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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 5

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1 and a positive. But all I can say is, we just have to follow
2 the rule and, you know, look at all the evidence and, you
3 know, that's what it is.

4 MR. SCHWARTZ: Okay. Okay. Thank you, ma'am.

5 [JUROR NO. 1083], if we could go to you. 1083.

6 And so you had mentioned that your sister was a victim of
7 sexual assault?

8 PROSPECTIVE JUROR #1083: Yeah. And myself as well.

9 MR. SCHWARTZ: And you were a victim as well?

10 PROSPECTIVE JUROR #1083: Yeah.

11 MR. SCHWARTZ: Okay. When did the -- kind of the
12 acts occur?

13 PROSPECTIVE JUROR #1083: Well, my sister was
14 underage. And she had sex with someone who was older than 18.

15 MR. SCHWARTZ: Was it like a family member? Like a
16 boyfriend? Or just a random --

17 PROSPECTIVE JUROR #1083: It was a boy she met up
18 with.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1083: Through a friend or
21 something.

22 MR. SCHWARTZ: And did she end up reporting it, what
23 had happened or --

24 PROSPECTIVE JUROR #1083: It was pulled out of her

1 through counseling.

2 MR. SCHWARTZ: Okay.

3 PROSPECTIVE JUROR #1083: She didn't actually want
4 him to go get in trouble. So --

5 MR. SCHWARTZ: So was the sexual assault just
6 because of the age difference?

7 PROSPECTIVE JUROR #1083: Yeah.

8 MR. SCHWARTZ: Okay. What happened with the case?

9 PROSPECTIVE JUROR #1083: I think the guy went to
10 prison.

11 MR. SCHWARTZ: Okay. And that was out here or in
12 Utah?

13 PROSPECTIVE JUROR #1083: Utah.

14 MR. SCHWARTZ: Okay. And you said you were also a
15 victim?

16 PROSPECTIVE JUROR #1083: Yes.

17 MR. SCHWARTZ: Could you tell me a little bit about
18 that?

19 PROSPECTIVE JUROR #1083: I was younger. Four. It
20 was over the course of a couple years and it was the neighbor
21 girl behind my house.

22 MR. SCHWARTZ: And what was the age difference
23 there?

24 PROSPECTIVE JUROR #1083: She was like six years

1 older than me.

2 MR. SCHWARTZ: Okay. And was it a similar situation
3 where you discussed in therapy and that's how it came out
4 or --

5 PROSPECTIVE JUROR #1083: I had known and just from
6 what my siblings had told me, I put the two together and the
7 memories that I have of her and she invited me out to the back
8 yard and had tried to get me to do something for her. And
9 that's when I had realized -- I told my parents. But my
10 parents never believed. And we didn't do anything about it.

11 MR. SCHWARTZ: Your parents never believed you?

12 PROSPECTIVE JUROR #1083: Well, my siblings had told
13 'em and I told 'em from what my siblings told me and --

14 MR. SCHWARTZ: Okay.

15 PROSPECTIVE JUROR #1083: It's just not that big of
16 a deal, really.

17 MR. SCHWARTZ: Okay.

18 PROSPECTIVE JUROR #1083: It happened too long ago.

19 MR. SCHWARTZ: Kind of moved past it?

20 PROSPECTIVE JUROR #1083: Yeah.

21 MR. SCHWARTZ: Thank you, sir.

22 If we could go to [JUROR NO. 1087], 1087.

23 PROSPECTIVE JUROR #1087: Yes.

24 MR. SCHWARTZ: Sounded like your sister-in-law was a

1 victim of sexual assault?

2 PROSPECTIVE JUROR #1087: No, just a crime.

3 MR. SCHWARTZ: Oh, a crime. I'm sorry. What was --

4 PROSPECTIVE JUROR #1087: It was a criminal act
5 or --

6 MR. SCHWARTZ: Yeah. What was the crime?

7 PROSPECTIVE JUROR #1087: She was a -- walked into
8 her home and there was somebody there and they bashed her over
9 the head several times.

10 MR. SCHWARTZ: Jeez. Okay.

11 PROSPECTIVE JUROR #1087: Leaving her for, you know,
12 for dead, which almost happened. But she survived. Crushed
13 her skull and --

14 MR. SCHWARTZ: Was that in Vegas?

15 PROSPECTIVE JUROR #1087: It was in California.

16 MR. SCHWARTZ: California. What ended up happening?
17 Police get involved and all that?

18 PROSPECTIVE JUROR #1087: Yeah. Police got
19 involved.

20 MR. SCHWARTZ: Were they able to identify the
21 person?

22 PROSPECTIVE JUROR #1087: No. No. They were just a
23 robbery.

24 MR. SCHWARTZ: I see.

1 PROSPECTIVE JUROR #1087: And she went home when she
2 shouldn't have been home and --

3 MR. SCHWARTZ: And they attacked her?

4 PROSPECTIVE JUROR #1087: Yes.

5 MR. SCHWARTZ: Did -- were you happy with how the
6 case was investigated? Were you involved at all or were you
7 back in California at the time?

8 PROSPECTIVE JUROR #1087: Yeah, I was in California
9 at the time.

10 MR. SCHWARTZ: Okay.

11 PROSPECTIVE JUROR #1087: No, I wasn't involved.
12 But she lived in a secure building and the gate was not
13 secured.

14 MR. SCHWARTZ: Okay.

15 PROSPECTIVE JUROR #1087: And so we just had to talk
16 about that, the security system and all of that. So --

17 MR. SCHWARTZ: I guess, do you have any negative
18 feelings about how the case was handled?

19 PROSPECTIVE JUROR #1087: No.

20 MR. SCHWARTZ: The fact that they couldn't find
21 anybody?

22 PROSPECTIVE JUROR #1087: Well, no. No.

23 MR. SCHWARTZ: Okay.

24 PROSPECTIVE JUROR #1087: I mean, it would be great

1 if they found the person who did it.

2 MR. SCHWARTZ: Sure.

3 PROSPECTIVE JUROR #1087: But, no.

4 MR. SCHWARTZ: Okay.

5 PROSPECTIVE JUROR #1087: And she's fine.

6 MR. SCHWARTZ: She's fine. Good. Good.

7 I believe, then, was there -- was your stepfather the
8 one, then, who was -- you had talked about was sexually
9 assault? Did I write that down wrong?

10 PROSPECTIVE JUROR #1087: Yeah.

11 MR. SCHWARTZ: Okay. I wrote it down right?

12 PROSPECTIVE JUROR #1087: Yeah.

13 MR. SCHWARTZ: Okay. What of that -- can you
14 elaborate a little bit about that?

15 PROSPECTIVE JUROR #1087: Well, I'd rather talk
16 about that in privacy.

17 MR. SCHWARTZ: Okay. That's totally fine.
18 Your Honor, would we want to do that at the end or right now?

19 THE COURT: Counsel, approach.

20 [BENCH CONFERENCE]

21 THE COURT: Ladies and gentlemen, it's my intent to
22 go until about ten till the hour, just because it's, for most
23 of you, the first time experiencing the traffic of downtown.
24 Lucky for you, they actually finished I-15 part of the way.

1 So it's no longer a two-hour commute home, if you live out
2 that way.

3 But what we're gonna do is we're gonna do just a few
4 follow-up questions and then we will speak to one of the
5 jurors privately. And then probably about ten till, I'm gonna
6 let you go for the evening and then we'll talk about coming
7 back in the morning.

8 Go ahead, Counsel.

9 MR. SCHWARTZ: All right, guys. There's a couple
10 other individuals that I was gonna follow up on with the same
11 kind of idea. And if anyone else would also like to talk
12 privately about it, that's totally fine.

13 Let me just see. [JUROR NO. 1096]?

14 PROSPECTIVE JUROR #1096: Correct.

15 MR. SCHWARTZ: Are you okay to talk about it or do
16 you want to talk about it privately?

17 Okay. Let me just kind of go down real quick.
18 [JUROR NO. 1124], would you like to talk privately as well or
19 are you okay to talk, kind of, about what had happened?

20 PROSPECTIVE JUROR #1124: I can talk about it.

21 MR. SCHWARTZ: Okay. [JUROR NO. 1164], are you okay
22 to talk about it?

23 PROSPECTIVE JUROR #1164: Yeah.

24 MR. SCHWARTZ: Okay. [JUROR NO. 1174]?

1 PROSPECTIVE JUROR #1174: Privately.

2 MR. SCHWARTZ: Privately? Okay. Thank you.

3 [JUROR NO. 1191]?

4 PROSPECTIVE JUROR #1191: Privately.

5 MR. SCHWARTZ: Okay. And [JUROR NO. 1229], I'm
6 gonna come back to you about your friend as well. Is that
7 something you're comfortable talking about?

8 PROSPECTIVE JUROR #1229: I'd rather discuss it
9 privately.

10 MR. SCHWARTZ: Okay. Thank you, guys.

11 Let me just ask, kind of, a couple questions. We'll kind
12 of leave that topic for the time being.

13 Yes, sir?

14 PROSPECTIVE JUROR #1083: I'd like to discuss
15 something privately as well.

16 MR. SCHWARTZ: Okay. And just for the record, that
17 was [JUROR NO. 1083], 1083.

18 [JUROR NO. 1096], while we have you over there, how
19 about -- let me talk to you about, kind of, a little bit
20 different topic, if that's okay.

21 PROSPECTIVE JUROR #1096: Okay.

22 MR. SCHWARTZ: Well, actually, let me -- before I
23 lose my train of thought, you said you had a friend who was a
24 victim of sexual assault.

1 PROSPECTIVE JUROR #1096: Yeah. It was a friend of
2 my wife's.

3 MR. SCHWARTZ: Friend of your wife's. And how long
4 ago did you kind of find out about that?

5 PROSPECTIVE JUROR #1096: I mean, I found out about
6 it immediately after it happened, within, like, I think it was
7 the next day.

8 MR. SCHWARTZ: So when was that?

9 PROSPECTIVE JUROR #1096: It was like 2005-ish.

10 MR. SCHWARTZ: In Las Vegas?

11 PROSPECTIVE JUROR #1096: Yes.

12 MR. SCHWARTZ: Was there, like, a criminal case that
13 was opened as a result of that?

14 PROSPECTIVE JUROR #1096: Yes.

15 MR. SCHWARTZ: And did they -- what happened?

16 PROSPECTIVE JUROR #1096: I believe they prosecuted,
17 I think it was either one or two people.

18 MR. SCHWARTZ: Okay. Was it somebody that this lady
19 had known or was it kind of like a stranger encounter?

20 PROSPECTIVE JUROR #1096: Yeah, she was at a bar
21 here in town. And I guess a couple of guys followed her out
22 when she left to go out to her car. And they severely beat
23 her and assaulted her.

24 MR. SCHWARTZ: Okay.

1 PROSPECTIVE JUROR #1096: And they think there was
2 evidence from, like, maybe security camera or something like
3 that that they used.

4 MR. SCHWARTZ: Okay. Any opinion as to how that
5 case was handled by the law enforcement? Do you think it was
6 appropriately handled?

7 PROSPECTIVE JUROR #1096: Yeah. My recollection was
8 they were pretty diligent in trying to stay on top of it.

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

10 Does anybody here -- we're just gonna kind of jump to a
11 different topic here, since we're kind of getting to the end
12 of the day. Does anybody not drink alcohol?

13 Okay. If we could kind of -- let's see, well, just since
14 you're right there, [JUROR NO. 1088] --

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

16 MR. SCHWARTZ: -- [JUROR NO. 1088]. Why do I try to
17 make it all French; right? [JUROR NO. 1088]. It's how it's
18 spelled.

19 Do you have a particular -- have you ever drank alcohol?

20 PROSPECTIVE JUROR #1088: When I was young, yes.

21 MR. SCHWARTZ: At this time now, do you have a
22 specific opinion about people who do drink alcohol?

23 PROSPECTIVE JUROR #1088: No.

24 MR. SCHWARTZ: Just a personal choice and --

1 PROSPECTIVE JUROR #1088: It's a personal -- well,
2 it's a religious choice for me.

3 MR. SCHWARTZ: But someone who does drink alcohol,
4 it'd be a personal choice?

5 PROSPECTIVE JUROR #1088: It's a personal choice for
6 them, yes.

7 MR. SCHWARTZ: Okay. No kind of negative feelings
8 about them?

9 PROSPECTIVE JUROR #1088: No.

10 MR. SCHWARTZ: Kind of what we were talking about
11 with drinking and sexual assault, do you feel that if
12 someone's drinking, that they put themselves (sic) in a bad
13 situation? They deserved it?

14 PROSPECTIVE JUROR #1088: No.

15 MR. SCHWARTZ: Does anyone feel that way? I know a
16 lot of people raised their hands that don't drink. Does
17 anyone have a negative view of people that do drink regularly?

18 [JUROR NO. 1224]. Anybody else?

19 Okay. If you could just drop it down. [JUROR NO. 1224],
20 yes?

21 PROSPECTIVE JUROR #1224: Well, I'm sober four
22 years.

23 MR. SCHWARTZ: Okay.

24 PROSPECTIVE JUROR #1224: So, yeah, I think probably

1 my re-education, I'd probably frown upon people that I think
2 they are putting themselves -- drunk drivers, obviously people
3 are a little looser, a little -- so, yes. I think I
4 definitely have a preposition to prejudge that -- if people
5 are drinking in excess.

6 MR. SCHWARTZ: Okay. As far as sexual assault would
7 go with drinking, do you --

8 PROSPECTIVE JUROR #1224: Well, again, I think it's
9 against, you know -- absolutely, no means no. But I think the
10 senses get really cloudy and things really go -- this is a
11 very important topic for me. I think things can go really --
12 I think you just lose yourself. I -- you're not even really
13 yourself.

14 MR. SCHWARTZ: Obviously, it would depend, too, on
15 how much you drank.

16 PROSPECTIVE JUROR #1224: Oh, absolutely.

17 MR. SCHWARTZ: Yes. Okay.

18 PROSPECTIVE JUROR #1224: Yeah.

19 MR. SCHWARTZ: Well taken.

20 MS. CRAGGS: Bryan, I think there were a couple
21 hands up.

22 MR. SCHWARTZ: Does anybody -- anybody who raised
23 their hand -- who were the people that don't drink alcohol?
24 Okay. Does anybody have anything to add to that, what they

1 were talking about negative feelings about people who drink
2 too much, anything like that?

