROSPECTIVE JUROR NO. 087: Yes, we did.  
7 THE COURT: Were you the foreperson?  
8 PROSPECTIVE JUROR NO. 087: I was not.  
9 THE COURT: all right. Is there anything about your  
10 experience in that case that you think would affect your  
11 ability to be fair and impartial here?  
12 PROSPECTIVE JUROR NO. 087: No.  
13 THE COURT: All right. What about the case before  
14 that, how long ago was that?  
15 PROSPECTIVE JUROR NO. 087: That was prior to  
16 somewhere in between that '84 and that --  
17 THE COURT: Okay.  
18 PROSPECTIVE JUROR NO. 087: -- it's like every five  
19 years I'm --  
20 THE COURT: Okay.  
21 PROSPECTIVE JUROR NO. 087: -- getting nabbed.  
22 THE COURT: Do you remember when the one prior to  
23 the 2001, if it was a civil or a criminal matter?  
24 PROSPECTIVE JUROR NO. 087: They -- they've all been

1 criminal.

2 THE COURT: Oh, okay.

3 PROSPECTIVE JUROR NO. 087: And we've all had  
4 unanimous decision.

5 THE COURT: So you all reached a verdict in it

6 PROSPECTIVE JUROR NO. 087: Yes.

7 THE COURT: Okay. And is there anything about your  
8 experience in any of those cases that you think would affect  
9 your ability to be fair and impartial here?

10 PROSPECTIVE JUROR NO. 087: No.

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

14 PROSPECTIVE JUROR NO. 087: 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. 087: Traffic.

18 THE COURT: Okay. How long ago?

19 PROSPECTIVE JUROR NO. 087: 1980.

20 THE COURT: Is it speeding?

21 PROSPECTIVE JUROR NO. 087: Drag racing.

22 THE COURT: So you're one of our 55-mile-an-hour  
23 speeders? Okay. Okay.

24 In the '80s.

1 PROSPECTIVE JUROR NO. 087: June of 1980. Mesa,  
2 Arizona.  
3 THE COURT: Was it -- it was in Arizona?  
4 PROSPECTIVE JUROR NO. 087: Yeah.  
5 THE COURT: Oh, okay. I was thinking if you were  
6 here it would have been over on Gibson Road or --  
7 PROSPECTIVE JUROR NO. 087: I'm familiar with  
8 that --  
9 THE COURT: -- so, okay.  
10 PROSPECTIVE JUROR NO. 087: -- [inaudible] yes.  
11 THE COURT: Yeah. All right. So it happened in  
12 Arizona. Did you feel like you were treated appropriately  
13 under the circumstances?  
14 PROSPECTIVE JUROR NO. 087: The police officer let  
15 me follow him to the jail on my motorcycle and park it.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR NO. 087: Didn't tow it, so.  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NO. 087: A couple hours in jail  
20 and then go see the Judge and pay the fine.  
21 THE COURT: Okay. Well, under those circumstances  
22 do you think you were treated fair?  
23 PROSPECTIVE JUROR NO. 087: You bet.  
24 THE COURT: All right. Okay.

1           Anything about that experience you think would  
2 affect your ability to be fair and impartial here?

3           PROSPECTIVE JUROR NO. 087: 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. 087: More.

9           THE COURT: Okay. Can you tell me why?

10          PROSPECTIVE JUROR NO. 087: They take an oath.

11          THE COURT: Okay. Can you wait in forming your  
12 opinion as to the guilty or innocence of the defendant until  
13 all the evidence has been presented and I've instructed you on  
14 the law?

15          PROSPECTIVE JUROR NO. 087: I could.

16          THE COURT: Would you keep an open mind as to  
17 evidence that may be contrary to the testimony of a police  
18 officer?

19          PROSPECTIVE JUROR NO. 087: I could.

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 here?

23          PROSPECTIVE JUROR NO. 087: No.

24          THE COURT: Is there any medical reason that would

1 prevent you from participating here?

2 PROSPECTIVE JUROR NO. 087: No.

3 THE COURT: All right. Thank you so much, Mr.

4 Moore.

5 Can you pass that to Arlene Erwin is Badge 037.

6 Ms. Erwin, how long have you lived in Las Vegas?

7 PROSPECTIVE JUROR NO. 037: Thirteen year.

8 THE COURT: And where are you from originally?

9 PROSPECTIVE JUROR NO. 037: Philippines.

10 THE COURT: Okay. And are you employed?

11 PROSPECTIVE JUROR NO. 037: Yes.

12 THE COURT: What do you do for work?

13 PROSPECTIVE JUROR NO. 037: Casino dealer.

14 THE COURT: And are you married?

15 PROSPECTIVE JUROR NO. 037: Yes.

16 THE COURT: Is your spouse employed?

17 PROSPECTIVE JUROR NO. 037: Yes.

18 THE COURT: And what does your spouse do?

19 PROSPECTIVE JUROR NO. 037: Casino dealer also.

20 THE COURT: Okay. And you said you have two

21 children?

22 PROSPECTIVE JUROR NO. 037: Yes.

23 THE COURT: How old are they again?

24 PROSPECTIVE JUROR NO. 037: 7 and 11.

1 THE COURT: Okay. Have you ever served as a juror  
2 before?

3 PROSPECTIVE JUROR NO. 037: No.

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

6 PROSPECTIVE JUROR NO. 037: No.

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

9 PROSPECTIVE JUROR NO. 037: No.

10 THE COURT: All right. Would you have a tendency to  
11 give 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. 037: No.

15 THE COURT: Can you wait in forming your opinion as  
16 to the guilt or innocence of the defendant until all the  
17 evidence has been presented and I've instructed you on the  
18 law?

19 PROSPECTIVE JUROR NO. 037: 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 here?

23 PROSPECTIVE JUROR NO. 037: Well, I'm a mother of  
24 two.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 037: And my heart breaks  
3 every time I hear stuff like this happen to kids.

4 THE COURT: Okay. Well, at this point in time, no  
5 evidence has been presented. Like I've said to a number of  
6 jurors, I understand that, that it -- the topic is not the  
7 most desired topic, I guess you'd say, if you're talking about  
8 cases. But the question I have is that, can you keep an open  
9 mind and wait until all the evidence has been presented before  
10 you make a decision?

11 PROSPECTIVE JUROR NO. 037: I'm going to try.

12 THE COURT: Okay. Okay. Is there any medical  
13 reason that would prevent you from participating?

14 PROSPECTIVE JUROR NO. 037: No.

15 THE COURT: All right. Thank you.  
16 Can you pass that over to Chelsea Stuenkel?

17 Ms. Stuenkel, how long have you lived in Las Vegas?

18 PROSPECTIVE JUROR NO. 040: Thirty-one years.

19 THE COURT: And are you employed?

20 PROSPECTIVE JUROR NO. 037: Yes.

21 THE COURT: What do you do for work?

22 PROSPECTIVE JUROR NO. 040: I'm a police officer  
23 with the Nevada Department of Public Safety.

24 THE COURT: Okay. And are you married?

1 PROSPECTIVE JUROR NO. 040: Yes.  
2 THE COURT: Is your spouse employed?  
3 PROSPECTIVE JUROR NO. 040: Yes.  
4 THE COURT: What does your spouse do?  
5 PROSPECTIVE JUROR NO. 040: He's a Captain also at  
6 DPS.  
7 THE COURT: Okay.  
8 PROSPECTIVE JUROR NO. 040: Highway Patrol.  
9 THE COURT: And how far did you get in your  
10 education?  
11 PROSPECTIVE JUROR NO. 040: Bachelors in Criminal  
12 Justice.  
13 THE COURT: Okay. And do you have any children?  
14 PROSPECTIVE JUROR NO. 040: Two stepsons.  
15 THE COURT: How old?  
16 PROSPECTIVE JUROR NO. 040: Eleven and 15.  
17 THE COURT: And you're about ready to have another  
18 one right now, right?  
19 PROSPECTIVE JUROR NO. 040: Yes.  
20 THE COURT: Okay. Okay, so have you ever served as  
21 juror before?  
22 PROSPECTIVE JUROR NO. 040: No, I have not.  
23 THE COURT: Have you or anyone close to you such as  
24 a family member or friend ever been a victim of a crime?

1 PROSPECTIVE JUROR NO. 040: No.

2 THE COURT: Have you or anyone close to you such as

3 a family member or a friend ever been accused of a crime?

4 PROSPECTIVE JUROR NO. 040: Yes, a cousin.

5 THE COURT: Okay. How long ago?

6 PROSPECTIVE JUROR NO. 040: Ongoing. He's --

7 THE COURT: It's current?

8 PROSPECTIVE JUROR NO. 040: He's 35. He's been in

9 and out of jail and prison since he was a teenager. He -- he

10 probably has a current felony warrant, I don't know, so.

11 THE COURT: Here in Nevada?

12 PROSPECTIVE JUROR NO. 040: Yes.

13 THE COURT: When was his most recent, I guess,

14 charge?

15 PROSPECTIVE JUROR NO. 040: They've all been usually

16 drug related, some gun stuff, and within -- he's been in and

17 out of prison within the last couple of years. I believe he's

18 out right now, but.

19 THE COURT: Okay. Is there anything about your

20 relationship with your cousin, understanding the circumstances

21 that he's facing, that would affect your ability to be fair

22 and impartial in this case?

23 PROSPECTIVE JUROR NO. 040: No, sir.

24 THE COURT: Okay. Would you have a tendency to give

1 more weight or credence or less weight or credence to the  
2 testimony of a police officer simply because he or she is a  
3 police officer?

4 PROSPECTIVE JUROR NO. 040: No.

5 THE COURT: Can you wait in forming your opinion as  
6 to the guilt or innocence of the defendant until all the  
7 evidence has been presented and I've instructed you on the  
8 law?

9 PROSPECTIVE JUROR NO. 040: Yes.

10 THE COURT: Do you know of any reason why you  
11 couldn't be completely fair and impartial if you're selected  
12 in this case?

13 PROSPECTIVE JUROR NO. 040: No.

14 THE COURT: Is there any medical reason that would  
15 prevent you from participating in this case?

16 PROSPECTIVE JUROR NO. 040: No.

17 THE COURT: Okay. Other than --

18 PROSPECTIVE JUROR NO. 040: Just more frequent --

19 THE COURT: -- your pregnancy.

20 PROSPECTIVE JUROR NO. 040: -- breaks would be nice.

21 THE COURT: Would you be embarrassed to raise your  
22 hand and say, hey, Judge, I've got to go.

23 PROSPECTIVE JUROR NO. 040: I do have to go, but  
24 yeah.

1 THE COURT: Okay. You need a break? Do you need a  
2 break?  
3 PROSPECTIVE JUROR NO. 040: When -- whenever you get  
4 to it, yeah.  
5 THE COURT: Well, I figured I'd break at 5:00. Can  
6 you wait until 5:00?  
7 PROSPECTIVE JUROR NO. 040: I -- I can, yeah.  
8 THE COURT: Please?  
9 PROSPECTIVE JUROR NO. 040: Yeah.  
10 THE COURT: Okay.  
11 PROSPECTIVE JUROR NO. 040: Yes.  
12 THE COURT: Let me know, because my Marshal is the  
13 one that has to clean up, so.  
14 PROSPECTIVE JUROR NO. 040: I'll try. I'll try.  
15 No, I'm good. Thanks.  
16 THE COURT: Okay. All right. Thank you, Ms.  
17 Stuenkel.  
18 Can you pass that over to -- is it Camryn Estrada?  
19 PROSPECTIVE JUROR NO. 089: Yes.  
20 THE COURT: Badge 089.  
21 Ms. Estrada, how long have you lived in Las Vegas?  
22 PROSPECTIVE JUROR NO. 089: For about ten years.  
23 THE COURT: And where are you from originally?  
24 PROSPECTIVE JUROR NO. 089: Washington.

1 THE COURT: Okay. Are you employed?  
2 PROSPECTIVE JUROR NO. 089: No.  
3 THE COURT: How far did you get in your education?  
4 PROSPECTIVE JUROR NO. 089: Some high school.  
5 THE COURT: Okay. Are you married?  
6 PROSPECTIVE JUROR NO. 089: No.  
7 THE COURT: Do you have any children?  
8 PROSPECTIVE JUROR NO. 089: No. I have a bunny.  
9 THE COURT: Have you ever served as a juror before?  
10 PROSPECTIVE JUROR NO. 089: No.  
11 THE COURT: Okay. Have you or anyone close to you  
12 such as a family member or friend ever been a victim of a  
13 crime?  
14 PROSPECTIVE JUROR NO. 089: Yes.  
15 THE COURT: Can you tell us about it? How long ago?  
16 PROSPECTIVE JUROR NO. 089: It's currently awaiting  
17 trial, so --  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NO. 089: -- it -- it's -- it's a  
20 little hard to talk about. But --  
21 THE COURT: Is it with you?  
22 PROSPECTIVE JUROR NO. 089: No, no.  
23 THE COURT: Okay.  
24 PROSPECTIVE JUROR NO. 089: No, it's just my very

1 close friend.

2 THE COURT: A friend of yours?

3 PROSPECTIVE JUROR NO. 089: No, I just don't -- I

4 just don't want to give out a lot of like her details and

5 stuff. I just don't want to talk about her a lot, you know.

6 THE COURT: Do you know what kind of case it is?

7 PROSPECTIVE JUROR NO. 089: It's very similar to

8 this.

9 THE COURT: Okay. So she's a victim of it or is she

10 charged with it?

11 PROSPECTIVE JUROR NO. 089: Victim.

12 THE COURT: She's a victim?

13 PROSPECTIVE JUROR NO. 089: Um-hum.

14 THE COURT: Is that a "yes"?

15 PROSPECTIVE JUROR NO. 089: Yes.

16 THE COURT: Okay. When was it you first learned of

17 it?

18 PROSPECTIVE JUROR NO. 089: Very recently, actually.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 089: This year.

21 THE COURT: And is it something that just happened

22 or is it something that --

23 PROSPECTIVE JUROR NO. 089: It's -- it was --

24 THE COURT: -- happened --

1 PROSPECTIVE JUROR NO. 089: -- ongoing for a long  
2 time.  
3 THE COURT: Okay.  
4 PROSPECTIVE JUROR NO. 089: Like --  
5 THE COURT: And how long have you known her?  
6 PROSPECTIVE JUROR NO. 089: A very -- awhile about  
7 two or three years now.  
8 THE COURT: Okay. And so it was something that she  
9 recently revealed?  
10 PROSPECTIVE JUROR NO. 089: Um-hum.  
11 THE COURT: Is that a "yes"?  
12 PROSPECTIVE JUROR NO. 089: Yeah, because -- yes,  
13 sorry.  
14 THE COURT: Okay.  
15 PROSPECTIVE JUROR NO. 089: Because of the trial  
16 coming up, it was a lot for her to deal with so she disclosed  
17 it to me --  
18 THE COURT: Oh, to you --  
19 PROSPECTIVE JUROR NO. 089: -- it's been --  
20 THE COURT: -- but when --  
21 PROSPECTIVE JUROR NO. 089: -- yeah.  
22 THE COURT: -- was it that she disclosed it to the  
23 authorities?  
24 PROSPECTIVE JUROR NO. 089: Oh, when -- to the

1 authorities?

2 THE COURT: Um-hum.

3 PROSPECTIVE JUROR NO. 089: I'm not sure on that.

4 However long ago.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 089: Or maybe it was like

7 within the past year or so.

8 THE COURT: Okay. All right. All right. Have you

9 or anyone close to you such as a family member or a friend

10 ever been accused of a crime?

11 PROSPECTIVE JUROR NO. 089: No.

12 THE COURT: Okay. You kind of said "no".

13 PROSPECTIVE JUROR NO. 089: Um-hum.

14 THE COURT: What do you mean by that? It sounds to

15 me that yes, somebody has.

16 PROSPECTIVE JUROR NO. 089: Nothing that will affect

17 me here, or that like needs to be shared.

18 THE COURT: Okay. Is it with you?

19 PROSPECTIVE JUROR NO. 089: No.

20 THE COURT: Oh, okay. Is it something similar to

21 this?

22 PROSPECTIVE JUROR NO. 089: No.

23 THE COURT: Okay. How long ago?

24 PROSPECTIVE JUROR NO. 089: About two years ago.

1 THE COURT: Okay. A family member?  
2 PROSPECTIVE JUROR NO. 089: Yes.  
3 THE COURT: Mother, father?  
4 PROSPECTIVE JUROR NO. 089: My father.  
5 THE COURT: Okay. Here in Nevada?  
6 PROSPECTIVE JUROR NO. 089: Yes.  
7 THE COURT: What kind of crime?  
8 PROSPECTIVE JUROR NO. 089: Drunk driving.  
9 THE COURT: Okay. As there -- did he get  
10 prosecuted?  
11 PROSPECTIVE JUROR NO. 089: Um-hum.  
12 THE COURT: Is that a "yes"?  
13 PROSPECTIVE JUROR NO. 089: Yes, sorry.  
14 THE COURT: Okay. And how long ago did he get  
15 prosecuted?  
16 PROSPECTIVE JUROR NO. 089: He's out now. Maybe a  
17 year or two ago.  
18 THE COURT: Okay. Were you knowledgeable of what  
19 was happening in the case or do you --  
20 PROSPECTIVE JUROR NO. 089: Yes.  
21 THE COURT: Okay. Were you with him when he got  
22 arrested?  
23 PROSPECTIVE JUROR NO. 089: No.  
24 THE COURT: All right. And do you feel that under

1 the circumstances and what you know of the case he was treated  
2 fairly?

3 PROSPECTIVE JUROR NO. 089: No, I don't think he  
4 was.

5 THE COURT: Okay. So under those circumstances do  
6 you feel that you may -- may not be able to set that aside?

7 PROSPECTIVE JUROR NO. 089: No, it has nothing to do  
8 with anything, no.

9 THE COURT: Okay. When you say he wasn't treated  
10 fairly, you know the State of Nevada probably was the  
11 prosecutor for him, and that would be the District Attorney's  
12 Office.

13 PROSPECTIVE JUROR NO. 089: Yeah. I understand  
14 that. But, I mean, I'm not connecting that to this.

15 THE COURT: Okay. All right. With regards to the  
16 -- the situation with your friend, knowing about that case, is  
17 there anything about that you think that would affect your  
18 ability to be fair and impartial here?

19 PROSPECTIVE JUROR NO. 089: Yes, because it is  
20 literally about to go onto trial, so I'm literally like, you  
21 know, I've already been dealing with it. She's been dealing  
22 with it. I'm about to deal with it some more --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 089: -- and deal with this.

1 And I don't know how I'd -- now, I know how that's going to  
2 go. I know that I won't -- that that won't work out well,  
3 being in that trial, with this one.

4 THE COURT: Okay. Well, do you understand that --  
5 is that -- does this case have something to do with that case  
6 other than --

7 PROSPECTIVE JUROR NO. 089: No. But when --

8 THE COURT: -- factually?

9 PROSPECTIVE JUROR NO. 089: -- I first read it, I  
10 thought that it was the same exact case. That's just how  
11 similar it is.

12 THE COURT: Okay. So you think that -- you wouldn't  
13 be able to set that one aside?

14 PROSPECTIVE JUROR NO. 089: No, it's literally  
15 happening right now.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR NO. 089: And like, I've been  
18 going through this and finding --

19 THE COURT: Are you a witness in this case?

20 PROSPECTIVE JUROR NO. 089: No.

21 THE COURT: Um --

22 PROSPECTIVE JUROR NO. 089: No, I wasn't involved in  
23 it.

24 THE COURT: So you're her support?

1 PROSPECTIVE JUROR NO. 089: Um-hum, her like only  
2 support, yes.

3 THE COURT: She doesn't have any parents or --

4 PROSPECTIVE JUROR NO. 089: No, she -- yeah, no, her  
5 mother, yes. But --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 089: -- aside from her  
8 mother.

9 THE COURT: Okay. Okay.

10 Other than that, can you -- would you have a  
11 tendency to give more weight or credence or less weight or  
12 credence to the testimony of a police officer simply because  
13 he or she is a police officer?

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: Can you wait in forming your opinion as  
16 to the guilt or innocence of the defendant until all the  
17 evidence has been presented and I've instructed you on the  
18 law?

19 PROSPECTIVE JUROR NO. 089: The thing with that is,  
20 is I only feel that it's just already -- like I just have  
21 factors that I've read from the -- like the two -- I mean, I  
22 don't want to go into the -- or should I go into the detail of  
23 it?

24 THE COURT: Of what, of the other case?

1           PROSPECTIVE JUROR NO. 089: Of no, of this -- of  
2 this case.  
3           THE COURT: My --  
4           PROSPECTIVE JUROR NO. 089: Yeah, no, I know.  
5           THE COURT: -- understanding -- so -- so did you do  
6 some research on your own on this case?  
7           PROSPECTIVE JUROR NO. 089: No, just what I read  
8 from the paragraph that --  
9           THE COURT: Okay.  
10          PROSPECTIVE JUROR NO. 089: -- was given to us --  
11          THE COURT: That was presented --  
12          PROSPECTIVE JUROR NO. 089: -- alone.  
13          THE COURT: -- to you in the Jury Questionnaire?  
14          PROSPECTIVE JUROR NO. 089: Yeah. Yeah.  
15          THE COURT: Okay.  
16          PROSPECTIVE JUROR NO. 089: Just from that paragraph  
17 alone.  
18          THE COURT: All right. So everyone's aware of that.  
19          PROSPECTIVE JUROR NO. 089: Um-hum.  
20  
21          THE COURT: Did you do any independent research on  
22 that at all?  
23          PROSPECTIVE JUROR NO. 089: No.  
24          THE COURT: Okay. So you understand that that's no

1 evidence.

2 PROSPECTIVE JUROR NO. 089: Yes.

3 THE COURT: And that the State has the burden of  
4 overcoming their burden of beyond a reasonable doubt in  
5 presenting their evidence.

6 PROSPECTIVE JUROR NO. 089: Yes. But my mind's just  
7 already --

8 THE COURT: You're already made up.

9 PROSPECTIVE JUROR NO. 089: -- I'm -- I'm already on  
10 one thing.

11 THE COURT: You're already made up?

12 PROSPECTIVE JUROR NO. 089: Um-hum. I believe I am.

13 THE COURT: Really? You haven't heard any evidence.  
14 Someone said that -- I mean, let's go back to the situation  
15 with your father. You said that you didn't think he was  
16 treated fairly.

17 PROSPECTIVE JUROR NO. 089: Um-hum.

18 THE COURT: Can you tell me why that is?

19 PROSPECTIVE JUROR NO. 089: Um, it was more of like  
20 a race thing. And just like it -- it was -- it just feels  
21 like it was -- like he was seeked out. And --

22 THE COURT: Okay. So -- what do you mean, someone  
23 sought him out and accused him? There was no evidence to  
24 support it?

1 PROSPECTIVE JUROR NO. 089: No.

2 THE COURT: Was there evidence to support it?

3 PROSPECTIVE JUROR NO. 089: No, there was -- it was

4 just a wrong -- what was that -- can you ask the question

5 again?

6 THE COURT: I said, was there any evidence to

7 support the crime that your father was accused of?

8 PROSPECTIVE JUROR NO. 089: Oh, well, yeah, I mean,

9 yes, he was caught in the act --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 089: -- behind the wheel.

12 THE COURT: So how -- how is that --

13 PROSPECTIVE JUROR NO. 089: It --

14 THE COURT: -- how was he not treated fairly in that

15 case though?

16 PROSPECTIVE JUROR NO. 089: It is a lot of detail

17 that I don't want to get into, like it's a lot to explain.

18 It's just --

19 THE COURT: Okay. All right.

20 PROSPECTIVE JUROR NO. 089: -- all interpersonal

21 stuff.

22 THE COURT: Thank you, Ms. Estrada.

23 Can you pass the mic over to Nicholas Devita, it's

24 Badge 042.

1 Mr. Devita, how long have you lived in Las Vegas?  
2 PROSPECTIVE JUROR NO. 042: Thirty years.  
3 THE COURT: And you said that you are the sole  
4 proprietor of a business that you own?  
5 PROSPECTIVE JUROR NO. 042: Yeah.  
6 THE COURT: And it's like a --  
7 PROSPECTIVE JUROR NO. 042: Iron fabrication.  
8 THE COURT: -- an iron -- an iron fabrication?  
9 PROSPECTIVE JUROR NO. 042: Yeah.  
10 THE COURT: Okay. How far did you go in your  
11 education?  
12 PROSPECTIVE JUROR NO. 042: High school.  
13 THE COURT: And do you have any special type of  
14 degrees or anything or certifications as a welder or anything  
15 like that or --  
16 PROSPECTIVE JUROR NO. 042: I do have a welding  
17 certification, but it's pretty much just a test that you have  
18 to pass.  
19 THE COURT: Okay.  
20 PROSPECTIVE JUROR NO. 042: A welding test.  
21 THE COURT: All right. So are you married?  
22 PROSPECTIVE JUROR NO. 042: Engaged.  
23 THE COURT: Oh, congratulations.  
24 PROSPECTIVE JUROR NO. 042: Thank you.

1 THE COURT: Do you have any children?  
2 PROSPECTIVE JUROR NO. 042: No.  
3 THE COURT: All right. Have you ever served as a  
4 juror before?  
5 PROSPECTIVE JUROR NO. 042: No.  
6 THE COURT: Have you or anyone close to you such as  
7 a family member or friend ever been a victim of a crime?  
8 PROSPECTIVE JUROR NO. 042: It was -- it was my  
9 fiancé. Her stepdad was never charged with anything, but he  
10 was very physical -- physically abusive to her. And yeah.  
11 THE COURT: Okay. When did you first learn of that?  
12 PROSPECTIVE JUROR NO. 042: About three years ago.  
13 THE COURT: Did you witness anything?  
14 PROSPECTIVE JUROR NO. 042: No, it was before I had  
15 met her.  
16 THE COURT: Okay. So it was -- she had explained to  
17 you things that happened between her and her -- her  
18 stepfather?  
19 PROSPECTIVE JUROR NO. 042: Yes.  
20 THE COURT: Okay. And is there anything that you --  
21 what you learned from her about that, that you think would  
22 affect your ability to be fair and impartial here?  
23 PROSPECTIVE JUROR NO. 042: Probably not. It's --  
24 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. 042: No.

4 THE COURT: Would you have a tendency to give more  
5 weight or credence or less weight or credence to the testimony  
6 of a police officer simply because he or she is a police  
7 officer?

8 PROSPECTIVE JUROR NO. 042: 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 presented and I've instructed you on  
12 the law?

13 PROSPECTIVE JUROR NO. 042: Yes.

14 THE COURT: Do you know of any reason why you  
15 couldn't be completely fair and impartial if you're selected  
16 in this case?

17 PROSPECTIVE JUROR NO. 042: No.

18 THE COURT: Is there any medical reason that would  
19 prevent you from participating as a juror?

20 PROSPECTIVE JUROR NO. 042: No.

21 THE COURT: All right. Thank you.

22 Ladies and gentlemen, we're going to take our  
23 evening recess.

24 During this recess, you're admonished -- well,

1 before we do anything, will the parties approach?

2 (Off-record bench conference)

3 THE COURT: All right. Ladies and gentlemen, I'm  
4 going to need you all back tomorrow, except for there's going  
5 to be three of you that I'm going to go ahead and excuse  
6 tonight. If you hear your name, once again, you'll be  
7 excused. I want to thank you for participating in this  
8 process.

9 Juror No. 077, Melissa Zaragoza. Juror No. 081,  
10 Heidi Johnson. And Juror No. 089, Camryn Estrada. Okay? So  
11 yes, you three will be excused tonight. You won't need to  
12 come back tomorrow. Thank you so much for participating in  
13 this. But ladies and gentlemen, the others will need to be  
14 here. We'll go ahead and put the others in the seat tomorrow.

15 And once again, you are admonished not to converse  
16 amongst yourselves or with anyone else on any subject  
17 connected with this trial or read, watch or listen to any  
18 report or commentary on the trial or any person connected with  
19 this trial, by any medium of information, including without  
20 limitation to newspapers, television, the Internet or radio.  
21 You're further not to form or express any opinion on any  
22 subject connected with this trial until the case is finally  
23 submitted to you.

24 Ladies and gentlemen, those of you that have spouses

1 or significant others, sometimes -- well, the majority of the  
2 times they're some of the problems we have, because they want  
3 to quiz you on what you're doing down here, or what's going  
4 on, what's happening, why can't you tell me about it, why  
5 aren't you -- why are you being dishonest with me, that type  
6 of thing.

7           If that's happening, please let me know and I'll  
8 make sure my Marshal contacts them and stops that.

9           Also, understand -- I'm being serious, because it is  
10 an issue. Also, let them -- tell them if they don't trust you  
11 for what you're doing down here, you can tell them that you're  
12 -- that you're going through jury selection in a trial. You  
13 cannot tell them what kind of case it is, what the name of the  
14 case is.

15           But you can invite them down here. If they want to  
16 come down and watch they're more than -- we have -- we have  
17 some room in the back. They can come and sit and watch. And  
18 they're more than welcome to do so; okay?

19           So -- but I'm asking you to take that admonition.  
20 Understand that it is on your honor and I'll see you tomorrow  
21 at 9:00 o'clock; all right?

22           Remember where you're seated. Come back to the same  
23 room. Don't come in. My Marshal will come get you. You can  
24 bring anything you'd like in the form of something to drink,

1 as long as it has a lid. And if you need something like a  
2 sweater or a pillow or something to put behind your back,  
3 you're more than welcome to do so; okay?

4 So we'll see you back tomorrow. We'll be at ease  
5 while the jury exits the courtroom. Okay.

6 (Court/Clerk conferring)

7 (Prospective Jurors exit the courtroom at 5:07 P.M.)

8 (Outside the presence of the prospective jurors)

9 THE COURT: Okay. We're outside the presence of the  
10 jury.

11 I pulled the parties to the Bench to ask them with  
12 regards to the 20 that I've talked to here before we took our  
13 break to see whether or not any of the -- the defense or the  
14 State would have -- would agree on any of those individuals to  
15 be stricken.

