

IN THE SUPREME COURT OF THE STATE OF NEVADA

KODY HARLAN

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Case No. 80318
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**APPELLANT'S APPENDIX
Volume VII**

JEAN J. SCHWARTZER, ESQ
Nevada Bar No. 11223
Law Office of Jean J. Schwartzer
170 S. Green Valley Parkway
#300
Henderson, Nevada 89012
(702) 979-9941
Attorney for Appellant

STEVEN B. WOLFSON, ESQ.
Nevada Bar No. 1565
Clark County District Attorney
Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

Harlan v. State Case No. 80318

INDEX TO APPELLANT'S APPENDIX

<u>Document</u>	<u>Page</u>
Information (7.17.2018)	1-4
Instructions to the Jury (8.7.2019)	50-94
Judgment of Conviction (12.12.2019)	178-179
Motion in Limine re Bad Acts (4.18.2019)	37-37
Motion for New Trial (8.13.2019)	95-99
Motion to Sever (4.8.2019)	5-17
Notice of Appeal filed (12.23.2019)	180-181
Response to State's OPP to MTN for New Trial (10.3.2019)	167-177
State's OPP to MTN in Limine re bad Acts (4.25.2019)	38-47
State's OPP to MTN to Set Aside Verdict (8.20.2019)	100-117
State's OPP to MTN to Sever(4.11.2019)	18-30
State's Supplemental Opposition to MTN for New Trial (9.26.2019)	139-166
Supplemental Briefing for MTN for New Trial (9.12.2019)	118-138
Verdict Form (8.7.2019)	48-49
<u>Transcript/Minutes</u>	<u>Page</u>
Transcript of Evidentiary Hearing (1.22.2020)	1529-1600
Transcript of Hearing on MTN for New Trial (1.22.2020)	1504-1528
Transcript of Hearing on MTN to Sever (5.1.2020)	1644-1653
Transcript of Jury Trial Day 1 (1.22.2020)	182-503

Transcript of Jury Trial Day 2 (1.22.2020)	504-699
Transcript of Jury Trial Day 3 (1.22.2020)	700-954
Transcript of Jury Trial Day 4 (1.22.2020)	955-1146
Transcript of Jury Trial Day 5 (1.22.2020)	1147-1375
Transcript of Jury Trial Day 6 (1.22.2020)	1346-1495
Transcript of Jury Trial Day 7 (1.22.2020)	1496-1503
Transcript of Sentencing (1.22.2020)	1601-1643

1 Alvarez.

2 In addition to those people there are two others that work
3 in my office, Teresa Musgay, and Katelyn Stella [phonetic]. And it's
4 our position that Mr. Caruso is not guilty.

5 THE COURT: Thank you.

6 Mr. Helmick, on behalf of --

7 MR. HELMICK: Thank you, Your Honor.

8 THE COURT: -- Mr. Harlan.

9 MR. HELMICK: Good afternoon, everybody. My name is
10 Ryan Helmick. I represent Kody Harlan. I have one defense witness
11 in this case and his name is Dr. Alan Donelson and we look forward
12 to defending these allegations. Thank you.

13 THE COURT: Thank you.

14 Okay. We're going to call the roll of our witnesses to
15 make sure we have everybody that Jury Services told me I should
16 have. So if you would just answer present or here when you hear
17 your name for me, please.

18 [The Clerk calls the roll of prospective jurors]

19 THE COURT: How do you pronounce your last name?

20 PROSPECTIVE JUROR NUMBER 174: It's Senyahan-Valvo.

21 THE COURT: One more time.

22 PROSPECTIVE JUROR NUMBER 174: Senyahan-Valvo.

23 THE COURT: I'm going to get that right every time. Thank
24 you.

25 [The Clerk continues to call the roll of prospective jurors]

1 THE COURT: All right. Anybody present whose name
2 was not called?

3 See no hands. Thank you.

4 You all can remain seated but if you'd raise your right
5 hand for me, we'll get you sworn in before we ask some questions.

6 [The Clerk swears in the prospective jurors]

7 THE COURT: So primarily for those of you that have
8 never done this process before, let me just kind of tell you right up
9 front that there isn't any kind of right or wrong answer to what we
10 do in jury selection, okay? It's just an opportunity for the attorneys
11 to learn a little bit about you so they can intelligently choose some
12 jurors to hear our trial.

13 Don't try and hide anything because you don't need to.
14 And if you do that that fact alone could contaminate a verdict, okay?
15 So just try and answer the questions as fully and completely and
16 honestly as you can. If there's something really important that you
17 think we should know about the potential of you serving as a juror
18 and none of us have hit upon it with our questions and we're kind
19 of getting to the end of things then by all means, you know, raise
20 your hand and let us and tell us what it is.

21 If I ask a question or the attorneys do but you don't
22 understand -- I may not ask the smartest questions all the time then
23 just kind of raise your hand and say hey Judge, I have no idea what
24 you're trying to ask me about and I'll find a way to rephrase it for
25 you, okay?

1 The way the process will work is I have some questions to
2 pose to you all just as a group, so anybody that wants to answer
3 those, you just raise your hand. I kind of start on that top row with
4 Ms. Anderson and we'll work our way across, then the middle row,
5 and then the bottom row.

6 Once I get done with those I'll just kind of be focused on
7 the first three of you with some individual questions and then we'll
8 move on as need be and then the attorneys will also have an
9 opportunity to follow up and ask some questions of their own,
10 okay?

11 All right. And my question is actually is there anybody on
12 our panel for whom English is not your first language?

13 Go ahead and raise your hands if you have -- 1, 2, 3.
14 Okay. So Ms. Senyahan-Valvo? Did I get right?

15 PROSPECTIVE JUROR NUMBER 174: Yes.

16 THE COURT: I told you I was going to get right.

17 So what's your first language?

18 PROSPECTIVE JUROR NUMBER 174: Tagalog.

19 THE COURT: Tagalog. Philippines?

20 PROSPECTIVE JUROR NUMBER 174: Philippines.

21 THE COURT: Okay. And do you have any problem
22 reading, writing, understanding English at all?

23 PROSPECTIVE JUROR NUMBER 174: No.

24 THE COURT: No. Okay. Very good, thank you.

25 Who else had their hands up?

1 Can you pass that right in front of you for me, please?

2 Thank you.

3 Is that Mr. Parsa?

4 PROSPECTIVE JUROR NUMBER 189: Yes, I am.

5 THE COURT: 189. Mr. Parsa, what's your primary
6 language?

7 PROSPECTIVE JUROR NUMBER 189: Farsi.

8 THE COURT: Okay. Same question. Any problem
9 reading, writing, understanding English?

10 PROSPECTIVE JUROR NUMBER 402: Just I understand
11 like 30 percent, 40 percent.

12 THE COURT: 30 percent of English?

13 PROSPECTIVE JUROR NUMBER 189: Yeah, 30 percent.

14 THE COURT: Okay. Is it easier to converse in English
15 orally or to read things in English?

16 PROSPECTIVE JUROR NUMBER 189: Read.

17 THE COURT: Read.

18 PROSPECTIVE JUROR NUMBER 189: Yeah.

19 THE COURT: Okay. All right. Thank you very much.

20 PROSPECTIVE JUROR NUMBER 189: You're welcome.

21 THE COURT: Could you pass that down to your left for
22 me?

23 Mr. Figueroa?

24 PROSPECTIVE JUROR NUMBER 182: Spanish.

25 THE COURT: Spanish, okay. Speak any English or

1 [speaks Spanish]?

2 PROSPECTIVE JUROR NUMBER 182: No -- yes.

3 THE COURT: Thank you.

4 Okay. Next question is, is there anybody on our panel
5 who has ever -- oh, I'm sorry.

6 THE MARSHAL: One more, Your Honor.

7 THE COURT: Can you pass that back for me, please?

8 PROSPECTIVE JUROR NUMBER 178: Can I --

9 THE COURT: Ms. Laughlin, 178?

10 PROSPECTIVE JUROR NUMBER 178: Yes.

11 THE COURT: What's your first language?

12 PROSPECTIVE JUROR NUMBER 178: Can I get excused?
13 I'm too nervous.

14 THE COURT: Pardon?

15 PROSPECTIVE JUROR NUMBER 178: I'm too nervous.

16 THE COURT: Too nervous?

17 PROSPECTIVE JUROR NUMBER 178: Yes.

18 THE COURT: Ah, don't be nervous. It's okay. Have you
19 ever been to court before?

20 PROSPECTIVE JUROR NUMBER 178: No.

21 THE COURT: No? Don't I seem like a nice guy, right? It's
22 okay. So what's your first language?

23 PROSPECTIVE JUROR NUMBER 178: First name -- my
24 name's Shu.

25 UNKNOWN SPEAKER: Language.

1 PROSPECTIVE JUROR NUMBER 178: Language?
2 THE COURT: Language.
3 PROSPECTIVE JUROR NUMBER 178: My first language is
4 Cantonese.
5 THE COURT: Cantonese, okay.
6 PROSPECTIVE JUROR NUMBER 178: Okay.
7 THE COURT: All right. So I'm going to have you pass that
8 microphone back down to your left for right now.
9 PROSPECTIVE JUROR NUMBER 178: Sure.
10 THE COURT: And then take a real good deep breath,
11 okay? Okay. You're going to be okay.
12 So is there anybody on the panel that's ever been
13 convicted of a felony?
14 See no hands. Thank you.
15 Is there anybody on the panel who is not a United States
16 citizen?
17 See no hands.
18 Is there anybody who thinks that they have such a
19 sympathy, bias, or prejudice related to age, religion, race, gender,
20 or national origin they feel would affect their ability to be a fair
21 juror?
22 See no hands. Thank you.
23 Anybody believe you know either of the prosecutors, Mr.
24 Pesci or Ms. Overly?
25 No hands.

1 Anybody believe they know either Mr. Yampolsky or Mr.
2 Helmick, the defense attorneys?

3 No hands.

4 Anybody believe they know either Mr. Caruso or Mr.
5 Harlan, the Defendants?

6 No hands.

7 Anybody believe they know any of the other support staff
8 mentioned to you by the attorneys? Or not necessarily the support
9 staff, the other attorneys or support staff?

10 See no hands. See how easy this is? You guys don't got
11 to do anything. Just sitting there, looking nice, listening to me talk.

12 How about witnesses? Anybody believe you know or are
13 acquainted any of the witnesses who were spoken to you about by
14 the attorneys?

15 Yeah. Ms. Anderson.

16 PROSPECTIVE JUROR NUMBER 167: I don't know if it's
17 this category.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 167: I'm a friend and -- of
20 Nancy Dahl, the coroner.

21 THE COURT: Okay. Is she still working in the coroner's
22 office?

23 MR. PESCI: I'm not sure.

24 THE COURT: Okay. Somebody you socialize with?

25 PROSPECTIVE JUROR NUMBER 167: Now. She -- I met

1 her as a client for my --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NUMBER 167: -- business and now
4 we have become casual friends.

5 THE COURT: Okay. See her every couple of months or
6 what?

7 PROSPECTIVE JUROR NUMBER 167: Probably every two
8 months --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 167: -- for a delivery.

11 THE COURT: She talk much about her work?

12 PROSPECTIVE JUROR NUMBER 167: Not much, no.

13 THE COURT: You're not interested in talking to her about
14 autopsies or anything?

15 PROSPECTIVE JUROR NUMBER 167: No.

16 THE COURT: Okay. Anything about the fact that you have
17 a casual friendship with her, and she works in the medical
18 examiner's office that causes you any concern about being a juror?

19 PROSPECTIVE JUROR NUMBER 167: No.

20 THE COURT: Okay. Anybody else believe you have any
21 acquaintance with any of the witnesses that were mentioned?

22 No hands.

23 How about any of you know any of the attorneys that
24 work within the Clark County District Attorney's Office?

25 See no hands. Thank you.

1 So this case, as Mr. Pesci mentioned arose out of some
2 events that are alleged to have occurred in June of 2018. After that
3 time period there was some media reporting about the incident,
4 both television and in the newspapers. Does anybody believe you
5 recall anything or have ever seen anything or heard anything on the
6 media about the case?

7 See no hands. Thank you.

8 Are you raising your hand, sir, or no?

9 PROSPECTIVE JUROR NUMBER 216: I was thinking.

10 THE COURT: Kind of starting?

11 PROSPECTIVE JUROR NUMBER 216: No, I was thinking.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NUMBER 216: Did it happen in the
14 Silverado area? Henderson/Silverado area?

15 THE COURT: I don't know?

16 Yeah, I'm getting a nod from one of the attorneys that
17 it's -- if the specific address was Lilac --

18 MR. PESCI: Cool Lilac Avenue in Henderson.

19 THE COURT: -- which apparently is in the Silverado
20 area -- and I don't want you to tell me what you may or may not
21 have seen on the media, but do you think maybe you have some
22 recollection?

23 PROSPECTIVE JUROR NUMBER 216: Yes.

24 THE COURT: Do you remember anything specific that you
25 saw or heard?

1 PROSPECTIVE JUROR NUMBER 216: Just --
2 THE COURT: Or just generally you recall something being
3 recorded --
4 PROSPECTIVE JUROR NUMBER 216: Just --
5 THE COURT: -- about it.
6 PROSPECTIVE JUROR NUMBER 216: Yeah.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NUMBER 216: Yeah.
9 THE COURT: And I can't remember if they mentioned -- I
10 think he mentioned that the young man's name that was the victim
11 of the alleged homicide was Matthew Minkler.
12 So anybody else recall anything about that?
13 No.
14 And then with regard to whatever you've been saying,
15 sir -- and that's Mr. Van Der Does, correct?
16 PROSPECTIVE JUROR NUMBER 216: Correct.
17 THE COURT: Okay. Is there anything about what you
18 recall generally having heard about the case that causes you any
19 concern about being a juror?
20 PROSPECTIVE JUROR NUMBER 216: Maybe that I --
21 THE COURT: Don't go into --
22 PROSPECTIVE JUROR NUMBER 216: Maybe --
23 THE COURT: -- specifics of anything that you heard, just
24 whether --
25 PROSPECTIVE JUROR NUMBER 216: Maybe the age.

1 THE COURT: Okay. Do you remember --
2 PROSPECTIVE JUROR NUMBER 216: And relations --
3 THE COURT: -- hearing something about people's ages?
4 PROSPECTIVE JUROR NUMBER 216: Yeah. And --
5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 216: -- my friends'
7 youngest brother may have went to school.

8 THE COURT: Okay. So -- and the attorneys will probably
9 ask you about things related to age, relating to a question -- or a
10 chance to question them. Do you live in that area of town?

11 PROSPECTIVE JUROR NUMBER 216: Yes.

12 THE COURT: Okay. So you have a friend, who has a
13 brother that may have gone to high school with some of the people
14 that are alleged to have been involved?

15 PROSPECTIVE JUROR NUMBER 216: Correct.

16 THE COURT: Got it. Okay. And I'll let them follow up as
17 they need to about that, okay?

18 PROSPECTIVE JUROR NUMBER 216: All right.

19 THE COURT: Okay. Again, anybody else recall anything --
20 having heard anything about anything?

21 No? Okay.

22 So our trial is expected to last into the latter part of next
23 week so the next question I'm going to ask is whether it's going to
24 be an undue burden upon anybody to serve with us for that amount
25 of time. Before -- whoa, whoa, hold on cowboy, I didn't even get

1 there yet, all right?

