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Respondent.

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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
RONNEKA ANN GUIDRY,  
Defendant.

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

BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE  
TUESDAY, AUGUST 13, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:  
JURY TRIAL - DAY 2**

APPEARANCES:

For the State:

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

For the Defendant:

CRAIG A. MUELLER, ESQ.

RECORDED BY: GINA VILLANI, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, August 13, 2019

2  
3 [Jury trial began at 10:40 a.m.]

4 [Outside the presence of the prospective jury panel]

5 THE COURT: All right. Let's see, we're here for day two,  
6 continued jury selection, in the State of Nevada versus Ronneka Guidry.

7 Juror number 273, Ms. Wanda Toadvine, advised my marshal  
8 that she was having some hesitations about her ability to serve as a juror,  
9 as I understand correctly, she said she felt stressed out all night about her  
10 qualifications to sit as a juror.

11 Does the State want to inquire further of her or would you like  
12 the Court to inquire of her?

13 MR. DIGIACOMO: Yes.

14 THE COURT: Because you finished yesterday afternoon so I  
15 wanted to put --

16 MR. DIGIACOMO: Do we want to bring her in maybe  
17 separately so we don't give anybody else the idea that this is okay?

18 THE COURT: I think that's probably a good idea.

19 Mr. Mueller, do you have any objection to that?

20 MR. MUELLER: I think Mr. DiGiacomo's plan is wise. Last  
21 thing we want to do is immediately tell everyone how they can to get out  
22 of jury service.

23 [Pause in proceeding]

24 [In the presence of prospective Juror No. 273]

25 THE COURT: Good morning.

1 PROSPECTIVE JUROR NUMBER 273: Good morning.

2 THE COURT: Come on in.

3 How are you?

4 PROSPECTIVE JUROR NUMBER 273: I'm fine.

5 THE COURT: Good morning.

6 All right. So this juror number 273.

7 I don't remember how to say your last name, I apologize.

8 PROSPECTIVE JUROR NUMBER 273: Toadvine.

9 THE COURT: Toadvine. How are you?

10 PROSPECTIVE JUROR NUMBER 273: I'm fine.

11 THE COURT: I understood you expressed some concerns  
12 about your qualifications as a juror to my marshal, so I wanted to bring  
13 you in and talk to you about that.

14 PROSPECTIVE JUROR NUMBER 273: Yes.

15 THE COURT: Tell me what your concerns are.

16 PROSPECTIVE JUROR NUMBER 273: I just don't think I'm --  
17 when I went home, I couldn't sleep last night, and I just don't think I can be  
18 on a murder case.

19 THE COURT: Is it because of the nature of the case itself, of  
20 the charges?

21 PROSPECTIVE JUROR NUMBER 273: Yes.

22 THE COURT: Do you think you would be a better juror for a  
23 separate -- another type of case, say a car theft or?

24 PROSPECTIVE JUROR NUMBER 273: Somebody along that  
25 line.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 273: But not a murder case.

3 THE COURT: Okay. All right. So it's not an inability or lack of

4 desire to serve, it's just the type of case itself?

5 PROSPECTIVE JUROR NUMBER 273: Correct.

6 THE COURT: All right. Mr. DiGiacomo, any additional

7 questions for this juror?

8 MR. DIGIACOMO: Ma'am, is it the type of situation where you

9 feel like you just -- you're going to have a hard time paying attention, you

10 know, following the evidence, and being able to make a decision, you

11 think the anxiety is just going to keep you from being able to do that?

12 PROSPECTIVE JUROR NUMBER 273: Correct.

13 MR. DIGIACOMO: Okay. Thank you very much, ma'am.

14 THE COURT: Thank you.

15 Mr. Mueller, any questions for this juror?

16 MR. MUELLER: Yes.

17 Ma'am, just to put too fine a point on it -- oh, I apologize, you

18 weren't the one worked at -- or at the airlines?

19 PROSPECTIVE JUROR NUMBER 273: No.

20 MR. MUELLER: No. Okay.

21 THE COURT: No, no, she's postal.

22 MR. MUELLER: Oh, you're the, okay, I apologize, so many

23 profiles.

24 All right. No questions.

25 Thank you, ma'am.

1 THE COURT: Okay. All right. Ms. Toadvine, I appreciate your  
2 honesty.

3 So here's what I'm going to ask you to do, please don't talk to  
4 any of the jurors, give your badge to Marshal Enriquez here, and I'm going  
5 to ask you to go down to the jury room -- on the third floor; right?

6 THE MARSHAL: Yes, ma'am.

7 THE COURT: -- on the third floor and let them know that you've  
8 been released from this jury but that Judge Silva has asked that you be  
9 kind of put back in the pool for another trial later that perhaps you'd be a  
10 more better suitable juror for.

11 Okay?

12 PROSPECTIVE JUROR NUMBER 273: Okay.

13 THE COURT: I really appreciate you showing up and sitting  
14 through yesterday and answering the questions. I could tell you were  
15 participating and that means a lot to the Court, showing up alone is  
16 important, but your service and willingness to serve, just not on this case,  
17 is much appreciated.

18 PROSPECTIVE JUROR NUMBER 273: Okay.

19 THE COURT: All right. Thank you very much. Have a great  
20 day.

21 PROSPECTIVE JUROR NUMBER 273: You too. Thank you.

22 [Pause in proceeding]

23 [Outside the presence of the prospective jury panel]

24 THE COURT: Also wanted to put on the record juror number  
25 341, Michelle Wells, advised my marshal yesterday evening that she is

1 good friends with Sheriff Joe Lombardo. She didn't say anything that it  
2 would, you know, sway her decision one way or the other but I did want to  
3 put that on the record.

4 Mr. Muller, if you perhaps want to inquire of that, you can. Or I  
5 can have the Court inquire of that. And if you have any follow-up  
6 questions, Mr. DiGiacomo, I'll let you follow-up on that.

7 MR. DIGIACOMO: Thank you.

8 THE COURT: So do the parties prefer that I ask her questions  
9 or Mr. Mueller would you like to ask her some questions?

10 MR. MUELLER: You can ask her questions, Judge, if she  
11 brought it up to your marshal.

12 THE COURT: Why don't you just grab her while we're waiting,  
13 just be efficient while we're -- let's do something while we're waiting for the  
14 other two to show up.

15 [Pause in proceeding]

16 [In the presence of prospective Juror No. 341]

17 THE COURT: Good morning, how are you?

18 PROSPECTIVE JUROR NUMBER 341: Good morning. I'm  
19 good.

20 How are you?

21 THE COURT: All right. We're talking to juror number 341, last  
22 name Wells.

23 I wanted to pull you in while we're waiting for the other jurors to  
24 come and try to be efficient in terms of timing.

25 PROSPECTIVE JUROR NUMBER 341: Sure, no problem.



1 THE COURT: I understand that you are personal friends with  
2 Sheriff Lombardo.

3 PROSPECTIVE JUROR NUMBER 341: Yes.

4 THE COURT: All right. Thank you for disclosing that.

5 My question for you, is there anything about your relationship  
6 with him that would not make you a fair and impartial juror for this case?

7 PROSPECTIVE JUROR NUMBER 341: No. I just, you know,  
8 thought a lot of people probably don't, I would think, not association with  
9 law enforcement in this kind of --

10 THE COURT: Sure, sure.

11 PROSPECTIVE JUROR NUMBER 341: I don't know what the  
12 case is about but just in general. And I'm not experienced with this at all  
13 but I just wanted to bring that to your attention and we, you know, are a  
14 big part of, you know, friends and --

15 THE COURT: No, and I certainly appreciate that.

16 PROSPECTIVE JUROR NUMBER 341: -- with Henderson  
17 Police Department as well so. I just --

18 THE COURT: Yeah.

19 So knowing that, just want to make sure that nothing about your  
20 relationship with him or the fact that he oversees Metro, will lead you to  
21 lean one way or the other in favor or against the law enforcement  
22 testifying in this case.

23 PROSPECTIVE JUROR NUMBER 341: Yeah, I mean, I want  
24 to say I can be fair. But, again, I felt like yesterday, and I know it was hard  
25 to explain what I was trying to feel, but never been put in this situation that

1 is like, you know, because I truly believe in our law enforcement and I feel  
2 like I would lean to them. And I don't know what the situation is here and  
3 maybe there's wrongdoing and I would find evidence to be. But my first  
4 inclination is to feel like I would completely lean towards --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 341: -- the law  
7 enforcement.

8 THE COURT: So at the end of the trial I'm going to give you a  
9 set of instructions and one of those instructions is going to be to, to A,  
10 judge the credibility of any witness, whether they're law enforcement or  
11 civilian --

12 PROSPECTIVE JUROR NUMBER 341: Okay.

13 THE COURT: -- and judge them individually; and, B, to follow  
14 the instructions that I'm giving, which would include that amongst other  
15 instructions.

16 Understanding that that's your natural inclination --

17 PROSPECTIVE JUROR NUMBER 341: Yes.

18 THE COURT: -- do you think you could follow the instructions  
19 that I give you in order to help you evaluate the evidence and come to a  
20 fair and impartial decision?

21 PROSPECTIVE JUROR NUMBER 341: I think so, yes.

22 THE COURT: Okay. All right. Mr. DiGiacomo, do you have  
23 any follow-up questions for Ms. Wells?

24 MR. DIGIACOMO: I don't.

25 THE COURT: All right. Mr. Mueller, any follow-up questions for

1 Ms. Wells?

2 MR. MUELLER: No, Your Honor.

3 THE COURT: Okay. Thank you so much. And thank you for  
4 your honesty. I appreciate it.

5 PROSPECTIVE JUROR NUMBER 341: Yeah, no problem.

6 THE COURT: All right. We'll see you in a little bit.

7 [Outside the presence of the prospective jury panel]

8 [Pause in proceeding]

9 THE COURT: All the jurors are present now. We're going to  
10 bring up two to fill in --

11 THE CLERK: Three.

12 MR. DIGIACOMO: Maybe three?

13 THE COURT: Oh, three.

14 THE CLERK: Three now because --

15 THE COURT: Right.

16 THE CLERK: -- you let her go.

17 THE COURT: Three now to fill in the ones that were released  
18 earlier.

19 Okay.

20 [In the presence of the prospective jury panel]

21 THE COURT: Please be seated. Good morning, everyone.

22 [The Jury Panel in Unison: Good morning]

23 THE COURT: Welcome back to day two of continuation of jury  
24 trial, in Case C-18-329810-1, State of Nevada versus Ronneka Guidry.

25 I am confident that everyone, as I referred to them yesterday, in

1 the cheap seats didn't believe that we would actually start to dip into the  
2 jurors back there and as you can tell our pool over here has shifted over  
3 here and that's because we've actually started to pull jurors.

4 So, first off, thank you so much for being here this morning, I  
5 really appreciate it. I hope everyone had coffee and we're ready to  
6 resume jury selection.

7 We do need to pull up three additional jurors to fill in some  
8 individuals that were released between yesterday and today.

9 THE CLERK: Okay. Marina Galvan -- Mariana Galvan.

10 MR. MUELLER: What's her panel number?

11 THE CLERK: 347.

12 MR. MUELLER: Okay, here it is, got it.

13 THE CLERK: Earl Sloane.

14 And Sloan Lopez.

15 THE COURT: Good morning and welcome to the front area, if  
16 you will.

17 All right. So I know -- I know you all sat through very diligently  
18 listening to some of the questions yesterday. I have to ask each of the  
19 new individuals who have joined the panel some of the same questions I  
20 asked yesterday.

21 So for the three new individuals in the first 32, my first question  
22 is, is there anything we need to know about in terms of scheduling, for a  
23 trial now four to seven days, or probably closer to four to six after we've  
24 gone through yesterday, that would make you not eligible to be a juror in  
25 this case?

1                   So we'll start with Ms. Gavan.

2                   PROSPECTIVE JUROR NUMBER 347: No.

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

4                   And Mr. Sloane.

5                   PROSPECTIVE JUROR NUMBER 352: As of right now I put in

6 vacation for my job just because of jury duty but they didn't grant it. I

7 thought they did but they didn't grant it right now. So I'm not sure what's

8 going on until after I get out of here and then I'll figure everything out.

9                   THE COURT: So you asked for vacation time in order to

10 serve?

11                  PROSPECTIVE JUROR NUMBER 352: Yes.

12                  THE COURT: And they haven't gotten back to you?

13                  PROSPECTIVE JUROR NUMBER 352: Yes.

14                  THE COURT: Okay. And where do you work?

15                  PROSPECTIVE JUROR NUMBER 352: At the Linq hotel.

16                  THE COURT: The Linq Hotel. Okay.

17                  Is that an MGM property?

18                  PROSPECTIVE JUROR NUMBER 352: A Caesars property.

19                  THE COURT: It's a Caesars property. All right.

20                  Okay. Well, please keep me updated throughout the course of

21 the day. And if there's anything you need from the Court in order to help

22 you with this process, feel free to let Marshal Enriquez know.

23                  Okay?

24                  PROSPECTIVE JUROR NUMBER 352: Yes, ma'am.

25                  THE COURT: And thank you for doing that. I appreciate it.

1 All right. And then, Mr. Lopez, anything, scheduling, vacations,  
2 school we need to know about?

3 PROSPECTIVE JUROR NUMBER 355: Two things, currently  
4 I'm the only available member of my family that pick my grandmother up  
5 from her dialysis. It's on Mondays, Wednesdays, and Fridays.

6 THE COURT: Okay. And what time do you have to pick her up  
7 at?

8 PROSPECTIVE JUROR NUMBER 355: She ends at about  
9 3:15 each day.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 355: And then also,  
12 secondly, I will be starting college in a little less than two weeks now and  
13 this is the first time I'm going to a major university. So I'm not sure if my --  
14 honestly if my mind would be completely on the trial throughout this time.

15 THE COURT: You're starting in two weeks or in one?

16 PROSPECTIVE JUROR NUMBER 355: I start on the 26th of  
17 August.

18 THE COURT: Oh, the 26th. Okay.

19 Okay. Thank you for that.

20 Let's go ahead and we're going to go through the biographical  
21 questions before we dive into some additional questions.

22 So if you could please read the question, and then answer it  
23 one through nine, please.

24 PROSPECTIVE JUROR NUMBER 347: Please state your  
25 name and the last three digits of your badge number.

1 Mariana Galvan, 347.  
2 How long have you lived in Clark County?  
3 All my life.  
4 What part of town do you live in?  
5 I'm in North Las Vegas.  
6 How far did you go in school?  
7 I'm currently in college.  
8 What is your occupation?  
9 I'm a host at a restaurant.  
10 If you are married, where does your spouse work and what  
11 does he/she do?  
12 I'm single.  
13 Do you have any children?  
14 No.  
15 Have you ever been a juror?  
16 No.  
17 Is there any reason you can't be a fair and impartial juror, if  
18 selected for this case?  
19 No.  
20 THE COURT: Thank you. If you can just pass that down to  
21 your neighbor there.  
22 PROSPECTIVE JUROR NUMBER 352: Please state your  
23 name and the last three digits of your badge number.  
24 352, Earl Sloane.  
25 How long have you lived in Clark County?

1 32 years, all my life.  
2 What part of town do you live in?  
3 Northwest, Summerlin area, a little bit.  
4 How far did you go in high school -- in school?  
5 High school, graduated.  
6 What is your occupation?  
7 A utility porter at the Linq Hotel.  
8 If you are married, where does your spouse work?  
9 I'm not married.  
10 Do have you children?  
11 Three children, ranging in ages five to eleven.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NUMBER 352: Have you ever been a  
14 juror before?  
15 No, it's my first time.  
16 Is there any reason you can't be a fair and impartial juror?  
17 No reason.  
18 THE COURT: Thank you very much.  
19 PROSPECTIVE JUROR NUMBER 355: Please state your  
20 name and the last three digits of your badge number.  
21 Sloan Lopez, 355.  
22 How long have you lived in Clark County?  
23 All my life.  
24 What part of town do you live in?  
25 I live in Henderson.



1                   How far did you go in school?

2                   I graduated from the College of Southern Nevada and have now

3 transferred over to UNLV.

4                   If you earned a degree, please state them.

5                   I earned an associate's in culinary arts.

6                   What is your occupation?

7                   I currently do not have a job.

8                   If you are married, where does your spouse work and what

9 does he/she do?

10                  I am not married.

11                  Do you have any children?

12                  I do not.

13                  Have you ever been a juror before?

14                  I have not been a juror before.

15                  Is there any reason you can't be a fair and impartial juror, if

16 selected for this case?

17                  No.

18                  THE COURT: Okay. Thank you very much.

19                  All right. I think we're ready to continue with Mr. Mueller's

20 cross --

21                  MR. MUELLER: Doesn't --

22                  THE COURT: -- questioning.

23                  MR. MUELLER: -- Mr. DiGiacomo hasn't passed the panel for

24 cause yet.

25                  THE COURT: Well, I'm going to do cause challenges at the

1 end.

2 MR. DIGIACOMO: Craig, I mean, I can do these three but why  
3 don't you just do the whole group --

4 MR. MUELLER: Okay.

5 MR. DIGIACOMO: -- and then I'll follow-up with --

6 MR. MUELLER: Fair.

7 MR. DIGIACOMO: -- whoever I haven't talked to.

8 MR. MUELLER: I'm easy to get along with. No problem.

9 THE COURT: I think that's more efficient.

10 MR. MUELLER: Ladies and gentlemen, my name's Craig  
11 Muller. I'm going to do questioning a little differently here. I'm going to  
12 ask just a few general questions and talk hopefully to everyone  
13 individually.

14 We have a concept in our law, it's as old as our country, in fact,  
15 older than the country, it's that a crime must be proved beyond a  
16 reasonable doubt. And that a defendant sits cloaked in a presumption of  
17 innocence.

18 Does anybody have a problem with that? Frequently, we grow  
19 up watching Adam 12 and cop shows and Barney -- or -- and we get the  
20 idea that, well, if someone's sitting there at the defense table, they must  
21 have done something wrong.

22 Does anybody have that in the back of their mind? For the  
23 record, nobody says -- no.

24 All right. Police officers, as a child, and as a kindergartner, I  
25 remember a police officer comes in and the teacher says, the police

1 officers are our friends.

2 All right. Is there anyone here who will consider a police officer  
3 more thoroughly, other than Mr. Chen, on its face, or will the police  
4 officers credibility and testimony and memory get challenged like any  
5 others witnesses?

6 All right. So the fact that he's a police officer still means he's a  
7 human being and subject to the fallibilities of memory and prejudice and  
8 angles and visibility. Nobody has any problem with that? Okay.

9 And then, finally, this is a very serious matter. Is there anyone  
10 in here who would not want you on a jury, if that was you or a family  
11 member sitting there? Okay. If that was -- if Ms. Guidry was a family  
12 member, or it was you personally, would you want you, in your frame of  
13 mind, sitting on the jury?

14 PROSPECTIVE JUROR NUMBER 329: Probably not.

15 MR. MUELLER: Okay. Mister -- all right. Sir, if you could --  
16 hang on one second. I'm interested in your views but you've got to raise  
17 your hand. We've got to make a record here, the court reporter's writing  
18 everything down.

19 PROSPECTIVE JUROR NUMBER 329: Hi, my name is  
20 Raphael Martinez, badge number 0329.

21 MR. MUELLER: Now, sir, you said you wouldn't want someone  
22 in your frame of mind being here; correct?

23 PROSPECTIVE JUROR NUMBER 329: I say probably not,  
24 yes.

25 MR. MUELLER: Probably not.

1 And why is it that you would not, someone with your frame of  
2 mind, on --

3 PROSPECTIVE JUROR NUMBER 329: Because if it part of  
4 my family, of course I'm not going to feel comfortable for me to be judging  
5 that particular individual.

6 MR. MUELLER: Yes, sir. No, I wasn't talking about --

7 PROSPECTIVE JUROR NUMBER 329: So I would say --

8 MR. MUELLER: -- I wasn't talking about a conflict of interest. I  
9 was talking about someone who's willing to keep an open mind and listen  
10 to the evidence.

11 PROSPECTIVE JUROR NUMBER 329: I'll probably listen, but  
12 then again it's tough to decide when a family member is just right there in  
13 front of you.

14 MR. MUELLER: Did you talk to the union hall? Are you going  
15 to be able to sit for the week? Are you going to have a problem --

16 PROSPECTIVE JUROR NUMBER 329: No, I didn't talk to any.

17 MR. MUELLER: You didn't talk to them last night?

18 PROSPECTIVE JUROR NUMBER 329: Uh-uh, no.

19 MR. MUELLER: All right. Thank you.

20 PROSPECTIVE JUROR NUMBER 329: All righty.

21 MR. MUELLER: Ms. Guidry is a prostitute, that's going to come  
22 out in the case; it's a fact of this case. Is there anybody who's going to be  
23 prejudiced by that fact and not be able to look past that and give her a fair  
24 trial? Nobody said anything. No -- so no --

25 THE COURT: For the record, I don't see any hands.

1 If counsel could approach the bench.

2 [Bench conference begins]

3 THE COURT: All right. I will not allow for pre-trying the case  
4 with the jury. So if we're going to go into facts that are going to be  
5 introduced, I'm not going to allow that. So I allowed that question as to  
6 not to draw additional attention to it, but the form of that question was  
7 basically you're becoming a witness to the own trial and I'm not okay with  
8 that.

9 So do you have any more questions that are along this line?

10 MR. MUELLER: No, no.

11 THE COURT: Okay. All right.

12 MR. MUELLER: I don't think my colleague disagrees it's --

13 THE COURT: So that's a caution. If that happens again, we're  
14 going to have some challenges.

15 MR. MUELLER: -- it's an essential fact of the case and it will  
16 come out in opening statements either way.

17 MR. DIGIACOMO: It's more the way you framed the question.

18 MR. MUELLER: Okay.

19 THE COURT: Right.

20 MR. DIGIACOMO: If you had said, hey, if there's evidence that  
21 somebody here was a prostitute. It was the fact that you basically told the  
22 jury that.

23 THE COURT: Right.

24 MR. DIGIACOMO: But, look, I agree with you, that facts going  
25 to come out.

1 THE COURT: Yeah.

2 MR. MUELLER: Okay.

3 MR. DIGIACOMO: It wasn't --

4 MR. MUELLER: Okay.

5 THE COURT: That's why I let that one go. Okay.

6 MR. MUELLER: Thank you.

7 THE COURT: Thank you.

8 [Bench conference ends]

9 MR. MUELLER: All right. Mr. Mintz, how are you, sir?

10 PROSPECTIVE JUROR NUMBER 214: Good.

11 MR. MUELLER: All right. Thank you for coming back.

12 Sir, we talked a lot today and I want to ask a few questions

13 about you. Do you like word puzzles?

14 PROSPECTIVE JUROR NUMBER 214: Not really.

15 MR. MUELLER: Not really.

16 Do you have any hobbies? What do you like to do, sir?

17 PROSPECTIVE JUROR NUMBER 214: Well, I'm in the movie

18 business so.

19 MR. MUELLER: Okay.

20 PROSPECTIVE JUROR NUMBER 214: I do a lot of stuff in

21 movies.

22 MR. MUELLER: Now, the movie business is a big business.

23 PROSPECTIVE JUROR NUMBER 214: Big business.

24 MR. MUELLER: All right. What exactly do you do?

25 PROSPECTIVE JUROR NUMBER 214: Do market research.

1 MR. MUELLER: Okay.

2 PROSPECTIVE JUROR NUMBER 214: I get data for the  
3 studios in L.A.

4 MR. MUELLER: So you -- you're the guy --

5 PROSPECTIVE JUROR NUMBER 214: We poll opening night  
6 movie audiences across the country to find out what they think of movies  
7 and the data goes to the studios.

8 MR. MUELLER: All right. So you're sitting there, sort of like,  
9 oh, I really like this, I really didn't like that, and try to give them the next  
10 lead for another movie?

11 PROSPECTIVE JUROR NUMBER 214: I try to help them with  
12 their marketing.

13 MR. MUELLER: Okay. And how did you get into that, that  
14 sounds like an interesting line of work?

15 PROSPECTIVE JUROR NUMBER 214: Family business in the  
16 late 70s.

17 MR. MUELLER: Okay, it's a family business.

18 I suspect something like that keeps you busy full time?

19 PROSPECTIVE JUROR NUMBER 214: It sure does.

20 MR. MUELLER: All right. Do you have any chance to do any  
21 reading?

22 PROSPECTIVE JUROR NUMBER 214: I'm not a big reader.

23 MR. MUELLER: Okay.

24 PROSPECTIVE JUROR NUMBER 214: Unless it's sports.

25 MR. MUELLER: Okay. I don't, and I don't want to pry into your

1 business, but is there anything sitting on your desk right now that's going  
2 to keep you from concentrating that we haven't touched?

3 PROSPECTIVE JUROR NUMBER 214: I run the show so  
4 when I'm -- I -- when we go on break, I'm a pretty, highly sought out after  
5 guy.

6 MR. MUELLER: Fair enough.

7 Do you have a couple of lieutenants who can at least cover for  
8 the week?

9 PROSPECTIVE JUROR NUMBER 214: I would call them a  
10 little lower than lieutenants, but yeah.

11 MR. MUELLER: Okay. A couple of sergeants, first sergeants --

12 PROSPECTIVE JUROR NUMBER 214: Yeah.

13 MR. MUELLER: -- that can cover for you?

14 PROSPECTIVE JUROR NUMBER 214: Yeah.

15 MR. MUELLER: All right. Speaking of that, sir, you ever been  
16 in the service?

17 PROSPECTIVE JUROR NUMBER 214: No.

18 MR. MUELLER: Okay. And the presumption of innocence, you  
19 don't have any problem with that?

20 PROSPECTIVE JUROR NUMBER 214: I have no problem with  
21 that, no.

22 MR. MUELLER: Okay. All right. Thank you, sir. Pass the  
23 microphone down.

24 Ms. Wilbert, how are you?

25 PROSPECTIVE JUROR NUMBER 215: I'm good.



1 MR. MUELLER: And you're from Henderson, in the Henderson  
2 area?

3 PROSPECTIVE JUROR NUMBER 215: Yes.

4 MR. MUELLER: And what was the name of the restaurant that  
5 you married -- or married -- restaurant that you mentioned?

6 PROSPECTIVE JUROR NUMBER 215: I work in the airport.

7 MR. MUELLER: Okay.

8 PROSPECTIVE JUROR NUMBER 215: So it's multiple units.

9 MR. MUELLER: All right. And which unit -- is it chain or?

10 PROSPECTIVE JUROR NUMBER 215: No, well, it's with the  
11 company called HMS Host, who does all foods in the airport.

12 MR. MUELLER: Okay.

13 PROSPECTIVE JUROR NUMBER 215: All the restaurants and  
14 the foods so. It depends on what gates. Right now I'm in the D gates so  
15 it's like Burger King, Sammy's Restaurant, Starbucks.

16 MR. MUELLER: All right. And do you have -- assume you  
17 would have a lot of people who report to you on how the restaurants are  
18 getting on?

19 PROSPECTIVE JUROR NUMBER 215: Yeah.

20 MR. MUELLER: Okay.

21 PROSPECTIVE JUROR NUMBER 215: Well, there's -- yeah,  
22 there's multiple managers.

23 MR. MUELLER: Do you have -- so presumably you sit down  
24 and supervise and have to sort out conflicts between subordinates  
25 occasionally?

1 PROSPECTIVE JUROR NUMBER 215: Yes.

2 MR. MUELLER: Okay. Part of what you do?

3 PROSPECTIVE JUROR NUMBER 215: Yes.

4 MR. MUELLER: All right. Are you willing to bring those skills to  
5 the courtroom here and help us with it?

6 PROSPECTIVE JUROR NUMBER 215: Yes.

7 MR. MUELLER: Okay. The food business from all accounts is  
8 pretty stressful, is there any first sergeants, not lieutenants, that can help  
9 you down at the airport while you're here?

10 PROSPECTIVE JUROR NUMBER 215: Yes.

11 MR. MUELLER: Okay. So are you going to be able to clear  
12 your mind or you're going to be sitting there worrying about what's going  
13 on?

14 PROSPECTIVE JUROR NUMBER 215: No, I'm not worried.

15 MR. MUELLER: Okay. Airport will get by just fine without you?

16 PROSPECTIVE JUROR NUMBER 215: Yes.

17 MR. MUELLER: Okay. Fair enough.

18 All things being equal, Ms. Wilbert, would you like to serve on  
19 the jury?

20 PROSPECTIVE JUROR NUMBER 215: Yes.

21 MR. MUELLER: Okay. Any hobbies or interests?

22 PROSPECTIVE JUROR NUMBER 215: Not really. Well, in my  
23 spare time my boys play football and basketball, so I'm pretty busy and  
24 that's my, I guess, would be my hobby or my kids' hobbies.

25 MR. MUELLER: You coach football?

1 PROSPECTIVE JUROR NUMBER 215: No, my kids play  
2 football.

3 MR. MUELLER: Oh, play football.

4 PROSPECTIVE JUROR NUMBER 215: I'm just out there as a  
5 supportive mom.

6 MR. MUELLER: Okay. And, if I remember right, you had a  
7 couple of kids, 6 year old?

8 PROSPECTIVE JUROR NUMBER 215: I have six kids.

9 MR. MUELLER: Six kids?

10 PROSPECTIVE JUROR NUMBER 215: U'm-h'm.

11 MR. MUELLER: Okay. God bless.

12 You okay with childcare, everything else going to be all right?

13 PROSPECTIVE JUROR NUMBER 215: My kids are teenagers.

14 MR. MUELLER: Okay. Good. All right. Thank you, ma'am.

15 Mr. Peck, how are you, sir?

16 PROSPECTIVE JUROR NUMBER 220: Fine, thanks.

17 MR. MUELLER: All right. And you did telephone captioning for  
18 the hard of hearing?

19 PROSPECTIVE JUROR NUMBER 220: Correct.

20 MR. MUELLER: How did you get in that line of work?

21 PROSPECTIVE JUROR NUMBER 220: How did I what?

22 MR. MUELLER: How did you get in that line of work?

23 PROSPECTIVE JUROR NUMBER 220: Well, I was in  
24 advertising for 35 years and retired from that and moved here.

25 MR. MUELLER: Okay.

1 PROSPECTIVE JUROR NUMBER 220: And for the first year  
2 and a half or so I didn't want to do anything.

3 MR. MUELLER: Okay.

4 PROSPECTIVE JUROR NUMBER 220: Got bored and looked  
5 online for word and creative sort of related activities to do part-time.

6 MR. MUELLER: All right. That must --

7 PROSPECTIVE JUROR NUMBER 220: I did proof, yeah, I did  
8 proofreading for a while and then I found this on Craigslist. It's a very  
9 rewarding job.

10 MR. MUELLER: Good.

11 Do you have -- is it okay if you take a few days away from that?

12 PROSPECTIVE JUROR NUMBER 220: Sure.

13 MR. MUELLER: All right. Not going to be a problem?

14 PROSPECTIVE JUROR NUMBER 220: No.

15 MR. MUELLER: And where in Anthem do you live?

16 PROSPECTIVE JUROR NUMBER 220: Sun City Anthem.

17 MR. MUELLER: Sun City, okay.

18 Other than that, do you have other hobbies or interests?

19 PROSPECTIVE JUROR NUMBER 220: At this point I'm  
20 looking to do less than more in my life so.

21 MR. MUELLER: Okay.

22 PROSPECTIVE JUROR NUMBER 220: Yeah, you said  
23 crossword puzzles, yeah, I do those.

24 MR. MUELLER: You do the crosswords?

25 PROSPECTIVE JUROR NUMBER 220: Big film guy, I do the

1 New York Times Sunday puzzle, sometimes completed too.

2 MR. MUELLER: You actually get all the way to the end?

3 PROSPECTIVE JUROR NUMBER 220: [No audible response.]

4 MR. MUELLER: All things being equal, Mr. Peck, would you be

5 willing to serve, if you had a choice?

6 PROSPECTIVE JUROR NUMBER 220: Yes.

7 MR. MUELLER: All right. And the presumption of innocence,

8 are you okay with that?

9 PROSPECTIVE JUROR NUMBER 220: Absolutely.

10 MR. MUELLER: You don't have in the back of your mind if

11 she's sitting there, she must have done something wrong?

12 PROSPECTIVE JUROR NUMBER 220: No.

13 MR. MUELLER: All right. Well, thank you, Mr. Peck.

14 If you could pass it over.

15 Mr. Triebwasser?

16 PROSPECTIVE JUROR NUMBER 226: Yes.

17 MR. MUELLER: Okay. And presumably that's a German

18 name?

19 PROSPECTIVE JUROR NUMBER 226: Yes, very much so.

20 MR. MUELLER: Okay. A guy like Mueller, I, yeah, I

21 understand.

22 PROSPECTIVE JUROR NUMBER 226: Yep.

23 MR. MUELLER: You've been a -- or a technology or a tech

24 guy?

25 PROSPECTIVE JUROR NUMBER 226: Yes.

1 MR. MUELLER: Administration, configuration; right?  
2 PROSPECTIVE JUROR NUMBER 226: U'm-h'm.  
3 MR. MUELLER: Do you -- are you co-cowboy or are you more  
4 of a, look for the moss in the -- look for the bugs in the cables?  
5 PROSPECTIVE JUROR NUMBER 226: I'm a hardware guy so  
6 I deal with a lot of the more troubleshooting, maintaining the systems and  
7 stuff like that from physical level. Do a little bit of configuration stuff but  
8 mostly physical level stuff.  
9 MR. MUELLER: All right. So you're a hardware guy?  
10 PROSPECTIVE JUROR NUMBER 226: Mostly, yes.  
11 MR. MUELLER: All right. Plug this in, connect this, double  
12 check that, run the --  
13 PROSPECTIVE JUROR NUMBER 226: Yep.  
14 MR. MUELLER: Okay. Troubleshooting, do you like to  
15 troubleshoot?  
16 PROSPECTIVE JUROR NUMBER 226: Oh, yes.  
17 MR. MUELLER: All right. And that's actually a part of what you  
18 do?  
19 PROSPECTIVE JUROR NUMBER 226: U'm-h'm.  
20 MR. MUELLER: All right. And you said you've had some  
21 certification training for that?  
22 PROSPECTIVE JUROR NUMBER 226: Yes.  
23 MR. MUELLER: All right. Are you willing to bring those skills  
24 here and take a look at the evidence that's going to be presented?  
25 PROSPECTIVE JUROR NUMBER 226: Yeah.

1 MR. MUELLER: All right. Are you comfortable with the  
2 presumption of innocence?

3 PROSPECTIVE JUROR NUMBER 226: Yes.

4 MR. MUELLER: All right. And if the evidence -- let me  
5 rephrase that.

6 Do you have any hobbies or interests outside of computers?

7 PROSPECTIVE JUROR NUMBER 226: Not a whole lot,  
8 movies, music, I tinker with computers, I build them, modify them, stuff like  
9 that in my spare time for fun.

10 MR. MUELLER: Okay.

11 PROSPECTIVE JUROR NUMBER 226: I'm trying to get out  
12 and hike more but that's about it.

13 MR. MUELLER: All right. And August is not the month for that.

14 PROSPECTIVE JUROR NUMBER 226: No.

15 MR. MUELLER: Anything else on your desk or anywhere that's  
16 going to keep you from concentrating?

17 PROSPECTIVE JUROR NUMBER 226: No.

18 MR. MUELLER: Okay. And if that was a friend or a family  
19 member of yours sitting there, would you want someone with your frame  
20 of mind looking at the evidence?

21 PROSPECTIVE JUROR NUMBER 226: Yeah, I think so.

22 MR. MUELLER: You'll be fair and impartial?

23 PROSPECTIVE JUROR NUMBER 226: I believe so, yes.

24 MR. MUELLER: All right. Thank you, sir.

25 And you're willing to serve?

1 PROSPECTIVE JUROR NUMBER 226: Yes.

2 MR. MUELLER: All right. Thank you.

3 PROSPECTIVE JUROR NUMBER 226: No problem.

4 MR. MUELLER: And, Mr. Solano, how are you?

5 PROSPECTIVE JUROR NUMBER 228: Before I get the  
6 microphone I'm in the -- good, after this, I'm nervous.

7 MR. MUELLER: Don't be nervous, sir.

8 How did you get to be a mechanic? Did you go to school or did  
9 you just pick it up under --

10 PROSPECTIVE JUROR NUMBER 228: Honestly, I don't know  
11 how I become a mechanic, never look at book. I just learning by --

12 MR. MUELLER: Okay. So just on the job training?

13 PROSPECTIVE JUROR NUMBER 228: Yeah, probably yeah.

14 MR. MUELLER: All right. Do you have a good mind for figuring  
15 things out, troubleshooting them?

16 PROSPECTIVE JUROR NUMBER 228: Honestly, not really.

17 MR. MUELLER: Not really?

18 PROSPECTIVE JUROR NUMBER 228: No.

19 MR. MUELLER: Okay. Are you self-employed or do you work  
20 for somebody?

21 PROSPECTIVE JUROR NUMBER 228: I work for somebody.

22 MR. MUELLER: Okay. And usually mechanics, shops, don't  
23 usually have extra mechanics, are they going to be okay, are they going  
24 to be okay without you?

25 PROSPECTIVE JUROR NUMBER 228: I'm sorry, say that --



1 MR. MUELLER: I said, are the -- is the shop going to be okay  
2 without you?

3 PROSPECTIVE JUROR NUMBER 228: Not right now because  
4 I'm the only mechanic in the shop right now.

5 MR. MUELLER: It's kind of hard --

6 PROSPECTIVE JUROR NUMBER 228: It's a little hard, yeah.

7 MR. MUELLER: -- to run a mechanics shop with no mechanics.

8 PROSPECTIVE JUROR NUMBER 228: Yeah, especially  
9 because I work with armor trucks. Armor trucks, the Brinks trucks.

10 MR. MUELLER: Oh, okay, the Brinks, oh, the armored trucks.

11 PROSPECTIVE JUROR NUMBER 228: Armored trucks, I'm  
12 sorry.

13 MR. MUELLER: Okay. Are those, obviously, mostly diesels  
14 then?

15 PROSPECTIVE JUROR NUMBER 228: Yes.

16 MR. MUELLER: Okay. Anything else or -- do you have any  
17 hobbies or interests or does that keep you busy full time?

18 PROSPECTIVE JUROR NUMBER 228: I have some kind of  
19 hobbies. I'm going to the church and my church is too big. So I usually I  
20 use my afternoons to visit the people, visit the families.

21 MR. MUELLER: Okay. So you're active in the church?

22 PROSPECTIVE JUROR NUMBER 228: Yeah.

23 MR. MUELLER: All things being equal, sir, would you like to  
24 serve on the jury?

25 PROSPECTIVE JUROR NUMBER 228: Say that again.

1 MR. MUELLER: All things being equal, would you like to serve  
2 on the jury?

3 PROSPECTIVE JUROR NUMBER 228: Yeah.

4 MR. MUELLER: All right. And you're comfortable with it?

5 PROSPECTIVE JUROR NUMBER 228: I'm a little bit  
6 uncomfortable only because if I don't understand the questions or if I have  
7 to make the decision, I'm worried about -- about if I understand 100  
8 percent the questions or not. That's my only concern.