3 [JUROR NO. 1083]. If we could pass the microphone and
4 we'll get to [JUROR NO. 1229].

5 Yes, [JUROR NO. 1083], you are 1083.

6 PROSPECTIVE JUROR #1083: Yes.

7 MR. SCHWARTZ: Yes, sir.

8 PROSPECTIVE JUROR #1083: Alcoholics, I have a bad
9 opinion. They blackout and they do dangerous, stupid things.

10 MR. SCHWARTZ: Okay. Certainly, though, we've seen
11 a lot with the drinking and driving --

12 PROSPECTIVE JUROR #1083: Right.

13 MR. SCHWARTZ: -- [indiscernible]. Okay.
14 [JUROR NO. 1229]? Pass the mic down to him. You are 1229?

15 PROSPECTIVE JUROR #1229: Yes.

16 MR. SCHWARTZ: Yes, sir.

17 PROSPECTIVE JUROR #1229: I feel that if someone
18 wishes to drink, then that is completely their choice. But
19 once it starts endangering others or even endangering
20 themselves, then maybe that's when certain steps need to be
21 taken.

22 MR. SCHWARTZ: [Indiscernible].

23 PROSPECTIVE JUROR #1229: Like if -- I've only ever
24 had one drink in my life.

1 MR. SCHWARTZ: Okay.

2 PROSPECTIVE JUROR #1229: And I feel that as long as
3 you have control over it and as long as you're not out, you
4 know, drunk driving or -- I have a friend of mine. She lives
5 in the UK right now. She unfortunately lives with her ex-who
6 was an abusive alcoholic. And, you know, that's when the line
7 needs to be drawn.

8 MR. SCHWARTZ: I see.

9 PROSPECTIVE JUROR #1229: But after that, you know,
10 if you want to have a drink now and then, that's okay. Just
11 don't go getting blackout drunk [indiscernible].

12 MR. SCHWARTZ: Sure. Makes sense.

13 Anybody else have -- what about anyone over here? You
14 guys have anything to add?

15 Okay. So we talked a little bit -- I'll just run through
16 these a little bit quicker. We talked a little bit about that
17 the Defendant in this case does not -- or he has the right not
18 to testify. Not to get up there and testify. And you can't
19 hold his decision against him; right? If he decides not to
20 testify, you can't consider that, "Well, he must be guilty."
21 You can't do that.

22 Anybody have a problem with that rule? That's gonna be
23 one of the laws that the judge -- are you shaking your head
24 'cause you have a problem with it, [JUROR NO. 1224]?

1 PROSPECTIVE JUROR #1224: I -- yeah.

2 MR. SCHWARTZ: Okay. Let me -- microphone over
3 there, please. Thank you.

4 So let me ask it like this, [JUROR NO. 1224]: If the
5 judge instructs you on the law and that law is that you cannot
6 consider a Defendant's choice not to testify, he instructs you
7 that you can't consider that as to guilt or innocence, will
8 you follow that law?

9 PROSPECTIVE JUROR #1224: I think it's -- I
10 understand the theory of it.

11 MR. SCHWARTZ: Mm-hmm.

12 PROSPECTIVE JUROR #1224: It's -- I mean, but we're
13 all different. We're preproposed (phonetic) to -- I guess I
14 would always think that there's something that they're hiding.
15 That if somebody doesn't testify -- I mean, I've -- I'm not a
16 sleuth or anything like that, but I --

17 MR. SCHWARTZ: Right.

18 PROSPECTIVE JUROR #1224: -- I've always found that
19 they should.

20 MR. SCHWARTZ: Right.

21 PROSPECTIVE JUROR #1224: To proclaim their
22 innocence at [indiscernible].

23 MR. SCHWARTZ: So -- and I don't think -- it's not a
24 problem to have that feeling. The issue is, can you set that

1 thought aside?

2 PROSPECTIVE JUROR #1224: It's really hard. I've
3 struggled with this --

4 MR. SCHWARTZ: Okay.

5 PROSPECTIVE JUROR #1224: -- I mean, this particular
6 thing. They say, pay no relevance to blankety-blank. But
7 it's already been said. It's already out there. It's like a
8 hanging -- you know, like the cloud over your head.

9 MR. SCHWARTZ: Yeah. You rang the bell; right?

10 PROSPECTIVE JUROR #1224: It's almost impossible --

11 MR. SCHWARTZ: Rung the bell.

12 PROSPECTIVE JUROR #1224: -- to not think, "Why are
13 they not testifying?"

14 MR. SCHWARTZ: Okay.

15 PROSPECTIVE JUROR #1224: So that's what I believe.

16 MR. SCHWARTZ: So if I said you have to tell me, you
17 know, one way or the other, you wouldn't be able to say that
18 you for sure not consider it.

19 PROSPECTIVE JUROR #1224: Oh, absolutely, I would
20 for sure not believe -- yeah, I would --

21 MR. SCHWARTZ: You might consider it.

22 PROSPECTIVE JUROR #1224: Correct. Yeah.

23 MR. SCHWARTZ: Okay. That's okay. Thank you.

24 Anybody else have a problem with following the law that

1 you cannot consider it if -- the Defendant's right to testify.
2 That, anybody have a similar feeling as [JUROR NO. 1224]?

3 Okay. No hands or no response to that, Your Honor.

4 THE COURT: Counsel, approach.

5 [BENCH CONFERENCE]

6 THE COURT: Ladies and gentlemen, at this time, we
7 are going to take our recess for the evening. However, before
8 we break, the following individuals will not be returning with
9 us tomorrow. They've been excused from this courtroom. That
10 is badge number 1165, [JUROR NO. 1165]. You've been excused.
11 Badge number 1203, [JUROR NO. 1203]. You've been excused.
12 Badge number 1224, [JUROR NO. 1224], you've been excused.

13 The rest of you, we will see you back here at 10:15 in
14 the morning. Please be punctual. If you have an issue,
15 please see my Marshal.

16 This is very important. While you're doing this recess,
17 at night, again, people are going to ask you, "How is it
18 going?" "What is going on in the trial?" Your answer is, "I
19 am in Department 29 in front of," and you can call it, "The
20 honorable David Jones," or just, "the old man David Jones." I
21 don't care. "I'm in front of Judge David Jones. That's all I
22 can tell you." Blame the judge. I'm used to it; okay? But
23 it's no big deal.

24 You cannot discuss any of those matters, even with your

1 spouse, best friends, or anything else. To do so would be a
2 violation of the oath you took. Because more importantly, you
3 don't know anything about the case. So if you were to talk
4 right now, you would be doing what we do in Hollywood all the
5 time, making up a story, or in washing DC, however you look at
6 it. Okay?

7 So during this recess you are you're admonished not to
8 talk or converse among yourselves or with anyone else on any
9 subject connected to this trial or read, watch, or listen to
10 any report of or commentary on the trial with any person
11 connected with this trial by any medium of information,
12 including without limitation: Newspapers, television, radio,
13 Internet, Internet, Internet or form or express any opinion on
14 any subject connected with the trial until the case is finally
15 submitted to you.

16 You're not to do any experiments or investigation
17 regarding any matters raised in this trial, nor are you to
18 post on any social media forums about the trial or attempt to
19 investigate anything you've heard in this trial using any form
20 of social media of the Internet.

21 Please be back here promptly at 10:15 a.m. If you have
22 an issue, see my Marshal.

23 THE MARSHAL: All rise for the jury.

24 [BENCH CONFERENCE]

1 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY.]

2 THE COURT: Counsel, if you would just bear with me
3 and just hang around for a few minutes. Because I'm sure my
4 Marshal's getting bombarded with questions because there were
5 about five or six people who threw up their hand.

6 When I deal with issues, I can tell you what it is, we're
7 gonna have, "My job's too important. I can't miss it
8 tomorrow." "I have an arranged babysitter," stuff like that.
9 So we need to deal and address with that.

10 Marshal, do we have issues with jurors that --

11 THE MARSHAL: Quite a few, Your Honor.

12 THE COURT: All right. Let's get 'em down. Let's
13 figure out what they are.

14 MS. CRAGGS: Your Honor, could I use the restroom?

15 THE COURT: Absolutely.

16 MS. CRAGGS: Thank you.

17 THE COURT: Yeah. Basically what I'm gonna do is I
18 make these decisions clearly on the record in front of
19 everybody in regards to someone who has to be dismissed,
20 either -- even if they're the very last one in the box.

21 [DISCUSSION OFF THE RECORD.]

22 THE COURT: Let's go off.

23 [RECESS AT 4:51 P.M.; PROCEEDINGS RESUMED AT
24 4:58 P.M.]

1 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY.]

2 THE COURT: Go ahead.

3 THE MARSHAL: 1123, [JUROR NO. 1123], has no
4 transportation tomorrow. No way he can take an Uber. He
5 can't take a bus. There's no bus service by his house.
6 Nobody to take him -- to bring him here.

7 THE COURT: The same gentleman who had a
8 5:00 o'clock doctor's appointment today?

9 THE MARSHAL: Correct, Your Honor.

10 THE COURT: Okay. All right. So 1123,
11 [JUROR NO. 1123], believes that he has an individual problem
12 with his commute to the Court. Prior to that, he informed my
13 Marshal that he had a 5:00 o'clock doctor's appointment.
14 However, couldn't verify it.

15 Counsel, I'm not gonna stipulate to let him go.

16 Next.

17 THE MARSHAL: 1084, [JUROR NO. 1084], has no
18 transportation. No Uber. No credit card to do it. Nobody
19 else to give him a ride.

20 MR. YAMPOLSKY: Clark County needs a bus.

21 THE COURT: Well, we have two of 'em, basically, in
22 the box that have the exact same issue.

23 MR. YAMPOLSKY: Maybe they can split an Uber.

24 MR. MARGOLIS: They need to carpool.

1 THE COURT: All right. We're not gonna excuse 'em.
2 Next.

3 THE MARSHAL: 1191, [indiscernible].

4 THE COURT: Tell 'em they got to find a way to get
5 here.

6 1191.

7 THE MARSHAL: Tomorrow at 10:00 a.m., her
8 father-in-law is having outpatient surgery and she is his
9 caregiver -- caretaker. And she's giving him a ride home and
10 taking care of him while he recovers.

11 THE COURT: We have any issue in regards to being
12 the caregiver for an individual? Unlike the "I can't get
13 here," I mean, if --

14 MS. CRAGGS: Yeah.

15 THE COURT: -- have an individual -- I mean, I'd ask
16 her for proof of it, but the kind question, she didn't come
17 here to it. I'll excuse 1191.

18 Next.

19 THE MARSHAL: And that's it, Your Honor. That's it,
20 Your Honor.

21 THE COURT: That's it? All right. So the other two
22 individuals, tell them they have an obligation to be here.
23 They need to find their transportation. 1191, let her go.
24 We'll fill the spots the way they were taken out today.

1 We'll see you guys here at 10:00 a.m. 10:15 is trial
2 starting. If you have cases in front of me tomorrow, be on
3 time or be ready 'cause we're gonna go. If you're not here,
4 your case may get continued without you.

5 And, Mr. Schwartz, the rest of you, if you guys will tell
6 your compadres that --

7 MR. SCHWARTZ: Yep.

8 THE COURT: -- I would appreciate that. And,
9 Mr. Yampolsky, if I see you tomorrow for a prior motion, make
10 sure you're on time.

11 MS. CRAGGS: Thank you.

12 THE COURT: Thank you.

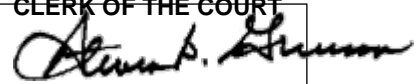
13 MR. SCHWARTZ: Thank you, Your Honor.

14 [Hearing concluding at 5:01 p.m.]

15 *****

16
17 ATTEST: I do hereby certify that I have truly and
18 correctly transcribed the audio/video proceedings in the
19 above-entitled case to the best of my ability.

20
21 
22 ALLISON SWANSON, CSR NO. 13377
23 CERTIFIED SHORTHAND REPORTER
24 FOR THE STATE OF CALIFORNIA



1 RTRAN

3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,)
6 Plaintiff(s),) CASE NO. C-17-323098-1
7 vs.)
8 RAMON MURIL DORADO,) DEPT. NO. XXIX
9 Defendant(s).)
10 _____)

11 BEFORE THE HONORABLE DAVID M. JONES, DISTRICT COURT JUDGE

12 TUESDAY, JUNE 18, 2019

13 RECORDER'S TRANSCRIPT OF HEARING:
14 JURY TRIAL - DAY 2

17 APPEARANCES:

18 For the Plaintiffs: GENEVIEVE CRAGGS
19 BRYAN SCHWARTZ

20 For the Defendants: MACE J. YAMPOLSKY
21 JASON MARGOLIS

22
23 RECORDED BY: MELISSA MURPHY-DELGADO, COURT RECORDER
24 TRANSCRIBED BY: ALLISON SWANSON, CSR No. 13377

I N D E X O F W I T N E S S E S

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MICHELLE LEHR

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LIST OF EXHIBITS

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1 Las Vegas, Nevada, Tuesday, June 18, 2019

2 [Case called at 10:16 a.m.]

3
4 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY]

5 [DISCUSSION OFF THE RECORD]

6 THE COURT: All right. Counsel, this morning, we
7 received from [JUROR NO. 1228], [JUROR NO. 1228], who is the
8 last in your box, juror number 1228, [JUROR NO. 1228].
9 Apparently [JUROR NO. 1228] has a dental appointment tomorrow
10 that cannot be rescheduled.

11 MR. SCHWARTZ: A dental appointment?

12 THE COURT: Well, and then the best part about it
13 is, the very next day, he goes out of town.

14 MR. YAMPOLSKY: How fortuitous.

15 THE COURT: Yeah, well --

16 MR. SCHWARTZ: Seems like he should have brought
17 this to our attention --

18 THE COURT: You think that would have helped,
19 Counsel? What I'll do is I'll have [JUROR NO. 1228] come in
20 and explain to me why he didn't bother to tell me that he had
21 this life-altering Henderson Modern Dentistry and Orthodontics
22 tomorrow.

23 MR. YAMPOLSKY: It's not a teeth cleaning?

24 THE COURT: No. Well, it probably could be. And

1 that's probably life-threatening. But knowing dentists,
2 nowadays, he may be another six months before he can get into
3 him.

