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IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,	)	No. 79036	
	)		Electronically Filed
Appellant,	)		May 20 2020 01:14 p.m.
	)		Elizabeth A. Brown
v.	)		Clerk of Supreme Court
	)		
THE STATE OF NEVADA,	)		
	)		
Respondent.	)		
	)		

APPELLANT’S APPENDIX VOLUME XVII PAGES 3710-3957

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**Case No. 79036**

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1 PROSPECTIVE JUROR NO. 111: Okay.

2 THE COURT: Is there anyone else?

3 MS. SUDANO: I don't think so.

4 MR. SWEETIN: That's it.

5 THE COURT: Okay.

6 (Outside the presence of Prospective Juror No. 111)

7 THE COURT: Okay. We're outside the presence of all  
8 the jury. Do you want to discuss with the Court those four  
9 individuals, Ms. Dickens, Ms. Dolan, Ms. Mullins, and Ms.  
10 Brand?

11 MS. RADOSTA: Do you want us to just -- Judge, we  
12 would be moving for Ms. Brand and Ms. Mullins -- sorry. Yeah.  
13 Ms. Brand and Ms. Mullins to be excused for cause at this  
14 point in time.

15 THE COURT: Okay.

16 MS. RADOSTA: If you want me to -- Ms. Mullins said  
17 that she would not feel -- if she were in my client's shoes,  
18 she would not feel comfortable with 12 people of her like mind  
19 sitting in judgment of her. I appreciate that she was saying  
20 that she doesn't really think that this is going to affect  
21 her, but I think this is kind of one of those situations that  
22 we were talking about from the -- from the case that's  
23 escaping me right now, the name of the case that Your Honor  
24 was on, of inferential bias.

25 She hasn't spoken about her own abuse ever, and we

1 are causing her to bring it up now and think about it and have  
2 it be in the front of her brain. She's living with her abuser  
3 currently, her mother, and we have a situation where the  
4 accusation she made was between the ages of 11 and 13, and her  
5 mom was her abuser. That's really, really similar to the  
6 factual scenario of Anita in this particular case, Judge.

7           So I think just simply because she said she doesn't  
8 think she would want somebody like herself sitting in judgment  
9 if she were in the defendant's chair, that's enough for a --  
10 for -- to strike her for cause.

11           THE COURT: Okay.

12           MS. RADOSTA: But beyond that, I think the other  
13 things that she shared with us bring her into the level of the  
14 inferential bias or -- I'm not sure if I'm using --

15           MR. LOPEZ-NEGRETTE: Inferable.

16           MS. RADOSTA: -- inferable? Inferable --

17           THE COURT: Inferable.

18           MS. RADOSTA: -- bias from the, yeah, Sianzata  
19 (phonetic) case. Ms. Brand, honestly, Judge, I don't know if  
20 it is her prior sexual abuse that is as much of a concern  
21 to --

22           THE COURT: Well, I didn't take it --

23           MS. RADOSTA: -- the defense --

24           THE COURT: -- as being sexual abuse.

25           MS. RADOSTA: I'm sorry, sexual touching. I mean,

1 she said --

2 THE COURT: She called it molestation.

3 MS. RADOSTA: Yes.

4 THE COURT: What it was, there's a lot of difference  
5 degrees of that.

6 MS. RADOSTA: Yes.

7 THE COURT: And but -- so okay.

8 MS. RADOSTA: Yes. Sexual touching, I'll leave it  
9 at that, that happened to her. That's not as much of a  
10 concern to the defense as her statements afterwards about the  
11 burden that she would place on the defense. She said it a  
12 couple different times that she would expect us to present  
13 evidence, that she would expect our client to -- expect us to  
14 prove our client's innocence.

15 She even went so far as to opine that if the State  
16 didn't prove one of -- prove some of the charges, that she  
17 would expect the defense then to present evidence to prove his  
18 innocence, even if the State, in her mind, hadn't proved their  
19 case. I think she was really being honest with the Court, but  
20 she -- I think she would expect the defense to present  
21 innocence to -- to convince her of our client's innocence,  
22 which as we all know, is simply not the standard.

23 THE COURT: Okay.

24 MS. RADOSTA: So based on that right there, we would  
25 strike her for -- or move to strike her for cause.

1 THE COURT: All right. Ms. Sudano, Mr. Sweetin?  
2 MS. SUDANO: So first --  
3 THE COURT: Address Ms. Mullins first.  
4 MS. SUDANO: As to Ms. Mullins, Your Honor, in the  
5 questionnaire she indicated she didn't want to watch the video  
6 and that she was, when she wrote that, leaning towards the  
7 defendant being guilty. However, she never has equivocated in  
8 this courtroom away from the fact that she can be fair and  
9 impartial.  
10 She indicated to Your Honor, essentially, exactly  
11 what we were talking about earlier when Ms. Radosta initially  
12 made for cause challenges on a number of people based on their  
13 jury questionnaires that now, after hearing the further  
14 instructions and questioning from Your Honor, she understands  
15 the burden, she understands her role as a juror, she's  
16 comfortable following that role, and being a fair and  
17 impartial juror in this case, despite everything that's  
18 happened with her.  
19 She's never waived on -- on whether or not she can  
20 be fair and impartial, so I think that the cause challenge on  
21 her has to fail. Even under Sianzata I don't think that there  
22 is --  
23 THE COURT: What, if any, effect --  
24 MS. SUDANO: -- enough there.  
25 THE COURT: -- does it have that her statement --

1 and we use this all the time, and I've used it probably  
2 hundreds of times, and I've asked it even here, and Ms.  
3 Radosta picked up on it and used it herself, is that if you --  
4 if she was -- I remember her specifically saying that she  
5 would not be secure with herself as a defendant with people  
6 like her on her trial.

7 MS. SUDANO: What she was saying about that was not  
8 because she thought she would be unfair or anything like that.  
9 She was saying if I were a defendant accused of this type of  
10 crime, I probably wouldn't want 12 other people who had been  
11 the victims of some sort of sexual abuse on my jury just  
12 because of that trauma. So it wasn't even really a reflection  
13 on her or her ability to be fair, it was just I recognize that  
14 trauma affects people differently, I probably wouldn't want 12  
15 other victims on my jury.

16 THE COURT: Okay. You don't think that there's any  
17 degree of inferable bias there?

18 MS. SUDANO: I don't --

19 THE COURT: I mean, once again, it puts it in my --  
20 my -- you know, on me, to make a determination that are these  
21 individuals capable. And, you know, I'm not a psychologist.  
22 I don't know this. That's what -- that's what -- I have  
23 problems with that case is that it puts on the judge a  
24 position that we have to make a determination that -- and you  
25 know, quite frankly, that it strengthens the defense in these

1 type of cases any time anybody has anything remotely --  
2 remotely similar to this, inferable bias, get them out of  
3 here.

4           So we're just spinning our wheels when we're asking  
5 all these questions. That's what -- that's -- that's what I'm  
6 getting at is that -- is that these individuals, I think, have  
7 been put in a position by our courts that I have to make the  
8 determination that they don't know what they're talking about,  
9 that they don't know if they can control their own feelings in  
10 that and -- and be fair. That's -- that's how I read that,  
11 so --

12           MS. RADOSTA: Your Honor, if I could just make one  
13 other point with regard to Ms. Mullins, just --

14           THE COURT: Okay.

15           MS. RADOSTA: -- on that same sort of line. It is  
16 of a concern to the defense that she volunteered that she  
17 didn't tell us about this because other people had talked  
18 about childhood sexual abuse and it hadn't gotten them kicked  
19 off the jury. So she herself just wasn't going to offer that  
20 up.

21           That's a concern to the defense that she's  
22 withholding other information potentially that she, for  
23 whatever reason, I mean, to be fair, nobody before her up  
24 there had talked about any childhood sexual abuse. Other  
25 people yesterday, I think, had, and I think we got rid of

1 every single one of them that maybe mentioned their prior --  
2 their childhood sexual abuse. So I'm not quite sure where she  
3 got that impression from, but that's a concern that she's  
4 withholding because she's feeling --

5 THE COURT: I understand.

6 MS. RADOSTA: -- not -- I don't know. I mean, it --

7 THE COURT: I know. We -- that's -- we're  
8 speculating, though. But I understand --

9 MS. RADOSTA: Right.

10 THE COURT: -- what you're saying.

11 MS. RADOSTA: Yeah.

12 THE COURT: And that's a concern. Okay. What about  
13 -- what about Ms. Brand?

14 MS. SUDANO: Ms. Brand has never either deviated  
15 from the understanding that she could be fair and impartial in  
16 this case.

17 THE COURT: Okay.

18 MS. SUDANO: What she indicated was her situation  
19 was a stranger, clothes never came off, it was never skin to  
20 skin contact.

21 THE COURT: I know. But what about the statement  
22 that she believes that the defense should have to prove their  
23 innocence?

24 MS. SUDANO: Your Honor, on that one, I'm inclined  
25 to just submit it. It seemed like she was confused. At the

1 very end, she did indicate, okay, I'm going to leave that all  
2 to the lawyers, I know everybody is going to do their job, the  
3 Court is going to instruct me as to the law, and I'm  
4 comfortable saying that I'll follow it.

5 THE COURT: Okay.

6 MS. SUDANO: But it did take us a very long time to  
7 get there.

8 THE COURT: All right. With regards to the  
9 challenges at this point in time, I am going to grant the  
10 challenge as to Angelica Mullins. As to Ms. Brand, I'm not  
11 comfortable right now. And I'm going to give you opportunity  
12 to ask further questions and it may happen.

13 But I do believe that many individuals come in here  
14 with a -- with a false sense of understanding that an  
15 individual that is basically on trial, is that you think that  
16 they would do something to defend themselves. That's not the  
17 law, I recognize that, but I think people that don't really  
18 understand what the law is, and until they're fully instructed  
19 by the Court would expect something like that.

20 MS. RADOSTA: But the --

21 THE COURT: She did say that she would follow the  
22 Court's instructions, that she would abide by the Court's  
23 instructions, and that she would -- would -- I think a next  
24 question -- now, Ms. Radosta, I will tell you, if you ask her  
25 the question, give her a scenario --

1 MS. RADOSTA: Uh-huh.

2 THE COURT: -- to -- to the sense, and I was going  
3 to do it, but I'm going to leave it to you all --

4 MS. RADOSTA: Okay.

5 THE COURT: -- is that if the scenario is something  
6 in this regards, that if the State is -- is saying that my  
7 client did something wrong, and they only have one witness,  
8 and that witness comes in and says it wasn't your client at  
9 all, it was somebody else, and rest their case, you don't have  
10 to do a thing.

11 And I -- I wouldn't expect you to do anything with  
12 that. You wouldn't ask any questions, you wouldn't go any  
13 further. And with that scenario, she'd have to find him not  
14 guilty. If she still holds by the tenets that you had to do  
15 something, that you needed to ask questions or something, I'll  
16 grant your request. But I -- because I think that if she --  
17 if she says you have to do something under that scenario --

18 MS. RADOSTA: But that's not -- that's not any  
19 scenario that ever happens in a courtroom, Judge.

20 THE COURT: No. But that --

21 MS. RADOSTA: Rarely.

22 THE COURT: -- that -- no, I'm making it that  
23 absurd.

24 MS. RADOSTA: I --

25 THE COURT: If she takes the position that she still

1 is requiring it there, then she truly believes that you would  
2 be required to do something.

3 MS. RADOSTA: But what's of a concern to the  
4 defense, Judge, is I appreciate the Court's opinion that she  
5 said she would listen to the -- the Court's instructions, but  
6 that's -- the Court instructs after she's heard all of the  
7 evidence --

8 THE COURT: Right.

9 MS. RADOSTA: -- and after the defense has rested  
10 and not proven the innocence of our client to her. Which she  
11 did --

12 THE COURT: No.

13 MS. RADOSTA: -- say on, I think, at least two --

14 THE COURT: She also indicated --

15 MS. RADOSTA: -- if not three.

16 THE COURT: -- though, through my question, that she  
17 would not form her opinion as to the guilt or innocence until  
18 all the evidence has been presented and I instruct her on the  
19 law.

20 MS. RADOSTA: And -- and then --

21 THE COURT: She's -- she's saying in here that she,  
22 in her mind -- but what I'm saying is that -- is that this  
23 point in time, I'm not going to grant it.

24 MS. RADOSTA: All right.

25 THE COURT: There may -- there may be some

1 additional questions, and I'm certain that you're going to ask  
2 her further questions on this, but at this point in time, I'm  
3 not going to grant it.

4 MS. RADOSTA: Okay.

5 THE COURT: Because I think that she -- she can say  
6 that, yes, I would follow the Court's instructions -- and  
7 that's if she understands them, Ms. Radosta. That's what I'm  
8 saying is that if she understands what her duty is, I believe  
9 that she would follow it based on her -- her exchange with us  
10 just now. And I'm not saying that that will not change based  
11 on your question, but right now the state of the record is  
12 that I believe that she would follow her admonitions of the  
13 Court, so okay. So with that being said, let's get the --

14 MS. RADOSTA: Actually wait. We -- I mentioned  
15 earlier I was going to look at my list and see if I had any  
16 other --

17 THE COURT: Okay.

18 MS. RADOSTA: -- for cause challenges --

19 THE COURT: Uh-huh.

20 MS. RADOSTA: -- and there were two, Your Honor.

21 THE COURT: Okay.

22 MS. RADOSTA: Juror No. 105, Mr. Milligan. He did  
23 say on numerous occasions, both yesterday and today --

24 THE COURT: 105.

25 MS. RADOSTA: -- he would believe the police more,

1 he would give more credibility to the police --

2 THE COURT: Okay.

3 MS. RADOSTA: -- than to other witnesses.

4 THE COURT: Okay.

5 MS. RADOSTA: He said that on multiple occasions,

6 Judge.

7 THE COURT: Okay.

8 MS. RADOSTA: I think part of it is due to the fact

9 that his brother is a Metro detective, and his significant

10 other is a North Las Vegas police --

11 THE COURT: Okay. So --

12 MS. RADOSTA: -- officer. Based on his answers

13 there, we think it's -- it's -- the fact that he would believe

14 a police officer just simply because they're a police officer

15 more than anybody else --

16 THE COURT: Okay.

17 MS. RADOSTA: -- we think that's grounds to strike

18 him for cause. And then Ms. Huff, who is 389 --

19 THE COURT: Okay.

20 MS. RADOSTA: -- I think had similar answers. She

21 did say --

22 THE COURT: Yeah.

23 MS. RADOSTA: -- that can't --

24 THE COURT: Trust the police officer.

25 MS. RADOSTA: Trust the police officer more, believe

1 Metro more, and I think -- I'm sorry. I think she also said  
2 that she can't say that she wouldn't hold it against our  
3 client if -- I'm sorry, and I don't have the -- oh, that's  
4 right. If you're -- you wouldn't be here if you hadn't done  
5 something wrong. Can't say that she wouldn't --

6 THE COURT: Was that her, or was that -- was that  
7 Joanne Tiu?

8 MS. SUDANO: That was -- yeah.

9 MS. RADOSTA: No, I think Ms. Huff also said I can't  
10 say that I wouldn't hold it against him that he's here in the  
11 courtroom.

12 THE COURT: Okay.

13 MS. RADOSTA: Just being in the courtroom is enough,  
14 in her mind, to --

15 THE COURT: Okay.

16 MS. RADOSTA: -- cast doubt on him as a -- and once  
17 again, as we all know, that's not the standard.

18 THE COURT: All right.

19 MS. RADOSTA: But she also did say that she believes  
20 Metro more. So based on those -- those two individuals --

21 THE COURT: All right. So you're asking to exclude  
22 them for cause based on that?

23 MS. RADOSTA: And additionally, Your Honor, Ms. Huff  
24 was additionally a victim of sex abuse herself.

25 THE COURT: All right.

1 MS. RADOSTA: And she didn't really want to talk  
2 about it, which always causes us -- we understand, Judge, but  
3 when you don't want to talk about it in -- in our  
4 environment --

5 THE COURT: Well, she --

6 MS. RADOSTA: -- that causes us concern.

7 THE COURT: But she did, though. She --

8 MS. RADOSTA: Minimally.

9 THE COURT: All right. Are you sure? I mean, she  
10 explained that in 1987 that her neighbor had basically, by  
11 ruse, was able to get into her house and had sexually  
12 assaulted her.

13 MS. RADOSTA: Uh-huh. And then afterwards she said,  
14 at least twice, I don't like to talk about it.

15 THE COURT: Well, I think everyone --

16 MS. RADOSTA: She said she would --

17 THE COURT: -- would say that.

18 MS. RADOSTA: That's it. She said the face looked  
19 like the devil, she was shaking already as she was talking  
20 about it.

21 THE COURT: Yep. Yep.

22 MS. RADOSTA: I mean, it is what it is, Judge. I  
23 mean, as I said earlier at the bench when we were talking  
24 about the Sianzata case, somebody being the victim of a -- of  
25 a credit card theft or -- or, you know, stolen -- a stolen

1 identity is one thing. Somebody being the victim of a sex  
2 assault is, generally speaking, a lot more emotionally  
3 upsetting, draining, everything, and I don't think that we can  
4 draw a --

5 THE COURT: I know, but --

6 MS. RADOSTA: -- straight -- a straight line  
7 between --

8 THE COURT: But that -- but what we're doing in --

9 MS. RADOSTA: -- all victims of crime should be left  
10 on juries.

11 THE COURT: No. No, I understand that, Ms. -- Ms.  
12 Radosta, but what you're doing, then, is basically drawing a  
13 straight line to say everybody that's had this in their  
14 experiences then cannot be on this type of trial. That's --

15 MS. RADOSTA: No.

16 THE COURT: -- what you're saying.

17 MS. RADOSTA: No.

18 THE COURT: I'm giving them the opportunity to -- to  
19 explain to us in front of people, opening up, talking about  
20 their experiences and things that's happened to them to tell  
21 me whether or not -- and I have to make the determination  
22 whether or not I think they can be fair or not.

23 MS. RADOSTA: I disagree. Ms. Brand, I don't think  
24 her childhood sexual assault necessarily --

25 THE COURT: It wasn't a sexual assault.

1 MS. RADOSTA: -- has any impact.

2 THE COURT: It was --

3 MS. RADOSTA: Childhood sexual -- I'm sorry,  
4 childhood sexual touching. And she did say, though, it  
5 affects her to this day.

6 THE COURT: I don't even know if she used the word  
7 sexual touching. She said that she was in the woods, she was  
8 clothed, an individual molested her when she was a child, she  
9 was able to run away, there was nothing even remotely talking  
10 about sexual touching. I don't remember those words at all.

11 MS. RADOSTA: I'm sorry. To me, molesting, when  
12 somebody uses that word, it's sexual.

13 THE COURT: Okay.

14 MS. RADOSTA: You don't say somebody molested you if  
15 they, you know, grabbed you by the shoulder and dragged you  
16 further into the woods, in my experience, but I could be  
17 wrong.

18 THE COURT: Okay.

19 MS. RADOSTA: You're right, she never said the word  
20 sexual.

21 THE COURT: Okay. Well --

22 MS. RADOSTA: Although she did identify herself on  
23 her jury questionnaire as a victim of childhood -- hang on a  
24 second. I thought I had her questionnaire right here. Oh,  
25 right here. Molested by a stranger when I was about 9. So

1 she doesn't say --

2 THE COURT: Okay.

3 MS. RADOSTA: -- sexually, but --

4 THE COURT: No one asked what -- what you -- how do

5 you define molestation.

6 MS. RADOSTA: Okay.

7 THE COURT: But with regards to Ryan Milligan and

8 Sue Huff, address Ryan Milligan. Do you have any objections

9 to that?

10 MS. SUDANO: We are going to ask to rehab Mr.

11 Milligan. Mr. Milligan, I think, is distinguishable from Ms.

12 Huff.

13 THE COURT: Okay.

14 MS. SUDANO: He said he would give more weight to a

15 police officer unless it's clear that the police officer is

16 lying. So he's, at least in his mind, willing to consider the

17 possibility --

18 THE COURT: Okay.

19 MS. SUDANO: -- that police lie.

20 THE COURT: Okay.

21 MS. SUDANO: And I think that I can rehab him on

22 that.

23 THE COURT: Okay. What about Sue Huff?

24 MS. SUDANO: So she was -- she didn't go that far.

25 She basically stabbed at I give more weight to police officers

1 because they're police officers, and then with her --

2 THE COURT: Okay.

3 MS. SUDANO: -- other experience --

4 THE COURT: All right.

5 MS. SUDANO: -- and saying, you know, the sexual

6 abuse.

7 THE COURT: Okay.

8 MS. SUDANO: That's fine. We'll submit it.

9 THE COURT: Ms. Radosta, please understand, your --

10 your request now is not the only time that you can ask --

11 MS. RADOSTA: I know.

12 THE COURT: -- okay.

13 MS. RADOSTA: I know.

14 THE COURT: All right.

15 MS. RADOSTA: I know that, judge.

16 THE COURT: You -- you made your point at this

17 point. What I -- what I do is when -- when there is

18 discussions back and forth at this point in time, unless it's

19 abundantly clear to me --

20 MS. RADOSTA: Uh-huh.

21 THE COURT: -- I -- I deny the -- the motions and

22 give you guys opportunity to ask additional questions. Many

23 times, it bears it out, and it becomes very clear. And so at

24 this point in time, with regards to -- and Angelica Mullins, I

25 am going to grant your motion.

1 MS. RADOSTA: Okay. Thank you.

2 THE COURT: I'm -- I'm not going to grant it with  
3 regards to Janice Brand. I'm not going to grant it with  
4 regards to Ryan Milligan or Sue Huff. But, I mean, there --  
5 you may have a lot more questions, and I'm sure you do, and  
6 we'll -- we'll see how it is at that, okay.

7 So when they come back in, I'm going to go ahead and  
8 -- I'm going to go ahead and tell -- give my marshal  
9 directions to go ahead and release Ms. Mullins. Let her go  
10 ahead and go back and go back to -- rather than bring her in  
11 here and -- and set her down then release her, okay.

12 MS. SUDANO: Your Honor.

13 THE COURT: All right. So that's 072. And then  
14 bring everybody back in, okay.

15 MS. SUDANO: Your Honor --

16 THE COURT: Oh, okay.

17 MS. SUDANO: -- the State's going to have a  
18 challenge as to --

19 THE COURT: Oh, I'm sorry. I didn't even think of  
20 that. My -- I was so entwined with -- and so [indiscernible]  
21 by Ms. Radosta. Okay.

22 MS. SUDANO: We're going to have a challenge to Seat  
23 23, Badge No. 401, Mr. Sotelo.

24 THE COURT: Okay.

25 MS. SUDANO: He was the one that indicated that he

1 would have a hard time --

2 THE COURT: Okay.

3 MS. SUDANO: -- he's biased against police because

4 of the incident with his brother that he was not even there

5 for.

6 THE COURT: So -- so if I'm hearing you right, it's

7 okay for the -- for one, but not for the other.

8 MS. SUDANO: I understand that they're going to ask

9 to rehab. I think that he's in a different situation because

10 Mr. Milligan --

11 THE COURT: I don't know, maybe they won't. Do you

12 have any objection to -- to the striking of Raul Sotelo?

13 MS. RADOSTA: Court's indulgence. I'm just looking

14 at my notes.

15 THE COURT: He's the one that says --

16 MS. RADOSTA: Yep.

17 THE COURT: -- his grandfather ended up killing an

18 individual, and -- and then his brother was in a tussle and --

19 MS. RADOSTA: Uh-huh.

20 THE COURT: -- the police grabbed him and put guns

21 to his head and --

22 MS. RADOSTA: I mean --

23 THE COURT: -- and he says --

24 MS. RADOSTA: -- for -- for --

25 THE COURT: -- so based on that alone he felt that

1 he could not -- he would give less credence to a police  
2 officer's testimony.

3 MS. RADOSTA: Based on that --

4 THE COURT: Uh-huh.

5 MS. RADOSTA: -- request, Judge, we would object,  
6 and like the opportunity to rehab him.

7 THE COURT: Okay. All right.

8 MS. RADOSTA: But I would point out that he did  
9 indicate on his jury questionnaire that he just got a new job,  
10 he's worried about losing it --

11 THE COURT: Okay.

12 MS. RADOSTA: -- so we're going to be wanting -- we  
13 might ourselves be asking to strike him --

14 THE COURT: Okay.

15 MS. RADOSTA: -- that he's preoccupied, but --

16 THE COURT: Okay. All right. So anyone else?

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

18 THE COURT: All right. So I'm going to deny the  
19 State's motion, as well. I think that the -- I think these  
20 need to be burrowed out more. Okay. All right. So go ahead  
21 and release Ms. Mullins, Badge 072. And then we'll -- we'll  
22 put another individual in that -- in that spot when we come  
23 back. All right. Okay.

24 (Pause in the proceedings)

25 MS. RADOSTA: Tia?

1 THE CLERK: Yes.

2 MS. RADOSTA: 402, Devin Smith, he's one of our  
3 no-shows; right?

4 THE CLERK: Correct.

5 (Inside the presence of the prospective jury)

6 THE COURT: All right. Everybody go ahead and have  
7 a seat. We're back on the record in the case of State of  
8 Nevada versus Christopher Sena, Case No. C311453. I'd like --

9 MS. RADOSTA: Judge -- sorry.

10 THE COURT: -- like the record to reflect the  
11 presence of the defendant and his counsel, as well as the  
12 defense -- State and their counsel. All members of the  
13 prospective juror -- jury, with the exception of Juror No.  
14 072, Angelica Mullins. Will the parties stipulate to the  
15 presence of the jury?

16 MR. SWEETIN: Yes, Your Honor.

17 MS. RADOSTA: Yes, Your Honor. Could we just  
18 quickly approach? I'm sorry. I forgot --

19 THE COURT: Yes.

20 MS. RADOSTA: -- one thing from before.

21 (Off-record bench conference)

22 THE COURT: All right. So go ahead and call the  
23 next juror to fill in Ms. Mullins spot, Seat 6.

24 THE CLERK: For Seat 6 it's Badge No. 430, Michelle  
25 Howell.

1 THE COURT: All right. This is -- we're talking to  
2 -- the Court is talking to Michelle Howell, Badge 430, and  
3 it's in Seat 6.

4 Ms. Howell, how long have you lived in Las Vegas?

5 PROSPECTIVE JUROR NO. 430: Seven years.

6 THE COURT: And where are you from originally?

7 PROSPECTIVE JUROR NO. 430: Salt Lake City, Utah.

8 THE COURT: Okay. Are you employed?

9 PROSPECTIVE JUROR NO. 430: I am.

10 THE COURT: What do you do for work?

11 PROSPECTIVE JUROR NO. 430: I'm a marketing manager  
12 at an indoor farm that grows lettuces and micro-greens.

13 THE COURT: Okay. And how far did you get in your  
14 education?

15 PROSPECTIVE JUROR NO. 430: Bachelor's in  
16 communications.

17 THE COURT: All right. Are you married?

18 PROSPECTIVE JUROR NO. 430: No.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 430: No.

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

22 PROSPECTIVE JUROR NO. 430: I have not.

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

25 PROSPECTIVE JUROR NO. 430: No.

1 THE COURT: How about accused of a crime?  
2 PROSPECTIVE JUROR NO. 430: In 2006 I was accused of  
3 a DWI.  
4 THE COURT: In 2006 you were charged with DWI?  
5 PROSPECTIVE JUROR NO. 430: Correct.  
6 THE COURT: Okay. was that here in Las Vegas?  
7 PROSPECTIVE JUROR NO. 430: In Utah.  
8 THE COURT: And what ever came of that?  
9 PROSPECTIVE JUROR NO. 430: I was charged with it  
10 and had to go do some corrective classes and --  
11 THE COURT: Were you convicted of it?  
12 PROSPECTIVE JUROR NO. 430: I was.  
13 THE COURT: Okay. Do you feel like under the  
14 circumstances of what you know of the case that you were  
15 treated appropriately?  
16 PROSPECTIVE JUROR NO. 430: Yes.  
17 THE COURT: Do you hold any type of ill will against  
18 any of the parties here for that event?  
19 PROSPECTIVE JUROR NO. 430: No.  
20 THE COURT: Do you believe that there's anything  
21 involved in that situation that would cause you to be  
22 incapable of judging this case fairly and impartially?  
23 PROSPECTIVE JUROR NO. 430: No.  
24 THE COURT: Okay. How about would you have a  
25 tendency to give more weight 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. 430: No.

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

8 PROSPECTIVE JUROR NO. 430: Yes.

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

12 PROSPECTIVE JUROR NO. 430: No.

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

15 PROSPECTIVE JUROR NO. 430: No.

16 THE COURT: Okay. At this point in time, if the  
17 State wishes to inquire, I'll give you that opportunity of  
18 this group here.

19 MS. SUDANO: Yes, Your Honor.

20 THE COURT: Okay. You can turn that if you want.

21 MS. SUDANO: Thank you.

22 Good afternoon, everyone.

23 PROSPECTIVE JURY PANEL: Good afternoon.

24 MS. SUDANO: So my name is Michelle Sodano. I'm  
25 going to just ask some questions of this group of people up

1 here. You all pay attention because when you get up here  
2 later on, it might make things go a little bit quicker.

3           So for all of these questions, it's not anybody's  
4 intention to pry. I know that we're going to talk about some  
5 personal things. The only reason that we're doing that is  
6 because we want to make sure we're getting the right jury for  
7 this case. We just want people that can be fair and impartial  
8 for both sides, everybody that's involved in that. So if  
9 we're asking personal questions, please don't take offense to  
10 any of that, okay.

11           I'm going to start off with a couple of really easy  
12 questions. You may see Mr. Sweetin and myself at some point  
13 using our cell phones or getting up and leaving the courtroom.  
14 Is anybody going to hold that against us during the course of  
15 this trial if we are using cell phones or -- or coming and  
16 going? Okay. Seeing no response on that. So everybody will  
17 just realize it's for this case and it's not like we're  
18 playing Candy Crush.

19           All right. And then you all asked whether or not  
20 you knew any of the witnesses or any of the attorneys. Does  
21 anybody here know anybody else on the panel? Seeing no hands  
22 on that one.

23           All right. I know from your questionnaires there  
24 were a couple people that mentioned Forensic Files and things  
25 like that. Anybody that watches any of the CSI, Law & Order

1 type shows? Can I get a hand?

2 All right. I saw you first up front. Is it Mr.

3 Wohletz?

4 PROSPECTIVE JUROR NO. 190: Yes.

5 MS. SUDANO: Badge No. 190. What do you watch, sir?

6 PROSPECTIVE JUROR NO. 190: I watch lots of Law &

7 Order.

8 MS. SUDANO: Okay.

9 PROSPECTIVE JUROR NO. 190: Not -- oh.

10 MS. SUDANO: Here, we can pass the microphone up,

11 please.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 190: I watch lots of Law &

14 Order, but never CSI or any of the CSI.

15 MS. SUDANO: Okay. Now, Law & Order is still

16 fictional; right?

17 PROSPECTIVE JUROR NO. 190: Yes.

18 MS. SUDANO: Very fictional sometimes?

19 PROSPECTIVE JUROR NO. 190: Very.

20 MS. SUDANO: Okay. I think you all have probably

21 gotten a flavor of this so far. We don't wrap everything up

22 in a nice neat little bow within the hour; right?

23 PROSPECTIVE JUROR NO. 190: Correct.

24 THE COURT: That would be nice.

25 MS. SUDANO: So if you had an instruction from His

1 Honor that indicated that testimony alone, if you believe it  
2 beyond a reasonable doubt, is sufficient, would you have any  
3 issue with that?

4 PROSPECTIVE JUROR NO. 190: No.

5 MS. SUDANO: Okay. Would anybody else have any  
6 issue with an instruction like that? Okay. Seeing no hands.

7 Is there anybody here that would require any  
8 specific type of evidence, for instance would require DNA or  
9 would require fingerprints, require video evidence? Okay.  
10 Seeing no responses on that.

11 Okay. Now, sir, we're going to stay with you just  
12 because you have the microphone.

13 PROSPECTIVE JUROR NO. 190: All right.

14 MS. SUDANO: What do you think about the idea that  
15 not every act of sexual abuse, molestation, sexual assault  
16 leaves medical evidence?

17 PROSPECTIVE JUROR NO. 190: It's sad that people can  
18 get away with it, certainly.

19 MS. SUDANO: Do you think that that means  
20 necessarily that something didn't happen?

21 PROSPECTIVE JUROR NO. 190: No.

22 MS. SUDANO: Are there circumstances where there may  
23 not be medical evidence when something did happen?

24 PROSPECTIVE JUROR NO. 190: I would think so, yes.

25 MS. SUDANO: What do you think would affect that?

1 PROSPECTIVE JUROR NO. 190: Time could be a factor.  
2 It's hard to really say, but I assume that there's times when  
3 -- I mean, if we're only talking sexual abuse, but there's  
4 mental abuse, there's not really signs of something like that.  
5 MS. SUDANO: Okay. So something like that there's  
6 not going to be any bruises. You're not --  
7 PROSPECTIVE JUROR NO. 190: Right.  
8 MS. SUDANO: -- going to expect DNA or anything like  
9 that?  
10 PROSPECTIVE JUROR NO. 190: Correct.  
11 MS. SUDANO: Mr. Riggins, I heard you, as well.  
12 Badge No. 394. Can you pass it down for me?  
13 PROSPECTIVE JUROR NO. 394: Just washing clothes,  
14 taking a bath would wash off evidence.  
15 MS. SUDANO: I think -- did you say showering  
16 earlier?  
17 PROSPECTIVE JUROR NO. 394: Yeah.  
18 MS. SUDANO: Okay. So there's any number of things  
19 that could affect evidence like that; is that correct?  
20 PROSPECTIVE JUROR NO. 394: Absolutely.  
21 MS. SUDANO: Okay. Are you one of the people that  
22 watches CSI or anything like that?  
23 PROSPECTIVE JUROR NO. 394: I've seen a few here and  
24 there, but it's not something I watch religiously. Not at  
25 all.

1 MS. SUDANO: Okay. Would you have --  
2 PROSPECTIVE JUROR NO. 394: I go for superhero  
3 shows.  
4 MS. SUDANO: Okay.  
5 PROSPECTIVE JUROR NO. 394: Sci-fi.  
6 MS. SUDANO: Sci-fi? Okay. Would you have any  
7 issue setting aside kind of the CSI or the sci-fi type of  
8 mindset and just listening to the evidence that you're going  
9 to hear in the courtroom?  
10 PROSPECTIVE JUROR NO. 394: No, I wouldn't have any  
11 issue with that.  
12 MS. SUDANO: Anybody that would have an issue with  
13 that, that might find it hard to separate something that you  
14 saw on TV or in a movie from what you're going to hear in a  
15 courtroom? Okay. Seeing no response on that one.  
16 All right. Do we have any news junkies or social  
17 media junkies here on our panel? Anybody that watches lots  
18 and lots of news? Kind of, kind of sort of? All right. Is  
19 it Mr. Drosdahl?  
20 PROSPECTIVE JUROR NO. 255: Drosdahl, yes.  
21 MS. SUDANO: Badge No. 255. If you could pass it  
22 down.  
23 PROSPECTIVE JUROR: I shut it off, I swear.  
24 MS. SUDANO: I have the same ringtone. I thought it  
25 was mine.

1           THE COURT: This might be a good time for me.  
2 Everybody, in this courtroom there's a number of things that  
3 is picking up through our -- through our system, a number of  
4 things that picks things up in our system. And the main thing  
5 it picks up are phones. Not just when it goes off like that,  
6 but also vibrations and different things that you would be  
7 surprised what the system picks up.

8           And normally what I do is I tell everybody to shut  
9 it off, but I usually wait until I hear something to lead into  
10 it because -- because a lot of people come in and they may be  
11 offended if the Court says, you know, turn your phones off  
12 when you already have. And so I wait.

13           I will tell you, there's some judges that actually  
14 confiscate phones when they go off. And I won't do that  
15 because my phone has gone off before during a proceeding, so I  
16 would be confiscating my own phone. I guess that would work.  
17 But so I'm going to ask you just to turn it off to -- turn it  
18 off when you're in here. Don't put it on vibrate and don't  
19 put it on just quiet or whatever it is. Turn it off, okay?

20           All right. Go ahead.

21           MS. SUDANO: Thank you.

22           All right. Mr. Drosdahl, Badge No. 255. You were  
23 waffling --

24           PROSPECTIVE JUROR NO. 255: Yes.

25           MS. SUDANO: -- on whether or not you're a news

1 junkie. What type of news do you usually watch?

2 PROSPECTIVE JUROR NO. 255: Local and national news,  
3 5:00, 6:00, 11:00 if I'm not already in bed.

4 MS. SUDANO: Okay. Any particular stories that you  
5 gravitate towards?

6 PROSPECTIVE JUROR NO. 255: No.

7 MS. SUDANO: Just whatever is on?

8 PROSPECTIVE JUROR NO. 255: Whatever is on.

9 MS. SUDANO: All right. Would you agree with me  
10 that there's a lot of coverage in either the local news or the  
11 national news about things that are happening in our criminal  
12 justice system?

13 PROSPECTIVE JUROR NO. 255: Yes.

14 MS. SUDANO: Do you have any strong feelings about  
15 any of those stories about the criminal justice system?

16 PROSPECTIVE JUROR NO. 255: No, I just find it  
17 interesting how the facts seem to change over time as more  
18 evidence comes to light.

