

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH EDMOND GOAD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court
No. 79977

**Appeal from a Judgment of Conviction in Case CR19-0999
The Second Judicial District Court of the State of Nevada
Honorable David Hardy, District Judge**

JOINT APPENDIX VOLUME THREE

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SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE

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STATE OF NEVADA,	)	Case No. CR19-0999
	)	
	)	Dept. No. 15
Plaintiff,	)	
vs.	)	
	)	TRANSCRIPT OF PROCEEDINGS
RALPH EDMOND GOAD,	)	
	)	
Defendant.	)	

JURY TRIAL - DAY 1
AUGUST 5, 2019, RENO, NEVADA

APPEARANCES:

For the Plaintiff:	AMOS R. STEGE, ESQ. Deputy District Attorney One S. Sierra Street, 4th Floor Reno, Nevada 89520
For the Defendant:	JENNIFER ARIAS MAYHEW, ESQ. JAY SLOCUM, ESQ. Deputy Public Defenders 350 South Center St., 6th Floor Reno, Nevada 89520
The Defendant:	RALPH EDMOND GOAD
Reported by:	JULIE ANN KERNAN, CCR #427, CP, RPR Computer-Aided Transcription

1 RENO, NEVADA, MONDAY AUGUST 5, 2019; 8:55 A.M.

2 ---o0o---

3
4 THE COURT: We'll go on the record in
5 CR19-0999. The State is present through attorney Stege.
6 Mr. Goad is present with attorneys Slocum and Mayhew. I
7 want to talk for just a couple of minutes before we
8 summons the jury but before I do, let me first confirm
9 that you have received a copy of the email regarding the
10 prospective juror who we got this morning that he is a
11 felon and his civil rights have not been restored.

12 Any suggestions first to the State and then to
13 the Defense how I should handle that. Should I
14 similarly at the outset dismiss him or I should let him
15 sit through the morning?

16 MR. STEGE: Either one. It's tempting to make
17 him sit here but I think the better course, honestly, is
18 to send him away when he gets in here.

19 MR. SLOCUM: And are we convinced that he
20 actually has been convicted of a felony or is he coming
21 in to say that so that he doesn't have to serve, that's
22 the question.

23 MR. STEGE: This gentleman's criminal history,
24

1 I think, indicates he does.

2 THE COURT: I see him for three felony
3 convictions for controlled substances about 20 years
4 ago.

5 MR. SLOCUM: I'll leave it to the Court's
6 discretion.

7 THE COURT: I, like trial counsel,
8 inadvertently and regrettably perform in the heat of
9 trial. One thing I attempt to do is present balance in
10 the courtroom between the State and the Defense. I have
11 found that when there are multiple defense attorneys,
12 and a single State's attorney, I occasionally refer to
13 the State's attorney by name, and then not knowing who
14 is going to participate as the next examining attorney,
15 I'll say counsel. And I want to avoid that so the way
16 I'm going to try and avoid it, first of all, I have a
17 note on my bench. I'll strive to just refer to the
18 State's attorney as counsel, but then if I get some
19 indication you half rise out of the chair or, and then
20 turn to look for one of the attorneys so I can get a
21 clue as to who, then I'll refer to you by name.

22 It's been a long process because as a veteran
23 I had -- I had the sir and ma'am developed, embedded
24 deeply in my vocabulary, and as our communities progress

1 I've learned, heard from time to time that those are not
2 welcome references. So I strive to avoid that. If I
3 just responsively say yes, sir or yes, ma'am, I'll just
4 -- I have a note here I'll attempt to avoid, but I hope
5 you'll forgive those indulgences.

6 Most importantly is my Pretrial Order. That
7 order was not written in response to one attorney, and
8 it certainly is the outgrowth of both the State and the
9 Defense attorneys that participate in trials in
10 Department 15.

11 I just realized that we have different roles
12 in jury selection, and I have a responsibility to manage
13 jury selection. I really have three concerns that I
14 have attempted to resolve by Pretrial Order, and then
15 when I'm done talking I'll invite you if you seek leave
16 from its direction.

17 I've been frustrated with the State year over
18 year, particularly younger attorneys who they develop
19 this overlayic metaphoric if a tree falls in the forest
20 and there's chocolate around the mess, person who
21 doesn't have chocolate on her finger, but there's only
22 one witness and the cookie jar has less -- one fewer
23 cookies, and I just want to stop with that.

24 Second, oh, and also it's part of my first

1 reason I found over the years that attorneys both State
2 and Defense don't really listen to what I do, but
3 instead when I'm done they just begin what they prepared
4 over the weekend as if we had spent an hour in
5 unnecessary territory. So I really do want you to
6 listen and follow up with what I've attempted to do.

7 I acknowledge my voir dire's not going to be
8 comprehensive, you'll have additional questions, and
9 you're welcome, but I want you to kind of follow what
10 I've attempted to do.

11 Second, I've been really concerned with these
12 hypothetical questions, well, if, then that, and these
13 instructions on probable cause and beyond preponderant
14 evidence in civil cases. And I understand you want to
15 deselect, but that's not my role. And so there will be
16 no instructions of law or hypotheticals based upon
17 instructions of law.

18 I will instruct the jury, after consulting
19 with you on the record, but we just want to try and
20 guess at the outset whether jurors are resistant to a
21 statement of law from the Court that they will follow.

22 Third, there is a level of advocacy,
23 endearment, indoctrination that begins at the very first
24 moment. And it's inappropriate, I'm not going to allow

1 it.

2 Now, having said that, I do believe that your
3 Peremptory Challenges should be informed. And so I do
4 want to grant some latitude so you can kind of get into
5 jurors', prospective jurors' minds. So that will be the
6 balance I attempt to strike.

7 And the objectionable, you know your
8 objections to my order, I think it's well grounded in
9 Nevada law, if you seek leave or have different opinions
10 let's do it now because I don't want -- I don't want to
11 step on any one of you. I don't know which of the two
12 of you are doing jury selection. I don't want to step
13 on you in front of this jury. But I don't want to have
14 problems in front of this jury either. Counsel?

15 MR. STEGE: I have no issues with it.

16 MR. SLOCUM: No issues, your Honor.

17 THE COURT: Good. Anything from you, to the
18 State, before I summons the jury?

19 MR. STEGE: No.

20 THE COURT: To the Defense.

21 MR. SLOCUM: No, thank you, your Honor.

22 THE COURT: Are we ready? Are they
23 downstairs? We have 54 who are here.

24 MR. STEGE: Not yet.

1 THE COURT: Does anybody need a last-minute
2 break? We could do it for five minutes, if necessary.

3 MR. STEGE: No.

4 MR. SLOCUM: No thanks, your Honor.

5 THE COURT: Well, I do.

6 (Short break.)

7 THE COURT: The question was whether Panelist
8 Botteron was going to be under oath. I assumed that had
9 he disclosed his status he would not even have been
10 included in the panel, and so I didn't want to put him
11 under oath in front of everyone else --

12 MR. STEGE: Right.

13 THE COURT: -- to confirm anything, but I
14 don't think I want him to stay all morning and so I was
15 just going to take him to the jury room with all of you
16 present --

17 MR. STEGE: Okay.

18 THE COURT: -- to confirm and excuse. And
19 then if something comes up in that conversation I'd put
20 him back in the group. Is that okay?

21 MR. STEGE: Yes.

22 MR. SLOCUM: Thank you, your Honor.

23 THE COURT: All right.

24 (Short break.)

1 THE COURT: Good morning, Ladies and
2 gentlemen.

3 Good morning, counsel, Mr. Goad. Please be
4 seated. Welcome to the Second Judicial District Court.
5 This is Department 15 and I am Judge David Hardy. You
6 have responded to the call of service. You are here
7 after summons for potential jury service.

8 I know that some of you have arrived this
9 morning hoping to quickly express your inability to
10 serve. We will arrive at your ability or inability to
11 serve shortly. If you will just trust me for a few
12 moments that this is a highly orchestrated phase of jury
13 trial, and your concerns, I will invite your concerns at
14 the proper place.

15 I just begin by acknowledging that you are
16 here, possibly uncertain about what this means. A few
17 of you have served previously, this may be a first,
18 undoubtedly is a first for most of you. And I want to
19 join with the attorneys and Mr. Goad in expressing my
20 gratitude for your willingness, at least, to be here and
21 to participate in this process.

22 I've learned over the years that there's a
23 subtle change in opinion as trial unfolds. Many of you
24 are here with inconvenience and preference elsewhere.

1 But as the trial unfolds, those who participate begin to
2 realize how critical, how noble jury service is. And at
3 the end of the experience, regardless of the outcome,
4 whether it be not guilty, guilty, the inability even to
5 reach a verdict, regardless of the outcome, there is
6 this awareness of the sacred trust we place upon members
7 of our community to come together and to be for a moment
8 the voice and values of our community consistent with
9 the legal principles that will govern the trial and your
10 deliberations.

11 Though we don't know each other, I ask for
12 your confidence, I loan it to you hoping to learn it
13 throughout this week, but please be confident that those
14 of you who serve will have an experience that justifies
15 your time.

16 Often public service is inconvenient. I think
17 about it April 15th of every year. We're aging now as a
18 community, but I grew at a time when, I, as a very young
19 boy, I heard from courts about casualties in the Vietnam
20 war. I remember sitting with my mother and watching
21 television as prisoners of war exited the airplane and
22 raised across the tarmac. I think of their service.
23 Historically we've had great service that compose the
24 threads that bind us as communities, and you're called

1 upon to be that great legacy.

2 Despite inconvenience and your preference is
3 everywhere, we rely upon members of our community
4 randomly selected, diverse in experience and
5 perspectives to be part of something -- something that
6 both preserves public safety and social order and
7 concomitantly and equally the rule of law.

8 The Constitutional privileges we each enjoy it
9 is through your service that you will palpably touch
10 some of these constitutional consents, maybe in ways
11 that you never had in the past. And you will feel the
12 value, the power of what we do. The jury system is
13 historical. It's rich. It is a mechanism to -- to
14 prevent despotism by those who have authority. It is a
15 chance to -- to emerge from the community anonymously
16 but have such power that creates fairness, objectivity,
17 and I ask you to consider this tradition, to accept the
18 duties of citizenship. Those who are ultimately called
19 to serve will reach fair, neutral, fact-in-law-driven
20 decisions.

21 This is our historic courtroom. Not every
22 courtroom in the building looks like this. This room,
23 courtroom was one of the only courtroom in the building.
24 It was completed in 1911, 108 years ago. It's been

1 restored to its original condition.

2 There are many ghosts of justice that occupy
3 this room. For more than a hundred years members of our
4 community have done the very thing you are called upon
5 to do this morning. And I'm privileged to sit in this
6 courtroom and I hope that you will fill its -- its
7 sacred venue, not in a spiritual sense, but a secular
8 sacred venue.

9 And with this courtroom comes great
10 complications. We can't hear each other well in this
11 courtroom. The acoustics are horrible. So from time to
12 time I'll amplify my voice, and I'm not yelling at the
13 attorneys or witnesses, I'm attempting to leave what I
14 expect, and that's full sound in the courtroom. I might
15 even interrupt the attorneys from time to time and ask
16 them to speak up.

17 We don't place -- we don't embed technology in
18 the walls of this room and so it's a little unwieldy to
19 crane your necks to see the television screen. The
20 chairs aren't quite as comfortable as I wish. But in
21 exchange we sit in this wonderful courtroom.

22 We will accommodate any reasonable requests.
23 We'll also periodically stand and even exit the
24 courtroom for breaks throughout the trial. My

1 preference and attempt is to have a formal courtroom
2 that befits the important work we do here.

3 The attorneys are called to this work, the
4 court staff are deeply involved in our work of justice.
5 And from time to time, we smile. You'll certainly see
6 collegiality between counsel. Intentional humor is
7 never welcome, but from time to time we'll have light
8 moments, never at the expense of the State, never at the
9 expense of the Defense. And never ever at the expense
10 of he or she who is accused of crime. So in advance I
11 hope that you'll indulge those moments never offsetting
12 important work that we all respect.

13 Ms. Clerk, we need to ensure that everybody
14 who arrived down stairs has also made it upstairs. So
15 if you will call the role, please, Ms. Clerk.

16 As you hear your name, please audibly respond.
17 Ms. Clerk.

18 COURT CLERK: Marie Baker?

19 MS. BAKER: Here.

20 THE COURT: Darren Barnes?

21 MR. BARNES: Here.

22 COURT CLERK: Ashley Bautista?

23 MS. BAUTISTA: Here.

24 COURT CLERK: Lawrence Beccard?

1 MR. BECCARD: Here.
2 COURT CLERK: Cathy Benson?
3 MS. BENSON: Here.
4 COURT CLERK: Clinton Botteron?
5 MR. BOTTERON: Here.
6 COURT CLERK: Lois Bynum?
7 MS. BYNUM: Here.
8 COURT CLERK: Michael Cherti?
9 MR. CHERTI: Here.
10 COURT CLERK: Amber Choate?
11 MS. CHOATE: Here.
12 COURT CLERK: Jamie Clark?
13 MS. CLARK: Here.
14 COURT CLERK: Megan Coates?
15 MS. COATES: Here.
16 COURT CLERK: Donna Cody?
17 MS. CODY: Here.
18 COURT CLERK: Richard Combs?
19 MR. COMBS: Here.
20 COURT CLERK: Stephanie Cortes?
21 MS. CORTES: Here.
22 COURT CLERK: Christopher Cunningham?
23 MR. CUNNINGHAM: Here.
24 COURT CLERK: Michael Dedomenico?

1 MR. DEDOMENICO: Here.
2 COURT CLERK: Michelle Donald?
3 MS. DONALD: Here.
4 COURT CLERK: Della Dunbar?
5 MS. DUNBAR: Here.
6 COURT CLERK: Joyce Farnsworth?
7 MS. FARNSWORTH: Here.
8 COURT CLERK: Clarita Fillipone?
9 MS. FILLIPONE: Here.
10 COURT CLERK: Nelson Garcia?
11 MR. GARCIA: Here.
12 THE COURT: Sierra Genz?
13 MS. GENZ: Here.
14 COURT CLERK: John Giammona Wilber?
15 MR. WILBER: Here.
16 COURT CLERK: Jennifer Gibbs?
17 MS. GIBBS: Here.
18 COURT CLERK: Charles Gray?
19 MR. GRAY: Here.
20 COURT CLERK: Sandra Gualano.
21 MS. GUALANO: Here.
22 COURT CLERK: Carlos Hernandez-Guillen?
23 MR. HERNANDEZ-GUILLEN: Here.
24 COURT CLERK: Deborah Holbrook?

1 MS. HOLBROOK: Here.
2 COURT CLERK: Rick Humphrey?
3 MR. HUMPHREY: Here.
4 COURT CLERK: Jonathon Hunter?
5 MR. HUNTER: Here.
6 COURT CLERK: Nathaniel Kanute?
7 MR. KANUTE: Present.
8 COURT CLERK: Todd Kerfoot?
9 MR. KERFOOT: Here.
10 COURT CLERK: Audra Leroy?
11 MS. LEROY: Here.
12 COURT CLERK: Jenny Lopez?
13 MS. LOPEZ: Here.
14 COURT CLERK: Kristin Mahrt?
15 MS. MAHRT: Here.
16 COURT CLERK: Stephen Morro?
17 MR. MORRO: Here.
18 COURT CLERK: Marlem Nolasco?
19 MR. NOLASCO: Here.
20 COURT CLERK: Carol Nutter?
21 MS. NUTTER: Here.
22 COURT CLERK: Deborah Ramirez?
23 MS. RAMIREZ: Here.
24 COURT CLERK: Steven Rayner?

1 MR. RAYNER: Here.
2 COURT CLERK: James Reid?
3 MR. REID: Here.
4 COURT CLERK: Janet Roberts?
5 MS. ROBERTS: Here.
6 COURT CLERK: Sergio Ruiz?
7 MR. RUIZ: Here.
8 COURT CLERK: James Sargent?
9 MR. SARGENT: Here.
10 COURT CLERK: Gregory Scoville?
11 MR. SCOVILLE: Here.
12 COURT CLERK: Katie Smith?
13 MS. SMITH: Here.
14 COURT CLERK: Frederick Steinmann.
15 MR. STEINMANN: Here.
16 COURT CLERK: Rebecca Striggow.
17 MS. STRIGGOW: Here.
18 COURT CLERK: Therese Ure?
19 MS. URE: Here.
20 COURT CLERK: Jesus Valadez?
21 MR. VALADEZ: Here.
22 THE COURT: Douglas Wells?
23 MR. WELLS: Here.
24 COURT CLERK: Jordan Wilcher?

1 MR. WILCHER: Here.

2 COURT CLERK: Mark Witman?

3 MR. WITMAN: Here.

4 COURT CLERK: Ashlee Younie?

5 MS. YOUNIE: Here.

6 COURT CLERK: Thank you.

7 THE COURT: Thank you. Is anybody present
8 whose name was not called?

9 All right. Ladies and Gentlemen, in the law,
10 and you will see vestiges of past, and they're still
11 relevant for me. For example, 7 we always stand for you
12 as judges of the facts when you enter and exit the
13 courtroom. That's a symbolic statement of respect for
14 the work that you do. It's our privilege to show that
15 symbolism.

16 We also take oaths frequently, and they're not
17 so symbolic. They are finding. And they mean something
18 in this department. I am in no way threatening you. I
19 want you to know how important oaths are to the Court.

20 Just last week I referred somebody for a
21 criminal prosecution because of dishonesty. In 15 years
22 as a judge only one time I've referred a lawyer to the
23 State Bar for dishonesty. I have on a few occasions
24 found witnesses in contempt of court immediately in my

1 presence and caused them to be handcuffed and taken to
2 911 Parr Boulevard. I don't -- and it happens so
3 infrequently I don't want you to think you will see it
4 or experience it, but I want to emphasize the importance
5 of the oaths that we take, because at this time each of
6 you must stand, face the court clerk, raise your right
7 hands, and be sworn. If you will do so, please.

8 COURT CLERK: Please stand and raise your
9 right hand.

10 (Jury panel sworn in.)

11 COURT CLERK: Thank you.

12 THE COURT: Thank you. I, the lawyers, Mr.
13 Goad, court staff, everyone who's involved in this trial
14 are deeply interested in seating a panel of citizens, a
15 jury comprised of 12 open-minded neutral citizens who do
16 not have any prejudices for or against any trial
17 participant. Jury selection allows us to probe the
18 existence of the causes for you not to serve.

19 So I acknowledge at the outset that there will
20 be public disclosures of private facts, and that for a
21 moment in your lives you have to speak in public and you
22 might have to reveal things that are better reserved for
23 your privacy. I know that. But I must balance your
24 right of privacy, your comfort in silence with the

1 State's ability to seat a fair jury and the Defense
2 ability to seat a fair jury.

3 And so we begin with a process referred to as
4 voir dire. It's a Latin phrase meaning to say what is
5 true. You'll each be asked questions. And I'll invite
6 you to answer honestly. My goal, the attorney's goal is
7 to determine who can and will, according to their oath,
8 follow the law, be intellectually honest, and render a
9 verdict according to their conscious as informed by the
10 facts and the law. I need to ensure that none of you
11 bring to this trial any perspective, any influence that
12 would cause it to be unfair to either the State or the
13 Defense. So we ask questions. While it is your duty to
14 serve, it is also your duty to serve in the right case,
15 and through no fault of yours this may not be a case for
16 you. And we'll learn that during jury voir dire.

17 Please understand the significance of complete
18 and open answers. Now, you're going to have to filter
19 that a little bit because if I emphasize too much, the
20 thoroughness of answers, I start to hear about who was
21 detained on the playground in second grade, and those
22 are not the things that would infect this proceeding.
23 So please balance tilting in favor of disclosure as you
24 answer.

1 There are great risks to your incomplete or
2 dishonest answers. The risks, first, are to a fair
3 trial. There are risks of unnecessary delays, a
4 contaminated verdict or finding in the jury, whatever it
5 may be, and there could be in an outlier situation being
6 personal risks to you.

7 During and at the conclusion of voir dire the
8 attorneys may ask me to excuse one or more of you for
9 cause, meaning they believe they can persuade me legally
10 that you can not serve in this case. If you are the
11 subject of a for-cause request, please do not take it
12 personal. It will be hard not to do so, but please
13 don't take it personal. It just means the attorneys
14 believe that you are fit for another case. You haven't
15 done anything wrong.

16 The attorneys are charged with zealous
17 advocacy. They're not charged with diplomacy, delicacy.
18 We have this legal system we refer to it as the
19 adversarial system where each side pursues the center
20 ground of truth zealously, and through that tension it's
21 created the truth unfolds.

22 So the State will zealously represent the
23 State's interests. And the Defense will zealously
24 represent the Defense interests, and occasionally step

1 on toes.

2 I know these three attorneys, I know them
3 well. I respect them personally and professionally.
4 But they will do their jobs this week, and I will take
5 your heat if necessary.

6 Under no circumstances please do not hold any
7 of this experience against the attorneys or their cause.

8 At the end of the for-cause process the
9 attorneys will meet out of my presence, out of your
10 presence, and strike additional members of our panel.
11 They do that because of information they have heard
12 along the way. They don't believe they can actually
13 seek your formal exclusion, but they're given under the
14 law the right to quietly and without explanation seek
15 others, so they're going to want to hear from each of
16 you and hear a little bit about your personality and
17 your perspectives. And if you don't speak, they're
18 going to call upon you individually, so they can hear
19 your voice. And I know that's frightening for some of
20 you, but that's the process. And they're authorized by
21 this Court to do so.

22 Just by show of hands, is there anything who
23 does not have sufficient knowledge of the English
24 language so you have not been able to follow my words?

1 Anybody have a problem with English that would affect
2 this trial?

3 Sir, would you just stand and tell us your
4 name, please?

5 MR. VALADEZ: Jesus Valadez.

6 THE COURT: Jesus.

7 MR. VALADEZ: Valadez.

8 THE COURT: Let's find it. Yes, sir. Is
9 English your first language?

10 MR. VALADEZ: No, that is my second language.

11 THE COURT: What is your first language?

12 MR. VALADEZ: Spanish.

13 THE COURT: How long have you been speaking
14 English?

15 MR. VALADEZ: Ah, I live here in the United
16 States for about 40 years.

17 THE COURT: Four zero? 40?

18 MR. VALADEZ: Yeah.

19 THE COURT: Okay. And you speak Spanish and
20 English in the home.

21 MR. VALADEZ: Yes.

22 THE COURT: Both.

23 MR. VALADEZ: Both.

24 THE COURT: Okay. And are you employed?

1 MR. VALADEZ: Yes.

2 THE COURT: And do you speak Spanish and
3 English at work?

4 MR. VALADEZ: Yes.

5 THE COURT: Okay. Thank you. Have a seat,
6 please. Anybody else?

7 The attorneys have told me that this trial
8 will last through the week. There's a possibility it
9 could end Thursday. There's a much smaller possibility
10 it would go to next Monday. I've got a great big target
11 on Friday as our ending day.

12 When our computer randomly selected you it had
13 no idea what your personal circumstances were. I know
14 that today's the first day of school, and we have a few
15 teachers. We have others who might be scheduled,
16 several of you who might be scheduled to do important
17 work functions. I'm not asking about inconvenience or
18 preference at the moment. I assume that each of you
19 would be somewhere else, if not here. I'm asking for
20 nondiscretionary fixed calendar items that are kind of a
21 one-off exception. For example, it's your 50th Wedding
22 Anniversary Wednesday, and you and your spouse have
23 already purchased tickets to go to Hawaii, and you've
24 had your trip planned for a very long time. Or you're

1 scheduled for surgery on Thursday, and it took you three
2 months to get into that surgical calendar, something
3 like that; not work related, not inconvenient, and not
4 what you want. Does anybody have a fixed
5 nondiscretionary conflict? Okay. Mostly because of the
6 room, let me just have you stand, tell us your name.

7 MS. CHOATE: Amber Choate.

8 THE COURT: And if you'll all speak up,
9 please, because --

10 MS. CHOATE: Amber Choate. Sorry.

11 THE COURT: Choate?

12 MS. CHOATE: Yes.

13 THE COURT: Okay. Let's find you here. Ms.
14 Choate? Yes.

15 MS. CHOATE: I have to take my mother, we
16 purchased plane tickets for Wednesday night. I have to
17 take her to Minnesota to see our sons.

18 THE COURT: Thank you. Next.

19 MR. STEINMANN: Frederick Steinmann.

20 THE COURT: Yes, Mr. Steinmann?

21 MR. STEINMANN: I'm an assistant research
22 professor with the University of Nevada, Reno and I have
23 to be in Battle Mountain, Nevada this Friday for a
24 series of workshops that were scheduled a month ago as

1 part a regional economic development plan we're working
2 on.

3 THE COURT: Thank you.

4 MS. URE: Tracy Ure.

5 THE COURT: Your last name?

6 MS. URE: Ure, U-r-e.

7 THE COURT: U-r-e.

8 MS. URE: Correct.

9 THE COURT: There we are. Yes.

10 MS. URE: I have a funeral to attend on
11 Saturday in Portland and we were scheduled to leave on
12 Friday.

13 THE COURT: What time on Friday?

14 MS. URE: We were leaving at 11 a.m.

15 THE COURT: Driving or flying?

16 THE DEFENDANT: Driving.

17 THE COURT: Okay. Thank you.

18 MS. URE: And as a side note, too, I'm
19 supposed to be in federal court on Wednesday for a
20 status conference, but I can get someone to cover for me
21 for that.

22 THE COURT: Thank you. Anybody else?

23 MS. CORTES: Stephanie Cortes.

24 THE COURT: Yes.

1 MS. CORTES: I have a report for my job on
2 Thursday that was really important for one of my
3 clients.

4 THE COURT: Thank you. I should have also
5 said that if you are excused for this reason, you'll be
6 summoned back to court for another jury opportunity.
7 The next trial might be three days. It could also be --
8 we just did a three-week civil trial with a jury, so I
9 have no way of knowing what the subject and the length
10 of your next service would be, so kind of have to
11 balance that as you seek to be excused from this trial.

12 All right. Very well. I refer now to our
13 statute which identifies the reasons why you could be
14 excused early.

15 First, sickness or physical disability. So
16 think to yourself, because at the end of the list I'll
17 ask for your responses, sickness or physical disability.
18 Please understand that we will make reasonable
19 accommodations for any disabling condition you have.

20 Second, serious illness or death of a member
21 of immediate family.

22 Third, I want you to listen to the modifying
23 words. Undue hardship or extreme inconvenience. It's not
24 hardship and it's not inconvenience. I must be

1 satisfied that it is undue hardship and extreme
2 inconvenience.

3 And then with proof, your primary caregiver
4 for another person who has a documented medical
5 condition that requires your assistance at all times.

6 I'm about to ask who might fall within that
7 statute. Just a moment. The genius of our jury system
8 is random selection of diverse citizens. If we just had
9 a panel of people who wanted to be here, it would be an
10 incomplete panel. If we only had a panel with people
11 who could be here, we would have an incomplete panel.

12 Time and again I've had people from certain
13 professions tell me how important their work is
14 elsewhere and they just can not be absent from their
15 work. And time and again I keep them on the jury panel
16 because we need the differences that you bring together.
17 So I am very strict in the excuses I provide. And I
18 know that creates heat from you to me, but it's because
19 of my deep respect for this jury system that I make the
20 decisions I do.

21 Now, with that, does anybody wish to be heard
22 on any of those statutory reasons for excuse? Yes.
23 Your name first, please?

24 MS. LEROY: My name is Audra Leroy.

1 THE COURT: Laroy?

2 MS. LEROY: L-e-r-o-y.

3 THE COURT: Yes.

4 MS. LEROY: My 24-month old son, my third son,
5 he was hospitalized for a MRSA infection of his foot.
6 He is out of the hospital. He had surgery. And he has
7 kind of trouble walking right now and I'm his primary
8 caregiver so I kind of help him walk. I also have
9 follow-up appointments, not this week, but next week.
10 And then he recently quit antibiotics for the MRSA so
11 right now I'm just kind of on red alert watching the --
12 the surgery point and making sure that nothing gets
13 reinfected -- it doesn't get reinfected. And,
14 unfortunately, there's a very low threshold, if there's
15 even a slight redness, or the slightest of fevers I have
16 to take him back to the ER right away.

17 THE COURT: And do you work out of the home
18 for money or --

19 MS. LEROY: No, I stay at home.

20 THE COURT: Okay. Thank you.

21 MS. LEROY: Uh-hum.

22 THE COURT: Anybody else? All right. Deputy.

23 MS. COATES: Megan Coates.

24 THE COURT: Coates. Yes?

1 MS. COATES: I have a 10-month old at home
2 that I'm breast-feeding and I have a pump schedule
3 outside of that that I can be elsewhere, but I have to
4 pump for her.

5 THE COURT: And do you work out of the home
6 for money or --

7 MS. COATES: I do.

8 THE COURT: Okay. And so you accommodate that
9 necessity when you're at work?

10 MS. COATES: Yes, I do. I'm -- I work at
11 nights in the hospital and they accommodate that.

12 THE COURT: Okay. Thank you.

13 MS. COATES: Uh-hum.

14 THE COURT: Anybody else? Yes.

15 MS. GIBBS: Jennifer Gibbs.

16 THE COURT: Yes.

17 MS. GIBBS: I don't necessarily want to be
18 excused, but I am only three weeks out of a surgery.

19 THE COURT: How many weeks?

20 MS. GIBBS: Not even three weeks yet. And
21 sometimes I need just make an extra restroom break.

22 THE COURT: Yes, as does the Court. You will
23 find this department to be very flexible about that.
24 And the drinking fountain and the coffee there, mostly

1 because of the chair. Let me just take this note here.
2 Yes.

3 MS. CHOATE: Amber Choate. I have a
4 13-month-old that I breast feed full time who is
5 allergic to milk. And I do not pump. She won't -- she
6 won't accept a bottle.

7 THE COURT: So do you work out of the home
8 from there?

9 MS. CHOATE: No.

10 THE COURT: You're a stay-at-home?

11 MS. CHOATE: I work. I work at home. My
12 husband owns a business and so I can do all my work from
13 my computer.

14 THE COURT: Okay. Thank you. Anybody else?
15 I know I'd come across fairly insensitive to your lives.
16 Underneath this robe there is some sensitivity, but I
17 try not to let it show.

18 All right. You're all going to stand for just
19 a minute and rest while I and counsel meet with Mr.
20 Clinton Botteron. Is Mr. Botteron present? If you'll
21 just follow the deputy, please. Counsel, if you'll join
22 me All of you stand and be at ease.

23 (Side bar off the record.)

24 THE COURT: The first phase of jury selection

1 is to discover your familiarity with any of us, or with
2 trial participants. And so I will have each of the
3 attorneys stand and turn so that you can see them and
4 hear their voices. I want to have you hold your
5 observations until I ask the questions, but if you will
6 begin, please, to the State.

