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Respondent.

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Docket 79036 Document 2020-19239

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CHRISTOPHER SENA
Case No. 79036

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1 PROSPECTIVE JUROR NO. 529: Yes. We're 15 years
2 apart.
3 THE COURT: How -- how old was he when he did this?
4 PROSPECTIVE JUROR NO. 529: I don't know details.
5 THE COURT: Okay. And so your oldest brother got
6 into a fight after being out at night --
7 PROSPECTIVE JUROR NO. 529: Uh-huh.
8 THE COURT: -- and broke somebody's nose.
9 PROSPECTIVE JUROR NO. 529: Uh-huh.
10 THE COURT: Was he ever --
11 PROSPECTIVE JUROR NO. 529: Charges were --
12 THE COURT: -- charged with that?
13 PROSPECTIVE JUROR NO. 529: Yes. Yes. He spent --
14 THE COURT: And what ever --
15 PROSPECTIVE JUROR NO. 529: -- a few nights --
16 THE COURT: -- came of that?
17 PROSPECTIVE JUROR NO. 529: -- jail for that.
18 THE COURT: So he ended up spending some time in
19 jail?
20 PROSPECTIVE JUROR NO. 529: Yeah.
21 THE COURT: Was that here in Las Vegas?
22 PROSPECTIVE JUROR NO. 529: Yes.
23 THE COURT: How did you learn about that?
24 PROSPECTIVE JUROR NO. 529: My parents told me. I
25 was always in like in -- they happened to be talking about it

1 and I just happened to be there, honestly.

2 THE COURT: Okay. And so was that the only time you
3 ever talked about it was this one time?

4 PROSPECTIVE JUROR NO. 529: Yes, because I never
5 bothered to ask any more questions really.

6 THE COURT: Okay. Is there anything at all that
7 happened with regards to your brother that you know about it
8 that would affect your ability to be fair and impartial here?

9 PROSPECTIVE JUROR NO. 529: No.

10 THE COURT: Okay. How about with your other
11 brother?

12 PROSPECTIVE JUROR NO. 529: Well, both of them had
13 DUIs, too.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 529: And they both spent a
16 few nights in jail for that, too.

17 THE COURT: All right. And do you know when those
18 -- that -- those occurred?

19 PROSPECTIVE JUROR NO. 529: I don't know the dates.
20 They're in --

21 THE COURT: Were they --

22 PROSPECTIVE JUROR NO. 529: -- 2000s, like --

23 THE COURT: Was this all something --

24 PROSPECTIVE JUROR NO. 529: -- 2006, around then.

25 THE COURT: -- that your parents were talking to you

1 about, as well, or did you learn it from them or --

2 PROSPECTIVE JUROR NO. 529: From my parents. I

3 think they told me about it.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 529: Because they told me

6 that I guess my brother called from jail wanting to get bailed

7 out.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 529: My parents didn't want

10 to bail him out and left him there --

11 THE COURT: Were --

12 PROSPECTIVE JUROR NO. 529: -- over the weekend.

13 THE COURT: Were you -- were you at home or in the

14 house at the time they called your parents?

15 PROSPECTIVE JUROR NO. 529: When they -- when he

16 called? No, I wasn't.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 529: They just told me later

19 on.

20 THE COURT: Help me understand how it is in your

21 house that --

22 PROSPECTIVE JUROR NO. 529: Uh-huh.

23 THE COURT: -- that -- I mean, a discussion starts

24 up about one of your brothers, your other -- your brother,

25 your sister. I understand what happened with your sister is

1 you walked in on it.

2 PROSPECTIVE JUROR NO. 529: Yeah.

3 THE COURT: But what happens? I mean, is it like --

4 PROSPECTIVE JUROR NO. 529: Well, my parents -- my

5 parents just are talking about it.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 529: And that's how I happen

8 to learn about it, I guess.

9 THE COURT: Okay. And were they talking about it

10 when it happened? I mean, meaning, you know, like the night

11 before this happened, and now they're talking about it and you

12 walked in on it?

13 PROSPECTIVE JUROR NO. 529: It's usually --

14 THE COURT: Were they talking about it and it

15 happened years ago or --

16 PROSPECTIVE JUROR NO. 529: Oh, no. It happened

17 like the day after they started talking --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 529: -- about it.

20 THE COURT: All right. So -- so the topic was --

21 was fresh.

22 PROSPECTIVE JUROR NO. 529: Uh-huh.

23 THE COURT: And I take it both brothers were out of

24 the house at the time?

25 PROSPECTIVE JUROR NO. 529: Yes.

1 THE COURT: And so they weren't living with your --
2 with you and your parents?

3 PROSPECTIVE JUROR NO. 529: My oldest brother, no.
4 My -- well, they're both my older brother, but the other --
5 the younger one --

6 THE COURT: Uh-huh.

7 PROSPECTIVE JUROR NO. 529: -- he was living there.

8 THE COURT: Oh, okay. So he was still living at the
9 house when he --

10 PROSPECTIVE JUROR NO. 529: Yes.

11 THE COURT: -- was arrested --

12 PROSPECTIVE JUROR NO. 529: Yes.

13 THE COURT: -- for a DUI?

14 PROSPECTIVE JUROR NO. 529: Uh-huh.

15 THE COURT: Did you ever talk to him about it?

16 PROSPECTIVE JUROR NO. 529: We're not that close.

17 THE COURT: Okay. So what you know of what occurred
18 with both brothers --

19 PROSPECTIVE JUROR NO. 529: Uh-huh.

20 THE COURT: -- and DUIs here in Las Vegas, do you
21 believe that they were treated fairly? I mean, to the extent
22 that you know.

23 PROSPECTIVE JUROR NO. 529: Yeah.

24 THE COURT: All right. Is there anything about what
25 happened to your brothers that you think that would affect

1 your ability to be fair and impartial here?

2 PROSPECTIVE JUROR NO. 529: No.

3 THE COURT: Hold any grudges or ill will against any
4 individuals in this matter?

5 PROSPECTIVE JUROR NO. 529: No.

6 THE COURT: Okay. Anyone else?

7 PROSPECTIVE JUROR NO. 529: My younger -- or younger
8 brother, he --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 529: -- got caught with drugs
11 in his car.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 529: That was, I think,
14 around the same time he got the DUI. I think it was that
15 same --

16 THE COURT: Okay. The younger of the two?

17 PROSPECTIVE JUROR NO. 529: Yeah. The younger of
18 the two.

19 THE COURT: But not younger than you?

20 PROSPECTIVE JUROR NO. 529: Yeah.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 529: Because I'm the
23 youngest.

24 THE COURT: Okay. So at the same time he was
25 arrested for DUI, he may have had some drugs --

1 PROSPECTIVE JUROR NO. 529: He had drugs --
2 THE COURT: -- in his car?
3 PROSPECTIVE JUROR NO. 529: -- in the car.
4 THE COURT: Okay. What ever came of that? Did he
5 -- was -- did he get prosecuted for that?
6 PROSPECTIVE JUROR NO. 529: I know he had charges.
7 THE COURT: Okay. So you really don't know --
8 PROSPECTIVE JUROR NO. 529: Yeah, I don't know
9 much --
10 THE COURT: -- much of what happened?
11 PROSPECTIVE JUROR NO. 529: -- details, honestly.
12 THE COURT: Okay. All right. So once again, with
13 regards to that, you -- you know that the State was probably
14 the prosecutor if it happened --
15 PROSPECTIVE JUROR NO. 529: Uh-huh.
16 THE COURT: -- here in Clark County?
17 PROSPECTIVE JUROR NO. 529: Yeah.
18 THE COURT: Would you hold that against them?
19 PROSPECTIVE JUROR NO. 529: No.
20 THE COURT: Okay. All right. Would you have a
21 tendency to give more weight or credence or less weight or
22 credence to the testimony of a police officer simply because
23 he or she is a police officer?
24 PROSPECTIVE JUROR NO. 529: No.
25 THE COURT: And can you wait in forming your opinion

1 as to the guilt or innocence of the defendant until all of the
2 evidence has been presented and I have instructed you on the
3 law?

4 PROSPECTIVE JUROR NO. 529: Yes.

5 THE COURT: Okay. Do you know of any reason why you
6 couldn't be completely fair and impartial if you are selected
7 in this case?

8 PROSPECTIVE JUROR NO. 529: The only thing I can
9 think of is maybe a concern of the video footage.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 529: Like I could watch the
12 video footage, unless it's too graphic.

13 THE COURT: Okay. I mean, let me --

14 PROSPECTIVE JUROR NO. 529: That's the --

15 THE COURT: -- kind of chime in on that with --

16 PROSPECTIVE JUROR NO. 529: Uh-huh.

17 THE COURT: -- for everybody's benefit here. The
18 reason we ask that, and, quite frankly, I'll tell you,
19 oftentimes it's compared to cases involving murders. Because
20 there -- there is oftentimes pretty graphic photographs,
21 graphic videos, that's the extent of the evidence.

22 PROSPECTIVE JUROR NO. 529: Uh-huh.

23 THE COURT: We've had actual individuals in a murder
24 case where they refuse, they tell you straight out, I will not
25 look at it, because it causes a -- not necessarily an

1 emotional, but somewhat of a conflict with themselves to the
2 extent that -- that it causes problems for them. That to the
3 point where they will not, you know, if they're watching TV
4 and something like that comes on, they won't look at it.

5 And that's what we want to know because, quite
6 frankly, when -- when you're asked to consider all of the
7 evidence, that's part of the evidence. And so if you were
8 asked to consider the evidence, and either party is making a
9 point about, say, the video or, say, a particular photograph,
10 and your position is I'm not looking at it, I won't look at
11 it, you could never consider the points that the parties are
12 making, then. Okay.

13 If they say, you know, in this photograph, look at
14 the -- look up in the left-hand corner of this photograph,
15 there's something there that you need to see and they make an
16 argument about that. And you say, no, I'm not looking at
17 them, I'm not looking at them because it's too emotional, or
18 it's -- or it will affect me or something like to that
19 regards.

20 And that's fair. I'm not -- I'm not trying to say,
21 you know, that -- that you're not entitled to that. But we
22 need to know that because then that would tell me that you're
23 not willing to consider the evidence, and there's nothing
24 wrong with that. That -- please don't get me wrong. I'm --
25 and but we tell you this up front that there is some

1 photographs that -- in this case there's video, there are some
2 photographs that, if they're admitted, then you would be asked
3 to be looking at.

4 And I can imagine these parties would have some
5 argument with you or trying to explain to you why or why it's
6 important and why you need to look at it. But if you take the
7 position up front right now, I won't do that, and it's -- and
8 many times it's for -- for multiple reasons that only you know
9 of, or only that people here know of, and that's what we want
10 to know, okay.

11 PROSPECTIVE JUROR NO. 529: All right.

12 THE COURT: So in this particular case, are -- are
13 you telling me that you would not be able to consider the
14 photographs?

15 PROSPECTIVE JUROR NO. 529: I just feel like I'd
16 probably look away if they're too graphic.

17 THE COURT: Okay. Well, are you saying then you
18 wouldn't consider them?

19 PROSPECTIVE JUROR NO. 529: No, sir.

20 THE COURT: And would you -- you wouldn't even know
21 if they're too graphic until you even look at them.

22 PROSPECTIVE JUROR NO. 529: Yeah.

23 THE COURT: So what are you telling me?

24 PROSPECTIVE JUROR NO. 529: That I wouldn't get a
25 fair trial if that's the case, I guess.

1 THE COURT: Okay. Because you -- because you
2 wouldn't be able to consider the evidence?
3 PROSPECTIVE JUROR NO. 529: Huh-uh.
4 THE COURT: Okay. All right. Okay. So that --
5 that's the one area where you think that you couldn't be
6 completely fair and impartial because --
7 PROSPECTIVE JUROR NO. 529: Yeah.
8 THE COURT: -- because you're saying I can't
9 consider the evidence because there's -- the nature of -- of
10 the evidence, I mean, the -- the photographs and --
11 PROSPECTIVE JUROR NO. 529: Yeah.
12 THE COURT: -- video. Okay. All right. Besides
13 that, is there any medical reason that would prevent you from
14 participating?
15 PROSPECTIVE JUROR NO. 529: No.
16 THE COURT: Okay. All right. Can you pass that --
17 that up to -- we have right in the front. Yeah. Ms. Marilyn
18 Muro. This is 539 and she's seated in -- in Seat 33.
19 Okay. Are you ready? All right. Ms. Muro, how
20 long have you lived in Las Vegas?
21 PROSPECTIVE JUROR NO. 539: 20 years.
22 THE COURT: And are you employed?
23 PROSPECTIVE JUROR NO. 539: Yes.
24 THE COURT: What do you do for work?
25 PROSPECTIVE JUROR NO. 539: I work as a concierge

1 for Caesars.

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

4 PROSPECTIVE JUROR NO. 539: Some college.

5 THE COURT: And are you married?

6 PROSPECTIVE JUROR NO. 539: No.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 539: No.

9 THE COURT: Have you ever served on a juror
10 before --

11 PROSPECTIVE JUROR NO. 539: No.

12 THE COURT: -- as a juror before? Okay. Have you
13 or anyone close to you, such as a family member or friend,
14 ever been a victim of a crime?

15 PROSPECTIVE JUROR NO. 539: Yes.

16 THE COURT: Can you tell us about it?

17 PROSPECTIVE JUROR NO. 539: Yes. This past December
18 my friend was out on a trip to New York and she called me in
19 the middle of the night after she had been assaulted. She
20 didn't decide to press any charges, and I just stayed on the
21 phone with her until she was safe. But I was pretty much the
22 first person that she contacted when that happened.

23 THE COURT: Okay. When you say assaulted, can you
24 -- can you expand on that?

25 PROSPECTIVE JUROR NO. 539: Yeah. She had met

1 somebody at the bar and they went back together, everything
2 was pretty normal, but when she got back, he got very violent
3 with her and wouldn't let her leave. So as soon as she got
4 out, she called me just to make sure that somebody knew where
5 she was.

6 THE COURT: Okay. So did it -- did it escalate to
7 sex?

8 PROSPECTIVE JUROR NO. 539: It was during, yeah.

9 THE COURT: Okay. So it was a sexual assault?

10 PROSPECTIVE JUROR NO. 539: Yes.

11 THE COURT: Okay. And this was a friend of yours
12 that went back to New York?

13 PROSPECTIVE JUROR NO. 539: Yes. She's from here
14 and she was on a trip to New York, so she had to come back the
15 next day and decided not to do anything.

16 THE COURT: Okay. So -- and this was just last
17 month?

18 PROSPECTIVE JUROR NO. 539: It was her trip for her
19 birthday.

20 THE COURT: Okay. And in light of the fact -- had
21 you already filled out the jury questionnaire prior to that?

22 PROSPECTIVE JUROR NO. 539: [Inaudible].

23 THE COURT: Okay. Is there anything about what you
24 learned from your friend and knowing that you filled out this
25 jury questionnaire that you may be called upon to be a juror

1 in a case involving some allegations involving sexual assault?

2 PROSPECTIVE JUROR NO. 539: No.

3 THE COURT: Does that -- that -- does that play a
4 part at all in your mind now?

5 PROSPECTIVE JUROR NO. 539: No. Just because in the
6 moment she -- she just needed somebody to listen to her. She,
7 on her own, decided not to press charges or anything. And if
8 that was her choice, I respect that, and I just did my best to
9 be supportive of what she had and let her know that I was
10 there for her and that I knew what happened --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 539: -- if she needed me.

13 THE COURT: You think there's any -- anything
14 involved with that case and what you know of your friend and
15 your -- and your relationship with your friend you think would
16 affect your ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 539: No. I feel like I can
18 be fair even, you know, with her not wanting to go ahead. It
19 was hard for me to listen to that, but it was her choice, and
20 I respected that.

21 THE COURT: Okay. Can you base your verdict solely
22 on the evidence that's presented here and -- and as I instruct
23 you on the law?

24 PROSPECTIVE JUROR NO. 539: Yes.

25 THE COURT: Okay. Anyone else a victim of a crime?

1 PROSPECTIVE JUROR NO. 539: No.

2 THE COURT: Okay. How about accused of a crime?

3 PROSPECTIVE JUROR NO. 539: No.

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

8 PROSPECTIVE JUROR NO. 539: No.

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

12 PROSPECTIVE JUROR NO. 539: No.

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

17 PROSPECTIVE JUROR NO. 539: Yes.

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

20 PROSPECTIVE JUROR NO. 539: No.

21 THE COURT: Okay. All right. Let me -- can you
22 pass the mic back to Mr. Sasser?

23 Mr. Sasser, I don't -- I'm not going to pick on you,
24 but I -- but some of the questions that were asked of you with
25 regards to the -- the last area I discussed with -- with Ms.

1 Ortega, with regards to viewing evidence and that. And I --
2 and, you know, I had an opportunity to kind of spout out a
3 little bit, give you an understanding, the concern of what we
4 -- what we're looking for. Based on what I had just
5 indicated, would you change your opinion at all? Would you
6 still -- are you -- are you still willing to view the evidence
7 in this -- this particular case?

8 PROSPECTIVE JUROR NO. 499: I believe it'd be hard
9 for me to -- to see it.

10 THE COURT: Okay. Well, that -- that's -- I
11 understand that. It's probably hard for everybody to see it.

12 PROSPECTIVE JUROR NO. 499: Right.

13 THE COURT: But my question is will you view the
14 evidence in this case if you're selected as a juror?

15 PROSPECTIVE JUROR NO. 499: Out of respect for the
16 Court and our system, yes.

17 THE COURT: Okay. All right. Okay. So you know
18 what, it's -- it's almost 5:00 now. What I am going to do,
19 though, is -- what's your position on one of the jurors?

20 MS. RADOSTA: We'll submit it, Your Honor.

21 MS. SUDANO: Submit it.

22 THE COURT: Okay. Ms. Ortega, I want to thank you
23 so much for participating at this point. I'm going to excuse
24 you, okay. All right.

25 Give us the next juror in line.

1 THE CLERK: That will be Badge No. 540, James
2 Hampshire.

3 THE COURT: Mr. Hampshire, can you come on up here,
4 take Seat 15. He's badge 540. Okay. Mr. Hampshire, how long
5 have you lived in Las Vegas?

6 PROSPECTIVE JUROR NO. 540: Three and a half years.

7 THE COURT: Where are you from originally?

8 PROSPECTIVE JUROR NO. 540: Illinois.

9 THE COURT: Okay. And are you employed?

10 PROSPECTIVE JUROR NO. 540: Yes.

11 THE COURT: What do you do for work?

12 PROSPECTIVE JUROR NO. 540: I'm a biologist.

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

15 PROSPECTIVE JUROR NO. 540: Bachelor's --

16 THE COURT: In biology?

17 PROSPECTIVE JUROR NO. 540: -- in science. Science,
18 yeah.

19 THE COURT: Where do you work?

20 PROSPECTIVE JUROR NO. 540: I work for a consulting
21 firm here in Las Vegas. We basically deal with wildlife.
22 Mostly the desert tortoise --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 540: -- and other
25 environmental concerns.

1 THE COURT: Do you use your -- do you use your --
2 your degree?
3 PROSPECTIVE JUROR NO. 540: Yes.
4 THE COURT: Okay. All right. Are you married?
5 PROSPECTIVE JUROR NO. 540: Yes.
6 THE COURT: Is your spouse employed?
7 PROSPECTIVE JUROR NO. 540: Yes.
8 THE COURT: And what does your spouse do?
9 PROSPECTIVE JUROR NO. 540: She's a recruiter with
10 the Nevada Army National Guard.
11 THE COURT: Okay. And do you have any children?
12 PROSPECTIVE JUROR NO. 540: Yes, I have one
13 stepdaughter, 11, and a son that's 10 and a half months.
14 THE COURT: Okay. Well congratulations.
15 PROSPECTIVE JUROR NO. 540: Thanks.
16 THE COURT: Okay. Have you been sleeping?
17 PROSPECTIVE JUROR NO. 540: Recently, yes.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 540: First nine months, not
20 so much.
21 THE COURT: Okay. All right. Have you ever served
22 as a juror before?
23 PROSPECTIVE JUROR NO. 540: Yes.
24 THE COURT: Where?
25 PROSPECTIVE JUROR NO. 540: Fort Myers, Florida.

1 THE COURT: Okay. How long ago?

2 PROSPECTIVE JUROR NO. 540: I don't know exactly. I

3 believe it was 2009.

4 THE COURT: Okay. Do you remember if it was a

5 criminal or civil case?

6 PROSPECTIVE JUROR NO. 540: It was criminal.

7 THE COURT: And were you the foreperson?

8 PROSPECTIVE JUROR NO. 540: I was not.

9 THE COURT: Were you able to reach a verdict?

10 PROSPECTIVE JUROR NO. 540: No. A mistrial was

11 declared after the second -- at the end of the second day.

12 THE COURT: Okay. So you never -- you never --

13 PROSPECTIVE JUROR NO. 540: Never got to --

14 THE COURT: -- reached the --

15 PROSPECTIVE JUROR NO. 540: -- the verdict.

16 THE COURT: -- deliberation? All right. Was there

17 anything about that experience you think would affect your

18 ability to be fair and impartial in this matter?

19 PROSPECTIVE JUROR NO. 540: No.

20 THE COURT: Okay. What kind of case was it?

21 PROSPECTIVE JUROR NO. 540: It was second degree

22 murder.

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. 540: Yes. My wife told me --
2 this is about a year after we met, that she was molested by
3 her stepfather when she was -- I believe she was 13, 14 years
4 old.

5 THE COURT: Okay. And this -- this was revealed to
6 you by her sometime after you -- you --

7 PROSPECTIVE JUROR NO. 540: Yes.

8 THE COURT: -- met? Okay. Do you know if anything
9 ever came of that?

10 PROSPECTIVE JUROR NO. 540: Nothing ever did come of
11 it. She didn't -- she didn't pursue anything. I think she --
12 well, I know she thought that it would, you know, destroy her
13 family, destroy her mom. And I was kind of against that, I
14 was like you probably should have said something, but it's not
15 me, so --

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR NO. 540: -- that was her
18 decision.

19 THE COURT: Okay. Anything about what she related
20 to you and -- and -- I mean, did she go into detail about it?

21 PROSPECTIVE JUROR NO. 540: No, not really. And I
22 wasn't going to push her on it.

23 THE COURT: Okay. Anything that she related to you
24 and about your relationship that you have with her that you
25 think would affect your ability to be fair and impartial here?

1 PROSPECTIVE JUROR NO. 540: I don't -- I don't think
2 so.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 540: But, once again, I've
5 never been on a -- you know, a trial like this before.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 540: I consider myself a
8 fair-minded person, so I don't believe it would.

9 THE COURT: Are you open minded?

10 PROSPECTIVE JUROR NO. 540: Yes.

11 THE COURT: Can you keep an open mind in this
12 matter?

13 PROSPECTIVE JUROR NO. 540: I think I can, yes.

14 THE COURT: Okay. Would you base your verdict
15 solely on the evidence that's been presented to you in this
16 case, and -- and instructions that I give you on the law?

17 PROSPECTIVE JUROR NO. 540: Yes.

18 THE COURT: Okay. Can you set that aside, then?

19 PROSPECTIVE JUROR NO. 540: I believe I can, yes.

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

23 PROSPECTIVE JUROR NO. 540: Yes. My brother was
24 accused by his ex-wife of domestic abuse. It did go to trial,
25 and he was found innocent.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 540: It was kind of a prelude
3 to a divorce.

4 THE COURT: Where did that take place?

5 PROSPECTIVE JUROR NO. 540: Chicago, Cook County,
6 Illinois.

7 THE COURT: Okay. And how long ago was that?

8 PROSPECTIVE JUROR NO. 540: I believe that was -- it
9 was 2013.

10 THE COURT: Okay. And were you involved in that at
11 all?

12 PROSPECTIVE JUROR NO. 540: No, I wasn't.

13 THE COURT: Did you give any testimony or anything
14 like that?

15 PROSPECTIVE JUROR NO. 540: No, I didn't. I was
16 present in court --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 540: -- just for support, but
19 no -- no way connected to it --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 540: -- legally.

22 THE COURT: And from what you saw with that and --
23 and knowing that your brother was the individual that was
24 accused, is there anything about that and your relationship
25 with your brother and what you know of that case you think

1 would affect your ability to be fair and impartial here?

2 PROSPECTIVE JUROR NO. 540: I don't think so.

3 THE COURT: Okay. Is that something also that you
4 would be able to set aside and -- and base your verdict solely
5 on the evidence that's presented here?

6 PROSPECTIVE JUROR NO. 540: I think so.

7 THE COURT: Okay. Okay. Is there any -- is there a
8 tendency to think otherwise?

9 PROSPECTIVE JUROR NO. 540: 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. 540: Yeah. I think I would,
15 yes.

16 THE COURT: Okay. Can you expand on that?

17 PROSPECTIVE JUROR NO. 540: Yes. Police officers go
18 through a lot more vetting than the regular citizen,
19 background checks, probably fingerprints, possibly lie
20 detector tests. We're expected to give them a certain amount
21 of power in our regular lives, as well. If they pull us over
22 we have to comply, if they give us an order we have to comply.
23 You know, if a regular person pulled me over, I wouldn't, you
24 know, I'm not pulling over for them. We're supposed to assume
25 that they are honorable in what they're doing, and not, you

1 know, doing something for nefarious reasons.

2 Also, industries such as insurance industry, it's a
3 he said, she said matter, and there's a police report, the
4 police report is always used as basically that's the law. So
5 police report is used to settle the case, so I think there's a
6 lot of -- you know, something like that, where the policeman's
7 word is used as, you know, the deciding factor. So I would
8 give them probably the -- the benefit of the doubt --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 540: -- in a court.

11 THE COURT: Would you be willing to listen to the
12 officer's testimony and -- and weigh their testimony as you
13 would weigh it against anyone else?

14 PROSPECTIVE JUROR NO. 540: I would.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 540: I'm -- I'm saying like,
17 you know, if it's -- well, I don't know.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 540: If -- if the testimony
20 was in direct opposition --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 540: -- I would probably tend
23 to put more credence with the police officer, right or wrong.
24 You know, it would depend on what the testimony is, but --

25 THE COURT: Okay. And that's based on, what,

1 experience, your understanding of what a police officer is --
2 PROSPECTIVE JUROR NO. 540: Yes. And I realize --
3 THE COURT: -- is expecting?
4 PROSPECTIVE JUROR NO. 540: -- no -- you know, all
5 police officers -- there's bad eggs in every profession.
6 THE COURT: Okay. So that's why we ask.
7 PROSPECTIVE JUROR NO. 540: So I'm saying in
8 general.
9 THE COURT: Okay. So -- so --
10 PROSPECTIVE JUROR NO. 540: I'm not saying every
11 police officer, I, you know, believe over every other person.
12 THE COURT: Okay. Is it -- is the idea, what you're
13 talking about, more of a respect issue than it is that you
14 would just automatically accept their -- their statements?
15 PROSPECTIVE JUROR NO. 540: I wouldn't automatically
16 accept.
17 THE COURT: Okay. All right.
18 PROSPECTIVE JUROR NO. 540: But I suppose, yes.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 540: You know, taking into
21 account, like I said, everything --
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NO. 540: -- that they have to go
24 through in order to become a police officer.
25 THE COURT: Okay. So you think that there's a basis

1 behind that --

2 PROSPECTIVE JUROR NO. 540: Yes.

3 THE COURT: -- why you would give more credence to a
4 police officer's testimony?

5 PROSPECTIVE JUROR NO. 540: Yes.

6 THE COURT: Okay. Well, what -- what -- what I ask,
7 though, is when I say simply because he or she is a police
8 officer. That's what -- you know, and so what you're saying
9 is that at least when they come in here they start on a higher
10 notch, but you're willing to weigh it as you would any other
11 evidence?

12 PROSPECTIVE JUROR NO. 540: Right. Well --

13 THE COURT: Any other testimony?

14 PROSPECTIVE JUROR NO. 540: As was said before, if
15 everyone says the sky is blue and the police officer says the
16 sky is green, then, obviously, I wouldn't say, well, it must
17 be green because it's a police officer, but --

18 THE COURT: Okay. All right. Okay. I understand.
19 That's fair. Can you -- can you wait in forming your opinion
20 as to the guilt or innocence of the defendant until all of the
21 evidence has been presented and I have instructed you on the
22 law?

23 PROSPECTIVE JUROR NO. 540: Yes.

24 THE COURT: Okay. Do you know of any reason why you
25 couldn't be completely fair and impartial if you're selected

1 in this case?

2 PROSPECTIVE JUROR NO. 540: No.

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

5 PROSPECTIVE JUROR NO. 540: No.

6 THE COURT: Okay. All right. I think we'll take
7 our evening recess at this time, okay. Ladies and gentlemen,
8 we are going to recess at 5:00.

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

18 Just so we're clear, what Ms. Sudano talked to you a
19 little bit about the TV and that, I mean, I think -- I think
20 it -- we're clear, but just so we're -- it's -- it's
21 abundantly clear. If you see something on TV and it appears
22 to be similar to this or something, go away from it. Don't
23 wait and see if it is this case, just walk away from it.

24 Now, I'm not telling you not to watch TV. I'm just
25 telling you if you see something like that. I'm not telling

1 you not to read the newspaper, but if you see something that's
2 similar to this, don't read into it to see if it's the right
3 -- just leave it alone. Give -- put it away on a shelf and
4 then you go back to it after we're done or after you've been
5 released here. If you hear something on the radio, same
6 thing.

7 If you're on the Internet tonight doing something
8 and something pops up and, you know, get around that.
9 Internet is a little different because you kind of got to
10 search for it. I've already told you don't do that, don't
11 search for the case or whatever, so -- okay. Does anyone have
12 any questions about that. Is it clear?

13 Also, I don't know if I've -- I've been clear enough
14 with you. If I've talked to you about it before, I apologize
15 for repeating myself. But oftentimes in these kind of cases
16 the worst individuals that want to find out what you're all
17 about and what you're doing are your spouses. They will
18 constantly hound you. They want to know what you're doing.
19 They don't necessarily believe what you're telling them.

20 I invite you to invite them down. You can't talk to
21 them; you can't talk about the case. I know that you want to,
22 but you can't. Tell them -- you can tell them you're in --
23 going through jury selection on a criminal case. I don't want
24 you to tell the case name, I don't want you to tell -- tell
25 them my name, the -- the parties' names at all. Just invite

1 them down. Say if they don't believe you, tell them to come
2 down. They can sit in the courtroom and watch. They're more
3 than welcome, okay.

4 That's -- and if it persists and you've told them
5 not to, let me know. My marshal will put -- I promise you, my
6 marshal -- and I'm not joking, we'll put a stop to it, okay.
7 Now, don't go home and get all huffy and puffy with them over
8 that and think you have the power of the law. I'm just
9 telling you, okay. All right. Does anyone have any
10 questions?

11 PROSPECTIVE JUROR: Yeah. What time do we come?

12 THE COURT: Okay. And we're going to start -- we're
13 going to start tomorrow --

14 THE CLERK: We can start at 9:00.

15 THE COURT: Yeah. We can get started tomorrow at
16 9:00. All right. Okay.

17 PROSPECTIVE JUROR: Bright and early.

18 THE COURT: We will. We can get started, I -- I had
19 a hearing --

20 PROSPECTIVE JUROR: So we can come in at 8:00?

21 THE COURT: Do you want to start at 8:00? I don't
22 -- I'm -- I'm here every morning by 6:30, 7:00.

23 PROSPECTIVE JUROR: Ignore him.

24 THE COURT: Okay. All right, guys. Okay. All
25 right. We'll get started tomorrow at 9:00, okay. All right.

1 We will be able to. I don't have -- my hearing went away. I
2 don't have to do it. So all right, guys. We'll be at be
3 ease. You all have a good evening, okay. All right.

4 (Prospective jury recessed at 5:01 P.M.)

5 THE COURT: Okay. We're outside the -- we're
6 outside the presence of the jury. Before our evening recess,
7 does anything need to be put on the record before we take our
8 evening recess?

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

10 THE COURT: Ms. Radosta?

11 MS. RADOSTA: I'll just wait for the morning, Judge.
12 Sorry.

13 THE COURT: Okay.

14 MS. RADOSTA: I'm just -- my brain is just a little
15 -- right now.

16 THE COURT: Well, what's going on?

17 MS. RADOSTA: No, I just can't remember what -- the
18 -- which people I was -- if I had to -- if I had any people
19 that I wanted to challenge at this point, honestly.

20 THE COURT: Okay.

21 MS. RADOSTA: So if we can just do it first thing in
22 the morning.

23 THE COURT: All right.

24 MS. RADOSTA: Now that we have all day.

25 THE COURT: Yeah. Well, we had all day today, too,

1 but --

2 MS. RADOSTA: We have two more hours.

3 THE COURT: -- we had something sidetracked us where
4 we had to talk to each individual one at a time, so --

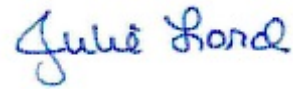
5 THE RECORDER: Going off.

6 THE COURT: We're going off the record.

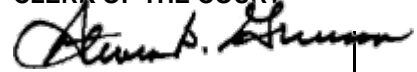
7 (Court recessed at 5:03 P.M., until Thursday,
8 January 31, 2019, at 9:14 A.M.)

9 * * * * *

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
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

THURSDAY, JANUARY 31, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 4**

APPEARANCES:

FOR THE STATE:

JAMES R. SWEETIN, ESQ.
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1 LAS VEGAS, NEVADA, THURSDAY, JANUARY 31, 2019

2 (Case called at 9:14 A.M.)

3 (Outside the presence of the prospective jury)

4 THE COURT: All right. Good morning, everybody.

5 MS. SUDANO: Good morning.

6 MR. LOPEZ-NEGRETE: Good morning.

7 MS. RADOSTA: Good morning,

8 THE COURT: We're on the record in the case of the
9 State of Nevada versus Christopher Sena in C-311453. I'd like
10 the record to reflect the presence of the defendant, his
11 counsel, as well as the State and their counsel.

12 We're outside the presence of the jury.

13 Ms. Radosta, before we took our break last night you
14 had indicated you wanted an opportunity to address the Court
15 further this morning; is that right or?

16 MS. RADOSTA: Just briefly, Your Honor. I mean, at
17 this point, I think based on the comments that our last juror
18 -- and I'm sorry, I'm trying to get his Badge Number -- Badge
19 540, Mr. Hampshire. He indicated, I think multiple times,
20 kind of went into a fair amount of detail, that he would give
21 more weight to Metro officers.

22 He assumes that they're honorable in their
23 profession. That is a police report is used in an insurance
24 case it's considered to be law. That based on those
25 representations, Your Honor, we would be moving to strike him

1 for cause.

2 THE COURT: State?

3 MS. SUDANO: And, Your Honor, I think that you had

4 adequately rehabed that juror. He was talking about the

5 training --

6 THE COURT: Well, let me ask a question since we're

7 even --

8 MS. SUDANO: Sure.

9 THE COURT: -- talking about that area.

10 I understand a party not wanting somebody. But does

11 it really meet the grounds for cause that an individual says,

12 you know what, based on my background and my experience, I do

13 believe that I would give a little more credence to one party

14 versus another party? Does that necessarily mean grounds for

15 cause --

16 MS. RADOSTA: Yes.

17 THE COURT: -- in light of the -- you think so?

18 MS. RADOSTA: Yes.

19 THE COURT: How?

20 MS. RADOSTA: Because I think that is impliedly

21 saying that they can't be fair and impartial. If they are

22 coming into this without knowing anything and are telling you

23 that --

24 THE COURT: I know. But you're always --

25 MS. RADOSTA: -- one -- that --

1 THE COURT: -- here -- here's the problem though.
2 When we're talking specifically about police officers, are we
3 not putting the police officer, although that they are here to
4 testify in this case and they have to be determined whether or
5 not they're -- I mean, they weigh their testimony, but an
6 officer himself, just based on the training and experience,
7 multiple experiences in that same area, wouldn't you expect
8 that individual to have a little bit more understanding so
9 that they deserve a little bit more credence? Wouldn't you
10 think?

11 MS. RADOSTA: It's not based on understanding that
12 -- that somebody -- that I think either of the -- that at
13 least Mr. Hampshire was saying that he would be more inclined
14 to -- or give more weight to Metro. It's not based on
15 officer's experience, it's based on the fact that he is an
16 officer.

