

IN THE SUPREME COURT OF THE STATE OF NEVADA

KODY HARLAN

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Mar 10 2021 02:40 p.m.
Case No. 80318
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S APPENDIX
Volume VI**

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Harlan v. State Case No. 80318

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1 to do for witnesses, timing wise?

2 THE COURT: I mean, if you want we can just plan on
3 getting through openings tomorrow --

4 MR. PESCI: Okay.

5 THE COURT: -- and then start with witnesses Wednesday
6 morning.

7 MR. PESCI: That's fine.

8 THE COURT: I'm --

9 MR. YAMPOLSKY: That's fine.

10 THE COURT: Because I'm thinking we probably will spend
11 maybe a couple hours finishing up jury selection in the morning,
12 take a later lunch break and then it may be that we're starting at
13 2:00 after lunch instead of earlier. So that may mean we get done a
14 little early but I'm fine with that.

15 MR. PESCI: And Wednesday's an early day, 9:00 day.

16 THE COURT: Wednesday is 9:00 a.m.

17 MR. PESCI: So we'll anticipate getting witnesses lined up
18 for Wednesday, 9:00 a.m.

19 THE COURT: Yeah.

20 MR. PESCI: Okay. Thank you, Your Honor.

21 THE COURT: Okay. Good? Okay.

22 MR. HELMICK: Okay.

23 THE COURT: And just so you know -- hold on one second.
24 Sorry.

25 My brief ability to review all this has nothing about any

1 juvenile record. It's everything related to this case.

2 MR. PESCI: Okay.

3 THE COURT: It's just incident reports, arrest reports, and
4 a couple of handwritten voluntary statements from some people. I
5 don't know --

6 MR. PESCI: I don't know, I haven't seen it.

7 THE COURT: I don't know what all's in discovery but
8 there are a variety of incident reports and -- you know, the main
9 arrest report, the incident reports, and then as I said a couple of
10 voluntary statements. Patrick Stauffenberg.

11 MR. PESCI: He's in this case.

12 THE COURT: Jacy Freshour.

13 MR. PESCI: Yep, she's in this case.

14 MS. OVERLY: Yes.

15 THE COURT: Angie Knox.

16 MS. OVERLY: Yes.

17 MR. PESCI: In this case.

18 THE COURT: And that's pretty much it.

19 MR. PESCI: Okay.

20 THE COURT: So there isn't any juvenile record
21 information in here. So I don't know if they misunderstood --

22 MR. PESCI: Could be and --

23 THE COURT: -- because --

24 MR. PESCI: -- I apologize.

25 THE COURT: It's okay.

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MR. PESCI: I'll try to follow up.

THE COURT: But I'm going to go ahead and copy and disseminate this to both sides just so you have all of it.

MR. PESCI: And they should have it anyway from discovery.

THE COURT: Okay.

MR. PESCI: So your -- so I can try to make it more clear then. You're saying that the juvenile charges referenced in this, separate and distinct from our case, those records should be reviewed.

THE COURT: Yeah, I don't -- I didn't see anything in here that references Traceo Meadows' juvenile record at all.

MR. PESCI: Okay.

THE COURT: It's -- yeah, I mean, you -- normally you'd get a printout from the Juvenile Court that shows --

MR. PESCI: All the times they've been charged.

THE COURT: Yeah.

MR. PESCI: Yeah. I'll follow up. Thank you, Your Honor.

[Evening recess at 5:30 p.m.]

* * * * *

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



Brittany Mangelson
Independent Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JAIDEN CARUSO &
KODY HARLAN,

Defendants.

CASE NO. C-18-333318-1
C-18-333318-2

DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON,
DISTRICT COURT JUDGE

TUESDAY, JULY 30, 2019

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 2

APPEARANCES:

For the State:

GIANCARLO PESCI, ESQ.
SARAH E. OVERLY, ESQ.
Chief Deputy District Attorneys

For the Defendant
Jaiden Caruso:

MACE J. YAMPOLSKY, ESQ.
JASON R. MARGOLIS, ESQ.

Kody Harlan:

RYAN K. HELMICK, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

TRANSCRIBED BY: MANGELSON TRANSCRIBING

1 Las Vegas, Nevada, Tuesday, July 30, 2019

2
3 [Trial began at 11:08 a.m.]

4 [Outside the presence of the prospective jury]

5 THE COURT: Did you want to make -- we weren't on the
6 record earlier, were we, Jill?

7 Okay. Do you want to make a record?

8 MR. PESCI: Yes. Thank you, Your Honor.

9 I spoke with my victim advocate this morning, we met
10 with the family of the decedent, Matthew Minkler. They indicated --
11 the family of Matthew Minkler indicated that they were getting on
12 the elevator to leave last night after court was over that Juror --

13 MR. YAMPOLSKY: Ms. Phillips.

14 MR. PESCI: -- Phillips, which is Badge Number 551, who
15 all -- Denise Philips, by the way, who all three parties had agreed to
16 release because she was somewhat of inter -- she was interruptive
17 and would say things when it wasn't her time to talk. She was
18 getting on the elevator where there were an estimate of six to seven
19 other jurors -- potential jurors and said something to the effect of, I
20 wouldn't want to be the one to send those boys away.

21 The State's -- got this information right after hearing it,
22 called Defense Counsel into the anteroom and shared that
23 information so they would have that information. And then the
24 State's concern and the request of the Court is to ask to have the
25 panel brought in in its entirety, which as I understand it, Your

1 Honor, correct me if I'm wrong, still includes the individuals that
2 last night we just -- you had ordered to be released.

3 THE COURT: Correct.

4 MR. PESCI: Because I think they could potentially be in
5 that group.

6 THE COURT: Okay.

7 MR. PESCI: And then ask did anybody overhear Ms.
8 Denise Phillips say anything about this case; if you did raise your
9 hand. Whatever way you think's best, Your Honor.

10 THE COURT: Okay.

11 MR. PESCI: And then we would ask to take them
12 individually if anybody does raise their hand.

13 THE COURT: Okay. Any objection to that?

14 MR. HELMICK: No.

15 MR. YAMPOLSKY: No, Your Honor.

16 THE COURT: All right. You can go ahead and get the
17 panel in.

18 THE MARSHAL: Yes, Your Honor.

19 THE COURT: And you do not have the extra 20 people
20 right now, right?

21 THE MARSHAL: No, I've gotten -- no, just the ones from
22 yesterday, Your Honor.

23 THE COURT: Okay. Thank you.

24 Just so everybody knows, I have a sneaking suspicion, the
25 way the State's going, that they're not getting to openings today.

1 MR. PESCI: Well, we can hope for the best.
2 MR. YAMPOLSKY: We're not doing openings today.
3 MR. PESCI: Yeah, he said --
4 MR. HELMICK: Yeah, we were.
5 MR. YAMPOLSKY: What?
6 THE COURT: Yesterday we talked about doing openings
7 today.
8 MR. HELMICK: Yeah.
9 MR. YAMPOLSKY: No, we talked about doing openings
10 tomorrow.
11 MR. PESCI: Well --
12 MR. HELMICK: We did.
13 THE COURT: We did.
14 [In the presence of the prospective jury]
15 THE MARSHAL: Rise for the jurors.
16 THE COURT: Ryan?
17 MR. HELMICK: We did.
18 THE COURT: Thank you.
19 No.
20 MR. YAMPOLSKY: Yeah, we did?
21 THE COURT: No we didn't. You got to pay attention.
22 MR. YAMPOLSKY: I thought you said we're going to do it
23 the next day?
24 MR. PESCI: The jury's here.
25 THE COURT: You guys can be seated.

1 We are going to be back on the record. Our prospective
2 juror panel is present, as well as Mr. Caruso, Mr. Harlan, and all of
3 our attorneys.

4 Good morning, Ladies and Gentlemen.

5 THE PROSPECTIVE JURORS: Good morning.

6 THE COURT: How you doing?

7 THE PROSPECTIVE JURORS: Good.

8 THE COURT: Good. So do you remember yesterday at
9 the -- well not just at the close of the day, but yesterday there was a
10 lady, Ms. Phillips, sitting on the end of the first row over here to my
11 left, the one that, you know, jumped in at some point to tell me she
12 smokes marijuana, and has she some puppies, and what not, okay?

13 So at the end of the day after you guys were leaving she
14 was excused from jury service but it was relayed to me that she
15 may have been saying things out in the hallway and/or on the
16 elevator with some of our jurors as you left for the day.

17 So my question is, first off, does anybody recall having
18 any conversation with her out in the hallway or in the elevator after
19 you left yesterday?

20 See no hands, thank you.

21 Was anybody present out in the hallway or on the elevator
22 where you overheard her saying anything after you left for the day?

23 Seeing no -- oh, got one hand. Yeah. I'm sorry. What's
24 your badge number?

25 PROSPECTIVE JUROR NUMBER 497: It's 497.

1 THE COURT: 497, okay. Which is Ms. Diaz, correct?

2 PROSPECTIVE JUROR NUMBER 497: Yes.

3 THE COURT: Okay. So were in the hallway or on the
4 elevator?

5 PROSPECTIVE JUROR NUMBER 497: I was in the hallway
6 and we got in the elevator with her.

7 THE COURT: Okay. And I don't want you to tell me
8 anything that she said but do you remember what she said?

9 PROSPECTIVE JUROR NUMBER 497: That she was
10 dismissed but what you just said.

11 THE COURT: That she was dismissed.

12 PROSPECTIVE JUROR NUMBER 497: Right.

13 THE COURT: Do you remember her making any
14 statements about jury service or anything like that or just that she
15 was dismissed?

16 PROSPECTIVE JUROR NUMBER 497: Just that she was
17 dismissed.

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

19 Anybody have any other questions for any of our panel
20 members?

21 MR. HELMICK: No, Your Honor.

22 THE COURT: On that issue right now?

23 MR. PESCI: I just want to follow-up with her.

24 THE COURT: Oh yeah. Go ahead, sure.

25 MR. PESCI: With everybody?

1 THE COURT: Well why don't you guys approach the
2 bench?

3 [Bench conference transcribed as follows.]

4 THE COURT: I phrased it the way I did just to see if there
5 was anything else. I mean, I'll bring her in by herself if you want
6 me to.

7 MR. PESCI: I would like that.

8 THE COURT: Okay.

9 MR. PESCI: Just -- I mean, I'm just afraid because that
10 lady couldn't stop talking all day yesterday, I don't know how she
11 did in the elevator.

12 THE COURT: Okay. All right.

13 MR. PESCI: But I mean, Judge, we can do it off the record
14 first if you want.

15 THE COURT: No, no, no.

16 MR. YAMPOLSKY: Do you want to do at now --

17 THE COURT: I get it. That's okay.

18 MR. YAMPOLSKY: -- or at the break or --

19 THE COURT: It's okay.

20 MR. PESCI: Thank you.

21 THE COURT: It's okay. It's all right.

22 [End of bench conference.]

23 THE COURT: All right. I need to chit chat with the
24 attorneys. I'm going to have to have you all go back outside if you
25 will, please. And then we're going to get started back up fairly

1 quickly I promise you.

2 I'll tell you what, Ms. Diaz, why don't you stay? Why don't
3 you go ahead and grab your seat? Thank you.

4 [Outside the presence of the prospective jury,
5 with the exception of Prospective Juror Number 497]

6 THE COURT: All right. So obviously, Ms. Diaz, you didn't
7 do anything wrong. It's just that Ms. Phillips, and you may recall
8 yesterday was very chatty and just kind of kept saying things when
9 we weren't even talking to her. So I just really want to be overly
10 cautious. And so tell me anything you remember her saying when
11 you were on the elevator.

12 PROSPECTIVE JUROR NUMBER 497: She was just going
13 over what she was telling you about her -- about marijuana and
14 stuff.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 497: So the reason why
17 might she got dismissed.

18 THE COURT: The reasons why she thinks she may have
19 been --

20 PROSPECTIVE JUROR NUMBER 497: Yeah.

21 THE COURT: -- dismissed?

22 PROSPECTIVE JUROR NUMBER 497: So she was --

23 THE COURT: And what did she say about that?

24 PROSPECTIVE JUROR NUMBER 497: She was just
25 making the same comments of like oh, I got dismissed because of

1 my puppies or me, you know, using marijuana and stuff.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NUMBER 497: That's kind of all I
4 recall. But there was a lot of us in the elevator and the hallway.
5 Because she didn't stop.

6 THE COURT: She didn't stop, yeah, right.

7 PROSPECTIVE JUROR NUMBER 497: She was just going
8 on and on.

9 THE COURT: Did she say anything about the case at all?
10 Her idea --

11 PROSPECTIVE JUROR NUMBER 497: No.

12 THE COURT: -- about the case?

13 PROSPECTIVE JUROR NUMBER 497: I don't recall
14 anything.

15 THE COURT: Say anything about the State's attorneys?

16 PROSPECTIVE JUROR NUMBER 497: No.

17 THE COURT: Anything about the Defense attorneys?

18 PROSPECTIVE JUROR NUMBER 497: Not at all.

19 THE COURT: Anything about the Defendants?

20 PROSPECTIVE JUROR NUMBER 497: I don't recall
21 anything like that.

22 THE COURT: Okay. So it was more just babbling on
23 about why she thinks she got dismissed --

24 PROSPECTIVE JUROR NUMBER 497: Yes.

25 THE COURT: -- and that she was dismissed and stuff like

1 that.

2 PROSPECTIVE JUROR NUMBER 497: Uh-huh.

3 THE COURT: Okay. State, do you have questions?

4 MR. PESCI: No. Thank you very much, Your Honor.

5 THE COURT: Okay.

6 MR. YAMPOLSKY: No, Your Honor.

7 THE COURT: Defense?

8 MR. HELMICK: No, Your Honor.

9 THE COURT: Mr. Helmick, no.

10 Okay. You can get everybody else back in.

11 THE MARSHAL: Yes, Your Honor.

12 [Pause in proceedings; waiting for the prospective jury]

13 THE MARSHAL: Your Honor, two jurors also came
14 forward.

15 THE COURT: Oh geez.

16 THE MARSHAL: 418 and 463.

17 THE COURT: To say they heard something.

18 THE MARSHAL: That they were in the elevator with her.

19 MR. YAMPOLSKY: The plot thickens.

20 THE COURT: 418 and 4 --

21 THE MARSHAL: 63.

22 THE COURT: -- 463?

23 All right. Get me Ms. Gebhart for me, please.

24 THE MARSHAL: Yes, Your Honor.

25 THE COURT: Ms. Diaz, can you go ahead and step

1 outside? Thank you very much, ma'am.

2 [Prospective Juror Number 497 exits the courtroom]

3 THE COURT: We're bringing in Ms. Gebhart.

4 You guys can sit down.

5 [Prospective Juror Number 418 enters the courtroom]

6 THE COURT: Sydney, you can just have a seat right there
7 in that row for right now.

8 Okay. My marshal told me that while they were out in the
9 hallway you indicated that you were on the elevator with Ms.
10 Phillips as well?

11 PROSPECTIVE JUROR NUMBER 418: Yeah, I didn't say
12 anything because I was kind of nervous.

13 THE COURT: Okay. That's all right. So do you remember
14 what, if anything was said -- what she was saying when you were in
15 the elevator?

16 PROSPECTIVE JUROR NUMBER 418: We got in the
17 elevator after leaving and I know she was talking about being
18 dismissed and then she was saying stuff about the weather but
19 that's all that she said.

