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Respondent.

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1 Q And is it a clear and accurate depiction of what you
2 observed as you were there?

3 A Yes.

4 Q And turning your attention to State's Exhibit 2,
5 what's that?

6 A It's a transcript of the interview I conducted with
7 the suspect.

8 Q Have you had a chance to review that in its
9 entirety?

10 A Yes.

11 Q And based upon your memory is that what you remember
12 the interview to be?

13 A Yes.

14 Q Now I want to show you what's marked as State's
15 Exhibit 3 and ask you what that is.

16 A That is a copy of a Miranda custodial interrogation
17 card.

18 Q Okay. And what's the basis of your recognition, or
19 do you know this to be a particular card?

20 A I know it to be a particular card.

21 Q What's the basis of that recognition?

22 A It's got the date, time, my name, and the event
23 number on it in my handwriting.

24 Q Okay. Was that in fact the card of admonishment of
25 rights that the defendant signed at the beginning of his

1 interview?

2 A Yes.

3 Q Now, at the conclusion of the interview what
4 happened?

5 A The suspect was placed under arrest. I left the
6 room to start paperwork, and he was transported to Clark
7 County Detention Center.

8 Q And why was that?

9 A Based on the totality of my investigation I believed
10 we had probable cause to arrest the suspect for multiple
11 counts of sexual abuse against a child, and the arrest was
12 made.

13 MR. SWEETIN: Thank you. No further questions.

14 THE COURT: Cross-examination?

15 MS. HOJJAT: Yes. Thank you.

16 CROSS-EXAMINATION

17 BY MS. HOJJAT:

18 Q Good morning, Detective.

19 A Good morning.

20 Q How are you today?

21 A I'm good. How are you?

22 Q Good, thank you.

23 So I want to start with when you arrived at the
24 Berkley Avenue address.

25 A Okay.

1 Q Okay? Sorry. I need you to --

2 A Okay. Yeah. Sorry.

3 Q So when you arrived officers came and spoke to you

4 about information that they had learned?

5 A Yes.

6 Q Which officers specifically did you speak with?

7 A I don't recall specifically which one.

8 Q So you don't recall which officer came and gave you

9 the information?

10 A Correct.

11 Q Okay. You did not personally speak to Guadalupe?

12 A Other than to explain the situation and what we were

13 going to do as far as the interview, no.

14 Q Okay. So you did not personally get a statement

15 from Guadalupe about the allegations?

16 A At that time at the house, no.

17 Q Okay. So you don't recall which officer spoke to

18 you. When the officer spoke to you do you recall specifically

19 what they said?

20 A Their specific words I do not.

21 Q Okay. Would it refresh your recollection to see --

22 Well, let me back up. Did you write an arrest short

23 in time after this all happened?

24 A Yes.

25 Q Okay. Were you accurate in your arrest report?

1 A I believe so.

2 Q Okay. You put thing to the best of your
3 recollection at that time?

4 A Yes.

5 Q And that time being a day or two after this
6 happened, rather than three and a half years after this
7 happened?

8 A It would have been that day, yes.

9 Q Okay. So it was the same day you wrote that.

10 A Yes.

11 Q Okay. So fair to say your memory of the
12 conversation you had with the officer at that time would have
13 been far better than it is here today?

14 A I would hope so, yes.

15 Q Okay. And so if you put something in the report, it
16 would have been what occurred that day at the Berkley Avenue
17 address?

18 A Yes.

19 MS. HOJJAT: Okay. Permission to approach?

20 BY MS. HOJJAT:

21 Q Well, would it refresh your recollection to see your
22 report?

23 A Please.

24 MS. HOJJAT: Permission to approach?

25 THE COURT: Of course.

1 BY MS. HOJJAT:

2 Q So starting from here if you could just read it to
3 here silently to yourself, and let me know when you're done.

4 And did reading that help refresh your recollection?

5 A Yes.

6 Q Okay. So did the officers tell you that Ms. Alvarez
7 had said that Mr. Vasquez-Reyes had been repeatedly sexually
8 assaulting her by putting his penis inside her vagina and that
9 the most recent incident was one week, approximately one week
10 ago?

11 A Yes.

12 Q Okay. So that was information given to you by an
13 officer?

14 A Yes.

15 Q Okay. And at that point Ms. Alvarez had not said
16 anything like that to you specifically?

17 A Correct.

18 Q But you decided you had probable cause?

19 A Yes.

20 Q So you believed you had probable cause for a sexual
21 assault on a child?

22 A Yes.

23 Q But you decided not to arrest Mr. Vasquez-Reyes?

24 A I -- well, let me put it this way. I could have
25 arrested him at that point. However, I know that I need a

1 much more thorough investigation. There is probable cause at
2 that time, she's made a disclosure to police officers. I need
3 more than that for me, for my investigation. I would prefer
4 to be able to speak with him and do an interview with him, so
5 getting his cooperation and his consent to move to another
6 location and do the interview, that was my goal.

7 Q So my question was you decided not to arrest the
8 individual that you had probable cause to believe had been
9 sexually assaulting a child.

10 A At that time, yes.

11 Q Okay. So then it's your statement that you asked
12 him if he would be willing to voluntarily come speak with you?

13 A Yes.]

14 Q And if he had said, no, I'd like to get in my car
15 and drive to Mexico right now, you were going to let him do
16 that?

17 A No.

18 MR. SWEETIN: Objection. Calls for speculation.

19 MS. HOJJAT: I think he just said no, Your Honor.

20 THE COURT: He answered. Overruled. It can stand.

21 BY MS. HOJJAT:

22 Q Okay. So that's a no; right?

23 A Yes.

24 Q Okay. So then my client is placed in handcuffs;
25 correct?

1 A Yes.

2 Q And then my client is placed in the back of a patrol
3 car; correct?

4 A Yes.

5 Q But it's your testimony that he was not under arrest
6 at that time?

7 A That's correct.

8 Q Okay. Then he is transported to a police station in
9 handcuffs in the back seat of a patrol car; correct?

10 A Yes.

11 Q Okay. And then he's taken to an interrogation room?

12 A Yes.

13 Q Okay. And he's placed in an interrogation room?

14 A Yes.

15 Q And then he is left to wait in that interrogation
16 room --

17 A Yes.

18 Q -- while you go and speak with other individuals?

19 A Yes.

20 Q And he's in an interrogation room at the police
21 station?

22 A Yes.

23 Q And he is not actually spoken till until 6:27 p.m.
24 Does that sound right?

25 A I believe that's when the formal interview started,

1 yes.

2 Q Okay. And the time that he was placed in handcuffs,
3 placed in the back of the patrol car and taken to the police
4 station, that was approximately 4:30 p.m.; correct?

5 A Roughly, yes.

6 MS. HOJJAT: Court's indulgence.

7 BY MS. HOJJAT:

8 Q Your testimony today about what occurred at the
9 police station during the interrogation, you've had the chance
10 to review the video of that incident; correct?

11 A Yes.

12 Q Okay. Of the interrogation. What occurred at the
13 Berkley Avenue address between yourself and Mr. Vasquez-Reyes?
14 There's no video of that; correct?

15 A Correct.

16 Q Okay. Were any of the officers that day wearing
17 body cameras?

18 A I don't believe so.

19 Q Okay. What was the body camera policy in 2016 for
20 Metro, do you recall?

21 A At that time I don't recall.

22 MS. HOJJAT: Court's indulgence.

23 (Pause in the proceedings)

24 MS. HOJJAT: I'll pass the witness, Your Honor.

25 THE COURT: Any redirect?

1 MR. SWEETIN: No, Your Honor.

2 THE COURT: Okay, Detective -- I'm sorry, Sergeant,
3 thank you very much for your testimony here today. You may
4 step down. I think you're still under subpoena.

5 But can he leave the courthouse until --

6 MR. SWEETIN: It's okay with the State.

7 THE COURT: The defense have any objection?

8 MS. HOJJAT: No, Your Honor.

9 THE COURT: Okay. Thank you. Thank you for being
10 here.

11 Do you have any other witnesses?

12 MR. SWEETIN: We don't, Judge.

13 THE COURT: Okay. Does the defense have any
14 witnesses?

15 MR. FELICIANO: Court's indulgence for a moment,
16 please.

17 THE COURT: Okay.

18 MR. FELICIANO: Thank you.

19 (Pause in the proceedings)

20 MS. HOJJAT: And, Your Honor, as this is a Jackson
21 v. Denno hearing --

22 THE COURT: Sure.

23 MS. HOJJAT: -- I have informed the defendant that
24 what he testifies to today cannot be used against him at
25 trial. And with that understanding, the defense calls Mr.

1 Armando Vasquez-Reyes.

2 MR. SWEETIN: And, Judge, just so the record's
3 clear, I think we made a record of this at the last
4 proceeding. Certainly the State can introduce what the
5 defendant testifies here in its case in chief, but they can
6 offer it to impeach his testimony if he chooses to testify at
7 trial.

8 THE COURT: If he chooses to testify.

9 So I want to make sure you do understand that,
10 because your attorney is correct, the State cannot use any of
11 your testimony here against you in their case in chief.
12 However, at the time of trial if you took the stand and
13 testified and said something inconsistent, the State would
14 have an opportunity to impeach you with this testimony. I
15 mean, they would be able to ask you about it. Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And you've discussed all this
19 with your lawyer; correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay.

22 MS. HOJJAT: The other thing that I did tell my
23 client that I want to clarify is --

24 THE COURT: Of course.

25 MS. HOJJAT: -- I've informed him that the State's

1 cross-examination is limited to the scope of the defense's
2 direct examination, because obviously they do not have the
3 ability to call my client. So they can't start going on a
4 fishing expedition or outside the scope of my direct. Thank
5 you.

6 (Pause in the proceedings)

7 THE COURT: If the interpreter would raise her
8 right hand so you can be sworn by the clerk.

9 (Interpreter sworn)

10 THE CLERK: You may be seated.

11 THE INTERPRETER: Thank you.

12 THE CLERK: And for purposes of the record can you
13 please state and spell your name.

14 THE INTERPRETER: Maria Peralta De Gomez. M-A-R-I-A
15 and P-E-R-A-L-T-A, space, D-E, space G-O-M-E-Z.

16 THE COURT: Thank you.

17 And, Mr. Vasquez-Reyes, if you would please raise
18 your right hand so you can be sworn by the clerk.

19 ARMANDO VASQUEZ-REYES, DEFENDANT HEREIN, SWORN

20 THE CLERK: You may be seated. Please state and
21 spell your first and last name for the record.

22 THE WITNESS: Armando Vasquez-Reyes.

23 THE CLERK: And spell, please.

24 THE WITNESS: A-R-M-A-N-D-O V-A-Z-Q-U-E-Z [sic]
25 R-E-Y-E-S.

1 MS. HOJJAT: If I may, Your Honor.

2 THE COURT: Yes. Go ahead. Sorry.

3 MS. HOJJAT: Thank you.

4 DIRECT EXAMINATION

5 BY MS. HOJJAT:

6 Q Good morning, Mr. Vasquez-Reyes.

7 A Good morning.

8 Q I want to talk to you about the day you were
9 arrested. Do you understand?

10 A Yes.

11 Q On the day that you were arrested did you want to go
12 to the police station and speak with police?

13 A No, I didn't want to go to the police station.

14 Q Why did you go to the police station?

15 A It's not that I wanted. I was taken.

16 Q Okay. So did you agree to go, or were you told that
17 were being taken?

18 A They took me. They handcuffed me and took me.

19 Q Did you volunteer to be handcuffed?

20 A No. I didn't want to go.

21 Q Okay. So did you want to be handcuffed?

22 A Nobody wants to be handcuffed.

23 Q Okay. So you didn't agree and say, this is fine,
24 handcuff me?

25 A No. But since he was the officer, he grabbed

1 handcuffs and he put them on me and took me.

2 Q Okay. So you didn't resist?

3 A No, I didn't put any resistance, no.

4 Q Okay. But you also didn't agree?

5 A I didn't agree.

6 Q Okay.

7 A But he was the officer.

8 Q Did you agree to get in the back seat of the car and

9 go to the police station?

10 A I didn't agree, but I was taken. And they put me in

11 the back seat handcuffed.

12 MS. HOJJAT: Okay. Thank you very much. No further

13 questions.

14 THE COURT: Cross-examination?

15 MR. SWEETIN: Sure.

16 CROSS-EXAMINATION

17 BY MR. SWEETIN:

18 Q Mr. Vasquez-Reyes, it sounds like you have a pretty

19 good memory of what happened on that day back on August 16th,

20 2016 [sic].

21 MS. HOJJAT: Objection. Argumentative.

22 THE COURT: Overruled. You can answer.

23 THE WITNESS: August 16? It wasn't August 16.

24 BY MR. SWEETIN:

25 Q Is it April 16th?

1 A It was April 4th.

2 Q It was April 4th, 2016?

3 A Yes.

4 Q So you believe that's the date?

5 A I think that's the date, April 4th.

6 Q And do you remember everything that occurred when

7 the police arrived on that day?

8 A Parts.

9 Q Well, you made reference here to you having a

10 conversation with the police; right?

11 A We had -- well, my wife --

12 MS. HOJJAT: I'm sorry. I'm going to object. And

13 can we clarify which conversation? Because the direct

14 examination was only one conversation. I want to make sure

15 the cross is limited to that conversation.

16 THE COURT: Okay. Do you want to clarify your

17 question.

18 MR. SWEETIN: I can clarify that.

19 THE COURT: Thank you.

20 BY MR. SWEETIN:

21 Q Your attorney just asked you about a conversation

22 that you had with Detective Pretti, I believe; is that right?

23 MS. HOJJAT: At the Berkley Street address.

24 BY MR. SWEETIN:

25 Q A conversation at the Berkley Street address.

1 A We had a conversation there, but he spoke English
2 and I don't speak English, so they had to bring an
3 interpreter.

4 Q And do you remember everything that the interpreter
5 said?

6 A The interpreter -- no, I don't recall.

7 Q And you mentioned earlier that you remembered parts;
8 is that right?

9 A Yes.

10 Q Is it possible that Detective Pretti asked you if
11 you would be agreeable to going to the police station?

12 A No. He never asked me if I -- if I agreed.

13 Q Once you got to the police station were you in
14 handcuffs?

15 MS. HOJJAT: Outside the scope of direct
16 examination.

17 THE COURT: Well, I mean --

18 MR. SWEETIN: And it goes to, you know, essentially
19 whether or not he was in custody or he wasn't in custody, and
20 that's the purpose of the questions.

21 MS. HOJJAT: And the State has a right to do that
22 with every other witness, but this witness is limited to the
23 scope of direct examination.

24 THE COURT: Okay. So I'm going to allow the
25 question. Go ahead.

1 BY MR. SWEETIN:

2 Q Do you recall whether or not you were handcuffed
3 once you got to the police station?

4 A Yes, I was handcuffed.

5 Q Did they ever take your handcuffs off?

6 MS. HOJJAT: Your Honor, again I object. This is so
7 outside the scope of direct examination.

8 THE CLERK: I think you are going beyond at this
9 point.

10 MR. SWEETIN: I'll pass the witness, Judge.

11 MS. HOJJAT: No further questions.

12 THE COURT: Okay. Thank you very much for your
13 testimony here today. You may step down.

14 Any other witnesses?

15 MS. HOJJAT: Not from the defense, Your Honor.

16 THE COURT: Okay. I'll hear from the State.

17 MR. SWEETIN: Well, Judge, it is -- it's the
18 defense's motion. Do you want to hear from me first?

19 THE COURT: All right. Well, I usually do, because
20 the State has the burden.

21 MR. SWEETIN: Okay. Sure.

22 So in this case the State would submit that the
23 testimony is clear that in fact the police officers had a
24 conversation with the defendant in which they discussed him
25 coming to the police station to speak with them. They asked

1 if he would be agreeable to doing that. He indicated that he
2 would. They then described, well, if we're going to give you
3 a ride there that we're going to have to transport you in a
4 patrol car and our policy is that we have to put you in
5 handcuffs, is that okay with you. And the defendant indicated
6 it was.

7 He was taken to the police station. Immediately
8 once he got there, you know, as Detective Pretti had
9 indicated, he took the handcuffs off of him, he let him sit in
10 the interview room until he came and talked to him. The State
11 would submit that clearly that the evidence has shown that the
12 defendant wasn't in custody as he came for the interview.

13 I would note that defense counsel couches their
14 motion, you know, in regards to NRS 171.123, which talks about
15 the hour detention. The State would submit that in the
16 statute itself it basically details that if an individual is
17 held for 60 minutes or more they are determined to be under
18 arrest under that circumstance where they're held against
19 their will for 60 minutes or more. So under that scenario
20 even if in fact defense counsel were correct and the defendant
21 was under arrest, that would be the remedy. In this
22 particular case that's of no moment, because in fact there was
23 sufficient probable cause to arrest the defendant from the
24 beginning, and the statement that we're talking about was
25 preceded by a full Miranda warning and even a signing of a

1 waiver card by the defendant.

2 So the State submits that defendant's motion should
3 be denied.

4 THE COURT: Thank you.

5 MS. HOJJAT: Thank you, Your Honor.

6 So the defense motion is, the State is correct,
7 based on the unlawful detention that exceeded 60 minutes and
8 thus became an unlawful arrest -- well, I'm sorry; I shouldn't
9 say unlawful detention -- the detention that exceeded
10 60 minutes and thus became an unlawful arrest.

11 THE COURT: Why if the detective said he had
12 probable cause right from the get go?

13 MS. HOJJAT: The detective claims he had probable
14 cause right from the get go. He hadn't spoken to anybody. He
15 shows up at the scene --

16 THE COURT: He did. The victim.

17 MS. HOJJAT: He didn't speak to the victim. We
18 specifically established that he did not --

19 THE COURT: Well, probable cause can be based on
20 hearsay. The patrol officer said, she's told us she's been
21 repeatedly sexually abused by the stepfather since she was
22 five years old. I'm paraphrasing. I don't remember exactly
23 what was said.

24 MS. HOJJAT: And that's a different conversation,
25 but it's not the argument the State has made. The State has

1 taken the position that Mr. Vasquez-Reyes was not under
2 arrest. The defense thinks it's very clear that Mr. Vasquez-
3 Reyes --

4 THE COURT: But even if he was, there was probable
5 cause, according to the detective.

6 MS. HOJJAT: The defense position would be that the
7 fact that the detective had not spoken to anybody, did not
8 have any statements from Mr. Vasquez-Reyes, did not have any
9 statements from any other witnesses, not even a simple three-
10 minute conversation with Ms. Alvarez in which she had said,
11 yes, this happened to me. There was nothing other than the
12 conversation with the officer that that does not rise to the
13 level of probable cause. They did not have probable cause to
14 place Mr. Vasquez-Reyes under arrest at his home, because --
15 again, he was arrested at his home. He was not arrested out
16 on the streets. Extra protections apply to an individual in
17 their home. There's a warrant requirement in the home.
18 Officers cannot simply show up to somebody's house, arrest
19 them and put them in the back seat of a police car.

20 THE COURT: Not if they have probable cause.

21 MS. HOJJAT: No. They still need a warrant. There
22 needs to either be a warrant requirement or exigent
23 circumstances. Exigent circumstances are the only
24 circumstances in which an individual can be arrested in their
25 home without a warrant.

1 THE COURT: Okay. But they weren't in the home;
2 right? They're out on the street?

3 MS. HOJJAT: I believe they were on the curtilage of
4 the property, Your Honor, per the testimony. Everybody agreed
5 it was at Berkley Street -- at Berkley Avenue address. Mr.
6 Vasquez-Reyes was at his home. He was in his home, he was at
7 his home. He had the right to -- if detectives believed they
8 had probable cause, they needed a warrant or they needed
9 exigent circumstances. They had neither, which means that his
10 detention, his arrest would have been unlawful at that time.
11 If the Court believes they had probable cause, then they
12 needed to apply for a warrant. Because the Fourth Amendment
13 law is clear, individuals can't be seized at their property
14 without exigent circumstances. And so our position is that he
15 was seized at his property without a warrant, without exigent
16 circumstances that would have been an exception to the warrant
17 requirement. He was then handcuffed, placed in the back seat
18 of a patrol car, taken to the police station. This all took
19 more than 60 minutes. It was an unlawful arrest both at the
20 initial time of arrest, if parties are in agreement that that
21 was an arrest. I don't think the State is, but it sounds like
22 the Court is in agreement that that was -- he was under arrest
23 at that point.

24 THE COURT: I didn't say that. I said, even it was,
25 the officer had probable cause.

1 MS. HOJJAT: And so for those reasons we believe
2 that if the arrest occurred at the residence, that was
3 unlawful because it was a Fourth Amendment violation,
4 violation of the warrant requirement. If the arrest didn't
5 occur at the residence, if he truly was just detained for
6 60 minutes, that was unlawful, as well, unlawful arrest. And
7 either way the statement must be suppressed as fruit of the
8 poisonous tree.

9 THE COURT: Thank you.

10 MR. SWEETIN: And just to be clear, the one issue
11 that was brought up by defense in regards to a warrantless
12 arrest at the residence, I believe, you know, the case that
13 she's referring to deals with going into someone's house and
14 committing an arrest.

15 That wasn't the case here at all. When the
16 detective arrives everyone is outside, the defendant's seated
17 on the street, and at that point he makes contact with him.
18 So it's completely analogous to -- or uncomparable to that
19 other case.

20 THE COURT: Anything else? And I see Mr. Feliciano
21 standing like he wants to say something.

22 MR. FELICIANO: No, not on this. On other stuff.

23 THE COURT: Okay. Anything else?

24 MS. HOJJAT: No, Your Honor.

25 THE COURT: Okay. So at this time the Court's going

1 to deny the motion.

2 Was there something you wanted to go into right now,
3 Mr. Feliciano?

4 MR. FELICIANO: No. I'm just --

5 THE COURT: Okay. I just want to make sure.

6 Okay. Let me pull out these -- the next one is
7 defendant's motion to dismiss for failure to preserve
8 exculpatory evidence.

9 MS. HOJJAT: And, Your Honor, based on the State's
10 response, their opposition, they make representations about
11 reaching out to a Detective Jane Pinot [phonetic] from LVMPD,
12 and that cameras weren't mandatory for anybody and that nobody
13 had brought a camera, essentially, on that date. That's not
14 our understanding of what the body camera policy was in April
15 of 2016. I'm certainly saying that Mr. Sweetin is
16 misrepresenting. It's just that's not our office's
17 understanding of what that policy was in 2016. So at this
18 point we would just ask for a hearing at some point during
19 this case to have a hearing and to have somebody come in and
20 testify as to that from Metro. Because our understanding was
21 that in April of 2016 the policy was anybody with a 1200 or 13
22 number -- 1200 or above P number was mandated to wear a body
23 camera.

24 THE COURT: Okay.

25 MR. SWEETIN: Well, I'm representing as an officer

1 of the court that Las Vegas Metropolitan Police Department was
2 contacted and we made reference to the individual that was
3 contacted who has custody over the body camera system and
4 information related to that system. And the information, as
5 I've indicated, was provided. If the Court wants to have an
6 evidentiary hearing where we bring in someone from Las Vegas
7 Metropolitan Police Department to testify to that, we can.
8 But as an officer of the court, that was what I was told. And
9 I don't think there's been any evidence inconsistent with that
10 in this case, any testimony or individual saying that they did
11 have a body camera or saw a body camera.

12 THE COURT: I mean, because in your motion it says
13 the first camera was issued in June of 2016, but it wasn't
14 mandatory. Well, I guess first camera issued 2014, a pilot
15 program. That account was deactivated. I guess that -- and
16 what's your position? Because it sounds like you're taking
17 the position that there was body cam footage and that somebody
18 destroyed it.

19 MS. HOJJAT: Yes.

20 THE COURT: And, you know, and based on the
21 pleadings there doesn't appear to be any evidence of that.

22 MS. HOJJAT: And, Your Honor, that's why I'm asking
23 for a hearing at this point based on the State's pleading.
24 Because our understanding -- I mean, back in 2015 we're
25 talking about, when I was on track I was being told by

1 District Attorneys -- Deputy District Attorneys, there's a
2 policy now, it's 1200 and above, it's mandatory.

3 THE COURT: What's the 1200 and above, their P
4 numbers?

5 MS. HOJJAT: Their P numbers.

6 THE COURT: Okay.

7 MS. HOJJAT: Because originally when the program
8 started I believe it's now essentially, yeah, everybody who's
9 on patrol. But back then it was patrol officers over 1200 and
10 above.

11 THE COURT: Well, there's only two here.

12 MS. HOJJAT: We have two -- we had two individuals
13 here who are above 1200. So, again, I'm not impugning
14 anything on Mr. Sweetin. I don't know what information --
15 where --

16 THE COURT: Well, Number 13458 says he got his
17 June 6th.

18 MS. HOJJAT: Right. And so --

19 THE COURT: So the only -- based on your
20 representations, the only person that would even be issued is
21 P Number 12133; right?

22 MS. HOJJAT: 12133, and also 13 --

23 THE COURT: Right. But, I mean, this -- I mean, the
24 State's representation was that that person's camera was
25 issued June 6th --

1 MS. HOJJAT: I understand --

2 THE COURT: -- 2016.

3 MS. HOJJAT: I understand the State's
4 representation, and I understand Mr. Sweetin as an officer of
5 the court. But what I'm saying is the information that he
6 received was not sworn testimony. And so I'm just asking for
7 a hearing to have this individual come in with their policy
8 and just show us their policy and show us that. Because,
9 again, we have different information in our office about what
10 these policies were. And I think it's best for the record if
11 we just clear that up.

12 THE COURT: Well, I'll let you ask any of these
13 officers regarding body cam footage and whether they had it.
14 But even if -- I mean, because the issue is you want to
15 dismiss for failing to preserve exculpatory evidence.

16 MS. HOJJAT: Yes.

17 THE COURT: And there's not even been a showing --
18 based on the evidence, I mean, I have a record here that says
19 nobody was required to or was wearing it. Okay. Let's assume
20 they are. You still -- in order to get it dismissed you have
21 to show that this was material. I don't think I agree with
22 your interpretation of the evidence, either. I mean that
23 because -- you believe that the child made some -- that the
24 alleged victim here made some type of inconsistent disclosure
25 because she said the most recent event was one week prior,

1 therefore, that must have been penis-vagina sexual assault,
2 and she didn't describe it as such?

3 MS. HOJJAT: Well, not just that, Your Honor. Two
4 things

5 THE COURT: They have to be material.

6 MS. HOJJAT: Yeah. It has to be material. And I
7 think actually the detective just testified to this. So maybe
8 if we can incorporate the detective's testimony from the
9 Jackson v. Denno into this record --

10 THE COURT: Of course.

11 MS. HOJJAT: -- because he did just testify to this.
12 The statement that she made to the officers is that he's been
13 vaginally sexually assaulting me and that the most recent
14 incident was one week ago. Her statement --

15 THE COURT: The most recent incident.

16 MS. HOJJAT: Of sexual assault.

17 THE COURT: But there's nothing to say that she said
18 the most recent incident one week ago was penis-vagina.

19 MS. HOJJAT: Well, and it's not even relevant
20 whether -- well, it is relevant, obviously.

21 THE COURT: Right.

22 MS. HOJJAT: But it's not necessary for us to show
23 that she said that, because, first and foremost, her statement
24 later is that it was almost always anal. She said that there
25 were only two incidents in which she ever was actually

1 penetrated. So the fact that she's first disclosing that, I'm
2 being vaginally penetrated over and over again, I've been
3 vaginally raped for years, and by the time she gets to this
4 forensic interview now it's, no, no, I've been anally raped
5 for years, rather than vaginally raped for years. That is in
6 and of itself material. That's a huge change. You should
7 know whether you were vaginally raped for years or anally
8 raped for years.

9 THE COURT: A child?

10 MS. HOJJAT: She's 14.

11 THE COURT: Okay.

12 MS. HOJJAT: She's 14 years old.

13 THE COURT: Okay.

14 MS. HOJJAT: And so that is a huge inconsistency.

15 Second --

16 THE COURT: Who has disclosed that this has been
17 happening to her since she was four or five years old; right?

18 MS. HOJJAT: Right. But her initial disclosure was
19 that it was almost always vaginal -- or always vaginal, it
20 sounds like, and then her later disclosure is that there were
21 only two instances of vaginal and that it was almost always
22 anal.

23 In addition to that, Your Honor, the one week --

24 THE COURT: If there is not body cam footage, that
25 does not prevent you from cross-examining all the witnesses

1 regarding this; correct?

2 MS. HOJJAT: Well, the difference is, Your Honor, if
3 there was body camera footage, there would be no dispute over
4 it. And I suspect that at trial Mr. Sweetin is going to
5 strongly take the position that the victim didn't say it.
6 Unless he's willing to stipulate that that was the victim's
7 first statement to the police. And I guess I'll require that
8 of Mr. Sweetin.

9 Are you willing to stipulate that that was her first
10 statement to police, that it was vaginal? Because that's a
11 huge --

12 THE COURT: But I don't think that's the state of
13 the record.

14 MS. HOJJAT: But, Your Honor, that's the problem;
15 right? It is had the cameras existed there would be no
16 dispute. The lack of preservation of video, if video existed,
17 now creates a dispute. The State is not allowed to benefit
18 from failure to preserve exculpatory evidence. That's why --
19 it always comes circular, essentially. It all becomes
20 circular in terms of first and foremost did the body camera
21 exist. Which is why I'm asking for a hearing on the body
22 camera. Because obviously if no body camera existed, then,
23 yes, I will agree this issue kind of goes away. Which is why
24 we'd like a hearing to have that individual testify as to
25 whether a body camera existed. Because if it did, it should

1 have been preserved, because based on the police report that
2 we have she made entirely exculpatory statements that we had a
3 right to have.

4 THE COURT: Okay.

5 MR. SWEETIN: And, as I've indicated, Judge, I mean,
6 I -- the State would submit that I don't think they've made a
7 showing clearly to even approach dismissing the case whether
8 or not body camera footage or not exists. But it's clear --
9 the State would submit and I'd represent as an officer of the
10 court, that inquired of the repository of that body camera if
11 it in fact existed, and they've indicated that it does not
12 exist. So -- but that's the only representations I can make
13 to the Court.

14 THE COURT: Okay. Anything else?

15 MS. HOJJAT: I'll submit it.

16 THE COURT: Okay. At this time the Court's going to
17 deny the motion. But obviously you can ask any of these
18 witnesses whatever questions you think are appropriate.

19 The motion to exclude -- the motion to exclude
20 improper expert opinion.

21 MS. HOJJAT: Yes, Your Honor.

22 THE COURT: Okay. But I'm not sure I really
23 understood what you were trying to prevent Dr. -- is Dr. Cetl
24 going to testify live, or is she going to be on Skype?

25 MR. SWEETIN: She's going to testify via Skype.

1 THE COURT: Okay.

2 MR. SWEETIN: And, you know, just to make this a
3 little easier, I mean, the State is not certainly going to
4 develop any testimony from her about the chlamydia or an
5 increased, basically, finding of her probability of abuse
6 based upon that chlamydia. We would only be asking her about
7 all of the rest of the sexual assault exam and whatever
8 conclusions she can reach based upon those particular
9 findings. That's all we would get into.

10 THE COURT: Okay. Because I guess I'm not really
11 understanding. Because Dr. Cetl is permitted to testify
12 regarding her opinion based on everything; correct?

13 MS. HOJJAT: No. Our position is she is not allowed
14 to say, I believe this child was probably abused. That she's
15 not allowed to say. That's an ultimate question of fact for
16 the jury to decide. The experts don't get to get up there and
17 say, probably he's guilty. That's not a thing that they're
18 allowed to do. She's allowed to testify as to her findings as
19 an expert as to anything she observed or didn't observe, her
20 function as a medical expert.

21 THE COURT: So tell me what it is you're trying to
22 prevent her --

23 MS. HOJJAT: Specifically what I'm trying to prevent
24 is there's a page in the child scan in which they are asked to
25 indicate their impressions. And Dr. Cetl -- Court's

1 indulgence. If I can find it, I'll provide Your Honor a copy
2 of it. Dr Cetl marked "probable abuse" based on -- Court's
3 indulgence -- I'm sorry.

4 THE COURT: Right. We're not getting into the
5 chlamydia, so --

6 MS. HOJJAT: I'm not worried about the chlamydia,

7 THE COURT: Oh. Okay.

8 MS. HOJJAT: I'm basically concerned about -- if I
9 can approach, Your Honor, with that page.

10 MR. FELICIANO: Well, we are in a moment.

11 MS. HOJJAT: We are going to be worried about the
12 chlamydia and all that. But if I can approach, Your Honor,
13 with a copy. And I'm going to read it into the record before
14 -- it says "Overall impressions." And Dr. Cetl marks
15 "probable abuse based on child has given a spontaneous, clear,
16 detailed description to a neutral fact finder with or without
17 positive exam findings." And then it says, "Indicate to who.
18 Law enforcement." So she finds probable abuse not based on
19 anything she viewed as a medical professional in her
20 examination, solely based on the fact that a statement was
21 given to a member of law enforcement. That is not an expert
22 opinion formed within the basis of her expertise, and it's not
23 an opinion that can be given to the jury, because the jury can
24 be misled by the fact that there's a doctor up there saying,
25 well, in my review of everything I found probable abuse. She

1 didn't. She found probable abuse because this form tells her
2 that if the child makes a statement she has to mark the box
3 that says "probable abuse." And if I can approach Your Honor
4 with the form so Your Honor can see it.

5 THE COURT: But what is it you're trying to prevent
6 her from testifying to?

7 MS. HOJJAT: I just don't believe she should be
8 allowed to testify to that, that there was an impression of
9 probable abuse.

10 THE COURT: Okay. Okay. Well, I'm assuming the
11 State isn't going to ask her to testify regarding this
12 document that she filled out. Right?

13 MR. SWEETIN: No, we're not, Judge. We're just
14 merely going to ask her to testify in regards to the findings
15 that she had, you know, what they could or could not basically
16 provide. You know, that's all we're going to talk to her
17 about.

18 THE COURT: Okay. So, again, I'm not going to allow
19 her to testify regarding some document and box she checked,
20 but obviously Dr. Cetl can testify about her findings based on
21 her medical examination.

22 MS. HOJJAT: Okay. So that we're clear, then I'd
23 ask for this sheet to be made a Court's exhibit and the State
24 is in agreement that she's not going to testify to the
25 impression on this sheet of probable abuse.

1 Correct?

2 MR. SWEETIN: That's correct, Judge.

3 MS. HOJJAT: If I can make this a Court's exhibit.

4 Thank you very much.

5 MR. FELICIANO: And there's one issue in regards to

6 Dr. Cetl that I wanted to raise.

7 THE COURT: Okay. You know, we'll just make it

8 Court's Exhibit Number 1. I think that'll just make it

9 easier.

10 MS. HOJJAT: Thank you, Your Honor.

11 MR. FELICIANO: So I believe I --

12 THE COURT: Are we still on Dr. Cetl?

13 MR. FELICIANO: Still on Dr. Cetl. Different issue,

14 though.

15 THE COURT: Okay.

16 MR. FELICIANO: So I believe -- I think it was

17 Friday that I told Mr. Sweetin and Mr. Rowles that I didn't

18 have an issue with Dr. Cetl testifying remotely. But on

19 further discussion and thought, I think we want her here live.

20 So I just wanted to make that record, that we are requesting

21 live testimony. But I understand we did have a conversation

22 last week, so --

23 THE COURT: You already agreed? You didn't have any

24 objection?

25 MR. FELICIANO: Yeah. I believe so. I mean --

1 MS. HOJJAT: On Friday afternoon.

2 MR. FELICIANO: Yeah, Friday afternoon.

3 MS. HOJJAT: It's [inaudible].

4 THE COURT: Friday afternoon you said you have no
5 objection, and --

6 MR. FELICIANO: On further thought, considering
7 she's going to come and talk about findings, we are asking
8 that she be present. I understand. I'm just making the
9 record.

