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7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 JAIDEN CARUSO,)

9 Appellant,)

Case No. 80361

10 vs.)

11 THE STATE OF NEVADA,)

12 Respondent.)

13
14 APPELLANT'S APPENDIX VOLUME IV

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17 **MACE J. YAMPOLSKY, ESQ.**
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District Attorney

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Attorney General for the State of Nevada

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JAIDEN CARUSO

ATTORNEYS FOR RESPONDENT
THE STATE OF NEVADA

ALPHABETIC APPENDIX FOR APPELLANT'S APPENDIX

| <u>DOCUMENT</u> | <u>VOLUME</u> | <u>PAGE NOS.</u> |
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| Defendant Harlan's Motion to Sever or in the Alternative Motion to Deem Statements of the Co-Defendant Inadmissible filed April 8, 2019 | I | 0001-0013 |
| Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; In the Alternative Motion for a New Trial filed August 28, 2019 | I | 0014-0015 |
| Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Sever or in the Alternative Motion to Deem Statements of the Co-Defendant Inadmissible filed April 22, 2019 | I | 0016-0017 |
| Defendant Jaiden Caruso's Supplemental Points and Authorities in Support of His Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; In the Alternative Motion for a New Trial filed September 12, 2019 | I | 0018-0033 |
| Information filed July 17, 2018 | I | 0034-0037 |
| Judgment of Conviction filed December 12, 2019 | I | 0038-0039 |
| Notice of Appeal filed January 2, 2020 | I | 0040-0041 |
| Notice of Motion to Place on Calendar to Set Aside Guilty Verdict as to Counts One and Two; In the Alternative Motion for a New Trial and to Request Additional Time for Supplemental Briefing filed August 13, 2019 | I | 0042-0046 |
| Notice of Non-Filed Plea Agreements of Jaiden Caruso and Kody Harlan filed May 27, 2020 | I | 0046A-0046W |
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| Recorder's Transcript of Hearing Re: Status Check; Negotiations filed June 4, 2020 | I | 0087A-0087G |
| Reporter's Transcript of Preliminary Hearing before the Honorable Samuel G. Bateman filed July 30, 2018 | II | 0088-0303 |
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| State's Opposition to Defendant's Motion to Set Aside Jury Verdict as to Counts One and Two; or in the Alternative, Motion for New Trial and Supplemental Briefing filed August 20, 2019 | III | 0443-0460 |
| State's Return to Writ of Habeas Corpus filed September 11, 2018 | III | 0461-0472 |
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DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JAIDEN CARUSO &
KODY HARLAN,

Defendants.

CASE NOS. C-18-333318-1
C-18-333318-2

DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON,
DISTRICT COURT JUDGE

MONDAY, JULY 29, 2019

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 1

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

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Las Vegas, Nevada, Monday, July 29, 2019

[Trial began at 10:11 a.m.]

[Outside the presence of the prospective jury]

THE COURT: Okay. We'll be on the record in 333318. Mr. Harlan, Mr. Caruso, their Counsel are present, States' Counsel is present.

What do we have before we get our jurors up here?

MR. PESCI: So, Judge, Giancarlo Pesci on behalf of the State. I don't see the victim's family quite yet, so we don't have any family members in here yet. I'm not sure the individuals who are here, who they're with.

THE COURT: Okay. So who are all these folks?

UNKNOWN SPEAKER: We're all with Caruso, Your Honor.

MR. PESCI: Okay.

THE COURT: Okay. I thought we didn't have family members. That's what we just went through.

MR. YAMPOLSKY: We don't, Your Honor.

THE COURT: Okay. Well they just said they're with Mr. Caruso.

MR. HELMICK: Mace.

THE COURT: Mace?

MR. YAMPOLSKY: What?

THE COURT: They just said they're with Mr. Caruso.

MR. YAMPOLSKY: Oh. I asked him, he said no.

1 THE COURT: Okay. So I'll tell you what, I need you guys
2 to step outside right now because I'm going to have to figure out
3 where I'm going to put all my jurors, okay? So why don't you guys
4 step outside.

5 MR. PESCI: And while that's happening, Your Honor,
6 we're checking to see about the victim's family, to see if they're
7 outside for that equation, figuring out seats.

8 UNKNOWN SPEAKER: Yeah, they told us to come on in.

9 MR. YAMPOLSKY: No, that's fine. It's just for seating
10 purposes. You didn't do anything wrong.

11 UNKNOWN SPEAKER: Okay.

12 THE COURT: Okay. So let me think about the whole
13 family thing for a second.

14 But what else do we have before we get started with our
15 jury?

16 MR. PESCI: So there's a few other things, Judge. There's
17 some fingerprint reports that I provided via e-mail on Friday.

18 THE COURT: Okay.

19 MR. PESCI: I asked Defense -- Counsel asked me about
20 the pending reports a while back, so I asked the homicide detective.
21 He indicated there were not any DNA or fingerprint reports. Come
22 to find out, apparently there are fingerprint reports.

23 THE COURT: Okay.

24 MR. PESCI: So on Friday, those were sent to us and then
25 we immediately sent them off to the Defense. Those -- there are

1 two reports that we received. What I'm told is that there's a third
2 report; that one of the two that has been sent is kind of a precursor
3 to the third.

4 The status is that the reviewers -- or the technical
5 reviewers hadn't signed off on it, so they've been sitting there for a
6 long time and not done, so I wanted to make a record of that.
7 Obviously, we understand that that's late but we wanted to get that
8 to them as soon as possible. So they have two of the three; we're
9 hoping to get the third today.

10 THE COURT: Okay.

11 MR. PESCI: Secondly, there is a witness in this case
12 named Traceo, T-R-A-C-E-O, Meadows, common spelling last name,
13 who is a juvenile, who has been charged in relation to these events;
14 not in the murder itself, but for cleaning up or moving the body
15 afterwards.

16 THE COURT: Okay.

17 MR. PESCI: But it was handled in the juvenile justice
18 system. A negotiation was reached, as I understand it, with our
19 Juvenile Division, to stay the charges associated with this case
20 because Traceo has other juvenile charges. So there's an
21 agreement to testify that is associated with that deal that was
22 worked out.

23 When I met with the witness and his attorney, I think it
24 was on Thursday, the attorney told me that -- because I did have a
25 copy of the Agreement to Testify, so I wanted to get a copy of it.

1 And he said well that's actually under seal with the Juvenile Court
2 and we have to petition the court to get any records from Juvenile
3 Court.

4 THE COURT: Okay.

5 MR. PESCI: So the very next day, because that was late
6 Thursday afternoon, we asked our Juvenile Division to do that and
7 then later that day we got a copy of the Agreement to Testify and
8 immediately sent it over to Defense Counsel, so they have a copy of
9 that.

10 We obviously don't need to get into it now but at some
11 point prior to that witness, I think we need to have a ruling by the
12 Court as far as what can and cannot be gone into with that witness.
13 The State's position is that clearly the fact that he's on probation
14 and he has an Agreement to Testify, it is appropriate.

15 THE COURT: Okay.

16 MR. PESCI: But as far as his other juvenile history, it's
17 technically not a conviction because they're adjudications, not
18 convictions --

19 THE COURT: Okay.

20 MR. PESCI: -- and so I don't think it's appropriate under
21 the statute but obviously we don't have to decide that now, but I
22 wanted to put it on your radar.

23 THE COURT: Okay.

24 MR. PESCI: Lastly --

25 THE COURT: What was he on probation for?

1 MR. PESCI: I don't recall, I apologize. And in fact his
2 attorneys did not remember offhand and he, the attorney, was
3 going to need to go through his records.

4 MR. YAMPOLSKY: And who was the attorney?

5 MR. PESCI: JD Evans.

6 THE COURT: So was his probation some part of the
7 negotiation to stay adjudication for his accessory charges and --

8 MR. PESCI: As I understand it, yes.

9 THE COURT: Okay.

10 MR. PESCI: His other charges, he pled on those; he got
11 sentenced on those other charges.

12 THE COURT: Okay.

13 MR. PESCI: The accessory is stayed --

14 THE COURT: Okay.

15 MR. PESCI: -- kind of held in advance pending him
16 pleading, so.

17 THE COURT: So it's kind of a global thing for some
18 current things that he's on probation for and the staying of this, and
19 an agreement to testify?

20 MR. PESCI: Correct.

21 THE COURT: Okay.

22 MR. PESCI: So I -- you know, State's position is I think it is
23 appropriate that if he's on probation, that he has an agreement to
24 testify, I just -- I honestly also don't know the particulars of his other
25 cases, I only them tied to this case.

1 THE COURT: Okay.

2 MR. PESCI: So I don't have any records in that regard,
3 and I don't think I can get them without a court order from juvie.

4 THE COURT: Okay.

5 MR. PESCI: Lastly, we announced already, we said 25 to
6 30 witnesses. We've tried to pare it down. In that regard we have
7 Snapchat, a representative from Snapchat coming in from out of
8 state. But we wanted to bring it up with Defense Counsel and see
9 what their position is -- because we have the authentication
10 paperwork, our intent is to utilize that as a business record.

11 But as far as people actually asking specifics about
12 Snapchat, what they're telling us -- Snapchat, their Counsel in New
13 York City is that they don't answer those questions.

14 THE COURT: Okay.

15 MR. PESCI: They don't get into specifics about well this is
16 a reply to a chat that got sent. They can do very basics as far as
17 when it was sent --

18 THE COURT: Okay.

19 MR. PESCI: -- but not that. So I -- we're trying to ask in
20 essence what their position is as far as whether they're looking for a
21 representative from Snapchat because our intent is to just introduce
22 here is the Snapchat information as far as the account --

23 THE COURT: Okay.

24 MR. PESCI: -- and then they, Snapchat, already
25 authenticated, which Defense Counsel has, business records that

1 these are the videos and photographs associated with this
2 particular account.

3 THE COURT: Okay. All right.

4 Okay. So let's start with the fingerprint reports from the
5 Defense standpoint.

6 MR. HELMICK: Yes. I mean, we received -- everything's
7 accurate that Mr. Pesci said.

8 THE COURT: Okay. And I get that the first two were, I
9 mean, just kind of vanilla in terms of what they have and then the
10 third one is the one that's actually going to have some substantive
11 information in it, which you understand to be inculpatory as to --

12 MR. PESCI: As to Mr. Caruso.

13 THE COURT: As to Mr. Caruso, okay.

14 MR. PESCI: So the information that I have, which is not a
15 finalized report, which is why they won't give it to me. I haven't
16 seen it.

17 THE COURT: Okay.

18 MR. PESCI: I literally don't have it because it's not
19 finalized. Is that I believe they've said that there's a nozzle of a
20 kitchen sink spray --

21 THE COURT: Okay.

22 MR. PESCI: -- that has Mr. Caruso's fingerprints on it.

23 THE COURT: Okay.

24 MR. PESCI: And I've indicated that, you know, we've got
25 video already so, you know, to me it's nothing earth shattering,

1 right?

2 THE COURT: And you're not seeking to use anything
3 about that fingerprint since you don't even have any reports yet.

4 MR. PESCI: Correct. I don't think I --

5 THE COURT: Okay.

6 MR. PESCI: -- can, but --

7 THE COURT: Okay.

8 MR. PESCI: -- they obviously have a right to know about
9 it.

10 THE COURT: Sure.

11 MR. PESCI: And as soon as I get the finalized one, I'll get
12 it to them. However, even though I'm not seeking to, we are going
13 to object if there's some sort of argument made in the -- you know,
14 contrary to those facts --

15 THE COURT: Okay.

16 MR. PESCI: -- that are established in those reports.

17 THE COURT: Okay.

18 MR. PESCI: And so --

19 THE COURT: All right.

20 MR. PESCI: -- as soon as I get them.

21 The other thing I was told is that the spray can -- because I
22 know that Counsel is curious about the spray can, I believe it's
23 inconclusive as far as fingerprints.

24 THE COURT: Spray like a paint can?

25 MR. PESCI: Yes, spray paint.

1 THE COURT: Okay.

2 MR. PESCI: But that's just them relaying to me over the
3 phone without me seeing the report.

4 THE COURT: Okay. All right.

5 MR. PESCI: And now I've been updated there are seven
6 people from Mr. Minkler's family. They've also indicated they're
7 very willing to accommodate whatever the Court says to who can
8 or cannot be in here.

9 THE COURT: Okay. Thank you.

10 MR. PESCI: Thank you.

11 THE COURT: All right. Ryan?

12 MR. HELMICK: In regard to the Snapchat stuff, I don't
13 have any objection with what I -- with what Mr. Pesci appears to be
14 proposing. I mean, I think --

15 THE COURT: Which is to introduce the documents --

16 MR. HELMICK: Right.

17 THE COURT: -- with the authentication papers without
18 bringing in a witness from out of state.

19 MR. HELMICK: Yeah, I'm okay with that.

20 THE COURT: All right. Mr. Yampolsky.

21 MR. YAMPOLSKY: I don't have a problem with that either.

22 THE COURT: Okay. So --

23 MR. PESCI: Based on that then I'm going to tell the
24 representative that they don't have to bring somebody out.

25 THE COURT: Okay. So the Snapchat information, the

1 documents, and authentication will be admitted without the need
2 for the out of state witness.

3 And then as to Mr. Meadows, the juvenile, I would agree --
4 I mean, this is just my impression from what I'm hearing right now
5 but I'll listen to whatever argument, if anybody needs time to think
6 about it.

7 But I would agree that anything that was involved in his
8 negotiation that involved this case and agreement to testify is
9 appropriate for questioning on cross-examination. So if he had,
10 you know, five juvenile charges and these were dismissed and he
11 pled to this one and he got put on probation and he agrees to
12 testify and the accessory gets stayed or whatever, all of that is open
13 for inquiry.

14 If he has a prior juvenile record prior to that, I agree that
15 yes, those aren't convictions because they're juvenile issues. And
16 absent some showing of something really particular and special,
17 that would not normally be admissible.

18 MR. YAMPOLSKY: Your Honor, just -- and I don't know
19 what the convictions are; however, if they involve moral turpitude, I
20 would ask to go into it.

21 THE COURT: Well that's what we were going to get to is
22 somebody needs to ascertain that record and get it for me. Now
23 maybe Mr. Evans has it, maybe not. Maybe you guys need to do an
24 order to get that for me to look at *en camera*.

25 MR. PESCI: We'll try to do that.

1 THE COURT: Okay. All right.
2 Anything further from any of the parties before we get
3 started?

4 MR. HELMICK: No, Your Honor.

5 MR. PESCI: Not from the State, Your Honor.

6 MR. YAMPOLSKY: No, Your Honor.

7 THE COURT: Okay. All right. So I think there are five
8 people that had come in the courtroom for Mr. Caruso and you're
9 saying you have seven potentially for --

10 MS. OVERLY: Yes, Your Honor, I believe one of them is
11 an advocate out of Henderson as well, so they indicated that they
12 were fine with switching out seats with only limiting it to two or
13 four people, whatever the Court's pleasure.

14 THE COURT: Okay. Then probably what I'll go ahead and
15 do is just limit it to four people on each side because I have to be
16 able to, you know, balance the family's interest and having some
17 family members here to watch, which I understand. And I don't
18 think case law says -- I just have to open the courtroom to 30
19 supporters and therefore not be able to pick a jury. They have to -- I
20 think even the Supreme Court would recognize in terms of allowing
21 public access on parties to be balanced with the need to get my
22 jurors in here.

23 So even though we were going to bring in 65, which takes
24 up the whole courtroom, we'll go back to what we were saying
25 earlier now. So we're going to bring in 54, and we'll leave each of

1 the back rows for family members. So if you guys will switch over
2 to that side.

3 MR. YAMPOLSKY: Your --

4 THE COURT: Yeah, go ahead.

5 MR. YAMPOLSKY: You'd previously said 57.

6 THE COURT: Yeah, because I was thinking we would have
7 more room. But now that I'm going to need to get eight family
8 members in here, I need to kind of back it back down to 54.

9 So it'll be 24 over here and then the first two rows behind
10 the prosecution table is about 16, so that's 40. And then the first
11 two rows over here is 14, so that'll be 54. And then the back row on
12 my right will be family members for Mr. Minkler. Back row on the
13 left will be Mr. Caruso's family members.

14 MR. PESCI: Judge, can I make a suggestion.

15 THE COURT: Okay.

16 MR. PESCI: Would it be okay with Your Honor, if for both
17 sides the four seats are rotatable --

18 THE COURT: Sure.

19 MR. PESCI: -- within the families.

20 THE COURT: Yeah.

21 MR. PESCI: So that way -- their families are going to be
22 told everybody can be in here, just not at the same, so that no one
23 later on can even argue that anybody was --

24 THE COURT: Actually --

25 MR. PESCI: -- excluded.

1 THE COURT: -- we can do this. I mean, I got enough seats
2 now. So all five of Mr. Caruso's can sit in the very back row. And it
3 looks like we should have seven that can sit over here if they went
4 to on that side as well.