7 MR. STEGE: Good morning. My name is Amos
8 Stege. I'm the prosecutor on this criminal case. I'm
9 employed by the Washoe County District Attorney as a
10 Deputy District Attorney.

11 MR. SLOCUM: My name is Jay Slocum and
12 together with Ms. Mayhew, Jennifer Mayhew, we represent
13 Mr. Goad.

14 THE COURT: Thank you. You've each heard at
15 different times in your lives that we are
16 constitutionally presumed to be innocent. That's not a
17 platitudinal statement, it has real meaning in our
18 justice system.

19 Those who are accused of crime have the
20 absolute right to have the State's allegations proven
21 against them beyond a reasonable doubt, if at all. And
22 Mr. Goad is charged with the crime Murder With the Use
23 of Deadly Weapon. He has chosen his constitutional
24 imparity, and that is trial by jury, and I honor that

1 request and will regularly remind you that he is
2 innocent of any charge until proven guilty, if at all.
3 And the only way he can be proven guilty is through the
4 course of trial, the State meets its high burden of
5 proof.

6 I won't return to that theme with the same
7 emphasis throughout jury selection. I begin with it
8 with emphasis so that we don't lose track of Mr. Goad's
9 presumption.

10 Mr. Ralph Edmond Goad, if you'll just swivel
11 in your seat, please, sir, so everyone can see you?
12 Thank you.

13 I am going to ask the deputy to publish a list
14 of names. These are people who might be called to
15 testify. And I want to know if you have any
16 relationship or experience with any of them.

17 And Mr. Stege, if you will recite each of
18 these names, please, with, if necessary, a professional
19 connection.

20 MR. STEGE: Okay. Jasper Acuna, Raymond
21 Aubin, Ken Barlor, employed at the Cal-Neva. Patrick
22 Billings, Katelyn Burgoyne, employed by the coroner's
23 office. Katherine Callahan, employed by the coroner's
24 office. Deborah France, Cody Idso, Victoria Juarez,

1 Kristen Marshaw, Becky Korn, Alan Lamont, Brenda
2 Mothershead, Scott Napier, Bernard Robinson, Glen
3 Solberg, Trevor Vaught, employed at Wal-Mart. Elijah
4 Waggoner, Alonna Craig, employed with REMSA. Brandon
5 Casanelli, employed as a patrol officer with Reno Police
6 Department, Michael Gider, Detective, Reno Police
7 Department, Ernie Kazmar, Detective, Reno Police
8 department. David Millsap, RP Detective, David Nevills,
9 RP Detective, Ryan Noel, RPD patrol officer, Nicholas
10 Smith, RPD patrol -- RPD detective, John Torrez, RPD
11 patrol officer, Monique Warnecke, RPD, Marco
12 Madrigal-Pintor, RPD, Shaun Braly, Washoe County Sheriff
13 Forensic Investigative Service, Madison Dahlquist,
14 investigative service with the county, Elvira Koeder,
15 forensic investigative service with the county, Toni
16 Leal-Olsen, also Forensic Investigator Service, Nicole
17 Rapino, as well Washoe County forensic investigative
18 service, Monica Siewertsen, scientist with the Washoe
19 County Forensic Investigative Service, Amanda Arrascada
20 and Ellie Koeder. Ellie Koeder is our final Forensic
21 Investigative Service officer.

22 THE COURT: Thank you, counsel. Okay. At
23 this time we're going to move seats a little bit. When
24 I refer to in the box, it means that we're referring to

1 the jury box. And so we're going to randomly select a
2 number of you to sit in the jury box and in the first
3 two rows of the courtroom, the first three rows of the
4 courtroom to answer specific questions.

5 You'll see that the court clerk has a cylinder
6 Keno-type device. In that device are each of your
7 names. And you'll observe just how random your
8 selection is. But I need everybody who's in the first
9 three rows to stand with everything you have and retreat
10 to the back standing against the wall or in the side
11 aisles, please. And as the clerk names you, please
12 follow the deputy's instructions. Ms. Clerk.

13 COURT CLERK: Frederick Steinmann. Nathaniel
14 Kanute. Michael Cherti.

15 THE COURT: Ms. Clerk, is that Sherti with an
16 S?

17 MR. STEGE: C. It's a C, Cherti.

18 COURT CLERK: Clinton Botteron.

19 THE COURT: Mr. Botteron has been excused.

20 COURT CLERK: Michelle Donald. Cathy Benson.
21 Michael Dedomenico. James Reid. Jenny Lopez. Sandra
22 Gualano. Carlos Hernandez-Guillen. Gregory Scoville.
23 Jordan Wilcher. Jonathon Hunter. Stephen Morro. Marie
24 Baker. Jennifer Gibbs. Kristin Mahrt. Jamie Clark.

1 Sierra Genz. Lawrence Beccard. Mark Witman. Stephanie
2 Cortes. Ashlee Younie.

3 THE COURT: Ms. Clerk, will you give that
4 spelling, please.

5 COURT CLERK: Yes. Y-o-u-n-i-e. James
6 Sargent. Charles Gray. Donna Cody. Katie Smith.
7 Carol Nutter. Janet Roberts. Christopher Cunningham.
8 Audra Leroy. Joyce Farnsworth.

9 THE COURT: Thank you, Ms. Clerk. I'm going
10 to invite the attorneys into the jury deliberation room
11 for what is the second of many side bar conversations
12 you will observe.

13 A side bar conversation is a conversation out
14 of your presence. And it's a easier to move the four of
15 us than to move all of you. We are a court of record
16 which means that every word that's uttered in this
17 proceeding is reported and transcribed. And the
18 attorneys are invited to memorialize side bar
19 conversations at the appropriate time.

20 I'd like for all of you to stand and at ease
21 when we leave the courtroom just to kind of shake it
22 out, but those who are in the fourth row and farther
23 back, and those who stand, if you'll just all reconvene
24 somewhere in the left side of the courtroom so that the

1 Court and counsel have you of just the first three rows
2 on our left. And with that, counsel, we'll adjourn to
3 the jury box.

4 (Side bar not reported.)

5 THE COURT: Be seated if you would, please.
6 Ms. Audra Leroy, you are thanked and excused from
7 further service. You may leave the courtroom.

8 MS. LEROY: Thank you.

9 THE COURT: Ms. Clerk.

10 COURT CLERK: Your Honor, which number was
11 that?

12 THE COURT: 31.

13 COURT CLERK: Deborah Holbrook.

14 THE COURT: Where you sit is very important so
15 we can track where you sit so please don't change chairs
16 at all unless expressly invited to do so.

17 All right. For those of you who are not in
18 the box, your chance of jury service just went down
19 dramatically. But you are also required to be present
20 to participate by observation in this experience because
21 if I excuse somebody, as I just did, we'll randomly
22 select a replacement, and then will be asked to answer
23 the same questions.

24 But from this point forward when I ask

1 questions the only people who will answer are in our
2 hypothetical box.

3 All right. Do any of you know me or the trial
4 attorneys or Mr. Goad? All right. Beginning in the
5 left second position, Mr. Kanute?

6 MR. KANUTE: Yeah.

7 THE COURT: Thank you. At this point I'll
8 have everyone just remain seated. When they stand, the
9 attorneys stand, but I want you to be comfortable and
10 now I can see all of you. But do speak into the
11 microphone, please. Mr. Kanute.

12 MR. KANUTE: Thank you, your Honor. It was
13 habit. I'm an attorney. I've been in front of your
14 Honor a number of times. I also help run the red mass
15 here in town, you've been instrumental in helping keep
16 that going. And also in Costco Foundation we've met
17 there a number of times.

18 THE COURT: Thank you. And would you confirm
19 that while you and I have professional interactions, and
20 from my part at least professional fondness, that we
21 don't know each other personally?

22 MR. KANUTE: That's correct.

23 THE COURT: Never been to your home, you've
24 never been to my home?

1 MR. KANUTE: Correct.

2 THE COURT: Don't know any of your
3 circumstances outside of your profession.

4 MR. KANUTE: Correct.

5 THE COURT: Thank you. Next. Anybody? Yes.
6 This is Mr. Wilcher?

7 MR. WILCHER: Correct. I may know Mr. Goad,
8 that sounds strange. I work in health care. He looks
9 very familiar. I don't --

10 THE COURT: Tell us a little bit more about
11 where and what you do.

12 MR. WILCHER: I currently work at the VA
13 Sierra Nevada, Reno for the last year and a half. Prior
14 to that I worked for Saint Mary's for the previous five
15 years.

16 THE COURT: So is your familiarity with Mr.
17 Goad such that you're vague in recollection?

18 MR. WILCHER: Correct.

19 THE COURT: It's not as if you have day-to-day
20 impactful experiences in any way with Mr. Goad?

21 MR. WILCHER: No.

22 THE COURT: Okay. Thank you. Anybody else?
23 All the way in the back. Deputy? Where's my deputy?
24 There you go.

1 MR. CUNNINGHAM: I know the prosecuting
2 attorney.
3 THE COURT: What's your name, please?
4 MR. CUNNINGHAM: Chris Cunningham.
5 THE COURT: In the 30th position. How do you
6 know Mr. Cunningham? Excuse me, Mr. Stege?
7 MR. CUNNINGHAM: Our daughters play softball
8 together.
9 THE COURT: Have you been to his home?
10 MR. CUNNINGHAM: I have not.
11 THE COURT: You talked to him about his work?
12 MR. CUNNINGHAM: I have not.
13 THE COURT: How often do you see him?
14 MR. CUNNINGHAM: Two times a week, um, since
15 February. And then on the weekends for tournaments.
16 THE COURT: Thank you.
17 MR. CUNNINGHAM: Yes, sir.
18 THE COURT: Anybody else? Okay. Jury
19 service. Who has served in the past? We've viewed all
20 of your questionnaires and that's typically disclosed,
21 but I just want to travel over it real quickly beginning
22 here in jury service? Just amplify your voice real
23 quickly if we can't get a microphone to you. You are
24 Ms?

1 MS. GUALANO: Sandy. Sandra Gualano.
2 THE COURT: Gualano, yes.
3 MS. GUALANO: Yes. I don't remember. A long
4 time ago.
5 THE COURT: More than ten years ago?
6 MS. GUALANO: Oh, yeah.
7 THE COURT: Where?
8 MS. GUALANO: Here in Reno, Washoe County.
9 THE COURT: Was it a criminal or civil case?
10 MS. GUALANO: Um, I think it was civil.
11 THE COURT: Did you deliberate with your
12 fellow jurors?
13 MS. GUALANO: Yes, I did.
14 THE COURT: Were you a spokesperson?
15 MS. GUALANO: No.
16 THE COURT: A foreperson?
17 MS. GUALANO: No.
18 THE COURT: Okay. Thank you. Tell me about
19 your experience if you rate it one to ten, ten being a
20 great experience one, being a horrible experience.
21 MS. GUALANO: It was ten. It was fine.
22 THE COURT: Okay.
23 MS. GUALANO: It was good.
24 THE COURT: All right. Anybody else jury

1 service? Ms. Cody, is it?

2 MS. CODY: Yes. Donna Cody.

3 THE COURT: I'm getting feedback on those
4 microphones. Are they turned up too high?

5 Okay, Ms. Cody, where?

6 MS. CODY: Here, Mills Lane.

7 THE COURT: Mills Lane was the judge?

8 MS. CODY: Yes.

9 THE COURT: Was it a criminal or civil case?

10 MS. CODY: Criminal.

11 THE COURT: Did the jury reach a verdict?

12 MS. CODY: It was a -- well, we couldn't
13 decide.

14 THE COURT: Okay. All right. And tell me
15 about your experience. As you think about it, was it a
16 positive or negative response?

17 MS. CODY: It was positive.

18 THE COURT: Okay. Were you looking forward to
19 coming back?

20 MS. CODY: Yes.

21 THE COURT: Okay. All right. Anybody else?
22 All right. All the way in the back, Ms. Nutter? Where
23 and when?

24 MS. NUTTER: Washoe County, about --

1 THE COURT: Hold on. Now they're not working
2 and I can't hear. Speak loudly, please.

3 MS. NUTTER: It was in Washoe County about ten
4 years ago.

5 THE COURT: Criminal or civil?

6 MS. NUTTER: Criminal.

7 THE COURT: How long was the trial?

8 MS. NUTTER: One day.

9 THE COURT: Okay. Did the jury reach a
10 verdict?

11 MS. NUTTER: Yes.

12 THE COURT: Were you the foreperson?

13 MS. NUTTER: No.

14 THE COURT: How would you describe your
15 experience in just a sentence?

16 MS. NUTTER: It was interesting.

17 THE COURT: Did you dread returning this
18 morning or did you want to return?

19 MS. NUTTER: I did not dread it.

20 THE COURT: You did not dread it. That's a
21 double negative. Let me see if I can turn that around.
22 So are you okay about being here --

23 MS. NUTTER: Yes.

24 THE COURT: -- or did you want to be here?

1 MS. NUTTER: I'm okay about being here.

2 THE COURT: You could take it either way?

3 MS. NUTTER: Well, yes.

4 THE COURT: Anybody else. So I ask general
5 questions, eliciting specific responses, and then the
6 attorneys have the right of supplemental inquiries, so
7 they might drill down to any of you individually. So
8 part of this it just a happen to take notes about who
9 they want to talk more with. All right? So just by
10 show of hands, it will take a moment leaving your hands
11 up, who absolutely does not want to be here this
12 morning? Ms. Smith?

13 MS. SMITH: Yes.

14 THE COURT: All right. Why?

15 MS. SMITH: A few reasons. So number one, my
16 husband has been a deputy for 15 years. And so I want
17 to be unbiased, but I struggle to think --

18 THE COURT: Okay. So you have a law
19 enforcement connection.

20 MS. SMITH: Yeah.

21 THE COURT: Okay. Anything else?

22 MS. SMITH: I'm a teacher so I go back to
23 work.

24 THE COURT: Is today your first day?

1 MS. SMITH: Not today. It's later this week.

2 THE COURT: Okay. All right. You saw that I
3 cut Ms. Smith off. I didn't mean to be disrespectful,
4 but I anticipate sometimes what people say, and we don't
5 want to say too much, and inadvertently create a lasting
6 impression. I'm not picking on her, I'm saying it to
7 all so from time to time I'll just stop you. Okay.
8 Thank you. Any other reason why you don't want to be
9 here?

10 MS. SMITH: I have a skin issue that I've been
11 waiting to get into the doctor for. I have some --
12 they've done some biopsies that I have to have follow-up
13 on that, and I have an appointment that I've waited two
14 months for on Thursday.

15 THE COURT: Thursday. Okay. Thank you.
16 Anybody else? So I'm looking just at this panel. But
17 hold that thought.

18 MS. SMITH: Sorry.

19 THE COURT: We might get to you. We have
20 another gentleman who does not want to be here and he
21 gets to stay and watch for a while. All right. Who
22 really, really wants to serve on a jury. You've been
23 waiting for decades. You've watched the television
24 programs. You read the books, and this is your chance.

1 I know there are a few of you. It's hard for me to
2 believe an attorney does not want to be here. This is
3 like a lottery pick for an attorney to be able to see
4 the inside of the process, except for Mr. Kanute, nobody
5 else is just really anxious to be here.

6 Okay. Keep in mind the presumption of
7 innocence, nothing the attorneys say is evidence in the
8 case. And nothing that I say is evidence in the case.
9 Now, what I say about the law is pretty important. But
10 the attorneys argue about the law, is argument. Right?
11 So I don't ant to keep returning to this constitutional
12 presumption of innocence, it's there, it's ever present.
13 But Mr. Goad is charged with Murder With the Use of a
14 Deadly Weapon. The State has alleged that Mr. Goad
15 murdered another person by stabbing that person with
16 either a knife, scissors, or other sharp-forced
17 instrument.

18 I have not seen the evidence that will be
19 presented at court. It's not customary for the judge to
20 see evidence before it's presented at court. But I
21 contemplate that some of the evidence could be
22 unsettling. There will be photographic evidence. And I
23 want to know if what I've said so far puts any of you on
24 the edge of your seat that you might begin dreading or

1 responding negatively in a way that is out of custom.

2 I think everybody would respond to different
3 images and fact patterns in different ways, and that's
4 okay. But sometimes there's a trigger and I want to
5 know if that trigger's been.

6 Would anybody here avert your eyes or begin
7 reciting the alphabet backwards to distract yourselves
8 at images and descriptions of crime scenes and autopsy?

9 Okay. I'm going to ask about law enforcement.
10 And I want to confine your answers to some close degree
11 of consequent. So it would be you, your spouse or
12 significant other, parents, siblings, or children, okay?
13 Somebody in your ancestral treaty you can touch.

14 Does anybody here have experience with law
15 enforcement? All right. Mr. Scoville?

16 MR. SCOVILLE: Yes.

17 THE COURT: Tell us about it.

18 MR. SCOVILLE: My son's a sheriff in San
19 Francisco.

20 THE COURT: For how long?

21 MR. SCOVILLE: Fourteen years.

22 THE COURT: Where did you raise your son?

23 MR. SCOVILLE: In Sacramento.

24 THE COURT: Do you talk to him about his job?

1 MR. SCOVILLE: Frequently.

2 THE COURT: Has he ever been honest with you,
3 son to father?

4 MR. SCOVILLE: Sure.

5 THE COURT: Has he ever been dishonest with
6 you, son to father?

7 MR. SCOVILLE: Sure.

8 THE COURT: Do you accept my suggestion that
9 not every person works within their profession in the
10 exact same way?

11 MR. SCOVILLE: Absolutely.

12 THE COURT: All right. So I'm not suggesting
13 any law enforcement is going to be dishonest, but I just
14 want to keep -- I want to preserve the possibility that
15 you observe the witnesses yourselves, and you determine
16 their credibility. That's all I want to convey. Any
17 problems with that, Mr. Scoville?

18 MR. SCOVILLE: None at all.

19 THE COURT: Okay. Thank you. Anybody else
20 law enforcement experience?

21 All the way back to Ms. Smith? Your spouse is
22 a Washoe County Sheriff Deputy and has been for 15
23 years?

24 MS. SMITH: That's correct.

1 THE COURT: All right. We'll leave it there.
2 Anybody else?

3 MS. CORTES: I work for a non-profit
4 organization constantly working together with law
5 enforcement.

6 THE COURT: You are Ms. Cortes?

7 MS. CORTES: Yes.

8 THE COURT: All right. You are primarily
9 social work?

10 MS. CORTES: Yeah. Case management.

11 THE COURT: And you work for Awaken?

12 MS. CORTES: Awaken, yes.

13 THE COURT: Perfect. Give us the two-sentence
14 elevator speech about what Awaken does.

15 MS. CORTES: We are a non-profit organization
16 who works with victims who have been sexually exploited.
17 I work with the youth, with minors under the age of 18.

18 THE COURT: Thank you. Anybody else? I don't
19 want anyone on this jury who automatically believes law
20 enforcement. And I don't want anyone on this jury who
21 automatically disbelieves law enforcement.

22 And sometimes on either margin we find -- we
23 find those members of our community. Does anybody have
24 a concern about law enforcement professionalism, honesty

1 where your default position is don't like them and don't
2 believe them? Anybody?

3 I'll ask the exact opposite question. Does
4 anybody have a heightened sense of reliability because
5 of law enforcement?

6 Ms. Smith, at this point you have to raise
7 your hand and say yes. I won't ask any further
8 questions.

9 MS. SMITH: Okay.

10 THE COURT: Yeah. Your name, please.

11 MS. CODY: Donna Cody.

12 THE COURT: Yes. Tell us.

13 MS. CODY: Well, I just want to respect them.
14 I think they have a hard job to do.

15 THE COURT: Okay. I just want to make sure
16 they're not ahead of the pack when it comes to witness
17 credibility.

18 Okay. I'm about to ask whether you have been
19 affected by crime. I don't want to know if someone spit
20 on your sidewalk 20 years ago, but I do want to know
21 about the effect that is deep and personal. And so if
22 there is something that you wish to disclose privately
23 on this question alone, I would allow you to do so in
24 the presence of the Court and counsel. But we would

1 segregate you. Because some crimes do occur privately.
2 And as I balance the public disclosure and private facts
3 I just want to be sensitive to that.

4 Who has been affected by crime as a victim?

5 MS. ROBERTS: I don't need to be segregated,
6 but I teach at Procter Hug High School. And the issue
7 that happened was in front of my classroom.

8 THE COURT: And you are Ms. Roberts?

9 MS. ROBERTS: Correct.

10 THE COURT: Were you present?

11 MS. ROBERTS: Not at the shooting, but once it
12 happened we were immediately outside showing students
13 in. And I saw the event.

14 THE COURT: Has that caused any emotional
15 response that still lingers?

16 MS. ROBERTS: Um, only towards students.

17 THE COURT: Okay.

18 MS. ROBERTS: And children.

19 THE COURT: Thank you. Anybody else been
20 influenced by crime in a way that could adjust your
21 perspectives in this case?

22 Wow, counsel, this may be -- maybe I should
23 stop talking and start listening more. I think I'm
24 sharing conversation. Nobody else on this panel has

1 been affected by crime.

2 MS. CORTES: Can I just?

3 THE COURT: Again, Ms. Cortes.

4 MS. CORTES: Again working with victims, I
5 think the last year I was -- one of my youth passed away
6 by a crime, so I think that probably would trigger
7 something.

8 THE COURT: Thank you.

9 MR. CHERTI: I've had stuff stolen from me,
10 but I don't think it would affect the trial, my
11 perspective in the trial.

12 THE COURT: You're Mr. Cherti?

13 MR. CHERTI: Cherti, Yes.

14 THE COURT: Thank you. Anybody else?

15 Have any of you had close family members or
16 friends affected by crime? In the front, Ms. Clark?

17 MS. CLARK: Yes. I have had a friend who was
18 raped by a taxi driver.

19 THE COURT: How does that work in your mind?
20 How does it affect you?

21 MS. CLARK: At the time of the incident it was
22 horrible. I don't think it would affect my ability on
23 this jury. I'm able to separate them.

24 THE COURT: How long ago was it?

1 MS. CLARK: Five years ago.

2 THE COURT: Thank you. Anybody else? Mr.

3 Sargent?

4 MR. SARGENT: Yes, sir. My closest friend
5 lives in kind of an abusive household. And I'm
6 consistently worried about her and her safety. I don't
7 think it will have anything to do with the trial, but I
8 just want to acknowledge that.

9 THE COURT: Thank you. Mr. Cunningham.

10 MR. CUNNINGHAM: My grandma. On my own yes.
11 My grandma was murdered, but it was approximately 40
12 years ago so I was five years old at the time. Domestic
13 violence.

14 THE COURT: That must be part of your family
15 story.

16 MR. CUNNINGHAM: Absolutely.

17 THE COURT: Forty years later how often do you
18 discuss it or reflect upon it when you're together with
19 family?

20 MR. CUNNINGHAM: My dad time to time, his
21 mother.

22 THE COURT: And who committed the crime? When
23 you say domestic, was it a spouse?

24 MR. CUNNINGHAM: It was my grandmother's

1 sister's, um, live-in boyfriend.

2 THE COURT: Thank you. Nobody else.

3 Who here has been charged with a crime? And
4 I'm not asking you to reveal your driving history.
5 Anything above speeding tickets.

6 All right. Beginning with Mr. Steinmann?

7 MR. STEINMANN: Misdemeanor conspiracy charge.

8 THE COURT: Conspiracy. Was it drug related?

9 MR. STEINMANN: No.

10 THE COURT: Conspiracy to do what?

11 MR. STEINMANN: Theft.

12 THE COURT: How long ago?

13 MR. STEINMANN: Approximately 12 years ago.

14 THE COURT: Were you convicted of the crime?

15 MR. STEINMANN: No.

16 THE COURT: Why not?

17 MR. STEINMANN: There was a plea agreement,
18 you know, no fault.

19 THE COURT: Okay. Were you treated fairly or
20 unfairly in the process?

21 MR. STEINMANN: Fairly.

22 THE COURT: So here we get to those very
23 embarrassing private facts. Thank you, Mr. Steinmann, I
24 hope that your courage inspires others. Who's next?

1 MS. DONALD: Charged with a misdemeanor about
2 12 years ago.

3 THE COURT: Hold on. You are Ms. Michelle
4 Donald?

5 MS. DONALD: Yes.

6 THE COURT: Where?

7 MS. DONALD: Here in Washoe County.

8 THE COURT: What was the misdemeanor?

9 MS. DONALD: I don't know the exact wordage of
10 it, but it was conspiracy and drug, um, Vicodin-type
11 stuff. I was just in the wrong place at the wrong time.
12 But I was charged with possessing the misdemeanor.

13 COURT: Were you represented by an attorney?

14 MS. DONALD: Public defender.

15 THE COURT: Okay.

16 MS. DONALD: In my 20's.

17 THE COURT: All right. And as you think about
18 that experience, were you treated fairly or unfairly?

19 MS. DONALD: I think for the circumstance, um,
20 maybe unfairly.

21 THE COURT: Why?

22 MS. DONALD: Well, I was young and didn't have
23 financial or I would have done a lawyer for sure, so. I
24 don't think that I got to speak fully on the actual

1 situation.

2 THE COURT: Okay.

3 MS. DONALD: But I'm okay with it now, so.

4 THE COURT: Thank you.

5 MS. DONALD: Uh-hum.

6 THE COURT: Anybody else? Mr. Dedomenico. I
7 did not do that right.

8 MR. DEDOMENICO: Fine. Who cares.

9 THE COURT: What did you say?

10 MR. DEDOMENICO: I'm not that picky about it.

11 THE COURT: How do you say your name?

12 MR. DEDOMENICO: Dedomenico.

13 THE COURT: Dedomenico?

14 MR. DEDOMENICO: Right.

15 THE COURT: Talk to us, please.

16 MR. DEDOMENICO: Oh. Actually several trials.
17 I think one of the things that might be important is a
18 misdemeanor. I attacked a prosecuting attorney in the
19 courtroom, jumped off the witness stand, served four
20 months at Parr Boulevard.

21 THE COURT: Hold on, let me impact that for
22 just a moment. You were testifying as a witness.

23 MR. DEDOMENICO: I was the defendant.

24 THE COURT: Okay. You were charged with a

1 crime. What was the crime you were charged with?

2 MR. DEDOMENICO: Oh. Well, let's see. That
3 was a civil trial about, um, tax evasion in California.

4 THE COURT: Okay. And during the course of
5 trial you became unhappy with one of the attorneys?

6 MR. DEDOMENICO: Very much so, yes.

7 THE COURT: And you left the witness stand and
8 attacked the attorney.

9 MR. DEDOMENICO: That is true.

10 THE COURT: And you went to jail for that.

11 MR. DEDOMENICO: Yes, sir.

12 THE COURT: Okay.

13 MR. DEDOMENICO: Before that it was a criminal
14 trial in Sacramento, tax evasion. Innocent. Well, I
15 say not convicted, same thing.

16 THE COURT: Tell me how you view government.
17 What is your two-sentence not lengthy introduction to
18 how you view the role of government in your life.

19 MR. DEDOMENICO: That flag has a gold braid
20 around it. My flag, United States of America flag does
21 not have a gold blade around it -- braid around it. I'm
22 concerned that we lost our constitution somewhere back
23 in the 1800s and that's where we got the gold braid. I
24 don't know what government we're running. I don't know

1 what constitution we're running. That's two sentences.

2 THE COURT: Thank you. Anything else?

3 MR. DEDOMENICO: I think that's all of the
4 trials I've been to, you know, we could go down them.

5 THE COURT: Do you want to serve on this jury?

6 MR. DEDOMENICO: No, not necessarily. I might
7 be curious about a murder trial, but.

8 THE COURT: As you think about the State's
9 attorney, the defense attorneys, which of the two of
10 them would want you on this jury more, if any?

11 MR. DEDOMENICO: Would want me on the jury. I
12 give up. I couldn't come to a conclusion on that, I
13 don't know anything.

14 THE COURT: All right. Well, Mr. Dedomenico?

15 MR. DEDOMENICO: Dedomenico.

16 THE COURT: Dedomenico has illustrated a deep
17 virtue in our work, and that is the privilege of
18 expression without judgment. We may disagree or agree
19 with each other at any time, and he has the right to be
20 heard respectfully, as do all of you, and I'm grateful
21 you took the time to speak to us.

22 Anybody else charged with a crime?

23 In the back, Ms. Roberts?

24 MS. ROBERTS: I wasn't charged, but I had a

1 minor possession that was dropped when I was at UNR.

2 THE COURT: Okay. There's always a minor in

3 possession in our panel somewhere.

4 Okay. In the front here, Ms. Gualano.

5 MS. GUALANO: Yes. In my twenties, I had a

6 misdemeanor for theft.

7 THE COURT: He is handing you the microphone.

8 MS. GUALANO: Sorry.

9 THE COURT: Where?

10 MS. GUALANO: Here in Washoe County.

11 THE COURT: Were you charged?

12 MS. GUALANO: Yes. I did some work crew.

13 THE COURT: You did work crew so you were

14 convicted?

15 MS. GUALANO: Yes.

16 THE COURT: Tell me about the theft. Was it

17 retail, home?

18 MS. GUALANO: Retail. Under ten dollars.

19 THE COURT: Okay.

20 MS. GUALANO: Some Advil.

21 THE COURT: Anybody else charged with a crime?

22 Mr. Lope -- excuse me, Mr. Morro?

23 MR. MORRO: No. She just gave it to me to

24 hold, I think.

1 THE COURT: What did you think so far about
2 what you've observed?

3 MR. MORRO: It's very interesting. I'm
4 enjoying it so far.

5 THE COURT: Nobody else charged with a crime.
6 How about somebody close to you in your orbit, you can
7 reach out and touch this person, somebody very close to
8 you who's been charged with a crime for which you have
9 an opinion. Mr. Sargent?

10 MR. SARGENT: My old man had a DUI probably
11 maybe 19 years ago. I have no real opinion on it. He
12 understands that it was a stupid mistake and he hasn't
13 had alcohol since he got out of jail, so.

14 THE COURT: Okay.

15 MR. SARGENT: And that was 19 years ago.

16 THE COURT: All right. Thank you. Mr.
17 Cherti.

18 MR. CHERTI: Yes. My father was convicted of
19 felony possession of marijuana, and this was after the
20 law was passed for legalization for personal use.

21 THE COURT: Okay. Thank you. Ms. Gibbs.

22 MS. GIBBS: My father's had several DUIs. My
23 brother's had a DUI, and my brother also had possession
24 of methamphetamines, but that was -- it never went

1 anywhere. They dismissed it before he even went to
2 court.

3 THE COURT: Did you have any experience where
4 you observed unfair treatment?

5 MS. GIBBS: No.

6 THE COURT: Anybody else? Ms. Cody.

7 MS. CODY: I had a neglect experience. I
8 guess I didn't pursue this right. My son or stepson got
9 a DUI, and he was asleep in the back seat so yes, he had
10 been drinking, but he was asleep when the cop came and
11 knocked on the door and, of course, the keys were in the
12 ignition, said he was cold. So I thought it was stupid
13 on his part, but I also remember the old days where the
14 cop probably would have just taken the keys and let him
15 sleep, not charged him, so to me I thought that was a
16 little harsh.

