

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

2 _____

3 CHRISTOPHER SENA,) No. 79036

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

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

9 _____)

10 **APPELLANT'S APPENDIX VOLUME XVI PAGES 3462-3709**

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Case No. 79036

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1 THE COURT: Okay? So take that and tell them if
2 they need it. Let them know if they need something
3 additional, we'll notify your work, okay.

4 PROSPECTIVE JUROR NO. 145: Okay.

5 THE COURT: Anyone else? Is there someone else?

6 PROSPECTIVE JUROR: What time do we report tomorrow?

7 THE COURT: 10:00. Be ready -- be ready to come in
8 by 10:00, okay. All right. Once again, up here, upstairs,
9 you meet my marshal out in the hall. He's going to give you
10 further instructions. But you can bring with you anything you
11 want to drink, less alcohol, as long as you have a lid on it.
12 And I also, some of you might be diabetic or whatever or you
13 need something to snack on. You can bring that, as well. As
14 long as you understand that, you know, I will stop you if
15 you're disrupting the rest of the group with your eating. You
16 know, obviously, you can't sit in here with a big cheeseburger
17 or something, okay.

18 All right. If you need something to keep yourself
19 warmer, like a sweater or a jacket or something, feel free to
20 bring that with you. And if you need a pillow or something to
21 put beyond your back, feel free to bring that with you, as
22 well, okay.

23 All right. We'll see you tomorrow at 10:00. But
24 before you go, before you go, you're admonished that you're
25 not to discuss this with -- oh, I got to go. I used to be

1 able to do it myself, too, but all right. All right.
2 Overnight admonishment. Here's what's funny. I've been
3 reading you the recess admonishment, now I'm going to read you
4 the overnight one. Tell me if you guys can catch the
5 differences.

6 You are admonished not to converse amongst yourself
7 or with anyone else on any subject connected with this trial,
8 or read, watch, or listen to any report or commentary on the
9 trial by any person connected with this case, or by any medium
10 of information, including, without limitation, newspapers,
11 television, the Internet, or radio. You're further admonished
12 not to form or express any opinion on any subject connected
13 with this trial until the case is finally submitted to you.

14 You are directed to return here tomorrow at 10:00,
15 all right, outside the courtroom. All right. So think about
16 that, and then I'm going to have a quiz on it to see whether
17 or not you can see if there's any differences.

18 You have another question? All right.

19 PROSPECTIVE JUROR NO. 142: Mohamed Alkokabani,
20 Badge No. 142.

21 THE COURT: Uh-huh.

22 PROSPECTIVE JUROR NO. 142: So is this the final
23 selection, or is there going to be another cut tomorrow?

24 THE COURT: Possibly another cut tomorrow, possibly
25 a cut Wednesday, possibly a cut Thursday. It depends on how

1 far we get. I'm hoping that we get it from here, but I have
2 another stack of jurors behind you all if we need additional
3 people, okay. All right?

4 PROSPECTIVE JUROR NO. 142: Sounds good.

5 THE COURT: Okay. So I need you here by 10:00.
6 Don't show up at 1:00 because I won't recall the warrant. I
7 issued a warrant for you, but I won't recall it next time, all
8 right.

9 PROSPECTIVE JUROR NO. 142: Sounds good.

10 THE COURT: Okay. We'll see you tomorrow.

11 (Prospective jury recessed at 4:55 P.M.)

12 THE COURT: Okay. We're outside the presence of the
13 jury. Before we take our evening recess, is there anything
14 that needs to be put on the record?

15 MR. SWEETIN: Judge, I don't know if this needs to
16 be part of the record. I think the Court already made its
17 ruling. Just in regards to the defense motion for -- to
18 strike the jury panel. I just wanted to make sure, because I
19 think the Court said it, but I'm not completely sure. I know
20 there was evidence presented to support the fact that there
21 was no systematic exclusion of a group in the jury selection
22 process, and I think that the evidence ferreted that out. I
23 think the Court said that, but I'm not sure completely. I
24 just wanted to clarify that for the record.

25 THE COURT: All right. You have.

1 MR. LOPEZ-NEGRETE: Obviously, my argument is in
2 opposite to Mr. Sweetin's. I believe that in order to
3 actually establish that there was no systematic exclusion we
4 needed testimony from that further witness that I didn't know
5 about until Ms. Witt took the stand. So I wouldn't have the
6 opportunity to learn of this person, subpoena them, and all
7 that, so --

8 THE COURT: Well, Mr. Negrete, I made my ruling.

9 MR. LOPEZ-NEGRETE: Right.

10 THE COURT: The concern that I have with that is
11 that -- is that your office has been doing this a number of
12 times, and I think you've maybe even done this a number of
13 times, and the -- I give you an opportunity to question
14 whoever you need, but it's not -- it's not the Court's
15 obligation to satisfy your evidence issues.

16 MR. LOPEZ-NEGRETE: No, I understand that.

17 THE COURT: Okay. So -- but as I indicated, I think
18 the Supreme Court has made a decision based on some of that,
19 that testimony there or similar, and so I've made my decision,
20 okay.

21 MR. LOPEZ-NEGRETE: That's fine.

22 MR. SWEETIN: Thank you, Judge.

23 MS. SUDANO: Thank you, Your Honor.

24 THE COURT: All right. 10:00 tomorrow, okay, guys.
25 Have a good evening, okay.

26 (Court recessed at 4:58 P.M., until Tuesday,

27 January 29, 2019, at 10:20 A.M.)

INDEX

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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DEFENSE WITNESS:

MARIAH WITT	29	40		
JURY COMMISSIONER				

* * * * *

EXHIBITS

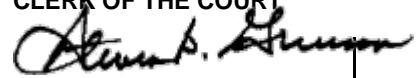
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(No exhibits admitted)

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

Julie Lord

JULIE LORD, TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

TUESDAY, JANUARY 29, 2019

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

APPEARANCES:

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MICHELLE L. SUDANO, ESQ.
Deputy District Attorney

FOR THE DEFENDANT:

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DAVID E. LOPEZ-NEGRETE, ESQ.
Deputy Public Defenders

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

1 LAS VEGAS, NEVADA, TUESDAY, JANUARY 29, 2019

2 [Case called at 10:20 A.M.)

3 (Outside the presence of the prospective jury)

4 THE COURT: Good morning, everybody. We're on the
5 record in the case of State of Nevada versus Christopher Sena
6 in C311453. I'd like the record to reflect the presence of
7 the defendant and his counsel, as well the State and their
8 counsel. We're outside the presence of the jury.

9 I wanted to make a quick record as to the motion
10 that was requested of the -- of the defense to strike the jury
11 venire. In reviewing the actual case law in this, there --
12 there's three cases. The one case in which the defense, I
13 believe, was motioning the Court was under Buchannan, and that
14 under Buchannan they asked for a hearing and we -- we did do a
15 hearing.

16 The interesting portion of the -- of the subsequent
17 case, of Morgan versus State, it's 416 P.3d 212, 130 Nev. Adv.
18 Op. 27, is that in that case the court had spoken about the
19 fact that the district court had set a hearing, despite the
20 fact that it knew that the jury commissioner did not inquire
21 about race, creed, or color.

22 And so when the -- when the State had talked about
23 the previous case that I had made mention of, and the
24 transcript that was used in previous cases, that's what
25 they're talking about, that the -- the testimony by the jury

1 commissioner is that they don't inquire as to race, creed, or
2 color.

3 And so despite that, and when I say the word
4 despite, is it leads me to believe that in -- in the case of
5 Morgan versus State the court would have -- would have still
6 upheld the conviction, and -- and that it was not in error for
7 it to strike the -- to not strike the jury venire, even though
8 they went ahead and had a hearing.

9 So we had a hearing here, as well, and I did that
10 because of the additional information that was provided about
11 the third manner in which the -- the jury venire is made up
12 of. And that was testified to and cross-examined, and -- and
13 I believe the record was clear there.

14 Under the Williams versus State case, there's three
15 factors in which the parties -- the defense must overcome. It
16 must show that the group alleged to be excluded is a
17 distinctive group in the community. I believe that that has
18 happened. Then they must show that the representation of this
19 group and its venires from which jurors are selected is not
20 fair and reasonable in relation to the number of persons in
21 the community.

22 Under the testimony that was presented here, the
23 question is is what the disparities are, and I believe that
24 the information that was provided to us from the documents is
25 that -- that it appears that the defense has failed to

1 sufficiently show that there was an underrepresentation.
2 Under the -- under the breakdown and the -- and the case law,
3 with regards to Evans versus State, which is a Nevada case
4 citing to State versus Lopez, which is a Idaho case, and they
5 talk about the way you would look at the comparative
6 disparity.

7 In this particular case, the numbers show that --
8 that it was a well above a 50 percent less amount, so if we
9 were taking 16 percent or less, then -- then there's a
10 question that needs to be raised there, but we weren't here in
11 this case. And so for that reason, I find that there was --
12 that the defense has failed to sufficiently show that there
13 was underrepresentation.

14 But besides that, the third -- the third prong is
15 that the underrepresentation is due to systematic exclusion of
16 a group in the jury selection process. Under the testimony
17 that we had from -- from the jury commissioner, is that even
18 if we had one Hispanic, based on what was represented is that
19 it is clear that there's no systematic exclusion of a group
20 through this jury selection process. So I wanted to make that
21 part of the record, okay.

22 MR. LOPEZ-NEGRETTE: Your Honor, can I just put my
23 position on the record?

24 THE COURT: Sure.

25 MR. LOPEZ-NEGRETTE: All right.

1 THE COURT: Sure.

2 MR. LOPEZ-NEGRETE: And so, basically, the only
3 point that I want to make regarding the second prong that the
4 Court is talking about in the Williams case, yeah, the -- the
5 courts have basically analyzed the -- the percentages, but I
6 think that the Supreme Court case, Berghuis versus Smith,
7 which is B-e-r-g-h-u-i-s v. Smith, a 2010 Supreme Court case,
8 didn't set a bright line rule.

9 So I don't think that -- the fact that the
10 disparities may not line up to what the courts have considered
11 before, it's not ultimately fatal. I think the Court should
12 still consider whether it's -- it's a underrepresentation in
13 this particular case.

14 And when it comes to the systematic exclusion, my
15 position is that we started a hearing, the commissioner
16 testified, I was able to cross-examine her, etcetera, but the
17 information that she provided about this master list that she
18 didn't review was new information to me.

19 And I know that the Court had referenced yesterday
20 that maybe I had been involved in this type of litigation
21 before, I'm not sure what the Court is referring to
22 specifically, but I can tell the Court that this is new
23 information that the commissioner was testifying about, and I
24 had never heard this Mike Doan's name.

25 So from my position, the hearing basically was cut

1 short in the middle, and we wanted to ask this other witness
2 to come to testify. I understand the Court's position about
3 not putting him under subpoena, etcetera, but before we even
4 started, before when I made the objection, I didn't know if
5 the Court was going to grant a hearing to begin with.

6 The commissioner came and testified without a
7 subpoena, and it seems like this other person, Mike Doan, is
8 part of her office in the IT department, and probably would
9 have been able to come and testify if we had just asked them
10 to as well. So my whole point on the systematic exclusion is
11 that we didn't get into the actual information that Mike Doan
12 probably would have been able to provide.

13 THE COURT: Okay. Just to clarify that, with
14 regards to the case law that is being cited, and the most
15 recent one is the 2018, and they talk about the question of
16 comparative disparity, and that's where their -- I cited to
17 the Evans versus State, as well as the State versus Lopez.
18 The Evans versus State case is a Nevada case that talks about
19 a comparative disparity well below 50 percent is unlikely to
20 be sufficient to show underrepresentation, okay, so simply by
21 itself.

22 But they went one step further and looked at the
23 case from Idaho and held that they would -- that they consider
24 a comparative disparity well over 50 percent as strong
25 evidence of underrepresentation, and a comparative disparity

1 of about 50 percent may or may not be adequate to show such
2 underrepresentation, depending, in part, upon the size of the
3 group in question, and then they went on to discuss the
4 amount, and they looked at the -- in the -- in the case at
5 hand. So what -- in the case at hand in -- in the Morgan
6 case, and that was with -- with one of our district court
7 judges.

8 So that's what I've done here. And when I look at
9 the numbers that were prepared by the documents that you had
10 before any questions -- questioning of the jury commissioner,
11 the position the Court is taking is that you failed to show
12 sufficiently how it was underrepresented. And so that's --
13 that's my decision, okay. All right.

14 So despite the knowledge that I had already, I
15 allowed you to question further, and the reason I allowed for
16 that was because of the representation by the State that
17 there's a third manner in which that they actually draw from.
18 And so nothing would have changed. Okay. All right.

19 And one last thing before we go any further. There
20 was a discussion about -- about whether or not we would be
21 reading -- reading the actual indictment to the jury, or if we
22 could come up with an alternative method, short of reading 120
23 counts in to the jury. And after that discussion, we couldn't
24 reach an agreement, so I'm going to, pursuant to 175.141(1),
25 have the clerk read it, okay. All right.

1 And, Ms. Radosta, you indicted that you wanted to --
2 you had something else you needed to place on the record, is
3 that --

4 MS. RADOSTA: Yes.

5 THE COURT: Okay.

6 MS. RADOSTA: Thank you, Your Honor. Based on the
7 -- I'm just going to address this right now to the people that
8 we had in this room today thus far --

9 THE COURT: Okay.

10 MS. RADOSTA: -- specifically. So it's up through
11 Juror 02-0609, Charles Barber. We are moving to strike, I
12 believe it is seven, or perhaps eight jurors specifically, and
13 I can give you badge numbers and names. We are moving to
14 strike for cause --

15 THE COURT: Hold on. Hold on. Hold on, let met --

16 MS. RADOSTA: Yep.

17 THE COURT: Okay. All right.

18 MS. RADOSTA: Juror No. 02-07 -- 02-0072, Angelica
19 Mullins.

20 THE COURT: 02-0072?

21 MS. RADOSTA: Yes.

22 THE COURT: Okay.

23 MS. RADOSTA: 02-0130, Joanne -- it's T-i-u.

24 THE COURT: Okay.

25 MS. RADOSTA: The 02-0165, Mary Handwerker-Lamaster.

1 02-0166, Vivian --
2 THE COURT: Hold on. Hold on. Hold on.
3 MS. RADOSTA: Sorry.
4 THE COURT: I'm sorry. I --
5 MS. RADOSTA: No, no. I talk fast at times.
6 THE COURT: 165? Okay.
7 MS. RADOSTA: 165, yes.
8 THE COURT: All right. Okay.
9 MS. RADOSTA: 166, Vivian Schmid.
10 THE COURT: Okay.
11 MS. RADOSTA: 02-0190 --
12 THE COURT: Okay.
13 MS. RADOSTA: -- Brian Wohletz --
14 THE COURT: Okay.
15 MS. RADOSTA: -- W-o-h-l-e-t-z.
16 THE COURT: Uh-huh.
17 MS. RADOSTA: Cindy Lamar, which is 02-0292.
18 THE COURT: Okay.
19 MS. RADOSTA: 02-0338, Robyn Dolan.
20 THE COURT: Okay.
21 MS. RADOSTA: And then 02-0592, Elizabeth Ortega.
22 THE COURT: 02-0592. Okay. Hold on.
23 MS. RADOSTA: 02-0560, Duayne --
24 THE COURT: 02-0592?
25 MS. RADOSTA: No. 02 --

1 THE COURT: Oh.
2 MS. RADOSTA: -- 02-0592, which is Elizabeth Ortega.
3 THE COURT: 592?
4 MS. RADOSTA: I'm sorry, 529. I'm sorry.
5 THE COURT: Oh, okay.
6 MS. RADOSTA: That was me, Judge.
7 THE COURT: All right.
8 MS. RADOSTA: That was me.
9 THE COURT: 529, okay.
10 MS. RADOSTA: 529.
11 THE COURT: Okay.
12 MS. RADOSTA: 02-0560, which is Duayne Hoolapa.
13 THE COURT: Okay. Uh-huh.
14 MS. RADOSTA: And then 02-0608, Tanner Kaizer.
15 There are other people deeper into the pool --
16 THE COURT: 02-0608?
17 MS. RADOSTA: Oh, sorry. He's a stip. He -- we
18 already -- sorry, strike that last one.
19 THE COURT: Okay. All right. Okay. Is this based
20 on the answers that were given in their -- in their --
21 MS. RADOSTA: Yes.
22 THE COURT: Okay.
23 MS. RADOSTA: I'm sorry, Judge. There was one more.
24 THE COURT: Okay.
25 MS. RADOSTA: 02-0575, Guadalupe Venzor.

1 THE COURT: Okay. 575?

2 MS. RADOSTA: Yes, Judge.

3 THE COURT: Okay.

4 MS. RADOSTA: Based on the answers that were given
5 in their jury questionnaires where these people answered that
6 -- to the question, I believe it was --

7 THE COURT: Well --

8 MS. RADOSTA: -- question 20, that asked them if
9 they, as a juror, despite the graphic nature of the videotape,
10 can you promise to remain fair and impartial and objectively
11 evaluate all evidence before returning a verdict, please
12 discuss. These individuals answered that question in the
13 negative, no, can't be fair and impartial. Ms. Ortega
14 actually answered he's already guilty.

15 THE COURT: Okay.

16 MS. RADOSTA: And based on the Preciado case, Your
17 Honor, the -- the Preciado case held that you cannot have a
18 prospective juror who is anything less than unequivocal about
19 his or her impartiality should be excused for cause.

20 THE COURT: Okay.

21 MS. RADOSTA: It is our position that the answers
22 provided on the jury questionnaire are no different than
23 answers provided in court. They were sworn in prior to
24 answering the jury questionnaire and placed under oath when
25 they answered those questions.

1 THE COURT: Ms. -- Ms. Radosta?

2 MS. RADOSTA: Uh-huh.

3 THE COURT: Could it be possible, though, that an
4 individual could change their position in the time frame? And
5 that -- the reason why I say that is because -- because when I
6 asked the question that kind of sparked, there was a number of
7 individuals, and they've been excused based on their -- their
8 explanation to the Court why they couldn't be fair, when I
9 asked those questions, many individuals talked about -- talked
10 about, you know, the type of case, what it is, and -- and that
11 they can't -- they can't be fair, and those were excused.

12 MS. RADOSTA: Uh-huh.

13 THE COURT: The reason why I haven't -- I'm not in a
14 -- I'm not comfortable just striking them right now based on
15 that answer is because they had -- many of them had an
16 opportunity to address that very issue previously. But I'm --
17 but I'm not forestalling you having the opportunity to address
18 it again. And I would see, and I think it's a highly proper
19 question to say, you know what, I'm looking at No. 20 --

20 MS. RADOSTA: Uh-huh.

21 THE COURT: -- and you said you cannot be -- you
22 believe he is guilty --

23 MS. RADOSTA: Right.

24 THE COURT: -- or however you want to ask the
25 question. if they don't waiver from that, I will grant your

1 request.

2 MS. RADOSTA: Okay.

3 THE COURT: But if -- but if they -- if they say,
4 well, you know what, we've had an opportunity to think about
5 it more, I -- I've thought about it, and you know what, I, you
6 know, want to see what's going on. I understand now the
7 standard is the State has to prove beyond a reasonable doubt,
8 and I can hold them to that standard, I don't know whether I
9 would grant it or not.

10 MS. RADOSTA: Okay. Our position is pretty straight
11 forward, Judge. First and foremost, based on just
12 procedurally, based on the case that you gave us last time,
13 Sianzata (phonetic) --

14 THE COURT: Right.

15 MS. RADOSTA: -- we are -- we are in a position
16 where we need to be making this objection --

17 THE COURT: Uh-huh.

18 MS. RADOSTA: -- pretty much as -- as many times and
19 as often as we can, apparently, according to the --

20 THE COURT: Yeah.

21 MS. RADOSTA: -- you know, we need to --

22 THE COURT: No, I understand it.

23 MS. RADOSTA: -- we need to bring it up now --

24 THE COURT: And I'm not -- I'm not faulting you.

25 MS. RADOSTA: -- we need to bring it up then, we

1 need to --

2 THE COURT: I'm --

3 MS. RADOSTA: So that's --

4 THE COURT: I'm just saying that there are times
5 that I think people can change their mind. I don't know
6 whether or not they have done that, and I don't know whether
7 or not they are still of that same opinion. If they are still
8 of that same opinion, yes.

9 MS. RADOSTA: Right.

10 THE COURT: The question is how they represent to
11 the Court that they've either changed their mind that gives me
12 the understanding of whether or not it's an inferable bias
13 that they can't set aside.

14 In the case that you cited me to is the -- is the --
15 in that case, the particular juror had indicated that she was
16 a victim of a similar type of situation and said that she
17 could be fair, but she also said that she wasn't sure that
18 whether or not she could clear it out of her -- out of her
19 mind or whatever.

20 MS. RADOSTA: Right.

21 THE COURT: I felt that the answer, and this is
22 where I had issues with the court, is that what is the -- what
23 am I supposed to do when a person tells me I can be fair, I
24 can -- you know, I can do this, and -- how much farther are we
25 supposed to drill into their head? And so -- but --

1 MS. RADOSTA: And that --

2 THE COURT: -- you -- you're right. I mean, I think

3 that the state of the law, since that case alone has changed

4 in -- in a lot of regards to where it's put on my shoulders a

5 little bit tougher decision, and -- and I recognize that.

6 MS. RADOSTA: And --

7 THE COURT: And --

8 MS. RADOSTA: -- additionally, Your Honor, it's our

9 position --

10 THE COURT: And so --

11 MS. RADOSTA: -- that these specific people that I

12 mentioned here --

13 THE COURT: Uh-huh.

14 MS. RADOSTA: -- were -- they were definitive in

15 their can't be fair and impartial.

16 THE COURT: Well, I know, but that was --

17 MS. RADOSTA: They --

18 THE COURT: -- when they -- when they filled that

19 out.

20 MS. RADOSTA: But --

21 THE COURT: Okay.

22 MS. RADOSTA: Yes. But --

23 THE COURT: And -- and now we've -- we've discussed

24 -- there's been additional discussions with them about what

25 the standards are, what the requirements are of the State to

1 prove the case beyond a reasonable doubt, and that they are
2 dealt with just the facts, they're not a sentencing body, that
3 type of thing. So I don't know what went on their -- on their
4 -- in their mind when they read through the -- the jury
5 questionnaire.

6 MS. RADOSTA: But --

7 THE COURT: But -- but I understand what you're
8 saying. I do. And so if they still have that same frame of
9 mind when -- when we're questioning them, then I'm granting
10 your request.

11 MS. RADOSTA: Even -- in our opinion, Your Honor,
12 even if they don't still express that exact same frame of
13 mind, they are not unequivocal in their impartiality, though.

14 THE COURT: Well, we don't know that. We don't know
15 that because a --

16 MS. RADOSTA: They've -- but they've stated --

17 THE COURT: -- person can change.

18 MS. RADOSTA: -- but they're -- they have stated
19 under oath, Your Honor --

20 THE COURT: But --

21 MS. RADOSTA: -- that they can't be fair and
22 impartial.

23 THE COURT: Okay.

24 MS. RADOSTA: So I don't -- it's our opinion that
25 they can't ever walk -- walk that back to a point where they

1 would --

2 THE COURT: Uh-huh.

3 MS. RADOSTA: -- be unequivocal.

4 THE COURT: Well, you know what, I'd like to use --
5 and you -- you may find this to be kind of corny, but I like
6 to liken this with the same decision when you stand up in
7 front of a body and you are married, and you say that you will
8 abide by all your vows for the rest of your life unequivocally
9 and you're -- you're doing it with a -- in those settings. We
10 all know that changes and people change their mind, and they
11 -- and they decide otherwise for a number of reasons. And I
12 don't know if that's here or not. In the short period of
13 time, I venture to say it's probably not, but I want to hear
14 from them before.

15 MS. RADOSTA: All due respect, Your Honor, I
16 appreciate the analogy, but we aren't talking about, you know,
17 somebody not honoring their husband or wife in marriage here.
18 We're talking about whether or not somebody can be fair and
19 impartial when talking about potential life sentences for my
20 client. So it's not -- it's a -- it's an analogy, but it's
21 not in the same ballpark --

22 THE COURT: Okay.

23 MS. RADOSTA: -- as to whether or not somebody can
24 be -- can be fair and impartial or not --

25 THE COURT: Well --

1 MS. RADOSTA: -- fair and impartial. If their -- if
2 they took the time --

3 THE COURT: I -- I --

4 MS. RADOSTA: -- to write it down on their -- on
5 their jury questionnaire, I think we should respect that
6 answer for what it is. Some people may not feel comfortable
7 in this setting.

8 THE COURT: And some people may have done that in
9 light of the fact that they just don't want to do this trial.
10 Even though I understand, and I have to accept that they're
11 swearing that in, that -- that their answers are truthful, I
12 understand that. But we all know that individuals do that.
13 And so I'm -- I'm not -- I'm not denying your motion outright.
14 I'm not saying no, never, we ain't going to deal with it. I
15 want to see if there is some kind of information that they
16 would -- that would support why they changed their mind, if
17 they have.

18 MS. RADOSTA: With that, Your Honor, as we -- as we
19 go on today, and I know we're getting another 100 people, if
20 you would just allow me to later on amend the people that I am
21 objecting to for cause --

22 THE COURT: Okay.

23 MS. RADOSTA: -- prior to --

24 THE COURT: Okay.

25 MS. RADOSTA: -- based on their answers in the jury

1 questionnaire. I just wanted to do it for the people we have
2 in the courtroom right now, but it applies to many--

3 THE COURT: That's fine.

4 MS. RADOSTA: -- other people, as well.

5 THE COURT: Well, what I'm going to do today, so you
6 know how I'm going to handle this, we're going to finish
7 everybody in here. If I have that group right there, minus
8 five people, then all I'm looking for is five additional
9 people that can get past cause. If I have one person, then
10 I'm looking for 30 -- 33 people to get past cause. And that's
11 what I want to do.

12 I've -- I've told the jury commissioner that's where
13 we're going to go before we bring anybody else up. We're
14 going to get through this whole group and see where we're at,
15 how many people we have left that we need to address for
16 cause, okay. So we may --

17 MS. RADOSTA: Okay.

18 THE COURT: -- the optimist that I am, we may --

19 MS. RADOSTA: Very optimistic.

20 THE COURT: -- get that many out of here. I don't
21 know. We have probably about, maybe 20 plus people still in
22 the -- in the venire.

23 MS. RADOSTA: Right now we have basically what would
24 be a normal panel for one of these cases in the courtroom.

25 THE COURT: Yeah, but we've already removed a

1 considerable amount of people. So that's -- so that's what
2 I'm saying, is that let me get through the questions --

3 MS. RADOSTA: Okay.

4 THE COURT: -- that I have.

5 MS. RADOSTA: All right.

6 THE COURT: And, you know, and I don't -- Mr. -- Mr.
7 Sweetin is standing on this, so --

8 MR. SWEETIN: I do just want to make a record.

9 THE COURT: Okay. That's fine.

10 MR. SWEETIN: Defense counsel represented that each
11 of the individuals that she made reference to specifically
12 said that they could not be fair, and the State would dispute
13 that. There -- there are a number of them who clearly did not
14 say that. I'm going to give you a for instance of one of
15 them, and that would be Juror No. 0165, Mary Lamaster. And
16 what she says is she says, yeah, I can remain impartial, but I
17 can't imagine voting not guilty if -- if everything is on
18 video.

19 She clearly said I can be fair, I can be impartial,
20 but she's making reference, well, it's on video. That's a
21 natural response. That doesn't -- the State submits clearly
22 she's not saying she can't be fair to the contrary. And
23 there's a number of individuals like that, so we would dispute
24 that representation.

25 And also the case law is clear, as the Court has

1 indicated, that it's a totality of circumstances that the
2 Court uses in determining whether or not a juror can be -- can
3 be fair in the case and is an appropriate juror. And so the
4 State would submit it is appropriate to further question them
5 about statements that they might have made and the
6 circumstances under which they've made them, circumstance
7 under which they understood the question that was being asked.

8 THE COURT: Okay.

9 MS. RADOSTA: And I'm sorry, Your Honor, I just need
10 to -- I pulled out Ms. Lamaster -- or Handwerker-Lamaster's
11 jury questions. Her answer to question 20, can she be fair
12 and impartial and objectively evaluate. Quote, if there is
13 video evidence of the assault, how can someone be impartial?
14 I can objectively evaluate the evidence, but I cannot imagine,
15 quote, not guilty when there is video. She goes on to say on
16 the last page, I truly wish I could be objective and remain
17 emotionally unbiased, but this is not the type of case I can
18 do so on.

19 I think she's -- I mean, to me, that is -- it's not
20 a flat out, no, I can't be fair and impartial, she's -- she's
21 actually looking at herself and -- but she's telling us she
22 cannot be unbiased --

23 THE COURT: Okay.

24 MS. RADOSTA: -- in her -- in her answers, Judge.
25 So --

1 THE COURT: Well, here -- here's the dilemma that I
2 think that we find in -- in many of these cases with the new
3 technology that we have is that I -- I see it harder and
4 harder for jurors to -- to give any credence or discretion to
5 a defense when there is the extent of the evidence sometimes.
6 And so -- so the question that -- that -- with her answer
7 about I don't know if I can find myself being, you know, fair
8 and impartial due to the evidence, that leads me to believe
9 that she doesn't necessarily understand how it's applied. So
10 that -- that's what I'm saying. I'm just -- I'm not telling
11 you no.

12 MS. RADOSTA: I know.

13 THE COURT: I just want to make sure that before we
14 just openly start removing individuals from statements that
15 they make in their -- in their documents that maybe were not
16 very well drafted or very well thought out, and maybe
17 something that they've -- they've changed their perception on
18 that with further questioning, I want to make sure.

19 And that's the totality of the circumstance position
20 that Mr. Sweetin is addressing, and I do have that obligation.
21 So let's -- let's do that and see where we're at. Many of
22 these -- Ms. Radosta, I believe many of them, you're probably
23 right, under these circumstances, under these type of cases,
24 that they probably couldn't.

25 MS. RADOSTA: Uh-huh.

1 THE COURT: And so your motion is going to be
2 granted with that.

3 MS. RADOSTA: Okay.

4 THE COURT: But -- okay. So other than that, let's
5 go ahead and get the jury in and -- and we'll get started with
6 them, okay. I'm going to go for probably about, since we're
7 coming up on 11:00, I'm probably going to go until about maybe
8 1:00 and then let them go to lunch. Okay. All right.

9 Guys, what I'm going to do is Ed is going to tell me
10 whether or not everybody is here because he -- he comes in and
11 tells me before we're started. Do you want me to call roll
12 again, or do you -- or will you stipulate based on his
13 representation?

14 MR. SWEETIN: Yeah, we'll stipulate.

15 MS. RADOSTA: We'll stipulate on his representation.

16 THE COURT: Okay. Great.

17 (Inside the presence of the prospective jury)

18 THE COURT: All right. Okay. Everybody go ahead
19 and have a seat. We're back on the record in the case of
20 State of Nevada versus Christopher Sena in C311453.

21 THE MARSHAL: Judge, we have one more coming.

22 THE COURT: Oh. I thought she just walked in.

23 THE MARSHAL: Yeah, we have one in the back here.

24 THE COURT: One more. Okay. So good -- good thing
25 I started 45 minutes late.

1 THE MARSHAL: They were all here on time.
2 THE COURT: I know.
3 THE MARSHAL: Except maybe just one.
4 (Pause in proceedings)
5 THE COURT: Okay. Once again, we're on the record
6 in State of Nevada vs. Christopher Sena in C311453. I'd like
7 the record reflect the presence of the defendant and his
8 counsel, as well as the State and their counsel.
9 Ed, did all the jurors answer the call?
10 THE MARSHAL: Yes.
11 THE COURT: Will the parties stipulate to the
12 presence of the prospective jury panel?
13 MR. SWEETIN: Yes, Judge.
14 MS. RADOSTA: Yes, Your Honor.
15 THE COURT: All right. Ladies and gentlemen, before
16 we took our break last night, we were involved in questioning
17 by the Court. I have some more questions that I'm going to be
18 asking specifically of you one at a time.
19 Ed, do you have the mic? Do you want to give it to
20 -- is it Ms. Dickens?
21 PROSPECTIVE JUROR NO. 326: Yes.
22 THE COURT: Okay. Badge 326. Ms. Dickens, how long
23 have you lived in Las Vegas?
24 PROSPECTIVE JUROR NO. 326: Born and raised.
25 THE COURT: And are you employed?

1 PROSPECTIVE JUROR NO. 326: I am.
2 THE COURT: What do you do for work?
3 PROSPECTIVE JUROR NO. 326: Internal tech support
4 for UPS.
5 THE COURT: Excuse me?
6 PROSPECTIVE JUROR NO. 326: Internal tech support
7 for UPS.
8 THE COURT: Okay. And how far did you get in your
9 education?
10 PROSPECTIVE JUROR NO. 326: Some college.
11 THE COURT: What were you studying?
12 PROSPECTIVE JUROR NO. 326: Computer information
13 systems.
14 THE COURT: Okay. And are you married?
15 PROSPECTIVE JUROR NO. 326: No.
16 THE COURT: I -- I can't hear you.
17 PROSPECTIVE JUROR NO. 326: No.
18 THE COURT: Okay. Do you have any children?
19 PROSPECTIVE JUROR NO. 326: No.
20 THE COURT: Have you ever served as a juror before?
21 PROSPECTIVE JUROR NO. 326: No.
22 THE COURT: Have you or anyone close to you, such as
23 a family member or a friend, ever been a victim of a crime?
24 PROSPECTIVE JUROR NO. 326: No.
25 THE COURT: Have you or anyone close to you, such as

1 a family member or friend, ever been accused of a crime?

2 PROSPECTIVE JUROR NO. 326: No.

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

7 PROSPECTIVE JUROR NO. 326: No.

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

12 PROSPECTIVE JUROR NO. 326: Yes.

13 THE COURT: The reason I ask that, ladies and
14 gentlemen, is that -- is that the defendant's -- defense
15 attorneys have always made a point to remind the Court that
16 the case isn't done until I've instructed them on the law.

17 And the reason why I say that is because it's --
18 it's been my experience in some cases where the -- the State
19 has presented their case, I've seen jurors then just cross
20 their hands and sit back and not -- it appears not -- I mean,
21 they may be, I don't know what's going on, but it appears that
22 they're not listening to anything further.

23 So until all the evidence has been presented,
24 everyone has rested their case and I have instructed you on
25 the law, that is when you're to make the determination, when

1 you -- if you are on my jury, back in the jury deliberation
2 room.

