

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 _____

3 RONNEKA GUIDRY,) No. 80156

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

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Elizabeth A. Brown
Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME IV PAGES 725-971**

11 DARIN IMLAY
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

15 Attorney for Appellant

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

AARON FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

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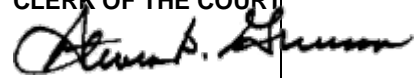
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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-329810-1
DEPT. IX

10 vs.

11 RONNEKA ANN GUIDRY,
12 Defendant.

13
14 BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE
15 THURSDAY, AUGUST 8, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: TRIAL READINESS**

18
19 APPEARANCES:

20 For the State:

MARC DIGIACOMO, ESQ.
Chief Deputy District Attorney

21
22 For the Defendant:

JAY MAYNARD, ESQ.

23
24
25 RECORDED BY: GINA VILLANI, COURT RECORDER

1 Las Vegas, Nevada, Thursday, August 8, 2019

2
3 [Hearing began at 10:17 a.m.]

4 THE COURT: Good morning. Calling case C-18-329810-1,
5 State of Nevada versus Ronneka Guidry. And I apologize if I'm saying
6 that wrong.

7 How do you say your name?

8 THE DEFENDANT: Ronneka Guidry.

9 THE COURT: Ronneka Guidry.

10 Good morning.

11 THE DEFENDANT: Good morning.

12 THE COURT: All right. I set this for a status conference as
13 we're ready to -- or start -- we're set to set trial on Monday, wanted to see
14 if there's anything else that needs to be resolved pretrial, and then to talk
15 to you all about the way I expect trial to roll, and then there was a motion
16 in limine filed I figured we could address that this morning as well.

17 Perhaps, for the record, put appearances.

18 MR. DIGIACOMO: Marc DiGiacomo for the State.

19 THE COURT: Good morning.

20 MR. MAYNARD: And Jay Maynard, bar number 14738, with
21 Mueller and Associates, representing Ms. Guidry, who's present in
22 custody.

23 THE COURT: All right. Thank you. I appreciate that.

24 All right. So let's start with trial, other than the motion in limine,
25 is there anything else that needs to be resolved before we start trial?

1 MR. DIGIACOMO: Not that I'm aware of.

2 MR. MAYNARD: I think that's it. I know that I owe the State
3 and the Court a witness list. We're going to be working on that today.
4 Hopefully we can have that in, if not by the end of the day, then tomorrow.

5 THE COURT: I'm going to order that that's in no later than
6 10 o'clock tomorrow morning.

7 MR. MAYNARD: Fantastic, yeah.

8 THE COURT: Okay.

9 MR. MAYNARD: That shouldn't be a problem.

10 THE COURT: 'Cause that should have already been provided.
11 And if there's any issues with that, call chambers and we'll put
12 something on calendar tomorrow afternoon.

13 My next question is: How many number of jurors do we think is
14 necessary given the nature of the offense?

15 MR. DIGIACOMO: I would think one large panel.

16 We're willing to waive the penalty. I don't know if he's talked
17 with that with his client, which might speed up some of the jury selection.
18 But I would think one large panel. So 60, whatever that is --

19 THE COURT: Okay.

20 MR. DIGIACOMO: -- 60, 70, somewhere in that range.

21 THE COURT: All right.

22 THE CLERK: 60.

23 THE COURT: 60.

24 THE CLERK: 65.

25 THE COURT: Yeah, I was thinking 65 but.

1 All right. Have you discussed that with your client? Do you
2 want to talk to your client about that?

3 MR. MAYNARD: Yeah, sure.

4 [Colloquy between defense attorney and the defendant]

5 MR. MAYNARD: Yeah, we will be waiving penalty.

6 MR. DIGIACOMO: Technically the statute requires that to be
7 in writing. But we'll have a stip and order before jury selection that all
8 parties can sign off on.

9 THE COURT: Okay. Thank you. I appreciate that.

10 All right. So my calendar on Monday isn't too crazy, which is
11 good, which means I would like to start as soon as my calendar ends,
12 which would be about 10:30 in the morning.

13 And then how many days do we anticipate the trial going?

14 MR. DIGIACOMO: I believe that we would probably finish in
15 the week, if -- depending on how much time we had during the days.

16 THE COURT: U'm-h'm.

17 MR. DIGIACOMO: We have one witness who's unavailable
18 until Monday the 19th, but it -- the witness is not so essential that I'm
19 going to hold up the --

20 THE COURT: The trial.

21 MR. DIGIACOMO: -- the trial for, one way or the other.

22 But my guess is, is depending on -- and it really comes down to
23 jury selection, once we get through jury selection, three, four days at the
24 most for the guilt evidence.

25 THE COURT: Okay. So it looks like my calendar isn't too bad

1 on Monday. I say that and then something will go awry. But hopefully
2 we'll start at 10:30, bring the jury in, start with jury selection right away. I
3 ask the jurors a number of standard questions. And if I think of any other
4 questions that need to be asked, I'll ask them. And then I open it up to
5 you all to ask questions.

6 My request every time is that we are not repetitive. So if the
7 State has asked the question, please don't repeat it unless there's a
8 particular question you want to ask a particular juror. And I try and help
9 everyone because it's easy to forget, to let the record reflect that there are
10 no hands or whatever it might be.

11 And then I realize that there are a lot of jurors and this is a
12 significant case, but I don't see why we cannot finish jury selection by
13 Tuesday at the latest.

14 So I will --

15 MR. DIGIACOMO: Can I ask the Court --

16 THE COURT: Yes.

17 MR. DIGIACOMO: -- a question?

18 THE COURT: Yes.

19 MR. DIGIACOMO: Do you do like a modified Arizona, where
20 it's 32, you're qualifying 32, and then each side's using their 9 preempts?

21 THE COURT: I'll actually end up pulling in -- we did -- Ray,
22 how many did we do last? 24 for the --

23 THE MARSHAL: 24, yes.

24 THE COURT: We did 24.

25 And then we bring them in. So it is a kind of a modified thing,

1 24, and then as I release them I'll fill them in.

2 MR. DIGIACOMO: Okay. But it's a life case, so there's going
3 to be nine preempts a side.

4 THE COURT: Oh, you're right. You're right, 32.

5 MR. DIGIACOMO: So it goes to 32.

6 THE COURT: It will be 32. You're right.

7 MR. DIGIACOMO: Instead of 24.

8 THE COURT: Lawyer math, I apologize.

9 Yes. So, yeah, it'll be 32 that we qualify initially and then fill
10 them in as it goes by so.

11 I'm pretty much a stickler on releasing people early. So I try
12 and -- I try and defer releasing people unless there's, like, someone's
13 having emergency surgery the next day or they have a trip to Tahiti.
14 Because, as you all know, once you let one go, the popcorn starts and
15 everyone has to go somewhere or do something.

16 We'll take, obviously, breaks as needed. And depending on
17 how it's going, we'll finish at 5:00 or 5:30 on Monday and then start again
18 after my calendar on Tuesday.

19 THE CLERK: I think there's 16 matters.

20 THE COURT: There's 16 matters. I went through them, some
21 of them are pretty short, but there a couple that might be argument. So I
22 anticipate us starting about 10 o'clock in the morning on Tuesday.

23 I anticipated going to an investiture Tuesday afternoon at
24 4 o'clock. But we're going to play that by ear. I might just skip that if we're
25 rolling through trial already, that would be my preference.

1 And then we'll go, if I miss that, we'll go to 5:00 or 5:30
2 depending. And the same thing for the rest of the week.

3 My pet peeve is making the jurors wait. So if we say we're
4 going to start at 1:30 after lunch, I want to start at 1:30 unless there's a
5 real reason for not doing that, just as a heads-up.

6 All right. Anything else? Any other questions?

7 MR. DIGIACOMO: No.

8 THE COURT: No, okay.

9 All right. So let's turn to the motion in limine. I did review the
10 motion. I know the State didn't have a chance to respond in writing, the
11 opposition, but I did want to hear from you.

12 So, defense, do you have anything additional to add to your
13 written motion?

14 MR. MAYNARD: Not at this time. I think the motion stated --

15 THE COURT: Okay. So I will hear from the State.

16 MR. DIGIACOMO: Thank you, Judge.

17 And what's not attached to the motion is the actual memo itself.

18 THE COURT: Oh, yes. Thank you.

19 MR. DIGIACOMO: May I approach?

20 THE COURT: Yes.

21 Thank you very much. I appreciate it.

22 MR. DIGIACOMO: I know, because this came from Judge
23 Herndon, that you may not be as completely familiar with the case,
24 although there are some factials in some of the pleadings.

25 THE COURT: I did read all of the motions to suppress, and --

1 MR. DIGIACOMO: Yeah, there's was three of them.

2 THE COURT: Yes, but they were -- yes, they didn't really set
3 forth any additional facts. But I do understand generally the facts of the
4 case, to include that they recover the defendant's watch from the -- I
5 mean, the victim's watch from the defendant's purse at some point or no?

6 MR. DIGIACOMO: No.

7 THE COURT: Okay. Talk to me about that.

8 MR. DIGIACOMO: So, just very briefly, Mr. Osorio is here in
9 town, tourist, he goes to the Omnia nightclub, when he gets out of the
10 Omnia nightclub he eventually, at about 2 o'clock in the morning, has
11 contact with Ms. Guidry.

12 By 2:02 they're walking to a car together, which is suggestive
13 of a prostitution type transaction.

14 The car travels then to the Westin, he gets out of the car, car
15 drives away, essentially, and is at the stoplight at Koval and Flamingo
16 when suddenly he runs through the parking lot, actually not having fully
17 pulled up his pants, there will be witnesses that sort of describe that he's
18 exposed as he's running to this car.

19 THE COURT: Sure.

20 MR. DIGIACOMO: There's an interaction at that corner
21 between the car and Mr. Osorio and then Ms. Guidry pulls off. And there's
22 an effort by Mr. Osorio to hold onto the vehicle, he eventually falls off and
23 dies, essentially are the facts here.

24 The police never are able to find the watch originally. It's not
25 with his body. It's not at the hospital. It's not at the coroner's office.

1 THE COURT: Right. And dad calls to alert of the watch; right?

2 Okay.

3 MR. DIGIACOMO: Correct.

4 THE COURT: Okay.

5 MR. DIGIACOMO: They ask about the watch.

6 THE COURT: Right.

7 MR. DIGIACOMO: I think he may actually have been here at
8 the coroner's office, hey, where's my son's watch?

9 Ultimately there's a search warrant, which is the reason why all
10 these suppression motions came along. There's a search warrant that's
11 conducted on the vehicle that Ms. Guidry was driving at the time of the
12 crime and her cell phone is in there.

13 When they recover a cell phone, it's something like 24
14 minutes --

15 THE COURT: Oh, that's right.

16 MR. DIGIACOMO: -- after Mr. Osorio died --

17 THE COURT: Yes.

18 MR. DIGIACOMO: -- that there is a picture of a Rolex watch,
19 consistent with our watch --

20 THE COURT: Right.

21 MR. DIGIACOMO: -- to a jewelry --

22 THE COURT: Jeweler in Miami.

23 MR. DIGIACOMO: -- store in Miami.

24 THE COURT: Yeah.

25 MR. DIGIACOMO: Ultimately someone goes go the jewelry

1 store in Miami and recovers the watch and the serial number of that watch
2 matches the serial number that the father is able to provide us.

3 THE COURT: Okay.

4 MR. DIGIACOMO: Obviously our theory of the crime is that
5 this is essentially a prostitution trick-roll. That she intended to lure him to
6 the vehicle, pretend to engage in some sort of sexual conduct with him,
7 and ultimately slip his watch off. That's what we believe her motive and
8 her intent was throughout this crime.

9 The motion suggests things that I don't believe are factually
10 accurate as it relates to this particular meme.

11 And as the Court is aware, there has been a number of
12 occasions, or at least certainly one really big occasion, where allegations
13 related to this phone are -- have essentially been disproven.

14 When you look at the photograph -- until the defense filed the
15 motion I didn't know that was Nicki Minaj. It turns out I will -- willing to
16 agree that the person in the photograph is in fact Nicki Minaj.

17 But the allegation that someone sent her this meme and she --
18 it has nothing to do with her, and thus it's not evidence of her intent, is
19 belied by the record -- or is belied by the evidence.

20 What is belied by the record is the fact that they didn't know
21 about the importance of this meme because it's an exhibit at the grand
22 jury that was utilized to establish her motive and intent at the grand jury.

23 The meme itself, the picture itself, is of Nicki Minaj. Last night I
24 tried to do some effort to see if this picture, where it is, it exists. It turns
25 out the only place that it could be located, and I have my -- why we didn't

1 file a response yet, is I have my cell phone examiner doing some research
2 to tell us exactly what he can tell about this particular item on her phone.

3 But the picture itself, not the meme, but the picture itself the
4 only place I could locate it was on Pinterest. It goes on the phone on at
5 twelve -- on December 15th, 2017, about 4:35 in the morning.

6 When you go to the other data on her phone, who is on
7 Pinterest around that time period? It is Ms. Guidry.

8 When you look at the particular way that this is saved in the
9 phone, it is saved into the pictures under the camera of the DCIM,
10 meaning that it's -- the file name is IMG-0153, which is within the
11 sequence of photographs that are saved on this phone.

12 So whether or not she received it or not by way of text
13 message, which does not show on this phone at all, she certainly saved it
14 to the photo section of the phone, which is something that suggests that
15 she at least, for whatever reason, desired to retain it.

16 More importantly is that it is saved to the phone the day after
17 she first has connection with the fence in Miami, this jewelry store that
18 she's selling stolen watches to.

19 I didn't intend to get into the litigation of the fact that she had
20 previously, on December 14th, sent a watch to this fence and had sold it
21 through this fence, and -- but it is relevant, to the extent that the Court is
22 looking at whether or not this is evidence of the motive and intent of
23 Ms. Guidry, that the day after she first contacts the fence in Miami she is
24 saving a meme. Whether she typed in that language on some sort of
25 meme app, or she saved it after seeing it on Pinterest because she

1 thought it was interesting, it is certainly evidence of her motive and intent.

2 And I would suggest to the Court it is highly relevant, they call it
3 irrelevant, is the basis to exclude it, and they say prejudicial and I'm not
4 sure why it's prejudicial other than it establishes her motive and intent.
5 And thus that's not unduly prejudicial and so I suggest to the Court that
6 the motion in limine should be denied.

7 THE COURT: All right. So a couple of questions about dates,
8 I believe you said that this image is initially found on the phone date
9 stamped December 15th?

10 MR. DIGIACOMO: Correct.

11 THE COURT: Okay. And is it just the image or is it the image
12 with the meme?

13 MR. DIGIACOMO: Actually it's not just the -- I could not find
14 just the image on the phone.

15 THE COURT: Okay. So it has the --

16 MR. DIGIACOMO: So it's 33 --

17 THE COURT: -- with the language?

18 MR. DIGIACOMO: To the extent that I looked at the 33,000
19 images on here, I couldn't find it without the -- the things typed in.

20 My cell phone expert, one of the things I asked him to check is,
21 hey, can we determine whether or not it was just saved as a picture and
22 then the meme was created? Does she have an application that allows
23 her to make memes? Those things --

24 THE COURT: That was my next question.

25 MR. DIGIACOMO: -- I don't have that answer as of yet

1 because of the late timing of the motion.

2 That's December 15th. I know our crime's not till January 3rd.

3 THE COURT: Right.

4 MR. DIGIACOMO: But the thread, in which she texted the
5 watch to the -- to the guy in Miami, to the jewelry store in Miami, that
6 thread begins on December 14th where she's actually sending a different
7 watch to Miami on December 14th.

8 THE COURT: Do we know anything about that watch? How
9 she got possession of that watch? Where that watch came from?

10 MR. DIGIACOMO: To the extent that I could establish it, no.

11 And the Court is aware, there's a number of things that I chose
12 not to file a bad acts on. There is a watch that's -- a \$250,000 watch that
13 she has photographs that she's trying to sell in November but not to our
14 same fence in Miami.

15 When she was picked up in Mobile, Alabama, on the warrant
16 on this case, she had another watch, a Rolex, within her purse.

17 But I didn't file motions on that and I don't intend to get into any
18 of that. In fact, I didn't intend to get into anything related to the meme,
19 except for the existence of it on her phone, considering the mere
20 existence of it on her phone, saved within her -- within her photo section is
21 indicative of somebody's intent and motive as it relates to these facts on
22 this case.

23 THE COURT: All right. I would like a little bit more information
24 regarding what your cell phone expert finds about the image, if it was
25 shared, if it was sent.

1 Because, I'll be honest with you, I'm concerned given this
2 image, or this meme, whatever it was, initially on the phone and it
3 predates the crime at issue.

4 So if you want to file a supplemental to provide me additional
5 information, I'll take a look at that. I'm going to defer ruling on this until I
6 have that additional information. And then I will make a decision before
7 we start trial that way you're aware of what you can and cannot go into in
8 opening statements and you're aware of what they are allowed and not
9 allowed to go into opening statements.

10 All right.

11 MR. DIGIACOMO: Could I just make one comment as to that?

12 THE COURT: Yes.

13 MR. DIGIACOMO: If it was on the phone afterwards, it would
14 be a heck of a lot less relevant than what her motive was before she
15 committed the acts.

16 And so I would submit that to the Court. I realize that --

17 THE COURT: And I appreciate that.

18 MR. DIGIACOMO: -- you're talking about the three week delay
19 but.

20 THE COURT: Right.

21 MR. DIGIACOMO: It's not like she downloaded it immediately
22 before she committed this particular crime but.

23 THE COURT: And I understand that.

24 I'm also thinking about it as did she create the meme and brag
25 about it to somebody. But obviously it was on the phone ahead of time,

1 which is why I want more information, was it shared, et cetera.

2 MR. DIGIACOMO: Correct.

3 THE COURT: Okay?

4 MR. DIGIACOMO: Yes.

5 THE COURT: All right. So I'll make a -- did you want to file a
6 response?

7 MR. MAYNARD: Actually I have a few responses.

8 THE COURT: Sure.

9 MR. MAYNARD: First of all I think -- I think you, right there at
10 the end you got -- you hit it right -- one of the things we were going to say,
11 this was after the fact, that this meme was created after the fact.
12 Especially if this meme was created after the fact by Ms. Guidry, I think
13 the State would be in here calling it a confession and calling it incredibly
14 relevant. And I think that that would be -- not an unreasonable
15 conclusion.

16 The fact that it was created -- that it was -- that Ms. Guidry
17 came into possession of it before, the State hasn't provided no evidence
18 that she created it her itself.

19 At the very least this is -- I'm blanking on the name of the case,
20 but there's a case that we cited in our -- our brief about violent video
21 games being used as evidence at a murder trial. This is absolutely
22 analogous to this.

23 If she is the kind of person who would find this humorous, then
24 she is the kind of person that would do this in real life. And that's -- I
25 mean, at the very least that's an argument that is relevant because it is

1 inadmissible character evidence, propensity evidence, that's the best I can
2 come up with as far as an explanation.

3 And as far as being prejudicial goes, it's the same logic as the
4 video game case, where just because somebody appreciates this meme,
5 just because somebody's a fan of Nicki Minaj, just because somebody
6 plays violent video games doesn't mean, in any stretch of the imagination,
7 that they're more likely to -- that they're -- that they're a person who's
8 going to murder another human being.

9 And it's -- any connection there at all, is so tenuous has to be --
10 has to be irrelevant. And even if there is a connection there, it is purely
11 unfairly prejudicial.

12 You know, the State points out that, you know, why would this
13 be prejudice unless it was evidence against Ms. Guidry, well, that's just
14 what prejudice means and we point that out in our brief.

15 THE COURT: Well, all evidence is technically --

16 MR. MAYNARD: Exactly.

17 THE COURT: Yeah, prejudicial.

18 MR. MAYNARD: So it would be -- and it would be -- and so,
19 yeah, our argument obviously is that it's unfairly prejudicial and it's per the
20 language of the statute.

21 In addition, the State mentions several other Rolex watches. It
22 is worth noting that the watch that was sent to the store in Florida before
23 this, that wasn't Ms. Guidry's hand in the photograph. You know, it did
24 end up on her phone. I'm not sure exactly how. But it wasn't her hand.

25 Furthermore -- and I think this is kind of the essence of the

1 case, the State says that when she was picked up in Mobile, Alabama she
2 had a watch on her. Yeah, it was her watch. She bought it. It belonged
3 to her. She possessed it. And she had -- she purchased it legitimately. It
4 was her watch. She owned it.

5 You know, it seems as if maybe the State sees -- sees
6 Ms. Guidry with -- with anything nice and assumes it has to be stolen.
7 She bought that watch fair and square. It was her watch.

8 And she was discussing another watch, I believe in December,
9 and that was to have one made for her, made to her preferences and
10 specifications.

11 She can afford these kind of things. She enjoys the finer things
12 in life, including, you know, the watches that she purchases for herself.

13 So those aren't evidence of prior bad acts, those are evidence
14 of prior purchases.

15 THE COURT: He's already conceded he's not going to
16 introduce that watch so.

17 MR. MAYNARD: Absolutely. But he is also using it as
18 evidence that perhaps this was a course of action. And it just wasn't.

19 And, you know, there's a vast difference between owning a
20 watch legitimately and having purchased it for yourself and stealing a
21 watch. And, yeah.

22 And then everything else in our brief I think subsidizes what
23 this argument and contradicts what the State said about, it's not Ms.
24 Guidry, it's not Ms. Guidry, there's no evidence that Ms. Guidry wrote it. It
25 wasn't Ms. Guidry.

1 She actually got -- it wasn't by a text message, just for clarity
2 sake, she downloaded it from Facebook, that's not incredibly important.
3 But for the sake of the record, she downloaded it from Facebook.

4 Yeah. And I think that's the --

5 [Colloquy between defense counsel and the defendant]

6 MR. MAYNARD: And Ms. Guidry does point out that if there is
7 any concern about other watches, she does have evidence that she has
8 owned and purchased legitimately these, you know, Rolexes before but.

9 THE COURT: We're not going to get too far off field at this
10 point.

11 MR. MAYNARD: It seemed a bit --

12 THE COURT: Yeah.

13 MR. MAYNARD: -- yeah, it seemed a bit far.

14 THE COURT: Yeah.

15 MR. MAYNARD: That's all we have.

16 THE COURT: Okay. All right. Like I said, I'm going to defer
17 ruling on this until I get some additional information.

18 Certainly the State didn't have an opportunity to respond fully,
19 so I'm going to give them that opportunity, and I'll issue a render -- or I'll
20 pronounce my ruling before we start jury selection on Monday.

21 All right. Anything further?

22 MR. DIGIACOMO: Just one thing, when we had the argument
23 on the motion to suppress, Judge Herndon basically called the claim that
24 the phone snap chatted between the time it was sealed in the car, and to
25 the time that the search warrant was executed on it, a red herring. But

1 there was no factual basis in the record for him to dispute that the phone
2 had actually had any activity during that time period.

3 I now have -- we did a new search warrant on the phone. We
4 then had the examiner check to see if there was any activity between the
5 time of sealing and the time it was downloaded between January 8th and
6 January 17th. I have a copy of the examination report.

7 I just want to put it in the record as a court exhibit so that
8 there's some evidentiary support for the contention the phone wasn't
9 used.

10 THE COURT: All right. And has the defense already received
11 a copy of that report?

12 MR. DIGIACOMO: We provided it to the defense when we
13 received it.

14 THE COURT: Okay. Yes, please.

15 THE CLERK: Do you want that for trial or just for --

16 MR. DIGIACOMO: Just a court exhibit.

17 THE COURT: Court exhibit, yeah.

18 The CLERK: Just for today?

19 MR. DIGIACOMO: Yes.

20 THE CLERK: Okay.

21 THE COURT: Thank you.

22 All right. Okay. Anything further from the State or from the
23 defense?

24 MR. DIGIACOMO: Not from the State.

25 THE COURT: Okay. Anything further?

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MR. MAYNARD: Nothing further.

THE COURT: Okay. All right. Then I will see everybody
Monday morning at 10:30.

MR. DIGIACOMO: Thank you, Judge.

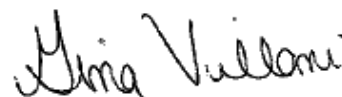
MR. MAYNARD: Thank you.

THE COURT: Thank you very much. I appreciate it.

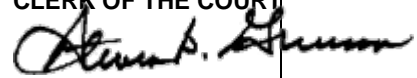
[Hearing concluded at 10:41 a.m.]

* * * * *

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



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-329810-1
DEPT. IX

10 vs.

11 RONNEKA ANN GUIDRY,
12 Defendant.

13
14 BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE
15 MONDAY, AUGUST 12, 2019

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **JURY TRIAL - DAY 1**

18
19 APPEARANCES:

20 For the State:

MARC DIGIACOMO, ESQ.
Chief Deputy District Attorney
MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney

21
22
23 For the Defendant:

CRAIG A. MUELLER, ESQ.

24
25 RECORDED BY: TRISHA GARCIA, COURT RECORDER

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1 Las Vegas, Nevada, Monday, August 12, 2019

2
3 [Jury trial began at 11:23 a.m.]

4 [Outside the presence of the prospective jury panel]

5 THE COURT: So the jury has to be out of the jury room by
6 12:00. So my question to everybody, I know the defendant is still being
7 brought up, is do we want to even start jury selection or do you want to go
8 ahead and send them to lunch and then bring them back? Do the parties
9 have a preference?

10 MR. DIGIACOMO: I would suggest lunch first.

11 MR. MUELLER: I would say, Judge, suggest lunch as well,
12 Judge.

13 THE COURT: Yeah.

14 MR. MUELLER: It's going --

15 THE COURT: They'll be less ornery that way, myself included.

16 MR. MUELLER: They'll be a little sleepier and a little more
17 placid in the afternoon.

18 THE COURT: Yeah.

19 Okay. So let's do that. We'll have them come back at --

20 [Colloquy between the Court and Court staff]

21 THE COURT: I know we also had the outstanding motion in
22 limine.

23 Does the State have anything to supplement on that?

24 MR. DIGIACOMO: Judge, we were going to give you some
25 things in writing. We talked to our expert and so over the weekend he

1 was supposed to look at what else he could tell us from the phone.

2 THE COURT: Right.

3 MR. DIGIACOMO: As of this morning, what he can tell us is
4 that the meme itself had to be physically saved by the user of the phone.

5 THE COURT: Okay.

6 MR. DIGIACOMO: Meaning the -- and he will also testify that
7 Ronneka Guidry is the predominant user of this phone from the
8 information that he could find from it.

9 THE COURT: Sure.

10 MR. DIGIACOMO: The logs though on the phone only go back
11 to December 20th and this was done on December 15th. So while he can
12 say the next picture from looking at the list of pictures that are saved to
13 the phone, that next picture was saved from Snapchat, that he thinks that
14 it's likely this was a Snapchat, either it was sent or received by way of
15 Snapchat, he can't tell us that without having logs that go back further. So
16 the only thing he can tell us is that it was saved to the phone by the user
17 of the phone.

18 THE COURT: Okay. All right. Well, I appreciate that
19 information and thank you for having your expert go through and look for
20 that information.

21 I am going to grant the motion in limine and exclude the meme
22 at this time. I will caution that there is a possibility of opening the door to
23 its admission. And so I do believe at this time it's more prejudicial than it
24 is probative given that it was downloaded at some time at least weeks
25 before the instant offense is charged in the Indictment or Information. I

1 don't remember what it's charged under, in the charging document, and
2 this is a specific intent crime so it would have required her to have formed
3 the intent weeks before she even, as we understand it, knew the victim in
4 order for, I think, it to come in.

5 But, again, that door could be opened and it could be opened
6 easily. So I caution defense counsel on arguments that are made to the
7 jury regarding that.

8 I know the defendant isn't present. I'll note that for the record
9 and so I will announce my decision on the record again when she's
10 present in the courtroom.

11 MR. MUELLER: All right. Thank you, Your Honor.

12 THE COURT: Anything further that we need to address before
13 we break since the jury won't come back until 12:45?

14 MR. DIGIACOMO: Mr. Scarborough and I have executed the
15 stipulation; I've given it to Mr. Mueller, so when Ms. Guidry gets here she
16 can sign the stipulation to waive.

17 THE COURT: Okay.

18 MR. DIGIACOMO: Now that we're not starting until Monday
19 afternoon, I hope it's okay with the Court, most of our early witnesses are
20 from Brazil so I had them fly in Tuesday for Wednesday testimony.

21 THE COURT: Okay.

22 MR. DIGIACOMO: We'll certainly be prepared to open; we can
23 even maybe call the first cop on scene tomorrow.

24 THE COURT: Perfect. That would be great.

25 MR. DIGIACOMO: And then we will need to get to Wednesday.

1 So we may have to finish a little early tomorrow, if we get a jury.

2 THE COURT: Okay. That's fine. That actually will work out

3 well scheduling-wise. So I don't have a problem with that.

4 Mr. Mueller, any issues with that?

5 MR. MUELLER: No, Your Honor. I've been a prosecutor and I

6 know how hard it is to put cases together.

7 THE COURT: Okay. All right. So why don't we all come back

8 about -- in about an hour just to make sure there's nothing else that needs

9 to be taken care of before we bring the jury in at 12:45.

10 MR. DIGIACOMO: Perfect.

11 MR. MUELLER: All right. Thank you.

12 THE COURT: Okay. Great. Thank you very much. I

13 appreciate it.

14 MR. DIGIACOMO: Thank you.

15 [Recess taken at 11:27 a.m.]

16 [Jury trial resumed at 12:47 p.m.]

17 [Outside the presence of the prospective jury panel]

18 THE COURT: All right. Calling case C-18-329810-1, State of

19 Nevada versus -- is it; I don't want to say this wrong, Ronneka or

20 Ronneka?

21 THE DEFENDANT: Ronneka.

22 THE COURT: Ronneka, see that's why I ask.

23 Guidry?

24 THE DEFENDANT: Yeah.

25 THE COURT: All right. I remembered that. I got the first name

1 wrong.

2 All right. This is the date and time set for jury trial.

3 I did receive a copy of the stipulation and order to waive
4 separate penalty hearing. I'm going to sign that now in open court.

5 Ms. Guidry, earlier this morning while you were still, I think,
6 probably in custody over at CCDC, I put on the record that I was granting
7 the motion in limine to exclude that meme of Nicki Minaj.

8 THE DEFENDANT: Okay.

9 THE COURT: I did advise counsel that --

10 THE DEFENDANT: Thank you.

11 THE COURT: -- that could be introduced if somebody opened
12 the door. That means introduce some kind of argument or any other
13 evidence that would allow that meme in later. So I could change my ruling
14 at a later time. All right?

15 THE DEFENDANT: Okay.

16 THE COURT: And so I understand you still want to proceed to
17 trial today?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Okay. All right. I believe the jury is outside;
20 lined up, ready to come in.

21 Anything further before we bring them in?

22 MR. MUELLER: Just a quick administrative matter, Judge.

23 THE COURT: Yes.

24 MR. MUELLER: I have had a summer law clerk by the name of
25 Cameron Brown. His career desire is to become an FBI agent but he's

1 done a spectacular, good job for me this summer, and I did not get him
2 into a jury trial.

3 So I was hoping, if he makes it back today -- or tomorrow, I'd
4 like to have him sit at table with us. He's not going to participate, just in a
5 suit, and help me keep track of notes. He's the one helped me work-up
6 the file.

7 THE COURT: Okay. I don't have a problem with him sitting at
8 counsel table and long as he doesn't participate.

9 Does the State have any objection to that?

10 MR. DIGIACOMO: No.

11 THE COURT: Okay.

12 MR. MUELLER: He's done a great job. I wanted to get him a
13 trial under his belt.

14 THE COURT: Sure.

15 Anything further?

16 MR. DIGIACOMO: Can I ask one procedural question?

17 THE COURT: Yes.

18 MR. DIGIACOMO: So you're going to bring the first 32, so I
19 assume this is 1 through 32

20 THE COURT: Yes.

21 MR. DIGIACOMO: And then once you get through hardships,
22 are we going to address those so that we don't waste time on those 32,
23 and then --

24 THE COURT: Have them come fill in, yes. So my hardship
25 ones are, you know, travel, illness, surgery, kind of keep it pretty generic.

1 MR. DIGIACOMO: Pretty close, yeah.

2 THE COURT: Yeah, yeah.

3 MR. DIGIACOMO: And then the only other thing I didn't ask is
4 do you guys do a, back in the day we used to call it the Phil Donahue, but
5 do you ask each juror, hey, what's your name, how many kids you have,
6 those type of things?

7 THE COURT: Yes. So I have these standard questions, your
8 name, badge number, how long have you been in Clark County, what part
9 of town are you from, how far did you go in school, degrees, occupation,
10 married, what does your spouse do or not do, children, how many, have
11 you been a juror before, what kind, were you the foreperson, and is there
12 any reason why you can't be a fair and impartial juror.

13 MR. DIGIACOMO: Perfect, okay.

14 THE COURT: Okay. And then I'll obviously open it up to any
15 additional questions you all have.

16 [Pause in proceedings]

17 THE COURT: And we're going to mute that, perfect.

18 MR. MUELLER: No, I'm going to turn it off.

19 MR. DIGIACOMO: What about things like, prior, I mean, do you
20 have a standard list of prior jury service, arrested, not arrested, or is that
21 us?

22 THE COURT: That's up to you guys.

23 MR. DIGIACOMO: Okay, that's fine.

24 THE COURT: So I figure you guys want to dive into that. Like I
25 said, if it was asked by the State, I'm not trying to cut you off, but I will

1 remind you that this question has been asked and answered, unless
2 you're asking a specific juror, you know, something about their particular
3 case, I don't have a problem with that. I just don't want the blanket,
4 repetitive questions.

5 MR. MUELLER: No, Your Honor, I've picked a lot of juries in
6 my day.

7 THE COURT: Okay.

8 MR. MUELLER: I'm not particularly interested in being here any
9 longer than need to be.

10 THE COURT: Okay. All right.

11 MR. MUELLER: Your Honor, is there -- Madam Clerk, can I get
12 a copy of the box? Do you got one?

13 Oh, thank you.

14 THE CLERK: And then he'll do eight, eight, and eight.

15 THE COURT: Yeah, so one starts back there.

16 THE CLERK: And one starts in the corner.

17 THE COURT: Yeah, in the back. So one through eight, nine
18 through sixteen, seventeen through -- don't make me do math -- and then
19 the last one's there.

20 THE MARSHAL: 24.

21 THE COURT: I was pretty good though. I got the first two right.

22 THE MARSHAL: Yeah. Good.

23 THE COURT: All right.

24 THE MARSHAL: They're already out there.

25 THE COURT: Okay. Let's go ahead and bring them in, if

1 they're ready.

2 [In the presence of the prospective jury panel]

3 THE COURT: This is the time set for trial in Case Number
4 C-18-329810-1, State of Nevada versus Ronneka Guidry.

5 The record will reflect the presence of the defendant with her
6 attorney, Craig Mueller, as well as the deputy district attorneys, and all
7 other officers of the court.

8 Do both parties stipulate to the presence of the jury venire
9 panel?

10 MR. DIGIACOMO: Yes, Your Honor.

11 MR. MUELLER: Yes, Your Honor.

12 THE COURT: Are we ready to proceed?

13 MR. DIGIACOMO: We are.

14 THE COURT: All right.

15 Good afternoon, ladies and gentlemen of the jury, my name is
16 Cristina Silva and I'm the presiding judge here in this department.

17 I hope everyone got something to eat. Of course, I do feel bad
18 that we fed you and then make you sit here in these chairs just after you
19 eat, but we'll do the best we can to make sure that everyone is as
20 engaged as possible, as it certainly is important.

21 I thank you sincerely for showing up today for jury service,
22 participation in the jury service is one of the most important fundamental
23 rights of our country and it says a lot that you all responded to your
24 summons and are here today. It's important that every defendant who
25 selects to go forward with a jury trial has a fair and impartial jury and so

1 that starts with you. So thank you with that.

2 You are summoned here today for a jury selection in a criminal
3 case. There are several charges in this case.

4 I'm going to ask the State to announce what the charges are on
5 the record, please.

6 MR. DIGIACOMO: Thank you.

7 Good morning -- or good afternoon, I guess it is now, ladies and
8 gentlemen. My name is Marc DiGiacomo, this is Jory Scarborough, we're
9 both deputy district attorneys. We represent the State of Nevada in this
10 particular action.

11 Ms. Guidry is accused of four separate crimes in this particular
12 case. She's accused of murder with use of a deadly weapon, robbery with
13 use of a deadly weapon, grand larceny, and duty to stop at scene of crash
14 involving death or personal injury.

15 THE COURT: Thank you very much.

16 MR. DIGIACOMO: Thank you.

17 THE COURT: We anticipate this trial to last anywhere from five
18 to seven days, which means this could go into next week. It just depends
19 on how scheduling works out.

20 And so you all know ahead of time, I have what's called a
21 morning calendar. I hear regular cases every morning and then I start the
22 trial after that. And we're starting a little later than I anticipated today
23 because my morning calendar ran late.

24 So at least Monday, Wednesday and -- excuse me, Monday,
25 Tuesday, and Wednesday we'll certainly be starting sometime after 10:30

1 in the morning, just so you all have that as we go forward.

2 Ultimately there will be 14 of you who will be selected to go
3 forward as jurors and some of you will also be alternate jurors in this case.

4 I want to thank you ahead of time for your service, if you're not
5 picked as a juror or as an alternate, that is not because you weren't
6 someone who was -- well, it could be that you couldn't be a fair and
7 impartial juror or in the alternative we just didn't get to you. As you can
8 see my entire courtroom is almost full.

9 And those of you back there, I apologize; those are the cheap
10 seats, if you will, but they're actually more comfortable. Sorry, everyone
11 over here. But we pick this large pool because it's really important that
12 everyone is fair and impartial.

