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IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMON MURIL DORADO,) Supreme Court Case No.: 79556
) Dist. Ct. Case No.: C-17-323098-1
)
Petitioner,)
)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)

APPELLANT'S APPENDIX

Volume 4

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1 PROSPECTIVE JUROR #1226: [Indiscernible] works at
2 the Venetian.

3 THE COURT: Okay. And the next one?

4 PROSPECTIVE JUROR #1226: Twenty-two.

5 THE COURT: And what does that 24-year-old do?

6 PROSPECTIVE JUROR #1226: He works at the Venetian
7 also.

8 THE COURT: Okay. Any close family members or
9 family friends that have been a victim of a violent crime?

10 PROSPECTIVE JUROR #1226: No.

11 THE COURT: What about a sexual assault?

12 PROSPECTIVE JUROR #1226: No.

13 THE COURT: Okay. Any close family members and/or
14 close friends that have been accused of committing a sexual
15 assault?

16 PROSPECTIVE JUROR #1226: No.

17 THE COURT: Okay. Any law enforcement in your
18 family?

19 PROSPECTIVE JUROR #1226: No.

20 THE COURT: Okay. Go ahead and pass it next door.

21 PROSPECTIVE JUROR #1216: Hello.

22 THE COURT: Go ahead, sir.

23 PROSPECTIVE JUROR #1216: 1216.

24 THE COURT: Okay.

1 PROSPECTIVE JUROR #1216: [JUROR NO. 1216].

2 THE COURT: [JUROR NO. 1216]?

3 PROSPECTIVE JUROR #1216: Yes.

4 THE COURT: All right. [JUROR NO. 1216], how long
5 you been here in Clark County?

6 PROSPECTIVE JUROR #1216: Since 1996.

7 THE COURT: All righty. And are you currently
8 employed?

9 PROSPECTIVE JUROR #1216: Yes.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR #1216: Sales manager.

12 THE COURT: For?

13 PROSPECTIVE JUROR #1216: For construction.

14 THE COURT: Okay. Which construction company or
15 group?

16 PROSPECTIVE JUROR #1216: CSG.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #1216: We're a customs specialty
19 group.

20 THE COURT: And are you currently married?

21 PROSPECTIVE JUROR #1216: No.

22 THE COURT: Okay. Any grown children here in
23 Clark County?

24 PROSPECTIVE JUROR #1216: Yes.

1 THE COURT: Okay. Let's go with the oldest one
2 first.

3 PROSPECTIVE JUROR #1216: Thirty.

4 THE COURT: Okay. What does he or she do?

5 PROSPECTIVE JUROR #1216: Sells parts for
6 Mitsubishi.

7 THE COURT: Okay. Next one?

8 PROSPECTIVE JUROR #1216: Twenty-eight.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR #1216: She works at the Aria.

11 THE COURT: What does she do for the Aria?

12 PROSPECTIVE JUROR #1216: VIP host.

13 THE COURT: Okay. Next one?

14 PROSPECTIVE JUROR #1216: Twenty-three.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR #1216: Also for Chaos --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #1216: -- I believe.

19 THE COURT: What does she do for Chaos?

20 PROSPECTIVE JUROR #1216: VIP host as well. VIP
21 host.

22 THE COURT: Okay. Another one?

23 PROSPECTIVE JUROR #1216: Nineteen. And she is
24 working at one of those Silver Nugget or Golden Nugget. One

1 of those things.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #1216: I don't know.

4 THE COURT: You know what she does for 'em?

5 PROSPECTIVE JUROR #1216: She's a -- in the front
6 desk.

7 THE COURT: Okay. Any 18-year-olds?

8 PROSPECTIVE JUROR #1216: No.

9 THE COURT: All right. I got to applaud you, as a
10 dad, you actually had the ages right. I can't even start to
11 think about how to do that. I just look at my wife and say,
12 "How old are they?"

13 PROSPECTIVE JUROR #1216: Well, I've got two more,
14 but --

15 THE COURT: And I'm still paying for 'em.

16 PROSPECTIVE JUROR #1216: -- [indiscernible].

17 THE COURT: Yeah, so -- I have those, too. But as
18 long as they're off my payroll, I'm in good shape.

19 PROSPECTIVE JUROR #1216: Well, I still have one
20 still bugging me.

21 THE COURT: All righty. Let's deal with any close
22 family members or family friends that have been a victim of a
23 violent crime?

24 PROSPECTIVE JUROR #1216: No.

1 THE COURT: Okay. What about a sexual assault?
2 PROSPECTIVE JUROR #1216: No.
3 THE COURT: Okay. Any close family members or close
4 family friends that have been accused of committing a sexual
5 assault?
6 PROSPECTIVE JUROR #1216: No.
7 THE COURT: Any close family members or close
8 friends that are in law enforcement?
9 PROSPECTIVE JUROR #1216: Yes.
10 THE COURT: Okay.
11 THE WITNESS: Let's go with most recent one or the
12 one that you know the most, the best.
13 PROSPECTIVE JUROR #1216: That would be my father.
14 THE COURT: Okay. Where was he at?
15 PROSPECTIVE JUROR #1216: CID.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR #1216: Military. San Diego and
18 in Washington.
19 THE COURT: Okay. Any other members in the law
20 enforcement?
21 PROSPECTIVE JUROR #1216: Yes.
22 THE COURT: Okay. Next one.
23 PROSPECTIVE JUROR #1216: HPD.
24 THE COURT: Okay. Who was at HPD?

1 PROSPECTIVE JUROR #1216: Paul Killoa (phonetic).
2 THE COURT: Okay. And how's he related to you or a
3 friend of yours?
4 PROSPECTIVE JUROR #1216: Cousin.
5 THE COURT: Cousin. Okay. And he works for
6 Henderson Police Department?
7 PROSPECTIVE JUROR #1216: No, sir.
8 THE COURT: Oh, HPD --
9 PROSPECTIVE JUROR #1216: Hawaii --
10 THE COURT: Hawaii Police Department? Okay.
11 PROSPECTIVE JUROR #1216: I've got about 30 of 'em,
12 so --
13 THE COURT: All right. So is it --
14 PROSPECTIVE JUROR #1216: -- you want me to keep
15 going?
16 THE COURT: Now, let's just deal with it -- so are
17 they all basically extended family members or is it brother,
18 sisters --
19 PROSPECTIVE JUROR #1216: Cousins.
20 THE COURT: Okay. All cousins?
21 PROSPECTIVE JUROR #1216: Cousins.
22 THE COURT: All right. I'll let the attorneys ask
23 you questions, if you want to, in regards to those family
24 members.

1 PROSPECTIVE JUROR #1216: Okay.

2 THE COURT: All right. Have you ever been on a jury
3 before?

4 PROSPECTIVE JUROR #1216: No, sir.

5 THE COURT: The other two individuals, I forgot to
6 ask you, have you ever been on a jury before?

7 PROSPECTIVE JUROR #1203: I have not.

8 PROSPECTIVE JUROR #1226: No, I haven't.

9 THE COURT: Okay. Perfect. All right. Let's go
10 ahead and pass the microphone.

11 Go ahead, sir.

12 PROSPECTIVE JUROR #1228: [JUROR NO. 1228], 1228.

13 THE COURT: All right. Sir, are you currently
14 employed?

15 PROSPECTIVE JUROR #1228: In between.

16 THE COURT: Okay. What's the last type of gainful
17 employment you had?

18 PROSPECTIVE JUROR #1228: Alcohol security.

19 THE COURT: Okay. How long did you do that kind of
20 job?

21 PROSPECTIVE JUROR #1228: I've done it -- well,
22 between 16 years. Altogether, 30 years.

23 THE COURT: Okay. How long you been here in
24 Clark County?

1 PROSPECTIVE JUROR #1228: Sixteen years.

2 THE COURT: Okay. Are you currently married?

3 PROSPECTIVE JUROR #1228: Yeah.

4 THE COURT: Okay. What does your spouse or
5 significant other do?

6 PROSPECTIVE JUROR #1228: USPS.

7 THE COURT: Okay. Any grown children living here in
8 Clark County?

9 PROSPECTIVE JUROR #1228: No.

10 THE COURT: Okay. Any close family members or close
11 family friends that have been a victim of a violent crime?

12 PROSPECTIVE JUROR #1228: No.

13 THE COURT: What about a victim of sexual assault?

14 PROSPECTIVE JUROR #1228: No.

15 THE COURT: Okay. Any close family members or close
16 family friends that have been accused of a sexual assault?

17 PROSPECTIVE JUROR #1228: No.

18 THE COURT: Okay. Any close family members that are
19 law enforcement?

20 PROSPECTIVE JUROR #1228: No.

21 THE COURT: All right. Thank you.

22 Counsel, approach.

23 [BENCH CONFERENCE]

24 THE COURT: Ladies and gentlemen, at this time I'm

1 gonna hand over this process to the attorneys. We -- a lot of
2 times you'll hear -- for those of you who like to watch lawyer
3 shows -- I don't know why, but some people like to watch those
4 shows. Apparently they're popular. This is called voir dire.
5 What I did was part of voir dire. But now they'll be asking
6 you questions.

7 As I mentioned previously, if during these questions
8 there is any question that you believe that you would like to
9 answer it only in private, which means you'll be only in front
10 of the attorneys and the bench, then please just acknowledge
11 that to the attorneys. Say, "I'd rather answer that in
12 private."

13 What the attorneys will do, then, is they will write that
14 down, say, "Okay. I'm gonna refresh myself and ask that
15 question later." They'll move on to ask you questions. When
16 we have a natural break, we may bring you in individually.

17 There are certain things that most people -- it's
18 amazing. Some people, after this, ask me, "Your Honor, why
19 did they ask me this?" For example, in law school they used
20 to always say this, "Ask them what bumper stickers they have
21 on their cars." Apparently that means something to some
22 people.

23 I have bumper stickers on my car. And I think they are
24 the Raiders, the Knights, and the Navy, and the Air Force.

1 Only because my sons were -- one's in the Air Force, one's in
2 the Navy -- and only because, unlike some people from
3 Las Vegas, I have been a diehard Raider fan my entire life.

4 Yes. You can have sympathy on me. Okay?

5 But if that means anything about me, I'm sure some of the
6 people that were psych majors can tell us there's so much
7 about that. Maybe it means I'm a violent person. I don't
8 know. I like football and hockey. Okay. I don't know.

9 But you'll have questions asked of you that, trust me,
10 you'll look at yourself and go, "I have no idea why a lawyer
11 would want to know that." Trust me. If I ask the lawyer why
12 they asked that question, they don't know why they asked the
13 question.

14 The other thing is, sometimes people say, "Oh, these
15 sound like really personal questions." Unbelievably, there's
16 not a single question that I've ever heard from an attorney
17 that they couldn't get off your social media website, your
18 Facebook, Twitter account, or just by doing a general search.

19 For some reason, I actually had a woman one time that
20 says, "Your Honor, I'm not going to answer the question
21 whether or not I've ever been married or not." I looked up on
22 my computer. I said, "Ma'am, you've been married seven times.
23 You've been divorced six times."

24 She goes, "How do you know?"

1 I said, "Because it's a public record." Any time you get
2 a marriage license, they put it down.

3 So if there's basically any question that's going to be
4 asked of you, trust me, it's a question that, if we had six or
5 seven months and these guys wanted to, they could look at some
6 computer and find that question that you've answered.

7 It's funny because she was adamant that she was not going
8 to let anybody know she'd been divorced six times. I'm, like,
9 okay. I guess that was important to her. But trust me,
10 there's not a question that's gonna be asked of you that can't
11 be found out by some person that's really smart on a computer.

12 I'll turn the time over to the attorneys at this time.

13 State, your venire.

14 MR. SCHWARTZ: Thank you, Your Honor.

15 JURY VOIR DIRE

16 MR. SCHWARTZ: All right. How's everyone doing?

17 THE JURY: Fine.

18 MR. SCHWARTZ: Awesome. Really excited group, I can
19 tell.

20 All right. Put this here. Is that cool?

21 All right. Who was excited about coming to jury duty
22 today? Zero -- oup, zero.

23 PROSPECTIVE JUROR #1124: I was, until --

24 MR. SCHWARTZ: Hold on a second. Do we need to do

1 the microphone?

2 THE COURT: Yeah, we're going to have to do the
3 microphone just 'cause it's impossible for my reporter to
4 hear.

5 MR. SCHWARTZ: Okay. And you are -- let's see.
6 I've gotten little notes here. Ms. [JUROR NO. 1124].

7 PROSPECTIVE JUROR #1124: Are you sure?

8 MR. SCHWARTZ: [JUROR NO. 1124]?

9 PROSPECTIVE JUROR #1124: Yeah, that's me.

10 MR. SCHWARTZ: 1124?

11 PROSPECTIVE JUROR #1124: Yeah.

12 MR. SCHWARTZ: You were kind of excited until?

13 PROSPECTIVE JUROR #1124: I don't know. Just the
14 beginning part, when we had to wait, like, three hours to get
15 here. I was just like kind of done with it. I was like, "All
16 right. Take me home."

17 MR. SCHWARTZ: That's fair. A lot of waiting
18 around.

19 PROSPECTIVE JUROR #1124: No, but this is cool.

20 MR. SCHWARTZ: Now you got some action; right? You
21 got the microphone.

22 What would you -- so before you got bored in the waiting
23 room, what was kind of exciting about the prospect of being a
24 juror?

1 PROSPECTIVE JUROR #1124: I've just never done it
2 before. Never really been in a courtroom before. I did a
3 lot -- I did two years of, like, speech and debate in my high
4 school. So I did a lot of the, like, congress debate stuff
5 and like the questions and the statements and stuff like that.
6 So it's kind of cool to be on this side and kind of just watch
7 people doing the real thing.

8 MR. SCHWARTZ: Yeah.

9 PROSPECTIVE JUROR #1124: Yeah, it's cool.

10 MR. SCHWARTZ: Awesome. Okay. Cool.

11 Everybody else have any excitement about coming in here
12 today?

13 Literally -- and I always forget, when we have the
14 separate row here, you guys. So don't let me forget about you
15 guys. Anyone over here excited?

16 Someone's sleeping already.

17 Can we pass the mic down?

18 Okay. I saw some hands. Right here. Okay. What's your
19 name and badge number for us?

20 PROSPECTIVE JUROR #1191: My name is
21 [JUROR NO. 1191], my badge number is 1191.

22 MR. SCHWARTZ: Okay.

23 PROSPECTIVE JUROR #1191: I was excited to come to
24 jury duty. It was kind of like her, until, like -- I was

1 really excited at first until I found out the date because I
2 was supposed to have an important doctor's appointment today
3 that I had to reschedule.

4 MR. SCHWARTZ: Oh, okay.

5 PROSPECTIVE JUROR #1191: Yeah.

6 MR. SCHWARTZ: Sorry.

7 PROSPECTIVE JUROR #1191: But I was genuinely
8 excited because I felt like it was kind of like -- kind of
9 like a lifetime opportunity, if -- to be picked as a juror.