9 MR. MUELLER: All right. Thank you, sir.

10 You seem to be doing fine today.

11 PROSPECTIVE JUROR NUMBER 228: Yeah.

12 MR. MUELLER: Okay, good.

13 Mr. Sanger, how are you?

14 PROSPECTIVE JUROR NUMBER 235: Fine.

15 MR. MUELLER: Now, you're a retired engineer.

16 PROSPECTIVE JUROR NUMBER 235: Yes, sir.

17 MR. MUELLER: Okay. Now, every engineer I know has little  
18 baby bottles with screws in the garage.

19 PROSPECTIVE JUROR NUMBER 235: No.

20 MR. MUELLER: No? My dad was an engineer.

21 You said mechanic, you were -- aviation?

22 PROSPECTIVE JUROR NUMBER 235: Aviation electronics.

23 MR. MUELLER: All right. And do you have any hobbies, sir?

24 PROSPECTIVE JUROR NUMBER 235: Say again.

25 MR. MUELLER: Do you have any hobbies?

1 PROSPECTIVE JUROR NUMBER 235: I like to read, walk,  
2 and read books.

3 MR. MUELLER: All right. And what do you like to read?

4 PROSPECTIVE JUROR NUMBER 235: The Bible mainly.

5 MR. MUELLER: I'm sorry?

6 PROSPECTIVE JUROR NUMBER 235: The Bible mainly.

7 MR. MUELLER: Okay. And any other hobbies or interests?

8 PROSPECTIVE JUROR NUMBER 235: No. Oh, ride  
9 motorcycles and flying, but retired you can't afford to do it as much.

10 MR. MUELLER: Okay. You strike me like a Harley guy.

11 PROSPECTIVE JUROR NUMBER 235: Nope.

12 MR. MUELLER: No? What do you ride?

13 PROSPECTIVE JUROR NUMBER 235: BMW.

14 MR. MULLER: BMW.

15 Do you have anything going on at the house, sir, that would  
16 keep you from concentrating?

17 PROSPECTIVE JUROR NUMBER 235: No.

18 MR. MUELLER: All right. It says here that you have not been  
19 on a jury -- no prior jury service?

20 PROSPECTIVE JUROR NUMBER 235: No.

21 MR. MUELLER: All right. Would you like to serve on the jury?

22 PROSPECTIVE JUROR NUMBER 235: Would I like to, no.  
23 But will I, yes.

24 MR. MUELLER: All right. Fair enough. Okay. That's why I'm  
25 asking. I want to know. All right.

1 PROSPECTIVE JUROR NUMBER 235: I have trouble sitting  
2 all day long.

3 MR. MUELLER: Yeah, I do too, as you may have noticed.

4 All right. The question is, sir, can you keep a fair and impartial  
5 mind?

6 PROSPECTIVE JUROR NUMBER 235: Yes.

7 MR. MUELLER: All right. And if that were a family member of  
8 yours sitting there, would you want someone with your frame of mind to  
9 listen to the evidence fairly and impartially?

10 PROSPECTIVE JUROR NUMBER 335: Yes.

11 MR. MUELLER: All right. Thank you, sir. If you could pass it  
12 down.

13 THE COURT: And just, for the record, Mr. Mueller, I apologize  
14 for interrupting, just so everyone knows, in the course of the trial, if you're  
15 selected, and you, as an example, you can't sit for a long time, I'm going  
16 to let you stand, if it's more comfortable for you, you know, move around,  
17 so that won't be too complicated for everybody. So everyone knows that.  
18 All right.

19 I'm sorry for interrupting you, Mr. Mueller.

20 MR. MUELLER: Oh, no problem, Judge.

21 Mr. Green, how are you?

22 PROSPECTIVE JUROR NUMBER 236: Good.

23 How about yourself?

24 MR. MUELLER: Fine.

25 You manage a car wash for Terrible Herbst my note says.

1 PROSPECTIVE JUROR NUMBER 236: Correct.

2 MR. MUELLER: All right. Do you have someone to cover or

3 does the car wash run two shifts or are you going to be okay?

4 PROSPECTIVE JUROR NUMBER 236: I should be.

5 MR. MUELLER: Terrible Herbst is a pretty big corporation, do

6 they cover you for jury duty?

7 PROSPECTIVE JUROR NUMBER 236: Yeah, I assume, they

8 let me be here yesterday, so, I mean.

9 MR. MUELLER: All right. You think so?

10 PROSPECTIVE JUROR NUMBER 236: Yes.

11 MR. MUELLER: Okay. You are a young, single man, sir?

12 PROSPECTIVE JUROR NUMBER 236: Correct.

13 MR. MUELLER: All right. And no prior jury service?

14 PROSPECTIVE JUROR NUMBER 236: No.

15 MR. MUELLER: All right. Got any hobbies and interests?

16 PROSPECTIVE JUROR NUMBER 236: I like to walk my dog.

17 MR. MUELLER: Okay. Do you do any reading, recreational

18 reading?

19 PROSPECTIVE JUROR NUMBER 236: Yeah, I do.

20 MR. MUELLER: All right. What do you like to read?

21 PROSPECTIVE JUROR NUMBER 236: Sci-fi.

22 MR. MUELLER: Okay. Treki or Star Wars?

23 PROSPECTIVE JUROR NUMBER 236: Lot more modern

24 sci-fi, not that far back, not that far back.

25 MR. MUELLER: Ouch, that hurt.

1 PROSPECTIVE JUROR NUMBER 236: Apologies, apologies.  
2 MR. MUELLER: All right. Pass the microphone down. All right.  
3 I deserved that, Mr. Green, touché.  
4 Any particular modern sci-fi that you like?  
5 PROSPECTIVE JUROR NUMBER 236: You ever heard of War  
6 Hammer?  
7 MR. MUELLER: Yes.  
8 PROSPECTIVE JUROR NUMBER 236: Actually?  
9 MR. MUELLER: Yeah.  
10 PROSPECTIVE JUROR NUMBER 236: Okay, yeah.  
11 MR. MUELLER: Yeah, really, even for an old guy.  
12 All right. All kidding aside, sir, would you like to serve on the  
13 jury?  
14 PROSPECTIVE JUROR NUMBER 236: No, but \$500 is a very  
15 good incentive to not be charged so.  
16 MR. MUELLER: You're talking about for the --  
17 PROSPECTIVE JUROR NUMBER 236: Fine, yes, and so on.  
18 MR. MUELLER: Okay. All right. Fair enough.  
19 Having said that, now, sir, let me ask you a question, and all  
20 kidding aside.  
21 PROSPECTIVE JUROR NUMBER 236: Yes.  
22 MR. MUELLER: If that was a family member of yours sitting  
23 there, would you want someone with your frame of mind, willing to listen  
24 to the evidence fairly and impartially, and make a just decision?  
25 PROSPECTIVE JUROR NUMBER 236: Yes.

1 MR. MUELLER: All right. Thank you.

2 Pass it down.

3 And, Mr. Curtis, how are you, sir?

4 PROSPECTIVE JUROR NUMBER 240: Good, thank you.

5 MR. MUELLER: And you work for the school district as a  
6 plumber, you've been in town for 17 years?

7 PROSPECTIVE JUROR NUMBER 240: That's correct.

8 MR. MUELLER: Okay. I know -- can't imagine there's not a  
9 few plumbing problems on the first day of school yesterday?

10 PROSPECTIVE JUROR NUMBER 240: The plumbers, they  
11 call it STAs, School Trade Assistant, so I'm helping out the plumbers  
12 because I'm fresh to it. I just came out of a -- I had behavior school; I was  
13 the teacher in house for that.

14 MR. MUELLER: Okay.

15 PROSPECTIVE JUROR NUMBER 240: So that was about ten  
16 years, so I changed over.

17 MR. MUELLER: Okay. And are you, with this being the first  
18 week of school, on the new schedule, your beeper going to be going off  
19 during the trial?

20 PROSPECTIVE JUROR NUMBER 240: No, I don't have to  
21 carry a beeper.

22 MR. MUELLER: All right. Fair enough.

23 No repercussions down at this job, like, where were you,  
24 everything was going crazy, and you weren't here?

25 PROSPECTIVE JUROR NUMBER 240: No, I'm in contact with

1 the supervisor; they're already short people because of the budget.

2 MR. MUELLER: Right.

3 PROSPECTIVE JUROR NUMBER 240: So he takes it very  
4 casually.

5 MR. MUELLER: Okay.

6 PROSPECTIVE JUROR NUMBER 240: So, no, no problems.

7 MR. MUELLER: Sir, would you like to serve on the jury?

8 PROSPECTIVE JUROR NUMBER 240: Certainly.

9 MR. MUELLER: All right. And the presumption of innocence,  
10 are you comfortable with it?

11 PROSPECTIVE JUROR NUMBER 240: Look at the facts,  
12 judge it, analyze it.

13 MR. MUELLER: All right. Well, sometimes with TV shows they  
14 give the idea that, you know, everything can get done in 60 minutes and,  
15 you know, all the defendants are guilty. Are you comfortable if that's not  
16 the case --

17 PROSPECTIVE JUROR NUMBER 240: I don't have time for  
18 television.

19 MR. MUELLER: I'm sorry?

20 PROSPECTIVE JUROR NUMBER 240: I don't have time for  
21 television.

22 MR. MUELLER: You don't have time for television. All right.  
23 Fair enough.

24 And you'd like to serve?

25 PROSPECTIVE JUROR NUMBER 240: Sure.



1 MR. MUELLER: All right. Thank you. Sir, if you pass the  
2 microphone down to Mr. Bosch.

3 PROSPECTIVE JUROR NUMBER 246: Yes.

4 MR. MUELLER: How are you?

5 PROSPECTIVE JUROR NUMBER 246: Good.

6 MR. MUELLER: And you've been in town for quite a while and  
7 you're retired from the carpenters union.

8 PROSPECTIVE JUROR NUMBER 246: Yes, sir.

9 MR. MUELLER: Is that correct?

10 PROSPECTIVE JUROR NUMBER 246: 2009.

11 MR. MUELLER: Rough carpentry, finished carpentry, what did  
12 you do?

13 PROSPECTIVE JUROR NUMBER 246: Metal frame.

14 MR. MUELLER: Oh, you did metal frames. Good to so know  
15 so that's -- all right.

16 What have you been doing with yourself in retirement?

17 PROSPECTIVE JUROR NUMBER 246: Go to the gym, take  
18 care of my family. I'm the cook now, so my family is not going to have  
19 meals this week if I serve but they're okay with it.

20 MR. MUELLER: I like that you make you feel guilty.

21 PROSPECTIVE JUROR NUMBER 246: They're okay with it.

22 MR. MUELLER: So they turned you into the cook once you  
23 retired?

24 PROSPECTIVE JUROR NUMBER 246: Yes.

25 MR. MUELLER: All right.

1 PROSPECTIVE JUROR NUMBER 246: I used to be the  
2 construction guy, you know what I mean?

3 MR. MUELLER: All right.

4 PROSPECTIVE JUROR NUMBER 246: And I changed my  
5 whole attitude about life.

6 MR. MUELLER: All right. Sir, speaking of attitudes, there's  
7 going to be a lot of testimony in this case, are you going to be able to wait  
8 until the end of the trial before you make a conclusion?

9 PROSPECTIVE JUROR NUMBER 246: Yes, sir.

10 MR. MUELLER: And the fact that some of this testimony might  
11 be a little unsavory, will you be able to keep that in the back of your mind,  
12 and look at all the evidence?

13 PROSPECTIVE JUROR NUMBER 246: No problem.

14 MR. MUELLER: No problem.

15 Now, I can't imagine you've run a few construction crews in your  
16 day?

17 PROSPECTIVE JUROR NUMBER 246: Yes, yes, I did.

18 MR. MUELLER: All right. So you've dealt with large numbers  
19 of young men and how they behave?

20 PROSPECTIVE JUROR NUMBER 246: All kinds of people;  
21 correct.

22 MR. MUELLER: All right. And I can't imagine there's been a  
23 few guys misbehave over the years in the constructions?

24 PROSPECTIVE JUROR NUMBER 246: Just like here, some  
25 people don't want to be here but they're here.

1 MR. MUELLER: Okay. Fair enough.

2 PROSPECTIVE JUROR NUMBER 246: Just because of  
3 paycheck or whatever.

4 MR. MUELLER: All right. So anything else, other than your  
5 family not eating, other than that --

6 PROSPECTIVE JUROR NUMBER 246: I was kidding about  
7 that. They'll be fine.

8 MR. MUELLER: Is there anything, all kidding aside, sir, is there  
9 anything that you would have going on that we haven't touched on that  
10 would keep you from concentrating on the case?

11 PROSPECTIVE JUROR NUMBER 246: I got -- I got -- you got  
12 my time, put it that way.

13 MR. MUELLER: All right. Well, thank you, sir.

14 And all things being equal, you'd like to serve?

15 PROSPECTIVE JUROR NUMBER 246: Yes, sir.

16 MR. MUELLER: All right. Thank you. If you could pass the  
17 microphone down.

18 And it's Ms. Martinez?

19 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

20 MR. MUELLER: And you came down from Utah about four and  
21 a half years ago?

22 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

23 MR. MUELLER: Okay. What do you do for a living?

24 PROSPECTIVE JUROR NUMBER 248: I'm a realtor in Nevada  
25 and Utah.

1 MR. MUELLER: Okay. So you sell houses?

2 PROSPECTIVE JUROR NUMBER 248: Yes, sir.

3 MR. MUELLER: Now, is that just because you've lived in those  
4 places or was there a lot of people moving from Utah to Nevada and vice  
5 versa?

6 PROSPECTIVE JUROR NUMBER 248: I think it's basically  
7 nobody told me not to, so now I'm there and scrambling.

8 MR. MUELLER: All right. Do you have any market niche; do  
9 you sell big houses, small houses, investment houses?

10 PROSPECTIVE JUROR NUMBER 248: VA's my target. VA,  
11 also somebody that's being relocated, military.

12 MR. MUELLER: Okay. Now, you get a draw or are you solely  
13 commission?

14 PROSPECTIVE JUROR NUMBER 248: No, sir, sole  
15 commission.

16 MR. MUELLER: All right. Well, let me ask you a question, I  
17 realize it can be a stressful way of living, do you have anything sitting on  
18 your desk that's going to close any time soon or are you going to --

19 PROSPECTIVE JUROR NUMBER 248: No, sir.

20 MR. MUELLER. Okay. So if you sit here, you're not going to  
21 be making any money?

22 PROSPECTIVE JUROR NUMBER 248: No, sir.

23 MR. MUELLER: Okay. And just asking you square up, I don't  
24 want to get in your business, but are you going to be okay financially or  
25 shall we see about getting someone else?

1 PROSPECTIVE JUROR NUMBER 248: I'm fine, sir.  
2 MR. MUELLER: Okay, you're fine.  
3 All right, then, let me ask you other questions, would you like to  
4 serve?  
5 PROSPECTIVE JUROR NUMBER 248: Yes, sir.  
6 MR. MUELLER: Okay. And are you comfortable with the  
7 presumption of innocence?  
8 PROSPECTIVE JUROR NUMBER 248: Yes, sir.  
9 MR. MUELLER: All right. You understand Ms. Guidry is  
10 innocent until proven guilty beyond a reasonable doubt?  
11 PROSPECTIVE JUROR NUMBER 248: I do, sir.  
12 MR. MUELLER: Okay. And you believe that you can sit and  
13 listen to all the evidence before you reach a conclusion?  
14 PROSPECTIVE JUROR NUMBER 248: Yes, sir.  
15 MR. MUELLER: All right. All right, then, thank you very much.  
16 PROSPECTIVE JUROR NUMBER 248: You're welcome.  
17 MR. MUELLER: And, Mr. Cagauan, how are you?  
18 PROSPECTIVE JUROR NUMBER 249: Very good. Thank  
19 you.  
20 MR. MUELLER: Sir, you expressed some, a little reservation  
21 yesterday and whether you'd be able to be fair and impartial.  
22 Do you remember that?  
23 PROSPECTIVE JUROR NUMBER 249: Yes.  
24 MR. MUELLER: Okay. And why was that, sir?  
25 PROSPECTIVE JUROR NUMBER 249: Being the victim of an

1 armed robbery.

2 MR. MUELLER: Okay. You realize, of course, this is a different  
3 case, different place, different time; correct?

4 PROSPECTIVE JUROR NUMBER 249: Correct.

5 MR. MUELLER: Are you going to be able to set that aside or  
6 you're just going to be kind of seething from what happened to you?

7 PROSPECTIVE JUROR NUMBER 249: I won't be seething.

8 MR. MUELLER: You won't be seething. All right. Thank you,  
9 sir.

10 If -- and that would affect your ability to be a fair and impartial?

11 PROSPECTIVE JUROR NUMBER 249: No.

12 MR. MUELLER: All right. Sir, do you have any hobbies or  
13 interests? Like I see here -- I remember here that you said you had twins.

14 PROSPECTIVE JUROR NUMBER 249: Yes.

15 MR. MUELLER: Okay. How are the twins -- are they boys,  
16 girls, what you got?

17 PROSPECTIVE JUROR NUMBER 249: Two, three year old  
18 boys.

19 MR. MUELLER: Three year old boys. I can't imagine they don't  
20 get in any trouble at all.

21 PROSPECTIVE JUROR NUMBER 249: None whatsoever.

22 MR. MUELLER: None whatsoever. All right.

23 Do you ever have to sort out, are they the age where they're  
24 talking yet or?

25 PROSPECTIVE JUROR NUMBER 249: They're talking.

1 MR. MUELLER: They're blaming each other for who broke the  
2 lamp?

3 PROSPECTIVE JUROR NUMBER 249: No.

4 MR. MUELLER: No, they don't?

5 PROSPECTIVE JUROR NUMBER 249: No.

6 MR. MUELLER: They don't point the fingers at each other yet?

7 PROSPECTIVE JUROR NUMBER 249: No.

8 MR. MUELLER: All right.

9 PROSPECTIVE JUROR NUMBER 249: They take  
10 responsibility.

11 MR. MUELLER: All right. Sir, would you like to serve on the  
12 jury.

13 PROSPECTIVE JUROR NUMBER 249: I would but not at this  
14 time.

15 MR. MUELLER: All right. Fair enough, sir. Thank you. If you'd  
16 pass the microphone down.

17 And it's Ms. Rivas?

18 PROSPECTIVE JUROR NUMBER 323: Yes.

19 MR. MUELLER: And how are you?

20 PROSPECTIVE JUROR NUMBER 323: Fine. Thank you.

21 MR. MUELLER: You had mentioned that you had testified in a  
22 federal case in -- back in the empire state a ways -- a long time ago.

23 PROSPECTIVE JUROR NUMBER 323: Yes.

24 MR. MUELLER: All right. Anything about that experience that  
25 you're going to bring into this courtroom or that --

1 PROSPECTIVE JUROR NUMBER 323: No.

2 MR. MUELLER: Would you be comfortable and you -- I don't  
3 know exactly what happened and I don't want to ask, but you realize this  
4 is a different place, different time?

5 PROSPECTIVE JUROR NUMBER 323: Yes.

6 MR. MUELLER: Okay. And it says you're in Mexico -- or, sorry,  
7 25 years in New York, originally from Mexico?

8 PROSPECTIVE JUROR NUMBER 323: Yes.

9 MR. MUELLER: Okay. And three kids, 25, 10, and 7?

10 PROSPECTIVE JUROR NUMBER 323: Yes.

11 MR. MUELLER: All right. You got daycare setup for the 7 year  
12 old and 10 year old?

13 PROSPECTIVE JUROR NUMBER 323: They're in school, no.

14 MR. MUELLER: Okay. What time do they get out?

15 PROSPECTIVE JUROR NUMBER 323: 2:05.

16 MR. MUELLER: 2:05.

17 And you got someone to pick them up for the next few days?

18 PROSPECTIVE JUROR NUMBER 323: Right now, yes.

19 MR. MUELLER: Okay. So you're covered on that.

20 Do you get paid for jury duty while you're here or do you get  
21 paid by the hour?

22 PROSPECTIVE JUROR NUMBER 323: Can you say again?

23 MR. MUELLER: My note says that you work as a cook?

24 PROSPECTIVE JUROR NUMBER 323: Yes.

25 MR. MUELLER: Okay. My question is, are you going to get



1 paid if you here on jury duty?

2 PROSPECTIVE JUROR NUMBER 323: No, no.

3 MR. MUELLER: All right. So you -- are you going to be okay if  
4 you end up missing the better part of a week or a week and a half of  
5 work?

6 PROSPECTIVE JUROR NUMBER 323: I'm okay. But that  
7 would -- the only concern for me is I need to make -- I need to take exam,  
8 so a physical. So I need time for go to take a physical exam for my work.  
9 After that I'm good to stay here.

10 MR. MUELLER: With the kids and your job I can't imagine you  
11 have a lot of time for any hobbies or interests, if you have any?

12 PROSPECTIVE JUROR NUMBER 323: My kids play soccer so  
13 sometimes I go with them, when I have time.

14 MR. MUELLER: Do you get a chance to do any reading?

15 PROSPECTIVE JUROR NUMBER 323: At night.

16 MR. MUELLER: I'm sorry?

17 PROSPECTIVE JUROR NUMBER 323: At night.

18 MR. MUELLER: Do you do any reading?

19 PROSPECTIVE JUROR NUMBER 323: Sometimes.

20 MR. MUELLER: Okay. You got any favorite reading?

21 PROSPECTIVE JUROR NUMBER 323: No. My kids -- like  
22 some kid's books, not too crazy.

23 MR. MUELLER: Okay. So you read kid's books?

24 PROSPECTIVE JUROR NUMBER 323: Yeah.

25 MR. MUELLER: All right. All things being equal, ma'am, would

1 you like to serve on the jury?

2 PROSPECTIVE JUROR NUMBER 323: Yes.

3 MR. MUELLER: Okay. And if picked, would you be able to  
4 keep a fair and impartial mind until the end of the testimony?

5 PROSPECTIVE JUROR NUMBER 323: Yes.

6 MR. MUELLER: All right. There's going to be some -- maybe,  
7 potentially some unsavory testimony here, are you going to be able to  
8 listen to that and not -- wait until the close of the evidence before you  
9 make a decision?

10 PROSPECTIVE JUROR NUMBER 323: I listen first.

11 MR. MUELLER: All right. Thank you. Pass it down.

12 Mr. Chen, how are you?

13 PROSPECTIVE JUROR NUMBER 256: I'm fine. Thank you,  
14 sir.

15 MR. MUELLER: All right. And my notes said you were flying  
16 back Friday, you're scheduled to fly back --

17 PROSPECTIVE JUROR NUMBER 256: Saturday.

18 MR. MUELLER: Saturday, flying back.

19 And where in China are you flying back to?

20 PROSPECTIVE JUROR NUMBER 256: I'm going to  
21 Charleston, South Carolina on Saturday.

22 MR. MUELLER: Oh, I thought you said you were flying back to  
23 China?

24 PROSPECTIVE JUROR NUMBER 256: No.

25 MR. MUELLER: Going to Charleston?

1 PROSPECTIVE JUROR NUMBER 256: No, I need to go to  
2 Charleston, that's where my headquarter is.

3 MR. MUELLER: Okay. Up in Goose Creek or over in Mount  
4 Pleasant, where are you at?

5 PROSPECTIVE JUROR NUMBER 256: South -- North  
6 Charleston.

7 MR. MUELLER: North Charleston, near Goose Creek, up the --

8 PROSPECTIVE JUROR NUMBER 256: No, it's --

9 MR. MUELLER: By the expressway there?

10 PROSPECTIVE JUROR NUMBER 256: By the military base.

11 MR. MUELLER: Yeah, but the old navy base, okay.

12 PROSPECTIVE JUROR NUMBER 256: What do you call that?

13 MR. MUELLER: It used to Charleston Naval Base. I was  
14 stationed --

15 PROSPECTIVE JUROR NUMBER 256: Yeah, that's the one,  
16 yeah.

17 MR. MUELLER: All right. If you got detained a couple extra  
18 days to be here in town on jury service, say we don't finish by Friday, are  
19 you going to be okay?

20 PROSPECTIVE JUROR NUMBER 256: I do have trouble.

21 MR. MUELLER: You'll have trouble?

22 PROSPECTIVE JUROR NUMBER 256: Yeah, I need to be in  
23 Charleston. There -- there are quite a few things in China, if you probably  
24 read in the paper, including Hong Kong riot, there's a lot of things I need  
25 to take care.

1 MR. MUELLER: Oh, that's right, government liaison. Okay.

2 PROSPECTIVE JUROR NUMBER 256: Yes, sir.

3 MR. MUELLER: And what province did you grow up in China?

4 PROSPECTIVE JUROR NUMBER 256: Jiangsu province, near

5 Shanghai, outside of Shanghai.

6 MR. MUELLER: All right, sir. And it sounds like you've got

7 quite a plate full already, is there anything else that would keep you from

8 concentrating?

9 PROSPECTIVE JUROR NUMBER 256: Earlier you mentioned

10 about family members.

11 MR. MUELLER: Yes.

12 PROSPECTIVE JUROR NUMBER 256: You're probably aware

13 that as a Chinese, family is the most important thing for us.

14 MR. MUELLER: Yes, sir.

15 PROSPECTIVE JUROR NUMBER 256: So if there's a family

16 member sitting there, or any of my family member trying to do anything

17 here, it's not possible.

18 MR. MUELLER: Yes, sir. And my point was only was, would

19 you want someone in your frame of mind, fair and impartial frame of mind,

20 sitting there?

21 PROSPECTIVE JUROR NUMBER 256: I don't think so.

22 MR. MUELLER: All right. Thank you. Thank you, sir. If you

23 can pass it down.

24 And it's Mr. Kramer?

25 PROSPECTIVE JUROR NUMBER 326: Good morning.

1 MR. MUELLER: How are you?  
2 PROSPECTIVE JUROR NUMBER 326: I'm well.  
3 How are you?  
4 MR. MUELLER: Other than feeling a little old at the moment,  
5 I'm doing okay.  
6 Sir, you're 22, and you just got your bachelor's degree?  
7 PROSPECTIVE JUROR NUMBER 326: No, I'm a little older  
8 than that.  
9 MR. MUELLER: Oh, 22 years you've been here, I apologize.  
10 PROSPECTIVE JUROR NUMBER 326: Yeah.  
11 MR. MUELLER: You are 26 years old.  
12 PROSPECTIVE JUROR NUMBER 326: I just turned 27 like a  
13 few weeks ago.  
14 MR. MUELLER: Man, it's a tough crowd.  
15 PROSPECTIVE JUROR NUMBER 326: But yes.  
16 MR. MUELLER: You've got no prior jury service; correct?  
17 PROSPECTIVE JUROR NUMBER 326: No, this is my first  
18 time.  
19 MR. MUELLER: All right. Now, are you going to be able to  
20 have -- you work over at MGM?  
21 PROSPECTIVE JUROR NUMBER 326: Uh-uh.  
22 MR. MUELLER: All right. And what do you do over there  
23 specifically?  
24 PROSPECTIVE JUROR NUMBER 326: I work in corporate  
25 financial planning. It's a new job. I started like three weeks ago.

1 MR. MUELLER: Okay. You're going to be okay, no one giving  
2 you the impression you're the new guy and not showing up for work? Do  
3 think you'll be all right with that?

4 PROSPECTIVE JUROR NUMBER 326: There's a little bit of  
5 that impression but it's a brand new team. So we're all from a company,  
6 all joining the same team. I think they'll be okay with that because it's one  
7 week.

8 MR. MUELLER: Okay. And you got the subpoena to show  
9 them that you really do have jury duty?

10 PROSPECTIVE JUROR NUMBER 326: No, just -- I'll be okay.

11 MR. MUELLER: You're all right?

12 PROSPECTIVE JUROR NUMBER 326: There's no trust  
13 problems, I guess.

14 MR. MUELLER: All right. Well, then let's go to the next  
15 question, sir, this is going to be a very serious charge and it's without risk  
16 of being unlight -- or unduly light hearted about it, very serious charge, are  
17 you going to be able to handle the responsibility of looking at this  
18 evidence?

19 PROSPECTIVE JUROR NUMBER 326: Oh, yeah.

20 MR. MUELLER: And you're comfortable with it?

21 PROSPECTIVE JUROR NUMBER 326: U'm-h'm.

22 MR. MUELLER: All right. And the fact -- or would you want  
23 someone in your -- if that was a family member sitting at the defense  
24 table, would you want someone in your frame of mind considering the  
25 evidence?

1 PROSPECTIVE JUROR NUMBER 326: Definitely.

2 MR. MUELLER: And you're comfortable that you can be fair  
3 and impartial?

4 PROSPECTIVE JUROR NUMBER 326: U'm-h'm.

5 MR. MUELLER: All right. A couple of other questions, can you  
6 sit and listen to all the evidence before you make up your mind?

7 PROSPECTIVE JUROR NUMBER 326: Yes.

8 MR. MUELLER: All right. Frequently in engineering problems,  
9 or other data intensive things you do, you've got to make sure you don't  
10 pre-judge things, you've got to look at things in total, are you going to be  
11 comfortable with that?

12 PROSPECTIVE JUROR NUMBER 326: Yeah. So I do that at  
13 work. We pull a lot of data and we have to make a lot of steps until we  
14 make conclusions. We go through a lot of processes.

15 MR. MUELLER: All right. And you're the only person on the  
16 jury who's never been down on the Strip, was that Mr. DiGiacomo's  
17 question yesterday?

18 PROSPECTIVE JUROR NUMBER 326: No, I've been on the  
19 Strip.

20 MR. MUELLER: Okay. You've been down there.

21 Okay, sir, and all things being equal, would you like to serve on  
22 the jury?

23 PROSPECTIVE JUROR NUMBER 326: Yes.

24 MR. MUELLER: All right. Thank you. Pass it down.

25 And it's Mr. Anderson?

1 PROSPECTIVE JUROR NUMBER 261: Yes, sir.

2 MR. MUELLER: And how are you?

3 PROSPECTIVE JUROR NUMBER 261: Good.

4 MR. MUELLER: Other than stressed out from final exams?

5 PROSPECTIVE JUROR NUMBER 261: Yeah.

6 MR. MUELLER: Have you talked to your -- or the profs

7 yesterday, they're going to be able to give you a reschedule on the exam?

8 PROSPECTIVE JUROR NUMBER 261: I was not able to get in

9 contact with them, but I did leave a message so.

10 MR. MUELLER: I mean, if you -- you call the professor at home

11 at 6:30 at night and you don't get an answer?

12 PROSPECTIVE JUROR NUMBER 261: Well, the only phone

13 number he left me was his office number.

14 MR. MUELLER: Okay.

15 PROSPECTIVE JUROR NUMBER 261: And since it's past

16 office hours by the time we left, that's probably the reason I couldn't get in

17 contact with him.

18 MR. MUELLER: All right. Do you have a jury summons to

19 show him that you were actually on jury service?

20 PROSPECTIVE JUROR NUMBER 261: Yes, I've already

21 showed him it.

22 MR. MUELLER: Okay. So are you concerned then he's going

23 to be able to give you a shot at it or not?

24 PROSPECTIVE JUROR NUMBER 261: We'll, I'm not sure at

25 the moment what my options are, but I'm just waiting to see what he



1 let's -- he says.

2 MR. MUELLER: Okay. And you've never served on a jury  
3 before; correct?

4 PROSPECTIVE JUROR NUMBER 261: No, I haven't.

5 MR. MUELLER: All right. And you're 19?

6 PROSPECTIVE JUROR NUMBER 261: Yes.

7 MR. MUELLER: All right, sir, if you were selected on the jury,  
8 you're going to go back and deal with a lot of people with significantly  
9 more age and experience in the world, are you going to be able to stand  
10 up and politely -- stand up and deliberate with them?

11 PROSPECTIVE JUROR NUMBER 261: Yes, I would.

12 MR. MUELLER: Okay. And you're okay with that, you're not  
13 going to get bullied around?

14 PROSPECTIVE JUROR NUMBER 261: No.

15 MR. MUELLER: You don't strike me like you would.

16 PROSPECTIVE JUROR NUMBER 261: Never been bullied.

17 MR. MUELLER: You're going to be okay?

18 PROSPECTIVE JUROR NUMBER 261: Yes.

19 MR. MUELLER: Now, you have, I know you're 19, so you're  
20 probably not supposed to be on the Strip, but you've been down there  
21 once or twice; haven't you?

22 PROSPECTIVE JUROR NUMBER 261: I mean, I've been  
23 down there but like not for long periods of time.

24 MR. MUELLER: I know you kept the blinders on but you've  
25 been down on the Strip once or twice?

1 PROSPECTIVE JUROR NUMBER 261: You could say that,  
2 yes.

3 MR. MUELLER: Okay. I'm just making sure I understood. I  
4 know what I was like as a kid so.

5 All right. So you've been down there.

6 How about work, you work at McDonald's, they give you an off  
7 shift, you'll be okay financially?

8 PROSPECTIVE JUROR NUMBER 261: Yes, I'll be okay  
9 financially. And my work will accommodate me, if they need to.

10 MR. MUELLER: All right. So that's not a problem?

11 PROSPECTIVE JUROR NUMBER 261: Yeah.

12 MR. MUELLER: All right. Anything else, other than a full plate  
13 of work and going to school and final exams, do you got anything else  
14 that's going to keep you from concentrating on the trial?

15 PROSPECTIVE JUROR NUMBER 261: No, sir.

16 MR. MUELLER: All right. And all things being equal, would you  
17 like to serve?

18 PROSPECTIVE JUROR NUMBER 261: Not really, but I'm  
19 willing to.

20 MR. MUELLER: All right. If you are selected, are you willing to  
21 be fair and impartial, listen to all the evidence?

22 PROSPECTIVE JUROR NUMBER 261: Yes, sir.

23 MR. MUELLER: Are you comfortable with that?

24 PROSPECTIVE JUROR NUMBER 261: Yes, sir.

25 MR. MUELLER: All right. Thank you, sir. Could you pass it

1 down.

2 Mr. Martinez, how are you?

3 PROSPECTIVE JUROR NUMBER 329: I'm pretty good.

4 Thank you. I'm here. It's all good.

5 MR. MUELLER: All right. All right, sir, do you have any outside  
6 hobbies or interests?

7 PROSPECTIVE JUROR NUMBER 329: Well, I like to go  
8 hiking.

9 MR. MUELLER: All right.

10 PROSPECTIVE JUROR NUMBER 329: Motorcycles.

11 MR. MUELLER: BMW's or Harley's?

12 PROSPECTIVE JUROR NUMBER 329: BMW's.

13 MR. MUELLER: BMW's, all right. Do you --

14 PROSPECTIVE JUROR NUMBER 329: And workout, that's  
15 pretty much it.

16 MR. MUELLER: What's that?

17 PROSPECTIVE JUROR NUMBER 329: And workout in the  
18 gym.

19 MR. MUELLER: Okay. And do you have anything -- well, it  
20 sounds like you've got a full plate already, but --

21 PROSPECTIVE JUROR NUMBER 329: Yep.

22 MR. MUELLER: -- what's -- what's the job you're working right  
23 now at the union hall?

24 PROSPECTIVE JUROR NUMBER 329: Well, my number is 65  
25 right now. So, let's say that they call my number, and if I'm not there, so

1 my number goes all the way down to the bottom of the list. That's pretty  
2 much it. That's how it works.

3 MR. MUELLER: All right. And what trade are you working?

4 PROSPECTIVE JUROR NUMBER 329: Carpenter.

5 MR. MUELLER: Carpenter. Doing rough carpentry? Metals?

6 PROSPECTIVE JUROR NUMBER 329: Rough.

7 MR. MUELLER: I'm sorry, doing rough?

8 PROSPECTIVE JUROR NUMBER 329: Yes.

9 MR. MUELLER: Sir, the presumption of innocence, are you  
10 comfortable with that?

11 PROSPECTIVE JUROR NUMBER 329: I am as long as you  
12 present the facts, yeah, I'm cool with it.

13 MR. MUELLER: All right. And you realize that it's not the  
14 defense's responsibility to prove that she's innocent, it's the State's  
15 responsibility to prove beyond a reasonable doubt that she's guilty?

16 PROSPECTIVE JUROR NUMBER 329: Yeah, I'm fine with it.

17 MR. MUELLER: You're comfortable with that. All right. Thank  
18 you, sir.

19 And other than the problems with the work at the union hall, you  
20 wouldn't mind serving?

21 PROSPECTIVE JUROR NUMBER 329: No, I don't mind.

22 MR. MUELLER: All right. Thank you, sir.

23 PROSPECTIVE JUROR NUMBER 329: As a matter of fact, I  
24 would love to do that though. But, like I said, I've got my plate, sir, and my  
25 plate is full right now.

1 MR. MUELLER: Thank you, sir.

2 PROSPECTIVE JUROR NUMBER 329: No problem.

3 MR. MUELLER: Ms. Galvan, how are you? And it's Mariana?

4 PROSPECTIVE JUROR NUMBER 347: Yes.

5 MR. MUELLER: Okay. And you're a lifelong Nevada resident?

6 PROSPECTIVE JUROR NUMBER 347: U'm-h'm.

7 MR. MUELLER: All right. Here's the test, where did you go to

8 high school?

9 PROSPECTIVE JUROR NUMBER 347: So I took a little bit of a

10 five year gap, in high school I went to Colorado.

11 MR. MUELLER: So you haven't been here your whole life?

12 PROSPECTIVE JUROR NUMBER 347: Yeah, but I came back

13 like four years ago.

14 MR. MUELLER: Yeah, spotted that right away. It's how you

15 always tell if somebody's grew up in Las Vegas is ask them what high

16 school they went to.

17 PROSPECTIVE JUROR NUMBER 347: I did go to Rancho

18 High School for two weeks and then we moved.

19 MR. MUELLER: Okay, Rancho High school for two weeks, yes,

20 you did grow up here.

21 So what line of work are you in, ma'am?

22 PROSPECTIVE JUROR NUMBER 347: I'm in the restaurant

23 business. I'm a host.

24 MR. MUELLER: Okay. For which restaurant?

25 PROSPECTIVE JUROR NUMBER 347: Bonefish Grill in the

1 Town Square Mall.

2 MR. MUELLER: Town Square, okay.

3 PROSPECTIVE JUROR NUMBER 347: U'm-h'm.

4 MR. MUELLER: Now, that's a fairly large restaurant, if I  
5 remember right?

6 PROSPECTIVE JUROR NUMBER 347: Yes.

7 MR. MUELLER: Okay. They got backup hostess, they're going  
8 to be or are you going to work another shift?

9 PROSPECTIVE JUROR NUMBER 347: Yes, they'll cover me.

10 MR. MUELLER: All right. So you're covered?

11 PROSPECTIVE JUROR NUMBER 347: U'm-h'm.

12 MR. MUELLER: Are they going to pay you for jury service?

13 PROSPECTIVE JUROR NUMBER 347: No.

14 MR. MUELLER: Okay. So you do not get paid?

15 PROSPECTIVE JUROR NUMBER 347: No.

16 MR. MUELLER: Are you going to be okay?

17 PROSPECTIVE JUROR NUMBER 347: I'll be okay.

18 MR. MUELLER: Trials, especially complex ones, tend to go a  
19 little longer than we estimate it. If we go into early part of next week, are  
20 you going to be okay?

21 PROSPECTIVE JUROR NUMBER 347: Next week, yeah. I  
22 have an exam scheduled for the 24th, but I don't think this would extend  
23 until then so.

24 MR. MUELLER: All right. And what was the final? What's the  
25 subject?

1 PROSPECTIVE JUROR NUMBER 347: I'm taking -- it's called  
2 the TEAS exam. It's in order to get into a medical program.

3 MR. MUELLER: Okay. Have any other hobbies or interests,  
4 going to school and working full time sounds like it's a full plate?

5 PROSPECTIVE JUROR NUMBER 347: Yeah. I do a lot of  
6 studying on my free time.

7 MR. MUELLER: Okay. Still working through school.  
8 All things being equal, would you like to serve on the jury?

9 PROSPECTIVE JUROR NUMBER 347: Yes.

10 MR. MUELLER: And the fact that the allegation here is murder,  
11 are you okay with that?

12 PROSPECTIVE JUROR NUMBER 347: I'm fine.

13 MR. MUELLER: All right. And you'll have to listen to some  
14 fairly sorted testimony, are you going to be able to a tough mind and look  
15 at it?