4 All right. And then we have to, of course, replace the
5 ones that we left or took out and struck yesterday.

6 Anything else that needs to come before the bench before
7 we get our jury in?

8 MR. YAMPOLSKY: Genevieve?

9 MS. CRAGGS: Yes?

10 MR. YAMPOLSKY: Don't you want to hear it now or no?
11 Later?

12 THE COURT: Anything else that needs --

13 MS. CRAGGS: The motion?

14 THE COURT: Anything that needs to come before the
15 bench before we get started?

16 MS. CRAGGS: Your Honor, we just, I think, gave you
17 a copy of our motion. So --

18 THE COURT: Just got it.

19 MS. CRAGGS: -- we would just need to hear it before
20 the expert. I mean, we'd like to hear it before opening
21 statements, if possible.

22 THE COURT: Oh, we're gonna hear it probably
23 after -- whenever we have a break at -- this afternoon.

24 MS. CRAGGS: Okay.

1 THE COURT: I'm gonna read it over my lunch hour and
2 be ready to hear it. And, then, basically, we're gonna argue
3 it, probably, in the afternoon break. As you guys all know,
4 the second we sit this jury, be ready to go.

5 MS. CRAGGS: Yes, Your Honor.

6 THE COURT: Okay. We're not gonna delay and so,
7 okay. Well, we've got three hours -- if we have three hours,
8 we're gonna go; okay?

9 MR. YAMPOLSKY: And you have our opposition,
10 Your Honor?

11 THE COURT: I don't have -- all I have is what I
12 just received.

13 MS. CRAGGS: There was an opposition filed as well,
14 Your Honor.

15 THE COURT: Okay. That, I don't have a copy of.
16 I --

17 MS. CRAGGS: We let Defense know we were planning on
18 filing it after we received the report.

19 THE COURT: That's -- I appreciate that. I would
20 just -- I didn't get a courtesy copy. But whenever you've got
21 it, give it to me and it will add to my lunch reading,
22 which --

23 MR. YAMPOLSKY: You got it.

24 THE COURT: -- my normal reading at lunch time.

1 MR. YAMPOLSKY: Thank you.

2 THE COURT: Yep. If I could actually go to a lunch
3 hour without reading legal material, I'd probably be thrilled
4 to death.

5 MR. YAMPOLSKY: You feel like the Loan Ranger,
6 Your Honor.

7 THE COURT: That's my usual evening before I go to
8 bed and my usual lunch hour. It's always reading somebody's
9 motion.

10 All right. Let's get our jury in here. Just let 'em
11 know that we're ready. Thank you.

12 MS. CRAGGS: Oh, and, Your Honor, how are we going
13 to be doing the victims regarding -- the ones that wanted to
14 talk outside the presence of the jury?

15 THE COURT: That's what we're gonna do, basically,
16 is after we replace the individuals that are here and I talk
17 to [JUROR NO. 1228], I'm then going to have you guys, whoever
18 you want to start with first, I'm gonna have to let everybody
19 go out and come back in.

20 MR. SCHWARTZ: Okay. Perfect.

21 MS. CRAGGS: Okay. Thank you.

22 MR. SCHWARTZ: We'll start with [JUROR NO. 1087].

23 MR. YAMPOLSKY: With who?

24 MR. SCHWARTZ: [JUROR NO. 1087].

1 MS. CRAGGS: The top.

2 THE COURT: Yeah. Just chronologically. That makes
3 the most sense. And what we'll do is we'll do it after I do
4 all the general questions and then deal with [JUROR NO. 1228].

5 THE MARSHAL: Your Honor, we're missing four jurors.

6 THE COURT: In the box?

7 THE MARSHAL: No, actually, guess we're miss -- one,
8 two -- three who are in the box.

9 THE COURT: Oh, all right. Counsel, we've been made
10 aware by my Marshal that we are missing three individuals in
11 the box.

12 MS. CRAGGS: I bet I can guess two of them.

13 MR. SCHWARTZ: [JUROR NO. 7698].

14 MS. CRAGGS: Yeah.

15 MR. YAMPOLSKY: And, Your Honor, in order to save
16 time, and I don't know what the Court thinks or what they
17 think, can we examine the other jurors until they get here?

18 THE COURT: Well, we can do that. The question is,
19 Counsel, something tells me they're probably not gonna get
20 here. But what we're gonna do is I'm gonna bring the jury in.
21 We're gonna continue with who we have. If they don't show up,
22 probably by the time I'm done with my general questions, I'm
23 gonna strike them and we're gonna move -- fill them.

24 I'm not gonna delay this process because people don't

1 understand the ramifications of the law. And then I'll deal
2 with that on the other end. No, we're not gonna delay the
3 process picking 'em. If they don't show up, I don't --

4 MR. YAMPOLSKY: No, I --

5 THE COURT: -- as you would call it, reward 'em.

6 MR. YAMPOLSKY: -- was just assuming they would be
7 here. That's all.

8 THE COURT: I would love if I could go through a
9 single trial without losing a juror.

10 [DISCUSSION OFF THE RECORD]

11 THE MARSHAL: All rise for the jury.

12 [IN THE PRESENCE OF THE PROSPECTIVE JURY]

13 THE MARSHAL: Your Honor, the jury is all present
14 and accounted for, except for 1124, [JUROR NO. 1124].

15 THE COURT: Okay. Thank you.

16 Please be seated.

17 Good morning, everyone.

18 THE JURY: Morning, Your Honor.

19 THE COURT: All right. We're going to continue the
20 process. I have some individuals that I have to ask questions
21 of directly before we replace individuals and then we'll move
22 forward.

23 [JUROR NO. 1228] -- see if we can get the microphone on
24 over there to him.

1 [JUROR NO. 1228], badge number 1228.

2 Sir, it's my understanding that you have a dental
3 appointment tomorrow; is that correct?

4 PROSPECTIVE JUROR #1228: Correct.

5 THE COURT: Okay. It doesn't tell me approximately
6 what time it is. What time is that dental appointment
7 tomorrow?

8 PROSPECTIVE JUROR #1228: 11:00 a.m.

9 THE COURT: And when was this scheduled?

10 PROSPECTIVE JUROR #1228: Oh, six months ago. Five
11 months ago.

12 THE COURT: And it's my understanding that there is
13 a trip planned at the end of this week, also, with you and
14 your wife?

15 PROSPECTIVE JUROR #1228: No, right -- three
16 afterwards.

17 THE COURT: Three hours afterwards? And where are
18 you going to?

19 PROSPECTIVE JUROR #1228: California.

20 THE COURT: Which part?

21 PROSPECTIVE JUROR #1228: LA.

22 THE COURT: Okay. Driving or flight?

23 PROSPECTIVE JUROR #1228: Drive.

24 THE COURT: How long is your stay there?

1 PROSPECTIVE JUROR #1228: About a week.

2 THE COURT: Business or pleasure?

3 PROSPECTIVE JUROR #1228: Family.

4 THE COURT: Family? Notice how you can't say that
5 was pleasure? You can always say it's your inlaws and we're
6 good with that. All right.

7 Is regards to that trip, do you have any deposits or
8 nonrefundable payments that you've made in regards to that
9 trip, such as hotel payments or anything like that?

10 PROSPECTIVE JUROR #1228: My wife booked the book
11 ticket like June 1st. And I didn't get the summons until the
12 8th.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #1228: So I've got proof of that,
15 if you want to see?

16 THE COURT: Yeah, my Marshal said you had that.
17 Okay. Madam Clerk, if you would replace the other seats.
18 Thank you, sir, at this time.

19 PROSPECTIVE JUROR #1228: Okay.

20 THE CLERK: In seat number 22 will be
21 [JUROR NO. 1238], badge 1238.

22 THE COURT: [JUROR NO. 1238], that will be the seat
23 right up here in -- over there. No, she's in 22. Oh, I'm
24 sorry. Was I right?

1 UNIDENTIFIED: I'm sorry. That was right.

2 THE COURT: I'm sorry, ma'am. I'm ahead of myself.

3 THE CLERK: In seat number 29 will be

4 [JUROR NO. 1239], badge 239. It's that front row over there.
5 Next to [JUROR NO. 1257].

6 In seat number 19 will be [JUROR NO. 1240], badge 1240.

7 MS. CRAGGS: Your Honor, were we gonna wait on that
8 or am I getting confused?

9 THE COURT: Wait on?

10 MS. CRAGGS: You said seat number 19, so I didn't
11 know.

12 THE CLERK: That's that seat over there.

13 MS. CRAGGS: Okay.

14 THE CLERK: Over here.

15 MS. CRAGGS: I think I'm getting confused.

16 THE COURT: Okay. Oop, there's our --

17 UNIDENTIFIED: She's here.

18 THE COURT: You're over here in the next seat,
19 [JUROR NO. 1124], you're in your original seat.

20 THE CLERK: And seat number 28 will be
21 [JUROR NO. 1246], badge 246.

22 THE COURT: [JUROR NO. 1246], that's gonna be you
23 there.

24 All right. Okay. Got all that, Counsel?

1 MR. YAMPOLSKY: Yes.

2 MS. CRAGGS: Yes, Your Honor.

3 MR. SCHWARTZ: Yes, Your Honor.

4 THE COURT: Okay. If we could get the microphone up
5 here into the box first. And I'll just deal with,
6 chronologically, the first one in. That would be
7 [JUROR NO. 1240]; correct?

8 PROSPECTIVE JUROR #1240: Yes.

9 THE COURT: Good morning, ma'am.

10 PROSPECTIVE JUROR #1240: Good morning.

11 THE COURT: All right. Is that working?

12 PROSPECTIVE JUROR #1240: Hello?

13 THE COURT: There you go. All right.

14 Okay. You may have already forgotten about it, but let's
15 go through the questions that I posed yesterday to all your
16 fellow jurors.

17 How long you been here in Clark County, ma'am?

18 PROSPECTIVE JUROR #1240: Born and raised.

19 THE COURT: All right. Few of the crowd. The ones
20 that have a 530 and we know what we're talking about.

21 All right. Are you currently employed, ma'am?

22 PROSPECTIVE JUROR #1240: No.

23 THE COURT: Okay. What was your last gainful
24 employment?

1 PROSPECTIVE JUROR #1240: [Indiscernible] team at
2 the Golden Gate Casino.

3 THE COURT: Okay. How long ago was that?

4 PROSPECTIVE JUROR #1240: Six months ago.

5 THE COURT: Okay. Are you now retired?

6 PROSPECTIVE JUROR #1240: Planning on it.

7 THE COURT: Planning on it. Okay. Lucky you.

8 Are you currently married?

9 PROSPECTIVE JUROR #1240: Yes.

10 THE COURT: Okay. What does your spouse or
11 significant other do?

12 PROSPECTIVE JUROR #1240: He's a receiver at the
13 Golden Gate Casino.

14 THE COURT: Okay. Any grown children here in
15 Clark County?

16 PROSPECTIVE JUROR #1240: One.

17 THE COURT: Okay. How old is he or she?

18 PROSPECTIVE JUROR #1240: He's 22.

19 THE COURT: Okay. And what does he do?

20 PROSPECTIVE JUROR #1240: He is currently survey
21 caller for the company.

22 THE COURT: Okay. And how far did you go in school,
23 ma'am?

24 PROSPECTIVE JUROR #1240: GED.

1 THE COURT: Okay. And have you or any direct family
2 members or close family friends been the victim of a violent
3 crime?

4 PROSPECTIVE JUROR #1240: No.

5 THE COURT: What about the victim of a sexual
6 assault?

7 PROSPECTIVE JUROR #1240: No.

8 THE COURT: To your understanding, any members of
9 your family or close personal friends that have been accused
10 of committing a sexual assault?

11 PROSPECTIVE JUROR #1240: No.

12 THE COURT: Okay. Any close family members or
13 friends that are in law enforcement?

14 PROSPECTIVE JUROR #1240: No.

15 THE COURT: All right. Let's go ahead and pass it
16 on down to [JUROR NO. 1238], who is my next on this row. All
17 right.

18 [JUROR NO. 1238], how are you doing today?

19 PROSPECTIVE JUROR #1238: I'm good. And you?

20 THE COURT: Good.

21 All right. How long you been here in Clark County?

22 PROSPECTIVE JUROR #238: Born and raised.

23 THE COURT: Oh, we're finally getting some of the
24 locals in here. Okay.

1 And are you currently employed?

2 PROSPECTIVE JUROR #238: Yes.

3 THE COURT: What do you do?

4 PROSPECTIVE JUROR #238: I'm a sales associate.

5 THE COURT: A little bit louder.

6 PROSPECTIVE JUROR #238: Sales associate.

7 THE COURT: All right. Who do you work for?

8 PROSPECTIVE JUROR #238: Calvin Klein.

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

10 PROSPECTIVE JUROR #238: No.

11 THE COURT: Notice how she said it strongly like you
12 did -- right -- no. All right.

13 All right. How far did you go in school?

14 PROSPECTIVE JUROR #238: I'm currently in school.

15 THE COURT: All right. What are you doing in
16 school? What are you taking? What are you studying?

17 PROSPECTIVE JUROR #238: Criminal justice.

18 THE COURT: Notice how all the attorneys got excited
19 about that; right?

20 If you plan on being a lawyer, study language, English,
21 writing. Forget the criminal justice, political science
22 stuff. Learn to write.

23 All right. Have you or any close family members and/or
24 family friends been a victim of violent crime?

1 PROSPECTIVE JUROR #238: Yes, sir.

2 THE COURT: Okay. Who was it and how long ago?

3 PROSPECTIVE JUROR #238: Me and my mom.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR #238: About 13 years ago.

6 THE COURT: Okay. And without going into any
7 details on that, what type of violent act was committed
8 against yourself and your mother?

9 PROSPECTIVE JUROR #238: Well, it was property
10 damage and then --

11 THE COURT: Okay. Tell me about it, just generally
12 what happened.

13 PROSPECTIVE JUROR #238: Someone we knew broke into
14 our house and --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR #238: Yeah.

17 THE COURT: Were you guys in the house at the time?

18 PROSPECTIVE JUROR #238: No.

19 THE COURT: Okay. To your understanding, any
20 members of your direct family and/or close family friends been
21 the victim of a sexual assault?

22 PROSPECTIVE JUROR #238: Technically, no. But
23 there's a report on it, I believe.

24 THE COURT: Okay. Who was the individual that was

1 the victim of that sexual assault?