17 THE COURT: Thank you. Ms. Clark.

18 MS. CLARK: My brother's had a DUI.

19 THE COURT: Was he treated fairly or unfairly?

20 MS. CLARK: Fairly.

21 THE COURT: Ms. Cortes.

22 MS. CORTES: Both of my brothers were charged
23 with DUIs, and then my older brother with a couple of
24 felonies, I think.

1 THE COURT: Tell me your relationship with
2 your brothers.

3 MS. CORTES: I'm very close to them.

4 THE COURT: You speak regularly?

5 MS. CORTES: Yeah.

6 THE COURT: Are you defensive of them or do
7 you believe they were fairly treated?

8 MS. CORTES: No, they were fairly treated.

9 THE COURT: Okay. Anybody else? Who has
10 legal training? Formal legal training, law firm
11 training where you're support staff. Anybody? Mr.
12 Kanute?

13 MR. KANUTE: Three years of law school.

14 THE COURT: Will you tell the attorneys about
15 your practice.

16 MR. KANUTE: Yeah, I'm in private practice
17 with Snell Wilmer here in town. I've been an attorney
18 for 12 years. Prior to joining Snell Wilmer I did two
19 years with the Supreme Court. I am currently doing
20 bankruptcy and creditor's rights attorney.

21 THE COURT: Thank you. Anybody else? All
22 right. Ms. Lopez.

23 MS. LOPEZ: Well, I don't have legal, I was a
24 file clerk.

1 THE COURT: Tell us about it.

2 MS. LOPEZ: Fifteen years ago I worked for a
3 bankruptcy attorney.

4 THE COURT: Okay.

5 MS. LOPEZ: And then his wife did family law,
6 so I worked there for about ten years.

7 THE COURT: Okay.

8 MS. LOPEZ: Just as a file clerk while I was
9 in college.

10 THE COURT: Thank you. Anybody else? Ms.
11 Gibbs.

12 MS. GIBBS: I went to college and did prelaw
13 and criminal justice, but after I graduated I did not
14 use it.

15 THE COURT: Okay. Why did you study criminal
16 justice?

17 MS. GIBBS: I wanted to be a homicide
18 detective. That's what I wanted to do when I was
19 younger.

20 THE COURT: Tell me a little bit more about
21 that. Why, and then why not?

22 MS. GIBBS: It just was incredibly
23 interesting. My mother was a -- ran an emergency room,
24 and I liked some of the work she did, but decided I

1 didn't -- I wanted to do it from a different angle, but
2 I had -- was in a car accident when I was young and had
3 back surgery and so I went a different direction with my
4 career because it would be hard to get on a police force
5 when I had surgery, so I changed careers.

6 THE COURT: Thank you. Anybody else? Ms.
7 Smith.

8 MS. SMITH: I worked only for about three
9 years as a receptionist and a file clerk at Parsons
10 Behle & Latimer.

11 THE COURT: And in the back, Ms. Farnsworth.

12 MS. FARNSWORTH: I was a CASA for nine years
13 so I been in court and had to write things, but I never
14 had criminal training.

15 THE COURT: Counsel, I risk offending your
16 knowledge, and I don't mean to suggest you're not
17 familiar, but CASA is an acronym for Court Appointed
18 Special Advocates, members of the community get
19 training, then they are assigned by the Court to assist,
20 specifically children hopefully in some longitudinal
21 direction.

22 All right. Anybody else?

23 Who thought about going to law school but
24 decided not to?

1 Okay. I've got Ms. Gibbs who we've heard
2 from, and then Ms. Clark?

3 MS. CLARK: Uh-hum.

4 THE COURT: Tell us a little bit about it.

5 MS. CLARK: I considered going to law school,
6 and it was too much school after college. I was just --
7 I was not ready to continue to be -- further my
8 education at that point.

9 THE COURT: But why were you considering law
10 school? What is it about the law that was attractive to
11 you?

12 MS. CLARK: It's fair. It's a neutral way to
13 assess a crime that's happened and I am fairly logical
14 and analytical, so that was what drew me to potentially
15 going that direction.

16 THE COURT: Okay. Thank you. Anybody else?
17 Mr. Steinmann.

18 MR. STEINMANN: Yes, sir. I was interested as
19 an undergraduate studying economics at the University of
20 Nevada to go to law school. Ended up pursuing a degree
21 in public policy and public administration.

22 THE COURT: When you considered law school
23 were you drawn more to the civil law or the criminal
24 law?

1 MR. STEINMANN: Mostly constitutional law as
2 it relates to public policy and public administration.

3 THE COURT: Okay. Thank you. Mr. Morro.

4 MR. MORRO: Early in my career I took L-S-A-Ts
5 because I thought I wanted to be an attorney, but it
6 ended when the scores came back.

7 THE COURT: That's a great example of how we
8 occasionally smile. And it's appropriate. But always
9 with a larger context of this is serious work and there
10 are important issues both for the State and the Defense,
11 I'm not in any way responding to what you said. I want
12 to reset -- reset the value thing. So you didn't do
13 well on the L-SAT and chose to do what instead?

14 MR. MORRO: At the time I was a regulator for
15 the casino industry in New Jersey and then that
16 transferred into a career in the slot machine business
17 in Nevada.

18 THE COURT: And why did you think about law?
19 School?

20 MR. MORRO: As a regulator in New Jersey I
21 dealt a lot with the attorneys from the casinos and I
22 enjoyed that.

23 THE COURT: Is it fair to say you were
24 intrigued by regulatory in civil law but not criminal

1 law?

2 MR. MORRO: That's correct.

3 THE COURT: Okay. Thank you. Anybody else?

4 Oh, yes, go ahead, please. Ms. Farnsworth.

5 MS. FARNSWORTH: Yeah. My brother always
6 wanted me to be a lawyer with him. He's a lawyer,
7 retired in Illinois and so when I was younger he was
8 pushing me to go to law school, but I can't compete with
9 him, he's too smart.

10 THE COURT: Thank you. Yes. Ms. Smith.

11 MS. SMITH: When I finished my M.A. in
12 writing, I was trying to figure out what to do with that
13 and I was always interested in law and at the time my
14 husband was already a deputy and so I thought I would be
15 interesting but I chose to not go that route because we
16 already had our daughters, and the closest one is over
17 in Sacramento and just family wise it wouldn't work.

18 THE COURT: Thank you. Much of what you do
19 this morning is self-disclosure. No matter how long I
20 talk or how skilled the attorneys are, we can't get to
21 the -- to the center of your thoughts unless you choose
22 to disclose. That's the reality of what we're doing
23 here.

24 And I wonder if any of you have concerns about

1 your own service in this case, whether you have concerns
2 or inclinations about your fairness. If we could just
3 strip everything away and be pured into your truth, is
4 there anybody we would not want in this trial?

5 Does anybody have philosophical or religious
6 guidelines that would prevent you from sitting in
7 judgment of others? Mr. -- I'm going to get this right.
8 Dedomencio.

9 MR. DEDOMENICO: Close enough. Do we do the
10 death penalty here in Nevada?

11 THE COURT: Yes. And there is no suggestion
12 of its role in this trial. Again, hearkening back to
13 the constitutional presumption of innocence, and nothing
14 I say is evidence, and I have no opinion about what the
15 jury will decide, I'll just disclose to you that -- that
16 there is not a capital punishment certification in this
17 case.

18 I've spoken about Mr. Goad's constitutional
19 presumption of innocence. He has another critical
20 constitutional right, which he alone will exercise. He
21 alone will chose whether he exercises. And that is his
22 right to remain silent. The context for that right is
23 that he's presumed innocent, and the State must prove
24 his guilt beyond a reasonable doubt. And I'll define

1 what reasonable doubt is at the trial.

2 But under no circumstances is any accused
3 required to assist the State. The State will prove its
4 case or it will not. Yet some jurors want to hear from
5 the accused. If Mr. Goad chooses to remain silent, will
6 that be a problem for any of you? Will you secretly
7 harbor a desire that he speak? I know there are some of
8 you. Mr. -- let's say it Mr. Cherti?

9 MR. CHERTI: Yeah.

10 THE COURT: Tell me about it.

11 MR. CHERTI: Okay. I mean -- I mean, I'd like
12 to hear from him but, I mean, I understand that it's
13 their responsibility of the State to prove it and if he
14 doesn't want to speak, that's up to him. But I would --
15 I think I would be able to judge better or, like, gauge
16 better on what I -- what I -- the evidence and
17 everything if I heard from him.

18 THE COURT: Thank you. Anybody else? Nobody
19 else? All the way back to Ms. Holbrook.

20 MS. HOLBROOK: Can I have a side bar and tell
21 you why I feel like I shouldn't be here?

22 THE COURT: Sure. Just hold that for a
23 moment. Anybody else? Remember, we can only count upon
24 your public spiritedness, your personal virtue to

1 disclose any disqualifying opinions or even opinions
2 that would influence the fairness of this proceeding.
3 None of you believe that you should be excused because
4 of private feelings, and none of you would hold it
5 against Mr. Goad if he chooses to remain silent; is that
6 correct?

7 Except for family court, because a majority of
8 us go through changes in our family, and we're also good
9 members of our community. So excluding that, who has
10 been in court either as a witness, a victim, or a
11 litigant? So you're involved in a lawsuit or you
12 provide assistance as a witness in a lawsuit. Anybody?
13 Anything beyond what we've already talked about, Mr.
14 Dedomenico?

15 MR. DEDOMENICO: No, just more cases.

16 THE COURT: Okay. Of the same type.

17 MR. DEDOMENICO: Oh. Well, when I got
18 indicted for tax evasion, it just seemed like a whole
19 bunch of other people, local people, you know, jumped in
20 to put their ticket on me to get paid first before
21 California.

22 THE COURT: Okay.

23 MR. DEDOMENICO: California didn't get paid,
24 but it just meant there were a lot of cases. A lot of

1 cases.

2 THE COURT: Okay. Mr. Kanute.

3 MR. KANUTE: I currently have a -- I currently
4 have a civil case pending in front of Judge Freeman
5 where I'm --

6 THE COURT: You disclosed that in your
7 questionnaire. The attorneys may already know that.

8 MR. KANUTE: Thank you.

9 THE COURT: Anybody else? Yes. Mr.
10 Steinmann.

11 MR. STEINMANN: Yes, your Honor. It hasn't
12 occurred yet, but I expect to be an expert witness in
13 the Third Judicial District in a lawsuit between Lyon
14 County, the Lyon County School District and the City of
15 Fernley.

16 THE COURT: Okay. Thank you. All right.
17 We'll to go do this exercise quickly, but not too quick.
18 A lot of you haven't said a word. And so beginning in
19 the first position in the 32nd position, if your
20 position is microphones, please, deputy, hand it to Ms.
21 Farnsworth. If you've not spoke -- if you have spoken,
22 pass the microphone. If you have not spoken, take a
23 moment, and tell us your observations, so far, or tell
24 us what questions you almost answered, but I went too

1 fast. Or tell us your opinion about being here or not
2 here, one of those three things. Observations, what
3 question you would have answered, opinion about being
4 here. Okay. We're just going to do this in alternating
5 order. So start passing the microphone until it lands
6 on someone who has not spoken.

7 MS. BENSON: Cathy Benson.

8 THE COURT: Yes.

9 MS. BENSON: I'm fine being here.

10 THE COURT: Tell us a little more. We want to
11 hear your voice. Why are you fine being here?

12 MS. BENSON: I don't know. Just that I'm fine
13 serving the county.

14 THE COURT: Tell us what you would be doing
15 today if you were not here. Where would you be right
16 now?

17 MS. BENSON: Probably at home. I'm on
18 workman's comp right now.

19 THE COURT: Tell us about your employment.

20 MS. BENSON: I'm a housekeeper. And that's
21 it.

22 THE COURT: Is there any question you might
23 have answered if I would have given you more time?

24 MS. BENSON: No.

1 THE COURT: Okay. Keep passing the
2 microphone. We're going to get to somebody.

3 MR. WITMAN: Mark. Mark Witman.

4 THE COURT: Okay.

5 MR. WITMAN: The experience has been good so
6 far other than last week I did come back. I volunteered
7 to come back. And that's really all I.

8 THE COURT: Thank you.

9 MR. REID: My name's Jim Reid. I'm here
10 because I think it's our duty to be part of this and I'm
11 also kind of that good karma thing so if ever I am
12 sitting out there someone I want to have a reliable jury
13 up here to make sure that judgment is fair.

14 THE COURT: Well said. Who agrees with Mr.
15 Reid? I think it's unanimous. Okay. Thank you. Who's
16 next?

17 MR. HUNTER: Good morning. Jonathon Hunter.
18 My observation is this has been a very deliberate
19 process.

20 THE COURT: What question did you almost
21 answer?

22 MR. HUNTER: I didn't have a question that I
23 almost answered.

24 THE COURT: What question should I have asked

1 that would have revealed whether you're fit for this
2 trial or fit for a different trial?

3 MR. HUNTER: I can't think of a question you
4 could have asked, sir.

5 THE COURT: How do you respond when I say that
6 the evidence in this case could be unsettling?

7 MR. HUNTER: I have -- I've seen things that
8 are unsettling before.

9 THE COURT: What do you do for work?

10 MR. HUNTER: Currently I am a program manager
11 at Sierra Army Depot.

12 THE COURT: You said currently. How long have
13 you been there?

14 MR. HUNTER: I have been there since January
15 of 2015.

16 THE COURT: What did you do before then?

17 MR. HUNTER: I served in the United States
18 Army, sir.

19 THE COURT: Enlisted or officer?

20 MR. HUNTER: Both.

21 THE COURT: How did you transition from
22 enlisted to officer?

23 MR. HUNTER: I went to the warrant officer
24 candidate course at Fort Rucker, Alabama in 2005.

1 THE COURT: So you flew helicopters?

2 MR. HUNTER: No, sir, I was a technician
3 warrant officer.

4 THE COURT: How many total years in service,
5 active and reserve?

6 MR. HUNTER: Twenty-two years, sir.

7 THE COURT: How many of those years were
8 active duty?

9 MR. HUNTER: All of them.

10 THE COURT: How many years enlisted and how
11 many years as a warrant officer?

12 MR. HUNTER: Ten years, nine months enlisted.
13 The rest was as a warrant officer.

14 THE COURT: Has Mr. Dedomenico said anything
15 that you agree with or disagree with?

16 MR. HUNTER: Neither, sir.

17 THE COURT: I'm not teasing and I'm not being
18 sarcastic. Some people arrive in the courtroom with a
19 goal of saying almost nothing because they don't want to
20 disqualify themselves from service. And there's this
21 perception out there that if I say a lot, I'm going to
22 trip over something that the judge will let me go home.
23 Did you set a goal of not saying much before court?

24 MR. HUNTER: No, sir.

1 THE COURT: Do you want to serve?
2 MR. HUNTER: If selected, I will serve, sir.
3 THE COURT: Okay. Thank you. Mr. -- I'm
4 going to say that your name is Mr. Wilcher.
5 MR. WILCHER: Correct.
6 THE COURT: You've talked about your health
7 care and the VA. Tell us a little bit more about that.
8 MR. WILCHER: Currently I'm an RN case manager
9 at the VA Reno, and I have a panel of 1200 or so
10 patients that I work with. And prior to that I was an
11 ER nurse at Saint Mary's.
12 THE COURT: Your prior service yourself?
13 MR. WILCHER: No, sir.
14 THE COURT: Okay. By the way, who has served
15 military here? Mr. Witman has?
16 MR. WILCHER: Yes, sir.
17 THE COURT: What branch?
18 MR. WILCHER: USMC.
19 THE COURT: Anybody else? Let's see. Mr.
20 Gray?
21 MR. GRAY: Yes.
22 THE COURT: What branch?
23 MR. GRAY: In the Army.
24 THE COURT: Okay. Anybody else?

1 All right. Who else hasn't spoken yet? Mr.
2 Hernandez-Guillen.

3 MR. HERNANDEZ-GUILLEN: Correct. So my
4 observations today is it's very thorough process. When
5 I moved to the United States I was eight years old back
6 in March, 1997, with the belief of better opportunities.
7 And upon becoming a U.S. citizen, October 10th, 2014, I
8 know it's one of my two civic duties to, so when I
9 received my summons in the mail I -- I knew it was
10 something that I needed to fulfill.

11 THE COURT: Thank you. Appreciate that.

12 MS. YOUNIE: Ashley Younie.

13 THE COURT: Where are you?

14 MS. YOUNIE: I'm back here, sorry.

15 THE COURT: Okay. Let's see. Ms. Younie?

16 MS. YOUNIE: Younie.

17 THE COURT: Younie.

18 MS. YOUNIE: I also was here last week and
19 chose to come back because I believe this is a fair
20 process and it's a privilege to be readily chosen for.
21 It's our civic duty, too, we're in a place I would want
22 a fair and honest jury.

23 THE COURT: Thank you. I ask questions
24 sometimes hoping that I'll elicit a personal response,

1 fearing that I won't, but also communicating a little
2 bit. I don't allow the attorneys to advocate during
3 this process, but I could a little bit.

4 Is there anybody who won't follow the Court's
5 written instructions because you have your own view of
6 the law or you're just counterposed enough where you
7 want to do it your own way? Anybody have a problem not
8 following the Court's instructions? Even if you
9 disagree.

10 I'll give you an example. I don't know if Mr.
11 Goad is going to exercise his Constitutional right to
12 silence. If he chooses to do so, I will instruct you
13 that you shall not consider his silence against him.
14 And you shall not even discuss it during your
15 deliberations.

16 Will anybody violate that instruction? Or do
17 you feel that you might or be inclined to violate that
18 instruction?

19 So Mr. Goad has been charged with a crime.
20 Charged. The State has to prove his guilt. Would
21 anybody have a problem returning a verdict of not
22 guilty?

23 If the State felt it met its burden, does
24 anybody believe right now here that Mr. Goad is guilty

1 because he sits in this courtroom?

2 Does anybody have a concern that he's guilty
3 because he sits in this courtroom?

4 Who has the next microphone?

5 MR. GRAY: That would be me.

6 THE COURT: Let me see. Who are you? There
7 you are. Besides your Army answer, Mr. Gray, let me
8 hear from you. Well if you want to answer those three
9 questions?

10 MR. GRAY: The three questions. I guess the
11 one I was going back on forth on is the silence part of
12 it. I run a warehouse and when there's conflicts there
13 should be two sides and we strive to get both sides of
14 it. But I understand it's the part of the right to be
15 silent, just inside I'm always looking for another side
16 of the story.

17 THE COURT: Thank you. Tell us a little bit
18 more about you.

19 MR. GRAY: In what regard? In Reno for 30
20 years. First time possibly serving on a jury. Been
21 called before but not selected.

22 THE COURT: Do you want to be selected?

23 MR. GRAY: I would be selected if it's fine.
24 I don't have a reason not to be selected. I don't have

1 a desire not to be selected if you want to put it that
2 way. As many have said, it's our duty and I believe it
3 a hundred percent.

4 THE COURT: All right. Pass the microphone.
5 Let's make sure everyone's voice has been heard.

6 MR. BECCARD: I'm Lawrence.

7 THE COURT: Hi, Mr. Beccard. What have you
8 been thinking this morning?

9 MR. BECCARD: This is interesting. I don't
10 know. I'm just right now observing it, checking it out.

11 THE COURT: Was there any question you would
12 have answered if I gave you more time?

13 MR. BECCARD: I wasn't sure. When I was in my
14 late teens, early twenties, I had a marijuana charge and
15 assault and battery charge.

16 THE COURT: Tell us about that assault and
17 battery charge.

18 MR. BECCARD: A guy walked into my house, I
19 asked him to leave, he didn't leave. He started
20 swinging so I started swinging. I was exonerated of it
21 so I didn't know if I was actually charged, but I had to
22 go to court and everything.

23 THE COURT: How long ago?

24 MR. BECCARD: I think I was 19, so 24 years

1 ago.

2 THE COURT: Okay. Do you want to serve on
3 this jury?

4 MR. BECCARD: Yeah. I'm impartial. I will or
5 I won't.

6 THE COURT: Thank you.

7 MS. GENZ: Hi. I'm Sierra.

8 THE COURT: Ms. Genz.

9 MS. GENZ: I'm just here to listen and observe
10 and give my input when needed. I don't have any answer
11 to your questions that you've previously asked.

12 THE COURT: What would you be doing this
13 morning if you weren't here?

14 MS. GENZ: I would be working.

15 THE COURT: What would you be doing
16 specifically today?

17 MS. GENZ: I'm a graduate nurse, so I'd be at
18 Renown.

19 THE COURT: Tell me what subset of nursing you
20 enjoy the most. Acute care? Oncology?

21 MS. GENZ: I'm a medical/surgical, so I just
22 see patients after surgery usually.

23 THE COURT: And you've never been affected by
24 crime in any way? In your personal life.

1 MS. GENZ: No, not in my personal life, or
2 anything.

3 THE COURT: Do you want to serve on this jury?

4 MS. GENZ: I don't mind. Either way.

5 The COURT: Do you watch crime shows on the
6 television?

7 MS. GENZ: Yes.

8 THE COURT: What's your favorite one?

9 MS. GENZ: Criminal Minds. I watch a lot of
10 TV on my spare time.

11 THE COURT: Okay. Thank you.

12 MS. MAHRT: Hi. I'm Kristin Mahrt. And I am
13 happy to be here. I do love our constitution and our
14 judicial -- our judicial system and I'm really happy to
15 serve.

16 The only other question I probably would have
17 answered that you asked, I was called as a witness. I
18 had -- two years ago I had someone who was completely
19 drugged up, messed up, tried to break into my house, and
20 I called the police and he was caught stalking my house.
21 And so they called me in and it did not go to court.
22 The attorney's assistant asked me if the guy that just
23 came in was the guy who was at my house. And I could
24 not see him so I could not give her an answer until I

1 saw his face, but she actually told me, she said "Well,
2 it must be him because there's nobody else here."

3 So when I would not agree with that, I told
4 her I can not concur that that is him until I see his
5 face. And then she came to me and apologized. And I
6 did tell her that I did see his face and I did some.
7 And we never went to court, they settled out, so.

8 THE COURT: So do you believe you were
9 unfairly treated by the prosecuting attorney, or the
10 District Attorney's Office?

11 MS. MAHRT: I felt like that was leading a
12 witness for sure. I mean, we weren't in a courtroom,
13 but for her to say well, it must be him, there's nobody
14 else here, I wouldn't agree with that, so I told her I
15 can't tell you that for sure until I see his face.

16 THE COURT: All right.

17 MS. MAHRT: So.

18 THE COURT: Thank you.

19 MS. MAHRT: You're welcome.

20 MS. BAKER: Marie Baker. I have my own
21 insurance office. Being here doesn't affect me good or
22 bad. With regards to teaching experience for my kids,
23 because they keep asking me why are you going to court?
24 Because I have to.

1 THE COURT: Were you here last week?

2 MS. BAKER: I was not here last week.

3 THE COURT: Okay.

4 MS. BAKER: I was told to come on the 5th when
5 I called in, so. But that's, like, my fourth card, so
6 -- and this is my first time ever being called to jury
7 duty, too. Any other questions?

8 THE COURT: Has everybody spoken? Ladies and
9 Gentlemen, we're going to take a recess. It's not going
10 to be brief, because I'm going to visit with the
11 attorneys for a moment while Ms. Holbrook just waits on
12 the outside of the doors in the rotunda.

13 And then when I'm done with the attorneys, I
14 am going to visit with the attorneys with Ms. Holbrook.
15 And so you will be released for 20 minutes.

16 But during this recess you must not discuss
17 this case amongst yourselves. You will not form or
18 express any opinion about this matter until it's been
19 submitted to you.

20 You'll hear that admonition every single time
21 you leave the courtroom and the idea is that the jury
22 must be informed at the same time with the same
23 information. Nobody can ever get different information
24 than the entire jury. And so you will find that even

1 the attorneys, the court staff, nobody will speak to
2 you. It's not because we're antisocial, it's because
3 there can be no question about the information you
4 receive when you're together in this room.

5 We'll stand for our jury panel. Please return
6 for entry in the courtroom at 11:30.

7 (Jury panel leaves courtroom.)

8 THE COURT: Everyone be seated, please.

9 Ms. Holbrook, you want to speak privately?

10 MS. HOLBROOK: Yes. I feel like I can't
11 serve. I'd love to be able to serve on the jury, but
12 this one is a violent crime and I was raised in a very
13 violent situation.

14 THE COURT: So I heard most of what you said.
15 I believe you said you don't believe this is the case
16 for you because of its allegations of some violence.

17 MS. HOLBROOK: Correct. Yes.

18 THE COURT: Okay.

19 MS. HOLBROOK: I have too much violence as a
20 child, and similar to kind of what is going on here.

21 THE COURT: I don't want to plant any words in
22 your mouth when I talk to much. Did you feel your past
23 kind of --

24 MS. HOLBROOK: Oh, yes.

1 THE COURT: -- present today?

2 MS. HOLBROOK: Very badly.

3 THE COURT: Counsel, do you have any
4 questions?

5 MR. STEGE: No.

6 MR. SLOCUM: No, I don't have any questions,
7 your Honor. We would not object to her being excused.

8 MR. STEGE: Nor would I.

9 THE COURT: Thank you for your call to
10 service, and for your courage in your honest disclosure.
11 I am going to let you leave now not returning with the
12 panel, and then we'll replace your empty seat then.

13 MS. HOLBROOK: Thank you.

14 THE COURT: Thank you, Ms. Holbrook.

15 THE COURT: Counsel with the deputies can
16 accommodate me privately in one of the jury rooms so
17 that you can avoid the public facilities, I'd be happy
18 to make that request. We'll see you at 11:30.

19 (Short break.)

20 THE COURT: Let's go back on the record. So
21 it's always delicate I want to advocate, I want to
22 indoctrinate to planting seeds of defense. But I also
23 think it's fair that you identify people who have some
24 familiarity, so let's hear from Mr. Stege and find out

1 where he thinks the line should be.

2 MR. STEGE: Without some -- I would say
3 without an offer or a statement that we are going to go
4 down an area of mental health, right, there will be
5 positive evidence of mental health on one side or the
6 other, planting the idea of you have to be crazy to
7 commit murder or sort of diminished capacity evidence, I
8 think, is -- it's not called for. I don't -- there's
9 been no claim of insanity in this case. So I don't know
10 that we want this idea of mental illness, the
11 defendant's mentally ill out there somewhere without any
12 connection to the trial, the evidence in the trial.

13 MR. SLOCUM: And your Honor, I'm a little bit
14 unclear about this. I thought the issue was
15 specifically regarding putting that kind of evidence
16 before the Court. I don't think I can make an offer at
17 this point about what that evidence is gonna be more
18 than do I think that would be proper to tell the jury
19 this is what the evidence in this case is gonna be and,
20 in fact, the order specifically precludes me from doing
21 that. So I am forced to do exactly what Mr. Stege is
22 seemingly objecting to.

23 MR. STEGE: Well, my objection is without a
24 hook in the trial, all right, without a hook somewhere

1 in the trial that the defendant is mentally ill, how is
2 it appropriate to bring that up on a -- it's not an
3 issue they're going to address.

4 THE COURT: So I asked the question because
5 I'm reminded in my work that I view a world through my
6 own lens, and I want to make sure that I accommodate
7 other lens. And I've had a sense just by observation of
8 Mr. Goad has been itinerant in the past. Yes. And so I
9 probably spoke without thinking because as Mr. Stege
10 speaks, I agree with him I don't want to plant a seed,
11 but I also want to allow you to conduct your appropriate
12 challenges in an informed way, but I can't have you
13 telling the jury by your questions that he's excused
14 from criminal liability because of mental illness. So
15 how do we strike that balance?

16 MR. SLOCUM: And Mr. Stege is correct if the
17 question were with regard to not guilty by reason of
18 insanity. But -- but I'm not sure why it is not
19 appropriate for me to ask the jury if they have some
20 preconceived idea about somebody who is mentally ill and
21 whether or not they should be held at a different level
22 of criminal responsibility than somebody else. That's
23 -- that isn't saying what is your verdict going to be,
24 but it is something where people have preconceived

1 ideas, and it's important for them to be able to express
2 what those ideas may be in order to know -- frankly, I
3 intend to emphasize the degree to which what you've said
4 is true, that these jurors have to decide for themselves
5 whether or not this is the right case for them. And one
6 of the issues is whether or not they have a particular
7 feeling that somebody who is homeless, or somebody who
8 has a mental illness, whether that be okay they must be
9 guilty, or they are guilty at all or whatever the case
10 may be, that's the sort of thing that's going to be very
11 important for us to know in determining who should serve
12 on the jury.

13 THE COURT: So I ask about all kinds of silly
14 things. I ask about what television program somebody
15 watched, right? And so we're trying to do is just get
16 people to talk. But it also plants a seed of excuse in
17 this case if you focus on -- by asking about mental
18 illness you're arguing that your client is somehow.

19 MR. SLOCUM: I don't think that that
20 necessarily follows, your Honor. I think that, frankly,
21 in an area where people may have preconceived ideas that
22 they'll inform their own judgment in the case, that's
23 important for them to at least reflect upon and tell us
24 about. And to leave that -- to leave that as just a

1 hidden area is, frankly, unfair when we consider how
2 important it may be to some people. And so to leave
3 that uncovered is -- it's operating to, frankly, a
4 disadvantage to both sides. And I don't think it's
5 planting a seed, I think it's a fact that some people
6 may have preconceived ideas and it's important for us to
7 ferret those out --

8 THE COURT: Okay.

9 MR. SLOCUM: -- with regardless of whether or
10 not there is evidence of the particulars of Mr. -- Mr.
11 Goad's past and his life and so on.

12 THE COURT: Okay. I get it. I understand the
13 important intention and you're competing views.

14 What will the evidence be about Mr. Goad's
15 homelessness? How did this event occur in your mind?
16 What was it?

17 MR. STEGE: Mr. Goad lived in the same
18 apartment complex as the victim. For -- he lived there
19 for a long time. Number of years, not homeless.

20 THE COURT: Okay.

21 MR. STEGE: He stopped getting his checks from
22 SSI November of '18. Caused him, in the State's mind,
23 to then get served with an eviction notice. In the
24 meantime he murdered the victim and was subsequently

1 evicted on January 30th.

2 THE COURT: Okay.

3 MR. STEGE: The man's body was found February
4 13th. The defendant was located a number of weeks later
5 in Sacramento, not homeless but sort of in group homes
6 or he'd been picked back up onto or connected back with
7 his Social Security benefits.

8 So I don't -- I'm looking at the witness list
9 here. I don't see anyone who's gonna say he's mentally
10 ill. I don't see any issue of mental illness in this
11 case. The homelessness portion may come up in the --
12 when talking about in the manual's captured in
13 California because he's bouncing around there.