16 The parties agreed to Juror 077, Melissa Zaragoza.  
17 The State did not agree to 081, Heidi Johnson, and the parties  
18 did agree to 089, Camryn Estrada.

19 So I'm going to ask Ms. Holthus, can you -- do you  
20 want to make a record as to Ms. Johnson?

21 MS. HOLTHUS: I don't know that it matters at all.  
22 My opinion is that she was very sad about what happened to the  
23 foster kids years ago. That she may have been traversed and  
24 rehabilitated and to acknowledge that she seemed to be a

1 bright woman. All of her other answers were that she was  
2 open-minded and fair, and unbiased. And I think that that  
3 just caught a sad chord for her and I don't think that in the  
4 long run it would have had any impact whatsoever on her  
5 ability to be fair and impartial in this case.

6 She clearly -- but --

7 THE COURT: Okay.

8 MS. HOLTHUS: -- I know, like I said, there's not  
9 really any recourse for us anyway, so.

10 THE COURT: Okay. All right.

11 MS. HOLTHUS: But that's --

12 THE COURT: What we'll do tomorrow is we'll go ahead  
13 and fill in those three spots. I'll ask those three questions  
14 last. I'll go ahead and go on with Juror No. 21 through 34  
15 that's up here. Then I'll go back to No. 3, No. 11, No. 19;  
16 okay?

17 I think there's probably about maybe 25 people left  
18 in the courtroom. Do you want me to call up another 25 of the  
19 other 100 that I have that's waiting for tomorrow and bring  
20 them in after -- and do them after lunch? Or do you want to  
21 wait until like say -- I'm going to let everybody go to lunch  
22 and do you want me to just wait until then? Do you think  
23 maybe we need more people?

24 MS. HOLTHUS: I have no feel, honestly, really.

1 THE COURT: Okay. All right. That's what I'll do  
2 is that we'll go ahead and go through these individuals and  
3 we'll take -- we'll take lunch at probably around 11:30, and  
4 then we'll look at see where we're at, if we need more  
5 individuals, I'll bring them up by then and then I'll go  
6 through what I just did just now; okay?

7 All right. Is there anything before we take -- take  
8 our evening --

9 MS. HOLTHUS: The only question is --

10 THE COURT: You can -- you can leave your stuff here  
11 if you want.

12 MS. HOLTHUS: -- I would just --

13 THE COURT: I don't -- I don't have anything but --  
14 but those three --

15 MS. HOLTHUS: -- and --

16 THE COURT: -- I continued from today.

17 MS. HOLTHUS: Okay. Well, I need my one box home.  
18 But my understanding is we were going to take probably a week  
19 or so possibly to pick the jury. Does -- I don't know that we  
20 will, but can we agree that we will not open before Monday; is  
21 that -- does everybody know that to be --

22 MS. RADOSTA: I can't, at this point, given --

23 THE COURT: Let's see, Wednesday, Thursday, yeah.

24 MS. RADOSTA: -- just how -- yeah, I mean, all day

1 tomorrow, all day Friday, I don't think -- we'll be -- we'll  
2 be sliding it right in there Friday afternoon if we even  
3 manage it by Friday afternoon.

4 THE COURT: Well, you don't think we'll get a jury  
5 by Friday?

6 MS. RADOSTA: I don't know.

7 THE COURT: I'd be surprised if we don't get one by  
8 tomorrow afternoon.

9 MS. HOLTHUS: That's why -- that's my concern.

10 THE COURT: That's --

11 MS. HOLTHUS: I had -- I had planned --

12 THE COURT: Well, yeah.

13 MS. HOLTHUS: -- not to open until next week, but  
14 now I think we're going to go a little faster so I'm just  
15 asking, can we agree to open on Monday?

16 MS. RADOSTA: That's fine with us.

17 MS. HOLTHUS: Is that -- because we'll be way ahead  
18 of schedule, Judge, right?

19 THE COURT: All right. That's what we'll do. I'll  
20 tell you right now, we will not open until -- at the earliest  
21 Monday; okay?

22 MS. RADOSTA: Okay.

23 MS. HOLTHUS: I think we'll get there.

24 THE COURT: That -- that way you -- it gives you an

1 opportunity and I can explain to the jury that you guys are  
2 getting everything ready to do your opening, if we get one  
3 earlier.

4 MS. HOLTHUS: Okay.

5 THE COURT: And if we don't get one by tomorrow --  
6 if we get one by tomorrow, then Violet and Mr. Negrete is to  
7 take us all out to dinner on Friday because they said we  
8 wouldn't get one.

9 MS. RADOSTA: We're fine with that.

10 MR. LOPEZ-NEGRETE: Yeah, we can do that.

11 MS. RADOSTA: We're fine with that.

12 (Pause in the proceedings)

13 MS. HOLTHUS: We could do like jury instructions and  
14 other stuff on Friday if, you know, if we want to get --

15 THE COURT: Yeah.

16 MS. HOLTHUS: -- crazy in the head.

17 MS. RADOSTA: That --

18 THE COURT: We could. That'd be

19 MS. RADOSTA: -- that's a -- that's a wonderful  
20 plan. No.

21 THE COURT: That'd be great.

22 MS. RADOSTA: That would be great, except --

23 THE COURT: If we get a --

24 MS. RADOSTA: -- that's like --

1 THE COURT: -- jury tomorrow --  
2 MS. RADOSTA: -- that's like next weekend's work.  
3 THE COURT: -- then plan on doing jury instructions  
4 Friday.  
5 MS. HOLTHUS: We already have them.  
6 MS. RADOSTA: We are not going to be ready to do  
7 jury instructions on Friday, Judge. I'm just telling you.  
8 THE COURT: Okay.  
9 MS. RADOSTA: That's next weekend's work.  
10 THE COURT: All right, guys.  
11 MS. RADOSTA: Not this weekend, so.  
12 THE COURT: Have a good evening, okay?  
13 MS. RADOSTA: You too, Judge.  
14 THE COURT: We'll see you tomorrow at 9:00.  
15 MS. RADOSTA: Thank you.  
16 THE COURT: All right. Okay. We're off the record.  
17 (Court recessed at 5:12 P.M., until Thursday  
18 September 6, 2018, a 9:19 A.M.)

\* \* \* \* \*

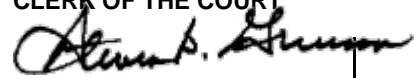
\* \* \* \* \*

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

*Julie Lord*

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VERBATIM DIGITAL REPORTING, LLC



RTRAN

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

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

THURSDAY, SEPTEMBER 6, 2018

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

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

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

1                   LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 6, 2018

2                   (Case called at 9:19 A.M.)

3                   (Outside the presence of the prospective jury)

4                   THE COURT: Okay. We're on the record in the case  
5 of C-311453 --

6                   MS. RADOSTA: Do we want Mr. --

7                   THE COURT: I'm just going to let you know and then  
8 we'll --

9                   MS. RADOSTA: Okay.

10                  THE COURT: -- we'll tell him. This is State of  
11 Nevada versus Christopher Sena. For the record, the counsel  
12 for the State are present, counsel for the defense is present.  
13 We're outside the presence of the jury and the defendant is in  
14 holding.

15                  MS. RADOSTA: With Mr. Negrete.

16                  THE COURT: Okay. I just wanted to bring to the  
17 jury's -- I mean, to the parties' attention -- and I marked as  
18 Court's Exhibit No. 2, it's a letter from Jill Pressman.  
19 That's the Juror No. 012. She is the individual that asked me  
20 to -- about her observing the Jewish Holidays.

21                  MS. RADOSTA: Yes.

22                  THE COURT: She brought me a letter basically saying  
23 that Rosh Hashanah is Sunday, September 9th. Monday,  
24 September 10th, all day. Tuesday, September 11th, half day.  
25 So she's saying that the 10th and the 11th are all day

1 services, and the 11th is half day; okay?

2 Then Yom Kippur is Tuesday is 4:00 p.m., like she  
3 said earlier. Wednesday is -- the 19th is all day. Then she  
4 says Fridays, she has to be out by 2:45. So --

5 MS. RADOSTA: To observe the --

6 THE COURT: 2:45. She has no assistance for Fridays  
7 with -- with her children and she needs to be out by 2:45, so  
8 just letting you know.

9 MS. RADOSTA: And, I'm sorry, Judge, what were the  
10 dates of the -- of the holidays?

11 THE COURT: The 9th, 10th, and 11th for Rosh  
12 Hashanah, and the 10th will be all day, that's a Monday.

13 MS. RADOSTA: Right. Right.

14 THE COURT: Yom Kippur is the 18th and 19th, and she  
15 says Wednesday the 19th is all day. So, okay?

16 I'm going to hold onto that, so. Yeah, I'll give it  
17 to you though. Make sure that I give it to you. All right.

18 MS. RADOSTA: And just for the record, Judge, how  
19 did the letter come? Did she give it to who?

20 THE COURT: She gave it to my Marshal.

21 MS. RADOSTA: Okay.

22 THE COURT: The Marshal gave it to me.

23 (Pause in the proceedings)

24 THE COURT: Okay. So did Ed go out in the hall to  
25 get them all rounded up?

1 THE CLERK: Yeah, they're out there --  
2 THE COURT: Okay.  
3 THE CLERK: -- getting ready. Do you want me to  
4 stay out or go out there?  
5 THE COURT: Yeah, I want to get them in here and get  
6 started.  
7 MS. RADOSTA: Judge, I do have something, I'm not  
8 sure if you want to do it now or --  
9 THE COURT: Sure.  
10 MS. RADOSTA: -- well, it might be a little -- it  
11 might be a little lengthy, I don't know.  
12 THE COURT: Well, what is it?  
13 MS. RADOSTA: I'm not -- well, it's about the  
14 discovery that was provided to me yesterday.  
15 THE COURT: Okay. Well, go ahead, let's address it.  
16 MS. RADOSTA: All right. Just to give the Court  
17 some background as quickly as I can, the -- we did file a  
18 discovery motion in this case sometime, I think, last summer,  
19 summer of 2017, for reasons that I -- if I remember correctly,  
20 the Court took it off calendar and my recollection is because  
21 you felt that I had not demonstrated -- because the motion is  
22 -- is deemed a motion to compel --  
23 THE COURT: Yeah.  
24 MS. RADOSTA: -- that I had not demonstrated that  
25 the District Attorney's Office actually had possession of any

1 of the items that I was asking for in the motion.

2 And so until I could demonstrate that they actually  
3 possessed those items, you didn't feel that you were in a  
4 position to compel them to produce them.

5 Now, I am talking from memory, Judge, so if I've  
6 misstated your ruling --

7 THE COURT: Well, the position --

8 MS. RADOSTA: -- I apologize.

9 THE COURT: -- I usually take with regards to those  
10 is that until you can show me that they're failing to produce  
11 what you're asking for, and they choose not to do so, then  
12 it'd be an issue of a Motion to Compel.

13 MS. RADOSTA: Okay.

14 THE COURT: But it's been my experience that no one  
15 has been able to show that they're failing to produce what  
16 they're being -- what's being asked for.

17 MS. RADOSTA: Okay.

18 THE COURT: And so, I say once you find that, then  
19 certainly address the Court again and I'll address it.

20 MS. RADOSTA: Okay. And --

21 THE COURT: So -- okay?

22 MS. RADOSTA: -- for the record, in that -- in my  
23 motion that I had filed last summer, one of the items that I  
24 asked for was any subsequent or additional statements by any  
25 of the potential witnesses in the case --

1 THE COURT: Okay.

2 MS. RADOSTA: -- not only limited to Anita Sena but  
3 to any and all of the potential witnesses in the case. We  
4 also asked for all of the audio and video of their statements  
5 including my client's statement. We asked for the -- any and  
6 all photos from the crime scene.

7 As a result of that motion, Mr. Sweetin did offer  
8 sometime last fall to have me come over and do a file review  
9 of the detective's file. That ended up not working out, but  
10 he did give me a copy of the detective's file which was, I  
11 think, 430-some pages of documents.

12 And it was my understanding that that was the  
13 entirety of the detective's file, that that was the entirety  
14 of the discovery involved in this case.

15 Over the weekend, as I stated yesterday, I realized  
16 that none of the photographs had been turned over, none of the  
17 audio or visual -- or audio or video of any of the statements  
18 had been turned over and I reached out to Mr. Sweetin over the  
19 weekend.

20 THE COURT: Okay. Now, let's back up. You said  
21 none of the photographs?

22 MS. RADOSTA: No.

23 THE COURT: No photographs were turned over to you?

24 MS. RADOSTA: No.

25 THE COURT: None at all?

1 MS. RADOSTA: No. No. I had --

2 THE COURT: Okay.

3 MS. RADOSTA: -- property reports that referenced  
4 them. I cannot recall off the top of my head if I  
5 specifically in e-mails again asked for the photos. I  
6 appreciate that the Court took my motion, my discovery motion  
7 off calendar, but it still was filed, there was still a  
8 listing in the discovery motion of things that I purportedly  
9 did not have and was requesting.

10 Even though the Court did not order the State to  
11 produce those to me for the reasons previously stated, it was  
12 still -- the Court -- the State was still made aware by the  
13 simple filing of my motion that we did not have those  
14 particular items.

15 And so based on my request over the weekend, Mr.  
16 Sweetin produced late Monday -- or I'm sorry, late Tuesday  
17 afternoon and actually brought them to Court yesterday  
18 morning, on Wednesday, 25 disks that were --

19 THE COURT: Okay.

20 MS. RADOSTA: -- primarily audio and/or video of the  
21 statements given by various people involved in this case.  
22 Additionally, though, there was a disk of photographs, over  
23 150 photographs that we've never seen before, and  
24 additionally, a couple of videos that we have never seen  
25 before. One of them is --

1 THE COURT: Two videos, three videos, how many?

2 MS. RADOSTA: Um, I'm trying to remember last night,  
3 Judge, I was looking through them fairly quickly. For sure,  
4 two, possibly three. But definitely I can speak specifically  
5 to two. There is a video of both Deborah and Terrie Sena  
6 being arrested -- I mean, not actually being arrested, but  
7 being brought into the booking room, I guess, at Metro, being  
8 handcuffed to the wall.

9 It's over -- I think it's between two and three  
10 hours long. I skimmed through it as quickly as I could. I  
11 can see that they're talking to the detectives but in all  
12 honesty, I don't know everything that was being said. I don't  
13 know if statements were made by Deborah or Terrie during this  
14 two to three -- first they bring Deb -- I'm sorry, first they  
15 bring Terrie in and they process her as much as they do in the  
16 room, and then they subsequently bring in Deborah --

17 THE COURT: Okay.

18 MS. RADOSTA: -- and process her. As I said, I  
19 couldn't watch the whole thing. It was over somewhere between  
20 two and three hours long.

21 Beyond that, though, and much more importantly --

22 THE COURT: When did you get that?

23 MS. RADOSTA: I got that yesterday morning.

24 THE COURT: Okay.

25 MS. RADOSTA: When we walked into court.

1 THE COURT: Okay.

2 MS. RADOSTA: Beyond that, I also got a disk of a  
3 second interview with Anita Sena. I still think that there  
4 might be another interview out there with Anita Sena because  
5 based on my review of everything in the case, I expected this  
6 disk that I got yesterday morning to be an interview with  
7 Deborah -- I'm sorry, if I've said Deborah in the last couple  
8 seconds, I apologize.

9 It is a --

10 THE COURT: Anita.

11 MS. RADOSTA: -- second interview with Anita.

12 THE COURT: Yeah.

13 MS. RADOSTA: My apologies if misspoke.

14 THE COURT: No, you said it yesterday.

15 MS. RADOSTA: Okay.

16 THE COURT: Okay.

17 MS. RADOSTA: There was reference in, I think,  
18 Anita's preliminary hearing testimony that she had sat down  
19 with the detectives and reviewed the videos in this case and  
20 other photographs and things of that nature.

21 And that in her opinion that that was audio and  
22 video recorded. So when I found out yesterday morning that  
23 there was another disk of -- from a date that I don't have a  
24 transcript --

25 THE COURT: Yeah.

1 MS. RADOSTA: -- for, it's kind of what I expected  
2 it to be about. When I put it into my computer last night,  
3 that is not what it was about. So I still think there is yet  
4 another interview with Anita, that has not been turned over.  
5 And her opinion, she sat down with detectives and reviewed all  
6 the videos, and other pieces of evidence prior to preliminary  
7 hearing in this particular case.

8 THE COURT: Okay.

9 MS. RADOSTA: But what was on this video that was  
10 turned over last night, audio and video, was an interview with  
11 Detective Samples and it's approximately 30 to 35 minutes  
12 long, no transcript has been provided at this point in time.

13 I listened to as much of it as I could, but once  
14 again, I was kind of hopping around it. She -- this interview  
15 was set up specifically to ask Anita about the family's  
16 contacts with Metro.

17 There has always been a idea in this case that Mr.  
18 Sena was working through volunteer groups and through his own  
19 business with Metro and with Metro organizations and that he  
20 was friends with Metro officers.

21 This interview that Detective Samples set up, the  
22 first question he said to her is, well, I need to talk to you  
23 about your family's contact and your father's contact with  
24 Metro. That's solely what the interview was about.

25 THE COURT: Okay.

1 MS. RADOSTA: And Anita went into detail about how  
2 there were multiple officers that would come over to the house  
3 and would hang out with the family during the time period when  
4 this abuse was supposedly happening. That the -- that many of  
5 the family's events, as they called them, through the business  
6 that Mr. Sena owned and ran, were on behalf or working with  
7 various Metro organizations.

8 And so the whole family would go and work these  
9 events with police officers that they interacted with a lot on  
10 a daily basis -- or not on a daily basis, but would  
11 consistently interact with whenever they had an event, once  
12 again, during the time frame when all of this alleged abuse is  
13 supposedly happening.

14 THE COURT: Okay.

15 MS. RADOSTA: And that was the entirety of what the  
16 -- what the -- I'm sorry -- the purpose of that interview was  
17 just for Metro to figure out how much Metro might have missed  
18 or might have known about what was going on allegedly in this  
19 household.

20 That's all I know now at this point in time, Judge.  
21 I don't know if Metro followed up on everything that Anita  
22 told them. I do know they interviewed one officer, Officer  
23 Brinkley, because I have -- I do have that transcript and I've  
24 had that transcript for awhile. But anybody else, any other  
25 officers, she said he was friends with all of the cops in the

1 neighborhood, would -- would routinely have conversations with  
2 them.

3 She thought that my client was telling the --  
4 telling the officers to follow her, to keep an eye on her, so  
5 he would always know where she was, what she was doing and she  
6 felt it was not in a fatherly way that he was keeping an eye  
7 on her in an effort to keep her under control.

8 And she said that in her opinion that the officers  
9 helped him out to do that. Anita's version of the detective's  
10 involvement, although she said in her opinion she didn't think  
11 the detectives and officers -- I shouldn't say detectives --  
12 officers actually knew what was going on in the household.

13 That's her opinion. I would submit to the Court  
14 that I think there's a lot more to this investigation of  
15 Metro. I think they went and talked to officers. I think  
16 they tried to figure out, did we miss something here? We had  
17 a lot of interaction with this family and nobody caught what  
18 was going on.

19 And for the sake of argument, Your Honor, this is  
20 not a one-time event of, you know, one child being touched one  
21 time. We all know, this is a case of unusual proportions,  
22 that if there were Metro officers routinely in the home,  
23 hanging out with family, allowing their children to come over  
24 and hang out with the family that there probably was a more  
25 detailed Metro investigation than what I have been provided.

1           And based on that, Your Honor, I think that this is  
2 discovery that is absolutely relevant to this case. The -- an  
3 interview alone from Anita should have been turned over right  
4 around the time that all the other statements were turned  
5 over, which was pre prelim, approximately three-and-a-half  
6 years ago.

7           This interview happened on October 20th, 2014, and  
8 it is just being turned over to the defense now. Beyond that,  
9 any and all investigation as to what Anita told Detective  
10 Samples in that interview is also completely relevant to our  
11 potential defense of this case.

12           If Metro officers knew and turned a blind eye,  
13 that's a potential issue for us on the defense. If the knew  
14 or if they saw things and didn't report, if they saw behavior  
15 that concerned them and didn't report, that's a -- that's  
16 definitely potentially exculpatory for our case.

17           If they investigated and didn't find any credibility  
18 to what Anita said, Anita's charges, and Anita's 50 or so  
19 counts, are solely based on her word; that's it.

20           So if Metro does an investigation of her allegations  
21 that Metro officers were checking -- checking up on her,  
22 following her around and reporting back to her dad, and they  
23 found there to be no credibility to those statements, that's  
24 hugely important to our cross-examination of Anita,  
25 considering there is no video of Anita, there's no

1 corroboration of anything with Anita other than some  
2 threesomes with the moms after -- over the age of 18. Those  
3 -- there is some corroboration there.

4 But anything under the age of 18, no corroboration.  
5 And if Metro does an investigation and makes the determination  
6 that she is exaggerating, that she's lying, that she's just  
7 not telling the truth, that she saw things that weren't there;  
8 however you want to frame it, it's hugely important to our  
9 case.

10 Additionally, Your Honor, we don't even know how --  
11 how involved Metro was with this family. This case was  
12 handled odd from the beginning, in that, Deborah Sena goes to  
13 Metro, reports that she herself has been victimizing the  
14 family, and the children in the family.

15 She is not read her Miranda rights. When she starts  
16 to talk about the abuse that's happening in the home, they  
17 don't pump the brakes and say, whoa, whoa, whoa, we need to  
18 read you Miranda now because I -- I presume they had no idea  
19 what she was about to say.

20 Like when she starts talking about abuse that she  
21 herself committed, I don't think Metro was perhaps ready for  
22 that. But --

23 THE COURT: So she went there unsolicited and  
24 started telling them about things that she was doing?

25 MS. RADOSTA: I believe on advice of her divorce

1 attorney --

2 THE COURT: Okay.

3 MS. RADOSTA: -- but that's --

4 MS. HOLTHUS: Just to -- just to clarify, it was the  
5 divorce attorney that called 911 and reported the whole thing.

6 MS. RADOSTA: Okay.

7 THE COURT: Okay.

8 MS. RADOSTA: But at that point, I don't --

9 THE COURT: Then she walked in though and started  
10 telling them --

11 MS. HOLTHUS: Metro came out.

12 THE COURT: Oh, they came to her house?

13 MS. RADOSTA: They came to the --

14 MS. HOLTHUS: They came to the office.

15 MS. RADOSTA: -- divorce attorney's office.

16 THE COURT: Oh, okay.

17 MS. RADOSTA: So, and I appreciate, it is what it  
18 is.

19 THE COURT: All right. So she's with an attorney,  
20 her attorney --

21 MS. RADOSTA: She's with an attorney --

22 THE COURT: -- tells her --

23 MS. RADOSTA: -- yes.

24 THE COURT: Hum, okay.

25 MS. RADOSTA: But for the sake of argument, if you

1 want things to be --

2 THE COURT: Um-hum.

3 MS. RADOSTA: -- that -- I think Metro expected her  
4 to be talking about abuse that Mr. Sena committed on the  
5 family. I don't think they expected her to say, oh yeah, and  
6 by the way, when Brandon was three-years old I, you know, gave  
7 him a blow job, albeit at Mr. -- her version is at Mr. Sena's  
8 insistence, but --

9 THE COURT: Okay.

10 MS. RADOSTA: -- still, at that point, they still  
11 don't read her Miranda. It makes me --

12 THE COURT: Okay. So what's -- what's that really  
13 got to do with your client?

14 MS. RADOSTA: They also don't arrest her --

15 THE COURT: Okay.

16 MS. RADOSTA: -- after all of that.

17 THE COURT: Okay.

18 MS. RADOSTA: They also don't order her not to have  
19 any contact with the children that she supposedly victimized.

20 THE COURT: Okay.

21 MS. RADOSTA: So right there, in terms of how Metro  
22 handled the case from the beginning --

23 THE COURT: Um-hum.

24 MS. RADOSTA: -- and now we're finding out that  
25 Metro had a lot more involvement with the family than we ever

1 knew, it just raises some questions in my head as to why  
2 wasn't she arrested, or at the very least, why wasn't she  
3 ordered not to have contact with Brandon, who's still a minor,  
4 and who is somebody that she admits she victimized? Instead,  
5 they say, okay, go on home, have a nice day, say "hi" to --  
6 no, I'm mean, I'm being --

7 THE COURT: Isn't there --

8 MS. RADOSTA: -- a little --

9 THE COURT: -- wasn't --

10 MS. RADOSTA: -- over the top but --

11 THE COURT: -- wasn't there a perception though that  
12 based on the fact that the attorney would be asking her to  
13 talk to the police that there was a question about whether or  
14 not she was being put in a position where she had to do this  
15 or she may have been a victim and then -- and then it came to  
16 a point where the State made the determination based on their  
17 knowledge of the completeness of the case as if they -- that  
18 they -- yes, there is a portion that you may be considered a  
19 victim, but there's other portions, based on your age, and  
20 your knowledge, and your own children, that we can't agree  
21 that you're a victim in this, and that we're willing to  
22 prosecute you for that.

23 MS. RADOSTA: Absolutely.

24 MS. HOLTHUS: And it --

25 THE COURT: Isn't that what that is?

1 MS. RADOSTA: But -- absolutely, that's one way it  
2 -- that's certainly one way it could be looked at. It can  
3 also be looked at from another perspective, that this was  
4 handled --

5 THE COURT: Okay.

6 MS. RADOSTA: -- very unusually. I -- I -- I would  
7 submit to Your Honor that if it was my client that walked in  
8 there with his attorney and he admitted that when the child  
9 was three or four years old that he had committed a sexual act  
10 on that child and that there were other acts that he -- that  
11 he committed, albeit at the instance of his wife, he would  
12 have been most likely arrested, or at the very least, ordered  
13 to stay away from the children, that he has just admitted to  
14 abusing.

15 THE COURT: But isn't it reasonable under the  
16 circumstances that -- that if someone calls and says, you  
17 know, I need to talk to you about something that's been  
18 happening in my house, and they admit to some portions of it  
19 themselves, but the -- the tenure of the discussion is that I  
20 was a victim of this, but I mean, is it -- is it -- you're  
21 saying it's unreasonable for the police to say, well, we're  
22 not going to arrest you, we're going to see if we can find out  
23 anymore additional information?

24 MS. RADOSTA: I said -- I think it's --

25 THE COURT: Is it --

1 MS. RADOSTA: -- it's unusual that they at the very  
2 least --

3 THE COURT: Well, I'll tell you -- I'll tell you,  
4 quite frankly, this whole case in some regards is unusual, the  
5 whole --

6 MS. RADOSTA: Absolutely.

7 THE COURT: -- case.

8 MS. RADOSTA: And now we're --

9 THE COURT: But --

10 MS. RADOSTA: -- finding out that --

11 THE COURT: Okay.

12 MS. RADOSTA: -- Metro may or may not --

13 THE COURT: Okay.

14 MS. RADOSTA: -- have been --

15 THE COURT: I'm -- I'm interested --

16 MS. RADOSTA: -- much more involved in --

17 THE COURT: -- in that -- I -- tell me a little bit  
18 more about -- about your concern with regards to what you  
19 think you believe or what you think you discerned from Anita's  
20 second interview that would lead you to believe that there are  
21 additional -- there's additional discovery or something,  
22 involving --

23 MS. RADOSTA: Well, the --

24 THE COURT: Okay.

25 MS. RADOSTA: -- what she said in the interview is,

1 she would come home from work and all of a sudden her dad  
2 would know things that happened to her at work.

3 THE COURT: Okay.

4 MS. RADOSTA: And he would tell --

5 THE COURT: Well, wasn't -- wasn't -- is Anita --  
6 she's -- is she the oldest one?

7 MS. RADOSTA: Yes, she's the oldest one. She is --

8 THE COURT: Well, wasn't this part of the original  
9 motion that was talking about the way that he was able to  
10 control her at work, because he would --

11 MS. RADOSTA: Yes.

12 THE COURT: -- call her work --

13 MS. RADOSTA: Yes.

14 THE COURT: -- he'd want to know when she --

15 MS. RADOSTA: But now --

16 THE COURT: -- got there, when she was leaving --

17 MS. RADOSTA: Yes.

18 THE COURT: -- and then he would --

19 MS. RADOSTA: But now she --

20 THE COURT: Okay.

21 MS. RADOSTA: -- saying at one point that she  
22 thought it was her work employees. What she told Metro --

23 THE COURT: Okay.

24 MS. RADOSTA: -- is that it was Metro officers --

25 THE COURT: Oh, okay.

1 MS. RADOSTA: -- that were tracking --  
2 THE COURT: All right.  
3 MS. RADOSTA: -- her, that were --  
4 THE COURT: And -- and -- and the first time that  
5 you learned of that was based on your review of the -- of that  
6 tape last night?  
7 MS. RADOSTA: I had -- I --  
8 THE COURT: Or today, whenever you listened to it?  
9 MS. RADOSTA: It's the first time I learned that  
10 Metro learned that she was saying that.  
11 THE COURT: Okay.  
12 MS. RADOSTA: She -- to be fair, Judge, I'm not -- I  
13 didn't go back and re-read all of Anita's statements and  
14 previous preliminary hearing testimony.  
15 THE COURT: So -- so she could have --  
16 MS. RADOSTA: She may have said --  
17 THE COURT: Okay.  
18 MS. RADOSTA: -- previously, I thought it was Metro.  
19 But this is the first time I've heard that Metro knew she  
20 thought this, and that Metro --  
21 THE COURT: Okay.  
22 MS. RADOSTA: -- set up a special interview with  
23 her, just to talk about the family's interactions with Metro,  
24 how often they -- and how often they saw Metro officers, how  
25 often they --

1 THE COURT: Okay.

2 MS. RADOSTA: -- and in my opinion --

3 THE COURT: I see.

4 MS. RADOSTA: -- at that point, they are starting a  
5 different leg of the investigation.

6 THE COURT: Okay.

7 MS. RADOSTA: They don't -- they don't ask her in to  
8 say, hey, we wanted to just touch base with you and ask you  
9 some more follow-up questions about Deborah and Terrie, and  
10 this comes up naturally.