13 So I'm going to ask this group of people questions first, as will
14 the attorneys, and then if for whatever reason someone gets disqualified,
15 everyone in the cheap seats, if you will, will get pulled, whoever it is, will
16 get pulled numerically forward and then you'll fill these seats in. Which is
17 why it's important, even though if you're in the back, to pay attention
18 because you're going to have to answer some of the same questions
19 should you be brought in into the pool here in front of me.

20 All right. I'm going to take this opportunity to introduce my staff.
21 You all have already met my marshal, this is Ray Enriquez. He's going to
22 be your primary point of contact, not only through jury selection, but also if
23 you're selected as a juror. He'll be your person who helps you where to
24 park, you know, what happens next, what time to come back, really nice
25 guy, and he's here to help you. So get to know him. He's also here to

1 maintain order and security in the courtroom though I'm confident we
2 won't have any issues today.

3 Let's see here. I also want to introduce you to the court
4 recorder. Everything in this courtroom is being recorded and there's
5 microphones about. This is Trisha Garcia. She is filling in today for my
6 regular court recorder whose name is Gina Villani. And it's possible that
7 Gina will come in tomorrow. But they're both sitting there behind the
8 computer and you can hear the typing. Ultimately everything that's
9 recorded is transcribed into a transcript for later.

10 That's a reminder, as we go through and ask questions, human
11 nature is to do this, (indicating), did you have lunch, nod your head. I'm
12 going to need you to say yes because everything -- or no because
13 everything is being recorded. But we'll help you remember to do that as
14 we move along.

15 Next to Trisha is my courtroom clerk, this is Carol Donahoo.
16 She will be with us today and part of this week and then we'll also have
17 somebody come in and potentially finish out the rest of the trial and her
18 name is Tia Everett.

19 You will also see my law clerk, his name is Josh Judd, come in
20 and out during the course of the trial. As well as my judicial assistant
21 Jaye Beltran.

22 And the last one that you might see come in and out is Nathan
23 Claus. He is my extern. And this is his very last week working with me for
24 the summer. So you'll see people moving around.

25 And I say all those names to make sure that nobody recognizes

1 any of those names.

2 So I'm going to start with the easy question, does anyone
3 recognize any of those names?

4 I see one hand.

5 All right. What's your badge number and what's your last
6 name?

7 PROSPECTIVE JUROR NUMBER 296: Jeffrey Yang, 296.

8 THE COURT: Okay. Who do you recognize?

9 PROSPECTIVE JUROR NUMBER 296: Gina Villani.

10 THE COURT: And how do you know her?

11 PROSPECTIVE JUROR NUMBER 296: I used to work with her
12 at the VA.

13 THE COURT: Oh, okay. And is there anything about your
14 relationship with her that would make you not a fair and impartial juror in
15 this case?

16 PROSPECTIVE JUROR NUMBER 296: Probably not.

17 THE COURT: Okay. When you say, probably, why do you say
18 probably?

19 PROSPECTIVE JUROR NUMBER 296: No then.

20 THE COURT: Okay. All right. Thank you for that.

21 Anybody else? All right. I see no hands.

22 All right. I'm going to -- you already were introduced to the
23 State, the prosecutors in this case. I'm going to ask them to go ahead and
24 read a list of potential witnesses in this case, please.

25 MR. DIGIACOMO: Good afternoon again. I'm about to list --

1 read a very long list of witnesses. If we actually called everybody here,
2 we'd be here for weeks. We're not going to call everybody. But these are
3 names of people that may come up during the case. So if you just listen
4 to the names and Judge is going to ask you, just like she did the court
5 personnel, hey, do you know any of these people, and if so, how do you
6 know them.

7 So there is a Officer Phillip Adkins.

8 There is a Kamran -- and I'm going to do this to all of your
9 names too -- but his name Afrasiabi.

10 There is a Miami-Dade police detective by the name of Pierre
11 Alce.

12 Officer Michael Amburgey. Officer Kathryn Aoyama.
13 Officer Karl Atkinson. There is a detective from the Computer Crimes Unit
14 named James Beatty.

15 Christina Bocu.

16 Wade Bohn. He works at a Jay's Market at the corner of
17 Flamingo and Koval.

18 FBI Agent Tim Burke.

19 Cassandra Buttler.

20 Detective Eric Charaska.

21 A person who used to work at the Westin but now works at the
22 MGM Hotel by the name of Jamal Cherry.

23 Officer Jennifer Cruz.

24 Custodian of records for a number of places including Caesars
25 Palace, Caesars Palace's parking known as ACE, the Clark County

1 Medical Examiner, the communications department of the Las Vegas
2 Metropolitan Police Department, a FedEx store at 7620 Las Vegas
3 Boulevard, 9-1-1 dispatch from the Las Vegas Metropolitan Police
4 Department, the Westin Hotel and Casino as well.

5 There is a John Fernandez who works at a Kings Jewelry in
6 Miami, Florida.

7 Detective David Freeman. Detective Justine Gatus.

8 Robert Glass who works at the Westin.

9 Detective E. Grimmesey.

10 An individual by the name of Jaime Honaker, he's actually an
11 investigator with my office.

12 Officer Ion Iliescu.

13 A forensic analyst named Craig King.

14 Officer Dillan Knowles.

15 Timothy Landale.

16 Steven Landin.

17 Zachary Lehr.

18 David Lovato. Kelly Lovato.

19 Sergeant Paul McCullough.

20 Crime Scene Analyst Amy Nemcik.

21 Nuno Osorio.

22 Tabitha Paine.

23 Dr. Leonardo Roquero, as well as Dr. Lisa Gavin, they're both
24 medical examiners.

25 Detective Ken Salisbury.

1 A Noelle Sanorico.
2 Detective Jennifer Santiago.
3 Lucas Simoes.
4 Jennifer Sturmillo, who is a crime scene analyst. Stephanie Thi,
5 who is a crime scene analyst. Heather Ubbens is a crime scene analyst.
6 Detective William VanCleef.
7 And the last name is the name of the victim -- the deceased
8 individual in this particular case his name is Eduardo Osorio.
9 Thank you.
10 THE COURT: Thank you, Mr. DiGiacomo.
11 All right. Does anyone recognize any of those names that were
12 read out? All right. I don't see anyone in the first 32.
13 I do see one person in the back. Good afternoon, how are you?
14 PROSPECTIVE JUROR NUMBER 400: I'm well.
15 How are you?
16 THE COURT: Good.
17 And we're going to bring you a microphone.
18 If you could please state your badge number and your last
19 name.
20 PROSPECTIVE JUROR NUMBER 400: Withers, 08-0400.
21 THE COURT: Good afternoon. Which name did you
22 recognize?
23 PROSPECTIVE JUROR NUMBER 400: I think it was
24 Officer Ion Iliescu.
25 THE COURT: All right. And how do you recognize that name?

1 PROSPECTIVE JUROR NUMBER 400: I think we went on two
2 dates like 11 years ago.

3 THE COURT: Well, I don't want to get into too much detail
4 about that, but is there anything about that experience that would make
5 you -- not let you be a fair and impartial juror in this case?

6 PROSPECTIVE JUROR NUMBER 400: Absolutely not.

7 THE COURT: Okay. All right. Well, thank you for your
8 honesty. I appreciate that.

9 All right. Anybody else? Okay.

10 All right. Mr. Mueller, if you would like to introduce yourself and
11 your client at this time, and then if you have any additional witnesses that
12 you would like to add to the list, you may do so, but you don't have to.

13 MR. MUELLER: All right. Thank you, Your Honor.

14 Ladies and gentlemen of the jury, my name's Craig Mueller. I
15 have a law practice downtown. My names -- the firm is Mueller and
16 Associates. I work with four lawyers, Mr. Jay Maynard, Mr. John Vandiver
17 (phonetic), Mr. Ron Sires, and Mr. Lynn Shoen.

18 This is my client, Ms. Ronneka Guidry. The State has listed an
19 entirely too long list of witnesses as well so we're not going to add any
20 names to that.

21 Thank you.

22 THE COURT: All right. Thank you very much.

23 Does anyone recognize any of the names that Mr. Mueller read
24 out, in terms of his associates?

25 All right. All right. Well, let's go ahead and proceed with roll

1 call.

2 Oh, we have -- as an example, this is Nathan, I said his name
3 earlier, he's my extern, he has joined us here today. And, like I said, you'll
4 have people coming in and out.

5 All right. If we could do roll call, and then we'll swear in the jury.

6 [The Court Clerk call roll of the prospective jurors - not transcribed]

7 THE COURT: All right. Is there anyone present whose name
8 wasn't called? Means you're in the wrong place. Good. All right.

9 Well, thank you for that.

10 Let's go ahead and swear in the panel, please.

11 [The Court Clerk swears in the prospective jury panel]

12 THE COURT: All right. Thank you. Please be seated.

13 So you-all just took an oath to answer the questions to the best
14 of your knowledge and to provide truthful answers. This process is called
15 voir dire, some people call it voir dire, no matter how you pronounce it it's
16 from a French term that loosely it translate to speak the truth. It is done
17 under oath because we want to make sure that you understand the
18 seriousness of what's proceeding here today and we want to emphasize
19 how important it is that you do tell the truth.

20 So I'm going to start with some initial preliminary questions and
21 then I have some follow-up questions.

22 My first preliminary question though is actually for just one juror,
23 juror number 298; I understand that you recognize somebody else?

24 PROSPECTIVE JUROR NUMBER 298: Yeah, I recognize
25 Craig Mueller.

1 THE COURT: And how do you recognize him?

2 PROSPECTIVE JUROR NUMBER 298: Many years ago he
3 sealed my records.

4 THE COURT: Ah, okay. All right. So you know him
5 personally?

6 PROSPECTIVE JUROR NUMBER 298: I do.

7 THE COURT: Based on your relationship with him, would that
8 make you not a fair and impartial juror in this case?

9 PROSPECTIVE JUROR NUMBER 298: I would be fair and
10 impartial.

11 THE COURT: Okay. All right. I'll probably have some more
12 follow-up questions for you on that shortly. All right?

13 Thank you for that and thank you for disclosing that.

14 PROSPECTIVE JUROR NUMBER 298: Thank you.

15 THE COURT: I appreciate it.

16 All right. So the next question is for everybody, and I'm going to
17 ask some questions that I don't mean to be embarrassing, and the
18 attorneys might ask some of these questions too. If there's ever a
19 question that's posed that you don't feel comfortable talking about in front
20 of everybody, raise your hand and you can ask for, what we call, a side
21 bar. And everyone will just come up to the bench here, we'll put on some
22 white noise, and we can talk about it so you're not on the microphone
23 providing information perhaps you're not comfortable with.

24 But my very first question is I need to know if anyone here is not
25 a United States citizen? If you're not a United States citizen you can't sit

1 on a jury. All right. I'm seeing no hands, which indicates everyone is a
2 citizen or at least naturalized in order to sit on a jury.

3 My next question is, is there anyone who has been convicted of
4 a felony and their civil rights have not been restored? All right. I'm seeing
5 no hands.

6 And, again, if there's a question, feel free to raise your hand or
7 to let -- flag down Marshal Enriquez and let him know, I need to talk to the
8 judge, and we'll take care of that.

9 All right. Is there anyone here whose language is not -- primary
10 language isn't English and they would have a hard time sitting and
11 listening to all the evidence in this case as it will be presented in the
12 English language? All right.

13 Okay. If you could state your name and your badge number.

14 PROSPECTIVE JUROR NUMBER 228: 227-598 and I'm
15 Solano, Cesar Solano.

16 THE COURT: All right.

17 MR. DIGIACOMO: I believe it's 228, Judge.

18 THE COURT: 228. Thank you.

19 Mr. Solano, you indicate that you -- English isn't your primary
20 language but you're responding to my questions, talk to me about --

21 PROSPECTIVE JUROR NUMBER 228: I'm sorry, my primary
22 language is Español.

23 THE COURT: Well, you answered my questions about your
24 name, so how long have you lived in the United States?

25 PROSPECTIVE JUROR NUMBER 228: 1997.

1 THE COURT: Okay. What do you do? Where do you work?

2 PROSPECTIVE JUROR NUMBER 228: I'm a mechanic.

3 THE COURT: Okay. And have you lived in Las Vegas that
4 entire time?

5 PROSPECTIVE JUROR NUMBER 228: I'm living here for the
6 last 11 years.

7 THE COURT: Okay. And, at your work, do the customers or
8 your employees speak English or Spanish?

9 PROSPECTIVE JUROR NUMBER 228: Both.

10 THE COURT: Both. Okay.

11 And do you have children?

12 PROSPECTIVE JUROR NUMBER 228: Yes.

13 THE COURT: And do they speak English and Spanish?

14 PROSPECTIVE JUROR NUMBER 228: They're born here.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 228: English and Spanish.

17 THE COURT: Okay. All right. Thank you. I might have some
18 more additional questions for you. Thank you.

19 I saw a couple more hands.

20 PROSPECTIVE JUROR NUMBER 253: My badge number is
21 253.

22 THE MARSHAL: It'll be 253.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR NUMBER 253: My name is Harjit
25 Kaur.

1 THE COURT: Okay. And where are you from, ma'am,
2 originally?

3 PROSPECTIVE JUROR NUMBER 253: India.

4 THE COURT: Okay. And how long have you lived here in Las
5 Vegas?

6 PROSPECTIVE JUROR NUMBER 253: 2000.

7 THE COURT: Since the year 2000?

8 PROSPECTIVE JUROR NUMBER 253: Yes.

9 THE COURT: Okay. And what do you do? Do you work?

10 PROSPECTIVE JUROR NUMBER 253: No.

11 THE COURT: Do you stay at home?

12 PROSPECTIVE JUROR NUMBER 253: I am a housewife.

13 THE COURT: Okay. And your family, do they speak English or
14 do they speak --

15 PROSPECTIVE JUROR NUMBER 253: Punjabi.

16 THE COURT: Punjabi; okay.

17 And when you go out -- do you ever go out and go shopping or
18 pick up the groceries?

19 PROSPECTIVE JUROR NUMBER 253: Grocery, my husband.

20 THE COURT: Okay. Do you go with your husband?

21 PROSPECTIVE JUROR NUMBER 253: Yeah.

22 THE COURT: All right.

23 Okay. Oh, I see him raising his hand.

24 Good afternoon, sir. Thank you for being here.

25 UNIDENTIFIED SPEAKER: Good afternoon.

1 THE COURT: All right. And how often do you speak English?

2 PROSPECTIVE JUROR NUMBER 253: Little bit.

3 THE COURT: All right. Thank you very much. I appreciate
4 that and I have more questions for you.

5 I think I saw one more hand.

6 PROSPECTIVE JUROR NUMBER 274: Grace, my number is
7 274.

8 THE COURT: All right. Good afternoon. And where are you
9 from?

10 PROSPECTIVE JUROR NUMBER 274: China.

11 THE COURT: And when did you move to Las Vegas or when
12 did you move to the United States?

13 PROSPECTIVE JUROR NUMBER 274: Oh, gosh, 2002, '03.

14 THE COURT: And what do you do -- do you work?

15 PROSPECTIVE JUROR NUMBER 274: No.

16 THE COURT: No?

17 PROSPECTIVE JUROR NUMBER 274: Housewife.

18 THE COURT: Do you stay at home?

19 PROSPECTIVE JUROR NUMBER 274: Yeah, I stay at home.

20 THE COURT: Okay. And your family, do they speak English?

21 PROSPECTIVE JUROR NUMBER 274: We speak Chinese all
22 the time at home.

23 THE COURT: Do you speak Mandarin or Cantonese?

24 PROSPECTIVE JUROR NUMBER 274: Mandarin, yes.

25 THE COURT: And do you have children?

1 PROSPECTIVE JUROR NUMBER 274: Yeah.

2 THE COURT: And do they speak both English and Mandarin?

3 PROSPECTIVE JUROR NUMBER 274: Yeah, both, but mostly
4 Chinese.

5 THE COURT: And do you help them with school, schoolwork?

6 PROSPECTIVE JUROR NUMBER 274: Yeah, a little, yes.

7 THE COURT: And how about when you have, like, as an
8 example, parent/teacher conferences, do you go and meet with the
9 teachers?

10 PROSPECTIVE JUROR NUMBER 274: Yeah, I go, yes. I
11 went -- yeah, I went.

12 THE COURT: Okay. All right. Thank you very much. I
13 appreciate that.

14 Anybody else here in this first 32? Okay.

15 So this is the point where we're going to kind of divide and
16 conquer, if you will. So every question going forward is going to initially
17 be directed at these first 32 jurors, but I'm asking everyone back there to
18 pay attention. Again, so if you get called to fill in, then we will do that.

19 All right. If I could have the parties approach for a bench
20 conference, please.

21 [Bench conference begins]

22 THE COURT: All right. How do we feel about the three that
23 indicate they don't speak the English language?

24 MR. MUELLER: The mechanic didn't impress me at all, if he
25 can figure out how much pounds per square inch and how much torque to

1 put on a motor, he's got fine English skills.

2 The Indian housewife and the Chinese lady struck me as pretty
3 dicey.

4 THE COURT: As pretty what?

5 MR. MUELLER: Pretty, like, we probably should let them go.

6 THE COURT: Okay. What is your take on them?

7 MR. DIGIACOMO: I'd agree with him. And I think we'll have to
8 ask Mr. Solano some more questions.

9 THE COURT: Okay.

10 MR. DIGIACOMO: But, I mean, he seems to have a pretty
11 good grasp of the language.

12 THE COURT: Right.

13 MR. DIGIACOMO: But the other two look like could be
14 problematic, if they start talking, and stuff like that.

15 THE COURT: Okay. Here's my inclination, my inclination is not
16 to let them go just yet, because as soon as we let them go we'll have
17 popcorn happening. So what I prefer to do is continue to ask kind of the
18 general questions and see how they respond --

19 MR. MUELLER: Sure.

20 THE COURT: -- and then go from there.

21 That works for everybody, yeah?

22 MR. MUELLER: Sure.

23 MR. DIGIACOMO: Sure.

24 THE COURT: Okay. All right.

25 [Bench conference ends]

1 THE COURT: All right. I'm going to keep going and I'm going
2 to ask a few more questions. Again, this is for the first 32, as I indicated
3 earlier this trial might go from anywhere from five to seven days
4 depending. When a computer system spits out a juror summons we
5 obviously don't know if anyone has any preplanned vacations, even
6 though school started today, or surgeries. So my next question for this
7 first 32, does anyone have anything that they cannot get out of or certainly
8 cannot miss in the next five to seven days?

9 All right. I see a couple of hands.

10 Let's start back there.

11 Good afternoon, sir.

12 PROSPECTIVE JUROR NUMBER 256: Roger Chen, badge
13 number is 256.

14 I'm currently on a expert assignment in Shanghai, China, and I
15 came back specifically for this jury duty and I'm leaving this Saturday.

16 THE COURT: Wow. Thank you for coming back to your -- for
17 this jury summons. I really appreciate that, that's certainly dedication and
18 that's an excellent call to service. So thank you for that.

19 PROSPECTIVE JUROR NUMBER 256: Thank you.

20 THE COURT: All right. So you leave Saturday?

21 PROSPECTIVE JUROR NUMBER 256: Yes, ma'am.

22 THE COURT: If this trial were to end on Friday --

23 PROSPECTIVE JUROR NUMBER 256: I would be able --

24 THE COURT: -- would you have any problem being able to be
25 sitting through Friday?

1 PROSPECTIVE JUROR NUMBER 256: Right.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NUMBER 256: I should be able to.

4 THE COURT: All right. Thank you again and thank you for

5 coming back. I really appreciate that. That's quite a trip.

6 PROSPECTIVE JUROR NUMBER 256: Thank you.

7 THE COURT: All right. I saw a couple more hands.

8 PROSPECTIVE JUROR NUMBER 261: My name's Lonzy

9 Anderson and my number is 0261.

10 And this week I'm in college and this is my finals week, so I

11 have testing all this week. It'll be hard to get off and make up.

12 THE COURT: And when are those finals scheduled?

13 PROSPECTIVE JUROR NUMBER 261: Like Thursday and

14 Friday. Specifically --

15 THE COURT: Are they in the morning? Afternoon?

16 PROSPECTIVE JUROR NUMBER 261: They're in the

17 afternoon.

18 THE COURT: Okay. And are those, like, you have to go to the

19 campus to take them or are those take home exams?

20 PROSPECTIVE JUROR NUMBER 261: Well, I have one -- I'm

21 taking one online class that I can do anytime.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 261: But the other one I

24 have to be on campus.

25 THE COURT: Is there a professor or anyone we could talk to

1 about potentially letting you take that after the scheduled time period?

2 PROSPECTIVE JUROR NUMBER 261: Yeah, I could get you
3 in contact with my professor and see what he says.

4 THE COURT: Okay. All right. If we get to that point then we'll
5 let you know.

6 PROSPECTIVE JUROR NUMBER 261: All right.

7 THE COURT: So thank you.

8 Are you studying government or anything along those lines? It
9 would be great practical experience. No?

10 PROSPECTIVE JUROR NUMBER 261: Unfortunately, no.

11 THE COURT: All right. Fair enough.

12 All right. Thank you.

13 I think I saw another hand. Oh, I missed one back here.

14 PROSPECTIVE JUROR NUMBER 268: My name is Ellen
15 Clark and I'm 268.

16 And I am the bread winner of my family and I have a business
17 in Southern California, small, struggling business, and a daughter there,
18 and it would be hard for me to be gone five to seven days.

19 THE COURT: Okay. How old is your daughter, ma'am?

20 PROSPECTIVE JUROR NUMBER 268: She's 22.

21 THE COURT: Okay. All right. So your business is in California
22 but you're a Clark County resident?

23 PROSPECTIVE JUROR NUMBER 268: I'm here part time,
24 almost half time.

25 THE COURT: Half time?

1 PROSPECTIVE JUROR NUMBER 268: Yeah, it's complicated.
2 But my business and my income is all out of California.

3 THE COURT: Gotcha.

4 Okay. Well, thank you and thank you for being here today. I
5 appreciate it.

6 PROSPECTIVE JUROR NUMBER 313: I guess mine is
7 childcare.

8 THE COURT: Sure. Talk to me about that.

9 PROSPECTIVE JUROR NUMBER 313: I don't have aftercare
10 for my kid and he does not have a house key. He cannot be trusted with
11 a house key. So I just -- I think my question is, is what time every day
12 does this end?

13 THE COURT: That's a good question.

14 So first off, do you mind telling me your badge number?

15 PROSPECTIVE JUROR NUMBER 313: Oh, I'm sorry.

16 THE COURT: That's okay.

17 PROSPECTIVE JUROR NUMBER 313: 313, last name Glass.

18 THE COURT: 313. Thank you.

19 So ideally I don't like to end any time after 5:30, though with
20 leaning towards 5:00.

21 What time does he --

22 PROSPECTIVE JUROR NUMBER 313: He gets out at 2:11.

23 THE COURT: -- did he start school today?

24 Okay. And what time does he finish school? I'm sorry.

25 PROSPECTIVE JUROR NUMBER 313: 2:11.

1 THE COURT: 2:11 in the afternoon?
2 PROSPECTIVE JUROR NUMBER 313: Yeah.
3 THE COURT: That is the most random time I've ever heard.
4 PROSPECTIVE JUROR NUMBER 313: I know. I know.
5 So --
6 THE COURT: What are we doing with our poor kids?
7 PROSPECTIVE JUROR NUMBER 313: Yeah.
8 THE COURT: Okay. 2:11 in the afternoon. All right.
9 And so there's nobody that lives with you --
10 PROSPECTIVE JUROR NUMBER 313: So right now I have
11 him going to the library after today.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NUMBER 313: But they close at 4:00.
14 THE COURT: But they close at 4:00. Okay.
15 Okay. Thank you for that. I appreciate it.
16 And do we need to have a bench conference?
17 THE MARSHAL: Yes, ma'am.
18 THE COURT: Okay. All right. We can do that.
19 If the parties can approach the bench.
20 [Bench conference begins]
21 PROSPECTIVE JUROR NUMBER 298: It's kind of --
22 THE MARSHAL: One second, we have to wait for everybody.
23 THE COURT: Oh, one second. I've got to have everyone so
24 they can hear. Okay.
25 PROSPECTIVE JUROR NUMBER 298: Okay, sorry.

1 THE COURT: All right. Can you guys hear? All right.
2 And the microphones right here.

3 All right. So your badge number is --

4 PROSPECTIVE JUROR NUMBER 298: 298.

5 THE COURT: -- 298.

6 What's going on?

7 PROSPECTIVE JUROR NUMBER 298: My name's Efrain
8 Camacho-Torres.

9 Basically -- I am so sorry.

10 THE COURT: That's for me and not for you.

11 PROSPECTIVE JUROR NUMBER 298: Yeah, I know.

12 THE COURT: If you give that to me, I'll take it.

13 PROSPECTIVE JUROR NUMBER 298: Basically this weekend
14 I got a call from my mother-in-law, she's in her 70s, my father-in-law is in
15 his 80s, he has Parkinson's.

16 My wife's grandmother, who lives in Puerto Rico, is having a
17 heart procedure. So my mother-in-law wants to fly out to Puerto Rico, but
18 that means someone has to take care of my father-in-law.

19 So I asked my employer if I can take next week off, because
20 he's going to come stay with us at the house, we have a two-story house,
21 I have to move a bed down into the living room because he can't do stairs.

22 THE COURT: Sure.

23 PROSPECTIVE JUROR NUMBER 298: And I'm taking the
24 week off so I can look after him while she goes to Puerto Rico to look after
25 her mother --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 298: -- who's in her 90s
3 having this heart procedure. And this just happened this weekend.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 298: So, I mean, if -- I can
6 probably, if the trial went to Friday, I can -- I can definitely be available
7 until Friday.

8 THE COURT: Right.

9 PROSPECTIVE JUROR NUMBER 298: But my concern is for
10 next week.

11 THE COURT: What if it carries over.

12 PROSPECTIVE JUROR NUMBER 298: Yeah.

13 And then my wife works for the school district so she's just
14 starting up again.

15 THE COURT: Gotcha.

16 PROSPECTIVE JUROR NUMBER 298: So she can't stay
17 home with him.

18 THE COURT: Okay. I appreciate that.

19 PROSPECTIVE JUROR NUMBER 298: No, thank you.

20 THE COURT: All right.

21 PROSPECTIVE JUROR NUMBER 298: I just didn't want to tell
22 everyone.

23 THE COURT: Let me ask you another question then, since
24 you're up here, you indicated that Mr. Mueller had some records sealed
25 for you, what were the nature of those records?

1 PROSPECTIVE JUROR NUMBER 298: It was --
2 MR. MUELLER: Actually, I think, that's illegal.
3 PROSPECTIVE JUROR NUMBER 298: Oh.
4 THE COURT: I'm sorry?
5 MR. MUELLER: That's actually illegal. If it's sealed, it's sealed.
6 THE COURT: I don't think it's illegal. I'm not asking to unseal
7 them.
8 MR. MUELLER: Never had it come up before, Judge, but just --
9 THE COURT: I'm just asking for the nature of the sealing.
10 PROSPECTIVE JUROR NUMBER 298: It was for a felony
11 conviction for attempted forgery.
12 THE COURT: Okay. And have you had your rights restored in
13 terms of being --
14 PROSPECTIVE JUROR NUMBER 298: U'm-h'm.
15 THE COURT: You have. Okay.
16 PROSPECTIVE JUROR NUMBER 298: Yeah.
17 THE COURT: Okay. Well, thank you. I appreciate that.
18 PROSPECTIVE JUROR NUMBER 298: No, thank you.
19 THE COURT: Thank you for answering that.
20 Any questions from counsel?
21 MR. DIGIACOMO: No.
22 THE COURT: No?
23 MR. MUELLER: No.
24 THE COURT: All right. Thank you very much.
25 PROSPECTIVE JUROR NUMBER 298: All right.

1 THE COURT: Thanks.

2 PROSPECTIVE JUROR NUMBER 298: Thank you.

3 MR. DIGIACOMO: Can we stay up here for a second?

4 THE COURT: Yes, Absolutely.

5 Let me just make sure, there was nobody else with any
6 scheduling issues?

7 Oh, one more. One second.

8 Just stay here.

9 [Bench conference ends]

10 THE MARSHAL: Do you want me to tell her to come up?

11 THE COURT: No, no, it's okay. Hold on we're going pass you
12 the microphone, one second.

13 I'm just going to have them stand here so we're not doing the
14 back and forth.

15 PROSPECTIVE JUROR NUMBER 258: I'm sorry.

16 THE COURT: That's okay. No problem.

17 PROSPECTIVE JUROR NUMBER 258: I didn't realize until --
18 Kimberly Gisi, my badge is 258.

19 I'm a single mom and my kid does go to aftercare but it's over at
20 6:00. I'm all the way on the other side of town. So if we're leaving at 5:30
21 in rush hour traffic, that kind of concerns me at this point.

22 THE COURT: Well, that's fair. So if that was the case and you
23 were to be selected, I would end at 5:00 to make sure that you could get
24 there by 6 o'clock.

25 PROSPECTIVE JUROR NUMBER 258: Okay. Okay.

1 THE COURT: Okay. All right. Thank you very much. I
2 appreciate that.

3 If we could put the white noise back on.

4 Thank you.

5 [Bench conference begins]

6 THE COURT: All right.

7 MR. DIGIACOMO: I think before you talk to Mr. Camacho, that
8 Mr. Mueller and I have a conversation, if Mr. Mueller was his lawyer, we
9 probably both agree that it's probably not the best that he sits on this jury.

10 THE COURT: I think that makes sense as well.

11 MR. MUELLER: I agree.

12 THE COURT: All right. So.

13 MR. MUELLER: Having said that, that's the first time in about
14 seven years that I've actually had a client -- former client on the jury panel.

15 MR. SCARBOROUGH: I used to have it all the time.

16 MR. DIGIACOMO: And who knows it was only for sealing.

17 THE COURT: All right. So I agree with that.

18 What about Mr. Chen, the one who flew in for jury service? He
19 deserves some kind of badge, other than that.

20 MR. MUELLER: We can't let him go. He just spent \$3,000 to
21 be back here; we've got to at least let him sit here for a couple of hours.

22 MR. DIGIACOMO: Well, I actually think that we have a very
23 high likelihood of finishing by Friday.

24 THE COURT: Do we?

25 MR. DIGIACOMO: And so --

1 MR. MUELLER: Yes.

2 MR. DIGIACOMO: -- as long as we have an alternate, we
3 should be fine.

4 THE COURT: Okay. All right. I think so too.

5 MR. MUELLER: I would agree with that analysis.

6 THE COURT: We'll keep pushing.

7 Okay. I feel like with Mr. Anderson, 261, we can kind of ride
8 through. If he can maneuver his finals around, I think for now he can stay.

9 What about the small business owner, juror 268?

10 MR. DIGIACOMO: I don't know that she's given enough
11 information yet.

12 THE COURT: Okay.

13 MR. DIGIACOMO: But we'll follow up with her as to what that
14 is.

15 THE COURT: And juror number 313, the childcare issues,
16 where she doesn't have anybody.

17 MR. DIGIACOMO: If she gets out at 2:11, that means a high
18 schooler. So how old is this kid, but.

19 THE COURT: I'm going to ask that question. There's the -- the
20 questionnaire will ask that specific question so.

21 MR. DIGIACOMO: Yeah.

22 THE COURT: Yeah.

23 MR. DIGIACOMO: I mean, theoretically it's a problem, and I
24 would agree if there's nothing you could do. But if we're talking a 17 year
25 old kid --

1 THE COURT: Yeah.

2 MR. DIGIACOMO: -- like, doesn't he have a friend that can
3 drive him home?

4 THE COURT: Well, she also probably knows her own kid, you
5 never know.

6 MR. DIGIACOMO: Yeah.

7 THE COURT: Okay. All right.

8 Okay. Thank you so much.

9 [Bench conference ends]

10 THE COURT: All right. So periodically, as you can see, we're
11 going to come up, we're going to have these bench conferences. We're
12 going to have that really lovely white noise. I know you all are really
13 enjoying that. I apologize. I ask if we could, you know, alternatively, put
14 on some music or some classical music or anything, and I was told no.
15 So I apologize.

16 And we're going to have those, one, to make it more efficient;
17 but, two, sometimes there's conversations that the jurors can't be privy too
18 and so we'll have these bench conferences.

19 For now we are going to release one juror, and that is juror
20 number 298, Mr. Camacho-Torres. We're going to excuse you at this
21 time. All right. Thank you for your appearance and we appreciate it.

22 PROSPECTIVE JUROR NUMBER 298: Thank you.

23 THE COURT: Have a good day.

24 All right. So we can call the next juror, please.

25 THE CLERK: Tiffany Johnson.

1 THE COURT: Good afternoon.

2 PROSPECTIVE JUROR NUMBER 320: Good afternoon.

3 THE COURT: Welcome to the front row seat.

4 All right. So I know you were paying attention, so I'll go through
5 a few of the questions for you, as an example, is there anything that
6 obviously we wouldn't have known about, a trip, a surgery, anything along
7 those lines that would not let you sit as a juror for approximately five to
8 seven days?

9 PROSPECTIVE JUROR NUMBER 320: I really don't -- I really
10 can't say. I don't -- I don't know. I'm a PCA --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NUMBER 320: -- for a home care
13 service, but it's mostly in the morning. So I really don't have a really
14 schedule or anything.

15 THE COURT: You don't have anything scheduled?

16 PROSPECTIVE JUROR NUMBER 320: No.

17 THE COURT: All right. And if you were to be chosen as a
18 juror, would there be an issue with your employer to say that you have to
19 appear for jury service, let's say, Thursday, Friday morning?

20 PROSPECTIVE JUROR NUMBER 320: I don't know. I would
21 have to talk to them.

22 THE COURT: Okay. So -- all right. Well, we'll talk about that.
23 So you don't know. But right -- as you sit here today, you don't know
24 whether or not you have any conflicts?

25 PROSPECTIVE JUROR NUMBER 320: Exactly.

1 THE COURT: Okay. All right.

2 Let me make sure I didn't miss any questions that I need to ask
3 you about.

4 Okay. All right. Anything else I need to know about, based on
5 the questions that have been asked?

6 PROSPECTIVE JUROR NUMBER 320: No.

7 THE COURT: All right. Thank you.

8 Okay. So those are the preliminary questions that I had for the
9 jurors and I now going to have Marshal Enriquez pass around a laminated
10 paper here. This has a series of questions. So what I'm going to do is
11 ask juror number one to read the question and answer the question and
12 pass the card along, hopefully that way everyone doesn't have to read the
13 question and then answer it. Also you can just say, question number one,
14 it says, please state your name and last three digits of your badge
15 number, you've heard me say that a few times today, so you would do
16 that.

17 And then how long have you lived in Clark County, going
18 forward, and you can just answer the questions accordingly.

19 I might stop, interrupt you, to ask some follow-up questions, if
20 that's necessary.

21 But if juror number one wouldn't mind starting, I'd appreciate it.

22 PROSPECTIVE JUROR NUMBER 214: Harold Mintz, 214.

23 30 years living in Clark County.

24 The west side of town, specifically --

25 THE COURT: So if you don't mind, I'm sorry, Mr. Mintz, to

1 interrupt you, but if you wouldn't mind reading the question, that way
2 everyone knows what the question is and then answering it and then we'll
3 pass it along.

4 Thank you.

5 PROSPECTIVE JUROR NUMBER 214: So please state your
6 name and the last three digits of your badge number.

7 Harold Mintz, 214.

8 How long have you lived in Clark County?

9 30 years.

10 What part of town do you live in?

11 The west side of town.

12 How far did you go in school?

13 I got a bachelor's degree.

14 What is your occupation?

15 I'm in market research.

16 My wife is disabled.

17 Oh, I'm sorry, if you are married, where does your spouse work
18 and what does she do?

19 She is disabled.

20 Do you have any children?

21 Yes, I have one child. She's 25.

22 It says, if yes, how many and what are their ages?

23 She's 25.

24 Have you ever been a juror before?

25 No.

1 And is there any reason you can't be fair and impartial juror, if
2 selected for this case?

3 No.

4 THE COURT: All right. Thank you very much.

5 If you could pass that down with the microphone.

6 PROSPECTIVE JUROR NUMBER 215: Please state your
7 name and last three digits of your badge.

8 Crystal Wilbert and my badge number is 215.

9 How long have you lived in Clark County?

10 21 years.

11 What part of town do you live in?

12 Henderson, Boulder, Lake Mead area.

13 How far did you go in school?

14 College.

15 What is your occupation?

16 Restaurant manager.

17 I'm not married.

18 Do you have any children?

19 Yes.

20 THE COURT: Oh, I'm sorry, we missed one, did you say you're
21 not married?

22 PROSPECTIVE JUROR NUMBER 215: I'm not married.

23 THE COURT: Okay. Sorry about that.

24 And then do you have any children?

25 PROSPECTIVE JUROR NUMBER 215: I have six children. I

1 have twins that are 12. I have a 13 year old. I have a 16 year old. I have
2 a 17 year old and a 23 year old.

3 Have you ever been a juror before?

4 No.

5 Is there any reason you can't be fair and impartial juror, if
6 selected for this case?

7 No.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NUMBER 220: Please state your
10 name and the last three digits of your badge number.

11 Howard Peck, badge number 220.

12 How long have you lived in Clark County?

13 Eight years.

14 What part of town do you live in?

15 Anthem.

16 How far did you go in school?

17 Three years of college.

18 What is your occupation?

19 I do telephone captioning for the hard of hearing.

20 If you are married, where does your spouse work and what
21 does he/she do?

22 I am married and my spouse raises funds for worthy causes.

23 Do you have any children?

24 Yes, five, ranging in age from 43 to 51.

25 Have you ever been a juror before?

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No.

Is there any reason you can't be a fair and impartial juror, if selected for this case?

No.

THE COURT: Thank you.

PROSPECTIVE JUROR NUMBER 226: Please state your name and last three digits of your badge number.

Jeffrey Triebwasser, 226.

How long have you been in Clark County?

Three years.