10 MR. SCHWARTZ: Yeah. Do you watch some of the TV
11 shows with the juries and stuff?

12 PROSPECTIVE JUROR #1191: Yeah, I used to watch a
13 lot of them with my mom.

14 MR. SCHWARTZ: Okay. Is it more exciting now that
15 you're in the courtroom, as opposed to downstairs, or it's
16 still kind of boring?

17 PROSPECTIVE JUROR #1191: I don't think it's boring.
18 For me, personally, it's really nerve-racking.

19 MR. SCHWARTZ: It's kind of awkward talking in front
20 of a bunch of people, huh?

21 PROSPECTIVE JUROR #1191: Yeah.

22 MR. SCHWARTZ: Yeah. But you guys are doing a good
23 job.

24 Did you also have your hand up, [JUROR NO. 1203], or no?

1 PROSPECTIVE JUROR #1203: Yeah. What I was gonna
2 say was excitement in a different way. Like stressed
3 excitement because of what I pled to the -- to Your Honor.

4 So when do we get another chance to ask for either
5 dismissal or -- because our -- like, some of our lives are
6 still going on that are --

7 THE COURT: I understand.

8 PROSPECTIVE JUROR #1203: -- super stressful at the
9 moment. And I'm seeing, as I'm in contact with my livelihood
10 and my shop, I'm sort of going down hill and my anxiety level
11 is rising. So just --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #1203: -- letting you know.

14 THE COURT: Understood. Thank you.

15 MR. SCHWARTZ: Nobody else?

16 Okay. Good.

17 Who hated the idea of having to come to jury duty? It
18 was the worst day that's been on your calendar for a while?

19 Okay. So everybody else is kind of just chill?

20 PROSPECTIVE JUROR #1164: [Indiscernible] the worst.

21 MR. SCHWARTZ: Not the worst day, it's just in the
22 middle? Okay. Here you go. You're 1164.

23 PROSPECTIVE JUROR #1164: Yeah.

24 MR. SCHWARTZ: What's your last name?

1 PROSPECTIVE JUROR #1164: [JUROR NO. 1164].

2 MR. SCHWARTZ: [JUROR NO. 1164]. Why is it the
3 worst day for you?

4 PROSPECTIVE JUROR #1164: My mom currently has her
5 license suspended and I'm the only one who can drive. And she
6 has, like, really early appointments.

7 MR. SCHWARTZ: Okay.

8 PROSPECTIVE JUROR #1164: So now I have to deal with
9 my grandma.

10 MR. SCHWARTZ: Okay. So you didn't want to have to
11 come here and have to do all the other things of life; right?

12 PROSPECTIVE JUROR #1164: Yeah.

13 MR. SCHWARTZ: So we all definitely understand.
14 We've got lives going on. Everybody has other places they got
15 to be at. I totally understand that. We really appreciate
16 your time. I'm gonna ask a lot of questions. I'll do my best
17 to kind of be as brief as possible. Not too repetitive, but
18 this is a very serious case to us. So we want to make sure we
19 have people that are gonna take it seriously. And that are
20 gonna be fair.

21 That's really what all these questions are about; right?
22 Can you be fair to the State of Nevada who's prosecuting this
23 case and to the Defendant who's charged with these crimes. So
24 we need to be fair. So I appreciate your guys's time.

1 Let's see. Who was a prior juror? [JUROR NO. 1075]?
2 Where you at? Can we pass it straight up?

3 Now, [JUROR NO. 1075], you're 1075?

4 PROSPECTIVE JUROR #1075: Yes. Yes.

5 MR. SCHWARTZ: What was your experience like as a
6 juror before?

7 PROSPECTIVE JUROR #1075: I enjoyed it.

8 MR. SCHWARTZ: Okay.

9 PROSPECTIVE JUROR #1075: I had never done it
10 before.

11 MR. SCHWARTZ: Was it like the judge said, like you
12 kind of had a positive outlook on it after you got through the
13 process?

14 PROSPECTIVE JUROR #1075: Yes. Yes.

15 MR. SCHWARTZ: I noticed you weren't excited to be
16 here today, though.

17 PROSPECTIVE JUROR #1075: No.

18 MR. SCHWARTZ: No, okay. [Indiscernible].

19 PROSPECTIVE JUROR #1075: But, you know, it's okay.

20 MR. SCHWARTZ: Okay. Okay. How about
21 [JUROR NO. 1075], did you think that the trial experience that
22 you had previously, was it what you expected or different?

23 PROSPECTIVE JUROR #1075: I didn't really know what
24 to expect.

1 MR. SCHWARTZ: Okay.

2 PROSPECTIVE JUROR #1075: But it was fine. It was a
3 learning experience for never being in a courtroom and on a
4 jury. So it was good to learn. To see how everything went.

5 MR. SCHWARTZ: Was it similar to how you see it on
6 TV or different?

7 PROSPECTIVE JUROR #1075: I don't really watch 'em
8 on TV.

9 MR. SCHWARTZ: Okay.

10 PROSPECTIVE JUROR #1075: And I think it's different
11 'cause that's TV and this is real.

12 MR. SCHWARTZ: Sure. Okay. Let's slide the mic
13 down to 1088, [JUROR NO. 1088]?

14 PROSPECTIVE JUROR #1088: [JUROR NO. 1088].

15 MR. SCHWARTZ: [JUROR NO. 1088]? Any thoughts on
16 your prior juror service?

17 PROSPECTIVE JUROR #1088: I was not expecting to be
18 on the jury because I'd been dismissed a couple times on
19 criminal court or juries before because of my dad's, you know,
20 being a --

21 MR. SCHWARTZ: Being with North Las Vegas?

22 PROSPECTIVE JUROR #1088: -- cop. And then -- so
23 then, when I was picked on that one -- because it was an
24 eminent domain, it really didn't -- his thing didn't have

1 anything to do with it. So --

2 MR. SCHWARTZ: And once you got to sit for it, did
3 you feel good about your service? Was it interesting?

4 PROSPECTIVE JUROR #1088: Yeah, it was. I -- you
5 know, I would have loved to have been on the others too,
6 but --

7 MR. SCHWARTZ: Right.

8 PROSPECTIVE JUROR #1088: -- it was just -- they
9 didn't want me. So it's not that I didn't want them. So --

10 MR. SCHWARTZ: See how it works out this time; all
11 right?

12 Does anybody on this jury know anybody else in this room
13 that's on the jury?

14 Okay. That one hand over here. Can we get the
15 microphone? You just pass it, I'll grab it -- down there.

16 What's your last name and badge number, sir?

17 PROSPECTIVE JUROR #1229: Last name is
18 [JUROR NO. 1229] and badge number is 1229.

19 MR. SCHWARTZ: Okay. Who do you know?

20 PROSPECTIVE JUROR #1229: [JUROR NO. 1191].

21 MR. SCHWARTZ: I'm sorry?

22 PROSPECTIVE JUROR #1229: I know [JUROR NO. 1191].

23 MR. SCHWARTZ: Oh, okay. Right in front of me.

24 Okay. How do you know her?

1 PROSPECTIVE JUROR #1229: I'm friends with her
2 sister.

3 MR. SCHWARTZ: Okay. Anything about you having that
4 kind of relationship or knowing her, would you have any issues
5 if you ended up being on the jury with her?

6 PROSPECTIVE JUROR #1229: I would not, no.

7 MR. SCHWARTZ: Okay. You would be able to kind of
8 work with her like you would any other member of the jury?

9 PROSPECTIVE JUROR #1229: Yes.

10 MR. SCHWARTZ: And if you could pass it up now to
11 [JUROR NO. 1191]?

12 PROSPECTIVE JUROR #1191: [JUROR NO. 1191].

13 MR. SCHWARTZ: [JUROR NO. 1191]. Same questions to
14 you: Any issue if you were the jury with that gentleman?

15 PROSPECTIVE JUROR #1191: No problems.

16 MR. SCHWARTZ: Okay. I'll come grab the mic from
17 you.

18 Okay. Does anybody have any negative feelings about the
19 criminal justice system as a whole?

20 Nodding the head. You're gonna get asked a question.
21 And I want to say your name was [JUROR NO. 1224], but I may
22 have got it wrong.

23 PROSPECTIVE JUROR #1224: That's swell. What a
24 memory. Yes. Awesome.

1 MR. SCHWARTZ: 1224.

2 PROSPECTIVE JUROR #1224: Yes, sir.

3 MR. SCHWARTZ: And could you tell me a little bit
4 about your, I guess, negative feelings about the criminal
5 justice system.

6 PROSPECTIVE JUROR #1224: I guess, as far as, like,
7 public defenders and if you're charged with a crime, if you
8 can't really afford one, obviously, that's a huge issue. So I
9 think that's a big problem. And I don't think any --

10 MR. SCHWARTZ: And would you --

11 PROSPECTIVE JUROR #1224: I was just gonna say, I
12 just don't think that the system's broken but, you know,
13 there's such a back load that it's almost impossible to get a,
14 I believe, a fair trial for somebody that is not of means.

15 MR. SCHWARTZ: Okay.

16 PROSPECTIVE JUROR #1224: That's what I believe.

17 MR. SCHWARTZ: And so as a result of that -- maybe
18 it's called a flaw, that, in fact, the result is unfair trial.

19 PROSPECTIVE JUROR #1224: Agreed.

20 MR. SCHWARTZ: Now, I guess -- I'm not sure how to
21 ask this question of you, but do you automatically believe
22 that, you know, a trial like this is gonna be unfair because
23 of that issue or, like, are you gonna bring that bias into
24 this courtroom and think, "Well, these attorneys may" -- who

1 knows what they are. If they're appointed, whatever the
2 reason, however they got here, are you gonna kind of be
3 wondering like [indiscernible]?

4 PROSPECTIVE JUROR #1224: I think, always in the
5 back of my mind, absolutely. I mean, just for the sheer
6 volume of, you know, backlog and how much things get pleaded
7 out and stuff. So, yeah.

8 MR. SCHWARTZ: And would you be, then, kind of more
9 favorable to the Defense kind of knowing that?

10 PROSPECTIVE JUROR #1224: I don't know. I mean,
11 like I said, it's -- I just, I guess, overall, the system, I
12 think, is broken.

13 MR. SCHWARTZ: Okay. Do you think there's issues,
14 too, with, like, the way that the prosecutors handle cases
15 that wouldn't be fair?

16 PROSPECTIVE JUROR #1224: No.

17 MR. SCHWARTZ: Okay. Is it -- do you think
18 sometimes it can be fair or unfair based on which judge you
19 end up in front of?

20 PROSPECTIVE JUROR #1224: No.

21 MR. SCHWARTZ: Okay. So mostly has to do with the
22 defense side of it?

23 PROSPECTIVE JUROR #1224: I think so. Well, I think
24 also, like I said, as far as having means, you know.

1 MR. SCHWARTZ: Being able to pay for --

2 PROSPECTIVE JUROR #1224: Yes.

3 MR. SCHWARTZ: -- more --

4 PROSPECTIVE JUROR #1224: Yes.

5 MR. SCHWARTZ: -- or whatever. Okay.

6 Would you be able to set that aside, whatever potential
7 bias that might be, kind of just look at this case as it comes
8 to you? Listen to the evidence that you hear, listen to the
9 arguments of counsel and then be able to set aside that
10 potential bias and just kind of evaluate this case as you see
11 it?

12 PROSPECTIVE JUROR #1224: Yeah, I guess. Sure.

13 MR. SCHWARTZ: Okay.

14 PROSPECTIVE JUROR #1224: I mean, obviously, I mean,
15 I -- I have some -- also some work hardship that I wanted to
16 ask about later.

17 MR. SCHWARTZ: Okay.

18 PROSPECTIVE JUROR #1224: But, yeah, I believe I
19 probably could. I mean to, you know, getting into the meat of
20 the case.

21 MR. SCHWARTZ: Okay. Let's do the work hardship
22 now, before we forget. What's your hardship?

23 PROSPECTIVE JUROR #1224: I'm a sole proprietor.
24 I'm a video director. And I work on a per project basis. And

1 I've got a show that loads in Thursday, Friday, Saturday which
2 I've been involved in for several weeks, if not a month.

3 MR. SCHWARTZ: Okay.

4 PROSPECTIVE JUROR #1224: Lots of pre-coordination
5 of it. It's at Red Rock Casino. And I hope I can be there
6 because --

7 MR. SCHWARTZ: And I heard you, but I didn't
8 necessarily understand you.

9 PROSPECTIVE JUROR #1224: Yeah.

10 MR. SCHWARTZ: Loads?

11 PROSPECTIVE JUROR #1224: It loads and -- it's a
12 corporate show. It's a corporate event at Red Rock Casino --

13 MR. SCHWARTZ: Thursday, Friday --

14 PROSPECTIVE JUROR #1224: Yeah, Thursday, Friday,
15 Saturday --

16 MR. SCHWARTZ: What time's --

17 PROSPECTIVE JUROR #1224: -- this event.

18 MR. SCHWARTZ: -- would you be --

19 PROSPECTIVE JUROR #1224: It's an all day, sometimes
20 it goes late. Sometimes they're super late nights.

21 MR. SCHWARTZ: Your Honor, do you have any follow-up
22 questions about his work hardship, [JUROR NO. 1224]?

23 THE COURT: No.

24 MR. SCHWARTZ: Okay. We'll note that --

1 PROSPECTIVE JUROR #1224: Thank you.

2 MR. SCHWARTZ: -- we'll get back to you.

3 PROSPECTIVE JUROR #1224: Thank you. Thank you.

4 MR. SCHWARTZ: Anybody else have any sort of
5 feelings about the criminal justice system? And, again, I'm
6 not -- still talking to you guys over here. You think it's
7 unfair, the jury system's stupid.

8 Right here?

9 PROSPECTIVE JUROR #1164: Yeah.

10 MR. SCHWARTZ: Okay. Can we pass the microphone to
11 you. And you're [JUROR NO. 1164] --

12 PROSPECTIVE JUROR #1164: 1164.

13 MR. SCHWARTZ: -- 1164. Yes, ma'am.

14 PROSPECTIVE JUROR #1164: I believe that plea deals
15 sometimes are too lenient. That, like -- and also that
16 sometimes prosecution and judge kind of sometimes go a little
17 too lenient for a lot of really bad sort of crimes.

18 MR. SCHWARTZ: Okay.

19 PROSPECTIVE JUROR #1164: Yeah.

20 MR. SCHWARTZ: And would this be based on, like,
21 personal experience? Watching the news? Friends?

22 PROSPECTIVE JUROR #1164: A combination.

23 MR. SCHWARTZ: Okay.

24 PROSPECTIVE JUROR #1164: Mm-hmm.

1 MR. SCHWARTZ: Okay. Do you have any sort of
2 concern with the trial system?

3 PROSPECTIVE JUROR #1164: No.

4 MR. SCHWARTZ: When people actually go to trial and,
5 like, with jury and that situation?

6 PROSPECTIVE JUROR #1164: Yeah. I believe it all
7 balances itself out.

8 MR. SCHWARTZ: Okay. But you think, just in
9 general, sometimes little too lenient --

10 PROSPECTIVE JUROR #1164: Yes.

11 MR. SCHWARTZ: -- for some people.

12 PROSPECTIVE JUROR #1164: Yes.

13 MR. SCHWARTZ: Okay. That's fair.

14 Anybody have some similar thoughts or anything to add
15 about just the criminal justice system in general?

16 Okay. What about law enforcement? And I'm gonna pick on
17 [JUROR NO. 1189], 1189. Sorry, [JUROR NO. 1189].

18 PROSPECTIVE JUROR #1189: Yes.

19 MR. SCHWARTZ: Now, you mentioned, sir, that you had
20 some negative interactions with law enforcement. Yes?

21 PROSPECTIVE JUROR #1189: First of all, I would like
22 to say I had two greatest virtue that I practice. Number one
23 is compassion. Number two is empathy.