3 So that's what I ask about. And -- and there's
4 going to be some questions of a lot of you based on your
5 questionnaire that you've given as to some of maybe forming
6 your opinion already. And so that's what -- that's what I'm
7 talking about. So when I ask you that question, I'm not
8 singling anyone of you out for that, everyone is going to have
9 that same question, okay. All right.

10 Do you know of any reason why you couldn't be
11 completely fair and impartial if you're selected here?

12 PROSPECTIVE JUROR NO. 326: Nothing that I can think
13 of, no.

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

16 PROSPECTIVE JUROR NO. 326: No.

17 THE COURT: All right. Thank you, Ms. Dickens. Can
18 you pass that Juror No. 10 -- Badge No. 10, is Juror No. 2,
19 Mauricio Molina.

20 Mr. Molina, how long have you lived in Las Vegas?

21 PROSPECTIVE JUROR NO. 010: 17 years.

22 THE COURT: And are -- are you employed?

23 PROSPECTIVE JUROR NO. 010: Yes, I am.

24 THE COURT: What do you do for work?

25 PROSPECTIVE JUROR NO. 010: I'm an assistant

1 principle in the school district.

2 THE COURT: Okay. And how far did you get in your
3 education?

4 PROSPECTIVE JUROR NO. 010: I have two master's
5 degrees.

6 THE COURT: Okay. And are you married?

7 PROSPECTIVE JUROR NO. 010: Yes.

8 THE COURT: Is your spouse employed?

9 PROSPECTIVE JUROR NO. 010: Yes.

10 THE COURT: What does your spouse do?

11 PROSPECTIVE JUROR NO. 010: She's also an
12 administrator in the school district.

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

14 PROSPECTIVE JUROR NO. 010: Yes.

15 THE COURT: How many?

16 PROSPECTIVE JUROR NO. 010: One.

17 THE COURT: How old?

18 PROSPECTIVE JUROR NO. 010: 12.

19 THE COURT: Okay. Have you ever served as a juror
20 before?

21 PROSPECTIVE JUROR NO. 010: I have not.

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

24 PROSPECTIVE JUROR NO. 010: No.

25 THE COURT: Accused of a crime?

1 PROSPECTIVE JUROR NO. 010: No.

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

6 PROSPECTIVE JUROR NO. 010: No.

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

11 PROSPECTIVE JUROR NO. 010: Yes, I can.

12 THE COURT: Okay. Can you think of any reason why
13 you couldn't be completely fair and impartial if you are
14 selected here?

15 PROSPECTIVE JUROR NO. 010: No.

16 THE COURT: Is there any medical reason that would
17 prevent you from participating?

18 PROSPECTIVE JUROR NO. 010: No.

19 THE COURT: Okay. All right. Mr. Molina, thank you
20 so much. Can you pass that to Badge 313 -- 315, is Juror No.
21 3.

22 Is it Siani Morris?

23 PROSPECTIVE JUROR NO. 315: Yes.

24 THE COURT: Did I say that right?

25 PROSPECTIVE JUROR NO. 315: Yes.

1 THE COURT: Ms. Morris, how long have you lived in
2 Las Vegas?

3 PROSPECTIVE JUROR NO. 315: My whole life.

4 THE COURT: And are you employed?

5 PROSPECTIVE JUROR NO. 315: No.

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

7 PROSPECTIVE JUROR NO. 315: I graduated.

8 THE COURT: From high school?

9 PROSPECTIVE JUROR NO. 315: Uh-huh.

10 THE COURT: Are you in college now, or --

11 PROSPECTIVE JUROR NO. 315: Yes.

12 THE COURT: What are you studying?

13 PROSPECTIVE JUROR NO. 315: Early childhood
14 development.

15 THE COURT: Okay. What grade are you in?

16 PROSPECTIVE JUROR NO. 315: Well, it's online. I'm
17 actually just doing it for a certificate.

18 THE COURT: Okay. All right. And are you -- are
19 you married?

20 PROSPECTIVE JUROR NO. 315: No.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 315: No.

23 THE COURT: All right. Have you ever served as a
24 juror before?

25 PROSPECTIVE JUROR NO. 315: No.

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

3 PROSPECTIVE JUROR NO. 315: No.

4 THE COURT: How about accused of a crime?

5 PROSPECTIVE JUROR NO. 315: Nope.

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

10 PROSPECTIVE JUROR NO. 315: No.

11 THE COURT: And can you wait in forming your opinion
12 as to the guilty or innocence until all the evidence has been
13 presented and I have instructed you on the law?

14 PROSPECTIVE JUROR NO. 315: Yes.

15 THE COURT: Can you think of any reason why you
16 couldn't be completely fair and impartial if you're selected
17 here?

18 PROSPECTIVE JUROR NO. 315: Nope.

19 THE COURT: Is there any medical reason that would
20 prevent you from participating?

21 PROSPECTIVE JUROR NO. 315: No.

22 THE COURT: Okay. All right. Thank you, Ms.
23 Morris. Can you pass that to Badge No. 4, is -- is -- I'm
24 sorry, Seat No. 4, Badge 049, is Sofia Koutseva.

25 PROSPECTIVE JUROR NO. 049: Yes.

1 THE COURT: How do you pronounce the last name?
2 PROSPECTIVE JUROR NO. 049: Koutseva.
3 THE COURT: Koutseva?
4 PROSPECTIVE JUROR NO. 049: Uh-huh.
5 THE COURT: Okay. Ms. Koutseva, how long have you
6 lived in Las Vegas?
7 PROSPECTIVE JUROR NO. 049: 12 years.
8 THE COURT: And where are you from originally?
9 PROSPECTIVE JUROR NO. 049: From Russia.
10 THE COURT: Okay. And are you employed?
11 PROSPECTIVE JUROR NO. 049: Yes.
12 THE COURT: What do you do for work?
13 PROSPECTIVE JUROR NO. 049: Massage therapist.
14 THE COURT: Okay. And how far did you get in your
15 education?
16 PROSPECTIVE JUROR NO. 049: I have an associate's in
17 accounting.
18 THE COURT: In accounting?
19 PROSPECTIVE JUROR NO. 049: Uh-huh.
20 THE COURT: Is that a yes?
21 PROSPECTIVE JUROR NO. 049: Yes.
22 THE COURT: Okay. And are you married?
23 PROSPECTIVE JUROR NO. 049: No.
24 THE COURT: Do you have any children?
25 PROSPECTIVE JUROR NO. 049: No.

1 THE COURT: Have you ever served as a juror before?
2 PROSPECTIVE JUROR NO. 049: No.
3 THE COURT: Have you or anyone close to you, such as
4 a family member or friend, ever been a victim of a crime?
5 PROSPECTIVE JUROR NO. 049: No.
6 THE COURT: Accused of a crime?
7 PROSPECTIVE JUROR NO. 049: No.
8 THE COURT: Would you have a tendency to give more
9 weight or credence or less weight or credence to the testimony
10 of a police officer simply because he or she is a police
11 officer?
12 PROSPECTIVE JUROR NO. 049: No.
13 THE COURT: And can you wait in forming your opinion
14 as to the guilt or innocence of the defendant until all of the
15 evidence has been presented and I've instructed you on the
16 law?
17 PROSPECTIVE JUROR NO. 049: Yes.
18 THE COURT: Okay. Can you think of any reason why
19 you couldn't be completely fair and impartial if you are
20 selected here?
21 PROSPECTIVE JUROR NO. 049: No.
22 THE COURT: Is there any medical reason that would
23 prevent you from participating?
24 PROSPECTIVE JUROR NO. 049: No.
25 THE COURT: Okay. Thank you so much Ms. Koutseva.

1 Can you pass that to Ericka Rice, is Seat 5, Badge 062.
2 Ms. Rice, how long have you lived in Las Vegas?
3 PROSPECTIVE JUROR NO. 062: 14 years.
4 THE COURT: Where are you from originally?
5 PROSPECTIVE JUROR NO. 062: Mexico.
6 THE COURT: Okay. And are you employed?
7 PROSPECTIVE JUROR NO. 062: Yes.
8 THE COURT: What do you do for work?
9 PROSPECTIVE JUROR NO. 062: Pharmacist technician.
10 THE COURT: Okay. And how far did you get in your
11 education?
12 PROSPECTIVE JUROR NO. 062: GED.
13 THE COURT: Okay. And are you married?
14 PROSPECTIVE JUROR NO. 062: Yes.
15 THE COURT: Is your spouse employed?
16 PROSPECTIVE JUROR NO. 062: Yes.
17 THE COURT: What does your spouse do?
18 PROSPECTIVE JUROR NO. 062: Sales.
19 THE COURT: Okay. And do you have any children?
20 PROSPECTIVE JUROR NO. 062: No.
21 THE COURT: Have you ever served as a juror before?
22 PROSPECTIVE JUROR NO. 062: No.
23 THE COURT: Have you or anyone close to you, such as
24 a family member or friend, ever been a victim of a crime?
25 PROSPECTIVE JUROR NO. 062: No.

1 THE COURT: Accused of a crime?
2 PROSPECTIVE JUROR NO. 062: No.
3 THE COURT: Okay. Would you have a tendency to give
4 more weight or credence or less weight or credence to the
5 testimony of a police officer simply because he or she is a
6 police officer?
7 PROSPECTIVE JUROR NO. 062: No.
8 THE COURT: Can you wait in forming your opinion as
9 to the guilt or innocence of the defendant until all the
10 evidence has been presented and I've instructed you on the
11 law?
12 PROSPECTIVE JUROR NO. 062: Yes.
13 THE COURT: Okay. Can you think of any reason why
14 you couldn't be completely fair and impartial if you're
15 selected here?
16 PROSPECTIVE JUROR NO. 062: No.
17 THE COURT: Is there any medical reason that would
18 prevent you from participating?
19 PROSPECTIVE JUROR NO. 062: No.
20 THE COURT: All right. Thank you, Ms. Rice. Can
21 you pass that to Juror No. 6, Badge No. 072, Angelica Mullins.
22 PROSPECTIVE JUROR NO. 072: Angelica.
23 THE COURT: Angelica. Ms. Mullins, how long have
24 you lived in Las Vegas?
25 PROSPECTIVE JUROR NO. 072: Almost 22 years.

1 THE COURT: And are you employed?
2 PROSPECTIVE JUROR NO. 072: Yes.
3 THE COURT: What do you do for work?
4 PROSPECTIVE JUROR NO. 072: Marketing.
5 THE COURT: And how far did you get in your
6 education?
7 PROSPECTIVE JUROR NO. 072: Associate's.
8 THE COURT: Okay. In what?
9 PROSPECTIVE JUROR NO. 072: English.
10 THE COURT: Okay. And are you married?
11 PROSPECTIVE JUROR NO. 072: No.
12 THE COURT: Do you have any children?
13 PROSPECTIVE JUROR NO. 072: No.
14 THE COURT: And have you ever served as a juror
15 before?
16 PROSPECTIVE JUROR NO. 072: No.
17 THE COURT: Have you or anyone close to you, such as
18 a family member or friend, ever been the victim of a crime?
19 PROSPECTIVE JUROR NO. 072: Yes.
20 THE COURT: Can you tell us about it?
21 PROSPECTIVE JUROR NO. 072: My sister was murdered
22 in California.
23 THE COURT: How long ago was that?
24 PROSPECTIVE JUROR NO. 072: Almost 11 years.
25 THE COURT: Okay. Were you living with her when it

1 occurred?

2 PROSPECTIVE JUROR NO. 072: No.

3 THE COURT: Okay. She older or younger?

4 PROSPECTIVE JUROR NO. 072: Older.

5 THE COURT: Do you know anything about the case?

6 PROSPECTIVE JUROR NO. 072: Do you want me to tell

7 you what happened?

8 THE COURT: Yeah. Do you know anything -- you don't

9 have to tell me anything, but do you know about it?

10 PROSPECTIVE JUROR NO. 072: Yes.

11 THE COURT: When you learned about it, did you learn

12 about it through family members and --

13 PROSPECTIVE JUROR NO. 072: Yes.

14 THE COURT: -- or did you -- did you witness the

15 trial at all or witness --

16 PROSPECTIVE JUROR NO. 072: No.

17 THE COURT: -- what happened in the courts --

18 PROSPECTIVE JUROR NO. 072: No.

19 THE COURT: -- assuming that something happened in

20 the court?

21 PROSPECTIVE JUROR NO. 072: Yes, something did

22 happen in the court. I was not there.

23 THE COURT: Okay. So they -- they apprehended the

24 individual?

25 PROSPECTIVE JUROR NO. 072: He killed himself.

1 THE COURT: Okay. Do you feel like under the
2 circumstances of -- of what happened to your sister that you
3 think that that would affect your ability to be fair and
4 impartial here?

5 PROSPECTIVE JUROR NO. 072: No.

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

9 PROSPECTIVE JUROR NO. 072: No.

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

14 PROSPECTIVE JUROR NO. 072: No.

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

19 PROSPECTIVE JUROR NO. 072: Yes, I can.

20 THE COURT: And do you know of any reason why you
21 couldn't be completely fair and impartial?

22 PROSPECTIVE JUROR NO. 072: No.

23 THE COURT: Is there any medical reason that would
24 prevent you from participating?

25 PROSPECTIVE JUROR NO. 072: No.

1 THE COURT: Okay. Thank you, Ms. Mullins. Can you
2 pass that to Efrain Mendez, is badge 334 in Seat 7.
3 Mr. Mendez, how long have you lived in Las Vegas?
4 PROSPECTIVE JUROR NO. 334: 17 years.
5 THE COURT: And right now you're not employed;
6 right?
7 PROSPECTIVE JUROR NO. 334: I'm unemployed.
8 THE COURT: Okay. And what do you do when you're
9 employed?
10 PROSPECTIVE JUROR NO. 334: I'm right now looking
11 for work because it's been three months since I lost my other
12 job. And I was in the culinary. They're fighting for my job
13 right now.
14 THE COURT: Okay. What did -- what did you do with
15 the culinary?
16 PROSPECTIVE JUROR NO. 334: I was loading and
17 unloading trucks at the Wynn Hotel.
18 THE COURT: Okay. And how far did you get in your
19 education?
20 PROSPECTIVE JUROR NO. 334: I got to ninth grade.
21 THE COURT: Is your -- you're married; right?
22 PROSPECTIVE JUROR NO. 334: Yes.
23 THE COURT: And your spouse is employed?
24 PROSPECTIVE JUROR NO. 334: Yes, she is.
25 THE COURT: What does she do?

1 PROSPECTIVE JUROR NO. 334: She's a clerk for the
2 school district.

3 THE COURT: Okay. And how many children do you
4 have?

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

6 THE COURT: How old are they?

7 PROSPECTIVE JUROR NO. 334: My son is 30 and my
8 daughter is 24.

9 THE COURT: Do they work?

10 PROSPECTIVE JUROR NO. 334: My daughter, she works.

11 THE COURT: What does she do?

12 PROSPECTIVE JUROR NO. 334: She works for the
13 Cosmopolitan like in retail.

14 THE COURT: Okay. And you said your son is
15 disabled; is that correct?

16 PROSPECTIVE JUROR NO. 334: Learning disabled.

17 THE COURT: Learning --

18 PROSPECTIVE JUROR NO. 334: Learning --

19 THE COURT: -- disabled?

20 PROSPECTIVE JUROR NO. 334: -- disabled, yeah.

21 THE COURT: Okay. Have you ever served as a juror
22 before?

23 PROSPECTIVE JUROR NO. 334: No.

24 THE COURT: Have you or anyone close to you, such as
25 a family member or friend, ever been the victim of a crime?

1 PROSPECTIVE JUROR NO. 334: No.

2 THE COURT: Accused of a crime?

3 PROSPECTIVE JUROR NO. 334: Can you repeat the
4 question again?

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

7 PROSPECTIVE JUROR NO. 334: Yes. Yes.

8 THE COURT: Can you tell us about that?

9 PROSPECTIVE JUROR NO. 334: A friend of mine, he
10 went on like a rampage with his friends when I was like 18,
11 19, just -- he just shot one -- somebody, but they were
12 looking for him. And I don't know if they found him because
13 he went to Puerto Rico and that's all I heard. It was a
14 friend that I knew, that we hanged out, but I don't know what
15 happened with the case.

16 THE COURT: Okay. So you don't know whether or not
17 they actually caught him?

18 PROSPECTIVE JUROR NO. 334: No.

19 THE COURT: But you do know that you were with -- I
20 mean, you knew some information that he possibly shot at
21 somebody?

22 PROSPECTIVE JUROR NO. 334: Yeah. That's all they
23 were saying because I was in --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 334: -- the playground, yeah.

1 THE COURT: Okay. So -- so there were some
2 accusers, but they never actually were able to follow through
3 with that?

4 PROSPECTIVE JUROR NO. 334: Yes.

5 THE COURT: Okay. Anybody else?

6 PROSPECTIVE JUROR NO. 334: No.

7 THE COURT: Okay. Is there anything about what you
8 know about that case and your friend that you think would
9 affect your ability to be fair and impartial here?

10 PROSPECTIVE JUROR NO. 334: No.

11 THE COURT: Okay. Would you have a tendency to give
12 more weight or credence or less weight or credence to the
13 testimony of a police officer simply because he or she is a
14 police officer?

15 PROSPECTIVE JUROR NO. 334: No.

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

20 PROSPECTIVE JUROR NO. 334: Yes.

21 THE COURT: Okay. Do you know of any reason why you
22 couldn't be completely fair and impartial if you were selected
23 here?

24 PROSPECTIVE JUROR NO. 334: I just -- because I
25 don't have a job and I'm looking for work and my -- my wife is

1 going to get operated soon. And I got a doctor's note here
2 that, you know, I have to keep driving her because of her --
3 her cuff is torn, and she got her two knees messed up. So
4 she's going to get operated, and tomorrow she's got an
5 appointment. I'm the only one that can drive her. So, I
6 mean, it's going to be kind of hard for me.

7 THE COURT: So you have a doctor's appointment for
8 your wife tomorrow?

9 PROSPECTIVE JUROR NO. 334: At 1:30. And I had to
10 pick her up at 6:00 and she got out at 3:30. And I had to
11 bring her to the doctor to get her MRI, so it was -- it was a
12 little hard for her because she cannot drive with her right
13 hand because of her torn -- her torn cuff.

14 THE COURT: So she's not working now?

15 PROSPECTIVE JUROR NO. 334: She's working, but she
16 cannot lift around only so much, because if she doesn't work,
17 we're not going to have no money to pay the mortgage, to pay
18 the rest of the bills, the car payments. So I'm in a little
19 -- I'm in a little situation right now.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 334: And I do have the note
22 if you want the doctor's note.

23 THE COURT: Ed -- Ed, do you want to get that?

24 Sir, I can't see on this where it says that she's
25 got an appointment tomorrow. It -- I mean, am I misreading

1 it?

2 PROSPECTIVE JUROR NO. 334: No. I just wrote the
3 other letter there, but --

4 THE COURT: Right.

5 PROSPECTIVE JUROR NO. 334: -- but she had got the
6 MRI, too, and it was a little disc they gave her to -- letting
7 her know that she had that -- that problem with her shoulders
8 and knees because she had fell. And they took out liquid out
9 of her knees because they're getting swollen again, so she's
10 going to go tomorrow to find out when they're going to start
11 the operation.

12 THE COURT: Okay. Call Minddie.

13 Okay. I'm going to check on this, okay, to see --

14 PROSPECTIVE JUROR NO. 334: All right.

15 THE COURT: -- see what they got to do. Based on
16 that, is it -- my next question would be is there any medical
17 reason, other than what you've told me here, with regards to
18 you that would prevent you from being -- participating here?

19 PROSPECTIVE JUROR NO. 334: No.

20 THE COURT: Okay. Let me -- let me make a phone
21 call and see what they've got going on with that to see if
22 they -- because sometimes they'll have the ability to maybe --
23 maybe transport her or something, so I'm just going to check
24 and see, okay.

25 PROSPECTIVE JUROR NO. 334: All right.

1 THE COURT: All right. Okay. Mr. Efrain, thank you
2 so much. Can you pass that over then to -- is it Robyn Dolan?
3 PROSPECTIVE JUROR NO. 338: Yes.
4 THE COURT: It's Badge 338. She's in Seat -- Seat
5 8. Ms. Dolan, how long have you lived in Las Vegas?
6 PROSPECTIVE JUROR NO. 338: Approximately 25 years.
7 THE COURT: Okay. Are you employed?
8 PROSPECTIVE JUROR NO. 338: Yes.
9 THE COURT: What do you do for work?
10 PROSPECTIVE JUROR NO. 338: I'm a teacher with the
11 Clark County School District.
12 THE COURT: How far did you get in your education?
13 PROSPECTIVE JUROR NO. 338: I have two master's
14 degrees.
15 THE COURT: Okay. And are you -- are you married?
16 PROSPECTIVE JUROR NO. 338: Yes.
17 THE COURT: Is your spouse employed?
18 PROSPECTIVE JUROR NO. 338: No. No, he's on
19 disability. Permanent disability.
20 THE COURT: Okay. Do you have any children?
21 PROSPECTIVE JUROR NO. 338: Yes.
22 THE COURT: How many?
23 PROSPECTIVE JUROR NO. 338: Two.
24 THE COURT: How old are they?
25 PROSPECTIVE JUROR NO. 338: 25 and 30.

1 THE COURT: Do they work?
2 PROSPECTIVE JUROR NO. 338: Yes.
3 THE COURT: Can tell us what they do for employment.
4 PROSPECTIVE JUROR NO. 338: My youngest is a
5 software engineer for Zappos, and my oldest is assistant
6 manager at Check City and is going to school.
7 THE COURT: Okay. Have you ever served as a juror
8 before?
9 PROSPECTIVE JUROR NO. 338: No.
10 THE COURT: Have you or anyone close to you, such as
11 a family member or friend, ever been a victim of a crime?
12 PROSPECTIVE JUROR NO. 338: Quite a few years ago I
13 was hit by a drunk driver and my car was smashed.
14 THE COURT: Here in Las Vegas?
15 PROSPECTIVE JUROR NO. 338: Yeah.
16 THE COURT: Did -- did they catch him --
17 PROSPECTIVE JUROR NO. 338: They did.
18 THE COURT: -- or her?
19 PROSPECTIVE JUROR NO. 338: They did. And it's the
20 only time I've been in a courtroom was to -- to show up in
21 case I needed to testify --
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NO. 338: -- which I didn't.
24 THE COURT: Do you think under the circumstances of
25 what you know of that case you were treated appropriately?

1 PROSPECTIVE JUROR NO. 338: Oh, I was -- yeah, it --
2 it was not a bad experience at all.

3 THE COURT: Okay. Do you hold any type of ill will
4 against anybody because of that?

5 PROSPECTIVE JUROR NO. 338: Oh, no. Certainly not.

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

9 PROSPECTIVE JUROR NO. 338: Definitely not.

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

13 PROSPECTIVE JUROR NO. 338: Interestingly enough, my
14 daughter had a DUI. I think it was probably eight years ago.
15 It was my oldest daughter and she was convicted.

16 THE COURT: Here in Las Vegas?

17 PROSPECTIVE JUROR NO. 338: Yes.

18 THE COURT: Was she still living with you at the
19 time?

20 PROSPECTIVE JUROR NO. 338: No, she was living with
21 her dad --

22 THE COURT: Were you --

23 PROSPECTIVE JUROR NO. 338: -- who --

24 THE COURT: -- aware of it?

25 PROSPECTIVE JUROR NO. 338: Not --

1 THE COURT: Were you aware?

2 PROSPECTIVE JUROR NO. 338: -- not immediately, no.
3 About a day later.

4 THE COURT: Okay. Is there anything about what you
5 know of that case and what happened with your -- your daughter
6 that you think would affect your ability to be fair and
7 impartial here?

8 PROSPECTIVE JUROR NO. 338: Certainly not, no.

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

13 PROSPECTIVE JUROR NO. 338: No. No.

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

18 PROSPECTIVE JUROR NO. 338: Oh, yes. Definitely.

19 THE COURT: Do you know of any reason why whatsoever
20 that you couldn't be completely fair and impartial if you're
21 selected here?

22 PROSPECTIVE JUROR NO. 338: No.

23 THE COURT: Is there any medical reason that would
24 prevent you from participating?

25 PROSPECTIVE JUROR NO. 338: No.

1 THE COURT: Okay. Thank you so much, Ms. Dolan.
2 PROSPECTIVE JUROR NO. 338: Thank you.
3 THE COURT: Can you pass that to Daniel Farrell, is
4 Seat 9, Badge 94.
5 Mr. Farrell, how long have you lived in Las Vegas?
6 PROSPECTIVE JUROR NO. 094: Over 20 years.
7 THE COURT: Excuse me?
8 PROSPECTIVE JUROR NO. 094: Over 20 years. Just
9 over 20 years.
10 THE COURT: Oh, okay. I think it's my ears, not
11 you. Okay. And are you employed?
12 PROSPECTIVE JUROR NO. 094: Yes.
13 THE COURT: And what do you do again, sales?
14 PROSPECTIVE JUROR NO. 094: Yeah, I'm the general
15 manager of a used car dealership.
16 THE COURT: Okay. And how far did you get in your
17 education?
18 PROSPECTIVE JUROR NO. 094: High school.
19 THE COURT: And are you married?
20 PROSPECTIVE JUROR NO. 094: Yes.
21 THE COURT: Is your spouse employed?
22 PROSPECTIVE JUROR NO. 094: No.
23 THE COURT: Do you have any children?
24 PROSPECTIVE JUROR NO. 094: Yes.
25 THE COURT: How old?

1 PROSPECTIVE JUROR NO. 094: There is one that's five
2 and the other is two.

3 THE COURT: Okay. And have you ever served as a
4 juror before?

5 PROSPECTIVE JUROR NO. 094: No.

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

8 PROSPECTIVE JUROR NO. 094: Yes. My -- my sister,
9 she was raped, and that was about 10 years ago, but nothing
10 ever progressed from it.

11 THE COURT: Okay. Were you living with her at the
12 time or --

13 PROSPECTIVE JUROR NO. 094: Yes.

14 THE COURT: Okay. How old was she?

15 PROSPECTIVE JUROR NO. 094: About -- I want to say
16 she was 17.

17 THE COURT: Okay. Was it somebody that she knew?

18 PROSPECTIVE JUROR NO. 094: No, I think it was
19 somebody she had just met.

20 THE COURT: Okay. And how old were you?

21 PROSPECTIVE JUROR NO. 094: I was -- I'm a year
22 younger than her, so --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 094: -- whatever.

25 THE COURT: 16?

1 PROSPECTIVE JUROR NO. 094: Yeah, around there.

2 THE COURT: Is there anything about what you know of
3 that case and what -- what your sister went through that you
4 think would affect your ability to be fair and impartial here?

5 PROSPECTIVE JUROR NO. 094: No.

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

9 PROSPECTIVE JUROR NO. 094: I had to appear once for
10 a worker's comp case.

11 THE COURT: So you believe that you were accused of
12 a crime?

13 PROSPECTIVE JUROR NO. 094: I -- I don't know if it
14 -- it would be considered a crime, but it was something that
15 they -- they said that it could have been a misdemeanor, but
16 it was settled outside of court.

17 THE COURT: A misdemeanor that you made?

18 PROSPECTIVE JUROR NO. 094: Yeah. It -- it was --
19 it was against me, but it was nothing -- it never progressed.
20 Like I had --

21 THE COURT: In a -- in a workman's comp case?

22 PROSPECTIVE JUROR NO. 094: Yes.

23 THE COURT: One of your employees?

24 PROSPECTIVE JUROR NO. 094: No, it was about
25 coverage. Because we had an issue when we first started our

1 business were I guess we didn't have the right coverages for
2 worker's comp.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 094: So it -- it wasn't
5 anything serious, I believe --

6 THE COURT: I --

7 PROSPECTIVE JUROR NO. 094: -- because we got --

8 THE COURT: I understand.

9 PROSPECTIVE JUROR NO. 094: -- out of it pretty
10 quick.

11 THE COURT: I understand. Yeah. So you -- you
12 talked -- did you talk to the Attorney General on that?

13 PROSPECTIVE JUROR NO. 094: We -- I never personally
14 did. We hired an attorney and he took care of it for us.

15 THE COURT: Okay. Is there anything about what you
16 know of that case you think would affect your ability to be
17 fair and impartial here?

18 PROSPECTIVE JUROR NO. 094: No.

19 THE COURT: All right. Would you have a tendency to
20 give more weight or credence or less weight or credence to the
21 testimony of a police officer simply because he or she is a
22 police officer?

23 PROSPECTIVE JUROR NO. 094: No.

24 THE COURT: Can you wait in forming your opinion as
25 to the guilt or innocence of the defendant until all the

1 evidence has been presented and I have instructed you on the
2 law?

3 PROSPECTIVE JUROR NO. 094: Yes.

4 THE COURT: Do you know of any reason why you
5 couldn't be completely fair and impartial if you were selected
6 here?

7 PROSPECTIVE JUROR NO. 094: No.

8 THE COURT: Is there any medical reason that would
9 prevent you from participating?

10 PROSPECTIVE JUROR NO. 094: No.

11 THE COURT: All right. Thank you, Mr. Farrell. Can
12 you pass that to Ryan Milligan. He's in Seat 10, Badge 105.

13 All right. Mr. Milligan, how long have you lived in
14 Las Vegas?

15 PROSPECTIVE JUROR NO. 105: Almost eight years.

16 THE COURT: Where are you from originally?

17 PROSPECTIVE JUROR NO. 105: New Jersey.

18 THE COURT: Okay. And you're employed at the
19 military?

20 PROSPECTIVE JUROR NO. 105: Correct.

21 THE COURT: And what do you do for the military?

22 PROSPECTIVE JUROR NO. 105: Right now quality
23 assurance --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 105: -- for our maintenance

1 crew.

2 THE COURT: Okay. And how far did you get in your
3 education?

4 PROSPECTIVE JUROR NO. 105: Associate's.

5 THE COURT: In what?

6 PROSPECTIVE JUROR NO. 105: I have one in business
7 and one in information systems.

8 THE COURT: Okay. And are you married?

9 PROSPECTIVE JUROR NO. 105: No.

10 THE COURT: That's right. You talked about you have
11 a girlfriend; right?

12 PROSPECTIVE JUROR NO. 105: Significant other, yeah.

13 THE COURT: Okay. And so does your significant
14 other work?

15 PROSPECTIVE JUROR NO. 105: Yes. The North Las
16 Vegas traffic.

17 THE COURT: Okay. And do you have any children?

18 PROSPECTIVE JUROR NO. 105: No.

19 THE COURT: Have you ever served as a juror before?

20 PROSPECTIVE JUROR NO. 105: No.

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

23 PROSPECTIVE JUROR NO. 105: No.

24 THE COURT: How about accused of a crime?

25 PROSPECTIVE JUROR NO. 105: No.

1 THE COURT: Okay. Would you have a tendency to give
2 more weight or credence or less weight or credence to the
3 testimony of a police officer simply because he or she is a
4 police officer?

5 PROSPECTIVE JUROR NO. 105: I would.

6 THE COURT: Tell us about that.

7 PROSPECTIVE JUROR NO. 105: Just -- I'd put more
8 weight in what they're saying because of their profession.
9 Growing up with them, I believe them and trust them a little
10 bit more than I would a civilian.

11 THE COURT: Okay. So when they walk in here, if
12 they're in a uniform, they automatically have a leg up for
13 you?

14 PROSPECTIVE JUROR NO. 105: I mean, I respect the
15 profession for sure.

16 THE COURT: Okay. That's one thing to respect the
17 profession. But --

18 PROSPECTIVE JUROR NO. 105: I mean, if they were --
19 they were on the stand, I would definitely -- unless I knew
20 for a fact they were lying, I would believe them.

21 THE COURT: Okay. So -- okay. All right. Can you
22 wait in forming your opinion as to the guilt or innocence of
23 the defendant until all of the evidence has been presented and
24 I've instructed you on the law?

25 PROSPECTIVE JUROR NO. 105: Yes.

1 THE COURT: Do you know of any reason why you
2 couldn't be completely fair and impartial if you're selected
3 here?

4 PROSPECTIVE JUROR NO. 105: No.

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

7 PROSPECTIVE JUROR NO. 105: No.

8 THE COURT: All right. Mr. Milligan, can you pass
9 the mic in front of you, and do you mind passing all the way
10 down to -- to your left, yeah. So we go to Mr. Lopez. Luis
11 Lopez, is Badge 108, and he's seated in Seat 11.

12 Mr. Lopez, how long have you lived in Las Vegas?

13 PROSPECTIVE JUROR NO. 108: 15 years.

14 THE COURT: And where are you from originally?

15 PROSPECTIVE JUROR NO. 108: Mexico.

16 THE COURT: Okay. And are you employed, sir?

17 PROSPECTIVE JUROR NO. 108: Yes, sir.

18 THE COURT: What do you do for work?

19 PROSPECTIVE JUROR NO. 108: I am a logistics
20 manager.

21 THE COURT: Okay. And how far did you get in your
22 education?

23 PROSPECTIVE JUROR NO. 108: I have an associate's
24 degree in logistics.

25 THE COURT: In logistics?

1 PROSPECTIVE JUROR NO. 108: Yes.
2 THE COURT: Okay. And are you married?
3 PROSPECTIVE JUROR NO. 108: Yes, sir.
4 THE COURT: Is your spouse employed?
5 PROSPECTIVE JUROR NO. 108: Yes.
6 THE COURT: What does your spouse do for work?
7 PROSPECTIVE JUROR NO. 108: She's an accountant.
8 THE COURT: Okay. Do you have any children?
9 PROSPECTIVE JUROR NO. 108: Yes, two.
10 THE COURT: How old are they?
11 PROSPECTIVE JUROR NO. 108: 28 and 25.
12 THE COURT: Do they work?
13 PROSPECTIVE JUROR NO. 108: Yes.
14 THE COURT: Can you tell us what they do?
15 PROSPECTIVE JUROR NO. 108: Sure. One is a graphic
16 designer and the other one is medical assistant.
17 THE COURT: Okay. Have you ever served as a juror
18 before, Mr. Lopez?
19 PROSPECTIVE JUROR NO. 108: No.
20 THE COURT: And have you or anyone close to you,
21 such as a family member or friend, ever been a victim of a
22 crime?
23 PROSPECTIVE JUROR NO. 108: No.
24 THE COURT: How about accused of a crime?
25 PROSPECTIVE JUROR NO. 108: No.