What part of town do you live in?

Southwest corner.

THE COURT: I'm going to stop you there, I apologize for interrupting you.

PROSPECTIVE JUROR NUMBER 226: Yes.

THE COURT: Where did you live before moving to Clark County?

PROSPECTIVE JUROR NUMBER 226: I lived in Milton-Freewater, Oregon.

THE COURT: And how long did you live there for?

PROSPECTIVE JUROR NUMBER 226: My -- 26 years, since birth.

THE COURT: You decided to get some warmer weather?

PROSPECTIVE JUROR NUMBER 226: Little warmer; better job market.

1 THE COURT: Understood. Thank you. And I apologize for
2 interrupting you.

3 PROSPECTIVE JUROR NUMBER 226: No problem.

4 And school.

5 I have some college, never graduated.

6 What is my occupation?

7 I work IT for eBay.

8 If you are married, where does your spouse work and what
9 does she do?

10 I am single.

11 Have no children.

12 Have you ever been a juror before?

13 No.

14 Is there any reason you can't be fair and impartial juror, if
15 selected for this case?

16 No.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR NUMBER 228: Please say your name
19 and the last name -- and your last name and the last three digits of your
20 badge number.

21 My last name is Solano and my last three numbers is 598.

22 How long you have been live in -- live in Clark County?

23 For the last 11 years.

24 What part of the town do you live?

25 North Las Vegas.

1 How far do you -- in the high school -- in school, I'm sorry.
2 Probably the first year of the high school.
3 If you earned a degree, please state them.
4 I cannot answer the question.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NUMBER 228: What is your
7 occupation?
8 THE COURT: Did you go -- so you finished some high school?
9 PROSPECTIVE JUROR NUMBER 228: I'm sorry?
10 THE COURT: You finished some high school?
11 PROSPECTIVE JUROR NUMBER 228: Yeah.
12 THE COURT: Okay. That's all right.
13 PROSPECTIVE JUROR NUMBER 228: What is your
14 occupation?
15 Mechanic.
16 If you are retired, where did you work?
17 I hopes so I can be a mechanic.
18 If you are unemployed, where have you worker?
19 THE COURT: That doesn't apply to you because you're
20 working as a mechanic.
21 PROSPECTIVE JUROR NUMBER 228: Uh-huh.
22 THE COURT: So if you're married, where does your -- are you
23 married?
24 PROSPECTIVE JUROR NUMBER 228: Yes.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER 228: 29 years married.
2 THE COURT: All right. And where does your spouse work?
3 PROSPECTIVE JUROR NUMBER 228: Cleaning offices.
4 THE COURT: Okay. All right.
5 PROSPECTIVE JUROR NUMBER 228: If you are married --
6 this is the six question; right?
7 THE COURT: Uh-huh, no, you can go to number seven now.
8 PROSPECTIVE JUROR NUMBER 228: Oh, number seven.
9 Do you have any children?
10 I have four.
11 If yes, how many and what are their age?
12 It's 29, 27, 22, 21, and 16.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NUMBER 228: Have you ever been a
15 juror before?
16 No.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NUMBER 228: What a civilian case or
19 criminal case?
20 THE COURT: Oh, it's okay, you can skip that because you
21 haven't been a juror before.
22 So the last question, is there any reason why you can't be fair
23 and impartial?
24 PROSPECTIVE JUROR NUMBER 228: No.
25 THE COURT: Okay. Thank you very much.

1 PROSPECTIVE JUROR NUMBER 235: Paul Sanger, 235.
2 I've lived in Clark County for two years.
3 I live in the south part of --

4 THE COURT: Oh, I'm going -- I apologize, Mr. Sanger, I'm
5 going to interrupt you as well. Where did you live before you moved to
6 Clark County?

7 PROSPECTIVE JUROR NUMBER 235: San Diego.

8 THE COURT: And how long did you live there for?

9 PROSPECTIVE JUROR NUMBER 235: 20 years.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NUMBER 235: I live at south Las
12 Vegas.

13 Got a master's degree.

14 Retired engineer.

15 Married.

16 I have two children, 52 and 50.

17 Never been a juror.

18 And no reason I can be anything but fair.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR NUMBER 236: Name is Omar Green,
21 last numbers of my badge number are 236.

22 I've lived in Clark County for 21 years.

23 I live in Chinatown, the west side of town, if you will.

24 Some college, for how far did I go in school.

25 I'm a car wash manager for Terrible Herbst.

1 I'm not married.
2 I do not have any children.
3 And then I've never been a juror before.
4 And then there's no reason I cannot be fair and impartial today.
5 THE COURT: Thank you very much.
6 PROSPECTIVE JUROR NUMBER 240: Would you like us to
7 still read the questions?
8 THE COURT: You don't have too.
9 PROSPECTIVE JUROR NUMBER 240: Okay.
10 THE COURT: I think we've got -- I think. Though it is the
11 afternoon, food coma does set in, but go for it.
12 PROSPECTIVE JUROR NUMBER 240: Okay. Jeremy Curtis,
13 and last four is 240.
14 Been in Clark County for 17 years.
15 In Henderson, Nevada.
16 Three years of college.
17 I have an associate's degree in education.
18 I am a plumber for the Clark County School District.
19 I am not married.
20 Zero children.
21 I have never been a juror before.
22 And there is no reason why I can't be fair and impartial.
23 THE COURT: Thank you very much.
24 PROSPECTIVE JUROR NUMBER 246: Edgar Chaves-Bosch,
25 0246.

1 I live in Clark County 22 years.
2 East side.
3 Some college.
4 Retired from carpenter union.
5 Married.
6 Two children, 30 and 29.
7 No, I've never been a juror.
8 No, no civil case or criminal case.
9 And --
10 THE COURT: Is there any reason why you --
11 PROSPECTIVE JUROR NUMBER 246: -- I could be fair.
12 THE COURT: You could be fair. Okay. Thank you.
13 PROSPECTIVE JUROR NUMBER 248: My name is Tamera
14 Martinez and my last three digits are 248.
15 I have lived in Clark County for four years, four and a half.
16 I live in the southeast part of town.
17 I have almost my bachelor's.
18 I'm a realtor in Nevada and in Utah.
19 I am not married.
20 I do not have any children.
21 I've never been a juror before.
22 And there is no reason I cannot be fair and impartial juror, if
23 selected.
24 THE COURT: I have one more question for you, you just
25 missed my five year cut off, so four and a half years, were you in Utah

1 before you moved here?

2 PROSPECTIVE JUROR NUMBER 248: Yes, ma'am.

3 THE COURT: All right. Thank you.

4 And how long were you in Utah for?

5 PROSPECTIVE JUROR NUMBER 248: Born and raised.

6 THE COURT: Thank you very much.

7 PROSPECTIVE JUROR NUMBER 245: Yes, ma'am.

8 PROSPECTIVE JUROR NUMBER 249: My name is Soliman
9 Cagauan, last four digits are 0249.

10 I have lived in Clark County for 17 years.

11 I live up in the northeast by Nellis.

12 I have a bachelor's degree.

13 I'm a retail manager.

14 I am married.

15 I have three children, one six year old and two twin three year
16 olds.

17 I've been a juror in another state.

18 And I can be fair and impartial.

19 THE COURT: Thank you very much.

20 PROSPECTIVE JUROR NUMBER 253: Hello, my name is
21 Harjit Kaur. My badge number is 253.

22 I live in Lake Mead and Hollywood.

23 THE COURT: Lake Mead and Hollywood. Okay.

24 PROSPECTIVE JUROR NUMBER 253: Yes.

25 And nine years this -- live in this -- Las Vegas.

1 THE COURT: Okay. And how far did you go in school?
2 PROSPECTIVE JUROR NUMBER 253: No, I am not school.
3 THE COURT: Okay. And you said you stay at home?
4 PROSPECTIVE JUROR NUMBER 253: I am still home.
5 THE COURT: Right. Did you work before or have you always
6 stayed at home? Did you ever work?
7 PROSPECTIVE JUROR NUMBER 253: No.
8 THE COURT: No. Okay.
9 PROSPECTIVE JUROR NUMBER 253: I am not working.
10 THE COURT: I know you're married.
11 PROSPECTIVE JUROR NUMBER 253: I am married.
12 THE COURT: What does your husband do?
13 PROSPECTIVE JUROR NUMBER 253: I am married.
14 THE COURT: And what does your husband do? Where does
15 he work?
16 PROSPECTIVE JUROR NUMBER 253: Taxi.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NUMBER 253: And my children is --
19 three children. One 40 years, second is 38, and three child is 35 years.
20 THE COURT: Okay. Have you ever been a juror before?
21 PROSPECTIVE JUROR NUMBER 253: [No audible response.]
22 THE COURT: Have you ever come to serve for jury service?
23 PROSPECTIVE JUROR NUMBER 253: [No audible response.]
24 THE COURT: I'm going to guess not.
25 Have you ever been called for something like this before?

1 PROSPECTIVE JUROR NUMBER 253: [Speaking foreign
2 language.]

3 MR. MUELLER: Your Honor, may we approach?

4 THE COURT: Yes.

5 UNIDENTIFIED SPEAKER: [Speaking foreign language.]

6 THE COURT: That's okay. It's all right. I'm going to ask her
7 the next question and we're close to our first afternoon break. So just hold
8 on to that. Okay.

9 UNIDENTIFIED SPEAKER: Yes, ma'am.

10 THE COURT: Thank you.

11 One second, Mr. Mueller.

12 And then -- I know you have some language issues, so my last
13 question is there any reason why you can't be fair? I don't know, do you
14 understand the question?

15 PROSPECTIVE JUROR NUMBER 253: [No audible response.]

16 THE COURT: If you don't understand the question, that's okay.

17 PROSPECTIVE JUROR NUMBER 253: No.

18 THE COURT: Okay. All right. Let's go ahead and pass it to
19 the next person.

20 Thank you.

21 PROSPECTIVE JUROR NUMBER 253: My English is a little
22 bit.

23 THE COURT: That's okay. If you can pass the microphone to
24 right there.

25 Thank you.

1 PROSPECTIVE JUROR NUMBER 256: Roger Chen, 256.
2 Live in Clark County for less than two years.

3 THE COURT: And where did you live before that, sir?

4 PROSPECTIVE JUROR NUMBER 256: Well, theoretically, I'm
5 all -- I have been in China for the past ten years.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 256: But the mailing
8 address before Clark County was at Las Vegas -- I'm sorry, Los Angeles.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 256: I went all the way, in
11 school I went all the way to get my PhD degree.

12 Currently I am a government relation -- government liaison for
13 the company here -- for my company in China.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 256: Yes, I am married.

16 My wife is a housewife with me.

17 And we have two children, 34 and 31.

18 I never been a juror before.

19 I should be fair and impartial.

20 THE COURT: Thank you very much.

21 PROSPECTIVE JUROR NUMBER 258: My name is Kimberly
22 Gisi. My badge is 258.

23 I've lived in Clark County since 1999.

24 I live in Summerlin.

25 I went just through high school.

1 I'm an escrow officer.
2 I'm divorced.
3 I have a ten year old.
4 I've never been a juror before.
5 And there's no reason I can't be fair.
6 THE COURT: Thank you.
7 MR. MUELLER: I'm sorry, I didn't hear you, did she say she
8 works for Metro?
9 PROSPECTIVE JUROR NUMBER 258: No, I'm an escrow
10 officer.
11 MR. MUELLER: Escrow, okay. Thank you. Sorry.
12 THE COURT: That's all right.
13 Go ahead.
14 PROSPECTIVE JUROR NUMBER 261: All right. So my name
15 is Lonzy Anderson. My numbers are 261.
16 I have lived in Clark County 11 years.
17 I live in Henderson, to be specific.
18 I'm in college now.
19 My occupation, I work at McDonald's.
20 I'm not married.
21 Don't have any kids.
22 Never been on a jury before.
23 And there's no reason I can't be fair, impartial.
24 THE COURT: All right. Thank you very much.
25 Ms. Carter, if you could answer questions one through eight,

1 and then we'll answer question nine at a bench conference after we get
2 through everybody and we take our break. Okay. Thank you.

3 So if you could do one through eight.

4 PROSPECTIVE JUROR NUMBER 267: Okay. Hi, my name is
5 Fern Carter. My badge number is 267.

6 I have lived in Clark County for 20 years.

7 I live in central Nevada.

8 I have an associate's degree.

9 I am retired.

10 I'm married.

11 My husband is mighty man, you know, he works on cars.

12 I have four children, ages 39, 36, 35, and 32.

13 I have never been a jury before.

14 THE COURT: Okay. Thank you.

15 We're going to go ahead and finish the last two rows and then
16 we'll have a bench conference after.

17 Thank you.

18 PROSPECTIVE JUROR NUMBER 268: I'm juror 268. My
19 name is Ellen Clark.

20 I've lived in Clark County eight months.

21 I live in Henderson.

22 I have a master's degree.

23 I have a skin care business in Southern California.

24 I'm married.

25 And my husband does business development for a company.

1 I have a 22 year old.
2 I've never been a jury -- been a juror before.
3 And I think I can be fair and impartial, but I have a little anxiety
4 about a murder case, scares me just being on something like that but.
5 THE COURT: Thank you for your honesty. I'm confident the
6 parties will follow up on that. So thank you for that.
7 PROSPECTIVE JUROR NUMBER 268: Okay.
8 PROSPECTIVE JUROR NUMBER 273: My name is Wanda
9 Toadvine.
10 I live in Clark County.
11 I've been here two years.
12 THE COURT: I'm going to ask you the same question, I
13 apologize, where were you before you moved here?
14 PROSPECTIVE JUROR NUMBER 273: California.
15 THE COURT: And how long were you in California for?
16 PROSPECTIVE JUROR NUMBER 273: 25 years.
17 THE COURT: Were you in L.A. or San Diego or San
18 Francisco?
19 PROSPECTIVE JUROR NUMBER 273: L.A.
20 THE COURT: L.A., okay. Thank you.
21 PROSPECTIVE JUROR NUMBER 273: I have a bachelor's
22 degree in public administration.
23 I work for the post office as a clerk.
24 I'm single.
25 I have two children, 37, 38.

1 I've been a juror before.
2 And I do believe I can be fair and impartial.
3 THE COURT: All right. With your jury service, was it a civil or
4 criminal case?
5 PROSPECTIVE JUROR NUMBER 273: Criminal.
6 THE COURT: And did it go all the way to deliberation?
7 PROSPECTIVE JUROR NUMBER 273: Yes, it did.
8 THE COURT: All right.
9 PROSPECTIVE JUROR NUMBER 273: I was an alternate.
10 THE COURT: Oh, you were an alternate?
11 PROSPECTIVE JUROR NUMBER 273: Yes.
12 THE COURT: Okay. So you didn't participate in the actual
13 deliberations?
14 PROSPECTIVE JUROR NUMBER 273: No, I didn't.
15 THE COURT: All right. Thank you very much.
16 PROSPECTIVE JUROR NUMBER 274: Grace, 274.
17 I've lived in Clark County for 11 years.
18 I live in south part of the city.
19 I have a bachelor's degree in computer science.
20 I'm a housewife.
21 I'm married.
22 And my husband works as a computer engineer.
23 I have a daughter who is 20 years old.
24 I haven't been a jury before.
25 My reason is that my English is not good enough.

1 THE COURT: Okay. I understand you think your English isn't
2 good enough, but putting that aside, if you were to sit and listen to the
3 evidence and understand it, could you be fair and impartial?

4 PROSPECTIVE JUROR NUMBER 274: Yes.

5 THE COURT: Okay. Thank you very much.

6 If you can pass it.

7 PROSPECTIVE JUROR NUMBER 282: Hi, my name is Jesus.

8 And I'm sorry but I haven't speaking real much English and I
9 understand very well but.

10 THE COURT: Okay. What is your badge number? Is it 282?

11 PROSPECTIVE JUROR NUMBER 282: It's 08-0282.

12 THE COURT: Okay. All right. And where are you from?

13 PROSPECTIVE JUROR NUMBER 282: I'm from Mexico.

14 THE COURT: What part?

15 PROSPECTIVE JUROR NUMBER 282: Zacatecas.

16 THE COURT: Okay. And how long have you been here?

17 PROSPECTIVE JUROR NUMBER 282: For 20 years -- 28
18 years, yeah.

19 THE COURT: And what do you do here? Where do you work?

20 PROSPECTIVE JUROR NUMBER 282: On the construction.

21 THE COURT: And do you have kids?

22 PROSPECTIVE JUROR NUMBER 282: Yes, I have two. I
23 have one 19 and another 12.

24 THE COURT: Okay. All right. And how far did you go in
25 school?

1 PROSPECTIVE JUROR NUMBER 282: To sixth, the school,
2 sixth.

3 THE COURT: Okay. And are you still married?

4 PROSPECTIVE JUROR NUMBER 282: Yes, I'm married.

5 THE COURT: And what does your wife do?

6 PROSPECTIVE JUROR NUMBER 282: She work in the
7 casino.

8 THE COURT: Okay. And have you ever been a juror before,
9 jury service?

10 PROSPECTIVE JUROR NUMBER 282: I don't understand.

11 THE COURT: Have you come here before and done something
12 like this?

13 PROSPECTIVE JUROR NUMBER 282: Oh, no, I never -- I
14 never been here.

15 THE COURT: Okay. And understanding that you feel that your
16 English isn't strong enough, if you could understand the evidence and
17 listen to everything, could you be fair and impartial? Could you be fair?

18 PROSPECTIVE JUROR NUMBER 282: Well, you know, so I
19 don't speak real much English but I try for understand, you know.

20 THE COURT: Okay. All right. Thank you.

21 If we can pass it to the next person.

22 PROSPECTIVE JUROR NUMBER 282: My name is Joemar,
23 last three digits is 283.

24 Lived in Clark County for 13 years.

25 I live in Southern Highlands.

1 I have a bachelor's in kinesiology.
2 I currently work as a medical scribe at a private family practice.
3 I am not married.
4 No kids.
5 Never been a juror before.
6 And there is no reason why I can't be fair or impartial.
7 THE COURT: Thank you.
8 PROSPECTIVE JUROR NUMBER 282: My name is Maria,
9 badge number is 286.
10 I live in Las Vegas for 19 years.
11 I live at North Las Vegas.
12 Senior, graduate high school.
13 I'm a counter manager at Macy's.
14 I'm not married.
15 I have two daughters, which is 27 and 15.
16 No, I've never been to the juror before.
17 And there's no reason I can be fair, impartial juror.
18 THE COURT: Thank you.
19 PROSPECTIVE JUROR NUMBER 288: My name is Amie
20 Eldred, 288.
21 42 years.
22 Central.
23 Some college.
24 I am in mortgage servicing.
25 I am married.

1 My spouse works for Clark County Department of Aviation.

2 I have two children, 17 and 23.

3 I have never been a juror before.

4 And I can be fair and impartial.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR NUMBER 290: My name is Jiemyl

7 Mendigorin, badge number is 290.

8 I have lived in Clark County for 20 years now.

9 I'm on the east side of Vegas.

10 I went -- GED and high school but then I didn't finish college at
11 that point.

12 My occupation, I work at the Aria as a bar-back and then in the
13 warehouse delivery section.

14 I am not married.

15 But I do have one kid. But he's with foster parents now in
16 Arizona.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 290: I've never been a juror
19 before.

20 And I can be fair and impartial so.

21 THE COURT: Thank you.

22 Oh, hold on. We're getting someone a glass of water to help
23 out here. Hope that helps.

24 We'll pass that down. Can you grab that microphone.

25 PROSPECTIVE JUROR NUMBER 291: My name is Trinidad

1 Garcia. My badge number is 291.
2 I live in Clark County since November 2017.
3 THE COURT: Where did you live before that?
4 PROSPECTIVE JUROR NUMBER 291: In Garden Grove,
5 California.
6 THE COURT: Okay. Thank you.
7 And how long did you live there for?
8 PROSPECTIVE JUROR NUMBER 291: Since now two thou --
9 nineteen-twenty, no -- nineteen -- no, wait.
10 THE COURT: Was it the 90s?
11 PROSPECTIVE JUROR NUMBER 291: Yeah, 1997.
12 THE COURT: The 90s will work. Okay. Thank you.
13 PROSPECTIVE JUROR NUMBER 291: I went to school in the
14 Philippines.
15 Graduate in secretarial course for two years.
16 My occupation is retired.
17 THE COURT: Before you retired, where did you work?
18 PROSPECTIVE JUROR NUMBER 291: I work at Western
19 Dental in Orange County for 22 years.
20 I'm not married, divorced.
21 I have two sons, retired air force and sheriff in Orange County.
22 THE COURT: A sheriff in Orange County.
23 Is he still an active sheriff?
24 PROSPECTIVE JUROR NUMBER 291: Yes.
25 THE COURT: And does he talk about his job a lot?

1 PROSPECTIVE JUROR NUMBER 291: No.

2 THE COURT: No, okay. Thank you.

3 PROSPECTIVE JUROR NUMBER 291: Yes, I've been a juror
4 before in Santa Ana courthouse.

5 THE COURT: And what kind of case was it?

6 PROSPECTIVE JUROR NUMBER 291: Civil.

7 THE COURT: And did it reach a verdict, without telling us what
8 it was, did you reach a verdict in that?

9 PROSPECTIVE JUROR NUMBER 291: Yes.

10 THE COURT: Okay. So you did deliberate?

11 PROSPECTIVE JUROR NUMBER 291: Yes.

12 THE COURT: Were you the foreperson?

13 PROSPECTIVE JUROR NUMBER 291: Pardon me?

14 THE COURT: Were you the foreperson, the person who led the
15 jury deliberations?

16 PROSPECTIVE JUROR NUMBER 291: No.

17 THE COURT: Okay. The last one, is there any reason why you
18 can't be -- why you can -- why you cannot be fair and impartial?

19 PROSPECTIVE JUROR NUMBER 291: No, there's no reason
20 that I cannot be, yeah.

21 THE COURT: Okay. Thank you very much.

22 PROSPECTIVE JUROR NUMBER 295: My name is Annie
23 Ruth Nicholson. My badge number is 295.

24 I've lived in Clark County for 21 years.

25 Part of town is Northwest Las Vegas.

1 I have two years of college.
2 My occupation is the aviation industry, currently assigned in
3 San Francisco.
4 Not married.
5 Two children, 42 and 45.
6 No, I've not been a juror before.
7 And there's not a reason why I can't be fair and impartial.
8 THE COURT: Thank you.
9 PROSPECTIVE JUROR NUMBER 296: My name is Jeffrey
10 Yang, badge number 296.
11 Lived in Clark County for about 15 years.
12 Northwest part of town.
13 Bachelor's degree in pharmacy.
14 Married.
15 Two kids, 8 and 11.
16 Never been a juror before.
17 And there should be no reason I can be impartial.
18 THE COURT: Thank you.
19 PROSPECTIVE JUROR NUMBER 320: Tiffany Johnson, 320.
20 I lived in Clark County for about four to five years.
21 I lived in California, L.A., previously for about 20 years.
22 I live like not too far down the street, Pecos and Las Vegas.
23 I have high school.
24 I'm a -- as I said previous, earlier, I'm a PCA service person.
25 I'm not married.

1 I don't have any children.
2 I've never been a juror before.
3 And there isn't any reason I can't be impartial but this definitely
4 makes me a little nervous.
5 THE COURT: Okay. And I appreciate your honesty on that.
6 I'm sure the parties will follow up on it.
7 Thank you.
8 PROSPECTIVE JUROR NUMBER 303: My name is Mathew
9 Schumer, 303.
10 I've lived in Clark County for almost five years and before that
11 Westchester, New York for 26.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NUMBER 303: Live in Las Vegas.
14 I have a master's.
15 I'm a musician.
16 I'm not married.
17 And I do not have kids.
18 I've not been a juror.
19 And I would be fair.
20 THE COURT: Thank you.
21 PROSPECTIVE JUROR NUMBER 306: My name is Clayton
22 Newton, badge number 306.
23 Lived in Clark County for 33 years.
24 West Vegas is where I live.
25 10th grade is highest I went in school.

1 Retired.
2 I worked at convenient stores stocking and cashier.
3 I'm a widower.
4 I have no children.
5 Never been a juror before.
6 And I can be honest and --
7 THE COURT: Fair and impartial?
8 PROSPECTIVE JUROR NUMBER 306: Fair and impartial.
9 THE COURT: Okay. Thank you very much.
10 PROSPECTIVE JUROR NUMBER 313: Clanicia Glass, badge
11 number 313.
12 I've lived in Clark County for two and a half years.
13 THE COURT: Where did you live before that?
14 PROSPECTIVE JUROR NUMBER 313: Baltimore, Maryland
15 for 25.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NUMBER 313: I live in North Las
18 Vegas in the Aliante area.
19 Graduate school. I have a bachelor's in psychology and
20 industrial and organizational psychology for grad school.
21 I am currently an admin manager for a spiritual center, and I'm a
22 consultant, a restorative justice consultant around the country, in different
23 judicial systems, in prisons.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NUMBER 313: I am divorced.

1 I have one child. He is 11 going on 2.

2 And --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 313: -- I've been a juror
5 before but an alternate but I didn't get to deliberate.

6 THE COURT: And was that a criminal or civil case?

7 PROSPECTIVE JUROR NUMBER 313: It was a criminal case.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NUMBER 313: And other than the
10 restorative justice, there's no reason that I can be -- can't be fair and
11 impartial.

12 THE COURT: Okay. Thank you.

13 PROSPECTIVE JUROR NUMBER 319: Last three of badge
14 number is 319. My name is Bryan Shellum.

15 I've been in Clark County for 11 years.

16 I live in Rhoades Ranch, southwest.

17 I have an associate's degree.

18 I work in information systems as a supervisor.

19 And I am married.

20 She works as a -- in dental insurance.

21 I have one child who's four years old.

22 I've never been a juror.

23 And I can be fair and impartial.

24 THE COURT: All right. Thank you very much.

25 All right. So here's what we're going to do, good news is we've

1 made it to our first afternoon break and I'm going to give, because there's
2 so many of you, I'm going to do a 20 minute break that way everyone can
3 take a stretch break and if you need to use the restroom, there's
4 restrooms on this floor but sometimes with so many people, it takes a
5 minute. So I don't want you to wander too far, but if there's a line, I
6 recommend going up a floor or down a floor that way everyone can do
7 that.

8 And while we're on this break I would ask -- miss -- I believe it
9 was Ms. Fern, yes, to stay behind, if you don't mind, that'll be easier when
10 everyone's out.

11 So I have to read this admonishment to you, it's a requirement
12 throughout the course of the trial. And if you get picked as a juror, you will
13 hear this regularly, so I apologize now, but it is something that is required
14 that I read it.

15 During this recess, you're not to talk or converse amongst
16 yourselves or with anyone else on any subject connected to this trial. Or
17 read, watch, or listen to any report of or commentary on the trial or any
18 person connected with this trial by any medium of information, including,
19 without limitation, newspapers, television, radio, or Internet.

20 And I always say the first time I got a draft of this it indicated
21 that no one should go Ask Jeeves about this. Most of you in this
22 courtroom won't even know what Ask Jeeves is. The new age version of
23 that is Siri or Alexa, don't ask them.

24 Or form or express any opinion on any subject connected with
25 this trial until the case is finally submitted to you, if you were to be picked

1 as a juror and you are to deliberate and reach a verdict.

2 The short version means don't talk about the case. Talk about
3 the weather, the humidity, football season starting, whatever you guys
4 want to talk about, just not this case or even this process.

5 So we will come back at 2:20 and we'll see everyone then.

6 Thank you.

7 This is why we take 20 minutes, there's a traffic jam even
8 getting out of the courtroom.

9 [Pause in proceeding]

10 [In the presence of prospective Juror No. 267]

11 THE COURT: All right. Go back on the record.

12 The jury venire has left the courtroom. I had asked Ms. Fern to
13 stay behind.

14 Thank you. Feel free to have a seat.

15 I'm going to let the parties know that Ms. Fern informed my
16 marshal during the course of the general biographic questions that she
17 had lost a member of your family --

18 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

19 THE COURT: -- in a murder; is that correct?

20 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

21 THE COURT: And so she was concerned about her ability to
22 be fair and impartial, which is why I had her stay behind so we can talk to
23 her about that.

24 First off, I'm sorry that happened to you, but we need to ask you
25 some questions, when did this happen?

1 PROSPECTIVE JUROR NUMBER 267: It happened in '98.

2 THE COURT: Okay. And who was the victim in relation to
3 you?

4 PROSPECTIVE JUROR NUMBER 267: He was my
5 brother-in-law.

6 THE COURT: Okay. And is there any -- well, let me ask you
7 this question, was the suspect ever caught?

8 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

9 THE COURT: And was the person -- did they go to trial or did
10 they take a plea agreement?

11 PROSPECTIVE JUROR NUMBER 267: They took a plea deal
12 but they did go to trial.

13 THE COURT: They started the trial and he took a deal or she?

14 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 267: It was a lady.

17 THE COURT: All right. So were you intimately aware of the
18 facts of that particular case?

19 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

20 THE COURT: All right. Is there anything about that experience
21 that would make you feel you couldn't be fair and impartial in this case?

22 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

23 THE COURT: Tell me why.

24 PROSPECTIVE JUROR NUMBER 267: Well, the way the
25 situation happened, if I can elaborate just a little on it.

1 THE COURT: Sure.

2 PROSPECTIVE JUROR NUMBER 267: What it was is that he
3 was in the shower and when he walked out the shower the girl shot him,
4 straight through his head, and it came out his. And when we went to go
5 see him his brains was all over the place so.

6 THE COURT: So you had to help identify the body?

7 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

8 THE COURT: Okay. All right. And given, I'm sorry to hear
9 that, given that experience, I could hear you getting a little emotional,
10 would it be hard for you to sit and listen to the facts of this case?

11 PROSPECTIVE JUROR NUMBER 267: Yes, ma'am.

12 THE COURT: Okay. All right. Well, thank you for your honesty
13 and letting us know that you've gone through that.

14 I'm going to ask the parties, either side has any additional
15 questions for this potential juror?

16 MR. MUELLER: No questions.

17 MR. DIGIACOMO: No questions.

18 THE COURT: Okay. All right. Ms. Carter, if you don't mind just
19 stepping out of the courtroom, don't go too far, if you'll just wait right there,
20 and I'll let the marshal come out and see you. Okay.

21 PROSPECTIVE JUROR NUMBER 267: Okay.

22 THE COURT: Thank you very much.

23 PROSPECTIVE JUROR NUMBER 267: Thank you.

24 THE COURT: Again, for the record, that is juror, badge number
25 267, Fern Carter.

1 [Outside the presence of the prospective jury panel]
2 THE COURT: All right. Let the record reflect that Ms. Carter
3 has left the courtroom.
4 Does either side have an objection to releasing Ms. Carter at
5 this time?
6 MR. DIGIACOMO: No.
7 THE COURT: Okay. All right.
8 MR. MUELLER: Is she --
9 THE COURT: It's juror number two -- her badge number is 267,
10 Fern Carter.
11 MR. MUELLER: I kind of object. She said it would traumatic
12 but she didn't say -- well, never mind. I'll withdraw the objection.
13 THE COURT: You withdraw the objection?
14 MR. MUELLER: I'll withdraw the objection.
15 THE COURT: Okay. All right. So you are okay with striking
16 her for cause?
17 MR. MUELLER: Yes.
18 THE COURT: All right. Let's talk about a few more of them
19 while we're on this break.
20 We've got a little bit more information, as an example, it
21 appears that Mr. Solano does speak more English than he initially led on
22 to. I am not inclined to strike him for cause at this time, but I'll hear from
23 either party.
24 MR. DIGIACOMO: No, I think all parties agree that he should
25 remain.

1 THE COURT: Okay.

2 MR. MUELLER: If he can work as a mechanic and a -- he can
3 work --- if he can work as a mechanic, he can -- speaks enough English to
4 get by.

5 THE COURT: Okay. And then juror number 253, she's the one
6 who had language issues, indicated she did, and had a hard time
7 answering the general biographical and she wanted to ask her husband to
8 answer the questions for her.

9 MR. MUELLER: That clearly unqualified as a -- she clearly
10 doesn't have the English skills to function. She was -- she didn't
11 understand what you were saying and had to look for her husband to
12 interpret.

13 THE COURT: Okay.

14 MR. DIGIACOMO: We agree.

15 THE COURT: Okay. So juror number 253 will be stricken for
16 cause.

17 The other one that came up as an issue was juror number 282.

18 MR. MUELLER: Mr. Bernal -- Escobar -- Escovado? (phonetic)

19 THE COURT: Yes.

20 MR. MUELLER: Yes.

21 THE COURT: For the first time, after asking the question about
22 English, he said he did not speak English.

23 MR. MUELLER: It was obvious to me that when you asked if
24 he had trouble understanding English, he said he didn't understand that
25 the first time. His English skills are -- he's probably not -- doesn't have the

1 requisite skills. Defense would move to strike him for cause.

2 THE COURT: State?

3 MR. DIGIACOMO: Submit it, Judge.

4 THE COURT: Okay. I have to be honest I'm on the fence on
5 him, but he didn't seem to respond to some of my questions in a way that
6 would make sense. So I will strike him for cause.

7 THE CLERK: 282?

8 THE COURT: 282, yes.

9 And then I wanted to ask both parties, while he's not in here, if
10 any has -- either side has a problem with Mr. Jeffrey Yang, is juror 296, he
11 knows my court recorder. She's not here today but she will be back
12 tomorrow.

13 Is there any issue with him knowing the court recorder?

14 MR. MUELLER: No.

15 MR. DIGIACOMO: Not according to him. I may ask him some
16 questions during voir dire.

17 THE COURT: Okay. At this time, okay, no.

18 All right. Anybody else that you-all have a concern about?

19 MR. DIGIACOMO: Judge, I have two.

20 THE COURT: Yes.

21 MR. DIGIACOMO: We approached on Ms. Glass, and because
22 I assumed it was a high school, because my son's high school gets out at
23 2:11.

24 THE COURT: Right.

25 MR. DIGIACOMO: Her son is actually 11 years old.

1 THE COURT: Right.

2 MR. DIGIACOMO: I'm unsure why it is there's not aftercare for
3 someone that's 11 years old but she says it's done at 4:00. So that's a
4 problem.

5 THE COURT: Well, she says she send him to -- yeah, to the
6 library and it closes at 4:00, yeah.

7 MR. DIGIACOMO: So, I mean, I think that qualifies as cause.

8 MR. MUELLER: Defense would object. Ms. Glass would be a
9 fine juror and I believe it would not be an undue burden to keep her.

10 THE COURT: Well, it would be an undue burden in terms of
11 scheduling for the Court would have to end by 3:00 every day and that
12 would give us maybe three hours of testimony to accommodate her
13 schedule.

14 If the -- even the child could work until -- could have care until
15 5:00, I'd probably be more willing to work with that. But 4 o'clock is really
16 complicated with morning calendars and wanting to go through.

17 I think that she doesn't have anyone else. I am going to release
18 her for cause.

19 Do we want to bring her back in and ask her any additional
20 questions?

21 MR. MUELLER: Yes, Judge, I'd like to.

22 THE COURT: Okay. We can do that.

23 All right. And you had one more, Mr. DiGiacomo.

24 MR. DIGIACOMO: I just don't know if you addressed
25 Ms. Wang. I assume with Ms. Wang you felt comfortable enough with her

1 language, 274?

2 THE COURT: 274. I felt comfortable enough with her
3 language. She was able to read the questions and answer the questions.

4 MR. DIGIACOMO: Okay.

5 THE COURT: So she seemed to understand.

6 MR. MUELLER: I would normally have agreed -- or my
7 assessment would have been the same but then right at the end she says
8 the reason she trained as a computer science major is not working in an
9 economy where computer science majors can name their prices. She
10 doesn't have any English skills.

11 So I -- we might want to ask --

12 THE COURT: Did she say that or she became a stay at home
13 mom?

14 MR. MUELLER: No, that's what she said right at the end
15 because I was going to pass on it and then she -- you asked her, I'm a
16 housewife because I don't have good English skills. That means
17 someone who knows computers, who could go out and make a very nice
18 living at it, isn't doing it because she doesn't know how to use English.

19 THE COURT: I didn't hear that, so let's bring her back in, and
20 ask her that question. I did not hear that.

21 MR. MUELLER: All right.

22 THE COURT: Did you have something else written down?

23 THE MARSHAL: I do. Juror 323, Lina Rivas, she wanted me to
24 tell you that she was a federal witness in New York to an Italian mob case.
25 I don't know if it really matters but.

1 THE COURT: Well, we haven't called her up yet; right, or we're
2 going to?

3 THE MARSHAL: Right.

4 And then 379, didn't get to his name yet.

5 THE COURT: 379 is mister -- or is it mister? Isagani --

6 THE MARSHAL: Isagani, yeah, Mr. Isagani Dun --

7 THE COURT: Dungca?

8 THE MARSHAL: Yeah. He said that him and his wife just got
9 laid off of their jobs and he said that he needs to get going, if he can, but.

10 THE COURT: Well, he needs to unfortunately complete his
11 service.

12 Let him know I appreciate that, but also let him know that if he
13 sits here and he completes this, that he'll be done for at least two years.

14 Ms. Rivas we probably should ask her some more questions
15 about that.

16 So, first off, can you let Ms. Carter know, Fern Carter, that we're
17 going to go ahead and release her for cause.

18 Do you want me to put that on the record or you okay with him
19 releasing her?

20 MR. MUELLER: That's fine, Judge.

21 MR. DIGIACOMO: Yeah, it's fine.

22 THE COURT: Okay. So if you could release Ms. Carter for
23 cause, Fern Carter.

24 And then if you could bring in first --

25 MR. DIGIACOMO: Do you want to have him release Mr. Bernal

1 too or are you going to?