20 THE COURT: About the weather?

21 PROSPECTIVE JUROR NUMBER 418: Yeah. And then she
22 was talking about being dismissed. I kind of tuned her out --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 418: -- because I just
25 wanted to get out of here.

1 THE COURT: About the weather?

2 PROSPECTIVE JUROR NUMBER 418: So --

3 THE COURT: Oh my gosh. Okay. So did she say
4 anything about the case at all?

5 PROSPECTIVE JUROR NUMBER 418: Not that I can recall,
6 no.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NUMBER 418: She did talk about
9 being dismissed.

10 THE COURT: Nothing about the State's attorneys, or the
11 Defense attorneys, or the Defendants? Nothing about the case,
12 anything like that?

13 PROSPECTIVE JUROR NUMBER 418: No, not that I can
14 recall.

15 THE COURT: Okay. And then you get down, you get off
16 the elevator and just kind of go your separate ways?

17 PROSPECTIVE JUROR NUMBER 418: Yeah.

18 THE COURT: And do you know how many people were
19 on the elevator at that time?

20 PROSPECTIVE JUROR NUMBER 418: Probably like seven.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NUMBER 418: Six of seven people.

23 THE COURT: Did it appear to you that most people were
24 kind of tuning her out or was there anybody that was engaged with
25 talking with her?

1 PROSPECTIVE JUROR NUMBER 418: Nobody was really
2 engaged in talking to her at all.

3 THE COURT: Okay. You say about seven people. Was it
4 her and other jurors or were there other people on the elevator?

5 PROSPECTIVE JUROR NUMBER 418: From what I can
6 recall, there was one other girl -- the other girl that came up with
7 me to the marshal.

8 THE COURT: So she's over here somewhere?

9 PROSPECTIVE JUROR NUMBER 418: Yeah, Ms.
10 Robinson, she --

11 THE COURT: Ms. Robinson?

12 PROSPECTIVE JUROR NUMBER 418: Yeah.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 418: She was on there
15 and then also the lady before me. She was on there as well.

16 THE COURT: Okay. And then the other people were not
17 jurors?

18 PROSPECTIVE JUROR NUMBER 418: I -- honestly, I can't
19 remember. I was in the front, so I didn't really see who was behind
20 me.

21 THE COURT: You're just staring at the door, waiting for it
22 to open so you can get off. Got it, okay.

23 PROSPECTIVE JUROR NUMBER 418: Yeah.

24 THE COURT: Okay. Anything questions from either side?

25 MR. PESCI: No. Thank you, Your Honor.

1 MR. YAMPOLSKY: No, Your Honor.
2 MR. HELMICK: No, Your Honor.
3 THE COURT: Okay. You can go ahead and step outside,
4 MS. Gebhart.
5 PROSPECTIVE JUROR NUMBER 418: Okay.
6 THE COURT: Thank you.
7 [Prospective Juror Number 463 exits the courtroom]
8 THE COURT: And then if you'll bring Ms. Robinson in.
9 [Prospective Juror Number 463 enters the courtroom]
10 THE COURT: Hi, Ms. Robinson, how are you?
11 PROSPECTIVE JUROR NUMBER 463: Good. How are
12 you?
13 THE COURT: I'm good, thank you.
14 So you were apparently on the elevator as well --
15 PROSPECTIVE JUROR NUMBER 463: Yeah.
16 THE COURT: -- when Ms. Phillips got on.
17 PROSPECTIVE JUROR NUMBER 463: Yeah.
18 THE COURT: Do you remember what, if anything she was
19 saying while you were on the elevator?
20 PROSPECTIVE JUROR NUMBER 463: I know she said
21 something pretty like inappropriate --
22 THE COURT: Okay.
23 PROSPECTIVE JUROR NUMBER 463: -- regarding the
24 case.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER 463: And then I believe
2 we were in the elevator with the family --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 463: -- and they got
5 pretty uncomfortable --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 463: -- and I believe
8 that's why it's probably brought up.

9 THE COURT: So let's start with this. About how many
10 people do you think were on the elevator?

11 PROSPECTIVE JUROR NUMBER 463: A lot because I was
12 like crammed in --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 463: -- so it was a lot of
15 people.

16 THE COURT: Ten or more?

17 PROSPECTIVE JUROR NUMBER 463: Yes?

18 THE COURT: Okay. Maybe?

19 PROSPECTIVE JUROR NUMBER 463: Yeah.

20 THE COURT: Okay. And did Ms. Phillips appear like she
21 was talking to anybody in particular and trying to have a
22 conversation or --

23 PROSPECTIVE JUROR NUMBER 463: No, she just like --
24 even when she's in here she just kind of talks and blurts stuff out.

25 THE COURT: Right.

1 PROSPECTIVE JUROR NUMBER 463: I don't believe she
2 was talking directly to anybody.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 463: But I just remember
5 a lot of people were just silent --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 463: -- and she just kept
8 talking.

9 THE COURT: Okay. So when you say she said something
10 inappropriate, what do you remember her saying?

11 PROSPECTIVE JUROR NUMBER 463: It was just regarding
12 the Defendant's age --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 463: -- particularly.

15 THE COURT: Okay. What did she say?

16 PROSPECTIVE JUROR NUMBER 463: Just that it was sad
17 that they were underage.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 463: And then that's
20 when the family kind of -- you could just tell that they were
21 uncomfortable.

22 THE COURT: Did the family say anything or was it just
23 body language you're talking about?

24 PROSPECTIVE JUROR NUMBER 463: I don't know. I kind
25 of just like shut out --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 463: -- everything else

3 because I didn't want to be involved in it.

4 THE COURT: Okay. Do you remember her saying

5 anything else other than that comment about it was sad that they

6 were underage?

7 PROSPECTIVE JUROR NUMBER 463: No. Other than her

8 like talking about her dismissal.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 463: But again, I kind of

11 just shut it out because I didn't want to be involved.

12 THE COURT: Okay. Anything about what you heard her

13 say about the Defendant's age that causes you any kind of concern

14 about your ability to remain being fair and impartial?

15 PROSPECTIVE JUROR NUMBER 463: No, not at all. And I

16 don't want that incident to affect my status with this --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 463: -- at all.

19 THE COURT: Got it.

20 Any questions from the State?

21 MR. PESCI: If I could?

22 THE COURT: Yeah.

23 MR. PESCI: Anything -- the Court just asked you

24 specifically about the interactions and what she said about the

25 Defense, but the family's reaction in the elevator, does that affect

1 you in any way?

2 PROSPECTIVE JUROR NUMBER 463: No.

3 MR. PESCI: Okay. Will that make you feel like you need to
4 go one way or the other as far as the verdict?

5 PROSPECTIVE JUROR NUMBER 463: Not at all. I'm very
6 stern with like what I choose with. I don't know like a lot of people's
7 opinions don't really affect me. It's more like again, with the whole
8 redwood and palm tree thing --

9 MR. PESCI: Right.

10 PROSPECTIVE JUROR NUMBER 463: -- yesterday, if the
11 evidence --

12 MR. PESCI: You were very articulate yesterday. You said
13 that you may be swayed like a palm tree by the evidence --

14 PROSPECTIVE JUROR NUMBER 463: Uh-huh.

15 MR. PESCI: -- but you're going to be a redwood in being
16 fair.

17 PROSPECTIVE JUROR NUMBER 463: Exactly.

18 MR. PESCI: So would you be fair to both sides --

19 PROSPECTIVE JUROR NUMBER 463: Yeah.

20 MR. PESCI: -- as far as this interaction on the elevator
21 wouldn't sway you one way or the other, it'd be the evidence that
22 would?

23 PROSPECTIVE JUROR NUMBER 463: Of course.

24 MR. PESCI: Okay. Thank you.

25 Thank you, Your Honor.

1 THE COURT: Mr. Yampolsky?
2 MR. YAMPOLSKY: I have nothing.
3 THE COURT: Mr. Helmick?
4 MR. HELMICK: No, Your Honor.
5 THE COURT: All right. Very good.
6 Sylvia, thank you very much. If you could go ahead and
7 step on outside and then we'll get everybody in order and get them
8 back in, okay?
9 [Prospective Juror Number 463 exits the courtroom]
10 THE COURT: Do you guys have anything further?
11 MR. PESCI: No. Thank you very much, Your Honor.
12 THE COURT: All right. Anything from the defense?
13 MR. HELMICK: No, Your Honor.
14 THE COURT: I'm satisfied --
15 MR. YAMPOLSKY: No, Your Honor.
16 THE COURT: -- by what Ms. Rob -- well first off, I'm
17 satisfied by Ms. Diaz and Ms. Gebhart that they didn't really hear
18 anything other than the babbling about dismissal. And I'm satisfied
19 by Ms. Robinson that she didn't hear anything that causes her any
20 concern about being fair and impartial to all the parties, okay?
21 MR. PESCI: Thank you, Your Honor.
22 THE COURT: Okay. You can go ahead and get them in.
23 THE MARSHAL: Yes, Your Honor.
24 [In the presence of the prospective jury]
25 THE MARSHAL: Jurors are present.

1 THE COURT: You all can be seated, thank you.

2 Okay. We're back on the record. Our prospective jurors
3 are present, as well as our parties and attorneys.

4 So I'm going to excuse seven of you right now and I'm
5 going to apologize when I do it. The attorneys and I met for a long
6 time after you left yesterday to kind of go through and see about
7 agreement on certain issues. And we had agreed upon to excuse
8 seven of you. Normally I would have had somebody reach out to
9 you to tell you, you didn't have to come back today but because of
10 some of the issues, including what we've been discussing with
11 some of the other jurors in private this morning I needed to bring
12 you all back and ask the questions that I'd asked earlier.

13 So, again, I apologize that the seven of you had to come
14 back. But we are going to excuse Ms. Lambert, Ms. Williams, Mr.
15 Contreras, Mr. Sulstrom, Mr. Gutierrez-Sosa, and Mr. Pedronan.
16 You guys are all done with jury duty, okay? They're not going to
17 call you out on any other trials or anything since you've been her
18 for more than one day, okay? So I appreciate it very much. You
19 guys can all take off.

20 Oh, excuse me, and Mr. Jaska. Mr. Jaska as well.

21 So we're starting with Mr. Esposito and Ms. Rice.

22 THE CLERK: Karen Rice.

23 THE COURT: Ms. Rice, all right.

24 Ms. Rice, Badge Number 542. Could you take the seat --
25 the second seat from the right on that top row?

1 Followed by Mr. Esposito, that next open seat on the top
2 row.

3 Ms. Allen, Badge Number 560. The seat on the end of the
4 middle row.

5 Mr. Martinez, 568, the second seat from the left here on
6 the bottom.

7 Ms. Wargo, 569, the other seat on the bottom here.

8 And then if we could get our microphone to Ms. Rice,
9 please.

10 So are you excited that you get to move from over here to
11 over here now and get a better view?

12 PROSPECTIVE JUROR NUMBER 542: Well I'm ready.

13 THE COURT: Very good.

14 So how long have you lived here, Ms. Rice?

15 PROSPECTIVE JUROR NUMBER 542: Six years.

16 THE COURT: And where did you move here from?

17 PROSPECTIVE JUROR NUMBER 542: Georgia.

18 THE COURT: Georgia. And what's your level of
19 education?

20 PROSPECTIVE JUROR NUMBER 542: Masters of Science
21 and Nursing.

22 THE COURT: What type of work do you do?

23 PROSPECTIVE JUROR NUMBER 542: I'm a registered
24 nurse.

25 THE COURT: Do you work out of a hospital setting?

1 PROSPECTIVE JUROR NUMBER 542: I'm the director of
2 the Intensive Care Unit.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NUMBER 542: Yes.

5 THE COURT: And what type of work does your spouse
6 do?

7 PROSPECTIVE JUROR NUMBER 542: Mental health.

8 THE COURT: Do you have children?

9 PROSPECTIVE JUROR NUMBER 542: One.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR NUMBER 542: One.

12 THE COURT: One. How old?

13 PROSPECTIVE JUROR NUMBER 542: Eight.

14 THE COURT: Thank you. Have you ever been a juror
15 before?

16 PROSPECTIVE JUROR NUMBER 542: No, sir.

17 THE COURT: Have you ever been the victim of a crime
18 before?

19 PROSPECTIVE JUROR NUMBER 542: No, sir.

20 THE COURT: Have you ever been arrested or convicted of
21 any kind of crime?

22 PROSPECTIVE JUROR NUMBER 542: No, sir.

23 THE COURT: Do you believe you'd be able to keep an
24 open mind and not decide any issue in the case until it was
25 submitted to you for your deliberations with your fellow jurors?

1 PROSPECTIVE JUROR NUMBER 542: Yes, sir.

2 THE COURT: And do you believe that you could treat
3 police officers like any other witnesses and decide their credibility
4 based on everything in the case or do you think you'd treat them
5 differently just because they're police officers?

6 PROSPECTIVE JUROR NUMBER 542: I would not treat
7 them differently.

8 THE COURT: Okay. Thank you very much.

9 Could you pass that down a couple to your right for me to
10 Mr. Esposito.

11 Mr. Esposito, how are you, sir?

12 PROSPECTIVE JUROR NUMBER 554: I'm good, how are
13 you?

14 THE COURT: I'm good. Thank you for asking.

15 How long have you lived here?

16 PROSPECTIVE JUROR NUMBER 554: Born and raised.

17 THE COURT: What's your level of education?

18 PROSPECTIVE JUROR NUMBER 554: Masters degree.

19 THE COURT: What type of work do you do?

20 PROSPECTIVE JUROR NUMBER 554: I'm an entrepreneur
21 in the IT sector.

22 THE COURT: Are you married?

23 PROSPECTIVE JUROR NUMBER 554: No.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NUMBER 554: No.

1 THE COURT: Have you ever been a juror before?
2 PROSPECTIVE JUROR NUMBER 554: Nope.
3 THE COURT: Ever been the victim of a crime before?
4 PROSPECTIVE JUROR NUMBER 554: No.
5 THE COURT: Ever been arrested or convicted of any
6 crimes?
7 PROSPECTIVE JUROR NUMBER 554: No.
8 THE COURT: Ever -- or excuse me, do you believe you'd
9 be able to keep an open mind and not decide any issues in our case
10 until it was submitted to you for your deliberations?
11 PROSPECTIVE JUROR NUMBER 554: Yes.
12 THE COURT: What about police officers? Do you think
13 you would treat them differently because they're police officers or
14 could you treat them like any other witness?
15 PROSPECTIVE JUROR NUMBER 554: I would treat them
16 like any other witness.
17 THE COURT: Okay. Thank you very much.
18 Could you hand that forward and we'll get down here to
19 the right to Ms. Allen, Badge Number 560.
20 Ms. Allen, how are you?
21 PROSPECTIVE JUROR NUMBER 560: Good. And you?
22 THE COURT: Did you say how am I? I'm good, thank you.
23 How long have you lived here?
24 PROSPECTIVE JUROR NUMBER 560: Born and raised.
25 THE COURT: What's your level of education?