2 So before I ask -- it's natural to start raising your hand and
3 it's okay. Before I ask you that though, let me just kind of fill you in
4 on the schedule of a trial and what you can kind of expect while
5 you're here because I know it's inconvenient to be here, right? I
6 mean, even people that look forward to the opportunity to do jury
7 duty understand that it's inconvenient for you to be here and we try
8 very hard to make sure that we give you good times about when
9 we're going to start, when we're going to end for the day and when
10 we'll be done so that you know what to expect in your life.

11 So from a trial standpoint, most mornings of the week we
12 can't start until at least 10:30 because the courts have other cases
13 getting ready for trial and we rule on things in the morning and we
14 get through all those cases and then we start our trials. Some days
15 we can start a little earlier so tomorrow we're planning on starting
16 at 9:00, Friday we'll probably be able to start at 9:00 but we'll also
17 stop at 1:00 on Friday because I have to judge something for the
18 law school Friday afternoon, so that would just be like a 9:00 to 1:00
19 session and then we're done.

20 Coming back next week on Monday, we can start earlier in
21 the morning but Tuesday, Wednesday, Thursday would all be at
22 least 10:30, if sometimes not later than that depending on how big
23 my calendar of cases is. And I'll let you know as far in advance as I
24 can about whether it would be 10:30 or 11:00 or maybe even 1:00 in
25 the afternoon sometimes. But all of that's taken into account when

1 we give you that estimate that we should be done by about
2 Thursday of next week.

3 Take an hour for lunch every day and then we'll stop at
4 5:00 every day because I know we have things to do in the evening
5 like everybody else.

6 The other thing I will tell you, and I alluded to this a little
7 earlier, if you raise a reason to me why you don't think you can
8 serve for that amount of time and I decide that you know what I
9 understand and I'll excuse you, you're not done with jury duty, you
10 potentially get sent out somewhere else, today, tomorrow, next
11 week, whatever. If you stay here with me the rest of the afternoon
12 and we just don't need you and we get our three people, then
13 you're all done with jury duty.

14 What else did I want to point out in regard to that?

15 I guess that was about it.

16 Oh, I know what it was. There's a reason I kind of
17 emphasized the word undue when I talk about the burden and
18 that's because we're not really talking about any inconvenience on
19 you being here because it's inconvenient on all of you to be here.
20 Every one of you has a work concern or a childcare issue, whatever
21 it may be, financial concerns, you're the only person that can do
22 your job, I get all that.

23 But really what we're looking to excuse people for is
24 having some particularly special circumstances that are undue
25 upon them beyond just the normal inconvenience. So if you raise

1 to me reasons why you think you should be excused and I do not
2 excuse you, don't be mad at anybody over there but me, all right?
3 That's ultimately my decision, don't hold it against the parties,
4 okay?

5 So all that being said, upon whom will it be an undue
6 burden to serve for the next seven days with us?

7 Go ahead and raise your hands and we'll work -- just one
8 guy, that's it? I should have let you talk when you first raised your
9 hand then.

10 PROSPECTIVE JUROR NUMBER 209: Right?

11 THE COURT: -- your hand then, right?

12 PROSPECTIVE JUROR NUMBER 209: Save some time.

13 THE COURT: So where's my microphone now. Let's pass
14 it down.

15 Actually Ms. Senyahan-Valvo, you raising your hand as
16 well? Okay.

17 PROSPECTIVE JUROR NUMBER 174: Yes, Your Honor.

18 THE COURT: 174. Yes, ma'am?

19 PROSPECTIVE JUROR NUMBER 174: I'm on family leave
20 right now because my husband just had total hip replacement last
21 week --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 174: -- so I'm the only
24 one taking care of him and bringing him to the physical therapist
25 and doctor's appointment.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 174: And we live in a
3 two-story house. I work in the hospital actually.

4 THE COURT: So who's taking care of him today?

5 PROSPECTIVE JUROR NUMBER 174: No.

6 THE COURT: You just leave him by himself today and tell
7 him you're on your own?

8 PROSPECTIVE JUROR NUMBER 174: I leave him some
9 crackers and --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 174: -- water and his pain
12 medication.

13 THE COURT: You might like to do jury duty and not have
14 to deal with him for a week, right?

15 Okay. Thank you very much. Why don't you go ahead
16 and pass it on down?

17 Mr. Akers, Badge 209.

18 PROSPECTIVE JUROR NUMBER 209: Yes.

19 THE COURT: What you got?

20 PROSPECTIVE JUROR NUMBER 209: Well I'm a store
21 manager for a small retail store and there is only, including myself
22 four full-time and one part-time.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 209: And so in other
25 words I have three people, including myself on call every day. And

1 if this were to proceed to the following Friday of next week, that
2 would be a burden on the employees --

3 THE COURT: The other employees.

4 PROSPECTIVE JUROR NUMBER 209: -- for lack of
5 coworkers to be there.

6 THE COURT: Got it.

7 PROSPECTIVE JUROR NUMBER 209: Because I still have
8 to, you know, give them their days off.

9 THE COURT: Okay. Thank you.

10 Anybody else?

11 Okay. I'll tell you what, why don't you guys approach the
12 bench if you will now, please.

13 You guys can meet your neighbors for a minute, okay?

14 [Bench conference transcribed as follows.]

15 MR. PESCI: 1 out of 20's pretty good with us.

16 THE COURT: Yeah, yeah.

17 So -- yeah, right, they seem to be good people. Ms.
18 Senyahan-Valvo and Mr. Akers, what's your pleasure? You guys
19 care about excusing either of them?

20 MR. YAMPOLSKY: I mean, with all the rest of these
21 people, you know, with everything else that went on, I think we just
22 excuse them both.

23 THE COURT: Okay.

24 MR. HELMICK: Oh, I mean, that's kind of a weak excuse.

25 MR. YAMPOLSKY: Well it -- yeah, but it's only those three

1 people with everything else.

2 THE COURT: It was two.

3 MR. HELMICK: Everyone makes a difference.

4 THE COURT: Okay. So you want to keep both for now?

5 MR. HELMICK: Yeah.

6 THE COURT: Okay. What about the -- particularly the two
7 gentleman who said they don't speak English?

8 MR. HELMICK: Except for the Filipino, I'm okay --

9 MR. YAMPOLSKY: Yeah.

10 MR. HELMICK: -- to kick her -- actually the one up top.

11 THE COURT: Filipina?

12 MR. HELMICK: Yeah.

13 THE COURT: Okay. So --

14 MR. YAMPOLSKY: And the guy that only understands --

15 MS. OVERLY: Ms. Laughlin?

16 THE COURT: Okay. Hold on, hold on.

17 So what about Senyahan-Valvo, are you --

18 MR. YAMPOLSKY: Yeah, I have no problem to get rid of
19 her.

20 MS. OVERLY: She can speak English well, right?

21 MR. YAMPOLSKY: English well --

22 MR. HELMICK: Yeah. No, I was talking about the burden.

23 THE COURT: Oh.

24 MR. HELMICK: The burden.

25 MS. OVERLY: I know but you have to clarify. Why are

1 you kicking her, because of the burden or because she --

2 MR. HELMICK: That's what I'm saying.

3 MS. OVERLY: -- doesn't speak English.

4 MR. HELMICK: No, I'm talking about the burden.

5 THE COURT: Okay. So the burden, you're okay on her.

6 He's okay. What about you, Sarah?

7 MS. OVERLY: I'm fine with that, Your Honor.

8 THE COURT: Okay. So we'll kick her. I'll excuse her

9 based on the burden.

10 And then Mr. Parsa, the gentleman that speaks Farsi?

11 MR. YAMPOLSKY: He only understands, I thought he said

12 30 percent.

13 MS. OVERLY: He said about 30 percent.

14 MR. YAMPOLSKY: Yeah. If that's the case, I think we

15 should get rid of him?

16 THE COURT: Yeah, we should?

17 MS. OVERLY: Yes.

18 THE COURT: Okay. And then Mr. Figueroa, I don't think

19 he understands most of --

20 MR. YAMPOLSKY: He didn't seem like he did.

21 THE COURT: His only response was to say Spanish.

22 MS. OVERLY: Right.

23 MR. YAMPOLSKY: Yeah.

24 THE COURT: Are you guys in agreement on him?

25 MS. OVERLY: I would agree.

1 MR. YAMPOLSKY: Yes.

2 THE COURT: All right. So I'll let those three go.

3 [End of bench conference.]

4 THE COURT: Okay. So at this time we are going to
5 excuse Ms. Senyahan-Valvo, Badge Number 174; Mr. Parsa, 189;
6 Mr. Figueroa, 182. All three of you are excused and I appreciate
7 your time, okay?

8 So you guys can give your badges to the marshal. Jury
9 Services will reach out to you if they need you further, okay?

10 Thank you.

11 Oh, I'm sorry. You're still nervous?

12 PROSPECTIVE JUROR NUMBER 178: I didn't get
13 excused?

14 THE COURT: No, you didn't get excused just yet. Just
15 hold on, it's okay. Hold on. I need you to trust me, okay?

16 Is there anybody on the panel who has ever worked in law
17 enforcement?

18 Any of you -- no hands on that.

19 Any of you have close family members -- and by close, I
20 mean, you would talk to them about their work or, you know, you
21 see them frequently, you would talk to them about the work they
22 do. Close family members that work in law enforcement.

23 Yeah. All right. Let's start with Ms. Anderson.

24 Why don't you pass my microphone down? Thank you.

25 Ms. Anderson.

1 PROSPECTIVE JUROR NUMBER 167: I have a nephew on
2 Metro in Tucson.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 167: And my brother-in-
5 law is in the federal prison system in Martinsburg, Virginia and
6 works --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NUMBER 167: -- terrorism.

9 THE COURT: Okay. Thank you.

10 Anybody else on the top?

11 There you go. Thank you, sir.

12 Mister, is it Nocco?

13 PROSPECTIVE JUROR NUMBER 186: Yeah, Nocco.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR NUMBER 186: Not anymore but
16 my stepfather was a -- well is a retired Fort Lauderdale police officer
17 and my mother was a Broward Sheriff's Office dispatcher.

18 THE COURT: Okay. Thank you.

19 Anybody else on that middle row?

20 Okay. Could you --

21 UNKNOWN SPEAKER: Oh --

22 THE MARSHAL: He's down --

23 UNKNOWN SPEAKER: Oh, sorry.

24 THE COURT: Yeah, go ahead and pass it down to the end
25 for me, if you would, please.

1 Yeah, Mr. Akers.

2 PROSPECTIVE JUROR NUMBER 209: It would be past, but
3 my father was a state constable and a district attorney investigator
4 in Texas.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 209: And my brother
7 also was a state constable.

8 THE COURT: Texas as well?

9 PROSPECTIVE JUROR NUMBER 209: Yes.

10 THE COURT: Are you from Texas?

11 PROSPECTIVE JUROR NUMBER 209: Yes.

12 THE COURT: Whereabouts?

13 PROSPECTIVE JUROR NUMBER 209: From El Paso.

14 THE COURT: Oh, boy that's hot.

15 PROSPECTIVE JUROR NUMBER 209: Not as bad as here.

16 THE COURT: Yeah, not as bad -- well I grew up in
17 Houston, so it was the humidity, right?

18 PROSPECTIVE JUROR NUMBER 209: Right.

19 THE COURT: I like the hot better than the humidity.

20 All right. And did I have a hand up behind?

21 No. Okay.

22 How about on the bottom row here?

23 Yeah. Could you pass it back down here and give it to Mr.
24 Van Der Does?

25 Yes, sir?

1 PROSPECTIVE JUROR NUMBER 216: Did you say only
2 family related?

3 THE COURT: Well yeah. If you have any family members
4 that have been involved in law enforcement -- close family
5 members.

6 PROSPECTIVE JUROR NUMBER 216: No, but I feel like I
7 should say that I work with -- I work closely with Tom Hollis --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NUMBER 216: -- who's a retired
10 cop and who actually handles our -- some of our cases at Bravo
11 Underground.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NUMBER 216: So I don't know if
14 that affects anything, but I thought I'd --

15 THE COURT: So is he retired from Metro --

16 PROSPECTIVE JUROR NUMBER 216: I think he's --

17 THE COURT: -- Las Vegas?

18 PROSPECTIVE JUROR NUMBER 216: I think he's retired
19 from California.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 216: Whatever their
22 department is called.

23 THE COURT: Got it. Thank you.

24 Okay. Is there anybody on the panel that believes you
25 would be unable to follow the instructions on the law that I give you

1 if they differ from your personal beliefs as to what the law ought to
2 be? Does that question make sense?

3 Kind of? I didn't write the question.

4 So at the end of a case before the attorneys give their
5 arguments, I'll give you jury instructions. You get a packet of them,
6 I have to read them to you, that's the law that I determine applies to
7 this particular case.

8 Part of your obligations as jurors, when you swear your
9 oath is look, I'm going to sit in court, I'm going to listen to all the
10 evidence that's provided to me, I'm going to take the law that you
11 give me, Judge, I'll follow that law, and I'll come up with what I
12 think an appropriate verdict is, in conjunction with my fellow jurors.
13 But it's not fair to anybody, including your fellow jurors if you say,
14 you know what, I'm going to ignore this law because I don't like it.
15 The only way that it's fair to everybody is if you have the same law,
16 you've listened to the same evidence, you go back and deliberate.

17 So is there anybody -- even if you disagree with some
18 aspect of the law, that you can still follow and apply the law and
19 come up with what you think is a proper verdict. Anybody could
20 not do that?

21 See no hands.

22 Second part of that is -- I kind of alluded to is, your role in
23 the process is the fact finders. So you listen to the witnesses
24 testify, you evaluate exhibits that are introduced, and you figure out
25 what you think the facts of any given situation are. And then you

1 take the law that I give you and you kind of put that all together in
2 your deliberations and come up with whatever you think the
3 appropriate verdict is.

4 Understanding that, is there anybody thinks that you
5 could not be a fact finder and listen to evidence in a case and
6 decide what you think the facts are?

7 Seeing no hands on that either. Thank you.

8 Under our system of criminal procedure -- and by that, I
9 mean the system in this country, not just Las Vegas, Nevada. But
10 under our system of criminal procedure in the United States, there
11 are certain principles of law that apply in any criminal trial, no
12 matter what the charges and no matter where in the country it
13 occurs and those principles are Number 1, that a criminal defendant
14 is always presumed innocent. Does everybody understand that?
15 Anybody disagree with the presumption of innocence?

16 See no hands.

17 The second principle is that people get put on notice if
18 they've been charged with a crime by the filing of a document, we
19 call it an Information. It just lists the charges. That document is not
20 evidence of the allegations it contains, it's just notice to somebody
21 that they've been charged with a crime. Does everybody
22 understand that? Anybody not understand that?

23 See no hands.

24 The final principle is the entity that brings the charge,
25 that's the State, the one files that document and tells somebody

1 we're charging you with a crime, they have the obligation to prove
2 that beyond a reasonable doubt. I'm not talking about what the
3 definition of reasonable doubt is right now, that's something we'll
4 talk about in jury instructions. But does everybody understand that
5 the State has the obligation to prove somebody's guilt? A
6 defendant does not have any obligation to prove their innocence.
7 Everybody understand that? Anybody not understand that?

8 See no hands. Thank you.

9 Okay. Can we get the microphone back to Ms. Anderson
10 for me, please, sir; Mr. Van Der Does? Thank you.

11 So Ms. Anderson, how long have you lived in Las Vegas?

12 PROSPECTIVE JUROR NUMBER 167: Since 1990, the --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 167: -- come -- 19 -- what
15 is it? 29 years.

16 THE COURT: Got it. And what's your level of education?

17 PROSPECTIVE JUROR NUMBER 167: Bachelors degree.

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

19 PROSPECTIVE JUROR NUMBER 167: I am currently a
20 Mary Kay sales director. My work history includes teaching high
21 school and college.