14 MR. SLOCUM: Well, and your Honor, we had a
15 whole discussion about an interview that -- that Mr.
16 Goad gave. As far as I understood, that was not
17 redacted out. And Mr. Stege and I had a conversation
18 about it. It's my understanding that the State intends
19 to use that so --

20 MR. STEGE: No.

21 MR. SLOCUM: -- there is going to be
22 evidence.

23 MR. STEGE: No, I'm not putting his statement
24 in.

1 THE COURT: Okay. We're going to break. Ten
2 minutes. Thank you, counsel, for your help.

3 (Short break.)

4 THE COURT: On the record before you open the
5 door. I am going to disallow the Defense questions as
6 proffered. I'm going to travel over the subject at a
7 higher level. I think that -- that if the questions
8 come directly from Defense counsel it begins to advance
9 a theory of the case, and there is no legal relevance.
10 I'm just trying to discover experience and training and
11 mental health subjects and so I'll do a little bit and
12 you will be disallowed.

13 MR. SLOCUM: The homelessness?

14 THE COURT: I'm sorry?

15 MR. SLOCUM: The homelessness?

16 THE COURT: Again, I don't know the evidence
17 yet.

18 MR. STEGE: Yeah, I think that's less
19 problematic from the State's perspective. I think it's
20 more likely that may come out.

21 THE COURT: I'll probably combine the two.

22 MR. STEGE: But I may be -- I want to come
23 back to the mental health thing because I -- during the
24 break I talked with Mr. Slocum. I don't intend to

1 introduce the man's statement. But if it were to come
2 to pass that I were to introduce it, the defendant does
3 mention having been in a mental hospital for, I think,
4 depression is what he, himself, names. That's not been
5 redacted out because it's too numerous the number of
6 times. So I don't want to give the Court -- I'm not
7 trying to set a trap for Mr. Slocum or the Court.

8 THE COURT: Final preservation of thoughts
9 before we bring the jury in.

10 MR. SLOCUM: Right, your Honor. Again,
11 there's the reasonable expectation that I have that
12 there's is gonna be evidence that comes in. And I've
13 talked to Mr. Stege about what my intent with regard to
14 these questions is. I appreciate the Court's concern
15 that you don't want to turn this into a circus where I'm
16 presenting my whole case during voir dire. That is not
17 at all what I intend to do. What I do intend to do is
18 make sure, or intended to do until the Court made its
19 ruling, that there are folks that have some preconceived
20 idea. I'm not planting any seed buy they have an idea
21 if they heard something like Mr. Goad's statement, that
22 that would cause some kind of reaction in them, whether
23 it be along the lines of well, if he's crazy he must
24 have done this because crazy people are murders or any

1 kind of preconceived ideas where they're not going to be
2 able to hear the evidence anymore once they hear oh, he
3 was in a mental hospital? And that's important, I
4 think, for the defense to know if, in fact, there are
5 people who are going to have that reaction.

6 THE COURT: Okay. So you've got to slow down
7 in your delivery. Is there institutionalization, mental
8 health hospital that's going to come in in addition to
9 the statement you've just described?

10 MR. STEGE: No.

11 THE COURT: Okay.

12 MR. STEGE: No.

13 THE COURT: All right. Unless there's further
14 order of the Court you won't be permitted.

15 The jury, please.

16 (Jury panel enters the courtroom.)

17 THE COURT: Ms. Clerk, to replace the 31st
18 position, please.

19 COURT CLERK: Della Dunbar.

20 THE COURT: Would you hand a microphone to Ms.
21 Dunbar, please. Good morning.

22 MS. DUNBAR: Good morning.

23 THE COURT I can't try and recreate the
24 lengthy past. You were paying attention I hope?

1 MS. DUNBAR: I was.

2 THE COURT: Do you know what questions you
3 would have answered? I can go over them by summary,
4 but--

5 MS. DUNBAR: I don't know that I would have
6 answered any of them. Maybe in regards to the sensitive
7 nature of some of the images might be unsettling. But
8 other than that, I -- I do consulting work so I did put
9 a hold on my calendar for this week, but I do have a
10 flight on Monday to visit a client if it goes over.

11 THE COURT: Do you want to serve on this jury?

12 MS. DUNBAR: I would not be opposed to
13 serving. It's not like the top of my list of things I
14 want to do, but I would be happy to serve.

15 THE COURT: Have you any experience with law
16 enforcement or crime either as an accused or as a victim
17 that would influence your observations here?

18 MS. DUNBAR: I have neighbors who are retired
19 P.D., but I don't think that would influence me. I do
20 have great nieces and nephews who have parents,
21 grandparents are charged with child porn.

22 THE COURT: Hold that mic away from you a
23 little bit away.

24 MS. DUNBAR: Okay. So my great niece and

1 nephew that --

2 THE COURT: Let's just take the microphone
3 away until we can fix it. Just speak up very loudly.
4 I'm getting a whistle the entire time.

5 MS. DUNBAR: My great niece and great nephew,
6 their dad and grandfather are -- have been charged with
7 child pornography, among other things.

8 THE COURT: Where did that -- where is the
9 charge?

10 MS. DUNBAR: Um, currently up in Alturas. I
11 don't know what else you heard or didn't hear.

12 THE COURT: Legal training. Legal desires.

13 MS. DUNBAR: No, I work in the health care
14 field.

15 THE COURT: Law enforcement?

16 MS. DUNBAR: Other than my neighbors who are
17 retired PD.

18 THE COURT: Ms. Dunbar mentioned unsettling,
19 the possibility of being unsettled by evidence, and it
20 causes me to ask another question, Ladies and Gentlemen.
21 We each travel through life, sometimes with highs and
22 sometimes with lows, each of us in different ways
23 experience depression and anxiety. We sometimes
24 experience unnecessary euphoria. I'm wondering if any

1 of any you have any specific training in mental health
2 issues at all?

3 Ms. Clark?

4 MS. CLARK: I have an undergraduate degree in
5 psychology, but no professional training.

6 THE COURT: Okay. Anybody else? Ms. Donald?

7 MS. DONALD: I have a Bachelor's degree in
8 Human Services, but did not work in the field since I
9 got it. Did a few internships, but that's as far as
10 that one went.

11 THE COURT: Yes. Mr. Wilcher.

12 MR. WILCHER: Just part of school, mental
13 health, and then some trainings with work and -- for
14 both of my jobs so far.

15 THE COURT: Do any of you have opinions that
16 we should know about regarding mental health addictions
17 or depression or insecurity, anything of that nature?
18 Personal experiences, professional training or just
19 opinions. Yes, Mr. Dedomenico.

20 Mr. DEDOMENCIO: I -- I don't believe that
21 they know what they're talking about. I think that the
22 brain is very complicated instrument and that they come
23 up with a bunch of blanket answers and just not buying
24 it. Sorry.

1 THE COURT: Okay. Anybody else? All right.
2 At this time I'm going to invite the State's attorney --
3 yes. Ms. Farnsworth.

4 MS. FARNSWORTH: Sorry. I have a Masters
5 degree in counseling and educational psychology so I
6 have some background.

7 THE COURT: Well, tell us a little bit more
8 about that.

9 MS. FARNSWORTH: Well, when I grew up I wanted
10 to be a school counselor. Never happened. I did the
11 classes, but.

12 THE COURT: You'll just have to yell, I'm
13 sorry. We do our best with these microphones.

14 MS. FARNSWORTH: Yeah, that was kinda bad.

15 THE COURT: So you wanted to be a school
16 counselor?

17 MS. FARNSWORTH: Yes, I did, when I was young.
18 Yeah, I was a -- yeah, my son wanted to go at the time
19 and I couldn't afford to take a pay cut.

20 THE COURT: But then you received training or
21 education?

22 MS. FARNSWORTH: I have training and
23 education. So I've kind of worked with kids with the
24 CASA, and then I worked at the Parenting Peace Center

1 here with children and their parents.

2 THE COURT: Okay.

3 MS. FARNSWORTH: I do it volunteer.

4 THE COURT: Okay. Anybody else? On mental
5 health? All right. Now I'm going to ask the State's
6 attorney if he wishes to ask supplemental questions.

7 MR. STEGE: Yes, thank you. Speaking with Ms.
8 Farnsworth, I'm reading your questionnaire. Says you're
9 a mediator?

10 MS. FARNSWORTH: Yeah, I'm a volunteer
11 mediator with the Neighborhood Mediation Center.

12 MR. STEGE: What sort of disputes do you help?

13 MS. FARNSWORTH: Civil. Civil court,
14 neighbors, you know, with their dogs, you know, rent.

15 MR. STEGE: Okay.

16 MS. FARNSWORTH: Things like that.

17 MR. STEGE: Do you ever interact with the
18 Court in that role?

19 MS. FARNSWORTH: No. We see -- we see the
20 people before they go to court.

21 MR. STEGE: Okay.

22 MS. FARNSWORTH: And if we can get them to
23 come to their own conclusions that's -- that's our job.
24 We don't decide for them. We don't lead them, just to

1 get them to talk to each other and come to a conclusion.
2 If they do, then I write up the agreement, and then that
3 goes to the court to be signed by the judge.

4 MR. STEGE: How do you think that background
5 might affect you if you were to sit on this jury?

6 MS. FARNSWORTH: Well, to be honest, I think
7 it would be an asset because I'm -- my job is to listen
8 and it's -- you know, to be able to hear both sides. In
9 this case I would have to make decision.

10 MR. STEGE: Right. You understand there's no
11 middle ground. Right?

12 MS. FARNSWORTH: No middle ground. And I
13 understand that and quite a people do.

14 MR. STEGE: I notice there's a number of
15 teachers and school district employees on -- in this
16 group. Of those people do any of you know each other?
17 I think the back row has a number of -- okay.

18 REPORTER: Excuse me. Please state your name.

19 MR. STEGE: Yes.

20 MS. LOPEZ: Jenny Lopez.

21 MR. STEGE: Ms. Lopez, do you know Mr.
22 Cunningham?

23 MS. LOPEZ: Correct.

24 MR. STEGE: How do you know him?

1 MS. LOPEZ: Um, I personally know him because
2 I worked with his son. I am a speech pathologist.

3 MR. STEGE: Okay.

4 MS. LOPEZ: So I did a group therapy.

5 MR. STEGE: Okay. Work at the same school?

6 MS. LOPEZ: No, we do not. So I work for the
7 school district but we do not work for the same school.

8 MR. STEGE: Okay. Same answer, Mr.
9 Cunningham?

10 MR. CUNNINGHAM: Yes, sir.

11 MR. STEGE: Outside of the teacher group does
12 anyone here know anyone else who's sitting in this group
13 here?

14 Okay. We heard a bit about being a witness to
15 a violent crime, we had someone who witnessed the Hug
16 High shooting. Anyone else been a witness to a violent
17 crime? No. Okay. Sir.

18 MR. HERNANDEZ-GUILLEN: October 1st, 2017, Las
19 Vegas, I was there.

20 MR. STEGE: You were at the --

21 MR. HERNANDEZ-GUILLEN: Yes.

22 REPORTER: Your name, please?

23 MR. HERNANDEZ-GUILLEN: Carlos
24 Hernandez-Guillen.

1 MR. STEGE: You were there when it happened?

2 MR. HERNANDEZ-GUILLEN: Yeah.

3 MR. STEGE: How did that -- how did that
4 affect you to this date?

5 MR. HERNANDEZ-GUILLEN: Oh, I believe that --
6 myself, personally? I believe that I've overcome the
7 challenges that presented the first couple weeks
8 after---

9 MR. STEGE: Okay.

10 MR. HERNANDEZ-GUILLEN: -- the incident due
11 to the support of my family and friends. So I feel like
12 today, you know, yes, seen what just happened a couple
13 days ago, 20 -- 40 hours ago.

14 MR. STEGE: Right.

15 MR. HERNANDEZ-GUILLEN: It's interesting to
16 see it. Read more and here about it knowing that I've
17 been through something similar and just knowing the
18 emotions that people are experiencing, but like I said,
19 I feel that due to the family support and support of
20 friends that I have, feel like I've been able to
21 overcome.

22 MR. STEGE: Do you feel the nature of this
23 case that cause you -- I mean, does that cause you --

24 MR. HERNANDEZ-GUILLEN: Huh-uh.

1 MR. STEGE: -- to be uneasy --
2 MR. HERNANDEZ-GUILLEN: No.
3 MR. STEGE: -- with your background? Did you
4 --
5 MR. HERNANDEZ-GUILLEN: No.
6 MR. STEGE: Were you interviewed by police or
7 investigators or anyone as a witness?
8 MR. HERNANDEZ-GUILLEN: I received a phone
9 call because -- so I was there with my girlfriend and
10 her family.
11 MR. STEGE: Okay.
12 MR. HERNANDEZ-GUILLEN: And her family reached
13 out to counseling.
14 MR. STEGE: Okay.
15 MR. HERNANDEZ-GUILLEN: And then I received a
16 phone call to ask if I needed or if I wanted to pursue
17 some services.
18 MR. STEGE: Okay.
19 MR. HERNANDEZ-GUILLEN: But beyond that phone
20 call --
21 MR. STEGE: Okay.
22 MR. HERNANDEZ-GUILLEN: -- nothing.
23 MR. STEGE: So never involved with law
24 enforcement?

1 MR. HERNANDEZ-GUILLEN: No.

2 MR. STEGE: Other than that.

3 MR. HERNANDEZ-GUILLEN: No.

4 MR. STEGE: Anyone else witnessed a violent

5 crime?

6 Mr. Dedomenico, you said there were a number

7 of cases you were involved with.

8 MR. DEDOMENICO: Yes.

9 MR. STEGE: The tax evasion.

10 MR. DEDOMENICO: Yes.

11 MR. STEGE: That was one case? And then the

12 battery --

13 MR. DEDOMENICO: Right.

14 MR. STEGE: -- case.

15 MR. DEDOMENICO: Exactly.

16 MR. STEGE: The battery case was against the

17 prosecutor in your own case.

18 MR. DEDOMENICO: Right. The tax prosecutor,

19 yes.

20 MR. STEGE: Okay. What court was that in?

21 MR. DEDOMENICO: It's bankruptcy court here in

22 Nevada.

23 MR. STEGE: And what court was the battery

24 trial in?

1 MR. DEDOMENICO: Oh. Let's see. That was in
2 Washoe County court.
3 MR. STEGE: Okay.
4 MR. DEDOMENICO: Not this building.
5 MR. STEGE: Was it across the street maybe?
6 MR. DEDOMENICO: I'm really sorry. You know,
7 from the inside I suppose they all look the same.
8 MR. STEGE: Okay.
9 MR. DEDOMENICO: But I just can't remember
10 where that trial was. Maybe it was at the Reno.
11 MR. STEGE: What was the result of the second
12 trial?
13 MR. DEDOMENICO: The second one, you mean the
14 battery trial.
15 MR. STEGE: Yes.
16 MR. DEDOMENICO: I served the maximum sentence
17 at Parr. But by good behavior I got off in four months.
18 MR. STEGE: Do you feel like you were treated
19 fairly in those two cases.
20 MR. DEDOMENICO: Those two cases. Actually,
21 I'm going to have to say no.
22 MR. STEGE: Okay.
23 MR. DEDOMENICO: I deserve the battery case, I
24 mean, I did that on purpose.

1 MR. STEGE: Okay.

2 MR. DEDOMENICO: But the tax case, that one is
3 way over the line.

4 MR. STEGE: But you prevailed.

5 MR. DEDOMENICO: Yes. Both times, civil and
6 criminal.

7 MR. STEGE: Do you feel you sort of carry
8 around those bad feelings about how you were treated?

9 MR. DEDOMENICO: Ah. I have a what, a grudge
10 against the country? No. A grudge against lawyers?
11 Not necessarily.

12 MR. STEGE: Okay. What about a grudge against
13 a prosecutor.

14 MR. DEDOMENICO: You're a pretty big guy, I'm
15 probably not going to, you know, jump or harass you.
16 Prosecutors have their job, they do, I mean, we --
17 things happen. We aren't angelic people. Things
18 happen. You go to trial, you go to jail, or you get
19 away. Things happen. And sometimes there are mistakes.

20 MR. STEGE: I agree with that, but you
21 understand that I'm kind of worried to have you on my
22 jury, given your background.

23 MR. DEDOMENICO: Well --

24 MR. STEGE: Should I be?

1 MR. DEDOMENICO: That's okay if you let me go.
2 I would say that's a return on an investment in my heart
3 -- from my heart.

4 MR. STEGE: And I'm also troubled about your
5 observations about the flag.

6 MR. DEDOMENICO: The law says we're not
7 supposed to have stuff attached to our flag or covering
8 our flag. Very simple law. The idea that that law,
9 that that flag is not my flag makes me very unhappy,
10 makes me suspicious, and so I do a little research, and
11 I find that in 1807 we became corporate United States.
12 We get to say U.S. now instead of United States of
13 America. And this -- I believe this has caused a lot of
14 trouble. We don't necessarily follow the constitution
15 that I was educated on and tested on and couldn't pass
16 high school unless I, you know, had some grip of the
17 constitution.

18 MR. STEGE: Okay. Let me interrupt you.

19 MR. DEDOMENICO: No, go ahead, I'm sorry, I --
20 it's a sensitive issue.

21 MR. STEGE: And it sounds like -- and this
22 will be a leading question, right, calling for a yes or
23 no. You do have strong feelings about that particular
24 subject.

1 MR. DEDOMENICO: That, the constitution, that,
2 the flag, that, the government, that the -- how many --
3 what are we talking about?

4 MR. STEGE: This issue about the flag.

5 MR. DEDOMENICO: Well, come on, it's just a
6 piece of cloth.

7 MR. STEGE: Okay.

8 MR. DEDOMENICO: But it's symbolic and, like I
9 said, I don't know what constitution we are following.

10 MR. STEGE: Okay. I'll try a different
11 leading question.

12 MR. DEDOMENICO: Okay.

13 MR. STEGE: Is it true that that causes you to
14 question the legitimacy of this proceeding here this
15 morning?

16 MR. DEDOMENICO: Ah. This is a murder trial.
17 People do -- things happen like that. Our constitution
18 guarantees us certain things. One of those is to remain
19 silent with this and all that.

20 MR. STEGE: I'm not trying to pick on you,
21 sir, but that question asks for a yes or no.

22 MR. DEDOMENICO: Well, then you'll have to
23 repeat the question. I got distracted.

24 MR. STEGE: Your views on this -- on the flag

1 and the other views you've mentioned cause you to
2 question the legitimacy of this proceeding this morning.

3 MR. DEDOMENICO: This -- this proceeding, the
4 murder trial, not at all.

5 MR. STEGE: Thank you. Anyone else have views
6 like that on the flag or the legitimacy of this
7 proceeding or whether we are a Constitutional democracy.

8 Okay. Going back through some of the notes I
9 took, we had a number of people involving misdemeanor
10 convictions, Mr. Steinmann and Ms. Donald.

11 First to Mr. Steinmann. Was that a
12 misdemeanor or gross misdemeanor?

13 MR. STEINMANN: Gross misdemeanor.

14 MR. STEGE: Okay. Were you treated fairly in
15 that?

16 MR. STEINMANN: Yes.

17 MR. STEGE: Who was the investigating agency?

18 MR. STEINMANN: I believe it was the Reno
19 Police Department.

20 MR. STEGE: You had an attorney?

21 MR. STEINMANN: Yes.

22 MR. STEGE: Who was your attorney?

23 MR. STEINMANN: Public defender.

24 MR. STEGE: Do you know who the judge was?

1 MR. STEINMANN: Can't recall.

2 MR. STEGE: You also had mentioned a
3 conference you had this week.

4 MR. STEINMANN: Yes, work shops, starting on
5 Friday through the week.

6 MR. STEGE: Can you miss those?

7 MR. STEINMANN: No.

8 MR. STEGE: Why not?

9 MR. STEINMANN: They were scheduled
10 approximately a month and a half ago. They involve
11 elected officials, state and local, Northern Nevada,
12 people who have already made the arrangements, being in
13 Battle Mountain people from Carlin, West Wendover the
14 next two weeks.

15 MR. STEGE: How many people are going to be
16 there?

17 MR. STEINMANN: Five different workshops so
18 two-hundred plus.

19 MR. STEGE: What is your role in those
20 workshops?

21 MR. STEINMANN: Facilitator.

22 MR. STEGE: Okay. What time do you need to be
23 there on Friday?

24 MR. STEINMANN: I'll probably need to leave

1 about noon in order to set up about four or 5:00 in the
2 afternoon on Friday.

3 MR. STEGE: And it will last two weeks?

4 MR. STEINMANN: Approximately. I'll be back
5 Thursday Friday, Saturday, Sunday of next week.

6 MR. STEGE: Okay.

7 MR. STEINMANN: And then back over.

8 MR. STEGE: You heard this trial is scheduled
9 to go to Friday. Right? The hard target, I think the
10 judge said if we were to go to 5:00 on Friday, could you
11 accommodate that?

12 MR. STEINMANN: Possibly.

13 MR. STEGE: Well, if you're ordered to, if
14 you're on this jury, you would.

15 THE COURT: I can think of no more receptive
16 audience than elected officials who respond to jury
17 service.

18 MR. STEGE: Okay. Ms. Donald as well, was
19 your case a misdemeanor or gross misdemeanor?

20 MS. DONALD: I think it was a gross
21 misdemeanor.

22 MR. STEGE: Okay. Did you feel you were
23 treated fairly?

24 MS. DONALD: For the circumstance, I guess. I

1 think if I would have had more knowledge, more time and
2 financially, I think the outcome could have been a
3 little different.

4 MR. STEGE: Should I be worried that your --
5 you might be a person who is going to sort of if you
6 have negative feelings take that out on the State's
7 case?

8 MS. DONALD: No, not at all.

9 MR. STEGE: You think you are a fair person.

10 MS. DONALD: I am.

11 MR. STEGE: Ms. Clark.

12 MS. CLARK: Yes.

13 MR. STEGE: You mentioned aspirations or ideas
14 of going into the law. You said you did something else
15 instead.

16 MS. CLARK: Yes.

17 MR. STEGE: Your questionnaire isn't real
18 specific about --

19 MS. CLARK: No.

20 MR. STEGE: -- what you do so --

21 MS. CLARK: Sure.

22 MR. STEGE: -- can you tell us what you do?

23 MS. CLARK: Sure. I am a customer
24 satisfaction manager for Custom Ink. We're online

1 customer to teachers.

2 MR. STEGE: That's pretty far away from the
3 law.

4 MS. CLARK: Yes. Sure it is.

5 MR. STEGE: Okay. Mr. Kanute, do you ever do
6 jury trial work yourself?

7 MR. KANUTE: No.

8 MR. STEGE: Were you involved in mock trial
9 during law school?

10 MR. KANUTE: No.

11 MR. STEGE: Have you seen trials, jury trials?

12 MR. KANUTE: Many.

13 MR. STEGE: As in what capacity?

14 MR. KANUTE: So in high school I did an
15 internship with a -- with a county judge in Arizona.
16 And I regularly attended jury trials that were going on
17 starting with voir dire and through -- through the
18 deliberation, and verdict.

19 MR. STEGE: And so you know in law school,
20 right? What would they say about having a lawyer on a
21 jury if you're a practitioner? Would you want that?

22 MR. KANUTE: No.

23 MR. STEGE: Why not?

24 MR. KANUTE: Because lawyers tend to think

1 they know the law better than other lawyers.

2 MR. STEGE: And do you think I should be
3 worried about that if you were to sit on this panel?

4 MR. KANUTE: I don't think you should be
5 worried about me, no.

6 MR. STEGE: How are we doing so far?

7 MR. KANUTE: I think you're doing fine.

8 MR. STEGE: Thank you. Ms. is it Ms. Gibbs?

9 MS. GIBBS: (Nods head.)

10 MR. STEGE: I also in reading your
11 questionnaire wanted to know, wasn't real specific about
12 your occupation. Can you tell us about your occupation?

13 MS. GIBBS: A state licensed CAM, I am a
14 community manager to homeowners' associations.

15 MR. STEGE: You're going to have to be a
16 little more specific.

17 MS. GIBBS: So homeowners' associations, the
18 boards that govern a homeowner association hire
19 management company or a manager to help them make sure
20 that everything is in line. And that's me.

21 MR. STEGE: And what company do you work for?

22 MS. GIBBS: I have worked for a company Terra
23 West Management Services.

24 MR. STEGE: Anyone been involved in, besides

1 Mr. Dedomenico, any civil litigation where they're the
2 primary party?

3 Yes, sir. Well, you mentioned HOA. I think
4 you mentioned it in your questionnaire.

5 MR. KANUTE: I did, yeah.

6 MR. STEGE: Can you talk about it, please.

7 MR. KANUTE: No. I currently have, my wife
8 and I are the plaintiffs against the party we bought the
9 house from failing to disclose that it was currently in
10 litigation related to the house.

11 MR. STEGE: Any issues with that case
12 affecting your ability to sit on this panel?

13 MR. KANUTE: No.

14 MR. STEGE: Any issue with your prior
15 relationship or workings with the judge in sitting on
16 this panel?

17 MR. KANUTE: No.

18 MR. STEGE: You feel like you'd have to
19 justify whatever outcome to the judge at a later date?

20 MR. KANUTE: Absolutely not.

21 MR. STEGE: Ms. Gualano.

22 MS. GUALANO: Yes.

23 MR. STEGE: Your questionnaire indicates you
24 worked for the Recorder?

1 MS. GUALANO: Uh-hum.

2 MR. STEGE: Can you tell us about that
3 experience?

4 MS. GUALANO: Yes. I was with the Recorder's
5 Office for 28 years, and I'm retired now. I worked from
6 the bottom up to the chief deputy position.

7 MR. STEGE: Have you ever been involved with
8 any litigation on behalf of the county?

9 MS. GUALANO: Not in a courtroom.

10 MR. STEGE: Anyone know any district attorney
11 employees? Anyone who works for the Washoe County D.A.?
12 Ms. Donald.

13 MS. DONALD: I'm just familiar with who we
14 were assigned our District Attorney over time, they
15 changed and represented us in anything.

16 MR. STEGE: Yes.

17 MS. ROBERTS: I know Chris Frey.

18 REPORTER: Who's talking, please.

19 MS. ROBERTS: Janet Roberts. I know Chris
20 Frey.

21 MR. STEGE: Okay.

22 MS. ROBERTS: But I don't know --

23 MR. STEGE: Federal public defender. How do
24 you know him?

1 MS. ROBERTS: His wife and I taught school
2 together.

3 MR. STEGE: Anyone ever heard anything about
4 this particular case before?

5 And your Honor, may I give a very few details
6 about this case?

7 THE COURT: For what purpose?

8 MR. STEGE: To see if anyone's heard -- it's
9 difficult to say -- ask if they're ever heard anything
10 about it when there's -- they don't know what they're
11 heard about or not heard about.

12 THE COURT: Right. And so I'm responding
13 conceptually not to the State's attorney, certainly not
14 the Defense attorneys. Jury selection is not a time to
15 argue the case. I am going to allow Mr. Stege to very
16 briefly identify central facts for the sole purpose of
17 determining your familiarity. I'll do so neutrally
18 without any editorializing.

19 MR. STEGE: Anyone familiar with 33 Park
20 Street? Which is an apartment complex right near the
21 police station, in fact.

22 Anyone read about or hear about -- well, one
23 thing we haven't said is the victim's name which is
24 Theodore Gibson, the 74-year-old man. Anyone familiar

1 with that name?

2 MS. DONALD: Just seeing it on the news and
3 his picture.

4 MR. STEGE: Okay. Do you know if you heard
5 the first -- or the only report, the first report, the
6 second report?

7 MS. GUALANO: Probably a few reports. I'm
8 retired.

9 MR. STEGE: Okay.

10 REPORTER: What's your name again, please?

11 MS. GUALANO: Sandra Gualano.

12 MR. STEGE: Anyone else? So the news talked
13 about the case and showed a picture of the defendant.

14 MS. GUALANO: Yes.

15 MR. STEGE: Do you think seeing his picture on
16 the news is gonna prejudice you against him?

17 MS. GUALANO: No, I just -- I have a little
18 bit of a lack of tolerance for bad behavior --

19 MR. STEGE: Right.

20 MS. GUALANO: -- so that's all. And he
21 immediately looked familiar to me because of that.

22 MR. STEGE: He looked familiar when he came in
23 today.

24 MS. GUALANO: Yeah.

1 MR. STEGE: Anyone else see a news report?
2 MR. STEGE: Don't speak without saying your
3 name, please.
4 MS. BAKER: Marie Baker.
5 MR. STEGE: Yes.
6 MS. BAKER: I did see the one where they
7 stated who was being charged with a murder. I don't --
8 didn't really read the whole article, I just saw the
9 picture and then the name.
10 MR. STEGE: Okay.
11 MS. BAKER: And I don't even remember where.
12 I know it happened somewhere near downtown, I think, but
13 that's about it.
14 MR. STEGE: Okay. Anyone else have?
15 Yes, ma'am. Ms.
16 MS. NUTTER: Carol Nutter.
17 MR. STEGE: Nutter.
18 MS. NUTTER: Yes. I just remember seeing his
19 picture on the news.
20 MR. STEGE: Okay. That's all pretty low
21 level, most people have seen. We need to worry that you
22 might decide this case on what you heard on the news, as
23 opposed to the evidence as put forth in the case.
24 Okay. This is the speaking hour,

1 forever-hold-your-peace question. Any burning statement
2 people want to make, maybe the thing that you asked your
3 neighbor you had to get out of juror service, say it
4 now. Say your name first.

5 MR. SARGENT: James Sargent. I don't -- the
6 question about knowing a D.A., I think. I'm not sure,
7 Mark Sertic --

8 THE COURT: Can you speak up, please?

9 MR. SARGENT: Mark Sertic. I know Mark
10 Sertic, I think he was a D.A., I'm not sure. I know he
11 worked as a lawyer. He was my mom's ex-husband.

12 MR. STEGE: Okay. Anything about that
13 relationship or circumstance that would affect your
14 ability to be fair?

15 MR. SARGENT: I don't think so. I just want
16 to bring it up, to speak.

17 MR. STEGE: Thank you. Sir? Mr. Kanute.

18 MR. KANUTE: Again, probably not very
19 important but I just figured I'd mention it. My wife
20 and I were foster parents and we adopted four child
21 through the Washoe County Human Services Department and
22 so through that we got to know some of the DA's the
23 Human Services side, not on the criminal side.

24 MR. STEGE: And your, I assume, fondness for

1 them, that's not gonna wear off on me necessarily,
2 you're going to approach this case as if I'm a stranger.

3 MR. KANUTE: You assume fondness but for the
4 most part it was fond. No, it would not cross over.

5 MR. STEGE: Okay. I wish to thank you and
6 pass the panel for cause.

7 THE COURT: Thank you. To the Defense.

8 MR. SLOCUM: Thank you very much, your Honor.

9 So the judge earlier asked who was happy to be
10 here. But who's happy about having to divulge personal
11 details in a public forum like this.