19 MS. SUDANO: So it's not uncommon for, I guess, the  
20 initial information that's reported on to say one thing, and  
21 then that story changes over time?

22 PROSPECTIVE JUROR NO. 255: That seems to be the  
23 norm.

24 MS. SUDANO: Okay. So it sounds like you're fairly  
25 comfortable taking things with a grain of salt that are said

1 in the media?

2 PROSPECTIVE JUROR NO. 255: Yes.

3 MS. SUDANO: All right. Would you have any issue  
4 separating anything that you saw in the media, and I'm not  
5 even talking about the coverage on this case or anything like  
6 that, just in general would you have any issues setting that  
7 aside and just listening to the evidence in the courtroom?

8 PROSPECTIVE JUROR NO. 255: None at all.

9 MS. SUDANO: Okay. Anybody have different feelings  
10 about that, that they've got such strong feelings about the  
11 criminal justice system or something that they've seen in the  
12 media that that might spill over into your ability to listen  
13 to the evidence in this case? Seeing no responses on that  
14 one.

15 So everybody agrees with me, then, that they would  
16 be able to separate the evidence that you're going to hear in  
17 this courtroom from anything that you may have heard or seen  
18 elsewhere in the media? Everyone is nodding or staring at my  
19 blankly. Okay.

20 All right. Is there anybody in the panel up here  
21 that's had a particularly positive or a particularly negative  
22 experience with law enforcement? Nothing? Nobody?

23 All right. Can we pass -- oh.

24 PROSPECTIVE JUROR NO. 256: [Indiscernible].

25 THE CLERK: I'm not picking him up.

1 MS. SUDANO: One second. Mr. Rosenfield, Badge No.  
2 256.

3 PROSPECTIVE JUROR NO. 256: Yes.

4 MS. SUDANO: Okay. And can you grab the microphone,  
5 sir. Thank you.

6 PROSPECTIVE JUROR NO. 256: Yes. It was a long,  
7 long time ago when I owned a yogurt store with my family here,  
8 and there was a problem of, I forget what exactly, maybe  
9 somebody was breaking in, but the police responded like within  
10 two minutes or something like that. It was amazing how fast  
11 they responded.

12 MS. SUDANO: Okay. So would it be fair to say that  
13 you were satisfied with the police response --

14 PROSPECTIVE JUROR NO. 256: Oh, yeah.

15 MS. SUDANO: -- in that particular case?

16 PROSPECTIVE JUROR NO. 256: I was -- yeah, I was  
17 amazed how fast the response was.

18 MS. SUDANO: Now, anything about that that would  
19 affect your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 256: Oh, no. No.

21 MS. SUDANO: So in your experience, on that  
22 particular day, law enforcement got it right by you?

23 PROSPECTIVE JUROR NO. 256: Yes, I -- yes.

24 MS. SUDANO: Would you agree with me that there's  
25 good and bad in every profession?

1 PROSPECTIVE JUROR NO. 256: Of course.

2 MS. SUDANO: Okay. Police are no different than  
3 that?

4 PROSPECTIVE JUROR NO. 256: Yes. So it's been  
5 reported in some news broadcasts.

6 MS. SUDANO: So nothing about that experience that  
7 would affect your ability --

8 PROSPECTIVE JUROR NO. 256: Oh, no.

9 MS. SUDANO: If you could, you pass it back right  
10 behind you to Mr. Sotelo, Badge No. 401.

11 Sir, if I'm not mistaken, you talked earlier about  
12 an experience not with you personally, but something that had  
13 happened with your brother; is that right?

14 PROSPECTIVE JUROR NO. 401: That's correct.

15 MS. SUDANO: Okay. You indicated that you would  
16 tend to give less weight or less credence to the testimony of  
17 a police officer because of that experience; is that right?

18 PROSPECTIVE JUROR NO. 401: Correct.

19 MS. SUDANO: For you, do you have that same feeling  
20 that there's good and bad in every profession?

21 PROSPECTIVE JUROR NO. 401: Yeah, I do.

22 MS. SUDANO: So was that -- remind me, that was an  
23 incident that happened here in Las Vegas; is that right?

24 PROSPECTIVE JUROR NO. 401: That's correct.

25 MS. SUDANO: But it was a number of years ago; is

1 that right?

2 PROSPECTIVE JUROR NO. 401: Yes, it was.

3 MS. SUDANO: Okay. And you weren't there, you don't  
4 know any of the officers that were involved in that incident  
5 with your brother; is that right?

6 PROSPECTIVE JUROR NO. 401: No, unfortunately, I  
7 don't.

8 MS. SUDANO: Okay. So if a police officer came in  
9 in this case and took the stand, would you in the back of your  
10 mind be thinking about what happened with your brother?

11 PROSPECTIVE JUROR NO. 401: No, I would just listen  
12 to see what he had to say.

13 MS. SUDANO: Okay. So you could set aside  
14 everything with your brother and just listen to the testimony  
15 of the police officers?

16 PROSPECTIVE JUROR NO. 401: I could listen.

17 MS. SUDANO: Okay.

18 PROSPECTIVE JUROR NO. 401: I can't say whether or  
19 not I could set it aside or not.

20 MS. SUDANO: So the fact that somebody comes in here  
21 in uniform, are they already going to be sort of a notch down  
22 in your eyes because they're a police officer?

23 PROSPECTIVE JUROR NO. 401: Yeah.

24 MS. SUDANO: Okay. Even though as far as you know,  
25 those officers weren't the officers that were involved in the

1 incident with your brother?

2 PROSPECTIVE JUROR NO. 401: As far as I know, yes.  
3 That's correct.

4 MS. SUDANO: All right. But you still wouldn't  
5 treat them the same way that you treat every other witness?

6 PROSPECTIVE JUROR NO. 401: Yeah, not exactly. I  
7 mean, if they have facts and they have evidence, which is why  
8 I'm sure they're here, I'll definitely take a look at that.

9 MS. SUDANO: Would you be more critical of them,  
10 though, just because they are police officers?

11 PROSPECTIVE JUROR NO. 401: I would.

12 MS. SUDANO: Okay. So if there were two witnesses  
13 coming in to say exactly the same thing, one of them is a  
14 police officer and one of them is just a normal citizen, the  
15 citizen is going to get more weight from you than the police  
16 officer?

17 PROSPECTIVE JUROR NO. 401: It depends on what it  
18 is, but I would say yes.

19 MS. SUDANO: All right. Since we're on that  
20 subject, can you pass it all the way into the back corner to  
21 Mr. Milligan, Badge No. 105.

22 Sir, if I'm not mistaken, you had indicated that  
23 your significant other is an officer in North Las Vegas?

24 PROSPECTIVE JUROR NO. 105: Yes. Many members of my  
25 family are.

1 MS. SUDANO: And then your brother is with Metro?  
2 PROSPECTIVE JUROR NO. 105: Correct.  
3 MS. SUDANO: Okay. You indicated you sort of the  
4 way you grew up you were raised to respect police, is that  
5 fair?  
6 PROSPECTIVE JUROR NO. 105: Correct. Yes.  
7 MS. SUDANO: All right. So I'm going to ask you  
8 sort of the same questions that I was just asking Mr. Sotelo.  
9 If a police officer came in and said the exact same thing that  
10 another witness said, would you be more inclined to believe it  
11 because it was a police officer than you would if it was just  
12 a normal citizen?  
13 PROSPECTIVE JUROR NO. 105: I believe I would, yes.  
14 MS. SUDANO: Okay. And I think you said something  
15 earlier where you would be inclined to believe a police  
16 officer unless it was clear that they're lying.  
17 PROSPECTIVE JUROR NO. 105: Yes.  
18 MS. SUDANO: Okay.  
19 PROSPECTIVE JUROR NO. 105: Yes.  
20 MS. SUDANO: So if you had five witnesses that came  
21 in and said the sky is blue, and then you had a police officer  
22 who came in and said the sky is green.  
23 PROSPECTIVE JUROR NO. 105: Obviously, I wouldn't.  
24 I already know. I know better than that. But in your first  
25 example, I would. If I didn't know a true answer either way,

1 I would probably pick the officer's side.

2 MS. SUDANO: Okay. Would you be willing to or able  
3 to evaluate the testimony of a police officer just like you  
4 would for any other witness?

5 PROSPECTIVE JUROR NO. 105: See, I wouldn't -- I  
6 wouldn't discredit them or credit them, but I would --  
7 obviously, I would like to think I could evaluate, but I would  
8 take their word.

9 MS. SUDANO: So and when you say you would take  
10 their word, is that because of their training, their  
11 experience as police officers, or just because they've got the  
12 shiny badge?

13 PROSPECTIVE JUROR NO. 105: I mean, there's a lot --  
14 a lot behind the badge, you could say. It's not -- you know,  
15 there's training, there is experience, there's what the  
16 profession brings, what it's supposed to bring.

17 MS. SUDANO: So and nobody is saying that you can't  
18 take those things into consideration. We want you to take  
19 into consideration everything about a witness. I'm just  
20 trying to get to if that's all it is.

21 THE COURT: Go ahead.

22 MS. SUDANO: Okay. If it's just because they're a  
23 police officer or if there's something behind why you would  
24 give them additional weight. Does that make sense?

25 PROSPECTIVE JUROR NO. 105: I guess it makes sense.

1 I don't know what else behind it are you asking, you know what  
2 I'm saying?

3 MS. SUDANO: So is --

4 PROSPECTIVE JUROR NO. 105: What --

5 MS. SUDANO: Is it based on your personal experience  
6 with people, is it based on --

7 PROSPECTIVE JUROR NO. 105: With officers, for sure.  
8 Absolutely.

9 MS. SUDANO: Is it based on your understanding of  
10 the training that they go through?

11 PROSPECTIVE JUROR NO. 105: Yes. Correct.

12 MS. SUDANO: Sorry. Completely lost my train of  
13 thought there. So what are some of the other things, not a  
14 police officer, that you might look at to evaluate the  
15 credibility of a witness?

16 PROSPECTIVE JUROR NO. 105: There would have to be  
17 some type of guidelines or examples. I wouldn't discredit  
18 somebody just right out of the gate.

19 MS. SUDANO: Okay. What would be some things that  
20 you would be looking for, though?

21 PROSPECTIVE JUROR NO. 105: I don't have a direct  
22 answer. I'm not sure.

23 MS. SUDANO: Maybe like body language?

24 PROSPECTIVE JUROR NO. 105: They're attitude could  
25 be, yeah.

1 MS. SUDANO: Okay. So does that factor into the  
2 police situation for you at all, their demeanor, their  
3 attitude, their ability to recollect?

4 PROSPECTIVE JUROR NO. 105: I mean, typically, in my  
5 opinion, they all pretty much act relatively similar in a  
6 court setting and everything.

7 MS. SUDANO: Okay. So I asked somebody a little bit  
8 earlier, there's good and bad in every profession. Do you --

9 PROSPECTIVE JUROR NO. 105: Absolutely.

10 MS. SUDANO: -- agree with that?

11 PROSPECTIVE JUROR NO. 105: Absolutely.

12 MS. SUDANO: I'm sure you've seen that --

13 PROSPECTIVE JUROR NO. 105: Absolutely, yes.

14 MS. SUDANO: -- in your personal life. Would you  
15 agree with that as far as police officers?

16 PROSPECTIVE JUROR NO. 105: Yes.

17 MS. SUDANO: And would you be willing to consider  
18 that if you heard from a police officer in this particular  
19 case?

20 PROSPECTIVE JUROR NO. 105: I mean, I understand  
21 there are bad apples. But without knowing any facts, I would  
22 lean toward a police officer.

23 MS. SUDANO: Okay. All right.

24 Is there anybody here in the panel --

25 Thank you, you're off the hook.

1           -- who has any connect at all to somebody who's been  
2 accused of a sec crime? Okay. I saw somebody in the back  
3 real quick. First it's Ms. Howell, Badge No. 430.

4           PROSPECTIVE JUROR NO. 430: Yes.

5           MS. SUDANO: Okay.

6           PROSPECTIVE JUROR NO. 430: I didn't get to speak to  
7 this when the Judge was asking, but the grandparent on my  
8 mom's side, I'm not very close with them, I know probably  
9 about 15 to 20 years ago was accused of child molestation to a  
10 grandchild in his second marriage, not part of our family.

11          MS. SUDANO: Okay. Was that somebody that you had  
12 contact with when those allegations were made?

13          PROSPECTIVE JUROR NO. 430: Very rarely. I mean, I  
14 was already on my way into college when that happened, and we  
15 weren't very close. We didn't see them very often.

16          MS. SUDANO: Do you know anything specific about  
17 what the allegations were?

18          PROSPECTIVE JUROR NO. 430: I do not. No.

19          MS. SUDANO: Do you know if there was an arrest made  
20 or any sort of court proceedings?

21          PROSPECTIVE JUROR NO. 430: I do know that he served  
22 time for it.

23          MS. SUDANO: Okay. Based on what you do know about  
24 it, do you think that he was treated fairly?

25          PROSPECTIVE JUROR NO. 430: I can't say because I

1 don't know that much about the case, but if he needed to serve  
2 time for it and that was what they decided, I'm sure that it  
3 was, yes.

4 MS. SUDANO: To the extent that you know, do you  
5 believe that the victim in that case, the grandchild or the  
6 step-grandchild was treated fairly by the system?

7 PROSPECTIVE JUROR NO. 430: Without knowing about  
8 it, I would say yes if he served time.

9 MS. SUDANO: Okay. And then same question you heard  
10 the Judge ask a number of other people, is there anything  
11 about that that you believe would affect your ability to be  
12 fair and impartial in this case?

13 PROSPECTIVE JUROR NO. 430: No.

14 MS. SUDANO: Okay. To your knowledge, was there any  
15 CPS involvement after those allegations came to light?

16 PROSPECTIVE JUROR NO. 430: I am not sure.

17 MS. SUDANO: Okay. Anybody in the panel that has  
18 had direct contact with CPS? Okay. There's a couple of you.  
19 Remind me, I kind of want to come back to people on this one.

20 Mr. Molina, if you could pass it to your left, Badge  
21 No. 010.

22 PROSPECTIVE JUROR NO. 010: Due to the nature of my  
23 job, I occasionally have to call CPS and work with CPS.

24 MS. SUDANO: All right. So your contacts with CPS  
25 have been strictly professional?

1 PROSPECTIVE JUROR NO. 010: Yes.

2 MS. SUDANO: Anything about those professional  
3 contacts with CPS that you think would affect your ability to  
4 be fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 010: No.

6 MS. SUDANO: Okay. And then if you can pass it back  
7 down the other way. Is it Ms. Dolan, Badge No. 338? Oh, I'm  
8 sorry. Mr. Mendez, Badge No. 334, before we get there.

9 PROSPECTIVE JUROR NO. 334: It just came to mind  
10 because I remember my daughter, my wife spanked her. She was  
11 in high school and she was getting out of hand, doing -- you  
12 know, wanted to do things that she wasn't supposed to. So it  
13 just came to me to say CPS did come to our house and they said  
14 that we abused her, which we never did abuse her, but, you  
15 know, they never had the evidence or nothing like that, but  
16 she was just acting up. So we had to go through counseling.

17 MS. SUDANO: Okay. So did CPS impose some sort of  
18 case plan?

19 PROSPECTIVE JUROR NO. 334: They just said we had to  
20 go to counseling and take care of it with my daughter. We  
21 went for awhile, then she didn't want to go. She didn't want  
22 to -- she didn't want to be counseled, but she had to go. And  
23 we did that for a little while until everything got resolved,  
24 you know.

25 MS. SUDANO: Okay. So based on your experience or

1 your wife's experience with CPS, do you believe that you were  
2 treated fairly within that system?

3 PROSPECTIVE JUROR NO. 334: No, I don't think I was  
4 treated fairly because they were like, in the counseling, like  
5 going against me and my wife, like if we were really doing  
6 something wrong where she didn't. My daughter was the one  
7 just acting up while she was at school at the time.

8 MS. SUDANO: So you didn't feel like the CPS workers  
9 or the counselors were taking your side of everything into  
10 account?

11 PROSPECTIVE JUROR NO. 334: They took mostly, I  
12 think, we believe, me and my wife, they took most of my  
13 daughter's side because she was the one getting abused. And  
14 she only spanked her one time and then she made it a big  
15 thing.

16 MS. SUDANO: Okay. So do you think that there's  
17 anything about your experience with CPS that might affect your  
18 ability to be fair and impartial in this particular case?

19 PROSPECTIVE JUROR NO. 334: What was -- what was the  
20 question?

21 MS. SUDANO: Do you think your experience with CPS  
22 would affect your ability to be fair and impartial here in  
23 this case?

24 PROSPECTIVE JUROR NO. 334: I may -- maybe. Maybe.  
25 I can say -- I'm going to say yes.

1 MS. SUDANO: Okay. So you're going to hear that  
2 there was a situation where CPS ended up getting involved. Do  
3 you think that during that you're going to be thinking about  
4 your own CPS involvement?

5 PROSPECTIVE JUROR NO. 334: I believe so because of  
6 the way they treated us like if we committed a crime or  
7 something and we didn't feel that they really gave us the  
8 right counseling is what I believe.

9 MS. SUDANO: Okay. All right. So you don't think  
10 that that's something that you would be comfortable setting  
11 aside and just listening to the evidence in this particular  
12 case?

13 PROSPECTIVE JUROR NO. 334: No.

14 MS. SUDANO: Okay. All right. Thank you, sir. I  
15 appreciate that. Can you pass it just one over to Ms. Dolan,  
16 Badge No. 338.

17 PROSPECTIVE JUROR NO. 338: Yes. As a teacher I'm  
18 required to report and I have had to in the past report to CPS  
19 when I suspected abuse.

20 MS. SUDANO: Okay. Same question I had for Mr.  
21 Molina previously, has all of your experience with CPS been  
22 professional rather than personal?

23 PROSPECTIVE JUROR NO. 338: All professional, yes.

24 MS. SUDANO: Okay. Do you think that there's  
25 anything about those professional contacts that would affect

1 your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 338: No.

3 MS. SUDANO: Okay.

4 PROSPECTIVE JUROR NO. 338: It wouldn't affect me.

5 MS. SUDANO: Thank you. And then I'm going to have  
6 you pass it, but I don't know where we're passing it yet.  
7 There were a couple other people, I think, that hands raised  
8 on that one.

9 All right. We're going to go down to the front, is  
10 it Ms. Cornwell, 245?

11 PROSPECTIVE JUROR NO. 245: Yes.

12 MS. SUDANO: Okay.

13 PROSPECTIVE JUROR NO. 245: When I was, I want to  
14 say between 8 and 10 years old, I can't remember positively,  
15 but my stepbrother had -- him and his mother combined falsely  
16 accused my mother of sexual -- not sexual, I'm sorry, physical  
17 abuse. So there was a bunch of different CPS throughout out  
18 house for several months.

19 MS. SUDANO: They were interviewing you, coming by  
20 to make sure that you were in a safe environment?

21 PROSPECTIVE JUROR NO. 245: Yes, because there's  
22 both me and my other brother, biological brother, so they were  
23 interviewing us quite often because they were with -- they  
24 have -- his mother and my stepbrother had produced false  
25 evidence. They had created bruises and everything, so they

1 were interviewing me and my brother to determine if we were  
2 getting taken out of the household or not.

3 MS. SUDANO: Okay. Do you think that CPS treated  
4 you fairly?

5 PROSPECTIVE JUROR NO. 245: Oh, most definitely.

6 MS. SUDANO: Okay.

7 PROSPECTIVE JUROR NO. 245: They resolved it all and  
8 everything.

9 MS. SUDANO: Okay. Anything about your personal  
10 contacts with CPS that you think would affect your ability to  
11 be fair or impartial in this case?

12 PROSPECTIVE JUROR NO. 245: No, not at all.

13 MS. SUDANO: Okay. And then I saw Mr. Riggins with  
14 his hand up, Badge No. 394. If you could pass it down.

15 PROSPECTIVE JUROR NO. 394: I believe I was in ninth  
16 grade. I went to school. I couldn't really sit very well.  
17 The night before my mother had pushed me, I fell in the tub  
18 and bruised my tailbone.

19 MS. SUDANO: Okay.

20 PROSPECTIVE JUROR NO. 394: So when I went to the  
21 school nurse, they reported to CPS and they came out and  
22 interviewed me and then closed the case.

23 MS. SUDANO: Okay. So you didn't have to do any  
24 sort of counseling, there was no follow-up in your case?

25 PROSPECTIVE JUROR NO. 394: No.

1 MS. SUDANO: Now, do you think that you were treated  
2 fairly by CPS in that situation?

3 PROSPECTIVE JUROR NO. 394: At the time, no.

4 MS. SUDANO: What makes you say that?

5 PROSPECTIVE JUROR NO. 394: My mother was physically  
6 abusive throughout my childhood and I felt trapped.

7 MS. SUDANO: Okay. Did you disclose any of the  
8 prior incidents of physical abuse to CPS?

9 PROSPECTIVE JUROR NO. 394: I was too afraid at the  
10 time.

11 MS. SUDANO: Okay. What were you afraid of?

12 PROSPECTIVE JUROR NO. 394: My mother, more  
13 retaliation.

14 MS. SUDANO: Had there been conversations about what  
15 you were to do or not to do if anybody ever asked about  
16 anything like that?

17 PROSPECTIVE JUROR NO. 394: No, it was just I knew  
18 that the moment that any sort of law enforcement or whatever  
19 turned their back and was away that I'd get like -- I'd get a  
20 beating or whatever, so --

21 MS. SUDANO: So you thought that talking to somebody  
22 might make your situation worse?

23 PROSPECTIVE JUROR NO. 394: Yes.

24 MS. SUDANO: Now --

25 PROSPECTIVE JUROR NO. 394: My step -- or my

1 stepfather basically was the breadwinner in the house. My mom  
2 stayed home so she was always there. My dad didn't really  
3 hold down a job and he was in Utah, so there was no way that  
4 he would have been able to get custody of me, so, yeah, I just  
5 -- I didn't see an alternative route of where I could go in  
6 that situation, so I just kind of retreated to my shell.

7 MS. SUDANO: And you said that was when you were in  
8 ninth grade?

9 PROSPECTIVE JUROR NO. 394: When that incident  
10 happened, yes.

11 MS. SUDANO: Okay. And so even at that point in  
12 ninth grade you still didn't feel comfortable talking to  
13 somebody about these incidents?

14 PROSPECTIVE JUROR NO. 394: No.

15 MS. SUDANO: All right. Now, correct me if I'm  
16 wrong, I think that you had said at the time you didn't think  
17 that CPS treated you fairly.

18 PROSPECTIVE JUROR NO. 394: No, because I wanted to  
19 -- I did want to be taken out of the house, but I didn't know  
20 where I could go or whatever. I felt trapped in the house  
21 under, you know, never knowing. The smallest thing would set  
22 her off and she would pull out the belt and everything. And  
23 it was later on when I was 17 I did have an experience with  
24 law enforcement.

25 My parents found out I was homosexual. I was scared

1 for my life. I went to a Chevron as a safe place thing. They  
2 called the police who called my parents who showed up there.  
3 And the cop told me, well, your parents can beat you as much  
4 as they want as long as they don't leave a bruise or a broken  
5 bone and I think you deserve it. And then there was a female  
6 officer who told me you've done nothing wrong.

7 MS. SUDANO: Okay.

8 PROSPECTIVE JUROR NO. 394: Yeah.

9 MS. SUDANO: So I heard what sounded like both a  
10 negative and potentially positive experience with law  
11 enforcement in the same encounter. Is that fair?

12 PROSPECTIVE JUROR NO. 394: Yeah. But at the same  
13 time, they're people and there are good and bad people  
14 everywhere and I don't look at that negatively. I know  
15 earlier in the case you asked about family, if you know anyone  
16 with family with law enforcement. I don't, but I did -- do  
17 know some from my church that was traffic from Metro.

18 MS. SUDANO: Okay. All right. So I'm going to ask  
19 you a couple of different questions --

20 PROSPECTIVE JUROR NO. 394: Sure.

21 MS. SUDANO: -- that are all going to sound the  
22 same. So your experience with CPS and your involvement with  
23 CPS, do you think anything about that would affect your  
24 ability to be fair and impartial here?

25 PROSPECTIVE JUROR NO. 394: Absolutely not.

1 MS. SUDANO: Okay. And then you talked about your  
2 history with your mom and being afraid to report what was  
3 going on with your mom in the house. Do you think anything  
4 about that would affect your ability to be fair and impartial  
5 in this case?

6 PROSPECTIVE JUROR NO. 394: No.

7 MS. SUDANO: Okay. And then even if they're not  
8 blood family, you did indicate you've got a friend that's in  
9 law enforcement?

10 PROSPECTIVE JUROR NO. 394: Well, he was -- I mean,  
11 of course, he's older. He just retired last year, December of  
12 2017. And then I think he had talked about possibly going  
13 into doing what he does, what the marshal does --

14 MS. SUDANO: Oh, okay.

15 PROSPECTIVE JUROR NO. 394: -- in court. So I don't  
16 know -- I know he got another job with the City or County, but  
17 I'm not sure where he's placed. Tony Lorenko (phonetic).

18 MS. SUDANO: Okay. Anything about that relationship  
19 that would affect your ability to be fair and impartial here?

20 PROSPECTIVE JUROR NO. 394: No. No.

21 MS. SUDANO: Okay. All right. Did I miss anybody  
22 on that CPS question? Anybody else that had personal  
23 involvement that didn't get to talk about it? Okay. All  
24 right.

25 THE COURT: Be a good time to break for the evening?

1 MS. SUDANO: It is. I can keep going, but, yeah,  
2 I'm at a good transition point.

3 THE COURT: All right. Ladies and gentlemen, we're  
4 going to take our evening recess. I think we can get started  
5 tomorrow by 11:00 again. I'm pretty comfortable saying that,  
6 but I say it all the time.

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

16 Before I let them go, will the parties approach.

17 (Off-record bench conference)

18 THE COURT: All right. Mr. Mendez, are you familiar  
19 with HIPAA?

20 PROSPECTIVE JUROR NO. 334: I don't know.

21 THE COURT: All right. That's a federal regulation  
22 that basically prevents people from getting information about  
23 somebody else's medical. And without a court order, I can't  
24 get your wife's medical information. And I'm not in a  
25 position right now that I'm going to sign a court order to get

1 that. But irrespective of that, what I'm going to do is I'm  
2 going to excuse you, okay. We're going to let you go for the  
3 -- for the -- you won't need to come back tomorrow. That's  
4 what I wanted to talk at the bench about.

5 And I'm going to give you this -- give you this  
6 paperwork back, okay. This is your wife's documents and the  
7 letter that you gave me. And so go back to the jury  
8 commission room and let them know you've been excused, okay.  
9 so you're released from the admonition, but you can't talk to  
10 these people.

11 PROSPECTIVE JUROR NO. 334: Okay.

12 THE COURT: Okay. All right. You have a good  
13 evening, okay.

14 PROSPECTIVE JUROR NO. 334: Thank you.

15 THE COURT: Also, everyone else, you're required to  
16 come back outside the courtroom by 11:00 tomorrow. Okay.  
17 Does anyone have any questions before we leave tonight?

18 PROSPECTIVE JUROR: 11:00, not 10:00?

19 THE COURT: 11:00. 11:00. Okay. We'll be at ease  
20 while you exit the courtroom, okay.

21 (Prospective jury recessed at 4:47 P.M.)

22 THE COURT: Okay. We're outside the presence of the  
23 jury. Before we take our evening recess, do the parties need  
24 to put anything on the record?

25 MR. SWEETIN: Do you want to discuss the expert

1 witness notice?

2 THE COURT: Right. Uh-huh. We can do that now.

3 MR. SWEETIN: And, Judge, I did go back and -- and I  
4 researched and there isn't a database that's maintained by our  
5 office that has the curriculum vitae for that particular  
6 witness in it. I would -- I would note that the original  
7 notice itself which detailed the actual expert, everything the  
8 State might be eliciting out of the expert went out almost two  
9 months before trial.

10 The statute that the Court made reference to in  
11 regards to expert testimony, NRS 174.234, and its notice  
12 specifically makes mention that the party who intends to call  
13 that witness shall file and serve upon the opposing party not  
14 less than 21 days before trial or at such time -- such other  
15 time as the Court directs written notice.

16 I would also note that the Supreme Court, in an  
17 unpublished decision, very succinctly indicated, and this is  
18 Herrera v. State, 126 Nev. 719, that the decision of whether  
19 notice was untimely in any remedy is left to the discretion of  
20 the trial court.

21 So now in this case the State would submit that the  
22 reason that the State might use this expert would only be  
23 essentially to address allegations by the defendant in his  
24 case that the victims in this case consented to the sexual  
25 conduct that was perpetrated upon them. That would be the

1 reason for that.

2 Now, the State would submit that any -- there is no  
3 prejudice to allowing the State to get into this. And the  
4 reason for that is defense was aware of the witness, the  
5 expert witness that the State was going to provide far beyond  
6 the 21 days. The only thing that was provided late was the  
7 curriculum vitae.

8 The State would submit the only prejudice that would  
9 go to the defense is -- in regards to not providing that  
10 curriculum vitae would be in them challenging the witness, the  
11 expert witness's ability to testify to those things which I  
12 laid out giving them notice. Defense can bring a motion to  
13 strike this witness for that at any point.

14 I would also note that this is a long trial. We --  
15 and probably under any circumstances, probably wouldn't be  
16 getting to this witness until three, four weeks down the road.  
17 The State's intent at this point, as I indicated, would be  
18 only to use this -- this witness essentially to rebut a claim  
19 in the course of the defendant's presentation of evidence  
20 that, in fact, there was -- that consent is an issue in  
21 regards to these children.

22 So the State would ask for is this from the Court.  
23 Clearly, the Court -- it's within the Court's discretion to  
24 allow the expert to testify. The State's intent, as I  
25 indicated, is only to use it essentially to rebut an

1 allegation of consent. So we would ask that we be allowed to  
2 call that witness in rebuttal if, in fact, the defense brings  
3 -- goes that direction of consent. That's what we would ask  
4 for.

5 THE COURT: Okay. But that -- that doesn't  
6 necessarily apply in the same manner as 174.234 requires.

7 MS. RADOSTA: It's -- but the notice that was  
8 provided that the State initially filed back first January  
9 12th, and then the amended, which is now filed as of  
10 1/22/2019. For the sake of argument, Judge, when they filed  
11 it on January 22, 2019, and attached a curriculum vitae, in  
12 that regard, then, it's not being offered as a rebuttal. If  
13 they're -- if they're noticing us of the expert and attaching  
14 a curriculum vitae, that's not a rebuttal. That's not an  
15 expert in rebuttal.

16 THE COURT: Okay. Well --

17 MS. RADOSTA: Because -- because the case law  
18 essentially says that rebuttal experts don't need to be  
19 noticed. So they did file this in an effort to offer him as  
20 an expert witness.

21 THE COURT: Okay. So the position that I -- I take  
22 with that is that, and you agree, that the parties don't need  
23 to notice a rebuttal expert. So here, obviously, if I -- if I  
24 strike him, then he wouldn't be testifying at all in the -- in  
25 the case in chief. But they're saying we don't have to notice

1 you at all for rebuttal, and so what's the -- what's the  
2 prejudice if he testifies in rebuttal?

3 MS. RADOSTA: But my question would be, then, how --  
4 how is the State going to offer him as -- as they're saying,  
5 as it relates to our argument that there was consensual -- it  
6 was some form of consent with the alleged victims? We are not  
7 calling -- I mean, they're calling the witnesses. We are  
8 cross-examining the witness. We are -- we don't have an  
9 expert any longer to talk about --

10 THE COURT: I got you.

11 MS. RADOSTA: -- how children maybe could consent to  
12 this. So is this -- I don't even see how this witness could  
13 be offered in rebuttal.

14 THE COURT: I got you.

15 MS. RADOSTA: We are not -- we're cross-examining.

16 THE COURT: Well, my -- my true sense of rebuttal  
17 that I recognize is that you present a defense.

18 MS. RADOSTA: Right. And our --

19 THE COURT: And then they --

20 MS. RADOSTA: -- expert has been struck.

21 THE COURT: Right. And then they --

22 MS. RADOSTA: And additionally -- I'm sorry, Your  
23 Honor. Additionally --

24 THE COURT: Well, we don't know because I don't know  
25 at this point in time if your client is going to testify. I

1 don't know if you have any additional witnesses that you're  
2 going to -- I mean, you did identify some witnesses to the  
3 jury.

4 MS. RADOSTA: Right. Uh-huh.

5 THE COURT: And so I don't know that yet. But if  
6 you were to present in your case in chief something that's  
7 consistent with what Mr. Sweetin is talking about, then it  
8 would be a true rebuttal. And if there's no requirement to  
9 notice an expert for rebuttal purposes, then what's -- where's  
10 the harm there?

11 MS. RADOSTA: Well, let me just go back for a  
12 moment.

13 THE COURT: Okay.

14 MS. RADOSTA: Back when the last time we were in  
15 court in December, I believe it was December, around December  
16 12th, Mr. Sweetin said at that point in time this witness was  
17 only going to be offered as rebuttal to John Harder, then John  
18 Harder was struck.

19 THE COURT: But see -- but see you've got the  
20 advantage now of the -- of a notice of a rebuttal. What I'm  
21 saying -- let's put it this way. Let's say they didn't notice  
22 him at all. They didn't notice him at all and you didn't have  
23 this at all in any documentation. Are you saying that if you  
24 did present a defense that is truly rebuttable, and that's  
25 what this witness would be called upon --

1 MS. RADOSTA: That's not what the notice says,  
2 though, Judge.

3 THE COURT: I know. I understand that. What I'm  
4 saying --

5 MS. RADOSTA: Uh-huh.

6 THE COURT: -- is if -- if I strike this --

7 MS. RADOSTA: Uh-huh.

8 THE COURT: -- then in all intents and purposes,  
9 there is no notice. He's out, okay. But what is the -- what  
10 is the harm or what is the prejudice if the individual  
11 testifies as a rebuttal witness, true rebuttal witness to your  
12 defense under these same circumstances? If there's no notice,  
13 you weren't told at all anyhow and they come in. Now, you're  
14 saying strike him for all intents and purposes.

15 MS. RADOSTA: Well, what I'm saying is --

16 THE COURT: Okay.

17 MS. RADOSTA: -- and if I can just lay the --

18 THE COURT: Well, the grounds for your --

19 MS. RADOSTA: -- factual --

20 THE COURT: The grounds to strike him --

21 MS. RADOSTA: Right.

22 THE COURT: -- Ms. Radosta, is --

23 MS. RADOSTA: Right.

24 THE COURT: -- based on their --

25 MS. RADOSTA: But they --

1 THE COURT: -- faulty notice.

2 MS. RADOSTA: But they've now changed their notice.

3 THE COURT: Okay.

4 MS. RADOSTA: They've now said he's not being  
5 offered in their case in chief. They've changed their notice.

6 THE COURT: Okay. And could they? But there's no  
7 notice requirement. If they -- if they want to use him for  
8 rebuttal --

9 MS. RADOSTA: Right.

10 THE COURT: -- there's no notice requirement.

11 MS. RADOSTA: If I can just --

12 THE COURT: So let me ask the State this. With  
13 regards to the notice, are you withdrawing this expert as your  
14 case in chief?

15 MR. SWEETIN: We -- we would not intend to call him  
16 in our case in chief. We would --

17 THE COURT: Okay. Are you withdrawing him as an  
18 expert in your case in chief?

19 MR. SWEETIN: I guess the only reason that I  
20 hesitate is because the State would submit that we have put  
21 this expert on -- on notice.

22 THE COURT: Uh-huh.

23 MR. SWEETIN: I don't know that I want to withdraw  
24 that -- that notice because I believe that out of an abundance  
25 of caution I want to put the defense on notice that, in fact,

1 we might potentially call this witness in rebuttal.

2 THE COURT: All right. What I'm going to do at this  
3 point in time is I'm going to grant your motion.

4 MS. RADOSTA: All right.

5 THE COURT: He is stricken in the case in chief.  
6 However, that doesn't preclude him from testifying as rebuttal  
7 if there's a true rebuttal to your defense.

8 MS. RADOSTA: And if I may, Your Honor --

9 THE COURT: And the rebuttal is not responding to  
10 your cross-examination. Rebuttal is if you put a defense  
11 on --

12 MS. RADOSTA: Okay.

13 THE COURT: -- in a case in chief that has anything  
14 to do with this expert's, you know, expertise, then he would  
15 be allowed to testify as true rebuttal.