5 What I need you to make sure you do, if you would, on --
6 Mr. Yampolsky and Mr. Pesci and then I'll ask the marshal as well,
7 to let them know there's going to be jurors sitting right in front of
8 them. And if I get any inkling that anybody's conversing loudly or
9 saying things and causing a problem, then not only are they going
10 to be kicked out for trial but they're going to be looking at sanctions
11 from the Court, okay?

12 MR. PESCI: We've spoken to them and we will again, with
13 your permission, please?

14 THE COURT: Okay.

15 MR. PESCI: And then can I tell that seven, in case some
16 more comes that they got to rotate through that seven?

17 THE COURT: Yeah, yeah.

18 MR. PESCI: Perfect.

19 THE COURT: We'll leave those seven seats and those 1, 2,
20 3, 4, 5, 6, 7 over here, so people can come -- I mean, if some of
21 them want to leave and some others want to take their place, that's
22 fine, I just got seven and seven.

23 MR. PESCI: And then if someone comes for Mr. Harlan,
24 we can work with those seats as well, Your Honor.

25 THE COURT: Yeah.

1 MR. PESCI: Okay. Thank you.

2 THE COURT: Okay. All right.

3 MR. PESCI: Is it okay if we go talk to them?

4 THE COURT: Yeah, please.

5 And then you go ahead and go get our jurors.

6 THE MARSHAL: Yes, Your Honor.

7 THE COURT: 54. Thank you.

8 [Pause in Proceedings]

9 [Bench conference transcribed as follows.]

10 THE COURT: So are they pursuing penalty phase or
11 waiving penalty phase?

12 MR. YAMPOLSKY: No, we're going to waive -- we're
13 going to have you do it.

14 THE COURT: Okay. Have you guys --

15 MR. HELMICK: Waive.

16 THE COURT: -- signed off on the forms or anything.

17 MR. YAMPOLSKY: I may have --

18 MR. HELMICK: No, we have not, but he might have a
19 copy, Giancarlo.

20 MR. YAMPOLSKY: Yeah.

21 THE COURT: Okay.

22 MR. YAMPOLSKY: But we talked -- I mean, I got an e-mail
23 over the weekend and said I thought I told you but yeah, I talked to
24 my guy --

25 THE COURT: Okay.

1 MR. YAMPOLSKY: -- and we're fine about that.

2 MR. HELMICK: We just got to sign it and give it to you.

3 THE COURT: Yeah. I'll see -- I may have the form but if
4 not, I'm sure he does --

5 MR. HELMICK: Okay.

6 THE COURT: So I'll get it. I just wanted to make sure I
7 wasn't talking to the jury about it.

8 [End of bench conference.]

9 [Pause in proceedings]

10 THE COURT: Okay. So while we're waiting for our jurors
11 to get up here, we will be back on the record. I do have now a
12 signed stipulation order that has been signed off on by Mr.
13 Yampolsky, Mr. Helmick, and Mr. Pesci, as well as Mr. Caruso, and
14 Mr. Harlan, is that correct?

15 MR. PESCI: Yes, Your Honor.

16 MR. HELMICK: Yes, Your Honor.

17 MR. YAMPOLSKY: Yes, Your Honor.

18 THE COURT: Okay. And I know this has been in
19 discussion for some time before just this morning, but the order is
20 being filed this morning. But my understanding, gentlemen, is that
21 you've all had a conversation with your attorneys about your right
22 to proceed to a penalty phase, should you be convicted of first-
23 degree murder, versus having the Court sit in judgment of the
24 penalty instead of the jury, is that correct, Mr. Harlan?

25 DEFENDANT HARLAN: Yes, Your Honor.

1 THE COURT: And Mr. Caruso?

2 DEFENDANT CARUSO: Yes, Your Honor.

3 THE COURT: And do you feel like you've had ample
4 opportunity to have those discussions with your attorney so that
5 you understand the wisdom of those two options, Mr. Harlan?

6 DEFENDANT HARLAN: Yes, Your Honor.

7 THE COURT: Mr. Caruso?

8 DEFENDANT CARUSO: Yes, Your Honor.

9 THE COURT: And is it correct that you've signed off on
10 this document waiving your right to the penalty phase hearing and
11 instead having the Court sit in judgment, should you be convicted
12 of first-degree murder, Mr. Harlan?

13 DEFENDANT HARLAN: Yes, Your Honor.

14 THE COURT: Mr. Caruso?

15 DEFENDANT CARUSO: Correct.

16 THE COURT: Okay. And you understand that, at least
17 pursuant to the stipulation and order that I have, that it just lists that
18 should you be convicted of first-degree murder, you're agreeing to
19 waive the penalty hearing before the jury and instead have the
20 Court sit in judgment of your sentence. There is no guarantee as to
21 what that sentence will be, you understand that?

22 DEFENDANT HARLAN: Yes, Your Honor.

23 DEFENDANT CARUSO: Yes.

24 THE COURT: Okay. All right. We will go ahead and have
25 that filed with the Court this morning.

1 MR. PESCI: And Judge, I've e-mailed Mr. Evans, Mr.
2 Meadow's attorney and Ravi Bawa from our Juvie Department,
3 trying to figure out how we can get the records for an *en camera*
4 review.

5 THE COURT: Yeah, I honestly don't know the answer to
6 that because I've never had to deal with that before.

7 MR. PESCI: Me neither, but I'm trying.

8 MR. HELMICK: Well I just did that last week and -- or two
9 weeks with Leavitt for a trial and I literally just did what Your Honor
10 said. I talked to the -- I called the Judge's JEA --

11 THE COURT: Okay.

12 MR. HELMICK: -- and I sent over --

13 THE COURT:

14 MR. HELMICK: I asked him to release the order *en camera*
15 for *en camera* review and they did it within hours.

16 THE COURT: Okay.

17 MR. HELMICK: Yeah.

18 THE COURT: So why don't you just have your JEA -- or
19 your secretary do that as well. Go ahead and prepare an order and
20 we'll see if that works.

21 MR. PESCI: All right.

22 THE COURT: That just says that you're asking for the
23 juvenile record of such and such to be released to the Court for *en*
24 *camera* review, that he's going to be a witness in a trial and that
25 part of his juvenile record is subject to testimony in the trial.

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MR. PESCI: Working on it now.

[Pause in proceedings]

[In the presence of the prospective jury]

THE MARSHAL: Jurors are present.

THE COURT: Okay. So hold on, what'd you just do there?
Officer?

THE MARSHAL: Yes, sir?

THE COURT: Who just ended up at the very end, seated
over here on the right?

THE MARSHAL: I'm sorry, a miscalculation on my part.
Those are the last two on the list.

THE COURT: Okay. Then I got to have you get
everybody -- there's a reason we have to have them all in that
order, so we know where everybody is in our kind of tracking, so --

THE MARSHAL: Yes, sir.

THE COURT: -- you're going to have to figure it out.

THE MARSHAL: Certainly.

THE COURT: So the 32nd juror at the end of that row
should be Ms. Kim, Badge Number 503.

THE MARSHAL: It's corrected, sir.

THE COURT: Okay. Thank you.

All right. Good morning, Ladies and Gentlemen, how are
you doing?

THE PROSPECTIVE JURORS: [Various responses].

THE COURT: Everybody's excited to be here for jury duty,

1 correct?

2 Yeah, come on, you got to give me a little something.
3 How many of you are actually excited to be here and be honest?
4 You're not under oath yet, but -- all right, I got a few people, thank
5 you.

6 So look, I know jury duty is an inconvenience. We're
7 going to try and get you through this process as efficiently as we
8 can while still maintaining fairness to all the parties involved, okay,
9 I promise you that. That's kind of the bulk of my job is to make sure
10 that we work as little an inconvenience on you and your time as we
11 can, okay?

12 My name is Douglas Herndon, I'm the presiding judge
13 here in Department III of the Eighth Judicial District Court. You all
14 have been summonsed here for what I will tell you is going to be a
15 criminal jury trial. In the moment I'm going to have the attorneys
16 introduce themselves to you. They'll tell you a little bit about what
17 the case is about. Not in terms of an opening statement, just kind
18 of what the charges are, when it's alleged to have occurred, things
19 like that. They'll also speak to you about potential witnesses and
20 thereafter we'll get into getting a jury selected, okay?

21 I cannot promise you that we're going to finish the
22 process of jury selection today. It might be that it rolls into to
23 tomorrow a little bit. But as soon as you get done with the jury
24 process and we get 14 people seated, we will immediately roll into
25 opening statements and the presentation of evidence.

1 So it's not like we pick a jury and you come back a couple
2 of weeks later or something for a trial, okay? Everything kind of
3 gets started here today.

4 How many of you have ever been jurors before? And I
5 mean, actually were selected and heard a trial?

6 How many of you have gone through this process, but
7 you were never selected as a juror?

8 A few more.

9 Okay. So we got a lot of folks that have never been to jury
10 service before so welcome. Before I have the attorneys introduce
11 themselves, I'm going to familiarize you a little bit with who
12 everybody is in the courtroom, so you kind of understand.

13 The attorneys obviously and the parties sit at the tables
14 down here in the -- what we call the well of the courtroom. So the
15 Prosecution table is over closest to the jury box. The Defense table
16 is closest over here to my left with the attorneys and the two
17 Defendants in our case, Mr. Caruso and Mr. Harlan.

18 There are going to be other people that come in the
19 courtroom throughout the trial, people that are just interested in
20 watching the trial. Generally those folks sit in the back of the
21 courtroom in those two rows. During the process of jury selection
22 since we have so many folks in here for jury selection. And then
23 once we get started with the trial, those people will kind of be able
24 to sit wherever they want, okay?

25 Immediately to my left is Kory. Kory is my court clerk. So

1 she's kind of in charge of keeping track of everything that's going
2 on in any proceeding we have on every day and synthesizing all
3 that information down into what we call the Minutes of the Court so
4 if you are really bored and you want to go online and look at what
5 I'm doing every day, you can find out what's going on in all my
6 cases, what decisions have been reached, what cases are in trial, et
7 cetera.

8 Additionally, she'll administer the oath to you all before
9 you answer any questions, does the same thing with witnesses,
10 keeps track of all the exhibits that are introduced during
11 proceedings, and a whole host of other things that I honestly can't
12 keep track of.

13 Seated a little further to my left is Jill. Jill is the court
14 recorder. So we don't do as much typing, the old-fashioned court
15 reporting anymore, we have an audio/video system. There's
16 cameras kind of up here in the soffits of the courtroom. They don't
17 film you all, they're really for filming the attorneys, myself, or
18 witnesses when they're testifying, but they will pick up your voices
19 while we're doing jury selection.

20 There's also some microphones. Unfortunately, the
21 microphones all are not strategically located or strong enough to
22 pick up all your voices when we're doing jury selection. So there's
23 going to be times where we're having you all pass the microphone
24 around when you're asked to answer certain questions. I know it
25 sounds like a pain in the butt, but you'll get used to it kind of

1 quickly, I promise.

2 You've already had some contact with the marshal. We
3 have a variety of marshals that you're going to see in the courtroom
4 during the course of a trial. All of the marshals collectively in the
5 building are responsible for everything collectively. Whether it's
6 getting you all through the metal detectors in the morning,
7 facilitating your movement around the building, taking charge of a
8 jury when they're deliberating, helping answer questions, concerns
9 that you have that come up during the course of your time with us.

10 So you can always talk to the marshals. You can't talk
11 about the case with them, but you can always talk to them, unlike
12 everybody else. The attorneys, the witnesses, parties, they're all
13 prohibited from having any kind of communication with you
14 outside the courtroom, so please do not try and talk to them. Even
15 to just say hello in the morning, how are you doing?

16 If they're doing their job, they'll kind of avoid you, maybe
17 smile politely, but they cannot talk to you because they do not want
18 to be in violation of any of their ethical obligations, or be accused of
19 trying to kind of schmooze with jurors or win favors with jurors,
20 anything like that, okay? So please, don't try and talk to them, even
21 if you see them on the elevators or anything else.

22 And know that you can always talk to the marshals if
23 you're trying to figure out where to go to lunch, where to park, I
24 need a letter for my employer, whatever it may be, you can always
25 chat with those folks, okay?

1 Finally, I have an executive assistant Sara and a law clerk,
2 Jackie. You may see them kind of pop in and out of court on
3 occasion as well. They're primarily involved, once we get a jury to
4 deliberations, to help take charge of the jury at that time, okay?

5 And with that I'm going to turn over first to the State to
6 give them an opportunity to introduce themselves to you. And as I
7 said, please listen closely to what the parties have to say when
8 they're telling you a little bit about the case and the witnesses
9 because some of what I'm going to chat with you about, once we
10 start talking, is trying to find out if any of you think you knowing
11 anything about the case or anybody involved in it, okay?

12 On behalf of the State, Ms. Overly.

13 **MS. OVERLY:** Hi, everyone. I'll stand over here so I can
14 see everyone.

15 My name is Sarah Overly and I'm a Deputy District
16 Attorney here at the Clark County District Attorney's Office. And my
17 Co-Counsel here is Chief Deputy District Attorney Giancarlo
18 Pesci and we are here to present to you the case of State of Nevada
19 versus Jaiden Caruso and Kody Harlan.

20 The Defendants in this case are charged with one count of
21 murder with use of a deadly weapon and robbery with use of a
22 deadly weapon. Additionally, the Defendant Kody Harlan is also
23 charged with one count of accessory to murder with use of a deadly
24 weapon.

25 The State intends to prove beyond a reasonable doubt

1 that on June 8th of 2018, the Defendants conspired together to rob
2 Matthew Minkler at a residence located at 2736 Cool Lilac Avenue,
3 here in Henderson, Nevada. And that Jaiden Caruso on that day
4 shot and killed Matthew Minkler, that Kody Harlan assisted Caruso
5 in cleaning up the evidence of that murder and that both Caruso
6 and Harlan then stole money from Matthew Minkler and used it to
7 purchase items later that day.

8 Now the following are a list of witnesses that the State
9 may or may not call throughout trial so please let us know if you
10 recognize or are familiar with any of the names. Kymani
11 Thompson, Alaric Oliver, Ann Higgins, Joseph Troiano, Ghunnar
12 Methvin, Traceo Meadows, Nathaniel Planells, Rexvin Mbogo,
13 Kristin Prentiss, Shannon McGrew [phonetic], Charleston Osurman,
14 Jacy Freshour, Patrick Stauffenberg, Angelina Knox, Somridee
15 McCaffrey, Clark County Coroner Investigator Nancy Dahl, Medical
16 Examiner Chiara Mancini, and Leonardo Vaccaro. Firearms
17 Examiner Cathy Geil and Clark County DA Investigator Jamie
18 Honaker.

19 Additionally, the following witnesses are employed by the
20 Henderson Police Department. Detective Wayne Nichols, Nathan
21 Calvano, Karl Lippisch, Michael Condratovich, Jared Spangler,
22 Joseph Ebert, Analyst Jay Hornback, Newbold, P. Farrell, Officer
23 Amezcua, Officer Mancuso, Kevin Lapear, Officer Katherine
24 Cochran, Officer Creado [phonetic], Officer Johnny Flewellen,
25 Officer Nicholas Tafix [phonetic], and Officer Gregory Francis.

1 And that is all the witnesses that the State anticipates
2 calling. Thank you.

3 THE COURT: Thank you.

4 On behalf of Mr. Caruso, Mr. Yampolsky.

5 MR. YAMPOLSKY: Good morning, my name is Mace
6 Yampolsky. This is my client Jaiden Caruso. This is Marina
7 Alvarez, she works with me. Also Jason Margolis is my partner. He
8 will pop in and out depending on what the situation is. And also I
9 have a Kaitlyn Stella and Teresa Musgay [phonetic] who are
10 working with me. And our position is that the State will not prove
11 beyond a reasonable doubt that a murder occurred or that a
12 robbery occurred. Thank you.

13 THE COURT: Thank you.

14 Mr. Helmick, on behalf of Mr. Harlan.

15 MR. HELMICK: Good morning, everybody, my name is
16 Ryan Helmick, I represent Kody Harlan. I have an associate whose
17 name is Haley Bennett, you may see her pop in and out of the
18 courtroom from time to time. I have one defense witness; his name
19 is Alan Donelson -- Dr. Alan Donelson. And we look forward to
20 proving these allegations false in this case. Thank you.

21 THE COURT: Thank you. Okay. Folks, what we're going
22 to do is call the roll of our jurors to make sure we have everybody
23 that we're supposed to have. So if you just hear your name, if you
24 would just answer present or here for me, please. Thank you.

25 [The Clerk calls the roll of prospective jurors]

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

3 See no hands, thank you.

4 So you all can remain seated but if you would raise your
5 right hand for me, we're going to get you sworn in before we start
6 asking some questions.

7 [The Clerk swears in the prospective jury panel]

8 THE COURT: Anybody any more excited about being here
9 yet?

10 PROSPECTIVE JUROR NUMBER 551: I'm getting excited
11 now.

12 THE COURT: All right. Good, thank you.

13 Okay. I'm going to keep asking that question.

14 Eventually there's going to be 14 of you here and you're
15 going to have to be excited, right?

16 Okay. Primarily for those of you that have never done this
17 process before, a couple of things before I start asking any
18 questions. A, Let me kind of give you the outline of how it'll
19 happen. I have some questions that I'm going to pose, they kind of
20 going to everybody. And then once I get through those, I'm going
21 to focus on the first 32 of you, which are the 24 of you all seated
22 here to my right and the first row of folks seated over here behind
23 the pony wall there.