12 I think that's actually one of the biggest
13 fears that people have is public speaking. But that's
14 what you're going to be asked to do should you be
15 selected to be a juror in the case.

16 Now, it's a little bit different than our
17 common hey, I just want to listen to the evidence and
18 I'll -- I'll be kind of allowed to just be on my own and
19 make my own decision. One of the obligations you're
20 gonna have is that you're gonna have to be able to speak
21 about the case with your fellow jurors.

22 Now, to reiterate what the judge said, a lot
23 of this process is an internalization that is you're
24 looking inside to decide is this really the right case

1 for me. And the questions that are being asked that the
2 judge has asked and Mr. Stege asked was to try to get to
3 something inside of you because we don't always know is
4 this something that's gonna be a trick trigger for you
5 and this is he why we ask the questions that by do
6 because we want to try to figure out is there something
7 inside that's gonna cause you such a reaction that
8 you're not gonna be able to set it to the side. Because
9 we all agree that it's important for both sides in the
10 case that we have the ability to be fair and impartial.

11 That being said I want to follow up on a few
12 things that were mentioned during the -- during the
13 course of the discussion. Ms. Donald?

14 MS. DONALD: Uh-hum.

15 MR. SLOCUM: You have previous experience
16 yourself in the justice system.

17 MS. DONALD: As far as my degree goes or?

18 MR. SLOCUM: The criminal justice system --

19 MS. DONALD: Oh, yes.

20 MR. SLOCUM: -- you indicated you had a case
21 where you were the defendant.

22 MS. DONALD: Yeah.

23 MR. SLOCUM: And the question was raised
24 whether or not you felt that you were fairly treated.

1 Right?

2 MS. DONALD: Yes.

3 MR. SLOCUM: And if I understood your answer
4 correctly you believe that the result might have been
5 different if you had had money and been able to hire an
6 attorney?

7 MS. DONALD: And a little more knowledge of
8 the system and the events that occurred, yes.

9 MR. SLOCUM: Okay. Is it your belief that if
10 somebody can't hire an attorney or doesn't have money to
11 hire an attorney, that there's a different result that
12 happens?

13 MS. DONALD: No. I just firmly believe mine
14 would have been different, given the circumstance that I
15 was put in.

16 MR. SLOCUM: Okay. And you had mentioned that
17 if you had a little bit more knowledge did you feel like
18 the person who was representing you didn't inform you
19 correctly?

20 MS. DONALD: Possibly, yes. It all happened
21 very quickly. It was within just a couple days, so
22 yeah.

23 MR. SLOCUM: I'm sorry, what was within a
24 couple of days?

1 MS. DONALD: The whole trial, the charging and
2 from, like, the actual event it all happened very fast,
3 so.

4 MR. SLOCUM: And was it your choice that it
5 happened quickly or were you forced into something too
6 quickly?

7 MS. DONALD: Forced too quickly into
8 something. It was like Option A or Option B, and the
9 one I chose definitely sounded better than the other
10 option, yeah.

11 MR. SLOCUM: And is there -- is there anything
12 that you came away with from that experience as far as
13 whether or not someone who doesn't have money to hire an
14 attorney would be improperly treated?

15 MS. DONALD: No, not at all. I don't think --
16 I don't think -- no, I don't know. I'm not sure.

17 MR. SLOCUM: Do you understand what I'm
18 asking?

19 MS. DONALD: Maybe not.

20 MR. SLOCUM: So I want to make sure that we're
21 on the same page, it's very important that we understand
22 one another. And it sounded like what you were saying
23 is because you didn't have money you couldn't hire an
24 attorney, you were put in a position where you had to

1 act quickly, you were told that there were those two
2 different options.

3 MS. DONALD: Yeah.

4 MR. SLOCUM: One of the options sounded better
5 than the other.

6 MS. DONALD: Yes.

7 MR. SLOCUM: And then perhaps if you had had
8 money to hire an attorney you would have had more time,
9 you wouldn't have felt forced --

10 MS. DONALD: Yes.

11 MR. SLOCUM: -- and maybe the result would
12 have been different.

13 MS. DONALD: Yes.

14 MR. SLOCUM: And my question is to whether or
15 not that experience informs your view of this case now.

16 MS. DONALD: No, not at all.

17 MR. SLOCUM: So you can set aside whatever --

18 MS. DONALD: Oh, yeah.

19 MR. SLOCUM: -- that experience was.

20 MS. DONALD: Yes. Yeah.

21 MR. SLOCUM: And you would agree that whether
22 or not someone has money to -- to hire an attorney that
23 shouldn't dictate the justice to which they're entitled
24 to.

1 MS. DONALD: No, not at all.

2 MR. SLOCUM: We shouldn't say well, you don't
3 have money so your justice should be something, or you
4 do have money so you get a different justice.

5 MS. DONALD: No.

6 MR. SLOCUM: Ms. Gualano?

7 MS. GUALANO: Yes.

8 MR. SLOCUM: You had mentioned that you saw
9 some sort of newspaper segment where there was a picture
10 of Mr. Goad. Do you recall that?

11 MS. GUALANO: Uh-hum.

12 MR. SLOCUM: Yes?

13 MS. GUALANO: Yes, I'm sorry.

14 MR. SLOCUM: Yes. And you had said well,
15 there's a certain feeling that I have as a result of
16 seeing that picture. Right?

17 MS. GUALANO: I just recognized him and then I
18 think I added I do feel like I have a lack -- a little
19 bit of a lack of tolerance for being up to something
20 that's no good or being involved with something that
21 went bad.

22 MR. SLOCUM: Okay. And I think, actually, you
23 said bad behaviors.

24 MS. GUALANO: Yes. Yes, I did.

1 MR. SLOCUM: And I was wondering in your mind
2 what the connection was when you said well, I saw his
3 picture on the television, and then I see him here, and
4 my feeling is well, I don't have tolerance for bad
5 behavior. Can you help us understand what the
6 connection is for you in your mind?

7 MS. GUALANO: I guess, yeah. I guess when you
8 see a report like that, and you hear the story, I -- you
9 tend to have an opinion. And mine tends to go with if
10 you were out up to no good, then you were probably up to
11 no good. I don't know if that answered your question.

12 MR. SLOCUM: Well, I want --

13 MS. GUALANO: That sits in my head --

14 MR. SLOCUM: I'm sorry?

15 MS. GUALANO: That sits in my head when I
16 watch the news and see reports sometimes.

17 MR. SLOCUM: Okay. And it's one thing
18 certainly to watch the news and be informed about what's
19 going on in the community --

20 MS. GUALANO: Yes.

21 MR. SLOCUM: -- right?

22 MS. GUALANO: Yes.

23 MR. SLOCUM: And you'd agree with me that it's
24 a whole other matter to -- to sit on a jury where you

1 have to just consider what's presented here in court.

2 MS. GUALANO: Yeah. I struggle with that a
3 little bit, I guess, is what I'm saying.

4 MR. SLOCUM: Well, and that's important, so
5 that's a natural -- that's a natural feeling if you know
6 something how you unknow it. Right?

7 MS. GUALANO: Yeah. Yeah.

8 MR. SLOCUM: And the question is really,
9 honestly, to you whether or not you have the feeling
10 hey, I found something in that news report and I
11 certainly don't want the details of what you heard, but
12 I am interested to know if there were details in that
13 report which, again, may or not be true, may or may not
14 be presented in court, but if there's something about
15 some information you received or some reaction that you
16 had to the report, such that you're not going to be able
17 to place it to the side, and you're just gonna be able
18 to consider the evidence in the case, how do you feel
19 about that?

20 MS. GUALANO: I mean, I would be open to
21 hearing, but I do tend to -- when I watch the stories I,
22 um, tend to think, you know, even two people in a bad
23 situation, one ends up deceased, they were up to
24 something no good anyway so, I mean -- I don't know.

1 MR. SLOCUM: Well, you say you don't know, but
2 you understand that it's a very important question.

3 MS. GUALANO: Not that my mind's not open to
4 hearing the other side of the story that you don't hear
5 on the news or both sides of the story and to accepting
6 new information and changing my mind about who might be
7 guilty and who might not be --

8 MR. SLOCUM: Okay.

9 MS. GUALANO: -- so.

10 MR. SLOCUM: And thank you very much for that
11 answer. But I want to ask you is it your view that the
12 trial is just going to add new information for you or
13 are you going to just start, basically, with a clean
14 slate saying hey, I don't know anything about this case
15 and I'm only gonna be able to consider what is presented
16 at the trial? This, again, may not be right the piece
17 if you've got information that I think is of such a
18 nature you just can't just put to the side. And again,
19 I don't want to hear what the information is, I want you
20 to just be able to look inside yourself and say hey,
21 this -- this is the kind of the information that I can't
22 unknow and it's always gonna be in my mind --

23 MS. GUALANO: Right.

24 MR. SLOCUM: -- when I'm trying to render a

1 verdict at the other end.

2 MS. GUALANO: There was really nothing
3 specific on the news report other than pictures and who
4 was involved. And I would try really hard to come into
5 this with a clean slate. I just -- like I said, my
6 opinion is when someone's out up to no good and
7 something goes bad, they were probably up to no good.

8 MR. SLOCUM: Okay.

9 MS. GUALANO: That's just my -- that's how I
10 feel.

11 MR. SLOCUM: Okay. And again, I really don't
12 want to ask you what information you may have, but I am
13 concerned when you keep talking about that they were up
14 to no good. Do you just mean the charge itself or did
15 you mean is there something that --

16 MS. GUALANO: No, I don't mean that case at
17 all. I mean watching the news in general. The
18 newspaper in general and something gone wrong, someone's
19 been out, and chances are the situation wasn't ideal to
20 begin with.

21 MR. SLOCUM: Okay. When you say you have a
22 low tolerance for it, can you tell us know what this
23 means when you say a low tolerance for it?

24 MS. GUALANO: I have no patience for that kind

1 of behavior. Be abusive to people, thinking it's okay
2 to put your hands on someone else, that's not okay in my
3 world.

4 MR. SLOCUM: And I think that you're not gonna
5 get any argument --

6 MS. GUALANO: Yeah.

7 MR. SLOCUM: -- from anyone about that.

8 MS. GUALANO: Yes.

9 MR. SLOCUM: But again, to come back to
10 whether or not you can set aside what you know or,
11 frankly, I would say don't know about the case --

12 MS. GUALANO: Yeah.

13 MR. SLOCUM: -- to be able to say hey, I will
14 -- I will put that to the side, I will just focus on
15 what's happening in this trial, I won't be thinking the
16 whole time about some bad behavior --

17 MS. GUALANO: No.

18 MR. SLOCUM: -- or something else that I
19 think that I even know because, again, I don't want the
20 information --

21 MS. GUALANO: I don't know.

22 MR. SLOCUM: But you would agree with me that
23 it would be unfair if you were thinking well, the news
24 said this and nobody said anything at the court but I

1 know that -- that this happened or that this was --
2 MS. GUALANO: Yeah.
3 MR. SLOCUM: -- a part of the case even if it
4 may not be.
5 MS. GUALANO: Yeah.
6 MR. SLOCUM: You'd agree that would be fair.
7 Right?
8 MS. GUALANO: I know. And I would do my best,
9 absolute best to do that. But I am the kind of person
10 that tends to think someone's guilty until they're
11 proven innocent. Sorry.
12 MR. SLOCUM: Okay. And you'd agree that would
13 be --
14 MS. GUALANO: I'm just being honest.
15 MR. SLOCUM: And let me be very, very clear.
16 What we need is honesty.
17 MS. GUALANO: And, I mean, there's situations
18 where I don't feel that way, but this situation for some
19 reason I do, a little bit.
20 MR. SLOCUM: Okay. Well, and that's, again,
21 very, very important --
22 MS. GUALANO: Okay.
23 MR. SLOCUM: -- to know, and if you're
24 thinking I'm gonna expect something from the Defense,

1 otherwise Mr. Goad is guilty, you'd agree with me that
2 that wouldn't be fair.

3 MS. GUALANO: Yeah, I do agree with you.

4 MR. SLOCUM: And so then the question becomes
5 if you were sitting where Mr. Goad is sitting right
6 there would you want someone in your frame of mind to be
7 sitting as a juror in the case?

8 MS. GUALANO: No.

9 MR. SLOCUM: And as I'm understanding it you
10 truly would be wanting the Defense to give you something
11 to disprove the allegation; is that right?

12 MS. GUALANO: Yes.

13 MR. SLOCUM: Your Honor, I would respectfully
14 thank -- ask to thank and excuse Ms. Gualano.

15 THE COURT: Thank you, Ms. Gualano, for your
16 service. You're free to leave the courtroom.

17 MS. GUALANO: Okay.

18 THE COURT: Ms. Clerk?

19 COURT CLERK: Sergio Ruiz.

20 THE COURT: Mr. Ruiz, are you here?

21 MR. RUIZ: Yes.

22 THE COURT: All right. Mr. Slocum, will you
23 please travel from the beginning quickly with Mr. Ruiz?

24 MR. SLOCUM: Is it the Court's intention I

1 will conclude mine and then Mr. Stege will have the
2 opportunity?

3 THE COURT: Focus on Mr. Ruiz for a moment.

4 MR. SLOCUM: Okay.

5 THE COURT: Complete your supplemental
6 examine, ask the panel for cause, and then return to the
7 State on Mr. Ruiz only.

8 MR. SLOCUM: Good morning, Mr. Ruiz.
9 Actually, good afternoon. We've traveled now into the
10 afternoon hour. You'll recall earlier this morning that
11 Judge Hardy asked everybody some very general questions
12 about whether or not they knew anybody involved in the
13 case, if they had any prior commitments that would
14 preclude their service, if you had any other reason that
15 we might not be aware of why you could not serve. Do
16 you remember all of that?

17 MR. RUIZ: Yes.

18 MR. SLOCUM: Okay. Do you have any reasons or
19 answers in the affirmative to any of those questions?

20 MR. RUIZ: I mean, I guess my only thing would
21 be is my wife is a police officer, she's been with
22 University Police Department for five years now. That
23 would be probably the only thing that I could think of.

24 MR. SLOCUM: If I understood correctly, you

1 had a vacation that was -- that was scheduled? No?

2 MR. RUIZ: No. It may have been, sorry,
3 beforehand, but I know that we switched it. It was
4 Friday, last Friday that we had called, and then they
5 moved it to today.

6 MR. SLOCUM: Okay. I just wanted to make sure
7 there's not any issue with a vacation and your ability--

8 MR. RUIZ: No.

9 MR. SLOCUM: -- to serve. And with the --
10 with the idea that your wife is a police officer, would
11 you have difficulty going home at the end of this trial
12 and saying we found the defendant not guilty?

13 MR. RUIZ: That would be -- no, I don't think
14 I would just because we haven't seen any evidence or
15 don't know anything really about what's going on.

16 MR. SLOCUM: Okay. You thought -- you thought
17 hard about that, which I appreciate. Can you talk to us
18 about some of the concerns that you might have with
19 regard to that?

20 MR. RUIZ: I mean, I can't speak on any
21 information. I never seen the gentleman. It would just
22 -- and, obviously, he's innocent, there's nothing you
23 can do about that, there's proof that he's innocent or
24 not proof of either way, but that would be -- show that

1 he's innocent, then he's innocent, it would just be kind
2 of weird to say that he's innocent, I guess.

3 MR. SLOCUM: Okay. So talk to me about when
4 you say it would be weird to say that he's not guilty,
5 we use the word not guilty --

6 MR. RUIZ: Not guilty, yes.

7 MR. SLOCUM: -- which is an important
8 distinction, I want to make sure that we're clear about
9 this.

10 MR. RUIZ: Okay.

11 MR. SLOCUM: An important distinction. If at
12 the end of the day the conclusion that you have is he
13 probably is guilty, that's not -- that's not a guilty
14 verdict. We have -- we have a system in place where if
15 the State doesn't prove the charge, he's not guilty.
16 That doesn't mean he's innocent and that's why --

17 MR. RUIZ: Okay.

18 MR. SLOCUM: -- I want to make sure with that
19 the judge is going to instruct you on that, but when you
20 said that --

21 THE COURT: Slow down the cadence.

22 MR. SLOCUM: -- I want to make sure that we
23 were clear. So with that in mind, coming back to a
24 conversation you might have with your wife at the end of

1 this trial in which you believe that the state has not
2 proven the charge. You said that would be a little -- a
3 little uncomfortable for you. Is that true?

4 MR. RUIZ: I mean, if -- I guess like I said,
5 if he's not guilty, he's not guilty, there's nothing you
6 can say that yes, it was wrong or right, but if it --
7 not guilty is not guilty, I guess.

8 MR. SLOCUM: Well, right. And the concern
9 that I'm asking about is specifically with regard to
10 your wife who's a law enforcement officer, and so you
11 might have the feeling well, I don't want to have to go
12 back and tell her that the police didn't do their job
13 right or whatever your reason might be, but -- but
14 there's a natural feeling that you might want to say
15 that to your wife and so that's what I'm asking you
16 about.

17 MR. RUIZ: I guess no, I mean, if I had to say
18 it would be because we've gone through the process of
19 figuring out the information, so no, I think it would be
20 okay to say so.

21 MR. SLOCUM: Okay. So when you say you had to
22 say you mean if that was a conclusion that you reached.

23 MR. RUIZ: Yes.

24 MR. SLOCUM: You would be able to reach that

1 conclusion independently in the jury room of thinking
2 well, I don't want to have to go home and tell my wife
3 that he was not guilty.

4 MR. RUIZ: Yeah. No, keeping my wife as I
5 said, yeah.

6 MR. SLOCUM: I'm sorry?

7 MR. RUIZ: No, not taking her feelings into
8 concern, I think I would be able to.

9 MR. SLOCUM: Okay. And you'd agree with me
10 that if your wife were a witness in the case that might
11 be a different thing, but just because her colleague or
12 someone who's also law enforcement testifies that
13 doesn't make them more credible or more believable.
14 Right?

15 MR. RUIZ: We'd like to think that they would
16 be more believable but they shouldn't be held to a
17 higher standard because they are police officers,
18 they're -- you know, we all lie sometimes, whether we
19 want to admit it or not. And I'm not saying they're
20 gonna lie, I'm just saying you may not remember
21 everything accurately either.

22 MR. SLOCUM: Okay. So you said a couple of
23 different things which I think I need to make sure I'm
24 clear about. You're talking about a situation in which

1 someone might be mistaken or a situation in which
2 someone might lie. Right? Is that -- is that -- is
3 that fair to say?

4 MR. RUIZ: Yes.

5 MR. SLOCUM: Well, I want to make sure I'm
6 clear with what you're saying. Because it sounded like
7 you would inherently believe a police officer because of
8 their position as opposed to somebody who is not a
9 police officer?

10 MR. RUIZ: I want to say yes, but I think that
11 we all -- nobody's 100 percent right and nobody's 100
12 percent wrong all the time, so there's got to be a
13 middle ground somewhere.

14 MR. SLOCUM: Okay.

15 MR. RUIZ: But I guess yes, I would be
16 inclined to believe a police officer more than, I guess,
17 just --

18 MR. SLOCUM: Would you be able to set that
19 belief aside if you were told no witness is to be judged
20 because of their position any more than another person
21 is to be judged?

22 MR. RUIZ: Yes.

23 MR. SLOCUM: So you be able to set that aside.

24 MR. RUIZ: Separate.

1 MR. SLOCUM: And you wouldn't inherently think
2 well, they're these two different opinions, but this
3 person's a police officer so, therefore, we have to
4 believe the police officer.

5 MR. RUIZ: I could set that to a side, yeah.

6 MR. SLOCUM: And you feel -- you feel
7 confident in your ability to evaluate someone based on
8 just their testimony and the believability of what
9 they're saying as opposed to their position.

10 MR. RUIZ: Yes.

11 MR. SLOCUM: Do you have other law enforcement
12 that's in your family or is that the extent of it?

13 MR. RUIZ: No, that's the extent.

14 MR. SLOCUM: And how long has she been a
15 police officer?

16 MR. RUIZ: Five years.

17 MR. SLOCUM: And while we're on the subject,
18 Ms. Smith, you had expressed some -- some concern about
19 the fact that your husband is a police officer; is that
20 right?

21 MS. SMITH: Yeah. Do you need my first name?
22 Kate Smith.

23 MR. SLOCUM: Yeah, it's juror number 27. Just
24 so we're clear, you had expressed some concern about the

1 fact that your husband's a police officer. Correct?

2 MS. SMITH: That's correct.

3 MR. SLOCUM: And so you just heard a long
4 discussion that I had with Mr. Ruiz about concerns about
5 at the end of the trial going back and telling your
6 spouse that, actually, we found the defendant not
7 guilty. Would that be -- would that be something that
8 you would have difficulty with at the end of the trial?

9 MS. SMITH: No. I think unless -- part of our
10 relationship, I would say, is that it's important that
11 we uphold the law. But we also recognize that, like the
12 other juror said, sometimes law enforcement officers
13 maybe don't -- they're supposed to know the law better
14 than others, but they don't always know the extent of
15 the law, and this is why I think court is important.
16 But if it came to saying we found him innocent, I don't
17 -- I wouldn't feel worried about that. I don't --
18 there's a difference in what he does and what they say
19 here in the courtroom.

20 MR. SLOCUM: Okay. Now, I want to make sure
21 that we're clear about the idea of being innocent. You
22 heard what I talked to Mr. Ruiz about. Right?

23 MS. SMITH: Yeah.

24 MR. SLOCUM: And so -- but I want to make sure

1 that we're good because you're gonna get instructions on
2 the law, but they're these common sense ideas about
3 well, innocent, and so I want to make sure that you're
4 okay with the idea that we're not here to determine
5 innocence, right? Is that something that's okay for you
6 or would you have difficulty with that?

7 MS. SMITH: I think that's where I struggle, I
8 think. So we -- I've been with him almost 20 years, he
9 has been a police officer for almost 15 years, and I
10 find it fascinating, but I think the struggle is in my
11 mind, if you're innocent that means you did not commit a
12 crime.

13 THE COURT: Let me just stop because I don't
14 want to belabor the point. The jury verdict form is
15 going to ask you to check one of two boxes, guilty or
16 not guilty. The word innocent will not appear in the
17 jury verdict form. So as you think about the answers,
18 the question is whether the State has proven guilt
19 beyond a reasonable doubt, or whether the State has not
20 proven guilt beyond a reasonable doubt.

21 MR. SLOCUM: And Ms. Smith, what are your
22 feelings about that?

23 MS. SMITH: I mean, I guess -- I guess what's
24 the difference in innocent versus?

1 THE COURT: We're not gonna get into
2 hypotheticals without jury instructions. So if you'll
3 redirect the question.

4 MR. SLOCUM: Oh, absolutely, your Honor.
5 Right. The concern is are you gonna be able to just do
6 what the judge has asked you to do or is there gonna be
7 something else in your mind, in your head that isn't
8 part of the trial but that's gonna impede your ability
9 to make that determination? And whether or not it would
10 be that I have to go home at the end of the week and
11 tell my husband we found him not guilty, is that gonna
12 be something that's gonna be a difficulty for you, if
13 that, in fact, is the case?

14 MS. SMITH: So telling him -- I guess telling
15 my husband if a person is guilty or not guilty does not
16 affect me. But I do struggle with this idea of -- I
17 feel more influenced by my previous knowledge, no
18 knowledge of this case or this at home, I don't watch
19 the news, so -- I guess I don't know how else to say it.
20 Like I -- I think we're influenced by people around us,
21 but people we're married to, their jobs, if you would
22 ask me this 16 years ago I would been, like, oh, I would
23 be happy to serve, I'd be happy to have a clear mind and
24 everything. But after many years and many discussions

1 and many instances, I don't have the same mentality that
2 I did prior to being with somebody in law enforcement.

3 MR. SLOCUM: Okay. And so that's along the
4 lines of what I was asking Mr. Ruiz. Can you put that
5 to the side? Can you say hey, I'm going to now consider
6 only what's here, not my previous years of experience
7 having talked to my husband about his work and being
8 informed in a way such that -- and I would have to
9 direct the question back to the idea if you were sitting
10 where Mr. Goad is, would you want someone with your
11 mental state sitting as a juror?

12 MS. SMITH: No.

13 MR. SLOCUM: And why not?

14 MS. SMITH: Because I would want people who
15 come into it a little -- I guess I feel guilt in saying
16 this, I mean, I heard everybody said that they're
17 excited to be here, they think it's our duty, and I a
18 hundred percent agree it's our foundation, but I just --
19 -- I don't know if I can come at it -- with a blank
20 slate.

21 MR. SLOCUM: That's what we're asking you to
22 do. And it's okay if you look inside yourself and say
23 --

24 MR. STEGE: Your Honor, can we pose an

1 objection?

2 THE COURT: Do you have a stipulation to offer
3 or do you object for a side bar?

4 MR. STEGE: I object for a side bar.

5 THE COURT: Ladies and Gentlemen, stand and
6 shake it out for just a moment, please, while I approach
7 counsel.

8 (Short side bar not reported.)

9 THE COURT Counsel, you may continue.

10 MR. SLOCUM: Thank you, your Honor. So before
11 we took the break, Ms. Smith, you were talking about the
12 fact that you have now been with your husband for 20
13 years you said?

14 MS. SMITH: Uh-hum.

15 MR. SLOCUM: And of that, 15 of them he's been
16 a law enforcement officer.

17 MS. SMITH: Yes, sir.

18 MR. SLOCUM: And during that time you've had
19 many, many discussions with him about his work and he's
20 informed you about various things relating to his work.
21 Correct?

22 MS. SMITH: That is correct.

23 MR. SLOCUM: And before we took the break you
24 said you -- you had some concerns you wouldn't want to

1 have somebody in your mind set if you were sitting where
2 Mr. Goad is sitting. Right?

3 MS. SMITH: That's correct.

4 MR. SLOCUM: And then I was asking you to
5 explore with us what your -- what your thoughts are with
6 regard to that, and whether or not there are things that
7 -- that you know or that -- that you've been informed by
8 such that you can't -- you can't at this point set those
9 to the side because they're too in-depth in your
10 thinking. Is that fair to say?

11 MS. SMITH: That's fair to say.

12 MR. SLOCUM: Okay. And you have -- so you
13 have a belief that you're not going to set those to the
14 side, therefore, you wouldn't want to be -- to be
15 sitting where Mr. Goad is sitting and somebody as a
16 juror of your mind set.

17 MS. SMITH: That's correct.

18 MR. SLOCUM: Your Honor, I would --

19 THE COURT:

20 MR. STEGE: I would.

21 THE COURT: There was a series of leading
22 questions there, and rather than have you say yes or no,
23 I want you to talk for just a moment about whether you
24 can be fair observing this evidence in this case, or

1 whether you're going to be unfair because of whatever
2 opinion you bring to this court, just talk for a couple
3 minutes, please.

4 MS. SMITH: I mean, I would like to think that
5 I could be fair. Like I said, I teach. I hope in my
6 classroom I'm fair when it comes to upholding classroom
7 rules and stuff like that. I am concerned about the
8 nature of the case. I -- I thought I could state that I
9 don't watch the news. It's not to be aware of ongoing.
10 Don't watch it because it -- I get anxiety from it.
11 Same with discussing with my husband stuff that happens
12 at work, there's certain things, things that I can't --
13 um, I struggle with violence. I've never had any
14 violence against me or anything like that, but in his
15 job he -- but I've gone out when he's been on SWAT, so
16 he's gone out on calls where I don't know if he'll come
17 home. He's a street deputy so he's been on patrol for
18 ten years now. And so I also struggle with that, like,
19 content. That does haven't to do with, like, just and
20 fair in the court system, but I just in all honesty, you
21 know, thinking about my schedule, whatever, I can put
22 that aside I can push out all the stuff that's going on,
23 I just don't know if I can handle a violent murder case,
24 and then putting aside -- I don't know if I can be doing

1 any of that.

2 So when my husband has to testify for cases
3 that he's on, he -- he's a good person. Not all cops
4 are good people, not all teachers are good people,
5 that's life. And sometimes he'll say, like, their case,
6 you know, they plead out or it was dropped or whatever.
7 And he's not -- he might be a little upset if he feels
8 like he did a good job, but sometimes we discuss the
9 loopholes, I guess, of the court system.

10 THE COURT: Mr. Stege, what's the State's
11 position on the Defense motion?

12 MR. STEGE: It should be denied. We want a
13 fair cross-section of this community. The idea that
14 because you're married to a police officer you have to
15 justify anything to them, one, I think it's a false
16 narrative, right, that police just believe everyone's
17 guilty. But nothing in this -- Ms. Smith's statements
18 is saying that she will not be fair to the Defendant.
19 And I think the question of would you want someone like
20 you sitting, it's more -- no defendant wants a police
21 officer's husband or wife judging them --

22 THE COURT: Okay.

23 MR. STEGE: -- but that's nothing she says
24 disqualifies her from being on this jury.

1 THE COURT: Thank you. As a matter of law,
2 counsel, we will all agree there's no automatic
3 disqualification because of any occupation or
4 relationship with a romantic partner's occupation. And
5 I am listening to and distinguishing two spouses of law
6 enforcement, and there is not a motion to excuse one for
7 cause, there's a motion to excuse the other. And
8 grounded in the responses given, I am thanking and
9 excusing Ms. Katie Smith. You're free to leave the
10 courtroom. Thank you.

11 Ms. Clerk?

12 COURT CLERK: Steven Rayner.

13 MR. RAYNER: Here.

14 THE COURT: Mr. Slocum, if you'll begin --
15 well, I know we just all stood at side bar but, counsel,
16 I'd like to visit with you again just about the schedule
17 because we're almost past our lunch hour.

18 Ladies and Gentlemen, just stand for a moment,
19 please. Let me explain to you what a bench conference
20 is. I don't want to rush counsel. But when counsel's
21 finished I can send half the courtroom home so I keep
22 holding onto you for a little while longer. So counsel,
23 will you see me at side bar, please?

24 And just be at ease, and stretch.

1 (Side bar not reported.)

2 THE COURT: Ladies and Gentlemen, during this
3 lunch recess, please do not discuss this case amongst
4 yourselves. Please do not form or express any opinion
5 about this matter until it's been submitted to you.

6 Those of you who are not in the jury box will
7 be required to return in the event that your service is
8 necessary.

9 We will return at exactly 2:00, which is one
10 hour and ten minutes. Please remember for those in the
11 jury box to sit where you currently sit upon your
12 return. There will be more instructions after the jury
13 is seated. I'll just say that counsel are instructed to
14 avoid you, not because they're rude, because we just
15 have to manage the information. No one can even say
16 hello to you so please don't take it personally.

17 We'll stand as our jury panel exits the
18 courtroom.

19 (Jury panel leaves courtroom for lunch break.)

20 THE COURT: There was a prospective juror by
21 the name of Amber Choate. No, no, Amber Choate or Megan
22 Coates. Where's Ms. Law Clerk?