17 And as we all know, officers are fallible. Officers
18 make mistakes and officers make intentional mistakes sometimes
19 and don't put everything into their reports, and -- and opine
20 from the -- from the witness stand that same as --

21 THE COURT: Okay.

22 MS. RADOSTA: -- any other witness, Judge.

23 THE COURT: So, I guess what we ought to do then is
24 we ought to strike Raul Sotelo, because he said he wouldn't
25 give him -- he'd give him less credence, so there it is not

1 fair and -- right? Is that where -- is that where we're going
2 with that?

3 MS. RADOSTA: Well --

4 THE COURT: I'm just looking at it that, you know --

5 MS. RADOSTA: I just think, Judge, if somebody -- I
6 mean, we have 34 people sitting over here and we have Mr.
7 Hampshire, Mr. Milligan --

8 THE COURT: I know, but -- no, I --

9 MS. RADOSTA: -- and Mr. Sotelo are the only ones
10 who have indicated that they would, either for or against,
11 have -- look at a -- look at a police officer's testimony
12 differently. The other 31 people have not said that.

13 THE COURT: No, I --

14 MS. RADOSTA: They said, no, I wouldn't give anymore
15 weight to a -- to a Metro officer just because he's a Metro
16 officer. But those three individuals did.

17 THE COURT: I know, but what I'm saying here is that
18 based on both Mr. Milligan and Mr. Hampshire, they saying that
19 based on their knowledge, what they know of and what they --
20 their -- of these officers, basically, I asked the question
21 whether or not it was a matter of just respect for them versus
22 -- versus something other than that.

23 Mr. Hampshire specifically said that. Mr. Milligan,
24 I didn't go that far with him. But that's where I'm getting
25 -- I'm just -- I'm cantering with you because I'm trying to

1 figure out the arguments --

2 MS. RADOSTA: I --

3 THE COURT: -- that are being made that --

4 MS. RADOSTA: I mean, for the sake of argument,
5 Judge, if I -- if the question was, if we put our client on
6 the stand and just because our client was taking the stand you
7 would give him more weight than --

8 THE COURT: Okay.

9 MS. RADOSTA: -- any other witness in the room, just
10 because he's the criminal defendant --

11 THE COURT: Okay.

12 MS. RADOSTA: -- and he's willing to put himself on
13 the stand; I think everybody would have a problem with that
14 answer. If jurors were saying, yes, absolutely. Just because
15 it's the criminal defendant, I give him more weight.

16 Look at the position he's in, look at where -- what
17 he's facing. I would tend to give him more weight and
18 credibility. I think everybody would have an issue with that.

19 For some reason, because it's Metro, we all want to
20 give them the respect, of course --

21 THE COURT: Um-hum.

22 MS. RADOSTA: -- that police officers deserve. But
23 they shouldn't be believed more so than -- than lay witnesses,
24 or doctors, or psychologists, or anybody else who is going to
25 take the witness stand in this particular case. And I

1 actually think it would be an interesting scenario if one of
2 the -- if we leave one of these -- Mr. Sotelo -- I'm sorry,
3 Your Honor, Mr. Sotelo -- if we left Mr. Hampshire or Mr.
4 Milligan on the jury, they say they actually will listen to a
5 detective more than other people; and one of the detectives
6 gets up there and actually says things that are helpful to the
7 defense --

8 THE COURT: Um-hum.

9 MS. RADOSTA: -- then I don't know if the -- if the
10 DA would be quite as okay with those people being on the jury.
11 They don't have an issue with Mr. Hampshire and Mr. Milligan
12 because they believe the police officers are going to be
13 testifying -- well, they're State's witnesses, so they're
14 going to be offering evidence that is helpful to the State.

15 THE COURT: Okay.

16 MS. RADOSTA: So --

17 THE COURT: Okay.

18 MS. RADOSTA: -- but I -- I think that if we put --
19 if it was, do you give a psychologist more credibility than
20 other people, we would all have an issue with that, that
21 people -- well, they have training, they have experience, they
22 know what they're talking about. But not necessarily in this
23 case. So I don't -- I think that we're treating the answer
24 about Metro differently --

25 THE COURT: Okay.

1 MS. RADOSTA: -- because it's Metro. And I do think
2 it demonstrates --

3 THE COURT: I don't know if you're actually -- so
4 the record's clear, we didn't -- we haven't specifically
5 delineated "Metro", we just said, a police officer, will you
6 treat a police officer --

7 MS. RADOSTA: Fair enough.

8 THE COURT: -- differently. So -- so I -- I -- you
9 know, that's always been a tough one for me because I think
10 that, you know, from the very get-go, at least when I was a
11 child, we were taught to, you know, respect the police
12 officers, respect the person in uniform, answer what they
13 want, go do what they need, you know, ask you to do, that kind
14 of thing.

15 And so I don't know, I -- I understand what you're
16 saying.

17 MS. RADOSTA: I mean the -- I mean, I think --

18 THE COURT: No, I understand. I want to just hear
19 what the State has to say about it and I didn't mean to
20 interrupt you, Ms. Sudano, but it's -- it would kind of apply
21 both ways, though, because --

22 MS. SUDANO: And --

23 THE COURT: -- Mr. Sotelo is saying the thing and
24 he's saying, you know what, I had an issue -- my brother had
25 an issue with a police officer before so from then on I don't

1 -- I give them less credence, so.

2 MS. RADOSTA: I mean, honestly, I think Mr. Sotelo
3 is -- he's over -- he's over on one side and then he's over on
4 the other side.

5 THE COURT: Well --

6 MS. RADOSTA: He's said a lot of very interesting
7 things. But he -- I won't dispute the fact that he said --

8 THE COURT: Um-hum.

9 MS. RADOSTA: -- yeah, I have a problem with that
10 incident with his brother. I think he was the one that said
11 there was a --

12 THE COURT: All right. Well, right now --

13 MS. RADOSTA: -- shotgun held.

14 THE COURT: -- the defense has moved to exclude Mr.
15 Hampshire and Mr. --

16 MS. RADOSTA: And at this --

17 THE COURT: -- Mr. Milligan.

18 MS. RADOSTA: Yeah. At this point, Judge, just for
19 the record, I would renew our -- our motion on Mr. Milligan if
20 I did not previously say that. And he's --

21 THE COURT: You just said it, so --

22 MS. RADOSTA: -- 105.

23 THE COURT: -- so I'm -- I'm fine. I mean, as far
24 as I understand right now, it's clear to me that your
25 challenge is for Mr. Hampshire and Mr. Milligan; correct?

1 MS. RADOSTA: Yes.

2 THE COURT: Okay. Just so I have a -- let's see if
3 I'm the wrong -- do I have that -- Hampshire? What's --

4 MS. RADOSTA: He was our last juror, 540. He was in
5 the -- he was in the middle of the second row, Judge.

6 THE COURT: 15?

7 MS. RADOSTA: Had the nine-month old baby.

8 THE COURT: Oh, okay. So he took -- he took Sue
9 Huff's spot?

10 MS. RADOSTA: Yes.

11 THE CLERK: Actually, Elizabeth Ortega.

12 THE COURT: Or -- and then -- and then we had
13 Elizabeth Ortega.

14 THE CLERK: Uh-huh.

15 THE COURT: Okay, I gotcha.

16 THE CLERK: He's 540.

17 THE COURT: There it is. Okay.

18 Okay. So, State, do you want to respond to that?

19 MS. SUDANO: Yes, Your Honor. So I think what's
20 distinguishable about the two of them and Mr. Hampshire, in
21 particular, is that when he was giving that example about, oh,
22 well, if there's a car accident and it's an insurance dispute,
23 the police officer kind of guides when it's a "he said/she
24 said" because a police officer is a neutral observer. They're
25 just there to be a fact finder.

1 Both Mr. Hampshire and Mr. Milligan were talking
2 sort of in the abstract about police officers and their
3 respect for police officers. They both recognized that, you
4 know, you have to weigh the credibility of a police officer,
5 you can look at their training and their unique experience and
6 background, and that's part of what would factor into how they
7 weigh the credibility of that officer, but that there is some
8 sort of weighing that goes into it.

9 They also both said that, you know, that example if
10 everybody else comes in and says the sky's blue, and the
11 officer comes in and says the sky is green, obviously, they're
12 not going to be believe the officer there.

13 So they both were willing to recognize that an
14 officer could be mistaken, could be a bad apple, could not be
15 telling the truth, could have whatever other things going on
16 in a case, so they were open to that idea.

17 I don't think that the challenges for cause are
18 appropriate.

19 THE COURT: But do you agree, though, that -- that
20 they both indicated that the -- that if a police officer came
21 in here they basically started on a higher level?

22 MS. SUDANO: They did, but they indicated that
23 they'd be willing to weigh the credibility of that police
24 officer so it wasn't just a blind, whatever the police officer
25 says goes, they would be willing to assess the credibility.

1 THE COURT: Yeah, but Ms. Sudano, do they not start
2 though with the credibility issue that the credibility is
3 greater with a police officer before anything is even
4 presented? So they don't start on the same -- the same
5 playing field as any other witness. That's -- that's what the
6 defense is saying.

7 MS. SUDANO: And I understand that. But I think
8 that that goes back to their training and experience. I think
9 that if it were a doctor or anybody else with specialized
10 training and experience, that would be the same thing when
11 they came in. But they both indicated that they would be
12 willing to weigh the credibility of those witnesses.

13 THE COURT: Didn't Mr. Milligan indicate though that
14 if you put them up against two witnesses and they both have
15 the same thing to say, an officer and a lay witness, and they
16 said the exact same -- exact same thing, but were opposite,
17 that they would automatically -- he would automatically accept
18 the police officer just simply because he was a police
19 officer?

20 MS. SUDANO: I don't think that that's what he --

21 THE COURT: That --

22 MS. SUDANO: -- said.

23 THE COURT: Okay.

24 MS. SUDANO: I may be mistaken. I understood it to
25 be more, you know, he would lean that way, but he was willing

1 to consider the evidence.

2 THE COURT: Okay. Yeah, I'm going to grant your
3 motion. I -- here's the problem I have. I struggle with that
4 because -- because it's -- it's kind of unfair in some regards
5 to -- to this -- the proceeding.

6 MS. RADOSTA: Right.

7 THE COURT: That -- and -- but -- but, you know,
8 they're saying what they say.

9 MS. RADOSTA: And the --

10 THE COURT: Mr. Hampshire was a lot closer. I think
11 that he's more on the fence than -- than Mr. Milligan. Mr.
12 Milligan, in my perspective, though was pretty -- pretty
13 steadfast with his perception of a police officer and what --
14 what he would do with that.

15 But just in an abundance of caution here, I'm going
16 to grant it. We have -- we have a number -- I'm -- I -- you
17 know what, I don't know, Ms. Sudano. That's the issue. And
18 here's where I waffle is it -- you know, when you start these,
19 you figure, okay, you've got every answer, you know what's
20 going on and then -- and then some -- some crazy thing happens
21 down the road later, and I've abused my discretion.

22 And so that's why I'm just saying here is that -- is
23 that I'm fine. We have a ton of people behind this and stuff
24 and that kind of goes into weighing this --

25 MS. RADOSTA: Um-hum.

1 THE COURT: -- for me. So I'm going to grant it and
2 we'll just put a couple new ones in and go from there.

3 MS. SUDANO: And, Your Honor, I respect --

4 THE COURT: Okay.

5 MS. SUDANO: -- the Court's position on that.
6 However, then the State would be renewing our for cause
7 challenge to Mr. Sotelo, Badge No. 401.

8 THE COURT: Okay. All right, then I'm going to
9 grant that one as well. Do you want to respond to that?

10 MS. RADOSTA: Your Honor, just for the record, I
11 think it would be a bit disingenuous of me --

12 THE COURT: Okay, all right.

13 MS. RADOSTA: -- to oppose that. Just -- because
14 it's the exact opposite --

15 THE COURT: Okay.

16 MS. RADOSTA: -- opposite side of the argument. So
17 I will submit it.

18 THE COURT: All right. I wasn't going to do
19 anything unless somebody made the motion, that's -- so State
20 you are motioning for mr. Sotelo?

21 MS. SUDANO: Yes, Your Honor.

22 THE COURT: Okay. So those three, then I'll exclude
23 them. So when you come in I'll go ahead and exclude them and
24 then we'll put the next ones in; okay?

25 MR. SWEETIN: All right.

1 THE COURT: All right. Go ahead and bring them in.

2 (Pause in the proceedings)

3 (In the presence of the prospective jury)

4 THE COURT: All right. Everybody go ahead and have
5 a seat. We're back on the record in the presence of the jury
6 panel in Case No. C-311453, State of Nevada versus Christopher
7 Sena. I'd like the record to reflect the presence of the
8 defendant and his counsel, as well as the State and their
9 counsel.

10 Will the parties stipulate to the prospective jury
11 panel?

12 MR. SWEETIN: Yes, Your Honor.

13 MS. RADOSTA: Yes, Your Honor.

14 THE COURT: Okay. Ladies and gentlemen, during our
15 evening recess we've had some discussions on some additional
16 issues with the Court and the jurors. And I want to apologize
17 to you, because we did it after we had let you go home. So
18 some of you, I'm going to let you go right now.

19 Okay. You know, I try to do it the nigh before so
20 you don't have to come back, but I know we've wasted you
21 another day. But so if you hear your name this time, once
22 again, you are excused. And I want to thank you for
23 participating. Maybe some other day I'll see you and you'll
24 be able to get on a different jury. So it has no -- once
25 again, no reflection on you personally, it's just based on

1 some of the answers that we give through these questions, it's
2 kind of a science, it kind of -- it kind of is. And so -- so
3 I'm going to let you be excused and let -- and have you go
4 back the Jury Commission room and let them know you've been
5 excused; okay?

6 So we're going to excuse Ryan Milligan, Juror No.
7 105, Seat 10; James Hampshire, Juror 540, Seat 15; and Raul
8 Sotelo, Seat 23, Badge 401. Okay? Thank you so much guys.

9 Call the next in order.

10 THE CLERK: In Seat 10, it's Badge No. 559, April
11 Ruelas.

12 THE COURT: Ruelas?

13 THE CLERK: Ruelas.

14 PROSPECTIVE JUROR NO. 559: Ruelas.

15 THE COURT: Ruelas.

16 THE CLERK: Ruelas?

17 PROSPECTIVE JUROR NO. 559: Yes.

18 THE COURT: In Seat 15, it is Badge 560, Duayne
19 Hoolapa. And in Seat 23, it's Badge 561, Frank Fragale.

20 THE COURT: Okay. All right. Okay, can we give the
21 mic to Ms. -- oh, you have it?

22 PROSPECTIVE JUROR NO. 559: Yes.

23 THE COURT: All right. It's Ms. Ruelas; is that
24 right?

25 PROSPECTIVE JUROR NO. 559: Ruelas.

1 THE COURT: Ruelas. She's Badge 559, in Seat 10.
2 Ms. Ruelas, how long have you lived in Las Vegas?
3 PROSPECTIVE JUROR NO. 559: Over 20 years.
4 THE COURT: And are you employed?
5 PROSPECTIVE JUROR NO. 559: Yes.
6 THE COURT: And what do you do for work?
7 PROSPECTIVE JUROR NO. 559: I'm sales.
8 THE COURT: Okay. Are you married?
9 PROSPECTIVE JUROR NO. 559: No.
10 THE COURT: Do you have any children?
11 PROSPECTIVE JUROR NO. 559: No.
12 THE COURT: Have you ever served as a juror before?
13 PROSPECTIVE JUROR NO. 559: No.
14 THE COURT: Okay. Have you or anyone close to you
15 such as a family member or a friend ever been a victim of a
16 crime?
17 PROSPECTIVE JUROR NO. 559: Yes.
18 THE COURT: Can you tell me about it?
19 PROSPECTIVE JUROR NO. 559: I was a victim of two
20 shootings in 2017.
21 THE COURT: Two separate times, or?
22 PROSPECTIVE JUROR NO. 559: Um-hum.
23 THE COURT: Really?
24 PROSPECTIVE JUROR NO. 559: Yeah. Well --
25 THE COURT: Here in Las Vegas?

1 PROSPECTIVE JUROR NO. 559: -- one of them was Route
2 91.

3 THE COURT: Oh, okay.

4 PROSPECTIVE JUROR NO. 559: And then the other one
5 was Fourth of July weekend that year.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 559: It was over a parking
8 spot. This guy pulled a gun on me and my friend.

9 THE COURT: And shot at you?

10 PROSPECTIVE JUROR NO. 559: He shot at my friend.
11 And then he came in the house and threatened to kill me.

12 THE COURT: Someone you knew?

13 PROSPECTIVE JUROR NO. 559: No.

14 THE COURT: So someone did this over a parking spot?

15 PROSPECTIVE JUROR NO. 559: Yeah. So we -- we were
16 a my friend's apartment complex and they had assigned parking
17 spots.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 559: And the guy parked like
20 in the middle of two parking spots and so my friend still
21 parked in his parking spot and the guy came out and started
22 yelling at us, telling us that he needed two spots, that he
23 deserved two spots, that we'd better move the truck. And so
24 we didn't and we told him we couldn't, it's his parking spot,
25 he'd get towed. And the guy came back to the apartment

1 complex with two guns and told us he was going to kill us if
2 we didn't move the truck.

3 THE COURT: Did they catch this guy?

4 PROSPECTIVE JUROR NO. 559: Yeah. He was in jail
5 for like five days after that and then we went to court and we
6 let him plead --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 559: -- plead out.

9 THE COURT: Okay. So there was a negotiation with
10 that?

11 PROSPECTIVE JUROR NO. 559: Um-hum.

12 THE COURT: Okay. And is there anything about those
13 two incidences that -- that you think would affect your
14 ability to be fair and impartial in this matter?

15 PROSPECTIVE JUROR NO. 559: No.

16 THE COURT: All right. Can you set those aside and
17 -- and decide your verdict solely on the evidence that's
18 presented in here and -- and as I instruct you in the law?

19 PROSPECTIVE JUROR NO. 559: Definitely.

20 THE COURT: Okay. Any other times other than -- I
21 mean, those are pretty --

22 PROSPECTIVE JUROR NO. 559: Just those two.

23 THE COURT: -- significant but did -- were you hit
24 in any of those?

25 PROSPECTIVE JUROR NO. 559: No, thankfully not.

1 THE COURT: Were you with anyone that was hit?

2 PROSPECTIVE JUROR NO. 559: I knew a few people that
3 were hit at Route 91.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 559: But in my --

6 THE COURT: All right.

7 PROSPECTIVE JUROR NO. 559: -- group I was with we
8 were lucky.

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

12 PROSPECTIVE JUROR NO. 559: No.

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

17 PROSPECTIVE JUROR NO. 559: No.

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

22 PROSPECTIVE JUROR NO. 559: Yes.

23 THE COURT: Can you think of any reason why you
24 couldn't be completely fair and impartial if you're selected
25 here?

1 PROSPECTIVE JUROR NO. 559: No.

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

4 PROSPECTIVE JUROR NO. 559: No.

5 THE COURT: All right. Thank you, Ms. Ruelas. Can
6 you pass that forward to Mr. Hoolapa?

7 PROSPECTIVE JUROR NO. 560: Hoolapa.

8 THE COURT: Hoolapa. This is Badge 560, seated in
9 Seat 15.

10 Mr. Hoolapa, how long have you lived in Las Vegas?

11 PROSPECTIVE JUROR NO. 560: A little less than two
12 years.

13 THE COURT: Where are you from originally?

14 PROSPECTIVE JUROR NO. 560: Virginia.

15 THE COURT: Okay. Are you employed?

16 PROSPECTIVE JUROR NO. 560: No, I'm retired.

17 THE COURT: What did you retire from?

18 PROSPECTIVE JUROR NO. 560: Miscellaneous
19 administration jobs and 26 years in the Navy.

20 THE COURT: Okay. Were you ever in the military
21 police?

22 PROSPECTIVE JUROR NO. 560: No.

23 THE COURT: Okay. Were you ever involved in any
24 type of courts marshal?

25 PROSPECTIVE JUROR NO. 560: Yes.

1 THE COURT: Okay. Can you tell us about that?

2 PROSPECTIVE JUROR NO. 560: We had several people

3 that went UA and I had to be a -- I was a witness for one of

4 them.

5 THE COURT: So you -- you never sat as a Judge

6 Advocate or -- or --

7 PROSPECTIVE JUROR NO. 560: No.

8 THE COURT: -- okay. And so were you ever on the

9 jury or the portion of a jury that they use in a courts

10 marshal?

11 PROSPECTIVE JUROR NO. 560: No.

12 THE COURT: Okay. So you were just a witness then?

13 PROSPECTIVE JUROR NO. 560: Yes.

14 THE COURT: In multiple ones or --?

15 PROSPECTIVE JUROR NO. 560: Being a command senior

16 chief --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 560: -- you have to do that

19 periodically.

20 THE COURT: All right. So is that the rank you

21 reached?

22 PROSPECTIVE JUROR NO. 560: Yes, I reached

23 (indecipherable) and retired at senior chief.

24 THE COURT: Okay. And -- okay, so are you married?

25 PROSPECTIVE JUROR NO. 560: Yes.

1 THE COURT: Is your spouse employed?
2 PROSPECTIVE JUROR NO. 560: She's self-employed.
3 She's a web page designer.
4 THE COURT: Okay. Do you have any children?
5 PROSPECTIVE JUROR NO. 560: Yes, three of them.
6 THE COURT: How old?
7 PROSPECTIVE JUROR NO. 560: 41, she's a office
8 manager for a nationwide company for Auto Trader.
9 THE COURT: Okay.
10 PROSPECTIVE JUROR NO. 560: A 38-year old daughter
11 who is a middle school teacher, and my youngest daughter's 36,
12 and she specializes in cure for -- I'm trying to think of the
13 word -- children with difficulties --
14 THE COURT: Okay, all right.
15 PROSPECTIVE JUROR NO. 560: -- health -- health
16 issues.
17 THE COURT: All right. Have you ever served as a
18 juror before?
19 PROSPECTIVE JUROR NO. 560: I was an alternate.
20 THE COURT: Okay. How long ago?
21 PROSPECTIVE JUROR NO. 560: It's been years.
22 THE COURT: Here in Nevada?
23 PROSPECTIVE JUROR NO. 560: No, in Virginia.
24 THE COURT: Okay. Was there anything about that
25 experience you think would affect your ability to be fair and

1 impartial in this matter?

2 PROSPECTIVE JUROR NO. 560: No, it was an abuse case
3 and --

4 THE COURT: Were you asked to actually decide the
5 verdict?

6 PROSPECTIVE JUROR NO. 560: No.

7 THE COURT: All right. And was any -- is it a case
8 similar to this that you heard earlier?

9 PROSPECTIVE JUROR NO. 560: No, it was a husband and
10 wife dispute. He pulled a gun and beat her and --

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

14 PROSPECTIVE JUROR NO. 560: Yes.

15 THE COURT: Can you tell us about that?

16 PROSPECTIVE JUROR NO. 560: I can let you know that
17 my wife was abused when she was younger. I have no specifics
18 on that. She has never shared that with me. I just happened
19 to walk in on the conversation where she had -- was talking to
20 her mother about something regarding the issue.

21 THE COURT: Okay. And did you do anything to find
22 out what she was talking about?

23 PROSPECTIVE JUROR NO. 560: I didn't push the issue
24 with her. It's a very sensitive --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 560: -- matter with her.

2 THE COURT: Is there anything about what you know of
3 that or limited information you know about in your
4 relationship with your wife?

5 PROSPECTIVE JUROR NO. 560: No. I -- I don't know
6 sufficient enough about her -- that situation that I could --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 560: -- make any kind of --

9 THE COURT: So you don't think it would affect your
10 ability to be fair and impartial --

11 PROSPECTIVE JUROR NO. 560: No, I don't think so.

12 THE COURT: -- here at all?

13 PROSPECTIVE JUROR NO. 560: No.

14 THE COURT: All right. Anything other than that
15 one?

16 PROSPECTIVE JUROR NO. 560: I had a cousin that was
17 murdered in Texas.

18 THE COURT: Okay. How long ago?

19 PROSPECTIVE JUROR NO. 560: That's been about 25
20 years ago.

21 THE COURT: All right. Were you involved at all as
22 a witness or?

23 PROSPECTIVE JUROR NO. 560: No. I've heard all this
24 through my aunt.

25 THE COURT: Okay. Anything about that and what you

1 know in your relationship with your cousin you think would
2 affect your ability to be fair and impartial?

3 PROSPECTIVE JUROR NO. 560: No. No, sir.

4 THE COURT: Okay. Can you set those aside and make
5 your -- base your decision only on what's been presented --

6 PROSPECTIVE JUROR NO. 560: Yes.

7 THE COURT: -- in the evidence in this case? Okay.
8 Anyone else?

9 PROSPECTIVE JUROR NO. 560: No, sir.

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

13 PROSPECTIVE JUROR NO. 560: My deadbeat brother for
14 child support.

15 THE COURT: Okay. In Virginia?

16 PROSPECTIVE JUROR NO. 560: Arkansas.

17 THE COURT: Okay. Whatever became of that?

18 PROSPECTIVE JUROR NO. 560: He spent some time in
19 jail until my dad bailed him out.

20 THE COURT: Okay. Is he still dealing with that
21 issue or do -- do you know or --

22 PROSPECTIVE JUROR NO. 560: All the kids are --

23 THE COURT: Grown?

24 PROSPECTIVE JUROR NO. 560: -- my oldest nephew is
25 26 now so --

1 THE COURT: So they're grown now?

2 PROSPECTIVE JUROR NO. 560: -- he's not dealing with
3 it now.

4 THE COURT: Okay. All right. Anything about what
5 you know of that and your brother's relationship with you, do
6 you think that would affect your ability be fair and impartial
7 here?

8 PROSPECTIVE JUROR NO. 560: No, my brother and I
9 don't talk so it wouldn't matter to me anyway.

10 THE COURT: Okay. Were you involved in any
11 situation where you were called to give any testimony or --

12 PROSPECTIVE JUROR NO. 560: No.

13 THE COURT: -- character or anything on behalf --

14 PROSPECTIVE JUROR NO. 560: No, sir.

15 THE COURT: -- of your brother?

16 PROSPECTIVE JUROR NO. 560: No, sir.

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

21 PROSPECTIVE JUROR NO. 560: No, sir.

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

1 PROSPECTIVE JUROR NO. 560: Yes, sir.

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

5 PROSPECTIVE JUROR NO. 560: No, sir.

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

8 PROSPECTIVE JUROR NO. 560: I'm a Type 2 diabetic
9 myself --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 560: -- as several of the
12 other gentlemen I do occasionally

13 THE COURT: Would you have any issue with letting me
14 know that you need a break or bringing something in to help
15 you if you need a snack or --

16 PROSPECTIVE JUROR NO. 560: No, sir.

17 THE COURT: -- even standing up if you need to
18 stretch or anything, because you're concerned with that?

19 PROSPECTIVE JUROR NO. 560: No, sir.

20 THE COURT: Okay. It wouldn't embarrass you to say,
21 hey, Judge, I need a break?

22 PROSPECTIVE JUROR NO. 560: As much as I've shared
23 today, I don't think it would, no.

24 THE COURT: Okay. All right. Okay, Mr. -- how do
25 you pronounce your last name again, Hoolapa?

1 PROSPECTIVE JUROR NO. 560: Hoolapa, just the way
2 it's spelled.

3 THE COURT: Hoolapa.

4 PROSPECTIVE JUROR NO. 560: H-o-o-l-a --

5 THE COURT: What's the origin of that?

6 PROSPECTIVE JUROR NO. 560: Hawaiian.

7 THE COURT: Hawaiian. Okay. Are you -- are you
8 originally from Hawaii?

9 PROSPECTIVE JUROR NO. 560: My father was, yes.

10 THE COURT: Okay. Hoolapa.

11 PROSPECTIVE JUROR NO. 560: Hoolapa.

12 THE COURT: Hoolapa.

13 PROSPECTIVE JUROR NO. 560: O-O.

14 THE COURT: O-O. Okay. Did someone correct me?
15 Okay. All right. Okay. Sir, I appreciate that. Can you
16 pass that forward to Mr. Fragale?

17 Mr. Fragale is Badge 561. He's seated in Seat 23.

18 Mr. Fragale, how long have you lived in Las Vegas?

19 PROSPECTIVE JUROR NO. 561: Twenty-four years.

20 THE COURT: And are you employed?

21 PROSPECTIVE JUROR NO. 561: Yes, sir.

22 THE COURT: What do you do for work?

23 PROSPECTIVE JUROR NO. 561: I'm a table game
24 supervisor at Aria.

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

1 education?

2 PROSPECTIVE JUROR NO. 561: About a year of college.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NO. 561: Yes, sir.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR NO. 561: Yes. Well, she's

7 retired now.

8 THE COURT: Okay. What did she retire -- what did

9 she used to do?

10 PROSPECTIVE JUROR NO. 561: She worked for Verizon

11 Communications in New Jersey.

12 THE COURT: Okay. Do you -- do you have any

13 children?

14 PROSPECTIVE JUROR NO. 561: Yes, sir. One son, he's

15 40.

16 THE COURT: And does he work?

17 PROSPECTIVE JUROR NO. 561: He's -- he's in between

18 jobs right now but he's starting another job this weekend.

19 THE COURT: Okay. What does he do when he works?

20 PROSPECTIVE JUROR NO. 561: He was doing

21 construction work.

22 THE COURT: Okay. All right. So have you ever

23 served as a juror before?

24 PROSPECTIVE JUROR NO. 561: Yes, sir.

25 THE COURT: How many times?

1 PROSPECTIVE JUROR NO. 561: When I served it was a
2 three-week thing and I was on three cases.

3 THE COURT: Okay. Is that -- where -- where?

4 PROSPECTIVE JUROR NO. 561: New Jersey.

5 THE COURT: All right. So -- so they --

6 PROSPECTIVE JUROR NO. 561: In New Jersey.

7 THE COURT: -- so they would set you as a standard
8 jury and you would go from case to case?

9 PROSPECTIVE JUROR NO. 561: Well, what happened was
10 they would -- they would have a panel come in. You'd have to
11 stay there for three weeks when a case would come up, they'd
12 move your panel in, they'd pick who they wanted, then they'd
13 send you back.

14 THE COURT: Okay. Did you ever go to a -- onto a
15 panel and where you actually deliberated?

16 PROSPECTIVE JUROR NO. 561: Yes, sir.

17 THE COURT: How many times?

18 PROSPECTIVE JUROR NO. 561: Twice.

19 THE COURT: Okay. In that same three weeks?

20 PROSPECTIVE JUROR NO. 561: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 561: Yeah.

23 THE COURT: Okay. So basically you were on two
24 different juries?

25 PROSPECTIVE JUROR NO. 561: Yes, sir.

1 THE COURT: All right. Criminal or civil?
2 PROSPECTIVE JUROR NO. 561: Criminal.
3 THE COURT: Both of them?
4 PROSPECTIVE JUROR NO. 561: Yes, sir.
5 THE COURT: The first one, did you reach a verdict?
6 PROSPECTIVE JUROR NO. 561: Yes, sir.
7 THE COURT: The second one, did you reach a verdict?
8 PROSPECTIVE JUROR NO. 561: Yes, sir.
9 THE COURT: Were you the foreperson in either one of
10 them?
11 PROSPECTIVE JUROR NO. 561: No.
12 THE COURT: Okay. Is there anything about those
13 experiences that you had that you think would affect your
14 ability to be fair and impartial here?
15 PROSPECTIVE JUROR NO. 561: No, sir.
16 THE COURT: What kind of cases were they?
17 PROSPECTIVE JUROR NO. 561: One was -- one was
18 robbery, breaking and entering. And the other one was sexual
19 assault on a teenager.
20 THE COURT: Okay. Is there anything about that
21 case, the sexual assault on a teenager, that you think would
22 affect your ability to be fair and impartial here?
23 PROSPECTIVE JUROR NO. 561: No, sir.
24 THE COURT: All right. Can set your experience on
25 that aside --

1 PROSPECTIVE JUROR NO. 561: Yes.

2 THE COURT: -- and base your verdict solely on

3 what's being presented here in the court and --

4 PROSPECTIVE JUROR NO. 561: Yes.

5 THE COURT: -- as I instruct you on the law?

6 PROSPECTIVE JUROR NO. 561: Yes.

7 THE COURT: Okay. All right. Have you or anyone

8 close to you such as a family member or a friend ever been a

9 victim of a crime?

10 PROSPECTIVE JUROR NO. 561: Yes, sir. My wife and I

11 have. We -- we owned a business and we had an epoxy flooring

12 business and one night we left our trailer at one of the jobs

13 sites and it was -- it was stolen that night.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 561: We lost about -- close

16 to \$40,000 worth of equipment.

17 THE COURT: Was that here in Las Vegas?

18 PROSPECTIVE JUROR NO. 561: Yes.

19 THE COURT: How --

20 PROSPECTIVE JUROR NO. 561: Henderson.

21 THE COURT: -- long ago?

22 PROSPECTIVE JUROR NO. 561: 2016.

23 THE COURT: Okay. Just a couple years ago?

24 PROSPECTIVE JUROR NO. 561: Yeah.

25 THE COURT: Okay. Did they catch anyone?

1 PROSPECTIVE JUROR NO. 561: No, they didn't.
2 THE COURT: Did you --
3 PROSPECTIVE JUROR NO. 561: We got the trailer back
4 but not the equipment.
5 THE COURT: Okay. How long did it take to get the
6 vehicle -- trailer back?
7 PROSPECTIVE JUROR NO. 561: It took about -- I'm
8 going to say about three or four weeks. And what happened was
9 they were trying to sell it --
10 THE COURT: Um-hum.
11 PROSPECTIVE JUROR NO. 561: -- and then when they
12 went to register it they found out the title was wrong and all
13 that stuff. It was a fake title.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 561: So the people who had --
16 who had purchased it had told us about it.
17 THE COURT: Were you -- were you ever called upon to
18 give testimony or anything in that matter?
19 PROSPECTIVE JUROR NO. 561: No.
20 THE COURT: Based on what you know of what happened
21 in that matter do you believe that you were treated
22 appropriately?
23 PROSPECTIVE JUROR NO. 561: As best as I could have
24 been treated, I --
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 561: -- don't know how else
2 -- how else to say it, you know.

3 THE COURT: Do you hold any ill will against any of
4 the parties because of that?

5 PROSPECTIVE JUROR NO. 561: Well, if I knew who took
6 it probably, but no, not really.

7 THE COURT: Okay. I mean, any of the parties here?

8 PROSPECTIVE JUROR NO. 561: Oh, absolutely not.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 561: No, no.

11 THE COURT: Okay. All right.

12 So, anyone -- any other situation where you were a
13 victim of a crime?

14 PROSPECTIVE JUROR NO. 561: No, sir.

15 THE COURT: Okay. How about accused of a crime?

16 PROSPECTIVE JUROR NO. 561: My son was.

17 THE COURT: Okay. When was that?

18 PROSPECTIVE JUROR NO. 561: 1998, I'm going to say.

19 THE COURT: What was it that he was accused of?

20 PROSPECTIVE JUROR NO. 561: It was an assault,
21 felony assault.

22 THE COURT: Okay. Back in --

23 PROSPECTIVE JUROR NO. 561: No, this was here in Las
24 Vegas.

25 THE COURT: Oh, it was?

1 PROSPECTIVE JUROR NO. 561: Yeah.

2 THE COURT: Okay. And whatever came of it?

3 PROSPECTIVE JUROR NO. 561: He -- he pled and he got
4 probation.

5 THE COURT: Okay. And when you say felony assault,
6 did it have anything to do with sex at all?

7 PROSPECTIVE JUROR NO. 561: No.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 561: No.

10 THE COURT: And were you involved in the matter with
11 him as long as -- I mean through --

12 PROSPECTIVE JUROR NO. 561: No.

13 THE COURT: -- court proceedings and all that?

14 PROSPECTIVE JUROR NO. 561: I mean, I went with him
15 to court, but I wasn't involved in any -- I wasn't called for
16 witnesses or anything like that.

17 THE COURT: Okay. All right. What you know of what
18 happened in that matter, and what you saw in the court, do you
19 believe that he was treated appropriately?

20 PROSPECTIVE JUROR NO. 561: Yes, sir.

21 THE COURT: Okay. Is there anything about what
22 happened with regards to your son and your relationship with
23 your son you think that would affect your ability to be fair
24 and impartial here?