1 THE COURT: All right. Would you have a tendency to
2 give more weight or credence or less weight or credence to the
3 testimony of a police officer simply because he or she is a
4 police officer?

5 PROSPECTIVE JUROR NO. 108: No.

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

10 PROSPECTIVE JUROR NO. 108: Yes.

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

14 PROSPECTIVE JUROR NO. 108: No.

15 THE COURT: Is there any medical reason that would
16 prevent you from participating?

17 PROSPECTIVE JUROR NO. 108: No.

18 THE COURT: Okay. Mr. Lopez, can you pass that to
19 Janice Brand, is Badge 111 in Seat 12.

20 Ms. Brand, how long have you lived in Las Vegas?

21 PROSPECTIVE JUROR NO. 111: 23 years.

22 THE COURT: And are you employed?

23 PROSPECTIVE JUROR NO. 111: No, I'm not. I'm
24 retired.

25 THE COURT: What did you retire from?

1 PROSPECTIVE JUROR NO. 111: I was in retail for
2 years.

3 THE COURT: Okay. How far did you get in your
4 education?

5 PROSPECTIVE JUROR NO. 111: I have an associate's in
6 business management.

7 THE COURT: Okay. Are you married?

8 PROSPECTIVE JUROR NO. 111: Yes, I am.

9 THE COURT: Is your spouse employed?

10 PROSPECTIVE JUROR NO. 111: No. He's retired.

11 THE COURT: What did he retire from?

12 PROSPECTIVE JUROR NO. 111: He was a cab driver.

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

14 PROSPECTIVE JUROR NO. 111: No.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR NO. 111: No.

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

19 PROSPECTIVE JUROR NO. 111: I'm -- I was a victim of
20 a crime.

21 THE COURT: Okay. Can you tell us about it?

22 PROSPECTIVE JUROR NO. 111: I was molested as a kid.

23 THE COURT: Okay. Is there anything about that
24 incident and what you remember of it and what you can't forget
25 about it that would affect your ability to be fair and

1 impartial here?

2 PROSPECTIVE JUROR NO. 111: No.

3 THE COURT: Can you set that aside and -- and base
4 your decision solely on the evidence that's presented in this
5 case?

6 PROSPECTIVE JUROR NO. 111: Yes.

7 THE COURT: If you were seated where Mr. Sena is
8 right now, would you want 12 jurors with your same frame of
9 mind sitting on your case?

10 PROSPECTIVE JUROR NO. 111: I can't say what other
11 people would be thinking.

12 THE COURT: I'm talking about your frame of mind.

13 PROSPECTIVE JUROR NO. 111: Me? I would say that it
14 -- it would be okay.

15 THE COURT: Okay. Have you or anyone close to you,
16 such as a family member or friend, ever been accused of a
17 crime?

18 PROSPECTIVE JUROR NO. 111: I think my husband got
19 -- he was in trouble for reckless driving once. That was some
20 years ago. I don't remember the details of it.

21 THE COURT: Okay. Was that here in Las Vegas?

22 PROSPECTIVE JUROR NO. 111: Yes.

23 THE COURT: And what you do remember of it, do you
24 believe that he was treated fairly?

25 PROSPECTIVE JUROR NO. 111: Honestly, I don't think

1 so.

2 THE COURT: Okay. Do you remember if he was
3 convicted?

4 PROSPECTIVE JUROR NO. 111: Oh, he -- he just got --
5 he had to go to anger management.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 111: Yeah.

8 THE COURT: For reckless driving?

9 PROSPECTIVE JUROR NO. 111: Yeah, because what
10 happened was we were going down the road and some guy pulled
11 out in front of us really quick, and then -- and then my
12 husband pulled around him and got in front of him, and then
13 the guy behind us jammed his brakes on and then went into a
14 fence. And then we just kept going, we went. And then that
15 -- I guess that evening then the police came to the house and
16 then he had to go to court. And -- and it -- it was just -- I
17 guess he got -- you know, he was in trouble for that.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 111: And --

20 THE COURT: You said --

21 PROSPECTIVE JUROR NO. 111: -- there --

22 THE COURT: -- based on the circumstances, though --

23 PROSPECTIVE JUROR NO. 111: -- you know what --

24 THE COURT: -- you don't think he was --

25 PROSPECTIVE JUROR NO. 111: -- I've got two -- two

1 incidents mixed up.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 111: The incident that --

4 THE COURT: Let me -- let me finish --

5 PROSPECTIVE JUROR NO. 111: -- I don't --

6 THE COURT: -- that one, though, okay.

7 PROSPECTIVE JUROR NO. 111: Okay. That one, he went
8 to -- he -- I don't remember what happened, but it wasn't a
9 big deal.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 111: The -- the other one
12 that I don't think he was treated fairly by was that we were
13 going into our apartment complex and this man was stopped at
14 the gate and wouldn't let us pass the gate because apparently
15 he thought we didn't live there. So my husband got out of the
16 truck and was telling him, you know, move, we got to get in.
17 And then there was an argument that ensued, and it -- it got
18 physical. And they said that my husband had hit him, but my
19 husband did not hit him. So --

20 THE COURT: So he was accused of battery?

21 PROSPECTIVE JUROR NO. 111: Yeah. So --

22 THE COURT: What ever came of that?

23 PROSPECTIVE JUROR NO. 111: He -- I think that's the
24 one where he had to --

25 THE COURT: Do the --

1 PROSPECTIVE JUROR NO. 111: -- anger management.
2 THE COURT: -- anger management?
3 PROSPECTIVE JUROR NO. 111: But we were talking
4 about it today, and he said that he -- he didn't hit him. So
5 he was like accused --
6 THE COURT: How long ago did that happen?
7 PROSPECTIVE JUROR NO. 111: That had to be probably
8 15, 18 years ago.
9 THE COURT: Why would you be talking about it today?
10 PROSPECTIVE JUROR NO. 111: Just, you know, being in
11 court and --
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 111: -- that kind of thing.
14 So --
15 THE COURT: All right. So --
16 PROSPECTIVE JUROR NO. 111: It really doesn't -- it
17 didn't -- it won't affect my judgement --
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 111: -- as to, you know, what
20 is said, because today is today, and that was his case. But,
21 yeah, I just -- I'm just letting you know that that's what
22 happened.
23 THE COURT: Okay. Anything else?
24 PROSPECTIVE JUROR NO. 111: No, that's -- that's
25 pretty much it.

1 THE COURT: Okay. Would you have the tendency to
2 give more weight or credence or less weight or credence to the
3 testimony of a police officer simply because he or she is a
4 police officer?

5 PROSPECTIVE JUROR NO. 111: No.

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

10 PROSPECTIVE JUROR NO. 111: Yes.

11 THE COURT: Do you know of any reason why you
12 couldn't be completely fair and impartial if you were selected
13 here?

14 PROSPECTIVE JUROR NO. 111: I don't know of any
15 reason.

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

18 PROSPECTIVE JUROR NO. 111: No.

19 THE COURT: Okay. Thank you very much, Ms. Brand.
20 Can you pass that to Desiree Sanchez?

21 MS. RADOSTA: Your Honor, could we approach for a
22 quick second?

23 THE COURT: Sure. Sure.

24 (Off-record bench conference)

25 THE COURT: All right. Sorry about that, ladies and

1 gentlemen. That occurs sometimes often. And then what I do
2 is I take a break because you heard everything, it's all fuzzy
3 noise, we don't hear it all. So everything that they're
4 saying I've got to put on the record later. So that's why a
5 lot of times you all come in here at 10:00 to get started and
6 we don't get to see you until 11:00. I'm hopeful we get
7 started at 10:00, but sometimes it doesn't happen, okay.

8 All right. So we have Desiree Sanchez is Badge 120,
9 seated in Seat 13. Ms. Sanchez, how long have you lived, Las
10 Vegas?

11 PROSPECTIVE JUROR NO. 120: 15 years.

12 THE COURT: 15 years? Is that what you --

13 PROSPECTIVE JUROR NO. 120: Yeah.

14 THE COURT: Okay. Are you employed?

15 PROSPECTIVE JUROR NO. 120: Yes.

16 THE COURT: What do you do for work?

17 PROSPECTIVE JUROR NO. 120: I'm a manager at a décor
18 store, it's called At Home.

19 THE COURT: Okay. And how far did you get in your
20 education?

21 PROSPECTIVE JUROR NO. 120: High school.

22 THE COURT: And are you married?

23 PROSPECTIVE JUROR NO. 120: No.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR NO. 120: Two.

1 THE COURT: How old?
2 PROSPECTIVE JUROR NO. 120: 19 and 16.
3 THE COURT: Is the 19-year-old working?
4 PROSPECTIVE JUROR NO. 120: Yes.
5 THE COURT: What does he or she do?
6 PROSPECTIVE JUROR NO. 120: He works for a factory
7 called Timet.
8 THE COURT: Okay. Out there in Henderson?
9 PROSPECTIVE JUROR NO. 120: Yeah.
10 THE COURT: Okay. Have you ever served as a juror
11 before?
12 PROSPECTIVE JUROR NO. 120: No.
13 THE COURT: Have you or anyone close to you, such as
14 a family member or friend, ever been a victim of a crime?
15 PROSPECTIVE JUROR NO. 120: No.
16 THE COURT: How about accused of a crime?
17 PROSPECTIVE JUROR NO. 120: No.
18 THE COURT: Okay. Would you have a tendency to give
19 more weight or credence or less weight or credence to the
20 testimony of a police officer simply because he or she is a
21 police officer?
22 PROSPECTIVE JUROR NO. 120: No.
23 THE COURT: Can you wait in forming your opinion as
24 to the guilt or innocence of the defendant until all the
25 evidence has been presented and I've instructed you on the

1 law?

2 PROSPECTIVE JUROR NO. 120: Yes.

3 THE COURT: Okay. Is there any medical reason that
4 would prevent you from participating here?

5 PROSPECTIVE JUROR NO. 120: No.

6 THE COURT: All right. Thank you so much, Ms.
7 Sanchez. Can you pass that over to Cecilia Garcia is Badge
8 123, she's seated in Seat 14.

9 Ms. Garcia, how long have you lived in Las Vegas?

10 PROSPECTIVE JUROR NO. 123: 16 years.

11 THE COURT: And are you employed?

12 PROSPECTIVE JUROR NO. 123: Yes.

13 THE COURT: What do you do for work?

14 PROSPECTIVE JUROR NO. 123: I work at a vitamin
15 company at a call center.

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

18 PROSPECTIVE JUROR NO. 123: Some college.

19 THE COURT: Do you -- are you married?

20 PROSPECTIVE JUROR NO. 123: Not married, but I have
21 a significant other.

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

23 PROSPECTIVE JUROR NO. 123: Three.

24 THE COURT: How old are they?

25 PROSPECTIVE JUROR NO. 123: 13, 14, and 17.

1 THE COURT: Okay. Does your significant other work?
2 PROSPECTIVE JUROR NO. 123: He does.
3 THE COURT: What does he do?
4 PROSPECTIVE JUROR NO. 123: He's a runner at a
5 restaurant.
6 THE COURT: Okay. And have you ever served as a
7 juror before?
8 PROSPECTIVE JUROR NO. 123: No.
9 THE COURT: Have you or anyone close to you, such as
10 a family member or friend, ever been victim of a crime?
11 PROSPECTIVE JUROR NO. 123: No.
12 THE COURT: How about accused of a crime?
13 PROSPECTIVE JUROR NO. 123: No.
14 THE COURT: Would you have a tendency to give more
15 weight or credence or less weight or credence to the testimony
16 of a police officer simply because he or she is a police
17 officer?
18 PROSPECTIVE JUROR NO. 123: No.
19 THE COURT: Can you wait in forming your opinion as
20 to the guilt or innocence of the defendant until all the
21 evidence has been presented and I've instructed you on the
22 law?
23 PROSPECTIVE JUROR NO. 123: Yes.
24 THE COURT: Okay. Do you know of any reason why you
25 couldn't be completely fair and impartial if you were selected

1 here?

2 PROSPECTIVE JUROR NO. 123: No.

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

5 PROSPECTIVE JUROR NO. 123: No.

6 THE COURT: All right. Thank you, Ms. Garcia. Can
7 you pass that to Joanne Tiu --

8 PROSPECTIVE JUROR NO. 130: Tiu.

9 THE COURT: -- is Badge 130 --

10 PROSPECTIVE JUROR NO. 130: It's Tiu, Your Honor.

11 THE COURT: -- and she's seated in Seat 15. How do
12 you pronounce your last name?

13 PROSPECTIVE JUROR NO. 130: Tiu.

14 THE COURT: Tiu?

15 PROSPECTIVE JUROR NO. 130: Tiu.

16 THE COURT: Tiu.

17 PROSPECTIVE JUROR NO. 130: Yeah, like chewing gum.

18 THE COURT: Like chewing gum?

19 PROSPECTIVE JUROR NO. 130: Yeah, Tiu.

20 THE COURT: With Tiu? Is that --

21 PROSPECTIVE JUROR NO. 130: Yes.

22 THE COURT: -- the T-I is the "ch" noise?

23 PROSPECTIVE JUROR NO. 130: Yes.

24 THE COURT: Okay. See, I'm learning a new language,
25 I see. Okay. Ms. Tiu, how long have you lived in Las Vegas?

1 PROSPECTIVE JUROR NO. 130: Ten years.
2 THE COURT: Where are you from originally?
3 PROSPECTIVE JUROR NO. 130: Philippines.
4 THE COURT: Okay. And are you employed?
5 PROSPECTIVE JUROR NO. 130: Yes.
6 THE COURT: What do you do for work?
7 PROSPECTIVE JUROR NO. 130: I'm a legal assistant
8 for Clagget & Sykes law firm.
9 THE COURT: Okay. What type of work does the law
10 firm do?
11 PROSPECTIVE JUROR NO. 130: We do PI, med mal, and
12 we help victims of sexual abuse at long-term care facilities.
13 THE COURT: Okay. Are you directly involved with
14 any of that assistance of victims of sexual abuse?
15 PROSPECTIVE JUROR NO. 130: Yeah, I file the
16 complaints.
17 THE COURT: Okay. And are you involved in
18 representing the individuals at all?
19 PROSPECTIVE JUROR NO. 130: No.
20 THE COURT: So you just file them --
21 PROSPECTIVE JUROR NO. 130: Yeah.
22 THE COURT: -- on behalf of the law firm?
23 PROSPECTIVE JUROR NO. 130: Yes.
24 THE COURT: Okay. And where would they be filed?
25 PROSPECTIVE JUROR NO. 130: At Clark County, at

1 district court.

2 THE COURT: What's that?

3 PROSPECTIVE JUROR NO. 130: District court.

4 THE COURT: Okay. So they're filed in these courts?

5 PROSPECTIVE JUROR NO. 130: Yes.

6 THE COURT: Okay. In a criminal matter or in some

7 type of civil matter?

8 PROSPECTIVE JUROR NO. 130: The last one we filed is

9 intentional misconduct.

10 THE COURT: Okay. Do you deal with Child Protective

11 Services at all?

12 PROSPECTIVE JUROR NO. 130: No.

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

14 your education, then?

15 PROSPECTIVE JUROR NO. 130: Bachelor's.

16 THE COURT: In what?

17 PROSPECTIVE JUROR NO. 130: Business.

18 THE COURT: Okay. Are you married?

19 PROSPECTIVE JUROR NO. 130: Yes.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR NO. 130: Yes.

22 THE COURT: What does your spouse do?

23 PROSPECTIVE JUROR NO. 130: He's a runner in the

24 same law firm.

25 THE COURT: Okay. And what -- what do you do again

1 exactly? You're a legal assistant; is that right?

2 PROSPECTIVE JUROR NO. 130: Yeah.

3 THE COURT: Okay. So are you actually involved in

4 drafting the complaints at all?

5 PROSPECTIVE JUROR NO. 130: No, but I read it before

6 I file it.

7 THE COURT: Okay. All right. Are you the one

8 signing the complaint?

9 PROSPECTIVE JUROR NO. 130: Like the certificate of

10 service.

11 THE COURT: Okay. So do you have any children?

12 PROSPECTIVE JUROR NO. 130: Yes.

13 THE COURT: How many?

14 PROSPECTIVE JUROR NO. 130: Two.

15 THE COURT: How old?

16 PROSPECTIVE JUROR NO. 130: 29 and 26.

17 THE COURT: Are they employed?

18 PROSPECTIVE JUROR NO. 130: Yes.

19 THE COURT: Can you --

20 PROSPECTIVE JUROR NO. 130: My son --

21 THE COURT: -- tell us what they do?

22 PROSPECTIVE JUROR NO. 130: -- is with the Air

23 Force, and my daughter is a claims manager in the same law

24 firm.

25 THE COURT: Okay. With what you do in work and what

1 you -- what you see, is it on a daily basis?

2 PROSPECTIVE JUROR NO. 130: Yeah, sometimes we talk
3 about it.

4 THE COURT: Okay. Is there anything about what you
5 do at work you think would affect your ability to be fair and
6 impartial here?

7 PROSPECTIVE JUROR NO. 130: I will side more with
8 the plaintiff because that's my work.

9 THE COURT: Okay. So when you say the plaintiff,
10 the State?

11 PROSPECTIVE JUROR NO. 130: Yes.

12 THE COURT: Okay. So you -- before you've heard
13 anything, you're saying that you -- you associate yourself
14 with the plaintiff's side or the State's side?

15 PROSPECTIVE JUROR NO. 130: Yeah.

16 THE COURT: So -- so you couldn't be fair?

17 PROSPECTIVE JUROR NO. 130: Kind of.

18 THE COURT: What do you mean kind of?

19 PROSPECTIVE JUROR NO. 130: I will try to be
20 impartial, but --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 130: -- I would side more
23 with the plaintiff because that's my work.

24 THE COURT: So when you say side, whenever the State
25 says what they want to say, you would accept that

1 automatically?

2 PROSPECTIVE JUROR NO. 130: Yes.

3 THE COURT: And you know in this case there's going
4 to be a number of individuals that are going to be testifying
5 as a victim?

6 PROSPECTIVE JUROR NO. 130: Yes.

7 THE COURT: And so you would be in a position that
8 you would have some type of bias in favor of them, would you
9 not?

10 PROSPECTIVE JUROR NO. 130: Yes.

11 THE COURT: Okay. Okay. Have you ever served as a
12 juror before?

13 PROSPECTIVE JUROR NO. 130: No.

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

16 PROSPECTIVE JUROR NO. 130: No.

17 THE COURT: Accused of a crime?

18 PROSPECTIVE JUROR NO. 130: No.

19 THE COURT: Would you have a tendency to give more
20 weight or credence or less weight or credence to the testimony
21 of a police officer simply because he or she is a police
22 officer?

23 PROSPECTIVE JUROR NO. 130: No.

24 THE COURT: Can you wait in forming your opinion as
25 the guilt or innocence of the defendant until all the evidence

1 has been presented and I have instructed you on the law?

2 PROSPECTIVE JUROR NO. 130: Yes.

3 THE COURT: You think you can?

4 PROSPECTIVE JUROR NO. 130: Yes, I'll try.

5 THE COURT: Okay. So -- so when you say I'll try,
6 it leads me to believe that you're already in some kind of
7 conflict.

8 PROSPECTIVE JUROR NO. 130: Yes.

9 THE COURT: And the conflict is that -- is that you
10 have a tendency to believe the State here more than the
11 defense?

12 PROSPECTIVE JUROR NO. 130: Yes.

13 THE COURT: Okay. And that's just the nature of
14 what you do?

15 PROSPECTIVE JUROR NO. 130: Yes.

16 THE COURT: Okay. All right.

17 Will the parties approach.

18 (Off-record bench conference)

19 THE COURT: All right. Ms. Tiu, I'm going to excuse
20 you, okay. That's what we were discussing at the bench is
21 that I think under the circumstances of your employment, it
22 puts you in a little bit different position than the other
23 individuals.

24 So I want to thank you, though, for coming through
25 and coming back and letting us meet you and that. But maybe

1 like I said with the gentleman that was in the -- another
2 individual is just it might not be the best case for you to be
3 on, okay. So I'm going to go ahead and excuse you. Go ahead
4 and go back to the jury commission room and let them know
5 you've been excused, okay.

6 PROSPECTIVE JUROR NO. 130: All right.

7 THE COURT: So we'll call another name and fill up
8 Seat No. 15.

9 THE CLERK: That will be Badge No. 389, Sue Huff.

10 THE COURT: All right, Ms. Huff.

11 PROSPECTIVE JUROR NO. 389: Yes.

12 THE COURT: How long have you lived in Las Vegas?

13 PROSPECTIVE JUROR NO. 389: 34 years.

14 THE COURT: 34 years?

15 PROSPECTIVE JUROR NO. 389: Yes.

16 THE COURT: Okay. And what do you do for work?

17 PROSPECTIVE JUROR NO. 389: I work for
18 [indiscernible] theater.

19 THE COURT: All right. And how long have you been
20 doing that?

21 PROSPECTIVE JUROR NO. 389: 25 years.

22 THE COURT: Okay. And how far did you get in your
23 education?

24 PROSPECTIVE JUROR NO. 389: Not really far.

25 THE COURT: Okay. Well, how far?

1 PROSPECTIVE JUROR NO. 389: Well, high school.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 389: And then I study in a
4 community college for a couple years.
5 THE COURT: Okay. That's good.
6 PROSPECTIVE JUROR NO. 389: Uh-huh. I tried.
7 THE COURT: Did you graduate from a high school in
8 the United States?
9 PROSPECTIVE JUROR NO. 389: No, in Taiwan.
10 THE COURT: Okay. So the main portion of your
11 education is from -- is from Taiwan?
12 PROSPECTIVE JUROR NO. 389: That's correct.
13 THE COURT: Okay. And you did some studies here at
14 the community college?
15 PROSPECTIVE JUROR NO. 389: Right.
16 THE COURT: What were you studying?
17 PROSPECTIVE JUROR NO. 389: English.
18 THE COURT: Okay. And I'll tell you, you speak
19 pretty good.
20 PROSPECTIVE JUROR NO. 389: Thank you.
21 THE COURT: I mean, I'm understanding you fine. Are
22 you understanding me?
23 PROSPECTIVE JUROR NO. 389: Yes.
24 THE COURT: Okay. Ms. Huff, are you married?
25 PROSPECTIVE JUROR NO. 389: Yes, I am married for 48

1 years.

2 THE COURT: Okay. And do you have any children?

3 PROSPECTIVE JUROR NO. 389: Yes, I do.

4 THE COURT: How many?

5 PROSPECTIVE JUROR NO. 389: A boy and girl. One is

6 48, one is 46.

7 THE COURT: What do they do for work?

8 PROSPECTIVE JUROR NO. 389: My daughter, she's an

9 RN, nurse, and my son is a project manager for computer.

10 THE COURT: Okay. Is your husband employed?

11 PROSPECTIVE JUROR NO. 389: My husband is retired,

12 Air Force retired. 21 years -- 22 years Air Force, retired.

13 THE COURT: From the Air Force?

14 PROSPECTIVE JUROR NO. 389: Yes.

15 THE COURT: How -- how -- what rank did he reach?

16 PROSPECTIVE JUROR NO. 389: He was an E-8.

17 THE COURT: Okay. Have you ever served as a juror

18 before?

19 PROSPECTIVE JUROR NO. 389: No.

20 THE COURT: Have you or anyone close to you, such as

21 a family member or friend, ever been a victim of a crime?

22 PROSPECTIVE JUROR NO. 389: I am myself once.

23 THE COURT: Okay. What -- can you tell me about it?

24 PROSPECTIVE JUROR NO. 389: Do I have to?

25 THE COURT: Okay. Is it a similar type of crime?

1 PROSPECTIVE JUROR NO. 389: No, it's more like a
2 sexual assault. It was, you know -- okay. It was in '87, and
3 we just had bought a new house. We have a neighbor together,
4 and we was good friends, you know, we called each other. And
5 then one day I go to work and come back, and I was a hurry one
6 to go take a shower. And the next door, the kid, he was 13
7 years old. His name is Travis. And he come in my house and
8 he said my mom did not give me the key and I -- I cannot
9 contact them, can I use your phone. And that --

10 THE COURT: Okay. So he got into your house? This
11 was back in 1987?

12 PROSPECTIVE JUROR NO. 389: Yes.

13 THE COURT: Was that here in Las Vegas?

14 PROSPECTIVE JUROR NO. 389: Yes.

15 THE COURT: Did he get -- was he apprehended?

16 PROSPECTIVE JUROR NO. 389: What do you mean
17 apprehend?

18 THE COURT: Did they catch him?

19 PROSPECTIVE JUROR NO. 389: Yes. Yes.

20 THE COURT: Did they prosecute him?

21 PROSPECTIVE JUROR NO. 389: Yes, and --

22 THE COURT: Did you have to testify in that matter?

23 PROSPECTIVE JUROR NO. 389: No, I don't because the
24 lawyer taking care of everything.

25 THE COURT: Okay. So under the circumstances of

1 that case and what you remember of it, do you believe that you
2 were treated appropriately? Were you treated fairly?

3 PROSPECTIVE JUROR NO. 389: No, because this kid was
4 insane. They have two split personality. I don't know.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 389: If it's two or not, I
7 don't know. Because I look at that day, he was kind of
8 different, you know. Maybe he was mad.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 389: His face was total -- he
11 looked like a devil, you know.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 389: And I got stepped all
14 over, you know.

15 THE COURT: So you --

16 PROSPECTIVE JUROR NO. 389: And he was --

17 THE COURT: So you don't think that you were treated
18 right?

19 PROSPECTIVE JUROR NO. 389: I can't say. I don't
20 know.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 389: I have to know the case;
23 right?

24 THE COURT: I'm talking about your case.

25 PROSPECTIVE JUROR NO. 389: Oh, my case? Yes, I --

1 THE COURT: Were you treated right?

2 PROSPECTIVE JUROR NO. 389: -- was treated right.

3 Yeah.

4 THE COURT: Okay. So do you hold any type of ill
5 will against anybody in this case because of that?

6 PROSPECTIVE JUROR NO. 389: No.

7 THE COURT: Okay. Can you set that -- set that out
8 of your mind and judge this case only on the facts of this
9 case?

10 PROSPECTIVE JUROR NO. 389: I try. Right now you
11 ask me, I'm shaking already.

12 THE COURT: Okay. Are you shaking because of the
13 fact that you're talking about the original case?

14 PROSPECTIVE JUROR NO. 389: Yes. I don't want to
15 talk about that because that was mistaking, and I'm too nice
16 to people, try to help them and let them use the phone, you
17 know.

18 THE COURT: Okay. Okay. Is there -- is there --
19 what my concern is is that the nature of what occurred, and
20 now that you would hold something against maybe the defendant
21 because of that.

22 PROSPECTIVE JUROR NO. 389: I can't say. I don't
23 know.

24 THE COURT: Okay. All right. Have you or anyone
25 close to you, such as a family member or friend, ever been

1 accused of a crime?

2 PROSPECTIVE JUROR NO. 389: No, not that I know of.

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

7 PROSPECTIVE JUROR NO. 389: What do you mean by
8 that? Police what?

9 THE COURT: Well, just because he's a police officer
10 or she is a police officer --

11 PROSPECTIVE JUROR NO. 389: Uh-huh.

12 THE COURT: -- would you have a tendency to believe
13 him or her more simply because he's a police officer?

14 PROSPECTIVE JUROR NO. 389: Yes, I would.

15 THE COURT: You would?

16 PROSPECTIVE JUROR NO. 389: Uh-huh.

17 THE COURT: And why is that?

18 PROSPECTIVE JUROR NO. 389: Why is that? Because he
19 have to be serve -- serving the people, be honest to people.

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

24 PROSPECTIVE JUROR NO. 389: Yes.

25 THE COURT: Okay. Do you know of any reason why you

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

3 PROSPECTIVE JUROR NO. 389: No.

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

6 PROSPECTIVE JUROR NO. 389: No.

7 THE COURT: Okay. Thank you, Ms. Huff. Can you
8 pass that over to -- is it Mindy Lafner?

9 PROSPECTIVE JUROR NO. 349: Lasiter.

10 THE COURT: Lasiter?

11 PROSPECTIVE JUROR NO. 349: Lasiter.

12 THE COURT: Okay. That's Badge 349. She's seated
13 in Seat 16. Ms. Lasiter, how long have you lived in Las
14 Vegas?

15 PROSPECTIVE JUROR NO. 349: About 18 years.

16 THE COURT: And are you employed?

17 PROSPECTIVE JUROR NO. 349: Yes.

18 THE COURT: What do you do for work?

19 PROSPECTIVE JUROR NO. 349: I do cardiac ultrasound.

20 THE COURT: Okay. And how far did you get in your
21 education?

22 PROSPECTIVE JUROR NO. 349: I have an associate of
23 applied science in cardiac and vascular ultrasound.

24 THE COURT: Okay. Are you married?

25 PROSPECTIVE JUROR NO. 349: Yes.

1 THE COURT: Is your spouse employed?
2 PROSPECTIVE JUROR NO. 349: Yes.
3 THE COURT: What does your spouse do?
4 PROSPECTIVE JUROR NO. 349: He's a diesel
5 technician.
6 THE COURT: Okay. Do you have any children?
7 PROSPECTIVE JUROR NO. 349: I have no biological
8 children. I have a 24-year-old stepdaughter.
9 THE COURT: Okay. Does she -- is she employed?
10 PROSPECTIVE JUROR NO. 349: No, she's a stay at home
11 mom.
12 THE COURT: Okay. And have you ever served as a
13 juror before?
14 PROSPECTIVE JUROR NO. 349: I have.
15 THE COURT: How many times?
16 PROSPECTIVE JUROR NO. 349: Just once.
17 THE COURT: Was it here in Nevada?
18 PROSPECTIVE JUROR NO. 349: No, it was in New
19 Mexico.
20 THE COURT: Okay. How long ago?
21 PROSPECTIVE JUROR NO. 349: Probably close to 20
22 years ago.
23 THE COURT: Do you remember if it was a criminal or
24 a civil jury?
25 PROSPECTIVE JUROR NO. 349: I believe it was

1 criminal.

2 THE COURT: Were you the foreperson?

3 PROSPECTIVE JUROR NO. 349: No, I ended up being the
4 alternate.

5 THE COURT: Okay. So you didn't even get to --

6 PROSPECTIVE JUROR NO. 349: Nope.

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

10 PROSPECTIVE JUROR NO. 349: No.

11 THE COURT: Do you remember what kind of case it
12 was?

13 PROSPECTIVE JUROR NO. 349: It was a little boy had
14 been attacked by a pit bull, and it was against the owner
15 because I guess the dog had gotten out multiple times.

16 THE COURT: So like a dog at large.

17 PROSPECTIVE JUROR NO. 349: But he didn't take
18 enough precautions to keep the dog in the yard.

19 THE COURT: Okay. Were they asking for money or
20 were they asking for the court to --

21 PROSPECTIVE JUROR NO. 349: No, I think it was more
22 against him to be punished.

23 THE COURT: Okay. So that would be a criminal
24 matter. So okay. Have you or anyone close to you, such as a
25 family member or friend, ever been a victim of a crime?

1 PROSPECTIVE JUROR NO. 349: No.

2 THE COURT: Accused of a crime?

3 PROSPECTIVE JUROR NO. 349: I think so. I got a
4 ticket when I was 21 --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 349: -- for giving alcohol to
7 a minor because I was having a party at my house and one of my
8 friends who was not 21 yet was drinking and there was a noise
9 complaint.

10 THE COURT: Was that here?

11 PROSPECTIVE JUROR NO. 349: No, it was in New
12 Mexico.

13 THE COURT: Okay. What ever came of that?

14 PROSPECTIVE JUROR NO. 349: I got a ticket and I
15 just paid the fine.

16 THE COURT: Okay. Do you think under the
17 circumstances that you were treated appropriately?

18 PROSPECTIVE JUROR NO. 349: Yes.

19 THE COURT: Do you hold any type of ill will against
20 any of the parties because of that?

21 PROSPECTIVE JUROR NO. 349: No.

22 THE COURT: Would you have a tendency to give more
23 weight or credence or less weight or credence to the testimony
24 of a police officer simply because he or she is a police
25 officer?

1 PROSPECTIVE JUROR NO. 349: No.

2 THE COURT: Can you wait in forming your opinion as
3 to the guilt or innocence of the defendant until all the
4 evidence has been presented --

5 PROSPECTIVE JUROR NO. 349: Yes.

6 THE COURT: -- and I've instructed you on the law?

7 PROSPECTIVE JUROR NO. 349: Yes.

8 THE COURT: Okay. Do you know of any reason why you
9 couldn't be completely fair and impartial if you were selected
10 here?

11 PROSPECTIVE JUROR NO. 349: No.

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

14 PROSPECTIVE JUROR NO. 349: No.

15 THE COURT: Okay. Could you pass that over to
16 Frederick Oliquiano.

17 PROSPECTIVE JUROR NO. 145: Oliquiano.

18 THE COURT: Oliquiano.

19 PROSPECTIVE JUROR NO. 145: Yeah.

20 THE COURT: Okay. This is Badge 145, he's seated in
21 17. Sir, how long have you lived in Las Vegas?

22 PROSPECTIVE JUROR NO. 145: Three years.

23 THE COURT: Where are you from originally?

24 PROSPECTIVE JUROR NO. 145: Philippines.

25 THE COURT: Okay. And are you employed?

1 PROSPECTIVE JUROR NO. 145: Yes.
2 THE COURT: What do you do for work?
3 PROSPECTIVE JUROR NO. 145: I do emergency dialysis
4 for hospitals.
5 THE COURT: Okay. And how far did you get in your
6 education?
7 PROSPECTIVE JUROR NO. 145: A bachelor's degree for
8 marketing.
9 THE COURT: Okay. And are you married?
10 PROSPECTIVE JUROR NO. 145: Yes.
11 THE COURT: Is your spouse employed?
12 PROSPECTIVE JUROR NO. 145: Yes.
13 THE COURT: What does your spouse do?
14 PROSPECTIVE JUROR NO. 145: Medical biller.
15 THE COURT: Okay. And do you have any children?
16 PROSPECTIVE JUROR NO. 145: One.
17 THE COURT: How old?
18 PROSPECTIVE JUROR NO. 145: 20 years.
19 THE COURT: And does he or she work?
20 PROSPECTIVE JUROR NO. 145: He works part-time, but
21 he's a student.
22 THE COURT: Okay. And have you ever served as a
23 juror before, sir?
24 PROSPECTIVE JUROR NO. 145: No.
25 THE COURT: Have you or anyone close to you, such as

1 a family member or friend, ever been a victim of a crime?