22 THE COURT: Any particular subjects you taught?

23 PROSPECTIVE JUROR NUMBER 167: English and
24 computers.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NUMBER 167: Yes.

2 THE COURT: And what type of work does your spouse
3 do?

4 PROSPECTIVE JUROR NUMBER 167: He is a semi-retired
5 from -- as of April with Southwest Gas Pipeline.

6 THE COURT: Got it. You have any children?

7 PROSPECTIVE JUROR NUMBER 167: Yes, two adult
8 children.

9 THE COURT: Two adults. And any grandkids?

10 PROSPECTIVE JUROR NUMBER 167: One 3-year old.

11 THE COURT: Got it. Thank you. Have you ever been a
12 juror before?

13 PROSPECTIVE JUROR NUMBER 167: I have about two
14 years ago on an attempted murder trial.

15 THE COURT: Okay. Well welcome back to jury duty.

16 PROSPECTIVE JUROR NUMBER 167: Thank you.

17 THE COURT: It's good to see you again. It wasn't in my
18 court was it?

19 PROSPECTIVE JUROR NUMBER 167: No.

20 THE COURT: In the 15 years I've been a judge, I've
21 actually had a lady that's been on three of my juries. It's like every
22 time she comes, she gets assigned to my courtroom.

23 So about two years ago, you said it was an attempt
24 murder case?

25 PROSPECTIVE JUROR NUMBER 167: Yes.

1 THE COURT: And --
2 PROSPECTIVE JUROR NUMBER 167: Somewhere in that
3 range.
4 THE COURT: Okay. And did the jury reach a verdict?
5 PROSPECTIVE JUROR NUMBER 167: Yes.
6 THE COURT: And were you the foreperson of the jury?
7 PROSPECTIVE JUROR NUMBER 167: I was not.
8 THE COURT: Okay. How you ever been the victim of any
9 kind of crime before? I mean, your bike got stolen, house was
10 burglarized, anything like that?
11 PROSPECTIVE JUROR NUMBER 167: Robbery.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NUMBER 167: Probably only --
14 THE COURT: Okay. And how long ago was the robbery?
15 PROSPECTIVE JUROR NUMBER 167: Probably in the late
16 90s.
17 THE COURT: Okay. And was that here in Las Vegas?
18 PROSPECTIVE JUROR NUMBER 167: Yes.
19 THE COURT: Did you report it to the police?
20 PROSPECTIVE JUROR NUMBER 167: Yes, it was in
21 progress when we came home.
22 THE COURT: Okay. Oh, so somebody broke into your
23 home --
24 PROSPECTIVE JUROR NUMBER 167: Yes.
25 THE COURT: -- you weren't home, but you came home

1 and could tell that they were in there and you called the police?

2 PROSPECTIVE JUROR NUMBER 167: Yes.

3 THE COURT: So nobody physically did anything to you
4 all, they were just burglarizing your home?

5 PROSPECTIVE JUROR NUMBER 167: No, they left --

6 THE COURT: Okay. Got it.

7 PROSPECTIVE JUROR NUMBER 167: -- if it -- when the
8 garage went up.

9 THE COURT: Got it. Did that matter ever go to court?

10 PROSPECTIVE JUROR NUMBER 167: No.

11 THE COURT: Thank you. Anything else or was that it?

12 PROSPECTIVE JUROR NUMBER 167: That's all.

13 THE COURT: Have you ever been arrested or convicted of
14 any kind of crimes?

15 PROSPECTIVE JUROR NUMBER 167: Not other than
16 speeding.

17 THE COURT: Speeding, okay. Do you believe that you
18 would be able to could an open mind about our case and not decide
19 any of the issues in the case until it was submitted to you for your
20 deliberation? Meaning you can't make up your mind after the State
21 gives an opening statement or the Defense cross-examines the first
22 witness. Like most things in life, you need to be willing to listen to
23 all the information you're going to be given and then you deliberate
24 with your fellow jurors and decide on what you think is an
25 appropriate verdict.

1 PROSPECTIVE JUROR NUMBER 167: Yes.

2 THE COURT: Okay. With regard to police officers, there
3 will inevitably some police officers who testify. Do you think you
4 can treat a police officer like any other witness and judge their
5 credibility and what they have to say in light of all the other facts
6 and circumstances in the case, or do you think you would give
7 more weight or less weight to a police officer, just because they
8 were a police officer?

9 PROSPECTIVE JUROR NUMBER 167: I think I would be
10 neutral.

11 THE COURT: Okay. So you can treat them like anybody
12 else.

13 PROSPECTIVE JUROR NUMBER 167: Uh-huh.

14 THE COURT: Got it. Okay. Could you pass the
15 microphone next to you for me? Thank you.

16 Ms. Hocker, how are you?

17 PROSPECTIVE JUROR NUMBER 168: Good. How are
18 you?

19 THE COURT: I'm doing well. Thank you for asking.
20 How long have you lived here?

21 PROSPECTIVE JUROR NUMBER 168: Six years.

22 THE COURT: And if it's less than ten years, I'll usually ask
23 folks where they moved here from.

24 PROSPECTIVE JUROR NUMBER 168: Pennsylvania.

25 THE COURT: Okay. And what's your level of education?

1 PROSPECTIVE JUROR NUMBER 168: Some college.
2 THE COURT: What type of work do you do?
3 PROSPECTIVE JUROR NUMBER 168: I'm an account
4 manager for a gun safe manufacturer.
5 THE COURT: Are you married?
6 PROSPECTIVE JUROR NUMBER 168: No.
7 THE COURT: Any children?
8 PROSPECTIVE JUROR NUMBER 168: No.
9 THE COURT: Ever been a juror before?
10 PROSPECTIVE JUROR NUMBER 168: No.
11 THE COURT: Want to be?
12 PROSPECTIVE JUROR NUMBER 168: Sure.
13 THE COURT: It's not a trick question.
14 Have you ever been the victim of a crime before?
15 PROSPECTIVE JUROR NUMBER 168: Yes.
16 THE COURT: What was it and when was it?
17 PROSPECTIVE JUROR NUMBER 168: I've had money
18 stolen.
19 THE COURT: Okay. From your purse, your house, your
20 car?
21 PROSPECTIVE JUROR NUMBER 168: My purse.
22 THE COURT: Purse. And were you out and about and it
23 happened, or it got -- your office at work? What kind of
24 circumstance?
25 PROSPECTIVE JUROR NUMBER 168: I was in high school.

1 THE COURT: Oh, okay. And was that in Pennsylvania?

2 PROSPECTIVE JUROR NUMBER 168: Yes.

3 THE COURT: Okay. Was that reported to the police?

4 PROSPECTIVE JUROR NUMBER 168: No.

5 THE COURT: Okay. So did it ever go to court in any
6 fashion or anything?

7 PROSPECTIVE JUROR NUMBER 168: No.

8 THE COURT: Okay. Have you ever been arrested or
9 convicted of any kind of crime?

10 PROSPECTIVE JUROR NUMBER 168: Yes.

11 THE COURT: Okay. And what was that and when was
12 that?

13 PROSPECTIVE JUROR NUMBER 168: I had a DUI and --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 168: -- seven years ago.

16 THE COURT: Seven years ago. Pennsylvania as well?

17 PROSPECTIVE JUROR NUMBER 168: Yes.

18 THE COURT: And did that go through the court process
19 and get all closed out?

20 PROSPECTIVE JUROR NUMBER 168: Yes.

21 THE COURT: Okay. Do you believe you could keep an
22 open mind and not decide any issues in our case until it's submitted
23 to you for deliberations?

24 PROSPECTIVE JUROR NUMBER 168: Yes.

25 THE COURT: And what about police officers? Do you

1 think you can treat them like any other witness, or do you think you
2 would treat them differently, just because they're a police officer?

3 PROSPECTIVE JUROR NUMBER 168: Like any other
4 witness.

5 THE COURT: Okay. Thank you very much. Could you
6 pass it down to the gentleman next to you?

7 Mr. Castillo, how are you?

8 PROSPECTIVE JUROR NUMBER 171: Fine, Your Honor.

9 THE COURT: And how long have you lived here in Las
10 Vegas?

11 PROSPECTIVE JUROR NUMBER 171: Before that, Your
12 Honor, I forgot my hearing aid so --

13 THE COURT: Oh --

14 PROSPECTIVE JUROR NUMBER 171: -- I have a hard
15 time --

16 THE COURT: -- okay.

17 PROSPECTIVE JUROR NUMBER 171: -- hearing right now.

18 THE COURT: I'm going to hook you up. Hold on a
19 second.

20 Can you hear me okay?

21 PROSPECTIVE JUROR NUMBER 171: Yes.

22 THE COURT: Is that better?

23 PROSPECTIVE JUROR NUMBER 171: Yes.

24 THE COURT: Did you leave your hearing aid at home just
25 to get out of jury duty?

1 PROSPECTIVE JUROR NUMBER 171: No.

2 THE COURT: I'm just kidding. So that's tied into our

3 microphone. So if you continue on with us then feel free, we can

4 have you use those every day. If you have hearing aids you want to

5 bring, that's great as well.

6 PROSPECTIVE JUROR NUMBER 171: Okay.

7 THE COURT: How long have you lived here?

8 PROSPECTIVE JUROR NUMBER 171: 21 years.

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

10 PROSPECTIVE JUROR NUMBER 171: BAC?

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

12 PROSPECTIVE JUROR NUMBER 171: Accounting.

13 THE COURT: Are you married, sir?

14 PROSPECTIVE JUROR NUMBER 171: Yes.

15 THE COURT: And what type of work does your spouse

16 do?

17 PROSPECTIVE JUROR NUMBER 171: Finance.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR NUMBER 171: Yes.

20 THE COURT: How many and how old are they? If they're

21 grown, that's fine.

22 PROSPECTIVE JUROR NUMBER 171: Both are grown up.

23 THE COURT: Two?

24 PROSPECTIVE JUROR NUMBER 171: Yes, two.

25 THE COURT: Any grandkids?

1 PROSPECTIVE JUROR NUMBER 171: No.

2 THE COURT: Thank you. Have you ever been a juror
3 before?

4 PROSPECTIVE JUROR NUMBER 171: No.

5 THE COURT: Have you ever been the victim of a crime
6 before?

7 PROSPECTIVE JUROR NUMBER 171: No.

8 THE COURT: Have you ever been arrested or convicted of
9 any crimes?

10 PROSPECTIVE JUROR NUMBER 171: No.

11 THE COURT: Do you believe that you could keep an open
12 mind and not decide any issue in the case until it's submitted to you
13 for your deliberation?

14 PROSPECTIVE JUROR NUMBER 171: I believe so.

15 THE COURT: Okay. Police officers, do you think you can
16 treat them like any other witness, or do you think for any reason
17 you would treat them differently, just because they're police
18 officers?

19 PROSPECTIVE JUROR NUMBER 171: Yes.

20 THE COURT: Which one? That was an either/or. Do you
21 think you could treat them like any other witness and decide what
22 you think about their testimony based on everything you have in
23 the case, or would you say well that's a police officer so I'm
24 automatically going to believe him or I'm automatically not going to
25 believe him?

1 PROSPECTIVE JUROR NUMBER 171: No, I'll have an
2 open mind for that.

3 THE COURT: Okay. Great. Thank you very much.

4 All right. So Ms. Colon, I'm not going to chat with you
5 just yet. We'll let the attorneys talk to these three first and then
6 we'll move on as we need to.

7 So on behalf of the State, Ms. Overly.

8 MS. OVERLY: So this is a little unorthodox because I'm
9 only going to talk to you three primarily in the back since we're only
10 looking for a few jurors here.

11 So there was reference earlier to when a question was
12 asked specifically, I believe Mr. Van Der Does might have
13 mentioned the age of the parties involved in this case and that
14 might be the Defendants, and that might be some other witnesses
15 in this case, and that might be the victim.

16 And this is a question I'm posing to all three of you. Do
17 any of you have a problem with the ages of these individuals being
18 under 18? Does something about that spark you in terms of
19 causing you concern in your ability to deliberate on an issue or
20 listen to the evidence?

21 PROSPECTIVE JUROR NUMBER 171: I'll be partial to that.

22 MS. OVERLY: And I'm sorry, Mr. Castillo, you are Badge
23 Number 171, correct?

24 PROSPECTIVE JUROR NUMBER 171: Yes.

25 MS. OVERLY: I'm sorry, what did you say?

1 PROSPECTIVE JUROR NUMBER 171: I'm partial to that.

2 MS. OVERLY: You're partial to that?

3 PROSPECTIVE JUROR NUMBER 171: Yes.

4 MS. OVERLY: And what is it about it that makes you
5 partial to that?

6 PROSPECTIVE JUROR NUMBER 171: Well I'm -- being a
7 minor, I would be inclined to favor them.

8 MS. OVERLY: You would be inclined to favor them
9 because they're minors?

10 PROSPECTIVE JUROR NUMBER 171: Yes.

11 MS. OVERLY: Okay. And when you say favor them, are
12 you referring to the Defendants in this case?

13 PROSPECTIVE JUROR NUMBER 171: Not at all.

14 MS. OVERLY: Okay.

15 PROSPECTIVE JUROR NUMBER 171: Both parties.

16 MS. OVERLY: Both parties?

17 PROSPECTIVE JUROR NUMBER 171: Yes.

18 MS. OVERLY: Okay. So there could be witnesses that are
19 under the age of 18 or were under the age of 18 and the
20 Defendants, you know, at the time could have been under the age
21 of 18. When you say favor, are you referring to just believing their
22 testimony or what do you mean?

23 PROSPECTIVE JUROR NUMBER 171: I'm more inclined to
24 believe them.

25 MS. OVERLY: More inclined to believe them if they're

1 younger?

2 PROSPECTIVE JUROR NUMBER 171: Yes.

3 MS. OVERLY: Then let's say if there is another witness
4 who's older?

5 PROSPECTIVE JUROR NUMBER 171: Okay.

6 MS. OVERLY: Is that fair to say? You'd be more inclined
7 to believe the juvenile, the person who's under 18?

8 PROSPECTIVE JUROR NUMBER 171: I'm not too sure.

9 MS. OVERLY: Okay. So if there were witnesses -- just --
10 let me just ask you this -- for the other two that are sitting next to
11 him, is there anything about his answer that you agree with or
12 disagree with?

13 PROSPECTIVE JUROR NUMBER 167: I'm confused by the
14 question.

15 MS. OVERLY: Okay. So if we can go Badge Number 167,
16 Ms. Anderson. So there might be individuals that testify in this
17 case that are under the age of 18, and the Defendants in this case
18 were also under the age of 18 when this incident happened. Is
19 there something about their age, being that under the age of 18,
20 that would give you concern being a juror on this case?

21 PROSPECTIVE JUROR NUMBER 167: Not if they're all in
22 the same age category probably.

23 MS. OVERLY: Okay. What if it's just the Defendants who
24 are under the age of 18?

25 PROSPECTIVE JUROR NUMBER 167: I'm not sure.

1 MS. OVERLY: Okay. Because you heard the charges in
2 this case, correct?

3 PROSPECTIVE JUROR NUMBER 167: Correct.

4 MS. OVERLY: And so do you think -- without having
5 heard anything else, hearing the charges and the fact that the
6 Defendants in this case were under the age of 18 at the time that
7 this occurred, would that alone cause you an issue in your ability to
8 sit as a juror here?