16 MS. RADOSTA: And for -- just for the record, Your  
17 Honor, I know that I said that notice of experts for rebuttal  
18 may not be -- may not be in the same ballpark as in case in  
19 chief. I would like to double check my own statement --

20 THE COURT: Okay.

21 MS. RADOSTA: -- on that --

22 THE COURT: Okay.

23 MS. RADOSTA: -- but it doesn't need to be right  
24 now, Judge. I appreciate the Court's ruling for right now  
25 that this -- at this point in time can only be used as a

1 rebuttal expert. And if --

2 THE COURT: Right.

3 MS. RADOSTA: -- we feel that there still requires

4 necessary notice, I'll bring that to the Court's attention --

5 THE COURT: I don't think there is.

6 MS. RADOSTA: -- at a later date.

7 THE COURT: I don't --

8 MS. RADOSTA: When it's an expert, though, Judge, to

9 allow them to call an expert in rebuttal without giving us

10 notice, at which point then we don't have an opportunity --

11 for the sake of argument. I appreciate there --

12 THE COURT: Well, that --

13 MS. RADOSTA: -- there is a heads up.

14 THE COURT: That's rebuttal.

15 MS. RADOSTA: But so --

16 THE COURT: I mean, they don't even have to notice

17 you of rebuttal witnesses period. I know that's --

18 MS. RADOSTA: I'm going to actually say that I think

19 that a rebuttal expert witness I think we would be entitled to

20 a notice on. Because other -- because in that case we

21 potentially would want a surrebuttal notice. For the sake of

22 argument, this gentleman that they've noticed is currently

23 working at like an outdoors -- founded strides psychology

24 providing outdoor experiential-based leadership development

25 programs, family and couple experiential programs, and

1 team-building experiences.

2 And they're offering him to testify about whether or  
3 not -- well, initially grooming, and no whether or not a child  
4 can actually consent. So we would be of the opinion that this  
5 person isn't even qualified to offer the opinion that  
6 they're --

7 THE COURT: Well, I know, but --

8 MS. RADOSTA: But that's -- I know that that's --

9 THE COURT: -- you're a little bit late for that.

10 MS. RADOSTA: Well --

11 THE COURT: I mean, we're --

12 MS. RADOSTA: -- which is the point that I was --

13 THE COURT: -- starting trial now and --

14 MS. RADOSTA: -- which is the point that I was  
15 trying to make earlier, Judge, when they first gave us the  
16 notice back in December, he was noticed in open court by Mr.  
17 Sweetin as only as rebuttal to Dr. Harder.

18 THE COURT: Okay.

19 MS. RADOSTA: Then Dr. Harder was struck. And then  
20 four days ago I actually get a CV attached to the prior notice  
21 that, in my opinion, was only for Dr. Harder. I appreciate  
22 the document says more than that, but the representations made  
23 in court were more than that. So we're -- I'm just going to  
24 stop right now because I appreciate Your Honor granting my  
25 motion, but --

1           THE COURT: I might be incorrect, though, but I  
2 don't believe that there's any requirement that there's any  
3 notice for any rebuttal witnesses.

4           MR. SWEETIN: And, Judge, I think that there is --  
5 there is a body of case law that talks about rebuttal  
6 witnesses that might be -- might be experts, and that I  
7 believe that the Court has -- has ruled that if an expert is  
8 going to be called in rebuttal, that expert needs to be  
9 noticed. I think there is a body of case law out there.

10          THE COURT: Well, under the current notice that you  
11 provided, though, I think it's sufficient for --

12          MR. SWEETIN: I do. I think --

13          THE COURT: -- for rebuttal --

14          MR. SWEETIN: -- it's sufficient.

15          THE COURT: -- purposes, and so --

16          MR. SWEETIN: And, you know, the point I want to  
17 make, Judge, is that, you know, as I indicated, the Court has  
18 discretion in this area. And I would ask what is the  
19 prejudice to the defense?

20          THE COURT: Uh-huh. Well, I -- I've made my ruling.

21          MR. SWEETIN: Yeah.

22          THE COURT: I believe that timing-wise is that it  
23 does give him an opportunity -- it sounds like they have done  
24 their -- their work already because she's already talking  
25 about what he's done and --

1 MS. RADOSTA: Well, it's in the --

2 THE COURT: -- that would be the challenge when  
3 you're trying to use him in your case in chief to give them an  
4 opportunity to prepare somebody to, you know, to rebut your  
5 expert, but -- and so I think that there is some inherent  
6 prejudice by just the late timing in some -- in some regards.

7 And so that's why when I read the statute literally  
8 when I'm talking about -- when I look at the practicality and  
9 -- and how you noticed, I do believe you noticed him; however,  
10 it was late. My ruling is that if you -- if you intend to use  
11 him, it's only going to be allowed for purposes of rebutting  
12 the defense if they -- if they get into a defense that's  
13 similar to the area of his expertise.

14 MR. SWEETIN: And so just to be clear, the notice  
15 itself is not -- is not necessarily stricken, but I'm  
16 precluded from getting into having my expert testify in the  
17 case in chief, only in rebuttal, if, in fact, defense counsel  
18 opens the door through a witness in their case?

19 THE COURT: Yes.

20 MS. RADOSTA: And opens the door to consent that the  
21 children -- that's what was said five minutes ago.

22 THE COURT: To the area in which involves --

23 MS. RADOSTA: What Mr. --

24 THE COURT: -- his expertise.

25 MS. RADOSTA: What Mr. Sweetin offered him for as a

1 rebuttal witness was for if we put forth the defense that the  
2 children consented. He's also noticed as a grooming expert,  
3 Judge, and there's no way that a grooming expert would be --  
4 would be rebuttal testimony.

5 MR. SWEETIN: Of course there is.

6 THE COURT: Well, when you're talking about consent,  
7 whether or not they can --

8 MS. RADOSTA: When you're talking about consent.

9 THE COURT: I know, but I think grooming comes kind  
10 of hand in hand with that, is that how --

11 MS. RADOSTA: And so if --

12 THE COURT: -- how do you overcome a child's consent  
13 or not or how do you -- how do you give them the idea that  
14 maybe they think that it's okay what they're doing. That's --  
15 that's --

16 MS. RADOSTA: Once again, though, so that if we  
17 offer the defense of consent, he's a potential rebuttal  
18 witness, not just if we put on -- if we put on a defense, they  
19 can't just put him up there as a grooming expert, then.

20 THE COURT: You're right.

21 MS. RADOSTA: Okay.

22 THE COURT: Well, I don't know. I don't know  
23 because I don't know what defense you're going to be putting  
24 up. Right now I think the issue is whether or not we're  
25 talking about consent. I'll look at it further, but I'll hear

1 argument on it to see whether or not -- if you do put on a  
2 defense, whether or not it would be appropriate for him to  
3 testify in his area. If you're going into that --

4 MS. RADOSTA: I mean, for the sake of argument, if  
5 our defense is the State didn't prove their case beyond a  
6 reasonable doubt, which is a viable defense --

7 THE COURT: No, I understand.

8 MS. RADOSTA: So, I mean --

9 THE COURT: I don't see how an expert would be  
10 called in that area.

11 MS. RADOSTA: Okay.

12 THE COURT: But you and I have differed on ideas.  
13 When you talk about haven't proven their case about a  
14 reasonable doubt, then you expand on it, and when you expand  
15 on it to support why it's not reasonable doubt and you start  
16 talking about areas that is in this individual's expertise,  
17 then that's the decision I would make that it would be  
18 inadmissible, okay. I have to see it.

19 MS. RADOSTA: Okay.

20 THE COURT: I have to see what it is.

21 MS. RADOSTA: All right.

22 THE COURT: That's down the road. I've made my  
23 decision.

24 MS. RADOSTA: Okay.

25 THE COURT: The decision is that I'm not going to

1 allow it in the case in chief. However, I am going to allow  
2 it for purposes of rebuttal if the defense is within the area  
3 of his expertise, okay.

4 MR. SWEETIN: Thank you, Judge.

5 THE COURT: All right.

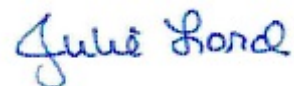
6 MS. RADOSTA: Thank you, Judge.

7 THE COURT: All right. You guys have a good night,  
8 okay.

9 (Court recessed at 5:04 P.M., until Wednesday,  
10 January 30, 2019, at 11:43 A.M.)

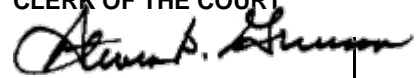
\* \* \* \* \*

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



---

JULIE LORD, 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

WEDNESDAY, JANUARY 30, 2019

**RECORDER'S TRANSCRIPT OF HEARING  
JURY TRIAL - DAY 3**

APPEARANCES:

FOR THE STATE:

JAMES R. SWEETIN, ESQ.  
Chief Deputy District Attorney

MICHELLE L. SUDANO, ESQ.  
Deputy District Attorney

FOR THE DEFENDANT:

VIOLET R. RADOSTA, ESQ.  
DAVID E. LOPEZ-NEGRETE, ESQ.  
Deputy Public Defenders

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

1                   LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 30, 2019

2                   [Case called at 11:43 A.M.]

3                   (Outside the presence of the prospective jury)

4                   THE COURT: Okay. All right. We're on the record  
5 in the case of State of Nevada versus Christopher Sena in  
6 C311453. I'd like the record to reflect the presence of the  
7 defendant and his counsel, as well as the State and their  
8 counsel. We're outside the presence of the jury. Is there  
9 anything that needs to be put on the record before we get  
10 started?

11                  MR. SWEETIN: Not from the State, Judge.

12                  MS. RADOSTA: No.

13                  THE COURT: Okay. Go ahead and get the jury in, Ed.  
14 We excused --

15                  THE CLERK: Seat No. 7, Mendez.

16                  THE COURT: Yeah.

17                  THE CLERK: They'd asked you if you wanted --

18                  THE COURT: Right.

19                  THE CLERK: What did you want to do?

20                  THE COURT: I'm going to go ahead and --

21                  THE CLERK: They've already put --

22                  THE COURT: I'm going to put him in, but I'm going  
23 to -- I want to put on the record --

24                  THE CLERK: Okay. Cool.

25                  THE COURT: -- who we're replacing with.

1 THE CLERK: Okay.

2 THE COURT: Who is it?

3 THE CLERK: It is Badge No. 435, Rimmon,  
4 R-i-m-m-o-n, Esteban.

5 THE COURT: Rimmon Esteban. Okay.

6 (Inside the presence of the prospective jury)

7 THE COURT: Okay. Everybody go ahead and have a  
8 seat. It's still morning. Good morning, everyone. We're  
9 back on the record in the case of State of Nevada versus  
10 Christopher Sena in C311453. The record will reflect the  
11 presence of the defendant and his counsel, as well as the  
12 State and their counsel.

13 My -- Ed, did you call roll? Is everyone here?

14 THE MARSHAL: I did, Judge,

15 THE COURT: Will the parties stipulate to the  
16 presence of the jury panel?

17 MR. SWEETIN: Yes, Your Honor.

18 MS. RADOSTA: Yes, Your Honor.

19 THE COURT: Okay. Ladies and gentlemen, last night  
20 when we took a break I had excused Mr. Mendez, that was Badge  
21 334, and we're replacing Mr. Mendez's spot in Seat 7 with  
22 Juror 435, Rimmon Esteban, okay.

23 Mr. Esteban, how long have you lived in Las Vegas?

24 PROSPECTIVE JUROR NO. 435: 21 years.

25 THE COURT: And are you employed?

1 PROSPECTIVE JUROR NO. 435: Yes, sir.  
2 THE COURT: What do you do for work  
3 PROSPECTIVE JUROR NO. 435: I do research and  
4 development for one of the slat manufacturer companies here in  
5 town.  
6 THE COURT: Okay. How far did you get in your  
7 education?  
8 PROSPECTIVE JUROR NO. 435: I did three years of  
9 computer engineering at UNLV.  
10 THE COURT: All right. Are you married?  
11 PROSPECTIVE JUROR NO. 435: No, sir.  
12 THE COURT: Do you have any children?  
13 PROSPECTIVE JUROR NO. 435: I do not, but my  
14 significant other has children.  
15 THE COURT: Okay. How old are they and how many do  
16 you have?  
17 PROSPECTIVE JUROR NO. 435: The oldest is 14,  
18 youngest is 8.  
19 THE COURT: Okay. And is your significant other  
20 employed?  
21 PROSPECTIVE JUROR NO. 435: Yes.  
22 THE COURT: What -- what does he or she do?  
23 PROSPECTIVE JUROR NO. 435: She is a pharmacy tech.  
24 THE COURT: Okay. Have you ever served as a juror  
25 before?

1 PROSPECTIVE JUROR NO. 435: No, sir.

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

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

4 PROSPECTIVE JUROR NO. 435: Yes.

5 THE COURT: And can you tell us about that?

6 PROSPECTIVE JUROR NO. 435: Back in 2005, I have two

7 younger sisters, one was murdered and one was raped. And --

8 THE COURT: Was that here in Las Vegas?

9 PROSPECTIVE JUROR NO. 435: Yes.

10 THE COURT: Both of them?

11 PROSPECTIVE JUROR NO. 435: Both of them, yes.

12 THE COURT: At the same time?

13 PROSPECTIVE JUROR NO. 435: The same time, sir.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 435: And --

16 THE COURT: In 2005?

17 PROSPECTIVE JUROR NO. 435: In 2005.

18 THE COURT: Was anyone -- was anyone apprehended?

19 PROSPECTIVE JUROR NO. 435: The individual who did

20 this tried to shoot a police officer and the officer returned

21 fire.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 435: The guy was dead at the

24 scene.

25 THE COURT: Of what you know of what happened with

1 that particular case with your two sisters, is there anything  
2 about that event that would affect your ability to be fair and  
3 impartial here?

4 PROSPECTIVE JUROR NO. 435: Maybe the fact that my  
5 youngest sister was raped.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 435: That could affect it.

8 THE COURT: Can you explain to me -- I mean, expand  
9 on that for me?

10 PROSPECTIVE JUROR NO. 435: Just, you know, knowing  
11 that because this was my other sister's like ex-boyfriend and  
12 he was like part of the family at one point, and that someone  
13 you considered family would do this, turn around and can do  
14 this to you, like it might be -- make me think that -- I don't  
15 know how to explain it better. It would be harder to like  
16 take people's word like at face value.

17 THE COURT: So you'd have some questions with  
18 sincerity based on -- based on what you know and what happened  
19 with that and the --

20 PROSPECTIVE JUROR NO. 435: Yes, sir.

21 THE COURT: -- relationship that you had with -- I  
22 guess it would be the perpetrator?

23 PROSPECTIVE JUROR NO. 435: Yes, sir.

24 THE COURT: Okay. So you knew the person who  
25 murdered and raped your sisters?

1           PROSPECTIVE JUROR NO. 435: Yes. My sister that was  
2 born right after me dated him in high school. And then after  
3 they graduated, they broke up. He disappeared for about six  
4 months and came back and did this.

5           THE COURT: And -- okay. So because of the  
6 relationship you had with him you -- you think you'd have a  
7 hard time in dealing with -- with the truth of matters --

8           PROSPECTIVE JUROR NO. 435: Yes, sir.

9           THE COURT: -- in this case because of the nature of  
10 the offense?

11          PROSPECTIVE JUROR NO. 435: I believe so, yes.

12          THE COURT: Will the parties approach.

13                   (Off-record bench conference)

14          THE COURT: Mr. Esteban, based on our discussion,  
15 we're going to go ahead and excuse you, okay. And, like I  
16 said, you know, maybe -- maybe this isn't the best case for  
17 you to be on the jury. I think you probably would be a good  
18 juror based on -- on the answers that you gave us in your  
19 questionnaire. But I'm going to excuse you, let you go back  
20 to the jury commission room. Thank you for coming down and  
21 waiting. Let them know you've been excused, okay.

22          PROSPECTIVE JUROR NO. 435: Yes, sir.

23          THE COURT: All right. We need the next one in  
24 order.

25          THE CLERK: In Seat 7 it's going to be Badge No.

1 455, Miguel Diaz.

2 THE COURT: All right. Mr. Diaz, how long have you  
3 lived in Las Vegas?

4 PROSPECTIVE JUROR NO. 455: About 15 years.

5 THE COURT: And are you employed?

6 PROSPECTIVE JUROR NO. 455: Yes.

7 THE COURT: What do you do for work, sir?

8 PROSPECTIVE JUROR NO. 455: Operate machinery at  
9 [indiscernible].

10 THE COURT: Okay. How far did you get in your  
11 education?

12 PROSPECTIVE JUROR NO. 455: Completed high school.

13 THE COURT: And are you married?

14 PROSPECTIVE JUROR NO. 455: No.

15 THE COURT: Do you have any children?

16 PROSPECTIVE JUROR NO. 455: No.

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

18 PROSPECTIVE JUROR NO. 455: No.

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

22 PROSPECTIVE JUROR NO. 455: My father was. He was  
23 convicted of dealing drugs.

24 THE COURT: Okay. So your father was convicted of  
25 possession of drugs?

1 PROSPECTIVE JUROR NO. 455: Yes.  
2 THE COURT: How long ago was that?  
3 PROSPECTIVE JUROR NO. 455: Probably like '98.  
4 THE COURT: Was it here in Las Vegas?  
5 PROSPECTIVE JUROR NO. 455: No, it was Los Angeles,  
6 California.  
7 THE COURT: Okay. Is there anything about what you  
8 know of that case and what happened with your father that you  
9 think would affect your ability to be fair and impartial here?  
10 PROSPECTIVE JUROR NO. 455: No.  
11 THE COURT: Okay. And so the answer to whether or  
12 not somebody in your family or yourself was a victim of a  
13 crime would be no?  
14 PROSPECTIVE JUROR NO. 455: Yeah.  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR NO. 455: It was just my father.  
17 THE COURT: Would you have a tendency to give more  
18 weight or credence or less weight or credence to the testimony  
19 of a police officer simply because he or she is a police  
20 officer?  
21 PROSPECTIVE JUROR NO. 455: No.  
22 THE COURT: Can you wait in forming your opinion as  
23 to the guilt or innocence of the defendant until all the  
24 evidence has been presented and I have instructed you on the  
25 law?

1 PROSPECTIVE JUROR NO. 455: Yes.

2 THE COURT: Can you think of any reason why you  
3 couldn't be completely fair and impartial if you were selected  
4 here?

5 PROSPECTIVE JUROR NO. 455: No.

6 THE COURT: Is there any medial reason that would  
7 prevent you from participating?

8 PROSPECTIVE JUROR NO. 455: No.

9 THE COURT: Okay. State, did you want to inquire?

10 MS. SUDANO: Yes, please, Your Honor.

11 THE COURT: Okay.

12 MS. SUDANO: May I move the podium again, Your  
13 Honor?

14 THE COURT: Yes.

15 MS. SUDANO: Good morning, afternoon, day, again.  
16 All right. So we're going to kind of pick up where we left  
17 off yesterday. If I were to say that a woman has the absolute  
18 right to refuse a sexual encounter with a man, does anybody  
19 agree with that? Can I see a show of hands? Okay. Anybody  
20 disagree with that? Can I see showing of hands? Nothing.  
21 Okay. Just for the record, everybody raised their hand on  
22 agree, nobody on disagree.

23 Now, if I changed the genders around, so either man  
24 has an absolute right to refuse a sexual encounter with a  
25 woman, or man has a right to refuse an encounter with another

1 man, a woman has a right to refuse an encounter with another  
2 woman, does changing the genders change anybody's answer?  
3 Okay. Seeing no hands on that.

4 Now, how about a child under the age of 18, do you  
5 think that a child under the age of 18 has that same ability  
6 to refuse a sexual encounter?

7 PROSPECTIVE JURY PANEL: Yes.

8 MS. SUDANO: Okay. Are there any factors that might  
9 make it more difficult for a child under the age of 18 to  
10 manifest that no? And, Ms. Howell, you're the one that caught  
11 me right back Seat 6, No. 430. Oh, that worked out, too. I  
12 saw you nodding your head that it might be more difficult or  
13 there might be some other factors for a child under the age of  
14 18.

15 PROSPECTIVE JUROR NO. 430: I just think that for  
16 children, they may be scared or may be intimidated into being  
17 told that they shouldn't say anything about it, maybe they  
18 don't feel that they have somebody that they can confide in.  
19 So for someone under the age of 18, I think it just might be a  
20 little bit more of a scary thing for them to bring that to  
21 someone's attention or to say no because it is an adult or  
22 someone older than them that is -- that is doing --

23 MS. SUDANO: Sure.

24 PROSPECTIVE JUROR NO. 430: -- the asking, I guess.

25 MS. SUDANO: Okay. Now, does anybody else have

1 anything to say on that point why it may be harder for a  
2 child? And it's Mr. Farrell, Seat -- or Badge No. 094. Thank  
3 you.

4 PROSPECTIVE JUROR NO. 094: Yes. I think that  
5 children don't necessarily know what is normal yet, depending  
6 on what their age is. So I think if somebody were to approach  
7 them, they may not know that they even should say no or what's  
8 necessarily happening at the time because they don't have any  
9 prior experience or any like outside influence.

10 MS. SUDANO: Okay. Anybody else have comments on  
11 that particular -- all right. I see a couple hands. Mr.  
12 Wohletz, if you could pass it forward, Badge No. 10 -- or 190.  
13 I apologize.

14 PROSPECTIVE JUROR NO. 190: Just an extension of  
15 what he said, especially if it's an authority figure they may  
16 not know -- not understand something is wrong if the authority  
17 figure is telling them it's right.

18 MS. SUDANO: What do you mean by an authority  
19 figure? Are you talking --

20 PROSPECTIVE JUROR NO. 190: Meaning a parent or a  
21 relative or a teacher or -- I mean, anyone that they have been  
22 told that's someone they should listen to.

23 MS. SUDANO: Okay. And then there was another hand.  
24 Was it Mr. Rosenfield? If we could pass it up. 256.

25 PROSPECTIVE JUROR NO. 256: I just -- perhaps I

1 misunderstood the way the question was phrased. Would you  
2 mind repeating it?

3 MS. SUDANO: So I had asked if there were any  
4 reasons why it might be more difficult for a child to say no  
5 or some things that might affect a child's abilities.

6 PROSPECTIVE JUROR NO. 256: Then, of course, yes.

7 MS. SUDANO: Okay.

8 PROSPECTIVE JUROR NO. 256: For reasons that have  
9 already been stated.

10 MS. SUDANO: Sure. Anything else to add on that?

11 PROSPECTIVE JUROR NO. 256: No.

12 MS. SUDANO: Okay. While we've got the microphone  
13 with you, sir, do you think that a child is always going to  
14 come forward immediately upon being abused in that manner?

15 PROSPECTIVE JUROR NO. 256: I would think not,  
16 necessarily. And more reasons not to come -- you know, for  
17 the, you know, shame and whatnot.

18 MS. SUDANO: Other than shame, can you think of any  
19 other reasons why a child --

20 PROSPECTIVE JUROR NO. 256: Fear.

21 MS. SUDANO: Fear.

22 PROSPECTIVE JUROR NO. 256: Yeah.

23 MS. SUDANO: Any other reasons a child might not  
24 come forward right away?

25 PROSPECTIVE JUROR NO. 256: Shame, guilt, misplaced

1 loyalty.

2 MS. SUDANO: Okay. Misplaced loyalty to --

3 PROSPECTIVE JUROR NO. 256: To the perpetrator.

4 MS. SUDANO: Okay. Anybody else that can think of  
5 reasons why a child might not come forward immediately? And  
6 Ms. --

7 PROSPECTIVE JUROR NO. 349: Ms. Lasiter, 349.

8 MS. SUDANO: Ms. Lasiter, thank you. Badge 349. If  
9 you can pass it just two back.

10 PROSPECTIVE JUROR NO. 349: They may not realize  
11 that what has happened to them shouldn't have happened.

12 MS. SUDANO: Okay. So not realizing that there's  
13 anything unusual or wrong about what's happened?

14 PROSPECTIVE JUROR NO. 349: Yes.

15 MS. SUDANO: Okay. Can you think of any reasons why  
16 that might be?

17 PROSPECTIVE JUROR NO. 349: If that's something  
18 normal that they've grown up with or that they just don't --  
19 haven't talked to anybody or realized that, you know, it maybe  
20 isn't something that happens to some of their friends or other  
21 people they know.

22 MS. SUDANO: Sure. Anybody else that can think of  
23 some other reasons? And if you would just pass it one over to  
24 Ms. Huff, Badge No. 389.

25 PROSPECTIVE JUROR NO. 389: I would think maybe they

1 harass them or try to say if you say anything I will kill you,  
2 you know, some reason they got scared.

3 MS. SUDANO: So harassment or threats might also be  
4 a factor?

5 PROSPECTIVE JUROR NO. 389: And threaten, yeah.

6 MS. SUDANO: Okay. Now, if a victim does not  
7 immediately report an allegation of sexual abuse, is that  
8 something that would cause you to automatically disbelieve  
9 that person? And I'm going to stay with you right now, Ms.  
10 Huff.

11 PROSPECTIVE JUROR NO. 389: Say that again?

12 MS. SUDANO: So if somebody doesn't report it right  
13 away, would that cause you to automatically disbelieve them  
14 and say that didn't happen?

15 PROSPECTIVE JUROR NO. 389: That hard to say. It  
16 depends.

17 MS. SUDANO: Okay. What would it depend on?

18 PROSPECTIVE JUROR NO. 389: It depends the evidence,  
19 you know.

20 MS. SUDANO: It depends --

21 PROSPECTIVE JUROR NO. 389: Evidence.

22 MS. SUDANO: -- on the evidence?

23 PROSPECTIVE JUROR NO. 389: Yes.

24 MS. SUDANO: Okay. Is there anybody that does feel  
25 that way, if somebody didn't report it immediately, you would

1 automatically disbelieve it? Okay. I'm not seeing any hands  
2 on that.

3 Ms. Cornwell, Badge 124. If you could pass it up,  
4 Ms. Huff. 245. I don't know if I said it or not.

5 PROSPECTIVE JUROR NO. 245: Yes. Yes.

6 MS. SUDANO: Okay. I saw you raise your hand. Why  
7 were you raising your hand right there?

8 PROSPECTIVE JUROR NO. 245: Well, we were just  
9 talking about them coming forward and if it would be  
10 dismissed. And, I mean, regardless if it's a child or an  
11 adult, I think even adults sometimes aren't comfortable coming  
12 forward, and that can get rid of evidence because, obviously,  
13 physical evidence doesn't stay a long -- the whole time, and  
14 we can't really dismiss that just due to their fear and shame.  
15 They could have been cultured that way, as well, depending on  
16 how long it's been happening. If it's happened since  
17 childhood, it kind of -- I mean, childhood is when your brain  
18 is developing, so they could develop in a way that they only  
19 think that that's correct.

20 MS. SUDANO: Okay. Anybody have anything else that  
21 they want to add to that? Okay. Mr. Sotelo, Badge No. 401.  
22 If you could pass it to your left. Thank you.

23 PROSPECTIVE JUROR NO. 401: It could be afraid that  
24 they're going to be in trouble.

25 MS. SUDANO: Can you expand on that a little for me?

1 PROSPECTIVE JUROR NO. 401: My daughter has a friend  
2 that is a gymnastics friend, and she was on some Spotify app  
3 and some sexual predator got her to expose -- send pictures of  
4 her exposed genitalia. And she didn't come forth right away,  
5 but her parents didn't know about it so they finally found out  
6 by going through her phone, and -- but she didn't come forward  
7 because, obviously, she would have gotten in trouble.

8 MS. SUDANO: Okay. How old was your daughter's  
9 friend when that was taking place?

10 PROSPECTIVE JUROR NO. 401: 10.

11 MS. SUDANO: Okay. So about 10 when she was sending  
12 the pictures?

13 PROSPECTIVE JUROR NO. 401: Yeah.

14 MS. SUDANO: Okay. And she was concerned after she  
15 realized there was something wrong about that she would get --  
16 be the one that got in trouble if she came forward?

17 PROSPECTIVE JUROR NO. 401: Right.

18 MS. SUDANO: All right. Anybody else have anything  
19 that they wanted to add on that topic? Okay. I'm not seeing  
20 any hands on that one.

21 All right. So we're going to leave it with you  
22 right now because you have the microphone, Mr. Sotelo. What  
23 are some things that you would look to to evaluate the  
24 credibility of a witness if it's somebody that you've never  
25 met before and they're telling you a story?

1 PROSPECTIVE JUROR NO. 401: A lot of times there's  
2 body language and those type of cues that kind of give it  
3 away.

4 MS. SUDANO: Okay. Do you think that everybody's  
5 body language or demeanor would be exactly the same?

6 PROSPECTIVE JUROR NO. 401: No.

7 MS. SUDANO: What are some things that might affect  
8 body language or demeanor?

9 PROSPECTIVE JUROR NO. 401: Emotion, you know,  
10 anger, frustration.

11 MS. SUDANO: Okay.

12 PROSPECTIVE JUROR NO. 401: Depression.

13 MS. SUDANO: All right. So I'm going to ask you a  
14 question right now. If I were to ask you to come up from  
15 where you're sitting right now with everybody else and to sit  
16 in that witness stand right over there and to describe for  
17 everybody else in this courtroom your last consensual sexual  
18 encounter, how would you feel about that?

19 PROSPECTIVE JUROR NO. 401: I'd be fine with it.

20 MS. SUDANO: Okay. Could you see how some other  
21 people might be nervous or uncomfortable about that?

22 PROSPECTIVE JUROR NO. 401: Yeah.

23 MS. SUDANO: Okay. Why do you think that would be  
24 nervous or uncomfortable for some people?

25 PROSPECTIVE JUROR NO. 401: It's private.

1 MS. SUDANO: Okay. Do you think the private nature  
2 of something like that makes it harder to talk about?

3 PROSPECTIVE JUROR NO. 401: Yeah, absolutely.

4 MS. SUDANO: Do you think the private nature of  
5 something like that might affect somebody's demeanor while  
6 they're describing those things?

7 PROSPECTIVE JUROR NO. 401: Maybe at first, but as  
8 they get into their story they tend to settle in and really  
9 get to how they really feel about it. You get to see the true  
10 nature of their situation and what they're going through.

11 MS. SUDANO: Okay. Anybody else in the panel that  
12 -- I know Mr. Sotelo is an open book and would have no issue  
13 with that, but anybody else that I said that and you just kind  
14 of cringed and said, oh, gosh, no, that's terrible? Okay. I  
15 saw Ms. Cornwell, Badge No. 245 nodding. If you could pass it  
16 back down.

17 PROSPECTIVE JUROR NO. 245: I'll just stop nodding  
18 my head.

19 MS. SUDANO: I know. So what was your reaction to  
20 that?

21 PROSPECTIVE JUROR NO. 245: That, no, I would not be  
22 comfortable with it at all.

23 MS. SUDANO: Okay. And do you think that that would  
24 affect your demeanor or the way that you were responding when  
25 you're talking about something like that?

1 PROSPECTIVE JUROR NO. 245: Of course. And I  
2 slightly agree with him in terms of the farther you get in,  
3 the more relaxed you get. However, obviously, I mean, the  
4 course of events could -- I don't want to say that word, for  
5 lack of a better term, climax at a further point in the story,  
6 so that could cause a further discomfort farther on and just  
7 cause the distress to increase again.

8 MS. SUDANO: Okay. Now, do you think that different  
9 people would react to that situation differently?

10 PROSPECTIVE JUROR NO. 245: Oh, for sure.

11 MS. SUDANO: Okay. Obviously, you and Mr. Sotelo  
12 had very different reactions to that; right?

13 PROSPECTIVE JUROR NO. 245: Yes.

14 MS. SUDANO: Okay. What do you think could affect  
15 that reaction?

16 PROSPECTIVE JUROR NO. 245: Based on the period of  
17 time it's been and people react differently. Some people,  
18 based on certain situations, get angry, some get sad, some  
19 get, you know, fearful. So depending on what emotions they're  
20 feeling when they're thinking about it again could completely  
21 change their demeanor and they could be scared in the first 10  
22 minutes of talking about it, and then the second 10 minutes  
23 they could become upset because they've had to talk about this  
24 and it just drudge -- drudges up that rage again.

25 MS. SUDANO: Okay.

1 PROSPECTIVE JUROR NO. 245: And it could alter their  
2 demeanor just even in the term of what they're talking.

3 MS. SUDANO: Okay. So if somebody reacted in a way  
4 that was different than how you would react, would that  
5 automatically mean that person was lying about what they  
6 experienced?

7 PROSPECTIVE JUROR NO. 245: No, not at all.

8 MS. SUDANO: Okay. Does anybody disagree with that?  
9 So if somebody were to get up on the witness stand and  
10 describe things in a way that was different than what you were  
11 expecting or to have a different reaction or a different  
12 demeanor than what you're expecting, would that cause anybody  
13 to automatically disbelieve what the witness is saying? Okay.  
14 I'm not seeing any hands on that.

15 If you could, would you pass it right back behind  
16 you to Mr. Wells-Thompson, Badge No. 152.

17 All right. I'm going to pick on you real quick  
18 because you were the first person that -- do you have four  
19 kids; is that right?

20 PROSPECTIVE JUROR NO. 152: Yes.

21 MS. SUDANO: Okay. You were the first person that  
22 we went through that I noted had a bunch of kids. Can you  
23 remind us of their ages again?

24 PROSPECTIVE JUROR NO. 152: 14, 12 -- I checked with  
25 one of them, talked to them yesterday, and it's not 9, it's

1 10, and 6.

2 MS. SUDANO: I thought that was a softball. You did  
3 so well yesterday.

4 PROSPECTIVE JUROR NO. 152: I thought I had, too,  
5 until we talked yesterday. I was like, oh, man.

6 MS. SUDANO: Okay. All right.

7 THE COURT: Well, we got a phone call last night  
8 from one of his children that wanted the tape. No, for the  
9 record, that's not true.

10 MS. SUDANO: All right. Sir, have you ever had a  
11 situation where something that was sad or upsetting happened  
12 that affected all of your kids or more than one of your kids  
13 at the same time? Maybe you had a pet die, maybe you had to  
14 move away from a house they all liked. Can you think of one  
15 of those examples?

16 PROSPECTIVE JUROR NO. 152: Sure. Yes.

17 MS. SUDANO: Okay. If it's not too personal, what  
18 are you thinking about?

19 PROSPECTIVE JUROR NO. 152: They did have a pet die,  
20 it was a fish.

21 MS. SUDANO: A fish?

22 PROSPECTIVE JUROR NO. 152: Yeah.

23 MS. SUDANO: Okay. How old was the oldest one when  
24 the fish died? I know. Okay. All right.

25 PROSPECTIVE JUROR NO. 152: I think he was about

1 maybe 12.

2 MS. SUDANO: So just a couple years ago?

3 PROSPECTIVE JUROR NO. 152: Yeah.

4 MS. SUDANO: All right. So the littlest one would  
5 have been about 5 or so? Did I get that right?

6 PROSPECTIVE JUROR NO. 152: No, he would have been a  
7 lot younger than that.

8 MS. SUDANO: Okay. All right. Did all four of your  
9 kids react to the loss of that pet the same way?

10 PROSPECTIVE JUROR NO. 152: No.

11 MS. SUDANO: Can you explain for us a little bit how  
12 they were different?

13 PROSPECTIVE JUROR NO. 152: The older one, it was --  
14 it was more towards him. It was his fish and it was really  
15 big, so it wasn't like a goldfish. It was about the size of a  
16 Chihuahua.

17 MS. SUDANO: Oh, wow.

18 PROSPECTIVE JUROR NO. 152: Yeah. And he took it  
19 really personal because he won't even eat fish.

20 MS. SUDANO: Oh, okay.

21 PROSPECTIVE JUROR NO. 152: So he -- it really hurt  
22 him to the point where he put it in the freezer, yeah, before  
23 we could bury it. So it hurt him the most. My second child,  
24 kind of, sort of, but not -- they were like sorry to see that.  
25 The third one not at all, and the baby just was like, oh, it's

1 dead.

2 MS. SUDANO: Okay. So why is it that you think that  
3 your kids reacted differently to that loss?

4 PROSPECTIVE JUROR NO. 152: Just the attachment to  
5 the fish. Some were just impressed by what it could do, eat  
6 other fish and things like that.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 152: But the oldest one, it  
9 was more towards -- it was his birthday gift, so it hurt him  
10 the most.

11 MS. SUDANO: Okay. So would you expect your kids to  
12 react to the same event in the exact same way?

13 PROSPECTIVE JUROR NO. 152: No.

14 MS. SUDANO: Okay. And that's a pretty good example  
15 of a time where they were very different in their reactions;  
16 right?

17 PROSPECTIVE JUROR NO. 152: Yes.

18 MS. SUDANO: Okay. Anybody here that would expect  
19 either their own children or just children in general to all  
20 react to the same events the same way? Okay. I see no hands.  
21 Okay. Ms. Cornwell, I saw you, but I'm not going to do it.

22 All right. Anybody that had anything they wanted to  
23 add on that? Okay. Ms. Dolan, if you could pass it right  
24 behind you, sir, Badge No. 338.

25 PROSPECTIVE JUROR NO. 338: So I have two children,

1 they're adults, and their father committed suicide in overdose  
2 of opiates and the oldest found him. He had been dead for  
3 four days. And my two children reacted very differently to  
4 the death that affected them both deeply, obviously. But the  
5 oldest one, she more openly was sad and cried. My youngest  
6 one, she is more stoic and didn't show emotion and didn't cry.  
7 Not that it didn't impact her, it's just that they deal with  
8 emotion differently. So it impacted them -- they -- they  
9 reacted in a different way.

10 I've also seen this in the classroom over the years.  
11 Children will respond differently to things. Like when they  
12 get in trouble, some of them are upset, some of them laugh.  
13 The ones that laugh, it's not that they don't care, that's  
14 just how they deal with emotion.

15 MS. SUDANO: I'm sorry to hear about that. Thank  
16 you for sharing that.

17 PROSPECTIVE JUROR NO. 338: Thank you.

18 MS. SUDANO: Anybody else that had anything they  
19 wanted to add? Mr. Drosdahl, Badge No. 255. Thank you for  
20 passing that up.