24 MR. SCHWARTZ: Okay. Okay.

1 PROSPECTIVE JUROR #1189: Okay?

2 MR. SCHWARTZ: Anything else? Yeah. Sure.

3 PROSPECTIVE JUROR #1189: That's it.

4 MR. SCHWARTZ: That's it.

5 PROSPECTIVE JUROR #1189: And empathy means you have
6 to know the person in order to be involved with her, not to
7 treat him or her as a victim but rather equal.

8 MR. SCHWARTZ: Okay.

9 PROSPECTIVE JUROR #1189: And the last court I have
10 is in the [indiscernible] Las Vegas bankruptcy court. I was
11 the Defendant because I have a business that I went bankrupt
12 in Los Angeles. And I was glad that the judge gave me the go
13 for bankruptcy.

14 MR. SCHWARTZ: Okay.

15 PROSPECTIVE JUROR #1189: And the one that I have is
16 in San Bernardino, Victorville court. It's a family law. The
17 family law should be change. Mostly because it's against men
18 against women.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1189: Because of the --

21 MR. SCHWARTZ: That's a lot. You gave me a lot
22 and -- right there.

23 PROSPECTIVE JUROR #1189: Yeah. Because, like
24 myself, I was kicked out by my house, my own house. But I

1 never talked to the -- I didn't want to be, you know, against
2 the police. But on my house, my name's on the deed. And how
3 come they let me out, kick me out?

4 MR. SCHWARTZ: So, let me just jump in so I make
5 sure I'm on the same page as you.

6 PROSPECTIVE JUROR #1189: Sure.

7 MR. SCHWARTZ: In San Bernardino, you were kicked
8 out of your house by the police.

9 PROSPECTIVE JUROR #1189: Correct.

10 MR. SCHWARTZ: And that was kind of what you were
11 telling the judge earlier, about you had some issues with the
12 police.

13 PROSPECTIVE JUROR #1189: I don't have issue. The
14 issue I have is why do they come? They should have give me
15 some reason why --

16 MR. SCHWARTZ: All right.

17 PROSPECTIVE JUROR #1189: -- they went there.

18 MR. SCHWARTZ: And that was your issue with them.
19 That's what I'm saying.

20 PROSPECTIVE JUROR #1189: Correct.

21 MR. SCHWARTZ: Okay.

22 PROSPECTIVE JUROR #1189: I don't -- 'cause it's in
23 San Bernardino, Victorville.

24 MR. SCHWARTZ: California, right. Uh-huh.

1 PROSPECTIVE JUROR #1189: And --

2 MR. SCHWARTZ: Okay.

3 PROSPECTIVE JUROR #1189: I have some -- because I
4 don't have this kind of animosity or revenge, something like
5 that.

6 MR. SCHWARTZ: Okay.

7 PROSPECTIVE JUROR #1189: As I told you before, I
8 have empathy and compassion.

9 MR. SCHWARTZ: I see.

10 PROSPECTIVE JUROR #1189: The reason why I cannot be
11 impartial juror.

12 MR. SCHWARTZ: Is --

13 PROSPECTIVE JUROR #1189: That's --

14 MR. SCHWARTZ: The reason you can't be is because of
15 what happened in San Bernardino?

16 PROSPECTIVE JUROR #1189: I have compassion --

17 MR. SCHWARTZ: Or because of your compassion?

18 PROSPECTIVE JUROR #1189: -- empathy. I don't even
19 deal with death penalty.

20 MR. SCHWARTZ: Okay.

21 PROSPECTIVE JUROR #1189: Can't do that.

22 MR. SCHWARTZ: Okay. So you really don't want to be
23 on this jury, do you? There's no death penalty that started
24 [indiscernible].

1 PROSPECTIVE JUROR #1189: 'Cause life is precious.

2 MR. SCHWARTZ: Okay. So I guess my question is --

3 PROSPECTIVE JUROR #1189: [Indiscernible] I was
4 [indiscernible] I was -- I did this before.

5 MR. SCHWARTZ: Okay. That's great.

6 PROSPECTIVE JUROR #1189: And they granted me my
7 [indiscernible] in Germany and they didn't give me any weapon.
8 But I was working with the police, military police over there.

9 MR. SCHWARTZ: Let me ask you this, one question --

10 PROSPECTIVE JUROR #1189: Yes.

11 MR. SCHWARTZ: -- these -- the reasons that you
12 thought you might not be a good juror, could you set any of
13 that aside and just listen to the evidence and make a decision
14 on the evidence you hear?

15 PROSPECTIVE JUROR #1189: I might do that.

16 MR. SCHWARTZ: You might?

17 PROSPECTIVE JUROR #1189: But, you know, my weakness
18 is, like, empathy and compassion.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1189: I cannot decide myself. I
21 be the judge, no, I can't do that.

22 MR. SCHWARTZ: So if you're a juror, you're gonna
23 have to sit and talk with your other jurors and come to a --
24 try to come to a decision one way or the other. You don't

1 think you can do that?

2 PROSPECTIVE JUROR #1189: No, I won't -- I don't
3 believe in that.

4 MR. SCHWARTZ: Okay. Okay. Thank you, sir.

5 PROSPECTIVE JUROR #1189: You're welcome.

6 MR. SCHWARTZ: I appreciate your honesty.

7 Has anyone had any negative interactions with law
8 enforcement, kind of as we discussed with [JUROR NO. 1189]?
9 We can just slide it down to [JUROR NO. 1191], since we're
10 over there.

11 Let's start with this side, so we get the mic in the same
12 place. Negative interactions.

13 PROSPECTIVE JUROR #1191: It was my childhood best
14 friend. His mother was very abusive towards him. So my
15 family tried to help by calling the police and CPS.

16 MR. SCHWARTZ: Sure.

17 PROSPECTIVE JUROR #1191: But they basically end up
18 telling us that the way that she treated him was her right.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1191: And that they did nothing.

21 MR. SCHWARTZ: So they didn't -- you know, they
22 didn't have you file a report or anything to try to --

23 PROSPECTIVE JUROR #1191: No.

24 MR. SCHWARTZ: -- stop what was happening?

1 PROSPECTIVE JUROR #1191: No.

2 MR. SCHWARTZ: Okay. Did anything end up happening
3 with the mom?

4 PROSPECTIVE JUROR #1191: No, he's still in the same
5 situation as he was before.

6 MR. SCHWARTZ: Okay. Let me ask you this, since you
7 have the microphone: Do you think that because of, kind of,
8 that interaction that all law enforcement may be -- you would
9 feel negative about all law enforcement or --

10 PROSPECTIVE JUROR #1191: Oh, no. Of course not,
11 no.

12 MR. SCHWARTZ: Okay. Maybe just certain officers
13 that you dealt with wasn't the best?

14 PROSPECTIVE JUROR #1191: Yeah.

15 MR. SCHWARTZ: Would you be able to set that kind of
16 negative interaction aside and listen to -- if you hear from
17 officers in this case, not necessarily assume bad things about
18 them but just listen to what they have to say and then
19 evaluate their testimony as it comes in?

20 PROSPECTIVE JUROR #1191: Yeah. Yeah.

21 MR. SCHWARTZ: Thank you.

22 Anybody else over here? Negative interactions?

23 PROSPECTIVE JUROR #1189: Addition.

24 MR. SCHWARTZ: Addition. Excellent.

1 [JUROR NO. 1189].

2 PROSPECTIVE JUROR #1189: I read news lately that
3 there's about 168 police officer committed suicide. And I was
4 really sympathy with them because they work.

5 MR. SCHWARTZ: Sure. Very stressful job.

6 PROSPECTIVE JUROR #1189: Stressful job.

7 MR. SCHWARTZ: Yeah.

8 PROSPECTIVE JUROR #1189: And most of them are --
9 have family and wife and sometime they lose their house and
10 they take their life.

11 MR. SCHWARTZ: Understood. No, that's a good point.
12 Appreciate that.

13 PROSPECTIVE JUROR #1189: Okay.

14 MR. SCHWARTZ: Thank you.

15 Anybody over here is negative interaction with law
16 enforcement?

17 Let's see. Come to you in a second. Anybody up here?

18 No? Everyone loves the interactions they've had. No
19 speeding tickets that they got yelled at by the officer for
20 driving a couple miles over?

21 Okay. All right. Yes, ma'am. [JUROR NO. 1164]?

22 PROSPECTIVE JUROR #1164: Yeah. Around three years
23 ago, I was kind of harassed by an officer because my dog
24 wasn't fixed. I don't know why, specifically, he harassed me.

1 I did go to the station and report him.

2 MR. SCHWARTZ: Okay.

3 PROSPECTIVE JUROR #1164: But, to my knowledge,
4 nothing's been done about him. So --

5 MR. SCHWARTZ: Okay.

6 PROSPECTIVE JUROR #1164: Yeah.

7 MR. SCHWARTZ: Kind of same questions I asked
8 [JUROR NO. 1191].

9 PROSPECTIVE JUROR #1164: Mm-hmm.

10 MR. SCHWARTZ: [JUROR NO. 1191]? Okay.

11 Do you -- would you necessarily hold that against every
12 officer --

13 PROSPECTIVE JUROR #1164: No.

14 MR. SCHWARTZ: -- that you --

15 PROSPECTIVE JUROR #1164: No, I've had more positive
16 than negative.

17 MR. SCHWARTZ: Okay. That was going to be my next
18 question. Anybody have particularly positive interaction with
19 law enforcement that they kind of, like, would want to share,
20 I guess, something that really stood out?

21 Mace, you got something?

22 MR. YAMPOLSKY: I'm talking to him.

23 MR. SCHWARTZ: Oh, okay.

24 How about anybody have any negative feelings about

1 District Attorneys? I won't take it personally if you do.
2 Anyone think I'm doing a terrible job so far? I got some
3 [indiscernible]?

4 No? No dice? Okay. Everything's cool.

5 Okay. Let's -- we're gonna have to start calling on
6 people like schools, since we're not getting a ton of hands,
7 other than a couple people, which I appreciate your help. No,
8 I appreciate [indiscernible].

9 Let's go right behind you. [JUROR NO. 1111]. And you're
10 1111.

11 PROSPECTIVE JUROR #1111: Yeah.

12 MR. SCHWARTZ: Yes. Let me ask you this,
13 [JUROR NO. 1111]: You work at a school. And let's -- I know
14 you're not the teacher. But let's imagine a scenario where
15 you come into contact with a couple of kids that are fighting
16 over something. And it's your job to talk to these two kids,
17 let's say, and figure out what happened. How are you going to
18 do that?

19 PROSPECTIVE JUROR #1111: Well, pretty much, I did
20 do security training for CCSD, because I'm [indiscernible] to
21 do that as well. Whoever's the most aggressor person is, I
22 pull them aside and talk to him one on one. And then pretty
23 much get the gist of the issue and then you can always talk it
24 down on anything. So -- and I come from a pretty big family,

1 so it's kind of easy to deal.

2 MR. SCHWARTZ: So you've dealt with big disputes or
3 family fights or something like that, where you kind of --

4 PROSPECTIVE JUROR #1111: Yeah.

5 MR. SCHWARTZ: So what are some things -- let's say
6 you -- take this -- one of the kids is sitting here and you're
7 talking to him. What are some of the things that you'll look
8 at about maybe his demeanor that might give you some ideas if
9 you're gonna believe him or maybe not believe him?

10 PROSPECTIVE JUROR #1111: Yeah, I'm not sure
11 [indiscernible] but not because, you know, I just wouldn't
12 know to pick up on that.

13 MR. SCHWARTZ: Okay.

14 PROSPECTIVE JUROR #1111: But I mean, like, just
15 like talking to 'em, you can kind of get an idea. I mean --

16 MR. SCHWARTZ: Based on what they're saying or based
17 on what -- how they're acting?

18 PROSPECTIVE JUROR #1111: I think both.

19 MR. SCHWARTZ: A little bit of both?

20 PROSPECTIVE JUROR #1111: I mean, it could be just
21 something stupid and --

22 MR. SCHWARTZ: What if one kid is, you know, looking
23 at you in the eyes and kind of calm explaining to you while
24 the other kid is fidgeting or looking down? Is that something

1 you might at least think about?

2 PROSPECTIVE JUROR #1111: Yeah, definitely.

3 MR. SCHWARTZ: The way they're kind of looking at
4 you?

5 PROSPECTIVE JUROR #1111: Because, I mean, I guess
6 your emotions -- your body language would say something.

7 MR. SCHWARTZ: Would you also want to see if there
8 was, like -- for instance, they're fighting and one kid has a
9 bloody nose and one kid doesn't. Would that be -- would you
10 use something like that to maybe figure out --

11 PROSPECTIVE JUROR #1111: Yeah.

12 MR. SCHWARTZ: -- what actually happened?

13 PROSPECTIVE JUROR #1111: Absolutely.

14 MR. SCHWARTZ: Okay. Do you kind of see how that
15 might be sort of what your role might be as a juror when
16 you're sitting, listening to witnesses?

17 PROSPECTIVE JUROR #1111: Yeah.

18 MR. SCHWARTZ: Yeah. [JUROR NO. 1111], since you
19 got the mic still, let's stick with you on this idea. If
20 you're on the jury and you hear from a victim of a crime,
21 let's just kind of keep it general, and you believe everything
22 that victim says beyond a reasonable doubt. And that's kind
23 of the terms we use in criminal law. But you believe her.
24 You believe what he or she says happened, happened. Are you

1 comfortable finding someone guilty based on what this person
2 said? Remember, we're assuming you believe her.

3 PROSPECTIVE JUROR #1111: Well, I mean -- can you
4 say that one more time?

5 MR. SCHWARTZ: Sure.

6 PROSPECTIVE JUROR #1111: So I can kind of like --

7 MR. SCHWARTZ: So if you hear from, let's say,
8 Mrs. Jones, I guess -- well, Mrs. Jones is --

9 THE COURT: Watch it, Counselor.

10 MR. SCHWARTZ: Of all the names -- Mrs. Smith.
11 Mrs. Smith is here and she says somebody robbed her. It was
12 John. John -- this is the trial for John, against John. John
13 robbed her. It was him. He's right there. He's sitting in
14 front of his desk. "He's the one who robbed me."

15 And the question of this case is, did John commit a
16 robbery? And you believe Mrs. Smith. I get there might be
17 other evidence, the officer, whatever, but you believe her.
18 Are you okay finding John guilty based on just hearing it from
19 this victim?