2 PROSPECTIVE JUROR #238: Myself.

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

4 PROSPECTIVE JUROR #238: Thirteen years ago.

5 THE COURT: Okay. And to your understanding, there
6 was at least made a -- a report was made of it?

7 PROSPECTIVE JUROR #238: Yes.

8 THE COURT: Okay. Do you know whether or not there
9 was any prosecution or anybody ever come to trial on it?

10 PROSPECTIVE JUROR #238: No.

11 THE COURT: Okay. Any other individuals in regards
12 to your close family friends and/or family members who have
13 been accused of committing a sexual assault?

14 PROSPECTIVE JUROR #238: Not that I know of.

15 THE COURT: Okay. Any family members in law
16 enforcement?

17 PROSPECTIVE JUROR #238: No.

18 THE COURT: All right. Let's go ahead and we're
19 going to -- I think that takes everybody new in my box; right?

20 All right. We'll go ahead and put it to that additional
21 row.

22 PROSPECTIVE JUROR #238: Sir, I had a concern.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #238: I want to know if you have

1 to be here on Monday?

2 THE COURT: No.

3 PROSPECTIVE JUROR #238: No?

4 THE COURT: I do; you don't.

5 PROSPECTIVE JUROR #238: Okay.

6 THE COURT: These guys -- they will be done before
7 Monday. This will be submitted to you before Monday.

8 All right. All right. Go ahead.

9 Yep. How do you say that last name?

10 PROSPECTIVE JUROR #1239: [JUROR NO. 1239].

11 THE COURT: [JUROR NO. 1239], okay. So it's just
12 like it spells.

13 All right. [JUROR NO. 1239], how long you been here in
14 Clark County?

15 PROSPECTIVE JUROR #1239: Since '89.

16 THE COURT: Okay. And are you currently employed?

17 PROSPECTIVE JUROR #1239: Yes. I'm a home health
18 nurse.

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

20 PROSPECTIVE JUROR #1239: Bachelor's in nursing.

21 THE COURT: Okay. Are you currently married?

22 PROSPECTIVE JUROR #1239: No, widowed.

23 THE COURT: Okay. How long ago has it been since
24 he's passed?

1 PROSPECTIVE JUROR #1239: Year and a half.

2 THE COURT: Okay. What did your husband do?

3 PROSPECTIVE JUROR #1239: He was a nurse also.

4 THE COURT: Okay. Sorry for your loss, ma'am.

5 Any grown children here in Clark County?

6 PROSPECTIVE JUROR #1239: Two.

7 THE COURT: Okay. Let's go with the oldest first.

8 PROSPECTIVE JUROR #1239: Twenty-six, she works at a
9 bookstore, Writer's Block.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR #1239: And then 19, she's in
12 UNLV.

13 THE COURT: All right. I actually frequent that
14 store. I like that store. Thank you. It's one of the few
15 bookstores that still exists. For you young people, there's
16 other things besides Amazon. They're called libraries; okay?

17 Any member of your family or close personal friends that
18 have been a victim of a violent crime?

19 PROSPECTIVE JUROR #1239: No.

20 THE COURT: Okay. Any members of your family or
21 close personal friends that have been a victim of a sexual
22 assault?

23 PROSPECTIVE JUROR #1239: Yes.

24 THE COURT: Okay. Who was it and how long ago?

1 PROSPECTIVE JUROR #1239: My eldest daughter, when
2 she was three.

3 THE COURT: Okay. So about 23 years ago, give or
4 take?

5 PROSPECTIVE JUROR #1239: Mm-hmm.

6 THE COURT: Okay. Was that here in Clark County?

7 PROSPECTIVE JUROR #1239: Yes.

8 THE COURT: Okay. To your understanding, was there
9 ever prosecution or formal charges brought against anybody?

10 PROSPECTIVE JUROR #1239: No.

11 THE COURT: Okay. Any direct family members or
12 close personal friends that have been accused of committing a
13 sexual assault?

14 PROSPECTIVE JUROR #1239: No.

15 THE COURT: Okay. Any close family members and/or
16 friends that are in law enforcement?

17 PROSPECTIVE JUROR #1239: No.

18 THE COURT: All right. Thank you.

19 Do I have another new individual on that back row there?
20 Right next to you. Okay.

21 She's looking at her name. Look, is that --

22 PROSPECTIVE JUROR #1246: No, I'm looking at the
23 number.

24 THE COURT: Okay. Give me the number.

1 PROSPECTIVE JUROR #1246: [JUROR NO. 1246], 1246.
2 THE COURT: [JUROR NO. 1246]?
3 POTENTIAL JUROR #1246: Yeah.
4 THE COURT: Okay. [JUROR NO. 1246], how long you
5 been here in Clark County?
6 PROSPECTIVE JUROR #1246: Since 2009.
7 THE COURT: Okay. And are you currently employed?
8 PROSPECTIVE JUROR #1246: Yeah. I work at a fish
9 spa.
10 THE COURT: You work at where?
11 PROSPECTIVE JUROR #1246: At a fish spa.
12 THE COURT: Okay. You know I got to ask ya, what
13 does that mean?
14 PROSPECTIVE JUROR #1246: It's -- so it's kind of
15 weird, but it's like little fish --
16 THE COURT: That they eat the dead --
17 PROSPECTIVE JUROR #1246: Yeah.
18 THE COURT: -- material off your feet?
19 PROSPECTIVE JUROR #1246: Yes.
20 THE COURT: Okay.
21 THE JURY: Oh.
22 [Laughter]
23 THE COURT: See, what's funny is all the people who
24 have been to the far east, especially my people in the

1 Philippines, that's normal.

2 PROSPECTIVE JUROR #1246: Yeah.

3 THE COURT: For my Filipinos, balut is not normal.
4 That's odd; okay? But, yeah. Okay. A fish spa. All right.
5 I got you there.

6 All right. Are you currently married?

7 PROSPECTIVE JUROR #1246: No.

8 THE COURT: Okay. How far'd you go in school?

9 PROSPECTIVE JUROR #1246: Still in school right now.

10 THE COURT: All right. What are you studying?

11 PROSPECTIVE JUROR #1246: Marketing.

12 THE COURT: All right. Marketing. Yeah, turn that
13 fish spa into a good slogan and you'll be the best marketer in
14 the world. We had those kind of fish out called -- Lake Mead
15 are called carp. They're free. So anybody wants to do it for
16 free, just go out to the wash and put your feet in the water.

17 All right. Any direct family members or close personal
18 friends that have been a victim of a violent crime?

19 PROSPECTIVE JUROR #1246: No.

20 THE COURT: Okay. Any close family members and/or
21 close family friends that have been the victim of a sexual
22 assault?

23 PROSPECTIVE JUROR #1246: Yes.

24 THE COURT: Okay. When and where?

1 PROSPECTIVE JUROR #1246: Myself, in Mexico, when I
2 was 7 and 8.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR #1246: And my cousin.

5 THE COURT: About the same time period?

6 PROSPECTIVE JUROR #1246: Around there, but hers was
7 in California.

8 THE COURT: Okay. As part of your case, in which
9 you were involved in, was there any formal prosecution done?

10 PROSPECTIVE JUROR #1246: We did go to trial.

11 THE COURT: Okay. Did you have to testify at that
12 trial?

13 PROSPECTIVE JUROR #1246: So I did -- I went. I
14 attended, but they didn't make me go in.

15 THE COURT: Okay. In regards to your cousin's
16 sexual assault, did you -- were you involved in that case?

17 PROSPECTIVE JUROR #1246: So, it was the same case.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR #1246: Yeah.

20 THE COURT: Was that prosecuted in the United States
21 or in Mexico?

22 PROSPECTIVE JUROR #1246: It was here, in Vegas.

23 THE COURT: Oh, here in Las Vegas, it was
24 prosecuted?

1 PROSPECTIVE JUROR #1246: Yeah.

2 THE COURT: Okay. Any close family members and/or
3 friends that have ever been accused of committing a sexual
4 assault?

5 PROSPECTIVE JUROR #1239: Yeah.

6 THE COURT: Okay. And who would that be?

7 PROSPECTIVE JUROR #1239: My dad.

8 THE COURT: Your dad? Okay. Was that that same
9 episode?

10 PROSPECTIVE JUROR #1239: Yeah.

11 THE COURT: Okay. Thank you.

12 Any close family members or close family friends that are
13 in law enforcement?

14 PROSPECTIVE JUROR #1239: No.

15 THE COURT: Okay. Of my new individuals who have
16 entered the box, so to speak, have any of you ever served on a
17 jury before?

18 Looking at all four of 'em, no response. Or all
19 negatives.

20 All right, Counsel, approach.

21 [BENCH CONFERENCE]

22 THE COURT: All right. [JUROR NO. 1096], did you
23 have something you need to say?

24 PROSPECTIVE JUROR #1096: Yes. I just wanted to

1 provide some additional information about my wife's
2 background.

3 THE COURT: Okay. Let's go ahead and get the
4 microphone over to you and we'll let you go do that on the
5 record.

6 Badge number 1096, [JUROR NO. 1096] --

7 PROSPECTIVE JUROR #1096: Yes, so --

8 THE COURT: -- what do you have?

9 PROSPECTIVE JUROR #1096: -- yesterday, you were
10 asking about my wife's employment and I know that she worked
11 at the AG's office. I just want to disclose, though, that she
12 did work for the Washoe and Clark County DA's office for
13 approximately five years.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR #1096: And she is --

16 THE COURT: How long ago did she work for the
17 Clark County DA, do you know, approximately?

18 PROSPECTIVE JUROR #1096: It would have been in the
19 period of time, like, 2011 or '12 to, like, 2015.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #1096: She was in the -- she did
22 family court related matters like TPRs and things.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #1096: So I don't know how the

1 DA's office --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #1096: -- is broken down, but --

4 THE COURT: To your understanding, was she ever
5 actually in the Regional Justice Center or was she over on the
6 Bonanza campus?

7 PROSPECTIVE JUROR #1096: I think she was always
8 over on the family court campus.

9 THE COURT: Okay. And the Washoe County, what did
10 she do for them?

11 PROSPECTIVE JUROR #1096: It was the same thing.

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

13 PROSPECTIVE JUROR #1096: That was like '15 through
14 '17.

15 THE COURT: Okay. Do you understand, did she ever
16 work for the District Attorney's office in regards to criminal
17 prosecution on the criminal side in the Regional Justice
18 Center at all?

19 PROSPECTIVE JUROR #1096: Not that I'm aware of
20 ever.

21 THE COURT: Okay.

22 Okay. At this time we'll be excusing [JUROR NO. 1228].
23 You're excused. Thank you, sir. It's badge number 1228.

24 Madam Clerk.

1 THE CLERK: Replacing him will be [JUROR NO. 247],
2 badge 247.

3 MR. YAMPOLSKY: Which one is it?

4 THE COURT: Good morning, [JUROR NO. 1247].

5 PROSPECTIVE JUROR #1247: Good morning.

6 THE COURT: All right. Same general questions.
7 Let's see how fast we can whip through these, how's that?
8 How long you been here in Clark County?

9 PROSPECTIVE JUROR #1247: Since 1990.

10 THE COURT: All right. And are you currently
11 employed?

12 PROSPECTIVE JUROR #1247: Yes.

13 THE COURT: What do you do, ma'am?

14 PROSPECTIVE JUROR #1247: I work for
15 Zappos Theaters, selling merchandise for residencies.

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

17 PROSPECTIVE JUROR #1247: No.

18 THE COURT: Okay. Another one that's strong about
19 that. Okay.

20 All right. How far did you go in school?

21 PROSPECTIVE JUROR #1247: Some college.

22 THE COURT: Okay. What are you studying in college?

23 PROSPECTIVE JUROR #1247: Social work.

24 THE COURT: Okay. And have you or any close family

1 members ever been the victim of a violent crime?

2 PROSPECTIVE JUROR #1247: Not that I'm aware.

3 THE COURT: Okay. You or any close family members
4 and/or friends ever been the victim of a sexual assault?

5 PROSPECTIVE JUROR #1247: Not that I'm aware.

6 THE COURT: Okay. Any members of your family and/or
7 close personal friends that are in law enforcement?

8 PROSPECTIVE JUROR #1247: Yes.

9 THE COURT: Okay. Who do you have?

10 PROSPECTIVE JUROR #1247: My uncle.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #1247: He works for Metro.

13 THE COURT: What does your uncle do for the
14 Las Vegas Metropolitan Police Department?

15 PROSPECTIVE JUROR #1247: I believe he's arms
16 training.

17 THE COURT: Okay. Do you have any understanding how
18 long he's been with Metro?

19 PROSPECTIVE JUROR #1247: As long as I can remember.

20 THE COURT: Okay. Do you have -- I mean, part of
21 the conversations with family, you ever talk to your uncle
22 about his line of work?

23 PROSPECTIVE JUROR #1247: I talk to him about the
24 arms training. I've never talked to him about, like, when he

1 was on patrol.

2 THE COURT: Okay. Have you ever served on a jury
3 before, ma'am?

4 PROSPECTIVE JUROR #1247: No.

5 THE COURT: Counsel for the State, your venire.

6 MR. SCHWARTZ: Thank you, Your Honor.

7 JURY VOIR DIRE

8 MR. SCHWARTZ: Okay. Welcome back, everyone.

9 Let's see, we'll focus on, first, kind of couple
10 questions for the new people; okay? [JUROR NO. 1238],
11 [JUROR NO. 1240], [JUROR NO. 1239], [JUROR NO. 1246], and
12 [JUROR NO. 1247].

13 Yes, sir?

14 PROSPECTIVE JUROR #1237: Before we start, could
15 I -- I had a financial hardship that I needed --

16 MR. SCHWARTZ: Let me bring this --

17 THE COURT: Okay. Go ahead. Let's put it on the
18 record. [JUROR NO. 1237], badge number 1237. What's the
19 issue, sir?

20 PROSPECTIVE JUROR #1237: Yeah, yesterday, I got put
21 on the jury at the last minute and --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #1237: -- didn't get a time to
24 tell you this. So I wanted --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR #1237: -- to go through without
3 saying -- so I said I'm a musician and a realtor. Realtor is
4 how I make my money, most of it.