1 PROSPECTIVE JUROR NUMBER 560: Associates.
2 THE COURT: What type of work do you do?
3 PROSPECTIVE JUROR NUMBER 560: Accounts
4 receivable.
5 THE COURT: Are you married?
6 PROSPECTIVE JUROR NUMBER 560: Yes.
7 THE COURT: Pardon?
8 PROSPECTIVE JUROR NUMBER 560: Yes.
9 THE COURT: And what type of work does your spouse
10 do?
11 PROSPECTIVE JUROR NUMBER 560: Building
12 maintenance at the federal buildings.
13 THE COURT: Federal courthouse building?
14 PROSPECTIVE JUROR NUMBER 560: Uh-huh. Down the
15 street.
16 THE COURT: And do you have children?
17 PROSPECTIVE JUROR NUMBER 560: One.
18 THE COURT: How old?
19 PROSPECTIVE JUROR NUMBER 560: 14.
20 THE COURT: Have you ever been a juror before?
21 PROSPECTIVE JUROR NUMBER 560: Yes.
22 THE COURT: How many times?
23 PROSPECTIVE JUROR NUMBER 560: Once.
24 THE COURT: And how long ago was that?
25 PROSPECTIVE JUROR NUMBER 560: Quite a while ago.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 560: Probably over 15.

3 THE COURT: And do you remember was it a criminal or a
4 civil case?

5 PROSPECTIVE JUROR NUMBER 560: Drugs.

6 THE COURT: Drugs, okay. In State Court or Federal
7 Court? This building?

8 PROSPECTIVE JUROR NUMBER 560: I want to say yes,
9 but I'm not sure.

10 THE COURT: Okay. The jury reach a verdict?

11 PROSPECTIVE JUROR NUMBER 560: Yes.

12 THE COURT: And were you the foreperson of the jury?

13 PROSPECTIVE JUROR NUMBER 560: No.

14 THE COURT: Have you ever been the victim of a crime
15 before

16 PROSPECTIVE JUROR NUMBER 560: Yes. We were
17 broken in to before we moved into our current house.

18 THE COURT: Okay. And were you home at the time?

19 PROSPECTIVE JUROR NUMBER 560: No.

20 THE COURT: Was it reported to the police?

21 PROSPECTIVE JUROR NUMBER 560: Yes.

22 THE COURT: And did it ever go to court?

23 PROSPECTIVE JUROR NUMBER 560: Not that I'm aware
24 of.

25 THE COURT: Okay. Thank you. Have you ever been

1 arrested or convicted of any kind of crime?

2 PROSPECTIVE JUROR NUMBER 560: No.

3 THE COURT: Do you believe you'd be able to keep an
4 open mind and not decide any issues in the case until it's submitted
5 to you for your deliberations?

6 PROSPECTIVE JUROR NUMBER 560: Yes.

7 THE COURT: Do you think you could treat police officers
8 like any other witness, or do you think you would treat them
9 differently just because they're police officers?

10 PROSPECTIVE JUROR NUMBER 560: No, like any other
11 witness.

12 THE COURT: Thank you very much.

13 If could pass that to Mr. Martinez. Where'd Mr. Martinez
14 go? Oh, down here, I'm sorry.

15 All right. Good morning, Mr. Martinez.

16 PROSPECTIVE JUROR NUMBER 568: Good morning.

17 THE COURT: It's still morning, right? Yeah. Okay.

18 How long have you lived here?

19 PROSPECTIVE JUROR NUMBER 568: 30 years.

20 THE COURT: And what's your level of education?

21 PROSPECTIVE JUROR NUMBER 568: Some college.

22 THE COURT: What type of work do you do?

23 PROSPECTIVE JUROR NUMBER 568: I cook.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NUMBER 568: Recently separated.

1 THE COURT: Okay. Children?
2 PROSPECTIVE JUROR NUMBER 568: Yes, five.
3 THE COURT: Five. And what's their age range?
4 PROSPECTIVE JUROR NUMBER 568: From 15, all the way
5 to one and a half.
6 THE COURT: Okay. Have you ever been a juror before?
7 PROSPECTIVE JUROR NUMBER 568: No.
8 THE COURT: Have you ever been the victim of a crime
9 before?
10 PROSPECTIVE JUROR NUMBER 568: Yes, I got -- my car
11 got broken into.
12 THE COURT: And was that here in Las Vegas?
13 PROSPECTIVE JUROR NUMBER 568: Yes.
14 THE COURT: Were the police called?
15 PROSPECTIVE JUROR NUMBER 568: No.
16 THE COURT: Have you ever been arrested or convicted of
17 any kind of crimes?
18 PROSPECTIVE JUROR NUMBER 568: No.
19 THE COURT: Have -- or do you believe you'd been able to
20 keep an open mind and not decide any issues in our case until it's
21 submitted to you for your deliberation?
22 PROSPECTIVE JUROR NUMBER 568: Yes.
23 THE COURT: Thank you. And do you believe you could
24 treat a police officer like any other witness, or do you think you
25 would treat them differently just because they were police officers?

1 PROSPECTIVE JUROR NUMBER 568: Any other witness.
2 THE COURT: Thank you.
3 And if you could hand it finally to Ms. Wargo.
4 Good morning, Ms. Wargo.
5 PROSPECTIVE JUROR NUMBER 569: Good morning.
6 THE COURT: How long have you lived here?
7 PROSPECTIVE JUROR NUMBER 569: 14 years.
8 THE COURT: What's your level of education?
9 PROSPECTIVE JUROR NUMBER 569: Bachelors
10 THE COURT: What type of work do you do?
11 PROSPECTIVE JUROR NUMBER 569: Administrative.
12 THE COURT: Are you married?
13 PROSPECTIVE JUROR NUMBER 569: Yes.
14 THE COURT: And what type of work does your spouse
15 do?
16 PROSPECTIVE JUROR NUMBER 569: He works at Shark
17 Reef Aquarium at Mandalay.
18 THE COURT: So this is like the coolest week of the year to
19 work at Shark Reef, right? Because it's Shark Week. Don't you
20 guys watch Discovery Channel.
21 All right. Children?
22 PROSPECTIVE JUROR NUMBER 569: No.
23 THE COURT: Thank you. Have you ever been a juror
24 before?
25 PROSPECTIVE JUROR NUMBER 569: No.

1 THE COURT: Have you ever been the victim of a crime?

2 PROSPECTIVE JUROR NUMBER 569: No.

3 THE COURT: Ever been arrested or convicted of any
4 crimes?

5 PROSPECTIVE JUROR NUMBER 569: No.

6 THE COURT: Do you believe you can keep an open mind
7 and not decide any issue in the case until it's submitted to you for
8 your deliberation?

9 PROSPECTIVE JUROR NUMBER 569: Yes.

10 THE COURT: And finally, police officers, could you treat
11 them like any other witness, or do you think you'd treat them
12 differently just because they're police officers?

13 PROSPECTIVE JUROR NUMBER 569: I'll try but honestly, I
14 have a brother-in-law who's a police officer --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 569: -- and from where I
17 grew up like we've been taught to respect --

18 THE COURT: Sure.

19 PROSPECTIVE JUROR NUMBER 569: -- people in
20 uniform --

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR NUMBER 569: -- so.

23 THE COURT: You have a lot of people that have a similar
24 sentiment. You know, you're raised, and you're taught hey, you
25 should respect police officers, they're out there trying to enforce the

1 laws. And then you have other people that say, you know, I grew
2 up and we had a lot of bad incidents with police in our
3 neighborhood. But what it -- and we all bring everything that's
4 happened to us in our lives as part of our -- the fabric of who we are
5 and how we make decisions.

6 So the question is really just can you judge this case
7 based on its evidence and judge each of the witnesses based on
8 what you're hearing in court or do you think you would judge them
9 differently just because of their status as a police officer or anything
10 else?

11 PROSPECTIVE JUROR NUMBER 569: Like I -- I'll try.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NUMBER 569: But I think
14 instinctively I would probably lean more towards what a police
15 officer had to say --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 569: -- you know, if he
18 was a witness.

19 THE COURT: Okay. Very good. Thank you very much.

20 Mr. Pesci, as to these five folks.

21 MR. PESCI: Thank you, Your Honor.

22 All right. If we could hand the microphone over to Ms.
23 Rice, Badge 542, is that correct?

24 PROSPECTIVE JUROR NUMBER 542: Yes.

25 MR. PESCI: Okay. So it's making its way back there. I

1 wanted to ask specifics about your answers and then I'm going to
2 go to those questions -- you heard me ask a lot of questions to the
3 whole panel yesterday. So we didn't get a chance to ask you so I'll
4 kind of follow up with those as well, okay?

5 PROSPECTIVE JUROR NUMBER 542: Okay.

6 MR. PESCI: So you run the Intensive Care Unit at which
7 hospital?

8 PROSPECTIVE JUROR NUMBER 542: Centennial Hills.

9 MR. PESCI: Centennial Hills, okay. And I understood
10 correctly, you're the director?

11 PROSPECTIVE JUROR NUMBER 542: Correct.

12 MR. PESCI: All right. So are you on the floor maybe
13 when ER patients come in or are you in an office kind of directing
14 where people are going to be covering and things of that nature?

15 PROSPECTIVE JUROR NUMBER 542: It depends on the
16 day really.

17 MR. PESCI: Okay.

18 PROSPECTIVE JUROR NUMBER 542: I have an office but
19 some -- I'm on the floor doing rounds as well.

20 MR. PESCI: And the reason I guess I ask you, sometimes,
21 I mean -- I'm assuming sometimes when an ER patient comes in
22 there can be officers with that patient. Have you ever interacted
23 with any officers in the ER or in the hospital?

24 PROSPECTIVE JUROR NUMBER 542: There are officers
25 that are with some of our patients, yes. I don't do much interaction

1 with them.

2 MR. PESCI: Okay.

3 PROSPECTIVE JUROR NUMBER 542: I'll only talk with the
4 patient or the nurse -- the other nurses.

5 MR. PESCI: Okay. So the -- that occasional or not that
6 occasional interaction with police officers, would that affect you one
7 way or the other from being fair in this case?

8 PROSPECTIVE JUROR NUMBER 542: No, sir.

9 MR. PESCI: Okay. It doesn't affect your ability to be fair
10 and impartial?

11 PROSPECTIVE JUROR NUMBER 542: No.

12 MR. PESCI: All right. Thank you. And then talking about
13 firearms -- we had conversations yesterday about firearms. What
14 are your feelings or your thoughts about firearms?

15 PROSPECTIVE JUROR NUMBER 542: I own firearms.

16 MR. PESCI: Okay. Does the fact that there's a firearm
17 alleged to have been used in this case affect your ability to weigh
18 the evidence?

19 PROSPECTIVE JUROR NUMBER 542: No, sir.

20 MR. PESCI: All right. Some people feel strongly one way
21 or the other and, you know, they're going to hold someone
22 accountable because a gun's being used. Many gun owners feel
23 like, you know, you need to know what you're doing. Are you
24 going to automatically find someone guilty just because they used
25 a gun?

1 PROSPECTIVE JUROR NUMBER 542: No, sir.

2 MR. PESCI: All right. And you could find someone not
3 guilty even if a gun was used if we don't prove the case?

4 PROSPECTIVE JUROR NUMBER 542: I would look at the
5 facts.

6 MR. PESCI: Okay. Thank you. The age of the Defendants,
7 does that affect your ability to make a decision as far as the guilt or
8 innocence in this case?

9 PROSPECTIVE JUROR NUMBER 542: No, sir.

10 MR. PESCI: Okay. Social media, we talked about that
11 yesterday. Do you have any social media accounts?

12 PROSPECTIVE JUROR NUMBER 542: I do.

13 MR. PESCI: All right. Will that affect you one way or the
14 other as far as evidence you might see coming from social media?

15 PROSPECTIVE JUROR NUMBER 542: No, sir.

16 MR. PESCI: All right. Overall, is there any reason why
17 you couldn't sit in judgment of another human being?

18 PROSPECTIVE JUROR NUMBER 542: No, sir.

19 MR. PESCI: Okay. Thank you very much.

20 PROSPECTIVE JUROR NUMBER 542: You're welcome.

21 MR. PESCI: Could you pass it over to Mr. Esposito, 554.
22 How are you, sir?

23 PROSPECTIVE JUROR NUMBER 554: Very good.

24 MR. PESCI: All right. All those questions, what are your
25 answers? Just kidding.

1 You have a Masters and what was your Masters in?

2 PROSPECTIVE JUROR NUMBER 554: I have two Masters.
3 Masters of Science in Management Information Systems, and an
4 MBA.

5 MR. PESCI: Okay. So Information Systems and an MBA.
6 Where did you obtain those?

7 PROSPECTIVE JUROR NUMBER 554: UNLV.

8 MR. PESCI: UNLV, okay. You were born and raised, you
9 said here?

10 PROSPECTIVE JUROR NUMBER 554: Uh-huh.

11 MR. PESCI: Okay. Switching to those questions we just
12 talked about, starting off with any reason why you cannot sit in
13 judgment of another human being?

14 PROSPECTIVE JUROR NUMBER 554: No, sir.

15 MR. PESCI: All right. What are your thoughts about
16 firearms?

17 PROSPECTIVE JUROR NUMBER 554: Neutral. I'm an
18 Eagle Scout so I grew up shooting firearms. I don't own a firearm
19 personally, but I've shot them and used them and been hunting and
20 everything else.

21 MR. PESCI: Okay. So the idea of a firearm is not going to
22 sway you one way or the other as far as finding a verdict in this
23 case?

24 PROSPECTIVE JUROR NUMBER 554: No.

25 MR. PESCI: Okay. Social media, what's your status with

1 that?

2 PROSPECTIVE JUROR NUMBER 554: Outside of business
3 I rarely use it.

4 MR. PESCI: Okay. Will it affect you as far as, you know,
5 people posting things and seeing evidence from being posted?

6 PROSPECTIVE JUROR NUMBER 554: No.

7 MR. PESCI: Okay. Thank you very much.

8 Could we pass it over to 560, so down and over to Ms.
9 Allen?

10 How are you, ma'am?

11 PROSPECTIVE JUROR NUMBER 560: Good.

12 MR. PESCI: I wanted to follow up. You were on a jury
13 before. You said you thought it was about drugs?

14 PROSPECTIVE JUROR NUMBER 560: Drugs.

15 MR. PESCI: Okay. But you don't recall what the charges
16 were in particular?

17 PROSPECTIVE JUROR NUMBER 560: It was quite a long
18 time ago.

19 MR. PESCI: All right. But here in Las Vegas?

20 PROSPECTIVE JUROR NUMBER 560: Yes.

21 MR. PESCI: And do you think it was a District Attorney's
22 Office that prosecuted him?

23 PROSPECTIVE JUROR NUMBER 560: I honestly don't
24 remember.

25 MR. PESCI: Okay.

1 PROSPECTIVE JUROR NUMBER 560: It was really a long
2 time ago.

3 MR. PESCI: Respectfully, the fact that you don't
4 remember probably means it's not going to affect you in this case?

5 PROSPECTIVE JUROR NUMBER 560: Correct.

6 MR. PESCI: All right. You'd set aside whatever you do
7 remember and just listen to what the Court tells you in this case?

8 PROSPECTIVE JUROR NUMBER 560: Yes.

9 MR. PESCI: All right. Unfortunately you were a victim of
10 a home burglary?

11 PROSPECTIVE JUROR NUMBER 560: Yes.

12 MR. PESCI: And I apologize, did you say you reported it,
13 or you did not?

14 PROSPECTIVE JUROR NUMBER 560: We did report it.

15 MR. PESCI: And then I think you said you didn't know if
16 something came of it.

17 PROSPECTIVE JUROR NUMBER 560: Right. They came
18 and dusted for fingerprints and all that but then I don't know what
19 happened after that.