24 That's because I need 32 people what we call passed for
25 cause, which just means me, the attorneys, we've all had a chance

1 to question you. You can be fair, open-minded, impartial for both
2 sides. And then it's that group of 32 from which the attorneys will
3 choose the 14 that are going to hear our trial. And so at some point
4 in time, it becomes much more efficient if I just focus on the first 32
5 of you with a bunch of individual questions, than having to go
6 through everybody.

7 If anybody in that group of 32 get excused for any reason,
8 then we bring some other folks from the audience into those seats
9 and kind of keep going, okay?

10 So after I get done with my questions of the first 32, I'll
11 turn it over to the attorneys. First the State will go and then each of
12 the Defendants have the opportunity. And that's just an
13 opportunity for them to question the panel of 32, kind of follow-up
14 on the some of the things that I may have chatted with you about,
15 as well as they'll have some topics, I'm sure that they want to talk to
16 each of you about.

17 The thing about jury selection is there isn't any kind of
18 right or wrong answer to anything we do, right? This is just an
19 opportunity for folks to learn a little bit about you. The information
20 that we get from Jury Services when you come up here -- first off,
21 there's no personal identifying information in here. We don't have
22 social security numbers, driver's license, anything like that. And I
23 get all these when we're done.

24 But it basically just tells us supposedly whether you're
25 employed or not, what zip code you live in, things like that, how old

1 you are. It doesn't really give us any information that would allow
2 attorneys to intelligently figure out if somebody could be fair and
3 impartial in this case or whether they may have some bias or
4 prejudice that would affect them from being fair to both sides so we
5 got to ask some questions.

6 It is not anybody's desire, I can assure you, to pry into
7 your personal or professional lives, unnecessarily, but obviously
8 since we don't know anything about you, we do need to ask some
9 questions and kind of see if there's anything there that could affect
10 your ability to be a fair juror in this particular case, okay? It doesn't
11 mean you're not a good person, it doesn't mean you couldn't be a
12 great juror, it just means maybe there's something in this particular
13 case that might prohibit you from being a fair juror. So we go
14 through this process of asking some questions.

15 And like I said, if at any point in time anybody gets
16 excused in the first 32, we'll bring some other people into those
17 seats and keep going. One of the things I will tell you -- well, I'll
18 hold off on that.

19 So let me go ahead and get started with some of my
20 questions, the first one being -- well actually let me do this first as
21 well. When we answer the questions, and I should have talked
22 about this when I was tell -- introducing you to Jill, the court
23 recorder. Since we can't pick up a lot of voices and we're going to
24 have to be passing that microphone around, part of that process as
25 well is that we need to make sure we're not talking over each other.

1 The questions can get kind of repetitive and so you're
2 going to know where people are going, but please, let us finish the
3 question before you answer it because getting a transcript later on
4 is kind of hard if a bunch of people are talking at once.

5 We ask a lot of questions that can be yes or no type stuff,
6 so if you would answer yes or no, that would be great. Uh-huh and
7 uh-uh doesn't always work real well. And if you're just nodding or
8 shaking your head, I'll probably jump in and say was that a yes or a
9 no because we need an audible answer for the record.

10 And we also need to make sure we identify you so that we
11 know who's speaking. So if I'm asking questions and Mister, do I
12 pronounce it Tombow?

13 PROSPECTIVE JUROR NUMBER 377: Correct.

14 THE COURT: All right. If Mr. Tombow has his hand up, I'll
15 always try and say Mr. Tombow or Mr. Tombow, Badge 377. The
16 badge is just those last three digits on your blue thing there, you
17 don't have to read off the whole thing.

18 If I forget to do that though and you would identify
19 yourself before you answer it; this is Mr. Smith or Ms. Jones,
20 whatever it may be, that would be great. Inevitably we're both
21 going to forget at times, which is okay. So I might just interrupt
22 you at some point to say that was Mr. Tombow, Badge Number
23 377, okay?

24 All right. So is there anybody here who has ever been
25 convicted of a felony?

1 See no hands. Thank you.

2 Is there anybody here who is not a United States citizen?

3 See no hands. Thank you.

4 Is there anybody here who has such a sympathy,
5 prejudice, or bias relating to age, religion, race, gender, or national
6 origin that they feel would affect their ability to be a fair juror?

7 See no hands. Thank you

8 Anybody believe that you know either of the prosecutors,
9 Mr. Pesci or Ms. Overly?

10 See how easy this is, you guys don't got to do anything.
11 I'm doing all the work.

12 Anybody believe you know Mr. Yampolsky or Ms. Alvarez,
13 who's here with him?

14 Mr. Helmick?

15 No hands for any of those.

16 Anybody believe you know or are acquainted with either
17 Mr. Caruso or Mr. Harlan?

18 Yes, ma'am. We're going to go ahead and get you the
19 microphone, okay?

20 It's Badge Number 402. Who is that you think you know,
21 ma'am?

22 PROSPECTIVE JUROR NUMBER 402: Oh no, I just went to
23 high school with them.

24 THE COURT: Okay. One or both?

25 PROSPECTIVE JUROR NUMBER 402: Just one.

1 THE COURT: Okay. And which gentleman?

2 PROSPECTIVE JUROR NUMBER 402: Jaiden and then
3 Matthew.

4 THE COURT: Okay. Can you keep your voice up a little bit
5 or hold that microphone, I was having a little trouble hearing you?

6 PROSPECTIVE JUROR NUMBER 402: It was with Jaiden
7 and Matthew.

8 THE COURT: Okay. Thank you.

9 Anybody else think that you know or are acquainted with
10 either of the two gentlemen, the Defendants, Mr. Harlan or Mr.
11 Caruso?

12 See no more hands.

13 Anybody know or are acquainted with any of the
14 attorneys in the Clark County District Attorney's Office?

15 Yeah, can we get it over here? Thank you.

16 Is that Mr. Esposito?

17 PROSPECTIVE JUROR NUMBER 554: Yes.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 554: I know Michael
20 Scarborough.

21 THE COURT: And you know him how?

22 PROSPECTIVE JUROR NUMBER 554: Went to high
23 school, one of my best friends.

24 THE COURT: Okay. So somebody that you see fairly
25 frequently?

1 PROSPECTIVE JUROR NUMBER 554: Not recently, but
2 yes.

3 THE COURT: Okay. Talk about work kind of stuff or just
4 socialize?

5 PROSPECTIVE JUROR NUMBER 554: Socialize.

6 THE COURT: Okay. Thank you.

7 Anybody else know any of the attorneys in the Clark
8 County District Attorney's Office?

9 Anybody -- and there were no hands on that.

10 Anybody believe you know or are acquainted with any of
11 the other attorneys or support staff that were mentioned by either
12 Mr. Helmick or Mr. Yampolsky in terms of the folks that may come
13 here to court that work with them?

14 See no other hands.

15 Anybody believe you know or are acquainted with any of
16 the witnesses who were spoken to you about by the attorneys?

17 I'm seeing no hands. Thank you.

18 Anybody believe you know or -- anything about the case
19 from what -- the brief synopsis that you were given by the
20 attorneys? You ever heard anything about it?

21 Ms. Gideon? Kind of same thing based on your having
22 gone to high school with some of the folks?

23 PROSPECTIVE JUROR NUMBER 402: [No audible
24 response - nods head yes].

25 THE COURT: Okay. We'll talk about that a little later,

1 okay? Thank you.

2 Anybody else?

3 See no other hands.

4 Our case is expected to last into at least the middle of next
5 week?

6 MR. PESCI: Into the next week, yes, Your Honor.

7 THE COURT: Okay. So I'm going to say it's going to be
8 about -- well middle of next week, late next week, what's your guys'
9 best guesstimate?

10 MR. HELMICK: I don't think any later than Thursday.
11 Wednesday or Thursday.

12 THE COURT: So we're going to say into the latter part of
13 next week. So what I'm going to ask you is if serving that amount
14 of time's going to be an undue burden upon anybody. Before I ask
15 that question though, let me give you a little bit of information. I'll
16 tell you what the court schedule is going to be, so you'll have some
17 understanding of that and then I'll also let you know various things
18 about what happens.

19 The way we work this process here is you guys are my
20 jury here for this trial. If you go through the process with us and
21 you're just not selected, at the end you're not one of the 14, then
22 you're done with jury duty. If I excuse you early for any reason,
23 then the Jury Services may send you out to another panel because
24 we always have other trials going and they need to -- recycle
25 sounds like such a bad word but that's essentially what it is. If

1 you're excused here because you can't serve, then maybe you go to
2 a different department for a trial.

3 This case is probably a little over average in terms of the
4 length of time. Most of our trials right now are about five to seven
5 days, so this one's looking like it might be eight or nine days. I
6 know it's inconvenient to do jury duty, obviously. And I'm not
7 trying to tell you to try and make a guess as to whether I can go
8 somewhere else and get a shorter trial or whether I have to stay
9 here for eight or nine days, that's not what it is.

10 I'm just kind of letting you know if you leave, maybe they
11 send you out somewhere else today, maybe they tell you to come
12 back tomorrow, maybe they tell you to come back next week
13 because you won't have finished jury duty yet.

14 The way the court schedule works is there are a couple of
15 days a week where we can start as early as 9:00. Most days we
16 can't start before 10:30 because all of the courts have calendars in
17 the morning where cases are getting ready for trial and you have to
18 go through all the motion work beforehand, so that takes us until
19 about 10:30, and then we can start up a trial.

20 So tomorrow would be a 10:30 day. Wednesday we could
21 potentially start at 9:00. Thursday would be 10:30 at the earliest, I
22 could tell you. My calendar's a little bigger that day so I'd have to
23 figure that one out. Friday, we can start at 9:00 but we're going to
24 stop at 1:00 because I have to judge a trial advocacy thing for the
25 law school that afternoon, so we'll be dark that afternoon.

1 And then rolling into next week, Monday should be an
2 early day. And then Tuesday, Wednesday, Thursday would all be
3 10:30 at the earliest, okay?

4 Then we always stop by 5:00. I know you got things to do
5 in the evenings and we don't keep jurors, you know, going past
6 5:00, okay? So I know that's kind of a concern is people are
7 balancing their inconveniences that jury duty requires of you.

8 And as I said, kind of when we got started this morning I
9 try as best as I can to make sure if I tell you we're going to be here
10 at a certain time, we're going to get started and get through the
11 process as sufficiently as we can so that you can get back to your
12 lives.

13 Now when I ask the question, inevitably some of you are
14 going to raise your hands because you're going to have a reason
15 that you believe you should be excused and you're going to end up
16 staying some of you. If you're upset about that, you're upset at me,
17 nobody else. I make that decision, okay? So don't get mad at the
18 attorneys or the parties.

19 There's a reason we talk about it as an undue burden and
20 not just it's kind of inconvenient because you're the only person
21 that does your job or you have some other things going on. You all
22 have things going on, I'm sure. You didn't wake up and say I want
23 to go do jury duty today. You've got lives, you've got jobs, you've
24 got childcare issues, I understand all that.

25 So I'll evaluate it all and then we'll keep moving forward.

1 And as I said, if you're upset about it, please just be upset at me,
2 okay? So upon whom would it be an undue burden to serve for the
3 next week and a half with our trial?

4 All right. Let's go ahead and start on the top row, if we
5 could, with Mr. Tombow, Badge Number 377. Yes, sir?

6 PROSPECTIVE JUROR NUMBER 377: I -- my significant
7 other of 24 years passed away two weeks tomorrow and we just
8 laid her to rest on Saturday. I've brought documentation. But I am
9 not of the mind to concentrate and give these folks the fair time that
10 they deserve.

11 THE COURT: Okay. Understood. I'm -- look, I'm sorry to
12 hear that and most people probably just wouldn't have showed up
13 for jury duty, so I appreciate you taking the time to come in anyway,
14 okay?

15 All right. Who else had their hands up on that top row?

16 Why don't you go ahead and pass it, Christopher, if you
17 would, please?

18 Yes, sir. Mr. Cobb, 387.

19 PROSPECTIVE JUROR NUMBER 387: Yes, I have already
20 a trip planned.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NUMBER 387: I have my itinerary
23 as well for my daughter's birthday in California.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 387: It's scheduled for

1 this Sunday, we are to depart.

2 THE COURT: Departing this Sunday?

3 PROSPECTIVE JUROR NUMBER 387: Yes, sir.

4 THE COURT: And when are you returning?

5 PROSPECTIVE JUROR NUMBER 387: Thursday.

6 THE COURT: Got it.

7 PROSPECTIVE JUROR NUMBER 387: Next Thursday.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NUMBER 387: Which I believe is
10 the 7th or the 8th.

11 THE COURT: Okay. Who else on that top row? If you'd
12 keep on passing it down, if you would, please, to Mister -- do I
13 pronounce Mr. Pickop?

14 PROSPECTIVE JUROR NUMBER 403: Yeah, I have sciatica
15 and if I -- if I can't stand up, probably every 15 minutes or so, it
16 really starts to hurt on my left --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 403: -- cheek.

19 THE COURT: And is the walker that you have with you
20 today, sir, is that something that you use kind of permanently or did
21 you just recently have surgery or --

22 PROSPECTIVE JUROR NUMBER 403: Yeah, I had surgery
23 about two months ago.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 403: And yeah, it was

1 back surgery, but this is an ongoing problem.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NUMBER 403: Thank you.

4 THE COURT: How about my middle row?

5 Got some hands.

6 Could you pass it forward for me if you would, please,

7 Henry?

8 Thank you.

9 Yes, Mr. Pereda, Badge --

10 PROSPECTIVE JUROR NUMBER 432: Yes.

11 THE COURT: -- 432.

12 PROSPECTIVE JUROR NUMBER 432: That's me.

13 PROSPECTIVE JUROR NUMBER 432: I'm in the middle of
14 having some heart tests. I already started like two weeks ago with
15 the first one.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 432: I'm scheduled for
18 the second and the third one on Friday, August 9.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 432: Which would take
21 the whole day -- you know, it's a whole day test that I have one after
22 the other and that I would like if possible --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 432: -- being able not to
25 skip that.

1 THE COURT: So serving on that Friday, no good, because
2 you need to be at your doctor that day.

3 PROSPECTIVE JUROR NUMBER 432: Exactly.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 432: Yeah.

6 THE COURT: Any time up to that is okay?

7 PROSPECTIVE JUROR NUMBER 432: After that?

8 THE COURT: Or no, up until then.

9 PROSPECTIVE JUROR NUMBER 432: Up until then, no.

10 THE COURT: Up until then you're good, after that you're
11 good, just you would need to not be in court that day.

12 PROSPECTIVE JUROR NUMBER 432: Friday is that.

13 THE COURT: Okay. Thank you very much.

14 How about anybody else on that row? Could you pass it
15 down and to your right for me, please -- or left, sir? Thank you.

16 All right. Ms. Gebhart.

17 PROSPECTIVE JUROR NUMBER 418: I have an
18 appointment tomorrow to get checked for dyslexia. I've had this
19 appointment for over a month now.

20 THE COURT: This Friday?

21 PROSPECTIVE JUROR NUMBER 418: Tomorrow.

22 THE COURT: Tomorrow, oh I'm sorry. At 10:30?

23 PROSPECTIVE JUROR NUMBER 418: No, it's at 3:00 p.m.

24 THE COURT: Oh, 3:00.

25 Okay. And other than that, you're okay? You just need to

1 make your appointment?

2 PROSPECTIVE JUROR NUMBER 418: Yeah.

3 THE COURT: Got it, thank you.

4 Anybody else?

5 Yes, Mr. Van Dyk, 408.

6 PROSPECTIVE JUROR NUMBER 408: Yes. I have a family
7 vacation, we're flying on Friday and we'll return the following
8 Friday.

9 THE COURT: Okay. You're leaving this Friday?

10 PROSPECTIVE JUROR NUMBER 408: Yes.

11 THE COURT: Okay. Thank you.

12 How about bottom row? Anybody on the bottom row?

13 Yep, Mr. Maier, 433.

14 PROSPECTIVE JUROR NUMBER 433: Yep, in the next
15 couple days I will be moving to a different house.

16 THE COURT: Okay. Thank you.

17 And Ms. Olds, 442.

18 PROSPECTIVE JUROR NUMBER 442: Yes. I -- is this
19 working? Sorry. I'm a self --

20 THE COURT: I think it is.

21 PROSPECTIVE JUROR NUMBER 442: -- employed hair
22 stylist --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 442: -- and I don't believe
25 that I will be able to survive taking nine days without working.

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THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 442: I'm already booked out at least three weeks in advance.

THE COURT: Can you do things in those time periods where we're not in court?

PROSPECTIVE JUROR NUMBER 442: I split my station --

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 442: -- with another hair stylist so my days are booked through and I start at 9:00 and I end at 7:00.

THE COURT: Got it. Okay. Thank you.

Anybody else on that bottom row?

Yeah. All right. Ms. Corral-Estrada, 447.