2 THE COURT: Oh, yeah.

3 And go ahead and release Mr. Bernal too. Thank you. That is
4 juror number 282.

5 MR. MUELLER: Your Honor, could we take a brief break now?

6 THE COURT: Yes, yeah, I just wanted to make sure we get
7 everything.

8 And then when we come, if you bring in first --

9 MR. SCARBOROUGH: I'm sorry to interrupt, Your Honor.

10 THE COURT: No problem.

11 MR. SCARBOROUGH: And Ms. Kaur or Kaur, 253.

12 THE COURT: Yes, 253.

13 MR. SCARBOROUGH: If we can release her.

14 THE COURT: Yes.

15 She's the language -- she's the woman who speaks Punjabi.

16 THE MARSHAL: Okay.

17 THE COURT: Okay. And then when we come back -- if you-all
18 want to step back here and use the facilities back here, it'll be easier.

19 MR. MUELLER: Yeah.

20 THE COURT: And we can -- she can -- we can take her back.

21 If you don't mind taking her back.

22 And then just -- as soon as you're done, just come back right
23 here, and we'll bring in Ms. Rivas to talk to her outside the presence of
24 everybody else.

25 MR. DIGIACOMO: Okay.

1 THE MARSHAL: So you want Ms. Rivas back in here?
2 THE COURT: In a minute, yeah.
3 THE MARSHAL: Once everybody is back in here.
4 THE COURT: Well, no, bring her first, then we'll bring
5 everybody else.
6 THE MARSHAL: Okay.
7 THE COURT: So let them -- if you need to go back, if you don't
8 mind letting him out.
9 Thank you.
10 [Recess taken at 2:12 p.m.]
11 [Jury trial resumed at 2:15 p.m.]
12 [In the presence of prospective Juror No. 258]
13 THE COURT: Hi, good afternoon.
14 PROSPECTIVE JUROR NUMBER 258: Hi.
15 THE COURT: Can you tell me how to say your last name.
16 PROSPECTIVE JUROR NUMBER 258: Gisi.
17 THE COURT: Gisi.
18 Okay. Go ahead and have a seat.
19 I figure I'd bring you in when there was not everyone in here,
20 with just us, to make it a little easier.
21 Sit down, be comfortable, everyone can be seated.
22 I understand that -- and I'm sorry to pry, I'd rather do this
23 without everyone being present. But I understand you suffer from some
24 anxiety?
25 PROSPECTIVE JUROR NUMBER 258: Yeah.

1 THE COURT: You're currently having an anxiety attack?

2 PROSPECTIVE JUROR NUMBER 258: Yeah.

3 THE COURT: Okay. That's okay. You're not the only person
4 in the world that has anxiety. Take a deep breath.

5 How often do these attacks come one?

6 PROSPECTIVE JUROR NUMBER 258: They've been better
7 over the last, like, year or so. But just kind of, so I don't have them come
8 all the time. And the drive down here --

9 THE COURT: Stresses you out?

10 PROSPECTIVE JUROR NUMBER 258: Yeah.

11 THE COURT: I don't want to go into details, but do you take
12 anything for your anxiety?

13 PROSPECTIVE JUROR NUMBER 258: I haven't in a while.

14 THE COURT: Okay. All right. And so do you think based on
15 your -- the level of anxiety you're feeling now that it would be too much for
16 you to be able to sit through the course of this trial?

17 PROSPECTIVE JUROR NUMBER 258: Yes, it is.

18 THE COURT: Okay. Is it the idea of driving back and forth
19 every day? Tell me about it -- tell me about what's stressing you out?

20 PROSPECTIVE JUROR NUMBER 258: It's the drive here. My
21 life is kind of like in a very small radius as far as my job, my kid's school.
22 So it's the traffic, driving, it's walking into the building from where I was
23 today. It was very difficult. I'm sitting, kind of like a stuck feeling where I
24 can't leave because I'm in the middle of a trial.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER 258: It's a lot of things.

2 THE COURT: Okay. All right. Well, I'm sorry that you're
3 feeling so upset.

4 Do either of the parties have any questions for --

5 PROSPECTIVE JUROR NUMBER 258: I'm sorry.

6 THE COURT: -- this potential juror?

7 It's okay. You don't have to apologize to me.

8 MR. DIGIACOMO: Not from the State.

9 THE COURT: Mr. Mueller, do you have any additional
10 questions?

11 MR. MUELLER: No, I do not.

12 THE COURT: Okay. All right. If you don't mind just stepping
13 out, right outside those doors, and then we'll come out and talk to you in
14 just a minute. Okay.

15 PROSPECTIVE JUROR NUMBER 258: All right.

16 THE COURT: Thank you for coming in here.

17 PROSPECTIVE JUROR NUMBER 258: Thank you.

18 THE COURT: Take a deep breath. All right.

19 Do you need any tissue?

20 PROSPECTIVE JUROR NUMBER 258: That'll be great.

21 THE COURT: I'm sorry, Mr. DiGiacomo, that's closet to her.

22 PROSPECTIVE JUROR NUMBER 258: I appreciate that.

23 THE COURT: Thank you for passing that, my request. I
24 appreciate it. Thank you.

25 PROSPECTIVE JUROR NUMBER 258: Thank you.

1 THE COURT: I just told her to wait outside those doors real
2 quick and we would get back to her. Or the room is fine.

3 Can you close that door?

4 THE MARSHAL: The room right here?

5 THE COURT: Yeah, that's fine.

6 THE MARSHAL: Okay.

7 [Outside the presence of the prospective jury panel]

8 THE COURT: All right. Let the record reflect that juror number
9 258 has left the courtroom.

10 And I want to put on the record, as well, the defendant is back.
11 and we wanted to see if either party had an objection to releasing
12 Ms. Gisi?

13 MR. DIGIACOMO: Not from the State.

14 MR. MUELLER: The defense objects to releasing Ms. Gisi.
15 She hasn't articulated anything that would prevent her from serving as a
16 juror. It's unfortunate that she's got some anxiety. But I assure you, my
17 client base, that's about a dime a dozen. There's nothing unusual about
18 that at all.

19 THE COURT: Well, she was visibly upset, crying, and I can see
20 her almost hyperventilating. I believe that she would have a hard time
21 concentrating and we're asking her not to come back for one day but
22 potentially five days. She indicated the traffic and the parking and walking
23 to and from the parking lot to the courthouse would be very difficult for
24 her.

25 I'm going to overrule your objection. I am going to release her

1 for cause based on her visible symptoms of anxiety and inability to remain
2 calm, which is necessary to deliberate in any criminal case or any case in
3 general but particularly a criminal case.

4 MR. MUELLER: All right. Thank you, Your Honor. For the
5 record we object.

6 THE COURT: All right. Thank you for that.

7 All right. Let's go ahead and bring in Ms. Rivas.

8 THE MARSHAL: Do you want me to release Ms. Gisi?

9 THE COURT: Yeah, go ahead and release her.

10 [Pause in proceeding]

11 MR. DIGIACOMO: Oh, this is the federal witness.

12 THE COURT: This is the federal witness, yeah.

13 MR. DIGIACOMO: I'm like, okay, she's not in our box.

14 THE COURT: Yeah. But she's going to be called up next
15 because we just let everyone go so.

16 [Pause in proceeding]

17 [In the presence of prospective Juror No. 323]

18 THE COURT: Ms. Rivas, hi, how are you? Come on in, go
19 ahead and have a seat in one of those chairs there. You get to take your
20 pick. That's fine.

21 How are you?

22 PROSPECTIVE JUROR NUMBER 323: Fine.

23 THE COURT: All right. For the record we're talking to Lina
24 Rivas, badge number 323.

25 So I understand you passed a message to my marshal that you

1 previously were a witness in a federal trial?

2 PROSPECTIVE JUROR NUMBER 323: Yes.

3 THE COURT: Okay. When was that trial?

4 PROSPECTIVE JUROR NUMBER 323: Well, it was in New
5 York, like, I don't exactly, like, maybe 15 years ago, 15 years ago.

6 THE COURT: 18 years ago?

7 PROSPECTIVE JUROR NUMBER 323: Yeah, it's a federal
8 crime. It was, like, I think, Gambino something. It was for Italian --

9 THE COURT: The Gambino family?

10 PROSPECTIVE JUROR NUMBER 323: Yeah.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NUMBER 323: So I was working in
13 the bar, and my boss have a problem with those guys, come to make
14 trouble with him. Then I was -- the bar -- it was -- the bar, it was fighting.
15 I was there. And then called me federal agent, FBI, I was working with my
16 husband. My husband has a -- in a bar. And they come to ask me for be
17 a witness for my ex-boss. Right now my ex-boss he pass away like three
18 or four years ago.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 323: So I want to know if I
21 have tell you I was work -- I was in a federal case like a witness so.

22 THE COURT: I appreciate that.

23 Now, is there anything about your experience as a witness that
24 would not let you be fair and impartial in this case? So you have to sit and
25 listen to the evidence and then evaluate guilt or innocence based on the

1 evidence alone?

2 PROSPECTIVE JUROR NUMBER 323: Yes.

3 THE COURT: You could be fair and impartial?

4 PROSPECTIVE JUROR NUMBER 323: I can be fair and
5 impartial.

6 THE COURT: Okay. And you -- okay. Any other follow-up
7 questions from the State or from the defense?

8 MR. DIGIACOMO: No.

9 THE COURT: Okay. Ms. Rivas, we're going to have you go
10 back out there.

11 MR. MUELLER: May I --

12 THE COURT: Thank you for letting us know.

13 MR. MUELLER: -- Judge, may I ask her just a couple of
14 questions.

15 THE COURT: Oh, sure, go ahead.

16 MR. MUELLER: Did the federal government relocate you? Did
17 they pay you to move out here?

18 PROSPECTIVE JUROR NUMBER 323: No.

19 MR. MUELLER: Did anybody from the federal agencies tell you
20 that you weren't potentially in any danger?

21 PROSPECTIVE JUROR NUMBER 323: No. They say -- it was
22 everything on secret at that time. So right now I think they give like 25 to
23 50 years of prison of this guy, this person. And the dad, they don't say
24 nothing to me. They say if you have problem with them, you know, I'll let
25 you know, you are a good citizen and you -- that's the only thing that they

1 told me.

2 THE COURT: Okay.

3 MR. MUELLER: And did you actually testify?

4 PROSPECTIVE JUROR NUMBER 323: Yes, in court.

5 THE COURT: Yes.

6 MR. MUELLER: Okay.

7 THE COURT: Any other questions?

8 MR. MUELLER: No.

9 Thank you.

10 THE COURT: All right. Let me ask you one more question,
11 there will be, potentially, an FBI agent testifying in this case, is there
12 anything about that that would make you not be fair and impartial?

13 PROSPECTIVE JUROR NUMBER 323: No.

14 THE COURT: Okay. All right. So I'm going to have you go
15 back with everybody else and then we'll bring you back in and we'll ask
16 you some more questions. Okay? Thank you for coming in. I appreciate
17 it.

18 [Outside the presence of the prospective jury panel]

19 THE COURT: All right. Let the record reflect juror, she is juror
20 323, has left the courtroom.

21 All right. We're already a couple of minutes behind. I need to
22 step off the bench for just a minute and I will be right back and then we'll
23 bring the jury back in.

24 Be right back.

25 [Pause in proceeding]

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[In the presence of the prospective jury panel]

THE COURT: Welcome back everyone. Please be seated.

So our break went on a little longer than I expected but we were trying to get some business done so you hopefully would be more comfortable moving around than standing instead of sitting here.

We do -- as you can tell, there are a couple of empty chairs floating around. So we're going to need to fill those in.

Madam clerk, could you please announce the jurors that are going to join the panel here.

THE CLERK: Lina Rivas.

John Kramer.

Raphael Martinez.

And Alisha Rhodes.

THE COURT: All right. Welcome everyone who's joined us from the back.

I'm going to ask some of the same questions and this card is going to get passed around to each of you. But let's see here, anything in terms of schedule or anything else that we need to know about for those of you who just joined me up here?

All right. One second. Let me give you the microphone.

PROSPECTIVE JUROR NUMBER 329: My name is Raphael Martinez, badge 0329.

THE COURT: What's happening?

PROSPECTIVE JUROR NUMBER 329: You asked about the schedule, it's just my work, that's pretty much it.

1 THE COURT: And where do you work, sir?

2 PROSPECTIVE JUROR NUMBER 329: I work in construction.

3 I work for the union.

4 THE COURT: All right. And are you currently working a

5 particular job?

6 PROSPECTIVE JUROR NUMBER 329: Yes, actually in the

7 union, yes.

8 THE COURT: And where --

9 PROSPECTIVE JUROR NUMBER 329: I did ask permission

10 for one day because I knew that I was going to come today. But other

11 than that, I don't know if it's going to be possible or not.

12 THE COURT: And if you received a note from the Court

13 advising you were on jury service, would that be an issue?

14 PROSPECTIVE JUROR NUMBER 329: That is -- that I don't

15 know to be honest.

16 THE COURT: Okay. All right. Thank you for that.

17 PROSPECTIVE JUROR NUMBER 329: All righty.

18 THE COURT: I saw another hand.

19 Hi, how are you? He's bringing you in the microphone.

20 THE MARSHAL: Your Honor, can we have a bench

21 conference?

22 THE COURT: Oh, sure. If you don't mind coming up. Just

23 come around this way, it's easier.

24 And if the parties can join us at the bench.

25 [Bench conference begins]

1 THE COURT: Hi. One second, let them come up here; okay.
2 And this is the microphone, if you wouldn't mind speaking into
3 that.

4 PROSPECTIVE JUROR NUMBER 335: Okay.

5 THE COURT: And for the record this is --

6 PROSPECTIVE JUROR NUMBER 335: Alisha Rhodes.

7 THE COURT: -- Ms. Rhodes, juror 335.

8 Okay. What's going on?

9 PROSPECTIVE JUROR NUMBER 335: So right now I'm the
10 only one working. My husband's very ill, he can't work, and I have two
11 kids so.

12 THE COURT: Oh, I'm sorry to hear that.

13 PROSPECTIVE JUROR NUMBER 335: And my works really
14 like counting on me too. I'm the only hard worker over there so.

15 THE COURT: Where do you work?

16 PROSPECTIVE JUROR NUMBER 335: A Caring Hand.
17 They just lost two workers this week.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 335: And so I have no one
20 covering my clients.

21 THE COURT: Okay. And what do you do?

22 PROSPECTIVE JUROR NUMBER 335: I'm a PCA.

23 THE COURT: Oh, you're a PCA. Okay.

24 All right. And I'm sorry to hear about your husband.

25 Who's with him normally during the day?

1 PROSPECTIVE JUROR NUMBER 335: He's by himself with
2 the kids.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 335: I have a four year old
5 and a two year old.

6 THE COURT: Okay. All right. And does your work anticipate
7 bringing anybody else in to help you?

8 PROSPECTIVE JUROR NUMBER 335: No.

9 THE COURT: No. Okay.

10 All right. Any questions from the State?

11 MR. DIGIACOMO: Can I ask you this, first of all, if you're here,
12 do you get paid?

13 PROSPECTIVE JUROR NUMBER 335: No, I don't get paid.

14 MR. DIGIACOMO: And if it's the situation where the Court
15 forces you to be here and you miss a weeks' worth of work, is the type of
16 thing where you're not going to be able to make your mortgage and those
17 types of things?

18 PROSPECTIVE JUROR NUMBER 335: Yeah, I won't be --

19 MR. DIGIACOMO: You're going to be able to --

20 PROSPECTIVE JUROR NUMBER 335: -- I live in an
21 apartment. I won't be able to make it, yeah.

22 MR. DIGIACOMO: Okay. That's all.

23 THE COURT: Mr. Mueller, any follow-up questions?

24 MR. MUELLER: No, I'll pass for cause.

25 THE COURT: Okay. All right. Go ahead and have a seat for

1 now.

2 PROSPECTIVE JUROR NUMBER 335: Okay.

3 THE COURT: Okay. Thank you.

4 If you-all could stay here.

5 MR. DIGIACOMO: Okay.

6 THE COURT: I realized -- well, first off, does either party have
7 a motion regarding Ms. Rhodes?

8 MR. MUELLER: I'll stipulate to letting her go, if my colleague
9 will join us.

10 MR. DIGIACOMO: Oh, yeah, she's free to go.

11 THE COURT: I'm sorry?

12 MR. DIGIACOMO: She's free to go as far as I'm concerned.

13 THE COURT: Okay. All right. So we will strike her for cause.
14 And then I realized, I ran to the back, we didn't bring miss --

15 MR. DIGIACOMO: Glass.

16 THE COURT: -- Ms. Glass in.

17 Do we want to bring her up now to ask her some follow-up
18 questions or do you want to wait towards the end?

19 MR. DIGIACOMO: We can bring her up now. That way --

20 THE COURT: Yeah, that way we can --

21 MR. DIGIACOMO: -- at least we can get through it before I take
22 the panel.

23 THE COURT: -- exactly.

24 Can you go ahead and bring up Ms. Glass.

25 [Pause in proceeding]

1 THE COURT: Hi, how are you? So I meant to bring you up
2 while we were on the break and then I got called to the back --

3 PROSPECTIVE JUROR NUMBER 313: Oh, okay.

4 THE COURT: -- and I didn't grab you, so this is my fault.

5 PROSPECTIVE JUROR NUMBER 313: Oh, it's okay.

6 THE COURT: So I figured while we're up here, let's do this
7 now.

8 PROSPECTIVE JUROR NUMBER 313: Okay.

9 THE COURT: I had some follow-up questions for you. So I
10 know that you have your 11 year old going on 2.

11 PROSPECTIVE JUROR NUMBER 313: Yeah.

12 THE COURT: He's a boy.

13 PROSPECTIVE JUROR NUMBER 313: He's a boy.

14 THE COURT: No offense to anyone at the bench.

15 So there's nobody else that can take care of him during the
16 course of the -- if you were to be on the jury?

17 PROSPECTIVE JUROR NUMBER 313: So when I asked my
18 sister, she works at UMC, she doesn't get off until 4:30.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 313: So she's going to try to
21 get off early today.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 313: Because it doesn't
24 look like we're getting out of here in time before --

25 THE COURT: Yeah.

1 PROSPECTIVE JUROR NUMBER 313: But she can't do that
2 every day.

3 THE COURT: She can't do that every day?

4 PROSPECTIVE JUROR NUMBER 313: No.

5 THE COURT: And she's the only person that you know --

6 PROSPECTIVE JUROR NUMBER 313: Yeah.

7 THE COURT: -- that would be able to take care of your child
8 here?

9 PROSPECTIVE JUROR NUMBER 313: Yeah.

10 THE COURT: Okay. All right. Any other questions from the
11 State?

12 MR. DIGIACOMO: And so essentially there's no other options if
13 you're forced to be here --

14 PROSPECTIVE JUROR NUMBER 313: Yeah.

15 MR. DIGIACOMO: -- your kids going to be left and CPS is
16 coming or something; right?

17 PROSPECTIVE JUROR NUMBER 313: Don't say that.

18 MR. DIGIACOMO: I won't say it. But I mean like someone's
19 going to --

20 THE COURT: Yeah.

21 MR. DIGIACOMO: -- you're going to get -- they're going to kick
22 him out of the school and there's going to be no one to watch him?

23 PROSPECTIVE JUROR NUMBER 313: Well, they close at
24 4:00, yeah.

25 THE COURT: Yeah.

1 Mr. Mueller, any additional questions?

2 MR. MUELLER: No questions.

3 THE COURT: Okay. Thank you very much. You can return to

4 your seat and I apologize for the delay.

5 Oh, Mr. DiGiacomo.

6 All right. I know you had an objection, I am going to strike her

7 for cause at this time. She does have childcare issues that she doesn't

8 have anybody else to call up on.

9 MR. MUELLER: All right.

10 THE COURT: So okay. All right.

11 MR. MUELLER: Thank you, Your Honor.

12 THE COURT: Thank you.

13 MR. DIGIACOMO: Are we going to release them both right

14 now?

15 THE COURT: Release them now, yeah.

16 MR. DIGIACOMO: Yeah, perfect. Thank you.

17 [Bench conference ends]

18 THE COURT: All right. We are going to release juror 335,

19 that's Ms. Rhodes, and juror 313, Ms. Glass, you are free to go at this

20 time.

21 All right. If we can call up the next two jurors, please.

22 THE CLERK: So it'll be Roger Mobley -- Rogers Mobley.

23 And Michelle Wells.

24 THE COURT: Thank you both.

25 All right. I'm going to ask you the same question that I just the

1 other ones who just joined us. Anything about scheduling, a surgery,
2 work, that would prohibit you from being able to serve as a juror for
3 anywhere from five to seven days?

4 PROSPECTIVE JUROR NUMBER 341: No.

5 PROSPECTIVE JUROR NUMBER 338: No.

6 THE COURT: No. Okay.

7 And then I'm going to pass, everyone who is new to this group,
8 the set of questions, and so if you could please read the question and
9 then answer it.

10 PROSPECTIVE JUROR NUMBER 323: My name is Lina
11 Rivas. My badge number is 323.

12 How long have you live in Clark County?

13 Two years.

14 THE COURT: Where did you live before that?

15 PROSPECTIVE JUROR NUMBER 323: New York for 25
16 years.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 323: What part of town you
19 live?

20 I live in northwest.

21 How far did you go to school?

22 In Mexico, my high school.

23 No degrees.

24 My occupation is a cook.

25 I'm married.

1 My husband is a high school teacher.

2 And I have three kids, one is 25, my -- the other one is ten, and

3 my little girl is seven.

4 Have you been a juror before?

5 Yes.

6 THE COURT: A juror or a witness?

7 PROSPECTIVE JUROR NUMBER 323: Witness.

8 THE COURT: You were a witness?

9 PROSPECTIVE JUROR NUMBER 323: Witness.

10 THE COURT: Okay. Have you been a juror before?

11 PROSPECTIVE JUROR NUMBER 323: No.

12 THE COURT: Okay. And is there any reason why you can't be

13 fair and impartial, if picked for this case?

14 PROSPECTIVE JUROR NUMBER 323: No.

15 THE COURT: Okay. Thank you.

16 If you could pass that down.

17 PROSPECTIVE JUROR NUMBER 326: Please state your

18 name.

19 My name is John Kramer and my last three digits are 0326.

20 I've lived in Clark County for four years, before that I lived in

21 Colorado for 22.

22 I live on the southwest side of town.

23 How far did you go in school?

24 I have a bachelor's degree.

25 What is your occupation?

1 I work for MGM Resorts in finance.
2 I am not married.
3 Do you have any children?
4 No.
5 Have you ever been a juror before?
6 No.
7 Is there any reason you can't be a fair and impartial juror, if
8 selected for this case?
9 No.
10 THE COURT: Thank you.
11 PROSPECTIVE JUROR NUMBER 329: My name is Raphael
12 Martinez, badge number is 0329.
13 How long do you live in Clark County?
14 19 years.
15 What part of town do you live in?
16 Is Summerlin.
17 How far do you go in school?
18 High school.
19 What is your occupation?
20 I'm a carpenter.
21 If you are married?
22 Separate.
23 Do you have children?
24 One, 19.
25 Have you ever been a juror before?

1 No.

2 Is there any reason you can't be fair and impartial juror, if
3 selected for this case?

4 No.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR NUMBER 338: My name is Rogers
7 Mobley, number is 338.

8 Been in Clark County 23 years.

9 North Las Vegas.

10 Associate's degree.

11 I'm an insurance adjuster/processor for home and auto.

12 I am married, 38 years.

13 I've had four children, ages 37, 36, 32, 30.

14 I have been a juror before, it was a criminal case.

15 It went all the way to deliberation. We did have a verdict.

16 THE COURT: Okay. All right.

17 PROSPECTIVE JUROR NUMBER 338: And I have no
18 reason --

19 THE COURT: Were you the foreperson --

20 PROSPECTIVE JUROR NUMBER 338: Oh, go ahead.

21 THE COURT: Were you the foreperson in that case?

22 PROSPECTIVE JUROR NUMBER 338: No, ma'am, I was not.

23 THE COURT: Okay. All right. No problem.

24 PROSPECTIVE JUROR NUMBER 338: And there's no reason
25 I can't be a fair and impartial juror.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR NUMBER 341: My name is Michelle
3 Wells. My badge number is 341.

4 How long have you lived in Clark County?

5 21 years.

6 What part of town do you live in?

7 Henderson.

8 How far did you go in school?

9 I received my bachelor's degree.

10 My current occupation will be a stay at home. Previously it was
11 in sports marketing.

12 I am married.

13 I have three children, 16, 18, and 20.

14 And I have never been a juror before.

15 And I can be fair.

16 THE COURT: You can be fair and impartial?

17 PROSPECTIVE JUROR NUMBER 341: Yes.

18 THE COURT: Okay. Thank you.

19 All right. That concludes the initial questions I have for this
20 group of 32. What's going to happen now is I'm going to open it up and
21 allow the attorneys to ask a series of questions, they're allowed to do that
22 during the jury selection process.

23 So I'm going to start with the State, if Mr. DiGiacomo is ready,
24 we can go ahead and start with the State's voir dire.

25 MR. DIGIACOMO: Thank you, Judge.

1 Good afternoon, everyone.

2 [The Jury Panel in Unison: Good afternoon]

3 MR. DIGIACOMO: Sort of like the judge did, I'm going to sort of
4 ask some general questions and see if anybody has any answers to those
5 general questions, and then ultimately I'm going to have some specific
6 questions. And if I'm doing my job right, all 32 of you are speaking, so
7 don't be shy about answering the questions because eventually I'm going
8 to get to you one way or the other so.

9 The Court asked some very general questions; I'm going to sort
10 of ask kind of two sets of questions. One is the area of your personal
11 experiences; then one's sort of the area of your thoughts about certain
12 subject matters.

13 So I'm going to start with sort of your personal experiences,
14 anybody here ever been the victim of a crime before? Your house
15 burglarized, your car stolen, domestic violence, I imagine there's got to be
16 something that comes up here.

17 So I think in the back row, I think juror number 3, who is
18 Mr. Peck, 220.

19 PROSPECTIVE JUROR NUMBER 220: Right.

20 My car was broken into several times when I lived in New York.

21 MR. DIGIACOMO: How many years ago was that?

22 PROSPECTIVE JUROR NUMBER 220: At least 30 years ago.
23 But it was multiple times.

24 MR. DIGIACOMO: Did you report it to the police?

25 PROSPECTIVE JUROR NUMBER 220: No.

1 MR. DIGIACOMO: Okay. So none of those occasions did you
2 ever have any interaction with law enforcement?

3 PROSPECTIVE JUROR NUMBER 220: I did not for those
4 cases, no. I was stopped once by an officer who mistook my car for a car
5 that was put out to be stopped. And I did have an encounter with those
6 police officers.

7 MR. DIGIACOMO: Was that encounter -- were they
8 professional?

9 PROSPECTIVE JUROR NUMBER 220: Totally.

10 MR. DIGIACOMO: Would you agree with me that police
11 officers are like any other profession, there's some good ones and there's
12 probably some bad ones?

13 PROSPECTIVE JUROR NUMBER 220: Sure.

14 MR. DIGIACOMO: Is there anything about the nature of a
15 police officer that it makes them even more or less credible to you?

16 PROSPECTIVE JUROR NUMBER 220: About the what of a
17 police officer?

18 MR. DIGIACOMO: The nature of a police officer, the mere fact
19 that he's -- that someone gave that guy a badge and a gun, does that
20 make him more or less credible in your mind?

21 PROSPECTIVE JUROR NUMBER 220: Well, he has to pass
22 certain tests so that.

23 MR. DIGIACOMO: Sure.

24 PROSPECTIVE JUROR NUMBER 220: His credibility is
25 probably greater than just the average person on the street.

1 MR. DIGIACOMO: And we get that question sort of -- we get
2 that answer a lot. And, yeah, you'd expect that you could assess his
3 credibility. Maybe the rookie has less experience than the guy who's been
4 there ten years; right?

5 PROSPECTIVE JUROR NUMBER 220: Sure.

6 MR. DIGIACOMO: But, you know, they're human beings as
7 well.

8 PROSPECTIVE JUROR NUMBER 220: Of course.

9 MR. DIGIACOMO: And some of them are probably better at
10 their jobs; some of them are worst.

11 Would you agree with that?

12 PROSPECTIVE JUROR NUMBER 220: Absolutely. Like any
13 other walk of life.

14 MR. DIGIACOMO: Are you willing to assess the credibility of
15 any witness, whether it's a police officer or a lay witness, or anybody on
16 who they are, no preconception of anything about them when they come
17 through the door?

18 PROSPECTIVE JUROR NUMBER 220: Absolutely.

19 MR. DIGIACOMO: Any other -- any reason you think you
20 couldn't be fair in this case?

21 PROSPECTIVE JUROR NUMBER 220: No.

22 MR. DIGIACOMO: No? Okay.

23 Anybody -- let me ask you this, any other contact with law
24 enforcement over the course of your life?

25 PROSPECTIVE JUROR NUMBER 220: Just somebody was

1 trying, I think, to break into my garden apartment, which was on the
2 ground level. They didn't get in. But I did call the police so that they could
3 search the area where it happened. And they were very professional as
4 well.

5 MR. DIGIACOMO: But ultimately nothing ever came out of it?

6 PROSPECTIVE JUROR NUMBER 220: Nothing came of it.

7 MR. DIGIACOMO: Never had to come to a courtroom?

8 PROSPECTIVE JUROR NUMBER 220: No.

9 MR. DIGIACOMO: Have you ever had any experience in the
10 justice system, either criminally or civilly, you ever have to sue somebody,
11 been sued, been deposed, anything like that?

12 PROSPECTIVE JUROR NUMBER 220: Well, I had a -- no, I've
13 never been to court but we did have a case, in a car accident, my wife and
14 I.

15 MR. DIGIACOMO: Were you the plaintiffs or the defendants?

16 PROSPECTIVE JUROR NUMBER 220: Plaintiffs.

17 MR. DIGIACOMO: Do you think the system essentially worked
18 for you?

19 PROSPECTIVE JUROR NUMBER 220: It was settled.

20 MR. DIGIACOMO: It was settled?

21 PROSPECTIVE JUROR NUMBER 220: Yeah.

22 MR. DIGIACOMO: Any reason to think that this process here
23 wouldn't be something that's fair?

24 PROSPECTIVE JUROR NUMBER 220: No reason at all.

25 MR. DIGIACOMO: All right. Essentially you think it's a bunch

1 of people trying to do the best?

2 PROSPECTIVE JUROR NUMBER 220: I would hope so, yeah.

3 MR. DIGIACOMO: Thank you very much, sir.

4 Anybody else in that back row has ever been a victim of a crime
5 at all?

6 And that is -- what's your number?

7 PROSPECTIVE JUROR NUMBER 236: 236.

8 MR. DIGIACOMO: 236. Mr. Green?

9 PROSPECTIVE JUROR NUMBER 236: Yes.

10 MR. DIGIACOMO: Okay.

11 PROSPECTIVE JUROR NUMBER 236: My cars been broken
12 into and then I've been mugged before.

13 MR. DIGIACOMO: When you were mugged, are we talking like
14 physically someone roughed you up to steal something from you?

15 PROSPECTIVE JUROR NUMBER 236: I was on my way
16 home when I was -- I want to say somewhere between the ages of 14 to
17 maybe 17 -- on my skateboard, car passed me, pulled a u-ey, guy got out
18 of the car. I didn't know if he actually had a weapon on him but his hands
19 were in his, like, coat pockets, and he, I guess, cocked the gun, whatever,
20 because I heard the, you know, [descriptive sound], and then he said, give
21 me everything you got. So I gave him my bag and everything and I then I
22 just, you know, I ran. I thought I was going to die so.

23 MR. DIGIACOMO: Did you contact the police?

24 PROSPECTIVE JUROR NUMBER 236: U'm-h'm.

25 MR. DIGIACOMO: Is that a yes?

1 PROSPECTIVE JUROR NUMBER 236: Yes.

2 MR. DIGIACOMO: I'm sorry, like the Court says, the uh-huh's
3 and the u'm-h'm's.

4 PROSPECTIVE JUROR NUMBER 236: Apologize, apologize.

5 MR. DIGIACOMO: They don't come out great on those records.

6 THE COURT: It happens.

7 MR. DIGIACOMO: Yeah, and don't worry, I'll do it and I'm going
8 to get corrected by the Court at least ten times over this trial so.

9 So you contact the police?

10 PROSPECTIVE JUROR NUMBER 236: Yes.

11 MR. DIGIACOMO: Did they ever catch anybody?

12 PROSPECTIVE JUROR NUMBER 236: No.

13 MR. DIGIACOMO: You also said that you were a victim of your
14 car being broken into.

15 PROSPECTIVE JUROR NUMBER 236: Yeah.

16 MR. DIGIACOMO: Did you contact the police on that occasion?

17 PROSPECTIVE JUROR NUMBER 236: Yeah.

18 MR. DIGIACOMO: On those occasions, did the police at least
19 appear to be acting professionally?

20 PROSPECTIVE JUROR NUMBER 236: Yeah.

21 MR. DIGIACOMO: Okay. Ultimately, did anybody ever caught
22 from either one of those two occasions?

23 PROSPECTIVE JUROR NUMBER 236: No.

24 MR. DIGIACOMO: Now, obviously we have an allegation in this
25 case of a robbery; right, you got robbed, there's an allegation of a robbery,

1 anything about that fact that would affect your ability to be fair and
2 impartial here?

3 PROSPECTIVE JUROR NUMBER 236: No.

4 MR. DIGIACOMO: Do you think you're essentially a fair
5 person?

6 PROSPECTIVE JUROR NUMBER 236: Yes.

7 MR. DIGIACOMO: And you're the type of person that wants to
8 know all the facts before you make a decision?

9 PROSPECTIVE JUROR NUMBER 236: Absolutely.

10 MR. DIGIACOMO: And you think you can wait to that point to
11 make that decision?

12 PROSPECTIVE JUROR NUMBER 236: Yes.

13 MR. DIGIACOMO: Any other contact you've had with law
14 enforcement?

15 PROSPECTIVE JUROR NUMBER 236: Besides maybe a
16 speeding ticket, no.

17 MR. DIGIACOMO: Okay. In the case of the speeding ticket,
18 was the officer professional?

19 PROSPECTIVE JUROR NUMBER 236: All the time.

20 MR. DIGIACOMO: Okay. Like I asked the juror number three
21 over here, any reason to think that you wouldn't treat somebody coming
22 through the door individually based on who they are and not based on,
23 you know, some sort of classification?

24 PROSPECTIVE JUROR NUMBER 236: No.

25 MR. DIGIACOMO: Think you'd be basically fair to everybody?

1 PROSPECTIVE JUROR NUMBER 236: Yes.

2 MR. DIGIACOMO: Anything else you can think of why --
3 anything that would prevent you from being fair and impartial?

4 PROSPECTIVE JUROR NUMBER 236: No.

5 MR. DIGIACOMO: Okay. Anybody left on the -- first row.

6 How about the second row, anyone ever been the victim of a
7 crime before?

8 Let's start on this side, I guess.

9 And, I'm sorry, ma'am, give me your name and badge number.

10 PROSPECTIVE JUROR NUMBER 248: Tamera Martinez, and
11 248.

12 MR. DIGIACOMO: 248. Tell me about the time you were a
13 victim.

14 PROSPECTIVE JUROR NUMBER 248: My car was also
15 broken into in Utah.

16 MR. DIGIACOMO: About how long ago?

17 PROSPECTIVE JUROR NUMBER 248: Probably 10, 15 years
18 ago.

19 MR. DIGIACOMO: Did you report it to the police?

20 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

21 MR. DIGIACOMO: And did they come out and take a report?

22 PROSPECTIVE JUROR NUMBER 248: They sure did, yes, sir.

23 MR. DIGIACOMO: Okay. Did they ever catch anybody?

24 PROSPECTIVE JUROR NUMBER 248: No, sir.

25 MR. DIGIACOMO: Okay. So have you ever had to deal with

1 the justice system, other than that event whatsoever?

2 PROSPECTIVE JUROR NUMBER 248: Yes, sir. Also I had
3 somebody try and steal my identity here last year while I was on a trip.

4 MR. DIGIACOMO: And how did that come about? So how did
5 you learn about your identity being stolen?

6 PROSPECTIVE JUROR NUMBER 248: My credit cards are
7 tied to my phone, so anytime somebody tries to use it or -- they were
8 asking to reset the pin number and so it notified me and I just called my
9 credit card people right away --

10 MR. DIGIACOMO: And just canceled the card?

11 PROSPECTIVE JUROR NUMBER 248: -- and canceled
12 everything. But we did end up finding out who it was and we went to court
13 in Henderson.

14 MR. DIGIACOMO: Okay. Did you have to testify?

15 PROSPECTIVE JUROR NUMBER 248: No, sir.

16 MR. DIGIACOMO: Ultimately the case got resolved in some
17 manner?

18 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

19 MR. DIGIACOMO: Do you think it was a fair resolution?

20 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

21 MR. DIGIACOMO: Sounds like you didn't actually suffer harm,
22 you suffered inconvenience because your credit card company --

23 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

24 MR. DIGIACOMO: -- called your phone?

25 PROSPECTIVE JUROR NUMBER 248: Yeah, more that. And

1 just the pain of trying to do all three credit bureaus and be like, no, it
2 wasn't me, that wasn't me, that wasn't me.

3 MR. DIGIACOMO: Right. I promise, I swear it wasn't me.

4 PROSPECTIVE JUROR NUMBER 248: Yeah.

5 MR. DIGIACOMO: Do you think the cops behaved
6 professionally with you?

7 PROSPECTIVE JUROR NUMBER 248: Yes, sir, very.

8 MR. DIGIACOMO: When you came down to court, I assume
9 there was a prosecutor, and because it's identity theft it's a prosecutor in
10 my office, were they appropriate with you?

11 PROSPECTIVE JUROR NUMBER 248: Everybody that spoke
12 to us was very professional, straight to the point, no mixed words, this is
13 what's going to happen, kind of like today, you're going to do this, you're
14 going to go there, act appropriately.