11 THE COURT: Okay.

12 MS. RADOSTA: The conversation starts with, we're  
13 here to talk about your -- your family and Metro and your  
14 dad's interaction with Metro. And at that point in time, it  
15 seems obvious to me that -- that Metro is concerned.

16 THE COURT: Okay.

17 MS. RADOSTA: Because at the very least, Officer  
18 Brinkley, who was interviewed -- but Officer Brinkley is a  
19 friend of the family.

20 THE COURT: Um-hum.

21 MS. RADOSTA: He's coming to -- to birthday parties  
22 at the house. He's having his children come over to the  
23 house. But Anita also says, beyond Brinkley, there were --  
24 there were lots of other officers --

25 THE COURT: So -- so --

1 MS. RADOSTA: -- that would come into the house.

2 THE COURT: -- your position here today though is

3 that you're saying that -- that you don't know if Metro had

4 any information that Officer Brinkley, who was a friend of

5 theirs, was -- was there at all, prior to -- I mean --

6 MS. RADOSTA: No --

7 THE COURT: -- that Metro knew --

8 MS. RADOSTA: I did know about --

9 THE COURT: -- prior -- okay.

10 MS. RADOSTA: -- Officer Brinkley because he was

11 actually interviewed by Metro --

12 THE COURT: Okay.

13 MS. RADOSTA: -- and I do have that transcript.

14 THE COURT: Okay.

15 MS. RADOSTA: That one, I do have. But beyond that,

16 she says there were lots of other officers --

17 THE COURT: Okay.

18 MS. RADOSTA: -- that were in and out of the house.

19 Lots of officers that he would talk to on the street, lots of

20 other officers that were keeping tabs on me, officers that --

21 THE COURT: Had --

22 MS. RADOSTA: -- interacted with --

23 THE COURT: -- do you -- do you know whether or not

24 in this -- in this voluminous amount of discovery that has

25 been given to you --

1 MS. RADOSTA: Um-hum.

2 THE COURT: -- do you know whether or not there's  
3 any other discussions that Metro has provided saying that they  
4 have interviewed other individuals based on Anita's  
5 statements?

6 MS. RADOSTA: Not to my knowledge --

7 THE COURT: Okay.

8 MS. RADOSTA: -- Your Honor, but I don't necessarily  
9 think that that would be provided to me --

10 THE COURT: Okay.

11 MS. RADOSTA: -- in discovery in this case, unless I  
12 specifically asked for it --

13 THE COURT: Okay.

14 MS. RADOSTA: -- because, in my opinion, I think  
15 that that's going to be an internal investigation inside  
16 Metro.

17 THE COURT: Okay.

18 MS. RADOSTA: And until this interview that I got  
19 yesterday, it's the first I heard that Anita actually  
20 communicated to Metro about Metro officers, and that honestly,  
21 Metro was taking it seriously.

22 THE COURT: Um-hum.

23 MS. RADOSTA: They took it seriously enough to  
24 contact her, to reach out to her, to bring her back down to  
25 the CAC and set up an audio and video recorded statement with

1 her. They weren't just taking notes on a pad, oh, okay,  
2 Anita, you know --

3 THE COURT: Okay.

4 MS. RADOSTA: -- that's -- that's interesting. They  
5 -- they --

6 THE COURT: All right.

7 MS. RADOSTA: -- were actually giving her some --  
8 they were giving credence --

9 THE COURT: Okay.

10 MS. RADOSTA: -- to what she was saying.

11 THE COURT: All right. So -- so --

12 MS. RADOSTA: And based on that, Judge --

13 THE COURT: Okay.

14 MS. RADOSTA: -- I think that it impacts --

15 THE COURT: So -- so I understand, you received what  
16 you believe to be possibly a second interview from Anita. You  
17 think there may be a third interview based on her testimony  
18 and statements that she's made.

19 MS. RADOSTA: Yes.

20 THE COURT: And what you were anticipating by look  
21 -- to look at this one that you just believe that you received  
22 yesterday --

23 MS. RADOSTA: Um-hum.

24 THE COURT: -- was that you anticipated that to be  
25 the statements she was referring to, but when it turned out

1 when you looked at it, it was an actual interview by Metro  
2 detectives questioning her about relationships with the family  
3 with Metro?

4 MS. RADOSTA: Right.

5 THE COURT: And you had not heard of that in the  
6 context of Metro knowing about it, until then?

7 MS. RADOSTA: And Metro potentially -- and --

8 THE COURT: Okay.

9 MS. RADOSTA: -- I think this was the start of their  
10 investigation.

11 THE COURT: All right.

12 MS. RADOSTA: And --

13 THE COURT: Okay.

14 MS. RADOSTA: -- so in that regard, Your Honor, I  
15 think --

16 THE COURT: I've got ya.

17 MS. RADOSTA: Yeah. I think that this potentially  
18 affects the whole -- potentially, Judge, and I -- I'm being  
19 honest with you.

20 THE COURT: Yeah.

21 MS. RADOSTA: It potentially affects our entire  
22 direction of our defense.

23 THE COURT: Okay.

24 MS. RADOSTA: I can't say -- I'm being totally  
25 honest with you, I can't say for sure, because I don't know

1 what the investigation through Metro is.

2 THE COURT: Um-hum.

3 MS. RADOSTA: But I can tell you if it's this, it  
4 would affect our defense that way.

5 THE COURT: I got you.

6 MS. RADOSTA: If it's this, it would affect our  
7 defense a different way. But either way, the fact that Metro  
8 is interested in Metro's contact --

9 THE COURT: Um-hum.

10 MS. RADOSTA: -- and Metro's interaction with the  
11 family, is a very new and --

12 THE COURT: All right.

13 MS. RADOSTA: -- important piece of information  
14 that --

15 THE COURT: All right. Let me -- let me hear what  
16 the State has to say about that. Can you address that? Let's  
17 -- first of all, let's address -- let's get out of the way --  
18 let's address the fact that Ms. Radosta indicates that she  
19 just received 150 photographs, two to three additional videos,  
20 and then obviously this one interview of -- of Anita. So  
21 let's -- let's talk about the fact that she just got those  
22 now. What -- I mean, what -- what --

23 MS. HOLTHUS: My understanding is every -- as she  
24 said, Mr. Sweetin turned over everything back at the time --

25 THE COURT: Well, it's been --

1 MS. HOLTHUS: -- including as far as we know --

2 THE COURT: -- said -- it's been -- it's been  
3 represented over and over and over from Mr. Sweetin, and I  
4 think maybe even you, Ms. Holthus, is that -- that you've  
5 given them everything that you guys have with regards to  
6 discovery.

7 MS. HOLTHUS: That's correct. And when --

8 THE COURT: Okay.

9 MS. HOLTHUS: -- and when she couldn't arrange the  
10 file review, Mr. Sweetin finally said, I'm just going to -- he  
11 copied the whole thing and sent it over.

12 THE COURT: Okay.

13 MS. HOLTHUS: As far as we knew, it was the disks as  
14 well. We recently realized we didn't have the disks in our  
15 file so we reordered them.

16 THE COURT: Okay.

17 MS. HOLTHUS: I'm not sure if we sent them our  
18 original -- whatever it was. So when Ms. Radosta asked Mr.  
19 Sweetin -- and she asked for the -- over the weekend, Judge,  
20 her words, when I told Mr. Sweetin over the weekend I didn't  
21 have any of these disks he brought them all to me at the next  
22 available work day on Tuesday, as soon as possible, he brought  
23 all the disks.

24 The only disks that we're aware of that is arguable,  
25 although we believe that she had them all, the only one that

1 has not been transcribed was the Anita one, and it is from  
2 what we understand 30 to 35 minutes.

3 THE COURT: Okay.

4 MS. HOLTHUS: We had no recollection of it either,  
5 quite frankly.

6 THE COURT: Well, the one that she's talking about  
7 now?

8 MS. HOLTHUS: Yes.

9 THE COURT: Okay. The one where --

10 MS. HOLTHUS: The --

11 THE COURT: -- the police are interviewing her about  
12 her contacts with the police or --

13 MS. HOLTHUS: Correct. And --

14 THE COURT: -- her family's contact --

15 MS. HOLTHUS: -- and --

16 THE COURT: Okay.

17 MS. HOLTHUS: -- none of that is foreign. But with  
18 respect to the others I would just note --

19 THE COURT: Okay.

20 MS. HOLTHUS: -- that defense came into calendar  
21 call, announced ready, had the transcription so were fully  
22 aware that these interviews were recorded. So if she didn't  
23 have them, it's -- I'm not sure -- or at the Pretrial  
24 Conference that you set up, or the million meetings that we've  
25 had over this case trying to keep this a firm set, I'm just

1 not sure why it's the weekend before trial that she's now  
2 looking and saying, oh, I don't have these recordings. I  
3 mean, that's on her.

4 THE COURT: Well -- well, what's she's represented  
5 to the Court is that this one recording --

6 MS. HOLTHUS: Okay.

7 THE COURT: -- she -- she anticipated it to be, from  
8 what Anita had testified to before, about just another  
9 interview involving the case, not involving -- well, involving  
10 her aspect of -- of what was happening to her, not an  
11 interview where they're asking her about her involvement --

12 MS. HOLTHUS: That's --

13 THE COURT: -- or her family's involvement with the  
14 police.

15 MS. HOLTHUS: I was just -- I was just --

16 THE COURT: Okay.

17 MS. HOLTHUS: -- making sure we're narrowed just to  
18 this one.

19 THE COURT: Okay. That --

20 MS. HOLTHUS: And that's my response as to any --

21 THE COURT: Okay.

22 MS. HOLTHUS: -- of the other ones. Those were --  
23 she was on notice, I believe she's had them in the past, but  
24 if she hadn't then she needed to let us know, because we were  
25 under the impression that she had them all.

1 THE COURT: Okay.

2 MS. HOLTHUS: So the -- the last one is --  
3 throughout the case, it's very clear that -- that the victims  
4 are saying he had contact with Metro, and that that was one of  
5 the reasons that they didn't report it. And the very fact  
6 that there's an --

7 THE COURT: One of the reasons they didn't what?

8 MS. HOLTHUS: That they didn't report it to anyone  
9 or --

10 THE COURT: Oh, okay.

11 MS. HOLTHUS: -- they didn't go --

12 THE COURT: All right.

13 MS. HOLTHUS: -- anywhere, that they were  
14 frightened. I mean, that's the tone of the whole thing. I  
15 think you've seen our other bad acts motions --

16 THE COURT: Okay.

17 MS. HOLTHUS: -- and the very fact that Metro has,  
18 in fact, interviewed one of their officers is clear that they  
19 had some kind of investigation going on. That there were some  
20 concerns that there was some Metro involvement or a Metro  
21 officer that may have been aware of something coming in, so I  
22 don't -- I can't see where this is new information. I'm not  
23 sure on what level it's relevant.

24 She said she didn't get around -- I mean, it's 30,  
25 35 minutes. If it was that important I don't know why she

1 didn't listen to it and tell me what -- what do you need?  
2 What -- I mean, do you need to wait a day and call somebody?  
3 I mean --

4 THE COURT: Um-hum.

5 MS. HOLTHUS: -- I don't understand how this impacts  
6 the defense whatsoever. The bottom line is the majority of  
7 these cases are in videotape. She just keeps saying, Anita is  
8 -- is uncorroborated. The defendant acknowledges ejaculating  
9 in her anus. The only thing he is disputing is whether she  
10 was 19, 24 or 11. So her statement and her -- her abuse is  
11 absolutely corroborated in the case.

12 So absent some -- tell me how it relates because I  
13 don't understand Metro's involvement. I mean, we can call the  
14 detective and ensure that there weren't other officers  
15 interviewed or whatever, I mean, if she -- I don't -- I don't  
16 even -- I don't even know what it means. We know that one  
17 was. So she was aware for the last four years that there was  
18 a Metro angle to this, if you will.

19 THE COURT: Well, who is the detective that  
20 interviews her?

21 MS. RADOSTA: Detective Samples.

22 THE COURT: Okay.

23 MS. RADOSTA: The lead detective on this case.

24 THE COURT: Okay. All right.

25 MS. RADOSTA: And if I can --

1 THE COURT: The --  
2 MS. RADOSTA: I'm not sure if Ms. Holthus is --  
3 THE COURT: This is what I'm going to do.  
4 MS. RADOSTA: If I can address --  
5 THE COURT: We're -- we're going to --  
6 MS. RADOSTA: -- just a couple things that she said  
7 though, Judge, honestly, just a couple.  
8 THE COURT: I will, but I'm going to tell you what I  
9 want -- what I want to --  
10 MS. RADOSTA: Okay.  
11 THE COURT: -- do this.  
12 MS. RADOSTA: Sorry.  
13 THE COURT: I'm not -- we're going to -- we're going  
14 to continue the jury selection now. I'm not --  
15 MS. RADOSTA: Okay.  
16 THE COURT: -- I'm going to let them go home. I  
17 want you to get Detective Samples down today if you can. Just  
18 for the purpose of explaining this one issue, and I'll give  
19 you as much time as you need to question him --  
20 MS. RADOSTA: Okay.  
21 THE COURT: -- or whatever you need. And based on  
22 that, I think will give us an understanding if, in fact, you  
23 need to go a different route. And I'll wait to hear that. I  
24 mean, because if -- because if he's saying that we -- I think  
25 it's going to depend on what he's telling you, what you're --

1 MS. RADOSTA: Okay.

2 THE COURT: -- going to need to -- what you're going  
3 to do, what you're not going to be able to do.

4 MS. RADOSTA: I -- I --

5 THE COURT: So --

6 MS. RADOSTA: -- do agree with that, Your Honor.

7 THE COURT: Okay.

8 MS. RADOSTA: I would ask that if -- if --

9 THE COURT: Okay. I'm going to bring the jury in  
10 and let them know --

11 MS. RADOSTA: Okay.

12 THE COURT: -- that we've got -- it's an issue come  
13 up. I'm going to explain to them that they're still under the  
14 admonition not to discuss it with anybody. I'm not going to  
15 release them yet. And I'm not -- I'm not saying that we're  
16 continuing the trial yet.

17 MS. RADOSTA: Right.

18 THE COURT: I want to see what's going on with their  
19 -- I mean, we may never do that. I mean --

20 MS. RADOSTA: Right.

21 THE COURT: -- we may just keep going on with this.  
22 But I -- I want to see what -- what if anything this has to do  
23 with how it may assist you in your defense or whatever. I  
24 don't know. I --

25 MS. RADOSTA: And to be honest, Judge, I'm being 100

1 percent honest and sometimes it bothers me when that gets  
2 thrown back in my face.

3 THE COURT: Well, you know what --

4 MS. RADOSTA: But --

5 THE COURT: -- Ms. Radosta --

6 MS. RADOSTA: But -- and not by --

7 THE COURT: -- I don't think anybody's doing that.

8 MS. RADOSTA: -- you, Your Honor. Not -- not by  
9 you, Your Honor.

10 THE COURT: I don't think anybody's doing that. I  
11 think that when you're in these cases, you know, there's an  
12 anticipation that certain people, you know, attorneys do  
13 certain things a certain way and -- and you know, the State's  
14 saying hey, Judge, we've been in here a number of times.  
15 We thought that they --

16 MS. RADOSTA: Um-hum.

17 THE COURT: -- had it. We -- what else were we  
18 supposed to do?

19 MS. RADOSTA: They themselves didn't have the disks.

20 THE COURT: Okay. No, I know.

21 MS. RADOSTA: So --

22 THE COURT: I know, she's not -- she's not saying  
23 otherwise. She's saying but as soon as we got it, we gave it  
24 to you. And so what I'm going to do is -- is --

25 MS. HOLTHUS: And just let me -- I just want to --

1 we had the disks.

2 THE COURT: I'm --

3 MS. HOLTHUS: I don't want the record to be that we  
4 didn't. We did have the disks at one time. The problem is  
5 I've changed teams over the years and I have boxes, Jim has  
6 boxes.

7 THE COURT: Okay.

8 MS. HOLTHUS: And so somewhere between the two --

9 THE COURT: All right. Well, what I'm going to do  
10 is I'm going to pass -- I'm going to continue this until 1:00  
11 o'clock.

12 MS. RADOSTA: Okay.

13 THE COURT: I want you to have your officer come in  
14 by 1:00 and that should -- hopefully that will give enough  
15 time. Or let me know if he can or can't, okay?

16 MR. SWEETIN: I just texted him.

17 THE COURT: By 1:00 o'clock. I'm going to go ahead  
18 and send the jury home.

19 MS. RADOSTA: Okay.

20 THE COURT: I'll tell them to be back here tomorrow  
21 by 9:00 o'clock with the understanding that we'll continue  
22 with this. If something happens in that hearing at 1:00  
23 o'clock that may change that then I'll let --

24 MS. RADOSTA: Okay.

25 THE COURT: -- them know tomorrow. But --

1 MS. RADOSTA: I would just ask that Detective  
2 Samples, if -- if there was an investigation into what Anita  
3 told him, that he be ordered to bring that --  
4 MS. HOLTHUS: Hang on a second.  
5 MS. RADOSTA: -- investigation with him.  
6 THE COURT: Okay.  
7 MS. RADOSTA: So that he's not, oh, I don't -- you  
8 know what I mean? If we're going to have him here --  
9 THE COURT: All right. Jim? Jim, when you talk to  
10 him --  
11 MS. HOLTHUS: What's today? What's today?  
12 THE COURT: Today -- today's the 6th.  
13 MS. RADOSTA: Today's the 6th.  
14 MS. HOLTHUS: Okay. He is --  
15 MS. RADOSTA: Thursday the 6th.  
16 MS. HOLTHUS: -- out 9/6 through 9/16, I think. I  
17 might want to give him a quick call.  
18 MS. RADOSTA: How was he going to testify?  
19 MR. SWEETIN: He was going to -- he was going to --  
20 out of the country. I don't know if it was 9/6, though, I  
21 thought it was next week.  
22 MS. HOLTHUS: Well, I --  
23 MS. RADOSTA: The lead detective is out of the  
24 country in the middle of our trial.  
25 MS. HOLTHUS: Well, he's coming -- he's going to be

1 back on the 16th.

2 MS. RADOSTA: That's -- all right.

3 THE COURT: Well, let's see if he's still here, if

4 he hasn't left yet.

5 MS. RADOSTA: Yeah. Hopefully --

6 MS. HOLTHUS: Yeah, he may be leaving --

7 THE COURT: Maybe -- maybe we can get him --

8 MS. RADOSTA: Yeah.

9 THE COURT: -- get him here today and --

10 MS. RADOSTA: He might be on his way to the airport

11 right now.

12 THE COURT: Okay. Well --

13 MS. RADOSTA: And I certainly don't want to stand in

14 his way to a trip to like Italy or something like that, you

15 know.

16 MS. HOLTHUS: It's a -- it's a training thing, I

17 believe, in --

18 MS. RADOSTA: Oh.

19 MS. HOLTHUS: -- South Africa or something --

20 THE COURT: Wow.

21 MS. HOLTHUS: -- training other stuff --

22 THE COURT: Man.

23 MS. RADOSTA: Are we still on the record?

24 THE COURT: We are.

25 MS. HOLTHUS: Oh, he just got back from Africa.

1 He's going somewhere else.

2 THE COURT: Well, Jim's talking to him I think now,  
3 or he's going to.

4 MS. RADOSTA: We -- we don't get training trips like  
5 that a the Public Defender's Office.

6 MS. HOLTHUS: Could we get 10:00 tomorrow morning to  
7 start?

8 THE COURT: No.

9 MS. HOLTHUS: Is it -- okay.

10 THE COURT: We've got see -- I mean, we -- 9:00  
11 o'clock.

12 MS. HOLTHUS: That's fine.

13 THE COURT: We'll just see though. I mean, let me  
14 see what's going to happen, you know, we may --

15 MS. RADOSTA: Yeah.

16 THE COURT RECORDER: Do you want to stay on the  
17 record?

18 THE COURT: Yeah.

19 (Court/Marshal conferring)

20 (Pause in the proceedings)

21 MS. HOLTHUS: He's not getting a hold of Samples.

22 THE COURT: He's not?

23 MS. HOLTHUS: He's trying somebody else. Larry at  
24 the time was new so he was working with Scott Miller.

25 THE COURT: Was there -- was there anyone else in

1 that video? It's just Staples?

2 MS. RADOSTA: Samples, yeah.

3 THE COURT: Or Samples?

4 MS. RADOSTA: He's the only one in --

5 THE COURT: Well, is there another -- is there

6 another officer though that views it? Because sometimes

7 they're sitting viewing it with them.

8 MS. RADOSTA: I can't tell.

9 THE COURT: Okay.

10 MS. RADOSTA: I honestly can't tell. And since

11 there's no transcript, sometimes they --

12 MS. HOLTHUS: Say it.

13 MS. RADOSTA: -- say it, but you know, the only

14 thing we have is the video and it appears that -- it looks

15 like it's down at the CAC but it looks like it's -- I mean,

16 she looks -- she's in like with the little table and stuff.

17 So there could've --

18 MS. HOLTHUS: So --

19 MS. RADOSTA: -- been somebody else watching but I

20 don't know.

21 THE COURT: Okay.

22 MS. HOLTHUS: I'm assuming, the question is, was

23 there an internal investigation as a -- I'm -- if we have --

24 THE COURT: I -- I want to see if they've --

25 MS. HOLTHUS: -- to --

1 THE COURT: -- done what they did --  
2 MS. HOLTHUS: If -- if we have to --  
3 THE COURT: -- if anything.  
4 MS. HOLTHUS: -- get it from somebody other than  
5 Larry, is there somebody we can, or if we can arrange a --  
6 THE COURT: Well, we'll see.  
7 MS. HOLTHUS: -- a phone with him once he lands.  
8 THE COURT: Well, no, I want -- I want somebody  
9 coming here and testifying as to what was done, if anything  
10 was done, concerning that particular video, the reason why  
11 they were questioning in that manner, so.  
12 And, I mean, what did -- did you watch the whole  
13 video? Does it --  
14 MS. RADOSTA: I -- I --  
15 THE COURT: -- does it tell you -- is she able to  
16 give names of other individuals or --  
17 MS. RADOSTA: I don't -- I mean, the --  
18 THE COURT: -- is there times or --  
19 MS. RADOSTA: -- the part that I watched, she said  
20 Brinkley, and Brinkley's wife.  
21 THE COURT: Okay.  
22 MS. RADOSTA: And then she said there were others  
23 that were --  
24 THE COURT: Okay.  
25 MS. RADOSTA: -- in and out of the house.

1 THE COURT: Okay.

2 MS. RADOSTA: She said that the officers that worked  
3 their neighborhood, he was really good friends with them. So  
4 while she didn't necessarily give names, she did identify --

5 THE COURT: Well, are you able to ascertain names in  
6 other -- in other manners?

7 MS. RADOSTA: I am not, no. But --

8 THE COURT: You can't?

9 MS. RADOSTA: -- perhaps Metro would be able to.

10 THE COURT: Well, I'm asking you; you can't?

11 MS. RADOSTA: How could I ascertain names?

12 THE COURT: Well --

13 MS. RADOSTA: Of --

14 THE COURT: -- you sometimes the --

15 MS. RADOSTA: -- officers.

16 THE COURT: -- defense has the best -- best --

17 MS. RADOSTA: Not anymore.

18 THE COURT: -- resource. Sometimes they do. I  
19 don't know if it would be in this case. I mean, I would think  
20 that -- I would know what police officers are at my house, but  
21 I don't know, maybe not.

22 MS. RADOSTA: But even if -- for the sake of  
23 argument --

24 THE COURT: Um-hum.

25 MS. RADOSTA: -- even if I was able to determine

1 that, from that point, what -- then Metro does not respond to  
2 our subpoenas any longer.

3 THE COURT: Okay.

4 MS. RADOSTA: We are -- everything is required to go  
5 through the DA's office, so.

6 THE COURT: No, I know, but that's at least a  
7 starting point.

8 MS. RADOSTA: Okay, fair enough, Judge.

9 THE COURT: To say, you know what, I --

10 MS. RADOSTA: And I -- you know what, to be honest  
11 with you, when I --

12 THE COURT: -- I was told through my investigation  
13 that this officer, this officer, this officer all came in the  
14 house and -- and --

15 MS. RADOSTA: And --

16 THE COURT: -- when Anita talks about other  
17 officers, this leads me to believe it's these people. So I  
18 want --

19 MS. RADOSTA: And honestly, Judge --

20 THE COURT: So --

21 MS. RADOSTA: -- thank you, I hadn't even -- I  
22 watched it last night, hadn't even thought --

23 THE COURT: Um-hum.

24 MS. RADOSTA: -- this morning to ask my client.

25 THE COURT: Okay.

1 MS. RADOSTA: My head was more about --  
2 THE COURT: Well, I -- I don't know if -- if that's  
3 necessarily who you need to talk to, I don't know.  
4 MS. RADOSTA: I appreciate the point, Judge.  
5 MS. HOLTHUS: All right. So Brinkley's the -- the  
6 statement you do have, right?  
7 MS. RADOSTA: Yes, I do have Brinkley's statement.  
8 MS. HOLTHUS: And he's mentioned in there?  
9 MS. RADOSTA: Yes. But he's --  
10 THE COURT: Um-hum.  
11 MS. HOLTHUS: So I'm -- I'm going to --  
12 MS. RADOSTA: -- also mentioned by my --  
13 MS. HOLTHUS: -- assume that that's kind of --  
14 MS. RADOSTA: -- he's --  
15 MS. HOLTHUS: -- how it --  
16 MS. RADOSTA: -- but he's also mentioned by my  
17 client in his interview with Metro that he's --  
18 THE COURT: Um-hum.  
19 MS. RADOSTA: -- friends with Brinkley, so it's not  
20 necessarily, well --  
21 THE COURT: Well, we'll see.  
22 MS. RADOSTA: Yep.  
23 THE COURT: We'll see if there's something.  
24 (Pause in the proceedings)  
25 (Inside the presence of the prospective jurors at 10:10 A.M.)

1           THE COURT: All right. Everybody go ahead and have  
2 a seat. We're back on the record in the Case of C-311453,  
3 State of Nevada versus Christopher Sena. I'd like the record  
4 to reflect the presence of the defendant and his counsel, as  
5 well as the State and their counsel.

6           And Ed, did everyone answer to the call this  
7 morning?

8           THE MARSHAL: They did, yeah.

9           THE COURT: Okay. So all the jurors -- usually I  
10 call everybody's roll again, but I left that up to my Marshal.  
11 He's confirmed with the Court that everyone's here that left  
12 from yesterday that we hadn't excused.

13           So will the parties stipulate to this prospective  
14 jury panel?

15           MS. RADOSTA: Yes.

16           MS. HOLTHUS: Yes, Your Honor.

17           THE COURT: Okay. Ladies and gentlemen, we had an  
18 issue that came up this morning. That's why we've -- we're  
19 late getting in and getting started. And it's caused a  
20 concern with the Court to the point where I'm going to be  
21 having a hearing today, and but without the jury.

22           So what I'm going to do is I'm going to release you  
23 again until tomorrow at 9:00 o'clock. I know, I apologize to  
24 you. Things like this happen. I want to remind you that  
25 you'll be still under the admonition that I've gave you

1 yesterday. Hopefully -- hopefully you can, you know, it will  
2 help you a little bit with your affairs or whatever, but --  
3 but I can't get going on this until I resolve this issue.

4 And so what I'm going to do, once again, is just  
5 admonish you not to converse amongst yourselves or with anyone  
6 else on any subject connected with this trial or read, watch  
7 or listen to any report or commentary on the trial or any  
8 person connected with this case, or by any medium of  
9 information, including without limitation to newspapers,  
10 television, the Internet or radio, or form or express any  
11 opinion -- or express any opinion on any subject connected  
12 with this trial until the case is finally submitted to you.

13 Ladies and gentlemen, I apologize to you. But  
14 sometimes that's what happens in these matters. And so I've  
15 -- I'm going to release you until 9:00 o'clock tomorrow.

16 I did also -- Ms. Pressman?

17 PROSPECTIVE JUROR NO. 012: Yes.

18 THE COURT: I received your letter and it -- we've  
19 discussed it and -- and I'm marking this as an exhibit so  
20 we'll know. Like I said, if you do make it to our jury,  
21 remind me, all right, about this; okay?

22 So is there any other questions anyone else has  
23 before I release you?

24 Okay. This is -- is it Mr. -- is it Quon?

25 PROSPECTIVE JUROR NO. 073: Sure.

1           THE COURT: Mr. Quon, what -- you had a question?  
2 He's Badge 073.

3           PROSPECTIVE JUROR NO. 073: Can I be late tomorrow?  
4           THE COURT: What's that?  
5           PROSPECTIVE JUROR NO. 073: Can I come in late  
6 tomorrow?  
7           THE COURT: That's right. You have to get your cast  
8 off.  
9           PROSPECTIVE JUROR NO. 073: I do.

10          THE COURT: When are you supposed to be getting your  
11 cast off?  
12          PROSPECTIVE JUROR NO. 073: The appointment, I'll  
13 double check, was supposed to be at 7:50 which is kind of odd,  
14 but hell, yeah, I'll be there at 7:50.

15          THE COURT: Okay.

16          PROSPECTIVE JUROR NO. 073: I'm need this thing off.  
17 And as soon as it's off I can --  
18          THE COURT: You want to start at -- well, the State  
19 asked me if we could start at 10:00 tomorrow. Would that be  
20 better for you?  
21          PROSPECTIVE JUROR NO. 073: Sure. Yeah.

22          THE COURT: Okay. We have some other people shaking  
23 their head, too. Ten o'clock? All right. Everyone's shaking  
24 their head yes. Okay. So -- so all right, we'll wait 'till  
25 -- we'll wait 'till tomorrow at 10:00; okay?