PROSPECTIVE JUROR NUMBER 447: I have a kid with a special needs so I need to stay with him --

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 447: -- all day and he has appointments every day.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 447: And my English is no very well, so.

THE COURT: Okay. Thank you. Anybody else?

No.

How about in the first row over here?

Hello.

1 PROSPECTIVE JUROR NUMBER 492: Hello.

2 THE COURT: Is that Ms. Evans?

3 PROSPECTIVE JUROR NUMBER 492: Ms. Evans, yes.

4 THE COURT: 492.

5 PROSPECTIVE JUROR NUMBER 492: Yes. Actually the
6 date -- I am scheduled for a surgery on August 13th and I realize
7 that's later than what you're talking about, but I just wanted to have
8 that for the record.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NUMBER 492: A foot surgery.

11 THE COURT: So if we're still in court then, I'm driving you
12 to your surgery appointment, okay?

13 PROSPECTIVE JUROR NUMBER 492: Well somebody
14 maybe.

15 THE COURT: No we -- look, we have to be done before
16 then, okay?

17 PROSPECTIVE JUROR NUMBER 492: Okay. I just
18 wanted -- like I said, for the record.

19 THE COURT: Okay. Thank you very much.

20 Who else on that row?

21 Yep, go ahead.

22 PROSPECTIVE JUROR NUMBER 493: I have my child
23 home alone and I don't have any family here in Vegas.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 493: Her father and I

1 both work different schedules. He works in the morning and I work
2 graveyard, just so we can make sure someone's with her at all
3 times.

4 THE COURT: Okay. And is this Ms. Sepulveda?

5 PROSPECTIVE JUROR NUMBER 493: Yes.

6 THE COURT: And so who's with her today?

7 PROSPECTIVE JUROR NUMBER 493: No one.

8 THE COURT: No one?

9 PROSPECTIVE JUROR NUMBER 493: No.

10 THE COURT: Okay. How old is she?

11 PROSPECTIVE JUROR NUMBER 493: 12.

12 THE COURT: Okay. Thank you.

13 Who else I got?

14 Yep, on the end, Ms. Kim, 503.

15 PROSPECTIVE JUROR NUMBER 503: Hi. So I have
16 English problem and then it's so very hard to understand. So --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 503: It's my problem.

19 THE COURT: All right. That's okay. Hold on, we're going
20 to -- we'll follow that up in a little bit if we need to.

21 How about on the next row behind?

22 Yep. If we could pass that back there.

23 THE MARSHAL: One more in the front.

24 THE COURT: Oh, I'm sorry. Yeah, go ahead.

25 PROSPECTIVE JUROR NUMBER 483: Yes, my --

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THE COURT: Ms. Pacheco.

PROSPECTIVE JUROR NUMBER 483: Yes, Ms. Pacheco.

THE COURT: Badge 483.

PROSPECTIVE JUROR NUMBER 483: Yes, I'm a single woman to work and I don't think my capture in English is very good.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 483: I don't know --

THE COURT: Thank you.

Who do I got behind?

Yeah.

PROSPECTIVE JUROR NUMBER 505: I'm self-employed, Your Honor, and I'm working on several projects right now in the construction industry that are ongoing. My clients are expecting plans to be prepared during these next two weeks and after these two weeks, I leave for a trip to California. So I only have these two weeks to get several projects done.

THE COURT: Okay.

MR. YAMPOLSKY: What juror is that, I'm sorry?

THE COURT: Well I'm getting to that. I didn't want to interrupt.

PROSPECTIVE JUROR NUMBER 505: 505.

THE COURT: That's okay.

Mr. Gutierrez-Sosa.

Okay. So you were saying you have some work issues the

1 next couple of weeks and then you're leaving town for a bit of time.

2 PROSPECTIVE JUROR NUMBER 505: Correct. I'm self-
3 employed and I have several clients waiting on me to turn in some
4 projects --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 505: -- before I leave for
7 California.

8 THE COURT: Okay. Thank you.

9 Who else I got over there?

10 Yep --

11 PROSPECTIVE JUROR NUMBER 506: 5-0 --

12 THE COURT: -- Ms. Huston?

13 PROSPECTIVE JUROR NUMBER 506: Uh-huh. Huston.

14 THE COURT: 506.

15 PROSPECTIVE JUROR NUMBER 506: I don't have any
16 conflicts other -- my son is getting married on August 9th, so I
17 just -- that Friday.

18 THE COURT: Okay. Is he getting married here?

19 PROSPECTIVE JUROR NUMBER 506: In -- at Mount
20 Charleston.

21 THE COURT: Oh, nice. Do you need somebody to do the
22 wedding? I can do weddings as well?

23 PROSPECTIVE JUROR NUMBER 506: I think they are
24 actually still looking for somebody.

25 THE COURT: I might be in court during that time.

1 PROSPECTIVE JUROR NUMBER 506: Yeah, it's at --

2 THE COURT: All right.

3 PROSPECTIVE JUROR NUMBER 506: -- 3:00, so.

4 THE COURT: 3:00?

5 PROSPECTIVE JUROR NUMBER 506: Yes.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR NUMBER 506: On Friday.

8 THE COURT: Okay. Who else I got on that row?

9 PROSPECTIVE JUROR NUMBER 508: Christopher

10 Gspandl --

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR NUMBER 508: -- 508. I have a trip
13 planned to see my elderly mother and stepfather. We were
14 supposed to leave August 8th --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NUMBER 508: -- and then gone for
17 ten days.

18 THE COURT: Thank you.

19 Anybody else on that row?

20 Nope. How about my front row over there?

21 Sorry, Your Honor, I'm -- hello?

22 THE COURT: Yeah.

23 I have two little puppies being delivered to my house
24 tomorrow and I take care of my husband. He's 71 and he's having a
25 hard time breathing and I work three hours a night at a Mexican

1 restaurant.

2 THE COURT: What's your badge number?

3 Are you Ms. Phillips?

4 PROSPECTIVE JUROR NUMBER 551: Yes, Your Honor.

5 THE COURT: 551.

6 PROSPECTIVE JUROR NUMBER 551: 0551.

7 THE COURT: Okay. Didn't you just say you were excited
8 to be here?

9 PROSPECTIVE JUROR NUMBER 551: Yeah, I -- yeah, I
10 know, but I didn't think --

11 THE COURT: Oh come on.

12 PROSPECTIVE JUROR NUMBER 551: -- it was going to go
13 for nine days. I would love to hang around with you.

14 THE COURT: All right. Okay. So --

15 PROSPECTIVE JUROR NUMBER 551: My hands are full.

16 THE COURT: From a work standpoint what I will tell you
17 is that when -- and this applies to everybody. When you're doing
18 jury duty and you're here for X-number of hours, your employers
19 cannot make you work, okay? So some people really love that, they
20 like to get off work. Other people are like no, I really need to go to
21 work.

22 So does that impact you at all?

23 PROSPECTIVE JUROR NUMBER 551: Well my two
24 puppies and my husband.

25 THE COURT: Okay. Well, ahh [waving motion].

1 PROSPECTIVE JUROR NUMBER 551: I could give up on
2 the work. The puppies and the husband.

3 THE COURT: All right. Thank you.

4 PROSPECTIVE JUROR NUMBER 551: Thank you, Your
5 Honor.

6 THE COURT: Anybody else on that row?

7 Yep, if you could pass it down there for me.

8 Yes, sir, Mr. Guilarte?

9 PROSPECTIVE JUROR NUMBER 520: Yes.

10 THE COURT: Badge 520.

11 PROSPECTIVE JUROR NUMBER 520: My English is not
12 very good for this situation. I have already [indiscernible] with my
13 daughter before back to school the [indiscernible].

14 THE COURT: Okay. Thank you.

15 Anybody else on that row?

16 Yep. Pass it right behind you, if you would, Ulises. Thank
17 you.

18 PROSPECTIVE JUROR NUMBER 565: It the same thing
19 like he did because my --

20 THE MARSHAL: What's your badge number, ma'am?

21 PROSPECTIVE JUROR NUMBER 565: 565.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR NUMBER 565: It's like I don't really
24 understand about some thing to tell about the case, anything, so I
25 cannot understand all the words -- I don't understand all the words.

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THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 565: So, yeah.

And then my niece she delivery like this week of the baby maybe is during this week, I don't when and nobody take care another baby for her.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 565: Yeah.

THE COURT: And you said that was your niece?

PROSPECTIVE JUROR NUMBER 565: My niece, yeah.

THE COURT: Okay. Thank you.

Anybody else on that row?

Yep. Pass it down to the end if you would, please, and then we'll bring it back up to --

PROSPECTIVE JUROR NUMBER 568: Badge Number 568.

THE COURT: Thank you.

PROSPECTIVE JUROR NUMBER 568: I work 16 hours Tuesday through Saturday, so I don't know if that's going to affect.

THE COURT: Okay. Thank you.

And then Ms. Birch, 571

PROSPECTIVE JUROR NUMBER 571: I'm actually -- I don't live in Vegas, I live in Mesquite.

THE COURT: Oh, okay.

PROSPECTIVE JUROR NUMBER 571: But I'm actually moving out of -- like out of town on Friday.

THE COURT: Okay. Moving out of Mesquite.

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PROSPECTIVE JUROR NUMBER 571: Yeah.

THE COURT: You moving to Vegas?

PROSPECTIVE JUROR NUMBER 571: No, I'm moving to Wendover.

THE COURT: Oh, okay. Well that's even further away.

PROSPECTIVE JUROR NUMBER 571: Yeah.

THE COURT: Okay. Thank you.

And if you could pass it right in front of you to the gentleman seated -- and that is -- who do I got? Mr. Grimaldo?

PROSPECTIVE JUROR NUMBER 541: Yes, 541.

THE COURT: Thank you.

PROSPECTIVE JUROR NUMBER 541: I have problem to read or write in English and my understanding is very [indiscernible].

THE COURT: Okay. Thank you.

All right. Anybody that I missed on any of those questions?

Okay. All right. Will you guys approach the bench and bring your jury lists with you?

You guys can all meet your neighbors for a couple minutes, okay?

[Bench conference transcribed as follows.]

THE COURT: Okay. So you guys all know the drill. If you agree to release people, I'll release them now. If there's anybody that says nope, we don't want to release them now, we'll just keep

1 them for now and then we can talk about them again later.

2 MR. YAMPOLSKY: The first guy can't pay any attention.

3 THE COURT: Mr. Tombow.

4 MR. PESCI: No objection.

5 THE COURT: Mr. Cobb is the guy that's scheduled to
6 leave town Sunday.

7 MR. YAMPOLSKY: What number are we --

8 THE COURT: Do you want to go by badge or panel
9 number? What's easier for you?

10 MR. YAMPOLSKY: Either.

11 MR. PESCI: Can we go in the back so we can speak out
12 louder?

13 THE COURT: What's that?

14 MR. PESCI: Can we go in the back so we can speak a little
15 louder?

16 THE COURT: You can speak louder here.

17 MR. PESCI: Okay.

18 THE COURT: I'm just asking if you agree or disagree.
19 You're not that loud, I can hear you.

20 So Mr. Cobb, 380 -- or he's Panel Number 4. We'll do
21 panel number. He's the guy that said he was leaving Sunday
22 through Thursday for his daughter's birthday.

23 MR. PESCI: Yeah, he said he had the itinerary as well.

24 MR. YAMPOLSKY: Yeah.

25 THE COURT: You're good with him?

1 MR. PESCI: We're good with him being released.
2 MR. YAMPOLSKY: So am I.
3 THE COURT: Yeah, okay.
4 Mr. Pickop, Panel Number 8 with the back issue.
5 MR. HELMICK: Yeah, I don't think he'll be able to last.
6 MR. PESCI: No objection to --
7 MR. YAMPOLSKY: Yeah, he's --
8 THE COURT: Mr. Van Dyk, Panel Number 9 said he's
9 leaving Friday to go out of state.
10 MR. YAMPOLSKY: Is it this Friday or the next Friday?
11 THE COURT: This Friday through the next Friday.
12 MR. YAMPOLSKY: Oh, okay.
13 THE COURT: He didn't say anything about having an
14 itinerary or anything, but.
15 MR. YAMPOLSKY: Right.
16 MS. OVERLY: I think he said he had a flight.
17 MR. PESCI: Yeah.
18 THE COURT: Okay.
19 MR. PESCI: The State has no objection.
20 THE COURT: Okay.
21 MR. YAMPOLSKY: I have no --
22 MR. HELMICK: No objection.
23 MR. YAMPOLSKY: -- objection letting him go.
24 THE COURT: Okay. Ms. Gebhart, Number 11, she's
25 supposed to be at a doctor's appointment tomorrow at 3:00 in the

1 afternoon. Now we may not be in court then if we're just getting
2 our jury picked, I mean, I don't know.

3 MR. HELMICK: Yeah.

4 MR. YAMPOLSKY: Now what -- she has something --

5 MS. OVERLY: She has dyslexia.

6 MR. PESCI: Dyslexia. She has an appointment she's had
7 for 30 days and she's been waiting --

8 THE COURT: Yeah.

9 MR. PESCI: -- to -- I don't want her to miss that but by the
10 same token we might not -- we could still use her potentially.

11 THE COURT: Yeah, I mean, I'm balancing in my mind
12 how long it takes you to do jury selection, whether we just do
13 openings Wednesday morning and plan for 9:00 or try and do them
14 tomorrow afternoon. Kind of was going to wait and see how far I
15 think we'd get today.

16 MS. OVERLY: I know, right?

17 THE COURT: But --

18 MR. YAMPOLSKY: Yeah, why don't we wait on her.

19 THE COURT: Okay.

20 MR. HELMICK: Leave her open, yeah.

21 THE COURT: Okay. Ms. -- or Mr. Pereda, Badge Number
22 16.

23 MR. YAMPOLSKY: Is he the one that couldn't
24 understand?

25 THE COURT: He has a heart issue. He says he has an all-

1 day appointment on the 9th but he's okay before and after that.

2 MR. PESCI: I say we keep him because we're not going to

3 be --

4 MR. YAMPOLSKY: I say we keep him.

5 MR. PESCI: -- on the 9th.

6 MR. YAMPOLSKY: Yeah.

7 MR. PESCI: And if we are --

8 MR. YAMPOLSKY: Even Pesci doesn't talk that long.

9 MR. PESCI: But if we -- or we could not go that day.

10 THE COURT: All right. Mr. Maier, 433, is supposed to

11 move houses at some point. I don't know that that's the kind of

12 thing that you have to do in the middle of trial but --

13 MR. YAMPOLSKY: Yeah, that doesn't --

14 THE COURT: Of course he's --

15 MR. YAMPOLSKY: That's --

16 THE COURT: -- just kind of mumbled his way through -- I

17 don't know if you want him or not.

18 MR. HELMICK: I'm okay to kick the guy.

19 THE COURT: Okay.

20 MR. PESCI: I don't think he's going to last.

21 THE COURT: Okay.

22 MR. YAMPOLSKY: All right. That's fine.

23 MR. PESCI: What's your position?

24 MR. YAMPOLSKY: That's fine.

25 THE COURT: All right. So you're in agreement?

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MR. PESCI: Yes.

THE COURT: Okay. Ms. Olds just basically said she's self-employed as a hair stylist and so it's going to be --

MR. YAMPOLSKY: I think that's valid because they -- you know, she's getting paid -- she's not getting paid by an employer.

MR. PESCI: No objection from the State.

MR. HELMICK: No objection.

THE COURT: Ms. Corral-Estrada says she has some English issues, Panel 19.

Special needs kid too.

THE COURT: We got a lot of people that are claiming --

MR. YAMPOLSKY: And she doesn't speak English very well.

MR. PESCI: We'll submit.

MR. YAMPOLSKY: Yeah.

MR. HELMICK: I'm okay with kicking that one.

MR. YAMPOLSKY: Yeah, me to.

MR. PESCI: Is this recording right now?

THE COURT: Yeah.

MR. PESCI: Okay, thanks.

THE COURT: Everything's recorded.

Ms. Pacheco, 27 said she's a single woman with -- and doesn't have a lot of income --

MR. YAMPOLSKY: What was her problem?

MR. HELMICK: They got to figure out a way to test for

1 English because this is a common theme.

2 THE COURT: It's always a common theme in trying to get
3 out of jury duty.

4 MR. HELMICK: Exactly. If you told her she won the
5 lottery --

6 THE COURT: I know.

7 MR. HELMICK: -- she'd be speaking English.

8 THE COURT: Yeah.

9 MR. YAMPOLSKY: She might say Bueno.

10 THE COURT: Yes, it's recorded.

11 So she said she -- she started off by saying that she was a
12 single woman and then she said she has -- doesn't understand a lot
13 of English.

14 MR. HELMICK: Look, I'm okay to kick.

15 MR. YAMPOLSKY: I'll submit it.

16 MR. PESCI: Submit it.

17 THE COURT: All right. I'll excuse her.

18 Ms. Evans, but she just said she has a wedding on -- oh no
19 she has --

20 MR. YAMPOLSKY: But that was next Friday, right?

21 MS. OVERLY: Yeah, I think she's --

22 MR. HELMICK: Yeah, she'll be fine.

23 THE COURT: Evans has surgery but it's after the trial.

24 MR. PESCI: Plus you offered her a ride.

25 THE COURT: Yes.

1 THE COURT: Mr. Sepulveda, Badge 493 -- or Ms.
2 Sepulveda, she said she has a child that's 12 years old that's home
3 alone?