20 MR. PESCI: So --

21 PROSPECTIVE JUROR NUMBER 560: We're pushing 30
22 years ago.

23 MR. PESCI: Okay. You never had to come to court.

24 PROSPECTIVE JUROR NUMBER 560: Correct.

25 MR. PESCI: All right. Did you feel as if the system did

1 enough or let you down?

2 PROSPECTIVE JUROR NUMBER 560: I think they did
3 enough.

4 MR. PESCI: Okay. Not a bad taste left in your mouth
5 based on that situation?

6 PROSPECTIVE JUROR NUMBER 560: Correct.

7 MR. PESCI: Okay. What are your feelings or thoughts
8 about firearms?

9 PROSPECTIVE JUROR NUMBER 560: I'm neutral. We
10 own a weapon.

11 MR. PESCI: Okay. And then the age of the Defendants,
12 would that affect your ability to make a decision on the facts?

13 PROSPECTIVE JUROR NUMBER 560: No.

14 MR. PESCI: Social media, what's -- what do you know or
15 what -- do you use it?

16 PROSPECTIVE JUROR NUMBER 560: I use it.

17 MR. PESCI: Okay. And that wouldn't sway you one way
18 or the other?

19 PROSPECTIVE JUROR NUMBER 560: Neither.

20 MR. PESCI: Would you agree to not get on there during
21 trial if you're a juror?

22 PROSPECTIVE JUROR NUMBER 560: Yes.

23 MR. PESCI: Okay. Thank you very much. Any reason
24 why you couldn't sit in judgment of another human being?

25 PROSPECTIVE JUROR NUMBER 560: No.

1 MR. PESCI: Okay. Thank you, ma'am.
2 If we could pass it forward and then down.
3 Mr. Martinez is Badge Number 568, I believe?
4 PROSPECTIVE JUROR NUMBER 568: Yes.
5 MR. PESCI: And sir, I -- unfortunately you were a victim of
6 a car burglary, correct?
7 PROSPECTIVE JUROR NUMBER 568: Yes.
8 MR. PESCI: All right. And did you say that you did not
9 call the police?
10 PROSPECTIVE JUROR NUMBER 568: Yes.
11 MR. PESCI: All right. How come you did not call the
12 police?
13 PROSPECTIVE JUROR NUMBER 568: I just -- I think it's
14 just -- it wasn't nothing serious for them to -- I don't think -- they
15 won't to do something about it, you know?
16 MR. PESCI: Okay. If you thought that they would, would
17 you have called them?
18 PROSPECTIVE JUROR NUMBER 568: Oh yeah, of course.
19 MR. PESCI: All right. So it's not a -- it was really based on
20 the fact you just thought nothing would come from it.
21 PROSPECTIVE JUROR NUMBER 568: Yeah.
22 MR. PESCI: Okay. Unfortunately that seems to bare out
23 with what everyone's saying here.
24 Did that leave a bad taste in your mouth as far as the
25 police or the judicial system?

1 PROSPECTIVE JUROR NUMBER 568: No.

2 MR. PESCI: Okay. What are your feelings about firearms?

3 PROSPECTIVE JUROR NUMBER 568: Neutral.

4 MR. PESCI: The fact that there's a firearm in this case,

5 would that affect your ability to be fair and impartial?

6 PROSPECTIVE JUROR NUMBER 568: No.

7 MR. PESCI: Okay. What do you think also about the age

8 of the Defendants? How would that -- or would that play into your

9 decision in making --

10 PROSPECTIVE JUROR NUMBER 568: No.

11 MR. PESCI: -- a finding?

12 PROSPECTIVE JUROR NUMBER 568: No.

13 MR. PESCI: It would not.

14 PROSPECTIVE JUROR NUMBER 568: It won't.

15 MR. PESCI: Okay. And then social media, do you have

16 any social media accounts?

17 PROSPECTIVE JUROR NUMBER 568: I do, but I rarely use

18 it.

19 MR. PESCI: Okay. That wouldn't affect you one way or

20 the other?

21 PROSPECTIVE JUROR NUMBER 568: No.

22 MR. PESCI: All right. Thank you very much, sir.

23 If you could pass the mic to your right.

24 569. Do I pronounce it Ms. Wargo.

25 PROSPECTIVE JUROR NUMBER 569: Uh-huh. Yes.

1 MR. PESCI: Okay. Sorry, just -- she's recording and so
2 she doesn't know.

3 All right. So you were very straightforward with us and
4 saying that as far as the context of police officers is that you would
5 try; that was a quote that I wrote down and that you instinctively
6 might lean towards the police officers, do you remember that?

7 PROSPECTIVE JUROR NUMBER 569: Yes.

8 MR. PESCI: Okay. And that's fine if you feel that way,
9 right? What we're just trying to figure out is does that mean that
10 you would automatically find for the State -- Prosecution because
11 there were police officers in the case?

12 PROSPECTIVE JUROR NUMBER 569: I wouldn't say
13 automatically, I would just say that I might put a little bit more
14 weight on their testimony.

15 MR. PESCI: All right. And if I've heard you correctly that's
16 based on, you said the way you were taught to look at officers?

17 PROSPECTIVE JUROR NUMBER 569: Well I grew up in
18 rural Pennsylvania and we were taught to just respect people in
19 uniform; military, police, whatever. And like I said, my brother-in-
20 law is a police officer and I've heard stories from him about, you
21 know, his day-to-day and --

22 MR. PESCI: Okay.

23 PROSPECTIVE JUROR NUMBER 569: -- just kind of how I
24 was raised, I guess. I don't --

25 MR. PESCI: All right. If -- let's assume for the sake of

1 conversation we call an officer in and the officer takes the stand and
2 you feel as if she or he just did not really explain things well to you
3 or didn't do as much you thought she or he should have done,
4 would you, based on your experience growing up, like go past and
5 fill in the gaps for that officer?

6 PROSPECTIVE JUROR NUMBER 569: No, I don't think so.
7 But if it was like equal testimony between two people giving about
8 the same amount of facts, I'd probably lean more towards what the
9 police officer had to say.

10 MR. PESCI: Okay. You'd lean towards that but you're -- if
11 I'm hearing you correctly, you're willing to listen to the evidence
12 and make --

13 PROSPECTIVE JUROR NUMBER 569: Correct. Yes.

14 MR. PESCI: -- your decision based on the evidence.

15 PROSPECTIVE JUROR NUMBER 569: Yes.

16 MR. PESCI: Okay. Even in the face of an officer testifying.

17 PROSPECTIVE JUROR NUMBER 569: Yes.

18 MR. PESCI: Okay. Firearms, what's your -- what are your
19 feelings about firearms?

20 PROSPECTIVE JUROR NUMBER 569: I don't like them.

21 MR. PESCI: Okay.

22 PROSPECTIVE JUROR NUMBER 569: I have strong
23 feelings about them, but I understand that a lot of criminal activity
24 happens with guns and that's to be expected for a trial like this, so.

25 MR. PESCI: Okay. So those strong feelings -- and

1 everybody's feelings -- just so everybody knows, whatever you feel
2 about guns or whatever it is, fill in the blank, is totally fine, right?
3 No one should feel uncomfortable about that. We're just trying to
4 figure out, could that affect making a decision. So those strong
5 feelings, would that make you lean towards guilt or to lean away or
6 would you make a decision based on the evidence, even if the
7 evidence includes a gun?

8 PROSPECTIVE JUROR NUMBER 569: I would use the
9 evidence, I think. Yeah.

10 MR. PESCI: Okay. And when you say strong, what do you
11 mean? Like what are you --

12 PROSPECTIVE JUROR NUMBER 569: I just -- I don't want
13 to get a political rant, but --

14 MR. PESCI: Would you prefer that there weren't guns?

15 PROSPECTIVE JUROR NUMBER 569: Excuse me?

16 MR. PESCI: Would you prefer that there weren't guns?

17 PROSPECTIVE JUROR NUMBER 569: I think there should
18 be more laws to regulate them. For example --

19 MR. PESCI: Okay.

20 PROSPECTIVE JUROR NUMBER 569: -- I think there's
21 certain guns people shouldn't -- civilians shouldn't have, that kind
22 of thing.

23 MR. PESCI: Okay. Right. And there are many people that
24 feel that way. In this particular case, without getting too specific,
25 it's handguns that we're talking about. Do handguns in particular

1 have any strong feelings tied to it or do they create strong feelings?

2 PROSPECTIVE JUROR NUMBER 569: No. Just as long as
3 somebody is responsible and owns it legally, then no.

4 MR. PESCI: Okay. All right. Any reason why you can't sit
5 in judgment of another human being?

6 PROSPECTIVE JUROR NUMBER 569: No.

7 MR. PESCI: Thank you very much.

8 We pass for cause, Your Honor.

9 THE COURT: Thank you.

10 Mr. Yampolsky.

11 MR. YAMPOLSKY: Thank, Your Honor.

12 Before I question you folks individually, I'd like to question
13 the new people collectively. And one of the things we talked about
14 yesterday is the burden of proof of the Prosecution; that the State
15 has to prove their case beyond a reasonable doubt. Defense has
16 absolutely no burden. Do any one of you new people have a
17 problem with that?

18 No one.

19 And then there's a possibility that my client won't take the
20 stand in his defense, he just won't testify. Does anyone have a
21 problem with that?

22 No one.

23 Okay. Well let's start with you Ms. Wargo, since you're
24 holding the microphone. Now you said that you have a brother-in-
25 law that's a police officer.

1 PROSPECTIVE JUROR NUMBER 569: Yeah, he's a
2 Pennsylvania State Trooper in York, PA. And he also sometimes
3 works with the US Marshals.

4 MR. YAMPOLSKY: Okay. And what speci -- he's a state
5 policeman, but specifically what does he do, if you know?

6 PROSPECTIVE JUROR NUMBER 569: He jumps around.
7 He's been in I.C.E., he works with narcotics. I don't know if he's
8 changed recently, but he does like security work sometimes when
9 the president's driving around, that kind of stuff.

10 MR. YAMPOLSKY: The president goes to York, PA? Okay.

11 PROSPECTIVE JUROR NUMBER 569: Well my brother-in-
12 law goes to D.C. to go --

13 MR. YAMPOLSKY: Oh, okay.

14 PROSPECTIVE JUROR NUMBER 569: Yeah.

15 MR. YAMPOLSKY: All right. And would you say you're
16 close to your brother-in-law?

17 PROSPECTIVE JUROR NUMBER 569: Well I mean, we live
18 across the country so not as close as we could be but, you know --

19 MR. YAMPOLSKY: But you have a good opinion of him.

20 PROSPECTIVE JUROR NUMBER 569: Correct.

21 MR. YAMPOLSKY: And because of your good opinion of
22 him which is why you said that you may consider a police officer's
23 testimony -- I don't want to put words in your mouth -- as maybe
24 better than someone who wasn't a police officer; would that be
25 accurate?

1 PROSPECTIVE JUROR NUMBER 569: I don't want to say
2 better, just --

3 MR. YAMPOLSKY: Okay. Why don't you tell me then, so
4 I --

5 PROSPECTIVE JUROR NUMBER 569: I just -- if there were
6 like an equal testimony between two people, one was a police
7 officer and one was a civilian, I would probably lean towards what
8 the police officer was saying over the civilian.

9 MR. YAMPOLSKY: So my hypothetical which I used
10 yesterday is so if the police officer gets up there and says the car is
11 white and a lay person gets up there, someone who's not a police
12 officer, and says the car is black, without knowing anything else
13 you're probably going to believe that the car is white; would that be
14 accurate?

15 PROSPECTIVE JUROR NUMBER 569: I mean, if there was
16 no other evidence --

17 MR. YAMPOLSKY: Right.

18 PROSPECTIVE JUROR NUMBER 569: -- then maybe, yeah.

19 MR. YAMPOLSKY: Okay. And even though someone's a
20 police officer, would you be okay in just determining their
21 credibility -- like just this person himself is a police officer but could
22 you sit back there and say hmm, I don't know what he's saying, if
23 that makes sense? Or would you automatically say well he's a
24 police officer, he's got to be telling the truth?

25 PROSPECTIVE JUROR NUMBER 569: I mean, if he wasn't

1 making sense or wasn't giving enough details to provide enough
2 evidence, I would take that into consideration but usually
3 automatically if there were a cop saying something, I would give it
4 a little bit more --

5 MR. YAMPOLSKY: So if the cop is saying something you
6 figure ah, it's most likely going to be true and accurate, right?

7 PROSPECTIVE JUROR NUMBER 569: I mean, I would
8 listen to it and decide but I would usually believe them if they were
9 saying something.

10 MR. YAMPOLSKY: And do you think this would affect
11 your ability to be fair to the Defendants?

12 PROSPECTIVE JUROR NUMBER 569: I would try to be fair
13 in this and keep an open mind.

14 MR. YAMPOLSKY: And I understand you said that, but in
15 addition to trying, do you think maybe your feeling towards your
16 brother-in-law and police in general could color your perceptions as
17 to what the facts are?

18 PROSPECTIVE JUROR NUMBER 569: I mean, I would
19 listen to the facts. If it was obvious that something was missing
20 from testimony or there's evidence missing, like I would take that
21 into consideration. But like I said I just -- I would automatically just
22 give their testimony a little bit more weight, I guess.

23 MR. YAMPOLSKY: Okay. And this is just, you know, your
24 general perception. Obviously, you haven't heard anyone testify in
25 this particular case.

1 PROSPECTIVE JUROR NUMBER 569: Correct.

2 MR. YAMPOLSKY: Okay. Now -- and I asked you people

3 collectively, but you've heard me talk about the burden of proof and

4 you're aware of the right to remain silent, right? Correct?

5 PROSPECTIVE JUROR NUMBER 569: Uh-huh.

6 MR. YAMPOLSKY: Yes? You have to say yes.

7 PROSPECTIVE JUROR NUMBER 569: Yes, sorry.

8 MR. YAMPOLSKY: Okay. Or you can say no, but she

9 hasn't.

10 And would you have a problem if my client decided not to

11 testify?

12 PROSPECTIVE JUROR NUMBER 569: I don't think so.

13 MR. YAMPOLSKY: No? You wouldn't -- really wouldn't

14 want to hear from him saying well wait a minute, this happened?

15 PROSPECTIVE JUROR NUMBER 569: I would like to hear

16 from him, but I understand that it's not -- he doesn't have to in

17 order to prove his case.

18 MR. YAMPOLSKY: Well, well, let me back up.

19 PROSPECTIVE JUROR NUMBER 569: Or I should say in

20 order to -- I can't think of the words right now.

21 MR. YAMPOLSKY: Okay. And --

22 PROSPECTIVE JUROR NUMBER 569: I think --

23 MR. YAMPOLSKY: -- I think -- I think you -- okay, you

24 realize that the State --

25 PROSPECTIVE JUROR NUMBER 569: I understand --

1 MR. YAMPOLSKY: -- has the --
2 PROSPECTIVE JUROR NUMBER 569: Yeah.
3 MR. YAMPOLSKY: -- burden of proof, right?
4 PROSPECTIVE JUROR NUMBER 569: Correct.
5 MR. YAMPOLSKY: And you realize that neither of these
6 Defendants has to quote, unquote, prove their case --
7 PROSPECTIVE JUROR NUMBER 569: Correct.
8 MR. YAMPOLSKY: -- correct?
9 Okay. I understand you said that unwittingly but --
10 PROSPECTIVE JUROR NUMBER 569: Yeah, sorry.
11 MR. YAMPOLSKY: -- I had to make sure.
12 And you said you have strong feelings about guns --
13 PROSPECTIVE JUROR NUMBER 569: Yes.
14 MR. YAMPOLSKY: -- right?
15 And are your strong -- you said that you believe there
16 should be more laws about guns?
17 PROSPECTIVE JUROR NUMBER 569: More regulation,
18 yes.
19 MR. YAMPOLSKY: So are you saying that you think that
20 guns should be harder obtain as a just private citizen?
21 PROSPECTIVE JUROR NUMBER 569: If -- not for most,
22 but there are people that shouldn't have guns. There's -- they
23 shouldn't be as easily accessible to some people.
24 MR. YAMPOLSKY: And what people would you think
25 shouldn't have access to guns?