5 THE COURT: Right.

6 PROSPECTIVE JUROR #1237: And, you know, I'm kind of
7 an independent contractor. And I have a few rentals that
8 I'm -- rental clients that are wanting me to show them
9 places --

10 THE COURT: Right.

11 PROSPECTIVE JUROR #1237: -- and I can't. And I --
12 I need the money.

13 THE COURT: Okay. Did you have any actual showings
14 set for this week?

15 PROSPECTIVE JUROR #1237: Yes.

16 THE COURT: Okay. When were those set?

17 PROSPECTIVE JUROR #1237: Well, I'm -- they're
18 showing -- I -- it's whenever I can show them this week.
19 They -- they're --

20 THE COURT: Well, I understand -- I'm married to a
21 relator. So trust me, I understand it better than anybody.

22 PROSPECTIVE JUROR #1237: Like I said --

23 THE COURT: So --

24 PROSPECTIVE JUROR #1237: I have listings, you know,

1 and --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR #1237: -- so they're going as
4 soon as possible.

5 THE COURT: Okay. So I mean, I'm saying, have you
6 actually set up places that you actually have set appointments
7 to actually show in the next couple days --

8 PROSPECTIVE JUROR #1237: Yes.

9 THE COURT: -- or are you still looking into the MLS
10 and figuring out where you're going to go?

11 PROSPECTIVE JUROR #1237: No. No. No. The MLS,
12 they've already showed me the places and I -- you know how I
13 have to call them up --

14 THE COURT: Right.

15 PROSPECTIVE JUROR #1237: -- I have to make a
16 showing and stuff like that. So I mean, if I don't show
17 them -- they want it as soon as -- they want it yesterday, for
18 me to show, but I couldn't.

19 THE COURT: Okay. Have you contacted the property
20 owners to see if you could do showings after the normal 9:00
21 to 5:00?

22 PROSPECTIVE JUROR #1237: Yeah. But I have, like,
23 three clients.

24 THE COURT: Okay.

1 PROSPECTIVE JUROR #1237: And I can't show everybody
2 after 5:00.

3 THE COURT: Understand. I'm just asking whether or
4 not you've made arrangements to show -- for example, there's a
5 lot of clients that can't go during the day because they have
6 a job that they can't leave 9:00 to 5:00.

7 PROSPECTIVE JUROR #1237: I --

8 THE COURT: And they tell you, "Hey, I have to go
9 look at this houses after 5:00 until whenever on the
10 weekends." So I'm asking if you've made any of those kind of
11 arrangements.

12 PROSPECTIVE JUROR #1237: No, my clients were saying
13 they wanted to show during the day.

14 THE COURT: Okay. Anything else, sir?

15 PROSPECTIVE JUROR #1237: Well, I'm also a musician.
16 I got two shows this weekend that I'm learning songs for
17 and --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR #1237: -- I just -- just the
20 time -- I'm out of time.

21 THE COURT: Okay. Thank you, sir.

22 Counsel, your venire.

23 MR. SCHWARTZ: I guess while we're at it, does
24 anyone else have any kind of [indiscernible]?

1 [JUROR NO. 1083]? Oh, [JUROR NO. 1083]. Pass this down.

2 THE COURT: Go ahead, [JUROR NO. 1083].

3 PROSPECTIVE JUROR #1083: You need my number?

4 THE COURT: 1083; correct?

5 PROSPECTIVE JUROR #1083: Yeah. I'm not going on
6 vacation or anything like that, but I do have two summer
7 school classes and I'm trying to take a test for. I'm having
8 a hard time 'cause I have to show up here.

9 Another thing I want to say is that I'm not really for
10 prosecutors prosecuting guys to be on the sex offender list.
11 I've been on both sides already. And I've been molested. I'm
12 not going after my -- the lady who touched me. I'm over it.
13 It doesn't ruin my life so why ruin someone else's life by
14 putting them on a sex offender list? They can't get jobs or
15 anything like that.

16 MR. SCHWARTZ: You think sex assault ruins other
17 people's lives, though?

18 PROSPECTIVE JUROR #1083: Is my life ruined? I
19 don't think so.

20 MR. SCHWARTZ: I'm talking about other people.

21 PROSPECTIVE JUROR #1083: I've been molested.

22 THE COURT: [JUROR NO. 1083], I think the question
23 is, do you believe that it may have an impact upon a victim?

24 PROSPECTIVE JUROR #1083: Sure.

1 THE COURT: Okay.

2 MR. SCHWARTZ: Can we approach, Your Honor?

3 THE COURT: Approach.

4 [BENCH CONFERENCE]

5 THE COURT: Move on, Counsel. Let's go.

6 MR. SCHWARTZ: Okay.

7 Thank you, [JUROR NO. 1083].

8 Okay. [JUROR NO. 1240], [JUROR NO. 1238],
9 [JUROR NO. 1239], [JUROR NO. 1246], [JUROR NO. 1247] -- any
10 questions that I was talking about yesterday that you guys
11 thought maybe, "Hey, I might raise my hand for that," when we
12 talked about -- anyone -- any of you guys excited to be
13 serving for a jury?

14 Okay. Anyone super -- think this was the worst day ever?

15 No. Okay. I see you over there. Okay.

16 All right. What about -- let's see. Guess we talked
17 about the CSI issue. Anyone think that CSI is reality? If
18 you do, just raise your hand. How about that? If you do?

19 No? Okay.

20 Are there four of you? One, two -- [JUROR NO. 1240]?
21 [JUROR NO. 1238], [JUROR NO. 1239], [JUROR NO. 1246]. Oh, and
22 then -- okay. I'm sorry. I missed you, [JUROR NO. 1247].
23 Okay.

24 [JUROR NO. 1240], would you agree that a woman has the

1 absolute right to say no to a man's sexual advances?

2 PROSPECTIVE JUROR #1240: Yes.

3 THE COURT: I'm sorry. We need that microphone.

4 PROSPECTIVE JUROR #1240: Yes, I do.

5 MR. SCHWARTZ: Okay. Anything to add about kind of
6 that topic of things that we were talking about yesterday?
7 The #MeToo movement we talked about. Any kind of strong
8 feelings one way or the other about any of those things?

9 PROSPECTIVE JUROR #1240: No.

10 MR. SCHWARTZ: Okay. Feel comfortable with the idea
11 of maybe being a member of a jury in a sex assault case?

12 PROSPECTIVE JUROR #1240: Yes, I'm comfortable with
13 it.

14 MR. SCHWARTZ: Okay. Thank you. If you could pass
15 it along down to [JUROR NO. 1238].

16 [JUROR NO. 1238], you are number 1238?

17 PROSPECTIVE JUROR #1238: Yes.

18 MR. SCHWARTZ: Do you think that anyone ever gives
19 up the right to say no in a situation like that?

20 PROSPECTIVE JUROR #1240: No, sir.

21 MR. SCHWARTZ: Do you have any issues with sitting
22 on the -- potentially sitting on a jury of this type of case?

23 PROSPECTIVE JUROR #1240: No, sir.

24 MR. SCHWARTZ: Thank you. Pass it along down here.

1 And [JUROR NO. 1246]?

2 PROSPECTIVE JUROR #1246: Yeah.

3 MR. SCHWARTZ: Okay. There you go.

4 And, ma'am, you are number 1246.

5 PROSPECTIVE JUROR #1246: 1246.

6 THE COURT: Okay. Do you think there are times
7 where someone may say no but they mean yes or they mean
8 "convince me"?

9 PROSPECTIVE JUROR #1246: As in just any time or --

10 MR. SCHWARTZ: I guess in the sense of, like, an
11 intimate situation.

12 PROSPECTIVE JUROR #1246: Okay. Yeah, I don't know.

13 MR. SCHWARTZ: Like, does no mean no to --

14 PROSPECTIVE JUROR #1246: Yeah. I mean, if you're
15 saying no, then it's a no.

16 MR. SCHWARTZ: Okay. Any concern with potentially
17 sitting on a jury -- you've heard, kind of, a lot of the
18 questions and the issues that we've been talking about. Do
19 you have any concerns about potentially sitting on the jury?

20 PROSPECTIVE JUROR #1246: I don't. But I actually
21 have a vacation.

22 MR. SCHWARTZ: Okay. When's that?

23 PROSPECTIVE JUROR #1246: On Friday.

24 MR. SCHWARTZ: Okay. When do you leave?

1 PROSPECTIVE JUROR #1246: I leave on Friday.
2 MR. SCHWARTZ: But, like, what time Friday?
3 PROSPECTIVE JUROR #1246: Oh, I'm not sure. I think
4 in the morning.
5 MR. SCHWARTZ: Are you driving or fly?
6 PROSPECTIVE JUROR #1246: No, we're flying.
7 MR. SCHWARTZ: Where are you guys flying to?
8 PROSPECTIVE JUROR #1246: Mexico.
9 MR. SCHWARTZ: Okay. Friday morning, Mexico?
10 PROSPECTIVE JUROR #1246: Mm-hmm.
11 MR. SCHWARTZ: Okay. If the trial was done by
12 Thursday, you'd be fine, but Friday you'll be leaving.
13 PROSPECTIVE JUROR #1246: Yeah.
14 MR. SCHWARTZ: Okay. Okay. Thank you. Any other
15 concerns?
16 PROSPECTIVE JUROR #1246: No, that's it.
17 MR. SCHWARTZ: Okay. You can pass it to your
18 neighbor.
19 [JUROR NO. 1239], 1239. Any thoughts on, kind of, the
20 things that we've been talking about? Did you have any
21 concerns? Things you wanted to jump in on? Talked a lot
22 about sexual assault, how people might react to it.
23 PROSPECTIVE JUROR #1239: No, I'm pretty moderate.
24 So I'm comfortable.

1 MR. SCHWARTZ: Okay. Any concerns with potentially
2 sitting on the jury?

3 PROSPECTIVE JUROR #1239: No.

4 MR. SCHWARTZ: Okay. Thank you. Pass it down.
5 Okay. [JUROR NO. 1247], your number is 1247?

6 PROSPECTIVE JUROR #1247: Mm-hmm.

7 MR. SCHWARTZ: Same question. Any issues with
8 sitting on the jury? Concerns?

9 PROSPECTIVE JUROR #1247: No.

10 THE COURT: Okay. Any questions I asked yesterday
11 that you really wanted to kind of jump in and maybe say your
12 opinion on?

13 PROSPECTIVE JUROR #1247: No. I feel like everybody
14 pretty much said whatever I had to say.

15 MR. SCHWARTZ: Okay.

16 PROSPECTIVE JUROR #1247: No means no.

17 MR. SCHWARTZ: Okay. Thank you. Let me grab that
18 microphone from ya. And I'm just gonna ask a few more
19 questions. I know I keep saying that -- right -- hours ago.

20 Thank you.

21 Actually, while I'm thinking about it, [JUROR NO. 1238],
22 can I ask you a quick question? Criminal justice, what do you
23 want to do?

24 PROSPECTIVE JUROR #1240: Be a detective.

1 MR. SCHWARTZ: Detective? Okay.

2 Why do you want to be a detective?

3 PROSPECTIVE JUROR #1240: Because of personal
4 experiences and also, like, the things I've seen and on shows.
5 And for a while I was in the Explorers Program.

6 MR. SCHWARTZ: Okay. With Metro?

7 PROSPECTIVE JUROR #1240: Yeah.

8 MR. SCHWARTZ: Cool. How long did you do the
9 Explorers Program?

10 PROSPECTIVE JUROR #1240: Honestly, not that long
11 ago. I had -- I had to leave for medical reasons.

12 MR. SCHWARTZ: Okay. But you got to do some, like,
13 ride-a-longs and stuff?

14 PROSPECTIVE JUROR #1240: No.

15 MR. SCHWARTZ: Oh, okay. All right.

16 Okay. So if you could pass it behind you to Mister -- is
17 it [JUROR NO. 1113]?

18 PROSPECTIVE JUROR #1113: Yes.

19 MR. SCHWARTZ: Start with you, sir.

20 And I might have posed this question to everybody, but
21 does anybody have -- [JUROR NO. 1113], do you have an issue of
22 sitting in judgment of someone else for -- whether it be
23 personal? Religious? Any other kind of reason? Moral
24 reasons?

1 PROSPECTIVE JUROR #1113: No.

2 MR. SCHWARTZ: Okay. Does anyone have an issue with
3 that? Just raise your hand if you do.

4 PROSPECTIVE JUROR #1066: Sorry. Could you repeat
5 that?

6 MR. SCHWARTZ: Sure. Have a concern or problem
7 sitting in judgment of someone else. Like, as a juror, you're
8 going to, to kind of be deciding the guilt or not guilt of
9 somebody. Does anyone have a problem with that for moral --
10 just keep your hand up -- moral, religious --
11 [JUROR NO. 1083], your reasons.

12 Okay. Okay. Perfect. If we could slide the
13 microphone -- I'll take it from ya -- over here.

14 Go, sir. Just name and badge.

15 PROSPECTIVE JUROR #1190: Sure. It's
16 [JUROR NO. 1190], 1190.

17 MR. SCHWARTZ: Yes, sir.

18 PROSPECTIVE JUROR #1190: And it's not really a
19 moral reason or anything. I just feel like I should say it
20 because it's on my mind.

21 MR. SCHWARTZ: Please.

22 PROSPECTIVE JUROR #1190: So my wife, for a long
23 time, because she's a licensed clinical social worker, one of
24 her jobs for a number of years was to take care of abused and

1 neglected children. She would drive out to their foster homes
2 and essentially listen to their stories and things.

3 MR. SCHWARTZ: Sure.

4 PROSPECTIVE JUROR #1190: And, you know, she
5 couldn't share names. She couldn't really give too many
6 details, but when really bad stuff had happened to a kid,
7 like, you know, soul crushing kind of things, my immediate
8 thought was always I wanted to go out and, like, find the
9 parent who did that to their child kind of deal.

10 MR. SCHWARTZ: Right.

11 PROSPECTIVE JUROR #1190: I still think I could be
12 impartial. But it's been in my head for -- since yesterday
13 when we heard about what the case was sort of about. So I
14 felt like I should probably say it, just for my own, you know
15 -- I wanted everybody to know, I guess.

16 MR. SCHWARTZ: No, I --

17 PROSPECTIVE JUROR #1190: Just in case I'm not
18 impartial because of it or something like that. And I still
19 think I could be, but I just don't know.

20 MR. SCHWARTZ: I think that's a great point to bring
21 up and that everyone should feel the same way. If there's
22 something that's kind of been bugging you that you're not sure
23 if it matters but, you know, it's great to bring up. Let me
24 ask you this -- it's really gonna be kind of up to you --

1 PROSPECTIVE JUROR #1190: Yeah.

2 MR. SCHWARTZ: -- can you sit here, kind of take the
3 prior stuff that you were exposed to with your wife's
4 profession, kind of set that aside, listen to the evidence you
5 hear, the laws you hear from the judge and this courtroom and
6 make a decision based on that and, you know, do your best to
7 not use that -- use those wrongs to try to affect someone
8 here, but instead listen independently to the evidence in this
9 case?