16 PROSPECTIVE JUROR NUMBER 347: Yes.

17 MR. MUELLER: Okay. And the hardest, sometimes the  
18 hardest part, are you willing to or able to wait until the end of the trial  
19 before you make up your mind?

20 PROSPECTIVE JUROR NUMBER 347: Yes.

21 MR. MUELLER: All right. Thank you. If you can pass.  
22 And it's Mr. Sloane?

23 PROSPECTIVE JUROR NUMBER 352: Yes, sir.

24 MR. MUELLER: How are you?

25 PROSPECTIVE JUROR NUMBER 352: I'm good.

1 MR. MUELLER: All right. You've been here your whole life?  
2 PROSPECTIVE JUROR NUMBER 352: Yes, sir.  
3 MR. MUELLER: Okay. What high school?  
4 PROSPECTIVE JUROR NUMBER 352: Palo Verde.  
5 MR. MUELLER: Palo Verde, okay.  
6 So you went to -- where is that one at?  
7 PROSPECTIVE JUROR NUMBER 352: Summerlin.  
8 MR. MUELLER: Summerlin, okay.  
9 No prior jury service?  
10 PROSPECTIVE JUROR NUMBER 352: No.  
11 MR. MUELLER: And you do have a couple kids?  
12 PROSPECTIVE JUROR NUMBER 352: Three, yes.  
13 MR. MUELLER: Three?  
14 PROSPECTIVE JUROR NUMBER 352: Three girls.  
15 MR. MUELLER: How old are they?  
16 PROSPECTIVE JUROR NUMBER 352: Five, ten, and eleven.  
17 MR. MUELLER: Okay. And I'm sure they get along all the  
18 time?  
19 PROSPECTIVE JUROR NUMBER 352: Not at all.  
20 MR. MUELLER: Okay. All right. You've occasionally had it  
21 when they're fighting and you have to figure out who's telling the truth and  
22 who's right and who's wrong?  
23 PROSPECTIVE JUROR NUMBER 352: Daily.  
24 MR. MUELLER: Daily, all right.  
25 Are you willing to use those skills here?



1 PROSPECTIVE JUROR NUMBER 352: Yes.

2 MR. MUELLER: Okay. And are you comfortable you can do  
3 that?

4 PROSPECTIVE JUROR NUMBER 352: Yes.

5 MR. MUELLER: Now, you work as a porter, do you make most  
6 of your money by tips?

7 PROSPECTIVE JUROR NUMBER 352: Oh, no, we don't make  
8 tips. Well, my job doesn't make tips.

9 MR. MUELLER: Okay. So you're in the back of the house?

10 PROSPECTIVE JUROR NUMBER 352: Yes, back of the  
11 house.

12 MR. MUELLER: All right. So are they going to cover you down  
13 at the MGM? Was it MGM that you said?

14 PROSPECTIVE JUROR NUMBER 352: Caesars, at the Linq,  
15 Caesars.

16 MR. MUELLER: I'm sorry?

17 PROSPECTIVE JUROR NUMBER 352: At the Linq Hotel,  
18 Caesars.

19 MR. MUELLER: Oh, the Linq.

20 PROSPECTIVE JUROR NUMBER 352: Yes.

21 MR. MUELLER: Okay. They're a fairly large company, are they  
22 going to cover you, your pay?

23 PROSPECTIVE JUROR NUMBER 352: As of right now I'm not  
24 sure what they're going to like -- if they're going to give me points or write  
25 me up or anything because I haven't contacted them. I've tried to but I

1 haven't got in contact with them yet.

2 MR. MUELLER: You take the jury summons down to the HR  
3 department and you're boss and show them that you're -- -

4 PROSPECTIVE JUROR NUMBER 352: I haven't -- I've been  
5 here. So I haven't been able to yet.

6 MR. MUELLER: Are you going to be okay or are they going to  
7 fire you, no call; no show?

8 PROSPECTIVE JUROR NUMBER 352: I hope not. I don't  
9 think so.

10 MR. MUELLER: All right. Well, let me ask you a tough  
11 question then, are you going to be able to concentrate?

12 PROSPECTIVE JUROR NUMBER 352: Yes.

13 MR. MUELLER: All right. And would you like to serve on the  
14 jury?

15 PROSPECTIVE JUROR NUMBER 352: Yes.

16 MR. MUELLER: All right. The fact that this is a murder case,  
17 it's kind of tough stuff sometimes, are you going to be okay with that?

18 PROSPECTIVE JUROR NUMBER 352: Greatly.

19 MR. MUELLER: And are you going to be able to wait until the  
20 end of the testimony before you start forming a conclusion?

21 PROSPECTIVE JUROR NUMBER 352: Yes.

22 MR. MUELLER: All right. And you've got daycare set up for the  
23 kids?

24 PROSPECTIVE JUROR NUMBER 352: Yes.

25 MR. MUELLER: All right. And last question, if that was a family

1 member sitting there at the defense table, would you want someone with  
2 your frame of mind listening to the evidence?

3 PROSPECTIVE JUROR NUMBER 352: Yes.

4 MR. MUELLER: You're comfortable with that?

5 PROSPECTIVE JUROR NUMBER 352: Comfortable.

6 MR. MUELLER: All right. Thank you Mr. Sloane. If you can  
7 pass it down.

8 And Ms. Wang, how are you?

9 PROSPECTIVE JUROR NUMBER 274: I'm good. Thank you.

10 MR. MUELLER: Good?

11 PROSPECTIVE JUROR NUMBER 274: Yeah.

12 MR. MUELLER: You have expressed concerns about your  
13 English skills?

14 PROSPECTIVE JUROR NUMBER 274: Yes.

15 MR. MUELLER: Okay. Now, do you have trouble following the  
16 conversation when it's fast or?

17 PROSPECTIVE JUROR NUMBER 274: Yes.

18 MR. MUELLER: Okay.

19 PROSPECTIVE JUROR NUMBER 274: There are lots of new  
20 vocabularies for me, words I never heard before.

21 MR. MUELLER: Okay. Idioms and colloquial phrases?

22 PROSPECTIVE JUROR NUMBER 274: I don't know --

23 MR. MUELLER: All right. Now, you said you were trained in  
24 computer science?

25 PROSPECTIVE JUROR NUMBER 274: Yes.

1 MR. MUELLER: All right. And where did you receive your  
2 training in computer science?

3 PROSPECTIVE JUROR NUMBER 274: In China.

4 MR. MUELLER: And how long have you -- how long ago did  
5 you emigrate?

6 PROSPECTIVE JUROR NUMBER 274: Excuse me?

7 MR. MUELLER: How long ago did you come to the United  
8 States?

9 PROSPECTIVE JUROR NUMBER 274: 16 years ago.

10 MR. MUELLER: 16 years ago?

11 PROSPECTIVE JUROR NUMBER 274: U'm-h'm.

12 MR. MUELLER: And have you worked since then?

13 PROSPECTIVE JUROR NUMBER 274: Here, no.

14 MR. MUELLER: All right. Do you have any hobbies or  
15 interests?

16 PROSPECTIVE JUROR NUMBER 274: Yeah, in recent years I  
17 play table tennis almost every day, table tennis.

18 MR. MUELLER: Table tennis?

19 PROSPECTIVE JUROR NUMBER 274: Uh-huh.

20 MR. MUELLER: All right. Are you -- have anything else that  
21 would prevent you from serving?

22 PROSPECTIVE JUROR NUMBER 274: I don't think so.

23 MR. MUELLER: All right. And you had one child, 20 years old?

24 PROSPECTIVE JUROR NUMBER 274: Yes.

25 MR. MUELLER: All right. And they're not at home anymore?

1 PROSPECTIVE JUROR NUMBER 274: Yeah, goes to college.

2 MR. MUELLER: College?

3 PROSPECTIVE JUROR NUMBER 274: Uh-huh.

4 MR. MUELLER: All right. Thank you, ma'am, pass  
5 the microphone.

6 THE COURT: Mr. Mueller, I'm going to interrupt you there, I've  
7 received some indication that perhaps we need to take a comfort break for  
8 everybody.

9 MR. MUELLER: Certainly.

10 THE COURT: We've been going about an hour and so I'm  
11 going to go ahead and allow us take a comfort break. I'm going to ask  
12 that no one wander too far so we can come back in.

13 In terms of scheduling, we got started a little later than I wanted  
14 to, so I would like to come back in ten minutes, come back at 12:00, and  
15 then we'll go through -- depending on where Mr. Mueller is -- until about  
16 12:30, 12:45 and then we'll take a lunch break. So everyone knows  
17 where we are in terms of scheduling.

18 So during this recess you are not to talk or converse amongst  
19 yourselves or with anyone else on any subject connected with this trial.  
20 Read, watch, or listen to any report or commentary on the trial, or any  
21 person connected with this trial by any medium of information, including,  
22 without limitation, newspapers, television, radio, or Internet. Or form or  
23 express any opinion on any subject connected with this trial until it is  
24 finally submitted to you.

25 So we'll see everyone back here at 12 o'clock. Thank you.

1 [Outside the presence of the prospective jury panel]

2 THE COURT: All right. Let the record reflect that the jury  
3 venire has left the courtroom. We'll take a comfort break and see  
4 everyone back at a couple minutes to 12:00.

5 MR. MUELLER: Your Honor, just a matter of judicial economy.

6 THE COURT: Yes.

7 MR. MUELLER: There's two witnesses that have continually,  
8 despite Mr. DiGiacomo's and mine's efforts, who refuse to be  
9 rehabilitated, Mr. Cagauan, panel 11, and Mr. Chen, panel 13. I'm going  
10 to ask that they be stricken for cause so we can save sometime and put  
11 new jurors in their place.

12 THE COURT: Does the State have a response to that request?

13 MR. DIGIACOMO: No, I don't actually oppose those. I thought  
14 we should address Ms. Wang too.

15 MR. MUELLER: Ms. Yang should also be stricken for cause as  
16 a result of her English skills. I was concerned yesterday, and now that  
17 I've seen her and was watching her face, she's clearly, most  
18 circumstantially and practically not conversing enough in English to  
19 participate in these proceedings.

20 THE COURT: Okay. I agree with Ms. Yang. I wasn't sure  
21 about her language skills but it appears that she continues to struggle,  
22 and based on her representations and apparent lack of ability to fully  
23 comprehend what's happening, I will strike her for cause.

24 As to Mr. Chen, he is juror number 256, I tend to agree.

25 Does the State have any objection?

1 MR. DIGIACOMO: No, we don't.

2 THE COURT: All right. And then the last one, Mr. Cagauan, I  
3 apologize if I'm saying that incorrectly, he is juror number 249. I'm  
4 actually a little bit more on the fence about him. He did say he was  
5 worried about being fair and impartial, but then he indicated that he could  
6 be fair and impartial, and then he said, I would want to be a juror but not  
7 at this time.

8 State, do you have any objection to striking him for cause?

9 MR. DIGIACOMO: I don't.

10 THE COURT: Okay. All right. We will strike him for cause and  
11 we will replace them with the next three.

12 My question is, in terms of keeping the questioning going, my  
13 preference is to let Mr. Mueller ask the rest of the group questions, then  
14 we'll see if there's anybody else that needs to be stricken, then we'll  
15 replace everybody at that time. So they can sit there and wait for the next  
16 group.

17 Does that work for --

18 MR. DIGIACOMO: That's fine with me.

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

20 THE COURT: All right.

21 MR. DIGIACOMO: And then when Mr. Mueller's done, we  
22 replace --

23 MR. MUELLER: The rest of the question --

24 MR. DIGIACOMO: -- the ones and then we both get a chance  
25 to talk to them, that would be great.

1 THE COURT: Okay.

2 MR. MUELLER: -- the rest of the questions should go relatively  
3 smoother. The ones I had concerns about, I've talked to.

4 THE COURT: Okay. And, Mr. Mueller, I appreciate that you've  
5 been pretty cognizant about not asking repetitive questions, just there's  
6 been a couple. So I think to help move this along, let's try and be  
7 cognizant of that.

8 All right. Does anyone -- if anyone needs to use the restroom,  
9 obviously you're welcome to step back. Thank you.

10 [Recess taken at 11:51 a.m.]

11 [Jury trial resumed at 12:02 p.m.]

12 [In the presence of the prospective jury panel]

13 THE COURT: Do the parties stipulate to the jury venire?

14 MR. DIGIACOMO: We do.

15 THE COURT: All right. And, Mr. Mueller, you're ready to  
16 resume questioning.

17 MR. MUELLER: It's Mr. Mobley?

18 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

19 MR. MUELLER: How are you?

20 PROSPECTIVE JUROR NUMBER 338: Doing well.

21 How about you?

22 MR. MUELLER: Fine.

23 Did I remember right that you were from Las Vegas as well?  
24 You've been here a long time.

25 PROSPECTIVE JUROR NUMBER 338: Well, not from Las



1 Vegas, but I have been here a long time, yes.

2 MR. MUELLER: Okay. How long is that?

3 PROSPECTIVE JUROR NUMBER 338: I've been here 22  
4 years.

5 MR. MUELLER: Yeah, we'll spot you that one.

6 And you have -- work as an insurance adjuster?

7 PROSPECTIVE JUROR NUMBER 338: Adjuster, arranger sort  
8 of like.

9 MR. MUELLER: The word arranger in Las Vegas has kind of a  
10 broad meaning, sir.

11 PROSPECTIVE JUROR NUMBER 338: I make the changes  
12 people need on their policies. A little more broader than that?

13 MR. MUELLER: Yes.

14 PROSPECTIVE JUROR NUMBER 338: Okay. You call me,  
15 you tell me you have a car, I change the car.

16 MR. MUELLER: Okay. So you're the guy who helps adjust the  
17 policies?

18 PROSPECTIVE JUROR NUMBER 338: Right.

19 MR. MUELLER: Okay. You weren't implying you were not in  
20 the --

21 PROSPECTIVE JUROR NUMBER 338: Right.

22 MR. MUELLER: -- you were kind of adjusting the --

23 PROSPECTIVE JUROR NUMBER 338: Or for your home or  
24 for your rent, whatever.

25 MR. MUELLER: Okay. Fair enough.

1                   How do you like doing that?

2                   PROSPECTIVE JUROR NUMBER 338: Love it.

3                   MR. MUELLER: All right. Keeping up -- keeping the record  
4 straight, keeping it put together?

5                   PROSPECTIVE JUROR NUMBER 338: I end up helping most  
6 of the time military people and I was raised a military brat so I enjoy doing  
7 that kind of field.

8                   MR. MUELLER: Okay. And now you've got four adult children?

9                   PROSPECTIVE JUROR NUMBER 338: Yes, sir.

10                  MR. MUELLER: Okay.

11                  PROSPECTIVE JUROR NUMBER 338: I had, had, sorry.

12                  MR. MUELLER: Had?

13                  PROSPECTIVE JUROR NUMBER 338: U'm-h'm.

14                  MR. MUELLER: All right. The -- this is a murder case.

15                  PROSPECTIVE JUROR NUMBER 338: U'm-h'm.

16                  MR. MUELLER: There's going to be some tough stuff, sir, are  
17 you going to be able to deal with this?

18                  PROSPECTIVE JUROR NUMBER 338: Oh, yeah.

19                  MR. MUELLER: You're okay with it?

20                  PROSPECTIVE JUROR NUMBER 338: Oh, yeah.

21                  MR. MUELLER: All right. Besides work and the family, do you  
22 have anything that you like to do, hobbies or interest?

23                  PROSPECTIVE JUROR NUMBER 338: Hobbies are reading.

24                  MR. MUELLER: Okay.

25                  PROSPECTIVE JUROR NUMBER 338: And interest is

1 primarily archery and tennis.

2 MR. MUELLER: Oh, archery and tennis.

3 How did you get into archery?

4 PROSPECTIVE JUROR NUMBER 338: My son, he decided he  
5 wanted something else to do that dad -- he and dad can get away from  
6 the ladies of the family and runaway.

7 MR. MUELLER: Okay.

8 PROSPECTIVE JUROR NUMBER 338: So he found archery.

9 MR. MUELLER: All right. So you and your son became  
10 archers?

11 PROSPECTIVE JUROR NUMBER 338: Yes.

12 MR. MUELLER: All right. Sounds good.

13 I didn't ask, or you didn't get asked yesterday, or I didn't write it  
14 down, do you work for a big company?

15 PROSPECTIVE JUROR NUMBER 338: Yes.

16 MR. MUELLER: All right. So you've got someone who's going  
17 to pick up your pay?

18 PROSPECTIVE JUROR NUMBER 338: Oh, they're not worried  
19 about it whatsoever, yes.

20 MR. MUELLER: Okay. So it's a big company, no problem --

21 PROSPECTIVE JUROR NUMBER 338: No.

22 MR. MUELLER: -- a few days off?

23 PROSPECTIVE JUROR NUMBER 338: No.

24 MR. MUELLER: And even if we go into --

25 PROSPECTIVE JUROR NUMBER 338: They're just waiting to

1 hear from me.

2 MR. MUELLER: All right. If we go into early next week, you're  
3 going to be okay?

4 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

5 MR. MUELLER: All right. Well, thank you. Let's get down to  
6 the tougher questions, can you be fair and impartial, sir?

7 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

8 MR. MUELLER: All right. And the fact that this is a murder  
9 case it's not going to bother you?

10 PROSPECTIVE JUROR NUMBER 338: No, sir.

11 MR. MUELLER: All right. Now, are you going to sit and listen  
12 to all the evidence, fairly and impartially, before you come to a  
13 conclusion?

14 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

15 MR. MUELLER: And if Ms. Guidry was a family member of  
16 yours, would you want someone with your frame of mind sitting on the  
17 jury?

18 PROSPECTIVE JUROR NUMBER 338: I would want her to  
19 have the best trial she could have. She deserves it.

20 MR. MUELLER: All right. And you understand it's the State's  
21 burden to prove the case beyond a reasonable doubt?

22 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

23 MR. MUELLER: And Ms. Guidry, as she sits here, is innocent?

24 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

25 MR. MUELLER: Presumed innocent?

1 PROSPECTIVE JUROR NUMBER 338: That's correct, sir.

2 MR. MUELLER: All right. And all things being equal, would you  
3 like to serve?

4 PROSPECTIVE JUROR NUMBER 338: Yes, sir.

5 MR. MUELLER: All right. Thank you. If you could pass it  
6 down.

7 Sir, how are you?

8 PROSPECTIVE JUROR NUMBER 283: I'm good.

9 MR. MUELLER: And it's Mr. Buyao?

10 PROSPECTIVE JUROR NUMBER 283: Buyao.

11 MR. MUELLER: Buyao.

12 And you live down in Southern Highlands?

13 PROSPECTIVE JUROR NUMBER 283: Yes, sir.

14 MR. MUELLER: And you're a single man?

15 PROSPECTIVE JUROR NUMBER 283: Yes, sir.

16 MR. MUELLER: All right. Got any hobbies or interests, sir?

17 PROSPECTIVE JUROR NUMBER 283: I sing, dance, and  
18 workout.

19 MR. MUELLER: All right. And do you work for a large medical  
20 practice?

21 PROSPECTIVE JUROR NUMBER 283: No, it's a smaller  
22 private practice.

23 MR. MUELLER: All right. Smaller businesses always have a  
24 little more trouble letting a guy go for a week, week and a half, are you  
25 going to be okay?

1 PROSPECTIVE JUROR NUMBER 283: Yes.

2 MR. MUELLER: Did you check, are they going to pay?

3 PROSPECTIVE JUROR NUMBER 283: I have not but I'll be

4 fine financially.

5 MR. MUELLER: All right. So it's not going to be a problem?

6 PROSPECTIVE JUROR NUMBER 283: No.

7 MR. MUELLER: All right. Anything else we haven't touched

8 upon that's going to keep you from concentrating on the case?

9 PROSPECTIVE JUROR NUMBER 283: No.

10 MR. MUELLER: All right. And all things being equal, sir, would

11 you like to serve on the jury?

12 PROSPECTIVE JUROR NUMBER 283: Yes.

13 MR. MUELLER: All right. The fact that it is a murder trial --

14 PROSPECTIVE JUROR NUMBER 283: No issues.

15 MR. MUELLER: -- you're okay with that?

16 PROSPECTIVE JUROR NUMBER 283: Yes.

17 MR. MUELLER: The fact that we might hear some unsavory

18 testimony, are you okay with looking past that and waiting to get to the

19 final testimony, before you reach a conclusion?

20 PROSPECTIVE JUROR NUMBER 283: Yes.

21 MR. MUELLER: Okay. The fact that you're going to have to go

22 and deliberate with some folks who may disagree with you, are you going

23 to be okay with that?

24 PROSPECTIVE JUROR NUMBER 283: Yes.

25 MR. MUELLER: All right. Would you like to serve?

1 PROSPECTIVE JUROR NUMBER 283: Yes.

2 MR. MUELLER: All right. Thank you, sir. If you can pass it

3 down.

4 Ma'am, how are you?

5 PROSPECTIVE JUROR NUMBER 286: Great.

6 MR. MUELLER: Is it Pasion or?

7 PROSPECTIVE JUROR NUMBER 286: Pasion.

8 MR. MUELLER: Pasion, I apologize.

9 And you are a manager up at Macy's, up in North Las Vegas?

10 PROSPECTIVE JUROR NUMBER 286: No, it's by Meadows

11 Mall.

12 MR. MUELLER: Meadows Mall, okay.

13 And you said you had about 15 people who work for you?

14 PROSPECTIVE JUROR NUMBER 286: Correct.

15 MR. MUELLER: Okay. And I'm sure that's never difficult or

16 bothersome?

17 PROSPECTIVE JUROR NUMBER 286: No.

18 MR. MUELLER: All right. Have you ever had to sort out two or

19 three employees giving you different accounts of events?

20 PROSPECTIVE JUROR NUMBER 286: Yes.

21 MR. MUELLER: All right. Are you willing and able to bring

22 those skills here to sort out some the testimony if there's conflicting

23 testimony?

24 PROSPECTIVE JUROR NUMBER 286: Yes.

25 MR. MUELLER: All right. Now, you said you didn't -- you work

1 directly for Macy's or one of the subcontractors?

2 PROSPECTIVE JUROR NUMBER 286: It's at Macy's.

3 MR. MUELLER: All right. Works for Macy's.

4 Are you going to be able to get some time off?

5 PROSPECTIVE JUROR NUMBER 286: Yes.

6 MR. MUELLER: All right. And are they going to cover your jury  
7 service?

8 PROSPECTIVE JUROR NUMBER 286: Right, yes.

9 MR. MUELLER: Now, you got one kid still in high school, 15  
10 years old?

11 PROSPECTIVE JUROR NUMBER 286: Yes, I have two  
12 daughters, one is 27 and one is 15.

13 MR. MUELLER: Okay. And is there anything else besides  
14 work that would cause you to be able to have trouble concentrating?

15 PROSPECTIVE JUROR NUMBER 286: No.

16 MR. MUELLER: All right. This is a tough case, ma'am, a  
17 murder, some allegations, some unsavory testimony perhaps, are you  
18 going to be comfortable with that?

19 PROSPECTIVE JUROR NUMBER 286: Yes.

20 MR. MUELLER: All right. Are you kind of a tough-minded  
21 person?

22 PROSPECTIVE JUROR NUMBER 286: Yes.

23 MR. MUELLER: All right. I suspect that a boss would be.

24 If Ms. Guidry was a friend or a family member, would you want  
25 someone with your frame of mind sitting on the jury?



1 PROSPECTIVE JUROR NUMBER 286: Yes.

2 MR. MUELLER: Okay. And are you comfortable with the  
3 presumption of innocence, under our law the defendant is presumed  
4 innocent until proven beyond a reasonable doubt; are you comfortable  
5 with that?

6 PROSPECTIVE JUROR NUMBER 286: Yes.

7 MR. MUELLER: Okay. And, I'm guessing I know the answer to  
8 this one, would you like to serve?

9 PROSPECTIVE JUROR NUMBER 286: Yes, sir.

10 MR. MUELLER: All right. Thank you. I appreciate that. And if  
11 you'll pass it down to Ms. Eldred.

12 PROSPECTIVE JUROR NUMBER 288: Eldred.

13 MR. MUELLER: And how are you?

14 PROSPECTIVE JUROR NUMBER 288: Good, thank you.

15 MR. MUELLER: Now, you've been in Las Vegas for 42 years?

16 PROSPECTIVE JUROR NUMBER 288: Yes.

17 MR. MUELLER: And you work at the Department of Aviation?

18 PROSPECTIVE JUROR NUMBER 288: No, my husband does.

19 MR. MUELLER: Oh, your husband does, okay.

20 And -- okay. You're the property monitor?

21 PROSPECTIVE JUROR NUMBER 288: He's the property  
22 monitor, yes.

23 MR. MUELLER: Okay. What do you do?

24 PROSPECTIVE JUROR NUMBER 288: I work for Bank of  
25 America in their mortgage servicing division.

1 MR. MUELLER: Okay. So, I guess, you get a fair bit of  
2 excuses why the payment wasn't made?

3 PROSPECTIVE JUROR NUMBER 288: Well, I handle their  
4 powers of attorneys for, you know, we sell loans, we buy loans.

5 MR. MUELLER: Okay.

6 PROSPECTIVE JUROR NUMBER 288: We service for other  
7 entities and we have to be able to sign for them.

8 MR. MUELLER: All right. You've got two kids, 27 -- 17, 23?

9 PROSPECTIVE JUROR NUMBER 288: I have 15 and 23.

10 MR. MUELLER: 15 and 23.

11 PROSPECTIVE JUROR NUMBER 288: Sorry, 17, I apologize.

12 MR. MUELLER: 17. Does that mean I know your kids better  
13 than you do?

14 PROSPECTIVE JUROR NUMBER 288: Yes, you do.

15 MR. MUELLER: All right. Do you have any outside hobbies or  
16 interests?

17 PROSPECTIVE JUROR NUMBER 288: Music.

18 MR. MUELLER: Any particular type of music?

19 PROSPECTIVE JUROR NUMBER 288: My son, the 17 year  
20 old, plays the trombone and he's a jazz major.

21 MR. MUELLER: Okay.

22 PROSPECTIVE JUROR NUMBER 288: And my husband and I  
23 like to go to concerts often.

24 MR. MUELLER: All right.

25 PROSPECTIVE JUROR NUMBER 288: Live music.

1 MR. MUELLER: Anything at the office that's going to keep you  
2 from being able to concentrate on the case?

3 PROSPECTIVE JUROR NUMBER 288: No.

4 MR. MUELLER: All right. You're not going to be sitting there  
5 tapping your feet, looking at your watch, I've got to get out of here?

6 PROSPECTIVE JUROR NUMBER 288: No.

7 MR. MUELLER: All right. This is a tough case, all right, this is,  
8 you know, just like on TV, it's a murder case, all right, now are you going  
9 to be comfortable with this?

10 PROSPECTIVE JUROR NUMBER 288: Yes.

11 MR. MUELLER: Some people don't particularly want the stress  
12 or the responsibility, are you okay with that?

13 PROSPECTIVE JUROR NUMBER 288: Yes.

14 MR. MUELLER: Okay. If that were a family member or a friend  
15 sitting there, would you want someone with your frame of mind looking at  
16 the evidence?

17 PROSPECTIVE JUROR NUMBER 288: Yes.

18 MR. MUELLER: Now, frequently, you ever watch TV,  
19 everyone's guilty, the crime is solved, and a trial is committed and done in  
20 60 minutes. You recognize that that's not the real world; correct?

21 PROSPECTIVE JUROR NUMBER 288: No.

22 MR. MUELLER: All right. Are you comfortable with the  
23 presumption of innocence?

24 PROSPECTIVE JUROR NUMBER 288: Yes.

25 MR. MUELLER: All right. And do you have any problem with

1 that?

2 PROSPECTIVE JUROR NUMBER 288: I do not.

3 MR. MUELLER: Okay. Can you wait until the end of the trial  
4 before you make up your mind and deliberate with the other jurors?

5 PROSPECTIVE JUROR NUMBER 288: Yes.

6 MR. MUELLER: Okay. Would you like to serve?

7 PROSPECTIVE JUROR NUMBER 288: Yes.

8 MR. MUELLER: Okay. Thank you. If you can pass it down.  
9 Mr. Mendigorin.

10 PROSPECTIVE JUROR NUMBER 290: Yes, sir.

11 MR. MUELLER: Okay. Did you bring the hulk cans too?

12 All right, sir, you spent a lot of -- we talked a lot yesterday, or  
13 you did with Mr. DiGiacomo, you've got 20 years, grew up on the east  
14 side?

15 PROSPECTIVE JUROR NUMBER 290: Yes, sir.

16 MR. MUELLER: What high school?

17 PROSPECTIVE JUROR NUMBER 290: I went to Clark High  
18 and then I went to Durango for my senior year.

19 MR. MUELLER: Okay. And did you get out to UNLV or CSN or  
20 not?

21 PROSPECTIVE JUROR NUMBER 290: CSN.

22 MR. MUELLER: Okay. And what did you do out there?

23 PROSPECTIVE JUROR NUMBER 290: I just did it for -- trying  
24 the music major. But I couldn't complete, financial situation around that  
25 time.

1 MR. MUELLER: Okay. Are you going to get paid working by  
2 the hour down at food prep?

3 PROSPECTIVE JUROR NUMBER 290: What Aria told me,  
4 yeah, they said they will be paying me while I'm being here.

5 MR. MUELLER: All right, good, you checked Did you take  
6 them down the summons?

7 PROSPECTIVE JUROR NUMBER 290: Yes, I took it down  
8 yesterday after I left here.

9 MR. MUELLER: All right. Now, sir, this is a tough case, all  
10 right, it's a murder case, are you going to be comfortable with this?

11 PROSPECTIVE JUROR NUMBER 290: I'll be very comfortable  
12 with this.

13 MR. MUELLER: And you understand your duty as a juror here  
14 is to decide the state of the evidence and frequently it's -- very well, when  
15 get done, change your jury verdict. Are you comfortable making important  
16 decisions?

17 PROSPECTIVE JUROR NUMBER 290: Yes, sir.

18 MR. MUELLER: All right. Are you comfortable that you can sit  
19 and listen impartially to all the evidence?

20 PROSPECTIVE JUROR NUMBER 290: Yes, sir, I can.

21 MR. MUELLER: All right. And you understand that  
22 Ms. Guidry's cloaked in a presumption of innocence, and it's the State's  
23 job to prove the case beyond a reasonable doubt?

24 PROSPECTIVE JUROR NUMBER 290: Yes, sir.

25 MR. MUELLER: All right. You're comfortable with all those

1 concepts?

2 PROSPECTIVE JUROR NUMBER 290: I'm comfortable with all  
3 that.

4 MR. MUELLER: All right. And you said yesterday you wanted  
5 to serve, are you still willing to serve?

6 PROSPECTIVE JUROR NUMBER 290: I'll be willing to serve.

7 MR. MUELLER: All right. Thank you, sir. Can you pass the  
8 microphone down to Ms. Garcia.

9 How are you?

10 PROSPECTIVE JUROR NUMBER 291: Good.

11 MR. MUELLER: All right. You've two sons that work in the  
12 courthouse, but I didn't catch which jurisdiction they were in.

13 PROSPECTIVE JUROR NUMBER 291: No, only one son  
14 works at the courthouse before, but then he transferred to the jail house,  
15 to the jail.

16 MR. MUELLER: And is that --

17 PROSPECTIVE JUROR NUMBER 291: Santa Ana jail house.

18 MR. MUELLER: But that wasn't here, if I remember right?

19 PROSPECTIVE JUROR NUMBER 291: No, not here.

20 MR. MUELLER: Not Clark County?

21 PROSPECTIVE JUROR NUMBER 291: And my other son is  
22 retired, disability air force.

23 MR. MUELLER: Okay. Do you have any hobbies?

24 PROSPECTIVE JUROR NUMBER 291: I used to when I used  
25 to live in California. But when I move here in 2017 I kind of stop because I

1 don't know anyone yet.

2 MR. MUELLER: Oh, okay, haven't made any friends.

3 What part of town do you live in?

4 PROSPECTIVE JUROR NUMBER 291: I live at the east side,  
5 Stallion Mountain.

6 MR. MUELLER: Sunrise Mountain?

7 PROSPECTIVE JUROR NUMBER 291: Stallion Mountain.

8 MR. MUELLER: Stallion Mountain?

9 PROSPECTIVE JUROR NUMBER 291: Yeah, it's by Boulder  
10 and Nellis, past that --

11 MR. MUELLER: Boulder, okay.

12 PROSPECTIVE JUROR NUMBER 291: -- area.

13 MR. MUELLER: Yeah. All right. I never heard that, Stallion  
14 Mountain?

15 PROSPECTIVE JUROR NUMBER 291: It's a golf course.

16 MR. MUELLER: Oh, okay.

17 PROSPECTIVE JUROR NUMBER 291: Be we have  
18 community for senior citizen on one side.

19 MR. MUELLER: Is that near Winterwood Golf Course?

20 PROSPECTIVE JUROR NUMBER 291: No, it's a mountain golf  
21 course.

22 MR. MUELLER: Mountain golf course, okay.

23 And would you like to serve on the jury?

24 PROSPECTIVE JUROR NUMBER 291: I do.

25 MR. MUELLER: Okay.

1 PROSPECTIVE JUROR NUMBER 291: But --

2 MR. MUELLER: You look like you're hesitating there, what's  
3 the hesitation?

4 PROSPECTIVE JUROR NUMBER 291: Yeah, but see  
5 depends on the, you know, the case, because you said the case is  
6 murder.

7 MR. MUELLER: It's -- well, the allegation is murder,  
8 Ms. Guidry's pled not guilty, are you comfortable with the subject matter?

9 PROSPECTIVE JUROR NUMBER 291: To be honest, I'm not  
10 very knowledgeable on some of the terms or words that they use, you  
11 know, I -- it won't be fair for the rest of the jurors to -- if I just sit there and  
12 say nothing.

13 [Pause in proceeding]

14 MR. MUELLER: Not my phone.

15 THE COURT: Please make sure everyone has their cell  
16 phones turned off or silent.

17 MR. MUELLER: All right. The judge will give you all the law  
18 that you'll need, jury instructions, are you going to be able to read the  
19 instructions and look at the evidence as it's presented to you?

20 PROSPECTIVE JUROR NUMBER 291: Yeah, but when I don't  
21 understand just, you know, some words. Or like the presumption, you  
22 were saying, I don't know what it means.

23 MR. MUELLER: Okay. All right. You're not familiar with the  
24 concept of presumption?

25 PROSPECTIVE JUROR NUMBER 291: No.



1 MR. MUELLER: Okay. Well, do you know under American law  
2 that a defendant is presumed, that is, we assume that they are innocent  
3 until the government proves beyond a reasonable doubt that they are not.  
4 You're familiar with these concepts at all?

5 PROSPECTIVE JUROR NUMBER 291: No, I don't.

6 MR. MUELLER: All right. Thank you, ma'am. All right. Thank  
7 you for your time. If you could pass the microphone down.

8 Ms. Nicholson.

9 PROSPECTIVE JUROR NUMBER 295: Good afternoon.

10 MR. MUELLER: 1400 employees?

11 PROSPECTIVE JUROR NUMBER 295: Yes.

12 MR. MUELLER: Chaos constantly, aggravations, chain  
13 smoking, ulcers, constantly solving problems, you're my hero.

14 PROSPECTIVE JUROR NUMBER 295: Constantly, every day.

15 MR. MUELLER: How many direct -- how do you have your  
16 responsibilities broken down, how many people report to you?

17 PROSPECTIVE JUROR NUMBER 295: So the front line there  
18 are 57 supervisors that manage the front line.

19 MR. MUELLER: Okay.

20 PROSPECTIVE JUROR NUMBER 295: And then I have six  
21 managers.

22 MR. MUELLER: Six managers?

23 PROSPECTIVE JUROR NUMBER 295: The supervisors report  
24 to their managers.

25 MR. MUELLER: So it's like kids, grandkids, great grandkids,

1 sort of thing?

2 PROSPECTIVE JUROR NUMBER 295: Exactly.

3 MR. MUELLER: Six managers, 57 supervisors, and 1400  
4 employees?

5 PROSPECTIVE JUROR NUMBER 295: Correct.

6 MR. MUELLER: And the buck stops on your desk?

7 PROSPECTIVE JUROR NUMBER 295: Yes, well, I have a  
8 boss so, yeah, I run things by him first.

9 MR. MUELLER: Okay.

10 PROSPECTIVE JUROR NUMBER 295: We work together.

11 MR. MUELLER: Am I being presumptuous, but he might say  
12 some mean things to you if you tell him you're going to be gone for a week  
13 and a half?

14 PROSPECTIVE JUROR NUMBER 295: No, there's some  
15 responsibilities that I need to, you know, delegate.

16 MR. MUELLER: All right. You've got any lieutenants that you  
17 can --

18 PROSPECTIVE JUROR NUMBER 295: I have a few  
19 lieutenants that I can depend on.

20 MR. MUELLER: That can help you and cover things?

21 PROSPECTIVE JUROR NUMBER 295: Not all of them but I  
22 have a few.

23 MR. MUELLER: Okay. All kidding aside, we're not going to see  
24 a massive upsurge in missed, lost baggage because you're sitting here  
25 doing a murder trial; right?

1 PROSPECTIVE JUROR NUMBER 295: I hope not.

2 MR. MUELLER: Okay. But all kidding aside --

3 PROSPECTIVE JUROR NUMBER 295: If they do their job.

4 MR. MUELLER: Well, some jobs they're just one person can

5 do, are you that person or can you -- you've got the staff trained to cover

6 for you --

7 PROSPECTIVE JUROR NUMBER 295: I have them trained.

8 MR. MUELLER: Okay. Since you supervise so many people I

9 strongly suspect you have a strong ability to sniff out stories?

10 PROSPECTIVE JUROR NUMBER 295: Yes.

11 MR. MUELLER: Okay. And I suspect that's certainly what you

12 do every day?

13 PROSPECTIVE JUROR NUMBER 295: Correct.

14 MR. MUELLER: All right. Will you be able to take those skills

15 here and bring them into the jury room and the courtroom for us?

16 PROSPECTIVE JUROR NUMBER 295: Certainly.

17 MR. MUELLER: All right. And you don't strike me like

18 someone who would have any trouble, but I'll ask anyway, that is a

19 murder case, are you going to have any trouble with a tough subject like

20 this?

21 PROSPECTIVE JUROR NUMBER 295: No.

22 MR. MUELLER: All right. And are you comfortable with the

23 basic tenets of our law, which is the defendant is presumed innocent until

24 the State proves beyond a reasonable doubt?

25 PROSPECTIVE JUROR NUMBER 295: Yes, I am.

1 MR. MUELLER: All right. And you won't have in the back of  
2 your mind, well, she's sitting there, she must have done something  
3 wrong?  
4 PROSPECTIVE JUROR NUMBER 295: No.  
5 MR. MUELLER: All right. So you're comfortable with all that?  
6 PROSPECTIVE JUROR NUMBER 295: I'm comfortable with  
7 that.  
8 MR. MUELLER: And all things being equal, would you like to  
9 serve?  
10 PROSPECTIVE JUROR NUMBER 295: Yes.  
11 MR. MUELLER: All right. Thank you, ma'am. If you'll pass it  
12 down.  
13 Mr. Yang, how are you?  
14 PROSPECTIVE JUROR NUMBER 296: I'm doing well.  
15 How are you?  
16 MR. MUELLER: You've been in town 15 years?  
17 PROSPECTIVE JUROR NUMBER 296: Yes.  
18 MR. MUELLER: Okay. Old enough for me to ask what high  
19 school?  
20 PROSPECTIVE JUROR NUMBER 296: Oh, no.  
21 MR. MUELLER: No, okay. So you didn't go to high school  
22 here?  
23 PROSPECTIVE JUROR NUMBER 296: No.  
24 MR. MUELLER: And you work in healthcare?  
25 PROSPECTIVE JUROR NUMBER 296: That's correct.