4 MR. YAMPOLSKY: I didn't catch the reason she has like --

5 MR. PESCI: Husband and wife shifts are opposite --

6 MR. YAMPOLSKY: -- her dad and they work in shifts.

7 MR. PESCI: -- so --

8 MR. YAMPOLSKY: Yeah.

9 MR. PESCI: -- when she's home, the husband's at work
10 and vice versa.

11 MR. YAMPOLSKY: And how old -- the daughter's 12?

12 MR. PESCI: 12 years old, so no one's watching the child
13 right now.

14 THE COURT: So --

15 MR. YAMPOLSKY: I don't have a problem letting her go.

16 MR. HELMICK: That's fine.

17 MR. YAMPOLSKY: Submit.

18 THE COURT: I'm going to keep her for now and let you
19 guys follow up if you want to. 12 years old is okay to stay home
20 during the day, I think.

21 Ms. Kim, Number 32, she said she has some English
22 issues as well.

23 MR. YAMPOLSKY: She doesn't speak --

24 MR. HELMICK: Very bad English.

25 MR. YAMPOLSKY: -- English well.

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MR. PESCI: No objection.

MR. HELMICK: No objection.

MR. YAMPOLSKY: No objection.

THE COURT: Mr. Gutierrez-Sosa, 34, he said that he was self-employed and he's got a lot of work to do in the next couple weeks.

MR. HELMICK: I don't know about that one, I mean --

THE COURT: Agree/disagree?

MR. YAMPOLSKY: I'll submit on that one. I mean, --

MR. PESCI: I think it's -- I mean, it's somewhat consistent with the hair stylist, if we let her go.

THE COURT: Well he didn't say he's not getting paid, he just said you know, I got a lot of work to get done for my clients.

MR. YAMPOLSKY: Before I go away.

MR. PESCI: He said he was self-employed though, so I think it's just --

THE COURT: Okay.

MR. PESCI: -- him.

MR. YAMPOLSKY: Why don't we ask him more questions because I think he's on the edge.

THE COURT: Okay. We'll leave him for now.

MR. YAMPOLSKY: I mean, I'll submit.

THE COURT: Well we'll leave him for now.

Ms. Huston, 35, is the one that had the wedding on the 9th, but I would say leave her for now.

1 MR. PESCI: Yeah, she's fine.
2 MR. YAMPOLSKY: Yeah, August 9th --
3 MR. HELMICK: We won't be in there --
4 MR. YAMPOLSKY: -- she's fine.
5 MR. HELMICK: -- we're good.
6 THE COURT: Mr. Gspandl, Number 37, going to visit his
7 elderly mom for the August 8th through the --
8 MR. YAMPOLSKY: And that's going to be next Thursday?
9 THE COURT: Thursday.
10 MR. PESCI: That's kind of -- I have no objection to him
11 being released.
12 MR. YAMPOLSKY: No objection.
13 MR. HELMICK: No objection.
14 THE COURT: Mr. Guilarte, 520, I'm going to have to say
15 yes; he has language issues.
16 MR. HELMICK: No objection.
17 MR. YAMPOLSKY: No objection.
18 MR. PESCI: No objection.
19 THE COURT: Mr. Grimaldo, 541, said he had some
20 language issues.
21 MR. YAMPOLSKY:
22 THE COURT: He specifically referenced reading and
23 writing.
24 MS. OVERLY: Yeah, reading and writing.
25 THE COURT: Which is kind of a problem.

1 Well what do you guys thinks?
2 MS. OVERLY: I don't think we have an issue releasing
3 him.
4 MR. PESCI: No objection.
5 MR. YAMPOLSKY: No objection.
6 MR. HELMICK: No objection.
7 THE COURT: Ms. Bonn, Number 50, doesn't speak
8 English and --
9 I'm sorry, what number?
10 THE COURT: -- has to take care of her niece's baby.
11 [All talking over each other.]
12 MR. YAMPOLSKY: What happened to puppy lady?
13 MS. OVERLY: 551.
14 MR. HELMICK: What are you doing, Judge?
15 THE COURT: I skipped -- yeah, puppy lady. What do you
16 want to do about the puppy lady?
17 MR. YAMPOLSKY: I want to know what kind of dogs.
18 MS. OVERLY: I don't understand the issue.
19 MR. PESCI: I say we leave her for now.
20 THE COURT: You can ask her some questions. Whether
21 she can run home at lunch or whatever. I don't know.
22 MR. PESCI: Okay.
23 THE COURT: Okay.
24 He wants to keep her, so we'll keep her.
25 Ms. Bonn, Number 50, English issues and her niece is

1 having another baby.

2 MR. PESCI: No objection to release.

3 MR. YAMPOLSKY: No objection.

4 MR. HELMICK: No objection.

5 THE COURT: Mr. Martinez has to work 16 hours a day.

6 MR. YAMPOLSKY: I find that hard to believe.

7 THE COURT: Yeah.

8 MR. YAMPOLSKY: But if that's the case, then we should
9 let him go.

10 THE COURT: Well I'll let you follow up on his work issues.
11 How about Ms. Birch that lives in Mesquite and is moving
12 to West Wendover?

13 MR. YAMPOLSKY: Yeah, I think that's going to be too
14 tough for her.

15 MR. HELMICK: Yeah. We're not going to have her --

16 MR. PESCI: It is a nice drive though.

17 THE COURT: Yes, it is.

18 Okay. So I got 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 that
19 we're excusing.

20 MR. YAMPOLSKY: That's pretty good.

21 MR. PESCI: And then how many downstairs? 11, right?

22 THE COURT: You got 11 downstairs. But they'll give you
23 more as well when we need them.

24 MR. PESCI: Should we bring those 11 on?

25 MR. YAMPOLSKY: Bring them after lunch.

1 THE COURT: No, because I don't want to start back over
2 just yet. Let's see where we can get. Maybe I'll bring them up after
3 lunch.

4 MR. YAMPOLSKY: Okay. Thank you.

5 [End of bench conference.]

6 THE COURT: Okay. Folks, I'm going to release a number
7 of you so if you would wait to let me get through these names
8 before you get up to leave, I would appreciate it.

9 We are going to excuse Mr. Tombow, 377; Mr. Cobb, 387;
10 Mr. Pickop, 403; Mr. Van Dyk, 408; Mr. Maier, 433; Ms. Olds, 442;
11 Ms. Corral-Estrada, 447; Ms. Pacheco, 483; Ms. Kim, 503; Mr.
12 Gspandl, 508; Mr. Guilarte, 520; Mr. Grimaldo, 541; Ms. Bonn, 565;
13 and Ms. Birch, 571.

14 So the 11 of you are excused. I appreciate your time this
15 morning. You can return those badges you have to the marshal if
16 you want and then Jury Services will reach out to you if they need
17 you to come in on a different trial, okay? Thank you very much.

18 [Excused prospective jurors exiting the courtroom]

19 THE COURT: Okay. So are we starting with Mr.
20 Feriancek?

21 THE CLERK: Yeah.

22 THE COURT: Mister, is it Feriancek? Did I pronounce that
23 right?

24 PROSPECTIVE JUROR NUMBER 504: Yeah, that was
25 right.

1 THE COURT: Okay. Can you come on up here to the top
2 seat on the top row for me.

3 Followed by Mr. Gutierrez-Sosa, is going to take the
4 second open seat on that row.

5 And then Ms. Huston, 506. Ms. Huston, you'll take the
6 seat at the very end of that top row on the left.

7 Marklester Pedronan, Badge 507, the seat here on the end
8 of the first -- of the middle row on the right.

9 Or no, I'm sorry. Hold on, gentlemen, hold on. Mr.
10 Feriancek, you're on the very end down here.

11 PROSPECTIVE JUROR NUMBER 504: This one?

12 THE COURT: Yep, very end of the top row. Ms. Huston is
13 on the left end of the top row. There you go.

14 Mr. Pedronan down here on the far right of the middle
15 row.

16 Then Laura Leon, 512, going to take the seat on the end of
17 my first row here.

18 Steven, how do I pronounce your last name?

19 PROSPECTIVE JUROR NUMBER 514: Libauskas.

20 THE COURT: Libauskas. Just follow Ms. Leon.

21 Terry Powell, 518, this third seat down here.

22 Mr. Sulstrom?

23 THE CLERK: Correct.

24 Mr. Sulstrom, 523, if you could -- Mr. Pedronan, you're on
25 the top row there on that empty seat.

1 PROSPECTIVE JUROR NUMBER 507: Oh.

2 THE COURT: Right up above you there.

3 Right behind you there, sir.

4 Oh, there we go.

5 And then Cora Brown, 525's going to take the seat on the
6 end there.

7 Look, I know it's like in elementary school, your teacher
8 trying to tell you where you're supposed to go seat but if I -- if you
9 get out of order then I can't find any of the information about where
10 you are and we all have it kind of an order to keep track of
11 everybody so we know who we're talking to. I apologize for the
12 inconvenience.

13 Okay. So let's get back to the -- what we were chatting
14 about before we discussed undue burdens. Are there any -- any
15 panel members that either work in law enforcement or you have a
16 close family member that works in law enforcement? And by close,
17 I mean they're close enough that you would talk to them about their
18 work, not just that you, you know, got a cousin in Chicago that's a
19 cop.

20 So we'll start top row, anybody?

21 Yeah, how about Ms. Huston on the top row? There you
22 go.

23 PROSPECTIVE JUROR NUMBER 506: My sister is married
24 to a cop and he lives down the street from me.

25 THE COURT: Okay. And is that Henderson? North Las

1 Vegas? Metro?

2 PROSPECTIVE JUROR NUMBER 506: Metro.

3 THE COURT: Metro. Do you know what type of detail
4 he's in? Is he a patrol officer or a detective?

5 PROSPECTIVE JUROR NUMBER 506: He's a detective.

6 THE COURT: Detective. Do you know which bureau he's
7 in?

8 PROSPECTIVE JUROR NUMBER 506: No.

9 THE COURT: Like violent crime, property crime, tourist
10 safety?

11 PROSPECTIVE JUROR NUMBER 506: I actually have no
12 idea at this moment.

13 THE COURT: Okay. That's okay. All right. Thank you.

14 Anybody else on that top row?

15 No, then we'll go down to the middle row here.

16 Mr. Pedronan, yes, sir?

17 PROSPECTIVE JUROR NUMBER 507: Yes, I have two
18 cousins who are Hawaii Department Police and also my brother-in-
19 law works for Metro.

20 THE COURT: Okay. And your brother-in-law, do you
21 know what division he's in at Metro? Same thing, patrol officer,
22 detective?

23 PROSPECTIVE JUROR NUMBER 507: Patrol, I -- yeah, he's
24 patrol.

25 THE COURT: Okay. Thank you.

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And then Ms. Gebhart, 418.

PROSPECTIVE JUROR NUMBER 418: My uncle is a cop for Henderson.

THE COURT: Okay. Same question, do you know what division or bureau he's in?

PROSPECTIVE JUROR NUMBER 418: I think he's a detective, I'm not for sure. I know he just changed so I don't know for sure.

THE COURT: Okay. Thank you.

Anybody else on that middle row?

Yeah, we'll go all the way down to the end, please.

Mr. Pereda, yes sir?

PROSPECTIVE JUROR NUMBER 432: My daughter's husband, so my son-in-law, is already scheduled to go into the Police --

THE COURT: Academy.

PROSPECTIVE JUROR NUMBER 432: -- Academy.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 432: -- the Academy, the next enrollment, which is September, so I don't --

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 432: I'm not quite sure but that's [indiscernible].

THE COURT: With Metro?

PROSPECTIVE JUROR NUMBER 432: With Metro.

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THE COURT: Okay. Thank you very much.
How about on the bottom row, anybody?
Yes.

PROSPECTIVE JUROR NUMBER 460: Juror, I think it's
460.

THE COURT: Thank you. Mr. Takahashi, yes sir?

PROSPECTIVE JUROR NUMBER 460: Yes.

Brother-in-law, HPD, Honolulu Police Department.

THE COURT: I didn't catch the last thing you said.
Brother-in-law, HPD?

PROSPECTIVE JUROR NUMBER 460: Yeah, Honolulu
Police Department.

THE COURT: Honolulu, thank you.

Okay. Anybody else down there?

Nope. How about in our first row over here?

Yes? Yes, sir?

PROSPECTIVE JUROR NUMBER 523: Randy Sulstrom,
523.

THE COURT: Thank you.

PROSPECTIVE JUROR NUMBER 523: Retired from LA
County Sherriff's Department.

THE COURT: Yourself, sir? Yourself?

PROSPECTIVE JUROR NUMBER 523: Yes.

THE COURT: Okay. Thank you.

And who else do I have?

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Yes, ma'am?

PROSPECTIVE JUROR NUMBER 497: I have a cousin that works for Metro.

THE COURT: Okay. And what's your badge number?

PROSPECTIVE JUROR NUMBER 497: It's 497.

THE COURT: 497, thank you. Ms. Diaz.

And do you know what division or bureau your cousin's in? Patrol officer, detective?

PROSPECTIVE JUROR NUMBER 497: I believe she's a patrol officer.

THE COURT: Patrol officer, thank you.

Did I see another hand come up?

Yeah, thank you.

PROSPECTIVE JUROR NUMBER 474: Jaska, 474. You said family, I don't want to infer but I'm Exo in the Army Reserve and I oversee a detective and a sergeant, both with Metro.

THE COURT: Okay. Thank you.

Okay. Anybody over here?

Got a few.

Yes, ma'am?

PROSPECTIVE JUROR NUMBER 569: Badge Number 569.

THE COURT: Do I pronounce it Wargo?

PROSPECTIVE JUROR NUMBER 569: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 569: My brother-in-law is

1 a Pennsylvania State Trooper in York, PA, and he also works with
2 the US Marshals.

3 THE COURT: Thank you. Anybody else over there?

4 Nope. Okay.

5 Is there anybody in our panel that believes you would be
6 unable to follow all of the laws that I give you -- and I give you that
7 in jury instructions at the end of the case. It's my obligation to kind
8 of go through and figure out what are the charges, what's being
9 alleged here, so what is the law that I think applies to instruct the
10 jury with.

11 Is there anybody that believes you would be unable to
12 follow the law if you disagreed with the law? If that makes sense,
13 that question. So I put together the jury instructions and I read
14 them to you and that's the law that guides you to make your
15 decision when you go back to deliberate. Is there anybody that
16 feels like you know what, if I disagree with some law, I'm just going
17 to ignore that and do whatever I want to do?

18 See no hands.

19 As a follow-up to that, your role as jurors is to be the fact
20 finders. So you listen to witnesses testify, you evaluate exhibits
21 that are introduced into evidence and you figure out what you think
22 the facts of any given situation are. And then you take the law that I
23 give you and collectively you go back and deliberate and you use all
24 those to -- all of the information in those two things and you come
25 up with whatever you think an appropriate verdict is.

1 So understanding that, is there anybody that believes you
2 could not be a fact finder; that you could not sit and listen to people
3 provide you with information and then decide what you think the
4 facts of the situation are?

5 PROSPECTIVE JUROR NUMBER 551: Are we able to have
6 a pen and paper?

7 THE COURT: Oh yeah.

8 PROSPECTIVE JUROR NUMBER 551: Write stuff down?

9 THE COURT: Yeah, yeah, yeah. You got pens, papers. I
10 mean, there's a process for jurors to ask questions. We'll talk about
11 all that later on, but yes.

12 PROSPECTIVE JUROR NUMBER 432: I have something to
13 say too.

14 THE COURT: Okay. Mr. Pereda?

15 PROSPECTIVE JUROR NUMBER 432: Yes.

16 I'm completely honest with you.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 432: Yes, I'm sure you
19 expect me to be. But English is not my first language even though
20 you know when you call us, you know, the search for the facts or
21 whatever, you know --

22 THE COURT: Right.

23 PROSPECTIVE JUROR NUMBER 432: -- not being my first
24 language, you know, I miss spots. Even though I can get 90 percent
25 of the whole idea, the whole thing but I can miss things here and

1 there, you know? And to be focused for so long, I -- sometimes I
2 lose concentration, you know, because it's too much information
3 coming to me.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 432: So that's my
6 concern, you know?

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NUMBER 432: I'm not trying to
9 make up --

10 THE COURT: So --

11 PROSPECTIVE JUROR NUMBER 432: -- excuses or
12 anything, it's a concern.

13 THE COURT: No, no, no, no, that's okay. Let me ask you
14 this, have you been okay understanding what we've been talking
15 about so far this morning?

16 PROSPECTIVE JUROR NUMBER 432: Yes. So far, yes.

17 THE COURT: Okay. Do you think you have a better
18 understanding when people are speaking English or how about
19 reading English?