1 PROSPECTIVE JUROR NUMBER 569: I just -- for example,
2 the shooting that just happened in California; they bought the gun
3 here and took it over there. If there were more regulations in this
4 state it may have helped the situation in the shooting in California
5 over the weekend. I don't -- I just -- I don't want to get on a political
6 rant, I just -- that's just how I feel.

7 MR. YAMPOLSKY: And we don't want you to get on a
8 political rant, we want your feelings. And how do you feel about
9 juveniles possessing firearms?

10 PROSPECTIVE JUROR NUMBER 569: No, I don't think that
11 juveniles should.

12 MR. YAMPOLSKY: Well in this case there is going to be
13 testimony that there were some juveniles that possess firearms, so
14 how is that going to make you feel?

15 PROSPECTIVE JUROR NUMBER 569: I mean, I'd still
16 listen to the all the evidence of the trial to know the facts of what
17 was going on and make a judgment based off of that. But, I mean,
18 you asked if I had feelings about firearms --

19 MR. YAMPOLSKY: Right.

20 PROSPECTIVE JUROR NUMBER 569: -- and that's -- I do.
21 So.

22 MR. YAMPOLSKY: But the fact that a -- one or more
23 juveniles might have possessed a firearm in this case, it's going to
24 bother you, right?

25 PROSPECTIVE JUROR NUMBER 569: I mean, if that's the

1 matter of the crime, maybe, yeah.

2 MR. YAMPOLSKY: I appreciate your candor. I'm not
3 trying to put you on the spot, but, you know, I feel like I need to ask
4 some of these questions.

5 Why don't you hand it to Mr. Martinez?

6 All right. You heard everything I said. Do you have any
7 strong feelings about firearms?

8 PROSPECTIVE JUROR NUMBER 568: I don't.

9 MR. YAMPOLSKY: You don't own a gun, correct?

10 PROSPECTIVE JUROR NUMBER 568: I don't.

11 MR. YAMPOLSKY: Okay. And, you know, if I'm repeating
12 myself, I'm sorry, but you've heard me talk about the presumption
13 of innocence. Would you hold it against my client if he decided not
14 to take the stand?

15 PROSPECTIVE JUROR NUMBER 568: No.

16 MR. YAMPOLSKY: No. So it'd be okay if he didn't get up
17 here and tell his story after the State finished telling their story.

18 PROSPECTIVE JUROR NUMBER 568: It's all up to him, it's
19 not -- it's his decision.

20 MR. YAMPOLSKY: And you don't have a problem with
21 that.

22 PROSPECTIVE JUROR NUMBER 568: No.

23 MR. YAMPOLSKY: Okay. Could you pass it to Ms., is it
24 Allen? Yes.

25 Now where do you work?

1 PROSPECTIVE JUROR NUMBER 560: I work for an ad
2 agency,

3 MR. YAMPOLSKY: For what?

4 PROSPECTIVE JUROR NUMBER 560: An ad agency.

5 MR. YAMPOLSKY: Okay. And what do you do there?

6 PROSPECTIVE JUROR NUMBER 560: Accounting.

7 MR. YAMPOLSKY: Oh.

8 PROSPECTIVE JUROR NUMBER 560: Accounts
9 receivable.

10 MR. YAMPOLSKY: So you don't put together the ads?

11 PROSPECTIVE JUROR NUMBER 560: Correct, I do not.

12 MR. YAMPOLSKY: Does your ad agency have any clients
13 like the NRA?

14 PROSPECTIVE JUROR NUMBER 560: No.

15 MR. YAMPOLSKY: As a matter -- are you aware that your
16 ad agency does any type of ads, like pro or anti-firearms?

17 PROSPECTIVE JUROR NUMBER 560: We do not.

18 MR. YAMPOLSKY: Okay. And would you have a problem
19 if my client decides not to testify?

20 PROSPECTIVE JUROR NUMBER 560: I don't have a
21 problem, but it's always nice to hear both sides.

22 MR. YAMPOLSKY: Okay. Could you pass that to Mr.
23 Esposito?

24 Mr. Esposito, and my hearing's not very good but I heard
25 you say you have two Masters --

1 PROSPECTIVE JUROR NUMBER 554: That's correct.
2 MR. YAMPOLSKY: -- is that right?
3 Is one in IT and the other an MBA?
4 PROSPECTIVE JUROR NUMBER 554: Yes, management
5 information systems.
6 MR. YAMPOLSKY: Say that again.
7 PROSPECTIVE JUROR NUMBER 554: Management
8 information systems.
9 MR. YAMPOLSKY: Okay. So you design computer
10 systems for various --
11 PROSPECTIVE JUROR NUMBER 554: That's correct.
12 MR. YAMPOLSKY: -- businesses.
13 Do you specialize in one area?
14 PROSPECTIVE JUROR NUMBER 554: No, I have a
15 consulting firm that focuses on consulting, digital marketing, app
16 development, and project management.
17 MR. YAMPOLSKY: So would you say that you work with
18 small businesses or --
19 PROSPECTIVE JUROR NUMBER 554: Yes. Mostly
20 smaller --
21 MR. YAMPOLSKY: What --
22 PROSPECTIVE JUROR NUMBER 554: -- businesses.
23 MR. YAMPOLSKY: Not institutions -- governmental
24 institutions?
25 PROSPECTIVE JUROR NUMBER 554: No.

1 MR. YAMPOLSKY: No. Okay.
2 And you said you do not own a firearm.
3 PROSPECTIVE JUROR NUMBER 554: No.
4 MR. YAMPOLSKY: But you don't have a problem with
5 other people owning firearms?
6 PROSPECTIVE JUROR NUMBER 554: Nope.
7 MR. YAMPOLSKY: Okay. And do you have any strong
8 feelings one way or the other about firearms?
9 PROSPECTIVE JUROR NUMBER 554: No.
10 MR. YAMPOLSKY: All right. Would you pass the mic to
11 Ms. Rice, please?
12 Ms. Rice, you said you're an RN?
13 PROSPECTIVE JUROR NUMBER 542: Correct.
14 MR. YAMPOLSKY: How long have you been an RN?
15 PROSPECTIVE JUROR NUMBER 542: 21 years.
16 MR. YAMPOLSKY: Do you specialize in one specific area?
17 PROSPECTIVE JUROR NUMBER 542: ICU.
18 MR. YAMPOLSKY: Which is?
19 PROSPECTIVE JUROR NUMBER 542: Intensive Care Unit.
20 MR. YAMPOLSKY: Oh, okay. And in the Intensive Care
21 Unit, do you deal with gunshot wounds?
22 PROSPECTIVE JUROR NUMBER 542: Not at the hospital
23 that I currently work at.
24 MR. YAMPOLSKY: I'm sorry, say that again.
25 PROSPECTIVE JUROR NUMBER 542: Not at the hospital

1 that I currently work in.

2 MR. YAMPOLSKY: Okay.

3 PROSPECTIVE JUROR NUMBER 542: Those patients
4 usually go to the trauma hospitals.

5 MR. YAMPOLSKY: What hospital are you working with
6 now?

7 PROSPECTIVE JUROR NUMBER 542: Centennial Hills.

8 MR. YAMPOLSKY: What?

9 PROSPECTIVE JUROR NUMBER 542: Centennial Hills.

10 MR. YAMPOLSKY: Okay. And they don't have a Level-I
11 Trauma Center there do they?

12 PROSPECTIVE JUROR NUMBER 542: No.

13 MR. YAMPOLSKY: Okay. Now you said you are a
14 director?

15 PROSPECTIVE JUROR NUMBER 542: Correct.

16 MR. YAMPOLSKY: You are a director of what?

17 PROSPECTIVE JUROR NUMBER 542: The Intensive Care
18 Unit.

19 MR. YAMPOLSKY: Oh, okay. Well that make sense.

20 And as a director of the ICU, what do you do?

21 PROSPECTIVE JUROR NUMBER 542: I am responsible for
22 the 24 hours/7 days a week function of the Intensive Care Unit. I
23 have about 80 employees that I'm responsible for. 20-bed unit, so
24 we have 20 patients at any time.

25 MR. YAMPOLSKY: So you're responsible like --

1 PROSPECTIVE JUROR NUMBER 542: Budget.

2 MR. YAMPOLSKY: -- you know, I need 30 people on shift
3 at this time because of what's going on, something like that?

4 PROSPECTIVE JUROR NUMBER 542: I'm responsible for
5 hiring all the nurses, for the patient flow, for budget, anything that
6 happens in the ICU.

7 MR. YAMPOLSKY: Okay. Now you said you own a
8 firearm.

9 PROSPECTIVE JUROR NUMBER 542: Correct.

10 MR. YAMPOLSKY: Okay. And do you have strong
11 feelings one way or another on people owning firearms?

12 PROSPECTIVE JUROR NUMBER 542: No, sir.

13 MR. YAMPOLSKY: Court's indulgence.

14 And then just finally, I know I've asked everyone else so
15 it's your day in the barrel. Would you have a problem if my client
16 doesn't testify?

17 PROSPECTIVE JUROR NUMBER 542: No, sir.

18 MR. YAMPOLSKY: Okay. Thank you. I have nothing
19 further.

20 THE COURT: Thank you.

21 MR. HELMICK: All right. Thank you, Your Honor.

22 Okay. Good morning, everybody. It might be afternoon
23 now. You know, since I'm going last, I guess we're going to have to
24 repeat some of these things and I apologize for that, again, to the
25 five of you. And I know you guys probably heard me talk about a

1 lot of stuff yesterday as well but we're going to go over that
2 because I didn't get to get your guy's thoughts on things, okay?

3 So let me start with you, Ms. Rice. We had talked about --
4 you heard some people talk about guilt by association and things
5 like that. Do you remember that yesterday?

6 PROSPECTIVE JUROR NUMBER 542: Yes.

7 MR. HELMICK: Okay. We had some people up here say
8 that I really can't separate these two because I feel like if they're
9 connected in some way, then the other one's got to be as guilty as
10 the other person, something like that. Do you remember that?

11 PROSPECTIVE JUROR NUMBER 542: Yes.

12 MR. HELMICK: Okay. What were your thoughts on that?

13 PROSPECTIVE JUROR NUMBER 542: Well I would say
14 that not -- I don't -- I would not say that just because someone sits
15 beside me that they're guilty of what I did.

16 MR. HELMICK: Sure. So you would be able to -- I think
17 Gordon talked about that yesterday, the word accountability -- or
18 somebody mentioned the word accountability. Maybe it was
19 Shayra, I can't remember.

20 Is that what you would do then, you would hold each one
21 accountable in this trial for the actions --

22 PROSPECTIVE JUROR NUMBER 542: Correct.

23 MR. HELMICK: -- that they did?

24 PROSPECTIVE JUROR NUMBER 542: Correct.

25 MR. HELMICK: Okay. You think that's fair.

1 PROSPECTIVE JUROR NUMBER 542: Correct.

2 MR. HELMICK: Okay.

3 PROSPECTIVE JUROR NUMBER 542: I have to do it daily
4 at work, so.

5 MR. HELMICK: Yes. Yeah, being the director I bet, right?

6 PROSPECTIVE JUROR NUMBER 542: Correct.

7 MR. HELMICK: Yeah. How many employees do you
8 supervise?

9 PROSPECTIVE JUROR NUMBER 542: About 80.

10 MR. HELMICK: 80. That's right, I'm sorry, I heard that -- I
11 did hear you say that actually. Okay. Thank you, Ms. Rice.

12 I want to talk to you about something else here. You ever
13 been blamed for something -- and we talked about this yesterday.
14 If you can go back to when you're a kid, go back to, you know,
15 being in your 20s or whatever. You ever blamed for something that
16 you didn't do?

17 PROSPECTIVE JUROR NUMBER 542: I'm sure.

18 MR. HELMICK: Yeah. Can you think of a memory like
19 that?

20 PROSPECTIVE JUROR NUMBER 542: I can't think of
21 anything specific.

22 MR. HELMICK: Off the top of your head, okay. You heard
23 some people talk about their scenarios where they were kind of
24 blamed for something they didn't do, right?

25 PROSPECTIVE JUROR NUMBER 542: Yes.

1 MR. HELMICK: Yeah. Hypothetically, I guess, what
2 feelings would you associate with that if you could put yourself in
3 those shoes of the other people?

4 PROSPECTIVE JUROR NUMBER 542: I'd probably be very
5 frustrated, angry.

6 MR. HELMICK: Okay. And we had talked about in regard
7 to that, what the people who were blaming them maybe should
8 have done differently, right? We talked about that. What do you
9 think that the people who are doing the blaming could have done
10 differently? We heard -- maybe hear both sides of the story, right?

11 PROSPECTIVE JUROR NUMBER 542: You do need to hear
12 both sides of the story.

13 MR. HELMICK: Yeah. And then I think somebody else
14 mentioned take good notes, right?

15 PROSPECTIVE JUROR NUMBER 542: Correct.

16 MR. HELMICK: Okay. Think about it, right?

17 PROSPECTIVE JUROR NUMBER 542: Look at the hard
18 evidence too.

19 MR. HELMICK: Yeah. Can you promise to do that in this
20 case?

21 PROSPECTIVE JUROR NUMBER 542: Yes.

22 MR. HELMICK: Can you promise to take good notes?

23 PROSPECTIVE JUROR NUMBER 542: Yes.

24 MR. HELMICK: And then think about your decision
25 ultimately at the end of this case, if you are selected?

1 PROSPECTIVE JUROR NUMBER 542: Yes.

2 MR. HELMICK: Okay. Thank you.

3 Now you heard me talking about redwoods and palm
4 trees and you had some really good answers on that yesterday. Did
5 you -- were you thinking to yourself, you know, what side would I
6 fall on when I was talking about that? Do you get the analogy?

7 PROSPECTIVE JUROR NUMBER 542: I do get the analogy.

8 MR. HELMICK: Okay. So what do you think? I mean, you
9 understand, right, that we have everybody in this courtroom who
10 has different personalities and come from different backgrounds,
11 right? And if you find yourself in the minority in that deliberation
12 room, what do you see yourself as being?

13 PROSPECTIVE JUROR NUMBER 542: I will -- I would look
14 at the facts and just go from there and listen to everyone's opinion
15 but I don't think that it would sway me from -- away from what that
16 evidence was.

17 MR. HELMICK: Okay. So ultimately you would have your
18 opinion, right, but you would keep an opening mind --

19 PROSPECTIVE JUROR NUMBER 542: Correct.

20 MR. HELMICK: -- but you wouldn't be -- your position is
21 you wouldn't be swayed -- you feel strong about your opinion you
22 wouldn't be swayed just because everyone else is doing it.