21 PROSPECTIVE JUROR NO. 255: One of the things that I  
22 don't believe has been mentioned is that a witness may have an  
23 ulterior motive, and I would expect that it would be up to you  
24 to bring that to light if there were an ulterior motive that  
25 might affect their testimony.

1 MS. SUDANO: Sure. So that kind of goes back to the  
2 conversation we were having a little bit earlier about  
3 credibility of a witness; is that right?

4 PROSPECTIVE JUROR NO. 255: Yes.

5 MS. SUDANO: So you would be looking for reasons why  
6 somebody might be saying the things that they're saying?

7 PROSPECTIVE JUROR NO. 255: Exactly.

8 MS. SUDANO: Okay. Anybody that disagrees with  
9 that, that we shouldn't necessarily be looking into why people  
10 would be saying what they'd be saying? And I had Mr. Farrell,  
11 Badge No. 094. If you could pass it back.

12 PROSPECTIVE JUROR NO. 094: I think in especially  
13 matters like this, I don't think there are a whole lot of  
14 reasons why somebody would invent an allegation or something  
15 like that. Like there's not really a benefit from saying, you  
16 know, that somebody touched you inappropriately, especially  
17 when it comes to children. They don't have anything to gain.  
18 They're uprooting their own life for that.

19 MS. SUDANO: That's fair. So I guess my only  
20 question for you is, obviously, would you be able to keep an  
21 open mind as to all the evidence that's presented, and be fair  
22 and impartial until you get to the very end of the case?

23 PROSPECTIVE JUROR NO. 094: Yes, I'm just saying  
24 that that's a -- it's not something that I think is very light  
25 to -- but just the allegation itself carries a lot of weight.

1 MS. SUDANO: Sure. Sure. And that's a valid point.  
2 Does anybody else have anything that they want to add on that?  
3 Okay. I'm not seeing any hands on that.

4 All right. Is there anybody here that takes the  
5 same trip or the same vacation every year, maybe you take the  
6 kids to Disneyland, maybe you go back to the East Coast to  
7 visit your family? Anybody that takes the same exact trip  
8 every year? Okay. I saw Ms. Garcia, 123. If we can pass it  
9 kind of down and up.

10 PROSPECTIVE JUROR NO. 123: Hi.

11 MS. SUDANO: Hi. What kind of trip do you take?

12 PROSPECTIVE JUROR NO. 123: We go to Mexico, spend  
13 like a week and a half in one city, and then another week and  
14 a half at the beach --

15 MS. SUDANO: Okay.

16 PROSPECTIVE JUROR NO. 123: -- in Mexico.

17 MS. SUDANO: What are you doing during that first  
18 week and a half in the city?

19 PROSPECTIVE JUROR NO. 123: Visiting family.

20 MS. SUDANO: And then you make a beach trip out of  
21 the second half?

22 PROSPECTIVE JUROR NO. 123: Yes.

23 MS. SUDANO: Okay. How many times do you think  
24 you've done that trip?

25 PROSPECTIVE JUROR NO. 123: Three or four.

1 MS. SUDANO: Okay. Is it --  
2 PROSPECTIVE JUROR NO. 123: Every year.  
3 MS. SUDANO: Every year? When is the last time you  
4 went?  
5 PROSPECTIVE JUROR NO. 123: A year ago.  
6 MS. SUDANO: Okay. So something that you look  
7 forward to every year, seeing the family and the beach?  
8 PROSPECTIVE JUROR NO. 123: Right.  
9 MS. SUDANO: Okay. Do you remember every single  
10 thing that you've done on all of those trips?  
11 PROSPECTIVE JUROR NO. 123: No.  
12 MS. SUDANO: Okay. Do you remember kind of the big  
13 highlights of what happened?  
14 PROSPECTIVE JUROR NO. 123: Yes.  
15 MS. SUDANO: What's one of your favorite highlights?  
16 PROSPECTIVE JUROR NO. 123: Just relaxing, taking  
17 like, you know, weeks off of work and spending it with the  
18 family.  
19 MS. SUDANO: Okay. Is there anything specific that  
20 stands out from one of those trips, like maybe you had the  
21 perfect beach day one year?  
22 PROSPECTIVE JUROR NO. 123: Oh, I have them all  
23 every year.  
24 MS. SUDANO: Every year.  
25 PROSPECTIVE JUROR NO. 123: Yeah.

1 MS. SUDANO: Can you even tell me which trip had the  
2 absolute best beach day of all of them?

3 PROSPECTIVE JUROR NO. 123: Probably.

4 MS. SUDANO: Okay.

5 PROSPECTIVE JUROR NO. 123: I can -- yeah, because  
6 we go to a nice resort and -- and it's fun.

7 MS. SUDANO: Okay. So if I asked you for big  
8 highlights, could you give me those?

9 PROSPECTIVE JUROR NO. 123: Like I went on -- we got  
10 on these boats and you have to steer them, and I -- I was in  
11 one with my daughter and we -- neither of us knew how to steer  
12 it so we were way on the other side and had to walk a long  
13 time to get back and somebody else had to go and find the  
14 boat.

15 MS. SUDANO: Are you invited back to that particular  
16 resort? Could you tell us do you remember which trip that  
17 happened during?

18 PROSPECTIVE JUROR NO. 123: Maybe the second time I  
19 think that we went over there.

20 MS. SUDANO: Okay. But it sounds like you're not  
21 even really sure that was the second trip.

22 PROSPECTIVE JUROR NO. 123: I think it was.

23 MS. SUDANO: Okay.

24 PROSPECTIVE JUROR NO. 123: Yeah.

25 MS. SUDANO: So if I --

1 PROSPECTIVE JUROR NO. 123: I made -- I made a book  
2 with like sheets and then I photocopied them three times and  
3 then I took them to the Office Depot and had them hinged so  
4 that the kids could write.

5 MS. SUDANO: Oh, I see.

6 PROSPECTIVE JUROR NO. 123: Like I could tell you  
7 who flew the plane and everything.

8 MS. SUDANO: I got you.

9 PROSPECTIVE JUROR NO. 123: Yeah.

10 MS. SUDANO: So you had to create something --

11 PROSPECTIVE JUROR NO. 123: For the memory.

12 MS. SUDANO: -- so you could look back and say, oh,  
13 yeah, this trip in 2014 was the one where we lost the boat --

14 PROSPECTIVE JUROR NO. 123: Yes.

15 MS. SUDANO: -- and had to have somebody go get it.  
16 So do you think without that book you would have a great  
17 memory of which events happened during which trip?

18 PROSPECTIVE JUROR NO. 123: Not of everything.

19 MS. SUDANO: Okay. So you can tell me highlights,  
20 but you can't tell me maybe what you had for lunch the second  
21 day?

22 PROSPECTIVE JUROR NO. 123: Oh, no, I could. They  
23 have really good stuff.

24 MS. SUDANO: Okay. But the things that aren't in  
25 the book, do you have a clear memory of which trip those

1 happened during?

2 PROSPECTIVE JUROR NO. 123: Most, yeah.

3 MS. SUDANO: Okay. Are there things that you maybe  
4 doing remember which trip they happened during?

5 PROSPECTIVE JUROR NO. 123: Oh, yeah, of course.

6 MS. SUDANO: Okay. And do you think if you keep  
7 going back every year and doing that same trip you would have  
8 more and more of those where, oh, that was a great day, but I  
9 don't know which trip it happened during?

10 PROSPECTIVE JUROR NO. 123: It could, yes.

11 MS. SUDANO: Okay. Why do you think that is?

12 PROSPECTIVE JUROR NO. 123: I don't know. If -- I  
13 mean, maybe because I'm like the mother and I've got to keep  
14 track of all the children and --

15 MS. SUDANO: All right. So your mind is kind of on  
16 other things it sounds like.

17 PROSPECTIVE JUROR NO. 123: Yea.

18 MS. SUDANO: Okay.

19 PROSPECTIVE JUROR NO. 123: Sometimes.

20 MS. SUDANO: Can anybody else help Ms. Garcia out  
21 and come up with a reason why you might have a hard time  
22 remembering a specific event that's something that happens  
23 over and over again? If you would pass it back to Ms. Howell,  
24 she's going to bail you out. Seat No. 6, Badge No. 430.

25 PROSPECTIVE JUROR NO. 430: I would say mostly

1 because moments and events and memories are happening to you  
2 on a daily basis, and a lot of times they replace ones that  
3 happened in the past. And so your memory of those things,  
4 even though they might have been great and fun and exciting at  
5 the time, get replaced by new ones.

6 MS. SUDANO: Okay. So is that true when we're  
7 talking about positive memories and negative memories, do you  
8 think?

9 PROSPECTIVE JUROR NO. 430: I think so. I think it  
10 probably is a little bit harder for you to let go of the  
11 negative ones, but I think the same kind of philosophy holds  
12 true, that eventually those things won't be as memorable.

13 MS. SUDANO: Okay. Would you expect someone to  
14 always tell the same story exactly the same way with exactly  
15 the same details?

16 PROSPECTIVE JUROR NO. 430: Absolutely not.

17 MS. SUDANO: And why not?

18 PROSPECTIVE JUROR NO. 430: You -- I mean, unless  
19 you've recited it as a script, and even then sometimes you're  
20 going to say different words and different things. I think  
21 that it's just human nature that you remember things on the  
22 spot differently than you may have said it the time before. I  
23 mean, just think of when you're talking to your family or  
24 friends, you don't tell the story the exact same way every  
25 time. It's, you know, the whole things of like telephone,

1 where you whisper something in the ear, and by the time it  
2 gets to the end it's a different story.

3 MS. SUDANO: All right. Does anybody disagree with  
4 that, anybody that would expect somebody to tell the exact  
5 same story in exactly the same words in exactly the same way  
6 over time? Okay.

7 I'm going to stay with you for just a second, Ms.  
8 Howell. Do you think that you have preconceived ideas or  
9 notions about how a victim should tell their story?

10 PROSPECTIVE JUROR NO. 430: Absolutely not.

11 MS. SUDANO: Okay. So we see it in movies, we see  
12 it in TV where people have certain emotional reactions or  
13 responses to events. Do you think that that's always  
14 something that holds up in real life?

15 PROSPECTIVE JUROR NO. 430: I'm not sure what you're  
16 asking specifically. Sorry.

17 MS. SUDANO: So if something sad or scary happens in  
18 a movie, there's always a very emotional response, somebody is  
19 crying, they're upset, and they're reacting in the way that  
20 Hollywood says that they should react; right? Do you think  
21 that that's always something that holds up in the real world?

22 PROSPECTIVE JUROR NO. 430: No.

23 MS. SUDANO: Okay. Real people might react  
24 differently than you would see in a movie?

25 PROSPECTIVE JUROR NO. 430: Yeah, I think that just

1 kind of speaking back to depending on how people handle their  
2 emotions, you might have somebody that reacts to something  
3 scary in a very overdramatic way, and other people that kind  
4 of just close up and get really shy and scared. So I think  
5 it's just an individual case on how people allow their  
6 emotions to come out.

7 MS. SUDANO: Okay. Anybody else have comments or  
8 feelings about that one? Ms. Johnson. If you can pass it up.  
9 Badge No. 396.

10 PROSPECTIVE JUROR NO. 396: So I have four kids. I  
11 know all their birthdays and the dog's birthday. So when we  
12 go to an amusement park, all four kids react differently to,  
13 say, a rollercoaster ride. Like two of them think it's the  
14 most amazing thing ever, one of them is trying not to puke,  
15 and one of them is like don't ever, ever, ever bring me on  
16 that ride again. So same ride, same experience, but different  
17 reactions.

18 MS. SUDANO: Okay. And the being -- the puking and  
19 the being scared and never wanting to go on it, that's never,  
20 ever going to be in the Disney advertisement about that  
21 rollercoaster; right?

22 PROSPECTIVE JUROR NO. 396: No.

23 MS. SUDANO: Okay. So I'm going to stay with you,  
24 Ms. Johnson. Would you hold it against a victim if police or  
25 CPS or whatever authorities in a case didn't do everything

1 that they could have done or should have done to investigate  
2 an allegation?

3 PROSPECTIVE JUROR NO. 396: No, because I think  
4 they're human and you don't always get the big picture. Maybe  
5 you're only told a little bit. Like with my kids, something  
6 that happened at school, I might only hear this much because  
7 they think they're going to get in trouble when really it's  
8 this much that was going on. So I would hope that wouldn't  
9 reflect on me as a parent by not realizing that way more was  
10 going on because I'm only getting what they're telling me.

11 MS. SUDANO: All right. Is there anybody that feels  
12 differently than Ms. Johnson and would hold it against a  
13 victim if the police or CPS or an authority didn't do  
14 everything that they could have done or should have done to  
15 investigate an allegation? Okay. Seeing no hands.

16 Ms. Cornwell, I'm going to keep calling on you.

17 All right. Now, what about, Ms. Johnson, staying  
18 with you, if a mother didn't do everything that she should  
19 have done to protect a child or to report abuse? Would you  
20 hold that against a victim?

21 PROSPECTIVE JUROR NO. 396: Not against the victim.  
22 Against the parent.

23 MS. SUDANO: Okay.

24 PROSPECTIVE JUROR NO. 396: I would have a hard time  
25 with that.

1 MS. SUDANO: Does anybody feel differently about  
2 that question, that if a mother didn't do everything necessary  
3 or that they could have done or should have done to protect a  
4 child, that you would hold that against the victim? Okay.  
5 Seeing no responses on that one.

6 All right. Has anybody up here in our panel had a  
7 close family member or a friend or even themselves that have  
8 been personally affected by domestic violence? Mr. Sotelo.  
9 If you could pass it over. Badge No. 401.

10 PROSPECTIVE JUROR NO. 401: Yeah, I've witnessed  
11 domestic violence.

12 MS. SUDANO: And who was the victim in that domestic  
13 violence situation?

14 PROSPECTIVE JUROR NO. 401: My aunt.

15 MS. SUDANO: Okay. And was your uncle or her  
16 husband, significant other?

17 PROSPECTIVE JUROR NO. 401: Yeah.

18 MS. SUDANO: Okay. How long was that something that  
19 you were aware of?

20 PROSPECTIVE JUROR NO. 401: It was something that  
21 went on from before I could remember until my cousins got old  
22 enough to kick him out of the house.

23 MS. SUDANO: Okay. So something that happened over  
24 a long period of time, it sounds like.

25 PROSPECTIVE JUROR NO. 401: Yeah.

1 MS. SUDANO: Do you know if it was always physical  
2 violence, or were there other things going on in the  
3 household, as well?

4 PROSPECTIVE JUROR NO. 401: As far as I know, it was  
5 all physical.

6 MS. SUDANO: Do you know if there was any type of  
7 emotional abuse or anything like that?

8 PROSPECTIVE JUROR NO. 401: The whole family was  
9 terrorized.

10 MS. SUDANO: What do you mean by that?

11 PROSPECTIVE JUROR NO. 401: Well, he would come home  
12 in the middle of the night, wake everybody up, start beating  
13 everyone. It didn't matter what time of day or what time of  
14 night.

15 MS. SUDANO: Okay.

16 PROSPECTIVE JUROR NO. 401: He came home from  
17 drinking for four days and if it was early in the morning,  
18 he'd yank my aunt out of the bed and take her to -- tell her  
19 to go make food and slap everyone up.

20 MS. SUDANO: Okay. Do you know if that was  
21 something that happened all the time, or were there periods  
22 where it was sort of calm and peaceful in the house?

23 PROSPECTIVE JUROR NO. 401: It was only calm when he  
24 wasn't there.

25 MS. SUDANO: Okay. So basically the entire time

1 that he's around, that's going on?

2 PROSPECTIVE JUROR NO. 401: Yeah.

3 MS. SUDANO: Do you know if the police were ever  
4 called?

5 PROSPECTIVE JUROR NO. 401: Oh, yeah.

6 MS. SUDANO: Okay. What would happen when the  
7 police were called?

8 PROSPECTIVE JUROR NO. 401: He would normally take  
9 off.

10 MS. SUDANO: Okay.

11 PROSPECTIVE JUROR NO. 401: But nothing would really  
12 -- he didn't get in trouble very much.

13 MS. SUDANO: Okay. Did your aunt stay with him for  
14 a long time?

15 PROSPECTIVE JUROR NO. 401: She did, but I think it  
16 was more out of fear that she couldn't leave.

17 MS. SUDANO: Okay. You said you think it was more  
18 out of fear that she couldn't leave. What do you -- can you  
19 expand on that for me a little?

20 PROSPECTIVE JUROR NO. 401: I don't -- actually, I  
21 don't really know. It was just he would come home and do  
22 these things, and I don't know if she felt like she could  
23 leave or if she was okay with it. I don't know, honestly.

24 MS. SUDANO: Okay. Fair enough. Anything about  
25 what you know about your aunt's situation and your cousin's

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

3 PROSPECTIVE JUROR NO. 401: No, I don't think so.

4 MS. SUDANO: Okay. Anybody else that had a similar  
5 experience or knows anybody that was affected by domestic  
6 violence as Mr. Sotelo?

7 PROSPECTIVE JUROR NO. 394: That would include  
8 parent or child?

9 MS. SUDANO: Sure. Yeah.

10 PROSPECTIVE JUROR NO. 394: Because it's  
11 [inaudible].

12 MS. SUDANO: Sure. If you want to pass it over to  
13 Mr. Riggins, 394.

14 PROSPECTIVE JUROR NO. 394: Yesterday I had stated  
15 how my mother would like hit me and abuse me. That also went  
16 on with my sisters, between my mother and my sisters. One  
17 time my mother was like beating my older sister, and she went  
18 like fight or flight, she tried to run. She went in the  
19 bathroom, went to shut the door, and my mom put her wrist in  
20 there trying to keep her from closing the bathroom door, and  
21 my mom's wrist got slammed by the door. The police were  
22 called, and I think CPS came out and she ended up -- my sister  
23 ended up going to juvenile detention center for that.

24 MS. SUDANO: Okay.

25 PROSPECTIVE JUROR NO. 394: And, I mean, they

1 questioned me, and I told them that my mother -- had told them  
2 that my mother was in the wrong and she, of course, started  
3 in, was abusing my sister, but they still took the adult's  
4 word.

5 MS. SUDANO: Okay. So that situation with your mom,  
6 were there -- was it always physical abuse, or was there  
7 anything else that was going on in the house?

8 PROSPECTIVE JUROR NO. 394: It was physical. There  
9 was -- within our household, there was never sexual abuse.

10 MS. SUDANO: Okay.

11 PROSPECTIVE JUROR NO. 394: It was always physical  
12 and verbal.

13 MS. SUDANO: Okay. What type of impact did that  
14 verbal abuse have on you and your sister?

15 PROSPECTIVE JUROR NO. 394: Well, I've seen a  
16 psychiatrist. They said it caused me to have bipolar disorder  
17 from the childhood that I grew up in. My older sister, I  
18 believe she also has it, and my younger sister was diagnosed  
19 with it, as well --

20 MS. SUDANO: Okay.

21 PROSPECTIVE JUROR NO. 394: -- just recently.

22 MS. SUDANO: So some pretty significant lasting  
23 impacts it sounds like.

24 PROSPECTIVE JUROR NO. 394: We all react to  
25 emotional things differently.

1 MS. SUDANO: Okay.

2 PROSPECTIVE JUROR NO. 394: My sister ended up,  
3 unfortunately, inheriting a lot of my mother's characteristics  
4 with her own children. I don't know how physically abusive  
5 she got with them, but she's -- I've heard over the phone,  
6 because she lives in Utah, when I've called. She's just  
7 screaming at the kids and it's not a healthy place for them to  
8 really grow up in. And I'm mad about it and when I try to  
9 mention that she's doing things that my mom did, she goes, oh,  
10 I'm nothing like her. So it's -- it's sad, but we get a lot  
11 of our characteristics from our parents or we're complete  
12 opposites because of those. That's what happens.

13 MS. SUDANO: So you shared another experience with  
14 us today that involved CPS and probably the police. Anything  
15 about those experiences that would affect your ability to be  
16 fair and impartial?

17 PROSPECTIVE JUROR NO. 394: No.

18 MS. SUDANO: Okay. I saw another hand. Was it Ms.  
19 Lasiter, did you have your hand up? If you could pass it back  
20 to Ms. Lasiter, Badge No. 349.

21 PROSPECTIVE JUROR NO. 349: I had a friend who was  
22 in an abusive relationship with her husband, and I knew both  
23 of them and became friends with both of them. And then when I  
24 noticed things happening, like they would just get in some  
25 really big fights. And I would never see it happen

1 personally, but I would see the aftereffects. But for  
2 whatever reason, even though, I mean, she was offered help  
3 from me and some other friends, she didn't want to leave him.  
4 They did have the police come a few times, but she would never  
5 press charges. I just ended up having to distance myself from  
6 the friendship because she didn't want help and she wouldn't  
7 get out. And eventually they finally did get divorced and  
8 separate.

9 MS. SUDANO: So you said you'd sort of see the  
10 aftermath of the fights. Would she ever talk to you about  
11 what had happened?

12 PROSPECTIVE JUROR NO. 349: She didn't open up too  
13 much, just would say that they got in a fight and, you know,  
14 she would have black eyes, split lip, that kind of stuff.

15 MS. SUDANO: When you saw those fights or what was  
16 going to become a fight later on, did you ever see any sort of  
17 manipulation or verbal abuse going on?

18 PROSPECTIVE JUROR NO. 349: Not really, no.

19 MS. SUDANO: Okay.

20 PROSPECTIVE JUROR NO. 349: Usually it would happen  
21 if like they were out, you know, out having drinks and stuff  
22 like that, and then it would just kind of -- everybody would  
23 go home and then you hear about it the next day that they had  
24 gotten in a fight after they left.

25 MS. SUDANO: When you would try to intervene or try

1 to help and she would tell you no, did you feel like she was  
2 pushing you away at that point?

3 PROSPECTIVE JUROR NO. 349: Not right away, but then  
4 after awhile it kind of felt that way.

5 MS. SUDANO: Okay. Any reason why you can think of  
6 that that might have been the case?

7 PROSPECTIVE JUROR NO. 349: I don't know. I just  
8 don't think she wanted to leave.

9 MS. SUDANO: Can you think of any reasons why she  
10 wouldn't want to follow through and press charges and get out  
11 of the situation?

12 PROSPECTIVE JUROR NO. 349: I don't know if it was  
13 financial, you know, being married and living together and  
14 maybe she just didn't feel like she could do it out on her  
15 own. And they also had a daughter together and so I don't  
16 think she wanted to split up the household.

17 MS. SUDANO: Okay. All right. Anybody else have  
18 anything that they wanted to add on that topic? If you could  
19 pass it just one seat over to --

20 PROSPECTIVE JUROR NO. 145: Frederick Karlo  
21 Oliquiano.

22 MS. SUDANO: Badge No. 145.

23 PROSPECTIVE JUROR NO. 145: Badge 145.

24 MS. SUDANO: Thank you, sir.

25 PROSPECTIVE JUROR NO. 145: I am hesitant to share

1 this, but I'm a victim of that, domestic violence. When I was  
2 young my mom always beat me, and just for the smallest reason.  
3 Sometimes she would just go buy something at the store and if  
4 we made a mistake, beat you. And in the Philippines there's  
5 no such thing as calling the police or anything. They can  
6 just beat you any time from belt buckle to broom to anything  
7 that's around her. And maybe that's one -- my reason why I  
8 tried to make it good in life just to get out of the house.

9 MS. SUDANO: Okay.

10 PROSPECTIVE JUROR NO. 145: But until now, I don't  
11 talk to her. But with my family I try to tend to send money  
12 back home because, you know, she's still my mom, they're still  
13 my family. And I'm the only one who they, you know, get money  
14 from just to pay food and electricity and stuff like that.  
15 But I cannot forget even some small details that she did to me  
16 that my sister always tried to tell me maybe let go.

17 I tried for the last -- a lot of years, but still,  
18 it's -- it's in me and it's really hard for me not to remember  
19 all the small details. Yeah. She's -- she was on drugs  
20 before and drinking, and I always remember whenever she's high  
21 or she's drunk that she's sweet to me, she's sweet to other  
22 sisters and brothers, and those are the things that I think  
23 that I would like to cherish, but still, morning comes, I'm  
24 afraid and those things.

25 MS. SUDANO: Okay.

1 PROSPECTIVE JUROR NO. 145: yeah.

2 MS. SUDANO: So thank you for sharing that. I  
3 appreciate it. It sounds like you've got a lot of feelings of  
4 loyalty or obligation even though you haven't forgotten  
5 everything that happened, is that fair?

6 PROSPECTIVE JUROR NO. 145: Yeah.

7 MS. SUDANO: Okay.

8 PROSPECTIVE JUROR NO. 145: And I'm a Catholic, and  
9 I believe in -- in the faith that we had before, that no  
10 matter what, take care of your mom, take care of your family,  
11 that's it.

12 MS. SUDANO: Okay. So I recognize you just told us  
13 something that you haven't shared with anybody else. Do you  
14 think that that information and what happened with your mom  
15 would affect your ability to be fair and impartial in this  
16 case?

17 PROSPECTIVE JUROR NO. 145: I'm not sure.

18 MS. SUDANO: Okay.

19 PROSPECTIVE JUROR NO. 145: Because I just let it  
20 out just now, and I'm not sure.

21 MS. SUDANO: Okay. So is this a little bit more  
22 emotional than you expected it to be?

23 PROSPECTIVE JUROR NO. 145: Yeah.

24 MS. SUDANO: Okay.

25 PROSPECTIVE JUROR NO. 145: I never shared it to

1 anybody, and I was just for the past few days I've been  
2 hearing about a lot more emotional stuff around, and I keep on  
3 remembering those things that have been happening to me  
4 before.

5 MS. SUDANO: Okay. Do you think that that's going  
6 to keep happening throughout the course of this trial?

7 PROSPECTIVE JUROR NO. 145: Because I know that  
8 things will pop out, stories will -- will come out, and I know  
9 it will be affecting to me.

10 MS. SUDANO: Okay. All right. I appreciate you  
11 sharing that. Is there anything else that you want to tell us  
12 about right now?

13 PROSPECTIVE JUROR NO. 145: That's it.

14 MS. SUDANO: Okay. All right. So we're going to  
15 switch gears. I've got some follow-up questions just for a  
16 few of you. Can you pass it all the way back up to Ms.  
17 Dickens in Seat No. 326.

18 Ms. Dickens, I have a really easy question for you.  
19 We had you fill out the jury questionnaires, and one of the  
20 questions was whether it would be a problem for you not to  
21 watch TV during the course of the trial. I think in your  
22 questionnaire you said, yes, it would be a problem. Was that  
23 the correct answer?

24 PROSPECTIVE JUROR NO. 326: I don't remember the  
25 questionnaire.

1 MS. SUDANO: So if you were admonished by the Judge  
2 not to watch trial -- or watch TV during the course of this  
3 trial, is that something you would be comfortable with?

4 PROSPECTIVE JUROR NO. 326: Yeah.

5 MS. SUDANO: Okay. I wasn't -- you hadn't mentioned  
6 it at all. It may have just been a misreading of the  
7 question. So any concerns at all about that?

8 PROSPECTIVE JUROR NO. 326: No.

9 MS. SUDANO: All right. It was a very easy  
10 question. If you'll pass it just two seats over to Ms.  
11 Morris, Badge No. 315.

12 All right. I have only slightly tougher questions  
13 for you about the questionnaire. There were a couple of  
14 questions that you said that you didn't understand, so I just  
15 want to make sure that we're all on the same page. What do  
16 you do for work, ma'am?

17 PROSPECTIVE JUROR NO. 315: I don't work.

18 MS. SUDANO: Okay. Because you're a student; right?

19 PROSPECTIVE JUROR NO. 315: Uh-huh.

20 MS. SUDANO: Okay. I think that was part of the  
21 issue on that one. And then you were asked a question about  
22 the video evidence in this case and whether or not you could  
23 view the video and remain fair and impartial. Do you  
24 understand all of those questions?

25 PROSPECTIVE JUROR NO. 315: Uh-huh.

1 MS. SUDANO: Okay. Any concerns about being fair  
2 and impartial if you watch video evidence in this case?  
3 PROSPECTIVE JUROR NO. 315: No.  
4 MS. SUDANO: No? Okay. Anything -- oh, one more  
5 thing. You had also mentioned in your questionnaire that you  
6 had to rely on your mom basically to get you to court.  
7 PROSPECTIVE JUROR NO. 315: Uh-huh.  
8 MS. SUDANO: Is that a situation that you guys have  
9 taken care of?  
10 PROSPECTIVE JUROR NO. 315: Yeah, we worked it out.  
11 MS. SUDANO: Yeah?  
12 PROSPECTIVE JUROR NO. 315: Uh-huh.  
13 MS. SUDANO: Okay. Any concerns at all about that?  
14 PROSPECTIVE JUROR NO. 315: Nope.  
15 MS. SUDANO: Okay. Easy, easy. If you could pass  
16 it over to Ms. Rice, two more seats down, Badge No. 062.  
17 Ma'am, I understand English is not your first  
18 language. How are you doing so far? Have you understood  
19 everything?  
20 PROSPECTIVE JUROR NO. 062: So far yes.  
21 MS. SUDANO: Okay.  
22 PROSPECTIVE JUROR NO. 062: A couple words that I  
23 figured out.  
24 MS. SUDANO: Okay. So is your concern more the  
25 legal terms?

1 PROSPECTIVE JUROR NO. 062: Yeah, but I know some,  
2 you know, words that I kind of have a hard time understand or  
3 know what they mean. But I usually, when I'm out, you know,  
4 go dictionary search and see what it is.

5 MS. SUDANO: Okay.

6 PROSPECTIVE JUROR NO. 062: But so far I  
7 understand --

8 MS. SUDANO: Perfect.

9 PROSPECTIVE JUROR NO. 062: -- most everything here.

10 MS. SUDANO: Perfect. And just so we're clear, I  
11 think everybody here probably doesn't know exactly what all of  
12 the legal terms mean and we don't expect you to.

13 PROSPECTIVE JUROR NO. 062: Yeah.

14 MS. SUDANO: So would you be comfortable if there  
15 was something that you didn't understand asking somebody else  
16 or asking for clarification?

17 PROSPECTIVE JUROR NO. 062: Yes.

18 MS. SUDANO: Perfect. All right.

19 THE COURT: Just -- just so you understand, when she  
20 means asking someone else, if you're in this trial, asking  
21 someone else means us, not the other jurors.

22 PROSPECTIVE JUROR NO. 062: Yes, I understand.

23 THE COURT: And certainly no one else outside this  
24 courtroom.

25 PROSPECTIVE JUROR NO. 062: Yeah, I understand what

1 she meant.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 062: Thank you.

4 THE COURT: All right.

5 MS. SUDANO: Thank you, Your Honor.

6 All right. Can we pass it down to Mr. Milligan,  
7 Badge No. 105.

8 Hi. All right. So you had mentioned earlier some  
9 out processing classes that you've got scheduled for the  
10 military.

11 PROSPECTIVE JUROR NO. 105: Correct.

12 MS. SUDANO: Since we've been here with you for  
13 three days now, have you looked into the possibility of  
14 rescheduling that at all or no?

15 PROSPECTIVE JUROR NO. 105: I would have to call  
16 between day shift hours to find out if I can reschedule it and  
17 then see what date they tell me.

18 MS. SUDANO: Okay. So haven't had that  
19 opportunity --

20 PROSPECTIVE JUROR NO. 105: Correct.

21 MS. SUDANO: -- because we've had you during daytime  
22 hours?

23 PROSPECTIVE JUROR NO. 105: Correct.

24 MS. SUDANO: Okay. What's your understanding of the  
25 viability of doing that?

1 PROSPECTIVE JUROR NO. 105: Of making it work and  
2 having it happen? It's a pain because it's a class that I  
3 believe it's only offered once a month. I could be wrong.

4 MS. SUDANO: Okay.

5 PROSPECTIVE JUROR NO. 105: But anybody that's  
6 getting out has to go, so that's why it was scheduled for  
7 February because I get out in May.

8 MS. SUDANO: Okay. All right. All right. Any  
9 additional concerns about that that we haven't already --

10 PROSPECTIVE JUROR NO. 105: The schedule --

11 MS. SUDANO: -- talked about?

12 PROSPECTIVE JUROR NO. 105: -- no.

13 MS. SUDANO: Okay. Any other concerns in general?

14 PROSPECTIVE JUROR NO. 105: No.

15 MS. SUDANO: No. Okay. Just wasn't sure the way  
16 that you said that.

17 PROSPECTIVE JUROR NO. 105: No.

18 MS. SUDANO: All right. If we can pass it up to Ms.  
19 Huff, Badge No. 389. Ma'am, you also had some concerns with  
20 reading English, I think, was your main concern; is that  
21 right?

22 PROSPECTIVE JUROR NO. 389: That's correct.

23 MS. SUDANO: Okay. How have you been doing  
24 understanding everything so far?

25 PROSPECTIVE JUROR NO. 389: Pretty good.

1 MS. SUDANO: Pretty good? Okay.

2 PROSPECTIVE JUROR NO. 389: Uh-huh.

3 MS. SUDANO: Same type of question I asked Ms. Rice

4 a couple moments ago. Any concerns asking the Court to

5 clarify if there's something you don't understand?

6 PROSPECTIVE JUROR NO. 389: So far I understand.

7 MS. SUDANO: So far so good?

8 PROSPECTIVE JUROR NO. 389: Uh-huh.

9 MS. SUDANO: Okay. There were a couple of things on

10 your questionnaire that you didn't answer, so I just wanted to

11 follow up with you, okay.

12 PROSPECTIVE JUROR NO. 389: Okay.

13 MS. SUDANO: Any concerns viewing video evidence in

14 this case and remaining fair and impartial?

15 PROSPECTIVE JUROR NO. 389: What do you mean by

16 that?

17 MS. SUDANO: So would you be able to view video

18 evidence in this case and then keep an open mind and remain

19 fair and impartial until the case is submitted to you, you've

20 been instructed, and you're told to make your decision?

21 PROSPECTIVE JUROR NO. 389: Yes.

22 MS. SUDANO: Okay. You're comfortable with that?

23 PROSPECTIVE JUROR NO. 389: Yes.

24 MS. SUDANO: All right. And then you had also said

25 something about prior jury service. Was it just that you had

1 been called as a juror but you've never been seated before?  
2 Is that what it was?

3 PROSPECTIVE JUROR NO. 389: I have a call last year.  
4 I serving for eight hours, that's it.

5 MS. SUDANO: Okay. So you came and you sat down  
6 here, but you never made it to the courtroom?

7 PROSPECTIVE JUROR NO. 389: No.

8 MS. SUDANO: Okay. I just wanted to clarify that  
9 from your questionnaire. I think you also indicated you have  
10 some friends in law enforcement on the questionnaire, or maybe  
11 it was that you didn't answer that question.

12 PROSPECTIVE JUROR NO. 389: No, I didn't answer the  
13 question.

14 MS. SUDANO: Okay. Any friends in law enforcement?

15 PROSPECTIVE JUROR NO. 389: Not that I know of.

16 MS. SUDANO: Okay. Okay. All right. Anything else  
17 about you that we need to follow up on?

18 PROSPECTIVE JUROR NO. 389: Say that again?

19 MS. SUDANO: Anything else about you that we need to  
20 know?

21 PROSPECTIVE JUROR NO. 389: Want to know about me?

22 MS. SUDANO: Uh-huh. Anything else that you think  
23 would be important?

24 PROSPECTIVE JUROR NO. 389: Not really.

25 MS. SUDANO: Okay. All right. If you could pass it

1 next door to Ms. Lasiter, Badge No. 349.

2 On your questionnaire, that question about watching  
3 the video evidence and remaining fair and impartial, you've  
4 had a lot more instruction from the Judge. We've had a lot  
5 more of an opportunity to talk to you. As you sit here now,  
6 would you be able to be fair and impartial even after seeing  
7 video in this particular case?

8 PROSPECTIVE JUROR NO. 349: Yes.

9 MS. SUDANO: Okay. All right. And then if you can  
10 pass it just a couple more over to Mr. Wells-Thompson again,  
11 Badge No. 152.

12 Sir, in your questionnaire you had mentioned that,  
13 and I think here in court, as well, that your wife was  
14 molested as a child; is that right?

15 PROSPECTIVE JUROR NO. 152: Uh-huh. Yes.

16 MS. SUDANO: Okay. If you know, did she ever tell  
17 anybody about that?

18 PROSPECTIVE JUROR NO. 152: Her family, her mom, her  
19 dad.

20 MS. SUDANO: Did law enforcement ever get involved?

21 PROSPECTIVE JUROR NO. 152: I'm not sure.

22 MS. SUDANO: Okay. Do you know if she told them  
23 right away or if it was something that she disclosed later on?

24 PROSPECTIVE JUROR NO. 152: She never told me.

25 MS. SUDANO: Okay. All right. Then if we can pass

1 it up to Ms. Johnson, Badge No. 396. Down to your left.

2 I just had one question for you. I think on your  
3 questionnaire you had mentioned something about a nephew being  
4 charged with a crime in New York. Do you remember that?