1 And good luck with that, so.

2 PROSPECTIVE JUROR NO. 073: I'll [inaudible].

3 THE COURT: Anyone else have any other questions?

4 All right. In the -- in the back row, is it --

5 PROSPECTIVE JUROR NO. 019: I requested for

6 Fridays --

7 THE COURT: Yeah, you -- you indicated on Friday

8 between 1:00 and 3:00, right? Okay. We recognize that. You

9 just need to remind me.

10 PROSPECTIVE JUROR NO. 019: Okay.

11 THE COURT: Okay? That's his prayer day -- time.

12 Anyone else?

13 THE COURT RECORDER: What's his Badge No., Judge?

14 THE COURT: Oh, I'm sorry.

15 PROSPECTIVE JUROR NO. 019: It's 19.

16 THE COURT: Badge 019. It's Shahzad Razi; okay?

17 Okay. We have one more question out here.

18 PROSPECTIVE JUROR NO. 249: Good morning. I have a

19 doctor's appointment -- I'm sorry, what?

20 THE COURT: What's your name?

21 PROSPECTIVE JUROR NO. 249: John Klares --

22 THE COURT: And your badge number?

23 PROSPECTIVE JUROR NO. 249: -- number 249.

24 THE COURT: What's your badge number?

25 PROSPECTIVE JUROR NO. 249: 249.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 249: I have a doctor's

3 appointment on Monday at 8:30. I need to know if I need to

4 change that or not.

5 THE COURT: Well, at this point in time, I -- see if

6 you can.

7 PROSPECTIVE JUROR NO. 249: I -- I believe I still

8 can.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 249: Yeah.

11 THE COURT: Try, but I'm not --

12 MS. RADOSTA: What time do we start on Monday?

13 THE COURT: What's that?

14 MS. RADOSTA: What time -- don't you have a morning

15 calendar on Monday?

16 THE COURT: I do. We don't get started --

17 MS. RADOSTA: So that --

18 THE COURT: -- until probably 11:00 o'clock Monday,

19 so if you feel that you can get --

20 PROSPECTIVE JUROR NO. 249: Oh, I'll -- I'll

21 definitely be free by then. My --

22 THE COURT: You'll be done? Okay.

23 PROSPECTIVE JUROR NO. 249: -- appointment's at

24 8:30.

25 THE COURT: Okay. Then that's fine.

1 PROSPECTIVE JUROR NO. 249: I should be done by  
2 9:00.

3 THE COURT: Okay. Someone else? All right.

4 PROSPECTIVE JUROR NO. 292: Hi. Kathleen, 292. I  
5 have a doctor's appointment Monday at 10:00. It usually lasts  
6 until like 12:30. It's a monthly appointment that I can't  
7 miss.

8 THE COURT: See if you can get it changed. Ask them  
9 if you can change it.

10 PROSPECTIVE JUROR NO. 292: It's --

11 THE COURT: Okay?

12 PROSPECTIVE JUROR NO. 292: -- for an MRI. I -- the  
13 guy's only there --

14 THE COURT: You say it's a monthly appointment --

15 PROSPECTIVE JUROR NO. 292: -- that -- on --

16 THE COURT: -- you have it every month --

17 PROSPECTIVE JUROR NO. 292: Every month.

18 THE COURT: -- you do an MRI.

19 PROSPECTIVE JUROR NO. 292: Well, the -- the MRI was  
20 done last month --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 292: -- for like the -- the  
23 year thing, so the guy's going to be there on Monday and this  
24 is the only time he's at this office.

25 THE COURT: To -- to read it?

1 PROSPECTIVE JUROR NO. 292: Yes.

2 THE COURT: Can you -- ask him if you can move it  
3 up. Call him and see if you can move it up earlier.

4 PROSPECTIVE JUROR NO. 292: Okay.

5 THE COURT: Because like I say, we won't get started  
6 until 11:00, just see if they'll let you.

7 PROSPECTIVE JUROR NO. 292: Okay.

8 THE COURT: If not, you'll have to try to reschedule  
9 it; okay?

10 PROSPECTIVE JUROR NO. 292: (No audible response).

11 THE COURT: All right. Thank you.

12 Okay. All right, ladies and gentlemen, we'll go  
13 ahead and be at ease while you exit the courtroom. I  
14 apologize. We'll see you tomorrow at -- at 10:00 o'clock;  
15 okay? All right.

16 (Prospective jurors exit at 10:17 A.M.)

17 THE COURT: Ms. Radosta, Mary Kay, will you  
18 approach?

19 (Off-record bench conference)

20 THE COURT RECORDER: Am I going off, Judge?

21 THE COURT: Yeah. We're off the record.

22 (Court recessed at 10:19 A.M., until 10:30 A.M.)

23 (Outside the presence of the prospective jurors)

24 THE COURT: All right. We're back on the record in  
25 the case of State of Nevada versus Christopher Sena in C-

1 311453. Go ahead and have a seat. Go ahead and have a seat,  
2 guys.

3 This is defendant's present with his counsel as well  
4 as the State and their counsel. We're outside the presence of  
5 the jury. I had continued this over until 1:00 for some  
6 additional information and the parties have asked me to come  
7 back into court on this matter.

8 So you wanted to address the Court further, or?

9 MS. HOLTHUS: Do you want to do it, since you talked  
10 to him?

11 MR. SWEETIN: Judge, I believe that the issue and  
12 the issue is the defense is inquiring in regards to whether or  
13 not there was additional follow up or investigation related to  
14 Metro officers being at the defendant's residence over the  
15 period of time that the offenses are alleged to have occurred.

16 As I understand it at this point, there was initial  
17 information that the police got that there were officers that  
18 did go to the residence from time to time.

19 Based upon that information, Detective Samples had  
20 an interview with one of the victims, Anita Sena. And in the  
21 course of that interview, obtained information as to a  
22 specific name of a police officer who went to that residence.  
23 Based upon that name, the assigned detective went and did an  
24 interview with that particular individual. That interview has  
25 been provided to defense counsel.

1           And that was the extent of following up on any  
2 involvement or visiting of that residence by Metro officers.

3           Now, the Detective who actually did the interview  
4 specifically with Anita Sena, that got the name of that  
5 officer and the interview of that officer was done by Larry  
6 Samples, who is the case Detective.

7           I am aware that his Sergeant, Sergeant Roberson, was  
8 supervising him during and in the course of these interviews.  
9 He is aware with the circumstances that I just sort of laid  
10 out, and the extent of the investigation.

11           He is currently retired. However, I talked to him  
12 and he is able to testify today.

13           THE COURT: Okay.

14           MR. SWEETIN: He indicated that he actually has an  
15 afternoon flight in which he is flying to Hawaii. He asked  
16 that he be able to testify over the -- over the phone. He  
17 would be available --

18           THE COURT: When is he leaving?

19           MR. SWEETIN: -- at one --

20           THE COURT: Can we do it quicker?

21           MR. SWEETIN: We could do it right now if the Court  
22 wanted to.

23           MS. HOLTHUS: If we can do it over the phone, we can  
24 do it right now.

25           THE COURT: Well, I know, but can we have him come

1 in, you know, or -- I mean, we might be able to -- can he  
2 Skype in? Is he able to do that?

3 MS. HOLTHUS: Do we -- do -- can I -- I just -- I'm  
4 just -- I'm not sure -- I mean, we're going to be stuck with  
5 what it is and if it turns out later -- I don't know that --  
6 does it need to be sworn testimony? I mean, obviously, if he  
7 lies and they find out he did, whether it's sworn or unsworn,  
8 it's going to be -- it's going to be an issue for an appeal if  
9 he's convicted.

10 I mean, my understanding -- if they got a statement  
11 they would just be a statement, so I -- I don't -- I don't  
12 know, I'm just asking if we couldn't just -- that way we could  
13 do it by phone. They can get whatever information they want.

14 MS. RADOSTA: But -- but we can't whatever  
15 information we want. This is a supervising detective who may  
16 or may not have been privy to the reasons why Detective  
17 Samples did what he did, or didn't do what he did.

18 MS. HOLTHUS: Well, and that's something that --

19 MS. RADOSTA: I mean --

20 MS. HOLTHUS: -- they can ask -- I mean, it's  
21 ultimately our position is it's something they can ask the  
22 detective. The State is confident that this is the end of it.  
23 If there's more to it, it'll -- it'll be obviously at our  
24 peril of our conviction.

25 They can certainly ask Detective Samples on the

1 stand. I still haven't seen the relevance. But --

2 MS. RADOSTA: If --

3 MS. HOLTHUS: -- I don't know if we can Skype him

4 in, if that --

5 THE COURT: When's he planning on leaving? When's

6 his flight?

7 MR. SWEETIN: He said this afternoon. I didn't get

8 a specific time.

9 THE COURT: Okay. How long would it take for him to

10 come down? Can -- can you ask him?

11 MR. SWEETIN: I can. He indicated that he was

12 running around doing a few things trying to get ready for the

13 trip.

14 THE COURT: Okay.

15 MR. SWEETIN: And that's why I asked to do it over

16 the phone but --

17 THE COURT: Well, does he -- does he have the

18 ability to Skype it in to where we can see him?

19 MR. SWEETIN: I can call him up and find out.

20 THE COURT: If he can do that, I'll be willing to do

21 that. If not, I want him here.

22 MS. HOLTHUS: We could just FaceTime him, right,

23 onto somebody's something?

24 THE COURT: Well, I don't know if he can or if he

25 can't. I mean, he's got to have -- he's got to have that

1 ability where he's at. So, because I can put it on here. I  
2 don't mind doing that. But other than that, I -- if he can't,  
3 then I want him to come in.

4 (Begin Mr. Sweetin phone call)

5 MR. SWEETIN: Hey Sergeant, do you have the ability  
6 to Skype?

7 MS. HOLTHUS: Or FaceTime.

8 MR. SWEETIN: You can FaceTime? Okay. All right.  
9 And the Judge was also inquiring, I had mentioned that you're  
10 running around trying to get some things done for the Hawaiian  
11 trip, but it sounds like, you know, we could accommodate you  
12 anytime this morning. Could you get down here this morning to  
13 testify? All right. Okay. Yeah. I get you. Okay. Can you  
14 FaceTime right now? Okay. All right. All right. Yeah.  
15 Hang tight and can -- I'm not sure --

16 THE COURT RECORDER: I can, right. We'd need to  
17 call IT.

18 THE MARSHAL: You need it like right now?

19 THE COURT: Yeah.

20 MR. SWEETIN: Yeah.

21 THE COURT: Can IT come in right now?

22 THE MARSHAL: Right now.

23 THE CLERK: Yeah.

24 THE MARSHAL: Yeah.

25 MR. SWEETIN: Okay. Perfect. Yeah, that's fine.

1 All right. All right. Sounds good. We're getting someone up  
2 here from IT, so it should be within the next few minutes; all  
3 right?

4 (End of Mr. Sweetin's phone call)

5 THE COURT: Okay.

6 MR. SWEETIN: All right. Talk to you.

7 THE COURT: Okay. All right. I'm going to go off  
8 the record.

9 MS. HOLTHUS: Do you --

10 THE COURT: We need to -- IT's coming down.

11 (Court recessed at 10:36 A.M., until 10:58 A.M.)

12 (Outside the presence of the prospective jurors)

13 THE COURT: Okay. We're back on the record in the  
14 case of State of Nevada versus Christopher Sena in C-311453.  
15 I'd like the record to reflect the presence of the defendant  
16 and his counsel, as well as the State and their counsel. And  
17 we have on video at this time Sergeant --?

18 SERGEANT ROBERSON: Eric Roberson, Retired, so.

19 THE COURT: Okay. All right.

20 So, Sergeant, I appreciate you giving us your time  
21 at this point. An issue came up, I think Mr. Sweetin has  
22 talked to you about it. And I wanted to give the -- an  
23 opportunity to the Defense to ask some questions, and the  
24 State ask some questions regarding this particular issue.

25 So --

1 SERGEANT ROBERSON: Sure.

2 THE COURT: -- the -- it has to do with a interview  
3 that was conducted on Anita Sena by Officer --

4 MR. SWEETIN: Samples.

5 MR. LOPEZ-NEGRETTE: Samples.

6 THE COURT: Samples. And it appears from what's  
7 been represented to the Court that the interview was in  
8 reference to Metro's questioning her, not so much of the -- of  
9 -- about the event, but more so of what Officers, if any, had  
10 been to her residence during the time frame that this -- these  
11 events supposedly was happening.

12 What's that?

13 THE CLERK: Swear him in?

14 THE COURT: Yeah, I'm just letting him -- I'm just  
15 letting him know. So before we get started, I'm just giving  
16 you the parameters of where -- where the concern of the Court  
17 was. Do -- can you -- I can see him on Skype. He's not --  
18 he's not in the court but he is on video.

19 Can you raise your right hand? We're going to swear  
20 you in; okay, officer.

21 (Video testimony begins)

22 SERGEANT ERIC ROBERSON (RETIRED), STATE'S WITNESS, SWORN

23 THE CLERK: Thank you.

24 THE COURT: Okay.

25 THE CLERK: Can you please state your full name,

1 spelling your first and last name for the record?

2 THE WITNESS: Eric Roberson, E-R-I-C,

3 R-O-B-E-R-S-O-N.

4 THE COURT: Okay. All right. State?

5 MR. SWEETIN: It doesn't matter. I can do --

6 THE COURT: Okay.

7 MR. SWEETIN: -- just lay the foundation.

8 THE COURT: All right.

9 MR. SWEETIN: Defense counsel can cross, if that's

10 all right.

11 THE COURT: Okay.

12 DIRECT EXAMINATION

13 BY MR. SWEETIN:

14 Q Sergeant Roberson, I want to turn your attention

15 back to 2014. Do you remember how you were employed at that

16 time?

17 A Yes.

18 Q And how were you employed?

19 A I was a Detective Sergeant for Juvenile Sexual

20 Assault, LVMPD.

21 Q Okay. And when you say, Juvenile Sexual Assault,

22 was that a Section that you were assigned to as a Detective

23 Sergeant?

24 A It was. It's a Section within the Sexual Assault

25 Section, and now Homicide, Sex Crimes Bureau.

1           Q     Now, as a Detective Sergeant, were you in a  
2 supervisory capacity at that time?

3           A     I was. I supervised the Juvenile Sexual Assault  
4 Section.

5           Q     Okay. And approximately how many detectives did  
6 that consist of?

7           A     I believe at the time, we had between six and eight  
8 detectives.

9           Q     Okay. And was one of those detectives Larry  
10 Samples?

11          A     Yes, it was.

12          Q     So during that period of time, you would have also  
13 supervised Detective Larry Samples; is that correct?

14          A     That's correct.

15          Q     Now, turning your attention to that period of time,  
16 about 2014, do you recall supervising Detective Samples in the  
17 investigation in a case that centered upon an alleged  
18 perpetrator by the name of Christopher Sena?

19          A     I do.

20          Q     And in regards to that investigation, did you in  
21 fact supervise Detective Samples in the course of that  
22 investigation?

23          A     I did.

24          Q     And in the course of that investigation, was there  
25 an interview that was done with various victims?

1           A     There were --

2           Q     Was one of those --

3           A     -- yes.

4           Q     -- victims named Anita Sena?

5           A     Yes.

6           Q     Okay. Now was there ever a -- and do you recall how

7 many interviews were done with Anita Sena over the course of

8 the investigation?

9           A     I don't remember how many exactly there were, no.

10          Q     Okay. Do you recall that there was a specific

11 interview that was done with Anita Sena in 2014 to discuss

12 police officers coming over to the residence in which she

13 lived?

14          A     Right. I do.

15          Q     Okay. And that interview was conducted by Detective

16 Samples; is that correct?

17          A     Correct.

18          Q     And as a result of that interview, was there any

19 employees of the LVMPD that were interviewed?

20          A     Yeah, she told us that -- that her father was

21 friends with a couple of Metro officers that worked out of the

22 Northeast Area Command and they would -- these -- she

23 communicated to us that he used it as more of a control tactic

24 or technique where he would threaten them with, I can get cops

25 over here at anytime I want, I'm friends with all of them.

1                   And so he would call these guys and they would come  
2 over and just talk to the kids and talk to -- to him --

3           Q     Okay. So now as a --

4           A     -- about [inaudible].

5           Q     -- result of that information, was there an  
6 additional interview that was had?

7           A     Yes.

8           Q     Okay. And who was that interview had with?

9           A     I don't remember the name of the officer, but we did  
10 identify an officer, and I believe he was assigned to the  
11 Community Oriented Policing Section of the Northeast Area  
12 Command, which is their COP Unit.

13          Q     Okay.

14          A     And so we did go and interview him.

15          Q     Does the name Michael Brinkley ring a bell?

16          A     Yes.

17          Q     And was that, in fact, the police officer that you  
18 mentioned that was assigned to the COP Unit in that Area  
19 Command?

20          A     Correct.

21          Q     Okay. And that's the interview that was had; is  
22 that correct?

23          A     Correct.

24          Q     As a result of that interview, was there any other  
25 investigative work done in regards to officers who arrived or

1 went to the Sena residence or where Anita Sena had referenced?

2 A No. We just wanted to interview the officers to  
3 find out what their involvement or their relationship with Mr.  
4 Sena was, and once we found out what that relationship was,  
5 then it was left where it was and we -- there was nothing  
6 further to do.

7 Q Okay.

8 MR. SWEETIN: Nothing further, Judge.

9 THE COURT: Ms. Radosta?

10 MS. RADOSTA: Thank you, Judge.

11 CROSS-EXAMINATION

12 BY MS. RADOSTA:

13 Q Thank you, Detective Roberson, for making time for us  
14 today. I hear you're --

15 A Sure.

16 Q -- on your way out of town.

17 A Right.

18 Q Okay. So we'll try to -- we'll try to wrap this up.  
19 You are currently retired from Metro; right?

20 A Correct.

21 Q How long have you been retired from Metro?

22 A Well, what's today, a little over -- a little over a  
23 month.

24 Q Okay. So it's fairly recent. Up until the time you  
25 retired were you still supervising the same Division at Metro

1 as you were --

2 A No, I --

3 Q -- when you were working?

4 A I -- about three years ago I moved to the adult

5 section of the Sexual Assault Section.

6 Q Okay. So we're talking maybe 2015 is when you

7 stopped supervising the Juvenile Unit?

8 A Right.

9 Q Okay. Do you remember just for the record if it was

10 early 2015 or late 2015?

11 A I believe it was in the fall, if I'm not mistaken.

12 Q Okay. So at the time you said that you were

13 supervising back in 2014 when you were supervising the

14 Juvenile Sex Assault Unit, you were supervising between six

15 and eight detectives; correct?

16 A Right.

17 Q At any given time how many cases would that have

18 meant you were supervising?

19 A Well, each of those detectives carried about 15 to

20 20 cases each --

21 Q Okay.

22 A -- so --

23 Q And --

24 A -- at various stages --

25 Q -- if --

1           A     -- of the investigation.

2           Q     Okay. So if, for the sake of argument, you had  
3 eight detectives that you were supervising and they had 20  
4 cases each, that would be approximately 150 cases that you  
5 also were supervising those detectives' work on?

6           A     Right.

7           Q     Okay. And I understand, you know, numbers vary from  
8 time to time, but --

9           A     Right.

10          Q     -- that -- that sounds about right?

11          A     Yes.

12          Q     Okay. And so in your job as a supervising detective  
13 did you speak with the -- we'll just use Detective Samples as  
14 -- as an example; did you speak to him daily about all 20 of  
15 his cases?

16          A     Not daily.

17          Q     Okay.

18          A     No, I mean, that would take all day every day for  
19 every one of those cases and every one of those detectives,  
20 so.

21          Q     Okay. I --

22          A     Now, when a -- when a big case like this comes out,  
23 of course, it's -- it's at the front of the -- it's -- we drop  
24 everything else that we're doing and this is what we  
25 concentrate our efforts on.

1           Q     Of course. And for the sake of argument, you were  
2 just operating in a supervisory capacity; correct? You did  
3 not carry your own caseload in addition to that?

4           A     No.

5           Q     Okay.

6           A     I did not carry a caseload, no.

7           Q     Okay. So was it your practice as a supervising  
8 detective to reach out to your detectives or just wait for  
9 them to come to you if they had something they needed to run  
10 by you?

11          A     Well, if I had a question, I would go to them. If  
12 they had something that they needed to run by me, they always  
13 came to me. So it was kind of a -- that was kind of the  
14 workflow that -- that occurred. That was the atmosphere that  
15 I wanted, so.

16          Q     Okay. And in this particular case, the Sena case,  
17 do you remember how many conversations you and Detective  
18 Samples would have had about this particular case?

19          A     No.

20          Q     Okay. Do you remember how -- I mean, were you --  
21 did you go out on any of the search warrants or anything of  
22 that nature in this particular case, because as you mentioned  
23 this was kind of a big deal case.

24          A     I did go out on the search warrant on that case,  
25 yes.

1           Q     Did you participate in any of the interviews in this  
2 particular case --  
3           A     I did.  
4           Q     -- either -- either observing them or actually  
5 performing the interviews?  
6           A     I -- I observed some of them. I wasn't around for  
7 all of them, no.  
8           Q     Okay. Do you happen to remember if you observed any  
9 of the interviews with Anita Sena?  
10          A     I don't remember any -- me being present for any  
11 interviews with Anita Sena.  
12          Q     Okay. So just to be clear, you say you don't  
13 remember; does that mean that you were not present, or you  
14 honestly don't have a recollection?  
15          A     I honestly don't remember.  
16          Q     Okay. Just to clarify the answer, sometimes it gets  
17 a little -- we're all lawyers in here and we split hairs, you  
18 know. So the -- Mr. Sweetin had asked you if you recalled how  
19 many interviews there were with Anita and I believe your  
20 answer was you didn't recall how many interviews.  
21          A     No, I don't remember.  
22          Q     Okay. Do you have a specific memory of this  
23 interview that we're talking about today where it was talking  
24 about Metro's connection to the family?  
25          A     With Anita?

1 Q With Anita, yes.

2 A No, I don't remember specifically that interview.

3 Q Okay. So do you have any recollection as to why

4 Detective Samples felt the need to set up a second independent

5 interview just to talk about Metro's involvement with the

6 family?

7 A No, I don't remember why.

8 Q Okay. Do you recall if you asked Detective Samples

9 to set up this second interview with Anita -- or I'm sorry,

10 the -- this -- this specific interview with Anita about the

11 Metro involvement?

12 A No, I believe if -- I believe if we found out that

13 there was Metro involvement with the family we would have run

14 that up our chain of command and that -- that decision or that

15 decision to have that interview with the officer would have

16 come down from probably a lieutenant or a captain.

17 Q Okay. So --

18 A Just to clarify what the involvement was. I'm

19 sorry, I didn't mean to cut you off.

20 Q No, and I --

21 A I think there's a little --

22 Q -- I think I cut you off, so I apologize.

23 So let's -- let's talk about that for just a second.

24 You had learned through some piece of information that there

25 was some Metro involvement with the family; correct?

1           A     Correct.

2           Q     Do you recall how that -- that information, that  
3 there was Metro involvement with the family, came to be known  
4 by you or Detective Samples?

5           A     No, I don't.

6           Q     Okay. Do you have a recollection of the fact that  
7 Mr. Sena had a company that worked with Metro on events?

8           A     Yes.

9           Q     Okay. And do you recall if that maybe was the point  
10 that -- or the jumping off point for further investigation or  
11 was it something else?

12          A     Well, I remember when we interviewed the officer, he  
13 did explain to us that Mr. Sena had some type of -- that he  
14 had a drone and some sound equipment that he helped them use  
15 when there was a community project or a community outreach or  
16 some type of event that Northeast oftentimes did when there  
17 was a traumatic incident in the neighborhoods, and Mr. Sena  
18 would come out with his equipment and donate his time, and his  
19 equipment and his drone to help promote the event.

20          Q     Okay. So it's your recollection that you -- that  
21 you learned of the -- the -- Mr. Sena's connection to Metro  
22 through his business, you learned of that from Officer  
23 Brinkley's interview?

24          A     Yes.

25          Q     Not from Anita Sena's interview?

1           A     Anita Sena told us that Mr. -- that her father,  
2 Christopher Sena, knew these officers. We interviewed the  
3 officer and we learned further of the relationship by  
4 interviewing the officer.

5           Q     Okay. And prior to setting up any further  
6 interviews with any other officers, after learning of the  
7 connection between the family and Metro, you would not have  
8 made that decision to have an officer interviewed, you said it  
9 would have gone up the chain of command?

10          A     Right.

11          Q     And would there have been documentation of that  
12 request, going up the chain of command?

13          A     No, there would be no document -- documentation. It  
14 would've just been, hey, we think you need to interview these  
15 officers to find out exactly -- dig down deeper into what  
16 their involvement with Christopher Sena is, and so that's what  
17 we did.

18          Q     Okay. And for the sake of argument, what -- what  
19 would you have been looking for in that interview with -- with  
20 that particular officer?

21          A     Just to find out like how close of friends they were  
22 with him, if -- if there was any involvement that they had, or  
23 any knowledge that they had of any type of abuse or -- or  
24 allegations of abuse and it went unreported by the officers.

25          Q     So you certainly would have been concerned if the

1 officers saw some behavior and did not report it, saw some  
2 suspect behavior and didn't report it?

3 A Right.

4 Q Or if one of the kids had stepped forward and said  
5 something to Officer Brinkley and he didn't report it?

6 A Correct.

7 Q Beyond that did you -- do you recall if Officer  
8 Brinkley was asked if he knew of any other Metro officers that  
9 were involved with the family?

10 A I don't recall.

11 Q Okay.

12 A And I don't remember him saying if there were.

13 Q Okay. Do you recall that there was a delay between  
14 Anita's interview and Detective Brinkley's interview of about  
15 two-and-a-half months?

16 A I don't recall that, no.

17 Q Okay. Do you have any idea why there would have  
18 been a two-and-a-half month long delay between learning of the  
19 information that Detective Brinkley was involved with the  
20 family and actually finding -- actually interviewing Detective  
21 Brinkley?

22 A No, just that I remember at the time that we were  
23 collecting all the information, reviewing all the interviews,  
24 briefing up, as we do with these -- with these big cases. And  
25 I don't remember that it was two-and-a-half months, but if it

1 was, then that would have in the time delays, just getting all  
2 the information together and then coming from our chain of  
3 command that we needed to find out if there was more with the  
4 relationship with the officers and -- and Mr. Sena as told by  
5 his daughter.

6 Q Do -- do you recall if you watched -- for the sake  
7 -- for the record, the interview with Anita Sena was audio and  
8 videotape recorded; correct?

9 A Um-hum. Right.

10 Q Do you remember if you yourself watched the  
11 interview with Anita Sena prior to sending anything up the  
12 chain of command?

13 A I don't remember if I watched or if I was briefed by  
14 Detective Samples about what the interview -- what --

15 Q Do --

16 A -- what the -- what was told during the interview.

17 Q And do you recall if the information that Anita said  
18 that she felt like Mr. Sena was in contact with officers and  
19 he was using them to monitor her movements and her behavior in  
20 an effort to keep an eye on her?

21 A Can you repeat that question, please?

22 Q Sorry. Do you recall the information in Anita's  
23 interview that in her opinion Mr. Sena was using Metro  
24 officers to monitor her behavior and her movements in an  
25 effort to control her and to keep an eye on her?

1           A     Well, I don't remember watching the interview, so I  
2 wouldn't have heard that information in the interview, but  
3 that's the information that was relayed to me.

4           Q     If -- if that information was relayed to you, that  
5 there were officers that were monitoring her movements,  
6 monitoring her behavior and reporting back to Mr. Sena, that  
7 would have been a concern to you; correct?

8           A     If -- if that's what was told to me. But I don't  
9 remember them saying that they were monitoring. I just  
10 remember her saying that -- that her father sometimes used  
11 these officers as a control tactic or a control technique.

12          Q     Was it your impression from that, that he was using  
13 them as a control tactic or a control -- in an effort to  
14 control her that officer actually ever came over to the house  
15 when he said that they were coming over to the house?

16          A     I don't remember if they went over to the house, or  
17 if I was told that they went over to the house. I just  
18 assumed or thought that it was more of hey, if you don't watch  
19 what you're doing, they're -- I'll -- I'll call my friend from  
20 metro, just like parents do every time we're at a coffee shop;  
21 if you don't behave we're going to -- those guys there are  
22 going to get you. That's what I liken the comments to --

23          Q     Do -- do you --

24          A     -- about Mr. Sena.

25          Q     -- do you recall if anybody checked to see if there

1 were any officers dispatched to the residence of Christopher  
2 Sena at his request?

3 A No, I don't remember that.

4 Q And as far as you recall, there were no other  
5 requests to interview any other officers?

6 A No.

7 Q Do you recall if there was any investigation beyond  
8 Officer Brinkley of other officers that could have had contact  
9 with the family?

10 A No, I don't remember any.

11 Q Any officers in the neighborhood that were assigned  
12 to that neighborhood that would have come in contact with the  
13 family? Was there any investigation that they had contact  
14 with the family?

15 A No.

16 Q Do you know who ultimately made the decision to not  
17 do any further investigation of any other officers; was that  
18 your decision or was that Detective Samples' decision?

19 A I know we told our lieutenant who was at the time  
20 Dan McGrath, he's now retired, the contents of the contents of  
21 the interview and it stayed right there.

22 Q So as far as you know, Dan McGrath made the decision  
23 not to go any further with the investigation?

24 A I think Dan McGrath was happy with the fact that  
25 there was nothing else to look at with these officers.

1           Q     But do you know -- and just if you know -- did he  
2 himself review Anita Sena's interview?

3           A     I don't know.

4           Q     Do you know if he reviewed Officer Brinkley's  
5 interview?

6           A     I don't know if he did or not.

7           Q     Okay.

8                   MS. RADOSTA: Court's indulgence.

9 BY MS. RADOSTA:

10          Q     Do you know if there was any documentation of Dan  
11 McGrath's decision to basically close the investigation of the  
12 Sena family's interaction with Metro?