23 PROSPECTIVE JUROR NUMBER 542: Correct.

24 MR. HELMICK: Okay. Thank you, Ms. Rice.

25 PROSPECTIVE JUROR NUMBER 542: You're welcome.

1 MR. HELMICK: If we could get it over to Mr. Esposito.
2 You know I'll ask you that because I just -- we just talked
3 about it. What do you think? I mean, do you get the analogy that I
4 was trying to make?

5 PROSPECTIVE JUROR NUMBER 554: Yes.

6 MR. HELMICK: Okay. What do you think?

7 PROSPECTIVE JUROR NUMBER 554: I'm generally a
8 strong-minded person and a natural leader so I'll have my own
9 opinion but I'm also going to listen to everything else because I
10 know that, you know, I don't have all the answers and everybody
11 else could come up with something different to potentially change
12 the --

13 MR. HELMICK: Right. And that's --

14 PROSPECTIVE JUROR NUMBER 554: I will evaluate the
15 effects on my own and have my own opinion.

16 MR. HELMICK: Of course. But you would be kind of like
17 what Ms. Rice was saying, right, like kind of be the open-minded
18 but at the same time, you know, you have your opinion, you have
19 your thoughts and you're going to stand.

20 PROSPECTIVE JUROR NUMBER 554: It -- I will stand with
21 what I believe.

22 MR. HELMICK: Okay.

23 PROSPECTIVE JUROR NUMBER 554: But I will take
24 everybody's opinions into consideration.

25 MR. HELMICK: Sure. All right. Thank you.

1 What are your thoughts on the whole guilt by association
2 thing? I mean, do you think because they're sitting at the same
3 table that they must be tied together in some way?

4 PROSPECTIVE JUROR NUMBER 554: No. I think
5 everybody's should be accountable for their own actions. And just
6 because one -- if one person did something, the other one didn't
7 then that's what I believe, that's the way that I will choose.

8 MR. HELMICK: But I mean, you were -- you said you were
9 an Eagle Scout, right?

10 PROSPECTIVE JUROR NUMBER 554: Yes.

11 MR. HELMICK: And so there's a lot of principle they teach
12 you in being an Eagle Scout, right? And probably one of those is
13 accountability, right? Respect? Those things.

14 PROSPECTIVE JUROR NUMBER 542: Respect. Definitely
15 respect.

16 MR. HELMICK: Yeah, definitely respect. I mean, there's a
17 lot of them, I'm sure, right?

18 PROSPECTIVE JUROR NUMBER 554: Uh-huh.

19 MR. HELMICK: And so you can do that in this trial?

20 PROSPECTIVE JUROR NUMBER 554: Yes.

21 MR. HELMICK: Thank you very much.

22 And then that same thing kind of we talked about with Ms.
23 Rice and I'm probably going to ask everybody the same thing so
24 just -- just to give a heads up. Can you think of a scenario where
25 you've ever been blamed for something that maybe you didn't do

1 it? Tell me how you felt.

2 PROSPECTIVE JUROR NUMBER 554: Yeah, probably a
3 bunch of times.

4 MR. HELMICK: Sure. Yeah, I mean --

5 PROSPECTIVE JUROR NUMBER 554: It's definitely no fun
6 being blamed for something that you didn't do.

7 MR. HELMICK: What do you think -- we had some
8 answers that were given, notes, maybe look at both sides of the
9 story. Anything else that you can add and if you can't that's okay?

10 PROSPECTIVE JUROR NUMBER 554: No. Just evaluating
11 everything that comes in and making the decision.

12 MR. HELMICK: Okay. Thank you, Mr. Esposito.

13 Let's go ahead and get it over to Ms. Allen.

14 All right, Ms. Allen. You kind of know the direction I've
15 been going, right? What do you think on the -- let's start with the
16 redwoods and the palm trees and stuff like that.

17 PROSPECTIVE JUROR NUMBER 560: I want to stand by
18 what I believe but, you know, if there's something that I'm missing,
19 you know, then show me where I don't -- I'm not seeing it.

20 MR. HELMICK: Sure. Sure, okay. So same thing, kind of
21 be open-minded, right? I mean, that's why a jury's 12 people and
22 not 1, right?

23 PROSPECTIVE JUROR NUMBER 560: Correct.

24 MR. HELMICK: Everybody has their opinions. But at the
25 end of the day, as Gordon said, the beauty of it is individuality,

1 right?

2 PROSPECTIVE JUROR NUMBER 560: Correct.

3 MR. HELMICK: You need the personal power that you
4 have, right?

5 PROSPECTIVE JUROR NUMBER 560: Right.

6 MR. HELMICK: Okay. And so what would you fall under
7 then? Are you -- do you have the type of personality that you might
8 sway with the crowd or are you going to kind of be strong in your
9 position with an open mind?

10 PROSPECTIVE JUROR NUMBER 560: I would be open-
11 minded, you know, to all the facts.

12 MR. HELMICK: Okay. And then in regards to what I asked
13 Ms. Rice and Mr. Esposito, what are some things that you can do in
14 this case to be open-minded and to look at all the facts?

15 PROSPECTIVE JUROR NUMBER 560: Just make sure --
16 you know, pay attention and make sure you have all the notes that
17 you need. Just hear all the evidence.

18 MR. HELMICK: Hear everything, okay. Thank you. Let me
19 see if I got anything else to ask you.

20 Now did you hear about anything about this case on the
21 news or anything like that because --

22 PROSPECTIVE JUROR NUMBER 560: No.

23 MR. HELMICK: -- I don't think I asked that to you guys that
24 were over here.

25 PROSPECTIVE JUROR NUMBER 560: No.

1 MR. HELMICK: Ms. Rice, anything?
2 PROSPECTIVE JUROR NUMBER 542: No.
3 MR. HELMICK: Mr. Esposito, anything on the news about
4 this case?
5 PROSPECTIVE JUROR NUMBER 554: [Inaudible].
6 MR. HELMICK: Okay.
7 And I think my -- Mr. Yampolsky probably asked you this
8 already but you said you understand the presumption of innocence,
9 right?
10 PROSPECTIVE JUROR NUMBER 560: Correct.
11 MR. HELMICK: When you walked into this courtroom you
12 didn't think that he was guilty just because he's sitting right here.
13 PROSPECTIVE JUROR NUMBER 560: No.
14 MR. HELMICK: Okay. So you understand then that there
15 has to be -- either has to be evidence beyond a reasonable doubt
16 and all that stuff.
17 PROSPECTIVE JUROR NUMBER 560: Correct.
18 MR. HELMICK: Very good.
19 Okay. Let's go ahead and get it over to Mister -- I'm sorry,
20 sir, what's your last name?
21 PROSPECTIVE JUROR NUMBER 568: Martinez.
22 MR. HELMICK: Martinez. That's right. Mr. Martinez.
23 Okay. So we're talking about the redwoods and the palm
24 trees and all that good stuff. What do you think?
25 PROSPECTIVE JUROR NUMBER 568: I mean, I'll just keep

1 an open-mind, I -- you know, I just have to see the facts before
2 anything.

3 MR. HELMICK: Yeah, I mean, so we heard -- we heard
4 yesterday it doesn't matter which one you are. We heard from
5 Sydney, we heard from --

6 PROSPECTIVE JUROR NUMBER 568: Yeah.

7 MR. HELMICK: -- Gabriel, we heard that -- you know, hey,
8 I kind of have the personality where maybe I'm a little more quiet,
9 maybe, you know, everybody has their opinion, I'm going to just
10 kind of go with it. Do you feel that that might be you?

11 PROSPECTIVE JUROR NUMBER 568: I mean, I'm quiet
12 but like I said, I'll just keep an open mind.

13 MR. HELMICK: Yeah.

14 PROSPECTIVE JUROR NUMBER 568: I'm not going to --
15 you know, I just have to see everything.

16 MR. HELMICK: Of course. You got to see everything,
17 right?

18 PROSPECTIVE JUROR NUMBER 568: Yeah.

19 MR. HELMICK: I mean, you said you have five kids, right?

20 PROSPECTIVE JUROR NUMBER 568: Yes.

21 MR. HELMICK: So I mean, you've probably been in a lot
22 of dilemmas before in your life trying to figure out what kid did
23 what and all that stuff, right?

24 PROSPECTIVE JUROR NUMBER 568: Oh yeah, a lot of
25 times.

1 MR. HELMICK: So tell me what you do. I mean, tell me
2 about that -- an example of how you solved the problem with
3 regard to your five kids before.

4 PROSPECTIVE JUROR NUMBER 568: I just say --

5 MR. HELMICK: If both of them are going like this, right?

6 PROSPECTIVE JUROR NUMBER 568: Yeah, I just sit with
7 them and make sure, you know, I can't be, you know, in the same
8 place at the same time with them so I just sit with them and just go
9 over -- you know, make sure we're on the same page.

10 MR. HELMICK: Yeah, you kind of just listen to -- talk to
11 them --

12 PROSPECTIVE JUROR NUMBER 568: Yeah.

13 MR. HELMICK: -- and listen to them and --

14 PROSPECTIVE JUROR NUMBER 568: Yes.

15 MR. HELMICK: -- figure it all out. Okay. Yeah.

16 What else do I want to ask you?

17 In regards to the -- you know, the whole guilt by
18 association thing and the accountability, do you feel that way?
19 Because there were some people up here yesterday that didn't feel
20 that way, right?

21 PROSPECTIVE JUROR NUMBER 568: Yes.

22 MR. HELMICK: Did you hear some people say that hey, I
23 think that they're associated in some way; I believe in guilt by
24 association?

25 PROSPECTIVE JUROR NUMBER 568: No, I think, you

1 know, they're accountable by their -- you know, with their own
2 actions, so. It's a separate.

3 MR. HELMICK: Okay. So you could do that? You could
4 promise to do that in this case?

5 PROSPECTIVE JUROR NUMBER 568: Yes.

6 MR. HELMICK: Okay. And we also talked about another
7 topic yesterday with making big decisions in life, right? And this is
8 a big case, a serious case, right?

9 PROSPECTIVE JUROR NUMBER 568: Yes.

10 MR. HELMICK: I mean, so what do you do in scenarios in
11 your life that you can incorporate in this case to prepare to make a
12 big decision?

13 PROSPECTIVE JUROR NUMBER 568: I mean, I just have
14 to, you know, listen, pay attention to everything, make sure
15 everything is correct and I'll make my decision.

16 MR. HELMICK: Okay. And you can do that in this case?

17 PROSPECTIVE JUROR NUMBER 568: Yes.

18 MR. HELMICK: You promise to take your time in this
19 case?

20 PROSPECTIVE JUROR NUMBER 568: Yes.

21 MR. HELMICK: Okay. Good.

22 You know, Ms. Wargo -- if you can give her the
23 microphone.

24 They've asked you so many --

25 Thank you, Mr. Martinez.

1 They've asked you so many questions, the Prosecutor and
2 Mr. Yampolsky that I don't -- I'm trying to figure out if I have
3 anything to ask you. You know, I will ask you about the redwoods
4 and palm trees though because I'm just curious how you feel about
5 that. What do you think?

6 PROSPECTIVE JUROR NUMBER 569: I mean, I would
7 listen to what the other jurors had to say, but once I have an
8 opinion, I stick with it

9 MR. HELMICK: You stick with it. Yeah. Very good. Yeah.
10 I just want to see if I need to ask you anything else, Ms.
11 Wargo.

12 Okay. Thanks -- thank you to all five of you that came
13 onboard and thank you for everybody else for listening to the same
14 questions as I talked about yesterday.

15 All right. Pass for cause.

16 THE COURT: Thank you. Can you guys approach the
17 bench?

18 [Bench conference transcribed as follows.]

19 THE COURT: You didn't ask her if she'd ever been
20 accused of something she didn't do.

21 MR. HELMICK: No, because I already have a position on
22 her.

23 THE COURT: All right. Are you guys passing for cause on
24 those five?

25 MR. HELMICK: Sorry, so I do have cause on one actually.

1 THE COURT: Okay.

2 MR. YAMPOLSKY: I have cause on Wargo.

3 MR. HELMICK: On Wargo, me too.

4 THE COURT: What's your position on Wargo?

5 MR. PESCI: I'll submit it. I think -- [indiscernible]

6 yesterday. I think she could be fair.

7 MR. HELMICK: Giancarlo's in a better mood today.

8 THE COURT: Giancarlo's a nice guy.

9 MR. YAMPOLSKY: Not when he deals with me.

10 THE COURT: His name is pronounced Yampolsky, by the

11 way.

12 MR. PESCI: I know, I know, I messed up. I know.

13 MR. YAMPOLSKY: Thank you.

14 MR. PESCI: But so --

15 MR. YAMPOLSKY: Yam rhymes with -- polsky as in --

16 MR. PESCI: Okay. Got it.

17 MR. YAMPOLSKY: -- slow.

18 MR. PESCI: I got it.

19 MR. YAMPOLSKY: Okay?

20 THE COURT: I am going to excuse here and then I guess

21 we'll just break for lunch because we're going to have to get new

22 people down here and go through the whole process of getting

23 them questioned up.

24 So while we're up here though, I take it you're not

25 prepared to open today?

1 MR. YAMPOLSKY: I'm not.

2 MR. HELMICK: That's -- I mean, I worked my butt off last
3 night because I knew we were opening today, so --

4 THE COURT: I know.

5 MR. HELMICK: -- I mean.

6 MR. YAMPOLSKY: If you want to let them go and have
7 me go tomorrow, I can live with that.

8 THE COURT: I'm not going to break it up, we're all --
9 because we would be breaking early so it's like everybody needs to
10 be prepared. I'm not going to force everybody else to go if you're
11 not ready. But you need to listen because --

12 MR. YAMPOLSKY: I'm -- because I thought I heard them
13 say oh good, we're not going to do opening tomorrow.

14 MR. PESCI: We all heard after --

15 THE COURT: You all heard it.

16 MR. HELMICK: He said after --

17 THE COURT: Originally we talked about opening
18 Wednesday morning, but then yesterday afternoon when we were
19 all up here, I'm like okay, well it looks like we're going to get to
20 things being done with our jury so we'll plan on opening tomorrow
21 and then we'll start with witnesses Wednesday morning.

22 MR. YAMPOLSKY: I didn't hear it or I spaced it, I'm sorry.

23 MR. HELMICK: I don't mind -- I mean, I know you don't
24 want to break it up, huh?

25 THE COURT: No, I don't --

1 MR. HELMICK: Okay.

2 THE COURT: I don't want to leave them thinking about
3 just what you all have to say --

4 MR. HELMICK: Yeah.

5 THE COURT: -- and not what he has to say. Unless you
6 have openings or closing that are many, many hours, I don't ever
7 think it's good to just break them up like that so I would say no,
8 we'll just get our jury selected today, okay?

9 MR. HELMICK: All right.

10 MR. YAMPOLSKY: Okay. Do you want to here why I
11 don't like Wargo and don't you care?

12 THE COURT: No, no, I said I'm going to grant the
13 challenge as to Wargo.

14 MR. YAMPOLSKY: Okay.

15 [End of bench conference.]

16 THE COURT: Okay. So here's what we're going to do,
17 folks -- well actually can you guys come back? I'm sorry. I was
18 missing you.

19 [Bench conference transcribed as follows.]

20 THE COURT: One of the things I want to do is find out
21 from Ms. Gebhart -- I meant to ask her when we brought her in
22 about her appointment this afternoon and are you going to want
23 them all in here when you exercise your challenges?