15 MR. DIGIACOMO: Any time you've had any other contact with
16 law enforcement?

17 PROSPECTIVE JUROR 248: Yes, sir.

18 MR. DIGIACOMO: Tell me about that.

19 PROSPECTIVE JUROR NUMBER 248: About seven, eight
20 years ago just speeding tickets.

21 MR. DIGIACOMO: Speeding tickets?

22 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

23 MR. DIGIACOMO: Okay. Were the police appropriate, even
24 though you probably weren't happy they were writing you a ticket, but
25 otherwise did they behave appropriately with you?

1 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

2 MR. DIGIACOMO: Okay. Like I asked the prior juror, maybe I
3 asked this juror, I can't remember, but, you know, anything about the
4 nature of a police officer that gives them more or less credibility, other
5 than obviously his training and those types of things, but just the mere fact
6 that he has a badge and a gun, does it give him more or less credibility?

7 PROSPECTIVE JUROR NUMBER 248: No, sir.

8 MR. DIGIACOMO: Will you judge everybody individually on
9 who they are and --

10 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

11 MR. DIGIACOMO: -- and when they come in the courtroom
12 and have to say?

13 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

14 MR. DIGIACOMO: Thank you.

15 Is there anybody else in this row? I know there's at least one
16 more hand, there's two more hands.

17 PROSPECTIVE JUROR NUMBER 249: I can recall about five
18 incidents.

19 MR. DIGIACOMO: Okay. Give me your name and badge
20 number.

21 PROSPECTIVE JUROR NUMBER 249: My name is Soliman
22 Cagauan. I'm badge 0249.

23 MR. DIGIACOMO: Okay. Five incidents, are they all the same
24 type or?

25 PROSPECTIVE JUROR NUMBER 249: No. Three of them are

1 property crime and one was a speeding ticket and then one was a victim
2 of an armed robbery.

3 MR. DIGIACOMO: Okay. So obviously the one I'm going to
4 talk most about is the armed robbery. But in any of the occasions you had
5 contact with the police --

6 PROSPECTIVE JUROR NUMBER 249: Yes.

7 MR. DIGIACOMO: -- they always behaved appropriately with
8 you?

9 PROSPECTIVE JUROR NUMBER 249: For the -- they were
10 more serious during the speeding ticket and the armed robbery.

11 MR. DIGIACOMO: They were more serious during the
12 speeding ticket?

13 PROSPECTIVE JUROR NUMBER 249: For the property
14 crimes, it seemed like an inconvenience to them.

15 MR. DIGIACOMO: Okay. So they came out, and when you
16 say, property crimes, you're talking like a broken in car?

17 PROSPECTIVE JUROR NUMBER 249: Broken in car and my
18 house broken into twice.

19 MR. DIGIACOMO: When they came out to your house they
20 didn't bring like a crime scene analyst out to process it, stuff like that?

21 PROSPECTIVE JUROR NUMBER 249: No.

22 MR. DIGIACOMO: They just took a report?

23 PROSPECTIVE JUROR NUMBER 249: Took a report, dusted
24 for fingerprints, told me pretty much not going to catch anybody, and that
25 was it.

1 MR. DIGIACOMO: And was it true, they didn't catch anybody?

2 PROSPECTIVE JUROR NUMBER 249: No.

3 MR. DIGIACOMO: What about the armed robbery, how long
4 ago was that?

5 PROSPECTIVE JUROR NUMBER 249: 2003.

6 MR. DIGIACOMO: And was it here or was it somewhere else?

7 PROSPECTIVE JUROR NUMBER 249: It was here in Vegas, it
8 was on the Fremont Street.

9 MR. DIGIACOMO: Okay.

10 PROSPECTIVE JUROR NUMBER 249: And apparently the
11 guy was going from hotel to hotel robbing the casinos.

12 MR. DIGIACOMO: With some sort of weapon?

13 PROSPECTIVE JUROR NUMBER 249: In his -- in his, like the
14 previous gentleman said, you couldn't see it but he was pointed
15 something through his shirt.

16 MR. DIGIACOMO: And you weren't willing to -- make sure you
17 saw it --

18 PROSPECTIVE JUROR NUMBER 249: Correct.

19 MR. DIGIACOMO: -- you just were giving up whatever he's
20 asking for?

21 PROSPECTIVE JUROR NUMBER 249: Correct.

22 MR. DIGIACOMO: Did he get caught?

23 PROSPECTIVE JUROR NUMBER 249: He got caught. He got
24 caught at Fitzgeralds, outside.

25 MR. DIGIACOMO: And did you ever have to come to court?

1 PROSPECTIVE JUROR NUMBER 249: That I didn't, I just had
2 to make a witness when they brought him -- when they brought me to
3 where the location was and ID him.

4 MR. DIGIACOMO: You identified him as the person?

5 PROSPECTIVE JUROR NUMBER 249: Yeah. Because he
6 hadn't -- they had him on security camera at the other casinos so they
7 didn't really need me, I guess.

8 MR. DIGIACOMO: So much like -- so you -- I'm guessing you
9 didn't follow what happened with his criminal case --

10 PROSPECTIVE JUROR NUMBER 249: No.

11 MR. DIGIACOMO: -- because there were a number of incidents
12 and --

13 PROSPECTIVE JUROR NUMBER 249: Prior to that, yes.

14 MR. DIGIACOMO: Well, first of all, do you think the police
15 treated you fairly during that event?

16 PROSPECTIVE JUROR NUMBER 249: During that event, yes.

17 MR. DIGIACOMO: What about the parking ticket -- or the
18 speeding ticket?

19 PROSPECTIVE JUROR NUMBER 249: He was very
20 professional and very nice about it actually.

21 MR. DIGIACOMO: Anything about the fact, I mean we're here
22 on a robbery case, anything about the fact that you were a victim of a
23 robbery that would affect your ability to be fair and impartial?

24 PROSPECTIVE JUROR NUMBER 249: I can't say at this time.

25 MR. DIGIACOMO: Okay. And, you know, we hear that a lot.

1 And here's the worst part, once myself and Mr. Mueller sit down, it's the
2 last time we get to talk to the jury individually, more talk at you for the rest
3 of this time period.

4 So we don't have a chance to crawl into your mind and figure
5 out what's going on and we certainly don't want to know three days later
6 the answer is, no, I can't be fair. So you're the only one who can pretty
7 much tell us, you know.

8 As you sit here today, do you think that the fact that somebody
9 robbed you would affect your ability to sit here, from either standpoint,
10 obviously the State expects a fair trial from its jury but Ms. Guidry she
11 deserves one, and so if you're telling me that this is going to be problem,
12 we sort of need to know.

13 PROSPECTIVE JUROR NUMBER 249: It might be.

14 MR. DIGIACOMO: It might be.

15 And just so the records clear, who would you hold it against?
16 Would you -- do you think that maybe you'd reduce the State's burden of
17 proof because you feel like you're more associated with the victim, just
18 sort of articulate that for me?

19 PROSPECTIVE JUROR NUMBER 249: Being on the other end
20 most likely.

21 MR. DIGIACOMO: All right. You feel like maybe you're not
22 coming in with an even playing field here, that maybe, oh, geez --

23 PROSPECTIVE JUROR NUMBER 249: As a victim, yes.

24 MR. DIGIACOMO: -- that might affect my ability to be fair and
25 impartial?

1 PROSPECTIVE JUROR NUMBER 249: It might.

2 MR. DIGIACOMO: Thank you, sir. Thank you for your honesty.

3 Can we -- there's at least one other person in the row that was
4 the victim of a crime. Oh, two.

5 Oh, one more before you.

6 How are you, sir?

7 PROSPECTIVE JUROR NUMBER 256: Roger Chen, 256 is
8 my badge number.

9 I involve in two cases. But the first case was a policeman was
10 involved, that's a -- the car. It was in New York City and just all of a
11 sudden being -- when we were out, the glass, when we come back, up to
12 where we parked the car, the glass was broken. So we ask the police to
13 come over they did a very, very outstanding job.

14 MR. DIGIACOMO: Did they ever catch anybody?

15 PROSPECTIVE JUROR NUMBER 256: No.

16 MR. DIGIACOMO: But they seemed to be behaving
17 professionally with you?

18 PROSPECTIVE JUROR NUMBER 256: Right.

19 But personally, you know, especially you mention, a lot about
20 robbery, I -- just like the gentleman before, I sort of sided with policemen
21 because I think they, you know, they have professionally trained and can
22 bring somebody up to the court for robbery case. I feel -- I just -- I need to
23 be honest with you. I feel I'm sided with -- with -- with the policemen.

24 MR. DIGIACOMO: And let's just sort of break that down; right,
25 you would hope at least that people in our community would trust and

1 respect their police officers.

2 Is that a fair statement?

3 PROSPECTIVE JUROR NUMBER 256: Absolutely.

4 Especially, you know, with badge, with all the training they have receive.

5 MR. DIGIACOMO: And, you know, I'm not really talking about
6 that; right, there are going to be police officers, there's going to be, I don't
7 know if they'll be a rookie in this case. But, I mean, there are rookies who
8 have almost no training and then there's guys who have been doing this
9 for 25 years; right, there's a broad category. So I'm not really talking
10 about the training.

11 But there are some people who either say, the guy has a
12 badge, he must be telling the truth, or there are some people who say,
13 hey, the guy has a badge, I don't believe a word that comes out of his
14 mouth, it's sort of a two-sided issue.

15 PROSPECTIVE JUROR NUMBER 256: The guy has a
16 badge, he has a professional, he has done -- he -- he regardless what
17 kind of training he has received, once he has a badge he has to be
18 professional. He has to be -- he has -- he would present a loss here
19 almost.

20 MR. DIGIACOMO: So the question then becomes, do you
21 leave open the possibility that a guy with a badge could be wrong or that a
22 guy with a badge could be lying?

23 PROSPECTIVE JUROR NUMBER 256: Chance is very, slim
24 chance.

25 MR. DIGIACOMO: I would hope it never happens. But the

1 question for jurors is, you know, can you leave open that possibility or for
2 you is it, if he says it, it must be true?

3 PROSPECTIVE JUROR NUMBER 256: I tends to --

4 MR. DIGIACOMO: Tends to --

5 PROSPECTIVE JUROR NUMBER 256: -- I tends to believe
6 what he say.

7 MR. DIGIACOMO: Okay. That's fair.

8 PROSPECTIVE JUROR NUMBER 256: That's why I want to
9 raise my.

10 MR. DIGIACOMO: Sure. Can I ask you another question?

11 PROSPECTIVE JUROR NUMBER 256: Sure.

12 MR. DIGIACOMO: You mentioned during, sort of the questions
13 about your personal history, that you have a PhD?

14 PROSPECTIVE JUROR NUMBER 256: Correct.

15 MR. DIGIACOMO: And what's your PhD in?

16 PROSPECTIVE JUROR NUMBER 256: Civil engineer.

17 MR. DIGIACOMO: Civil engineer.

18 And where did you get that PhD from?

19 PROSPECTIVE JUROR NUMBER 256: West Virginia
20 University.

21 MR. DIGIACOMO: And you said you work government affairs
22 for a company here or in China?

23 PROSPECTIVE JUROR NUMBER 256: Here.

24 MR. DIGIACOMO: So a company --

25 PROSPECTIVE JUROR NUMBER 256: In South Carolina

1 called Ingevity.

2 MR. DIGIACOMO: And you then work in China --

3 PROSPECTIVE JUROR NUMBER 256: I work in China, our
4 companies behave to explain to work with the government there to explain
5 why our product is superior than others.

6 MR. DIGIACOMO: Okay. And do you -- do you have people
7 that report to you or are sort of your own little island?

8 PROSPECTIVE JUROR NUMBER 256: Consultants reports to
9 me. But within the company, no, nobody reports to me.

10 MR. DIGIACOMO: All right. Thank you, sir.

11 PROSPECTIVE JUROR NUMBER 256: Sure.

12 MR. DIGIACOMO: Will you pass that to the juror next to you. I
13 think I saw his hand up as well.

14 PROSPECTIVE JUROR NUMBER 256: Sure.

15 MR. DIGIACOMO: Thank you.

16 PROSPECTIVE JUROR NUMBER 326: My name is John
17 Kramer. My number is 326.

18 So I was burglarized on three separate occasions. The first
19 time was when I was in sixth grade, about, like, 12 years ago, the most --
20 two years ago I was broken into in my apartment, and then last year my
21 car was broken into.

22 MR. DIGIACOMO: Man. So, first of all, I got a little lost when
23 you said 12 years ago you were only six. So you're fairly a young guy.

24 PROSPECTIVE JUROR NUMBER 326: I meant to say sixth
25 grade.

1 MR. DIGIACOMO: Okay. You don't look 18, but okay.

2 Do you remember the time when you were six that much?

3 PROSPECTIVE JUROR NUMBER 326: I was in sixth grade.

4 Yeah, I remember it.

5 MR. DIGIACOMO: Police come out?

6 PROSPECTIVE JUROR NUMBER 326: Yeah, it was -- I was
7 growing up in a small town in Colorado so it was kind of a swarm of
8 police.

9 MR. DIGIACOMO: It was a big deal.

10 PROSPECTIVE JUROR NUMBER 326: It was a big deal.

11 MR. DIGIACOMO: Did they ever catch anybody?

12 PROSPECTIVE JUROR NUMBER 326: For that case, yes.

13 MR. DIGIACOMO: Okay. Were you at all, you were so young,
14 involved in the prosecution of it?

15 PROSPECTIVE JUROR NUMBER 326: I was not involved in
16 the prosecution.

17 MR. DIGIACOMO: All right. What about the two later events,
18 your place being broken in, your property broken in, the police come out
19 on those?

20 PROSPECTIVE JUROR NUMBER 326: Yes.

21 MR. DIGIACOMO: Did you --

22 PROSPECTIVE JUROR NUMBER 326: Both times, filed a
23 report both times, and they never caught them.

24 MR. DIGIACOMO: They never caught them?

25 PROSPECTIVE JUROR NUMBER 326: U'm-h'm.

1 MR. DIGIACOMO: Despite the fact that they didn't catch them,
2 did at least the police appear to be behaving in a professional manner
3 with you?

4 PROSPECTIVE JUROR NUMBER 326: Yes.

5 MR. DIGIACOMO: All right. Any time you've had any other
6 contact with law enforcement?

7 PROSPECTIVE JUROR NUMBER 326: No.

8 MR. DIGIACOMO: Anything about the -- those three events
9 that would cause you not to be fair and impartial here?

10 PROSPECTIVE JUROR NUMBER 326: No.

11 MR. DIGIACOMO: All right. Thank you, sir.
12 Anybody else in that second row who's been a victim of a
13 crime?

14 How about we go to the third row? We have at least one, two.

15 PROSPECTIVE JUROR NUMBER 268: Ellen Clark, number
16 268.

17 And I have a business, so I have had employees steal, and
18 most recently we sent a last check to an employee that was stolen and
19 cashed, they were caught ultimately. But they forged the employee's last
20 paycheck when it arrived. So that's been my experience primarily with
21 theft issues or robbed, my business, yeah.

22 MR. DIGIACOMO: So you've had some thefts associated -- is
23 this the business in California?

24 PROSPECTIVE JUROR NUMBER 268: U'm-h'm.

25 MR. DIGIACOMO: Is that a yes?

1 PROSPECTIVE JUROR NUMBER 268: Yes, I'm sorry, yes.

2 MR. DIGIACOMO: I meant to ask you a couple of questions. I
3 guess I'll go to them now --

4 PROSPECTIVE JUROR NUMBER 268: Sure, sure.

5 MR. DIGIACOMO: -- about the business.

6 PROSPECTIVE JUROR NUMBER 268: Right.

7 MR. DIGIACOMO: So you're a part-time resident here, but you
8 own a business in California?

9 PROSPECTIVE JUROR NUMBER 268: Right. I married a
10 man who lives in Henderson. So I come -- and we -- he has a house
11 here. But I primarily, my whole life has been in Southern California. And I
12 operate a business 20 years in Southern California. And I'm still there.

13 MR. DIGIACOMO: And you mentioned something about your
14 daughter who's 22 --

15 PROSPECTIVE JUROR NUMBER 268: Right.

16 MR. DIGIACOMO: -- does she work there?

17 PROSPECTIVE JUROR NUMBER 268: She's in junior college
18 there and she has some medical issues, so yeah.

19 MR. DIGIACOMO: And you brought this up sort of in the
20 hardship so that's what I'm trying to get at here.

21 PROSPECTIVE JUROR NUMBER 268: Right.

22 MR. DIGIACOMO: So if you're here --

23 PROSPECTIVE JUROR NUMBER 268: So --

24 MR. DIGIACOMO: -- five to seven days, tell me how does that
25 affect you?

1 PROSPECTIVE JUROR NUMBER 268: Because I need to be
2 at my business to help run it and to make money and I support my
3 ex-husband and my daughter and myself.

4 MR. DIGIACOMO: Okay.

5 PROSPECTIVE JUROR NUMBER 268: So I'm the primary
6 breadwinner.

7 MR. DIGIACOMO: Sure. And so ultimately the Court's going to
8 make that call.

9 PROSPECTIVE JUROR NUMBER 268: Right.

10 MR. DIGIACOMO: But what I'm trying to flush out here is, I
11 mean, there are people who, you know, particularly in this town, there are
12 tip employees, and there are some tip employees who can go, yeah, I can
13 make it five days and I'm not going to not pay my mortgage or something
14 like that.

15 PROSPECTIVE JUROR NUMBER 268: Right.

16 MR. DIGIACOMO: I see it more on your standpoint is, like, if
17 you're not there for five to seven days, is there going to be disruption of
18 your business to the point where you're going to have financial problems
19 or is this more of a really large inconvenience?

20 PROSPECTIVE JUROR NUMBER 268: Both.

21 MR. DIGIACOMO: Okay. So I'm trying to get you to articulate
22 that for me. I'm not doing a very good job obviously.

23 PROSPECTIVE JUROR NUMBER 268: Right. So I am
24 responsible. I mean, I do operate a business so we do have customers
25 that come in that I interface with. So, I'm part of the business. And it's

1 a -- it's an inconvenience since I really don't live in Nevada very much. I
2 mean, I'm here half the time. But I'm there -- I'm needed there more right
3 now.

4 MR. DIGIACOMO: Do you have employees that are running
5 the, like, for example, I assume you're open today?

6 PROSPECTIVE JUROR NUMBER 268: We're open today,
7 u'm-h'm, yeah.

8 MR. DIGIACOMO: Okay. Do you have employees --

9 PROSPECTIVE JUROR NUMBER 268: I mean, to your point,
10 the business will run if I'm not there.

11 MR. DIGIACOMO: Okay. And that's --

12 PROSPECTIVE JUROR NUMBER 268: But it's highly stressful
13 for me not to be there and it does cause problems.

14 MR. DIGIACOMO: So let me try it this way.

15 PROSPECTIVE JUROR NUMBER 268: Yeah.

16 MR. DIGIACOMO: If the Court tells you, you're going to be
17 here, one of the things that are required of jurors is that, you know, when
18 you're in the courtroom, you're paying attention to everything that happens
19 here and you're not distracted by it.

20 So if the Court does order you to be here, is it the type of
21 situation where, yeah, you're going to be really annoyed, and, yeah, it's
22 going to be a huge inconvenience, but you're going to be able to focus on
23 what's going on here? Or is it the situation where you think, God, I'm not
24 going to listen to anybody because I'm worried about everything that's
25 happening to business in California?

1 PROSPECTIVE JUROR NUMBER 268: Yes, I'm going to be
2 worried about everything happening in my business in California.

3 MR. DIGIACOMO: So you think it's the type of situation where
4 you couldn't give full time and attention to the trial that's happening here?

5 PROSPECTIVE JUROR NUMBER 268: Correct.

6 MR. DIGIACOMO: Okay. Thank you.

7 PROSPECTIVE JUROR NUMBER 268: Thank you.

8 MR. DIGIACOMO: Is there anybody else who was a victim of a
9 crime in this row? I think we're all the way down at the end here.

10 Name and badge number.

11 PROSPECTIVE JUROR NUMBER 290: I'm Jiemyl Mendigorin,
12 290.

13 It was three occasions that I had with the -- with the Metros
14 down here. First one when I was younger, put it that way. I was trying to
15 drop my friend off that night, but I didn't know, because I was driving my
16 father's car, he had a broken taillight, so they pulled me over, like that.
17 And I was trying to reach for my -- for my, you know, license and
18 registration, but for some reason when the partner, the officer came to the
19 other side where my friend was sitting, the officer who pulled me over
20 asked me first, he told me to get out of the car in an aggressive voice. I
21 was just, like, what's going on. So, you know, I complied going outside,
22 like, yeah, whatever. And then he got me behind and just cuffed me on
23 the spot and just put me, you know, in front of his, you know, his cruiser or
24 whatever they're called. And then for some reason after that he put me in
25 the back of the car. And I was, like, you know, I didn't say anything, I just

1 didn't want to upset the officer whatsoever and so I.

2 MR. DIGIACOMO: Do you think maybe he was a little too
3 aggressive --

4 PROSPECTIVE JUROR NUMBER 290: He was, yeah, he --

5 MR. DIGIACOMO: -- or made assumptions that he shouldn't
6 have made?

7 PROSPECTIVE JUROR NUMBER 290: Yeah, put it that way,
8 like, he was too aggressive because when he -- when he put me in the
9 back he just, like threw me in there, like that.

10 MR. DIGIACOMO: How long ago do you think this was?

11 PROSPECTIVE JUROR NUMBER 290: I believe like around
12 2010 or 2011. So I was like 20 or 21 at the time.

13 MR. DIGIACOMO: Some time ago?

14 PROSPECTIVE JUROR NUMBER 290: Yeah.

15 MR. DIGIACOMO: Like I asked other jurors, do you think cops
16 are individuals, so there are some bad cops and some good cops?

17 PROSPECTIVE JUROR NUMBER 290: I believe that, yeah,
18 good cops and bad cops out there.

19 MR. DIGIACOMO: Okay.

20 PROSPECTIVE JUROR NUMBER 290: I don't -- I don't know if
21 they're either, like you said, rookies or the veterans, you can either go
22 both ways, that's how I would think about it.

23 MR. DIGIACOMO: Sure. You think everybody's an individual
24 though?

25 PROSPECTIVE JUROR NUMBER 290: Yeah, that's what I

1 think.

2 MR. DIGIACOMO: And you think that everybody should be
3 judged on who they are and what they've done, not on any sort of
4 classification just because they have to be a member of the same
5 organization that treated you inappropriately?

6 PROSPECTIVE JUROR NUMBER 290: Right, correct.

7 MR. DIGIACOMO: You said there were two other occasions.

8 PROSPECTIVE JUROR NUMBER 290: Two other occasions.
9 Another one was a speeding ticket. That officer was actually nice to me.
10 His partner wasn't though.

11 MR. DIGIACOMO: Okay. What do you mean by, he wasn't,
12 was he just aggressive?

13 PROSPECTIVE JUROR NUMBER 290: Yeah, he was, like,
14 step out of the car, sir, like that. I was, like, okay, let me get out of the car.
15 And then the other officer, the one who was by my window, he was, like,
16 what are you doing? Like, I got this under control. But the partner just
17 kept being aggressive like that. Handcuffed me again, in -- and then in
18 front of the cruiser but this time not into the back this time.

19 MR. DIGIACOMO: Ultimately, I guess, both those occasions
20 did they let you go eventually?

21 PROSPECTIVE JUROR NUMBER 290: They did let me go.

22 MR. DIGIACOMO: All right. Nobody took you down to jail?

23 PROSPECTIVE JUROR NUMBER 290: Like no tickets, no
24 nothing like that, yeah.

25 MR. DIGIACOMO: Okay. What about the third case?

1 PROSPECTIVE JUROR NUMBER 290: The third one was a
2 home robbery. Me and my father's old apartment back in 2012 or '13.
3 We were -- well, my father was at work, I had the day off, I was sleeping,
4 and all of a sudden I started hearing like a bang on the window. I was,
5 like, we're on the second floor. So as soon -- I woke up and went in my
6 father's room, I saw somebody with a ladder and then broke in afterwards.

7 MR. DIGIACOMO: Did they actually physically make it inside?

8 PROSPECTIVE JUROR NUMBER 290: They got inside
9 though. But I stopped them though. But nothing physical. They just saw
10 me and they ran out.

11 MR. DIGIACOMO: Call the police?

12 PROSPECTIVE JUROR NUMBER 290: Yeah, I called the
13 police but it took them an hour to get over there after the report. I don't
14 know. I called in.

15 MR. DIGIACOMO: Eventually when they got there --

16 PROSPECTIVE JUROR NUMBER 290: When they got there
17 they were, like, you know, the usual, like, the routine, like, are you safe or
18 like that? And, yeah, I told them, yeah, I was okay, no harm to me
19 whatsoever. They just ran off as soon as they saw me.

20 MR. DIGIACOMO: Anybody ever get charged with that -- with a
21 crime associated --

22 PROSPECTIVE JUROR NUMBER 290: Well, the same, a
23 gang that was over there, they actually got caught because they tried to
24 rob the same complex that we were at that time. So I saw like cops out
25 there and I was like, oh, those are the same people who tried to rob me.

1 And I was, like, oh, they got --

2 MR. DIGIACOMO: So they caught them but maybe not just --
3 maybe not for the attempted burglary --

4 PROSPECTIVE JUROR NUMBER 290: Yeah, for attempted
5 burglary, yeah. They just caught them though, yeah.

6 MR. DIGIACOMO: Any other contact with law enforcement?

7 PROSPECTIVE JUROR NUMBER 290: No.

8 MR. DIGIACOMO: You had brought up something in your
9 individual questions, and if you want to talk at the bench that's fine too, but
10 I wanted to ask you about your child. You mentioned that you have a
11 child but the child's in --

12 PROSPECTIVE JUROR NUMBER 290: In Arizona, yeah. The
13 last time I spoke to him was in 2015, when he was five.

14 MR. DIGIACOMO: When he was five.

15 Now, was he primarily in the custody of his mother?

16 PROSPECTIVE JUROR NUMBER 290: He was. But the
17 mother was mistreating him. So I fought for him. But then my point of
18 view, at that time, I was too young to even know that I can take care of a
19 child. So I -- I have no money. I was laid off for three years at that time.
20 And so I --

21 MR. DIGIACOMO: So was it the State of Arizona that put the
22 child in foster care --

23 PROSPECTIVE JUROR NUMBER 290: Yes.

24 MR. DIGIACOMO: -- because of the danger his mother
25 presented to him?

1 PROSPECTIVE JUROR NUMBER 290: Yes.

2 MR. DIGIACOMO: Okay. And you at the time were not with his
3 mother?

4 PROSPECTIVE JUROR NUMBER 290: I was not a witness,
5 no. I just heard, you know, from other people.

6 MR. DIGIACOMO: No, no, I'm sorry. You were not with his
7 mother, like you weren't living in the house at the time?

8 PROSPECTIVE JUROR NUMBER 290: No, no, no, no. At that
9 time we were separated, if you want to call it that way.

10 MR. DIGIACOMO: So you didn't have any contact with law
11 enforcement associated with the taking of the child?

12 PROSPECTIVE JUROR NUMBER 290: No.

13 MR. DIGIACOMO: Okay. Anything about any of your
14 experiences that would affect your ability to be fair and impartial here?

15 PROSPECTIVE JUROR NUMBER 290: Law enforcement only
16 for me, I can't really be for them because what they treated me back then.
17 But in this case, I'll be fair and impartial.

18 MR. DIGIACOMO: I mean, ultimately and, you know, you're not
19 deciding -- you're deciding whether or not the State of Nevada proved
20 their case beyond a reasonable doubt; right?

21 PROSPECTIVE JUROR NUMBER 290: Correct.

22 MR. DIGIACOMO: Mr. Scarborough and I, whether or not we
23 can establish that Ms. Guidry did the crimes we accused her of?

24 PROSPECTIVE JUROR NUMBER 290: Right.

25 MR. DIGIACOMO: It's not a vote up or down on police officers.

1 Obviously, we're going to have to call some police officers to establish
2 some facts.

3 PROSPECTIVE JUROR NUMBER 290: Some facts and the
4 evidence, yes.

5 MR. DIGIACOMO: My question for you is, are you going to give
6 those police officers a fair shake of credibility? Are you going to judge
7 them for who they are or are you going to hold your prior experiences
8 against them?

9 PROSPECTIVE JUROR NUMBER 290: I think I might hold my
10 prior.

11 THE COURT: Mr. DiGiacomo, I'm sorry to interrupt you, but I'm
12 going to ask a question related to this, and it's related actually to
13 Mr. Cagauan, I apologize if I'm saying your last name correctly.

14 Did I say it right? I'm impressed because usually I say it wrong
15 so.

16 PROSPECTIVE JUROR NUMBER 249: Yes.

17 THE COURT: At the end of the case I'm going to give everyone
18 a number of instructions, and as part of that instruction and the
19 preliminary instructions in this case, are to put aside your personal
20 experiences. You're not supposed to leave your commonsense at the
21 door, but you are to put aside personal experiences and listen to the
22 evidence in this case to make the determination whether or not the State
23 has met their burden of proof.

24 So for both of you, do, and for anyone who's, you know,
25 wondering about this, I want to know, can you put aside your personal

1 experiences to listen to this evidence in this case and render a fair and
2 impartial verdict.

3 So I'll actually start with Mr. Cagauan first.

4 PROSPECTIVE JUROR NUMBER 249: Yes.

5 THE COURT: Yes, okay.

6 And, oh, my gosh I already forget your name and I was just
7 writing it down.

8 Mister -- oh, my gosh, I'm going to totally say your last name
9 wrong, tell me.

10 PROSPECTIVE JUROR NUMBER 290: Mendigorin.

11 THE COURT: Mendigorin.

12 Could you do that?

13 PROSPECTIVE JUROR NUMBER 290: I'd be willing to put it
14 aside.

15 THE COURT: Okay. Willing to is different than being able to.
16 And so I appreciate your honesty. If you don't think you can, that's fine.
17 But that's the question that I have.

18 PROSPECTIVE JUROR NUMBER 290: Ah, so -- yeah, I'll put it
19 aside, yeah.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 290: Put it aside.

22 THE COURT: Okay. All right. You seem kind of hesitant.

23 PROSPECTIVE JUROR NUMBER 290: No, I'm -- no, I will -- I
24 will put it on the side. I'll just put whatever happened to me in the past. I'll
25 put it on the side just for the case.

1 THE COURT: Okay. All right. And, Mr. DiGiacomo, I'm sorry
2 for interrupting you but I just had that follow-up question --

3 PROSPECTIVE JUROR NUMBER 290: No, that's fine.

4 THE COURT: -- to what you were asking.

5 Thank you.

6 MR. DIGIACOMO: All right. I think I'm done with the third row.

7 How about the fourth row here, anybody here ever been the
8 victim of a crime? There's at least two.

9 State your name and badge number.

10 PROSPECTIVE JUROR NUMBER 303: My name is Matt,
11 Mathew Schumer, and 303 is my badge number.

12 Two experiences, one very recent; one not so. I think it was
13 fifth or sixth grade. I was kind of too young to know what was happening
14 but a bunch of kids had vandalized the outside of my house. And I knew
15 they were doing it because I could see them. And then my parents knew,
16 we all watched them, cops were called, and then they were let go
17 because their parents were lawyers and they knew to say that we found
18 them like this. And we didn't any cameras, so it their word against ours,
19 ours so they were just let go.

20 MR. DIGIACOMO: And I assume that left sort of a bad taste in
21 your mouth in terms of the crime?

22 PROSPECTIVE JUROR NUMBER 303: Little bit, a little bit.

23 And that was the first time I learned that you could get out of
24 situations like that.

25 MR. DIGIACOMO: Okay. Is there a second time?

1 PROSPECTIVE JUROR NUMBER 303: The second time was
2 about six months ago, attempted house burglary.

3 MR. DIGIACOMO: Your house?

4 PROSPECTIVE JUROR NUMBER 303: Yeah, my house.

5 MR. DIGIACOMO: And tell me what happened.

6 PROSPECTIVE JUROR NUMBER 303: It was about 4:30 in
7 the morning, and I'm a musician and my girlfriend's a dancer, so we are --
8 we tend to be up pretty late. And I was just on my couch and all of a
9 sudden I saw the doorknob shaking. And I instantly just jumped up and
10 ran to the door because that's all I could think to do because she was in
11 the shower. So my instinct was to just protect the door and like keep it
12 closed. And it just kept jostling and I could tell that he was like trying to
13 actually fix it open. And I looked through the peep -- actually, I grabbed a
14 knife first and then I held my foot against the door. And then I didn't say
15 anything because I didn't want to make it appear like we were up. I don't
16 know why. It was just my instinct. And then he actually ran away after
17 ringing the doorbell. And then I just looked through the peephole and he
18 went around the corner and then he tried coming back. I didn't open it. I
19 called the cops, like 20 minutes later, because I was kind of just staring
20 out there, kind of just waiting. I don't really -- I just kind of froze and --

21 MR. DIGIACOMO: Did they respond?

22 PROSPECTIVE JUROR NUMBER 303: They did. They
23 showed up about 15 minutes later calling for the gate code, which blew
24 my mind.

25 MR. DIGIACOMO: You would think they could get through

1 there without --

2 PROSPECTIVE JUROR NUMBER 303: What if I was hurt.

3 What if I was --

4 MR. DIGIACOMO: Right.

5 PROSPECTIVE JUROR NUMBER 303: -- anything.

6 MR. DIGIACOMO: Ultimately I'm guessing they never caught
7 the guy?

8 PROSPECTIVE JUROR NUMBER 303: No.

9 MR. DIGIACOMO: Anything about those two experiences that
10 would affect your ability to be fair and impartial?

11 PROSPECTIVE JUROR NUMBER 303: I don't think so. I
12 just -- there's a chip on my shoulder because, you know, so. But I would
13 think that I'd be able to put it aside so that I could be fair to what was
14 happening right now.

15 MR. DIGIACOMO: Okay. Do you think you can judge those
16 police officers on who they are and not --

17 PROSPECTIVE JUROR NUMBER 303: Yes.

18 MR. DIGIACOMO: -- any group they happen to belong to?

19 PROSPECTIVE JUROR NUMBER 303: Yes.

20 MR. DIGIACOMO: You said you were a musician.

21 PROSPECTIVE JUROR NUMBER 303: Yes.

22 MR. DIGIACOMO: What type of musician? Do you play an
23 instrument? Do you play in a band?

24 PROSPECTIVE JUROR NUMBER 303: Yeah, I'm a
25 saxophonist, woodwinds.

1 MR. DIGIACOMO: You're a saxophonist?
2 PROSPECTIVE JUROR NUMBER 303: Yeah.
3 MR. DIGIACOMO: Woodwinds?
4 PROSPECTIVE JUROR NUMBER 303: I play many different
5 shows. I'm freelance.
6 MR. DIGIACOMO: You're freelance?
7 PROSPECTIVE JUROR NUMBER 303: Yes.
8 MR. DIGIACOMO: How long have you been doing that?
9 PROSPECTIVE JUROR NUMBER 303: Since I graduated
10 probably -- well, I was working even in school, so 2006.
11 MR. DIGIACOMO: Okay. And do you have a bachelor's
12 degree?
13 PROSPECTIVE JUROR NUMBER 303: Bachelor's and
14 master's, yeah.
15 MR. DIGIACOMO: In what?
16 PROSPECTIVE JUROR NUMBER 303: Performance.
17 MR. DIGIACOMO: Performance?
18 PROSPECTIVE JUROR NUMBER 303: Classical and jazz
19 performance, yes.
20 MR. DIGIACOMO: And where did you get that from?
21 PROSPECTIVE JUROR NUMBER 303: UMass Amherst.
22 MR. DIGIACOMO: Okay. Thank you, sir.
23 PROSPECTIVE JUROR NUMBER 303: U'm-h'm.
24 MR. DIGIACOMO: I know there's at least one more hand, it's
25 right here.

1 PROSPECTIVE JUROR NUMBER 306: I was in three armed
2 robberies and one attempted mugging.

3 MR. DIGIACOMO: Okay. When you say that you were in three
4 armed robberies, obviously that means you were the victim of three armed
5 robberies?

6 PROSPECTIVE JUROR NUMBER 306: Yes.

7 MR. DIGIACOMO: Okay. So over the course of how much
8 time did these crimes occur?

9 PROSPECTIVE JUROR NUMBER 306: The first was in; '94,
10 then 2009.

11 MR. DIGIACOMO: Okay. And are we talking someone putting
12 a gun in your face?

13 PROSPECTIVE JUROR NUMBER 306: Yes.

14 MR. DIGIACOMO: And taking money from you?

15 PROSPECTIVE JUROR NUMBER 306: Yeah, twice. The
16 second time I got hit in the back of the head with a gun.

17 MR. DIGIACOMO: Did you report it to the police?

18 PROSPECTIVE JUROR NUMBER 306: Yeah.

19 MR. DIGIACOMO: And did they come out and take a report?

20 PROSPECTIVE JUROR NUMBER 306: Yep, they were
21 professional.

22 MR. DIGIACOMO: And did anybody ever get caught in any of
23 those crimes?

24 PROSPECTIVE JUROR NUMBER 306: Nope.

25 MR. DIGIACOMO: So you've never had to come to a

1 courthouse?

2 PROSPECTIVE JUROR NUMBER 306: No.

3 MR. DIGIACOMO: Now, like I said, you know, for those people
4 that are, have been victims of robbery, we're here, there's a charge of
5 robbery, is there anything about the fact that you've been the victim of a
6 crime that affect your ability to be fair and impartial in this particular case?

7 PROSPECTIVE JUROR NUMBER 306: No, it wouldn't.

8 MR. DIGIACOMO: You think you can do the job?

9 PROSPECTIVE JUROR NUMBER 306: Yeah.

10 MR. DIGIACOMO: Okay. Thank you very much, sir.

11 PROSPECTIVE JUROR NUMBER 306: You're very welcome.

12 MR. DIGIACOMO: So I started off asking you guys the general
13 questions about anybody who's been a victim of a crime, I'm going to do
14 the flip side, has there anybody here who's ever been accused of a crime?
15 Anybody who's ever been arrested, charged, or somebody ever called the
16 police on you and claimed you did something? Is there anybody here
17 who's ever been accused of a crime? No? Oh, got one in the back row.