13          A     No, I don't -- I don't know if there's any  
14 documentation.

15          Q     Could there be documentation of that decision?

16          A     I don't think there would be, but there -- there  
17 could be, but I doubt that there is.

18          Q     Why do you doubt that there is?

19          A     Because I just think it's a decision that he would  
20 have made from his desk and said, okay, that's fine, and let  
21 it go.

22          Q     All right. So --

23          A     I don't think that there was anything to look at.  
24 So after I -- after I was -- after I sat in the interview, I  
25 didn't see that there was anything else to look at, so no, I

1 don't think there would have been any documentation.

2 Q And just so we're clear, you were mostly likely just  
3 briefed on Anita Sena's interview, you did not watch it  
4 yourself?

5 A Right.

6 Q And Dan McGrath, who ultimately decided to close the  
7 investigation into Metro, also did not watch Anita Sena's  
8 interview but was probably briefed on it by you?

9 MR. SWEETIN: And -- and, Your Honor --

10 THE WITNESS: Well, there was no --

11 MR. SWEETIN: -- I object --

12 THE COURT: Well, hold on. There's an objection.  
13 What?

14 MR. SWEETIN: Yeah, I would object. I mean, it  
15 assumes facts that are not in evidence. I think he testified  
16 he doesn't know what Lieutenant McGrath did or did not review  
17 or what he did or did not do other than say, hey --

18 THE COURT: Well, the basis of the question, I'll  
19 sustain the objection. But the answers will stand. Okay. Go  
20 ahead.

21 MS. RADOSTA: Court's indulgence.

22 BY MS. RADOSTA:

23 Q Detective Roberson -- and I apologize if I'm  
24 repeating a question -- did you participate in the Officer  
25 Brinkley interview?

1           A     Yes.

2           Q     So you either actually conducted the interview or  
3 watched it?

4           A     I was with Detective Samples when he interviewed the  
5 officer. I may have asked one or two questions, but I don't  
6 recall now.

7           Q     Okay.

8           A     But I was there, yes.

9           Q     Okay. And just -- because I truly don't know how a  
10 situation like this would work, is this something where  
11 Officer Brinkley would have been advised maybe to have an  
12 attorney present with him or he was just asked to come in and  
13 talk?

14          A     No, this was just an interview because he had a  
15 relationship -- there was an alleged relationship between him  
16 and Christopher Sena. It was simply an interview. There was  
17 no investigation.

18                 If there would have been an investigation, or if we  
19 would have found that he had done anything out of line or any  
20 kind of misconduct that would have been referred to -- well, I  
21 would have told Lieutenant McGrath and then that would have  
22 been referred to the Internal Affairs Section where they would  
23 have conducted an official investigation into the conduct that  
24 occurred between him and Christopher Sena.

25          Q     Okay. So you and Detective Samples conducted the

1 interview with Officer Brinkley. Did you, after the  
2 interview, try to double check any of the information that he  
3 gave you, or did you just take his word at face value?

4 A I don't recall if there was anything that we needed  
5 to double -- that we needed to double check. So there was  
6 nothing done after the interview.

7 Q So he simply said, I didn't see anything, I didn't  
8 notice anything out of the ordinary and that was sufficient  
9 for you?

10 A Correct.

11 Q You didn't go back and ask Anita Sena if that made  
12 sense to her or as Brandon Sena or ask Ryan Sena or anybody  
13 else that was in the household, about any potential incidents  
14 with Officer Brinkley?

15 A Correct.

16 Q And you felt that that was a sufficient interview to  
17 determine if Officer Brinkley saw things that he should have  
18 reported?

19 A Yes.

20 Q Are you aware that -- how many times Officer  
21 Brinkley was over at the Sena house?

22 A I'm not.

23 Q Are you aware that Officer Brinkley actually  
24 attended a birthday party for one of the Sena children?

25 A No.

1           Q     And that he brought his own children over to the  
2 house?

3           A     I don't recall him telling me that, no.

4           Q     Okay. Would that have -- given what you knew at  
5 this point about the Sena case, and the allegations that were  
6 made involving child sexual abuse and potential physical  
7 abuse, as well, would it have surprised you to learn that a  
8 Metro officer brought his children over to that house?

9           MR. SWEETIN: Objection, relevance.

10          THE COURT: Overruled.

11          THE WITNESS: Do I need to answer that?

12          THE COURT: Yes.

13          THE WITNESS: Okay. No, I it wouldn't surprise me.  
14 I think that after learning all the facts, Officer Brinkley  
15 didn't know what was going on and -- and so he brought his  
16 child over or he visited Mr. Sena at home with his children,  
17 or visited during a birthday party, that wouldn't have  
18 surprised me because oftentimes these sexual assault secrets  
19 within families go untold and unreported. And that wouldn't  
20 have surprised me, no.

21 BY MS. RADOSTA:

22          Q     Do you know how many events Mr. Sena and his company  
23 worked for Metro?

24          A     I have no idea.

25          Q     Okay. Do you have any idea how many officers Mr.

1 Sena's company and his family interacted with?

2 A I have no idea.

3 Q Okay. So any of the people that may have interacted  
4 with the family through the business, through Mr. Sena's  
5 business, none of those officers were interviewed?

6 A No.

7 Q Did you do any investigation, even send out a  
8 blanket request, does anybody remember having contact with the  
9 Sena family at any of these events through Metro?

10 A No.

11 Q To see if any officers did see something that was  
12 unusual that -- that you know, maybe looking back on it, now  
13 seemed strange to them; didn't make any inquiries like that?

14 A No.

15 MR. SWEETIN: I think the question's been asked and  
16 answered. This has sort of been -- I don't know what -- I  
17 don't know how far we're going in this, Judge. I mean, this  
18 has been going on for awhile.

19 THE COURT: Well, she's just asking questions  
20 different ways and he's answering the questions, so but I  
21 don't know how much more you need on that. I mean, he's  
22 saying that -- I mean, how many more questions do you have  
23 with that? I mean, that -- whether or not there'd been --

24 MS. RADOSTA: Well, this -- this is first couple of  
25 questions I've asked about the company and whether or not they

1 did any investigation about the officers that interacted with  
2 the family.

3 THE COURT: And he said, no.

4 MS. RADOSTA: Okay. That's --

5 THE COURT: Okay.

6 MS. RADOSTA: But these were the first three  
7 questions I asked about that, so.

8 MR. SWEETIN: Well, he already said he didn't do any  
9 investigation beyond this, so I'm not sure where we're going.

10 THE COURT: Well, we'll see.

11 BY MS. RADOSTA:

12 Q Do you know how long Mr. Sena's company was working  
13 with Metro, for how many months or years?

14 A I have no idea.

15 Q Okay. Do you know the most recent events prior to  
16 his arrest that he did with Metro?

17 A No.

18 MS. RADOSTA: Court's indulgence.

19 BY MS. RADOSTA:

20 Q Just one last question, Detective Roberson. When  
21 you were -- I'm sorry, when you changed from the Juvenile  
22 Division to the Adult Division, was the investigation on the  
23 Sena case complete from -- from your -- from Metro's  
24 perspective?

25 A No, I think that Detective Samples who remained in

1 Juvenile Sexual Assault, still had some follow up and some  
2 other things to do, but I don't remember what it was.

3 Q Okay. All right.

4 A And so the Sergeant that took over, which was Phil  
5 Merges, would have taken over from there and handled the rest.

6 Q Okay. I'm sorry. I didn't hear the name of the  
7 person that took over for you.

8 A Sorry, I know I've got a squeaky chair. Phil  
9 Merges, M-e-r-g-e-s. It was the Sergeant, who is now a  
10 lieutenant.

11 Q Okay.

12 MS. RADOSTA: Nothing further.

13 THE COURT: Any other questions?

14 MR. SWEETIN: Just to be clear.

15 THE COURT: Okay.

16 REDIRECT EXAMINATION

17 BY MR. SWEETIN:

18 Q You mentioned that you -- you supervised the  
19 investigation of Larry Samples; is that correct?

20 A Correct.

21 Q Now, at some point in time, the case was submitted  
22 for prosecution to the District Attorney's Office while you  
23 were still in the -- in that particular Division; is that  
24 correct?

25 A Correct.

1           Q     And at the time that a case is submitted for  
2 prosecution you have an opportunity to review the reports and  
3 all the investigation that's been done up to that point; is  
4 that correct?

5           A     Correct.

6           Q     And at that point in time, when the case is  
7 submitted, you are aware of what potential investigation might  
8 still be continuing beyond submission and what's been closed  
9 off; is that correct?

10          A     Correct.

11          Q     So at the time that the case was submitted on your  
12 tenure this line of investigation had been closed off; would  
13 that be correct?

14          A     Correct.

15          Q     Now, also, there was mention made in regards to this  
16 being a pretty big case, so you were involved and fairly aware  
17 of this case; is that correct?

18          A     Sure. Yes, correct.

19          Q     And, in fact, Detective Samples was a fairly new  
20 Detective to the Bureau actually in the course of -- of this  
21 -- his investigation; is that correct?

22          A     Correct.

23          Q     Did that cause you go give him even more supervision  
24 than you would normally give the other officers or detectives?

25          A     Yes, it did. And also -- I also had other senior

1 detectives helping him along with the case and I shortened his  
2 caseload so that he could pay more attention to this case  
3 and --

4 Q Thank you.

5 A -- give more attention to this case.

6 MR. SWEETIN: Nothing further, Judge.

7 THE COURT: Anything further, Ms. Radosta?

8 RECROSS-EXAMINATION

9 BY MS. RADOSTA:

10 Q Who were the senior detectives that were helping  
11 Detective Samples out on this case?

12 A Detective Madsen, Detective Bill Kurau, Detective  
13 Beth Carroll, Detective Scott Miller.

14 Q Okay. Are those -- do you know if those Detectives  
15 are still with the same Division or still -- still with the  
16 same Division?

17 A They -- they all work for Metro.

18 Q Okay.

19 A They've all promoted to Sergeant --

20 A Okay.

21 Q -- except for Scott Miller. Scott Miller works in  
22 the -- in the Internet Crimes Against Children, so the child  
23 porn --

24 A Okay.

25 Q -- section is where he works now.

1           Q     And just to touch on one other point; Detective  
2 Samples, as Mr. Sweetin just pointed out, was fairly new to  
3 the -- to the Division. Did this case just happenstance land  
4 on his desk or was it specifically assigned to him despite the  
5 fact that he was newer to the team?

6           A     Well, I wouldn't say happenstance. We work in a  
7 rotational -- when we get cases in, and you never know how big  
8 a case is going to be until you further investigate. So when  
9 I assigned Detective Samples this case --

10          Q     Um-hum.

11          A     -- no one knew how big it was going to be. It just  
12 happened to be that it was his turn in the rotation so he got  
13 the case and it turned -- it blossomed into this. And so all  
14 hands pitched in and everyone helped.

15          Q     Okay.

16          A     [Inaudible].

17          Q     And prior to him coming to your unit was this the  
18 first detective assignment that Detective Samples had had or  
19 was he a detective prior to coming to your unit?

20          A     Detective Samples was a -- he was an officer in the  
21 Problem Solving Unit, I believe, at Enterprise Area Command,  
22 which is an investigative unit. They just don't carry the --  
23 the designation of detective because it's a -- it's a pay  
24 raise sort of --

25          Q     Okay.

1 A -- situation, so.  
2 Q So prior --  
3 A But he had [inaudible] --  
4 Q -- to this --  
5 A I'm sorry.  
6 Q No, go ahead.  
7 A He had handled investigations prior to this.  
8 Q He was just not designated Detective?  
9 A Correct.  
10 Q Okay.  
11 MS. RADOSTA: Nothing further.  
12 THE COURT: Anything further?  
13 MR. SWEETIN: No, Your Honor.  
14 THE COURT: Okay. So Retired Sergeant Eric -- Eric  
15 Roberson, thank you so much for your testimony. Thank you for  
16 giving us your time. Anything further from the parties?  
17 MS. RADOSTA: Not for Detective Roberson.  
18 THE COURT: All right. Have a good trip; okay?  
19 THE WITNESS: Okay. Thank you, Your Honor.  
20 MS. HOLTHUS: Thank you.  
21 THE COURT: Thank you.  
22 THE WITNESS: All right.  
23 (Video testimony concluded)  
24 THE COURT: Okay. So anything further?  
25 MS. RADOSTA: Well, I'm not sure what the Court

1 would want at this point in time, if you want me to address  
2 where I think we're at or if --

3 THE COURT: Well, what -- you basically have told me  
4 some information that you had concerns about.

5 MS. RADOSTA: Um-hum.

6 THE COURT: This one here, I -- I have presented  
7 this hearing. I wanted to hear some additional information  
8 from somebody with regards to that particular interview and --  
9 and you haven't really told the Court where you're at with it.

10 MS. RADOSTA: Well, I don't think we know much more  
11 than we did before. This officer did not participate in the  
12 interview with Deborah -- or with Anita Sena. He didn't even  
13 watch the interview with Anita Sena. He just let Detective  
14 Samples brief him on the -- on the interview with Anita Sena.

15 And he doesn't recall what he specifically was  
16 briefed on other than maybe there was some Metro involvement  
17 and that's it. All -- I mean, all due respect to Detective  
18 Roberson, this was four years ago and apparently nobody -- he  
19 said there wasn't a --

20 THE COURT: Well, Ms. Radosta --

21 MS. RADOSTA: -- paper trail.

22 THE COURT: Ms. Radosta, just so I understand this,  
23 it's your position that you had no understanding that Metro  
24 knew about --

25 MS. RADOSTA: Right.

1 THE COURT: -- this until you watched this --  
2 MS. RADOSTA: Um-hum.  
3 THE COURT: -- but -- but you knew that she had made  
4 statements in the past to whoever it may be that Metro was  
5 involved in -- or not Metro was involved, but -- but her  
6 father was -- was friends with Metro and used --  
7 MS. RADOSTA: Right.  
8 THE COURT: -- Metro as a -- as a --  
9 MS. RADOSTA: Um-hum.  
10 THE COURT: -- possible strongarm.  
11 MS. RADOSTA: Yes.  
12 MS. HOLTHUS: She also knew that Officer Brinkley  
13 had been interviewed by Metro during this investigation. She  
14 did have that information.  
15 THE COURT: Okay.  
16 MS. RADOSTA: Yes.  
17 THE COURT: And so you knew that much as well, so.  
18 MS. RADOSTA: And that information also came from my  
19 client during his interview with Metro.  
20 THE COURT: Okay.  
21 MS. RADOSTA: He provided Officer Brinkley's name.  
22 THE COURT: Okay.  
23 MS. RADOSTA: It didn't just come from Anita Sena.  
24 THE COURT: Well, when you --  
25 MS. RADOSTA: So --

1 THE COURT: -- when you reviewed Officer Brinkley's  
2 interview --

3 MS. RADOSTA: Um-hum.

4 THE COURT: Are they not asking him questions about  
5 whether or not there's other officers involved or who else  
6 would be able to assist or who else was with him or who has  
7 been --

8 MS. RADOSTA: In all honestly, Your Honor, I don't  
9 have Officer Brinkley's statement in front of me right now and  
10 I did not review it last night.

11 THE COURT: Okay.

12 MS. RADOSTA: I've reviewed it previously and I  
13 don't want to speak -- I mean, to be honest, Judge, we were  
14 going to do this at 1:00 o'clock. I was going to go back and  
15 review Officer Brinkley's interview in the -- in the meantime.  
16 So I'm at a -- I'm a little bit on the, you know --

17 THE COURT: Okay.

18 MS. RADOSTA: -- back on my heels right now.

19 THE COURT: All right. So -- so --

20 MS. RADOSTA: But --

21 THE COURT: -- if he didn't, what are you asking  
22 for?

23 MS. RADOSTA: We still don't know why they even went  
24 forward and investigated -- or even went forward and had a  
25 second interview with Anita. Detective Roberson did not know

1 why they set up a second interview, specifically to talk about  
2 Metro's involvement with the family.

3 THE COURT: Okay.

4 MS. RADOSTA: He had no recollection as to why they  
5 did that. I don't know if Detective Samples would remember  
6 that either, but it seems unusual that it wasn't an interview  
7 to talk about further allegations from Anita. This was an --  
8 this was an interview to possibly start an --

9 THE COURT: Okay.

10 MS. RADOSTA: -- investigation into Metro. And if  
11 they followed up on it or they didn't follow up on it; if they  
12 didn't follow up on it, other than to interview Officer  
13 Brinkley, then everything that Anita said in that interview is  
14 now not credible.

15 But I don't think that the Court would allow me to  
16 argue that without at least having a chance to talk to Officer  
17 -- or I'm sorry, Detective Samples, to see why he didn't  
18 follow up on the things that Anita told him, but -- but they  
19 didn't.

20 Apparently, they didn't. Apparently, somebody up  
21 the chain who didn't look at Anita's statement, who was  
22 briefed by somebody who was briefed on it, made a decision  
23 that the investigation isn't to go any further, whether --

24 THE COURT: Okay. Let me -- let me --

25 MS. RADOSTA: -- what did that --

1           THE COURT:  -- go back to your statement about your  
2 belief that Anita's statement wouldn't be credible.  I'm not  
3 understanding.  I'm not getting the connection there.

4           MS. RADOSTA:  Why didn't they follow up on the  
5 things that she told them that --

6           THE COURT:  Okay, I got you.

7           MS. RADOSTA:  -- officers were -- that officers were  
8 monitoring her behavior --

9           THE COURT:  Okay.

10          MS. RADOSTA:  -- were watching her and reporting  
11 back to --

12          THE COURT:  Well, didn't --

13          MS. RADOSTA:  -- my client.

14          THE COURT:  -- didn't -- didn't they follow up with  
15 it with regards to discussing or having an interview with  
16 Michael Brinkley?

17          MS. RADOSTA:  That's the only person that they --

18          THE COURT:  Okay.

19          MS. RADOSTA:  -- that's the only person that they --  
20 the only person they interviewed was the -- was the --

21          THE COURT:  Yeah, but is it -- is there --

22          MS. RADOSTA:  -- name that she gave them.  They did  
23 not do --

24          THE COURT:  Could --

25          MS. RADOSTA:  -- apparently, as a matter of fact, I

1 -- we don't know this for sure.

2 MS. HOLTHUS: Well, it's cross-examination. I'm not  
3 sure what this has to do with this hearing --

4 MS. RADOSTA: I'd really appreciate it if I could  
5 just make my argument --

6 THE COURT: I -- yes, I'm just listening to you.

7 MS. RADOSTA: -- without -- without --

8 MS. HOLTHUS: I'm sorry.

9 MS. RADOSTA: -- I mean, I'm hearing --

10 THE COURT: No, I asked you to tell -- give me the  
11 understanding of what are you asking for? That's what --

12 MS. RADOSTA: At this point --

13 THE COURT: -- I'm trying to get at.

14 MS. RADOSTA: -- in time, Your Honor, I think, I  
15 mean, what we initially were asking for was because discovery  
16 of this nature was given to us the day -- the first day of  
17 trial, in my opinion, it's dismissal of the charges that is  
18 the proper remedy in this situation. This is, obviously, as  
19 we all know, a case that's been going on for quite some time.

20 This is a document that Anita has referred to, that  
21 I've asked for on countless occasions, that I've been told by  
22 the State does not exist. This interview did not exist.  
23 That's what I was told when I previously asked for it. That  
24 Anita was just mistaken --

25 THE COURT: Okay.

1 MS. RADOSTA: -- about being interviewed a second  
2 time. But now, on the morning of trial, we find out no, it  
3 does exist. And that potentially Metro did further  
4 investigation into their own involvement or maybe not  
5 investigate their own involvement.

6 THE COURT: Okay.

7 MS. RADOSTA: If they don't investigate their own  
8 involvement why didn't they? Is it because they didn't  
9 believe Anita, which goes to her credibility. Metro doesn't  
10 believe some of the things that she's telling them about the  
11 case. If they do investigate it and find out things happened  
12 or didn't, I mean, if they investigated and found out things  
13 didn't happen that also goes to her credibility.

14 Well, here's the issue where we're at now based on  
15 the -- what was presented here, is that do you really  
16 anticipate that you're going to get something beyond what was  
17 just told -- I mean, what was --

18 MS. RADOSTA: I would like to just --

19 THE COURT: -- just testified to?

20 MS. RADOSTA: -- be able to interview Detective  
21 Samples. And it's not my -- unfortunately, it is not my --  
22 well not unfortunately -- it's not my fault that he's not  
23 available.

24 THE COURT: Um-hum.

25 MS. RADOSTA: He's just not. And --

1 THE COURT: Have you reached out to him?

2 MS. RADOSTA: I found out about this last night,  
3 Your Honor.

4 THE COURT: Okay.

5 MS. RADOSTA: No, I did not reach out to Detective  
6 Samples. I found out about this last night.

7 THE COURT: Okay.

8 MS. RADOSTA: So and I anticipated he was going to  
9 be available for our trial dates. I know Your Honor thought  
10 that he recalled the State mentioning that he was going to be  
11 out of the jurisdiction. I don't recall that, but regardless.

12 THE COURT: Well, that was the whole reason we set  
13 it the way we set it was because I knew that there was going  
14 to be an issue with the officer. Mr. -- Mr. Sweetin had told  
15 me that, that the officer was going to be gone.

16 And so when I saw that the trial was going to last  
17 as long as it was, I was assured that he'd be here --

18 MS. RADOSTA: Um-hum.

19 THE COURT: -- at least during the trial, so.

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

21 THE COURT: Okay.

22 MS. RADOSTA: -- this issue has come up now. I  
23 don't think that we can be asked to move forward and get into  
24 the depths -- I mean, how can I cross-examine Anita at this  
25 point without knowing whether or not Metro considered her to

1 be a credible witness or not?

2 THE COURT: Okay.

3 MS. RADOSTA: I mean, once again, it's not my -- the  
4 State will say that they gave me all of these documents ahead  
5 of time. There is -- there's no transcript of the statement,  
6 Judge. The ROC that the State provided, the 437 or so pages  
7 of the Detective's notebook says, if I recall correctly, 437  
8 pages and one diagram. It does not say anything about disks  
9 being turned over at that point in time.

10 THE COURT: Okay. Besides -- besides what we've  
11 just addressed here, you said that you also had 150  
12 photographs that you hadn't seen --

13 MS. RADOSTA: Yes.

14 THE COURT: -- and two to three videos that you  
15 hadn't seen; is that it?

16 MS. RADOSTA: Well, this is one, and then the other  
17 video that I definitely --

18 THE COURT: Okay. This --

19 MS. RADOSTA: -- sure.

20 THE COURT: -- one here we're talking about?

21 MS. RADOSTA: This is one --

22 THE COURT: Okay.

23 MS. RADOSTA: -- of the two, and the other one is  
24 the two to three hour --

25 THE COURT: okay.

1 MS. RADOSTA: -- video of Terrie first being booked  
2 -- "booked" is not really the technical term.

3 THE COURT: Okay.

4 MS. RADOSTA: They bring her into a room, they  
5 handcuff her to a wall. They clean out her pockets.

6 THE COURT: Um-hum.

7 MS. HOLTHUS: That's her statement, Judge.

8 THE COURT: Okay.

9 MS. RADOSTA: No, it's not her statement. It's not  
10 her statement. It's -- it's after her statement. It's two  
11 days after her statement is given. It is December 11th, not  
12 December 9th.

13 THE COURT: Um-hum. Okay.

14 MS. RADOSTA: And then immediately thereafter, after  
15 they take Terrie out of the room they --

16 THE COURT: Is there anything that you could --

17 MS. RADOSTA: -- bring Deborah into the room.

18 THE COURT: -- see from that that you think would be  
19 exculpatory?

20 MS. RADOSTA: I don't know, because it's -- to be  
21 fair, Judge, it's three hours long.

22 THE COURT: Um-hum.

23 MS. RADOSTA: They talk to the detectives when this  
24 is all going on. I don't know if they say anything  
25 exculpatory.

1 THE COURT: Okay.

2 MS. RADOSTA: I really don't.

3 THE COURT: All right.

4 MS. RADOSTA: My guess is -- my guess is it's just,  
5 take stuff out of your pockets --

6 THE COURT: Um-hum.

7 MS. RADOSTA: -- here's your phone, here's your --  
8 but it's three hours long and I did not have an opportunity to  
9 review it in its entirety.

10 THE COURT: Okay.

11 MS. RADOSTA: But that was not turned over to me  
12 prior to yesterday, the photos and then this other Anita  
13 interview. As I stated to Your Honor earlier, according to  
14 Anita's testimony she also sat down with detectives another  
15 time and reviewed the videos in this case and other evidence.  
16 And in her opinion that was audio taped and/or video taped.

17 THE COURT: Okay.

18 MS. RADOSTA: That one has not been turned over to  
19 us, so.

20 THE COURT: Well, that could be because it -- that  
21 was --

22 MS. RADOSTA: Because it --

23 THE COURT: -- just her opinion --

24 MS. RADOSTA: -- right, exactly.

25 THE COURT: -- you know, so.

1 MS. RADOSTA: But as I said --  
2 THE COURT: No, I -- I understand what you're  
3 saying.  
4 MS. RADOSTA: So that's --  
5 THE COURT: Okay. Well, you said yesterday that you  
6 were looking -- as you were looking through that stack that it  
7 appeared that there was possibly a third one.  
8 MS. RADOSTA: There was --  
9 THE COURT: Is that not right?  
10 MS. RADOSTA: There is one with Brandon that is  
11 dated --  
12 THE COURT: Well, no, I'm just talking about Anita.  
13 MS. RADOSTA: Right. Anita --  
14 THE COURT: Yeah, you -- you were --  
15 MS. RADOSTA: No. No.  
16 THE COURT: -- you were thumbing through that --  
17 MS. RADOSTA: Right.  
18 THE COURT: -- stack yesterday and you --  
19 MS. RADOSTA: And I'll explain what --  
20 THE COURT: -- and you pulled out a couple.  
21 MS. RADOSTA: -- I'll explain what it was. The new  
22 statement from Anita, one of the disks that I got says October  
23 20th, 2014, and the other one says October 28th, 2014. They  
24 are -- one is the audio and one is the video, but they are  
25 just labeled on the disk incorrectly. They are both the same.

1 THE COURT: Okay.

2 MS. RADOSTA: So that is, yeah, I did -- when I  
3 looked at them last night.

4 THE COURT: So at least from what you can see is the  
5 only --

6 MS. RADOSTA: Right.

7 THE COURT: -- the only one that is this video here.

8 MS. RADOSTA: Yes.

9 THE COURT: And you're concerned right now, is that  
10 you're saying that you need to at least have the opportunity  
11 to speak with Detective Samples to find out and to investigate  
12 why they didn't do anything further than just interview  
13 Officer Michael Brinkley?

14 MS. RADOSTA: Or if they did do something further.

15 THE COURT: Okay.

16 MS. RADOSTA: I appreciate that Sergeant Roberson  
17 doesn't recall them doing anything further. But maybe --  
18 maybe they didn't interview anybody which is what Detective  
19 Roberson would have been made aware of, but maybe they did  
20 look into her allegations that other officers in the  
21 neighborhood were tracking her, and found something or didn't  
22 find something. Maybe they --

23 THE COURT: Well, is that -- is that her statement  
24 is based on what was told to her by your client or that she  
25 actually witnessed officers tracking her?

1 MS. RADOSTA: She said, in -- with regard to one  
2 specific incident, that she was at work --

3 THE COURT: Uh-huh.

4 MS. RADOSTA: -- and that there was some type -- and  
5 I think she said there was a bomb scare or something about a  
6 bomb at work.

7 THE COURT: Okay.

8 MS. RADOSTA: And by the time she got home it was  
9 not yet on the news, her father already knew all about it and  
10 he said his friends from Metro had called him and told him all  
11 about it.

12 THE COURT: Okay.

13 MS. RADOSTA: And so she felt that that was yet  
14 another way that he was using his Metro friends to monitor --  
15 to monitor her, to keep him informed of her whereabouts and  
16 what was going on in her life.

17 THE COURT: So -- so --

18 MS. RADOSTA: And she felt that it was --

19 THE COURT: -- if you were to find out through any  
20 additional investigation that there was no such issue  
21 involving Metro your position is is that she's not credible,  
22 even though you're -- she says your client told her that?

23 MS. RADOSTA: Because she says all of this happened  
24 and then there is no proof that any of it happened. So yes,  
25 that goes to her credibility, absolutely.

1 MS. HOLTHUS: Or her client's.

2 THE COURT: That Metro was involved?

3 MS. RADOSTA: No, that Anita says all of this stuff  
4 happened.

5 THE COURT: Okay.

6 MS. RADOSTA: And none of it happened. There wasn't  
7 -- I don't know if there was a bomb scare or --

8 THE COURT: Okay.

9 MS. RADOSTA: -- I don't know if Metro actually --  
10 if there was no bomb scare at work then nobody --

11 THE COURT: Well, wouldn't --

12 MS. RADOSTA: -- called --

13 THE COURT: Well, wouldn't you be able to  
14 independent of this information here just based on her saying  
15 that, is that you could've investigated that to see whether or  
16 not there was anything from Metro, the call out or anything or  
17 even --

18 MS. RADOSTA: Once again --

19 THE COURT: -- go to that work and say, was there  
20 ever a bomb scare or?

21 MS. RADOSTA: -- this was in her statement that I  
22 got yesterday, Judge.

23 THE COURT: Oh. Oh, okay. I'm sorry. I thought it  
24 was in her first -- okay.

25 MS. RADOSTA: Not that --

1 THE COURT: I gotcha.

2 MS. RADOSTA: -- not that Metro then --

3 THE COURT: Okay.

4 MS. RADOSTA: -- followed up on it with our client

5 and --

6 THE COURT: Okay. No, okay. I'm confusing because

7 I know that -- I know that you've had interviews from her

8 before.