1 MR. MUELLER: What do you do?  
2 PROSPECTIVE JUROR NUMBER 296: Pharmacist.  
3 MR. MUELLER: Oh, that's right, the pharmacist.  
4 Okay. And how long have you been working as a pharmacist?  
5 PROSPECTIVE JUROR NUMBER 296: 19 years.  
6 MR. MUELLER: Now, as a profession, does pharmacy require  
7 you to continue to take continuing education classes?  
8 PROSPECTIVE JUROR NUMBER 296: Yes.  
9 MR. MUELLER: New medications, new --  
10 PROSPECTIVE JUROR NUMBER 296: Yes.  
11 MR. MUELLER: -- observations, new science, you've got to  
12 keep up on it?  
13 PROSPECTIVE JUROR NUMBER 296: Yes, that's correct.  
14 MR. MUELLER: What are the requirements for a pharmacist?  
15 PROSPECTIVE JUROR NUMBER 296: 30 hours of CE every  
16 two years.  
17 MR. MUELLER: Okay.  
18 PROSPECTIVE JUROR NUMBER 296: Or continuing  
19 education.  
20 MR. MUELLER: What do you guys call it?  
21 PROSPECTIVE JUROR NUMBER 296: Continuing education.  
22 MR. MUELLER: CE, 30 hours every two years?  
23 MR. MUELLER: Every two years, yes.  
24 PROSPECTIVE JUROR NUMBER 296: Every two years, yes.  
25 MR. MUELLER: Okay. And what pharmacy do you work at?

1 PROSPECTIVE JUROR NUMBER 296: I work at the VA.

2 MR. MUELLER: At the VA.

3 All right. They're being a federal agent -- the federal  
4 government, you're not going to have any trouble with jury service, are  
5 you?

6 PROSPECTIVE JUROR NUMBER 296: No, sir.

7 MR. MUELLER: Okay. Did you show them the summons?

8 PROSPECTIVE JUROR NUMBER 296: Oh, they know.

9 MR. MUELLER: What's that?

10 PROSPECTIVE JUROR NUMBER 296: Yes.

11 MR. MUELLER: Okay. Now, do you direct -- do you interact  
12 with the veterans over at the VA?

13 PROSPECTIVE JUROR NUMBER 296: Yes.

14 MR. MUELLER: Or, I mean, you talk to them on a regular basis  
15 or just the guy standing across the counter that you're handing meds out  
16 too?

17 PROSPECTIVE JUROR NUMBER 296: I mean, I do have  
18 some contact with them, maybe not on a daily basis.

19 MR. MUELLER: Now, do you supervise anyone or is it just?

20 PROSPECTIVE JUROR NUMBER 296: I don't supervise per  
21 se. We do have a supervisor. But if that supervisors not there, or we  
22 have technicians ask questions, they can -- they will come to me.

23 MR. MUELLER: Okay. So if you're gone for a few days, life will  
24 go on?

25 PROSPECTIVE JUROR NUMBER 296: Yes.

1 MR. MUELLER: Okay. Sir, this is a tough case, it's a murder  
2 case, all right, sometimes people don't want to have these kind of  
3 responsibilities, are you okay with this?

4 PROSPECTIVE JUROR NUMBER 296: Yeah, I'm fine with it.

5 MR. MUELLER: And you recognize this isn't a TV show, this is  
6 the real thing?

7 PROSPECTIVE JUROR NUMBER 296: Yes.

8 MR. MUELLER: Okay. Are you comfortable that you can keep  
9 an open mind and listen to all the evidence?

10 PROSPECTIVE JUROR NUMBER 296: Yes.

11 MR. MUELLER: All right. And all things being equal, sir, would  
12 you like to serve on the jury?

13 PROSPECTIVE JUROR NUMBER 296: Sure.

14 MR. MUELLER: Okay.

15 PROSPECTIVE JUROR NUMBER 296: Yeah.

16 MR. MUELLER: All right. Other than working as a pharmacist,  
17 do you have any other hobbies or interests?

18 PROSPECTIVE JUROR NUMBER 296: Not really, spend time  
19 with my kids mostly.

20 MR. MUELLER: Kids? Do you have any -- do you do any  
21 reading?

22 PROSPECTIVE JUROR NUMBER 296: No.

23 MR. MUELLER: Okay.

24 PROSPECTIVE JUROR NUMBER 296: Nothing significant, no.

25 MR. MUELLER: All right. So thank you, sir. I appreciate it. If

1 you'll pass it down.

2 And, Ms. Johnson, how are you?

3 PROSPECTIVE JUROR NUMBER 320: I'm fine.

4 And you?

5 MR. MUELLER: You were the only person yesterday who said  
6 they've never been on the Strip.

7 PROSPECTIVE JUROR NUMBER 320: No.

8 MR. MUELLER: All right. And why is that, just don't like going  
9 down there, don't like crowds or?

10 PROSPECTIVE JUROR NUMBER 320: A mix, a mix. Mostly  
11 I'm a home body. I don't -- like I said yesterday, if I don't have to go out, I  
12 don't go out.

13 MR. MUELLER: Okay.

14 PROSPECTIVE JUROR NUMBER 320: Simple as that.

15 MR. MUELLER: No, that's all right.

16 PROSPECTIVE JUROR NUMBER 320: Plus it's not really my  
17 type of thing anyway.

18 MR. MUELLER: Right.

19 Well, what do you do at home, do you have any hobbies or  
20 interests?

21 PROSPECTIVE JUROR NUMBER 320: Well, I do read. I do  
22 mostly reading on my phone from this new app I downloaded. And I  
23 watch Asian dramas and I listen to K-pop.

24 MR. MUELLER: K-pop?

25 PROSPECTIVE JUROR NUMBER 320: Korean pop music.



1 MR. MUELLER: Okay. How did you find Korean pop music as  
2 a hobby here in Las Vegas?

3 PROSPECTIVE JUROR NUMBER 320: Well, I found it before I  
4 came to Las Vegas.

5 MR. MUELLER: Okay.

6 PROSPECTIVE JUROR NUMBER 320: Through friends --  
7 well, through coincidence actually.

8 MR. MUELLER: Okay. And Asian dramas, do you speak any  
9 Asian languages?

10 PROSPECTIVE JUROR NUMBER 320: Well, I try -- I used to.

11 MR. MUELLER: Okay.

12 PROSPECTIVE JUROR NUMBER 320: I learned Japanese in  
13 high school, but I can't do that no more.

14 MR. MUELLER: [Speaking in foreign language]

15 PROSPECTIVE JUROR NUMBER 320: Nope, no more.

16 MR. MUELLER: All right.

17 PROSPECTIVE JUROR NUMBER 320: Since I stopped it,  
18 since I stopped learning it, I -- I the whole language is now a mess to me.

19 MR. MUELLER: Thing of the past?

20 PROSPECTIVE JUROR NUMBER 320: Yep.

21 MR. MUELLER: All right. If you were chosen as -- where do  
22 you work at?

23 PROSPECTIVE JUROR NUMBER 320: I'm a PCA, home  
24 caregiver.

25 MR. MUELLER: All right. Now, is there somebody who's not

1 going to get any care because you're here on jury service or they've got  
2 someone to cover for you?

3 PROSPECTIVE JUROR NUMBER 320: Well, as long as this --  
4 as long as it's after my shift, like it was today, I'm good.

5 MR. MUELLER: You're going to be okay?

6 PROSPECTIVE JUROR NUMBER 320: Yeah.

7 MR. MUELLER: All right. And they're going to cover you for  
8 jury service?

9 PROSPECTIVE JUROR NUMBER 320: Like I said, I work  
10 mostly in the mornings, so that's the end of my shift, I only have one  
11 person I take care of. So after my shift is done, I'm free for the rest of the  
12 day.

13 MR. MUELLER: All right. So you're going to be okay then?

14 PROSPECTIVE JUROR NUMBER 320: [No audible response.]

15 MR. MUELLER: All things being equal, would you like to serve  
16 on the jury?

17 PROSPECTIVE JUROR NUMBER 320: I don't know. I tend to  
18 zone out when I'm in -- when I'm in -- when I'm somewhere for a long  
19 time, I tend to zone out by looking at other stuff.

20 MR. MUELLER: Okay. I understand.

21 But if you, you know, the judge says you can stand up and  
22 stretch your legs.

23 PROSPECTIVE JUROR NUMBER 320: Yeah, I'm good.

24 MR. MUELLER: Okay. You think you'll be okay?

25 PROSPECTIVE JUROR NUMBER 320: [No audible response.]

1 MR. MUELLER: All things being equal, would you like to serve  
2 on the jury?

3 PROSPECTIVE JUROR NUMBER 320: I don't mind.

4 MR. MUELLER: You don't mind but you'd rather be somewhere  
5 else?

6 PROSPECTIVE JUROR NUMBER 320: In bed.

7 MR. MUELLER: All right. Fair enough. Thanks, Ms. Johnson.  
8 If you'll pass the phone down -- or the mic down.

9 Mr. Schumer, how are you?

10 PROSPECTIVE JUROR NUMBER 303: Good, thank you.

11 MR. MUELLER: UMass Amherst.

12 PROSPECTIVE JUROR NUMBER 303: Yes, sir.

13 MR. MUELLER: Wicked cool.

14 How long you been out here?

15 PROSPECTIVE JUROR NUMBER 303: Five years, almost five  
16 years this month.

17 MR. MUELLER: It's kind of hard to believe it's the same  
18 country, isn't it?

19 PROSPECTIVE JUROR NUMBER 303: Yeah.

20 MR. MUELLER: All right. How did you get all the way out here  
21 in the Mohave Desert from New England?

22 PROSPECTIVE JUROR NUMBER 303: Well, I just went to  
23 school in New England, but I grew up in -- I grew up in New York, went  
24 out to UMass, went back to New York to work, and then didn't want to be  
25 there anymore so I just picked a spot.

1 MR. MUELLER: You're talking about New York City or the  
2 state?

3 PROSPECTIVE JUROR NUMBER 303: Well, I worked in  
4 Manhattan, but I grew up in Westchester. And I went back to live with my  
5 folks because I couldn't afford to live in Manhattan right after school.

6 MR. MUELLER: I wouldn't think.

7 PROSPECTIVE JUROR NUMBER 303: Yeah.

8 MR. MUELLER: What did you do in the city?

9 PROSPECTIVE JUROR NUMBER 303: I'm a self-employed  
10 musician and so I was doing my best to get into the scene there.

11 MR. MUELLER: Okay. So you work as a musician out here?

12 PROSPECTIVE JUROR NUMBER 303: Yes.

13 MR. MUELLER: Where are you working at?

14 PROSPECTIVE JUROR NUMBER 303: Everywhere.

15 MR. MUELLER: Okay.

16 PROSPECTIVE JUROR NUMBER 303: I'm freelance, so I play  
17 many different shows, corporate stuff, small lounges, anything, pretty  
18 much you name and I'm doing it.

19 MR. MUELLER: Okay. Do you ever go play jazz over at the  
20 Dispensary?

21 PROSPECTIVE JUROR NUMBER 303: Sure.

22 MR. MUELLER: Do you know Uli Geissendoerfer?

23 PROSPECTIVE JUROR NUMBER 303: Yes.

24 MR. MUELLER: Okay. And you play woodwinds?

25 PROSPECTIVE JUROR NUMBER 303: Yes, saxophone and

1 other woodwinds.

2 MR. MUELLER: I imagine most -- I don't want to be  
3 presumptuous, but imagine most of your gigs are at night?

4 PROSPECTIVE JUROR NUMBER 303: Yes.

5 MR. MUELLER: All right. You're going to be okay?

6 PROSPECTIVE JUROR NUMBER 303: Yes.

7 MR. MUELLER: You got any gigs coming up this week?

8 PROSPECTIVE JUROR NUMBER 303: Yes, I do.

9 MR. MUELLER: All right.

10 PROSPECTIVE JUROR NUMBER 303: But the only thing I'm  
11 missing is a couple of rehearsals during the day. But all my gigs are at  
12 night and I was able to work it out so.

13 MR. MUELLER: All right. Good.

14 So if you get out of here at 6:00, you'll be able to get to where  
15 you need to go?

16 PROSPECTIVE JUROR NUMBER 303: Perfect.

17 MR. MUELLER: Even with a little traffic?

18 PROSPECTIVE JUROR NUMBER 303: Even with a little  
19 traffic.

20 MR. MUELLER: All right. Let's talk about the case -- or the  
21 duties then, sir --

22 PROSPECTIVE JUROR NUMBER 303: Sure.

23 MR. MUELLER: -- are you comfortable, this is a murder case,  
24 are you comfortable with that?

25 PROSPECTIVE JUROR NUMBER 303: Yes, sir.

1 MR. MUELLER: All right. And fairly serious business, in fact,  
2 very serious business; are you comfortable with those responsibilities?

3 PROSPECTIVE JUROR NUMBER 303: Yes.

4 MR. MUELLER: All right. Are you comfortable with the  
5 presumption of innocence?

6 PROSPECTIVE JUROR NUMBER 303: Yes.

7 MR. MUELLER: All right. You understand that it is the State's  
8 job to prove the case beyond a reasonable doubt?

9 PROSPECTIVE JUROR NUMBER 303: Yes.

10 MR. MUELLER: And the fact that some of the witnesses are  
11 going to be a police officer, are going to take things at face value or are  
12 you going to evaluate their testimony like you would everyone else's?

13 PROSPECTIVE JUROR NUMBER 303: Just like everybody  
14 else's.

15 MR. MUELLER: Okay. All things being equal, would you like to  
16 serve on the jury?

17 PROSPECTIVE JUROR NUMBER 303: Yes.

18 MR. MUELLER: Okay. And you never served before?

19 PROSPECTIVE JUROR NUMBER 303: No, sir.

20 MR. MUELLER: Okay. All right. Thank you, sir. If you pass  
21 the microphone down.

22 And it's Mr. Lopez?

23 PROSPECTIVE JUROR NUMBER 355: Yes.

24 MR. MUELLER: How are you, sir?

25 PROSPECTIVE JUROR NUMBER 355: I'm good. Thank you.

1 MR. MUELLER: And you've got an elderly grandmother that's  
2 on dialysis?

3 PROSPECTIVE JUROR NUMBER 355: Yes, correct.

4 MR. MUELLER: And you're not working right now?

5 PROSPECTIVE JUROR NUMBER 355: No, not currently.

6 MR. MUELLER: All right. Are you going to be okay sitting here  
7 for week and a half?

8 PROSPECTIVE JUROR NUMBER 355: Well, the thing is, like I  
9 said before, I'm currently the only available member of my family that  
10 would be able to pick up my grandmother from her dialysis treatments.

11 MR. MUELLER: Okay. And you're 20?

12 PROSPECTIVE JUROR NUMBER 355: Yes, I am.

13 MR. MUELLER: Okay. Have you ever been down on the Strip,  
14 sir?

15 PROSPECTIVE JUROR NUMBER 355: A few times, yes.

16 MR. MUELLER: Okay. And are you comfortable with the  
17 responsibilities that we're talking about here?

18 PROSPECTIVE JUROR NUMBER 355: Yes, I am.

19 MR. MUELLER: This is a murder case, this isn't a TV show,  
20 we're going to be at this for about a week and a half, looking at a lot of  
21 evidence?

22 PROSPECTIVE JUROR NUMBER 355: Yes, I am comfortable.

23 MR. MUELLER: Okay. You understand the burden here, the  
24 State has to prove the charge beyond a reasonable doubt?

25 PROSPECTIVE JUROR NUMBER 355: Yes, sir.

1 MR. MUELLER: You understand that Ms. Guidry here is  
2 charged -- or is cloaked in a presumption of innocence; you understand  
3 that?

4 PROSPECTIVE JUROR NUMBER 355: Yes, sir.

5 MR. MUELLER: Are you comfortable with that?

6 PROSPECTIVE JUROR NUMBER 355: Yes, I am, comfortable  
7 with that.

8 MR. MUELLER: Do you got anywhere in the back of your mind,  
9 you're like, no, she's sitting there, she must have done something wrong?

10 PROSPECTIVE JUROR NUMBER 355: No, sir.

11 MR. MUELLER: Are you comfortable with that?

12 PROSPECTIVE JUROR NUMBER 355: Yes, sir.

13 MR. MUELLER: All right. Given the obligations that you have  
14 with your family, are you -- do you want to serve on the jury or would you  
15 want us to find someone else?

16 PROSPECTIVE JUROR NUMBER 355: I prefer if I did not  
17 serve on the jury.

18 MR. MUELLER: Okay. If you were somehow selected on the  
19 jury, would you be okay?

20 PROSPECTIVE JUROR NUMBER 355: I would need to try and  
21 figure out some things, but I would be okay, yes.

22 MR. MUELLER: All right. All right. Thank you, sir.

23 Ms. Wells, how are you?

24 PROSPECTIVE JUROR NUMBER 341: Doing great.

25 How are you?



1 MR. MUELLER: You're my hero, sports marketing, you worked  
2 for baseball, you said?

3 PROSPECTIVE JUROR NUMBER 341: I did, yes.

4 MR. MUELLER: Okay. Now, you mentioned you know Joe  
5 Lombardo fairly well?

6 PROSPECTIVE JUROR NUMBER 341: Yes.

7 MR. MUELLER: And then shook hands with him, was it a  
8 political function, or as --

9 PROSPECTIVE JUROR NUMBER 341: No, my husband's very  
10 good friends. In fact, coincidentally, had lunch yesterday with him.

11 MR. MUELLER: Who was that? Who's your husband?

12 PROSPECTIVE JUROR NUMBER 341: Greg Wells.

13 MR. MUELLER: Okay. He's retired Metro too, if I remember  
14 right?

15 PROSPECTIVE JUROR NUMBER 341: No.

16 MR. MUELLER: He's not? What does he do?

17 PROSPECTIVE JUROR NUMBER 341: He's an executive at  
18 Marnell Companies.

19 MR. MUELLER: Where?

20 PROSPECTIVE JUROR NUMBER 341: Marnell Companies.

21 MR. MUELLER: Marnell, okay.

22 All right. Well, that kind of puts -- I've got to ask you a couple of  
23 tough questions then, if you decide that the State hasn't proved the  
24 charges beyond a reasonable doubt, or the police department really  
25 dropped the ball here, are you going to be able to talk to Joe and say,

1 hey, your boys didn't do a good job, or are you going to feel pressure to  
2 convict?

3 PROSPECTIVE JUROR NUMBER 341: I didn't think that I  
4 could talk to anybody about what was going on in here.

5 MR. MUELLER: Well, after the fact, you're not supposed to talk  
6 -- you're not supposed to talk during the jury, but life will go on.

7 THE COURT: Yeah, I will remind everyone -- thank you,  
8 Ms. Wells, that is correct -- that you are not allowed to talk to anyone  
9 during the course of this trial until the jury has -- until the case is submitted  
10 to the final deliberations. And even after that you are free to talk about it,  
11 but I also instruct, whoever is selected on the jury, that they can talk about  
12 the case but they should also be respectful of their fellow juror members  
13 as to not to disclose anything that anybody might not be comfortable with  
14 during the deliberations.

15 PROSPECTIVE JUROR NUMBER 341: Thank you.

16 MR. MUELLER: I'm not putting you on the spot to be nasty, I'm  
17 just -- I'm going to ask you, are you going to be okay with that or would  
18 you just better, maybe serve on a different jury?

19 PROSPECTIVE JUROR NUMBER 341: Well, this is the first  
20 time that I'd be serving.

21 MR. MUELLER: Okay.

22 PROSPECTIVE JUROR NUMBER 341: It wouldn't be my  
23 intention to go to him and discuss anything.

24 MR. MUELLER: Okay.

25 PROSPECTIVE JUROR NUMBER 341: Because it's in my

1 mind against the law to do so.

2 MR. MUELLER: All right.

3 PROSPECTIVE JUROR NUMBER 341: But I don't know.

4 MR. MUELLER: All right.

5 PROSPECTIVE JUROR NUMBER 341: I haven't been put in  
6 that position before, I guess, so.

7 MR. MUELLER: That's all right.

8 PROSPECTIVE JUROR NUMBER 341: To be honest, I'm  
9 just --

10 MR. MUELLER: Okay. I understand. That's why I'm asking.

11 PROSPECTIVE JUROR NUMBER 341: Yes.

12 MR. MUELLER: All things being equal, would you like to serve  
13 on the jury?

14 PROSPECTIVE JUROR NUMBER 341: I would. Not at this  
15 moment in time.

16 MR. MUELLER: Okay. Do you have any other outside  
17 interests or hobbies?

18 PROSPECTIVE JUROR NUMBER 341: I do.

19 MR. MUELLER: What do you do?

20 PROSPECTIVE JUROR NUMBER 341: Love to be with my  
21 family and my kids, sports, working out, we're a family of hunters.

22 MR. MUELLER: Oh, good. What --

23 PROSPECTIVE JUROR NUMBER 341: Deer hunting.

24 MR. MUELLER: All right. Where do you go?

25 PROSPECTIVE JUROR NUMBER 341: Ely.

1 MR. MUELLER: You go up and get the tags?

2 PROSPECTIVE JUROR NUMBER 341: Usually in there.

3 Yeah. Land owner tags or -- we were putting tags in forever so, if we get  
4 drawn and the kids get drawn. And they've gone from junior tags to the  
5 adult so.

6 MR. MUELLER: Do you ever go for any of those elk tags?

7 PROSPECTIVE JUROR NUMBER 341: They have had elk  
8 tags and they have got an elk as well, yes.

9 MR. MUELLER: Okay. Now, do you actually go hunting or  
10 you're just there and support?

11 PROSPECTIVE JUROR NUMBER 341: I've drawn a tag twice,  
12 but my husband, trying to handle all the kids and then myself, I put mine  
13 back in the pool. So I've given it back because we ran out of time. We're  
14 just so darn busy that it's, yeah.

15 MR. MUELLER: Okay. All right. Is there anything else going  
16 on that we haven't talked about that would keep you from concentrating  
17 on the trial?

18 PROSPECTIVE JUROR NUMBER 341: No, I don't think so.

19 MR. MUELLER: All right. And --

20 PROSPECTIVE JUROR NUMBER 341: My only -- and I just  
21 want to mention this, because you talked about it going into next week,  
22 and I don't know how far into next week, we are taking my son back to  
23 college, the plan was Monday. And I fly home Wednesday evening and  
24 then have a 6:00 a.m. flight out to New York because we had a family  
25 member pass away so.

1 MR. MUELLER: God bless, sorry to hear that.  
2 PROSPECTIVE JUROR NUMBER 341: Thank you.  
3 So next week's more the issue for myself.  
4 THE COURT: All right.  
5 THE COURT: Thank you for that. I appreciate it.  
6 PROSPECTIVE JUROR NUMBER 341: Yes, no problem.  
7 MR. MUELLER: All right. Thank you. I appreciate it.  
8 PROSPECTIVE JUROR NUMBER 341: Yeah.  
9 MR. MUELLER: And Mr. Shellum?  
10 PROSPECTIVE JUROR NUMBER 319: Hello.  
11 MR. MUELLER: How are you?  
12 PROSPECTIVE JUROR NUMBER 319: Well.  
13 MR. MUELLER: You've been out in Rhoades Ranch about 11  
14 years, you said?  
15 PROSPECTIVE JUROR NUMBER 319: No, been in Clark  
16 County for 11 years, yeah. I moved into Rhoades Ranch two and a half  
17 years ago now.  
18 MR. MUELLER: All right. And you work computer?  
19 PROSPECTIVE JUROR NUMBER 319: Yeah.  
20 MR. MUELLER: And what do you do?  
21 PROSPECTIVE JUROR NUMBER 319: As of now, I'm still  
22 trying to figure out my new job, a new title. But I'm trying to find ways to  
23 automate current processes.  
24 MR. MUELLER: Okay. So you're a hardware guy or a software  
25 guy or a little bit of both?

1 PROSPECTIVE JUROR NUMBER 319: Software mostly.  
2 MR. MUELLER: Software?  
3 PROSPECTIVE JUROR NUMBER 319: U'm-h'm.  
4 MR. MUELLER: So you write code?  
5 PROSPECTIVE JUROR NUMBER 319: I don't, no.  
6 MR. MUELLER: Okay.  
7 PROSPECTIVE JUROR NUMBER 319: We work directly -- I  
8 work directly with the developers but I'm not a developer myself.  
9 MR. MUELLER: Okay. Have any outside hobbies or interests?  
10 PROSPECTIVE JUROR NUMBER 319: Yeah, I like all sports, I  
11 like to golf, play baseball with my kid, he's four. I don't like baseball but he  
12 loves it.  
13 MR. MUELLER: Okay.  
14 PROSPECTIVE JUROR NUMBER 319: Just thought I'd  
15 mention that.  
16 MR. MUELLER: Has he started tee-ball yet or you going to get  
17 him in tee-ball?  
18 PROSPECTIVE JUROR NUMBER 319: Yeah, we're going to  
19 put him in tee-ball, yeah.  
20 MR. MUELLER: All right. This is a murder case, about as  
21 serious a case as it gets, are you comfortable with this responsibility we're  
22 asking of you?  
23 PROSPECTIVE JUROR NUMBER 319: Yes.  
24 MR. MUELLER: All right. And comfortable -- are you a  
25 tough-minded guy?

1 PROSPECTIVE JUROR NUMBER 319: I am.

2 MR. MUELLER: All right. So if you sit here, have to go through  
3 some unsavory testimony, are you going to be all right with that?

4 PROSPECTIVE JUROR NUMBER 319: I will be all right.

5 MR. MUELLER: All right. Well, let me ask you some tougher  
6 questions then, can you sit and listen to all the evidence before you reach  
7 a conclusion?

8 PROSPECTIVE JUROR NUMBER 319: Absolutely.

9 MR. MUELLER: If that was you or one of your family members  
10 sitting there, would you want someone with your frame of mind listening to  
11 the evidence?

12 PROSPECTIVE JUROR NUMBER 319: I would.

13 MR. MUELLER: All right. And you're comfortable with the  
14 presumption of innocence?

15 PROSPECTIVE JUROR NUMBER 319: I am.

16 MR. MUELLER: All right. And anything at all we haven't  
17 touched on or I haven't mentioned that might keep you from being fair and  
18 impartial?

19 PROSPECTIVE JUROR NUMBER 319: No.

20 MR. MUELLER: All right. Thank you.

21 THE COURT: Can I see counsel at the bench, please.

22 [Bench conference begins]

23 THE COURT: All right. My inclination is to let everyone go for  
24 lunch now. I'm going to ask that our three that we previously discussed,  
25 249, 256, and 274 stay behind.

1 I was also inclined to let -- ask 355 to stay behind, that's  
2 Mr. Sloan Lopez, with the grandmother scheduling issue.

3 MR. DIGIACOMO: Okay. I have one other issue I need to  
4 raise with the Court.

5 THE COURT: Yes.

6 MR. DIGIACOMO: It didn't strike me yesterday, but it is today,  
7 and certainly after his questions, I can tell you the address that Ms. Wells  
8 lives at because she lives two doors down from me. I don't remember if  
9 the Court ever asked if anybody knew me or Mr. Scarborough.

10 THE COURT: I did ask if they recognized anybody in the court  
11 but I can ask that question again.

12 MR. DIGIACOMO: Yeah. I get half of her mail. She gets half  
13 of my mail. I don't remember ever having a conversation with her, but I  
14 know her husband, you know, just friendly in the neighborhood.

15 THE COURT: Okay.

16 MR. DIGIACOMO: So if that becomes an issue, I didn't really  
17 want to put a record, or, you know, her address on the record.

18 THE COURT: Sure.

19 MR. DIGIACOMO: But that just struck me.

20 THE COURT: Yeah.

21 MR. MUELLER: Let's not spend any time on her, I was going to  
22 strike her so.

23 THE COURT: All right.

24 MR. DIGIACOMO: Okay.

25 MR. MUELLER: I'm just telling you I'm going to use a preempt



1 on her -- I'm going to use a preempt on her anyway.

2 MR. DIGIACOMO: Okay.

3 THE COURT: Okay. All right. So 249, 246, 274, 355.

4 Now, 291, which is miss -- she had some language -- Trinidad --  
5 passed a note, I got a note from my marshal saying she's 73 years old  
6 and thinks she could be excused. That was before your questioning  
7 where she then said she didn't understand some of the words,  
8 presumption particularly.

9 Do you want to keep her behind right now?

10 MR. DIGIACOMO: Yeah, is --

11 MR. MUELLER: I don't think she's satisfactory as a juror for  
12 either side.

13 MR. DIGIACOMO: Ms. Trinidad?

14 MR. MUELLER: Trinidad Garcia.

15 MR. DIGIACOMO: Oh, Garcia, okay.

16 THE COURT: Okay.

17 MR. DIGIACOMO: Yeah, what's the statute anyway? Isn't it  
18 70?

19 THE COURT: I was looking at that. I couldn't find it while we  
20 were -- you were questioning.

21 MR. DIGIACOMO: I thought it was if you're over 70.

22 THE COURT: I think it is if you are over 70. I haven't found the  
23 statute yet. So I'm just going to ask her to stay and let everyone else go.

24 I'm going to have them come back at 2 o'clock. Is that enough  
25 time for everybody?

1 MR. MUELLER: Sure.

2 MR. DIGIACOMO: Yeah, that works.

3 THE COURT: Yeah, okay.

4 MR. MUELLER: I recollect 70 as well, for what it's worth.

5 THE COURT: Which one?

6 MR. MUELLER: I recollected 70 as well, for what it's worth but.

7 THE COURT: Okay. Thank you.

8 [Bench conference ends]

9 THE COURT: All right. Ladies and gentlemen, good news, it's  
10 time for lunch. Before I release everybody for lunch, I'm going to ask the  
11 following jurors -- so make sure you look at your badge numbers -- 249,  
12 256, 274, 291, and 355 to stay behind, everyone else we're going to break  
13 for lunch until 2 o'clock.

14 You're not to converse amongst yourselves or with anyone else  
15 connected to this subject -- or sorry, connected to this trial -- on any  
16 subject connected to this trial, or read, watch, or listen to any report or  
17 commentary of any person or on this trial by any medium of information,  
18 including, without limitation, newspapers, television, radio, or Internet. Or  
19 form or express any opinion on any subject connected with this trial until  
20 the case is finally submitted to the jury for deliberation.

21 I'm also going to ask that -- so, again, I'm going to review those  
22 numbers that need to stay behind, 249, 256, 274, 291, and 355, if you can  
23 could just sit tight for a minute once everyone leaves the courtroom.

24 I'm going to ask the following jurors come back, I'm going to  
25 release everyone at 2:00 but I'm going to ask that these jurors come back

1 a little early and that's going to be at 1:50, and that's going to be jurors  
2 360, 374, 375, 376, 378, and 390. I'm going to ask that you come back at  
3 ten till 2 o'clock.

4 And with that we will take our lunch break.

5 [Colloquy between the Court and the Marshal]

6 MR. DIGIACOMO: Did you admonish --

7 THE COURT: I did give them the admonishment.

8 MR. DIGIACOMO: You did, okay.

9 THE COURT: I did, yes.

10 MR. DIGIACOMO: Okay. Sorry I was over here talking to  
11 Mr. Scarborough.

12 THE COURT: Don't worry. I did give them the admonishment.  
13 Thank you for the reminder though. I appreciate it.

14 All right. We'll see everyone after the lunch break.

15 [In the presence of prospective Juror Nos. 249, 256, 274, 291, and 355]

16 THE COURT: All right. Let the record reflect that the, with the  
17 exception of the jurors I asked to stay behind, the venire panel has left the  
18 courtroom.

19 We want to confirm on the record with both parties, that  
20 pursuant to the bench conference, we're going to release these particular  
21 jurors for cause; is that correct?

22 MR. DIGIACOMO: That is correct, Judge.

23 THE COURT: Mr. Mueller, any objections?

24 MR. MUELLER: Yes, Judge, that's actually pursuant to my  
25 motion, I believe.

1 THE COURT: Okay. All right. So we are releasing each of you  
2 from jury service at this time for cause, that means there's a reason to do  
3 so. I want to thank each and every one of you for coming in yesterday  
4 and today for jury service. I really appreciate it.

5 So you're free to go, just turn your badge in -- there's a box  
6 outside or you can give it to either of the marshals, and then you're free to  
7 go.

8 All right. Thank you again. Have a good day.

9 PROSPECTIVE JUROR NUMBER 355: Thank you, Your  
10 Honor.

11 [Outside the presence of the prospective jury panel]

12 THE COURT: All right. The jurors that have been released for  
13 cause have now left the courtroom.

14 I asked these additional witnesses -- or these additional jurors  
15 to come back ten minutes early to try and get a jump start on filling them  
16 in to the ones we have just released.

17 So, with that, I'll break for lunch, unless there's anything else we  
18 needed to take care of before we do so.

19 MR. DIGIACOMO: No, I just would like permission to get rid  
20 of -- to release our one witness that we had on standby for today because  
21 if we come back at 2:00 by the time we get a jury and open, I just think it'll  
22 be 4:45.

23 MR. MUELLER: I don't have any objection. I agree with  
24 Mr. DiGiacomo.

25 MR. DIGIACOMO: And I also think we're going to call all but

1 two witnesses tomorrow. We may very well rest by Thursday.

2 THE COURT: Ah, okay. All right. Then --

3 MR. DIGIACOMO: So I don't think we're delaying it or anything.

4 I just --

5 THE COURT: Okay, yeah.

6 MR. DIGIACOMO: -- he's a very short witness and it would be  
7 more like we're going to make him come back tomorrow again.

8 THE COURT: Okay. All right. That's fine. You can release  
9 that witness then if Mr. Mueller has no objection.

10 So with that, anything else we need to address before we break  
11 for lunch?

12 MR. DIGIACOMO: What time are you going to start tomorrow,  
13 do you think 10:30 or 11:00?

14 THE COURT: I have a pretty big calendar; right?.

15 THE CLERK: There's like 30-2 or -3 matters.

16 THE COURT: Let me see how many sentencings I have.

17 MR. MUELLER: Did you pick up Togliatti's docket or is this  
18 which? Or did you get Doug Smith's docket?

19 THE COURT: I have Smith's docket.

20 MR. MUELLER: Okay.

21 THE COURT: 13 calendar calls. I only have five sentencings  
22 though.

23 THE CLERK: Four.

24 THE COURT: Oh, I'm looking at the wrong date.

25 THE CLERK: August 14th.

1 THE COURT: Yeah, I'm looking at the 21st.  
2 THE CLERK: And two are coming in at 8:15?  
3 THE COURT: Yeah, two of them at 8:15.  
4 I think 10:30.  
5 MR. DIGIACOMO: 10:30?  
6 THE COURT: Yeah.  
7 MR. DIGIACOMO: Okay. We just want to start lining up  
8 witnesses.  
9 THE COURT: I mean, we might be a little bit late but ideally  
10 10:30.  
11 MR. DIGIACOMO: Okay.  
12 MR. MUELLER: All right. And be back at --  
13 THE COURT: All right. So everyone 1:50.  
14 MR. MUELLER: 1:50 to --  
15 THE COURT: Well, actually everyone should be back at 1:45  
16 so we're ready to go. Okay?  
17 MR. DIGIACOMO: Yep.  
18 [Recess taken at 12:46 p.m.]  
19 [Jury trial resumed at 1:54 p.m.]  
20 [Outside the presence of the prospective jury panel]  
21 THE COURT: All right. We're back on the record after lunch  
22 break in Case C-18-329810-1, State of Nevada versus Ronneka Guidry.  
23 All right. So I asked a few jurors to come back to fill in for the  
24 jurors we released just before lunch. My suggestion is we bring them in  
25 now and ask them the preliminary questions and then we can do any

1 follow-up questions with them once they're seated.

2 Is that okay with everybody? State?

3 MR. DIGIACOMO: Sure.

4 THE COURT: Defense, is that okay with you.

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

6 THE COURT: All right. Let's go ahead and bring them in.

7 THE MARSHAL: Judge, do you want me to put them in the  
8 front row?

9 THE COURT: Just put them in the front row, that's fine.

10 [Pause in proceeding]

11 MR. DIGIACOMO: So does it start at Valiant Ramos?

12 THE COURT: Yes, yeah.

13 MR. DIGIACOMO: Okay.

14 [In the presence of prospective Juror Nos. 360, 374, 375, 376, and 378]

15 THE COURT: Good afternoon, welcome back.

16 [The Jury Panel in Unison: Thank you.]

17 THE COURT: Please be seated.

18 I'm confident you all thought we wouldn't get to you back there  
19 in the -- but, look at this, it happened.

20 I wanted to bring you all in first to ask you some of those  
21 preliminary questions without everyone being in here, just to try and make  
22 it easier, let people stretch a little longer, so I apologize you have to sit  
23 here in the front row.

24 So I'm going to make sure we have everyone correctly.

25 Valiant --

1 PROSPECTIVE JUROR NUMBER 360: Yes.  
2 THE COURT: How do say it?  
3 PROSPECTIVE JUROR NUMBER 360: Valiant.  
4 THE COURT: Justin?  
5 PROSPECTIVE JUROR NUMBER 374: Yes.  
6 THE COURT: Dayna?  
7 PROSPECTIVE JUROR NUMBER 375: U'm-h'm.  
8 THE COURT: Trevor?  
9 PROSPECTIVE JUROR NUMBER 376: Yes.  
10 THE COURT: And Stephani?  
11 PROSPECTIVE JUROR NUMBER 378: Yes.  
12 THE COURT: All right. So first question, and we'll go in the  
13 order that I said your name, anyone have any scheduling issues that  
14 would prevent you from being able to sit for jury, from today, and I think  
15 we're going to probably end this week, I just want to ask Monday just to be  
16 safe, but I think we'll be done by Friday.  
17 PROSPECTIVE JUROR NUMBER 360: For me, no, just on the  
18 weekends I don't have a babysitter so. But there's no court on --  
19 THE COURT: Well, we won't be here on the weekends.  
20 PROSPECTIVE JUROR NUMBER 360: Yeah, I know.  
21 THE COURT: Yeah, everyone gets the weekend off, yeah.  
22 PROSPECTIVE JUROR NUMBER 360: Okay, cool. I know  
23 that.  
24 THE COURT: Yeah, we're good there. Okay. All right.  
25 PROSPECTIVE JUROR NUMBER 374: Yes, I have a



1 pre-stage. I work in trade show and convention. I have a client coming in  
2 on Thursday to view their event booth space.

3 THE COURT: And what time was that at?

4 PROSPECTIVE JUROR NUMBER 374: At 9:30 in the morning.

5 THE COURT: How long will that take?

6 PROSPECTIVE JUROR NUMBER 374: It depends if they have  
7 changes. Usually they run about an hour and then if they have changes,  
8 just putting in work orders.

9 THE COURT: If we, let's say we started later in the afternoon  
10 on Thursday, could we accommodate you, like if we start at 1 o'clock,  
11 would that work?

12 PROSPECTIVE JUROR NUMBER 374: It's possible, yeah. I  
13 just to, like I said, make sure I get the work orders put in.

14 THE COURT: Okay. I don't know if we would, but I just wanted  
15 to ask that question.

16 PROSPECTIVE JUROR NUMBER 374: U'm-h'm.

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

18 Dayna?

19 PROSPECTIVE JUROR NUMBER 375: I'm fine.

20 THE COURT: Okay, great.

21 PROSPECTIVE JUROR NUMBER 376: Hi. My only issue  
22 would be that I was supposed to have a doctor's appointment today for a  
23 meds check for my anti-depressants.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 376: And I had to cancel

1 that appointment and I wasn't able to get one until Friday.