10 THE COURT: Okay.

11 MR. SWEETIN: Well, just to be clear, as the Court
12 knows, this has been set for trial a few times, and --

13 THE COURT: Twelve.

14 MR. FELICIANO: Twelve?

15 THE COURT: Yes.

16 MR. SWEETIN: It's my understanding --

17 THE COURT: See, you probably wouldn't even have
18 guessed that.

19 MR. FELICIANO: No.

20 MR. SWEETIN: Yeah. It was my understanding that
21 there wasn't a dispute in regards to Dr Cetl testifying. I
22 was merely -- I think we'd had discussions about this in the
23 past. I believe that that was the agreement. We did have a
24 discussion on Friday and indicated -- confirming my
25 understanding that in fact she was going to testify. I'm not

1 even sure she's available to testify next week. She lives in
2 Texas, and she has a very full schedule. So I don't think she
3 would be available to be brought out here.

4 THE COURT: Okay. Would you talk to Dr. -- when do
5 you plan on calling her?

6 MR. SWEETIN: I would suspect we'd be calling her
7 sometime later this week.

8 THE COURT: Okay. Right. Because -- well, you said
9 next week. That's why I'm wondering.

10 MR. SWEETIN: Oh. And that's my fault. This week.

11 THE COURT: Okay. So would you ask her. I mean,
12 because obviously the State could get her here if she was able
13 to come. And then let me know what she says, and then I can
14 make a determination on that. But you did agree on Friday?

15 MR. SWEETIN: That is correct.

16 THE COURT: Okay.

17 MR. SWEETIN: Thank you.

18 THE COURT: Where is she in Texas?

19 MR. SWEETIN: I think they were in Austin, Texas.
20 I'm not positive.

21 THE COURT: Okay. And then the next one is the
22 motion to reconsider.

23 MR. FELICIANO: The chlamydia?

24 THE COURT: Yeah.

25 MR. FELICIANO: Okay. So, I mean, I make a

1 different point --

2 THE COURT: Okay.

3 MR. FELICIANO: -- that I failed to make previously.
4 It's the one week issue that would be exculpatory. So based
5 on that we would ask that that be allowed.

6 THE COURT: Okay. But, you know, it's not
7 exculpatory anymore, because the State's not going to go into
8 that document.

9 MR. FELICIANO: Well, if they -- if she says one
10 week prior there was some sexual contact, that's how it's
11 reads, that's what the police report reads --

12 THE COURT: Oh. I see. Okay. I see what you mean.

13 MR. FELICIANO: So if -- I mean, if there was sexual
14 contact, we would expect him to have it, yet they didn't test
15 for it. So that should basically go both ways.

16 THE COURT: Okay.

17 MR. FELICIANO: I mean, if he would have been tested
18 and had it, we know this would absolutely be coming in at
19 trial. There's no question they would have tried to get this
20 in.

21 THE COURT: Well, yeah. I told him when he said he
22 wanted to test for it.

23 MR. FELICIANO: So basically the opposite should
24 work, as well.

25 THE COURT: Right. But again --

1 MR. FELICIANO: Him not having it --

2 THE COURT: I know I've said repeatedly that I don't
3 believe the State can just test people for sexually
4 transmitted diseases. I think if you have to take someone's
5 blood by warrant, you surely can't test them for chlamydia
6 without a warrant.

7 MS. HOJJAT: But they actually --

8 THE COURT: So I know that that's your issue
9 repeatedly that the State should have been tested him. And I
10 gave you an opportunity, I told you you can test your client
11 and whatever you want to do with that.

12 MR. FELICIANO: Well, I mean --

13 THE COURT: But I don't think -- just because he
14 wasn't tested doesn't mean you're going to tell this jury the
15 child has it but the defendant doesn't. Because it's not a
16 true statement.

17 MS. HOJJAT: But, Your Honor, the State has the
18 burden. So what we should be allowed to tell the jury is the
19 child had it and they chose not to test the defendant. They
20 actually can test him pursuant to statute. There's a statute
21 directly on point.

22 THE COURT: I know we've gone through the statute.
23 I don't want to go backward, and I don't --

24 MS. HOJJAT: And so the point is --

25 THE COURT: That does not apply in a criminal

1 setting. That's like the Health District's responsibility,
2 not the Clark County District Attorney. It's a Health
3 District issue.

4 MS. HOJJAT: If nothing else, Your Honor, the Clark
5 County District Attorney can obtain a warrant. They had every
6 ability in the world when this child tested positive for the
7 chlamydia at the scan to obtain a warrant and have Mr.
8 Vasquez-Reyes tested. And it is the State's burden in every
9 case. It is not our burden. It is not our burden to have our
10 client tested, and it was some substantial time after the
11 incident, where realistically then the argument would have
12 been, well, it's been too long, somebody gave him some
13 antibiotics at some point. By the time we were discussing
14 testing him it was too late and it wasn't probative evidence.
15 It was material at the time that she tested positive in the
16 scan, and the State chose not to get a warrant, the detective
17 chose not to get a warrant. They had every ability in the
18 world to get a warrant. At that point the suggestion that
19 there wasn't probable cause, I mean, we're all discussing
20 whether there was probable cause. The Court has found there's
21 probable cause to arrest him. There was probable cause for a
22 warrant to draw his blood to determine whether -- or to do
23 whatever the testing was for chlamydia. They chose not to.
24 They have the burden. And it is absolutely a valid argument
25 for the defense to make of, this child has chlamydia and the

1 claim is that our client was having penetrative sex with her,
2 where is there no evidence that he had chlamydia. We
3 certainly won't say he didn't have chlamydia, but we should be
4 allowed to say, why is there no evidence that he had
5 chlamydia, why did they not present that evidence to you.

6 Above and beyond that, Your Honor, this is basically
7 -- if we think about it, right, there's only two possible
8 arguments as to where the chlamydia came from. Either the
9 State is taking the position that our client gave her the
10 chlamydia or they're taking the position that he did not give
11 her the chlamydia. Those are the only two possibilities;
12 correct? Either the victim is claiming it's because of my
13 client, or she's saying it's not because of my client. If the
14 allegation is that it's because of my client and now these are
15 statements that she's making against the defendant that we
16 should get to impeach her on, cross-examine her on, confront
17 her on. If she's taking the position that my client did not
18 cause the chlamydia, there are findings in a SANE exam.
19 There's a finding of malodor. The Detective Cetl [sic] found
20 that she had a malodorous vagina. It is an alternate
21 explanation for the findings in a SANE exam. Because now if
22 she is saying that she had sexual contact with somebody else
23 close in time, there are findings in the SANE, that's an
24 alternate explanation of where those findings in the SANE came
25 from. So whether she's claiming it was our client or she's

1 claiming it wasn't our client, it's relevant, and it's
2 admissible.

3 MR. SWEETIN: Okay. Well, first of all, Judge, the
4 motion's not timely. But that aside, I don't agree with
5 defense counsel in regards to -- as they bring up this one
6 other argument, potential impeachment, I don't think -- and as
7 the Court is well aware, in her statement which she gives a
8 short time later she gives in very specific detail exactly
9 what she meant and how long. But, at any rate, all that
10 aside, you know, we're going back and rehashing this argument.
11 And I'll repeat that now the defense wants to get into prior
12 sexual conduct to impeach. Well, our statute does not provide
13 for that. You know, rape shield provides that essentially you
14 can get into prior sexual conduct for just a very finite
15 number of reasons, to show consent, to show prior sexual
16 knowledge, to show a prior false allegation. We're not asking
17 for any of that. The statutory remedy is to get into prior
18 sexual conduct. They're saying, no, we want to impeach.
19 They're doing exactly -- what they're trying to do is exactly
20 why rape shield was enacted back in the 1970s. They want to
21 bring in every sexual encounter of this victim, whatever it
22 might have been or not been, and try to show the jury that
23 this is not a chaste person, so they shouldn't believe her.
24 That's exactly what's going on here. The State submits
25 clearly this motion should be denied.

1 MS. HOJJAT: And, Your Honor, if I may. That's not
2 accurate. First and foremost, rape shield -- the impeachment
3 would come if she was accusing our client of having given her
4 the chlamydia, at which point this is not rape shield, these
5 are the accusations of the case.

6 THE COURT: And if she's not coming in, nobody is
7 accusing him of that, because I've already made a prior
8 determination that that evidence isn't coming in. Right?

9 MS. HOJJAT: That was the Court's ruling. That was
10 the Court's ruling. We hadn't provided certain information to
11 the Court at that time, which is why we filed the motion to
12 reconsider. But I think it's very important -- we are at this
13 point in the case and we don't know whether the allegation is
14 that she got the chlamydia from Mr. Vasquez-Reyes or she did
15 not get the chlamydia from Mr. Vasquez-Reyes. We've never
16 been provided that information. We attempted to pretrial her.
17 She refused to speak with us.

18 If the allegation is not that she got the chlamydia
19 from Mr. Vasquez-Reyes, there were findings in the SANE exam.
20 If she is admitting to sexual conduct with another individual
21 that caused chlamydia, then it can also be a source of the
22 findings in the SANE exam. Unless the Court's willing to
23 exclude the entire SANE exam and just say an exam was done,
24 there were no findings. So if the malodorous findings are
25 coming in and the State gets to point the finger at Mr.

1 Vasquez-Reyes and say, he has to be the one who caused those
2 malodorous findings because she's 14 years old and she's not
3 having sex with anybody else, but we know if she's not saying
4 he caused the chlamydia, then that's inaccurate. And that's
5 precisely what the exception to rape shield was created for.
6 Alternate source of findings is one of the very clearly
7 accepted exceptions to rape shield.

8 So that's why I think we need to know whether she is
9 saying that Mr. Vasquez-Reyes was the source of the chlamydia
10 or not before Your Honor makes the ruling. I understand Your
11 Honor's position is if Mr. Vasquez-Reyes caused the chlamydia,
12 then it's not coming in. But if the allegation is that Mr.
13 Vasquez-Reyes didn't cause the chlamydia, then that's a thing
14 that is exculpatory and we need to know about because there
15 were these findings in the scan.

16 THE COURT: Anything else?

17 MR. SWEETIN: The State would submit that clearly
18 rape shield prevents this evidence from coming in. And I've
19 laid that out in writing, I've argued it, I'd submit it on
20 that.

21 THE COURT: The Court's going to deny the motion to
22 reconsider.

23 There's two more that I haven't been able to read --

24 MR. FELICIANO: Well, yeah. I filed --

25 THE COURT: -- the oppositions.

1 MR. FELICIANO: I filed them in open court and I
2 sent them over this morning, my oppositions, to the -- to
3 stuff in Mr. Vasquez-Reyes's statement and to the bad acts.
4 So we can pick that up later, if you like.

5 THE COURT: And so let's see. It's 10 after 12:00.
6 Why don't we meet back about 10 after 1:00, and then we can
7 just get the jury when we're done with that. We told the jury
8 1:00 o'clock, but we'll tell them about 1:30.

9 MR. FELICIANO: There's one other issue. It's not
10 in a motion. In meeting with Mr. Sweetin and Mr. Rowles I let
11 them know that I tried to -- basically my investigator made an
12 appointment with the complaining witness and her family. They
13 agreed to speak to us. We drove out to their home, and they
14 wouldn't open the door. Which, of course, they have a right
15 not to speak to us.

16 However, there is no way for us to inquire as to
17 whether there are any financial benefits this family or victim
18 is receiving and/or any immigration benefits they may be
19 receiving, either her or the family. So we're --

20 THE COURT: Did I rule on this in a discovery
21 motion?

22 MR. FELICIANO: I put that in a motion. I'm sorry.

23 THE COURT: Okay. And I'm sure I granted it, that
24 the State would provide -- because my ruling is usually the
25 State needs to provide anything other than the statutory

1 witness fee.

2 MR. FELICIANO: Correct. So I asked Mr. Sweetin on
3 Friday --

4 THE COURT: Okay.

5 MR. FELICIANO: -- and he told me -- the best of my
6 recollection is he told me he was unaware of any monetary
7 benefits and unaware of any immigration benefits.

8 THE COURT: Okay.

9 MR. FELICIANO: But I asked him if affirmatively
10 asked the family, and he said no. So I'm asking -- I'm asking
11 the Court to direct him to ask and provide us the information.

12 THE COURT: Okay. Is the victim a U.S. citizen?

13 MR. FELICIANO: I believe she is, but -- no, she is
14 not. And neither is Mom. She came here, I believe she was
15 five or six, from Mexico. And Mom is not a citizen, either,
16 it's my best recollection.

17 THE COURT: Well, if they were getting immigration
18 assistance or any type of issue with that, wouldn't the State
19 have to know?

20 MR. FELICIANO: No, not necessarily. Mr. Sweetin --

21 THE COURT: Where else would get the assistance
22 from?

23 MR. FELICIANO: Mr. Sweetin told me that their
24 office doesn't do that and he has not asked. So I'm just
25 asking --

1 THE COURT: Well, the federal government would. But
2 it's my understanding, because you guys put all this in these
3 motions, that the federal government does it, but that the DA
4 would be aware of it. Is that not true?

5 MR. FELICIANO: I don't -- I mean, it's possible.

6 THE COURT: Okay.

7 MR. FELICIANO: But I think this can all be taken
8 care of if they're affirmatively asked --

9 THE COURT: Okay.

10 MR. FELICIANO: -- what benefits they're receiving
11 and what type of immigration benefits they're receiving, and
12 then we can make a record of it in court.

13 THE COURT: If any. So, I mean, based on my -- the
14 mother couldn't be receiving anything. It would only be the
15 victim; correct?

16 MR. FELICIANO: No.

17 THE COURT: Okay.

18 MR. FELICIANO: No. There's other things they can
19 apply for. So we would ask that that information be provided
20 in open court.

21 THE COURT: Okay. Will you ask the mother -- I
22 guess the mother would know. And the victim is now 17, I
23 think.

24 MR. SWEETIN: She is, yes.

25 THE COURT: Okay. Would you make that request.

1 MR. SWEETIN: So just so I know what --

2 THE COURT: I mean, I think it's better than me

3 bringing them in here and having to ask them. It might be

4 better if you ask them.

5 MR. SWEETIN: So the request would be whether or not

6 there has been any applications in regards to citizenship. Is

7 that the question?

8 THE COURT: Well, no. Whether -- because she is a

9 victim, whether they're getting any type of immigration

10 assistance. My understanding is they could get -- if you're a

11 victim of a crime --

12 MR. FELICIANO: Correct.

13 THE COURT: -- you could get certain immigration

14 assistance that would be beneficial.

15 MR. FELICIANO: So we would ask --

16 THE COURT: Other than that, we're not going into

17 whether someone's here legally, not legally, citizen, not

18 citizen.

19 MR. FELICIANO: No.

20 THE COURT: We're not doing that.

21 MR. FELICIANO: So we would ask that they come in

22 and we ask them a few questions before they testify or before

23 trial and leave it at that. That way we don't have to put the

24 burden on Mr. Sweetin here. We just have them come in --

25 THE COURT: Okay.

1 MR. FELICIANO: -- GA and her mom, and ask them
2 personally.

3 THE COURT: Okay. I mean, I want it obviously
4 outside the presence of the jury panel.

5 MR. FELICIANO: And we would prefer before maybe we
6 open, because depending on the questions that could change.

7 THE COURT: Okay. Well, I don't know if they're
8 going to be here before you open.

9 MR. FELICIANO: I believe they're local. I don't
10 know if we're able to get -- I mean, I assume they're
11 subpoenaed, so I would imagine they're available.

12 THE COURT: Okay.

13 MR. SWEETIN: Yeah, they're under subpoena. I don't
14 know their availability. I know that they work and they --
15 it's very hard for them when they miss work, I know that.

16 THE COURT: Are they planning on being here today?

17 MR. SWEETIN: No.

18 THE COURT: Okay. That's what I thought. Because
19 you figured we would all be in jury selection. Okay. So I
20 don't have any problem with bringing them in and asking them
21 before they testify. I mean, if they can be here before
22 opening, great. If not, they can come in before they testify.
23 But I do think you're entitled to know whether they're getting
24 any type of benefit from the government because of this case.

25 MR. FELICIANO: And I don't mean to be difficult,

1 but we'd like it before, because that could affect opening
2 statements and our theory of defense depending on what we
3 learn.

4 MS. HOJJAT: Maybe we could schedule it for
5 Wednesday morning. I think realistically we're not going to
6 have openings before Wednesday given we're doing --

7 THE COURT: Why?

8 MS. HOJJAT: Only a half day of voir dire today.
9 Realistically we'll probably have a jury tomorrow evening,
10 right, and then we wouldn't open tomorrow evening, we'd wait
11 till Wednesday morning. So if we could --

12 THE COURT: Well, as soon as I have a jury panel
13 impaneled we're going to open. So -- I mean, I'm hoping it
14 doesn't take us all the way till Wednesday morning. But if it
15 does, it does.

16 MS. HOJJAT: Right. So perhaps -- I think on these
17 types of cases just realistically voir dire takes about a day
18 and a half, so that's why I was assuming Wednesday morning
19 would be when we'd open.

20 THE COURT: Okay.

21 MR. SWEETIN: So do you want me to bring them in
22 Wednesday morning?

23 THE COURT: Well, I don't know yet. Because -- I
24 don't want to say Wednesday morning and then we have a jury
25 panel this afternoon.

1 MR. SWEETIN: Right.

2 THE COURT: Just before opening statements, whenever

3 that is.

4 MR. SWEETIN: So you want me to have them available

5 tomorrow potentially.

6 THE COURT: Yes. Thank you. I mean, is the 17-

7 year-old, is she in school?

8 MR. SWEETIN: She is in school, I believe.

9 THE COURT: Okay. So high school?

10 MR. SWEETIN: And her mom and sister --

11 THE COURT: That's right.

12 MR. SWEETIN: Yes. It's high school, yes.

13 THE COURT: Okay. Because I'd prefer they don't

14 have to miss school, either. So they're out of school at

15 what, 1:00 o'clock? I can't remember now. My kids are all

16 old now.

17 MR. FELICIANO: Tomorrow late afternoon.

18 MS. HOJJAT: Tomorrow late afternoon. 4:00 o'clock

19 tomorrow.

20 MR. FELICIANO: I don't think it'll take more than

21 15 minutes. I can't -- I don't think. But --

22 MS. HOJJAT: So maybe 4:00 o'clock tomorrow?

23 THE COURT: All right. Maybe we could shoot for

24 tomorrow afternoon. I just don't like -- I don't want them to

25 have to miss school if we can prevent that.

1 MR. SWEETIN: So you want the mother and our victim?
2 MR. FELICIANO: Correct.
3 THE COURT: Right. The mother and the victim.
4 Unless -- I mean, if you want -- if you ask them, Mr. Sweetin,
5 and they say, yes, then you can just provide that information
6 to us.
7 MR. SWEETIN: Okay. I can do that.
8 THE COURT: Sure.
9 MR. FELICIANO: So there's actually two victims,
10 just so we make sure both are asked.
11 THE COURT: Right. So it's -- you guys refer to
12 them as initials, so I don't want to be disrespectful --
13 MR. FELICIANO: DA and GA.
14 THE COURT: Yes. DA and GA; correct?
15 MR. FELICIANO: Correct.
16 THE COURT: All right. Anything else before 1:10?
17 Okay. We'll break for lunch, and then we'll come do these
18 next two, and then while we're doing the motions I'll have
19 Officer Hawkes go get the jury panel.
20 MS. HOJJAT: Thank you, Your Honor.
21 MR. FELICIANO: Thank you.
22 (Court recessed at 12:16 p.m., until 1:24 p.m.)
23 * * * * *
24
25

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<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Maria Corral	4	21	-	-
Mark Pretti	29	42	-	-

* * *

DEFENDANT'S WITNESSES

Armando Vasquez-Reyes	52	53	-	-
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EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
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STATE'S EXHIBIT NO.

1, 2	19
3	20

* * *

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

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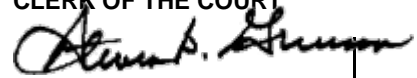
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Las Vegas, Nevada 89146**

Florence M. Hoyt

FLORENCE HOYT, TRANSCRIBER

10/10/19

DATE



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-16-316382-1
)	
Plaintiff,)	DEPT. NO. XII
v.)	
)	
ARMANDO VASQUEZ-REYES,)	
a/k/a ARMANDO VASQUIEZREYES,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, OCTOBER 8, 2019

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

APPEARANCES:

FOR THE STATE:	JAMES R. SWEETIN, ESQ. Chief Deputy District Attorney
	WILLIAM C. ROWLES, ESQ. Deputy District Attorney
FOR THE DEFENDANT:	MIKE FELICIANO, ESQ. NADIA HOJJAT, ESQ. Deputy Public Defenders

ALSO PRESENT:

MARIELLA LOPEZ
JEANNETTE ENCINAS
MARIA PERALTA de GOMEZ
BETTE BROOKS
JEFF HANKS
Spanish Interpreters

RECORDED BY: KRISTINE SANTI, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 8, 2019

2 (Case called at 10:45 a.m.)

3 (Outside the presence of the prospective jury panel)

4 THE COURT: Okay. I think we have a full panel. Is
5 everyone ready?

6 MR. FELICIANO: Except one thing outside the
7 presence.

8 THE COURT: Sure. Go ahead.

9 MR. FELICIANO: So this panel seems a little shy. I
10 mean, they're not talking much. We were going to ask that if
11 the Court would consider asking if anybody in the courtroom
12 has any issue where it could impact their ability to be fair
13 and they're too embarrassed to speak about it in the open if
14 they could come up to the bench, just in general to everybody.

15 THE COURT: I don't necessarily think that's
16 necessary. I mean, it's been pretty obvious. If you want to
17 come up to the bench, and you can come up to the bench.

18 MR. FELICIANO: Well, my only -- you know, the only
19 concern we had is that when the Court asked if anybody was a
20 victim of a crime I don't think anybody in the box raised
21 their hand which is highly unusual. So it seems like maybe if
22 there's some issue or some biases there and maybe there's
23 people that are too embarrassed to talk about it that they
24 could come up and talk to us personally at the bench.

25 THE COURT: Okay. I understand. I do agree it was

1 a little bit strange. However, I asked that question like
2 three different times and in different ways. I'm not
3 comfortable asking it again.

4 MR. FELICIANO: Okay.

5 THE COURT: So but if you want me to tell this panel
6 at anytime if you feel like you want privacy and you want to
7 approach the bench just ask permission.

8 MR. FELICIANO: Sure.

9 THE COURT: I'm happy to do that.

10 MR. FELICIANO: Okay. Thank you.

11 THE COURT: Because I -- I mean, I really -- no one
12 should have to be, you know, embarrassed or humiliated because
13 they have to tell us something.

14 MR. FELICIANO: Okay. Thank you.

15 THE COURT: Okay. I think they're all here. We can
16 bring them in.

17 So I am going to turn the panel over to the State
18 when they come in. So again, you'll be ask the panel
19 questions as a whole and any follow-up that you think is
20 necessary.

21 MR. ROWLES: Thank you, Judge.

22 MR. FELICIANO: And Judge, you don't mind if we
23 split the voir dire; is that okay?

24 THE COURT: No, not at all.

25 MR. FELICIANO: Okay. Thank you.

1 MS. HOJJAT: Thank you.

2 (Pause in the proceedings)

3 THE MARSHAL: All rise for the entering jury,
4 please.

5 (Inside the presence of the prospective jury panel)

6 THE MARSHAL: You can go ahead and have a seat when
7 you get to your chairs, jurors.

8 THE MARSHAL: Thank you, everyone. Please be
9 seated.

10 THE COURT: Thank you. Does the State of Nevada
11 stipulate to the presence of the jury panel?

12 MR. SWEETIN: Yes, Your Honor.

13 THE COURT: The Defense?

14 MR. FELICIANO: Yes, Your Honor.

15 THE COURT: Thank you.

16 Good morning, ladies and gentlemen, and welcome back
17 today. Thank you very much for being here. We do appreciate
18 your willingness to be here and answer our questions.

19 A this time I am going to turn the panel over to the
20 State of Nevada. They'll have an opportunity to ask the panel
21 questions as well. I just want to remind you, again, if you
22 want to respond to a question from the District Attorney to
23 raise your hand, state your name and badge number before
24 responding so that we do have a clear record.

25 Also, I want to make sure everyone understands, if

1 at anytime you don't want to disclose or talk about whatever
2 question we're asking in front of everybody else just ask
3 permission to approach the bench. We can -- you can come down
4 here and we could discuss it privately.

5 The lawyers always have to be present when I conduct
6 voir dire but if that makes anyone feel more comfortable I'm
7 always willing to do that.

8 The State of Nevada may voir dire the panel.

9 MR. ROWLES: Thank you, Your Honor.

10 Good morning, everyone.

11 PROSPECTIVE JURORS: Good morning.

12 MR. ROWLES: Similar to the way the Judge was doing
13 it yesterday I'm going to ask some general question. And it
14 usually relies on volunteers --

15 THE MARSHAL: Can you turn the mic on please?

16 MR. ROWLES: Yes. Usually relies on volunteers and
17 if not I have to start picking on people to get some questions
18 answered. But I always start off by asking the panel as a
19 whole and that includes you two over there.

20 PROSPECTIVE JUROR NO. 1342: Like I said we're
21 [inaudible].

22 MR. ROWLES: I got you. Did anyone when they
23 received their summons have a strong reaction of joy,
24 extremely excited to come to jury duty?

25 Mr. Dorta, 006? What was your reaction, sir?

1 PROSPECTIVE JUROR NO. 0006: My reaction was very
2 excited because it was the fifth or sixth time I've been
3 summoned for jury duty and the first time I was summonsed I
4 served and it was exciting. I didn't get to be in the
5 courtroom, but now I see it's totally different than the first
6 time I served.

7 And I'm really pleased that I was chosen to be a
8 part of this procedure, especially since I have been a
9 convicted person.

10 MR. ROWLES: Okay.

11 PROSPECTIVE JUROR NO. 0006: So I am honored to be a
12 patriot of this country and serve.

13 MR. ROWLES: All right. I appreciate that.

14 You said it was a little bit different than your
15 first time. What do you mean by that?

16 PROSPECTIVE JUROR NO. 0006: The first time I served
17 on jury duty it was in an old courthouse downtown Las Vegas
18 and we were all in one big room. They did [sic] furnish food
19 for us which I thought was kind of peculiar that we had to
20 furnish our lunches. But that's okay. I don't mind.

21 MR. ROWLES: Okay. And you brought up your
22 conviction and I wanted to talk a little bit about that. You
23 were convicted previously of a felony; is that correct?

24 PROSPECTIVE JUROR NO. 0006: Yes, sir.

25 MR. ROWLES: Okay. Did that occur here in Clark

1 County, Nevada?

2 PROSPECTIVE JUROR NO. 0006: Yes, it did.

3 MR. ROWLES: Okay. Now, I'm going to venture to
4 guess that me and Mr. Sweetin were not the prosecutors on that
5 case; right?

6 PROSPECTIVE JUROR NO. 0006: No, but you look
7 familiar.

8 MR. ROWLES: I do? Okay. I believe you indicated
9 yesterday that -- about that conviction and I just want to be
10 sure; despite the fact that our office has previously
11 prosecuted in a criminal offense you're not going to hold that
12 against the State of Nevada in this --

13 PROSPECTIVE JUROR NO. 0006: Not at all.

14 MR. ROWLES: -- [inaudible]? Okay. You recognize
15 that what we're here for is different than what was going on
16 with your situation; right?

17 PROSPECTIVE JUROR NO. 0006: Yes.

18 MR. ROWLES: Okay. And now your situation I believe
19 is even legal in the State of Nevada?

20 PROSPECTIVE JUROR NO. 0006: Yes.

21 MR. ROWLES: Okay. So nothing against that that we
22 should be worried about having you on the panel?

23 PROSPECTIVE JUROR NO. 0006: Not at all.

24 MR. ROWLES: Okay. Is there anything you're
25 expecting to see in this trial coming up?

1 PROSPECTIVE JUROR NO. 0006: Probably a reenactment
2 of whatever took place.

3 MR. ROWLES: Okay. Sort of like painting a picture
4 or telling a story?

5 PROSPECTIVE JUROR NO. 0006: Yes.

6 MR. ROWLES: Okay. Are you a fan of any crime scene
7 shows?

8 PROSPECTIVE JUROR NO. 0006: Not particularly. I
9 used to be into NCIS for awhile and Numbers.

10 MR. ROWLES: Numbers? Okay. Which NCIS; is that --
11 they have the ones with the different locations?

12 PROSPECTIVE JUROR NO. 0006: I -- I like them all
13 but I was particularly fond of the Las Vegas one because I
14 live here.

15 MR. ROWLES: I remember when I first moved to Las
16 Vegas I tried to watch as many T.V. shows about Las Vegas as
17 possible.

18 PROSPECTIVE JUROR NO. 0006: Indeed.

19 MR. ROWLES: In those shows and correct me if I'm
20 wrong or if you may not know this -- in those shows it seems
21 like the entire process is solved within 44 minutes; correct?

22 PROSPECTIVE JUROR NO. 0006: Or less.

23 MR. ROWLES: Yes.

24 PROSPECTIVE JUROR NO. 0006: So a crime is
25 investigated and a person's prosecuted and you guys are

1 empaneled and hear the entire trial in that short period of
2 time; right?

3 PROSPECTIVE JUROR NO. 0006: Yes.

4 MR. ROWLES: Okay. You would agree with me that
5 that's not really accurate?

6 PROSPECTIVE JUROR NO. 0006: Indeed.

7 MR. ROWLES: Okay. We've been here for more than 44
8 minutes already. You haven't heard a single witness; is that
9 right?

10 PROSPECTIVE JUROR NO. 0006: Yes.

11 MR. ROWLES: Okay. In those shows, too, they always
12 seem to collect forensic evidence at every scene regardless of
13 the crime; would you agree with that statement?

14 PROSPECTIVE JUROR NO. 0006: Yeah, I do see that.

15 MR. ROWLES: Okay. Do you think that that's true in
16 real life?

17 PROSPECTIVE JUROR NO. 0006: No.

18 MR. ROWLES: Okay. Can you think of reasons as to
19 why that might not be true in real life?

20 PROSPECTIVE JUROR NO. 0006: I would believe if the
21 crime scene was tainted or maybe somebody else checked it out
22 without proper procedure.

23 MR. ROWLES: Okay.

24 PROSPECTIVE JUROR NO. 0006: Or standard operating
25 procedures as outlined by law.

1 MR. ROWLES: Okay. What about a gap in time between
2 when it occurred and the crime scene that it took place?

3 PROSPECTIVE JUROR NO. 0006: Yes. I believe
4 evidence can deteriorate with time.

5 MR. ROWLES: Okay. What about a -- if someone had
6 lived there subsequently, a completely different family lived
7 there subsequently between when the crime took place and when
8 the police were notified of it?

9 PROSPECTIVE JUROR NO. 0006: I would imagine they'd
10 have to take DNA samples of both parties and then --

11 MR. ROWLES: Okay.

12 PROSPECTIVE JUROR NO. 0006: -- discover which is
13 which.

14 MR. ROWLES: Okay. And I guess the question I'm
15 trying to get you at here is can you think of situations in
16 which police may not take that approach and the reasons why it
17 may not even be necessary?

18 PROSPECTIVE JUROR NO. 0006: If there's definite
19 evidence or somebody has admitted to a crime or something.

20 MR. ROWLES: Okay. Admitted to a crime.

21 PROSPECTIVE JUROR NO. 0006: Yes.

22 MR. ROWLES: Okay.

23 PROSPECTIVE JUROR NO. 0006: There's no need to --
24 for discovery like that.

25 MR. ROWLES: Do you think all crimes require

1 forensic evidence?

2 PROSPECTIVE JUROR NO. 0006: No.

3 THE COURT: Okay. Say for instance you were here on
4 a traffic citation and an officer came in and said, I clocked
5 this person going 65 in a 55 zone and the person who was
6 pulled over going 65 in a 55 zone said, yeah, you got me. I
7 was speeding. And we had a trial regarding that situation
8 here, would you expect DNA evidence in that situation?

9 PROSPECTIVE JUROR NO. 0006: Absolutely not.

10 MR. ROWLES: Okay. Would you expect forensic
11 evidence in that situation?

12 PROSPECTIVE JUROR NO. 0006: No.

13 MR. ROWLES: Okay. Would you necessarily hold it
14 against the State of Nevada at the end of the trial if they
15 didn't present to you any forensic evidence even if you didn't
16 think that was necessary?

17 MS. HOJJAT: Objection, Your Honor.

18 THE COURT: Overruled. You can answer.

19 PROSPECTIVE JUROR NO. 0006: I'm a little lost on
20 that question.

21 MR. ROWLES: Okay. So say for instance we go
22 through the trial and you believe the evidence beyond a
23 reasonable doubt, you believe the witnesses, you believe the
24 exhibits, you believe the photographs, you believe the
25 testimony of the people involved in this case. You believe

1 that evidence beyond a reasonable doubt.

2 And you didn't think that it was necessary to get to
3 beyond a reasonable doubt --

4 MS. HOJJAT: Your Honor, objection, I'm going to
5 renew.

6 THE COURT: I feel like you're doing a hypothetical
7 on a --

8 MS. HOJJAT: Yes.

9 THE COURT: -- on a -- on a verdict.

10 MR. ROWLES: I'm not. I'm just asking --

11 THE COURT: Well, that's what it sounds like to me.

12 MR. ROWLES: Okay.

13 THE COURT: So I'd ask a different question.

14 MR. ROWLES: Okay. I guess I can rephrase it this
15 way here. At the conclusion of this trial if you believe the
16 evidence beyond a reasonable doubt would you hold it against
17 the State of Nevada if there was no forensic testing even if
18 you didn't think that was necessary?

19 PROSPECTIVE JUROR NO. 0006: No.

20 MR. ROWLES: Okay. Does anyone disagree with that?
21 Does anyone disagree with that concept? Disagree with that
22 not all crimes require forensic evidence if the other evidence
23 is believed beyond a reasonable doubt?

24 No hands from the panel.

25 Mr. Sica, 216. Can we pass the microphone down?

1 PROSPECTIVE JUROR NO. 0216: Yes, sir.

2 MR. ROWLES: I see you shaking your head. Do you
3 agree with what Mr. Dorta said?

4 PROSPECTIVE JUROR NO. 0216: Yes.

5 MR. ROWLES: Okay. Can you think of reasons as to
6 why there may not be forensic evidence?

7 PROSPECTIVE JUROR NO. 0216: I really can't.

8 MR. ROWLES: Would a delay between when the crime
9 occurred and when it was reported be a reason?

10 PROSPECTIVE JUROR NO. 0216: I don't think so.

11 MR. ROWLES: Okay. Why not?

12 PROSPECTIVE JUROR NO. 0216: Well, we'd have to get
13 all the who, what, where, when, why, how, all the facts and
14 then reach a conclusion.

15 MR. ROWLES: And definitely. My question then would
16 be is what Mr. Dorta said here is that, if at the end of the
17 evidence you believed it all beyond a reasonable doubt, would
18 you hold it against the State of Nevada if there wasn't
19 forensic testing?

20 PROSPECTIVE JUROR NO. 0216: No.

21 MR. ROWLES: Okay. And no other panel's -- Ms.
22 Lutz, 092, you're raising your hand.

23 Could we pass the microphone down to her?

24 Thank you, sir.

25 PROSPECTIVE JUROR NO. 1092: Hi. So are you asking

1 whether it's -- you think it's possible to come to a
2 conclusion of guilt beyond a reasonable doubt without forensic
3 evidence?

4 MR. ROWLES: That's probably the best way to phrase
5 it right there. If you believed all the evidence presented
6 beyond a reasonable doubt would you still find someone not
7 guilty just because there was no forensic evidence?

8 PROSPECTIVE JUROR NO. 1092: You know, in theory.

9 MR. ROWLES: What do you mean in theory?

10 PROSPECTIVE JUROR NO. 1092: Wouldn't you have to
11 have heard all the evidence before you --

12 MR. ROWLES: Yes, yes, yes. And in theory --

13 PROSPECTIVE JUROR NO. 1092: Yeah.

14 MR. ROWLES: Okay.

15 PROSPECTIVE JUROR NO. 1092: Okay.

16 MR. ROWLES: Does everyone agree with that
17 statement? I know it's difficult when you haven't heard any
18 of the evidence here but the question I'm trying to get at is
19 if you believed the evidence beyond a reasonable doubt you're
20 not going to come back and say not guilty just because we
21 didn't lift a fingerprint card; right?