9 MS. RADOSTA: Right.

10 THE COURT: And -- and now you're saying from the

11 interview yesterday she made a statement that she was at work

12 and there was a bomb scare and she got home and her father

13 said it was Metro and --

14 MS. RADOSTA: That Metro is monitoring her behavior

15 and --

16 THE COURT: Okay.

17 MS. RADOSTA: -- keeping an eye on her for him in an

18 effort to --

19 THE COURT: Okay. But she says that -- that her

20 father told her that.

21 MS. RADOSTA: It was her impression that that was

22 happening.

23 THE COURT: Okay.

24 MS. RADOSTA: Because when she got home her dad

25 already knew stuff that wasn't on the news.

1 THE COURT: Okay.

2 MS. RADOSTA: That's her -- not that her dad just  
3 said, oh yeah, Metro's watching you. She said --

4 THE COURT: But wasn't --

5 MS. RADOSTA: -- when I came home he already knew  
6 something that happened at work that he couldn't possibly have  
7 known except for --

8 THE COURT: Well, wasn't -- wasn't part of the -- I  
9 remember the facts in a previous motion --

10 MS. RADOSTA: Um-hum.

11 THE COURT: -- that had to do with -- do with your  
12 client having access to her at work --

13 MS. RADOSTA: Right. She had --

14 THE COURT: -- to prove some -- some of the --  
15 through her boss or through somebody that he knew at her  
16 work --

17 MS. RADOSTA: Um-hum.

18 THE COURT: -- because he would inform him when she  
19 got work when she -- -- when she left work [sic].

20 MS. RADOSTA: Right. That's another version of the  
21 same story.

22 THE COURT: Okay. So what --

23 MS. RADOSTA: That's just another version.

24 THE COURT: Okay.

25 MS. RADOSTA: So -- but which one -- I mean, once

1 again, then we get back to credibility.

2 THE COURT: Um-hum.

3 MS. RADOSTA: I mean --

4 THE COURT: Okay.

5 MS. RADOSTA: -- did Metro look into any of this and  
6 if they didn't look into any of this --

7 THE COURT: I got you.

8 MS. RADOSTA: -- why not?

9 THE COURT: Okay.

10 MS. RADOSTA: Is it because they just didn't feel --  
11 I mean, to be fair, they could have just shrugged their  
12 shoulders and said, uh, you know what, it's just worth our  
13 time to look into all of this stuff. But it could have been  
14 because they just thought there's no way there are Metro  
15 officers tracking this girl and reporting back to this guy and  
16 telling him all of her movements. That's just not credible.  
17 That's just not happening.

18 THE COURT: Okay.

19 MS. RADOSTA: But I don't have any idea which --

20 THE COURT: So what are you -- so what are you  
21 asking?

22 MS. RADOSTA: As I stated originally, Judge, I think  
23 just dumping all of this on me -- and I know the State  
24 continually says they don't see the relevance, they don't see  
25 the relevance. But this is now not just Anita. Anita's

1 testimony speaks to every other person involved in this case.  
2 She is going to get up there and she's going to talk about  
3 Brandon, she's going to get up there and talk about Deborah  
4 and Terri and their involvement.

5 She's going to get up there and talk about almost  
6 everybody involved in this case.

7 THE COURT: Well, isn't also Deborah and Terrie  
8 going to be talking about the involvements, I mean,  
9 independent of that? So --

10 MS. RADOSTA: Possibly. But Anita --

11 THE COURT: Okay.

12 MS. RADOSTA: -- is the one who's going to get up  
13 there and say, you know, all of these things were happening  
14 for years and years and years and --

15 THE COURT: Okay.

16 MS. RADOSTA: -- I was -- her credibility is kind  
17 of --

18 THE COURT: Okay. So what are you asking? Once  
19 again, what are you asking?

20 MS. RADOSTA: As I stated, we are asking that --  
21 because the -- the information that challenges her credibility  
22 is being dropped on us the day before trial, we're asking that  
23 the entire case be dismissed because her credibility is the  
24 bottom of a lot of the State's case. I don't disagree that  
25 there is video. I don't disagree.

1           But she is going to get up there and talk about her  
2 own 50-some counts that are part of the -- the State's case.  
3 She is going to say that Brandon is believable, and Ryan is  
4 believable, and Tails is believable, because of all of these  
5 things, and she is going to put herself out there --

6           THE COURT:   Okay.

7           MS. RADOSTA:  -- as a --

8           THE COURT:  Do you have an alternative to the Motion  
9 to Dismiss?

10          MS. RADOSTA:  I mean, if the Court is not inclined  
11 to grant that motion.

12          THE COURT:  Well, that's what I'm asking; do you  
13 have an alternative?

14          MS. RADOSTA:  I don't like giving you an option  
15 before you've -- before you've ruled on my first --

16          THE COURT:  All right.  Well, I'll --

17          MS. RADOSTA:  -- on my first -- but --

18          THE COURT:  -- rule on it then.

19          MS. RADOSTA:  But well, I mean, for the sake of  
20 argument then, Judge, I think if you're not inclined to grant  
21 the Motion to Dismiss --

22          THE COURT:  Um-hum.

23          MS. RADOSTA:  -- that we would have to ask for a  
24 continuance of the -- of the trial.  And --

25          THE COURT:  Okay.

1 MS. RADOSTA: -- with -- I mean, with the  
2 understanding --

3 THE COURT: And the continuance would be for the  
4 reason to investigate --

5 MS. RADOSTA: Right.

6 THE COURT: -- what was said on the -- on the  
7 10/22/2014 tape?

8 MS. RADOSTA: 10/20 -- I think it's 10/28, just to  
9 make sure the --

10 THE COURT: Oh, okay.

11 MS. RADOSTA: -- record -- I mean --

12 THE COURT: All right.

13 MS. RADOSTA: -- I just -- I just want it -- you  
14 know, I don't want it --

15 THE COURT: Okay.

16 MS. RADOSTA: 10/28/2014. We can possibly do our  
17 own investigation. It's quite difficult though for us to do  
18 any investigation into Metro. Our -- as I told you earlier,  
19 our -- our subpoenas get bounced back to us. We're told all  
20 discovery is available through the DA's office.

21 Even to subpoena Officer Brinkley for this case --

22 THE COURT: Um-hum.

23 MS. RADOSTA: -- we had to do a special subpoena to  
24 go through our -- Darren Richards [phonetic] who calls  
25 somebody at Metro to serve this. It's not just a normal

1 serving of a subpoena. So we would ask for a continuance of  
2 this matter for us to have an opportunity to cross Detective  
3 Samples outside the presence of the jury and possibly to do  
4 our own investigation if we are able to do the investigation.

5 THE COURT: To -- I -- I don't know about crossing  
6 him outside the presence of the jury. If you have an  
7 opportunity to interview him or --

8 MS. RADOSTA: Um-hum.

9 THE COURT: -- question him, that'd be different.

10 MS. RADOSTA: If he would make himself available to  
11 us that would be great. In our experience, that's not  
12 generally -- that's not generally what happens. Usually, if  
13 we are --

14 THE COURT: Have you even reached out to him at all?

15 MS. RADOSTA: I have not reached out to Detective --

16 THE COURT: Have you reached out to any of the  
17 officers and said hey, or detectives, we'd like to interview  
18 you?

19 MS. RADOSTA: If we had contact information for them  
20 we would, Judge. We get --

21 THE COURT: You do.

22 MS. RADOSTA: -- we -- what? We don't.

23 THE COURT: You do, care of Metropolitan Police  
24 Department.

25 MS. RADOSTA: I'm just -- I mean --

1           THE COURT: Or care of the DA's office. That's why  
2 I'm just saying, did you -- have you tried to even reach out  
3 to any of them?  
4           MS. RADOSTA: No, I have not, Judge.  
5           THE COURT: Okay. Okay.  
6           MS. RADOSTA: I have not.  
7           THE COURT: Okay. Okay, all right.  
8           MS. RADOSTA: Because additionally, with regarding  
9 this particular issue, I didn't know it existed until --  
10          THE COURT: No, no, no, I understand that. I do.  
11 I do. I --  
12          MS. RADOSTA: I mean, other than that, for the sake  
13 of argument --  
14          THE COURT: Okay.  
15          MS. RADOSTA: -- he did his investigation, he wrote  
16 his reports. There was no need for us to reach out --  
17          THE COURT: Um-hum.  
18          MS. RADOSTA: -- to him. We did, I think, try to  
19 reach out to Officer Brinkley at one point in time because I  
20 think it was prior to us getting his interview --  
21          THE COURT: Uh-huh.  
22          MS. RADOSTA: -- and we were curious if he had been  
23 interviewed. And then eventually over the course of this case  
24 the interview showed up.  
25          THE COURT: So you actually -- did you actually --

1 have you actually talked to him other than --

2 MS. RADOSTA: I don't --

3 THE COURT: Okay.

4 MS. RADOSTA: I'll -- I don't --

5 THE COURT: Other than the interview that's been

6 provided to you or the one that they had here, have you

7 interviewed him at all?

8 MS. RADOSTA: I don't recall off -- we did not

9 actually sit down with him and have --

10 THE COURT: Okay.

11 MS. RADOSTA: -- an interview with him. I don't --

12 THE COURT: Okay.

13 MS. RADOSTA: -- recall if we actually ever, beyond

14 reaching out to him --

15 THE COURT: Well, the reason I ask --

16 MS. RADOSTA: -- got -- got a call back from him.

17 THE COURT: The reason I ask is it appears to me --

18 and I -- I don't have the interview. I don't know and you

19 guys can straighten me out if I'm wrong -- it appears to me

20 though at least from what was -- what I heard from the

21 testimony from the Sergeant is that they interviewed Michael

22 Brinkley because of what was said about his relationship with

23 your client.

24 MS. RADOSTA: Um-hum.

25 THE COURT: And that -- and the Sergeant was talking

1 about there are questions or interview was geared towards  
2 whether or not he had information about other officers.

3 MS. RADOSTA: And I don't --

4 THE COURT: That's --

5 MS. RADOSTA: -- as I said, Judge, I haven't  
6 reviewed Detective Brinkley --

7 THE COURT: Okay.

8 MS. RADOSTA: -- or Officer Brinkley's statement in  
9 the last couple of months.

10 THE COURT: Okay. Because well that was what the  
11 Sergeant's testimony was is that -- and -- because -- and he  
12 used the word -- I even wrote it down -- in like plural with  
13 -- with "officers" --

14 MS. RADOSTA: Um-hum.

15 THE COURT: -- and he said -- knew these officers  
16 that, you know, and you even asked questions about, did you  
17 interview any other officers? He said, no, and they --

18 MS. RADOSTA: Right.

19 THE COURT: -- they basically interviewed Brinkley  
20 because of his relationship with them and -- and that's what  
21 -- I -- and you don't remember the interview to say whether or  
22 not they -- whether or not that was the crutch [sic] of that  
23 like to see whether or not the could fetter out if there was  
24 other individuals that had been to the house or --

25 MS. RADOSTA: I vaguely --

1 THE COURT: -- other officers?  
2 MS. RADOSTA: -- recall they were interested in  
3 Officer Brinkley's going over to the house --  
4 THE COURT: Uh-huh.  
5 MS. RADOSTA: -- and being inside the house. I  
6 don't honestly recall if they --  
7 THE COURT: Okay.  
8 MS. RADOSTA: -- asked him if he knew of any other  
9 officers or anybody else that was that close with Mr. Sena.  
10 THE COURT: All right.  
11 MS. RADOSTA: But this is -- as I stated earlier, my  
12 client gave Officer Brinkley's name to detectives during his  
13 interview with detectives as a friend of the family.  
14 THE COURT: Okay.  
15 MS. RADOSTA: So the fact that they interviewed  
16 Brinkley didn't necessarily send out bells and whistles to me  
17 that Metro was doing any type of investigation. Your  
18 defendant here is giving the name of an officer that he says  
19 is a family friend and I would think naturally Metro is going  
20 to go talk to that guy --  
21 THE COURT: Okay.  
22 MS. RADOSTA: -- to allow that guy, that officer to  
23 get his statement on the record as to whether or not he saw  
24 anything.  
25 THE COURT: Okay.

1 MS. RADOSTA: To me it didn't send off bells and  
2 whistles that they were doing any other --

3 THE COURT: All right. I understand.

4 MS. RADOSTA: -- investigation.

5 THE COURT: I do. Okay. So -- so you have a Motion  
6 to Dismiss on the grounds that the State has failed to provide  
7 discovery to you and in the alternative your motion would be  
8 to continue; correct?

9 MS. RADOSTA: Yes, Your Honor.

10 THE COURT: Does -- Mr. Sweetin, Ms. Holthus, do you  
11 want to respond to that?

12 MS. HOLTHUS: I don't think there's any basis -- you  
13 want me to?

14 MR. SWEETIN: Sure.

15 MS. HOLTHUS: I don't think there's any basis for  
16 dismissal, Judge. It was provided. It was provided, quite  
17 frankly, well in advance of trial. We're still picking a  
18 jury. We're going to go over the weekend.

19 The only thing that they pointed to, and we believe  
20 it has been previously produced, but since Ms. Radosta hasn't  
21 listened to any of them now or then, until this past weekend,  
22 I'm not sure that she's in a position to say whether -- what  
23 it was, is a 30 to 35-minute tape of Anita giving the name of  
24 an officer which we have had -- we've -- I think didn't need  
25 to but we, in an abundance of caution, called in Eric Roberson

1 to have him talk about, this was done. They followed up. The  
2 only follow up done by Metro, he would have been aware of it,  
3 it was under his supervision, was this interview with Brinkley  
4 which they've already had, so they were already aware of the  
5 issue in advance.

6 So I don't know what the prejudice is. There's  
7 certainly no, I mean, exculpatory or any other -- I mean, they  
8 have no right to interview Larry Samples. They have a right  
9 to the information, they can cross-examine him.

10 If he says something on the stand that they say, oh,  
11 we would need to do something, they can ask for more time at  
12 this point.

13 This -- this is so much ado about nothing. There's  
14 no basis whatsoever for dismissal.

15 THE COURT: Okay.

16 MS. HOLTHUS: Neither is there any grounds for a  
17 continuance. What are they going to do? We -- we've -- we've  
18 provided them more than they are going to get on their own.  
19 We've brought in the Metro Sergeant Lieutenant --

20 THE COURT: Okay.

21 MS. HOLTHUS: -- what --

22 THE COURT: Ms. Holthus, assuming that Ms. Radosta  
23 has not had anything associated with this type of tape, or  
24 this -- the -- the October 28th, October 20th, 2014 interview  
25 of Anita; just assuming that, I mean, you're saying that you

1 believe that she had it, and she may have overlooked it or  
2 whatever. But -- but I'm accepting her representation here  
3 today that this is the first time that she's seen that; okay?

4           With that being said, in light of the information  
5 that she's -- that she's saying is in this interview, that  
6 Anita's explaining her relationship -- or her father's  
7 relationship with -- at least she believes based on albeit  
8 from her father or from what she thinks she observed or what  
9 she saw at work or -- or -- or on the way home or at their  
10 house or whatever, would it not be prudent for counsel for the  
11 defense to investigate that portion to challenge her  
12 credibility as she's saying?

13           MS. HOLTHUS: To --

14           THE COURT: And if she didn't know about it before,  
15 except for what her client's saying that -- that gives the  
16 name of Michael Brinkley, it wouldn't give her any reason to  
17 do any further investigation, like go to the store and look  
18 and see whether or not there was an actual report of a bomb  
19 threat or something. See if she can find out whether or not  
20 there's any type of information that would come from Metro or  
21 anything to that -- I mean, that's what I -- that's what I'm  
22 saying, because --

23           MS. HOLTHUS: I --

24           THE COURT: -- because right now the way I look at  
25 it, Anita is -- I'm not saying is the -- your number one

1 witness, but she's an important witness here --

2 MS. HOLTHUS: Could --

3 THE COURT: -- and I could understand --

4 MS. HOLTHUS: Could I ask --

5 THE COURT: -- Ms. --

6 MS. HOLTHUS: -- if -- if we could take a break.

7 THE COURT: Um-hum.

8 MS. HOLTHUS: We'll go listen, updated, I'm going to

9 give you a copy of the tape --

10 THE COURT: Okay.

11 MS. HOLTHUS: -- and Anita's statement. Because I

12 think we're -- I think they're talking about -- they're

13 leading the Court to believe something that's not --

14 THE COURT: What I'm --

15 MS. HOLTHUS: -- true.

16 THE COURT: What I'm going to do is we'll go ahead,

17 it's noon now. Can you be back at 2:00 and that will give you

18 an opportunity to review the Brinkley interview, give you an

19 opportunity to review the Brinkley interview as to this?

20 MS. RADOSTA: As far as the -- the tape --

21 THE COURT: Okay.

22 MS. RADOSTA: -- that was given to me last night --

23 THE COURT: Um-hum.

24 MS. RADOSTA: -- we don't have a transcript. I

25 don't think there is a transcript of the tape from last night.

1 MS. HOLTHUS: You have to listen to it.  
2 THE COURT: She just said can we go and listen to  
3 it.  
4 MS. RADOSTA: I apologize. I thought she said --  
5 THE COURT: That's what she --  
6 MS. RADOSTA: -- and provide a transcript for the  
7 Court.  
8 THE COURT: No, no, she said she was going to give  
9 me a copy of the tape.  
10 MS. HOLTHUS: I was going to give the tape and a  
11 transcript of the other statement so that she could see them  
12 in conjunction with each other and kind of see -- because like  
13 I said, I don't know that -- just so that you have an accurate  
14 picture of what's going with this.  
15 THE COURT: Okay. That's fair. 2:00 o'clock. Can  
16 I do?  
17 MS. HOLTHUS: We'll go burn you a disk and bring it  
18 right back.  
19 THE COURT: All right. We'll be back. Okay, we'll  
20 go off.  
21 (Court recessed at 11:57 A.M., until 2:04 P.M.)  
22 (Outside the presence of the prospective jurors)  
23 THE COURT: Okay. We're back on the record in Case  
24 No. C-311453, State of Nevada versus Christopher Sena. The  
25 record will reflect the presence of the defendant and his

1 counsel, as well as the State and their counsel. We're  
2 outside the presence of the prospective jury panel.

3 I continued this over until 2:00, so I could review  
4 the actual statement that was at issue of Anita and then I  
5 reviewed the interview with -- with Officer Brinkley. So,  
6 okay, did you want to address the Court any further?

7 MS. RADOSTA: The State was the one that wanted you  
8 to have those things, Judge.

9 THE COURT: Okay.

10 MS. RADOSTA: So I figured they would want to go  
11 first.

12 MS. HOLTHUS: Our position is the same, that there  
13 is nothing in there that requires any continuance of the case.  
14 There's nothing in particular that's new. I read the -- I  
15 have, over the last hour or two that we had, I've listened to  
16 it three different times.

17 Literally, ten minutes of it is nothing. It goes  
18 until the first 17 minutes and 37 seconds, essentially, talks  
19 about, for having cats, Deborah getting a job, her going to  
20 her therapy. She gets in about 3 minutes in, she talks about  
21 that Chris was buddies with the cops and it was kind of a you  
22 scratch my back, I'll scratch yours.

23 The only name she gives was Officer Brinkley. She  
24 indicates that he and his wife came over, that she didn't have  
25 any belief that Officer Brinkley or the wife had any idea what

1 their father was doing at the time, meaning, the -- the abuse  
2 that was going on in the house. She said that he would come  
3 over to the house sometimes and go into the office -- other  
4 office on -- hours on end but she didn't know what was going  
5 on.

6           They would discuss coalition meetings. She  
7 indicated the defendant went there every Tuesday. She didn't  
8 know any other buddies that came, it was just Brinkley that  
9 came by. She had known him about six months. There were  
10 other officers, one that used to come by, but he was  
11 restationed about a year-and-a-half ago and hadn't seen him  
12 since.

13           This issue about the City Stop, she says something  
14 about her boss told us -- told her to call in because there as  
15 a bum. She heard "bomb", b-o-m-b. She apparently calls it in  
16 as a bomb, and it's kind of like a laugh thing that it's  
17 really just a bum. But she says when she got home her dad  
18 said he knew already.

19           I was unclear from the recording whether she was  
20 saying it was her boss at work, or the cops that were filling  
21 her dad in on what was going on. But in any event, she  
22 indicated that he kept tabs on her. That was back in 2012.

23           She said that was at the City Stop which ultimately  
24 became the 7-Eleven at 6515 Lake Mead Boulevard by Hollywood  
25 and Lake Mead.

1           Then she talked about the defendant at one point  
2 working for Richard Zinger [phonetic] as a bodyguard. That  
3 he's supposedly wanted now. That he would hire and fire  
4 people. He would never pay them, never paid her dad. The  
5 majority of this comes up in other statements and other  
6 places. I don't think any of that's new.

7           She said that her dad said that there was a crime  
8 raid of eleven arrests per week, that he would always go out  
9 when somebody was being arrested, put -- with his gun and  
10 patrol the area with his friend.

11           There was several officers that would come by, but  
12 she was required to stay in the house and the only one she met  
13 was Brinkley and some other guy who was -- the other guy that  
14 she talked about a year-and-a-half ago whose name she didn't  
15 remember, they would talk about personal stuff, the coalition  
16 and fund raisers.

17           Her brother Brandon would hang with Brinkley. All  
18 the officers were professional at all times. She didn't know  
19 what her dad -- they -- none of them knew what her dad was  
20 doing.

21           At one point, they were talking about, did your dad  
22 say anything to the officers in front of you to make you  
23 afraid of them or whatever and she indicated that at one point  
24 he said, hey, remember these faces if you ever see them where  
25 they shouldn't be. At first, she thought it was protective

1 but eventually wasn't sure about that.

2 But she wasn't largely allowed to go outside when he  
3 was there. She describes about 15:50 going in, somebody named  
4 Zia [phonetic], some drug addict that was down the street and  
5 they weren't allowed to go down the street.

6 Talked about her dad would help cops by tackling  
7 people periodically. There would be lots of events and car  
8 washes. Again, goes back on how dad would go to the coalition  
9 meetings. He would volunteer for Metro and go to these  
10 meetings. In exchange, he would want his name spread around  
11 so he could get more business.

12 She did indicate at one point her dad was able to  
13 talk a cop out of a speeding ticket for Terrie in a school  
14 zone. And the -- one of the officers present -- this was  
15 during an event -- and he actually ripped up the ticket.

16 She indicated that her dad was there at Cici's  
17 Pizzeria when the cops got shot. You could see him, I think,  
18 setting up his equipment. He was trying to get his company  
19 off the ground, and that was essentially the "you scratch  
20 mine, I'll scratch yours" that he was looking for.

21 The business he had was called Knight Imaging,  
22 ultimately called Area 51. It's in all the pictures and  
23 whatnot at the time of the search warrant. At 17:37, the  
24 officer excuses himself, Samples, and he doesn't come back  
25 again until 25:07 at which point he basically asks her about

1 the family.

2 Anita indicates that she has seen her mom, Terrie,  
3 mom and he side of the family and some cousins, that her  
4 grandmother asked her -- ask Anita if it would be okay, if she  
5 would mind if she would testify against Chris. According to  
6 the grandmother, defendant fractured Deborah -- or Terrie's  
7 skull one time when Anita was little.

8 Another time, he took grandma out to the desert just  
9 like he did to Deborah in the instant case, and says, how do  
10 you like the view? But grandma was smart aleck about it and  
11 said it's a nice view. Grandma is Penny Clark, described her  
12 living at Bruce Street. Talk about getting the number from  
13 Grandpa, but as far as I could tell, they never got that  
14 number.

15 Grandma was afraid because she knew a lot what Chris  
16 was doing to Terri Mom so she was afraid. Then she goes on to  
17 say that mom's getting remarried November 10th. Going to go  
18 away for school for six weeks and then she'll be back. At  
19 some point, she indicates she's going to be a paralegal, and  
20 then she says, well, she's getting her Doctor's.

21 Describes she used to go to Phoenix and thinks she's  
22 probably going back to Phoenix. The -- at 29:52, Samples asks  
23 her, so are we good on the officers, is there anything else?  
24 And she says, yeah, there's -- we're not really allowed to see  
25 them. We just say "hi" to them.

1           Asked about Deborah, says she's good. She's reading  
2 a book on how to be a better parent or something. She's still  
3 working at Cox. Anita comments, that's good, because she  
4 makes more money to support us. At that point, Anita  
5 explains, I'm surprised that you don't have any pictures or  
6 videos to show me because dad used to tape and -- and video a  
7 lot of this stuff. Dad's a horn dog. I would think if  
8 there's some stuff you want me to see to ID.

9           At 31:21, that recording ends.

10           The majority of what's in here is in the Michael  
11 Brinkley. I don't see that there's anything new or -- new or  
12 any investigation. I don't see any prejudice as a result of  
13 this. They do have it prior to trial. If they needed a day  
14 or two to investigate something, again, I'm not sure what it  
15 would be.

16           To the extent that they want to talk about -- and  
17 I'm not even sure. She said something about, you know,  
18 calling up to see if there was this bomb threat because of  
19 Anita's credibility.

20           Under 50.085, specific instances, extrinsic evidence  
21 wouldn't be appropriate in any event, so that wouldn't be  
22 admissible. I don't see how any of that impacts her  
23 credibility in light of everything else that's coming in or  
24 the prejudice. So I would -- I mean, well, again, if the  
25 Court wanted to give them a day or two, but in light of

1 everything that's gone on, to give them anymore than that, and  
2 the -- the time the community has spent on the Jury  
3 Questionnaires and everything -- if there was something here,  
4 Judge, I have no problem. But I just -- I haven't seen it  
5 articulated. I don't see the prejudice. They had it in  
6 advance of trial. They had it on Tuesday. They could have  
7 asked for time.

8 I don't know why they didn't go home and listen to  
9 it last night. If I got something I was concerned about, I  
10 certainly would have. And then they, you know, come in and --  
11 and seek the continuance. I don't know, I'm just -- at this  
12 point, I don't see any grounds for a continuance even.

13 Honestly, I don't know what they could do with this  
14 information if we gave them six months.

15 THE COURT: Okay. Ms. Radosta?

16 MS. RADOSTA: First -- first, just I got it  
17 yesterday from the State. I did go home last night. I didn't  
18 listen to it minute-by-minute because there were other pieces  
19 of discovery that were also given to me yesterday that I felt  
20 I needed to review so that I could come in this morning and  
21 either address it, or not address it.

22 I did listen to it as soon as I got it. I just  
23 didn't listen to it in its entirety. I -- as I said earlier,  
24 I was surprised by the initial content of it, that it starts  
25 off with, the reason we're here today is to talk about your

1 dad's connection to Metro and the officers in the  
2 neighborhood. That was something completely new. It's never  
3 been mentioned in any police report that they were interested  
4 in that line of questioning with anybody in the family and  
5 with Anita in particular. So that was surprising to me.

6           Additionally, Your Honor, there is a lot of  
7 information that Anita gives to Detective Samples. She  
8 previously had mentioned the bomb/bum thing. She had never  
9 given a specific location of that. She said it was at a gas  
10 station that she worked at. But she's never specifically said  
11 which gas station, like the specific address.

12           And she does give a specific address now. Detective  
13 Samples does follow up on that, as far as I know. I don't  
14 know if he did anything else. This is the only information  
15 that we have.

16           She gives information about her grandmother, Penny  
17 Clark, who can corroborate things in the -- in the case and  
18 that's apparently not followed up on, at least as far as I  
19 know, from Detective Samples, either. This is the  
20 grandmother. She's saying she wants to be a witness in this  
21 case.

22           And for some reason, Detective Samples, from what I  
23 know, did not follow up on that as she is not -- no witness  
24 statements, no interviews, and she's not on the State's  
25 witness list. So as far as I know, that wasn't followed up

1 on.

2           There's a few other things. She says -- and Ms.  
3 Holthus I don't think specifically mentioned this in her  
4 recitation of what's on the tape. At one point she says on  
5 the tape, there were police officers over at our house all the  
6 time, all the time. You can ask the neighbors. They would be  
7 able to corroborate that there were police officers over here  
8 all the time, hanging out in our backyard.

9           What that says to me is, in Anita's mind, the  
10 neighbors would know because they have -- they're pulling up  
11 in their patrol vehicles. Otherwise, how would you know  
12 they're police officers, how would the neighbors know? And  
13 that the neighbors would even come over sometimes and go, hey,  
14 what's wrong? Oh, nope, they're just our friends hanging out.

15           These are all things she gave them on this interview  
16 which have never been provided to us before, that could have  
17 been followed up by Detective Samples, and for whatever reason  
18 he chose not to, or if he did, it's not documented anywhere.

19           Additionally, the idea, as I've said a couple of  
20 times before, while some of this information was referenced in  
21 Detective -- or in Officer Brinkley's interview, the idea that  
22 Metro is taking the initial step to talk to Anita about these  
23 allegations is completely new to us.

24           And they take the step to set up an interview. They  
25 even go so far as to interview Brinkley and then it stops

1 there and we have no idea why. And why does it take two-and-  
2 a-half months for them to interview Detective Brinkley?

3           These are all things that we found out about within  
4 the last 24 hours that we feel we need the opportunity to  
5 investigate ourselves. This morning, had Detective Samples  
6 been available, we were prepared to have a hearing outside the  
7 presence today to get into some of this stuff, but  
8 unfortunately, he's not available at this point in time.

9           Furthermore, the State's -- part of the State's  
10 theory in the case here is that the reason that the kids did  
11 not report this to the police officers that they were around  
12 all the time was because of this supposed threat from my  
13 client that he knew police officers and that he had the police  
14 on his side essentially, and so there's no point in going to  
15 report to the police because they're going to side with me  
16 anyway.

17           And Detective Samples gets information of that  
18 nature from Anita. There were cops over at our house all the  
19 time. Yes, she gave them the one name of Brinkley, but beyond  
20 that, doesn't check the neighborhood rolls of what police  
21 officers are assigned to the neighborhood. Doesn't check with  
22 the neighbors to see if, you know, there are people pulling up  
23 to the house all the time, just takes the information and does  
24 nothing with it.