23 MS. LAW CLERK: Yes, Judge.

24 THE COURT: What was the name?

1 MS. LAW CLERK: Amber Choate.

2 THE COURT: Choate, Amber Choate. She's
3 taking her mother to Minnesota on Wednesday night. She
4 has a 13-month-old who breast-feeds, and she's a
5 stay-at-home mother. She called -- her mother called
6 and said she will not be returning for the afternoon
7 session. She is not in the box, but her mother reports
8 that she had -- that she has mental health -- was what
9 the word?

10 MS. LAW CLERK: She was disassociating.

11 THE COURT: Disassociating. There was a
12 message that she left, and then the clerk called her
13 back. I'm inclined not to send the sheriffs out with
14 handcuffs. I just want you to know.

15 MR. SLOCUM: I thank you for letting us know,
16 your Honor.

17 THE COURT: All right. Do we have everybody
18 here? Let's find out. And please be seated as you
19 arrive.

20 To the Defense, as you continue your
21 supplemental voir dire examination, please focus on
22 number 27, Mr. Steven Rayner, who is new to the panel.

23 MR. SLOCUM: Thank you very much, your Honor.
24 Mr. Rayner?

1 MR. RAYNER: Yes.

2 MR. SLOCUM: How are you, sir?

3 MR. RAYNER: Doing well. How are you?

4 MR. SLOCUM: Good. Thank you. So this
5 morning the judge had asked a series of questions, and
6 had asked everyone to -- to keep the questions in mind
7 for themselves. And I can -- I can ask you directly
8 because we have the jury questionnaires you had
9 indicated that you had a reason that you could not
10 serve; is that correct?

11 MR. RAYNER: No, not a reason I could not
12 serve, that I just didn't want to serve. I did this
13 about 12 years ago, and my life's pretty busy, so I
14 really didn't want to serve. But I'll be honest. The
15 judge did a very good job this morning of kind of
16 changing my opinion because although it would be easier
17 for me not to serve and go on with my life, I can see
18 the importance of serving, so I could go either way.

19 And if you want me to go ahead and answer
20 those questions, and give you a quick synopsis of things
21 and you guys could make your decision I'll be happy to
22 do that.

23 MR. SLOCUM: Thank you very much. We would
24 appreciate it.

1 MR. RAYNER: Um, like I said, I served on a
2 criminal case about 12 years ago, it was a short case,
3 it was heard, the guy was convicted. I was in the
4 United States Marine Corps for four years. I served my
5 time there as an aviation ground support equipment
6 mechanic. Got out, was an mechanic, then I became a
7 preacher for a few years, or for a while.

8 And any reasons why I shouldn't serve? Well,
9 I would really like to say yes, there's lot of them, but
10 the only one that I can think of is, realistically, one
11 of the ladies was asked about does money make a
12 difference in the process of law. And I think we work
13 within the system that we've got right now, and so we
14 work with that. But anyone who can say that someone
15 able to hire a crack team of legal defenses can come out
16 better or get more loopholes in the processes than
17 someone who can not, to me they're fooling themselves.
18 I think money -- and it's bad because justice should be
19 won, it really should be won. But when you see as much
20 where people are getting away, and getting off with
21 things because they were able to hire a good team of
22 lawyers and you're going they're guilty, but they get
23 away with it, for a while anyway, I can't say that I
24 don't believe that money has no influence on it.

1 Do I believe that both teams, irregardless of
2 whether they were hired or they're hired by the public
3 defense or a crack pot team from some big lawyer
4 company? They're both going to do the best job that
5 they can.

6 So I've got no bias in that, but I will say
7 that I will follow the evidence wherever it goes. And
8 if it's at the end of the day, my kids kind of like me
9 for this, and then they didn't because even though they
10 were kids, my kids, if they were wrong I would say
11 you're wrong. If it was my wife and my mother-in-law, I
12 have to look at it, go wait a minute, you were wrong for
13 that and I don't care if you're my wife or I don't care
14 that you're my mom, this is right and this is wrong. So
15 for me, even though it's disheartening to me that I
16 believe money is involved in the system, for me, I'm a
17 black and white guy.

18 If the evidence points to innocent or not
19 guilty, I will vote not guilty. If the evidence clearly
20 points to guilty, I will vote guilty. And I believe the
21 State has the burden of proof. He should not have to
22 prove his innocence, they have to prove his guilt.

23 MR. SLOCUM: Okay. Thank you very much for
24 that answer. I wanted to explore with you what you

1 meant when you said there are loopholes and a crack
2 attorney would find a loophole, is that kind of what I
3 heard you to say?

4 MR. RAYNER: Well, I believe that when you can
5 hire a legal team, they go in and they find loopholes to
6 get around to circumvent the legal system. And I -- I
7 mean, okay, O.J. Simpson, first trial, that was bad. I
8 mean, you've got trial after trial after trial that some
9 people get off because they hired a good team of
10 lawyers. So like I said, I believe that that's a flaw
11 in our system I wish we could take money completely out
12 of it.

13 MR. SLOCUM: Okay. When you're talking about
14 taking money out of it how would that operate in your
15 mind?

16 MR. RAYNER: Well, since how we are a free
17 enterprise system I don't think we're ever going to be
18 able to do it. But I would believe that all attorneys
19 that were going to represent people in court should be
20 public attorneys, not private attorneys to where you
21 could have the even playing field. That would be the
22 only way I could see it. I mean there may be other
23 ways, but I would think that would be the most fair way
24 to where whenever someone with a big name and a big

1 reputation could come in to court and have the legal
2 system treat them exactly the same as they would when
3 someone who isn't known that has no name at all, and I
4 just think it's biased as times.

5 MR. SLOCUM: And I want to make sure I
6 understand your answer. This is an opinion you have
7 about the legal system, but you don't personally hold
8 that view; is that correct?

9 MR. RAYNER: Personally hold which view?

10 MR. SLOCUM: This idea that well -- so as I
11 understood what you were talking about, you have the
12 sense that money plays a role because there's certain
13 attorneys who find loopholes. But your idea as well for
14 you, personally, you don't care whether or not the
15 attorney is known to you or -- or somebody that -- that
16 you have never heard of.

17 MR. RAYNER: Oh, I personally don't care at
18 all. For me I care about what's true and what's not
19 true. I could care less about money or anything like
20 that, but I just think that you'd have a better system
21 if you could figure out a way to make it more fair and
22 balanced irregardless of who the person was.

23 MR. SLOCUM: Okay.

24 MR. RAYNER: Whether it was Elvis Presley or

1 whether it's the gentleman here, it shouldn't make a
2 difference who you are in the eyes of the legal system
3 as to what type of defense that you see.

4 MR. SLOCUM: But you understand that insofar
5 as if you're selected as a juror you're going to be the
6 eyes of the system.

7 MR. RAYNER: Correct.

8 MR. SLOCUM: So it's going to be people like
9 you who are going to have to decide the case. Right?

10 MR. RAYNER: I've done it before and I'd do it
11 again.

12 MR. SLOCUM: And it's not a problem for you
13 that somewhere out in the legal system there are crack
14 attorneys who are finding loopholes, your job in this
15 case is gonna be to decide whether or not Mr. Goad is
16 guilty or not guilty.

17 MR. RAYNER: Correct.

18 MR. SLOCUM: And you're comfortable with that.

19 MR. RAYNER: Yes.

20 MR. SLOCUM: And you won't be thinking about
21 the legal system as a whole and the influence that money
22 may have in it.

23 MR. RAYNER: Well, that would have no
24 influence in this case for me.

1 MR. SLOCUM: Okay. Let me ask you this. You
2 spoke to the fact that you have no problem telling your
3 wife or your mother-in-law you're wrong. Did I
4 understand that correct?

5 MR. RAYNER: Well, as a son and a husband
6 sometimes you get stuck in the middle.

7 MR. SLOCUM: Okay. When you've made up your
8 mind hey, you're wrong, will you listen if they give you
9 some other explanation or some other information maybe
10 you didn't know before you made your decision?

11 MR. RAYNER: Sure. Evidence will always or
12 what they've got to say can sway what my opinion is
13 based upon the facts that they tell me.

14 MR. SLOCUM: And if the judge instructs you
15 don't make up your mind about the case until you've
16 heard all of the -- all of the evidence, would you be
17 able to follow that?

18 MR. RAYNER: Yes, because you can't make a
19 final decision on it until you've heard all the
20 evidence, even the Bible says you can't make a --

21 THE COURT: Hold on, hold on, hold on.

22 MR. SLOCUM: Sorry.

23 THE COURT: Were you finished?

24 MR. RAYNER: I was just gonna say even the

1 Bible says that one side seems right till the other side
2 is heard. You've got to be able to hear both sides
3 fully before you can make a sound judgment.

4 MR. SLOCUM: Thank you very much for that. So
5 if the -- if the judge instructs you that the State has
6 the burden, that the Defense doesn't have any burden at
7 all, will you hold the Defense to a burden of trying to
8 present something or some other side to the story before
9 making your decision?

10 MR. RAYNER: I'm sorry, I didn't follow you
11 completely.

12 MR. SLOCUM: I want to make sure that we're
13 very clear on this point. You spoke to the fact that in
14 the Bible it seems like one side is right until you've
15 heard from the other side. And what I wanted to make
16 sure that you were okay with is this idea that the State
17 has a burden in the case. Right? The Defense doesn't
18 have any burden at all. They don't have an obligation
19 to convince you of anything.

20 MR. RAYNER: Correct.

21 MR. SLOCUM: Okay. So my concern when you
22 spoke about what the Bible said was that perhaps you
23 would hold the Defense to some type of burden to give
24 you a side of the story.

1 MR. RAYNER: No. He is -- he is innocent
2 until he is proven guilty. And I would say the -- the
3 burden is not on him at all. It's upon the State to
4 prove that he is guilty. He does not need to prove that
5 he is innocent.

6 MR. SLOCUM: Okay. Would you have a problem
7 if I rephrased what you said as he's -- he's not guilty
8 unless he is proven guilty? Would you have -- well, it
9 would be better --

10 MR. RAYNER: Let me rephrase it, maybe it will
11 clear it up for you. As he sits right there right now,
12 he's innocent until or unless he is proven guilty in the
13 jury.

14 MR. SLOCUM: And the only reason I wanted to
15 make sure we are clear about this is the idea that until
16 presumes that it's gonna happen, would you wait for it
17 to happen?

18 MR. RAYNER: We don't know that. We --

19 MR. SLOCUM: What's that?

20 MR. RAYNER: We don't know whether he's going
21 to be found guilty or found innocent or not guilty until
22 all the evidence has been handed out.

23 MR. SLOCUM: Okay. Along this vein following
24 up on what the judge talked to you about that -- that

1 Mr. Goad has no obligation to -- to talk to the jury,
2 would you -- would be able to accept that, or would you
3 be thinking the whole time well, an innocent man -- and
4 again, that's the false word, but a innocent man --

5 MR. RAYNER: Not at all.

6 MR. SLOCUM: -- would speak --

7 MR. RAYNER: Not a problem. The legal system
8 gives us the right to remain silent, and choosing that
9 right is your choice. If you want to do that, fine. I
10 would not hold him guilty at all because he remains
11 silent to make the State prove their case.

12 Now, for me, if I am innocent of something, I
13 have a hard time just sitting back and not saying
14 anything, but that's my choice. But there again, his is
15 different and he doesn't have to prove his innocence.

16 MR. SLOCUM: Okay. Thank you very much. And
17 with respect to any of the other questions that the
18 judge imposed earlier, you're okay with where we sit.
19 You haven't been affected by a crime in such a way that
20 it would impact you --

21 MR. RAYNER: No --

22 MR. SLOCUM: -- in this case?

23 MR. RAYNER: -- I have not. The only other
24 thing I can think of is I'm not married to a cop. I'm

1 not married to a cop so we can get that one out of the
2 way.

3 My son-in-law's sister is married to a cop,
4 but I had to actually when I was at lunch thinking that
5 this would come up because it was so predominant, I had
6 to actually set and think of his name. I've never been
7 to his house, he's never been over to mine, we've been
8 to a couple things together, family things, but if we
9 was to bump into each other on the road, there's a good
10 chance we wouldn't even recognize each other.

11 MR. SLOCUM: Okay. And if I understood what
12 you were saying is that the judge and how he asked his
13 questions changed your whole view of your jury
14 experience.

15 MR. RAYNER: Well, you know, probably like all
16 of us here, we've got a life outside of here. And I'm
17 pretty busy. I've got stuff I need to do.

18 But it's also important that this man gets as
19 fair of a trial as he can, and because of that, you
20 know, I've had to go and say okay, even though I'm busy
21 and I've got a life, everybody else here does also, I
22 think if I can help him get as fair a trial as possible
23 by being just honest and everything, then it's worth
24 setting my life a little bit to the side during that

1 time.

2 MR. SLOCUM: And during the week that we
3 expect to be here for trial, whatever your other
4 obligations are would not impact your ability to listen
5 to the evidence here?

6 MR. RAYNER: Correct. My work is already
7 aware of that.

8 MR. SLOCUM: So no concerns that you have
9 about being able to serve.

10 MR. RAYNER: No. No --

11 MR. SLOCUM: Well, you say that somewhat
12 hesitantly so I'm --

13 MR. RAYNER: You want to move on with life,
14 you know, we're all busy, but like I said, the only
15 concern is I've got stuff to do, but everybody here
16 does. Outside of that, no. I'm just a straight forward
17 guy, black and white.

18 MR. SLOCUM: I'm sorry, you're just a straight
19 forward guy what?

20 MR. RAYNER: I'm just a straight forward guy,
21 black and white type, a simple guy.

22 MR. SLOCUM: But black and white only at the
23 end; is that right?

24 MR. RAYNER: Yeah. I mean, you know, I'm --

1 I'm just a person that tries to live a life in a
2 peaceful life. I'm one of those people that you don't
3 known that is around.

4 MR. SLOCUM: You don't even what? I'm sorry.

5 MR. RAYNER: I'm one of those people that you
6 don't even know is around. I try to just live a quiet
7 and peaceful life.

8 MR. SLOCUM: Well, that's -- I wanted to make
9 sure, and you remember when I first started asking
10 questions one of the important things is your ability to
11 voice your opinion. And what I'm hearing you say is
12 that you may be quiet, but that when the time comes, you
13 can speak your mind in terms of black and white; is that
14 right?

15 MR. RAYNER: I was a United States Marine. I
16 know how to speak my mind. I've served on a jury
17 before. I know how to speak my mind.

18 MR. SLOCUM: Okay. Thank you very much.

19 Ms. Genz? Hi. You spoke earlier just briefly
20 that you said you're a graduate nurse; is that right?

21 MS. GENZ: Uh-hum.

22 MR. SLOCUM: Okay. What does ha mean?

23 MS. GENZ: I am in a graduate program. I just
24 got out of college three weeks ago.

1 MR. SLOCUM: Okay. So you're in a graduate
2 nursing program?

3 MS. GENZ: Uh-hum.

4 MR. SLOCUM: And as such are you working or
5 are you a student?

6 MS. GENZ: I am working under -- I'm working,
7 yes.

8 MR. SLOCUM: Okay. And the reason I'm asking,
9 I want to make sure it was gonna be okay for this -- for
10 this week if you need to be at work or if that's no
11 issue for you, you can take that time off.

12 MS. GENZ: Uh-hum. I can take it off.

13 MR. SLOCUM: Okay. And when you're serving on
14 the jury if you're selected, you won't be thinking the
15 whole time hey, I'm missing these hours that I'm
16 supposed to have where not working on something or
17 anything like that?

18 MS. GENZ: No.

19 MR. SLOCUM: Ms. Clark?

20 MS. CLARK: Yes.

21 MR. SLOCUM: If I understood earlier, you made
22 the statement that the system is fair, pertaining to the
23 criminal justice system.

24 MS. CLARK: Yes.

1 MR. SLOCUM: What did you mean by that?

2 MS. CLARK: I believe that was in reference to
3 my brother, was he treated fairly. And he was. He went
4 through the court process and it was -- the verdict was
5 fair.

6 MR. SLOCUM: Okay. So in that sense you just
7 mean that what you've observed in the criminal justice
8 system has been correct to the best of your -- your
9 knowledge?

10 MS. CLARK: Yes.

11 MR. SLOCUM: And would you agree that
12 sometimes fairness means that somebody is found not
13 guilty? Could that also be a result?

14 MS. CLARK: Absolutely.

15 MR. SLOCUM: And that fairness doesn't just
16 mean a particular result but actually means what -- that
17 the result was correct in that sense?

18 MS. CLARK: Correct.

19 MR. SLOCUM: And you're okay with that idea.

20 MS. CLARK: Yes.

21 MR. SLOCUM: Mr. Gray, you indicated you
22 served in the military?

23 MR. GRAY: Uh-hum.

24 MR. SLOCUM: In the Army?

1 MR. GRAY: Army, yeah.

2 MR. SLOCUM: What did you do in the Army?

3 MR. GRAY: Mechanic supply room, mechanic area
4 supply.

5 MR. SLOCUM: How long were you in the service?

6 MR. GRAY: Four years active duty.

7 MR. SLOCUM: Okay. You made a statement
8 earlier because I know your work now is as a warehouse
9 manager?

10 MR. GRAY: (Nods head.)

11 MR. SLOCUM: And you had said that you like to
12 hear both sides before you come to a decision. So along
13 the lines of the discussion that I had with Mr. Rayner I
14 wanted to make sure that it is okay for you if the
15 system is such that you may only hear from the State
16 because it's their burden, but the Defense doesn't have
17 a burden. Is that concept okay for you or --

18 MR. GRAY: Yes.

19 MR. SLOCUM: -- do you have a problem with
20 that?

21 MR. GRAY: Yes.

22 MR. SLOCUM: And would you at the and think
23 well, I didn't get to hear the Defense's side, so to
24 speak, and so therefore he must be guilty.

1 MR. GRAY: No. I'd have to see what the
2 evidence says. If the evidence is clear one way or
3 another it would be a clear signal. If it's split, I
4 probably would ask why -- you know, what the motivation
5 was.

6 MR. SLOCUM: I'm sorry I didn't catch the last
7 part.

8 MR. GRAY: At least to hear what the other
9 side what happened, why, so on and so forth, if it was
10 very unclear.

11 MR. SLOCUM: Okay. Well, and you understand,
12 for example, the defense attorney may ask questions of
13 the State's witnesses, right? That may be evidence that
14 you can hear. But I just wanted to make sure that
15 you're okay with this idea that hey, the Defense doesn't
16 have an obligation, they don't have to prove anything.

17 MR. GRAY: Absolutely.

18 MR. SLOCUM: And that's the way our system is
19 set up.

20 MR. GRAY: Uh-hum.

21 MR. SLOCUM: And that -- that concept for you
22 is okay. You can live with that.

23 MR. GRAY: Yes.

24 MR. SLOCUM: And you would not hold it against

1 Mr. Goad.

2 MR. GRAY: No.

3 MR. SLOCUM: Thank you. Mr. Cunningham. You
4 had -- you had indicated earlier that you know Mr. Stege
5 through your daughter's softball league; is that right?

6 MR. CUNNINGHAM: Correct.

7 MR. SLOCUM: And you see him every -- couple
8 times a week, I think you said.

9 MR. CUNNINGHAM: Couple times a week.

10 MR. SLOCUM: And do you have personal-type
11 conversations with him?

12 MR. CUNNINGHAM: No, I do not. Hello, how are
13 you doing? Hi, what's going on.

14 MR. SLOCUM: But you're present, but nothing
15 substantive.

16 MR. CUNNINGHAM: Right.

17 MR. SLOCUM: Okay. There's not a connection
18 that you have to Mr. Stege such that Mr. Goad should be
19 concerned about your relationship with him?

20 MR. CUNNINGHAM: No.

21 MR. SLOCUM: And if you were sitting where Mr.
22 Goad is sitting, your relationship to - to Mr. Stege
23 would not be something that should trouble him?

24 MR. CUNNINGHAM: Not at all.

1 MR. SLOCUM: You also spoke, as I understood
2 it, that your grandmother was murdered?
3 MR. CUNNINGHAM: Yeah.
4 MR. SLOCUM: But that happened, I think you
5 said when you were five?
6 MR. CUNNINGHAM: I was five, about five years
7 old.
8 MR. SLOCUM: But the judge asked whether or
9 not this is kind of a family story, it's always present
10 that --
11 MR. CUNNINGHAM: Absolutely.
12 MR. SLOCUM: -- this has happened. Do you
13 think that hearing about the facts in this case, and Mr.
14 Stege already gave you kind of a nutshell idea, do you
15 think hearing those facts is going to bring back
16 memories of that or anything like that?
17 MR. CUNNINGHAM: Has nothing to do with that.
18 MR. SLOCUM: And you certainly wouldn't hold
19 whatever happened in that case against Mr. Goad.
20 MR. CUNNINGHAM: Two different things. I
21 didn't even know about this, so.
22 MR. SLOCUM: True. Although you might be
23 surprised that sometimes people have ideas before
24 they've heard anything and that's what we're trying to

1 figure out that they've already made up their mind even
2 though they haven't heard anything.

3 MR. CUNNINGHAM: Yeah, I would say absolutely
4 not.

5 MR. SLOCUM: And as far as your feeling -- one
6 thing that was not asked, at least if it was asked I
7 didn't -- I didn't hear the answer. Was there a
8 prosecution in that case?

9 MR. CUNNINGHAM: Yes.

10 MR. SLOCUM: And in your estimation were you
11 satisfied with that prosecution?

12 MR. CUNNINGHAM: Was not.

13 MR. SLOCUM: Okay. And the fact that you were
14 not satisfied with that prosecution, does that affect
15 your view in any way of this case?

16 MR. CUNNINGHAM: No.

17 MR. SLOCUM: Or about the criminal justice
18 system generally?

19 MR. CUNNINGHAM: No, sir.

20 MR. SLOCUM: You can set that situation aside
21 and be able to just focus on things here.

22 MR. CUNNINGHAM: Yes, sir.

23 MR. SLOCUM: And you do not have the feeling
24 that your role as a juror now is to correct some wrong

1 that happened 40 years ago.

2 MR. CUNNINGHAM: Absolutely not.

3 MR. SLOCUM: Good. You'd agree that would not
4 be appropriate.

5 MR. CUNNINGHAM: I agree that would not be
6 appropriate.

7 MS. SLOCUM: Ms. Roberts? Hello.

8 MS. ROBERTS: Hi.

9 MR. SLOCUM: You had -- you had indicated that
10 you were at Hug High School when the shooting occurred?

11 MS. ROBERTS: Yes, it was outside of my
12 classroom.

13 MR. SLOCUM: And you said you were not
14 directly involved, it happened outside the classroom but
15 you could hear everything that was going on?

16 MS. ROBERTS: We heard commotion and kids
17 screaming, and then we heard gunfire. And then we came
18 immediately outside and we saw what happened and then we
19 immediately started ushering kids inside.

20 MR. SLOCUM: That was obviously a pretty
21 emotional experience. Do you think that hearing about
22 the facts in this case is going to bring back those kind
23 of memories of what happened?

24 MS. ROBERTS: Most likely not. We were able

1 to offer counseling if we wanted. I didn't offer or opt
2 for that. But as I said earlier, as a teacher things
3 that involve children and students tend to be more --
4 more close to me than things that occur with people
5 outside of high school.

6 MR. SLOCUM: So for you you could just
7 evaluate the facts that are gonna be offered in this
8 case and not be thinking emotionally about the event
9 that already took place in your high school.

10 MS. ROBERTS: Correct.

11 MR. SLOCUM: And you said most likely not, but
12 are you -- are you satisfied that those facts are those
13 facts and that they don't play a role in this case?

14 MS. ROBERTS: Correct.

15 MR. SLOCUM: And that you'd be able to decide
16 this case based on the facts that are admitted here at
17 trial.

18 MS. ROBERTS: Correct.

19 MR. SLOCUM: Mr. Hernandez-Guillen?

20 MR. HERNANDEZ-GUILLEN: Yes.

21 MR. SLOCUM: Am I saying that correct?

22 MR. HERNANDEZ-GUILLEN: Yep.

23 MR. SLOCUM: You had indicated that you were
24 present when the shooting in Las Vegas occurred; is that

1 right?

2 MR. HERNANDEZ-GUILLEN: Yes, I was.

3 MR. SLOCUM: And you said that you were
4 contacted by -- by someone afterwards, but it was with
5 regard to whether or not you needed counseling or help
6 of some sort?

7 MR. HERNANDEZ-GUILLEN: Correct.

8 MR. SLOCUM: And at that time you elected you
9 didn't need counseling.

10 MR. HERNANDEZ-GUILLEN: Correct.

11 MR. SLOCUM: That was obviously a pretty
12 emotional situation as well.

13 MR. HERNANDEZ-GUILLEN: It was.

14 MR. SLOCUM: Do you have concerns that hearing
15 the facts in this case are going to bring back the
16 memories and the experience in your mind of what
17 happened in Las Vegas?

18 MR. HERNANDEZ-GUILLEN: No concerns.

19 MR. SLOCUM: You'd agree as I was speaking
20 earlier with Ms. Roberts that that wouldn't be
21 appropriate. Right?

22 MR. HERNANDEZ-GUILLEN: Right.

23 MR. SLOCUM: And that's that internal dialogue
24 that happened inside. You seem pretty certain, but it's

1 an internal dialogue that no, I know that that's
2 different, because we're human beings --

3 MR. HERNANDEZ-GUILLEN: Yeah.

4 MR. SLOCUM: -- we sometimes have emotional
5 reactions. But this case should be decided based on the
6 facts in this case.

7 MR. HERNANDEZ-GUILLEN: Agreed.

8 MR. SLOCUM: Mr. Hunter?

9 MR. HUNTER: Yes, sir.

10 MR. SLOCUM: You served in the Army.

11 MR. HUNTER: Yes, sir.

12 MR. SLOCUM: Were you a 55 Series?

13 MR. HUNTER: No, sir.

14 MR. SLOCUM: Okay. What was your MOS?

15 MR. HUNTER: I had three. 63 Yankee, 63
16 Bravo, and 915 Alpha.

17 MR. SLOCUM: So you were not involved in the
18 ammunition then during the time that you were serving?
19 Ammunition --

20 MR. HUNTER: Right.

21 MR. SLOCUM: -- activity? Because you're
22 employed now at Sierra Army Depot; is that correct?

23 MR. HUNTER: Correct. It's not a munitions
24 depot.

1 MR. SLOCUM: Okay.

2 MR. HUNTER: And the only time I dealt with
3 ammunition was in a deployed environment or at the
4 range.

5 MR. SLOCUM: Okay.

6 MR. HUNTER: I was not a professional
7 ordinance soldier if that's what you're asking. As far
8 as bullets I was in ordinance as my field.

9 MR. SLOCUM: Okay. But now your work is a
10 little bit different from what you did in the Army or is
11 it along the same lines?

12 MR. HUNTER: It's fundamentally the same.

13 MR. SLOCUM: And Mr. Kanute?

14 MR. KANUTE: Yes.

15 MR. SLOCUM: You mentioned you do work with
16 bankruptcy but on the creditor side of things; is that
17 right?

18 MR. KANUTE: Correct.

19 MR. SLOCUM: Okay. And was the issue as far
20 as bankruptcy petition preparers and so on, had the law
21 already changed when you started doing this work?

22 MR. KANUTE: It had.

23 MR. SLOCUM: So you didn't observe that
24 change.

1 MR. KANUTE: That was -- yeah, a 2005 change I
2 think you're talking about.

3 MR. SLOCUM: I just wanted to make sure we're
4 on the same page.

5 MR. KANUTE: Correct.

6 MR. SLOCUM: But your work, as I understood
7 it, doesn't involve necessarily participating in court
8 although you sometimes go to court.

9 MR. KANUTE: I am regularly in bankruptcy
10 court. I don't do jury work was the question that was
11 asked.

12 MR. SLOCUM: Okay.

13 MR. KANUTE: I rarely have a jury trial.

14 MR. SLOCUM: That's -- I wanted to make sure
15 we're on the same page. So you do appear in court,
16 however, it's bankruptcy court, you're before a judge,
17 and there's no jury involved.

18 MR. KANUTE: That's generally the case. I am
19 in state court and federal court periodically, too, for,
20 again, creditor's rights several on behalf of banks.

21 MR. SLOCUM: Now, you had earlier indicated, I
22 believe, to Mr. Stege that you do work with foster
23 children?

24 MR. KANUTE: So my wife and I we're foster

1 parents for roughly four years, we have adopted four
2 girls through the foster care system. I also was on the
3 Washoe CASA Foundation Board for three years. I just
4 finished my third year term in April.

5 MR. SLOCUM: Okay. And so for those people,
6 you adopt out of a system. And then you can actually
7 adopt them, you don't return them to their families or
8 anything like that.

9 MR. KANUTE: Correct. Our girls had their
10 --the parents rights were terminated on all four girls
11 separately and we were adoptive placement for all four.

12 MR. SLOCUM: And you -- you were earlier asked
13 about a pending lawsuit that you have, but it's in a
14 different department. Right?

15 MR. KANUTE: Correct. It's in front of Judge
16 Freeman.

17 MR. SLOCUM: And you obviously realize there's
18 a big difference between that lawsuit and what you'd be
19 called upon to do here.

20 MR. KANUTE: I do.

21 MR. SLOCUM: Mr. Stege asked you about an idea
22 of whether or not an attorney or a lawyer should be on a
23 jury --

24 MR. KANUTE: Correct.

1 MR. SLOCUM: -- is that right? And what are
2 your thoughts about that?

3 MR. KANUTE: I personally don't -- I mean, I
4 don't think there's anything wrong with an attorney
5 being on a jury. I think in some ways it can be
6 helpful, in particular for other members of the jury if
7 they -- but I also understand the problem with that is
8 lawyers answering legal questions in the jury room
9 separate and outside of the communications with private
10 counsel and directions from the judge. So that's --
11 that's why a lot of people don't like lawyers on juries.

12 MR. SLOCUM: Right. So you raised a concern
13 that you are supposed to decide the cases as a juror
14 based on the instructions that are given.

15 MR. KANUTE: Right.

16 MR. SLOCUM: And there would be a concern that
17 if a lawyer might think I know of a different rule or
18 this may be a little bit different from what the judge
19 instructed. But you're gonna be told you have to follow
20 the law. And it is not just the law but the law as
21 given by the judge. So, with that in mind would you be
22 able to set aside your -- what you may say is what I
23 know about the law to serve as a juror?

24 MR. KANUTE: I would have taken multiple oaths

1 both as a lawyer and as a juror to do that.

2 MR. SLOCUM: And you don't have any concerns
3 that you couldn't do that.

4 MR. KANUTE: No.

5 MR. SLOCUM: If I could just have the Court's
6 indulgence, your Honor.

7 THE COURT: Yes.

8 MR. SLOCUM: Okay. So this is now the end
9 really. What I want to make sure is that if there's
10 anything that any one of you sitting here would think I
11 really want to say something or there is something
12 important that these attorneys should know, but nobody
13 asked me the right question. But if they had asked me
14 this I really think it's important that they would know
15 that. Is there anybody who has that feeling?