24 MR. YAMPOLSKY: No.

25 MR. PESCI: It's easier when you can visually see it.

1 MR. HELMICK: I know.

2 MR. YAMPOLSKY: Okay.

3 THE COURT: What about her?

4 MR. PESCI: We can figure out her --

5 THE COURT: Can we excuse her to go to her
6 appointment?

7 MR. PESCI: She can go to her appointment --

8 MR. YAMPOLSKY: Yes.

9 THE COURT: Is that okay?

10 MR. YAMPOLSKY: Right.

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

12 [End of bench conference.]

13 THE COURT: All right, folks we're going to take a lunch
14 break and I got to get the other jurors from down in Jury Services
15 up to finish it but we will be finishing this up this afternoon so I
16 promise you that. But we're going to start back at 1:15.

17 So during our lunch break -- during the recess you're
18 admonished not to talk or converse among yourselves or with
19 anyone else on any subject connected with the trial. Or read, watch
20 or listen to any report of or commentary on the trial by any medium
21 of information including, without limitation, newspapers, television,
22 the internet, and radio. Or form or express any opinion on any
23 subject connected with the case until it's finally submitted to you.
24 No legal or factual research, or investigation on your own.

25 We'll be in recess until 1:15.

1 Sydney, would you stick around for me for just a minute,
2 please?

3 And then when you're -- when you come back after lunch,
4 you can just come up here, you don't have to go back down to Jury
5 Services, okay? Thank you.

6 Oh, Ms. Wargo? Ms. Wargo, you're going to be excused.
7 I'm sorry, I forgot to say that. You're excused.

8 PROSPECTIVE JUROR NUMBER 569: Okay.

9 THE COURT: You're all done. Thank you.

10 PROSPECTIVE JUROR NUMBER 569: Do I --

11 THE COURT: You can give the badge to the marshal on
12 your way out. Thank you.

13 [Outside the presence of the prospective jury, with the
14 exception of Prospective Juror Number 418]

15 THE COURT: So what time do you need to get out of here
16 to make your appointment?

17 PROSPECTIVE JUROR NUMBER 418: It's at 2:00.

18 THE COURT: 3:00?

19 PROSPECTIVE JUROR NUMBER 418: 2:00.

20 THE COURT: 2 -- oh 2:00?

21 PROSPECTIVE JUROR NUMBER 418: Yeah, I thought it
22 was at 3:00. It's at 2:00. It's for me to diagnose -- basically I'm
23 getting diagnosed with dyslexia.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 418: It'll help me with

1 school and everything, so I won't fail anymore.

2 THE COURT: No, no, no, that's okay. You're going to
3 make the appointments, so --

4 PROSPECTIVE JUROR NUMBER 418: Thank you.

5 THE COURT: -- you don't need to come back after lunch, I
6 want you to go to your appointment.

7 PROSPECTIVE JUROR NUMBER 418: Okay.

8 THE COURT: And then when you leave, give the marshal
9 a good phone number that we can reach you at --

10 PROSPECTIVE JUROR NUMBER 418: Okay.

11 THE COURT: -- because you may still be part of the jury --

12 PROSPECTIVE JUROR NUMBER 418: Okay.

13 THE COURT: -- I just don't want you to miss your
14 appointment.

15 PROSPECTIVE JUROR NUMBER 418: Okay.

16 THE COURT: So we're going to call you this afternoon
17 later on to let you know whether you're part of the jury or you've
18 been excused.

19 PROSPECTIVE JUROR NUMBER 418: Okay.

20 THE COURT: Once we finish talking to some more people,
21 and the attorneys whittle it down to the 14, okay?

22 PROSPECTIVE JUROR NUMBER 418: Okay.

23 THE COURT: If you're going to have to come back it's
24 going to be at 9:00 tomorrow.

25 PROSPECTIVE JUROR NUMBER 418: Okay.

1 THE COURT: Okay. This is the only appointment you had,
2 right?

3 PROSPECTIVE JUROR NUMBER 418: Yeah, this is it.

4 THE COURT: Okay. So go to your appointment, don't
5 worry about coming back today and then --

6 PROSPECTIVE JUROR NUMBER 418: Okay.

7 THE COURT: -- we'll call you.

8 PROSPECTIVE JUROR NUMBER 418: Okay.

9 THE COURT: All right.

10 PROSPECTIVE JUROR NUMBER 418: So go --

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR NUMBER 418: -- to lunch and then
13 come back and give the marshal --

14 THE COURT: No, you're done, you can go ahead and take
15 off, you don't --

16 PROSPECTIVE JUROR NUMBER 418: Oh, okay, cool.

17 THE COURT: You don't have to go to lunch and come
18 back.

19 PROSPECTIVE JUROR NUMBER 418: Okay.

20 THE COURT: Since it's at 2:00, I mean, you'd be sitting
21 here for 15 minutes so don't worry about it.

22 PROSPECTIVE JUROR NUMBER 418: Okay.

23 THE COURT: You can just go do whatever you want to do
24 before your appointment and then maybe we'll see you tomorrow.
25 If you get excused, I won't see you again --

1 PROSPECTIVE JUROR NUMBER 418: Okay.

2 THE COURT: -- so thank you very much.

3 PROSPECTIVE JUROR NUMBER 418: Thank you so much.

4 THE COURT: Okay. You can just leave that in the chair
5 there, the microphone.

6 PROSPECTIVE JUROR NUMBER 418: Leave it in the
7 chair?

8 THE COURT: Yeah, thank you.

9 [Prospective Juror Number 418 exits the courtroom]

10 THE COURT: All right. Anything outside the presence?

11 MR. PESCI: We just didn't put on the record officially that
12 the Court dismissed Nicole Wargo, Badge 569, based on both
13 Defense Counsel's request. The State thought she could be fair, but
14 we submitted it.

15 THE COURT: Correct. Yeah, I did go ahead and grant the
16 challenge as to her based on the issue with police testimony.

17 All right. Anything for the Defense?

18 MR. HELMICK: Yes. I have -- I want to reopen the
19 discussion that we had yesterday in regard to the two buzz words,
20 the Russian Roulette and the abandoned house. Because I was
21 thinking last night that every time I have explained this case to
22 somebody in my office or somebody else, they don't know what I'm
23 talking about until I say, do you remember the Russian Roulette
24 case in Henderson; do you remember the kids in the abandoned
25 house? Oh yeah, yeah, now I remember that.

1 I mean, I have a legitimate concern that as soon as those
2 facts come out in the opening statement, they're going to
3 remember it. I've read some of the comments on those Facebook
4 pages and the news articles. Those kids should be hung. Those
5 kids should be burned alive. I mean, there's some bad stuff. So I'm
6 scared that there might be some people with that underlying feeling
7 that we don't know about.

8 THE COURT: State.

9 MR. PESCI: Judge, I think what you've already explained
10 yesterday is that, you know, it -- there -- they have been permitted --
11 everyone's been permitted to ask if anybody remembers anything
12 in the media. And I think you even talked about some specificity
13 you would allow as far a gun being used and some facts about
14 them being used.

15 I just don't think we need to be saying Russian Roulette
16 because in essence we're talking about an argument in the case and
17 I think that that then plants in the minds of other people a concept
18 that's not there because people have been asked about the media
19 and no one has said that.

20 THE COURT: Well -- so here's the thing -- I mean, even
21 when we do questionnaires in cases and we put in a factual
22 synopsis in there, it isn't really factually specific, right? It's that
23 these people are alleged to have committed a homicide on such
24 and such date, at such and such location. These are the people that
25 are alleged to have been involved. These are the charges they're

1 facing. And then you ask does anybody recall hearing anything
2 about the case.

3 But I agree that when you start dropping little things in
4 there that are alleged to be facts, like for instance, if a juror position
5 that this was an issue with Russian Roulette and the State may
6 think well, we don't think that's really what happened, we think was
7 an intentional shooting or what. Abandoned house, maybe it's an
8 occupied house. Maybe the State's alleging there was this felony
9 going on and you're thinking that that wasn't really what was going
10 on. So trying to kind of drop little facts in there to see if that jogs
11 somebody's memory is basically telling them things about the case
12 that are not what we do in jury selection.

13 And I think jury selection and that whole idea of trying to
14 get at whether there's been media attention is sufficiently covered
15 when I tell them as I did, there was media attention about this case,
16 does anybody recall seeing anything about it. And they know who
17 all the parties are, and that it was in Henderson, and they know that
18 kids were underage, that -- I mean, even Ms. Gideon brought up
19 they were in high school at the time.

20 So I think that's sufficient to say hey, if I remember
21 anything about these kids being involved in the shooting or this
22 other kid, you know, back in the summer of 2018.

23 Yes?

24 MR. YAMPOLSKY: Your Honor, just -- I agree with Mr.
25 Helmick and I think that while the Court has mentioned about media

1 attention and the one woman's memory was jogged by something,
2 I think he's right, especially on the Russian Roulette. You know,
3 what are you doing? Oh, well I'm doing a murder case, blah, blah,
4 blah; this and that. Well which one is it and if I say the Russian
5 Roulette case -- oh yeah, yeah. Everyone says that.

6 So based on that, I think in an abundance of caution we
7 should be allowed to ask about that because my concern --

8 THE COURT: Well here's a --

9 MR. YAMPOLSKY: -- is --

10 THE COURT: -- for instance.

11 MR. YAMPOLSKY: Wait, wait, wait.

12 THE COURT: Here's a for instance. How would Russian
13 Roulette come up to the jury?

14 MR. HELMICK: How would it?

15 THE COURT: Yeah --

16 MR. HELMICK: You mean --

17 THE COURT: -- in evidence.

18 MR. HELMICK: Through opening statement, through
19 witnesses.

20 THE COURT: No, no, no, not by the attorneys, through
21 evidence. How would it come up to the jury?

22 MR. HELMICK: Through --

23 THE COURT: Only through a statement of a Defendant,
24 correct?

25 MR. HELMICK: Or a witness.

1 THE COURT: Well, okay. But -- so what if the State for
2 whatever reason doesn't put that evidence in because a lot of times
3 the State chooses we're not going to put anything about a
4 Defendant's statement into evidence.

5 MR. HELMICK: Okay.

6 THE COURT: And they're not calling a witness that's
7 talking about Russian Roulette or anything; now you're telling the
8 jury something that they haven't heard in evidence. Maybe your
9 clients testify, and they talk about that but maybe not. And that's
10 kind of the reason why we have this rule that we don't talk about
11 facts in jury selection because you don't know what a jury's going
12 to receive and they tend to think when you all as attorneys are
13 telling them things in jury selection that that's what -- that's the
14 facts of the case.

15 So it's just a real kind of slippery slope to talk about
16 certain things to see if you can jog somebody's memory, even
17 though it may not end up coming in at evidence and then you
18 worry the jurors are saying well but what if this was really Russian
19 Roulette, right? The attorneys said that.

20 MR. HELMICK: Well, I mean, I understand Your Honor's
21 position. The reality is, based off of just reading all the witnesses'
22 statements is that the State has to put on these witnesses that are
23 going to talk about it.

24 THE COURT: And maybe they do.

25 MR. HELMICK: Yeah.

1 THE COURT: You know, that may be an imperfect
2 analogy --

3 MR. HELMICK: Yeah.

4 THE COURT: -- for this particular case but I know you
5 guys get what I'm talking about is --

6 MR. HELMICK: Yeah.

7 THE COURT: -- when you start trying to so oh well -- okay,
8 so nobody still remembers it when I say Russian Roulette, how
9 about abandoned house? How about the house where the kid was
10 killed, and somebody painted Fuck Matt on the door where his body
11 was found? I mean, how far do you go down the road of trying to
12 feed them a little bit to spark their memory about something?

13 All we can really do is ask them if they remember
14 anything about seeing it in the media. And then part of what I tell
15 them in the beginning is if any of you think during the trial that you
16 now know something about this case, and I'll talk to them about
17 that, don't talk to any other jurors and you got to let the marshal
18 know right away and then we'll chat with them about it, okay?

19 MR. YAMPOLSKY: Well, Your Honor, I understand the
20 Court's position and I do agree with Mr. Helmick and I'm just
21 wondering if, you know, before we do our peremptory challenges
22 and everything, if the Court would once again say, you know, has
23 anybody's memory been jogged by anything?

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

25 MR. YAMPOLSKY: All right. Okay.

1 THE COURT: I think you guys have done that, but I'll do it
2 again.

3 MR. PESCI: And the State has no objection to that.

4 THE COURT: Okay.

5 MR. PESCI: And Your Honor's brought up a point that I
6 was going to counter with which is I'm not getting up here and
7 saying, does everybody remember when they spray painted Fuck
8 Matt because that's going to ring some bells and that's going to be
9 negative -- I can perceive the Defense is going say no, no, State,
10 don't do that.

11 THE COURT: Right.

12 MR. PESCI: Because it's a real fast and easy way to get
13 people to remember that.

14 THE COURT: All right. Okay. Anything further?

15 MR. HELMICK: No, Your Honor.

16 THE COURT: Nope.

17 MR. YAMPOLSKY: No, Your Honor.

18 THE COURT: Okay. We'll see you in an hour after lunch,
19 guys. Thank you.

20 And it's almost 12:30 now, so we'll start at 1:30. You guys
21 take an hour-long lunch.

22 MR. PESCI: Okay, thanks.

23 MR. HELMICK: Thank you.

24 MR. YAMPOLSKY: 1:30, Your Honor?

25 THE COURT: 1:30

1 [Court recessed at 12:28 p.m., until 1:39 p.m.]

2 [Outside the presence of the prospective jury]

3 THE COURT: All right. We are back on the record.

4 Mr. Caruso, Mr. Harlan, and the attorneys are present.

5 Yes?

6 MR. PESCI: NRS 175.282, which is for our future concerns
7 about the plea.

8 THE COURT: 175.282.

9 MR. PESCI: And then *Sessions v. State*, 890 P.2d 792.

10 So I think that'll govern our admis -- the admissibility of
11 that; the requirement and how we have to admit Traceo Meadows.

12 THE COURT: Okay.

13 MR. PESCI: And on that note, my -- I got an e-mail from
14 my office saying that you had been sent Traceo's juvie stuff, but I
15 didn't get it, I didn't see it, I don't have it.

16 THE COURT: Okay. So for the record, we received a
17 multitude of e-mails from Mr. Bawa, where apparently things were
18 being scanned in, three pages here, four pages there, whatever; he
19 was sending multiple e-mails. So I was able to pull them out. It
20 looked like Mr. Meadows had some prior juvie petitions or -- I don't
21 want to use the word petitions because he had prior juvie defenses
22 that showed warning, dismissed, things like that.

23 And then in 2016 he had something, I could not tell what it
24 was amended to, that he was placed on probation for.

25 And then in April of 2018, and I'll be specific on these, it

1 looked like there was a petition for malicious destruction of private
2 property and I gave you all that, I believe.

3 And then later in 2018, there was obviously the petition
4 for the accessory murder charge. From what I can tell, he
5 negotiated those two things to include the agreement to testify here
6 and to admit to the petition for the malicious destruction of
7 property and he was placed on probation on the malicious
8 destruction of property.

9 So I think all of that is available to you to question him
10 about; that malicious destruction charge, even though it's not a
11 conviction because it was part of the negotiation here, the
12 accessory charge, the negotiation, the agreement to testify, all of
13 that.