18 PROSPECTIVE JUROR NUMBER 240: Hi, Jeremy Curtis,
19 240.

20 You're saying who committed a crime or something. I consider
21 a crime a DUI; is that right?

22 MR. DIGIACOMO: Sure.

23 PROSPECTIVE JUROR NUMBER 240: Okay. So that was
24 2011.

25 THE COURT: Okay. Were you arrested for a DUI?

1 PROSPECTIVE JUROR NUMBER 240: I was, u'm-h'm.

2 MR. DIGIACOMO: Okay. And ultimately it worked itself
3 through the system, did you have to go court and everything?

4 PROSPECTIVE JUROR NUMBER 240: I forget now. It's been
5 so long and I put it out of my mind. You know, I had the regular fines. I
6 had a lawyer that took care of it for me. So I spent the night in jail, but
7 that was the, you know.

8 MR. DIGIACOMO: Do you think that the system treated you
9 fairly?

10 PROSPECTIVE JUROR NUMBER 240: Oh, yes, I made a
11 mistake, and I paid for it, yeah.

12 MR. DIGIACOMO: Anybody else here who's ever been
13 accused of a crime?

14 And now I'm just going to make it just slightly broader, but I
15 want to limit this to major crimes, somebody who, either been to prison or
16 the crime is violent, but is there anybody close to anybody here who's
17 ever been the victim or has somebody close to them who's ever been
18 accused of either a serious crime, and I'm talking violent crimes here, or if
19 they've gone to prison because they've done it a number of times.

20 Is there anybody here who has anybody close to them that
21 that's happened? There's one juror in the back row.

22 Your name and badge number.

23 PROSPECTIVE JUROR NUMBER 215: I'm Crystal Wilbert and
24 my badge number is 215.

25 My brother has been accused of a crime. He's in trial right now.

1 MR. DIGIACOMO: He's currently being prosecuted right now?

2 PROSPECTIVE JUROR NUMBER 215: U'm-h'm.

3 MR. DIGIACOMO: I mean, like literally like there's a jury in the
4 box or is he just in jail pending trial?

5 PROSPECTIVE JUROR NUMBER 215: No, like, both. He just
6 got sentenced.

7 MR. DIGIACOMO: He just got sentenced?

8 PROSPECTIVE JUROR NUMBER 215: Yeah.

9 MR. DIGIACOMO: What kind of crime was it?

10 PROSPECTIVE JUROR NUMBER 215: He had five -- four hit
11 and run, attempted murder, four larceny, yeah.

12 MR. DIGIACOMO: So he had a larceny, he had a hit and run,
13 and he had attempted murder.

14 PROSPECTIVE JUROR NUMBER 215: Well, he was on the
15 run and then, like, when he came back everything -- they put everything
16 together.

17 MR. DIGIACOMO: They put everything together?

18 PROSPECTIVE JUROR NUMBER 215: Yeah.

19 MR. DIGIACOMO: And you said he was just sentenced, I'm
20 guessing on those type of charges he's going to prison?

21 PROSPECTIVE JUROR NUMBER 215: U'm-h'm.

22 MR. DIGIACOMO: Is that a yes?

23 PROSPECTIVE JUROR NUMBER 215: Yes, I'm sorry, yes.

24 MR. DIGIACOMO: With charges like that, I can tell you that it's
25 people in my office who would have prosecuted your brother. Is there

1 anything about that fact that would affect your ability to be fair and
2 impartial here?

3 PROSPECTIVE JUROR NUMBER 215: No.

4 MR. DIGIACOMO: Do you think your brother was treated fairly
5 by the system?

6 PROSPECTIVE JUROR NUMBER 215: No.

7 MR. DIGIACOMO: Why not?

8 PROSPECTIVE JUROR NUMBER 215: Because just --
9 because it was a lot. The way they handled everything, the way they
10 handled him, and, yeah, I just don't feel that it was handled, I don't.

11 MR. DIGIACOMO: Okay. Well, let me -- and I apologize to get
12 into this, but I'm trying to understand. Do you think -- do you think your
13 brother was guilty of the crimes?

14 PROSPECTIVE JUROR NUMBER 215: I think my brother was
15 guilty of some of the crimes.

16 MR. DIGIACOMO: But maybe not all?

17 PROSPECTIVE JUROR NUMBER 215: And not all of them,
18 and yeah.

19 MR. DIGIACOMO: Do you think --

20 PROSPECTIVE JUROR NUMBER 215: Some of the people
21 that he was with also and my brother has a really bad problem with drugs.
22 And so I don't --

23 MR. DIGIACOMO: So you think maybe he was treated too
24 aggressively?

25 PROSPECTIVE JUROR NUMBER 215: I think so.

1 MR. DIGIACOMO: And maybe he's going to do more time than
2 he should have?

3 PROSPECTIVE JUROR NUMBER 215: No, I believe that the
4 time is fair.

5 MR. DIGIACOMO: Okay. Is it the nature of the charges?

6 PROSPECTIVE JUROR NUMBER 215: Kind of. I just feel like
7 that he needs some help and that the way that everything was handled
8 was not fair.

9 MR. DIGIACOMO: Okay. And who do you assess was not
10 treating him fairly? Is it the police? Is it the prosecutor?

11 PROSPECTIVE JUROR NUMBER 215: Well, the police at the
12 time.

13 MR. DIGIACOMO: Defense attorney?

14 PROSPECTIVE JUROR NUMBER 215: The police.

15 MR. DIGIACOMO: Okay. And why, what makes you think that
16 the police were being unfair to him?

17 PROSPECTIVE JUROR NUMBER 215: Because they hurt
18 him.

19 MR. DIGIACOMO: So when he was taken into custody
20 physically he was hurt -- harmed?

21 PROSPECTIVE JUROR NUMBER 215: U'm-h'm. And he
22 wasn't resisting, so yeah.

23 MR. DIGIACOMO: And I'm guessing that's based on what he's
24 telling you?

25 PROSPECTIVE JUROR NUMBER 215: Oh, no, I was there.

1 MR. DIGIACOMO: You were there?

2 PROSPECTIVE JUROR NUMBER 215: U'm-h'm, when
3 everything happened.

4 MR. DIGIACOMO: So you witnessed the police officers go
5 hands on, touching your brother, and you felt like their behavior was
6 inappropriate?

7 PROSPECTIVE JUROR NUMBER 215: U'm-h'm, yes.

8 MR. DIGIACOMO: Is that a yes?

9 PROSPECTIVE JUROR NUMBER 215: Yes.

10 MR. DIGIACOMO: Sorry.

11 PROSPECTIVE JUROR NUMBER 215: That is a yes.

12 MR. DIGIACOMO: It's very hard to get used to the uh-uh's and
13 the u'm-h'm's.

14 PROSPECTIVE JUROR NUMBER 215: Right.

15 MR. DIGIACOMO: Well, let me ask you this, I mean,
16 Mr. Scarborough and I are going to stand up here and we're going to, you
17 know, we represent the State of Nevada, we represent, you know, part of
18 the same office that prosecuted your brother, is there anything about that
19 fact that's going to affect your ability to be fair and impartial?

20 PROSPECTIVE JUROR NUMBER 215: No.

21 MR. DIGIACOMO: Okay. You think you could be -- that would
22 be fine with you, they'll be back up with the police officers?

23 PROSPECTIVE JUROR NUMBER 215: Yes.

24 MR. DIGIACOMO: Do you think the fact that what you
25 witnessed with your brother would affect your ability to be fair and

1 impartial in assessing the credibility of the police officers who are here?

2 PROSPECTIVE JUROR NUMBER 215: No.

3 MR. DIGIACOMO: At the end of the day, if Mr. Scarborough
4 and I proved beyond a reasonable doubt the charges against Ms. Guidry,
5 are you going to have any issue with finding her guilty?

6 PROSPECTIVE JUROR NUMBER 215: No.

7 MR. DIGIACOMO: Likewise, on the flip side of that, -- well, you
8 said -- well, you're hesitating there.

9 PROSPECTIVE JUROR NUMBER 215: Yeah.

10 MR. DIGIACOMO: Okay. Why did you hesitate?

11 PROSPECTIVE JUROR NUMBER 215: I just -- I don't know
12 the case, so yeah.

13 MR. DIGIACOMO: Sure.

14 You know nothing about the -- what the facts are --

15 PROSPECTIVE JUROR NUMBER 215: Right.

16 MR. DIGIACOMO: -- in this particular case?

17 PROSPECTIVE JUROR NUMBER 215: U'm-h'm.

18 MR. DIGIACOMO: And so I'm not asking you to prejudge and
19 say, I'm going to find her guilty. What I'm saying is, if Mr. Scarborough
20 and I do our job, if we prove our case beyond a reasonable doubt, and
21 you take the facts, you apply it to the law, and you go, these are the
22 crimes she's guilty of, you're going to have any problem walking in this
23 room --

24 PROSPECTIVE JUROR NUMBER 215: No.

25 MR. DIGIACOMO: -- and saying she did it?

1 PROSPECTIVE JUROR NUMBER 215: No.

2 MR. DIGIACOMO: Flip side, if we fail, Mr. Scarborough and I
3 can't prove our case, any problem walking in this courtroom and saying,
4 Ms. Guidry, you're not guilty?

5 PROSPECTIVE JUROR NUMBER 215: No.

6 MR. DIGIACOMO: So I guess that comes back to so what was
7 the hesitation?

8 PROSPECTIVE JUROR NUMBER 215: Just because you
9 were saying guilty, that I say that she was guilty. So the hesitation was,
10 like, I don't know the case, so I don't want to say she's guilty.

11 MR. DIGIACOMO: Sure.

12 PROSPECTIVE JUROR NUMBER 215: And I don't know --

13 MR. DIGIACOMO: In our society everybody's presumed
14 innocent.

15 PROSPECTIVE JUROR NUMBER 215: Right.

16 MR. DIGIACOMO: And so until Mr. Scarborough and I prove it?

17 PROSPECTIVE JUROR NUMBER 215: So that was the only
18 hesitation. Correct.

19 MR. DIGIACOMO: Okay. That's fair.

20 Any reason you don't think you can be a fair and impartial juror
21 here?

22 PROSPECTIVE JUROR NUMBER 215: No.

23 MR. DIGIACOMO: Thank you very much, ma'am.

24 Anybody else whose had anyone close to them or a family
25 member?

1 Anybody in the second row? The answer is no.
2 The third row? I've got two hands.
3 PROSPECTIVE JUROR NUMBER 338: Rogers Mobley, 338.
4 MR. DIGIACOMO: How are you, sir?
5 PROSPECTIVE JUROR NUMBER 338: I'm doing great.
6 How are you?
7 MR. DIGIACOMO: Good.
8 Who do you have?
9 PROSPECTIVE JUROR NUMBER 338: My father. He was a --
10 MR. DIGIACOMO: Victim or a --
11 PROSPECTIVE JUROR NUMBER 338: Victim.
12 MR. DIGIACOMO: Victim of what?
13 PROSPECTIVE JUROR NUMBER 338: Murder.
14 MR. DIGIACOMO: Okay. I'm sorry to hear that. How long was
15 this?
16 PROSPECTIVE JUROR NUMBER 338: '73.
17 MR. DIGIACOMO: Oh, '73.
18 PROSPECTIVE JUROR NUMBER 338: Yeah.
19 MR. DIGIACOMO: Without getting into too much of the facts,
20 was somebody ever caught?
21 PROSPECTIVE JUROR NUMBER 338: Yes.
22 MR. DIGIACOMO: And were they prosecuted?
23 PROSPECTIVE JUROR NUMBER 338: Yes.
24 MR. DIGIACOMO: And do you think that the system dealt with
25 them appropriately?

1 PROSPECTIVE JUROR NUMBER 338: For the way the laws
2 were written at that time; correct, yes.

3 MR. DIGIACOMO: Okay. What do you mean by that?

4 PROSPECTIVE JUROR NUMBER 338: They were found -- for
5 insanity plea.

6 MR. DIGIACOMO: Oh, so not --

7 PROSPECTIVE JUROR NUMBER 338: So they went and
8 spent five years in an institution and then they back out.

9 MR. DIGIACOMO: Okay. Probably to a --

10 PROSPECTIVE JUROR NUMBER 338: They don't allow that
11 anymore today. But at that time.

12 MR. DIGIACOMO: Yeah, it's a very rare situation where that
13 can occur.

14 PROSPECTIVE JUROR NUMBER 338: Correct.

15 MR. DIGIACOMO: Let me ask you this, I mean, in this
16 particular case, and let me get this so it's a general question to the jury,
17 this is a murder case, so the one thing that I don't anyone is going to
18 dispute here is we're going to establish someone died.

19 PROSPECTIVE JUROR NUMBER 338: U'm-h'm, yes, sir.

20 MR. DIGIACOMO: Okay. There's going to be -- well, for this
21 case not as graphic as some murder cases but there are going to be
22 photographs, they're going to have some blood, and there's going to be
23 people that are deceased.

24 PROSPECTIVE JUROR NUMBER 338: Right.

25 MR. DIGIACOMO: Or at least one person that's deceased.

1 PROSPECTIVE JUROR NUMBER 338: Correct.

2 MR. DIGIACOMO: Anything about the fact that your father was
3 a victim of a very serious and violent crime that's going to prevent you
4 from being fair and impartial here?

5 PROSPECTIVE JUROR NUMBER 338: No, sir.

6 MR. DIGIACOMO: Anything about the idea that you're going to
7 be asked to look at these pictures, not because they're inflammatory, but
8 because they have some evidentiary value associated with them.

9 Do you think you could do that?

10 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

11 MR. DIGIACOMO: Okay. Nothing about that would affect your
12 ability to be fair and impartial?

13 PROSPECTIVE JUROR NUMBER 338: No. I was seven at
14 the time. There was a lot of details I did not know directly. So mentally
15 things wouldn't bother me.

16 MR. DIGIACOMO: Okay. And is that the only reason you
17 raised your hand was it was your father?

18 PROSPECTIVE JUROR NUMBER 338: Right, it was because
19 of my dad.

20 MR. DIGIACOMO: Well, thank you, sir.

21 If you could pass it down, the juror three down from you.

22 PROSPECTIVE JUROR NUMBER 288: Amie Eldred, 288.

23 [Pause in proceeding]

24 MR. DIGIACOMO: Could you give me your name again
25 because I didn't hear.

1 PROSPECTIVE JUROR NUMBER 288: It's okay.
2 Amie Eldred, 288.
3 MR. DIGIACOMO: Okay.
4 PROSPECTIVE JUROR NUMBER 288: My son pleaded guilty
5 to burglary.
6 MR. DIGIACOMO: Okay. And how long ago?
7 PROSPECTIVE JUROR NUMBER 288: It'll be three years in
8 December.
9 MR. DIGIACOMO: Was it here in Clark County?
10 PROSPECTIVE JUROR NUMBER 288: Yes -- ah, Henderson.
11 MR. DIGIACOMO: Henderson?
12 PROSPECTIVE JUROR NUMBER 288: So Clark County, yes.
13 MR. DIGIACOMO: It was a felony, eventually he had to come
14 to this courthouse.
15 PROSPECTIVE JUROR NUMBER 288: Yes.
16 MR. DIGIACOMO: Okay. Well, let's first start with how much
17 did you know about the situation involving your son?
18 PROSPECTIVE JUROR NUMBER 288: I know he called me
19 from jail. I came to his two court appearances and I know what he did.
20 MR. DIGIACOMO: Do you think he was treated fairly by the
21 system?
22 PROSPECTIVE JUROR NUMBER 288: Yes.
23 MR. DIGIACOMO: Is -- I'm assuming, you said one burglary,
24 I'm assuming he got probation or did he go to prison?
25 PROSPECTIVE JUROR NUMBER 288: He's on probation right

1 now.

2 MR. DIGIACOMO: Currently on probation?

3 PROSPECTIVE JUROR NUMBER 288: Yes.

4 MR. DIGIACOMO: Okay. Do you think -- well, let me ask you
5 this, first of all, was his activity, the burglary, I'm just going to guess, and
6 tell me if I'm wrong, maybe the product of drugs or?

7 PROSPECTIVE JUROR NUMBER 288: Yes.

8 MR. DIGIACOMO: Right. People make some fairly irrational
9 choices when they're on drugs?

10 PROSPECTIVE JUROR NUMBER 288: Yes.

11 MR. DIGIACOMO: Okay. Has he gotten help for that --

12 PROSPECTIVE JUROR NUMBER 288: Yes.

13 MR. DIGIACOMO: -- as well by being on probation?

14 PROSPECTIVE JUROR NUMBER 288: Yes, absolutely.

15 MR. DIGIACOMO: Anything about the fact that my office would
16 have prosecuted your son that would affect your ability to be fair and
17 impartial here?

18 PROSPECTIVE JUROR NUMBER 288: Oh, no, he pleaded
19 guilty. He got caught --

20 MR. DIGIACOMO: He got caught?

21 PROSPECTIVE JUROR NUMBER 288: -- right there so.

22 MR. DIGIACOMO: Perfect.

23 Okay. Anyone else -- or anything else you can think of?

24 PROSPECTIVE JUROR NUMBER 288: Uh-uh.

25 MR. DIGIACOMO: No?

1 PROSPECTIVE JUROR NUMBER 288: No. No, sorry.

2 MR. DIGIACOMO: It's all right.

3 Anybody in the front row? No, all right.

4 This is going so much quicker.

5 The judge is going to give you the instructions on the law and
6 you guys are going to be sort of -- well, not sort of, you are, the
7 determination of what the facts are. And then she gives you the law and
8 then you guys are supposed to apply the two of those together.

9 I'm going to ask a question that almost nobody is going to
10 understand and then I'm going to try it with examples to sort of explain it to
11 you.

12 Will you guys be willing to follow the law the judge gives you
13 even if you disagree with what that law is? For example, is there anybody
14 here who knows what I'm talking about and would refuse to follow the law
15 even if you disagreed with it? Seeing no hands.

16 For example, years ago, well, not that long ago, but anyway,
17 years ago, marijuana was illegal in the State of Nevada and there were a
18 whole lot of people, particularly since it passed by way of referendum, that
19 thought marijuana should be illegal. And so we would have jury trials here
20 in which people were being prosecuted for possession of marijuana with
21 people who believe marijuana shouldn't be illegal. And those people all
22 had to agree, look, I may believe that marijuana is illegal -- or make
23 believe that marijuana should be legal, but I'm willing to follow the law the
24 Court gives me. If the Court tells me it's against the law, I have to follow
25 that law.

1 Does everybody understand what I'm sort of talking about now?

2 [The Jury Panel in Unison: Yes.]

3 MR. DIGIACOMO: Okay. So it's not just limited to those type
4 of situations, there's a lot of law.

5 Let me ask this question, does anybody here have any legal
6 education on what the definition of first degree murder is? I'm seeing no
7 hands here.

8 There are people who have a concept of what first degree
9 murder is; right? And that concept can be, you know, very specific or it
10 could be very broad, I guess. But most people have a concept in their
11 mind of what they think murder is.

12 The Nevada legislature, and at the end of this case,
13 Judge Silva's going to tell you what the law of murder is. And at the end
14 of the day you may not agree in your mind that that's what the law says is
15 first degree murder but every one of you has to agree that you're going to
16 follow the instructions of the Court.

17 Is there anybody here who would say to themselves, look, if the
18 Court tells me that first degree murder can be based on unintentional or
19 accidental conduct and I disagree with that, I'm not going to follow the law.
20 Is there anybody here who thinks to themselves that they can reject the
21 law the Court gives them? Okay.

22 THE COURT: We didn't see any hands for the record.

23 MR. DIGIACOMO: There was no hands.

24 I'm trying to think of a way to ask this question without asking it
25 really dumb, but I think maybe I'll start off with dumb and it could go

1 somewhere else with it afterwards.

2 There are, sort of like my marijuana categorization, there are
3 certain hot bottom issues out there for people. So I'm going to ask sort of
4 the broad question, is there anybody here who thinks that there's any
5 portion of our population that are not deserving of the protections of our
6 law? Anybody?

7 There -- let me ask it in this way, is there anybody who thinks
8 merely because a victim did something that you wouldn't necessarily
9 agree with or you wouldn't do that that person shouldn't still deserve the
10 protections of the law? Anybody? Seeing no hands.

11 For example, it's not related to this case; right, drug dealers
12 have a tendency to get robbed, drug dealers have a tendency to get killed
13 because drug dealing is a dangerous business. There are a certain
14 segment of people who say, if that guy's dealing drugs, then I'm not going
15 to spend my time sitting on a jury deciding whether or not his -- the person
16 who killed him, deserved to go to prison.

17 Is there anybody here who thinks a victim doesn't deserve the
18 protections of our law just because they're doing something you don't
19 agree with?

20 PROSPECTIVE JUROR NUMBER 329: My name is Raphael
21 Martinez, badge number is 0329.

22 MR. DIGIACOMO: Okay.

23 PROSPECTIVE JUROR NUMBER 329: I do believe that
24 particular people, if they are doing something bad, that's it, it's -- that's
25 what it is. They know the risk. So, no, I will not protect the evil, no, I'm

1 not agree on that one.

2 MR. DIGIACOMO: Okay.

3 PROSPECTIVE JUROR NUMBER 329: So we supposed to
4 protect the good not the evil. They already did the parts, boom, that's it,
5 take it away.

6 MR. DIGIACOMO: So if you were king of Nevada for a day.

7 PROSPECTIVE JUROR NUMBER 329: Okay.

8 MR. DIGIACOMO: All right. Are you saying that you don't think
9 we should prosecute the people who, you know, killed the drug dealer
10 because the guy was dealing drugs he should have known better?

11 PROSPECTIVE JUROR NUMBER 329: If we have the facts
12 and if we have the proof that that person was doing bad and that person
13 deserve it, I don't have a problem with it. They have to be just pursue it,
14 that's it.

15 MR. DIGIACOMO: So at least in your world if -- you think
16 maybe the victim deserved it, maybe in that situation you think --

17 PROSPECTIVE JUROR NUMBER 329: That's what I'm saying.
18 If we have the facts that that particular person did it, so, yeah, they have
19 to pay the price too.

20 MR. DIGIACOMO: Okay.

21 PROSPECTIVE JUROR NUMBER 329: We're not going to
22 defend the evil when we already have a lot. So you just have to start
23 doing better job, better work, that's all. I mean, that's how I see it.

24 If you put the facts on me and you say, Mr. Martinez, so what
25 do you think? I say, well, the facts are here, so, yeah, that person is

1 guilty, he's guilty, that's it.

2 MR. DIGIACOMO: Okay. And that's my point, I mean, look, the
3 truth of the matter is is that the majority of people who wind up being killed
4 have engaged in some conduct that the average citizen would think was
5 not a very good idea.

6 But at the end of the day, in a murder case, the decision here is
7 whether or not we can prove the guilt of the defendant beyond a
8 reasonable doubt. It doesn't matter what the victim did or didn't do
9 ultimately.

10 Would you agree with that?

11 PROSPECTIVE JUROR NUMBER 329: Well, like I say, if it is
12 guilty, it's guilty, that's all I can say.

13 MR. DIGIACOMO: So if we prove our case, even if the victim
14 did something that you don't approve of --

15 PROSPECTIVE JUROR NUMBER 329: We're talking about
16 here, if that person did it, okay, if that person is a criminal and that person
17 did things that they're not supposed to do, yes.

18 MR. DIGIACOMO: Okay.

19 PROSPECTIVE JUROR NUMBER 329: Why we have to wait it
20 around, just get it done, that's it. I mean, that's how I see it, you know
21 what I mean?

22 MR. DIGIACOMO: No, that's fair enough.

23 PROSPECTIVE JUROR NUMBER 329: Just like right now so
24 we are like 32 people right now; right?

25 MR. DIGIACOMO: Correct.

1 PROSPECTIVE JUROR NUMBER 329: So if we brought up
2 here to do our job, we supposed to just do our job, and that's it, it's done
3 deal. That's how I see it.

4 MR. DIGIACOMO: Right.

5 PROSPECTIVE JUROR NUMBER 329: But then again I'm not
6 the judge, I'm not anybody like that, but I do believe if they are wrong and
7 they're doing something bad, they have to pay the price for it. That's how
8 I see it. That's pretty much it.

9 MR. DIGIACOMO: Can I ask you a separate question?

10 PROSPECTIVE JUROR NUMBER 329: Go.

11 MR. DIGIACOMO: You mentioned that you're union and in
12 construction --

13 PROSPECTIVE JUROR NUMBER 329: Carpenter.

14 MR. DIGIACOMO: You do carpentry?

15 PROSPECTIVE JUROR NUMBER 329: Yes.

16 MR. DIGIACOMO: And you mentioned that that might be a
17 problem --

18 PROSPECTIVE JUROR NUMBER 329: Yes.

19 MR. DIGIACOMO: -- to be here.

20 PROSPECTIVE JUROR NUMBER 329: I did ask one day only
21 permission, that's it.

22 MR. DIGIACOMO: You have one day permission.

23 Are you currently assigned to the union -- to a job?

24 PROSPECTIVE JUROR NUMBER 329: Yes.

25 MR. DIGIACOMO: Okay.

1 PROSPECTIVE JUROR NUMBER 329: They just say it's going
2 to be a brand new job, that's all.

3 MR. DIGIACOMO: Brand new job?

4 PROSPECTIVE JUROR NUMBER 329: For me.

5 MR. DIGIACOMO: For you?

6 PROSPECTIVE JUROR NUMBER 329: Yeah.

7 MR. DIGIACOMO: Are you -- what do they call when the guys
8 are --

9 PROSPECTIVE JUROR NUMBER 329: Laid off?

10 MR. DIGIACOMO: No -- yeah, well, I mean, I know that
11 happens but.

12 PROSPECTIVE JUROR NUMBER 329: All the time. It happen
13 all the time.

14 MR. DIGIACOMO: Are you a journeyman carpenter?

15 PROSPECTIVE JUROR NUMBER 329: I'm a journeyman.

16 MR. DIGIACOMO: And so if your name -- you can't fill the job,
17 you got to go back to the bottom of the list?

18 PROSPECTIVE JUROR NUMBER 329: Yes, sir, yeah, just like
19 that. So there's no other way around. So let's say that my name and my
20 number is coming up, and for a reason I don't go there, my number goes
21 all the way to whatever they --

22 MR. DIGIACOMO: The bottom of the list?

23 PROSPECTIVE JUROR NUMBER 329: Yes.

24 MR. DIGIACOMO: Have you been told that you have a job
25 coming up?

1 PROSPECTIVE JUROR NUMBER 329: Yes.

2 MR. DIGIACOMO: Okay. And so I'm going to ask this sort of --
3 I don't if I've asked this in front of all the other jurors -- but is it the type of
4 situation if Judge Silva says you're sitting here for five or seven days, is it
5 the type of situation where you're not going to make your rent or your
6 mortgage or it's going to be an undue hardship in the sense that you won't
7 be able to live if you're forced to sit here? Or is it something where, eh, it
8 wouldn't be bad?

9 PROSPECTIVE JUROR NUMBER 329: Well, we have to
10 compare; right? So I'm going to be get probably \$40 per day so. And the
11 union I'm making over 400 bucks a day. So, yeah, it makes a lot of
12 difference.

13 MR. DIGIACOMO: But the question -- I mean, look, there's
14 going to be a lot of people in here who are going to lose money being on
15 jury duty, that's not really --

16 PROSPECTIVE JUROR NUMBER 329: The point.

17 MR. DIGIACOMO: -- if we let everybody who lost money on
18 jury duty, we wouldn't have any jurors.

19 PROSPECTIVE JUROR NUMBER 329: Right.

20 MR. DIGIACOMO: But the question is, is it going to be such an
21 impact on you?

22 PROSPECTIVE JUROR NUMBER 329: Oh, yeah, for me it is
23 because I got to pay my bills. If I don't work, I cannot pay my bills. If I
24 don't pay my bills, I'm going to be out on the street. I don't want that. I'm
25 barely surviving right now.

1 MR. DIGIACOMO: Well, that's what I'm asking --
2 PROSPECTIVE JUROR NUMBER 329: Yes.
3 MR. DIGIACOMO: -- is if you can't take this job, is it going to be
4 the situation where --
5 PROSPECTIVE JUROR NUMBER 329: Yeah, I'm going be --
6 MR. DIGIACOMO: -- you're not making your --
7 PROSPECTIVE JUROR NUMBER 329: -- yeah, I'm not going
8 to make money, so yes.
9 MR. DIGIACOMO: Okay. So you're going to be out of --
10 PROSPECTIVE JUROR NUMBER 329: Yes.
11 MR. DIGIACOMO: -- basically you're living situation?
12 PROSPECTIVE JUROR NUMBER 329: Yes.
13 MR. DIGIACOMO: Okay. Thank you very much, sir.
14 PROSPECTIVE JUROR NUMBER 329: Okay.
15 MR. DIGIACOMO: Anybody else on that, victim of a crime
16 engaging in bad behavior?
17 PROSPECTIVE JUROR NUMBER 214: I think that's a tough
18 one.
19 MR. DIGIACOMO: I've got juror number one first and then I'll
20 get to juror number three.
21 PROSPECTIVE JUROR NUMBER 214: Are you talking about
22 vigilante?
23 Harold Mintz, 214.
24 MR. DIGIACOMO: Well, I'm not supposed to get specific into
25 the -- specific of the facts of the case. But I'm talking about anything, like,

1 you know, my example that I use because it's completely unrelated here.
2 You know, a guy's dealing drugs and someone goes to rip him off and
3 gets killed. I mean, the drug dealers dead, what about the guy that did the
4 killing?

5 PROSPECTIVE JUROR NUMBER 214: But we don't know --
6 but then in that example you're saying that the suspect did something -- is
7 doing something bad. They're not -- they weren't wronged and they're
8 trying to get revenge?

9 MR. DIGIACOMO: Correct.

10 PROSPECTIVE JUROR NUMBER 214: Okay.

11 MR. DIGIACOMO: Correct. No, I'm not talking about that type
12 of situation. I am not talking about whether or not, you know, a father who
13 goes and kills the perpetrator of a sexual assault on his child. I'm not
14 talking about that situation.

15 PROSPECTIVE JUROR NUMBER 214: Right, okay.

16 MR. DIGIACOMO: I'm talking about just generally victims of
17 murders are usually engaging in risky conduct, conduct that the average
18 citizen may or may not decide was a good idea to engage in.

19 MR. MUELLER: Your Honor, can we approach?

20 THE COURT: Sure.

21 [Bench conference begins]

22 MR. MUELLER: My colleague has wandered past the
23 borderline here. He's asked a few legitimate questions, would you follow
24 the law, and if you didn't disagree with it, then he posed a hypothetical. I
25 kept my tongue.

1 Now, we're actually going off of what the juror's opinions on
2 vigilantism and giving hypothetical questions so. I mean, he can
3 legitimately ask if they're going to follow the law. He can't start posing
4 even those hypotheticals to the jury. We're starting to look like a talk
5 show here.

6 THE COURT: So I appreciate your concern and
7 Mr. DiGiacomo's questions were -- were well contained. He was actually
8 responding to the juror's question, not a question that he posed. So I
9 appreciate your concern but I feel like we're kind of back on track.

10 How much further -- further along do we have to go?

11 MR. DIGIACOMO: Just --

12 THE COURT: And then have to follow up with juror number
13 three.

14 MR. DIGIACOMO: Yeah, I've got to deal with juror number
15 three.

16 THE COURT: Yeah.

17 MR. DIGIACOMO: And then, you know, I've got a couple of
18 other subject matters that might come up in the case and then I'm pretty
19 much done.

20 THE COURT: Okay.

21 MR. DIGIACOMO: I figure I'll finish by about 5:00.

22 THE COURT: Yeah, so why don't we actually take a break
23 now.

24 And then I appreciate that. I'll be very cognizant of that. I'm
25 going to overrule your objection.

1 MR. DIGIACOMO: Yeah, I understand.

2 THE COURT: But let's try and stay on track.

3 And then we'll come back and let you finish.

4 MR. DIGIACOMO: Yeah.

5 THE COURT: Okay. Great. Thank you.

6 [Bench conference ends]

7 THE COURT: All right. Ladies and gentlemen, we are -- we've
8 been doing this for about an hour and fifteen minutes and I appreciate
9 everyone's patience. I can also feel everyone starting to get a little
10 squirmy, which is totally fair, myself included.

11 So we're going to take our afternoon break. The courthouse
12 should be a little quieter now that it's the afternoon. So let's try and be
13 back here in 15 minutes, or little more than 15 minutes, at -- I can't believe
14 I'm saying this, almost 4 o'clock, and then we will resume jury
15 instructions -- I mean, jury selection.

16 If you could please hold your thought, they will be getting back
17 to you. But I thought it was a good time to take break. Okay?

18 Thank you both. We'll see everyone at -- oh, I have to remind
19 you of that admonishment.

20 Don't forget you can't converse with yourselves or anyone else
21 on the subject regarding this trial. Read, watch, or listen to anything or
22 report of, anything related to this trial, or any person connected to this trial
23 by any medium of information, including, without limitation, newspapers,
24 television, radio, or Internet.

25 Or form or express any opinion on any subject connected with

1 the trial until the case is finally submitted to you.

2 And with that we'll see you around 4 o'clock.

3 Thank you.

4 [Outside the presence of the prospective jury panel]

5 THE COURT: All right. Let the record reflect that the jury
6 venire has left the courtroom.

7 Anything we need to address before we break ourselves?

8 MR. DIGIACOMO: No.

9 MR. MUELLER: No, Your Honor.

10 THE COURT: Okay. All right. We'll see everyone right at 4
11 o'clock.

12 [Recess taken at 3:45 p.m.]

13 [Jury trial resumed at 4:05 p.m.]

14 [In the presence of the prospective jury panel]

15 THE COURT: Welcome back, everybody.

16 We're going to let you all know where we are in terms of timing,
17 we are going to end at 5 o'clock today and then we will resume wherever
18 we are in jury selection process tomorrow. I have it set for 10:30 and I'm
19 optimistic that my morning calendar will be over by then. So that is the
20 plan. So everyone knows what the plan is going forward.

21 And with that, Mr. DiGiacomo, if you'd like to continue with your
22 selection process.

23 MR. DIGIACOMO: Thank you.

24 I think we're going back to Mr. Peck, juror number three. Get
25 you the microphone there so you can give me your number.

1 PROSPECTIVE JUROR NUMBER 220: Badge 220.

2 I was thinking that's a tough task to equate drug dealers
3 vulnerability out in the streets to just the regular average law abiding
4 citizen. I could do it but I think that's a tough task.

5 MR. DIGIACOMO: Okay. And, you know, my question is more
6 broader in the sense that we can all sit around and think, hey, this guy
7 lived a lifestyle that led him to a risky situation that ultimately resulted in
8 his death. But there is a certain percentage of the population who say,
9 h'm, why am I going to waste my time in jury duty over his murder. And
10 that's my question, is, at the end of the day if we still establish, whether
11 our victim was doing something you approve of or didn't approve of, if we
12 established that she's guilty of the crimes, will you still convict, whether or
13 not the victim was doing something you don't approve of?

14 PROSPECTIVE JUROR NUMBER 220: Right. If the facts say
15 that, yes, yes.

16 MR. DIGIACOMO: Is there anybody in this group that
17 disagrees with that, that for some reason there are some people who just
18 don't deserve justice? Okay.

19 There's one other general area and then I have specifics for any
20 of you who did not speak yet, which is about 16 by our account.

21 So there -- I'll start with this, is there anybody who has not been
22 down on the Strip on a Friday, Saturday night? Is there anybody who's
23 never been in one of our casinos?

24 All right. We have a juror right here in the front.

25 It's okay, you're probably the smartest person in the room

1 because you've never been on our Strip.

2 PROSPECTIVE JUROR NUMBER 320: I'm a home body. I
3 don't go out at all, unless I have to.

4 MR. DIGIACOMO: Okay. So, I mean, that's my question,
5 you've never been in one of the major casinos, in our nightclubs, or
6 anything else like that?

7 PROSPECTIVE JUROR NUMBER 320: No.

8 MR. DIGIACOMO: So you have no real experience with any of
9 that?

10 PROSPECTIVE JUROR NUMBER 320: No.

11 MR. DIGIACOMO: Anybody else who has no real experience
12 with the casino industry, what it's like on a Friday or Saturday night or
13 Monday or Tuesday even these days, anybody?

14 Okay. We've got a gentleman. I'm going to guess UNLV
15 student, just the shirt gives it away.

16 Tell me you're too young to go?

17 PROSPECTIVE JUROR NUMBER 261: Yeah, pretty much.

18 MR. DIGIACOMO: Pretty much?

19 PROSPECTIVE JUROR NUMBER 261: Yeah.

20 MR. DIGIACOMO: Okay.

21 PROSPECTIVE JUROR NUMBER 261: Pretty young to spend
22 time up in there.

23 MR. DIGIACOMO: So, and I don't mean to embarrass you, but
24 how old are you?

25 PROSPECTIVE JUROR NUMBER 261: I'm 19 now.

1 MR. DIGIACOMO: 19. Good. Two more years then you can
2 go; all right.

3 This is leading into other questions, but you've never really seen
4 the nightlife that's happened down here because of your age, I'm
5 guessing?