9 PROSPECTIVE JUROR NUMBER 167: May -- probably not.

10 MS. OVERLY: Probably not? But you gave pause. What
11 is it about that that gives you pause? And please know that I'm not
12 looking for a specific answer, we're all just opening, you know --

13 PROSPECTIVE JUROR NUMBER 167: Right.

14 MS. OVERLY: -- opening dialogue here, so.

15 PROSPECTIVE JUROR NUMBER 167: Well and I've just
16 never thought of that before and so I'm very partial to teenagers
17 having been a high school teacher for many years, so.

18 MS. OVERLY: Okay. So you were an English teacher?

19 PROSPECTIVE JUROR NUMBER 167: Yes. Oh --

20 MS. OVERLY: Okay.

21 PROSPECTIVE JUROR NUMBER 167: -- just the --

22 THE COURT: Can I interrupt you for a moment?

23 PROSPECTIVE JUROR NUMBER 167: Yes.

24 THE COURT: Because -- well you've both used the word
25 partial now a couple of times. By partial are you all saying I'm kind

1 of sympathetic --

2 PROSPECTIVE JUROR NUMBER 167: Sympathetic is --

3 THE COURT: -- towards -- Okay.

4 PROSPECTIVE JUROR NUMBER 167: I don't feel like
5 partial's a good word --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 167: -- maybe
8 sympathetic.

9 THE COURT: Well you used the word, that's why I used
10 the word. But by partial you're saying sympathetic. You're
11 sympathetic towards kids.

12 PROSPECTIVE JUROR NUMBER 167: Sympathetic, I think
13 is a better --

14 PROSPECTIVE JUROR NUMBER 171: Yes, that's the
15 right --

16 PROSPECTIVE JUROR NUMBER 167: -- word.

17 PROSPECTIVE JUROR NUMBER 173: -- term.

18 THE COURT: All right.

19 MS. OVERLY: Okay.

20 THE COURT: So sympathy is a whole different issue --

21 PROSPECTIVE JUROR NUMBER 167: Right.

22 THE COURT: -- than I would favor their testimony --

23 PROSPECTIVE JUROR NUMBER 167: No.

24 THE COURT: -- over anybody else.

25 PROSPECTIVE JUROR NUMBER 167: No.

1 THE COURT: So you're not saying that, you just feel --

2 PROSPECTIVE JUROR NUMBER 167: No.

3 THE COURT: -- somewhat sympathetic.

4 PROSPECTIVE JUROR NUMBER 167: Right, to the age --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 167: -- group.

7 THE COURT: So one of the things -- and look, I should
8 have done this up front, so I left Ms. Overly in a precarious
9 situation. One of the things I should have told you up front is every
10 jurisdiction is different, but in Nevada you have no involvement in
11 deciding anybody's punishment for anything.

12 So it's not an issue of feeling sympathy for somebody in
13 terms of how they would be punished, should they be convicted of
14 anything, right? That's solely a court function. Your only issue in
15 the case is to decide whether somebody's guilty or not guilty.

16 I don't know if that plays into at all what you were kind of
17 reflecting on there but I just kind of wanted you to know that before
18 you move forward and answer those questions, okay?

19 MS. OVERLY: Okay. So I think that's a better question,
20 right, because the Judge just clarified that you're not going to have
21 any deliberation or say in any kind of punishment that results from
22 this trial. But you would deliberate on the guilt phase in terms of if
23 somebody's guilty or not. So would the sympathy that you have
24 for juveniles, let's say, being the Defendants here, would that --
25 guess affect your ability to deliberate and apply the facts to the law

1 in this case?

2 PROSPECTIVE JUROR NUMBER 167: I don't think so.

3 MS. OVERLY: So you wouldn't let that factor into your
4 ability to do your duty as a juror?

5 PROSPECTIVE JUROR NUMBER 167: No.

6 MS. OVERLY: Ms. Hocker or Mr. Castillo, do you agree
7 with that as well?

8 PROSPECTIVE JUROR NUMBER 171: I agree with that,
9 based on sympathetic instead of being impartial.

10 MS. OVERLY: Okay. Sorry. If we could just hand it to Mr.
11 Castillo, Badge Number 171. So you indicated that you agree that
12 the right word to use is maybe sympathetic?

13 PROSPECTIVE JUROR NUMBER 171: Yes, yes.

14 MS. OVERLY: And so you wouldn't let that affect your
15 ability to deliberate as a juror?

16 PROSPECTIVE JUROR NUMBER 171: You're right.

17 MS. OVERLY: Correct?

18 PROSPECTIVE JUROR NUMBER 171: Yes.

19 MS. OVERLY: Okay. And Ms. Hocker, Badge Number 168,
20 what do -- do you agree with that as well?

21 PROSPECTIVE JUROR NUMBER 168: I do.

22 MS. OVERLY: Okay. And now that you have the
23 microphone with you, I believe you indicated that you're an account
24 manager for, did you say a gun safe manufacturer?

25 PROSPECTIVE JUROR NUMBER 168: Yes.

1 MS. OVERLY: Okay. So what manufacturer do you work
2 for?

3 PROSPECTIVE JUROR NUMBER 168: It's called Alpha
4 Guardian but it's Stack-on, Cannon Safe, and then GunVault.

5 MS. OVERLY: Okay. So I imagine that in that line of work
6 you've heard a lot about gun safety and --

7 PROSPECTIVE JUROR NUMBER 168: Yes.

8 MS. OVERLY: -- know somewhat about guns?

9 PROSPECTIVE JUROR NUMBER 168: Yes.

10 MS. OVERLY: Okay. So I imagine that the content of, you
11 know, talking about guns is not going to be problematic for you, is
12 that fair to say?

13 PROSPECTIVE JUROR NUMBER 168: Yes.

14 MS. OVERLY: Okay. Do you have a particular opinion
15 about guns with regards to whether or not citizens should have
16 them or not?

17 PROSPECTIVE JUROR NUMBER 168: I believe we should
18 have guns.

19 MS. OVERLY: Okay. And in your line of work, working a
20 gun safe manufacturer, do you have any particular opinions or
21 feelings about gun safety?

22 PROSPECTIVE JUROR NUMBER 168: Coming from a safe
23 company I should say lock them up.

24 THE COURT: I think everybody should have a gun safe.

25 PROSPECTIVE JUROR NUMBER 168: Yes.

1 MS. OVERLY: Okay. Are you a gun owner yourself?
2 PROSPECTIVE JUROR NUMBER 168: No, I'm not actually.
3 MS. OVERLY: Oh, okay. And what about you Ms.
4 Anderson, do you own a firearm?
5 PROSPECTIVE JUROR NUMBER 167: We have firearms in
6 the house, yes.
7 MS. OVERLY: Okay. And how do you keep those?
8 PROSPECTIVE JUROR NUMBER 167: My husband has
9 them locked away --
10 MS. OVERLY: Okay.
11 PROSPECTIVE JUROR NUMBER 167: -- but not in a gun
12 safe.
13 MS. OVERLY: Not with the gun safe that she works for.
14 THE COURT: Ms. Hocker's going to --
15 PROSPECTIVE JUROR NUMBER 167: A new client, you
16 know --
17 THE COURT: -- give you her card.
18 MS. OVERLY: Okay. So do the three of you have any
19 particular opinions about gun possession or gun ownership?
20 I'm not showing any head shakes.
21 And I believe the Judge already hit on this but is there
22 anything, I guess -- I guess the point of what we're doing here is
23 we're trying to find the most unbiased individuals to sit for this jury
24 that can be open-minded and fair to both the Prosecution side and
25 the Defense side; is that fair to say?

1 So is there something about you that if you were sitting
2 on either side you would want us to know about you to sit on the
3 jury?

4 Do you think that -- Ms. Anderson, do you think you could
5 be a fair and impartial juror here?

6 PROSPECTIVE JUROR NUMBER 167: Yes.

7 MS. OVERLY: And Ms. Hocker, do you believe you could
8 be a fair and impartial juror?

9 PROSPECTIVE JUROR NUMBER 168: I believe so.

10 MS. OVERLY: When you say believe so, is there
11 something that --

12 PROSPECTIVE JUROR NUMBER 168: I mean, this is my
13 first time, so I don't know --

14 MS. OVERLY: Oh, of being a juror?

15 PROSPECTIVE JUROR NUMBER 168: -- what I'm getting
16 myself into.

17 MS. OVERLY: I see. I understand. Well Judge Herndon's
18 very good and he'll instruct you on the law and everything that
19 you're supposed to do. But you believe that you could follow the
20 rules and follow the law that applies to the rules, and do your job as
21 a juror?

22 PROSPECTIVE JUROR NUMBER 168: Yes.

23 MS. OVERLY: Okay. And then Mr. Castillo?

24 PROSPECTIVE JUROR NUMBER 171: Yes.

25 MS. OVERLY: Same question?

1 PROSPECTIVE JUROR NUMBER 171: Yes.

2 MS. OVERLY: Okay. Court's indulgence, Your Honor.

3 I'll pass.

4 THE COURT: Mr. Yampolsky?

5 MR. YAMPOLSKY: Mr. Margolis will be --

6 THE COURT: Mr. Margolis.

7 MR. MARGOLIS: Thank you, Your Honor.

8 Good afternoon, Ladies and Gentlemen. Now I wanted to

9 speak briefly with Ms. Anderson if I could. Quite frankly, you said

10 some things that interested me a lot; one of them was that you

11 formerly taught high school.

12 PROSPECTIVE JUROR NUMBER 167: Correct.

13 MR. MARGOLIS: How long did you teach high school

14 English for?

15 PROSPECTIVE JUROR NUMBER 167: I taught high school

16 for eight years. My last year was 1981.

17 MR. MARGOLIS: 1981. Did you teach aside from high

18 school or was that the only experience with teaching that you had?

19 PROSPECTIVE JUROR NUMBER 167: I taught adults in

20 junior college at night.

21 MR. MARGOLIS: Adults in junior college at night.

22 That experience teaching high schoolers, did you come to

23 any conclusions about the relative ways in which teenagers might

24 approach a problem, vis-à-vis the way an older adult might

25 approach a problem?

1 PROSPECTIVE JUROR NUMBER 167: Probably not at the
2 time but --

3 MR. MARGOLIS: Retrospect --

4 PROSPECTIVE JUROR NUMBER 167: Retro --

5 MR. MARGOLIS: -- hindsight.

6 PROSPECTIVE JUROR NUMBER 167: Yes.

7 MR. MARGOLIS: So I mean, if I were to say -- and you can
8 agree or disagree with these statements. Teenagers tend to be
9 more impulsive than older adults; agree or disagree?

10 PROSPECTIVE JUROR NUMBER 167: Depends on the
11 adult.

12 MR. MARGOLIS: Depends on the adult, fair statement.

13 Okay. Let's take a particular individual, okay? Is that
14 particular individual, knowing -- basing it on the eight years' worth
15 of teaching kids you had and the number of years you had teaching
16 adults in night school, the individual that's 16, more impulsive than
17 the individual at 26; the same individual?

18 MR. PESCI: Judge, I apologize. Can we approach?

19 THE COURT: Sure.

20 [Bench conference transcribed as follows.]

21 MR. PESCI: Should the impulsivity of a potential
22 defending the arguments of the case, I would object to this. I don't
23 understand how this determines whether someone can be fair and
24 impartial to the case.

25 THE COURT: Well, I -- look, I think it's relevant for some

1 jury selection, but I think it really does have to maintain just kind of
2 a general standpoint. Just in general, do you think somebody's
3 more impulsive at 16 versus 26, as opposed to trying to get into the
4 particulars about any individual. So that --

5 MR. MARGOLIS: She said it depends on the adult, I said --

6 THE COURT: Yeah, I know.

7 MR. MARGOLIS: -- pick your adult.

8 THE COURT: I know. Your wording is just trying to talk
9 about the same individual.

10 MR. MARGOLIS: I know.

11 THE COURT: But I'll allow it. I'll give you some --

12 MR. MARGOLIS: Thank you.

13 [End of bench conference.]

14 THE COURT: Okay. You can go ahead.

15 MR. MARGOLIS: All right. Thank you.

16 Ms. Anderson, I'm sorry, I'm not trying to make it a
17 complicated question or trip you up or trick you or anything like
18 that. I'm just saying 16-year old -- I taught prior to practice of law.
19 16-year old, generally going to be more impulsive at 16 than that
20 same individual at 26? If you don't feel like you could say based on
21 your experience in a classroom then that's fine.

22 PROSPECTIVE JUROR NUMBER 167: Probably, from lack
23 of experiences.

24 MR. MARGOLIS: Okay. So based on your experience
25 with teenagers, their lack of life experience, pardon my use of the

1 word experience over and over again, can tend to impulsive
2 decision making?

3 PROSPECTIVE JUROR NUMBER 167: Probably.

4 MR. MARGOLIS: Okay. Why did you leave teaching, if I
5 might ask?

6 PROSPECTIVE JUROR NUMBER 167: Oh, we started a
7 family and I wanted to be home. Earn income from home instead
8 of out of the home.

9 MR. MARGOLIS: I see. Another thing that you said that
10 was kind of interesting to me; you served on an attempt murder
11 jury?

12 PROSPECTIVE JUROR NUMBER 167: Yes.

13 MR. MARGOLIS: And you said approximately how long
14 ago was that again?

15 PROSPECTIVE JUROR NUMBER 167: It was two, maybe
16 three at the most, years ago.

17 MR. MARGOLIS: And what, if anything, did you take away
18 from that experience? Did you enjoy it?

19 PROSPECTIVE JUROR NUMBER 167: It was very
20 interesting, yes.

21 MR. MARGOLIS: Interesting.

22 PROSPECTIVE JUROR NUMBER 167: It was difficult but
23 interesting.

24 MR. MARGOLIS: What about it did you find difficult?

25 PROSPECTIVE JUROR NUMBER 167: Making a -- concern

1 for making a right decision.

2 MR. MARGOLIS: Yeah, I certainly understand that. Okay.
3 Thank you very much. I'll probably come back to you but thank you
4 for answering.

5 Mr. Castillo, I had a couple questions for you, if you
6 would?

7 PROSPECTIVE JUROR NUMBER 171: Yes.

8 MR. MARGOLIS: You have a PhD in Accounting?

9 PROSPECTIVE JUROR NUMBER 171: No, BAC.

10 MR. MARGOLIS: I'm sorry?

11 PROSPECTIVE JUROR NUMBER 171: Bachelors.

12 MR. MARGOLIS: Oh, Bachelors, I'm sorry. Okay.
13 Bachelors in accounting and you work in accounting.

14 PROSPECTIVE JUROR NUMBER 171: Yes.

15 MR. MARGOLIS: Fair to say you have an analytic mind?

16 PROSPECTIVE JUROR NUMBER 171: You can say that.

17 MR. MARGOLIS: Okay. When you're analyzing the
18 evidence in this case, are you -- is your sympathy going to get in
19 the way of your rigorously analyzing the evidence in front of you?
20 In other words, do you think you'll be able to look past your
21 sympathy and assess the evidence as it comes in, without letting
22 the sympathy affect your analysis?

23 PROSPECTIVE JUROR NUMBER 171: I can, yes.

24 MR. MARGOLIS: Okay. And you have two grown children,
25 is that right?

1 PROSPECTIVE JUROR NUMBER 171: Yes.

2 MR. MARGOLIS: And no grandchildren.

3 PROSPECTIVE JUROR NUMBER 171: No grandchildren.

4 MR. MARGOLIS: Okay. And thinking of your own
5 children, okay, and -- how old are they today, if I might ask?

6 PROSPECTIVE JUROR NUMBER 171: 27 and 25.

7 MR. MARGOLIS: Okay. And your 27 and 25-year old
8 children, do they approach the -- a similar situation the same way
9 today as they might have at say, 17 and 15?