20 PROSPECTIVE JUROR #1111: No.

21 MR. SCHWARTZ: Okay. Now tell me why.

22 PROSPECTIVE JUROR #1111: Well, I mean, 'cause my
23 job as a jury member is to listen to both sides of the story.
24 So I'm not -- of course I'm going to go and listen to that and

1 take it in. But there's always a counter argument against it.
2 So I mean --

3 MR. SCHWARTZ: Okay. So there's gonna be a couple
4 things that that brings up. You'll be instructed by the judge
5 on the rules of the law. And he's gonna tell you that
6 Defense, one, doesn't have a burden of proof. Meaning, they
7 don't have to prove anything to you.

8 The State has to prove that John robbed Ms. Jones --
9 Ms. Smith. But the Defense doesn't have to disprove that;
10 okay? If the State can't prove it, then the Defense wins.
11 Does that make sense so far?

12 PROSPECTIVE JUROR #1111: Yeah.

13 MR. SCHWARTZ: So that's one thing. The Defense
14 doesn't have to give you the other side.

15 There's another rule that the judge will tell you that
16 the Defendant is not forced to testify. John does not have to
17 testify. You can't hold that against him at all. You can't
18 infer any negatively -- anything negative about that.

19 So you might not hear what John has to say, if he decides
20 not to testify. And that's totally okay. That's his
21 constitutional right. Do you understand that?

22 PROSPECTIVE JUROR #1111: Mm-hmm.

23 MR. SCHWARTZ: So with that being said, and you hear
24 from Mrs. Smith and you believe her -- remember, this is the

1 whole thing. I'm saying you're agreeing that you believe her.
2 Is that enough for you to find someone guilty?

3 PROSPECTIVE JUROR #1111: I don't think so.

4 MR. SCHWARTZ: Okay. And is it just 'cause
5 you're -- you just want to know both sides?

6 PROSPECTIVE JUROR #1111: Yeah, pretty much.

7 MR. SCHWARTZ: Okay. So in this jury system, you
8 might not get to hear both sides.

9 PROSPECTIVE JUROR #1111: Yeah.

10 MR. SCHWARTZ: So automatically, you're gonna say
11 not guilty.

12 PROSPECTIVE JUROR #1111: But you -- then you said
13 the Defense, even though that guy's not going up there, his
14 team is; right? So I mean --

15 MR. SCHWARTZ: No, they don't have to do anything.
16 They don't have a burden. There's no -- they can do whatever
17 they want, basically. They can put on evidence. They don't
18 have to put on evidence. There's no burden for them to do
19 anything. And you can't hold them against them. All right?

20 We're the ones who are bringing this case and charging
21 this individual, charging John. So it's my job to prove it.
22 And I give you the victim and you believe her. Beyond a
23 reasonable doubt, you believe everything she says.

24 PROSPECTIVE JUROR #1111: Okay.

1 MR. SCHWARTZ: Can you find him guilty or no?
2 PROSPECTIVE JUROR #1111: Uh --
3 MR. SCHWARTZ: It is all right. You're not doing
4 anything wrong right now --
5 PROSPECTIVE JUROR #1111: Oh, yeah. I mean -- this
6 is really --
7 MR. SCHWARTZ: -- I just want to [indiscernible].
8 PROSPECTIVE JUROR #1111: -- I'm thinking about it.
9 MR. SCHWARTZ: Yeah. Yeah. That's kind of a weird
10 question. I mean --
11 PROSPECTIVE JUROR #1111: Yeah.
12 MR. SCHWARTZ: -- [indiscernible] with this.
13 PROSPECTIVE JUROR #1111: I mean, I can't --
14 MR. SCHWARTZ: Right?
15 PROSPECTIVE JUROR #1111: I don't know. I can't say
16 an answer. I thought no, but then I know you're telling me
17 that, then, it's not right. So I'm not really sure --
18 MR. SCHWARTZ: Okay.
19 PROSPECTIVE JUROR #1111: -- how to answer that.
20 MR. SCHWARTZ: Okay. That's fair. That's fair.
21 Certainly, you would like to see other evidence to
22 support what Mrs. Smith said. Okay.
23 PROSPECTIVE JUROR #1111: Yep.
24 MR. SCHWARTZ: Anybody else want to jump in and give

1 [JUROR NO. 1111] a break here? Any -- is anybody here okay
2 with the idea that if you believe [indiscernible]. If you
3 believe Mrs. Smith and that's the only evidence you hear and
4 you believe her, can you find someone guilty?

5 PROSPECTIVE JUROR #1124: Yes.

6 MR. SCHWARTZ: Okay. Can you pass it down to --
7 what's that?

8 PROSPECTIVE JUROR #1124: I said, you don't remember
9 me?

10 MR. SCHWARTZ: I know; right? I got so distracted
11 by [JUROR NO. 1111]. [JUROR NO. 1124], 1124.

12 PROSPECTIVE JUROR #1124: Yeah. Yeah. I could do
13 it. Everything -- I base pretty much everything off of how I
14 feel. Maybe not everything. But I feel like if you can say
15 your evidence and you can say your claims and they don't have
16 to and they decide not to do it, that just gives them -- it --
17 I -- to me, it proves that they're guilty, if they don't want
18 to give evidence that they didn't do anything --

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1124: -- then you're pretty much
21 making it, like, okay. Well, yeah, you did.

22 MR. SCHWARTZ: Now, remember, though, one of the
23 laws that you'll be instructed on is that you can't think that
24 way. You can't consider it that way. You can't hold a

1 Defendant responsible for not wanting to testify; okay? You
2 have to -- you can't consider that at all.

3 PROSPECTIVE JUROR #1124: But --

4 MR. SCHWARTZ: Yes.

5 PROSPECTIVE JUROR #1124: -- if I saw evidence from
6 them --

7 MR. SCHWARTZ: Mm-hmm.

8 PROSPECTIVE JUROR #1124: -- and no evidence from
9 them --

10 MR. SCHWARTZ: Okay.

11 PROSPECTIVE JUROR #1124: Would that be like --
12 would that be the same thing?

13 MR. SCHWARTZ: So I mean -- let's try to make it a
14 little bit simpler for a second. Basically, what I want to
15 know is if you hear from somebody and you believe them, do you
16 need a lot of other evidence to find someone guilty?

17 Like, if she says, "He's the one who freaking robbed me,
18 John," do you need, "Well, I can't convict him because I don't
19 have the surveillance video." "Oh, I need the DNA off of the
20 hand bag that he took." Is that kind of how -- is that how
21 you would be thinking about a case?

22 Or if the law instructs you that you can consider
23 someone -- a witness testimony, you could consider that as
24 evidence, and you believe them, is that enough for you to find

1 someone guilty, I guess, hypothetically?

2 PROSPECTIVE JUROR #1124: Then, yeah.

3 MR. SCHWARTZ: Yes?

4 PROSPECTIVE JUROR #1124: Yeah, I'd say so. Yeah.

5 MR. SCHWARTZ: Okay. Anybody who feels more like
6 [JUROR NO. 1111] and less like [JUROR NO. 1124]?

7 PROSPECTIVE JUROR #1124: Mister?

8 MR. SCHWARTZ: [JUROR NO. 1124].

9 What do you guys think? You, sir? Two guys in the back.
10 Can you pass to row three. [JUROR NO. 1084], 1084.

11 PROSPECTIVE JUROR #1084: Yes.

12 MR. SCHWARTZ: Tell me about it.

13 PROSPECTIVE JUROR #1084: I feel like there should
14 be more evidence instead of just going and [indiscernible].
15 Like, receipts say --

16 MR. SCHWARTZ: On what? I'm sorry.

17 PROSPECTIVE JUROR #1084: Like, making a -- what's
18 it called? Like --

19 MR. SCHWARTZ: Like the victim testimony?

20 PROSPECTIVE JUROR #1084: Yeah.

21 MR. SCHWARTZ: Just the victim saying what happened?

22 PROSPECTIVE JUROR #1084: Yeah. I don't think
23 that -- 'cause if that happens, you would be, like, doing it
24 emotionally, like yourself. Like let's say I do it -- I would

1 do it, like, emotionally cause she's, like, whatever -- she
2 said that --

3 MR. SCHWARTZ: She's upset?

4 PROSPECTIVE JUROR #1084: Yeah.

5 MR. YAMPOLSKY: Your Honor, could you have
6 [JUROR NO. 1084] hold --

7 THE COURT: [JUROR NO. 1084], if you could just put
8 the microphone a bit louder.

9 PROSPECTIVE JUROR #1084: Okay. Is this fine?

10 THE COURT: Yep. That's perfect right there.
11 Outside voice. How's that?

12 PROSPECTIVE JUROR #1084: Okay.

13 MR. SCHWARTZ: I know it's kind of awkward talking
14 about a bunch of people, all these, like, hypothetical
15 questions that no one's prepared for. You're doing good.

16 Let me ask you this: Can you think of a case -- well,
17 let's just think about domestic violence; right? Can you
18 think of a case where there might not be a lot of other
19 evidence?

20 Like, for instance, would you agree with me that maybe a
21 domestic violence case, there might not be a lot of other
22 evidence? For example, if someone was to hit their spouse
23 inside their home. Domestic violence. Probably not
24 surveillance video just of the inside of your home. If you

1 hit -- if you have -- someone found my DNA on my spouse, well,
2 big deal. We're dating. You would expect my DNA to be on
3 her.

4 PROSPECTIVE JUROR #1084: Yeah, well, that's --

5 MR. SCHWARTZ: They didn't leave a mark.

6 PROSPECTIVE JUROR #1084: Yeah, that's like a
7 different case, though.

8 MR. SCHWARTZ: Sure. Well, what about that
9 scenario?

10 PROSPECTIVE JUROR #1084: Well, yeah, you could
11 probably --

12 MR. SCHWARTZ: Would you believe someone who got up
13 and said -- remember, this is all under the agreement that
14 you're believing this person's testimony. So if husband got
15 up and said, "My wife hit me." And you believe husband, you
16 can rely on just that to find someone guilty? Or would you
17 feel uncomfortable --

18 PROSPECTIVE JUROR #1084: I would feel
19 uncomfortable --

20 MR. SCHWARTZ: -- [indiscernible] okay.

21 PROSPECTIVE JUROR #1084: -- but I would probably
22 still go for evidence.

23 MR. SCHWARTZ: You would want to see more.

24 PROSPECTIVE JUROR #1084: Yeah. But it would be

1 uncomfortable for me to just go off based on that.

2 MR. SCHWARTZ: Just -- and just 'cause you kind of
3 want -- you just want more.

4 PROSPECTIVE JUROR #1084: Yeah.

5 MR. SCHWARTZ: Okay. Even though you believe them;
6 right?

7 PROSPECTIVE JUROR #1084: Yeah, even though I
8 believe 'em, I just want more.

9 MR. SCHWARTZ: Okay. Let's slide it down. I saw
10 [JUROR NO. 1083] also kind of had his hand up. 1083.

11 How's it going, [JUROR NO. 1083]?

12 PROSPECTIVE JUROR #1083: Good.

13 MR. SCHWARTZ: Do you have -- what do you have to
14 add to our discussion?

15 PROSPECTIVE JUROR #1083: No, I agree with both of
16 these guys. Need more evidence. It's a "he said, she said"
17 type thing. So --

18 MR. SCHWARTZ: And is there -- what about a scenario
19 where you're not gonna have more evidence? Does that mean it
20 didn't happen?

21 PROSPECTIVE JUROR #1083: Doesn't mean it didn't
22 happen.

23 MR. SCHWARTZ: But it means that we couldn't prove
24 it.

1 PROSPECTIVE JUROR #1083: Right.

2 MR. SCHWARTZ: Do you think we should still
3 prosecute cases where that happens?

4 PROSPECTIVE JUROR #1083: No.

5 MR. SCHWARTZ: So I mean, that would be most
6 domestic violence cases; right?

7 Anybody agree with, kind of, what [JUROR NO. 1083]'s
8 saying on this?

9 Right here in front of me? Okay. Anybody over here?

10 Okay. Does anyone have any -- well, I guess -- I mean,
11 kind of jump back a sec. You obviously heard when I got up
12 and told you what this case was generally about. Let me --
13 just while I have -- while I'm thinking about it.

14 [JUROR NO. 1067]? [JUROR NO. 1067]? Can you slide the
15 mic down to you, ma'am. 1067.

16 PROSPECTIVE JUROR #1067: Excuse me.

17 MR. SCHWARTZ: Hi.

18 PROSPECTIVE JUROR #1067: I don't understand too
19 much English.

20 MR. SCHWARTZ: Okay.

21 PROSPECTIVE JUROR #1067: I -- you know.

22 MR. SCHWARTZ: That's what I wanted to ask you
23 about. You read my mind. How much have you understood about
24 what I've been asking?

1 PROSPECTIVE JUROR #1067: [Indiscernible].

2 MR. SCHWARTZ: How much have you understood about
3 what I've been asking to these guys over here?

4 PROSPECTIVE JUROR #1067: Yeah, I understand.

5 MR. SCHWARTZ: Okay.

6 PROSPECTIVE JUROR #1067: [Indiscernible].

7 MR. SCHWARTZ: So what do you not -- you understand
8 a little?

9 PROSPECTIVE JUROR #1067: A little, yeah.

10 MR. SCHWARTZ: Okay. Like half of what I'm saying
11 or every other word?

12 PROSPECTIVE JUROR #1067: I understand the opinion,
13 what talking about the people, the [indiscernible] you know.
14 I don't know.

15 THE COURT: Go ahead and speak up a little, ma'am.

16 PROSPECTIVE JUROR #1067: Yeah. Yeah, I understand
17 when their opinion. The guy see, they stole something, the
18 other guy, I understand -- no, it's right or no?

19 MR. SCHWARTZ: I don't know. I'm just asking -- did
20 you understand that? Is that what you said?

21 PROSPECTIVE JUROR #1067: Yeah, I --

22 MR. SCHWARTZ: You said you understood it; right?

23 PROSPECTIVE JUROR #1067: Yeah.

24 MR. SCHWARTZ: Okay. We were talking about if you

1 heard evidence --

2 PROSPECTIVE JUROR #1067: Uh-huh.

3 MR. SCHWARTZ: -- from, remember, a lady who was
4 robbed, Ms. Smith --

5 PROSPECTIVE JUROR #1067: Uh-huh.

6 MR. SCHWARTZ: -- and you believe her, that she --
7 that John robbed her. Would you be able to find John guilty
8 based on her testimony?

9 PROSPECTIVE JUROR #1067: I don't know. Depend.
10 The -- I don't know.

11 MR. SCHWARTZ: But do you understand -- you
12 understand the question; right?

13 PROSPECTIVE JUROR #1067: Yes.

14 MR. SCHWARTZ: So the English --

15 PROSPECTIVE JUROR #1067: Yes.

16 MR. SCHWARTZ: -- is working? Yes?

17 PROSPECTIVE JUROR #1067: Yeah, I --

18 MR. SCHWARTZ: You understand -- I mean, I guess we
19 don't want you to sit on a jury if you really don't understand
20 what's happening. But if you're understanding just about
21 everything we've said so far. But you're gonna have to tell
22 me because I can't read your mind.