25 PROSPECTIVE JUROR NO. 561: No, sir.

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

4 PROSPECTIVE JUROR NO. 561: No.

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

9 PROSPECTIVE JUROR NO. 561: Yes.

10 THE COURT: Can you think of any reason why you
11 couldn't be completely fair and impartial if you're selected
12 here?

13 PROSPECTIVE JUROR NO. 561: No.

14 THE COURT: Any medical reason that would prevent
15 you from participating?

16 PROSPECTIVE JUROR NO. 561: no.

17 THE COURT: Okay. Thank you, Mr. Fragale.

18 With regards to those three, do you want to inquire,
19 Ms. Sudano -- Sudano -- I'm sorry.

20 MS. SUDANO: Yes, Your Honor. And then I think Ms.
21 Muro was in addition as well.

22 THE COURT: Okay.

23 MS. SUDANO: Good morning.

24 UNIDENTIFIED PROSPECTIVE JURORS: Good morning.

25 MS. SUDANO: So just like we've done for the last

1 couple of days now, I want to focus on our new individuals.
2 So, Ms. Muro, I know that you're new, and then the -- the
3 three individuals that were just joining us up here.

4 So remember a couple days ago when I said, people in
5 the back, pay attention, because when you get up here it will
6 make it go quicker; okay, were you all paying attention?

7 UNIDENTIFIED PROSPECTIVE JURORS: [Inaudible].

8 MS. SUDANO: For the record, Mr. Hoolapa was shaking
9 his head "no" he was not paying attention.

10 All right. Who has the mic? Okay, you have the
11 microphone. And is, it Mr. Fragale?

12 PROSPECTIVE JUROR NO. 561: Yes.

13 MS. SUDANO: So you heard all the questions that I
14 was asking the panel over the last couple of days. Anything
15 that really stuck out to you that if you were sitting up here
16 you would have had an answer or some commentary to provide?

17 PROSPECTIVE JUROR NO. 561: You asked something
18 about watching Forensic Files or something like that. Yeah, I
19 like watching that kind of stuff.

20 MS. SUDANO: Okay. So you're into the -- the TV
21 magic crime shows?

22 PROSPECTIVE JUROR NO. 561: No, not so much that.
23 It's just the -- I guess more like the true life stuff.

24 MS. SUDANO: Okay. So Forensic Files is one that's
25 based on real events; is that --

1 PROSPECTIVE JUROR NO. 561: Yes.
2 MS. SUDANO: -- right?
3 PROSPECTIVE JUROR NO. 561: Yes.
4 MS. SUDANO: Okay. So that actually ties into
5 exactly what I was going to ask you.
6 PROSPECTIVE JUROR NO. 561: Okay.
7 MS. SUDANO: You said that you were on two juries;
8 is that right?
9 PROSPECTIVE JUROR NO. 561: Yes.
10 MS. SUDANO: Okay. One was a sexual assault --
11 PROSPECTIVE JUROR NO. 561: Yes.
12 MS. SUDANO: -- one was a robbery?
13 PROSPECTIVE JUROR NO. 561: Yes.
14 MS. SUDANO: I don't want to talk super specifically
15 about either of them, but would it be fair to say that the
16 evidence that was presented in those two cases was very
17 different?
18 PROSPECTIVE JUROR NO. 561: Yeah, I think so.
19 MS. SUDANO: Okay.
20 PROSPECTIVE JUROR NO. 561: Yeah.
21 MS. SUDANO: Just based on the nature of --
22 PROSPECTIVE JUROR NO. 561: Yes.
23 MS. SUDANO: -- the allegations?
24 PROSPECTIVE JUROR NO. 561: Yes.
25 MS. SUDANO: Would you agree with me that that would

1 be common even if you had sat on two different robbery trials,
2 for instance? Would you expect different evidence in those
3 two cases?

4 PROSPECTIVE JUROR NO. 561: Yeah, I would expect
5 similar evidence but -- but different.

6 MS. SUDANO: Because it's different cases; right?

7 PROSPECTIVE JUROR NO. 561: Yes, exactly.

8 MS. SUDANO: Same with Forensic Files, they might --
9 there might be three episodes back to back in a marathon that
10 all deal with a murder but you're going to have different
11 evidence --

12 PROSPECTIVE JUROR NO. 561: Yes, exactly.

13 MS. SUDANO: -- in all of them, right? So any issue
14 setting aside your prior experience or your love of Forensic
15 Files and just focusing on the evidence that you hear in the
16 courtroom?

17 PROSPECTIVE JUROR NO. 561: Say that again, please.
18 I'm sorry.

19 MS. SUDANO: Any issue setting aside anything that
20 you've ever seen in Forensic Files, anything from your prior
21 jury experience and just listening to the evidence here?

22 PROSPECTIVE JUROR NO. 561: No, no issues.

23 MS. SUDANO: Okay. Any of our other new folks have
24 any issue with that? No? Okay.

25 All right. Any of the other questions that stood

1 out to you, or just Forensic Files?

2 PROSPECTIVE JUROR NO. 561: I'm trying to remember.

3 MS. SUDANO: Okay.

4 PROSPECTIVE JUROR NO. 561: I know there might have
5 been something else, but I don't remember exactly.

6 MS. SUDANO: Sure. So I was asking people about
7 whether or not they're news junkies, watch a lot of news; does
8 that apply to you?

9 PROSPECTIVE JUROR NO. 561: I like to watch the
10 news, yes.

11 MS. SUDANO: Are you going to have any issue not
12 watching the news, not watching stories about this case --

13 PROSPECTIVE JUROR NO. 561: No, I'll just --

14 MS. SUDANO: -- during trial?

15 PROSPECTIVE JUROR NO. 561: -- have to watch the
16 National News instead of --

17 MS. SUDANO: Okay. All right. And obviously, if
18 for some reason you see something about this case --

19 PROSPECTIVE JUROR NO. 561: Yeah.

20 MS. SUDANO: -- on the national news?

21 PROSPECTIVE JUROR NO. 561: I won't -- oh yeah, no,
22 I won't see any.

23 MS. SUDANO: Okay.

24 PROSPECTIVE JUROR NO. 561: I won't watch it.

25 MS. SUDANO: Perfect. Do you gravitate towards

1 crime stories when you're watching the news?

2 PROSPECTIVE JUROR NO. 561: Not so much -- yeah, I
3 -- I sort of like to pay attention to stuff like that. When
4 it comes to crime stuff, I like to watch Netflix, they have
5 like real life --

6 MS. SUDANO: Oh, okay.

7 PROSPECTIVE JUROR NO. 561: -- real life
8 documentaries and stuff like that. I like watching that kind
9 of stuff.

10 MS. SUDANO: Okay. So yeah, they've got a whole
11 bunch of them. They had that new Ted Bundy one that just came
12 out.

13 PROSPECTIVE JUROR NO. 561: I didn't see that yet,
14 but.

15 MS. SUDANO: Okay. So any issue setting aside the
16 Netflix crime stuff out there?

17 PROSPECTIVE JUROR NO. 561: No.

18 MS. SUDANO: Okay. And you can remain fair and
19 impartial in this --

20 PROSPECTIVE JUROR NO. 561: Yes, I can.

21 MS. SUDANO: -- case? All right.

22 Any of our other new folks watch a lot of news?
23 Okay.

24 PROSPECTIVE JUROR NO. 560: Just political stuff.

25 MS. SUDANO: Okay. And Mr. Hoolapa? Hoolapa, I'm

1 sorry. Hoolapa? Okay.

2 PROSPECTIVE JUROR NO. 560: As long as you don't
3 call me late for pay day, I'm okay.

4 MS. SUDANO: Fair enough. Badge No. 560. Sorry, I
5 couldn't find you on my sheet there. You said you watch a lot
6 of political stuff?

7 PROSPECTIVE JUROR NO. 560: Yeah, I watch the
8 national news and to see what stupid things are happening.

9 MS. SUDANO: Anything about anything that's in the
10 political discourse that would affect your ability to be fair
11 and impartial --

12 PROSPECTIVE JUROR NO. 560: No.

13 MS. SUDANO: -- here? Okay. So since I've got the
14 microphone back with you, you talked about overhearing
15 something where your wife might have been a victim of --

16 PROSPECTIVE JUROR NO. 560: Yes.

17 MS. SUDANO: -- a sexual crime of some variety.

18 PROSPECTIVE JUROR NO. 560: Yes.

19 MS. SUDANO: How long have the two of you been
20 married?

21 PROSPECTIVE JUROR NO. 560: Sixteen years.

22 MS. SUDANO: Okay. And you indicated that to this
23 day she's never shared that --

24 PROSPECTIVE JUROR NO. 560: No.

25 MS. SUDANO: -- with you?

1 PROSPECTIVE JUROR NO. 560: That happened when she
2 was much younger.

3 MS. SUDANO: Okay. Do you know if the police were
4 ever involved at all?

5 PROSPECTIVE JUROR NO. 560: I have -- I really don't
6 have any details about it.

7 MS. SUDANO: Okay.

8 PROSPECTIVE JUROR NO. 560: She -- as soon as she
9 saw me walk into the room she kind of clammed up.

10 MS. SUDANO: Okay. So --

11 PROSPECTIVE JUROR NO. 560: It was before we were
12 married, so.

13 MS. SUDANO: Oh, okay. And it's not something
14 that's ever come up in the 16 years of your marriage?

15 PROSPECTIVE JUROR NO. 560: I mean, she'll
16 occasionally get emotional about certain things she watches on
17 TV, but no, it's not been an issue that's raised its head.

18 MS. SUDANO: Okay.

19 PROSPECTIVE JUROR NO. 560: Yeah.

20 MS. SUDANO: Is it something that you ever wanted to
21 press her for information about?

22 PROSPECTIVE JUROR NO. 560: Not if it was going to
23 upset her; no, ma'am.

24 MS. SUDANO: Okay. Can you think of any reason why
25 she wouldn't want to bring that back up with you?

1 PROSPECTIVE JUROR NO. 560: Well, obviously, it
2 upset her terribly. I mean, like I said, I haven't pushed the
3 issue of it. I just -- I'm just there to support her if she
4 ever has a problem, that's all.

5 MS. SUDANO: Fair enough. I appreciate your answer
6 sir.

7 All right. So, for our new folks, any of you that
8 have had experience with CPS?

9 PROSPECTIVE JUROR NO. 560: No.

10 MS. SUDANO: Okay. Seeing four shakes of the head.

11 Anybody that has had experience with domestic
12 violence out of the four of you, been affected by it?

13 Okay. And I see Ms. Ruelas. Is that right?

14 PROSPECTIVE JUROR NO. 559: Sure.

15 MS. SUDANO: Sure. Sorry. Okay. How --

16 PROSPECTIVE JUROR NO. 559: That works.

17 MS. SUDANO: All right. And it's Badge No. 559.
18 How do you actually say your last name?

19 PROSPECTIVE JUROR NO. 559: Ruelas.

20 MS. SUDANO: Ruelas. Okay. Ms. Ruelas, can you
21 explain?

22 PROSPECTIVE JUROR NO. 559: My brother was involved
23 in a domestic violent relationship recently.

24 MS. SUDANO: All right. Was he --

25 PROSPECTIVE JUROR NO. 559: He was the abused.

1 MS. SUDANO: The abused? Okay. Did he ever get the
2 police involved?

3 PROSPECTIVE JUROR NO. 559: We did, yes. He was in
4 the relationship for about eight months and apparently the
5 whole time he was being abused, but he couldn't get help
6 because she was over his shoulder all the time.

7 And then finally, one of my friends told me that she
8 wrote a post on Facebook that she like blocked my whole family
9 on, so none of us could see it. And then she kept trying to
10 play victim, saying he was abusing her, he was abusing her.
11 That they broke up.

12 And she asked if I would come over and protect her.
13 And I was like, call the cops. If it's really happening, call
14 the cops. And she's like, I can't believe you wouldn't come
15 over and help. And I'm like, the police will get involved if
16 you need them.

17 And so I called my brother the next day at work and
18 asked him if he was okay, and he's like, I can't get out. So
19 he met with my parents and she was blowing up his phone, where
20 are you, what are you doing, why aren't you home yet, blah,
21 blah, blah. And so he told her he was at the gym -- gym. And
22 she showed up and just started hitting him in front of my
23 parents.

24 And so my parents called the police, they showed up.
25 They kind of were more on her side the whole time just because

1 she was a smaller girl. But we had to get restraining orders
2 from her on the whole family. We had to get her evicted from
3 his house. He had to live at our house for a month. It was a
4 little wild.

5 MS. SUDANO: Okay. So was that recent?

6 PROSPECTIVE JUROR NO. 559: It was last year, maybe.
7 It was right after the shooting happened at Route 91.

8 MS. SUDANO: Okay. So it sounds like there was a
9 lot of manipulation that was going on --

10 PROSPECTIVE JUROR NO. 559: Um-hum. Definitely.

11 MS. SUDANO: -- in that relationship. Is that fair?
12 So it wasn't just that there was physical abuse, it was --

13 PROSPECTIVE JUROR NO. 559: Definitely emotional,
14 yeah.

15 MS. SUDANO: Okay. Now, do you think that there was
16 any stigma for your brother reporting because he was the male
17 in the situation?

18 PROSPECTIVE JUROR NO. 559: Definitely.

19 MS. SUDANO: Okay. And you indicated that even when
20 the police responded initially they kind of wanted to believe
21 the --

22 PROSPECTIVE JUROR NO. 559: Um-hum.

23 MS. SUDANO: -- girl; is that fair?

24 PROSPECTIVE JUROR NO. 559: Yeah. There was like a
25 -- a girl police officer and she was siding with her most of

1 the time. And then one of the other officers saw that she was
2 trying to manipulate my brother in front of them. And so they
3 were like, you know what, take her car. It's your car. It's
4 in your name. You don't need to be nice to her anymore.

5 MS. SUDANO: Okay.

6 PROSPECTIVE JUROR NO. 559: So they let him take
7 everything.

8 MS. SUDANO: So do you think ultimately your brother
9 was treated fairly by the police in that situation?

10 PROSPECTIVE JUROR NO. 559: Definitely, at the end
11 point, yes.

12 MS. SUDANO: Okay. Anything about that experience
13 that would affect your ability to be fair and impartial?

14 PROSPECTIVE JUROR NO. 559: No.

15 MS. SUDANO: Okay. And then I want to talk about
16 not so much Route 91, I'm very sorry to hear that. But I want
17 to talk about the shooting over the parking spot.

18 PROSPECTIVE JUROR NO. 559: Um-hum.

19 MS. SUDANO: So you said that they found the guy.
20 He was in jail for a few days, and then you were involved in
21 the process of him --

22 PROSPECTIVE JUROR NO. 559: Um-hum.

23 MS. SUDANO: -- pleading out and getting probation?

24 PROSPECTIVE JUROR NO. 559: Yeah.

25 MS. SUDANO: Did you feel like you had a voice in

1 that process?

2 PROSPECTIVE JUROR NO. 559: Um, yeah, we sat with
3 the attorney for awhile and ultimately I let the person that
4 got shot at decide, since I wasn't actually shot at. I was
5 like, it's up to you. So we definitely were heard.

6 MS. SUDANO: Okay. And do you feel like you were
7 treated fairly by kind of the system at large in that
8 experience?

9 PROSPECTIVE JUROR NO. 559: Um-hum. Yeah.
10 Definitely.

11 MS. SUDANO: All right. All right. So do you have
12 any sort of -- and I'm going to open this actually back up to
13 all four of you -- any sort of preconceived notion about how a
14 victim of a crime should act or should tell their story?

15 Okay. Mr. --

16 PROSPECTIVE JUROR NO. 561: How they should tell
17 their story?

18 MS. SUDANO: Um-hum.

19 PROSPECTIVE JUROR NO. 561: You mean, should they
20 just say something right away or should they hold it in or --

21 MS. SUDANO: Sure. And we -- if we could pass it
22 up-front to Mr. Fragale, Badge No. 561.

23 PROSPECTIVE JUROR NO. 561: Yes, go ahead.

24 MS. SUDANO: So I think you were answering my
25 question with a question, you know, should somebody respond

1 right away, how should they tell their story.

2 So --

3 PROSPECTIVE JUROR NO. 561: I -- I think it's -- I
4 don't know, I think if the person is -- if they're intimidated
5 and they feel like something's going to happen to them if they
6 say something, then I think a lot of times they'll keep it
7 quiet. And sometimes they should just come up and say -- the
8 right thing to do is to say something right away, but --

9 MS. SUDANO: Okay.

10 PROSPECTIVE JUROR NO. 561: -- it depends on the
11 person themself.

12 MS. SUDANO: Sure. And do you understand that
13 people may not want to come forward right away?

14 PROSPECTIVE JUROR NO. 561: Yeah, I understand, they
15 could be embarrassed or whatever and --

16 MS. SUDANO: Any number of reasons why that could be
17 the case; do you agree with that?

18 PROSPECTIVE JUROR NO. 561: Yes, I would.

19 MS. SUDANO: Okay. Would that affect you? So if
20 somebody did not automatically, immediately come forward and
21 talk about what had happened to them, would you automatically
22 disbelieve them when they did come forward?

23 PROSPECTIVE JUROR NO. 561: No, I don't think so.

24 MS. SUDANO: Okay. All right. And then anything
25 else you wanted to add on that --

1 PROSPECTIVE JUROR NO. 561: Um --
2 MS. SUDANO: -- topic there?
3 PROSPECTIVE JUROR NO. 561: No, just that, you know,
4 they could be -- they could just fear for their life or be
5 embarrassed or feel like some people are going to look down on
6 them or something like that that'd be the --
7 MS. SUDANO: Sure. And then if we could actually
8 pass it up to Ms. Muro, Badge No. 539, right here -- sorry --
9 on that point. It's Muro, right?
10 PROSPECTIVE JUROR NO. 539: Yes.
11 MS. SUDANO: Okay. I got one of the names right in
12 this group.
13 So you had talked about something very recent with a
14 friend of yours --
15 PROSPECTIVE JUROR NO. 539: Yes.
16 MS. SUDANO: -- and an encounter that she had with
17 somebody in a bar that became non-consensual, I guess?
18 PROSPECTIVE JUROR NO. 539: Yes.
19 MS. SUDANO: Is that accurate? And you indicated
20 that she called you immediately and told you what was going
21 on?
22 PROSPECTIVE JUROR NO. 539: Yes.
23 MS. SUDANO: But she decided at that point she did
24 not want to get the police involved; right?
25 PROSPECTIVE JUROR NO. 539: Yes.

1 MS. SUDANO: Did she talk to you about why she
2 didn't want the police involved?

3 PROSPECTIVE JUROR NO. 539: Not necessarily. I just
4 -- she was saying that she had her flight to come back home
5 the next day so -- and also she did mention that it was -- and
6 actually it was really late at night when she called me. It
7 was probably like 5:00 or 6:00 in the morning. She didn't
8 really know where any of the police stations were. She was
9 just trying to get safe and get home. It was in December, so
10 it was like snowing and she was freezing and terrified.

11 MS. SUDANO: Okay.

12 PROSPECTIVE JUROR NO. 539: So she just wanted to
13 get back to her hotel room.

14 MS. SUDANO: Okay. And then get back from the hotel
15 to Las Vegas?

16 PROSPECTIVE JUROR NO. 539: Yeah.

17 MS. SUDANO: Okay. So it sounds like for the
18 priority was more getting out of the situation than getting
19 law enforcement involved?

20 PROSPECTIVE JUROR NO. 539: Yeah, because in the
21 situation she was really scared. The man, he was a foreigner
22 so it was kind of hard for her to communicate with him in the
23 first place. But he wasn't -- she felt trapped, like he was
24 not letting her leave.

25 MS. SUDANO: Okay.

1 PROSPECTIVE JUROR NO. 539: So she was fearing for
2 her life.

3 MS. SUDANO: Okay. So anything about her reaction
4 to that and the fact that she was more concerned about getting
5 out of the situation than going to the police, that you think
6 would affect you in this case?

7 PROSPECTIVE JUROR NO. 539: No, I just -- I tried to
8 understand her, because I've -- I kind of agreed with her, you
9 know, like sometimes people that are accused of these kinds of
10 crimes, like to me, they don't get enough time or, you know,
11 the consequences are not relevant to the pain that the people
12 suffer.

13 MS. SUDANO: Okay. And so you've brought up an
14 interesting idea, the idea of kind of punishment or
15 consequences. So do you understand that here in this case,
16 your role as a jury is -- is a fact finder?

17 PROSPECTIVE JUROR NO. 539: Yes.

18 MS. SUDANO: So to determine whether or not the
19 crimes that Mr. Sweetin and myself are alleging have taken
20 place, not necessarily the -- the punishment?

21 PROSPECTIVE JUROR NO. 539: Yes, I understand.

22 MS. SUDANO: Okay. And, in fact, you'll be
23 instructed not to consider that punishment.

24 PROSPECTIVE JUROR NO. 539: Yes.

25 MS. SUDANO: Do you have any issue with that?

1 PROSPECTIVE JUROR NO. 539: Honestly, I -- I do. I
2 know that I could be fair. But just the fact that I don't get
3 to choose that, you know, it kind of bothers me that I have to
4 be a part of it, because even if I make my decision, it's to
5 me like I know it's my duty as a citizen to serve here, but
6 it's just -- to me it's not fair.

7 MS. SUDANO: Okay. So you would like to have some
8 say in the ultimate outcome as well?

9 PROSPECTIVE JUROR NO. 539: Well, not necessarily.
10 I know I don't. I know there's a lot of respect and, you
11 know, education and responsibility that comes with that title,
12 that I don't have. So I respect that. But it's just to me
13 it's not right.

14 MS. SUDANO: Okay. So even though you disagree with
15 that aspect of the system, do you think that you could remain
16 fair and impartial if you were seated on this jury?

17 PROSPECTIVE JUROR NO. 539: Yes, absolutely. I feel
18 like I showed that, especially with my friend. Like even
19 though she -- she didn't want to go through and do stuff, I
20 was still, you know, here for her.

21 MS. SUDANO: Okay. All right. Thank you, I
22 appreciate that.

23 Court's indulgence, Your Honor.

24 No additional questions.

25 THE COURT: All right. Thank you.

1 MS. SUDANO: Thank you.

2 THE COURT: Ms. Radosta?

3 MS. RADOSTA: Thank you, Your Honor. If I can just
4 have a quick second.

5 There's no way I'm going to be able to keep this all
6 straight. So, and there's no way I'm not going to trip over
7 that, so everybody just keep an eye out for it.

8 I am going to start with some more specific
9 individual questions. Good morning, everyone.

10 UNIDENTIFIED PROSPECTIVE JURORS: Good morning.

11 MS. RADOSTA: My name is Violet Radosta. I'm kind
12 of with -- along with Mr. Hoolapa --

13 PROSPECTIVE JUROR NO. 560: Hoolapa.

14 MS. RADOSTA: Hoolapa.

15 PROSPECTIVE JUROR NO. 560: Yes.

16 MS. RADOSTA: Maybe? My last name is a bit of a
17 mouthful as well, so I'm generally, you know, call me Violet
18 and I'm fine with that. As I've just mutilated your last
19 name. So I do apologize.

20 So I'm going to try to start off with some
21 individual questions with everybody and then open it up to the
22 group at large. Actually, I would like to start with Ms. Muro
23 since you still have the microphone.

24 To talk about just briefly the incident, again, with
25 your friend.

1 PROSPECTIVE JUROR NO. 539: Um-hum.

2 MS. RADOSTA: Did you -- as you were talking to her
3 on the phone -- about how long were you on the phone with her?

4 PROSPECTIVE JUROR NO. 539: It took awhile for her
5 to get home from where she was. She had to take the train
6 back home.

7 MS. RADOSTA: Okay.

8 PROSPECTIVE JUROR NO. 539: So during that time we
9 lost connection.

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 539: But before and then on
12 her way walking back to the hotel, probably about 30 to -- 30
13 minutes to about an hour.

14 MS. RADOSTA: Okay. So as far as you understood,
15 this incident did not happen at her hotel room?

16 PROSPECTIVE JUROR NO. 539: No.

17 MS. RADOSTA: It happened somewhere else?

18 PROSPECTIVE JUROR NO. 539: Yes. I -- she never --
19 I have never been to New York so I'm not sure where.

20 MS. RADOSTA: Okay. And I certainly appreciate that
21 in the moment you were just trying to be a good friend and
22 listen to her and comfort her.

23 PROSPECTIVE JUROR NO. 539: Yes.

24 MS. RADOSTA: Did you have a thought in your head of
25 trying to encourage her to report this?

1 PROSPECTIVE JUROR NO. 539: I did. Asked her -- she
2 said that she didn't know where any of the police stations
3 were. I said, you know, they -- you should look it up, see if
4 it's -- see if there's one on your way home. I know I for
5 sure told her that.

6 MS. RADOSTA: Okay.

7 PROSPECTIVE JUROR NO. 539: But, you know, to me
8 like that was the most important part, if she wanted to try to
9 build any kind of case that she had to -- you know, those
10 kinds of issues with time they lose it's valid -- like as sad
11 as it is to say like evidence disappears, you know?

12 MS. RADOSTA: Okay.

13 PROSPECTIVE JUROR NO. 539: And I made sure to tell
14 her that but she -- she decided not to, so.

15 MS. RADOSTA: Okay. Did you -- well, let me ask you
16 this; as you just said, if she -- you understood the
17 importance, in your mind, of an --

18 PROSPECTIVE JUROR NO. 539: Time.

19 MS. RADOSTA: -- immediate report.

20 PROSPECTIVE JUROR NO. 539: Yeah.

21 MS. RADOSTA: Had she -- let's say for the sake of
22 argument -- called you up a few months from now and said, like
23 let's say that conversation in the middle of the night never
24 happened and she called you up --

25 PROSPECTIVE JUROR NO. 539: Right.

1 MS. RADOSTA: -- three, four, five months from now
2 really upset because she saw something on television or
3 whatever and said, you know, I never told you about what
4 happened to me in New York five months ago, six months ago.
5 Would the fact that she had not told you, and was telling you,
6 oh, this happened six months later, would that affect you --
7 your opinion of whether or not it happened?

8 PROSPECTIVE JUROR NO. 539: No.

9 MS. RADOSTA: Okay. Why is that?

10 PROSPECTIVE JUROR NO. 539: I feel like when people
11 come forward it takes a lot of time for them to process what
12 happened, there's a lot of guilt --

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 539: -- a lot of fear. She
15 -- I heard it firsthand how scared she was.

16 MS. RADOSTA: Sure.

17 PROSPECTIVE JUROR NO. 539: And, you know, I
18 understand that, like hearing that from her initially that
19 completely -- I -- it's not that I wouldn't doubt --

20 MS. RADOSTA: Um-hum.

21 PROSPECTIVE JUROR NO. 539: -- because, you know,
22 there's two sides.

23 MS. RADOSTA: Right.

24 PROSPECTIVE JUROR NO. 539: But she's confiding in
25 me so I would take that into consideration.

1 MS. RADOSTA: Okay. And -- and you're good friends,
2 I would assume?

3 PROSPECTIVE JUROR NO. 539: Yeah, she's my best
4 friend.

5 MS. RADOSTA: Okay. Since you're the person that
6 she reached out to in the middle of the night.

7 PROSPECTIVE JUROR NO. 539: Yeah.

8 MS. RADOSTA: You knew -- she knew you would answer
9 the phone.

10 PROSPECTIVE JUROR NO. 539: At 5:00 o'clock.

11 MS. RADOSTA: Yeah, so at 5:00 o'clock in the
12 morning. Do you think the fact that that it is your friend,
13 feeds into your willingness to believe her, whether she told
14 you immediately or told you six months after the fact?

15 PROSPECTIVE JUROR NO. 539: Yeah, I mean, it does
16 have something to do with it, obviously, if she trusts me, I
17 trust her, too.

18 MS. RADOSTA: Right.

19 PROSPECTIVE JUROR NO. 539: So, yes, I do but --

20 MS. RADOSTA: And you know her?

21 PROSPECTIVE JUROR NO. 539: Yeah, I -- I know her.

22 MS. RADOSTA: And you know her personality and --

23 PROSPECTIVE JUROR NO. 539: Yeah.

24 MS. RADOSTA: -- in your opinion she's not someone
25 that would necessarily make something like this up?

1 PROSPECTIVE JUROR NO. 539: Yeah.

2 MS. RADOSTA: Okay. Do you think you -- how would
3 you be able to judge people that you don't know and whether or
4 not they are telling the truth?

5 PROSPECTIVE JUROR NO. 539: I'd like to think that
6 I'm very open minded and especially like since I have very
7 strong feelings about cases like this. With her, I was
8 encouraging her to, you know, go to the police and do things.
9 And even though she didn't, I respected that, and I feel like
10 that shows that I am open minded.

11 MS. RADOSTA: Okay. How would you though -- I don't
12 think you actually answered my question -- how -- you know
13 her, that's how you were able to judge. You could hear her
14 voice, whatever --

15 PROSPECTIVE JUROR NO. 539: Yeah.

16 MS. RADOSTA: -- you're best friends. If it's
17 someone you don't know, that you've never met before,
18 potentially a witness in this case, how would you be able to
19 judge if someone is telling the truth or not?

20 PROSPECTIVE JUROR NO. 539: I feel like for that
21 maybe their body language, the way that they are answering the
22 questions. Honestly, for me, how it aligns with the evidence.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 539: That all of the facts
25 have to be laid out for me to judge.

1 MS. RADOSTA: Okay. Is it something -- you said
2 body language; what type of body language would indicate to
3 you that someone is telling the truth versus not telling the
4 truth?

5 PROSPECTIVE JUROR NO. 539: I -- I'm very inclined
6 to believe a lot of people that make like eye contact. I feel
7 like that's really important to me. If people are shying
8 away --

9 MS. RADOSTA: As I'm --

10 PROSPECTIVE JUROR NO. 539: -- yeah --

11 MS. RADOSTA: As I continue to make eye contact with
12 you.

13 PROSPECTIVE JUROR NO. 539: -- yeah, I kind of pay
14 attention to that kind of stuff. Usually, I understand people
15 get nervous when they speak so, you know, maybe if they're not
16 comfortable all at once, maybe if it sounds a little too
17 comfortable, like reversed, stuff like that.

18 MS. RADOSTA: Okay. What if they -- if it's pointed
19 out that their story has changed over time?

20 PROSPECTIVE JUROR NO. 539: That would be something
21 to take into consideration, yes, too.

22 MS. RADOSTA: Okay. Although I said I was going to
23 stick with specific questions at first, I did see -- I think
24 it was Mr. Faller nodding your head at one of the -- maybe not
25 -- no? With that look on your face, I will -- I will back off

1 then. You were like, what, I'm not quite awake yet, I --
2 okay.

3 Actually, though, Ms. Muro, there were a few other
4 things that I wanted to touch base with you about. You had
5 said -- I believe you said when Ms. Sudano was asking you some
6 questions, that in your opinion people accused of these types
7 of offenses don't get enough time. And you just shook your
8 head "no" to that.

9 Does that mean "no" you didn't say that, or "no" you
10 don't think they get enough time?

11 PROSPECTIVE JUROR NO. 539: I do not think they get
12 enough time; right.

13 MS. RADOSTA: And just because we're recording in
14 here, we're not -- there's no video --

15 PROSPECTIVE JUROR NO. 539: Yes.

16 MS. RADOSTA: Well, actually there is --

17 THE COURT: Well, there is video.

18 MS. RADOSTA: -- yeah, sorry, Judge. Sorry, my --
19 my misspeaking there.

20 Where did -- from where do you get that opinion?

21 PROSPECTIVE JUROR NO. 539: Honestly, it's just my
22 personal opinion.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 539: I don't think that it's
25 right for people that have been accused of these kinds of

1 crime to even be out in the free world anymore. It's -- it's
2 not good for our society and it's not fair to the victims.

3 MS. RADOSTA: Okay. So in your opinion, like
4 someone -- and I want to make sure I'm understanding you
5 correctly -- you're using the word "accused".

6 PROSPECTIVE JUROR NO. 539: Um-hum.

7 MS. RADOSTA: Someone just accused of a crime like
8 this should not be in society.

9 PROSPECTIVE JUROR NO. 539: Um, well, no, not
10 accused.

11 MS. RADOSTA: Okay.

12 PROSPECTIVE JUROR NO. 539: If someone has been
13 convicted of something --

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 539: -- and there's evidence
16 and facts -- obviously, if someone's accused there -- it's
17 everyone would be in jail. But yeah, if someone is found
18 guilty with evidence, there is multiple victims, there is
19 things like that, I mean, it's up to the Judge --

20 MS. RADOSTA: Um-hum.

21 PROSPECTIVE JUROR NO. 539: -- but in the laws that
22 we have now and everything, I don't feel like -- I -- I feel
23 like people get away too easily.

24 MS. RADOSTA: Okay. Would you -- if -- as Ms.
25 Sudano already pointed out, obviously, you -- if you would

1 picked for this jury, you would just be a trier of fact as --
2 PROSPECTIVE JUROR NO. 539: Yes.
3 MS. RADOSTA: -- to use our legal terms?
4 PROSPECTIVE JUROR NO. 539: Yes.
5 MS. RADOSTA: You would not be asked in any way,
6 shape or form to sit in judgement potentially on this case?
7 PROSPECTIVE JUROR NO. 539: Yes.
8 MS. RADOSTA: Are you comfortable with that?
9 PROSPECTIVE JUROR NO. 539: It make me uncomfortable
10 that I have to be a part of the process, to maybe, you know,
11 find even say it is like a guilty verdict --
12 MS. RADOSTA: Um-hum.
13 PROSPECTIVE JUROR NO. 539: -- I -- I came up with
14 that with others, and to see maybe -- even though we came up
15 with that, they don't even get like a fraction of the time,
16 that would upset me.
17 MS. RADOSTA: Okay.
18 PROSPECTIVE JUROR NO. 539: But I understand that
19 that's not up to me.
20 MS. RADOSTA: Okay. Do you think that your opinion
21 that people -- should someone be convicted, that they don't
22 quote/unquote "get enough time" --
23 PROSPECTIVE JUROR NO. 539: Um-hum.
24 MS. RADOSTA: -- do you think that opinion would
25 influence you if you were to be selected on this jury, if you

1 were deliberating with the rest of the jurors?

2 PROSPECTIVE JUROR NO. 539: No. I understand that
3 that's not up to me.

4 MS. RADOSTA: Okay. What if some of the other
5 jurors said, you know what, I don't think there was proof on,
6 you know, Counts 1 through 10, but your opinion is, people --
7 I know you said "accused" initially -- but you clarified and
8 said --

9 PROSPECTIVE JUROR NO. 539: Yeah.

10 MS. RADOSTA: -- people convicted -- people don't
11 get enough time; would you have an issue with anybody arguing,
12 you know what, but I don't think the State proved it.

13 PROSPECTIVE JUROR NO. 539: Honestly, I would base
14 my opinion on facts. I wouldn't just, you know, add on more
15 guilty charges to add more time. That's not something I would
16 do. I would base my opinion on fact --

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 539: -- and evidence.

19 MS. RADOSTA: Okay. I think for right now, I'm
20 going to ask you to pass the mic. Since we're in the front
21 row, why don't we -- I guess I could kind of go backwards. I
22 started up there with my notes, but Mr. Rosenfield, if you
23 could pass the mic to him, if I can find my notes for him.

24 Good morning, how are you?

25 PROSPECTIVE JUROR NO. 256: Fine, thank you.

1 MS. RADOSTA: You've been very quiet. You're --
2 you're just --
3 THE COURT RECORDER: Do you have a Badge Number?
4 MS. RADOSTA: Sorry.
5 PROSPECTIVE JUROR NO. 256: 256.
6 MS. RADOSTA: 256. My apologies.
7 You did though say the other day, I believe it was
8 yesterday, that there might be some reasons why someone might
9 not come forward. And I think you even specifically might
10 have said why a child might not come forward --
11 PROSPECTIVE JUROR NO. 256: Yes.
12 THE COURT: -- with these types of accusations.
13 PROSPECTIVE JUROR NO. 256: Um-hum.
14 THE COURT: And I believe you gave some reasons such
15 as there could be shame or fear.
16 PROSPECTIVE JUROR NO. 256: Um-hum.
17 THE COURT: If someone doesn't come forward
18 immediately is it possible that the crime never occurred and
19 they are fabricating after the fact?
20 PROSPECTIVE JUROR NO. 256: Is it possible?
21 MS. RADOSTA: Yeah.
22 PROSPECTIVE JUROR NO. 256: Of course.
23 MS. RADOSTA: Okay. Do you think that you could be
24 open minded to that idea, if somebody doesn't report
25 immediately, if say they don't report for months or years?