5 PROSPECTIVE JUROR NO. 396: Yes.

6 MS. SUDANO: Okay. I may be mistaken, but I don't  
7 think that you brought it up in the courtroom here.

8 PROSPECTIVE JUROR NO. 396: I don't know the  
9 details.

10 MS. SUDANO: Okay.

11 PROSPECTIVE JUROR NO. 396: Like I -- I didn't hear  
12 from my sister-in-law, who is the mom. I heard it like  
13 third-hand through the family eventually, and he was already  
14 in jail for like six months. I don't know what he was charged  
15 with --

16 MS. SUDANO: Okay.

17 PROSPECTIVE JUROR NO. 396: -- or what happened.

18 MS. SUDANO: Okay.

19 PROSPECTIVE JUROR NO. 396: I don't know any  
20 details.

21 MS. SUDANO: Okay. Is that why you didn't bring it  
22 up yesterday?

23 PROSPECTIVE JUROR NO. 396: Yeah, because I don't  
24 really have any idea what happened.

25 MS. SUDANO: Okay. Fair enough. Anything about

1 that that would affect your ability to be fair and impartial  
2 here?

3 PROSPECTIVE JUROR NO. 396: No, because I don't know  
4 anything about it.

5 MS. SUDANO: Don't know what you don't know, huh?  
6 Okay. If you'd pass it over a couple seats to Ms.  
7 Finkelstein, Badge No. 187.

8 So you had talked to us yesterday, I guess, about  
9 something that happened with, was it your stepfather?

10 PROSPECTIVE JUROR NO. 187: [Inaudible].

11 MS. SUDANO: Okay. Did you tell your mom right  
12 away?

13 PROSPECTIVE JUROR NO. 187: No.

14 MS. SUDANO: Okay. Why didn't you tell your mom  
15 right away?

16 PROSPECTIVE JUROR NO. 187: I was too afraid to say  
17 something.

18 MS. SUDANO: Okay. All right.

19 PROSPECTIVE JUROR NO. 187: I'm sorry. I had  
20 repressed what happened, and just having these past few days  
21 to think about it.

22 THE COURT: Ma'am, I don't want to interrupt you,  
23 but why don't we take a break, okay. All right.

24 During this recess you're admonished not to talk or  
25 converse amongst yourselves or with anyone else on any subject

1 connected with this trial, or read, watch, or listen to any  
2 report or commentary on the trial, or any person connected  
3 with this trial by any medium of information, including,  
4 without limitation, newspapers, television, Internet, or  
5 radio, or form or express any opinion on any subject connected  
6 with this trial until the case is finally submitted to you.

7           Why don't we take about a 15-minute break. It's,  
8 let's say, five until. So if we're ten until -- ten after,  
9 everybody be ready to come back in.

10           Ma'am, Ms. Finkelstein, do you mind waiting in the  
11 courtroom? Okay? All right.

12           (Prospective jury recessed at 12:52 P.M.)

13           (Inside the presence of Prospective Juror No. 187)

14           THE COURT: Do you need some -- do you want to take  
15 some time out in the hall, Ms. Finkelstein? Do you want to  
16 take a break?

17           PROSPECTIVE JUROR NO. 187: Yeah, I would.

18           THE COURT: Okay. Just put that mic right there on  
19 the chair next to you. Go ahead and take a break, okay.

20           PROSPECTIVE JUROR NO. 187: Thank you.

21           THE COURT: All right.

22           (Outside the presence of Prospective Juror No. 187)

23           THE COURT: All right. We're outside the presence  
24 of the jury. Let's give her some time to compose herself, and  
25 then see if when she comes back if she wants to go any

1 further. I can see it's pretty emotional. I mean, these  
2 cases do strike things up. I mean, how many individuals have  
3 just now revealed things that's happened to them? You know, I  
4 think that's so impressive because of their respect for the  
5 Court. That's how I feel about that. So let's just give  
6 everybody a break and kind of decompress for awhile, and the  
7 we'll -- we'll see if -- unless you have some type of position  
8 right now with her.

9 MS. SUDANO: I was just asking Mr. Sweetin. I think  
10 that we're going to submit it on her.

11 THE COURT: Okay.

12 MS. SUDANO: I mean, she --

13 THE COURT: All right.

14 MS. SUDANO: -- talked about it yesterday.

15 THE COURT: Let's not -- let's not put her through  
16 anything more on it, unless, Ms. Radosta, unless you have some  
17 questions or something.

18 MS. RADOSTA: No. I just need to put on the record  
19 what just happened in front of the entire panel, which was  
20 that Ms. Finkelstein --

21 THE COURT: Okay.

22 MS. RADOSTA: -- somewhat silently, but definitely  
23 broke down and started crying and was unable to speak for  
24 maybe 45 seconds.

25 THE COURT: Uh-huh.

1 MS. RADOSTA: I don't know, 30, 45 seconds.  
2 THE COURT: Yeah.  
3 MS. RADOSTA: That, of course, given what she shared  
4 with us yesterday is not completely unexpected. But beyond  
5 that, as the court -- as the jurors were exiting the courtroom  
6 after the Court offered to take a break, Ms. Turner, who is  
7 Badge 153, got up from her seat, which is behind Ms.  
8 Finkelstein, and walked over to her and hugged her in front of  
9 the entire jury panel.  
10 THE COURT: Uh-huh. Yeah.  
11 MS. RADOSTA: So based on that, Your Honor, that  
12 action right there, we'd be moving to strike this entire  
13 panel.  
14 THE COURT: Why? Why?  
15 MS. RADOSTA: Because we have one --  
16 THE COURT: Because someone showed some -- showed  
17 some compassion to somebody that is being talked to in front  
18 of a whole bunch of people about possible incidents that  
19 happened to them?  
20 MS. RADOSTA: Because she has identified herself --  
21 well, actually, I'm sorry. I'm trying to recall if Ms.  
22 Finkelstein was somebody that revealed it in front of the  
23 entire panel, or --  
24 THE COURT: She did.  
25 MS. RADOSTA: -- if she is someone --

1 THE COURT: She told us she was molested by her  
2 stepfather.

3 MS. RADOSTA: I couldn't remember if she was one of  
4 the people we spoke to outside the presence, though,  
5 yesterday.

6 THE COURT: She wasn't.

7 MS. RADOSTA: Okay. So she has revealed in front of  
8 the entire panel that she was a victim of sex assault, and  
9 then that there -- there is certainly no -- nothing wrong with  
10 someone showing compassion, but it is now indicating to the  
11 rest of the panel that there is -- I'm sorry. I'm not  
12 expressing this as well as I would like. That there is --  
13 that an alleged victim of sex assault is someone who should be  
14 comforted, is someone who should be -- she's merely said it in  
15 court, Judge, and now Ms. Turner, obviously, believes her and  
16 has comforted her and has demonstrated that just saying it  
17 alone is enough to be believed.

18 THE COURT: Do you -- do you think --

19 MS. RADOSTA: And in our particular --

20 THE COURT: Do you think -- Ms. Radosta, do you  
21 think that the actions of Ms. Finkelstein, the fact that she  
22 broke down crying, irrespective of whether or not anyone  
23 believes what she said, that she wouldn't be entitled to some  
24 type of compassion by -- by their fellow man? Because she  
25 broke down -- I would expect somebody that come in here that's

1 crying because they lost their car --

2 MS. RADOSTA: I'm not --

3 THE COURT: -- and now knowing what it's about --

4 MS. RADOSTA: But, Your Honor, it's not about,

5 unfortunately, Ms. Finkelstein in this -- in this situation.

6 It's about our client and the perception that that reaction --

7 THE COURT: All right. I'll tell you what I'll do.

8 MS. RADOSTA: -- gives to --

9 THE COURT: Before I strike all this panel, we're

10 going to bring one at a time in and ask them if that had any

11 impact on them and their ability to be fair and impartial.

12 I'll be willing to do that. But just to strike the whole

13 panel because somebody showed some compassion --

14 MS. RADOSTA: Because --

15 THE COURT: -- for --

16 MS. RADOSTA: Because, Your Honor, we, as the

17 defense, are now going to be challenging some of the alleged

18 victims in this case who have done nothing but make an

19 allegation, just like Ms. Finkelstein.

20 THE COURT: Fine.

21 MS. RADOSTA: So in that regard, just by saying it,

22 she's to be --

23 THE COURT: But she's not making an allegation

24 subject to cross-examination, subject to making an allegation

25 that's being prosecuted. She's just saying that she was --

1 MS. RADOSTA: Right.

2 THE COURT: -- molested by her father.

3 MS. RADOSTA: And she was immediately believed

4 because of her reaction. And --

5 THE COURT: Do you think she was immediately

6 believed because a person gave her a hug? No, she was crying.

7 She was visibly upset.

8 MS. RADOSTA: Uh-huh.

9 THE COURT: I gave her a break because of that.

10 MS. RADOSTA: I understand.

11 THE COURT: Not because I believe that she'd been

12 molested by her father.

13 MS. RADOSTA: We -- Judge, all due respect, we live

14 in this world of -- of just because somebody says it --

15 THE COURT: And so for you --

16 MS. RADOSTA: -- doesn't necessarily mean it.

17 THE COURT: -- to speculate that, that's exactly

18 what you're doing, you're speculating.

19 MS. RADOSTA: But --

20 THE COURT: So what I'm willing to do --

21 MS. RADOSTA: Okay.

22 THE COURT: -- before I strike this whole panel --

23 MS. RADOSTA: Uh-huh.

24 THE COURT: -- is we can -- we can voir dire each

25 individual of this whole group individually to see whether or

1 not they -- it was affected.

2 MS. RADOSTA: Well --

3 THE COURT: I don't want to do it in a group because  
4 I think that that would be a manner of bleeding off on each  
5 person, but --

6 MS. RADOSTA: And in all honest, many of them may  
7 not have seen it, Judge, so I appreciate that fact. Many of  
8 them --

9 THE COURT: But here's the thing, though, Ms.  
10 Radosta. You -- you basically are saying automatically that  
11 that taints this whole jury panel because somebody showed some  
12 emotion, and another person showed some compassion, and that,  
13 for some reason, taints this jury panel against your client.  
14 And I'm having the hardest time understanding that.

15 MS. RADOSTA: Because it is an alleged victim of  
16 child sexual abuse, and that's what our case is about. If she  
17 had been up there crying, Your Honor, because she was the  
18 victim of a robbery or -- or some type of brutal attack  
19 unrelated to anything child sex abuse, I wouldn't be making  
20 the motion, Your Honor. It's not the same thing. But it is a  
21 -- she's 10 to 13 years old, it was her stepfather. That is  
22 exactly the allegation that Anita Sena --

23 THE COURT: What -- what --

24 MS. RADOSTA: -- is making in this particular case.

25 THE COURT: What -- how are you -- you're making a

1 leap. Just because somebody extends some compassion, you're  
2 of the opinion that that person can't be fair to your client  
3 or the jury can't be fair to your client because -- because  
4 somebody who reveals and is upset about an incident that may  
5 have happened in the past to them and it might have some type  
6 of connection, I don't even know, something with regards to  
7 the charges with your client, that that automatically taints  
8 them?

9 MS. RADOSTA: It's almost identical to Anita  
10 Sena's --

11 THE COURT: No, no, no.

12 MS. RADOSTA: -- initial --

13 THE COURT: It's not identical --

14 MS. RADOSTA: -- accusation.

15 THE COURT: -- that somebody showed some compassion  
16 for her. No one -- there's nothing about anybody showing any  
17 compassion for any of the victims in this case other than  
18 maybe -- maybe you all or the case right now. But I'm talking  
19 about the reaction that occurred right there.

20 MS. RADOSTA: Uh-huh.

21 THE COURT: All right. Is everybody supposed to be  
22 stoic and just walk out of here and not show any types of -- I  
23 guess maybe that's what I need to do in the future. Don't  
24 show any emotion to anybody in the world while you're in this  
25 trial. That's exactly what you're saying, and that's

1 ridiculous, Ms. Radosta. And I'll tell you right now. If  
2 they were to reverse me because of that, then so be it because  
3 I don't see in any regards because a fellow man showed some  
4 compassion for somebody in a situation, first of all, that  
5 were placed in this. It's not very comfortable.

6 MS. RADOSTA: Right.

7 THE COURT: I understand that.

8 MS. RADOSTA: Uh-huh.

9 THE COURT: But the poor -- the poor lady broke  
10 down --

11 MS. RADOSTA: Right.

12 THE COURT: -- and for whatever reason, I mean --  
13 but I can't see how that is a manner, and you haven't given me  
14 any understanding how that by itself would taint the jury to  
15 the point where they can't be fair, even though they tell us  
16 they can be fair, against your client. So what I'll do --

17 MS. RADOSTA: Okay.

18 THE COURT: -- I'll give you the option, and I'm  
19 going to be surprised if anybody says, but if it happens, it  
20 happens. I want to hear it from each person.

21 MS. RADOSTA: Okay.

22 THE COURT: And if they say yes, I will be --  
23 besides the ones that just want off of this jury, then I'll  
24 strike them. If they tell me that they were affected by that  
25 because they -- and that's offended to the point where they

1 can't be fair to your client or fair to the State, I'll strike  
2 them.

3 MS. RADOSTA: That's fine.

4 THE COURT: Okay. But I'm not going to do the whole  
5 panel over that. So take a break. Be back, I guess, ten  
6 after, and we'll get started with it.

7 MS. RADOSTA: Okay.

8 THE COURT: I'm going to -- I'm going to release Ms.  
9 Finkelstein.

10 MS. SUDANO: Yes.

11 THE COURT: Or Finkelstein, she said.

12 MS. RADOSTA: Finkelstein.

13 THE COURT: Okay. And then we won't even start with  
14 another number in there until we get done with each one of  
15 these one at a time, okay.

16 MS. RADOSTA: Okay.

17 THE COURT: All right. Thank you.

18 MS. SUDANO: Thank you, Your Honor.

19 (Court recessed at 1:01 P.M., until 1:12 P.M.)

20 (Outside the presence of the prospective jury)

21 THE COURT: All right. Are we on, Christine?

22 THE RECORDER: Yes, we are.

23 THE COURT: We're back on the record in the case of  
24 State of Nevada versus Christopher Sena in C311453. The  
25 record will reflect the presence of the defendant and his

1 counsel, as well as the State and their counsel. We're  
2 outside the presence of the jury.

3 I'm going to bring Ms. Finkelstein in and let her  
4 know that we're going to excuse her and see if she has  
5 anything to say with regards to that. If not, then -- and  
6 then I'm going to line them up and we're going to bring them  
7 in one at a time and we'll question them one at a time, okay.

8 All right, Ed. Go ahead.

9 THE MARSHAL: Bring her in first?

10 THE COURT: Yes, if she's ready.

11 THE MARSHAL: All right.

12 (Pause in the proceedings)

13 THE COURT: She's in the alcove right now and she's  
14 -- she's having a hard time.

15 Is she okay?

16 THE MARSHAL: She's trying to compose herself still.

17 THE COURT: That's okay. I understand. Just see if  
18 she'll just step in the door right there real quick.

19 (Inside the presence of Prospective Juror No. 187)

20 THE COURT: Ms. Finkelstein, it's okay. You can  
21 stay right there, okay. She's Badge 187, and she was seated  
22 in Seat 25.

23 Ms. Finkelstein, it's so obvious to the Court how  
24 emotional this is for you, and I want to apologize to you from  
25 the Eighth Judicial District Court for bringing these emotions

1 back. We're going to excuse you, okay. And I'm so sorry. I  
2 don't know how -- I don't know how -- what else to say. Okay?  
3 All right. You have a good afternoon and you have a good rest  
4 of the week, okay? All right. Okay. All right.

5 (Outside the presence of Prospective Juror No. 187)

6 THE COURT: So bring in Thandi Dickens.

7 (Inside the presence of Prospective Juror No. 326)

8 THE COURT: Ms. Dickens, you can wait right there,  
9 okay. Once again, this is Thandi Dickens, Badge 326. Ms.  
10 Dickens, during the previous session in court, was there  
11 anything that you witnessed that occurred in the courtroom  
12 that you think would affect your ability to be fair and  
13 impartial in this case if you were selected as a juror?

14 PROSPECTIVE JUROR NO. 326: That I witnessed in the  
15 court?

16 THE COURT: That you witnessed.

17 PROSPECTIVE JUROR NO. 326: No.

18 THE COURT: Nothing? Okay.

19 Does anyone have any questions?

20 MS. SUDANO: No.

21 THE COURT: Okay. Ms. Dickens, okay, thank you. Go  
22 ahead and go back out in the hall. Once again, don't discuss  
23 what we just discussed, okay.

24 PROSPECTIVE JUROR NO. 326: Okay.

25 (Outside the presence of Prospective Juror No. 326)

1           THE COURT: Bring in Mauricio Molina.  
2           (Inside the presence of Prospective Juror No. 010)  
3           THE COURT: Mr. Molina.  
4           PROSPECTIVE JUROR NO. 010: Yes, sir.  
5           THE COURT: Badge 010, he's seated in Seat No. 1.  
6 Mr. Molina, during the last court session when we were all  
7 here in the court, was there anything that you witnessed that  
8 happened in the courtroom that you believe would affect your  
9 ability to be fair and impartial in this matter?  
10          PROSPECTIVE JUROR NO. 010: No.  
11          THE COURT: Did you see anything you think would  
12 affect your ability to be fair and impartial?  
13          PROSPECTIVE JUROR NO. 010: No.  
14          THE COURT: All right. Thank you, Mr. Molina.  
15          (Outside the presence of Prospective Juror No. 010)  
16          THE COURT: Could you bring in Siani Morris.  
17          (Inside the presence of Prospective Juror No. 315)  
18          THE COURT: Okay. Ms. Morris, you can stay right  
19 there.  
20          PROSPECTIVE JUROR NO. 315: Okay.  
21          THE COURT: This is Siani Morris, Badge 315. She's  
22 seated in Seat 3. Ms. Morris, during the last court session  
23 when we were all here in court, did you witness anything that  
24 happened in the courtroom that you think would affect your  
25 ability to be fair and impartial in this matter?

1 PROSPECTIVE JUROR NO. 315: No.  
2 THE COURT: Nothing at all?  
3 PROSPECTIVE JUROR NO. 315: Huh-uh.  
4 THE COURT: Okay. Thank you, Ms. Morris.  
5 (Outside the presence of Prospective Juror No. 315)  
6 THE COURT: Sophia Koutseva.  
7 (Inside the presence of Prospective Juror No. 049)  
8 THE COURT: This is Sophia Koutseva.  
9 PROSPECTIVE JUROR NO. 049: Uh-huh.  
10 THE COURT: Badge 049. She's seated in Seat 4. Ms.  
11 Koutseva, during the last court session when we were all here  
12 in the courtroom, was there anything -- did you witness  
13 anything that occurred in the courtroom that you believe would  
14 affect your ability to be fair and impartial in this matter?  
15 PROSPECTIVE JUROR NO. 049: No.  
16 THE COURT: Okay. Thank you, Ms. Koutseva.  
17 (Outside the presence of Prospective Juror No. 049)  
18 THE COURT: Ericka Rice.  
19 (Inside the presence of Prospective Juror No. 062)  
20 THE COURT: Okay. This is Ericka Rice, she's Badge  
21 062. She's seated in the fifth seat. Ms. Rice, during the  
22 last court session, did you witness anything that occurred in  
23 the court -- in this court during the last court session that  
24 you think would affect your ability to be fair and impartial  
25 in this matter?

1 PROSPECTIVE JUROR NO. 062: Maybe something I want  
2 to mention.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 062: I want to --

5 THE RECORDER: Can she come a lot closer.

6 THE COURT: Can -- come on up here and have a seat  
7 in the front right here, okay. Okay. I asked you if you  
8 witnessed anything that you believe would affect your ability  
9 to be fair and impartial in this matter. Is there anything in  
10 that regards?

11 PROSPECTIVE JUROR NO. 062: Yes. When the plaintiff  
12 asked about if I was -- the question about if we were victim  
13 of domestic violence.

14 THE COURT: Uh-huh.

15 PROSPECTIVE JUROR NO. 062: The last juror, I don't  
16 remember his name, he was very emotional, and I was abused  
17 verbal and physical when I was little.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 062: I want to mention that,  
20 but she jumped to the next question and I don't have a chance  
21 to raise my hand.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 062: My mom beat me when I  
24 was little with a belt, with anything she found. Everything  
25 now, like every memories back and kind of get me into -- and

1 just to think about what someone did to a little child, a  
2 little kid, kind of make me like I don't know if I can go  
3 through this based on what I have -- I went through in the  
4 past.

5 THE COURT: Okay. So something came up and --

6 PROSPECTIVE JUROR NO. 062: Yeah.

7 THE COURT: -- and it had to do with the juror that  
8 talked about had domestic violence with his mother?

9 PROSPECTIVE JUROR NO. 062: Yes.

10 THE COURT: All right. And so that -- that reminded  
11 you of some things that happened with you and your mother?

12 PROSPECTIVE JUROR NO. 062: Bad memories, yes.

13 THE COURT: And you're saying that that was so  
14 upsetting to you that you don't think that you could put that  
15 out of your mind and be able to deal with this case on these  
16 facts?

17 PROSPECTIVE JUROR NO. 062: I probably don't -- I'm  
18 kind of affected on that.

19 THE COURT: Okay. So -- so that's something that  
20 you -- I mean, it's not something that you talked about  
21 earlier.

22 PROSPECTIVE JUROR NO. 062: I don't -- I don't -- I  
23 was -- I've never like been a very open person on that because  
24 I never talk about that to anybody.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 062: I keep it to myself and  
2 that since, you know, since I went through all that my -- you  
3 know, every time. I just -- I'm a little like emotionally --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 062: How I can say this, like  
6 I can't forget those things.

7 THE COURT: Uh-huh. You understand that this case  
8 relies on its own facts?

9 PROSPECTIVE JUROR NO. 062: Yes.

10 THE COURT: And are you saying that -- that you may  
11 -- you may hold that against one of the parties in this case  
12 because of the nature of the offense?

13 PROSPECTIVE JUROR NO. 062: Not against, but just  
14 think about, you know, the -- the fact that someone did that  
15 to me, you know --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 062: -- I can imagine the  
18 little -- you know, little kids [inaudible] --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 062: -- all the things like  
21 that.

22 THE COURT: Okay. And that -- well, that's the  
23 concern, I think, that I would have and, as well as the  
24 parties here, is that --

25 PROSPECTIVE JUROR NO. 062: Yes.

1 THE COURT: -- is that you think that would affect  
2 your ability to make a judgment in this case and that, you  
3 know, whether or not the facts are proven or not proven?

4 PROSPECTIVE JUROR NO. 062: I can say -- I'm going  
5 to say no, like I'm a little like confused on that because  
6 it's hard for me to forget what I went through.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 062: And just imagine things  
9 that all the kids went through --

10 THE COURT: Uh-huh.

11 PROSPECTIVE JUROR NO. 062: -- so it makes me a  
12 little upset and a little -- well --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 062: -- I'm not accusing  
15 anybody or anything. It's just the way I feel.

16 THE COURT: So you -- you have an issue with a  
17 factual scenario that would be similar to something that you  
18 went through, and with that being said, you don't think you  
19 could be fair and judge the facts fairly and impartially  
20 because you'd have that in your mind?

21 PROSPECTIVE JUROR NO. 062: Yes.

22 THE COURT: Okay. Okay. Anything else?

23 PROSPECTIVE JUROR NO. 062: No. Thank you, sir.

24 THE COURT: All right. Do you have any questions,  
25 Ms. Sudano?

1 MS. SUDANO: No, thank you.

2 THE COURT: Do you have any questions?

3 MS. RADOSTA: Well, Your Honor, yeah, just a couple.

4 Ms. Rice, I believe you said earlier -- sorry.

5 PROSPECTIVE JUROR NO. 062: Yes.

6 MS. RADOSTA: I feel like I'm talking to Your Honor.

7 Correct me if I'm wrong.

8 PROSPECTIVE JUROR NO. 062: Yes.

9 MS. RADOSTA: I thought I heard you say that it's

10 hard to forget what you went through, and also what the kids

11 in this case went through. Did you say that?

12 PROSPECTIVE JUROR NO. 062: Yeah, and there's other

13 kids. Not specific these kids, in general kids going through

14 those things and they never talk about it and they never said

15 to anybody. Like me in this case, I never talked to anybody.

16 And it's like when I saw the last juror, you know, it kind of

17 bring everything back --

18 MS. RADOSTA: Sure.

19 PROSPECTIVE JUROR NO. 062: -- and affect me,

20 honestly.

21 MS. RADOSTA: So is this the first time that you've

22 really spoken about what happened to you as a child?

23 PROSPECTIVE JUROR NO. 062: Yes.

24 MS. RADOSTA: So -- and I'm sorry, I don't have all

25 my notes in front of me. You haven't told your husband or --

1 PROSPECTIVE JUROR NO. 062: I don't.  
2 MS. RADOSTA: You don't have a husband?  
3 PROSPECTIVE JUROR NO. 062: Yes, I do.  
4 MS. RADOSTA: Oh, but you have not told him?  
5 PROSPECTIVE JUROR NO. 062: I don't tell him.  
6 MS. RADOSTA: Okay. So do you think that you're  
7 going to be maybe thinking about what happened to you if you  
8 were chosen to be a juror on this case instead of maybe  
9 listening to the testimony?  
10 PROSPECTIVE JUROR NO. 062: I can listen to it, but  
11 I may be thinking about what I went through and in general the  
12 kids, you know, about what they went through, what they went  
13 through, you know. It's just going to be a little probably  
14 hard on this -- on this question on this --  
15 MS. RADOSTA: Okay.  
16 PROSPECTIVE JUROR NO. 062: -- process.  
17 MS. RADOSTA: All right. Thank you.  
18 THE COURT: Okay. Ms. Rice, can you go back outside  
19 with my marshal. Don't -- don't discuss anything that you've  
20 discussed in here with us, okay.  
21 PROSPECTIVE JUROR NO. 062: Okay.  
22 THE COURT: Thank you.  
23 (Outside the presence of Prospective Juror No. 062)  
24 THE COURT: Bring in Michelle Howell.  
25 (Inside the presence of Prospective Juror No. 430)

1 THE COURT: Ms. Howell, you can stay right there.  
2 Ms. Howell is Badge 430. She's seated in Seat 6. Ms. Howell,  
3 did you witness anything that happened in the courtroom in the  
4 last session while we were all in court here that you believe  
5 would affect your ability to be fair and impartial in this  
6 matter?

7 PROSPECTIVE JUROR NO. 430: No.

8 THE COURT: All right, Ms. Howell. Thank you so  
9 much. Do not discuss what we just discussed, okay.

10 (Outside the presence of Prospective Juror No. 430)

11 THE COURT: Bring in Miguel Diaz.

12 (Inside the presence of Prospective Juror No. 455)

13 THE COURT: Okay. Mr. Diaz is Badge 455. He's  
14 seated in Seat 7. Mr. Diaz, did you witness anything that  
15 occurred during the last session we were here in court,  
16 something that happened in the courtroom you think would  
17 affect your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 455: I guess it started to  
19 kind of gradually get to me emotionally after hearing  
20 everyone's story.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 455: It's hard to take into  
23 account the case.

24 THE COURT: Something involving you?

25 PROSPECTIVE JUROR NO. 455: No.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 455: I mean, emotionally,  
3 yeah, I started to, I guess -- I kind of felt like crying, I  
4 guess.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 455: At first I came here  
7 with an open mind. I felt pretty confident. But as time went  
8 on, it kind of gradually got to me.

9 THE COURT: What got to you?

10 PROSPECTIVE JUROR NO. 455: Hearing everyone's  
11 stories and thinking about the case.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 455: About the children.

14 THE COURT: Uh-huh. So you think that's something  
15 that would affect your ability, what you heard going  
16 throughout this at this point in time that would affect your  
17 ability to be fair?

18 PROSPECTIVE JUROR NO. 455: I think I would be more  
19 emotionally vulnerable.

20 THE COURT: Okay. So you know it's an emotional  
21 case?

22 PROSPECTIVE JUROR NO. 455: Yes.

23 THE COURT: All right. And you think the emotion  
24 that you believe will be part of this case could affect your  
25 ability to be fair?

1 PROSPECTIVE JUROR NO. 455: Yes, with -- with all  
2 the evidence, I guess. I know we haven't started the case or  
3 nothing.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 455: Once the evidence starts  
6 becoming apparent, I guess --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 455: -- it'll start hitting  
9 me harder.

10 THE COURT: Uh-huh.

11 PROSPECTIVE JUROR NO. 455: So I feel like I've got  
12 more emotion [inaudible].

13 THE COURT: Okay. Okay. Do you have any questions,  
14 Ms. Sudano?

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

16 THE COURT: Do you have any questions, Ms. Radosta?

17 MS. RADOSTA: No. No, thank you.

18 THE COURT: Okay. All right. Okay. Thank you, Mr.  
19 Diaz. Do not discuss anything we just discussed, okay.

20 PROSPECTIVE JUROR NO. 455: Okay.

21 THE COURT: So go ahead and go back out in the hall.

22 (Outside the presence of Prospective Juror No. 455)

23 THE COURT: Bring in Robyn Dolan.

24 (Inside the presence of Prospective Juror No. 338)

25 THE COURT: Ms. Dolan is Badge 338. She's seated in

1   Seat 8.  Ms. Dolan, did you witness anything during the  
2   proceedings, the last proceedings in this courtroom that you  
3   believe would affect your ability to be fair and impartial in  
4   this matter?

5               PROSPECTIVE JUROR NO. 338:  No.

6               THE COURT:  Okay.  Thank you.

7               (Outside the presence of Prospective Juror No. 338)

8               THE COURT:  Call in Daniel Farrell, Badge 094.

9               (Inside the presence of Prospective Juror No. 094)

10              THE COURT:  All right.  Mr. Daniel Farrell, Badge  
11   094.  He's seated in Seat 9.  Mr. Farrell, is there anything  
12   that you witnessed that happened in the courtroom during the  
13   last court session that you think would affect your ability to  
14   be fair and impartial in this matter?

15              PROSPECTIVE JUROR NO. 094:  Going through  
16   everything, it makes -- like it's a lot more triggering than I  
17   thought it was going to be.  And every time I hear something  
18   like somebody says something about -- like the gentleman that  
19   was talking about the abuse, it made me feel -- like it made  
20   me remember a lot of things that I didn't necessarily remember  
21   earlier.  Because I didn't realize how many like repressed  
22   things I had.  It just -- it changed a lot of things that I  
23   didn't really think about.

24              THE COURT:  Okay.  Is there any -- I mean, I  
25   understand it's pretty emotional, and that's what we want to

1 get at is to see is there anything regarding that that you  
2 think would affect your ability to be fair and open-minded in  
3 this case and impartial.

4 PROSPECTIVE JUROR NO. 094: I don't know. I really  
5 -- I don't know.

6 THE COURT: Okay. Okay. Do you have any questions,  
7 Ms. Sudano?

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

9 THE COURT: Any questions, Ms. Radosta?

10 MS. RADOSTA: Yes, just one or two. Do we want to  
11 keep him back there or --

12 THE COURT: That's fine.

13 MS. RADOSTA: Okay.

14 THE COURT: It's only one or two.

15 MS. RADOSTA: Well, Mr. Farrell, you just said right  
16 now that you said that there have been some things repressed.  
17 Is that things that happened to you or things that happened to  
18 other people?

19 PROSPECTIVE JUROR NO. 094: Personal things.

20 MS. RADOSTA: Personal things.

21 PROSPECTIVE JUROR NO. 094: Yeah.

22 MS. RADOSTA: That you haven't shared with us thus  
23 far?

24 PROSPECTIVE JUROR NO. 094: Yeah.

25 MS. RADOSTA: Okay. Is it something -- and I can

1 see you're already getting a little upset. Is it something  
2 that you're comfortable sharing with us right now?

3 PROSPECTIVE JUROR NO. 094: I'd rather not.

4 MS. RADOSTA: Okay. But do you think that whatever  
5 it is that is affecting you right now is going to affect your  
6 ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 094: I don't know.

8 MS. RADOSTA: Do you think that -- is it -- have you  
9 noticed with each -- we've been here three days now. Is your  
10 emotional state getting more emotional with each day or --

11 PROSPECTIVE JUROR NO. 094: Yes.

12 MS. RADOSTA: So do you expect to be able to --  
13 well, I'll strike that.

14 I'll leave it with that, Your Honor.

15 THE COURT: Okay. All right. Mr. Farrell, don't  
16 discuss anything we've discussed in here now with any of the  
17 other parties, okay.

18 PROSPECTIVE JUROR NO. 094: Yeah.

19 THE COURT: All right.

20 (Outside the presence of Prospective Juror No. 094)

21 THE COURT: Bring in Ryan Milligan. Thank you.

22 (Inside the presence of Prospective Juror No. 105)

23 THE COURT: Mr. Milligan is Badge 105. He's seated  
24 in Seat 10. Mr. Milligan, did you witness anything that  
25 happened during the last session when we were in session that

1 you believe would affect your ability to be fair and impartial  
2 in this matter?

3 PROSPECTIVE JUROR NO. 105: No.

4 THE COURT: Okay. All right. Thank you, Mr.  
5 Milligan. Do not discuss what we just discussed with anyone,  
6 okay?

7 PROSPECTIVE JUROR NO. 105: Yes, sir.

8 THE COURT: All right.

9 (Outside the presence of Prospective Juror No. 105)

10 THE COURT: Bring in Luis Lopez.

11 (Inside the presence of Prospective Juror No. 108)

12 THE COURT: Mr. Lopez is Badge 108. He's seated in  
13 Seat 11. Mr. Lopez, during the last court session, did you  
14 witness anything that occurred in the courtroom during the  
15 court session that you believe would affect your ability to be  
16 fair and impartial --

17 PROSPECTIVE JUROR NO. 108: No, sir.

18 THE COURT: -- in this matter?

19 PROSPECTIVE JUROR NO. 108: No.

20 THE COURT: Okay. All right. Thank you, Mr. Lopez.

21 (Outside the presence of Prospective Juror No. 108)

22 THE COURT: Bring in Janice Brand.

23 (Inside the presence of Prospective Juror No. 111)

24 THE COURT: Ms. Brand is in Seat 12. Her badge  
25 number is 111. Ms. Brand, you can stay right there.

1 PROSPECTIVE JUROR NO. 111: Yes.

2 THE COURT: Ms. Brand, did you witness anything in  
3 the last court session while we were in session that you  
4 believe would affect your ability to be fair and impartial in  
5 this matter?

6 PROSPECTIVE JUROR NO. 111: No.

7 THE COURT: Okay. Thank you, Ms. Brand. Do not  
8 discuss what we discussed, okay.

9 PROSPECTIVE JUROR NO. 111: No, I won't.

10 THE COURT: All right.

11 (Outside the presence of Prospective Juror No. 111)

12 THE COURT: Desiree Sanchez.

13 (Inside the presence of Prospective Juror No. 120)

14 THE COURT: All right. This is Desiree Sanchez.  
15 She's Badge 120 in Seat 13. Ms. Sanchez, you can stay right  
16 there.

17 PROSPECTIVE JUROR NO. 120: Okay.

18 THE COURT: Ms. Sanchez, did you witness anything  
19 that happened during the last court session in court that you  
20 believe would affect your ability to be fair and impartial in  
21 this matter?

22 PROSPECTIVE JUROR NO. 120: No.

23 THE COURT: Okay. Thank you, Ms. Sanchez. Do not  
24 discuss anything we just talked about, okay.

25 PROSPECTIVE JUROR NO. 120: Okay.

1 THE COURT: All right.  
2 (Outside the presence of Prospective Juror No. 120)  
3 THE COURT: Cecilia Garcia.  
4 (Inside the presence of Prospective Juror No. 123)  
5 THE COURT: All right. This is Cecilia Garcia,  
6 Badge 123, Seat 14. Ms. Garcia, did you witness anything that  
7 occurred during the last court session that you believe would  
8 affect your ability to be fair and impartial in this matter?  
9 PROSPECTIVE JUROR NO. 123: No.  
10 THE COURT: Okay. Thank you. Okay.  
11 PROSPECTIVE JUROR NO. 123: Thanks.  
12 (Outside the presence of Prospective Juror No. 123)  
13 THE COURT: The next one, Sue Huff.  
14 (Inside the presence of Prospective Juror No. 389)  
15 THE COURT: All right. This is Sue Huff, Badge 389.  
16 She's seated in Seat 15. Ms. Huff, did you witness anything  
17 that occurred in the last court session while we were here in  
18 court --  
19 PROSPECTIVE JUROR NO. 389: No.  
20 THE COURT: -- that you believe -- nothing?  
21 PROSPECTIVE JUROR NO. 389: No.  
22 THE COURT: Okay. So you don't think anything that  
23 happened in here would affect your ability to be fair and  
24 impartial?  
25 PROSPECTIVE JUROR NO. 389: I don't know. It just

1 depends.

2 THE COURT: Okay. Now, where are we going with  
3 that? Tell me what you mean.

4 PROSPECTIVE JUROR NO. 389: It depends the evidence.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 389: If it's the truth --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 389: -- it affects.

9 THE COURT: So once again, the question is -- hinges  
10 on what you see the evidence to be and what you accept the  
11 evidence to be or not to be; is that right?

12 PROSPECTIVE JUROR NO. 389: Yes.

13 THE COURT: Okay. And then that's what you'll base  
14 your decision on?

15 PROSPECTIVE JUROR NO. 389: Yes.

16 THE COURT: Okay. All right. Thank you, Ms. Huff.  
17 All right.

18 (Outside the presence of Prospective Juror No. 389)

19 THE COURT: Mindy Lasiter.

20 (Inside the presence of Prospective Juror No. 349)

21 THE COURT: Okay. This is Mindy Lasiter, Badge 349.  
22 She's seated in Seat 16. Ms. Lasiter, did you witness  
23 anything that occurred in the last court session while we were  
24 in session that you believe would affect your ability to be  
25 fair and impartial in this matter?