2 PROSPECTIVE JUROR NO. 145: No.

3 THE COURT: How about accused of a crime?

4 PROSPECTIVE JUROR NO. 145: My brother was deported

5 15 years ago due to drug involvement.

6 THE COURT: Out of Nevada?

7 PROSPECTIVE JUROR NO. 145: I think it's Reno.

8 THE COURT: Reno, Nevada?

9 PROSPECTIVE JUROR NO. 145: Yes.

10 THE COURT: Okay. What you know of that, do you

11 feel like he was treated appropriately?

12 PROSPECTIVE JUROR NO. 145: Not really sure about

13 what really happened.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 145: I was still back home in

16 the Philippines during that time. And he just told me that he

17 got deported because he doesn't have any papers and because he

18 was pulled over by the cops and he has drugs in the car.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 145: And that's it.

21 THE COURT: Okay. Is there anything about what

22 happened to your brother that you think would affect your

23 ability to be fair and impartial here?

24 PROSPECTIVE JUROR NO. 145: No.

25 THE COURT: Okay. Have you or anyone close to you,

1 such as a family member or friend, ever been -- okay, that was
2 the one accused of a crime; right?

3 PROSPECTIVE JUROR NO. 145: Yes.

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

8 PROSPECTIVE JUROR NO. 145: No.

9 THE COURT: Okay. And can you wait in forming your
10 opinion as to the guilt or innocence of the defendant until
11 all the evidence has been presented and I've instructed you on
12 the law?

13 PROSPECTIVE JUROR NO. 145: Yes.

14 THE COURT: Can you think of any reason why you
15 couldn't be completely fair and impartial if you were selected
16 here?

17 PROSPECTIVE JUROR NO. 145: No.

18 THE COURT: is there any medical reason that would
19 prevent you from participating?

20 PROSPECTIVE JUROR NO. 145: No.

21 THE COURT: Okay. Sir, can you pass that over to --
22 is it --

23 PROSPECTIVE JUROR NO. 152: Edwards.

24 THE COURT: That's your last name?

25 PROSPECTIVE JUROR NO. 152: Edwards? First name.

1 THE COURT: Is Edwards your last name?
2 PROSPECTIVE JUROR NO. 152: No, first name.
3 THE COURT: Okay. So I have Edwards Wells-Thompson?
4 PROSPECTIVE JUROR NO. 152: Correct.
5 THE COURT: Okay. So I have three last names. No,
6 I'm just -- okay. If you had said Edward, I would have known
7 right away. But okay. So Edwards Wells-Thompson is Badge
8 152. He's seated in Seat 18. Mr. Thompson, how long have you
9 lived in Las Vegas?
10 PROSPECTIVE JUROR NO. 152: About 15, 16 years.
11 THE COURT: Okay. Are you employed?
12 PROSPECTIVE JUROR NO. 152: Yes. Yes, sir.
13 THE COURT: What do you do for work?
14 PROSPECTIVE JUROR NO. 152: Assistant chef.
15 THE COURT: Okay. Where?
16 PROSPECTIVE JUROR NO. 152: M Resort.
17 THE COURT: Okay. And how far did you get in your
18 education?
19 PROSPECTIVE JUROR NO. 152: First year of culinary.
20 THE COURT: Are you still in culinary?
21 PROSPECTIVE JUROR NO. 152: No.
22 THE COURT: Okay. And are you married?
23 PROSPECTIVE JUROR NO. 152: Yes, sir.
24 THE COURT: Is your spouse employed?
25 PROSPECTIVE JUROR NO. 152: Yes, sir.

1 THE COURT: What does your spouse do?
2 PROSPECTIVE JUROR NO. 152: She's a teacher at
3 Valley High School.
4 THE COURT: Okay. Do you have any children?
5 PROSPECTIVE JUROR NO. 152: Yes, sir.
6 THE COURT: How many?
7 PROSPECTIVE JUROR NO. 152: Four.
8 THE COURT: How old?
9 PROSPECTIVE JUROR NO. 152: 14, 12, 8, and 6.
10 THE COURT: I always love this part, especially with
11 the men. Because, you know, everything is being recorded.
12 PROSPECTIVE JUROR NO. 152: Yeah.
13 THE COURT: And when they go, uh, 12. I love that
14 part.
15 PROSPECTIVE JUROR NO. 152: Yeah.
16 THE COURT: I don't even go any step further and say
17 what's the birth date?
18 PROSPECTIVE JUROR NO. 152: Oh, no.
19 THE COURT: Now, the ladies always are right on --
20 right on queue.
21 PROSPECTIVE JUROR NO. 152: Yeah.
22 THE COURT: They know exactly what's going on. But
23 I just -- okay. Let's get back to business, all right. So
24 have you ever served as a juror before?
25 PROSPECTIVE JUROR NO. 152: No, sir.

1 THE COURT: Okay. Have you or anyone close to you,
2 such as a family member or friend, ever been a victim of a
3 crime?
4 PROSPECTIVE JUROR NO. 152: Yes, my wife.
5 THE COURT: Your wife was a victim?
6 PROSPECTIVE JUROR NO. 152: Yes, sir.
7 THE COURT: How long ago?
8 PROSPECTIVE JUROR NO. 152: When she was a child.
9 THE COURT: Okay. What type of crime?
10 PROSPECTIVE JUROR NO. 152: Molestation.
11 THE COURT: Okay. Did you know her when it was --
12 when it happened?
13 PROSPECTIVE JUROR NO. 152: No.
14 THE COURT: Okay. What you know of it, is it what
15 you've learned from her?
16 PROSPECTIVE JUROR NO. 152: Yes, sir.
17 THE COURT: Okay. Is there anything about what
18 you've learned from your wife and the nature of this case here
19 you think would affect your ability to be fair and impartial?
20 PROSPECTIVE JUROR NO. 152: No, sir.
21 THE COURT: Okay. So you can set that aside and --
22 and base your verdict solely on the evidence that's presented
23 in this case?
24 PROSPECTIVE JUROR NO. 152: Yes, sir.
25 THE COURT: Okay. Okay. Have you or anyone close

1 to you, such as a family member or friend, ever been accused
2 of a crime?

3 PROSPECTIVE JUROR NO. 152: Yes, sir, my brother.

4 THE COURT: Okay. Tell us about that.

5 PROSPECTIVE JUROR NO. 152: Possession.

6 THE COURT: How long ago was that?

7 PROSPECTIVE JUROR NO. 152: A couple years.

8 THE COURT: Okay. Here in Las Vegas?

9 PROSPECTIVE JUROR NO. 152: Yes, sir.

10 THE COURT: Okay. Did you know much about it?

11 PROSPECTIVE JUROR NO. 152: No, not really.

12 THE COURT: Okay. So what you've learned was just
13 from him?

14 PROSPECTIVE JUROR NO. 152: Yes, sir.

15 THE COURT: And maybe family members, as well?

16 PROSPECTIVE JUROR NO. 152: Yes, sir.

17 THE COURT: Do you have other family other than your
18 brother and your wife here and your -- and your children?

19 PROSPECTIVE JUROR NO. 152: Yes, mother-in-law,
20 brother-in-law.

21 THE COURT: Okay. Do you know whether or not he was
22 prosecuted?

23 PROSPECTIVE JUROR NO. 152: He did serve time.

24 THE COURT: Okay. So he -- so you understand the
25 State of Nevada was more likely the prosecuting agency?

1 PROSPECTIVE JUROR NO. 152: I guess. I don't know.
2 I really didn't --
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 152: -- understand or
5 whatever --
6 THE COURT: All right.
7 PROSPECTIVE JUROR NO. 152: -- what happened.
8 THE COURT: So do you hold any type of ill will
9 against any of the parties here?
10 PROSPECTIVE JUROR NO. 152: No.
11 THE COURT: Okay. Is there anything about what
12 happened with your brother and what you know of the case you
13 think would affect your ability to be fair and impartial here?
14 PROSPECTIVE JUROR NO. 152: No, not at all.
15 THE COURT: Okay. Would you have a tendency to give
16 more weight or credence or less weight or credence to the
17 testimony of a police officer simply because he or she is a
18 police officer?
19 PROSPECTIVE JUROR NO. 152: No, sir.
20 THE COURT: Can you wait in forming your opinion as
21 to the guilt or innocence of the defendant until all the
22 evidence has been presented and I've instructed you on the
23 law?
24 PROSPECTIVE JUROR NO. 152: Yes, sir.
25 THE COURT: Okay. And can you think of any reason

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

3 PROSPECTIVE JUROR NO. 152: No, not at all.

4 THE COURT: Any medical reason that would prevent
5 you from participating?

6 PROSPECTIVE JUROR NO. 152: No, sir.

7 THE COURT: Okay. All right. Mr. Thompson, thank
8 you so much. Can you pass that over to Tanisha Turner. She's
9 Badge 153 and she's seated in Seat 19.

10 Ms. Turner, how long have you lived in Las Vegas?

11 PROSPECTIVE JUROR NO. 153: Born and raised.

12 THE COURT: Okay. And are you employed?

13 PROSPECTIVE JUROR NO. 153: Yes.

14 THE COURT: What do you do for work?

15 PROSPECTIVE JUROR NO. 153: I'm an order taker at
16 the hotel, so more like hospitality.

17 THE COURT: Okay. Order taker. What is that?

18 PROSPECTIVE JUROR NO. 153: Room service.

19 THE COURT: Oh, okay. All right. So someone -- I
20 just figured someone was giving you orders and you were taking
21 them all the time. I said, boy, they've got jobs for
22 everything. Okay. Ms. Turner, so what hotel do you work for?

23 PROSPECTIVE JUROR NO. 153: SLS.

24 THE COURT: At the Aladdin?

25 PROSPECTIVE JUROR NO. 153: Aladdin isn't SLS.

1 THE COURT: Is that what you said? I was going to
2 say, that was a long time ago.

3 PROSPECTIVE JUROR NO. 153: No, the SLS.

4 THE COURT: SLS. Okay.

5 PROSPECTIVE JUROR NO. 153: Yes.

6 THE COURT: It is my ears. Okay. So how far did
7 you get in your education?

8 PROSPECTIVE JUROR NO. 153: High school diploma.

9 THE COURT: Okay. And are you married?

10 PROSPECTIVE JUROR NO. 153: No.

11 THE COURT: Do you have any children?

12 PROSPECTIVE JUROR NO. 153: Yes, one 17-year-old.

13 THE COURT: Okay. And have you ever served as a
14 juror before?

15 PROSPECTIVE JUROR NO. 153: No.

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

18 PROSPECTIVE JUROR NO. 153: No.

19 THE COURT: How about accused of a crime?

20 PROSPECTIVE JUROR NO. 153: A friend, yes.

21 THE COURT: How long ago?

22 PROSPECTIVE JUROR NO. 153: 2015 or '16.

23 THE COURT: Okay. A close friend?

24 PROSPECTIVE JUROR NO. 153: Yes.

25 THE COURT: Accused of what?

1 PROSPECTIVE JUROR NO. 153: Attempting to leave the
2 scene of a car accident, and they're currently incarcerated.
3 THE COURT: Is it something that's being currently
4 prosecuted?
5 PROSPECTIVE JUROR NO. 153: No, he has his deal
6 already, so he's serving that.
7 THE COURT: Okay. So he -- he was -- how well do
8 you know him?
9 PROSPECTIVE JUROR NO. 153: Well, I go visit.
10 THE COURT: What's that?
11 PROSPECTIVE JUROR NO. 153: I know him pretty well.
12 I go to the visits in Indian Springs.
13 THE COURT: Does he -- does he have a past? I
14 mean --
15 PROSPECTIVE JUROR NO. 153: He doesn't. But the --
16 it was -- the person ended up dying --
17 THE COURT: Oh, okay.
18 PROSPECTIVE JUROR NO. 153: -- that was in the car
19 accident.
20 THE COURT: Okay. Okay. All right. Do you believe
21 under what you know of the case and your discussions with him
22 is that he was treated appropriately?
23 PROSPECTIVE JUROR NO. 153: Yeah, I think justice
24 was served. He -- yeah.
25 THE COURT: Okay. So you don't hold any ill will

1 against any party here, do you?

2 PROSPECTIVE JUROR NO. 153: No.

3 THE COURT: All right. You understand that the
4 State of Nevada was probably the prosecuting agency?

5 PROSPECTIVE JUROR NO. 153: I'm aware.

6 THE COURT: Okay. And, you know, one of us judges
7 is probably the individual that put him -- put him in prison.

8 PROSPECTIVE JUROR NO. 153: I'm aware.

9 THE COURT: Was it me?

10 PROSPECTIVE JUROR NO. 153: I wasn't at the trial or
11 anything.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 153: And so --

14 THE COURT: All right. Well, the reason I ask that
15 is because if you have an ill will against me and you make it
16 on my jury and then I instruct you on the law, you might say,
17 you know --

18 PROSPECTIVE JUROR NO. 153: Right.

19 THE COURT: -- I'm not listening to him. He put my
20 friend in prison.

21 PROSPECTIVE JUROR NO. 153: Right. No, justice was
22 served.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 153: I think he got what he
25 deserved.

1 THE COURT: Okay. So would you have a tendency to
2 give more weight or credence or less weight or credence to the
3 police officer simply because he or she is a police officer?

4 PROSPECTIVE JUROR NO. 153: No.

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

9 PROSPECTIVE JUROR NO. 153: Yes.

10 THE COURT: Okay. Do you know of any reason why you
11 couldn't be completely fair and impartial if you were selected
12 here?

13 PROSPECTIVE JUROR NO. 153: No.

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

16 PROSPECTIVE JUROR NO. 153: No.

17 THE COURT: All right. Thank you so much, Ms.
18 Turner. Can you pass that to Mark Finn, Badge 154 in Seat 20.

19 Mr. Finn, how long have you lived in Las Vegas?

20 PROSPECTIVE JUROR NO. 154: 17 years.

21 THE COURT: And are you employed?

22 PROSPECTIVE JUROR NO. 154: I am. I work for the
23 Air Force as a subject matter expert for the F-22 fighter
24 aircraft.

25 THE COURT: Okay. What does a subject matter expert

1 do?

2 PROSPECTIVE JUROR NO. 154: I deal with the

3 technical and educational part, teaching the active duty folks

4 embedded in the unit.

5 THE COURT: Are you -- are you actually military?

6 PROSPECTIVE JUROR NO. 154: I am retired military,

7 civil service right now.

8 THE COURT: So you take orders, too?

9 PROSPECTIVE JUROR NO. 154: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 154: Yes.

12 THE COURT: All right. So, Mr. Finn, how far did

13 you get in your education?

14 PROSPECTIVE JUROR NO. 154: I got an associates in

15 armament system technology.

16 THE COURT: Okay. And are you married?

17 PROSPECTIVE JUROR NO. 154: I am.

18 THE COURT: Is your spouse employed?

19 PROSPECTIVE JUROR NO. 154: She is. She's a surgery

20 residency coordinator.

21 THE COURT: Okay. Working at one of the local

22 hospitals here?

23 PROSPECTIVE JUROR NO. 154: Yeah, Mountain View.

24 THE COURT: Okay. And do you have any children?

25 PROSPECTIVE JUROR NO. 154: I do have two daughters,

1 28 and 29.

2 THE COURT: Are they employed?

3 PROSPECTIVE JUROR NO. 154: They are.

4 THE COURT: What do they do?

5 PROSPECTIVE JUROR NO. 154: One works at the front
6 desk -- she's a front desk manager at the Homewood Suites, and
7 the other one is a business banker for Chase.

8 THE COURT: Okay. Have you ever served as a juror
9 before?

10 PROSPECTIVE JUROR NO. 154: No.

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

13 PROSPECTIVE JUROR NO. 154: No.

14 THE COURT: How about accused of a crime?

15 PROSPECTIVE JUROR NO. 154: No.

16 THE COURT: Sir, in the military, have you ever
17 served on a court martial?

18 PROSPECTIVE JUROR NO. 154: No.

19 THE COURT: Okay. Would you have a tendency to give
20 more weight or credence or less weight or credence to the
21 testimony of a police officer simply because he or she is a
22 police officer?

23 PROSPECTIVE JUROR NO. 154: No.

24 THE COURT: Can you wait in forming your opinion as
25 to the guilt or innocence of the defendant until all the

1 evidence has been presented and I've instructed you on the
2 law?

3 PROSPECTIVE JUROR NO. 154: Yes.

4 THE COURT: Okay. Do you know of any reason why you
5 couldn't be completely fair and impartial if you were selected
6 here?

7 PROSPECTIVE JUROR NO. 154: No.

8 THE COURT: Is there any medical reason that would
9 prevent you from participating?

10 PROSPECTIVE JUROR NO. 154: No.

11 THE COURT: All right. Thank you, Mr. Finn. Mr.
12 Finn -- well, my marshal will handle it.

13 Ladies and gentlemen, I'm going to -- I'm going to
14 give you all a break at 1:00. Everyone holding on okay? Does
15 anyone need a break right now? Nobody? You need one now?
16 Okay.

17 All right. Mr. Garcia -- I'm sorry, Mr. Oliquiano.

18 PROSPECTIVE JUROR NO. 145: Oliquiano.

19 THE COURT: Okay. I'm going to give everybody a
20 break, okay. I think we all need to stretch our legs and
21 maybe use the restroom.

22 During this recess you're admonished not to talk or
23 converse amongst yourself or with anyone else on any subject
24 connected with this trial, read, watch, or listen to any
25 report by any medium of information, including, without

1 limitation, newspapers, television, the Internet, or radio, or
2 form or express any opinion on any subject connected with this
3 trial until the case is finally submitted to you.

4 Remember where you're seated. We'll be -- it's 1:00
5 now. Come back at a quarter after, okay. We'll be at ease
6 while --

7 PROSPECTIVE JURY PANEL: It's 12:00.

8 THE COURT: It's 12:00, I mean. Come back at a
9 quarter after. Okay.

10 (Prospective jury recessed at 12:03 P.M.)

11 THE COURT: All right. We're outside the presence
12 of the jury. I was just noting it was interesting the
13 individual who needed the break was the last one out. So
14 okay.

15 Just so the record is clear, Ms. Radosta had -- had
16 raised a question of the Court at a bench conference. The way
17 my court is set up is that when I put it on bench conference
18 it doesn't record. That's where you hear the -- hear the
19 house noise. So what I do is that we can discuss at the
20 bench, I make notes of what we're discussing at the bench, and
21 then I give the parties an opportunity to address anything
22 outside the presence of the jury, and that's what we're doing
23 now.

24 Ms. Radosta had raised a concern, asked to approach
25 the bench with regards to Juror No. 12, Janice Brand. She had

1 indicated that she was the victim of molestation as a child,
2 and basically the questioning didn't go much further from
3 there. I think that she had some discomfort in discussing it
4 in front of -- in front of the whole panel. So I informed --
5 informed the parties that my intent was, just based that, was
6 to bring her back individually and to see if there -- to bore
7 out if there was any further concerns.

8 And there was another individual, it's -- that was
9 brought to my attention. She's Juror Seat No. 6, Angelica
10 Mullins. According to Ms. Radosta is that the prior
11 questionnaire she indicated that she was a victim of sexual
12 abuse herself.

13 MS. RADOSTA: Yes.

14 THE COURT: She reported to the Court in front of
15 the rest of the jury that her sister was -- had been murdered
16 and that was the extent of anyone that was a victim of a
17 crime. And so that would lead me to believe also that maybe
18 -- and I remember the temperament between -- when I was
19 questioning her, she seemed pretty timid and so I'm thinking
20 maybe she also has those same feelings about discussing it in
21 front of -- in front of the crowd. So I'm going to have them
22 brought back outside of the rest of the jury.

23 MS. RADOSTA: I would also ask on that same topic
24 line, Ms. Dolan who is 338, in the questionnaire acknowledged
25 that her husband has told her he was a victim of child sex

1 abuse, but once again she did not speak of in open court.

2 THE COURT: Okay.

3 MS. RADOSTA: So -- and then regarding Ms. Brand,
4 the only other topic that we wanted the Court to discuss with
5 her is if she -- she said that she had been talking to her
6 husband this morning about --

7 THE COURT: Right.

8 MS. RADOSTA: -- about a prior incident from like 15
9 years ago. The Court inquired of her why were you talking
10 about that this morning? And she said, well, because of being
11 in court and being in -- just being in court, I think, was her
12 answer. We think she should -- we should inquire further
13 about if she violated the admonition not to discuss. She may
14 not have. It might have been --

15 THE COURT: Okay.

16 MS. RADOSTA: -- hey I was in court yesterday and --

17 THE COURT: That's fine. I understand.

18 MS. RADOSTA: Yeah.

19 THE COURT: Okay. What I'm going to do, though, my
20 intention is to -- rather than to bring them -- I mean, do you
21 want me to do it now or wait until I finish this and then
22 bring -- because there may be other ones.

23 MS. RADOSTA: I think there may be other ones,
24 Judge.

25 THE COURT: Okay.

1 MS. RADOSTA: So we might as well wait.
2 MS. SUDANO: Can I --
3 THE COURT: All right. Okay. So we're -- we're up
4 through --
5 MS. RADOSTA: I think Ms. Sudano has something.
6 THE COURT: Okay.
7 MR. SWEETIN: We just have one more.
8 THE COURT: I'm sorry. Okay, Ms. Sudano.
9 MS. SUDANO: In Seat No. 1, Badge No. 326.
10 THE COURT: Uh-huh.
11 MS. SUDANO: In her questionnaire she indicated that
12 somebody had been accused of murder --
13 MS. RADOSTA: Oh, yes.
14 MS. SUDANO: -- a family member, relative,
15 something. She didn't give any details about it. And then
16 today she said she didn't know anyone that had been accused of
17 a crime.
18 MS. RADOSTA: Yes, she said --
19 THE COURT: Okay.
20 MS. SUDANO: So I don't know if that's the same
21 situation.
22 MS. RADOSTA: Yeah, family member accused -- I think
23 the words were arrested for murder or something like that.
24 That is one, as well, Judge, that --
25 THE COURT: Okay.

1 MS. RADOSTA: -- concerned me.

2 THE COURT: All right. So let me see. Dolan -- all
3 right. So just -- we'll keep -- you guys keep notes of that
4 and I'll bring them back individually and we'll discuss that
5 with them, okay. Things that you see that they're answering
6 that aren't consistent with the way they're answering with the
7 Court. I don't have any problem bringing them back
8 individually to find out. It may -- it may be because of
9 their own timidity about -- about the topic.

10 MS. RADOSTA: Absolutely.

11 THE COURT: Okay. So why don't we take a few
12 minutes, use the restroom, see if Mr. Sena needs to use the
13 restroom, and we'll be ready to get started by a quarter
14 after, okay.

15 MS. RADOSTA: Thanks.

16 THE COURT: All right.

17 MS. SUDANO: Thank you, Your Honor.

18 (Court recessed at 12:08 P.M., until 12:38 P.M.)

19 (Inside the presence of the prospective jury)

20 THE COURT: All right. Everybody go ahead and have
21 a seat. We're back on the record in the case of State of
22 Nevada versus Christopher Sena in C311453. I'd like the
23 record to reflect the presence of the defendant and his
24 counsel, as well as the State and their counsel.

25 Will the parties stipulate to the presence of the

1 jury?

2 MR. SWEETIN: Yes, Your Honor.

3 MS. RADOSTA: Yes, Your Honor.

4 THE COURT: All right. Before we took our break we
5 were still questioning. At this time we're with Juror 160,
6 Mitzi Williams, seated in Seat 21.

7 Ms. Williams, you were the one that corrected me
8 when I said --

9 PROSPECTIVE JUROR NO. 160: That it was 12:00.

10 THE COURT: -- 1:15, and then you said it was 12:00.
11 So then I said 15 minutes.

12 PROSPECTIVE JUROR NO. 160: Oh, I didn't hear that
13 part.

14 THE COURT: So, okay. All right. Well, I had to
15 get that off my chest. Okay. You're okay.

16 PROSPECTIVE JUROR NO. 160: Well, my stomach is not
17 growling no more.

18 THE COURT: Okay. Okay. Ms. Williams, how long
19 have you lived in Las Vegas?

20 PROSPECTIVE JUROR NO. 160: Come May will be ten
21 years.

22 THE COURT: Okay. Where are you from originally?

23 PROSPECTIVE JUROR NO. 160: My home town is New
24 Mexico.

25 THE COURT: Okay. Your home town is New Mexico?

1 PROSPECTIVE JUROR NO. 160: Well, I live in the four
2 corners.
3 THE COURT: Is there a city named New Mexico?
4 PROSPECTIVE JUROR NO. 160: Yeah.
5 THE COURT: Is there? Is there a city New Mexico?
6 PROSPECTIVE JUROR NO. 160: No.
7 THE COURT: Okay. I'm just -- I'm picking on you --
8 PROSPECTIVE JUROR NO. 160: I know you are.
9 THE COURT: -- because you -- you were late.
10 PROSPECTIVE JUROR NO. 160: It's my turn.
11 THE COURT: Okay. So are you employed, Ms.
12 Williams?
13 PROSPECTIVE JUROR NO. 160: I have two jobs. I work
14 at Aria Resort in housekeeping and I work at Walmart at night.
15 THE COURT: Okay. And how far did you get in your
16 education?
17 PROSPECTIVE JUROR NO. 160: I took some college.
18 THE COURT: And what were you studying?
19 PROSPECTIVE JUROR NO. 160: Business.
20 THE COURT: Okay. Are you married?
21 PROSPECTIVE JUROR NO. 160: No more.
22 THE COURT: Okay. Do you have any children?
23 PROSPECTIVE JUROR NO. 160: I have two. I have a
24 43-year-old son, he's a superintended for a construction
25 company, and my daughter is security at Wynn.

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

3 PROSPECTIVE JUROR NO. 160: No.

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

6 PROSPECTIVE JUROR NO. 160: Yes.

7 THE COURT: Can you tell me about it?

8 PROSPECTIVE JUROR NO. 160: My ex-husband molested
9 his stepsister.

10 THE COURT: Okay. How long was this, do you know?

11 PROSPECTIVE JUROR NO. 160: 12 years.

12 THE COURT: Okay. And were you married to him at
13 the time?

14 PROSPECTIVE JUROR NO. 160: Yes.

15 THE COURT: And was that here in Las Vegas?

16 PROSPECTIVE JUROR NO. 160: No.

17 THE COURT: Was that in New Mexico?

18 PROSPECTIVE JUROR NO. 160: It was in Wyoming.

19 THE COURT: Okay. Is there anything about what you
20 know of that case and what -- and what happened to your
21 husband or what happened to your stepsister that you think
22 would affect your ability to be fair and impartial here?

23 PROSPECTIVE JUROR NO. 160: He lied to me.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 160: He burnt me.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 160: I am very angry over it.

3 THE COURT: Okay. Once again, when we're talking
4 about this case here --

5 PROSPECTIVE JUROR NO. 160: I know. I --

6 THE COURT: -- are you able -- are you able to set
7 that aside and make your decision based solely on the evidence
8 that's been presented here, or is that something that you
9 don't know that you could do it based on your feelings in the
10 case that happened to your -- with your husband?

11 PROSPECTIVE JUROR NO. 160: Yeah. He served 18
12 months.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 160: And it was very, very
15 hard --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 160: -- because he lied to me
18 and kept telling me he didn't do anything, and then he did.
19 It was proven.

20 THE COURT: Okay. Is there -- once again, that's
21 what I'm saying is, though, do you think, though, that you --
22 you wouldn't be able to set it aside in order to decide in
23 this case?

24 PROSPECTIVE JUROR NO. 160: I'm going to be honest
25 with you, I don't know if I can or not.

1 THE COURT: Okay. I guess in the same tone, what
2 about accused of a crime? Was he -- was he -- you said he
3 actually did time on it?

4 PROSPECTIVE JUROR NO. 160: He was accused -- he was
5 accused of it in South Dakota, and they convicted him of it in
6 South Dakota.

7 THE COURT: Okay. Were you -- did you know his
8 stepsister?

9 PROSPECTIVE JUROR NO. 160: Yes.

10 THE COURT: How much were you actually informed of
11 what occurred?

12 PROSPECTIVE JUROR NO. 160: I wasn't informed of any
13 of it until we went in front of the judge.

14 THE COURT: At sentencing?

15 PROSPECTIVE JUROR NO. 160: Yes.

16 THE COURT: And so then --

17 PROSPECTIVE JUROR NO. 160: I was still living in
18 Farmington, New Mexico at the time.

19 THE COURT: Okay. So everything came out then?

20 PROSPECTIVE JUROR NO. 160: Uh-huh.

21 THE COURT: And that's the first time you heard of
22 it?

23 PROSPECTIVE JUROR NO. 160: Uh-huh.

24 THE COURT: Is that a yes?

25 PROSPECTIVE JUROR NO. 160: Yes.

1 THE COURT: Okay. And when did that happen? As you
2 said, 12 years ago?

3 PROSPECTIVE JUROR NO. 160: About 12 years ago.

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

8 PROSPECTIVE JUROR NO. 160: No.

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

13 PROSPECTIVE JUROR NO. 160: Probably.

14 THE COURT: When you say probably, is it because of
15 what you just expressed to the Court?

16 PROSPECTIVE JUROR NO. 160: Right.

17 THE COURT: Okay. All right. Will the parties
18 approach.

19 (Off-record bench conference)

20 THE COURT: All right, Ms. Williams. Based on your
21 answers to that we discussed, I'm going to go ahead and excuse
22 you, all right. So hopefully they didn't make you throw your
23 sandwich in the garbage and you can probably --

24 PROSPECTIVE JUROR NO. 160: No, no, no, no, no.

25 THE COURT: Okay. So go back to the jury commission

1 room and let them know that you've been excused, okay.

2 PROSPECTIVE JUROR NO. 160: Okay.

3 THE COURT: Thank you so much, okay.

4 PROSPECTIVE JUROR NO. 160: No problem.

5 THE COURT: Call the next name.

6 THE CLERK: In Seat 21 it'll be Badge No. 394,
7 Joseph Riggins.

8 THE COURT: Mr. Riggins, how long have you lived in
9 Las Vegas?

10 PROSPECTIVE JUROR NO. 394: Collectively between 20
11 and 22 years. I move back and forth between here and Utah.

12 THE COURT: Oh, okay. Are you employed?

13 PROSPECTIVE JUROR NO. 394: Yes.

14 THE COURT: What do you do for work?

15 PROSPECTIVE JUROR NO. 394: I work at Ruby Tuesday's
16 at the salad bar, preparing food in the back and restocking
17 the salad bar.

18 THE COURT: Okay. How far did you get in your
19 education?

20 PROSPECTIVE JUROR NO. 394: Some college.

21 THE COURT: And what were you studying?

22 PROSPECTIVE JUROR NO. 394: Architecture.

23 THE COURT: All right. And are you married?

24 PROSPECTIVE JUROR NO. 394: No.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR NO. 394: No.

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

3 PROSPECTIVE JUROR NO. 394: No.

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

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

6 PROSPECTIVE JUROR NO. 394: Yes.

7 THE COURT: Can you tell us about it?

8 PROSPECTIVE JUROR NO. 394: My niece, about a year

9 and a half ago, told me on the phone that her cousin, my

10 cousin's son, had touched her inappropriately and was holding

11 her down. I told my aunt, who then told her mother, my

12 sister. And they went through court proceedings and he was

13 found guilty, but he was a juvenile, so he didn't serve time,

14 he was on probation.

15 THE COURT: Okay. Were you involved in it any more

16 other than your niece telling you --

17 PROSPECTIVE JUROR NO. 394: No, it's back in Utah so

18 I never went to any proceedings or anything.

19 THE COURT: And so once your niece told you, you

20 told -- told --

21 PROSPECTIVE JUROR NO. 394: I told my aunt --

22 THE COURT: Okay. That's her mother?

23 PROSPECTIVE JUROR NO. 394: -- who is close to my

24 sister, the mother --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 394: -- of my niece. And she
2 told my sister because I -- I felt like she confided in me,
3 yes, but I spoke up because whether it was true or not, it
4 needed to be looked into.

5 THE COURT: Right. And what you know of it and what
6 come of it, do you think that it was treated appropriately?

7 PROSPECTIVE JUROR NO. 394: Yes.

8 THE COURT: All right. Is there anything about what
9 happened to your niece and what you know of that case that you
10 think would affect your ability to be fair and impartial in
11 this case?

12 PROSPECTIVE JUROR NO. 394: No.

13 THE COURT: Okay. Anything else? Anyone else a
14 victim of a crime?

15 PROSPECTIVE JUROR NO. 394: I was raped before.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 394: At first it was
18 consensual, I told him to stop, and then he refused to stop
19 and held me down until he finished. That was --

20 THE COURT: How long ago?

21 PROSPECTIVE JUROR NO. 394: -- approximately in 2009
22 or 2010.

23 THE COURT: Okay. Was that here in Las Vegas?

24 PROSPECTIVE JUROR NO. 394: That was in Salt Lake
25 City.

1 THE COURT: Okay. What ever came of it?

2 PROSPECTIVE JUROR NO. 394: Nothing. He ended up
3 going to jail on drug charges I had heard. And I never spoke
4 to him after that.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 394: I didn't -- I didn't
7 pursue charges.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 394: I just got out of the
10 situation.

11 THE COURT: As I asked with regards to your niece,
12 do you believe that under the circumstances, what you know and
13 what you decided to do in that matter that the matter was
14 treated appropriately?

15 PROSPECTIVE JUROR NO. 394: Well, I mean, I didn't
16 pursue anything against it, but, I mean, he -- because of his
17 behaviors, he was a criminal in other aspects of his life, it
18 would mean he would go to jail.

19 THE COURT: Okay. Is there anything about the fact
20 that you were a victim in that nature that you think would
21 affect your ability to be fair and impartial here?

22 PROSPECTIVE JUROR NO. 394: No.

23 THE COURT: Okay. So you can set that aside and
24 decide this case solely on the evidence that's been presented?

25 PROSPECTIVE JUROR NO. 394: Absolutely. I will go

1 off the evidence and the law.

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

5 PROSPECTIVE JUROR NO. 394: Well, my cousin was.
6 The one accused.

7 THE COURT: Right.

8 PROSPECTIVE JUROR NO. 394: My cousin's son.

9 THE COURT: So the same one that we're talking
10 about?

11 PROSPECTIVE JUROR NO. 394: Yes.

12 THE COURT: Okay. Anything about that, I mean, not
13 your niece, but now your cousin, you think would affect your
14 ability to be fair and impartial here?