1 PROSPECTIVE JUROR NO. 256: And then --
2 MS. RADOSTA: And then -- then --
3 PROSPECTIVE JUROR NO. 256: -- made the accusation?
4 MS. RADOSTA: -- an accusation comes out. And the
5 only potential evidence is their accusation?
6 PROSPECTIVE JUROR NO. 256: Yes, I can keep an open
7 mind then.
8 MS. RADOSTA: Okay.
9 PROSPECTIVE JUROR NO. 256: Yeah.
10 MS. RADOSTA: You seem, honestly, a little hesitant
11 with that.
12 PROSPECTIVE JUROR NO. 256: Oh, no, not at all.
13 MS. RADOSTA: Am I just reading --
14 PROSPECTIVE JUROR NO. 256: No.
15 MS. RADOSTA: Okay.
16 PROSPECTIVE JUROR NO. 256: Yeah.
17 MS. RADOSTA: That -- that the possibility of a
18 false accusation is --
19 PROSPECTIVE JUROR NO. 256: A false memory, a false
20 accusation, you know, based on a false -- you know, it might
21 not be malicious, it might just be legitimately a, you know,
22 false memory perhaps.
23 MS. RADOSTA: False memory or just plain and simple
24 made up.
25 PROSPECTIVE JUROR NO. 256: You can't make it up.

1 MS. RADOSTA: Made up.

2 PROSPECTIVE JUROR NO. 256: In which case that'd --

3 MS. RADOSTA: I mean, because --

4 PROSPECTIVE JUROR NO. 256: -- be malicious, you

5 know.

6 MS. RADOSTA: Yeah, a false memory indicates that

7 somebody actually has something in their mind but is it -- is

8 it -- I -- do you think people can make false accusations, I

9 guess, is where I'm going --

10 PROSPECTIVE JUROR NO. 256: Yes, I --

11 MS. RADOSTA: -- with this.

12 PROSPECTIVE JUROR NO. 256: -- I do believe that.

13 MS. RADOSTA: Okay. Do you --

14 PROSPECTIVE JUROR NO. 256: I mean, repressed memory

15 type things --

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 256: -- you know, that they

18 suddenly remember --

19 MS. RADOSTA: Okay. Um, so -- and that's a little

20 bit different than what I was asking, but --

21 PROSPECTIVE JUROR NO. 256: Sure.

22 MS. RADOSTA: -- a repressed memory, do you think

23 that that is something that is inherently believable or not

24 believable?

25 PROSPECTIVE JUROR NO. 256: Oh, I'm not trained to

1 know -- to answer that either way.

2 MS. RADOSTA: Okay. But what if it is just an
3 accusation months or years after the fact --

4 PROSPECTIVE JUROR NO. 256: Um-hum.

5 MS. RADOSTA: -- with nothing other than an
6 accusation; do you think it is possible that it could just
7 simply -- plain -- just plain and simply be made up?

8 PROSPECTIVE JUROR NO. 256: Yes.

9 MS. RADOSTA: Okay. Do you think that there -- is
10 this a situation where as I was speaking to Ms. Muro about
11 were you -- would you be comfortable judging somebody, their
12 truthfulness on the stand if their accusation was coming out
13 years after the fact?

14 PROSPECTIVE JUROR NO. 256: Would I be comfortable?

15 MS. RADOSTA: Making a -- making a judgment call as
16 to whether or not someone is telling the truth?

17 PROSPECTIVE JUROR NO. 256: Yeah. I -- obviously, I
18 would have to, you know, weigh their statement, but I would
19 also -- if she's -- I would be looking for other evidence to
20 support any -- something --

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 256: -- something.

23 MS. RADOSTA: How would you judge the truthfulness
24 of somebody on the stand, somebody you've never met before,
25 that's maybe going to be in the courtroom for maybe an hour or

1 two?

2 PROSPECTIVE JUROR NO. 256: Um-hum.

3 MS. RADOSTA: How -- how would you judge someone's

4 truthfulness, or not truthfulness?

5 PROSPECTIVE JUROR NO. 256: Something as -- as --

6 as, you know, horrendous as these charges are --

7 MS. RADOSTA: -- um

8 PROSPECTIVE JUROR NO. 256: -- or accusations, I

9 would expect somebody to be very emotional --

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 256: -- about it. Even if

12 they're reluctant to share, I would think you would just be

13 able to see. And you mentioned body language, you would think

14 you'd see some shuddering, some, you know, body movements that

15 you can't necessarily control.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 256: You know, people can be

18 quite duplicitous. I mean, I think Susan Smith, for example,

19 you know, was --

20 MS. RADOSTA: Yeah.

21 PROSPECTIVE JUROR NO. 256: -- quite emotional.

22 MS. RADOSTA: Yes. Yes.

23 PROSPECTIVE JUROR NO. 256: So that you can't just

24 take that alone.

25 MS. RADOSTA: And just so I'm sure we're talking

1 about the same case, it was years ago.

2 PROSPECTIVE JUROR NO. 256: The woman with her

3 children who --

4 MS. RADOSTA: And said that --

5 PROSPECTIVE JUROR NO. 256: -- sent them off into

6 the lake.

7 MS. RADOSTA: -- someone had stolen the car with the

8 children in the car and it turned out that --

9 PROSPECTIVE JUROR NO. 256: Correct.

10 MS. RADOSTA: -- she actually had harmed them

11 herself, I believe.

12 PROSPECTIVE JUROR NO. 256: Correct, yeah.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 256: That's -- rolled it into

15 -- rolled the car into the lake.

16 MS. RADOSTA: Right. And when she first was on

17 television --

18 PROSPECTIVE JUROR NO. 256: Um-hum.

19 MS. RADOSTA: -- because I believe it became a

20 national story --

21 PROSPECTIVE JUROR NO. 256: Yes.

22 MS. RADOSTA: -- she was --

23 PROSPECTIVE JUROR NO. 256: Very emotional.

24 MS. RADOSTA: -- very [inaudible].

25 PROSPECTIVE JUROR NO. 256: Yeah, so you can't just

1 -- just take that.

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 256: So yeah, I mean, I'd
4 have to really see this specific -- you know, a specific, you
5 know, situation and a specific person and --

6 MS. RADOSTA: Because it is somewhat of a tough
7 thing that we ask everyone in here to do, to have someone come
8 in the courtroom, you don't know them. They're here for a
9 limited amount of time, and then we ask you to judge their
10 credibility.

11 PROSPECTIVE JUROR NO. 256: Um-hum.

12 MS. RADOSTA: With regard to that case that you
13 refer to Ms. -- the Susan Smith case --

14 PROSPECTIVE JUROR NO. 256: Um-hum.

15 MS. RADOSTA: -- do you recall if you were surprised
16 when the truth came out after seeing her be so emotional?

17 PROSPECTIVE JUROR NO. 256: Oh, sure. Yeah, as I
18 recall it, yeah.

19 MS. RADOSTA: Yeah. Thank you, Mr. Rosenfield. I
20 might come back to you later on, but those were the
21 individuals questions that I had for you right now.

22 Ms. Lamar, Badge No. 292. Good morning.

23 PROSPECTIVE JUROR NO. 292: Good morning.

24 MS. RADOSTA: How are you?

25 PROSPECTIVE JUROR NO. 292: I'm good.

1 MS. RADOSTA: I just wanted to ask you quickly; you
2 did fill out your Jury Questionnaire; correct?

3 PROSPECTIVE JUROR NO. 292: Correct.

4 MS. RADOSTA: And how long ago did you -- did you
5 guys fill these out? Was it -- was it before --

6 UNIDENTIFIED PROSPECTIVE JURORS: January.

7 MS. RADOSTA: -- January 3rd? Okay. So this was
8 about three weeks ago, three, four weeks ago. And in response
9 to the question -- Question 20, I believe, which is, Despite
10 the graphic nature of the videotape can you promise to remain
11 fair and impartial and objectively evaluate all evidence
12 before returning a verdict? You answered, No.

13 PROSPECTIVE JUROR NO. 292: Correct.

14 MS. RADOSTA: Do you still feel that way?

15 PROSPECTIVE JUROR NO. 292: Yes.

16 MS. RADOSTA: So you don't feel that you can be fair
17 and impartial in this particular case?

18 PROSPECTIVE JUROR NO. 292: Not if you show me
19 something that's going to be graphic, I can't, because I
20 myself have kids.

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 292: So that -- that's
23 already behind in my head.

24 MS. RADOSTA: All right.

25 PROSPECTIVE JUROR NO. 292: Thinking -- picturing

1 seeing something and already going, okay, my babies might be
2 going through something like that without -- I -- I wouldn't
3 be able to separate it --

4 MS. RADOSTA: Okay.

5 PROSPECTIVE JUROR NO. 292: -- because of my kids.

6 MS. RADOSTA: So you think that when -- during the
7 course of the case, if there were -- and there's going to be
8 graphic video shown during the course of this case --

9 PROSPECTIVE JUROR NO. 292: Okay.

10 MS. RADOSTA: -- presumably, that your mind would
11 first and foremost be thinking about your kids?

12 PROSPECTIVE JUROR NO. 292: Correct.

13 MS. RADOSTA: And you think that that would cause
14 you to not be able to be fair and impartial?

15 PROSPECTIVE JUROR NO. 292: Correct.

16 MS. RADOSTA: All right.

17 Your Honor, at this point, I would renew.

18 THE COURT: Hold on, hold on.

19 (Court/Clerk conferring)

20 THE COURT: All right.

21 MS. RADOSTA: Judge, could we approach?

22 THE COURT: No, I understand.

23 Ms. Lamar, yesterday when I -- we had a couple other
24 individuals that were talking about that and I specifically
25 laid out kind of the parameters of that and said that -- that,

1 you know, if you're -- the evidence in this case we all know
2 is going to have some photographs or some video in this
3 matter, and I was discussing this particular situation where
4 if you can't view it, if there's reasons why you won't view
5 it, then you wouldn't be considering the evidence. So you
6 wouldn't -- you wouldn't be following your duty and direction
7 of the Court to consider the evidence.

8 Why didn't you say anything?

9 PROSPECTIVE JUROR NO. 292: Because I was -- I'm
10 very open minded.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 292: So I have been. But
13 since this, I haven't been able to sleep and all I could think
14 is my kids.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 292: My kids. And it's
17 getting to the point that last night I didn't even sleep. All
18 my kids, I should have come into bed with me because --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 292: -- it's hard for me to
21 separate my kids because of this.

22 THE COURT: Okay. All right. So -- so since you've
23 had an opportunity to reflect on it --

24 PROSPECTIVE JUROR NO. 292: Yes.

25 THE COURT: -- then -- then this morning it --

1 PROSPECTIVE JUROR NO. 292: Yes, because I don't --
2 THE COURT: -- you're -- okay.
3 PROSPECTIVE JUROR NO. 292: -- like -- I don't like
4 judging people. I like second -- so, you know, giving second
5 chances --
6 THE COURT: Uh-huh.
7 PROSPECTIVE JUROR NO. 292: -- and being open minded
8 but with the whole days being here it's just -- it was -- it's
9 just been really difficult for me to set aside my family and
10 focus on this.
11 THE COURT: Okay. And you're incapable of doing
12 that?
13 PROSPECTIVE JUROR NO. 292: Yeah, because it's
14 getting harder.
15 THE COURT: Okay. Okay, all right. I'm going to --
16 State, did you want to -- did you have any questions at all
17 or?
18 MS. SUDANO: No. Thank you, Your Honor.
19 THE COURT: All right. Okay, Ms. Lamar, thank you
20 so much. I'm going to excuse you; okay?
21 PROSPECTIVE JUROR NO. 292: Thank you.
22 THE COURT: All right. So -- just leave -- leave
23 that there.
24 MS. RADOSTA: Okay.
25 THE COURT: I'm going to just put another juror --

1 MS. RADOSTA: Okay. All right, Judge.
2 THE COURT: Okay. Next juror?
3 THE CLERK: That seat, it will be 572, Adonis
4 Kittredge. I probably won't say it right the next time, but
5 once is good.
6 THE COURT: Mr. Kittredge, how long have you lived
7 in Las Vegas?
8 PROSPECTIVE JUROR NO. 572: Twenty years.
9 THE COURT: Are you employed?
10 PROSPECTIVE JUROR NO. 572: Yes, I am.
11 THE COURT: What do you do for employment?
12 PROSPECTIVE JUROR NO. 572: I'm a pharmacy
13 consultant for BD Medical. It's one of the biggest medical
14 device companies in the world.
15 THE COURT: Okay. And how far did you get in your
16 education?
17 PROSPECTIVE JUROR NO. 572: I have an MBA.
18 THE COURT: In?
19 PROSPECTIVE JUROR NO. 572: Business, MBA.
20 THE COURT: All right.
21 PROSPECTIVE JUROR NO. 572: Business Administration.
22 THE COURT: Okay. Masters in Business
23 Administration? Okay. And do you have a -- do you have a
24 bachelors?
25 THE COURT: Yeah, Bachelors of Science in Business

1 Administration also.

2 THE COURT: Okay. And are you married?

3 PROSPECTIVE JUROR NO. 572: I am married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 572: She's a realtor.

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

7 PROSPECTIVE JUROR NO. 572: I have a 16-year old

8 daughter.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 572: She's a junior in high

11 school.

12 THE COURT: She's a senior in high school?

13 PROSPECTIVE JUROR NO. 572: Junior.

14 THE COURT: Junior.

15 PROSPECTIVE JUROR NO. 572: Yeah.

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

17 before?

18 PROSPECTIVE JUROR NO. 572: 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. 572: No.

22 THE COURT: How about accused of a crime?

23 PROSPECTIVE JUROR NO. 572: Yeah, my dad did nine

24 years in Colorado Federal Prison for bank robbery.

25 THE COURT: Okay. How old were you when that

1 occurred?

2 PROSPECTIVE JUROR NO. 572: He was released in 2010,
3 so it was recent, yeah.

4 THE COURT: Okay. Do you have a good relationship
5 with your father?

6 PROSPECTIVE JUROR NO. 572: I do, yeah. He -- you
7 know, people do wrong things at the wrong time and, you know,
8 so.

9 THE COURT: Okay. Is there anything about that
10 incident and what you know of your father and your
11 relationship with your father and what occurred, that you
12 believe that it would affect your ability to be fair and
13 impartial in this matter?

14 PROSPECTIVE JUROR NO. 572: No.

15 THE COURT: Okay. Is there any -- do you hold any
16 ill will against maybe the police or the prosecuting agency in
17 that matter?

18 PROSPECTIVE JUROR NO. 572: Not at all. He --
19 everything was on video, so there's -- I mean, the evidence
20 was there.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 572: They let me speak at his
23 sentencing and they were very lenient after that. So it was
24 -- it was very fair.

25 THE COURT: So you think he was treated

1 appropriately?

2 PROSPECTIVE JUROR NO. 572: Yeah, he was. Yeah.

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

7 PROSPECTIVE JUROR NO. 572: No.

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

12 PROSPECTIVE JUROR NO. 572: Of course, I can.

13 THE COURT: Is that a "yes"?

14 PROSPECTIVE JUROR NO. 572: Yes.

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

18 PROSPECTIVE JUROR NO. 572: No.

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

21 PROSPECTIVE JUROR NO. 572: No.

22 THE COURT: Okay. Ms. Sudano, do you wish to
23 inquire of Mr. Kittredge?

24 MS. SUDANO: Very briefly, Your Honor.

25 THE COURT: Okay. Do it from there.

1 MS. SUDANO: Okay.

2 THE COURT: Okay? Because -- just because you're

3 putting stuff -- yeah, Ms. Radosta has taken over the -- okay.

4 MS. SUDANO: Fair enough.

5 THE COURT: Okay.

6 MS. SUDANO: Good morning, sir.

7 PROSPECTIVE JUROR NO. 572: Good morning.

8 MS. SUDANO: All right. So you heard all of my

9 questions that --

10 PROSPECTIVE JUROR NO. 572: Yeah.

11 MS. SUDANO: -- that I've been asking. So anything

12 that stood out to you as something that you would have

13 responded to if you were up here earlier?

14 PROSPECTIVE JUROR NO. 572: No.

15 MS. SUDANO: Okay. So, CPS involvement?

16 PROSPECTIVE JUROR NO. 572: No, no contact with CPS.

17 MS. SUDANO: Okay. Any involvement with anybody

18 that's been accused of a sex crime, anything along those

19 lines?

20 PROSPECTIVE JUROR NO. 572: No.

21 MS. SUDANO: Any personal experience with domestic

22 violence?

23 PROSPECTIVE JUROR NO. 572: No.

24 MS. SUDANO: Any issue watching video in this case,

25 remaining fair and impartial?

1 PROSPECTIVE JUROR NO. 572: No.
2 MS. SUDANO: Okay. Thank you.
3 Thank you, Your Honor.
4 THE COURT: All right. Thank you, Ms. Sudano.
5 Ms. Radosta?
6 MS. RADOSTA: Mr. Kittredge, as long as you have the
7 mic, just a couple of quick follow-ups.
8 I'm sorry, you said that your father was just
9 recently released, or did you say in 2010?
10 PROSPECTIVE JUROR NO. 572: He was released in
11 2010/2011.
12 MS. RADOSTA: Okay. Okay. So it's been a few
13 years.
14 PROSPECTIVE JUROR NO. 572: Um-hum.
15 MS. RADOSTA: Do you have daily contact with him or
16 does he live in another state?
17 PROSPECTIVE JUROR NO. 572: He lives in Paris now.
18 MS. RADOSTA: Okay.
19 PROSPECTIVE JUROR NO. 572: He met -- yeah, he met
20 -- he met a lady and so he's in Paris --
21 MS. RADOSTA: Okay.
22 PROSPECTIVE JUROR NO. 572: -- living his good life
23 [inaudible].
24 MS. RADOSTA: Yeah, obviously. I don't know how you
25 can't live a good life living in Paris.

1 Was this -- you said it was a bank robbery --
2 PROSPECTIVE JUROR NO. 572: Um-hum.
3 MS. RADOSTA: -- which I believe that's why it would
4 be federal.
5 PROSPECTIVE JUROR NO. 572: Yes.
6 MS. RADOSTA: Okay. Did he -- and I apologize, I
7 was kind of moving around when the --
8 PROSPECTIVE JUROR NO. 572: No, that's fine.
9 MS. RADOSTA: -- when the Judge was asking some
10 questions. He ended up going to prison. Did he have a trial
11 or did he accept a negotiation --
12 PROSPECTIVE JUROR NO. 572: He --
13 MS. RADOSTA: -- if you know.
14 PROSPECTIVE JUROR NO. 572: Yeah, no, he -- he did
15 the smart thing. His counsel told him, the evidence against
16 you, you've just got to, you know, maybe strike a deal and
17 stuff, so.
18 MS. RADOSTA: Okay. And you say that he did the
19 smart thing --
20 PROSPECTIVE JUROR NO. 572: Yeah.
21 MS. RADOSTA: -- taking a -- taking a deal --
22 PROSPECTIVE JUROR NO. 572: Yeah.
23 MS. RADOSTA: -- and not going to trial. And why do
24 you consider that to be the smart thing?
25 PROSPECTIVE JUROR NO. 572: Well, I mean, I just

1 [inaudible] but I think with everything against him, it just
2 -- it just -- it was ideal for him not to waste anymore time
3 and just get on with it [inaudible].

4 MS. RADOSTA: Okay. Okay. Was it a decision that
5 you agreed with, I think?

6 PROSPECTIVE JUROR NO. 572: I didn't counsel him on
7 that.

8 MS. RADOSTA: Okay.

9 PROSPECTIVE JUROR NO. 572: That was just my opinion
10 from far away.

11 MS. RADOSTA: Okay.

12 PROSPECTIVE JUROR NO. 572: So yeah, he -- that he
13 came up to that with his conclusion with his legal team and
14 that was their thing. That was -- that was how I -- how I saw
15 it fit --

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 572: -- yeah.

18 MS. RADOSTA: And I believe you said earlier, you
19 know, everything was on video. So there wasn't much of a
20 point to --

21 PROSPECTIVE JUROR NO. 572: Exactly.

22 MS. RADOSTA: -- okay. Did you yourself have an
23 opportunity to view the video?

24 PROSPECTIVE JUROR NO. 572: I did.

25 MS. RADOSTA: Okay. So that's your personal opinion

1 that --

2 PROSPECTIVE JUROR NO. 572: Yes.

3 MS. RADOSTA: -- that it was -- that everything was

4 on video?

5 PROSPECTIVE JUROR NO. 572: Yeah.

6 MS. RADOSTA: Can you imagine a situation though

7 where perhaps if the person who was robbing the bank had been

8 wearing a mask --

9 PROSPECTIVE JUROR NO. 572: Oh, [inaudible].

10 MS. RADOSTA: -- and your father was being accused.

11 PROSPECTIVE JUROR NO. 572: Yeah.

12 MS. RADOSTA: In that particular situation, even

13 though everything was on video, the crime itself was on video,

14 but there were things that were in dispute?

15 PROSPECTIVE JUROR NO. 572: Yeah, that's subjective.

16 That would be totally different because he wasn't wearing a

17 mask, he walked in, it -- yeah, it was just --

18 MS. RADOSTA: Okay. So you can see a situation

19 though where things are on video where there still could be

20 matters in dispute.

21 PROSPECTIVE JUROR NO. 572: Yeah, there's -- there's

22 [inaudible].

23 MS. RADOSTA: In a courtroom situation such as this?

24 PROSPECTIVE JUROR NO. 572: Yes.

25 MS. RADOSTA: Okay. And you said that you have a

1 16-year old daughter.

2 PROSPECTIVE JUROR NO. 572: I do.

3 MS. RADOSTA: Do you think just having a teenage
4 daughter, given the fact that some of the people coming in
5 here to -- as witnesses are a little bit older than your
6 daughter, some of the accusations are in that age range; would
7 that impact you at all, just would you -- would you be
8 thinking about your daughter at all?

9 PROSPECTIVE JUROR NO. 572: I think about my
10 daughter night and day. That's --

11 MS. RADOSTA: Fair enough.

12 PROSPECTIVE JUROR NO. 572: I'm blessed to have her.
13 But no, no, this -- this -- you've got to block things out and
14 you've got to just get to the point at hand and that's what I
15 would be able to do.

16 MS. RADOSTA: Okay. Have you had any discussions
17 with your daughter about not getting -- not speaking to people
18 online, that she doesn't know, things of that nature?

19 PROSPECTIVE JUROR NO. 572: Yeah, um-hum.

20 MS. RADOSTA: Always be aware that there are
21 potential dangers out there?

22 PROSPECTIVE JUROR NO. 572: Of course, I've had all
23 those talks with her. I've raised her to be honest, don't
24 hold anything back, and she's -- she's following suit. So
25 she's -- she's a good young lady, so.

1 MS. RADOSTA: Okay. All right. Congratulations.
2 PROSPECTIVE JUROR NO. 572: Thank you.
3 MS. RADOSTA: All right. I think that's -- for
4 right now, that's all I have with you. If you wouldn't mind,
5 could you just go ahead and pass the mic all the way to the
6 back row, to Ms. Koutseva which is Badge 49.
7 Did I pronounce your last name correctly?
8 PROSPECTIVE JUROR NO. 049: You did, yes.
9 MS. RADOSTA: That's -- that's -- I like saying that
10 name. That's -- that's, I don't know, the -- the accents --
11 so you told us the other day -- and I honestly don't remember
12 if it was Monday or Tuesday or Wednesday -- that you were born
13 in Russia.
14 PROSPECTIVE JUROR NO. 049: Um-hum, yes.
15 MS. RADOSTA: And you've been in Vegas for 12 years?
16 PROSPECTIVE JUROR NO. 049: Yes.
17 MS. RADOSTA: Have you -- when did you come to the
18 United States?
19 PROSPECTIVE JUROR NO. 049: In 1994.
20 MS. RADOSTA: Okay. Where did you live when you
21 first came to the United States?
22 PROSPECTIVE JUROR NO. 049: In California.
23 MS. RADOSTA: Okay. And at -- in -- on your
24 questionnaire I believe you had indicated -- let me get to --
25 I believe you had said, in your opinion, everyone deserves a

1 fair trial.

2 PROSPECTIVE JUROR NO. 049: Absolutely, yes.

3 MS. RADOSTA: What exactly does that mean to you?

4 PROSPECTIVE JUROR NO. 049: That the judgment has to
5 be made that is, you know, juries have to remain fair and
6 impartial. All the evidence needs to be considered. Both
7 sides need to be heard.

8 MS. RADOSTA: I'm sorry, what was -- I'm sorry, just
9 -- you trailed away at the end.

10 PROSPECTIVE JUROR NO. 049: Both sides need to be
11 heard.

12 MS. RADOSTA: Okay. With regard to just the last
13 thing that you said, both sides need to be heard, do you --
14 are you expecting the defense to present a case or present
15 evidence in this particular case?

16 PROSPECTIVE JUROR NO. 049: Well, I believe that
17 actually the burden of proof is on the State, right?

18 MS. RADOSTA: Right.

19 PROSPECTIVE JUROR NO. 049: So --

20 MS. RADOSTA: Right. So does that mean you're not
21 expecting the defense to present any witnesses or present any
22 evidence?

23 PROSPECTIVE JUROR NO. 049: No, just kind of open.

24 MS. RADOSTA: Okay. Because I think -- I think
25 you're -- you know what you want to say, and you think I'm

1 questioning your opinion, and I'm actually not. You are
2 correct to -- I think you're presuming that we don't have a
3 burden, but the defense has no obligation whatsoever to
4 present any evidence. And I think that's what you were kind
5 of hesitating to say; is that correct?

6 PROSPECTIVE JUROR NO. 049: That is correct.

7 MS. RADOSTA: Okay. And you understand that the
8 State has all of the burden?

9 PROSPECTIVE JUROR NO. 049: Yes.

10 MS. RADOSTA: And right now, if I were to ask you to
11 look at my client and to tell me, is he -- what -- is he
12 guilty, not guilty, somewhere in between right now?

13 PROSPECTIVE JUROR NO. 049: Innocent until proven
14 guilty.

15 MS. RADOSTA: Okay. So as you look at him right
16 now, he is innocent; correct?

17 PROSPECTIVE JUROR NO. 049: yes.

18 MS. RADOSTA: Okay. Does anyone here -- and I am
19 going to open that one up to the panel -- does anyone here
20 disagree with what Ms. Koutseva just said?

21 UNIDENTIFIED PROSPECTIVE JUROR: We have no evidence
22 to believe otherwise.

23 MS. RADOSTA: Okay. So as you look at my client
24 right now, is there anyone that disagrees with the idea that
25 he is 100 percent not guilty right now?

1 UNIDENTIFIED PROSPECTIVE JUROR: [Inaudible].
2 MS. RADOSTA: Okay.
3 THE COURT RECORDER: I'm not picking him up.
4 MS. RADOSTA: Okay. That was -- sorry -- Mr.
5 Rosenfield, Badge 256, just said it is Napoleonic law?
6 PROSPECTIVE JUROR NO. 256: Not Napoleonic
7 [inaudible].
8 MS. RADOSTA: Not Napoleonic law.
9 PROSPECTIVE JUROR NO. 256: They're not guilty until
10 [inaudible].
11 MS. RADOSTA: Say that one more time?
12 PROSPECTIVE JUROR NO. 256: You're not considered
13 guilty and you have to prove your innocence.
14 MS. RADOSTA: Is?
15 PROSPECTIVE JUROR NO. 049: That's not [inaudible].
16 MS. RADOSTA: That's not how the system works, okay.
17 Just making sure.
18 And I will come back to you though. Okay.
19 So, Ms. Koutseva, you are comfortable with the idea
20 that as I think Ms. Sudano said the other day, that I can sit
21 there and look at my phone the phone time, not utter a word,
22 and I can still stand up and say at the end, State did not
23 prove their case, I want you to find my client not guilty.
24 PROSPECTIVE JUROR NO. 049: Well, yes, you could to
25 that. Absolutely.

1 MS. RADOSTA: Right. You hesitated. What were you
2 thinking as you were hesitating?

3 PROSPECTIVE JUROR NO. 049: On that -- well, I was
4 thinking that yes, the burden of proof is with the State so
5 they have to prove that your client is guilty.

6 MS. RADOSTA: Um-hum.

7 PROSPECTIVE JUROR NO. 049: But in the case that
8 they do actually prove that your client is guilty, I mean, at
9 a certain point, you would have to put down your cell phone
10 and defend your client.

11 MS. RADOSTA: So you -- you are expecting me to do
12 more than just look at my phone during the course of the
13 trial?

14 PROSPECTIVE JUROR NO. 049: Well, I do, yes.

15 MS. RADOSTA: Okay. Is that just because you would
16 hope that I would do a -- a good job or are you expecting me
17 to actually prove my client not guilty?

18 PROSPECTIVE JUROR NO. 049: I don't really have any
19 expectations.

20 MS. RADOSTA: Okay. Okay. When you said that if
21 the State proved the case, you understand that you're not to
22 make that decision until the State says they've rested their
23 case, and the defense says that they've rested their case?

24 PROSPECTIVE JUROR NO. 049: Yes.

25 MS. RADOSTA: Okay. So do you understand that in

1 reality, you should not be making a decision that the State
2 has proven, until everything is said and done?

3 PROSPECTIVE JUROR NO. 049: Yes.

4 MS. RADOSTA: Okay. And are you comfortable with
5 that?

6 PROSPECTIVE JUROR NO. 049: Um-hum.

7 MS. RADOSTA: Okay.

8 PROSPECTIVE JUROR NO. 049: Yes.

9 MS. RADOSTA: Okay. Okay. Thank you, Ms. Koutseva.
10 If you could hand it down to Ms. Howell, who is 430.
11 Good morning, how are you?

12 PROSPECTIVE JUROR NO. 430: Good, thank you.

13 MS. RADOSTA: Okay. I have a few things to talk to
14 you about, some things that you mentioned the other day, as
15 well as some things that you mentioned yesterday.

16 You said that you had a grandfather. Once he kind
17 of left your family and got remarried, when he was in his
18 second marriage he was accused of, I believe you said child
19 molestation; is that --

20 PROSPECTIVE JUROR NO. 430: I believe, so, yes.

21 MS. RADOSTA: -- correct? Okay.

22 PROSPECTIVE JUROR NO. 430: I wasn't close to the
23 details or him at the time that it happened.

24 MS. RADOSTA: Okay. Do you know -- so that was part
25 of my followup. Do you have any idea what the specific

1 accusation was?

2 PROSPECTIVE JUROR NO. 430: I do not.

3 MS. RADOSTA: Do you know who the alleged victims
4 were?

5 PROSPECTIVE JUROR NO. 430: Just from what my mom
6 has shared, I know that it was a grandchild of his, from his
7 second marriage.

8 MS. RADOSTA: Okay. And just so that I understand;
9 he was -- was he your mom's dad or your dad's dad?

10 PROSPECTIVE JUROR NO. 430: My mother's dad.

11 MS. RADOSTA: Okay. So once he remarried, did he
12 kind of really step away from your family?

13 PROSPECTIVE JUROR NO. 430: He remarried when I was
14 very young and my grandmother also remarried. We were just
15 much closer to her and my mother's step dad.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 430: We didn't see them very
18 often. His new wife wasn't someone who was just very fond of
19 our family so we just didn't spend a lot of time with them.

20 MS. RADOSTA: Okay. Were you living in the same
21 town as --

22 PROSPECTIVE JUROR NO. 430: We were --

23 MS. RADOSTA: -- as your --

24 PROSPECTIVE JUROR NO. 430: -- yes, in Utah.

25 MS. RADOSTA: -- okay, as your grandfather? Okay.

1 Do you have any idea -- I believe you said that he
2 did go to prison for that.

3 PROSPECTIVE JUROR NO. 430: I know he served time,
4 yes.

5 MS. RADOSTA: He served time. Okay. Do you have
6 any idea how much time?

7 PROSPECTIVE JUROR NO. 430: I do not.

8 MS. RADOSTA: Okay. And do you know if he went to
9 trial or accepted a plea bargain?

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

11 MS. RADOSTA: Okay. In your mind, since he went to
12 prison, in your mind, was he guilty or not guilty?

13 PROSPECTIVE JUROR NO. 430: I don't know the details
14 of the case but if he had to serve time I assume he was found
15 guilty.

16 MS. RADOSTA: Okay. Is it possible in your mind
17 that he could have been innocent and still gone to prison?

18 PROSPECTIVE JUROR NO. 430: Absolutely.

19 MS. RADOSTA: Okay. That there -- there are
20 certainly cases of innocent people in prison?

21 PROSPECTIVE JUROR NO. 430: Yes.

22 MS. RADOSTA: Have you -- I mean, just thinking in
23 your mind, can you think of any -- I think they sometimes get
24 reported in the news if somebody who did time and eventually
25 was released because of any number of reasons.

1 PROSPECTIVE JUROR NO. 430: Yes, that happens.

2 MS. RADOSTA: Okay. So I know this is your family
3 and things that were said to you, but you can appreciate the
4 fact that it's possible he didn't do anything and still ended
5 up going to prison?

6 PROSPECTIVE JUROR NO. 430: Yes.

7 MS. RADOSTA: All right. In your own specific case,
8 you did tell us that you -- you yourself have been arrested
9 for DUI years ago; correct?

10 PROSPECTIVE JUROR NO. 430: I got charged with a
11 DUI, yes.

12 MS. RADOSTA: Okay. And in your particular case, I
13 believe you said that you took responsibility for your own
14 actions?

15 PROSPECTIVE JUROR NO. 430: I did.

16 MS. RADOSTA: Okay. And you -- did you consider
17 fighting the charges in your case?

18 PROSPECTIVE JUROR NO. 430: I did.

19 MS. RADOSTA: Okay. Did you go so far as to consult
20 with an attorney?

21 PROSPECTIVE JUROR NO. 430: I did, yes.

22 MS. RADOSTA: Okay. And did you end up hiring the
23 attorney and taking advice or did you just decide to make
24 decisions on your own?

25 PROSPECTIVE JUROR NO. 430: Decisions on my own.

1 MS. RADOSTA: Okay. After -- after kind of
2 consulting with an attorney and --

3 PROSPECTIVE JUROR NO. 430: Yes.

4 MS. RADOSTA: Okay. So this was something that you
5 -- obviously, it wasn't a quick decision on your part. But
6 ultimately, you did take responsibility for your own actions?

7 PROSPECTIVE JUROR NO. 430: Yes.

8 MS. RADOSTA: Okay. You also were talking to us
9 yesterday about, I think it was in response to some questions
10 from Ms. Sudano about people recounting incidents that
11 happened to them. And I think you had said something to the
12 effect of, you don't expect the same story every time. You
13 don't expect it to be exactly the same every time; is that a
14 fair --

15 PROSPECTIVE JUROR NO. 430: That's fair, yes.

16 MS. RADOSTA: What if the prior time someone has
17 spoken about this, they were under oath, as they will be here
18 in court; would you expect the testimonies between the court
19 appearances to be fairly identical?

20 PROSPECTIVE JUROR NO. 430: If they were being asked
21 the exact same questions; yes.

22 MS. RADOSTA: Okay. And if by chance the testimony
23 here did not match a prior testimony where they were both
24 under oath and it's an identical question, what would that
25 mean to you?

1 PROSPECTIVE JUROR NO. 430: I think we're all human.
2 We have faults and leave things out of stories all the time.
3 I don't necessarily think that just because they're under oath
4 they intend or not intend to say or not say something. I
5 think that because they are under oath, they should be doing
6 the best of their ability to be honest and be telling the
7 story that is truth to the best that they can.

8 MS. RADOSTA: Okay. So what I'm kind of hearing
9 from you is, if it -- if the two testimonies that were both
10 under oath don't match up, you would give the person the
11 benefit of the doubt; does that sound -- is that -- am I
12 [inaudible]?

13 PROSPECTIVE JUROR NO. 430: I would have to compare
14 those testimonies with the evidence and what's been presented
15 and -- and make the -- the best determination on whether or
16 not I thought what they were saying was factual.

17 MS. RADOSTA: Okay. Would you be more apt to think
18 what they were saying in front of you live here in court,
19 where you can watch their testimony, that that would be
20 truthful, versus the one -- if the other one didn't match up
21 and you didn't actually see that testimony, would you be more
22 apt to believe the one that you saw or --

23 PROSPECTIVE JUROR NO. 430: Not necessarily.

24 MS. RADOSTA: Not necessarily? Okay.

25 Would you be -- how would you be making that

1 decision as to if you would believe one over the other?

