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Respondent.

Electronically Filed  
May 20 2020 01:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

## Docket 79036 Document 2020-19235

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**Case No. 79036**

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1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,  
7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,  
10 Defendant.

CASE#: C-15-311453-1

DEPT. XIX

11  
12 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT JUDGE  
13 WEDNESDAY, SEPTEMBER 26, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **SHOW CAUSE HEARING**

16  
17 APPEARANCES:

18 For the State:

NO APPEARANCE  
Chief Deputy District Attorney

19  
20 For the Defendant:

NO APPEARANCE  
Deputy Public Defender

21  
22  
23  
24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 26, 2018

2 [Hearing began at 11:34 a.m.]

3 THE COURT: All right. If you hear your name I'm going to ask you  
4 to let me know you're here by saying here or present. Okay?

5 Is Alexander Dacko present?

6 MR. DACKO: Here.

7 THE COURT: Is Amy Schmidt present?

8 MS. SCHMIDT: Here.

9 THE COURT: Is Anne Marie De Marco Rehm present?

10 MS. REHM: Here.

11 THE COURT: Arieus Bazemore?

12 MR. BASEMORE: Here.

13 THE COURT: Bernadette Gervasi? Bernadette Gervasi? It's G-E-  
14 R-V-A-S-I? Not present. I'm going to issue a bench warrant for her.

15 Is Chonthida Sungkamee? It's S-U-N-G-K-A-M-E-E. That  
16 person present? Nope. I'm going to issue a bench warrant.

17 Christine Carafelli?

18 MS. CARAFELLI: Present.

19 THE COURT: Clinton Fontes?

20 MR. FONTES: Present.

21 THE COURT: Cristina Guadalupe Moya?

22 MS. MOYA: Present.

23 THE COURT: Donna Tillery?

24 MS. TILLERY: Here.

25 THE COURT: Dorothy Howell?

1 MS. HOWELL: Present.

2 THE COURT: Elizabeth Ruth Jensen?

3 MS. JENSEN: Here.

4 THE COURT: Eric Wolf?

5 MR. WOLF: Here.

6 THE COURT: Eric Nelson?

7 MR. NELSON: Present.

8 THE COURT: Esmeralda Buenrostro-Mendoza?

9 MS. MENDOZA: Here.

10 THE COURT: Jimmy Clausell? C-L-A-U-S-E-L-L? I'm going to

11 issue a bench warrant.

12 THE COURT: Jonathon Gish?

13 MR. GISH: Here.

14 THE COURT: Juan Ramos?

15 MR. RAMOS: Present.

16 THE COURT: Kimberly Dawn Sisneros-Shaffer? S-I-S-N-E-R-O-S -

17 S-H-A-F-F-E-R? I'm going to issue a bench warrant.

18 THE COURT CLERK: Okay.

19 THE COURT: Maria Coronoa-Paredes?

20 MS. PAREDES: Present.

21 THE COURT: Noelin Wheeler?

22 MR. WHEELER: Present.

23 THE COURT: Staci Maione?

24 MS. MAIONE: Present.

25 THE COURT: Stacy Petties?

1 MS. PETTIES: Petties.  
2 THE COURT: Petties?  
3 MS. PETTIES: Petties. Here.  
4 THE COURT: Petties.  
5 Steve Burtis?  
6 MR. BURTIS: Here.  
7 THE COURT: Susy Garcia?  
8 MS. GARCIA: Present.  
9 THE COURT: Trayvontae Teague?  
10 MR. TEAGUE: Here.  
11 THE COURT: Wilhelmina B. Almogela?  
12 MS. ALMOGELA: Here.  
13 THE COURT: Almogela?  
14 MS. ALMOGELA: Here.  
15 THE COURT: Okay. Wyatt Rozea?  
16 MR. ROZEA: Here.  
17 THE COURT: Yuri Ludwig Shang?  
18 MR. SHANG: Here.  
19 THE COURT: All right. The individuals that didn't answer I'm  
20 issuing warrants for them.  
21 Ladies and Gentlemen, you're called here today --  
22 UNKNOWN JUROR: You didn't -- I'm so sorry, excuse me, you  
23 didn't call my name?  
24 THE COURT: What's your name ma'am?  
25 MS. GERVASI: Bernadette Gervasi.

1 THE COURT CLERK: Yes.

2 THE COURT: Oh. I did but -- luckily you told me because we were  
3 going to go find you.

4 MS. GERVASI: I'm here.

5 THE COURT: All right. She's present. Okay.

6 Once again, is Chonthida Sungkamee here? Is Jimmy  
7 Clausell here? And is Kimberly Dawn Sisneros-Shaffer here? All right.  
8 Those three aren't.

9 Ladies and Gentlemen, I issued a show cause order because  
10 you all were present on a previous occasion. You filled out a jury  
11 questionnaire for the Court in a case that is a substantial case in this  
12 matter. Because you failed to appear here for the jury selection time  
13 frame that I had set, I issued a show cause order for you all to answer to  
14 the Court why I shouldn't hold you in contempt for failing to abide by the  
15 Court Order.

16 I brought you here today -- my typical position that I take and  
17 even my clerk said I was in a good mood today, I guess, but the typical  
18 way I -- position I take is that you've caused a considerable amount of  
19 time in this case by your failure to appear here. I'm in every good  
20 grounds that I could put you in contempt and make you pay a fine. I  
21 could even put you in jail.

22 I had you come here today because there was so many of  
23 you. And I made you sit through that -- my whole Court calendar. This is  
24 one calendar that we deal with. Usually it was a small calendar that I  
25 dealt with today. You could see how serious things are taken in this court

1 house.

2           Your position as a potential juror is probably one of the most  
3 important aspects of our system. And so I take it very serious when I ask  
4 individuals to be here. We know that it's highly inconvenient for you all.  
5 It's a simple matter of at least letting the Court know, and the parties that  
6 are involved, why you can't be here. So you need to show up and let us  
7 know. Because you didn't do that, that's why I've done what I've done to  
8 bring you here now. Have any of you been a juror before?

9           UNKNOWN JURORS RESPONSE: Yes.

10          THE COURT: So you ought to know more so than anyone else.  
11 And I'm not going to hear from you all to tell me why you couldn't make it,  
12 that's all your own with what you're dealing with. But when we ask you  
13 all to be here, let me tell you, it's a hard thing to do. There was 400 plus  
14 individuals in this case. You were part of over 400 people. So that's just  
15 one case.

16           There's close to 30 Courts that are dealing with a number of  
17 jurors every single day. We hustle you up and down the elevators. We  
18 bring you in to talk to you and stuff. It's a tough thing to do. I don't think  
19 it's that tough to ask individuals in the community to take part in their  
20 community. This is the one time that you have the ability to be directly  
21 influence our system of justice. You get the opportunity to see what truly  
22 happens down here. Not what you read in the newspapers or what you  
23 see on the news, or what you see in some fictitious TV show. You get to  
24 see what's actually happening.

25           I know in this particular case many of you may have been



1 scared away simply by the factual scenario that was presented here. But  
2 this is the true life what happens in Las Vegas and gives you an  
3 opportunity to take a look and see whether or not this individual actually  
4 did these type of crimes and whether or not the State can prove the case.  
5 You chose not to come back on that. I -- like I said, I have every right to  
6 hold you in contempt. But I think by a simple fact that you've sat here and  
7 watched through my calendar you know what -- how serious it is in these  
8 matters.

9               So if you have no questions of the Court I'm going to go ahead  
10 and release you and tell you that if you do get a jury summons in the  
11 future, don't try to avoid it, and certainly if you go to the point where you  
12 -- don't just let it go because it probably won't -- you probably won't get --  
13 walk out of here as easy next time.

14               Does anyone have any questions?

15               UNKNOWN JUROR: I just want to say I'm really sorry for the  
16 inconvenience in --

17               THE COURT: Well we know it's inconvenient for you as well, we do.  
18 And that's why you're sitting here for the last four hours or so.

19               UNKNOWN JUROR: No. I actually really appreciate it. I think it  
20 was a good -- actually a really good reflection on what's anticipated  
21 because I haven't been a juror. And like you said, I was kind of hesitant  
22 on what to expect on my case and everything but, no, thank you, I  
23 appreciate you showing some mercy.

24               THE COURT: The first thing to do is not to avoid it but to get here.  
25 And if there's issues, and we can deal with them, we can talk about it.

1 And many of you may have been excused because of something that's  
2 happened there and what was going on. It may have happened but you  
3 can't just shuck your responsibility like that.

4 Ma'am?

5 UNKNOWN JUROR: Sir, it's critical that I tell you that I don't think  
6 that all of us did this on purpose.

7 THE COURT: Okay.

8 UNKNOWN JUROR: This was just legitimate confusion with the  
9 dates on our call back. This was not on purpose so please know that.

10 THE COURT: Okay. All right. Anyone else? Sir?

11 UNKNOWN JUROR: I'm echoing with what this young lady said.

12 THE COURT: Okay.

13 UNKNOWN JUROR: I'm a computer professional and I can tell you  
14 that the way that this messaging and email thing was designed is not a  
15 clear and concise role to show what your duties are as a juror. That's the  
16 only reason I was not [indiscernible].

17 THE COURT: Okay. All right. Sir?

18 UNKNOWN JUROR: Yeah. It was just little things like if they could  
19 just refine the process or like you when I got presented the subpoena and  
20 then I got the paper when I went to go reflect on it there was no number,  
21 no address --

22 THE COURT: Okay.

23 UNKNOWN JUROR: -- it said District Court and it took me to the  
24 other building and I was just like, look, you know, I ran back and forth.  
25 Even though I was like -- usually when you get like a traffic citation or

1 something you come to municipal court but still that [indiscernible] that  
2 clarification like show up definitely here or something like that.

3 THE COURT: Well I will tell you, and I appreciate all your  
4 sentiments, and I'm not challenging you on it. I will tell you though, like I  
5 told you earlier, you were within a 400 plus group, and you're the only  
6 ones that I've had to do this with.

7 So that might be our system. It may have been and that's  
8 what we're always trying to deal with, or work with, that's why I'm not  
9 doing -- I mean, I think I've made my point with you all now and hopefully  
10 what you saw was somewhat educational for you.

11 And I'll tell you that the attorneys and everybody that's  
12 involved in this that we don't take this lightly. This is serious business  
13 down here and so that's why I bring individuals back and talk to them  
14 when they don't come to -- when they're -- okay? All right.

15 UNKNOWN JURORS: Thank you.

16 THE COURT: So you guys all have a good day. And if you have  
17 any questions about anything feel free to contact me at any time. Okay?  
18 All right.

19 [Hearing concluded at 11:41 a.m.]

20 \* \* \* \* \*

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

23 

24 \_\_\_\_\_  
Christine Erickson,  
25 Court Recorder



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,  
7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,  
10 Defendant.

CASE#: C-15-311453-1

DEPT. XIX

11  
12 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT JUDGE  
13 WEDNESDAY, DECEMBER 12, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **PRE TRIAL CONFERENCE**

16  
17 APPEARANCES:

18 For the State:

JAMES SWEETIN  
Chief Deputy District Attorney

19  
20 For the Defendant:

VIOLET R. RADOSTA  
Deputy Public Defender

21  
22  
23  
24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 12, 2018

2 [Hearing began at 08:55 a.m.]

3 THE COURT: State of Nevada versus Christopher Sena; this is  
4 C311453. This is time set for pretrial conference, again. Where we at  
5 guys?

6 MS. RADOSTA: Judge, I anticipate that we will be ready for the  
7 29<sup>th</sup>. I -- Mr. Sweetin and I have been trying to set up a time for file  
8 review. Its' been more my schedule that's been preventing it. We're  
9 hoping to do it today.

10 THE COURT: Are we starting on the 29<sup>th</sup> or the 28<sup>th</sup>? The 28<sup>th</sup> is  
11 that Monday.

12 THE COURT CLERK: The 28<sup>th</sup>.

13 THE COURT: The 28<sup>th</sup>.

14 MS. RADOSTA: The 28<sup>th</sup>?

15 THE COURT: Uh-huh.

16 MS. RADOSTA: Okay. I think I had the 29<sup>th</sup> written down as well.  
17 But six to one, half a dozen, at that week.

18 MR. SWEETIN: The 28<sup>th</sup> is fine.

19 MS. RADOSTA: Yeah. That week.

20 MR. SWEETIN: Yeah.

21 THE COURT: All right.

22 MS. RADOSTA: I figured it was the Monday.

23 THE COURT: Mr. Sweetin, were you able to arrange in that -- in  
24 front of Judge Jones?

25 MR. SWEETIN: I was.

1 THE COURT: Okay.

2 MR. SWEETIN: So that's all taken care so I've got the time for this  
3 trial.

4 THE COURT: Okay.

5 THE COURT CLERK: I will be reprinting the last jury questionnaire  
6 that was finalized for the Judge's original signature to send out to the  
7 jury. I will send an email when I send it out so that you are all aware of it.

8 MR. SWEETIN: There was a correction to that and I think I emailed  
9 it over; I believe.

10 THE COURT CLERK: I will find the copy I have and I will email it to  
11 everybody so that you can review it one last time before we send it out.

12 MR. SWEETIN: Okay.

13 MS. RADOSTA: Thank you.

14 THE COURT: Okay. All right.

15 MS. RADOSTA: Thank you.

16 MR. SWEETIN: And, Judge, I would just note that there was a  
17 notice of expert and this was given by Defense before the last trial and  
18 that was Greg Harter.

19 And there was a motion pending. I don't think it was ever  
20 resolved. We ultimately said that we'd go to trial with that notice.

21 THE COURT: Uh-huh.

22 MR. SWEETIN: But I would note that the State still stands by -- I'm  
23 not sure that it's adequate under the statute, but there's reference made  
24 to studies and research. So we would just ask, and we've asked from  
25 Defense counsel before, what they're referring to there in regards to and

1 research that he's going to be testifying to.

2 And also we just wanted to clarify that in fact he's never done  
3 the examination on the Defendant.

4 THE COURT: I thought I addressed this?

5 MS. RADOSTA: You know what, Judge, I --

6 THE COURT: Because I remember it. I remember reading it and I  
7 remember the opposition and --

8 MS. RADOSTA: We had -- didn't we have -- I think we had two  
9 different motions for expert witness --

10 THE COURT: Uh-huh.

11 MS. RADOSTA: -- that the State challenged on both.

12 THE COURT: Okay.

13 MS. RADOSTA: So off the top of my head I can't remember what  
14 the final resolution, or not, of the Harter notice was.

15 Perhaps -- could we just put this on calendar in the next week  
16 or two, or maybe right after the holidays, to resolve that issue if it hasn't  
17 been resolved?

18 MR. SWEETIN: Well, and just to be completely clear with the Court  
19 --

20 THE COURT: I can do it next Wednesday.

21 MR. SWEETIN: -- I'm back --

22 THE COURT CLERK: The 19<sup>th</sup>?

23 MR. SWEETIN: And that's fine.

24 MS. RADOSTA: Yeah. That's fine.

25 MR. SWEETIN: That would work fine.

1 THE COURT: All right.

2 MR. SWEETIN: And to just be completely fair with the Court, I don't  
3 know if Defense counsel seen, but we filed a notice of an expert dealing  
4 with psychological issues. And part of that notice, out of an abundance  
5 of caution, is just to testify in rebuttal to what this expert testified to.

6 But as I indicated, I don't think that it's adequate pursuant to  
7 statute and certainly the State has a right to know whether or not this  
8 expert has actually done a physical examination of the Defendant, met  
9 with him, and if the whole gist of the testimony is relying on or testifying to  
10 research and studies what he's going to be testifying to.

11 THE COURT: Okay. I'll -- I'm -- I even know where it's sitting on my  
12 table.

13 MS. RADOSTA: I can't remember off the top of my head.

14 THE COURT: No. I was saying I know where it's sitting on that  
15 table but I --

16 MS. RADOSTA: Oh.

17 THE COURT: -- remember reading these motions.

18 So -- okay, I'll be ready to give my decision on next  
19 Wednesday with regards to those; okay?

20 MS. RADOSTA: Thank you.

21 THE COURT CLERK: December 19<sup>th</sup> at 8:30.

22 ///

23 ///

24 ///

25



1 MS. RADOSTA: Thank you.

2 [Hearing concluded at 08:59 a.m.]

3 \* \* \* \* \*

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

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Christine Erickson,  
Court Recorder

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1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,  
7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,  
10 Defendant.

CASE#: C-15-311453-1

DEPT. XIX

11  
12 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT JUDGE  
13 WEDNESDAY, DECEMBER 19, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **STATUS CHECK: EXPERT ISSUES**

16  
17 APPEARANCES:

18 For the State:

JAMES SWEETIN  
Chief Deputy District Attorney

19  
20 For the Defendant:

VIOLET R. RADOSTA  
Deputy Public Defender

21  
22  
23  
24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 19, 2018

2 [Hearing began at 08:53 a.m.]

3 THE COURT: State of Nevada versus Christopher Sena; this is case  
4 number C311453. I don't have the benefit of the calendar so I can't say  
5 -- I believe it's on to address the expert notices and expert witnesses.

6 MS. RADOSTA: Right, Your Honor. It's our determination upon  
7 looking at the record that Mr. Sweetin was just -- misspoke last week and  
8 that there are no outstanding motions.

9 THE COURT: Okay.

10 MR. SWEETIN: And just to be clear, Judge, I believe the State  
11 made a motion to strike. The Court granted that motion. Defense was  
12 considering whether or not they were going to file an amended notice and  
13 I believe the Defense has made a strategic decision in deciding not to file  
14 that amended notice so it's not an issue at this point after consultation  
15 with --

16 THE COURT: Okay. Are we talking about Harter?

17 MR. SWEETIN: Yes.

18 MS. RADOSTA: Yes.

19 THE COURT: Okay. I -- you know I went back through this and I  
20 read it again. I want to make it clear for the record that I can't -- based  
21 on, I mean, I know that your argument, Ms. Radosta, has always been  
22 that you believe you're sufficient through the -- per the statute.

23 MS. RADOSTA: Yes.

24 THE COURT: But as I go through this I can't make a determination  
25 as to whether or not, I mean I can, I don't think you've satisfied what the

1 substance of his testimony would be as it applies to this case.

2 And when I have to make a determination whether or not an  
3 expert will be sufficient to present -- I mean to assist the jury, I got to see  
4 what it would be that he would -- he or she would assist with regards to  
5 this case.

6 Now, I understand if we wanted to go to a seminar and listen  
7 to somebody just talk about these issues, and that kind of thing, and try  
8 to train us or something, I could understand that. Is that what you're  
9 trying to do? I mean --

10 MS. RADOSTA: You know, Your Honor, I mean --

11 THE COURT: Okay.

12 MS. RADOSTA: -- we've kind of been over this and over this and  
13 over this.

14 THE COURT: Okay.

15 MS. RADOSTA: I'm satisfied with --

16 THE COURT: All right.

17 MS. RADOSTA: -- the notice that we filed. I'm not arguing --

18 THE COURT: Okay.

19 MS. RADOSTA: -- Your Honor's ruling. If we --

20 THE COURT: I just wanted to go -- I read through it again and that's  
21 just the position I took.

22 MS. RADOSTA: And I appreciate that, Your Honor.

23 THE COURT: Okay.

24 MS. RADOSTA: For the record if we -- we technically still have time  
25 to amend --

1 THE COURT: Okay.

2 MS. RADOSTA: -- before our January 28<sup>th</sup> court date. We would be  
3 timely if we decide to do that. As far as the representations that Mr.  
4 Sweetin has made that this is a strategic decision. Those are -- that's --  
5 those are his words.

6 THE COURT: Oh. I got you.

7 MS. RADOSTA: Those are not necessarily mine.

8 THE COURT: Okay.

9 MS. RADOSTA: So --

10 THE COURT: Okay. What about the -- there's another one. You  
11 had another expert --

12 MS. RADOSTA: Both of our experts were stuck.

13 THE COURT: Okay. All right. I want to make sure that we're clear  
14 on that.

15 MS. RADOSTA: Yes.

16 THE COURT: Okay.

17 MS. RADOSTA: Yes.

18 THE COURT: That was Larry Smith, right?

19 MS. RADOSTA: Yes.

20 THE COURT: Okay. All right. So where are you at with the regards  
21 to the questionnaire changes? Anything?

22 MR. SWEETIN: And I --

23 MS. RADOSTA: I responded originally earlier this week with just the  
24 one typo --

25 THE COURT: Oh I --

1 MS. RADOSTA: And --

2 THE COURT CLERK: I have them in an email.

3 MS. RADOSTA: -- Mr. Sweetin had some more extensive  
4 typographical ones he submitted yesterday --

5 THE COURT: Okay.

6 MS. RADOSTA: -- and I was fine with them. I responded last night,  
7 or I think it was last night. The only issue is just the length of the trial.

8 THE COURT: Okay.

9 MS. RADOSTA: I think we should go January 28<sup>th</sup> through March  
10 1<sup>st</sup>; he thinks it should be a week less. So --

11 THE COURT: Well here's the -- you mean in the --

12 MS. RADOSTA: Like this is how long we're going to be here.

13 THE COURT: Well maybe it'd be better to write it in a sense that it's  
14 anticipated to last approximately this long. And I don't even really care if  
15 you say to the end of the year. I mean I really don't. It's just because I --  
16 seriously, once we get started we're not going to end unless something  
17 crazy happens --

18 MS. RADOSTA: Right.

19 THE COURT: -- like last time.

20 MR. SWEETIN: And, Judge, You know, I think realistically I think  
21 four weeks is a realistic estimate. And we do make clear in the  
22 questionnaire that it might be shorter, it might be longer.

23 THE COURT: Okay.

24 MR. SWEETIN: I think that if we start getting into five weeks a lot of  
25 jurors --

1 THE COURT: Okay.

2 MR. SWEETIN: -- although they're going to have sticker shock on  
3 four weeks, I think when you start --

4 THE COURT: Yeah.

5 MR. SWEETIN: -- getting into five weeks it's going to be much more  
6 significant.

7 THE COURT: Okay. Well as long as it's clear that there's additional  
8 time. You know what I mean? That -- how about if you put in here that,  
9 you know, the Defense, I mean the State believes it will last four weeks,  
10 the Defense believes it may last five weeks.

11 MS. RADOSTA: That's fine.

12 THE COURT: It could last less. It could be more.

13 MS. RADOSTA: Something along --

14 THE COURT: Would you be okay --

15 MS. RADOSTA: -- those lines is fine.

16 THE COURT: -- with that?

17 MR. SWEETIN: That's fine, Judge.

18 MS. RADOSTA: I mean just in thinking, I mean, we were what, two  
19 days into picking the jury last time and we weren't even close. And that --  
20 I mean I think picking the jury itself is going to be more than a week.

21 THE COURT: It may.

22 MS. RADOSTA: So --

23 THE COURT: I don't know though.

24 MS. RADOSTA: And then with the --

25 THE COURT: We move pretty good in here. It -- I think we were

1 pretty -- moved along pretty good there.

2 MS. RADOSTA: Maybe. I mean --

3 THE COURT: I know but -- I know that there's going to be a lot of  
4 challenges. I just know there is. These are tough cases to find jurors on  
5 and you guys know that.

6 MS. RADOSTA: Right.

7 THE COURT: We'll work through it.

8 MS. RADOSTA: Okay.

9 THE COURT: We'll work through it. Just -- you know if we have  
10 people that have sticker shock with one week or five weeks, or whatever  
11 it is, we'll deal with it. We'll just deal with it. I'll talk to them about it and  
12 we'll address it. Okay?

13 MS. RADOSTA: All right.

14 THE COURT: And they respond to you and say well there's --  
15 here's what I'm going to have if it's a legitimate reason, that's what I'm  
16 looking for --

17 MS. RADOSTA: Sure.

18 THE COURT: -- first of all.

19 MS. RADOSTA: Absolutely. Not just, oh my gosh --

20 THE COURT: If it's just --

21 MS. RADOSTA: -- I don't want to be here for five weeks.

22 THE COURT: Right. Then we'll have to talk to them 'cause I would  
23 venture to say everybody doesn't want to be here for five weeks.

24 I'll also venture to say that no one wants to be in a trial at all  
25 until they start hearing the case. You know once they start hearing it



1 then everybody gets -- they get involved in it and that all goes away. I'll  
2 tell you -- I mean we have that all the time. We just finished a trial  
3 everybody had their hand up we can't be here for a week. You know it's  
4 right -- holidays, fortunately we won't have that in this case but -- and  
5 when we were all done, I talked to all of them in the jury room about that  
6 and then they're like no we're fine. It's because they -- once they start  
7 seeing it --

8 MS. RADOSTA: Sure.

9 THE COURT: -- and they get involved in it. It's just they don't want  
10 to sit here and listen to all this. You know, everyone being questioned  
11 about it.

12 MS. RADOSTA: Right.

13 THE COURT: They don't want to do that. And I don't blame them. I  
14 wouldn't want to. I don't like to when I do it in here.

15 MS. RADOSTA: Right.

16 THE COURT: So -- but we'll get through it.

17 MS. RADOSTA: Okay.

18 THE COURT: We'll get through it. So if you could change it to  
19 where, you know, the State estimates it four weeks, Defense believes it  
20 would take five weeks. It could be longer. It could be shorter.

21 MR. SWEETIN: And I'll do that and I'll send an email over with a cc  
22 Ms. Radosta --

23 MS. RADOSTA: And I'm fine with that change. So once that comes  
24 in --

25 THE COURT CLERK: If we can get it in by -- try to get it in by noon

1 today so I can get it to jury services because then --

2 THE COURT: They're going to bring a bunch of people in next  
3 week.

4 THE COURT CLERK: They're going to try -- well, probably not next  
5 week since it's the week of Christmas but she did say the following week  
6 and the week after that she's going to try to get them all in and get the  
7 questionnaires done.

8 MS. RADOSTA: Okay.

9 THE COURT CLERK: And then that way I can get them copied --  
10 she can get them copied and back to you guys.

11 MS. RADOSTA: Okay.

12 THE COURT CLERK: And you guys -- so you guys can meet and  
13 confer about who your guys are going to stipulate to dismiss and  
14 remember when we do that we need the juror number.

15 MS. RADOSTA: Yes.

16 THE COURT CLERK: The last three digits and the name so that we  
17 can pull it up and they don't have the ability to get in an excel  
18 spreadsheet unfortunately or word.

19 MS. RADOSTA: Yeah.

20 THE COURT CLERK: It comes in PDF.

21 MS. RADOSTA: We've discovered that last time.

22 THE COURT: Okay. It does say when the trial is to start, right?

23 MS. RADOSTA: January 28<sup>th</sup>; yes.

24 THE COURT: Okay. Good. Yeah because --

25 MS. RADOSTA: Yes; we've -- yeah.

1 THE COURT: -- I'll tell you we bring them in next week and give  
2 them this and tell them it's going to last five weeks right now through  
3 Christmas --

4 MS. RADOSTA: Yeah. Oh yeah.

5 THE COURT: -- and the holidays. You will get sticker shock.

6 MS. RADOSTA: Absolutely. Are we, just out of curiosity, we did two  
7 different batches of questionnaires last time. We did 225 and 225. Are  
8 we going to do --

9 THE COURT CLERK: We're doing one full batch this time I believe  
10 --

11 THE COURT: Yeah.

12 THE COURT CLERK: -- is what the plan is.

13 THE COURT: The only reason we --

14 MS. RADOSTA: Which is how many?

15 THE COURT: -- did it last time was --

16 THE COURT CLERK: Four Hundred.

17 THE COURT: -- when I started seeing the people that where saying  
18 that they had all these plans --

19 MS. RADOSTA: Absolutely.

20 THE COURT: -- I said we better get some more. So we're just  
21 starting with what 400?

22 THE COURT CLERK: Four Hundred.

23 MS. RADOSTA: Okay.

24 THE COURT: We're going to start with 400 and if -- my god, if we  
25 can't get 14 people --

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MS. RADOSTA: Yeah.

THE COURT: -- out of 400 then there's something wrong.

MS. RADOSTA: Okay. That's fine.

THE COURT: All right guys.

MS. RADOSTA: Thank you. Have a nice holiday, Judge.

THE COURT: Okay. All right.

[Hearing concluded at 09:01 a.m.]

\* \* \* \* \*

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



---

Christine Erickson,  
Court Recorder



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,  
7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,  
10 Defendant.

CASE#: C-15-311453-1

DEPT. XIX

11  
12 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT JUDGE  
13 WEDNESDAY, JANUARY 23, 2019

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **CALENDAR CALL**

16  
17 APPEARANCES:

18 For the State:

JAMES SWEETIN  
Chief Deputy District Attorney  
MICHELLE SUDANO  
Deputy District Attorney

21 For the Defendant:

VIOLET R. RADOSTA  
DAVID LOPEZ-NEGRETE  
Deputy Public Defender

24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 23, 2019

2 [Hearing began at 09:11 a.m.]

3 THE COURT: State of Nevada versus Christopher Sena; this is  
4 case number C311453. All right, this is time set for calendar call.

5 Ms. Radosta, it appears that the State has filed a third  
6 amended information. Have you received a copy of this?

7 MS. RADOSTA: Actually, no I haven't, but Mr. Sweetin did inform  
8 me as to what the changes were. My understanding is it's just a change  
9 to Count 52. Other than that it's identical to the previous amended --  
10 second amended.

11 THE COURT: Okay.

12 MR. SWEETIN: That's correct, Judge, just corrected a  
13 typographical.

14 THE COURT: Do you waive a formal reading of it then?

15 MS. RADOSTA: Yes, Judge.

16 THE COURT: Okay. All right. So do you have any objection to it  
17 then being filed?

18 MS. RADOSTA: Not at this time, Your Honor.

19 THE COURT: Okay. All right, this is time set for calendar call.  
20 We're ready?

21 MS. RADOSTA: Yeah. We're ready, Judge.

22 THE COURT: Okay.

23 MS. RADOSTA: It's just a couple of quick housekeeping matters.

24 THE COURT: Okay.

25 MS. RADOSTA: I did a file review with Mr. Sweetin maybe three

1 weeks ago. I think it was shortly after our last court appearance. And I  
2 was looking through the witness list in the last few days I noticed that  
3 they've listed probably about 10 difference child protective services  
4 individuals.

5 THE COURT: Okay.

6 MS. RADOSTA: And I only have in my file about four pages of CPS  
7 records. So I've asked Mr. Sweetin this morning if there are additional  
8 CPS records. I know the incident of which they are referring to in the  
9 CPS records, I just don't actually have the records themselves.

10 THE COURT: Okay.

11 MS. RADOSTA: So he's indicated to me that he'll get those to me  
12 as soon as possible.

13 THE COURT: Okay.

14 MS. RADOSTA: It's a somewhat unrelated incident but it's -- I'm  
15 sure going to be discussed during the trial. So --

16 THE COURT: Okay.

17 MS. RADOSTA: Additionally, Your Honor, the Defense might be  
18 filing a motion to strike one of the State's witnesses in the next one to two  
19 days based on representations that were made in Court at the last  
20 appearance. I need to check the minutes to make sure I was correct  
21 about what was said in Court. And if I was then I'm going to be filing a  
22 motion to strike their -- one of their expert witnesses.

23 THE COURT: Okay.

24 MS. RADOSTA: Other than that, Judge, we're ready.

25 THE COURT: Okay. Just so the records clear. I know that there's

1 a substantial number of jurors -- potential jurors, and I appreciate the  
2 parties getting together to address agreements on striking them. I've got  
3 a list of those, and if there's no objection by the parties, then obviously  
4 I'm going to strike them. If there's other objections, I just would -- I guess  
5 we'll just deal with it when we have them here. Okay?

6 MS. RADOSTA: Yes.

7 MR. SWEETIN: And, Judge, I did provide a list, Defense counsel  
8 provided a list of witnesses, or I'm sorry, jurors that they wanted to  
9 excuse. And they made reference on that list of jurors that already  
10 stipulated between the parties as being excused.

11 THE COURT: Okay.

12 MR. SWEETIN: I provided the Court and Defense counsel today  
13 additional witnesses of the ones that they're asking to be excused that  
14 we had previously stipulated --

15 THE COURT: You mean jurors?

16 MR. SWEETIN: I'm sorry, jurors.

17 THE COURT: Okay.

18 MR. SWEETIN: Previously stipulated to are -- that we didn't  
19 previously stipulate to that we're now agreeing to --

20 THE COURT: Was that the red?

21 MR. SWEETIN: They're in yellow.

22 THE COURT: The yellow ones are the ones you're agreeing to?

23 MR. SWEETIN: Yes.

24 THE COURT: And the red ones are the ones you're not agreeing  
25 to?



1 MR. SWEETIN: The red ones we're agreeing to all of them.

2 MS. RADOSTA: We're agreeing to all of them, Judge. I think --

3 MR. SWEETIN: The red and the yellow.

4 THE COURT: Okay.

5 MR. SWEETIN: I think the red are there because there was some  
6 errors in regards --

7 MS. RADOSTA: I think you -- they might be on your list --

8 THE COURT: Yeah.

9 MS. RADOSTA: -- that were already kicked, Judge, maybe? The  
10 red ones?

11 THE COURT: Yeah. There was a number of individuals that had  
12 sent in -- we gave them an opportunity to write in ahead of time if they  
13 had reasons like vacation issues and other issues that are taking them  
14 out of the jurisdiction.

15 I had a number of other individuals also that had indicated that  
16 they had some medical issues and so I made a determination and those  
17 are the ones I excused. Okay?

18 All right. So --

19 MR. SWEETIN: And the only thing, Judge, is the State has a doctor  
20 who would be testifying as to a couple non finding sexual assault exams  
21 in the course of the trial. That doctor's in Texas now. We had sought to  
22 have Defense allow us to have another medical professional testify to the  
23 documents. They don't want to do that. But I did discuss with them  
24 having the doctor testify via Skype and they're agreeable to that so it will  
25 be Dr. Cetl.

1 THE COURT: Okay. All right. So we'll get started on Monday  
2 around 11:00. And usually Monday's are 11:00; Wednesday's are 11:00;  
3 Tuesday's are kind of up in the air. Thursday's are pretty much the whole  
4 day. And Friday's are pretty much the whole day. So that's -- you can  
5 kind of schedule your calendars, I mean your schedule's that way.  
6 Okay?

7 MS. RADOSTA: And -- but when you say whole day, Judge, 8 am, 9  
8 am?

9 THE COURT: Well I leave it up to the jury.

10 MS. RADOSTA: Okay.

11 THE COURT: If the jury tells me they're willing to be here by 8 we'll  
12 start at 8. If they're not, we'll usually start at 9.

13 MS. RADOSTA: And Tuesday will be whatever it is given week to  
14 week.

15 THE COURT: Right.

16 MS. RADOSTA: Okay.

17 THE COURT: Okay?

18 MS. RADOSTA: I'll -- yes, I think that's everything.

19 THE COURT: All right. Okay. We'll see you on Monday then.  
20 Okay?

21 MS. SUDANO: Thank you, Your Honor.

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THE COURT: Have a good weekend.

[Hearing concluded at 09:17 a.m.]

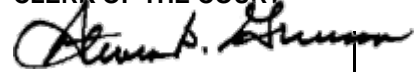
\* \* \* \* \*

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



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Christine Erickson,  
Court Recorder



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

MONDAY, JANUARY 28, 2019

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

APPEARANCES:

FOR THE STATE:

JAMES R. SWEETIN, ESQ.  
Chief Deputy District Attorney

MICHELLE L. SUDANO, ESQ.  
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, MONDAY, JANUARY 28, 2019

2                   (Case called at 11:33 A.M.)

3                   (Outside the presence of the prospective jury)

4                   THE COURT: All right. This is time for jury  
5 selection in Case No. C311453, State of Nevada versus  
6 Christopher Sena. I'd like the record to reflect the presence  
7 of the defendant and his counsel, Violet Radosta and David  
8 Lopez-Negrete, as well as the State's counsel, James Sweetin  
9 and Michelle Sudano.