6 PROSPECTIVE JUROR NUMBER 261: Yeah, not much, no.

7 MR. DIGIACOMO: Okay. The culture in the casinos at that
8 time or anything like that?

9 PROSPECTIVE JUROR NUMBER 261: Yeah, my parents
10 keep me out of the casinos pretty much, yeah.

11 MR. DIGIACOMO: Yeah, yeah.

12 While you have the microphone, and I don't think we talked yet,
13 I'm guessing you're at UNLV?

14 PROSPECTIVE JUROR NUMBER 261: Yes, yes, sir.

15 MR. DIGIACOMO: What are you specializing in? Do you have
16 a major yet?

17 PROSPECTIVE JUROR NUMBER 261: Well, yeah, I want to
18 major in computer science.

19 MR. DIGIACOMO: Computer science?

20 PROSPECTIVE JUROR NUMBER 261: Yeah.

21 MR. DIGIACOMO: And what are you in your sophomore year?

22 PROSPECTIVE JUROR NUMBER 261: Yeah, I'm going into
23 my second year now.

24 MR. DIGIACOMO: So you took some summer classes?

25 PROSPECTIVE JUROR NUMBER 261: Yeah, I'm taking

1 summer classes, yes.

2 MR. DIGIACOMO: And what are your two summer classes that
3 you are taking?

4 PROSPECTIVE JUROR NUMBER 261: Right now I'm taking a
5 math and an English class.

6 MR. DIGIACOMO: And which ones the online?

7 PROSPECTIVE JUROR NUMBER 261: My English class.

8 MR. DIGIACOMO: You can do English online?

9 PROSPECTIVE JUROR NUMBER 261: Yeah.

10 MR. DIGIACOMO: Wow, who knew.

11 You said you have finals?

12 PROSPECTIVE JUROR NUMBER 261: Yes.

13 MR. DIGIACOMO: Do you have any classes this week other
14 than the two finals that you have?

15 PROSPECTIVE JUROR NUMBER 261: Well, I have class
16 Monday through Friday, so I'm missing class today for this.

17 MR. DIGIACOMO: Okay. Is your professor going to have a
18 problem with that or?

19 PROSPECTIVE JUROR NUMBER 261: No, I already talked to
20 him about today but anything after I would have to re-go back and talk to
21 him again.

22 MR. DIGIACOMO: Well, let me ask you this because this
23 isn't -- it's not going to be a shocker to anybody, this jury selection is not
24 going to be done today.

25 So can you have that conversation before you come back

1 tomorrow? You have some way of contacting him --

2 PROSPECTIVE JUROR NUMBER 261: Yeah.

3 MR. DIGIACOMO: -- other than during class?

4 PROSPECTIVE JUROR NUMBER 261: I have his email and I'll
5 try and call him to see if he, but yeah.

6 MR. DIGIACOMO: I mean, because we're going to need to
7 know; right, nobody wants somebody to miss a final, lose out on credits,
8 not be able to graduate. But if you can move it, we need to know that too.
9 So can you do that for us?

10 PROSPECTIVE JUROR NUMBER 261: Yeah, like right after I
11 leave I'll call and notify.

12 MR. DIGIACOMO: Okay. Other than the issues that you have
13 with, potentially your school schedule, any reason you don't think you can
14 be a fair and impartial juror here?

15 PROSPECTIVE JUROR NUMBER 261: No, I can be fair and
16 impartial, yes.

17 MR. DIGIACOMO: If we prove our case beyond a reasonable
18 doubt, any issue with coming in the courtroom and saying, yeah, I think
19 she did it, I vote that she did it. Any issue with that?

20 PROSPECTIVE JUROR NUMBER 261: No, issues, no.

21 MR. DIGIACOMO: Flip side, we fail, and we didn't go over this
22 a lot, but at the end of the day the only burden in this courtroom is on
23 Mr. Scarborough and myself. Defense has no burden. She's presumed
24 innocent as she sits there. If at the end of the day we don't do our job, we
25 don't meet our burden, any problem coming in here and finding her not

1 guilty?

2 PROSPECTIVE JUROR NUMBER 261: No problems, no.

3 MR. DIGIACOMO: Perfect. Thank you, sir.

4 Okay. So I ask that question about sort of the nightlife here, it's
5 more of a thing that people who don't live in Vegas don't really
6 understand. But, you know, is there anybody, and I don't mean this to
7 suggest that there's anybody who's actually engaged in the conduct, but
8 anybody who's had an experience with somebody in one of these casinos
9 where you thought that person might be a prostitute? Anybody? Okay.

10 PROSPECTIVE JUROR NUMBER 290: Jiemyl Mendigorin,
11 badge 290.

12 MR. DIGIACOMO: 290.

13 PROSPECTIVE JUROR NUMBER 290: Since I work as a
14 bar-back in the Aria, it's, for me, I can easily spot like a prostitute or like,
15 well, hookers, like that, in the place.

16 MR. DIGIACOMO: Sure. They're fairly prevalent in the casino
17 industry.

18 PROSPECTIVE JUROR NUMBER 290: Yes, they are.

19 MR. DIGIACOMO: Okay. Is there -- if there is any allegation,
20 I'm not sure that there will be, but if there's any allegation that there may
21 have been an act of prostitution involved here, would that affect your
22 ability to be fair and impartial?

23 PROSPECTIVE JUROR NUMBER 290: No, no, it wouldn't.

24 MR. DIGIACOMO: No.

25 If the victim, from both the victim and/or the defendant's side,

1 that shouldn't matter one way or the other, the facts are the facts?

2 PROSPECTIVE JUROR NUMBER 290: The facts are the
3 facts, yeah.

4 MR. DIGIACOMO: Anybody else -- anybody disagree with
5 that? Anybody have such a strong feeling about the nature of prostitution
6 that would affect your ability to be fair and impartial here? You know, sort
7 of like my marijuana, there's some people who have very strong feelings
8 about prostitution, is there anybody here who has those type of feelings?
9 Okay. Seeing no answers.

10 So, now, it's the point where I just get to pick on the 16 people --
11 or actually we're down to 15, the 15 people that really haven't talked yet.

12 So if we could pass that microphone back to the person in seat
13 number four, is it 226 Mr. Triebwasser?

14 How long have you been in IT, sir?

15 PROSPECTIVE JUROR NUMBER 226: Three years.

16 MR. DIGIACOMO: And IT can be a very broad category, what
17 is it that you do on a daily basis?

18 PROSPECTIVE JUROR NUMBER 226: I deal mostly with the
19 hardware side, with little bit of configuration, troubleshoot, stuff like that. It
20 really varies day-to-day depending on what tickets I have.

21 MR. DIGIACOMO: So someone puts a ticket in and says, I
22 have a problem and you're the guy that goes and fixes?

23 PROSPECTIVE JUROR NUMBER 226: Yep.

24 MR. DIGIACOMO: Okay. Do people work for you or -- do you
25 have any other people that you assign out the jobs or are you?

1 PROSPECTIVE JUROR NUMBER 226: No.

2 MR. DIGIACOMO: You're the guy who actually shows up to my
3 office when I tell them the computer doesn't work?

4 PROSPECTIVE JUROR NUMBER 226: Yes.

5 MR. DIGIACOMO: And that's your job is to fix it?

6 PROSPECTIVE JUROR NUMBER 226: Yes.

7 MR. DIGIACOMO: Okay. You've been here three years, how
8 long have you been in IT?

9 PROSPECTIVE JUROR NUMBER 226: Same amount of time.

10 MR. DIGIACOMO: Okay. What did you do back in Oregon?

11 PROSPECTIVE JUROR NUMBER 226: I worked in a furniture
12 warehouse and I worked in a sporting goods store, two jobs at the same
13 time.

14 MR. DIGIACOMO: Okay. In order to be an IT person, do you
15 have to have some sort of advanced education?

16 PROSPECTIVE JUROR NUMBER 226: Certifications typically,
17 but not necessarily. If someone willing to give you a chance, you can
18 jump right in.

19 MR. DIGIACOMO: Okay. And do you have some
20 certifications?

21 PROSPECTIVE JUROR NUMBER 226: Yes.

22 MR. DIGIACOMO: What kind of certifications do you have?

23 PROSPECTIVE JUROR NUMBER 226: I'm a top level tech for
24 Net Up and a top level tech for Pure, Pure Storage.

25 MR. DIGIACOMO: And that means what? Sorry, to a guy like

1 me, who can barely turn this on.

2 PROSPECTIVE JUROR NUMBER 226: It means I can work on
3 multi-million dollar storage equipment, for example.

4 MR. DIGIACOMO: So you really understand the nature of
5 computers and their systems?

6 PROSPECTIVE JUROR NUMBER 226: Yes.

7 MR. DIGIACOMO: Okay. Thank you, sir.

8 Well, let me ask just the thousand dollar question, we've been
9 sitting here talking for -- well, I've been talking for an hour and a half and
10 every once in a while I get a few other people to talk, anything anyone's
11 brought up that you thought might be important for me to know?

12 PROSPECTIVE JUROR NUMBER 226: No, not really.

13 MR. DIGIACOMO: Do you think essentially you're a fair
14 person?

15 PROSPECTIVE JUROR NUMBER 226: I like to think so.

16 MR. DIGIACOMO: Do you think that you have the capacity to
17 listen to evidence, look at physical evidence, video, whatever, and
18 ultimately make a determination did Mr. Scarborough and I establish our
19 case beyond a reasonable doubt?

20 PROSPECTIVE JUROR NUMBER 226: Yes.

21 MR. DIGIACOMO: Any concerns doing that?

22 PROSPECTIVE JUROR NUMBER 226: No.

23 MR. DIGIACOMO: I guess there's one general area I should
24 talk about here, it is a murder case, and sometimes people think, oh, my
25 God, it's a murder case, in fact, I think someone said earlier, another juror,

1 that there's some anxiety from the idea of a murder case. One of the
2 things this is not a capital murder case, you know, the jury isn't going to
3 make the sentencing determination. This is an issue where the
4 punishment is wholly irrelevant to the job of our jurors.

5 Is there anyone here who can't treat this charge just like any
6 other charge in the justice system? Is there anybody here who can't set
7 aside the idea of what the punishment should be, you're supposed to not
8 even think about that? Is there anybody here who can't do that? Okay.

9 Thank you, sir. You can pass it right next door to you to -- is it
10 Mr. Solano, 228?

11 PROSPECTIVE JUROR NUMBER 228: Yes.

12 MR. DIGIACOMO: You're a mechanic?

13 PROSPECTIVE JUROR NUMBER 228: Yes.

14 MR. DIGIACOMO: And I've got to tell you, sir, your English is
15 pretty darn good, you were able to read the questions, so that's sort of
16 where my questions are. I've been talking for an hour and a half, is there
17 anything you didn't understand?

18 PROSPECTIVE JUROR NUMBER 228: Pretty much
19 everything.

20 MR. DIGIACOMO: Pretty much everything.

21 And, you know, it's a really bad question to ask, is there
22 anything you didn't understand, because if you didn't understand you
23 wouldn't be able to answer it.

24 But do you feel comfortable now that you've sat here that you
25 think you can do what we're asking you to do?

1 PROSPECTIVE JUROR NUMBER 228: Actually I feel very
2 comfortable. It's something very new for me and I feel comfortable, yeah.

3 MR. DIGIACOMO: I'm sure that happens with a lot of jurors,
4 they come in here and think, oh, my God, they want to ask me to do this
5 and then ultimately after you sit here for a while it's -- this isn't that difficult.
6 You've understood what we've been saying here in the courtroom?

7 PROSPECTIVE JUROR NUMBER 228: Yes.

8 MR. DIGIACOMO: Any concerns you have about sitting as a
9 fair and impartial juror?

10 PROSPECTIVE JUROR NUMBER 228: No.

11 MR. DIGIACOMO: Other areas, you said you're a mechanic,
12 what kind of mechanic are you?

13 PROSPECTIVE JUROR NUMBER 228: Diesel mechanic.

14 MR. DIGIACOMO: Diesel mechanic?

15 PROSPECTIVE JUROR NUMBER 228: Yes.

16 MR. DIGIACOMO: Okay. You work on trucks. Do you work for
17 a company?

18 PROSPECTIVE JUROR NUMBER 228: I work for a company.

19 MR. DIGIACOMO: You work for a company?

20 PROSPECTIVE JUROR NUMBER 228: U'm-h'm.

21 MR. DIGIACOMO: And how long have you been doing that?

22 PROSPECTIVE JUROR NUMBER 228: For the last two years
23 for this company.

24 MR. DIGIACOMO: Okay. How long have you been a mechanic
25 overall?

1 PROSPECTIVE JUROR NUMBER 228: Ay-yi-yi.
2 MR. DIGIACOMO: Forever.
3 PROSPECTIVE JUROR NUMBER 228: Good question, I don't
4 know, probably eight years.
5 MR. DIGIACOMO: Eight years?
6 PROSPECTIVE JUROR NUMBER 228: U'm-h'm.
7 MR. DIGIACOMO: Thank you, sir.
8 You can pass that -- look, everybody already knows who hasn't
9 spoken yet.
10 Mr. Sanger, 235.
11 PROSPECTIVE JUROR NUMBER 235: Yes.
12 MR. DIGIACOMO: You're a retired engineer?
13 PROSPECTIVE JUROR NUMBER 235: Yes.
14 MR. DIGIACOMO: Okay. Now, engineer could be a very broad
15 category of things, so what is it you did for a living?
16 PROSPECTIVE JUROR NUMBER 235: Designed aircraft
17 systems for both commercial aircraft and military aircraft.
18 MR. DIGIACOMO: And how long did you do that for?
19 PROSPECTIVE JUROR NUMBER 235: 57 years.
20 MR. DIGIACOMO: Was any of that period of time you were in
21 the military?
22 PROSPECTIVE JUROR NUMBER 235: Yes, for 21 years.
23 MR. DIGIACOMO: Which branch?
24 PROSPECTIVE JUROR NUMBER 235: Navy.
25 MR. DIGIACOMO: And what was your highest rank?

1 PROSPECTIVE JUROR NUMBER 235: Lieutenant.
2 MR. DIGIACOMO: Lieutenant in the navy?
3 PROSPECTIVE JUROR NUMBER 235: Yeah.
4 MR. DIGIACOMO: Well, I assume that means there were
5 people that were reporting to you as a lieutenant?
6 PROSPECTIVE JUROR NUMBER 235: Yes.
7 MR. DIGIACOMO: Yes, sir?
8 PROSPECTIVE JUROR NUMBER 235: Yes.
9 MR. DIGIACOMO: Okay. Were there ever a period of time
10 when you had to make a decision because two different guys are telling
11 you two different stories about what happened and you've got to figure out
12 what the truth was?
13 PROSPECTIVE JUROR NUMBER 235: Yes.
14 THE COURT: Do you feel comfortable doing that?
15 PROSPECTIVE JUROR NUMBER 235: Yep, yes, sir.
16 MR. DIGIACOMO: It's a little like being a juror; right?
17 PROSPECTIVE JUROR NUMBER 235: Yes.
18 MR. DIGIACOMO: We're going to present a bunch of facts to
19 you and ask you to find what the truth is.
20 PROSPECTIVE JUROR NUMBER 235: Yes.
21 MR. DIGIACOMO: Do you think you're capable of doing that?
22 PROSPECTIVE JUROR NUMBER 235: Yes.
23 MR. DIGIACOMO: Thank you very much, sir.
24 Both those guys have talked, I'm going down here, but this juror
25 reminded sort of a general question. Is there anybody else who's served

1 our county in the armed forces?

2 Let's go back here to juror number 240, Mr. Curtis.

3 PROSPECTIVE JUROR NUMBER 240: Yes, sir.

4 MR. DIGIACOMO: Where did you serve?

5 PROSPECTIVE JUROR NUMBER 240: U.S. Army.

6 MR. DIGIACOMO: And how long were you in the army?

7 PROSPECTIVE JUROR NUMBER 240: Four years.

8 MR. DIGIACOMO: Four yours.

9 And how long ago was it?

10 PROSPECTIVE JUROR NUMBER 240: I was out in '92.

11 MR. DIGIACOMO: '92.

12 Did you serve in combat?

13 PROSPECTIVE JUROR NUMBER 240: Yes, sir; Desert Storm.

14 MR. DIGIACOMO: Desert Storm.

15 PROSPECTIVE JUROR NUMBER 240: U'm-h'm.

16 MR. DIGIACOMO: And what was the highest rank you --

17 PROSPECTIVE JUROR NUMBER 240: E5, sergeant.

18 MR. DIGIACOMO: Sergeant; E5?

19 PROSPECTIVE JUROR NUMBER 240: U'm-h'm.

20 MR. DIGIACOMO: Thank you, sir.

21 PROSPECTIVE JUROR NUMBER 240: You're welcome.

22 MR. DIGIACOMO: If we can go down here, I saw another hand

23 in the second row.

24 Is it Ms. Martinez?

25 PROSPECTIVE JUROR NUMBER 248: Tamera Martinez, 248.

1 MR. DIGIACOMO: Where did you serve?
2 PROSPECTIVE JUROR NUMBER 248: Army, sir.
3 MR. DIGIACOMO: Army.
4 For how long?
5 PROSPECTIVE JUROR NUMBER 248: Eight years active,
6 eight years inactive, in the IRR.
7 MR. DIGIACOMO: In the IRR?
8 PROSPECTIVE JUROR NUMBER 248: Yes, sir.
9 MR. DIGIACOMO: What was the highest rank?
10 PROSPECTIVE JUROR NUMBER 248: E4.
11 MR. DIGIACOMO: And approximately when was this?
12 PROSPECTIVE JUROR NUMBER 248: '84 to '92 and '92 to --
13 six years was my IRR.
14 MR. DIGIACOMO: Did you serve in combat?
15 PROSPECTIVE JUROR NUMBER 248: No, sir.
16 MR. DIGIACOMO: Okay.
17 PROSPECTIVE JUROR NUMBER 248: I was in IRR.
18 MR. DIGIACOMO: And I generally get the idea of what a
19 lieutenant is but E4?
20 PROSPECTIVE JUROR NUMBER 248: I'm a grunt, sir.
21 MR. DIGIACOMO: Thank you. I appreciate it.
22 PROSPECTIVE JUROR NUMBER 248: You're welcome, sir.
23 MR. DIGIACOMO: Is there anybody else in the second row?
24 Third row? We have somebody now.
25 PROSPECTIVE JUROR NUMBER 273: I served in the army.

1 MR. DIGIACOMO: Name and badge number.
2 PROSPECTIVE JUROR NUMBER 273: Wanda Toadvine, 507.
3 MR. DIGIACOMO: 507.
4 THE COURT: Oh, she's 273 just for clarity. There's two
5 numbers on there, it's confusing to everybody, but you're actually 273.
6 Don't worry about it.
7 PROSPECTIVE JUROR NUMBER 273: Okay, I see.
8 MR. DIGIACOMO: Okay. I'll agree with that.
9 Where did you serve?
10 PROSPECTIVE JUROR NUMBER 273: I served in the army.
11 MR. DIGIACOMO: And for how long?
12 PROSPECTIVE JUROR NUMBER 273: Three years.
13 MR. DIGIACOMO: And what was your highest rank?
14 PROSPECTIVE JUROR NUMBER 273: E4.
15 MR. DIGIACOMO: E4?
16 PROSPECTIVE JUROR NUMBER 273: E4, yeah.
17 MR. DIGIACOMO: And -- well, I guess I didn't ask her, but I'll
18 ask you, what was your assignment, did they give you a general
19 assignment?
20 PROSPECTIVE JUROR NUMBER 273: My assignment was I
21 was a supply clerk for aircraft.
22 MR. DIGIACOMO: And approximately what years are we
23 talking about?
24 PROSPECTIVE JUROR NUMBER 273: '75 to '78.
25 MR. DIGIACOMO: '75 to '78.

1 While you have that microphone because you are one of the
2 people who haven't talked. Hold on one second, let me just jump down to
3 you here for a second.

4 Ma'am, you were a juror in a prior trial?

5 PROSPECTIVE JUROR NUMBER 273: Yes.

6 MR. DIGIACOMO: And you said it was a criminal trial?

7 PROSPECTIVE JUROR NUMBER 273: Yes.

8 MR. DIGIACOMO: Was it in California, since you've only been
9 here a couple of years?

10 PROSPECTIVE JUROR NUMBER 273: Yes.

11 MR. DIGIACOMO: And I think you said this, did you actually
12 wind up in the back room and deliberate?

13 PROSPECTIVE JUROR NUMBER 273: No, I was an alternate.

14 MR. DIGIACOMO: You were an alternate?

15 PROSPECTIVE JUROR NUMBER 273: Yes.

16 MR. DIGIACOMO: It's a little frustrating being an alternate at
17 the end of the day, isn't it?

18 PROSPECTIVE JUROR NUMBER 273: Yeah.

19 MR. DIGIACOMO: Okay. Did that jury wind up reaching a
20 verdict?

21 PROSPECTIVE JUROR NUMBER 273: Yes.

22 MR. DIGIACOMO: Okay. And, without telling me what it was,
23 ultimately, at the end of the day, do you think your experience as a juror
24 was a positive experience?

25 PROSPECTIVE JUROR NUMBER 273: Yes, it was a positive

1 experience.

2 MR. DIGIACOMO: I mean, there's probably, I'm not going to
3 ask this question, but I can't imagine I'm going to get very many hands for
4 people that were excited to get their jury summons. But at the end of the
5 case, do you feel like you did your civic duty and performed your function?

6 PROSPECTIVE JUROR NUMBER 273: I guess I did, not being
7 able to make any decisions or anything like that but just to listen to the
8 case.

9 MR. DIGIACOMO: Right.

10 Alternates play an important role, there's a good percentage of
11 trials where we lose seated jurors and alternates have to take over and if
12 they're not paying attention, then they can't do their job.

13 PROSPECTIVE JUROR NUMBER 273: Right.

14 MR. DIGIACOMO: So, I mean, it plays a very important role.
15 But at the end of the day, do you think it was a good experience?

16 PROSPECTIVE JUROR NUMBER 273: Yes, it was a good
17 experience, I have to say that.

18 MR. DIGIACOMO: You also mentioned that you work at the
19 post office, but I didn't quite catch what you do?

20 PROSPECTIVE JUROR NUMBER 273: Yes, I'm a clerk right
21 now and I've been here for two years and I'm a clerk. I work in Express
22 Mail. I'm the group leader for Express Mail, making sure the mail gets out.

23 MR. DIGIACOMO: And how long have you been with the post
24 office in general?

25 PROSPECTIVE JUROR NUMBER 273: 29 years.

1 MR. DIGIACOMO: Oh, 29 years.

2 PROSPECTIVE JUROR NUMBER 273: Yes.

3 MR. DIGIACOMO: And when you say, you're a group leader,
4 does that mean that there's people that you give direction to?

5 PROSPECTIVE JUROR NUMBER 273: Yes.

6 MR. DIGIACOMO: Okay. Have you ever had to deal with a
7 situation where two different people are telling you two different versions
8 of events and you have to sort of figure out who's telling the truth or?

9 PROSPECTIVE JUROR NUMBER 273: No, I haven't had that
10 problem.

11 MR. DIGIACOMO: Okay. Any reason why you don't think you
12 can sit here and do what we're asking you to do, which is look at the
13 evidence and make a decision whether or not we proved our case beyond
14 a reasonable doubt?

15 PROSPECTIVE JUROR NUMBER 273: No, I think I can
16 handle it.

17 MR. DIGIACOMO: Are you the type of person who, you know,
18 wants to know all the facts before making an important decision?

19 PROSPECTIVE JUROR NUMBER 273: Of course, of course.

20 MR. DIGIACOMO: Are you somebody who will wait until the
21 end to make that decision?

22 PROSPECTIVE JUROR NUMBER 273: Yes.

23 MR. DIGIACOMO: Thank you very much, ma'am.

24 PROSPECTIVE JUROR NUMBER 273: U'm-h'm.

25 MR. DIGIACOMO: We're going to go to the second row.

1 Oh, wait, I guess I never asked the fourth row. Is there anybody
2 else here who served in our military?

3 Oh, we are going to go to the second row. We are going to go
4 back behind you, and let me just pull this up on my computer screen here
5 so I get it right.

6 If you could pass that almost directly behind you, just a little bit
7 back.

8 Is it Chaves-Bosch?

9 PROSPECTIVE JUROR NUMBER 246: Yes, Chaves-Bosch.

10 MR. DIGIACOMO: And it's juror number 246?

11 PROSPECTIVE JUROR NUMBER 246: Correct.

12 MR. DIGIACOMO: You indicated you're a retired carpenter?

13 PROSPECTIVE JUROR NUMBER 246: Yes.

14 MR. DIGIACOMO: And how long did you --

15 PROSPECTIVE JUROR NUMBER 246: I'll be ten years retired
16 this month.

17 MR. DIGIACOMO: Ten years retired?

18 PROSPECTIVE JUROR NUMBER 246: Yes, sir. It can be
19 done.

20 MR. DIGIACOMO: It can be done.

21 And did you work for a union?

22 PROSPECTIVE JUROR NUMBER 246: I work union 32 years.

23 MR. DIGIACOMO: You were in the union --

24 PROSPECTIVE JUROR NUMBER 246: I started pretty young.

25 MR. DIGIACOMO: You also mentioned that you're married, did

1 you wife work outside the home?

2 PROSPECTIVE JUROR NUMBER 246: Yes, she work for the
3 Clark County school system.

4 MR. DIGIACOMO: School district?

5 PROSPECTIVE JUROR NUMBER 246: U'm-h'm, yes.

6 MR. DIGIACOMO: Okay. And is she retired now as well?

7 PROSPECTIVE JUROR NUMBER 246: No, no, she's working.

8 MR. DIGIACOMO: She's working and you're retired ten years.

9 PROSPECTIVE JUROR NUMBER 246: She's younger.

10 MR. DIGIACOMO: Oh, man.

11 So I've been talking, well, you know, better part of two hours
12 now, is there anything that causes you any pause, do you think you can
13 do what we're asking you to do?

14 PROSPECTIVE JUROR NUMBER 246: I'm good. I'm
15 listening. The first time here and, you know, doing pretty good, I guess.

16 MR. DIGIACOMO: Yeah.

17 PROSPECTIVE JUROR NUMBER 246: And, you know, taking
18 everything in.

19 MR. DIGIACOMO: Do you think you're a fair person?

20 PROSPECTIVE JUROR NUMBER 246: Yes, sir.

21 MR. DIGIACOMO: And do you think you can be fair and
22 impartial here?

23 PROSPECTIVE JUROR NUMBER 246: Correct.

24 MR. DIGIACOMO: Thank you very much, sir.

25 I'm going to have you pass it down, or if the marshal wants to

1 take it, it's Ms. Rivas.

2 Ma'am, we already talked to you for the most part. I just have --
3 as we're taking notes, I can't read half of what I typed in here, so you
4 indicated that you're married?

5 PROSPECTIVE JUROR NUMBER 323: Yes.

6 MR. DIGIACOMO: But I didn't write down what your spouse
7 does.

8 PROSPECTIVE JUROR NUMBER 323: He's a high school
9 teacher, science.

10 MR. DIGIACOMO: Science high school teacher?

11 PROSPECTIVE JUROR NUMBER 323: Science, yeah.

12 MR. DIGIACOMO: And how long has he been doing that?

13 PROSPECTIVE JUROR NUMBER 323: 15 years.

14 MR. DIGIACOMO: 15 years?

15 PROSPECTIVE JUROR NUMBER 323: Or more.

16 MR. DIGIACOMO: Okay. And you indicated you're a cook.

17 PROSPECTIVE JUROR NUMBER 323: Yes, I'm a cook.

18 MR. DIGIACOMO: You don't have to tell me the exact location,
19 but, I mean, that's also a very broad category of people, what type of cook
20 are you?

21 PROSPECTIVE JUROR NUMBER 323: Any cook. I cook
22 Italian, any kind of food.

23 MR. DIGIACOMO: And currently are you working?

24 PROSPECTIVE JUROR NUMBER 323: Not right now because
25 I supposed to take out today the -- I have a new job so I need to make my

1 physical and everything for starting out again, in the same company I work
2 for seven years.

3 MR. DIGIACOMO: Okay. And do you know what kind of work
4 you'll do, I mean, are you going to be like a sous chef or?

5 PROSPECTIVE JUROR NUMBER 323: I want to help the chef.

6 MR. DIGIACOMO: Help the chef?

7 PROSPECTIVE JUROR NUMBER 323: Like a sous chef,
8 yeah.

9 MR. DIGIACOMO: Okay. Great.

10 Any reason you think you can't be fair and impartial here?

11 PROSPECTIVE JUROR NUMBER 323: No.

12 MR. DIGIACOMO: Thank you, ma'am.

13 We can -- I think, we've got a little ways to go down it's -- no, I
14 think, the rest of this row has now spoken.

15 So let's jump down to the front.

16 And Ms. Wang, so the third one in, juror number 274.

17 PROSPECTIVE JUROR NUMBER 274: Hello.

18 MR. DIGIACOMO: Ma'am, you raised some language issues
19 earlier.

20 PROSPECTIVE JUROR NUMBER 274: Uh-huh.

21 MR. DIGIACOMO: Okay. Is this a yes?

22 PROSPECTIVE JUROR NUMBER 274: Yes.

23 MR. DIGIACOMO: Okay. Now, we've been talking for two
24 hours or so, do you think you understood what we're --

25 PROSPECTIVE JUROR NUMBER 274: Some, yeah, only

1 some.

2 MR. DIGIACOMO: Can you give me a percentage of what you
3 think it was?

4 PROSPECTIVE JUROR NUMBER 274: 40 to 50 percent.

5 THE COURT: About half?

6 PROSPECTIVE JUROR NUMBER 274: Yeah.

7 MR. DIGIACOMO: Is it when we're using sort of bigger words
8 that that or -- it's very difficult to ask questions with sort of the language
9 barrier, but only you can tell me how much are you really absorbing of
10 what we're talking about here. Do you think maybe half?

11 PROSPECTIVE JUROR NUMBER 274: Maybe half. When
12 they talk a little bit fast, I got lost.

13 MR. DIGIACOMO: All right. Thank you, ma'am.

14 I think we've got to go two down to -- he's looking right at me
15 too, mister, is it, Buyao?

16 PROSPECTIVE JUROR NUMBER 283: Buyao.

17 MR. DIGIACOMO: Buyao, 283.

18 PROSPECTIVE JUROR NUMBER 283: Yes.

19 MR. DIGIACOMO: How are you, sir?

20 PROSPECTIVE JUROR NUMBER 283: I'm good.

21 MR. DIGIACOMO: You indicated you have a bachelor's.

22 PROSPECTIVE JUROR NUMBER 283: I do.

23 MR. DIGIACOMO: In what?

24 PROSPECTIVE JUROR NUMBER 283: Kinesiology.

25 MR. DIGIACOMO: Kinesiology?

1 PROSPECTIVE JUROR NUMBER 283: U'm-h'm.

2 MR. DIGIACOMO: I generally know what that is, but explain to
3 me what it is?

4 PROSPECTIVE JUROR NUMBER 283: It's the study of the
5 movement of the body essentially.

6 MR. DIGIACOMO: And you indicated that you work at a
7 medical practice?

8 PROSPECTIVE JUROR NUMBER 283: Yes.

9 MR. DIGIACOMO: What is it that you do?

10 PROSPECTIVE JUROR NUMBER 283: So I'm the medical
11 scribe there, I'm in charge of the charting, among other things, but that's
12 my main job. But I also do -- I'm basically like the provider's assistant.

13 MR. DIGIACOMO: Provider's assistant?

14 PROSPECTIVE JUROR NUMBER 283: U'm-h'm.

15 MR. DIGIACOMO: Okay. And is that a yes?

16 PROSPECTIVE JUROR NUMBER 283: Yes.

17 MR. DIGIACOMO: How long have you been doing that?

18 PROSPECTIVE JUROR NUMBER 283: With this provider I've
19 been doing it for a year now, but I used to do it in the ER for about three
20 years.

21 MR. DIGIACOMO: And was the ER local?

22 PROSPECTIVE JUROR NUMBER 283: Yes.

23 MR. DIGIACOMO: Which ER did you work in?

24 PROSPECTIVE JUROR NUMBER 283: North Vista.

25 MR. DIGIACOMO: North Vista.

1 Do you ever have to deal with traumatic injury or stuff like that
2 when you're working in the ER?

3 PROSPECTIVE JUROR NUMBER 283: Yes.

4 MR. DIGIACOMO: So I'm assuming that pictures and those
5 type of things aren't necessarily going to be a problem for you?

6 PROSPECTIVE JUROR NUMBER 283: No problem.

7 MR. DIGIACOMO: I'm sure you've seen worse.

8 PROSPECTIVE JUROR NUMBER 283: Correct.

9 MR. DIGIACOMO: Any reason you think you can't be fair and
10 impartial here?

11 PROSPECTIVE JUROR NUMBER 283: No.

12 MR. DIGIACOMO: Thank you very much, sir.

13 PROSPECTIVE JUROR NUMBER 283: Thanks.

14 MR. DIGIACOMO: Can we pass that down -- it's right next to
15 you actually.

16 How do you say your last name?

17 PROSPECTIVE JUROR NUMBER 286: Pasion.

18 MR. DIGIACOMO: Pasion, juror number 286.

19 PROSPECTIVE JUROR NUMBER 286: 286.

20 MR. DIGIACOMO: My notes are really short for you, so I got
21 that you work in North Las Vegas -- or that you live in North Las Vegas.

22 PROSPECTIVE JUROR NUMBER 286: Correct.

23 MR. DIGIACOMO: And that you're a manager at Macy's.

24 PROSPECTIVE JUROR NUMBER 286: Correct.

25 MR. DIGIACOMO: What type of manager, of what, the whole

1 store or individual section?

2 PROSPECTIVE JUROR NUMBER 286: Individual department.

3 MR. DIGIACOMO: And what department?

4 PROSPECTIVE JUROR NUMBER 286: Cosmetic and
5 fragrances.

6 MR. DIGIACOMO: Does that mean there's people that work for
7 you?

8 PROSPECTIVE JUROR NUMBER 286: Yes.

9 MR. DIGIACOMO: How many people report to you?

10 PROSPECTIVE JUROR NUMBER 286: 15.

11 MR. DIGIACOMO: 15?

12 PROSPECTIVE JUROR NUMBER 286: Correct.

13 MR. DIGIACOMO: Any time, sort of like I asked some of the
14 other jurors, where two different employees tell you two different stories
15 and you've got to fare it out which one's actually telling you the truth or?

16 PROSPECTIVE JUROR NUMBER 286: Well, I have to listen
17 both sides so.

18 MR. DIGIACOMO: But at the end of the day, do you usually
19 figure out who's telling you the truth and who's not?

20 PROSPECTIVE JUROR NUMBER 286: Correct.

21 MR. DIGIACOMO: Okay. Well, that's a little like jury duty.

22 PROSPECTIVE JUROR NUMBER 286: Oh, okay.

23 MR. DIGIACOMO: We're basically -- we're going to present a
24 bunch of evidence and ask you tell us what the truth is?

25 PROSPECTIVE JUROR NUMBER 286: Okay.

1 MR. DIGIACOMO: Do you think you're capable of doing that?
2 PROSPECTIVE JUROR NUMBER 286: Yes.
3 MR. DIGIACOMO: Okay. Any reason that you think you
4 couldn't be fair and impartial here?
5 PROSPECTIVE JUROR NUMBER 286: No.
6 MR. DIGIACOMO: Okay. Thank you very much, ma'am.
7 PROSPECTIVE JUROR NUMBER 286: You're welcome.
8 MR. DIGIACOMO: I think everybody on your row is done. So if
9 we could just pass that mic down. I think it's Ms. Garcia, 291.
10 PROSPECTIVE JUROR NUMBER 291: Yes.
11 MR. DIGIACOMO: Ma'am, you have a -- is it a son or a
12 daughter who's a sheriff in Orange County?
13 PROSPECTIVE JUROR NUMBER 291: I have two sons. My
14 oldest son is 48. He's at the Santa Ana jail.
15 MR. DIGIACOMO: Is he a corrections officer?
16 PROSPECTIVE JUROR NUMBER 291: He used to be working
17 in courthouse. He's a marshal.
18 MR. DIGIACOMO: He's a marshal; okay.
19 Sort of like our marshal here, he has courtroom security, those
20 type of things?
21 PROSPECTIVE JUROR NUMBER 291: Yes. But he wants to
22 be transferred to the --
23 MR. DIGIACOMO: Transport people to and from the jail?
24 PROSPECTIVE JUROR NUMBER 291: The jail.
25 MR. DIGIACOMO: Okay. I asked this question, sort of to the

1 other people, I mean you have a son who's law enforcement, merely
2 because you have a son who is law enforcement, do you think you can
3 still be fair and impartial here?

4 PROSPECTIVE JUROR NUMBER 291: Yes.

5 MR. DIGIACOMO: All right. You know, there are good cops,
6 there's bad cops, and, you know, you have to make that determination.

7 Do you think you can do that?

8 PROSPECTIVE JUROR NUMBER 291: Well, I watch TV the
9 DI and sometimes I don't like what the cops doing. Sometimes I don't like
10 what the, you know, the other --

11 MR. DIGIACOMO: Person is doing?

12 PROSPECTIVE JUROR NUMBER 291: -- person so.

13 MR. DIGIACOMO: Yeah.

14 PROSPECTIVE JUROR NUMBER 291: I don't know yet.

15 MR. DIGIACOMO: All right. The world's not black and white;
16 right, there's a lot of shades of gray in between; is that fair?

17 PROSPECTIVE JUROR NUMBER 291: Yes.

18 MR. DIGIACOMO: Okay. What we ask jurors to do is look at
19 what the evidence is and make a decision as to whether or not
20 Mr. Scarborough and I proved our case.