15 PROSPECTIVE JUROR NO. 394: No.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 394: And, also, there was my
18 aunt's second husband that was accused before they were
19 married, and he did serve time for molestation of his own
20 children.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 394: But --

23 THE COURT: All right. Well, you know, in this case
24 there's some allegations that are similar to that.

25 PROSPECTIVE JUROR NO. 394: Yes.

1 THE COURT: How close were you to your aunt's second
2 husband?

3 PROSPECTIVE JUROR NO. 394: Well, I never spent the
4 night over there, but --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 394: -- I was -- I was a
7 teenager about when she got married. She was -- she was fully
8 aware of why he was in prison and everything. And he got out
9 and, I mean, he went about changing his life and actually was
10 an upstanding citizen.

11 THE COURT: Oh, okay. So by the time that you met
12 him and the aunt met him --

13 PROSPECTIVE JUROR NO. 394: All that had been
14 concluded. I never --

15 THE COURT: -- that was all behind him.

16 PROSPECTIVE JUROR NO. 394: -- knew him prior.

17 THE COURT: So it was all behind him at the time?

18 PROSPECTIVE JUROR NO. 394: Yes.

19 THE COURT: Okay. So other than just what was told
20 to you through your aunt, you didn't have any knowledge of it?

21 PROSPECTIVE JUROR NO. 394: No.

22 THE COURT: Okay. Is there anything that you can
23 think of based on that that would affect your ability to be
24 fair and impartial here?

25 PROSPECTIVE JUROR NO. 394: No.

1 THE COURT: Okay. Would you have a tendency to give
2 more weight or credence or less weight or credence to the
3 testimony of a police officer simply because he or she is a
4 police officer?

5 PROSPECTIVE JUROR NO. 394: No.

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

10 PROSPECTIVE JUROR NO. 394: Yes.

11 THE COURT: Can you think of any reason whatsoever
12 that you couldn't be completely fair and impartial in this
13 matter?

14 PROSPECTIVE JUROR NO. 394: No.

15 THE COURT: Is there any medical reason that would
16 prevent you from participating?

17 PROSPECTIVE JUROR NO. 394: No.

18 THE COURT: All right. Thank you, Mr. Riggins. Mr.
19 Riggins, can you pass that to Mary Handwerker-Lamaster. This
20 is Badge 165, Seat 22.

21 Ms. Lamaster, how long have you lived in Las Vegas?

22 PROSPECTIVE JUROR NO. 165: 24, 25 years.

23 THE COURT: Okay. And are you employed?

24 PROSPECTIVE JUROR NO. 165: Yes.

25 THE COURT: What do you do for work?

1 PROSPECTIVE JUROR NO. 165: I work in marketing for
2 MGM Resorts corporate.

3 THE COURT: And are you married?

4 PROSPECTIVE JUROR NO. 165: Yes.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR NO. 165: Yes.

7 THE COURT: What does your spouse do?

8 PROSPECTIVE JUROR NO. 165: He works for the theater
9 that runs the Blue Man Group show at the Luxor.

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

11 PROSPECTIVE JUROR NO. 165: Yes.

12 THE COURT: How many?

13 PROSPECTIVE JUROR NO. 165: One.

14 THE COURT: How old?

15 PROSPECTIVE JUROR NO. 165: One year.

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

18 PROSPECTIVE JUROR NO. 165: I have two master's
19 degrees.

20 THE COURT: In what?

21 PROSPECTIVE JUROR NO. 165: I have my MBA, and then
22 a master's in managing information systems.

23 THE COURT: Okay. Have you ever served as a juror
24 before?

25 PROSPECTIVE JUROR NO. 165: No.

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

3 PROSPECTIVE JUROR NO. 165: Yes.

4 THE COURT: Can you tell us about that?

5 PROSPECTIVE JUROR NO. 165: There are multiple. My
6 husband is the result of his mother being gang raped, and then
7 his sister and him were molested by his -- I think it was his
8 grandma's spouse or significant other and one of their
9 friends. And that friend's daughter sexually assaulted my
10 husband.

11 And then my sister, brother, and I had a friend --
12 when we were children there was a friend who had an older
13 brother who had exposed -- that I don't know if he had
14 pornography in the house or whatever, but he was older than
15 us. He showed it to us, and then he encouraged -- well, he
16 tried to encourage us to participate in similar things.

17 My brother accused a different neighbor of exposing
18 himself and asking him to touch them. My father -- oh, I'm
19 sorry. Victim of a crime. A friend of mine was shot as a
20 young teenager. Her mother was -- this sounds awful to say
21 all this. Her mother -- a boyfriend of her mother held her
22 mother captive and had her chained to like a toilet or
23 something for a couple of days. I think he was arrested. And
24 then a friend of mine was a victim at Route 91.

25 THE COURT: All of this in Las Vegas?

1 PROSPECTIVE JUROR NO. 165: My friend that was shot,
2 she was with her dad in Wisconsin visiting, so that happened
3 in Wisconsin. The rest was here in Las Vegas.

4 THE COURT: I mean, when you -- when you read
5 through the case here I saw that you filled out a juror
6 questionnaire. Can you -- can you set all that aside and what
7 you've just discussed with us and -- I mean, we haven't even
8 gotten to the issue of -- you started in on with the being
9 charged with a crime versus a victim.

10 PROSPECTIVE JUROR NO. 165: Only one of them was
11 convicted.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 165: So, I mean, I like to
14 think that I am able to set things aside.

15 THE COURT: Uh-huh.

16 PROSPECTIVE JUROR NO. 165: I think it would be hard
17 for anyone, but --

18 THE COURT: Do you consider yourself an open-minded
19 individual?

20 PROSPECTIVE JUROR NO. 165: Yes.

21 THE COURT: And you understand that in this
22 particular case you'll be asked to make a determination of the
23 facts that are presented here and decide whether or not the
24 facts fit the law as you're -- as you're instructed by me.
25 You think you can do that?

1 PROSPECTIVE JUROR NO. 165: With this -- this
2 question I do, but with the next question it would be hard as
3 far as the people I know who have been accused of crimes
4 repeated --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 165: -- and not, I don't feel
7 like, even though they might have been family, I don't think
8 they were given the strong enough letter of the law or paid
9 the right punishment for the crimes they committed on multiple
10 offenses.

11 THE COURT: Okay. Well, you understand you won't be
12 called upon to -- to set the punishment?

13 PROSPECTIVE JUROR NO. 165: I understand.

14 THE COURT: As a matter of fact, you'll be
15 instructed that you're not to even consider that.

16 THE COURT: Well, in the -- with that, I feel like
17 my bias I could try to set aside would be that more often than
18 not, people that I've known personally that were accused of
19 crimes, they either got off real easy or someone bailed them
20 out or, you know, and I directly saw the effect that had
21 specifically with my father on his behavior. And so we were
22 in Child Haven for a little bit, and then my grandmother
23 adopted us because of all of it. And I saw the toll it took
24 on our family and the dynamics and how dysfunctional it became
25 just because of him. He never has, in my opinion, had to take

1 accountability for his actions.

2 THE COURT: You say "him". Who are you talking
3 about?

4 PROSPECTIVE JUROR NO. 165: My father.

5 THE COURT: Okay. So he's never been held
6 responsible. Somebody has always bailed him out. So my
7 predisposition is that every time he's been accused he's been
8 guilty and he's gotten off, so I would find it hard for me to
9 not want to project that onto the case, but I would like to
10 think that I could try. But just being honest.

11 THE COURT: So right now you've just told me that
12 your father was accused of a number of crimes, and maybe even
13 some of them that were against you; is that correct?

14 PROSPECTIVE JUROR NO. 165: My father never did
15 anything against me.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 165: But the effects of his
18 behavior took a significant toll on our family.

19 THE COURT: Okay. Were they these type of crimes?

20 PROSPECTIVE JUROR NO. 165: No.

21 THE COURT: Okay. so they were maybe crimes that
22 were away from the home?

23 PROSPECTIVE JUROR NO. 165: He -- most of it had to
24 do with his drug use and my mother's drug use, repeatedly
25 getting pulled over and just not taking care of his life,

1 always having some kind of drug-related charge on him, missing
2 his court appearances, going to warrant. I think every
3 Thanksgiving he was in jail for like three or four years
4 straight. It was just --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 165: -- repeated.

7 THE COURT: What you're -- what you're telling me is
8 that based on what you witnessed of your father and the way
9 that you were affected, directly or indirectly, is that you
10 harbor a bias against the system and the manner in which he
11 was treated, and that you would have a hard time dealing with
12 this particular case based on those biases?

13 PROSPECTIVE JUROR NO. 165: I think -- I don't have
14 a bias against the system. I think the system worked the way
15 it was designed. And, typically, people want to be
16 compassionate and -- and maybe not tie up resources by putting
17 someone in jail or prison for small crimes or something. But
18 I think more -- I think my bias tends to be against the
19 defendant because the defendants I have known have always been
20 guilty trying to find an excuse or a reason why they shouldn't
21 have to pay for what they've done.

22 THE COURT: Okay. And so you can't -- you don't
23 think you can set that aside in this matter?

24 PROSPECTIVE JUROR NO. 165: I'd like to think I
25 could set that aside because I'd like to think that I was

1 unbiased and fair.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 165: But you've heard what I
4 said.

5 THE COURT: Okay. All right. Okay. Well, would
6 you have a tendency to give more weight or credence or less
7 weight or credence to the testimony of a police officer simply
8 because he or she is a police officer?

9 PROSPECTIVE JUROR NO. 165: I would like to say, no,
10 I wouldn't.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 165: Just for disclosure,
13 I've always, with all of this, police officers and people in
14 the court that I've interacted with have always shown me a lot
15 of sympathy and respect and understood the embarrassment that
16 I was going through, so I have a very high opinion of them.

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NO. 165: I don't know that if --
19 until I was in the situation, if I watched one of them
20 testify, if I would believe them more or less or not.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 165: Or if I didn't know that
23 I was doing it at the time.

24 THE COURT: Okay. So you're telling me you have a
25 high opinion of a police officer simply because they're a

1 police officer, but you would still weigh their testimony
2 against the other testimony, you wouldn't just side with them
3 simply because they're a police officer, is that what you're
4 saying?

5 PROSPECTIVE JUROR NO. 165: I would like to think
6 so, yes.

7 THE COURT: Okay. Now, when you -- when you say I'd
8 like to --

9 PROSPECTIVE JUROR NO. 165: I like to be honest.

10 THE COURT: Uh-huh.

11 PROSPECTIVE JUROR NO. 165: I feel like I'm
12 telling --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 165: -- my truth. But most
15 of the time you talk about things like I would be this way
16 when this instance happened, but then when you're in the
17 instance, maybe you don't act that way. I would like to think
18 that I could be fair.

19 THE COURT: Okay. Well, here's the concern that I
20 have with that type of answer. It's not wrong. Don't get me
21 -- don't get me wrong. I'm not saying that you're wrong for
22 answering it. The concern I have is that -- is that when you
23 say I'd like to be able to this, I'd like to be able to do
24 that, the problem is that when I ask you if you could set
25 things aside, it could affect that likeability is the concern

1 I have.

2 And that -- I mean, that's fair. That's your life
3 and that's what you've had to deal with in your life. And so
4 the concern I have, though, is that when you say I'd like to,
5 if you told us that you could or you say I'd like to and I let
6 you on the jury and later on you get in the jury deliberation
7 room and you see something in the trial that affected you and
8 reminded you of something in your past and you say, you know
9 what, I told the Judge that I'd like to do this, but I just
10 can't do it, and you -- and you're using what you remember in
11 the past to hold against somebody.

12 Do you remember the gentleman that was here before
13 that told us that he had been a victim and that he would do
14 everything he could to, you know -- I'm not --

15 PROSPECTIVE JUROR NO. 165: [Indiscernible].

16 THE COURT: I'm not equating you with that at all.
17 I'm not. But that -- that's the concern I have is that -- is
18 that, you know, something affects you and -- and we have the
19 young lady that said that what she does for a living and sees
20 so much of this is that she -- she couldn't do this.

21 I think that because of your education, you're
22 trying to -- you're struggling with this. Because you
23 understand what your duty is as a juror, but -- but you're
24 being honest with me as well at the same time, saying, you
25 know, I have so much in the past that I want to do this, but I

1 can't promise it to you. Is that -- is that fair?

2 PROSPECTIVE JUROR NO. 165: Yes.

3 THE COURT: Okay. All right. Will the parties
4 approach.

5 (Off-record bench conference)

6 THE COURT: All right. Ms. Lamaster, I want to tell
7 you that I truly appreciate your honesty with the Court. I
8 think you would be an amazing juror, but not necessarily this
9 case. So I want you to understand that I truly appreciate
10 what you -- what you've just shared with me, and I'm going to
11 let you -- I'm going to excuse you. Hopefully you don't go
12 fighting and screaming because you wanted to be here real bad.

13 PROSPECTIVE JUROR NO. 165: Oh, don't worry.

14 THE COURT: Okay. So I'm going to excuse you, okay.
15 Go back to the jury commission room and let them know you've
16 been excused, okay.

17 PROSPECTIVE JUROR NO. 165: Thank you.

18 THE COURT: All right. So we'll call the next
19 number.

20 THE CLERK: That will be Badge No. 369, Sally
21 Johnson.

22 PROSPECTIVE JUROR NO. 396: Hello. Is it on?

23 MS. RADOSTA: Is it -- I think it's 396.

24 THE CLERK: I'm sorry?

25 MS. RADOSTA: Is it 369 or 396?

1 THE CLERK: I'm sorry. It is --
2 THE COURT: 396.
3 THE CLERK: -- 396.
4 MS. RADOSTA: I did the same thing earlier, so --
5 THE COURT: Ms. Johnson, how long have you lived in
6 Las Vegas?
7 PROSPECTIVE JUROR NO. 396: 22 years.
8 THE COURT: How long?
9 PROSPECTIVE JUROR NO. 396: 22.
10 THE COURT: Okay. And are you employed?
11 PROSPECTIVE JUROR NO. 396: Yes and no. I'm an
12 author, so I work for myself.
13 THE COURT: Okay. So you get to write stories and
14 -- have you ever written stories of this type of nature?
15 Like --
16 PROSPECTIVE JUROR NO. 396: I have not.
17 THE COURT: -- crime stories or anything in that
18 regard?
19 PROSPECTIVE JUROR NO. 396: No.
20 THE COURT: What type of stories -- what type of
21 books do you write?
22 PROSPECTIVE JUROR NO. 396: Clean romance.
23 THE COURT: Okay. How many -- have you been
24 published?
25 PROSPECTIVE JUROR NO. 396: Yes. I have eight

1 books.

2 THE COURT: Okay. So if I wanted to go out and buy
3 -- and look at one of your books, I could do so?

4 PROSPECTIVE JUROR NO. 396: I have one in my bag if
5 you need one.

6 THE COURT: Whoa. Would you sign it? Okay.

7 THE MARSHAL: You can't bribe the Judge.

8 THE COURT: I don't think that's a bribe. I would
9 definitely accept it as a gift. All right, Ms. Johnson. All
10 joking aside, so are you married?

11 PROSPECTIVE JUROR NO. 396: I am.

12 THE COURT: Is your spouse employed?

13 PROSPECTIVE JUROR NO. 396: He is. He is an
14 electrical engineer that makes counterfeit money detection
15 equipment.

16 THE COURT: Oh, I thought you said he's an
17 electrical engineer that makes counterfeit money. That's a
18 good book. Okay. So he makes counterfeit money --

19 PROSPECTIVE JUROR NO. 396: Detection --

20 THE COURT: -- detection equipment.

21 PROSPECTIVE JUROR NO. 396: -- equipment. Yes.

22 THE COURT: All right. How long has he been doing
23 that?

24 PROSPECTIVE JUROR NO. 396: 22 years.

25 THE COURT: I mean, they're constantly changing the

1 money, too, so --

2 PROSPECTIVE JUROR NO. 396: Yes.

3 THE COURT: -- he has a lot of job security, then.

4 PROSPECTIVE JUROR NO. 396: We hope.

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

6 PROSPECTIVE JUROR NO. 396: I have four children.

7 My oldest son is 20. He's going to CSN. He works part-time

8 for a law firm filing.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 396: I have a 17-year-old at

11 Valley High School. I have a 15-year-old at Southwest Tech.

12 And I have a 12-year-old at Thurman White Middle School.

13 THE COURT: Yeah, that's what you told us earlier.

14 PROSPECTIVE JUROR NO. 396: Yes.

15 THE COURT: Were you able to work anything out with

16 transportation?

17 PROSPECTIVE JUROR NO. 396: Yes. We're -- we're

18 finagling things, but --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 396: -- yes, they're getting

21 picked up.

22 THE COURT: Where does your publisher live?

23 PROSPECTIVE JUROR NO. 396: My publisher is in Utah.

24 THE COURT: I was going to say, if you want a new

25 book publisher, come move my kids around in school for awhile.

1 Okay. So have you ever served as a juror before?

2 PROSPECTIVE JUROR NO. 396: I have.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR NO. 396: Once.

5 THE COURT: Was it -- where was it?

6 PROSPECTIVE JUROR NO. 396: It was here about four

7 years ago.

8 THE COURT: Okay. Do you remember if it was a

9 criminal or civil matter?

10 PROSPECTIVE JUROR NO. 396: It was criminal.

11 THE COURT: Were you the foreperson?

12 PROSPECTIVE JUROR NO. 396: I was not.

13 THE COURT: Were you able to reach a verdict?

14 PROSPECTIVE JUROR NO. 396: Yes.

15 THE COURT: Okay. Is there anything about that

16 experience you think would affect your ability to be fair and

17 impartial here?

18 PROSPECTIVE JUROR NO. 396: No.

19 THE COURT: All right. What kind of case was it?

20 PROSPECTIVE JUROR NO. 396: It was an assault and

21 kidnapping case.

22 THE COURT: Okay. Have you or anyone close to you,

23 such as a family member or friend ever been a victim of a

24 crime?

25 PROSPECTIVE JUROR NO. 396: No.

1 THE COURT: Accused of a crime?
2 PROSPECTIVE JUROR NO. 396: No.
3 THE COURT: All right. Would you have a tendency to
4 give more weight or credence or less weight or credence to the
5 testimony of a police officer simply because he or she is a
6 police officer?
7 PROSPECTIVE JUROR NO. 396: No.
8 THE COURT: Can you wait in forming your opinion as
9 to the guilt or innocence of a defendant until all the
10 evidence has been presented and I've instructed you on the
11 law?
12 PROSPECTIVE JUROR NO. 396: Yes.
13 THE COURT: Can you think of any reason why you
14 couldn't be completely fair and impartial if you were selected
15 here?
16 PROSPECTIVE JUROR NO. 396: No.
17 THE COURT: Is there any medical reason that would
18 prevent you from participating?
19 PROSPECTIVE JUROR NO. 396: No.
20 THE COURT: All right, Ms. Johnson. Thank you so
21 much. Can you pass that over to Vivian Schmid is Badge 166
22 and she's seated in Seat 23.
23 Ms. Schmid, how long have you lived in Las Vegas?
24 PROSPECTIVE JUROR NO. 166: Almost 20 years.
25 THE COURT: And you said that you -- I can't

1 remember what you said you were doing for work.

2 PROSPECTIVE JUROR NO. 166: Hospitality.

3 THE COURT: Okay. And where do you work, then?

4 PROSPECTIVE JUROR NO. 166: At the Diamond Resorts.

5 THE COURT: Okay. And how far did you get in your
6 education?

7 PROSPECTIVE JUROR NO. 166: I would say associates.

8 THE COURT: Okay. Are you married?

9 PROSPECTIVE JUROR NO. 166: I'm widow.

10 THE COURT: Okay. And do you have any children?

11 PROSPECTIVE JUROR NO. 166: No.

12 THE COURT: Okay. Have you ever served as a juror
13 before?

14 PROSPECTIVE JUROR NO. 166: I was for a long time,
15 but I was dismissed like four hours after.

16 THE COURT: Okay. So you said you were a long time.
17 Like this? You were going through the questioning and were
18 dismissed?

19 PROSPECTIVE JUROR NO. 166: No, I wasn't questioned.
20 I was part of those people out there.

21 THE COURT: Okay. So you never even got to this
22 part?

23 PROSPECTIVE JUROR NO. 166: No.

24 THE COURT: Okay. So you didn't get -- it's getting
25 closer. Well, the question I asked, did you actually serve in

1 a jury where you deliberated and come to a conclusion?

2 PROSPECTIVE JUROR NO. 166: No.

3 THE COURT: Okay. So you were selected, had some
4 questions, and then was released; is that right? Okay. Have
5 you or anyone close to you, such as a family member or friend,
6 ever been a victim of a crime?

7 PROSPECTIVE JUROR NO. 166: No.

8 THE COURT: How about accused of a crime?

9 PROSPECTIVE JUROR NO. 166: No.

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

14 PROSPECTIVE JUROR NO. 166: No.

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

19 PROSPECTIVE JUROR NO. 166: I guess I would have a
20 problem with that. For me, all these kind of stories that I
21 heard, it's already for me a trauma -- a trauma for me.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 166: But I always have a
24 belief that whatever you did, there's always consequences.
25 And I would -- I would tell you the truth. I would have a

1 problem of probably more of a -- I would say I'm a
2 compassionate person, but I would have a problem to -- to do
3 that. I am -- in that case I would probably more of the
4 plaintiff side.

5 THE COURT: Okay. So are you saying you would side
6 yourself on one side versus the other in this one?

7 PROSPECTIVE JUROR NO. 166: Yes, sir.

8 THE COURT: And you say the plaintiff, we're talking
9 about the State?

10 PROSPECTIVE JUROR NO. 166: Yes, sir.

11 THE COURT: And that's before you even hear any of
12 the evidence?

13 PROSPECTIVE JUROR NO. 166: I would say I would hear
14 them, but it would probably break me when I'm hearing them
15 because I don't think that they will be here because it wasn't
16 done of nothing.

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NO. 166: So I would probably say
19 it would not change my -- my decision or my mind the way how
20 it goes.

21 THE COURT: Well, let me ask you right now. If you
22 -- if you're saying you have your decision in your mind and
23 you wouldn't change, if you were to vote right now, if I said,
24 okay, everybody, we need you to vote, how would you vote,
25 guilty or not guilty right now?

1 PROSPECTIVE JUROR NO. 166: I would probably go
2 where those people are there that you would probably question
3 them.

4 THE COURT: I know, but I said you haven't heard
5 anything so that's why I'm asking. How would you vote right
6 now if you had to vote?

7 PROSPECTIVE JUROR NO. 166: I would probably go on
8 the plaintiff side, sir.

9 THE COURT: So guilty?

10 PROSPECTIVE JUROR NO. 166: I believe so.

11 THE COURT: How? How would you be able to do that
12 when there's no evidence at all that's been presented?

13 PROSPECTIVE JUROR NO. 166: He would not be here if
14 he would not do anything harm.

15 THE COURT: But there's no evidence. Nothing has
16 been presented. The decision has not been to that point.
17 That's what a jury does.

18 PROSPECTIVE JUROR NO. 166: Okay.

19 THE COURT: So you're already started right now
20 saying that he's guilty. Remember when I said the law
21 indicates as he sits right now he's innocent and the State has
22 to prove the case beyond a reasonable doubt?

23 PROSPECTIVE JUROR NO. 166: Well, according to the
24 questionnaires that you have let us -- let us actually --
25 actually answer --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 166: -- I was basing on that

3 fact, but --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 166: -- it seems like there's

6 a lot of people that --

7 THE COURT: Well, you're saying if they could prove

8 that fact, is that right, then you would find him guilty? But

9 right now they haven't proved it. They just stood up and said

10 this is what we think we can prove.

11 PROSPECTIVE JUROR NO. 166: True.

12 THE COURT: That's how it works.

13 PROSPECTIVE JUROR NO. 166: True, but --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 166: -- I don't know if I

16 could stand with these people when you question them and all

17 those kind of evidence. I don't know.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 166: I would -- to tell you,

20 frankly, I would not be able to.

21 THE COURT: And is the reason why because you

22 believe that if an individual testifies in the manner in which

23 the State indicates that they have evidence that it would be

24 too traumatizing for you and that you wouldn't be able to set

25 that aside, and you would be siding with the person that's

1 telling you even though there may be some evidence that maybe
2 they're not telling the truth or something? I mean, I don't
3 know. But if that came out, wouldn't you -- I mean, you
4 understand what your -- what your job is as a juror?

5 PROSPECTIVE JUROR NO. 166: I'm understanding about
6 that, but I believe in life if you do something wrong, you
7 would not be here. But if you would do something right, you
8 will not be in the court. But if you do something hurting
9 people, I guess it's about time to serve --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 166: -- wherever you want to
12 serve.

13 THE COURT: Okay. So at this point in time you're
14 saying you can't wait in forming your opinion as to the guilt
15 or innocence of the defendant because you've already reached
16 that conclusion based on what you've read in your mind, is
17 that what you're saying?

18 PROSPECTIVE JUROR NO. 166: Sir, I believe so.

19 MS. RADOSTA: Do you want us to come up?

20 THE COURT: I don't know. We kind of talked about
21 it earlier. I -- what's your position?

22 MR. SWEETIN: We would submit it to the Court,
23 Judge.

24 THE COURT: Okay.

25 MS. RADOSTA: Submit it to the Court.

1 THE COURT: Ms. Schmid, I'm going to go ahead and
2 excuse you, all right. I'm going to let you go back to the
3 jury commission room and let them know that you've been
4 excused. Maybe we can get a different jury for you, like
5 about a three or four-week civil trial. I'm telling you, you
6 have to probably take something to keep you awake, okay. All
7 right. Well, thank you so much, though. Okay, Ms. Schmid.
8 PROSPECTIVE JUROR NO. 166: You're welcome.
9 THE COURT: All right. Can you give us the next
10 number.
11 THE CLERK: In Seat 23 it's going to be Badge 401,
12 Raul Sotelo.
13 THE COURT: Mr. Sotelo, how long have you lived in
14 Las Vegas?
15 PROSPECTIVE JUROR NO. 401: 17 years.
16 THE COURT: And are you employed?
17 PROSPECTIVE JUROR NO. 401: Yes.
18 THE COURT: What do you do for work?
19 PROSPECTIVE JUROR NO. 401: I'm a project manager
20 for a signage company.
21 THE COURT: Okay. And how far did you get in your
22 education?
23 PROSPECTIVE JUROR NO. 401: Trade school.
24 THE COURT: Excuse me?
25 PROSPECTIVE JUROR NO. 401: Trade school.

1 THE COURT: Okay. Are you married?
2 PROSPECTIVE JUROR NO. 401: Yes.
3 THE COURT: Is your spouse employed?
4 PROSPECTIVE JUROR NO. 401: Yes.
5 THE COURT: What does your spouse do?
6 PROSPECTIVE JUROR NO. 401: Real estate agent.
7 THE COURT: And do you have any children?
8 PROSPECTIVE JUROR NO. 401: Yes.
9 THE COURT: How many?
10 PROSPECTIVE JUROR NO. 401: Two.
11 THE COURT: How old?
12 PROSPECTIVE JUROR NO. 401: 19 and 10.
13 THE COURT: Okay. 19 and 10?
14 PROSPECTIVE JUROR NO. 401: Yes.
15 THE COURT: The 19-year-old boy or girl?
16 PROSPECTIVE JUROR NO. 401: Boy.
17 THE COURT: Does he work?
18 PROSPECTIVE JUROR NO. 401: Yes.
19 THE COURT: What does he do?
20 PROSPECTIVE JUROR NO. 401: He works for a door
21 company delivering doors to job sites for new build
22 construction.
23 THE COURT: Okay. And have you ever served as a
24 juror before?
25 PROSPECTIVE JUROR NO. 401: I have not.

1 THE COURT: Have you or anyone close to you, such as
2 a family member or friend, ever been a victim of a crime?
3 PROSPECTIVE JUROR NO. 401: No.
4 THE COURT: How about accused of a crime?
5 PROSPECTIVE JUROR NO. 401: Yes.
6 THE COURT: Can you tell me about that?
7 PROSPECTIVE JUROR NO. 401: My grandfather killed
8 someone.
9 THE COURT: Okay. How long ago did that occur?
10 PROSPECTIVE JUROR NO. 401: That was in the '90s.
11 THE COURT: Here in Las Vegas?
12 PROSPECTIVE JUROR NO. 401: No, in California.
13 THE COURT: Okay. How old were you?
14 PROSPECTIVE JUROR NO. 401: I was probably eight.
15 THE COURT: Okay. Do you remember much about it?
16 PROSPECTIVE JUROR NO. 401: I just remember visiting
17 him at jail -- in jail.
18 THE COURT: Okay. So other than what you were told
19 by your family and maybe even your grandfather, you didn't
20 have any personal knowledge of what occurred?
21 PROSPECTIVE JUROR NO. 401: Yeah, just from what my
22 family told me.
23 THE COURT: Okay. And since you've had an
24 opportunity to maybe reflect on that, do you believe that he
25 was treated appropriately?

1 PROSPECTIVE JUROR NO. 401: No.

2 THE COURT: Can you tell me about that?

3 PROSPECTIVE JUROR NO. 401: He owned a bar and there
4 was a fight in the bar, and his son was -- my uncle was also
5 -- he was in an altercation and my grandfather shot the man
6 that was attacking my uncle.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 401: And so he went to jail
9 for that.

10 THE COURT: What did he get convicted of, do you
11 remember? Was it manslaughter, involuntary manslaughter, was
12 it murder?

13 PROSPECTIVE JUROR NO. 401: I don't know what --
14 what it was.

15 THE COURT: You don't know.

16 PROSPECTIVE JUROR NO. 401: I don't --

17 THE COURT: Is he in prison now?

18 PROSPECTIVE JUROR NO. 401: No, he's -- my
19 grandfather, he passed away.

20 THE COURT: Okay. Did he pass away while he was in
21 prison?

22 PROSPECTIVE JUROR NO. 401: No.

23 THE COURT: Okay. Do you know how long he spent in
24 prison?

25 PROSPECTIVE JUROR NO. 401: I think like five years.

1 THE COURT: Okay. So your understanding was is that
2 he was defending his son?

3 PROSPECTIVE JUROR NO. 401: Yeah.

4 THE COURT: Okay. And do you hold any type of ill
5 will against any of the parties here, maybe the State, you
6 know, they're prosecuting agency, and something because of
7 what happened to your grandfather?

8 PROSPECTIVE JUROR NO. 401: Not --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 401: No, I don't.

11 THE COURT: Do you think you can set that aside and
12 decide the case here based solely on the facts and the -- and
13 the evidence as presented here?

14 PROSPECTIVE JUROR NO. 401: In regards to that, yes.

15 THE COURT: Okay. All right. Is there anything
16 about that and what you know happened with regards to your
17 grandfather you think would affect your ability to be fair and
18 impartial here at all?

19 PROSPECTIVE JUROR NO. 401: No, that's a different
20 matter.

21 THE COURT: Okay. Would you have a tendency to give
22 more weight or credence or less weight or credence to the
23 testimony of a police officer simply because he or she is a
24 police officer?

25 PROSPECTIVE JUROR NO. 401: I would.

1 THE COURT: Okay. Tell me about it.

2 PROSPECTIVE JUROR NO. 401: It was probably -- it
3 was about nine years ago my younger brother was working with
4 me. He used to do civil engineering and he was an engineering
5 student. He came out here to -- to work with me. And in that
6 time he went out with some coworkers and friends and he was at
7 a house party. And while at that house party there was a
8 noise violation called, so they called people to come out.
9 There was a lot of police officers.

10 And so when they -- when he went outside, he was
11 tackled by police officers. First, he was instructed, you
12 know, stop, put your hands up. He complied, then he was
13 tackled. And then after being tackled he was held at
14 gunpoint, got held down by a police officer with a gun to the
15 back -- a shotgun to the back of his head.

16 THE COURT: Were you there when this happened?

17 PROSPECTIVE JUROR NO. 401: No.

18 THE COURT: This is what he -- what he related to
19 you and other people that were with him?

20 PROSPECTIVE JUROR NO. 401: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 401: And the police officer
23 asked him, you know, where are you from, and said California.
24 And then the police officer kept on -- he told -- he told him,
25 well, welcome to the wild wild west while holding a gun to the

1 back of his head. He was in fear for --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 401: -- his life.

4 THE COURT: So based on that, your opinion, I

5 imagine, would be that you would give less credence to the

6 testimony of a police officer --

7 PROSPECTIVE JUROR NO. 401: Correct.

8 THE COURT: -- simply because he or she -- so that's

9 -- that's set pretty hard to you?

10 PROSPECTIVE JUROR NO. 401: Yeah.

11 THE COURT: Okay. And so when a police officer

12 comes in here maybe with a uniform, maybe not in uniform,

13 you're of the opinion that you would not believe them or it's

14 tougher for them to believe them because they're a police

15 officer?

16 PROSPECTIVE JUROR NO. 401: Yeah, it's a little

17 tougher.

18 THE COURT: Okay. All right. Can you wait in

19 forming your opinion as to the guilt or innocence of the

20 defendant until all the evidence has been presented and I've

21 instructed you on the law?

22 PROSPECTIVE JUROR NO. 401: Yes.

23 THE COURT: Okay. Can you think of any reason other

24 than what you've just explained to me that you don't believe

25 you can be completely fair and impartial in this matter?

1 PROSPECTIVE JUROR NO. 401: No.

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

4 PROSPECTIVE JUROR NO. 401: No.

5 THE COURT: All right. Thank you, Mr. Sotelo. Can
6 you pass that to Brady Gall, Badge 180, Seat No. 24.

7 Mr. Gall, how long have you lived in Las Vegas?

8 PROSPECTIVE JUROR NO. 180: Three and a half years.

9 THE COURT: Where are you from originally?

10 PROSPECTIVE JUROR NO. 180: Columbia, Missouri.

11 THE COURT: Okay. And are you employed?

12 PROSPECTIVE JUROR NO. 180: Yes.

13 THE COURT: What do you -- what do you do for work?

14 PROSPECTIVE JUROR NO. 180: I work for the Nevada
15 National Security Site as an electrical engineer.

16 THE COURT: And how far did you get in your
17 education?

18 PROSPECTIVE JUROR NO. 180: I have a PhD.

19 THE COURT: In engineering?

20 PROSPECTIVE JUROR NO. 180: Electrical engineering.

21 THE COURT: Okay. And do you know the gentleman
22 that makes counterfeit money?

23 PROSPECTIVE JUROR NO. 180: No.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 180: We haven't crossed paths

1 yet.