10 PROSPECTIVE JUROR #1190: I do. I think I can.

11 MR. SCHWARTZ: Okay.

12 PROSPECTIVE JUROR #1190: Yeah.

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

14 PROSPECTIVE JUROR #1190: No problem.

15 MR. SCHWARTZ: Grab the microphone from ya.

16 Go right to you, ma'am, just because you've been so
17 patiently waiting to talk. I could tell. Right?

18 Let me ask you this kind of hypothetical question,
19 basically gonna be the end of questions here. But when you
20 think about -- let's say somebody who's walking home from work
21 and they get robbed; right? They get hit over the head. They
22 get robbed. And that's sort of the crime -- that's the crime
23 that happens. Do you usually -- do you agree with me that we
24 don't usually blame that person for walking home and getting

1 robbed?

2 PROSPECTIVE JUROR #1107: Yeah. Yeah.

3 MR. SCHWARTZ: You'd agree with me. We don't
4 usually say, "Why would you walk home?"

5 Okay. Now, why do you think it's -- sometimes it's
6 different with regard to sexual assault? A lot of times we'll
7 say, "Well, why were you out with this person?" "Why were you
8 there?" "Why did you do this?" "It's kind of your own
9 fault." Sometimes that'll be the response.

10 Why do you think it's sort of different when you talk
11 about sexual assault as opposed to, like, a robbery or
12 burglary?

13 PROSPECTIVE JUROR #1107: I don't know. I mean, it
14 shouldn't be different.

15 MR. SCHWARTZ: Okay. Just kind of -- it's just
16 something that I was thinking about seems kind of weird.
17 Sometimes we almost immediately blame the victim for having a
18 role in it; right?

19 PROSPECTIVE JUROR #1107: Yeah. I mean, I see that,
20 but it definitely shouldn't be different --

21 MR. SCHWARTZ: Right.

22 PROSPECTIVE JUROR #1107: -- in any way.

23 MR. SCHWARTZ: Okay. What do you think -- let's go
24 Mister -- next to [JUROR NO. 1113], [JUROR NO. 1117]. I

1 haven't heard from you, sir. And you are --

2 PROSPECTIVE JUROR #1117: 1117.

3 MR. SCHWARTZ: -- 1117.

4 What do you think about that? That kind of idea?

5 PROSPECTIVE JUROR #1117: I feel a victim may feel
6 that way, but they shouldn't. And they shouldn't be perceived
7 that way either.

8 MR. SCHWARTZ: Like a sexual assault victim
9 shouldn't be --

10 PROSPECTIVE JUROR #1117: Right.

11 MR. SCHWARTZ: Since I didn't get to talk to you
12 yesterday, do you have any kind of thoughts on, I don't know,
13 the #MeToo movement or anything like that?

14 PROSPECTIVE JUROR #1117: Actually, I never heard of
15 it till yesterday.

16 MR. SCHWARTZ: Okay. You know, just -- yeah,
17 it's -- my co-counsel actually has to inform me on a lot of
18 things that happen in politics 'cause I don't watch the news
19 so much. Because --

20 PROSPECTIVE JUROR #1117: Right.

21 MR. SCHWARTZ: -- feel like I'm living in
22 [indiscernible].

23 PROSPECTIVE JUROR #1117: Right.

24 MR. SCHWARTZ: You know what it is now?

1 PROSPECTIVE JUROR #1117: I did just briefly
2 research it last night --

3 MR. SCHWARTZ: Okay.

4 PROSPECTIVE JUROR #1117: -- just to see what it
5 was. So, yes.

6 MR. SCHWARTZ: So -- 'cause you knew I was gonna ask
7 you about it.

8 PROSPECTIVE JUROR #1117: Well, thought it might be
9 a possibility.

10 MR. SCHWARTZ: Yeah, what do you think?

11 PROSPECTIVE JUROR #1117: I mean, I really don't
12 know. I didn't delve into it too deep. I just looked into it
13 just to see what it was and I can see a need for it but, you
14 know, that's just another thing that people will
15 [indiscernible] and support.

16 MR. SCHWARTZ: You could see -- I think one of the
17 jurors had mentioned this. Maybe one concern might be that
18 you kind of are presumed guilty instead of presumed innocent
19 when you're accused of something like that. Is that maybe one
20 of the concerns that you could see?

21 PROSPECTIVE JUROR #1117: I feel that happens with
22 sexual assault cases a lot because of just the victim nature
23 and just the way that it's been out there. It's just -- it's
24 sad that the victim will be accused for something that

1 happened to them --

2 MR. SCHWARTZ: Right.

3 PROSPECTIVE JUROR #1117: -- they potential no
4 involvement in.

5 MR. SCHWARTZ: Thank you, sir.

6 Anybody else have anything they want to add, kind of the
7 way [JUROR NO. 1190] did? It's just something they've been
8 thinking about? I want to make sure that they're not gonna be
9 unfair or maybe biased or anything maybe like, "I wonder why
10 Mr. Schwartz didn't ask us about how many pets we have." So,
11 anything?

12 Your Honor, at this time, subject to some of the other
13 things --

14 THE COURT: Approach.

15 [BENCH CONFERENCE]

16 THE COURT: Ladies and gentlemen, at this time, as
17 we talked about earlier yesterday, during this process, all
18 the time this happens where individuals would rather speak in
19 private in regards to those matters that they feel they don't
20 want to express in front of a large group.

21 And even though we just started for most of guys, what
22 we're gonna do at this time is we're gonna take a little
23 extended break so that we can talk to those individuals
24 one-on-one. I'm gonna -- we're gonna break until about 11:30.

1 Now, if you're a smoker or a person that needs an
2 extended break, realize, you need to get back here about
3 11:25; okay? So don't try to get on the elevator at 11:25
4 'cause you'll never get here by 11:30; okay?

5 There's gonna be a list of individuals that the State's
6 gonna call at this time. And if those individuals would
7 remain seated until we release everybody else. In addition,
8 we're gonna be excusing badge number 1083, [JUROR NO. 1083].
9 You're hereby excused.

10 All the rest of you, we're gonna take a brief recess
11 until 11:30, except the list that's gonna be called out in a
12 second.

13 During this recess you're admonished not to talk or
14 converse among yourselves or with anyone else on any subject
15 connected to this trial or read, watch, or listen to any
16 report of or commentary on the trial or any person connected
17 with this trial by any medium of information, including
18 without limitation: Newspapers, television, radio, or
19 Internet, or form or express any opinion on any subject
20 connected with the trial until the case is finally submitted
21 to you.

22 You're not to do any experiments or investigation
23 regarding any matters raised in this trial, nor are you to
24 post on any social media forums about the trial or attempt to

1 investigate anything you've heard in this trial using any form
2 of social media or the Internet.

3 Please wait and see if your name is called. If your
4 name's called, remain seating -- sit -- sittted (sic) -- remain
5 at your seat. Let's say it that way.

6 [Laughter]

7 THE COURT: See, that's why you do English and
8 grammar; okay? Remain in your seat.

9 MR. SCHWARTZ: If we could please ask these people
10 to remain seated: [JUROR NO. 1087], [JUROR NO. 1164],
11 [JUROR NO. 1174], [JUROR NO. 1124], [JUROR NO. 1229],
12 [JUROR NO. 1238], [JUROR NO. 1239], and [JUROR NO. 1246].
13 Thank you.

14 THE COURT: Okay. If all of those individuals will
15 please remain in their seat. The rest of you, we'll see you
16 back here at 11:25.

17 THE MARSHAL: All rise for the jury.

18 [OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY]

19 THE COURT: All right. Marshal, if you could
20 please -- one second, please.

21 [BENCH CONFERENCE]

22 THE COURT: All right. State, particular order?

23 MR. SCHWARTZ: We could just go -- the order I have,
24 [JUROR NO. 1087] is first.

1 THE COURT: Okay. [JUROR NO. 1087], if you'll
2 remain seated. The rest of you, you'll join my Marshal.
3 She's going to place -- he's going to place you in these
4 anterior rooms right out here. And please don't wander off
5 too far; okay?

6 Marshal, we'll just keep the rest remaining of these
7 individuals close by, anterior rooms.

8 MR. SCHWARTZ: Just have her stay there or --

9 THE COURT: Just -- that's fine, yeah. That way we
10 can hear.

11 MR. SCHWARTZ: All right. You're so far away.

12 PROSPECTIVE JUROR #1087: I know.

13 THE COURT: It's kind of a little bit further away,
14 but it's easier this way.

15 [JUROR NO. 1087], we are going to conduct voir dire
16 specifically -- specific topics and questions for you in
17 private so that you don't have to disclose those information
18 to other individuals.

19 Please make sure you understand that even though I say
20 "private," there's still a large group of us. I can assure
21 you that the one thing that all the attorneys and all the
22 staff know in this department and throughout anybody that does
23 this as a career, what they say in court stays in court,
24 doesn't go any further. Trust me, my family doesn't even ask

1 me anymore 'cause they just ask me how was the day. And I
2 say --

3 PROSPECTIVE JUROR #1087: Right.

4 THE COURT: -- or this and that's the extent of it.
5 Okay?

6 PROSPECTIVE JUROR #1087: Okay.

7 THE COURT: Counsel?

8 MR. SCHWARTZ: Thank you, Your Honor.

9 And, [JUROR NO. 1087], just a couple questions. I know
10 we kind of started talking about it yesterday. I'm sorry I
11 have to ask these questions.

12 PROSPECTIVE JUROR #1087: That's okay.

13 MR. SCHWARTZ: I'm sure you understand, given the
14 type of the case.

15 PROSPECTIVE JUROR #1087: Right.

16 MR. SCHWARTZ: If you could just give us a little
17 more information about the sexual assault you were talking
18 about earlier.

19 PROSPECTIVE JUROR #1087: So I was sexually
20 assaulted by my stepfather.

21 MR. SCHWARTZ: Okay.

22 PROSPECTIVE JUROR #1087: From the age of 7 to 16.

23 MR. SCHWARTZ: I'm sorry to hear that.

24 PROSPECTIVE JUROR #1087: Thank you.

1 MR. SCHWARTZ: Did -- was it something that was
2 eventually reported?

3 PROSPECTIVE JUROR #1087: Yes, it was reported. He
4 got community service and counseling.

5 MR. SCHWARTZ: Really?

6 PROSPECTIVE JUROR #1087: Yes.

7 MR. SCHWARTZ: Was it in Las Vegas?

8 PROSPECTIVE JUROR #1087: California.

9 MR. SCHWARTZ: Okay. At what age were you when you
10 first reported?

11 PROSPECTIVE JUROR #1087: Fifteen.

12 MR. SCHWARTZ: Was there -- I assume there was a
13 criminal case that was opened as a result? Like a --

14 PROSPECTIVE JUROR #1087: Not that I'm aware of.

15 MR. SCHWARTZ: Okay. So did you report it to a
16 police officer?

17 PROSPECTIVE JUROR #1087: No, I reported it to my
18 oldest stepsister.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1087: Who then [indiscernible]
21 took me out of the home and I went to counseling and child
22 services and that was that. And it stayed with her. But it
23 was just an ongoing battle. So it's something I've overcome,
24 but it's something that is very --

1 MR. SCHWARTZ: Oh, I can't even imagine. So it
2 sounds like you're not sure if it was even, like, a
3 prosecution [indiscernible].

4 PROSPECTIVE JUROR #1087: There was no prosecution.
5 Just --

6 MR. SCHWARTZ: Who gave him the community service?

7 PROSPECTIVE JUROR #1087: I have no idea.

8 MR. SCHWARTZ: Okay.

9 PROSPECTIVE JUROR #1087: But he had to do
10 counseling.

11 MR. SCHWARTZ: Okay. He didn't go to jail or
12 prison.

13 PROSPECTIVE JUROR #1087: No. No.

14 MR. SCHWARTZ: Do you -- ever since, I guess, you
15 were taken out of home, did you remain having a relationship
16 at all with him?

17 PROSPECTIVE JUROR #1087: Periodically.

18 MR. SCHWARTZ: Okay. I guess, you know, the main
19 question that kind of comes up out of this is, do you think --
20 obviously, we understand it happened a while ago. But still,
21 it's gonna affect you. But do you think you'll be able to set
22 it aside to an extent and, you know, listen to the evidence in
23 the --

24 PROSPECTIVE JUROR #1087: I think I could. I just

1 have strong feelings on --

2 MR. SCHWARTZ: Sure.

3 PROSPECTIVE JUROR #1087: -- woman's rights and "no
4 means no."

5 MR. SCHWARTZ: Absolutely.

6 PROSPECTIVE JUROR #1087: And there's a lot about --
7 a lot to it. So --

8 MR. SCHWARTZ: And having strong feelings about that
9 is completely -- that's fine. That didn't make you a biased
10 juror for this case. I guess, though, we would want to make
11 sure that you could be fair to both side and listen to the
12 evidence before you make a decision. So if you don't believe
13 that the State has proven beyond a reasonable doubt, in your
14 mind, this case --

15 PROSPECTIVE JUROR #1087: Yes.

16 MR. SCHWARTZ: -- then you would need to be able to
17 say that the Defendant was not guilty. Can you do that, if we
18 fail to prove it?

19 PROSPECTIVE JUROR #1087: That's a tough question.

20 MR. SCHWARTZ: Okay.

21 PROSPECTIVE JUROR #1087: You know, and for that
22 being in my hands, I don't know -- it's a weird feeling to
23 have somebody's future, in my opinion.

24 MR. SCHWARTZ: Sure.

1 PROSPECTIVE JUROR #1087: You know, I have strong
2 opinions. But I would be glad that it's not just my opinion
3 alone. It'd be --

4 MR. SCHWARTZ: Of course.

5 PROSPECTIVE JUROR #1087: -- amongst the other
6 people.

7 MR. SCHWARTZ: There would be -- yeah. There are,
8 you know, 12 jurors that you can --

9 PROSPECTIVE JUROR #1087: But to let somebody go
10 innocent who's guilty or vice versa is quite a responsibility.

11 MR. SCHWARTZ: Being a juror, no one said was going
12 to be easy; right?

13 PROSPECTIVE JUROR #1087: Right.

14 MR. SCHWARTZ: But I think just as long as you think
15 that you can be fair and listen to the evidence and not make a
16 decision until the case is given to you, that's really all
17 we're looking for. We want you to be able to do that. If you
18 think, "Well, you know, I know he's guilty because I just
19 know." Then that's not gonna work for us. Because that
20 wouldn't be fair; right? I need to prove my case before you
21 find someone guilty.