10                  Are the parties ready to proceed in this matter?

11                  MR. SWEETIN: Yes, Your Honor.

12                  MS. RADOSTA: Yes, Your Honor. I just have a couple  
13 of quick things outside the presence.

14                  THE COURT: Okay.

15                  MS. RADOSTA: For the record, Your Honor, as the  
16 Court is well aware, we kind of had some ongoing discovery  
17 issues in this case. And just so that the Court is aware, I  
18 did do a file review with Mr. Sweetin. I believe it was the  
19 middle of December of 2018. I can't remember the exact date.  
20 I think it was right around the 12th of December.

21                  At that point in time we went through his entire  
22 file and we briefly discussed whether or not there were CPS  
23 records in this case. I was aware that I did have a very  
24 small amount of CPS records, and then as I was looking last  
25 week at the number of witnesses that the State listed from

1 CPS, I notice they have over ten CPS workers listed on their  
2 witness list.

3           So I inquired of Mr. Sweetin last week at our  
4 calendar call outside the courtroom if they had more than the  
5 four or five pages of CPS notes that I had, at which point in  
6 time they said, yes, they did have a substantial amount of CPS  
7 records, which as far as I knew at that point in time, I  
8 didn't see them during the file review that I had done the  
9 month before. They were provided to us later that day. The  
10 day of our calendar call we received 336 pages of CPS records  
11 that had never previously been provided to the defense.

12           Additionally, beyond that, Your Honor, I  
13 approximately two weeks ago, I made inquiry to Mr. Sweetin, or  
14 maybe it was about ten days ago, that in the case notes of  
15 Detective Samples, who is the lead detective of this case, he  
16 referenced the fact that Ryan Sena was taken to the Child  
17 Advocacy Center, Southern Nevada CAC, on December 10, 2014,  
18 and a 30-minute interview, which is how it's portrayed in  
19 Detective Sample's notes, was conducted at that point in time,  
20 and that after that interview it was decided that a second  
21 interview would be set up for the 16th of December 2014.

22           I asked Mr. Sweetin about ten days ago if there is a  
23 transcribe -- or transcript and/or audio of the 30-minute  
24 interview from December 10th. He responded a day or so later  
25 that he was making inquiries but had at that point in time

1 been told that no such transcript or audio was made for the  
2 December 10, 2016, interview with Ryan.

3           Obviously, Your Honor, we've been down this road  
4 before where we've been told certain interviews don't exist,  
5 they don't exist, they don't exist, and then they show up.  
6 The fact that it is noted in the detective's -- the lead  
7 detective's case notes leads me to believe that this was more  
8 than just a, hey, how you doing, Ryan, how are you feeling  
9 interview. It was 30 minutes in length. And for whatever  
10 reason they opted not to do a -- they -- well, they opted to  
11 do a second interview with him six days later.

12           We do think that there is potentially exculpatory  
13 information that was provided on the 10th, whether it be why  
14 they didn't do -- why they needed a second interview, what was  
15 Ryan's demeanor that day, any number of particular pieces of  
16 information. But we have been told at this point in time that  
17 there was no transcript and there was no audio and/or video,  
18 but that the interview was conducted, not by Detective  
19 Samples, but by a forensic interviewer named Kristina Bernat.

20           And generally speaking, when the forensic  
21 interviewers sit down, at least in my experience, they are in  
22 the room where the audio and the video equipment are running  
23 and everything with the forensic interviewer is audio and  
24 videotaped. But at this point in time we're being told that  
25 there is no such recording of that 30-minute interview with

1 Ryan on December 10, 2014. I just wanted to make that --  
2 those representations part of the record, Your Honor.

3 THE COURT: Okay. So you're saying that as far as  
4 you know, it was done by a forensic interviewer?

5 MS. RADOSTA: Yes.

6 THE COURT: Okay. And then it was --

7 MS. RADOSTA: Kristina Bernat.

8 THE COURT: Then 16 days later -- I mean, six days  
9 later it was done a second time, and that one, you have a copy  
10 of that?

11 MS. RADOSTA: Yes, that one I do. And in that  
12 December 16, the one six days later, there are references  
13 to --

14 THE COURT: Okay.

15 MS. RADOSTA: -- when we talked earlier, you know,  
16 when we -- when you and I, you know, just --

17 THE COURT: Okay.

18 MS. RADOSTA: -- in passing there is a reference to  
19 the fact that they had previously sat down.

20 THE COURT: Okay. Have you talked to the forensic  
21 interviewer at all about that?

22 MS. RADOSTA: No, I have not, Your Honor.

23 THE COURT: Have you talked to the detective about  
24 that at all?

25 MS. RADOSTA: It is -- it's in his case notes, Your



1 Honor, that this occurred.

2 THE COURT: So is there a way of telling who was  
3 there besides -- besides Ryan and the forensic interviewer?  
4 Was there anybody else?

5 MS. RADOSTA: Generally speaking, if it is a  
6 forensic interview, it would just be Ryan and Kristina in the  
7 room --

8 THE COURT: Okay.

9 MS. RADOSTA: -- an no one else.

10 THE COURT: Okay. And --

11 MS. RADOSTA: Presuming that that's what it was. If  
12 it was not that --

13 THE COURT: Okay.

14 MS. RADOSTA: -- then I would assume, for the sake  
15 of argument, that Detective Samples would have noted, oh,  
16 yeah, Ryan's father was in the room during this conversation  
17 or something to that effect.

18 THE COURT: Okay.

19 MS. RADOSTA: Because this is in his case notes.

20 THE COURT: So then on the 16th they -- they do an  
21 interview that's -- that's taped?

22 MS. RADOSTA: Yes.

23 THE COURT: That's recorded?

24 MS. RADOSTA: Yes.

25 THE COURT: Okay.

1 MS. RADOSTA: And I did receive the audio and video  
2 of that when that stack of discs that we got at the last trial  
3 date.

4 THE COURT: Okay. And you have reached out to that  
5 forensic interviewer? It's the same interviewer; right?

6 MS. RADOSTA: I believe so, yes.

7 THE COURT: And you haven't reached out to them to  
8 see whether or not they had anything different?

9 MS. RADOSTA: I reached out to Mr. Sweetin because  
10 it is, in my opinion, discoverable.

11 THE COURT: And they said they don't have anything.

12 MS. RADOSTA: That's what --

13 THE COURT: But did you do anything after Mr.  
14 Sweetin said we don't have any -- anything of that and it  
15 wasn't interview -- I mean, it wasn't taped?

16 MS. RADOSTA: No.

17 THE COURT: Okay. All right. And then the other  
18 concern is you said you were given 300 pages of CPS records?

19 MS. RADOSTA: Yes.

20 THE COURT: Have you went through those?

21 MS. RADOSTA: Yes.

22 THE COURT: Is there anything in there that's  
23 relevant to this proceeding?

24 MS. RADOSTA: Well, it's all about the -- the  
25 reaction -- well, it's not all. 95 percent of it is about

1 what happened after the accusations were made.

2 THE COURT: Okay.

3 MS. RADOSTA: There is one alleged incident that's  
4 maybe -- I think maybe ten pages of that. That is a prior  
5 allegation by Anita approximately 15 years before the  
6 allegations in our case.

7 THE COURT: Okay.

8 MS. RADOSTA: So there is a lot of reference to the  
9 fact that these kids were in therapy and with specific  
10 therapists. And generally speaking, that's -- those are  
11 things that we would have asked for in discovery had we had  
12 the names and the information of the therapists. It's,  
13 honestly, Judge, it's hard to know if there -- it depends on  
14 how the State is planning on using this information and the  
15 CPS records to know if it is going to be harmful to us that  
16 we're just getting all of this. Like I said, I had five pages  
17 of CPS records. I knew about the prior allegation from 15  
18 years earlier, didn't know that we had all of this follow up  
19 with primarily Brandon and Ryan because --

20 THE COURT: When --

21 MS. RADOSTA: -- they were --

22 THE COURT: When, supposedly, was that, the follow  
23 ups, done? Was it after your client was arrested and placed  
24 in custody?

25 MS. RADOSTA: Yes.

1 THE COURT: Okay.

2 MS. RADOSTA: So it has a lot to do with, just for  
3 clarification for the Court, Brandon and Ryan because --

4 THE COURT: Okay.

5 MS. RADOSTA: -- they were the only ones that were  
6 under the age of 18 and were technically subject to the -- to  
7 child protective services.

8 THE COURT: Okay.

9 MS. RADOSTA: Anita is in her 20s, so there's very  
10 little -- she's referenced in the notes in the records, but  
11 it's not about her. It's about Brandon and Ryan. And there  
12 is a fair amount of discussion about their interactions with  
13 their mothers, which I think is relevant to the whole  
14 proceeding, as to how those -- how they reacted after their  
15 mothers were arrested, before their mothers were arrested, and  
16 things of that nature.

17 THE COURT: So the concern that you would have would  
18 be with regards to any statements they may have made  
19 subsequent to your client's arrest that may be post --  
20 inculpatory or exculpatory?

21 MS. RADOSTA: Yes.

22 THE COURT: All right. Mr. Sweetin, do you want to  
23 address that?

24 MR. SWEETIN: The CPS records?

25 THE COURT: Uh-huh.

1           MR. SWEETIN: So first with the CPS records, the  
2 State's understanding is that defense had the CPS records.  
3 There's been extensive testimony about the CPS records  
4 throughout this case. In fact, in -- we have a case here that  
5 involves co-defendants which each had litigation, which is  
6 part of discovery in this case, essentially.

7           And in that -- in that -- in the direct and the  
8 questioning in that case the specific references made to the  
9 things that happened in the course of CPS investigation,  
10 specific references made to actually refreshing recollection  
11 with CPS records in the course of that. The State submits  
12 that whenever defense doesn't have CPS records, there's a  
13 motion made for CPS records that's made.

14           In this particular case the State submits that they  
15 had the CPS records. I'm not sure -- I -- I don't know how  
16 they could not have had the CPS records. But at any rate, the  
17 CPS records, as -- as the State recalls, essentially  
18 regurgitate -- all relevant parts regurgitate what's already  
19 in the police statements. And I don't know that there's  
20 anything additional.

21           Ms. Radosta makes reference to, well, maybe there's  
22 reference to counselors or treatment or whatnot that the  
23 children might go through. That's all privileged. That's not  
24 something that the defense could get at any rate.

25           The State would note that there was reference made,

1 and just to be clear about the prior allegations of Anita, and  
2 the State intends to present that evidence in the course of  
3 this trial, and that evidence was actually cross-examined on  
4 that evidence previously in this case, and that was in the CPS  
5 records, which defense counsel, I'm not sure if she's saying  
6 she did or did not have that portion of the CPS records.

7           So the State would submit that clearly in this case  
8 the State's position would be the defense had the CPS records.  
9 But at any rate, everything that's contained in the CPS  
10 records, the State submits, is already in the discovery that's  
11 already been otherwise provided to defense counsel. And those  
12 matters that defense counsel make reference to in there are  
13 not matters in which there essentially would be any additional  
14 evidence that they could obtain anyway.

15           THE COURT: So can you give me an example of how you  
16 believe that they would have already been in the records,  
17 other than the CPS records?

18           MR. SWEETIN: So essentially what the CPS records do  
19 is they detail contact with the children and the concurrent  
20 police investigation that's going on. I mean, that's  
21 essentially what they do. There's custody matters and things  
22 of that sort that's in the CPS records that aren't necessarily  
23 in the police records.

24           But the State submits that's not necessarily  
25 relevant to this case, what happens to the children's custody

1 after they're -- they're taken out of the home. So the State  
2 submits all relevant information in the CPS records were  
3 already provided in the police reports.

4 THE COURT: Then address the -- what you know of  
5 this interview from December 10, 2016, then a second one  
6 December 16, 2016, of Ryan.

7 MR. SWEETIN: So in regards to -- there is notes in  
8 the police -- or in the police notes that make reference to  
9 Ryan coming down to the CAC. It's not unusual for a child to  
10 go down and have a quick conversation with a forensic  
11 interviewer in order to essentially grab some rapport between  
12 them. And, in fact, it's my memory, and I -- I didn't  
13 necessarily expect this to come up so I don't have it with me,  
14 but it's my memory -- actually, we do have it up, that Ms.  
15 Radosta actually cross-examined Ryan on this particular issue  
16 in the course of the preliminary hearing.

17 Yeah. So it says at the beginning that she talks  
18 about asking him about Kristina Bernat and the conversation.  
19 It says at the beginning of that conversation it appeared that  
20 you had talked to Kristina before the day that she turned on  
21 the audio recording.

22 The answer is yes.

23 Then so the day she turned on the audio recording,  
24 how many times before that had you had conversations with  
25 Kristina?

1           It says maybe three times.

2           Do you know if she ever had an audiotape turned on?

3           His answer was no.

4           I went ahead and contacted the Children's Advocacy

5 Center to make certain that there was no prior recording. As

6 a result of that, I was forwarded to the police department. I

7 talked to the case detective and he indicated, no, that he did

8 not have a recording that was booked in for that particular

9 item.

10           THE COURT: Okay. Anything further, Ms. Radosta?

11           MS. RADOSTA: The fact that I may have been aware

12 based on the reading of the December 16th interview that there

13 had been a prior meeting between Ryan and Kristina Bernat does

14 not mitigate the fact that if there's a transcript of that --

15           THE COURT: No, I --

16           MS. RADOSTA: -- interview it should have been

17 provided. I mean, as I --

18           THE COURT: You're talking about the previous one of

19 December 10th?

20           MS. RADOSTA: Yes.

21           THE COURT: Okay. Well --

22           MS. RADOSTA: The first -- I didn't have any

23 reference in Ryan's December 16th interview of a date, of a

24 length of time. This was noted in the case notes of the

25 detective, whereas --



1 THE COURT: Does the -- does the notes in the case  
2 -- I mean, the case notes of the detective say that there's a  
3 recorded or transcribed statement from December 10th?

4 MS. RADOSTA: No.

5 THE COURT: Okay.

6 MS. RADOSTA: But --

7 THE COURT: So what you're asking for is that if  
8 they have one, you're entitled to it.

9 MS. RADOSTA: Yes.

10 THE COURT: Okay. If they don't have one, what are  
11 you asking the Court to do?

12 MS. RADOSTA: My point is that --

13 THE COURT: Or if there was never one made, what do  
14 you want the Court to do with that?

15 MS. RADOSTA: I would like there to be an order that  
16 if there was a recording made that it be turned over to give  
17 the Court some --

18 THE COURT: Okay. That's --

19 MS. RADOSTA: -- context. Also --

20 THE COURT: That's fair.

21 MS. RADOSTA: -- the prior interview with Anita, the  
22 second interview with Anita that we had gone round and round  
23 and round about was not mentioned to have been recorded in the  
24 detective case notes. It was just noted to be an interview.

25 THE COURT: Okay.

1 MS. RADOSTA: And lo and behold, three years after I  
2 was asking for it it showed up.

3 THE COURT: Okay.

4 MS. RADOSTA: So I'm just saying that just because  
5 people are saying that these things don't exist doesn't mean  
6 they don't exist.

7 THE COURT: Okay. All right. Well, inasmuch as the  
8 State or the detectives or the forensic interviewer has a  
9 recording or a transcript or both of the December 10, 2016, I  
10 believe it is discoverable and that that should be turned over  
11 to, if there is one, turned over to the defense. If not, I  
12 believe it to be a violation of my order. Okay.

13 MS. RADOSTA: Thank you, Your Honor. Just a couple  
14 more things on this particular topic, and then I have one  
15 other thing. Regarding the CPS records and the State's  
16 position that they were turned over to myself and the defense,  
17 I mean, that's pretty succinctly saying that he thinks I'm  
18 misrepresenting whether or not I've had those records before.

19 I did have, as I stated, five pages of CPS records  
20 of which I cross-examined Anita about at the preliminary  
21 hearing. The CPS records that I'm referring to now are dated  
22 with Mr. Sweetin's names, August 10, 2017. 2017. Not back  
23 when Terrie was being prosecuted, not back when Deborah was  
24 being prosecuted in 2014 and 2015, but two and a half years  
25 into this case, actually almost three years into this case is

1 when the State got their hands on these CPS records.

2 THE COURT: Okay.

3 MS. RADOSTA: I've done multiple file reviews since  
4 that point in time and these have not been turned over to me  
5 prior to Wednesday of last week, Your Honor.

6 THE COURT: Okay.

7 MS. RADOSTA: So I just -- the State walked really  
8 close up to saying that -- by saying he thinks I had them when  
9 I'm standing here saying I didn't have them.

10 THE COURT: Okay.

11 MS. RADOSTA: I have to take issue with that.

12 THE COURT: Well, okay. However you want to --  
13 okay. Here's the issue that I've got with it is this has been  
14 in here a number of times just on this -- on the very issue of  
15 discovery.

16 MS. RADOSTA: Uh-huh.

17 THE COURT: I've instructed the State to -- to abide  
18 by discovery rules, provide to the defense what's discoverable  
19 and what's required to be given to you. I'm not even sure at  
20 this point in time what -- like I said, what the relevance is  
21 of the CPS -- CPS records as to the case here at all. I don't  
22 know because I haven't heard anything. I haven't seen anybody  
23 trying to introduce anything with CPS records, trying to --  
24 trying to refresh memories with CPS. I haven't seen any of  
25 that at all, so --

1 MS. RADOSTA: And I'm just raising this in an  
2 abundance of caution, Judge, because --

3 THE COURT: Okay.

4 MS. RADOSTA: -- as I stated, they have ten CPS  
5 workers listed on their witness list. So if I -- if it were  
6 just the one little incident with Anita, that could be taken  
7 care of with one, or maybe two. It's my belief that they're  
8 intending to get into a lot more than that from these  
9 records --

10 THE COURT: All right.

11 MS. RADOSTA: -- with that --

12 THE COURT: I got you.

13 MS. RADOSTA: -- many witnesses.

14 THE COURT: I understand.

15 Mr. Sweetin, did you want to say anything further?

16 MR. SWEETIN: I would just like to make a record.  
17 Ms. Radosta referenced the records that were produced to her  
18 as being stamped. The reason, those records were in our  
19 possession previous, however, I ordered a complete set again  
20 to make sure that we had everything in 2017. But the State  
21 would submit that early on those CPS records were provided  
22 over -- in my understanding, the CPS records were provided  
23 over to defense counsel, and I never heard different from  
24 them.

25 THE COURT: Okay. All right. Okay. Anything

1 further?

2 MS. RADOSTA: Actually, Your Honor, I did have one  
3 other thing, but I'll ask Your Honor how you want me to handle  
4 this. I was just going to do an oral motion to strike the  
5 State's grooming expert. They filed an amended notice last  
6 week of their grooming expert, but notice was dated January  
7 22, 2018, in which they attached the CV of their expert.

8 Pursuant to NRS 174.234, the witness, expert witness  
9 notice is due 21 days prior to trial, including the CV should  
10 be attached to that notice. The State did file an original  
11 notice back on December 12, 2018, without the CV attached, and  
12 I don't believe that that notice -- I'm sorry, satisfies NRS  
13 174.234. If the Court would prefer I put this --

14 THE COURT: Are you --

15 MS. RADOSTA: -- in writing, I can --

16 THE COURT: Wait. Hold on.

17 MS. RADOSTA: -- do that, but --

18 THE COURT: Are you saying that -- that you were put  
19 on notice of who the expert would be --

20 MS. RADOSTA: Yes.

21 THE COURT: -- it's just you weren't provided a copy  
22 of the CV until last week?

23 MS. RADOSTA: And, additionally, at the court  
24 appearance, right around that time, Mr. Sweetin repeatedly  
25 said that this particular expert was only going to be used as

1 rebuttal to Dr. Harder. Since that point in time Dr. Harder  
2 was struck from our witness list. So when the notice came in  
3 without the CV, I just figured, well, it was a rebuttal expert  
4 at that point in time per Mr. Sweetin's representations.

5 But then last week when he attaches the CV and calls  
6 it an amended expert notice, that is not compliant with expert  
7 witness notice per 174.234. And the CV should be attached to  
8 the original notice 21 days out so that we have an opportunity  
9 to get our own expert to rebut their expert at that point in  
10 time, so --

11 THE COURT: Okay.

12 MS. RADOSTA: As I said, Your Honor, if you want me  
13 to put this in writing, I can, but --

14 THE COURT: Let me -- let me hear from Mr. Sweetin.

15 MR. SWEETIN: The State provided them with notice  
16 quite awhile ago, and I don't have the notice right in front  
17 of me. I wasn't sure they were going to bring this up today.  
18 However, we -- we received the curriculum vitae sometime  
19 later. We provided it a short time after we received it. So  
20 that's -- that's what happened in this.

21 The State would submit that clearly the defense was  
22 put on notice of this particular expert. This is going to be  
23 a lengthy trial. If, in fact, the Court -- or the State does  
24 call that expert, defense counsel has time to review that CV  
25 at this point.

1 THE COURT: All right. You made your record. Let  
2 me -- let me -- I'm going to take that under advisement right  
3 now, okay.

4 MS. RADOSTA: And as I said, Your Honor, if you  
5 would prefer it in writing, I can do that.

6 THE COURT: No, I think you made your -- I think you  
7 made your record. The points are is that they filed their  
8 notice. When they initially filed it, it wasn't properly  
9 filed with the CV attached. And now the CV being attached it  
10 puts it out of the timing.

11 MS. RADOSTA: Thank you.

12 THE COURT: Okay. All right.

13 MS. RADOSTA: Thanks.

14 THE COURT: Okay. So go ahead and get the --

15 MR. LOPEZ-NEGRETTE: Oh, Your Honor.

16 MS. RADOSTA: Oh. I'm sorry. Yeah.

17 MR. LOPEZ-NEGRETTE: I had emailed the Court earlier  
18 about lodging an objection to the venire due to  
19 underrepresentation of Hispanics according to the reports that  
20 we got from the jury commissioner.

21 THE COURT: Of Hispanics?

22 MR. LOPEZ-NEGRETTE: Yes.

23 THE COURT: Is there -- is there something with  
24 regards to -- do you believe that Hispanics are a different  
25 breed of person or something?

1 MR. LOPEZ-NEGRETE: No, Your Honor.

2 THE COURT: Then what -- what's the idea here? Is  
3 your client Hispanic?

4 MR. LOPEZ-NEGRETE: No. From my understanding, he's  
5 white, but --

6 THE COURT: Do you believe that the Hispanic race  
7 would be different in regards to how they rule on different  
8 things?

9 MR. LOPEZ-NEGRETE: No, Your Honor.

10 THE COURT: That you're entitled to that?

11 MR. LOPEZ-NEGRETE: I think that they're a  
12 distinctive group in our community.

13 THE COURT: Okay.

14 MR. LOPEZ-NEGRETE: And that they need to be fairly  
15 represented in Mr. Sena's jury.

16 THE COURT: Okay.

17 MR. LOPEZ-NEGRETE: And so from the information that  
18 we have from the jury commissioner, there are 94 members of  
19 the 400 group who are identified as Hispanic. This is  
20 according to the ethnicity report.

21 THE COURT: Okay.

22 MR. LOPEZ-NEGRETE: So that gives us a 23.5 percent  
23 representation of Hispanics, whereas the representation in our  
24 community, according to the 2017 census, is 31.3 percent.

25 THE COURT: Well, you know, much like other



1 objections that has been made in this, and I know that you've  
2 been involved in some of these objections, as well, is that we  
3 send out notices and -- and we have a number of juries that we  
4 have to fill.

5 MR. LOPEZ-NEGRETTE: Right.

6 THE COURT: And so with that being said, the notices  
7 that we sent out, if people respond to it or if they don't  
8 respond to it, what do you want me to do? Do you want me to  
9 say, well, not enough, I'm going to strike it all because all  
10 of the Hispanics that we sent out, not all of them, but a big  
11 portion of them, didn't respond to our notices for a number of  
12 reasons? So then that means that we can't go forward on it if  
13 they choose not to come in?

14 MR. LOPEZ-NEGRETTE: Well --

15 THE COURT: Because we're doing it randomly. So  
16 what -- what you're saying I ought to do is go out and pull a  
17 number of Hispanics from another group just to make up yours,  
18 which wouldn't be randomly.

19 MR. LOPEZ-NEGRETTE: Right. No, I'm not asking the  
20 Court to do that. I'm not asking the Court to tamper with  
21 the --

22 THE COURT: Okay.

23 MR. LOPEZ-NEGRETTE: -- with the methods. But I want  
24 to make sure that the methods that the jury commissioner is  
25 employing, obviously, bring in the fair and accurate

1 representation of the community at large.

2 THE COURT: Okay.

3 MR. LOPEZ-NEGRETTE: And from my understanding,  
4 because of this disparity, that raises a red flag to me. And  
5 so obviously there's underrepresentation of Hispanics in the  
6 jury pool that is going to hear --

7 THE COURT: What -- what number are you saying that  
8 it should be?

9 MR. LOPEZ-NEGRETTE: 31.3 percent.

10 THE COURT: Okay. Right now what we have here is 24  
11 percent?

12 MR. LOPEZ-NEGRETTE: Yes. 23.5.

13 THE COURT: Okay. Well --

14 MR. LOPEZ-NEGRETTE: And so that is enough -- that, I  
15 think, is enough of a statistical -- that makes enough of a  
16 difference statistically to say that this is a disparity that  
17 we need to address.

18 So from my perspective, I am asking the Court to  
19 basically excuse this venire and bring in a new venire, and  
20 hopefully that one will reflect the -- the makeup of our  
21 community according to 31 percent of Hispanics, 12.5 percent  
22 of African Americans, etcetera, etcetera, according to the  
23 most recent census. Hispanics do form a distinctive group in  
24 our community. There is a disparity in this case.

25 And, frankly, we don't know the reason why we have

1 this disparity. We don't have evidence showing that it was,  
2 you know, this group of Hispanics that decided they didn't  
3 want to show up. There's no evidence of that. We just have  
4 the raw numbers.

5 THE COURT: Okay.

6 MR. LOPEZ-NEGRETTE: And so I think that given this  
7 disparity we do need a new group.

8 THE COURT: Mr. Sweetin, do you want to address that  
9 at all?

10 MS. SUDANO: I'm actually going to do it, Your  
11 Honor.

12 THE COURT: Okay. Ms. Sudano.

13 MS. SUDANO: So the Nevada Supreme Court has been  
14 clear on it. There's no requirement that the particular  
15 venire that we're pulling from in this case be a  
16 representative makeup as long as there's no discrimination in  
17 the jury selection process as a whole. So the fact that we're  
18 7 percent off from whatever the 2017 projected census numbers  
19 was is not particularly demonstrative of anything in this case  
20 because we've only got 400 people. We don't have a  
21 representative sample size of Clark County as a whole.

22 So I know that in prior cases, Battle v. State being  
23 one of them, the Nevada Supreme Court affirmed a conviction  
24 based on that similar challenge. The Nevada Supreme Court  
25 Appellate No. 68744, based on a transcript that was prepared

1 by another judge where they actually brought in the jury  
2 commissioner, looked at everything that the jury commissioner  
3 was doing to make a determination about who was in the -- the  
4 jury pool as a whole.

5 And they found that there was no way she, with the  
6 way that the jury pool as a whole in Clark County was being  
7 selected, that it was random enough, that it was  
8 representative enough that there was no issue. And I did  
9 provide -- or pull a transcript from Case No. C-08-C241632.  
10 It was State versus Christian Dominique Williams. That was, I  
11 believe, the transcript that was referenced in that Battle v.  
12 State case where the jury commissioner came in and talked  
13 about the NV Energy and the DMV names being where they were  
14 pulling the jury list from.

15 And then even after that case, there was an  
16 administrative order in 16-07 from the Eighth Judicial  
17 District Court where in addition to those two samples, they  
18 were also pulling in voter rolls. So since the Nevada Supreme  
19 Court has affirmed the process that the jury commissioner was  
20 using, they've actually added in an additional source of names  
21 to make sure that it's even more representative. So I can  
22 provide all those things to Your Honor if you would like to  
23 have them just so that they are part of the record.

24 THE COURT: Yeah, they need to be part of the  
25 record, okay.

1           MR. LOPEZ-NEGRETTE: Your Honor, for -- and in just  
2 briefly responding, I don't think the Supreme Court has  
3 actually evaluated the merits of the jury commissioner's  
4 system, the jury management system that they -- that they've  
5 employed. They may not have reached that issue yet. And I  
6 think that in this case we would need to have a hearing with  
7 the jury commissioner to actually testify about what the  
8 methods are. So that's my request.

9           THE COURT: Well, the concern I have with that is  
10 I've done that a number of times before, and we've done it  
11 here in the Eighth Judicial District. The jury commissioner  
12 has come in and answered --

13           MR. LOPEZ-NEGRETTE: Right.

14           THE COURT: -- any question we need. And the same  
15 transcript that they're referencing in the Battle, is the  
16 transcript that the Nevada Supreme Court found is sufficient  
17 of the jury commissioner's methods and the way that they  
18 select. And now we have a third manner in which they're doing  
19 it.

20           But if you want -- if you -- if you think it will  
21 help you or -- or help the record, I don't have any problem  
22 bringing the jury commissioner in here to answer any questions  
23 you have with regards to the methods in which they use. But  
24 it's been used before, but I think for purposes of this case  
25 I'm going to do it, okay.

1 MR. LOPEZ-NEGRETE: You're going to do which?  
2 THE COURT: I'm going to allow you to --  
3 MR. LOPEZ-NEGRETE: Question --  
4 THE COURT: -- call the jury commissioner.  
5 MR. LOPEZ-NEGRETE: Okay.  
6 THE COURT: We'll call her up here and you can ask  
7 any questions. I will tell you that it's been -- I think her  
8 answers are going to be the same as what has been said before,  
9 but for purposes of this record and what you've just  
10 indicated, I'll allow it.  
11 MR. LOPEZ-NEGRETE: Great. Thank you.  
12 THE COURT: Okay. So can you get -- yeah, I think  
13 we're doing it right now.  
14 THE CLERK: Yeah. She's on the phone.  
15 THE COURT: Okay. Okay. So this -- I'm going to  
16 have this filed as an exhibit. Do you need this back?  
17 MS. SUDANO: No, that's your copy, Your Honor.  
18 THE COURT: Okay. All right. And I'm going to file  
19 the -- what you provided the Court, as well, okay.  
20 MR. LOPEZ-NEGRETE: Great.  
21 THE COURT: All right. Have that filed as defense.  
22 All right. So before we --  
23 THE CLERK: I'm going to mark these as Court's  
24 exhibits, actually, so this will be No. 2.  
25 THE COURT: Okay.

1           THE MARSHAL: Judge, can we give them a 10-minute  
2 break, then?

3           THE COURT: Yeah. Tell them we need the jury  
4 commissioner up, so -- okay.

5           THE CLERK: And she's on her way.

6           THE COURT: Is she on her way?

7           THE CLERK: Yeah.

8           THE COURT: Okay.

9           THE CLERK: Do you want to go off the record while  
10 we wait?

11          THE COURT: Yeah, that's fine.

12          THE RECORDER: I'm sorry. What?

13          THE COURT: You can go off the record while we wait.  
14 (Court recessed at 12:04 P.M., until 12:08 P.M.)  
15 (Outside the presence of the prospective jury)

16          THE COURT: We're back on the record in the case of  
17 State of Nevada versus Christopher Sena in C311453. We're  
18 outside the presence of the jury.

19          The defense had raised an issue with regards to the  
20 ethnicity report that was filed by the jury commissioner and  
21 so I'm giving them an opportunity to question our jury  
22 commissioner further as to any of their concerns. She's here  
23 now.  
24 //  
25 //

1                   MARIAH WITT, JURY COMMISSIONER, SWORN

2                   THE CLERK: Thank you. Please be seated. For the  
3 record, please state your full name, spelling your first and  
4 last name.

5                   THE WITNESS: Mariah Witt; M-a-r-i-a-h, W-i-t-t.

6                   THE COURT: Your witness, Mr. Lopez-Negrete.

7                   MR. LOPEZ-NEGRETE: Thank you, Your Honor.

8                                   DIRECT EXAMINATION

9 BY MR. LOPEZ-NEGRETE:

10           Q       Good morning, Ms. Witt.

11           A       Good morning.

12           Q       Thank you for coming down and talking to us.

13           A       You're welcome.

14           Q       So then how are you employed?

15           A       I'm the jury commissioner for the Eighth Judicial  
16 District Court.

17           Q       How long have you held that position?

18           A       Since November of 2012.

19           Q       Okay. And what is your primary responsibility?

20           A       You want to be more specific? I mean, there's a lot  
21 of it. I mean, I'm responsible for summoning jurors, bringing  
22 them in the courthouse, getting them here for the trials.

23           Q       Okay. Great. And as part of your responsibilities,  
24 you oversee the process by which jurors are pulled from the  
25 community to report to court; is that correct?



1           A     Correct.

2           Q     Okay. And please explain to me how does that work?  
3     What is the actual process?

4           A     Okay. Well, we have a master list. The master list  
5     is comprised of records from Nevada DMV, Nevada Energy, and  
6     voter rolls. Pursuant to Assembly Bill 207, there's also been  
7     a request to add the records from the Department of Employment  
8     Training and Rehabilitation. Those records have been  
9     requested. We don't have the list yet. It's not through lack  
10    of trying. And from one of my -- our IT department has been  
11    working to get that list. This is a state-wide thing. The  
12    entire state is working to get that list so that they can  
13    incorporate it into their master list. So from that master  
14    list --

15          Q     Right.

16          A     -- our system creates pools which summon people to  
17    come in for jury duty. And I do have a third-party vendor  
18    that we send those pools to --

19          Q     Okay.

20          A     -- and then they mail off the summonses.

21          Q     So then let me ask you. These pools --

22          A     Uh-huh.

23          Q     -- it's a computer that decides how big they are, or  
24    who does that?

25          A     As far as the pools go, we just know historically

1 approximately how many we need to call on a given day to be  
2 able to have enough confirmed jurors to respond.

3 Q Okay.

4 A So we have kind of a set amount that we do every  
5 week, and we summon people six weeks in advance.

6 Q All right. And so then are you the person who  
7 enters the information saying we need this amount of jurors  
8 for the trials coming up next week?

9 A My assistant creates the pools most of the time for  
10 me at my direction.

11 Q All right. And so then you just give your assistant  
12 a number in terms of how many jurors --

13 A Correct.

14 Q -- you want to report, and then she does the rest?

15 A He.

16 Q He.

17 A He creates the pools. That doesn't necessarily  
18 dictate who is reporting, sir. Those are everybody that's  
19 summoned.

20 Q Right.

21 A We don't always call everybody in. So if I call --  
22 typically on a Monday it's 2,000 people summoned for a Monday.  
23 Out of those 2,000 you're going to have a certain percentage  
24 of people that disqualify because they're non-citizens, you're  
25 going to have a certain number of people that have been

1 postponed, you're going to have a certain number of people  
2 that just don't respond, fail to respond. So then out of  
3 those, people are -- when they get their summons, they are  
4 supposed to confirm that, yes, they are going to be here,  
5 their service. They either do that on the phone or online.  
6 Once they do that, we check the numbers the night before and  
7 call in the number of people depending on how many trials we  
8 have for a given day.

9 Q All right.

10 A So if I need 400 jurors, I'll call in 400 jurors,  
11 however many jurors we need for that day.

12 Q Now, your assistant, does he enter the information  
13 himself, or does he then contact this third-party vendor that  
14 you mentioned that deals with the master list?

15 A Well, the master list is huge. There's no way he  
16 could do that himself manually. It's an automated process  
17 within the jury management system. The jury management system  
18 creates the pools. There is an algorithm built within the  
19 jury management system so that it is a random selection  
20 process throughout the community.

21 Q Right. And so --

22 A So --

23 Q Let me just interrupt you quickly, there.

24 A Sure.

25 Q The master list is a combination of all the three

1 source that you mentioned before --

2 A Correct.

3 Q -- right?

4 A Correct.

5 Q Okay. And then do you know when this process is

6 done randomly --

7 A Uh-huh.

8 Q -- do you know exactly what that means? Is it from

9 the entire list, or is it chop it up?

10 A It's from the entire list.

11 Q Okay. All right. And so, then, as part of your

12 responsibilities, obviously you tally the -- the racial or

13 ethnic makeup of the jurors, potential jurors coming in; is

14 that right?