2 THE COURT: Okay. So do you know what -- do you

3 know what field that is?

4 PROSPECTIVE JUROR NO. 180: No.

5 THE COURT: So you never even heard of it?

6 PROSPECTIVE JUROR NO. 180: No.

7 THE COURT: Okay. Let's -- are you sure? Let's

8 make a note of -- of Juror No. 22. Okay. No. All right. So

9 are you married?

10 PROSPECTIVE JUROR NO. 180: Yes.

11 THE COURT: Is your spouse employed?

12 PROSPECTIVE JUROR NO. 180: Yes.

13 THE COURT: What does your spouse do?

14 PROSPECTIVE JUROR NO. 180: She does marketing for

15 Caesars.

16 THE COURT: Okay. And do you have any children?

17 PROSPECTIVE JUROR NO. 180: No.

18 THE COURT: Have you ever served as a juror before?

19 PROSPECTIVE JUROR NO. 180: No.

20 THE COURT: Have you or anyone close to you, such as

21 a family member or friend, ever been a victim of a crime?

22 PROSPECTIVE JUROR NO. 180: No.

23 THE COURT: How about accused of a crime?

24 PROSPECTIVE JUROR NO. 180: No.

25 THE COURT: All right. Would you have a tendency to

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

4 PROSPECTIVE JUROR NO. 180: No.

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

9 PROSPECTIVE JUROR NO. 180: Yes.

10 THE COURT: Can you think of any reason why you
11 couldn't be completely fair and impartial if you were selected
12 here?

13 PROSPECTIVE JUROR NO. 180: No.

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

16 PROSPECTIVE JUROR NO. 180: No.

17 THE COURT: All right, Mr. Gall. Thank you so much.
18 Can you pass that to Ashley Finkelstein.

19 Is it Finkelstein or Finkelstein?

20 PROSPECTIVE JUROR NO. 187: It's actually
21 Finkelstein.

22 THE COURT: Finkelstein. Okay. All right. She's
23 Badge 187 and this is Seat 25.

24 Ma'am, how long have you lived in Las Vegas?

25 PROSPECTIVE JUROR NO. 187: 13 years.

1 THE COURT: And are you employed?
2 PROSPECTIVE JUROR NO. 187: Yes.
3 THE COURT: What do you do for work?
4 PROSPECTIVE JUROR NO. 187: On-call babysitting.
5 THE COURT: Okay. And how far did you get in your
6 education?
7 PROSPECTIVE JUROR NO. 187: I recently graduated
8 from CSN and obtained my associates degree.
9 THE COURT: In?
10 PROSPECTIVE JUROR NO. 187: Criminal justice.
11 THE COURT: Okay. And are you married?
12 PROSPECTIVE JUROR NO. 187: No.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR NO. 187: No.
15 THE COURT: Have you ever served as a juror before?
16 PROSPECTIVE JUROR NO. 187: No.
17 THE COURT: Okay. Have you or anyone close to you,
18 such as a family member or friend, ever been a victim of a
19 crime?
20 PROSPECTIVE JUROR NO. 187: Yes.
21 THE COURT: Can you tell me about it?
22 PROSPECTIVE JUROR NO. 187: When I was younger I was
23 molested by my ex-stepfather.
24 THE COURT: Okay. How long ago was this?
25 PROSPECTIVE JUROR NO. 187: Back in 2004.

1 THE COURT: Was it here in Las Vegas?
2 PROSPECTIVE JUROR NO. 187: No.
3 THE COURT: Okay. What ever came of that?
4 PROSPECTIVE JUROR NO. 187: I elected not to do
5 anything about it because I just didn't want to deal with
6 anything. Instead, my mom just got divorced from him and we
7 moved here.
8 THE COURT: Okay. So did you ever report it?
9 PROSPECTIVE JUROR NO. 187: No.
10 THE COURT: And where -- where did it take place?
11 PROSPECTIVE JUROR NO. 187: West Covina, California.
12 THE COURT: And how old were you?
13 PROSPECTIVE JUROR NO. 187: I was 12, 13.
14 THE COURT: Okay. Did your mom know about it?
15 PROSPECTIVE JUROR NO. 187: Yes.
16 THE COURT: When did you tell your mother? How old
17 were you?
18 PROSPECTIVE JUROR NO. 187: I was about 12 and a
19 half.
20 THE COURT: How long were you -- after you told your
21 mother that this occurred, how long were you still in that
22 house?
23 PROSPECTIVE JUROR NO. 187: Not very long.
24 THE COURT: Okay. How long is not very long?
25 PROSPECTIVE JUROR NO. 187: About a month or so.

1 THE COURT: Okay. And was that -- she divorced him
2 then, you said?
3 PROSPECTIVE JUROR NO. 187: Yes.
4 THE COURT: Okay. And did you move then here to
5 Vegas?
6 PROSPECTIVE JUROR NO. 187: Yes.
7 THE COURT: Okay. Nothing every came of it, though?
8 PROSPECTIVE JUROR NO. 187: No. I don't like to
9 talk about it.
10 THE COURT: What's that?
11 PROSPECTIVE JUROR NO. 187: I don't like to talk
12 about it.
13 THE COURT: Okay. In light of that, you know,
14 experience that you went through, can you set that aside --
15 PROSPECTIVE JUROR NO. 187: Yes.
16 THE COURT: -- for this case here?
17 PROSPECTIVE JUROR NO. 187: Yes, I can.
18 THE COURT: Okay. Do you think you can be fair to
19 the defendant in this matter?
20 PROSPECTIVE JUROR NO. 187: Yes, I do.
21 THE COURT: Okay. And you don't see how there's any
22 chance that it could affect your ability to be impartial?
23 PROSPECTIVE JUROR NO. 187: No.
24 THE COURT: Okay. And how about being accused of a
25 crime?

1 PROSPECTIVE JUROR NO. 187: No.

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

6 PROSPECTIVE JUROR NO. 187: No.

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

11 PROSPECTIVE JUROR NO. 187: Yes.

12 THE COURT: Okay. Do you know of any reason why you
13 couldn't be completely fair and impartial in this matter?

14 PROSPECTIVE JUROR NO. 187: No.

15 THE COURT: Is there any medical reason that would
16 prevent you from participating?

17 PROSPECTIVE JUROR NO. 187: No.

18 THE COURT: When did you graduate with your criminal
19 justice degree?

20 PROSPECTIVE JUROR NO. 187: Just December.

21 THE COURT: Just last month?

22 PROSPECTIVE JUROR NO. 187: Uh-huh.

23 THE COURT: From where?

24 PROSPECTIVE JUROR NO. 187: CSN.

25 THE COURT: Okay. Are you working in that field at

1 all?

2 PROSPECTIVE JUROR NO. 187: No.

3 THE COURT: All right.

4 PROSPECTIVE JUROR NO. 187: I'm taking a break.

5 THE COURT: What's your plans in the future?

6 PROSPECTIVE JUROR NO. 187: I'm not sure yet, but

7 more likely leaning towards officer with the Metropolitan

8 Police Department.

9 THE COURT: Okay. Have you been involved in

10 anything with them, like explorers or anything in that regard?

11 PROSPECTIVE JUROR NO. 187: No.

12 THE COURT: So the only extent that you may have any

13 question about that is that you learned from --

14 PROSPECTIVE JUROR NO. 187: From school.

15 THE COURT: From school. Okay.

16 PROSPECTIVE JUROR NO. 187: However, we -- I don't

17 know if this would matter. One of the classes that I was in,

18 we did a tour of the detention center downtown.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 187: And that's as far as it

21 goes.

22 THE COURT: Okay. So did you have any classes that

23 involved this type of subject?

24 PROSPECTIVE JUROR NO. 187: No, I elected not to.

25 THE COURT: Okay. And why is that?

1 PROSPECTIVE JUROR NO. 187: It was there, but I just
2 chose to pick other things.

3 THE COURT: Did have anything to do with what
4 happened to you in the past?

5 PROSPECTIVE JUROR NO. 187: No.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 187: Just -- there's just a
8 lot of options for classes to pick.

9 THE COURT: All right. Okay. All right. So
10 understanding under the -- everything you just explained to me
11 and what we just learned, do you believe that you can be fair
12 and impartial?

13 PROSPECTIVE JUROR NO. 187: Yes.

14 THE COURT: You can set that aside and base your
15 decision solely on what evidence is being presented here in
16 court?

17 PROSPECTIVE JUROR NO. 187: Yes. I believe in the
18 due process of the law and I will do my best to listen to
19 everything.

20 THE COURT: Okay. Can you keep an open mind?

21 PROSPECTIVE JUROR NO. 187: Yes.

22 THE COURT: All right. Okay. Thank you, Ms.
23 Finkelstein. All right.

24 So we have Badge 190, Brian Wohletz in Seat 26.

25 PROSPECTIVE JUROR NO. 190: Yes.

1 THE COURT: Mr. Wohletz, how long have you lived in
2 Las Vegas?
3 PROSPECTIVE JUROR NO. 190: My whole life, 52 years.
4 THE COURT: Okay. And are you employed?
5 PROSPECTIVE JUROR NO. 190: Yes.
6 THE COURT: What do you do for work?
7 PROSPECTIVE JUROR NO. 190: Software engineer.
8 THE COURT: And how far did you get in your
9 education?
10 PROSPECTIVE JUROR NO. 190: I have three bachelor's
11 degrees.
12 THE COURT: In?
13 PROSPECTIVE JUROR NO. 190: History, math, computer
14 science.
15 THE COURT: History, math, and computer science?
16 PROSPECTIVE JUROR NO. 190: Yes.
17 THE COURT: Which was your first one?
18 PROSPECTIVE JUROR NO. 190: History.
19 THE COURT: Okay. Didn't make any money in that?
20 PROSPECTIVE JUROR NO. 190: That's exactly right.
21 THE COURT: And then computer science; right?
22 PROSPECTIVE JUROR NO. 190: Yeah. I got the math
23 and computer science at the same time.
24 THE COURT: Okay. Do you write at all?
25 PROSPECTIVE JUROR NO. 190: Software?

1 THE COURT: Write. No, like -- like our writer
2 that's here.

3 PROSPECTIVE JUROR NO. 190: No.

4 THE COURT: Do you do anything like that?

5 PROSPECTIVE JUROR NO. 190: No.

6 THE COURT: Okay. Are you still interested in
7 history?

8 PROSPECTIVE JUROR NO. 190: Yes.

9 THE COURT: What do you do with regard to -- what's
10 your main topic that you like to study in history or look at?

11 PROSPECTIVE JUROR NO. 190: History? I like
12 Japanese history.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 190: It's very interesting.

15 THE COURT: So were you involved at all with any
16 type of history of jurisprudence or anything --

17 PROSPECTIVE JUROR NO. 190: No.

18 THE COURT: -- in the United States?

19 PROSPECTIVE JUROR NO. 190: No.

20 THE COURT: Okay. All right. And are you married?

21 PROSPECTIVE JUROR NO. 190: No.

22 THE COURT: Do you have any children?

23 PROSPECTIVE JUROR NO. 190: No.

24 THE COURT: Okay. Have you ever served as a juror
25 before?

1 PROSPECTIVE JUROR NO. 190: Yes.
2 THE COURT: How many times?
3 PROSPECTIVE JUROR NO. 190: Just once.
4 THE COURT: Where?
5 PROSPECTIVE JUROR NO. 190: Here.
6 THE COURT: How long ago?
7 PROSPECTIVE JUROR NO. 190: It was 15, 20 years ago.
8 THE COURT: Do you remember if it was a criminal or
9 civil matter?
10 PROSPECTIVE JUROR NO. 190: It was criminal.
11 THE COURT: Do you remember what kind of case it
12 was?
13 PROSPECTIVE JUROR NO. 190: Something to do with I
14 think a robbery at a used car lot.
15 THE COURT: Okay. Were you the foreperson?
16 PROSPECTIVE JUROR NO. 190: No, we never actually
17 got to deliberation.
18 THE COURT: Okay. So you --
19 PROSPECTIVE JUROR NO. 190: We had a day --
20 THE COURT: -- never reached --
21 PROSPECTIVE JUROR NO. 190: -- of testimony --
22 THE COURT: -- a verdict?
23 PROSPECTIVE JUROR NO. 190: -- a day of testimony
24 and then the trial ended with some kind of bargain or
25 something.

1 THE COURT: Oh, okay. So you never had to
2 deliberate?

3 PROSPECTIVE JUROR NO. 190: No.

4 THE COURT: Okay. Was there anything about that
5 experience you think would affect your ability to be fair and
6 impartial here?

7 PROSPECTIVE JUROR NO. 190: No.

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

11 PROSPECTIVE JUROR NO. 190: I have relatives who
12 have had their houses broken into, but --

13 THE COURT: Okay. Here in Las Vegas?

14 PROSPECTIVE JUROR NO. 190: Yes.

15 THE COURT: How much do you know about that other --

16 PROSPECTIVE JUROR NO. 190: One of them was when I
17 was in college, my parents' house.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 190: No one -- neither of the
20 times -- neither of the times anyone ever got caught, as far
21 as I know.

22 THE COURT: Do you think that under the
23 circumstances and what you know of the case and what was done
24 that it was treated appropriately?

25 PROSPECTIVE JUROR NO. 190: I don't -- I just know

1 it happened, the police came, and that's all that happened.

2 THE COURT: Okay. Well, do you hold any type of a
3 grudge or ill will against any --

4 PROSPECTIVE JUROR NO. 190: No.

5 THE COURT: -- of the parties because of that?

6 PROSPECTIVE JUROR NO. 190: No.

7 THE COURT: That maybe you think that they didn't do
8 enough to investigate or --

9 PROSPECTIVE JUROR NO. 190: No

10 THE COURT: -- something like that?

11 PROSPECTIVE JUROR NO. 190: I'm sure there was no
12 way they were going to figure it out.

13 THE COURT: Okay. All right. How about accused of
14 a crime?

15 PROSPECTIVE JUROR NO. 190: I have a friend who got
16 a DUI three years ago. That's about it.

17 THE COURT: Here in Las Vegas?

18 PROSPECTIVE JUROR NO. 190: Yes.

19 THE COURT: What you know of that case and your
20 friend, do you believe that he was treated appropriately?

21 PROSPECTIVE JUROR NO. 190: Yes.

22 THE COURT: Is there anything about that case you
23 think would affect your ability to be fair and impartial here?

24 PROSPECTIVE JUROR NO. 190: No.

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

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

4 PROSPECTIVE JUROR NO. 190: No.

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

9 PROSPECTIVE JUROR NO. 190: Yes.

10 THE COURT: Okay. Can you think of any reason why
11 you couldn't be completely fair and impartial if you were
12 selected here?

13 PROSPECTIVE JUROR NO. 190: No.

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

16 PROSPECTIVE JUROR NO. 190: No.

17 THE COURT: All right. Thank you so much, Mr. -- is
18 it Wohletz?

19 PROSPECTIVE JUROR NO. 190: Yes.

20 THE COURT: Okay. And now we have Chase Albright,
21 Badge 375 in Seat 27.

22 Mr. Albright, how long have you lived in Las Vegas?

23 PROSPECTIVE JUROR NO. 375: Born and raised.

24 THE COURT: Okay. Are you related to any of the
25 Albrights that are attorneys?

1 PROSPECTIVE JUROR NO. 375: I think they're second
2 or third cousins.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 375: I've never talked to
5 them. Maybe once at a party or something like that.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 375: We don't really
8 communicate.

9 THE COURT: All right. So are you employed?

10 PROSPECTIVE JUROR NO. 375: Yes.

11 THE COURT: What do you do for work?

12 PROSPECTIVE JUROR NO. 375: I'm a chef at Ikea.

13 THE COURT: Okay. And so you make those nice
14 Swedish meatballs and stuff.

15 PROSPECTIVE JUROR NO. 375: Yes.

16 THE COURT: All right. So when I come in, I'll
17 waive to you, okay.

18 PROSPECTIVE JUROR NO. 375: All right.

19 THE COURT: I'm not asking for any, I'm just going
20 to -- all right. Mr. Albright, are you married?

21 PROSPECTIVE JUROR NO. 375: Yes.

22 THE COURT: Is your spouse employed?

23 PROSPECTIVE JUROR NO. 375: Yes.

24 THE COURT: What does your spouse do?

25 PROSPECTIVE JUROR NO. 375: She's a cashier at Ikea.

1 THE COURT: Okay. Do you have any children?
2 PROSPECTIVE JUROR NO. 375: No.
3 THE COURT: Have you ever served as a juror before?
4 PROSPECTIVE JUROR NO. 375: No.
5 THE COURT: Have you or anyone close to you, such as
6 a family member or friend, ever been a victim of a crime?
7 PROSPECTIVE JUROR NO. 375: No.
8 THE COURT: How about accused of a crime?
9 PROSPECTIVE JUROR NO. 375: No.
10 THE COURT: Okay. Would you have tendency to give
11 more weight or credence or less weight or credence to the
12 testimony of a police officer simply because he or she is a
13 police officer?
14 PROSPECTIVE JUROR NO. 375: No.
15 THE COURT: And can you wait in forming your opinion
16 as to the guilt or innocence of the defendant until all the
17 evidence has been presented and I've instructed you on the
18 law?
19 PROSPECTIVE JUROR NO. 375: Yes.
20 THE COURT: Do you know of any reason why you
21 couldn't be completely fair and impartial if you're selected
22 in this case?
23 PROSPECTIVE JUROR NO. 375: No.
24 THE COURT: Is there any medical reason that would
25 prevent you from participating?

1 PROSPECTIVE JUROR NO. 375: No.

2 THE COURT: All right. Mr. Albright, thank you so
3 much. Can you pass the mic to Aundrea Cornwall is Badge 236
4 in Seat 28.

5 Did I say it right?

6 PROSPECTIVE JUROR NO. 245: No.

7 THE COURT: I didn't. Cornwell.

8 PROSPECTIVE JUROR NO. 245: Yes. And it's Aundrea.

9 THE COURT: Aundrea.

10 PROSPECTIVE JUROR NO. 245: It's all right.

11 THE COURT: Okay. Aundrea Cornwell. Well, how
12 would you pronounce B-i-l-l.

13 PROSPECTIVE JUROR NO. 245: What? Bill?

14 THE COURT: You're right. Good. I didn't have to
15 correct you. Ms. Cornwell, how long have you lived in Las
16 Vegas?

17 PROSPECTIVE JUROR NO. 245: 15 years.

18 THE COURT: Okay. And are you employed?

19 PROSPECTIVE JUROR NO. 245: Yes.

20 THE COURT: What do you do for work?

21 PROSPECTIVE JUROR NO. 245: I work for a company
22 called Deposition Services.

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

25 PROSPECTIVE JUROR NO. 245: Some college and trade

1 school.

2 THE COURT: Okay. What were you studying?

3 PROSPECTIVE JUROR NO. 245: I was studying business

4 in college and trade school was for wedding coordinating.

5 THE COURT: Okay. Are you married?

6 PROSPECTIVE JUROR NO. 245: Engaged.

7 THE COURT: Well, congratulations.

8 PROSPECTIVE JUROR NO. 245: Thank you.

9 THE COURT: Are you doing your own wedding,

10 coordinating it?

11 PROSPECTIVE JUROR NO. 245: Unfortunately, yes.

12 THE COURT: Okay. Good. Good. All right. So do

13 you have any children?

14 PROSPECTIVE JUROR NO. 245: No.

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

16 juror before?

17 PROSPECTIVE JUROR NO. 245: No.

18 THE COURT: Okay. Have you or anyone close to you,

19 such as a family member or friend, ever been a victim of a

20 crime?

21 PROSPECTIVE JUROR NO. 245: No.

22 THE COURT: How about accused of a crime?

23 PROSPECTIVE JUROR NO. 245: Yes.

24 THE COURT: Can you tell us about that?

25 PROSPECTIVE JUROR NO. 245: Yes. My brother about a

1 year and a half ago, he just had to do a couple days in jail
2 for possession.

3 THE COURT: Okay. Of a controlled substance?

4 PROSPECTIVE JUROR NO. 245: Yes.

5 THE COURT: All right. Here in Las Vegas?

6 PROSPECTIVE JUROR NO. 245: Yes.

7 THE COURT: All right. How long ago?

8 PROSPECTIVE JUROR NO. 245: About a year and a half,
9 I believe.

10 THE COURT: Is he beyond that now?

11 PROSPECTIVE JUROR NO. 245: Oh, yeah. He was only
12 in there for a weekend.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 245: We just chose not to
15 bail him out.

16 THE COURT: What you know of the case and what was
17 -- and your brother, do you believe that he was treated
18 appropriately under the circumstances?

19 PROSPECTIVE JUROR NO. 245: Oh, yeah.

20 THE COURT: Okay. Is there anything that you
21 believe, based on what you know of that case, that would
22 affect your ability to be fair and impartial here?

23 PROSPECTIVE JUROR NO. 245: Not at all.

24 THE COURT: Okay. Would you have a tendency to give
25 more weight or credence or less weight or credence to the

1 testimony of a police officer simply because he or she is a
2 police officer?

3 PROSPECTIVE JUROR NO. 245: No.

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

8 PROSPECTIVE JUROR NO. 245: Yes.

9 THE COURT: Can you think of any reason whatsoever
10 that you couldn't be completely fair and impartial if you were
11 selected here?

12 PROSPECTIVE JUROR NO. 245: No.

13 THE COURT: Any medical reason that would prevent
14 you from participating?

15 PROSPECTIVE JUROR NO. 245: No, sir.

16 THE COURT: All right. Ms. Cornwell, thank you so
17 much. Can you pass that to --

18 MS. RADOSTA: I'm sorry, Judge. Just for a quick
19 second, what was her badge number?

20 THE COURT: 236.

21 PROSPECTIVE JUROR NO. 245: It's --

22 THE CLERK: No, sir. 245.

23 THE COURT: Oh, okay. Well, I get to correct my
24 clerk. Correcting everybody today.

25 MS. RADOSTA: Thanks, Judge.

1 THE COURT: 245?
2 THE CLERK: Yes, sir.
3 THE COURT: Yep, it is. Okay. All right. Thank
4 you.
5 All right. Ms. Cornwell, thank you so much, okay.
6 So is it -- is Tylor or Taylor?
7 PROSPECTIVE JUROR NO. 252: Tylor.
8 THE COURT: Tylor Johnson-George --
9 PROSPECTIVE JUROR NO. 252: Yep.
10 THE COURT: -- is Badge 252; is that right?
11 PROSPECTIVE JUROR NO. 252: Yes.
12 THE COURT: And he's in Seat 29. Mr. George, how
13 long have you lived in Las Vegas?
14 PROSPECTIVE JUROR NO. 252: My whole life.
15 THE COURT: Okay. Are you employed?
16 PROSPECTIVE JUROR NO. 252: Yes.
17 THE COURT: What do you do for work?
18 PROSPECTIVE JUROR NO. 252: Hospitality.
19 THE COURT: Okay. And how far did you get in your
20 education?
21 PROSPECTIVE JUROR NO. 252: I'm a junior in college.
22 THE COURT: What are you studying?
23 PROSPECTIVE JUROR NO. 252: Communication studies.
24 THE COURT: Okay. At UNLV or --
25 PROSPECTIVE JUROR NO. 252: UNLV.

1 THE COURT: All right. Are you a full-time student
2 now?
3 PROSPECTIVE JUROR NO. 252: I'm not enrolled this
4 semester, so --
5 THE COURT: Oh, okay. All right. Because I'd let
6 you go if you were.
7 PROSPECTIVE JUROR NO. 252: Oh. Well, in that case.
8 THE COURT: Well, we don't -- we don't want to
9 affect that, you know what I mean. We understand how
10 important that is to you all. And then don't get me wrong.
11 Everything else is important, I know, but just the kids, you
12 know, they get involved and -- and don't take me wrong when I
13 call you a kid. Because there's some people in here that are
14 kids that are probably in their 60s and 70s but still --
15 that's okay. Okay.
16 PROSPECTIVE JUROR NO. 252: Yeah.
17 THE COURT: Okay? Do you agree?
18 PROSPECTIVE JUROR NO. 252: Yes.
19 THE COURT: Okay. Good. We're on the same page.
20 So are you married?
21 PROSPECTIVE JUROR NO. 252: No.
22 THE COURT: Do you have any children?
23 PROSPECTIVE JUROR NO. 252: No.
24 THE COURT: Have you ever served as a juror before?
25 PROSPECTIVE JUROR NO. 252: No.

1 THE COURT: Have you or anyone close to you, such as
2 a family member or friend, ever been a victim of a crime?
3 PROSPECTIVE JUROR NO. 252: Just a friend has.
4 THE COURT: Can you tell me about it?
5 PROSPECTIVE JUROR NO. 252: She said she was raped
6 by her brother like when she was a child.
7 THE COURT: Okay. When did you first learn of that?
8 PROSPECTIVE JUROR NO. 252: Some years ago. I'd say
9 maybe like, whoa, probably like five years ago she told me.
10 THE COURT: Okay. So she said when she was -- when
11 she was a child?
12 PROSPECTIVE JUROR NO. 252: Yeah, when she was a
13 child.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 252: So like when she was
16 young.
17 THE COURT: Do you know what ever came of it?
18 PROSPECTIVE JUROR NO. 252: Nothing.
19 THE COURT: Did anyone -- was anyone ever charged
20 with it or anything?
21 PROSPECTIVE JUROR NO. 252: No.
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NO. 252: No, she never like
24 officially reported it or anything.
25 THE COURT: Okay. Is there anything about what you

1 know of your friend and what she's explained to you about what
2 happened that would affect your ability to be fair and
3 impartial in this matter?

4 PROSPECTIVE JUROR NO. 252: No.

5 THE COURT: Okay. How about accused of a crime?
6 You or anyone close to you?

7 PROSPECTIVE JUROR NO. 252: No.

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

12 PROSPECTIVE JUROR NO. 252: No.

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

17 PROSPECTIVE JUROR NO. 252: Yes.

18 THE COURT: Do you know of any reason why you
19 couldn't be completely fair and impartial if you're selected
20 here?

21 PROSPECTIVE JUROR NO. 252: No.

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

24 PROSPECTIVE JUROR NO. 252: No.

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

1 George. Can you pass that to James Drosdahl.
2 PROSPECTIVE JUROR NO. 255: Drosdahl.
3 THE COURT: Drosdahl is Badge 255?
4 PROSPECTIVE JUROR NO. 255: Yes.
5 THE COURT: He's seated in Seat 30. Mr. Drosdahl,
6 how long have you lived in Las Vegas?
7 PROSPECTIVE JUROR NO. 255: 58 years.
8 THE COURT: And are you employed?
9 PROSPECTIVE JUROR NO. 255: I'm retired.
10 THE COURT: What did you retire from?
11 PROSPECTIVE JUROR NO. 255: Various IT positions
12 here in Las Vegas.
13 THE COURT: Okay. And how far did you get in your
14 education?
15 PROSPECTIVE JUROR NO. 255: Bachelor's in management
16 information systems.
17 THE COURT: Okay. And are you married?
18 PROSPECTIVE JUROR NO. 255: No.
19 THE COURT: Do you have any children?
20 PROSPECTIVE JUROR NO. 255: No.
21 THE COURT: Have you ever served as a juror before?
22 PROSPECTIVE JUROR NO. 255: Twice.
23 THE COURT: Here in Las Vegas?
24 PROSPECTIVE JUROR NO. 255: Yes.
25 THE COURT: Both times?

1 PROSPECTIVE JUROR NO. 255: Yes.

2 THE COURT: How long ago was the most recent one?

3 PROSPECTIVE JUROR NO. 255: About 20 years ago.

4 THE COURT: Okay. Was that in the old courthouse?

5 PROSPECTIVE JUROR NO. 255: Yes.

6 THE COURT: Do you remember if it was a criminal or
7 civil matter?

8 PROSPECTIVE JUROR NO. 255: Criminal, and he pled
9 out. He had stolen a beer truck in Barstow and brought it to
10 Las Vegas.

11 THE COURT: Okay. And so you actually got to the
12 point where you made it to the jury --

13 PROSPECTIVE JUROR NO. 255: Yes.

14 THE COURT: -- and it started and then he -- and
15 then he negotiated?

16 PROSPECTIVE JUROR NO. 255: As testimony was
17 starting, he took a plea.

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

21 PROSPECTIVE JUROR NO. 255: No.

22 THE COURT: Okay. That was the most recent one.

23 PROSPECTIVE JUROR NO. 255: Yes.

24 THE COURT: The one before that, criminal or civil?

25 PROSPECTIVE JUROR NO. 255: Assault with a deadly

1 weapon.

2 THE COURT: So it was criminal?

3 PROSPECTIVE JUROR NO. 255: Yes.

4 THE COURT: And it was in the other courthouse, as

5 well?

6 PROSPECTIVE JUROR NO. 255: Yes.

7 THE COURT: Okay. What ever came of that?

8 PROSPECTIVE JUROR NO. 255: Found him guilty.

9 THE COURT: Okay. Were you the foreperson?

10 PROSPECTIVE JUROR NO. 255: No.

11 THE COURT: All right. Was there anything about

12 that experience you think would affect your ability to be fair

13 and impartial here?

14 PROSPECTIVE JUROR NO. 255: No.

15 THE COURT: All right. Have you or anyone close to

16 you, such as a family member or friend, ever been a victim of

17 a crime?

18 PROSPECTIVE JUROR NO. 255: No.

19 THE COURT: Accused of a crime?

20 PROSPECTIVE JUROR NO. 255: No.

21 THE COURT: All right. Would you have a tendency to

22 give more weight or credence or less weight or credence to the

23 testimony of a police officer simply because he or she is a

24 police officer?

25 PROSPECTIVE JUROR NO. 255: No.

1 THE COURT: And can you wait in forming your opinion
2 as to the guilt or innocence of the defendant until all the
3 evidence has been presented and I've instructed you on the
4 law?

5 PROSPECTIVE JUROR NO. 255: Yes.

6 THE COURT: Do you know of any reason why you
7 couldn't be completely fair and impartial if you were selected
8 here?

9 PROSPECTIVE JUROR NO. 255: No.

10 THE COURT: Any medical reason that would prevent
11 you from participating?

12 PROSPECTIVE JUROR NO. 255: Possibly.

13 THE COURT: Okay. Tell me about it.

14 PROSPECTIVE JUROR NO. 255: I have Type 2 diabetes
15 and if I sit for long periods I get extreme cramps in my legs.

16 THE COURT: Okay. Would you have a concern with --
17 I mean, if you stand up, does that help you?

18 PROSPECTIVE JUROR NO. 255: Very much, yes.

19 THE COURT: Okay. So if we're in -- in the process,
20 would you have a problem with standing up, I mean, if I told
21 you go ahead and do it?

22 PROSPECTIVE JUROR NO. 255: Not at all.

23 THE COURT: All right. You wouldn't even need to
24 ask me. You can just do it.

25 PROSPECTIVE JUROR NO. 255: That would be fine.

1 THE COURT: Okay. And that would help you?
2 PROSPECTIVE JUROR NO. 255: That would help
3 immensely.
4 THE COURT: Would you have a problem with asking the
5 Court for a break if you needed a break?
6 PROSPECTIVE JUROR NO. 255: No.
7 THE COURT: Okay. And would that help you, as well?
8 PROSPECTIVE JUROR NO. 255: Yes.
9 THE COURT: All right. Okay. Thank you, Mr.
10 Drosdahl. Pass it over to Daniel Rosenfield, Badge 256, he's
11 Juror No. 31.
12 Mr. Rosenfield, how long have you lived in Las
13 Vegas?
14 PROSPECTIVE JUROR NO. 256: About 33 years.
15 THE COURT: And are you employed?
16 PROSPECTIVE JUROR NO. 256: I am.
17 THE COURT: What do you do for work?
18 PROSPECTIVE JUROR NO. 256: Printing salesman.
19 THE COURT: Okay. How far did you get in your
20 education?
21 PROSPECTIVE JUROR NO. 256: High school.
22 THE COURT: And are you married?
23 PROSPECTIVE JUROR NO. 256: I am.
24 THE COURT: Is your spouse employed?
25 PROSPECTIVE JUROR NO. 256: She is not.

1 THE COURT: Do you have any children?

2 PROSPECTIVE JUROR NO. 256: I do, a 27-year-old

3 daughter. She's in contract compliance analysis for clients

4 of Microsoft.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 256: A 25-year-old son who is

7 the executive chef of Las Vegas Country Club.

8 THE COURT: Okay. And have you ever served as a

9 juror before?

10 PROSPECTIVE JUROR NO. 256: I have not.

11 THE COURT: Have you or anyone close to you, such as

12 a family member or friend, ever been a victim of a crime?

13 PROSPECTIVE JUROR NO. 256: No.

14 THE COURT: How about accused of a crime?

15 PROSPECTIVE JUROR NO. 256: I have a brother that,

16 gosh, 40 years ago did 30 days in jail for not paying child

17 support. That's about as close as it gets.

18 THE COURT: Okay. Is there anything about what you

19 know of that case and your brother that you think would affect

20 your ability to be fair --

21 PROSPECTIVE JUROR NO. 256: No.

22 THE COURT: -- and impartial here?

23 PROSPECTIVE JUROR NO. 256: No, of course not.

24 THE COURT: All right. And would you have a

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

1 credence to the testimony of a police officer simply because
2 he's a police officer --

3 PROSPECTIVE JUROR NO. 256: No, Your Honor.

4 THE COURT: -- or she's a police officer? Can you
5 wait in forming your opinion as to the guilt or innocence of
6 the defendant until all the evidence has been presented and I
7 have instructed you on the law?

8 PROSPECTIVE JUROR NO. 256: I can.

9 THE COURT: And do you know of any reason why you
10 couldn't be completely fair and impartial if you're selected
11 here?