22 PROSPECTIVE JUROR NO. 1092: Correct.

23 MR. ROWLES: Okay. And so I want to go back to the
24 -- the excitement thing.

25 Was anyone else excited to receive their summons?

1 And I'm sorry, sir, we're limiting it to the 32 people.

2 Anyone else? No one else super excited? I think that's
3 probably the correct emotion.

4 Was anyone disappointed to receive their summons?
5 No hands from the panel.

6 Everybody just pretty much neutral?

7 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

8 MR. ROWLES: Okay. And so we talked a little bit
9 about whether people have been accused of a crime or known
10 people who have been victims of a crime or a victim
11 themselves. I want to broaden that up a little bit here and I
12 want to ask, has anyone had any positive or negative
13 experience with law enforcement that may not have even dealt
14 with criminal activity at all? Any positive or negative
15 experience with law enforcement that they'd like to share?

16 Mr. Dorta, 006. If we can pass the microphone.

17 PROSPECTIVE JUROR NO. 0006: This experience
18 happened yesterday.

19 MR. ROWLES: Okay. Perfect.

20 PROSPECTIVE JUROR NO. 0006: I was late for the
21 7:30. I didn't get here until 8:00. They need to revise that
22 map and instructions on how to get here because I was walking
23 for a half hour or more.

24 Anyway, I had to return at 12:00 noon. So I left an
25 hour and 20 minutes and I went and made a stop on the way

1 because I was in the area and upon leaving the parking lot I
2 jumped in front of a police officer's SUV. Didn't even see
3 the police officer vehicle. I saw that one car go by and then
4 here was that car. And I was already pulling out of the
5 parking lot and I was like, oh God.

6 My car is pretty obvious. It's pretty eclectic.
7 And it's an art car. To make a long story short the officer
8 pulled me over and I went oh my God, she was following me and
9 I knew she was running my plates and I was legal.

10 And so I go, oh, good. So I'm going down Paradise
11 and the lights come on. And I go oh, no. So I pull over and
12 I'm going oh my God. Okay, 45 minutes, I can make it. And I
13 let the officer know that I was serving jury duty and I was
14 kind of in a hurry and I apologize and I said yes I was wrong
15 and I didn't see her.

16 And I just continued to apologize. I let her know
17 I've been in trouble before. I gave -- I already had my ID
18 and car off and everything for her.

19 She went back to the car and came back to me and
20 says, I've got a problem here. And I was like what? She says
21 you're a convicted person. You haven't registered. Where do
22 you live? She asked me where I live. And I said -- she said
23 520 where I live on my driver's license.

24 And I guess the past two residences that I lived
25 when I moved I didn't follow through properly with my

1 registration for a convicted person. So that I must do.

2 THE COURT: Okay. Can I have the attorneys approach
3 for just one moment?

4 (Bench conference begins.)

5 THE COURT: Let me just wait until all the -- okay,
6 the record will reflect all four lawyers are up here.

7 When you started this morning I pulled up him. He
8 is still a convicted felon.

9 MR. ROWLES: That's what it sounded like.

10 MS. HOJJAT: But here's the thing --

11 THE COURT: I literally just pulled it up because it
12 -- it was a 2010 and he was discharged but it doesn't look
13 like anybody reduced it. In my opinion he is not competent at
14 this point.

15 MS. HOJJAT: So even if he --

16 THE COURT: [Inaudible] discharge was without
17 restoration of civil rights.

18 MR. FELICIANO: Oh.

19 MS. HOJJAT: Oh, he wasn't honorably discharged?

20 THE COURT: He was honorably discharged without
21 restoration of civil rights.

22 MR. ROWLES: He hasn't restored those rights yet.

23 THE COURT: It wasn't -- it wasn't reduced.

24 MS. HOJJAT: I don't think that's possible. I think
25 pursuant to statute if he's honorably discharged civil rights

1 are automatically --

2 THE COURT: I'm just telling you what it says.

3 MR. FELICIANO: Well, can we maybe call him up and
4 inquire further?

5 THE COURT: I mean, I'm just wondering why he didn't
6 tell us about the 2010 because --

7 MS. HOJJAT: I'm more concerned that he's admitting
8 to a crime right now on the record.

9 THE COURT: Well, yeah, of course he is. I mean, he
10 -- there --

11 MR. ROWLES: I'm not going to care about [inaudible]
12 fail to register.

13 THE COURT: I mean, he -- there is one from 1992.
14 But this one from 2010 is a marijuana one too.

15 Okay. Let me see if -- let me pull up the
16 [inaudible] on that.

17 MR. ROWLES: Can I get these transcripts so I can
18 submit it to my detective?

19 THE COURT: I mean, I just want the poor guy to stop
20 talking.

21 MS. HOJJAT: Yeah, if we can maybe advise him that
22 -- not to disclose other crimes.

23 MR. ROWLES: I can cut him off.

24 THE COURT: Yeah. Because I know there's not even
25 an agreement to reduce it. He's got a full on -- I'm telling

1 you, I looked up the honorable discharge. It was Judge
2 Cadish.

3 MS. HOJJAT: Could that be a typo in the paperwork?

4 THE COURT: No. I don't know. I guess anything
5 could --

6 MS. HOJJAT: Because pursuant to statute --

7 THE COURT: Anything can always be --

8 MS. HOJJAT: -- [inaudible] --

9 THE COURT: -- in 2010?

10 MS. HOJJAT: Yeah. Pursuant to statute if they have
11 less than three prior felonies and they receive an honorable
12 discharge. I mean, it's statutory. The State can't make some
13 other --

14 THE COURT: Okay.

15 MS. HOJJAT: -- accommodation.

16 THE COURT: And even if that's true I'm just telling
17 you what the state of the record is; okay? He would be able
18 to go, I guess, and have that done. But I'm telling you the
19 order that Judge Cadish signed that's an honorable discharge
20 without restoration. Right here. Without restoration, signed
21 by the Judge, March 15, 2013.

22 MR. ROWLES: I think we would need to have him --

23 THE COURT: And now --

24 MR. ROWLES: -- removed from the panel.

25 THE COURT: I think he has to be removed too. I

1 just don't -- I just -- which printer is it up here? Which
2 one do I hit?

3 THE CLERK: It is [inaudible].

4 THE COURT: Okay. This one? Okay.

5 MS. HOJJAT: An honorable discharge without
6 restoration of rights. I don't think that's legally
7 permissible.

8 THE COURT: Okay. Maybe it's not. And maybe P&P
9 submitted the wrong discharge. But the bottom line is he --
10 according to an order signed by a District Court Judge he
11 can't sit.

12 I just had a feeling about this guy so I can his
13 name in Odyssey. I mean, I feel terrible because he's so
14 happy to be here. I mean, do you guys want me to bring him up
15 here and ask him about it?

16 MR. ROWLES: I think the record as it is right now
17 is sufficient to remove him for cause.

18 THE COURT: I mean, that's the -- I -- okay --

19 MR. SWEETIN: I think if he's a --

20 THE COURT: -- because I don't want to embarrass him
21 or humiliate him. He's a nice person.

22 MS. HOJJAT: Yeah. I think we should make him aware
23 of it though because it sounds like he's under the impression
24 he can be here and they usually catch --

25 MR. ROWLES: Can Officer Hawkes do that?

1 MS. HOJJAT: -- these things downstairs.
2 THE COURT: They never do. They do?
3 (Indiscernible cross-talking)
4 THE COURT: -- experience? Okay.
5 MS. HOJJAT: We rarely see felons. How often do we
6 get felons?
7 THE COURT: Every time on every panel.
8 MS. HOJJAT: Do you really?
9 THE COURT: I feel like it. Yeah.
10 MS. HOJJAT: Oh, I'm -- maybe I've just been lucky.
11 I've had like one felon in all my time.
12 THE COURT: Because I always say what's wrong with
13 them? Why don't they catch them?
14 MS. HOJJAT: Okay.
15 THE COURT: You know?
16 MR. ROWLES: Is it possible he's just [inaudible]
17 this?
18 MS. HOJJAT: I just don't understand like it had --
19 unless he has --
20 THE COURT: I don't either.
21 MS. HOJJAT: -- two prior felonies -- unless --
22 THE COURT: He has two.
23 MS. HOJJAT: -- he has two prior felonies.
24 THE COURT: No, well, I don't know.
25 MS. HOJJAT: That's the thing. Unless he has --

1 THE COURT: In our system --
2 MS. HOJJAT: Yeah.
3 THE COURT: -- he has one from 1992 and it looks
4 like it's (indecipherable) -- Judge McGuarty.
5 MS. HOJJAT: Myer 1 [phonetic]. And that's the
6 thing. So this would -- it looks like they submitted the
7 wrong paperwork to Judge Cadish because pursuant to NRS
8 176A.850 --
9 THE COURT: Well, I know. Maybe --
10 MS. HOJJAT: -- they literally can't do this.
11 THE COURT: -- maybe he has another one from another
12 jurisdiction, I don't know. So yeah, he's got another --
13 well, this one looks like a misdemeanor. The '92 one looks
14 like a misdemeanor because it says conspiracy to commit --
15 well, I don't know, let's pull it up.
16 MR. ROWLES: I think that we just have [inaudible].
17 THE COURT: I mean, no, I've got it right here.
18 I've got it right here.
19 MS. HOJJAT: [Inaudible].
20 THE COURT: Okay. This one from 1992, I can't see
21 anything because it's too old. But it looks like a not to be
22 introduced into interstate commerce and that's usually a
23 misdemeanor.
24 MR. FELICIANO: Um-h'm.
25 MS. HOJJAT: Right.

1 THE COURT: But it probably had to be a felony and
2 (indecipherable) that got reduced. But he's got this one from
3 not that long ago, 2010. I mean, this is only 2013 when he
4 was discharged.

5 MS. HOJJAT: So just for the record I do think we
6 need to ask him more questions because here's what I will say;
7 I don't think -- my understanding of the law is not that there
8 needs to be a judicial order restoring the rights. I think
9 it's simply the judicial order of the honorable discharge
10 statutorily the rights are automatically restored.

11 I don't think there needs to be an order in place
12 for that. My -- that's my understanding and I could be
13 reading the law wrong.

14 THE COURT: Then you know what, give me the statute.
15 I'll look it up.

16 MS. HOJJAT: And what I'm --

17 THE COURT: Because I'm not going to take a chance
18 of putting somebody on this panel right from the get-go that's
19 going to poison the whole --

20 MS. HOJJAT: I understand. It looks like here this
21 order says 176A.850 --

22 THE COURT: 176 --

23 MS. HOJJAT: A.850.

24 THE COURT: Okay. 850. Okay. (Reading). Okay.

25 Oh, okay. Except as otherwise provided in

1 subsection (4) a person who has been honorably discharged from
2 probation is immediately restored the following rights.

3 MS. HOJJAT: Yes. It doesn't require --

4 THE COURT: The right to serve as a juror.

5 MS. HOJJAT: -- a petition -- it doesn't --

6 THE COURT: Okay.

7 MS. HOJJAT: -- a petition.

8 THE COURT: Let's see what it says -- section (4)
9 says. (Reading). And then it says a person described in this
10 subsection (indecipherable) court of competent jurisdiction
11 from the order granting the restoration of civil rights.

12 MS. HOJJAT: Right. So it's automatic for
13 individuals but for those enumerated there.

14 THE COURT: Right. I don't think he would have --
15 that other offense in front of McGuarty looks to me like it's
16 a misdemeanor. I know for sure it's not a Category A or B
17 felony. It was marijuana. Well, I'm assuming it was
18 marijuana because that's what he told us.

19 I think --

20 MR. ROWLES: Well, why wouldn't the order say that?
21 I assume that the Judge who signed that order might --

22 THE COURT: I don't know.

23 MR. ROWLES: -- have more information [inaudible].

24 MR. FELICIANO: It's a stock order [inaudible].

25 MS. HOJJAT: I think that P&P submitted the wrong

1 stock order but he doesn't need a petition. Legally, he does
2 not need a petition. He doesn't need an order. It's
3 automatic pursuant to the NRS.

4 THE COURT: Well, I mean, I'll let you read this
5 because it says is --

6 MS. HOJJAT: Yeah.

7 THE COURT: -- immediately restored for the
8 following civil rights: a right to serve as a juror -- oh, in
9 a civil action.

10 MS. HOJJAT: Oh. If you look at D it says after six
11 years --

12 THE COURT: Six years (reading) is restored to the
13 right to serve as a juror in a criminal action. Has it been
14 six years?

15 MS. HOJJAT: 2013. It's been six years.

16 THE COURT: It's just barely six years, right?
17 Okay.

18 MR. FELICIANO: It's six-and-a-half.

19 THE COURT: Well --

20 MR. ROWLES: So it's --

21 MS. HOJJAT: I think he's legally [inaudible].

22 THE COURT: I think he is -- I think he's competent.

23 MR. ROWLES: Um --

24 THE COURT: I think he's competent to serve. I'm a
25 little bit concerned. I'll probably bring him down here and

1 ask him why he didn't disclose this other felony. But I do
2 think, yeah, unless there's something I don't know about.

3 MS. HOJJAT: That's my understanding of the law. My
4 only -- the only reason I was bringing anything to anybody's
5 attention was I did feel like he was kind of admitting to a
6 crime and I just wanted us to stop that.

7 MR. ROWLES: I'm not going to charge him for failure
8 to register.

9 THE COURT: I just --

10 MR. ROWLES: It sounds like he had a positive
11 experience with law enforcement too.

12 MS. HOJJAT: Yes.

13 THE COURT: But I'm not sure he -- would he -- would
14 he even have to register?

15 MR. ROWLES: I don't think so. That's what I was
16 going to ask.

17 THE COURT: I don't know, I'd have to look at the
18 statute to see if he'd have to register. I guess if they're
19 still a convicted felon you have to register.

20 MS. HOJJAT: I thought they were trying to vacate
21 those marijuana convictions. But did [inaudible]?

22 THE COURT: Well, I don't know. Ask them.

23 MR. ROWLES: That's above my pay grade, Your Honor.

24 THE COURT: Yeah. I don't know what they're going
25 to do. But if you want to look at this. It seems pretty

1 clear to me.

2 MR. ROWLES: No, I trust you, Your Honor.

3 THE COURT: If it's been six years, six years after
4 [inaudible] restored the right to serve as a juror in a
5 criminal action. Why the difference between civil and
6 criminal? Don't you think that's weird?

7 MS. HOJJAT: Respectfully, is that the most updated
8 version of that statute? My understanding was the most
9 updated version it was all -- all cases like civil -- I
10 think --

11 MR. FELICIANO: Well, in any case we're good.

12 MS. HOJJAT: Yeah. In any case we're good but I
13 think they'd -- they'd actually eliminated that distinction at
14 some point was my recollect --

15 THE COURT: Between civil and criminal?

16 MS. HOJJAT: Was my recollection.

17 THE COURT: Is it still six years?

18 MS. HOJJAT: No, I think it's just immediate for
19 everything now.

20 THE COURT: It's immediate?

21 MS. HOJJAT: Yeah.

22 THE COURT: Well, that would make me nervous if this
23 isn't current.

24 MS. HOJJAT: I could be remembering wrong. I'm
25 going off the top of my head right now.

1 THE COURT: Well, it doesn't sound like you would
2 be. You've been right all along. I mean, I can get it up
3 Westlaw.

4 MS. HOJJAT: I think -- I think everybody's in
5 agreement at this point --

6 MR. FELICIANO: I think we're fine.

7 MS. HOJJAT: -- that he's competent to serve.

8 MR. ROWLES: That's fine.

9 THE COURT: Okay.

10 MS. HOJJAT: Yeah.

11 THE COURT: I'm going to have him come down here
12 though because I think he has to kind of explain to us why he
13 didn't tell us about this other one.

14 MR. FELICIANO: Yeah.

15 THE COURT: Okay. Thanks.

16 (End of bench conference.)

17 THE COURT: Okay. Mr. Dorta, do you mind just
18 coming down here and approaching the bench?

19 Yeah, you can -- you can give the microphone to
20 Officer Hawkes.

21 (Bench conference begins.)

22 THE COURT: Okay. The record will reflect --

23 PROSPECTIVE JUROR NO. 0006: I just wanted to -- I
24 -- I don't --

25 THE COURT: No, you're fine.

1 PROSPECTIVE JUROR NO. 0006: Okay.

2 THE COURT: Don't panic.

3 PROSPECTIVE JUROR NO. 0006: Because I thought I
4 changed my address. I --

5 THE COURT: No, you're fine. Yeah, we don't need to
6 go into that anymore.

7 The record will reflect Mr. Dorta is present at the
8 bench with all four lawyers.

9 Yesterday when you were talking you discussed the
10 fact that you had a prior felony conviction and you indicated
11 it's a long time ago.

12 PROSPECTIVE JUROR NO. 0006: '92.

13 THE COURT: And -- right. Did you have any felonies
14 after that?

15 PROSPECTIVE JUROR NO. 0006: In 2010 --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0006: -- it was a marijuana
18 charge.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0006: And I wanted to take it
21 to trial but they said that I shouldn't. Jasmin Spells was my
22 lawyer. And she said don't take it to trial because you're
23 going to lose. And I said, look --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0006: -- this has been three

1 months. I was being set up and --
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 0006: -- I didn't want to do
4 it.
5 THE COURT: Sure.
6 PROSPECTIVE JUROR NO. 0006: But --
7 THE COURT: Right. My only concern was because I
8 asked you yesterday and you didn't tell me about that one.
9 PROSPECTIVE JUROR NO. 0006: Yeah. I said 2010.
10 And --
11 THE COURT: Oh, you do?
12 PROSPECTIVE JUROR NO. 0006: -- and yeah, and I got
13 an honorable --
14 THE COURT: Okay.
15 PROSPECTIVE JUROR NO. 0006: -- because my first one
16 was a dishonorable in '92. And my second one was honorable in
17 2010. I got an honorable discharge.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 0006: I did my probation and
20 everything and counseling and all and I did very well. I
21 learned a lot of things how to --
22 THE COURT: No doubt. They [inaudible] be good --
23 PROSPECTIVE JUROR NO. 0006: -- do better.
24 THE COURT: -- [inaudible].
25 PROSPECTIVE JUROR NO. 0006: So I'm taking care of

1 my mom. I love my mom.

2 THE COURT: Okay. No, of course.

3 PROSPECTIVE JUROR NO. 0006: And I just want --

4 THE COURT: I just wanted to make sure you --

5 PROSPECTIVE JUROR NO. 0006: -- my rights restored

6 so I can be a full citizen in this country.

7 THE COURT: Sure. Now, on the one in 1992, do you

8 know what -- was that a felony?

9 PROSPECTIVE JUROR NO. 0006: Yes. And it was plea

10 bargained. I wanted -- that one I wanted to take to trial.

11 And I knew -- I was very guilty of that and I knew I needed to

12 be helped.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0006: And I got some help.

15 THE COURT: And -- and was it reduced at the end?

16 PROSPECTIVE JUROR NO. 0006: Yes. It was reduced.

17 I was looking at 25 to life originally. The largest --

18 THE COURT: Oh, was it a lot of marijuana?

19 PROSPECTIVE JUROR NO. 0006: -- acid bust -- no, it

20 was acid --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 0006: -- and meth and

23 marijuana.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0006: And -- and they thought

1 I was the guy and I was just a user back then.

2 THE COURT: Okay. Okay.

3 PROSPECTIVE JUROR NO. 0006: And -- and that's what
4 happened. And it took a year before they brought me to court
5 and I did whatever they do, plea bargain --

6 THE COURT: Sure.

7 PROSPECTIVE JUROR NO. 0006: -- and all and it got
8 reduced to -- it was still -- I can't remember the classes, it
9 was so long, I violated. And it -- the charge happened in '82
10 In '92, I violated and --

11 THE COURT: It happened in '82 --

12 PROSPECTIVE JUROR NO. 0006: Yeah.

13 THE COURT: -- which is ten years?

14 PROSPECTIVE JUROR NO. 0006: Yes. That's what --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0006: -- yeah. And in '92,
17 they sent me to prison for one year. I was looking at five
18 years. They reduced it to three years. They told me at my
19 first parole board, I was the first prisoner to be released.
20 They said we'll release you but normally when you have three
21 to five years you do the whole time, 18 months is what they
22 said I needed to. I had six more months to go.

23 They released me on house arrest for six months. I
24 was still having problems and marijuana I've always used,
25 medically for many things because it keeps me off the --

1 THE COURT: Okay.
2 PROSPECTIVE JUROR NO. 0006: -- hard -- anyway --
3 THE COURT: All right.
4 PROSPECTIVE JUROR NO. 0006: -- to make a long story
5 short --
6 THE COURT: All right. But that 1992 --
7 PROSPECTIVE JUROR NO. 0006: -- so --
8 THE COURT: -- you went to prison on that?
9 PROSPECTIVE JUROR NO. 0006: In '82 I was charged.
10 In '92 I went to prison for that same charge and I served --
11 THE COURT: Did you just go to the jail --
12 PROSPECTIVE JUROR NO. 0006: -- one year.
13 THE COURT: -- for a year?
14 PROSPECTIVE JUROR NO. 0006: No. I went to prison.
15 I saw four prisons --
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 0006: -- three prisons and a
18 camp.
19 THE COURT: All right.
20 PROSPECTIVE JUROR NO. 0006: Indian Springs, NNCC,
21 NSP and Stewart Camp --
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NO. 0006: -- in one year.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 0006: And then I was

1 released. I did six months house arrest and then --
2 THE COURT: Okay. Was it reduced to a misdemeanor?
3 PROSPECTIVE JUROR NO. 0006: I thought it was.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 0006: I was under the
6 impression that it was reduced to a misdemeanor, both charges.
7 Unfortunately --
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 0006: -- this recent one in
10 2010 when --
11 THE COURT: It probably wasn't --
12 PROSPECTIVE JUROR NO. 0006: -- I discovered it, it
13 was still a felony class E.
14 THE COURT: Right.
15 PROSPECTIVE JUROR NO. 0006: And I was unaware of
16 that.
17 THE COURT: Yeah. That's the -- okay.
18 PROSPECTIVE JUROR NO. 0006: I was told it was going
19 to be reduced to gross misdemeanor and I would have no
20 problems getting firearms, this and that.
21 And, you know, I love to shoot and target practice
22 and I can't keep that --
23 THE COURT: Yeah. Yeah, you can't.
24 PROSPECTIVE JUROR NO. 0006: -- because I can't.
25 And I want to so bad.

1 THE COURT: Yeah.

2 PROSPECTIVE JUROR NO. 0006: I want to do archery

3 and hunt --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0006: -- with a rifle.

6 THE COURT: All right. No, you're okay. Well, I'm

7 happy that you're here today. Thank you for --

8 PROSPECTIVE JUROR NO. 0006: I'm so proud to be

9 here.

10 THE COURT: I'm sorry. I'm sorry. Oh, I'm sorry.

11 Okay, sorry we had to ask you these questions.

12 PROSPECTIVE JUROR NO. 0006: No, it's okay. It's

13 okay, because it helps me find out what I need to do --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0006: -- the next right

16 thing.

17 THE COURT: Yeah. Because I just want to make sure

18 you understand --

19 PROSPECTIVE JUROR NO. 0006: Yeah.

20 THE COURT: -- it hasn't been reduced that 2010 one.

21 PROSPECTIVE JUROR NO. 0006: What can we --

22 THE COURT: Okay?

23 PROSPECTIVE JUROR NO. 0006: Okay. I'll have to

24 figure out what to do and everything.

25 THE COURT: Sure. The -- but I -- I -- you can see

1 -- you can still --

2 PROSPECTIVE JUROR NO. 0006: Can I still serve?

3 THE COURT: Yeah, you can still serve.

4 Does the State have any follow-up?

5 MR. ROWLES: The '92 stuff, that was with the State?

6 It wasn't with the federal government?

7 PROSPECTIVE JUROR NO. 0006: No.

8 MR. ROWLES: Okay.

9 PROSPECTIVE JUROR NO. 0006: No.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 0006: No, it was not. It was

12 all with the State. And I took -- somebody took the acid

13 charge. It was the largest acid bust in the history of Nevada

14 and that's what I was supposed to be taking and they put me

15 meth and the other girl --

16 MR. FELICIANO: Can we just --

17 THE COURT: Okay.

18 MR. FELICIANO: I understand, that's okay.

19 THE COURT: Yeah.

20 MR. ROWLES: You're good.

21 THE COURT: Yeah, you just need to answer the -- you

22 don't have to -- you don't have to answer -- you don't have to

23 give all that volunteer information.

24 PROSPECTIVE JUROR NO. 0006: Okay.

25 THE COURT: Okay? We appreciate it but --

1 PROSPECTIVE JUROR NO. 0006: Well, what happened
2 last night was she let me go.
3 THE COURT: Yeah.
4 PROSPECTIVE JUROR NO. 0006: Just take care of this,
5 okay?
6 THE COURT: We're good. You don't need -- yeah, I
7 believe that --
8 PROSPECTIVE JUROR NO. 0006: And I don't even know
9 where to go to register anymore.
10 THE COURT: -- that is good. Okay.
11 PROSPECTIVE JUROR NO. 0006: Okay.
12 THE COURT: You know what? Before you leave, before
13 you're done, Officer Hawkes will talk to you --
14 PROSPECTIVE JUROR NO. 0006: Okay.
15 THE COURT: -- about what you can do.
16 PROSPECTIVE JUROR NO. 0006: Thank you.
17 THE COURT: Okay?
18 PROSPECTIVE JUROR NO. 0006: Thank you.
19 THE COURT: He can point you in the right direction.
20 PROSPECTIVE JUROR NO. 0006: Thank you.
21 THE COURT: Does the Defense have any follow-up?
22 MS. HOJJAT: We don't have any follow-up.
23 MR. FELICIANO: No.
24 THE COURT: Okay. Then you're good.
25 PROSPECTIVE JUROR NO. 0006: I'm not in any trouble?

1 MR. FELICIANO: No.

2 THE COURT: Okay. No, of course not.

3 PROSPECTIVE JUROR NO. 0006: Thank you.

4 THE COURT: You can go back up to your seat. Thank

5 you.

6 Okay. The record will reflect Mr. Dorta has left

7 the bench.

8 The only -- I can't view any of the stuff from 1992,

9 but I can just tell you what it says.

10 MR. ROWLES: It just seems weird to go to prison if

11 they dropped out.

12 THE COURT: It says -- yes, it could've been the

13 Detention Center. It just says, conspiracy to -- let's see --

14 conspiracy to commit drugs which may not be introduced in

15 interstate commerce.

16 MR. FELICIANO: That's only a misdemeanor.

17 THE COURT: That's what I thought.

18 MS. HOJJAT: That's a misdemeanor.

19 THE COURT: That's a misdemeanor. It can't --

20 MS. HOJJAT: And his understanding --

21 THE COURT: -- be anything else.

22 MR. FELICIANO: That's why it was created.

23 MS. HOJJAT: -- is --

24 MR. ROWLES: It could be a gross misdemeanor, the

25 conspiracy.

1 THE COURT: Right. So you could deal the drug
2 cases.

3 MS. HOJJAT: No, conspiracy to commit a -- oh,
4 you're right.

5 MR. ROWLES: If you upgrade it to conspiracy it's a
6 gross misdemeanor.

7 MS. HOJJAT: You're right, it could've been a gross.

8 THE COURT: Okay.

9 MR. FELICIANO: That's odd. That's a really odd
10 charge.

11 THE COURT: That's good it's only a -- it's only a
12 gross misdemeanor. You're right, if it's -- because he's got
13 the conspiracy in front.

14 MR. FELICIANO: Yeah.

15 THE COURT: Okay. So it's still only a gross.

16 MR. ROWLES: If you're cool with the statute, Your
17 Honor, then we're cool.

18 THE COURT: I'm good.

19 MR. ROWLES: All right.

20 THE COURT: I'm convinced he can serve.

21 MR. ROWLES: The question I have then is my only is
22 my only -- and this follow-up -- but it's like after your
23 interaction with this officer she let you go, that was a
24 positive experience, right?

25 THE COURT: Right. Right.

1 MR. ROWLES: Okay.

2 THE COURT: That's fine. Okay.

3 MR. ROWLES: I can ask that.

4 THE COURT: But the State has no objection to this
5 juror continuing to serve?

6 MR. ROWLES: If you're satisfied with the statute,
7 Your Honor.

8 THE COURT: And the Defense?

9 MS. HOJJAT: No objection, Your Honor.

10 MR. FELICIANO: No.

11 THE COURT: Okay. All right.

12 MR. FELICIANO: Thank you.

13 THE COURT: Thanks.

14 (End of bench conference.)

15 THE COURT: Okay. The State may continue.

16 MR. ROWLES: Thank you, Your Honor.

17 Mr. Dorta, 006, we're still on you.

18 So we were talking about that interaction with the
19 police officer and from my understanding with the
20 conversations at the bench she ultimately let you go about
21 your way?

22 PROSPECTIVE JUROR NO. 0006: Yes, she did.

23 MR. ROWLES: Okay. And you would describe that as a
24 positive experience --

25 PROSPECTIVE JUROR NO. 0006: Most positive.

1 MR. ROWLES: -- with law enforcement? Okay.

2 So you're going to hear testimony from police

3 officers during the course of this trial. Despite having that

4 experience here is there anything about that that you would

5 hold against Mr. Vasquez-Reyes?

6 PROSPECTIVE JUROR NO. 0006: Not at all.

7 MR. ROWLES: Okay. It sounds like you're a person

8 who has experienced both sides of the isle?

9 PROSPECTIVE JUROR NO. 0006: Yes.

10 MR. ROWLES: The negative side of law enforcement in

11 terms of personal experience and the positive side?

12 PROSPECTIVE JUROR NO. 0006: Yes, indeed.

13 MR. ROWLES: Okay. There was a little questions

14 yesterday regarding accepting or giving more weight to the

15 testimony of a police officer and you had indicated that

16 because of who they are, based on your experience and common

17 sense in life, that you would tend to hold them to a little

18 bit of a higher standard.

19 But you indicated that say if a police officer comes

20 in and says the sky is orange you're not automatically going

21 to believe them because they're a police officer; right?

22 PROSPECTIVE JUROR NO. 0006: Not at all.

23 MR. ROWLES: Okay. You'll --

24 PROSPECTIVE JUROR NO. 0006: Truth is truth.

25 MR. ROWLES: Okay. You'll accept what they have to

1 say but give it the weight and judgment that it deserves?

2 PROSPECTIVE JUROR NO. 0006: Yes.

3 MR. ROWLES: Okay. Compare it to all the other
4 evidence?

5 PROSPECTIVE JUROR NO. 0006: Yes.

6 MR. ROWLES: Okay.

7 Does anyone else have any positive or negative
8 experiences with law enforcement that they'd like to share?
9 And it could be as simple as a police officer letting you off
10 with a warning, or a police officer refusing the help change
11 your tire when you were stranded on the side of the road,
12 anything like that, that the panel would like to share?

13 Okay. Could we pass it down to Ms. Guzman, 198?
14 She's right here.

15 PROSPECTIVE JUROR NO. 1198: Do you want me to stand
16 up?

17 MR. ROWLES: Oh, no, no. Whatever you feel
18 comfortable with and I'm just --

19 PROSPECTIVE JUROR NO. 1198: Okay. I'm going to
20 sit.

21 MR. ROWLES: -- I know it's so right in front of
22 you.

23 Your brother is a police officer; is that correct?

24 PROSPECTIVE JUROR NO. 1198: Correct.

25 MR. ROWLES: And he works for the Las Vegas

1 Metropolitan Police Department?

2 PROSPECTIVE JUROR NO. 1198: Yes.

3 THE COURT: Okay. And similar to the line of
4 questions with Mr. Dorta, 006 here, if a police officer comes
5 in and says the sky is orange, I'm a police officer, you have
6 to believe me, you're not going to just accept what he has to
7 say because of who your brother is and who he is; is that
8 correct?

9 PROSPECTIVE JUROR NO. 1198: Correct.

10 THE COURT: Okay. Would you despite hearing from
11 Metropolitan Police officers during this trial, would you
12 still give them the weight and judgment that their testimony
13 deserves compared with all the other evidence?

14 PROSPECTIVE JUROR NO. 1198: I'm going to hear what
15 they have to say and based off of what they say take it into
16 account. I mean, it's a case-by-case basis.

17 MR. ROWLES: Okay.

18 PROSPECTIVE JUROR NO. 1198: Yeah.

19 MR. ROWLES: Similar, though, you're not just going
20 to accept everything they have to say?

21 PROSPECTIVE JUROR NO. 1198: No.

22 MR. ROWLES: Okay. And your brother is a police
23 officer; right?

24 PROSPECTIVE JUROR NO. 1198: Correct.

25 MR. ROWLES: Okay. So would you agree with me that

1 there are good and bad in every profession?

2 PROSPECTIVE JUROR NO. 1198: Correct.

3 MR. ROWLES: Okay. And would you agree with me that
4 there are good and bad police officers?

5 PROSPECTIVE JUROR NO. 1198: Correct.

6 MR. ROWLES: Okay. So it's important to keep an
7 open mind when a police officer testifies as to what they are
8 saying and what they've done?

9 PROSPECTIVE JUROR NO. 1198: Correct.

10 MR. ROWLES: Okay.

11 Does anyone disagree with that? Does anyone
12 disagree with the statement that there are good and bad people
13 in every profession? No hands from the panel.

14 I am going to turn to Ms. Tolliver-Haywood, 331. If
15 we can pass it right down.

16 I shouldn't give my -- my tip. Oh, no, my
17 apologies. I have that completely backwards because of you
18 two over there.

19 So Dunton-Snider, 319.

20 So I saw you shaking your head. You seemed to be
21 agreeing with what Ms. Guzman had to say?

22 PROSPECTIVE JUROR NO. 1319: Yes. Yes. I wouldn't
23 hold it just because it's a police officer I wouldn't hold
24 them in any higher than anybody else. I would listen to his
25 testimony just -- I wouldn't even see the uniform. I would

1 just listen to what he had to say.

2 MR. ROWLES: Okay.

3 And you would agree with me and Ms. Guzman that

4 there are good and bad in every profession; correct?

5 PROSPECTIVE JUROR NO. 1319: Absolutely. Yes.

6 MR. ROWLES: All right.

7 So anyone else positive or negative experiences with

8 law enforcement that they'd like to share?

9 If we could go down to -- I'll stay with you, Ms.

10 Dunton-Snider.

11 Do you have anything positive or negative with law

12 enforcement that you'd like to share?

13 PROSPECTIVE JUROR NO. 1319: I really don't.

14 MR. ROWLES: Okay.

15 PROSPECTIVE JUROR NO. 1319: Okay. I haven't had a

16 speeding ticket probably in 25 years and I've never been in

17 trouble and --

18 MR. ROWLES: Okay.

19 PROSPECTIVE JUROR NO. 1319: -- and I -- I really

20 don't.

21 MR. ROWLES: Okay. I appreciate that.

22 And I want to broaden it out to the entire panel.

23 Does anyone here have any family members or friends that are

24 criminal attorneys?

25 Let's pass it back to Ms. Caro, 951.

1 PROSPECTIVE JUROR NO. 0951: My Godfather is an
2 attorney.

3 MR. ROWLES: Okay. Do you know what he practices?

4 PROSPECTIVE JUROR NO. 0951: Family.

5 MR. ROWLES: Okay.

6 PROSPECTIVE JUROR NO. 0951: That's all I know,
7 because I was in a case with -- my dad was fighting custody
8 over us.

9 MR. ROWLES: Okay. Did your Godfather represent
10 your father?

11 PROSPECTIVE JUROR NO. 0951: Yes.

12 MR. ROWLES: Okay. How involved in your Godfather's
13 practice are you? Do you know the in's and out's? Do you
14 guys talk about it a lot?

15 PROSPECTIVE JUROR NO. 0951: No.

16 MR. ROWLES: Okay.

17 And then -- thank you very much.

18 Ms. Larkin, 191.

19 PROSPECTIVE JUROR NO. 1191: Yes, I do have a lot of
20 friends who have practiced criminal law over my time when I
21 was practicing.

22 I'm not in communication with them. I don't even --
23 I'm not in that realm anymore. What they practiced was all
24 the way up to capital murder. I did not practice that but I
25 have been on the defense side. And it's kind of like which

1 hat do you want me to wear with the police.