2 THE COURT: Okay. What time on Friday?

3 PROSPECTIVE JUROR NUMBER 376: I believe it was 2  
4 o'clock.

5 THE COURT: 2 o'clock?

6 PROSPECTIVE JUROR NUMBER 376: Yes.

7 THE COURT: And are you out of medication completely?

8 PROSPECTIVE JUROR NUMBER 376: I am, yes.

9 THE COURT: Is that going to cause an issue for you to sit and  
10 listen to the evidence in this case?

11 PROSPECTIVE JUROR NUMBER 376: I do have trouble  
12 concentrating when I'm off my medication and I have a little bit of vertigo  
13 as well.

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

15 And Stephani?

16 PROSPECTIVE JUROR NUMBER 378: I don't have any  
17 scheduling issues.

18 THE COURT: All right. Let me ask each of you those  
19 preliminary questions that -- do you have that handy, Ray --

20 THE MARSHAL: Yes, ma'am.

21 THE COURT: Yeah.

22 -- that you've all asked -- or heard answered a million times.

23 You don't have to read the questions, unless you really want to. I'm pretty  
24 sure you guys have it memorized by now.

25 PROSPECTIVE JUROR NUMBER 360: Badge number 360.

1 I lived here for seven years.  
2 I live in Summerlin.  
3 Just graduated high school.  
4 I work for the Marriott as a server.  
5 I'm single.  
6 Just have a one child, one year old.  
7 And I've never been a juror.  
8 And I would be fair.  
9 THE COURT: All right. Fair and impartial?  
10 PROSPECTIVE JUROR NUMBER 360: Yes.  
11 THE COURT: Yeah, okay.  
12 PROSPECTIVE JUROR NUMBER 374: I'm badge number  
13 374, Justin Jackson.  
14 I've lived in Vegas for -- or Clark County for 29 years.  
15 I live in Spring Mountain -- or Spring Valley.  
16 I have some college experience.  
17 I'm a project manager for Exhibit House out here in Vegas.  
18 I am married.  
19 I have three kids, 15, 14, and 5.  
20 Never been no juror before. Actually, I'm sorry, yes, I have -- I  
21 wasn't selected.  
22 And there's no reason why I wouldn't be impartial.  
23 THE COURT: Okay.  
24 PROSPECTIVE JUROR NUMBER 374: And I could be fair.  
25 THE COURT: You can be fair and impartial.

1                   One question, what does your wife do or your spouse?  
2                   PROSPECTIVE JUROR NUMBER 374: Oh, I'm sorry, she's a  
3 teacher.  
4                   THE COURT: She's a teacher. Okay. Thank you.  
5                   PROSPECTIVE JUROR NUMBER 375: My name is Danya  
6 Whitlock, the last three digits are 375.  
7                   I have lived in Clark County for eight years.  
8                   And I live in the Centennial Hills area.  
9                   I have a bachelor's degree and some credits towards a  
10 master's.  
11                  I'm retired and I've worked in many, many places. I started out  
12 as a schoolteacher. I can't think of where I worked last. It's been a  
13 couple of years.  
14                  THE COURT: You're making us all jealous.  
15                  PROSPECTIVE JUROR NUMBER 375: Oh, gosh. It was in  
16 Los Angeles. So it's been ten years. Okay.  
17                  THE COURT: Okay.  
18                  PROSPECTIVE JUROR NUMBER 375: I am married.  
19                  My spouse is also retired, and he was in the field of electric,  
20 power companies. He made software for those companies.  
21                  I have one daughter. She is 34.  
22                  And I have never been a juror before.  
23                  And there is absolutely no reason that I cannot be a fair and  
24 impartial juror if selected.  
25                  THE COURT: Thank you.

1 PROSPECTIVE JUROR NUMBER 376: My name is Trevor  
2 Thompson. My badge number is 376.

3 I've lived in Clark County for 18 years.

4 I live in the, kind of, Henderson, Boulder City area. I guess, far  
5 south as you can get.

6 I have a bachelor's degree in English from UNLV.

7 My occupation, I currently work as an administrator at a church  
8 that operates a food pantry, a daycare, and a thrift store.

9 I am not married.

10 I do not have any children.

11 I have never been a juror before.

12 And I don't believe there's any reason I couldn't be fair or  
13 impartial.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR NUMBER 378: Stephani Dunn, badge  
16 number 378.

17 Born and raised here in Las Vegas.

18 I live in North Las Vegas.

19 I have some college.

20 I work for MGM Resorts in the corporate ticketing department.

21 I'm married.

22 He works for a lighting company. He's director of operations.

23 I have one daughter. She's three.

24 I've never been a juror before.

25 And there is no reason why I can't be fair and impartial.

1 THE COURT: Okay. Thank you all.

2 I'm going to ask you a couple of additional questions based on  
3 some of the questions that have been asked throughout the course of jury  
4 selection, by myself or by the parties.

5 The first one will be regarding the presumption of innocence,  
6 you've heard that mentioned a couple of times, that a defendant is  
7 presumed innocent until proven guilty beyond a reasonable doubt.

8 And does anyone have an issue with that concept? I'm seeing  
9 heads shaking no.

10 Does anyone not understand that concept? I'm not seeing any  
11 responses, anyone has any issues with that.

12 Is there anyone who just because a witness is a law  
13 enforcement officer, would give them more credibility versus others just  
14 because they're a law enforcement officer? Everyone's shaking their  
15 head no.

16 Any concerns about that issue? Okay.

17 At the end of the case, would each and every one of you be  
18 willing to follow the law as I give it to you and apply it to the facts in  
19 rendering a verdict in this case? Everyone's nodding yes.

20 Anyone concerned about that? Yes.

21 PROSPECTIVE JUROR NUMBER 376: I have one question.

22 THE COURT: Yes.

23 PROSPECTIVE JUROR NUMBER 376: Trevor Thompson,  
24 badge number 376.

25 I know that sex work came up as an issue regarding this case.

1 THE COURT: Yes.

2 PROSPECTIVE JUROR NUMBER 376: I don't remember if  
3 that was one of the charges. But I -- I do support the decriminalization of  
4 sex work and I kind of hold that opinion rather strongly.

5 THE COURT: All right. So criminal charges related to that act  
6 is not charged in this case.

7 PROSPECTIVE JUROR NUMBER 376: Okay.

8 THE COURT: Ultimately though you would have to, even if you  
9 believe in the decriminalization, as a juror you would take an oath to follow  
10 the law as it's instructed to you. So there was questions yesterday, it's  
11 whether or not you like the law --

12 PROSPECTIVE JUROR NUMBER 376: Right.

13 THE COURT: -- would you still apply it --

14 PROSPECTIVE JUROR NUMBER 376: Right.

15 THE COURT: -- if you were instructed to do so. Would you do  
16 that?

17 PROSPECTIVE JUROR NUMBER 376: I think there would be  
18 a bit of moral quandary related to that issue specifically.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 376: But if that's not a  
21 charge, I don't think that would be an issue for me.

22 THE COURT: Okay. All right. Thank you for your honesty.

23 PROSPECTIVE JUROR NUMBER 376: Yes.

24 THE COURT: Let me think if there's anything else. Along  
25 those lines, is there anyone who has an issue with sitting in judgment with

1 somebody, anyone hold a particular belief or religious conviction that  
2 would say, you know, I can't sit in judgment and find someone innocent or  
3 guilty based on that belief? I'm seeing no hands. All right.

4 All right. Thank you. I'm going to allow the parties to ask some  
5 additional questions once we have some discussion outside of your  
6 presence. So if you don't mind, getting a little bit more of a stretch, a little  
7 bit more of a break, step outside, and we'll bring everyone back in shortly.

8 All right. Thank you.

9 [Outside the presence of the prospective jury panel]

10 THE COURT: All right. Let the record reflect that the five  
11 jurors, that came in to fill in the jurors we struck before lunch, have left the  
12 courtroom.

13 Here's my inclination at this time, my inclination -- well, I'll hear  
14 argument as to whether or not we should strike Mr. Thompson for cause.

15 MR. DIGIACOMO: Oh, I move to strike him for cause, just on  
16 the anti-depressant issue alone.

17 THE COURT: Yeah, that's my concern.

18 MR. DIGIACOMO: He clearly needs to get to his doctor and if  
19 he's out of medicine, and it affects him in the manner in which he says it  
20 affects him, that alone would disqualify him.

21 MR. MUELLER: I think that's a bit overwrought. He appears to  
22 be true Nevada libertarian and I oppose his removal for cause.

23 THE COURT: I don't think there was any testimony --

24 MR. MUELLER: As the Court -- as the Court's well aware, 15 of  
25 the 17 counties prostitution is properly legal and -- except for Clark and



1 Washoe and I think Lincoln. So if he doesn't think criminal law should --  
2 or prostitution should be decrim -- or criminalized, that doesn't have any  
3 bearing on this issue. And he only said that he had to adjust his  
4 medication, anti-depressants. I don't know that there's -- 90 percent of my  
5 clients have -- are on some sort of anti-depressants. It's actually startling.  
6 But they're all on them.

7 THE COURT: Well, politics have no role in the courtroom. And  
8 I'll note that he had mention -- made no mention of libertarian or any other  
9 feeling regarding that. Certainly the decriminalization of sex work is not  
10 relevant to the charges for the defendant.

11 But more importantly what he did state was that he has a hard  
12 time concentrating because he does not have his medication and he  
13 would not be able to refill his medication until later this week.

14 And with that I will strike him for cause. I will overrule the  
15 objection. We certainly want individuals who can pay attention to the  
16 evidence and evaluate it fairly and impartially.

17 My next question is regarding Mr. Jackson, do we think we will  
18 be done by Thursday afternoon, where if we started late in the afternoon  
19 on Thursday, or do we think that's being too optimistic, and my guess is  
20 we're being too optimistic given the way this has gone so far.

21 MR. DIGIACOMO: Well, that's sort of what my concern is.  
22 Now, I don't think we're going to be long. I still think whatever way, if we  
23 get a full day Friday, there's no way we don't finish by Friday. So if the  
24 Court wants to do that.

25 I was unclear about what his answer was.

1 THE COURT: Well, he said he had a --

2 MR. DIGIACOMO: What was it?

3 THE COURT: -- 9:30 appointment in the morning, it takes  
4 about an hour and a half, and if he could -- if there weren't -- if there were  
5 changes to be made, he'd have to go back and make --

6 MR. DIGIACOMO: The change orders.

7 THE COURT: -- the request for changes and he could be done  
8 by 1 o'clock that day.

9 MR. DIGIACOMO: Oh, is that what he said. I couldn't hear  
10 what he said.

11 THE COURT: He said he could be done by 1 o'clock.

12 So I prefer to start because I have a 2 o'clock -- two quick  
13 hearings at 2 o'clock on Thursday. But I prefer to go in the morning. So  
14 for the Court's schedule I am -- but I leave it up to the parties.

15 MR. DIGIACOMO: Well, yeah, if we can't -- if we're going to  
16 have to go dark for some period of time on Thursday, then I agree with the  
17 Court, that for scheduling purposes.

18 THE COURT: That would only take 30 minutes to go dark on  
19 Thursday, honestly.

20 So do we want to leave him on for now and continue to ask him  
21 questions?

22 MR. DIGIACOMO: Court's pleasure.

23 THE COURT: Let's do that.

24 All right. My last inclination is not to fill the seat that would have  
25 been occupied by Trevor Thompson and that will put us at 31 instead of

1 32. We're pretty close to the end. I think even with peremptory  
2 challenges we should still have enough jurors.

3 Does anyone have an issue with that? Do you still want to fill in  
4 one more seat?

5 MR. DIGIACOMO: Look, if we wind up with one alternate, then  
6 we wind up with one alternate.

7 THE COURT: I think even though, let's see, of course I did  
8 lawyer math so bear with me on this, if we do 31 and there are --

9 MR. DIGIACOMO: Nine and nine, that's 13.

10 THE COURT: Oh, nine and nine, see I did 12.

11 Is it nine and nine?

12 THE CLERK: U'm-h'm.

13 THE COURT: Okay.

14 THE CLERK: 18.

15 THE COURT: 18 versus 19, yeah, we might have one  
16 alternate.

17 THE CLERK: 18 minus thirty -- 32 minus 18.

18 MR. DIGIACOMO: I have no objection to the idea of having  
19 one alternate, if we are going to finish by Friday.

20 THE COURT: Yeah, I think so too.

21 Is that going to be an issue for the defense?

22 MR. MUELLER: No, Your Honor, I'm a practical person.

23 THE COURT: All right.

24 MR. MUELLER: It is a short trial.

25 THE COURT: Okay. So I'm going to bring the jury back in -- or

1 the jury panel back in and then starting with the State, let you do any  
2 follow-up questions just to the ones that were seated this morning, and  
3 then again this afternoon, and then followed by Mr. Mueller any additional  
4 questions.

5 Any objection to that process?

6 MR. DIGIACOMO: No. I see that I -- there's six that I haven't  
7 spoken to but other than that.

8 THE COURT: Okay. So we're going to focus just on the ones  
9 we haven't spoken to.

10 MR. DIGIACOMO: Correct.

11 THE COURT: All right. Let's go ahead and bring them in.

12 THE MARSHAL: Judge, do you want me to fill in those spots  
13 with those people?

14 THE COURT: Yes, with the exception of -- we're going to  
15 leave --

16 THE CLERK: 25.

17 THE COURT: -- 25 open, yeah.

18 THE MARSHAL: Okay. Sounds good.

19 [Pause in proceeding]

20 THE MARSHAL: Judge, I'm sorry, do you want me to release  
21 Trevor Thompson?

22 THE COURT: Yeah, just have him hang out, bring everyone in,  
23 and let him sit there, and then if you could release him after everyone's in  
24 here.

25 THE MARSHAL: Sounds good.

1 THE COURT: Thank you.

2 [Pause in proceeding]

3 MR. DIGIACOMO: When we get to end, I assume, if we waive  
4 one, we don't waive all, it's just whoever the last 14 are will be our jury,  
5 first 12, and then two alternates?

6 THE COURT: Right, yeah.

7 MR. DIGIACOMO: Okay. So, yeah, I think we're fine with 31.

8 THE COURT: I think so too.

9 MR. DIGIACOMO: I can't imagine we're not using a waiver at  
10 some point.

11 THE COURT: Yeah. We've asked -- we've gotten quite a bit of  
12 information from the majority, which is good.

13 [Pause in proceeding]

14 [In the presence of the prospective jury panel]

15 THE COURT: Counsel, do you stipulate to the presence of the  
16 jury venire?

17 MR. DIGIACOMO: Yes, Judge.

18 MR. MUELLER: Yes, Judge.

19 THE COURT: All right. Welcome back. I hope everyone had a  
20 good lunch. As you can tell, or maybe you can't tell, there are some new  
21 people sitting up here, and our audience back there continues to dwindle.

22 We did try and be efficient and take care of some preliminary  
23 questions of newer jurors to the front group here during the lunch break.  
24 And so we are going to resume questioning and I'm going to allow the  
25 State to now ask some questions of our jurors that were pulled up in the

1 course of the last day, as well as this morning.

2 You may proceed when you're ready.

3 MR. DIGIACOMO: Thank you, Judge.

4 Good afternoon. I am -- now at this point I'm only talking to, I  
5 think, it's six people, but it's Mr. Ramos back here in row two, Mr. Jackson  
6 in row two, Ms. Galvan and Mr. Sloane, Ms. Whitlock, and right here in the  
7 front Ms. Dunn.

8 Okay. So that's all. So I don't get to talk to the rest of you guys  
9 again. I think you're probably pretty happy about that. So I'm going to ask  
10 a few general questions, then ask a few specific questions of each of you,  
11 then I'm going to sit down because we've been here long enough.

12 The judge went over a lot of, when you guys were in the room,  
13 our general questions previously, but I'm going to ask a couple that  
14 weren't asked.

15 Any of you six ever been the victim of a crime? Anyone? Okay.  
16 I have one person down here in row number three.

17 Sir, state your name and badge number or I can tell you it's  
18 Sloane, 352.

19 PROSPECTIVE JUROR NUMBER 352: Thank you.

20 MR. DIGIACOMO: Okay. When were you the victim of a  
21 crime?

22 PROSPECTIVE JUROR NUMBER 352: Several times but the  
23 most recent was 2015. I was jumped and robbed by some random guys.  
24 I never knew who they were or anything.

25 MR. DIGIACOMO: So we're talking a physical --

1 PROSPECTIVE JUROR NUMBER 352: Physical altercation,  
2 yeah.

3 MR. DIGIACOMO: -- physical altercation where they took  
4 property from you?

5 PROSPECTIVE JUROR NUMBER 352: Yes.

6 MR. DIGIACOMO: Obviously you've heard this is a robbery  
7 case -- well, let me ask you this, first of all, were the police called?

8 PROSPECTIVE JUROR NUMBER 352: No.

9 MR. DIGIACOMO: Okay. So the police weren't involved in that  
10 situation.

11 In any of the other times you were a victim, did you have any  
12 police interaction?

13 PROSPECTIVE JUROR NUMBER 352: Yes.

14 MR. DIGIACOMO: And how would you describe the interaction,  
15 do you think they acted professionally?

16 PROSPECTIVE JUROR NUMBER 352: For the most part, yes.

17 MR. DIGIACOMO: Now, you say, for the most part, what do  
18 you mean by that?

19 PROSPECTIVE JUROR NUMBER 352: I mean, everybody  
20 isn't -- of the same, some of them are great but the other ones I was a kid  
21 and they pulled guns on me and stuff so it was like --

22 MR. DIGIACOMO: Sure.

23 PROSPECTIVE JUROR NUMBER 352: -- it was just -- it was  
24 odd.

25 MR. DIGIACOMO: All right. So, I mean, kind of making my

1 point, that there are good cops, bad cops, and you know, we're not going  
2 to single out any individual by the badge you wear, we're all going to judge  
3 them individually; is that fair?

4 PROSPECTIVE JUROR NUMBER 352: Fair.

5 MR. DIGIACOMO: All right. So the second step of this is, we're  
6 here on a robbery case; right, we've accused Ms. Guidry of committing a  
7 robbery, taking property with use of force, is there anything about the fact  
8 that you've been a victim of a robbery that would affect your ability to be  
9 fair and impartial here?

10 PROSPECTIVE JUROR NUMBER 352: No, there isn't. I've  
11 seen both sides of the fence, good and bad, so that's why I can judge who  
12 I see that's right in front of me.

13 MR. DIGIACOMO: Okay. And at the end of the day, you think  
14 that ultimately you could do the job we're asking you, look at this  
15 evidence, decide did the State prove the case beyond a reasonable  
16 doubt, and make a decision?

17 PROSPECTIVE JUROR NUMBER 352: Yes.

18 MR. DIGIACOMO: No problems with it?

19 PROSPECTIVE JUROR NUMBER 352: No problems.

20 MR. DIGIACOMO: And you essentially think you're a fair  
21 person?

22 PROSPECTIVE JUROR NUMBER 352: Yes.

23 MR. DIGIACOMO: I'm assuming, none of the other, the five of  
24 you, been victims of crime?

25 How about anybody close to you victim of a very violent crime?



1 We've heard things about family members that have been the victim of a  
2 murder, those type of things, anybody have somebody really close to  
3 them that had a major case go through the system?

4 Flip side, anybody ever been arrested before? Of the six, I  
5 count one nod in the back there, if you could pass it back to that juror.

6 PROSPECTIVE JUROR NUMBER 360: Arrested for a DUI.  
7 Very influence --

8 MR. DIGIACOMO: How long ago?

9 PROSPECTIVE JUROR NUMBER 360: I want to say about  
10 three years ago.

11 MR. DIGIACOMO: Three years ago?

12 PROSPECTIVE JUROR NUMBER 360: At a traffic road block.

13 MR. DIGIACOMO: At a road block?

14 PROSPECTIVE JUROR NUMBER 360: U'm-h'm.

15 MR. DIGIACOMO: Do you think the -- were the officers  
16 professional with you?

17 PROSPECTIVE JUROR NUMBER 360: Yes, they were.

18 MR. DIGIACOMO: Okay. Did you have to go through the  
19 system?

20 PROSPECTIVE JUROR NUMBER 360: Yeah.

21 MR. DIGIACOMO: And I'm assuming you got some sort of plea  
22 where you did some sort of --

23 PROSPECTIVE JUROR NUMBER 360: Correct.

24 MR. DIGIACOMO: -- community service, or whatever, victim  
25 impact, kind of stuff like that?

1 PROSPECTIVE JUROR NUMBER 360: Correct.

2 MR. DIGIACOMO: And ultimately you resolved the situation?

3 PROSPECTIVE JUROR NUMBER 360: Correct.

4 MR. DIGIACOMO: Do you think you were treated fairly by the

5 system?

6 PROSPECTIVE JUROR NUMBER 360: Absolutely.

7 MR. DIGIACOMO: No qualms about the fact that we're

8 prosecutors in this room and you happened to be prosecuted at some

9 point?

10 PROSPECTIVE JUROR NUMBER 360: No.

11 MR. DIGIACOMO: No?

12 PROSPECTIVE JUROR NUMBER 360: No.

13 MR. DIGIACOMO: Okay. Any reason you think you couldn't be

14 fair and impartial in this particular case?

15 PROSPECTIVE JUROR NUMBER 360: No.

16 MR. DIGIACOMO: Let's see, do I have any other general

17 questions that weren't answered? No, I don't think so.

18 Can you pass it down to Mr. Jackson. Explain to me what

19 project management, what did you do, what you're doing Thursday

20 morning, I guess, would be my question?

21 PROSPECTIVE JUROR NUMBER 374: So the clients -- well,

22 the industry I work in is convention industry, it's an exhibit house, so when

23 you go to trade show there's companies they have and a booth that they

24 build to showcase whatever new product or service. My company

25 provides that booth. So the clients, before they actually get to the

1 show we pre-stage it 100 percent in our warehouse and they come and  
2 view it, walk through it, make corrections.

3 MR. DIGIACOMO: So did you say you're the project manager,  
4 meaning, like, you have people responsible for setting up this booth and  
5 stuff like that?

6 PROSPECTIVE JUROR NUMBER 374: Yeah, it's a team so.

7 MR. DIGIACOMO: It's a team. Do you have responsibility over  
8 the team?

9 PROSPECTIVE JUROR NUMBER 374: Well, it's peer  
10 managed so, I mean, we're all working together to get it done. So there's  
11 no hierarchy per se the way we work.

12 MR. DIGIACOMO: Okay. So it's not like a situation where you  
13 have a couple of employees that work for you and there's an argument  
14 and you have to decide which one of them is telling the truth?

15 PROSPECTIVE JUROR NUMBER 374: No.

16 MR. DIGIACOMO: Okay. How long have you been doing this,  
17 sir?

18 PROSPECTIVE JUROR NUMBER 374: About seven years.

19 MR. DIGIACOMO: Okay. Any reason you think you can't be  
20 fair and impartial here?

21 PROSPECTIVE JUROR NUMBER 374: No.

22 MR. DIGIACOMO: Do you think you can look at the evidence  
23 and make a decision?

24 PROSPECTIVE JUROR NUMBER 374: U'm-h'm, yes.

25 MR. DIGIACOMO: Okay. Thank you, sir.

1                   It's Ms. Galvan in the front here, if we could pass it down to her.

2                   Maybe you said this, and I'm sorry, my notes aren't great, did  
3 you graduate from college or go to some college?

4                   PROSPECTIVE JUROR NUMBER 347: I'm currently in  
5 college.

6                   MR. DIGIACOMO: You're currently in, what college is that?

7                   PROSPECTIVE JUROR NUMBER 347: College of Southern  
8 Nevada.

9                   MR. DIGIACOMO: College of Southern Nevada.

10                  How long have you been there?

11                  PROSPECTIVE JUROR NUMBER 347: Two years now.

12                  MR. DIGIACOMO: Two years.

13                  Are you looking to specialize in anything in particular?

14                  PROSPECTIVE JUROR NUMBER 347: Yes. I'm trying to go  
15 into a diagnostic sonography program.

16                  MR. DIGIACOMO: A diagnostic --

17                  PROSPECTIVE JUROR NUMBER 347: Sonography. It's like  
18 an ultrasound tech.

19                  MR. DIGIACOMO: Oh, okay.

20                  And how much more do you have to do to get into the program?

21                  PROSPECTIVE JUROR NUMBER 347: I am currently taking  
22 an anatomy and physiology class right now, and the program is two years,  
23 so roughly two and a half years left.

24                  MR. DIGIACOMO: Okay. Any reason you think you can't be  
25 fair?

1 PROSPECTIVE JUROR NUMBER 347: No.

2 MR. DIGIACOMO: Thank you.

3 And then, I think, two more down would be my last juror that I  
4 haven't spoke to -- oh, no, I have Ms. Dunn here in the front, but  
5 Ms. Whitlock in that row.

6 You told us that you have a bachelor's, in what area?

7 PROSPECTIVE JUROR NUMBER 375: Education.

8 MR. DIGIACOMO: Education. Oh, hence why you were a  
9 teacher back in L.A. years ago.

10 PROSPECTIVE JUROR NUMBER 375: U'm-h'm.

11 MR. DIGIACOMO: Is that a yes?

12 PROSPECTIVE JUROR NUMBER 375: Yes.

13 MR. DIGIACOMO: Okay. You also mentioned your husband  
14 was retired and I didn't catch what you said he did?

15 PROSPECTIVE JUROR NUMBER 375: He wrote software  
16 programs for the electric utilities industry.

17 MR. DIGIACOMO: And how long have you been retired?

18 PROSPECTIVE JUROR NUMBER 375: A long time, ten years.

19 MR. DIGIACOMO: Ten years?

20 PROSPECTIVE JUROR NUMBER 375: Yeah.

21 MR. DIGIACOMO: And did you spend, before you retired, were  
22 you living in the area of L.A.?

23 PROSPECTIVE JUROR NUMBER 375: Yes.

24 MR. DIGIACOMO: Okay. Is that where you spent the majority  
25 of your adult life was in Los Angeles?

1 PROSPECTIVE JUROR NUMBER 375: No, we've moved  
2 around a lot. We were in Los Angeles for ten years, before that we were  
3 in Colorado for nine years.

4 MR. DIGIACOMO: Okay. You know, after, I don't know, two  
5 days of this it's sort of just pure redundancy, so I'm just going to ask you,  
6 do you think you can be a fair and impartial person?

7 PROSPECTIVE JUROR NUMBER 375: Absolutely, I would be  
8 fair and impartial.

9 MR. DIGIACOMO: Do you think you can wait to the end, gather  
10 all the evidence, talk to your fellow jurors, and make a decision?

11 PROSPECTIVE JUROR NUMBER 375: Yes, I do.

12 MR. DIGIACOMO: No issues with doing that?

13 PROSPECTIVE JUROR NUMBER 375: No.

14 MR. DIGIACOMO: Thank you very much, ma'am. If you could  
15 pass it down to Ms. Dunn.

16 How are you?

17 PROSPECTIVE JUROR NUMBER 383: Good.

18 How are you?

19 MR. DIGIACOMO: I'm doing good.

20 You mentioned, when asked if you work at the MGM, but I didn't  
21 catch what it is that you did at the MGM?

22 PROSPECTIVE JUROR NUMBER 383: I work in the corporate  
23 ticketing department and I'm a corporate ticketing specialist. So in our  
24 booking system for shows, entertainment, anything that our box offices  
25 use, we build in a system for them.

1 MR. DIGIACOMO: Oh. So are you like the tech side or?  
2 PROSPECTIVE JUROR NUMBER 383: It's more the tech side.  
3 MR. DIGIACOMO: More the tech side of doing that?  
4 PROSPECTIVE JUROR NUMBER 383: Yes.  
5 MR. DIGIACOMO: Okay. I don't really know what else to ask.  
6 PROSPECTIVE JUROR NUMBER 383: Okay.  
7 MR. DIGIACOMO: So I'm just going to ask you, do you think  
8 you can be fair?  
9 PROSPECTIVE JUROR NUMBER 383: Yes.  
10 MR. DIGIACOMO: And you think you can do what we're asking  
11 you to do?  
12 PROSPECTIVE JUROR NUMBER 383: Yes.  
13 MR. DIGIACOMO: Thank you very much, ma'am.  
14 THE COURT: Thank you.  
15 Mr. Mueller.  
16 MR. MUELLER: All right. Thank you, Judge.  
17 Mr. Ramos --  
18 PROSPECTIVE JUROR NUMBER 360: Yes, sir.  
19 MR. DIGIACOMO: -- how are you?  
20 PROSPECTIVE JUROR NUMBER 360: Good.  
21 MR. MUELLER: Where are you from?  
22 PROSPECTIVE JUROR NUMBER 360: I'm from Hawaii.  
23 MR. MUELLER: Okay. And how long have you been in town  
24 for?  
25 PROSPECTIVE JUROR NUMBER 360: Actually like eight

1 years now.

2 MR. MUELLER: Okay. And what line of work are you in?

3 PROSPECTIVE JUROR NUMBER 360: I work for the Marriott,  
4 I serve.

5 MR. MUELLER: Okay. So you're going to be covered if you  
6 have to stay with us for a few days?

7 PROSPECTIVE JUROR NUMBER 360: I believe so, might  
8 have to run a skeleton crew, but I'm sure they'll survive without me.

9 MR. MUELLER: Okay. You don't sound too concerned.

10 PROSPECTIVE JUROR NUMBER 360: No.

11 MR. MUELLER: All right. Do you have any kids?

12 PROSPECTIVE JUROR NUMBER 360: Yeah, just one.

13 MR. MUELLER: How old?

14 PROSPECTIVE JUROR NUMBER 360: One year old.

15 MR. MUELLER: One year old, okay.

16 So you got a spouse?

17 PROSPECTIVE JUROR NUMBER 360: Single, we're not  
18 married.

19 MR. MUELLER: Okay. So you're going to be able to take care  
20 of the kid for the next few days?

21 PROSPECTIVE JUROR NUMBER 360: Yeah.

22 MR. MUELLER: All right. Have any hobbies or interest, sir?

23 PROSPECTIVE JUROR NUMBER 360: Basketball, swimming,  
24 taking care of my home, hanging out with friends.

25 MR. MUELLER: Okay. Anything that we haven't touched on



1 that would keep you from being a fully -- give your full time and attention  
2 to the case?

3 PROSPECTIVE JUROR NUMBER 360: No.

4 MR. MUELLER: All right. And the fact that it's a murder case,  
5 do you have any problem with that?

6 PROSPECTIVE JUROR NUMBER 360: No.

7 MR. MUELLER: All right. Are you able to be fair and impartial?

8 PROSPECTIVE JUROR NUMBER 360: Yes.

9 MR. MUELLER: Okay. And all things being equal, would you  
10 like to serve?

11 PROSPECTIVE JUROR NUMBER 360: If I had a choice, I'll  
12 probably be with my one year old instead, but you know.

13 MR. MUELLER: All right.

14 PROSPECTIVE JUROR NUMBER 360: Definitely I would.

15 MR. MUELLER: All right. Thank you, sir.

16 Mr. Jackson, how are you?

17 PROSPECTIVE JUROR NUMBER 374: I'm good.

18 MR. MUELLER: You said you're 29 years in the valley?

19 PROSPECTIVE JUROR NUMBER 374: Yes.

20 MR. MUELLER: Did you go to high school here?

21 PROSPECTIVE JUROR NUMBER 374: Yes.

22 MR. MUELLER: Which one?

23 PROSPECTIVE JUROR NUMBER 374: I went to a couple. I  
24 went to Vegas High School and A-TECH.

25 MR. MUELLER: Okay. What did you major at A-TECH?

1 PROSPECTIVE JUROR NUMBER 374: Graphic design.  
2 MR. MUELLER: I'm sorry?  
3 PROSPECTIVE JUROR NUMBER 374: Graphic design.  
4 MR. MUELLER: Graphic design.  
5 You've never been on a jury before?  
6 PROSPECTIVE JUROR NUMBER 374: Yes.  
7 MR. MUELLER: You have?  
8 PROSPECTIVE JUROR NUMBER 374: U'm-h'm.  
9 MR. MUELLER: What kind of case?  
10 PROSPECTIVE JUROR NUMBER 374: I didn't get picked. It  
11 was so long ago, I don't remember.  
12 MR. MUELLER: Oh, you'd been called but never served?  
13 PROSPECTIVE JUROR NUMBER 374: Yes.  
14 MR. MUELLER: All right. Fair enough.  
15 Three kids 14, 15 -- 15, 14, and 5?  
16 PROSPECTIVE JUROR NUMBER 374: Correct.  
17 MR. MUELLER: All right. You got daycare setup if you were  
18 here on the jury?  
19 PROSPECTIVE JUROR NUMBER 374: No, not really. It's his  
20 first year for kindergarten, so I just made arrangements to get him  
21 dropped off in the morning. My wife picks him up in the afternoon. But I  
22 haven't got a chance to take him to school yet.  
23 MR. MUELLER: Do you have any hobbies or interests?  
24 PROSPECTIVE JUROR NUMBER 374: Fashion.  
25 MR. MUELLER: I'm sorry?

1 PROSPECTIVE JUROR NUMBER 374: Fashion.  
2 MR. MUELLER: Fashion, okay.  
3 And graphics design, I guess that makes sense.  
4 What -- do you get a chance to work with fashion at all or is that  
5 part of the --  
6 PROSPECTIVE JUROR NUMBER 374: Yeah, I have a brand.  
7 MR. MUELLER: Oh, do you.  
8 What's the name of the brand?  
9 PROSPECTIVE JUROR NUMBER 374: Custom Concepts.  
10 MR. MUELLER: Got a website?  
11 PROSPECTIVE JUROR NUMBER 374: No, just Instagram  
12 page.  
13 MR. MUELLER: Okay, Instagram.  
14 Other than that, sounds like you got a full plate, will you be able  
15 to serve, is there anything that would keep you from being distracted to  
16 serve on the jury?  
17 PROSPECTIVE JUROR NUMBER 374: No.  
18 MR. MUELLER: Okay. If that was you or a family member  
19 sitting there, would you want someone with your frame of mind sitting on  
20 the jury?  
21 PROSPECTIVE JUROR NUMBER 374: Yes.  
22 MR. MUELLER: Okay. And you're fair that you -- the fact that  
23 this is alleged as a murder, are you okay with that?  
24 PROSPECTIVE JUROR NUMBER 374: Yes.  
25 MR. MUELLER: It's tough stuff.

1 PROSPECTIVE JUROR NUMBER 374: Yes.

2 MR. MUELLER: All right. Thank you, sir. If you could pass the

3 microphone.

4 And it's Ms. Whitlock. And how are you?

5 PROSPECTIVE JUROR NUMBER 375: Great.

6 How are you?

7 MR. MUELLER: You seem -- oh, you seem eager to serve on

8 the jury; is that correct?

9 PROSPECTIVE JUROR NUMBER 375: Yes, I'm just positive.

10 MR. MUELLER: Positive, okay.

11 You have a book or something, The Positive, The Juror?

12 PROSPECTIVE JUROR NUMBER 375: No.

13 MR. MUELLER: No, okay.

14 Out in Centennial Hills, huh?

15 PROSPECTIVE JUROR NUMBER 375: Yes.

16 MR. MUELLER: And eight years, where were you before eight,

17 California?

18 PROSPECTIVE JUROR NUMBER 375: Los Angeles.

19 MR. MUELLER: Okay. Got a 34 year old daughter, what does

20 she do?

21 PROSPECTIVE JUROR NUMBER 375: She works for the

22 federal government. I don't know. She won't tell me and I'm not allowed

23 to ask.

24 MR. MUELLER: Okay. Hopefully she wasn't guarding

25 Mr. Epstein.

1 All right. So she -- one of those jobs, okay.

2 She live here in town or?

3 PROSPECTIVE JUROR NUMBER 375: No, no, she lives in the  
4 suburbs of Virginia -- of Washington, D.C.

5 MR. MUELLER: Oh, that really is deep federal land, okay.

6 Would you like to serve on the jury?

7 PROSPECTIVE JUROR NUMBER 375: Yes.

8 MR. MUELLER: Okay. I said you seemed eager. I wasn't --

9 This is a very serious matter --

10 PROSPECTIVE JUROR NUMBER 375: Right.

11 MR. MUELLER: -- and someone's life is at stake here and clear  
12 wits and serious attention to duty is required here, are you going to be  
13 able to do that?

14 PROSPECTIVE JUROR NUMBER 375: Absolutely.

15 MR. MUELLER: Okay. Now, the idea that she's wrapped in the  
16 presumption of innocence, and it's the State's burden beyond a  
17 reasonable doubt, are you okay with that?

18 PROSPECTIVE JUROR NUMBER 375: Absolutely.

19 MR. MUELLER: All right. And you don't have somewhere back  
20 in your mind, well, she's sitting here, she must have done something  
21 wrong?

22 PROSPECTIVE JUROR NUMBER 375: No, no.

23 MR. MUELLER: Okay. Not a problem. All right. Thank you,  
24 Ms. Whitlock. I appreciate it. And if you would pass it up to Ms. Dunn.

25 How are you?

1 PROSPECTIVE JUROR NUMBER 378: Good.  
2 How are you?  
3 MR. MUELLER: You seem a little less eager.  
4 PROSPECTIVE JUROR NUMBER 378: I'm all right.  
5 MR. MUELLER: All right. Ma'am, you live up in North Las  
6 Vegas?  
7 PROSPECTIVE JUROR NUMBER 378: Yes.  
8 MR. MUELLER: Okay. Where at, Aliante?  
9 PROSPECTIVE JUROR NUMBER 378: No, it's more of like  
10 Decatur, 215 North.  
11 MR. MUELLER: Okay. A little further west?  
12 PROSPECTIVE JUROR NUMBER 378: Yeah.  
13 MR. MUELLER: Where do you work at?  
14 PROSPECTIVE JUROR NUMBER 378: MGM Resorts.  
15 MR. MUELLER: What do you do there?  
16 PROSPECTIVE JUROR NUMBER 378: Corporate ticketing.  
17 MR. MUELLER: Is it a big section of people?  
18 PROSPECTIVE JUROR NUMBER 378: Yeah, it's a pretty big  
19 team.  
20 MR. MUELLER: All right. So if you miss a few days, they're not  
21 going to give you a hard time?  
22 PROSPECTIVE JUROR NUMBER 378: No.  
23 MR. MUELLER: Okay. You talked to corporate HR about  
24 covering your shifts, for your service?  
25 PROSPECTIVE JUROR NUMBER: Yes.

1 MR. MUELLER: Okay. It's a very serious matter and the  
2 State's made serious allegations here, are you comfortable with that, I  
3 mean, the responsibility of deciding a murder case?

4 PROSPECTIVE JUROR NUMBER 378: Yes.

5 MR. MUELLER: All right. Do you understand the presumption  
6 of innocence?

7 PROSPECTIVE JUROR NUMBER 378: Yes.

8 MR. MUELLER: All right. Now, frequently, we're all trained,  
9 you know, from childhood, to consider the police officers our friend and it's  
10 a little thing we teach as a kindergarten. My question for you is, are you  
11 willing to now assess police officers as adults and there's good and bad  
12 and they have memories just like all of us do?

13 PROSPECTIVE JUROR NUMBER 378: Yes.

14 MR. MUELLER: Okay. And can you hold out until you've heard  
15 all the evidence and closing argument before you start making up your  
16 mind?

17 PROSPECTIVE JUROR NUMBER 378: Yes.

18 MR. MUELLER: And you're comfortable you can do that?

19 PROSPECTIVE JUROR NUMBER 378: Yes.

20 MR. MUELLER: All right. Thank you, Ms. Dunn.

21 I have no further questions.

22 THE COURT: Thank you.

23 Can I see counsel at the bench.

24 [Bench conference begins]

25 THE COURT: Anyone that we need to strike for cause?

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

2 MR. MUELLER: No, I think, we're --

3 MR. DIGIACOMO: No, I think we're at 31.

4 THE COURT: I don't see any either.

5 MR. MUELLER: -- for cause.

6 THE COURT: Okay. So, State, first, do you pass the panel for  
7 cause?

8 MR. DIGIACOMO: Yes.

9 THE COURT: Defense, do you pass the panel for cause?

10 MR. MUELLER: I'll pass the panel for cause.

11 THE COURT: All right. So I'm going to go ahead and let them  
12 stand and stretch while you all do your peremptories.