23 PROSPECTIVE JUROR #1067: Yeah. I understand the
24 other guy, they stole something to the other -- it was the

1 opinion that --

2 MR. SCHWARTZ: Right. Okay. Okay. All righty.

3 Let me ask you this, ma'am: You heard when I talked
4 about this case earlier, that it's from 1999. Yes?

5 PROSPECTIVE JUROR #1067: This case?

6 MR. SCHWARTZ: Yes. The case that we're here today
7 for, it's from 1999.

8 PROSPECTIVE JUROR #1067: Oh.

9 MR. SCHWARTZ: Do you think that we should prosecute
10 cases that are 20 years old?

11 PROSPECTIVE JUROR #1067: Yeah.

12 MR. SCHWARTZ: Okay. Think there's any kind of --
13 do you have any concern about that?

14 PROSPECTIVE JUROR #1067: I don't understand.

15 MR. SCHWARTZ: You don't understand that?

16 Okay. Does anybody here have a concern that this case is
17 from 1999? And you'll hear more evidence -- or you'll hear
18 more about kind of why. But no one has an issue with, "Well,
19 it was 20 years ago. It's time to move on."

20 No? You guys? I always forget. [JUROR NO. 1189], I
21 haven't heard from you for a while. There you go, sir.

22 PROSPECTIVE JUROR #1189: The jury system is not an
23 exact science. The same thing with the lie detector test. A
24 case of the McMartin molestation case, the day care center,

1 Los Angeles, all of the defendants were accused. And they
2 were found guilty. But later on, we all found out that the
3 children was the cause of their being convicted.

4 MR. SCHWARTZ: Okay.

5 PROSPECTIVE JUROR #1189: Because the children
6 didn't know what the truth is. They told a lie. And that
7 caused the defendant to, you know, their lives has been lost.

8 MR. SCHWARTZ: Sure. Do you think that we should
9 prosecute cases that are 20 years old, though? That's just --
10 without talking about any other cases or anything, do you
11 think that 20 years --

12 PROSPECTIVE JUROR #1189: But you can prosecute, you
13 know, 30 years.

14 MR. SCHWARTZ: Okay.

15 PROSPECTIVE JUROR #1189: And 50 years, too.

16 MR. SCHWARTZ: Okay. Perfect. Grab that from you.
17 Thank you, sir.

18 Okay. Let's go right to -- who wants to volunteer? You?
19 Oh, wow. [Indiscernible] what are the odds your hand was up
20 before I even asked.

21 [JUROR NO. 1099], you are 1099. Did you have something
22 to jump in on?

23 PROSPECTIVE JUROR #1099: I had a question about
24 statute of limitations.

1 MR. SCHWARTZ: Okay. And I guess the question would
2 be, is there a statute of limitations?

3 PROSPECTIVE JUROR #1099: Right. I don't know the
4 law, so --

5 MR. SCHWARTZ: So, I guess to answer your question,
6 the statute of limitations would not prevent this case from
7 being filed, no. There are statute of limitations on all
8 crimes. But they're not [indiscernible].

9 PROSPECTIVE JUROR #1099: Okay.

10 MR. SCHWARTZ: Do you have a concern that the fact
11 that it's 20 years old, like, what's the point in bringing it
12 to light now?

13 PROSPECTIVE JUROR #1099: No, I'm not concerned
14 about that.

15 MR. SCHWARTZ: Do you think --

16 PROSPECTIVE JUROR #1099: I know statute of
17 limitations has been coming not as popular so they're getting
18 rid of it, especially in sexual assault cases. Most recently,
19 state and state has -- I'm just curious about Nevada's
20 history. I don't know if you can share that. I was just
21 curious about it.

22 MR. SCHWARTZ: And as it would apply to this case,
23 the crime would need to be reported within 20 years of when it
24 happened. So here, it was reported the next day. So at that

1 point, the statute of limitations isn't going to apply.

2 PROSPECTIVE JUROR #1099: Thank you.

3 MR. SCHWARTZ: Yeah. Absolutely. [JUROR NO. 1099],
4 since you volunteered, can you envision some issues with --
5 for example, as the DAs are gathering their evidence, people
6 come up here and testify, can you imagine there being some
7 issues with the case that's 20 years old?

8 PROSPECTIVE JUROR #1099: Um --

9 MR. SCHWARTZ: And if so, what would they be?

10 PROSPECTIVE JUROR #1099: DNA can degrade. Might
11 not have been a good enough sample.

12 MR. SCHWARTZ: Okay.

13 PROSPECTIVE JUROR #1099: If it's not kept properly.

14 MR. SCHWARTZ: What about people's memories?

15 PROSPECTIVE JUROR #1099: I think that the person,
16 probably that it happened to, wouldn't have forgotten very
17 much.

18 MR. SCHWARTZ: Sure.

19 PROSPECTIVE JUROR #1099: But some of the other
20 witnesses may have moved away, passed on, their memories could
21 become blurry.

22 MR. SCHWARTZ: Officers might have retired.

23 PROSPECTIVE JUROR #1099: I should have said both of
24 the people involved probably will remember their story.

1 MR. SCHWARTZ: Mm-hmm. Now, would you necessarily
2 hold that against myself and Ms. Craggs, the fact that maybe
3 some of the witnesses aren't remembering exactly as they would
4 have in '99? Or are you going to understand why that is?

5 PROSPECTIVE JUROR #1099: I would think that all
6 those things would have been addressed before you went through
7 the process of charging him and bringing him to trial.

8 MR. SCHWARTZ: Okay. Well, at this point, would you
9 hold it against us, though? So, like, let's say, maybe they
10 weren't addressed and now you're gonna hear about it. Would
11 you sit there and think, "Well, one of these witnesses doesn't
12 remember if it was cloudy out that day or not. She must
13 not -- she must be lying." Or would it make sense that maybe
14 that's one of the facts that maybe she doesn't really remember
15 because it wasn't that important? Does that make sense?

16 PROSPECTIVE JUROR #1099: No, I think all the
17 evidence needs to be looked at and that testimony needs to be
18 looked at and included in the evidence. And important
19 details -- everything that the witness would say would not be
20 at the same level of significance in the case.

21 MR. SCHWARTZ: Sure.

22 PROSPECTIVE JUROR #1099: You know. So --

23 MR. SCHWARTZ: And everything a witness would say
24 now probably isn't going to be quite as clear as if we'd done

1 this trial back in '99; true?

2 PROSPECTIVE JUROR #1099: I wouldn't know until we
3 hear from that person.

4 MR. SCHWARTZ: All right. But does that make sense
5 to you, that it might not be?

6 PROSPECTIVE JUROR #1099: Could be.

7 MR. SCHWARTZ: Okay. Just have to wait and see.
8 Okay.

9 PROSPECTIVE JUROR #1099: But, I mean, the
10 hypotheticals are difficult to answer because people's
11 memories are different. But often in a traumatic incident,
12 they're gonna remember the incident.

13 MR. SCHWARTZ: And they'll remember the incident,
14 but will they remember if they were wearing socks or sandals?

15 PROSPECTIVE JUROR #1099: Don't know.

16 MR. SCHWARTZ: Wait and see, I guess, huh?

17 PROSPECTIVE JUROR #1099: Yeah.

18 MR. SCHWARTZ: Okay. I guess my whole point is you
19 would understand, at least to an extent, that some details
20 that maybe weren't as important --

21 PROSPECTIVE JUROR #1099: Sure.

22 MR. SCHWARTZ: -- might be forgotten, given the
23 time. That's really --

24 PROSPECTIVE JUROR #1099: Sure.

1 MR. SCHWARTZ: Does that make sense?

2 PROSPECTIVE JUROR #1099: I would think -- they
3 would probably partnership with -- if she reported it the next
4 day, there's probably also some contemporary evidence of that
5 time that would be put with whatever the evidence is being
6 presented today, with the witness statements as well.

7 MR. SCHWARTZ: Okay. And does anybody have anything
8 to add to, kind of, that idea that, 20 years later, things
9 might be -- some parts might be a little bit different, a
10 little fuzzy?

11 No thoughts? Okay.

12 Okay. Let's go to -- let's pass it back -- just go right
13 behind you to [JUROR NO. 1066]?

14 POTENTIAL JUROR #1066: Yes, sir.

15 MR. SCHWARTZ: 1066.

16 [JUROR NO. 1066], do you watch CSI or any of these kind
17 of law shows?

18 POTENTIAL JUROR #1066: I have before, growing up.
19 But I don't watch much TV anymore, so --

20 MR. SCHWARTZ: Okay. But you have watched 'em?

21 POTENTIAL JUROR #1066: I have.

22 MR. SCHWARTZ: And a lot of the plots are, basically
23 they solve the whole case in about an hour, half an hour.

24 POTENTIAL JUROR #1066: Right.

1 MR. SCHWARTZ: Right?

2 POTENTIAL JUROR #1066: It's glorified.

3 MR. SCHWARTZ: And it's pretty exciting.

4 POTENTIAL JUROR #1066: Right.

5 MR. SCHWARTZ: Right? A lot of action packed in
6 that hour, with commercials of course. Is that kind of what
7 you're expecting to see --

8 POTENTIAL JUROR #1066: No.

9 MR. SCHWARTZ: -- if you're a juror?

10 You understand that that's more -- not the reality of it?

11 POTENTIAL JUROR #1066: Like I said, it's glorified.
12 It's not reality.

13 MR. SCHWARTZ: Glorified.

14 Now, they also, in some of these shows, have some pretty
15 impressive technology; right?

16 POTENTIAL JUROR #1066: Right.

17 MR. SCHWARTZ: Where the episode where they have a
18 guy who gets shot -- right -- and then they take out his
19 eyeball and they do a retina scan. They can see the image of
20 the guy who's holding the gun and they got him and identify
21 him; right? You might have missed that episode.

22 POTENTIAL JUROR #1066: I guess I did.

23 MR. SCHWARTZ: I might have made it up, too. But I
24 guess you understand that that, as well as for the drama

1 aspect of it.

2 POTENTIAL JUROR #1066: Yes, sir.

3 MR. SCHWARTZ: We don't necessarily have that kind
4 of technology available, would you agree?

5 POTENTIAL JUROR #1066: Yes, sir.

6 MR. SCHWARTZ: Okay. Anybody disagree? I mean, I
7 ask this question every time of jurors just to make sure
8 you're not expecting to see CSI technology, CSI type stuff.
9 Anybody think that it needs to be like CSI or else they're not
10 going to be able to listen? Not be able to find someone
11 guilty without the eyeball situation?

12 No? How about that row?

13 No?

14 THE COURT: Counsel, approach.

15 [BENCH CONFERENCE]

16 THE COURT: At this time court would like to excuse
17 badge number 1067, [JUROR NO. 1067].

18 PROSPECTIVE JUROR #1067: [Indiscernible].

19 THE COURT: You be excused. Also badge number 1189,
20 [JUROR NO. 1189], you may be excused.

21 At this time, ladies and gentlemen, we're gonna take
22 afternoon break.

23 During this recess, you're admonished not to talk or
24 converse among yourselves or with anyone else on any subject

1 connected to this trial or read, watch, or listen to any
2 report of or commentary on the trial or any person connected
3 with this trial by any medium of information, including
4 without limitation: Newspapers, television, radio, or the
5 Internet, or form or express any opinion on any subject
6 connected with the trial until the case is finally submitted
7 to you.

8 You're not to do any experiments or investigation
9 regarding any matters raised in this trail, nor are you to
10 post any on any social media forms about the trial or attempt
11 to investigate anything you heard in this trial using any form
12 of social media or the Internet.

13 We will see you back here at 3:45.

14 THE MARSHAL: All rise for the jury.

15 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY.]

16 THE COURT: All right. Counsel, you may have
17 noticed, one of the jurors attempted to come to the podium or
18 the bench right when we were breaking. I told him to talk to
19 my Marshal. So apparently he has an issue, I'm sure, with the
20 schedule. We'll deal with after the break.

21 Anything else that needs to come before the bench before
22 we break?

23 MS. CRAGGS: No, Your Honor.

24 MR. YAMPOLSKY: No, Your Honor.

1 Just for timing, if that juror has an issue, we're gonna
2 talk to him before we bring everyone back?

3 THE COURT: I'm gonna see if he -- I told him to
4 speak to my Marshal. If he speaks to my Marshal and says,
5 "Your Honor needs to excuse me because X, Y, and Z." Might be
6 the fact is he has to go pay the meter. I don't know what
7 his -- all I said was, "Speak with the Marshal." So as soon
8 as he communicates with the Marshal and they let me know,
9 we'll deal with it.

10 All right. See you guys back here at quarter till.

11 [RECESS AT 3:28 P.M.; PROCEEDINGS RESUMED AT
12 3:47 P.M.]

13 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY.]

14 THE COURT: Counsel, anything that needs to come
15 before the Court before we get the jury back in here?

16 MS. CRAGGS: No, Your Honor.

17 MR. YAMPOLSKY: No, Your Honor.

18 And I spoke briefly to your Marshal. And apparently he's
19 clarifying that juror is not a big deal.

20 THE COURT: Okay. I --

21 MR. YAMPOLSKY: I'm just --

22 THE COURT: I would imagine, the way the young man
23 came up here, he probably -- it was probably something like,
24 "I haven't fed the meter in the last five hours. I'm afraid

1 they're gonna tow my car." That's usually what I hear.

2 All right. Let's get the jury in here.

3 THE DEFENDANT: They towed my semi truck from
4 [indiscernible].

5 THE COURT: Yep, can happen.

6 [DISCUSSION OFF THE RECORD.]

7 THE MARSHAL: All rise for the jury.

8 [IN THE PRESENCE OF THE PROSPECTIVE JURY.]

9 THE MARSHAL: The jury's all present and accounted
10 for, Your Honor.

11 THE COURT: Please be seated.

12 Madam Clerk?

13 THE CLERK: In seat number two will be badge 1229,
14 [JUROR NO. 1229].

15 THE COURT: Top left, sir, if you could.

16 THE CLERK: And in seat 26, badge 1237,
17 [JUROR NO. 1237].

18 THE COURT: [JUROR NO. 1237], if you just go ahead
19 and have a seat right there.

20 All right. If we could get my Mr. Microphone up to the
21 gentleman in the top left.

22 Actually, [JUROR NO. 1229]. All right how do you say
23 that last name?

24 PROSPECTIVE JUROR #1229: [JUROR NO. 1229].

1 THE COURT: [JUROR NO. 1229]? All right.
2 [JUROR NO. 1229]. All right.

3 Sir, you probably heard my questions little bit earlier.
4 How long you been here in Clark County?

5 PROSPECTIVE JUROR #1229: I've lived here 12 years.

6 THE COURT: All right. And are you currently
7 employed?

8 PROSPECTIVE JUROR #1229: Yes, I am.

9 THE COURT: What do you do, sir?

10 PROSPECTIVE JUROR #1229: I'm a cashier.

11 THE COURT: Okay. Where at?

12 PROSPECTIVE JUROR #1229: Walmart.

13 THE COURT: Okay. Are you currently married?

14 PROSPECTIVE JUROR #1229: No.

15 THE COURT: Okay. How far did you go in school?

16 PROSPECTIVE JUROR #1229: Some college.

17 THE COURT: Okay. Any particular area you were
18 studying?

19 PROSPECTIVE JUROR #1229: I was going to go into
20 engineering.

21 THE COURT: Okay. And any direct family members or
22 close family friends that have been the victim of a violent
23 crime?