20 PROSPECTIVE JUROR NUMBER 432: Speaking I can get
21 90 percent as I say. You know, I can miss --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 432: -- a word here or
24 there. With reading -- reading, you said?

25 THE COURT: Yes. Like when you get -- when you have to

1 read a document that may be introduced into evidence or reading
2 the jury instructions.

3 PROSPECTIVE JUROR NUMBER 432: If I read the
4 document, you know, carefully, I have my time to --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 432: -- figure out -- you
7 know, to put the things together, I can --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NUMBER 432: I guess I can --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 432: -- figure it out, I
12 would say.

13 THE COURT: And are you comfortable if somebody says
14 something in court that you miss something part of what they said
15 because maybe of language that you would raise your hand and
16 say hey, Judge, I kind of need some --

17 PROSPECTIVE JUROR NUMBER 432: I could. I'm pretty
18 shy. I don't know if I want to interrupt, that's not my -- but I could
19 do it. I --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 432: If I feel it's --

22 THE COURT: If I tell you it's okay to do that, are you okay?

23 PROSPECTIVE JUROR NUMBER 432: Yes, of course.

24 THE COURT: All right.

25 PROSPECTIVE JUROR NUMBER 432: I would be

1 interrupting every --

2 THE COURT: All right. And that applies right now as well.
3 If anybody asks you a question and you were like whoa, I didn't
4 kind of catch what they meant by that question, that word was
5 unfamiliar to me or something then by all means, raise your hand
6 and let us know, okay?

7 PROSPECTIVE JUROR NUMBER 432: I will.

8 THE COURT: And I'm sure the attorneys may follow up
9 and have some questions for you as well, okay?

10 PROSPECTIVE JUROR NUMBER 432: Okay.

11 THE COURT: Okay. The last question I have or statement
12 really for the group of you before we just get to the 32 is there are
13 certain principles of law that apply in any criminal trial, no matter
14 where it occurs in the United States, and no matter what the
15 charges are. And those principles are; Number 1, that a Defendant
16 is always presumed innocent. Does everybody understand that?

17 Anybody disagree with the presumption of innocence?

18 See no hands.

19 Second principle is that people get told or noticed, is what
20 we call it, that they're being charged with crimes by the filing of a
21 document, it's called an Information. That document just lists the
22 charges and let's somebody know you've been charged with
23 crimes. That document is not evidence itself. Does everybody
24 understand that?

25 Okay. Anybody disagree with that?

1 PROSPECTIVE JUROR NUMBER 551: No, but I got a
2 question.

3 THE COURT: Yes, Ms. Phillips.

4 PROSPECTIVE JUROR NUMBER 551: I have to be honest.
5 Every now and then I smoke marijuana.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 551: I have to be honest,
8 so -- just so --

9 THE COURT: Okay. You know that's legal now, right?

10 PROSPECTIVE JUROR NUMBER 551: I don't know what
11 that -- I got -- I need you to know that though.

12 THE COURT: As long as you're not lighting up in court
13 then we're okay.

14 PROSPECTIVE JUROR NUMBER 551: No, no, no. No I
15 take a couple hits every now and then.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 551: Instead of alcohol.

18 THE COURT: That's okay.

19 PROSPECTIVE JUROR NUMBER 551: Okay. Just had to
20 be honest. Okay.

21 THE COURT: Thank you very much.

22 PROSPECTIVE JUROR NUMBER 551: You've got my soul
23 here, Your Honor.

24 THE COURT: You get people in here under oath and
25 everything just starts happening, right?

1 No, seriously that's fine. The only time -- look, you want
2 people really to kind of inform everybody about that is whether it's
3 marijuana or some type of prescription medication, if you have to
4 take it and it affects your ability to focus and be a good juror, right?

5 But I appreciate it. Thank you.

6 Okay. The -- I lost my train --

7 Oh, the third principle. The third principle of law that
8 applies in any criminal charge -- or in any criminal trial no matter
9 what the charge is that the State, which is the entity that files a
10 document charging somebody, they have the burden of proving a
11 charge beyond a reasonable doubt. I'm not asking you if you
12 understand what beyond a reasonable doubt is right now. That's
13 something we'll talk about in jury instructions.

14 But do you understand that it's the State's obligation to
15 prove someone's guilt. A Defendant has no obligation to prove
16 their innocence. Everybody understand that distinction?

17 Anybody disagree with that?

18 See no hands, thank you.

19 Okay. Can we get our microphone up to our top row,
20 please, to Mr. Feriancek?

21 And we will take a lunch break, Ladies and Gentlemen, it'll
22 probably be in about a half an hour or so, as we get a little further
23 along here.

24 Mr. Feriancek, how long have you lived in Las Vegas, sir?

25 PROSPECTIVE JUROR NUMBER 504: Three years.

1 THE COURT: Thank you. And if it's less than ten years, I'll
2 ask you all where you moved here from.

3 Where'd you come her from?

4 PROSPECTIVE JUROR NUMBER 504: Minnesota.

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

6 PROSPECTIVE JUROR NUMBER 504: Two-year associate.

7 THE COURT: Okay. What type of work do you do?

8 PROSPECTIVE JUROR NUMBER 504: I drive a taxicab.

9 THE COURT: Okay. Are you married, sir?

10 PROSPECTIVE JUROR NUMBER 504: Yes.

11 THE COURT: And what type of work does your spouse
12 do?

13 PROSPECTIVE JUROR NUMBER 504: She's on disability.
14 She's battling with kidney cancer.

15 THE COURT: You all have children?

16 PROSPECTIVE JUROR NUMBER 504: Yes.

17 THE COURT: And if your kids are adults, you can just say
18 they're grown. But how many kids do you have?

19 PROSPECTIVE JUROR NUMBER 504: Three.

20 THE COURT: And how old are they?

21 PROSPECTIVE JUROR NUMBER 504: 26, 27, and 30.

22 THE COURT: Okay. Grandkids?

23 PROSPECTIVE JUROR NUMBER 504: No, not yet.

24 THE COURT: Thank you.

25 Could you pass the microphone to your right for me

1 please, to Mr. Contreras, 378.
2 Sir, how long have you lived here?
3 PROSPECTIVE JUROR NUMBER 378: 14 years.
4 THE COURT: And what's your level of education?
5 PROSPECTIVE JUROR NUMBER 378: High school.
6 THE COURT: What type of work do you do?
7 PROSPECTIVE JUROR NUMBER 378: I'm a chef.
8 THE COURT: Are you married, sir?
9 PROSPECTIVE JUROR NUMBER 378: Recently separated.
10 THE COURT: Okay. Children?
11 PROSPECTIVE JUROR NUMBER 378: Three.
12 THE COURT: And how old are they?
13 PROSPECTIVE JUROR NUMBER 378: 22, 17, and 14.
14 THE COURT: Thank you.
15 Ms. Fox -- you can go ahead and pass it down.
16 Ms. Fox, 381, how long have you lived here?
17 PROSPECTIVE JUROR NUMBER 381: Since 1987.
18 THE COURT: And what's your level of education?
19 PROSPECTIVE JUROR NUMBER 381: Some college.
20 THE COURT: What type of work do you do?
21 PROSPECTIVE JUROR NUMBER 381: I work for a local
22 health plan.
23 THE COURT: Work for?
24 PROSPECTIVE JUROR NUMBER 381: A local health plan.
25 THE COURT: Are you married?

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PROSPECTIVE JUROR NUMBER 381: Yes.

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

PROSPECTIVE JUROR NUMBER 381: Sales.

THE COURT: Children?

PROSPECTIVE JUROR NUMBER 381: Yes.

THE COURT: How many?

PROSPECTIVE JUROR NUMBER 381: Two.

THE COURT: And how old are they?

PROSPECTIVE JUROR NUMBER 381: 20 and 18.

THE COURT: Thank you.

Mr. Gutierrez-Sosa, Badge 505. How long have you lived here, sir?

PROSPECTIVE JUROR NUMBER 505: 20 years.

THE COURT: What's your level of education?

PROSPECTIVE JUROR NUMBER 505: Two years of college.

THE COURT: And I know you told us you were self-employed. What type of work is it that you do?

PROSPECTIVE JUROR NUMBER 505: I'm a freelance draftsman, architectural.

THE COURT: All right. Are you married, sir?

PROSPECTIVE JUROR NUMBER 505: Not yet.

THE COURT: You mean like that's single but looking or engaged or what?

1 PROSPECTIVE JUROR NUMBER 505: I live with my long-
2 term girlfriend and plan on getting married.

3 THE COURT: Okay, great. What type of work does she
4 do?

5 PROSPECTIVE JUROR NUMBER 505: She's a project
6 manager for a developer.

7 THE COURT: Thank you. Do you all have any children?

8 PROSPECTIVE JUROR NUMBER 505: No.

9 THE COURT: All right. Appreciate it. If you could pass it
10 down to your right for me. Thank you.

11 Do I pronounce it Meng?

12 PROSPECTIVE JUROR NUMBER 390: Pardon me?

13 THE COURT: Meng?

14 PROSPECTIVE JUROR NUMBER 390: Meng, right.

15 THE COURT: Thank you. 390. How long have you lived
16 here, sir?

17 PROSPECTIVE JUROR NUMBER 390: 60 years.

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

19 PROSPECTIVE JUROR NUMBER 390: High school.

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

21 PROSPECTIVE JUROR NUMBER 390: Currently property
22 management and real estate and retired from the retail grocery
23 business.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NUMBER 390: Yes.

1 THE COURT: Is your spouse retired as well?
2 PROSPECTIVE JUROR NUMBER 390: Yeah, we -- she
3 works with me.
4 THE COURT: Okay. Thank you. Children?
5 PROSPECTIVE JUROR NUMBER 390: Yes, four, adult.
6 THE COURT: Any grandkids?
7 PROSPECTIVE JUROR NUMBER 390: 22.
8 THE COURT: Do they all live here?
9 PROSPECTIVE JUROR NUMBER 390: Yes.
10 THE COURT: Jury duty's going to be a break, right? 22.
11 That's fun.
12 Okay. Thank you.
13 Mr. Barrett, 398, how long have you lived here, sir?
14 PROSPECTIVE JUROR NUMBER 398: About 16 years.
15 THE COURT: And what's your level of education?
16 PROSPECTIVE JUROR NUMBER 398: High school.
17 THE COURT: What type of work do you do?
18 PROSPECTIVE JUROR NUMBER 398: I'm a department
19 manager for an entertainment company.
20 THE COURT: Are you married?
21 PROSPECTIVE JUROR NUMBER 398: No. Longtime
22 girlfriend.
23 THE COURT: And what type of work does your girlfriend
24 do?
25 PROSPECTIVE JUROR NUMBER 398: She owns a title

1 research business.

2 THE COURT: Children?

3 PROSPECTIVE JUROR NUMBER 398: One, 13-year old
4 daughter.

5 THE COURT: Thank you.

6 Ms. Gideon, 402. Ms. Gideon, how long have you lived
7 here?

8 PROSPECTIVE JUROR NUMBER 402: Five years.

9 THE COURT: Pardon?

10 PROSPECTIVE JUROR NUMBER 402: Five years.

11 THE COURT: Five years. And where'd you move here
12 from?

13 PROSPECTIVE JUROR NUMBER 402: California.

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

15 PROSPECTIVE JUROR NUMBER 402: High school.

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

17 PROSPECTIVE JUROR NUMBER 402: I'm a manager.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NUMBER 402: No.

20 THE COURT: Any children?

21 PROSPECTIVE JUROR NUMBER 402: No.

22 THE COURT: All right. Thank you.

23 And then Ms. Huston is Badge Number 506.

24 Ms. Huston, how long have you lived here?

25 PROSPECTIVE JUROR NUMBER 506: My whole life.

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THE COURT: And what's your level of education?
PROSPECTIVE JUROR NUMBER 506: Some college.
THE COURT: What type of work do you do?
PROSPECTIVE JUROR NUMBER 506: I'm a mother.
THE COURT: Are you married?
PROSPECTIVE JUROR NUMBER 506: I am.
THE COURT: And what type of work does your spouse
do?
PROSPECTIVE JUROR NUMBER 506: He's a teacher.
THE COURT: Any particular grade?
PROSPECTIVE JUROR NUMBER 506: High school and
some college. English.
THE COURT: Okay. English like as a language -- second
language --
PROSPECTIVE JUROR NUMBER 506: No.
THE COURT: -- or English --
PROSPECTIVE JUROR NUMBER 506: Like English --
THE COURT: -- as in literature --
PROSPECTIVE JUROR NUMBER 506: -- like ELA.
THE COURT: Okay. Got it.
You mentioned you have a have a son because he's --
PROSPECTIVE JUROR NUMBER 506: Yeah.
THE COURT: -- getting married, right?
PROSPECTIVE JUROR NUMBER 506: Yes.
THE COURT: Any other children?

1 PROSPECTIVE JUROR NUMBER 506: He's actually my
2 stepson, so --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 506: -- my husband has
5 two from his first marriage. We have five together.

6 THE COURT: Okay. And what's the age range of all
7 seven?

8 PROSPECTIVE JUROR NUMBER 506: The oldest daughter
9 is 22 and the youngest is -- just turned 5.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NUMBER 506: And I have one
12 grandson.

13 THE COURT: Great. Thank you. Could you just pass it in
14 front of you there, if you would, please, to Mr. Pereda? So we'll just
15 go left to right with you guys.

16 432, Mr. Pereda, how long have you lived here?

17 PROSPECTIVE JUROR NUMBER 432: 20 years.

18 THE COURT: Your level of education?

19 PROSPECTIVE JUROR NUMBER 432: Bachelor's degree.

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

21 PROSPECTIVE JUROR NUMBER 432: I'm a supervisor for
22 [indiscernible] center.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NUMBER 432: Yes.

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

1 do?

2 PROSPECTIVE JUROR NUMBER 432: She's a
3 housekeeper.

4 THE COURT: Do you have children?

5 PROSPECTIVE JUROR NUMBER 432: Yes, two.

6 THE COURT: And how old are they?

7 PROSPECTIVE JUROR NUMBER 432: 29 and 33.

8 THE COURT: Grandkids?

9 PROSPECTIVE JUROR NUMBER 432: Two.

10 THE COURT: Two. Thank you.

11 Okay. If you could pass it to your left for me, please.

12 Ms. Ballard, 429, how long have you lived here?

13 PROSPECTIVE JUROR NUMBER 429: Since 1999. I had
14 two years in Kansas and then I moved back in 2015.

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

16 PROSPECTIVE JUROR NUMBER 429: Some college.

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

18 PROSPECTIVE JUROR NUMBER 429: I work for caption
19 calls. We interpret or we dictate phone calls for the hard of hearing
20 and deaf.

21 THE COURT: Okay. Are you married?

22 PROSPECTIVE JUROR NUMBER 429: Yes, sir.

23 THE COURT: And what type of work does your spouse
24 do?

25 PROSPECTIVE JUROR NUMBER 429: He works for Sprint.

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THE COURT: Children?

PROSPECTIVE JUROR NUMBER 429: I have two, yes, sir.
26 and 19.

THE COURT: Any grandkids?

PROSPECTIVE JUROR NUMBER 429: No, sir.

THE COURT: Oh, all right. Thank you very much.

Mr. Mayhew, 426, how long have you lived here?

PROSPECTIVE JUROR NUMBER 426: Approximately 15
years.

THE COURT: Your level of education?

PROSPECTIVE JUROR NUMBER 426: Some college.

THE COURT: What type of work do you do?

PROSPECTIVE JUROR NUMBER 426: I'm retired from
Toshiba Medical Systems.

THE COURT: Are you married, sir?

PROSPECTIVE JUROR NUMBER 426: I am.

THE COURT: Is your spouse retired as well?

PROSPECTIVE JUROR NUMBER 426: She is.

THE COURT: Was there any particular profession she was
in?

PROSPECTIVE JUROR NUMBER 426: Casinos.

THE COURT: Okay. Children?

PROSPECTIVE JUROR NUMBER 426: Three, adult sons.

THE COURT: Grown. Grandkids?

PROSPECTIVE JUROR NUMBER 426: Five.

1 THE COURT: Thank you.
2 Ms. Álvarez, Badge 425, how long have you lived here?
3 PROSPECTIVE JUROR NUMBER 425: Since '95.
4 THE COURT: Your level of education?
5 PROSPECTIVE JUROR NUMBER 425: High school.
6 THE COURT: What type of work do you do?
7 PROSPECTIVE JUROR NUMBER 425: I work at the
8 McCarran Airport.
9 THE COURT: Are you married?
10 PROSPECTIVE JUROR NUMBER 425: Yes.
11 THE COURT: Okay. It seems like you were pausing there.
12 What --
13 PROSPECTIVE JUROR NUMBER 425: I'm married, but I'm
14 separated. I never got a divorce.
15 THE COURT: Oh, got it. Okay. So that's not somebody
16 that you have any involvement with currently?
17 PROSPECTIVE JUROR NUMBER 425: [No audible
18 response].
19 THE COURT: Okay. So children?
20 PROSPECTIVE JUROR NUMBER 425: Two.
21 THE COURT: And how old are they?
22 PROSPECTIVE JUROR NUMBER 425: 20 and 21.
23 THE COURT: Grandkids, no?
24 PROSPECTIVE JUROR NUMBER 425: God, no.
25 THE COURT: Okay. Thank you.