2 PROSPECTIVE JUROR NO. 430: As I mentioned, you'd
3 just have to compare -- I would have to compare that with the
4 evidence that's been presented and make the best judgment
5 based on everything that's been presented.

6 MS. RADOSTA: Okay. Would you be watching how they
7 testify?

8 PROSPECTIVE JUROR NO. 430: Absolutely. I think
9 like other people have mentioned, you know, watching their
10 body language and how they're presenting themselves when
11 they're speaking.

12 MS. RADOSTA: Have you ever been in a situation
13 similar to this where you might be being asked to judge the
14 credibility of somebody that you've never met before?

15 PROSPECTIVE JUROR NO. 430: I can't think of a
16 specific instance, but probably.

17 MS. RADOSTA: Okay. It's fairly -- it's a fairly
18 unusual situation. Usually, if we're being asked to judge
19 credibility it's a co-worker, it's a family member, it's a
20 friend, it's something -- at least we have some background on
21 the person. And in this scenario, you really -- you're just
22 going to have them come in and testify,

23 MS. RADOSTA: Yes.

24 PROSPECTIVE JUROR NO. 430: Yes, that's fair.

25 MS. RADOSTA: So it's -- it's something that -- it's

1 a very important part of the process. And I appreciate your
2 comments about body language and things of that nature. Do
3 you think it's possible that somebody could be having all of
4 those indicators to you, potentially even crying on the stand,
5 and not be telling the truth?

6 PROSPECTIVE JUROR NO. 430: That's absolutely
7 possible, yes.

8 MS. RADOSTA: Okay. Thank you. Thank you. That
9 was all -- that was all I had for you.

10 Mr. Tonan, 479. Did I pronounce your name
11 correctly?

12 PROSPECTIVE JUROR NO. 479: Tonan.

13 MS. RADOSTA: Tonan. Thank you.

14 I just had to touch base with you about your
15 experience. I think you said it was about 40 years ago.

16 PROSPECTIVE JUROR NO. 479: Um-hum.

17 MS. RADOSTA: Your telling of that incident was a
18 bit amazing to me in that you were just like, well, you know,
19 he was talking about going up to Oregon and killing somebody
20 and I got out of that one okay. You -- you've definitely
21 processed the experience.

22 PROSPECTIVE JUROR NO. 479: [Inaudible]. Pretty
23 much at the time, I mean, yeah.

24 MS. RADOSTA: At -- at the time?

25 PROSPECTIVE JUROR NO. 479: Yeah.

1 MS. RADOSTA: Did you ever -- I mean, I think you
2 said you were tied up in the trunk for 12 hours?
3 PROSPECTIVE JUROR NO. 479: Um-hum.
4 MS. RADOSTA: At some point during that time, you
5 got the sense that he might be a very violent person?
6 PROSPECTIVE JUROR NO. 479: Oh, yes, absolutely.
7 MS. RADOSTA: Did he ever actually threaten you?
8 PROSPECTIVE JUROR NO. 479: No.
9 MS. RADOSTA: Okay. But you heard him talking about
10 harming other people?
11 PROSPECTIVE JUROR NO. 479: Yeah.
12 MS. RADOSTA: And I would assume in that moment you
13 thought, if he's saying this in front of me, I might not --
14 PROSPECTIVE JUROR NO. 479: You had nothing to lose.
15 MS. RADOSTA: -- be in the most secure position.
16 PROSPECTIVE JUROR NO. 479: Yeah.
17 MS. RADOSTA: Okay.
18 PROSPECTIVE JUROR NO. 479: He was a parolee from
19 doing the same thing out of prison and everything, yeah, it
20 was a -- yeah.
21 MS. RADOSTA: Okay.
22 PROSPECTIVE JUROR NO. 479: Yeah.
23 MS. RADOSTA: And I'm assuming back then you took
24 some precautions at the dealership for people when you would
25 go on test drives, maybe not as many as you take today --

1 PROSPECTIVE JUROR NO. 479: Well, obviously, not
2 enough.

3 MS. RADOSTA: But did your -- did people at work
4 realize that you were missing?

5 PROSPECTIVE JUROR NO. 479: Yes.

6 MS. RADOSTA: Is that how the -- well, how did --
7 how did you get out of it?

8 PROSPECTIVE JUROR NO. 479: Um --

9 MS. RADOSTA: How did it resolve itself, I guess?

10 PROSPECTIVE JUROR NO. 479: We -- we stopped outside
11 of Chowchilla, California which is Northern Cal. And he drove
12 off a side road and let me out and tied me out and said, lay
13 here for an hour. Don't -- don't make a sound, blah, blah,
14 blah.

15 MS. RADOSTA: Okay.

16 PROSPECTIVE JUROR NO. 479: And drove away.

17 MS. RADOSTA: Wow.

18 PROSPECTIVE JUROR NO. 479: And so I laid there for
19 about 15, 20 minutes and thought, well, you know, thinking
20 that he's got the gun on me the whole time, you know, and --

21 MS. RADOSTA: Right.

22 PROSPECTIVE JUROR NO. 479: -- and then just walked
23 to a local café down the road.

24 MS. RADOSTA: Wow.

25 PROSPECTIVE JUROR NO. 479: And -- yeah, and then

1 the police came and --

2 MS. RADOSTA: Okay. So you -- it's not as though he

3 was caught and you were released by police.

4 PROSPECTIVE JUROR NO. 479: No.

5 MS. RADOSTA: He just made a decision to let you go.

6 PROSPECTIVE JUROR NO. 479: Yes. And he said that.

7 He says, I'm going to let you loose in Sacramento and, blah,

8 blah, and I said, well, I've got relatives in Sacramento. I'm

9 going to be okay.

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 479: But there were times --

12 yeah, there were times I thought, man, he's got nothing to

13 lose --

14 MS. RADOSTA: Right.

15 PROSPECTIVE JUROR NO. 479: -- you know, but yeah.

16 MS. RADOSTA: Did you feel that you were -- you were

17 able to talk to him during the -- the 12 hours at all or, no.

18 PROSPECTIVE JUROR NO. 479: Um, he would stop and

19 open the trunk and asked me if I wanted a cigarette or

20 whatever -- whatever, which I didn't. But yeah, yeah.

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 479: It was -- it was weird.

23 MS. RADOSTA: It was -- yeah, it's a little -- it's

24 a little -- it's a little --

25 PROSPECTIVE JUROR NO. 479: But --

1 MS. RADOSTA: -- unusual.
2 PROSPECTIVE JUROR NO. 479: Yeah.
3 MS. RADOSTA: But thank goodness that he was that
4 type of --
5 PROSPECTIVE JUROR NO. 479: Yeah.
6 MS. RADOSTA: -- person, I don't -- thank goodness
7 for the good parts of it. I'm sorry that that happened to
8 you. You said that you -- as I said earlier, you seem to have
9 processed it. I think you responded almost immediately that
10 you kind of --
11 PROSPECTIVE JUROR NO. 479: Within the first couple
12 of months, yeah.
13 MS. RADOSTA: Okay.
14 PROSPECTIVE JUROR NO. 479: I can't -- when the
15 detective came later, you know, when they said they caught him
16 and all that in --
17 MS. RADOSTA: Um-hum.
18 PROSPECTIVE JUROR NO. 479: -- Oregon, they asked me
19 to identify him, and I couldn't do it. I didn't -- I didn't
20 -- I looked and I said, I -- you know, I don't know if it was
21 fear or -- but my boss at the time said, that's him.
22 MS. RADOSTA: Okay.
23 PROSPECTIVE JUROR NO. 479: And the guy said, yeah,
24 you're right.
25 MS. RADOSTA: Okay.

1 PROSPECTIVE JUROR NO. 479: And then -- so --
2 MS. RADOSTA: But you --
3 PROSPECTIVE JUROR NO. 479: -- but it was never --
4 MS. RADOSTA: I'm sorry, I didn't --
5 PROSPECTIVE JUROR NO. 479: I'm sorry, go ahead.
6 MS. RADOSTA: -- mean to interrupt. No, no, what
7 were you saying?
8 PROSPECTIVE JUROR NO. 479: No, I was kind of done.
9 MS. RADOSTA: I apologize.
10 PROSPECTIVE JUROR NO. 479: That's okay.
11 MS. RADOSTA: You had seen him, like he came into
12 the dealership --
13 PROSPECTIVE JUROR NO. 479: Yes.
14 MS. RADOSTA: -- and had -- you had talked to him,
15 I'm assuming --
16 PROSPECTIVE JUROR NO. 479: Yes.
17 MS. RADOSTA: -- for a few minutes before you did
18 the test drive.
19 PROSPECTIVE JUROR NO. 479: Actually, I talked to
20 him on Saturday, and I said, no, it's too late, you know, I
21 said, it's -- we're closing up. And he came back Monday
22 morning.
23 MS. RADOSTA: Oh, thank goodness. Oh my goodness.
24 Did he make a beeline straight for you on Monday morning or --
25 PROSPECTIVE JUROR NO. 479: Yeah, about 10:00

1 o'clock in the morning, yeah. Yeah.

2 MS. RADOSTA: Wow, okay. And so --

3 PROSPECTIVE JUROR NO. 479: Same car and all that,

4 yeah, so.

5 MS. RADOSTA: -- you saw him for maybe 10, 15

6 minutes on Saturday -- or yeah, on Saturday and then again --

7 PROSPECTIVE JUROR NO. 479: Yep.

8 MS. RADOSTA: -- Monday? And then you were sitting

9 in the car next to him for how long before he pulled a gun?

10 PROSPECTIVE JUROR NO. 479: Oh, ten minutes,

11 something like that.

12 MS. RADOSTA: Okay. And at any point did he put

13 anything over your face?

14 PROSPECTIVE JUROR NO. 479: No.

15 MS. RADOSTA: But he did put you in the trunk of the

16 car?

17 PROSPECTIVE JUROR NO. 479: In the trunk of the car.

18 MS. RADOSTA: Yeah.

19 PROSPECTIVE JUROR NO. 479: Yes.

20 MS. RADOSTA: And then over the course of that 12

21 hours you saw him half a dozen times maybe as he opened --

22 PROSPECTIVE JUROR NO. 479: A couple times.

23 MS. RADOSTA: -- [inaudible]? A couple times?

24 PROSPECTIVE JUROR NO. 479: About three times, yeah.

25 MS. RADOSTA: And yet, you were unable to identify

1 him a couple months later?

2 PROSPECTIVE JUROR NO. 479: I -- it wasn't even that
3 long --

4 MS. RADOSTA: Not even that long.

5 PROSPECTIVE JUROR NO. 479: -- it was a couple days
6 later.

7 MS. RADOSTA: Yeah. Were you surprised that --

8 PROSPECTIVE JUROR NO. 479: That I couldn't
9 recognize him?

10 MS. RADOSTA: -- you couldn't -- yeah.

11 PROSPECTIVE JUROR NO. 479: Yeah.

12 MS. RADOSTA: Yeah. Okay.

13 PROSPECTIVE JUROR NO. 479: Yeah.

14 MS. RADOSTA: Did it --

15 PROSPECTIVE JUROR NO. 479: And then when he pointed
16 at the picture I said, yeah, that probably was -- I mean, I --
17 yeah, I don't -- probably in shock --

18 MS. RADOSTA: Um-hum.

19 PROSPECTIVE JUROR NO. 479: -- or whatever the word
20 is.

21 MS. RADOSTA: Right. Were you -- were you relieved
22 though when you heard that your boss was -- picked out a
23 picture and then --

24 PROSPECTIVE JUROR NO. 479: Um-hum.

25 MS. RADOSTA: -- the detective said, yeah, that's

1 him?

2 PROSPECTIVE JUROR NO. 479: Um-hum.

3 MS. RADOSTA: Were you told at that point in time
4 that he was in custody or not?

5 PROSPECTIVE JUROR NO. 479: I think so.

6 MS. RADOSTA: Okay. At some point in time, you must
7 have felt some amount of relief?

8 PROSPECTIVE JUROR NO. 479: Yeah, I guess. I -- you
9 know, it turned into rage later on. I got really mad at him,
10 you know.

11 MS. RADOSTA: Well, understood.

12 PROSPECTIVE JUROR NO. 479: But about -- about a
13 week later.

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 479: It's when the car got
16 back.

17 MS. RADOSTA: Did he -- I assume that he trashed the
18 car or?

19 PROSPECTIVE JUROR NO. 479: Yeah.

20 MS. RADOSTA: Yeah.

21 PROSPECTIVE JUROR NO. 479: Yeah, I was pretty made,
22 but.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 479: But yeah, it wasn't my
25 turn.

1 MS. RADOSTA: Right, right. Obviously.
2 PROSPECTIVE JUROR NO. 479: Yeah, so.
3 MS. RADOSTA: And the -- did you before the police
4 came and ended the -- I assume -- you said there was a bunch
5 of pictures in front of you --
6 PROSPECTIVE JUROR NO. 479: Yes.
7 MS. RADOSTA: -- they did a photo lineup of sorts,
8 like were there a bunch of pictures in front of you?
9 PROSPECTIVE JUROR NO. 479: Yeah, they had like 15
10 or 20 or something, yeah.
11 MS. RADOSTA: Okay. Prior to that, did you have any
12 fear that this person was going to come back and find you?
13 PROSPECTIVE JUROR NO. 479: I -- I must of. I don't
14 remember, but I must have.
15 MS. RADOSTA: Okay. And all of that experience
16 though, I mean, obviously years ago, I think you said 1978 --
17 PROSPECTIVE JUROR NO. 479: Uh-huh.
18 MS. RADOSTA: -- is that the right year? And
19 you've worked your way through it, don't think that that's
20 going to affect you at all if there is any testimony in this
21 case that's upsetting or graphic or --
22 PROSPECTIVE JUROR NO. 479: I don't think so.
23 MS. RADOSTA: Okay.
24 PROSPECTIVE JUROR NO. 479: I don't -- I don't know
25 how. I mean, I use the word, if it got goofy or whatever, but

1 I don't think so.

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 479: And like I said, it was
4 a long time ago, and there's been other things that, you know,
5 you kind of plow through, you know, it's -- life is -- can be
6 tough, you know, so.

7 MS. RADOSTA: Sure.

8 PROSPECTIVE JUROR NO. 479: But, no, I don't think
9 so.

10 MS. RADOSTA: All right. All right. Well, thank
11 you. Thank you for sharing all of that.

12 PROSPECTIVE JUROR NO. 479: There you go.

13 MS. RADOSTA: Ms. Dolan, please, 338.

14 PROSPECTIVE JUROR NO. 338: Hello.

15 MS. RADOSTA: Hi, how are you?

16 PROSPECTIVE JUROR NO. 338: Okay.

17 MS. RADOSTA: So you are a teacher; correct?

18 PROSPECTIVE JUROR NO. 338: Yes.

19 MS. RADOSTA: Clark County School District.

20 PROSPECTIVE JUROR NO. 338: Yeah.

21 MS. RADOSTA: Okay. And how long have you been a
22 teacher?

23 PROSPECTIVE JUROR NO. 338: I'm going on my 17th
24 year.

25 MS. RADOSTA: Okay. What age are you teaching right

1 now?

2 PROSPECTIVE JUROR NO. 338: Fifth grade.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 338: Approximately, 10, 11.

5 MS. RADOSTA: Have you always taught 5th grade?

6 PROSPECTIVE JUROR NO. 338: Most of my teaching

7 career has been 4th and 5th. I spent a couple years in 2nd,

8 and a couple years in 1st.

9 MS. RADOSTA: Okay.

10 PROSPECTIVE JUROR NO. 338: But 5th grade is where I

11 belong.

12 MS. RADOSTA: Okay. Why do you feel that that's

13 where you belong?

14 PROSPECTIVE JUROR NO. 338: They're a difficult

15 group to manage, but I have a way of getting through to them

16 and motivating them, so.

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 338: Yeah.

19 MS. RADOSTA: You yourself have children; correct?

20 PROSPECTIVE JUROR NO. 338: Yes, two.

21 MS. RADOSTA: And I'm sorry, I forgot their ages.

22 PROSPECTIVE JUROR NO. 338: 26 and 30.

23 MS. RADOSTA: Okay. Do you have any grandchildren?

24 PROSPECTIVE JUROR NO. 338: No.

25 MS. RADOSTA: Okay. Are you [inaudible]?

1 PROSPECTIVE JUROR NO. 338: Just a grand dog.
2 MS. RADOSTA: Grand dog. As do -- as do my parents.
3 PROSPECTIVE JUROR NO. 338: Right. Okay.
4 MS. RADOSTA: That's -- the same thing. My parents
5 have the grand puppy as well.
6 PROSPECTIVE JUROR NO. 338: Uh-huh, a grand puppy.
7 MS. RADOSTA: But so the -- Clark County School
8 District actually has a policy, I believe, that you are not
9 allowed to be alone with a child, with the door shut; is that
10 correct?
11 PROSPECTIVE JUROR NO. 338: Correct.
12 MS. RADOSTA: And that's as much for your protection
13 as it is for the child's protection?
14 PROSPECTIVE JUROR NO. 338: Absolutely.
15 MS. RADOSTA: So that you couldn't potentially hurt
16 a child; correct?
17 PROSPECTIVE JUROR NO. 338: Correct.
18 MS. RADOSTA: But also so that a child could not
19 make an accusation against you that is untrue?
20 PROSPECTIVE JUROR NO. 338: Absolutely.
21 MS. RADOSTA: And this is -- this is like written in
22 the -- I'm not sure -- it's -- it's a rule --
23 PROSPECTIVE JUROR NO. 338: Right.
24 MS. RADOSTA: -- at Clark County School District?
25 PROSPECTIVE JUROR NO. 338: Right. Well known by

1 everybody.

2 MS. RADOSTA: Well known by everybody.

3 PROSPECTIVE JUROR NO. 338: Yeah.

4 MS. RADOSTA: If you were to have broken that rule

5 and had a meeting with a child with the door shut and someone

6 found out about it, your principal found out about it, what

7 would be the recourse with you? Would you get written up?

8 Would you --

9 PROSPECTIVE JUROR NO. 338: My understanding is the

10 -- yeah, the administrator can write you up. But the

11 administrator is very --

12 MS. RADOSTA: Okay.

13 PROSPECTIVE JUROR NO. 338: -- some of them would

14 just talk to you.

15 MS. RADOSTA: And say, not a good idea.

16 PROSPECTIVE JUROR NO. 338: Yeah, yeah.

17 MS. RADOSTA: Now, do you understand that this is,

18 as I said, as much for your protection as it is for the

19 child's protection?

20 PROSPECTIVE JUROR NO. 338: Correct, yeah.

21 MS. RADOSTA: And how, if you know, how long has

22 that -- has that rule been -- I mean, you've been a teacher

23 for --

24 PROSPECTIVE JUROR NO. 338: As long as I've been a

25 teacher --

1 MS. RADOSTA: Okay.

2 PROSPECTIVE JUROR NO. 338: -- that's been a rule,
3 yeah.

4 MS. RADOSTA: All right. You also shared with us
5 that your daughter was arrested for DUI a few years ago;
6 correct?

7 PROSPECTIVE JUROR NO. 338: Correct, yeah. I don't
8 know exactly how many, yeah.

9 MS. RADOSTA: Okay. Did you help her through the
10 process at all?

11 PROSPECTIVE JUROR NO. 338: No, because she didn't
12 even notify me herself.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 338: Yeah.

15 MS. RADOSTA: Until after the fact?

16 PROSPECTIVE JUROR NO. 338: I believe I heard it
17 from her sister.

18 MS. RADOSTA: Okay. Have you to this day ever
19 talked to your daughter about that?

20 PROSPECTIVE JUROR NO. 338: Not really, no.

21 MS. RADOSTA: Are you curious as to why your
22 daughter hasn't shared that with you?

23 PROSPECTIVE JUROR NO. 338: No, because there's so
24 much trauma associated with her father, because she was living
25 with her father at the time.

1 MS. RADOSTA: Okay.

2 PROSPECTIVE JUROR NO. 338: And that was, I want to
3 say, just a couple of years before he killed himself. And she
4 has so much trauma associated with that, because she found his
5 body --

6 MS. RADOSTA: Okay.

7 PROSPECTIVE JUROR NO. 338: -- that bringing that
8 kind of stuff up, she's even -- that was 2010 that he died.
9 It's still too soon.

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 338: Yeah.

12 MS. RADOSTA: Do you -- so the DUI happened before
13 her father's suicide or --

14 PROSPECTIVE JUROR NO. 338: Yeah, it did. Yeah,
15 before he committed suicide because he's the one who bailed
16 her out, I believe.

17 MS. RADOSTA: Okay. So I -- I'm -- you may not know
18 the answers to any of these questions.

19 PROSPECTIVE JUROR NO. 338: Um-hum.

20 MS. RADOSTA: Do you know if she considered fighting
21 the charges or if she just --

22 PROSPECTIVE JUROR NO. 338: I do know -- okay, so I
23 must have talked to her, because now that you mention it, I
24 was the one who found her a lawyer. It was the husband, no
25 ex-husband of somebody I taught with at another school.

1 MS. RADOSTA: Okay.

2 PROSPECTIVE JUROR NO. 338: And so she hired him on.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 338: And I know she -- she

5 just had to go to classes or something.

6 MS. RADOSTA: Okay. So it's your understanding that

7 she ultimately took responsibility for --

8 PROSPECTIVE JUROR NO. 338: She -- yeah.

9 MS. RADOSTA: -- her actions.

10 PROSPECTIVE JUROR NO. 338: She did, yeah. That's

11 my understanding.

12 MS. RADOSTA: She didn't go -- she -- and you said

13 she had to do some classes?

14 PROSPECTIVE JUROR NO. 338: Yeah, I think she had to

15 go to some classes, watching videos of -- graphic videos of

16 accidents or something along those lines.

17 MS. RADOSTA: Yeah.

18 PROSPECTIVE JUROR NO. 338: Yeah.

19 MS. RADOSTA: Yeah. We call it down here the victim

20 impact panel.

21 PROSPECTIVE JUROR NO. 338: Okay, yeah.

22 MS. RADOSTA: Yeah.

23 PROSPECTIVE JUROR NO. 338: Yeah.

24 MS. RADOSTA: So I had a couple questions for you

25 from your jury questionnaire as well.

1 PROSPECTIVE JUROR NO. 338: Um-hum.

2 MS. RADOSTA: You actually had said on your -- I

3 apologize that I don't have the page actually marked. Just in

4 answer to the question, is there anything else you know about

5 yourself that would prevent you from sitting as a fair and

6 impartial juror --

7 PROSPECTIVE JUROR NO. 338: Um-hum.

8 MS. RADOSTA: -- you responded, "I work with

9 children so that would likely influence my opinion."

10 PROSPECTIVE JUROR NO. 338: Right.

11 MS. RADOSTA: Can you just explain that, why is just

12 the fact that you work with children something you feel would

13 impact your ability to be fair and impartial?

14 PROSPECTIVE JUROR NO. 338: As -- as a teacher, my

15 focus is all -- is always making sure it's the well being of

16 my children.

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 338: So that is something

19 that -- it -- I guess it's just part of my career.

20 MS. RADOSTA: Um-hum.

21 PROSPECTIVE JUROR NO. 338: And so it's something

22 that I would set aside as I -- I came into this case. I would

23 have to leave the teacher at the door.

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 338: And then come in as a

1 person.

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 338: If that makes sense.

4 MS. RADOSTA: As -- as --

5 PROSPECTIVE JUROR NO. 338: Yeah, which is --

6 MS. RADOSTA: -- so the teacher side and come in as

7 a person.

8 PROSPECTIVE JUROR NO. 338: As a person, yeah.

9 Which is what I do when I go home. My teacher self, I leave

10 it at work.

11 MS. RADOSTA: Right.

12 PROSPECTIVE JUROR NO. 338: And I become -- then I

13 go back to being me, if that makes sense.

14 MS. RADOSTA: When your girls were younger, did they

15 ever say, mom, stop being a teacher, you know, just be our

16 mom.

17 PROSPECTIVE JUROR NO. 338: I didn't become a

18 teacher until -- I didn't even go to college until they went

19 to school.

20 MS. RADOSTA: Okay.

21 PROSPECTIVE JUROR NO. 338: So they were --

22 MS. RADOSTA: Okay.

23 PROSPECTIVE JUROR NO. 338: -- somewhat older, yeah.

24 MS. RADOSTA: Okay. Do -- so although you indicated

25 on your Jury Questionnaire that you felt that --

1 MS. RADOSTA: Um-hum.

2 MS. RADOSTA: -- working with children would impact
3 you, your ability to be fair and impartial, you're now telling
4 me you think you can set that aside?

5 PROSPECTIVE JUROR NO. 338: I'm -- I am positive I
6 could set that aside, because I have such a strong -- a strong
7 -- I don't know if "conviction" is the right word -- that a
8 person is innocent until proven guilty.

9 MS. RADOSTA: Okay.

10 PROSPECTIVE JUROR NO. 338: And that you have to
11 weigh the evidence. And everyone is entitled to an impartial
12 jury. And our justice system, I believe in strongly. I teach
13 social studies.

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 338: So -- so I'm a believer
16 in that.

17 MS. RADOSTA: Okay. And your kids are just about at
18 the age where they -- your students, I mean --

19 PROSPECTIVE JUROR NO. 338: Um-hum.

20 MS. RADOSTA: -- are just about at the age where you
21 can really start getting into some of the more -- some of the
22 more details of the Constitution and what -- what it means to
23 be --

24 PROSPECTIVE JUROR NO. 338: Oh, yeah, absolutely.

25 MS. RADOSTA: -- an American.

1 PROSPECTIVE JUROR NO. 338: Yeah, that's -- we -- I
2 teach that in 5th --

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 338: -- grade, yes.

5 MS. RADOSTA: All right. On that note, though, you
6 -- you also indicated in response to the question about the
7 graphic nature of the videotape --

8 PROSPECTIVE JUROR NO. 338: Um-hum.

9 MS. RADOSTA: -- that you would be -- and I'm just
10 quoting from your -- your questionnaire here -- that you would
11 be disgusted and disturbed.

12 PROSPECTIVE JUROR NO. 338: Right.

13 MS. RADOSTA: Um --

14 PROSPECTIVE JUROR NO. 338: Depending on the nature
15 of the video and it's -- I think it's naive to say, oh, it's
16 not going to impact me at all, because even -- because it's --
17 if something is very graphic and very upsetting, it's -- I
18 don't -- I don't know what kind of person would watch it and
19 not be impacted.

20 MS. RADOSTA: Okay.

21 PROSPECTIVE JUROR NO. 338: The key is to be able to
22 not hold your emotions against the person who -- against the
23 case --

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 338: -- or the person who is

1 being defended. You know, you have to set aside -- it's not
2 -- this is not about me.

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 338: This is about the -- the
5 case --

6 MS. RADOSTA: Okay.

7 PROSPECTIVE JUROR NO. 338: -- is that helps.

8 MS. RADOSTA: If we were to ask you, we as the
9 defense, were to ask you to not only watch the videos, but
10 watch them more than once --

11 PROSPECTIVE JUROR NO. 338: Um-hum.

12 MS. RADOSTA: -- and to actually look for details in
13 the videos, is that something that you think you would be able
14 to do?

15 PROSPECTIVE JUROR NO. 338: Absolutely.

16 MS. RADOSTA: If we were to ask you, you know, when
17 the -- when -- if you were to be chosen as a juror, and after
18 the case is all said and done --

19 PROSPECTIVE JUROR NO. 338: Um-hum.

20 MS. RADOSTA: -- and, I mean, you're going back to
21 deliberate --

22 PROSPECTIVE JUROR NO. 338: Um-hum.

23 MS. RADOSTA: -- and in closing arguments I say, I
24 want you to go back there and watch this, you know, at least
25 two or three more times, and look for this, and look for this,

1 and look for this; would you be okay with doing that?

2 PROSPECTIVE JUROR NO. 338: Absolutely. Because
3 again, it's -- it's not about -- it's not about me or my
4 emotions. This is about doing my duty as a juror and keeping
5 the justice system moving the way it's supposed to. It's not
6 about me, it's about the evidence. So you set those things
7 aside.

8 MS. RADOSTA: All right. What if one of your fellow
9 jurors was back in the jury room and they were like, uh-uh,
10 not going to do it, I don't care. Not going to watch it. I
11 don't care what that defense attorney said, we saw it once in
12 court, that's enough for me. What would you do with something
13 like that?

14 PROSPECTIVE JUROR NO. 338: I -- I believe in
15 following rules that I have been given. I'm a rule follower.

16 MS. RADOSTA: Okay.

17 PROSPECTIVE JUROR NO. 338: So if -- if I have been
18 instructed to do something by the Judge, or -- I would
19 absolutely do that. I can't control what other people chose
20 to do, but I am going to follow the rules that have been set
21 forth for me.

22 MS. RADOSTA: Would you encourage that other juror
23 to follow the rules or would you just let them sit there and
24 not watch it?

25 PROSPECTIVE JUROR NO. 338: I would -- as a teacher,

1 I would like to think I would try to gently coax somebody,
2 hey, this -- these are the expectations.

3 MS. RADOSTA: Um-hum.

4 PROSPECTIVE JUROR NO. 338: We agreed to this when
5 we came on as a jury and this is our duty.

6 MS. RADOSTA: Right.

7 PROSPECTIVE JUROR NO. 338: But ultimately, the
8 decision -- a person does or doesn't do something, you can't
9 -- I can't force someone else to do something.

10 MS. RADOSTA: Would you feel it was important enough
11 to -- if the -- if the person absolutely refused --

12 PROSPECTIVE JUROR NO. 338: Um-hum.

13 MS. RADOSTA: -- would it -- would you feel it was
14 important enough to perhaps notify -- to step outside your
15 role in the jury group --

16 PROSPECTIVE JUROR NO. 338: Um-hum.

17 MS. RADOSTA: -- and notify the Judge that someone
18 else isn't taking their duty seriously?

19 PROSPECTIVE JUROR NO. 338: Of course, because
20 again, in order to get that -- the -- the fair trial that the
21 Constitution promises to, to every person, the things have to
22 be followed the way they're supposed to. You can't cover
23 things over --

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 338: -- like that.

1 MS. RADOSTA: All right. Regarding what Ms. Dolan
2 just said, is there anybody here in the -- in the jury panel
3 that disagrees with the ideas that she was talking about, that
4 this is -- that the jury process is very important, that
5 everybody has -- is -- has a right to a fair trial. Is there
6 anybody here that disagrees with that?

7 I know they're words we all hear over, and over, and
8 over again. But this is -- this is it. This is a jury trial.
9 And you can say the words, but you're now in the position of
10 really living them; innocent until proven guilty. Is there
11 anybody here that has a problem with that?

12 Even given the nature of these charges and what you
13 read in that synopsis?

14 THE COURT: Ms. Radosta, let's take our lunch break
15 now.

16 MS. RADOSTA: Oh, okay.

17 THE COURT: I have another matter I have to attend
18 to.

19 MS. RADOSTA: Okay.

20 THE COURT: I think we're probably all going to be
21 going to this. So -- I mean, except them.

22 MS. RADOSTA: All right.

23 THE COURT: So, we have somebody we've known for a
24 long time that's retiring.

25 MS. RADOSTA: Oh, okay.

1 THE COURT: And it starts at 11:00 and it's going to
2 be done sometime afternoon. So I think --

3 UNIDENTIFIED PROSPECTIVE JUROR: Bring back some
4 cake.

5 MS. RADOSTA: If I could just -- and I'm sorry,
6 Judge.

7 THE COURT: Go ahead.

8 MS. RADOSTA: If I could just, one thing.

9 THE COURT: Okay.

10 MS. RADOSTA: In response to the questions that I
11 just asked, I didn't see anyone in the panel objecting to what
12 I was saying, just for the record.

13 THE COURT: Okay. All right. Perfect.

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

23 Ladies and gentlemen, I'm going to give you until a
24 quarter after 12:00; okay? Was it enough time yesterday for
25 an hour?

1 UNIDENTIFIED PROSPECTIVE JURORS: Oh, yeah.

2 THE COURT: What's that?

3 UNIDENTIFIED PROSPECTIVE JUROR: More than an hour.

4 THE COURT: Okay. All right. A quarter after
5 12:00, be back here; all right? Meet my Marshal outside.
6 Okay.

7 (Outside the presence of the prospective jurors)

8 THE COURT: Okay. We're outside the presence of the
9 jury. We'll have a break until about a quarter after 12:00.
10 Is there anything you need to put on the record before we take
11 our lunch?

12 MR. SWEETIN: Not from the State.

13 THE COURT: All right. Okay, guys, we're off the
14 record. Have a good lunch.

15 (Court recessed at 11:02 A.M., until 12:24 P.M.)

16 (Outside the presence of the prospective jurors)

17 THE COURT: All right. We're back on the record in
18 the case of State of Nevada versus Christopher Sena, in C-
19 311453. The record will reflect the presence of the defendant
20 and his counsel, the State and their counsel, and we're
21 outside the presence of the jury.

22 Before we get started, do you have anything that
23 needs to be put on the record?

24 MS. RADOSTA: Yes, Your Honor, we would like to put
25 something on the record outside the presence of the District

1 Attorneys, if possible, about some communications with our
2 client this morning.

3 THE COURT: All right. So you just want to make
4 sure that the record's clear as to the a discussion you had
5 with your -- okay.

6 MS. RADOSTA: Yes.

7 THE COURT: All right. Do you mind waiting outside?

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

9 THE COURT: Okay.

10 (District Attorneys exit the courtroom at 12:24 P.M.)

11 THE COURT: Okay. We're outside the presence of the
12 District Attorney. We're in the presence of Mr. Sena, Ms.
13 Radosta and Mr. Lopez-Negrete.

14 MS. RADOSTA: Thanks, Judge.

15 THE COURT: Ms. Radosta?

16 MS. RADOSTA: Thanks, Your Honor.

17 This morning --

18 THE COURT: Have a seat, unless you want to stand
19 up. It's up to you.

20 THE DEFENDANT: I just feel it's more proper to
21 stand.

22 THE COURT: Okay. All right. You're fine.

23 MS. RADOSTA: This morning, Your Honor, before we
24 started the morning session, Mr. Negrete and I just stepped
25 into the side room with our client and just asked him how he

1 was feeling, and he -- he went through a couple of emotions
2 that -- but one thing he said was he was -- the word "scared"
3 came out of his mouth, given that the process has now really
4 fully started. And we acknowledged that, of course, going to
5 trial is always a scary prospect because you have no control.
6 You're leaving it in the hands of 12 people that you don't
7 know. And -- but based on that comment, I did make -- I did
8 ask him if he potentially wanted to change his -- change his
9 plea and possibly accept a negotiation in this case rather
10 than going forward with jury trial.

11 At that point in time, we went back and forth a few
12 times explaining that we had, at that point, no idea of the
13 original offer that had been made to us previously was even
14 still available, but if it was, that was going to be the
15 offer. We have a couple of different parts of the
16 conversation, he explained to us what he was comfortable with
17 saying, what he wasn't comfortable with saying. We said,
18 there's always the option of an Alford plea.

19 And -- but if something like this was going to
20 happen, in our opinion, it was going to have to happen sooner
21 rather than later. We are in the process of picking of a
22 jury, we're four days in. We're going to start having witness
23 testimony at some point, and as soon as that starts, for sure
24 the State, in my opinion, would not be open minded to an
25 offer, or re-offering the offer.

1 So we were still somewhat discussing it with Mr.
2 Sena as we walked into Court this morning and we continued the
3 conversation with him now. We were about to ask Mr. Sweetin
4 if the offer was still available, the original offer of 18
5 felonies --

6 THE COURT: Is it 18?

7 MS. RADOSTA: It was 18, I believe, if I counted
8 correctly, various incarnations of the sex assault charges and
9 the creating or manufacturing child pornography, possessing of
10 child pornography, incest, I think that might be all of them.
11 Maybe there was one threat -- threatening or a child abuse and
12 neglect charge. There was a little bit of everything from the
13 original Information.

14 The original offer had charges for each of the named
15 victims. And so we were still discussing it with Mr. Sena a
16 few moments ago. He wanted us to make an inquiry about if he
17 accepted an Alford plea to charges, he wanted the offer to be
18 made lower. In our opinion, Mr. Sweetin is in no way going to
19 be open minded to amending the offer at this point in time,
20 particularly, if Mr. Sena does not wish to plead guilty.