2 I haven't had any positive or negative, it's just I
3 -- it's just interactions --

4 MR. ROWLES: Just with life?

5 PROSPECTIVE JUROR NO. 1191: Yeah.

6 MR. ROWLES: Okay.

7 PROSPECTIVE JUROR NO. 1191: And in court, you know,
8 when a case did go to trial which is not very often, they
9 usually settled for me. And I -- the police officers would be
10 up there, but it's not like they were positive or bad, it was
11 just about getting the evidence in.

12 MR. ROWLES: Okay.

13 PROSPECTIVE JUROR NO. 1191: Okay.

14 MR. ROWLES: Just doing their job?

15 PROSPECTIVE JUROR NO. 1191: Yeah.

16 MR. ROWLES: Okay.

17 PROSPECTIVE JUROR NO. 1191: So --

18 MR. ROWLES: So you practiced criminal law; is that
19 correct?

20 PROSPECTIVE JUROR NO. 1191: I did.

21 MR. ROWLES: On the defense side?

22 PROSPECTIVE JUROR NO. 1191: I did.

23 MR. ROWLES: Okay. Do me and Mr. Sweetin have to
24 worry about anything on that side?

25 PROSPECTIVE JUROR NO. 1191: I know -- I knew that

1 was going to come. No, it hasn't. And just so you know,
2 that's probably -- was back in like 2001 that I was in my last
3 criminal trial because I went into more of the civil side.

4 MR. ROWLES: Okay.

5 PROSPECTIVE JUROR NO. 1191: So it's been a lot of
6 years, so --

7 MR. ROWLES: Okay.

8 PROSPECTIVE JUROR NO. 1191: -- you know --

9 MR. ROWLES: And the flip side, too, since you
10 practiced, I know that when I watch other prosecutors practice
11 law --

12 PROSPECTIVE JUROR NO. 1191: Um-h'm.

13 MR. ROWLES: -- that I'm pretty critical of them
14 because it's in my field.

15 PROSPECTIVE JUROR NO. 1191: Right.

16 MR. ROWLES: Do Mr. Feliciano and Ms. Hojjat have
17 anything to worry about with you sitting on the panel as a
18 former criminal defense attorney?

19 PROSPECTIVE JUROR NO. 1191: Actually, no, I mean, I
20 really have been out of it for several years. So for -- I
21 mean, I'm just sitting back really enjoying it. It's like I
22 actually feel like a new person coming to the courtroom, not
23 like I have been somebody who's been in the courtroom, so.

24 MR. ROWLES: It's a little different to sit there
25 instead of there?

1 PROSPECTIVE JUROR NO. 1191: Yeah, it is. It's
2 really different. So yeah, it's a new experience. So it's --
3 MR. ROWLES: Okay.
4 PROSPECTIVE JUROR NO. 1191: -- yeah, I don't have
5 anything to hold against either party so.
6 MR. ROWLES: And I know the Judge talked about this
7 yesterday. If you're selected to be on this panel you can't
8 discuss this with any of your friends or research your own
9 case law.
10 PROSPECTIVE JUROR NO. 1191: Well, they're all over
11 in another state --
12 MR. ROWLES: Perfect.
13 PROSPECTIVE JUROR NO. 1191: -- so don't worry about
14 it.
15 MR. ROWLES: Okay. And nothing that you think
16 either side have to worry about based on your previous
17 experience?
18 PROSPECTIVE JUROR NO. 1191: No. I don't.
19 MR. ROWLES: Okay. Thank you.
20 Okay. I want to broaden this back out to the panel.
21 Does anyone disagree with the statement that a woman
22 has an absolute right to say "no" to a person's sexual
23 advances?
24 UNIDENTIFIED SPEAKER: Say that again?
25 MR. ROWLES: Does anyone disagree with the statement

1 that -- and I'll say -- a person has an absolute right to say
2 "no" to another person's sexual advances; does anyone disagree
3 with that?

4 Okay. If we can go back to Mr. Bracks, 668. And
5 he's right behind you, ma'am. I can get that for you. Oh,
6 you've got it with you.

7 You seem to agree with that statement; is that
8 correct?

9 PROSPECTIVE JUROR NO. 0668: No, I -- wait --

10 MR. ROWLES: You disagree --

11 PROSPECTIVE JUROR NO. 0668: I agree with the
12 statement that a person --

13 MR. ROWLES: Has a right to say no?

14 PROSPECTIVE JUROR NO. 0668: -- [inaudible] yes.

15 MR. ROWLES: Okay. Does a person ever give up that
16 right to say no?

17 PROSPECTIVE JUROR NO. 0668: No.

18 MR. ROWLES: Okay. Does anyone disagree with that?

19 Does anyone disagree with the statement that a person gives up
20 a right to say no to another person's sexual advancements?

21 No hands from the panel.

22 And I'll stay with you, Mr. Bracks, 668.

23 What about a child, a person under the age of 18; do
24 they have the right to say "no" to another person's sexual
25 advances?

1 PROSPECTIVE JUROR NO. 0668: Of course, yes.

2 MR. ROWLES: Okay. Do they ever give up that right?

3 PROSPECTIVE JUROR NO. 0668: No.

4 MR. ROWLES: Okay. Do you think that a child has

5 the same ability to say "no" than an adult does?

6 PROSPECTIVE JUROR NO. 0668: I would say they should

7 be able to but not if an adult is forcing their way upon a

8 person then no. Like, I don't know --

9 MR. ROWLES: What do you mean they should be able

10 to?

11 PROSPECTIVE JUROR NO. 0668: They -- well -- I'm not

12 sure how to explain it really. Every person has the right to

13 say "no" including the children. Let's rephrase it like that.

14 MR. ROWLES: And then my question would be is does a

15 kid have the same ability to say "no" in a situation that an

16 adult would have, someone who's gone through all of life

17 experiences? Would a kid have the same ability?

18 PROSPECTIVE JUROR NO. 0668: In a sense, I would say

19 yes.

20 MR. ROWLES: Okay. Yes. Can you think of reasons

21 as to why a kid may not have the same ability to say no?

22 PROSPECTIVE JUROR NO. 0668: Again, it depends on

23 the experience of the kid itself.

24 MR. ROWLES: All right.

25 PROSPECTIVE JUROR NO. 0668: It's situational, I

1 would say.

2 MR. ROWLES: Would age come into factor?

3 PROSPECTIVE JUROR NO. 0668: Age --

4 MR. ROWLES: Okay.

5 PROSPECTIVE JUROR NO. 0668: -- leads to experience

6 so yeah, I would say that.

7 MR. ROWLES: Okay. So if a person's a little bit

8 younger than say an adult in their 20s that might affect their

9 ability to say "no"?

10 PROSPECTIVE JUROR NO. 0668: Yes.

11 MR. ROWLES: Okay. Can you think of any other

12 reasons?

13 PROSPECTIVE JUROR NO. 0668: No.

14 MR. ROWLES: Does it -- can anyone think of any

15 reasons as to why a child might not have the same ability to

16 say no as an adult? And if we were go -- I'm going to try to

17 go in order.

18 Ms. Meyers, 129?

19 PROSPECTIVE JUROR NO. 0129: Yes.

20 MR. ROWLES: I saw you sort of shaking your head. I

21 didn't know if that was "yes" or "no" so I wanted to pass the

22 mic to you.

23 PROSPECTIVE JUROR NO. 0129: I think that a child

24 may not feel comfortable saying no to an adult.

25 MR. ROWLES: Okay.

1 PROSPECTIVE JUROR NO. 0129: And they may trust an
2 adult and think that what they're doing is all right at --
3 MR. ROWLES: Okay.
4 PROSPECTIVE JUROR NO. 0129: -- at the time.
5 MR. ROWLES: So a kid may have trust in the person?
6 PROSPECTIVE JUROR NO. 0129: Correct.
7 MR. ROWLES: May not know what's happening is wrong?
8 PROSPECTIVE JUROR NO. 0129: Correct.
9 MR. ROWLES: Okay. Does anyone -- I want to go --
10 keep on going down.
11 Mr. Sica, 216.
12 PROSPECTIVE JUROR NO. 0216: Isn't it -- it's just
13 understood you don't -- you don't touch a child. I mean --
14 MR. ROWLES: So correct me if I'm wrong. In your
15 mind, because of a -- it's a kid that it's not on the kid to
16 say no, it's on the adult to not do something?
17 PROSPECTIVE JUROR NO. 0216: It's -- it's just
18 understood, you're -- you don't touch a child.
19 MR. ROWLES: And there were a few other people
20 raising their hands who had suggestions and so if we're going
21 to play the zig zag game I'm going to go straight in front to
22 -- and I'm going to try to guess this correctly -- I'm going
23 to go with Ms. Rodriguez first, 796. I'm going to try do that
24 snake angle.
25 Ms. Rodriguez, 796. You seem to be shaking your

1 head as well?

2 PROSPECTIVE JUROR NO. 0796: Well, another occasion
3 could be a child could be disabled or not cognitive with their
4 language yet.

5 MR. ROWLES: Okay. So just doesn't have the ability
6 mentally to say no?

7 PROSPECTIVE JUROR NO. 0796: Correct.

8 MR. ROWLES: Okay. Do you think that would lead to
9 like what I'll refer to as delayed reporting of the incident?

10 PROSPECTIVE JUROR NO. 0796: It can, yes.

11 MR. ROWLES: Okay. Why would that happen?

12 PROSPECTIVE JUROR NO. 0796: Because the child may
13 not understand what's going on, may not be able to vocalize
14 it. Things could occur before a parent becomes aware of it.

15 MR. ROWLES: Okay. So if you're selected -- or just
16 in general, if a person delayed reporting abuse, is that
17 something that you would hold against them?

18 PROSPECTIVE JUROR NO. 0796: No.

19 MR. ROWLES: Okay.

20 Ms. Garrett, 910?

21 PROSPECTIVE JUROR NO. 0910: Yeah, she's going the
22 same place I was. If you have a child that is autistic that
23 might have some kind of a learning disability, a speech
24 impediment, they can't speak or vocalize what is happening, I
25 -- I just think it'd be a terrible thing to do something like

1 that.

2 MR. ROWLES: Would you hold it against a person
3 based on all those reasons and understanding those reasons, if
4 the report of the abuse was delayed -- and any abuse?

5 PROSPECTIVE JUROR NO. 0910: You can't blame a child
6 if they don't understand what just happened or what they had
7 just experienced. I would not hold it against the child. But
8 I would try and pursue to see whatever I could do to make sure
9 that justice is served if need be and it has been reported
10 even though if it were delayed.

11 I know evidence is a big thing, but sometimes stuff
12 like that doesn't get reported and if it doesn't get reported
13 the evidence could possibly be depleted by that time.

14 So I mean, if a child with a disability, they really
15 can't vocalize what's happening or what's going on. So --

16 MR. ROWLES: And I want to go back a little bit with
17 you still on the microphone to what Ms. Meyers, 129, had to
18 say about maybe the child trusts the person. Would that be a
19 reason you think that could cause a person not to report
20 what's going on, that they --

21 PROSPECTIVE JUROR NO. 0910: Absolutely.

22 MR. ROWLES: -- don't really know? Okay.

23 PROSPECTIVE JUROR NO. 0910: If a child fully trusts
24 an individual and they don't understand, hey, I trust you, but
25 what are you doing? And do I say something or do I not?

1 You know, I -- it's just -- it's wrong on so many
2 levels if the child doesn't understand. I mean, if you trust
3 the individual, those that you trust you would think, hey, I
4 trust this person. Why would this person do something like
5 this to me.

6 MR. ROWLES: Okay.

7 PROSPECTIVE JUROR NO. 0910: So, I totally agree.

8 MR. ROWLES: I appreciate it.

9 I want to go to Ms. Tolliver-Haywood, 331. I'm
10 ready on this time here. I think I caught you saying
11 something to this question; am I wrong, expressing some
12 opinion? That's how I get volunteers is I sort of peek out of
13 the corner of my eyes if there's --

14 PROSPECTIVE JUROR NO. 1331: I didn't say anything.

15 MR. ROWLES: -- a shake of the head.

16 PROSPECTIVE JUROR NO. 1331: My same that was a
17 mental capacity.

18 MR. ROWLES: Okay. Can you think of any other
19 reasons as to why a kid may not have the same ability to say
20 no or may delay in telling someone what's been going on?

21 PROSPECTIVE JUROR NO. 1331: Well, sometimes the
22 parents don't notice right away.

23 MR. ROWLES: Okay.

24 PROSPECTIVE JUROR NO. 1331: So that -- that could
25 be a delay.

1 MR. ROWLES: Okay.

2 PROSPECTIVE JUROR NO. 1331: And then a lot of times
3 they're -- the offender will threaten a child, you know, and
4 that could cause delay as well.

5 MR. ROWLES: Do you think who the person is could
6 affect an ability of a person or of a kid to come forward,
7 like who the abuser is?

8 PROSPECTIVE JUROR NO. 1331: Yes.

9 MR. ROWLES: If it's someone they know, someone they
10 live with?

11 PROSPECTIVE JUROR NO. 1331: It would affect it. I
12 think so.

13 MR. ROWLES: Okay.

14 Ms. Dunton-Snider, 319. You're shaking your head,
15 too, with regards to that question.

16 What are your thoughts on that matter?

17 PROSPECTIVE JUROR NO. 1319: I agree with that. I
18 think -- I think one of the reasons is because they're scared,
19 they could be scared of the ramifications and -- and what
20 would happen to other members of their family if they were to
21 say something.

22 MR. ROWLES: Okay.

23 PROSPECTIVE JUROR NO. 1319: So I think that could
24 hold them back also if -- if they were scared.

25 MR. ROWLES: Mr. Sica, I see you raised your hand,

1 216. Will you wait for the microphone, sir?

2 And I'm pronouncing that correct, right?

3 PROSPECTIVE JUROR NO. 0216: Yes. Yes.

4 I think the thing is encroachment. You never --
5 never encroach on anybody else. And you never hurt anybody
6 else. So an adult should know that. That's all I have.

7 MR. ROWLES: Okay. Mr. Dorta, 006, you're raising
8 your hand.

9 If we can pass the microphone down, please. We got
10 a little out of order with the snake.

11 PROSPECTIVE JUROR NO. 0006: I feel that maybe the
12 child might have had an experience with another child and that
13 might make it okay for that child for that inappropriate
14 experience --

15 MR. ROWLES: Okay.

16 PROSPECTIVE JUROR NO. 0006: -- with an adult. So
17 if that child has been exposed to such things with another
18 child I would imagine that child wouldn't know how to speak
19 that out thinking that that's the way you play.

20 MR. ROWLES: Okay. So a kid may think that this is
21 just all fun and games; is that a yes?

22 PROSPECTIVE JUROR NO. 0006: Yes.

23 MR. ROWLES: Okay. So we've talked about a few
24 things here; scared, inability, like Mr. Sica said, it's not
25 even on the kid to say no, it should be on the adult.

1 Does anyone disagree with any of the things that
2 we've said here? Does anyone disagree with those statements?

3 No hands from the panel. And I'm going to pick on
4 Ms. Wood. And I don't have your juror number. I'm sorry.

5 PROSPECTIVE JUROR NO. 1340: It's 1340.

6 MR. ROWLES: Do you disagree with anything that
7 we've talked about so far today?

8 PROSPECTIVE JUROR NO. 1340: No.

9 MR. ROWLES: Okay. And I'll briefly talk about it.
10 Your husband also works with the Police Department;
11 is that correct?

12 PROSPECTIVE JUROR NO. 1340: That's correct. He's a
13 sergeant with Metro.

14 MR. ROWLES: And I know that you guys are sitting
15 all the way over there, but I assume you've listened to some
16 of the questions I've had?

17 PROSPECTIVE JUROR NO. 1340: Yes.

18 MR. ROWLES: And you've followed along with the
19 question that I've had with Ms. Guzman and other people who
20 have -- have family members with Metro the same as the Judge.

21 You're not going to accept every word that a police
22 officer has to say; is that correct?

23 PROSPECTIVE JUROR NO. 1340: No.

24 MR. ROWLES: Okay. Okay.

25 Ms. Wood, I'll stay with you.

1 How do you think a person should testify? Do you
2 have any expectations of how a person should testify?

3 PROSPECTIVE JUROR NO. 1340: Honestly, to tell the
4 truth.

5 MR. ROWLES: Okay. Do you expect the person to
6 behave a certain way or show a certain emotion?

7 PROSPECTIVE JUROR NO. 1340: No. I think
8 everybody's different in that some people can be cool, calm
9 and collected and other people can be extremely tearful or
10 shaky.

11 MR. ROWLES: I use that phrase probably every day;
12 cool, calm and collected. So I appreciate that someone else
13 uses it. I thought I was the only one.

14 So you would agree with the statement that it
15 depends on the person?

16 PROSPECTIVE JUROR NO. 1340: Exactly.

17 MR. ROWLES: Okay. And I apologize, I'm not sure;
18 do you have any children?

19 PROSPECTIVE JUROR NO. 1340: Yes, I do. I have two
20 adult sons. The one is a firefighter/paramedic in Dallas.
21 The other one is --

22 MR. ROWLES: Joining the Academy, right? Or about
23 to pass?

24 PROSPECTIVE JUROR NO. 1340: He's -- yeah, he's due
25 to graduate on the 5th of November.

1 MR. ROWLES: Okay. Did they always behave the same
2 way in similar situations or would they have reacted
3 differently?

4 PROSPECTIVE JUROR NO. 1340: Two different kids,
5 same DNA, don't understand it. They're 180 degree opposite of
6 each other.

7 MR. ROWLES: Okay. So if a person comes in here and
8 testifies and a person, a kid, an adult, anybody and they talk
9 about something that we would as a general public think to be
10 a painful experience and they don't exhibit any sort of
11 emotion; would you hold that against them or anything along
12 those lines?

13 PROSPECTIVE JUROR NO. 1340: No, everybody has
14 different coping mechanisms. Some people can put some traumas
15 in a specific box in your brain and you're able to talk about
16 it clinically whereas if you're in a therapists office and
17 it's a private session that would tend to be more emotional.

18 MR. ROWLES: Okay. And sort of the inverse of that
19 is if a person comes up here and just starts bawling out their
20 eyes you're not just going to automatically accept everything
21 they have to say; right?

22 PROSPECTIVE JUROR NO. 1340: No. Again, everybody's
23 different.

24 MR. ROWLES: Okay. Does anyone disagree with that?
25 Does anyone disagree with the statement that everybody's sort

1 of different; that a person may behave one way and another
2 person may behave the same way in facing similar situations?

3 I want to turn my attention to Ms. Jankovic.

4 PROSPECTIVE JUROR NO. 0052: Jankovic.

5 MR. ROWLES: Jankovic, 052. And so I can probably
6 grab that for you guys. Thank you, sir.

7 I saw you sort of nodding along with agreement and I
8 know you haven't talked too much so I decided to pick on you a
9 little bit here.

10 Do you have any expectations of how a person should
11 testify?

12 PROSPECTIVE JUROR NO. 0052: No.

13 MR. ROWLES: Okay. Do you think that people react
14 different?

15 PROSPECTIVE JUROR NO. 0052: They do.

16 MR. ROWLES: Okay. Let me ask you this question
17 here. Say for instance you were selected to be on this panel
18 and it was a convenience store robbery, someone came in, told
19 the 7-Eleven cashier, give me all your money and the cashier
20 gave all the money and they talked about their experience on
21 the stand.

22 And say for instance -- I'm not saying this has
23 happened to you but --

24 PROSPECTIVE JUROR NO. 0052: It actually did.

25 MR. ROWLES: Oh, it is. Okay, so perfectly.

1 PROSPECTIVE JUROR NO. 0052: How did you know?
2 MR. ROWLES: So you've been --
3 PROSPECTIVE JUROR NO. 0052: I've been robbed
4 before.
5 MR. ROWLES: Okay. I was going to ask if you've
6 been the robber but I assume the -- the robbed.
7 So you've been robbed before?
8 PROSPECTIVE JUROR NO. 0052: Yes.
9 MR. ROWLES: Okay.
10 THE COURT: Is that a yes?
11 PROSPECTIVE JUROR NO. 0052: Yes.
12 MR. ROWLES: Okay. When did that happen?
13 PROSPECTIVE JUROR NO. 0052: It happened last year
14 in September.
15 MR. ROWLES: Okay. Did that happen in Clark County?
16 PROSPECTIVE JUROR NO. 0052: Yes.
17 MR. ROWLES: Okay. Did any of the police catch
18 anybody?
19 PROSPECTIVE JUROR NO. 0052: I believe so. Last
20 Monday I was supposed to be here but it was cancelled.
21 MR. ROWLES: Oh, so it's going through the court
22 system right now?
23 PROSPECTIVE JUROR NO. 0052: Yes.
24 MR. ROWLES: Okay. Now, I've got two questions.
25 I'll -- I'll --

1 PROSPECTIVE JUROR NO. 0052: Sure.

2 MR. ROWLES: -- I'll back a little bit away from

3 what I was talking about and get back to that but then I'm

4 going to talk a little bit about that. So given your

5 experience, you will agree with me that what we're here for is

6 completely different than a robbery; right?

7 PROSPECTIVE JUROR NO. 0052: Yes.

8 MR. ROWLES: Okay. And despite the fact that you've

9 been a victim of a crime, you'd agree that Mr. Armando

10 Vasquez-Reyes had nothing to do with that; right?

11 PROSPECTIVE JUROR NO. 0052: Yes.

12 MR. ROWLES: And nothing about that experience you

13 would hold against him; is that correct?

14 PROSPECTIVE JUROR NO. 0052: Yes.

15 MR. ROWLES: Okay.

16 PROSPECTIVE JUROR NO. 0052: Correct.

17 MR. ROWLES: And so it's going through the court

18 system right now?

19 PROSPECTIVE JUROR NO. 0052: Yes.

20 MR. ROWLES: I assume me and Mr. Sweetin are not the

21 attorneys handling that matter?

22 PROSPECTIVE JUROR NO. 0052: No.

23 MR. ROWLES: Okay. So just those questions. I'll

24 ask that. And then I'm back up to the experience here.

25 So this worked out perfectly. And maybe I should

1 think of a different example next time.

2 If say for instance having lived that experience and
3 you were sitting on a panel with a similar type of activity
4 and the person who was talking about what happened reacted
5 completely differently than how you reacted in that situation,
6 would you hold that against them for behaving the way they
7 behaved?

8 PROSPECTIVE JUROR NO. 0052: No, everybody acts
9 differently.

10 MR. ROWLES: Okay. Does anyone disagree with that?
11 Does anyone disagree that if -- if they're thinking to
12 themselves while they're hearing testimony that, aw, shucks, I
13 don't know why that person did that, similar to a horror
14 movie, I don't know why that person chose this hiding spot, I
15 would have chosen that hiding spot, but if they're sitting on
16 this panel and they're hearing testimony and they said to
17 themselves, I would have behaved differently, so obviously
18 this person -- I can't accept what this person has to say.

19 Does anyone -- would anyone hold it against that
20 person just because they acted a little bit differently than
21 you would have in that situation?

22 No hands from the panel.

23 I'll go down. Ms. Fernandez, 104.

24 You have a seven and a two-year-old; correct?

25 PROSPECTIVE JUROR NO. 0104: Yeah.

1 MR. ROWLES: Okay. Do they act similar?
2 PROSPECTIVE JUROR NO. 0104: No, they're both
3 different.
4 MR. ROWLES: They're both completely different?
5 PROSPECTIVE JUROR NO. 0104: Yeah.
6 MR. ROWLES: Okay. So similar line of questions
7 here; do you have any expectations of how a person should
8 testify in a courtroom experience?
9 PROSPECTIVE JUROR NO. 0104: Honest.
10 MR. ROWLES: Honest?
11 PROSPECTIVE JUROR NO. 0104: Yeah.
12 MR. ROWLES: Okay. So it sounds like the panel's
13 main -- would everybody agree with that, that really we expect
14 just people to be honest; is that correct?
15 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
16 MR. ROWLES: It seemed like a uniform agreement from
17 the panel. Or does anyone disagree with that? No? I'm glad.
18 So Ms. Fernandez, you have a seven and two-year-old
19 here. And you've indicated that they behave differently?
20 PROSPECTIVE JUROR NO. 0104: Yeah.
21 MR. ROWLES: Okay. Can you give us some examples of
22 how?
23 PROSPECTIVE JUROR NO. 0104: Well, my seven-year-old
24 there, she would do something and she'll be like saying sorry,
25 saying sorry, like I wouldn't do it again. Or the baby will

1 be just like, he wouldn't care if he did something, you know?
2 MR. ROWLES: More of a stubborn --
3 PROSPECTIVE JUROR NO. 0104: Yeah, he's --
4 MR. ROWLES: -- kid?
5 PROSPECTIVE JUROR NO. 0104: -- more stubborn.
6 MR. ROWLES: Okay. A take it or leave it side of
7 mentality?
8 PROSPECTIVE JUROR NO. 0104: Yeah, take it or leave
9 it. And the girl's different. She's like, well, I won't do
10 it again. I'm really sorry.
11 MR. ROWLES: And I'll stay with you, a seven and
12 two-year-old. Do your children lie?
13 PROSPECTIVE JUROR NO. 0104: Excuse me?
14 MR. ROWLES: Do your children lie to you?
15 PROSPECTIVE JUROR NO. 0104: Um, well, the two-year-
16 old can't really talk so, I don't think he does. But the
17 seven-year-old, maybe small lies, but not big ones.
18 MR. ROWLES: Okay. And I -- I always use the term
19 like a white lie.
20 PROSPECTIVE JUROR NO. 0104: Yeah. Like --
21 MR. ROWLES: Is that still a common --
22 PROSPECTIVE JUROR NO. 0104: -- for example, I did
23 my homework and she really didn't.
24 MR. ROWLES: Okay. Would you agree with the
25 statement that children are less sophisticated liars than

1 adults can be?

2 PROSPECTIVE JUROR NO. 0104: Maybe they will lie
3 because of they're scared or like they say, oh, everything's
4 okay, but at the end it's not okay. Because they -- I don't
5 know, they could be scared.

6 MR. ROWLES: Okay.

7 PROSPECTIVE JUROR NO. 0104: Or but [inaudible] --

8 MR. ROWLES: I guess the question --

9 PROSPECTIVE JUROR NO. 0104: -- to say --

10 MR. ROWLES: -- I'm trying to get is --

11 PROSPECTIVE JUROR NO. 0104: -- everything's okay.

12 MR. ROWLES: Yeah. Do you -- would you agree with
13 the statement that adults can formulate more sophisticated
14 lies, complex lies? Like you -- you mentioned your seven-
15 year-old, it's all minor stuff; right?

16 PROSPECTIVE JUROR NO. 0104: Yeah.

17 MR. ROWLES: White lies.

18 Would anyone agree with the statement that adults
19 have the ability to form more sophisticated lies than
20 children? No one agrees with that statement?

21 Oh, would -- does anyone agree -- does anyone -- oh
22 well, back up. Does anyone disagree with that statement?

23 I'm going to go to Ms. Vallejo, 339, and this is
24 going to require a lot of work from the panel. She's all the
25 way down here. I guess I could grab that. Ma'am, could I get

1 -- I'm just standing watching.

2 PROSPECTIVE JUROR NO. 1339: Yeah, I'm Claudia, 339.

3 MR. ROWLES: Okay.

4 PROSPECTIVE JUROR NO. 1339: So what was the
5 question? I'm sorry.

6 MR. ROWLES: You can stay seated if you want, yeah.

7 PROSPECTIVE JUROR NO. 1339: Okay.

8 MR. ROWLES: So I was going down the road with Ms.
9 Fernandez, 104, about whether you would agree with the
10 statement that adults have the ability to form more
11 sophisticated lies than a child does.

12 PROSPECTIVE JUROR NO. 1339: Yes, the ability.

13 MR. ROWLES: Why would you think that?

14 PROSPECTIVE JUROR NO. 1339: They have more
15 experience. The understand better what's going on than a
16 child is.

17 MR. ROWLES: Okay. And you worked as a guidance
18 counselor with children; is that correct?

19 PROSPECTIVE JUROR NO. 1339: Yes. Yes, I do.

20 MR. ROWLES: Okay. Have you had experiences where
21 children are telling you lies?

22 PROSPECTIVE JUROR NO. 1339: Yes.

23 MR. ROWLES: Okay. What type of lies do they tell?

24 PROSPECTIVE JUROR NO. 1339: The normal thing like
25 he pushed me and then usually just like in the playground they

1 usually just -- like they argue. They say they're bullying
2 and all that and the first question you ask is, were you
3 playing. And then if they say yes, then you know, okay,
4 forget about it. They were just playing.

5 MR. ROWLES: Okay.

6 PROSPECTIVE JUROR NO. 1339: And the classroom is
7 just almost basically the same.

8 MR. ROWLES: Okay.

9 PROSPECTIVE JUROR NO. 1339: But there's more lies
10 basically it's just that they don't understand what they're
11 doing until you actually go back and explaining what the --

12 MR. ROWLES: Okay.

13 PROSPECTIVE JUROR NO. 1339: -- consequences are and
14 what they're supposed to be doing in the white lines and the
15 (indecipherable).

16 MR. ROWLES: Okay. So similar to what Ms.
17 Fernandez, 104 said, small lies, I think that's what you said?

18 PROSPECTIVE JUROR NO. 1339: Right, yes.

19 MR. ROWLES: Okay. Does anyone disagree with that?

20 I'm going to go all the way to Ms. Kane, 342.

21 And I'll get this one for you guys. Thank you,
22 ma'am.

23 Would you disagree or agree with what's been talked
24 about so far?

25 PROSPECTIVE JUROR NO. 1342: I agree that adults can

1 form more complex lies than a child.

2 MR. ROWLES: Okay. And do you have any expectations
3 as to how a person should testify in general? Or is it
4 similar to just hopefully honest?

5 PROSPECTIVE JUROR NO. 1342: Yeah. With -- of
6 course you'd hope for honesty.

7 MR. ROWLES: Okay. And is similar to the way Ms.
8 Wood was talking about here if a person came in and exhibited
9 extreme emotion you're not just going to accept everything
10 that they have to say; is that correct?

11 PROSPECTIVE JUROR NO. 1342: Correct.

12 MR. ROWLES: Okay. But if a person came in and
13 talked about painful stuff, and didn't exhibit any emotion, if
14 you believed what they had to say beyond a reasonable doubt
15 you're not going to hold their lack of emotion against them;
16 would you?

17 PROSPECTIVE JUROR NO. 1342: Correct.

18 MR. ROWLES: Okay.

19 THE COURT: I'm sorry. Is there an objection?

20 MS. HOJJAT: Yeah, we're getting into hypotheticals
21 again. If we can just --

22 MR. ROWLES: I don't think so.

23 THE COURT: Overruled. You can proceed.

24 MR. ROWLES: Oay. So I'm going to stay with Ms.
25 Wood -- not Ms. Wood -- Ms. Kane, 342, for a second. It's

1 really confusing.

2 Do you -- do you think that there are certain topics
3 that are more difficult to talk about than others?

4 PROSPECTIVE JUROR NO. 1342: Maybe for certain
5 people.

6 MR. ROWLES: Okay. Do you think -- and it's no
7 secret as to why we're here and it's no secret as to what the
8 charges are. Do you think that these types of activities or
9 subject matter is a difficult thing to talk about in front of
10 strangers?

11 PROSPECTIVE JUROR NO. 1342: I think it depends on
12 the situation.

13 MR. ROWLES: Okay. Why would you say about that?

14 PROSPECTIVE JUROR NO. 1342: Because I feel like
15 rape with an adult is different than rape with a child and I
16 feel like situations are different depending on how it
17 occurred.

18 MR. ROWLES: Would you think that it's difficult for
19 a person to come in front of a group of people that they've
20 never met and talk about a sexual encounter?

21 PROSPECTIVE JUROR NO. 1342: It depends on the
22 person's personality and I'd assume struggles with speaking
23 about it.

24 MR. ROWLES: Okay. Say for instance if they did
25 struggle would you think that that can manifest itself on the

1 witness stand, like that might affect their ability to talk
2 about what happened?

3 PROSPECTIVE JUROR NO. 1342: Yeah, maybe. Yeah. I
4 would -- I mean, it depends on I guess how -- when it
5 happened, how long it happened, what their feelings are about
6 it, if it's something that's new, if it's something that time
7 has passed if they'd had help for it, if they -- I mean, I
8 think it really just depends on what their growth has been
9 from the experience on how they can reciprocate it to the --
10 sitting here.

11 MR. ROWLES: Okay. I'm going to turn to Ms.
12 Millsaps, 144. And I'll grab it for you guys. Thank you.

13 Ms. Millsaps, I feel like I know you. We've never
14 met, right?

15 PROSPECTIVE JUROR NO. 1144: That's correct.

16 MR. ROWLES: Okay. I don't know what it is. Do you
17 have a brother or --

18 PROSPECTIVE JUROR NO. 1144: Yeah, I'm from
19 Tennessee so you probably --

20 MR. ROWLES: No, no, no.

21 PROSPECTIVE JUROR NO. 1144: -- don't know my
22 family.

23 MR. ROWLES: I've never been to Tennessee.
24 Actually, once, but a long time ago.

25 Same question to you; do you think that a subject

1 matter, what a person has to talk about might be more
2 difficult to do in front of strangers than other subject
3 matters?

4 PROSPECTIVE JUROR NO. 1144: Yes, I agree with that.

5 MR. ROWLES: Okay. Do you think it might be more --
6 it might be easier for a person to come in here and talk about
7 how their car was stolen than it would be to describe a sexual
8 encounter?

9 PROSPECTIVE JUROR NO. 1144: Yes.

10 MR. ROWLES: Okay. Does anyone disagree with that?

11 Ms. Carkeek, 677, we made eye contact when you were
12 shaking your head so you're a volunteer.

13 PROSPECTIVE JUROR NO. 0677: Oh.

14 MR. ROWLES: But what would your -- be your response
15 to that line of questioning here? Do you think the subject
16 matter could make it more difficult?

17 PROSPECTIVE JUROR NO. 0677: In my personal
18 experience, yes, I would have a more difficult time talking
19 about a -- like a sexual encounter than a car theft.

20 MR. ROWLES: Okay. I'm not going to ask you to do
21 it, but if I were to ask you to stand up and talk to everybody
22 in this room about the last consensual sexual encounter that
23 you've had would that be difficult to do?

24 PROSPECTIVE JUROR NO. 0677: Extremely.

25 MR. ROWLES: Okay. It'd be difficult for me to do.

1 Could you imagine how that might affect a person's
2 ability if they're doing it on that stand in front of 14
3 strangers?

4 PROSPECTIVE JUROR NO. 0677: Can I imagine it?

5 MR. ROWLES: Yeah.

6 PROSPECTIVE JUROR NO. 0677: Yes.

7 MR. ROWLES: Okay. Does anyone disagree with that?
8 Does anyone think that this is going to be an easy topic to
9 talk about? No hands from the panel.

10 I want to go to Ms. De Jaime, 585, all the way in
11 the back.

12 What do you think so far of that question?

13 PROSPECTIVE JUROR NO. 0585: Um, I agree that it
14 will be more difficult --

15 MR. ROWLES: Okay.

16 PROSPECTIVE JUROR NO. 0585: -- to talk about that
17 issue.

18 MR. ROWLES: Okay. But I think we can all agree
19 that even though it's difficult to talk about here we're still
20 going to be able to give that person -- weigh that person's
21 testimony and judge what they have to say; is that correct?
22 Their statements; is that correct?

23 PROSPECTIVE JUROR NO. 0585: Exactly.

24 MR. ROWLES: Okay. You're not just going to give
25 them a free pass because of the subject they're talking about?

1 No?

2 PROSPECTIVE JUROR NO. 0585: No.

3 MR. ROWLES: Does anyone disagree with that?

4 Is anyone here going to say, you know what, just
5 because what they're talking about, it doesn't matter what
6 they have to say, they get a free pass. Anyone disagree with
7 that statement?

8 No hands from the panel. Okay.

9 THE COURT: Okay. At this time I'm going to stop
10 you so we can recess for lunch.

11 MR. ROWLES: Sure.

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

21 We'll be in recess until 1:15. You just come right
22 back up here to the 14th Floor and Officer Hawkes will bring
23 you in when we're ready. Thank you very much.