13 MR. DIGIACOMO: Okay.

14 THE COURT: All right. Thank you.

15 MR. DIGIACOMO: Thank you.

16 [Bench conference ends]

17 THE COURT: All right. Ladies and gentlemen, we have  
18 passed the panel for cause, that means there's -- we kind of move into the  
19 next part of jury selection and the State and the defense get to exercise  
20 what are called peremptory challenges, which is just another challenge  
21 and it's their -- it's the systems way of allowing them to find a fair and  
22 impartial juror -- or jury.

23 And so it will take a few minutes to get this done. So instead of  
24 taking another break, I'm just going to ask everyone, if you want to stand  
25 and stretch, you're welcome to do that. You want to keep, you know,



1 seated, you're welcome to do that. But please relax while they complete  
2 this process and then we will resume with the rest of the trial proceedings  
3 shortly.

4 All right. I'm going to stand so everyone knows it's actually  
5 okay to stand. I'm going to stretch myself. Feel free to do so.

6 [Pause in proceeding]

7 THE COURT: We're almost finishing up here, ladies and  
8 gentlemen.

9 They're -- we're doing a little bit of checking, minor accident  
10 happened, so we're just double checking, making sure everyone's okay.

11 While we're finishing up this process -- could we go back on the  
12 record. Are we on the record?

13 I'm going to give you all some preliminary instructions. They  
14 are finishing this process, which is called peremptory challenges, and  
15 some standard instructions are, and you've heard this throughout the  
16 course of jury selection, but it's my duty to remind you of some  
17 instructions, and I'll give you additional instructions should you be selected  
18 as the ultimate 14 jurors for this case.

19 We, as myself, as the Court, as well as the parties, ask that you  
20 do not make up your mind about the ultimate verdict in this case until  
21 you've heard all the witnesses and seen all the evidence.

22 We ask that you keep an open mind throughout the trial and not  
23 begin to make up your mind about the facts of the case until you and your  
24 fellow jurors go to the jury room to begin to deliberate.

25 We ask that you base your verdict solely on the evidence

1 brought out at trial and the law that applies to the evidence and not based  
2 on sympathy or public opinion for any reason.

3 In a quick moment here, I think we're pretty close to being done.  
4 We are -- we'll take this sheet that they're handing back and forth to each  
5 other. My courtroom clerk will review it and then we're going to announce  
6 the names of the individuals who will be on our jury.

7 From there I'm going to give a couple of additional instructions  
8 and then we will start opening statements. And the State will go first and  
9 then ultimately the defense will have the opportunity to give an opening  
10 statement after the State, or they can, what's called, reserve, and give at  
11 the beginning of their case, should they choose to put a case on. So  
12 we're going to see how this trial rolls today.

13 Again, this is one of the moments where I wish we had better  
14 music and not the white noise. One of these days we'll upgrade.

15 PROSPECTIVE JUROR NUMBER 295: Well, we have a  
16 musician here.

17 THE COURT: We do have a musician. Did you bring your  
18 instrument?

19 PROSPECTIVE JUROR NUMBER 303: It was a weapon so  
20 they let it through.

21 THE COURT: This is safety first.

22 PROSPECTIVE JUROR NUMBER 303: Yeah.

23 THE COURT: Safety first.

24 [Pause in proceeding]

25 THE COURT: It's getting really quiet. Everyone's still awake?

1 Okay. Just doing a check, doing a check in.

2 [Pause in proceeding]

3 THE COURT: This was touched upon by both sides during jury  
4 selection, but you can see why the television shows, where everything's  
5 wrapped up in one hour, is wholly misleading to everybody or anybody  
6 who's never actually been involved in this process.

7 [Pause in proceeding]

8 MR. DIGIACOMO: We're done. Can we approach with it,  
9 Judge?

10 THE COURT: Yes.

11 [Bench conference begins]

12 THE COURT: Thank you.

13 Is your client okay?

14 MR. MUELLER: H'm?

15 THE COURT: It looks like she was about to cry. Is she okay?

16 MR. MUELLER: No, she's emotionally as stressed as she can  
17 possibly be.

18 THE COURT: Well, that's fine. And is it just regular trial  
19 stress?

20 MR. MUELLER: Just regular stress, as far as I can tell.

21 THE COURT: Okay. Just checking in.

22 All right. What's going on?

23 MR. DIGIACOMO: Nothing, we're done.

24 THE COURT: Oh, we're done, okay.

25 All right. Does either party wish to exercise a challenge to the

1 peremptories exercised by either side?

2 MR. DIGIACOMO: No.

3 MR. MUELLER: We both waived our peremptories on the --

4 MR. DIGIACOMO: Alternates.

5 MR. MUELLER: -- we both waived our peremptories on the  
6 alternate.

7 THE COURT: On the alternate, okay.

8 MR. MUELLER: That way we'll have plenty -- we'll have two  
9 alternates.

10 THE COURT: All right. And so no challenges pursuant to  
11 *Batson* or anything else?

12 MR. MUELLER: No.

13 MR. DIGIACOMO: No.

14 THE COURT: Okay. Thank you.

15 [Bench conference ends]

16 THE COURT: All right. At this time, my courtroom clerk is  
17 reviewing the list, and we're going to announce the jury shortly.

18 [Colloquy between the Court and the Court Clerk]

19 THE COURT: I wish I could tell you that attorneys' handwriting,  
20 my included, are better than doctors, that's not always the case. We have  
21 to double check.

22 [Pause in proceeding]

23 THE COURT: Okay. The following persons will be with us as  
24 jurors and alternates.

25 I think it will be let -- let me think about this.

1 Marshal, would you prefer that everyone come sit over here and  
2 then have them come sit down. Would that be easier? Or there's too  
3 many?

4 THE MARSHAL: I don't think there's enough seats.

5 THE COURT: Too many, okay.

6 All right. So if your name is called, just sit tight, and then we'll  
7 rearrange seating here in a moment, okay.

8 So our first juror will be Mr. Triebwasser.

9 Our second juror will be Mr. Solano.

10 Our third juror will be Mr. Green.

11 Juror number 4 will be Justin Jackson.

12 Juror number 5 will be John Kramer.

13 Juror number 6 will be Mr. Anderson.

14 Juror number 7 will be Ms. Galvan.

15 Juror number 8 will be Ms. Whitlock.

16 Juror number 9 will be Mr. Mobley, Jr.

17 Juror number 10 will be Ms. Pasion, and I apologize. I know  
18 you've said it a few times and I keep -- everyone says it wrong and I'm  
19 going to join the crowd.

20 PROSPECTIVE JUROR NUMBER 286: It's Pasion.

21 THE COURT: Pasion, gotcha.

22 Juror number 11 will be Ms. Eldred.

23 Juror number 12 Ms. Nicholson.

24 Juror number 13 Mr. Yang.

25 And juror number 14 Ms. Johnson, Tiffany Johnson.

1           For everyone whose name was not called, please don't have  
2 your feelings hurt or feel slighted. And certainly, for those of you back  
3 there, who never even got a chance to come up to answer questions, I  
4 can't thank you enough for your patience, your honesty, and your  
5 willingness to participate in this process.

6           As I stated yesterday, it's fundamental to our justice system that  
7 individuals like you show up and participate.

8           And the good news is, is for everybody, including those who  
9 ultimately sit as jurors, you'll be done now for quite some time, you don't  
10 have to come back for at least 18 months, I've heard even up to three  
11 years. But I hope, as slow as it was, it was nonetheless interesting and I  
12 hope you all learned something new.

13           Thank you again.

14           You're going to step out and you're going to give your badges  
15 over -- will the box be outside?

16           THE MARSHAL: Yes, ma'am.

17           THE COURT: There will be a box outside; you can leave your  
18 badges there. And for everyone who was selected, please just remain  
19 seated and we'll rearrange everyone's seating in a minute.

20           [Remaining prospective jury panel exit the courtroom]

21           THE COURT: Counsel, while everyone's exiting can I have  
22 counsel approach the bench.

23           [Bench conference begins]

24           THE COURT: If your client is continuing to cry, do we need to  
25 take a brief minute to get herself together, we can do that?

1 MR. MUELLER: Sure.

2 THE COURT: Okay. So I'm going to let them exit, then we'll  
3 take a quick break, that way they can stretch --

4 MR. DIGIACOMO: I could use the restroom anyway.

5 THE COURT: -- restroom, before opening statements, that's  
6 good timing. Okay. Thanks.

7 MR. DIGIACOMO: Thank you, Judge.

8 [Bench conference ends]

9 THE COURT: All right. What we're going to do now actually is,  
10 because we're going to roll into some preliminary instructions and then  
11 opening statements, what I'm going to do is let everyone take a break that  
12 way you can stretch, use the restroom, that way we can finish out for the  
13 rest of the day.

14 My question for everybody -- oh, we've got somebody who  
15 came back in.

16 PROSPECTIVE JUROR NUMBER 360: Forgot the badge.

17 THE MARSHAL: Right there in the box.

18 THE COURT: Oh, thank you, sir.

19 THE MARSHAL: Outside the door, keep going.

20 Thank you, Mr. Ramos.

21 PROSPECTIVE JUROR NUMBER 360: Thank you.

22 THE COURT: -- is everyone available to go -- well, it depends  
23 on long opening statements go, ideally we'll end around 5:00. If we go  
24 over a little later than 5:00, is everyone okay with that? Everyone's  
25 nodding their heads yes.

1               So we might not. We might end before that. But just want to  
2 make sure.

3               What we're going to do is just do opening statements today and  
4 start with testimony tomorrow. So you know what scheduling is going to  
5 happen.

6               All right. So I have to give you that admonishment. You cannot  
7 talk or 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 any 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 the trial until the case is finally submitted to you.

13              You are the jurors now, so you obviously, certainly, cannot talk  
14 about anything about this case until the case goes to you for deliberation.

15              So let's take a break, we'll come back at -- let's say 3:15 and  
16 we'll -- the marshal will line you up and have you seated and ready to go.  
17 All right?

18              Thank you very much.

19              [Outside the presence of the prospective jury panel]

20              THE COURT: All right. Let the record reflect that the 14  
21 members of our jury panel have left the courtroom.

22              Ms. Guidry, I'm just checking in on you, do you need -- we took  
23 this break partially to check in on you. Do you need tissues or water or  
24 anything?

25              THE DEFENDANT: No, I'm good.



1 THE COURT: Okay. All right. So we're going to come back at  
2 3:15.

3 Do you need to use the restroom or anything? We'll take you to  
4 the back, no? Okay. All right. Thank you. 3:15.

5 [Recess taken at 2:59 p.m.]

6 [Jury trial resumed at 3:17 p.m.]

7 [Outside the presence of the prospective jury panel]

8 THE COURT: State, are we ready -- I'm sorry to interrupt, can  
9 we go back on the record?

10 MR. SCARBOROUGH: Yes, Your Honor.

11 THE COURT: All right, sorry.

12 All right. We're going to go back on the record. We just  
13 finished our afternoon break in Case C-18-329810-1, State of Nevada  
14 versus Ronneka Guidry.

15 I just want to caution, Mr. Mueller, and Ms. Guidry, I know that  
16 you were feeling emotional. I can still see that you're emotional. I'm  
17 going to ask that you -- if you need a break, let your attorney know that  
18 you need a break.

19 [Colloquy between Defense attorney and the Defendant]

20 THE COURT: I'm sorry? Mr. Mueller, do I need -- do I need  
21 to --

22 MR. MUELLER: No, Your Honor, we're --

23 [Colloquy between Defense attorney and the Defendant]

24 THE COURT: Okay. And I'll let you make that phone call  
25 before we bring the jury in. But we need to be careful of comments being

1 made, if we're talking, be sure to use a voice that won't carry to the jury.  
2 That's for everybody but just to be -- just to be safe.

3 Okay. Do you want to make that phone call and we'll bring the  
4 jury in.

5 MR. MUELLER: Yes, thank you.

6 [Pause in proceeding]

7 THE COURT: Okay. Did you place the call?

8 MR. MUELLER: I spoke with her father, he's on his way.

9 THE COURT: Okay. All right. Well, let's go ahead and get  
10 started because I have some preliminary instructions I need to read the  
11 jury.

12 Are they lined up --

13 THE MARSHAL: Do you want me to bring in the jury?

14 THE COURT: -- and ready to go?

15 Yeah, let's do that. Thank you.

16 [In the presence of the prospective jury panel]

17 THE COURT: Do the parties stipulate to the presence of the  
18 jury?

19 MR. DIGIACOMO: Yes, Your Honor.

20 THE COURT: All right. Before we begin opening statements,  
21 I'm going to read some preliminary instructions to you.

22 THE CLERK: Do you want me to --

23 THE COURT: Let's actually -- yes, thank you, Ms. Donahoo --  
24 let's swear you in first. I apologize for making you sit because I need you  
25 to stand again.

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[The Court Clerk swears in the jury]

THE COURT: Ladies and gentlemen, you are admonished that no juror may declare to a fellow juror any facts relating to this case of your -- his or her own knowledge. And if a juror discovers during the course of this trial, or after the jury has retired, that he or she or any other juror has personal knowledge of any fact or controversy in this case, you should disclose that situation to me in the absence of other jurors.

That paragraph was written by a lawyer, what that means is, if in the course of this trial you realize that you know something about this case, you know somebody related to this case, and you didn't realize that during the course of the selection process, then you should bring that my attention. And you're going to bring that to my attention, and not anybody else's, so we can make sure that we address it and we're making sure that that isn't an issue that becomes a bigger issue. And maybe it's not an issue at all, but the purpose is that we can address that as the parties, as well as the Court. All right.

And that's to include if a witness walks in the door and you're like, oh, my goodness, I knew that person and you didn't recognize their name when they were read out during the selection process, raise your hand, flag down Marshal Enriquez, or another marshal that's in the courtroom, and we'll address that as the case goes on.

Any time you need to communicate with the Court, meaning myself, you're going to do so through Marshal Enriquez, you're getting to know him quite well now, you've had a few in and out of the courtroom with him, and he will be present at all times during the trial unless he's --

1 someone's helping cover for him and we'll let you know who that person  
2 is.

3           During the course of the trial, the attorneys for both sides, court  
4 personnel, other than the marshal, will not be permitted to talk to you. As  
5 I said yesterday, the attorneys, myself, and witnesses aren't allowed to  
6 talk to you. It's simply that they are bound by ethics and the law not to  
7 speak with you because to do so would contaminate or potentially  
8 contaminate your verdict.

9           We're not even allowed to say hello, if we were to pass you in  
10 the hall, or be in the elevator together.

11           If you recognize a witness or become familiar with the facts of  
12 this case, as I said, please make a little note and flag down the marshal  
13 so we can address that issue. And we'll address that issue at the next  
14 break. So we don't want to interrupt endlessly but there will be breaks,  
15 just like we've taken in the afternoon and the morning, during the course  
16 of this trial, we'll take care of it at that time.

17           You are admonished not to visit any scene of the acts or  
18 occurrences that will be mentioned during the course of this trial. So if  
19 you find out that this took place at the corner of, you know, Main Street  
20 and First Street, you should not go there. And the reason for that is  
21 because this event took place at a certain place and time and things can  
22 look different and be different than they were at the time that the crime  
23 took place. So we don't want your verdict influenced by information that  
24 may not or may be correct based on your visit to any scene of the alleged  
25 crime.

1 All right. Now, if there's a time where we would go out to the  
2 scene, we would take care of that, it'll be part of your role as the jury. We  
3 don't anticipate that happening. And if we were to do that, the Court  
4 would instruct you as to what to do.

5 The parties during the course of the trial may present objections  
6 to some of the testimony or other evidence. At times I may sustain those  
7 objections or direct you to disregard certain testimony or exhibits.

8 You must not consider any exhibit or evidence to which an  
9 objection has been sustained or which I have instructed you to disregard.

10 It is the duty of a lawyer to object to evidence which he believes  
11 may not be properly offered and you should not be prejudiced in anyway  
12 against a lawyer who makes that objection on behalf of the party which he  
13 represents.

14 I may also find it necessary to admonish the lawyers, meaning  
15 talk to them about something, point something out, if I do, you should not  
16 show any prejudice towards the lawyer or his client because I found it  
17 necessary to admonish them.

18 Throughout the course of the trial, if you cannot hear a question  
19 asked by an attorney or the answer given by the witness, please raise  
20 your hand as an indication that you cannot hear what's happening. And if  
21 you realize that no one's seeing you raise your hand, feel free to say,  
22 excuse me, I couldn't hear. We want to make sure that you're hearing all  
23 the testimony and hearing all -- and also seeing whatever exhibits are  
24 being introduced during the course of the trial.

25 If you wish, you see you have little notepads in front of you now,

1 you can take notes during the course of the trial. All I ask is that you do  
2 not become so distracted by taking notes that you end up missing the  
3 testimony or any exhibits that are being introduced.

4 Ultimately you should rely on your own memory of what was  
5 said. And when you go back to deliberate you should not be overly  
6 influenced by the notes of other jurors during the deliberation process.

7 This case will proceed in the following order, first, as we  
8 discussed earlier, there will be opening statements, the plaintiff in this  
9 case, which is the State of Nevada, can give an opening statement. And  
10 if the defendant chooses, they can then follow with their own opening  
11 statement or they can reserve and give an opening statement at the close  
12 of the State's case.

13 Opening statements are a synopsis or a summary, an overview  
14 of what the attorney believes the evidence will be during the course of the  
15 trial.

16 Opening statements of the attorneys are not evidence, after all,  
17 the attorneys are not witnesses to any facts in this case and therefore it's  
18 just to help you understand what we anticipate the evidence to be during  
19 the course of the trial.

20 After opening statements, the State will then call witnesses and  
21 introduce any evidence. And after the conclusion of each witness that is  
22 called, the defense will have the opportunity to cross-examine them and  
23 then we'll continue with questioning.

24 At the close of the State's case, the defense has the right to put  
25 on a case, to introduce evidence, if they so choose. This is a criminal

1 case, they have no obligation whatsoever to put on any evidence. But if  
2 they choose to do so, they can. And if they do so, the State also has the  
3 opportunity to put on rebuttal witnesses or rebuttal evidence as to  
4 whatever evidence the defense introduced.

5 After all of that there will be closing arguments. Before closing  
6 arguments, I will instruct you on the law that applies to this case. You  
7 must not be concerned with the wisdom of any rule of law starting in these  
8 instructions or in the instructions I give you at the end of the trial.

9 Regardless of any opinion you have as to what the law ought to  
10 be, it would be a violation of your oath to base a verdict upon any other  
11 view of the law than those given to you by the Court.

12 After the instructions and the law are read to you, I said the  
13 parties would have a chance to do closing arguments. Again, what the  
14 attorneys say during closing arguments is not evidence. Their arguments  
15 will be designed to summarize and interpret the evidence for you and  
16 show how the evidence and the law relate to one another.

17 Since the State of Nevada has the burden of proof in this case,  
18 they get to argue twice. They get to argue summation, if you will,  
19 summary of the evidence as it relates to the law, and then the defense  
20 gets to do a closing argument and then the plaintiff, the State of Nevada,  
21 gets to a rebuttal argument.

22 After the attorneys have presented their arguments, you will  
23 retire to select a foreperson to deliberate and arrive at your verdict.  
24 Faithful performance by you of your duties is vital to the administration of  
25 justice. It is your duty to determine the facts and determine them from the

1 evidence and the reasonable inferences arising from such evidence. And  
2 in doing so, you must not indulge in guesswork or speculation. The  
3 evidence which you are to consider consists of the testimony of witnesses  
4 and the exhibits admitted in evidence. The term witness means anyone  
5 who has testified in person or if, so necessary, and I don't believe this to  
6 be the case but it could be, anyone who needs to testify via  
7 teleconferencing and you'd be able to see that person on the television.

8 Admission of evidence in court is governed by rules of law.  
9 From time to time it may be the duty of the attorneys to make objections.  
10 And, again, it's my duty to rule on those objections.

11 You must not consider anything you have seen or heard when  
12 the court is not in session. Even if what you see or hear is said or done  
13 by one of the parties or one of the witnesses.

14 While you're at the courthouse please always wear your juror  
15 badge. And you -- I see you have the blue badges now. Make sure that  
16 that's displayed so everyone can see that. When you come in the  
17 morning and during the breaks, anytime you are here in the courthouse  
18 and even leaving the courthouse, I ask that you keep that badge on.  
19 That's because, as you can tell, especially in the mornings, it's just a mass  
20 of people coming in, and they don't know what you're here for. And  
21 having that badge visible for everyone to see is the safest place to make  
22 sure that people know you're a juror. And feel free to use that badge as a  
23 form of protection, if someone tries to chit-chat with you, say, I'm sorry, I'm  
24 a juror, I can't talk to anybody, I'm listening to a case right now.

25 I also ask you not to talk to anybody unless they're another juror



1 that you know and recognize. And, again, you can't talk about the facts of  
2 the case, you could talk about anything but just not the facts of the case  
3 while you're sitting as a juror.

4 In every type of case there are two types of evidence, direct and  
5 circumstantial evidence. Direct evidence is testimony by a witness about  
6 what they saw, heard, or did. Circumstantial evidence is testimony or  
7 exhibits which are a proof of a particular fact from which that fact, if it's  
8 proven, you can infer the existence of a second fact.

9 Again, written by a lawyer. Let's break that down, as an  
10 example, we've been sitting inside -- well, you all have been lucky enough  
11 to see the windows, but I haven't. We've been sitting in this room all day.  
12 And someone walked through that door carrying an umbrella and they  
13 were wet and the umbrella was wet, you could infer that it was raining  
14 outside. That's circumstantial evidence that it was raining and they used  
15 the umbrella to cover themselves to not get wet. That's an example of  
16 circumstantial evidence.

17 You may consider both direct and circumstantial evidence in  
18 deciding this case. The law permits you to give equal weight to both types  
19 of evidence, but it's up to you to decide how much weight to give any  
20 particular piece of evidence.

21 Opening statements and closing arguments are intended to  
22 help you understand the evidence in applying the law.

23 All right. I also note, just like you, I might take trial notes, you'll  
24 see me writing things down, please don't give any weight to things that I'm  
25 writing down versus other things that I'm not writing down. There's a

1 reason why I'm writing some things down and not other things down.  
2 You're not to read anything into what I am doing or why I'm taking notes or  
3 not taking notes.

4 All right. Do not talk about this case with anyone during the  
5 pendency of the trial, that includes family members or friends.

6 And if -- those of you who are employed and need to reach out  
7 to an employer, you can do that, let them know that you're serving on a  
8 jury, but don't into the facts of the case.

9 And I'll make that offer again, if anybody has any concerns  
10 about employment or school and you need a letter from the Court in order  
11 to explain what you're doing, I'm glad to do that. Just let my marshal  
12 know and we'll get that taken care of for you.

13 If during the course of the trial any scheduling -- unexpected  
14 scheduling issues come up, please let me know and we'll work with you.  
15 And I know that scheduling could be an issue for some of you and we will  
16 address that as the days go on.

17 Just like that admonishment you've heard several times during  
18 the course of jury selection advises, you cannot read any stories or  
19 articles or listen to any radio, television, or read any Internet stories or  
20 search the Internet for anyone related to this case or facts of this case.  
21 Do not do any research whatsoever or make any investigation about this  
22 case on your own. It's a seemingly simple instruction but these days  
23 everyone has a computer in the palm of their hand and it's easy to get  
24 distracted. If you were to do that, you would violate your oath that you've  
25 taken as a juror and would potentially cause other problems. So, please,

1 do not do that.

2 And I reiterate, even if your best friend calls you, and says, hey,  
3 what's this trial about, what's going on, let them know you can talk to them  
4 end of the trial, just not during the course of the trial.

5 Do not make up your mind about what the verdict should be  
6 until after you have gone into the jury room, considered all the evidence,  
7 and discussed and deliberated with your fellow jurors.

8 It's important to keep an open mind throughout the course of the  
9 trial and hear all the evidence before making your decision and you  
10 cannot do that until the case is closed and submitted to you.

11 I will let you know now that you will not have a written transcript  
12 to consult during the course of deliberations. So while we do have a court  
13 recorder who's taking down, recording everything that's happening, that is  
14 a process that will require her to go back and make a transcript. And so  
15 it's just not going to be available to you. That's why it's important that you  
16 pay attention, that you take notes during the course of the trial in case you  
17 have any questions about that. In any case, I urge you to pay close  
18 attention to everything that is presented during the course of the trial.

19 And with that, we will begin with opening statements.

20 Is the State ready to proceed?

21 MR. DIGIACOMO: Your Honor, may we approach?

22 THE COURT: Yes.

23 [Bench conference begins]

24 MR. DIGIACOMO: I know every Court does things differently,  
25 but I've never done a trial where they didn't read the Information to the

1 jury.

2 THE COURT: Oh, you're right, we can read the -- its the  
3 Indictment.

4 MR. MUELLER: Indictment and --

5 THE COURT: It's indictment; right?

6 THE CLERK: Yes.

7 MR. DIGIACOMO: Indictment, correct.

8 THE COURT: It's a practice I got out of. We didn't do that over  
9 there. So I thank you for the reminder. We can do that. We'll read the  
10 Indictment; then we'll start.

11 And do the parties want to invoke the rule?

12 MR. MUELLER: Yes.

13 MR. DIGIACOMO: Yeah, we have nobody that we're going to  
14 call as a witness here.

15 THE COURT: Okay. All right. So I'll let them know.

16 [Bench conference ends]

17 THE COURT: All right. Before Mr. DiGiacomo begins his  
18 opening statement, if we could read the Indictment to the jury, please.

19 [The Court Clerk reads the Indictment]

20 THE COURT: Thank you, madam clerk.

21 That is the charging document in this case. It's called an  
22 indictment. An indictment or a charging document is not evidence but it is  
23 to inform you of what the charges are so you understand what the State  
24 will be speaking to prove beyond a reasonable doubt.

25 And with that we can begin with opening statements. Thank

1 you.

2 MR. DIGIACOMO: Thank you, Judge.

3 **OPENING STATEMENT BY THE STATE**

4 MR. DIGIACOMO: Eduardo Osorio was a 21 year old native of  
5 Brazil. He was going to UCLA and he was here in town to celebrate for a  
6 few days around the new year of 2018 and then he was supposed to  
7 travel on Thursday to Colorado to go see his family and do some skiing.

8 Mr. Osorio was part of, sort of the life blood of our community,  
9 he's here at major casinos, engaging in the adult activity that we offer, and  
10 like probably many of our tourists, he either doesn't understand that  
11 prostitution is illegal or he doesn't know or the evidence will be he may not  
12 even know that he was engaged with a prostitute on the night of  
13 January 2nd into the early morning hours of January 3<sup>rd</sup> of 2018.

14 He made some poor choices. He drinks too much. He's a .168  
15 at the time of his death, which is about twice the legal limit. He has a very  
16 small amount, less than therapeutic, as they call it now, amount of  
17 marijuana in his system. And he had been out in our casinos having a  
18 good time for several hours.

19 The mistakes he made resulted in ultimately him losing his life,  
20 but the responsibility of why he lost his life is sitting at the table over there.  
21 Ronneka Guidry killed Eduardo Osorio and she did it over \$4500.

22 The case comes out originally as a 9-1-1 call from a bunch of  
23 people that are on the corner of Koval and East Flamingo. Sort of, if you  
24 guys know this area of town where the Westin is, there's a little Chevron  
25 station called Jay's Market. They get a number of phone calls from

1 people who report a pedestrian vehicle incident where the pedestrian is  
2 still lying on the roadway and the vehicle has fled the scene.

3 The vehicle's described as a black car of some sort. Some  
4 witnesses say the contact happens as the car is actually moving  
5 southbound initially on Koval and then ultimately there's another contact  
6 between Mr. Osorio and this vehicle. Police arrive on scene and when  
7 they get there there's no vehicle associated with the incident. It's long  
8 gone.

9 They find Mr. Osorio. He had been in the left hand travel lane,  
10 a citizen who had some EMT training, had pulled him over to the right  
11 hand lane, and had started giving him compressions and CPR in an effort  
12 to save his life.

13 He's transported to the hospital and ultimately he succumbs to  
14 his injuries. He has a number of injuries about his body as you'd expect  
15 from a vehicular, pedestrian incident. He has a large amount of abrasions  
16 on the face and on the shoulder and on the hands and he also has a very  
17 large subdermal hematoma from where he hit the back of his head on the  
18 cement when he hit the ground.

19 One of the things he was wearing during this incident is this  
20 jacket and the reason the picture is up here is because with this jacket  
21 you can sort of follow him throughout the night because most of this town  
22 is covered in video cameras. It's got these yellow checkered sleeves,  
23 blue body, and a gray hoodie.

24 When the police arrive they realize that the Westin Hotel has a  
25 bunch of security cameras. And when they first arrive they think this is

1 just a drunk tourist who got hit by a car and the car didn't stop. That's  
2 their initial assumption as to what happened until they watched the video  
3 cameras.

4 I'm going to play some small snippets of it here. You're going to  
5 have the full snippets later.

6 MR. MUELLER: Objection, could we have some discussion of  
7 the evidence, as opposed to an opening statement.

8 THE COURT: As I instructed, preliminarily, what the attorneys  
9 say at this time is not evidence, what the attorneys argue during opening  
10 and closing are not evidence, this is opening statements where the  
11 attorneys are introducing what they believe will be the evidence during the  
12 course of the trial.

13 MR. DIGIACOMO: This is a valet east PTZ camera on the front  
14 of the Westin, you could see there's a black Mercedes with the CLA, pull  
15 in about 2:12 in the morning and head to the east side of the parking lot.

16 Another camera view, they're about 30 seconds off.

17 MR. MUELLER: Judge, can we approach?

18 THE COURT: Yes.

19 [Bench conference begins]

20 MR. MUELLER: He's doing his closing statements. He hasn't  
21 even authenticated any of this evidence. He's supposed to outline what  
22 the evidence is supposed to be, not try to win the jury over by doing his  
23 closing statement at the beginning. None of this is in evidence. None of  
24 this has been authenticated. This is not appropriate.

25 MR. DIGIACOMO: Do you have a reasonable basis to believe

1 I'm not going to be able to authenticate this, Craig?

2 MR. MUELLER: I believe that you --

3 MR. DIGIACOMO: Then it's not a valid objection.

4 MR. MUELLER: -- I believe you were overstepping what  
5 opening statements are supposed to be. The evidence will show that we  
6 have videotape that shows this. Not showing the videotape.

7 THE COURT: Well, I have instructed them that it's what they  
8 believe the evidence to be. They'll -- he'll have a -- he'll be in a world of  
9 hurt if he tries to introduce the video and it's not in; right, doesn't get in  
10 during the course of the trial. So he is certainly taking a risk. I appreciate  
11 your concern.

12 How much more video are we going to show?

13 MR. DIGIACOMO: There's several more clips and then a whole  
14 bunch of stills.

15 THE COURT: Some more clips?

16 MR. DIGIACOMO: Yeah.

17 THE COURT: And a bunch of stills. Okay. All right.

18 So in good faith you're telling me you anticipate all this evidence  
19 being able to be admitted during the course of the trial?

20 MR. DIGIACOMO: Yeah. And all of it's been turned over to  
21 Mr. Mueller, he knows.

22 THE COURT: Okay. All right. I will overrule the objection.

23 [Bench conference ends]

24 MR. DIGIACOMO: This is another camera view. In this one  
25 you see the black car pull in, you will watch it drive down.



And then when it gets over here by these green trees in the back of the Jay's Market, or the side of the Jay's Market, you're going to notice that the car pulls up, then backs into a spot.

Once it backs into that spot it sits in that spot for approximately seven more minutes.

And I'm not going to make you sit here and watch that.

Seven minutes later the vehicle pulls out and heads towards the parking garage, the Westin parking garage.

The vehicle drives through the Westin parking garage and there's two -- well, there's video of this, but these are two stills out of that video, with a side view and a back view. The vehicle appears to have some sort of orange and black dealer paper plates on it.

And when it drives through here, it ultimately winds up making a right on Koval and back on Koval.

If you keep watching on the street down here, after the car comes down Koval.

[Playing video]

MR. DIGIACOMO: You key on the car behind -- this blue car that's coming, you'll see a black car accelerate out at a high rate of speed down Flamingo.

The other view.

[Playing video]

The other view that you'll have, you'll see the vehicle do the exact same thing.

That one doesn't appear to be moving.

1           This is a portion of that video. The police take the video and  
2 they zoom into various areas.

3           So if you notice looking at this still photograph of it right now,  
4 the vehicles still there with its headlights on.

5           Continue to watch the right side of the vehicle. You're going to  
6 see a door open and then close real quickly and the car pull off.

7           Continue to watch in this area for the next several seconds.

8                           [Playing video]

9           There, the door just moved, and the vehicle takes off.

10          So you continue to watch sort of this green area where the  
11 leaves are, you're eventually going to see a man, wearing that distinctive  
12 jacket, head towards Koval.

13                          [Playing video]

14          And you're going to see a customer who walks out to this pump  
15 and you're going to see that man then run over into the area of Flamingo  
16 as the black car turns that corner.

17          From the other video they're able to catch an angle of the car  
18 going by with what appears to be Mr. Osorio on the hood of the vehicle.

19                          [Playing video]

20          Back it up for you again.

21          Keep watching right here.

22          That appears to be a figure that's on the hood of the vehicle up  
23 by the driver's side window of that vehicle.

24          MR. MUELLER: Objection as to offering opinion.

25          THE COURT: Let's move on Mr. DiGiacomo.

1                   And I'll remind the jury that what the attorneys say is not  
2 evidence. This is what they anticipate the evidence to be during the  
3 course of the trial.

4                   MR. DIGIACOMO: The police are sort of left with what possible  
5 situations could this be, this doesn't appear to be a random car hitting a  
6 random person. The person that is killed, Mr. Osorio, appears to have  
7 some association earlier in the evening with that black Mercedes or black  
8 vehicle.

9                   And the only other information they have is his name, until they  
10 have contact with a person by the name of Lucas Siomes. And Lucas is  
11 going to come in here and he's going to tell you that he came to Vegas or  
12 was in Vegas with his friend Eduardo. That on the night of the 2nd the  
13 two of them had gone to the Caesars together and they spent the night at  
14 the Caesars, sometimes together, sometimes apart, and that the last time  
15 he saw him some time generally around 11 o'clock. Mr. Osorio wanted to  
16 stay out and walked into the Omnia nightclub and Lucas wanted to go  
17 home and go to sleep. So Lucas leaves. The last time he saw Eduardo  
18 he was walking into the Omnia.

19                  They also, through Lucas, have contact with Eduardo's parents,  
20 Nuno is his father and they -- the family says, hey, did you recover my  
21 son's watch?

22                  The police said, what watch?

23                  So they checked the scene and they determined there was no  
24 watch found at the scene. They go to the hospital, they determine there's  
25 no watch in the property at the hospital. They go to the coroner's, there's

1 no watch at the coroner's office.

2 So the family provides records of exactly what type of watch it  
3 is. It's a Rolex Oyster Perpetual, it's from 2014, and it actually has a serial  
4 number on it, 6KE22544.

5 Because of the missing watch, the police decide to call in the  
6 vice detectives because you will hear that there is a phenomenon in this  
7 town called a trick-roll, in which somebody, either a prostitute or  
8 somebody acting like a prostitute, or somebody who just wants to have  
9 some, or suggest they want to have some sort of sexual liaison with  
10 someone, will target somebody in order to steal their property. And it's a  
11 phenomenon that they call the trick-roll and they called in the vice  
12 detectives because they're sort of the experts in what trick-rolls are.

13 They also go back and they check, Do we have video that  
14 Mr. Osorio was actually wearing his watch that night?

15 And they find video earlier in the evening, this is about 10:06  
16 p.m., where he first sits at the bar, he takes that jacket that he's wearing  
17 off, and they see that he is actually wearing a watch that night. So it's not  
18 like it's been left in his room somewhere. The watch is missing.

19 They then watch the video and they see, yep, Lucas is right, he  
20 goes in the Omnia about 11 o'clock at night. He comes out of the Omnia  
21 at 1:52 in the morning. And there's no surveillance coverage in the Omnia  
22 but he gets picked back up when he comes out at 1:52.

23 By 1:56 he's covered by camera number 943.

24 And right about 2 o'clock, 2:01 in the morning, he comes into  
25 contact with an African-American female who's carrying this pink purse.

1                   That's Mr. Osorio speaking to this African-American female.  
2                   By 2:02 they're walking away together, hand in hand, and they  
3 walk directly.  
4                   Here they are hand in hand.  
5                   Here they are on the way to the elevators.  
6                   There they are in the elevators.  
7                   And she's rubbing his hair and playing with his hair.  
8                   They take the elevators down to the garage.  
9                   And the other thing that Caesars does, they have video. The  
10 top left one is our black CLA with that same African-American female with  
11 the pink purse inside of it.  
12                  And this is it going out at 2:07.  
13                  Pink purse, African-American female.  
14                  And you can kind of see the yellow jacket that Mr. Osorio was  
15 wearing.  
16                  So he's now in that car with a woman that he met five minutes  
17 before.  
18                  Based upon the information that they get from this camera  
19 track, they see that the plate, and this has been colorized so they can  
20 read it better, that actually is going to say OC Cars and Credit, but they  
21 get a phone number, 714-620-4400. They look it up on Google and they  
22 find out that it's a car dealer in California.  
23                  So they go to the car dealer in California and say, hey, have  
24 you ever sold a Mercedes CLA vehicle to somebody in Las Vegas, that  
25 generally looks like the girl that we got in this picture.

1                   And based upon that information, they identify Ronneka Guidry.  
2 They identify her address on Echo Shire and they go to the address on  
3 Echo Shire and they just happen to, as they show up, Ms. Guidry gets into  
4 that black vehicle and she drives off.

5                   And the police pull the vehicle over and they come into contact  
6 with Ms. Guidry, which she's taken into custody, and they process this  
7 particular vehicle.

8                   The vehicle, you will notice, has no damage on the windshield  
9 area of it whatsoever. They also find in the vehicle Ms. Guidry's cell  
10 phone. And they download that cell phone.

11                  And as all of you can probably imagine, your entire life is in that  
12 cell phone and if ever want to know somebody -- something about  
13 somebody, all you have to do is get their cell phone and look at the  
14 information.

15                  They find from Ms. Guidry's cell phone that she has a picture,  
16 which appears to be taken from the driver's side of her vehicle, of her  
17 windshield shattered that she took at 2:28 a.m. in the morning on  
18 January 3rd, approximately eight minutes after the incident that occurred  
19 on West Flamingo.

20                  There's a lot more information you're going to learn through this  
21 trial from that phone.

22                  But you're also going to find out that at 2:47 in morning she took  
23 a picture of a Rolex and she sent that picture, this is actually a text  
24 message sent to a jeweler, or a guy who works at a jewelry store, by the  
25 name of John Fernandez in Miami-Dade, Florida.

1                   And then she engages in a negotiation with him.

2                   This is John Fernandez sending her a text, Yeah, I got it, we're  
3 going to have to do the four. It's a 2014, already four years old, and it  
4 doesn't fit me, it's short two links.

5                   Ms. Guidry complains, Yeah, I'm not doing the four, you can  
6 send it back.

7                   And so he goes back and says, so we can lock it in at 4500 so I  
8 can call it a night.

9                   And ultimately that's the negotiation. You will find out that  
10 Ms. Guidry did receive \$4500 from that jewelry store. She gets 1400 by  
11 way of Walmart and she gets another \$3100 sent to her in cash from  
12 Mr. Fernandez at the jewelry store in Miami.