22 PROSPECTIVE JUROR #1087: Right.

23 MR. SCHWARTZ: So does that all make sense?

24 PROSPECTIVE JUROR #1087: It makes sense.

1 MR. SCHWARTZ: Okay.

2 PROSPECTIVE JUROR #1087: Definitely. I think I
3 might have a little bit of that in the back of my mind,
4 that -- because of what I went through.

5 MR. SCHWARTZ: Sure. Would you be able to set that
6 aside, though, for the purposes of how -- you know, I mean,
7 it's obviously very important to the Defense as well, this
8 case. So we would want you to be able to set that aside and
9 be fair and just kind of listen to the evidence and then make
10 your decision based on the evidence, not based on what
11 happened in the past. That's kind of what we want you to be
12 able to do.

13 PROSPECTIVE JUROR #1087: I would think I would be
14 able to.

15 MR. SCHWARTZ: Okay.

16 Your Honor, I think that's all the questions I have for
17 her.

18 THE COURT: Counsel for Defense.

19 MR. YAMPOLSKY: Thank you, Your Honor.

20 You said that -- and I don't want to put words in your
21 mouth -- but you're a supporter of women's rights.

22 PROSPECTIVE JUROR #1087: Correct.

23 MR. YAMPOLSKY: Specifically, what rights are you
24 talking about?

1 PROSPECTIVE JUROR #1087: My right to say no at any
2 time, advances towards me and any --

3 MR. YAMPOLSKY: And that's it?

4 PROSPECTIVE JUROR #1087: -- uncomfortable --

5 MR. YAMPOLSKY: So no other women's rights? Let's
6 say for abortion or anything like that or -- so that -- when
7 you talk about woman's --

8 PROSPECTIVE JUROR #1087: No. I mean, I'm talking
9 about your body sexually. If you choose to have an abortion,
10 it's your right.

11 MR. YAMPOLSKY: Okay.

12 PROSPECTIVE JUROR #1087: Say, I'm not no against
13 anything like that. That's what you're saying.

14 MR. YAMPOLSKY: I'm sorry. Say that again.

15 PROSPECTIVE JUROR #1087: What was your question?

16 MR. YAMPOLSKY: My question was --

17 PROSPECTIVE JUROR #1087: It kind of went off the --

18 MR. YAMPOLSKY: -- what, specifically, women's
19 right? Because if you'd said a woman's right to say no --
20 okay -- that's it. But you said "women's rights." So I'm
21 wondering, aside from the right to say no, what other rights
22 are you talking about?

23 PROSPECTIVE JUROR #1087: Any rights, whether it's
24 abortion, whether it's -- anything. My right to get paid

1 equally to men or whatever.

2 MR. YAMPOLSKY: Okay. So equal work for equal pay.

3 PROSPECTIVE JUROR #1087: Yeah. All of it.

4 MR. YAMPOLSKY: And I don't mean to nitpick --

5 PROSPECTIVE JUROR #1087: That's okay.

6 MR. YAMPOLSKY: -- but, you know, everyone, for
7 instance, has a right to work and get paid. So I'm saying,
8 specifically, what other women's rights are you concerned
9 about?

10 PROSPECTIVE JUROR #1087: That would be it.

11 MR. YAMPOLSKY: Okay. Now, you obviously think no
12 means no; correct?

13 PROSPECTIVE JUROR #1087: Correct.

14 MR. YAMPOLSKY: Do you think that somebody who
15 has -- says no has a right to change their mind?

16 PROSPECTIVE JUROR #1087: Everybody has a right to
17 change their mind. So, yes.

18 MR. YAMPOLSKY: So if someone said no in the
19 beginning then later changed their mind and said yes, that
20 would be okay.

21 PROSPECTIVE JUROR #1087: It would depend on the
22 situation.

23 MR. YAMPOLSKY: Okay. So sometimes it would be
24 okay.

1 PROSPECTIVE JUROR #1087: If that's her choice.

2 MR. YAMPOLSKY: Okay. Well, you said --

3 PROSPECTIVE JUROR #1087: Well, you're saying she
4 said no and then -- or she said yes, no, yes, no. That's her
5 right.

6 MR. YAMPOLSKY: I understand that. But you -- when
7 I asked you the question, you said it depends on the
8 situation. So what situations can you think of where it might
9 affect your answer?

10 PROSPECTIVE JUROR #1087: If she doesn't want to
11 have sexual relations and she says no. And then later changes
12 her mind, then she changes her mind.

13 MR. YAMPOLSKY: Okay. Maybe I'm not expressing
14 myself --

15 PROSPECTIVE JUROR #1087: Maybe that's --

16 MR. YAMPOLSKY: I understand that. So no means no;
17 yes means yes. Right. But when I asked you, do people have a
18 right to change their mind? And I believe you said it depends
19 on the situation. So I'm asking, what situation would it
20 depend on? Because if I'm hearing you proper -- what I
21 believe is that you said, well, some people may say yes, but
22 they don't really mean it. Or something like that.

23 PROSPECTIVE JUROR #1087: That's not what I'm
24 saying.

1 MR. YAMPOLSKY: Oh, okay. So -- and I don't want to
2 put words in your mouth. So aside from no means no and yes
3 means yes, are there any other situations or circumstances
4 where someone may have said no and then yes but, in your
5 opinion, it still is a no.

6 PROSPECTIVE JUROR #1087: I don't even know how to
7 answer that.

8 MR. YAMPOLSKY: Well, if there's no circumstances,
9 there's no circumstances. If there's some --

10 PROSPECTIVE JUROR #1087: A person has a right to
11 change their mind. Period.

12 MR. YAMPOLSKY: Okay. Now, do you think that
13 sometimes people can -- I don't want to say advertise it --
14 make their attentions (sic) known without specifically saying
15 yes or no?

16 PROSPECTIVE JUROR #1087: Make their attentions
17 known?

18 MR. YAMPOLSKY: Well, let me give you an example.
19 So if people are meeting, they're getting along, they're
20 kissing, and someone starts to take their clothes off. It
21 would seem that this is -- would be consent to have sexual
22 relations or would you agree with that?

23 PROSPECTIVE JUROR #1087: Yes.

24 MR. YAMPOLSKY: And then later, if they said no,

1 they changed their mind, no means no --

2 PROSPECTIVE JUROR #1087: Yes.

3 MR. YAMPOLSKY: -- correct?

4 Do you believe that just because Mr. Dorado has been
5 accused of some sexual misconduct, sexual assault
6 [indiscernible] that he must have done something wrong to be
7 accused?

8 PROSPECTIVE JUROR #1087: I don't know the evidence,
9 so how can I answer that?

10 MR. YAMPOLSKY: Well, I --

11 PROSPECTIVE JUROR #1087: I don't know.

12 MR. YAMPOLSKY: I'm --

13 PROSPECTIVE JUROR #1087: I'd have to hear evidence.
14 I couldn't just say, yes, he's guilty.

15 MR. YAMPOLSKY: All right. So as he sits here
16 today, you don't have any preconceived notion that he's done
17 anything wrong.

18 PROSPECTIVE JUROR #1087: No.

19 MR. YAMPOLSKY: Okay. Now, I believe you were
20 asked, do you think you can be fair? And it seemed to me like
21 you hesitated. So I'm gonna ask same question that
22 Mr. Schwartz asked. Do you believe you can be fair?

23 PROSPECTIVE JUROR #1087: Yes.

24 MR. YAMPOLSKY: Okay. And --

1 PROSPECTIVE JUROR #1087: I might be hesitating
2 still, but --

3 MR. YAMPOLSKY: Right.

4 PROSPECTIVE JUROR #1087: -- I think I could be, but
5 I have my own --

6 MR. YAMPOLSKY: Well, would it be fair to say, you
7 think you could be, but you have some reservations that maybe
8 you couldn't be?

9 PROSPECTIVE JUROR #1087: Yes.

10 MR. YAMPOLSKY: Okay. Court's indulgence.

11 THE COURT: Go ahead.

12 MR. YAMPOLSKY: Do you ever believe that people may
13 embellish what has happened to them?

14 PROSPECTIVE JUROR #1087: Define -- make another --

15 MR. YAMPOLSKY: Well --

16 PROSPECTIVE JUROR #1087: Embellish? What do you --

17 MR. YAMPOLSKY: -- okay. Let me back up.

18 PROSPECTIVE JUROR #1087: Exaggerate? Are you
19 looking for --

20 MR. YAMPOLSKY: Yes.

21 PROSPECTIVE JUROR #1087: -- exaggerations?

22 MR. YAMPOLSKY: Yes.

23 PROSPECTIVE JUROR #1087: Yes.

24 MR. YAMPOLSKY: Okay. And if people exaggerate,

1 could that, in your mind, affect their credibility?

2 PROSPECTIVE JUROR #1087: Yes.

3 MR. YAMPOLSKY: Okay. Let's -- I have nothing
4 further.

5 THE COURT: Any follow up, Counsel?

6 MR. SCHWARTZ: Yes, just a little bit.

7 So I wanted to clarify a little bit with you. And I'm
8 sorry to kind of keep going back and forth. But as a juror,
9 you're allowed to use your common sense. You're allowed to
10 use your life experiences to come to a decision.

11 So the fact that you have life experiences that involve
12 this type of act --

13 PROSPECTIVE JUROR #1087: Right.

14 MR. SCHWARTZ: -- does not make you a biased juror
15 at this time. The problem is, and the thing that I want you
16 to be able to say that you wouldn't do, is say, "He's guilty
17 because what happened to me, I know that that was sexual
18 assault. So he has to be guilty."

19 You can only rely on what you know and learn in the
20 courtroom, as far as the evidence. You can take your personal
21 experiences and use your common sense to evaluate the evidence
22 to make a decision.

23 So can you agree with me -- and I guess everybody here --
24 that you're not going to just use your past experience to find

1 him guilty because you know it happened to you?

2 PROSPECTIVE JUROR #1087: Yes.

3 MR. SCHWARTZ: Right. And like you say, you don't
4 know the evidence yet; right?

5 PROSPECTIVE JUROR #1087: Right.

6 MR. SCHWARTZ: And so would you agree and, I guess,
7 promise that you would just rely on the evidence and your own
8 common sense in evaluating the evidence when making a
9 decision?

10 PROSPECTIVE JUROR #1087: Yes.

11 MR. SCHWARTZ: Okay. It's okay that you had
12 experiences. Everyone who's gonna be sitting next to you are
13 gonna have their own experiences; right?

14 PROSPECTIVE JUROR #1087: Right.

15 MR. SCHWARTZ: That doesn't make you biased. It
16 makes you biased if you already have decided or you're not
17 going to listen to the evidence or you're going to listen to
18 the evidence but you already know you're going to find him
19 guilty because, you know, what happened to you.

20 PROSPECTIVE JUROR #1087: Right.

21 MR. SCHWARTZ: Okay. Does that make sense?

22 PROSPECTIVE JUROR #1087: Yes.

23 MR. YAMPOLSKY: Okay. I know it's tough. I guess
24 on top of all that, can you listen to the evidence, only use

1 this evidence along with your common sense in coming to a
2 decision at the end?

3 PROSPECTIVE JUROR #1087: Yes.

4 MR. YAMPOLSKY: Okay. Thank you.

5 THE COURT: Okay.

6 MR. YAMPOLSKY: Just a couple more.

7 Mr. Schwartz asked you, could you render -- would you
8 be -- and I'm paraphrasing. Would you be able to say that --
9 come to a verdict of not guilty if the prosecution hadn't met
10 their burden?

11 PROSPECTIVE JUROR #1087: I don't understand.

12 MR. YAMPOLSKY: Burden of proof beyond a reasonable
13 doubt.

14 PROSPECTIVE JUROR #1087: So you're asking me once
15 all the evidence is --

16 MR. YAMPOLSKY: Yes.

17 PROSPECTIVE JUROR #1087: And --

18 MR. YAMPOLSKY: And, in your opinion -- and by the
19 way, we're all entitled to your individual opinion. Even if
20 everyone else thinks something different, it's your opinion
21 that we're concerned about.

22 So what I'm saying is all the evidence comes in. The law
23 will instruct you, you know, the prosecutor needs to prove
24 each and every element beyond a reasonable doubt.

1 PROSPECTIVE JUROR #1087: Right.

2 MR. YAMPOLSKY: And, in your opinion, "Hmm, I don't
3 know if it rises to reasonable doubt." Like, "Well, maybe
4 they made some good points, but I'm really not certain." In
5 that case, could you come up with a verdict of not guilty?

6 PROSPECTIVE JUROR #1087: If I wasn't sure --

7 MR. YAMPOLSKY: Right.

8 PROSPECTIVE JUROR #1087: -- no. I'd have to be
9 sure.

10 MR. YAMPOLSKY: Okay. And based on your experience
11 and everything, if you heard a witness testify and, in your
12 mind, it's like, "Wow, it might be true. But maybe this is
13 what happened." So you're kind of on the fence. Would you
14 basically believe the victim -- and I'm gonna use a baseball
15 analogy. Would you think the tie goes to the runner?

16 PROSPECTIVE JUROR #1087: It would depend on her
17 statement, what she said, the evidence, her body language.
18 I'd have to believe her.

19 MR. YAMPOLSKY: Well --

20 PROSPECTIVE JUROR #1087: I mean, whatever --

21 MR. YAMPOLSKY: Say that again.

22 PROSPECTIVE JUROR #1087: I don't know until I would
23 see her; right?

24 MR. YAMPOLSKY: Right. No. No. I understand. But

1 I'm making this hypothetical. You've heard all the evidence.

2 PROSPECTIVE JUROR #1087: Okay.

3 MR. YAMPOLSKY: And then you say to yourself, "Boy,
4 you know, she said this and, you know, because of A, B, and C
5 I believe that's true. But because of D, E, and F, it may not
6 be true." So I mean, if you came to a conclusion like that,
7 would you side with the victim because they testified or would
8 you say, "No, that's not good enough."