24 PROSPECTIVE JUROR #1229: Yes.

1 THE COURT: Okay. And who would that be and how
2 long ago?

3 PROSPECTIVE JUROR #1229: My best friend, 16 years
4 ago.

5 THE COURT: Okay. And were you a witness to that
6 violent crime against your friend?

7 PROSPECTIVE JUROR #1229: No, I was not. It was in
8 a different country.

9 THE COURT: Okay. Any other close family members or
10 family friends involved in a -- as a victim of a violent
11 crime?

12 PROSPECTIVE JUROR #1229: No.

13 THE COURT: What about in a sexual account, in
14 regards to anybody making accusations that they were sexually
15 assaulted that are directly close to your family or personal
16 friend?

17 PROSPECTIVE JUROR #1229: Anybody I know that was
18 sexually assaulted?

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR #1229: Yes.

21 THE COURT: Okay. And who would that be and how
22 long ago?

23 PROSPECTIVE JUROR #1229: A friend of mine, 15 years
24 ago.

1 THE COURT: Okay. Were you a witness to or party of
2 that type of action, as far as did someone ask you to do a
3 report or were you part of a prosecution or anything like that
4 in that case?

5 PROSPECTIVE JUROR #1229: No.

6 THE COURT: Okay. Anybody that's close to you, as
7 far as family members and/or close family friend that's ever
8 been accused of committing a sexual assault?

9 PROSPECTIVE JUROR #1229: No.

10 THE COURT: Okay. Any close members of your family
11 or family friends that are law enforcement?

12 PROSPECTIVE JUROR #1229: No.

13 THE COURT: Okay. If you pass that over here.

14 PROSPECTIVE JUROR #1237: Hi.

15 THE COURT: Is this [JUROR NO. 1237]?

16 PROSPECTIVE JUROR #1237: Yes.

17 THE COURT: All right. [JUROR NO. 1237], how long
18 you been here in Clark County?

19 PROSPECTIVE JUROR #1237: Since 2013.

20 THE COURT: All right. That's a little bit -- well,
21 six or seven years. Where did you come from?

22 PROSPECTIVE JUROR #1237: LA.

23 THE COURT: All right. Are you currently employed?

24 PROSPECTIVE JUROR #1237: Self-employed.

1 THE COURT: Okay. What do you do, sir?

2 PROSPECTIVE JUROR #1237: I'm a musician and in real

3 estate.

4 THE COURT: Okay. And are you currently married?

5 PROSPECTIVE JUROR #1237: No.

6 THE COURT: Okay. Any grown children here in

7 Clark County?

8 PROSPECTIVE JUROR #1237: No.

9 THE COURT: Okay. How far did you go in school?

10 PROSPECTIVE JUROR #1237: Dropped out.

11 THE COURT: Okay. What grade -- what last grade did

12 you complete?

13 PROSPECTIVE JUROR #1237: It was continuation

14 school.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR #1237: So I'd say probably

17 somewhere in the high school.

18 THE COURT: Okay. Any close family members or close

19 friend of the family that's been a victim of a violent crime?

20 PROSPECTIVE JUROR #1237: No.

21 THE COURT: Okay. What about a victim of a sexual

22 assault?

23 PROSPECTIVE JUROR #1237: No.

24 THE COURT: Any close member of the family or family

1 friend that has been accused of committing a sexual assault?

2 PROSPECTIVE JUROR #1237: No.

3 THE COURT: Any family members law enforcement?

4 PROSPECTIVE JUROR #1237: My uncle is retired, I
5 believe, sheriff.

6 THE COURT: Okay. Sheriff in what city or state?

7 PROSPECTIVE JUROR #1237: He started off in Compton.

8 THE COURT: Okay. Where'd he end up at or retire
9 from?

10 PROSPECTIVE JUROR #1237: Catalina.

11 THE COURT: Okay. Well, there's a switch. Compton
12 to Catalina. I don't know. That's probably going from one
13 murder a day to two lost cats a day.

14 PROSPECTIVE JUROR #1237: It was pretty nice.

15 THE COURT: All right. Well, if you're gonna
16 retire, that's the place to go. I'm thinking about probably,
17 you know, like Fallon, Nevada, or somewhere for me.

18 All right. So have you ever been on a jury before?

19 PROSPECTIVE JUROR #1237: No.

20 THE COURT: Okay. I didn't ask that of my gentleman
21 up here.

22 Have you ever been on jury duty before?

23 PROSPECTIVE JUROR #1229: No, I have not, sir.

24 THE COURT: All right. Counsel for the state, your

1 venire.

2 MR. SCHWARTZ: Thank you, Your Honor.

3 JURY VOIR DIRE

4 MR. SCHWARTZ: Let's start with [JUROR NO. 1229]?

5 PROSPECTIVE JUROR #1229: [JUROR NO. 1229].

6 MR. SCHWARTZ: [JUROR NO. 1229]. I knew I was gonna
7 mess that one up.

8 Did you hear anything that we were talking about, I
9 guess, before you got up in the hot seat that you kind of
10 wanted to jump in on and had a strong feeling about?

11 PROSPECTIVE JUROR #1229: Mostly about statute of
12 limitations. My main concern with that was how specific
13 evidence from memory to sometimes even DNA can decompose over
14 time.

15 MR. SCHWARTZ: And you were kind of concerned that
16 that might be an issue in this case. Is that kind of what you
17 were thinking?

18 PROSPECTIVE JUROR #1229: That could be an issue,
19 depending on how well everything was preserved and if certain
20 evidence exists.

21 MR. SCHWARTZ: Okay. So I guess -- let me ask you
22 my questions and then we'll see if it kind of answers some of
23 your questions. Because I can't just tell you everything
24 about what you're gonna see. That's what the trial's for;

1 right? You'll hear the evidence.

2 But are you comfortable with the idea -- I mean, like,
3 does it make sense that there are going to be portions of
4 testimony from witnesses that, given it's been 20 years, that
5 maybe they don't remember some specific details that maybe
6 weren't that import?

7 You just -- not that they don't remember what happened,
8 but, like, they don't remember, you know, if they were wearing
9 a watch that day or not. Like, something like that. Does
10 that make sense to you, in 20 years, something like that
11 might --

12 PROSPECTIVE JUROR #1229: Something like that
13 wouldn't really matter. Like, small details, as long as the
14 main premise was there.

15 MR. SCHWARTZ: Okay. Excellent. And that was kind
16 of where I was trying to get with those questions. Just that
17 it's been a long time, so it might make sense if some things
18 were a little bit different. The DNA, you'll hear from the
19 deal -- you'll hear about the DNA in the trial, so you
20 wouldn't -- we can wait and hear that evidence. Cool.

21 Anything else, though?

22 PROSPECTIVE JUROR #1229: Not that I'm really
23 concerned about.

24 MR. SCHWARTZ: Not that you remember?

1 PROSPECTIVE JUROR #1229: No.

2 MR. SCHWARTZ: Real quickly, before we get back into
3 it. Mr. [JUROR NO. 1237]?

4 PROSPECTIVE JUROR #1237: Mm-hmm.

5 MR. SCHWARTZ: Did you hear anything that, when we
6 were talking before, anything that you thought, "I want to
7 maybe jump in on that."

8 PROSPECTIVE JUROR #1237: No.

9 MR. SCHWARTZ: Good job. Okay. Let's -- we'll just
10 keep moving along, then, try to get through this as quickly as
11 possible. Sorry, guys.

12 One thing that I did want to ask that I think -- I know
13 the judge asked a few questions about it, but just to be
14 clear, has anyone here been accused of any crime? Not just a
15 sexual assault crime, but any crime. And is that the one --
16 we've already discussed?

17 PROSPECTIVE JUROR #1083: And another.

18 MR. SCHWARTZ: Another? Okay. Give me one second.
19 [JUROR NO. 1083]. If we could pass this just right behind you
20 guys.

21 PROSPECTIVE JUROR #1083: Do you mean currently am
22 accused --

23 MR. SCHWARTZ: I'm sorry. What?

24 PROSPECTIVE JUROR #1083: Did you mean am I

1 currently accused of a crime?

2 MR. SCHWARTZ: Well, I meant, I guess, have you ever
3 been accused --

4 PROSPECTIVE JUROR #1083: Yes.

5 MR. SCHWARTZ: -- of a crime?

6 And when was that?

7 PROSPECTIVE JUROR #1083: When I was about 13 years
8 old.

9 MR. SCHWARTZ: Okay. Was it, like, a juvenile
10 matter?

11 PROSPECTIVE JUROR #1083: Yes.

12 MR. SCHWARTZ: Okay. What was going on there?

13 PROSPECTIVE JUROR #1083: Car burglary.

14 MR. SCHWARTZ: Okay. And did you get charged --

15 PROSPECTIVE JUROR #1083: Yes, I did.

16 MR. SCHWARTZ: -- [indiscernible] juvenile system?
17 Okay. Did you -- was it in Las Vegas?

18 PROSPECTIVE JUROR #1083: No, Utah.

19 MR. SCHWARTZ: Oh, okay. I was gonna ask you, did
20 you think that it was handled appropriately by the authorities
21 or were you treated fairly?

22 PROSPECTIVE JUROR #1083: Yeah.

23 MR. SCHWARTZ: Yeah? Okay.

24 Any negative feelings towards law enforcement, based on

1 those interactions?

2 PROSPECTIVE JUROR #1083: Not really. There's good
3 ones and bad ones out there. So --

4 MR. SCHWARTZ: Okay. Okay. Fair enough.

5 Anybody in this front row over here, again, accused of a
6 crime? Charged with a crime?

7 Just for the record, no response on that question,
8 Your Honor.

9 So we talked a little bit about the DNA. Some of the
10 jurors asked some questions about that. But would everyone
11 agree that technology, in general, has kind of evolved since
12 1999?

13 THE JURY: Yes.

14 MR. SCHWARTZ: Just kind of everyone nodding "yes."

15 Phones are obviously better. DNA's more prevalent in
16 society, in general. Anyone kind of disagree that that's the
17 case?

18 Okay. Let's go ahead -- who has the microphone? Let's
19 pass it down to [JUROR NO. 1074].

20 PROSPECTIVE JUROR #1074: Yes.

21 MR. SCHWARTZ: 1074?

22 PROSPECTIVE JUROR #1074: Yes.

23 MR. SCHWARTZ: Okay. Ma'am, have you heard of what,
24 like, a rape kit or sexual assault kit before? Have you heard

1 of that term? Like a kit?

2 PROSPECTIVE JUROR #1074: With a kid?

3 MR. SCHWARTZ: Kit.

4 PROSPECTIVE JUROR #1074: Or "kit"? No. Well, no.

5 MR. SCHWARTZ: Okay. So you don't know what those
6 are?

7 PROSPECTIVE JUROR #1074: The kit? No, I don't.

8 MR. SCHWARTZ: Okay. Does anyone know what a kit
9 is? Just go right next to you. [JUROR NO. 1229]?

10 PROSPECTIVE JUROR #1229: Yes.

11 MR. SCHWARTZ: How is that again?

12 PROSPECTIVE JUROR #1229: [JUROR NO. 1229].

13 MR. SCHWARTZ: [JUROR NO. 1229]. I want to say
14 "what." [JUROR NO. 1229]. 1229.

15 So these sexual assault kits are, essentially, are things
16 that a victim or someone who was sexually assaulted would go
17 to the hospital. They would get an exam done and there are
18 things that are taken that can be tested for DNA, in layman's
19 terms; right?

20 PROSPECTIVE JUROR #1229: Yes. It would be, like --
21 sometimes they do blood tests and tests of -- how do I say
22 this? Tests of other surfaces around the body.

23 MR. SCHWARTZ: Okay. I'm going to go back to
24 Law and Order one second. I don't know if you saw the episode

1 where they were, like, retesting -- or not retesting. They
2 were testing a bunch of old sexual assault kits that had been,
3 like, not tested for years and years and years. And they were
4 able to find some serial kind of rapists. Maybe you didn't
5 see that episode.

6 PROSPECTIVE JUROR #1229: I've never watched
7 Law and Order.

8 MR. SCHWARTZ: Okay. Perfect.

9 So you'll hear a little bit about that in this case.
10 That's actually what happened in Clark County. They had a
11 backlog of a lot of these tests. Few years ago, they retested
12 thousands and thousands of sexual assault kits and saw if they
13 could get a DNA profile off those kits.

14 So my question -- the reason I bring this up, does anyone
15 think that that's not fair? Like, it's not fair for them to
16 test these kits from 1999, 18 years later, to try and get a
17 profile?

18 No hands? Everyone would think it was fair?

19 MS. CRAGGS: In the back.

20 MR. SCHWARTZ: There's a hand? Who had a hand?
21 Okay. Did anybody over here? Did you raise your hand? No?

22 PROSPECTIVE JUROR #1190: I just don't think it's
23 fair, but --

24 MR. SCHWARTZ: Oh, okay. Can we get the microphone

1 up there? Thank you. I'll start over here since we're
2 already over here.

3 What's your name and badge number, sir?

4 PROSPECTIVE JUROR #1190: It's [JUROR NO. 1190],
5 1190.

6 MR. SCHWARTZ: Yes. What's going on?

7 PROSPECTIVE JUROR #1190: For me, I don't think it's
8 not, not fair. I just would really want to see how they were
9 kept and how they were preserved, so that there wasn't
10 cross-contamination and that type of stuff. That's it.

11 MR. SCHWARTZ: That would be a concern that was kind
12 of raised, I think, by these two gentlemen over here. Maybe
13 it's an issue over time with the DNA.

14 PROSPECTIVE JUROR #1190: Exactly. But I think it's
15 fair, yeah. Absolutely.

16 MR. SCHWARTZ: Otherwise.

17 PROSPECTIVE JUROR #1190: Exactly.

18 MR. SCHWARTZ: Thank you.

19 And go across here. [JUROR NO. 1224], 1224.

20 PROSPECTIVE JUROR #1224: Yes, sir.

21 MR. SCHWARTZ: And were you indicating that you
22 didn't think it was fair?

23 PROSPECTIVE JUROR #1224: Correct.

24 MR. SCHWARTZ: Okay. Could you explain that a

1 little bit more for me?

2 PROSPECTIVE JUROR #1224: Well, I think, obviously,
3 again, the evidence could, you know, obviously be age and how
4 they're cared for. And then I thought I had read something
5 about some of the kits were expired.

6 MR. SCHWARTZ: Okay.

7 PROSPECTIVE JUROR #1224: And that could just, in
8 essence, [indiscernible] the results. So maybe that's what's
9 in the back of my head that, you know, that [indiscernible]
10 something from 20 years ago is coming up, you know, now.

11 MR. SCHWARTZ: I think -- and probably fair to say
12 everyone would agree that we would want to make sure that it
13 was properly preserved and properly tested to first to be able
14 to say it was fair.