21 Do you think you can do that?

22 PROSPECTIVE JUROR NUMBER 291: Yes.

23 MR. DIGIACOMO: Do you think you can give both sides a fair
24 trial?

25 PROSPECTIVE JUROR NUMBER 291: Yes.

1 MR. DIGIACOMO: Any concerns about doing it?
2 PROSPECTIVE JUROR NUMBER 291: No.
3 MR. DIGIACOMO: Thank you, ma'am.
4 And it's juror number -- it's like my front row is like the one that
5 didn't talk the most.
6 Is it Ms. Nicholson?
7 PROSPECTIVE JUROR NUMBER 295: Yes.
8 MR. DIGIACOMO: 295?
9 PROSPECTIVE JUROR NUMBER 295: Yes.
10 MR. DIGIACOMO: How are you today?
11 PROSPECTIVE JUROR NUMBER 295: I'm good.
12 How are you doing?
13 MR. DIGIACOMO: Well, not bad because I'm almost done,
14 then I'm going sit down and Mr. Mueller is going to have to talk for a while.
15 Let's see. Oh, yes. During the, sort of the questions that were
16 asked you, there was an answer you gave and maybe I wrote it down
17 wrong, but it said, air -- aviation industry, San Francisco, or I wrote SF,
18 what does that mean?
19 PROSPECTIVE JUROR NUMBER 295: Well, that means that
20 currently I'm assigned to work in San Francisco.
21 MR. DIGIACOMO: Okay. What is it that you do in the aviation
22 industry?
23 PROSPECTIVE JUROR NUMBER 295: So in the aviation
24 industry I work for a major carrier in San Francisco and I have the
25 responsibility of all of the -- below the wing operation.

1 MR. DIGIACOMO: Oh, really.

2 PROSPECTIVE JUROR NUMBER 295: Yes.

3 MR. DIGIACOMO: So you have people that report to you?

4 PROSPECTIVE JUROR NUMBER 295: Yes.

5 MR. DIGIACOMO: And you're responsible for -- when you say,
6 below the wing, that means?

7 PROSPECTIVE JUROR NUMBER 295: Handling of baggage,
8 cargo.

9 MR. DIGIACOMO: Oh, so when you guys lose a bag, you're
10 the person to come talk to?

11 PROSPECTIVE JUROR NUMBER 295: So the loading,
12 off-loading, aircraft. So I have 1400 frontline employees.

13 MR. DIGIACOMO: 1400?

14 PROSPECTIVE JUROR NUMBER 295: Yes.

15 MR. DIGIACOMO: That report to you?

16 PROSPECTIVE JUROR NUMBER 295: They don't report
17 directly.

18 MR. DIGIACOMO: Right. I mean, a pyramid but basically ---

19 PROSPECTIVE JUROR NUMBER 295: I have 57 --

20 MR. DIGIACOMO: -- you're responsible --

21 PROSPECTIVE JUROR NUMBER 295: Right, responsible for
22 1400, yes.

23 MR. DIGIACOMO: You ever arrive with a situation I talked
24 about where there's a situation that happens with something where people
25 are disputing whose fault it is?

1 PROSPECTIVE JUROR NUMBER 295: Yes, just about
2 regularly.

3 MR. DIGIACOMO: All the time with 1400 people; right?

4 Do you think you're fairly capable of ferreting out what the truth
5 is in those situations?

6 PROSPECTIVE JUROR NUMBER 295: Yes.

7 MR. DIGIACOMO: Do you think you can be a fair and impartial
8 juror here?

9 PROSPECTIVE JUROR NUMBER 295: Yes.

10 MR. DIGIACOMO: Any reason you think you couldn't sit here
11 and do the job we're asking?

12 PROSPECTIVE JUROR NUMBER 295: No, sir.

13 MR. DIGIACOMO: Thank you very much, ma'am.

14 PROSPECTIVE JUROR NUMBER 295: Sure.

15 MR. DIGIACOMO: Right next door.

16 Is that Mr. Yang?

17 PROSPECTIVE JUROR NUMBER 296: That's correct.

18 MR. DIGIACOMO: Okay. First, if the court reporter you know
19 shows up here, any reason that affect your --

20 PROSPECTIVE JUROR NUMBER 296: No.

21 MR. DIGIACOMO: -- one way or the other?

22 PROSPECTIVE JUROR NUMBER 296: No, it shouldn't.

23 MR. DIGIACOMO: All right. Don't be offended but she's
24 actually probably not even going to say hi to you if you're here.

25 PROSPECTIVE JUROR NUMBER 296: Maybe not.

1 MR. DIGIACOMO: Because the only people who have contact
2 with you from here on out are the marshal, once we're done talking, only
3 the marshal will talk to you. Okay?

4 PROSPECTIVE JUROR NUMBER 296: Okay.

5 MR. DIGIACOMO: You said you work for the VA?

6 PROSPECTIVE JUROR NUMBER 296: That's correct.

7 MR. DIGIACOMO: Okay. What did you do at the VA?

8 PROSPECTIVE JUROR NUMBER 296: Pharmacist.

9 MR. DIGIACOMO: You're a pharmacist there. So I notice that
10 you have a bachelor in pharmacy, are you still a pharmacist?

11 PROSPECTIVE JUROR NUMBER 296: Yes, that's correct.

12 MR. DIGIACOMO: Okay. And how long have you been doing
13 that for?

14 PROSPECTIVE JUROR NUMBER 296: At the VA?

15 MR. DIGIACOMO: Well, just being a pharmacist in general.

16 PROSPECTIVE JUROR NUMBER 296: 19 years.

17 MR. DIGIACOMO: 18 years?

18 PROSPECTIVE JUROR NUMBER 296: 19 years.

19 MR. DIGIACOMO: 19 years? Okay. So fairly long time?

20 PROSPECTIVE JUROR NUMBER 296: Yes.

21 MR. DIGIACOMO: Any reason you think you can't be fair and
22 impartial?

23 PROSPECTIVE JUROR NUMBER 296: No.

24 MR. DIGIACOMO: No.

25 Do you think you can do what we're asking you to do?

1 PROSPECTIVE JUROR NUMBER 296: Yes.
2 MR. DIGIACOMO: Perfect. Thank you, sir.
3 I think we've talked, haven't we, yeah.
4 So I think we can all the way down to Ms. Wells, and that's juror
5 number 341.
6 PROSPECTIVE JUROR NUMBER 341: Yes.
7 MR. DIGIACOMO: Okay. My notes particularly towards the
8 ends get terrible. So I got down here, bachelor's, is your bachelor's in
9 sports marketing or do you work in sports marketing?
10 PROSPECTIVE JUROR NUMBER 341: I did, prior to being a
11 stay at home mom.
12 MR. DIGIACOMO: Stay at home mom?
13 PROSPECTIVE JUROR NUMBER 341: U'm-h'm.
14 MR. DIGIACOMO: And so what does that mean if you're in
15 sports marketing, what did you do?
16 PROSPECTIVE JUROR NUMBER 341: After college, I
17 graduated and worked for the San Diego Padres and was their marketing
18 director.
19 MR. DIGIACOMO: Oh, wow, that's a fun job.
20 PROSPECTIVE JUROR NUMBER 341: I worked in major
21 league baseball basically.
22 MR. DIGIACOMO: Major league baseball?
23 PROSPECTIVE JUROR NUMBER 341: Yes.
24 MR. DIGIACOMO: As the director I'm assuming people
25 reported to you?

1 PROSPECTIVE JUROR NUMBER 341: Yes.

2 MR. DIGIACOMO: Okay. Ever have the situation where you
3 had the problem with two different people telling you whose fault it is or
4 that's not happening as much in marketing?

5 PROSPECTIVE JUROR NUMBER 341: Nothing, no, not too
6 much. Did a lot of community relations as well, so.

7 MR. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 341: Yeah.

9 MR. DIGIACOMO: Any reason you think you can't do the job
10 we're asking you to do?

11 PROSPECTIVE JUROR NUMBER 341: I don't. But I sit here
12 and I listen to some of the questions and the examples that you've given,
13 but I've never been put in this situation to really put it to the true test, you
14 know.

15 MR. DIGIACOMO: Sure.

16 PROSPECTIVE JUROR NUMBER 341: So as I'm sitting here
17 hearing everyone's answers and things that you're talking about, I feel like
18 I'm a very fair person, but I definitely can try and be impartial. But I don't
19 know. Just sometimes I sit here and I think, gosh, in this case am I going
20 to be able to truly stick to how I feel. But I've never been put in this
21 situation before.

22 Does that make sense?

23 MR. DIGIACOMO: It makes perfect sense.

24 PROSPECTIVE JUROR NUMBER 341: Yes.

25 MR. DIGIACOMO: And you're probably vocalizing the thoughts

1 of --

2 PROSPECTIVE JUROR NUMBER 341: Yes.

3 MR. DIGIACOMO: -- 31 other people.

4 PROSPECTIVE JUROR NUMBER 341: Yeah, I just feel like,
5 you know.

6 MR. DIGIACOMO: In fact, there's very few people who've sat
7 on a jury here -- and I think I missed a juror earlier when I was talking to
8 them that had been on a jury -- it is probably not something you're going
9 to do very often in your life. And we try and sort of boil it down. But we
10 also recognize that, like, there's -- this is real life, real life consequences. I
11 mean, there's someone who's dead here and there's a person on trial,
12 accused of murder.

13 PROSPECTIVE JUROR NUMBER 341: Right.

14 MR. DIGIACOMO: I mean, there is --

15 PROSPECTIVE JUROR NUMBER 341: We watch TV shows
16 like they say, you know.

17 MR. DIGIACOMO: Right.

18 PROSPECTIVE JUROR NUMBER 341: You can sit there and
19 you can make judgments on your own but now this is someone's life at
20 stake.

21 MR. DIGIACOMO: The biggest difference between a TV show
22 and what happens in a courtroom --

23 PROSPECTIVE JUROR NUMBER 341: Yeah, it's really
24 happening.

25 MR. DIGIACOMO: -- is the answers never solved in 60

1 minutes.

2 PROSPECTIVE JUROR NUMBER 341: Right, of course. No, I
3 understand that.

4 But that's just being truthful. I've never been put to the test in
5 real life to have to make a judgment call on that. And I think I could be fair
6 but I definitely have strong opinions too so. I just worry about that
7 sometimes.

8 MR. DIGIACOMO: Is there anything we've talked about that
9 you think you have a strong opinion about or it just you think you're an
10 opinionated person and would stick to your guns?

11 PROSPECTIVE JUROR NUMBER 341: I would stick to my
12 guns.

13 MR. DIGIACOMO: So let me ask this question, so you know,
14 this really hasn't come up yet but --

15 PROSPECTIVE JUROR NUMBER 341: Sure.

16 MR. DIGIACOMO: -- it's fair. You know, at the end of the day,
17 if you wind up as one of the 12 people that wind up in that back room,
18 there's two things going on; right, you have to make your own individual
19 decision and be comfortable what that decision is, but we also expect you
20 to deliberate with your fellow jurors and come up with a decision.

21 Now, if at the end of the day you're convinced of one thing and
22 11 people are convinced of something else, well, that's the position you
23 have to take, but you could never be closed to the idea of talking about it.

24 Do you think you're at least somebody who's willing to
25 deliberate with your fellow jurors to come up to a conclusion?

1 PROSPECTIVE JUROR NUMBER 341: Yes.

2 MR. DIGIACOMO: Any reason you think you couldn't be fair?

3 PROSPECTIVE JUROR NUMBER 341: No, I think I definitely
4 need to hear all the evidence and analyze it and come to a conclusion.

5 MR. DIGIACOMO: Right.

6 I mean, at the end of the day --

7 PROSPECTIVE JUROR NUMBER 341: For sure.

8 MR. DIGIACOMO: -- boil down to it, you look at that evidence,
9 you decide, did we establish the elements of the crime beyond a
10 reasonable doubt, if the answer is yes, you convict her; if the answer is
11 no, you acquit.

12 PROSPECTIVE JUROR NUMBER 341: Right.

13 MR. DIGIACOMO: I mean, it's an over simplification for sure
14 what happens here, but the question is, is there anything that prevents
15 you in your mind from doing that?

16 PROSPECTIVE JUROR NUMBER 341: I don't think so.

17 MR. DIGIACOMO: Do you think at the end of the day you can
18 do what we're asking?

19 PROSPECTIVE JUROR NUMBER 341: Yes.

20 MR. DIGIACOMO: Thank you very much, ma'am.

21 PROSPECTIVE JUROR NUMBER 341: Sure.

22 MR. DIGIACOMO: And, of course, now the guy on the end. Is
23 it Shellum, is that how you say it?

24 PROSPECTIVE JUROR NUMBER 319: Yeah, Shellum.

25 MR. DIGIACOMO: 319?

1 PROSPECTIVE JUROR NUMBER 319: Yes.

2 MR. DIGIACOMO: I have almost no notes for you. So you
3 have an associate's degree in something.

4 PROSPECTIVE JUROR NUMBER 319: Yes, associates of
5 science degree, yeah.

6 MR. DIGIACOMO: Science degree.

7 What do you do for a living?

8 PROSPECTIVE JUROR NUMBER 319: Information systems/IT
9 or whatever you want to broadly term it.

10 THE COURT: So it's like our guy in the back row who is IT?

11 PROSPECTIVE JUROR NUMBER 319: Other IT guy, yep,
12 yep, yep.

13 MR. DIGIACOMO: Okay. And what kind of work do you do,
14 can you categorize it in some way?

15 PROSPECTIVE JUROR NUMBER 319: Yeah. So it's partially
16 supporting -- it's more systems work, software systems. And at the
17 company I work for kind of -- kind of the higher up you go, I guess, the
18 more specialized it gets. So it's just one system that I support and kind of
19 the liaison between our users of that application, because our -- they're
20 internal users for me that I support and our development team so.

21 MR. DIGIACOMO: Okay. So you have a team that actually
22 develops the software?

23 PROSPECTIVE JUROR NUMBER 319: Yes.

24 MR. DIGIACOMO: And then you have some people in your
25 company that actually uses the software --

1 PROSPECTIVE JUROR NUMBER 319: Uses the software,
2 yes.

3 MR. DIGIACOMO: -- and you're the guy who's sort of in
4 between to make sure it all works?

5 PROSPECTIVE JUROR NUMBER 319: Yes. And try to
6 automate as much of the system as possible, yeah.

7 MR. DIGIACOMO: How long have you been doing it?

8 PROSPECTIVE JUROR NUMBER 319: It's been six years
9 now. Pretty recent on the unit, just got a promotion, so like two weeks in
10 the new job, new, new job, yeah.

11 MR. DIGIACOMO: Well, good.

12 PROSPECTIVE JUROR NUMBER 319: Thank you.

13 MR. DIGIACOMO: Well, we might interrupt about a week of
14 that new job but.

15 PROSPECTIVE JUROR NUMBER 319: Yeah, yeah.

16 MR. DIGIACOMO: Let me see, go back here.

17 You also indicated you're married, but I didn't get down what
18 your spouse did?

19 PROSPECTIVE JUROR NUMBER 319: I am married. She
20 works for dental insurance, so she works for the dental insurance that
21 handles all the culinary workers insurance. And I don't want to get too
22 people mad at me here so I guess I'll just leave it at that.

23 MR. DIGIACOMO: Right.

24 Well, I don't think we had anybody here --

25 PROSPECTIVE JUROR NUMBER 319: No culinary?

1 MR. DIGIACOMO: -- who said they're in culinary, but that's
2 okay.

3 PROSPECTIVE JUROR NUMBER 319: Okay. Well, all casino
4 workers.

5 MR. DIGIACOMO: Yeah, pretty much the whole casino system.
6 Do you think you can do what we're asking you to do?

7 PROSPECTIVE JUROR NUMBER 319: Yes.

8 MR. DIGIACOMO: All right. Any reason that you can think of
9 you couldn't be fair and impartial here?

10 PROSPECTIVE JUROR NUMBER 319: No.

11 MR. DIGIACOMO: Thank you very much.

12 PROSPECTIVE JUROR NUMBER 319: You're welcome.

13 MR. DIGIACOMO: That concludes my questions for the panel.

14 THE COURT: Okay. Thank you very much.

15 Mr. Mueller, I have -- there's a few people that we need to chat
16 with. And so it's my inclination to let everyone go so you can start fresh
17 tomorrow.

18 Do you have an objection to that?

19 MR. MUELLER: No objection, Judge.

20 THE COURT: All right. So I'm going to need the following
21 jurors to stay behind, so take a look at your badges and make sure you're
22 not one of these individuals, or if are you, please stay.

23 Juror 379, 306, 390, 394, and 428, if you all could please stay.
24 And everyone else I'm going to read you this admonishment again. I'm
25 going to recess you for the day. Please be back here tomorrow at 10:30

1 in the morning, that's everyone also back there. I thank everyone for your
2 patience. I know you're wondering, why am I still here. But you would be
3 surprised how often we actually dip all the way back, as you can see, we
4 already cleared out one row, and we are not done with questions yet. So I
5 ask you to please come back tomorrow.

6 The recess admonishment is in place so you're not to talk or
7 converse amongst yourselves or with anyone else on any subject
8 connected to this trial. Or read, watch, or listen to any report of, or
9 commentary on the trial, or person connected with this trial by any
10 medium of information, including, without limitation, newspapers,
11 television, radio, or Internet. Or form or express any opinion on any
12 subject connected with this trial until the case is finally submitted to you.

13 I'll also note that I have instructed the defendant and the
14 attorneys not to interact with you. And so if they see you and they don't
15 even look at you, please don't take offense to that. I have instructed them
16 to do that and that's so we can make sure that there's no accusations of
17 mingling or this or that or the other, that is my instruction. So they might
18 turn and walk away or whatnot, please don't take offense to that.

19 And with that I will release everyone, except for those badge
20 numbers that I called, and I will see you tomorrow at 10:30.

21 Thank you so much for your patience.

22 [Balance of prospective jury panel exiting the courtroom]

23 THE COURT: Oh, hold on here, if you don't mind just sitting
24 tight. I can't talk to you without everyone else hearing about it. So if you
25 could just hang tight and I will -- we'll call you first. All right?

1 UNIDENTIFIED JUROR: Question, do we need to come --

2 THE COURT: Oh, so hold that thought. Let everyone clear out
3 just -- you can stand right there.

4 UNIDENTIFIED JUROR: Okay.

5 THE COURT: I just want to make sure everyone knows what's
6 going on. Okay?

7 UNIDENTIFIED JUROR: Okay.

8 THE COURT: All the parties, so just hang on.

9 UNIDENTIFIED JUROR: Okay. I just -- I'm not one of the
10 badge numbers I just have a question about tomorrow.

11 Do we report here or?

12 THE COURT: You can actually talk to the marshal about that.

13 UNIDENTIFIED JUROR: All right.

14 THE COURT: Thank you so much.

15 All right. Let the record reflect the vast majority of the jury panel
16 has left the courtroom, there are a few I've asked to stay behind.

17 And I -- actually, Ms. Clark, who's juror number 268,
18 approached the bench and I asked her to wait before she asked her
19 question so we could have everyone hear the question.

20 If you don't mind, what's the question?

21 PROSPECTIVE JUROR NUMBER 268: Well, I made it kind of
22 very clear that it's a hardship for me and I feel like that attorney made it
23 seem as if because I'm not living hand to mouth that it's not an extreme
24 hardship for me. Because I really am not a resident. And I have a lot of
25 commitments back there that I haven't expressed like in great detail. So I

1 would like to be dismissed.

2 THE COURT: Okay. So, first off, please don't take offense to
3 any question that any juror is asking, it's their job to ask those kind of
4 questions, and I -- please don't take one way or the other. I certainly
5 appreciate your frustration.

6 Let me ask you this question, are you saying other -- in addition
7 to what you've talked about already, there are additional hardships on
8 you?

9 PROSPECTIVE JUROR NUMBER 268: Yes.

10 THE COURT: Okay. All right. So that's kind of the reason why
11 I asked a couple of the other additional badge numbers to stay behind
12 because I had some follow-up questions for them, so that's fine.

13 If you don't mind just having a seat and then I'm going to talk to
14 the attorneys about everybody else.

15 Thanks everyone for staying. I know -- I got a couple of
16 different notes about different people and I haven't had a chance to talk to
17 the attorneys about that.

18 If you-all wouldn't mind approaching the bench really quickly,
19 the parties.

20 [Colloquy between the Court and the Marshal]

21 [Bench conference begins]

22 THE COURT: Okay. Everyone has a case of the Mondays.

23 So juror number 379 said, passed a note to my marshal saying,
24 him and his wife were just laid off and it's a hardship for them to be here.
25 So I wanted to ask some follow-up questions about that.

1 These are way deep in the cheap seats.

2 MR. DIGIACOMO: 379?

3 THE COURT: Way deep in the cheap seats. But I wanted to --

4 MR. DIGIACOMO: He already told us that.

5 MR. SCARBOROUGH: Yeah, he did.

6 THE COURT: Yeah, right, he brought in another note. So I

7 wanted to ask some questions about that.

8 MR. DIGIACOMO: Okay.

9 THE COURT: Juror 390 advised she was supposed to start a

10 new job today but they gave her the day off for today only and she needs

11 to report tomorrow.

12 MR. DIGIACOMO: Okay.

13 THE COURT: Juror 394, Rivas, advised that she has a doctor's

14 appointment today and tomorrow at 5:15 and she cannot afford to miss

15 work. It's a different Rivas, Karina.

16 And then juror number 428, Ptoery Crutchfield, advised me that

17 he work -- that she works admin and she's flying in people for interviews

18 tomorrow, with interviews starting at 1 o'clock.

19 MR. DIGIACOMO: Who is that?

20 THE COURT: Juror 428.

21 MR. DIGIACOMO: Juror 428.

22 MR. SCARBOROUGH: Ptoery Cruthchfield.

23 THE COURT: And then I asked juror number 306 to stay

24 behind to see about his health. I was going to inquire about his health.

25 Does anyone have any objection to me asking these individuals

1 these questions? Do you want to do it individually or?

2 MR. MUELLER: No objection. I'll be willing to stipulate to get
3 Mr. Newton off.

4 THE COURT: You'll do what?

5 MR. MUELLER: I'll just stipulate to Mr. Newton's --

6 THE COURT: Stipulate, okay.

7 MR. MUELLER: -- for cause.

8 MR. DIGIACOMO: If it's health issues or he's just old and he
9 coughs a lot, I mean.

10 THE COURT: Yeah, I'm going to ask questions.

11 MR. MUELLER: Okay.

12 THE COURT: Do we have an objection to --

13 MR. DIGIACOMO: I was going to move --

14 THE COURT: For cause?

15 MR. MUELLER: Which one's that?

16 MR. DIGIACOMO: -- not to move for cause but why don't we
17 wait until tomorrow and just [indiscernible.]

18 THE COURT: Yeah, okay.

19 Do you have an objection to releasing her for cause?

20 MR. MUELLER: When I'm thinking, exactly like DiGiacomo, I
21 know there's something deeply wrong. But I actually agree with his
22 analysis completely.

23 THE COURT: I'm sorry?

24 MR. MUELLER: I think we should bring her back tomorrow and
25 then excuse her for cause.

1 THE COURT: I don't know if it's really worth the hoops that
2 we'll go through. My inclination is to send her back down to do jury
3 service another time so.

4 MR. DIGIACOMO: We'll submit it.

5 MR. MUELLER: We'll submit it.

6 THE COURT: Yeah, okay. All right. All right.

7 [Bench conference ends]

8 THE COURT: All right. We have -- at the bench conference I
9 was filling in the attorneys of the various notes about scheduling issues
10 that have come up during the course of jury selection.

11 So I'm going to start with juror 379, mister -- is it Dungca? How
12 do you say your last name?

13 PROSPECTIVE JUROR NUMBER 379: Dungca.

14 MR. DIGIACOMO: Dungca. How are you?

15 PROSPECTIVE JUROR NUMBER 379: I'm good.

16 THE COURT: I'm going to pass you the microphone here.

17 I understand that you're currently in the process of looking for a
18 new job?

19 PROSPECTIVE JUROR NUMBER 379: [No audible response.]

20 THE COURT: Don't be scared. You can come up here. I won't
21 bite I promise. Come on up.

22 Are you -- oh, no, keep the microphone. That's okay. Stay right
23 there. There you go.

24 You're in the process of looking for a new job?

25 PROSPECTIVE JUROR NUMBER 379: No, I actually I work, I

1 still work now, but I only work five hours a day, three days a week.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NUMBER 379: And with me and my
4 wife we both got laid off at the Rio, for three four years we got laid off.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 379: So she's not working.
7 She's 63 years old. Just me working for those days over, having a
8 hardship and financially. So I've got to work, you know.

9 THE COURT: Five hours a day?

10 PROSPECTIVE JUROR NUMBER 379: Yeah, part-time.

11 THE COURT: Is there any way that you can work -- do you
12 work from home?

13 PROSPECTIVE JUROR NUMBER 379: I work from --

14 THE COURT: Do you work from home?

15 PROSPECTIVE JUROR NUMBER 379: No, I work at Boulder.

16 THE COURT: Boulder Station?

17 PROSPECTIVE JUROR NUMBER 379: Boulder Station.

18 THE COURT: And what do you do there?

19 PROSPECTIVE JUROR NUMBER 379: I'm a server.

20 THE COURT: Okay. And what are your usual hours?

21 PROSPECTIVE JUROR NUMBER 379: 8:30 to 1:30.

22 THE COURT: Okay. 8:30 in the morning to 1:30 in the
23 afternoon; okay.

24 And it's a hardship for you to miss those five hours of work?

25 PROSPECTIVE JUROR NUMBER 379: Yeah.

1 THE COURT: Even with the \$40 a day compensation?

2 PROSPECTIVE JUROR NUMBER 379: Our bills is like almost
3 3,000 a month.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 379: So there's no way I
6 can -- and I'm still looking for another job for like even part-time, I will take
7 that.

8 THE COURT: Okay. All right. Any additional questions from
9 counsel? I can't see the State, I apologize.

10 MR. DIGIACOMO: That's all right.

11 Sir, is it the type of situation that if you are stuck here for five to
12 seven days that you're not going to be able to pay your mortgage or your
13 rent or whatever it is?

14 PROSPECTIVE JUROR NUMBER 379: No, sir, I can't do that.

15 MR. DIGIACOMO: You won't be able to pay that?

16 PROSPECTIVE JUROR NUMBER 379: No.

17 MR. DIGIACOMO: Okay. So if you serve jury duty, you're
18 going to be out in the street essentially, is what we're asking?

19 PROSPECTIVE JUROR NUMBER 379: Something like that,
20 yeah.

21 MR. DIGIACOMO: Okay. Thank you.

22 Nothing further, Judge.

23 THE COURT: Okay. Mr. Mueller?

24 MR. MUELLER: No questions.

25 THE COURT: Okay. Thank you.

1 If we could pass that microphone back to the marshal. If you
2 don't mind taking a seat.

3 Mr. Newton.

4 PROSPECTIVE JUROR NUMBER 306: Yes, Your Honor.

5 THE COURT: Hi, how are you?

6 PROSPECTIVE JUROR NUMBER 306: Good, fine.

7 THE COURT: Good.

8 Listen, I've asked you to stay just because I'm hearing a cough
9 and I wanted to check in on you.

10 Are you comfortable sitting --

11 PROSPECTIVE JUROR NUMBER 306: I have COPD.

12 THE COURT: You have COPD; okay.

13 PROSPECTIVE JUROR NUMBER 306: And chronic cough all
14 the time.

15 THE COURT: Understood. And that happens.

16 I just wanted to make sure that you felt healthy enough to sit
17 and listen to the course -- during the course of the trial.

18 PROSPECTIVE JUROR NUMBER 306: No.

19 THE COURT: No. Tell me why?

20 PROSPECTIVE JUROR NUMBER 306: My cough distracts me
21 too much.

22 THE COURT: Well, distractions aside, because let me tell you,
23 we have jurors that sometimes have back problems that have to stand or
24 they have, you know, somebody -- I sat in a three month trial one time and
25 someone got a cough and they just, you know, took a cough drop and had

1 to, you know, deal with that. If you don't think that you're healthy enough,
2 distraction aside, that's one thing but.

3 PROSPECTIVE JUROR NUMBER 306: No, actually I don't.

4 THE COURT: Okay. And why is that?

5 PROSPECTIVE JUROR NUMBER 306: Well, between the
6 coughing, my heart problems, my back problems, I focus on my pain more
7 than I do anything else.

8 THE COURT: Okay. So it'll be hard for you to concentrate?

9 PROSPECTIVE JUROR NUMBER 306: Yes, ma'am.

10 THE COURT: All right. I appreciate your honesty on that.

11 Is there any follow-up from State or from the defense?

12 MR. DIGIACOMO: No.

13 MR. MUELLER: No.

14 THE COURT: Okay. Thank you, Mr. Newton.

15 PROSPECTIVE JUROR NUMBER 306: You're welcome.

16 THE COURT: All right. Juror 390, Ms. Rawlings.

17 Hi, how are you?

18 PROSPECTIVE JUROR NUMBER 390: Good.

19 THE COURT: I understand you are supposed to start a new
20 job?

21 PROSPECTIVE JUROR NUMBER 390: Yes, I was supposed
22 to start today.

23 THE COURT: Well, congratulations on getting the new job,
24 that's exciting.

25 Are you supposed to report tomorrow?

1 PROSPECTIVE JUROR NUMBER 390: I am.

2 THE COURT: And where's the new job at?

3 PROSPECTIVE JUROR NUMBER 390: Southwest Gas.

4 THE COURT: Okay. And does Southwest Gas pay for jury
5 service?

6 PROSPECTIVE JUROR NUMBER 390: They don't.

7 THE COURT: They don't; okay. Note to self I will talk to them
8 about that.

9 PROSPECTIVE JUROR NUMBER 390: You know what, let me
10 take that back, I'm not sure but they didn't offer it so I'm just assuming that
11 they don't.

12 THE COURT: Okay. And what would happen if I let them know
13 that you were required to report back for jury service? Do you know?

14 PROSPECTIVE JUROR NUMBER 390: I don't know.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 390: They seemed to be
17 really eager to have me there today and this is kind of a disappointment.
18 So I just don't want them to consider other potential candidates.

19 THE COURT: Okay. And how long have you -- when did you
20 get this job?

21 PROSPECTIVE JUROR NUMBER 390: I got it last week.

22 THE COURT: Last week; okay. What will you be doing for
23 them?

24 PROSPECTIVE JUROR NUMBER 390: Administrative
25 assistant.

1 THE COURT: Okay. All right.
2 Any follow-up questions from the State or the defense?
3 MR. DIGIACOMO: Not from the State.
4 MR. MUELLER: No.
5 THE COURT: All right. If you don't mind having a seat. Thank
6 you so much.
7 Juror number 394, Karina Rivas.
8 Hi, how you doing, ma'am? Come on up to this podium, there's
9 a microphone there.
10 I understand you have a doctor's appointment today and
11 tomorrow.
12 PROSPECTIVE JUROR NUMBER 394: I have it all week. I
13 was in a car accident on the 1st of June and I'm barely recovered to be
14 going back to work. I called off a lot. So I am really tight. And then today
15 is really hurting me not being at work.
16 THE COURT: Okay. I'm sorry to hear about your car accident.
17 Is there a pending lawsuit related to that car accident?
18 PROSPECTIVE JUROR NUMBER 394: Yes, there is.
19 THE COURT: Okay. And is that here in Las Vegas, Nevada?
20 PROSPECTIVE JUROR NUMBER 394: Yes.
21 THE COURT: All right. Is there anything about your car
22 accident that would impact your ability to be fair and impartial in this case?
23 PROSPECTIVE JUROR NUMBER 394: Um --
24 THE COURT: Like would it weigh -- is it going to weigh on your
25 mind? Are you going to be thinking about that?

1 PROSPECTIVE JUROR NUMBER 394: No, it shouldn't. But
2 just I have a doctor's appointment. Actually I need to call them --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 394: -- because it's at 5:15.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 394: I have it Monday,
7 Wednesday, and Thursday of every week.

8 THE COURT: Is it physical therapy?

9 PROSPECTIVE JUROR NUMBER 394: Chiropractor.

10 THE COURT: Chiropractor; okay.

11 PROSPECTIVE JUROR NUMBER 394: And because it's been
12 long going I've been trying to see a doctor but with the insurance
13 companies have been -- and they denied my injection. So I work as a
14 merchandiser, so it kind of hurts me too.

15 THE COURT: Okay. All right. Any additional questions from
16 the State or from the defense?

17 MR. DIGIACOMO: No.

18 THE COURT: All right. No?

19 MR. MUELLER: No.

20 THE COURT: Okay. Thank you. If you could take a quick
21 moment -- actually, if you need to step outside and make a phone call, go
22 ahead.

23 PROSPECTIVE JUROR NUMBER 394: Can I?

24 THE COURT: Okay. No problem.

25 And then juror number 428, Ptoery Crutchfield.

1 Did I say your name right?

2 PROSPECTIVE JUROR NUMBER 428: Yeah.

3 THE COURT: Tell me how to say your name.

4 PROSPECTIVE JUROR NUMBER 428: Its Ptorey.

5 THE COURT: It's Ptorey.

6 PROSPECTIVE JUROR NUMBER 428: The P is silent.

7 THE COURT: I apologize for that.

8 PROSPECTIVE JUROR NUMBER 428: That's okay.

9 THE COURT: All right. I understand that you have people
10 coming in for interviews tomorrow.

11 PROSPECTIVE JUROR NUMBER 428: Yes. I work for
12 Roseman University, it's a health science school here in Henderson. We
13 also have a South Jordan campus. And we do interviews and I'm the
14 admissions advisor for the College of Nursing. And my boss, who's the
15 director of admissions in enrollment, he's actually on vacation. He's in
16 Croatia at a house music festival but. And so, yeah, so we have
17 students -- well, nursing applicants.

18 THE COURT: Did you say a house music festival? Sorry.

19 PROSPECTIVE JUROR NUMBER 428: A house music --

20 THE COURT: Sorry, my brains catching up to what you said.

21 PROSPECTIVE JUROR NUMBER 428: Yes.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 428: A house music festival
24 in Croatia.

25 THE COURT: Interesting. All right.

1 PROSPECTIVE JUROR NUMBER 428: But -- and so the
2 interviews are from 1:00 to 5:00 tomorrow. And so we have students who
3 come from all over to do their interviews for nursing school and this is for
4 our October --

5 THE COURT: And you are the coordinator of that?

6 PROSPECTIVE JUROR NUMBER 428: I am, yes.

7 THE COURT: Are you supposed to meet the interviewees?

8 PROSPECTIVE JUROR NUMBER 428: Yes, I do the
9 presentation and all that, check them in, give them a tour of the campus,
10 and, yeah, I do the presentation and set the panels up and assign them to
11 the faculty and the students so that they can have their interview.

12 THE COURT: Okay. All right. Thank you for that.

13 Is there any follow-up questions from the State or from the
14 defense?

15 MR. DIGIACOMO: No.

16 THE COURT: Okay.

17 MR. MUELLER: No questions.

18 THE COURT: All right. If you don't mind taking a seat.

19 PROSPECTIVE JUROR NUMBER 428: Okay.

20 THE COURT: Thank you so much.

21 If I can see all the counsel back up at the bench.

22 [Bench conference begins]

23 THE COURT: All right. Here's my inclination, my inclination, if
24 there's no objection, is to strike Mr. Newton for cause based on his --

25 MR. MUELLER: CO --

1 THE COURT: -- health issues.

2 MR. MUELLER: No objection.

3 THE COURT: Is there any objection?

4 MR. DIGIACOMO: No.

5 THE COURT: The rest I'm inclined to release with a note that
6 they have to report back to the jury coordinator to come back for jury
7 service another time.

8 Any objection to that?

9 MR. MUELLER: No.

10 THE COURT: Okay. All right.

11 Okay. Thank you.

12 MR. DIGIACOMO: Thank you.

13 [Bench conference ends]

14 THE COURT: All right. Mr. Newton, we are going to release
15 you for cause now, so you're free to go; okay.

16 PROSPECTIVE JUROR NUMBER 306: Thank you.

17 THE COURT: Thank you. I certainly hope you feel better.
18 Thank you for making the effort to come down here today. I appreciate it.

19 PROSPECTIVE JUROR NUMBER 306: Thank you very much.

20 THE COURT: All right. So the other jurors, let's see here, I
21 forgot to write down -- juror 268, 379, 390, 394, and 428 I am releasing
22 you at this time. But I realize this is not a good time for you-all, for
23 whatever reason that is, all kinds of reasons why it's not a good time for
24 you to serve.

25 But just so you know, your names going to go back in the

1 hopper for jury service. So you're not released -- usually when you
2 complete jury service or jury selection, you're kind of out of the pool for 18
3 to 24 months. We're going to send your names back into the hopper and
4 you'll probably get another jury summons, perhaps just a better time, you
5 know, with jobs or new jobs or whatever, there will be a better time for you
6 to serve as jurors. Okay?

7 So you are released. Thank you all very much for being here
8 today. I really appreciate you showing up and I wish everyone the best.
9 All right. Take care.

10 [Colloquy between the Court and the Marshal]

11 [Outside the presence of the prospective jury panel]

12 THE COURT: All right. Let the record reflect that the other --
13 the remaining jury panelist have been released and have left the
14 courtroom.

15 Is there anything that we need to address before we are done
16 for the day, with either the State or defense?

17 MR. MUELLER: No, Your Honor.

18 MR. DIGIACOMO: No, Your Honor.

19 THE COURT: I know it's 5:00. No, okay.

20 All right. Well, then I looked at my calendar, I do have a few
21 motions on, but I'm going to be optimistic that we'll be done by 10:30
22 tomorrow. So if everyone could be here at ten -- let's say 10:25 and we'll
23 get started right at 10:30.

24 MR. DIGIACOMO: Perfect.

25 THE COURT: Okay.

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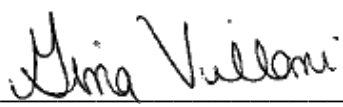
MR. DIGIACOMO: Thank you, Judge.

THE COURT: Thanks everyone. I appreciate it. See you tomorrow.

[Jury trial, Day 1, concluded at 5:02 p.m.]

* * * * *

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



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX

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RONNEKA GUIDRY,) No. 80156
)
 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23 day of March 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
ALEXANDER CHEN

SHARON G. DICKINSON
WILLIAM M. WATERS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

RONNEKA GUIDRY, #1138388
FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
4370 SMILEY RD, LAS VEGAS, NV 89115

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office