10 PROSPECTIVE JUROR NUMBER 171: No.

11 MR. MARGOLIS: Okay. How is their approach different at
12 27 and 25 than it was at 17 and 15, with respect to just your children
13 and your experience?

14 PROSPECTIVE JUROR NUMBER 171: Well they're more
15 mature and they use their reason before they do any acts.

16 MR. MARGOLIS: Would you say that they make decisions
17 more slowly?

18 PROSPECTIVE JUROR NUMBER 171: Yes, they weigh
19 things before doing it.

20 MR. MARGOLIS: Okay. They weigh the pros and cons of
21 a given course of --

22 PROSPECTIVE JUROR NUMBER 171: Yes.

23 MR. MARGOLIS: -- action before doing it?

24 PROSPECTIVE JUROR NUMBER 171: Yes.

25 MR. MARGOLIS: And I suppose your belief is that at 17

1 and 15 they didn't do that as much?

2 PROSPECTIVE JUROR NUMBER 171: They don't.

3 MR. MARGOLIS: Thank you very much.

4 Ms. Hocker, a couple questions for you. You had a DUI
5 several years ago. So you had the misfortune of going through the
6 criminal justice experience as a defendant. What, if anything, did
7 you take away from your experience as a defendant, walking in the
8 courtroom and saying you've been charged with this. What was
9 the overwhelming feeling that you had at that moment in time?

10 PROSPECTIVE JUROR NUMBER 168: Don't drink and
11 drive.

12 MR. MARGOLIS: Okay. I think that's a fair thing to take
13 away from it and obviously it worked, right? So you felt treated
14 fairly in that experience?

15 PROSPECTIVE JUROR NUMBER 168: Yeah, I received an
16 ARD as well.

17 MR. MARGOLIS: What's an ARD?

18 PROSPECTIVE JUROR NUMBER 168: It's accelerated
19 rehabilitated driver. So I went through a program and had a
20 psychiatric evaluation and essentially, I didn't blow high enough to
21 get charged --

22 MR. MARGOLIS: Oh.

23 PROSPECTIVE JUROR NUMBER 168: -- the full DUI as
24 well.

25 MR. MARGOLIS: Well that would make it much -- that

1 would make it more enjoyable for me too, I think. That's good.

2 PROSPECTIVE JUROR NUMBER 168: I mean, I did learn
3 my lesson.

4 MR. MARGOLIS: Oh, I know, I know, I know.

5 I guess my question for you as one of the few people
6 who's been in the shoes of the Defendant, as it were, would be
7 about the presumption of innocence, okay? We all talk about the
8 presumption of innocence, we've talked about it here today, okay?
9 And we all know that the Defendants are presumed innocent until
10 competent evidence comes in and proves them guilty.

11 My question for you is, is when you were at your first
12 court appearance, your initial arraignment as it were and you were
13 the Defendant, did you feel cloaked in the presumption of
14 innocence in that role?

15 PROSPECTIVE JUROR NUMBER 168: Yes.

16 MR. MARGOLIS: You did. Did you ever feel as if --

17 PROSPECTIVE JUROR NUMBER 168: I mean, I got pulled
18 over while I was drinking, so --

19 MR. MARGOLIS: Okay. So --

20 PROSPECTIVE JUROR NUMBER 168: -- I knew I wasn't
21 innocent. I mean --

22 MR. MARGOLIS: All right. So fair to say your --

23 PROSPECTIVE JUROR NUMBER 168: -- I knew I had been
24 drinking.

25 MR. MARGOLIS: Your guilt undermined your belief in

1 your --

2 PROSPECTIVE JUROR NUMBER 168: Absolutely.

3 MR. MARGOLIS: -- presumption of your innocence --

4 PROSPECTIVE JUROR NUMBER 168: Yes.

5 MR. MARGOLIS: -- right?

6 PROSPECTIVE JUROR NUMBER 168: Yes.

7 MR. MARGOLIS: Now, this case is going to be a little bit
8 different, right? So the presumption of innocence, I would argue, is
9 a little bit more significant and meaningful here perhaps in a case of
10 a DUI, where there's going to be inevitably -- or more often than not
11 a blood test result that demonstrates apparently, right?

12 Furthermore, you know, the presumption of innocence
13 extends not just to the acts but to the mental state while performing
14 the acts.

15 THE COURT: I think we're getting real close --

16 MR. MARGOLIS: Yeah.

17 THE COURT: -- into talking --

18 MR. MARGOLIS: Okay.

19 THE COURT: -- about law --

20 MR. MARGOLIS: Okay.

21 THE COURT: -- and facts.

22 MR. MARGOLIS: Okay.

23 THE COURT: I mean, the -- as I told you all earlier, the
24 presumption of innocence applies to any charge, in any jurisdiction,
25 in any court, in any state, in this country, right? Beyond that,

1 instructing them about the law is something we'll talk about at the
2 end of the case.

3 MR. MARGOLIS: Fair enough.

4 THE COURT: Thank you.

5 MR. MARGOLIS: I guess my question boils down to this,
6 okay? If you found that an act occurred but that the mental state --
7 the individual through impulsivity, compulsivity, didn't intend it,
8 will you be able to evaluate that fairly?

9 PROSPECTIVE JUROR NUMBER 168: I believe so.

10 MR. MARGOLIS: Okay. Thank you very much. I think
11 that's it for now.

12 THE COURT: All right. Mr. Helmick.

13 MR. HELMICK: Thank you.

14 Your Honor, may we approach briefly though --

15 THE COURT: Sure.

16 MR. HELMICK: -- first?

17 Thank you.

18 [Bench conference transcribed as follows.]

19 MR. HELMICK: So I mean, are we -- we just stuck on these
20 three people? I mean, that's all we're doing right now?

21 THE COURT: Yeah, if we pass them for cause, we're
22 done. If we have to excuse any of them, then we move on to the
23 next one. It just seemed to be more efficient to just run the
24 questions through those three right now.

25 MR. HELMICK: All right. I'm just making sure. I didn't

1 know what the game plan --

2 THE COURT: You want to talk to everybody?

3 MR. HELMICK: I do kind of.

4 THE COURT: No, just stick with these three.

5 MR. HELMICK: Uh --

6 THE COURT: Thank you.

7 [End of bench conference.]

8 THE COURT: All right. Mr. Helmick.

9 MR. HELMICK: All right. Thank you very much.

10 Good afternoon, everybody.

11 UNKNOWN PROSPECTIVE JUROR: Good afternoon.

12 MR. HELMICK: Okay. So, you know, I got to focus on you
13 three over here, Ms. Anderson, Ms. Hocker, Mr. Castillo. I want to
14 ask you a couple questions. The first thing -- let me grab my notes
15 here, hold on.

16 Mr. Castillo, what are your opinions on guns? I think you
17 had been asked that question before, but do you own any firearms?

18 PROSPECTIVE JUROR NUMBER 171: Before.

19 MR. HELMICK: Before what?

20 PROSPECTIVE JUROR NUMBER 171: I got rid of it when I
21 have a kid.

22 MR. HELMICK: Okay. And what type of gun was that?

23 PROSPECTIVE JUROR NUMBER 171: .38.

24 MR. HELMICK: A .38. Okay. That's a handgun, right?

25 PROSPECTIVE JUROR NUMBER 171: Yes.

1 MR. HELMICK: Okay. Are you for or against or are you
2 just kind of --

3 PROSPECTIVE JUROR NUMBER 171: For.

4 MR. HELMICK: You're for guns, okay.

5 PROSPECTIVE JUROR NUMBER 171: Yes.

6 MR. HELMICK: You just believe in that right that
7 somebody can carry a gun?

8 PROSPECTIVE JUROR NUMBER 171: Yes.

9 MR. HELMICK: Okay. How old are your kids, sir?

10 PROSPECTIVE JUROR NUMBER 171: 27 and 25.

11 MR. HELMICK: Okay. I want to ask you a question and
12 this may apply to you or may apply to your kids. Have you ever
13 been blamed for something -- and just think about it for a minute.
14 Blamed for something in your life -- go back to when you were
15 younger or maybe last week -- blamed for something that you
16 didn't do. Can you think of a scenario like that?

17 PROSPECTIVE JUROR NUMBER 171: I can.

18 MR. HELMICK: Do you know --

19 PROSPECTIVE JUROR NUMBER 171: I can think.

20 MR. HELMICK: Do you know the facts of that scenario or
21 do you have a story that you can maybe share with us about that?

22 PROSPECTIVE JUROR NUMBER 171: None.

23 MR. HELMICK: None that you can remember right now.

24 PROSPECTIVE JUROR NUMBER 171: I cannot recall being
25 accused falsely.

1 MR. HELMICK: Okay. And not just accused, you know,
2 blamed for something. How did that make you feel though -- when
3 you said you experienced a scenario like that, how'd that make you
4 feel?

5 PROSPECTIVE JUROR NUMBER 171: Probably the --

6 MR. HELMICK: Excuse me.

7 PROSPECTIVE JUROR NUMBER 171: Can you say your
8 question again?

9 MR. HELMICK: Sure. So we talked about have you ever
10 been blamed for something in your life --

11 PROSPECTIVE JUROR NUMBER 171: I said no.

12 MR. HELMICK: Oh you said no?

13 PROSPECTIVE JUROR NUMBER 171: Yes.

14 MR. HELMICK: Oh, I'm sorry, okay? I thought you said
15 yes.

16 PROSPECTIVE JUROR NUMBER 171: No, I said I have
17 never experienced about being blamed.

18 MR. HELMICK: Oh, okay, I apologize, Mr. Castillo.

19 Let me ask you about something else then.

20 So there's two people being charged in this case, two
21 people sitting at the same table. Do you think that because they're
22 sitting at the same table that they must be tied together or
23 connected in some way?

24 PROSPECTIVE JUROR NUMBER 171: They might be
25 friends.

1 MR. HELMICK: Okay. They could be friends.

2 PROSPECTIVE JUROR NUMBER 171: Yes.

3 MR. HELMICK: Now if they are friends and let's say that
4 you hear in this case, if you're selected as a juror some very bad
5 facts or evil facts about one, are you automatically going to tie that
6 to the other because they're friends?

7 PROSPECTIVE JUROR NUMBER 171: I don't think so.

8 MR. HELMICK: Are you able to keep them two separate?

9 PROSPECTIVE JUROR NUMBER 171: Yes.

10 MR. HELMICK: And look at both of them for what they are
11 being charged with particularly?

12 PROSPECTIVE JUROR NUMBER 171: Yes. You need to
13 say there's always two sides of the coin so you have to listen on
14 both sides.

15 MR. HELMICK: Absolutely. Hold each one accountable,
16 right?

17 PROSPECTIVE JUROR NUMBER 171: Beg your pardon?

18 MR. HELMICK: Accountability, right?

19 PROSPECTIVE JUROR NUMBER 171: Yes.

20 MR. HELMICK: Yes. Thank you, Mr. Castillo.

21 Now, we haven't talked about this yet, but you understand
22 that somebody who's charged with a crime doesn't have to testify if
23 they don't want to, right?

24 PROSPECTIVE JUROR NUMBER 171: Yeah, that's their
25 right, I believe.

1 MR. HELMICK: Okay. I mean, are you of the position --
2 and I just want to check, it's okay if you are, that you want to see
3 him get up here and testify?

4 PROSPECTIVE JUROR NUMBER 171: Yes, I would prefer
5 it that way.

6 MR. HELMICK: Okay. Do you need to in order to be a fair
7 and impartial juror on this case?

8 PROSPECTIVE JUROR NUMBER 171: Yes.

9 MR. HELMICK: You need to see --

10 PROSPECTIVE JUROR NUMBER 171: Yes.

11 MR. HELMICK: -- him get up here?

12 PROSPECTIVE JUROR NUMBER 171: Yes.

13 MR. HELMICK: And if he doesn't, you're going to hold
14 that against him?

15 PROSPECTIVE JUROR NUMBER 171: I believe so because
16 it just implied that he's trying to avoid some questioning or avoid
17 answering something.

18 MR. HELMICK: Okay. So let's talk about this for a second.
19 Let's talk about both sides of the coin here, right? You said that
20 maybe he's hiding something by not being up here and testifying,
21 right?

22 PROSPECTIVE JUROR NUMBER 171: Yes.

23 MR. HELMICK: So he could be looked at that way. What's
24 some other reasons that maybe somebody -- what are some risks of
25 getting up here and testifying? What are some risks that somebody

1 may have if they get up here and testify?

2 PROSPECTIVE JUROR NUMBER 171: His risks?

3 MR. HELMICK: Yeah, his risks?

4 PROSPECTIVE JUROR NUMBER 171: Nothing, I believe.
5 That's why there's -- he has to testify because he has to explain her
6 side as to what.

7 MR. HELMICK: Is there a risk though to testifying for him?

8 PROSPECTIVE JUROR NUMBER 171: I don't believe so.

9 MR. HELMICK: No, you don't see any risk?

10 PROSPECTIVE JUROR NUMBER 171: No.

11 MR. HELMICK: Okay. That's -- yeah, I mean, I just want
12 your opinion on that stuff.

13 PROSPECTIVE JUROR NUMBER 171: I don't believe so.

14 MR. HELMICK: Okay. I'll come back to you, Mr. Castillo,
15 but I want to ask Ms. Hocker if she sees maybe any risk involved
16 with that? Do you see --

17 PROSPECTIVE JUROR NUMBER 168: I believe there is a
18 risk.

19 MR. HELMICK: Okay. What do you think? What are
20 some of the risks, maybe?

21 PROSPECTIVE JUROR NUMBER 168: I mean, you get
22 nervous up there, you can't think on your feet and you might let
23 something slip out that wasn't meant to slip out.

24 MR. HELMICK: Yeah, yeah, some things like that, right?
25 Maybe not used to talking in front of people. Is that one of them,

1 right?

2 PROSPECTIVE JUROR NUMBER 168: Yeah.

3 MR. HELMICK: Okay. What do you think about what Ms.
4 Hocker said, Mr. Castillo? Do you agree with her points on that?
5 That that's possible?

6 PROSPECTIVE JUROR NUMBER 171: That's possible but
7 if he is not -- if he's just telling the truth, then the truth will come
8 out.

9 MR. HELMICK: The truth will come out?

10 PROSPECTIVE JUROR NUMBER 171: Yes.

11 MR. HELMICK: What do you think?

12 PROSPECTIVE JUROR NUMBER 168: I agree, unless
13 you're really good at lying and then maybe not.

14 MR. HELMICK: Sure. What about somebody looking at
15 somebody just getting up here to say whatever they want to say to
16 save themselves? Could they be seen that way too?

17 PROSPECTIVE JUROR NUMBER 168: Yes.

18 MR. HELMICK: What do you think, Ms. Anderson? Let's
19 get you going here?

20 PROSPECTIVE JUROR NUMBER 167: I actually have no
21 opinion either way.

22 MR. HELMICK: Either way?

23 PROSPECTIVE JUROR NUMBER 167: No. I am just
24 understanding you're not obligated to testify on your own behalf,
25 so that is just kind of a fact, I guess, more than a feeling.