15 Do you have any issue, aside from what you already said?
16 Like, just more of the time frame? Like, do you have any --
17 do you think it's fair that we're taking something that's so
18 old and then testing it later?

19 PROSPECTIVE JUROR #1224: I guess just --

20 MR. SCHWARTZ: [Indiscernible] let it go.

21 PROSPECTIVE JUROR #1224: -- in a sort of
22 philosophical way. I mean, like, it's 20 years ago and, I
23 mean, yeah, maybe in that sort of way. I mean, I don't know
24 all the details. But, obviously, in my head --

1 MR. SCHWARTZ: Certainly.

2 PROSPECTIVE JUROR #1224: -- I've already formulated
3 an opinion.

4 MR. SCHWARTZ: And, again, there's no wrong answer.

5 PROSPECTIVE JUROR #1224: Sure.

6 MR. SCHWARTZ: I know I'm not giving you guys
7 exactly what's happening. I'm giving you kind of
8 hypotheticals 'cause the trial's for the evidence. I
9 appreciate you guys kind of giving me your feelings as
10 [indiscernible] so appreciate it.

11 Okay. Anybody else? Thoughts?

12 MR. YAMPOLSKY: Bryan, you got one.

13 MS. CRAGGS: Bryan.

14 MR. SCHWARTZ: Yep, can we go right behind you,
15 Mister --

16 PROSPECTIVE JUROR #1088: [JUROR NO. 1088].

17 MR. SCHWARTZ: -- [JUROR NO. 1088], 1088. Yes.

18 PROSPECTIVE JUROR #1088: Well, one thought I've had
19 is, you know, you talk about technology evolving. But there's
20 also been people exonerated because of that evolving
21 technology.

22 MR. SCHWARTZ: Absolutely.

23 PROSPECTIVE JUROR #1088: That have been convicted
24 and then now released because -- so it goes both ways.

1 MR. SCHWARTZ: So, yeah. It's kind of fair both
2 ways because it can maybe help prove an innocent person
3 innocent or a guilty person guilty. Yeah. That's a good
4 point.

5 Okay. So before I kind of transition into the next topic
6 of questions, obviously, the judge asked you about sexual
7 assault in your lives. You heard that this case is about
8 sexual assault. Unfortunately, I need to ask you guys some
9 questions about your thoughts on sexual assault. Rape. You
10 know, kind of go hand-in-hand, the same kind of
11 interchangeable.

12 It's uncomfortable. I get it. It's uncomfortable for me
13 to have to ask you guys. But just do your best. I understand
14 it's uncomfortable. And if you feel like, I don't know, you
15 feel uncomfortable talking in front of those people, then
16 we'll do a side bar. We can -- wherever the judge wants us to
17 have a talk without everybody listening. That's totally fine,
18 too. Just let me know.

19 But given the topic of the case, it's important that I
20 ask all these questions. So I just kind of wanted to give you
21 guys that up front.

22 Okay. I'm going to -- just kind of call on people I
23 haven't heard from. If we could just take -- where'd the
24 microphone go?

1 Let's see. We'll go right next to you.

2 [JUROR NO. 1087].

3 PROSPECTIVE JUROR #1087: Yes.

4 MR. SCHWARTZ: How you doing, ma'am?

5 PROSPECTIVE JUROR #1087: Fine, thank you.

6 MR. SCHWARTZ: Okay. 1087.

7 Do you think that a woman has the absolute right to say
8 no to a man's sexual advances?

9 PROSPECTIVE JUROR #1087: Absolutely. Without a
10 doubt.

11 MR. SCHWARTZ: Okay.

12 PROSPECTIVE JUROR #1087: No means no.

13 MR. SCHWARTZ: Right. Does anyone disagree with
14 what she said?

15 Okay. No one's saying no.

16 Okay. [JUROR NO. 1087], if you could pass it to
17 [JUROR NO. 1218], 1218.

18 PROSPECTIVE JUROR #1218: Yes.

19 MR. SCHWARTZ: Do you believe that anyone ever gives
20 up their right to say no?

21 PROSPECTIVE JUROR #1218: No.

22 MR. SCHWARTZ: Anyone disagree with
23 [JUROR NO. 1218]?

24 No answer on that.

1 THE COURT: Counsel, you have a hand up.

2 MR. SCHWARTZ: I'm sorry. Can we pass it right in
3 front of you?

4 PROSPECTIVE JUROR #1124: If I --

5 MR. SCHWARTZ: [JUROR NO. 1124], 1124.

6 PROSPECTIVE JUROR #1124: If I can understand what
7 you said correctly --

8 MR. SCHWARTZ: Yes.

9 PROSPECTIVE JUROR #1124: -- what was that very last
10 statement that you said again?

11 MR. SCHWARTZ: I think I said -- just make sure I
12 don't say it wrong. Do you ever give up your right to say no
13 to someone's sexual advances?

14 PROSPECTIVE JUROR #1124: So is that like pretty
15 much giving up? Like, they keep advancing and you keep saying
16 no, but they won't stop and so you just give up?

17 MR. SCHWARTZ: That's not really the way I was
18 thinking of it, but I understand what you're saying. How you
19 would just give in. It's not that you're saying yes, but you
20 don't -- you can't stop it, basically; right?

21 PROSPECTIVE JUROR #1124: Yeah.

22 MR. SCHWARTZ: Okay. That, to me, won't be -- not
23 exactly what I'm saying. I was thinking like, at some point,
24 you know, do you give up your right to say no if you're drunk?

1 Like, if you're drunk and you're -- you know, is it different
2 somehow? Or if you're, you know -- we can kind of get off --
3 we can go all sorts of directions. But if you are someone
4 that's a prostitute, can you be raped?

5 PROSPECTIVE JUROR #1124: I feel like -- well, if
6 you're a prostitute and you say no --

7 MR. SCHWARTZ: Mm-hmm.

8 PROSPECTIVE JUROR #1124: -- and someone tries,
9 then, yeah, you're still -- it's still rape.

10 MR. SCHWARTZ: No means no; right?

11 PROSPECTIVE JUROR #1124: Yes. No means no. What
12 was that first question?

13 MR. SCHWARTZ: I think we were talking about drunk.
14 If you were drunk or something.

15 PROSPECTIVE JUROR #1124: Oh, yeah. Well, when
16 you're drunk, I feel like the truth comes out more.

17 MR. SCHWARTZ: Okay.

18 PROSPECTIVE JUROR #1124: So if you're drunk and you
19 say no, still means no. If you're drunk and you say yes, it
20 means yes. If you're drunk and you say yes but your actions
21 prove that you don't want it, that still means no. Yeah,
22 that's it.

23 MR. SCHWARTZ: Okay. Thank you.

24 Anybody have anything they wanted to add to that? Let me

1 keep going down here with some more questions for ya. How
2 about just right next to you, [JUROR NO. 7698], 1123.

3 POTENTIAL JUROR #7698: What was the question?
4 Sorry.

5 MR. SCHWARTZ: I'm gonna give it to you. I haven't
6 asked it yet.

7 Is there a -- let's make sure I ask it in a normal way.
8 Can you think of a situation where a woman says no but she
9 really means, "convince me," or she really means yes?

10 POTENTIAL JUROR #7698: When girls dress like,
11 provocative, honestly. Or -- yeah. I guess. Well, not --
12 no, not really. No means no.

13 [Laughter]

14 POTENTIAL JUROR #7698: No means no, but --

15 MR. SCHWARTZ: It's okay. It's okay.

16 POTENTIAL JUROR #7698: -- like if you're dressed
17 like half naked, you should be, like, expecting guys to be
18 talking to you --

19 THE COURT: Ma'am, let him -- ma'am, let him finish
20 his answer, please.

21 MR. SCHWARTZ: Hold on. You can --

22 THE COURT: Let him finish his answer.

23 POTENTIAL JUROR #7698: Like guys talking to you and
24 people trying to get at you certain ways. Like that. That's

1 what I believe.

2 JUROR 1124: I just want to say that it does not
3 matter. A girl could be walking down the street naked and you
4 have absolutely no right to touch her.

5 MR. SCHWARTZ: That was [JUROR NO. 1124], 1124.

6 PROSPECTIVE JUROR #1124: But that's what I'm
7 saying.

8 MR. SCHWARTZ: Okay. Well --

9 THE COURT: Ma'am, let's wait for a question,
10 please.

11 MR. SCHWARTZ: [JUROR NO. 7698] -- and, again,
12 remember, we're in a safe space. We're just trying to get to
13 know each other. I appreciate everyone's input. Everyone --
14 anyone who wants to jump in, please raise your hand and I'll
15 get you some mic time.

16 [JUROR NO. 7698] --

17 POTENTIAL JUROR #7698: Yeah.

18 MR. SCHWARTZ: -- you were saying if someone was
19 maybe a little bit more provocatively dressed --

20 POTENTIAL JUROR #7698: Yeah, they should be
21 asking -- not asking for it, but like --

22 MR. SCHWARTZ: Okay.

23 POTENTIAL JUROR #7698: -- you should like -- I
24 don't know how to explain. But, like, you should be able,

1 like, to know that people are going to be coming up to you in
2 a certain way. Like -- because not every guy has the same
3 mentality as everybody else. No means no. But some guys not
4 gonna -- he don't care. He's just going to go up to you, grab
5 you, grope you. It's been happening. There's stories about
6 it.

7 MR. SCHWARTZ: Let me ask you this,
8 [JUROR NO. 7698], because you bring up an interesting point:
9 Does the fact that they dress provocatively and someone still
10 approaches them and grabs them, does that make it any less of
11 a crime?

12 POTENTIAL JUROR #7698: That's a crime.

13 MR. SCHWARTZ: Okay.

14 POTENTIAL JUROR #7698: It should be a crime. Yeah.
15 No means no.

16 MR. SCHWARTZ: Okay. Just saying that they
17 shouldn't necessarily be surprised if they're dressing that
18 way that people will give them attention, so to speak.

19 POTENTIAL JUROR #7698: Well, you can dress the way
20 you want. But, like, if you're dressed -- like your butt's
21 hanging out or your boobs are all showing, like, you, like,
22 you should, like -- I don't know. What I just said. Guys are
23 gonna be going after you. Yeah.

24 MR. SCHWARTZ: But it would still be a crime --

1 POTENTIAL JUROR #7698: Yeah.

2 MR. SCHWARTZ: -- [indiscernible] right?

3 POTENTIAL JUROR #7698: Yes. It's a crime. No
4 matter what.

5 MR. SCHWARTZ: Does anyone have anything to add,
6 other than [JUROR NO. 1124], about that issue, kind of
7 where -- and I think it's a good point [JUROR NO. 7698] brings
8 up, that there are situations that, you know, people -- you
9 could see someone thinking that dress a certain way, she might
10 be interested in a certain thing. She's not gonna say no.
11 But he agrees it would still be a crime.

12 Yes. Looks like [JUROR NO. 1083], you want to jump in?
13 1083.

14 PROSPECTIVE JUROR #1083: Some women are fickle and
15 they change their mind. So they could be saying no, we're not
16 gonna have sex. And then I arrive at her place and she's
17 ready for me.

18 MR. SCHWARTZ: True.

19 PROSPECTIVE JUROR #1083: And that she said no while
20 we're there.

21 MR. SCHWARTZ: Let me see. Let me understand this
22 one. Do you think that once she says yes, she can't say no?

23 PROSPECTIVE JUROR #1083: No, she can change her
24 mind again.

1 MR. SCHWARTZ: Right. Okay. And if she changes her
2 mind to no, then anything after that would -- would you agree
3 that would be a crime?

4 PROSPECTIVE JUROR #1083: Right. Yes.

5 MR. SCHWARTZ: Okay. Anybody else have any thoughts
6 on this?

7 Yes. We'll slide it on down to [JUROR NO. 1229] --

8 PROSPECTIVE JUROR #1229: [JUROR NO. 1229].

9 MR. SCHWARTZ: [JUROR NO. 1229]. Yeah.
10 [JUROR NO. 1229], we're just gonna go there [indiscernible].

11 PROSPECTIVE JUROR #1229: My thing. If it is -- if
12 you change your mind in the middle of the act, then, yes, that
13 can count as a crime. But if you change your mind, like, the
14 day after or two days after --

15 MR. SCHWARTZ: Okay.

16 PROSPECTIVE JUROR #1229: -- then that does not
17 constitute a crime because the act has already been resolved.

18 MR. SCHWARTZ: Okay. So kind of if it's yes during
19 it and then a day later it becomes no, then it's hard to hold
20 the person accountable for when it was a yes. Is that kind of
21 what you're saying?

22 PROSPECTIVE JUROR #1229: Yes. I'm saying you
23 cannot withdraw consent afterwards.

24 MR. SCHWARTZ: After it's been done. Okay.

1 Anybody have thoughts on that? We'll come up to the
2 front row right here.

3 [JUROR NO. 1164], 1164.

4 PROSPECTIVE JUROR #1164: So according to
5 [JUROR NO. 1229], does that also mean if someone is just
6 constantly harassed and just, like, in the general sense of
7 yes, they feel pressured for a yes and in the end, when it was
8 always going to be a no, does that still not count as rape
9 then? Cause --

10 MR. SCHWARTZ: Let me -- well, let's -- let's stay
11 with me and you talking.

12 PROSPECTIVE JUROR #1164: Yeah. Sorry.

13 MR. SCHWARTZ: [JUROR NO. 1229] kind of gave us his
14 idea.

15 PROSPECTIVE JUROR #1164: Mm-hmm.

16 MR. SCHWARTZ: Tell me what you think about the
17 topic and then we'll go from there.

18 PROSPECTIVE JUROR #1164: 'Cause a lot of cases can
19 end up being just pressure. And people don't report because
20 they feel pressured to say yes and it was always going to be a
21 no.

22 MR. SCHWARTZ: Right.

23 PROSPECTIVE JUROR #1164: And a lot of abusive
24 relationships can start from constant yes and emotional abuse.

1 MR. SCHWARTZ: Sure.

2 PROSPECTIVE JUROR #1164: And just a lot of
3 pressure.

4 MR. SCHWARTZ: Right. Is it really a yes if
5 someone's forcing you to say yes?

6 PROSPECTIVE JUROR #1164: Exactly.

7 MR. SCHWARTZ: That's a good point. It's well taken
8 as well.

9 Anybody -- let's go -- let's just kind of go down this
10 row. I haven't heard from any of you guys. What do you
11 think, [JUROR NO. 1165]? [JUROR NO. 1165]? [JUROR NO. 1165]?
12 No?

13 PROSPECTIVE JUROR #1165: I'm not saying nothing.

14 MR. SCHWARTZ: Let me ask you real quick on
15 something else; okay? Yes? Yeah.

16 THE COURT: Ma'am, if he asks you a question, I need
17 you to give us an answer or tell us you're uncomfortable. If
18 you're uncomfortable to answer, it's a different story. You
19 don't even know what the question is. He might ask you what
20 your favorite color is.

21 PROSPECTIVE JUROR #1165: No, thank you.

22 MR. SCHWARTZ: I will. I guess my question, while
23 you hold the microphone, sir, is are you comfortable with
24 what's happening here? Are you -- you are? Do you understand

1 what's happening here?