16 Ms. Lopez, please.

17 MS. LOPEZ: I was going back and forth on
18 this, but I feel now that I'm looking more at his face I
19 may have come across he was working as a patient at
20 Rosewood rehabilitation. It's a skilled nursing
21 facility. I am a speech therapist, but I pick up
22 seasonal work and maybe two, three years ago, I don't --
23 I'm starting to recognize his face, but I'm not sure.
24 If I was just following therapy or what type of therapy

1 it was.

2 MR. SLOCUM: Okay. I'm sorry. Do you have
3 any specific recollection of working with him or how
4 that process was?

5 MR. KANUTE: I just can recognize the face.
6 I'm a pretty good facial recognition. And his last
7 name, I don't know why I put the face and the last name
8 together, so but.

9 MR. SLOCUM: Okay. Is there anything about
10 that particular interaction that you had that influences
11 you one way or another with respect to this case?

12 MR. KANUTE: Um, no.

13 MR. SLOCUM: So you can -- you can set to the
14 side whatever it may be that your experience was, and it
15 may come during the trial if you're called on, that's
16 what happened, but you're gonna be able to set that to
17 the side and decide the case just based on the facts
18 here.

19 MR. KANUTE: Right.

20 MR. SLOCUM: Is there anybody else?

21 Mr. Kanute.

22 MR. KANUTE: Just one thing that I don't think
23 you've asked was whether or not anybody had any
24 knowledge of anybody else working at the Public

1 Defender's Office? Ms. Bertschy, who's in the back of
2 the courtroom, was on the Washoe CASA Board with me and
3 I don't know whether she'll be here, but she and I got
4 to know each other fairly well the last year and a half
5 on the board.

6 MR. SLOCUM: Okay. Is there anything about
7 that relationship with Ms. Bertschy that would affect
8 your ability to serve as a juror?

9 MR. KANUTE: No.

10 MR. SLOCUM: Would you have any particular
11 feeling about hey, if I come to a guilty verdict or a
12 not guilty verdict that I would have to talk to Ms.
13 Bertschy about it?

14 MR. KANUTE: No.

15 MR. SLOCUM: So that wouldn't impact any of
16 your decisions in this case.

17 MR. KANUTE: It wouldn't.

18 MR. SLOCUM: Okay. Is there anyone else?

19 MR. RUIZ: Mine was more a concern about
20 timing --

21 THE COURT: That's Mr. Ruiz?

22 MR. RUIZ: Apologize. Mine was more a concern
23 about the time, I know you said it would be about a week
24 trial? I know that we get -- we're covered for a

1 certain amount. My only concern would be that amount.
2 I work. I guess my question would be if I'm not at work
3 every day I don't --

4 THE COURT: I believe that our Washoe County
5 Board of Commissioners has determined that the daily
6 amount, 40 dollars, is sufficient for your absence.

7 MR. RUIZ: I know that everybody's got
8 different incomes, but -- and everybody's situation is
9 different. I guess mine would be I just don't rely on a
10 paycheck really.

11 MR. SLOCUM: Okay.

12 MR. RUIZ: I'm more of a day-to-day income.

13 MR. SLOCUM: Okay. So let me ask you this.
14 If you were selected for the jury and you're, obviously,
15 gonna have to listen to the evidence, it's important
16 that you pay attention and that you're focused on what's
17 being presented. Would you be thinking this whole week
18 about the money that you weren't earning because you're
19 were sitting here and not about the evidence that was
20 being presented?

21 MR. RUIZ: That would be a very big concern of
22 mine, yes, sir.

23 MR. SLOCUM: Okay. So let me ask you this.
24 If you were sitting where Mr. Goad is sitting, and

1 someone with -- with your mind set was sitting as a jury
2 -- as a juror would you feel comfortable?

3 MR. STEGE: Objection to the question related
4 to the Pretrial Order.

5 THE COURT: Sustained. Please don't answer
6 the question.

7 MR. SLOCUM: Your focus, as I understood it,
8 would be on the money that you're not earning?

9 MR. RUIZ: He said not to answer the question.

10 THE COURT: Well, there's now another
11 question.

12 MR. RUIZ: Oh, I am sorry. Okay. I
13 apologize.

14 MR. SLOCUM: Certainly. Your focus would be
15 on the money that you're not earning right now.
16 Correct?

17 MR. RUIZ: Yes.

18 MR. SLOCUM: And you would not be able to give
19 your full attention to the evidence that's being
20 presented.

21 THE COURT: Well, I'd rather hear the witness
22 describe rather than being led the witness -- excuse me,
23 just tell us about what concerns you had. Obviously,
24 you are going to be away from work, and 40 dollars a day

1 will not compensate you for your absence. So what does
2 that mean about your participation in trial?

3 THE DEFENDANT: Obviously like we were saying
4 -- well, okay, I feel bad saying that, but I would
5 definitely be having that thought in the back of my
6 mind. I would just because the situation that we're in
7 right now, my family, and I know everybody's got their
8 own families, you know, we've got mortgages, power
9 bills, same thing as everybody else, we're normal
10 people, but I rely on that daily income.

11 THE COURT: So I can accept -- I can accept
12 that members of the jury may be grouchy with me.

13 MR. RUIZ: Oh, no.

14 THE COURT: No, that's okay. Because it is
15 inconvenient. The question is whether it affects you in
16 your participation. Are you going to hold it against
17 the State, hold it against the Defense, not listen, how
18 is it going to actually affect your participation?

19 MR. RUIZ: It definitely is gonna be weighing
20 on me. The uncertainty of whether I can pay a certain
21 bill on a certain time that's due a certain day. So
22 without getting into the, you know, I'm gonna miss this
23 bill because I'm not here today at work, because that
24 would be the money that I would normally use to pay that

1 bill on that day.

2 THE COURT: All right. Carry on to a
3 different subject if you would, please.

4 MR. SLOCUM: Well, just following up on this,
5 and you've had time to reflect now with respect to your
6 wife, that's, we're agreeing, not a concern.

7 MR. RUIZ: Yeah, not a concern.

8 MR. SLOCUM: But you do have this other
9 concern.

10 MR. RUIZ: Yes.

11 MR. SLOCUM: Is there anybody else who has a
12 concern, I haven't asked the right question, but there's
13 something you want to disclose?

14 And your Honor, at this point I am going to
15 ask that Mr. Ruiz be thanked and excused.

16 THE COURT: On what basis?

17 MR. SLOCUM: That he can't pay adequate
18 attention to what's happening in the courtroom because
19 he's thinking about the bills that he needs to pay and
20 that he can't pay them because he's sitting here in
21 court.

22 THE COURT: Well, I think your argument that
23 -- you heard his response differently than I heard my
24 response. And neither one of us should put words in his

1 mouth.

2 You're going to be worried about your lost
3 income, no doubt about it, but is that going to
4 physically or intellectually, physically cause your mind
5 to be unable to focus on the evidence and strive to
6 fulfill your duty as a juror. That's what I need to
7 know.

8 MR. RUIZ: Yes, sir, because there is -- I
9 mean, without having to get into too much more personal
10 information. I mean, I know you said that least a line
11 between that and we speak to you guys privately, if that
12 would be the case, there is a little more to it going on
13 if that would be an option. I know you said there's
14 kind of a little thin line where we --

15 THE COURT: That is not something we would
16 discuss privately.

17 MR. RUIZ: Okay.

18 THE COURT: What we discuss privately is
19 usually --

20 MR. RUIZ: That's fine.

21 THE COURT: -- sexual assault type things
22 that --

23 MR. RUIZ: Okay. So I mean, I could give you
24 more information if need be.

1 THE COURT: I don't -- and I'm not trying to
2 cut you off. I accept the possibility that it's
3 inconvenient, and that a lot of people struggle, the
4 fact I have to make that decision. So I don't want you
5 to feel that you have to disclose what bills you have to
6 pay for anything like that.

7 MR. RUIZ: Okay.

8 THE COURT: You're just saying it's really
9 hard.

10 MR. RUIZ: I'm saying there is a possibility
11 of not making a bill on time, yes.

12 THE COURT: So your service with me between
13 now and Friday to going to prevent you paying a bill
14 between now and Friday.

15 MR. RUIZ: Yes because, like I was saying, I
16 work -- I make income every day. If I'm -- for lack of
17 better words I get tips.

18 THE COURT: All right.

19 MR. RUIZ: So if I'm not making those tips, on
20 certain days by certain days I can't make certain
21 payments because I physically make that payment myself.

22 THE COURT: State wish to be heard?

23 MR. STEGE: Well, I haven't gotten to examine
24 Mr. Ruiz yet.

1 THE COURT: And Mr. Rayner.

2 MR. STEGE: Right.

3 THE COURT: Ladies and Gentlemen, I think it's
4 appropriate that -- because we're only going to be
5 focusing on two more panelists -- except for Mr. Ruiz
6 are you passing the panel for cause?

7 MR. SLOCUM: Yes, your Honor. Thank you.

8 THE COURT: It's good for you to have breaks,
9 so let's all stand while everybody except Mr. Rayner and
10 Mr. Ruiz leave the courtroom.

11 Please remember that admonition not to discuss
12 this case amongst yourselves. Please do not form or
13 express any opinions about this matter until it's
14 submitted to you.

15 (Jury panel leaves courtroom except Mr. Ruiz &
16 Mr. Rayner.)

17 THE COURT: All right. So this is the endless
18 tension when members of the community become very
19 frustrated with the Court.

20 I've caused cardiologists to stay, pilots,
21 plumbers who -- a plumber who told me he couldn't pay
22 for diapers the next day. It is very, very difficult
23 for me to impose upon a member of the community civic
24 duty for 40 dollar a day.

1 But if we're to ask the question of every
2 member of this panel who's going to suffer financial
3 hardship, I'm losing a majority of them.

4 So the question is not whether it's hard for
5 Mr. Ruiz, the question is whether he's gonna dig his
6 heels in, be angry, not participate or participate
7 fraudulently, I don't think that of him as I'm observed
8 his participation, I don't think he's that guy.

9 The second is that there is something so
10 pervasive about his concern that he's not going to
11 listen to any words, he's gonna go the first time the
12 jury does a straw poll in which case it distracts him, I
13 don't think he's that person either by my observation,
14 and on consideration of his words.

15 So I wanted to make that record without
16 everyone else here. You can further inquire, and if you
17 wish to say more you can, but I'm not going to grant it
18 based upon the record that's before me right now.

19 MR. SLOCUM: If I may, your Honor. I
20 understand the Court's concern that all of these folks
21 might be -- might be excused. I have passed for cause.
22 We're in a situation in which I multiple times asked is
23 there anybody whose situation is such that they've got
24 concerns that they wouldn't be able to be fair in this

1 case, and we didn't get any responses from them.

2 However, Mr. Ruiz did express his concern not
3 about hey, and you remember the discussion we had about
4 his wife, and you noticed I didn't challenge for cause
5 because his answer was a good one, I respect that and I
6 made concerns that I had. However, at the point at
7 which he's talking about, and we haven't gone into it
8 and we want to delve into his personal life the
9 consequences of paying these bills might be, as the
10 Court is aware, that has -- that has an impact in this
11 particular case that -- that -- you've asked me not to
12 say anything about the facts of the case so --

13 THE COURT: Right. I feel what you're saying.

14 MR. SLOCUM: I do very much want the -- the
15 record made that that is an issue in the case that this
16 idea of what happens if I don't pay a bill. And I don't
17 know what impact that might have for -- for Mr. Ruiz --

18 THE COURT: Okay.

19 MR. SLOCUM: -- but I've determined that it
20 would.

21 THE COURT: I got it.

22 MR. SLOCUM: Thank you.

23 THE COURT: Mr. Stege, you wish to examine the
24 panelist?

1 MR. STEGE: You understand that this man's on
2 trial for murder --

3 MR. RUIZ: I understand.

4 MR. STEGE: -- right? And you -- your job
5 will probably go on if you miss a week of it.

6 MR. RUIZ: I understand that aspect, yes. And
7 I mean, my only thing would be to say next, like, we've
8 already talked about everyone said, you know, like you
9 said, if I were to say who's gonna suffer financially
10 everyone's going to lift their hand. And I understand
11 that as well.

12 MR. STEGE: And it sounds like my observation
13 is you've fully been wanting to say what the
14 circumstance is. Would you like to say, like, what bill
15 is not gonna be paid?

16 MR. RUIZ: So my biggest concern is, again,
17 like now it's just smaller groups I would be paying.

18 MR. STEGE: What bill's not going to be paid?

19 MR. RUIZ: My wife's pregnant in addition,
20 we're expecting.

21 MR. STEGE: Okay.

22 MR. RUIZ: So we've got things to start
23 thinking about there.

24 MR. STEGE: Right.

1 MR. RUIZ: We've got power bill that's coming
2 up, sewer that's come up.

3 MR. STEGE: Right.

4 MR. RUIZ: Car notes that come up, house
5 payments that come up.

6 MR. STEGE: Right.

7 MR. RUIZ: And I have some put away for that,
8 but to take a week off -- and I'm sorry, it may sound
9 petty.

10 MR. STEGE: Right.

11 MR. RUIZ: but 40 dollars doesn't quite cover
12 the payment.

13 THE COURT: yeah. There is no doubt -- you
14 don't have to feel sorry about that. This is not
15 employment, it pretty much pays for lunch and your
16 parking. It's not intended to be employment.

17 MR. RUIZ: Yeah, it is. And sorry.

18 MR. STEGE: Okay. And so what would you
19 expect to make this week?

20 MR. RUIZ: It just sounds -- it sounds petty
21 talking about that when we're talking -- we just said
22 it's a trial for -- it does --

23 MR. STEGE: Right. Constitution, this man's
24 on trial, he needs a jury of his peers, if believed,

1 someone was murdered.

2 MR. RUIZ: It does, but it's -- I'm sorry.
3 Like the gentlemen behind me goes to court for banks,
4 right?

5 MR. STEGE: Right.

6 MR. RUIZ: So ironically if I don't make a
7 certain house payment --

8 MR. STEGE: Right.

9 MR. RUIZ: -- I find myself in that situation.

10 THE COURT: I'm trying to understand how a
11 week of missed employment is going to affect your
12 mortgage. I'm not --

13 MR. RUIZ: You're okay.

14 THE COURT: I'm not silent to the
15 inconvenience, but you and your wife live together and
16 share expenses, and she's a full-time law enforcement
17 officer.

18 MR. RUIZ: She is on leave, but her -- this
19 sounds horrible but her shift differential is now also
20 not there anymore.

21 THE COURT: So I asked what bills between now
22 and Friday will you not be able to pay? You talked
23 about routine bills of life.

24 MR. RUIZ: The routine bills of life, yes.

1 So--

2 THE COURT: So Mr. Ruiz, let me just --

3 MR. RUIZ: Yes.

4 THE COURT: -- call it out directly. Some
5 people come to court hoping that their
6 get-out-of-jury-service free card is i can't afford to
7 be here. And I'm trying to discern whether you really
8 want to serve, or whether this is a legitimate concern
9 of yours.

10 MR. RUIZ: So like you said, one week cost me
11 for work, I make about -- it just sounds terrible to
12 say. So I make about 160 dollars a day.

13 THE COURT: Okay.

14 MR. RUIZ: So what is that 530, almost 800
15 dollars that I don't get a week. And without the 800
16 dollars, I mean, I -- again, I serve so now there's less
17 people I serve. I'm a server. My paychecks are
18 nothing. I don't get -- I get maybe 30, 40 dollars a
19 paycheck. I'm not asking for you guys to pity me, oh,
20 pity he doesn't get a paycheck, but it does make it so
21 that I have to make money on a daily basis. I have to.
22 I don't get the reassurance of every two weeks I get a
23 check. If I miss a day of work I don't get paid. And I
24 mean, that's -- that's my facts and my daily life.

1 MR. STEGE: And we're not trying to be
2 insensitive or embarrassing, but I am struck that it --
3 in the big picture it's -- it might seem sort of a small
4 concern, but the real question is is it a small concern
5 or is it such a big concern that you're gonna be hearing
6 the facts of this case, and when asked to deliberate or
7 asked by another juror to talk about the evidence,
8 you'll be so worried about the number of days you've
9 missed and the money that --

10 MR. RUIZ: It honestly is a split to me. Feel
11 like I could, and then there will be a moment where I
12 can sit here and think but this time x amount of things
13 would have already happened in a normal day and I would
14 have almost already made -- it sounds --

15 MR. STEGE: Certain amount of money.

16 MR. RUIZ: Certain amount of money that
17 covered, A, gas, B, my insurance, C, you know, vice --
18 so on and so forth.

19 MR. STEGE: But your financial situation
20 doesn't sound so precarious that, say, the sewer bill
21 gets paid late, it's going to send you into bankruptcy
22 or you'll lose your house.

23 MR. RUIZ: No. You know, it sounds --
24 bankruptcy won't happen.

1 MR. STEGE: Right.

2 MR. RUIZ: But there are, you know, an extra
3 50 dollars for being late here, an extra amount of money
4 that's gonna be late or due because of not paying on
5 time, \$25 here, \$50 here, sadly and unfortunately it
6 sounds petty again. And I'm sorry, you guys, but it
7 adds up and no --

8 MR. STEGE: Right. Okay. I don't have
9 anything else of this gentleman.

10 THE COURT: Mr. Rayner, will you come forward
11 please, and just sit in that corner chair. Do you wish
12 to ask any questions of Mr. Rayner?

13 MR. STEGE: Yes. Mr. Rayner, I've -- the
14 pastor portion of your history, can you tell us about
15 that.

16 MR. RAYNER: I was a youth pastor on staff at
17 a church for a year, and then I've done, you know,
18 ministry stuff for several years, but.

19 MR. STEGE: That's all locally?

20 MR. RAYNER: No, that was I was living back in
21 Phoenix then. And I was -- for about a year I was a
22 volunteer Chaplain for the Truckee Meadows law
23 enforcement.

24 MR. STEGE: Okay. Should I be concerned that

1 you might -- I know you served before, but did -- that
2 your sort of -- your faith, did that interfere with your
3 -- any obligations you had in the jury room?

4 No. My faith would tell us that you'd have to
5 be honest and integrity is utmost.

6 MR. STEGE: On the question of you've seen
7 here a couple people sort of get there's moment where
8 they say I have to hear both sides of it and it causes a
9 lot of questioning. Right? Do you think you might have
10 said that because you've been in a trial and you
11 understand that even if there's not a defense case
12 there's defense arguments?

13 MR. RAYNER: Um, I would just any time you'd
14 like to hear both sides of the situation, I mean, that's
15 just -- that's, in my opinion, what law is about is
16 figuring out what the truth is and then letting the
17 chips go where they may.

18 But now I'm not in control what's heard and
19 what's not heard, that's not my responsibility. My
20 responsibility is to take the evidence that I've been
21 given and make the best decision based upon that
22 evidence, whatever that evidence is.

23 MR. STEGE: And you told us how you've sort of
24 had to play truth finder within your family.

1 MR. RAYNER: Ever married person does.

2 MR. STEGE: Yes. Have you been on the

3 receiving end of that where you've had to be told you're

4 wrong and --

5 MR. RAYNER: Oh, yeah.

6 MR. STEGE: -- you've accepted it based on

7 the evidence?

8 MR. RAYNER: Oh, yes. I've been married 30

9 years coming up real soon. I've been told that quite a

10 few times.

11 MR. STEGE: Very good. Nothing further.

12 THE COURT: Do you pass Mr. Rayner --

13 MR. STEGE: Yes.

14 THE COURT: -- for cause?

15 THE COURT: Mr. Rayner, if you'll step out,

16 please.

17 (Mr. Rayner leaves the courtroom.)

18 THE COURT: Your motion to excuse Mr. Ruiz is

19 still before the Court.

20 MR. SLOCUM: Yeah, your Honor. I understood

21 that you had denied the motion. But I could renew the

22 motion, but I thought if I renewed the motion you would

23 say I already ruled on this why you ruled on the motion,

24 so.

1 THE COURT: I think I expressed in a moment my
2 inclination I didn't want to fully foreclose it until
3 everyone has been heard.

4 What's the State's position on Mr. Ruiz?

5 MR. STEGE: The Court expressed, I think, it's
6 general opinion about such situations.

7 THE COURT: I'm going to -- hold on. Mr.
8 Ruiz, I'm going to invite you out because I think your
9 participation is done and I have responsibility to be
10 patient, dignified and courteous from this bench. I
11 strive to be so. You probably felt like you were under
12 attack a little bit because I just have to figure out
13 what's really motivating people. But I appreciate your
14 willingness to share your concerns and if you'll step
15 out of the courtroom I'm going to make a decision here
16 in a moment.

17 MR. RUIZ: Yes, sir.

18 THE COURT: Thank you.

19 MR. RUIZ: Thank you.

20 (Mr. Ruiz leaves the courtroom.)

21 MR. STEGE: Mr. Ruiz seems awfully entrenched.
22 He may be the exception to the general rule that
23 everyone here suffers financially and otherwise for
24 their service.

1 THE COURT: I'm having a hard time reading
2 him. It's not as obvious as it typically is when
3 someone is just trying to get out of service.

4 MR. STEGE: Right.

5 THE COURT: And I want to be slow in my
6 analysis because it's been a long time since I've been
7 paycheck to paycheck and I don't remember as well as I
8 used to.

9 MR. STEGE: And having a child on the way, I
10 think that's also --

11 THE COURT: Right. But I didn't hear anything
12 that was, like, off-the-cliff-type stuff and he's got an
13 income coming into the home through the spouse and
14 talking about five days of, you know, it's gonna be five
15 or six or seven or 800 dollars is going to be financial
16 devastation to him? No. I don't believe he's the
17 person who's going to hold it against either side. He
18 might be mad at me and express that at some point,
19 that's fine.

20 But the question is whether he's going to be
21 distracted. I don't really see it but I'm willing to
22 give you another say, but if there is an agreement,
23 which I think is where you're going, Mr. Stege, I would
24 accept that.

1 MR. STEGE: It was more giving the Court
2 permission to rule in Mr. Slocum's favor and not an
3 offer of agreement.

4 THE COURT: So does the State object or --

5 MR. STEGE: Yes, I do object, yeah.

6 THE COURT: Then I'll make a decision.

7 MR. STEGE: Of course, I mean that, that was

8 --

9 THE COURT: Thank you.

10 MR. STEGE: -- rather --

11 THE COURT: No, no problem.

12 MR. STEGE: -- common speak.

13 THE COURT: From my total observation of Mr.
14 Ruiz's participation, I do not find that he would affect
15 the fairness of this proceeding. And I don't believe
16 that his hardship and inconvenience are undue or
17 extreme. He will not be excluded from cause.

18 Anything else?

19 MR. STEGE: May I have a restroom break?

20 THE COURT: No.

21 MR. STEGE: Okay.

22 THE COURT: Give me just a minute, then rest.
23 I want to send the rest of the community home and then
24 that's going to take me about three minutes.

1 Deputy, if you can bring everyone in. Deputy,
2 if you'll just have them filter into the spectator
3 gallery just standing anywhere.

4 DEPUTY COSS: Just hang out back here for now
5 anywhere in the gallery. Come on in.

6 (Jury panel returns to the courtroom.)

7 THE COURT: Ladies and Gentlemen, that
8 completes our voir dire. If you were seated in the box
9 and you answered questions, you must return to the
10 courtroom in 20 minutes. But if you were seated to your
11 left and were not answering questions, this concludes
12 your service.

13 Oh, boy, it's been a long day and I'm going to
14 tell an anecdote. I was on the phone during the lunch
15 hour on one of commercial calls. And I was on hold.
16 And this voice kept -- this recorded voice kept coming
17 back, thank you for your patience. I was screaming in
18 the phone but I'm not patient, I need just someone to
19 talk to me. And I feel maybe that when I say thank you
20 for being here, because I'm not sure how you really
21 feel. But week over week, month over month, year over
22 year I'm inspired by members of our community who appear
23 and offer their service, if necessary. Thank you for
24 being part of this work.

1 You are not required to return to the
2 courtroom, instead you're relieved of further service
3 today and you may return to your lives. Thank you so
4 much.

5 Ladies and Gentlemen who returned, please do
6 not discuss this case amongst yourselves. Please do not
7 form or express any opinion about this matter until it's
8 been submitted to you.

9 Grab what you've left, if you have, because
10 when you return to the courtroom you'll just populate
11 the general seats behind the bar. And with that we will
12 see you at exactly 3:30.

13 (Jury panel is excused for Peremptory
14 Challenges.)

15 (Short break.)

16 THE COURT: Counsel, are you ready to go with
17 your challenges?

18 MR. STEGE: Yes. Can we clarify the number of
19 alternates, the number of Peremptory Challenges?

20 THE COURT: You each get eight Peremptory
21 Challenges, and you will each have one Peremptory
22 Challenge to alternates so there will be four possible
23 alternates. You can each strike one.

24 MR. STEGE: And we are having one alternate

1 for this week, or two?

2 THE COURT: I thought we were having two.

3 MR. STEGE: Okay. Eight plus one, and the
4 ninth challenge can only be used to who will then
5 sitting?

6 THE COURT: One of the last four.

7 MR. STEGE: Very good.

8 THE COURT: And I'll -- before we go over the
9 alternates after each of you have exercised eight, I'll
10 recite who the 12 deliberating jurors are and then I'll
11 recite the names of the four potential alternates.

12 To the State, your first.

13 MR. STEGE: Mr. Dedomenico, seat 6.

14 THE COURT: To the Defense.

15 MR. SLOCUM: Mr. Kanute, Juror 2.

16 THE COURT: To the State.

17 MR. STEGE: Mr. Steinmann, position 1.

18 THE COURT: Defense.

19 MR. SLOCUM: 25, Mr. Gray.

20 THE COURT: To the State.

21 MR. STEGE: 24, Sargent.

22 THE COURT: Defense.

23 MR. SLOCUM: 27, Rayner.

24 THE COURT: To the State.

1 MR. STEGE: 20, Beccard.
2 THE COURT: Defense.
3 MR. SLOCUM: Court's indulgence, your Honor.
4 15, Baker.
5 THE COURT: You've each exercised four. You
6 each have four more.
7 MR. STEGE: 18, Clark.
8 THE COURT: Defense.
9 MR. SLOCUM: 16, Gibbs.
10 THE COURT: The State.
11 MR. STEGE: 17, Mahrt.
12 THE COURT: Defense.
13 MR. SLOCUM: Cody. 20 or 26.
14 THE COURT: Donna Cody, number 26. The State.
15 MR. STEGE: 9, Ruiz.
16 THE COURT: To the Defense.
17 MR. SLOCUM: Hunter, 13.
18 THE COURT: To the State your last Peremptory
19 Challenge.
20 MR. STEGE: 5, Benson.
21 THE COURT: To the Defense.
22 MR. SLOCUM: Number 28, Nutter.
23 THE COURT: All right, counsel, there are four
24 potential alternates. You may each strike one. The

1 names of the 29th through 32nd position are Roberts,
2 Cunningham, Dunbar and Farnsworth. To the State.

3 MR. STEGE: Farnsworth.

4 THE COURT: To the Defense.

5 MR. SLOCUM: Cunningham, 30.

6 THE COURT: All right. As I read my list,
7 counsel, beginning with the first position we have
8 Cherti, Donald, Reid, Lopez, Hernandez-Guillen,
9 Scoville, Wilcher, Morro, Genz, Witman, Cortes and
10 Younie. These are our 12 deliberating jurors. Our two
11 alternates will be Roberts and Dunbar.

12 Deputy, 30 seconds. Everyone join me in
13 standing for the jury panel. I'll be right back.

14 (Short pause while jury panel returns to
15 courtroom.)

16 THE COURT: If your name is called you will
17 serve on the jury. Please follow the deputy's
18 instructions. Where you sit is important.

19 In the first position Cherti. Donald. Reid.
20 Lopez. Hernandez-Guillen. Scoville. Wilcher. Morro.
21 In the first row Genz. Witman. Cortes. Younie.
22 Roberts. Dunbar.

23 Ladies and Gentlemen, if your name has not
24 been called, your service is no longer required. Thank

1 you for participating in our jury selection.

2 Counsel, if you'll join me, please.

3 (Jury panel not picked are released.)

4 THE COURT: Now, members of our new jury if
5 you'll all stand, raise your right hands, face the clerk
6 and be sworn.

7 COURT CLERK: Please stand and raise your
8 right hand.

9 (Jury panel sworn in.)

10 COURT CLERK: Thank you.

11 THE COURT: Be seated, please. Before the end
12 of the day we will hear opening statements. And the
13 first witness will be tomorrow morning.

14 I want to provide a few oral instructions, and
15 then give you an idea of what the week looks like. I
16 begin with introductions. As I said, we are a court of
17 record, so every word uttered will be reported and
18 transcribed.

19 I might, if necessary, interrupt the trial
20 participants to ask them to speak one at a time, or
21 speak louder. The reporters hate it when I say that we
22 will also break regularly to give them a rest, they're
23 heroic and they say Judge, don't break for me, but the
24 fact is after 90 minutes, their fingers start smoking.

1 And so we'll always have a break no less frequent than
2 90 minutes.

3 The court clerk, you've heard her voice a few
4 times, you've seen her, she is always present when the
5 Court is in session. She swears the witnesses, marks
6 exhibits, keeps the evidence, prepares minutes for
7 descriptions the proceeding.

8 You've seen several members of the Washoe
9 County Deputy Sheriff's association, they are here to
10 assist you and to be the Court's filter for you. The
11 deputies are responsible for courtroom security.
12 Deputies are nice, nice professionals, but they are
13 never part of the jury. They are trained to deflect any
14 personal conversation. They're not going to talk you
15 about the election, hunting season, or what you're doing
16 this weekend. They're with you but not part of you. So
17 please don't misunderstand their deference. They will
18 speak to you on my behalf.

19 Our primary deputy is Deputy Coss, and he'll
20 be assisted, it looks like Deputy Peek, and possibly
21 others throughout the week.

22 At this time I will invite the court clerk to
23 read the charging document. This is a statement of
24 charges. It is not evidence. Ms. Clerk.

1 COURT CLERK: In the Second Judicial District
2 Court of the State of Nevada, in and for the County of
3 Washoe.

4 The State of Nevada, Plaintiff, versus Ralph
5 Edmond Goad, Defendant, Case Number CR19-0999,
6 Department Number 15.

7 Indictment: Filed June 12th, 2019. The
8 Defendant, Ralph Edmond Goad, is accused by the Grand
9 Jury of Washoe County, State of Nevada, of the
10 following:

11 Murder With the Use of a Deadly Weapon, a
12 violation of NRS 200.010, and 200.030, and NRS 193.165,
13 a Category A felony, in the manner following, to wit,
14 that the said Defendant, Ralph Edmond Goad, on or about
15 January 22, 2019, within the County of Washoe, State of
16 Nevada, did willfully, unlawfully, and with malice
17 aforethought, deliberation and predetermination, kill
18 and murder Theodore Gibson, a human being, by means of
19 stabbing the said victim with a deadly weapon, which was
20 a knife, scissors or other sharp-forced instrument,
21 thereby inflicting mortal injuries upon Theodore Gibson,
22 from which he died on or about January 22, 2019.