15 A No, we do not tally the information. The jurors,

16 when they are called for service, are required to go online

17 and qualify their service, and part of that is by revocable

18 information. They self-report. I simply pull the reports of

19 the information that they've provided.

20 Q All right. So you collect that information?

21 A Yes.

22 Q Okay. And then as your job, is it -- isn't it your

23 responsibility to make sure that the jurors, that the master

24 list, actually fairly represents the demographic makeup of

25 Clark County?

1           A     Well, sir, I summon them. I don't have any control  
2 over who shows up.

3           Q     That's -- that's fine.

4           A     So -- right.

5           Q     But in terms of making sure that the master list  
6 itself reflects the demographic makeup of our community, do  
7 you do that?

8           A     Well, it's part of the whole process. I mean, I  
9 serve at the discretion of the CEO, the executive team, and so  
10 I'm responsible for summoning them. I do the -- we have a  
11 random selection throughout the community, but, again, I don't  
12 have any control over who actually shows up. We do have the  
13 reporting so that we can look at and monitor those numbers.

14          Q     All right. And so, then, when you're summoning the  
15 potential jurors --

16          A     Uh-huh.

17          Q     -- it's a random list, right, or --

18          A     Correct.

19          Q     -- a random --

20          A     Correct.

21          Q     -- compilation from the master list?

22          A     Correct.

23          Q     And then you send those out to specific zip codes or  
24 how does that work?

25          A     It's random, sir --

1 Q It's random.

2 A -- with an algorithm throughout various zip codes.

3 Q Okay. And in terms of people showing up, I know you

4 say you can't control when they do and they don't; correct?

5 A Correct.

6 Q Do you keep track of which types of people are not

7 showing up?

8 A We have -- well, if they don't respond, sir, we

9 don't know what their ethnicity or their race is.

10 Q Right.

11 A So there's no way for me to know that Joe Smith is a

12 particular ethnicity or race just looking at his name. I have

13 no way of knowing that. So on the people that don't show up,

14 no, the only thing we can track are the people that do

15 respond.

16 Q I see. And so you don't resummon any of the people

17 who don't respond?

18 A That's not true.

19 Q Okay.

20 A We actually automatically resummon in 60 days to

21 people who fail to respond.

22 Q Oh, you keep doing that?

23 A Yes.

24 Q Okay. Now, in this particular case, you -- at your

25 direction your assistant pooled a venire of 400 jurors; is

1 that correct?

2 A Well, no, he did not -- that's the panel, sir.

3 There are --

4 Q Panel.

5 A -- different levels. From the pools -- the pools

6 are just everybody that's summoned to come in. When they come

7 in, then from everybody that's in attendance the panels are

8 created. I created those panels.

9 Q Okay.

10 A So when the people came in and they appeared and

11 that was done over the course of three days because it was

12 such a large group, so it took us three days to be able to

13 complete the -- get a panel that large and get all the

14 questionnaires and all of that completed.

15 Q Right.

16 A So I created those panels --

17 Q All right.

18 A -- through the system.

19 Q All right. And you'll acknowledge that the panel in

20 this case had 94 members who identified as Hispanic?

21 A Yes.

22 Q And out of 400 total, that is a percentage of 23.5

23 percent; right?

24 A Yes.

25 Q Okay. And you're aware that that is below the --

1 the census figure for what a Hispanic community is like here  
2 in Clark County; is that correct?

3 A Yes.

4 Q Which is 31.3 percent?

5 A Yes.

6 Q So you -- you would acknowledge that as a disparity?

7 A I would. But I would also like to point out that  
8 the 31.3 percent also includes non-citizens, people under 18,  
9 so that number -- I can't give you the exacts on that, but  
10 that number would probably be impacted on that basis. Also,  
11 when I assign panels, again, I don't pick and choose. The  
12 system does that from the people in attendance, and I do have  
13 other panels in attendance. So I might have this many on your  
14 panel, and this many on that panel. So you may have one  
15 panel, because it's random, one panel has fewer, some have  
16 more.

17 Q Okay. And so then maybe I asked this already. Is  
18 there anybody actually comparing the master list to the  
19 demographic information about our community to see if they  
20 line up?

21 A We do have a pool report, as well. In fact, when  
22 Assembly Bill 207 was passed, additional reporting  
23 requirements were imposed that require that we send to the  
24 administrative office of the courts a listing of all the  
25 jurors that were selected, their -- their names, addresses,



1 employment, and ethnicity. But, again, that's only as  
2 complete as the people that responded. So that information, I  
3 believe we're sending it annually. It had -- it's a very  
4 technical process because it's our -- it's everybody summoned.  
5 So our IT department sent that, so it is reported to the  
6 administrative office of the courts.

7 Q So that -- that information, that would have  
8 included the panel for -- for this case that we're dealing  
9 with today?

10 A Well, it wouldn't be on a panel level, sir. It just  
11 -- it gives the numbers. It says, okay, we have all of these  
12 people. I mean, it's not going to break it down by panel.

13 Q What I'm saying is the master list that you guys  
14 were running this report on, right, that master list was the  
15 source for the panel --

16 A Yes.

17 Q -- ultimately that --

18 A Yes.

19 Q -- showed up here?

20 A Yes, that's correct.

21 Q Okay. So when was that report made?

22 A You would have to talk to Mike Doan, the IT  
23 director, because that's something that -- the scope of it is  
24 so large, I can't do it. It's an automated process that they  
25 provided. So the exact date, I couldn't tell you, sir.

1 Q Did you ever review that report?

2 A No, I did not.

3 Q You didn't review whether the pool actually  
4 reflected the demographic makeup of our community?

5 A Well, again, the master list is different than a  
6 pool, sir.

7 Q I want to get to the report that you were talking  
8 about. You were talking about that assembly bill --

9 A Right.

10 Q -- that caused you to compare the demographic  
11 community, the demographic makeup of our community to the  
12 master list; right?

13 A It's -- it's not that kind of report, sir. It's  
14 just simply a listing of all the people with the breakdown.  
15 It doesn't -- it doesn't say X, Y, Z. I mean, it just lists  
16 all the jurors and their race and ethnicity and their  
17 employment. It's not like it's a tally type thing.

18 Q It has raw data in terms of what the master list,  
19 the ethnic racial makeup of the people in the master list; is  
20 that right?

21 A Yes.

22 Q Okay. So that information is there; correct?

23 A Yes.

24 Q And there was a report made about that?

25 A It's not the summarized report, sir. It's simply a

1 listing. That's what was required.

2 Q The data is there.

3 A Yeah. Right.

4 Q Okay. But you never reviewed that?

5 A I did not.

6 Q Okay.

7 A It's 2.3 million records, so it's not -- it's --

8 it's just --

9 Q Where did that --

10 A -- too comprehensive.

11 Q Where did that go ultimately, that information?

12 A The list? It was sent to the -- you would have to

13 ask Mike Doan, the IT director, exactly how that was done, but

14 it was submitted electronically. That's all I know is it was

15 submitted electronically to the administrative office of the

16 courts.

17 Q Mike Doan?

18 A Yes. Uh-huh.

19 Q Okay.

20 MR. LOPEZ-NEGRETTE: Pass the witness.

21 THE COURT: Do you have any questions, Ms. Sudano?

22 MS. SUDANO: Just if I can be very brief, Your

23 Honor.

24 THE COURT: Sure.

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CROSS-EXAMINATION

BY MS. SUDANO:

Q So, ma'am, you mentioned that you were the person that actually created the panel --

A Correct.

Q -- for this particular case; is that correct?

A Correct.

Q Can you walk us through how that process goes?

A Yes. Once the jurors have reported, the ones that did respond and come in, we give orientation, we check them in for attendance, we do their parking, they're shown a video which explains the process to them. And then when it's time for me to create the panels, I do that on the basis of the schedule with those going to trial first. I create those first and then the next and then the next.

Usually, with questionnaire panels, so especially in this case, it's usually they are the only ones in the room because my room only holds like 300, so there were like two or 300 people at the time. But I created those panels. The system pulls it from everybody in attendance and assigns them according to -- I just put in the case number, the number of jurors required.

In that case I would use up all the remaining jurors that were available for that day because we were trying to get the whole 400. And I just repeated that each day until we had

1 the 400 jurors, just added that -- everybody that was in  
2 attendance during that particular session, added them to the  
3 panel.

4 Q So when you were talking about you being the person  
5 that created it, all you did was input our case number and the  
6 number of jurors that you were requiring; is that correct?

7 A Yes.

8 Q All right. So you didn't actually go through and  
9 say, Mr. Smith, you go to this panel, Ms. Jones, you go to  
10 this panel?

11 A No, that would violate random selection.

12 Q So that's all done by the computer?

13 A Yes, ma'am.

14 Q Is there any way that when we were talking about the  
15 jury pool, so the 2,000 people that are supposed to come in on  
16 any particular Monday, any way to guarantee that those people  
17 are coming from all different zip codes or all different parts  
18 of the valley?

19 A To guarantee, no, because, I mean, they're outside  
20 of the court. All we can do is summon them. The pools, I  
21 mean, we do have reports, by the way, for the pools, too, for  
22 every day. We -- we keep racial and ethnicity information on  
23 the basis of the pool itself, which are probably the most  
24 inconclusive because there are a large number that don't  
25 respond, and then there are the panel reports which is

1 everybody that's in attendance.

2           When they are there, I have a lot more control over  
3 that and we do insist that everybody complete that  
4 questionnaire if they haven't already. The system tells us  
5 that when they check in. So if they haven't completed that  
6 questionnaire, we will ask them to step aside and then  
7 complete the questionnaire during the video so that when we  
8 complete the information, it's all there.

9           So we're doing a pretty good job with that. We're  
10 getting pretty -- pretty high percentages, almost about 99  
11 percent of people that actually appear complete that  
12 questionnaire. But prior to them arriving here, there's not a  
13 lot we can do to guarantee it.

14         Q     Okay. And even when they do complete the  
15 questionnaire, they're still self-reporting their ethnic and  
16 racial information; is that correct?

17         A     Correct.

18         Q     All right. And does the jury commission do anything  
19 to make sure that that information is accurate?

20         A     Well, we do have a computerized system and our -- I  
21 have to rely on the expertise of our IT team and the people  
22 that selected the system that that is an accurate system. I  
23 have to -- I have to trust them, and when I talk to IT I have  
24 to trust them that those things are working. I mean, you can  
25 tell when there's certain things that are coming up that don't

1 make sense, you know. So if I were aware of something like  
2 that, I would certainly report that.

3 We also have a jury services improvement committee  
4 that our court has -- our previous chief judge appointed this  
5 jury services improvement committee. And part of that was to  
6 look at that and look at ways that we can improve  
7 participation. And so a large part of that effort is  
8 community outreach, so we are in the process of reaching out  
9 to various employers, various groups to try to encourage  
10 participation across the board. So there are some efforts  
11 being made in that regard, yes.

12 Q Okay. But you still can't control who responds --

13 A Exactly.

14 Q -- or how they identify themselves when they do  
15 respond?

16 A Exactly.

17 MS. SUDANO: Thank you, Your Honor. Nothing  
18 further.

19 THE COURT: Anything further?

20 MR. LOPEZ-NEGRETTE: Your Honor, I was going to ask  
21 the Court to -- to bring Mr. Mike Doan to talk about this  
22 issue that came up during Ms. Witt's testimony, but I have no  
23 further questions --

24 THE COURT: Any further questions?

25 MR. LOPEZ-NEGRETTE: -- for Ms. Witt.

1           THE COURT: Okay. Just so I'm clear, as well, when  
2 you look at the reports that you do provide the court when --  
3 like, for example, we're talking about an ethnicity report on  
4 this case and we're talking about Hispanic Latino. And it  
5 says that there's a number of individuals identified  
6 themselves as Hispanic or Latino female, a number of Hispanic  
7 or Latino male, and then Hispanic or Latino a number of  
8 individuals. and then at the bottom it says unknown. Are  
9 those individuals that aren't identifying themselves as either  
10 Hispanic female or male or -- or just saying they don't know  
11 whether they're one or the other? Do you see what I mean?

12           THE WITNESS: The unknown -- yes. The unknown court  
13 field is actually for court use.

14           THE COURT: Okay.

15           THE WITNESS: So it's for people that for whatever  
16 reason we don't have the ethnicity information or if it's on  
17 the --

18           THE COURT: Okay.

19           THE WITNESS: -- race report, the race information.  
20 They -- either they didn't respond, it was incomplete, or  
21 something of that nature.

22           THE COURT: And to go one step further, when you  
23 talk about the race report --

24           THE WITNESS: Uh-huh.

25           THE COURT: -- when you -- when it has the word



1 other race and it actually --

2 THE WITNESS: Uh-huh.

3 THE COURT: -- has 37 individuals are female, 19

4 that are male, they just put other race --

5 THE WITNESS: Correct.

6 THE COURT: -- do you know what that means?

7 THE WITNESS: We have no idea. That could mean

8 anything. That could be any combination of race or even

9 ethnicity if people don't --

10 THE COURT: Or however they --

11 THE WITNESS: Right. It's however they self-report,

12 however they identify. We have no way of knowing what that

13 means to them.

14 THE COURT: And then, once again, there's an unknown

15 on there, as well.

16 THE WITNESS: Correct.

17 THE COURT: It talks about male or female.

18 THE WITNESS: Correct.

19 THE COURT: And they just say -- and it says unknown

20 two females, unknown three males, and then unknown completely.

21 So somebody is not even saying whether they're a race, whether

22 they're a male or female?

23 THE WITNESS: This is correct. Sometimes the

24 information is not complete.

25 THE COURT: Okay. Do you have any questions as a

1 result of my questions?

2 MR. LOPEZ-NEGRETE: No, Your Honor.

3 MS. SUDANO: No. Thank you, Your Honor.

4 THE COURT: Okay. All right. Thank you so much.

5 THE WITNESS: You're welcome.

6 THE COURT: Okay. Okay. Your -- your --

7 MR. LOPEZ-NEGRETE: My request is to bring in Mr.

8 Doan, who Ms. Witt referred to, because the whole point of

9 this from my perspective is I want to know if the master list

10 actually reflects the community since that's where all of this

11 is coming from and they actually looked at that information.

12 I think we should --

13 THE COURT: Can you tell me, Mr. Negrete, just for

14 the sake of the Court's edification, what's your understanding

15 of the makeup of the Caucasian race in -- in Nevada?

16 MR. LOPEZ-NEGRETE: Right.

17 THE COURT: In Clark County?

18 MR. LOPEZ-NEGRETE: Right.

19 THE COURT: What's your understanding of that?

20 MR. LOPEZ-NEGRETE: I only know the figures. You

21 know, I'm not a sociologist.

22 THE COURT: I'm not talking about what's on --

23 what's on here. What's your understanding of that?

24 MR. LOPEZ-NEGRETE: Like I said, Your Honor, I don't

25 -- I don't know what to say other than that Hispanics are a

1 distinctive group.

2 THE COURT: Uh-huh.

3 MR. LOPEZ-NEGRETTE: I think Caucasians I guess you  
4 could say are also a distinctive group, just like African  
5 American, Asian.

6 THE COURT: Well, I think we're going that route.  
7 That's where we're heading is -- is that we're -- we're  
8 separating everybody into different categories --

9 MR. LOPEZ-NEGRETTE: Right.

10 THE COURT: -- and -- and identifying them all.  
11 That's why I ask, what -- what is the -- I understand that  
12 your argument is that your client is not receiving a fair --

13 MR. LOPEZ-NEGRETTE: Cross-section.

14 THE COURT: -- jury --

15 MR. LOPEZ-NEGRETTE: Right.

16 THE COURT: -- from the makeup of the community.

17 MR. LOPEZ-NEGRETTE: Right.

18 THE COURT: Okay. And that's -- and your objection  
19 is to the -- to the jury pool at this point?

20 MR. LOPEZ-NEGRETTE: Correct.

21 THE COURT: Not even -- not even understanding what  
22 may end up as the jury.

23 MR. LOPEZ-NEGRETTE: Correct.

24 THE COURT: I mean, it could for all intents and  
25 purposes be exactly what the breakdown of our community is

1 under your concerns, be that way.

2 MR. LOPEZ-NEGRETTE: I don't think it is reflecting  
3 the makeup of our community.

4 THE COURT: No, I -- I said the jury.

5 MR. LOPEZ-NEGRETTE: Right.

6 THE COURT: Whatever you get as a juror -- a jury  
7 could be -- it could, at the end of the day, when we get done  
8 with picking a jury, it could fit the exact makeup of how many  
9 Hispanics we have in the community, how many African Americans  
10 we have in the community, how many by percentage,  
11 understanding --

12 MR. LOPEZ-NEGRETTE: I understand what you're saying.  
13 I think that is possible, obviously.

14 THE COURT: Okay.

15 MR. LOPEZ-NEGRETTE: I think we're at a disadvantage  
16 at this point if we already have underrepresentation of  
17 Hispanics.

18 THE COURT: Okay. So explain to me how that's --  
19 right now you're saying there's a possibility of that, you'll  
20 accept that. Second, you're saying right now you're at a  
21 disadvantage. How is your client at a disadvantage right now  
22 based on what is in this particular breakdown, at least of  
23 what we have?

24 MR. LOPEZ-NEGRETTE: Because there are fewer  
25 Hispanics than there are in the community.

1           THE COURT: And that's a disadvantage?

2           MR. LOPEZ-NEGRETTE: Well, because we're trying to

3 get to the same amount that's in the community; right?

4           THE COURT: Okay.

5           MR. LOPEZ-NEGRETTE: So we're trying to get --

6           THE COURT: And so what -- what reports or studies

7 do you have that would support that a jury is more fair

8 because we meet exactly that number?

9           MR. LOPEZ-NEGRETTE: Your Honor, I think it's a

10 separate analysis when we're talking about --

11           THE COURT: Well, no, that's what you're saying.

12 You're saying my client is not receiving a fair shake for a

13 jury --

14           MR. LOPEZ-NEGRETTE: Right.

15           THE COURT: -- because it's not made up of 31

16 percent Hispanics --

17           MR. LOPEZ-NEGRETTE: Right.

18           THE COURT: -- however many African Americans,

19 however many --

20           MR. LOPEZ-NEGRETTE: Right.

21           THE COURT: -- Caucasian, however many women,

22 however many men, or whatever. You're saying that.

23           MR. LOPEZ-NEGRETTE: I'm saying that one of the key

24 points under due process, the Sixth and Fourteenth Amendment,

25 is that he gets a jury of his own peers.

1 THE COURT: Okay.

2 MR. LOPEZ-NEGRETTE: And so the jury of his own  
3 peers, whether what they believe ultimately, how they vote, I  
4 think that's separate.

5 THE COURT: Okay.

6 MR. LOPEZ-NEGRETTE: But he needs to have the same  
7 amount of African American, Asian, Hispanics that are in the  
8 community represented in his jury.

9 THE COURT: Okay.

10 MR. LOPEZ-NEGRETTE: And that's -- that's the  
11 objection.

12 THE COURT: Okay. I understand. Your objection is  
13 noted. You've had an opportunity to question. I think that  
14 the record is clear and it's overruled, okay.

15 MR. LOPEZ-NEGRETTE: And so just for the record, my  
16 request was to also bring in the following witness who  
17 actually would be able to testify --

18 THE COURT: Did you subpoena him for this?

19 MR. LOPEZ-NEGRETTE: No, Your Honor.

20 THE COURT: Okay.

21 MR. LOPEZ-NEGRETTE: I did not subpoena him.

22 THE COURT: All right. Okay. Well, we've put on  
23 the jury commissioner who addressed this and so your objection  
24 is overruled, okay.

25 MR. LOPEZ-NEGRETTE: Okay.

1 THE COURT: All right. Go ahead and get the jury  
2 in.

3 I had a number of requests by the jurors to be  
4 excused. And you saw before we came in today because we  
5 provided them to you and you marked those out. But since  
6 then, since Friday, I have received additional ones.

7 MS. RADOSTA: Okay.

8 THE COURT: There's four of them that we had to  
9 leave them on. They're in this group; right? I think they're  
10 coming up.

11 THE CLERK: There's one --

12 THE COURT: There was actually six or seven that --

13 THE CLERK: There's only one actually in this group  
14 right now.

15 THE COURT: Okay.

16 MS. RADOSTA: So since Friday we've had how many  
17 more reach out to the -- to Your Honor?

18 THE COURT: One, two, three, four, five, six, seven.

19 MS. RADOSTA: For our information, Judge, how are  
20 they reaching out? Are they going --

21 THE COURT: Oh, they send -- they send letters to  
22 the jury commissioner.

23 MS. RADOSTA: Okay.

24 THE COURT: Okay.

25 MS. RADOSTA: And they forward that to you?

1 THE COURT: Right.

2 MS. RADOSTA: Okay.

3 (Inside the presence of the prospective jury panel)

4 THE COURT: Counsel, while there's a break in this  
5 group, will you approach.

6 (Off-record bench conference)

7 THE COURT: Go ahead and have a seat. Get relaxed.

8 Is that it? Okay. All right. Everybody go ahead  
9 and have a seat. Before we get started, I need to ask is a  
10 James Shaw here?

11 PROSPECTIVE JUROR NO. 216: Yes.

12 THE COURT: Okay. All right. Is there also Teresa  
13 Courtright?\* Tun Avian or Carol Carter?

14 Okay. For the record, those are the four that I  
15 discussed, and the only one that's in this panel is Mr. -- in  
16 this group is Mr. Shaw.

17 MS. RADOSTA: Okay. If we could just get the --  
18 later on, the badge number and stuff for the other three.

19 THE COURT: Yes.

20 MS. RADOSTA: Thanks.

21 THE COURT: Mr. Shaw, I'm going to go ahead and  
22 excuse you. His badge number is 02-0216. His name is James  
23 Oscar Shaw. Mr. Shaw, I did receive the notice and the reason  
24 why, but I didn't get it until late.

25 PROSPECTIVE JUROR NO. 216: Okay.



1           THE COURT: So if I would have heard earlier, then I  
2 would have done it quicker, okay. So you will be excused, all  
3 right.

4           PROSPECTIVE JUROR NO. 216: Thank you.

5           THE COURT: Okay.

6           PROSPECTIVE JUROR NO. 216: Have a good day.

7           THE COURT: Yeah. We're going to move everybody to  
8 fill in these spots, okay, and then we'll come in the end.  
9 And this will be the only time we do it this way.

10          Are you Cindy?

11          PROSPECTIVE JUROR NO. 292: Yes.

12          THE COURT: Okay. All right.

13          All right. So I guess good afternoon, ladies and  
14 gentlemen. This is the time set for trial in the case of  
15 State of Nevada versus Christopher Sena in Case No. C311453.  
16 The defendant is present. The record will reflect the  
17 presence of him with his counsel, and his counsel is Violet  
18 Radosta and David Lopez-Negrete. Also, the State is here with  
19 their counsel, James Sweetin and Michelle Sudano.

20          Ladies and gentlemen, you're in Department 19 of the  
21 Eighth Judicial District Court here in the County of Clark,  
22 State of Nevada. My name is William Kephart. I'm the  
23 presiding judge over this matter. I want to take the  
24 opportunity before we get going too far to introduce  
25 individuals you may come into contact with or who you're

1 seeing in the courtroom throughout the proceedings.

2           You've met my marshal already, Mr. Koontz. And Mr.  
3 Koontz is responsible for the security of this courtroom.  
4 He's also responsible for my personal security, and he's also  
5 responsible for you all. So he's the individual that you  
6 would probably be coming into contact with if you need to  
7 discuss anything with the Court, if you have any questions  
8 with the Court.

9           Don't -- don't just get up and walk up here to the  
10 bench like when we're leaving or when you come in because  
11 he'll be on you pretty quick. So if you need to discuss or  
12 you have a question or something, make sure you do bring that  
13 to the attention of my marshal if we're not questioning you in  
14 here, okay.

15           Also, you've met my judicial executive assistant.  
16 That's Minddie Lloyd. She handles the matters in my chambers,  
17 sets my calendar for me, my personal calendar, handles some  
18 personal matters for me, sets up my meetings when I have to be  
19 out of the court or meetings within the courthouse. And you  
20 -- you may come into contact with her if you make it on the  
21 jury and you're deliberating because she's sworn in as an  
22 officer to take charge of my jury.

23           To her -- or to their left is Christine Erickson.  
24 Christine is my official court reporter. If you look around  
25 the courtroom you can see there's a number of mics, there's a

1 number of cameras. Everything that's being said in here is  
2 being audio and visually recorded. She keeps a record of  
3 that. So during the proceedings if I need to get something  
4 back and we need to go back on the record to see what was said  
5 earlier, she can pull that up.

6           There will be, when we go through this questioning  
7 process, we're going to pass out a microphone for you because  
8 the mics on the front of the -- sometimes it doesn't pick you  
9 up as clear and we do need to make sure we know -- we hear  
10 what you're saying in your responses.

11           Also, to her left is Tia Everett. She is my court  
12 clerk. She is responsible for swearing in witnesses, she's  
13 responsible for keeping track of the evidence in any trial.  
14 She prepares my official record. Before every day of trial, I  
15 have a calendar. In my calendar I'm handling matters that are  
16 -- that are not -- obviously, not trial, and that's my court  
17 official records and she takes those. She handles my minutes,  
18 puts together certain orders, and takes care of the trial with  
19 my witnesses and exhibits during the proceedings.

20           And at this time I'm going to ask the State if  
21 they'd like to introduce themselves, make a brief statement of  
22 the nature of the case if they'd like. I don't know if we  
23 need to in light of the fact that -- all of you have filled  
24 out a questionnaire; is that correct?

25           PROSPECTIVE JURY PANEL: Yes.

1 THE COURT: Is there anyone that has not?

2 Okay. So, Mr. Sweetin.

3 MR. SWEETIN: Thanks, Judge.

4 My names is James Sweetin. Sitting next to me is  
5 Michelle Sudano. And as the Court indicated, we are both  
6 prosecutors for the Clark County DA's office, assigned to  
7 prosecute this -- this case. Now, you did, I think some time  
8 ago, have a questionnaire which had a detail of the facts  
9 related to this case. And I don't want to belabor those  
10 facts, but I wanted to just briefly remind you of what this  
11 case is about.

12 Christopher Sena is alleged to have sexually abused  
13 various members of his immediate and extended family over the  
14 approximate period of about May 22, 2001, through June 30,  
15 2014. Specifically, his abuse is alleged to have been  
16 perpetrated upon seven individuals to include the defendant's  
17 biological daughter and three sons, as well as a young  
18 sister-in-law and two young nieces.

19 Now, all the alleged victims were minors when this  
20 abuse commenced, and the sexual abuse occurred at the  
21 defendant's Las Vegas residence. The defendant gained access  
22 to the alleged victims by virtue of the fact that they either  
23 lived in or visited his residence. The alleged sexual abuse  
24 included the defendant sexually touching and penetrating these  
25 young victims, as well as videotaping the young victims both

1 in the nude and in the course of being abused.

2 Now, many of the alleged acts of sexual abuse were  
3 perpetrated by the defendant with the assistance of two of his  
4 wives, Terrie Sena and Deborah Sena. The defendant was  
5 originally married to Terrie Sena, and subsequently married to  
6 Deborah Sena after divorcing Terrie Sena. Either Terrie or  
7 Deborah Sena are the biological mothers of each of the  
8 above-referenced four children.

9 Both Terrie and Deborah Sena lived in the same  
10 residence as the defendant at the same time for much of the  
11 above-reference period of time. And during this time, both  
12 Terrie and Deborah Sena sexually touched and penetrated some  
13 of the above-referenced children. Much of this abuse was  
14 documented on various videos maintained by the defendant and  
15 which will be shown in the course of the trial. Terrie and  
16 Deborah Sena have both pled guilty to the crime of sexual  
17 assault based upon their conduct and have agreed to testify in  
18 the course of this trial.

19 Based upon the above, the defendant is currently  
20 charged with sexual assault, sexual assault of a minor under  
21 the age of 14, lewdness with a child under the age of 14,  
22 sexual assault with a minor under 16 years of age, incest,  
23 open or gross lewdness, preventing or dissuading a witness or  
24 a victim for reporting a crime or commencing prosecution,  
25 child abuse, neglect, sexual abuse for exploitation,

1 possession of visual presentation depicting sexual conduct  
2 with a child, use of a minor producing pornography, and the  
3 use of minor under the age of 18 in producing pornography.

4 Now, the State has provided the defense with a  
5 notice of witnesses that it might call in this proceeding, and  
6 I'm going to detail those -- those witnesses for you. And the  
7 reason for that is the Judge is going to ask you later whether  
8 or not you recognize any of the names, so if you'll listen.

9 First, Anita Sena, Brandon Sena, Candace Barr,  
10 Kristina Bernat, Michael Brinkley, Dr. Sandra Cetl, Cheryl  
11 Cooley, Nileen Knoke, K. Davis, Walt Detweiler, Erin Clark,  
12 Kalena Edwards, Kimberly Grisham, Farah Henson, Patty Hinkson,  
13 Steve Hinkson, Michele Iacullo, Lynn Jasames, William Kurau,  
14 Alan Livengood, Michael Loeffler, Melissa Clark, Nick Madsen,  
15 Nicole Mariam, Art Martinez, Scott Miller, Sharice Parish,  
16 Ryan Sena, Vince Ramirez, Louise Renhard, Larry Samples, Ryan  
17 Santarosa, Stacey Scott, Deborah Sena, Terrie Sena, Tamara  
18 Grisham, Terry Tails Sena, Jillian Tindall, Jennifer Wheeler,  
19 Megan Zingelman, and Dr. John Matthias. Thank you.

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

21 Ms. Radosta, would you like to introduce your  
22 client, as well as your co-counsel, and identify any witnesses  
23 that you maybe anticipate calling.

24 MS. RADOSTA: Thank you, Your Honor.

25 Good morning -- or, sorry, not good morning anymore.

1 Good afternoon, everyone. My name is Violet Radosta. This is  
2 my co-counsel, David Lopez-Negrete. There is no way for me to  
3 talk to everybody at the same time without turning my back, so  
4 I do apologize.

5 We are representing Mr. Christopher Sena. And along  
6 with the witnesses that the State has mentioned, some of which  
7 we may end up calling if the State opts not to, we also have  
8 listed Arlen Lewis, Patricia Hinkson, Steve Hinkson, which I  
9 actually believe were on the State's witness list, as well,  
10 and Jane Everette, as well as potentially Bruce McCallister.

11 Beyond that, you think you may have an idea from the  
12 synopsis presented by the State that this is a pretty open and  
13 shut case, but I assure you that there are many facts that you  
14 are going to be surprised about during the course of this  
15 trial. Not the least of which is the fact that there will be  
16 nobody under the age of, I believe, 17 testifying during the  
17 course of this trial. Everybody is over the age of 17. That  
18 is just one fact that I think would probably surprise many of  
19 you as you walked in here today.

20 So what we are asking you to do, please, is to keep  
21 an open mind and to always remember that things are not  
22 necessarily as they seem. And we are confident that when  
23 everything is said and done, you will find Mr. Sena guilty of  
24 the charges that he is actually guilty of and that's it, and  
25 there will be many not guilty verdicts, as well. Thank you.

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

2           Ladies and gentlemen, at this point in time I'm  
3 going to have my clerk call roll so I know that you're  
4 actually here. We had a number of individuals that weren't  
5 able to make it today because I guess there was a phone glitch  
6 or something. I appreciate you all being here. And I can't  
7 tell you enough how much I appreciate you all being here.

8           I want to tell you that we all recognize that this  
9 is inconvenient for you and sometimes it can be highly  
10 inconvenient for you. But I do believe that the system that  
11 we have is the one thing that separates us from the rest of  
12 the world, it gives an opportunity for the jury to be part of  
13 -- a direct part of what happens in this courthouse.

14           Many of you probably wouldn't have come down unless  
15 you were summoned to do so. Many of you probably have never  
16 even been in this courthouse before until being asked to come  
17 down and do so. So before we get started -- and I will tell  
18 you I will be thanking you throughout this whole proceeding.  
19 I do want to thank you on behalf of the parties for at least  
20 partaking in this portion of it.

21           This is probably the -- in my opinion, this is  
22 probably the most tedious and worst part of -- of a jury trial  
23 is just selecting the jury, but it's a process that has to be  
24 done. And so I'm just going to ask that you all be patient  
25 with us and we'll get through this as quick as we can.



1           But before we do so, I have to find out who is here  
2 and who is not here. So if you hear your name called, just  
3 say here or present, okay.

4                       (Prospective jury roll called)

5           THE CLERK: I believe that ends our panel for today;  
6 correct?

7           THE COURT: Okay. Is there anyone whose name --  
8 someone who is here whose name wasn't called?

9           All right. The individuals that didn't answer I'm  
10 going to issue to show cause on those matters, okay.

11          THE CLERK: Okay.

12          THE COURT: So we'll go -- let me put them on the  
13 record. Chenelle Maeweather, Arica Brown-Boyd, Catherina  
14 Sablan, Edwin Farley, Mohamed Alkokabani, Alejandro Yanez,  
15 Vanessa Haurat, Marlene Haradhun, Emerson Smock, Devin Smith,  
16 Marcus Andrus, Wendy Sanchez. That's it. Okay. All right.

17          Okay. Ladies and gentlemen, in light of the fact  
18 that we are getting ready to start what they call voir dire,  
19 jury selection, I'm going to have you all stand, raise your  
20 right hand, and I'm going to have you sworn, okay.

21                       (Prospective jurors sworn)

22          THE COURT: Is there anyone here that would not take  
23 that oath? All right. No one has indicated otherwise.

24          Ladies and gentlemen, I know that you've already  
25 filled out a questionnaire and you might ask yourself, then

1 why are we going through this process? Well, the  
2 questionnaire will be part of the record. It has been  
3 submitted as part of the record. We do have a basic  
4 understanding of the questions that were posed to you by that  
5 questionnaire. Right now I'm just going to put questions to  
6 you from the Court. They're general questions. They'll be  
7 through the whole panel. And then there's some questions that  
8 I ask of just this group here.

9 But understand that during this process a number of  
10 you may be excused based on some of the general questions that  
11 I ask. Some of you may not be excused, and then the parties  
12 will have additional questions of you, and then you may get  
13 excused from that. This group right here, we just keep  
14 filling it up from the panel that's out there.

15 I have another substantial number behind you if we  
16 need -- if we need to bring additional individuals in. I will  
17 tell you from our group this morning of about 100, we're down  
18 to about 70 just from this morning. And not all of those are  
19 from like the gentleman that I excused earlier, people have  
20 had the opportunity to request of the Court, based on some  
21 circumstances of the dates that were given to you, and that  
22 might come up now.

23 So, ladies and gentlemen, what we're looking for is,  
24 through this process, is an individual who has the ability to  
25 sit as fair and impartial jurors. And, like I said, to

1 accomplish this we're going to be -- I'm going to be asking  
2 you some questions. The State, if they wish, can ask  
3 questions. The defense, if they wish, can ask questions, as  
4 well.

5           There's two ways that individuals don't make it on  
6 the jury through this process, and it's what they call  
7 challenges by both for cause or a peremptory challenge is  
8 something that there's really no reason for it other than the  
9 parties, based on their years of experience, may see that that  
10 individual, based on some of the answers, is just not a good  
11 fit for this type of jury.

12           Now, ladies and gentlemen, I know you've been  
13 through a substantial amount of time already. You've been  
14 here all day waiting for this. And we're going to have a few  
15 more days that we've got to deal with this. But understand  
16 that if you are excused, please don't take that personally  
17 because you may -- it doesn't say that you aren't a good  
18 juror. That's not what we're saying. It may just say that  
19 for purposes of this trial, you may not be the best fit.

20           And so out of all you individuals, we try to get a  
21 certain number. How many of you have been jurors before?  
22 Okay. I'll get back to you when we get to you, but, see,  
23 there's a number of you that have been in a jury before so you  
24 know what I'm talking about when I'm going through this. And  
25 I appreciate you coming back and participating in it again.

1           I will tell you that of every juror -- every jury  
2 and every juror that I've come into contact with through this  
3 process that I'm the judge, I have an opportunity to speak  
4 with them individually, and I have yet to find anyone that's  
5 found this to be a negative experience.