2 PROSPECTIVE JUROR #1165: None of it. None of it.

3 MR. SCHWARTZ: Okay. Can you answer these questions
4 for me, then? Thank you, Miss -- it will be easy. I promise.
5 So understand a little bit?

6 PROSPECTIVE JUROR #1165: Yeah. I don't understand
7 much.

8 MR. SCHWARTZ: Because of the language?

9 PROSPECTIVE JUROR #1165: Yeah.

10 MR. SCHWARTZ: And what was your native language
11 again?

12 PROSPECTIVE JUROR #1165: I speak Cantonese.

13 MR. SCHWARTZ: Cantonese.

14 PROSPECTIVE JUROR #1165: [Indiscernible] Hong Kong.

15 MR. SCHWARTZ: Okay.

16 PROSPECTIVE JUROR #1165: Yeah. And I'm from
17 [indiscernible].

18 MR. SCHWARTZ: Okay. Would you say you understood
19 50 percent? Most of what I said? No?

20 PROSPECTIVE JUROR #1165: Little bit.

21 MR. SCHWARTZ: Little bit?

22 PROSPECTIVE JUROR #1165: Yeah.

23 MR. SCHWARTZ: Okay. So you think you'd be a good
24 juror for this case, if you only understood a little bit?

1 PROSPECTIVE JUROR #1165: I'd try, but --

2 MR. SCHWARTZ: You'd try? Okay. All right. Thank

3 you, ma'am. See, that wasn't too bad.

4 [JUROR NO. 1174].

5 PROSPECTIVE JUROR #1174: Yes, sir.

6 MR. SCHWARTZ: That's pretty good; right?

7 PROSPECTIVE JUROR #1174: Yes, sir.

8 MR. SCHWARTZ: 1174. What are your thoughts on this

9 kind of idea? I mean, do you have any kind of thoughts to add

10 to the class, so to speak?

11 PROSPECTIVE JUROR #1174: Not really.

12 MR. SCHWARTZ: No.

13 PROSPECTIVE JUROR #1174: Yeah, just --

14 MR. SCHWARTZ: You agree, generally, with kind of

15 what we've been talking about, that no means no?

16 PROSPECTIVE JUROR #1174: Yes. No means no.

17 MR. SCHWARTZ: Let me ask you this, just to kind of

18 switch it up: Would you agree that it would be pretty

19 embarrassing for someone to have to come into this -- a room

20 full of strangers and talk about the intimate details of when

21 they were raped or sexually assaulted?

22 PROSPECTIVE JUROR #1174: Very much so.

23 MR. SCHWARTZ: Okay. Would you agree that that type

24 of feeling, that type of embarrassment could kind of affect

1 that person on how they talk about it?

2 PROSPECTIVE JUROR #1174: Yes.

3 MR. SCHWARTZ: Are you expecting someone who's been
4 sexually assaulted to act a certain way?

5 PROSPECTIVE JUROR #1174: Embarrassment, yes.

6 MR. SCHWARTZ: Embarrassed. Sure. Are you
7 expecting them to necessarily cry or yell or --

8 PROSPECTIVE JUROR #1174: Yes.

9 MR. SCHWARTZ: You are. Okay. What if they did --
10 what if they acted differently?

11 PROSPECTIVE JUROR #1174: I don't know. I have to
12 rely on evidence.

13 MR. SCHWARTZ: Right. Right. And I guess you'd be
14 relying on what the testimony was; right?

15 PROSPECTIVE JUROR #1174: Yes, sir.

16 MR. SCHWARTZ: I guess my main question is, are you
17 expecting them to act one way or could it -- is it possible
18 that the embarrassment could cause them to act a variety of
19 ways?

20 PROSPECTIVE JUROR #1174: I would expect that, yes.

21 MR. SCHWARTZ: Which one?

22 PROSPECTIVE JUROR #1174: Embarrassment
23 [indiscernible].

24 MR. SCHWARTZ: Do you think that it could cause them

1 to act in a variety of ways?

2 PROSPECTIVE JUROR #1174: Different ways, I guess.

3 MR. SCHWARTZ: For instance, someone who's
4 embarrassed might kind of shut down?

5 PROSPECTIVE JUROR #1174: Yeah. Absolutely.

6 MR. SCHWARTZ: Okay. They might get mad.

7 PROSPECTIVE JUROR #1174: They might get emotional.
8 They might cry.

9 MR. SCHWARTZ: Sure. Okay. And let's go to your
10 neighbor here, [JUROR NO. 1180].

11 PROSPECTIVE JUROR #1180: [JUROR NO. 1180].

12 MR. SCHWARTZ: [JUROR NO. 1180], 1180.

13 PROSPECTIVE JUROR #1180: Yeah.

14 MR. SCHWARTZ: What do you think about this whole
15 topic, sir?

16 PROSPECTIVE JUROR #1180: I agree, no means no. I
17 definitely think emotions run wild. So you can't, like,
18 anticipate how someone's going to react to certain different
19 things. Everyone reacts differently.

20 MR. SCHWARTZ: Okay. Okay. Are you expecting --
21 and this is kind of a very, very broad question. So if you
22 don't know how to answer it, I understand. But now that you
23 know it's a sex assault trial, do you have any kind of
24 expectations for what you will see?

1 PROSPECTIVE JUROR #1180: Honestly, no. I
2 definitely think we're just going to be sitting here and
3 trying to understand and reciprocate the energy from what,
4 honestly, what people are feeling and what happened that day.

5 MR. SCHWARTZ: Okay. Good. [JUROR NO. 1183]?
6 [JUROR NO. 1183]?

7 PROSPECTIVE JUROR #1183: [JUROR NO. 1183], sir.

8 MR. SCHWARTZ: 1183.
9 What do you think, sir?

10 PROSPECTIVE JUROR #1183: I feel the same and
11 everyone else here, so --

12 MR. SCHWARTZ: That's a safe answer; right?

13 PROSPECTIVE JUROR #1183: Yes.

14 MR. SCHWARTZ: Okay. Are you expecting to see
15 anything particular happen in this case, now that you know
16 what, kind of, the topic of it?

17 PROSPECTIVE JUROR #1183: Not really.

18 MR. SCHWARTZ: Okay. [JUROR NO. 1183], I hate to
19 put you on the spot with this question, but you have the mic
20 in your hand. Are you familiar with the #MeToo movement?

21 PROSPECTIVE JUROR #1183: I am.

22 MR. SCHWARTZ: Okay. Do you have any particular
23 feelings, one way or the other, about it? Any strong opinions
24 about the #MeToo movement?

1 PROSPECTIVE JUROR #1183: It's a sensitive subject.

2 MR. SCHWARTZ: Absolutely.

3 PROSPECTIVE JUROR #1183: You picked me out of
4 everybody to answer that question.

5 MR. SCHWARTZ: You're a sensitive guy, I can tell.

6 PROSPECTIVE JUROR #1183: Yeah.

7 MR. SCHWARTZ: I mean, if you don't have any strong
8 opinions one way or the other, I mean, that's fine, too.

9 PROSPECTIVE JUROR #1183: I believe some of their
10 testimonies were truthful. But then, on the other side, I
11 believe some of those women lied, too.

12 MR. SCHWARTZ: Okay.

13 PROSPECTIVE JUROR #1183: Out of many reasons.

14 MR. SCHWARTZ: Little bit that's, you know,
15 justified victims and some people that maybe were
16 exaggerating? Is that kind of just --

17 PROSPECTIVE JUROR #1183: Yeah.

18 MR. SCHWARTZ: -- if I'm interpreting what you're
19 saying correctly? Okay.

20 PROSPECTIVE JUROR #1183: Pretty much.

21 MR. SCHWARTZ: Does anybody want to jump in on this
22 topic? I know #MeToo's very sensitive subject.

23 Yeah. Right here. [JUROR NO. 1180].

24 PROSPECTIVE JUROR #1180: Yeah, I think for, like, I

1 guess lack of a better term, it probably be like buyer's
2 remorse. You know? I think sometimes we wake up the next
3 morning or we go about our day and we really start to think
4 about what really happened. Did we to it -- did we go about
5 the situation the right way and things like that. So --

6 MR. SCHWARTZ: So as opposed to someone being forced
7 into a situation, assaulted, some of the time, at least, it
8 might be just regret?

9 PROSPECTIVE JUROR #1180: Yeah. Or at the moment,
10 in the heat of the moment, you know, it was consensual. You
11 know, they were both in the moment and it was, you know,
12 agreed upon. And then who knows what's behind-the-scene story
13 you know?

14 MR. SCHWARTZ: Sure.

15 PROSPECTIVE JUROR #1180: Whether there was cheating
16 going on, on one side, or something like that.

17 MR. SCHWARTZ: Do we all agree here that sex assault
18 does happen?

19 THE JURY: Yes.

20 MR. SCHWARTZ: Mister -- behind [JUROR NO. 7698]. I
21 didn't see you move your head, sir. Do you agree sex assault
22 happens?

23 PROSPECTIVE JUROR #1084: Oh, yeah.

24 MR. SCHWARTZ: Okay. Does anybody have any other

1 strong opinions about this #MeToo movement? I know I just
2 kind of stuck with these two guys.

3 What about back here? Let's go, pass it back.

4 [JUROR NO. 1088]?

5 PROSPECTIVE JUROR #1088: [JUROR NO. 1088].

6 MR. SCHWARTZ: [JUROR NO. 1088]. [JUROR NO. 1088].

7 PROSPECTIVE JUROR #1088: 1088.

8 MR. SCHWARTZ: Yes.

9 PROSPECTIVE JUROR #1088: I think just a lot of the
10 #MeToo, it's guilty until proven innocent. And it's supposed
11 to be the other way around. I think there's a lot of
12 accusations out there that aren't provable. Obviously, you
13 know, lot of times with sex assault situations, you can't
14 prove it. It's just his word against hers or whatever.

15 But I think there's a lot of cases that, you know,
16 there's false accusations. And once you make that accusation,
17 you're stuck -- you know, the guy may be stuck with it, even
18 though it's -- didn't happen. It just -- somebody accuses of
19 you and you're guilty right away.

20 MR. SCHWARTZ: Sure. Definitely. That's a good
21 point as well.

22 Anybody else have anything to kind of jump in about it?

23 Okay. Just slide it on down to [JUROR NO. 1083], 1083.

24 PROSPECTIVE JUROR #1083: Yeah. A lot of the times

1 people usually take the woman's side when they -- when
2 someone's accused. So --

3 MR. SCHWARTZ: And is it -- I don't know. It's kind
4 of hard to say. Is it your opinion that that's the wrong way
5 to go about it?

6 PROSPECTIVE JUROR #1083: Yeah, it's -- like he
7 said, innocent until proven guilty.

8 MR. SCHWARTZ: Right. And I think -- so the #MeToo
9 movement, I mean, I think probably everyone kind of interprets
10 it a little bit differently. But it was a movement that
11 helped promote people to report it so we were more aware that
12 it -- they're not so isolated; right?

13 I think a lot of the issue with sex assault victims is
14 they feel either no one's going to believe 'em; right? They
15 don't report it. So does anyone have any thoughts on that?
16 Is that -- do you think people should report it? Is that
17 what -- you know, people aren't gonna believe you if it's "he
18 said, she said"? So do we not report it? Or do we report it
19 but we don't freak out about it until we have some -- all the
20 information?

21 You have a thought? If we can pass it to
22 [JUROR NO. 1224], 1224.

23 PROSPECTIVE JUROR #1224: I think my issue with it,
24 which, again, is a very sensitive topic, is once the -- kind

1 of the cat's out of the bag. It's kind of like -- doesn't
2 seem a lot of times that there's, like -- like this is what
3 I'm expecting. It's just like I'm gonna say it and I'm not
4 expecting anything criminal. But I'm just gonna say it --
5 ruin somebody's career.

6 I mean, I hate to say it, in a celebrity sort of way.
7 But that seems like it -- you just say it. But you're not
8 asking for anything. I mean, I think there are some clear
9 case of sexual assault. I could name them, which I won't,
10 what I believe are clear cases. But I think that there are
11 some that are very ambiguous that are, like, you know, we
12 don't really know what happened in that situation.

13 MR. SCHWARTZ: Like I said, it's a sensitive topic.
14 Lots of different feelings. I'm sure you know -- especially a
15 lot of people sitting here have some experience with sexual
16 assault. So it's tough. And I just -- I ask this just to see
17 if there's any kind of, you know, immediate bias or people
18 that, you know -- for instance, if someone said that they
19 don't believe #MeToo movement's a good thing.

20 "It's terrible." "No one should report sex assault,
21 unless they have proof of it." Maybe that would be something
22 I would want to know for being on this case. So I appreciate
23 you guys answering those questions.

24 Now, last thing about sexual assault. I'm going to have

1 to ask a couple follow-up questions of the individual jurors
2 who kind of mentioned either that they had a victim -- they
3 were either a victim or their family was a victim. Again, if
4 you don't want to talk about some of the details in front of
5 everybody, just please let me know; okay?

6 Let's start up back in the top with [JUROR NO. 1074].
7 And, ma'am, I don't necessary -- maybe I might have wrote it
8 down wrong. But said your uncle was the victim of a violent
9 crime?

10 PROSPECTIVE JUROR #1074: Yes. He was shot.

11 MR. SCHWARTZ: Okay.

12 PROSPECTIVE JUROR #1074: He -- it's related to
13 politics. That's what it is.

14 MR. SCHWARTZ: Was that here?

15 PROSPECTIVE JUROR #1074: In the Philippines.

16 MR. SCHWARTZ: Philippines.

17 PROSPECTIVE JUROR #1074: Yeah.

18 MR. SCHWARTZ: Was he killed or was he --

19 PROSPECTIVE JUROR #1074: Yeah, he was killed.

20 MR. SCHWARTZ: I'm sorry to hear that, ma'am.

21 Was it handled by the authorities there? Was it
22 something that --

23 PROSPECTIVE JUROR #1074: Well, [indiscernible]
24 nothing happened. They don't know who did it. So it's --

1 yeah.

2 MR. SCHWARTZ: Did they investigate it?

3 PROSPECTIVE JUROR #1074: They probably did but, you
4 know --

5 MR. SCHWARTZ: When was it?

6 PROSPECTIVE JUROR #1074: It was, like, I think, two
7 years ago.

8 MR. SCHWARTZ: Okay.

9 PROSPECTIVE JUROR #1074: Nothing happened.

10 MR. SCHWARTZ: Anything about that situation, like,
11 do you have kind of negative feelings about the Philippines
12 law enforcement agency for not kind of looking into it more
13 or --

14 PROSPECTIVE JUROR #1074: Oh, yes.

15 MR. SCHWARTZ: Okay.

16 PROSPECTIVE JUROR #1074: It's so much different
17 over there. So -- than here.

18 MR. SCHWARTZ: Would you have any kind of negative
19 feelings towards law enforcement, as it would relate to this
20 case, because of that experience?

21 PROSPECTIVE JUROR #1074: Like I say, it's not a
22 perfect system. It's -- you know --

23 MR. SCHWARTZ: Sure.

24 PROSPECTIVE JUROR #1074: There's always a negative