24 THE MARSHAL: Thank you. All rise for the exiting
25 jury, please. Jurors.

1 (Court recessed at 11:57 a.m., until 1:26 p.m.)
2 (Outside the presence of the prospective jury panel).
3 MR. FELICIANO: Can we address something while we're
4 waiting?
5 THE COURT: Sure. The record will reflect the
6 hearing is taking place outside the presence --
7 THE MARSHAL: All rise. Oh --
8 MS. HOJJAT: We can do it later.
9 THE MARSHAL: Hang on. So --
10 THE COURT: Okay. We can do it later?
11 MR. FELICIANO: Yeah.
12 THE COURT: All right. You can come in.
13 THE MARSHAL: All rise for the entering jury,
14 please.
15 (Inside the presence of the prospective jury panel)
16 THE COURT: Does the State stipulate to the presence
17 of the panel?
18 MR. SWEETIN: Yes, Your Honor.
19 THE COURT: And the Defense?
20 MR. FELICIANO: Yes, Your Honor.
21 THE COURT: Okay. You may continue.
22 MR. ROWLES: Thank you, Your Honor.
23 Can the recorder hear me?
24 THE COURT RECORDER: Yes. Thank you.
25 MR. ROWLES: Okay. So I want to ask a question

1 again to the panel. I have about two phases to this and I'm
2 near the end of my second phase so we're almost good to go.
3 But I wanted to ask a volunteer on this question and I want to
4 turn my attention to Ms. Bartolome. 608.

5 Ms. Bartolome, what's the first thing that comes to
6 mind when you hear the term "child molestation"?

7 PROSPECTIVE JUROR NO. 0608: A child who's being
8 abused sexually.

9 MR. ROWLES: Okay.

10 Was anyone's first thought when they hear that term,
11 I bet that kid is lying? Anyone's first thought when they
12 heard a child molestation is I bet that kid was lying, even
13 just a little?

14 No hands from the panel.

15 Could we turn to Mr. Frayna, 189? Thank you.

16 What was your first thought when you heard that
17 term?

18 PROSPECTIVE JUROR NO. 0189: Can you repeat the
19 question?

20 MR. ROWLES: What's your first thought when you
21 heard the term "child molestation"?

22 What's the first thing that pops to mind? I say the
23 term -- or the -- I say the phrase "child molestation"; what's
24 the first thing that pops to your mind?

25 PROSPECTIVE JUROR NO. 0189: Sexual abuse, I think.

1 MR. ROWLES: Okay.

2 Ms. Jankovic, 052. I saw you raise your hand. If

3 we can pass the microphone.

4 PROSPECTIVE JUROR NO. 0052: I would say anger.

5 MR. ROWLES: Anger?

6 PROSPECTIVE JUROR NO. 0052: Yes.

7 MR. ROWLES: Okay. And as I said it before even

8 just a little; does anyone have that thought that I bet this

9 kid is lying?

10 No hands from the panel.

11 Ms. Jankovic, I'll stay with you, 052.

12 Have you ever seen a child being molested?

13 PROSPECTIVE JUROR NO. 0052: Never.

14 MR. ROWLES: Okay. If you've never seen it how do

15 you know it happens?

16 PROSPECTIVE JUROR NO. 0052: If I hear something

17 like that.

18 MR. ROWLES: Okay. Could you believe that something

19 like that happens without personally seeing it?

20 PROSPECTIVE JUROR NO. 0052: Yes.

21 MR. ROWLES: Okay. Do you think that child

22 molestation is something that routinely occurs in public?

23 PROSPECTIVE JUROR NO. 0052: No.

24 MR. ROWLES: Okay. Is it something that happens out

25 in the middle of the open with video surveillance and thousand

1 eye witnesses, do you think that is --

2 PROSPECTIVE JUROR NO. 0052: No.

3 MR. ROWLES: -- happens often?

4 PROSPECTIVE JUROR NO. 0052: No.

5 MR. ROWLES: Okay. Do you think these are the types

6 of thing that occur in secret --

7 PROSPECTIVE JUROR NO. 0052: Yes.

8 MR. ROWLES: -- behind closed doors?

9 PROSPECTIVE JUROR NO. 0052: Yes.

10 MR. ROWLES: Then I'll stay with you for a little

11 bit here.

12 If you're instructed that a sexual abuse victim's

13 testimony is -- alone, if believe beyond a reasonable doubt --

14 MR. FELICIANO: Object to arguing the law at this

15 point.

16 THE COURT: Right. I feel like you're going into

17 instructions on the law.

18 MR. ROWLES: Yes, Your Honor.

19 So just to rephrase that a little bit here. You

20 would agree with me that these types of crimes occur in secret

21 behind closed doors?

22 PROSPECTIVE JUROR NO. 0052: Absolutely.

23 MR. ROWLES: Okay. Does anyone -- well then let me

24 keep with you here. If that's the way it happens what type of

25 witnesses would you expect?

1 PROSPECTIVE JUROR NO. 0052: Not so much.

2 MR. ROWLES: Okay. Could it just be the person who
3 was abused?

4 PROSPECTIVE JUROR NO. 0052: Yes.

5 MR. ROWLES: Okay. Does anyone disagree with that?
6 Does anyone disagree with the concept that these types of
7 crimes occur in secret and that the only witness may be the
8 person who was abused? Anyone disagree with that concept?
9 Anything have anyone to share [sic]?

10 I'll go to Ms. White, I haven't spoken to you too
11 much 470. We can go down.

12 Now, Ms. White, you mentioned a little bit yesterday
13 that I believe it was your family member, a sibling had been
14 arrested and convicted of a crime?

15 PROSPECTIVE JUROR NO. 0470: Yes.

16 MR. ROWLES: Okay. And you thought there was a
17 little bit more to the story, right?

18 PROSPECTIVE JUROR NO. 0470: Yes.

19 MR. ROWLES: That that wasn't fully investigated?

20 PROSPECTIVE JUROR NO. 0470: Correct.

21 MR. ROWLES: Okay. The crime that he was accused of
22 doing that maybe other people might have had been -- some
23 involvement, it wasn't similar to this nature; is that
24 correct?

25 PROSPECTIVE JUROR NO. 0470: Correct.

1 MR. ROWLES: Okay. Did it occur out in the open
2 where people knew about what was going on?
3 PROSPECTIVE JUROR NO. 0470: Yes.
4 MR. ROWLES: Okay. So although in that situation
5 you think that maybe some other people had some involvement in
6 this do you have any problem with the idea that this may have
7 occurred -- these types of crimes occur behind closed doors
8 and it may just be the -- the abused and the abuser; any
9 problem with that?
10 PROSPECTIVE JUROR NO. 0470: No problems with that.
11 MR. ROWLES: Okay.
12 PROSPECTIVE JUROR NO. 0470: But --
13 MR. ROWLES: And any thoughts --
14 PROSPECTIVE JUROR NO. 0470: -- I understand --
15 MR. ROWLES: -- on that?
16 PROSPECTIVE JUROR NO. 0470: -- but I understand it.
17 It's -- I really don't have any thoughts on it as I should but
18 I understand how it may not be out to everyone.
19 MR. ROWLES: Okay.
20 PROSPECTIVE JUROR NO. 0470: And one person
21 definitely will be able to tell that story.
22 MR. ROWLES: Okay.
23 MS. HOJJAT: And, Your Honor, I'm sorry, we're
24 having trouble hearing at this table. Yeah, I'm not sure if
25 the microphone is working really --

1 MR. ROWLES: Is it me or --
2 MS. HOJJAT: The -- the juror.
3 PROSPECTIVE JUROR NO. 0470: Can you hear me?
4 MS. HOJJAT: That's better. Yes, thank you so much.
5 MR. ROWLES: All right. Okay.
6 And I believe you indicated that you understand that
7 it may just be the abuse and the abuse in that situation;
8 right?
9 PROSPECTIVE JUROR NO. 0470: Correct.
10 MR. ROWLES: I know I had a nurse on here at one
11 point. Who was the nurse?
12 THE COURT: You have a couple.
13 MR. ROWLES: Two nurses. Perfect. Ms. Carkeek 677,
14 if we can pass the microphone down.
15 What are your thoughts that every act of sexual
16 molestation or sexual abuse leaves medical evidence; can you
17 think of situations where that may not take place?
18 PROSPECTIVE JUROR NO. 0677: Where there would not
19 be evidence left?
20 MR. ROWLES: Where there wouldn't be medical
21 evidence.
22 PROSPECTIVE JUROR NO. 0677: Yes, after a lapse of
23 time.
24 MR. ROWLES: Okay. Could the type of sexual abuse
25 also factor into that?

1 PROSPECTIVE JUROR NO. 0677: Yes.

2 MR. ROWLES: Whether it was over the clothes or
3 under the clothes type thing?

4 PROSPECTIVE JUROR NO. 0677: Yes.

5 MR. ROWLES: Okay. So lapse of time. I want to
6 talk a little bit about that.

7 THE COURT: That microphone doesn't even sound like
8 it's on.

9 MR. ROWLES: Mine or that one?

10 THE COURT: No, the juror's.

11 PROSPECTIVE JUROR NO. 0677: Is that --

12 THE COURT: Okay, that's better. I guess --

13 PROSPECTIVE JUROR NO. 0677: Okay.

14 THE COURT: -- yeah, just --

15 PROSPECTIVE JUROR NO. 0677: You have to put it
16 right --

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR NO. 0677: Okay.

19 THE COURT: Perfect. Thank you.

20 MR. ROWLES: So you --

21 PROSPECTIVE JUROR NO. 0677: Um-h'm.

22 MR. ROWLES: -- mentioned lapse of time.

23 PROSPECTIVE JUROR NO. 0677: Correct.

24 MR. ROWLES: Okay. That might be a reason as to why
25 there might not be any medical evidence; is that correct?

1 PROSPECTIVE JUROR NO. 0677: Correct.

2 MR. ROWLES: Does anyone disagree with that? Does
3 anyone disagree that a lapse of time between when the abuse
4 took place and when it was reported to the authorities may be
5 a reason as to why there might not be medical evidence?

6 Ms. Fernandez, 104. If we can pass the microphone
7 back.

8 I saw you sort of give a little of a frown or was I
9 just imagining things?

10 PROSPECTIVE JUROR NO. 0104: No. I don't know, it's
11 hard to tell.

12 MR. ROWLES: Okay.

13 PROSPECTIVE JUROR NO. 0677: Maybe --

14 MR. ROWLES: Why so?

15 PROSPECTIVE JUROR NO. 0677: -- I don't know, maybe
16 because it happened so long, I don't know.

17 MR. ROWLES: So do you think that a gap in time
18 could be a reason as to why there might not be medical
19 evidence?

20 PROSPECTIVE JUROR NO. 0677: Probably.

21 MR. ROWLES: Okay. Mr. Taylor, 113, if we can pass
22 the microphone right there.

23 What are your thoughts on that?

24 PROSPECTIVE JUROR NO. 0113: Yes, I think that the
25 amount of time gone by could -- could make it that there's no

1 physical evidence.

2 MR. ROWLES: Okay. Do you think that just because
3 there's no physical evidence like that, that the sexual abuse
4 didn't occur?

5 PROSPECTIVE JUROR NO. 0113: No. I think there --
6 that it could still happen without there being evidence.

7 MR. ROWLES: Okay. Such as medical evidence like
8 that?

9 PROSPECTIVE JUROR NO. 0113: Yes.

10 MR. ROWLES: Okay.

11 PROSPECTIVE JUROR NO. 0113: Yes.

12 MR. ROWLES: Mr. -- Ms. Farmer, excuse me, 307.
13 An accountant, right?

14 PROSPECTIVE JUROR NO. 1307: Yes.

15 MR. ROWLES: And I see you put "EY". Is that
16 Earnest Young?

17 PROSPECTIVE JUROR NO. 1307: Ernst and Young.

18 MR. ROWLES: Ernst and Young. Okay.

19 So I think this would be a good thing to ask you.
20 You're married; right?

21 PROSPECTIVE JUROR NO. 1307: No.

22 MR. ROWLES: No? Okay. I thought I had you as
23 having a significant other.

24 PROSPECTIVE JUROR NO. 1307: I'm in a domestic
25 partnership.

1 MR. ROWLES: Domestic partnership. Perfect.
2 Okay. So you have a significant other, a domestic
3 partnership?
4 PROSPECTIVE JUROR NO. 1307: Correct.
5 MR. ROWLES: And you're an accountant?
6 PROSPECTIVE JUROR NO. 1307: Correct.
7 MR. ROWLES: So I get the idea that accountants are
8 detail-oriented people.
9 PROSPECTIVE JUROR NO. 1307: Correct.
10 MR. ROWLES: Probably even more so than lawyers who
11 might spend all their days just checking to make sure that the
12 T's crossed.
13 PROSPECTIVE JUROR NO. 1307: Correct.
14 MR. ROWLES: Do you remember the first time you met
15 your partner?
16 PROSPECTIVE JUROR NO. 1307: Yes.
17 MR. ROWLES: Okay. Can you describe that for us?
18 How long ago was it?
19 PROSPECTIVE JUROR NO. 1307: It was about three
20 years ago at an accounting training in Bangkok.
21 MR. ROWLES: Okay. Have you ever had to describe
22 that experience or describe the time you met him in detail
23 over and over again --
24 PROSPECTIVE JUROR NO. 1307: Yes.
25 MR. ROWLES: -- to multiple people? Okay. Do you

1 tell that same story the same way every time?
2 PROSPECTIVE JUROR NO. 1307: Yes.
3 MR. ROWLES: Every time?
4 PROSPECTIVE JUROR NO. 1307: It's just in my nature.
5 MR. ROWLES: Okay. So where it met, what the first
6 conversation was, who broke the ice?
7 PROSPECTIVE JUROR NO. 1307: Yep.
8 MR. ROWLES: Okay. And that's in your nature;
9 right?
10 PROSPECTIVE JUROR NO. 1307: Correct.
11 MR. ROWLES: Do you think that that's easy to do for
12 most people?
13 PROSPECTIVE JUROR NO. 1307: I couldn't comment. I
14 can only kind of speak to my firsthand experience.
15 MR. ROWLES: Okay. And that was kind of a big
16 event; right?
17 PROSPECTIVE JUROR NO. 1307: Um-h'm.
18 MR. ROWLES: The first time you met your partner?
19 PROSPECTIVE JUROR NO. 1307: Correct.
20 MR. ROWLES: Fair to say that you eat dinner a lot;
21 right?
22 PROSPECTIVE JUROR NO. 1307: Yes.
23 MR. ROWLES: Something that happens pretty
24 regularly?
25 PROSPECTIVE JUROR NO. 1307: Yes.

1 MR. ROWLES: If I were to ask you about the dinner
2 you ate three years ago on a Tuesday, let's say May 6th, 2017,
3 would you be able to describe it?

4 PROSPECTIVE JUROR NO. 1307: Probably not.

5 MR. ROWLES: Okay. But you'd probably be pretty
6 sure that you ate dinner that day?

7 PROSPECTIVE JUROR NO. 1307: In all likelihood.

8 MR. ROWLES: Okay. So you being the person that you
9 can be in terms of the accountant and that frame of mind that
10 you had, remember the measure events and can remember the
11 specifics but if something happens regularly, often, over and
12 over and over again, would you be able to describe every
13 single detail about that event on every single day that it
14 happened?

15 PROSPECTIVE JUROR NO. 1307: I think it would depend
16 on the circumstances.

17 MR. ROWLES: Okay.

18 PROSPECTIVE JUROR NO. 1307: But if we're speaking
19 about eating dinner no, probably not.

20 MR. ROWLES: Okay. But you'd remember that you ate;
21 right?

22 PROSPECTIVE JUROR NO. 1307: It would be willing to
23 make a bet that I ate.

24 MR. ROWLES: Okay. Your partner, do you think that
25 when they're asked to describe that event that they describe

1 it the same way as you?

2 PROSPECTIVE JUROR NO. 1307: Yeah, I mean, in this

3 case I think it was a fairly unique event so I'm not sure that

4 this is a great example for other events in my life. But yes,

5 I would be --

6 MR. ROWLES: I mean, that's fair.

7 PROSPECTIVE JUROR NO. 1307: -- confident that he

8 would describe it in the same way.

9 MR. ROWLES: Partner in Bangkok is a little bit

10 different than meeting your --

11 PROSPECTIVE JUROR NO. 1307: Yeah.

12 MR. ROWLES: -- average Joe at a bar.

13 Okay. So let me go -- Ms. Gonzalez, 582.

14 Will you pass the microphone back?

15 MR. ROWLES: And you have one kid; right? Is that a

16 yes?

17 PROSPECTIVE JUROR NO. 0582: Yes.

18 MR. ROWLES: Sorry. And are you in a relationship

19 right now?

20 PROSPECTIVE JUROR NO. 0582: Yes.

21 MR. ROWLES: Do you remember when you met your

22 partner?

23 PROSPECTIVE JUROR NO. 0582: Well, it's a long time.

24 MR. ROWLES: A long time, right?

25 PROSPECTIVE JUROR NO. 0582: Yeah.

1 MR. ROWLES: If I were to ask you to describe that
2 day to me in detail would you be able to?
3 PROSPECTIVE JUROR NO. 0582: Wonderful.
4 MR. ROWLES: I'm sorry, what was that?
5 PROSPECTIVE JUROR NO. 0582: He's wonderful.
6 MR. ROWLES: He's wonderful?
7 PROSPECTIVE JUROR NO. 0582: Yeah.
8 MR. ROWLES: And I'm asking if the day that you met
9 your partner --
10 PROSPECTIVE JUROR NO. 0582: Yes.
11 MR. ROWLES: -- would you be able to describe in
12 detail how you met him to me right now?
13 PROSPECTIVE JUROR NO. 0582: It's good.
14 MR. ROWLES: Okay. Do you remember the first thing
15 you guys spoke about?
16 PROSPECTIVE JUROR NO. 0582: I'm sorry. I don't
17 understand your --
18 MR. ROWLES: Okay.
19 May we approach, Your Honor?
20 THE COURT: Sure.
21 (Bench conference begins.)
22 MR. ROWLES: I don't know how far you want to get
23 into the -- I'm not sure if it's a language situation. I
24 don't think my questions are unclear.
25 THE COURT: Well, I think she's answering the best

1 she can.

2 MR. ROWLES: I just --

3 THE COURT: I mean, are you contending she doesn't
4 understand?

5 MR. ROWLES: Well, I mean, I asked her if --

6 THE COURT: I mean, you can ask her if she
7 understands.

8 MR. ROWLES: Okay. That was my question here. I
9 was like -- when I asked her how to describe it and she said
10 he's wonderful and then he's good.

11 THE COURT: Well --

12 MR. ROWLES: Yeah.

13 MR. FELICIANO: Maybe he's wonderful.

14 THE COURT: I know. I'm sure he is wonderful.

15 MR. ROWLES: All right. Okay.

16 THE COURT: Okay.

17 MR. ROWLES: I just --

18 THE COURT: You can ask her if she understands.
19 Yeah.

20 (End of bench conference.)

21 THE COURT: Thank you.

22 MR. ROWLES: Ms. Gonzalez, 582.

23 Have you been able to follow along with everything
24 that's been going on here lately, or throughout these last two
25 days?

1 PROSPECTIVE JUROR NO. 0582: I'm sorry. I don't
2 understand good English.

3 MR. ROWLES: Okay. So if you had to guess --

4 PROSPECTIVE JUROR NO. 0582: I understand some
5 thing. I speak (indecipherable) but not too much, you know?

6 MR. ROWLES: If you had to estimate how much you've
7 understood so far are we at 20 percent, 30 percent, 40
8 percent, 50 percent?

9 PROSPECTIVE JUROR NO. 0582: 50 percent.

10 MR. ROWLES: 50 percent?

11 PROSPECTIVE JUROR NO. 0582: Yeah.

12 MR. ROWLES: Okay. Excuse me.

13 Are you having a hard time understanding the
14 questions that I'm asking right now? Is that a yes?

15 PROSPECTIVE JUROR NO. 0582: Yes.

16 THE COURT: Okay. Just a minute.

17 Ms. Gonzalez, how long have you been in the United
18 States?

19 PROSPECTIVE JUROR NO. 0582: Me?

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR NO. 0582: 25 years.

22 THE COURT: 25 years?

23 PROSPECTIVE JUROR NO. 0582: Yeah.

24 THE COURT: Okay. And --

25 PROSPECTIVE JUROR NO. 0582: But I live in Miami and

1 in Miami everybody speaking Spanish. And for me it's
2 difficult to (indecipherable) you know?

3 THE COURT: Okay. Because yesterday when I
4 communicated with you it didn't seem like you were having much
5 trouble understanding. But today you appear to be having
6 trouble?

7 PROSPECTIVE JUROR NO. 0582: Sometime -- I
8 understand some (indecipherable) I don't understand.

9 THE COURT: Okay. All right. Ms. Gonzalez, I'm
10 going to ask you to step down out of the box. And I'm going
11 to ask -- Meivys?

12 PROSPECTIVE JUROR NO. 1349: Meivys, yes.

13 THE COURT: Meivys, and it's T-u-t-a-j.

14 PROSPECTIVE JUROR NO. 1349: Yes.

15 THE COURT: Will become Juror No. 10.
16 If you don't mind leaving the microphone.

17 THE MARSHAL: Oh, ma'am, [inaudible]?

18 THE COURT: No. No, no, no. Just have a seat.
19 Yeah.

20 PROSPECTIVE JUROR NO. 0582: Sorry.

21 THE COURT: Thank you.
22 Is it Ms. Tutaj?

23 PROSPECTIVE JUROR NO. 1349: Tutaj, yeah.

24 THE COURT: Okay. How long have you lived in Clark
25 County?

1 PROSPECTIVE JUROR NO. 1349: 39 years.
2 THE COURT: Okay. Your education background?
3 PROSPECTIVE JUROR NO. 1349: High school diploma.
4 THE COURT: And what do you do for a living?
5 PROSPECTIVE JUROR NO. 1349: Administrative
6 assistant.
7 THE COURT: Okay. Your marital status?
8 PROSPECTIVE JUROR NO. 1349: Married.
9 THE COURT: Is your spouse employed?
10 PROSPECTIVE JUROR NO. 1349: Yes.
11 THE COURT: What does your spouse do for a living?
12 PROSPECTIVE JUROR NO. 1349: He works for UPS
13 Freight.
14 THE COURT: Okay. Do you have children?
15 PROSPECTIVE JUROR NO. 1349: Yes, two.
16 THE COURT: Okay. Are either of them old enough to
17 be employed?
18 PROSPECTIVE JUROR NO. 1349: Yes. My daughter's
19 just turned 18.
20 THE COURT: Okay. And what does she do?
21 PROSPECTIVE JUROR NO. 1349: She works in retail and
22 goes to high school --
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 1349: -- last year.
25 THE COURT: Any reason why you could not be a fair

1 and impartial juror if you were selected to serve?

2 PROSPECTIVE JUROR NO. 1349: No.

3 THE COURT: Have you ever served as a juror before?

4 PROSPECTIVE JUROR NO. 1349: No, I have not.

5 THE COURT: Have you or anyone close to you such as

6 a family member or friend ever been the victim of a crime?

7 PROSPECTIVE JUROR NO. 1349: No.

8 THE COURT: Okay. Have you or anyone close to you

9 such as a family member or a friend ever been the victim of a

10 sex crime?

11 PROSPECTIVE JUROR NO. 1349: No.

12 THE COURT: Okay. Have you or anyone close to you

13 such as a family member or a friend ever been accused of a

14 crime?

15 PROSPECTIVE JUROR NO. 1349: No.

16 THE COURT: Have you or anyone close to you such as

17 a family member or a friend ever been accused of any type of

18 sex crime?

19 PROSPECTIVE JUROR NO. 1349: No.

20 THE COURT: Okay. Would you have a tendency to give

21 more weight or credence or less weight or credence to the

22 testimony of a witness simply because that witness is a police

23 officer?

24 PROSPECTIVE JUROR NO. 1349: No.

25 THE COURT: Okay. Do you know of any reason why you

1 could not sit on this panel?

2 PROSPECTIVE JUROR NO. 1349: No.

3 THE COURT: Okay. Thank you very much and thank you
4 very much for being here.

5 And, the State of Nevada may continue with their
6 voir dire.

7 MR. ROWLES: Thank you, Your Honor.

8 Ma'am, I apologize. What was your name again?

9 PROSPECTIVE JUROR NO. 1349: Meivys.

10 MR. ROWLES: Meivys?

11 PROSPECTIVE JUROR NO. 1349: Yeah.

12 MR. ROWLES: Okay. And your Badge No. is?

13 PROSPECTIVE JUROR NO. 1349: 1349.

14 MR. ROWLES: There you go.

15 I will stay with you for this question.

16 You're married, right?

17 PROSPECTIVE JUROR NO. 1349: Yes.

18 MR. ROWLES: Okay. How long ago did you meet your
19 partner?

20 PROSPECTIVE JUROR NO. 1349: 18 years ago.

21 MR. ROWLES: Okay. Do you remember every single
22 detail about the day you met him?

23 PROSPECTIVE JUROR NO. 1349: Not every single detail
24 but I remember.

25 MR. ROWLES: Okay. Have you been asked to describe

1 that story to different people?

2 PROSPECTIVE JUROR NO. 1349: Yes.

3 MR. ROWLES: Okay. Do you tell that story the --

4 the story that exact same way every time?

5 PROSPECTIVE JUROR NO. 1349: I probably give some

6 information differently, yeah.

7 MR. ROWLES: Okay. And why would that be?

8 PROSPECTIVE JUROR NO. 1349: Because I probably

9 remember sometimes stuff that happened and other times maybe I

10 don't remember like --

11 MR. ROWLES: Okay.

12 PROSPECTIVE JUROR NO. 1349: -- exactly what --

13 MR. ROWLES: So --

14 PROSPECTIVE JUROR NO. 1349: -- the course of the

15 night, yeah, was.

16 MR. ROWLES: So it would be fair to say that when

17 you met him -- you remember meeting him; right?

18 PROSPECTIVE JUROR NO. 1349: Yes.

19 MR. ROWLES: Okay. I assume you remember the

20 feeling that you had when you met him as well?

21 PROSPECTIVE JUROR NO. 1349: Yes.

22 MR. ROWLES: Okay. You remember the general gist of

23 what happened?

24 PROSPECTIVE JUROR NO. 1349: Um-h'm. Yes.

25 MR. ROWLES: But every specific detail --

1 PROSPECTIVE JUROR NO. 1349: Probably not.
2 MR. ROWLES: Okay.
3 PROSPECTIVE JUROR NO. 1349: He's --
4 MR. ROWLES: And when you tell that story to people
5 and if I were to ask you to tell that to everybody here it
6 probably wouldn't be the exact same way that you've told it
7 before in the past; is that correct?
8 PROSPECTIVE JUROR NO. 1349: Right.
9 MR. ROWLES: Okay. And you indicated that it
10 depends on what you remember today as compared to when, say,
11 if you had to tell that story two weeks ago?
12 PROSPECTIVE JUROR NO. 1349: Right.
13 MR. ROWLES: Okay. Do you think if you asked your
14 partner to tell the story of when you guys first met that he
15 would tell it the exact same way as you do, remember all the
16 same --
17 PROSPECTIVE JUROR NO. 1349: Probably --
18 MR. ROWLES: -- things?
19 PROSPECTIVE JUROR NO. 1349: Yeah. Probably not.
20 He's like --
21 MR. ROWLES: Okay.
22 PROSPECTIVE JUROR NO. 1349: -- I have a better
23 memory than he does.
24 MR. ROWLES: So if you have two people who were both
25 there and lived that life, telling stories different ways,

1 does that necessarily mean that either of them is lying about
2 how that event went down?

3 PROSPECTIVE JUROR NO. 1349: No.

4 MR. ROWLES: Why is that?

5 PROSPECTIVE JUROR NO. 1349: Just because I think
6 it's just how a person remembers what happened. I think each
7 person is different in that way.

8 MR. ROWLES: Could the audience in which you're
9 telling the story to affect how you tell it?

10 PROSPECTIVE JUROR NO. 1349: In this circumstance,
11 probably not.

12 MR. ROWLES: Okay.

13 PROSPECTIVE JUROR NO. 1349: I wouldn't think too
14 much about it. I'd just say what happened.

15 MR. ROWLES: Well, if --

16 PROSPECTIVE JUROR NO. 1349: Yeah, but --

17 MR. ROWLES: -- you're telling it to a boss compared
18 to a co-worker or a friend?

19 PROSPECTIVE JUROR NO. 1349: No.

20 MR. ROWLES: No?

21 PROSPECTIVE JUROR NO. 1349: I -- it would probably
22 stay the same.

23 MR. ROWLES: Okay. So for you, audience wouldn't
24 make a difference too much?

25 PROSPECTIVE JUROR NO. 1349: Yeah.

1 MR. ROWLES: Okay.

2 PROSPECTIVE JUROR NO. 1349: Because of the story.

3 MR. ROWLES: Okay.

4 PROSPECTIVE JUROR NO. 1349: I mean, of the
5 situation.

6 MR. ROWLES: Then I want to back up a little bit
7 here. I assume you were paying attention to all my questions?

8 PROSPECTIVE JUROR NO. 1349: Yes.

9 MR. ROWLES: Okay. Do you think that there's
10 specific content that is difficult to discuss in public with
11 strangers?

12 PROSPECTIVE JUROR NO. 1349: Absolutely.

13 MR. ROWLES: Do you think that the subject matter as
14 to why we're here might be difficult for a person to discuss
15 to the public?

16 PROSPECTIVE JUROR NO. 1349: Yes.

17 MR. ROWLES: Okay. If a person testifies and reacts
18 differently than how you would have reacted in that situation
19 or how you would describe a story is that something that you
20 would hold against them?

21 PROSPECTIVE JUROR NO. 1349: No.

22 MR. ROWLES: And so I want to piggyback off what you
23 were saying.

24 Does anyone here sort of disagree with anything
25 that's been said so far here is that if you're telling a story

1 that you may tell the story differently depending on what you
2 remember that day? Does anyone disagree that that's a
3 possibility?

4 Except for you. I'm just making a joke. Sorry.
5 Yeah. No hands from the panel.

6 I'll stay with you, ma'am, just because you're so
7 new.

8 PROSPECTIVE JUROR NO. 1349: Okay.

9 MR. ROWLES: And I want to stay along those line of
10 thoughts and I -- I'm going to ask this question and I don't
11 mean to offend and I don't mean to embarrass. What we're all
12 -- both sides are trying to do is find people who can be fair
13 and impartial to both sides and keep an open mind.

14 And so I want to ask you this question. And when I
15 say that I apologize in advance here is that if I were to ask
16 you to describe every single experience -- sexual experience
17 that you've had with your partner over the last seven years
18 would you be able to describe in detail every single
19 encounter?

20 PROSPECTIVE JUROR NO. 1349: No.

21 MR. ROWLES: Okay. Would you be able to describe
22 who initiated it every single time?

23 PROSPECTIVE JUROR NO. 1349: No.

24 MR. ROWLES: Okay. And that was going along with
25 the line of thought that I had with Farmer here. If something

1 happens on a regular basis and not just sexual experiences but
2 just something that happens on a regular basis, would you
3 agree with the statement that you remember the event happens,
4 but you not -- might not remember all the specific details; is
5 that correct?

6 PROSPECTIVE JUROR NO. 1349: Yes.

7 THE COURT: Okay. Even with regards to a major
8 event such as meeting your partner it's hard to remember every
9 time all the specific details; is that correct?

10 PROSPECTIVE JUROR NO. 1349: Yes.

11 THE COURT: Does anyone disagree with that? Does
12 anyone disagree that it may be difficult for a person to
13 remember all the specifics of a situation that happened?
14 Anyone disagree with that?

15 No hands from the panel.

16 Mr. Benitez, 147. If we can pass it down.

17 Hello, sir.

18 PROSPECTIVE JUROR NO. 1147: Hello.

19 MR. ROWLES: Hi. I want to pick on you a little bit
20 because I don't think I've heard much from you.

21 From my understanding you have no kids; right?

22 PROSPECTIVE JUROR NO. 1147: Correct.

23 MR. ROWLES: Do you have any nieces or nephews?

24 PROSPECTIVE JUROR NO. 1147: Yeah.

25 MR. ROWLES: Okay. Can you describe those a little

1 bit for me?

2 PROSPECTIVE JUROR NO. 1147: Oh, I mean, they're all
3 small still.

4 MR. ROWLES: Small?

5 PROSPECTIVE JUROR NO. 1147: Yeah.

6 MR. ROWLES: Okay. How old?

7 PROSPECTIVE JUROR NO. 1147: One of them's 12 and
8 the other one's like 8.

9 MR. ROWLES: 12 years old and 8?

10 PROSPECTIVE JUROR NO. 1147: Um-h'm.

11 MR. ROWLES: Okay. Do they live here in town?

12 PROSPECTIVE JUROR NO. 1147: Yes.

13 MR. ROWLES: Okay. Do you see them a lot?

14 PROSPECTIVE JUROR NO. 1147: Not really.

15 MR. ROWLES: Not really? Okay. Have you interacted
16 with them?

17 PROSPECTIVE JUROR NO. 1147: Yes.

18 MR. ROWLES: I guess the question I'm going to ask
19 you then is based on your interactions with him do the 12-year
20 olds and the 8 year olds, do they react the same way -- are
21 they like the same people?

22 PROSPECTIVE JUROR NO. 1147: No.

23 MR. ROWLES: Okay. And so do you have any
24 expectations of how a witness should testify in trial?

25 PROSPECTIVE JUROR NO. 1147: Not really.

1 MR. ROWLES: Okay. Do you think a person should
2 behave a certain way when they're discussing a certain
3 subject?

4 PROSPECTIVE JUROR NO. 1147: No.

5 MR. ROWLES: Okay. Similar to the same line of
6 questions that we had earlier, I know you were paying
7 attention.

8 If a witness comes on here and describes a situation
9 to you and is stoic, is cool, calm and collected and you would
10 think based on what they're discussing they should show a
11 little bit of -- more emotion; is that something that you
12 would hold against them knowing that all people are different?

13 PROSPECTIVE JUROR NO. 1147: No.

14 MR. ROWLES: You wouldn't hold that against them?
15 Is that a yes?

16 PROSPECTIVE JUROR NO. 1147: No.

17 MR. ROWLES: Okay. So you would not hold that
18 against them; right?

19 PROSPECTIVE JUROR NO. 1147: Correct.

20 MR. ROWLES: Okay. Perfect. Similarly, if a
21 witness is on the stand and just starts crying uncontrollably
22 you're not going to accept everything that they have to say
23 just because of the emotion?

24 PROSPECTIVE JUROR NO. 1147: Yes, correct.

25 MR. ROWLES: Okay. You would agree with me that

1 people act differently in a different subject and it depends
2 on the person?

3 PROSPECTIVE JUROR NO. 1147: Yes.

4 MR. ROWLES: Okay.

5 Mr. Sanders -- not Sanders, excuse me -- Mr. Clark,
6 318. If we can pass the microphone down.

7 From my understanding you have currently an ongoing
8 a case against the District Attorney's Office -- or Henderson
9 City Attorney's Office?

10 PROSPECTIVE JUROR NO. 1318: [Inaudible]. Yeah.

11 MR. ROWLES: Okay. So anything about that that you
12 would hold against Mr. Sweetin or I?

13 PROSPECTIVE JUROR NO. 1318: No.

14 MR. ROWLES: Okay. You would -- do you understand
15 that what we're here for is completely different than your
16 situation?

17 PROSPECTIVE JUROR NO. 1318: Yeah.

18 MR. ROWLES: Okay. And that me and Mr. Sweetin, we
19 work for a completely different offices; correct?

20 PROSPECTIVE JUROR NO. 1318: Yes.

21 MR. ROWLES: Okay. But you are aware that our
22 office also prosecutes domestic violence cases; right?

23 PROSPECTIVE JUROR NO. 1318: Yeah.

24 MR. ROWLES: Okay. And nothing about the fact that
25 your ongoing situation here you -- we have anything to worry

1 about?