12 PROSPECTIVE JUROR NO. 256: No.

13 THE COURT: Any medical reason that would prevent
14 you from participating?

15 PROSPECTIVE JUROR NO. 256: No, sir.

16 THE COURT: All right. Thank you, Mr. Rosenfield.
17 Can you pass that to Dick Delbarrio.

18 PROSPECTIVE JUROR NO. 257: Yes, sir.

19 THE COURT: And it's Badge 257. He's in Seat 32.
20 Mr. Delbarrio, how long have you lived in Las Vegas?

21 PROSPECTIVE JUROR NO. 257: 18 years.

22 THE COURT: Okay. Where are you from originally?

23 PROSPECTIVE JUROR NO. 257: Philippines.

24 THE COURT: Okay. Are you employed, sir?

25 PROSPECTIVE JUROR NO. 257: I'm retired.

1 THE COURT: Where are you retired from?
2 PROSPECTIVE JUROR NO. 257: Machinist.
3 THE COURT: Masseuse?
4 PROSPECTIVE JUROR NO. 257: Machinist.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 257: Here in Henderson.
7 THE COURT: Okay. How far did you get in your
8 education?
9 PROSPECTIVE JUROR NO. 257: 35 years.
10 THE COURT: 35 years?
11 PROSPECTIVE JUROR NO. 257: 35 years.
12 THE COURT: I'm having a hard time understanding.
13 Three to five years?
14 PROSPECTIVE JUROR NO. 257: 35 years.
15 THE COURT: 35 years?
16 PROSPECTIVE JUROR NO. 257: Yes, sir.
17 THE COURT: In education? In your education? You
18 went to school for 35 years?
19 PROSPECTIVE JUROR NO. 257: Well, I was in
20 California, then moved here.
21 THE COURT: Okay. So you've been in the United
22 States for 35 years?
23 PROSPECTIVE JUROR NO. 257: Yes, sir.
24 THE COURT: Okay. How far did you get in your
25 education, your schooling? How much schooling have you done?

1 Do you understand me?

2 PROSPECTIVE JUROR NO. 257: No, sir.

3 THE COURT: Okay. What's your native language, is
4 it Tagalog?

5 PROSPECTIVE JUROR NO. 257: Tagalog, yeah.

6 THE COURT: Okay. Okay.

7 Do you want to ask him how long -- how far did he
8 get in his education? Just ask him. Ask him.

9 UNKNOWN SPEAKER: [Speaking Tagalog]. Oh, he can't
10 hear me.

11 THE COURT: He can't hear you?

12 PROSPECTIVE JUROR NO. 257: I'm having problem with
13 my ears.

14 THE COURT: You have issues with hearing? Okay.

15 UNKNOWN SPEAKER: What's the question?

16 THE COURT: Just ask him how far did he get in his
17 education.

18 UNKNOWN SPEAKER: [Speaking Tagalog].

19 PROSPECTIVE JUROR NO. 257: Four years.

20 UNKNOWN SPEAKER: Four? Four years.

21 THE COURT: Okay. I think it might just be hearing.
22 Yeah, I think -- it's okay Mindy. Okay.

23 I'm going to get you something to hear better, okay?
24 Will that help you?

25 PROSPECTIVE JUROR NO. 257: Yeah. Yes, sir. I

1 think the [indiscernible].

2 THE COURT: Can you hear me now?

3 PROSPECTIVE JUROR NO. 257: Oh, yes.

4 THE COURT: Hear us better, huh?

5 PROSPECTIVE JUROR NO. 257: Hear better.

6 THE COURT: Okay. So when I ask you how long have

7 you been in your education -- how far did you get in your

8 education, you understand?

9 PROSPECTIVE JUROR NO. 257: Four years, sir.

10 THE COURT: You said four years. Okay. So do you

11 believe you have an issue with the English language? Are you

12 okay with it?

13 PROSPECTIVE JUROR NO. 257: Yeah. Yes, sir.

14 THE COURT: It's just you had a problem --

15 PROSPECTIVE JUROR NO. 257: I don't have any

16 problems.

17 THE COURT: Okay. Okay.

18 PROSPECTIVE JUROR NO. 257: Getting old. Too old.

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

20 PROSPECTIVE JUROR NO. 257: Yes, sir.

21 THE COURT: Is your spouse employed?

22 PROSPECTIVE JUROR NO. 257: No, she's employed.

23 THE COURT: She's employed?

24 PROSPECTIVE JUROR NO. 257: Yes, sir.

25 THE COURT: What does she do for work?

1 PROSPECTIVE JUROR NO. 257: She works in purchasing
2 in a casino.

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

4 PROSPECTIVE JUROR NO. 257: Yes, one.

5 THE COURT: How old?

6 PROSPECTIVE JUROR NO. 257: 26.

7 THE COURT: 36?

8 PROSPECTIVE JUROR NO. 257: 26.

9 THE COURT: 26. Is it a boy or girl?

10 PROSPECTIVE JUROR NO. 257: A girl.

11 THE COURT: Does she work?

12 PROSPECTIVE JUROR NO. 257: She works.

13 THE COURT: What does she do?

14 PROSPECTIVE JUROR NO. 257: In the casinos, manager.

15 THE COURT: Okay. And have you ever served as a
16 juror before?

17 PROSPECTIVE JUROR NO. 257: No.

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

20 PROSPECTIVE JUROR NO. 257: No.

21 THE COURT: How about accused of a crime?

22 PROSPECTIVE JUROR NO. 257: No.

23 THE COURT: Okay. Would you have a tendency to give
24 more weight or credence or less weight or credence to the
25 testimony of a police officer simply because he or she is a

1 police officer?

2 PROSPECTIVE JUROR NO. 257: No.

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

7 PROSPECTIVE JUROR NO. 257: Yes.

8 THE COURT: Can you think of any reason why you
9 couldn't be completely fair and impartial if you were selected
10 here?

11 PROSPECTIVE JUROR NO. 257: No.

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

14 PROSPECTIVE JUROR NO. 257: No.

15 THE COURT: Now, you're using the use of a hearing
16 aid. Does that help you? I mean, do we --

17 PROSPECTIVE JUROR NO. 257: Yeah, this help me.

18 THE COURT: You're hearing a lot better?

19 PROSPECTIVE JUROR NO. 257: I hear better.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 257: Clearer.

22 THE COURT: I have some concerns, though. We've
23 spent two days now and I -- I've asked a lot of questions and
24 I'm -- I'm concerned that you haven't heard me.

25 PROSPECTIVE JUROR NO. 257: Sometimes I hear,

1 sometimes I didn't hear it.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 257: There was some words
4 that I did not hear.

5 THE COURT: Okay. All right. Well, we'll address
6 that further, okay.

7 PROSPECTIVE JUROR NO. 257: Okay.

8 THE COURT: But at this time, thank you. Go ahead
9 and pass -- pass the mic over to Tek Neopaney, this is Badge
10 383, he's Juror No. 33.

11 PROSPECTIVE JUROR NO. 383: Yes, sir.

12 THE COURT: Sir, how long have you lived in Las
13 Vegas?

14 PROSPECTIVE JUROR NO. 383: [Indiscernible] ten
15 years.

16 THE COURT: Okay. And are you employed?

17 PROSPECTIVE JUROR NO. 383: Yes.

18 THE COURT: What do you do for work?

19 PROSPECTIVE JUROR NO. 383: MGM [indiscernible].

20 THE COURT: Okay. So you work at the MGM?

21 PROSPECTIVE JUROR NO. 383: Yeah.

22 THE COURT: And how far did you get in your
23 education?

24 PROSPECTIVE JUROR NO. 383: Not here. In my country
25 like plus two.

1 THE COURT: Two years?
2 PROSPECTIVE JUROR NO. 383: Yeah.
3 THE COURT: Okay. So you finished high school and
4 then two years?
5 PROSPECTIVE JUROR NO. 383: Yeah.
6 THE COURT: All right. What were you studying?
7 Were you studying any particular thing in the university
8 level?
9 PROSPECTIVE JUROR NO. 383: No. No.
10 THE COURT: Okay. Are you married?
11 PROSPECTIVE JUROR NO. 383: Yes.
12 THE COURT: Is your spouse employed?
13 PROSPECTIVE JUROR NO. 383: No.
14 THE COURT: And how many children do you have?
15 PROSPECTIVE JUROR NO. 383: Three children, one
16 daughter, two sons. Daughter is married, and I have two boys.
17 THE COURT: How old are they?
18 PROSPECTIVE JUROR NO. 383: One is 17, one is 11.
19 THE COURT: Okay. And your daughter, you said she's
20 married?
21 PROSPECTIVE JUROR NO. 383: Yeah.
22 THE COURT: And is she employed?
23 PROSPECTIVE JUROR NO. 383: Yeah, she is working.
24 THE COURT: What does she do?
25 PROSPECTIVE JUROR NO. 383: I don't -- she is

1 working in beauty parlors.

2 THE COURT: In a beauty parlor?

3 PROSPECTIVE JUROR NO. 383: Yeah, she is not with
4 me.

5 THE COURT: Okay. Does she live in Las Vegas?

6 PROSPECTIVE JUROR NO. 383: Yeah.

7 THE COURT: And have you ever served as a juror
8 before?

9 PROSPECTIVE JUROR NO. 383: No.

10 THE COURT: Have your anyone close to you, such as a
11 family member or friend, ever been a victim of a crime?

12 PROSPECTIVE JUROR NO. 383: No, I don't like to
13 [indiscernible].

14 THE COURT: Okay. How about accused of a crime?

15 PROSPECTIVE JUROR NO. 383: No.

16 THE COURT: Okay. Would you have a tendency to give
17 more weight or credence or less weight or credence to the
18 testimony of a police officer simply because he or she is a
19 police officer?

20 PROSPECTIVE JUROR NO. 383: No.

21 THE COURT: And can you wait in forming your opinion
22 as to the guilt or innocence of the defendant until all the
23 evidence has been presented and I've instructed you on the
24 law?

25 PROSPECTIVE JUROR NO. 383: Yes.

1 THE COURT: And do you know of any reason why you
2 couldn't be completely fair and impartial if you were selected
3 here?

4 PROSPECTIVE JUROR NO. 383: No.

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

7 PROSPECTIVE JUROR NO. 383: No.

8 THE COURT: Okay. Thank you, Mr. Neopaney. Can you
9 pass that to Cindy Lamar, Badge -- is 2292?

10 PROSPECTIVE JUROR NO. 292: 292.

11 THE COURT: Okay. And she's seated in Seat 34. Ms.
12 Lamar, how long have you lived in Las Vegas?

13 PROSPECTIVE JUROR NO. 292: 14 years.

14 THE COURT: And are you employed?

15 PROSPECTIVE JUROR NO. 292: Yes.

16 THE COURT: What do you do for work?

17 PROSPECTIVE JUROR NO. 292: Medical administrator.

18 THE COURT: Okay. And how far did you get in your
19 education?

20 PROSPECTIVE JUROR NO. 292: I'm in school right now
21 for medical billing and coding.

22 THE COURT: Okay. And are you married?

23 PROSPECTIVE JUROR NO. 292: Yes.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 292: Yes.

1 THE COURT: What does your spouse do?
2 PROSPECTIVE JUROR NO. 292: He's a utility porter at
3 the Mirage.
4 THE COURT: Okay. And do you have any children?
5 PROSPECTIVE JUROR NO. 292: Yes.
6 THE COURT: How many?
7 PROSPECTIVE JUROR NO. 292: Four.
8 THE COURT: How old?
9 PROSPECTIVE JUROR NO. 292: 18, 16, 11, and 4.
10 THE COURT: Okay. 18-year-old still at home?
11 PROSPECTIVE JUROR NO. 292: He's in high school,
12 yeah.
13 THE COURT: Okay. And have you ever served as a
14 juror before?
15 PROSPECTIVE JUROR NO. 292: No.
16 THE COURT: Have you or anyone close to you, such as
17 a family member or friend, ever been a victim of a crime?
18 PROSPECTIVE JUROR NO. 292: No.
19 THE COURT: How about accused of a crime?
20 PROSPECTIVE JUROR NO. 292: Yes.
21 THE COURT: Can you tell us about that?
22 PROSPECTIVE JUROR NO. 292: My brother, my oldest
23 brother.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 292: I don't know much of the

1 actual reason why he did time, but he went to federal time.

2 THE COURT: So you don't --

3 PROSPECTIVE JUROR NO. 292: We were not talk --

4 THE COURT: -- know why --

5 PROSPECTIVE JUROR NO. 292: We were not talking at

6 the time.

7 THE COURT: -- but he did federal time?

8 PROSPECTIVE JUROR NO. 292: All I know is that he

9 was with -- what was their names, with the Vagos, and they

10 just got caught recently.

11 THE COURT: With what?

12 PROSPECTIVE JUROR NO. 292: With the Vagos

13 [indiscernible].

14 THE COURT: Oh, Vagos. The motorcycle gang?

15 PROSPECTIVE JUROR NO. 292: Yes.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 292: And at that time we were

18 not talking.

19 THE COURT: He rides with them?

20 PROSPECTIVE JUROR NO. 292: He did. I don't know

21 about now.

22 THE COURT: Okay. And so he spent time federally

23 for that?

24 PROSPECTIVE JUROR NO. 292: Yes.

25 THE COURT: Okay. Something that may have happened

1 during his association with them?

2 PROSPECTIVE JUROR NO. 292: I -- yeah, I believe so.
3 Yeah.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 292: Something to do with
6 them.

7 THE COURT: Is there anything about what you know of
8 your brother and your relationship with your brother and the
9 fact that he did some time that you think would affect your
10 ability to be fair and impartial here?

11 PROSPECTIVE JUROR NO. 292: No, because I don't know
12 anything about the case or about anything that happened prior
13 to that.

14 THE COURT: Okay. Anything else?

15 PROSPECTIVE JUROR NO. 292: No.

16 THE COURT: All right. Would you have a tendency to
17 give more weight or credence or less weight or credence to the
18 testimony of a police officer simply because he or she is a
19 police officer?

20 PROSPECTIVE JUROR NO. 292: No.

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

25 PROSPECTIVE JUROR NO. 292: Yes.

1 THE COURT: And can you think of any legal reason or
2 any reason at all that would prevent you from being completely
3 fair and impartial in this matter?

4 PROSPECTIVE JUROR NO. 292: No.

5 THE COURT: Any medical reason that would prevent
6 you from participating?

7 PROSPECTIVE JUROR NO. 292: No.

8 THE COURT: Okay. Ladies and gentlemen, we're going
9 to take a lunch break at this time. I wanted to go a little
10 bit earlier, but we drug out and I wanted to get this group
11 done, okay. I appreciate your patience.

12 Once again, during this break you're admonished not
13 to talk or converse amongst yourselves or with anyone else on
14 any subject connected with this trial. You're not to read,
15 watch, or listen to any report of or commentary on the trial
16 or any person connected with this trial by any medium of
17 information, including, without limitation, newspapers,
18 television, the Internet, or radio, or form or express any
19 opinion on any subject connected with this trial until the
20 case is finally submitted to you.

21 Ladies and gentlemen, it's now, what, about 10 to
22 2:00. Would 3:00 be enough time?

23 PROSPECTIVE JURY PANEL: Yes.

24 THE COURT: All right. So everybody be back by
25 3:00. Take all of your belongings with you now. Wait

1 outside. My marshal will collect you outside, okay. Thank
2 you.

3 (Prospective jury recessed at 1:52 P.M.)

4 THE COURT: Okay. We're outside the presence of the
5 jury. Do you all want -- do you need to make a record on
6 anything at this point?

7 MS. RADOSTA: Not at this point, Judge, but there
8 were a couple people that I think I wanted to do objections
9 for, but if I can look at my notes over the lunch break --

10 THE COURT: Okay.

11 MS. RADOSTA: -- so that I don't miss anybody.

12 THE COURT: All right. Also, I think it would be at
13 this time, when they come back would be the time to bring them
14 in individually --

15 MS. RADOSTA: Yes.

16 THE COURT: -- before -- that way if we need to
17 strike them, I strike them, and then we can start up again.

18 Also, I wanted to -- I wanted to readdress the
19 motion that the -- that the defense had requested of the Court
20 to strike the State's expert, and I believe it would be
21 Jonathan Matthias.

22 MR. SWEETIN: That's correct, Judge.

23 THE COURT: So did you want to address it any
24 further, Ms. Radosta?

25 MS. RADOSTA: I feel --

1 THE COURT: Okay.

2 MS. RADOSTA: -- my -- my motion, my oral motion
3 yesterday was pretty succinct, Judge. I just don't think they
4 complied with what's required under the statute.

5 THE COURT: Okay. Mr. Sweetin, I know I kind of
6 caught you off guard. Do you want to wait until we come back,
7 both of you, or are you comfortable with -- I wanted to get
8 this done.

9 MR. SWEETIN: That's fine, Judge. I haven't done
10 any real research on it, but --

11 THE COURT: Well, here's how I look at it, and I'm
12 reading the statute. The statute basically says, you know,
13 being -- it's the 21 days requirement. And what's required is
14 a brief statement regarding the subject matter in which the
15 expert witness is expected to testify and the substantive
16 testimony. We addressed that previously on the State --

17 MS. RADOSTA: Uh-huh.

18 THE COURT: -- the defendant's motion -- on the
19 State's motion, and a copy of the curriculum vitae of the
20 expert witness, and a copy of all reports made by the
21 direction of the expert witnesses.

22 In the case involving the defense, I had asked -- I
23 mean, the State's motion to strike the defense expert, I had
24 asked the defense what position they're taking with that, is
25 there -- is there any -- I remember giving them whether there

1 was anything additional that they needed, anything else that
2 they want to do, and the record was made that, well, we stand
3 by our notice and that was the extent of it. I granted the
4 motion on behalf of the State, okay.

5 In this particular case, under subsection (3) it
6 says after complying with the provisions of sections (1) and
7 (2), each party has a continuing duty to file and serve upon
8 the opposing party, and then it has (a) written notice of the
9 names and last known addresses, any party shall file and serve
10 written notice pursuant. And it says the Court shall prohibit
11 an additional witness from testifying if the Court determines
12 the party acted in bad faith by not including the witness on
13 the written notice. We're not dealing with that.

14 Subsection (b) says any information related to an
15 expert witness that is required to be disclosed pursuant to
16 subsection (2) any information, a party shall provide
17 information pursuant to this paragraph as soon as practicable
18 after the party obtained that information.

19 That's what I want to know from the State. Why is
20 it that we get a notice that's filed on December 12, 2018, and
21 then that was clearly within the 21 days, and then it isn't
22 until January 22, 2019, that the curriculum vitae for John
23 Matthias is now filed?

24 MR. SWEETIN: It was a matter of getting the
25 curriculum vitae from the expert.

1 THE COURT: Okay. So it's your position that that
2 -- you did it as soon as practicable?

3 MR. SWEETIN: Yes, Judge. As soon as -- as we were
4 able to receive the information, we sent it over to the
5 defense. Clearly, the defense was on notice that we intended
6 to call that expert, the purposes of us calling that expert,
7 and we provided the information as we got it.

8 THE COURT: Have you used Dr. Matthias previously?

9 MR. SWEETIN: I never have. And I'm not sure --

10 THE COURT: Do you know if the -- if the District
11 Attorney has?

12 MR. SWEETIN: I'm not sure of that. I know that we
13 -- we have a bank on the special victims unit of experts that
14 we use, and he wasn't in that bank.

15 THE COURT: Okay. So it wouldn't be something that
16 you keep copies of their curriculum vitae because you didn't
17 have a bank on him?

18 MR. SWEETIN: Right. We didn't have him in our
19 bank, and I'm not aware of a general bank that's kept in the
20 office.

21 THE COURT: And the statement that is put in the --
22 in the notice 21 days previously, was that to testify as an
23 expert on grooming techniques used by sex offenders on
24 children, abusive conduct, or course of control methods
25 perpetrated on children and adults, or in limiting situations,

1 ability to child abuse and/or to rebut testimony of Dr. Greg
2 Harder.

3 MR. SWEETIN: That's correct.

4 THE COURT: So we know that Harder is not
5 testifying.

6 MR. SWEETIN: That's correct.

7 THE COURT: So is your intention still to present
8 Mr. Matthias?

9 MR. SWEETIN: I'm not sure that we will or we won't.
10 We certainly want that option open. It depends upon what --
11 what direction the defense takes.

12 THE COURT: Okay. I will give you the lunch break
13 to -- to look into see whether or not the office had a
14 curriculum vitae on him and give me some better understanding
15 of why one wasn't available for you on the -- on the date that
16 you filed the initial notice. I need that to determine
17 whether or not I believe it was practical or not.

18 MR. SWEETIN: Okay.

19 THE COURT: But my -- I'll tell you, Mr. Sweetin, my
20 intention is initially to strike him because I don't believe
21 that you complied with the statute. But if you can give me
22 some information to -- to persuade me otherwise, I'm still of
23 that opinion, okay.

24 MR. SWEETIN: Okay.

25 THE COURT: All right. Okay. So we'll see you back

1 at 3:00, okay. All right.

2 (Court recessed at 1:59 P.M., until 3:04 P.M.)

3 (Outside the presence of the prospective jury)

4 (Pause in the proceedings)

5 THE COURT: All right. We're back on the record in
6 Case No. C311453, State of Nevada versus Christopher Sena.
7 I'd like the record to reflect the presence of the defendant
8 and his counsel, as well as the State and their counsel.
9 We're outside the presence of the jury.

10 I thought this would be a good time to bring in each
11 one of these individuals individually that we had marked. So
12 we know we have Badge 326 is in the first position as Thandi,
13 Thandi, T-h-a-n-d-i Dickens. And so -- and then the next one
14 would be Angelica Mullins and then we'll bring in Robyn Dolan,
15 Janice Brand, and if there was any others, I'll -- I'll
16 discuss it with the parties. That's what I'm going to start
17 with, okay.

18 So Ed, can you go out and find Ms. Thandi Dickens --

19 THE MARSHAL: Yes.

20 THE COURT: -- and bring her in. Okay. And she --
21 she's the one that had the victim -- I mean, a family member
22 was a victim; right?

23 MS. RADOSTA: Family member charged with murder.

24 MS. SUDANO: There we go.

25 THE COURT: Okay.

1 MS. RADOSTA: And she did not tell us that.

2 THE COURT: Okay.

3 (Inside the presence of Prospective Juror No. 326)

4 THE COURT: Ms. Dickens, hi. Can you go ahead and
5 come -- come up here in the front and have a seat right here
6 in the -- one of the -- one of the seats there. Just make
7 yourself comfortable. Just relax. We're not picking on you,
8 we're not -- okay. Just so the record is clear, this is
9 Thandi Dickens, her badge number is 326; is that correct?

10 PROSPECTIVE JUROR NO. 326: Yes. Yes.

11 THE COURT: And she was seated -- she's seated in --
12 in Seat No. 1.

13 Ms. Dickens, it came to my attention that during
14 some of the discussions with the parties is that you had
15 revealed in your questionnaire that a family member of yours
16 or a friend or someone close to you was charged with murder.

17 PROSPECTIVE JUROR NO. 326: I misunderstood the
18 question.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 326: It says immediate family
21 member; correct?

22 THE COURT: Okay. Because my -- my question to
23 everyone that I've asked is -- is anyone close to you, such as
24 a family member or friend, ever been either a victim of a
25 crime or charged with a crime. So can -- can you address that

1 for us?

2 PROSPECTIVE JUROR NO. 326: I don't know the
3 specifics. It's a cousin of mine. It happened in the '80's,
4 so --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 326: That's what I heard from
7 just knowing he was in jail.

8 THE COURT: Okay. So you heard that through family?

9 PROSPECTIVE JUROR NO. 326: Right.

10 THE COURT: And it was a cousin that you believe was
11 charged and convicted of murder?

12 PROSPECTIVE JUROR NO. 326: He was charged and
13 convicted.

14 THE COURT: Okay. Here in Las Vegas?

15 PROSPECTIVE JUROR NO. 326: Yes.

16 THE COURT: Are you close with your cousin at all?

17 PROSPECTIVE JUROR NO. 326: No.

18 THE COURT: And the only way you found out about it
19 was hearing from -- through the family?

20 PROSPECTIVE JUROR NO. 326: Right. I was young at
21 the time, I was born in '79, it happened in the '80's, so it
22 was just --

23 THE COURT: Okay

24 PROSPECTIVE JUROR NO. 326: -- hearsay.

25 THE COURT: So you were a year old?

1 PROSPECTIVE JUROR NO. 326: I was probably like five
2 or six.

3 THE COURT: Okay. And is there anything about what
4 you know or what you were told of that you think that would
5 affect your ability to be fair and impartial here?

6 PROSPECTIVE JUROR NO. 326: No.

7 THE COURT: Okay. Now, you said you didn't answer
8 the question initially because you believe you misunderstood
9 the question?

10 PROSPECTIVE JUROR NO. 326: Right.

11 THE COURT: Okay. All right. So I'm going to have
12 the parties, if they'd like, do you have any questions
13 regarding just that, State?

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

15 MS. RADOSTA: Just out of curiosity, are you close
16 with the other -- it's your cousin, so that would be your aunt
17 or your uncle was the parent of --

18 PROSPECTIVE JUROR NO. 326: Right.

19 MS. RADOSTA: And are you close with the aunt -- or
20 aunt or uncle?

21 PROSPECTIVE JUROR NO. 326: It's my aunt. We're not
22 close close. They live in Vegas.

23 MS. RADOSTA: They lived in Vegas, okay.

24 PROSPECTIVE JUROR NO. 326: Yeah.

25 MS. RADOSTA: Is your cousin still in prison, if you

1 know?

2 PROSPECTIVE JUROR NO. 326: No, he's out on

3 probation.

4 MS. RADOSTA: Okay. Do you have any contact with

5 him now?

6 PROSPECTIVE JUROR NO. 326: [Shakes head no].

7 MS. RADOSTA: Does the fact that -- I mean, do you

8 know if -- do you know was there a jury trial or did he plead

9 guilty or do you have any --

10 PROSPECTIVE JUROR NO. 326: Again, I -- I don't

11 know.

12 MS. RADOSTA: Okay.

13 PROSPECTIVE JUROR NO. 326: I like I don't know. I

14 was only like five or six.

15 MS. RADOSTA: Okay. Okay.

16 THE COURT: All right. Ms. -- and anything else?

17 MS. RADOSTA: Not at this time, Judge, no.

18 THE COURT: Ms. Dickens, thank you so much. Go

19 ahead and go back out. My marshal, give my marshal the mic.

20 Yeah. Oh. I'm sorry, Ms. Dickens.

21 PROSPECTIVE JUROR NO. 326: Yes, sir.

22 THE COURT: Please understand the admonition I gave

23 you earlier and don't discuss what you -- what was just

24 happening --

25 PROSPECTIVE JUROR NO. 326: Right.

1 THE COURT: -- in here, okay.

2 PROSPECTIVE JUROR NO. 326: Okay.

3 THE COURT: All right. Thank you.

4 (Outside the presence of Prospective Juror No. 326)

5 THE COURT: The next one would be Angelica Mullins.

6 And what was the one with regards to Ms. Dolan? Oh. Her --

7 MS. SUDANO: Husband.

8 THE COURT: -- her husband was molested. Okay.

9 (Inside the presence of Prospective Juror No. 072)

10 Ms. Mullins, can you come up here and have a seat in

11 one of these chairs in the front. Okay. Make yourself

12 comfortable. My -- my marshal is going to give you the mic.

13 We're not picking on you or anything like that. What -- what

14 has come to my attention through -- through the parties is

15 that, you know, you -- you filled out a questionnaire, and in

16 the questionnaire you had indicated that -- and if -- if I'm

17 incorrect, then correct me. And just for the record, it's

18 Angelica Mullins, Badge 072, okay. It indicated that --

19 through your notes that -- that you had been sexually abused

20 yourself?

21 PROSPECTIVE JUROR NO. 072: Yes. If you're asking

22 why I didn't bring it up earlier --

23 THE COURT: Yeah.

24 PROSPECTIVE JUROR NO. 072: -- it's because I -- a

25 lot of other people did, and that didn't really seem to like

1 take them out of the running at all.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 072: So I didn't feel the
4 need to talk about it.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 072: So I apologize if
7 that --

8 THE COURT: No, it's fine.

9 PROSPECTIVE JUROR NO. 072: -- if it came across as
10 me --

11 THE COURT: It's fine.

12 PROSPECTIVE JUROR NO. 072: -- like withholding
13 something.

14 THE COURT: We felt maybe because of the nature of
15 it is that you didn't want to address it in front of everyone
16 else --

17 PROSPECTIVE JUROR NO. 072: Correct.

18 THE COURT: -- that's why I'm doing it this way.

19 PROSPECTIVE JUROR NO. 072: Yes.

20 THE COURT: Is that kind of correct?

21 PROSPECTIVE JUROR NO. 072: Yes.

22 THE COURT: All right. So, you know, it -- each --
23 each individual with what they're telling us is -- is unique
24 to that individual, okay. So I'm sorry that I've given you
25 the impression -- I hope I haven't given the rest of the jury

1 an impression that because they've brought things up that we
2 have just disregarded, that's not true at all.

3 PROSPECTIVE JUROR NO. 072: Okay.

4 THE COURT: Okay. So -- and that's why you're in
5 here now. So is there -- can you tell us about it now? How
6 -- how old were you, first of all?

7 PROSPECTIVE JUROR NO. 072: Middle school. So like
8 between 11 and 13.

9 THE COURT: Okay. And was anyone arrested or
10 charged with it?

11 PROSPECTIVE JUROR NO. 072: No.

12 THE COURT: Okay. Was that -- did you reveal it to
13 anyone?

14 PROSPECTIVE JUROR NO. 072: No.

15 THE COURT: And was this the first time that you've
16 revealed it is --

17 PROSPECTIVE JUROR NO. 072: Yes.

18 THE COURT: -- is in this --

19 PROSPECTIVE JUROR NO. 072: Correct.

20 THE COURT: Okay. Was it a relative?

21 PROSPECTIVE JUROR NO. 072: Yes.

22 THE COURT: Father, mother?

23 PROSPECTIVE JUROR NO. 072: Mother.

24 THE COURT: Okay. And -- and I -- do you still have
25 a relationship with her?

1 PROSPECTIVE JUROR NO. 072: Yes.

2 THE COURT: Okay. Is there anything about that
3 relationship and what happened to you that you think would
4 affect your ability to be fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 072: No, I'm very
6 understanding of the law and the due process.

7 THE COURT: Okay. Do you believe that you can set
8 that aside and base your decision solely on what's being
9 presented here --

10 PROSPECTIVE JUROR NO. 072: Yes, I do.

11 THE COURT: -- and the evidence and -- and the laws
12 I instruct --

13 PROSPECTIVE JUROR NO. 072: Yes.

14 THE COURT: -- you on? Okay.
15 Do you have any questions, State?

16 MS. SUDANO: I do, yes.

17 THE COURT: Okay.

18 MS. SUDANO: All right. Hi. So my name is
19 Michelle. I just have a couple of questions for you about
20 some other things that were in your questionnaire, if that's
21 okay, Your Honor.

22 THE COURT: We're talking about this here. If
23 we're --

24 MS. SUDANO: Okay.

25 THE COURT: -- is there -- is there something that

1 has to do with this, or is there something that has to do with
2 a -- that wasn't -- was not consistent with what she's already
3 answered?

4 MS. SUDANO: Not right here.

5 THE COURT: Okay.

6 MS. SUDANO: But there was concerns about the video.

7 THE COURT: Okay. Well you can --

8 MS. SUDANO: Okay. We can --

9 THE COURT: -- address that --

10 MS. SUDANO: -- ask that --

11 THE COURT: -- later. I --

12 MS. SUDANO: Absolutely.

13 THE COURT: -- I'm talking about the questions I
14 asked.

15 MS. SUDANO: Sure.

16 THE COURT: And that question, the reason you're in
17 here is because -- because there's -- my specific question is
18 that, you know, being a victim of a crime or accused of the
19 crime, and you told us about your sister --

20 PROSPECTIVE JUROR NO. 072: Uh-huh.

21 THE COURT: -- and then -- but in your -- in your
22 statement you talked about you, but you didn't tell us here.
23 And so that -- that -- that's inconsistent with that.

24 PROSPECTIVE JUROR NO. 072: I -- I apologize --

25 THE COURT: That's why --

1 PROSPECTIVE JUROR NO. 072: -- for not saying that
2 out loud earlier.

3 THE COURT: Okay. Ms. Sudano, do you have any
4 questions regarding what she's just represented?

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

6 THE COURT: Okay. All right. Ms. Radosta?

7 MS. RADOSTA: Thank you, Judge.

8 THE COURT: Okay.

9 MS. RADOSTA: Ms. Mullins, my name is Violet, and I
10 just want to follow up on a couple quick things.

11 PROSPECTIVE JUROR NO. 072: Uh-huh.

12 MS. RADOSTA: We appreciate, you know, this is --
13 this is tough in this environment to talk about something,
14 particularly, if I'm understanding you correctly, this is the
15 first time you've ever talked about it --

16 PROSPECTIVE JUROR NO. 072: Yes.

17 MS. RADOSTA: -- publicly.

18 PROSPECTIVE JUROR NO. 072: Correct.

19 MS. RADOSTA: Have you ever talked about it with
20 family or friends?

21 PROSPECTIVE JUROR NO. 072: With friends. Not with
22 anyone in the family.

23 MS. RADOSTA: Okay. Have you ever sought any type
24 of counseling or therapy for what happened to you?

25 PROSPECTIVE JUROR NO. 072: No.

1 MS. RADOSTA: Okay. Because this is the first time
2 that you've really talked to anybody --

3 PROSPECTIVE JUROR NO. 072: Uh-huh.

4 MS. RADOSTA: -- and -- and I can't really say this
5 is necessarily a voluntary way to talk about it, but not
6 necessarily to people that you know well. Do you think, if
7 you were chosen for this jury, that your own experience might
8 come back to you as you are sitting here listening to this
9 case?

10 PROSPECTIVE JUROR NO. 072: I can't -- it definitely
11 is a possibility. Personally, I feel that I have a pretty
12 good handle on it.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 072: Like I've come to terms
15 with it.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 072: But, you know, I can't
18 say for sure that it wouldn't upset me at all.

19 MS. RADOSTA: Okay. What if -- do -- you gave us
20 the age range that happened to you, which was between ages of
21 about 11 and 13, and that your mom was the person that -- that
22 sexually abused you.

23 PROSPECTIVE JUROR NO. 072: Yes, correct.

24 MS. RADOSTA: If there was a similar fact pattern in
25 this case to what happened to you, do you think that would

1 have any impact on you?

2 PROSPECTIVE JUROR NO. 072: Are you -- about like a
3 bias, is that what you're asking?

4 MS. RADOSTA: Yes. I mean, well first -- first of
5 all, do you think that just the similarity of the accusation
6 in this case being somewhat similar to what happened to you,
7 do you think that that would cause you to maybe stop following
8 during the trial, getting lost in your own head about what
9 happened to you?

10 PROSPECTIVE JUROR NO. 072: No, I don't believe so.

11 MS. RADOSTA: Okay. What about do you think there
12 would be a bias? Would you be more apt to believe someone if
13 they were similar in their accusation to what happened to you?