1 All right. Mr. Bernardo, Badge Number 424, how long
2 have you lived here, sir?

3 PROSPECTIVE JUROR NUMBER 424: 15 years.

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

5 PROSPECTIVE JUROR NUMBER 424: Some college.

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

7 PROSPECTIVE JUROR NUMBER 424: Line cook.

8 THE COURT: Are you married?

9 PROSPECTIVE JUROR NUMBER 424: No.

10 THE COURT: Any children?

11 PROSPECTIVE JUROR NUMBER 424: No.

12 THE COURT: Thank you.

13 Ms. Gebhart, 418. How long have you lived here?

14 PROSPECTIVE JUROR NUMBER 418: Since 2008; 12
15 years.

16 THE COURT: And your level of education?

17 PROSPECTIVE JUROR NUMBER 418: I'm currently in
18 college.

19 THE COURT: Okay. Full-time? Part-time?

20 PROSPECTIVE JUROR NUMBER 418: Full-time.

21 THE COURT: And what are you studying?

22 PROSPECTIVE JUROR NUMBER 418: Nutrition.

23 THE COURT: Are you working right now as well?

24 PROSPECTIVE JUROR NUMBER 418: Yes.

25 THE COURT: And what type of work do you do?

1 PROSPECTIVE JUROR NUMBER 418: I work for a medical
2 company.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NUMBER 418: No.

5 THE COURT: Any children?

6 PROSPECTIVE JUROR NUMBER 418: No.

7 THE COURT: Thank you.

8 Ms. Villasenor, 417. How long have you lived here?

9 PROSPECTIVE JUROR NUMBER 417: Nine years.

10 THE COURT: And where'd you move here from?

11 PROSPECTIVE JUROR NUMBER 417: Burbank, California.

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

13 PROSPECTIVE JUROR NUMBER 417: Associate degree.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NUMBER 417: Yes.

16 THE COURT: And -- well what type of work do you do?

17 PROSPECTIVE JUROR NUMBER 417: Stay-at-home mom.

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

19 do?

20 PROSPECTIVE JUROR NUMBER 417: He's retired.

21 THE COURT: Retired?

22 PROSPECTIVE JUROR NUMBER 417: Yes.

23 THE COURT: Was there any particular profession he

24 retired from?

25 PROSPECTIVE JUROR NUMBER 417: He works in housing

1 authority, City of LA.

2 THE COURT: Children?

3 PROSPECTIVE JUROR NUMBER 417: Yes, one; eight
4 years old.

5 THE COURT: Thank you.

6 All right. And Mr. Pedronan, Badge Number 507, how
7 long have you lived here, sir?

8 PROSPECTIVE JUROR NUMBER 507: 18 years.

9 THE COURT: Your level of education.

10 PROSPECTIVE JUROR NUMBER 507: Associates degree.

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

12 PROSPECTIVE JUROR NUMBER 507: Government
13 contractor.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NUMBER 507: Yes.

16 THE COURT: And what type of work does your spouse
17 do?

18 PROSPECTIVE JUROR NUMBER 507: Stay-at-home mom.

19 THE COURT: Children?

20 PROSPECTIVE JUROR NUMBER 507: Two.

21 THE COURT: And how old are they?

22 PROSPECTIVE JUROR NUMBER 507: 18 and 16.

23 THE COURT: Great. Thank you. Could you just pass it
24 forward for me, please?

25 Ms. Leon?

1 PROSPECTIVE JUROR NUMBER 512: Yes, sir.
2 THE COURT: Leon or Leon?
3 PROSPECTIVE JUROR NUMBER 512: Either one.
4 THE COURT: No, you tell me.
5 PROSPECTIVE JUROR NUMBER 512: Well it depends on
6 if I want to be fancy or not, then it's Leon. And if I'm just regular --
7 THE COURT: Well let's be fancy --
8 PROSPECTIVE JUROR NUMBER 512: -- it's Leon.
9 THE COURT: -- right?
10 PROSPECTIVE JUROR NUMBER 512: Yeah.
11 THE COURT: We're going to come to court --
12 PROSPECTIVE JUROR NUMBER 512: There you go.
13 THE COURT: -- for jury duty. Okay. So I'm going to
14 assume Leon is the fancy one.
15 PROSPECTIVE JUROR NUMBER 512: Yes.
16 THE COURT: All right.
17 PROSPECTIVE JUROR NUMBER 512: Yes, sir.
18 THE COURT: 512. How long have you lived here, ma'am?
19 PROSPECTIVE JUROR NUMBER 512: 17 years.
20 THE COURT: And what's your level of education?
21 PROSPECTIVE JUROR NUMBER 512: Some college.
22 THE COURT: What type of work do you do?
23 PROSPECTIVE JUROR NUMBER 512: I am an eligibility
24 supervisor for the Department of Health and Human Services.
25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NUMBER 512: Yes, sir.
2 THE COURT: And what type of work does your spouse
3 do?
4 PROSPECTIVE JUROR NUMBER 512: He's in water
5 treatment for the Las Vegas Valley Water District.
6 THE COURT: Thank you. Children?
7 PROSPECTIVE JUROR NUMBER 512: Yes, sir.
8 THE COURT: How many?
9 PROSPECTIVE JUROR NUMBER 512: Two; 6 and 4.
10 THE COURT: 6 and 4, thank you.
11 PROSPECTIVE JUROR NUMBER 512: Uh-huh.
12 THE COURT: Mr. Libauskas, 514, how long have you lived
13 here?
14 PROSPECTIVE JUROR NUMBER 514: Five years.
15 THE COURT: And where'd you move here from?
16 PROSPECTIVE JUROR NUMBER 514: Indiana.
17 THE COURT: What's your level of education?
18 PROSPECTIVE JUROR NUMBER 514: Some college.
19 THE COURT: What type of work do you do?
20 PROSPECTIVE JUROR NUMBER 514: Information
21 technology.
22 THE COURT: Are you married, sir?
23 PROSPECTIVE JUROR NUMBER 514: I am.
24 THE COURT: And what type of work does your spouse
25 do?

1 PROSPECTIVE JUROR NUMBER 514: Homemaker.
2 THE COURT: Children?
3 PROSPECTIVE JUROR NUMBER 514: Four.
4 THE COURT: And how old are they?
5 PROSPECTIVE JUROR NUMBER 514: 13, 17, 18, and 31.
6 THE COURT: Any grandkids?
7 PROSPECTIVE JUROR NUMBER 514: Nope.
8 THE COURT: Thank you.
9 Okay. I lost my place. What's your badge number?
10 PROSPECTIVE JUROR NUMBER 518: 518.
11 THE COURT: 518. Ms. Powell, okay.
12 Ms. Powell, how long have you lived here?
13 PROSPECTIVE JUROR NUMBER 518: 15 years.
14 THE COURT: And what's your level of education?
15 PROSPECTIVE JUROR NUMBER 518: Some college.
16 THE COURT: Thank you. What type of work do you do?
17 PROSPECTIVE JUROR NUMBER 518: Retired.
18 THE COURT: Any particular profession you retired from?
19 PROSPECTIVE JUROR NUMBER 518: Casino.
20 THE COURT: Are you married?
21 PROSPECTIVE JUROR NUMBER 518: Widowed.
22 THE COURT: Children?
23 PROSPECTIVE JUROR NUMBER 518: Five.
24 THE COURT: And are they all grown?
25 PROSPECTIVE JUROR NUMBER 518: Yes.

1 THE COURT: Okay. Grandkids?
2 PROSPECTIVE JUROR NUMBER 518: Yes.
3 THE COURT: How many?
4 PROSPECTIVE JUROR NUMBER 518: Eight grandkids,
5 seven great-grand.
6 THE COURT: Wow.
7 PROSPECTIVE JUROR NUMBER 518: Thank you.
8 THE COURT: Thank you.
9 Okay. Thank you.
10 Ms. Esparza, 452. How long have you lived here?
11 PROSPECTIVE JUROR NUMBER 452: 36 years.
12 THE COURT: And what's your level of education?
13 PROSPECTIVE JUROR NUMBER 497: Some college.
14 THE COURT: What type of work do you do?
15 PROSPECTIVE JUROR NUMBER 452: Team manager at a
16 call center.
17 THE COURT: Are you married?
18 PROSPECTIVE JUROR NUMBER 452: Separated.
19 THE COURT: Any children?
20 PROSPECTIVE JUROR NUMBER 452: Five.
21 THE COURT: How old are they?
22 PROSPECTIVE JUROR NUMBER 452: They range from 24
23 to 7.
24 THE COURT: Okay. Any grandkids?
25 PROSPECTIVE JUROR NUMBER 452: Three.

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THE COURT: Thank you.

Mr. Takahashi, 460. How long have you lived here?

PROSPECTIVE JUROR NUMBER 460: Ten months.

THE COURT: And where'd you move here from?

PROSPECTIVE JUROR NUMBER 460: Honolulu.

THE COURT: You know, I always -- I used to always say why when somebody would tell me they moved here from Hawaii. Then some guy explained to me how expensive it was actually to live in Hawaii --

PROSPECTIVE JUROR NUMBER 460: So true.

THE COURT: -- so I get it. And it seems like a lot of people relocate from Hawaii to Las Vegas for whatever reason.

PROSPECTIVE JUROR NUMBER 460: Yes, we do.

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

PROSPECTIVE JUROR NUMBER 460: Bachelor of Science.

THE COURT: And what type of work do you do?

PROSPECTIVE JUROR NUMBER 460: Manager.

THE COURT: Are you married?

PROSPECTIVE JUROR NUMBER 460: Yes.

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

PROSPECTIVE JUROR NUMBER 460: She was a nurse, now retired.

THE COURT: Okay. Did she work out of a hospital or a doctor's office?

1 PROSPECTIVE JUROR NUMBER 460: Actually out of a
2 clinic.

3 THE COURT: Clinic?

4 PROSPECTIVE JUROR NUMBER 460: Yes.

5 THE COURT: Okay. With pediatric patients or adults?

6 PROSPECTIVE JUROR NUMBER 460: Actually pediatrics.

7 THE COURT: Okay. Thank you. Children?

8 PROSPECTIVE JUROR NUMBER 460: Three.

9 THE COURT: And how old are they?

10 PROSPECTIVE JUROR NUMBER 460: 28, 25, and 18.

11 THE COURT: Grandkids?

12 PROSPECTIVE JUROR NUMBER 460: One.

13 THE COURT: Thank you.

14 Ms. Robinson, Badge Number 463. How long have you
15 lived here, ma'am?

16 PROSPECTIVE JUROR NUMBER 463: About 17 years.

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

18 PROSPECTIVE JUROR NUMBER 463: Technical school.

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

20 PROSPECTIVE JUROR NUMBER 463: Front desk

21 manager.

22 THE COURT: Are you married?

23 PROSPECTIVE JUROR NUMBER 463: No.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NUMBER 463: No.

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THE COURT: Okay.

Lambert, correct?

PROSPECTIVE JUROR NUMBER 466: Yes.

THE COURT: Ms. Lambert, how are you?

PROSPECTIVE JUROR NUMBER 466: Good.

THE COURT: Badge 466. How long have you lived here?

PROSPECTIVE JUROR NUMBER 466: Since 2003.

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

PROSPECTIVE JUROR NUMBER 466: High school.

THE COURT: What type of work do you do?

PROSPECTIVE JUROR NUMBER 466: Medication
assistant.

THE COURT: Are you married?

PROSPECTIVE JUROR NUMBER 466: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NUMBER 466: Yes.

THE COURT: How many?

PROSPECTIVE JUROR NUMBER 466: Two.

THE COURT: Two. Grown?

PROSPECTIVE JUROR NUMBER 466: Yes.

THE COURT: Grandkids?

PROSPECTIVE JUROR NUMBER 466: Yes.

THE COURT: How many?

PROSPECTIVE JUROR NUMBER 466: Six.

THE COURT: Six. Great grandkids?

1 PROSPECTIVE JUROR NUMBER 466: None.
2 THE COURT: No, okay.
3 PROSPECTIVE JUROR NUMBER 466: Six boys.
4 THE COURT: Thank you.
5 Ms. Williams, 468. How long have you lived here?
6 PROSPECTIVE JUROR NUMBER 468: Born and raised.
7 THE COURT: And what's your level of education?
8 PROSPECTIVE JUROR NUMBER 468: High school.
9 THE COURT: What type of work do you do?
10 PROSPECTIVE JUROR NUMBER 468: I'm a construction
11 administrator.
12 THE COURT: Are you married?
13 PROSPECTIVE JUROR NUMBER 468: Yes.
14 THE COURT: And what type of work does your spouse
15 do?
16 PROSPECTIVE JUROR NUMBER 468: He's a GM for a
17 Swim Academy.
18 THE COURT: Children?
19 PROSPECTIVE JUROR NUMBER 468: No.
20 THE COURT: No. Thank you.
21 All right. We'll get it over to the far right there to Ms.
22 Kord, if we could, please.
23 Ms. Kord is Badge 471. Ms. Kord, how long have you
24 lived here?
25 PROSPECTIVE JUROR NUMBER 471: One and a half

1 years.

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

3 PROSPECTIVE JUROR NUMBER 471: Chicago.

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

5 PROSPECTIVE JUROR NUMBER 471: College

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

7 PROSPECTIVE JUROR NUMBER 471: I'm retired.

8 THE COURT: Anything you retired from? Anything --

9 PROSPECTIVE JUROR NUMBER 471: Registered nurse.

10 THE COURT: Okay. Were you in a hospital setting or an
11 office setting?

12 PROSPECTIVE JUROR NUMBER 471: Northwestern
13 Memorial Hospital.

14 THE COURT: Okay. Did you work with adults or pediatric
15 patients?

16 PROSPECTIVE JUROR NUMBER 471: Adults.

17 THE COURT: In an ER setting or an in an admitted
18 setting?

19 PROSPECTIVE JUROR NUMBER 471: Surgical floor?

20 THE COURT: I'm --

21 PROSPECTIVE JUROR NUMBER 471: Surgical floor.

22 THE COURT: Surgical floor. Okay. Thank you.

23 Are you married?

24 PROSPECTIVE JUROR NUMBER 471: Divorced.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR NUMBER 471: One.
2 THE COURT: And how old?
3 PROSPECTIVE JUROR NUMBER 471: 31.
4 THE COURT: Any grandkids?
5 PROSPECTIVE JUROR NUMBER 471: No.
6 THE COURT: Thank you very much.
7 Mr. Jaska, 474.
8 PROSPECTIVE JUROR NUMBER 474: Yes.
9 THE COURT: How long have you lived here?
10 PROSPECTIVE JUROR NUMBER 474: Nine years.
11 THE COURT: Where did you move here from?
12 PROSPECTIVE JUROR NUMBER 474: California.
13 THE COURT: Level of education?
14 PROSPECTIVE JUROR NUMBER 474: BA.
15 THE COURT: What type of work do you do?
16 PROSPECTIVE JUROR NUMBER 474: Government.
17 THE COURT: Are you married?
18 PROSPECTIVE JUROR NUMBER 474: No.
19 THE COURT: Any children?
20 PROSPECTIVE JUROR NUMBER 474: No.
21 THE COURT: Thank you.
22 Mr. Sulstrom, correct?
23 PROSPECTIVE JUROR NUMBER 523: Yes.
24 THE COURT: Okay. Badge 523. How long have you lived
25 here, sir?

1 PROSPECTIVE JUROR NUMBER 523: Seven years.
2 THE COURT: Where did you move here from?
3 PROSPECTIVE JUROR NUMBER 523: California.
4 THE COURT: Level of education?
5 PROSPECTIVE JUROR NUMBER 523: Some college.
6 THE COURT: What type of work do you do?
7 PROSPECTIVE JUROR NUMBER 523: Retired.
8 THE COURT: You retire straight here from LA County
9 Sheriff?
10 PROSPECTIVE JUROR NUMBER 523: I waited about -- I
11 retired in '08.
12 THE COURT: Okay. Are you married?
13 PROSPECTIVE JUROR NUMBER 523: Yes.
14 THE COURT: And what type of work does your spouse
15 do?
16 PROSPECTIVE JUROR NUMBER 523: She's retired.
17 THE COURT: Any particular profession she was in?
18 PROSPECTIVE JUROR NUMBER 523: She was with the LA
19 County Sheriff's Department as well.
20 THE COURT: Okay. Children?
21 PROSPECTIVE JUROR NUMBER 523: Three adults. Five
22 grandkids.
23 THE COURT: Thank you very much.
24 Ms. Evans, Badge Number 492. Ms. Evans --
25 PROSPECTIVE JUROR NUMBER 492: Yes.