1 MR. HELMICK: Right. I mean, it's a constitutional right --

2 PROSPECTIVE JUROR NUMBER 167: Right.

3 MR. HELMICK: -- right?

4 PROSPECTIVE JUROR NUMBER 167: Right.

5 MR. HELMICK: Right. And so I said --

6 PROSPECTIVE JUROR NUMBER 167: I don't think I would
7 have an opinion either way.

8 MR. HELMICK: Okay. Very good. Thank you very much.

9 Ms. Hocker -- let's go back to Ms. Hocker here.

10 In accordance with what Mr. Castillo was saying, do you
11 need to see them come up here and testify for you to be a fair and
12 impartial juror on this case or --

13 PROSPECTIVE JUROR NUMBER 168: I don't.

14 MR. HELMICK: You don't, okay.

15 PROSPECTIVE JUROR NUMBER 168: I don't.

16 MR. HELMICK: I mean, a lot of people probably would
17 prefer it, right? Sure, I mean, if you can get as much of the story as
18 you can, right? Everybody wants to hear it from as many people as
19 you can; would you agree with that?

20 PROSPECTIVE JUROR NUMBER 168: Yes.

21 MR. HELMICK: Yeah, okay. So I mean, I guess there is a
22 dilemma so to speak in regards to whether or not they testify or
23 whether they testify, right? If they sit here, they could be seen as
24 hiding something; if they get up there, they could be seen as saying
25 whatever the heck they want to say just to get out of this jam.

1 Would you agree with that?

2 PROSPECTIVE JUROR NUMBER 168: Honestly, I didn't
3 know what she just said. I didn't know that you could not come up.

4 MR. HELMICK: Oh, okay.

5 PROSPECTIVE JUROR NUMBER 168: So I just learned
6 something.

7 MR. HELMICK: So this is worthwhile then being on the
8 jury so far?

9 PROSPECTIVE JUROR NUMBER 168: Yeah.

10 MR. HELMICK: Okay, good.

11 What about you? I mean, we talked to Mr. Castillo about
12 two people sitting at the same table, maybe they're friends. If you
13 hear facts like that, you heard maybe some really bad facts and evil
14 facts against one, are you going to automatically just, since they
15 were friends, believe that it should apply to the other?

16 PROSPECTIVE JUROR NUMBER 168: No, I have friends
17 that do things that I don't do, so.

18 MR. HELMICK: Okay. So that should be stuck with them
19 only, right? It shouldn't be coming back to you --

20 PROSPECTIVE JUROR NUMBER 168: Yes.

21 MR. HELMICK: -- what those friends [indiscernible].

22 What do you think, Ms. Anderson? Being a teacher, right,
23 I mean, you deal with that stuff?

24 PROSPECTIVE JUROR NUMBER 167: Absolutely. But I do
25 have a question.

1 MR. HELMICK: Yeah.

2 PROSPECTIVE JUROR NUMBER 167: Just -- so why are
3 they not in different trials? Why are they together?

4 MR. HELMICK: Well I can't --

5 THE COURT: You just got to answer questions --

6 MR. HELMICK: Yeah.

7 THE COURT: -- not necessarily ask questions about --

8 MR. HELMICK: That's the teacher --

9 THE COURT: -- the legal process, okay?

10 MR. HELMICK: -- in you coming out, right? So yeah, we
11 can't answer that one here. You know, before yesterday when we
12 were talking to the other jury I gave an example of a teacher that
13 gives a test and at the end of the test the teacher finds out that one
14 of the kids cheated and she makes the whole class, right, you guys
15 got to all redo the test. And you know, I experienced that back in
16 school and I asked, you know, do you think that that's fair and a lot
17 of people said no. What do you think?

18 PROSPECTIVE JUROR NUMBER 167: I --

19 MR. HELMICK: Is that fair?

20 PROSPECTIVE JUROR NUMBER 167: Say that -- say the
21 question -- the scenario again.

22 MR. HELMICK: Sure. Okay. So a teacher gives a test,
23 right? One of the kids is caught cheating at the end of the test and
24 she says well, I'm making all you guys do it all over again, not just
25 the kid that got caught cheating.

1 PROSPECTIVE JUROR NUMBER 167: No, I wouldn't do
2 that.

3 MR. HELMICK: You wouldn't do that.

4 PROSPECTIVE JUROR NUMBER 167: No.

5 MR. HELMICK: Because you're a good --

6 PROSPECTIVE JUROR NUMBER 167: I don't know how it
7 relates to this, but I wouldn't.

8 MR. HELMICK: Sure. Well it relates to I guess the
9 accountability as to punishing the whole group, as opposed to just
10 one. Do you understand?

11 PROSPECTIVE JUROR NUMBER 167: Yeah.

12 MR. HELMICK: A little bit. Maybe I got to pick a better
13 example.

14 Okay. This applies to all three of you guys. When you
15 walked in the courtroom and you saw my client Kody Harlan sitting
16 at the table, did you think that he was automatically guilty just
17 believe he's sitting at that table?

18 PROSPECTIVE JUROR NUMBER 167: No.

19 MR. HELMICK: No, Ms. Anderson.

20 Ms. Hocker?

21 PROSPECTIVE JUROR NUMBER 168: No.

22 MR. HELMICK: Okay. Mr. Castillo?

23 PROSPECTIVE JUROR NUMBER 171: No.

24 MR. HELMICK: Okay. So you kind of were just were
25 neutral then, Ms. Anderson, as far as being open-minded?

1 PROSPECTIVE JUROR NUMBER 167: Uh-huh.
2 MR. HELMICK: Okay. Is that a yes? Sorry.
3 PROSPECTIVE JUROR NUMBER 167: Yes.
4 MR. HELMICK: Okay. You were a prior juror, right?
5 That's what you said?
6 PROSPECTIVE JUROR NUMBER 167: Yeah.
7 MR. HELMICK: Okay. So let's talk about this for a second.
8 I want to talk about redwoods and palm trees, okay? Do you know
9 what a redwood is?
10 PROSPECTIVE JUROR NUMBER 167: I do.
11 MR. HELMICK: Do you know what a palm tree is?
12 PROSPECTIVE JUROR NUMBER 167: I do.
13 MR. HELMICK: All right. So being in the deliberation
14 room, and I want to talk to you about your experience, is it possible
15 sometimes that other opinions may sway other people to think a
16 certain way, to go a certain way?
17 PROSPECTIVE JUROR NUMBER 167: Yes.
18 MR. HELMICK: Okay. Did you experience that firsthand
19 while you were in the deliberation room?
20 PROSPECTIVE JUROR NUMBER 167: I'm not sure I
21 remember feeling swayed.
22 MR. HELMICK: Maybe not you. I mean, did it get heated
23 back there at all? Was everybody pretty reasonable with each
24 other? Tell --
25 PROSPECTIVE JUROR NUMBER 167: Everyone --

1 MR. HELMICK: -- us about --

2 PROSPECTIVE JUROR NUMBER 167: We had a very
3 reasonable jury that worked well together.

4 MR. HELMICK: Okay.

5 PROSPECTIVE JUROR NUMBER 167: It took us a while to
6 come to a verdict, but everyone listened to each other and --

7 MR. HELMICK: Okay. Good. So if you're selected on this
8 case and you happen to find yourself maybe in the minority, right,
9 are you going to be a palm tree; are you going to be swayed by the
10 winds of the other jurors to go with the crowd, right? Or are you
11 going to be a redwood and stand, you know, strong in your
12 position, if you feel strong about that position, right?

13 PROSPECTIVE JUROR NUMBER 167: Yeah.

14 MR. HELMICK: What do you think?

15 PROSPECTIVE JUROR NUMBER 167: Yes. And based on
16 not feeling but evidence, yes.

17 MR. HELMICK: Evidence, sure. Yeah. Sure. Okay. Very
18 good. Thank you.

19 MS. Hocker, what do you think? Do you get the analogy
20 that I'm trying to make?

21 PROSPECTIVE JUROR NUMBER 168: I do. I'll be a
22 redwood.

23 MR. HELMICK: You would be a redwood, okay. Would
24 you be open-minded to hearing other people's opinions, but
25 ultimately if you feel strong about something, somebody's not

1 going to make you change your mind?

2 PROSPECTIVE JUROR NUMBER 168: Yes.

3 MR. HELMICK: Okay. Thank you, Ms. Hocker.

4 Mr. Castillo, how do you feel about that?

5 PROSPECTIVE JUROR NUMBER 171: Same thing.

6 MR. HELMICK: You feel like you're a redwood?

7 PROSPECTIVE JUROR NUMBER 171: Yes.

8 MR. HELMICK: Okay. So you agree with Ms. Hocker

9 then? Maybe listen to everybody -- I mean, that's what the word

10 deliberation is, right? We're --

11 PROSPECTIVE JUROR NUMBER 171: Yes.

12 MR. HELMICK: -- deliberating, we're talking. But we're

13 ultimately going to come up with our decision together.

14 PROSPECTIVE JUROR NUMBER 171: You stick with the

15 evidence and facts.

16 MR. HELMICK: Yeah. I mean, so what do you think Mr.

17 Castillo, the point I'm trying to make is, right? With a jury of 12

18 people, what do you think the point is?

19 PROSPECTIVE JUROR NUMBER 171: Say that again.

20 MR. HELMICK: Sure. Let me try to explain it further. Do

21 you understand that your opinion is as strong as the person next to

22 you?

23 PROSPECTIVE JUROR NUMBER 171: Yes.

24 MR. HELMICK: Okay. So you understand that there's

25 unique personal power on a jury --

1 PROSPECTIVE JUROR NUMBER 171: Yes.

2 MR. HELMICK: -- right?

3 And isn't that the beauty of it, right?

4 PROSPECTIVE JUROR NUMBER 171: Yes.

5 MR. HELMICK: Okay. No matter what your age is,
6 occupation, everybody's on the same playing field, right?

7 PROSPECTIVE JUROR NUMBER 171: Yes.

8 MR. HELMICK: Okay. Do you agree with that Ms. Hocker?
9 Ms. Anderson?

10 PROSPECTIVE JUROR NUMBER 167: Yes.

11 MR. HELMICK: Okay. Ms. Anderson, I want to ask you
12 just a follow up question here from one of my notes. You were
13 asked, I believe, by Ms. Overly that -- in regards to police officers or
14 maybe it was from the judge and you said you think you would be
15 able to be neutral towards cops and I just underlined the word you
16 think. Can you elaborate on that or I mean, am I just misreading
17 that? What do you think?

18 PROSPECTIVE JUROR NUMBER 167: Having cops in the
19 family --

20 MR. HELMICK: Yeah.

21 PROSPECTIVE JUROR NUMBER 167: -- I sometimes hear
22 the inside stories, so my goal is to be logical and --

23 MR. HELMICK: Yeah.

24 PROSPECTIVE JUROR NUMBER 167: -- impartial in that
25 regard.

1 MR. HELMICK: Do you believe that cops make mistakes?
2 PROSPECTIVE JUROR NUMBER 167: Oh yeah.
3 MR. HELMICK: Okay. Right.
4 PROSPECTIVE JUROR NUMBER 167: We're all --
5 MR. HELMICK: Human --
6 PROSPECTIVE JUROR NUMBER 167: -- sinners.
7 MR. HELMICK: -- beings. Yeah, we're all human beings,
8 right? But so when a cop comes up here and testifies, you're not
9 going to get -- are you going to give him more weight as opposed
10 to just a regular civilian --
11 PROSPECTIVE JUROR NUMBER 167: No.
12 MR. HELMICK: -- or a kid even?
13 No. Okay, good.
14 Okay. Thank you, Ms. Anderson, Ms. Hocker, and Mr.
15 Castillo. Thank you very much.
16 THE COURT: Can you guys approach the bench, please?
17 [Bench conference transcribed as follows.]
18 THE COURT: We got any challenges? You going to
19 challenge or are you okay?
20 MR. HELMICK: Oh, I'm going to challenge Mr. Castillo.
21 THE COURT: Castillo. What about you?
22 MR. YAMPOLSKY: I'll pass for cause.
23 MR. HELMICK: Come on, Mace, he just said he wanted --
24 he needs the client to testify. I mean, Mace.
25 MR. YAMPOLSKY: Okay. I change my mind. I will

1 challenge Mr. Castillo.

2 THE COURT: All right. What's your guy's position on Mr.
3 Castillo.

4 MS. OVERLY: [Indiscernible].

5 THE COURT: What's your specific challenge --

6 MR. HELMICK: He cannot be fair without him testifying.

7 He doesn't understand the --

8 THE COURT: Okay. I think -- a bit of misunderstanding,
9 although he was consistent with saying yes, absolutely, I needed to
10 testify. Okay. I'll let you --

11 MR. HELMICK: All right. Thanks.

12 THE COURT: Thank you.

13 [End of bench conference.]

14 THE COURT: All right. Can you guys pass it down to Ms.
15 Colon for me?

16 All right. Ms. Colon, how are you?

17 PROSPECTIVE JUROR NUMBER 173: Good, thank you.

18 THE COURT: How long have you lived here in Las Vegas?

19 PROSPECTIVE JUROR NUMBER 173: I believe it's ten
20 years.

21 THE COURT: Ten years. And what's your level of
22 education?

23 PROSPECTIVE JUROR NUMBER 173: I finished high
24 school.

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

1 PROSPECTIVE JUROR NUMBER 173: I'm a loan officer
2 assistant for a mortgage company.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NUMBER 173: Yes.

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

7 PROSPECTIVE JUROR NUMBER 173: He's a server.

8 THE COURT: Do you have any children?

9 PROSPECTIVE JUROR NUMBER 173: I have two.

10 THE COURT: And how old are they?

11 PROSPECTIVE JUROR NUMBER 173: 14 and 10.

12 THE COURT: Have you ever been a juror before?

13 PROSPECTIVE JUROR NUMBER 173: No.

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

16 PROSPECTIVE JUROR NUMBER 173: No.

17 THE COURT: Have you ever been arrested or convicted of
18 any kind of crime?

19 PROSPECTIVE JUROR NUMBER 173: No.

20 THE COURT: Do you believe that you'd be able to keep an
21 open mind about our case and not decide any issues in it until it's
22 submitted to you for your deliberation?

23 PROSPECTIVE JUROR NUMBER 173: Yes.

24 THE COURT: How about police officers? Do you believe
25 you could treat police officers like any other witness and decide

1 what you think about them based on the whole case or do you think
2 you'd treat them differently just because they're police officers?

3 PROSPECTIVE JUROR NUMBER 173: Yeah, I think I can
4 be the same.

5 THE COURT: Treat them the same. Okay.

6 Ms. Overly, do you have any questions for Ms. Colon?

7 MS. OVERLY: Just briefly, Your Honor.

8 THE COURT: Okay.

9 MS. OVERLY: Ms. Colon, I'll try to keep it brief. I know
10 you've been listening to the other questions that have been posed
11 thus far. Are there any questions that myself or Mr. Helmick or Mr.
12 Yampolsky or his Counsel have asked that you want to comment
13 on? Anything that you've heard thus far that you have an opinion
14 about?

15 PROSPECTIVE JUROR NUMBER 173: No.

16 MS. OVERLY: Okay. So the age of the Defendants
17 wouldn't affect your ability to deliberate in this case?

18 PROSPECTIVE JUROR NUMBER 173: No.

19 MS. OVERLY: Okay. And you don't have any particular
20 opinions about gun possession?

21 PROSPECTIVE JUROR NUMBER 173: I don't like them --

22 MS. OVERLY: You don't like --

23 PROSPECTIVE JUROR NUMBER 173: -- personally.

24 MS. OVERLY: -- guns?

25 PROSPECTIVE JUROR NUMBER 173: No.

1 MS. OVERLY: Okay. Do you or your husband own any
2 guns?

3 PROSPECTIVE JUROR NUMBER 173: No.

4 MS. OVERLY: Okay. Would -- I understand not liking
5 guns. I don't like guns either, but does not liking guns, do you think
6 that that would affect your ability to deliberate as a juror in this
7 case?