9 PROSPECTIVE JUROR #1087: I don't know how to answer
10 that. I can't say I would side with the victim or not side
11 with the victim --

12 THE COURT: Ma'am, let me ask you --

13 PROSPECTIVE JUROR #1087: -- hypothetically.

14 THE COURT: Let me ask you this: If the State fails
15 to prove their case, beyond a reasonable doubt -- so in other
16 words, you have some doubt in your mind -- do you have any
17 problems coming back and saying, "State, you didn't prove it
18 beyond a reasonable doubt. Therefore, I find this individual
19 not guilty."

20 PROSPECTIVE JUROR #1087: No.

21 THE COURT: Okay. Counsel, move on. Ask a
22 question.

23 MR. YAMPOLSKY: And one other thing we were talking
24 about, you realize that the Defense has no burden. In other

1 words, Mr. Dorado doesn't need to testify. I could just sit
2 here the whole time and not ask any questions whatsoever. And
3 if I did that and you still felt the prosecution hadn't met
4 their burden, could you find Defendant not guilty?

5 PROSPECTIVE JUROR #1087: That, I don't know. I
6 don't know how to answer that.

7 MR. YAMPOLSKY: Okay. I have nothing further.

8 THE COURT: Okay. Thank you, ma'am. You can go
9 ahead and wait outside and we'll have you come back. We're
10 gonna deal with this timing issue, Counsel.

11 MR. SCHWARTZ: Yeah.

12 THE COURT: This is what we're gonna do -- there's
13 no way we're going to get through this in time. Marshal, what
14 I'm gonna have you do is I'm gonna have you excuse the --
15 those prospective jurors for a lunch break. We're gonna --
16 except for the ones we have waiting in the entry room.

17 You can go ahead. Ma'am, if you'll come back at
18 1:00 o'clock. We're gonna resume at 1:00 o'clock.

19 We're gonna get through the rest of the individual jurors
20 for lunch break and then we'll let the rest of the jurors --
21 there's never gonna be enough time. We took the entire time
22 on one, let alone the other five or six. Okay?

23 So, ma'am, if you'll come back at 1:00 o'clock.

24 Marshal, if you'll go ahead and instruct the other juror

1 members, prospective juror members, we're gonna break all the
2 way through the lunch period. Be back here at 1:00 o'clock,
3 except for the ones that we have waiting for the anterior
4 room. I need those individuals.

5 Who do you want next, Counsel?

6 Counsel, who do you want next?

7 MS. CRAGGS: Your Honor, [JUROR NO. 1164].

8 THE COURT: [JUROR NO. 1164]?

9 If you'll ask [JUROR NO. 1164] to come in.

10 [DISCUSSION OFF THE RECORD]

11 THE COURT: [JUROR NO. 1164], if you just come back.
12 You can sit in the chair that you normally have. We don't
13 want to play musical chairs on ya.

14 Good morning --

15 PROSPECTIVE JUROR #1164: Good morning.

16 THE COURT: -- still.

17 All right. [JUROR NO. 1164], we're gonna have you --
18 please understand that when we talked about certain things
19 that we were going to talk about in private, that meant
20 without the other, rest of the prospective jurors here. Of
21 course, there's still individuals here. But I want you to
22 make sure you understand that all the officers of the court
23 and all my staff and all the officers of the police
24 department, what we hear in these courtrooms stay in these

1 courtrooms.

2 PROSPECTIVE JUROR #1164: Mm-hmm.

3 THE COURT: Okay?

4 Go ahead, Counsel.

5 MR. SCHWARTZ: Hi, [JUROR NO. 1164]. Thank you for
6 coming back in.

7 PROSPECTIVE JUROR #1164: Mm-hmm.

8 MR. SCHWARTZ: I thought, yesterday, you had
9 mentioned you'd rather talk in private. So if you hadn't,
10 then, my mistake.

11 PROSPECTIVE JUROR #1164: It's all good.

12 MR. SCHWARTZ: But I believe you had a family member
13 or someone who had been murdered?

14 PROSPECTIVE JUROR #1164: No, I didn't have a family
15 member who was murdered. I had a family member who was caught
16 up in gang violence. She was on her way home and there was a
17 gang fight in her neighborhood --

18 MR. SCHWARTZ: Okay.

19 PROSPECTIVE JUROR #1164: -- and in her car, they
20 shot up her car and she was hospitalized for a few months.

21 MR. SCHWARTZ: Okay. Was that in Las Vegas?

22 PROSPECTIVE JUROR #1164: Mexico.

23 MR. SCHWARTZ: Mexico. Okay.

24 Was there any type of criminal investigation or police

1 investigation?

2 PROSPECTIVE JUROR #1164: I honestly have no clue.
3 This happened, like, eight -- almost ten years ago.

4 MR. SCHWARTZ: Okay.

5 PROSPECTIVE JUROR #1164: Yeah.

6 MR. SCHWARTZ: Did you have any family or friends or
7 yourself victim of sexual assault?

8 PROSPECTIVE JUROR #1164: I -- myself. I was
9 molested twice.

10 MR. SCHWARTZ: All right. Okay. Sorry to hear
11 that.

12 PROSPECTIVE JUROR #1164: Yeah.

13 MR. SCHWARTZ: When was that?

14 PROSPECTIVE JUROR #1164: Once, when I was, like,
15 around ten. Another one in 2010.

16 MR. SCHWARTZ: Okay. So when you were ten -- and
17 how old would you have been in 2010?

18 PROSPECTIVE JUROR #1164: Like 15.

19 MR. SCHWARTZ: Okay. So like 10 and 15?

20 PROSPECTIVE JUROR #1164: Yeah. That one, it's like
21 kind of a tricky legal situation. I can't really talk that
22 much about it.

23 MR. SCHWARTZ: Okay.

24 PROSPECTIVE JUROR #1164: Yeah.

1 MR. SCHWARTZ: Do you feel comfortable if I asked
2 you, maybe, a little bit about when you were ten? Just a few
3 questions.

4 PROSPECTIVE JUROR #1164: Yeah.

5 MR. SCHWARTZ: I'm sorry.

6 PROSPECTIVE JUROR #1164: It's fine.

7 MR. SCHWARTZ: Who was the abuser?

8 PROSPECTIVE JUROR #1164: My mother.

9 MR. SCHWARTZ: Oh, I'm sorry.

10 PROSPECTIVE JUROR #1164: She's an alcoholic. She's
11 in recovery right now. But that -- around that time she was,
12 like, really bad.

13 MR. SCHWARTZ: Okay.

14 PROSPECTIVE JUROR #1164: Yeah.

15 MR. SCHWARTZ: Have you told? Did you disclose that
16 to anybody after it happened?

17 PROSPECTIVE JUROR #1164: No.

18 MR. SCHWARTZ: Okay. Are we the first people you've
19 talked to about it?

20 PROSPECTIVE JUROR #1164: Yeah.

21 MR. SCHWARTZ: Okay. I'm so sorry to ask to bring
22 it up.

23 PROSPECTIVE JUROR #1164: She doesn't even know it
24 happened.

1 MR. SCHWARTZ: Oh, I'm sorry. I'm sorry,
2 [JUROR NO. 1164]. Okay. So obviously there was no
3 investigation --

4 PROSPECTIVE JUROR #1164: Yeah.

5 MR. SCHWARTZ: -- as to that.
6 Okay. Okay. Let me see if I have any other questions.
7 Given, I guess, you know that -- that life experience --

8 PROSPECTIVE JUROR #1164: Yeah.

9 MR. SCHWARTZ: -- do you still feel comfortable as
10 sitting on a juror in this case?

11 PROSPECTIVE JUROR #1164: Yeah.

12 MR. SCHWARTZ: Okay.

13 PROSPECTIVE JUROR #1164: I still feel comfortable.

14 MR. SCHWARTZ: You can set it aside and listen to
15 evidence?

16 PROSPECTIVE JUROR #1164: Yeah.

17 MR. SCHWARTZ: All right. I don't have any other
18 questions, Your Honor.

19 THE COURT: Counsel?

20 MR. YAMPOLSKY: So if I understand you correctly,
21 you were sexually assaulted not once, but twice?

22 PROSPECTIVE JUROR #1164: Yeah.

23 MR. YAMPOLSKY: And the one when you were ten, that
24 was because of your mother who's an alcoholic; correct?

1 PROSPECTIVE JUROR #1164: Mm-hmm, yeah.

2 MR. YAMPOLSKY: And you said you don't want to talk
3 about the one that happened when you're 15.

4 PROSPECTIVE JUROR #1164: Yeah.

5 MR. YAMPOLSKY: All right. I'm not gonna ask you
6 exactly what happened --

7 PROSPECTIVE JUROR #1164: Yeah.

8 MR. YAMPOLSKY: -- but why do you not want to talk
9 about it?

10 PROSPECTIVE JUROR #1164: Because he has a lot of
11 allegations because he's a celebrity. So -- yeah. Yeah. So
12 I don't want to like -- when I was younger, I used to go to
13 cons and stuff. So --

14 MR. YAMPOLSKY: To cons and --

15 PROSPECTIVE JUROR #1164: Like conventions and
16 stuff. Yeah. Yeah.

17 MR. YAMPOLSKY: Oh, okay. Well, let me ask you
18 this -- I don't want you to mention a name.

19 PROSPECTIVE JUROR #1164: Yeah.

20 MR. YAMPOLSKY: But do you feel comfortable talking
21 about what happened?

22 PROSPECTIVE JUROR #1164: I was in line for, like,
23 his photo op stuff and autographs, and he groped me.

24 MR. YAMPOLSKY: In front of everyone?

1 PROSPECTIVE JUROR #1164: Basically, yeah.

2 MR. YAMPOLSKY: And based on that experience, would
3 you hold that against Mr. Dorado?

4 PROSPECTIVE JUROR #1164: No.

5 MR. YAMPOLSKY: If it came out that he played an
6 instrument in a band, would you say, "Well, he's an
7 entertainer. He's probably like that other guy," or something
8 like that?

9 PROSPECTIVE JUROR #1164: No.

10 MR. YAMPOLSKY: No? And you say after all of the
11 testimony at the -- from the witness stand, if the government
12 hasn't met their burden, you would be okay with a not guilty
13 verdict?

14 PROSPECTIVE JUROR #1164: If there's enough
15 evidence, then, yeah, I'll be fine. Like, if there's not
16 enough evidence to, like, prove it was him.

17 MR. YAMPOLSKY: Right. And you wouldn't hold it
18 against Mr. Dorado if he didn't testify.

19 PROSPECTIVE JUROR #1164: No. Like, legal, I can't.
20 And it's the law to not --

21 MR. YAMPOLSKY: Right. I understand that.

22 PROSPECTIVE JUROR #1164: Yeah.

23 MR. YAMPOLSKY: Okay. Thank you.

24 THE COURT: Counsels, approach.

1 Thank you, [JUROR NO. 1164]. You can be excused. We'll
2 see you back here at 1:00 o'clock, ma'am.

3 PROSPECTIVE JUROR #1164: Yeah.

4 [BENCH CONFERENCE]

5 THE COURT: All right. Let's get the next juror.

6 THE MARSHAL: Who's the next juror?

7 MR. SCHWARTZ: [JUROR NO. 1174], [JUROR NO. 1174].

8 And, [JUROR NO. 1174], wherever you feel comfortable.
9 Maybe your normal seat.

10 PROSPECTIVE JUROR #1174: Okay.

11 MR. SCHWARTZ: Whatever works.

12 THE COURT: It's kind of like grade school. That
13 assigned seat's kind of yours for now. But you can sit
14 anywhere near it.

15 PROSPECTIVE JUROR #1174: I'll make it mine, sir.
16 Thank you.

17 THE COURT: All right. [JUROR NO. 1174], 1174. I
18 want you to understand, basically, we're doing these voir dire
19 questions of individuals who asked to have them done in
20 private. By "in private," we mean without the rest of the
21 prospective jurors. Of course, my staff and the law
22 enforcement and legal counsels are all here.

23 Please understand that everything that's said in this
24 courtroom stays in this courtroom. All of us are sworn to

1 that. So, therefore, make you understand that it is truly in
2 private.

3 Counsel?

4 MR. SCHWARTZ: Thank you, Your Honor.

5 [JUROR NO. 1174], if you could give us a little bit of an
6 idea of what happened to you?

7 PROSPECTIVE JUROR #1174: Okay. Well, I was -- I
8 think I was 12 or 13. It was a while back. I'm -- 40 years
9 ago. And I was in a pool with a bunch of my friends. This
10 was in the Philippines.

11 MR. SCHWARTZ: Okay.

12 PROSPECTIVE JUROR #1174: And we were just swimming
13 around and kind of got split up. All of my friends went into
14 another area and another one in the other stayed in one area.
15 And the -- this older gentleman approached and started
16 talking. And I started talking back. It's -- you have to
17 realize the culture I was in. Other people, you treat them
18 with respect.

19 MR. SCHWARTZ: Sure.

20 PROSPECTIVE JUROR #1174: And -- well, he started
21 talking and he approached closer. And he grabbed me by my
22 genitals and he wouldn't let go. And just started touching.
23 And I didn't know what to do. And I don't know how to get out
24 of it, so I just stayed there.

1 And finally realized, you know, I don't think this is
2 where I need to be. So I screamed at one of my friends, said,
3 "Hey, I'm hungry. Can we go get something to eat?" And
4 that's how I got out of the situation.

5 And I told one of my friends -- again, same age. They
6 don't know what to do either. And after that, tried to tell
7 somebody, but nobody believed us.

8 MR. SCHWARTZ: Yeah.

9 PROSPECTIVE JUROR #1174: Said, "Why didn't you just
10 get out of there?" You know?

11 MR. SCHWARTZ: Right.

12 PROSPECTIVE JUROR #1174: I don't know what to do.

13 MR. SCHWARTZ: Sure.

14 PROSPECTIVE JUROR #1174: And, you know, I got -- I
15 grew up and -- and I realize he was one of those gentleman
16 from another country that goes to Asia. They -- I don't know
17 if it's true, but that's what they were telling us that --
18 because this's in Laguna, Philippines.

19 MR. SCHWARTZ: Okay.

20 PROSPECTIVE JUROR #1174: And this is an area where
21 it's being frequented. There's a famous falls there. It's
22 called Prince [indiscernible] Falls.

23 MR. SCHWARTZ: Okay.

24 PROSPECTIVE JUROR #1174: And apparently there's a