2 PROSPECTIVE JUROR NO. 1318: No.

3 MR. ROWLES: Okay.

4 Mr. Jackson, 343.

5 Sir, from my understanding -- I still remember the
6 comment -- isn't that enough or more fun from yesterday?

7 PROSPECTIVE JUROR NO. 1343: Yes.

8 MR. ROWLES: I want to go back to it a little bit.
9 And this is Mr. Jackson, 343.

10 You had a daughter who had been accused of sexual
11 abuse; is that correct?

12 PROSPECTIVE JUROR NO. 1343: Correct.

13 MR. ROWLES: And I think you would agree with me
14 that we're here because a person's accused another person of
15 sexual abuse?

16 PROSPECTIVE JUROR NO. 1343: Correct.

17 MR. ROWLES: Okay. And in your daughter's case I
18 assume -- this happened in Utah; right?

19 PROSPECTIVE JUROR NO. 1343: Yes.

20 MR. ROWLES: I've never practiced in Utah but I
21 assume that there are prosecutors in Utah who did the same job
22 as me and Mr. Sweetin do.

23 PROSPECTIVE JUROR NO. 1343: I think so.

24 MR. ROWLES: You think so, okay.

25 Is there anything about that, given that same

1 subject matter, given what we do for a living, that you would
2 hold that me and Mr. Sweetin have anything to worry about?

3 PROSPECTIVE JUROR NO. 1343: No.

4 MR. ROWLES: Okay. And I believe you indicated
5 yesterday that she -- you thought based on what you were aware
6 of that she was treated fairly with the system?

7 PROSPECTIVE JUROR NO. 1343: Yes.

8 MR. ROWLES: Okay.

9 Court's brief indulgence.

10 (Mr. Rowles/Mr. Sweetin confer)

11 MR. ROWLES: Your Honor, I'll pass.

12 THE COURT: Okay. You will pass this panel for
13 cause?

14 MR. ROWLES: Yes, Your Honor. Thank you.

15 THE COURT: Okay. The Defense may begin their voir
16 dire.

17 MR. FELICIANO: Have you got me? It's on?

18 THE COURT RECORDER: It's -- now it's off though.

19 MR. FELICIANO: Oh. Better?

20 THE COURT RECORDER: Yes.

21 MR. FELICIANO: Okay.

22 THE COURT RECORDER: Thank you.

23 MR. FELICIANO: So Your Honor, as I had discussed
24 I'm going to start and then Ms. Hojjat will take the panel
25 after I'm done.

1 THE COURT: Okay. Thank you.

2 MR. FELICIANO: Okay. Thank you.

3 Okay. So I'm just going to ask some follow-up
4 questions to -- to some of the things we heard today and
5 yesterday and then Ms. Hojjat's going to take the panel and
6 ask you some more questions. So I don't have something for
7 everybody so -- but if you really want to say something, you
8 know, I'll ask you a question; okay?

9 So nobody get their feelings hurt if I don't ask
10 them a question.

11 So I'm going to try to do this in order the best I
12 can. I took some notes. So hopefully if my notes are
13 incorrect please let me know. Thank you.

14 So let's start with Mr. Dorta.

15 THE MARSHAL: Can we get him the microphone, please?

16 MR. FELICIANO: It's on its way.

17 Okay. You talked -- you said yesterday that a child
18 could learn certain conduct from another child. Was that --
19 did you mean sexual?

20 PROSPECTIVE JUROR NO. 0006: Yes, anything,
21 actually.

22 MR. FELICIANO: So and what age are you talking, any
23 age, or teenagers?

24 PROSPECTIVE JUROR NO. 0006: Any age. Any age.

25 MR. FELICIANO: So do you think it's possible for

1 kids maybe teenagers or even younger to know things about sex?
2 PROSPECTIVE JUROR NO. 0006: I do.
3 MR. FELICIANO: Okay. And how do you think they
4 would learn those types of things?
5 PROSPECTIVE JUROR NO. 0006: From other children --
6 MR. FELICIANO: Okay.
7 PROSPECTIVE JUROR NO. 0006: -- or their parents, or
8 TV.
9 MR. FELICIANO: Okay. Any other -- how about the
10 Internet?
11 PROSPECTIVE JUROR NO. 0006: Internet, yes. I
12 forget that.
13 MR. FELICIANO: Okay. Do you think that something
14 that kids may do, look at things --
15 PROSPECTIVE JUROR NO. 0006: Definitely.
16 MR. FELICIANO: -- they maybe shouldn't look at?
17 Okay. I mean, that's something that's relatively
18 new. We didn't have that 20 years ago.
19 PROSPECTIVE JUROR NO. 0006: Correct.
20 MR. FELICIANO: So we didn't do that but kids now
21 possibly could.
22 PROSPECTIVE JUROR NO. 0006: Yes.
23 MR. FELICIANO: Okay. So do you think they could
24 also learn about maybe court process and things that happen
25 when people get --

1 PROSPECTIVE JUROR NO. 0006: Yes.

2 MR. FELICIANO: -- accused of something?

3 Okay. Now, you talked about -- when you had your

4 issues a few years ago with your -- your criminal issues you

5 said you felt like you were treated fairly?

6 PROSPECTIVE JUROR NO. 0006: Yes.

7 MR. FELICIANO: Okay. Was there like a -- was there

8 a full investigation of everything that happened in your case?

9 PROSPECTIVE JUROR NO. 0006: No.

10 MR. FELICIANO: Okay. And what -- what do you --

11 what was the issue with the investigation?

12 PROSPECTIVE JUROR NO. 0006: I don't feel it was

13 thoroughly investigated enough to benefit my side.

14 MR. FELICIANO: Okay.

15 PROSPECTIVE JUROR NO. 0006: I was kind of coerced a

16 bit.

17 MR. FELICIANO: Okay. Now, do you think that's --

18 if somebody's charged with a crime do you think they're

19 entitled to a complete investigation of their case?

20 PROSPECTIVE JUROR NO. 0006: I would think so, yes.

21 MR. FELICIANO: Okay. So I mean if there are things

22 that should be done by police in an investigation do you think

23 that a defendant in a criminal case is entitled to have that

24 done?

25 PROSPECTIVE JUROR NO. 0006: Yes.

1 MR. FELICIANO: Okay. And what types of things do
2 you think a complete investigation would include?

3 PROSPECTIVE JUROR NO. 0006: Finding the truth about
4 everything.

5 MR. FELICIANO: Okay. And how would you do that?

6 PROSPECTIVE JUROR NO. 0006: Investigating --

7 MR. FELICIANO: Okay.

8 PROSPECTIVE JUROR NO. 0006: -- and asking
9 questions, interviewing different people --

10 MR. FELICIANO: So everybody involved?

11 PROSPECTIVE JUROR NO. 0006: -- everyone involved
12 and those who may have seen, neighbors, etcetera.

13 MR. FELICIANO: Okay. So anybody who may know
14 something?

15 PROSPECTIVE JUROR NO. 0006: Yes.

16 MR. FELICIANO: All right. How about any type of --
17 if DNA is available or it can be checked for do you think
18 that's something they should do?

19 PROSPECTIVE JUROR NO. 0006: Yes. If it's
20 available.

21 MR. FELICIANO: Okay. And we talked about CSI and
22 stuff like that not being real. But you agree that DNA is
23 actually a thing?

24 PROSPECTIVE JUROR NO. 0006: Yes, I do.

25 MR. FELICIANO: Okay. I don't think anybody -- does

1 anybody disagree that DNA is not real?

2 Okay. So other than DNA are there other things that
3 can be looked at that you can think of?

4 PROSPECTIVE JUROR NO. 0006: I believe there is.

5 MR. FELICIANO: Like what?

6 PROSPECTIVE JUROR NO. 0006: Statements made.

7 MR. FELICIANO: Okay.

8 PROSPECTIVE JUROR NO. 0006: Certain body gestures,
9 certain comments maybe made. Certain reactions and responses
10 to different stimuli or verbal communication.

11 MR. FELICIANO: What about say a medical exam in a
12 case where there's some type of abuse alleged?

13 PROSPECTIVE JUROR NO. 0006: Yes.

14 MR. FELICIANO: Okay.

15 PROSPECTIVE JUROR NO. 0006: I do feel.

16 MR. FELICIANO: And do you agree that that may not
17 always show something; right?

18 PROSPECTIVE JUROR NO. 0006: Yes, I do.

19 MR. FELICIANO: Okay. But do you agree that
20 something -- they actually could show something under certain
21 circumstances?

22 PROSPECTIVE JUROR NO. 0006: Yes, I do.

23 MR. FELICIANO: Okay.

24 PROSPECTIVE JUROR NO. 0006: I believe it can go
25 either way.

1 MR. FELICIANO: Okay.

2 PROSPECTIVE JUROR NO. 0006: Show something or not
3 show something.

4 MR. FELICIANO: Okay. So if you have just words and
5 an allegation how do you determine if it's true?

6 PROSPECTIVE JUROR NO. 0006: By investigating the
7 results of whatever situation, circumstance or event happened.

8 MR. FELICIANO: Okay. Thank you.

9 Okay. Ms. Jankovic?

10 Okay. So I have written down that you have a ten-
11 year old daughter?

12 PROSPECTIVE JUROR NO. 0052: Yes.

13 MR. FELICIANO: Okay. Now considering the types of
14 charges or you know the type of allegation here it's a teen
15 girl, again, it's a grown man. Is that an issue with you
16 considering you have a daughter that's ten-years old?

17 PROSPECTIVE JUROR NO. 0052: No.

18 MR. FELICIANO: All right. You said you were -- Mr.
19 Rowles asked earlier today how people felt when they heard
20 what kind of case this was and you said I believe that you --
21 you were angry or it made -- anger; is that correct?

22 PROSPECTIVE JUROR NO. 0052: Correct.

23 MR. FELICIANO: Okay. And why is that?

24 PROSPECTIVE JUROR NO. 0052: Because this is the
25 last thing I want to hear.

1 MR. FELICIANO: Okay. So do you think just because
2 you heard the allegation that it must be true?
3 PROSPECTIVE JUROR NO. 0052: If it's true.
4 MR. FELICIANO: If it's true.
5 PROSPECTIVE JUROR NO. 0052: Correct.
6 MR. FELICIANO: Okay. As you're here now can you
7 tell if it's true?
8 PROSPECTIVE JUROR NO. 0052: No.
9 MR. FELICIANO: Okay. And why is that?
10 PROSPECTIVE JUROR NO. 0052: Because we don't know
11 yet.
12 MR. FELICIANO: Okay. So you'd need to listen to
13 everything; right?
14 PROSPECTIVE JUROR NO. 0052: Correct.
15 MR. FELICIANO: Okay.
16 So you would agree that just because somebody says
17 something happened that doesn't mean it's so; is that fair?
18 PROSPECTIVE JUROR NO. 0052: It depends.
19 MR. FELICIANO: Okay. So if somebody came in and
20 testified and that's the only evidence you heard and you
21 didn't believe them do you find Mr. Vasquez-Reyes guilty or
22 not guilty?
23 PROSPECTIVE JUROR NO. 0052: Oh, it's hard to say.
24 MR. FELICIANO: Okay. So -- just so we're clear
25 there's no other evidence other than a person you don't

1 believe; you could still find him guilty of a crime?

2 PROSPECTIVE JUROR NO. 0052: Well, I would ask why
3 would they lie.

4 MR. FELICIANO: Okay. No, but I mean there may be
5 -- at the end of the day though it doesn't matter why but you
6 just don't believe them. You find that they're not credible
7 or whatever or you find that they're lying. You could still
8 find him guilty of a crime?

9 THE COURT: I think this a hypothetical verdict.

10 MR. FELICIANO: I can rephrase.

11 THE COURT: Okay.

12 MR. FELICIANO: Okay. So other than say words that
13 you heard from a person making an allegation what other types
14 of things would you like to see in this type of case as proof?

15 PROSPECTIVE JUROR NO. 0052: Evidence, statements.

16 MR. FELICIANO: All right. And do you know what
17 kind of evidence, other evidence?

18 PROSPECTIVE JUROR NO. 0052: No.

19 MR. FELICIANO: Okay. How about like DNA, would
20 that be something that would be -- something that would be
21 helpful to you to make your decision?

22 PROSPECTIVE JUROR NO. 0052: It would be helpful but
23 not necessary.

24 MR. FELICIANO: Okay. And medical evidence?

25 PROSPECTIVE JUROR NO. 0052: Yeah.

1 MR. FELICIANO: Okay. And you said I believe that
2 you were just -- you were a victim of a crime recently?
3 PROSPECTIVE JUROR NO. 0052: Well, I was robbed.
4 MR. FELICIANO: Okay. That's -- I mean, that's --
5 that's a victim; right?
6 PROSPECTIVE JUROR NO. 0052: Yeah.
7 MR. FELICIANO: So and that case is still pending or
8 its' an open case against somebody?
9 PROSPECTIVE JUROR NO. 0052: Yes.
10 MR. FELICIANO: Okay. And have you had to go to
11 court or anything like that?
12 PROSPECTIVE JUROR NO. 0052: No.
13 MR. FELICIANO: Okay. Do you know if you have to go
14 to court in the future?
15 PROSPECTIVE JUROR NO. 0052: Probably so.
16 MR. FELICIANO: Okay. Have you received --
17 PROSPECTIVE JUROR NO. 0052: I was scheduled last --
18 yes, I was scheduled last week but it was cancelled.
19 MR. FELICIANO: Okay. Now, is there anything about
20 that situation that makes you concerned about your ability to
21 be fair to Mr. Vasquez-Reyes?
22 PROSPECTIVE JUROR NO. 0052: No.
23 MR. FELICIANO: Okay. All right. Thank you.
24 PROSPECTIVE JUROR NO. 0052: You're welcome.
25 MR. FELICIANO: Let's see, Ms. Fernandez?

1 THE COURT: Okay. Mr. Feliciano I just want to
2 remind you I generally like you to keep your questioning to
3 the panel as a whole. I'm not going to interfere with you
4 asking follow-up questions of any of those jurors but I'm just
5 concerned you're going to go one by one.

6 MR. FELICIANO: Well, I figured I'd go as the
7 follow-ups go, move along that way it'd make more sense to me.

8 THE COURT: Do you have a follow-up question for
9 every single juror?

10 MR. FELICIANO: No, not for everybody.

11 THE COURT: Okay. Go ahead.

12 MR. FELICIANO: I noticed that you said that a
13 person should be honest when they're testifying; is that
14 right?

15 PROSPECTIVE JUROR NO. 0104: [Inaudible].

16 MR. FELICIANO: Okay. How can you tell if
17 somebody's being honest?

18 PROSPECTIVE JUROR NO. 0104: Um --

19 MR. FELICIANO: And what are things that you would
20 look at to determine honesty?

21 PROSPECTIVE JUROR NO. 0104: Maybe the -- like eye
22 contact.

23 MR. FELICIANO: Okay. How about if what they're
24 saying makes sense?

25 PROSPECTIVE JUROR NO. 0104: Yeah, what they -- when

1 if -- what they say makes sense or it's --

2 MR. FELICIANO: Okay. How about if they say

3 something one day and they say something different another

4 day?

5 PROSPECTIVE JUROR NO. 0104: Well, maybe they're

6 confused or nervous or --

7 MR. FELICIANO: Okay. So those are issues that --

8 do you look at everything to determine if somebody's being

9 honest?

10 PROSPECTIVE JUROR NO. 0104: Yeah.

11 MR. FELICIANO: Okay. Now, with teenagers do you

12 think they're different than adults and, you know, their

13 ability to be honest; are they different?

14 PROSPECTIVE JUROR NO. 0104: If it's something

15 serious I don't think they will lie.

16 MR. FELICIANO: Okay. And why not?

17 PROSPECTIVE JUROR NO. 0104: Because if it happened

18 why would they lie, you know?

19 MR. FELICIANO: Do you think -- so do you think

20 there's ever a reason where a teenager could come into court

21 and lie?

22 PROSPECTIVE JUROR NO. 0104: It depends.

23 MR. FELICIANO: Okay. So -- and basically I'm not

24 -- I'm -- we're just trying to make sure we have a fair jury,

25 okay? Mr. Vasquez-Reyes is charged with some serious stuff

1 and we want to make sure that everybody is fair to us and to
2 them.

3 So you know, we just -- I'm asking you these
4 questions just to make sure. I'm not trying to be difficult
5 or anything like that.

6 So do you think if you were sitting where Mr.
7 Vasquez-Reyes was sitting somebody with your mindset would you
8 have an issue with them on your jury?

9 PROSPECTIVE JUROR NO. 0104: No.

10 MR. FELICIANO: Okay. So do you think you can be
11 fair and listen to both sides?

12 PROSPECTIVE JUROR NO. 0104: Yeah.

13 MR. FELICIANO: Okay. But you don't believe that
14 somebody could come into -- you don't believe a teen would
15 come into court and lie?

16 PROSPECTIVE JUROR NO. 0104: No.

17 MR. FELICIANO: Ever?

18 PROSPECTIVE JUROR NO. 0104: Well, like I said, it
19 depends what is it.

20 MR. FELICIANO: Okay. Do you think they would lie
21 about -- I mean does it matter what they're lying about?

22 PROSPECTIVE JUROR NO. 0104: No.

23 MR. FELICIANO: Okay. So I'm just -- just -- help
24 me understand what exactly -- what could somebody come into
25 court and lie about, a teenager?

1 PROSPECTIVE JUROR NO. 0104: I don't know.

2 MR. FELICIANO: Could they lie about being sexually
3 abused?

4 PROSPECTIVE JUROR NO. 0104: Like I said that's
5 hard. I think it's hard to lie about that.

6 MR. FELICIANO: Hard?

7 PROSPECTIVE JUROR NO. 0104: Yeah.

8 MR. FELICIANO: But do you think it's possible?

9 PROSPECTIVE JUROR NO. 0104: Probably.

10 MR. FELICIANO: Okay. All right. Thank you.
11 Okay. Meyers, 129?
12 Can you pass the mic down, please?

13 Okay. So you said that kids may not know that, I
14 guess, what's happening to them isn't wrong; is that -- is
15 that correct? Like I guess if they're touched or something
16 and they may not know that that's something that shouldn't be
17 -- they -- somebody shouldn't be doing?

18 PROSPECTIVE JUROR NO. 0129: Correct.

19 MR. FELICIANO: Okay. So what age do you think that
20 would apply? I mean, does that apply for, you know, a sixteen
21 year old that if they're being touched sexually they're not
22 going to know?

23 PROSPECTIVE JUROR NO. 0129: No, they should know.

24 MR. FELICIANO: Okay. So about what age do you
25 think where kids should know that if something is going on

1 it's wrong?

2 PROSPECTIVE JUROR NO. 0129: It's tough to say
3 because it depends on the child and the -- different
4 circumstances in which they're introduced into.

5 MR. FELICIANO: Okay. So would it depend -- it
6 would depend on the child; right?

7 PROSPECTIVE JUROR NO. 0129: Um-h'm.

8 MR. FELICIANO: How about maybe what the parents
9 teach their kids maybe?

10 PROSPECTIVE JUROR NO. 0129: Correct.

11 MR. FELICIANO: And maybe their outside influences,
12 right, like school and stuff like that?

13 PROSPECTIVE JUROR NO. 0129: Yes.

14 MR. FELICIANO: Okay. Do you think they could learn
15 stuff from say like the Internet?

16 PROSPECTIVE JUROR NO. 0129: Yes.

17 MR. FELICIANO: Okay.

18 PROSPECTIVE JUROR NO. 0129: I think -- I think the
19 Internet is an open book.

20 MR. FELICIANO: It is. And what about like their
21 friends at school and stuff like that?

22 PROSPECTIVE JUROR NO. 0129: Very much so.

23 MR. FELICIANO: Okay. So do you agree that a child
24 could make something like this up, some type of sexual abuse
25 allegations?

1 PROSPECTIVE JUROR NO. 0129: It's possible.

2 MR. FELICIANO: Okay. And you said you're not sure

3 at what age -- I mean, there's no -- obviously no bright line

4 of when a child would know it's right or wrong but do you

5 think a sixteen-year-old would know that was wrong if somebody

6 was touching them?

7 PROSPECTIVE JUROR NO. 0129: I would know at -- at

8 16 if that was wrong.

9 MR. FELICIANO: Do you think most kids at 16 would

10 know?

11 PROSPECTIVE JUROR NO. 0129: Yes.

12 MR. FELICIANO: Okay.

13 PROSPECTIVE JUROR NO. 0129: In Nevada. Maybe not

14 Utah.

15 MR. FELICIANO: Okay. Okay, let's see 470, White.

16 Good afternoon.

17 PROSPECTIVE JUROR NO. 0470: Good afternoon.

18 MR. FELICIANO: So you had a sibling that had an

19 issue with -- with being charged with a crime; right?

20 PROSPECTIVE JUROR NO. 0470: Yes.

21 MR. FELICIANO: Went to trial and all that?

22 PROSPECTIVE JUROR NO. 0470: Yes.

23 MR. FELICIANO: Did you sit through the trial?

24 PROSPECTIVE JUROR NO. 0470: No.

25 MR. FELICIANO: Okay. That was here, correct?

1 PROSPECTIVE JUROR NO. 0470: Yes.

2 MR. FELICIANO: Okay. And I wrote down that you

3 said that you felt that it was not fully investigated.

4 PROSPECTIVE JUROR NO. 0470: Correct.

5 MR. FELICIANO: Why do you feel that way?

6 PROSPECTIVE JUROR NO. 0470: Because me personally I

7 knew that were -- it was more information or someone else that

8 was involved that wasn't -- I could say -- wasn't cool.

9 MR. FELICIANO: So --

10 PROSPECTIVE JUROR NO. 0470: Or investigated.

11 MR. FELICIANO: Okay. So is it something that the

12 police should have done and didn't do?

13 PROSPECTIVE JUROR NO. 0470: I feel that way, yes.

14 MR. FELICIANO: Okay. And what -- when you say

15 fully -- what types of things should they have done that they

16 didn't do?

17 PROSPECTIVE JUROR NO. 0470: I feel like they should

18 have did more interviews or -- and pull more surveillances

19 that was around that area that it happened. I feel like they

20 only -- they didn't get all of the evidence because I seen

21 videos and stuff that it show that it was just not just him

22 so.

23 MR. FELICIANO: Okay. Okay.

24 Okay. Mr. Jackson. You said that you felt that

25 your daughter was treated fairly during her case?

1 PROSPECTIVE JUROR NO. 1343: Yes.

2 MR. FELICIANO: Okay. Were you involved at all?

3 PROSPECTIVE JUROR NO. 1343: No.

4 MR. FELICIANO: Okay.

5 PROSPECTIVE JUROR NO. 1343: I was down here, she
6 was up there.

7 MR. FELICIANO: Okay. So you didn't go to court and
8 did any of that kind of stuff?

9 PROSPECTIVE JUROR NO. 1343: No.

10 MR. FELICIANO: Okay. And you're to the things that
11 happened to you a few years ago were here, where you got
12 charged with some stuff; right?

13 PROSPECTIVE JUROR NO. 1343: Oh, a few years ago.

14 MR. FELICIANO: What, like 20 or so?

15 PROSPECTIVE JUROR NO. 1343: Like 25 plus years.

16 MR. FELICIANO: Okay.

17 PROSPECTIVE JUROR NO. 1343: Yeah.

18 MR. FELICIANO: Now, do you feel -- do you feel that
19 there was a full investigation in those cases?

20 PROSPECTIVE JUROR NO. 1343: Yes.

21 MR. FELICIANO: Okay. So you were satisfied that --
22 that any type of evidence against you --

23 PROSPECTIVE JUROR NO. 1343: I wasn't --

24 MR. FELICIANO: -- was presented?

25 PROSPECTIVE JUROR NO. 1343: -- satisfied with the

1 outcome but yes --

2 MR. FELICIANO: Well --

3 PROSPECTIVE JUROR NO. 1343: -- I was --

4 MR. FELICIANO: But you felt like you were treated

5 fairly?

6 PROSPECTIVE JUROR NO. 1343: Yes.

7 MR. FELICIANO: Okay. Okay, Ms. Tutaj?

8 PROSPECTIVE JUROR NO. 1349: Yes.

9 MR. FELICIANO: So Mr. Rowles gave you the example

10 of when you met your husband, you know, remembering every

11 detail. And nobody remembers every single detail of

12 everything; right?

13 PROSPECTIVE JUROR NO. 1349: Right.

14 MR. FELICIANO: I mean, we're not recording through

15 our eyes.

16 PROSPECTIVE JUROR NO. 1349: Right.

17 MR. FELICIANO: Okay. But do you think big details

18 are something that you would remember?

19 PROSPECTIVE JUROR NO. 1349: Yes.

20 MR. FELICIANO: Okay. Like where you were?

21 PROSPECTIVE JUROR NO. 1349: Yes.

22 MR. FELICIANO: Who was there.

23 PROSPECTIVE JUROR NO. 1349: Yes.

24 MR. FELICIANO: If something out of the ordinary

25 happened do you think you would have remembered that?

1 PROSPECTIVE JUROR NO. 1349: Yes.

2 MR. FELICIANO: Okay. So is it fair to say that, I
3 mean, if it's something that's memorable or something that's
4 unusual, you would remember it?

5 PROSPECTIVE JUROR NO. 1349: Of course.

6 MR. FELICIANO: Okay. And of course you're not
7 going to remember every single word that was spoken?

8 PROSPECTIVE JUROR NO. 1349: Yes.

9 MR. FELICIANO: Right? Okay. Do you think anybody
10 has that ability?

11 PROSPECTIVE JUROR NO. 1349: I don't think so.

12 MR. FELICIANO: Okay. And then you were given the
13 -- the detail -- or the example of -- let's see, one second.
14 Sorry, I have so many notes, I'm going through them.

15 So what concerning when you met your husband what
16 was a big detail to you if you remember?

17 PROSPECTIVE JUROR NO. 1349: He came up to me and
18 started talking and --

19 MR. FELICIANO: Okay. Do you remember, you know,
20 what the day or the time of year?

21 PROSPECTIVE JUROR NO. 1349: I don't. I remember
22 where it was and who I was with because I was with my close
23 friends.

24 MR. FELICIANO: Okay. And did anything out of the
25 ordinary happen that caused you to remember like certain small

1 details?

2 PROSPECTIVE JUROR NO. 1349: Yeah, like -- you mean

3 like what we spoke about?

4 MR. FELICIANO: Yeah. I mean --

5 PROSPECTIVE JUROR NO. 1349: Probably not.

6 MR. FELICIANO: Okay.

7 PROSPECTIVE JUROR NO. 1349: Yeah.

8 MR. FELICIANO: Do you remember just kind of -- just

9 the gist of what happened?

10 PROSPECTIVE JUROR NO. 1349: Yes.

11 MR. FELICIANO: Okay. And you were -- I think you

12 were asked if you've had to recall that story. Do you tell it

13 the same way every time?

14 PROSPECTIVE JUROR NO. 1349: Probably not every time

15 but --

16 MR. FELICIANO: Okay.

17 PROSPECTIVE JUROR NO. 1349: -- I'd probably say the

18 important things like where we were, who I was with, who he

19 was, you know, meeting him.

20 MR. FELICIANO: While it may not be told the exact

21 same time every time would you agree the major details are

22 still --

23 PROSPECTIVE JUROR NO. 1349: Yes.

24 MR. FELICIANO: -- there?

25 PROSPECTIVE JUROR NO. 1349: Um-h'm.

1 MR. FELICIANO: Okay. You know, it didn't happen in
2 a different country --

3 PROSPECTIVE JUROR NO. 1349: Right. Or a different
4 restaurant, yeah, I --

5 MR. FELICIANO: Okay.

6 PROSPECTIVE JUROR NO. 1349: Yes.

7 MR. FELICIANO: All right. And that was how many
8 years ago?

9 PROSPECTIVE JUROR NO. 1349: It was actually -- I
10 said 18 but we've been married 18. It was 19 years ago.

11 MR. FELICIANO: Okay. So do you think that your
12 memory, if I would have asked you, you know, 15 years ago, to
13 tell me the story do you think your memory would be better
14 then or would it be better now?

15 PROSPECTIVE JUROR NO. 1349: Probably then.

16 MR. FELICIANO: Okay. I mean, do you think memory
17 gets better as it -- as the event gets further away or does it
18 get worse?

19 PROSPECTIVE JUROR NO. 1349: I think it gets worse.

20 MR. FELICIANO: Okay. But again, the main details
21 are going to remain the same?

22 PROSPECTIVE JUROR NO. 1349: Right. Yes.

23 MR. FELICIANO: Okay. And I also wrote down that
24 you said it's hard to discuss certain things in public.

25 PROSPECTIVE JUROR NO. 1349: Yes.

1 MR. FELICIANO: Okay. And would that be like sexual
2 stuff, nobody wants to talk about that?

3 PROSPECTIVE JUROR NO. 1349: Right.

4 MR. FELICIANO: Right. Do you think -- I mean, if
5 -- if somebody comes in and makes an allegation of this -- of
6 sexual abuse do you think if -- do you think their story would
7 change completely because they're nervous?

8 PROSPECTIVE JUROR NO. 1349: It shouldn't.

9 MR. FELICIANO: Okay. I mean, certain small details
10 may change; is that fair?

11 PROSPECTIVE JUROR NO. 1349: It could. But it's a
12 major allegation so --

13 MR. FELICIANO: So --

14 PROSPECTIVE JUROR NO. 1349: -- it shouldn't change
15 too much.

16 MR. FELICIANO: -- so major events would you say are
17 they more memorable?

18 PROSPECTIVE JUROR NO. 1349: Yes.

19 MR. FELICIANO: Okay. All right. Because we heard
20 the dinner example, right? Nobody's going to remember what
21 they had for dinner two years ago or whatever; right?

22 PROSPECTIVE JUROR NO. 1349: Yes. Yes.

23 MR. FELICIANO: Last week would be tough for most
24 people.

25 PROSPECTIVE JUROR NO. 1349: Um-h'm.

1 MR. FELICIANO: Okay.

2 PROSPECTIVE JUROR NO. 1349: Yes.

3 MR. FELICIANO: Let's seem Ms. De Jaime?

4 PROSPECTIVE JUROR NO. 0585: Yes.

5 MR. FELICIANO: You also said that it was difficult
6 to talk about sexual topics in public; right?

7 PROSPECTIVE JUROR NO. 0585: Yeah, it's probably the
8 way I was educated. I don't know for everybody here.

9 MR. FELICIANO: I mean, would you agree that most
10 people, nobody really wants to talk about their --

11 PROSPECTIVE JUROR NO. 0585: Most of the people --

12 MR. FELICIANO: -- personal life, right?

13 PROSPECTIVE JUROR NO. 0585: Yeah.

14 MR. FELICIANO: Especially in a group full of
15 strangers.

16 PROSPECTIVE JUROR NO. 0585: Some people likes --

17 MR. FELICIANO: Well, I guess some people --

18 PROSPECTIVE JUROR NO. 0585: -- to talk about it.

19 MR. FELICIANO: -- like it but most people don't.

20 Okay. Now, do you think if somebody came in and was
21 talking about that stuff do you think they would be nervous
22 about it?

23 PROSPECTIVE JUROR NO. 0585: It will probably, I
24 guess.

25 MR. FELICIANO: Okay. All right. Thank you.

1 Let's see, can we go up to, let's see, Mr. Bracks,
2 can we go up front? Can you pass that down, please? Thank
3 you.

4 Okay. So there was a question asked if kids should
5 be able to say no to sexual advances; right? And of course,
6 they should be able to; right? And nobody -- and -- okay, so
7 you agree with that?

8 PROSPECTIVE JUROR NO. 0668: Yeah.

9 MR. FELICIANO: Are teenagers -- I mean, same for
10 teenagers; right?

11 PROSPECTIVE JUROR NO. 0668: Yes.

12 MR. FELICIANO: Same for adults?

13 PROSPECTIVE JUROR NO. 0668: Yes.

14 MR. FELICIANO: Same for anybody, should be able to
15 -- to say no to sexual advances?

16 PROSPECTIVE JUROR NO. 0668: Yes, but again, it
17 depends on the circumstances.

18 MR. FELICIANO: And what are those circumstances?

19 PROSPECTIVE JUROR NO. 0668: Like the other panels
20 were saying that some people might be disabled or you know
21 trust or willing, whatever.

22 From my personal experiences as a teenager I was
23 already in college at 15 so no -- "yes" or "no" is pretty
24 easy.

25 MR. FELICIANO: Okay. So you think that -- just --

1 I don't want to put words in your mouth. So you're just
2 saying it just kind of depends on the circumstance and maybe
3 on the person?

4 PROSPECTIVE JUROR NO. 0668: Yeah.

5 MR. FELICIANO: I mean, a disabled child would have
6 difficult resisting; right?

7 PROSPECTIVE JUROR NO. 0668: Yes.

8 MR. FELICIANO: A disabled adult would have
9 difficulty resisting?

10 PROSPECTIVE JUROR NO. 0668: Yes.

11 MR. FELICIANO: Okay. Case by case?

12 PROSPECTIVE JUROR NO. 0668: Yes.

13 MR. FELICIANO: Okay. But do you think that at, you
14 know, a teenager would know if they're being touched or
15 something like that, something like that, that they would know
16 it was wrong?

17 PROSPECTIVE JUROR NO. 0668: Of course.

18 MR. FELICIANO: Okay. Do you know what age they
19 would start to know that generally?

20 PROSPECTIVE JUROR NO. 0668: Generally, I'll go by
21 my personal schooling experience in schools when I was in
22 school they started teaching sexual classes by like 10, 11.

23 MR. FELICIANO: Okay.

24 PROSPECTIVE JUROR NO. 0668: So --

25 MR. FELICIANO: And did they teach you like hey, if

1 somebody's touching you, you need to tell somebody?

2 PROSPECTIVE JUROR NO. 0668: Yes.

3 MR. FELICIANO: Okay. Tell a teacher, a cop, that

4 kind of stuff, right? Okay.

5 And you said you were how old when that was

6 happening?

7 PROSPECTIVE JUROR NO. 0668: 11, 12, somewhere in

8 there.

9 MR. FELICIANO: Okay. So maybe --

10 PROSPECTIVE JUROR NO. 0668: But I didn't go to

11 school out here. I was in school in Alabama --

12 MR. FELICIANO: Okay.

13 PROSPECTIVE JUROR NO. 0668: -- so that's different

14 too.

15 MR. FELICIANO: So late elementary maybe into middle

16 school?

17 PROSPECTIVE JUROR NO. 0668: [Inaudible] school.

18 MR. FELICIANO: Okay. All right. Thank you.

19 Ms. Carkeek, 677.

20 Okay. So you also said it was difficult to talk

21 about things that are sexual in nature; right?

22 PROSPECTIVE JUROR NO. 0677: Yes.

23 MR. FELICIANO: Okay. So if somebody comes in and

24 is testifying about, you know, whatever they're saying

25 happened what do you expect their demeanor to be?

1 PROSPECTIVE JUROR NO. 0677: It depends on the
2 person.

3 MR. FELICIANO: Okay. I mean, so -- and we've
4 established some people can be, you know, pretty stoic about
5 it and some can be hysterical; right?

6 PROSPECTIVE JUROR NO. 0677: Yes.

7 MR. FELICIANO: Does that, how they appear and how
8 they -- how they're speaking and their demeanor, does that
9 matter to you when you're -- when you're judging whether
10 they're telling the truth or not?

11 PROSPECTIVE JUROR NO. 0677: No. I'm nervous
12 answering your questions.

13 MR. FELICIANO: Okay.

14 PROSPECTIVE JUROR NO. 0677: I'm being honest but
15 I'm nervous.

16 MR. FELICIANO: So it would -- so for somebody to
17 come in and talk about like their personal stuff would -- you
18 would imagine would be even more difficult?

19 PROSPECTIVE JUROR NO. 0677: It could be.

20 MR. FELICIANO: Okay. And so you think some people
21 could be maybe really emotional when they're talking about
22 this?