1 PROSPECTIVE JUROR NO. 349: No.

2 THE COURT: All right. Thank you, Ms. Lasiter. Ms.

3 Lasiter, do not discuss this with anyone.

4 PROSPECTIVE JUROR NO. 349: Okay.

5 (Outside the presence of Prospective Juror No. 349)

6 THE COURT: The next one is Frederick Oliquiano.

7 (Inside the presence of Prospective Juror No. 145)

8 THE COURT: Okay. This is -- Mr. Oliquiano, can you

9 come up here and have a seat. Right up here. Just have a

10 seat in the front row. We're not picking on you or anything.

11 PROSPECTIVE JUROR NO. 145: Okay. Oliquiano.

12 THE COURT: Okay. This is Frederick -- how do you

13 pronounce your last name again?

14 PROSPECTIVE JUROR NO. 145: Oliquiano.

15 THE COURT: Oliquiano.

16 PROSPECTIVE JUROR NO. 145: "Quiano" like Keanu

17 Reeves. Oliquiano.

18 THE COURT: Oh, okay. All right. Oliquiano.

19 PROSPECTIVE JUROR NO. 145: Oliquiano. No "s".

20 THE COURT: Okay. Badge 145. He's seated in Seat

21 17. Mr. Oliquiano, aside from what you discussed with us

22 earlier, is there anything that you witnessed in the courtroom

23 that -- something occurred in the courtroom that you may have

24 saw that you believe may affect your ability to be fair and

25 impartial in this case?

1 PROSPECTIVE JUROR NO. 145: Well, it's -- it might  
2 have been just the different stories of other people, sad  
3 stories --

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 145: -- that made it like  
6 emotional to me.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 145: And like earlier, I said  
9 that I'm hesitant to talk about something personal because I  
10 really don't talk about it. But it's like everybody has  
11 already spoken about their inner self and I think I'm -- I'm  
12 also in that situation when the topic is about domestic  
13 violence. And just hearing that word affect me so much that  
14 it made me went back to my experiences when I was a kid.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 145: And that made me  
17 emotional and I was thinking I -- I guess I really need to  
18 share this. And when I was talking about it, it made me -- it  
19 hit me more because I'm trying to think of what was happening  
20 to me before when -- when I was telling it. And that's why I  
21 said I'm not sure if -- if during the time of our -- if -- if  
22 I will be picked as a juror that during that time I can be  
23 composed and not think about my personal experiences. And I  
24 know even if I say that I will not or I will try to be fair,  
25 but there's always going to be something in me personal that I

1 will -- you know, this thing happened to me, I don't want it  
2 to be -- to happen to other people, something like that. So  
3 in that case --

4 THE COURT: Okay. Was there anything other than  
5 that that you saw that occurred in the courtroom that you  
6 think would affect your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 145: I don't really remember.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 145: But it's just maybe  
10 hearing negative stories about the -- for the past few days of  
11 all the people around me that I never thought that it's really  
12 happened. But like maybe other people think about talking  
13 about what happened to me, also, that why could a mom do that  
14 to the kids and, yeah, that creeped up that thing.

15 THE COURT: So you're saying that because it's --  
16 it's so traumatic and has brought up some old memories, that  
17 even though you could probably tell me that you could be fair  
18 and impartial, you would still possibly have a bias in there  
19 based on what happened to you --

20 PROSPECTIVE JUROR NO. 145: My experience.

21 THE COURT: -- if you were to hear something that  
22 was consistent with that here?

23 PROSPECTIVE JUROR NO. 145: Yes.

24 THE COURT: Is that -- is that correct?

25 PROSPECTIVE JUROR NO. 145: Yes, kind of.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 145: Because like just like  
3 what I said earlier, like up until now even my sister tells me  
4 to let go. I cannot let it go what happened to me when I was  
5 a kid. I just tried to, you know, do my part and still be a  
6 good son and sending them money and trying to take care of my  
7 -- some of my nephews. And I just think that's the right  
8 thing to do.

9 THE COURT: Okay. Do you have any questions?

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

11 THE COURT: You don't have any questions, do you?

12 MS. RADOSTA: No.

13 THE COURT: Okay. Sir, I'm going to have you go  
14 back out in the hall, and we're going to bring in the next  
15 juror, okay.

16 PROSPECTIVE JUROR NO. 145: Okay.

17 THE COURT: Thank you.

18 (Outside the presence of Prospective Juror No. 145)

19 THE COURT: Ed, before you do that, before you bring  
20 anybody in -- go ahead. Will you guys approach.

21 (Off-record bench conference)

22 THE COURT: All right. Ed, do you want to bring in  
23 the next juror. It would be Edwards Wells-Thompson.

24 (Inside the presence of Prospective Juror No. 152)

25 THE COURT: Mr. Thompson, if you can wait right

1 there. And this is Edwards Wells-Thompson, Badge 152. He's  
2 seated in Seat 18. Mr. Thompson, did you witness anything  
3 that occurred during the last session that we were in that you  
4 believe would affect your ability to be fair and impartial in  
5 this matter?

6 PROSPECTIVE JUROR NO. 152: No, sir.

7 THE COURT: All right. Thank you, Mr. Thompson.

8 (Outside the presence of Prospective Juror No. 152)

9 THE COURT: Can you bring in Tanisha Turner.

10 (Inside the presence of Prospective Juror No. 153)

11 THE COURT: Ms. Turner, can you come up here. Okay.  
12 Just go ahead and have a seat. Relax. You're not in the hot  
13 seat or anything, okay.

14 PROSPECTIVE JUROR NO. 153: Okay.

15 THE COURT: Ms. Turner is Badge 153. She's seated  
16 in Seat 19. Ms. Turner, in the last session before we took  
17 our break, in that time frame, you had shown some compassion  
18 to -- to one of our potential jurors. With that in mind, can  
19 you tell us a little bit about what you were thinking?

20 PROSPECTIVE JUROR NO. 153: I just know it was hard  
21 for her to speak about it because she had never openly talked  
22 about it. So that was just like, oh, have some -- you know, I  
23 wanted to just hug her and let her know it was okay, she was  
24 in a safe place.

25 THE COURT: Okay. Is there anything about what you

1 heard her say? I mean, because, I mean, you showed that you  
2 were -- you were showing her some human kindness there, but  
3 was there anything about what you she was saying you think  
4 would -- as her and her experiences that you think would  
5 affect your ability to be fair and impartial to judge the  
6 facts in this case?

7 PROSPECTIVE JUROR NO. 153: No.

8 THE COURT: Okay. Are you able to set aside what --  
9 I mean, obviously, it was something that -- that drew your  
10 attention. You showed some emotion for her. Is there any --  
11 is that something -- is that something that you think would  
12 play in your part if you were here deciding this case?

13 PROSPECTIVE JUROR NO. 153: No. It's hard to say.  
14 Like I know I can't run and give somebody a hug. I'm a  
15 hugger, so --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 153: -- that's just naturally  
18 kind of what I do.

19 THE COURT: Uh-huh.

20 PROSPECTIVE JUROR NO. 153: But it's just -- I don't  
21 know. I've been spending a lot of time with her. Like she's  
22 my juror buddy, so --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 153: -- it's just -- she was  
25 just different.

1 THE COURT: Okay. So your answer would be that --  
2 that -- I mean, now that you've become friends with her, let's  
3 say you do make it to this jury and -- and you're -- for  
4 purposes of this you're going to hear she's been excused.

5 PROSPECTIVE JUROR NO. 153: Yes.

6 THE COURT: Okay. Would you hold that against  
7 either one of the parties, the defendant or the State in this  
8 case because now your jury buddy has been excused?

9 PROSPECTIVE JUROR NO. 153: No.

10 THE COURT: Okay. Is there anything at all that you  
11 think that what you heard there that invoked your response  
12 that -- that you think we should know about?

13 PROSPECTIVE JUROR NO. 153: No.

14 THE COURT: Okay. And you can -- you can set that  
15 aside and the feelings that you -- that it created with you  
16 right there in this -- in this instance in order to be -- to  
17 judge these facts, could hold the State to their burden?

18 PROSPECTIVE JUROR NO. 153: Yes.

19 THE COURT: Okay. Do you have any questions?

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

21 THE COURT: Do you have any questions?

22 MS. RADOSTA: Yes.

23 THE COURT: Okay.

24 MS. RADOSTA: So you're -- you're telling us that  
25 Ms. Finkelstein is your jury buddy. Did you become friendly

1 with her on the first day or yesterday?

2 PROSPECTIVE JUROR NO. 153: The first day.

3 MS. RADOSTA: And have you -- did you guys go to  
4 lunch together on any of the days?

5 PROSPECTIVE JUROR NO. 153: Yeah, all three days we  
6 went to lunch. Well, each day that we've been here.

7 MS. RADOSTA: Okay. You have to count. Has it been  
8 three? Actually, only two lunches so far.

9 THE COURT: It seems like a month. Go ahead. I'm  
10 sorry.

11 MS. RADOSTA: That's all right, Judge.

12 Did you and Ms. Finkelstein ever discuss her  
13 personal experience that she referenced today in court outside  
14 of court?

15 PROSPECTIVE JUROR NO. 153: No, we didn't. And she  
16 mentioned it yesterday. I didn't bring it up because that  
17 wasn't my place to pry into her business.

18 MS. RADOSTA: Okay. Given the fact that she is your  
19 jury buddy and she got upset today here in court, did you feel  
20 that there was truth behind what she was saying?

21 PROSPECTIVE JUROR NO. 153: Yeah.

22 MS. RADOSTA: Okay. If you were to be picked for  
23 this jury and you heard a similar accusation from somebody in  
24 this case, would your friendship with Ms. Finkelstein have any  
25 effect on your evaluating someone else's?

1 PROSPECTIVE JUROR NO. 153: No, because we don't  
2 have a friendship. We just met here.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 153: And we don't have each  
5 other's number, so, no, it -- what took place with her is  
6 personally with her. It wouldn't affect me and how I would  
7 look at this case.

8 MS. RADOSTA: You haven't, aside from not having her  
9 number, no social media or anything like that?

10 PROSPECTIVE JUROR NO. 153: No.

11 MS. RADOSTA: You indicated earlier that you're just  
12 naturally a hugger, and -- and somebody that wants to show  
13 that you're caring and compassionate. If there is -- if there  
14 are witnesses that are testifying that are emotional, are you  
15 going to -- is that going to affect you?

16 PROSPECTIVE JUROR NO. 153: It wouldn't affect me to  
17 where I want to run to them and give them a hug, but I'm also  
18 a crier so I might tear up.

19 MS. RADOSTA: Uh-huh.

20 PROSPECTIVE JUROR NO. 153: But, yeah, that's about  
21 it.

22 MS. RADOSTA: Okay. What about if they are crying  
23 in response to or getting upset in any way, shape, or form in  
24 response to questions that myself or Mr. Negrete are asking,  
25 would you hold that against us?

1           PROSPECTIVE JUROR NO. 153: No. And I just want to  
2 clarify because some people cry out of anger, some cry for  
3 sadness. People cry for different reasons, so that wouldn't  
4 have anything to do with you two.

5           MS. RADOSTA: Okay. Nothing further, Judge.

6           THE COURT: All right. Ms. Turner, do not discuss  
7 what we just discussed with anyone outside the courtroom,  
8 okay.

9           PROSPECTIVE JUROR NO. 153: Okay.

10          THE COURT: So go ahead and go back outside the  
11 courtroom. Hand the mic to my -- my marshal. I appreciate  
12 that. Thank you.

13          (Outside the presence of Prospective Juror No. 153)

14          THE COURT: Can you bring in Mr. Finn.

15          (Inside the presence of Prospective Juror No. 154)

16          THE COURT: All right. This is Mark Finn. He's  
17 Badge 154. He's seated in Seat 20. Mr. Finn, did you witness  
18 anything that occurred during the last court session that you  
19 believe would affect your ability to be fair and impartial in  
20 this matter?

21          PROSPECTIVE JUROR NO. 154: No, Your Honor.

22          THE COURT: All right. Mr. Finn, thank you so much.  
23 Do not discuss what we discussed with anyone else outside the  
24 courthouse and courtroom, okay.

25          PROSPECTIVE JUROR NO. 154: Yes, Your Honor.

1 (Outside the presence of Prospective Juror No. 154)

2 THE COURT: All right. Can you bring in Joseph  
3 Riggins.

4 (Inside the presence of Prospective Juror No. 394)

5 THE COURT: All right. This is Joseph Riggins.  
6 He's Badge 394. He's seated in Seat 21. Mr. Riggins, during  
7 the last court session when we were here in session, did you  
8 witness anything that you believe would affect your ability to  
9 be fair and impartial in this matter?

10 PROSPECTIVE JUROR NO. 394: No.

11 THE COURT: All right. Thank you, Mr. Riggins. Do  
12 not discuss what we just discussed in here with anyone, okay.

13 PROSPECTIVE JUROR NO. 394: Okay. All right.

14 (Outside the presence of Prospective Juror No. 394)

15 THE COURT: Sally Johnson.

16 (Inside the presence of Prospective Juror No. 396)

17 THE COURT: All right. This is Sally Johnson, Badge  
18 396. She's seated in Seat 22. Ms. Johnson, did you witness  
19 anything that occurred in the last session that we were in  
20 court here that you believe would affect your ability to be  
21 fair and impartial in this matter?

22 PROSPECTIVE JUROR NO. 396: No.

23 THE COURT: All right. Thank you, Ms. Johnson. Ms.  
24 Johnson, do not discuss anything that we just discussed here  
25 with anyone else, okay.

1 PROSPECTIVE JUROR NO. 396: Okay.

2 THE COURT: All right.

3 (Outside the presence of Prospective Juror No. 396)

4 THE COURT: Raul Sotelo.

5 (Inside the presence of Prospective Juror No. 401)

6 THE COURT: All right. This is Raul Sotelo. He's  
7 Badge 401. He's seated in Seat 23. Mr. Sotelo, during the  
8 last court session when we were here in court, did you witness  
9 anything that you believe would affect your ability to be fair  
10 and impartial in this matter?

11 PROSPECTIVE JUROR NO. 401: No.

12 THE COURT: All right. Thank you, Mr. Sotelo. Mr.  
13 Sotelo, do not discuss anything that we just discussed in  
14 here, okay.

15 PROSPECTIVE JUROR NO. 401: Okay.

16 (Outside the presence of Prospective Juror No. 401)

17 THE COURT: Brandy Gall.

18 (Inside the presence of Prospective Juror No. 180)

19 THE COURT: This is Brandy Gall, Badge 180, seated  
20 in Seat 24. Mr. Gall, did you witness anything that occurred  
21 in the last session while we were in court here that would  
22 affect your ability to be fair and impartial in this matter?

23 PROSPECTIVE JUROR NO. 180: No.

24 THE COURT: All right. Mr. Gall, thank you very  
25 much. Do not discuss what we just discussed outside the

1 courtroom, okay.

2 (Outside the presence of Prospective Juror No. 180)

3 THE COURT: Brian Wohletz.

4 (Inside the presence of Prospective Juror No. 190)

5 THE COURT: Mr. Wohletz is Badge 190. He's seated  
6 in Seat 26. Mr. Wohletz, did you witness anything that  
7 occurred in the courtroom during the last court session that  
8 you believe would affect your ability to be fair and impartial  
9 int his matter?

10 PROSPECTIVE JUROR NO. 190: No.

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

12 (Outside the presence of Prospective Juror No. 190)

13 THE COURT: Would you bring in Chase Albright, Badge  
14 375.

15 (Inside the presence of Prospective Juror No. 375)

16 THE COURT: All right. This is Chase Albright,  
17 Badge 375. He's seated in Seat 27. Mr. Albright, did you  
18 witness anything during the last court proceeding while we  
19 were here in court that you believe would affect your ability  
20 to be fair and impartial in this matter?

21 PROSPECTIVE JUROR NO. 375: No, not at all.

22 THE COURT: All right. Thank you, Mr. Albright.

23 PROSPECTIVE JUROR NO. 375: You're welcome.

24 THE COURT: Do not discuss anything that we  
25 discussed here today, okay.

1 PROSPECTIVE JUROR NO. 375: Of course not.  
2 (Outside the presence of Prospective Juror No. 375)  
3 THE COURT: Ed, bring in Aundrea Cornwell.  
4 (Inside the presence of Prospective Juror No. 245)  
5 THE COURT: Okay. This is Aundrea Cornwell, Badge  
6 245. She's seated in Seat 28. Ms. Cornwell, did you witness  
7 anything that occurred during the court session while we were  
8 here in Court that you believe would affect your ability to be  
9 fair and impartial in this matter?  
10 PROSPECTIVE JUROR NO. 245: No.  
11 THE COURT: Okay. Thank you, Ms. Cornwell.  
12 (Outside the presence of Prospective Juror No. 245)  
13 THE COURT: Tylor Johnson-George.  
14 (Inside the presence of Prospective Juror No. 252)  
15 THE COURT: All right. This is Tylor  
16 Johnson-George, Badge 252 in Seat 29. Mr. George, did you  
17 witness anything during the last court session while we were  
18 here in court that you believe would affect your ability to be  
19 fair and impartial in this matter?  
20 PROSPECTIVE JUROR NO. 252: No.  
21 THE COURT: All right. Thank you, Mr. George. Mr.  
22 George, do not discuss anything we just discussed, okay.  
23 PROSPECTIVE JUROR NO. 252: Okay.  
24 THE COURT: All right.  
25 (Outside the presence of Prospective Juror No. 252)

1 THE COURT: James Drosdahl.  
2 (Inside the presence of Prospective Juror No. 255)  
3 THE COURT: All right. This is James Drosdahl,  
4 Badge 255, Seat 30. Mr. Drosdahl, did you witness anything  
5 while we were in court session last -- while we were here in  
6 court that you believe would affect your ability to be fair  
7 and impartial in this matter?  
8 PROSPECTIVE JUROR NO. 255: No, sir.  
9 THE COURT: All right. Thank you, Mr. Drosdahl.  
10 Mr. Drosdahl, do not discuss anything we just discussed with  
11 anyone, okay.  
12 PROSPECTIVE JUROR NO. 255: Yes, sir.  
13 THE COURT: All right. Thank you.  
14 PROSPECTIVE JUROR NO. 255: You're welcome.  
15 (Outside the presence of Prospective Juror No. 255)  
16 THE COURT: Daniel Rosenfield.  
17 (Inside the presence of Prospective Juror No. 256)  
18 THE COURT: Mr. Rosenfield is Badge 256. He's  
19 seated in Seat 31. Mr. Rosenfield, during the last court  
20 session while we were here in court, did you witness anything  
21 that you believe would affect your ability to be fair and  
22 impartial in this matter?  
23 PROSPECTIVE JUROR NO. 256: No.  
24 THE COURT: All right. Thank you, Mr. Rosenfield.  
25 (Outside the presence of Prospective Juror No. 256)

1 THE COURT: Dick Delbarrio. He may need the  
2 headset, okay.

3 (Inside the presence of Prospective Juror No. 257)

4 THE COURT: Okay. Can you hear me okay?

5 PROSPECTIVE JUROR NO. 257: Yeah.

6 THE COURT: All right. This is Dick Delbarrio,  
7 Badge 257. He's seated in Seat 32. Mr. Delbarrio, while we  
8 were in session last in the court here today, did you witness  
9 anything you believe that would affect your ability to be fair  
10 and impartial in this matter?

11 PROSPECTIVE JUROR NO. 257: No.

12 THE COURT: Okay. Thank you, Mr. Delbarrio. Mr.  
13 Delbarrio, do not discuss any of this with anyone outside the  
14 courthouse, okay.

15 PROSPECTIVE JUROR NO. 257: Okay.

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

17 (Outside the presence of Prospective Juror No. 257)

18 THE COURT: Tek Neopaney.

19 (Inside the presence of Prospective Juror No. 383)

20 THE COURT: Okay. This is Tek Neopaney, Badge 383.  
21 He's seated in Seat 33. Mr. Neopaney, during the last court  
22 session while we were here in court, did you witness anything,  
23 see anything that you think would affect your ability to be  
24 fair and impartial in this matter?

25 PROSPECTIVE JUROR NO. 383: No.

1 THE COURT: Okay. Thank you, Mr. Neopanay. Mr.  
2 Neopanay, do not discuss any of this with your fellow jurors,  
3 okay.

4 PROSPECTIVE JUROR NO. 383: Okay.

5 THE COURT: All right.

6 (Outside the presence of Prospective Juror No. 383)

7 THE COURT: All right. Next Cindy Lamar.

8 (Inside the presence of Prospective Juror No. 292)

9 THE COURT: Ms. Lamar is Badge 292. Ms. Lamar is  
10 seated in Seat 34. Ms. Lamar, during the last court session  
11 while we were here in court, did you witness anything, see  
12 anything that you believe would affect your ability to be fair  
13 and impartial in this matter?

14 PROSPECTIVE JUROR NO. 292: No.

15 THE COURT: All right. Ms. Lamar, thank you. Do  
16 not discuss this with any of your fellow jurors or anyone  
17 else, okay.

18 PROSPECTIVE JUROR NO. 292: Okay.

19 (Outside the presence of Prospective Juror No. 292)

20 THE COURT: Ed, the next one would be Marcy  
21 Escalante.

22 Get a chance to wake them back up.

23 MS. RADOSTA: What was that?

24 THE COURT: I said a good chance to wake them up.

25 (Inside the presence of Prospective Juror No. 474)

1           THE COURT: All right. This is Marcy Escalante.  
2 She's Badge 474. She's part of the jury venire. Ms.  
3 Escalante, during the last proceedings while we were here in  
4 court, did you witness anything or see anything that you  
5 believe would affect your ability to be fair and impartial in  
6 this matter?

7           PROSPECTIVE JUROR NO. 474: No.

8           THE COURT: Okay. All right. Ms. Escalante, thank  
9 you so much. Do not discuss any of this with anyone else  
10 outside the courtroom, okay. All right.

11           (Outside the presence of Prospective Juror No. 474)

12           THE COURT: David Tonan.

13           (Inside the presence of Prospective Juror No. 479)

14           THE COURT: All right. This is Juror -- Prospective  
15 Juror David Tonan. He's Badge 479. Mr. Tonan, during the  
16 last proceedings while we were here in court, did you witness  
17 anything, see anything that happened in the courtroom that you  
18 believe would affect your ability to be fair and impartial in  
19 this matter?

20           PROSPECTIVE JUROR NO. 479: I don't think so, no.

21           THE COURT: Okay. You said you don't think so.

22           PROSPECTIVE JUROR NO. 479: No. No.

23           THE COURT: No? Okay. Mr. Tonan, do not discuss  
24 any of this with any of the other members or anyone outside  
25 the courtroom, okay.

1 PROSPECTIVE JUROR NO. 479: Okay.

2 THE COURT: All right. Thank you.

3 (Outside the presence of Prospective Juror No. 479)

4 THE COURT: Call in John Sasser, Badge 499.

5 (Inside the presence of Prospective Juror No. 499)

6 THE COURT: All right. This is John Sasser, Badge

7 499. Mr. Sasser, while we were in session last in the

8 courtroom here, did you witness anything that occurred in the

9 courtroom that you believe would affect your ability to be

10 fair and impartial in this matter?

11 PROSPECTIVE JUROR NO. 499: No.

12 THE COURT: All right. Mr. Sasser, thank you. Do

13 not discuss any of this with any of the individuals outside

14 the courtroom here, okay. All right. Thank you.

15 (Outside the presence of Prospective Juror No. 499)

16 THE COURT: The next one is Daniel Powers.

17 (Inside the presence of Prospective Juror No. 519)

18 THE COURT: All right. This is Daniel Powers, Badge

19 519. Mr. Powers, during the last court session while we were

20 in session in the courtroom here, did you witness anything

21 that occurred in the courtroom that you believe would affect

22 your ability to be fair and impartial in this matter?

23 PROSPECTIVE JUROR NO. 519: No.

24 THE COURT: Okay. You kind of hesitated. What is --

25 PROSPECTIVE JUROR NO. 519: There was somebody that

1 come in the room over here, but it was just -- it was nothing  
2 to do with the court.

3 THE COURT: Okay. So nothing that you think would  
4 affect your ability if you were chosen as a juror to be fair  
5 and impartial?

6 PROSPECTIVE JUROR NO. 519: No.

7 THE COURT: All right. Thank you, Mr. Powers. Mr.  
8 Powers, do not discuss your -- what I discussed with you with  
9 anyone else, okay.

10 (Outside the presence of Prospective Juror No. 519)

11 THE COURT: Bernard Faller.

12 MS. RADOSTA: And just for the record, Your Honor,  
13 when Mr. -- our last juror, Mr. Faller, indicated somebody  
14 moved over here --

15 THE COURT: It was Mr. Powers.

16 MS. RADOSTA: I'm sorry. Mr. Powers.

17 THE COURT: Uh-huh.

18 MS. RADOSTA: When he said somebody moved over here,  
19 he was gesturing over towards the left-hand side of the  
20 courtroom.

21 THE COURT: Okay.

22 MS. RADOSTA: Over kind of near -- just because he  
23 said over here, and it's not on the record, so --

24 THE COURT: Okay. Oh, okay. I got you.

25 MS. RADOSTA: Is that -- is that what --

1           THE COURT: I understand.

2           MS. RADOSTA: -- the Court saw, as well? He just  
3 moved his left hand?

4           THE COURT: Yeah, he used his left hand and went  
5 like that. Okay.

6           (Inside the presence of Prospective Juror No. 521)

7           THE COURT: All right. So this is Bernard Faller,  
8 Badge 521. Mr. Faller, did you witness anything during the  
9 last court proceeding when we were here in court that you  
10 believe -- see anything that you believe would affect your  
11 ability to be fair and impartial in this matter?

12          PROSPECTIVE JUROR NO. 521: No.

13          THE COURT: Okay. Mr. Faller, I'm going to ask that  
14 you do not discuss this with anyone outside the courtroom  
15 here, okay.

16          PROSPECTIVE JUROR NO. 521: Okay.

17          THE COURT: All right. Thank you.

18          (Outside the presence of Prospective Juror No. 521)

19          THE COURT: Gregory McGhee.

20          (Inside the presence of Prospective Juror No. 522)

21          THE COURT: All right. This is Gregory McGhee,  
22 Badge 522. Mr. McGhee, during the last court proceeding while  
23 we were in court here today, did you witness anything that  
24 occurred in the courtroom that you think would affect your  
25 ability to be fair and impartial in this matter?

1 PROSPECTIVE JUROR NO. 522: No.

2 THE COURT: Okay. Thank you, Mr. McGhee. Mr.  
3 McGhee, I'm going to ask that you not discuss this with anyone  
4 outside the courtroom, okay.

5 PROSPECTIVE JUROR NO. 522: Okay.

6 THE COURT: All right. Thank you.

7 (Outside the presence of Prospective Juror No. 522)

8 THE COURT: Elizabeth Ortega.

9 (Inside the presence of Prospective Juror No. 529)

10 THE COURT: All right. This is Elizabeth Ortega,  
11 Badge 529. Ms. Ortega, during the last court proceedings  
12 while we were here in court today, did you witness anything  
13 that you believe would affect your ability to be fair and  
14 impartial in this matter?

15 PROSPECTIVE JUROR NO. 529: No.

16 THE COURT: All right. Thank you, Ms. Ortega. Ms.  
17 Ortega, I'm going to ask that you not discuss this with anyone  
18 outside the courtroom, okay.

19 (Outside the presence of Prospective Juror No. 529)

20 THE COURT: Then we have Marilyn Muro.

21 (Inside the presence of Prospective Juror No. 539)

22 THE COURT: All right. This is Marilyn Muro, Badge  
23 539. Ms. Muro, during the last court proceeding while we were  
24 in court here today, did you witness anything during that  
25 proceeding that you believe would affect your ability to be

1 fair and impartial in this matter?

2 PROSPECTIVE JUROR NO. 539: No.

3 THE COURT: All right. Thank you, Ms. Muro. Mr.  
4 Muro, do not discuss this with anyone outside the courtroom  
5 here, okay. All right.

6 (Outside the presence of Prospective Juror No. 539)

7 THE COURT: James Hampshire, Ed.

8 (Inside the presence of Prospective Juror No. 540)

9 THE COURT: This is James Hampshire, Badge 540. Mr.  
10 Hampshire, during the court proceeding here today previously,  
11 was there anything that you witnessed that you believe would  
12 affect your ability to be fair and impartial in this matter?

13 PROSPECTIVE JUROR NO. 540: No.

14 THE COURT: Okay. All right. Thank you, Mr.  
15 Hampshire. Mr. Hampshire, I'm going to ask that you not  
16 discuss what we just discussed with any of the other parties  
17 or anyone else, okay. All right. Thank you.

18 (Outside the presence of Prospective Juror No. 540)

19 THE COURT: Okay. April Ruelas.

20 (Inside the presence of Prospective Juror No. 559)

21 THE COURT: All right. This is April Ruiz.

22 PROSPECTIVE JUROR NO. 559: Ruelas.

23 THE COURT: Ruelas?

24 PROSPECTIVE JUROR NO. 559: Yeah.

25 THE COURT: Okay. I'm sorry.

1 PROSPECTIVE JUROR NO. 559: It's okay.

2 THE COURT: Badge 559. Ms. Ruelas, during the last  
3 court proceeding while we've been here in court, did you  
4 witness anything that occurred in the courtroom that you  
5 believe would affect your ability to be fair and impartial in  
6 this matter?

7 PROSPECTIVE JUROR NO. 559: No.

8 THE COURT: All right. Thank you, Ms. Ruelas. When  
9 you go out, do not discuss it with anyone.

10 PROSPECTIVE JUROR NO. 559: Okay.

11 THE COURT: Okay. All right.

12 (Outside the presence of Prospective Juror No. 559)

13 THE COURT: Duayne Hoolapa.

14 (Inside the presence of Prospective Juror No. 560)

15 THE COURT: All right. This is Duayne Hoolapa,  
16 Badge 560. Mr. Hoolapa, during the last court proceeding  
17 while we've been here in session, did you witness anything  
18 that occurred in the courtroom that you believe would affect  
19 your ability to be fair and impartial in this matter?

20 PROSPECTIVE JUROR NO. 560: I don't believe so, sir.

21 THE COURT: Okay. You kind of hesitated, so --

22 PROSPECTIVE JUROR NO. 560: No, I'm just trying to  
23 think of what you might be referring to, but I don't recall  
24 anything that --

25 THE COURT: Okay. Okay. So nothing that you saw or

1 happened in here you think would affect you?

2 PROSPECTIVE JUROR NO. 560: No. I felt sorry for  
3 the young lady that -- that, you know, she broke down, but --

4 THE COURT: Okay. Okay. So with regards to that,  
5 is there -- is there anything about what you witnessed with  
6 that that you think would -- would affect you if you were  
7 asked to decide the facts in this case?

8 PROSPECTIVE JUROR NO. 560: No, sir. I don't think  
9 so.

10 THE COURT: Okay. Mr. Hoolapa, thank you so much.

11 PROSPECTIVE JUROR NO. 560: Yes, sir.

12 THE COURT: Do not discuss this with anyone outside  
13 of the courtroom, okay.

14 PROSPECTIVE JUROR NO. 560: Yes, sir.

15 THE COURT: All right.

16 (Outside the presence of Prospective Juror No. 560)

17 THE COURT: Frank Fragale.

18 (Inside the presence of Prospective Juror No. 561)

19 THE COURT: This is Frank Fragale.

20 PROSPECTIVE JUROR NO. 561: Yes, sir.

21 THE COURT: Badge 561. Mr. Fragale, during the  
22 court proceedings today while we've been in session here, did  
23 you witness anything that occurred in the courtroom that you  
24 believe would affect your ability to be fair and impartial in  
25 this matter?

1 PROSPECTIVE JUROR NO. 561: No.  
2 THE COURT: All right. Mr. Fragale, thank you so  
3 much.  
4 PROSPECTIVE JUROR NO. 561: Okay.  
5 THE COURT: Do not discuss this with anyone.  
6 PROSPECTIVE JUROR NO. 561: Okay.  
7 THE COURT: Okay.  
8 (Outside the presence of Prospective Juror No. 561)  
9 THE COURT: Adonis Kittredge.  
10 (Inside the presence of Prospective Juror No. 572)  
11 THE COURT: All right. This is Adonis Kittredge,  
12 Badge 572. Mr. Kittredge, during the court proceeding while  
13 we've been in session here, did you witness anything that  
14 occurred in the courtroom that you think would affect your  
15 ability to be fair and impartial in this matter?  
16 PROSPECTIVE JUROR NO. 572: No.  
17 THE COURT: Okay. I'm going to ask that you not  
18 discuss this with anyone else. Is there anything else?  
19 PROSPECTIVE JUROR NO. 572: No. I thought we were  
20 getting free coffee or something.  
21 THE COURT: Okay. Okay.  
22 (Outside the presence of Prospective Juror No. 572)  
23 THE COURT: Guadalupe Venzor.  
24 (Inside the presence of Prospective Juror No. 575)  
25 THE COURT: Okay. This is Guadalupe Venzor, Badge

1 575.

2 PROSPECTIVE JUROR NO. 575: Yes, Your Honor.

3 THE COURT: Ms. Venzor, during the court session  
4 while we've been in court here, did you witness anything or  
5 see anything that occurred in the courtroom that you think  
6 would affect your ability to be fair and impartial in this  
7 matter?

8 PROSPECTIVE JUROR NO. 575: No.

9 THE COURT: All right. Ms. Venzor, I'm going to ask  
10 that you not discuss this with anyone else. Thank you. Okay.

11 (Outside the presence of Prospective Juror No. 575)

12 THE COURT: The next one Leigh Swayze.

13 (Inside the presence of Prospective Juror No. 581)

14 THE COURT: All right. This is Juror Leigh Swayze,  
15 Badge 581. Ms. Swayze, during the court session while we've  
16 been in court here, did you witness anything that occurred in  
17 the courtroom that you believe would affect your ability to be  
18 fair and impartial in this matter?

19 PROSPECTIVE JUROR NO. 581: No.

20 THE COURT: All right. Thank you, Ms. Swayze. Ms.  
21 Swayze, I'm going to ask that you not discuss this with  
22 anyone, okay.

23 (Outside the presence of Prospective Juror No. 581)

24 THE COURT: And the last one is Barber, Charles  
25 Barber.

1 MS. SUDANO: We have Mr. Alkokabani, too.  
2 MS. RADOSTA: The gentleman who came in late --  
3 THE COURT: Oh, yeah, yeah, yeah, yeah.  
4 MS. RADOSTA: -- and ended up at the end.  
5 THE COURT: You're right.  
6 THE CLERK: Oh, I apologize. Yes.  
7 THE COURT: I have to go back to that guy.  
8 THE CLERK: Alkokabani.  
9 (Inside the presence of Prospective Juror No. 609)  
10 THE COURT: All right. This is Charles Barber,  
11 Badge 609. Mr. Barber -- oh, I'm sorry. He needs the  
12 headset. Okay. Once again, this is Charles Barber. Mr.  
13 Barber, can you hear me?  
14 PROSPECTIVE JUROR NO. 609: Yes.  
15 THE COURT: All right. He's Badge 609. Mr. Barber,  
16 while we've been in session here in court, did you witness  
17 anything that you believe would affect your ability to be fair  
18 and impartial in this matter?  
19 PROSPECTIVE JUROR NO. 609: No, sir.  
20 THE COURT: Okay. Mr. Barber, thank you so much.  
21 I'm going to ask that you not discuss what we discussed with  
22 anyone, okay. All right. Thank you.  
23 (Outside the presence of Prospective Juror No. 609)  
24 THE COURT: And what's the next one?  
25 THE CLERK: Alkokabani, he's Badge No. 142. Mohamed

1 Alkokabani.

2 THE COURT: Okay. Ed, I need Badge 1 --

3 THE CLERK: 42.

4 THE COURT: -- 42.

5 THE MARSHAL: Okay.

6 THE COURT: It's Mohamed Alkokabani.

7 THE MARSHAL: Okay.

8 (Inside the presence of Prospective Juror No. 142)

9 THE COURT: All right. This is Mohamed Alkokabani,  
10 This is Badge 142. Mr. Alkokabani, did you witness anything  
11 that happened in the courtroom here during the proceedings  
12 while we were in session that you believe would affect your  
13 ability to be fair and impartial in this matter?

14 PROSPECTIVE JUROR NO. 142: No, Your Honor.

15 THE COURT: Okay. Mr. Alkokabani, I appreciate  
16 that. I'm going to ask that you not discuss this with anyone.

17 PROSPECTIVE JUROR NO. 142: Yes, Your Honor.

18 THE COURT: We can -- I'll go ahead and have you go  
19 back out in the hall, okay, and then we'll come get you.

20 PROSPECTIVE JUROR NO. 142: Okay.

21 THE COURT: All right.

22 (Outside the presence of Prospective Juror No. 142)

23 THE COURT: All right. We're outside the presence  
24 of the jury in totality. With what was represented, State, do  
25 you have any challenges based on what was represented at least

1 to the panel group here?