25           It actually goes directly to the State's theory as

1 to why the kids didn't report. Why didn't he follow up on  
2 this stuff? I don't know. I -- it's -- it's beyond me, to be  
3 honest with you.

4 But this is information that we just received within  
5 the last 24 hours. Additionally, while there is information,  
6 some of this in Officer Brinkley's report, a lot of it is  
7 actually contradicted in Officer Brinkley's interview, things  
8 that Anita tells him, or things that Anita tells Detective  
9 Samples are -- are contradicted by Brinkley. And they don't do  
10 anything to investigate further about that.

11 Anita says, we were never allowed access to the  
12 detectives or to the officers that came over to the house. We  
13 were pretty much always kept in the house. Officer Brinkley  
14 says, oh, no, no, no, as a matter of fact, Brandon used to  
15 hang out with me in the back shed and he was teaching me how  
16 to play guitar and we were alone together a bunch of times.

17 Tails and I, and my wife and his girlfriend, we all  
18 hang out -- hung out together, just not all that long ago. So  
19 it's completely contradictory of what Anita said to -- to --  
20 I'm not misrepresenting -- sorry, Mr. Sweetin, I can hear you.

21 I'm not misrepresenting what is said in Detective --  
22 in Officer Brinkley's statement versus what Anita says. She  
23 said in the audio that, we were not allowed out back with the  
24 officers when they would come over. I knew Brinkley and his  
25 wife, but other than that, we were not allowed out back. We

1 were not allowed to interact with them.

2           So there's -- there are many things that we have  
3 issue with regarding the investigation that was started and  
4 potentially stopped and we don't know why. It goes to our --  
5 it goes to the credibility of Anita, I think, intrinsically.

6           It just -- the -- Detective Samples doesn't follow  
7 up on this stuff mostly likely it's because the things that  
8 she's saying, such as, for the sake of argument, that my -- my  
9 dad, you know, he tackled the guy, and he helped the cops  
10 arrest somebody, and the -- you know, like super hero type of  
11 stuff.

12           You know, it just sounds a little too far fetched.  
13 And maybe they didn't follow up on it because of that stuff; I  
14 don't know. But we are at a situation right now, Judge where  
15 we are unable to ask Detective Samples about this -- this  
16 stuff because he's unavailable right now.

17           We can do our own investigation as far as we can  
18 into this stuff, but it does impact our potential defense  
19 because Anita is such an integral part of the State's case.  
20 She's not, for the sake of argument, Tamara Grisham, or  
21 Melissa Clark, who's going to come in here and talk about a  
22 couple of counts.

23           Anita is 53 counts of the State's case and she is  
24 part of the reason why they left the house that night, she's  
25 part of why Brandon stepped forward and made his accusations,

1 as well. She's been completely supportive of Deborah. She is  
2 a huge part of this case, Your Honor.

3 And her credibility and why the Metro did or did not  
4 follow up on a lot of these things will affect our defense.  
5 And for those reasons, Judge, we feel it's essential for us to  
6 have a continuance, at least until we can talk to Detective  
7 Samples.

8 THE COURT: Have you talked to your client about a  
9 continuance in this matter?

10 MS. RADOSTA: We -- when we first were dealing with  
11 this this morning we said that that might a possibility, yes.

12 THE COURT: Okay. And what's -- what's your  
13 position?

14 THE DEFENDANT: I -- I'd like -- oh, I'm sorry -- I  
15 -- I would like to listen from Detective Samples.

16 THE COURT: So -- so you -- you would agree with  
17 your attorney asking for a continuance in this matter?

18 THE DEFENDANT: Yes, I would.

19 THE COURT: Okay. Okay. Anything further, Ms.  
20 Radosta?

21 MS. RADOSTA: No, not at this time, Your Honor.

22 THE COURT: Anything further?

23 MS. HOLTHUS: Judge, I just -- in everything that  
24 she's said, I have yet to hear anything that requires a  
25 continuance. I have yet to hear what she's going to

1 investigate. She has pages and pages of things Anita said.  
2 I'll bet you dollars to donuts she hasn't gone out and  
3 investigated every statement in there to see if she could find  
4 contrary.

5           At the end of the day, if they go knock on the  
6 neighbor's door and the neighbor says, no, the cops weren't  
7 always there, then she says to Anita, isn't it true you told  
8 Samples that the cops were always there? They weren't really  
9 always there, were they? And she says, yes or no, she's stuck  
10 with the answer.

11           So there's not -- it's not going anywhere in terms  
12 of that credibility. There were oodles of statements that I  
13 don't think have -- I think this is -- is -- with all due  
14 respect -- an excuse to get a continuance.

15           And I -- I -- she has yet to tell me what she's  
16 going to do. You know, so if she -- if she gets to 7-Eleven  
17 and there is or there isn't a bomb report, what does that --  
18 what impact does that have? How does that change anything?

19           Again, extrinsic evidence can be, so she asks Anita  
20 on the stand, isn't it true you didn't really call in a bomb  
21 threat? You made that up when you talked to Samples? And she  
22 goes, no, or yes, or whatever she says, they're stuck with the  
23 answer.

24           So I -- I haven't seen them make a record of any,  
25 even by a stretch of imagination, what this could lead to.

1 There is no requirement that they be allowed to pretrial a  
2 detective ahead of time, that they have the opportunity.

3 Everything that she said, Judge, is absolutely fair  
4 fodder for cross-examination. I absolutely have no problem if  
5 she says, you know, to Anita, that Detective Samples, this is  
6 the information you gave, this is the information you got, and  
7 you didn't follow-up, why not? Is it because you didn't  
8 believe Anita? Although, I think a lot of what she's talking  
9 about would be asking Metro to vouch for her and I don't think  
10 that anybody is going to allow that.

11 So I don't see where any of it leads to any  
12 admissible testimony, or evidence. And again, we have seven  
13 victims that have been waiting for four years for this case.  
14 It's extremely painful. They have been in and out of therapy,  
15 off and on suicide threats and whatnot.

16 And at some point we -- I think it's only fair that  
17 we balance them against -- if, again, this was something, but  
18 it's -- it's so minor that, you know, give her tomorrow to see  
19 what they can look at. We'll help out, if there's something  
20 they think that they need.

21 I don't think there's anything. I think we proceed  
22 right now and I don't have any concern with the record from my  
23 standpoint. I'll take this to the Supreme Court that what  
24 we've done is absolutely sufficient and that there is no  
25 evidence out there. In light of the overwhelming evidence, at

1 the end of the day, there is at least a lot of this on  
2 videotape. He confesses to having anal intercourse with his  
3 daughter.

4 And this -- literally we're talking, Judge, 17, 20  
5 minutes of conversation, none of which really is relevant or  
6 is going to have any place in this trial. Nothing  
7 exculpatory. I mean, nobody is alleging anything there. So I  
8 -- I don't see where this should necessitate all the members  
9 of our community and all of these victims to go through  
10 anything more.

11 THE COURT: Okay. Thank you.

12 Earlier, the defense had filed a motion to -- I  
13 mean, not filed but had raised an issue with the Court based  
14 on the discovery and the late disclosure of discovery, asked  
15 the Court to dismiss the matter.

16 I'm denying that motion. I don't believe that there  
17 is grounds to support that.

18 I've had an opportunity to review the -- listen to  
19 the taped -- the interview of -- of Ms. Sena, the date of it  
20 was October 28th, or October 20th, it's not clear when you  
21 look at it on the computer, there's two dates on there, but --  
22 and I reviewed the interview of Michael Brinkley, Officer  
23 Michael Brinkley.

24 I -- the concern the Court has is with the late  
25 discovery disclosure. In this particular case, there's been a

1 number of requests or a number of times we've been in court  
2 where there's been constant questions about another interview.  
3 I still don't even know whether or not this is the second  
4 interview that -- that Anita's talking about. I don't know  
5 either.

6 I'm always hopeful that everything is -- is turned  
7 over to the defense, and the defense reviews. But in this  
8 particular case, there is additional information that's  
9 provided that I think that the defense should have an  
10 opportunity to review that to determine whether or not there  
11 is anything to support their claim or their defense with  
12 regards to the credibility.

13 I -- what I'm going to do at this point in time is I  
14 am going to continue this case. I'm going to continue it for  
15 -- we have a date -- we're going to do it -- turn it around  
16 right away. I'm going to give you a short continuance of  
17 what, 30 -- about 30 days?

18 THE CLERK: It's the next stack so it's about four  
19 to five weeks.

20 THE COURT: Okay. And what I'm going to do is the  
21 jurors that we have here now that we went through, the jurors  
22 that we've dealt with already, I'm going to excuse them. I'm  
23 not going to hold them over. But the ones that you've already  
24 done the Jury Questionnaire for that we haven't questioned  
25 yet, I'm going to bring them in.

1 MS. RADOSTA: Okay.

2 THE COURT: They're going to start. So the ones  
3 that we've already went through that have been in this Court,  
4 I'm excusing them. I'm not going to ask them to hold off on  
5 this for that -- that length of time.

6 MS. HOLTHUS: Would the Court consider just  
7 continuing it until -- keeping everything status quo and just  
8 until Larry Samples comes back? We've got -- a lot of -- Mr.  
9 Sweetin --

10 THE COURT: I can't, because of my calendar.

11 MS. HOLTHUS: -- is out of the jurisdiction.

12 THE COURT: I -- I set this aside for -- for -- to  
13 accommodate this case that we've been dealing with for a  
14 number -- a number of years. And I set this time. This was  
15 set for just that.

16 And then I go into a civil trial, and my civil stack  
17 that's going to take my whole civil stack, that I've set aside  
18 for them. They're up against the five-year rule. And so I  
19 can't. I can't -- and -- and --

20 MS. HOLTHUS: Wouldn't a week be sufficient?

21 THE COURT: What's that?

22 MS. HOLTHUS: Wouldn't a week be sufficient for  
23 defense? You have four weeks set aside. I would think the --  
24 the information -- I mean --

25 THE COURT: I know, but your argument, Mary Kay, is

1 that they don't need it at all.

2 MS. HOLTHUS: That's true. I -- I agree.

3 THE COURT: Your argument is, is that -- I know,  
4 that's what I'm saying. I -- I -- I do not want to have an  
5 issue with this at all. And the issue is more so in the fact  
6 that this was late disclosure. I mean, that's --

7 MS. HOLTHUS: Well --

8 THE COURT: -- how I look at it.

9 MS. HOLTHUS: -- we are still not -- we're not  
10 agreeing --

11 THE COURT: I know, but if --

12 MS. HOLTHUS: -- to that.

13 THE COURT: -- if you were to come in and show me  
14 some kind of document --

15 MS. HOLTHUS: We don't have it.

16 THE COURT: -- that showed me for sure that you had  
17 turned it over to them, I wouldn't even question it.

18 MS. HOLTHUS: I know. I know, Judge. It's --

19 THE COURT: And so the problem is, is that right  
20 now, Ms. Radosta is saying there's no way I have this, Judge.  
21 And there's nothing else to say otherwise.

22 And so -- and then I think she makes a compelling  
23 argument. And in my reviewing of it, contrary to what you  
24 believe, Ms. Holthus, is my review of it is that there are  
25 some things in there that when they're challenging the

1 credibility of Anita, could be something to question.

2           Whether it goes anywhere, I don't know. I don't  
3 know what their intention is for investigating it. And, quite  
4 frankly, I am a little bit -- I'm hearing you with regards to  
5 the Detective coming back later. We may have been able to  
6 resolve it today if he would have been to -- if we could have  
7 been able to question him.

8           But I -- I don't know. I mean, that's -- that's --  
9 so the only thing -- option I have, because if I even wait a  
10 week, then I go into that next -- I'm going to bump it right  
11 into my stack that I have scheduled to start my -- that civil  
12 trial.

13           MS. HOLTHUS: When is that one?

14           THE COURT: That's -- that's going to take -- it's  
15 the first week of my -- when I go out of this one, because  
16 what I -- what I had scheduled, is if I got past the September  
17 and started into October, obviously, I'm not going to stop you  
18 if we're at the very end of it, and they know about that.

19           But to continue it for a full week, I'm -- and I  
20 just don't think it's enough time. I'm going to give them  
21 that opportunity. So that's what I'm going to do. I'm going  
22 to -- I'm --

23           MS. HOLTHUS: Oh, Mr. Sweetin's unavailable.

24           THE COURT: What's that?

25           MR. SWEETIN: Well, the last week of October I'm --

1 I've got a previously scheduled trip that I'm going on.  
2 MS. RADOSTA: When --  
3 THE COURT: Okay. Well --  
4 MS. RADOSTA: When is this --  
5 THE CLERK: The trial date isn't until November  
6 13th.  
7 MR. SWEETIN: Okay.  
8 THE COURT: Yeah.  
9 MR. SWEETIN: All right.  
10 THE COURT: Because October, the whole month of  
11 October, I'm going to be doing the civil matter, then I'll  
12 turn right around back in here. So are you -- you'll be  
13 available in -- in November; is that right?  
14 MR. SWEETIN: I should be.  
15 THE COURT: Okay. Here's what I see, and I'll tell  
16 you, I was scheduled for the Thanksgiving holiday, and I'm  
17 scheduled for the Christmas holiday. So but I don't want it  
18 to go all the way into Christmas because it -- I just don't.  
19 But -- but the Thanksgiving's not -- is that Thursday and --  
20 that Thursday and Friday, and we usually take the whole week,  
21 but I'm not going to do that. I'll go the first three days.  
22 So you'll have -- the 13th is the week before, is that the  
23 week before Thanksgiving?  
24 THE CLERK: No, it's two weeks before.  
25 THE COURT: Okay. So we'll --

1           THE CLERK: Or no, it's the week before, Your Honor.  
2 I'm sorry.  
3           THE COURT: The week before, and we'll do the three  
4 days, and then -- and then we'll go -- we'll have two or three  
5 weeks straight from there.  
6           THE CLERK: Yeah.  
7           MS. HOLTHUS: I was planning to be out of town for  
8 the holidays. I -- I --  
9           THE COURT: Well --  
10          MS. HOLTHUS: My understanding --  
11          THE COURT: -- I was, too.  
12          MS. HOLTHUS: -- was this -- and --  
13          THE COURT: I know, it's --  
14          MS. HOLTHUS: But I -- I --  
15          THE COURT: Mary Kay, it's -- it's -- I can't --  
16          MS. HOLTHUS: Could you --  
17          THE COURT: -- I can't get around --  
18          MS. HOLTHUS: Could you trade with the civil and  
19 give us their date and let them take --  
20          THE CLERK: They're on a five-year rule.  
21          THE COURT: Yeah.  
22          MS. HOLTHUS: Well, we're on a four-year rule with a  
23 criminal case. I mean, that seems like it's even --  
24          THE COURT: No. There's no statutory issue with  
25 that, so I mean, this is the only thing I can do. That's what

1 I'm going to do. I'm vacating the trial right now. I'm  
2 resetting it, and there's the dates.

3 MS. RADOSTA: Could we ask for one --

4 THE CLERK: Pretrial Conference --

5 MS. RADOSTA: -- minor accommodation, Judge, just  
6 one minor accommodation, to start on the 14th instead of the  
7 13th?

8 THE COURT: No.

9 MS. RADOSTA: Just for the record, just for the  
10 record, Your Honor, Mr. Negrete's out of town until the 12th  
11 for his brother's wedding and that was the only reason we  
12 asked for the accommodation. But if --

13 THE COURT: Well, that's the 12th.

14 MR. LOPEZ-NEGRETE: The Monday, right.

15 MS. RADOSTA: The --

16 THE CLERK: That's Veterans Day so we're --

17 MR. LOPEZ-NEGRETE: So I would be --

18 THE CLERK: -- dark.

19 MR. LOPEZ-NEGRETE: I would be flying back Monday.

20 THE COURT: So -- what's that?

21 THE CLERK: That's Veterans Day so it's dark anyway.

22 THE COURT: Yeah, so Tuesday will be the day we  
23 start and if Negrete's not here, I mean, we can -- you can go  
24 with jury selection until he gets here.

25 MS. RADOSTA: That -- that's true. I mean, to be

1 fair, I can --

2 THE COURT: And you've all reviewed the jury

3 instructions --

4 MS. RADOSTA: Yeah.

5 THE COURT: -- I mean, the Jury Questionnaires that

6 we had. I'm probably going to have to have them do some more

7 because they've already been told that we're going to be going

8 through this --

9 MS. RADOSTA: Yeah.

10 THE COURT: -- time frame so --

11 MS. RADOSTA: All right.

12 MS. HOLTHUS: We'll have to start over obviously,

13 right?

14 THE COURT: What's that?

15 MS. HOLTHUS: We'll have to start over with

16 everything, won't we?

17 THE COURT: The Jury Questionnaires we sent out,

18 five --

19 THE CLERK: 450.

20 THE COURT: -- 450 of them, of those 450, we have

21 excused a number of them, and we've talked to about 100 of

22 them in here yesterday. And so I'm excusing those -- the

23 individuals we talked in here, and the ones that we haven't

24 addressed, we can give you a list of who -- who's left.

25 That's where we're going to start.

1           So it'll be the -- the first 100 that we had, will  
2 not -- the ones that I'm going to -- they're going to come  
3 back tomorrow, I'm going to excuse them. And, I mean, I can't  
4 see holding them over, can you all?

5           MS. HOLTHUS: Yeah, I would -- well --

6           THE COURT: For -- you know, I mean --

7           MS. RADOSTA: I -- we -- yeah, I --

8           MS. HOLTHUS: I do -- can I -- one last pitch --

9           THE COURT: Okay.

10          MS. HOLTHUS: -- for this?

11          THE COURT: Well, I -- I --

12          MS. HOLTHUS: I thought --

13          THE COURT: -- I'm not -- I've made my mind up on  
14 the continuance. The only question --

15          MS. HOLTHUS: I -- I have a --

16          THE COURT: -- that I have now is with regards to  
17 the use of the jury -- the way we use the jury. My thought  
18 was is to release them because they've sat here and watched  
19 things going on and off, I mean, I don't know what they're  
20 thinking now. But -- but I mean, I'm not taking this lightly.  
21 I -- I've looked at this. I've talked to my colleagues. I've  
22 discussed things with them.

23               And it seems like all the consensus is, is to  
24 release the jurors that I've -- that we've started with and  
25 start with the remainder, and then have the Jury Commissioner

1 send out some additional questionnaires if we need to.

2 MS. RADOSTA: So as far as numbers go, Judge, how

3 many did we already bring in? In other --

4 THE COURT: We had -- we had --

5 MS. RADOSTA: -- words --

6 THE COURT: -- 97 in here yesterday --

7 MS. RADOSTA: So we -- we have --

8 THE COURT: -- is that right?

9 MS. RADOSTA: -- approximately --

10 THE MARSHAL: Approximately, yes.

11 MS. RADOSTA: -- between three to --

12 THE CLERK: I will get an updated list --

13 MS. RADOSTA: -- 325 left, maybe, or 300 --

14 THE CLERK: -- from Mariah and send it out.

15 MS. RADOSTA: -- left or so?

16 THE COURT: I would --

17 THE CLERK: I don't know based on --

18 THE COURT: -- say --

19 THE MARSHAL: 85.

20 THE COURT: We had how many yesterday?

21 THE MARSHAL: I think 85, if I counted right.

22 THE COURT: Okay.

23 MS. RADOSTA: Minus the people that we kicked

24 originally.

25 THE MARSHAL: So that's the original --

1 THE COURT: So there's roughly 150 --  
2 THE MARSHAL: -- number we had.  
3 THE COURT: -- about that would be affected here  
4 with regards to the ones that have asked to be excused because  
5 of being on trips.  
6 MS. RADOSTA: Yeah.  
7 MS. HOLTHUS: We would ask to keep what we have. We  
8 -- we've already -- that's a day that we've wasted if -- if we  
9 let them go. I mean, you can let them know that they won't  
10 have to come back until whatever such time, but that's -- I  
11 mean, that's a bunch of people that we've gone through  
12 already.  
13 THE COURT: Um-hum.  
14 MS. HOLTHUS: I -- I -- I --  
15 THE COURT: Do you see any damage doing that? I  
16 mean, do you see anything? I mean, if we talk to them  
17 tomorrow and say, hey, this needs to be continued over to this  
18 point, and give them until that date to come back, and then we  
19 -- we start over, do you see any downfall from that? That's  
20 what I --  
21 MS. RADOSTA: I -- off the top of my head, Judge, I  
22 honestly don't --  
23 THE COURT: Okay.  
24 MS. RADOSTA: -- I honestly don't know if there is.  
25 THE COURT: All right.

1 MS. RADOSTA: I mean, they've already been  
2 questioned somewhat.

3 THE COURT: Okay.

4 MS. RADOSTA: They're now going to sit for --

5 THE COURT: Well, what I can tell them --

6 MS. RADOSTA: -- two months --

7 THE COURT: -- when they come in tomorrow is to tell  
8 them that we are continuing it. Please understand, based on  
9 all the discussions that we've had, that you all understand  
10 that the trial will last about a month, so you need to come in  
11 and, you know, give us some understanding of the concerns that  
12 you may have and I'll readdress it when they come back.

13 And we already have a -- roughly 80 of them or  
14 something we can get home.

15 MS. RADOSTA: Can I -- can I -- since -- are you  
16 planning on bringing them -- I -- they're coming in tomorrow  
17 morning?

18 THE COURT: They're going to be here tomorrow at  
19 10:00.

20 MS. RADOSTA: Can -- can I give you an answer in the  
21 morning, Judge? I want to just confer -- about whether --

22 THE COURT: Well, I don't -- I mean --

23 MS. RADOSTA: -- what --

24 THE COURT: -- I don't care. I mean, I -- I --

25 MS. RADOSTA: Yeah.

1 MS. HOLTHUS: Can we do a Status Check at --  
2 THE COURT: I will tell you though that my -- my  
3 discussion with my brethren is that -- is to release them all.  
4 MS. RADOSTA: That's kind of where --  
5 THE COURT: And come back to --  
6 MS. RADOSTA: -- we were at, Judge, is we thought --  
7 THE COURT: Well, so I --  
8 MS. RADOSTA: -- but --  
9 THE COURT: I'm just telling you, that's been -- but  
10 no one has really said --  
11 MR. SWEETIN: Yeah.  
12 THE COURT: -- why it was a big deal.  
13 MR. SWEETIN: We'd rather keep them for a couple  
14 reasons.  
15 THE COURT: Okay.  
16 MR. SWEETIN: We've -- we've already spent some time  
17 on them here in court.  
18 THE COURT: Right.  
19 MR. SWEETIN: We've got a good panel, because  
20 defense counsel's requested demographics on the panel and  
21 they're basically right down the middle. It's -- it's a very  
22 good --  
23 THE COURT: Okay.  
24 MS. RADOSTA: But --  
25 MR. SWEETIN: -- panel. I don't see any reason to

1 release them.

2 THE COURT: Okay.

3 MS. RADOSTA: But we're not talking about --

4 MR. SWEETIN: And one other thing --

5 MS. RADOSTA: -- just so I'm clear, we're not  
6 talking about releasing the whole panel, just the -- the  
7 hundred that were in court, right?

8 THE COURT: Right. That's what -- that's what I am  
9 at least talking about right now.

10 MS. RADOSTA: Okay.

11 THE COURT: I'm not -- I'm not talking about -- Jim,  
12 I'm not talking about the ones that we haven't even talked to  
13 yet.

14 MR. SWEETIN: Um-hum.

15 THE COURT: So it'd be the rest of the Jury  
16 Questionnaires. It's just the ones that we've started with.  
17 And so let me think about it. We'll talk about it more before  
18 we get started tomorrow. But let me -- what about if I  
19 inquire of them? Since they've had, you know, see whether or  
20 not they'd be -- be up for --

21 MS. HOLTHUS: Want to come back?

22 THE COURT: -- coming back and, you know, it's just  
23 that group because if they -- if we -- if they say "yes" and a  
24 majority of them will say "yes", well, then I'll bring them  
25 back. But if they're all, no, no, no, no, no, you know, I

1 mean --

2 MS. HOLTHUS: Well --

3 THE COURT: -- I don't know. I don't know. What do  
4 you -- what do you -- think about it --

5 MS. HOLTHUS: Well, like I said, our -- our --

6 THE COURT: -- and mull it over; okay?

7 MS. HOLTHUS: -- position is to keep them. We've  
8 worked hard to get them to where they are.

9 THE COURT: Um-hum.

10 MS. HOLTHUS: We're opposed to the continuance  
11 anyway. We want to keep them.

12 THE COURT: Yeah.

13 MS. HOLTHUS: We were trying to shorten the  
14 continuance.

15 MR. SWEETIN: And it's -- it's really not that long  
16 when you think about it.

17 THE COURT: Yeah. Well, it might -- it might be  
18 fine for them so.

19 MR. SWEETIN: Yeah. And there's one other thing,  
20 because, you know, I -- I want to make sure defense counsel  
21 has everything.

22 THE COURT: Right.

23 MR. SWEETIN: The problem has been that I know Ms.  
24 Radosta has been busy, and we haven't been able to do a file  
25 review and whatnot. So what I would like to do is make a

1 complete list of everything, all the discovery --  
2 THE COURT: Okay.  
3 MR. SWEETIN: -- to send that to the Court, but cc  
4 Ms. Radosta, and to have her acknowledge --  
5 THE COURT: That'd be --  
6 MR. SWEETIN: -- that she has all that, and if she  
7 doesn't, to let me know and we can get it to her.  
8 THE COURT: That's fair.  
9 MS. RADOSTA: That's not a problem, Judge.  
10 THE COURT: Okay.  
11 MS. RADOSTA: That's kind of why we filed the  
12 discovery motion in the first place.  
13 MR. SWEETIN: Oh, my goodness.  
14 THE COURT: Well, no.  
15 MS. RADOSTA: Well, we did and it's all in the --  
16 THE COURT: Well --  
17 MS. RADOSTA: -- discovery motion. This --  
18 THE COURT: Jim --  
19 MS. RADOSTA: -- this is in the discovery --  
20 THE COURT: Jim, if --  
21 MS. RADOSTA: -- motion.  
22 THE COURT: Jim, if that's something that you want  
23 to do, that's fine.  
24 MR. SWEETIN: It is.  
25 THE COURT: The Court will welcome it. If you don't

1 do it, that's up to you. I'm not -- I'm not --  
2 MR. SWEETIN: Well, I will do it but --  
3 THE COURT: -- ordering you to do that.  
4 MR. SWEETIN: -- I would do it -- I'll do it. The  
5 problem that I have is I want Ms. Radosta to respond to it.  
6 THE COURT: Okay.  
7 MR. SWEETIN: And so I'm asking the Court to --  
8 MS. RADOSTA: And when have I ever --  
9 MR. SWEETIN: -- ask her to respond.  
10 MS. RADOSTA: -- not responded?  
11 THE COURT: Okay, well, then she said she would.  
12 MS. HOLTHUS: Court's indulgence.  
13 THE COURT: She said she would.  
14 MS. RADOSTA: Never --  
15 THE COURT: So she's going to make a list. Ms.  
16 Radosta -- before you -- before you give it to me, Jim, have  
17 her acknowledge or initial things that she has, then file that  
18 with the Court. That way we have it.  
19 MS. RADOSTA: And as -- as a point of reference,  
20 Ms. --  
21 THE COURT: And I'm going to mark both of these as  
22 Court's Exhibits; okay?  
23 MS. HOLTHUS: And can I make --  
24 MS. RADOSTA: -- Ms. Holthus just reference in her  
25 -- in her argument that there are -- they've been through

1 counseling, there have been suicide attempts, things of that  
2 nature --

3 THE COURT: Um-hum.

4 MS. RADOSTA: -- we know nothing about. So I'm not  
5 sure if that's discovery that hasn't been -- I don't know if  
6 that's even something the State would want to get into in all  
7 honesty.

8 THE COURT: Um-hum.

9 MS. RADOSTA: But that's something that was news to  
10 me today in court. So -- so just for the record --

11 MS. HOLTHUS: And for the record, she -- Brandon  
12 from the beginning of this has been talking about suicide. So  
13 there haven't been any -- I'm not talking about anything  
14 beyond that other than the emotional toll.

15 What I am going to ask though, Judge, if the Court  
16 would consider moving it into January. I don't think this is  
17 the kind of case that this family should have to deal with  
18 over the holidays. Traditionally, it's very, very difficult  
19 and, I mean, we don't to continue it at all. We want to go  
20 right now. We want to go next week, or the week after.

21 But when you're talking about doing it over  
22 Christmas, when you have this kind of injury, emotional injury  
23 and whatnot, it is magnified tenfold over the holidays.

24 THE COURT: All right. I'll consider it, and I'll  
25 talk to my staff and look at that, if I can accommodate that;

1 all right? Because I -- I'll tell you, it's -- it's -- well,  
2 I'll try.

3 MS. HOLTHUS: I --

4 THE COURT: I'm not -- I'm not promising it. I'll  
5 consider it. And I'll -- I'll address it more tomorrow at  
6 10:00 o'clock. In the meantime, I'll -- I'm going to discuss  
7 and find out what I'm going to do with regards to keeping this  
8 panel or -- or going beyond there.

9 MS. HOLTHUS: Obviously, if we went --

10 THE COURT: I -- I tend to agree, that to keep them,  
11 I do, because -- but I don't know if there's something -- I've  
12 never had to do this, where I've continued something over a  
13 period of time like this to -- it's always been like a week,  
14 or something, and we can keep the same panel, I've had, you  
15 know, in the past.

16 But this one, I -- okay. All right. So we'll see  
17 you tomorrow at 10:00 o'clock.

18 MS. RADOSTA: Thank you, Judge.

19 THE COURT: Okay? All right.

20 (Court recessed at 2:41 P.M., until Friday,  
21 September 7, 2018, at 10:18 A.M.)