23 PROSPECTIVE JUROR NO. 0677: Yes.

24 MR. FELICIANO: Do you think most would or -- or do
25 you think more people would go towards being very emotional or

1 not emotional when they're discussing this type of stuff?
2 PROSPECTIVE JUROR NO. 0677: I -- I can't answer
3 that because everyone's different.
4 MR. FELICIANO: Okay.
5 PROSPECTIVE JUROR NO. 0677: So -- and I don't have
6 a lot of experience listening to people talk about it, so.
7 MR. FELICIANO: Okay. You talked about your son --
8 wait, your son's a teacher?
9 PROSPECTIVE JUROR NO. 0677: Yes.
10 MR. FELICIANO: Okay. And do you -- do you ever
11 talk to him about his work?
12 PROSPECTIVE JUROR NO. 0677: About his work?
13 MR. FELICIANO: Yes.
14 PROSPECTIVE JUROR NO. 0677: A little bit.
15 MR. FELICIANO: Okay.
16 PROSPECTIVE JUROR NO. 0677: He teaches AP English
17 in high school.
18 MR. FELICIANO: Okay. Has he always taught high
19 school -- at the high school level?
20 PROSPECTIVE JUROR NO. 0677: Yes.
21 MR. FELICIANO: Okay. Has he ever had -- if -- as
22 far as you know has he ever had to deal with any types of
23 allegations like this coming out at school and getting
24 involved like that?
25 PROSPECTIVE JUROR NO. 0677: Not that -- not to my

1 knowledge.

2 MR. FELICIANO: Okay. Okay. Let's see, let's go to

3 763, Shock.

4 Thank you, ma'am.

5 Okay. So I wrote that there was an issue with a

6 family member that was -- that was assaulted?

7 PROSPECTIVE JUROR NO. 0763: Correct.

8 MR. FELICIANO: Okay. Was that a close family

9 member?

10 PROSPECTIVE JUROR NO. 0763: A cousin.

11 MR. FELICIANO: Okay. Female?

12 PROSPECTIVE JUROR NO. 0763: Yes.

13 MR. FELICIANO: Does she live here or in another

14 state?

15 PROSPECTIVE JUROR NO. 0763: Another state.

16 MR. FELICIANO: Okay. And was that -- were you

17 involved in any of that at all?

18 PROSPECTIVE JUROR NO. 0763: No.

19 MR. FELICIANO: Okay. How long ago was this?

20 PROSPECTIVE JUROR NO. 0763: About a year, year-and-

21 -a-half ago.

22 MR. FELICIANO: And it's -- I wrote down there were

23 no police involvement.

24 PROSPECTIVE JUROR NO. 0763: To my knowledge.

25 MR. FELICIANO: Okay. So it sounds like -- is this

1 further -- far away from you enough where you don't know
2 exactly everything that's going on?

3 PROSPECTIVE JUROR NO. 0763: Correct.

4 MR. FELICIANO: Okay. Anything about that that's
5 concerning to you?

6 PROSPECTIVE JUROR NO. 0763: Honestly, it -- it
7 hurt. But it -- I hardly speak to that part of my family so
8 it's --

9 MR. FELICIANO: Okay. Is that something that you're
10 going to hold against Mr. Vasquez-Reyes if you're --

11 PROSPECTIVE JUROR NO. 0763: No.

12 MR. FELICIANO: -- selected for the jury?
13 Okay. All right. Let's, see -- thank you.
14 Okay. Ms. Rodriguez?

15 PROSPECTIVE JUROR NO. 0796: Yes.

16 MR. FELICIANO: And you also said that a disabled
17 child, it might be difficult for them to resist --

18 PROSPECTIVE JUROR NO. 0796: Correct.

19 MR. FELICIANO: -- sexual advances, right?

20 PROSPECTIVE JUROR NO. 0796: Yes.

21 MR. FELICIANO: Do you think it would be hard for a
22 teenager who's disabled?

23 PROSPECTIVE JUROR NO. 0796: Yes.

24 MR. FELICIANO: I mean, would it depend on the level
25 of disability?

1 PROSPECTIVE JUROR NO. 0796: Correct.

2 MR. FELICIANO: Okay. Same for an adult?

3 PROSPECTIVE JUROR NO. 0796: Correct.

4 MR. FELICIANO: Okay. Do you think though if a kid

5 -- say the child's -- or the teenager who's not disabled, do

6 you think if they're being touched they would resist?

7 PROSPECTIVE JUROR NO. 0796: It depends on the

8 situation but yes, most of them would.

9 MR. FELICIANO: Okay. I mean, do you think by -- by

10 teen years, do you think most kids know that if they're being

11 touched that they need to tell somebody?

12 PROSPECTIVE JUROR NO. 0796: Yes.

13 MR. FELICIANO: Okay. And they know that's wrong?

14 PROSPECTIVE JUROR NO. 0796: Correct.

15 MR. FELICIANO: Okay. And you also talked about

16 there being reasons where somebody might not say something

17 happened, time may go before they say something.

18 PROSPECTIVE JUROR NO. 0796: Correct.

19 MR. FELICIANO: What are those reasons?

20 PROSPECTIVE JUROR NO. 0796: Shame.

21 MR. FELICIANO: Okay.

22 PROSPECTIVE JUROR NO. 0796: Threats.

23 MR. FELICIANO: Okay.

24 PROSPECTIVE JUROR NO. 0796: Those are the two that

25 come to my mind.

1 MR. FELICIANO: Okay. Now, do you think that's the
2 same for smaller children -- preteen kids and teenagers?

3 PROSPECTIVE JUROR NO. 0796: Those are reasons for
4 smaller kids and teenagers, yes.

5 MR. FELICIANO: And adults, too, right?

6 PROSPECTIVE JUROR NO. 0796: Yes.

7 MR. FELICIANO: Don't you think? I mean, nobody
8 wants to go through this; correct?

9 PROSPECTIVE JUROR NO. 0796: Correct.

10 MR. FELICIANO: So I mean does it matter how much
11 time has gone by, to you?

12 PROSPECTIVE JUROR NO. 0796: It doesn't if the event
13 occurred, it occurred, and whenever they wish to speak about
14 it, it's their choice.

15 MR. FELICIANO: Okay. So -- I mean, 10, 20, 30
16 years down the road, is that --

17 PROSPECTIVE JUROR NO. 0796: Correct.

18 MR. FELICIANO: Okay.

19 PROSPECTIVE JUROR NO. 0796: If -- if they want to
20 speak about it.

21 MR. FELICIANO: Okay. So when so much time goes by
22 as to when whatever -- whenever the allegation is to when the
23 -- you know, the trial is or whatever, how can you tell -- I
24 mea, how can you tell what's true and what's not since so much
25 time has gone by?

1 PROSPECTIVE JUROR NO. 0796: Well, in this case,
2 we're going to trial and both sides are presenting whatever
3 evidence you guys have. And you know we have to determine
4 what's -- what's true and what's not true based on what's
5 presented.

6 MR. FELICIANO: Okay. And how do you -- what do you
7 look at to determine if something's true or not true?

8 PROSPECTIVE JUROR NO. 0796: Well, if somebody is
9 saying that the sky is blue and the sky has a picture of it
10 being orange then it's orange.

11 MR. FELICIANO: So what makes sense?

12 PROSPECTIVE JUROR NO. 0796: Yeah.

13 MR. FELICIANO: Okay. So I mean what if -- what if
14 a version of a story changes over time; does that matter to
15 you?

16 PROSPECTIVE JUROR NO. 0796: It does.

17 MR. FELICIANO: Okay. How?

18 PROSPECTIVE JUROR NO. 0796: Because if it's
19 changing drastically then it may not be true.

20 MR. FELICIANO: Okay.

21 PROSPECTIVE JUROR NO. 0796: If it's minor details
22 then it could be what everybody was saying that you remember
23 something or you forgot something and left it out.

24 MR. FELICIANO: Okay.

25 PROSPECTIVE JUROR NO. 0796: But it should pretty

1 much be along the line of the same story.

2 MR. FELICIANO: And just one thing; you just said
3 that both sides will present evidence, okay, right?

4 Now, what do you expect to see from the Defense side
5 as far as presenting evidence?

6 PROSPECTIVE JUROR NO. 0796: Any -- anything that
7 the gentleman over there has to say, his testimony, any
8 witnesses that your side might have, any kind of documents,
9 pictures, anything just the same as the plaintiff.

10 MR. FELICIANO: Okay. Do you know who has the
11 burden of proof in this case, who has to prove the charges?

12 PROSPECTIVE JUROR NO. 0796: The plaintiff.

13 MR. FELICIANO: Okay. So they do; right?

14 PROSPECTIVE JUROR NO. 0796: Correct.

15 MR. FELICIANO: Okay. So do you -- do you
16 understand that we don't have to actually present anything?

17 PROSPECTIVE JUROR NO. 0796: Correct. But if the
18 plaintiff is presenting something and you guys deem it to be
19 incorrect --

20 MR. FELICIANO: Um-h'm.

21 PROSPECTIVE JUROR NO. 0796: -- I would assume that
22 you guys would tell us why it's incorrect.

23 MR. FELICIANO: Okay. But like as far as witnesses
24 or evidence you understand the Defense doesn't have to do
25 anything?

1 PROSPECTIVE JUROR NO. 0796: Yes.

2 MR. FELICIANO: I mean, I don't even have to ask
3 these questions. We could sit down and say nothing for a few
4 days and just watch this all go by.

5 PROSPECTIVE JUROR NO. 0796: Correct.

6 MR. FELICIANO: Okay. And they have every single
7 burden in this case?

8 PROSPECTIVE JUROR NO. 0796: Yes.

9 MR. FELICIANO: Okay. Do you have an issue with
10 that?

11 PROSPECTIVE JUROR NO. 0796: No.

12 MR. FELICIANO: So you said you talked about hearing
13 from Mr. Vasquez-Reyes; do you expect to hear from him?

14 PROSPECTIVE JUROR NO. 0796: Not if he doesn't have
15 to testify, no.

16 MR. FELICIANO: Would you hold that against him?

17 PROSPECTIVE JUROR NO. 0796: No.

18 MR. FELICIANO: Okay. All right.

19 Okay. Ms. Garrett.

20 Four children?

21 PROSPECTIVE JUROR NO. 0910: I have a total of six.

22 MR. FELICIANO: Okay.

23 PROSPECTIVE JUROR NO. 0910: And I have four left at
24 home.

25 MR. FELICIANO: Okay. And what are the -- what's

1 the age range, just --

2 PROSPECTIVE JUROR NO. 0910: My --

3 MR. FELICIANO: -- youngest and oldest?

4 PROSPECTIVE JUROR NO. 0910: My oldest is 18 at

5 home.

6 MR. FELICIANO: Okay.

7 PROSPECTIVE JUROR NO. 0910: I have one at home that

8 15, one at home that is 11, and one at home that is 10.

9 MR. FELICIANO: Do they -- kids ever argue?

10 PROSPECTIVE JUROR NO. 0910: All the time.

11 MR. FELICIANO: Okay.

12 PROSPECTIVE JUROR NO. 0910: Sibling rivalry of

13 course.

14 MR. FELICIANO: Do they ever lie?

15 PROSPECTIVE JUROR NO. 0910: I've caught my children

16 in lies, yes.

17 MR. FELICIANO: Okay. And, I mean, have you ever

18 had both kids telling you opposite stories and you had to

19 figure out what was true?

20 PROSPECTIVE JUROR NO. 0910: Yes.

21 MR. FELICIANO: Okay. How'd you figure it out?

22 PROSPECTIVE JUROR NO. 0910: Listen to what each of

23 my child had to say and determine from there which one I felt

24 was correct or incorrect.

25 MR. FELICIANO: So maybe looking at what made sense?

1 PROSPECTIVE JUROR NO. 0910: More logical sense,
2 yes.

3 MR. FELICIANO: Okay. Did you have to look at any
4 other factors to determine, you know, besides their words were
5 you able to look at something else to kind of verify what --

6 PROSPECTIVE JUROR NO. 0910: I have cameras --

7 MR. FELICIANO: -- was going on?

8 PROSPECTIVE JUROR NO. 0910: -- in my house so --

9 MR. FELICIANO: Okay.

10 PROSPECTIVE JUROR NO. 0910: -- if need be, yes,
11 absolutely.

12 MR. FELICIANO: So it sounds like you listen to what
13 they say and then you verify on the camera to find out kind of
14 what happened?

15 PROSPECTIVE JUROR NO. 0910: Yes.

16 MR. FELICIANO: Okay. So there's been some talk
17 about the types of lies that kids say. And, you know, they
18 say kids lie about smaller things; right?

19 PROSPECTIVE JUROR NO. 0910: Yes.

20 MR. FELICIANO: To a child what is a small lie and
21 what's a big lie to you? If you -- if --

22 PROSPECTIVE JUROR NO. 0910: Really it depends on
23 the child's perception of what they want to come up with.
24 Some children are more educated than others. Some children
25 can speak better than others. Then you have some children

1 that are -- that may have a disability and they have to go off
2 of what -- what their story is in their head --

3 MR. FELICIANO: Okay.

4 PROSPECTIVE JUROR NO. 0910: -- to portray it to
5 like somebody else. Like if you have a child that -- that
6 might be autistic for example --

7 MR. FELICIANO: Um-h'm.

8 PROSPECTIVE JUROR NO. 0910: -- okay, a child that
9 is autistic will tell a story different and -- and explain it
10 the way they see it in their head as opposed to a child that
11 is not autistic that can explain what they see in their head
12 and what their situation is.

13 MR. FELICIANO: Okay. Do you think a child can lie
14 about sexual abuse?

15 PROSPECTIVE JUROR NO. 0910: I do believe children
16 can lie about it. But again, it falls back on do you want to
17 believe the child's word or do you want to further investigate
18 the situation and follow through.

19 MR. FELICIANO: So is it a good idea to take the
20 words and do other investigation to see what's what?

21 PROSPECTIVE JUROR NO. 0910: You give them the
22 benefit of the doubt --

23 MR. FELICIANO: Okay.

24 PROSPECTIVE JUROR NO. 0910: -- and do as you see
25 fit to control the situation or take the situation in your own

1 hands and figure out what is correct and what is incorrect.

2 MR. FELICIANO: Okay. So -- so you think it's

3 possible a child could lie about something, you know, as bad

4 as sex abuse?

5 PROSPECTIVE JUROR NO. 0910: I do.

6 MR. FELICIANO: Okay. Now, to a child, is that a

7 big lie or a small lie or does it depend on the child?

8 PROSPECTIVE JUROR NO. 0910: It just depends on the

9 situation of what they're lying about. If they're lying about

10 like oh, hey, I stole a candy bar --

11 MR. FELICIANO: Um-h'm.

12 PROSPECTIVE JUROR NO. 0910: -- okay, what do you

13 do; do you -- I -- with my children in my case with my

14 children if they steal a candy bar and I see it or I notice it

15 I make them take it back into the store and hand it to the

16 store manager or the store cashier and have my child say, you

17 know, I stole this, I'm sorry. You know, that's how I correct

18 the situation with my children.

19 MR. FELICIANO: Okay. Okay, but again, everybody's

20 different, right?

21 PROSPECTIVE JUROR NO. 0910: Absolutely.

22 MR. FELICIANO: And every household's different.

23 Okay. Thank you.

24 PROSPECTIVE JUROR NO. 0910: Um-h'm.

25 MR. FELICIANO: Ms. Caro? Am I saying that right?

1 PROSPECTIVE JUROR NO. 0951: Yes.

2 MR. FELICIANO: You -- you said your godfather is an
3 attorney?

4 PROSPECTIVE JUROR NO. 0951: Yes.

5 MR. FELICIANO: Not here in town, or here in town?

6 PROSPECTIVE JUROR NO. 0951: Yeah.

7 MR. FELICIANO: Okay.

8 PROSPECTIVE JUROR NO. 0951: Clark County.

9 MR. FELICIANO: Do you know what type of law he
10 practices?

11 PROSPECTIVE JUROR NO. 0951: I think it's civil. He
12 does like --

13 MR. FELICIANO: Civil?

14 PROSPECTIVE JUROR NO. 0951: -- family, immigration.

15 MR. FELICIANO: Okay. No -- any criminal that you
16 know of?

17 PROSPECTIVE JUROR NO. 0951: Not that I know of.

18 MR. FELICIANO: Okay. And do you talk -- do you
19 talk to him a lot about his work?

20 PROSPECTIVE JUROR NO. 0951: No.

21 MR. FELICIANO: Okay. Thank you.

22 Okay, let's see, Ms. Farmer?

23 PROSPECTIVE JUROR NO. 1307: Yes.

24 MR. FELICIANO: Okay. I'll back up a little bit.
25 Little close.

1 So you were given the same example about, I guess,
2 meeting your partner. And did you say that you -- I mean,
3 would you remember every single detail about the meeting?

4 PROSPECTIVE JUROR NO. 1307: I remember a
5 substantial amount of details but I don't think that's
6 representative of other people. That's my personal
7 experience.

8 MR. FELICIANO: Okay. So you think -- so your
9 memory's really good -- pretty good?

10 PROSPECTIVE JUROR NO. 1307: Yes.

11 MR. FELICIANO: Okay. Average person, do you think
12 that they would remember most details or maybe not as many
13 details?

14 PROSPECTIVE JUROR NO. 1307: They may not remember
15 them all but I also come from a background where I'm very
16 uncomfortable making hypothetical generalizations --

17 MR. FELICIANO: Okay.

18 PROSPECTIVE JUROR NO. 1307: -- about populations.

19 MR. FELICIANO: All right. Do you think that --
20 that most -- if something is unusual that it's more likely to
21 be remembered?

22 PROSPECTIVE JUROR NO. 1307: As a rule of thumb,
23 yes.

24 MR. FELICIANO: Okay. As opposed to dinner from a
25 few years ago?

1 PROSPECTIVE JUROR NO. 1307: Correct.

2 MR. FELICIANO: Okay. Something that you do every
3 day or do you actually remember dinner a few years ago or are
4 you just assuming that you had dinner a few years ago, the
5 date you [inaudible] --

6 PROSPECTIVE JUROR NO. 1307: I'm just -- I'm just
7 assuming.

8 MR. FELICIANO: Okay. So you don't really remember
9 it?

10 PROSPECTIVE JUROR NO. 1307: Correct.

11 MR. FELICIANO: Okay. So if something unusual
12 happened that day you probably would have remembered it?

13 PROSPECTIVE JUROR NO. 1307: In all likelihood.

14 MR. FELICIANO: Okay. All right.

15 Okay, Mr. Clark? Thank you.

16 So you currently have an open case, right, with --
17 in Henderson?

18 PROSPECTIVE JUROR NO. 1318: Yeah, I'm on parole.

19 MR. FELICIANO: Okay. And do you think you were
20 treated fairly when you were prosecuted?

21 PROSPECTIVE JUROR NO. 1318: Yes.

22 MR. FELICIANO: Okay. Anything about that situation
23 it's something we're -- you know, we should be concerned as
24 Mr. Vasquez-Reyes's attorneys having some -- having you
25 sitting here?

1 PROSPECTIVE JUROR NO. 1318: No.

2 MR. FELICIANO: Okay. Thank you.

3 Ms. Dunton-Snider. I wrote down that you said that
4 it could be hard for kids to disclose sexual abuse, is that --
5 did you say that or am I incorrect?

6 PROSPECTIVE JUROR NO. 1319: I don't remember saying
7 that.

8 MR. FELICIANO: Okay. Well, do you think it could
9 be hard for kids to disclose sexual abuse?

10 PROSPECTIVE JUROR NO. 1319: I -- I think it could
11 be hard for them, yes.

12 MR. FELICIANO: Why?

13 PROSPECTIVE JUROR NO. 1319: I think it could be
14 scary. They're afraid of adults. They're afraid of what
15 could happen. They're afraid of the ramifications that it
16 could have for their family. So yes, I did say that.

17 MR. FELICIANO: Okay. And would that matter
18 depending on the child's age, like a -- like a five-year old
19 versus a teenager, would that be different?

20 PROSPECTIVE JUROR NO. 1319: Well, I think a
21 teenager knows better than a five-year old.

22 MR. FELICIANO: Okay.

23 PROSPECTIVE JUROR NO. 1319: So I don't think that
24 the five-year old and the teenager have the same thought
25 process.

1 MR. FELICIANO: Okay. Teenagers have more life
2 experience, right?

3 PROSPECTIVE JUROR NO. 1319: Yes.

4 MR. FELICIANO: Okay. Would know a lot more?

5 PROSPECTIVE JUROR NO. 1319: Yes.

6 MR. FELICIANO: More schooling, that kind of stuff.
7 Okay. Thank you.

8 Let's see, Mr. Sanders?

9 PROSPECTIVE JUROR NO. 1323: Yes.

10 MR. FELICIANO: You had some -- some issue with the
11 family members being assaulted?

12 PROSPECTIVE JUROR NO. 1323: Yes.

13 MR. FELICIANO: Okay. Is that here in town?

14 PROSPECTIVE JUROR NO. 1323: No.

15 MR. FELICIANO: Is that somewhere -- is that -- is
16 that something you were involved?

17 PROSPECTIVE JUROR NO. 1323: Are you asking where it
18 occurred?

19 MR. FELICIANO: No, I'm not going to ask. I won't
20 ask you that. I'm just wondering is that something you were
21 heavily involved in?

22 PROSPECTIVE JUROR NO. 1323: What do you mean?

23 MR. FELICIANO: Well, did you talk to, you know, the
24 two people you're talking about kind of about what happened?

25 PROSPECTIVE JUROR NO. 1323: The victims, yes.

1 MR. FELICIANO: Okay. Is there anything about that
2 experience where we might be concerned with having you sit on
3 the jury?

4 PROSPECTIVE JUROR NO. 1323: No.

5 MR. FELICIANO: Okay. Was somebody prosecuted?

6 PROSPECTIVE JUROR NO. 1323: No, it was not brought
7 up to the police.

8 MR. FELICIANO: Okay. Okay, thank you.

9 Ms. Tolliver-Haywood. I wrote down that you said
10 that some parents don't notice abuse; is that correct? Is
11 that -- were you -- did you say something about that?

12 PROSPECTIVE JUROR NO. 1331: That's not what I said.

13 MR. FELICIANO: Okay.

14 PROSPECTIVE JUROR NO. 1331: I said that the
15 children are scared to tell.

16 MR. FELICIANO: Okay. So do you think if a child is
17 being abused that there may be something, a change in their
18 behavior where a parent may be able to tell that something's
19 going on?

20 PROSPECTIVE JUROR NO. 1331: Yes. They eventually
21 would --

22 MR. FELICIANO: Okay.

23 PROSPECTIVE JUROR NO. 1331: -- notice.

24 MR. FELICIANO: So and what types of things do you
25 think a child who's being abused may do to act out?

1 PROSPECTIVE JUROR NO. 1331: Behavior.
2 MR. FELICIANO: Okay. What else, anything else?
3 PROSPECTIVE JUROR NO. 1331: Just mostly their
4 behavior.
5 MR. FELICIANO: And do you think that would come
6 right on or would it escalate?
7 PROSPECTIVE JUROR NO. 1331: It will escalate.
8 MR. FELICIANO: Okay. Okay, thank you.
9 Ms. Vallejo.
10 PROSPECTIVE JUROR NO. 1339: Yes.
11 MR. FELICIANO: So I wrote down that you said that
12 adults are better at lying; is that correct?
13 PROSPECTIVE JUROR NO. 1339: I think they have more
14 conception or understanding of when they're lying --
15 MR. FELICIANO: Okay.
16 PROSPECTIVE JUROR NO. 1339: -- [inaudible] the
17 right thing they're not -- children are different.
18 MR. FELICIANO: What about teenagers?
19 PROSPECTIVE JUROR NO. 1339: Oh, teenagers, yeah,
20 they will know how to lie.
21 MR. FELICIANO: Okay. And do you think that -- do
22 you think they would lie about big things?
23 PROSPECTIVE JUROR NO. 1339: Big things?
24 MR. FELICIANO: Do you think they would lie about
25 sexual abuse?

1 PROSPECTIVE JUROR NO. 1339: They could.

2 MR. FELICIANO: Okay. And if you have a child or a
3 teenager talking about sexual abuse how do you determine if
4 they're telling the truth?

5 PROSPECTIVE JUROR NO. 1339: Me as a counselor
6 usually what we -- I would say they talk to the individual
7 direct and ask a few questions --

8 MR. FELICIANO: Okay.

9 PROSPECTIVE JUROR NO. 1339: -- depending on what
10 they're saying, always have somebody with me to have two
11 people to understand difference or how they say it and what
12 they're do.

13 MR. FELICIANO: Okay. So -- so have you -- have you
14 come across kids who were not telling the truth in your -- in
15 your work?

16 PROSPECTIVE JUROR NO. 1339: yes.

17 MR. FELICIANO: Okay. Is that something that
18 happens a lot or not -- or infrequently?

19 PROSPECTIVE JUROR NO. 1339: Very frequently.

20 MR. FELICIANO: I'm sorry?

21 PROSPECTIVE JUROR NO. 1339: Very frequently.

22 MR. FELICIANO: Okay. So it happens a lot?

23 PROSPECTIVE JUROR NO. 1339: Yes.

24 MR. FELICIANO: Okay. And they lie about small
25 things?

1 PROSPECTIVE JUROR NO. 1339: Small things most of
2 the time.

3 MR. FELICIANO: Okay. And sometimes they lie about
4 big --

5 PROSPECTIVE JUROR NO. 1339: They are --

6 MR. FELICIANO: -- things?

7 PROSPECTIVE JUROR NO. 1339: -- between -- the kids
8 that I'm -- at my school where they're from three years old to
9 18 years old so yes.

10 MR. FELICIANO: Okay. Do they lie about big things
11 sometimes?

12 PROSPECTIVE JUROR NO. 1339: Yes.

13 MR. FELICIANO: Okay. All right.

14 Thank you.

15 Now, I'm going to pass the panel to Ms. Hojjat.

16 THE COURT: Okay. Thank you.

17 You know what, why don't we take an afternoon recess
18 and then --

19 MR. FELICIANO: Okay.

20 THE COURT: -- you can start when we go back.

21 MR. FELICIANO: Yeah.

22 THE COURT: During this recess, you're admonished
23 not to talk to or converse amongst yourselves or with anyone
24 else on any subject connected with this trial or read, watch
25 or listen to any report of or commentary on the trial or any

1 person connected with this trial, by any medium of
2 information, including without limitation, newspapers,
3 television, the Internet or radio, or form or express any
4 opinion on any subject connected with this trial until the
5 case is finally submitted to you.

6 We'll be in recess for the next 15 minutes. Thank
7 you.

8 THE MARSHAL: Thank you. All rise for the exiting
9 jury, please.

10 (Court recessed a 2:40 p.m., until 3:00 p.m.)

11 (Inside the presence of the prospective jury panel)

12 THE COURT: Thank you. Does the State stipulate to
13 presence of the jury panel?

14 MR. SWEETIN: Yes, Your Honor.

15 THE COURT: The Defense?

16 MR. FELICIANO: Yes, Your Honor.

17 THE COURT: Okay. You may continue.

18 MS. HOJJAT: Thank you, Your Honor.

19 All right, everyone. Are we all refreshed after our
20 break and super excited for more voir dire?

21 UNIDENTIFIED PROSPECTIVE JUROR: [Inaudible].

22 MS. HOJJAT: Fair enough.

23 I get it. It's been a long couple of days.

24 How many people would like it if I didn't ask any
25 questions, if I just went and sat down and we can get this

1 whole thing over with? Who wants me to do that right now?

2 Okay. Yeah. So now, if you were being accused of
3 sexual assault on a minor under the age of 14, and you were
4 about to face trial how many of you would want your attorney
5 to just be quiet and sit down and not ask any questions?

6 Okay. So do we all understand why even though this
7 can be a little bit frustrating this is a really important
8 process; right? How many of you would want to make sure that
9 you had a fair and impartial jury if you were facing something
10 like this?

11 Okay. And I'm seeing all the hands in the panel.

12 So let's start there; can we all agree these are
13 really serious accusations?

14 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

15 MS. HOJJAT: Yeah. Does anybody feel like this is
16 no big deal?

17 UNIDENTIFIED PROSPECTIVE JURORS: No.

18 MS. HOJJAT: Okay. You know, during the beginning
19 of voir dire there was some conversation about whether you
20 guys were excited to receive jury summonses and whether you
21 were excited to be here.

22 Can we all agree that this is a really important
23 process?

24 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

25 MS. HOJJAT: Okay. And does everybody understand

1 that you guys are potentially going to have somebody's future
2 in your hands?

3 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

4 MS. HOJJAT: Okay. Does anybody think that's not a
5 big deal? Seeing no hands from the panel.

6 So I've got the microphone here and I'm going to ask
7 some questions and I'm going to ask you guys to just kind of
8 raise your hands, this is -- I'm addressing my questions to
9 the panel. And we'll pass the microphone around.

10 We're talking about this being serious and being a
11 big deal and how important it is to have a fair and impartial
12 jury.

13 Is there anybody here who's scared of being on this
14 jury? Sir? If you can pass the microphone right back to Mr.
15 Sica -- am I saying that correctly?

16 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.
17 [Inaudible].

18 THE COURT RECORDER: The microphone's not on.

19 PROSPECTIVE JUROR NO. 0216: Can you hear me, ma'am?

20 MS. HOJJAT: Yes, perfect.

21 PROSPECTIVE JUROR NO. 0216: Thank you.

22 MS. HOJJAT: Thank you.

23 PROSPECTIVE JUROR NO. 0216: All things being equal
24 I would -- I wouldn't want these things to happen to anybody.
25 So I don't -- honestly, I really don't want to be here.

1 MS. HOJJAT: Okay. Can you tell me a little bit
2 more about that, please?

3 PROSPECTIVE JUROR NO. 0216: Because it's such a
4 serious allegation I just don't -- I don't think I can judge
5 anybody. I just -- I can't.

6 MS. HOJJAT: Okay.

7 PROSPECTIVE JUROR NO. 0216: It's not my job.

8 MS. HOJJAT: Okay.

9 THE COURT: Well, actually if you were a juror, I
10 mean, it would be your job to --

11 PROSPECTIVE JUROR NO. 0216: I'm sorry. I'm sorry,
12 Your Honor.

13 THE COURT: -- to --

14 PROSPECTIVE JUROR NO. 0216: I'm sorry, I didn't
15 mean to cut you off --

16 THE COURT: -- yeah --

17 PROSPECTIVE JUROR NO. 0216: -- I'm sorry.

18 THE COURT: -- that's okay -- to judge the facts. I
19 mean --

20 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.

21 THE COURT: -- as I told you previously the jury
22 panel they're the finder of facts in this.

23 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.

24 THE COURT: And I don't think there's anything wrong
25 with feeling uneasy or scared to be here, except if it rises

1 to the level that it's going to interfere with your ability to
2 sit and do your job as a juror.

3 PROSPECTIVE JUROR NO. 0216: No, it wouldn't, Your
4 Honor.

5 THE COURT: Okay. Thank you.

6 MS. HOJJAT: And Mr. Sica, I appreciate your honesty
7 and your candor. That's -- I mean, that's exactly what we're
8 asking you guys for and I know that's a little bit difficult
9 because we're all strangers in a room together. But that's
10 all we ask is for you honest opinions and feelings. There's
11 no wrong answers here.

12 So it sounds to me like you're a little bit scared
13 for both sides?

14 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.

15 MS. HOJJAT: Okay. And can you tell me a little bit
16 more about that?

17 PROSPECTIVE JUROR NO. 0216: Well, it's somebody's
18 freedom you're dealing with and -- and --

19 MS. HOJJAT: It is.

20 PROSPECTIVE JUROR NO. 0216: -- and it's --

21 MR. SWEETIN: Can we approach very quickly, Judge?

22 THE COURT: Sure.

23 (Bench conference begins.)

24 THE COURT: Yeah. All four lawyers are present. I
25 think he responded that way. It wasn't the question but I'd

1 like you to steer him away from that --
2 MS. HOJJAT: Sure.
3 THE COURT: -- because I think we're talking about
4 punishment.
5 MS. HOJJAT: Sure. Yes.
6 THE COURT: Okay? Thank you.
7 (End of bench conference.)
8 MS. HOJJAT: And sir, you were -- you were talking
9 about just the fact that this can be an intimidating process,
10 the idea of sitting in judgment?
11 PROSPECTIVE JUROR NO. 0216: Yes, I under -- yes.
12 MS. HOJJAT: Okay. Is my microphone on?
13 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
14 MS. HOJJAT: Are you scared of the idea of getting
15 it wrong?
16 PROSPECTIVE JUROR NO. 0216: No, ma'am.
17 MS. HOJJAT: No? You're not scared that you could
18 get it wrong?
19 PROSPECTIVE JUROR NO. 0216: I mean, that's why you
20 have all these folks figuring what's right.
21 MS. HOJJAT: Okay. Is anybody else here scared of
22 the idea of potentially getting it wrong?
23 Seeing a couple hands, let's pass the microphone
24 over to Ms. Lutz.
25 PROSPECTIVE JUROR NO. 1092: Hi.

1 MS. HOJJAT: Hi.

2 PROSPECTIVE JUROR NO. 1092: Well, yeah, I mean,
3 you -- you -- I don't -- there's not much to elaborate just,
4 you know, you -- you hope you find the truth in it.

5 MS. HOJJAT: Do you think jurors sometimes get it
6 wrong in criminal cases?

7 PROSPECTIVE JUROR NO. 1092: Yeah, I think so.

8 MS. HOJJAT: Okay. Do you think innocent have been
9 convicted of crimes they didn't commit?

10 PROSPECTIVE JUROR NO. 1092: On occasion.

11 MS. HOJJAT: On occasion? Do you think it happens
12 frequently?

13 THE COURT: Okay. Again, I don't think that this is
14 appropriate for voir dire.

15 MS. HOJJAT: Can I see a show of hands again who
16 else was kind of concerned about the idea of getting it wrong
17 potentially?

18 Okay. Let's pass the microphone over to Ms.
19 Bartolome. Am I pronouncing that correctly?

20 Ms. Bartolome, please tell me your thoughts.

21 PROSPECTIVE JUROR NO. 0608: Can you hear me?

22 MS. HOJJAT: Yeah.

23 PROSPECTIVE JUROR NO. 0608: Okay. I think that
24 it's very -- if as a juror it would be -- we'd have to give
25 our answer very black and white and I just don't think we as

1 humans live that way.

2 MS. HOJJAT: Okay.

3 PROSPECTIVE JUROR NO. 0608: And so I think it would
4 be really hard to plead someone guilty or not guilty because I
5 don't think it's -- I don't think it's ever that black and
6 white.

7 MS. HOJJAT: Okay. So it sounds like you think it
8 might be a difficult decision to make.

9 PROSPECTIVE JUROR NO. 0608: Um-h'm.

10 MS. HOJJAT: Does anybody else feel like that, like
11 this might be a difficult case to sit on and it might be a
12 difficult decision to make?

13 Seeing some hands. Does anybody think, no, you know
14 what, I'm assuming that once the evidence comes in this is
15 going to be pretty simple one way or the other?

16 Ma'am, I'm seeing you're kind of shaking your head
17 yes in the front here. Ms. Dunton-Snider?

18 PROSPECTIVE JUROR NO. 1319: Right.

19 MS. HOJJAT: Let's pass the microphone over.

20 And I'm sorry, I'm forgetting to do badge numbers,
21 please, state your badge numbers before you give your answer.

22 PROSPECTIVE JUROR NO. 1319: 1319.

23 MS. HOJJAT: Go ahead.

24 PROSPECTIVE JUROR NO. 1319: I certainly don't think
25 it's going to be easy --

1 MS. HOJJAT: Okay.

2 PROSPECTIVE JUROR NO. 1319: -- you know so that's

3 why I was shaking my head when you said do you think it's

4 going to be an easy decision. Absolutely not.

5 MS. HOJJAT: Oh, okay. I misunderstood.

6 PROSPECTIVE JUROR NO. 1319: But -- but I -- but I

7 know that I can hear the evidence and -- and make a decision

8 from the evidence.

9 MS. HOJJAT: Okay. So you don't necessarily think

10 it will be an easy decision but you do think you can sit and

11 listen to the evidence?

12 PROSPECTIVE JUROR NO. 1319: Yes.

13 MS. HOJJAT: Okay. Is there anybody here who just

14 thinks, I'm not sure that I can sit and listen to this

15 evidence, that listening to this might be too much for me.

16 Seeing no hands from the panel. Okay.

17 And ma'am, back -- back to the same question I asked

18 earlier-earlier, does the idea of getting it wrong potentially

19 scare you?