6           Once you really truly realize what your role is and  
7 how important you are to the system and see what happens down  
8 here in the courthouse and what's truly happening, not  
9 something that you read in the newspaper or what you see on  
10 the news, see on TV or in some type of TV show or something,  
11 this is real life now. This is what's happening in your  
12 community and you get an opportunity to see exactly and have a  
13 direct impact on it.

14           So -- so that's why we spend a lot of time on this  
15 process and getting individuals because we want to make sure  
16 that we have a fair and impartial juror and jury. You'll hear  
17 that word a lot, fair and impartial. It's important for you  
18 to understand how significant it is that you answer with --  
19 your answers are full, complete, and honest.

20           And if you try to hide something or try to withhold  
21 certain things, that may indicate a bias that you may have and  
22 it could affect your deliberation if you are to make it on the  
23 jury. And that would be the direct contradiction to being  
24 fair and impartial.

25           So if you have some kind of thing that's inside you,

1 you know yourself better than we do, and that's what we're  
2 trying to get through in this little bit of time to find out  
3 about you, you need to let us know. So if there's something  
4 about what you feel and how you feel about the system or how  
5 you feel about being in this courthouse or whatever that you  
6 think would affect your ability to be fair and impartial,  
7 we're going to get to that.

8           So I'm going to ask questions of the whole group as  
9 I indicated when we get started here. And then I'm going to  
10 be asking questions just of this group here. And my challenge  
11 is to get everybody here without any vacant spots. Once we  
12 get to that point, then we can go ahead and start picking a  
13 jury from that.

14           If you wish to respond to an individual question,  
15 I'm going to ask that you raise your hand. And I always pick  
16 on Juror No. 1, so it's -- usually they have an easier name to  
17 pronounce, but --

18           PROSPECTIVE JUROR NO. 004: Just call me Joe.

19           THE COURT: Okay. So let's -- just so I say it  
20 right, Javellana?

21           PROSPECTIVE JUROR NO. 004: Yeah.

22           THE COURT: Okay. Joselito Javellana?

23           PROSPECTIVE JUROR NO. 004: Yep.

24           THE COURT: All right. And he's Badge 004. If you  
25 all look on your chest, you have a badge there and it has --

1 it has a badge number and a Juror ID number. The badge  
2 numbers, most of yours all start with 02 dash. I think all of  
3 yours do. Yeah. We haven't got -- I've got jurors coming in  
4 here from 04, so that tells you how many jurors that we looked  
5 into for this case. But if you look at your badge number, it  
6 starts out 02, dash, and in Mr. -- In Joe's case it's 0004.

7 Well, if you wish to answer a question, or when I'm  
8 communicating with you, you identify yourself by your name and  
9 by the last three digits of your badge number. So Joe would  
10 say my name is Joselito Javellana, Badge 004, okay. We'll  
11 work through it. It will be probably bumpy for a little  
12 while, but you'll all -- you'll all understand what we're  
13 doing here. And if I -- if I see that you're having some  
14 concerns, I'll make sure that I address it, okay.

15 So as we get going now, is there anyone here that's  
16 been convicted of a felony? Anyone in this group? Okay. No  
17 one has raised their hand.

18 Is anyone not a United States citizen?

19 Okay. All right. All right. For the record, one  
20 of our jurors has decided to join us. He's Badge 142, his  
21 name is Mohamed Alkokabani. He's going to be put at the end  
22 of -- so I'll -- I'll recall my order in that matter, okay.  
23 All right.

24 Here you go, Ed. You want to give this back to him?  
25 Okay.

1           Mr. Alkokabani, we're here on this case of the State  
2 of Nevada versus Christopher Sena. Mr. Sena is present right  
3 here. He's in my courtroom. He's in the purple shirt. He's  
4 represented by Ms. Violet Radosta and David Lopez-Negrete.  
5 They're his counsel. The State is represented by Mr. Sweetin  
6 and Michelle Sudano. You've had an opportunity to fill out  
7 the jury questionnaire?

8           PROSPECTIVE JUROR NO. 142: Yes, sir. Yes.

9           THE COURT: Okay. Mr. Sweetin had addressed the  
10 previous panel here and addressed them with regards to the  
11 facts of the case of what they believe -- a basic synopsis.  
12 You've had a portion of that. I'm going to ask Mr. Sweetin,  
13 though, to once again read the witness list to you to help you  
14 understand if you recognize any of these witnesses if I get to  
15 that time frame, okay.

16           PROSPECTIVE JUROR NO. 142: Okay.

17           THE COURT: You can go ahead and have a seat.

18           PROSPECTIVE JUROR NO. 142: Thank you.

19           THE COURT: Okay. All right. Mr. Sweetin.

20           MR. SWEETIN: So the witnesses that potentially  
21 might be called by the State in this case are going to be  
22 Anita Sena, Brandon Sena, Candace Barr, Kristina Bernat,  
23 Michael Brinkley, Dr. Sandra Cetl, Cheryl Cooley, Nileen  
24 Knoke, Walt Detweiler, Erin Clark, Kalena Edwards, Kimberly  
25 Grisham, Farah Henson, Patty Hinkson, Steve Hinkson, Michele

1 Iacullo, Lynn Jasames, William Kurau, Alan Livengood, Michael  
2 Loeffler, Melissa Clark, Nick Madsen, Nicole Mariam, Art  
3 Martinez, Scott Miller, Sharice Parish, Ryan Sena, Vincent  
4 Ramirez, Louise Renhard, Larry Samples, Ryan Santarosa, Scott  
5 -- or, I'm sorry, Stacey Scott, Deborah Sena, Terrie Sena,  
6 Tamara Grisham, Terry Tails Sena, Jillian Tindall, Jennifer  
7 Wheeler, Megan Zingelman, and Dr. John Matthias.

8 THE COURT: Thank you.

9 Ms. Radosta, did you want to introduce yourself and  
10 your client to the potential juror.

11 MS. RADOSTA: Sure, Judge.

12 THE COURT: Okay.

13 MS. RADOSTA: Thanks.

14 My name is Violet Radosta. We did this a little bit  
15 earlier. This is David Lopez-Negrete, he's my co-counsel, and  
16 we're representing Mr. Sena. In addition to the witnesses  
17 that the State listed, we also have witnesses of our own. We  
18 might be calling some of them from their witness list if they  
19 opt not to call them. But additional witnesses on our witness  
20 list are Arlen Lewis, Patricia and Steve Hinkson, and Jane  
21 Everette, and Bruce McCallister.

22 THE COURT: Thank you, Ms. Radosta.

23 Ed, could you approach.

24 (Off-record bench conference)

25 THE COURT: All right. Sir, I need you to stand up



1 and raise your right hand. We're going to swear you in on  
2 this matter, okay, since we are going to be asking you  
3 questions.

4 (Prospective Juror No. 142 sworn)

5 THE COURT: All right. Okay. Once again, I'm going  
6 to ask the question, is anyone here a convicted felon?

7 Is anyone not a United States citizen? All right.  
8 No one has raised their hand.

9 Is there anyone who has such a sympathy, prejudice,  
10 or bias relating to age, religion, race, gender, or national  
11 origin that they feel would affect their ability to be  
12 open-minded, fair, and impartial jurors? Anyone? Okay.  
13 Right here.

14 PROSPECTIVE JUROR NO. 199: My name is Scott  
15 Charlemagne. My badge number is 199. I'm a school bus  
16 driver. I'm kind of partial to children and children's  
17 issues, so I think I would be a little biased.

18 THE COURT: Okay. How long have you been a bus  
19 driver?

20 PROSPECTIVE JUROR NO. 199: 18 years.

21 THE COURT: Okay. And you're saying based on what  
22 you know of this case and what was represented to you and  
23 that --

24 PROSPECTIVE JUROR NO. 199: The little synopsis,  
25 yeah. It was --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 199: Yeah.

3 THE COURT: And do you think that that would cause  
4 you to have some concerns with the ability to be fair and  
5 impartial here?

6 PROSPECTIVE JUROR NO. 199: To be honest, I'm kind  
7 of pre-judged. If there is video evidence, I've come to the  
8 determination that there's not very much to -- it's going to  
9 be a far stretch to try to convince me of some kind of  
10 mitigating circumstance to make this person --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 199: -- seem innocent.

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

14 Anyone else?

15 PROSPECTIVE JUROR NO. 582: My name is Harry Fields,  
16 Badge 582. I have a family member who suffered similar issues  
17 that, I'll be honest, would impact my ability to -- it would  
18 impact my ability. I would have a bias for sure.

19 THE COURT: How long ago was the matter with your  
20 family member?

21 PROSPECTIVE JUROR NO. 582: It's my wife.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 582: This occurred when she  
24 was a child.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 582: It occurred when she was  
2 a teenager, and it occurred in her first marriage.

3 THE COURT: Okay. And you don't think that it would  
4 be possible that you can set that aside for purposes of this  
5 hearing?

6 PROSPECTIVE JUROR NO. 582: It would be a struggle.

7 THE COURT: Okay. Thank you.

8 Anyone else? Okay.

9 PROSPECTIVE JUROR NO. 328: My name is Corey Holden,  
10 Badge 328. I'm an elementary school counselor at a school in  
11 North Las Vegas. I work with young children every day, and it  
12 would be --

13 THE COURT: Excuse me. I'm sorry. What's your  
14 badge number?

15 PROSPECTIVE JUROR NO. 328: 328.

16 THE COURT: Oh. I'm sorry. I was -- okay. Start  
17 over again. I'm sorry.

18 PROSPECTIVE JUROR NO. 328: Okay. I'm an elementary  
19 school counselor. I work with children who have experienced  
20 abuse in the past, and I try to help them overcome it. And I  
21 see it a lot at my job, so I think it would be hard for me to  
22 kind of -- I think it would be hard for me.

23 THE COURT: Okay. How long have you been a  
24 counselor?

25 PROSPECTIVE JUROR NO. 328: Four years.

1 THE COURT: Four years?

2 PROSPECTIVE JUROR NO. 328: Uh-huh.

3 THE COURT: And an elementary school counselor?

4 PROSPECTIVE JUROR NO. 328: Yes.

5 THE COURT: You're a mandated reporter, then?

6 PROSPECTIVE JUROR NO. 328: Yes.

7 THE COURT: Okay. And you're saying that based on

8 that is that you don't think that you can be fair in this

9 matter? You can't set -- you can't set it aside, what you do?

10 PROSPECTIVE JUROR NO. 328: I don't think I can,

11 sir.

12 THE COURT: Okay. Thank you.

13 Anyone else?

14 PROSPECTIVE JUROR NO. 337: Kevin Dungey, Juror No.

15 337. I'm pretty sure I've already -- I would have a bias in

16 this case. I am in -- my sister-in-law, sister, has custody

17 of four minor children who have been molested in this -- in

18 this sense that this case represents. And when I go and hang

19 out with them and have dinner with them and like on holidays

20 just go visit them, I see the damage that they have incurred.

21 And some of them are to the fact, the girls, they don't want

22 males around them or touch them and I see that in my

23 interaction with them. Also, too, my wife has been molested,

24 as well, and I just have very strong opinions about this

25 merit.

1           THE COURT: Okay. So you don't think you can be  
2 fair in this matter?

3           PROSPECTIVE JUROR NO. 337: I absolutely cannot.

4           THE COURT: All right. Thank you, Mr. Dungey.  
5           Anyone else in that row?

6           PROSPECTIVE JUROR NO. 425: Good afternoon. Betzabe  
7 Boutos, 425. I'm one of nine kids, two older sisters, six  
8 younger brothers and sisters, and an aunt to four nieces and  
9 nephews. I'm very biased. I'm for kids. I am the voice of  
10 young adults. To me, no court is going to make me change my  
11 mind about, to me, he's guilty. And I wrote that in when I  
12 answered my questions.

13          THE COURT: Other than what was written in the  
14 scenario, do you know anything about this case?

15          PROSPECTIVE JUROR NO. 425: I do not. I heard a  
16 little bit about the news, and I heard about it in the news a  
17 little bit, but it made me sick to my stomach, so I changed  
18 the channel.

19          THE COURT: Are you pre-judging, then, before the  
20 evidence is even presented?

21          PROSPECTIVE JUROR NO. 425: What I read, yes.

22          THE COURT: Okay.

23          PROSPECTIVE JUROR NO. 425: I'll be honest.

24          THE COURT: So okay. So you're saying you can't --  
25 based on what you've been told --

1           PROSPECTIVE JUROR NO. 425: And read and watched on  
2 the news.

3           THE COURT: -- you can't be fair?

4           PROSPECTIVE JUROR NO. 425: Huh-uh.

5           THE COURT: Okay. Even if the State can't prove it?

6           PROSPECTIVE JUROR NO. 425: I mean, I saw that it  
7 said child pornography. I mean --

8           THE COURT: Okay.

9           PROSPECTIVE JUROR NO. 425: -- that's far enough for  
10 me.

11          THE COURT: Okay. I know there's a number of you  
12 here because we've read through the questionnaires and that --

13          PROSPECTIVE JUROR NO. 425: Uh-huh.

14          THE COURT: -- but you understand that -- that  
15 there's an obligation of the State to prove this case beyond a  
16 reasonable doubt.

17          PROSPECTIVE JUROR NO. 425: Definitely. I  
18 completely agree with that.

19          THE COURT: Okay. So before you would even require  
20 them to do that, you're saying that there's no way that you  
21 could be -- you could be fair?

22          PROSPECTIVE JUROR NO. 425: No. Not when it comes  
23 to children, 16, 17-year-olds, no.

24          THE COURT: Even if there's no truth behind it --

25          PROSPECTIVE JUROR NO. 425: But what I read --

1 THE COURT: -- you can't be fair?

2 PROSPECTIVE JUROR NO. 425: -- I mean, if there's no

3 truth --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 425: -- then that's why I

6 don't want to be a part of it. Because how I feel about it

7 now, just reading it and what I saw --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 425: -- I can't be fair. And

10 maybe if I have to sit in the court and listen --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 425: -- and do every --

13 THE COURT: So just so I'm clear --

14 PROSPECTIVE JUROR NO. 425: Uh-huh.

15 THE COURT: -- and many of you have answered the

16 same way, your position is that based on what you've heard is

17 that you've made a determination that for whatever reason,

18 sensitivity, issues involving family members, ideas about it,

19 certain positions that you take with regards to children and

20 that is that you're saying that -- that maybe this isn't the

21 best case for you?

22 PROSPECTIVE JUROR NO. 425: Exactly.

23 THE COURT: Would you all agree with me there, the

24 individuals that have already addressed the Court?

25 PROSPECTIVE JUROR NO. 425: Yes.

1           THE COURT: Okay. And that based on what you've  
2 seen there is that you -- you couldn't wait and listen to all  
3 the evidence from the State and then evidence from the  
4 defense, you've made up your mind? Is everyone --

5           PROSPECTIVE JUROR NO. 425: Yes.

6           THE COURT: -- of that position now? Sir, would you  
7 be that way?

8           PROSPECTIVE JUROR NO. 199: Yeah, to -- to be -- if  
9 you're going to be arrested and you have this evidence, then,  
10 I mean, there's not much --

11          THE COURT: Okay. So under these circumstances --  
12 for the record, that's Scott Charlemagne, Badge 199. I'm not  
13 trying to pick on you, just --

14          PROSPECTIVE JUROR NO. 199: No, no.

15          THE COURT: -- you were the first one to address and  
16 I appreciate it. The position you're taking is that under  
17 these circumstances is that irrespective of what the State's  
18 obligation is here, you've made a determination that under the  
19 subject matter is that you couldn't be fair?

20          PROSPECTIVE JUROR NO. 199: Being what I know, based  
21 on what I have --

22          THE COURT: But you don't know anything now. You  
23 were just told a synopsis. Whether or not they can prove that  
24 or not, that's what a trial is for.

25          PROSPECTIVE JUROR NO. 199: Right. But I'm relying



1 on the fact that law enforcement has the ability to discern  
2 whether or not an individual needs to be arrested. And if  
3 they seen something like what you described in the synopsis,  
4 then --

5 THE COURT: Okay. So you've taken it a little bit  
6 further is that -- is that irrespective of -- of what the case  
7 is, is that because law enforcement has -- has said that  
8 there's a case here is that -- you're accepting that  
9 irrespective of -- even if it was some other type of case  
10 involving a burglary or a robbery or something, because law  
11 enforcement says that there's a case, you're saying that you  
12 can't be fair. Is that what you're saying?

13 PROSPECTIVE JUROR NO. 199: Not that -- okay.  
14 Because of my sensitivity to the --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 199: -- particular issue  
17 and --

18 THE COURT: Okay. So is it -- is it fair to say  
19 that it's harder to set those issues aside?

20 PROSPECTIVE JUROR NO. 425: Yes.

21 PROSPECTIVE JUROR NO. 199: Yeah.

22 THE COURT: Okay. And so you think that that's  
23 where it would affect your ability. And when you say bias,  
24 that's where it would affect your ability to be fair and  
25 impartial?

1 PROSPECTIVE JUROR NO. 199: For me, yeah.

2 THE COURT: Okay. So -- okay. Is that fair to say  
3 what I just said?

4 PROSPECTIVE JUROR NO. 199: Yes.

5 THE COURT: Okay. All right. So Ms. -- is it Ms.  
6 Boutos?

7 PROSPECTIVE JUROR NO. 425: Uh-huh.

8 THE COURT: Ms. Boutos, is it -- you know, I've been  
9 doing a lot of the talking. Am I putting words in your mouth  
10 or is it -- is that --

11 PROSPECTIVE JUROR NO. 425: No, you're not. I'm  
12 being completely honest with you.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 425: I know there's no right  
15 or wrong question -- or answer, and that's how I feel.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 425: I can't help that that's  
18 how I feel.

19 THE COURT: No, that's fair. I mean, you're fine.  
20 I mean, there's some topics that individuals just cannot, you  
21 know, I guess set aside. And -- and that's fine. That's what  
22 we want to know now. When I said earlier when I made that  
23 question is that there's -- you know, maybe this isn't the  
24 best case for you. So -- okay. All right, Ms. Boutos.  
25 Is there anyone else in that row? Okay.

1 PROSPECTIVE JUROR NO. 403: Vanessa Sfakis.  
2 THE COURT: Okay.  
3 PROSPECTIVE JUROR NO. 403: Badge No. 403.  
4 THE COURT: Uh-huh.  
5 PROSPECTIVE JUROR NO. 403: I just don't think I can  
6 sit there and listen to what happened to the children.  
7 THE COURT: Okay.  
8 PROSPECTIVE JUROR NO. 403: I was molested as a  
9 child.  
10 THE COURT: So with respect to -- to you, that --  
11 it's more directly personal; is that correct? Are you okay?  
12 PROSPECTIVE JUROR NO. 403: [Inaudible].  
13 THE COURT: Okay. Okay. Thank you.  
14 Anyone else in that row? All right. No one?  
15 Anyone in the back row? Right on the end here.  
16 PROSPECTIVE JUROR NO. 529: Elizabeth Ortega, and my  
17 juror number is 529.  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NO. 529: So my sister, she was  
20 molested by one of our uncles, and that happened about 13  
21 years ago. And then when I was younger, I was always exposed  
22 to cousins and neighbors that I knew for years exposing their  
23 private parts to me. It would be kind of difficult for me to  
24 be non-biased to it.  
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 529: So yeah.

2 THE COURT: Can you expand on that for me? Because  
3 you --

4 PROSPECTIVE JUROR NO. 529: On which part?

5 THE COURT: Because you know of it happening? I  
6 mean, quite frankly, ladies and gentlemen, we all know that  
7 just from listening to the news this type of thing happens  
8 throughout the whole world. If we were going to take the  
9 position that because we know it happens throughout the world  
10 we can't have a jury that would be fair and impartial to both  
11 parties, then why do we even have a jury? And so I'm not --  
12 you know, maybe I need to apologize to -- is it Ms. Ortega?

13 PROSPECTIVE JUROR NO. 529: Yes.

14 THE COURT: I'm not -- I'm not trying to point the  
15 finger at you or anything like that, but expand on why -- I  
16 know that your sister was. Were you a witness to it or --

17 PROSPECTIVE JUROR NO. 529: No.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 529: She told us years later  
20 after it happened.

21 THE COURT: Okay. And you said that a number of  
22 individuals that you know as friends also revealed.

23 PROSPECTIVE JUROR NO. 529: Yes.

24 THE COURT: Is that -- what is it about that that  
25 you think would affect your ability to be fair and impartial

1 here?

2 PROSPECTIVE JUROR NO. 529: I just feel like the  
3 whole situation of like children being --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 529: -- exposed to those type  
6 of things.

7 THE COURT: All right.

8 PROSPECTIVE JUROR NO. 529: It would just be pretty  
9 difficult for me to be non-biased, but there's a possibility  
10 that I could be. I don't know.

11 THE COURT: So you could, but you don't know?

12 PROSPECTIVE JUROR NO. 529: Yeah. It's like I'm in  
13 the iffy spot. I don't know.

14 THE COURT: Okay. Okay. In every case in the  
15 United States under the system of jurisprudence that we have,  
16 there is a requirement that the State prove the case beyond a  
17 reasonable doubt, also that the charging document, in this  
18 case we have an information, and that information is not by  
19 itself is evidence of anybody's guilt. It's just a charging  
20 document to say what they believe they have.

21 And as the defendant sits here right now, he's  
22 innocent until the State proves otherwise. That's what a  
23 trial is for. The State then has the obligation of presenting  
24 their case and proving their case beyond a reasonable doubt  
25 for every essential element of the charge. The defense

1 doesn't have to do anything.

2           They don't have to answer to it at all, they don't  
3 have to present any evidence, they don't have to question any  
4 witnesses, they don't have to do anything. The State has the  
5 burden of proving it beyond a reasonable doubt. At this stage  
6 of the -- right now, the case, like I said, the defendant is  
7 innocent. And until you see evidence that proves otherwise,  
8 he'll remain innocent.

9           And that -- the purpose of a jury trial is to  
10 determine whether or not individuals can be fair and impartial  
11 and give an individual a fair shake. In this case, it would  
12 be giving the State a fair shake or giving the defense a fair  
13 shake. Either way. There's an abundant number of charges to  
14 anybody across the United States. And that obligation that  
15 the State do this beyond a reasonable doubt, prove this case  
16 beyond a reasonable doubt, is an obligation that is in every  
17 court in the United States.

18           So when I -- when I talked, when I asked everybody  
19 about if they could be fair or -- or impartial and we got a  
20 lot of questions and a lot of people raised their hand  
21 basically saying there's no way that we could do this, I need  
22 to get to the reason why, and that's why I appreciate you all  
23 answering the questions that you have.

24           So to say -- I mean, Mr. Charlemagne had indicated  
25 that -- that he believes that he would have a hard time in

1 recognizing any mitigating situations or mitigating -- and  
2 that would be something that maybe the defense would be  
3 presenting to mitigate the offense here or -- or to show some  
4 type of cross-examination to challenge some of the witnesses  
5 and that. So that's what I'm kind of looking at.

6           You know, the subject matter, I don't think anybody  
7 wants anything to do with the subject matter. Nobody does.  
8 And I recognize that. But that's what I need you all to  
9 understand when you're -- when you're telling me whether or  
10 not you can be fair and impartial is not just, hey, I don't  
11 want to do it because of the subject matter.

12           Because, like I said, we could never -- I mean, the  
13 subject matter in this case has nothing to do with any murder  
14 or anything, but the subject matter of murder is terrible, as  
15 well. But just saying I don't want anything to do with  
16 murder, most of us all would say we don't want anything to do  
17 with murder.

18           So with that being said, Ms. Ortega has explained  
19 that it would be very difficult for her because of what she  
20 knows what happened with her sister and what happened with  
21 friends of hers that had related to her, and she's not in a  
22 position that she would -- thinks that she could be fair  
23 because she's in an undecided position.

24           Is that -- is that fair to say that?

25           PROSPECTIVE JUROR NO. 529: Yes.

1 THE COURT: Okay. I appreciate that, Ms. Ortega.  
2 Is there anyone else? Anyone else over in this  
3 group? Anyone?

4 Okay. In the front row right here. And we'll get  
5 to you. I appreciate you raising your hand.

6 PROSPECTIVE JUROR NO. 334: My name is Efrain  
7 Mendez, Badge No. 0034. I think you said something about if  
8 it has something to do with your religion. Because --

9 THE COURT: Yeah.

10 PROSPECTIVE JUROR NO. 334: -- I'm a Born Again  
11 Christian and it would be kind of hard for me to try to judge  
12 him or try to say if he did it or he didn't do it. And I  
13 always read the Bible, and I just say to myself I let God be  
14 the judge and I think it would be hard for me to do that.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 334: Because I have 15  
17 brothers and sisters. I never went through nothing like that.  
18 Thank God I never had to go because my father was a pastor of  
19 church and I just don't see myself trying to judge somebody as  
20 according to my religion.

21 THE COURT: Okay. Let me -- let me address that and  
22 then you can see if I'm -- if I'm off base with it, okay. Do  
23 you have any children?

24 PROSPECTIVE JUROR NO. 334: I've got two.

25 THE COURT: Two children?



1 PROSPECTIVE JUROR NO. 334: Yes.

2 THE COURT: How old are they?

3 PROSPECTIVE JUROR NO. 334: My son is 30, my  
4 daughter is 24.

5 THE COURT: Okay. Have you been with them their  
6 whole life?

7 PROSPECTIVE JUROR NO. 334: They're whole life.

8 THE COURT: Did they ever have a spat with each  
9 other or maybe with a friend? An argument with their friend  
10 or even an argument with you or your wife?

11 PROSPECTIVE JUROR NO. 334: Yeah, they -- I believe  
12 that they -- yes.

13 THE COURT: Okay. And were you ever called upon as  
14 the -- as the man in the house or to decide what had happened  
15 with regards to that -- that argument?

16 PROSPECTIVE JUROR NO. 334: Yes. Yes.

17 THE COURT: And so you had to, what, listen to facts  
18 that were being presented to you by one daughter and one --  
19 and facts presented to you by the other child to decide who  
20 was right and who was wrong?

21 PROSPECTIVE JUROR NO. 334: Yes.

22 THE COURT: Okay. That's what a jury does in a  
23 bigger scale. I don't want to play it down, but that's what a  
24 jury does. A jury -- your decision is to decide what the  
25 facts are. The Court -- I mean, I have some other questions

1 I'm going to be asking, but the Court then gives you the law,  
2 and you make a decision based on the law whether or not the  
3 facts fit to decide whether or not an individual is guilty or  
4 not guilty.

5           So when individuals indicate that they're judging  
6 somebody, you're not necessarily judging somebody as to his  
7 morality or her morality or lack of as you probably would  
8 think about in a religious setting. You're just basically  
9 deciding whether or not the facts fit the law in which we all  
10 live under. And that's kind of what you did with your child,  
11 was it not?

12           PROSPECTIVE JUROR NO. 334: Yes.

13           THE COURT: So if he was supposed to take the trash  
14 out and they didn't take the trash out, you would make a  
15 discussion to find out what the facts are. Maybe there was a  
16 reason why they didn't take the trash out. Maybe there was a  
17 good reason, maybe there was a bad reason, and that's what you  
18 have to decide. And that's basically what you would be doing  
19 here, as well, except for I would be making the determination  
20 of the sentence, not you.

21           PROSPECTIVE JUROR NO. 334: Right. Right.

22           THE COURT: Which you would be there saying I'm  
23 going to put you on -- you know, I'm going to ground you for a  
24 week because you didn't take the trash out or something  
25 based --

1 PROSPECTIVE JUROR NO. 334: Right.

2 THE COURT: -- on your finding. Do you understand?

3 PROSPECTIVE JUROR NO. 334: Yes.

4 THE COURT: Does that help you at all?

5 PROSPECTIVE JUROR NO. 334: It helps me a little

6 bit.

7 THE COURT: Okay. We'll get back to it more. Keep

8 that in mind. I'm not -- I'm not discarding it. And I'm not

9 discarding any of your statements, okay, what everyone is

10 telling me. We're just making a record now because we're

11 going to talk about them later, okay.

12 PROSPECTIVE JUROR NO. 334: Okay. Thank you.

13 THE COURT: All right. Is there anyone else in this

14 group here that -- that -- okay. Third one down.

15 PROSPECTIVE JUROR NO. 039: My name is Christopher

16 Coughlin, Badge No. 039.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 039: When I started

19 university four years ago, I was actually molested in my sleep

20 in my dorm room by my dorm mate. And he had inappropriately

21 touched my bottom and was completely naked while doing such.

22 And I found this out when I had woke up 30 minutes later and

23 saw him completely naked in his bed with nothing covering him.

24 My issue there was that there was no redress

25 whatsoever from the university. No one apologized to me. No

1 one said we're sorry this happened to you. It was mostly did  
2 you hear about that kid that got molested in his dorm room?  
3 What a pussy, right? It was very, very traumatic.

4 And so if -- if I were on your jury, Christopher  
5 Sena, I would hope you --

6 THE COURT: Sir. Sir.

7 PROSPECTIVE JUROR NO. 039: -- would become --

8 THE COURT: Sir, sir, sir. Don't address him.

9 PROSPECTIVE JUROR NO. 039: Don't address him?

10 THE COURT: No.

11 PROSPECTIVE JUROR NO. 039: If I was on his jury, I  
12 would do everything in my power to send him to prison --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 039: -- and make him --

15 THE COURT: Mr. Coughlin.

16 PROSPECTIVE JUROR NO. 039: -- suffer.

17 THE COURT: Okay. I understand.

18 PROSPECTIVE JUROR NO. 039: So --

19 THE COURT: I think I --

20 PROSPECTIVE JUROR NO. 039: And that would be my  
21 redress. And so that -- I would do everything, manipulate --

22 THE COURT: So what --

23 PROSPECTIVE JUROR NO. 039: -- lie, cheat, steal.

24 THE COURT: -- you're saying is what's happened to  
25 you personally, you would hold it against Mr. Sena?

1 PROSPECTIVE JUROR NO. 039: Yes.

2 THE COURT: Okay. I understand.

3 PROSPECTIVE JUROR NO. 039: As irrational and as  
4 crazy as that is, I would hold it to him --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 039: -- if I was -- if I was  
7 on this jury. Apologies for obstructing the court decorum and  
8 the procedures with which we discuss things in court.

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

11 Anyone else in that back row? How about the second  
12 row? Anyone else? Okay. All right. Thank you.

13 Are any of you acquainted with the defendant or his  
14 attorneys in here? Anyone know them at all? No one has  
15 answered.

16 Any of you acquainted with the Deputy District  
17 Attorneys? Okay.

18 Are any of you acquainted with any of the witnesses  
19 whose names were called out by both the District Attorney and  
20 the defense attorneys?

21 PROSPECTIVE JUROR NO. 165: I recognized two of the  
22 names.

23 THE COURT: All right. Okay.

24 PROSPECTIVE JUROR NO. 165: My name is Mary  
25 Handwerker-Lamaster, Badge No. 0165. I know names are common,

1 but I recognized two of them, I believe.

2 THE COURT: Can you tell me which ones?

3 PROSPECTIVE JUROR NO. 165: Jennifer Wheeler and I  
4 think it was Kristin Bernat.

5 THE COURT: How do you know them?

6 PROSPECTIVE JUROR NO. 165: I mean, I don't know  
7 that I know these two, per se, but one, Kristin Bernat is the  
8 name of someone I've worked with in the past.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 165: And Jennifer Wheeler is  
11 the name of someone I've been -- or that I went to university  
12 with.

13 THE COURT: Okay. So you believe you went to school  
14 with Jennifer Wheeler, and you believe you worked with  
15 Christopher Bernat in the past?

16 PROSPECTIVE JUROR NO. 165: I mean, acknowledging  
17 that names are common, I just recognized the two.

18 THE COURT: Okay. What were you studying in school?

19 PROSPECTIVE JUROR NO. 165: It was in -- I forget  
20 which classes she would have been with me. Jennifer was in  
21 some of my masters of MIS courses, I believe --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 165: -- at UNLV?

24 THE COURT: MIS?

25 PROSPECTIVE JUROR NO. 165: Managing information

1 systems.

2 THE COURT: Okay. And Christopher Bernat?

3 PROSPECTIVE JUROR NO. 165: I thought it was  
4 Kristin, so if it's a male, then I don't know that person.

5 THE COURT: Maybe I didn't hear it right. Is it  
6 Christopher or Kristin?

7 MR. SWEETIN: It's Kristin.

8 THE COURT: Kristin. Kristin Bernat.

9 PROSPECTIVE JUROR NO. 165: If it's the same person,  
10 then she would have worked in marketing at Monte Carlo before  
11 it was Park MGM.

12 THE COURT: Okay. Okay. We may ask some additional  
13 questions with that. But do you believe that what you know of  
14 Jennifer and what you know of Kristin would affect your  
15 ability to be fair and impartial in this matter?

16 PROSPECTIVE JUROR NO. 165: I don't think so. I  
17 just wanted to be honest about possibly knowing them.

18 THE COURT: No, that's perfectly fine. Okay.

19 Anyone else? Okay. In the back row. Ed, can you  
20 get that.

21 PROSPECTIVE JUROR NO. 075: Jimmy Watson, Badge No.  
22 075. Mr. Sweetin, I believe. If you're the same Jim Sweetin  
23 from -- you were in charge of sex crimes back in 2005 to about  
24 2009.

25 THE COURT: Are you talking about the prosecutor?

1 PROSPECTIVE JUROR NO. 075: Yes, sir. I don't --  
2 THE COURT: Yeah, he's --  
3 PROSPECTIVE JUROR NO. 075: -- know him personally.  
4 THE COURT: -- he's the prosecutor from the District  
5 Attorney's office.  
6 PROSPECTIVE JUROR NO. 075: Yes. I don't know him  
7 personally --  
8 THE COURT: Okay.  
9 PROSPECTIVE JUROR NO. 075: -- but I recognize him  
10 because I worked that unit.  
11 THE COURT: You've worked in the --  
12 PROSPECTIVE JUROR NO. 075: As a law enforcement  
13 officer.  
14 THE COURT: Oh, okay. So for -- for Metro or --  
15 PROSPECTIVE JUROR NO. 075: North Las Vegas.  
16 THE COURT: North Las Vegas. Okay. So you may --  
17 PROSPECTIVE JUROR NO. 075: But I don't know him  
18 personally, but --  
19 THE COURT: Okay. Are you still with North Las  
20 Vegas?  
21 PROSPECTIVE JUROR NO. 075: No, I'm retired now.  
22 THE COURT: And you just believe that maybe you know  
23 the name or you met him in the past during one of your cases?  
24 PROSPECTIVE JUROR NO. 075: If it's the same Jim  
25 Sweetin, I talked to him on the phone.



1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 075: You know.

3 THE COURT: Is there anything about what --

4 PROSPECTIVE JUROR NO. 075: But I don't know him --

5 THE COURT: -- you know of --

6 PROSPECTIVE JUROR NO. 075: -- personally.

7 THE COURT: -- Mr. Sweetin that --

8 PROSPECTIVE JUROR NO. 075: No, I don't know him

9 personally.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 075: I'm just letting the

12 Court know that --

13 THE COURT: Anything about your discussions with him

14 or what you've -- your connection with him in the past you

15 think would affect your ability --

16 PROSPECTIVE JUROR NO. 075: No.

17 THE COURT: -- to be fair and impartial here?

18 PROSPECTIVE JUROR NO. 075: No.

19 THE COURT: Okay. All right. Thank you, Mr.

20 Watson.

21 PROSPECTIVE JUROR NO. 075: All right.

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

23 This case is expected to last, as we showed you in

24 the -- in the questionnaire, between -- and I do it in weeks.

25 They did it in days, but when I say weeks, sometimes people

1 get a little bit more squirrely with it, but between four to  
2 six weeks.

3 Now, so to give you some relative understanding of  
4 that, there will be some days that we might not be starting  
5 until later, some days we may work a full -- full day, some  
6 days we may even have the full day off because there's --  
7 there's other things that happened during this -- this  
8 proceeding that -- that could affect it.