14 PROSPECTIVE JUROR NO. 072: Not necessarily. It
15 would have -- it would be based on evidence.

16 MS. RADOSTA: Okay. On that, you said that you do
17 still have a relationship with your mom now.

18 PROSPECTIVE JUROR NO. 072: Yes.

19 MS. RADOSTA: How was it that you -- did you -- who
20 did you tell back when you were 13 or -- let me rephrase that.
21 How is it that that the abuse stopped? Did you -- did you
22 tell someone, or did it just --

23 PROSPECTIVE JUROR NO. 072: No.

24 MS. RADOSTA: -- stop?

25 PROSPECTIVE JUROR NO. 072: It eventually just

1 stopped on its own.

2 MS. RADOSTA: Okay. And have you ever had -- have
3 you ever talked to your mom about that --

4 PROSPECTIVE JUROR NO. 072: No.

5 MS. RADOSTA: -- at all? No. You just --

6 PROSPECTIVE JUROR NO. 072: Uh-huh.

7 MS. RADOSTA: -- you just -- okay. Did you continue
8 to live with your mom after the abuse stopped?

9 PROSPECTIVE JUROR NO. 072: Yes.

10 MS. RADOSTA: Until you were 17, 18, I'm assuming?

11 PROSPECTIVE JUROR NO. 072: No, I still live with
12 her.

13 MS. RADOSTA: You still live with her now? Okay.

14 PROSPECTIVE JUROR NO. 072: Yeah.

15 MS. RADOSTA: Okay. And you just chose not to
16 pursue -- pursue it outside of dealing with it on your own?

17 PROSPECTIVE JUROR NO. 072: Correct.

18 MS. RADOSTA: Okay. Let me just -- do you think
19 that your experience when -- when you were younger feeds into
20 the -- the idea that you put in your questionnaire that you
21 already feel that my client is guilty?

22 PROSPECTIVE JUROR NO. 072: Yes. Admittedly, when I
23 did fill out that questionnaire, I hadn't taken into account
24 everything that the Judge has like brought up since, you know,
25 about, you know, pushing those feelings away and taking the

1 evidence into account.

2 MS. RADOSTA: Right.

3 PROSPECTIVE JUROR NO. 072: So -- but at the time
4 when I did write that, yes.

5 MS. RADOSTA: Well, let me ask --

6 PROSPECTIVE JUROR NO. 072: That was my feeling.

7 MS. RADOSTA: Let me ask you this. When you -- when
8 you read the fact scenario for this, given your own
9 experience, did you think, oh, anything but this type of case?

10 PROSPECTIVE JUROR NO. 072: Correct. Yeah. I was
11 upset that my first ever time for jury duty was something in
12 this --

13 MS. RADOSTA: Absolutely. And -- and --

14 PROSPECTIVE JUROR NO. 072: -- view.

15 MS. RADOSTA: -- the truth of the matter is, all of
16 us here, we just want to make sure we get the right people for
17 this jury.

18 PROSPECTIVE JUROR NO. 072: Uh-huh.

19 MS. RADOSTA: And --

20 PROSPECTIVE JUROR NO. 072: Yeah, I understand.

21 MS. RADOSTA: -- just because -- you know, just
22 because we're asking you these questions doesn't mean that we
23 don't think you're the right fit.

24 PROSPECTIVE JUROR NO. 072: Uh-huh.

25 MS. RADOSTA: But it's possible that you may not be

1 the right fit. And that's --

2 PROSPECTIVE JUROR NO. 072: Yeah.

3 MS. RADOSTA: -- there's nothing wrong with that, we

4 just, you know. There's nothing wrong with -- with the -- the

5 fact that you didn't want to talk about this in front of

6 anybody else, either. That's, I think, probably perfectly

7 normal and all. I wouldn't want to be talking about my

8 personal life in front of everyone. But so do you feel now

9 that you have to be pushing aside these feelings that you have

10 in order to be an appropriate juror on this case?

11 PROSPECTIVE JUROR NO. 072: No, not necessarily.

12 I've gotten a better understanding of, you know, just taking

13 into -- going in without any prejudgments, taking into account

14 evidence that's presented, and making a decision based off

15 that.

16 MS. RADOSTA: Just one more question for right now.

17 PROSPECTIVE JUROR NO. 072: Uh-huh.

18 MS. RADOSTA: Given what we talked about here, would

19 you, if you were sitting where my client is sitting, would you

20 want 12 people that have had your experiences and have your

21 mental state on your jury?

22 PROSPECTIVE JUROR NO. 072: Probably not, to be

23 honest.

24 MS. RADOSTA: Okay. And why is that?

25 PROSPECTIVE JUROR NO. 072: Just if -- if I were in

1 that position, I probably wouldn't want 12 people who have
2 been through the exact same trauma because it really can
3 affect people in one way or another.

4 MS. RADOSTA: It's an emotional experience.

5 PROSPECTIVE JUROR NO. 072: Yeah.

6 MS. RADOSTA: It stays with you, I'm assuming, the
7 rest of --

8 PROSPECTIVE JUROR NO. 072: Uh-huh.

9 MS. RADOSTA: -- your life, at least however --
10 however old you are now.

11 PROSPECTIVE JUROR NO. 072: Yeah.

12 MS. RADOSTA: It's still part of who you are.

13 PROSPECTIVE JUROR NO. 072: Uh-huh.

14 MS. RADOSTA: And it affects you maybe not daily,
15 but it affects who you are, is that a fair statement?

16 PROSPECTIVE JUROR NO. 072: Yeah. Occasionally.
17 Like it's -- it's been about 10 years or so now, but, yeah,
18 occasionally still. But very rarely.

19 MS. RADOSTA: All right. Nothing further at this
20 time, Judge.

21 THE COURT: Anything?

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

23 THE COURT: Okay. All right. Ms. Mullins, I'm
24 going to let you go back out in the hall. I will instruct you
25 not to discuss what was discussed in here and you're still

1 under --

2 PROSPECTIVE JUROR NO. 072: Okay.

3 THE COURT: -- the same admonition, okay. All

4 right. Thank you.

5 Ed, can you get Ms. Dolan? Okay.

6 (Outside the presence of Prospective Juror No. 072)

7 (Inside the presence of Prospective Juror No. 338)

8 THE COURT: Ms. Dolan, can you come in here and just

9 have a seat in one of these seats here?

10 PROSPECTIVE JUROR NO. 338: Oh, okay.

11 THE COURT: Just relax.

12 PROSPECTIVE JUROR NO. 338: Okay.

13 THE COURT: You're not being picked on or anything.

14 PROSPECTIVE JUROR NO. 338: Okay.

15 THE COURT: It's just what we've done is that -- you

16 know, we've had the -- we've had the benefit of -- of the jury

17 questionnaires, so we have some additional information that's

18 provided to us.

19 PROSPECTIVE JUROR NO. 338: Uh-huh.

20 THE COURT: And then I ask certain questions, and --

21 and right now I want to address something that seemed to be

22 inconsistent with your -- with your statement that you made --

23 PROSPECTIVE JUROR NO. 338: Okay.

24 THE COURT: -- in your -- in your questionnaire. I

25 asked the question of everyone if you or anyone close to you,

1 such as a family member or friend, ever been a victim of a
2 crime.

3 PROSPECTIVE JUROR NO. 338: Uh-huh.

4 THE COURT: And in your questionnaire, you had
5 reported that your husband was molested.

6 PROSPECTIVE JUROR NO. 338: Yeah.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 338: Self-reported, according
9 to him. If I can explain.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 338: His -- my husband is --
12 has -- is paranoid schizophrenic, and he has a head injury.
13 So --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 338: -- he says that he was,
16 and perhaps he was, but I also don't trust the things he says
17 because he is very paranoid and he does say things that are
18 clearly sometimes not -- out of touch with reality. So I
19 don't know how --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 338: -- much of what he says
22 has happened actually has happened, only just things that he
23 says currently happens that clearly did not. So --

24 THE COURT: Okay. So -- so what -- if I understand
25 you, what you're saying is that -- is that your husband had

1 revealed to you --

2 PROSPECTIVE JUROR NO. 338: Right.

3 THE COURT: -- that he was molested, maybe as a
4 child.

5 PROSPECTIVE JUROR NO. 338: Yeah.

6 THE COURT: And short of what he's revealed to you,
7 you've not been able to -- I mean, to conclude or form an
8 opinion that it actually happened?

9 PROSPECTIVE JUROR NO. 338: There would be no way
10 for me to know. He was raised in foster care in Canada --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 338: -- and has no connection
13 to -- any family of any kind.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 338: And so I would have no
16 way of even knowing.

17 THE COURT: And then you even question his -- his
18 veracity of that?

19 PROSPECTIVE JUROR NO. 338: I do. And that sounds
20 unfair, but he -- he very often says things that are out of
21 touch, so I don't know. I mentioned it because when I saw the
22 questionnaire --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 338: -- I saw that. And then
25 sitting in here, the only thing I could think, that didn't

1 even really enter my mind because it's not a big --

2 THE COURT: Okay. So is there anything about that,

3 what you -- what your husband revealed to you, that you think

4 would affect your ability to be fair and impartial in this

5 matter at all?

6 PROSPECTIVE JUROR NO. 338: Oh, certainly. It

7 wouldn't -- no, it would not have no negative effect at all.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 338: Because it would have --

10 it would have happened such a long time ago. He would have

11 been really little.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 338: So --

14 THE COURT: State, do you have any questions of my

15 questions?

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

17 THE COURT: How about you, Ms. Radosta?

18 MS. RADOSTA: So just to -- just to be clear, you

19 didn't --

20 PROSPECTIVE JUROR NO. 338: Uh-huh.

21 MS. RADOSTA: -- mention it in front of the panel

22 just because you didn't necessarily think it was --

23 PROSPECTIVE JUROR NO. 338: Yeah.

24 MS. RADOSTA: -- truthful, it wasn't that you were

25 hesitant to talk about it in front of the whole panel?

1 PROSPECTIVE JUROR NO. 338: Oh, yeah. No, I wasn't
2 hesitant at all.

3 MS. RADOSTA: All right.

4 PROSPECTIVE JUROR NO. 338: Yeah.

5 MS. RADOSTA: Okay.

6 PROSPECTIVE JUROR NO. 338: I just -- I don't know
7 if it's really -- I doubt it is all that it is.

8 MS. RADOSTA: Okay.

9 PROSPECTIVE JUROR NO. 338: Yeah.

10 MS. RADOSTA: Do you think that it's possible that
11 -- well, let me rephrase that.

12 PROSPECTIVE JUROR NO. 338: Uh-huh.

13 MS. RADOSTA: Do you think it's possible for
14 somebody who is not paranoid schizophrenic to make a false
15 allegation of this nature?

16 PROSPECTIVE JUROR NO. 338: Oh, yeah, I do.

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 338: I work with children,
19 so --

20 MS. RADOSTA: Okay.

21 PROSPECTIVE JUROR NO. 338: -- I have experience
22 there.

23 MS. RADOSTA: Are you -- just on that note, you're a
24 mandatory reporter, yes?

25 PROSPECTIVE JUROR NO. 338: I am, yes.

1 MS. RADOSTA: Nothing further, Judge. Sorry about
2 that extra question.
3 THE COURT: Okay.
4 MS. RADOSTA: I just followed.
5 THE COURT: No, that's fine. All right. So Ms.
6 Dolan --
7 THE RECORDER: Judge.
8 THE COURT: -- I'm going to -- I'm going to release
9 you back to --
10 PROSPECTIVE JUROR NO. 338: Okay.
11 THE COURT: You just need the badge number?
12 THE RECORDER: Yeah, just so the record is clear.
13 THE COURT: It's --
14 PROSPECTIVE JUROR NO. 338: Oh.
15 THE COURT: It's 338.
16 PROSPECTIVE JUROR NO. 338: Yeah.
17 THE COURT: Badge -- and her name is Robyn Dolan.
18 I'm going to go ahead and release you back to the -- outside
19 the courtroom. I'm going to remind you of your admonition,
20 and I'm going to instruct you not to discuss what we just
21 discussed in here with anyone.
22 PROSPECTIVE JUROR NO. 338: Okay.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 338: All right.
25 THE COURT: All right. Ed, could you bring in

1 Janice Brand? She's Badge 111.

2 (Outside the presence of Prospective Juror No. 338)

3 (Inside the presence of Prospective Juror No. 111)

4 THE COURT: Ms. Brand, can you come up in here and
5 have a seat in one of these four seats there? Just make
6 yourself comfortable.

7 Is that mic going to work, or do we need the other
8 one?

9 THE MARSHAL: No. New batteries.

10 THE COURT: Okay. Ms. Brand, we're not picking on
11 you or anything.

12 PROSPECTIVE JUROR NO. 111: Okay.

13 THE COURT: All it is is that based on some of the
14 answers, we have the -- we have the advantage of knowing some
15 information about you before you come in because of that jury
16 questionnaire, and then some of the questions that we had
17 asked here. And when you had indicated that you had been a
18 victim of molestation as a child, it kind of -- I got the
19 impression, based on your response to me, that one that it was
20 -- it was a little uncomfortable for you to discuss it in
21 front of a group of people. So -- so there's some of us that
22 we're bringing in here because of that.

23 PROSPECTIVE JUROR NO. 111: Okay.

24 THE COURT: Okay. It -- am I right, or -- or am I
25 -- am I off base?

1 PROSPECTIVE JUROR NO. 111: Well, there -- there
2 really isn't much to say, except that I -- as a kid I was in
3 one of these forested areas, and I was -- I got into -- this
4 man approached me and my friend, and he got a hold of me,
5 somebody that I didn't know, and he -- he molested me.

6 But I ran, I got away, I ran, and then I ran to my
7 friend's mother because my friend was still in the forested
8 area there. And she called the police and then the police
9 came, and then -- so I wasn't -- I wasn't really physically --
10 I wasn't physically hurt, because I -- my clothes were on, and
11 it wasn't something that where skin touched skin, but it was
12 something that scared the devil out of me and will -- will --
13 has been with me all my life.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 111: So it's something that
16 I'll never forget, and it's changed my life a little bit, you
17 know. So I don't tend to like to talk about it. I don't tell
18 anybody about that unless it's questioned.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 111: But, I mean, what -- you
21 know, I was, I don't know, eight, nine years old.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 111: So I was -- my life
24 changed from that --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 111: -- point on. So --

2 THE COURT: Well, is it -- is -- do you believe that
3 you can set that aside and decide this case solely on the
4 evidence that's being presented here and the -- and the law as
5 I instruct you?

6 PROSPECTIVE JUROR NO. 111: Yeah, I do. I don't
7 think that, you know, I mean, I still have the fear in me from
8 -- from that encounter, if you will.

9 THE COURT: Uh-huh.

10 PROSPECTIVE JUROR NO. 111: And like I said, it's
11 something that is related in a way from the information that
12 I've gotten to this case. But I am -- you know, I'm mature
13 enough to realize that, you know, today is today, and what --
14 what I have to deal with now is, you know, the facts that are
15 presented just like you asked.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 111: So, you know, it's not
18 -- to be very honest with you, it's particularly not a case
19 that I would want to sit on a jury to do, but if you -- you
20 know, I -- it's not going to change my objective reasoning and
21 opinion of what's presented. So I'll make my judgement, you
22 know, from that. I mean --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 111: -- that's all I can do,
25 you know.

1 THE COURT: Okay. I have another question.

2 PROSPECTIVE JUROR NO. 111: Okay.

3 THE COURT: You were talking to us about some
4 information that came up regarding your husband.

5 PROSPECTIVE JUROR NO. 111: Yeah.

6 THE COURT: And that was on the situation where he
7 was accused of a crime, you talked about reckless driving and
8 a battery at one time. And I had asked about, well, how long
9 ago, and you said -- you said, well, we were -- you know, you
10 told us that you were talking about it either today.

11 PROSPECTIVE JUROR NO. 111: Yes.

12 THE COURT: And so -- and you said it was because of
13 the court case and you brought that up. Have you been
14 discussing the case here with your husband?

15 PROSPECTIVE JUROR NO. 111: No. What happened --
16 and let me just clarify something because I did -- I did want
17 to clarify this, that he wasn't charged with battery.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 111: Okay. He wasn't charged
20 with battery. What happened with that was I guess, there was
21 information in the courtroom -- it was so long ago and that's
22 why I got the two things mixed up. It was so long ago that I
23 -- I think that he was -- I don't know -- I don't even know
24 what the charge was, but it was swayed towards what didn't
25 happen. And it was the prosecutor that made it sound like he

1 was guilty when he really wasn't, okay. So that was kind of
2 an issue for a while there in the household, we were talking
3 about that.

4 Now, as far as talking about the case -- I'll be
5 very honest with you again, as I was getting ready to, you
6 know, come here today, they had a flash on television about
7 the jury selection today. So my husband is like, oh, is that
8 what you're, you know, doing? And I kept telling him, look,
9 I'm making no comment, I'm not telling you anything.

10 So he started talking about the court case that he
11 -- when he was in court at that time years ago. So that's how
12 that came up. It was just -- so I told my husband, because
13 he's very curious about what I'm doing, that's -- that's --
14 there's no doubt about that. So I just have been telling him
15 I'm not making any comment about it.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 111: And I have not told him
18 specifically that I'm working on -- you know, I'm coming over
19 here to do this.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 111: I didn't tell him for
22 this particular case.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 111: Did not mention the
25 name. So whatever conclusion he came to on his own, that's

1 him, but I --

2 THE COURT: So you don't even know --

3 PROSPECTIVE JUROR NO. 111: -- didn't tell him.

4 THE COURT: -- whether or not what was on possibly

5 TV about jury selection was even this case?

6 PROSPECTIVE JUROR NO. 111: It was. It was

7 mentioned.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 111: I was in -- you know, I

10 don't have a big house. My --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 111: -- my house is like 900

13 square feet.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 111: So the TV was on and I

16 was --

17 THE COURT: So how do you know it was this case?

18 Because there's --

19 PROSPECTIVE JUROR NO. 111: Because they said so.

20 THE COURT: What --

21 PROSPECTIVE JUROR NO. 111: They said so.

22 THE COURT: -- do you mean?

23 PROSPECTIVE JUROR NO. 111: They said it was the

24 Sena case.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 111: And they were -- they
2 expressed that one of the Sena wives was, I don't know, I
3 guess she pled -- I don't know, I guess she got a sentence or
4 something for, you know, I don't know what it was. So but my
5 husband saw it when I was in -- partially in one room and
6 partially I was in the hallway.

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR NO. 111: So, you know, he put two
9 and two together, so to speak, and he's like, oh, is that, you
10 know. So but I didn't tell him it was.

11 THE COURT: Uh-huh.

12 PROSPECTIVE JUROR NO. 111: Because I told him just
13 what, you know, with what you have verbalized to everybody
14 here that we're not supposed to mention anything about the
15 case with anybody, so --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 111: And I told him, I said,
18 look, that's going to be like a contempt of court if I start
19 telling you about, you know -- so I'm not -- I didn't mention
20 it to him about that.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 111: Yeah.

23 THE COURT: Okay. Do you have any questions, Ms.
24 Sudano or Mr. Sweetin?

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

1 THE COURT: Ms. Radosta?

2 MS. RADOSTA: Just about -- actually more than a few

3 questions. My name is Violet, so --

4 PROSPECTIVE JUROR NO. 111: Sure.

5 MS. RADOSTA: -- just a few questions. First of

6 all, what -- what local news do you normally watch?

7 PROSPECTIVE JUROR NO. 111: Well, you know, we --

8 I'll tell you what we do, okay. We're news junkies at my

9 house.

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 111: Okay. So it's like --

12 it can be 4:00 when the Channel 5 news comes on, okay.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 111: So then sometimes that's

15 on, and then 5:00 it's going to be Channel 13.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 111: In the morning it's

18 Channel 8.

19 MS. RADOSTA: Okay.

20 PROSPECTIVE JUROR NO. 111: I watch the world news

21 at 5:30.

22 MS. RADOSTA: Okay.

23 PROSPECTIVE JUROR NO. 111: I want to know what's

24 going on there. And then during like breaks --

25 MS. RADOSTA: Uh-huh.

1 PROSPECTIVE JUROR NO. 111: -- it's CNN. So it's
2 like -- we're just -- because it's like, you know, it's
3 rational chatter. So that's why we -- we have that going on.
4 MS. RADOSTA: Well, you feel like you stop watching
5 for five minutes, you could miss something these days kind of.
6 PROSPECTIVE JUROR NO. 111: Yeah. I mean, actually,
7 last night, I mean, I didn't even -- I didn't even want to
8 watch the news last night when I got home.
9 MS. RADOSTA: Uh-huh.
10 PROSPECTIVE JUROR NO. 111: So it's like -- now it's
11 like I don't even want to -- it's just like a switch went off,
12 I don't even want to even hear it.
13 MS. RADOSTA: So when you -- when you were having
14 this conversation with your husband and he motioned was that
15 -- like is that the case you're on, was that last night, or
16 was that --
17 PROSPECTIVE JUROR NO. 111: No, this morning.
18 MS. RADOSTA: -- this morning? Okay. So probably
19 local Channel 8 news was on then this morning?
20 PROSPECTIVE JUROR NO. 111: That's correct.
21 MS. RADOSTA: And you think it was a local news that
22 you were watching, not national news?
23 PROSPECTIVE JUROR NO. 111: No, it was local.
24 MS. RADOSTA: Okay.
25 PROSPECTIVE JUROR NO. 111: It was a five --

1 five-minute briefing in between --

2 MS. RADOSTA: The morning -- or the -- the --

3 whatever CBS this morning?

4 PROSPECTIVE JUROR NO. 111: CBS morning news, that's

5 right.

6 MS. RADOSTA: Okay. All right. Thank you for that.

7 Beyond that, when you got your jury summons --

8 PROSPECTIVE JUROR NO. 111: Yes.

9 MS. RADOSTA: -- you're saying that this incident

10 that happened to you when you were eight or nine years old --

11 PROSPECTIVE JUROR NO. 111: Right.

12 MS. RADOSTA: -- has been with you your whole life.

13 PROSPECTIVE JUROR NO. 111: Right.

14 MS. RADOSTA: When you got your jury summons, did

15 you worry that you might get a case like this?

16 PROSPECTIVE JUROR NO. 111: No.

17 MS. RADOSTA: Did that enter your mind?

18 PROSPECTIVE JUROR NO. 111: No. I -- actually, I

19 was called for jury duty once before.

20 MS. RADOSTA: Okay.

21 PROSPECTIVE JUROR NO. 111: And it had something to

22 do -- I think it might have been even like a murder or

23 something like that.

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 111: And, I mean, it's just

1 like -- for me, this is very heavy on me. I -- any kind of
2 like crime like -- that's -- that's -- I mean, it's very hard.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 111: In fact, I mean,
5 honestly, it's -- it's just weighing on me heavy.

6 MS. RADOSTA: Sure.

7 PROSPECTIVE JUROR NO. 111: So -- because I don't --
8 I don't like to be in trouble with the law, I don't like to be
9 in any kind of like, you know, anything like that. So, no, I
10 did not think for a second that I would -- I mean, if it -- I
11 guess maybe there was probably thoughts around my mind about
12 what kind of jury might I be on --

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 111: -- but it was not a
15 specific -- it may have crossed my mind maybe a second --

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 111: -- because of all of the
18 things that I've heard and seen, but it wasn't like I thought,
19 oh, my gosh, I'm going to be on --

20 MS. RADOSTA: When you got -- came down here and --
21 and had to do the jury questionnaire and read the synopsis,
22 did it -- did the -- did it bother you at that point, that it
23 could -- that it definitely was --

24 PROSPECTIVE JUROR NO. 111: Yes, it did.

25 MS. RADOSTA: -- the type of case of something?

1 PROSPECTIVE JUROR NO. 111: Yes.

2 MS. RADOSTA: Did you think, please, don't -- don't
3 choose my for this jury, or something to that --

4 PROSPECTIVE JUROR NO. 111: Yes. Honestly, yes.

5 MS. RADOSTA: Okay.

6 PROSPECTIVE JUROR NO. 111: Yeah. I mean, when they
7 -- when -- when -- when we filled out the questionnaire and
8 the process of that, and she mentioned, you know, that we were
9 going to be in -- in this jury selection for this, I thought,
10 oh, no, I mean --

11 MS. RADOSTA: Right.

12 PROSPECTIVE JUROR NO. 111: Yeah. I -- I just
13 didn't want to -- yeah. I mean, I -- you know, look,
14 everybody has been, you know, feels that this is a pretty
15 heavy case here. I mean, this is, you know, something where
16 children were involved, and this kind of thing like that. So
17 it's hard. It's hard. So, yeah, I -- because I don't have
18 children myself.

19 MS. RADOSTA: Right.

20 PROSPECTIVE JUROR NO. 111: But, you know, it's --
21 it's something that if you're -- you know, you think about it,
22 and it's, you know, how much have you heard about it and
23 everything, it's pretty hard, it's pretty hard to take.

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 111: Pretty hard.

1 MS. RADOSTA: Do you think that if there were -- if
2 you were sitting where my client is sitting, would you be
3 comfortable having 12 people with your experience and your
4 mindset judging you?

5 PROSPECTIVE JUROR NO. 111: Well, like I explained,
6 okay, even though it's sitting heavy --

7 MS. RADOSTA: Uh-huh.

8 PROSPECTIVE JUROR NO. 111: -- I will be -- I would
9 be rational enough to make a decision on the evidence that I
10 see and hear because I don't know if the man is really guilty.
11 I don't know.

12 MS. RADOSTA: Okay.

13 PROSPECTIVE JUROR NO. 111: Okay. So I only know
14 from what I've heard, so -- but, you know, like -- like the
15 way it's set up, you know, the information has to be proven,
16 you have to just show the information, and then I would make
17 my determination, I guess, from when it actually is lawfully
18 being provided for me to make my decision.

19 MS. RADOSTA: Let me just ask you a couple other
20 questions. When you -- when this happened to you, you
21 immediately ran and told someone --

22 PROSPECTIVE JUROR NO. 111: Yes.

23 MS. RADOSTA: -- about it? And you were immediately
24 relieved; correct?

25 PROSPECTIVE JUROR NO. 111: Yeah.

1 MS. RADOSTA: By -- by your friend's mother?
2 PROSPECTIVE JUROR NO. 111: Yeah.
3 MS. RADOSTA: Okay. Would you have any issue with
4 myself or Mr. Negrete cross-examining the alleged witnesses --
5 or I'm sorry, the alleged victims in this case and challenging
6 them on their accusations and basically challenging whether or
7 not they're being truthful in their accusations?
8 PROSPECTIVE JUROR NO. 111: Okay. I don't get your
9 question.
10 MS. RADOSTA: Well, you were -- you were believed
11 when you were a child and made the accusation. But in this
12 particular case, in this environment, part of our job as
13 defense attorneys is to challenge the State -- the -- the
14 State's case.
15 PROSPECTIVE JUROR NO. 111: Right.
16 MS. RADOSTA: And that involves cross-examining and
17 challenging the alleged victims --
18 PROSPECTIVE JUROR NO. 111: Right.
19 MS. RADOSTA: -- in this particular case. Would you
20 take issue with us having to do that?
21 PROSPECTIVE JUROR NO. 111: Of course not.
22 MS. RADOSTA: Okay.
23 PROSPECTIVE JUROR NO. 111: No.
24 MS. RADOSTA: Would you think that because of your
25 experience and that you were telling the truth that somebody

1 on the stand making a similar accusation is automatically
2 telling the truth?

3 PROSPECTIVE JUROR NO. 111: Well, I mean, I would
4 assume that anybody that gets up and on the stand is going to
5 be telling the truth.

6 MS. RADOSTA: Okay.

7 PROSPECTIVE JUROR NO. 111: I don't -- I mean,
8 that's -- that would be the assumption, am I right? For
9 anybody to -- to -- when you have somebody up there that is
10 sworn to tell the truth, of course.

11 MS. RADOSTA: You don't think it's possible for
12 somebody to get in a courtroom and make a false accusation?

13 PROSPECTIVE JUROR NO. 111: What I think is that the
14 -- maybe they could change it around, maybe they -- you know,
15 because it's like they could understand it differently, maybe,
16 than --

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 111: But --

19 MS. RADOSTA: The idea that --

20 PROSPECTIVE JUROR NO. 111: -- yes, I -- I think
21 that they -- it's possible for them to lie, but, I mean, what
22 do you want me to tell you? I think -- I think a kid --

23 MS. RADOSTA: I literally just --

24 PROSPECTIVE JUROR NO. 111: No, all right. I know.

25 MS. RADOSTA: -- I just want to know what you're

1 thinking and what --

2 PROSPECTIVE JUROR NO. 111: I think that a kid --

3 MS. RADOSTA: -- your truth is.

4 PROSPECTIVE JUROR NO. 111: I think a kid is

5 probably -- they're so vulnerable that I think that they're

6 going to tell the truth.

7 MS. RADOSTA: Okay. What about an adult?

8 PROSPECTIVE JUROR NO. 111: An adult? Well, I would

9 -- I would think so, but I -- I can't -- I would have to judge

10 by listening, yeah.

11 MS. RADOSTA: So you would -- is it fair to say that

12 coming in here that you would be more in favor of -- or would

13 you be leaning towards the -- the side of the prosecution

14 because they're the one presenting the witnesses?

15 PROSPECTIVE JUROR NO. 111: No, I'm not leaning.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 111: No.

18 MS. RADOSTA: All right. Let me just make sure.

19 PROSPECTIVE JUROR NO. 111: I'm not leaning, but I'm

20 on guard. I'm on guard for --

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 111: -- you know.

23 MS. RADOSTA: What are you on guard for?

24 PROSPECTIVE JUROR NO. 111: I'm on guard because of

25 the accusations, so that has to be proved, you know, the --

1 the evidence has to be provided --

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 111: -- for proof.

4 MS. RADOSTA: Okay. So I just -- I'm not entirely
5 sure that I'm understanding what exactly you're on guard for.
6 Are you on --

7 PROSPECTIVE JUROR NO. 111: Well --

8 MS. RADOSTA: -- guard -- if you could explain that
9 a little more. Because that --

10 PROSPECTIVE JUROR NO. 111: Okay.

11 MS. RADOSTA: -- that sounds like one thing, and
12 then you said something --

13 PROSPECTIVE JUROR NO. 111: Okay.

14 MS. RADOSTA: -- that I wasn't expecting, so --

15 PROSPECTIVE JUROR NO. 111: Yeah, right. So how
16 could I put it? I would say that since there has been
17 accusations that even though it's the State's obligation to
18 prove guilt, I feel like it's also -- I feel that it's also
19 the defense's obligation to prove innocence. So I feel like
20 there's on both sides of -- you know, even though by law it's,
21 according to the Judge, he said the State has to prove, you
22 know, but I also feel, in my personal opinion, that it is the
23 defense's --

24 MS. RADOSTA: So we would have to convince you that
25 he is not guilty?

1 PROSPECTIVE JUROR NO. 111: That's -- that's part of
2 it, yes.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 111: 50/50, you know.

5 MS. RADOSTA: Even if -- and I think you just
6 already said this, even if the Judge is telling you that's not
7 how it is, in your mind, it's 50/50, it's not what the Judge
8 would tell you?

9 PROSPECTIVE JUROR NO. 111: That's kind of the way
10 -- the route I'm going with that, yeah.

11 MS. RADOSTA: I'm just going to leave it with that,
12 Judge, for now.

13 THE COURT: Okay. Any -- any other questions?

14 MS. SUDANO: Hi, Ms. Brand. My name is Michelle.
15 I'm just going to ask you a couple of questions to follow up
16 on some of the things that you just mentioned. So I
17 understand you're saying that you would like to see the
18 defense present some evidence to suggest that he's innocent;
19 is that right?

20 PROSPECTIVE JUROR NO. 111: Yeah.

21 MS. SUDANO: Okay. But you also understand that the
22 Judge is going to provide you instructions about the status of
23 the law; right?

24 PROSPECTIVE JUROR NO. 111: Yes.

25 MS. SUDANO: Okay. So if the Judge instructs you

1 that it's entirely our burden, that they can take a nap, Ms.
2 Radosta can do her nails, anything like that, they don't have
3 to ask a single witness any questions, they don't have to
4 present any evidence, it's all on us, do you understand that?

5 PROSPECTIVE JUROR NO. 111: Yes.

6 MS. SUDANO: Okay. So while on one hand, it might
7 be nice to have information or evidence from them, you
8 understand that's not their burden; right?

9 PROSPECTIVE JUROR NO. 111: Yes.

10 MS. SUDANO: Okay. And you would be comfortable
11 following that burden and applying the laws the Judge presents
12 to you later on in the case?

13 PROSPECTIVE JUROR NO. 111: Well, I would say that I
14 would follow the Judge's instructions. However, I think that
15 the attorneys for the defense, they're -- I would expect that
16 they would have some kind of, you know, burden of innocence,
17 so to speak. I mean, because of the fact that there may be
18 information that is brought forth by -- to prosecute, you know
19 what I mean? What is the rebuttal on that where I can say,
20 okay, yes, there is evidence that shows that this did occur,
21 but what about -- what if, you know, the -- the guilt is
22 really not there? So it would be the defense's, you know,
23 other side of the scale there to make me feel like, okay,
24 maybe the -- maybe the charge is not accurate.

25 MS. SUDANO: So let me just follow back up with you,

1 I guess. So you're in this hypothetical world where the State
2 has presented evidence, but it's not enough evidence for you
3 to convict, is that what you were talking about just now?

4 PROSPECTIVE JUROR NO. 111: Well, let me -- all
5 right, let me put it this way. I'm sure that the defense is
6 going to do everything they can to defend their client, okay.
7 So I'll just -- I'll just take it at that. I know your guys'
8 job is to provide the evidence, you know, to prove guilt. So
9 I'm going to leave that up to you guys, okay, as far as what's
10 presented. Listen to the Judge and tell us -- he says, okay,
11 you know, State's burden, I'm going to have to go with that
12 then.

13 MS. SUDANO: Okay. And you would be comfortable
14 following the instructions on the law that the Judge provides
15 you?

16 PROSPECTIVE JUROR NO. 111: Yes.

17 MS. SUDANO: Okay. All right.

18 Thank you, Your Honor.

19 THE COURT: Okay. Ms. Brand, I'm going to go ahead
20 and excuse you to the hall. I'm going to instruct you to --
21 I'm going to remind you of your admonition not to discuss this
22 with anyone, and do not discuss what we just discussed in here
23 with anyone, okay.

24 PROSPECTIVE JUROR NO. 111: Yes.

25 THE COURT: All right.

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