20 PROSPECTIVE JUROR NO. 1319: Well, to know that you

21 have somebody's fate in your hands I think is a little scary.

22 MS. HOJJAT: Okay. Does anybody feel differently?

23 Everybody kind of seems to be on the same page that

24 this process can be a little bit intimidating and the idea of

25 being a juror in this case could be a little bit intimidating.

1 So we're all on the same page; this is serious;
2 right? Okay.

3 So now we've been talking about -- a little bit
4 about the idea of honesty and credibility of witnesses. Does
5 anybody here believe that people generally don't lie? Nobody
6 is raising their hand.

7 I'll ask it the other way; does everybody here
8 believe that people sometimes lie? Seeing all the hands.

9 Can everyone agree that people sometimes lie about
10 really serious things? Okay. Seeing hands.

11 Does anybody disagree with that? Does anybody feel
12 like you know what, I think when it comes to really serious
13 things people will not lie?

14 Seeing no hands from the panel.

15 So we talk about people; let's talk about teenagers.
16 Can teenagers lie?

17 Seeing a lot of people shaking their head yes.

18 Anybody feel like no, teenagers would not lie?

19 Seeing some chuckles from the panel. But nobody
20 thinks that teenagers wouldn't lie? Okay.

21 Does anybody think teenagers wouldn't lie about
22 something serious? And I'm seeing no hands from the panel.

23 Ma'am, you were shaking your head again?

24 UNIDENTIFIED PROSPECTIVE JUROR: No. No.

25 MS. HOJJAT: No? Okay.

1 So are we all in agreement teenagers can lie about
2 serious things?

3 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

4 MS. HOJJAT: Okay. And obviously in this case we
5 are talking about sexual assault allegations. So that's the
6 real question here; right? Does anybody here believe, you
7 know what, people don't lie about sexual assaults?

8 Show of hands. Does anybody feel like that's a
9 topic that's too serious, it's too much? Somebody wouldn't
10 lie about that. I'm seeing no hands.

11 So is everybody -- everybody here is saying that you
12 guys believe that in some circumstances some people would be
13 willing to lie about sexual assaults?

14 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

15 MS. HOJJAT: Is that what everybody's saying?

16 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

17 MS. HOJJAT: Please raise your hand if you agree
18 with that premise, that that's possible. Okay. And I think
19 every hand on the panel went up.

20 So the State talked about the idea that these types
21 of crimes are crimes of secret, they're crimes that don't
22 necessarily have witnesses. And we've all agreed that people
23 sometimes lie about these types of crimes.

24 So what are you as jurors going to look for? What
25 do you look for when you're trying to figure out whether

1 somebody is lying about a accusation like this?

2 And sir, Mr. Dorta, your hand was up. If we could

3 pass the microphone.

4 PROSPECTIVE JUROR NO. 0006: Tell tales, like --

5 THE MARSHAL: Can we get him the microphone please?

6 PROSPECTIVE JUROR NO. 0006: Watching tell tales.

7 MS. HOJJAT: And your Badge Number, please, sir?

8 PROSPECTIVE JUROR NO. 0006: Oh, I'm sorry. Dominic

9 Dorta, Badge No. 0006.

10 MS. HOJJAT: Got it.

11 PROSPECTIVE JUROR NO. 0006: I believe that -- now I

12 forgot the question, sorry.

13 MS. HOJJAT: What are you looking for?

14 PROSPECTIVE JUROR NO. 0006: Oh. I've totally got a

15 blank in my brain right now.

16 MS. HOJJAT: No problem. Is there anybody else? Is

17 there a fellow juror who wants to --

18 PROSPECTIVE JUROR NO. 0006: Oh, I believe --

19 MS. HOJJAT: -- [inaudible]?

20 PROSPECTIVE JUROR NO. 0006: -- you watch for tell

21 tales. It's what I do in my profession when I used to teach

22 my students.

23 MS. HOJJAT: Um-h'm.

24 PROSPECTIVE JUROR NO. 0006: I would watch for tell

25 tales --

1 MS. HOJJAT: Um-h'm.

2 PROSPECTIVE JUROR NO. 0006: -- like are they
3 looking at me eye-to-eye when they're telling me that what
4 they're saying is the truth.

5 MS. HOJJAT: Um-h'm.

6 PROSPECTIVE JUROR NO. 0006: And if they can't look
7 at me eye-to-eye and they're fidgeting and just -- then that
8 is going to trigger me to think they're lying.

9 MS. HOJJAT: Okay.

10 PROSPECTIVE JUROR NO. 0006: So I would watch for
11 tell tales like that, body language, and then changing up of
12 story in -- in practical ways like just throwing stuff out
13 there.

14 MS. HOJJAT: Interesting. Okay, so a changing
15 story.

16 PROSPECTIVE JUROR NO. 0006: Yes.

17 MS. HOJJAT: Body language and a changing story --

18 PROSPECTIVE JUROR NO. 0006: Yes. I --

19 MS. HOJJAT: -- it kind of sounds like.

20 PROSPECTIVE JUROR NO. 0006: -- those are the two
21 key things I look for.

22 MS. HOJJAT: Okay. How many people would agree with
23 that? Seeing some hands.

24 Does anybody have anything else they think or does
25 anybody disagree with that, have something they want to add?

1 Ma'am, Ms. Bartolome.

2 PROSPECTIVE JUROR NO. 0608: I think some one could

3 lie based off of like maybe finding an escape or like a reason

4 to lie like maybe they don't feel safe in their home so they

5 think like that would be a reason that they could get out of

6 something.

7 MS. HOJJAT: Interesting. Okay, so you're kind of

8 talking about motive a little bit?

9 PROSPECTIVE JUROR NO. 0608: Yeah, yeah.

10 MS. HOJJAT: So is that maybe a thing that you would

11 be looking for is why --

12 PROSPECTIVE JUROR NO. 0608: Yeah, like maybe --

13 maybe kind of hear -- not just the situation but kind of

14 hearing the history between the relationship and the dynamic

15 as to maybe why she -- this person would say something like

16 that --

17 MS. HOJJAT: Okay.

18 PROSPECTIVE JUROR NO. 0608: -- in a way.

19 MS. HOJJAT: And so that's a thing that you would

20 consider --

21 PROSPECTIVE JUROR NO. 0608: Yes.

22 MS. HOJJAT: -- in your determination --

23 PROSPECTIVE JUROR NO. 0608: Yes.

24 MS. HOJJAT: -- of whether the truth is being told?

25 PROSPECTIVE JUROR NO. 0608: Yes.

1 MS. HOJJAT: How many people agree with that; motive
2 to lie is important as well? Okay. Seeing some hands.
3 Anybody disagree with that?
4 Seeing no hands.
5 Talking about what Mr. Dorta said -- and this is for
6 the whole panel -- about the story changing; what about when
7 the stories get bigger? Has anybody noticed that when people
8 are lying, that the story kind of seems to snowball and get
9 bigger and bigger and bigger? It's not merely a change.
10 Every telling seems to be more.
11 Has anybody noticed that about when the story's not
12 true? Yeah. Seeing some hands. Okay.
13 And then when we talk about changes. I'm going to
14 ask you to pass the microphone down to Ms. Farmer.
15 PROSPECTIVE JUROR NO. 1307: Yes.
16 MS. HOJJAT: We talked a little bit about stories
17 having bigger parts versus smaller parts; right?
18 PROSPECTIVE JUROR NO. 1307: Yes, Um-h'm. Yes.
19 MS. HOJJAT: So if you're looking for -- if you're
20 looking to see if a story is truthful where are you looking
21 for those changes?
22 PROSPECTIVE JUROR NO. 1307: Um, I mean, it's -- it
23 could be kind of -- any sort of inconsistencies as we've
24 learned over the past two days. There's a tendency in court
25 for questions to be repeated a number of times. And if you

1 answer it differently each time you're less credible.

2 MS. HOJJAT: Right. Do you think there's a
3 difference between if you're inconsistent about the big stuff
4 versus inconsistent about the little stuff?

5 PROSPECTIVE JUROR NO. 1307: Potentially. But I
6 think any inconsistencies would raise a red flag and should be
7 considered. But you'd have to look at the sum total of the
8 evidence to determine what those inconsistencies mean.

9 But I think each inconsistency could be significant
10 depending on the context.

11 MS. HOJJAT: Okay. Thank you very much, ma'am.

12 Who agrees with Ms. Farmer on that? That you know
13 what, I think every inconsistency, big or small detail, should
14 be considered? Does anybody disagree with Ms. Farmer and feel
15 like you know what I'd -- I'd want to see what the nature of
16 the inconsistency is. Seeing no hands. Okay.

17 And there was a lot of talk by this panel about
18 reasons that a child might have difficulty articulating what
19 happened or talking about what happened and several of your
20 panel members talked about maybe if the child has some sort of
21 disability or I believe autism was mentioned, things of that
22 nature.

23 Are children the only ones who can have those types
24 of conditions?

25 UNIDENTIFIED PROSPECTIVE JURORS: No.

1 THE COURT: Can adults have those types of
2 conditions?
3 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
4 MS. HOJJAT: And do we think that those types of
5 conditions can affect adults?
6 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
7 MS. HOJJAT: Can they affect the way adults think
8 and behave?
9 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
10 MS. HOJJAT: Okay. Has anybody here ever known
11 anybody with an intellectual disability?
12 UNIDENTIFIED PROSPECTIVE JURORS: Yes.
13 MS. HOJJAT: Seeing some hands.
14 Ma'am, Ms. Shock?
15 Somebody you knew who had an intellectual
16 disability?
17 PROSPECTIVE JUROR NO. 0763: Yes.
18 MS. HOJJAT: Somebody close?
19 PROSPECTIVE JUROR NO. 0763: Um-h'm. A cousin.
20 MS. HOJJAT: A cousin.
21 Let me ask you this person, was it always really
22 readily apparent as soon as you saw the person?
23 PROSPECTIVE JUROR NO. 0763: As soon as you saw the
24 person?
25 MS. HOJJAT: It -- so it -- it's in this case?

1 PROSPECTIVE JUROR NO. 0763: Um-h'm.

2 MS. HOJJAT: Okay. Do you think that's always the
3 case with intellectual disability?

4 PROSPECTIVE JUROR NO. 0763: No.

5 MS. HOJJAT: No. Can some individuals have
6 intellectual disabilities and you can't tell just by looking
7 at them?

8 PROSPECTIVE JUROR NO. 0763: Absolutely.

9 MS. HOJJAT: Okay. Is there kind of a scale?

10 PROSPECTIVE JUROR NO. 0763: I believe there is a
11 scale.

12 MS. HOJJAT: Okay. And back to the whole panel.
13 Can some individuals have intellectual disabilities and kind
14 of mostly live a semi normal life and kind of get along and
15 function to a certain degree?

16 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

17 MS. HOJJAT: Okay. But in certain circumstances
18 could those individuals react differently than you or I might?

19 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

20 MS. HOJJAT: Okay. And a lot of members of the
21 panel, you guys have said things such as, you know, every
22 person is different and I wouldn't hold people to my standard.
23 The way I behave is not necessarily how other people would
24 behave. Right? We've all kind of talked about this a little
25 bit and said that.

1 And when you guys were talking about that, it was in
2 the context of discussing the person making the allegations.
3 Can we also agree that that standard should apply to the
4 person accused? Do you guys expect a person accused of a
5 crime to always behave the exact same way?

6 UNIDENTIFIED PROSPECTIVE JURORS: No.

7 MS. HOJJAT: Okay. A show of hands who would, who
8 thinks, you know what, if you're accused of a crime there's
9 only one way to behave.

10 A show of hands who says you know what, no, I could
11 -- I could see there's different ways of behaving. There's
12 different ways of reacting.

13 Okay. And do you guys think that having an
14 intellectual disability might affect the way you would react
15 if you were accused of a serious crime like this?

16 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

17 MS. HOJJAT: A show of hands, who thinks that that
18 could affect a person's reaction?

19 Mr. Benitez, I didn't see your hand. Do you agree
20 with that or do you disagree?

21 PROSPECTIVE JUROR NO. 1147: Yeah.

22 MS. HOJJAT: You agree.

23 Has anybody heard of the concept of individuals
24 saying they did things that they didn't do? Seeing some -- a
25 show of hands, who's heard that? Who hasn't heard of that?

1 Who doesn't believe it's true? Who thinks you know what, no,
2 a person wouldn't say they did something if they didn't do it.
3 I'm seeing no hands from the panel.
4 MR. ROWLES: Judge, can we approach?
5 THE COURT: Yeah. If there's an objection, the
6 objection is going to be sustained.
7 MR. ROWLES: There's an objection.
8 THE COURT: So I don't think it's an appropriate
9 line of questioning in voir dire.
10 MS. HOJJAT: And I'm sorry, can you just clarify --
11 can we approach to clarify?
12 THE COURT: Of course.
13 MS. HOJJAT: Thank you very much.
14 THE COURT: Absolutely.
15 (Bench conference begins.)
16 MS. HOJJAT: And I'm sorry, I just wanted to
17 clarify, is the -- or -- is the objection to any questions on
18 whether --
19 THE COURT: About false confessions?
20 MS. HOJJAT: About whether the jury believes false
21 confessions exist, about whether -- because I mean -- that is
22 -- that is an opinion held in the community. Some people
23 believe nobody would ever confess to a crime they didn't
24 commit. And we have the right to know about that. We're
25 looking for prejudices and bias. That is a bias if an

1 individual is already on our jury saying we believe under no
2 circumstances does anybody ever falsely confess to anything.

3 THE COURT: Well, you did ask that question. So I
4 just don't think it's appropriate to go any further. I mean,
5 the issue is can these jurors be fair and impartial. I mean,
6 that's it.

7 MS. HOJJAT: Right. I guess --

8 THE COURT: So you did ask the question. I really
9 think you should -- I don't think it's appropriate to go much
10 further into that.

11 MS. HOJJAT: Okay. So is the Court saying I can't
12 ask anymore questions about --

13 THE COURT: What would you want to ask?

14 MS. HOJJAT: Well, just to get to the idea is there
15 anybody who basically believes that the confession -- if a
16 statement is made it must be the truth, that it's -- you know,
17 that the defense is going to have this huge hill to try to
18 prove that it's not true. Because technically voluntariness
19 is still on the State. They have to prove.

20 THE COURT: Well, of course. Yeah.

21 MS. HOJJAT: And so I just wanted to get into that a
22 little bit to make sure nobody thinks it's the Defense's
23 burden that it is, in fact, still the State's burden to prove
24 the -- to -- the truthfulness of a statement.

25 THE COURT: Well, I'll let you ask that. Well, you

1 can ask that.

2 MS. HOJJAT: Perfect.

3 THE COURT: You can ask that -- you know, and tell
4 them it's the State's burden, they have to prove that a
5 statement is freely, voluntarily and intelligently entered
6 into.

7 MS. HOJJAT: Okay.

8 THE COURT: I don't have a problem with that.

9 MS. HOJJAT: Okay. Thank you very much.

10 THE COURT: All right.

11 (End of bench conference.)

12 MS. HOJJAT: All right. So we were talking about
13 the idea of potentially false statements, false potential
14 confessions.

15 MR. SWEETIN: And Judge, can we approach one more
16 time? I'm sorry.

17 (Bench conference begins.)

18 MS. HOJJAT: Is it off?

19 MR. SWEETIN: I think the objection that we have is
20 it's an argument of the case.

21 THE COURT: I think so, too. I mean, it really is
22 an argument of the case and you're not permitted to argue, you
23 know, your case in voir dire. I did say you could ask them
24 about, you know, the understanding that it's the State's
25 burden --

1 MS. HOJJAT: Okay.

2 THE COURT: -- but any statement by the defendant,
3 the State has to prove it's freely, voluntary and
4 intelligently entered into. I think that's appropriate.

5 If you are trying to find out whether anyone would
6 have a problem holding them to their burden --

7 MS. HOJJAT: Okay. I'll phrase it like that.

8 THE COURT: Okay.

9 MS. HOJJAT: Thank you, Your Honor.

10 (End of bench conference.)

11 MS. HOJJAT: All right. Is this on? Yes.

12 There we go. All right.

13 So talking about a defendant's statement. Who
14 should have the burden of proving whether a defendant's
15 statement was intelligently made? Should it be the defendant,
16 or should it be the State of Nevada?

17 Okay. So we have one person saying neither. I'm
18 going to do -- let's do a show of hands.

19 THE COURT: Okay. You know what, just -- I -- I get
20 nervous that the jury might get the wrong impression. I just
21 want to make sure everyone understands; the Defense doesn't
22 have any burden whatsoever in a criminal trial. The State has
23 the burden.

24 So the question's being asked, but the State always
25 has the burden.

1 MS. HOJJAT: Right. So does everybody understand
2 that? Does everybody agree with that? That the State has the
3 burden of proving that any statements they want to introduce
4 were voluntarily and intelligently made by an individual,
5 including the defendant? Does that make sense to everybody?
6 Okay.
7 PROSPECTIVE JUROR NO. 0006: I have a quick
8 question. Just -- I'm -- I'm [inaudible].
9 THE MARSHAL: Can we get the microphone?
10 MS. HOJJAT: Let's get you the microphone.
11 THE MARSHAL: We need your name and badge number,
12 please.
13 PROSPECTIVE JUROR NO. 0006: Dominick Dorta, 0006.
14 I have -- I'm not quite understanding here. I do
15 understand that all that lays on the --
16 MS. HOJJAT: The State?
17 PROSPECTIVE JUROR NO. 0006: The State, sorry.
18 Thank you. But what I'm -- what I was meaning was the State
19 should find a professional to determine that not the State
20 itself determine that. They should find a person qualified
21 and licensed to do that task.
22 MS. HOJJAT: I see. Okay.
23 THE COURT: Okay.
24 MS. HOJJAT: Thank you very much, Mr. Dorta.
25 THE COURT: Well, that's what jurors do. I mean,

1 it's ultimately a question for the jury to determine. But I
2 just wanted to make sure it was clear that everybody
3 understands that any burden in a criminal case is on the State
4 of Nevada and not the Defense. The Defense has no burden.

5 MS. HOJJAT: And we say that a lot, right? We say
6 the Defense has no burden. The State has the burden. But
7 that's kind of a convoluted thing; right? We'll talk about
8 that a little bit later.

9 There was a little bit of talk by a couple of your
10 fellow jurors about children being talked to in school about
11 things relating to sex. Do we all remember that conversation?

12 UNIDENTIFIED PROSPECTIVE JURORS: Yes.

13 MS. HOJJAT: Yes. Okay. I believe Mr. Bracks, you
14 mentioned that you had had some sort of sex ed, some sort of
15 seminar about strangers and touching and things of that
16 nature.

17 How many people on the panel here have kids that are
18 still in some sort of school? Okay. And how many people have
19 kids who have been in schooling and are now past that
20 schooling age? Okay.

21 Of those people how many of you had at some point
22 your children went through some sort of seminar, teaching,
23 education about stranger danger and bad touching and things of
24 that nature? I'm seeing most hands up.

25 Is there anybody who's children didn't have any sort

1 of education on that? And ma'am, Ms. Meyers?

2 PROSPECTIVE JUROR NO. 0129: Yes.

3 MS. HOJJAT: I didn't see your hand go up.

4 PROSPECTIVE JUROR NO. 0129: My son -- oh -- my son

5 is five years old.

6 MS. HOJJAT: Oh, so he hasn't reached that age --

7 PROSPECTIVE JUROR NO. 0129: Yes.

8 MS. HOJJAT: -- either way?

9 PROSPECTIVE JUROR NO. 0129: Yes. Um-h'm.

10 MS. HOJJAT: But what are your thoughts on it? Do

11 you -- do you agree that this is a thing that happens for most

12 children at some point in the education process?

13 PROSPECTIVE JUROR NO. 0129: Yes. I had the same

14 type of education.

15 MS. HOJJAT: Right. And in fact, I think Mr.

16 Feliciano talked to you a little bit about the idea of a young

17 child not knowing versus an older child not knowing and not

18 understanding sexual conduct; right?

19 PROSPECTIVE JUROR NO. 0129: Correct.

20 MS. HOJJAT: And you were saying, well, it kind of

21 depends on the child and it's fluent. But we can agree that

22 most children at some point do receive that education?

23 PROSPECTIVE JUROR NO. 0129: Yes.

24 MS. HOJJAT: Okay. And can we all agree that most

25 children receive it somewhere around middle school, is that

1 right?

2 PROSPECTIVE JUROR NO. 0129: Yes.

3 MS. HOJJAT: Okay. This isn't a thing that we're
4 waiting until senior year of high school to teach children
5 about.

6 I'm going to ask you to pass the microphone right
7 next to you to Mr. Taylor.

8 Hi, Mr. Taylor.

9 PROSPECTIVE JUROR NO. 0113: Hello.

10 MS. HOJJAT: If I were to say to you that this
11 morning on your way to the courthouse you sort of sped, you
12 went 20 miles over the speed limit, you did it, I saw you, you
13 were guilty of speeding.

14 How do you prove that you didn't?

15 THE COURT: I'm sorry, what's the question?

16 MS. HOJJAT: How would he prove that he wasn't
17 guilty of speeding?

18 PROSPECTIVE JUROR NO. 0113: I would say there's
19 really no way, especially since I was doing it.

20 I'm not saying that I did it this morning, you said
21 that.

22 MS. HOJJAT: No, that was good, sir.

23 Let's say you didn't speed this morning. And let's
24 say I said you did.

25 PROSPECTIVE JUROR NO. 0113: Um-h'm.

1 MS. HOJJAT: How do you prove you didn't?
2 PROSPECTIVE JUROR NO. 0113: I don't think there's a
3 way.
4 MS. HOJJAT: It's tough, right?
5 PROSPECTIVE JUROR NO. 0113: Yes.
6 MS. HOJJAT: What -- if somebody told you now --
7 now you're in your trial and you're sitting in voir dire and
8 you're listening to your jurors and your jurors are talking
9 about, well, you know the Defense will put on their evidence.
10 Are you panicking about what evidence you would have to put
11 on?
12 PROSPECTIVE JUROR NO. 0113: I suppose, yes.
13 MS. HOJJAT: It's very hard to prove you didn't do a
14 thing; isn't it?
15 THE COURT: Okay. And again --
16 PROSPECTIVE JUROR NO. 0113: Yes.
17 THE COURT: -- I want to make sure it's clear, the
18 defendant doesn't have to prove anything.
19 MS. HOJJAT: And is that a good reason for that?
20 Does that make sense why the defendant shouldn't have to prove
21 anything? Is it very hard to prove a negative? And so are we
22 all -- are we all comfortable with the idea that Mr. Vasquez-
23 Reyes should not have to prove his innocence? Show of hands,
24 who's comfortable with that?
25 Is there anybody who feels like really in this type

1 of case, in this type of -- with these types of allegations he
2 should have some evidence that he puts on, there should be
3 something he can present?

4 Ma'am, did you shake your head yes a little bit?

5 PROSPECTIVE JUROR NO. 1144: No, I'm just laughing
6 because you're [inaudible].

7 THE COURT RECORDER: I'm sorry, your badge number,
8 please?

9 MS. HOJJAT: Oh.

10 THE COURT: Okay. Just a minute. Will you just
11 state your name, please?

12 PROSPECTIVE JUROR NO. 1144: Caroline Millsaps.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR NO. 1144: 1144.

15 THE COURT: Thank you.

16 THE COURT RECORDER: Thank you, Your Honor.

17 MS. HOJJAT: I'm too expressive.

18 Does anybody feel like yes, I expect the defendant
19 to put on some evidence? Is anybody uncomfortable with the
20 idea that defendant can't -- it's difficult to prove you
21 didn't do a thing? Okay. Seeing no hands.

22 A couple jurors earlier mentioned when they heard
23 the allegations felt sick to their stomach, angry, upset,
24 things of that nature. Did anybody say -- or think to
25 yourselves, I bet you he's innocent. I bet you that is

1 wrongly accused man. Anybody feel that way?

2 Anybody think you know what, he's sitting there, he

3 probably did something. Anybody feel like that when they

4 heard the allegations? Seeing no hands.

5 Did anybody have any thoughts when you heard the

6 allegations? Any thoughts at all?

7 Ma'am, Ms. Jankovic?

8 PROSPECTIVE JUROR NO. 0052: I kind of had an

9 anxiety attack yesterday.

10 MS. HOJJAT: Really?

11 PROSPECTIVE JUROR NO. 0052: Yeah. After --

12 MS. HOJJAT: I'm --

13 PROSPECTIVE JUROR NO. 0052: -- I heard --

14 MS. HOJJAT: I'm very sorry to hear that.

15 PROSPECTIVE JUROR NO. 0052: -- [inaudible].

16 MS. HOJJAT: I -- we are not trying to cause --

17 PROSPECTIVE JUROR NO. 0052: No, I mean --

18 MS. HOJJAT: -- distress to you guys. Can you -- I

19 don't mean to pry but can you tell me a little bit more

20 about --

21 PROSPECTIVE JUROR NO. 0052: No, just my heard would

22 start beating so fast and I went to the bathroom to trying to

23 catch the breath just the thought about it could be true.

24 MS. HOJJAT: Okay. So that was the first kind of

25 thought --

1 PROSPECTIVE JUROR NO. 0052: Impression, yeah.

2 MS. HOJJAT: -- that went through your mind was this
3 emotion of it could be true and if it is how upset
4 [inaudible]?

5 PROSPECTIVE JUROR NO. 0052: If it is, yes.

6 MS. HOJJAT: Can you pass the microphone -- thank
7 you very much, ma'am.

8 PROSPECTIVE JUROR NO. 0052: Um-h'm.

9 MS. HOJJAT: I appreciate your honesty. Again, I
10 know these are sometimes difficult things that we're talking
11 about and I appreciate everybody being so honest and open.

12 Sir, I see your hand and I'm going to get the
13 microphone to you, Mr. Sica. I'm just going to go in order.
14 So we're going to -- can we have Ms. Fernandez, for one
15 second, have the microphone? Sorry.

16 And Ms. Fernandez, the only reason I'm picking on
17 you is because I happened to be looking at you --

18 PROSPECTIVE JUROR NO. 0104: Yeah.

19 MS. HOJJAT: -- when the State said the allegations
20 and I saw you put your hands over your mouth --

21 PROSPECTIVE JUROR NO. 0104: Yes.

22 MS. HOJJAT: -- and you started shaking your head
23 like this. So can I ask you about that?

24 PROSPECTIVE JUROR NO. 0104: Um, I don't know, I
25 felt like -- like what she said like my heart dropped to my

1 stomach, you know? Um, because that's a serious case and I
2 wouldn't want that to happen to anyone close to me, you know?
3 That's it.

4 MS. HOJJAT: Can I ask you when you first heard the
5 allegation was your first thought that, well, he's sitting
6 there so he must have done something?

7 PROSPECTIVE JUROR NO. 0104: No, I was like -- um, I
8 don't know, maybe -- because of the like -- I don't -- how can
9 I explain.

10 MS. HOJJAT: It's okay.

11 PROSPECTIVE JUROR NO. 0104: I get confused like
12 maybe like it could be right it could be wrong, you know.

13 MS. HOJJAT: Right. It's a tough -- it's a tough
14 thing.

15 PROSPECTIVE JUROR NO. 0104: Yeah.

16 MS. HOJJAT: And it's a tough topic.

17 PROSPECTIVE JUROR NO. 0104: Yeah.

18 MS. HOJJAT: Okay. We're seeing some hands. Let's
19 -- let's keep passing it. Let's pass it over to Ms. Meyers
20 and then Mr. Sica you're next, I promise.

21 PROSPECTIVE JUROR NO. 0129: My name's Megan Meyers
22 and I'm Badge No. 0129. I kind of relate accusations like the
23 first initial accusation as gossip, you know, when you hear it
24 for the first time it's just sort of like word of mouth. And
25 until you get to the source of it there's no way to prove it.

1 MS. HOJJAT: Okay. That's very interesting, ma'am.
2 Thank you very much. I appreciate that.
3 Mr. Sica, am I saying that right?
4 PROSPECTIVE JUROR NO. 0216: Yes, ma'am. Darren
5 Sica, 0216.
6 I guess that's why we're here to figure if -- you
7 know, if -- to know the who, what, where, when, why how and on
8 a tangent if I could please apologize, Your Honor. I didn't
9 mean any disrespect to you or --
10 THE COURT: Oh, no.
11 PROSPECTIVE JUROR NO. 0216: -- or our State or our
12 Republic. I --
13 THE COURT: None taken.
14 PROSPECTIVE JUROR NO. 0216: I just figure there's a
15 Higher Power and that -- that entity has the final say, not --
16 not a fellow like me.
17 THE COURT: Okay. In a --
18 MS. HOJJAT: Thank you, Mr. Sica.
19 THE COURT: In a jury trial -- because you
20 understand --
21 PROSPECTIVE JUROR NO. 0216: Yes, ma'am. I
22 understand. I understand the --
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 0216: -- it's in our
25 Constitution. I do understand that.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0216: That we -- we -- it's

3 in our -- it's there. It's --

4 THE COURT: Sure. But I just want to make sure that

5 if you're selected to serve on this panel you would be able to

6 serve and listen to the evidence and --

7 PROSPECTIVE JUROR NO. 0216: Yes. Yes, ma'am. If I

8 am selected --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 0216: -- if you all figure so

11 then yes, I'll -- I'll do exactly as you say.

12 THE COURT: Okay. Thank you, sir.

13 PROSPECTIVE JUROR NO. 0216: Thank you.

14 MS. HOJJAT: Thank you.

15 MR. ROWLES: Judge, can we approach real quickly?

16 THE COURT: Sure.

17 (Bench conference begins.)

18 MR. ROWLES: The concern I have is that the line of

19 questioning that's been going on during voir dire that they

20 all seem to be under the impression that they are also to

21 determine his punishment at that time because there's been

22 talks about having his life in his hands, having all that

23 stuff and so is it possible just to clear up that they're only

24 here to determine facts --

25 THE COURT: Yeah. I -- I mean --

1 MR. ROWLES: -- and stuff like that?

2 THE COURT: -- I don't know, I think I've steered
3 the Defense --

4 MR. ROWLES: Yeah.

5 THE COURT: -- away from punishment anytime they've
6 gone near it.

7 MR. ROWLES: But with -- yeah, with that line of --
8 with his questioning it makes it seem like he's -- he thinks
9 he's here to determine more than just whether --

10 MR. FELICIANO: It seems like a stretch. I'm not
11 getting that but --

12 THE COURT: Yeah. I --

13 MR. ROWLES: Okay.

14 THE COURT: -- I didn't get that. But I don't think
15 that anyone should be talking about punishment in voir dire.

16 MR. ROWLES: Okay. Okay.

17 (End of bench conference.)

18 MS. HOJJAT: So Mr. Sica you talked about the
19 Constitution.

20 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.

21 MS. HOJJAT: And this is -- all of these things that
22 we're talking about this concept of the defendant being
23 presumed innocent and the burden being the State's burden of
24 proof, this is all from our U.S. Constitution, right?

25 PROSPECTIVE JUROR NO. 0216: Yes, ma'am. That's the

1 way it works.

2 MS. HOJJAT: These are his freedoms but also your
3 freedoms and my freedoms.

4 PROSPECTIVE JUROR NO. 0216: Yes, ma'am.

5 MS. HOJJAT: Right? And in order to protect our
6 freedoms we have to protect the freedoms of every single
7 person.

8 PROSPECTIVE JUROR NO. 0216: Yes, ma'am. I
9 understand that.

10 MS. HOJJAT: Right. Does anybody disagree with
11 that? Does anybody feel like the burden is too high for the
12 State? That maybe it's not fair that the State has so much
13 that they have to prove, proof beyond a reasonable doubt?

14 Seeing no hands from the panel.

15 Question to the whole panel. Does anybody here
16 think on these types of charges that you might have a
17 difficult time returning a verdict of not guilty just by
18 nature of what the allegations are?

19 Mr. Dorta, thank you for your honesty, sir.

20 Does anybody else feel that way? Anybody else feel
21 like I might have a hard time returning a not guilty verdict
22 just by nature of the fact that I know a child is making an
23 allegation of sexual assault?

24 Ma'am?

25 PROSPECTIVE JUROR NO. 0006: [Inaudible]?

1 MS. HOJJAT: Sure, Mr. Dorta. Yes.

2 PROSPECTIVE JUROR NO. 0006: The reason for my
3 comment was because I had a sister who was allegedly --
4 lewdness with a minor with my stepdad. And when it was all
5 over he went to prison and that's where he died, got killed.
6 And my little sister told me that that wasn't true.

7 So that's why I say that.

8 MS. HOJJAT: I appreciate that, Mr. Dorta. And I
9 appreciate you sharing that with us.

10 Let me ask you a question. You talked about the
11 fact that you were a potential witness in that trial. You
12 said -- you had said you were --

13 PROSPECTIVE JUROR NO. 0006: Oh, yes. Yes. Yes.

14 MS. HOJJAT: -- you were a potential witness.

15 PROSPECTIVE JUROR NO. 0006: I was called, yes.

16 MS. HOJJAT: So you believed your sister?

17 PROSPECTIVE JUROR NO. 0006: I did.

18 MS. HOJJAT: She was your sister.

19 PROSPECTIVE JUROR NO. 0006: Yes.

20 MS. HOJJAT: You knew her well.

21 PROSPECTIVE JUROR NO. 0006: And she was my little
22 sister at that.

23 MS. HOJJAT: She was your little sister. You knew
24 her well. But when she made the accusation you believed her?

25 PROSPECTIVE JUROR NO. 0006: I did.

1 MS. HOJJAT: And she later admitted to you she was
2 lying?

3 PROSPECTIVE JUROR NO. 0006: Yes.

4 MS. HOJJAT: Does that scare you at all?

5 PROSPECTIVE JUROR NO. 0006: It definitely does.
6 That's why I'm very diligent about hearing everything and
7 knowing all that I can know to make a proper decision, to not
8 put somebody in jail or to not have somebody released. That's
9 not -- that shouldn't [inaudible] --

10 THE COURT: Okay. So I just want to make sure --

11 PROSPECTIVE JUROR NO. 0006: In other words --

12 THE COURT: -- the jury understands too a jury panel
13 is never -- we never make a request of a jury panel to put
14 somebody in jail or not put somebody in jail. That's a matter
15 which lies solely with the Court.

16 PROSPECTIVE JUROR NO. 0006: Okay. Well, I was just
17 saying that because we have to make a judgment as a panel.

18 MS. HOJJAT: But so I guess here's what I'm -- we're
19 -- we're talking about credibility; right? We are talking
20 about determining credibility, determining whether people are
21 lying. How do you tell whether someone is lying?

22 PROSPECTIVE JUROR NO. 0006: I couldn't tell --

23 MS. HOJJAT: You did all those things.

24 PROSPECTIVE JUROR NO. 0006: -- my sister was lying.

25 MS. HOJJAT: Right.

1 PROSPECTIVE JUROR NO. 0006: And I'm real good at
2 that. I thought I was.

3 MS. HOJJAT: Does that scare anybody on the jury?
4 Seeing a couple hands. Ma'am? Ms. Guzman?

5 PROSPECTIVE JUROR NO. 1198: Badge number 1198.

6 MS. HOJJAT: Please tell me your thoughts.

7 PROSPECTIVE JUROR NO. 1198: Just the whole
8 situation, it's scary, especially not knowing any evidence or
9 facts so I mean once we do I think we can all make by a case-
10 by-case basis our fair judgment on if they are guilty or not,
11 so.

12 MS. HOJJAT: If it comes down to credibility and
13 that's what you have to use to make a determination, does that
14 scare you?

15 PROSPECTIVE JUROR NO. 1198: Yes, it does.

16 MS. HOJJAT: Question to the rest of the panel, if
17 that's what it comes down in this case, credibility, you just
18 have to decide whether someone is lying, how many people are
19 scared by that? How many people would be worried about
20 potentially getting it wrong?

21 Okay. One second, ladies and gentlemen. I'm trying
22 to find my notes.

23 Your fellow juror, Ms. Garrett, you mentioned the
24 benefit of the doubt.

25 PROSPECTIVE JUROR NO. 0910: Yes, I did.

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ARMANDO VASQUEZ-REYES,) No. 80293
)
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 27 day of August, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/Rachel Howard
Employee, Clark County Public Defender's Office