9 I know that we have some previous obligations that  
10 are going to affect the trial, and so that's why we gauge it  
11 in that time frame. Many of the trials, with the exception of  
12 maybe one that I've done, all seem to end a lot earlier. But  
13 we always give you this time frame so that you can -- can  
14 schedule that with your work, schedule that with your family,  
15 and any other obligations that you may have.

16 With that understanding, is there anybody here that  
17 believes that they could not give me their attention for four  
18 to six weeks? Okay. All right.

19 PROSPECTIVE JUROR NO. 004: My name is Joe  
20 Javellana, Badge No. 004. Basically, most of my schedules are  
21 basically can be restructured except for one, which happened  
22 just Friday.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 004: My friend was basically  
25 admitted to hospice this Friday, and to be honest with you, my

1 mind won't be on the case until that situation has been  
2 resolved.

3 THE COURT: Okay. So if I was able to give you  
4 Friday --

5 PROSPECTIVE JUROR NO. 004: I don't know when she's  
6 going to pass.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 004: She was admitted this  
9 Friday.

10 THE COURT: Okay. She was just admitted --

11 PROSPECTIVE JUROR NO. 004: Yes, this Friday.

12 THE COURT: -- last Friday?

13 PROSPECTIVE JUROR NO. 004: That's why I don't have  
14 any documentation on it just yet.

15 THE COURT: She was admitted last Friday?

16 PROSPECTIVE JUROR NO. 004: Yes, last Friday.  
17 Sorry.

18 THE COURT: Okay. So you're -- right now you're  
19 saying that that's what's on your mind and --

20 PROSPECTIVE JUROR NO. 004: It is right now, too,  
21 yes.

22 THE COURT: Okay. Okay. Thank you.

23 PROSPECTIVE JUROR NO. 004: Thank you.

24 THE COURT: Anyone else in that row? Okay.

25 PROSPECTIVE JUROR NO. 039: Christopher Coughlin,

1 039.

2 THE COURT: Uh-huh.

3 PROSPECTIVE JUROR NO. 039: I work a statewide  
4 technology program that services applicable schools. We give  
5 the schools -- every student gets a Chromebook and I'm in  
6 charge of repairing them and shipping them and receiving them.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 039: So there would be no  
9 feasible way that my employers will let me be out for four to  
10 six weeks considering that I'm running a statewide education  
11 program.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 039: So --

14 THE COURT: Let me -- let me let all of you know  
15 about employment. Your employers would let him out -- let you  
16 out. I mean, I'm using you as an example because you're the  
17 one --

18 PROSPECTIVE JUROR NO. 039: Okay.

19 THE COURT: -- standing up talking to me, but --

20 PROSPECTIVE JUROR NO. 039: I don't believe you,  
21 but --

22 THE COURT: No, they will. Otherwise, they will be  
23 answering and they will be the one sitting right here. You  
24 understand my drift?

25 PROSPECTIVE JUROR NO. 039: No.

1           THE COURT: I'll tell you right now, I have yet to  
2 have an employer tell me that their employee is not coming  
3 down here because they will not let you out, okay. So don't  
4 -- put -- everyone put that out of your mind right now.

5           PROSPECTIVE JUROR NO. 039: Is it the same if I feel  
6 personally responsible for maintaining this program and trying  
7 to be there? Because I'm very much invested in what I do and  
8 what I provide to the State of Nevada. It's an honest  
9 question. I'm not trying to --

10          THE COURT: No, I know. I know what you're saying.  
11 It is. Is that -- when I have you here and you're on my jury,  
12 this is what you're doing for work. Nothing else, all right.  
13 Now, some people work like after hours and do things like  
14 that, but I don't encourage because I want you attentive and  
15 awake and giving us your attention when you're here. And so  
16 the answer is is that if you're on my jury, you will not be  
17 working on other matters if it's going to affect your ability  
18 to be a good juror.

19          PROSPECTIVE JUROR NO. 039: Your Honor, what you  
20 said with having your full mind and attention, if -- if I get  
21 chosen for this jury, I will guarantee you I will be stressing  
22 about work.

23          THE COURT: Well, see, now you're going one step  
24 further. You're trying to figure out, Judge, what do I have  
25 to say so that I can get out of this. Okay. So I -- I hear

1 you. I hear you, so --

2 PROSPECTIVE JUROR NO. 039: Okay.

3 THE COURT: I hear you. I heard you before.

4 PROSPECTIVE JUROR NO. 039: I believe that.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 039: So thank you, Judge.

7 THE COURT: All right. Thank you.

8 Anyone else in that row? Can you just -- okay.

9 Thank you, Mr.

10 Coughlin.

11 PROSPECTIVE JUROR NO. 089: Hi. My name is Michelle

12 Arceneaux, Juror No. 089.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 089: I'm a nurse, married to

15 a retired police officer. I will try and be fair with this

16 case. I also, as I put on the questionnaire, we have a Hawaii

17 trip scheduled March 4th.

18 THE COURT: Oh, you're -- you're fine.

19 PROSPECTIVE JUROR NO. 089: Okay.

20 THE COURT: We better be done by then. I can't

21 imagine. I mean, I've seen what -- I mean, there's a lot of

22 evidence here.

23 MS. RADOSTA: I mean, to be fair, Judge, that's five

24 weeks, so --

25 THE COURT: Yeah.

1 MS. RADOSTA: You threw out the -- you threw out six  
2 weeks.  
3 THE COURT: No, we're talking about March 4th.  
4 MS. RADOSTA: That's five weeks.  
5 THE COURT: Okay.  
6 MS. RADOSTA: We're already --  
7 THE COURT: I got it. You're fair. I got you.  
8 MS. RADOSTA: And I don't want to stand in anybody's  
9 way.  
10 THE COURT: Well, we'll see, okay.  
11 PROSPECTIVE JUROR NO. 089: Okay.  
12 THE COURT: I mean, that's something -- so your  
13 Hawaii trip is when?  
14 PROSPECTIVE JUROR NO. 089: March 4. March 4th.  
15 THE COURT: Where are you going?  
16 PROSPECTIVE JUROR NO. 089: Honolulu.  
17 THE COURT: Okay. Well, I had to cancel mine, so  
18 maybe she should have to cancel hers. I have one I go every  
19 year to Kauai.  
20 PROSPECTIVE JUROR NO. 089: Oh, wow.  
21 THE COURT: I'm not doing it this year. So that's  
22 okay. That's all right.  
23 PROSPECTIVE JUROR NO. 089: I'm sorry.  
24 THE COURT: Anyone else? Sir? Okay.  
25 PROSPECTIVE JUROR NO. 105: Yes, sir. Ryan

1 Milligan, No. 105.

2 THE COURT: Uh-huh.

3 PROSPECTIVE JUROR NO. 105: I'm active duty U.S.  
4 military up at Creech. I have a couple appointments already  
5 scheduled for the week of the 13th in February, and it would  
6 be difficult for -- to be gone six weeks out of my job.

7 THE COURT: 13th of February you said?

8 PROSPECTIVE JUROR NO. 105: The week of, yes, on the  
9 Monday through Friday, and another one the following Monday,  
10 which I believe is the 21st.

11 THE COURT: And what do you have going on with that?

12 PROSPECTIVE JUROR NO. 105: So I'm scheduled to out  
13 process, so it's a mandatory out processing week-long thing to  
14 get me into civilian life.

15 THE COURT: So you're at the end of your military?

16 PROSPECTIVE JUROR NO. 105: I am. I separate at the  
17 end of July.

18 THE COURT: Okay. So you'll be good if you don't  
19 leave until the end of July.

20 PROSPECTIVE JUROR NO. 105: Well, officially July.  
21 I'll be leaving in May, so I have to get all this stuff done  
22 before then.

23 THE COURT: So you're still good. You're not  
24 leaving until May. No, you just told me you're doing  
25 something to out process on the 13th of February.



1           PROSPECTIVE JUROR NO. 105:  Correct.  It's a  
2 week-long --

3           THE COURT:  What is that?

4           PROSPECTIVE JUROR NO. 105:  -- course.  It's called  
5 TAPS.  It's transitioning from a military life into civilian,  
6 like resumes and career building and all that stuff.

7           THE COURT:  Okay.  And you can't do that another  
8 date?

9           PROSPECTIVE JUROR NO. 105:  It's possible.  I'd have  
10 to find out because they were booked out until February.  I  
11 made it in January.

12          THE COURT:  Okay.  All right.  Okay.  Thank you.  
13 Anyone in the second row?

14          THE MARSHAL:  We still have one in the first one.

15          THE COURT:  Oh, right there.  Okay.

16          PROSPECTIVE JUROR NO. 094:  My name is Daniel  
17 Farrell.

18          THE COURT:  Okay.

19          PROSPECTIVE JUROR NO. 094:  No. 94.  I actually have  
20 two other court dates that I have to go to.  One was actually  
21 supposed to be today, and the other is on March 1st in  
22 Arizona.

23          THE COURT:  Okay.  For what?

24          PROSPECTIVE JUROR NO. 094:  It's for a business that  
25 I own.  Well, I owned.  I sold it, but I actually have -- one

1 of them was through the DMV court, and then the other one was  
2 -- it was like a lawsuit from this finance company that we  
3 worked with, and that's against the business and I -- that's  
4 in Arizona. Sorry.

5 THE COURT: When is the one in Arizona?

6 PROSPECTIVE JUROR NO. 094: On the 1st of March.

7 THE COURT: Okay. Thank you.

8 PROSPECTIVE JUROR NO. 094: May I add one more  
9 thing? I'm sorry.

10 THE COURT: What's that?

11 PROSPECTIVE JUROR NO. 094: I also work in sales,  
12 commission.

13 THE COURT: Uh-huh.

14 PROSPECTIVE JUROR NO. 094: I know that it's a civic  
15 duty and everything, it's just that that's a big portion of  
16 our -- well, actually, it's our income.

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NO. 094: So I am worried about  
19 being here for \$40 a day that I might not be able to afford to  
20 be here.

21 THE COURT: Okay. All right. That's a good segue  
22 for me. You do get paid for your service. It's not a lot and  
23 it's not -- many people it's a lot of money, many people it's  
24 not. And we have tried, and when I say "we", the courts have  
25 actually recognized that, you know, you don't get paid a lot

1 and we actually floated an issue with the legislature to see  
2 about getting it changed, but there's a number of different  
3 systems that we looked at throughout the United States and  
4 even other countries on how -- how we could probably better  
5 serve the community and make sure that they get -- get  
6 compensated appropriately.

7           And the legislature, through their constituents,  
8 have come to the conclusion that it is a civic duty and you  
9 shouldn't be paid at all. That's the people. That's you all  
10 saying that's -- I haven't found them yet. They won't admit  
11 to it. But so right now, you know, you do get some money.  
12 It's not a lot of money, and we recognize that.

13           When I said it's an inconvenience, in the state of  
14 Nevada it's probably even harder on a lot of our jurors  
15 because many jurors work on tips, many -- we have a lot of  
16 dealers and restaurant service individuals that work on tips,  
17 and you work on commission from your sales and that. And so  
18 we take that into consideration. I'll tell you that the  
19 courts have taken the position that that in itself is not  
20 sufficient.

21           Now, you've given me some other reasons to think  
22 about, as well, but that's something we all talk about, okay.  
23 So I'm letting everybody know that now that the financial  
24 issue, it's -- it's tough. And there's a lot of individuals  
25 that have good reasons, so tell me about it, don't -- don't

1 say, well, he isn't going to listen, because we are. It's  
2 just some -- some may work, some may not, okay.

3 All right. Anyone in the second row here? Okay.  
4 Will you pass that down there.

5 PROSPECTIVE JUROR NO. 123: I'm Cecilia Garcia, No.  
6 0123. But that -- that was kind of my concern, too --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 123: -- about the financial.

9 THE COURT: Okay. Well, tell us about it.

10 PROSPECTIVE JUROR NO. 123: Well, I -- I know I get  
11 paid at my job for like one week.

12 THE COURT: Uh-huh.

13 PROSPECTIVE JUROR NO. 123: That's it. And then --

14 THE COURT: So right now your job has told you that  
15 for one week of jury service they'll pay you?

16 PROSPECTIVE JUROR NO. 123: Yeah.

17 THE COURT: And then anything beyond that the courts  
18 are -- you're on the hook for the court?

19 PROSPECTIVE JUROR NO. 123: Well, I read it on the  
20 handbook, and it says you can use like your vacation time  
21 and --

22 THE COURT: Oh, for your work?

23 PROSPECTIVE JUROR NO. 123: Yeah.

24 THE COURT: Okay. Where do you work?

25 PROSPECTIVE JUROR NO. 123: At a vitamin company.

1 THE COURT: Okay. Many of you in here, your job  
2 will pay for your jury service. Many of you will. Some of  
3 you have contracts that say up to a certain time. I mean, can  
4 you imagine being on the O.J. Simpson trial that lasted for a  
5 year? So -- and we have -- we've had them here. We've had  
6 cases that have lasted that long. So that's something you  
7 have to work out with your -- with your employer.

8 PROSPECTIVE JUROR NO. 123: Okay.

9 THE COURT: Okay. All right. Anyone else in that  
10 row? Okay.

11 PROSPECTIVE JUROR NO. 141: My name is Ana Sanchez,  
12 Badge No. 141. So I'm going to school right now.

13 THE COURT: 141, you said?

14 PROSPECTIVE JUROR NO. 141: 141. Yeah.

15 THE COURT: I have you down as Badge 02 -- Badge  
16 0120.

17 PROSPECTIVE JUROR NO. 141: Ana Sanchez?

18 MS. RADOSTA: We have two Ms. Sanchezes.

19 THE COURT: Oh. Is there a Desiree Sanchez here?

20 PROSPECTIVE JUROR NO. 120: Yeah, right here.

21 THE COURT: Okay. Oh. I'm sorry. The other way.  
22 Ana Sanchez.

23 Thanks, Ms. Radosta. Okay.

24 Okay. Go ahead.

25 PROSPECTIVE JUROR NO. 141: So I'm going to school

1 right now. I have class three days a week this semester.

2 THE COURT: Okay. Where are you going to school?

3 PROSPECTIVE JUROR NO. 141: UNLV.

4 THE COURT: What are you studying?

5 PROSPECTIVE JUROR NO. 141: Radiology.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 141: Will I be excused from

8 school for that long?

9 THE COURT: We're going to discuss you, but you --

10 you come in a little different in this court.

11 PROSPECTIVE JUROR NO. 141: Okay.

12 THE COURT: Individuals that are in school. And

13 I'll talk with the parties, but most of the time the

14 individuals that are in school, I release them, okay. All

15 right. Okay.

16 PROSPECTIVE JUROR NO. 141: Thank you.

17 THE COURT: Anyone else in that row? Anybody in the

18 front row here? I'm sorry. The row in front of the panel.

19 Anyone? On the end? Okay. We'll get back to you.

20 PROSPECTIVE JUROR NO. 160: My name is Mitzi

21 Williams. My badge is 160.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 160: I work between 70 and 80

24 hours a week to pay my bills. It's -- that's all I have.

25 THE COURT: What do you do?

1           PROSPECTIVE JUROR NO. 160: I work at a casino in  
2 housekeeping, and then I work as -- at Walmart at night. It's  
3 just me. I have no other support.

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

5           PROSPECTIVE JUROR NO. 160: I have a 43-year-old son  
6 in California, and my daughter works for Wynn in security.

7           THE COURT: Okay. So are you supporting yourself?

8           PROSPECTIVE JUROR NO. 160: Just me.

9           THE COURT: Okay. Okay. Thank you, Ms. Williams.

10          PROSPECTIVE JUROR NO. 160: Uh-huh.

11          THE COURT: Anyone else in that row? In the front  
12 row?

13          PROSPECTIVE JUROR NO. 292: My name is Cindy Lamar.  
14 My badge number is 292. I'm also a student, and I also have a  
15 case open that I don't know the court dates just yet.

16          THE COURT: Where are you a student at?

17          PROSPECTIVE JUROR NO. 292: At Northwest Careers  
18 College.

19          THE COURT: How often do you go to school?

20          PROSPECTIVE JUROR NO. 292: It starts on the 4th of  
21 this month, and it's only, I believe, once a week.

22          THE COURT: You go one time a week?

23          PROSPECTIVE JUROR NO. 292: Uh-huh.

24          THE COURT: What time?

25          PROSPECTIVE JUROR NO. 292: In the afternoon.

1 THE COURT: What time?  
2 PROSPECTIVE JUROR NO. 292: At 6:00. 6:00 to 9:00.  
3 THE COURT: Okay.  
4 PROSPECTIVE JUROR NO. 292: And it'll change. The  
5 first month is on Tuesday, the next month is on Thursday.  
6 THE COURT: And all of them 6:00 to 9:00?  
7 PROSPECTIVE JUROR NO. 292: Yes.  
8 THE COURT: At night?  
9 PROSPECTIVE JUROR NO. 292: Uh-huh.  
10 THE COURT: Okay. And you said you have an open  
11 case. Tell me about that.  
12 PROSPECTIVE JUROR NO. 292: Yeah. I've got a  
13 worker's comp case open that they're trying to close by the  
14 end of February.  
15 THE COURT: Do you have any case -- any dates that  
16 you're due to be in court or anything?  
17 PROSPECTIVE JUROR NO. 292: The 4th I have to do an  
18 evaluation with the -- my actual attorney and the worker's  
19 comp attorney, too.  
20 THE COURT: On March 4th?  
21 PROSPECTIVE JUROR NO. 292: No, on February 4th.  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 292: And they will just base  
24 from that, from that they go to whatever --  
25 THE COURT: Okay.



1 PROSPECTIVE JUROR NO. 292: -- court dates they  
2 have --

3 THE COURT: All right.

4 PROSPECTIVE JUROR NO. 292: -- to schedule.

5 THE COURT: Okay. Anyone else in that row? All  
6 right.

7 PROSPECTIVE JUROR NO. 289: Keen Santiago, Badge No.  
8 289. Currently stationed at Nellis. Active duty Air Force.  
9 Half of my team is deployed right now, so we're practically  
10 minimum man. And me being gone for four to six weeks is  
11 really going to be hard for the -- the troops, so --

12 THE COURT: What do you do?

13 PROSPECTIVE JUROR NO. 289: I work in -- I'm  
14 embedded with the PJs, the Pararescue Special Forces. Like I  
15 do -- do medical training for them, supply the equipment,  
16 narcotics, all of that.

17 THE COURT: So you train special forces?

18 PROSPECTIVE JUROR NO. 289: Well, embedded with  
19 them.

20 THE COURT: Medically?

21 PROSPECTIVE JUROR NO. 289: Uh-huh. Yes, sir.

22 THE COURT: Okay. Okay. Thank you.

23 Anyone else in that row? All right. We've got more  
24 people that are thinking of it. Okay. Let me see if I can  
25 get this past the Judge. Okay.

1           PROSPECTIVE JUROR NO. 145: I just thought about  
2 like how much I'm going to earn for --

3           THE COURT: What's your name and your badge number?

4           PROSPECTIVE JUROR NO. 145: My name is Frederick  
5 Karlo Oliquiano. My badge number is 0145.

6           THE COURT: Okay.

7           PROSPECTIVE JUROR NO. 145: Yeah. I just thought  
8 about like how much I'm earning every month with the hours  
9 that I'm putting in my work. I'm the only person who is  
10 earning in my family. And I have me and my son here in the  
11 U.S. and the other ones are back in the Philippines where I  
12 send money. I work around 60 to 70 hours a week also, and I'm  
13 a dialysis technician and right now it's flu season and we  
14 really need people around. And I'm one of the people who  
15 teaches dialysis for -- for the company where I work for. And  
16 so my students need me for now and my company need -- need to  
17 help out in the field. We go to ICU and ER for a number of  
18 hospitals in the whole Las Vegas.

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

20          Right here. Let's see. Front row.

21          PROSPECTIVE JUROR NO. 256: Daniel Rosenfield, 256.  
22 Are you calling on me? I didn't raise my hand.

23          THE COURT: You didn't?

24          PROSPECTIVE JUROR NO. 256: No.

25          THE COURT: Oh, okay. I'm sorry. I like those

1 jurors.

2 PROSPECTIVE JUROR NO. 165: Mary  
3 Handwerker-Lamaster, 165, again. You said that we would  
4 sometimes start late. Would we -- would the cutoff for sure  
5 be 5:00 p.m.? Because my husband works evenings and we have a  
6 13-month-old that we would just have to coordinate.

7 THE COURT: Okay. Another lead way.

8 PROSPECTIVE JUROR NO. 165: Oh, okay.

9 THE COURT: I try to get started, it varies on when  
10 I start, but I try to get done by 5:00 every night. Sometimes  
11 I -- if we get into -- if we're -- if we're in a trial, if  
12 we're in the trial and we have witnesses on the stand, I'm  
13 always questioning the parties, you know, how far they want to  
14 go with that witness.

15 I hate to take a break with that witness in the  
16 middle of that witness and break overnight, but it happens.  
17 It's not -- I'm not going to say it won't happen, but I leave  
18 that always to the jury. So if you make it on my jury and  
19 we're coming up on the 5:00 hour, I'll turn to you all if the  
20 parties still want to go beyond that, and I'll ask.

21 Now, if you -- if you make it on the jury, probably  
22 your answer will be, well, Judge, I can't because I have to be  
23 home by -- by 5:15 or 5:30 or whatever it is. And so that  
24 would be the position that I would take is if I have you on my  
25 jury and you cannot be here beyond 5:00, then that's the

1 position I would take, okay.

2 PROSPECTIVE JUROR NO. 165: Okay.

3 THE COURT: All right. Does that answer it?

4 PROSPECTIVE JUROR NO. 165: Yes.

5 THE COURT: I mean, that's for everybody, okay. So

6 it's -- usually that's the first time you all get to see how

7 democracy really works when you're sitting in there and I ask

8 if you all can stay or if you all can go and -- okay?

9 PROSPECTIVE JUROR NO. 165: If a single person can't

10 stay, do they get let go or is it a group thing?

11 THE COURT: Nope. Nope. It's a group.

12 PROSPECTIVE JUROR NO. 165: Okay. So at that

13 point --

14 THE COURT: You're part of the whole group when

15 you're up there, okay.

16 PROSPECTIVE JUROR NO. 165: Would we be able to

17 communicate with like the caregiver of our children that we're

18 staying late?

19 THE COURT: Yeah, if you can. You know, what I

20 would do is I would give you that option. You'd raise your

21 hand and say, Judge, you know, I have a babysitter tonight or

22 a caregiver or whatever, will you give me a chance to talk to

23 them? Sure, take a break, go call them. Or -- or we just

24 play it as we go and say, well, you know, tonight maybe it's a

25 good time to settle -- I mean, to stop right now, okay. All

1 right.

2           So we just play with it as we go. It's not -- it's  
3 not a big deal. I've actually been in trial -- we've -- these  
4 parties, I maybe even had these parties, we've been in trial  
5 as late as midnight because the jury wants to do it. They'll  
6 work -- they'll work -- well, Violet is shaking her head no.

7           MS. RADOSTA: That wasn't me -- that wasn't me,  
8 Judge.

9           THE COURT: They'll work. They will. Most of the  
10 time they will work.

11          MS. RADOSTA: If you tell me to, I will, but, yeah,  
12 I mean.

13          THE COURT: We've taken jury verdicts at 2:00, 3:00  
14 in the morning sometimes because the jury stays, and they  
15 said, no, we want to stay, we want to stay. I leave it up to  
16 the jury. I do. Because you're the ones that we're putting  
17 out right now. And so usually it's between the normal hours  
18 of our courts are from -- my court is 8:30 in the morning  
19 until 5:00 in the afternoon. That's our normal hours.

20          PROSPECTIVE JUROR NO. 165: Are there breaks for  
21 like if I have to call. Sorry.

22          THE COURT: Yeah. That's fine. Yeah, I'll give you  
23 that chance, give you that opportunity, okay. All right.

24          All right. Anyone else in this group? Okay. What  
25 about the front row back here? We're talking about being here

1 for four to six weeks. All right.

2 PROSPECTIVE JUROR NO. 334: My name is Efrain

3 Mendez. My badge number is 0334.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 334: I'm unemployed right now

6 since November the 2nd and --

7 THE COURT: What's that?

8 PROSPECTIVE JUROR NO. 334: I'm unemployed right

9 now --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 334: -- since November the

12 2nd because I lost my job at the Wynn Hotel. I've been there

13 like 14 years.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 334: And I'm waiting for the

16 Union to -- I keep going back and forth to see if we're going

17 to have a meeting to get my job back because they fired --

18 THE COURT: Uh-huh.

19 PROSPECTIVE JUROR NO. 334: -- me from my job.

20 THE COURT: Are you on a list? Do they -- what

21 union are you with?

22 PROSPECTIVE JUROR NO. 334: 226 Culinary.

23 THE COURT: Okay. Do they put you on a list like

24 they do the laborers union and carpenters union and that type

25 of thing? Are you on the list?

1 PROSPECTIVE JUROR NO. 334: Yeah, because I had to  
2 do a grievance, and then they told me by the 2nd, which is in  
3 three months, it usually takes three months, the 2nd of  
4 February they should be calling me to have the meeting to see  
5 if they're going to give me my job back.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 334: But in the meantime, I'm  
8 right now looking for work. And I usually --

9 THE COURT: So right now it would be perfect for you  
10 to be on the jury.

11 PROSPECTIVE JUROR NO. 334: Yeah, it would -- it  
12 would be because I work in the afternoon, but I have a son,  
13 he's learning disabled, and that's the reason why I work in  
14 the afternoon because my wife works in the morning and I don't  
15 like to leave him home too long, you know, because he's just  
16 learning disabled. So I've got him home now just, but --

17 THE COURT: Who -- who is with him now?

18 PROSPECTIVE JUROR NO. 334: He's home now. He's 30.  
19 He's capable of taking care of himself.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 334: But I just don't like  
22 leaving him there too long, you know. Because I'm the one  
23 working in the afternoon. When she gets home at 3:30, I take  
24 the car because we've only got one car, then I take the car to  
25 work. So I've got to pick her up at 3:30, which I don't know

1 if I'm going to get there because --

2 THE COURT: Probably not.

3 PROSPECTIVE JUROR NO. 334: Yeah. Yeah. So she's

4 just going to stay at work waiting until 5:00 until -- you

5 know, because she works for Clark County Schools, so I just --

6 I'm just saying. But I'm trying to look for work because

7 pretty soon I'm going to -- I'm behind on a lot of my bills

8 and I've got to pay that mortgage. And she's -- she's -- all

9 the savings that she had for vacation, that's it.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 334: So I'm trying to, you

12 know, make it happen.

13 THE COURT: I got you. I got you, Mr. Mendez.

14 Okay.

15 Anyone else in that front row? Okay.

16 PROSPECTIVE JUROR NO. 337: Yeah, Dungey, 337. My

17 concerns are medical. I have surgery scheduled on March 4th,

18 and I have several exploratory ultrasounds and CT scans and

19 after surgery appointments that'll run through probably the

20 end of May.

21 THE COURT: Do you have procedures scheduled before

22 March 4th?

23 PROSPECTIVE JUROR NO. 337: On March 4th.

24 THE COURT: Okay. So you start everything on March

25 4th?



1           PROSPECTIVE JUROR NO. 337: Yes. Well, I have -- I  
2 have -- no, I have procedures prior to that. I have  
3 ultrasounds and CT scans, and then I have cataract surgery  
4 scheduled for the 4th on one eye, then I have follow-up  
5 appointments after that. And then I start my right eye  
6 procedure. And they're pretty progressive, so I want to get  
7 them in if possible.

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

9           PROSPECTIVE JUROR NO. 337: Thank you.

10          THE COURT: Anyone else in that front row? How  
11 about the second row?

12          PROSPECTIVE JUROR NO. 396: Hi. Sally Johnson,  
13 Badge No. 0396. My biggest conflict is I have three kids at  
14 three different schools at three different parts of the  
15 valley. And I am the one who is a taxi driver to get all  
16 these kids home from school.

17          THE COURT: Do you have -- they're your children?

18          PROSPECTIVE JUROR NO. 396: Yes, they are.

19          THE COURT: And they're all going to different  
20 schools?

21          PROSPECTIVE JUROR NO. 396: Yep. Three different  
22 schools, three different areas of the valley.

23          THE COURT: Is that like grade school, middle  
24 school, high school?

25          PROSPECTIVE JUROR NO. 396: No, I have one at

1 Southwest Tech, I have one at Thurman White Middle School in  
2 Henderson, and I have one at Valley High School.

3 THE COURT: Okay. The reason I asked that is  
4 because if you would have told me I have one at UNLV, I have  
5 one at CSN, I have one -- I'd say, time to cut the cord.

6 PROSPECTIVE JUROR NO. 396: I have another one -- I  
7 have another one at CSN, but he can drive himself around.

8 THE COURT: What about him going and getting the  
9 other ones for you?

10 PROSPECTIVE JUROR NO. 396: His school schedule is  
11 -- I -- I tried that today. His school schedule is such that  
12 he's working part-time and -- and he has classes.

13 THE COURT: Husband?

14 PROSPECTIVE JUROR NO. 396: Husband can pick up one  
15 child that is at Southwest Tech, but the other two take the  
16 bus home and the bus -- the bus pickup schedule, we have  
17 someone that can drive them home sometimes, but not always.

18 THE COURT: Okay. So the plot thickens. We have a  
19 husband can get one of them, so that one is out of the way.

20 PROSPECTIVE JUROR NO. 396: Yeah.

21 THE COURT: And the bus picks the other two up.

22 PROSPECTIVE JUROR NO. 396: Yes.

23 THE COURT: And those are out. Okay. So I don't  
24 hear any problems anymore.

25 PROSPECTIVE JUROR NO. 396: Just making sure we can

1 all get them home at the --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 396: You know.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 396: So that's my conflict.

6 THE COURT: Is the concern that they miss the bus or

7 something that maybe --

8 PROSPECTIVE JUROR NO. 396: The concern is I don't

9 know if I can hit up all my friends for six weeks or five

10 weeks to --

11 THE COURT: Well, I know, but if your husband is

12 able to pick up one of them and the other two can ride the bus

13 home, isn't that covered?

14 PROSPECTIVE JUROR NO. 396: Yes, it's just getting

15 them from the bus stop, which isn't -- it's at the closest

16 high school is not right by my house. But husband can usually

17 pick up the one, but not -- like today he has a meeting with

18 people in from Japan.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 396: So -- and it's a

21 Japanese company so there's people that travel all the time.

22 THE COURT: So how is -- how are they getting home

23 today?

24 PROSPECTIVE JUROR NO. 396: I had my neighbor from

25 across the street pick up one, and one girl is getting picked

1 up by another friend. And my husband is going to leave at  
2 4:00 from his meeting that ends at 3:00 to pick up the Valley  
3 High School kid.

4 THE COURT: Pesky kids. No, I understand. I'm just  
5 trying to make it light. And I know everyone is here and we  
6 have all issues, so we'll deal with it, okay.

7 PROSPECTIVE JUROR NO. 396: And I understand that.  
8 I just have a crazy taxi schedule with my kids --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 396: -- and that's my one  
11 conflict.

12 THE COURT: Okay. All right. Thank you, Ms.  
13 Johnson.

14 Anyone else in that row? Yeah. Yeah. Okay. We'll  
15 get to you, sir. I saw you.

16 PROSPECTIVE JUROR NO. 383: My badge number -- my  
17 name is Tek Neopanay. My badge number is 383.

18 THE COURT: 303?

19 PROSPECTIVE JUROR NO. 383: So same problem like --  
20 yeah, 383.

21 THE COURT: 383?

22 PROSPECTIVE JUROR NO. 383: Yeah, 383.

23 THE COURT: So it's Tek Neopanay?

24 PROSPECTIVE JUROR NO. 383: Yes, sir.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 383: Yeah. I have the same  
2 problem. I have to drop to high school two kids.  
3 [Indiscernible] I drop them and somebody, I called my nephew  
4 to pick up today, but just for today. And every day I have to  
5 drop up and pick up them, and I have to go to duty at night.  
6 THE COURT: Okay.  
7 PROSPECTIVE JUROR NO. 383: That's why I'm working  
8 alone from my house. My wife is not working. She is  
9 [indiscernible].  
10 THE COURT: Did you say your wife is not working?  
11 PROSPECTIVE JUROR NO. 383: No.  
12 THE COURT: Okay. And you -- you're doing most of  
13 your work from your house?  
14 PROSPECTIVE JUROR NO. 383: Yeah. And that's why I  
15 make duty at night. I do my job, my sons to their schools and  
16 pick up them, and after being at home I have to go do duty.  
17 THE COURT: Okay. When do you pick the children up?  
18 PROSPECTIVE JUROR NO. 383: 3:00.  
19 THE COURT: 3:00?  
20 PROSPECTIVE JUROR NO. 383: Yeah.  
21 THE COURT: How old are they?  
22 PROSPECTIVE JUROR NO. 383: One is 17, one is 11.  
23 THE COURT: One is 17?  
24 PROSPECTIVE JUROR NO. 383: One 11.  
25 THE COURT: And one is 11. Do they go to the same

1 school?

2 PROSPECTIVE JUROR NO. 383: No, different school.

3 THE COURT: Okay. 17, is he driving, he or she, is

4 she driving, are they driving yet?

5 PROSPECTIVE JUROR NO. 383: No.

6 THE COURT: Okay. Can your wife go pick them up?

7 PROSPECTIVE JUROR NO. 383: No, she doesn't drive.

8 THE COURT: Okay. Okay. Thank you.

9 PROSPECTIVE JUROR NO. 383: Yes, sir. Thank you.

10 THE COURT: On this end? Okay.

11 PROSPECTIVE JUROR NO. 435: Good afternoon, Your

12 Honor. My name is Rimmon Esteban, Badge No. 435.

13 THE COURT: Uh-huh.

14 PROSPECTIVE JUROR NO. 435: Just like a couple of

15 the other individuals pointed out here, I work an hourly job

16 at a slat manufacturer company in town, and I also support my

17 mother. I have discussed the possibility of being selected

18 for a jury, and they notified me that they will only cover 40

19 hours if I was to be picked for a jury. And even coupled with

20 the vacation time that I have accrued with the company, the

21 max that I can secure to cover my expenses would be two weeks.

22 So --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 435: -- it will be like very

25 detrimental to my finances if I was out for six.

1 THE COURT: Okay. All right. Thank you.  
2 Anyone else in the back row? Can you pass that down  
3 to --  
4 PROSPECTIVE JUROR NO. 503: Alexandra Kenney, Badge  
5 No. 503. I'm just concerned about being out for an extended  
6 period of time because I am a teacher with Clark County at  
7 J.D. Mack Middle School and I have concerns about leaving my  
8 students for five weeks before testing season.  
9 THE COURT: Okay. All right. Thank you.  
10 PROSPECTIVE JUROR NO. 499: Good afternoon, Your  
11 Honor. John Sasser, Badge No. 499. I work in catering and  
12 banquet operations at the Sands. And I do get paid salary;  
13 however, we are -- 50 percent of my income is based on  
14 gratuity and we have a couple large groups coming in.  
15 THE COURT: When are they planning on coming in?  
16 PROSPECTIVE JUROR NO. 499: We have Amazon at the  
17 end of the month. It's probably the top two as far as  
18 revenue.  
19 THE COURT: The end of February?  
20 PROSPECTIVE JUROR NO. 499: Yes.  
21 THE COURT: Okay. Okay. Thank you.  
22 Anyone else in that row? How about in the front row  
23 over here?  
24 PROSPECTIVE JUROR NO. 581: Leigh Swayze, 581. I'm  
25 scheduled to travel for work March 2nd through the 6th to

1 Florida.

2 THE COURT: What's your number again?

3 PROSPECTIVE JUROR NO. 581: 581.

4 THE COURT: Okay. You said you're scheduled to  
5 travel?

6 PROSPECTIVE JUROR NO. 581: To Florida on March 2nd  
7 through 6th.

8 THE COURT: Okay. Thank you.

9 PROSPECTIVE JUROR NO. 576: Desmond Asuncion, Badge  
10 No. 576. My uncle passed away recently and my family and I  
11 plan to be at his funeral in San Francisco from February 13th  
12 to February 19th.