8 PROSPECTIVE JUROR NUMBER 173: I don't know.

9 MS. OVERLY: Okay. Just -- I know that you don't know
10 any of the facts involved but there might be -- obviously part of the
11 charges here involve that of a deadly weapon. So there's going to
12 be discussion about firearms and guns and handguns. Is that
13 something that you're going to be able to listen to and take in the
14 evidence and weigh it when you're deliberating?

15 PROSPECTIVE JUROR NUMBER 173: I think so.

16 MS. OVERLY: You think so. Okay. Is there something
17 about hearing that evidence -- I mean, I don't anticipate you're
18 going to see any physical evidence here, but is hearing about that
19 going to cause you to not listen or automatically favor one side
20 over the other?

21 PROSPECTIVE JUROR NUMBER 173: I'm not sure
22 because -- well me, my belief is -- I believe that we shouldn't, you
23 know, have guns.

24 MS. OVERLY: Shouldn't have guns, okay

25 PROSPECTIVE JUROR NUMBER 173: Right.

1 MS. OVERLY: So if there was testimony from somebody
2 about somebody possessing a gun, are you going to immediately
3 favor or disfavor that individual because they had a gun or didn't
4 have a gun?

5 PROSPECTIVE JUROR NUMBER 173: I'd try not to, but I
6 don't know?

7 MS. OVERLY: Okay. What about police officers that
8 would testify, you know, in their course -- you know, scope of their
9 job they would need to possess guns. Is that going to affect your
10 ability to weigh their testimony, knowing that they possess guns
11 and have to for a living?

12 PROSPECTIVE JUROR NUMBER 173: No, because I know
13 they have to carry it for living --

14 MS. OVERLY: For their job?

15 PROSPECTIVE JUROR NUMBER 173: Right.

16 MS. OVERLY: Okay. But if you heard about somebody
17 else possessing one, maybe it's not for their job --

18 PROSPECTIVE JUROR NUMBER 173: Right.

19 MS. OVERLY: -- that that might impact your ability to
20 listen to what they have to say?

21 PROSPECTIVE JUROR NUMBER 173: Maybe.

22 MS. OVERLY: Maybe. Okay. Do you think that listening
23 to that is going to -- let me just say this -- let me just ask this, if you
24 hear about somebody possessing a gun, are you automatically
25 going to assume guilt of that person, merely because they

1 possessed a gun?

2 PROSPECTIVE JUROR NUMBER 173: No.

3 MS. OVERLY: No, okay. So you'll listen to the evidence
4 and the witnesses that testify each independently --

5 PROSPECTIVE JUROR NUMBER 173: Yes.

6 MS. OVERLY: -- is that fair to say?

7 PROSPECTIVE JUROR NUMBER 173: Yes.

8 MS. OVERLY: Okay. So the fact that somebody just
9 possesses a gun isn't going to automatically give you a right to
10 return a guilty verdict --

11 PROSPECTIVE JUROR NUMBER 173: Uh-huh.

12 MS. OVERLY: -- correct?

13 Okay. Is there anything else about you either morally,
14 religiously, or otherwise that you think would hinder your ability to
15 sit on this jury?

16 PROSPECTIVE JUROR NUMBER 173: No.

17 MS. OVERLY: Okay. You think you can be fair and
18 impartial?

19 PROSPECTIVE JUROR NUMBER 173: Yes.

20 MS. OVERLY: I'll pass the witness, Your Honor.

21 THE COURT: Mr. Yampolsky or Mr. Margolis?

22 MR. HELMICK: May we approach, please?

23 [Bench conference transcribed as follows.]

24 MR. MARGOLIS: She's probably anti-gun.

25 MR. HELMICK: I think that's for cause.

1 MR. YAMPOLSKY: Hold on.
2 THE COURT: Well hold on.
3 MR. HELMICK: Get on in her, Mace.
4 MR. YAMPOLSKY: [Indiscernible].
5 MR. HELMICK: Okay.
6 MR. YAMPOLSKY: [Indiscernible].
7 MR. HELMICK: I understand. Okay. So I know this --
8 THE COURT: I don't think there's enough so far to
9 challenge her for cause just because she says I don't really like
10 guns. I mean, I don't --
11 MR. HELMICK: Well can I just read you the notes real
12 quick? Let me just read you what I wrote down so I can put it on
13 the record. All right. So Ms. Overly said -- she said she didn't like
14 guns and she said I don't know if she could be -- if she could
15 deliberate with guns, she said I don't know. She says she thinks so.
16 THE COURT: Okay.
17 MR. HELMICK: She says she believes people shouldn't
18 have guns, she disfavors people with guns. She would try not to in
19 regards to deliberating, can you deliberate with --
20 THE COURT: Keep your voice down.
21 MR. HELMICK: Sorry.
22 THE COURT: That's okay.
23 MR. HELMICK: But you know what I mean? Basically
24 she's saying that she would try to be fair, she would try to
25 deliberate --

1 THE COURT: Okay.

2 MR. HELMICK: -- with guns.

3 THE COURT: So like I said I'll let you guys follow up and

4 ask some questions. I don't think she's come out, especially in light

5 of the last questions where she said no, I'm not going to

6 automatically assume somebody's guilty because of a gun just

7 because --

8 MR. HELMICK: Yeah, I wish she wouldn't have asked

9 those questions.

10 THE COURT: What? You wish she wouldn't have asked

11 those?

12 All right. Go ahead.

13 [End of bench conference.]

14 THE COURT: All right. Who's going?

15 Mr. Margolis?

16 MR. MARGOLIS: Yes. Thank you, Your Honor.

17 Good afternoon, Ms. Colon. I'll try and keep it brief, okay?

18 PROSPECTIVE JUROR NUMBER 173: Okay.

19 MR. MARGOLIS: A couple of questions. First about the

20 guns. You don't like guns.

21 PROSPECTIVE JUROR NUMBER 173: No.

22 MR. MARGOLIS: I'm not crazy about them either. You

23 don't own a gun.

24 PROSPECTIVE JUROR NUMBER 173: No.

25 MR. MARGOLIS: Ever fired a gun?

1 PROSPECTIVE JUROR NUMBER 173: No.
2 MR. MARGOLIS: Any desire to fire a gun?
3 PROSPECTIVE JUROR NUMBER 173: No.
4 MR. MARGOLIS: You don't want to hear the boom and
5 the --
6 PROSPECTIVE JUROR NUMBER 173: Nothing. I haven't
7 even --
8 MR. MARGOLIS: -- flash and all that good stuff.
9 PROSPECTIVE JUROR NUMBER 173: -- buy my kid a play
10 gun.
11 MR. MARGOLIS: No pellet guns, no --
12 PROSPECTIVE JUROR NUMBER 173: I don't like them at
13 all.
14 MR. MARGOLIS: No Christmas Story red rifle shooters.
15 PROSPECTIVE JUROR NUMBER 173: Nothing.
16 MR. MARGOLIS: Okay. Now, I get it, you don't like guns;
17 however, you believe cops should have guns, right?
18 PROSPECTIVE JUROR NUMBER 173: Yeah.
19 MR. MARGOLIS: And the military should have guns?
20 PROSPECTIVE JUROR NUMBER 173: Yeah.
21 MR. MARGOLIS: Your 14 and 10-year old.
22 PROSPECTIVE JUROR NUMBER 173: No.
23 MR. MARGOLIS: Okay. So let's talk about your 14 and
24 10-year old for a minute, okay? Clearly, we don't want them to
25 have guns, but I want to talk about something slightly different as

1 pertains to the 14 and 10-year old, your children. Are they often in
2 cahoots or are they often pointing the finger at one another? If
3 could characterize it as one or the other; maybe you can't.

4 I'll give you an example. My older brother and I, we were
5 more likely to be breaking the window together throwing the
6 baseball, right? Whereas my daughters, it's always she did it, right?
7 With two different arrows pointing, right? Your 14 and 10-year old,
8 what situation does it more mirror? The two brothers, me and my
9 older brother, throwing the baseball through the window and then,
10 you know, taking the lumps together; or my daughters, where it's
11 her fault?

12 PROSPECTIVE JUROR NUMBER 173: Probably her fault.

13 MR. MARGOLIS: Probably the pointing of the fingers --

14 PROSPECTIVE JUROR NUMBER 173: Yeah.

15 MR. MARGOLIS: -- right? Okay.

16 Now in that situation where you feel like clearly
17 somebody has broken the vase let's say --

18 PROSPECTIVE JUROR NUMBER 173: Uh-huh.

19 MR. MARGOLIS: -- right, and you can't get a clear answer
20 between your 14 and 10-year old as to which one of them is
21 responsible. In that situation, do you just accept the fact that you're
22 never going to know what happened to the broken vase on the
23 floor?

24 PROSPECTIVE JUROR NUMBER 173: No. I mean, I would
25 try to get it out of them or else they're both in trouble.

1 MR. MARGOLIS: Okay. Or otherwise they're both in
2 trouble, right? And that kind of brings me to a situation that's
3 analogous to here. We have two defendants, we have two people
4 sitting at that table who are alleged to have participated in the
5 offense, okay? But unlike your 10 and 14-year old, we can't compel
6 them, we can't grab them by the collar of their shirt and put them
7 on the witness stand, right?

8 PROSPECTIVE JUROR NUMBER 173: Uh-huh.

9 MR. MARGOLIS: Can you fairly the evaluate against one,
10 both, all of them, without the opportunity to do what you do to your
11 10 and 14-year old?

12 PROSPECTIVE JUROR NUMBER 173: I'm not
13 understanding.

14 MR. MARGOLIS: Okay. It's kind of similar to what we
15 asked Mr. Castillo previously, okay, and it was can you fairly
16 evaluate the evidence of someone's guilt or their lack of guilt
17 without them telling their story, for lack of a better term?

18 PROSPECTIVE JUROR NUMBER 173: I think I would need
19 to hear their story.

20 MR. MARGOLIS: Okay. So to bring it back to your 10 and
21 14-year old children, if they just both stone-walled you, didn't take
22 the stand, didn't tell their story, your conclusion would be to punish
23 both of them, correct?

24 PROSPECTIVE JUROR NUMBER 173: Right.

25 MR. MARGOLIS: And in your household that works

1 perfectly right, okay?

2 PROSPECTIVE JUROR NUMBER 173: Uh-huh.

3 MR. MARGOLIS: You understand how that might be
4 difficult here?

5 PROSPECTIVE JUROR NUMBER 173: Yes.

6 MR. MARGOLIS: Okay. I will defer to my colleague.

7 THE COURT: Thank you. Mr. Helmick.

8 MR. HELMICK: Court's indulgence.

9 THE COURT: Okay.

10 MR. HELMICK: I'm going to go ahead and pass for cause,
11 Your Honor.

12 THE COURT: Okay. Would you guys approach the bench,
13 please?

14 [Bench conference transcribed as follows.]

15 THE COURT: You're withdrawing the challenge and
16 you're passing for cause now. Okay. So what do you guys --

17 MR. YAMPOLSKY: On what? On her?

18 THE COURT: Yeah.

19 MR. YAMPOLSKY: I'll submit.

20 THE COURT: Well I mean, is there a challenge or no
21 challenge?

22 MR. YAMPOLSKY: No.

23 THE COURT: No challenge. Okay.

24 So then we've got our three and I excluded Mr. Castillo.

25 And just so you know they're in Seats 24, 26, 27. But I will take a

1 break anyway and I'll put that on the record and then I'll let you
2 guys go through your notes and everything and then we'll get them
3 back, all of them and start the process.

4 MR. YAMPOLSKY: And they'll be sitting where they're
5 supposed to be sitting?

6 THE COURT: Yeah, they'll be sitting where they're
7 supposed to be sitting, okay? All right.

8 MR. PESCI: I'm sorry, Your Honor. We're going to sit two
9 alternates?

10 THE COURT: Yeah.

11 MR. PESCI: So there's going to be 14 [indiscernible].

12 THE COURT: Yeah. The four at the end --

13 MR. YAMPOLSKY: So the 28 to 32 --

14 THE COURT: 28, 29, 30, 31, 32, there's are your four
15 alternates possible.

16 MR. YAMPOLSKY: Okay.

17 THE COURT: So you exercise your eight, you exercise --
18 the first 28 --

19 MR. YAMPOLSKY: And then we -- each side gets one
20 for --

21 THE COURT: -- as to the alternate.

22 MR. PESCI: We can only use the alternate for --

23 THE COURT: As to the alternate, yes.

24 MR. PESCI: Okay.

25 THE COURT: All right.

1 MR. PESCI: Thank you.

2 THE COURT: Uh-huh.

3 [End of bench conference.]

4 THE COURT: Okay. So we are done. We have three
5 people. So Ms. Anderson, Ms. Hocker, Ms. Colon, you are all going
6 to stay with us for right now. Everybody else, you are excused,
7 thank you very much. I hope you've enjoyed the process the short
8 time you've been here, and you're done with jury duty and they will
9 not try and send you out anywhere else, okay?

10 So the 18 of you can take off and then ladies, if you'll just
11 stay here for just a moment, please.

12 [The excused prospective jurors exit the courtroom]

13 THE COURT: You guys can be seated. Okay.

14 So here's what we're going to do. We're going to take a
15 break and I'm going to get all the other jurors that are down in Jury
16 Services that we've already questioned up here with you all and
17 then I'll have you all sitting in the courtroom while the attorneys go
18 through and get it whittled down to the 14. It's much easier to have
19 you sitting in the courtroom so they can kind of put a face in their
20 notes about who said what over the course of the last couple of
21 days. And you'll be able to kind of visit quietly among yourselves
22 while we do that.

23 But when we take a break -- since we got to go get them --
24 and every time we take a break, I have to tell you that during the
25 recess you're admonished not to talk or converse among

1 yourselves or with anyone else on any subject connected with the
2 trial. You cannot read, watch, or listen to any kind of news or
3 media reports about the case, by any medium of information,
4 including, without limitation to newspapers, television, the internet,
5 radio, nothing like that. You cannot form or express any opinions
6 about the case until the case is submitted to you for your
7 deliberations. And you can't do any kind of legal or factual
8 research.

9 So short answer means even during our breaks you
10 cannot talk about the case, even with your fellow jurors. You have
11 you find other things to chat about right now.

12 You guys all have smart phones?

13 Yeah. So don't use your phones to do any kind of
14 research about the case. Don't do any research at home later on,
15 either computer, tablet, anything like that. Don't look up people's
16 names or try and look up legal terms. Everything you need to know
17 to decide a case you'll learn here in the courtroom.

18 And you guys all have some kind of social media as well?
19 Something?

20 Yes, okay. Please do not engage in any kind of social
21 media communication about the fact that you're doing jury duty.
22 Even though it can be really innocuous on your part, social media
23 kind of works where everybody else maybe wants to comment
24 about what you're doing and give you information or influence you
25 in ways that we would like to avoid. So please do not engage in

1 any kind of social media communication either.

2 So we're going to be in recess. You guys can just wait
3 outside for right now, I'm guessing it will be about 15/20 minutes to
4 get everybody else up here and then we'll get started back up,
5 okay?

6 Thank you, ladies.

7 [Outside the presence of the prospective jury]

8 THE COURT: Okay. Just for the record, the three vacant
9 seats that we were filling were 24, 26, and 27. So Ms. Anderson,
10 Badge 167 went into Seat 24; Ms. Hocker, 168, went into Seat 26;
11 and Marybel Colon, Badge 173, went into Seat 27.

12 I'm going to give you the list and the first 28 are your
13 jurors -- or potential jurors so you can use your eight challenges in
14 that group. And then the last four, 29 through 32, are the alternate
15 group, so your alternate challenge has to be used as to that group
16 of four, okay?