13                  They also think, well, based upon those text messages,  
14 Mr. Fernandez, by the time he sends that text message, must already  
15 have the watch because he's looking at it.

16                  Well, they find out from her phone that she went to a FedEx  
17 store and they get video of Ms. Guidry mailing a package to that jewelry  
18 store.

19                  And so based upon that information, they go to the jewelry store  
20 and lo and behold what do they recover? They happen to recover a 2014  
21 Oyster Perpetual Rolex with a serial number of 6KE22544. It's in  
22 evidence and you'll be able to look at it.

23                  She sent his watch. And once you know that, you know exactly  
24 what happened here.

25                  She had contact with Ms. Guidry --

1 MR. MUELLER: Objection, speculation, and not evidence.  
2 There's -- not even talking about what the evidence is going to show.

3 THE COURT: Yes, I think there was a misstatement, you  
4 anticipate the watch being introduced into evidence.

5 MR. DIGIACOMO: Correct.

6 THE COURT: And, again, I remind the jury that what the  
7 attorneys say is not evidence. It's to help you understand what they  
8 anticipate the evidence to be.

9 MR. DIGIACOMO: When you put that altogether the evidence  
10 is going to show exactly what happened. That Mr. Osorio had contact  
11 with Ms. Guidry. He thought he was going to have some sort of sexual  
12 contact with her. She lured him into his vehicle. She drove him to the  
13 Westin. And during the course of that interaction, she slipped off his  
14 watch and then got him out of the vehicle. And when he realized his  
15 watch was missing, he ran to the vehicle and tried to stop her. And when  
16 he jumped out in front of her and put his hands on her hood and said,  
17 Stop, I want my watch back.

18 You're going to hear from the detective in this case --

19 MR. MUELLER: Objection, speculation, not in evidence. I --  
20 Your Honor, this is inappropriate.

21 MR. DIGIACOMO: This is all -- what the evidence is going to  
22 show.

23 THE COURT: Well, I think we -- we're teetering towards  
24 argument. So we want to talk about what the -- what you anticipate the  
25 detectives testifying to, we can pick up there.



1 MR. DIGIACOMO: The detective is going to tell you that based  
2 upon his calculations and his reconstruction, that when Mr. Osorio jumped  
3 in front of that vehicle and wound up on that hood, that Ms. Guidry opened  
4 the throttle full on the vehicle, that she opened it up completely in order to  
5 drive off with his watch.

6 At the end of this case we're going to ask you to hold her  
7 responsible for the stealing of the watch, for the robbery of the watch, for  
8 using that force to retain it. And at the end of the day, because someone  
9 died, we're going to ask you to hold her accountable for the murder of  
10 Eduardo Osorio.

11 Thank you.

12 THE COURT: Thank you, Mr. DiGiacomo.

13 Mr. Mueller, are you ready to proceed?

14 MR. MUELLER: Yes, I am.

15 **OPENING STATEMENT BY THE DEFENSE**

16 MR. MUELLER: Ladies and gentlemen of the jury, the  
17 evidence is going to show not guilty. If you were listening closely to  
18 Mr. DiGiacomo there are enormous loop holes and problems with this  
19 case.

20 Young Mr. Osorio is in -- and by Mr. DiGiacomo's own  
21 admission, the State's own admission, he's partying like a rock star. He's  
22 drinking. He's carrying on. And his buddy, his running mate, actually  
23 peters out at about 11 o'clock at night.

24 The evidence will show that Mr. Osorio couldn't -- wanted to go  
25 have some more fun. He goes up, and as you saw in the videotapes, the

1 videotapes are going to show that he actually approaches Ms. Guidry at  
2 Caesars Palace. He gets in her car and they drive away. They drive a  
3 very short distance away to the Westin, to a very brightly lit location. The  
4 car is there for only about seven or eight minutes and Ms. Guidry drives  
5 away.

6 What happened in that car, there's not a scintilla of evidence of  
7 it. There's not a scintilla of evidence. Ms. Guidry has him step out and  
8 she drives away.

9 And as you'll see in the videotape, and as the tape will show,  
10 she drives away. There's not a gun, there's not a knife, there's not a fist  
11 fight, there's not an element of violence, there's no robbery here. The  
12 evidence will show.

13 The evidence will show that they can't even establish what  
14 transpired. Men and women interacting, lots of savory, and sometimes  
15 unsavory ways. The watch changes hands, Mr. Osorio, as you see, grabs  
16 his coat, gets out of the door, slams it, and she drives away.

17 There's a period of time where actually nothing happens.

18 Then Mr. Osorio on his own, at twice the legal limit, and then  
19 some, decides to run out into the middle of traffic. He hops onto a car, in  
20 front of not one, not two, not three, but a total of eight eyewitnesses in that  
21 traffic intersection will testify he is a man possessed.

22 He hops on that hood of that car. And you know what he does?  
23 He's screaming irrationally, almost nobody can understand a word he's  
24 saying, and then he takes and smashes his hand into a windshield so  
25 hard that he breaks, not only the windshield, but he breaks his hand.

1 Autopsy shows his hand is actually broken.

2 Ms. Guidry drives off, a very short distance away, maybe from  
3 here to the other side, he falls off. And through his foolishness, hits his  
4 head and dies.

5 Now, based on that, the evidence will show that there's no way  
6 of proving that there was a grand larceny or even knowing that there was  
7 a grand larceny. There is no evidence of a robbery. And Ms. Guidry  
8 drives off because the law does not require you to stay when you have a  
9 realistic fear for your safety.

10 Now, later, at the end of the case, evidence will show, you'll get  
11 the jury instruction, we'll instruct you on the law, but the proper result here  
12 is not guilty. There's no murder. The cause of Mr. Osorio's death is  
13 Mr. Osorio running into traffic at two times of legal limit, hopping on a car,  
14 and beating it, into the windshield, with his hand, sufficient that anybody  
15 would drive away from it. And then holding onto the car.

16 The State doesn't have a murder here. This isn't a murder  
17 case. It's a traffic accident case with a drunk man. Who by his own -- by  
18 the evidence, will show whose behaving outrageously.

19 So when we instruct you on the evidence in this case, we're  
20 going to ask, on behalf of Ms. Guidry, a not guilty of murder, not guilty of  
21 robbery, not guilty of grand larceny. There is no felony crime here.

22 Thank you.

23 THE COURT: Thank you.

24 I understand that we anticipated witness testimony starting  
25 tomorrow; correct?

1 MR. DIGIACOMO: Correct.

2 THE COURT: All right. Ladies and gentlemen, that concludes  
3 opening statements. We thought this would take a little longer, the way  
4 things were going, but we actually got done a little earlier than anticipated.  
5 So good news, you are done for today. I'm going to ask everyone to be  
6 back at 10:30 tomorrow morning where we will resume with witness  
7 testimony.

8 During this overnight recess, you're not to talk or converse  
9 amongst yourselves or with anyone else on any subject connected to this  
10 trial or read, watch, or listen to any report of or commentary on the trial or  
11 any person connected with this trial by any medium of information,  
12 including, without limitation, newspapers, television, radio, or Internet. Or  
13 form or express any opinion on any subject connected with this trial until  
14 the case is finally submitted to you for deliberation and for reaching a  
15 verdict.

16 Marshal Enriquez, do you need to speak to the jurors before  
17 they leave?

18 THE MARSHAL: No, Ma'am.

19 THE COURT: Okay. All right. I believe you already provided  
20 your phone numbers and everything else. So if anything comes up,  
21 please reach out to the Court, otherwise I will see everyone at 10:30  
22 tomorrow morning.

23 Thank you very much for your patience today. We'll see you  
24 then.

25 [Outside the presence of the jury panel]

1 THE COURT: Let the record reflect that the jury has left the  
2 courtroom.

3 Does either party need to address anything before we recess  
4 for the day?

5 MR. MUELLER: Yes, Judge, I want to make a record here.

6 THE COURT: Okay.

7 MR. MUELLER: Your Honor, defense objects to mist -- or the  
8 State's opening statement. The State's opening statement was not an  
9 outline of the evidence. It was actual presentation of the evidence,  
10 including opinions, admitting -- asserting facts that simply, if are true, are  
11 not anywhere in the evidence that they've given me, specifically what  
12 transpired in the car, specifically several other incidents regarding  
13 Mr. Osorio's behavior, running the gas station.

14 I believe the State has overreached and prejudiced Ms. Guidry's  
15 right to trial. They've presented at least seven pieces of videotaped  
16 evidence, none of which authenticated or put into evidence yet, and  
17 opined as to what the facts actually will lead them to conclude. I believe  
18 that was a closing argument and not an opening statement.

19 THE COURT: I appreciate that and thank you for laying a  
20 record of that, Mr. Mueller.

21 I understand your position, as we discussed at the bench  
22 conference, certainly the State can put on what they believe the evidence  
23 to be during the course of the trial. And if the video and photographs that  
24 were shown are not introduced, he's certainly going to be in a -- the State  
25 will be in a host of trouble regarding proving their case beyond a

1 reasonable doubt, and you'll be allowed to comment on that, as well as  
2 cross-examine on that.

3 For any other potential prejudice, I'll note that I did give three  
4 instructions to the jury reminding them that they are not allowed to  
5 consider what the attorneys say as evidence, that is not evidence, and  
6 ultimately the evidence will be what's introduced during the course of the  
7 trial.

8 So any potential prejudice was cured by the curative instruction.

9 Anything further?

10 MR. MUELLER: No, Your Honor.

11 MR. DIGIACOMO: No.

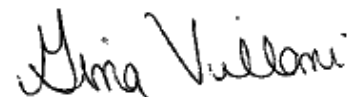
12 THE COURT: All right. I will see everyone at 10:30 tomorrow  
13 morning.

14 Thank you.

15  
16 [Jury trial, Day 2, concluded at 4:09 p.m.]

17 \* \* \* \* \*

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

22 

23 Gina Villani  
24 Court Recorder/Transcriber  
25 District Court Dept. IX



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

RONNEKA ANN GUIDRY,  
Defendant.

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

BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE  
WEDNESDAY, AUGUST 14, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:  
JURY TRIAL - DAY 3**

APPEARANCES:

For the State:

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

For the Defendant:

CRAIG A. MUELLER, ESQ.

RECORDED BY: GINA VILLANI, COURT RECORDER

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Las Vegas, Nevada, Wednesday, August 14, 2019

[Jury trial began at 10:44 a.m.]

[Outside the presence of the jury panel]

THE COURT: Good morning.

Have we heard from Mr. Green?

Marshal Enriquez, have we heard from Mr. Green?

THE MARSHAL: No, we haven't.

THE COURT: No, all right.

MR. MUELLER: Your Honor, an administrative matter.

May I approach?

THE COURT: Sure.

MR. MUELLER: This is pursuant to a *Widdis* decision. We've already been authorized an investigator on this case. We've got quite a bit of work to do tonight. I was hoping to get some additional funds.

THE COURT: Okay. We're back on the record in Case C-18-329810-1.

We're waiting for a juror to come in.

Let the record reflect the presence of the State, counsel for the defendant, and the defendant who is in custody.

Let's see here.

Okay. All right. I'll take a look at this Mr. Mueller, and I'll -- is this just two copies of the same?

MR. MUELLER: Yes, Judge.

THE COURT: Okay.



1 MR. MUELLER: My investigator is in the courtroom, Mr. Patrick  
2 Hardy.

3 THE COURT: Okay.

4 MR. MUELLER: We've worked with him before.

5 THE COURT: Thank you.

6 Good morning.

7 All right. So Mr. Green called about ten minutes ago, maybe a  
8 little more now, saying he was seven minutes away, but I think he's got to  
9 park, walk, come in here, so hopefully he'll be here shortly.

10 MR. DIGIACOMO: Can I raise a different issue, Judge?

11 THE COURT: Yes, of course.

12 MR. DIGIACOMO: Judge, as you recall, when you excluded  
13 the meme, you told Mr. Mueller that you will very easily open the door.  
14 And so what has happened since that time, Mr. Mueller has said to this  
15 jury that Ms. Guidry is a prostitute, which I assume means that the  
16 prejudicial nature of that meme suggesting that she's a prostitute is no  
17 longer really something the Court has concerns about.

18 Then he got up, in his opening, he acknowledged not only was  
19 this some sort of act of prostitution related in some point, he  
20 acknowledged she's the perpetrator of whatever crime occurred, if a crime  
21 occurred, and left it down to, he said two things, 1, you don't know for sure  
22 what happened in this vehicle, and, 2, more importantly, he says, that the  
23 victim may have given the watch to Ms. Guidry.

24 And so we have evidence that directly contradicts that theory of  
25 the defense and it's now the only issue that Mr. Mueller has raised in the

1 entire case.

2           So how it is that this is now not relevant to rebut the defense's  
3 theory of that this is some sort of transaction that's legitimate with  
4 Ms. Guidry, I don't understand how there could possibly be a prejudice  
5 now to Ms. Guidry to the admission of this particular meme.

6           And so I'd ask the Court to reconsider.

7           MR. MUELLER: Mr. DiGiacomo's argument consists of, I reject  
8 your reality and substitute my own. The meme, as the Court remembers  
9 from the argument, was downloaded a couple weeks and it represents not  
10 any creative or intellectual work from her. It is a famous rap star. I don't  
11 remember her name.

12           THE COURT: Nicki Minaj.

13           MR. MUELLER: Thank you.

14           Wow, I'm going to start feeling old these days. Judge knows  
15 popular culture better than I do.

16           Your Honor, there's -- nothing changed. The issue is it's -- the  
17 prejudicial nature is the nature of the theft.

18           And I reject Mr. DiGiacomo's argument, though he is going to  
19 see if you were paying attention.

20           THE COURT: I was paying attention. I'm going to take that  
21 under advisement. I'm going to think about that. I think -- I think there's  
22 some things for me to reconsider, so I will do so. But we'll go ahead and  
23 start with testimony.

24           Were you anticipating introducing that with your first witness?

25           MR. DIGIACOMO: Not today.

1 THE COURT: Okay.

2 MR. DIGIACOMO: It's actually with our lead detective, who's  
3 tomorrow.

4 THE COURT: Okay.

5 MR. DIGIACOMO: For the record, Mr. Mueller never sent me  
6 any proposed redactions. So Mr. Scarborough last night went through, in  
7 her statement, and removed everything related to prior criminal conduct of  
8 Ms. Guidry from her statement. I've sent that to Mueller. We intend to  
9 present that tomorrow as well.

10 THE COURT: Okay.

11 MR. DIGIACOMO: So if, by sometime early this evening, if he  
12 has something else he needs to have done, we need it fairly early to -- to  
13 notify --

14 THE COURT: Yes.

15 MR. DIGIACOMO: -- our people to do that.

16 THE COURT: So I'm also going to talk to Mr. Jackson after  
17 lunch, or during our lunch break when we take our lunch break, to see  
18 what his schedule is like tomorrow.

19 As you recall, he was the one who said he had a morning event,  
20 perhaps he can get someone to cover for him, and so I'll see what his  
21 schedule is.

22 If that's the case, then we will start -- if he can't get coverage,  
23 then we'll start the trial in the afternoon. Ideally we'll start it at 12:00. If  
24 not, then we will start in the morning, if he can get coverage, excuse me.

25 So if we start it in the morning, I'm going to need to know if

1 there's any objections to that redactions --

2 MR. MUELLER: All right. Thank you, Judge. We'll see to it.

3 THE COURT: -- by 8:30. Because I have an 8:30 calendar and  
4 we'll start right after that.

5 MR. DIGIACOMO: So if we're lining up witnesses, if you have  
6 an 8:30 calendar, do you think 9:00 or?

7 THE COURT: 9:00.

8 Yeah, it's two -- they're two brief hearings, so it will be easily  
9 done by 9 o'clock, yeah.

10 Are we good?

11 THE MARSHAL: No, Your Honor, we're still waiting on  
12 Mr. Green.

13 THE COURT: Okay. Do you want to give him a buzz and see  
14 what his status is?

15 THE MARSHAL: Yeah, I'll give him a call right now.

16 [Pause in proceeding]

17 THE COURT: You know, State, when you get a chance, can  
18 you give me a copy of that proposed redacted statement just so I have it  
19 and I can be familiar with it ahead of time. That way --

20 MR. DIGIACOMO: I can send it probably -- well.

21 THE COURT: -- if there are any issues I can --

22 MR. DIGIACOMO: Oh, it's on my phone. I can send it to Jaye  
23 right now.

24 THE COURT: That would be great. I appreciate it.

25 [Pause in proceeding]

1 THE COURT: Is there anything else we need to discuss before  
2 we bring the jury back in?

3 MR. DIGIACOMO: Can you give me half a second, I forgot to  
4 log into your system here.

5 THE COURT: No problem.

6 MR. DIGIACOMO: And then once I'm in then -- our first  
7 witnesses, two, have -- both speak fairly good English. We spoke to them  
8 both last night but they felt comfortable having a standby Portuguese  
9 interpreter. So we have one of those present as well. But he's going to  
10 act in the standby capacity.

11 THE CLERK: Are they court --

12 THE MARSHAL: He ran out to the meters.

13 MR. DIGIACOMO: Oh.

14 THE MARSHAL: He said he'd be right back. He ran out about  
15 ten minutes ago, maybe, five to ten minutes.

16 THE COURT: Okay. So we'll have to wait for the -- is that a  
17 court certified interpreter?

18 MR. DIGIACOMO: It's the court interpreter's office.

19 THE COURT: Okay. Yeah, so we'll wait for that person to  
20 come back before we start.

21 THE CLERK: So you don't need him sworn; right, if he's court  
22 certified?

23 THE COURT: We should swear him for the record.

24 THE CLERK: Okay.

25 THE COURT: Yeah.

1 [Pause in proceeding]  
2 THE COURT: Good morning, sir.  
3 THE INTERPRETER: Good morning.  
4 THE COURT: We're going to swear you in before we start this  
5 morning.  
6 THE INTERPRETER: Sure.  
7 THE CLERK: You're the court interpreter?  
8 THE INTERPRETER: Yes.  
9 THE COURT: Yes, yeah.  
10 THE CLERK: Okay. Can I have your name?  
11 THE INTERPRETER: T-h-i-r-a-w-a-t, that's the first name; last  
12 name is A-p-i-c-h-o-n-r-a-t-t-a-n-a-k-o-r-n. Sorry about that.  
13 THE COURT: It's common spelling, is what you're telling us.  
14 THE INTERPRETER: Yeah.  
15 THE COURT: Got it, got it. Okay.  
16 THE INTERPRETER: You got it?  
17 **THIRAWAT APICHONRATTANAKORN**  
18 [having been called an interpreter and being first duly sworn to interpret  
19 from Portuguese into English and from English into Portuguese]  
20 THE COURT: All right. Thank you very much.  
21 THE INTERPRETER: You're welcome.  
22 THE COURT: All right. Let's go ahead and bring the jury in.  
23 THE MARSHAL: Yes, Your Honor.  
24 THE COURT: I am going to give them a little preliminary  
25 instruction in terms of witnesses, they're allowed to ask -- to write down

1 questions, if they want.

2 So just a heads up on that. Before you call your first witness, I'll  
3 give that instruction.

4 MR. DIGIACOMO: Oh, Darn, I was hoping you were going to  
5 forget about that part.

6 THE COURT: Sorry.

7 [In the presence of the jury panel]

8 THE COURT: Good morning. Welcome back everyone.  
9 Please be seated. I hope everyone had a good evening.

10 We are ready to start with the presentation of evidence this  
11 morning. I'm going to read you another instruction.

12 Ladies and gentlemen, after the jury have completed their  
13 questioning of the witness, if there's a factual question you would like  
14 answered that wasn't asked, or if you need clarification to, you may submit  
15 the question to the marshal in writing before the witness is excused from  
16 the courtroom.

17 That means you can write it down on your little notebook and  
18 pass it to the marshal. And then if -- he'll pass it to me. If I deem it  
19 appropriate, and the parties and I will discuss it beforehand, then we will  
20 ask the question.

21 Since the law requires any question asked by a witness comply  
22 with the rules of evidence, it's possible that I will deem your question  
23 inappropriate for whatever reason, and you shouldn't speculate as to what  
24 that reason is and therefore I won't ask it.

25 You're not to draw any inferences or conclusions one way or the

1 other whether the question you submitted was asked or not asked. If your  
2 question is asked and answered, you're not to place any undue weight on  
3 the responses given your question.

4 I'll tell you now there are certain questions that may never be  
5 asked or proper during the course of a trial. Those questions often  
6 involve criminal history of a witness or some other fact told to that witness  
7 by somebody else.

8 That's what you hear in the TV shows on crime, you know, Law  
9 and Order, something, it's called hearsay. Somebody can't testify  
10 regarding what somebody else told them. There are a few exceptions to  
11 that but that will be the Court's decision as to whether or not there's an  
12 exception to that rule.

13 So please refrain from submitting such questions, as I'll  
14 probably sustain any objections regarding those two subject matters.

15 Let's go ahead, the rule was invoked yesterday, so no witness  
16 who's going to testify may be present in the courtroom during the  
17 testimony of another witness.

18 And with that let's go ahead and call the first witness.

19 MR. DIGIACOMO: Nuno Osorio.

20 THE COURT: Ladies and gentlemen, as we're bringing the first  
21 witness in, we do have a court interpreter for the witness, they may need  
22 assistance translating their native language into English and they might  
23 not, but we do have an interpreter on hand in case.

24 You are to listen to what the interpreter states as the evidence,  
25 should he interpret from Portuguese into English.



1 Good morning, sir.

2 **NUNO OSORIO**

3 [Having been called as a witness and being first duly sworn, testified as  
4 follow:]

5 THE CLERK: Please state and spell your name for the record  
6 and then be seated.

7 THE WITNESS: The whole name or just the first and last  
8 name?

9 THE COURT: First and last name and if you could spell both,  
10 please.

11 THE WITNESS: The first is Nuno, N-u-n-o, and the last name  
12 is Osorio, O-s-o-r-i-o.

13 THE COURT: Thank you.

14 **DIRECT EXAMINATION**

15 BY MR. DIGIACOMO:

16 Q Good morning, sir.

17 A Good morning.

18 Q Where do you live?

19 A In Sao Paulo, Brazil.

20 Q Brazil?

21 A Yeah.

22 Q And is your native language Portuguese?

23 A Portuguese.

24 Q Okay. Now, you speak fairly fluent English; is that fair?

25 A I think that I can understand everything.

1 Q Now, there's a man sitting next to you who is certified as a court  
2 interpreter in Portuguese.

3 A Okay, okay. Thank you.

4 THE WITNESS: Nice to meet you.

5 THE INTERPRETER: Nice to meet you.

6 BY MR. DIGIACOMO:

7 Q So we call that a standby interpreter, so if at any point you don't  
8 understand something that I said or that anybody else in the room says,  
9 you're free to ask the interpreter to interpret that for you.

10 Okay?

11 A Okay.

12 Thank you.

13 Q Did you know Eduardo Osorio?

14 A Yes, it's my son.

15 Q And on the day of his death, on January 3rd, 2018, about how  
16 old was he?

17 A 21.

18 Q 21 years?

19 A Yeah.

20 Q Where was your son living about in December and January of  
21 2018?

22 A In L.A., Los Angeles.

23 Q And was he doing something in L.A.?

24 A He's studying -- he's doing --

25 [Colloquy between the Witness and the Interpreter]

1 THE INTERPRETER: Yeah, he was an exchange student.

2 THE WITNESS: [In English] Exchange student.

3 BY MR. DIGIACOMO:

4 Q Did you learn at some point that your son planned to come to  
5 Las Vegas near the New Year?

6 A Yeah.

7 Q And did you have plans with your son later in the week of that  
8 first week of January?

9 A Yeah, we are going to ski after Las Vegas. I'm going to meet  
10 him in Denver to go skiing.

11 Q And does there -- well, first of all, did you have phone contact  
12 with your son up and to January 3rd of 2018?

13 A I had contact until January 2nd, January 3rd I tried to send a  
14 message to him and the message didn't go, you know. After this, I tried to  
15 find him.

16 Q And in your effort to try and find him, did you know of anybody  
17 that was here in Las Vegas that was visiting Las Vegas at the same time  
18 he was?

19 A Yeah, because he was here with some friends. So after this I  
20 tried to find his friends to keep contact and to find him.

21 Q And do you remember what the friend's name was?

22 A It was some friends but one specifically that I contact him was  
23 Lucas Siomes, Lucas Siomes.

24 Q And without telling us eventually what Lucas tells you, do you  
25 receive some pretty disturbing information from Lucas?

1           A     Yeah.

2           Q     And based upon the information that Lucas gave you, do you  
3 wind up having contact with the Clark County Medical Examiner, as well  
4 as the Las Vegas Metropolitan Police Department?

5           A     Yeah.

6           Q     And when you have contact with the law enforcement agency  
7 here, do you ask a question about certain property associated with your  
8 son?

9           A     Yeah, because when I went to get his belongings I noticed that  
10 the watch wasn't with him. So I asked the detective about the watch.

11          Q     Okay. And you say, the watch, was there a specific watch you  
12 knew your son to wear?

13          A     Yeah, this watch I gave him when he had 18 years as a gift, a  
14 birthday gift.

15          Q     So you gave him a gift at age 18 --

16          A     Yeah.

17          Q     -- or turning 18 of a watch?

18          A     Yeah.

19          Q     Okay. And were you able to recover the watch, when you  
20 couldn't find it, did the police tell you -- or let me rephrase that.

21                   I'm assuming the police didn't have the watch at that time?

22          A     Yeah.

23          Q     Does there come a point in time when the police request  
24 information from you as to sort of, do you have any information as to what  
25 the type of watch it is --

1 A Yeah.

2 Q -- it's serial number, those type of things?

3 A Yes. I had the serial number because I have the certified with  
4 me, right now, and the kind of watch is a Rolex Submariner so.

5 MR. DIGIACOMO: May I approach, Judge?

6 THE COURT: Yes.

7 BY MR. DIGIACOMO:

8 Q Sir, I'm going to show you a couple of photographs here.

9 A Okay.

10 Q First just want to ask you if you recognize what's depicted in  
11 there.

12 First, I'm going to start with State's Proposed Exhibit Number 1,  
13 do you recognize that individual in that photograph?

14 A Yeah.

15 Q Who is that?

16 A My son.

17 Q I'm going to show you State's Proposed Exhibit Number 2, is  
18 that also your son?

19 A Yeah, with the watch.

20 Q So in this particular watch, it's State's Proposed Exhibit Number  
21 2 -- or picture, in State's Proposed Exhibit Number 2, your son's actually  
22 wearing the watch that you were looking for?

23 A Yeah.

24 Q And then I'm going to show you State's Proposed Exhibits 3 and  
25 4, are those photographs you took of that card that's in your pocket?

1 A Yeah.

2 Q Which will identify for us the serial number and the type of  
3 Rolex watch it was?

4 A Yeah.

5 Q And these are all true, fair, and accurate depictions of what's  
6 depicted in those photographs?

7 A Sorry?

8 Q This is actually -- looking at this --

9 A Yeah.

10 Q -- it's a true, fair, --

11 A Yeah, yeah, yeah.

12 Q -- and accurate depiction of the card --

13 A Yeah, yeah.

14 Q -- and your son?

15 A Yeah, yeah.

16 MR. DIGIACOMO: Move to admit 1 through 4, Judge.

17 THE COURT: Any objection?

18 MR. MUELLER: No objection.

19 THE COURT: They will be admitted.

20 **[STATE'S EXHIBITS 1 THROUGH 4 ADMITTED]**

21 BY MR. DIGIACOMO:

22 Q So if you look at that screen next to you, or you're free to look at  
23 the big screen over here, I'm just going to go through these four exhibits  
24 with you, sir.

25 I'm going to start with State's Proposed Exhibit Number 1, you

1 indicated this was a picture of your son, do you know approximately how  
2 old he was at the time this picture was taken?

3 A 19.

4 Q 19, around that age?

5 A Yeah.

6 Q And then Exhibit Number 2?

7 A Is the -- the age is 20, 20, 21 on this picture.

8 Q So --

9 A 21.

10 Q 20, 21 somewhere close --

11 A 21, 21.

12 This picture was in New York.

13 Q In New York?

14 A Yeah.

15 Q And you can see on his left hand or left arm that he has a  
16 watch?

17 A Yeah.

18 Q And that's the Rolex that --

19 A Yeah.

20 Q Did he normally wear his Rolex on his left arm?

21 A Yeah.

22 Q And then I'm going to put these two up side by side, which are  
23 State's 3 and 4, are these photographs that you took of that card in your  
24 pocket?

25 A Yeah.

1 Q So let's zoom in on these two here.

2 Let me start sort of with the left-hand side, can you tell me what  
3 it is that's in the left-hand column on this card, it's -- is that Portuguese, is  
4 that language?

5 A Yeah, it's the store that sells the watch, Frattina, his signature,  
6 and the date when he got the watch.

7 Q So he got it July 31st, 2014?

8 A Yeah.

9 Q Okay. And then the right-hand side has information as it relates  
10 to the model number, the serial number, and the model?

11 A Yeah.

12 Q Okay. And that is associated with that watch that was missing  
13 from your son when you came to Las Vegas?

14 A Yeah.

15 Q You said you purchased this watch, I assume you purchased it  
16 around July 31st of 2014?

17 A Yeah.

18 Q Approximately how much money did you spend on the watch?

19 A Around \$8,000.

20 Q \$8,000 U.S. dollars?

21 A U.S. dollars, yeah.

22 Q Thank you, sir.

23 MR. DIGIACOMO: Judge, that completes my questions.

24 THE COURT: Thank you.

25 Cross-examination.



1 **CROSS-EXAMINATION**

2 BY MR. MUELLER:

3 Q Sir, your son was up for a semester or for a year as an  
4 exchange student?

5 A For a semester.

6 Q For a semester.

7 Did he get a grant or were you supporting him?

8 A I supported him. I support him.

9 Q And I don't want to touch on a sore subject, but you were  
10 sending him money every month to exist?

11 A Yeah.

12 Q And as a young man he would have been on a fixed budget, did  
13 he have a job?

14 A If he --

15 [Colloquy between the Witness and the Interpreter]

16 BY MR. MUELLER:

17 Q Did he have a job in Las Vegas?

18 A No, no.

19 Q Okay. So whatever money you were sending him?

20 A Yeah.

21 Q And without being too intrusive, sir, how much per month were  
22 you sending him?

23 [Colloquy between the Witness and the Interpreter]

24 THE WITNESS: [In English] Around \$2000.

25

1 BY MR. MUELLER:

2 Q All right. Thank you, sir. I'm sorry for your loss.

3 A Okay. Thank you.

4 MR. MUELLER: No further questions.

5 THE COURT: Any redirect?

6 MR. DIGIACOMO: Not from the State.

7 THE COURT: All right. Thank you very much, Mr. Osorio.

8 THE WITNESS: Thank you.

9 THE COURT: You're done with your testimony.

10 MR. DIGIACOMO: May we approach before we call the next  
11 witness?

12 THE COURT: Yes.

13 [Bench conference begins]

14 MR. DIGIACOMO: I was just going to say that I told Nuno that  
15 he can stay in the courtroom now that he's testified, the victim under the  
16 rule.

17 THE COURT: That's correct.

18 MR. DIGIACOMO: So your marshal just told him to leave so.

19 THE COURT: Oh, I'll tell him that he can come back.

20 Any --

21 MR. MUELLER: As long as he stays away from the other  
22 witnesses, I have no -- as a form of humanitarian point of view, I think he  
23 should stay.

24 THE COURT: He can come back in.

25 THE MARSHAL: Oh, okay.

1 THE COURT: Yeah, he can watch. Yeah, thank you.  
2 Anything else?

3 MR. DIGIACOMO: Yeah, the next witness is Lucas, technically  
4 under the rule he wouldn't qualify, we can recall Lucas. But I just wanted  
5 to know what --

6 MR. MUELLER: Actually, I would like the father to stay out for  
7 Lucas's testimony. Lucas might very well be inhibited. A couple of young  
8 men coming up to Las Vegas --

9 MR. DIGIACOMO: The statute is the statute --

10 THE COURT: I think he has a victim's right to be present.

11 MR. MUELLER: The two young men came up, were playing big  
12 boy in Las Vegas. He might very well be inhibited to talk about what  
13 exactly they were doing in front of his dad.

14 MR. DIGIACOMO: Well, his mom's sitting in the courtroom so.

15 MR. MUELLER: Okay. I --

16 THE COURT: Yeah, I'm going to overrule that objection. He  
17 does have a right to be in the courtroom as the father of the victim in this  
18 matter.

19 MR. MUELLER: All right. Thank you. I've objected. I do  
20 object.

21 THE COURT: All right. Thank you.

22 MR. DIGIACOMO: Thank you.

23 [Bench conference ends]

24 MR. SCARBOROUGH: The State calls Lucas Siomes.

25 THE COURT: Good morning, you're going to come up, right up

1 here.

2 **LUCAS SIOMES**

3 [Having been called as a witness and being first duly sworn, testified as  
4 follow:]

5 THE CLERK: Please be seated and then state and spell your  
6 name for the record.

7 MR. SCARBOROUGH: Can you state and spell your name?

8 THE WITNESS: Oh, my name?

9 MR. SCARBOROUGH: Yes.

10 THE WITNESS: Lucas, my name is Lucas.

11 MR. SCARBOROUGH: And then can you spell your first and  
12 last name, please.

13 THE WITNESS: Okay. My first name is L-u-c-a-s. My last  
14 name is S-i-o-m-e-s.

15 THE COURT: Thank you.

16 MR. SCARBOROUGH: Thank you.

17 May I proceed?

18 THE COURT: Yes.

19 **DIRECT EXAMINATION**

20 BY MR. SCARBOROUGH:

21 Q Where are you from?

22 A Brazil.

23 Q And is your primary language Portuguese?

24 A Yes.

25 Q Okay. What we have by you is a standby interpreter who

1 speaks Portuguese, so if there's anything that kind of, you know, goes  
2 over your head a little bit, you can turn around and ask him to interpret.

3 Fair?

4 A Okay, no problem. Thank you.

5 Q Okay. So I want to take you back to January of 2018, were you  
6 friends with someone named Eduardo?

7 A Yes.

8 Q Eduardo Osorio?

9 A Yes.

10 Q What did you call him?

11 A Dudu.

12 Q That was your nickname for your friend?

13 A Yeah, how I used to call him, yeah.

14 Q Okay. Now, around that time in January of 2018, were you at  
15 all in the Las Vegas area?

16 A Yes, I was.

17 Q Okay. And you were with him or were you with other people  
18 before?

19 A Yeah, it was me, Dudu, my parents came from Brazil because  
20 they didn't see me because I was away from Brazil for six months  
21 because I was studying abroad in San Diego so. And also we were with  
22 two friends, two Brazilian friends also.

23 Q Okay. And so when you, Dudu, we're talking about Eduardo,  
24 yes?

25 A Yeah.

1           Q     Okay. So on the night of January 2nd, 2018, did you ultimately  
2 meet up with Eduardo in the evening around 11:00 p.m.?

3           A     Yes.

4           Q     Okay. And what were you guys going to do?

5           A     He was planning to go to the club, that was called -- that is  
6 called Omnia. So he invited me to go but I went to Grand Canyon with my  
7 parents that -- in the afternoon. So I spent like five hours in there. So I  
8 was pretty tired. And I didn't see my parents for like six months, so I just  
9 wanted to be with them. So I just said to him, no, I'm not going.

10                     And -- but he decided to go. So we went to the bar so I just  
11 spent like a few, max one hour, one hour and a half, and then I walked  
12 with him to Omnia and then --

13           Q     And then that was ultimately the last time you saw your friend?

14           A     Yeah.

15                     MR. SCARBOROUGH: Showing defense counsel what's  
16 marked as State's Proposed 58.

17                     May I approach the witness, Your Honor?

18                     THE COURT: Yes.

19                     MR. SCARBOROUGH: Thank you.

20                     BY MR. SCARBOROUGH:

21           Q     Okay. So what I'm showing you is a photograph, and I just want  
22 to ask, do you recognize that photograph?

23           A     Yes, I do.

24           Q     Okay. And how do you recognize that photo?

25           A     [No audible response.]

1 Q Let me ask you, do you recognize yourself in that photograph?

2 A Yes.

3 Q Okay.

4 A The one on the right and he's the one on the left.

5 Q When you say, he, who is he?

6 A Eduardo.

7 Q Okay. And does this photograph fairly and accurately depict  
8 when you were with him that night walking to Caesars in the casino?

9 A Yes.

10 Q Or, I'm sorry, walking to the Omnia?

11 A Yes.

12 MR. SCARBOROUGH: Okay. Move to admit State's Proposed  
13 58.

14 THE COURT: Any objection?

15 MR. MUELLER: No objection.

16 THE COURT: Be admitted.

17 **[STATE'S EXHIBIT 58 ADMITTED]**

18 MR. SCARBOROUGH: May I publish, Your Honor?

19 THE COURT: Yes.

20 BY MR. SCARBOROUGH:

21 Q Okay. So right now we're publishing State's 58, okay, so is that  
22 you in kind of the center of the picture?

23 A Yes, on the right.

24 Q Okay. You are not in the one with that yellow plaided jacket --

25 A No --

1 Q -- you're the one to the --

2 A -- wearing glasses.

3 Q Okay. And so as you walk, and you see him go to the Omnia,  
4 you end up leaving, yes?

5 A Yes.

6 Q Okay. So eventually you go home and you go to sleep?

7 A Yeah.

8 Q I mean, home, meaning, your room, sorry?

9 A Yeah, with my parents, yes.

10 Q And where were you staying?

11 A At Caesars, Caesars Palace.

12 Q Caesars Palace casino?

13 A Yes.

14 Q And where was Eduardo staying?

15 A What sorry?

16 Q Where was Eduardo, what hotel was he at?

17 A Oh, he was at Monte Carlo.

18 Q At the Monte Carlo?

19 A Yeah.

20 Q Eventually, after you retire for the evening, did something very  
21 troubling come to your attention the next day?

22 A Yes.

23 Q What was that?

24 A He was supposed to meet his father at the airport because his  
25 father was in Denver. So he was supposed to just stay for a few hours



1 and then meet his parent. I don't if -- I guess it was in the afternoon.

2 Q Now, ultimately, without saying what was said, were you  
3 contacted by a relative?

4 A Yes, I was.

5 Q Okay. And who was that relative?

6 A His father, Nuno.

7 Q Okay. And you nodded at Nuno, so you see him in the  
8 courtroom?

9 A Yes.

10 Q Okay. And, again, without saying what was said, did you  
11 ultimately follow up on the contact made by Nuno, Eduardo's father?

12 A Yes. Because, as I told you before, I was with two of our  
13 friends with us, so they left on January -- I don't remember the date. But  
14 they left and then I was the only one who was there to help physically. So  
15 I was there. So he called me, I sent Eduardo a message, he didn't reply  
16 to the message. So I walked in there and --

17 Q Let me stop you there. When you say, you walked into there,  
18 where is there? Are you talking about his hotel room?

19 A Yes, yes.

20 Q Okay. So you go to the Monte Carlo to check up on his  
21 whereabouts?

22 A Yes.

23 Q Eduardo's?

24 A Yes.

25 Q Okay. So you -- what do you do? How do you get to his room?

1 What do you do?

2 A Yeah, I talked to the security and he told me that a checkout  
3 was made but not by him. They did it because he didn't appear. So I ask  
4 him if I could see if the stuff was still in there.

5 Q Did you go up to the room?

6 A Yes, they allowed me to.

7 Q And when you go up to the room, did you see items that you  
8 recognized to be Eduardo's?

9 A Yeah, everything, yeah.

10 Q And it was still in the room?

11 A Yeah.

12 Q So how did you follow up on that? What did you do next?

13 A Well, I just took the elevator, I called Nuno, and I said, there's  
14 stuff, everything was there. So I took the elevator, I went downstairs. I  
15 asked for help. I remember telling the guy, what should I do next? My  
16 friend is not there, what -- what should I do?