21 If he wishes an Alford plea, in our opinion, Mr.
22 Sweetin will be not inclined to lower the potential offer.
23 But with that being said, with the opportunity to enter an
24 Alford plea to the original charges, the original offer --

25 THE COURT: Um-hum.

1 MS. RADOSTA: -- Mr. Sena, at this point, has told
2 us, no, he would just prefer to just go to trial, if the offer
3 does not change.

4 THE COURT: Okay.

5 MS. RADOSTA: Even if he's allowed to enter an
6 Alford plea, he does not wish us to even make an inquiry to
7 the State as to whether or not the offer is still available to
8 him.

9 THE COURT: Okay. So if I understand it right, Mr.
10 Sena's position is, is that if you -- even if you were going
11 to discuss possible negotiations, he would be inclined to
12 accept a negotiation if first the State would reduce the
13 original offer in some manner --

14 MS. RADOSTA: Um-hum.

15 THE COURT: -- and accept a Alford plea from him?

16 MS. RADOSTA: Yes. And just to be --

17 THE COURT: Um -- okay.

18 MS. RADOSTA: -- a little more specific; in our
19 opinion, Judge, the original offer, there was one count of sex
20 assault minor under the age of 14 in that original offer, so
21 his best case scenario under that offer would be a 35 to life
22 and everything else to run concurrent. He was hoping that we
23 could negotiate something less than the 35, on the -- with Mr.
24 Sweetin.

25 We have had multiple conversations with Mr. Sweetin

1 about negotiating this case.

2 THE COURT: Okay.

3 MS. RADOSTA: I have made that request multiple
4 times to Mr. Sweetin and never has he officially altered his
5 offer.

6 Additionally, just so that the Court's aware, part
7 of the reason why this whole conversation started this morning
8 is because one thing that Mr. Sena did say to us that he
9 didn't really want a jury trial.

10 THE COURT: Okay.

11 MS. RADOSTA: And that's really what started us --
12 and I think I forgot to mention that at the beginning --
13 that's what really started us down this path. If he does not
14 want a jury trial, then I think it's our obligation as his
15 attorneys to try to give him what he wants.

16 That was this morning. He has now reverted back to,
17 if I can't get the deal that I want, then I want my jury
18 trial.

19 THE COURT: Mr. Sena, what are you thinking?

20 THE DEFENDANT: My head's going in all different
21 directions.

22 THE COURT: Okay. Well, you -- well, Ms. Radosta
23 has indicated that there has been a possibility that you may
24 consider an offer. You told her what you would possibly
25 consider something less than what's being offered now, only

1 under an Alford plea; is that right?

2 THE DEFENDANT: I did. I told her that, you know, I
3 would take the Alford plea as long as we stuck with the truth
4 of the matter.

5 THE COURT: Okay.

6 THE DEFENDANT: And I was always taught to be
7 truthful and tell the truth --

8 THE COURT: Okay.

9 THE DEFENDANT: -- and I told her that I have really
10 never lied.

11 THE COURT: Okay.

12 THE DEFENDANT: And I'm willing to work with that,
13 but the things that I don't know, I am not willing to work
14 with that, because you know, true is true, false is false.

15 THE COURT: Okay.

16 THE DEFENDANT: And, you know, I'm -- you know, and
17 obviously I wasn't [inaudible] but.

18 THE COURT: Well, the offer that was made
19 previously, I would imagine if it stayed the same with regards
20 to an Alford plea, you're familiar with the charges of --

21 THE DEFENDANT: Well, yeah, she said --

22 THE COURT: -- the original --

23 THE DEFENDANT: -- something about that I'd be
24 accepting for child pornography --

25 THE COURT: Um-hum.

1 THE DEFENDANT: -- possession, she says I'd be
2 charged with having sexually assaulted all -- all four of my
3 children --
4 THE COURT: Um-hum.
5 THE DEFENDANT: -- and I think incest was one of the
6 ones.
7 THE COURT: Um-hum.
8 THE DEFENDANT: And the -- I'm sorry, I'm nervous.
9 MS. RADOSTA: That's fine.
10 THE COURT: It's okay.
11 THE DEFENDANT: The -- the -- for preventing the
12 witness from --
13 MS. RADOSTA: Yes. For preventing or dissuading a
14 witness from testifying.
15 THE DEFENDANT: You know, like I -- like I tried to
16 tell her; I don't mind saying, hey, you know, I'll -- you
17 know, for what's true I'll plead to, but the things I don't
18 know, I have problems with that, because I have to live with
19 myself.
20 THE COURT: Um-hum.
21 THE DEFENDANT: I have to live the rest of my life
22 and everything else like that.
23 THE COURT: Okay.
24 THE DEFENDANT: And, you know, I just want --
25 THE COURT: Well, here --

1 THE DEFENDANT: -- the truth.

2 THE COURT: -- here's -- did they explain to you

3 what an Alford plea is?

4 THE DEFENDANT: Well, she said something about an

5 Alford plea is that you're accepting responsibility, I think

6 it is, but I -- no?

7 MS. RADOSTA: No. No.

8 THE COURT: It's actually --

9 MS. RADOSTA: It's actually the exact opposite.

10 THE COURT: Yeah.

11 THE DEFENDANT: So, I'm sorry. Like I said --

12 THE COURT: Okay.

13 THE DEFENDANT: -- I'm nervous. I'm sorry.

14 THE COURT: Okay.

15 THE DEFENDANT: But --

16 THE COURT: Well, let me help you understand maybe

17 what you don't understand about it, and see if it will help

18 you.

19 In the State of Nevada, we technically don't have

20 what they call an Alford plea on the statutes; okay? An

21 Alford plea is somewhat of a no-contest plea. No-contest is

22 basically you're saying that -- that you agree that with the

23 evidence you see is that -- is that you could be convicted if

24 the evidence is presented; okay? As you see it.

25 An Alford plea is something that has been somewhat

1 accepted by the courts as where you're saying, I'm not
2 admitting that I did this, but I am admitting that if we go to
3 trial, based on the evidence that we have, that I've seen, is
4 that it's highly likely that I'll be convicted. That's what
5 an Alford plea is.

6 So you're not accepting responsibility for it, you
7 are saying that you can't basically beat the case because of
8 the extent of the evidence in this matter, and you're doing it
9 because you're concerned that if you went to trial on
10 everything, and was convicted, you'd face a much substantial
11 -- much more substantial sentence.

12 So you'd be doing it to avoid a more substantial
13 sentence. Do you understand what I mean by that?

14 THE DEFENDANT: Correct.

15 THE COURT: Okay. That's what Alford plea is.
16 Basically, so I'll give you a history of it. The case came
17 out of, I think it's North Carolina. In North Carolina, they
18 have a statute that allows for an individual to step up and
19 admit guilt and plead guilty to a murder in order to avoid the
20 death penalty; okay?

21 In that particular case, an individual did that. He
22 stood up in front of a Judge and said, Judge, I'm pleading
23 guilty to this crime. So then when the Judge asked him what
24 did he do, he said, I didn't do it. And he said, well, you're
25 -- you -- you know -- and he goes, but I'm pleading per the

1 statute to avoid the death penalty.

2 So it went to the Supreme Court of North Carolina
3 and they said, yeah, they have that option, they can add it.

4 Well, in Nevada we've kind of -- we've kind of
5 adopted that. Although, there is a case that says we don't
6 have technically an Alford plea in the State of Nevada, the
7 courts have accepted it, the Supreme Court has accepted it
8 under the circumstances I've just explained, is that you would
9 be saying, I'm not admitting guilt, but I'm admitting that if
10 they went to trial, I could be found guilty.

11 And if I was found guilty of everything, I'd be
12 facing a more substantial sentence. Because here if --
13 obviously, if you plead to 17, 18 charges versus 120 charges,
14 there's a considerable difference in punishment range.

15 THE DEFENDANT: Right. I told her that.

16 THE COURT: Okay?

17 THE DEFENDANT: Yeah, she explained --

18 THE COURT: Okay.

19 THE DEFENDANT: -- something like that. And I told
20 her, I says, well, I'm 53 years old.

21 THE COURT: Um-hum.

22 THE DEFENDANT: So I don't even know if I'll live to
23 be 80.

24 THE COURT: Okay.

25 THE DEFENDANT: So in some type of reality, if I

1 went one way, I'm still (indecipherable) because -- because I
2 don't -- you know, most of my family has already died off
3 before their 60s.

4 THE COURT: Okay.

5 THE DEFENDANT: And then if I do the other way, I'll
6 be in there forever anyway, so --

7 THE COURT: Okay.

8 THE DEFENDANT: -- I probably still -- it -- to me I
9 see it as no matter if I do or if I don't, I'm just going to
10 end up dying in prison. So what would be the hurt just to
11 turn around and try to fight to show the truth?

12 THE COURT: Okay.

13 THE DEFENDANT: So that's why I told her, well, then
14 let's do the trial because --

15 THE COURT: Okay.

16 THE DEFENDANT: -- I got to -- I have to work
17 somehow to show truth.

18 THE COURT: Okay.

19 THE DEFENDANT: And --

20 THE COURT: Well, that --

21 THE DEFENDANT: -- it's not --

22 THE COURT: -- well, that's your option. You have
23 -- you have --

24 THE DEFENDANT: -- it's not like I want to turn
25 around and sit there and say, you know --

1 THE COURT: Okay. Well, you have your option. You
2 have a right to go to trial and then -- and that's fine, and
3 that's what we're doing.

4 I think Ms. Radosta wanted to just make sure the
5 record was clear that she has been extending these offers to
6 you.

7 THE DEFENDANT: Yeah, she's -- she's been very clear
8 about it.

9 THE COURT: And -- and that you have the option and
10 to -- and I guess you raised it again this morning, based on
11 some concerns that you have yourself, during the jury
12 selection. Do you want Ms. Radosta and Mr. Negrete, do you
13 want them to even broach the topic any further with the State
14 or -- or --

15 THE DEFENDANT: Well, she's already of the mindset
16 that he's not going to do it.

17 THE COURT: Okay. Well, I don't know if he'll --

18 THE DEFENDANT: So --

19 THE COURT: -- I don't know --

20 THE DEFENDANT: So if it's --

21 THE COURT: -- if he'll accept it in the manner of
22 something --

23 THE DEFENDANT: -- if it's --

24 THE COURT: -- less than what's already being
25 offered, but I'm she he -- I'm not sure, but I would be

1 surprised if he didn't accept an Alford plea to the charges
2 that were originally offered.

3 MS. RADOSTA: We -- we believe that --

4 THE COURT: Okay.

5 MS. RADOSTA: -- that that is a possibility.

6 THE COURT: Okay.

7 MS. RADOSTA: But just based on -- and I have no
8 problem going to Mr. Sweetin and asking him. I'm just of the
9 opinion -- because I've had --

10 THE COURT: Um-hum.

11 MS. RADOSTA: -- at least -- at least a half a dozen
12 conversations recently, and since this is our --

13 THE COURT: With Mr. Sweetin?

14 MS. RADOSTA: -- with Mr. Sweetin.

15 THE COURT: Okay.

16 MS. RADOSTA: And this is the third time that we
17 have had our tip toes --

18 THE COURT: Yeah.

19 MS. RADOSTA: -- up to trial. So many more
20 conversations beyond that --

21 THE COURT: Right.

22 MS. RADOSTA: -- about trying to get this case
23 resolved. And --

24 THE COURT: Okay.

25 MS. RADOSTA: -- he's never been --

1 THE COURT: Well --
2 MS. RADOSTA: -- inclined to come off the current
3 offer.
4 THE COURT: Is -- is the -- do you think the current
5 offer is -- I mean, that he would not accept an Alford plea,
6 or is he -- or is he not --
7 MS. RADOSTA: I --
8 THE COURT: -- you didn't discuss that?
9 MS. RADOSTA: -- didn't really -- didn't really
10 discuss it with him.
11 THE COURT: Okay. All right. So right now, if he
12 was to accept an Alford plea to the original offer --
13 MS. RADOSTA: Um-hum.
14 THE COURT: -- you're not inclined to accept that?
15 You're not inclined to go for --
16 THE DEFENDANT: No, because --
17 THE COURT: Okay. All right. Well, then let's --
18 let's just go forward with the trial then. I mean, if you
19 want -- do you want Ms. Radosta to at least broach it with
20 him?
21 THE DEFENDANT: Well, she's -- like I said --
22 MS. RADOSTA: [Inaudible] yes --
23 THE DEFENDANT: No.
24 MS. RADOSTA: -- or no.
25 THE DEFENDANT: No.

1 MS. RADOSTA: Yeah.

2 THE COURT: Okay. So we just go forward on it?

3 THE DEFENDANT: Just go forward.

4 THE COURT: Okay. So you understand though, I mean,
5 I want to make sure it's clear.

6 THE DEFENDANT: I already know that they're going to
7 try to make me as guilty as possible to try to get as many as
8 charges.

9 THE COURT: Okay.

10 THE DEFENDANT: I'll just do what I can on appeals
11 and try -- try to make the truth come out that way.

12 THE COURT: Okay. All right. That's -- that's --

13 MS. RADOSTA: That's -- you know what, Your Honor,
14 I'm sorry. I -- I got a little bit frustrated with Chris
15 there, just a second ago when you asked him if you wanted me
16 to broach the subject with --

17 THE COURT: Okay.

18 MS. RADOSTA: -- with Mr. Sweetin, and I said to him
19 -- I'm not sure if it was picked up -- I just said, it's a
20 "yes" or "no" question Chris.

21 THE COURT: Um-hum.

22 MS. RADOSTA: And I cut him off.

23 THE COURT: Okay.

24 MS. RADOSTA: I don't feel like that -- you know, I
25 don't feel like that's appropriate. I don't feel like that's

1 why I asked you to let us be heard outside the presence. So
2 if you'd just allow him to finish his sentence, I -- I
3 apologize to Mr. Sena and to the Court --

4 THE COURT: Okay.

5 MS. RADOSTA: -- for doing that.

6 THE COURT: Well, that's why I'm asking; do you want
7 to at least broach it with him?

8 THE DEFENDANT: No.

9 THE COURT: Okay. Now, understand, the reason why
10 we're doing this here is because we want to make sure that
11 you're getting every opportunity and it's clear on the record
12 that --

13 THE DEFENDANT: I know.

14 THE COURT: -- that you --

15 THE DEFENDANT: Okay. I -- I -- I just don't know
16 how to put things into words, so I'm doing the best I can.

17 THE COURT: Okay.

18 THE DEFENDANT: And I just -- like I said, I know
19 what's right, I know what's wrong. I know that I did was
20 right or wrong. I just want the truth to come out, hey, I am
21 admitting that I did do something, I'm willing to pay my time
22 for it. I'm willing to step up to the plate. But for all the
23 things that I didn't do, I'm just going to have to fight my
24 butt off.

25 THE COURT: Okay. All right. Okay, so go ahead and

1 get Mr. Sweetin and Ms. Sudano back. Okay.

2 (District Attorneys enter the courtroom at 12:40 P.M.)

3 THE COURT: Okay. Ed, do you want to go ahead and

4 get the jury in?

5 (Pause in the proceedings)

6 (Prospective jurors enter at 12:42 P.M.)

7 (Inside the presence of the prospective jurors)

8 THE COURT: Okay. We're back on the record in the

9 case of C-311453, State of Nevada versus Christopher Sena.

10 I'd like the record to reflect the presence of the defendant

11 and his counsel, as well as the State and their counsel.

12 Will the parties stipulate to the prospective jury

13 panel?

14 MR. SWEETIN: Yes, Your Honor.

15 MS. RADOSTA: Yes.

16 THE COURT: Okay. Ms. Radosta, before we took our

17 break, you were questioning them. Do you have any further

18 questions?

19 MS. RADOSTA: Yes.

20 THE COURT: Go ahead.

21 MS. RADOSTA: Just a few.

22 Mr. Sasser, do you have the microphone?

23 All the way in the back.

24 THE COURT RECORDER: What's his Badge Number?

25 MS. RADOSTA: 499.

1 THE COURT RECORDER: Thank you.

2 MS. RADOSTA: I'll get into the habit one of these
3 days.

4 Okay. Mr. Sasser, one of the things that I was kind
5 of discussing with Ms. Dolan right next to you before we took
6 the break was the idea that we might be asking people to watch
7 these videos for details. And we've been -- you know, you've
8 been asked this question by the State, by the Judge a couple
9 different ways. And I -- we appreciate your honesty, and we
10 appreciate that you're doing your best to try to remain as
11 fair and impartial as you can be.

12 But the truth of the matter is, we're really just
13 trying to find the right people for this trial, and not
14 everybody in here is going to be good fit, obviously, as we've
15 let many, many people go.

16 So the idea that I was talking about with Ms. Dolan
17 that we are going

18 PROSPECTIVE JUROR NO. 499: In all honesty, yes.

19 MS. RADOSTA: Okay. And is that due to the just --
20 the -- what you -- what you're expecting to see given what
21 we've been talking about during the last three day?

22 PROSPECTIVE JUROR NO. 499: That's correct.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 499: And -- and watching it
25 over and over, that's just not my cup of tea.

1 MS. RADOSTA: Okay. Well, I don't really think it's
2 probably anyone's cup of tea, to be honest with you.

3 PROSPECTIVE JUROR NO. 499: Um-hum.

4 MS. RADOSTA: But if that is what is asked of you,
5 if I stand up in my closing statement and ask that you do that
6 in --

7 PROSPECTIVE JUROR NO. 499: Um-hum.

8 MS. RADOSTA: -- order to hold the State to their
9 burden, would you refuse to do that?

10 PROSPECTIVE JUROR NO. 499: No, I would not.

11 MS. RADOSTA: No. But you do think you would have a
12 problem doing that?

13 PROSPECTIVE JUROR NO. 499: Right.

14 MS. RADOSTA: Would you think, you know what, I saw
15 it one time and -- and that's good enough for me, I -- I know
16 the things that Ms. Radosta was mentioning and I don't need to
17 look at it again. Would you be inclined to do that?

18 PROSPECTIVE JUROR NO. 499: Not necessarily.

19 MS. RADOSTA: Okay. If we -- what if it's not just
20 one video, but what if there are multiple videos, and we're
21 asking you to watch each of the multiple videos more than one
22 time?

23 PROSPECTIVE JUROR NO. 499: I mean, as we're delving
24 into this a little more and more --

25 MS. RADOSTA: Um-hum.

1 PROSPECTIVE JUROR NO. 499: -- we're going to see a
2 lot of testimonies as well. You know, that -- that does
3 affect -- are disturbing --
4 MS. RADOSTA: Okay.
5 PROSPECTIVE JUROR NO. 499: -- in a way. And the
6 more that I think about it, I do want to retract some things
7 as far as fairness.
8 MS. RADOSTA: Okay.
9 PROSPECTIVE JUROR NO. 499: And I do believe the
10 defense deserves an equal playing field with the State.
11 MS. RADOSTA: Okay.
12 PROSPECTIVE JUROR NO. 499: But at this point in
13 time, I am siding with the State.
14 MS. RADOSTA: Okay. You feel that if -- if -- well,
15 let me ask you the question I asked earlier to the panel; if
16 you look at my client right now, do -- without knowing
17 anything about the case, do you look at him and see somebody
18 who is guilty or somebody who is not guilty?
19 PROSPECTIVE JUROR NO. 499: Is that before reading
20 the --
21 MS. RADOSTA: Right now.
22 PROSPECTIVE JUROR NO. 499: -- synopsis?
23 MS. RADOSTA: Right now, as we stand here today.
24 PROSPECTIVE JUROR NO. 499: I mean, in some way,
25 shape or form, there is some guilt here, yes.

1 MS. RADOSTA: Okay.
2 Your Honor, do you want us to approach?
3 THE COURT: No. All right, Mr. Sasser, I'm going to
4 excuse you. I'm going to ask that you go back to the Jury
5 Commission room and let them know you've been excused; okay?
6 PROSPECTIVE JUROR NO. 499: Okay. All right.
7 THE COURT: Than you.
8 PROSPECTIVE JUROR NO. 499: Thank you, sir.
9 MS. SUDANO: Your Honor, could we approach?
10 THE COURT: Sure.
11 (Off-record bench conference)
12 THE COURT: All right. So we need to fill in Seat
13 No. 9. Call the next juror in order.
14 THE CLERK: Badge No. 575, Guadalupe Venzor.
15 THE COURT: Good afternoon. Ms. Venzor, how long
16 have you lived in Las Vegas?
17 PROSPECTIVE JUROR NO. 575: Twenty years.
18 THE COURT: How many?
19 PROSPECTIVE JUROR NO. 575: Twenty years.
20 THE COURT: Can you hold -- can you hold the mic up?
21 PROSPECTIVE JUROR NO. 575: Twenty years.
22 THE COURT: Okay. Are you employed, ma'am?
23 PROSPECTIVE JUROR NO. 575: I'm self-employed.
24 THE COURT: What do you do for work?
25 PROSPECTIVE JUROR NO. 575: I rent a station at a

1 beauty salon.

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

4 PROSPECTIVE JUROR NO. 575: I just got my GED.

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

6 PROSPECTIVE JUROR NO. 575: Yes.

7 THE COURT: Is your spouse employed?

8 PROSPECTIVE JUROR NO. 575: Yes.

9 THE COURT: What does your spouse do for work?

10 PROSPECTIVE JUROR NO. 575: Construction.

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

12 PROSPECTIVE JUROR NO. 575: Yes --

13 THE COURT: How --

14 PROSPECTIVE JUROR NO. 575: -- two.

15 THE COURT: Two of them? How old are they?

16 PROSPECTIVE JUROR NO. 575: 22, 26.

17 THE COURT: Ar they employed?

18 PROSPECTIVE JUROR NO. 575: Yes.

19 THE COURT: Can you tell us what they do?

20 PROSPECTIVE JUROR NO. 575: My daughter, she works
21 for Clark County School District.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 575: And my son, he's a
24 project manager.

25 THE COURT: Okay. In construction?

1 PROSPECTIVE JUROR NO. 575: No. Something systems
2 something, I don't know exactly.

3 THE COURT: You're not real sure?

4 PROSPECTIVE JUROR NO. 575: No.

5 THE COURT: Okay. Have you ever served as a juror
6 before?

7 PROSPECTIVE JUROR NO. 575: No.

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

10 PROSPECTIVE JUROR NO. 575: No.

11 THE COURT: How about accused of a crime?

12 PROSPECTIVE JUROR NO. 575: No.

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

17 PROSPECTIVE JUROR NO. 575: No.

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

22 PROSPECTIVE JUROR NO. 575: Yes.

23 THE COURT: Can you think of any reason why you
24 couldn't be completely fair and impartial if you were selected
25 here?

1 PROSPECTIVE JUROR NO. 575: No.

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

4 PROSPECTIVE JUROR NO. 575: No.

5 THE COURT: Okay. Thank you, Ms. Venzor.
6 Ms. Sudano?

7 MS. SUDANO: Thank you, Your Honor.
8 Can you hear me from over here?

9 PROSPECTIVE JUROR NO. 575: Yes.

10 MS. SUDANO: Okay. So I just had a couple of
11 questions about the questionnaire that you filled out a month
12 ago or however long ago it was.

13 There were a couple of questions that you answered
14 "I don't know" on, so I just wanted to follow back up with you
15 and -- and see if we could explain that.

16 There was a question about whether or not you would
17 feel pressure to vote a certain way, and I think you said, "I
18 don't know" to that question. Do you remember that?

19 PROSPECTIVE JUROR NO. 575: No.

20 MS. SUDANO: Okay. So as you sit in here today or
21 this week would you feel pressure to vote a certain way in
22 this case or would you just let the evidence guide you?

23 PROSPECTIVE JUROR NO. 575: I -- I think I wait.

24 MS. SUDANO: You could wait and be fair and
25 impartial throughout the entire trial?

1 PROSPECTIVE JUROR NO. 575: Yes.

2 MS. SUDANO: Okay. And then the other question that
3 you said "I don't know" to was the question about whether or
4 not you could watch the video evidence in this case. Can you
5 watch the video evidence in this case and remain fair and
6 impartial?

7 PROSPECTIVE JUROR NO. 575: I don't know. I don't
8 know how graphic it is. I guess.

9 MS. SUDANO: So I guess that's part of the point;
10 right? And I was asking, I believe, Mr. Sasser in that very
11 seat the same question.

12 At this point, you don't know what's on the video;
13 right?

14 PROSPECTIVE JUROR NO. 575: Right.

15 MS. SUDANO: And you don't know how it relates to
16 any of the other evidence in the case; right?

17 PROSPECTIVE JUROR NO. 575: Right.

18 MS. SUDANO: So as you look into yourself in your
19 head, do you think that you'd be comfortable watching the
20 video and letting that be part of the evidence in this case?

21 PROSPECTIVE JUROR NO. 575: I mean, if I have to.

22 MS. SUDANO: So the example that I was giving, and I
23 think what the Judge had given earlier was, if you were on a
24 murder trial, or a trial with some sort of physical violence
25 you might have to look gruesome crime scene photos or

1 something like that, because they have evidentiary value to
2 the case; right?

3 PROSPECTIVE JUROR NO. 575: I'm sorry, say -- say
4 that again.

5 MS. SUDANO: So if you were on a murder trial or
6 something like that you might have to look at crime scene
7 photos or some sort of gruesome photos as part of that
8 evidence; right?

9 PROSPECTIVE JUROR NO. 575: Yes.

10 MS. SUDANO: Do you think that you'd be comfortable
11 with that?

12 PROSPECTIVE JUROR NO. 575: Yes.

13 MS. SUDANO: Okay. Anything about the subject
14 matter of this case that's different?

15 PROSPECTIVE JUROR NO. 575: No. I -- I don't know.

16 MS. SUDANO: Okay. Anything that gives you concern
17 about the video, I guess?

18 PROSPECTIVE JUROR NO. 575: No.

19 MS. SUDANO: All right. I mean, I think we've all
20 said it at this point; it's not as though we want you to have
21 to watch the video, but it's very important; it's part of the
22 case. So we're asking you to do that as part of the evidence
23 in the case; do you understand that?

24 PROSPECTIVE JUROR NO. 575: Yes.

25 MS. SUDANO: And do you feel comfortable being able

1 to do that?

2 PROSPECTIVE JUROR NO. 575: Yes.

3 MS. SUDANO: Okay. Correct me if I'm wrong; I think
4 that you had indicated English wasn't your first language and
5 you had some concern about whether or not you would be able to
6 understand all of the legal terms; is that right?

7 PROSPECTIVE JUROR NO. 575: Yes.

8 MS. SUDANO: How have you been doing with that so
9 far?

10 PROSPECTIVE JUROR NO. 575: I've been -- some words
11 that I don't understand.

12 MS. SUDANO: Okay.

13 PROSPECTIVE JUROR NO. 575: Like you, I understand
14 you. And I understand the Judge. The other lady, she's been
15 a little bit too fast for me.

16 MS. SUDANO: Okay. So if somebody's talking too
17 fast, whether it's one of the attorneys, or a witness or
18 something, anybody in the courtroom, do you have -- would you
19 be comfortable, you know, raising your hand or writing a note,
20 anything along those lines to indicate, can -- can you slow
21 down; would you be comfortable with that?

22 PROSPECTIVE JUROR NO. 575: No.

23 MS. SUDANO: Okay. All right. If you had an
24 interpreter or something along those lines, with you, would
25 you be comfortable there?

1 PROSPECTIVE JUROR NO. 575: Yes.

2 MS. SUDANO: Okay. Is it just the legal terms that
3 have been difficult?

4 PROSPECTIVE JUROR NO. 575: It's just some people,
5 their essence.

6 MS. SUDANO: Oh, okay.

7 PROSPECTIVE JUROR NO. 575: And, um, some words,
8 like CPS, I -- I never heard of that.

9 MS. SUDANO: Okay.

10 PROSPECTIVE JUROR NO. 575: I -- when went home, I
11 look it up.

12 MS. SUDANO: Okay. And it's Child Protective
13 Services.

14 PROSPECTIVE JUROR NO. 575: Yeah.

15 MS. SUDANO: Okay.

16 PROSPECTIVE JUROR NO. 575: Now, I know.

17 MS. SUDANO: And you understand you're not to do any
18 sort of outside research on this case, right? The Judge told
19 you about that.

20 PROSPECTIVE JUROR NO. 575: I didn't know the word,
21 so.

22 MS. SUDANO: Okay. So you were looking that one up
23 so you could understand what was going in?

24 PROSPECTIVE JUROR NO. 575: Yeah.

25 THE COURT: You don't need to ask anymore questions.

1 I'm going to excuse her.

2 MS. SUDANO: Okay.

3 THE COURT: Ms. Venzor, I'm going to excuse you.

4 You basically just now told me you violated my last

5 admonition. You basically just told me that you didn't listen

6 to what I told you not to do. And so I can't let you sit on

7 this jury; okay?

8 PROSPECTIVE JUROR NO. 575: Okay.

9 THE COURT: If we were further along and I found out

10 about it in the middle of this, I'd probably make you pay me a

11 fine. Because you were told not to do it. Do you understand

12 me?

13 PROSPECTIVE JUROR NO. 575: (No audible response).

14 THE COURT: Okay. You're excused. Go back to the

15 Jury Commission Room.

16 Give me the next juror.

17 THE CLERK: That is Badge No. 581, Leigh -- is it

18 Leigh Swayze?

19 PROSPECTIVE JUROR NO. 581: Leigh.

20 THE CLERK: Leigh Swayze.

21 THE COURT: Ms. Swayze, can you get the mic?

22 All right. How long have you lived in Las Vegas?

23 PROSPECTIVE JUROR NO. 581: 28 years.

24 THE COURT: And are you employed?

25 PROSPECTIVE JUROR NO. 581: Yes.

1 THE COURT: What do you do for work?
2 PROSPECTIVE JUROR NO. 581: Analyst.
3 THE COURT: An analyst?
4 PROSPECTIVE JUROR NO. 581: Um-hum.
5 THE COURT: Okay. How far did you get in your
6 education?
7 PROSPECTIVE JUROR NO. 581: Bachelors in Business.
8 THE COURT: Okay. Are you married?
9 PROSPECTIVE JUROR NO. 581: No.
10 THE COURT: Do you have any children?
11 PROSPECTIVE JUROR NO. 581: Yes.
12 THE COURT: How many?
13 PROSPECTIVE JUROR NO. 581: Two.
14 THE COURT: How old?
15 PROSPECTIVE JUROR NO. 581: 26 and 23.
16 THE COURT: Are they employed?
17 PROSPECTIVE JUROR NO. 581: One is, one is not. One
18 -- the --
19 THE COURT: The one that's employed --
20 PROSPECTIVE JUROR NO. 581: She's a --
21 THE COURT: -- what does he or she do?
22 PROSPECTIVE JUROR NO. 581: She's a receptionist at
23 a law office that practices injury.
24 THE COURT: Personal injury?
25 PROSPECTIVE JUROR NO. 581: Yeah.

1 THE COURT: Okay. Does -- do you -- does she live
2 with you?

3 PROSPECTIVE JUROR NO. 581: No.

4 THE COURT: All right. Do you ever discuss her work
5 with you at all -- with --

6 PROSPECTIVE JUROR NO. 581: No.

7 THE COURT: -- with her? Okay.

8 Is there anything about what she does for work that
9 you think would affect your ability to be fair and impartial
10 here?

11 PROSPECTIVE JUROR NO. 581: No.

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

14 PROSPECTIVE JUROR NO. 581: Yes, as an alternate.

15 THE COURT: Where?

16 PROSPECTIVE JUROR NO. 581: In the Federal Building.

17 THE COURT: Okay. So here in Las Vegas, but over in
18 the other -- over in the federal courthouse?

19 PROSPECTIVE JUROR NO. 581: Yes.

20 THE COURT: Okay. So you -- do -- were you ever
21 called upon to reach a verdict at all?

22 PROSPECTIVE JUROR NO. 581: No.

23 THE COURT: So you -- as an alternate you were never
24 called upon to actually --

25 PROSPECTIVE JUROR NO. 581: No.

1 THE COURT: -- deliberate? Okay. Is there anything
2 about that experience you think would affect you ability to be
3 fair and impartial here?

4 PROSPECTIVE JUROR NO. 581: No.

5 THE COURT: All right. And what kind of case was
6 it?

7 PROSPECTIVE JUROR NO. 581: Drug charges.

8 THE COURT: Okay. So it was a criminal matter?

9 PROSPECTIVE JUROR NO. 581: Um-hum.

10 THE COURT: Is that a "yes"?

11 PROSPECTIVE JUROR NO. 581: Yes.

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

15 PROSPECTIVE JUROR NO. 581: Yes.

16 THE COURT: Can you tell me about it?

17 PROSPECTIVE JUROR NO. 581: My son and my niece were
18 both molested by other minors, separate though.

19 THE COURT: Your son and your niece?

20 PROSPECTIVE JUROR NO. 581: Yeah.

21 THE COURT: Were both molested by -- something that
22 happen at school?

23 PROSPECTIVE JUROR NO. 581: No, it was just another
24 minor --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 581: -- molested --
2 THE COURT: Okay. How long ago did that happen?
3 PROSPECTIVE JUROR NO. 581: My niece, probably about
4 five years. My son, probably about 15, to 20 years.
5 THE COURT: So it's --
6 PROSPECTIVE JUROR NO. 581: I --
7 THE COURT: -- two different events?
8 PROSPECTIVE JUROR NO. 581: Yeah.
9 THE COURT: Same perpetrator?
10 PROSPECTIVE JUROR NO. 581: No.
11 THE COURT: Oh, okay. What -- what happened when --
12 when you found out about your sons?
13 PROSPECTIVE JUROR NO. 581: I didn't know for
14 probably like more than ten years and he was in therapy and
15 the therapist told me.
16 THE COURT: Okay. So he was in therapy for
17 something unrelated to that?
18 PROSPECTIVE JUROR NO. 581: For just emotional
19 issues that he was having.
20 THE COURT: Okay. And then he related that to his
21 therapist about ten years after it had occurred?
22 PROSPECTIVE JUROR NO. 581: Yes.
23 THE COURT: And when did you first find out about
24 it?
25 PROSPECTIVE JUROR NO. 581: Then when -- that --

1 when they -- when the therapist called me and told me.
2 THE COURT: And that was some time back?
3 PROSPECTIVE JUROR NO. 581: Yeah, probably nine
4 years ago or ten years --
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 581: -- ago.
7 THE COURT: Did anything ever come of that? Did --
8 PROSPECTIVE JUROR NO. 581: No.
9 THE COURT: -- was anybody ever --
10 PROSPECTIVE JUROR NO. 581: No.
11 THE COURT: -- accused or anything like that?
12 PROSPECTIVE JUROR NO. 581: No.
13 THE COURT: Okay. Is there anything about that and
14 what you know of that case and your relationship with your son
15 that you think would affect your ability to be fair and
16 impartial in this matter?
17 PROSPECTIVE JUROR NO. 581: No.
18 THE COURT: How about with your niece?
19 PROSPECTIVE JUROR NO. 581: Um --
20 THE COURT: How'd that come about?
21 PROSPECTIVE JUROR NO. 581: That I'm not 100 percent
22 sure on. It was -- I think it was similar that the person who
23 did it was in therapy and told their therapist that he did it.
24 THE COURT: Okay. And did you have any direct
25 contact with your niece with regards to that?

1 PROSPECTIVE JUROR NO. 581: No, she never wanted to
2 talk about it with anyone.

3 THE COURT: Okay. So you heard from a --

4 PROSPECTIVE JUROR NO. 581: My sister.

5 THE COURT: -- sister. So the sister had -- was
6 contacted by the --

7 PROSPECTIVE JUROR NO. 581: Yes.

8 THE COURT: -- the authorities and --

9 PROSPECTIVE JUROR NO. 581: Yes.

10 THE COURT: -- told her about it? Okay.

11 Is there anything that -- that you know about that
12 case and your relationship with your niece and your sister
13 that you think may affect your ability to be fair and
14 impartial here?