14 MR. YAMPOLSKY: I can get into what the property was?

15 THE COURT: It's in, I think, what I gave you.

16 MR. YAMPOLSKY: Oh, okay.

17 THE COURT: It shows that he threw something at a car.

18 MR. YAMPOLSKY: Oh.

19 THE COURT: Or did some damage to a car.

20 MR. YAMPOLSKY: So he didn't kick --

21 THE COURT: So you can go into all --

22 MR. YAMPOLSKY: -- over the monitors?

23 THE COURT: -- of that but I don't think anything prior to
24 that, of his juvenile history is relevant.

25 MR. YAMPOLSKY: Okay.

1 THE COURT: And we did make copies of those two
2 petitions, as well as the order for probation.

3 MR. PESCI: Thank you, Your Honor.

4 THE COURT: Okay. All right.

5 And then Mr. Helmick raised an issue that a member of
6 Mr. Harlan's family indicated that one of our jurors may have been
7 talking to members of the victim's family. So we're going to bring
8 in Ms. Rice, if you would, please?

9 THE MARSHAL: Yes, Your Honor.

10 THE COURT: You did say Ms. Rice, right?

11 MR. PESCI: Yes.

12 MR. YAMPOLSKY: Yes.

13 MR. HELMICK: Yes.

14 [Prospective Juror Number 542 enters the courtroom]

15 THE MARSHAL: Juror's present.

16 THE COURT: Thank you. Can we get Ms. Rice the
17 microphone?

18 THE MARSHAL: Absolutely, sir.

19 THE COURT: You guys can be seated. Thank you.

20 All right. We are going to be on the record outside the
21 presence of our panel, but we do have Ms. Rice.

22 So Ms. Rice, it was brought to my attention that you may
23 have been talking outside of the court at our recess with family
24 members of one of the parties involved in our case.

25 PROSPECTIVE JUROR NUMBER 542: No, sir.

1 THE COURT: No. Did you have any conversations when
2 you left the courtroom for the lunch break with any people that
3 weren't other jurors?

4 PROSPECTIVE JUROR NUMBER 542: No, sir.

5 THE COURT: No. Okay.

6 Either side have any questions?

7 MR. PESCI: Not from the State.

8 THE COURT: Mr. Yampolsky.

9 MR. YAMPOLSKY: No, Your Honor.

10 MR. HELMICK: Let me -- I'm just asking did anybody
11 come up to you at all when you were standing in line there and talk
12 to you?

13 PROSPECTIVE JUROR NUMBER 542: In line here?

14 MR. HELMICK: Yes.

15 PROSPECTIVE JUROR NUMBER 542: The only people
16 that I talked to were Sandy, who's on the jury and another lady who
17 was sitting on this row, I don't know her name.

18 MR. HELMICK: Okay.

19 PROSPECTIVE JUROR NUMBER 542: But no one come up
20 to me to talk to me --

21 MR. HELMICK: Okay.

22 PROSPECTIVE JUROR NUMBER 542: -- no.

23 MR. HELMICK: Okay. So let's talk about that lady. She
24 was sitting down?

25 PROSPECTIVE JUROR NUMBER 542: The other juror?

1 MR. HELMICK: Was it another juror?
2 PROSPECTIVE JUROR NUMBER 542: It was another juror.
3 MR. HELMICK: Oh, okay. Okay. That's what I wanted to
4 know.
5 PROSPECTIVE JUROR NUMBER 542: Yes.
6 MR. HELMICK: So no -- you didn't talk to anybody that
7 was not a juror?
8 PROSPECTIVE JUROR NUMBER 542: Absolutely not.
9 MR. HELMICK: Okay. Thank you.
10 THE COURT: All right. Sometimes we get it wrong.
11 Thank you.
12 PROSPECTIVE JUROR NUMBER 542: You're welcome.
13 THE COURT: I appreciate it. You can go ahead and step
14 back outside.
15 [Prospective Juror Number 542 exits the courtroom]
16 THE COURT: Okay. Anything else on that?
17 MR. HELMICK: That's all.
18 MR. PESCI: None from the State.
19 THE COURT: Okay. So then why don't you go ahead and
20 tell all those folks that I've decided that I think it would be more
21 comfortable for them to go down to Jury Services and be able to
22 relax until we need them back, instead of having them sit in here
23 while we question the new group of 20.
24 THE MARSHAL: Okay.
25 THE COURT: So take -- and then take them all down to

1 Jury Services, grab that new 20 and bring them back up.

2 THE MARSHAL: Absolutely, sir.

3 THE COURT: Thank you very much.

4 MR. PESCI: So we have to fill three holes of the 32.

5 MR. YAMPOLSKY: That's it.

6 MR. PESCI: Yeah.

7 THE COURT: Unless you want to offer to waive three

8 challenges?

9 MR. PESCI: No, thank you.

10 But I mean, what -- can we do something crazy and just

11 like put three in and start with those three? Do you think it'd be

12 faster? I'm asking, actually.

13 THE COURT: Well I got to ask all those questions

14 anyway --

15 MR. PESCI: Yeah.

16 THE COURT: -- the kind of general stuff.

17 MR. YAMPOLSKY: Might as well bring them in.

18 THE COURT: So --

19 MR. PESCI: I just don't want to help Mace get his

20 continuance of his opening.

21 THE COURT: But what I do intend on doing --

22 MR. YAMPOLSKY: It's going to happen one way or

23 another.

24 THE COURT: -- once I got through that general and stuff,

25 yeah, I'm going to seat those three and then I'm going to run

1 through every -- all my questions with each one of those three and
2 then give them to you.

3 MR. PESCI: Perfect. Ms. Overly will handle that.

4 THE COURT: But the general stuff, including, you know, is
5 there any reason you can't be here for the next week and a half. I
6 mean, I guess I can do that individually with the three. It might be
7 quicker to do it that way, actually.

8 MR. PESCI: Whatever anybody wants to -- I don't care.

9 THE COURT: Okay.

10 MR. YAMPOLSKY: Well, you know, if you think it's going
11 to be quicker that way, it probably won't.

12 THE COURT: Well, well, true.

13 MR. PESCI: Especially with Mace here.

14 MR. YAMPOLSKY: Wait a minute, I'm not the one who's
15 been talking more than either of you two, so I don't want to hear it.

16 THE COURT: You have been very judicious with your
17 words, Mace.

18 MR. YAMPOLSKY: Thank you.

19 [Pause in Proceedings]

20 THE COURT: Yep, you can bring them in.

21 THE MARSHAL: Yes, sir.

22 [In the presence of the prospective jury]

23 THE COURT: You all can be seated. Thank you.

24 So we're going to be on the record in 333318. Mr. Caruso,
25 Mr. Harlan, all the attorneys, and our new group of 20 jurors are

1 present.

2 Good afternoon, Ladies and Gentlemen.

3 THE PROSPECTIVE JURORS: Good afternoon.

4 THE COURT: How you doing?

5 THE PROSPECTIVE JURORS: Good.

6 THE COURT: How many of you are excited to be here?

7 It's okay if you raise your hand.

8 So let me kind of fill you in. There's a couple of things I
9 want to talk to you about before we get started with asking some
10 questions, but I'm just going to kind of fill you in real quickly on
11 where we are and what's going on since you're -- this is your first
12 day here.

13 So we started jury selection yesterday in what I will tell
14 you is going to be a criminal trial. We had about close to 60 folks
15 here that we've already gone through questioning and what we're
16 trying to do is get a group of 32 people who have been passed for
17 cause, which simply means that everybody's had a chance to
18 question you, there aren't any biases or prejudices that would make
19 you inappropriate as a juror, you can be fair and impartial. And
20 then that group of 32 is what the attorneys use to choose the 14
21 jurors who are going to sit in judgment of our trial.

22 So right now I need three more people for that group of
23 32. So the vast majority of you are going to be done and then
24 you're going to be done with jury duty. If I have to excuse you any
25 earlier than getting those three, then you could potentially sent out

1 on another trial, today, tomorrow, next week, whatever it is. But if
2 you sit here with us and I get my three people and we just don't
3 need you at that point then you're all done with jury duty, okay?

4 In a moment I'm going to have the attorneys introduce
5 themselves and they'll tell you a little bit about what the case is
6 about in terms of what the charges are, or when it's alleged to have
7 occurred and where, who the witnesses are that may be testifying,
8 things like that.

9 But before I do that, how many of you have ever been
10 jurors before?

11 A couple of folks.

12 How many of you have been through the jury selection
13 process, but you just weren't chosen?

14 Okay. So I got a bunch of new people here. So let me
15 kind of just familiarize you real quick with the court, with who
16 everybody is, and kind of what we're all doing.

17 The attorneys obviously sit at the tables down in the well
18 of the courtroom. So the table closest to the jury box is the State's
19 attorneys, the table -- the long table to my left have our Defendants,
20 Mr. Caruso and Mr. Harlan, as well as their attorneys and support
21 staff.

22 Seated to my left is Kory and then further on is Jill. Kory
23 is my court clerk, so she's kind of keeping track of everything that
24 goes on in our proceedings, swears in the witnesses, swears in the
25 jurors before you answer questions, keeps track of all the exhibits,

1 synthesizes everything down into the Minutes of the Court, which is
2 kind of a synopsis of what we're doing on every case, on every day.

3 Jill runs our court recording system. So we don't use
4 court reporters that type everything down anymore. We have
5 microphones, as well as some cameras that are up in the soffits of
6 the courtroom. The cameras don't film you all, but the
7 microphones will pick up your voices while you're answering
8 questions during jury selection.

9 And to that, we need to make sure that while we're doing
10 this process, we're going to pass a microphone around when you're
11 answering questions, just because we don't have these
12 microphones close enough to be able to pick up everybody's
13 voices.

14 Also, we need to make sure that we know who's talking so
15 I need to make sure I get you identified if you're answering. So I'll,
16 for instance -- how are you doing, Ms. Anderson?

17 PROSPECTIVE JUROR NUMBER 167: Fine, thank you.

18 THE COURT: Good.

19 So if Ms. Anderson has her hand up to answer a question,
20 I'll always say yes, Ms. Anderson or your badge number, which is
21 167, just those last three digits.

22 If I forget to do that and you identify yourself that would
23 be great. Inevitably we're both going to forget so I might just at
24 some point say hey, that was Ms. Anderson, Badge Number 167.

25 Additionally, you need to answer out loud so we can hear

1 the answer and if it's just yes or no kind of stuff, try and avoid the
2 uh-huh and uh-uh because that doesn't always pick up real well.
3 And then we just need to make sure that we let each other finish
4 speaking before we talk because if we talk over each other, that can
5 become really difficult later on when we're trying to prepare a
6 transcript.

7 So a lot of the questions get kind of repetitive whether
8 they're mine or the attorneys, so if would just let us finish our
9 question and we'll try and let you finish your answers before we
10 follow up with any other questions, okay?

11 You're going to see a number of marshals that are in the
12 courtroom throughout proceedings. All of the marshals,
13 collectively, in the building are responsible for everything,
14 collectively. Whether it's getting you through the metal detectors in
15 the morning, facilitating your movement in the building, taking
16 charge of a jury while they deliberate, or answering questions for
17 you.

18 Which is really important because of the rest of these
19 folks, the attorneys, the parties, any witnesses, any interested
20 people that come and just want to watch court, you cannot talk to
21 any of those people, so don't let them talk to you and please don't
22 try and talk to them. They don't want to be, as attorneys, accused
23 of trying to win favors with jurors or contaminate a verdict at all,
24 okay?

25 That being said, I know things come up that you might

1 need to bring to my attention and you got to have somebody you
2 can chat with so you can always talk to the marshals, whether it's,
3 you know, trying to figure what time we're supposed to start
4 tomorrow, where can you park, where can you go to lunch quickly, I
5 need a letter for my employer, that kind of stuff, you can always
6 chat with them, okay?

7 I also have an executive assistant Sarah and a law clerk,
8 Jackie. You might see those young ladies coming in and out of
9 court on occasion as well, but that's kind of it from a court
10 standpoint and a staff standpoint.

11 So I'm going to have the attorneys introduce themselves
12 to you now. Listen closely as they're talking to you about the case
13 and the potential witnesses because some of the questions that I'm
14 going to ask when we get started are designed to see if any of you
15 think you know anything about the case or know anybody involved
16 okay?

17 Mr. Pesci.

18 MR. PESCI: Thank you. Ladies and Gentlemen, my name
19 is Giancarlo Pesci, I'm here with Sarah Overly. We are the
20 Prosecutors assigned to this case. In this case it is alleged that the
21 Defendants have committed murder with use of a deadly weapon
22 and robbery with use of a deadly weapon.

23 Additionally, as to Mr. Kody Harlan, there is a charge of
24 accessory to murder. The Judge has just told you to listen to some
25 witnesses. I'm going to read some names. There are going to be

1 people that do actually come testify and others that may not testify,
2 but you might hear of them in the course of this trial so we want
3 you to hear the names in case you may know somebody.

4 Specifically there's an individual by the name of Kymani
5 Thompson, Alaric Oliver, Anne Higgins, Joseph Troiano, Ghunnar
6 Methvin, Traceo Meadows, Nathaniel Planells, Rexvin Mbogo,
7 Kristin Prentiss, Shannon Magrew [phonetic], Charleston Osurman,
8 Jacy Freshour, Patrick Stauffenberg, Angelina Knox, Somridee
9 McCaffrey.

10 From the Clark County Coroner's Office, Investigator
11 Nancy Dahl, Medical Examiner Chiara Mancini, another medical
12 examiner, Leonardo Roquero. Las Vegas Metropolitan Police
13 Department Firearm Examiner Kathy Geil. And Clark County DA
14 Investigator Jamie Honaker.

15 Additionally, there will be some individuals from the
16 Henderson Police Department. Patrol officers, detectives, and some
17 other analysts. There's a Detective Wayne Nichols, Detective
18 Nathan Calvano, Detective Karl Lippisch, Detective Michael
19 Condratovich, Detective Jared Spangler, a Detective Joseph Ebert.
20 And then Crime Scene Analysts Hornback, Newbold, and Farrell.
21 There's also an Officer Amezcua and Officer Olivia Mancuso.
22 Officer Kevin Lapear, Officer Kathryn Cochran, and Officer -- or
23 Crime Scene Analyst Dan Proietto. Officer Johnny Flewellen. And
24 Officer Nicholas Papacs. And then an Officer Gregory Francis.

25 You may additionally of the names Liz Stasik [phonetic]

1 and an Alisha Sorum [phonetic].

2 Thank you very much.

3 THE COURT: And I apologize if I missed it but --

4 MR. PESCI: I didn't give a date and time --

5 THE COURT: -- did you tell them --

6 MR. PESCI: -- I'm sorry.

7 THE COURT: -- when it was and where it was alleged to
8 have occurred and --

9 MR. PESCI: Thank you, Judge.

10 THE COURT: -- the name of the young men?

11 MR. PESCI: So it's June 8th, 2018, in Henderson,
12 specifically at the address of 2736 Cool Lilac Avenue, here in
13 Henderson.

14 THE COURT: Okay. Thank you.

15 MR. PESCI: Thank you.

16 THE COURT: And I apologize, if I missed this as well, but
17 they -- they're going to read you the names of all the potential
18 people who not only may they be witnesses but you may hear
19 about them during trial. It's not they're going to call all those
20 people, but --

21 Okay. On behalf of the Defense, Mr. Yampolsky. On
22 behalf of Mr. Caruso.

23 MR. YAMPOLSKY: Good afternoon, my name is Mace
24 Yampolsky. I represent Jaiden Caruso. Seated at the end is my
25 partner, Jason Margolis. Seated next to him is my paralegal Marina