2 MS. SUDANO: They're not challenges from us, but I  
3 don't think we're going to have objections to some of the  
4 challenges if the --

5 THE COURT: Okay.

6 MS. SUDANO: -- defense raises them.

7 THE COURT: Well, what about you, Ms. Radosta?

8 MS. RADOSTA: We are making a cause for challenge  
9 for Ms. Rice --

10 THE COURT: Okay.

11 MS. RADOSTA: -- which is Badge 062.

12 THE COURT: Okay.

13 MS. RADOSTA: Mr. Diaz, who is Badge 455.

14 THE COURT: Okay.

15 MS. RADOSTA: And Ms. -- oh, yeah, Mr. Farrell --

16 THE COURT: Okay.

17 MS. RADOSTA: -- 094. And then we are also making a  
18 -- oh, yeah, 145, Mr. Oliquiano.

19 THE COURT: Okay.

20 MS. RADOSTA: And then Ms. Turner, 153.

21 THE COURT: What's your basis for Ms. Turner?

22 MS. RADOSTA: The -- I appreciated her answers to  
23 the questions, Your Honor, but the actions in and of  
24 themselves I think identified her as somebody that -- Court's  
25 indulgence for just a second. She -- she did, in her

1 statements to us, Your Honor, she felt that there was truth to  
2 what Ms. Finkelstein was saying, just the -- just the  
3 statement in and of itself, which as I stated earlier, Your  
4 Honor, the accusation that Ms. -- I'm sorry, not accusation,  
5 the statement that Ms. Finkelstein made in court about what  
6 happened to her, that it was a stepfather, it happened to her  
7 between the ages of, I believe on her questionnaire she said  
8 10 and 13, in court she said 11 and 12, she didn't tell for a  
9 lot of years. She felt too scared to tell. These were things  
10 that Ms. Finkelstein said in court today, and Ms. Turner took  
11 her at face value and --

12 THE COURT: Well, I did, as well, because we swear  
13 them all in.

14 MS. RADOSTA: Fair enough.

15 THE COURT: And I would hope that everyone that's  
16 talking to me is telling me the truth.

17 MS. RADOSTA: But in a court of law, for the sake of  
18 argument, just because a witness gets on the stand and says  
19 something does not necessarily mean that they are taken at  
20 face value. Our job as defense counsel, and if we put up  
21 witnesses, the State's job is to challenge just bald  
22 accusations without anything behind them.

23 And, honestly, even if there is something behind  
24 them, if there is physical or any other type of evidence, we  
25 still, it is our job to challenge it. Her just natural

1 inclination to believe someone on its face of an accusation  
2 that is so very similar to what is the main accusation in this  
3 case of which there is no video evidence, there is no physical  
4 evidence, there is nothing beyond the accusation of Anita  
5 other than her words I think calls into question the ability  
6 of Ms. Turner to be fair and impartial, her actions of  
7 naturally believing Ms. Finkelstein without any thought at all  
8 that maybe it hadn't happened to her. Primarily most likely  
9 based on the emotional reaction of Ms. Finkelstein, but we've  
10 all seen witnesses in court that also have emotional  
11 reactions.

12 THE COURT: Okay.

13 MS. RADOSTA: So with that, that's my objection to  
14 Ms. Turner.

15 THE COURT: All right. Ms. Sudano, Mr. Sweetin,  
16 let's go with Ericka Rice.

17 MS. SUDANO: No objection.

18 THE COURT: Okay. Mr. Diaz.

19 MS. SUDANO: No objection.

20 THE COURT: Mr. Farrell.

21 MS. SUDANO: No objection.

22 THE COURT: Mr. Oliquiano.

23 MS. SUDANO: No objection.

24 THE COURT: Ms. Turner.

25 MS. SUDANO: Ms. Turner was incredibly sincere and

1 forthcoming with Your Honor when she was answering the  
2 questions. She indicated she spent some time with Ms.  
3 Finkelstein during the court proceedings. She felt for her,  
4 she had a compassionate reaction to seeing Ms. Finkelstein  
5 upset, but she has not indicated anything that would warrant a  
6 for cause challenge at this point.

7 She indicated that she could be fair and impartial.  
8 She indicated that even though she's an emotional person, that  
9 would not affect her ability to weigh the evidence in this  
10 case, and I don't believe that there's any basis under any of  
11 the standards to remove her.

12 THE COURT: Okay. Go ahead and bring the jury back  
13 in, Ed.

14 I'm going to go ahead and excuse the individuals  
15 that I'm going to excuse, and then we'll let everybody go to  
16 lunch, let the jury break for lunch, okay.

17 (Inside the presence of the prospective jury)

18 THE COURT: Okay. Everybody go ahead and have a  
19 seat. We're back on the record in the presence of the jury,  
20 prospective jury panel, in Case No. C311453, State of Nevada  
21 versus Christopher Sena. Will the parties stipulate to the  
22 prospective jury panel with the exception of Ms. Finkelstein?

23 MR. SWEETIN: Yes, Your Honor.

24 MS. RADOSTA: Yes, Your Honor.

25 THE COURT: Okay. Ladies and gentlemen, once again,

1 if you hear your name called, you will be excused. I'm going  
2 to ask that you go back to the jury commission room and let  
3 them know you've been excused. Then what I'm going to do is  
4 after I call those names, I'm going to go ahead and let you go  
5 for lunch. You know, is that -- is everybody okay with that?  
6 Okay.

7 All right. So I want to thank all of you that have  
8 participated in this that are being excused. And as I've  
9 indicated before, maybe this isn't the best case for you. No  
10 reflection on you at all.

11 Erick Rice, Badge 062. Miguel -- is it Miguel Diaz,  
12 Badge 455. Daniel Farrell, Badge 094. Frederick Oliquiano,  
13 Badge 145. You'll all be excused. I'd ask that you go back  
14 to the jury commission room and let them know that you've been  
15 excused. And thank you so much, okay. All right. So I'm  
16 also going to let you all go for lunch.

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

1           It's now 20 minutes after 2:00 with 20 -- how about  
2 3:30, is that fine? Okay. Everybody be back by 3:30, okay.  
3 Take all your property with you, okay.

4           (Prospective jury recessed at 2:21 P.M.)

5           THE COURT: Okay. We're outside the presence of the  
6 jury. Just so the record is clear, I did deny your request  
7 for challenge of cause with Tanisha Turner at this time. Is  
8 there anything further that the parties need to put on the  
9 record?

10          MS. RADOSTA: No.

11          MR. SWEETIN: Not from the State.

12          THE COURT: All right. Be back at 3:30, okay.

13          MS. RADOSTA: Thank you, Judge.

14          MS. SUDANO: Thank you, Your Honor.

15          (Court recessed at 2:22 P.M., until 3:22 P.M.)

16          (Outside the presence of the prospective jury)

17          THE COURT: All right. Where's counsel?

18          THE CLERK: Defense just stepped -- they just  
19 stepped right out now. They'll be right back.

20          THE COURT: Go ahead and get the jury in.

21          (Inside the presence of the prospective jury)

22          THE COURT: Okay. We're back in the presence of the  
23 jury in Case No. C311453, State of Nevada versus Christopher  
24 Sena. I'd like the record to reflect the presence of the  
25 defendant and his counsel, as well as the State and their

1 counsel. Will the parties stipulate to the presence of the  
2 prospective jury panel?

3 MR. SWEETIN: Yes, Your Honor.

4 MS. RADOSTA: Yes, Your Honor.

5 THE COURT: All right. So we've excused a number of  
6 individuals. Hopefully your lunch was good, but at this time  
7 we need to fill in the spots, okay. So go ahead and call out  
8 the next individuals and fill in the spots.

9 THE CLERK: All right. In Seat 5 it's going to be  
10 Badge No. 474, Marcy Escalante. In Seat 7 it's Badge No. 479,  
11 David Tonan. Seat 9 is Badge No. 499, John Sasser. Seat 17  
12 is Badge 519, Daniel Powers. And in Seat 25 it's Badge No.  
13 521, Bernard Faller.

14 THE COURT: All right. Make yourself comfortable.  
15 Ed, do you want to give the mic to Marcy Escalante.

16 THE MARSHAL: I believe she has it.

17 PROSPECTIVE JUROR NO. 474: Marcy.

18 THE COURT: You've got it? Okay.

19 PROSPECTIVE JUROR NO. 474: It's Marcy.

20 THE COURT: Marcy?

21 PROSPECTIVE JUROR NO. 474: Yeah.

22 THE COURT: Okay. Ms. Escalante is Badge 474.  
23 She's in Seat 5.

24 Ma'am, how long have you lived in Las Vegas?

25 PROSPECTIVE JUROR NO. 474: 24 years.

1 THE COURT: And are you employed?  
2 PROSPECTIVE JUROR NO. 474: Yes.  
3 THE COURT: What do you do for work?  
4 PROSPECTIVE JUROR NO. 474: I work with insurance,  
5 worker's comp insurance.  
6 THE COURT: Okay. How far did you get in your  
7 education?  
8 PROSPECTIVE JUROR NO. 474: High school.  
9 THE COURT: And are you married?  
10 PROSPECTIVE JUROR NO. 474: Yes.  
11 THE COURT: Is your spouse employed?  
12 PROSPECTIVE JUROR NO. 474: Yes.  
13 THE COURT: What does your spouse do for work?  
14 PROSPECTIVE JUROR NO. 474: He's like a delivery  
15 driver for a carpet supply company.  
16 THE COURT: Okay. Do you have any children?  
17 PROSPECTIVE JUROR NO. 474: No.  
18 THE COURT: Have you ever served as a juror before?  
19 PROSPECTIVE JUROR NO. 474: No.  
20 THE COURT: Have you or anyone close to, such as a  
21 family member or friend, ever been a victim of a crime?  
22 PROSPECTIVE JUROR NO. 474: Yes.  
23 THE COURT: Can you tell us about it?  
24 PROSPECTIVE JUROR NO. 474: My father got into an  
25 altercation with somebody who was rummaging through his car

1 when he came out of a grocery store, but the guy got away. A  
2 police report was filed, but I don't think they ever caught  
3 the guy.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 474: And then --

6 THE COURT: So did he actually get into an argument  
7 with him or a fight with him or --

8 PROSPECTIVE JUROR NO. 474: I think it was a fight.

9 THE COURT: Okay. And the individual was able to  
10 get away, though?

11 PROSPECTIVE JUROR NO. 474: Yes.

12 THE COURT: Did he know him?

13 PROSPECTIVE JUROR NO. 474: No.

14 THE COURT: How old were you when that occurred?

15 PROSPECTIVE JUROR NO. 474: Oh, this was just in the  
16 last three years.

17 THE COURT: Oh, okay. Here in Las Vegas?

18 PROSPECTIVE JUROR NO. 474: Yes.

19 THE COURT: And were you with him when it happened?

20 PROSPECTIVE JUROR NO. 474: No.

21 THE COURT: So what you know of it is what was told  
22 to you by your father?

23 PROSPECTIVE JUROR NO. 474: Correct.

24 THE COURT: And what you know if it based on what  
25 was related to you, do you believe that your father was

1 treated appropriately?

2 PROSPECTIVE JUROR NO. 474: Yeah. Police came, a  
3 report was made.

4 THE COURT: Okay. So to this date, no one -- no one  
5 has been caught?

6 PROSPECTIVE JUROR NO. 474: I don't believe so, no.

7 THE COURT: All right. Anybody else?

8 PROSPECTIVE JUROR NO. 474: Yes.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 474: I have a brother who is  
11 an addict and he's been in and out of prison for quite some  
12 time now. And I guess he just recently got out, but the last  
13 time he was in was because he robbed a couple banks.

14 THE COURT: Okay. So -- so that's -- when I'm  
15 talking about someone who has been accused of a crime, then  
16 your brother has been accused of possibly possession of a  
17 controlled substance, something to do with drugs, as well as  
18 robberies?

19 PROSPECTIVE JUROR NO. 474: Yes.

20 THE COURT: And -- and he's been in and out of  
21 prison, you said?

22 PROSPECTIVE JUROR NO. 474: Yes.

23 THE COURT: How old is your brother?

24 PROSPECTIVE JUROR NO. 474: 47.

25 THE COURT: Are you close with him?

1 PROSPECTIVE JUROR NO. 474: No.

2 THE COURT: Okay. Is there anything about what you  
3 know about your brother's lifestyle and what's happened to him  
4 in the past that you think would affect your ability to be  
5 fair and impartial in this matter?

6 PROSPECTIVE JUROR NO. 474: No.

7 THE COURT: Okay. Anything that happened with  
8 regards to your dad's case, do you think that anything would  
9 affect your ability to be fair and impartial in this matter?

10 PROSPECTIVE JUROR NO. 474: No.

11 THE COURT: Okay. Hold any ill will against any of  
12 the parties here, maybe the police because they didn't catch  
13 anybody, maybe the police because they caught your brother?

14 PROSPECTIVE JUROR NO. 474: No.

15 THE COURT: Okay. Anybody else?

16 PROSPECTIVE JUROR NO. 474: Yes.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 474: I have another brother  
19 who, I guess he wasn't accused of a crime, but it was a  
20 situation of domestic violence. And he -- I mean, long story  
21 short, he shot his ex-girlfriend.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 474: And then he shot  
24 himself.

25 THE COURT: Is he with us any longer?

1 PROSPECTIVE JUROR NO. 474: Huh-uh.

2 THE COURT: Okay. How old was he when he did this?

3 PROSPECTIVE JUROR NO. 474: I think he was 21.

4 THE COURT: Okay. And how close were you with that

5 brother?

6 PROSPECTIVE JUROR NO. 474: Close.

7 THE COURT: Okay. How long ago did this happen?

8 PROSPECTIVE JUROR NO. 474: This was in '96.

9 THE COURT: Okay. Is there anything about that and

10 what you know of what occurred there that you believe would

11 affect your ability to be fair and impartial here?

12 PROSPECTIVE JUROR NO. 474: No.

13 THE COURT: Okay. You kind of hesitated there.

14 What were you thinking about?

15 PROSPECTIVE JUROR NO. 474: I was thinking.

16 THE COURT: Okay. Okay. I guess the question would

17 rely on whether or not you would be able to sit and judge the

18 facts impartially in this matter, base your verdict solely on

19 what's been presented to you and as I instruct you on the law.

20 Can you do that?

21 PROSPECTIVE JUROR NO. 474: No, I was also a victim

22 of --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 474: -- molestation, so --

25 THE COURT: All right. So maybe I went too fast.

1 PROSPECTIVE JUROR NO. 474: Yes, you did.  
2 THE COURT: Okay. All right. So all right. When  
3 was this?  
4 PROSPECTIVE JUROR NO. 474: In the '80s.  
5 THE COURT: In 1980?  
6 PROSPECTIVE JUROR NO. 474: In the '80s.  
7 THE COURT: In the '80s. Okay. Here in Las Vegas?  
8 PROSPECTIVE JUROR NO. 474: No.  
9 THE COURT: A family member?  
10 PROSPECTIVE JUROR NO. 474: Yes.  
11 THE COURT: Father, mother, grandmother,  
12 grandfather --  
13 PROSPECTIVE JUROR NO. 474: Uncle.  
14 THE COURT: -- brother, sister? Uncle?  
15 PROSPECTIVE JUROR NO. 474: Uh-huh.  
16 THE COURT: Where did it happen? What state?  
17 PROSPECTIVE JUROR NO. 474: California.  
18 THE COURT: Okay. Did you reveal it at all?  
19 PROSPECTIVE JUROR NO. 474: No.  
20 THE COURT: Is this the first time you've talked  
21 about it? I mean --  
22 PROSPECTIVE JUROR NO. 474: Yes, actually.  
23 THE COURT: Okay. And now when I asked about that,  
24 being able to fairly judge this case on the facts and you said  
25 no, is it because of that?

1 PROSPECTIVE JUROR NO. 474: Yes.

2 THE COURT: You think that -- you think that that  
3 would be something that would affect your ability to be fair  
4 and impartial in this matter --

5 PROSPECTIVE JUROR NO. 474: Yes.

6 THE COURT: -- based on what you know and the past?  
7 Okay. So you couldn't set that aside?

8 PROSPECTIVE JUROR NO. 474: No.

9 THE COURT: Okay. All right.

10 MS. SUDANO: Submit it.

11 MS. RADOSTA: Submit it, Your Honor.

12 THE COURT: Okay. Ms. Escalante, thank you so much.  
13 You know, when we were talking one at a time, I kind of got  
14 some -- some kind of idea there because you hesitated at that,  
15 so I'm going to excuse you, okay. Are you okay with that?

16 PROSPECTIVE JUROR NO. 474: Yeah. Thanks.

17 THE COURT: All right. Maybe we'll get you on  
18 another trial, okay.

19 PROSPECTIVE JUROR NO. 474: Maybe.

20 THE COURT: Okay. All right. So I'm going to  
21 excuse Ms. Escalante. Go back to the jury commission room and  
22 let them know you've been excused, okay.

23 So call the next one in order.

24 THE CLERK: In Seat 5 will be Badge No. 522, Gregory  
25 McGhee.

1           THE COURT: Okay. All right. Mr. McGhee is Badge  
2 522. He's seated in Seat 5. Mr. McGhee, how long have you  
3 lived in Las Vegas?

4           PROSPECTIVE JUROR NO. 522: Born and raised.

5           THE COURT: Okay. Are you employed?

6           PROSPECTIVE JUROR NO. 522: Yes.

7           THE COURT: What do you do for work?

8           PROSPECTIVE JUROR NO. 522: Beverage salesman.

9           THE COURT: Okay. And how far did you get in your  
10 education?

11          PROSPECTIVE JUROR NO. 522: Graduated from high  
12 school, did a year, first year of college.

13          THE COURT: Okay. And are you married?

14          PROSPECTIVE JUROR NO. 522: No.

15          THE COURT: Do you have any children?

16          PROSPECTIVE JUROR NO. 522: No.

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

18          PROSPECTIVE JUROR NO. 522: No.

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

21          PROSPECTIVE JUROR NO. 522: No.

22          THE COURT: How about accused of a crime?

23          PROSPECTIVE JUROR NO. 522: No.

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. 522: No.

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

8 PROSPECTIVE JUROR NO. 522: Yes.

9 THE COURT: Can you think of any reason why you  
10 couldn't be a completely fair and impartial juror if you were  
11 selected here?

12 PROSPECTIVE JUROR NO. 522: No.

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

15 PROSPECTIVE JUROR NO. 522: The only thing is I'm  
16 Type 2 diabetic, as well, and I do have issues with leg  
17 cramping, but that's pretty much it.

18 THE COURT: Well, would you -- would you be  
19 embarrassed to let -- I mean, you just told me you have it.

20 PROSPECTIVE JUROR NO. 522: No.

21 THE COURT: If you need a break, just let me know.  
22 If you need to snack on something, feel free to do so. If you  
23 need to stand up, just go ahead and stand up, okay.

24 PROSPECTIVE JUROR NO. 522: Yes.

25 THE COURT: All right. And you're okay with that?

1 PROSPECTIVE JUROR NO. 522: Yes.

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

3 so much. Can you pass that to -- he's seated two -- yeah,

4 there you go.

5 David Tonan.

6 PROSPECTIVE JUROR NO. 479: Tonan, yeah.

7 THE COURT: Is Badge 479. He's seated in Seat 7.

8 Mr. Tonan, how long have you lived in Las Vegas?

9 PROSPECTIVE JUROR NO. 479: 29 years.

10 THE COURT: And are you employed?

11 PROSPECTIVE JUROR NO. 479: Yes.

12 THE COURT: What do you do for work?

13 PROSPECTIVE JUROR NO. 479: Fleet manager.

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

15 education?

16 PROSPECTIVE JUROR NO. 479: High school.

17 THE COURT: And are you married?

18 PROSPECTIVE JUROR NO. 479: No.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 479: No.

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

22 PROSPECTIVE JUROR NO. 479: No, huh-uh.

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

24 such as a family member or friend, ever been a victim of a

25 crime?

1 PROSPECTIVE JUROR NO. 479: I've been a victim of  
2 crime.  
3 THE COURT: Okay. Can you tell us about it?  
4 PROSPECTIVE JUROR NO. 479: Sure. Kidnapping.  
5 THE COURT: Okay.  
6 PROSPECTIVE JUROR NO. 479: A long time ago.  
7 THE COURT: How old were you?  
8 PROSPECTIVE JUROR NO. 479: 1978, so 24.  
9 THE COURT: Okay. Did that happen here?  
10 PROSPECTIVE JUROR NO. 479: California.  
11 THE COURT: Okay. Was it -- were you kidnapped by  
12 somebody you know?  
13 PROSPECTIVE JUROR NO. 479: No, it was at the car  
14 dealership, a test drive. The guy pulled out a gun and locked  
15 me in the trunk for 12 hours. He tied me up and left me,  
16 but --  
17 THE COURT: Did they catch him?  
18 PROSPECTIVE JUROR NO. 479: They did catch him in  
19 Oregon, but I think that it was a bigger crime involving like  
20 murder. And I -- it never -- as far as I know, it never went  
21 to trial or whatever.  
22 THE COURT: In the case where you were the victim?  
23 PROSPECTIVE JUROR NO. 479: Yes.  
24 THE COURT: Okay.  
25 PROSPECTIVE JUROR NO. 479: It happened in Long

1 Beach, California, and I don't think -- I never -- I never  
2 heard any more about it.

3 THE COURT: Okay. So what -- what you did hear,  
4 though, is that there might have been something greater that  
5 maybe they handled that one --

6 PROSPECTIVE JUROR NO. 479: Yeah.

7 THE COURT: -- and not yours?

8 PROSPECTIVE JUROR NO. 479: He was telling me all  
9 along, he'd stop and say I've got to go up here and kill this  
10 guy. I was like, oh, great, so -- but, yeah, no, it worked  
11 out.

12 THE COURT: Understanding that you were a victim in  
13 that matter and it didn't appear that they did anything on  
14 this case based on what you just said, I mean, there may have  
15 been something but you didn't know about it, is that --

16 PROSPECTIVE JUROR NO. 479: Well, I think they  
17 caught him for a larger trial up there.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 479: And, you know, it didn't  
20 filter down.

21 THE COURT: Anything about that that you think would  
22 affect your ability to be fair and impartial in this case?

23 PROSPECTIVE JUROR NO. 479: I don't think so. I  
24 mean, that was a long time ago.

25 THE COURT: Okay. Is there anything about that case

1 at all that you think would -- that you would be thinking  
2 about in this particular case?

3 PROSPECTIVE JUROR NO. 479: I don't think so. I  
4 don't think so. I mean, unless something goofy happened, you  
5 know, something triggered it, but I don't think so.

6 THE COURT: Well, what do you think needs to be  
7 goofy happened in order for -- for it to trigger? I mean, I  
8 don't know.

9 PROSPECTIVE JUROR NO. 479: I don't know, either.

10 THE COURT: Okay. Okay.

11 PROSPECTIVE JUROR NO. 479: I don't think so.

12 THE COURT: Okay. All right.

13 PROSPECTIVE JUROR NO. 479: Yeah. I mean, that was  
14 a long time ago. That's 42 years, 41 years ago.

15 THE COURT: Okay. All right. Well, are you telling  
16 me that you can set that aside and --

17 PROSPECTIVE JUROR NO. 479: I think so.

18 THE COURT: -- base your decision solely --

19 PROSPECTIVE JUROR NO. 479: Yes.

20 THE COURT: -- on what's being presented here --

21 PROSPECTIVE JUROR NO. 479: Yes.

22 THE COURT: -- in this case and -- and as I instruct  
23 you on the law?

24 PROSPECTIVE JUROR NO. 479: I think so.

25 THE COURT: Okay. And then 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. 479: No, not that I can --  
4 no.

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

9 PROSPECTIVE JUROR NO. 479: No.

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

14 PROSPECTIVE JUROR NO. 479: Yes.

15 THE COURT: Do you know of any reason why you  
16 couldn't be completely fair and impartial if you were selected  
17 here?

18 PROSPECTIVE JUROR NO. 479: No, I think I'd be fine.

19 THE COURT: Okay. Now, I'm not in your head, but  
20 you definitely are. So what are you thinking? I mean, you  
21 ponder. I don't know, maybe you're just that type of person  
22 or whatever.

23 PROSPECTIVE JUROR NO. 479: Because of the crime.  
24 It's --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 479: -- it's so horrific, I  
2 mean, the charges.

3 THE COURT: Uh-huh. Well, that's what we're talking  
4 about is --

5 PROSPECTIVE JUROR NO. 479: I know. I know.

6 THE COURT: Okay. So you -- I mean, you've been  
7 here all the time and you understand the State has the burden  
8 of proving the case. And if they -- I mean, if they can't  
9 prove it --

10 PROSPECTIVE JUROR NO. 479: Right.

11 THE COURT: -- I want to make sure that we have a  
12 group of jurors that -- that put him to that task.

13 PROSPECTIVE JUROR NO. 479: Right.

14 THE COURT: And if they can't prove it, don't sit  
15 back and say, well, you know what, this crime is so bad that I  
16 don't care, I'm still finding him guilty. That's what -- I  
17 don't want that to happen. Would you --

18 PROSPECTIVE JUROR NO. 479: I don't want that --

19 THE COURT: -- would you think --

20 PROSPECTIVE JUROR NO. 479: -- to happen, either.

21 THE COURT: -- that would be fair?

22 PROSPECTIVE JUROR NO. 479: No, that would not be  
23 fair.

24 THE COURT: Okay. I mean --

25 PROSPECTIVE JUROR NO. 479: That would not be fair.

1           THE COURT: Okay. All right. And so you -- you  
2 would be able to do that, you would be able to --  
3           PROSPECTIVE JUROR NO. 479: Yes.  
4           THE COURT: -- require the State to --  
5           PROSPECTIVE JUROR NO. 479: I think so. Yes.  
6           THE COURT: -- meet their burden?  
7           PROSPECTIVE JUROR NO. 479: Yes.  
8           THE COURT: Okay. All right. I mean, you know,  
9 we've been here for three days now and we've had -- you've  
10 seen we've gone through a number of people. And, you know,  
11 this is -- charges like this, you know, I don't want you just  
12 to put things out of your mind, but -- but you have to  
13 understand that in every situation, if the State is trying to  
14 take the liberty of somebody, they have an obligation to  
15 overcome and prove that an individual did what they did, not  
16 just say we did it. Can you imagine that?  
17           PROSPECTIVE JUROR NO. 479: Sure.  
18           THE COURT: If someone said they did it and then we  
19 all of the sudden were done with it?  
20           PROSPECTIVE JUROR: 90 percent in prison.  
21           THE COURT: What's that?  
22           PROSPECTIVE JUROR: 90 percent of us would be in  
23 prison.  
24           THE COURT: Okay. I mean, you heard that? I mean,  
25 I think I would agree with that.

1 PROSPECTIVE JUROR NO. 479: Yeah.

2 THE COURT: And so, I mean, that's the standard that  
3 we are under. And I truly believe that it's -- it's the best  
4 system. I've said this over and over.

5 PROSPECTIVE JUROR NO. 479: I do, too.

6 THE COURT: And that's what we're trying to find is  
7 people that -- that can -- that can deal with this. It's kind  
8 of hard because you're told up front, so you kind of have to  
9 put blinders on for awhile --

10 PROSPECTIVE JUROR NO. 479: For sure.

11 THE COURT: -- until we're done with it. And that's  
12 what I'm asking. And, you know, I'm kind of picking on you  
13 because when I was asking you questions you were pondering  
14 about it and I want to make sure that you can.

15 PROSPECTIVE JUROR NO. 479: I can.

16 THE COURT: Okay. All right. So once again, do you  
17 know of any reason at all that you think would affect your  
18 ability to be completely fair and impartial in this matter?

19 PROSPECTIVE JUROR NO. 479: No.

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

22 PROSPECTIVE JUROR NO. 479: No.

23 THE COURT: Okay. All right. Thank you. Can you  
24 pass that, I believe, to your right to Mr. John Sasser, Badge  
25 499. He's in Seat 9.

1 Mr. Sasser, how long have you lived in Las Vegas?  
2 PROSPECTIVE JUROR NO. 499: Eight years.  
3 THE COURT: And where are you from originally?  
4 PROSPECTIVE JUROR NO. 499: Idaho.  
5 THE COURT: Okay. And are you employed?  
6 PROSPECTIVE JUROR NO. 499: Yes.  
7 THE COURT: What do you do for work again?  
8 PROSPECTIVE JUROR NO. 499: Food and beverage  
9 management.  
10 THE COURT: Okay. And how far did you get in your  
11 education?  
12 PROSPECTIVE JUROR NO. 499: Some college.  
13 THE COURT: What were you studying?  
14 PROSPECTIVE JUROR NO. 499: Business management.  
15 THE COURT: Okay. Are you married?  
16 PROSPECTIVE JUROR NO. 499: Yes.  
17 THE COURT: Is your spouse employed?  
18 PROSPECTIVE JUROR NO. 499: She recently resigned on  
19 the 19th.  
20 THE COURT: Okay. What did she used to do?  
21 PROSPECTIVE JUROR NO. 499: Conference management at  
22 the Venetian.  
23 THE COURT: And do you have any children?  
24 PROSPECTIVE JUROR NO. 499: Two children.  
25 THE COURT: How old?

1 PROSPECTIVE JUROR NO. 499: Two and four.

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

4 PROSPECTIVE JUROR NO. 499: 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. 499: No.

8 THE COURT: How about accused of a crime?

9 PROSPECTIVE JUROR NO. 499: No.

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

14 PROSPECTIVE JUROR NO. 499: No.

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

19 PROSPECTIVE JUROR NO. 499: Yes.

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

23 PROSPECTIVE JUROR NO. 499: No.

24 THE COURT: Any medical reason that would prevent  
25 you from participating?

1 PROSPECTIVE JUROR NO. 499: No.

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

3 Sasser. Can you pass that forward and down to Seat 17, right

4 there.

5 Okay. This is Daniel Powers, Badge 519. Mr.

6 Powers, how long have you lived in Las Vegas?

7 PROSPECTIVE JUROR NO. 519: Born and raised.

8 THE COURT: Okay. And are you employed?

9 PROSPECTIVE JUROR NO. 519: Recently retired.

10 THE COURT: What did you retire from?

11 PROSPECTIVE JUROR NO. 519: Truck driver.

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

13 education?

14 PROSPECTIVE JUROR NO. 519: High school.

15 THE COURT: And are you married?

16 PROSPECTIVE JUROR NO. 519: Yes.

17 THE COURT: Is your spouse employed?

18 PROSPECTIVE JUROR NO. 519: Yes.

19 THE COURT: What does your spouse do?

20 PROSPECTIVE JUROR NO. 519: Clerk at an elementary

21 school.

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

23 PROSPECTIVE JUROR NO. 519: Two.

24 THE COURT: How old?

25 PROSPECTIVE JUROR NO. 519: 27 and 24.

1 THE COURT: Are they employed?

2 PROSPECTIVE JUROR NO. 519: My son is at FedEx, and

3 my daughter is an accountant in Reno.

4 THE COURT: Okay. And have you ever served as a

5 juror before?

6 PROSPECTIVE JUROR NO. 519: I've been called this

7 far, never served.

8 THE COURT: Have you made it as far as you are now?

9 PROSPECTIVE JUROR NO. 519: Yeah.

10 THE COURT: Okay. So you never were in -- actually

11 in a jury?

12 PROSPECTIVE JUROR NO. 519: No.

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

14 such as a family member or friend, ever been a victim of a

15 crime?

16 PROSPECTIVE JUROR NO. 519: My brother was arrested

17 for domestic violence.

18 THE COURT: Okay. How long ago?

19 PROSPECTIVE JUROR NO. 519: Five years.

20 THE COURT: Your brother live here?

21 PROSPECTIVE JUROR NO. 519: Yes.

22 THE COURT: How did you learn about it?

23 PROSPECTIVE JUROR NO. 519: He told me.

24 THE COURT: Okay. Other than what he told you, did

25 you know any independent information?

1 PROSPECTIVE JUROR NO. 519: No.

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

3 PROSPECTIVE JUROR NO. 519: He was convicted.

4 THE COURT: Okay. So he actually had to go to -- go  
5 through trial or he pled guilty or something to that effect?

6 PROSPECTIVE JUROR NO. 519: He -- yeah, he pled.

7 THE COURT: Okay. And from what you know and what  
8 he told you, do you feel like he was treated appropriately?

9 PROSPECTIVE JUROR NO. 519: He thought that the  
10 girlfriend's girlfriend knew the police and he thought it was  
11 kind of entrapment, but he couldn't prove it.

12 THE COURT: Okay. So with that being said, I mean,  
13 that's just what he told you.

14 PROSPECTIVE JUROR NO. 519: Correct.

15 THE COURT: But do you hold any type of ill will  
16 regarding any of the parties here, maybe the police or --

17 PROSPECTIVE JUROR NO. 519: No, my -- my other  
18 sister is a police officer, so, no, I don't hold ill will.

19 THE COURT: Okay. And is there anything about what  
20 you know of that case and your brother and your relationship  
21 with your brother that you think would affect your ability to  
22 be fair and impartial here?

23 PROSPECTIVE JUROR NO. 519: No.

24 THE COURT: Okay. Anything else with that? Anybody  
25 -- anyone else accused of a crime? I mean, I'm sorry, a

1 victim of a crime?

2 PROSPECTIVE JUROR NO. 519: No.

3 THE COURT: Okay. How about accused of a crime?

4 PROSPECTIVE JUROR NO. 519: Accused, yes.

5 THE COURT: Okay. And your brother was accused of

6 domestic violence; right?

7 PROSPECTIVE JUROR NO. 519: Yes.

8 THE COURT: Okay. Anyone else other than your

9 brother?

10 PROSPECTIVE JUROR NO. 519: My brother, again, and

11 me.

12 THE COURT: Okay. So you've been accused of a

13 crime, as well?

14 PROSPECTIVE JUROR NO. 519: A DUI.

15 THE COURT: Okay. How long ago did that happen?

16 PROSPECTIVE JUROR NO. 519: 11 years.

17 THE COURT: Okay. So 11 years ago you were accused

18 of a DUI?

19 PROSPECTIVE JUROR NO. 519: Yes.

20 THE COURT: What ever came of that?

21 PROSPECTIVE JUROR NO. 519: It was pled down.

22 THE COURT: Okay. Was it here in these courts?

23 PROSPECTIVE JUROR NO. 519: Yes.

24 THE COURT: In Las Vegas?

25 PROSPECTIVE JUROR NO. 519: Yes.

1           THE COURT: Do you feel like under the circumstances  
2 of that case you were treated appropriately?

3           PROSPECTIVE JUROR NO. 519: Yes.

4           THE COURT: All right. So you don't have any ill  
5 will against the police officers or even the State of Nevada  
6 in this matter?

7           PROSPECTIVE JUROR NO. 519: No.

8           THE COURT: Was it in the state, in the county, or  
9 was it in the city?

10          PROSPECTIVE JUROR NO. 519: County.

11          THE COURT: Okay. So it would have been prosecuted  
12 from the District Attorney's office?

13          PROSPECTIVE JUROR NO. 519: Yes.

14          THE COURT: Okay. And is there anything about those  
15 instances with your brother or with yourself that you think  
16 would affect your ability to be fair and impartial here?

17          PROSPECTIVE JUROR NO. 519: No.

18          THE COURT: All right. Now, you said with your  
19 brother. Was there something other than the first one you  
20 talked about, the DV, was there something else that your  
21 brother was involved with?

22          PROSPECTIVE JUROR NO. 519: The DUI was from -- he  
23 got pulled over. I was called and went there. They took us  
24 both to jail. That's --

25          THE COURT: Okay. So he was involved in a domestic

1 violence situation?

2 PROSPECTIVE JUROR NO. 519: No, that --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 519: -- that was -- that was

5 five years ago.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 519: This is -- this is 11

8 years ago.

9 THE COURT: Okay. So your brother got pulled over?

10 PROSPECTIVE JUROR NO. 519: Yes.

11 THE COURT: For DUI?

12 PROSPECTIVE JUROR NO. 519: Yes.

13 THE COURT: And you went there?

14 PROSPECTIVE JUROR NO. 519: Yes.

15 THE COURT: And you were DUI?

16 PROSPECTIVE JUROR NO. 519: Yeah. Well, yeah.

17 THE COURT: Okay. All right. That's a pretty --

18 pretty thick --

19 PROSPECTIVE JUROR NO. 519: It was -- it was a

20 unique situation, yes.

21 THE COURT: Okay. So they killed two birds with one

22 stone there, huh?

23 PROSPECTIVE JUROR NO. 519: It turns out my brother

24 was not intoxicated.

25 THE COURT: He wasn't?

1 PROSPECTIVE JUROR NO. 519: No.

2 THE COURT: So how did you come to find out that he  
3 was being arrested or charged or accused of DUI?

4 PROSPECTIVE JUROR NO. 519: A jealous girlfriend in  
5 the truck when through his phone.

6 THE COURT: Okay. So she -- she called you?

7 PROSPECTIVE JUROR NO. 519: Yes, like ten times.

8 THE COURT: Okay. All right. Okay. And that was  
9 all 11 years ago?

10 PROSPECTIVE JUROR NO. 519: Yes.

11 THE COURT: And then the one with the DV was about  
12 five years ago?

13 PROSPECTIVE JUROR NO. 519: Yes.

14 THE COURT: All right. Anything with regards to  
15 those at all that you think would affect your ability to be  
16 fair and impartial --

17 PROSPECTIVE JUROR NO. 519: No.

18 THE COURT: -- in this case?

19 PROSPECTIVE JUROR NO. 519: I don't think so.

20 THE COURT: Okay. So you can set all that aside --

21 PROSPECTIVE JUROR NO. 519: Yes.

22 THE COURT: -- and base your verdict solely on the  
23 evidence that's presented in this case?

24 PROSPECTIVE JUROR NO. 519: Yes, I can.

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. 519: 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. 519: Yes.