15 PROSPECTIVE JUROR NO. 581: No.

16 THE COURT: Okay. Anything else?

17 PROSPECTIVE JUROR NO. 581: No.

18 THE COURT: All right. How about accused of a
19 crime?

20 PROSPECTIVE JUROR NO. 581: No.

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

25 PROSPECTIVE JUROR NO. 581: No.

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

5 PROSPECTIVE JUROR NO. 581: Yes.

6 THE COURT: Do you know of any reason why you
7 couldn't be completely fair and impartial if you're selected
8 here?

9 PROSPECTIVE JUROR NO. 581: No.

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

12 PROSPECTIVE JUROR NO. 581: No.

13 THE COURT: All right. Thank you, Ms. Swayze.

14 Ms. Sudano, do you want to --

15 MS. SUDANO: Thank you, Your Honor.

16 THE COURT: -- inquire?

17 MS. SUDANO: All right. Good afternoon. Can you
18 see me?

19 PROSPECTIVE JUROR NO. 581: Yeah.

20 MS. SUDANO: Okay. And you -- can you hear me?

21 PROSPECTIVE JUROR NO. 581: Yes.

22 MS. SUDANO: Okay. So you talked about something
23 with your son that he disclosed years later in therapy. About
24 how old was he when you found out about it?

25 PROSPECTIVE JUROR NO. 581: Sixteen.

1 MS. SUDANO: Did you have a conversation with him
2 after you found out about it from the therapist?

3 PROSPECTIVE JUROR NO. 581: No. The therapist said
4 not to question him or anything. If he wanted to talk, he
5 would talk to me and he never did want to talk about it.

6 MS. SUDANO: Okay. Is he -- he's 22?

7 PROSPECTIVE JUROR NO. 581: He's 26.

8 MS. SUDANO: 26, okay. To this day has he ever
9 talked to you about it?

10 PROSPECTIVE JUROR NO. 581: No.

11 MS. SUDANO: Okay. Have you ever pressed him on it
12 or tried to get him to talk about it?

13 PROSPECTIVE JUROR NO. 581: No.

14 MS. SUDANO: Was CPS, Child Protective Services,
15 ever involved --

16 PROSPECTIVE JUROR NO. 581: No.

17 MS. SUDANO: -- as a result of that?

18 PROSPECTIVE JUROR NO. 581: No.

19 MS. SUDANO: Any other CPS contact that you've had?

20 PROSPECTIVE JUROR NO. 581: Um, my sister -- well,
21 she lived with me and my nephew would -- he'd jump off walls
22 and stuff and he'd always have bruises. So he got -- they
23 called -- the school sent them to us and they just talked to
24 us and seen that he was just kind of wild.

25 MS. SUDANO: Okay. Did anybody have to do classes

1 or counseling or --

2 PROSPECTIVE JUROR NO. 581: No.

3 MS. SUDANO: -- anything like that? Okay. So they

4 closed it out?

5 PROSPECTIVE JUROR NO. 581: Yep.

6 MS. SUDANO: Okay. Anything about -- well, did you

7 think that your sister and the nephew were both treated

8 fairly?

9 PROSPECTIVE JUROR NO. 581: Yes.

10 MS. SUDANO: Anything about that experience that

11 would affect your ability to be fair and impartial?

12 PROSPECTIVE JUROR NO. 581: No.

13 MS. SUDANO: And then, we've heard all of my other

14 questions, a lot of times at this point. Anything else that

15 you would've responded to?

16 PROSPECTIVE JUROR NO. 581: No.

17 MS. SUDANO: Okay. No domestic violence?

18 PROSPECTIVE JUROR NO. 581: No.

19 MS. SUDANO: No concerns with the video?

20 PROSPECTIVE JUROR NO. 581: No.

21 MS. SUDANO: Okay. Thank you, Your Honor.

22 THE COURT: All right. Thank you, Ms. Sudano.

23 Ms. Radosta?

24 MS. RADOSTA: Thank you, Judge.

25 Ms. Swayze, I'm just going to stay with you since

1 you have the mic right now.

2 I did note on your -- on your Jury Questionnaire you
3 said that you have a work trip planned?

4 PROSPECTIVE JUROR NO. 581: Yes.

5 MS. RADOSTA: And that's March 2nd through the 6th?

6 PROSPECTIVE JUROR NO. 581: Yes.

7 MS. RADOSTA: And if by chance you got selected for
8 this jury and we weren't done by then --

9 PROSPECTIVE JUROR NO. 581: I'd be sad.

10 MS. RADOSTA: -- you'd be sad? Where is the trip
11 supposed to be?

12 PROSPECTIVE JUROR NO. 581: Florida.

13 MS. RADOSTA: Okay. Is it something where it would
14 significantly impact your job if you didn't go?

15 PROSPECTIVE JUROR NO. 581: It could, because we're
16 updating to a new system and we're supposed to be training in
17 Florida.

18 MS. RADOSTA: Okay. And would then that impact your
19 ability to do your job if you don't get trained on that?

20 PROSPECTIVE JUROR NO. 581: I don't know.

21 MS. RADOSTA: Okay. Do you have any -- I mean, is
22 like your whole Department going?

23 PROSPECTIVE JUROR NO. 581: Just me.

24 MS. RADOSTA: Just you?

25 PROSPECTIVE JUROR NO. 581: From my Department, yes.

1 MS. RADOSTA: Just you from your Department. So,
2 okay, and you -- I think you said you worked at CSN; correct?
3 PROSPECTIVE JUROR NO. 581: Yes.
4 MS. RADOSTA: In the -- is it the Finance
5 Department; is that correct?
6 PROSPECTIVE JUROR NO. 581: Student financing.
7 MS. RADOSTA: Okay. All right. Well, we'll
8 certainly keep that in the back of our minds.
9 The jury trial that you sat on in Federal Court, you
10 said you were the alternate?
11 PROSPECTIVE JUROR NO. 581: Yes.
12 MS. RADOSTA: So you sat through the whole entire
13 trial?
14 PROSPECTIVE JUROR NO. 581: Yes.
15 MS. RADOSTA: And you were not able to deliberate?
16 PROSPECTIVE JUROR NO. 581: Correct.
17 MS. RADOSTA: Did you know that during the course of
18 the trial or were you told at the end?
19 PROSPECTIVE JUROR NO. 581: I knew that an alternate
20 wouldn't necessarily get to.
21 MS. RADOSTA: So you were identified up-front as the
22 alternate?
23 PROSPECTIVE JUROR NO. 581: Oh, yes. Yes.
24 MS. RADOSTA: Okay. And did that -- did you take
25 your job just as seriously even though you knew you were the

1 alternate?

2 PROSPECTIVE JUROR NO. 581: Yes.

3 MS. RADOSTA: Okay. How -- do you happen to know if
4 the jury did reach a verdict, just, if they did?

5 PROSPECTIVE JUROR NO. 581: I believe so.

6 MS. RADOSTA: Okay. Were you curious about it after
7 the fact?

8 PROSPECTIVE JUROR NO. 581: A little bit.

9 MS. RADOSTA: Since you had sat there and --

10 PROSPECTIVE JUROR NO. 581: Yes.

11 MS. RADOSTA: -- listened to the whole thing? Did
12 you ever try to find out what happened?

13 PROSPECTIVE JUROR NO. 581: I don't think so.

14 MS. RADOSTA: Okay. And I keep putting this down
15 here and that's where my notes are.

16 The situation with your son, you -- the therapist --
17 did you and the therapist, did she just call you in one day
18 and say, there's something that I need to tell you?

19 PROSPECTIVE JUROR NO. 581: She called me on the
20 phone.

21 MS. RADOSTA: Called you on the phone. And when you
22 learned this particular piece of information, do you have any
23 idea if your son knew that his therapist was revealing this
24 information to you?

25 PROSPECTIVE JUROR NO. 581: I don't know. I think

1 he knew, but I'm not sure.

2 MS. RADOSTA: Okay. She didn't make that clear one
3 way or another to you or --

4 PROSPECTIVE JUROR NO. 581: That part --

5 MS. RADOSTA: -- maybe you don't remember?

6 PROSPECTIVE JUROR NO. 581: -- I don't remember.

7 MS. RADOSTA: Okay. Was it hard for you to not ask
8 him about it?

9 PROSPECTIVE JUROR NO. 581: Yes.

10 MS. RADOSTA: As a mom?

11 PROSPECTIVE JUROR NO. 581: Yes.

12 MS. RADOSTA: Okay. I am assuming that when you
13 were given this particular piece of information from the
14 therapist there was no -- no thought in your mind that maybe
15 this was a made-up accusation?

16 PROSPECTIVE JUROR NO. 581: No.

17 MS. RADOSTA: All right. And it was your
18 information that it had happened years earlier?

19 PROSPECTIVE JUROR NO. 581: Yes.

20 MS. RADOSTA: Okay. And how long had he been in
21 therapy before --

22 PROSPECTIVE JUROR NO. 581: Um --

23 MS. RADOSTA: -- he had -- before you got the phone
24 call from the therapist?

25 PROSPECTIVE JUROR NO. 581: Probably a couple days.

1 He was in the in-patient therapy.

2 MS. RADOSTA: Okay. And was that his first
3 experience with therapy?

4 PROSPECTIVE JUROR NO. 581: No.

5 MS. RADOSTA: Okay. So previously, he had been
6 involved with therapy. Was it after the time this supposed
7 incident had happened?

8 PROSPECTIVE JUROR NO. 581: Yes.

9 MS. RADOSTA: And he had not talked about it, at
10 least as far as you know?

11 PROSPECTIVE JUROR NO. 581: Correct.

12 MS. RADOSTA: Because nobody called you to tell you
13 about it?

14 PROSPECTIVE JUROR NO. 581: Yes.

15 MS. RADOSTA: Okay.

16 PROSPECTIVE JUROR NO. 581: And I was also in the
17 therapy sessions before this point, too.

18 MS. RADOSTA: Oh, you participated in prior therapy
19 sessions with him?

20 PROSPECTIVE JUROR NO. 581: Yeah, because they had
21 me sit with him because he was, I guess, I don't know, I was
22 just always in there with him.

23 MS. RADOSTA: Okay. And from the information -- I'm
24 -- I just want to make sure that I understand this; from the
25 -- from the information that you received from the therapist

1 your son was approximately -- he was like grade school age,
2 maybe, when --

3 PROSPECTIVE JUROR NO. 581: Yeah.

4 MS. RADOSTA: -- something happened? And it was
5 another student or another child?

6 PROSPECTIVE JUROR NO. 581: Yes.

7 MS. RADOSTA: Did you have any idea if it was like a
8 child his own age or a child older?

9 PROSPECTIVE JUROR NO. 581: She was a couple years
10 older than him.

11 MS. RADOSTA: And it was a "she"?

12 PROSPECTIVE JUROR NO. 581: Yes.

13 MS. RADOSTA: Okay. Did the -- did the therapist
14 give you any further details like specifically --

15 PROSPECTIVE JUROR NO. 581: No.

16 MS. RADOSTA: -- what happened or just that there
17 was something?

18 PROSPECTIVE JUROR NO. 581: Just there was something
19 that happened.

20 MS. RADOSTA: And the fact that there was a delayed
21 telling of this by your son, you as his mom, believed him
22 right away?

23 PROSPECTIVE JUROR NO. 581: Yes.

24 MS. RADOSTA: Okay. Had -- had he ever lied to you
25 about anything prior to that?

1 PROSPECTIVE JUROR NO. 581: I'm sure.
2 MS. RADOSTA: Okay.
3 PROSPECTIVE JUROR NO. 581: Yeah.
4 MS. RADOSTA: Had you ever caught him in a lie?
5 PROSPECTIVE JUROR NO. 581: Probably -- I -- I would
6 assume so, but I don't any like nothing major.
7 MS. RADOSTA: Okay. And in your -- in your opinion
8 though did this make some sense to you --
9 PROSPECTIVE JUROR NO. 581: Yes.
10 MS. RADOSTA: -- that there was something --
11 PROSPECTIVE JUROR NO. 581: Yes.
12 MS. RADOSTA: -- that was causing maybe his
13 behavior?
14 PROSPECTIVE JUROR NO. 581: Yes.
15 MS. RADOSTA: Okay. Do you feel that after he spoke
16 of it, after he -- and it's been ten years now; is that about
17 right --
18 PROSPECTIVE JUROR NO. 581: Yes.
19 MS. RADOSTA: -- since he -- since you got the phone
20 call?
21 PROSPECTIVE JUROR NO. 581: About, yes.
22 MS. RADOSTA: Did you feel that there was a change
23 in him after that?
24 PROSPECTIVE JUROR NO. 581: I think so.
25 MS. RADOSTA: How long after you receive a phone

1 call did he stay in therapy?

2 PROSPECTIVE JUROR NO. 581: A couple days.

3 MS. RADOSTA: Okay, sorry. You said it --

4 PROSPECTIVE JUROR NO. 581: In --

5 MS. RADOSTA: -- was inpatient so --

6 PROSPECTIVE JUROR NO. 581: Inpatient for a couple

7 days but then he was in outpatient for --

8 MS. RADOSTA: All right.

9 PROSPECTIVE JUROR NO. 581: -- awhile.

10 MS. RADOSTA: For awhile. Okay. All right.

11 And as far as the incident with your niece, that's

12 just kind of what you've heard through the family, you don't

13 really know any details of that?

14 PROSPECTIVE JUROR NO. 581: Yes, correct.

15 MS. RADOSTA: Is your son close to your niece?

16 PROSPECTIVE JUROR NO. 581: Not overly. She -- he's

17 a bit older than she is.

18 MS. RADOSTA: Okay. So how is she right now?

19 PROSPECTIVE JUROR NO. 581: She's 16.

20 MS. RADOSTA: Okay.

21 PROSPECTIVE JUROR NO. 581: So --

22 MS. RADOSTA: And do you have any idea if this is

23 something that recently happened to her?

24 PROSPECTIVE JUROR NO. 581: It was probably about

25 five years ago.

1 MS. RADOSTA: Okay. And I'm sorry if I -- if you
2 said this and I missed the information -- who was the person
3 that -- that --
4 PROSPECTIVE JUROR NO. 581: For her --
5 MS. RADOSTA: Yeah.
6 PROSPECTIVE JUROR NO. 581: -- it was her half-
7 brother.
8 MS. RADOSTA: Her half brother. Okay. Because I
9 thought you had said, with both of them, that they were minors
10 and I wasn't sure if --
11 PROSPECTIVE JUROR NO. 581: Yeah, they were.
12 MS. RADOSTA: -- if I misheard you or not. Okay.
13 Did your sister -- did you and your sister ever have
14 a conversation about her pressing forward on behalf of her
15 daughter?
16 PROSPECTIVE JUROR NO. 581: Um --
17 MS. RADOSTA: Like maybe pressing charges or?
18 PROSPECTIVE JUROR NO. 581: Well, he's since
19 deceased, so.
20 MS. RADOSTA: Oh, okay. So --
21 PROSPECTIVE JUROR NO. 581: Yes.
22 MS. RADOSTA: -- that's obviously then there's no --
23 PROSPECTIVE JUROR NO. 581: Yeah.
24 MS. RADOSTA: -- benefit to that. Okay.
25 Thank you, Ms. Swayze.

1 I'm actually going to move on to Ms. Ruelas; yes?
2 Did I get it right?
3 PROSPECTIVE JUROR NO. 559: No.
4 MS. RADOSTA: No?
5 PROSPECTIVE JUROR NO. 559: It's Ruelas.
6 MS. RADOSTA: Ruelas. I -- okay. It kind of --
7 like it kind of feels like I'm saying -- I don't know. I was
8 practicing. I was like -- because -- because you've been
9 correcting us all. And I'm going to get it right. I know I'm
10 going to get it right.
11 PROSPECTIVE JUROR NO. 559: You're close.
12 MS. RADOSTA: Thank you.
13 So what I wanted to talk to you about was this
14 incident that you spoke to us about this morning about your
15 brother.
16 PROSPECTIVE JUROR NO. 559: Um-hum.
17 MS. RADOSTA: And how long ago was the -- how long
18 ago was he in the relationship with the --
19 PROSPECTIVE JUROR NO. 559: It was --
20 MS. RADOSTA: -- girlfriend?
21 PROSPECTIVE JUROR NO. 559: -- they started dating
22 March 2017, I think.
23 MS. RADOSTA: Okay. And is he older or younger than
24 you?
25 PROSPECTIVE JUROR NO. 559: Older.

1 MS. RADOSTA: Okay. And it was, I think you said,
2 about eight months -- eight-month long relationship?

3 PROSPECTIVE JUROR NO. 559: Yeah, something around
4 there.

5 MS. RADOSTA: Okay. So maybe Christmastime of -- of
6 that year?

7 PROSPECTIVE JUROR NO. 559: Then it was more like
8 six months because it was -- it started, all the like --
9 everything spilling out was like a week after Route 91 or --

10 MS. RADOSTA: Okay.

11 PROSPECTIVE JUROR NO. 559: -- two weeks after Route
12 91.

13 MS. RADOSTA: Okay. I do remember you saying that.
14 So, okay.

15 PROSPECTIVE JUROR NO. 559: So like six months.

16 MS. RADOSTA: The one thing that I -- that I heard
17 you say was she was contacting you --

18 PROSPECTIVE JUROR NO. 559: Um-hum.

19 MS. RADOSTA: -- before any police were involved --

20 PROSPECTIVE JUROR NO. 559: Um-hum.

21 MS. RADOSTA: -- trying to -- and I believe the
22 phrase that you used was, she was playing the victim with you?

23 PROSPECTIVE JUROR NO. 559: Yes.

24 MS. RADOSTA: Trying to get you on her side against
25 your brother?

1 PROSPECTIVE JUROR NO. 559: Um-hum.

2 MS. RADOSTA: Do -- did you for a moment think that
3 that -- that she was telling the truth or did -- from the
4 beginning did you just --

5 PROSPECTIVE JUROR NO. 559: Um, honestly, as soon as
6 they started dating we knew, like, the type of person she was.

7 MS. RADOSTA: Okay.

8 PROSPECTIVE JUROR NO. 559: And then once everything
9 started unraveling she actually had, I think it was, three
10 domestic violence charges against her.

11 MS. RADOSTA: Okay.

12 PROSPECTIVE JUROR NO. 559: So we --

13 MS. RADOSTA: All right.

14 PROSPECTIVE JUROR NO. 559: -- we knew exactly who
15 she was afterwards as well.

16 MS. RADOSTA: Okay. So when you say, when they
17 first started dating you knew exactly the kind of person she
18 was; what do you mean by that?

19 PROSPECTIVE JUROR NO. 559: Well, she -- he wasn't
20 allowed to go anywhere by himself. She convinced him to
21 propose on my birthday just so then it was her day instead of
22 mine.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 559: They bought a house, I
25 think, on my sister's birthday, so then it was her day and,

1 again --

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 559: -- it was just little

4 stuff like that.

5 MS. RADOSTA: Okay. Had -- were you surprised that

6 your brother got involved with someone like this?

7 PROSPECTIVE JUROR NO. 559: Yes.

8 MS. RADOSTA: He hadn't had a history of perhaps

9 making some bad --

10 PROSPECTIVE JUROR NO. 559: Hum-um.

11 MS. RADOSTA: -- bad choices with -- with women?

12 PROSPECTIVE JUROR NO. 559: No, never.

13 MS. RADOSTA: And when you got the phone call from

14 her -- was it just one phone call where she was trying to get

15 you on?

16 PROSPECTIVE JUROR NO. 559: Well, it was text

17 messages when she did.

18 MS. RADOSTA: Okay.

19 PROSPECTIVE JUROR NO. 559: And it wasn't -- she

20 wasn't -- it wasn't dire obviously or else she would have

21 called. And then when I called my -- or I texted my brother

22 and asked him about it that same night he's like, uh, she's

23 going crazy right now. Like, I don't want to talk.

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 559: And then he was making

1 sure to get like video evidence of everything, of her being
2 crazy. He got on a video. She was saying she was going to
3 kill me and how she was going to kill me.

4 MS. RADOSTA: Kill you, or kill --

5 PROSPECTIVE JUROR NO. 559: Yeah, me, because --

6 MS. RADOSTA: -- your brother?

7 PROSPECTIVE JUROR NO. 559: -- I wasn't falling into
8 the tricks --

9 MS. RADOSTA: Okay.

10 PROSPECTIVE JUROR NO. 559: -- of her trying to play
11 the victim.

12 MS. RADOSTA: Okay.

13 PROSPECTIVE JUROR NO. 559: And then I believe it
14 was the next day when they got the police involved.

15 MS. RADOSTA: Okay. Were you the only family member
16 that she was reaching out to? You mentioned --

17 PROSPECTIVE JUROR NO. 559: Um-hum, yeah.

18 MS. RADOSTA: -- you have another sister.

19 PROSPECTIVE JUROR NO. 559: My sister was out of
20 town. She lived -- was going to college in Arizona.

21 MS. RADOSTA: Okay. And you also mentioned that you
22 had found out that this now ex-girlfriend had other contact
23 with the -- with the system --

24 PROSPECTIVE JUROR NO. 559: Um-hum.

25 MS. RADOSTA: -- in the form of domestic violences.

1 How did you find that out?

2 PROSPECTIVE JUROR NO. 559: My brother found it out

3 from, I believe, one of the police officers.

4 MS. RADOSTA: Okay. So it was after --

5 PROSPECTIVE JUROR NO. 559: Um-hum.

6 MS. RADOSTA: -- he -- after the relationship or --

7 PROSPECTIVE JUROR NO. 559: Yes.

8 MS. RADOSTA: -- that night?

9 PROSPECTIVE JUROR NO. 559: Yeah. It was after --

10 MS. RADOSTA: When the police were called.

11 PROSPECTIVE JUROR NO. 559: Yeah.

12 MS. RADOSTA: Okay. So you -- you have had personal

13 experience with someone who was themselves to blame for

14 actions but was trying to project it onto somebody else?

15 PROSPECTIVE JUROR NO. 559: Um-hum.

16 MS. RADOSTA: And also, as a woman, she was trying

17 maybe to play with the stereotypes of women aren't the abuser,

18 men are the abuser?

19 PROSPECTIVE JUROR NO. 559: Definitely.

20 MS. RADOSTA: And do -- and you actually think that

21 it began to work with some of the police officers; right?

22 PROSPECTIVE JUROR NO. 559: Yes. Yeah. It did.

23 MS. RADOSTA: Particularly, the -- I think you said

24 the female --

25 PROSPECTIVE JUROR NO. 559: The female, um-hum.

1 MS. RADOSTA: -- was very inclined to take the
2 woman's side --
3 PROSPECTIVE JUROR NO. 559: Um-hum.
4 MS. RADOSTA: -- and believe that she was the
5 alleged victim?
6 PROSPECTIVE JUROR NO. 559: Yep.
7 MS. RADOSTA: How was it that it ended up getting
8 resolved? Some -- they said somebody take the car; was it her
9 car?
10 PROSPECTIVE JUROR NO. 559: No. Actually,
11 everything was his.
12 MS. RADOSTA: All right.
13 PROSPECTIVE JUROR NO. 559: She manipulated him to
14 buy her a car --
15 MS. RADOSTA: Okay.
16 PROSPECTIVE JUROR NO. 559: -- buy her everything, a
17 boob job --
18 MS. RADOSTA: Um-hum.
19 PROSPECTIVE JUROR NO. 559: -- every -- everything
20 you could think of. And so once it was all said and done she
21 was mad because she didn't have anything in the end. And
22 that's the biggest thing she cried; she didn't have her car.
23 MS. RADOSTA: Okay.
24 PROSPECTIVE JUROR NO. 559: So --
25 MS. RADOSTA: So it seemed to be a very -- she was

1 manipulative in -- in -- financially, manipulative emotionally
2 and --

3 PROSPECTIVE JUROR NO. 559: Um-hum.

4 MS. RADOSTA: -- did your brother not see it at the
5 time?

6 PROSPECTIVE JUROR NO. 559: No. My brother is one
7 of those like love at first sight.

8 MS. RADOSTA: Um-hum.

9 PROSPECTIVE JUROR NO. 559: So he fell in love
10 really fast. And then once it all started happening he tried
11 to -- he broke off the engagement. She wouldn't move out of
12 the house. She was like, no, no, no, we'll work on it. And
13 he was like, I don't want to.

14 MS. RADOSTA: Yeah.

15 PROSPECTIVE JUROR NO. 559: Um --

16 MS. RADOSTA: That's what breaking off the
17 engagement means.

18 PROSPECTIVE JUROR NO. 559: Yeah. Yeah. But yeah,
19 now since then she's engaged again and is pregnant so --

20 UNIDENTIFIED SPEAKER: Oh, no, no. Sorry.

21 PROSPECTIVE JUROR NO. 559: With somebody else, not
22 my brother.

23 UNIDENTIFIED SPEAKER: That's perfect.

24 MS. RADOSTA: Did your brother, after everything was
25 said and done, was he able to look back and see the --

1 PROSPECTIVE JUROR NO. 559: There [inaudible].
2 MS. RADOSTA: -- pattern or the --
3 PROSPECTIVE JUROR NO. 559: Um-hum.
4 MS. RADOSTA: -- the -- the --
5 PROSPECTIVE JUROR NO. 559: Yes, definitely.
6 MS. RADOSTA: Okay. And then the only other thing
7 that I wanted to talk to you about was the incident, the
8 Fourth of July incident --
9 PROSPECTIVE JUROR NO. 559: Um-hum.
10 MS. RADOSTA: -- that you were involved in.
11 If I understood you correctly, it was -- it started
12 outside your house --
13 PROSPECTIVE JUROR NO. 559: Um-hum.
14 MS. RADOSTA: -- or -- or a friend's house?
15 PROSPECTIVE JUROR NO. 559: Yes.
16 MS. RADOSTA: And the person -- it was you and your
17 friend; a female friend?
18 PROSPECTIVE JUROR NO. 559: Male.
19 MS. RADOSTA: Male friend. And it started out now
20 in the street and then you went inside the house and the
21 person followed you inside your house?
22 PROSPECTIVE JUROR NO. 559: Um, so we went inside
23 the house and we thought the guy just went away. And he came
24 and knocked on the door and threatened us again, which we were
25 thinking anything of it, he was just like, you need to move

1 the car or else, like this is your last chance.

2 MS. RADOSTA: Um-hum.

3 PROSPECTIVE JUROR NO. 559: We're like, we're not
4 moving the car, don't scratch it when you leave in the
5 morning. And my friend closed the door.

6 And the second time -- he came back a second time,
7 knocked on the door. It was more of like a bang, a really
8 loud bang. So we opened up the door and the guy was holding
9 two guns and then said, if you don't move the truck I'm going
10 to kill you.

11 So my friend was like, it's not that big of a deal.
12 It's a parking spot. Let me grab my keys. So he grabbed his
13 keys, I grabbed my phone and ran into the -- the closet.

14 MS. RADOSTA: Uh-huh, well, yeah.

15 PROSPECTIVE JUROR NO. 559: And I called 911. He
16 went outside to move the -- the truck. The guy shot the gun
17 at him. He missed. And then my friend went running away.
18 And I was on the phone with dispatch the whole time. And the
19 door opened and dispatch was like go check to see if it's
20 Michael. And I'm like okay, because I've never been in this
21 situation before.

22 So I go out there and I'm on the phone with them and
23 I'm like it's not Michael. That's all I said to her. And the
24 guy was like if you don't move the truck I'm going to kill
25 you. And I was -- I don't know why I said this -- but I said

1 go ahead, I'm on the phone with the cops, they're on their
2 way. They already know who you are.

3 So he left. He hid both the guns. He picked up --
4 I think he picked up the shell to make sure that they didn't
5 know. So the only way the cops found it was there was a
6 bullet hole in a different apartment complex.

7 MS. RADOSTA: Wow.

8 PROSPECTIVE JUROR NO. 559: So, yeah.

9 MS. RADOSTA: So you were -- he knew you were on the
10 phone with Metro and still threatened you while you were on
11 the phone.

12 PROSPECTIVE JUROR NO. 559: He didn't know until I
13 told him that I was on there.

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 559: So he threatened me and
16 then I told him I was on the phone with Metro.

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 559: And then he was like --

19 MS. RADOSTA: Ah-oh.

20 PROSPECTIVE JUROR NO. 559: Uh, yeah. And a
21 lightbulb went off and he went and hid his guns.

22 MS. RADOSTA: Okay. Oh. Have -- and -- and you
23 said that as part of the process you were allowed to have a
24 say-so, you and your friend were allowed to have a say-so in
25 how this --

1 PROSPECTIVE JUROR NO. 559: Um-hum.

2 MS. RADOSTA: -- ended up resolving in the courts?

3 PROSPECTIVE JUROR NO. 559: Yes. They told us, we
4 can go to court. He most likely will not get away with this
5 because we have so much evidence. Or you can let him plead
6 out.

7 MS. RADOSTA: Okay.

8 PROSPECTIVE JUROR NO. 559: And my friend decided to
9 let him plead out.

10 MS. RADOSTA: Okay. How long after the incident
11 before -- did you know whether or not he was arrested?

12 PROSPECTIVE JUROR NO. 559: Yes. We watched him get
13 arrested.

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 559: We were with the cops.
16 It started probably at like 9:00 or 10:00 o'clock at night and
17 we were with the police and detectives until 8:00 o'clock in
18 the morning.

19 MS. RADOSTA: Okay.

20 PROSPECTIVE JUROR NO. 559: So it was a huge
21 process.

22 MS. RADOSTA: Okay. And, I mean, obviously, that
23 incident is different from the synopsis that you've read --

24 PROSPECTIVE JUROR NO. 559: Um-hum.

25 MS. RADOSTA: -- in -- in this particular case, but

1 that's still a very traumatic experience as is obviously the
2 Route 91 shooting. I just want to make sure that -- that you
3 feel like you're able to separate any of your own personal
4 experiences from what's going to be happening here for the
5 next couple of weeks.

6 PROSPECTIVE JUROR NO. 559: Oh, yeah, definitely.

7 MS. RADOSTA: Because -- because this is -- once
8 again, this is going to be traumatic experiences --

9 PROSPECTIVE JUROR NO. 559: Um-hum.

10 MS. RADOSTA: -- potentially for the witnesses
11 testifying and -- and potentially for, you know, it's going to
12 be a long process even for the jury, obviously. And sometimes
13 -- I think you've noticed -- sometimes things sneak up on
14 people. We've seen it happen here over the past couple of
15 days. People think --

16 PROSPECTIVE JUROR NO. 559: Um-hum.

17 MS. RADOSTA: -- they're going to be fine and then
18 it bubbles up unexpectedly.

19 PROSPECTIVE JUROR NO. 559: Yeah.

20 MS. RADOSTA: How are you feeling with your
21 experience after having been sitting here for the last couple
22 of days?

23 PROSPECTIVE JUROR NO. 559: Mine's been fine. I --
24 I usually am like more -- I don't show emotion so much, so
25 it's not -- I processed it really fast and I was over it.

1 MS. RADOSTA: Okay.

2 PROSPECTIVE JUROR NO. 559: I think it made me
3 stronger for the first one, for being in Route 91, having the
4 second, I was more like it was easier to get over.

5 MS. RADOSTA: And the Route 91 was in October of
6 2017, and --

7 PROSPECTIVE JUROR NO. 559: Um-hum.

8 MS. RADOSTA: -- this was like July of 2018?

9 PROSPECTIVE JUROR NO. 559: It was 2017.

10 MS. RADOSTA: Twenty -- so --

11 PROSPECTIVE JUROR NO. 559: So the first shooting
12 was the -- that parking spot.

13 MS. RADOSTA: Oh.

14 PROSPECTIVE JUROR NO. 559: And then the second was
15 Route 91.

16 MS. RADOSTA: Okay. All right. Well, I -- I --

17 PROSPECTIVE JUROR NO. 559: I think it would
18 probably would have been worse emotions if it was switched.

19 MS. RADOSTA: Possibly, yeah. Yeah, just -- yeah.
20 Yeah. Wow. Thank you, Ms. -- I'm going to try it again --
21 Ruelas?

22 PROSPECTIVE JUROR NO. 559: Close.

23 MS. RADOSTA: Thank you. Thank you. I might come
24 back to you just to try again, just to see if I get it right.
25 If you could pass the mic over to -- I think I want

1 to talk to Mr. Lopez briefly, which is over here in the front
2 row, Badge No. 108.

3 Actually, Mr. Lopez, I just have like a really --
4 really, really quick questions for you.

5 PROSPECTIVE JUROR NO. 108: Yes.

6 MS. RADOSTA: You said you have an AA in Logistics?

7 PROSPECTIVE JUROR NO. 108: Yes.

8 MS. RADOSTA: What exactly -- I have no idea. What
9 does that mean?

10 PROSPECTIVE JUROR NO. 108: Logistics, is basically
11 a combination of transportation, finance, warehouse and
12 inventory.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 108: And how do you use that
15 degree in your job now?

16 PROSPECTIVE JUROR NO. 108: Yes.

17 MS. RADOSTA: How do you -- how -- what is your
18 current job?

19 PROSPECTIVE JUROR NO. 108: I currently work at
20 Opportunity Village where I evaluate all the processes for
21 production, inventory, warehouse and --

22 MS. RADOSTA: Okay. So is it something where you
23 try to make them as efficient as possible?

24 PROSPECTIVE JUROR NO. 108: That's correct.

25 MS. RADOSTA: Okay. And -- and how long have you

1 been working at Opportunity Village?

2 PROSPECTIVE JUROR NO. 108: Five years.

3 MS. RADOSTA: Do you enjoy working there?

4 PROSPECTIVE JUROR NO. 108: Yes.

5 MS. RADOSTA: Is -- have you been working in this

6 field for your entire career?

7 PROSPECTIVE JUROR NO. 108: No. I work ten year in

8 Excel Logistics [phonetic] and 22 years in the Air Force.

9 MS. RADOSTA: Oh, okay. And I apologize if I did

10 not have that noted on my -- on my sheet. Did you -- you

11 retired from the Air Force?

12 PROSPECTIVE JUROR NO. 108: Yes.

13 MS. RADOSTA: Did you -- were you stationed out here

14 at Nellis?

15 PROSPECTIVE JUROR NO. 108: No. My last base was

16 Edwards Air Force Base, California.

17 MS. RADOSTA: Okay. Did you use this type of degree

18 in the military or were you doing something completely

19 different?

20 PROSPECTIVE JUROR NO. 108: No, I earned the degree

21 in the military.

22 MS. RADOSTA: Okay. All right. Thank you. Thank

23 you. That was all I had for you.

24 And then I'd like to speak to Ms. Brand, who is

25 Juror 111.

1 PROSPECTIVE JUROR NO. 111: Yes.

2 MS. RADOSTA: How are you?

3 PROSPECTIVE JUROR NO. 111: I'm good.

4 MS. RADOSTA: Now, we had an opportunity to speak to
5 you a few days ago and you were telling us about some
6 incidents with your husband from years, and years ago.

7 PROSPECTIVE JUROR NO. 111: Right.

8 MS. RADOSTA: And I believe you had said -- and we
9 went back and forth on the story and I know you were saying
10 you got two incidents kind of mixed up.

11 PROSPECTIVE JUROR NO. 111: Right.

12 MS. RADOSTA: But at one point you had said, I
13 believe, that he had been wrongfully accused of battery.

14 PROSPECTIVE JUROR NO. 111: Yeah, I -- he was never
15 accused of battery because I talked to him about that and he
16 said he was never -- he was never charged with that.

17 MS. RADOSTA: Okay.

18 PROSPECTIVE JUROR NO. 111: So the story was though
19 that he got out of the truck to talk to the guy that was
20 blocking our way into our apartment complex and, you know, I
21 -- it somehow -- they got -- you know, they were like
22 together. And what happened was somebody else, like a
23 witness, said that my husband had hit him, but he didn't.

24 So we were in court about that and, oh God, no, wait
25 a minute. See, I've got the two mixed up.

1 MS. RADOSTA: Um-hum.

2 PROSPECTIVE JUROR NO. 111: I don't know -- I don't
3 know if I went to court about that or not. But anyway, the
4 thing is, he wasn't charged with battery --

5 MS. RADOSTA: Okay.

6 PROSPECTIVE JUROR NO. 111: -- so yeah.

7 MS. RADOSTA: It does sound though as -- it does
8 sound as though someone, a witness, accused him at some point
9 of something that he says he didn't do.

10 PROSPECTIVE JUROR NO. 111: That's right.

11 MS. RADOSTA: And at some point he had to go to
12 court for that, or am I misunderstanding?

13 PROSPECTIVE JUROR NO. 111: Um, you know, I'm not
14 really sure about the details of that. I would --

15 MS. RADOSTA: Okay.

16 PROSPECTIVE JUROR NO. 111: -- have to, you know,
17 talk to him and get it clear because --

18 MS. RADOSTA: That's fine.

19 PROSPECTIVE JUROR NO. 111: -- I'm really not sure.
20 I -- I just -- I know that years ago he had to go for anger
21 management with one, you know, there was like just two traffic
22 things that went on with that -- and then -- with him years
23 ago. And just the one, he had to go through anger management,
24 and I don't know how long that took, if it was a week or a
25 couple weeks or something like that.