13 THE COURT: Okay. Thank you.

14 Anyone else in that row? Anyone in the back row?  
15 Two. Okay.

16 PROSPECTIVE JUROR NO. 142: Mohamed Alkokabani,  
17 Badge No. 142. The reason I was late, and I would like to  
18 apologize for the fact that I was late, is because I was  
19 setting up the servers for the state assessment testing for  
20 Centennial High School. I'm the computer tech there. I'm  
21 aware of the fact that user support services in CCSD will be  
22 able to find a replacement. Unfortunately, due to the fact  
23 that I have to set up the servers and make sure that I am  
24 available there during the assessment testing, it's critical.  
25 And, also, I also perform the inventory for the CCSD



1 which dictate the budget for the school. So it is very  
2 critical that I am there during this time. It is also  
3 important for me to say that it is an absolute privilege and  
4 an honor to be here. Unfortunately, the timing is just not  
5 right for me.

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR NO. 142: You're welcome.

8 THE COURT: All right. Ladies and gentlemen, we're  
9 going to take a quick break, okay.

10 Ladies and gentlemen, although you're not my jury, I  
11 still need to admonish you that during this break you're not  
12 to talk or converse with anyone -- with anyone or even talk or  
13 converse amongst yourselves or with anyone else that has any  
14 -- anything connected with this case. You're not to read,  
15 watch, or listen to any report or commentary on the trial or  
16 any person connected with this trial by any medium of  
17 information, including, without limitation, newspapers,  
18 television, Internet, or radio, or form or express any opinion  
19 on any subject connected with this case until it's finally  
20 submitted to you as a juror when you're deliberating.

21 That means when you go out in the hall, I'm going to  
22 give you a break here, when you go out in the hall, don't get  
23 on the phone and take a selfie of yourself in front of the  
24 courthouse and say I'm down here in court and I'm down on this  
25 trial and this is the case I'm dealing with.

1           Don't get on the Internet and look up the names of  
2 the parties, the names of the -- of the defendant here, my  
3 name, my marshal's name. Don't -- you can do all that when  
4 we're done. You can look us all up all you want and find out  
5 what we're all about. But until -- until then, I'm asking you  
6 to be on your honor not to do this.

7           Also, when you're out in the hall, you can't talk to  
8 each other about what's happening in here. You can talk about  
9 what you do in your life and what your life is all about, but  
10 you can't discuss anything about what's happening in this  
11 courtroom or about this trial to each other.

12           These badges you have signify that you're a  
13 potential juror. When you become a juror, they give you a  
14 badge that's blue and it says juror on it. And that's to tell  
15 everybody in the courthouse that works here that you're a  
16 juror and not to talk to you. So also with that -- in that  
17 same frame of mind, the parties here, they move in and out of  
18 these courts a lot, in and out of the courtroom. And many of  
19 you will be out waiting in a big group of people waiting to  
20 get in here.

21           And when they come in, they'll walk right past you.  
22 The kneejerk reaction for most of you would all be to say  
23 hello or good morning or good afternoon and maybe even say  
24 their names. They will not talk to you. They will ignore  
25 you. They're not being rude. They're not -- they're not

1 being anti-social. They're told by their code of ethics to  
2 not discuss anything or have any contact with you whatsoever.

3           The reason why I tell you this is because many of  
4 you may get -- may take offense to that and say I can't  
5 believe Mr. Sweetin or Ms. Radosta didn't even acknowledge me,  
6 what the heck are they all about? Well, for that reason I'm  
7 not going to support them or I'm not going to vote their way.  
8 It may be that way. I'm being kind of facetious when I talk  
9 about it, but people do do that.

10           So they won't address you. I ask you not to address  
11 them. So they won't do it to you, you don't do it to them,  
12 okay. So that's -- I want to let you know that just so -- so  
13 -- because, I mean, everybody that's in the courthouse that  
14 you're probably all pretty polite and that's what you -- I  
15 mean, you were raised that way and -- and that's the first  
16 thing that you want to do is say hello to them in the morning  
17 or something like that.

18           Or if you run -- if you're standing in the elevator,  
19 it's pretty awkward when you're standing in the elevator next  
20 to somebody in the case and you can't say nothing to them.  
21 But don't do it, okay? You'll probably -- you'll want to,  
22 you'll keep trying to, but just don't do it. And that's  
23 because I'm telling you not to, all right? You're on your  
24 honor.

25           You're on your honor not to look things up. You're

1 on your honor not to talk to anybody about the case. You're  
2 on your honor that if you see something or you hear something  
3 that sounds like this, maybe you're watching TV and something  
4 comes on the news and it sounds like a case like this, don't  
5 sit there and wait to see if it is the case. Go away from it  
6 right away. Anything that gives you that attention, get away  
7 from it right away.

8           You'll have all the time in the world after you're  
9 done to do any research that you like. Don't get on the  
10 Internet, don't get into a dictionary or something to try to  
11 look stuff up. I said the word voir dire earlier, don't go  
12 looking it up. If you have questions about it during the  
13 trial or whatever, you can write a note and we'll -- we'll  
14 address it. But does anyone have any questions about that  
15 right now? Okay.

16           We're going to take a quick break. I have to  
17 admonish you this every single time. And you'll see, you'll  
18 probably get sick of it. Some of you will probably be able to  
19 recite it back to me when you're done because I say it so  
20 much. But -- but it's serious. And if you don't take this  
21 serious, I don't know what to tell you.

22           When you come back, ladies and gentlemen, don't come  
23 in the courtroom. My marshal will collect you out in the  
24 hall. That's how it happens every time. You don't just come  
25 in on your own. Remember where you're seated now because I

1 want you to come back to the same seats that you're in now.

2           Also, if you have something that you -- like a soda  
3 or something like that, a bottle of water, you can bring that  
4 with you, too, as long as it has a lid or something on it.  
5 Because, you know, you'll be allowed to drink in the courtroom  
6 if you need to, nonalcoholic beverages. And -- and  
7 understand, you're not in your house and so we have to clean  
8 up after you.

9           And so far everybody has abided by my orders because  
10 my marshal is the one that does the cleaning up out there and  
11 he'll let me know. If he's having to pick up because somebody  
12 was junky and was throwing underneath the chair or something,  
13 we'll find out about it, okay.

14           Don't leave anything here yet. Take everything, all  
15 your belongings with you. Don't leave your purses, don't  
16 leave your jackets or anything like that. Take them with you,  
17 okay. All right. So we're going to take about -- let's see,  
18 it's -- let me give you about a 20-minute break, give  
19 everybody an opportunity to use the restroom and that.

20           You had a question?

21           PROSPECTIVE JUROR NO. 165: Yes.

22           THE COURT: Just so we know who we're talking to,  
23 your name and --

24           PROSPECTIVE JUROR NO. 165: Mary, 0165.

25           THE COURT: Okay. 165 is -- is Ms.

1 Handwerker-Lamaster.

2 PROSPECTIVE JUROR NO. 165: Yes.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 165: Just -- I know this one  
5 is 20 minutes. Are we going to get a lunch break later?

6 THE COURT: Have you guys not eaten?

7 PROSPECTIVE JURY PANEL: No.

8 THE COURT: Whoa. See, they didn't tell me that. I  
9 wasn't told that. So do you guy want to take lunch now?

10 PROSPECTIVE JURY PANEL: Yes.

11 THE COURT: Let's just do that now, okay, and get it  
12 out. Yeah, let's just do it now. I apologize. No one told  
13 me about that. Once I got ahold of you, now we'll be able to  
14 discuss it and I'll know what we're doing, okay. So it's --  
15 it's 10 after. If I give you like -- is 10 after 3:00, would  
16 that be enough time? You guys okay with that or you need more  
17 time?

18 What's that? You're just going to go down to  
19 Capriotti's? Okay. Tell them that you're down here on a jury  
20 and they'll move you quicker. All right. Okay. Maybe. All  
21 right. So, okay, be ready to get started back here by, let's  
22 say, a quarter after 3:00, okay. All right? Okay. We'll be  
23 at ease while the jury exits the courtroom.

24 (Prospective jury recessed at 2:15 P.M.)

25 THE COURT: Okay. We're outside the presence of the

1 jury. I don't know, did you guys get Mr. Sena something to  
2 eat before you brought him up?

3 THE CORRECTIONAL OFFICER: No, sir.

4 THE COURT: Did you -- you didn't eat, Mr. Sena?

5 THE DEFENDANT: No.

6 THE COURT: All right. Can you get him back down  
7 and get him something to eat by a quarter after 3:00?

8 THE CORRECTIONAL OFFICER: Absolutely.

9 THE COURT: All right. So we'll -- we'll see you  
10 back at a quarter after 3:00.

11 Is there anything that you guys need to put on the  
12 -- I mean, this is what I'm going to do. I'm going to finish  
13 asking the questions, have you all come up, we can address it.  
14 Probably going to have to put the jury out and we can address  
15 everybody, okay. There's a lot of individuals. I mean, we  
16 knew this. It is what it is, okay. So all right. Do you  
17 need to put anything on the record, Ms. Radosta?

18 MS. RADOSTA: No.

19 THE COURT: Mr. Sweetin, right now?

20 MR. SWEETIN: No, Your Honor.

21 THE COURT: Okay. So go have lunch and we'll be  
22 back at a quarter after 3:00.

23 THE CLERK: We did have -- we did have another one  
24 of our no-shows show up during your questioning, so I just  
25 told them to bring her in tomorrow at the --

1           THE COURT: Well, I told -- at the bench, I told my  
2 marshal that if somebody comes in late, one of the names, that  
3 we'll just have them go into the next panel for tomorrow. So  
4 which one was it?

5           THE CLERK: Sablan. She's Badge No. 061, Catherine  
6 Sablan.

7           MS. RADOSTA: Okay.

8           THE COURT: All right. Okay.

9           MS. RADOSTA: So she's going to be here tomorrow?

10          THE CLERK: She should be.

11          MS. RADOSTA: All right. In theory.

12          THE COURT: Okay. For the record, I'll recall my  
13 order on that, as well.

14          THE CLERK: Yes, Judge.

15          THE COURT: On Catherine Sablan, okay. All right.  
16 Okay. Thanks, guys. We're off the record.

17               (Court recessed at 2:18 P.M., until 3:03 P.M.)

18               (Outside the presence of the prospective jury)

19                       (Pause in the proceedings)

20          THE COURT: All right. We're on the record outside  
21 the presence of the jury in Case No. C311453, State of Nevada  
22 versus Christopher Sena. I'd like the record to reflect the  
23 presence of the defendant and his counsel, as well as the  
24 State and their counsel.

25               Before we took a break, and while we were in jury



1 selection, in the beginning of jury selection I asked the  
2 parties to introduce themselves and to give them a brief  
3 understanding of what they believe their case would be and any  
4 witnesses that they intend to call.

5 In the defense statement, Ms. Radosta, you had  
6 represented to the panel that was in here that -- that you  
7 wanted the -- you represented that -- that you wanted the jury  
8 to find the defendant guilty of only the counts that he was  
9 guilty of, and not guilty of the counts he wasn't guilty of.

10 MS. RADOSTA: Uh-huh.

11 THE COURT: It sounded to me that you were conceding  
12 a portion of the counts. Maybe I misunderstood that, but that  
13 -- that's what it appeared to me. And do you want to address  
14 that at all, or am I just --

15 MS. RADOSTA: Well, yeah. I mean, I'm comfortable  
16 with the record that we made, Your Honor. If you're concerned  
17 about anything --

18 THE COURT: Well, my concern is whether or not your  
19 client was aware that -- that you intended to address the jury  
20 in that manner.

21 MS. RADOSTA: I am comfortable with the record that  
22 I made.

23 THE COURT: Okay.

24 MS. RADOSTA: I'm uncomfortable going into any other  
25 detail other than that, Judge, regarding client

1 communications, unless you would prefer to have the State step  
2 out.

3 THE COURT: Okay. I will. Okay.

4 (Outside the presence of the Deputy District Attorneys)

5 THE COURT: Okay. We're outside the presence of the  
6 State and the defendant and his counsel are only present.

7 MS. RADOSTA: For the Court's -- just for the  
8 Court's clarification, we have had many conversations with Mr.  
9 Sena about certain counts that are -- that we are, in our  
10 opinion, going to need to concede in order to have the  
11 credibility to make other arguments in front of the jury.

12 THE COURT: Okay.

13 MS. RADOSTA: Specifically the ones having to do  
14 with the possession and production.

15 THE COURT: Okay.

16 MS. RADOSTA: And we've had that conversation with  
17 him many, many times.

18 THE COURT: All right.

19 MS. RADOSTA: He's fully aware of it. The sentence  
20 maybe didn't come out exactly as I intended it to, but it is  
21 not something that he's unaware of and --

22 THE COURT: Okay.

23 MS. RADOSTA: -- and so that's why I say I'm  
24 comfortable with the record that I made, Judge.

25 THE COURT: All right. Well, the current state of

1 the law, I think it's the Martinez case that talks about that  
2 -- that there's a lot of discretions that are left with  
3 counsel rather than with the defendant. The previous case was  
4 a case that came out of -- that Mr. Gibson from your office  
5 handled in a murder case.

6 MS. RADOSTA: Okay. That's a long --

7 THE COURT: And it conceded --

8 MS. RADOSTA: -- time ago.

9 THE COURT: -- to second degree --

10 MS. RADOSTA: Yes.

11 THE COURT: -- versus the first degree, and then  
12 there was a requirement that -- that the Court canvass the  
13 client to see whether or not that he was aware of that.

14 MS. RADOSTA: Right. Right.

15 THE COURT: So but that's changed.

16 MS. RADOSTA: Yes.

17 THE COURT: The current state of the law has  
18 changed. But the -- when you -- I just wanted to make sure  
19 that --

20 MS. RADOSTA: Yes.

21 THE COURT: -- that you had an opportunity to make a  
22 record with that.

23 MS. RADOSTA: I appreciate the opportunity, Your  
24 Honor, and Mr. Sena was aware of what our -- and if you wanted  
25 to ask, if you're more comfortable asking him.

1 THE COURT: Okay.

2 MS. RADOSTA: I mean, we have had that

3 conversation --

4 THE COURT: I will, then.

5 MS. RADOSTA: -- specifically to those potential

6 counts --

7 THE COURT: Okay.

8 MS. RADOSTA: -- on numerous occasions.

9 THE COURT: Mr. Sena, do you understand the concern

10 of the Court?

11 THE DEFENDANT: Yeah, I think so.

12 THE COURT: Okay. My concern was is that your --

13 that your attorney represented to the jury that there's

14 certain counts that -- that -- and she just did to the Court,

15 that you would necessarily concede.

16 THE DEFENDANT: That I'm agreeing to them? Is that

17 what you mean?

18 THE COURT: Right. Conceding that --

19 THE DEFENDANT: Yes.

20 THE COURT: -- that the evidence would support it.

21 THE DEFENDANT: Yeah, I told her that I will -- you

22 know, I've never lied to anybody, and I just want the truth to

23 come out.

24 THE COURT: Okay.

25 THE DEFENDANT: And some things, yeah, I conceded

1 to, and that's about it.

2 THE COURT: Okay.

3 THE DEFENDANT: Because a lot of the --

4 THE COURT: Well, when you say some things, we're

5 talking about counts. You know, right now there's a hundred

6 and --

7 MS. RADOSTA: 120.

8 THE DEFENDANT: Yeah, like -- like the --

9 THE COURT: 120 counts.

10 THE DEFENDANT: -- video counts.

11 THE COURT: Some of those when your attorney

12 represents to the jury, potential jury, that -- that -- the

13 way it sounded to me is that -- is that she's agreed that

14 there's certain ones that they could find you guilty of,

15 but --

16 THE DEFENDANT: Yes.

17 THE COURT: -- arguably said that there's other ones

18 that they should not find you guilty of.

19 THE DEFENDANT: Yes.

20 THE COURT: Do you -- did you hear that?

21 THE DEFENDANT: Yes, that --

22 THE COURT: And you're in --

23 THE DEFENDANT: -- certain ones that --

24 THE COURT: -- agreement with that?

25 THE DEFENDANT: Yeah.

1 THE COURT: Okay. So that representation that your  
2 attorney said to the jury is an accurate representation as far  
3 as you're concerned with your discussions with them?

4 THE DEFENDANT: As far as my understanding, correct.

5 THE COURT: Okay. All right. Okay. All right,  
6 then I'm okay.

7 MS. RADOSTA: Thanks, Judge.

8 THE COURT: Get them back.

9 (Inside the presence of the Deputy District Attorneys)

10 THE COURT: Okay. And then you want to get the jury  
11 back? Okay. All right.

12 Let me -- let me finish with this whole group.

13 MS. RADOSTA: Yeah, that's what I was going to ask.

14 THE COURT: And then -- and then before -- before I  
15 even have you all ask questions, we can address that, okay.  
16 Because we're going to be running up on the 5:00 hour anyhow,  
17 so I can -- I will --

18 MS. RADOSTA: I mean, yeah, there's still plenty of  
19 information.

20 THE COURT: I mean, there's -- there's some more  
21 questions that I have.

22 MS. RADOSTA: Yeah. Absolutely.

23 THE COURT: A considerable number of questions. Not  
24 a lot, but I do have some. And then we'll -- we'll go from  
25 there, okay.

1 (Pause in the proceedings)

2 (Inside the presence of the prospective jury)

3 THE COURT: All right. We're back on the record in

4 the case of State of Nevada versus Christopher Sena. I'd like

5 the record to reflect the presence of the defendant and his

6 counsel, as well as the State and their counsel.

7 Ed, did all the jurors come back?

8 THE MARSHAL: They did.

9 THE COURT: All right. Will the parties stipulate

10 to the presence of the jury, the panel?

11 MR. SWEETIN: Yes, Judge.

12 MS. RADOSTA: Yes, Judge.

13 THE COURT: Okay. Ladies and gentlemen, before we

14 took a break I was talking about the length that this trial

15 would last and if that would cause any burden upon you. Many

16 of you that answered, I believe it's the individuals that

17 answered that needed to answer that. But during the lunch

18 break did any of you have an opportunity to think of whether

19 or not there is any other reason that you would be unable to

20 serve in this particular case that you haven't already told us

21 about? Anyone?

22 All right. Right here.

23 PROSPECTIVE JUROR NO. 582: The only thing I would

24 say is in reading --

25 THE COURT: Can you give me your name and badge

1 number again? I'm sorry.

2 PROSPECTIVE JUROR NO. 582: Oh. Harry Fields.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 582: 582.

5 THE COURT: Okay. All right, Mr. Fields.

6 PROSPECTIVE JUROR NO. 582: And the talk about a

7 bunch of videos showing the alleged incidents.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 582: I won't watch that.

10 THE COURT: You wouldn't watch it?

11 PROSPECTIVE JUROR NO. 582: I will not watch that.

12 THE COURT: All right. Thank you.

13 Anyone else?

14 PROSPECTIVE JUROR NO. 166: I have a question.

15 THE COURT: Okay. I have a question right here.

16 PROSPECTIVE JUROR NO. 166: Vivian Schmid, Badge No.

17 166.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 166: Your Honor, is this like

20 -- you said -- you said six weeks. Is this going to be like

21 every week we're here, like five days a week?

22 THE COURT: Uh-huh. Uh-huh. Yeah. Short of

23 weekends, we go Monday through Friday. Sometimes the jurors

24 want to go on weekends and I've done that. That's not my

25 plan. But I plan on getting you here as much as I can between



1 Monday and Friday. Mondays and Wednesdays we probably get  
2 started around 11:00, maybe earlier. Tuesdays we'll get  
3 started probably about 10:00. Thursdays, if I don't have a  
4 hearing in the morning, we get started at 8:30 or 9:00 and go  
5 to 5:00. Friday, 9:00 to 5:00, 8:30, 9:00 to 5:00.

6 PROSPECTIVE JUROR NO. 166: Because I was assuming  
7 when you said six weeks, I was assuming that we're meeting  
8 once a week. Now, if that would be the case, that would be a  
9 burden for my financial. I'm alone and I don't --

10 THE COURT: So if we meet once a week it wouldn't be  
11 a burden, but if we meet every day, it's a burden, is that  
12 what you're saying? Or if we meet --

13 PROSPECTIVE JUROR NO. 166: Because if it's going to  
14 be six weeks, then I would be alone.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 166: And I'm supporting my  
17 family. I don't have any family here that supports me.

18 THE COURT: Okay. What do you do for work?

19 PROSPECTIVE JUROR NO. 166: Hospitality.

20 THE COURT: Okay. And you say your family. Who are  
21 we talking about?

22 PROSPECTIVE JUROR NO. 166: I have no family. I'm  
23 alone.

24 THE COURT: Okay. You're here by yourself?

25 PROSPECTIVE JUROR NO. 166: Yes, sir.

1           THE COURT: Okay. So it would be the same as going  
2 to work every day is what it would be.

3           PROSPECTIVE JUROR NO. 166: Well --

4           THE COURT: You'd just be working at a different  
5 spot and you wouldn't --

6           PROSPECTIVE JUROR NO. 166: No, it's a matter --

7           THE COURT: -- have to be too hospitable. You  
8 just --

9           PROSPECTIVE JUROR NO. 166: Your Honor.

10          THE COURT: -- have to be nice to us.

11          PROSPECTIVE JUROR NO. 166: Your Honor, if this  
12 would pay for me with my pay that I'm expecting, I would have  
13 no problem.

14          THE COURT: Oh, I think nobody would. That's what I  
15 tried to talk about in the beginning. We understand that. We  
16 understand that. But you need to understand, as well, like I  
17 said, we as judges tried to get that changed, but the people  
18 said no. So the people, meaning, I imagine you, you're part  
19 of the people, said no.

20          So right now we at least give you something. It's  
21 not a lot of money, quite frankly. Can you imagine being,  
22 let's say, a physicist or a doctor or maybe even a lawyer  
23 sitting here, a lawyer makes -- I know lawyers that make  
24 between three, \$400 an hour, sitting here and making, I don't  
25 know what it is, 50 bucks a week? I mean, not a week, a day.

1 PROSPECTIVE JUROR: 40. It's \$40 a day.

2 THE COURT: 40. So it's even less. So do you see  
3 what I mean? That's what I'm talking about. We know. We  
4 know it's an inconvenience. And I don't like the idea that it  
5 takes -- I mean, that's why I try to move these things along.  
6 We try to go as quick as we can. The worst part is right now  
7 what we're dealing with is getting the jury.

8 And so -- but I'll write it down. You know, I will  
9 tell you that the -- you know, with all due respect to you,  
10 you're in probably a better position to be a juror with your  
11 finances than some people here that are going to not probably  
12 tell me about it because they're going to deal with it,  
13 they're going to be hurt worse.

14 PROSPECTIVE JUROR NO. 166: I just don't want it to  
15 be a destruction for my life.

16 THE COURT: No, I understand that. I understand.  
17 Do you work for one of our hotels here?

18 PROSPECTIVE JUROR NO. 166: Yes, sir.

19 THE COURT: Okay. Well, I will tell you that you  
20 can't lose your job. You will not lose your job if you're  
21 here on a jury. That goes for everybody. If you end up  
22 losing your job for that, then there's a different issue. And  
23 they -- like I said, I made a joke of it, but we deal with  
24 them in a different manner.

25 And so I don't know what else to tell you. I can

1 tell you that it's not seven weeks or eight weeks. So in the  
2 -- or a year, you know. So, I mean, I -- I don't know what  
3 else to tell you. I understand. I understand. We'll take  
4 note of it and we'll see where we're at when we're -- when  
5 we're talking to each other --

6 PROSPECTIVE JUROR NO. 166: Okay.

7 THE COURT: -- when I'm talking to the parties about  
8 it, okay.

9 PROSPECTIVE JUROR NO. 166: Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 THE MARSHAL: I think somebody else had their hand  
12 up.

13 THE COURT: Anyone else? Did anyone else? Okay.

14 PROSPECTIVE JUROR NO. 389: My name is Sue Huff.  
15 Badge No. is 389. My problem is they have a written test and  
16 a spelling test that was given to me.

17 THE COURT: What's that? Can you speak in the mic?  
18 I can't hear you.

19 PROSPECTIVE JUROR NO. 389: Okay. Can you hear me  
20 now?

21 THE COURT: I can't.

22 PROSPECTIVE JUROR NO. 389: Okay. My problem is a  
23 reading test and vocabulary, I didn't know much.

24 THE COURT: Okay. So are you saying that you have  
25 an issue with the English language?

1 PROSPECTIVE JUROR NO. 389: Right.  
2 THE COURT: Okay. Where are you from, ma'am?  
3 PROSPECTIVE JUROR NO. 389: Taiwan.  
4 THE COURT: And what's your language, your native  
5 language?  
6 PROSPECTIVE JUROR NO. 389: Mandarin.  
7 THE COURT: Mandarin. How long have you been in the  
8 United States?  
9 PROSPECTIVE JUROR NO. 389: About 40, 45 years.  
10 THE COURT: 45 years?  
11 PROSPECTIVE JUROR NO. 389: Uh-huh.  
12 THE COURT: I got a five-year-old grandson that  
13 speaks probably --  
14 PROSPECTIVE JUROR NO. 389: I know. I can speak.  
15 But when it comes to reading I have problems.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR NO. 389: Okay.  
18 THE COURT: Okay. I understand.  
19 PROSPECTIVE JUROR NO. 389: That's the truth, you  
20 know.  
21 THE COURT: Oh, I see. You have an issue with  
22 reading?  
23 PROSPECTIVE JUROR NO. 389: Yes. Yes.  
24 THE COURT: Okay. And then you have an issue with  
25 vocabulary?

1 PROSPECTIVE JUROR NO. 389: Right. Right.

2 THE COURT: Well, I can tell you is if we have -- if

3 individuals do have a language barrier --

4 PROSPECTIVE JUROR NO. 389: Uh-huh.

5 THE COURT: -- I can get you an interpreter if you

6 need one, but that's --

7 PROSPECTIVE JUROR NO. 389: Okay.

8 THE COURT: -- why you and I are talking right now

9 because I think --

10 PROSPECTIVE JUROR NO. 389: Okay.

11 THE COURT: -- I don't think you need one.

12 PROSPECTIVE JUROR NO. 389: Okay. No problem.

13 THE COURT: But if you have a question about some

14 type of word that we're using that you don't really

15 understand --

16 PROSPECTIVE JUROR NO. 389: Uh-huh.

17 THE COURT: -- just let me know.

18 PROSPECTIVE JUROR NO. 389: Okay. I will.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 389: Yeah.

21 THE COURT: Reading, I can't imagine that there

22 would be too much reading.

23 PROSPECTIVE JUROR NO. 389: Uh-huh.

24 THE COURT: If there is and you have an issue with

25 that, I can get you an interpreter.

1 PROSPECTIVE JUROR NO. 389: Okay.  
2 THE COURT: Okay.  
3 PROSPECTIVE JUROR NO. 389: All right.  
4 THE COURT: All right. You okay with that?  
5 PROSPECTIVE JUROR NO. 389: Yeah, I'm okay with  
6 that. No problem.  
7 THE COURT: You know, I really appreciate it because  
8 you're conscientious about this. You're saying, you know  
9 what, I don't want to miss something because I don't  
10 understand it.  
11 PROSPECTIVE JUROR NO. 389: There you go.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NO. 389: That's what I'm afraid  
14 for.  
15 THE COURT: Perfect.  
16 PROSPECTIVE JUROR NO. 389: Yes.  
17 THE COURT: Okay. Just let me know. I wrote down  
18 English issue.  
19 PROSPECTIVE JUROR NO. 389: Uh-huh.  
20 THE COURT: I wrote that down here, so we can -- we  
21 can address that with the parties. But let me know, though,  
22 if you have -- if you have a problem during this proceeding  
23 that you need me to explain more, okay?  
24 PROSPECTIVE JUROR NO. 389: Okay.  
25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 389: Thank you.

2 THE COURT: Okay. Is there anyone else like that?

3 Anyone else here that says, you know what, I just don't -- I'm

4 not comfortable with the English language and -- and I need to

5 -- I might need some assistance with that? Okay. No one else

6 has raised their hand. All right. Good.

7 Anyone else? Anyone else has another issue? Like

8 that's an issue. That right there says, you know, that has

9 nothing to do with my being here too long. All right. Right

10 next to you you have another held up his hand. Okay.

11 PROSPECTIVE JUROR NO. 383: I came in U.S. and

12 registered like 11 years ago now.

13 THE RECORDER: What's the badge number?

14 PROSPECTIVE JUROR NO. 383: I came here in --

15 THE COURT: He's Badge 383. His name --

16 PROSPECTIVE JUROR NO. 383: Oh, 383. Yes.

17 THE COURT: -- is Tek Neopanay.

18 PROSPECTIVE JUROR NO. 383: Yeah.

19 THE COURT: Okay. What did you want to tell me?

20 PROSPECTIVE JUROR NO. 383: I learn English from

21 here.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 383: I'm not perfect.

24 THE COURT: You're not as comfortable with the

25 English language as you are --



1 PROSPECTIVE JUROR NO. 383: Yeah.

2 THE COURT: -- with your native language; correct?

3 PROSPECTIVE JUROR NO. 383: I learn from -- when I  
4 come here I start learning my English.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 383: So I think my language  
7 is not perfect, so --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 383: I'm trying my best.

10 THE COURT: Well, the same issue goes for you. If  
11 you have a question about --

12 PROSPECTIVE JUROR NO. 383: Yeah.

13 THE COURT: -- something that you can't understand,  
14 would you be embarrassed to tell me, raise your hand like you  
15 just did, and say, Judge, I didn't understand that?

16 PROSPECTIVE JUROR NO. 383: Sure.

17 THE COURT: Will you do that?

18 PROSPECTIVE JUROR NO. 383: Yes.

19 THE COURT: Okay. All right. Anybody else?

20 PROSPECTIVE JUROR NO. 383: Thank you, sir.

21 THE COURT: Okay. All right. Anyone in this panel  
22 ever been engaged in law enforcement work or have a spouse or  
23 close relative who has been engaged in law enforcement work?  
24 Let's start up here in the back. Okay. In the back row.

25 PROSPECTIVE JUROR NO. 062: My name is -- can you

1 hear me? My name is Ericka Rice. My badge is 062.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 062: And, yes, I was married

4 with my -- my ex-husband was a federal air marshal.

5 THE COURT: A federal air marshal?

6 PROSPECTIVE JUROR NO. 062: Yes.

7 THE COURT: Your ex-husband?

8 PROSPECTIVE JUROR NO. 062: Yes.

9 THE COURT: When -- when were you married to him?

10 PROSPECTIVE JUROR NO. 062: We -- we divorced --

11 well, we married back in 2004.

12 THE COURT: When?

13 PROSPECTIVE JUROR NO. 062: 2004.

14 THE COURT: Okay. You got married in 2004?

15 PROSPECTIVE JUROR NO. 062: Yes.

16 THE COURT: When did you get divorced?

17 PROSPECTIVE JUROR NO. 062: 2012.

18 THE COURT: Okay. Is there anything about your

19 relationship with your ex-husband and what he did for -- as a

20 federal air marshal you think would affect your ability to be

21 fair and impartial here?

22 PROSPECTIVE JUROR NO. 062: I don't think so. I

23 just want to let you know that --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 062: -- I was married with --

1 with -- you know.

2 THE COURT: Anyone else?

3 PROSPECTIVE JUROR NO. 062: I have a couple friends  
4 and they work for the military, but --

5 THE COURT: Okay. Are they military police?

6 PROSPECTIVE JUROR NO. 062: They're -- I'm sorry.  
7 Army.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 062: Yeah.

10 THE COURT: All right. Do you know if they're  
11 military police for the Army?

12 PROSPECTIVE JUROR NO. 062: They're not.

13 THE COURT: Okay. Okay. Is there anything about  
14 your relationship with your friends that are in the Army you  
15 think would affect your ability to be fair and impartial here?

16 PROSPECTIVE JUROR NO. 062: I don't think so.

17 THE COURT: Okay. Somebody raised his hand down  
18 here on the end. Can you pass it back down to Mr. Javellana,  
19 his Badge 004. Okay, sir.

20 PROSPECTIVE JUROR NO. 004: Do I have to say that  
21 now since you know it or --

22 THE COURT: What's that?

23 PROSPECTIVE JUROR NO. 004: Okay. Anyway, I used to  
24 work in the biometric industry where basically I installed  
25 fingerprint systems throughout all the law enforcement places

1 in California.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 004: Ventura and San

4 Francisco and whatnot. So, basically, I interacted with a lot

5 of law enforcement at that time.

6 THE COURT: Okay. So you installed fingerprint -

7 PROSPECTIVE JUROR NO. 004: Fingerprint systems.

8 THE COURT: -- equipment?

9 PROSPECTIVE JUROR NO. 004: Identification systems.

10 Yes.

11 THE COURT: Identification equipment?

12 PROSPECTIVE JUROR NO. 004: Yes.

13 THE COURT: Okay. So you yourself wasn't involved

14 in law enforcement, you just --

15 PROSPECTIVE JUROR NO. 004: No, but I dealt with

16 them on a 24/7 type of basis --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 004: -- at that time.

19 THE COURT: All right. Is there anything about that

20 you think would affect your ability to be fair and impartial

21 here?

22 PROSPECTIVE JUROR NO. 004: Personally, no. I've

23 seen worse and heard worse.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 004: I just wanted to let you

1 know.

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

3 Anyone else in this back row? Okay. Can you pass

4 that down to -- I think it's Mr. Watson?

5 PROSPECTIVE JUROR NO. 075: Yes, sir.

6 THE COURT: Badge 075.

7 PROSPECTIVE JUROR NO. 075: Yes, sir.

8 THE COURT: All right. Mr. Watson, you told us you

9 were a retired North Las Vegas police officer; is that

10 correct?

11 PROSPECTIVE JUROR NO. 075: Detective. Yes, sir.

12 THE COURT: How long were you in law enforcement?

13 PROSPECTIVE JUROR NO. 075: 21 years.

14 THE COURT: Okay. How far -- how high a rank did

15 you reach?

16 PROSPECTIVE JUROR NO. 075: I retired as a

17 detective.

18 THE COURT: Okay. And did you ever work in the --

19 in the sexual assault unit?

20 PROSPECTIVE JUROR NO. 075: I was a sexual assault

21 -- juvenile sexual assault detective --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 075: -- for about four years.

24 THE COURT: Okay. Is there anything about what you

25 used to do you think would affect your ability to be fair and

1 impartial here?

2 PROSPECTIVE JUROR NO. 075: I think I have some  
3 biases.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 075: However, if I'm seated  
6 on a jury, I know I can set those aside. But I'd have to say  
7 that, yes, I do have biases.

8 THE COURT: Well, let me ask you it this way. If  
9 you were seated where -- where Mr. Sena is seated, would you  
10 want 12 jurors with your same frame of mind on your jury? I  
11 mean, you know yourself better than I do.

12 PROSPECTIVE JUROR NO. 075: I don't know. I can't  
13 answer that. I don't know.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 075: I think he deserves a  
16 fair trial, which he will get.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 075: And it's what I would  
19 want. But to answer your question, I don't know if I really  
20 have an answer for that.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 075: I mean, if it was 12 of  
23 me sitting up here --

24 THE COURT: Well, with your frame of mind.

25 PROSPECTIVE JUROR NO. 075: Well, my frame of mind,

1 I would do my best to set aside my -- my biases.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 075: And I would hope that if  
4 there were 11 other of me up here, they'd do the same thing.

5 THE COURT: Okay. Thank you, Mr. Watson. I  
6 appreciate that. All right.

7 PROSPECTIVE JUROR NO. 089: Michelle Arceneaux,  
8 Badge No. 089.

9 THE COURT: Uh-huh.

10 PROSPECTIVE JUROR NO. 089: My husband retired as a  
11 captain in Lafayette, Louisiana. He did 30 years and we've  
12 been married for 19 years out of his 30.

13 THE COURT: Okay. Is there anything about your  
14 relationship with your husband and what he used to do you  
15 think would affect your ability to be fair and impartial here?