17 MR. HELMICK: Okay.

18 THE COURT: And then if anybody waives a challenge, just
19 kind of write at the bottom of your column a W and the number
20 next to it that you waive. If you waive one, you're not waiving
21 anything thereafter. You can waive the fifth one and pick back up
22 or anything like that, okay?

23 MR. PESCI: Thank you, Your Honor.

24 THE COURT: Okay.

25 MR. HELMICK: Thanks.

1 THE COURT: Here is -- I'll go ahead and give you the list,
2 Giancarlo. But we'll take a break. You guys run to the restroom,
3 whatever you need to do, and we'll get everybody up here.

4 [Court recessed at 3:35 p.m., until 3:56 p.m.]

5 [In the presence of the prospective jury]

6 THE MARSHAL: Jurors are present.

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

8 All right. We are back on the record. Mr. Harlan, Mr.
9 Caruso are present with their attorneys, States' attorneys are
10 present. Our expected 32 jurors are present so welcome back
11 everybody.

12 So we've reached the point in time where we kind of
13 undergo the process of the attorneys whittling the group of 32
14 down to the 14 that we need to hear our trial. It's better to have you
15 seated in the courtroom while they do that so they kind of put your
16 face to their notes and their memory about things as we're kind of
17 going through.

18 They just have a process that they'll be going through
19 quietly kind of amongst themselves, kind of back and forth. You're
20 free to visit among yourselves while they do this. I need you to
21 obviously kind of be quiet and keep your voices down a little bit if
22 you would. But feel free to talk among yourselves while they go
23 through that, okay?

24 Except that I just noticed we're missing somebody.

25 THE CLERK: No, she's the one [indiscernible].

1 THE COURT: Oh, that's right. Okay. My fault.
2 For the record, I did excuse Ms. Gebhart earlier to be able
3 to make it to her doctor's appointment with the approval of the
4 parties, correct?
5 MR. PESCI: I'm sorry?
6 THE COURT: That we excused Ms. Gebhart --
7 MR. PESCI: Yes, yes.
8 THE COURT: -- knowing that she's still part of the --
9 MR. PESCI: Yes, yes.
10 THE COURT: -- panel. Okay.
11 So go ahead, chat amongst yourselves.
12 [Peremptory Challenges]
13 MR. YAMPOLSKY: Can we approach, Your Honor?
14 THE COURT: Yeah.
15 [Bench conference transcribed as follows.]
16 MR. YAMPOLSKY: We're just asking about --
17 THE COURT: Are you waiving Number 8?
18 MR. PESCI: Yes, we did. That's the W at the bottom. I
19 apologize, Your Honor. I didn't know where you wanted us to put
20 it.
21 THE COURT: No, that's okay. So what's the question --
22 MR. YAMPOLSKY: The question is --
23 THE COURT: -- who's your alternates?
24 MR. YAMPOLSKY: -- since they waived the alternates
25 instead of 29 to 32 or 28 to 32, so can we exercise a strike for all of

1 them or only 29 to --

2 THE COURT: No, it would be the bottom five people --

3 MR. YAMPOLSKY: Okay.

4 THE COURT: This --

5 MR. YAMPOLSKY: That's where --

6 MR. PESCI: Well hold on one second. [Indiscernible] I

7 assumed Number 12 [indiscernible] Ms. Evans.

8 THE COURT: Pardon?

9 MR. YAMPOLSKY: No, no, it's Ms. Hocker.

10 MR. HELMICK: It's Marybel.

11 MR. YAMPOLSKY: Oh.

12 MR. PESCI: No, we did not kick Ms. Evans.

13 THE COURT: Oh, I'm sure you didn't.

14 MR. PESCI: Right.

15 THE COURT: Hold on.

16 So everything in pink are your jurors and then --

17 MR. YAMPOLSKY: Yeah, Evans is next.

18 MR. PESCI: Okay.

19 THE COURT: Okay. So let's --

20 MR. PESCI: So we exercise one to the bottom.

21 MR. YAMPOLSKY: Right.

22 THE COURT: Yeah. So everywhere below the last --

23 MR. YAMPOLSKY: And they're going to go in order.

24 THE COURT: -- [indiscernible], you can use an alternate

25 on.

1 MR. PESCI: Yeah.
2 MR. YAMPOLSKY: Right.
3 THE COURT: So if you waive --
4 MR. YAMPOLSKY: So if no one kicks --
5 THE COURT: -- then that's --
6 MR. YAMPOLSKY: -- 28 or 29.
7 THE COURT: -- Number 1, that's Number 2. If you kick
8 those, then that's Number 1 and that's Number 2.
9 MR. PESCI: Okay.
10 MR. HELMICK: Got it?
11 MR. PESCI: Okay.
12 THE COURT: You sure? You look like you're still
13 confused.
14 MR. PESCI: No, no, I'm all right.
15 THE COURT: You're good?
16 MR. PESCI: Yep.
17 THE COURT: Okay.
18 MR. YAMPOLSKY: You sure?
19 MR. PESCI: Yeah.
20 [End of bench conference.]
21 THE COURT: You guys can talk again, it's okay.
22 [Peremptory Challenges]
23 THE COURT: Mr. Pesci?
24 ...
25 [Bench conference transcribed as follows.]

1 THE COURT: Does anybody have any objections to
2 challenges issued by the other side?

3 Any the objections by the State?

4 MR. PESCI: No, I'll wait and see what they say.

5 MR. HELMICK: No objections.

6 MR. YAMPOLSKY: No.

7 THE COURT: Any objections?

8 MR. MARGOLIS: No. No objections.

9 THE COURT: Okay. Thank you.

10 All right. So we will have Ms. Evans and Ms. Sepulveda
11 as your two alternates, okay?

12 [End of bench conference.]

13 THE COURT: Okay, folks, I am going to read off the list of
14 names of everybody that's going to be excused at this point. So if
15 you would let me get through all these names before you get up
16 and run away, I would appreciate that. Thank you.

17 We are going to excuse Mr. Esposito, Badge 554;
18 Mr. Meng, 390; Mr. Barrett, 398; Sandra Allen, 560;
19 Emely Villasenor, 417; Sydney Gebhart, 418; Alvarez, 425;
20 Mayhew, 426; Ballard, 429; Pereda, 432; Leon, 512; Takahashi, 460;
21 Robinson, 463; Anderson, 167; Kord, 471; Diaz, 497; Ohlandt, 502;
22 and Ms. Brown, 525.

23 So the 18 of you all are excused. I appreciate your time
24 very much the last couple of days. Thank you so much for your
25 patience and your presence, okay?

1 And everybody else just kind of stay in your seat for a
2 moment if you would.

3 [Excused prospective jurors exit the courtroom]

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

5 So first thing I got to count because sometimes people try
6 and sneak out with everybody else.

7 You'd be surprised.

8 Okay. So we have 14 jurors.

9 So I'm going to release you now and we're going to break
10 for the day. We're going to start tomorrow at 9:00. A couple of
11 things, as you leave tonight, you're going to give the marshal those
12 white badges and we're going to give you a plastic blue badge that
13 shows that you've been chosen as a juror in my department.
14 Please make sure you wear that whenever you come into the
15 building because that just let's everybody know that you've been
16 chosen on a jury so hopefully they avoid having any kind of
17 conversation with you.

18 Additionally, you're going to be parking right across the
19 street from the building now instead of down on Fremont Street or
20 wherever it is that they have you. So the marshal will explain that
21 to you as well about parking for tomorrow.

22 I think I talked about during jury selection the fact that you
23 can bring drinks and things like that to court. So a lot of times
24 when people know they're going to be on a jury they may bring a
25 big thermos or things like that. Feel free to do that, that's perfectly

1 fine.

2 If you need letters or anything for your employers to let
3 them know hey, I'm kind of in this for the next week now so I'm
4 going to be away from work; whatever you need, just let the
5 marshal know, we'll get letters typed up for you. We can give you
6 the hard copy, if you need it faxed over to an employer or e-mailed
7 over to them, whatever it is you need, just let us know.

8 Obviously, I realize that you need to tell your loved ones
9 and your employers that you're doing jury duty now, despite that
10 admonition about not talking to people about the case. But please
11 just leave it at I've been selected to hear a trial and I'm going to be
12 doing jury duty through the next week. Do not give them any more
13 information than that because like everybody else, the more
14 information you give somebody, the more curious they are and the
15 more inclined they may be to want to ask you questions about it.

16 So if you keep it really vanilla, just I got chosen, I'm going
17 to hear a trial for the next week and I'll be happy to talk to you
18 about it when I'm done is probably the best way to go, okay?

19 You guys have any questions for me right now?

20 No? Okay. So -- yes, Ms. Huston?

21 PROSPECTIVE JUROR NUMBER 506: So will we still
22 provide our own lunch all the days of the trial?

23 THE COURT: Yeah. I mean, --

24 PROSPECTIVE JUROR NUMBER 506: Okay. Just --

25 THE COURT: -- I'll buy you lunch when you get to the

1 point of deliberations and stuff like that but for right now, you're
2 going to be free during your lunch hours. What we're going to do
3 moving forward is whenever you get here in the morning -- thank
4 you because you jogged my memory on this.

5 There is the main doorway right outside there, kind of got
6 two courts this way, two courts that way. Whenever you arrive
7 tomorrow morning, go to that doorway, there's a little intercom
8 there, just buzz my department and we're going to bring you back
9 and keep you in the deliberation room during recesses and breaks
10 so you're not out in the hallway with everybody else, just to kind of
11 make sure we keep you separated.

12 So if you want to bring a lunch with you, I believe there's
13 a refrigerator in there, you can store your lunch in there. And if
14 there's not enough room in there, let me know and I'll put it in my
15 chambers. And then -- because if you want to stick around the
16 building and just have your lunch here, instead of going out
17 anywhere else, you can certainly do that.

18 PROSPECTIVE JUROR NUMBER 506: Okay.

19 THE COURT: But you are kind of responsible for your own
20 lunch in terms of whether you bring it with you or go grab a bite at
21 Capriotti's or anywhere else, okay?

22 Any other questions?

23 Yes, sir?

24 PROSPECTIVE JUROR NUMBER 568: Just a quick
25 question. I don't have no problem being here, but it'll be done

1 before the 15th -- 16th of August?

2 THE COURT: Yeah.

3 PROSPECTIVE JUROR NUMBER 568: We'll be -- okay
4 because that's --

5 THE COURT: Yep.

6 PROSPECTIVE JUROR NUMBER 568: Perfect.

7 THE COURT: Yep, yep, yep, yep, yep, yep. Got to be done
8 before then. I got other trials and everything, so yes.

9 PROSPECTIVE JUROR NUMBER 568: Thank you.

10 THE COURT: And the attorneys are really good about
11 breaking down their case and giving me a time estimate that's
12 conservatively done. So maybe we get done a little earlier than
13 that, but --

14 PROSPECTIVE JUROR NUMBER 568: No, that's fine I
15 just --

16 THE COURT: -- that should be the longest point, okay?

17 PROSPECTIVE JUROR NUMBER 568: I just have a
18 vacation.

19 THE COURT: Okay. Yes?

20 PROSPECTIVE JUROR NUMBER 506: Sorry. He just said
21 the 16th but the 9th, that Friday?

22 THE COURT: Yeah, we're talking about being done by the
23 latter part of next week, not the latter --

24 PROSPECTIVE JUROR NUMBER 506: Okay.

25 THE COURT: -- part of the third week.

1 PROSPECTIVE JUROR NUMBER 506: Okay. Just checking
2 because I got that wedding.

3 THE COURT: See, you got everybody all scared now.

4 PROSPECTIVE JUROR NUMBER 506: No.

5 THE COURT: No, it's the latter --

6 PROSPECTIVE JUROR NUMBER 506: I'm not missing --

7 THE COURT: -- part --

8 PROSPECTIVE JUROR NUMBER 506: -- my son's
9 wedding.

10 THE COURT: Latter part of next week.

11 PROSPECTIVE JUROR NUMBER 506: Okay.

12 THE COURT: Okay.

13 Do you guys have any other questions?

14 All right. During our recess, again, you're admonished
15 not to talk or converse among yourselves or with anyone else on
16 any subject connected with the trial. Or read, watch or listen to any
17 report of or commentary on the trial by any medium of information
18 including, without limitation, the newspapers, television, the
19 internet, and radio. Cannot form or express any opinion on any
20 subject connected with the case until it's finally submitted to you.
21 No legal or factual research or investigation on your own. No social
22 media communication on your own.

23 And I will see you tomorrow morning. If you'd get here
24 just a little before 9:00, as soon as we have all of you, we'll get in
25 here and get started, okay? Thank you very much.

1 [Outside the presence of the prospective jury]
2 THE COURT: Anything outside the presence?
3 MR. PESCI: Not from the State.
4 MR. HELMICK: Not from the Defense.
5 MR. YAMPOLSKY: Nope. No, Your Honor.
6 THE COURT: No questions about exhibits or anything for
7 openings that we need to decide on? Have you all had discussions
8 about that?
9 MR. PESCI: We provided them to the clerk, so she's got it
10 and an exhibit list as well.
11 THE COURT: Okay.
12 MR. PESCI: So.
13 MR. HELMICK: Yes. I mean, I have something -- I was
14 going to get here early to run it by the State.
15 THE COURT: Okay.
16 MR. HELMICK: We're starting tomorrow at 9:00, right?
17 THE COURT: Yep.
18 MR. HELMICK: So I'll be here like around 8:30 --
19 THE COURT: Okay.
20 MR. HELMICK: -- run it by Giancarlo.
21 THE COURT: Yeah.
22 MR. HELMICK: I got a couple --
23 THE COURT: Just let me know if there's anything that I
24 need to make any rulings on their admissibility before you get
25 started.

1 MR. HELMICK: Sure.

2 THE COURT: All right.

3 MR. PESCI: In that regard, in our opening statement, I
4 believe Ms. Overly intends on utilizing the videos, so everyone
5 knows.

6 THE COURT: Okay.

7 MR. PESCI: So if anyone has positions on that.

8 THE COURT: Anything other than those? Photographs or
9 no? Just the videos?

10 MR. PESCI: Yes, photographs but it's also videos.

11 THE COURT: Okay.

12 MS. OVERLY: Correct.

13 THE COURT: All right. So yeah, just get together on
14 those things and if I need to rule on anything, let me know. And
15 then we'll see you -- well about 8 -- yeah, we can open up the court
16 about 8:30, so you can get in here.

17 MR. HELMICK: Okay, good.

18 THE COURT: And get everything set up and make sure
19 your equipment's working and then we'll get started.

20 MR. HELMICK: Thanks.

21 MR. PESCI: And I'm going to try to figure out, as far as
22 my testimony on Thursday.

23 THE COURT: Oh yeah.

24 MR. PESCI: Because I don't know what Judge Bluth's
25 calendar is, as far as like -- her calendar starts at 9:00, so I don't

1 think she's getting the testimony in.

2 THE COURT: Well you're in luck because I have some pull
3 with her because she calls me literally every day for something. So
4 just let me know when the best time to do it and I'll ask her to do it
5 then.

6 MR. PESCI: Well I'll do it up and until you need me here.
7 So whatever works for her schedule. Whenever she's going to let
8 that in. But I don't know whether she can do a hearing in the
9 middle of a regular calendar.

10 THE COURT: Yeah. I'll find out.

11 MR. PESCI: Okay.

12 THE COURT: Okay. Thank you.

13 MR. YAMPOLSKY: Thank you.

14 [Evening recess at 4:25 p.m.]

15 * * * * *

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

24 

25 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

WEDNESDAY, JULY 31, 2019

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 3

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