10 THE COURT: Okay. Do you know of any reason  
11 whatsoever that would prevent you from being completely fair  
12 and impartial in this matter?

13 PROSPECTIVE JUROR NO. 519: No.

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

16 PROSPECTIVE JUROR NO. 519: No.

17 THE COURT: Okay. Thank you, Mr. Powers. Mr.  
18 Powers, can you pass that to your right maybe. Nope. Which  
19 way are we -- oh, right there in front of you. Okay. To Mr.  
20 Faller.

21 This is Bernard Faller, Badge 521 in Seat 25. Mr.  
22 Faller, how long have you lived in Las Vegas?

23 PROSPECTIVE JUROR NO. 521: Approximately six years.

24 THE COURT: Where are you from originally?

25 PROSPECTIVE JUROR NO. 521: Illinois.

1 THE COURT: Okay. And are you employed?  
2 PROSPECTIVE JUROR NO. 521: I am.  
3 THE COURT: What do you do for work?  
4 PROSPECTIVE JUROR NO. 521: I am an analyst for  
5 fantasy football in the NFL.  
6 THE COURT: Okay. What do you do?  
7 PROSPECTIVE JUROR NO. 521: I do data research and  
8 write articles.  
9 THE COURT: Okay. Are you involved with the bookies  
10 at all?  
11 PROSPECTIVE JUROR NO. 521: No.  
12 THE COURT: Okay. So you're not -- you're not  
13 setting lines or anything like that?  
14 PROSPECTIVE JUROR NO. 521: No.  
15 THE COURT: All right. Okay. And how far did you  
16 get in your education?  
17 PROSPECTIVE JUROR NO. 521: Master's.  
18 THE COURT: In?  
19 PROSPECTIVE JUROR NO. 521: Economics.  
20 THE COURT: Okay. And are you married?  
21 PROSPECTIVE JUROR NO. 521: No.  
22 THE COURT: Do you have any children?  
23 PROSPECTIVE JUROR NO. 521: No.  
24 THE COURT: Have you ever served as a juror before?  
25 PROSPECTIVE JUROR NO. 521: No.

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. 521: Yes.

5 THE COURT: Can you tell me about that?

6 PROSPECTIVE JUROR NO. 521: My sister had her home  
7 broken into and her car broken into.

8 THE COURT: Here in Las Vegas?

9 PROSPECTIVE JUROR NO. 521: No.

10 THE COURT: In Illinois?

11 PROSPECTIVE JUROR NO. 521: In Arkansas.

12 THE COURT: Okay. All right. Both of them in  
13 Arkansas?

14 PROSPECTIVE JUROR NO. 521: Yes.

15 THE COURT: And do you know whether or not they  
16 caught anybody?

17 PROSPECTIVE JUROR NO. 521: Not that I'm aware of.

18 THE COURT: In either case?

19 PROSPECTIVE JUROR NO. 521: In either case.

20 THE COURT: Okay. Where -- was it the same event or  
21 two separate events?

22 PROSPECTIVE JUROR NO. 521: It was two separate  
23 events.

24 THE COURT: Okay. Is there anything about what you  
25 know of that case and your relationship with your sister that

1 you think would affect your ability to be fair and impartial  
2 in this matter?

3 PROSPECTIVE JUROR NO. 521: No.

4 THE COURT: Okay. Anyone else a victim of a crime?

5 PROSPECTIVE JUROR NO. 521: No.

6 THE COURT: All right. How about accused of a  
7 crime?

8 PROSPECTIVE JUROR NO. 521: Yes.

9 THE COURT: Can you tell me about that?

10 PROSPECTIVE JUROR NO. 521: It's a long list. How  
11 do you want me to --

12 THE COURT: Just however you want to do it. Let's  
13 start at the most recent and go back.

14 PROSPECTIVE JUROR NO. 521: Okay. They're all  
15 relatively long ago.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 521: I've had multiple  
18 friends with DUI, with underage drinking, with assault. I've  
19 had a brother, a curfew violation. I had a brother that was  
20 accused of shoplifting. I was accused of criminal destruction  
21 of property, and a -- I think disorderly conduct.

22 THE COURT: What's the most recent?

23 PROSPECTIVE JUROR NO. 521: Probably a friend that  
24 got DUI.

25 THE COURT: Okay. How long ago?

1 PROSPECTIVE JUROR NO. 521: Over 20 years.

2 THE COURT: Okay. So everything else, then, I would  
3 assume happened before that?

4 PROSPECTIVE JUROR NO. 521: Yes.

5 THE COURT: Is it a lot of while you were in  
6 college?

7 PROSPECTIVE JUROR NO. 521: It was either college,  
8 high school, or earlier.

9 THE COURT: Okay. Earlier than high school?

10 PROSPECTIVE JUROR NO. 521: Yes.

11 THE COURT: Okay. Now, the one I want to discuss  
12 with you, when you say assault, what was that?

13 PROSPECTIVE JUROR NO. 521: A friend of mine, we  
14 were at a wedding. It was, I guess, technically the wedding  
15 reception afterwards, a friend of mine was on a beach, somehow  
16 got into a fight with someone, and was eventually arrested for  
17 assault.

18 THE COURT: Okay. Is there anything about what you  
19 know of any of these cases involving yourself, your brother,  
20 your friends that you think would affect your ability to be  
21 fair and impartial in this case?

22 PROSPECTIVE JUROR NO. 521: No.

23 THE COURT: Anything with regards to your sister  
24 being a victim, you think anything at all would affect your  
25 ability to be fair and impartial here?

1 PROSPECTIVE JUROR NO. 521: 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. 521: 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. 521: Yes.

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

15 PROSPECTIVE JUROR NO. 521: No.

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

18 PROSPECTIVE JUROR NO. 521: No.

19 THE COURT: Okay. Thank you.

20 State, did you want to inquire?

21 MS. SUDANO: Yes. Thank you, Your Honor.

22 All right. So what I want to do first is I want to  
23 just talk to the few folks that are new up here. So Mr.  
24 McGhee, Mr. Tonan, Mr. Powers, Mr. Faller, and Mr. Sasser.

25 So Mr. Faller, I want to stick with you right now

1 just because you have the microphone, Badge No. 521. You  
2 mentioned one of the things that you were in trouble for way,  
3 way back when was destruction of property and disorderly  
4 conduct?

5 PROSPECTIVE JUROR NO. 521: Yes.

6 MS. SUDANO: Okay. How old were you?

7 PROSPECTIVE JUROR NO. 521: In between 16 and 18 if  
8 I had to guess.

9 MS. SUDANO: If I said mailbox, would I be on the  
10 right -- the right path?

11 PROSPECTIVE JUROR NO. 521: No.

12 MS. SUDANO: Okay.

13 PROSPECTIVE JUROR NO. 521: Close.

14 MS. SUDANO: Okay. So did you end up getting into  
15 trouble for that?

16 PROSPECTIVE JUROR NO. 521: No, the charges were  
17 eventually dropped.

18 MS. SUDANO: Okay. Did you have to do some  
19 community service for that to happen or no?

20 PROSPECTIVE JUROR NO. 521: No, the -- I had to  
21 repair a yard.

22 MS. SUDANO: Okay. So you did a little bit of  
23 community service that way and then it went away?

24 PROSPECTIVE JUROR NO. 521: Yeah, it was worked out  
25 between me and -- well, a few of us and the owners.

1 MS. SUDANO: Okay. Do you think that you were  
2 treated fairly in that situation by the law enforcement  
3 officers?

4 PROSPECTIVE JUROR NO. 521: Yes.

5 MS. SUDANO: Okay. Anything about that that would  
6 affect your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 521: No.

8 MS. SUDANO: Okay. All right. I want to kind of go  
9 back, then, to our new folks here. You heard a lot of the  
10 questions that I was asking everybody yesterday and earlier  
11 today. And I just want to touch base with you if there's  
12 anything that you all would have responded to had you been up  
13 here earlier. Anybody that's had particularly positive or  
14 negative experiences with law enforcement of our new folks?  
15 No response?

16 Anybody that's had CPS involvement personally or  
17 professionally of our new folks? Okay. Seeing no hands.

18 So we talked a lot about the idea that -- that  
19 someone has an absolute right to refuse somebody else's sexual  
20 advances. Does anybody disagree with that idea of our new  
21 folks? No? Anybody that had any comments on that? You guys  
22 are very quiet. All right.

23 Okay. Any of our new folks have sort of  
24 preconceived ideas or notions about how a victim should tell  
25 their story? Seeing no hands.

1           Mr. Powers, Badge No. 519, you're looking at me like  
2 you're confused. Can you not hear me or is that --

3           PROSPECTIVE JUROR NO. 519: No, I can hear you fine.

4           MS. SUDANO: Okay. Anything that you wanted to  
5 respond to?

6           PROSPECTIVE JUROR NO. 519: No.

7           MS. SUDANO: No? Okay. All right. And then we  
8 also talked about whether or not it would be held against a  
9 victim if either the police or CPS or a guardian didn't do  
10 everything that they could have done or should have done.  
11 Does anybody have comments on that or feelings about that? So  
12 none of the five of you would hold that against a victim?  
13 Okay.

14           And then any of you have personal experience, been  
15 affected by domestic violence? Mr. Powers, I know we talked a  
16 little bit about that. Any of the other four of you know  
17 anybody that's been a victim of or affected by domestic  
18 violence?

19           Mr. Powers, it sounded like your brother was the one  
20 who had been accused of domestic violence.

21           PROSPECTIVE JUROR NO. 519: Yes.

22           MS. SUDANO: And then you mentioned in the DUI  
23 situation, there was a jealous girlfriend, as well?

24           PROSPECTIVE JUROR NO. 519: Yes.

25           MS. SUDANO: Okay. Do you know anything about the

1 domestic violence -- the domestic violence allegations with  
2 your brother, or just what he told you?

3 PROSPECTIVE JUROR NO. 519: What he told me.

4 MS. SUDANO: Okay. Did you ever see any physical  
5 violence, any bad fights or anything like that?

6 PROSPECTIVE JUROR NO. 519: No.

7 MS. SUDANO: Okay. I'm not -- I was going to follow  
8 up with you further, but I'm not going to on that, okay. All  
9 right. So I think that kind of catches us back up to where  
10 everybody else was.

11 Mr. Powers, because you've got the microphone, I'm  
12 going to follow up with you a little bit further. So we  
13 talked about we have the benefit of looking at your  
14 questionnaires and everything that you said. I think there  
15 were a number of questions, if I remember correctly, that you  
16 didn't provide answers to. Was that just because you didn't  
17 have anything to say on those questions, do you recall?

18 PROSPECTIVE JUROR NO. 519: Probably.

19 MS. SUDANO: Okay. So you're comfortable viewing  
20 video evidence in this case and remaining fair and impartial?

21 PROSPECTIVE JUROR NO. 519: Yes.

22 MS. SUDANO: Okay. No ties with law enforcement or  
23 anything like that that we need to know about?

24 PROSPECTIVE JUROR NO. 519: Other than my sister is  
25 a North Las Vegas cop.

1 MS. SUDANO: Okay.

2 PROSPECTIVE JUROR NO. 519: And that's it.

3 MS. SUDANO: Okay. And you never talk about work  
4 with her?

5 PROSPECTIVE JUROR NO. 519: There's not been -- she  
6 doesn't do it.

7 MS. SUDANO: Okay. Any concerns about rendering a  
8 verdict in this case if there's media coverage?

9 PROSPECTIVE JUROR NO. 519: I have not seen any  
10 media on this.

11 MS. SUDANO: All right. And you're comfortable, if  
12 the Judge tells you to, not watching TV during the course of  
13 the trial; is that right?

14 PROSPECTIVE JUROR NO. 519: Yes.

15 MS. SUDANO: Okay. All right. Anything else at all  
16 about you that we need to know, Mr. Powers?

17 PROSPECTIVE JUROR NO. 519: Not that I --

18 THE COURT: Will the parties approach. Ms. Sudano.  
19 (Off-record bench conference)

20 MS. SUDANO: All right. Mr. Powers, I just wanted  
21 to clarify with you and with everyone, when I say comfortable  
22 not watching TV, I mean news coverage.

23 PROSPECTIVE JUROR NO. 519: Right.

24 MS. SUDANO: You can watch Netflix, okay.

25 PROSPECTIVE JUROR NO. 519: Okay.

1 MS. SUDANO: There's some sort of football game. I  
2 think Mr. Faller might know a thing or two about that. I  
3 don't know. So that's not what not what we're talking about.  
4 We're just --

5 PROSPECTIVE JUROR NO. 519: Right.

6 MS. SUDANO: -- talking about news coverage --

7 PROSPECTIVE JUROR NO. 519: Local news coverage.

8 MS. SUDANO: -- or anything like that.

9 PROSPECTIVE JUROR NO. 519: Okay.

10 MS. SUDANO: Correct. And you're comfortable with  
11 that?

12 PROSPECTIVE JUROR NO. 519: Yes.

13 MS. SUDANO: Okay. Anybody else up here that's --  
14 with that clarification, we're just talking about the news or  
15 anything that might have to do with this case. Anybody have  
16 concerns with that? No? Okay. All right. Yeah. Please  
17 watch the Super Bowl if that's a thing that you're interested  
18 in.

19 All right. Can you do me a favor and pass the  
20 microphone to Mr. Sasser right behind you, Badge No. 499.

21 Sir, I want to follow up with you on a couple of  
22 things that you had said in your jury questionnaire, okay?  
23 There was a question about whether or not you would feel  
24 pressured to vote a certain way in this case. Do you recall  
25 that question?

1 PROSPECTIVE JUROR NO. 499: Yes, I do.

2 MS. SUDANO: Vaguely? Okay. And I think your  
3 answer was something along the lines of it's possible or it  
4 would depend. Can you clarify that for us a little bit?

5 PROSPECTIVE JUROR NO. 499: Basically, depending on  
6 the threat and the severity of that, I think that would -- I  
7 think, initially, I would probably go to law enforcement, per  
8 se, instead of pushing to one side or the other.

9 MS. SUDANO: Okay. And so when we're talking about  
10 pressure, we're just talking about -- there was some media  
11 coverage on this case early on, it's possible that there'd be  
12 additional media coverage. So we're talking more about would  
13 you feel obligated to vote a certain way if you knew that  
14 there was media coverage or anything like that in this case.  
15 That's all we're talking about. Would you feel pressure to  
16 vote a certain way, or would you just let the evidence control  
17 your verdict?

18 PROSPECTIVE JUROR NO. 499: I may have  
19 misinterpreted that question. So it -- it would be the  
20 evidence that I would go with.

21 MS. SUDANO: Okay. And you'd be comfortable  
22 remaining fair and impartial throughout?

23 PROSPECTIVE JUROR NO. 499: Yes.

24 MS. SUDANO: Okay. Anybody else that had some  
25 confusion on that particular question? Okay. All right.

1 Now, another thing that -- that you had said, Mr. Sasser, it's  
2 something that I want to talk to everybody about. You had  
3 mentioned -- there was mention of video in this case  
4 potentially; right? You had said that it would be a tough  
5 subject for you because of your children; is that right?

6 PROSPECTIVE JUROR NO. 499: Yes. That's correct.

7 MS. SUDANO: Okay. Understanding, though, that  
8 that's part of the evidence in the case potentially, would you  
9 be comfortable considering that just like you'd consider any  
10 other evidence in the case?

11 PROSPECTIVE JUROR NO. 499: Consider watching it? I  
12 would. However, probably, like many others, it would be an  
13 uneasy situation.

14 MS. SUDANO: Sure. And -- and we recognize that.  
15 The Judge gave an example a couple days about it's not, but if  
16 this were a murder trial, right, murder is a difficult  
17 subject, as well, it's uncomfortable, there's a lot of emotion  
18 with that, as well. You know, if you were in a murder trial,  
19 you might have to look at crime scene photos or violent,  
20 gruesome photos; right? And do you recognize the importance  
21 of considering that evidence along with all of the other  
22 evidence in a case like that?

23 PROSPECTIVE JUROR NO. 499: Yes.

24 MS. SUDANO: Okay. I understand that the subject  
25 matter is different, but do you also understand the importance

1 of viewing all of the evidence in a case like this?

2 PROSPECTIVE JUROR NO. 499: Yes, I do.

3 MS. SUDANO: Okay. And is that something that you'd  
4 be able to do?

5 PROSPECTIVE JUROR NO. 499: I feel that I can.

6 However, you know, it's a tough topic.

7 MS. SUDANO: Yeah, absolutely. And, I mean, I don't  
8 think that anybody in this courtroom would -- would expect you  
9 to say it's not tough, or to set that aside. We just want to  
10 make sure that you can fairly and impartially weight that  
11 evidence. Now, can you think of any reasons why it would be  
12 important for you to view that fairly and impartially?

13 PROSPECTIVE JUROR NO. 499: Well, I mean, like you  
14 said, it's evidence and it needs to be shown in court where,  
15 you know, it's kind of an equal playing field for -- for both  
16 sides.

17 MS. SUDANO: Sure. Because at this point you have  
18 no idea what that video shows; right? I mean --

19 PROSPECTIVE JUROR NO. 499: No. No.

20 MS. SUDANO: So you have no idea what is or isn't on  
21 that video; right?

22 PROSPECTIVE JUROR NO. 499: Correct.

23 MS. SUDANO: And you have no idea how that ties into  
24 anything else in the case; right?

25 PROSPECTIVE JUROR NO. 499: Correct.

1 MS. SUDANO: So you have to be able to keep an open  
2 mind when viewing that video evidence, and then even  
3 afterwards; is that right?

4 PROSPECTIVE JUROR NO. 499: That's correct.

5 MS. SUDANO: Because you have no idea what evidence  
6 is coming down the road after that either; right?

7 PROSPECTIVE JUROR NO. 499: No.

8 MS. SUDANO: Okay. And do you feel like you'd be  
9 able to view that evidence and remain fair and impartial?

10 PROSPECTIVE JUROR NO. 499: I can try.

11 MS. SUDANO: Okay.

12 PROSPECTIVE JUROR NO. 499: I mean, as far as  
13 watching the video itself. The fairness portion, no.

14 MS. SUDANO: Okay. So what do you mean by that,  
15 then, I guess?

16 PROSPECTIVE JUROR NO. 499: Well, I mean, as far as,  
17 just as an example, the news, there's a lot of negativity in  
18 the news. I don't watch it.

19 MS. SUDANO: Uh-huh.

20 PROSPECTIVE JUROR NO. 499: I don't really watch  
21 anything with any graphic nature, per se. So for me to watch  
22 something that's real could be quite challenging.

23 MS. SUDANO: Okay. But do you think that you would  
24 be able to do it in this particular case?

25 PROSPECTIVE JUROR NO. 499: Yes.

1 MS. SUDANO: Okay. Now, I want to open that up to  
2 everybody else, the conversation that I just had with Mr.  
3 Sasser about why it's important to remain open minded in light  
4 of the video evidence in this case. Does anybody have a  
5 problem with that? Okay. I'm seeing no hands on that.

6 Thank you, sir. Okay. If you would pass it over to  
7 your left to Mr. McGhee very briefly, Badge No. 522.

8 This might have just been me mishearing. When the  
9 Judge was asking you questions earlier about whether or not  
10 you knew anybody that had been a victim of a crime or accused  
11 of a crime, I thought that you had started to say something  
12 extra. Was that --

13 PROSPECTIVE JUROR NO. 522: No.

14 MS. SUDANO: Okay. Easy enough. Anything else you  
15 think that we should know about you, sir?

16 PROSPECTIVE JUROR NO. 522: No.

17 MS. SUDANO: Okay. Are you going to watch the Super  
18 Bowl?

19 PROSPECTIVE JUROR NO. 522: Probably not.

20 MS. SUDANO: Are you going to be working?

21 PROSPECTIVE JUROR NO. 522: Hopefully not.

22 MS. SUDANO: Fair enough. All right. Where did we  
23 leave off? Sorry, I was trying to pick back up where we left  
24 off earlier. Can you pass it up and over to your right to Ms.  
25 Cornwell, Badge No. 245.

1 I just have a couple questions for you. You are a  
2 deposition recorder; is that right?

3 PROSPECTIVE JUROR NO. 245: Yes.

4 MS. SUDANO: Okay. Anything -- have you ever had to  
5 -- well, do you even listen to the depositions that you  
6 record?

7 PROSPECTIVE JUROR NO. 245: Yes. I have to or else  
8 I'll just lose my mind.

9 MS. SUDANO: Okay. Have you ever had to listen to  
10 depositions involving allegations of sexual abuse or anything  
11 of that nature?

12 PROSPECTIVE JUROR NO. 245: I've only had one of --  
13 yes, but it wasn't actually full on. It was more just, you  
14 know, touchy, grabby.

15 MS. SUDANO: Okay.

16 PROSPECTIVE JUROR NO. 245: That kind of thing, so,  
17 yes.

18 MS. SUDANO: Okay. Anything about your experience  
19 with that that would affect your ability to be fair and  
20 impartial here?

21 PROSPECTIVE JUROR NO. 245: No.

22 MS. SUDANO: Okay. All right. So you had -- you  
23 had also mentioned something in your questionnaire about, I  
24 guess, feeling the need to speak for children who can't speak  
25 for themselves. Am I -- is that correct?

1 PROSPECTIVE JUROR NO. 245: I'm not -- I -- I mean,  
2 I don't know if I used that word. Do you know what question  
3 it was for? I might be able to elaborate more then.

4 MS. SUDANO: I think it was in response to either  
5 the video evidence, where there was that kind of miscellaneous  
6 section at the end, is there anything that we need to know  
7 about you.

8 PROSPECTIVE JUROR NO. 245: Oh. I honestly can't  
9 remember answering that, to be honest. But, I mean, I can  
10 tell you, though, I do agree that children need a voice for  
11 them, especially in terms of situations where they have been  
12 victims, no matter what it is a victim of. They might not be  
13 able to speak up for themselves, so they need somebody else to  
14 possibly speak up for them.

15 MS. SUDANO: Okay. So in this particular case it's  
16 very likely that you're going to hear from victims or people  
17 who are going to come in to speak for themselves.

18 PROSPECTIVE JUROR NO. 245: Uh-huh.

19 MS. SUDANO: In light of that, do you feel  
20 comfortable remaining fair and impartial throughout the  
21 process?

22 PROSPECTIVE JUROR NO. 245: Oh, yeah.

23 MS. SUDANO: Okay. And then if you could pass it  
24 just two seats down to Mr. Drosdahl, Badge 255.

25 Sir, you indicated, I believe, that you were friends

1 with the Sullivans; right? Sean and --  
2 PROSPECTIVE JUROR NO. 255: Diana.  
3 MS. SUDANO: Diana. Okay.  
4 PROSPECTIVE JUROR NO. 255: Yes.  
5 MS. SUDANO: How often do you see them or have  
6 contact with them?  
7 PROSPECTIVE JUROR NO. 255: Two or three times a  
8 year.  
9 MS. SUDANO: Okay. Any plans to see them while this  
10 trial is potentially going on?  
11 PROSPECTIVE JUROR NO. 255: No.  
12 MS. SUDANO: If you do happen to see them, would you  
13 feel comfortable saying, hey, I can't talk about this case  
14 while it's going on?  
15 PROSPECTIVE JUROR NO. 255: Absolutely.  
16 MS. SUDANO: Okay. Would your relationship with  
17 either of the two of them cause you to feel pressure to vote  
18 on way or the other?  
19 PROSPECTIVE JUROR NO. 255: No way.  
20 MS. SUDANO: Okay. You would be comfortable letting  
21 the evidence guide you?  
22 PROSPECTIVE JUROR NO. 255: Absolutely.  
23 MS. SUDANO: All right. Can we pass it back over  
24 and then up to Mr. Neopaney.  
25 PROSPECTIVE JUROR NO. 383: Yes.

1 MS. SUDANO: Okay. And Badge No. 383  
2 PROSPECTIVE JUROR NO. 383: Yes.  
3 MS. SUDANO: All right. When you were filling out  
4 your questionnaire, sir, I don't think that we had an answer  
5 from you on the question about the video evidence. Can you be  
6 fair and impartial in considering the video evidence in this  
7 case?  
8 PROSPECTIVE JUROR NO. 383: No.  
9 MS. SUDANO: No?  
10 PROSPECTIVE JUROR NO. 383: I don't understand.  
11 MS. SUDANO: Okay.  
12 PROSPECTIVE JUROR NO. 383: Yeah.  
13 MS. SUDANO: So you were told in the questionnaire,  
14 and -- and you've been told here, that there is potentially  
15 video evidence in this case; right? Do you understand the  
16 need to wait until you've seen and heard everything in the  
17 case before you make up your mind?  
18 PROSPECTIVE JUROR NO. 383: No. Actually, I don't  
19 understand the English language, so I can hear  
20 [indiscernible], so --  
21 MS. SUDANO: Okay.  
22 PROSPECTIVE JUROR NO. 383: Yeah.  
23 MS. SUDANO: So we've been here about three days so  
24 far.  
25 PROSPECTIVE JUROR NO. 383: Yeah.

1 MS. SUDANO: If you had to say how much of  
2 everything that's been going on that you've understood --  
3 PROSPECTIVE JUROR NO. 383: Yeah. Some --  
4 MS. SUDANO: -- could you give me an --  
5 PROSPECTIVE JUROR NO. 383: -- some words I can  
6 understand, and others -- some words that I can't understand  
7 [indiscernible].  
8 MS. SUDANO: Okay. So do you think that you've  
9 understood almost everything, do you think you've understood  
10 half?  
11 PROSPECTIVE JUROR NO. 383: Little bit half, little  
12 more than half.  
13 MS. SUDANO: Little more than half?  
14 PROSPECTIVE JUROR NO. 383: Yeah.  
15 MS. SUDANO: Okay. All right. And do you speak  
16 Nepali, is that the language?  
17 PROSPECTIVE JUROR NO. 383: Yes. Nepali.  
18 MS. SUDANO: Okay.  
19 PROSPECTIVE JUROR NO. 383: Yeah.  
20 MS. SUDANO: Okay. All right. Can you pass the  
21 microphone --  
22 PROSPECTIVE JUROR NO. 383: Yes.  
23 MS. SUDANO: -- right next door to you, sir?  
24 All right. And it's Badge No. 257, Mr. Delbarrio.  
25 So yesterday we got you the headphones.

1 PROSPECTIVE JUROR NO. 257: You're right.

2 MS. SUDANO: How are you doing with the headphones?

3 PROSPECTIVE JUROR NO. 257: Good.

4 MS. SUDANO: Good. Okay. Have you been able to

5 hear and understand me?

6 PROSPECTIVE JUROR NO. 257: Yes.

7 MS. SUDANO: Okay. Have you been able to hear and

8 understand the fellow jurors as they've been speaking?

9 PROSPECTIVE JUROR NO. 257: Yes.

10 MS. SUDANO: Okay. So once we got you the -- the

11 earphones, you're good?

12 PROSPECTIVE JUROR NO. 257: Yes.

13 MS. SUDANO: Perfect. Okay. So there was -- well,

14 let me ask this. If there is a witness that's quiet or that

15 you're not able to understand, are you comfortable raising

16 your hand and -- and letting the Court know that you're having

17 a hard time hearing?

18 PROSPECTIVE JUROR NO. 257: Yes.

19 MS. SUDANO: Okay. There was a question that I

20 think you didn't answer on your questionnaire either, so I

21 want to follow up with you. There was the question about

22 whether or not you'd feel pressure to vote a certain way in

23 this case. Do you remember that question?

24 PROSPECTIVE JUROR NO. 257: No.

25 MS. SUDANO: Fair enough if you don't remember it.

1 Would you feel pressure to vote a certain way in this case  
2 because of the nature of the -- the charges?

3 PROSPECTIVE JUROR NO. 257: Yeah.

4 MS. SUDANO: You would feel pressure, or would you  
5 be comfortable making your decision based on the evidence?

6 PROSPECTIVE JUROR NO. 257: Yes, based on all of the  
7 evidence.

8 MS. SUDANO: Okay. So you wouldn't feel obligated  
9 or like you had to vote a certain way just because of the  
10 charges?

11 PROSPECTIVE JUROR NO. 257: When I see the evidence.

12 MS. SUDANO: Okay. Just you'd base it on the  
13 evidence?

14 PROSPECTIVE JUROR NO. 257: Yes.

15 MS. SUDANO: Fair enough. All right. May I have  
16 the Court's indulgence, Your Honor?

17 THE COURT: Sure.

18 MS. SUDANO: Okay. Thank you, Your Honor. I don't  
19 have any additional questions.

20 THE COURT: All right. Ms. Radosta, Mr. Negrete?

21 MS. RADOSTA: Do you want us to --

22 THE COURT: Yeah. We can go ahead and get started.

23 MS. RADOSTA: Actually, Your Honor, could we  
24 approach?

25 THE COURT: Sure.

1 (Off-record bench conference)

2 THE COURT: All right. Okay. Come to order. At  
3 this time we're going to excuse a couple more individuals. I  
4 mean, I think you all are kind of getting the gist of where --  
5 what -- what's happening, and why it takes -- it's such a long  
6 process. But I want to thank both of you for being part of  
7 this and being attentive to our questions and -- and sharing  
8 with us some of the concerns in your life, but maybe this case  
9 isn't the best.

10 So I'm going to excuse Ms. Huff and I'm going to  
11 excuse Mr. Neopaney, okay. Mr. Neopaney is Badge 383, Ms.  
12 Huff is 389. So go ahead and go back to -- back to the jury  
13 commission room and let them know that you've been excused,  
14 okay. All right. Thank you.

15 PROSPECTIVE JUROR NO. 389: Thank you.

16 THE COURT: Okay. You know, it's 4:30 and we've  
17 been kind of bouncing in and out of the courtroom. We've just  
18 come back. I mean, I -- I want to keep going. Are you guys  
19 okay at least for another half hour or so? I know some people  
20 have commitments later. Okay. Everyone is shaking their  
21 head. All right. So go ahead and -- and put -- put the next  
22 individuals in order --

23 THE CLERK: In seat --

24 THE COURT: -- here.

25 THE CLERK: In Seat 15, it's Badge No. 529,

1 Elizabeth Ortega. And in Seat 33 it'll Badge No. 539, Marilyn  
2 -- is it Muro?

3 PROSPECTIVE JUROR NO. 539: Muro.

4 THE CLERK: Muro.

5 THE COURT: What's the number? What is it?

6 THE CLERK: Hers is 539.

7 THE COURT: Okay. Is everybody in -- all right. So  
8 -- all right. Okay. So Elizabeth Ortega is Badge 529 in Seat  
9 15.

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

11 PROSPECTIVE JUROR NO. 529: Pretty much my whole  
12 life. I moved here from San Fernando when I was a month old.

13 THE COURT: Okay. That's your whole life.

14 PROSPECTIVE JUROR NO. 529: Yeah.

15 THE COURT: Okay. Are you employed?

16 PROSPECTIVE JUROR NO. 529: Yes.

17 THE COURT: What do you do for work?

18 PROSPECTIVE JUROR NO. 529: I work at the post  
19 office.

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

22 PROSPECTIVE JUROR NO. 529: Trade school.

23 THE COURT: Okay. And what were you studying in  
24 trade school?

25 PROSPECTIVE JUROR NO. 529: Dental assistant.

1 THE COURT: Okay. And are you married?  
2 PROSPECTIVE JUROR NO. 529: No.  
3 THE COURT: Do you have any children?  
4 PROSPECTIVE JUROR NO. 529: No.  
5 THE COURT: Have you ever served on a jury before?  
6 PROSPECTIVE JUROR NO. 529: No.  
7 THE COURT: Have you or anyone close to you, such as  
8 a family member or a friend, ever been a victim of a crime?  
9 PROSPECTIVE JUROR NO. 529: My sister was  
10 molested --  
11 THE COURT: Okay.  
12 PROSPECTIVE JUROR NO. 529: -- when she was younger.  
13 That happened before I was even born. The only way I found  
14 out was she told us when I was probably -- I was -- I think I  
15 was like around 11 when she told us about it, so that's all I  
16 know is what --  
17 THE COURT: Okay.  
18 PROSPECTIVE JUROR NO. 529: -- she said.  
19 THE COURT: What -- did anything happen with regards  
20 to her prior to telling you?  
21 PROSPECTIVE JUROR NO. 529: She never said anything.  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 529: Yeah.  
24 THE COURT: So --  
25 PROSPECTIVE JUROR NO. 529: She just told me and my

1 parents at the time.

2 THE COURT: All right. Molested by a family member?

3 PROSPECTIVE JUROR NO. 529: Uncle.

4 THE COURT: Uncle. And how old was she when she

5 told you about it?

6 PROSPECTIVE JUROR NO. 529: When she told -- how old

7 was she?

8 THE COURT: How old was she when she told you about

9 it?

10 PROSPECTIVE JUROR NO. 529: We're 11 years apart,

11 and she told --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 529: -- me when I was like

14 around 11 or 12.

15 THE COURT: Okay. So she was --

16 PROSPECTIVE JUROR NO. 529: So like 20.

17 THE COURT: -- 22?

18 PROSPECTIVE JUROR NO. 529: Yeah.

19 THE COURT: Was it here in Las Vegas?

20 PROSPECTIVE JUROR NO. 529: I'm -- I don't know

21 details, honestly.

22 THE COURT: Okay. And so as far as you know,

23 nothing -- nothing ever came of that?

24 PROSPECTIVE JUROR NO. 529: No.

25 THE COURT: Okay. Brother of your mother, brother

1 of your father?

2 PROSPECTIVE JUROR NO. 529: My sister -- oh, my --

3 my mom's --

4 THE COURT: Your uncle.

5 PROSPECTIVE JUROR NO. 529: -- sister's husband at

6 the time.

7 THE COURT: What was that?

8 PROSPECTIVE JUROR NO. 529: My --

9 PROSPECTIVE JUROR: Uncle by marriage.

10 PROSPECTIVE JUROR NO. 529: My mom's sister's

11 husband --

12 THE COURT: Okay. All right.

13 PROSPECTIVE JUROR NO. 529: -- at the time.

14 THE COURT: I got you. So it would have been --

15 okay. And how old was she when it occurred? Do you -- did

16 she -- did you learn that?

17 PROSPECTIVE JUROR NO. 529: She was around eight or

18 nine she said.

19 THE COURT: And first time, as far as you know, that

20 she said anything was when she was 22?

21 PROSPECTIVE JUROR NO. 529: Yes.

22 THE COURT: Okay. So that was the first time your

23 mother and --

24 PROSPECTIVE JUROR NO. 529: I just happened to be in

25 the room when she opened up.

1 THE COURT: Oh, okay.

2 PROSPECTIVE JUROR NO. 529: Yeah.

3 THE COURT: That's the first time, as far as you  
4 know, your mother and father learned about it?

5 PROSPECTIVE JUROR NO. 529: Yes.

6 THE COURT: Okay. Did this individual, the  
7 perpetrator, or the person she was accusing --

8 PROSPECTIVE JUROR NO. 529: From what I know, he was  
9 already long gone from the picture. He had moved somewhere in  
10 Mexico.

11 THE COURT: Okay. So what you know of that, and  
12 maybe what you discussed with your sister about that, have you  
13 -- have you -- have you discussed anything further other than  
14 that day?

15 PROSPECTIVE JUROR NO. 529: No.

16 THE COURT: That's the only time you've heard about  
17 it?

18 PROSPECTIVE JUROR NO. 529: Yeah.

19 THE COURT: And --

20 PROSPECTIVE JUROR NO. 529: I didn't ask --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 529: -- any more.

23 THE COURT: Okay. So is there anything about that  
24 at all you think would affect your ability to be fair and  
25 impartial here?

1           PROSPECTIVE JUROR NO. 529: I believe I can push all  
2 of that to the side.

3           THE COURT: Okay. So you can base your verdict  
4 solely on the evidence that's been presented in this case  
5 and --

6           PROSPECTIVE JUROR NO. 529: Yes.

7           THE COURT: -- as I instruct you on the law?

8           PROSPECTIVE JUROR NO. 529: Yes. I believe everyone  
9 should have a fair trial.

10          THE COURT: Okay. And so you don't think there's  
11 anything about that that you -- would affect you?

12          PROSPECTIVE JUROR NO. 529: I don't believe so.

13          THE COURT: Okay. Or affect this case?

14          PROSPECTIVE JUROR NO. 529: No.

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

18          PROSPECTIVE JUROR NO. 529: My two brothers, they've  
19 both been arrested. My oldest brother, he broke someone's  
20 nose after a club --

21          THE COURT: Okay.

22          PROSPECTIVE JUROR NO. 529: -- or after partying.

23          THE COURT: Okay. How old is your oldest brother?

24          PROSPECTIVE JUROR NO. 529: Right now? He's 39.

25          THE COURT: So he's substantially older than you?

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CHRISTOPHER SENA, ) No. 79036  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD  
ALEXANDER CHEN

WILLIAM M. WATERS  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CHRISTOPHER SENA, #1217884  
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INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly  
Employee, Clark County Public Defender's Office