16 PROSPECTIVE JUROR NO. 089: I'll do my best.

17 THE COURT: Okay. What do you mean by that?

18 PROSPECTIVE JUROR NO. 089: It shouldn't.

19 THE COURT: Obviously, something causes you to think  
20 that way.

21 PROSPECTIVE JUROR NO. 089: My nursing care heart,  
22 and he's the policeman trying to catch the bad guys, so we  
23 just come and collaborate our feelings that way, so -- and  
24 then just my love for children and what he had to do with  
25 criminals and -- but we just both do our job, so --

1           THE COURT: Well, it strikes me to think that maybe  
2 based on what you just represented --  
3           PROSPECTIVE JUROR NO. 089: Uh-huh.  
4           THE COURT: -- that anybody that is charged with a  
5 case involving a child is that you couldn't -- you couldn't be  
6 fair. That's how it sounds. You said I'll do my best.  
7           PROSPECTIVE JUROR NO. 089: Right.  
8           THE COURT: But you're -- so right now, as Mr. Sena  
9 starts, he's staring out with a notch against him, isn't he,  
10 in your mind?  
11           PROSPECTIVE JUROR NO. 089: Somewhat.  
12           THE COURT: Well, if that's true, then how is that  
13 fair?  
14           PROSPECTIVE JUROR NO. 089: Right. Right. It's  
15 just -- it's just complicated. It's just --  
16           THE COURT: Okay.  
17           PROSPECTIVE JUROR NO. 089: A little struggle --  
18           THE COURT: No, that's -- I appreciate it. I'm not  
19 -- this is not -- there's no right or wrong answers and I'm --  
20           PROSPECTIVE JUROR NO. 089: Right.  
21           THE COURT: -- certainly not trying to grill you  
22 guys and say --  
23           PROSPECTIVE JUROR NO. 089: Right.  
24           THE COURT: -- you've got to change your answer or  
25 anything. I'm not.



1 PROSPECTIVE JUROR NO. 089: Right.

2 THE COURT: I'm just asking, kind of helping you get  
3 over some of your bashfulness and let us know really what's  
4 going on.

5 PROSPECTIVE JUROR NO. 089: Uh-huh.

6 THE COURT: So you're saying because of your  
7 nursing, obviously, you have some affinity for children.

8 PROSPECTIVE JUROR NO. 089: I do. I do.

9 THE COURT: That's fair. And what your husband used  
10 to do and what --

11 PROSPECTIVE JUROR NO. 089: Right.

12 THE COURT: -- you know what he used to do --

13 PROSPECTIVE JUROR NO. 089: Right.

14 THE COURT: -- is that at this point in time you --  
15 you probably have some bias.

16 PROSPECTIVE JUROR NO. 089: I do.

17 THE COURT: And so my question, then, is are you  
18 able -- do you think under any circumstances you can set those  
19 aside and -- and not let those come into effect when you're  
20 making the decision here?

21 PROSPECTIVE JUROR NO. 089: I'm unsure of that. But  
22 the fact that we have to watch videos, as well, I don't know  
23 if my eyes will be open.

24 THE COURT: Okay. I got you. Okay. All right. I  
25 appreciate that.

1 PROSPECTIVE JUROR NO. 089: Uh-huh.

2 THE COURT: I think there was someone else. Okay.

3 Down to Mr. Milligan, right?

4 PROSPECTIVE JUROR NO. 105: Yes, sir. Ryan

5 Milligan, 105 is my badge number. We're not married, but my

6 other half is an officer for North Las Vegas, and my brother

7 is a detective for Metro.

8 THE COURT: Okay. So your spouse is an officer for

9 North Las Vegas?

10 PROSPECTIVE JUROR NO. 105: Correct.

11 THE COURT: And you said someone else?

12 PROSPECTIVE JUROR NO. 105: Yeah. My brother is a

13 detective for Metro.

14 THE COURT: Okay. And what does your spouse do?

15 What --

16 PROSPECTIVE JUROR NO. 105: Traffic.

17 THE COURT: Okay. And how long have you been

18 married?

19 PROSPECTIVE JUROR NO. 105: We're not married.

20 We've been together for a year and a half.

21 THE COURT: Okay. Okay. So your -- your better

22 half?

23 PROSPECTIVE JUROR NO. 105: Yes. Yes.

24 THE COURT: And then you said that your brother?

25 PROSPECTIVE JUROR NO. 105: My brother is a

1 detective --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 105: -- for Metro.

4 THE COURT: For Metro. Do you know what type of

5 detective?

6 PROSPECTIVE JUROR NO. 105: Juvenile sex crimes.

7 THE COURT: Okay. Do you talk with him a lot?

8 PROSPECTIVE JUROR NO. 105: Not specifically. I

9 lived with him for four to five years when I first moved here,

10 but not in detail. I don't really --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 105: -- care to know the

13 detail, to be honest.

14 THE COURT: Is there anything about the relationship

15 you have with your -- not spouse, but your significant

16 other --

17 PROSPECTIVE JUROR NO. 105: Uh-huh.

18 THE COURT: -- and with your brother that you think

19 would affect your ability -- and knowing what they do, would

20 affect your ability to be fair and impartial here?

21 PROSPECTIVE JUROR NO. 105: Having a lot of cops in

22 the family and friends, I align myself with them usually. I

23 agree with them.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 105: But I do believe I would

1 be able to actually look what's on the table and decide for my  
2 own.

3 THE COURT: Okay. So that -- then the answer is  
4 that you could be fair? Is that what you're saying?

5 PROSPECTIVE JUROR NO. 105: I believe so. Yeah, I  
6 would hope so.

7 THE COURT: It's not -- you don't -- I mean, I have  
8 another question where I ask individuals, that question would  
9 be do you -- would you believe a police officer and what they  
10 say, do you give more credence or less credence to the  
11 testimony of a police officer simply because he or she is a  
12 police officer? That's -- that's another question that I  
13 have.

14 PROSPECTIVE JUROR NO. 105: To be honest, I probably  
15 would.

16 THE COURT: Okay. And that's based on all the way  
17 you were raised and all --

18 PROSPECTIVE JUROR NO. 105: Correct.

19 THE COURT: -- your family?

20 PROSPECTIVE JUROR NO. 105: Correct.

21 THE COURT: Do you have other family members besides  
22 your brother?

23 PROSPECTIVE JUROR NO. 105: My uncle is retired, and  
24 then we had friends from back home that were officers.

25 THE COURT: Back home from where?

1           PROSPECTIVE JUROR NO. 105: My friends back home  
2 from Jersey, and my uncle retired out of Metro.  
3           THE COURT: Okay. And what's your uncles name?  
4           PROSPECTIVE JUROR NO. 105: Dave Orr.  
5           THE COURT: Orr?  
6           PROSPECTIVE JUROR NO. 105: Yes.  
7           THE COURT: Okay. So he's kind of a short guy?  
8           PROSPECTIVE JUROR NO. 105: Oh, yeah. Oh, yeah,  
9 like --  
10          THE COURT: Yeah. Yeah. Okay. I know him real  
11 well. Okay. That's how I always remember by.  
12          PROSPECTIVE JUROR NO. 105: Oh, no. He's like this  
13 tall.  
14          THE COURT: He's a big guy, he's a tough guy, but  
15 he's short. Okay. All right. So think about that. The  
16 question I had, though, is, you know, I'm asking if anybody,  
17 you know, spouse or relatives engaged in law enforcement and  
18 you're telling me yes.  
19          PROSPECTIVE JUROR NO. 105: Yes.  
20          THE COURT: So then I always ask the follow-up  
21 question do you think that would affect your -- just that by  
22 itself would affect your ability to be fair and impartial  
23 here?  
24          PROSPECTIVE JUROR NO. 105: Just that, no, but your  
25 follow-up of if I would believe an officer over another, I

1 probably would.

2 THE COURT: Okay. All right. And we can talk about  
3 that more, okay.

4 PROSPECTIVE JUROR NO. 105: Yes, sir.

5 THE COURT: All right. Okay. so anyone else in  
6 that back row? How about -- the -- can you -- okay. Mr.  
7 Farrell.

8 PROSPECTIVE JUROR NO. 094: Yeah.

9 THE COURT: Do you -- do you wait until Mr. Collin  
10 answers and then you -- it kicks in?

11 PROSPECTIVE JUROR NO. 094: No, I was going to --

12 THE COURT: Or are we just passing by you so fast?

13 PROSPECTIVE JUROR NO. 094: He's more assertive.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 094: No. My brother-in-law  
16 is a sergeant for Metro, but we're not really close. It's  
17 just for disclosure.

18 THE COURT: Okay. So there's nothing about that  
19 that you think would affect your ability to be fair and  
20 impartial?

21 PROSPECTIVE JUROR NO. 094: No.

22 THE COURT: Okay. All right. I appreciate that.  
23 And, all right, sir.

24 PROSPECTIVE JUROR NO. 154: Mark Finn, Badge 154. I  
25 have a son-in-law who was a Nevada State Patrol in the

1 southern area who has left --

2 THE COURT: NHP?

3 PROSPECTIVE JUROR NO. 154: Yes, NHP. He left in

4 July. And he and my daughter have moved to Plano, Texas, and

5 he's taken employment there with the Plano Police Department.

6 THE COURT: With the what?

7 PROSPECTIVE JUROR NO. 154: Plano Police Department.

8 THE COURT: Oh, okay. Okay. And how often do you

9 talk with him?

10 PROSPECTIVE JUROR NO. 154: Not as often as I do my

11 daughter.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 154: He's been working night

14 shift during -- you know, he's learning the process there in

15 Plano.

16 THE COURT: Is there anything about your --

17 PROSPECTIVE JUROR NO. 154: Absolutely not.

18 THE COURT: -- relationship with him and what he

19 does?

20 PROSPECTIVE JUROR NO. 154: Is there what?

21 THE COURT: Is there anything about your

22 relationship with him and what he does, what his employment is

23 that would affect your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 154: No. No. None

25 whatsoever.

1 THE COURT: Okay. All right., Mr. Finn. Thank you.  
2 Anyone else in that row? Can you pass that all --  
3 do you guys mind passing it all the way down to your left.  
4 PROSPECTIVE JUROR NO. 108: Luis Lopez, Badge No.  
5 108.  
6 THE COURT: Okay.  
7 PROSPECTIVE JUROR NO. 108: My son-in-law is  
8 currently serving in Korea as military police.  
9 THE COURT: Okay. All right. So how often do you  
10 talk to your son in law?  
11 PROSPECTIVE JUROR NO. 108: Best case, once a month.  
12 THE COURT: Okay. Is there anything about what you  
13 know he does that would affect your ability to be fair and  
14 impartial here?  
15 PROSPECTIVE JUROR NO. 108: No, sir.  
16 THE COURT: Okay. Since we're on that topic of  
17 military and we have -- I know there's some military here, how  
18 many of you are in the military or ex-military? All right.  
19 So there may be some additional questions with that, but I  
20 want to thank you all for your service before we go any  
21 further, okay. Sometimes I -- sometimes I forget about it.  
22 My marshal always corrects me and says, what are you doing,  
23 Judge? You know, I don't mean to, it's just we get moving on.  
24 So I just -- I want to thank you all for that and I mean it,  
25 okay.



1 All right. Okay. Anyone in front of the bar here?  
2 Okay. So I'm going to give you all a lesson. Has anybody  
3 ever heard that the attorneys practice in front of the bar?  
4 Have you all heard of that? Anyone heard of that? Do you  
5 know what it means? I think Mr. Fields, you were shaking your  
6 head yes. And the only reason I use you is because you told  
7 me your name before. So, Mr. Fields, do you know what it  
8 means?

9 PROSPECTIVE JUROR NO. 582: I do not.

10 THE COURT: Does anyone know what it means? You see  
11 that wooden wall right there in the front? That's the bar.  
12 So when they step in front of it, they're practicing in front  
13 of the bar. It's not something they table up to and drink and  
14 all that. It's not. That's what that means. So when they  
15 have a license to practice in front of the bar, that means  
16 they're in front of the bar, all right. Whatever. Okay.

17 All right, sir. So you want to tell me your name  
18 and your badge number?

19 PROSPECTIVE JUROR NO. 180: Brady Gall, 180.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 180: My brother-in-law used  
22 to be a police officer.

23 THE COURT: Who?

24 PROSPECTIVE JUROR NO. 180: My brother-in-law --

25 THE COURT: Brother-in-law. Okay.

1           PROSPECTIVE JUROR NO. 180:  -- used to be a police  
2 officer in Springfield, Missouri approximately ten years ago.

3           THE COURT:  Okay.  And I -- do you have a close  
4 relationship with him?

5           PROSPECTIVE JUROR NO. 180:  Yes.

6           THE COURT:  Did he ever discuss his work with you?

7           PROSPECTIVE JUROR NO. 180:  No.

8           THE COURT:  Is there anything about what you knew  
9 what he did and maybe the discussions you had with him that  
10 would affect your ability to be fair and impartial here?

11          PROSPECTIVE JUROR NO. 180:  No.

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

13          Anyone else in that row?  How about the front row?  
14 Nobody.  How about the front row out here?  Nobody.  The  
15 second row?  Okay.

16          PROSPECTIVE JUROR NO. 425:  Boutos, 425.  My  
17 husband, Nicholas Boutos, is a court marshal, as well.

18          THE COURT:  Where?

19          PROSPECTIVE JUROR NO. 425:  At the family court.

20          THE COURT:  Okay.  Ed, do you know him?

21          THE MARSHAL:  He's friends with my son.  Yes.

22          THE COURT:  Okay.  Sorry.  Okay.  All right.  Is  
23 there anything about that, what you know what your husband  
24 does and he's a marshal in the courthouse here that -- would  
25 you feel like you would -- let's say you make it on the jury,

1 and that still remains to be seen because we've had a lot of  
2 discussion and that, but let's say you make it on the jury.  
3 Would you feel compelled to find him guilty simply because  
4 your husband works for the courts and you think maybe your  
5 husband would be mad at you if you didn't?

6 PROSPECTIVE JUROR NO. 425: No, not at all.

7 THE COURT: Okay. You see -- you know what I mean?

8 PROSPECTIVE JUROR NO. 425: No, yes.

9 THE COURT: All right. So you don't feel that that  
10 would be any pressure on you or anything like that?

11 PROSPECTIVE JUROR NO. 425: No, not at all.

12 THE COURT: Okay. All right, Ms. Boutos. Thank  
13 you.

14 Anyone else in that row? How about the back row?  
15 Right back there. Okay.

16 PROSPECTIVE JUROR NO. 519: Daniel Powers, Badge  
17 519. My sister is currently a sergeant at North Las Vegas.

18 THE COURT: Sister is currently what?

19 PROSPECTIVE JUROR NO. 519: Sergeant in North Las  
20 Vegas.

21 THE COURT: Do you know -- is she a sergeant in any  
22 particular detail?

23 PROSPECTIVE JUROR NO. 519: Detectives.

24 THE COURT: Okay. Is there anything about what you  
25 know of your sister and your relationship with your sister and

1 what she does for work you think would affect your ability to  
2 be fair and impartial here?

3 PROSPECTIVE JUROR NO. 519: No.

4 THE COURT: Okay. Anyone else in that row? How  
5 about the front row over here? All right.

6 PROSPECTIVE JUROR NO. 582: Harry Fields, 582. My  
7 son-in-law was ex law enforcement in Cherryvale, Kansas.

8 THE COURT: Okay. And with that respect, is there  
9 anything about what he used to do you think would affect your  
10 ability to be fair and impartial here?

11 PROSPECTIVE JUROR NO. 582: I don't believe so.

12 THE COURT: All right. All right, Mr. Fields.  
13 Thank you. Can you pass that down to your left.

14 PROSPECTIVE JUROR NO. 561: Frank Fragale, No. 561.  
15 My brother-in-law is a police officer, retired police officer  
16 in Trenton, New Jersey.

17 THE COURT: Okay. How long ago?

18 PROSPECTIVE JUROR NO. 561: He just retired about a  
19 year and a half ago.

20 THE COURT: Okay. He's a retired police officer  
21 from New Jersey?

22 PROSPECTIVE JUROR NO. 561: Trenton, New Jersey,  
23 yes.

24 THE COURT: Okay. Is there anything about your  
25 relationship with your brother-in-law and what he retired from

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

3 PROSPECTIVE JUROR NO. 561: None.

4 THE COURT: All right. Thank you, Mr. Fragale. Is  
5 that --

6 PROSPECTIVE JUROR NO. 561: Fragale. Yes.

7 THE COURT: Anyone -- how about the -- anyone else?  
8 All right. No one else. Okay.

9 At the close of the case, as I indicated earlier,  
10 the responsibility of the jury is to determine the facts as  
11 it's presented to you and you have to make a determination of  
12 what facts are proven, what facts aren't proven. And then I  
13 instruct you on the law. I'll tell you what the law is, and  
14 then you apply the facts to the law to see whether or not the  
15 State has met their burden with regards to proving the case in  
16 accordance with the legal principles.

17 Is there anyone here that believes that they  
18 couldn't follow my instructions even though it may differ from  
19 what your personal concepts of what the law ought to be? I'll  
20 give you a better example. I always get into this and -- and  
21 it's -- it's as simple as I can make it. I'm from here. I  
22 grew up here. My whole life I've been in the state of Nevada.  
23 And when I was a kid and we traveled throughout the state of  
24 Nevada, there was no speed limit.

25 And so, I mean, if you've ever traveled from here to

1 Reno or from here to Elko or wherever up north, there's roads  
2 you can see for miles and not see anything on those roads.  
3 Straight as can be. And, you know, a lot of people, they  
4 would go as fast as their cars would take them. My dad had a  
5 stick that he used to jam against the gas pedal and against  
6 the front of his seat, and that was his cruise control. And  
7 we would travel as fast as that car would go.

8           And, you know, and -- well, then sometime down --  
9 many of you probably remember this, they came out with the 55  
10 speed limit. And in the state of Nevada, there was a lot of  
11 people that lived in the rural areas that said that can't --  
12 that can't apply to us. There's no way that applies to --  
13 nobody in their right frame of mind that had ever seen this  
14 state would ever think that that would apply to us, meaning  
15 the people that live out in the ranches and the smaller towns  
16 that have to travel between those towns all the time.

17           So if we had a case and we were involved with  
18 whether or not the question is, factually, whether or not the  
19 individual was going faster than 55, and my instruction to you  
20 is that, yes, he's going faster than -- I mean, yes, the law  
21 is anyone going faster than 55 is illegal, and you're the  
22 juror and you're making a determination whether or not the  
23 facts are that a person is going faster than 55 and you say --  
24 you come to the conclusion, yes, they've shown me that, he was  
25 doing 60 or 70 or whatever the speed limit is -- I mean,

1 whatever he was going, and the court said that if you're going  
2 faster than 55 then he's breaking the law.

3           If you were of that frame of mind, you may say, you  
4 know what, I see -- I believe that they proved that he was  
5 going faster than 55, but I can't follow the Court's  
6 instruction because I don't believe in it, I don't believe  
7 that the law in the state of Nevada is -- could apply to this  
8 individual who was going faster than 55. So that's what I  
9 mean by that.

10           So for individuals that are seated here, I'm going  
11 to instruct you on the law at the end of the case. There may  
12 be some things in there that you don't agree with. But if you  
13 tell you that you can follow my instructions even though you  
14 may not agree with them, then that's the duty that you have  
15 and that's the oath that you take. Is there anybody that  
16 doesn't believe that they can do that? All right.

17           PROSPECTIVE JUROR NO. 039: Christopher Coughlin,  
18 039.

19           THE COURT: Okay.

20           PROSPECTIVE JUROR NO. 039: Probably evidenced as my  
21 denial of what you were saying to me earlier, I tend to be  
22 pretty defiant. And your -- I don't mean this as a personal  
23 attack to you, Your Honor, but, you know, the great seal of  
24 Nevada, your robes, your executive high-back chair, they don't  
25 really say anything to me.

1 THE COURT: Did you say the -- what?

2 PROSPECTIVE JUROR NO. 039: Executive high-back

3 chair. It looks like a comfortable chair, the one you're

4 sitting in.

5 THE COURT: Well, I'm not -- I'm not in the

6 executive branch, if you understand that.

7 PROSPECTIVE JUROR NO. 039: Yeah, I do understand

8 that.

9 THE COURT: All right. So what's your point?

10 PROSPECTIVE JUROR NO. 039: My point is if I believe

11 that something -- if I believe in something, I will not falter

12 in my faith and my belief in that thing.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 039: So even if you were

15 telling me do otherwise, I would say no.

16 THE COURT: Okay. All right.

17 PROSPECTIVE JUROR NO. 039: And that's my point.

18 THE COURT: Appreciate it.

19 PROSPECTIVE JUROR NO. 039: Thank you.

20 THE COURT: Anyone that has that same type of

21 feeling? Anyone? No one? Okay.

22 All right. So is there anyone that -- as I

23 indicated earlier, under our system of justice -- oh. We've

24 got somebody in the back row here. Okay.

25 PROSPECTIVE JUROR NO. 521: I had a question.



1           THE COURT: All right. Hold on. Let's get you the  
2 mic so you can identify who you are so we know who we're  
3 talking to, okay.

4           PROSPECTIVE JUROR NO. 521: Bernard Faller, Badge  
5 No. 521.

6           THE COURT: Okay. Mr. Faller.

7           PROSPECTIVE JUROR NO. 521: My question is what  
8 happens if our interpretation of the law is different than  
9 what your instructions is?

10          THE COURT: Well, the instructions, hopefully, when  
11 you get them will be self-evident. You'll be able to  
12 understand what I'm telling you what it is. If I told you  
13 that it's illegal to go faster than 55, how much more  
14 interpretation would you need to know about that? You see  
15 what I mean?

16          PROSPECTIVE JUROR NO. 521: Not in that particular  
17 case --

18          THE COURT: Okay.

19          PROSPECTIVE JUROR NO. 521: -- but in something  
20 else, say --

21          THE COURT: Well, here's --

22          PROSPECTIVE JUROR NO. 521: -- another situation.

23          THE COURT: -- what usually happens when I have  
24 that. The jury will usually send a note to me and say, Judge,  
25 we don't understand this, can you please expand on it. Then I

1 have a discussion with the parties and either I expand on it,  
2 or I tell you to refer -- I refer you to another jury  
3 instruction. I can't add the evidence, I can't change the  
4 evidence, I can't supplement the evidence, but I can certainly  
5 help explain a jury instruction, so if you have concerns with  
6 the understanding of the law. Okay.

7 PROSPECTIVE JUROR NO. 521: Thank you.

8 THE COURT: So that's -- that's what would happen.  
9 I would hope that when I give you the instructions that  
10 they're clear enough to where you can deal with them. And  
11 then there's 12 of you in there all -- all talking it out. If  
12 you have a question after all of you can't go through it, then  
13 send a note to the Court, and the Court will answer it, okay.  
14 Does that help you?

15 PROSPECTIVE JUROR NO. 521: Yes.

16 THE COURT: Okay. All right. Okay. So as I  
17 indicated earlier that under our system there's certain --  
18 certain principles of law applying to every criminal trial,  
19 that's that the information, as I indicated, is just a  
20 charging document and in and of themselves it's not evidence  
21 of any guilt, that as the defendant sits here now, he's  
22 presumed innocent and the State must prove that the defendant  
23 is guilty beyond a reasonable doubt. Does anyone have  
24 problems with those basic concepts? Has anyone ever heard of  
25 them before?

1                   Okay. Mr. Javellana.  
2                   PROSPECTIVE JUROR NO. 004: Yes, sir -- or, Your  
3 Honor.  
4                   THE COURT: Badge 004.  
5                   PROSPECTIVE JUROR NO. 004: Yes.  
6                   THE COURT: Okay.  
7                   PROSPECTIVE JUROR NO. 004: In the opening statement  
8 I recall that the defense already stated that he was guilty,  
9 we're just basically judging him as to how guilty he is. Is  
10 that the case?  
11                  THE COURT: Well, in -- will the parties approach.  
12 Hold that question, okay.  
13                  PROSPECTIVE JUROR NO. 004: Okay.  
14                               (Off-record bench conference)  
15                  THE COURT: All right. Mr. Javellana, in the  
16 opening statement by the parties you heard what they  
17 represented, okay.  
18                  PROSPECTIVE JUROR NO. 004: Yes, Your Honor.  
19                  THE COURT: In this particular case, there's a  
20 number of counts.  
21                  PROSPECTIVE JUROR NO. 004: Yes.  
22                  THE COURT: And it's my understanding, based on what  
23 was represented, and that's what we just discussed at the  
24 bench, is that some of those counts may be in a position that  
25 -- that the parties have not, they haven't gotten there yet

1 because the evidence hasn't been presented, that they may not  
2 necessarily be -- be opposing, but it's still the State's  
3 responsibility to be able to prove them all beyond a  
4 reasonable doubt.

5 PROSPECTIVE JUROR NO. 004: Okay.

6 THE COURT: Do you understand?

7 PROSPECTIVE JUROR NO. 004: Yes.

8 THE COURT: And so it's not -- it's not the question  
9 of proving it more guilty or not. They have one standard that  
10 they always have to meet that standard. Quite frankly, they  
11 even tell you that under some circumstances where a party may  
12 concede, and I'm not saying that's happening here, they  
13 concede a count, it's still the State's obligation to be able  
14 to prove it. And if the jury believes, even with the  
15 concession, that there was no evidence to support it, you'd  
16 have the obligation to find in the manner in which you think  
17 is appropriate there. Do you understand what I mean?

18 PROSPECTIVE JUROR NO. 004: So at that point we have  
19 to be impartial --

20 THE COURT: Yes.

21 PROSPECTIVE JUROR NO. 004: -- correct?

22 THE COURT: Uh-huh.

23 PROSPECTIVE JUROR NO. 004: Okay.

24 THE COURT: Okay? Is that clear?

25 PROSPECTIVE JUROR NO. 004: Yeah.

1           THE COURT: Okay. All right. So -- all right. So  
2 what I was talking about is the standards. And the State has  
3 an obligation to prove that the defendant is guilty beyond a  
4 reasonable doubt. They have to prove each element of the  
5 offense as charged, and you'll be instructed on that. Is that  
6 something that anyone here has an issue with?

7           How about, Mr. Coughlin, do you have an issue with  
8 those principles? Okay. You do or no? Did you say okay  
9 or --

10           PROSPECTIVE JUROR NO. 039: I have a little bit of  
11 an issue.

12           THE COURT: Oh, you do? Okay. So kind of expand on  
13 it. I always like to listen, give people an opportunity. No,  
14 I'm not -- I'm not being --

15           PROSPECTIVE JUROR NO. 039: I kind of --

16           THE COURT: -- mean or anything.

17           PROSPECTIVE JUROR NO. 039: -- relish this  
18 opportunity to --

19           THE COURT: Okay.

20           PROSPECTIVE JUROR NO. 039: -- explain my reasoning  
21 here.

22           THE COURT: Okay.

23           PROSPECTIVE JUROR NO. 039: It borders on almost  
24 autocratic dictatorial, but in my opinion people are just at  
25 heart, if given the opportunity, will commit the most severe

1 atrocities they can to further their position of power. So,  
2 to me, the only way to curb that sort of innate nature is to  
3 be a force so deadly, so gigantic, so amazing that no one can  
4 oppose that whatsoever.

5 THE COURT: Yeah, but until I become God, I don't  
6 think I would ever be able to do that.

7 PROSPECTIVE JUROR NO. 039: Exactly. And so that's  
8 kind of the folly of men that I really don't subscribe to.  
9 It's --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 039: It's just something that  
12 it just, to me, stands as a stark hypocrisy.

13 THE COURT: Well, see -- see that -- in the United  
14 States -- and, you know, you and I could probably sit down for  
15 hours and talk about these things.

16 PROSPECTIVE JUROR NO. 039: Probably.

17 THE COURT: But in the United States we have -- I  
18 mean, in every -- in every country they have to come up with a  
19 way to deal with -- deal with situations that may be  
20 considered wrong or --

21 PROSPECTIVE JUROR NO. 039: Of course.

22 THE COURT: -- you know, a crime or something in  
23 society. And -- and the United States has come up with this  
24 system.

25 PROSPECTIVE JUROR NO. 039: Uh-huh.

1 THE COURT: And it's a system that's been in effect  
2 since the beginning of the United States.

3 PROSPECTIVE JUROR NO. 039: Uh-huh.

4 THE COURT: And, you know, I would be one of the  
5 first ones to admit it's probably not perfect, but I will tell  
6 you that in my opinion it's the best system we have in the  
7 world. And, I mean, that's comparing -- I studied  
8 jurisprudence, that's comparing it to other countries and  
9 that.

10 PROSPECTIVE JUROR NO. 039: Yes.

11 THE COURT: And so, you know, like I said, and I was  
12 being kind of facetious when I said when I become God.

13 PROSPECTIVE JUROR NO. 039: Yes.

14 THE COURT: And that -- and that --

15 PROSPECTIVE JUROR NO. 039: Of course.

16 THE COURT: And, you know, I don't mean to offend  
17 anybody because there may be people in here that don't believe  
18 in God.

19 PROSPECTIVE JUROR NO. 039: Of course.

20 THE COURT: And when I say it, I use it as a higher  
21 power. And right now, I don't know of any situation that we  
22 can just reach into somebody's mind and know what's happening,  
23 you know, see what's happening until we get that. I'll tell  
24 you, we're kind of going there because --

25 PROSPECTIVE JUROR NO. 039: Yeah.

1 THE COURT: -- our technology is getting a lot  
2 better to a point where we're catching people on video or  
3 catching people, you know, with fingerprints and with DNA. I  
4 mean, it's getting -- can you imagine trying to prove certain  
5 cases 200 years ago versus now?

6 PROSPECTIVE JUROR NO. 039: Yeah.

7 THE COURT: You know, so it's always, I think,  
8 heading towards a better system is the way I look at it. I'd  
9 like to think that way.

10 PROSPECTIVE JUROR NO. 039: That's a good frame of  
11 mind to have going forward.

12 THE COURT: So, you know, I'll tell you, Mr.  
13 Coughlin, I --

14 PROSPECTIVE JUROR NO. 039: Yes.

15 THE COURT: At this point in time, I don't know. I  
16 mean, the parties have -- Ms. Radosta, do you have any  
17 objection to -- I think Mr. Coughlin and I have had enough  
18 discussions.

19 Mr. Coughlin, I'm telling you right now, this type  
20 of case, I don't know whether or not it's suited for you, you  
21 know. And I tried to feel you out a little bit throughout  
22 this. And, see, I don't know, maybe you're bettering me right  
23 now because you're filling me full of a little bit more  
24 information than what you truly believe, I don't know, because  
25 you want out of this. But I'm not going to accept that. I



1 think that -- I think under certain circumstances you could be  
2 a really good juror. I don't think you could in this case,  
3 though. All right.

4 PROSPECTIVE JUROR NO. 039: I would -- I have to  
5 agree considering --

6 THE COURT: Okay. All right.

7 PROSPECTIVE JUROR NO. 039: -- what we've discussed.

8 THE COURT: Mr. Coughlin, I want to tell you, short  
9 of having you endure me any longer, I'm going to let you go,  
10 okay.

11 PROSPECTIVE JUROR NO. 039: Cool.

12 THE COURT: What I need you to do is I need you to  
13 go back to the jury commission room. You need to tell --

14 PROSPECTIVE JUROR NO. 039: On the third floor?

15 THE COURT: -- them that you've been excused. It's  
16 down on the third floor where you guys started in that big  
17 room. And let them know that maybe -- just say maybe the  
18 Judge thinks I might be better for a different case, okay.

19 PROSPECTIVE JUROR NO. 039: Of course, sir.

20 THE COURT: Do that if you want or not. If not, if  
21 I see you out on the street, make sure you say hello to me and  
22 maybe we can have some discussions about our philosophies on  
23 life, all right.

24 PROSPECTIVE JUROR NO. 039: I would look forward to  
25 that, Your Honor.

1 THE COURT: Okay. Mr. Coughlin --  
2 PROSPECTIVE JUROR NO. 039: Thank you for your time.  
3 THE COURT: -- you have a good life.  
4 PROSPECTIVE JUROR NO. 039: Thank you.  
5 THE COURT: And you're excused, okay.  
6 This is what I need to do though. I need to put  
7 somebody in Mr. Coughlin's seat, and that's one of you all out  
8 here.  
9 THE CLERK: Next in line is Badge No. 315, Siani  
10 Morris.  
11 THE COURT: All right. Okay. Ms. Morris, I don't  
12 have any direct questions of you right now because usually I'm  
13 not excusing individuals from this group until later. It just  
14 -- but I appreciate you being here, okay.  
15 Does anyone in this whole panel know anything about  
16 this case other than what was told to them here and what they  
17 read in the -- in the jury questionnaire? Now, we had some  
18 people that said that they may have seen it on -- or heard  
19 about it on the news, and that's what I'm trying to get at.  
20 Is there anybody here? Okay. How about in the back row?  
21 Nobody? The second row?  
22 Okay. Right there, Ed.  
23 PROSPECTIVE JUROR NO. 111: My name is Janice Brand.  
24 My number is 0111. I just had seen, you know, what they were  
25 talking about on television when -- you know, when he was

1 arrested.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 111: So that's all -- that's

4 all that I --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 111: -- know about it, just

7 what was reported. Because we generally have the news on, you

8 know, at 5:00 p.m., so -- every day, so I'm pretty up on the

9 news.

10 THE COURT: So the only thing that you think you saw

11 was the initial arrest? Are you sure it was --

12 PROSPECTIVE JUROR NO. 111: Well, it was -- I think

13 it was -- he was in a courtroom.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 111: So it's just -- just

16 whatever was in the news was what --

17 THE COURT: How -- what -- what was it that struck

18 you about -- I mean, how would you know to remember this

19 particular case?

20 PROSPECTIVE JUROR NO. 111: Well, because it was

21 somewhat shocking, you know.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 111: So, yeah, I just

24 remember seeing the family and --

25 THE COURT: And you're sure it's this case?

1 PROSPECTIVE JUROR NO. 111: Yeah, the two wives --  
2 THE COURT: Okay.  
3 PROSPECTIVE JUROR NO. 111: -- and him.  
4 THE COURT: Okay. Is there anything about what you  
5 saw on that or what you remember or what you're thinking about  
6 that you think would affect your ability to be fair and  
7 impartial here?  
8 PROSPECTIVE JUROR NO. 111: Well, I mean, I --  
9 MS. RADOSTA: Your Honor, can we approach for a  
10 second?  
11 THE COURT: Sure. Sure.  
12 (Off-record bench conference)  
13 THE COURT: Ms. Brand, just so you know what we  
14 discussed at the bench, we just want to make sure that -- and  
15 I think I'm comfortable based on what you just said about what  
16 -- how you remember the case. And you've had an opportunity  
17 to do your questionnaire and that, so you know the facts and  
18 you heard what -- what Mr. Sweetin had indicated initially.  
19 But my question is when -- if you're selected as a  
20 juror, and this is for everybody, if you're selected as a  
21 juror, you're going to be instructed that the only thing that  
22 you can consider evidence-wise is what's given to you here in  
23 the courtroom. And anything you heard or seen outside the  
24 courtroom, you'll be ordered to disregard that.  
25 And so that's why I'm getting this, is that if

1 you've seen it on the news or you heard about from somebody or  
2 a friend of yours or you read it someplace, is there anything  
3 about that you think that you can't get out of your mind and  
4 that you have to think about that in order to make a  
5 determination whether or not the individual -- the State has  
6 proven their case beyond a reasonable doubt?

7 PROSPECTIVE JUROR NO. 111: I would just use what's  
8 presented in the court, you know --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 111: -- to make my decision.

11 THE COURT: Okay. So you could follow the Court's  
12 instruction to disregard anything that you've heard or seen  
13 outside the courtroom?

14 PROSPECTIVE JUROR NO. 111: Yes, I could.

15 THE COURT: Okay. And there's nothing in regards to  
16 that you think that would overcome my order, has more  
17 authority that you think in your mind than what I'm telling  
18 you now?

19 PROSPECTIVE JUROR NO. 111: No.

20 THE COURT: Okay. You'd follow my instruction?

21 PROSPECTIVE JUROR NO. 111: That's correct.

22 THE COURT: Okay. All right. So now we've had that  
23 big discussion with Ms. Brand, is there anyone else? I know  
24 there's a young lady in the back, I think, that she had  
25 indicated earlier. And I'm looking at her. She's right by

1 the hall. I can't remember her name. Let me see, she said  
2 her sister -- I remember that her sister and that her friends  
3 had told her about a situation like this and her sister had  
4 been molested. So did you tell me that you had heard about  
5 this case before?