1 MS. RADOSTA: Okay.

2 PROSPECTIVE JUROR NO. 111: So.

3 MS. RADOSTA: Would it be fair to say though, even
4 as you were speaking of these incidents with him in the past
5 few days, that he was sure to explain to you that somebody
6 said I didn't -- I did something and I didn't do that.

7 PROSPECTIVE JUROR NO. 111: Right.

8 MS. RADOSTA: He wanted to make sure that even you,
9 his wife, who maybe was there at the time, understood that he
10 was wrongfully accused.

11 PROSPECTIVE JUROR NO. 111: Well, I just had
12 mentioned it to him and he said, no, I -- because I said, um,
13 you know, were you charged with battery on that? And he said,
14 I -- no, I was never charged with battery.

15 MS. RADOSTA: But somebody said he did something
16 that he didn't do?

17 PROSPECTIVE JUROR NO. 111: Right. There was --
18 there was a witness that said that he -- that he had hit this
19 other guy but he didn't do that.

20 MS. RADOSTA: Okay. Was it something that you're --
21 and maybe I'm misunderstanding the -- the nature of the
22 conversation with your husband just in the few days ago; but
23 it seemed to me that he was making sure you understood;
24 somebody said I hit that other car, but I didn't hit that car.

25 PROSPECTIVE JUROR NO. 111: Well, I -- I asked him

1 about it.

2 MS. RADOSTA: Um-hum.

3 PROSPECTIVE JUROR NO. 111: And he said, no, I

4 wasn't. So --

5 MS. RADOSTA: Okay. But it was important for him

6 that you understood that never happened?

7 PROSPECTIVE JUROR NO. 111: Well, I mean, I wanted

8 to know because --

9 MS. RADOSTA: Um-hum.

10 PROSPECTIVE JUROR NO. 111: -- because it was

11 mentioned here in court and I didn't want to get that wrong,

12 you know, I didn't want to --

13 MS. RADOSTA: Absolutely.

14 PROSPECTIVE JUROR NO. 111: Yeah.

15 MS. RADOSTA: Absolutely.

16 PROSPECTIVE JUROR NO. 111: Yeah.

17 MS. RADOSTA: I mean, that's -- as I've said a

18 couple times already, you know, we're just wanting to learn as

19 much as we can about you and -- because sometimes I feel like

20 you guys should be allowed to ask us questions, too, like you

21 would feel a little bit better about this process if --

22 UNIDENTIFIED SPEAKER: Are you offering?

23 MS. RADOSTA: You know what, I don't think the Judge

24 would let -- would allow it but we are asking a lot of

25 personal questions.

1 PROSPECTIVE JUROR NO. 111: Right.

2 MS. RADOSTA: And it's not because we are, you know,
3 really -- not that we are not enjoying meeting all of you, but
4 it's not that we are just doing this for fun, to learn about
5 everybody's personal history. It's -- it's a process that we
6 need to go through.

7 PROSPECTIVE JUROR NO. 111: Right.

8 MS. RADOSTA: So -- and we appreciate you trying to
9 get the information correct by talking to your husband
10 about --

11 PROSPECTIVE JUROR NO. 111: Yeah.

12 MS. RADOSTA: -- about that incident.

13 PROSPECTIVE JUROR NO. 111: He's -- I'm sure he's
14 much more clear on that --

15 MS. RADOSTA: Um-hum.

16 PROSPECTIVE JUROR NO. 111: -- than I am. I -- you
17 know, I mean, it wasn't something that was real serious or
18 anything like that. Nobody really got hurt or -- or anything
19 like that. It was just, you know, I mean, it -- it just
20 happened so long ago and it just --

21 MS. RADOSTA: Right.

22 PROSPECTIVE JUROR NO. 111: -- you know --

23 MS. RADOSTA: Right.

24 PROSPECTIVE JUROR NO. 111: -- so.

25 MS. RADOSTA: And I'm going to come back to you

1 later on for some other questions but if you could actually
2 pass the mic down to Badge 349, Ms. Lasiter.

3 Good afternoon.

4 PROSPECTIVE JUROR NO. 349: Hello.

5 MS. RADOSTA: Good afternoon.

6 PROSPECTIVE JUROR NO. 349: Yeah, it's afternoon.

7 MS. RADOSTA: Good afternoon.

8 Ms. Lasiter, you identified a few days ago that you
9 have a stepdaughter who is 24-years old.

10 PROSPECTIVE JUROR NO. 349: Yes.

11 MS. RADOSTA: And actually, when you said that it
12 caught my ear because I believe at that point in time you were
13 the only person that we had spoken to that had identified
14 having a stepchild.

15 PROSPECTIVE JUROR NO. 349: Yes.

16 MS. RADOSTA: And so just to the panel, is there
17 anyone else here -- we -- we asked about children and I know a
18 lot of people are just going to say, I have children, and not
19 differentiate. But is there anybody who did not mention that
20 they also had stepchildren, beyond their own biological
21 children?

22 Just to -- because it caught my ear was all -- the
23 only reason why. And you said she's now 24-years old; is that
24 correct?

25 PROSPECTIVE JUROR NO. 349: Yes. Yes.

1 THE COURT: And how long has she been -- have you
2 been in her life?

3 PROSPECTIVE JUROR NO. 349: Her dad and I started
4 dating when she was 10, so --

5 MS. RADOSTA: So quite --

6 PROSPECTIVE JUROR NO. 349: -- about 14 years.

7 MS. RADOSTA: -- quite a long time.

8 PROSPECTIVE JUROR NO. 349: Yeah.

9 MS. RADOSTA: You were there through the --

10 PROSPECTIVE JUROR NO. 349: The teenage years.

11 MS. RADOSTA: -- really fun teenage years, with a
12 teenage girl.

13 PROSPECTIVE JUROR NO. 349: Yes.

14 MS. RADOSTA: So -- and I think for all intents and
15 purposes it's fair to say you would consider her your
16 daughter?

17 PROSPECTIVE JUROR NO. 349: Yes.

18 MS. RADOSTA: Is her biological mother in her life
19 as well?

20 PROSPECTIVE JUROR NO. 349: She was up until about
21 four years ago.

22 MS. RADOSTA: Okay. So given the fact that you
23 consider her to be your daughter --

24 PROSPECTIVE JUROR NO. 349: Um-hum.

25 MS. RADOSTA: -- is there any situation that you

1 could imagine where you would ever be -- is there ever a
2 situation where you could imagine purposefully hurting your --
3 your daughter?

4 PROSPECTIVE JUROR NO. 349: No.

5 MS. RADOSTA: Is there a situation where you could
6 imagine being forced to -- forced to do something that would
7 harm her?

8 PROSPECTIVE JUROR NO. 349: No.

9 MS. RADOSTA: Okay. Even if it was in an effort to
10 protect yourself; if somebody said it's you or your daughter,
11 if you don't do what I tell you to do, I'm going to hurt your
12 daughter?

13 PROSPECTIVE JUROR NO. 349: I would do what they
14 told me to do.

15 MS. RADOSTA: Okay. If they said, if you don't do
16 what I tell you to do I'm going to hurt you; if you don't go
17 hurt your daughter, I'm going to hurt you.

18 PROSPECTIVE JUROR NO. 349: Um-hum.

19 MS. RADOSTA: What would you do?

20 PROSPECTIVE JUROR NO. 349: I would be the one to
21 get hurt.

22 MS. RADOSTA: Okay. Because is it fair to say -- I
23 think this is probably something that everybody would agree
24 with -- it's a parent's job to protect their children;
25 correct?

1 PROSPECTIVE JUROR NO. 349: Yes. Yes.

2 MS. RADOSTA: And it doesn't matter if it's a father
3 or a mother --

4 PROSPECTIVE JUROR NO. 349: No.

5 MS. RADOSTA: -- stepfather, stepmother --

6 PROSPECTIVE JUROR NO. 349: It doesn't matter.

7 MS. RADOSTA: -- it doesn't matter. It's your job
8 as a parent to protect.

9 PROSPECTIVE JUROR NO. 349: Yes.

10 MS. RADOSTA: And to -- if -- in a situation where
11 it is your -- your health or well being versus your child's
12 health or well being you're going to put your child in front
13 of yourself; correct?

14 PROSPECTIVE JUROR NO. 349: Yes.

15 MS. RADOSTA: Okay. You also -- is there anybody
16 here that would -- anybody here with children or even, you
17 know, without children, but have nieces, nephews, brothers,
18 sisters, anything like that, that could imagine a situation
19 where somebody said, I am going to make you hurt your child or
20 I'm going to hurt you, and you would say, go ahead, hurt the
21 child. And there's -- there is -- the entire panel is shaking
22 their head "no" to that question.

23 Additionally, Ms. Lasiter, you did say -- in
24 response to some of the questions from Ms. Sudano that
25 sometimes a reason a child might not tell about some type of

1 abuse happening to them or a scary situation, they might not
2 tell right away because I think what you had said is, it may
3 have been going on in their life for so long or it started at
4 such a young age that they didn't know it was wrong.

5 PROSPECTIVE JUROR NO. 349: Yes.

6 MS. RADOSTA: Okay. Can you imagine that if
7 somebody doesn't tell a story, that the reason that the --
8 that the story is coming out later is simply because it is a
9 fabrication, it's a -- it's a made-up story?

10 PROSPECTIVE JUROR NO. 349: It is possible.

11 MS. RADOSTA: Okay. You sound a little hesitant
12 with that.

13 PROSPECTIVE JUROR NO. 349: Um, well, no, it could
14 be possible. But then also, you know, if they're -- if that's
15 been their norm, unless they get validation from somewhere
16 else that -- that is not normal --

17 MS. RADOSTA: Right.

18 PROSPECTIVE JUROR NO. 349: -- they may not think to
19 come forward.

20 MS. RADOSTA: Sure. They're -- they're -- of
21 course, I understand the situation that you're offering up
22 there that, you know, if this is what they -- like sadly, if a
23 child considers, you know, instead of a hug, the way you show
24 affection is a slap, and that's the only affection they've
25 ever learned, they're going to think that that's normal.

1 PROSPECTIVE JUROR NO. 349: Right.

2 MS. RADOSTA: Is that -- is that a -- is that a
3 appropriate explanation --

4 PROSPECTIVE JUROR NO. 349: Yes.

5 MS. RADOSTA: -- for what you were thinking?

6 PROSPECTIVE JUROR NO. 349: Yes.

7 MS. RADOSTA: What I'm talking about though is if
8 somebody says, oh, you know what, ten years ago, I was the
9 victim of abuse, and I've told no one, at all, during this
10 ten-year period of time. Is -- is it -- is it on your -- is
11 it available to you that it never happened, and they're just
12 making that story up now for any number of reasons?

13 PROSPECTIVE JUROR NO. 349: It is a possibility,
14 yes.

15 MS. RADOSTA: What -- are there any reasons why you
16 could think of somebody making up a story like that if it's
17 not true?

18 PROSPECTIVE JUROR NO. 349: I guess if they were mad
19 at somebody or if they weren't getting attention that they
20 wanted --

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 349: -- it's possible that
23 they could say something like that.

24 MS. RADOSTA: Okay. Do you think that it could be
25 possible if it's a family situation that a child could be

1 trying to protect one parent over another parent?

2 PROSPECTIVE JUROR NO. 349: Yes.

3 MS. RADOSTA: Saying, that parent hurt me, in order
4 -- in an effort to protect, like dad hurt me, or mom hurt me,
5 in order to protect the other parent?

6 PROSPECTIVE JUROR NO. 349: Yes, that's possible.

7 MS. RADOSTA: I mean, I think we can all relate to
8 stories people have heard about, sadly, divorces gone horribly
9 wrong --

10 PROSPECTIVE JUROR NO. 349: Um-hum.

11 MS. RADOSTA: -- where a child is making an
12 accusation that never happened at the -- kind of at the behest
13 of one of the parents?

14 PROSPECTIVE JUROR NO. 349: Um-hum.

15 MS. RADOSTA: And Ms. Lasiter, have you ever heard
16 of a situation -- I mean, not necessarily to yourself or
17 family or friends, but just --

18 PROSPECTIVE JUROR NO. 349: Not necessarily that,
19 but I know like with my stepdaughter, you know, when we were
20 co-parenting --

21 MS. RADOSTA: Um-hum. Right.

22 PROSPECTIVE JUROR NO. 349: -- we would get a lot of
23 -- she would tell us a lot of things that she thought we would
24 want to hear --

25 MS. RADOSTA: Right.

1 PROSPECTIVE JUROR NO. 349: -- because she wouldn't
2 want to disappoint us --

3 MS. RADOSTA: Okay.

4 PROSPECTIVE JUROR NO. 349: -- because on the other
5 -- in the other household she would be put into guilt trips,
6 like if she wanted to spend the weekend with us instead of
7 them, and so they would make her feel bad for not wanting to
8 do something with them, if she wanted to spend time with us.

9 So she got in the habit of telling one parent one
10 thing, and the other parent another thing.

11 MS. RADOSTA: Okay.

12 PROSPECTIVE JUROR NO. 349: Because she didn't want
13 to disappoint anybody.

14 MS. RADOSTA: Right. Right. How were you -- were
15 you able to figure out that that was going on at some point?

16 PROSPECTIVE JUROR NO. 349: Yeah, it didn't -- after
17 awhile we kind of figured that out and so we just sat her down
18 and explained to her, I'm like, you just need to tell us.
19 We're not going to be mad at you or hurt. You know, we
20 understood what was happening on the other side and we didn't
21 want her to be stressed out more, or put in a position where
22 she had to choose.

23 MS. RADOSTA: Right.

24 PROSPECTIVE JUROR NO. 349: And feel bad about maybe
25 choosing the other side instead of us, that it wasn't going to

1 hurt us, so.

2 MS. RADOSTA: Okay. Well, and I think that's a --

3 that's a lesser example of what I was talking about a little

4 bit ago that --

5 PROSPECTIVE JUROR NO. 349: Um-hum.

6 MS. RADOSTA: -- you know, you saw your daughter in

7 distress --

8 PROSPECTIVE JUROR NO. 349: Yes.

9 MS. RADOSTA: -- and you were like, you know what,

10 it's not about our feelings.

11 PROSPECTIVE JUROR NO. 349: Yes, that's right.

12 MS. RADOSTA: It's about your feelings.

13 PROSPECTIVE JUROR NO. 349: Yes.

14 MS. RADOSTA: And -- and making her feel safe, so.

15 PROSPECTIVE JUROR NO. 349: Um-hum.

16 MS. RADOSTA: Okay. Thank you, Ms. Lasiter.

17 Let me see, I have -- I'm a little out of order

18 here, sorry. Give me -- Court's indulgence.

19 Actually, if we could go back just briefly to Ms.

20 Garcia, No. 123.

21 I just wanted to touch base with you about something

22 that Ms. Sudano was bringing up the other day.

23 I think you were the person that indicated that you

24 have the same vacation every year and you go to the same

25 location, or have many years --

1 PROSPECTIVE JUROR NO. 123: Have a few times, yes.
2 MS. RADOSTA: A few times. And is it fair to say
3 that you're able to distinguish between trips, because you
4 have video footage and photo footage --
5 PROSPECTIVE JUROR NO. 123: Yes.
6 MS. RADOSTA: -- of the trips?
7 PROSPECTIVE JUROR NO. 123: And we stayed at
8 different resorts each time kind of. I mean, it's like the
9 same amount of time --
10 MS. RADOSTA: Sure.
11 PROSPECTIVE JUROR NO. 123: -- to the same city --
12 MS. RADOSTA: Um-hum.
13 PROSPECTIVE JUROR NO. 123: -- but kind of different
14 hotels, different resorts, stuff like that.
15 MS. RADOSTA: Okay. But the -- the -- the photos
16 and -- and/or video that you took from each of the trips are
17 -- they help you remember specific details --
18 PROSPECTIVE JUROR NO. 123: Right.
19 MS. RADOSTA: -- from trip to another?
20 PROSPECTIVE JUROR NO. 123: Yes.
21 MS. RADOSTA: Okay. And do you -- have you ever
22 thought, oh, that happened on, you know, the second trip and
23 then you go back and you look at the pictures and you're like,
24 oh wow, that was like the fourth trip. I totally had that
25 wrong in my head.

1 Has that ever happened to you, where you were
2 convinced it happened on one trip and only after looking at
3 the photos or video you realized you were wrong?

4 PROSPECTIVE JUROR NO. 123: I don't think -- I don't
5 think I ever really did that.

6 MS. RADOSTA: Okay. Well, that's -- that's fair. I
7 mean, just --

8 PROSPECTIVE JUROR NO. 123: When I see the
9 pictures --

10 MS. RADOSTA: Um-hum.

11 PROSPECTIVE JUROR NO. 123: -- I -- I just -- I
12 know, oh, I was there or here.

13 MS. RADOSTA: Okay.

14 PROSPECTIVE JUROR NO. 123: Yeah.

15 MS. RADOSTA: Okay. No big events during any of the
16 trips?

17 PROSPECTIVE JUROR NO. 123: Like a lot of memories,
18 yeah.

19 MS. RADOSTA: Okay. But, I mean, like for -- for
20 example, like I -- I got to this -- I'm similar to you, I like
21 to go to the same place. And one year was my parents' 50th
22 wedding anniversary. And so we brought my parents and had
23 their 50th wedding anniversary there.

24 PROSPECTIVE JUROR NO. 123: Oh, okay.

25 MS. RADOSTA: So it was a big event.

1 PROSPECTIVE JUROR NO. 123: Um-hum.

2 MS. RADOSTA: So, you know, that one sticks out in
3 my mind among all the others. Is there any one like --

4 PROSPECTIVE JUROR NO. 123: Oh, I see what you mean.

5 MS. RADOSTA: -- that? Yeah.

6 PROSPECTIVE JUROR NO. 123: Well, the one for next
7 year maybe.

8 MS. RADOSTA: Okay.

9 PROSPECTIVE JUROR NO. 123: Because my -- one of the
10 kids is having the -- like a -- a big celebration. So we're
11 planning to do it out there. So that might be.

12 MS. RADOSTA: Okay. All right. That sounds like a
13 lot of fun actually.

14 PROSPECTIVE JUROR NO. 123: Um-hum.

15 MS. RADOSTA: If you could please pass -- thank you.
16 If you could please pass it down to Mr. Wells-Thompson, 152.

17 Good afternoon, Mr. Wells-Thompson. How are you?

18 PROSPECTIVE JUROR NO. 152: Good.

19 MS. RADOSTA: I just wanted to talk to you about a
20 couple different things. One of the -- one of the things --
21 and I just want to make sure that I -- I heard you correctly.

22 You said that a family member had had an issue with
23 drugs.

24 PROSPECTIVE JUROR NO. 152: Um-hum.

25 MS. RADOSTA: And I -- honestly, I couldn't -- I

1 thought I heard you say it was your mom, and then I thought it
2 was -- and then I also thought I heard the word "brother".
3 So --
4 PROSPECTIVE JUROR NO. 152: Brother.
5 MS. RADOSTA: Brother. Okay.
6 PROSPECTIVE JUROR NO. 152: Yeah.
7 MS. RADOSTA: I just wanted to make sure that I
8 understood that. Was he -- I'm sorry, just let me turn my
9 page here.
10 And you said that he did end up serving some time
11 for that.
12 PROSPECTIVE JUROR NO. 152: Yes.
13 MS. RADOSTA: Was that here in Nevada?
14 PROSPECTIVE JUROR NO. 152: Yes.
15 MS. RADOSTA: Okay. Was it just local time here at
16 the Clark County Detention Center or was it actually prison
17 time up at like High Desert or something like that?
18 PROSPECTIVE JUROR NO. 152: No, at the Clark County
19 Detention Center.
20 MS. RADOSTA: Okay. During the period of time that
21 he was in custody did you ever go down and visit him?
22 PROSPECTIVE JUROR NO. 152: No.
23 MS. RADOSTA: Okay. Did you ever receive any phone
24 calls or anything like that from him while he was in custody?
25 PROSPECTIVE JUROR NO. 152: Oh, yeah.

1 MS. RADOSTA: Okay. So you were open to having some
2 contact with him just not necessarily driving down here to the
3 facility?
4 PROSPECTIVE JUROR NO. 152: Correct.
5 MS. RADOSTA: Okay.
6 PROSPECTIVE JUROR NO. 152: Yes, ma'am.
7 MS. RADOSTA: And how long ago was that?
8 PROSPECTIVE JUROR NO. 152: A couple of years ago.
9 MS. RADOSTA: Okay.
10 PROSPECTIVE JUROR NO. 152: Yeah.
11 MS. RADOSTA: And after that -- after that
12 experience has he had any other contact with the system --
13 PROSPECTIVE JUROR NO. 152: Uh --
14 MS. RADOSTA: -- system?
15 PROSPECTIVE JUROR NO. 152: -- no.
16 MS. RADOSTA: Okay.
17 PROSPECTIVE JUROR NO. 152: Not that -- I mean, he's
18 on what, probation.
19 MS. RADOSTA: Okay. He's still on probation of some
20 sort?
21 PROSPECTIVE JUROR NO. 152: Yes.
22 MS. RADOSTA: Okay.
23 PROSPECTIVE JUROR NO. 152: Yes.
24 MS. RADOSTA: Okay. So you have four sons.
25 PROSPECTIVE JUROR NO. 152: Um-hum. Yes.

1 MS. RADOSTA: Is your brother older or younger than
2 you?

3 PROSPECTIVE JUROR NO. 152: Younger.

4 MS. RADOSTA: Okay. So you have four sons, the
5 oldest of which is 14, I believe?

6 PROSPECTIVE JUROR NO. 152: Yes, ma'am.

7 MS. RADOSTA: Have you had any type of a
8 conversation with them about what your brother had gone
9 through just, you know, that this is what can happen if you
10 don't, you know, if you break the law or you have some issues.
11 Please, you know, let me know if you're having any issues.
12 Have you explained that to your sons at all?

13 PROSPECTIVE JUROR NO. 152: Oh, yes.

14 MS. RADOSTA: Okay.

15 PROSPECTIVE JUROR NO. 152: We both have.

16 MS. RADOSTA: Both you and your wife?

17 PROSPECTIVE JUROR NO. 152: Uh --

18 MS. RADOSTA: Or you and your brother? I'm sorry.

19 PROSPECTIVE JUROR NO. 152: My brother, yes.

20 MS. RADOSTA: Okay. So does it -- does it really
21 impact your sons a little bit more coming from your brother
22 since he actually had the experience?

23 PROSPECTIVE JUROR NO. 152: Um, my older son.

24 MS. RADOSTA: Okay.

25 PROSPECTIVE JUROR NO. 152: Because they -- I don't

1 know, they -- they're close.

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 152: Yeah.

4 MS. RADOSTA: Okay. Do you think that your son --

5 and I believe -- sorry, I think I'm -- sorry.

6 Your -- oh, that's -- now I'm remembering what it

7 was. The story you were telling about the -- the pet fish.

8 PROSPECTIVE JUROR NO. 152: Right.

9 MS. RADOSTA: Sorry. That's what was rolling

10 through my head about you said this -- the oldest was --

11 PROSPECTIVE JUROR NO. 152: Yeah.

12 MS. RADOSTA: -- it was -- affected him more than

13 the other so, sorry, my -- I was trying to remember where my

14 brain was going there.

15 So your brother and your oldest are fairly close.

16 PROSPECTIVE JUROR NO. 152: Correct.

17 MS. RADOSTA: And you are comfortable with that

18 relationship given your brother's history?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 MS. RADOSTA: Okay. Because your brother has --

21 PROSPECTIVE JUROR NO. 152: He's made mistakes. I

22 mean, like we all have made mistakes somewhere.

23 MS. RADOSTA: Sure.

24 PROSPECTIVE JUROR NO. 152: Some having more

25 consequences than others, but --

1 MS. RADOSTA: And you're willing to --
2 PROSPECTIVE JUROR NO. 152: -- [inaudible].
3 MS. RADOSTA: -- be open minded and give him a
4 second chance at have --
5 PROSPECTIVE JUROR NO. 152: Yeah.
6 MS. RADOSTA: -- have a family.
7 PROSPECTIVE JUROR NO. 152: Correct.
8 MS. RADOSTA: Your -- have access to your family?
9 PROSPECTIVE JUROR NO. 152: Correct.
10 MS. RADOSTA: Okay. Now, you also shared with us
11 about your wife having been a victim when she was much younger
12 of some type of sexual case.
13 PROSPECTIVE JUROR NO. 152: Yes.
14 MS. RADOSTA: You -- she actually related this to
15 you; correct?
16 PROSPECTIVE JUROR NO. 152: Yes.
17 MS. RADOSTA: It didn't happen while you were --
18 when you guys --
19 PROSPECTIVE JUROR NO. 152: No.
20 MS. RADOSTA: -- were together?
21 PROSPECTIVE JUROR NO. 152: She was a child --
22 MS. RADOSTA: She was a child.
23 PROSPECTIVE JUROR NO. 152: -- [inaudible].
24 MS. RADOSTA: Okay.
25 PROSPECTIVE JUROR NO. 152: Yeah.

1 MS. RADOSTA: Have you talked with your wife about
2 it more than one time?

3 PROSPECTIVE JUROR NO. 152: Yes.

4 MS. RADOSTA: Okay.

5 PROSPECTIVE JUROR NO. 152: Yes, ma'am.

6 MS. RADOSTA: Does it -- do you see it -- do you see
7 proof of it in your wife's behavior? Does -- do things --
8 does she react to things that -- and it's explained by what
9 she says she went through? I'm not sure if that question made
10 any sense.

11 PROSPECTIVE JUROR NO. 152: No, it made sense.

12 MS. RADOSTA: I guess in -- with a precaution to the
13 children, just making sure we had that open relationship with
14 them.

15 MS. RADOSTA: Okay.

16 PROSPECTIVE JUROR NO. 152: You know, if anybody
17 does something and, you know, behavior that makes you feel
18 uncomfortable, that -- that kind of talk.

19 MS. RADOSTA: Okay.

20 PROSPECTIVE JUROR NO. 152: Yeah.

21 MS. RADOSTA: Okay. And I don't know if I wrote
22 down, who was the person that -- if -- if you know, who was
23 the person that hurt -- hurt your wife?

24 PROSPECTIVE JUROR NO. 152: It was the babysitter.

25 MS. RADOSTA: Okay. Okay. So -- so I assume then

1 just from your last answer that you've had some conversations
2 with your sons about if anything doesn't feel right to you --
3 PROSPECTIVE JUROR NO. 152: Oh, yeah.
4 MS. RADOSTA: -- you can come tell us.
5 PROSPECTIVE JUROR NO. 152: Yeah.
6 MS. RADOSTA: You won't be in trouble.
7 PROSPECTIVE JUROR NO. 152: Yeah.
8 MS. RADOSTA: And is it important to you that your
9 sons understand that it's not anything that they've done wrong
10 if something happens?
11 PROSPECTIVE JUROR NO. 152: Yes.
12 MS. RADOSTA: Come to you, they're not in trouble.
13 PROSPECTIVE JUROR NO. 152: Yes, ma'am.
14 MS. RADOSTA: Can't enforce that with them enough?
15 PROSPECTIVE JUROR NO. 152: Yes.
16 MS. RADOSTA: I assume you've had more than one
17 conversation with them about that?
18 PROSPECTIVE JUROR NO. 152: Um, we've had a few,
19 depending on age and their feedback with us.
20 MS. RADOSTA: Um-hum.
21 PROSPECTIVE JUROR NO. 152: I'll say, some of them
22 are a little bit more advanced than the others.
23 MS. RADOSTA: Okay.
24 PROSPECTIVE JUROR NO. 152: So, you know, when we
25 feel like it's that time, I'm not naive to think that my

1 children don't know, you know, and -- because surprisingly
2 they do.

3 MS. RADOSTA: Yeah.

4 PROSPECTIVE JUROR NO. 152: So --

5 MS. RADOSTA: Yeah. There's a lot --

6 PROSPECTIVE JUROR NO. 152: -- yeah, we've had
7 pretty open --

8 MS. RADOSTA: -- more access these days than there -
9 - than there was -- years --

10 PROSPECTIVE JUROR NO. 152: Yeah.

11 MS. RADOSTA: -- ago.

12 PROSPECTIVE JUROR NO. 152: Yeah. And my son, the
13 oldest, he plays football, so a lot of locker room talk, so
14 just making sure, yeah.

15 MS. RADOSTA: Okay.

16 PROSPECTIVE JUROR NO. 152: Yeah.

17 MS. RADOSTA: Okay. Do you think that this is a
18 situation or a conversation that's more appropriate for your
19 wife to have with your sons because she actually had a
20 negative experience or more appropriate for you to have with
21 your sons because you're the father?

22 PROSPECTIVE JUROR NO. 152: Um, I mean, she's had
23 the talk in her way but --

24 MS. RADOSTA: Right.

25 PROSPECTIVE JUROR NO. 152: -- it was kind of put

1 more on me --

2 MS. RADOSTA: Okay.

3 PROSPECTIVE JUROR NO. 152: -- because, you know, a
4 male having that conversation. And they're just more
5 comfortable talking to me about it.

6 MS. RADOSTA: I can imagine. I mean, I'm --

7 PROSPECTIVE JUROR NO. 152: Yeah.

8 MS. RADOSTA: -- you know, not a -- I'm not a -- you
9 know, I was never a young boy, but I couldn't imagine having
10 that conversation with your mom.

11 PROSPECTIVE JUROR NO. 152: Yeah.

12 MS. RADOSTA: So but at any point, I mean, when your
13 -- when your wife first told you how long had you known her?
14 Was she your wife at that point or was she a girlfriend?

15 PROSPECTIVE JUROR NO. 152: No, we were -- we were
16 dating.

17 MS. RADOSTA: Okay. Was there any reason for you
18 not to believe what she was telling you?

19 PROSPECTIVE JUROR NO. 152: No.

20 MS. RADOSTA: Okay. So you just took her at her
21 word?

22 PROSPECTIVE JUROR NO. 152: Um, yeah, you know,
23 there was no reason -- yeah, again, not to believe what she
24 was saying.

25 MS. RADOSTA: Fair enough. I'm guessing it came up

1 somewhat naturally in conversation and you thought, there's no
2 reason she would be telling me this if it didn't actually
3 happen to her?

4 PROSPECTIVE JUROR NO. 152: Right.

5 MS. RADOSTA: Okay. If somebody like at work came
6 up to you and said, hey, did I ever tell you that, you know,
7 15 years ago, I was molested by my dad, and I've never told
8 anybody, you're the first person I'm telling --

9 PROSPECTIVE JUROR NO. 152: Um-hum.

10 MS. RADOSTA: -- is there -- can you think that
11 maybe that story may not be true?

12 PROSPECTIVE JUROR NO. 152: Maybe not so much a
13 person in the street. I mean, because I don't know them like
14 that.

15 MS. RADOSTA: Um-hum.

16 PROSPECTIVE JUROR NO. 152: You know, my wife, we
17 were friends for a really long time.

18 MS. RADOSTA: Right.

19 PROSPECTIVE JUROR NO. 152: You know, I -- I knew
20 her, I knew her -- her mom, I knew her brothers, so --

21 MS. RADOSTA: Right.

22 PROSPECTIVE JUROR NO. 152: -- it was a real long
23 relationship, like we were engaged by the time she told me
24 that.

25 MS. RADOSTA: Okay. So there's -- there was a lot

1 of history already there before she felt comfortable saying --
2 PROSPECTIVE JUROR NO. 152: Right.
3 MS. RADOSTA: -- anything to you?
4 PROSPECTIVE JUROR NO. 152: Right.
5 MS. RADOSTA: But what if it was somebody like at
6 work that you had been friends with for awhile, but not really
7 somebody you knew particularly well, like somebody you'd work
8 with for the last five, six, seven years --
9 PROSPECTIVE JUROR NO. 152: [Inaudible].
10 MS. RADOSTA: -- and they came up to you and said
11 you're the first person I'm telling, something happened to me
12 15 years ago; would you take them at face value the way you
13 took your wife at face value?
14 PROSPECTIVE JUROR NO. 152: Um, I guess I question
15 it --
16 MS. RADOSTA: Okay.
17 PROSPECTIVE JUROR NO. 152: -- still, you know, it
18 -- because like I said, I don't know them like that and --
19 MS. RADOSTA: Right.
20 PROSPECTIVE JUROR NO. 152: -- I've -- as a chef, I
21 hear a lot about people's personal lives.
22 MS. RADOSTA: Okay.
23 PROSPECTIVE JUROR NO. 152: And some things don't
24 sit, you know, right, so.
25 MS. RADOSTA: Okay. Do you think that sometimes

1 people might say things to get attention on themselves?

2 PROSPECTIVE JUROR NO. 152: Yeah.

3 MS. RADOSTA: Is that fair?

4 PROSPECTIVE JUROR NO. 152: Um-hum.

5 MS. RADOSTA: Or attention maybe off themselves,
6 too?

7 PROSPECTIVE JUROR NO. 152: Um-hum.

8 MS. RADOSTA: That people have motivations that
9 sometimes you don't even know about?

10 PROSPECTIVE JUROR NO. 152: Yeah.

11 MS. RADOSTA: But you -- you'd -- I think you just
12 said sometimes you just hear things and they don't sit right
13 with you.

14 PROSPECTIVE JUROR NO. 152: Right.

15 MS. RADOSTA: Okay. Can you think of an example of
16 something like that where something didn't sit right with you?
17 I'm not going to ask you specifically what it was, but.

18 PROSPECTIVE JUROR NO. 152: Oh, no, not right now, I
19 can't.

20 MS. RADOSTA: Can you recall though what it was that
21 made you think, I'm not so sure about that? Was it the way
22 the person told it, was it what they said? Was it the person
23 themselves that they have said things in the past that
24 didn't --

25 PROSPECTIVE JUROR NO. 152: It's a little -- a

1 little of both.

2 MS. RADOSTA: A little of all of that?

3 PROSPECTIVE JUROR NO. 152: Yeah.

4 MS. RADOSTA: Okay. So I'm going to ask you a
5 question that I've asked a few other people already.

6 PROSPECTIVE JUROR NO. 152: Um-hum.

7 MS. RADOSTA: We're going to be having people come
8 in here that you don't know, that you've never seen before,
9 and you'll never see again after this trial. And you're going
10 to be asked to evaluate whether or not you think they're
11 telling the truth.

12 PROSPECTIVE JUROR NO. 152: Um-hum.

13 MS. RADOSTA: Because credibility is always an issue
14 in trials.

15 MS. RADOSTA: Um-hum.

16 MS. RADOSTA: Credibility of witnesses,
17 truthfulness, things of that nature. How do you think you
18 would be able to judge somebody that you've never met before
19 on whether or not they're telling the truth?

20 PROSPECTIVE JUROR NO. 152: I think it's a matter of
21 like just more than one person, like it's a collective.

22 MS. RADOSTA: Right. Okay.

23 PROSPECTIVE JUROR NO. 152: Of all the information.

24 MS. RADOSTA: Okay. So let me talk to you about
25 that for just a second. So are you saying if more than one

1 person is telling the same version or more than one person is
2 making an accusation?

3 PROSPECTIVE JUROR NO. 152: I'd say the -- the
4 version.

5 MS. RADOSTA: Okay. So if for the sake of argument
6 there was the person that it happened to and then there was an
7 eyewitness that said it similarly, that would be two people
8 talking about the same incident that would carry some weight
9 with you?

10 PROSPECTIVE JUROR NO. 152: Yes.

11 MS. RADOSTA: Okay. But if it is one person that
12 comes in and says, this happened to me, and somebody else
13 comes in and says, this happened, something similar but not
14 the same thing happened to me, would the fact that two people
15 are coming in, sway you?

16 PROSPECTIVE JUROR NO. 152: It -- it has -- I mean,
17 it just -- I guess it depends on how the stories --

18 MS. RADOSTA: Okay.

19 PROSPECTIVE JUROR NO. 152: -- when they say it. If
20 it's -- sounds way too rehearsed --

21 MS. RADOSTA: Okay.

22 PROSPECTIVE JUROR NO. 152: -- then I question it.

23 MS. RADOSTA: Okay.

24 PROSPECTIVE JUROR NO. 152: You know, but if it's
25 coming in just bits and pieces, that might be different, then

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CHRISTOPHER SENA,) No. 79036
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office