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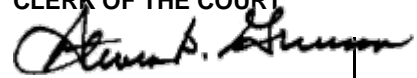
\* \* \* \* \*

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

*Julie Lord*

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VERBATIM DIGITAL REPORTING, LLC



RTRAN

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

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

FRIDAY, SEPTEMBER 7, 2018

**RECORDER'S TRANSCRIPT OF HEARING  
JURY TRIAL - DAY 3**

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

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

1                   LAS VEGAS, NEVADA, FRIDAY, SEPTEMBER 7, 2018

2                   (Case called at 10:18 A.M.)

3                   (Outside the presence of the prospective jury)

4                   THE COURT: Okay. We're on the record in Case C-  
5 311453, 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 State and their counsel.

8                   We're outside the presence of the jury panel.

9                   Yesterday, the -- we had considerable discussions  
10 and I'd made my decision that I'm going to continue this  
11 matter.

12                  Today, I wanted to see whether or not there was  
13 going to be any information or what I was going to decide on  
14 what we were going to do with the jury, and I've come up with  
15 a date that we can -- that I'm going to have to set this over.  
16 I think it will, I don't know, possibly appease everyone.

17                  But I -- I agree that if we try to do this -- start  
18 this, as I indicated, in -- in November and go into December,  
19 with all the holidays, I think we'll just have more problems  
20 with trying to get jurors in on those dates.

21                  So the best that I can do would be -- start the last  
22 -- is it the last week -- the last week of January. Then that  
23 gives us -- that's -- I'm cutting into the civil calendar.  
24 That would give me all of the -- the February dates. And so  
25 then we'd know upfront now.

1           With that being said, I talked to the Jury  
2 Commissioner about holding over the jurors and keeping the  
3 jurors that are here now, or using the jurors that we've --  
4 we've already given the jury questionnaires to. And in light  
5 of the fact that we've asked them to look at these dates that  
6 we're at, not at the future dates, what my inclination is, is  
7 to send out additional Jury Questionnaires, start new, and  
8 have them with the new dates and then address it then.

9           MS. RADOSTA: So all of the people that have done  
10 our Jury Questionnaire will be --

11          THE COURT: Excused.

12          MS. RADOSTA: -- excused and we're just going to  
13 start fresh?

14          THE COURT: That was -- that's my inclination.

15          MS. RADOSTA: If that's what -- I mean, we -- we  
16 were discussing yesterday about the date issue like how that  
17 could be addressed with the people we already have, and we  
18 really couldn't see a way around it other than to -- even with  
19 the people we have to send out a new -- new information to  
20 them, so if we have to send things out, we have to --

21          THE COURT: Well, my discussion --

22          MS. RADOSTA: -- you know --

23          THE COURT: -- with the Jury Commissioner is that --  
24 is that we would -- we would send out another letter --

25          MS. RADOSTA: Um-hum.

1 THE COURT: -- basically telling them that the  
2 dates have changed and they -- the Jury Questionnaire that  
3 they use would still be in effect. However, they'd have to  
4 notify the Court as to concerns with the -- and I -- and --

5 MS. RADOSTA: Just --

6 THE COURT: -- it seemed liked all -- the end of our  
7 discussion was is that the time frame of Thanksgiving and  
8 Christmas would just be a nightmare with that. So we were  
9 talking about how many additional individuals that I would  
10 need to ask for additional Jury Questionnaires to be done.

11 And I've just come to the decision that I'm just  
12 going to start new.

13 MS. RADOSTA: Okay. So when would we be sending --  
14 given with the holidays and everything, we'd be sending them  
15 out after the holidays? Have we figured that out yet?

16 THE COURT: Now, we'll probably have them come in --

17 THE CLERK: At least 30 days prior.

18 THE COURT: Yeah. They come in and fill --

19 MS. RADOSTA: So --

20 THE COURT: -- it all out here.

21 THE CLERK: So a week before.

22 MS. RADOSTA: So it would be a --

23 THE COURT: Yeah.

24 MS. RADOSTA: -- little bit before the holidays  
25 then?

1           THE COURT: And in light of what I -- what we've  
2 dealt with here basically in this, quote, "dry run" is that I  
3 -- it appears that I won't be the extent of the amount that I  
4 -- that we've sent out. I mean, we sent out 420 --

5           THE CLERK: 450.

6           THE COURT: 450 -- 450 questionnaires and I mean,  
7 unless something really goes wrong, I can't imagine that we're  
8 going to need more than 250.

9           MS. RADOSTA: Well, I think, you know, we started  
10 with 250 on this one, Judge, and I think in an abundance of  
11 caution. Then we did the second 200. So we can make that  
12 decision at a -- after the first 250 go out, if it seems --

13          THE COURT: Yeah.

14          MS. RADOSTA: -- problematic, we can do exactly what  
15 we did here --

16          THE COURT: All right.

17          MS. RADOSTA: -- if -- if necessary.

18          THE COURT: Before we go any further, Ms. Radosta,  
19 are you withdrawing your Motion to Continue?

20          MS. RADOSTA: No.

21          THE COURT: Okay. State, did you want to add  
22 anything to the --

23          MS. HOLTHUS: No, we -- we were just hoping that you  
24 were going to come in and say we could do it even before the  
25 13th and not but up against the --

1 THE COURT: Yeah.

2 MS. HOLTHUS: -- Thanksgiving and then we could have  
3 -- held some over and --

4 THE COURT: Well, I -- I tried. We even talked --  
5 talked about contacting the -- the attorneys in the case  
6 that's coming right behind this one. And that -- there's a --  
7 there's a big problem with that one. So I need to -- I  
8 couldn't. These two, for some reason, the way we -- well, the  
9 way we put it, I'm not saying it was anything all with you  
10 guys, it's the way I set my calendar with this.

11 And the push from the attorneys in the civil side on  
12 that other case, we tried to see if I can move it up, and we  
13 were going to contact them to see about pulling it forward and  
14 they won't. And they have experts and all that, so.

15 MS. HOLTHUS: Yeah, they don't move for --

16 THE COURT: I was going to --

17 MS. HOLTHUS: We just had hoped that --

18 THE COURT: -- flip flop it basically and see if we  
19 can -- you know -- and --

20 MS. HOLTHUS: That's what we were hoping because you  
21 had said 30 days and we're actually --

22 THE COURT: All right.

23 MS. HOLTHUS: -- going out 60 or 80.

24 THE COURT: Now, we're going to go -- yeah, we're  
25 going to --

1 MS. HOLTHUS: I --  
2 THE COURT: -- go out about -- about 90 days now,  
3 right? November, December, and part of January, so.  
4 MS. HOLTHUS: Yeah, we were hoping -- like I said,  
5 we wanted to come --  
6 THE COURT: September -- well, October, November,  
7 December.  
8 MS. HOLTHUS: -- and get it to trial before  
9 Thanksgiving. I certainly --  
10 THE COURT: No, I --  
11 MS. HOLTHUS: -- recognize that trying to get a jury  
12 in here over Christmas and Thanksgiving --  
13 THE COURT: Okay.  
14 MS. HOLTHUS: -- would just be --  
15 THE COURT: No, I know. I know, Ms. Holthus. And I  
16 -- I -- yeah, okay.  
17 All right. So I'm going to bring them in and --  
18 MR. SWEETIN: That's fine, Judge.  
19 THE COURT: Okay.  
20 MS. HOLTHUS: What's the actual trial?  
21 THE CLERK: The trial date is going to be January  
22 28th.  
23 THE COURT: Yeah.  
24 MR. SWEETIN: Okay.  
25 THE COURT: That's the last week in January, right?

1 THE CLERK: Correct.

2 THE COURT: Yeah.

3 MR. SWEETIN: That's fine.

4 THE CLERK: And the Pretrial Conference will be  
5 December 12th, and the Calendar Call is going to be January  
6 23rd.

7 THE COURT: Okay. And Mr. Sweetin, you wanted to  
8 make a record?

9 MR. SWEETIN: Yeah. Just to be clear, just so I can  
10 represent to the other Department, I'm sure this is a firm set  
11 and the Court's ordering me to be here for this trial.

12 THE COURT: Yeah. Yeah.

13 MR. SWEETIN: So I can represent that to the other  
14 Departments.

15 THE COURT: Yeah.

16 MR. SWEETIN: And then the second thing is, if we  
17 are going to send out the Jury Questionnaires, there's a typo  
18 on the questionnaire that -- that went out, so I need to  
19 correct that or --

20 THE COURT: Okay.

21 MR. SWEETIN: -- we to correct that before it goes  
22 out again.

23 THE COURT: Okay. All right.

24 MR. SWEETIN: Okay. All right.

25 THE COURT: So --

1 THE CLERK: Back in the dates we need to correct  
2 [inaudible].

3 THE COURT: Yeah, we need -- we need to correct the  
4 dates in the questionnaire, that type of thing, too, so we'd  
5 have to -- we'll have to do some corrections on it anyhow, so.

6 MS. RADOSTA: And --

7 MR. SWEETIN: Right.

8 MS. RADOSTA: -- yeah, was the typo the question  
9 about referring back to the other question?

10 MR. SWEETIN: There you go, yeah. There's --  
11 there's a question on there, I think it deals with talking  
12 about your prior --

13 MS. RADOSTA: It says if --

14 MR. SWEETIN: -- charges of sexual offense or  
15 whatnot, it says, give detail, or whatnot, or what happened to  
16 -- on this particular case, or whatnot.

17 THE COURT: All right.

18 MR. SWEETIN: And then it references another number.  
19 That's what it is.

20 MS. RADOSTA: That's -- yeah --

21 THE COURT: Okay.

22 MS. RADOSTA: -- it was -- I think it's Question 10  
23 or 11 and it says, and your answer to question 14 was --

24 THE COURT: All right. And while we're kind of  
25 talking about that right now, Ms. -- this is more geared

1 towards Ms. Radosta.

2 MS. RADOSTA: Um-hum.

3 THE COURT: I really appreciate the parties getting  
4 together and agreeing on certain individuals that they can't -  
5 - that they think wouldn't be appropriate for this case.

6 On the one question, number 20, I want to just  
7 remind you that our first juror number 1 was the one I was  
8 using as an example.

9 MS. RADOSTA: Um-hum.

10 THE COURT: And so I understand the concerns that  
11 the defense would have with that type of answer.

12 MS. RADOSTA: Right.

13 THE COURT: But when he answered the questions to  
14 me, after I believe he had an opportunity to reflect on what  
15 he answered previously, is -- and when he answered the  
16 questions to me is that he gave me no indication that there  
17 was grounds to strike him under that -- under his inability to  
18 be fair and impartial.

19 Now, I'm not -- I'm not forestalling you from asking  
20 questions further on that. I'm just saying that -- that  
21 recognize that that's the position that I -- I take with that.  
22 And -- and I -- I -- I am comfortable to believe that there is  
23 times that an individual can be traversed upon and that things  
24 change. And -- and, I mean, I gave you the case that they  
25 basically got on me about that issue --

1 MS. RADOSTA: Right.

2 THE COURT: -- because of -- and so, I feel  
3 comfortable with that. So -- so I'm just -- this is just for  
4 future understanding in this case. So obviously, make your  
5 notes of what you're going to do with that, but I will not  
6 entertain a Motion to Strike them solely based on that type of  
7 argument without further discussion with them.

8 MS. RADOSTA: Okay.

9 THE COURT: Okay?

10 MS. RADOSTA: Just -- that -- I appreciate you  
11 telling me you wouldn't entertain --

12 THE COURT: Okay.

13 MS. RADOSTA: -- the motion. For the record, we  
14 still might make the motion, Judge --

15 THE COURT: Okay.

16 MS. RADOSTA: -- to -- you know, I hear what you're  
17 saying.

18 THE COURT: Um-hum.

19 MS. RADOSTA: But we still have to --

20 THE COURT: I know, but you're asking me to do it  
21 upfront --

22 MS. RADOSTA: Yep.

23 THE COURT: -- before there's any discussion,  
24 anything further --

25 MS. RADOSTA: Um-hum.

1 THE COURT: -- any understanding about them even --  
2 MS. RADOSTA: Right.  
3 THE COURT: -- going through the -- and so --  
4 MS. HOLTHUS: Are we talking about the --  
5 THE COURT: -- yeah.  
6 MS. HOLTHUS: -- question that says, if you see  
7 somebody molest a kid on video can you keep an open mind? Is  
8 that the questions or --  
9 THE COURT: Yeah, I think -- it's number 20 and it  
10 talks about are you --  
11 MS. RADOSTA: Yes, can you be fair and impartial.  
12 THE COURT: -- will you promise that you can be,  
13 that type of thing. And so -- so that's what I'm just saying  
14 is that there -- even the ones that they say that, that say,  
15 no, I -- there was a couple that I saw that were pretty clear  
16 that it said, yeah, this -- this really bothers me and I --  
17 and I -- there's no way that I could be fair and all that. I  
18 understand that.  
19 And those are something that I think you guys get  
20 together and probably agree to in certain circumstances. But  
21 on some of them, I think it's only fair that we hear from  
22 them. And I will also tell you that there's a juror in this  
23 panel here that informed my Marshal -- and I was going to let  
24 you know if we went any further, and I'm just letting you know  
25 now, that she's one of the jurors, and she informed my Marshal

1 that she had been raped and did not -- did not wish to reveal  
2 that --

3 MS. RADOSTA: Um-hum.

4 THE COURT: -- to the rest of the -- rest of the  
5 panel.

6 MS. RADOSTA: Right.

7 THE COURT: And so what we were going to do is based  
8 on that fact is that make sure that in the next case I'll let  
9 them know if there's anything that they need to address with  
10 the Court outside of the -- you know, let my Marshal know.

11 MS. RADOSTA: Right.

12 THE COURT: And she understood that.

13 MS. RADOSTA: Yeah.

14 THE COURT: And so --

15 MS. RADOSTA: I think I --

16 THE COURT: -- I was going to be bringing her in and  
17 we were going to talk that. She said, I'll talk about it.  
18 But I will also tell you that I remember the questioning of  
19 her is that she said, yeah, I've -- I've -- I know of some  
20 experiences and I remember that. But she says, but I can be  
21 fair. I can -- I can listen to all the information and I can  
22 -- I can --

23 MS. RADOSTA: Um-hum.

24 THE COURT: -- address this. So but she just didn't  
25 want to tell everybody that she had been a rape victim.

1 MS. RADOSTA: And I understand that.

2 THE COURT: And so --

3 MS. RADOSTA: I think at one point, Judge, I had --

4 not to belabor the point, but I think I had raised the

5 possibility of the -- the need to do that. I mean, we've all

6 done a ton of these trials and we -- sadly, we do have to get

7 into that stuff. And some people just are not going to say it

8 in front --

9 THE COURT: Yeah.

10 MS. RADOSTA: -- of a hundred people --

11 THE COURT: Well, that's --

12 MS. RADOSTA: -- so.

13 THE COURT: -- that's -- I will tell you, that was

14 the one main reason that I was going forward with the Jury

15 Questionnaire --

16 MS. RADOSTA: Um-hum.

17 THE COURT: -- is because I felt that there would be

18 some additional information that they wouldn't be willing to

19 reveal here --

20 MS. RADOSTA: Right.

21 THE COURT: -- that we'd see in that.

22 MS. RADOSTA: Um-hum.

23 THE COURT: And that's -- that is the reason why I -

24 - I mean -- even though there was an objection and there was

25 an argument about that, I felt that it would be important, and

1 I think they're important in these type of cases. That's my  
2 -- that's my opinion.

3 MS. RADOSTA: Absolutely. The only other --

4 THE COURT: So what --

5 MS. RADOSTA: -- the only other point with --

6 THE COURT: Okay.

7 MS. RADOSTA: -- regard to the Jury Questionnaire is  
8 we understand there's going to be a chance to the typo and a  
9 chance to the dates.

10 THE COURT: Uh-huh.

11 MS. RADOSTA: We would -- we would like to see a  
12 copy of the Jury Questionnaire before it is sent out just to  
13 make sure that there aren't any other changes --

14 THE COURT: That's fine.

15 MS. RADOSTA: -- prior --

16 THE COURT: Okay. All right.

17 MS. RADOSTA: -- prior to it going to the jurors.

18 THE COURT: I'll tell you what, when -- when Mr.  
19 Sweetin or whoever is going to change the Jury Questionnaire,  
20 sends me a copy for my signature to sign, I'll get a copy sent  
21 over to you.

22 MS. RADOSTA: Thank you.

23 THE COURT: And if there's any argument about it,  
24 I'll -- we'll -- we'll talk about it --

25 MS. RADOSTA: Yeah, absolutely.

1 THE COURT: -- okay?

2 MS. RADOSTA: It's just -- you know --

3 THE COURT: Okay.

4 MS. RADOSTA: -- we had agreed to this one.

5 THE COURT: Um-hum.

6 MS. RADOSTA: I -- I would just want to make sure

7 that it's the same --

8 THE COURT: I can't believe that they'd change it,

9 but.

10 MS. HOLTHUS: Well, we certainly --

11 THE COURT: If that is that --

12 MS. HOLTHUS: -- would -- I did -- I did suggest

13 that --

14 THE COURT: Guys, is it getting that bad?

15 MS. HOLTHUS: Well, I did -- well, I suggested that

16 that question by it -- in and of itself is kind of -- but we

17 would --

18 THE COURT: Um-hum.

19 MS. HOLTHUS: -- certainly not change it without

20 talking to her.

21 THE COURT: I know. I know.

22 MS. HOLTHUS: And it's Jim's question --

23 THE COURT: Okay.

24 MS. HOLTHUS: -- so.

25 THE COURT: All right.

1 THE MARSHAL: One's missing.  
2 THE COURT: Which one's missing?  
3 THE MARSHAL: 165.  
4 THE COURT: Okay. What was that, Tia? Okay.  
5 THE MARSHAL: I'm sorry, yes, Juror No. 165.  
6 MS. HOLTHUS: We're just releasing them all, right?  
7 THE CLERK: That's Hast.  
8 THE MARSHAL: Yeah, that -- that was kind of -- I  
9 didn't know what that meant.  
10 THE CLERK: That's the one with the child, the one  
11 that she was supposed to come in the next -- the following  
12 day.  
13 THE COURT: She didn't come either day, did she?  
14 THE CLERK: I don't know [inaudible].  
15 THE COURT: All right. She's one that -- she showed  
16 up the first day with a -- with a child and I told her that  
17 she had to come back the next day and leave her child at home.  
18 She didn't come back. So I put it over until today and she's  
19 still not here. So on that one, I'm going to issue a Show  
20 Cause; okay?  
21 THE CLERK: Okay.  
22 THE COURT: So --  
23 THE MARSHAL: But everyone else is present and  
24 accounted for.  
25 THE COURT: Okay. All right. So go ahead -- is

1 there going to be enough room for them just to fit -- I don't  
2 need to put them all up here. We'll just stick them in the  
3 back because I'm going to -- I'm going to --

4 THE MARSHAL: Yes.

5 MS. HOLTHUS: They're going to be super angry  
6 probably --

7 THE COURT: Yeah.

8 MS. HOLTHUS: -- or happy, I guess.

9 THE COURT: That's why I don't want them to have to  
10 walk past you guys.

11 MS. HOLTHUS: I appreciate that.

12 MS. RADOSTA: I think they'll -- there will be maybe  
13 momentary angry.

14 MS. HOLTHUS: Don't tell them my name, please.

15 MS. RADOSTA: And then a lot of not.

16 MS. HOLTHUS: Could you use her name and not mine?

17 THE COURT: What's that?

18 THE MARSHAL: All rise for the entering jury.

19 (Prospective jurors enter at 10:31 A.M.)

20 (Inside the presence of the prospective jurors)

21 THE COURT: All right. Everybody go ahead and have  
22 a seat. All right.

23 All right. This is a continuation of jury selection  
24 in C-311453, State of Nevada versus Christopher Sena. For the  
25 record, we have all the presence of the defendant and his

1 counsel, as well as the State and their counsel, and all  
2 members of the prospective jury panel, short of the second  
3 group.

4 Does everyone agree with that?

5 MS. RADOSTA: Yes.

6 THE COURT: State?

7 MS. HOLTHUS: Yes.

8 THE COURT: Okay. Ladies and gentlemen, this is the  
9 third day that I've had you here. And we anticipated that  
10 this matter would probably take close to a week to get a --  
11 get a jury. There's another roughly 200 individuals behind  
12 you that I haven't even addressed yet.

13 What we're doing at this point in time, however,  
14 something came up during the proceedings that's going to  
15 facilitate a continuance of this matter. What I'm going to  
16 do, is I'm going to be releasing you all and thank you for  
17 being here.

18 We've discussed whether or not I would hold you for  
19 at least another month -- not here but, you know, in  
20 anticipation of doing this case, and I've come to the  
21 conclusion that we're going to send out another group of  
22 questionnaires for additional individuals, have them respond  
23 in the same manner in which you all did.

24 I will give you the understanding, though, if you  
25 want to come back and watch this matter, it's -- it's

1 certainly up to you. And we're going to be starting the trial  
2 the last week of January of next year. So I really appreciate  
3 you all being here. I apologize to you that we've -- that  
4 we've had to do it in this manner, but it happens. It's just  
5 -- it -- like I said, the hardest part about these cases is  
6 getting the trial -- or getting the jury.

7 I need to ask one question though; is Ann Hast here,  
8 Juror 165? She's not present. I'm going to issue a Show  
9 Cause on that; okay?

10 So if you -- if the issue comes up and individuals  
11 want to talk to you about this matter, you can. You can talk  
12 to anyone about the case now. Understand, though, if somebody  
13 comes up to you and says, hey, I just got a Jury Summons and I  
14 need to go in and fill out a questionnaire about maybe it  
15 might be this case for the next group; so don't talk to them  
16 about that, if it -- if that's something that you think.

17 So if you have any questions of the Court or  
18 anything about what has happened or any concerns about that,  
19 I'll address them. Not now, but I'll give you an opportunity  
20 if you want to contact me at any time, I'll be glad to talk to  
21 you about what has happened.

22 Also, you will not need to respond back to the Jury  
23 Commission Room. They're going to send you all a paycheck for  
24 all of your help and for -- well, you would have got it  
25 anyhow. It doesn't matter. So but is everyone -- got any

1 questions? For all of you that had other situations, I'm so  
2 sorry that we broke into your life for a little while, but at  
3 least you had an advance notice of it by when you did the  
4 questionnaire.

5 And I want to see if -- if -- is it Mr. Quan, did  
6 you get your cast off? All right. There you are. Good. So  
7 at least we all got to see that.

8 All right. So ladies and gentlemen, if you have no  
9 questions, are there any questions now, right now? No one has  
10 any questions.

11 I appreciate you all being here. You're excused  
12 from this. Make sure you -- well, did they tell you you could  
13 keep your badge?

14 THE MARSHAL: I need the plastic.

15 THE COURT: They just give them to you?

16 THE MARSHAL: Yeah.

17 THE COURT: My Marshal's going to meet you outside  
18 and take your badge off. He'll grab them all. And thank you  
19 so much. Go about your business. Okay, thank you.

20 THE MARSHAL: All rise for the exiting of the jury.

21 (Prospective jurors excused and exit at 10:38 A.M.)

22 (Outside the presence of the prospective jurors)

23 (Off-record bench conference)

24 MS. RADOSTA: Can I just put one other quick thing  
25 on the record, Judge?

1 THE COURT: Sure.

2 MS. RADOSTA: Regarding our -- the issue that came  
3 up yesterday with the new discovery and Detective Samples.  
4 The Court inquired of me if I had reached out to Detective  
5 Samples prior to this and I indicated to Your Honor that I had  
6 not. But in light of all of this, we of course plan to.

7 But twice yesterday during Ms. Holthus's comments  
8 addressed to the Court she stated that she did not believe  
9 that we were allowed to have a pretrial interview with the  
10 detective. I'm presuming she merely misspoke.

11 THE COURT: Yeah. Can't --

12 MS. RADOSTA: But she did say that yesterday, that  
13 she didn't think we were allowed to pretrial a detective.

14 THE COURT: Did she say allowed or didn't think that  
15 you were entitled to one or something; is that --

16 MS. HOLTHUS: That -- if I said that --

17 THE COURT: -- or obligated --

18 MS. HOLTHUS: -- I can't imagine why I would have --

19 THE COURT: -- or something --

20 MS. HOLTHUS: -- what I --

21 THE COURT: Well --

22 MS. HOLTHUS: -- was saying is she's not entitled to  
23 call a witness a head of time and put them on the stand and  
24 cross-examine them. There's no authority for that.

25 THE COURT: Yeah.

1 MS. HOLTHUS: So if I said it --  
2 THE COURT: Okay.  
3 MS. HOLTHUS: -- I misspoke.  
4 THE COURT: Well, I -- I think --  
5 MS. RADOSTA: Okay. If that -- and if that's --  
6 THE COURT: -- you can certainly --  
7 MS. RADOSTA: -- what --  
8 THE COURT: -- interview him. I'm not --  
9 MS. HOLTHUS: She can call him and --  
10 THE COURT: I'm not talking that position.  
11 MS. HOLTHUS: -- he can talk to her or not talk to  
12 her.  
13 MS. RADOSTA: Okay.  
14 THE COURT: Yeah.  
15 MS. HOLTHUS: I'm simply saying she -- you know, she  
16 was saying that she -- my understanding was she wanted to be  
17 able to put --  
18 THE COURT: I -- I would be really surprised that a  
19 detective would not entertain being questioned by the defense  
20 before -- I -- I -- that really surprised me. I don't think  
21 that they ever try to do anything to --  
22 MS. HOLTHUS: I don't think so.  
23 THE COURT: -- I mean --  
24 MS. RADOSTA: They don't -- they don't return our  
25 phone calls. We don't even get to the point where they --

1 where they --

2 MR. SWEETIN: Neither do I, so. Yeah, just kidding.

3 MS. RADOSTA: Yeah. Well, yeah.

4 THE COURT: Well, I mean --

5 MS. RADOSTA: So --

6 MS. HOLTHUS: I -- I've never heard that --

7 MS. RADOSTA: -- and I --

8 MS. HOLTHUS: -- I've never had a Detective call me

9 and say hey, the PD's calling me, do you care if I call or

10 what do you think, or anything.

11 THE COURT: Yeah. I -- I'm --

12 MS. HOLTHUS: I -- I've (indecipherable) --

13 MS. RADOSTA: I just wanted to --

14 THE COURT: I've --

15 MS. RADOSTA: -- make sure that what -- what she

16 said could have been taken one of two ways.

17 THE COURT: Okay.

18 MS. RADOSTA: And I just --

19 THE COURT: Well, let me -- let me --

20 MS. RADOSTA: -- that's all.

21 THE COURT: -- let me make it clear. If it was

22 taken to the point where you felt that the DA was in the

23 position that they were going to prevent this --

24 MS. RADOSTA: Right.

25 THE COURT: -- individual from interviewing with --

1 I don't think that's appropriate. And if I find that out,  
2 then I --

3 MS. RADOSTA: Right.

4 THE COURT: -- mean and I can honestly tell you the  
5 whole time -- I've never heard of a DA preventing somebody. I  
6 mean, I've -- I've heard of --

7 MS. HOLTHUS: I encourage it --

8 THE COURT: Okay.

9 MS. HOLTHUS: -- actually.

10 THE COURT: Okay. Encourage them to talk to the --  
11 yeah.

12 MS. HOLTHUS: Yeah. Absolutely.

13 THE COURT: Okay. So --

14 MS. HOLTHUS: Tell them about our case so that they  
15 do the right thing usually is why I'm doing it so that --

16 THE COURT: All right.

17 MS. HOLTHUS: -- you know, they understand.

18 THE COURT: So -- so --

19 MS. RADOSTA: That's fine.

20 THE COURT: -- if you run into issues with that, I'm  
21 sure that these deputies will assist you in maybe, you know,  
22 at least --

23 MS. RADOSTA: Well, and the comment --

24 THE COURT: -- talking to him.

25 MS. RADOSTA: -- right there was, I don't know about

1 that right now.

2 THE COURT: Okay.

3 MS. RADOSTA: That's -- so --

4 MS. HOLTHUS: Well, I'm just saying, I'm not going  
5 to commit to assisting --

6 THE COURT: I'm talking about just trying to see if  
7 they can --

8 MS. HOLTHUS: -- because then the next thing you  
9 know, if we don't --

10 THE COURT: Facilitate --

11 MS. HOLTHUS: -- it correctly --

12 THE COURT: -- at least a contact.

13 MS. HOLTHUS: -- she'll tell us we didn't do enough  
14 or whatever.

15 THE COURT: Would it be so much just to help  
16 facilitate a contact? I mean, the officer could say "yes" or  
17 "no". I mean, it's up to him. But if -- you know, I -- I'm  
18 not going to order you to do anything.

19 MS. HOLTHUS: Well, like I said, as soon as we start  
20 agreeing to take affirmative action, if we don't or if  
21 something happens then we're on the horn.

22 THE COURT: Okay.

23 MS. HOLTHUS: So no, I'm not agreeing to anything.

24 THE COURT: Okay.

25 MS. HOLTHUS: She can make her contact.

1 THE COURT: Okay.

2 MS. HOLTHUS: I certainly will not interfere.

3 THE COURT: All right. Okay. There we go.

4 MS. RADOSTA: I think that's --

5 THE COURT: That's --

6 MS. RADOSTA: Like I said, the comment could have  
7 been taken one of two ways. I just wanted to make sure that I  
8 misunderstood it in all honestly because I --

9 THE COURT: All right. Well, it doesn't appear that  
10 -- to me that they're trying to prevent anything, so.

11 MS. RADOSTA: That's fine, Judge. Thank you.

12 THE COURT: All right. Thanks, guys.

13 MS. HOLTHUS: Thank you.

14 MR. SWEETIN: Thank you.

15 THE COURT: Have a good one. We're off. Have a  
16 good weekend.

17 (Court adjourned at 10:43 A.M.)

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

*Julie Lord*

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CHRISTOPHER SENA, ) No. 79036  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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BY /s/ Carrie Connolly  
Employee, Clark County Public Defender's Office