6 PROSPECTIVE JUROR NO. 529: The name sounded  
7 familiar, the Sena.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 529: So I thought I might  
10 have seen it somewhere on Facebook.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 529: But I'm not positive,  
13 honestly.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 529: And if I did, it would  
16 be pretty much the description that he had said earlier, like  
17 the whole --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 529: -- background. Yeah.

20 THE COURT: So with that understanding, can you  
21 follow -- if you make it to the jury, would you follow the  
22 Court's instruction on -- on disregarding anything that you've  
23 heard or seen --

24 PROSPECTIVE JUROR NO. 529: Yeah.

25 THE COURT: -- outside the courtroom?

1 PROSPECTIVE JUROR NO. 529: Uh-huh.  
2 THE COURT: Okay. Is that a yes?  
3 PROSPECTIVE JUROR NO. 529: Yes.  
4 THE COURT: Okay. Now, I'm going to --  
5 MS. RADOSTA: I'm sorry, Judge. Was that --  
6 THE COURT: -- take this opportunity now to --  
7 THE RECORDER: Judge, could I just have her --  
8 MS. RADOSTA: Was that Ms. Ortega? Ms. Ortega?  
9 PROSPECTIVE JUROR NO. 529: Yes.  
10 THE COURT: I'm sorry.  
11 THE RECORDER: What's the badge?  
12 THE COURT: That's my problem. That was my fault.  
13 Let me make sure we --  
14 THE CLERK: 529.  
15 THE COURT: Elizabeth Ortega, Badge 529.  
16 Okay. All right. Ms. Ortega, now that I have you  
17 here, you had indicated that you may have seen it on Facebook.  
18 PROSPECTIVE JUROR NO. 529: Uh-huh.  
19 THE COURT: All right. I'm going to take this  
20 opportunity now to talk to you more about, and everyone that's  
21 in here, is that when I talk about not doing research or  
22 taking photographs of yourself and posting it or talking to  
23 other individuals, Facebook is a big -- is a big deal.  
24 And I will tell you, all right, I'm not telling you  
25 all to threaten you or anything. I'm telling you that if you

1 are doing exactly what I'm telling you not to do, we have ways  
2 and we find out, if you're on -- you know, and I'm not  
3 challenging you to go do it and say, yeah, Judge, see if you  
4 can do catch me. I'm not doing that. I'm telling you that if  
5 you're getting on Facebook or, what's it, Twitter and, you  
6 know, doing all that kind of thing and wanting to talk about  
7 what's going on in this courtroom, we find out.

8           And -- and I don't want to be mean to you or  
9 anything, but I will tell you that it's not very comfortable  
10 for you. Because I can't tell you any more. Coming from the  
11 Court and I'm ordering you not to do that and then you go do  
12 it -- and it happens. I'm not saying it's okay. I'm just  
13 telling you that it happens and we find out. Then you're over  
14 here in this chair answering to me why you shouldn't be going  
15 over there for a few days. When I mean over there, on the  
16 other side of the street, that's where our jail is at.

17           And I'm not trying to be mean and I'm not trying to  
18 be funny. I'm trying to be serious. I don't -- what we don't  
19 want is somebody polluting you with something that's not  
20 evidence, okay. Does everyone understand what I -- I mean, I  
21 don't know how to be more blunt about it. What you hear and  
22 what you see in this courtroom is what -- the only thing that  
23 you're going to be able to decide upon, okay. All right.

24           So, you know, ladies and gentlemen, what I'm going  
25 to do is, it's a little early, I'm going to go ahead and



1 release you guys for the evening. We've got a lot of  
2 discussions based on a lot of our answers that you've given  
3 us. Or let me -- let me do it this way. Let me give you all  
4 a break for about a half hour, and then we can tell you which  
5 ones I'm going to -- because some of you are going to be  
6 released, and so that way you won't have to come back  
7 tomorrow. Is that better? Are you guys okay with that?

8 PROSPECTIVE JURY PANEL: Yes.

9 THE COURT: All right. So once again I'm going to  
10 admonish you because you're not released from jury duty.

11 During this recess you're admonished not to talk or  
12 converse amongst yourselves or with anyone else on any subject  
13 connected with this trial, or read, watch, or listen to any  
14 report of or commentary on the trial or any person connected  
15 with this trial by any medium of information, including,  
16 without limitation, newspapers, television, Internet, or  
17 radio, or form or express any opinion on any subject connected  
18 with this trial until the case is finally submitted to you.

19 My watch is off. Okay. What's that?

20 THE CLERK: It's 4:21.

21 THE COURT: Okay. All right. So it's 4:21. Be  
22 back ten until, and then hopefully we can get you all out of  
23 here by then. If you're ready to go earlier and everyone is  
24 out there, I'll bring you in as soon as we're done, okay. All  
25 right. So we'll be at ease while the jury exits the

1 courtroom. Take all your stuff with you.

2 (Prospective jury recessed at 4:22 P.M.)

3 THE COURT: Okay. We're outside the presence of the  
4 first jury panel. I've got -- I wrote down a lot of -- do we  
5 have anybody that the parties want to strike for cause?

6 MR. SWEETIN: I think that there are some folks that  
7 are --

8 THE COURT: Do you want me to just go down one at a  
9 time the ones -- okay.

10 MR. SWEETIN: Maybe so.

11 THE COURT: Okay. The first -- the first juror is  
12 Mr. Javellana, Badge 004. He's indicated that -- that he's --  
13 his -- one of his best friends has just been put in hospice  
14 and he says I can't be thinking about this, I won't be  
15 thinking about it, he won't give us any of his -- you know,  
16 and that's the one issue that's giving me some concerns about  
17 that is that I want his attention. Now, I will tell you,  
18 though, he's been very attentive to the proceedings. He's  
19 active, he's answered a lot of questions and stuff. The  
20 parties, what's your position with regard to Mr. Javellana?  
21 Excuse or --

22 MS. RADOSTA: Yeah. We're fine with striking him,  
23 Judge, because beyond that he has indicated that he --

24 THE COURT: All right.

25 MS. RADOSTA: -- it would be very difficult for him

1 to be fair and impartial.

2 THE COURT: Okay. All right.

3 MS. RADOSTA: So even beyond that issue, we were  
4 going to challenge him based on that.

5 THE COURT: Mr. -- Mr. Sweetin, are you okay?

6 MR. SWEETIN: And he did say that. We won't oppose  
7 that, Judge.

8 THE COURT: Okay. The next individual -- okay, I  
9 already excused him, Mr. Coughlin. Let's see. Jimmy Watson,  
10 Badge 075. He is the North Las Vegas police officer. Now,  
11 understand this, right now we haven't finished a lot of  
12 questions and stuff and it's just he's the next one in order,  
13 and I was going to say with regards to Mr. Javellana, too, if  
14 the parties want to ask any further questions, I'll allow it.

15 But Mr. -- Mr. Watson indicated based on his -- his  
16 past employment with North Las Vegas Police Department he  
17 believes that he -- he would be biased. He did say he would  
18 be able to set it aside, but he kind of waffled on that, so --

19 MS. RADOSTA: I think that this is just not -- he  
20 could be a great juror on other cases, but he was a North Las  
21 Vegas juvenile sex crimes detective. He has information that  
22 he doesn't even realize that like other people don't know at  
23 this point, you know. It's just in his blood at this point.  
24 I think that this is just not the right case for him.

25 THE COURT: Okay. Mr. Sweetin.

1 MR. SWEETIN: We're not going to oppose that, Judge.  
2 THE COURT: Okay. The next one, Michelle Arceneaux  
3 is 089. The nurse married to a retired police officer. She  
4 also has a trip to Hawaii scheduled for March 4th.  
5 MS. RADOSTA: She also said that she would not have  
6 her eyes open while watching the video that was playing.  
7 THE COURT: So --  
8 MR. SWEETIN: I didn't hear that.  
9 MS. SUDANO: Yeah.  
10 MS. RADOSTA: Yeah.  
11 THE COURT: What's that?  
12 MS. RADOSTA: She said --  
13 MR. SWEETIN: Did she say that?  
14 MS. RADOSTA: She said either --  
15 THE COURT: Okay. So what's your -- what's your  
16 position with regards to her, Mr. Sweetin?  
17 MR. SWEETIN: You know, I --  
18 THE COURT: Here's --  
19 MR. SWEETIN: -- didn't think that she was that bad,  
20 but --  
21 THE COURT: Okay. Here's where I'm at with a lot of  
22 these. And the reason why I gave you all that case last time  
23 we were here is that new standard that our --  
24 MR. SWEETIN: I know.  
25 THE COURT: -- appellate court came up with out of

1 -- never mind. But so I have to deal with that.

2 MR. SWEETIN: No, I got you.

3 THE COURT: And of all people that are gun shy about  
4 it, it's me. And so, I mean, I actually went to task on that  
5 to get some better explanation. And so that's that inferable,  
6 that third prong, you know. So that's kind of how I look  
7 here, and that's -- that's what I see with her. I mean, I  
8 even wrote it down inferable.

9 MS. RADOSTA: I think she is trying her best to --

10 THE COURT: I know.

11 MS. RADOSTA: -- not say what's really --

12 THE COURT: Okay.

13 MS. RADOSTA: -- there, which is --

14 MR. SWEETIN: That's fine, Judge. We won't oppose.

15 THE COURT: All right. Okay. Then you have the  
16 next one, Daniel Farrell. He -- he said that he has issues  
17 involving his work, financial issues, he's got to be in  
18 Arizona the 1st of March on a civil matter, and then his  
19 brother-in-law is Metro, but he said that that is fine. So he  
20 hasn't really said that he couldn't be fair and impartial,  
21 it's just the --

22 MS. RADOSTA: The financial thing was --

23 THE COURT: Yeah. I'm not -- I don't think I'm  
24 going to excuse him.

25 MS. RADOSTA: You are or are not?

1 THE COURT: I am not.

2 MS. RADOSTA: Okay.

3 THE COURT: Ryan Milligan, Badge 105, active duty  
4 military. He said that he's got to be -- he's on a February  
5 13th -- I'm going to leave him on and ask him before he  
6 leaves, or remind me, guys, I'm going to ask him to ask his  
7 employment about that, Do you know what that is, Mr. --

8 MR. SWEETIN: No, Your Honor.

9 MS. RADOSTA: No, he --

10 THE COURT: Okay.

11 MS. RADOSTA: But he did, though, Judge, say very  
12 honestly that he would give more credibility to police than  
13 other witnesses.

14 THE COURT: I know, but I want to get to that  
15 because there's other questions that follow up with that. And  
16 because they give a police officer more credence, less  
17 credence, doesn't necessarily mean that they can't be fair.

18 MS. RADOSTA: And his brother is also a sex crimes  
19 -- juvenile sex crimes detective for Metro.

20 THE COURT: Right.

21 MS. RADOSTA: Chances are, his brother knows any and  
22 all detectives coming in here to testify on this case, so --

23 THE COURT: Okay. I'll put a question mark on that,  
24 okay.

25 MS. RADOSTA: Thank you.

1           THE COURT: Then Luis Lopez, 108, son-in-law is  
2 military police in Korea. Nothing there; right?

3           MS. RADOSTA: No.

4           THE COURT: And then Janice Brand, 111, seen it on  
5 the news. That was the last one we talked. Nothing there?

6           MS. RADOSTA: At this point I don't think she has --  
7 yeah.

8           THE COURT: Okay. I'm going to excuse Ana Sanchez,  
9 Badge 141. She's a full-time student at UNLV. I always  
10 excuse the students.

11          MS. RADOSTA: Yes.

12          THE COURT: Okay. Okay. The next one is -- he's  
13 back here, but Mohamed Alkokabani. He basically said he's got  
14 some issues. I didn't really understand his work issues, the  
15 way he explained it.

16          MS. RADOSTA: It sounded like he's setting up the  
17 servers for the high school testing that they doing right now.

18          THE COURT: Yeah.

19          MS. RADOSTA: And he's kind of the guy. I mean, he  
20 also offered up, it's not that I don't want, it's just right  
21 now is a bad time for me.

22          THE COURT: Yeah. No, I put that on there, timing.

23          MS. RADOSTA: Yeah.

24          THE COURT: What -- what position do you take with  
25 him, Mr. Sweetin?

1 MR. SWEETIN: You know, I mean, I think he's like  
2 anyone else who has a job and --

3 THE COURT: Okay.

4 MR. SWEETIN: -- you know, has to make sacrifices.  
5 So I'm not sure that that's enough to kick him off, though.

6 THE COURT: Okay. How about Frederick --

7 MS. RADOSTA: I would ask, Your Honor, with regard  
8 to Mr., I can't pronounce his last name, Alkokabani.

9 THE COURT: Alkokabani.

10 MS. RADOSTA: Perhaps if he could make -- is this  
11 going to be something going on all week? The fact that he  
12 was --

13 THE COURT: Okay.

14 MS. RADOSTA: -- late coming into court today tells  
15 me he's not, you know, blowing us off. He's trying --

16 THE COURT: Yeah.

17 MS. RADOSTA: -- to keep everybody happy and --

18 THE COURT: Okay. Well, we can ask more questions  
19 on that.

20 MS. RADOSTA: Yeah.

21 THE COURT: And Frederick Oliquiano is 145. He says  
22 he's got some issues, financial issues, he's the only one  
23 making money right now. He also is a dialysis tech and he's a  
24 teacher --

25 MS. RADOSTA: Uh-huh.



1 THE COURT: -- that teaches the dialysis people how  
2 to do what they're doing. No?

3 MS. RADOSTA: I mean, at this point, Judge, it's  
4 financial, but a lot of people are in that same boat.

5 THE COURT: Right. Okay. The next Mitz Williams,  
6 Mitzi Williams, 160, is -- she says that she works --

7 MS. RADOSTA: 70 to 80 hours.

8 THE COURT: -- casino housekeeping, and then she  
9 works for Walmart and she -- just financial issues,  
10 self-supporting, she's living by herself. I don't see that as  
11 grounds.

12 Mary Handwerker-Lamaster, 165, she says that she  
13 knows Jennifer Wheeler and Kristin Bernat from work and  
14 school, and that she didn't really indicate anything that she  
15 thinks would affect her ability to be fair. Any issues?

16 MS. RADOSTA: She was just the one that said that  
17 she's kind of on a timetable with the one year old and she's  
18 pumping still, so --

19 THE COURT: Oh, she said that?

20 MS. RADOSTA: She did say are we going to break so  
21 that I have time to pump.

22 THE COURT: Oh, okay. All right.

23 MS. RADOSTA: It was kind of a -- it was kind of a  
24 -- yeah, but so --

25 THE COURT: Okay.

1 MS. RADOSTA: Just have to -- if we keep her, Judge,  
2 we just have to, obviously --

3 THE COURT: All right. That's fine.

4 MS. RADOSTA: -- be aware.

5 THE COURT: Vivian Schmid, 166, hospitality issues.  
6 She's the one that said that the -- it would be a financial  
7 burden on her. But she's living by herself, as well.

8 MS. RADOSTA: Actually, Your Honor, if I could, just  
9 for the record, both Ms. -- and I apologize I'm bringing this  
10 up again. Ms. Handwerker-Lamaster and Ms. Schmid both  
11 indicated on their -- sorry, on their jury questionnaires that  
12 they, plain and simple, can't be fair and impartial. The  
13 answer to Question 20 was, no, can't be fair and impartial.

14 THE COURT: Okay. Well, we didn't when I asked them  
15 directly here, so maybe that's changed, but you can -- you can  
16 bring that up, obviously. Okay. Then we have Brady Gall,  
17 just says brother-in-law is -- okay, nothing there.

18 Scott Charlemagne, 199. This is the school bus  
19 driver that volunteered saying because of his connection with  
20 children he -- he's pre-judging Mr. Sena right now. What's  
21 your position on this one?

22 MR. SWEETIN: I would submit it to the Court, Judge.

23 THE COURT: Okay. I'm going to excuse him, okay.  
24 Next one is Keen Santiago, 289.

25 MS. RADOSTA: Yes.

1           THE COURT: She's the one that is working with the  
2 -- she works with Nellis. She's -- her team is special forces  
3 and she's involved in training them medically and that half  
4 their team has been deployed and she says that they're just  
5 real tight staffed. But there's nothing in there saying that  
6 she can't be fair, it's just --

7           MR. SWEETIN: Right.

8           THE COURT: Okay.

9           MS. RADOSTA: She did indicate just for the record,  
10 Judge -- we would be -- we would be asking that she be  
11 stricken based on the answer on her jury questionnaire,  
12 because we had them do jury questionnaires, he's absolutely  
13 guilty.

14          THE COURT: Okay.

15          MS. RADOSTA: That's what she wrote on her jury  
16 questionnaire. I appreciate she has not uttered that in  
17 court, but she did write it down on her jury questionnaire.

18          THE COURT: Okay. I'm going to excuse her because  
19 of her -- the deployment issue, okay.

20          The next one is Cindy Lamar, Badge 292. She says  
21 she has an open case and she's a student from Northwest, but  
22 she doesn't go until 6:00 to 9:00 one day a week. So I don't  
23 -- and the open case is a workman's comp case for February  
24 4th.

25          MS. RADOSTA: Yeah, but that's like when she has to

1 go for the eval and stuff.

2 THE COURT: Yeah.

3 MS. RADOSTA: I would be inclined to want to let her

4 go just --

5 THE COURT: What do you think, Mr. Sweetin?

6 MR. SWEETIN: I don't know how that workman's comp

7 works. I mean, I don't know if she has to go on that

8 particular day for the case. I'm not sure.

9 THE COURT: They do an initial eval.

10 MS. RADOSTA: Usually those are set up quite a far

11 distance in advance, I think, those evals.

12 MR. SWEETIN: Well, we would submit it to the Court,

13 Judge.

14 THE COURT: Okay. Yeah, I'm going to leave her

15 here. We can ask some more questions about that, okay.

16 Corey Holden is Badge 328, elementary school

17 teacher. She works with children. She said she can't be

18 fair. She was the --

19 MS. RADOSTA: Yes.

20 THE COURT: -- lady in the front row over here.

21 MS. RADOSTA: I believe she also said that she

22 herself has had to report such --

23 THE COURT: Right.

24 MS. RADOSTA: -- situations --

25 THE COURT: Yeah.

1 MS. RADOSTA: -- to CPS.

2 THE COURT: Yep.

3 MS. RADOSTA: We'd ask that she be excused.

4 THE COURT: Okay.

5 MR. SWEETIN: We would submit it, Judge.

6 THE COURT: Excused. Then you have Efrain Mendez is

7 334. He's the one that says -- he initially said he couldn't

8 judge a person, but then he accepted what I talked to him

9 about. He said his son is disabled, although he's 30 years

10 old. Then he says he's the only one working -- I mean, well,

11 his wife works, but he's up for work, and he's supposed to on

12 the 2nd of February be up for a possible job with the

13 culinary.

14 MS. RADOSTA: I think he -- yeah, something. He

15 lost his job and they're going to tell him if it was an unfair

16 firing or something like that on the 2nd.

17 THE COURT: Yeah. So I don't think he's given me

18 any reason to excuse him at this point. Kevin Dungey is Badge

19 337. He says he has a bias. He says he's witnessed a number

20 of children that have -- that his sister has custody of that

21 have been abused that he sees how they react around men, and

22 he says he couldn't set that aside, and I wrote he said he

23 can't be fair.

24 MS. RADOSTA: He also just -- just as a fun aside,

25 said that he dislikes attorneys because his ex-wife was a DA

1 in L.A. County. He put that one on his --

2 THE COURT: Okay. Well, so I'm going to excuse him.  
3 And then Tek Neopaney is 383. This is just he has an English  
4 issue, but he says he's got issues with transportation, but  
5 nothing about not being able to be fair, okay.

6 MR. SWEETIN: Yeah.

7 THE COURT: Sue Huff, 389, English issues, but she  
8 said that she would let us know if she's got problems with  
9 that. Sally Johnson is 396, she's got three children, three  
10 different schools, just transportation issues. So anything  
11 about that?

12 MR. SWEETIN: It sounded as if she could work --  
13 work through it.

14 THE COURT: All right. Then Vanessa Sfakis, this is  
15 403. She said she was molested as a child. She's got deep  
16 bias. This is the one that she broke down crying. I can't --

17 MS. RADOSTA: Yes. We would ask that she be  
18 excused.

19 MR. SWEETIN: Yeah. We'd submit it.

20 THE COURT: I'm going to excuse her. Okay. Then  
21 you have Betzabe Boutos is 425. She's --

22 MS. RADOSTA: We'd ask that she be excused, Judge,  
23 just based on the things she said.

24 THE COURT: Mr. Sweetin, you okay?

25 MR. SWEETIN: I would submit it, Judge.

1           THE COURT: Okay. Rimmon Esteban is 435, just  
2 financial issues, works 40 hours a week he says -- or, no, he  
3 gets paid for the first 40, that's it, and then -- so nothing  
4 there.

5           John Sasser, 499, he's the individual that works --  
6 he's on salary, but he works -- also he gets a benefit from  
7 banquet catering and tips. And he said he'll lose these tips,  
8 the end of February he has a big -- a big convention coming  
9 in. I can't excuse him for that, okay.

10           Alexandra Kenney, 503, Clark County School District  
11 teacher. Her whole complaint was that she would be leaving  
12 her students for a considerable amount of time. And I  
13 consider that. I do. Because they have to get substitutes  
14 and so --

15           MS. RADOSTA: And she, I mean, I think she's  
16 heartfelt and --

17           THE COURT: If you want to ask more questions, I'll  
18 leave her be. If not, I'm going to excuse her.

19           MS. RADOSTA: I'm fine with --

20           THE COURT: What do you think, Mr. Sweetin?

21           MR. SWEETIN: Yeah, I would submit it, Judge.

22           THE COURT: Okay. Daniel Powers, 519, it just says  
23 his sister is currently a North Las Vegas police sergeant. He  
24 said nothing about -- okay. Elizabeth Ortega is 529. This is  
25 the young lady that's sitting out kind of in the hall. She

1 said that --

2 MS. RADOSTA: I'm --

3 THE COURT: -- her sister --

4 MS. RADOSTA: Sorry, Judge.

5 THE COURT: -- was molested, she's known a bunch of

6 children. And so I didn't really get a complete understanding

7 from her that she couldn't be fair. She was kind of on the

8 edge and discussed -- I'm going to let you guys ask her a few

9 more questions, okay.

10 MS. RADOSTA: For the record, Judge, yeah, we would

11 be asking that she be excused right now. She did say in her

12 -- in her statement, or in her questionnaire, he's already

13 guilty.

14 THE COURT: Okay.

15 MS. RADOSTA: That would be our position. I'm

16 sorry. Did we miss 521?

17 THE CLERK: Bernard Faller.

18 MS. RADOSTA: Yes.

19 THE COURT: Oh, yeah. I didn't --

20 MS. RADOSTA: He did ask a question about what if my

21 interpretation --

22 THE COURT: Right. Right.

23 MS. RADOSTA: -- is different than yours.

24 THE COURT: Okay.

25 MS. RADOSTA: That was all I just wrote.



1           THE COURT: Yeah, I don't -- I don't think that  
2 that's something that --  
3           MS. RADOSTA: Okay.  
4           THE COURT: -- we need to excuse him.  
5           Okay. Then Frank Fragale is 561. It just says his  
6 brother-in-law is a police officer, retired police officer.  
7 Oh, he gave us --  
8           THE CLERK: He talked to Ed outside and said that he  
9 believes he might --  
10          THE COURT: Oh, okay.  
11          THE CLERK: -- have seen it on the news.  
12          THE COURT: He gave us a note that he believes he  
13 might have heard something on TV, okay. So we -- we can --  
14 I'm going to leave him on. You can ask him additional  
15 questions on that.  
16          And then Desmond Asuncion is 576. I'm going to  
17 excuse him. He's had a recent death. He's going to be gone  
18 the 13th through the 19th to San Francisco for the burial, so  
19 I'm going to excuse him.  
20          Leigh Swayze, 581, leaving for Florida on March 2nd  
21 to March 6th. So --  
22          MR. SWEETIN: Actually, I think we're going to be  
23 done by then.  
24          THE COURT: Okay.  
25          MR. SWEETIN: And if not, we're going to have four

1 alternates.

2 THE COURT: Let me -- let me see if we get to that  
3 person because if we get to the point where he's on the jury,  
4 we can use alternates if we need to, if he -- if this person  
5 even becomes something other than an alternate. I will tell  
6 you, though, if it's to a point where it looks like they're  
7 just going to be an alternate, I probably won't be keeping  
8 them. You know what I mean?

9 MR. SWEETIN: You mean you won't keep him --

10 THE COURT: Yeah.

11 MR. SWEETIN: -- away from his trip?

12 THE COURT: Based on that representation.

13 MR. SWEETIN: Yeah.

14 THE COURT: Because -- because if we do go  
15 further --

16 MR. SWEETIN: Oh, okay.

17 THE COURT: -- then we'd be using an alternate.

18 MS. RADOSTA: Right.

19 THE COURT: And so I wouldn't have a problem letting  
20 him go. But if we don't go further -- I mean, if we don't go  
21 further, then they're here.

22 MS. RADOSTA: Right.

23 THE COURT: But if they're an alternate, I can't use  
24 him. You see what I mean?

25 MS. RADOSTA: Makes sense.

1           THE COURT: So question, alternate. Harry Fields,  
2 is there any way you could ever think that this individual  
3 would be fair?  
4           MS. RADOSTA: No, not from us.  
5           THE COURT: Mr. Sweetin? He's the individual that  
6 says that a family member, his wife --  
7           MR. SWEETIN: Right.  
8           THE COURT: -- was molested like this, he says.  
9           MR. SWEETIN: Yeah, I think he said that he wouldn't  
10 watch the video.  
11          THE COURT: Right.  
12          MS. RADOSTA: Yeah, won't.  
13          MR. SWEETIN: Yeah, so we --  
14          THE COURT: Will not --  
15          MR. SWEETIN: -- would submit it, Judge.  
16          THE COURT: -- consider the video.  
17          MR. SWEETIN: Right.  
18          MS. RADOSTA: Biased for sure, he also said.  
19          THE COURT: Okay. All right. That's it, then.  
20 Okay.  
21          THE CLERK: We're letting him go?  
22          THE COURT: What's that? Yeah, I'm going to let  
23 that one go. All right. So I'll bring them back in and I'll  
24 announce the ones that I'm excusing, and then we'll -- we'll  
25 take a break for our evening and we'll start tomorrow. I

1 think we can get started probably tomorrow by 10:00, okay.

2 THE CLERK: And we have another hundred coming in  
3 and we start with Badge No. 614.

4 THE COURT: I want to go through this group first to  
5 see where we're at and fill in what we have because I hate --  
6 I hate to go through a whole other day of this if we can get  
7 the jury out of this. I don't know if we will be able to, but  
8 it would sure be nice.

9 Okay. Bring them in, Ed.

10 MS. RADOSTA: Are we going to put new people in  
11 tonight or tomorrow? Are you going to put new people in? I  
12 asked her first.

13 THE COURT: Yeah, I'll move everybody in. The part  
14 that we strike, I'll just fill them up to see what we have out  
15 here. But before we get going into who I'm striking, I'm  
16 going to question Mr. Fragale a little more about the note  
17 that he just gave my marshal as to what he saw on TV, okay.

18 MS. RADOSTA: Okey-dokey.

19 (Pause in the proceedings)

20 (Inside the presence of the prospective jury)

21 THE COURT: Okay. Everybody go ahead and have a  
22 seat. We're back on the record in the case of State of Nevada  
23 versus Christopher Sena in Case No. C311453. I'd like the  
24 record to reflect the presence of the defendant and his  
25 counsel, as well as the State and their counsel. Will the

1 parties stipulate to all the members of the prospective jury  
2 panel?

3 MR. SWEETIN: Yes, Your Honor.

4 MS. RADOSTA: Yes, Your Honor.

5 THE COURT: All right. Mr. Fragale, I got a note  
6 from my marshal indicating that you had possibly heard  
7 something about this case on TV.

8 PROSPECTIVE JUROR NO. 561: Yes, I did.

9 THE COURT: Is that correct?

10 PROSPECTIVE JUROR NO. 561: Yes.

11 THE COURT: Did I read it right?

12 PROSPECTIVE JUROR NO. 561: Yes.

13 THE COURT: Is there anything about what you heard  
14 that you think would affect your ability to be fair and  
15 impartial in this matter?

16 PROSPECTIVE JUROR NO. 561: No, I don't think so.

17 THE COURT: Okay. How long ago was it that you  
18 believe you heard?

19 PROSPECTIVE JUROR NO. 561: I'm going to say about a  
20 year to a year and a half.

21 THE COURT: Okay. And do you -- you're certain that  
22 it's this case?

23 PROSPECTIVE JUROR NO. 561: Yes.

24 THE COURT: Okay. All right. So -- but you don't  
25 think there's anything that you heard or what you remember of

1 it that would affect you here?

2 PROSPECTIVE JUROR NO. 561: No, it was pretty much  
3 everything that was said in the document.

4 THE COURT: Oh, okay. And you think that you can  
5 put that out of your mind and follow --

6 PROSPECTIVE JUROR NO. 561: Yes.

7 THE COURT: -- the Court's instructions on this?

8 PROSPECTIVE JUROR NO. 561: Yes.

9 THE COURT: And disregard that?

10 PROSPECTIVE JUROR NO. 561: Yes.

11 THE COURT: Okay. Ladies and gentlemen, while you  
12 were out, we had the opportunity to discuss some of the  
13 questions that you had posed to -- answers that you posed to  
14 my questions, and so a number of you will be excused. If you  
15 hear your name called, you are going to be excused. But I ask  
16 that you wait until all the names are called so we don't have  
17 this big pileup at the door, everyone trying to get out so  
18 fast so they can get out and get away from us, okay.

19 I do want to tell you, though, all kidding aside, I  
20 appreciate you all being here and taking part in this. And  
21 understand that if you are excused, for those of you that are  
22 questioning why you're being excused, it's -- once again, it's  
23 no reflection on your ability to be a good juror, it's just  
24 maybe you're just not suited for this case.

25 And I think many of you will understand what I'm

1 saying and accept it. If you have questions about it later,  
2 I'll be glad to discuss it with you, but not until this case  
3 is finished, okay. So if you hear your name called, just stay  
4 where you're at and then I'll have you all leave when we're  
5 done.

6 Juror No. 1, Badge 004, Joselito Javellana. Juror  
7 No. 18 is 075, Jimmy Watson. Juror No. 19, 089, Michelle  
8 Arceneaux. Juror No. 32, Badge 141, Ana Sanchez. Juror No.  
9 48, Badge 199, Scott Charlemagne. Juror No. 57, Badge 289,  
10 Keen Santiago. Juror No. 60, Badge -- oh, excuse me. Strike  
11 that. Juror No. 66, Badge 328, Corey Holden. Juror No. 68,  
12 Badge 337, Kevin Dungey. Juror No. 82, Badge 403, Vanessa  
13 Sfakis. Juror No. 84, Badge 425, Betzabe Boutos. Juror No.  
14 99, Badge 503, Alexandra Kenney. Juror No. 123, Badge No.  
15 576, Desmond Asuncion. Juror 125, Badge No. 582, Harry  
16 Fields.

17 All right. Ladies and gentlemen, if you heard your  
18 name called, you are excused. I want to thank you so much for  
19 participating at this point. So you can go ahead and exit the  
20 courtroom. All right. Thank you so much. Go back to the  
21 jury commission room and give them your badge and let them  
22 know you've been excused, okay.

23 Okay. For those of you whose name wasn't called and  
24 have talked to us, we haven't forgot about you, it's just  
25 there may be some additional questions that will be posed of

1 you, okay.

2 All right. So what I'm going to do at this point --  
3 do you have a question?

4 PROSPECTIVE JUROR NO. 503: I just wanted to double  
5 check if my name was called. 503, Alexandra Kenney.

6 THE CLERK: Yes.

7 THE COURT: Yes, yours was.

8 PROSPECTIVE JUROR NO. 503: Thank you.

9 THE COURT: Okay. All right. Did I surprise you?

10 PROSPECTIVE JUROR NO. 503: Kind of. Thank you.

11 THE COURT: Well, you can stay if you want. It was  
12 based on your answer.

13 PROSPECTIVE JUROR NO. 503: If I said anything, I  
14 was anxious even being here today. Thank you so much.

15 THE COURT: Okay. All right. Okay. Never had that  
16 happen. Are you sure, Judge? It's usually they're up walking  
17 out and we say, whoa, we didn't call you. Are you sure,  
18 Judge?

19 Okay. We need to fill in the spots here. Ladies  
20 and gentlemen, I'm just going to fill you in for the night,  
21 and then I'm going to turn right around and let you all go  
22 because we're done -- we're done with our evening, our 5:00  
23 matter. But just so you know where you're -- where you're  
24 seated, okay. So go ahead and --

25 THE CLERK: Okay. In Seat No. 1 it's Badge No. 326,



1 Thandi Dickens.

2 THE COURT: Sandy Dickens?

3 THE CLERK: Thandi. T-h-a-n-d-i.

4 THE COURT: T-h.

5 THE CLERK: In Seat 7 it's Badge No. 334, Efrain

6 Mendez. Seat No. 8 is Badge No. 338, Robyn Dolan. Seat 16 is

7 Badge No. 349, Mindy Lasiter.

8 THE COURT: What's the number again? 349?

9 THE CLERK: Yes. Mindy Lasiter. In Seat 27 it's

10 Badge 375, Chase Albright. And in Seat 33 it's Badge No. 383,

11 Tek Neopaney.

12 THE COURT: 383?

13 THE CLERK: 383.

14 THE COURT: Tek Neopaney.

15 THE CLERK: Uh-huh.

16 THE COURT: Okay. All right. So remember where

17 you're seated. I'm going to have you back tomorrow by 10:00.

18 What we'll do with you all that's out here --

19 Ed, when they come in, we'll move them all up, okay,

20 to where -- where you're not got big gaps in there. We can

21 put you all up in the seat here a little closer and get

22 everybody meeting each other and finding out who everybody is

23 and being friends to each other, okay.

24 All right. So do you have any questions before we

25 take our evening recess? All right. Ms. Handwerker is Badge

1 165.

2 PROSPECTIVE JUROR NO. 165: I just -- do we report

3 outside here or do we report to the jury lounge?

4 THE COURT: Nope. Come up here.

5 PROSPECTIVE JUROR NO. 165: At 10:00?

6 THE COURT: My marshal will tell you when you leave.

7 My marshal is going to give you some additional instructions,

8 okay, on your parking and all that and where you need to come

9 back to meet him, okay. All right.

10 Question? Anything else? All right.

11 PROSPECTIVE JUROR NO. 145: Is there any paperwork

12 that we --

13 THE COURT: Let me -- what's your case? What's your

14 number and your name?

15 PROSPECTIVE JUROR NO. 145: Oh, my name is Frederick

16 Karlo Oliquiano, Badge No. 145.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 145: Is there paperwork that

19 I can get because I only excused for my work for today. I

20 didn't know that I'm going to come back tomorrow.

21 THE COURT: Okay. Well, that -- that -- that

22 summons that you have?

23 PROSPECTIVE JUROR NO. 145: Yeah.

24 THE COURT: That's good until I release you.

25 PROSPECTIVE JUROR NO. 145: Okay.

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CHRISTOPHER SENA, ) No. 79036  
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Appellant, )  
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v. )  
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THE STATE OF NEVADA, )  
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Respondent. )  
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**APPELLANT’S APPENDIX VOLUME XV PAGES 3214-3461**

DARIN IMLAY  
Clark County Public Defender  
309 South Third Street  
Las Vegas, Nevada 89155-2610  
  
Attorney for Appellant

STEVE WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155  
  
AARON FORD  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-47  
(702) 687-3538  
  
Counsel for Respondent

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610  Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 <sup>rd</sup> Floor Las Vegas, Nevada 89155  AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538  Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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