23 Or, that the said Defendant, Ralph Edmond
24 Goad, on or about January 22, 2019, within the County of

1 Washoe, State of Nevada, did willfully and unlawfully
2 kill Theodore Gibson, in the perpetration, or attempted
3 perpetration of a robbery and/or burglary, in that the
4 killing occurred when the Defendant did enter Theodore
5 Gibson's room or apartment at 33 Park Street, Number
6 205, Reno, with intent to commit larceny, robbery,
7 assault or battery and, thereafter, did take, or attempt
8 to take personal property from the person of Theodore
9 Gibson, or from his presence, against Theodore Gibson's
10 will, by means of force of violence or fear of injury to
11 the person, and in the course of the crime did stab
12 Theodore Gibson with a deadly weapon, which was a knife,
13 scissors, or other sharp-forced instrument, inflicting
14 mortal injuries upon Theodore Gibson, from which he died
15 on or about January 22, 2019.

16 And to which the defendant -- and to which a
17 plea of not guilty was entered.

18 Dated this 12th day of June, 2019, Christopher
19 J. Hicks, District Attorney, by Amos Stege, Deputy
20 District Attorney.

21 THE COURT: Thank you, Ms. Clerk. All the
22 information available for your deliberations will be
23 provided in this room when you are all together." So if
24 at any time you discover you might know something about

1 the events in question, please let me know through
2 Deputy Coss. Please do not discuss it with your fellow
3 jurors.

4 If you discover during the course of this
5 trial that you might know someone who is participating
6 in trial, again, please do not discuss it amongst
7 yourselves but, instead, let me know in writing through
8 Deputy Coss.

9 No one is allowed to speak to you except the
10 bailiff. And the attorneys and the court staff are
11 instructed not even to say hello to you in the hallways.
12 Again, this is not because they are antisocial, but
13 because they -- and I'm included, because we don't want
14 to have any possible suggestion that there has been an
15 interaction or exchange of information, and so we just
16 put a great big wall around you.

17 In fact, before you go home tonight you'll be
18 given a badge to wear throughout the week to identify
19 yourselves as jurors, so you'll be the loneliest people
20 in a large building full of people. We'll all leave you
21 alone. If at any time anyone does attempt to speak to
22 you, please let me know in writing through Deputy Coss.

23 You will hear the same admonition at the end
24 of every session. And that is that you shall not form

1 or express any opinion until the matter is submitted to
2 you.

3 These trials are highly orchestrated. And if
4 you're patient, the information the State believes you
5 need to reach a decision will be presented to you.

6 You should not at any time perform any
7 independent research. You will hear my admonishment at
8 the end of every day about no internet research, no
9 personal investigation, no field trips to any location
10 that you might hear about. Please just trust the
11 information you need will be presented. What you do
12 with that information belongs to you.

13 My reference to the State's burden is not to
14 suggest the State will or will not meet its burden, it's
15 just the State has prepared a case and will present it,
16 and then you will evaluate the case. But there's no
17 research, investigation or field trips.

18 As I indicated, the Indictment is a statement
19 of charges, it is not evidence. The allegations it
20 contains Mr. Goad has pled not guilty. He is
21 constitutionally presumed innocent and the State must
22 prove its case beyond a reasonable doubt.

23 I will provide instructions to you at the end
24 of trial about what reasonable doubt is.

1 Again, the Defendant is not obligated to
2 provide any information. The Defense is not obligated
3 to call any witnesses. And Mr. Goad can not be forced
4 to testify.

5 There are different types of evidence. I'll
6 provide some instructions about that at the end of
7 trial. During trial just know that anything that is
8 presented to you is fair for your consideration in
9 whatever way you choose to treat it. You will be the
10 judges of fact; how you observe witnesses, their
11 motivation, demeanor, gesticulations, tones, everything
12 is available to you to determine what the facts are.

13 The attorneys are advocates. They will
14 provide arguments. They do not provide evidence.
15 They'll comment upon the evidence at the conclusion of
16 trial. But the form of questions, the content of
17 questions is not evidence. You must not at any time,
18 and you'll receive greater instructions at the end of
19 trial influenced by personal feelings, sympathy and
20 prejudice.

21 All we ask is for your fair, impartial
22 examination of the facts, intellectual honesty as you
23 apply the principles of law that I give to you, and
24 participation during your deliberation.

1 There are rules that determine what evidence
2 is presented to you. And we sometimes disagree about
3 those rules. And there could be some disagreements in
4 your presence about those rules. I indicate I will
5 often simply say overruled or sustained. The attorneys
6 know what that means and they'll act accordingly. The
7 attorneys will not provide speaking objections, counsel,
8 I don't want arguments, unnecessary arguments in front
9 of the jury unless I invite them. If I sustain an
10 objection please don't speculate as to what the evidence
11 would have shown. Just accept the Court's ruling and
12 consider the evidence as presented.

13 At the end of the day before you go home in
14 addition to the badge you'll be given a note pad. In
15 fact, we're going to give those note pads to you before
16 opening statements. You may take notes throughout
17 trial. It's important for you to balance note taking
18 with your own active observations of trial. Don't be so
19 encumbered by your note taking that you lose the flow.
20 Watch carefully, listen carefully, consider carefully.
21 At no time may you share your notes with other members
22 of the jury until your deliberation so keep them private
23 until the right time.

24 In the State of Nevada we allow juror

1 questions, but I discourage juror questions. At no time
2 will you ask a question. From time to time you might
3 say something in writing to me, in which case I'll first
4 show to the lawyers out of your presence and we'll talk
5 about it. My experience is that if you'll just be
6 patient and await the presentation of evidence, your
7 questions will be answered. So if you have a question
8 that just has not been answered, first wait. Second,
9 make a note of it.

10 As I work as gatekeeper, I occasionally
11 sustaining, occasionally overruling evidentiary
12 questions, please don't infer from me any opinion about
13 this case.

14 The case belongs to you as the fact finders.
15 I might sound stern in a decision I make. I might seem
16 impatient when I similarly stop a line of questioning.
17 It's not because I have an opinion about the case. It's
18 because I have rules I'm trying to enforce.

19 I know these three attorneys, I've said that
20 earlier. I expect a fair trial, a spirited zealous
21 trial, but I know the attorneys to be professional,
22 competent, and nothing I say in the moment should be
23 used against any of them during your deliberations.

24 If you're unhappy with me hold it, write a

1 letter to me or this newspaper or something after the
2 fact, but don't -- don't hold it against the attorneys
3 or their interests or for the State and Mr. Goad.

4 Quickly summarizing very lengthy script
5 because I want to have the attorneys' opening statements
6 before the end of the day. An opening statement is a
7 summary of what the attorneys expect the evidence to
8 show. It's a road map for you. It's not argument. It
9 just contextualizes what you're about to hear over the
10 next few days.

11 Because the State has the burden of proof, the
12 State always begins. There is an opportunity for the
13 defense to participate and then State will sometimes get
14 a rebuttal opportunity. It's not because I favor the
15 State, it's because the State has the burden of proof.

16 Counsel will have direct, cross, redirect,
17 recross, and then we're done. We don't go past any
18 first redirect or recross.

19 I described the side bar from time to time I
20 will take the attorneys into the empty room and we'll
21 visit outside of your presence. And I don't want you to
22 make any inferences about that, just understand that
23 it's customary. I expect that it's going to happen.
24 And we'll attempt to keep them to a minimum so that we

1 efficiently use your time.

2 We will start tomorrow morning at nine.

3 Please be in the jury deliberation room at about 8:45.

4 We'll break roughly about 10:30. We'll break at noon
5 again for an hour and a half. And then we'll break
6 sometime around 3:15 or 3:30 for midafternoon.

7 We don't always go to the end of the day,
8 sometimes we do. I don't expect that we're going to go
9 past five and I don't expect that we're going to end
10 before 4:00.

11 After the attorneys have presented all
12 evidence, we'll meet out of your presence to resolve the
13 instructions so there may be a lengthier recess I might
14 have you come later, get to the courthouse, I might
15 excuse you earlier in the evening, I'm just not sure how
16 it's going to unfold. My experience is that no matter
17 what I say at this point I'm always wrong because though
18 orchestrated each trial has its own personality and I
19 don't know how this trial will unfold.

20 As I estimate time, there's a 75 percent
21 chance I'm going to be wrong. Again, any concerns you
22 have about this process I invite you to hold them
23 against me personally and not to trial attorneys or
24 their interests.

1 With that, we will begin with opening
2 statements. And to the State.

3 COURT CLERK: What about the notebooks?

4 THE COURT: Oh, yeah. Thank you, Ms. Clerk,
5 for that reminder.

6 Deputy, if you could just grab the notebooks
7 and pens really quick. We have them.

8 Would you all like to stand for a minute as we
9 await those notebooks?

10 All right. We'll be seated. And to the
11 State, you may begin.

12 MR. STEGE: This is a case about how Theodore
13 Gibson came to be stabbed to death by the Defendant,
14 Ralph Goad, over 200 times; a case of two men enter, one
15 man leaves.

16 The evidence will show the following relevant
17 facts. Both gentlemen live at 33 Park Street in Reno,
18 Nevada, on the second floor of a multiunit apartment
19 complex. Each unit is a studio. The victim lived in
20 Apartment 205, the Defendant in Apartment 213, down the
21 hallway.

22 Both men were getting their rent paid through
23 something called a payee service. And in November of
24 2018, Mr. Goad stopped paying his rent, in fact, he got

1 his last check through the payee service of \$253.90.

2 The murder occurred about January 22nd of
3 2019. So between November and January the following
4 relevant facts will be shown at this trial. The victim,
5 Theodore Gibson, residing in Apartment 205, had a friend
6 by the name of Scott Napier. And Scott, knowing that
7 the victim was in his 70's and had no transportation
8 would periodically pick him up from the apartment
9 complex and take him shopping.

10 We know that on January 18th of 2019 was the
11 last time the victim ever went shopping. The evidence
12 will show we have Mr. Napier testify about taking him
13 shopping. We also have surveillance from the Wal-Mart
14 where they went shopping.

15 What Mr. Gibson did was he went up to the
16 Wal-Mart clerk, you're able to use your debit card to
17 get cash, so he got an amount of cash consisting of at
18 least a 100-dollar bill, five 20s, and the balance in
19 smaller bills. The 100-dollar bill may come into
20 prominence later in the case.

21 The 18th is the last day Mr. Gibson leaves his
22 apartment, he returns to his apartment. Between the 18
23 and 22nd of January the Defendant visits the victim on a
24 daily basis, arriving early in the morning each day.

1 Around five or six in the morning, Defendant goes to the
2 victim's apartment, coming and going from the victim's
3 apartment, ultimately the pattern is between the 18th
4 and the 22nd, leaving around noon, and coming back the
5 next day. Gibson never leaves his apartment after the
6 18th.

7 Now, that pattern holds until January 22nd.
8 The morning's the same. Leaving at noon is the same.
9 But in the afternoon for the first time the Defendant
10 goes to Theodore Gibson's apartment. And between 2:30
11 in the afternoon and 5:30 in the afternoon, the evidence
12 will show, is when Mr. Goad stabbed Mr. Gibson to death.
13 He leaves, the evidence will show he then goes to the
14 Cal-Neva casino just downtown where he stays for a
15 protracted amount of time. He gets there in the
16 evening. He leaves in the evening of the next day.

17 Within that time period he takes a
18 hundred-dollar bill, a man who had not been paid since
19 the beginning part of November, a 100-dollar bill he
20 changes in. He returns the next few days only twice
21 outside of the pattern and for reasons unknown.

22 Time passes and the residents of 33 Park
23 Street are unaware there's a body of an elderly man
24 laying on the floor for three weeks in his apartment.

1 When Mr. Napier, February 13th, having not heard from
2 his friend, calls, and they do a welfare check. The
3 manager, Victoria Juarez, and the maintenance person,
4 Mr. Billings, go into the apartment and discover -- they
5 open the door and discover laying underneath a blanket
6 the body of Theodore Gibson having laid there for three
7 weeks.

8 Patrol officers respond and ultimately
9 detectives. And in that they learn, or observe -- this
10 is January, right, the air conditioner is on high,
11 blasting. The window is cracked. Underneath the
12 blanket, Mr. Gibson lying on his side, stab wounds all
13 over his body. Within the apartment laying near Mr.
14 Gibson's feet is a pair of scissors, office scissors,
15 just near his feet. Appeared to have blood on the tip.
16 The man's wallet, Mr. Gibson's wallet, empty, the
17 contents strewn about; ID cards, debit card, all sorts
18 of personal ID information. In the sink, it's a studio,
19 right, in the bathroom. To the left a fixed blade, you
20 might call it a hunting-style knife, a knife that
21 doesn't fold but a black-handled knife appearing to have
22 blood on the blade. Within the sink and just to the lap
23 or the flat part, not the bowl, a dried puddle of
24 apparent blood as if someone washed their hands off and

1 the blood is left there.

2 I want to back up a little bit. How do we
3 know this? How do we know about this visitation pattern
4 that Mr. Gibson never left his apartment after the 18th
5 of January. Well, this apartment complex, it's one long
6 hallway on the second floor, with rooms to either side.
7 A number of feet away in the ceiling of that hallway is
8 a surveillance camera, which captures between. The
9 18th, he goes in between the 18th of January and the
10 13th of February no man goes in except for a man in this
11 courtroom, Ralph Goad. The entire time no one else goes
12 in that room.

13 That, the evidence will show, led the
14 detectives to suspect that Mr. Goad was the killer.
15 Continuing the observations in the room, evidence of the
16 struggle and evidence of the violent death of Mr.
17 Gibson. There is blood on the wall where his head lay,
18 blood to the left on the dresser, lamp, the wall near
19 Mr. Gibson. To the right -- his body lay at the foot of
20 the bed, it's a very -- a humble living situation, blood
21 spattered up on the foot of the bed. The TV on, and you
22 could hear the TV. For 22 days he lay there, the
23 evidence will show.

24 In the meantime, before he's discovered,

1 recall that Mr. Goad had not been paid since November.
2 The apartment management made efforts and instituted a
3 proceeding to kick Mr. Goad out of the complex and that
4 occurred on January 30th, Sheriff's deputies, pursuant
5 to lawful process, locked Mr. Goad out of his apartment.
6 That process involved Mr. Billings, the maintenance man,
7 you go in, you take the lock out so no one can go in
8 unless they have -- essentially unless you're the
9 maintenance man.

10 So after detectives reviewed the surveillance,
11 noticed the man's wallet had been strewn about, bloody
12 scissors, apparent bloody knife, and the blood in the
13 sink suspected Mr. Goad. A search of the body found on
14 the 13th. 15th they do a search of Mr. Goad's apartment
15 which had been locked. He'd been locked out since the
16 30th. Inside the apartment, a sweatshirt, sort of like
17 a hoodie but without the hood. Collected that piece of
18 evidence, observing on the sleeves, right, so the area
19 where a person doing work might get dirty, apparent
20 blood, and the clothing left behind in a hamper, a pair
21 of black jeans, also containing apparent blood.

22 Now, a number of these pieces of evidence were
23 sent to the Washoe County Forensic Investigative Service
24 or forensic science division, the crime lab, where it

1 was discovered these scissors laying at the foot of Mr.
2 Gibson, the blood on the tip belongs to Theodore Gibson.
3 A thing called handler DNA or touch DNA on the handle
4 portion contains the DNA of Ralph Goad. The knife is
5 bloody. It is Mr. Gibson's blood. In Mr. Goad's
6 apartment, the blood on the sweatshirt, that's Theodore
7 Gibson's blood. The evidence will show that got there
8 from doing the dirty work it takes to stab a man to
9 death.

10 Similar to touch DNA, residual DNA within the
11 collar, you wear a collar, skin cells get on your
12 clothes, same with your pants. The sweatshirt, residual
13 DNA of Ralph Goad, his sweatshirt containing the blood
14 of Theodore Gibson. The pants. On the pants is the
15 blood. It's Theodore Gibson's blood. The pants,
16 they're the defendant's pants the evidence will show.

17 Mr. Goad was arrested by the police in
18 Sacramento, California.

19 Now, in the meantime they had shown the video
20 surveillance of Mr. Goad walking underneath the camera.
21 Walking underneath the camera. Two among other people
22 Victoria Juarez who has known Ralph Goad, the other
23 occupants of the apartment complex for many years, and
24 she identified him, yeah, that's Ralph Goad.

1 Mr. Goad was wearing a distinctive -- a
2 baseball cap, a Boston Red Sox logo, a worn, on the
3 verge of being worn out hat cocked to the side. When
4 he's arrested he's wearing that hat.

5 He's also wearing a distinctive parka, blue
6 and black parka, when he is ultimately captured by the
7 police. Same jacket, same hat he's wearing on the
8 surveillance video of the Cal-Neva downtown when he
9 changes in the bill right when you go to the cage
10 there's cameras right there and we're going to see Mr.
11 Goad on that camera easily identifying him as the only
12 man who ever went in that apartment.

13 Mr. Gibson's body was subjected to an autopsy,
14 a medical examination. Dr. Callahan is the forensic
15 pathologist who identified five wounds to the left hand
16 which she will characterize as defensive, right? When
17 being attacked with a knife or scissors, or fists,
18 people, we tend to use our hands first to defend, and
19 often in a way like this. First palms out (indicating),
20 and then like this (indicating). So injuries, palm of
21 the hand, and then to the back. There's five of those
22 on the left hand. There's 17 counted stab wounds to the
23 right hand.

24 Now, Mr. Gibson was found sort of laying

1 partially on his right hand -- his right side, his face
2 not identifiable. 76 wounds, the evidence will show, to
3 the back, as they're individual stab wounds. And those
4 are sort of to the mid point of the back, but also a
5 large number on the back and base of the skull.

6 151 is the remaining number counted by Dr.
7 Callahan, for a total of 249. The remainder of those
8 are to the head, the face, eyeballs, to the eyes, ears,
9 side of the face. All evidence, all which bear witness
10 to a number of things.

11 Now, you -- I mentioned the hundred-dollar
12 bill. The hundred-dollar bill comes back to us at the
13 Cal-Neva. There is an apparent, I will use that word
14 apparent motive of robbery as a possibility. The wallet
15 is strewn about, no money in the wallet, but all this,
16 the surveillance video, the forensic evidence from both
17 apartments, surveillance from the Cal-Neva, the forensic
18 results from the crime lab all bear witness as to these
19 249 stab wounds to the fact that the person who
20 committed this act or these acts is in this room, his
21 name's Ralph Goad. And bear witness to the fact the
22 evidence will show he is guilty of first degree murder.
23 Thank you.

24 THE COURT: Let's all stand for just a moment,

1 Ladies and Gentlemen.

2 (Short pause.)

3 THE COURT: Ms. Mayhew.

4 MS. MAYHEW: May I, your Honor?

5 THE COURT: Yes, please.

6 MS. MAYHEW: Only through love and friendship
7 can you create the illusion that you're not alone.
8 Ralph Goad's wife, Sara, died in 2010. They had been
9 married for 27 years. He loved his wife. And after she
10 died, he had no friends. He had no family. He had no
11 kids. He had nobody to talk to. He was all alone.
12 Until he met Ted Gibson. You see, Ted lived down the
13 hall from Ralph at the Park Manor Apartments. They
14 formed a deep friendship with each other. They were
15 companions. They cared, comforted, and confided in each
16 other for almost nine years.

17 You see, Ralph and Ted had similar life
18 experiences. They were both retired. They were both in
19 their 70's. They both lived in a small studio
20 apartment. They were both married at some point in
21 their lives. They were both from the east coast. And
22 they had a lot in common.

23 They were also fond of old war movies. Ted
24 was in the military. Ralph liked to travel. They were

1 best friends. Ralph, every morning like clock work, he
2 would run down to the corner store, he would grab beer
3 and cigarettes, and he would come back to Ted's
4 apartment, and they would hang out all day. They would
5 hang out all day every day.

6 They enjoyed each other's company. They would
7 watch TV, including the history channel, sports channel,
8 old black and white movies. They would eat meals
9 together. They would talk, all day every day, and that
10 was their routine. They would talk for hours. They
11 would laugh. They would talk about the good old days.
12 They enjoyed reminiscing about their life experiences,
13 their upbringing. They were friends. And for almost
14 nine years, that was their routine. Ralph would go to
15 the corner store and buy beer and cigarettes, come back
16 to Ted's apartment, and they would hang out, talk, watch
17 TV. Life was good. They had each other.

18 And through the years they forged a
19 friendship. They did what most friends did. They
20 shared meals. They shared clothes. And for those nine
21 years they were not alone.

22 There is no reason Ralph would kill his best
23 friend. There is no reason that Ralph would violently
24 stab his best friend over 250 times.

1 The State wants you to believe that Ralph
2 killed his best friend, that Ralph violently stabbed
3 him, that he did all of that, that he killed the one
4 person that he cared for in his life and that cared for
5 him, for money. That is false. That is simply not
6 true, Ladies and Gentlemen, for three main reasons.

7 First, Ted was the only person in Ralph's
8 life. Ralph cared for his friend. Ralph confided in
9 his friend. Ralph and Ted comforted each other. There
10 is no reason that Ralph would kill his best friend.

11 Second, Ralph had money. You see, he
12 collected -- he received an inheritance from his mother
13 who died in 2016. In addition to that inheritance he
14 also collected Social Security.

15 Now, the State wants you to believe that he
16 didn't have money as a motive to kill his best friend,
17 but that's simply not true. He had money. Ralph had a
18 payee that did close in November of last year. But that
19 doesn't mean somebody doesn't have money. For those of
20 you who don't know, the payee is a resource that helps
21 elderly persons who need help in terms of rent or help
22 facilitate those types of expenses. Ralph simply had
23 difficulty setting up a new payee, but that does not
24 mean that he didn't have money. He did have money.

1 Third, there's no evidence that Ralph took
2 Ted's money. You see, Ralph received absolutely no
3 financial gain from Ted's death. Ralph received
4 nothing. And the evidence will actually show that law
5 enforcement even found money on Ted, and found a credit
6 card in his apartment. Surely if somebody was gonna
7 kill for money, they would have taken the money.

8 The illusion is gone. Ralph is alone. Ralph
9 did not stab his best friend. Ralph would not hurt Ted.
10 They cared, comforted, and confided in each other for
11 almost nine years. They cared for each other. Ted was
12 the only person in Ralph's life. He would not hurt the
13 only person in his life. And in Ralph's own words with
14 detectives, when Ralph repeatedly said I did not do
15 this, I did not kill my best friend, I would not do
16 this, in his own words, he said --

17 MR. STEGE: Your Honor, I have to object based
18 on pretrial discussions we've had.

19 THE COURT: I understand. Opening statement
20 is an opportunity to reveal what the evidence will show.
21 I expect that there will be evidence to support the
22 statements that you're making.

23 MS. MAYHEW: Yes, your Honor.

24 THE COURT: Thank you. Overruled.

1 MS. MAYHEW: Ralph said it in his own words,
2 Ladies and Gentlemen. "I didn't kill Ted. Ain't no
3 way. I got too little bit of time to live myself. And
4 I wouldn't hurt my only friend. No." Thank you.

5 THE COURT: All right. Ladies and Gentlemen,
6 that concludes our trial today. During this overnight
7 recess, you're admonished not to converse amongst
8 yourselves or with anyone else on any subject connected
9 with this trial.

10 You will not read, watch or listen to any
11 report of or commentary on the trial by any person
12 connected with this case or by any medium of
13 information, including the television, radio, newspaper,
14 and internet.

15 You're not to form or express any opinion
16 about any subject connected to this trial until the
17 matter is submitted to you for deliberations.

18 No form of independent research,
19 investigation, or field study is permitted.

20 Please return to the jury deliberation room
21 for entry into the courtroom at nine a.m. You'll meet
22 with Deputy Coss for a few moments, as you receive
23 further logistical instructions.

24 And we will stand for our jury.

1 (Jury is excused for the evening.)

2 THE COURT: Counsel, you know that this case
3 was assigned to me from Department 4 at the last moment.

4 MR. STEGE: Right.

5 THE COURT: I did not conduct the pretrial
6 hearings. I looked this morning for any written orders.
7 I didn't see any. I want to make sure that I
8 understand.

9 MR. STEGE: Here's my issue. I mentioned
10 earlier today I'm not bringing in his statement.

11 THE COURT: Right.

12 MR. STEGE: I think we all know unless I bring
13 it in it's hearsay.

14 THE COURT: Right.

15 MR. STEGE: And the -- the argument wasn't,
16 and he will say or sort of detaching it from his
17 statement to the police, there's very limited
18 circumstances absent me bringing it in that the Defense
19 can bring forth his statement to the police, namely, he
20 testifies and then accepts his statements or adopts his
21 statement to the police.

22 THE COURT: I understand. But as I was making
23 my evidentiary ruling, I reflected on the fact that I
24 don't know everything that was argued in front of Judge

1 Steinheimer. And I don't have written orders and I
2 won't create bad form --

3 MR. STEGE: Right.

4 THE COURT: -- by making an uninformed
5 decision. Ms. Mayhew made a decision before this jury
6 to tell them what the evidence was gonna show. If you
7 don't bring that evidence in, Ms. Mayhew's going to have
8 to explain -- she's not going to have to do anything, I
9 guess, but the jury's going to have to decide whether
10 she overstated the evidence in her opening statements.
11 That's the best I can think of.

12 MS. MAYHEW: Your Honor, just for
13 clarification, there's no court order that specifically
14 addressed whether or not these statements will or will
15 not be admitted.

16 THE COURT: I understand that, but if it is
17 Mr. Goad's own statement, the State may bring it in.
18 But the State may choose not to. And the State
19 indicated today that it wasn't inclined to. How is that
20 evidence gonna come in if the State doesn't introduce
21 it.

22 MS. MAYHEW: So first of all, so when
23 cross-examining the officer, the officer asked him
24 questions whether or not he admitted or denied it.

1 Clearly he denied it throughout the entire interview, so
2 that would come in his denial so that was improbable.

3 With regards to the actual specific statement,
4 it was just to illustrate to the -- to the jury that he
5 denied it and he didn't do it because it was his friend.

6 THE COURT: I don't want to, you know, fight
7 in the deliberations. You specifically quoted the
8 Defendant. You brought in an out-of-court declaration
9 from your client and you presented it to the jury. It
10 may be consistent with admissible evidence, but I don't
11 know what that admissible evidence is going to be at the
12 end of trial.

13 MR. STEGE: Right.

14 THE COURT: And if the State doesn't introduce
15 it there's a great big gap between what you told the
16 jury the evidence is going to be and what the evidence
17 is. But I can't cure that.

18 MR. STEGE: Right. And I think back on a
19 Supreme Court case involving a similar issue where the
20 Defense tried and tried and tried to bring forth the
21 Defendant's statement which included a denial that
22 resulted in a published decision which I will -- can't
23 remember the name offhand, I've cited it to this Court
24 before, but I want to point out the question of did the

1 man admit or deny it on cross-examination, it is not
2 proper because it calls for a hearsay answer.

3 THE COURT: I agree.

4 MR. STEGE: So I think we need to be -- this
5 will be my placeholder that I'm going to refer to later
6 if that questioning occurs with Detective Nevills.

7 THE COURT: Right. So I don't want this to
8 grow larger than what it is. You've made your record.

9 MR. STEGE: Right.

10 THE COURT: But anything else for you to say
11 before I wish everyone good night. Because I don't
12 think there's any action for me to take.

13 MR. SLOCUM: And your Honor, just to -- if I
14 may with respect to you had asked about an order with
15 regard to a hearing that we had in Department 4. That
16 is a totally separate issue than Mr. Stege started
17 talking about in opening statement. But I want to make
18 sure the record was clear. This issue about statements
19 made by Mr. Goad had nothing to do with the order.

20 THE COURT: I think I understand that. And my
21 words are not suggesting Ms. Mayhew violated a court
22 order, but Mr. Stege surprised me a little bit in his
23 objection because he said pretrial. And I was just
24 thinking oh, my gosh, what don't I know.

1 MR. STEGE: Right.

2 THE COURT: And so I didn't want to rule
3 against Ms. Mayhew in her opening statement, so I
4 overruled it.

5 MR. STEGE: Right.

6 THE COURT: So I think I understand the
7 distinction between what was argued today in front of
8 me, and what is uncertain in my mind about what Judge
9 Steinheimer ruled.

10 MR. STEGE: I agree there's no pretrial order
11 on this subject. It was earlier today is what my
12 reference.

13 MR. SLOCUM: Okay. So in answer to whether or
14 not there's a pretrial order about some other issues
15 that we did actually hear, there was a minute order that
16 was issued. Judge Steinheimer had a telephone
17 conference with the respective parties, and issued a
18 minute order with regard to evidence that was going to
19 come in potentially as motivation evidence and then res
20 gestae-type evidence. So that was what the pretrial
21 hearing was about, just so we're clear about that.

22 THE COURT: And is that going to come up in
23 the flow of trial?

24 MR. STEGE: I just talked about it, how he

1 lost his pay -- stopped getting paid from his payee, was
2 evicted. That's --

3 THE COURT: Okay.

4 MR. STEGE: -- a piece.

5 THE COURT: Right.

6 MR. SLOCUM: And the idea was that it could
7 come in under a res gestae theory, but it could not be
8 used as a motivation.

9 THE COURT: All right. Okay. Well, let me
10 end by being very frank because I don't want Ms. Mayhew
11 to go home and think that I've stumped her. I don't
12 think for a moment you would violate a pretrial order.

13 MS. MAYHEW: Understood, your Honor.

14 THE COURT: All right. So --

15 MR. STEGE: Not alleging that.

16 THE COURT: All right. We'll see you here
17 tomorrow morning about 8:50. I can't think of anything
18 else. Good night, every one. Good night, Mr. Goad.

19 (Proceedings continued until August 6, 2019,
20 at 9:00 a.m.)

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of
4 the Second Judicial District Court of the State of
5 Nevada, in and for the County of Washoe, do hereby
6 certify:

7 That as such reporter I was present in
8 Department No. 15 of the above court on Monday,
9 August 5, 2019, at the hour of 8:55 a.m. of said day,
10 and I then and there took verbatim stenotype notes of
11 the proceedings had and testimony given therein upon the
12 Jury Trial of the case of STATE OF NEVADA, Plaintiff,
13 vs. RALPH EDMOND GOAD, Defendant, Case No. CR19-0999.

14 That the foregoing transcript, consisting of
15 pages numbered 1 through 237, both inclusive, is a full,
16 true and correct transcript of my said stenotype notes,
17 so taken as aforesaid, and is a full, true and correct
18 statement of the proceedings of the above-entitled
19 action to the best of my knowledge, skill and ability.

20
21 DATED: At Reno, Nevada, this 31st day of March, 2020.

22
23 /s/ Julie Ann Kernan

24 JULIE ANN KERNAN, CCR #427