17 Q And then what did you do?

18 A He told me to call to the hospital, to the prison, and I don't know.  
19 And then I was just trying to find what happened.

20 Q So after following up, did you end up finding out what happened  
21 to your friend?

22 A Yeah, like four or five hours. My brother, he speaks English  
23 very well, so he helped me with that. So while I was calling to the prison,  
24 he was calling to the hospital, and then we finally discover.

25 Q What did you discover?

1           A     That they -- they were talking to my brother and my brother  
2     didn't know how he was like physically. So I took the phone and I started  
3     describing him. So --

4           Q     Do you mean -- you mean describing his looks?

5           A     Yes, that's it, yeah.

6           Q     Okay. And then based on that what did do next?

7           A     So -- and then -- yeah. As I was not his family they gave me 99  
8     percent chance to be him, I believe because they had the passport  
9     because I guess it was with him. I don't know. But they gave me 99  
10    percent chance it was him.

11          Q     And what do you mean then, someone was deceased,  
12    someone was dead?

13          A     What, sorry?

14                Q     What do you mean by, it was 99 percent chance to be him?  
15    What do you mean by that?

16          A     Yeah, because I describe him. I was talking to someone at the  
17    hospital. I don't know who that was because I was nervous at the  
18    moment. But I said he had blue eyes, how tall he was, and everything.

19          Q     Okay. And before I leave you, just to make sure, so the man in  
20    that picture with the yellow --

21          A     Yeah, that's Eduardo, Dudu, yeah.

22          Q     -- that's Eduardo?

23          A     On the left and I'm the one on the right.

24                MR. SCARBOROUGH: I'll pass the witness, Your Honor.

25                THE WITNESS: Thank you.

1 THE COURT: Thank you.

2 Cross-examination.

3 **CROSS-EXAMINATION**

4 BY MR. MUELLER:

5 Q Sir, did you meet Eduardo in Brazil or -- and did you come up to  
6 Los Angeles together, or did you meet him in Los Angeles?

7 A Yeah, I was studying in San Diego and he was in Los Angeles.  
8 So during that period of time we -- he went to San Diego to visit me and I  
9 went to L.A. to visit him so.

10 Q Okay. So you're friends from Portugal -- or from Brazil?

11 A From Brazil, yes.

12 Q From Brazil.

13 A Since we were kids.

14 Q All right. Now, you guys were all up here, your folks, you,  
15 Eduardo, and there was two other friends?

16 A Pedro, one of the friends, he was living with me in San Diego.

17 Q Okay. Your roommate from San Diego, Pedro?

18 A Yeah.

19 Q And who was the other guy or girl?

20 A Rodrigo, he came from Brazil.

21 Q Rodrigo he came up with your folks?

22 A No.

23 Q Just a friend?

24 A He came by himself, yeah.

25 Q Okay. Now, how long have you guys been in town for?

1 A You mean Las Vegas?

2 Q Yes.

3 A Around six days.

4 Q Six days in Las Vegas.

5 And Eduardo was paying his own way?

6 A I don't know.

7 Q I mean, your -- I don't know how good a friend you are, was  
8 your parents paying for Eduardo's bills or was he paying --

9 A Oh, no, I guess his father was paying for him.

10 Q Okay.

11 A Because he didn't work at the moment.

12 Q All right. And he'd been -- so you guys had been by -- the 2nd,  
13 you guys have been in Las Vegas for six days?

14 A Yeah.

15 Q All right. Now, the day that you met him down -- or the day  
16 proceeding the day you went and met him at the Omnia, what had you  
17 guys been doing?

18 A You mean hours?

19 Q Yeah, there was three young men -- and I don't want to assume  
20 this, is Pedro a young man, your roommate?

21 A In the picture?

22 Q No, Pedro, your roommate, how old is he?

23 A Oh, yeah, he's my age, he's 24.

24 Q All right. And Rodrigo, how old is he?

25 A He's also 24.

1 Q And does Pedro have his girlfriend with him? Does he have a  
2 girlfriend?

3 A Yeah.

4 Q Okay. Was she with him?

5 A No.

6 Q And Rodrigo, does he have a girlfriend?

7 A No.

8 Q Okay. So --

9 A Back in the day, no.

10 Q -- so I want to understand, I've got four single men in their 20s  
11 in Las Vegas?

12 A Yeah.

13 Q Okay. Now, had you guys been at a pool party that day?

14 A No.

15 Q All right. What had you guys been doing that day, on the day of  
16 the 2nd, not the night, the day?

17 A I wasn't with him. I was in Grand Canyon with my parents, as I  
18 told you before.

19 Q Okay. So you were gone at the Grand Canyon.

20 Did you take one of those helicopter tours out?

21 A No, by bus actually.

22 Q Bus, okay.

23 And, to the best of your understanding, what did the other three  
24 fellows do, if anything?

25 A They were not there, they left, they went ski.

1 Q They went where?

2 A Ski, snowboard in the mountains, yeah.

3 Q They went up to the mountains and were skiing?

4 A Yeah. They were not there the day.

5 Q Okay. Now, when you met Eduardo that evening, did you see

6 him for the first time about 10:30, out in front of Omnia?

7 A Yeah, he came from Monte Carlo to Caesars Palace.

8 Q Okay.

9 A To the bar down there.

10 Q And was he by himself?

11 A Yes, he was.

12 Q And had Pedro and Rodrigo already left town or were they --

13 A Yeah.

14 Q So they left town that day?

15 A Yeah, in the morning.

16 Q So you don't know what Eduardo was doing that day after they

17 got done skiing?

18 A No.

19 Q Okay. When you met up with Eduardo had he been drinking?

20 A Me?

21 Q Yes. When you met him, you guys went to a bar together;

22 correct?

23 A Yeah.

24 Q All right. When you arrived, you shook hands with him or said

25 hello, had he been drinking?

1           A     He took two drinks.

2           Q     Well, that was late -- okay.

3           A     Before Omnia.

4           Q     Okay. Before you met with him, when he arrived, when you

5 shook hands with him, had he been drinking?

6           A     No, no.

7           Q     To the best of your knowledge he had not been drinking?

8           A     No.

9           Q     Okay. So you sat down in the bar; correct?

10          A     Yep.

11          Q     All right. Now, to the best of your recollection, how long had

12 you been or were you in the bar with him?

13          A     We were there for at max two hours.

14          Q     Max two hours?

15          A     Yeah.

16          Q     A few minutes ago you said an hour, an hour and a half, now it's

17 two hours. To the best of your recollection, how long were you there?

18          A     I'd say one hour and a half.

19          Q     Now, it's an hour and a half.

20                All right. How many drinks did you have?

21          A     I didn't take any. He took at max two.

22          Q     At max two?

23          A     Yeah.

24          Q     What, if anything, do you know him to be drinking?

25          A     Beer.



1 Q Beer, okay.

2 Glasses of beer, bottles of beer, or just beer?

3 A Beer.

4 Q All right, fair enough, just sitting around drinking beer, I  
5 understand.

6 Now, there came a time, you'd been in the Grand Canyon and  
7 he'd been up on the mountain skiing; correct, snowboarding?

8 A [No audible response.]

9 Q If I understand what you told me, he was up at the mountains  
10 skiing, up here at Mount Charleston?

11 MR. SCARBOROUGH: Objection, Your Honor, that misstates  
12 the testimony.

13 THE COURT: That's sustained. He indicated the friends were  
14 skiing.

15 BY MR. MUELLER:

16 Q Was Eduardo with them?

17 A With them?

18 Q Yes.

19 A No, he was in Las Vegas. He didn't left Las Vegas.

20 Q He didn't go?

21 A He didn't leave.

22 Q Oh, okay, I misunderstood then.

23 A He didn't leave.

24 Q All right. So he was not at the ski resort.

25 To the best of your knowledge, what was he doing that day?

1           A     I don't know.

2           Q     You don't know.

3                   And when you sat down and asked him at the bar, did you say,  
4 hey, where you been, what are you doing?

5           A     No, I remember we -- I didn't ask him what he was doing. He  
6 asked me because I did -- I did -- I went to the Grand Canyon so he asked  
7 me. And after that, we just talking about future. We were talking about  
8 his. He was planning --

9           Q     Yes, sir, but my question is very simple, hey, what did do you  
10 today? I went to the Grand Canyon with my parents.

11          A     Yeah.

12          Q     Did you ask him what he had done than day?

13          A     I don't remember what I ask him.

14          Q     You don't remember, okay.

15                   And there came a time where he wanted to go into the Omnia  
16 nightclub, did he invite you to go in with him?

17          A     Yes.

18          Q     Okay. And about what time would that have been, to the best  
19 of your recollection?

20          A     Around 10:30.

21          Q     And what time did you meet him, to the best of your  
22 recollection?

23          A     9:30.

24          Q     All right. And you decided not to go in?

25          A     Yes.

1 Q Okay. And what did you do?

2 A I went upstairs to meet my parents and go to bed. I went to  
3 bed.

4 Q All right. And if I understand correctly, then, you had no further  
5 text messages and no further communications with him, that was the last  
6 time you saw him alive?

7 A Yes.

8 Q Did you pay for the drinks? Did he pay for the drinks?

9 A I paid mine; he paid his.

10 Q Okay. Both had picked up your tabs.

11 MR. MUELLER: Can I get the Court's indulgence for just one  
12 moment.

13 THE COURT: Sure.

14 MR. MUELLER: I don't believe I have any further questions.  
15 Thank you.

16 THE COURT: All right. Redirect examination?

17 MR. SCARBOROUGH: Nothing further, Your Honor.

18 THE COURT: All right. Thank you. If the jurors have any  
19 questions, please pass it down to the end and we'll have the marshal  
20 collect them.

21 Okay. Thank you.

22 Can counsel approach the bench.

23 [Bench conference begins]

24 THE COURT: All right. We do have one -- or actually one note,  
25 two questions, from juror 374.

1 Did Eduardo speak fluent English and had Eduardo ever been  
2 to Las Vegas before?

3 Any objection to asking those questions?

4 MR. DIGIACOMO: No to both of them.

5 MR. MUELLER: No objection.

6 THE COURT: Okay. All right.

7 [Bench conference ends]

8 **EXAMINATION BY THE COURT [JURY QUESTIONS]**

9 THE COURT: All right. We do have two questions for you and  
10 I'm going to ask them; all right, so two separate questions.

11 The first one is, Did Eduardo speak fluent English?

12 THE WITNESS: Yes.

13 THE COURT: Okay. And do you know if Eduardo had ever  
14 been to Las Vegas before?

15 THE WITNESS: Yes.

16 THE COURT: All right. Any follow-up question from the State  
17 or from defense based on those two questions?

18 MR. SCARBOROUGH: No, Your Honor.

19 THE COURT: All right.

20 Counsel?

21 **FURTHER EXAMINATION**

22 BY MR. MUELLER:

23 Q Sir, you said you'd been to Las Vegas before?

24 A No, Eduardo.

25 Q Eduardo had been to Las Vegas before.

1 And you and he been out drinking earlier in the week?

2 A Sorry, I didn't get the --

3 Q Did you and Eduardo go out drinking earlier in the week?

4 MR. SCARBOROUGH: Relevance, Your Honor.

5 MR. MUELLER: The question was -- it was open the door,  
6 was -- was -- has he been to Las Vegas before?

7 MR. SCARBOROUGH: And I still would raise the relevance  
8 objection to the drinking earlier in the week.

9 THE COURT: I want to approach on that issue, please.

10 [Bench conference begins]

11 THE COURT: What is the relevance?

12 MR. MUELLER: The fact that he had a .116 when -- the time  
13 he was killed and when -- the time he died.

14 THE COURT: Okay.

15 MR. MUELLER: That's --

16 MR. SCARBOROUGH: Well, that's not earlier in the week.

17 MR. MULLER: -- no, the answer is the guy, young man, clearly  
18 didn't get there by just having two beers with his friend.

19 MR. DIGIACOMO: Right. He was in the Omnia nightclub for  
20 three hours.

21 MR. MUELLER: Okay.

22 MR. SCARBOROUGH: Yeah, and that has nothing to do with  
23 earlier in the week.

24 MR. MUELLER: I can get through it -- I can get it that way. All  
25 right. If you want to do it that way, that's fine. I'll withdraw the question.

1 THE COURT: Okay. All right.

2 [Bench conference ends]

3 THE COURT: I'm going to sustain the objection. You don't  
4 need to answer that question.

5 Any other questions, Mr. Mueller?

6 MR. MUELLER: No, Your Honor.

7 THE COURT: All right. Thank you very much. You're done  
8 testifying.

9 Thank you.

10 The State can call its next witness.

11 MR. SCARBOROUGH: Yes, Officer Amburgey.

12 **MICHAEL AMBURGEY**

13 [Having been called as a witness and being first duly sworn, testified as  
14 follow:]

15 THE CLERK: Please be seated and then state and spell your  
16 name for the record.

17 THE WITNESS: My name is Michael, M-i-c-h-a-e-l; Amburgey,  
18 A-m-b-u-r-g-e-y.

19 MR. SCARBOROUGH: May I proceed, Your Honor?

20 THE COURT: Yes, thank you.

21 **DIRECT EXAMINATION**

22 BY MR. SCARBOROUGH:

23 Q How are you currently employed?

24 A I'm employed by the Las Vegas Metropolitan Police  
25 Department.

1 Q And how long have you been employed in that capacity?

2 A For five years.

3 Q What are the general duties of someone in your capacity,  
4 meaning, like, what function, are you patrol, are you detective?

5 A I'm currently a detective with Metro. I investigate child sex  
6 trafficking, but I've also been in patrol -- and, I'm sorry, in patrol where I  
7 responded to calls for service.

8 Q Now, on, I want to direct you back to January of 2018, were you  
9 employed in the patrol capacity?

10 A Yes, I was.

11 Q Okay. What are the general duties of a patrol officer?

12 A Patrol officer, we normally respond to calls for service, so  
13 general 9-1-1 calls, any type of non-emergency calls that require police  
14 assistance, and then just proactive police stops, if we observe a crime  
15 occur in front of us, we stop that.

16 Q In terms of responding to calls, how are those cataloged?

17 A They come across through our radio and there's also a -- we  
18 have a computer system called CAD, which shows us the details of the  
19 call when it comes out, as well as the dispatcher giving radio traffic of  
20 where the calls occurring.

21 Q All right. Now, when you get dispatched to a scene, can you  
22 walk the ladies and gentlemen of the jury how that goes -- how that  
23 happens?

24 A So when I get dispatched to a scene of a crime, first is the radio  
25 traffic that initially comes in, and -- it -- they'll normally tell you the location

1 of where the crime is occurring, as well as what type of crime you're  
2 responding to.

3 So once I hear that I also have a computer in the vehicle which  
4 shows us details as they're coming in to the -- basically through dispatch.  
5 So when I respond I keep reading updates as I'm going to the scene, as  
6 well as hearing updates on the radio.

7 And when I get to the scene of the crime, obviously, I'm aware  
8 of what's going on and that's when I start basically handling whatever I  
9 need to handle at that point in time when I get to a scene of a crime.

10 Q So when you are responding to the scene, you receive updates  
11 via the radio and the CAD system; correct?

12 A That is correct.

13 Q And the purpose of that, as you just said, is to actually be  
14 informed of what the scene is about to --

15 A Correct.

16 Q -- present you?

17 A Correct.

18 Q Now, I want to direct you specifically to January 3rd, 2018, in  
19 the early morning hours, did you have occasion to respond to an incident  
20 located at East Flamingo Road and South Koval?

21 A Yes, I did.

22 Q Now, what was the nature of that incident?

23 A That incident came out as what's referred to as a 401, which is  
24 our code for a vehicle accident or a 401B, which is an accident with an  
25 injury. And the details of the call stated that a person --



1 MR. MUELLER: Objection, hearsay.

2 MR. SCARBOROUGH: It's for the next step in the  
3 investigation. I will lay the foundation, Your Honor.

4 MR. MUELLER: I'll withdraw it.

5 THE COURT: I'm going to overrule that objection.

6 BY MR. SCARBOROUGH:

7 Q Keep going.

8 A The call came out as an accident, or an accident with injury,  
9 and I heard on the radio that someone had been struck by a vehicle and  
10 was in the roadway of that -- of the -- basically right after being struck by  
11 the vehicle.

12 Q Do you recall what time you arrived on scene?

13 A I do not recall the time I arrived.

14 Q Okay. Would it be roughly around, like, minutes after the call  
15 comes out?

16 A It was within minutes, because I was right around the corner  
17 from where the actual accident had occurred.

18 Q Okay. So when you arrive on scene, can you describe for the  
19 ladies and gentlemen of the jury just kind of the dynamics of the scene  
20 and how it was as you arrived?

21 A So as I'm -- so the accident had occurred at Flamingo and  
22 Koval, and I was coming down Koval Lane driving northbound, and as I  
23 get up to the intersection at Flamingo and Koval I could see a group of  
24 people standing in the travel lanes and people started to wave me down.

25 So as I started to get closer, I could see that there was people

1 standing around a person who was laying in the -- on the ground, and it's  
2 in the far right hand travel lane. So that would be the slow lane for going  
3 westbound on Flamingo.

4 As I pull up, I could see the person, again, on the ground, and I  
5 could see a person that was giving chest compressions and providing  
6 medical aid to the person on the ground.

7 So I pull up, I block the travel lane with my emergency vehicle,  
8 and get out of the car to start assistance.

9 Q And so do you, when you say, start assistance, are the one  
10 rendering aid?

11 A Correct, so I took over. As soon as I got out of the vehicle, I  
12 could see immediately there was blood throughout the travel lane from the  
13 person that was on the ground. The person was bleeding from the head.

14 So as I pulled up, I immediately saw they were doing chest  
15 compressions, so I asked -- you know, I'll take over, because we're  
16 trained chest for compressions. I immediately checked for a pulse. I did  
17 not feel a pulse so I began chest compressions until medical aid had  
18 arrived.

19 But as I was getting out of my vehicle, right before I started  
20 chest compressions, citizens in the area were starting to yell at me, like,  
21 hey, it was a black vehicle and it drove westbound on Flamingo. So right  
22 before I started chest compressions, I gave that update out over the radio.

23 Q Okay. So that's common for you to do when you come to a  
24 dynamic scene things are moving and everything like that; correct?

25 A That is correct.

1 Q So as you arrived to the scene your main priority was to render  
2 aid to the person lying in the road?

3 A Correct.

4 Q And what were other officers doing at this point?

5 A Other officers, I had a partner that was riding with me that  
6 evening, he started to basically control the scene, to get people to step  
7 away out of the travel lanes for safety, and to block travel so vehicles  
8 coming toward us would not hit us. As well as direct incoming officers, we  
9 need to shutdown roadways because it looked like it was a pretty bad  
10 accident and there's a lot of blood. So we knew we were going to have to  
11 start an investigation and shut the roadways down. So they started  
12 basically coordinating that.

13 Q Now, ultimately, as you're rendering aid, eventually do medical  
14 personnel arrive?

15 A Yes, within a couple of minutes of me asking for medical,  
16 medical pulled up on scene.

17 Q And what was your role at that point once medical arrived?

18 A Once medical arrive they immediately began taking over the  
19 medical aid. I kind of just stayed nearby in order to control the scene.  
20 Because the body is my responsibility to follow to make sure I give  
21 constant updates of what's occurring. So I basically stayed with medical  
22 and basically was right there the entire time.

23 Q Okay. And eventually you -- did you follow him to the hospital?

24 A Correct.

25 Q Or go to the hospital?

1           A     Yes, we followed the ambulance on the way down to the  
2 hospital and remained at the hospital during the entire course of what they  
3 were doing there.

4           MR. SCARBOROUGH: Okay. Showing defense counsel  
5 what's marked as State's Proposed 5, 9, 11, and 13 through 16.

6           May I approach the witness, Your Honor?

7           THE COURT: Yes.

8 BY MR. SCARBOROUGH:

9           Q     I'm showing the witness the exhibits that I just mentioned, so  
10 let's start with State's Proposed Exhibit 5, do you recognize what's  
11 depicted in that photograph?

12          A     This is going to be the interaction of Flamingo and Koval.

13          Q     Okay. And so would you recognize that photograph basically?

14          A     Yes.

15          Q     Okay. And is that -- well, how do you recognize that  
16 photograph?

17          A     From the aerial footage I can tell that that is Flamingo and  
18 Koval, based on the description of the hotels and market that is right  
19 there.

20          Q     Okay. And is that the scene that you responded to on that  
21 evening?

22          A     Yes, it is.

23          Q     Okay. And is this aerial photograph a fair and accurate  
24 representation of the scene as you responded to it on that evening?

25          A     Yes, it is.

1 MR. SCARBOROUGH: Move to admit State's 5.

2 THE COURT: Any objection?

3 MR. MUELLER: No objection.

4 THE COURT: It'll be admitted.

5 **[STATE'S EXHIBIT 5 ADMITTED]**

6 MR. MULLER: Your Honor --

7 MR. SCARBOROUGH: I'll publish in a second.

8 MR. MUELLER: -- I'm familiar with the location if -- and those,  
9 we'll stipulate to the admission of all the photographs.

10 THE COURT: Of all the photographs, all right.

11 MR. MUELLER: Don't need to go through all of them.

12 THE COURT: And just, for the record, could you restate what  
13 all the exhibit numbers are.

14 MR. SCARBOROUGH: Yes. So it will be -- pardon me, I'll go  
15 in order.

16 THE COURT: Sure.

17 MR. SCARBOROUGH: 9, 11, 13, 14, 15, and 16.

18 THE COURT: Al right. Those will be admitted. Thank you.

19 MR. SCARBOROUGH: Thank you.

20 **[STATE'S EXHIBITS 9, 11, 13, 14, 15, AND 16 ADMITTED]**

21 MR. SCARBOROUGH: Thank you.

22 Thank you, Counsel.

23 May I publish?

24 THE COURT: Yes.

25

1 BY MR. SCARBOROUGH:

2 Q Okay. I want to show you State's Exhibit 5, okay, so as you had  
3 indicated before, that's the aerial map of the scene that you responded to;  
4 correct?

5 A Yes, it is.

6 Q All right. Now, walk us through kind of what street is what? So  
7 where -- you could use the mouse, just don't -- actually, just point on the  
8 screen. So where are we looking at on -- where is Koval and East  
9 Flamingo?

10 A So Koval is the street that runs north and south and Flamingo is  
11 the one that runs east and west.

12 Q That's my fault. I mis-phrased it. You could use the mouse, just  
13 don't click it.

14 A Okay.

15 Q So you could use the mouse to highlight it.

16 THE COURT: Yes.

17 THE WITNESS: So this is Koval running north and south here.  
18 And then Flamingo is east and west.

19 BY MR. SCARBOROUGH:

20 Q All right. Now, where did you say you responded?

21 A I responded from down here, coming northbound on Koval. So  
22 I was approximately half a mile down Koval.

23 And then I responded.

24 And as I got to the intersection, as to where I could see, over  
25 here, were people were standing around where the person was laying on

1 the ground.

2 And then that's where I drove up and blocked the lane here.

3 Q Okay. State's 11, what are we looking at here?

4 A So this is going to be, I believe this is looking at Flamingo,  
5 looking westbound on Flamingo.

6 So this is westbound Flamingo up here and this is right at the  
7 intersection.

8 And right here is where the accident had occurred.

9 Q Okay. State's 13, what are we looking at here?

10 A So this is on Flamingo Road.

11 This is going to be Koval here that runs north and south.

12 And this is right where the accident had occurred.

13 And I pulled up right here and blocked the travel lane here.

14 Q And when you say, the travel lane, that's the right travel lane  
15 going westbound; correct?

16 A Correct. I blocked both travel lanes just because we were kind  
17 of blocking both scenes, but yes.

18 Q Okay. State's 14, what are we looking at here?

19 A This is just a closer view of, again, this is Flamingo going  
20 westbound lanes, and this is the scene where the body was laying.

21 Q Okay. Now, as we see, kind of in the middle of the picture,  
22 there is obviously a substance on the road; correct?

23 A Correct.

24 Q And if we go to the middle lane, we also see what appears to be  
25 the substance on the road; correct?

1           A     Correct.

2           Q     Where were -- did you see the person lying in the road there  
3 originally when you responded?

4           A     No, I saw the body was right over here when I responded.

5           Q     Okay. And what -- based on your arrival, and based on the  
6 markings on the road, what deduction did that lead you to make, based on  
7 the location of the body?

8           A     So it looks like he was -- this is where the body landed after he  
9 had been struck by a vehicle.

10                     And they drug him, trying to get him out of the travel lanes to be  
11 hit by another vehicle, over to this part to start rendering aid.

12           Q     Okay. And, again, you weren't present for when the body was  
13 moved, you just responded, and ultimately ended up where that mouse  
14 clicker is, yes?

15           A     That is correct.

16           Q     Okay. And we're just going to show you some -- a couple more.  
17 State's 15, now, again, that's a closer view; correct?

18           A     Yes, it is.

19           Q     And based on the closer view, we can kind of get a more  
20 clearer idea of what that substance would be, yes?

21           A     Yes.

22           Q     Okay. And then lastly, State's 16, and that is what I explained  
23 to you before; correct, where you seem to see a pathway of the body  
24 traveling between lane to lane?

25           A     That is correct.



1 Q Okay. Now, where the bigger, I guess, grouping of that  
2 substance is, is that where you were rendering personal aid?

3 A Yes, it is.

4 Q Okay. And safe to say when you were rendering personal aid,  
5 or rendering aid to that person, you were very close proximity, yes?

6 A Yes, I was.

7 Q And you saw what the person was wearing and everything like  
8 that?

9 A Yes.

10 Q And you were able to observe the personal effects of that  
11 person?

12 A Yes.

13 Q And did you happen to notice any jewelry, or more specifically,  
14 any watch at the scene?

15 A No, I did not.

16 Q Did you notice a watch on any of the appendages of the body  
17 that was laying on the ground?

18 A No, I did not.

19 MR. SCARBOROUGH: Okay.

20 Brief indulgence, Your Honor.

21 THE COURT: Sure.

22 MR. SCARBOROUGH: I will pass the witness.

23 THE COURT: Thank you.

24 Cross-examination.

25

1 **CROSS-EXAMINATION**

2 BY MR. MUELLER:

3 Q Officer --

4 A Yes, sir.

5 Q -- you got very close to the young man lying in the street  
6 obviously you're doing chest compressions?

7 A That's correct.

8 Q Okay. And that's kind of, I mean, you're like, right, arm's length  
9 away from him; correct?

10 A Yes, sir.

11 Q Did he smell of liquor?

12 A Not that I recall. It was very dynamic. I don't remember  
13 smelling liquor or not.

14 Q Okay. Just something you would -- or you just don't know, don't  
15 recall?

16 A Correct.

17 Q All right, fair enough.

18 Now, sir, you kept -- a couple of times you kept using the word,  
19 accident, did you do an investigation here?

20 A No, I did not. But that was the details of the call as it came out.

21 Q Oh, it was the call, not because you concluded he'd been hit by  
22 a car?

23 A Correct.

24 Q Okay. When you were giving him chest compressions, did you  
25 see actually any signs of actually being struck by a vehicle?

1 A I just saw the head injury.

2 Q Just the head injury?

3 A Correct.

4 Q Okay. And you followed him to the hospital so you didn't do any  
5 of the eye-witness interviews at all?

6 A No, I did not.

7 Q Okay. Thank you, Officer. I appreciate your service.

8 A Thank you, sir.

9 THE COURT: Thank you.

10 Redirect?

11 MR. SCARBOROUGH: None, Your Honor.

12 THE COURT: All right. Thank you.

13 Thank you very much. You're done testifying.

14 THE WITNESS: Thank you.

15 THE COURT: State, can call its next witness.

16 MR. DIGIACOMO: Tabatha Paine.

17 THE COURT: Oh, I'm sorry, hold on, I forgot to ask, do any of  
18 the jurors have any questions? Okay.

19 You are released, I apologize.

20 **TABATHA PAINE**

21 [Having been called as a witness and being first duly sworn, testified as  
22 follow:]

23 THE CLERK: Please be seated and then state and spell your  
24 name for the record.

25 THE CLERK: My name is Tabatha, T-a-b-a-t-h-a, and my last

1 name is Paine, P-a-i-n-e.

2 **DIRECT EXAMINATION**

3 BY MR. DIGIACOMO:

4 Q Ma'am, how are you employed?

5 A I'm a senior crime scene analyst with the Las Vegas  
6 Metropolitan Police Department.

7 Q What does that mean you do for a living?

8 A Analyze crime scenes.

9 Q All right. What -- how long have you been a crime scene  
10 analyst?

11 A For almost -- just over five and a half years.

12 Q And what distinguishes between a crime scene analyst at a  
13 scene and a crime scene analyst?

14 A When you reach four years as a crime scene analyst -- well,  
15 you start as a Crime Scene Analyst I, at two years you progress to a  
16 Crime Scene Analyst II, when you reach a total of four years on the  
17 department you are eligible to test for senior crime scene analyst. So we  
18 have to take a written examination, an oral examination, and a practical  
19 examination, provided all of those are passed, you are then promoted to  
20 senior crime scene analyst.

21 Q And as a senior crime scene analyst, what sort of  
22 responsibilities do you have at a crime scene?

23 A As a senior crime scene analyst, the responsibilities I have at  
24 my crime scenes that would differ to a Crime Scene Analyst I and a Crime  
25 Scene Analyst II, would be that I would be a lead crime scene analyst on

1 a crime scene. I could also potentially be an acting supervisor, if the  
2 supervisor is out of the office on vacation or sick or something like that.  
3 And also that when there are new crime scene analysts that are not  
4 released to the field yet, I am also a training officer for a new crime scene  
5 analyst.

6 So the real difference in an actual scene being processed, if  
7 there's multiple crime scene analysts assigned to one scene, the senior  
8 crime scene analyst becomes the primary.

9 Q And when you talk about processing a scene, what does that  
10 mean to you? What is it that you do?

11 A Processing a crime scene begins with documenting the crime  
12 scene through notes, photography, sketches or diagrams, if applicable,  
13 and then also processing for latent fingerprints and also collecting,  
14 identifying, preserving physical evidence.

15 Q Now, in order to hold the job that you do at the Las Vegas  
16 Metropolitan Police Department, do you have certain training, education,  
17 and background?

18 A Yes.

19 Q Can you describe that for the ladies and gentlemen of the jury?

20 A Yes. I have a bachelor of science in criminal justice, with an  
21 emphasis in crime scene investigations, and I've almost finished my  
22 master of forensic science. When I was hired to be a crime scene  
23 analyst, I attended a nine week crime scene academy that was followed  
24 by three months of field training. Once I passed field training, I was then  
25 released into the field as a Crime Scene Analyst I where, as I discussed

1 before, I then progressed to a CSA II at two years, and I tested for senior  
2 not last March, but the March before, and become a senior.

3 During all of my years on Las Vegas Metropolitan Police  
4 Department, I have taken numerous training courses, anything from  
5 shooting reconstruction to bloodstain pattern analysis. I even went to  
6 bomb school one of the years.

7 Q I want to direct your attention to sometime after 2:20 in the  
8 morning on January 3rd of 2018, did you respond to an incident that  
9 occurred here in Las Vegas at the corner of South Koval and East  
10 Flamingo in Clark County, Las Vegas, Nevada?

11 A Yes, it was about 3:30 in the morning or just after that I got  
12 there.

13 Q Now, when you first respond to a crime scene, just describe the  
14 condition of the scene when you arrive?

15 A When I arrive on a crime scene typically the scene is secured  
16 with crime scene tape, so the yellow tape that you would see if you see a  
17 crime scene on the news, that sort of thing. So secured with yellow crime  
18 scene tape, and then what we say is patrol presence, so there are patrol  
19 officers present at the scene when we arrive. The scene is then a static  
20 crime scene, which means that it is not actively still moving. The active  
21 moving crime scene would be a dynamic crime scene.

22 So when crime scene analysts arrive on a crime scene, they are  
23 static crime scenes that are secured with police tape and patrol presence.  
24 From there we then meet with the responding officers to get a briefing.

25 Q Let's talk the briefing, when you have a, at the very least a

1 major crime scene, is there other divisions, units, or -- assigned as part of  
2 the investigation as well as crime scene analysts?

3 A Other than crime scene analysts, and obviously the patrol  
4 officers, for some types of incidents there will be detectives that get  
5 assigned to the cases. So if the case particularly falls under a certain type  
6 of crime, then a detective from that section will be called to that crime  
7 scene and respond.

8 Q And in this particular case, did the briefing occur with just patrol  
9 officers or were there detectives also part of that briefing?

10 A There were also detectives present.

11 Q And from what division or department were they from -- or  
12 portion of the department were they from?

13 A Fatal Traffic Investigation.

14 Q Based on all that, I'm assuming that the nature of the scene was  
15 some sort of fatal traffic incident?

16 A Yes.

17 Q Okay.

18 A They are actually called out if it is believed that a victim is  
19 possibly going to pass, or if a victim has passed, that's why they're Fatal  
20 Traffic Investigation, yes.

21 Q And based on the time you arrived at the time, I'm assuming,  
22 there wasn't a victim still on scene?

23 A No, there was not.

24 Q What are you -- after you get a briefing -- and what's the  
25 purpose of a briefing?

1           A     The briefing, the purpose of a briefing is for us to get the basic  
2 information that occurred, so the event that occurred, basic information,  
3 the persons involved that we have information on, and then, of course,  
4 anything that the detectives or the officers have already found out or  
5 looked for or discovered within the crime scene before we arrive.

6           Q     And why is that helpful to you as a crime scene analyst?

7           A     It's helpful to us because certain details within a story can kind  
8 of direct us through a crime scene to help us look for, say, evidentiary  
9 items that might be important or items that could potentially be evidence  
10 that would be important to us.

11                     So if we know the nature of the event and we know, you know,  
12 areas within a crime scene that may have been -- had persons or items  
13 present within that crime during the event, it's a better way to direct us to  
14 see the scope of our crime scene and to know what we may or may not  
15 be looking for.

16          Q     Now, this particular crime scene, was your work limited just to  
17 the travel lanes on East Flamingo and/or Koval?

18          A     No.

19          Q     Okay. And do you learn information during the course of your  
20 investigation that there might be other areas that might be relevant to  
21 document and search for potential evidence?

22          A     Yes. As part of the briefing, as I said before, they tell us during  
23 the briefing maybe areas where witnesses may have seen something or  
24 areas that the officers saw something, even areas where the detectives  
25 may have found something or officers may have found something. So



1 that can potentially extend the scope of the scene that we are doing our  
2 searching and our documenting.

3 So when he says, was the roadway the only portion of the  
4 scene I was responsible for, no, because after -- at the time of briefing, it  
5 was determined to me, it was determined before my arrival, but it was  
6 determined by me and to me that it was not just the roadway that was my  
7 scene. So the scope of my scene was a bigger area.

8 Q And can you describe sort of the scope of your scene?

9 A Yes. The scope of my scene really was located at the crossing  
10 of South Koval and East Flamingo.

11 So not just the lanes of the street themselves but actually the  
12 northwest corner of that intersection, which consisted of a convenience  
13 store, with its parking lot, then to the west was a parking lot belonging to  
14 the Westin Hotel, and then just north of that convenience store was a  
15 parking garage.

16 So my scene actually consisted of not just the roadway but that  
17 northwest corner and those locations within it.

18 Q And, I assume, there's more than one method of documenting,  
19 but initially, once you've determined what your scene is, is there some sort  
20 of photographic documentation of the way the scene looks when you first  
21 arrived?

22 A Yes. The beginning of documentation begins with note taking,  
23 that's the very first thing we do so that we can, as I said, determine our  
24 scope and kind of write down a basic of what we have.

25 So basically it would have been, I have this roadway, I have

1 these buildings, these parking lots. And then any items of evidence I find,  
2 while I do a walk-through of my scene, because we do a walk through with  
3 the officers first, then we do a walk through on our own as we take our  
4 notes to see what we are going to be dealing with within our scene.

5 Then after we're done with our notes, or at least after we're  
6 done with the basic part of our notes, because as we progress through a  
7 crime scene, we learn more details or we start processing for other items  
8 of evidence, and then, of course, we continue to take notes from there.

9 But after the basics of our notes are completed, then we will  
10 start our photography, our photographic documentation. Photography is  
11 done this way because we want to be able to depict a clear and accurate  
12 representation of the crime scene as it was when we arrived. So we start  
13 with photos first before we begin any processing from there.

14 Q And then, in particular, do you work with a detective from the  
15 Fatal detail, as well, to document information that can be deduced from  
16 the roadway about the nature of the vehicle collision?

17 A Yes. So after my photographic documentation is completed of  
18 the scene as it is, the Fatal traffic detectives will then take spray paint,  
19 cones, other numbers of items that they utilize to mark a roadway to show  
20 something that's on the roadway that may not be visible to the untrained  
21 eye, if you will.

22 So after I do my overall saying, you know, this is what the scene  
23 looks like as I got here, they will then mark the roadway to determine  
24 certain things within the scene that they -- that are of note or that they can  
25 just mark so that once I take pictures again the viewer of those

1 photographs can see clearly what is on the roadway from those pictures.

2 Q And you did all that in this particular case; is that fair?

3 A Yes.

4 MR. DIGIACOMO: May I approach, Judge?

5 THE COURT: Yes.

6 BY MR. DIGIACOMO:

7 Q And there's a few of these that aren't proposed anymore but I'm  
8 just going to do it in a pack to make it simple.

9 This is State's Proposed Exhibits 6 through 36, I'm going to ask  
10 you to flip through those and make sure those are photographs of the  
11 scene while you were present.

12 A [Witness complies.]

13 Q Is 6 through 36 true, fair, and accurate depictions of the crime  
14 scene while you were present?

15 A Yes.

16 MR. DIGIACOMO: Move to admit 6 through 36. I know there's  
17 a few in there that were already admitted.

18 THE COURT: So 6 through 9, 11 and 13 through 16 were  
19 previously admitted.

20 Is there any objection to 10 and 17 through 36?

21 MR. MUELLER: No, Your Honor.

22 THE COURT: All right. Those will be admitted.

23 **[STATE'S EXHIBITS 10, 17 THROUGH 36 ADMITTED]**

24 BY MR. DIGIACOMO:

25 Q Now, are there some types of -- or are there some scenes when

1 you're responsible for what we call a crime scene diagram?

2 A Yes.

3 Q Okay. In this particular case, because it's a fatal case -- or the  
4 Fatal detail was present, who was responsible for creating sort of the  
5 diagram of the scene?

6 A The Fatal traffic detectives.

7 Q Now, I'm going to put up for you State's Exhibit Number 5,  
8 which was previously admitted here, I'm going to put it on the left side of  
9 the screen here.

10 First, have you seen this before?

11 A Have I seen the diagram or the map?

12 Q Either one of them, have you seen the map or the diagram?

13 A I have seen a Google image of this before, yes.

14 Q Okay. And essentially I don't want to talk about the sort of the  
15 writing that's down there, that's in blue and red, but generally speaking, is  
16 that an overhead view of your crime scene and are the buildings properly  
17 labeled and the street properly labeled?

18 A Yes.

19 Q Then I'm going to go through sort of your pictures on the  
20 right-hand screen, ask you to describe what we're looking at, but I'm going  
21 to leave up 5, sort of orient the jury in case they have any question as to  
22 which way the camera is actually facing.

23 A Okay.

24 Q So let's start with State's Proposed -- or State's Exhibit Number  
25 6, what are we generally looking at?

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RONNEKA GUIDRY, ) No. 80156  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23 day of March 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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BY /s/ Rachel Howard  
Employee, Clark County Public Defender's Office