1 THE COURT: -- how long have you lived here?
2 PROSPECTIVE JUROR NUMBER 492: Nine years.
3 THE COURT: Where did you move here from?
4 PROSPECTIVE JUROR NUMBER 492: Reno.
5 THE COURT: What's your level of education?
6 PROSPECTIVE JUROR NUMBER 492: Some college.
7 THE COURT: What type of work do you do?
8 PROSPECTIVE JUROR NUMBER 492: Retired human
9 resource administrator.
10 THE COURT: Thank you. Are you married?
11 PROSPECTIVE JUROR NUMBER 492: Yes.
12 THE COURT: Spouse retired as well?
13 PROSPECTIVE JUROR NUMBER 492: Yes. Department of
14 Defense.
15 THE COURT: Children?
16 PROSPECTIVE JUROR NUMBER 492: One grown
17 daughter, one granddaughter.
18 THE COURT: Thank you.
19 Ms. Sepulveda, Badge Number 493. How long have you
20 lived here?
21 PROSPECTIVE JUROR NUMBER 493: Seven years.
22 THE COURT: Where did you move here from?
23 PROSPECTIVE JUROR NUMBER 493: California.
24 THE COURT: What's your level of education?
25 PROSPECTIVE JUROR NUMBER 493: Some college.

1 THE COURT: What type of work do you do?
2 PROSPECTIVE JUROR NUMBER 493: I work for Amazon.
3 THE COURT: Are you married?
4 PROSPECTIVE JUROR NUMBER 493: No, but I have a
5 longtime boyfriend.
6 THE COURT: Okay. What type of work does that
7 gentleman do?
8 PROSPECTIVE JUROR NUMBER 493: He also works for
9 Amazon.
10 THE COURT: Children?
11 PROSPECTIVE JUROR NUMBER 493: Two. An 18-year
12 old and a 12-year old.
13 THE COURT: Thank you.
14 Ms. Diaz, 497. How long have you lived here?
15 PROSPECTIVE JUROR NUMBER 497: 22 years.
16 THE COURT: And what's your level of education?
17 PROSPECTIVE JUROR NUMBER 497: High school.
18 THE COURT: What type of work do you do?
19 PROSPECTIVE JUROR NUMBER 497: Warehouse
20 associate.
21 THE COURT: Are you married?
22 PROSPECTIVE JUROR NUMBER 497: No.
23 THE COURT: Children?
24 PROSPECTIVE JUROR NUMBER 497: No.
25 THE COURT: No. Thank you.

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Mr. Ohlandt, 502. How long have you lived here?
PROSPECTIVE JUROR NUMBER 502: Born and raised,
less nine years in the Navy.

THE COURT: Your level of education?
PROSPECTIVE JUROR NUMBER 502: Some college.

THE COURT: What type of work do you do?
PROSPECTIVE JUROR NUMBER 502: Application
development.

THE COURT: Are you married?
PROSPECTIVE JUROR NUMBER 502: Yes.

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

PROSPECTIVE JUROR NUMBER 502: Stay-at-home mom.
THE COURT: Children?
PROSPECTIVE JUROR NUMBER 502: Three; 9, 12, and 15.

THE COURT: Thank you very much.
Ms. Brown?

PROSPECTIVE JUROR NUMBER 525: Yes.
THE COURT: Hi, Ms. Brown, how are you?

PROSPECTIVE JUROR NUMBER 525: Hi. Good.
THE COURT: 525. How long have you lived here?

PROSPECTIVE JUROR NUMBER 525: 20 years.
THE COURT: And what's your level of education?

PROSPECTIVE JUROR NUMBER 525: High school.
THE COURT: What type of work do you do?

1 PROSPECTIVE JUROR NUMBER 525: Banquet server.
2 THE COURT: Are you married?
3 PROSPECTIVE JUROR NUMBER 525: Yes.
4 THE COURT: And what type of work does your spouse
5 do?
6 PROSPECTIVE JUROR NUMBER 525: He's a drug and
7 domestic abuse counselor.
8 THE COURT: Children?
9 PROSPECTIVE JUROR NUMBER 525: Two girls.
10 THE COURT: Did you say two girls or --
11 PROSPECTIVE JUROR NUMBER 525: Yes.
12 THE COURT: -- two grown?
13 PROSPECTIVE JUROR NUMBER 525: Two girls.
14 THE COURT: Two girls. And how old are they?
15 PROSPECTIVE JUROR NUMBER 525: 21 and 28.
16 THE COURT: Thank you. Grandkids?
17 PROSPECTIVE JUROR NUMBER 525: None.
18 THE COURT: Thank you.
19 Okay. Let me just keep it -- let's just keep it on that row
20 for right now, okay? Then I'll go through these questions before we
21 have to flip it all over to the other row. We'll probably just take our
22 lunch break after I finish with you all, but.
23 Anybody on that row ever been a juror before?
24 Oh, good, we'll start with you Ms. Brown. So how many
25 times?

1 PROSPECTIVE JUROR NUMBER 525: Twice. I was a juror
2 only once.

3 THE COURT: Been through the process --

4 PROSPECTIVE JUROR NUMBER 525: Yes.

5 THE COURT: -- one time and the other time got selected?

6 PROSPECTIVE JUROR NUMBER 525: Right.

7 THE COURT: Okay. And so when you got selected, how
8 long ago was it?

9 PROSPECTIVE JUROR NUMBER 525: Probably about
10 three years ago.

11 THE COURT: Okay. So in this building?

12 PROSPECTIVE JUROR NUMBER 525: Yes.

13 THE COURT: And do you remember was it a civil case or
14 a criminal case?

15 PROSPECTIVE JUROR NUMBER 525: Well it was for an
16 insurance settlement for a car accident --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 525: -- so what would
19 that be?

20 THE COURT: A civil case.

21 PROSPECTIVE JUROR NUMBER 525: Civil, yeah.

22 THE COURT: You're asked to decide if somebody was
23 liable or not and award money?

24 PROSPECTIVE JUROR NUMBER 525: Yes.

25 THE COURT: Okay.

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And then who else had their hands up?

Mr. Ohlandt.

Mr. Ohlandt, how long ago -- or how many times?

PROSPECTIVE JUROR NUMBER 502: Twice.

THE COURT: Twice. And how long ago were they?

PROSPECTIVE JUROR NUMBER 502: Last one was about five years ago. The other one 10? 12?

THE COURT: 10 or 12 years ago, okay.

So both of those would have been here in Las Vegas, correct?

PROSPECTIVE JUROR NUMBER 502: Correct.

THE COURT: And the one that was 10 or 12 years ago, civil or criminal case?

PROSPECTIVE JUROR NUMBER 502: Criminal.

THE COURT: And do you remember what the nature of the charges were? Property crimes? Drug crimes? Violent crimes?

PROSPECTIVE JUROR NUMBER 502: Similar to this case.

THE COURT: Similar, okay. Involved a homicide charge?

PROSPECTIVE JUROR NUMBER 502: [No audible response - nods head yes].

THE COURT: Yes. And were -- did the jury reach a verdict?

PROSPECTIVE JUROR NUMBER 502: No. Plea deal halfway through.

THE COURT: Okay. The one five -- you said it was five

1 years ago?

2 PROSPECTIVE JUROR NUMBER 502: Civil.

3 THE COURT: Civil, okay. Do you remember what that
4 was about?

5 PROSPECTIVE JUROR NUMBER 502: Property.

6 THE COURT: Okay. Did the jury reach a verdict?

7 PROSPECTIVE JUROR NUMBER 502: Yes.

8 THE COURT: And were you the foreperson in the jury?

9 PROSPECTIVE JUROR NUMBER 502: Yes.

10 THE COURT: Okay. Thank you.

11 And I'm sorry, I forgot to ask you that same question, Ms.

12 Brown. The case that you sat on, the civil case, were you the
13 foreperson of the jury?

14 PROSPECTIVE JUROR NUMBER 525: I think there were --
15 yes, I was one of the four.

16 THE COURT: No, no, no. The foreperson, meaning the --

17 PROSPECTIVE JUROR NUMBER 525: Oh, the foreperson.

18 THE COURT: -- person that had to sign the verdict form or
19 anything.

20 PROSPECTIVE JUROR NUMBER 525: Yes.

21 THE COURT: Yes, okay. And did the jury reach a verdict?

22 PROSPECTIVE JUROR NUMBER 525: Yes.

23 THE COURT: Okay, great.

24 And who is our next person?

25 Okay. Ms. Sepulveda. How many times?

1 PROSPECTIVE JUROR NUMBER 493: Once.
2 THE COURT: How long ago?
3 PROSPECTIVE JUROR NUMBER 493: I don't remember. It
4 was in California.
5 THE COURT: In California, okay.
6 Civil or criminal?
7 PROSPECTIVE JUROR NUMBER 493: I don't know, it was
8 a DUI.
9 THE COURT: A DUI. Were you asked to find somebody
10 guilty or not guilty?
11 PROSPECTIVE JUROR NUMBER 493: Yes.
12 THE COURT: Okay. And did the jury reach a verdict?
13 PROSPECTIVE JUROR NUMBER 493: Yes.
14 THE COURT: And were you the foreperson?
15 PROSPECTIVE JUROR NUMBER 493: No.
16 THE COURT: Okay. Thank you.
17 Anybody else?
18 Yes, Ms. Evans.
19 PROSPECTIVE JUROR NUMBER 492: Yes.
20 THE COURT: How many times?
21 PROSPECTIVE JUROR NUMBER 492: One time.
22 THE COURT: How long ago?
23 PROSPECTIVE JUROR NUMBER 492: It was probably
24 12/13 years ago in Reno.
25 THE COURT: In Reno, okay.

1 PROSPECTIVE JUROR NUMBER 492: Uh-huh.
2 THE COURT: And civil or criminal?
3 PROSPECTIVE JUROR NUMBER 492: It was criminal. It
4 was arson murder.
5 THE COURT: Did the jury reach a verdict?
6 PROSPECTIVE JUROR NUMBER 492: Yes.
7 THE COURT: And were you the foreperson of the jury?
8 PROSPECTIVE JUROR NUMBER 492: No.
9 THE COURT: Okay. Thank you.
10 All right. Anybody else?
11 No.
12 How many, if any of you on that row, we'll just -- we'll still
13 stick with this row, have ever been the victim of a crime before?
14 Anything. Home got burglarized, car got stolen, any kind of stuff,
15 okay?
16 All right. We'll start with Ms. Evans since she has the
17 microphone.
18 PROSPECTIVE JUROR NUMBER 492: It was burglary.
19 THE COURT: Okay. Of your home?
20 PROSPECTIVE JUROR NUMBER 492: Yes.
21 THE COURT: And how long ago?
22 PROSPECTIVE JUROR NUMBER 492: Probably six years
23 ago.
24 THE COURT: Here in Las Vegas?
25 PROSPECTIVE JUROR NUMBER 492: Uh-huh.

1 THE COURT: Were you home at the time?
2 PROSPECTIVE JUROR NUMBER 492: No.
3 THE COURT: And were the police called?
4 PROSPECTIVE JUROR NUMBER 492: Yes.
5 THE COURT: Did you ever go to court?
6 PROSPECTIVE JUROR NUMBER 492: No.
7 THE COURT: Okay. Thank you.
8 PROSPECTIVE JUROR NUMBER 492: Uh-huh.
9 THE COURT: And who else -- do we got anybody to your
10 left? Yep, we'll go ahead and go to the left first then.
11 Yep, Mr. Sulstrom.
12 PROSPECTIVE JUROR NUMBER 523: It was a burglary
13 and also a motorcycle was attempted to be stolen.
14 THE COURT: Okay. How long ago, sir?
15 PROSPECTIVE JUROR NUMBER 523: Oh, the motorcycle
16 was about 40 years ago --
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NUMBER 523: -- and maybe 45
19 years ago for the burglary.
20 THE COURT: So both out of state?
21 PROSPECTIVE JUROR NUMBER 523: Yes, both in
22 California.
23 THE COURT: Got it. Did you ever go to court?
24 PROSPECTIVE JUROR NUMBER 523: No.
25 THE COURT: Okay. Thank you.

1 Yes, on the end. Ms. Kord.
2 PROSPECTIVE JUROR NUMBER 471: Yes. It was a
3 burglary and break-in.
4 THE COURT: And how long ago?
5 PROSPECTIVE JUROR NUMBER 471: About six years ago.
6 THE COURT: In Chicago?
7 PROSPECTIVE JUROR NUMBER 471: Yes.
8 THE COURT: Did you ever go to court?
9 PROSPECTIVE JUROR NUMBER 471: No.
10 THE COURT: Okay. Thank you.
11 All right. So we'll pass back down to the right now, once
12 we get to Ms. Evans. Who would beyond Ms. Evans, to the right,
13 had their hands up?
14 All right. Mr. Ohlandt.
15 PROSPECTIVE JUROR NUMBER 502: Smash and grab
16 from my car.
17 THE COURT: How long ago was that?
18 PROSPECTIVE JUROR NUMBER 502: Last summer in San
19 Diego.
20 THE COURT: Did you ever go to court?
21 PROSPECTIVE JUROR NUMBER 502: No.
22 THE COURT: Okay. All right. Anybody else?
23 Yep, Ms. Brown.
24 PROSPECTIVE JUROR NUMBER 525: Car burglar.
25 THE COURT: And how --

1 PROSPECTIVE JUROR NUMBER 525: Smashed my
2 window, took my suitcase.

3 THE COURT: Got it. How long ago was that?

4 PROSPECTIVE JUROR NUMBER 525: About a year ago.

5 THE COURT: Here in Las Vegas?

6 PROSPECTIVE JUROR NUMBER 525: Where I live in the
7 complex.

8 THE COURT: And you were nodding yes, Las Vegas,
9 correct?

10 PROSPECTIVE JUROR NUMBER 525: Yes.

11 THE COURT: Police called?

12 PROSPECTIVE JUROR NUMBER 525: No.

13 THE COURT: No. So never went to court or anything?

14 PROSPECTIVE JUROR NUMBER 525: No.

15 THE MARSHAL: We have one more, Your Honor.

16 THE COURT: Yeah, who we got?

17 Mr. Jaska, 474.

18 PROSPECTIVE JUROR NUMBER 474: Yes. In college,
19 somebody broke into my truck. Never went to the police, never
20 reported it. Insurance took care of it.

21 THE COURT: Okay. In Nevada or no?

22 PROSPECTIVE JUROR NUMBER 474: In Stockton,
23 California.

24 THE COURT: Okay. Let me flip that around a little bit.
25 How many of any of you have ever been arrested, accused,

1 convicted of any kind of crimes?

2 PROSPECTIVE JUROR NUMBER 551: Oh, Lord.

3 THE COURT: Nope, nope. We're still just dealing --

4 PROSPECTIVE JUROR NUMBER 551: Oh, okay.

5 THE COURT: -- with these 32, Ms. Phillips. It's okay.

6 Anybody on that row ever been arrested, convicted of any
7 kind of crimes?

8 Mr. Jaska?

9 PROSPECTIVE JUROR NUMBER 474: Can you define
10 accused?

11 THE COURT: Well let's say --

12 PROSPECTIVE JUROR NUMBER 474: Formally accused --

13 THE COURT: -- arrested or convicted of any --

14 PROSPECTIVE JUROR NUMBER 474: -- or --

15 THE COURT: I'm not -- I don't want to get into yeah, there
16 was one time that my neighbor accused me of something, but
17 nothing ever happened.

18 PROSPECTIVE JUROR NUMBER 474: Well both of --

19 THE COURT: So let's just --

20 PROSPECTIVE JUROR NUMBER 474: -- my parents went
21 to prison when I was in college and the detective couldn't find the
22 money they supposedly stole --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 474: -- so he came to my
25 house and threatened to throw me in jail for the rest of my life.

1 THE COURT: Okay. But you weren't --
2 PROSPECTIVE JUROR NUMBER 474: Those were his
3 exact --
4 THE COURT: -- arrested.
5 PROSPECTIVE JUROR NUMBER 474: -- words.
6 Hmm?
7 THE COURT: Were you arrested?
8 PROSPECTIVE JUROR NUMBER 474: No, I was not.
9 THE COURT: Okay.
10 PROSPECTIVE JUROR NUMBER 474: So that's why I
11 asked [indiscernible].
12 THE COURT: So let's just kind of stick with arrested or
13 convicted of any kind of crimes.
14 All right. Ms. Brown.
15 PROSPECTIVE JUROR NUMBER 525: DUI.
16 THE COURT: How long ago was that?
17 PROSPECTIVE JUROR NUMBER 525: 2006.
18 THE COURT: Here in Nevada?
19 PROSPECTIVE JUROR NUMBER 525: Yes.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NUMBER 505: Your Honor?
22 THE COURT: Yep.
23 PROSPECTIVE JUROR NUMBER 505: On the last
24 question, I'm sorry, I didn't speak up because I figured it was more
25 than ten years ago. A crime, I was -- my car was broken into.

1 THE COURT: Oh no, no, it's okay. We're just dealing with
2 this row right now --

3 PROSPECTIVE JUROR NUMBER 505: Oh, okay. I'm sorry.

4 THE COURT: -- and then I'll get the microphone over here
5 and send it -- I didn't want to go back and forth.

6 PROSPECTIVE JUROR NUMBER 505: Okay.

7 THE COURT: You're okay. Thank you very much.

8 Okay. DUI, 2006. Did you go to court?

9 PROSPECTIVE JUROR NUMBER 525: Yes.

10 THE COURT: Okay. And everything got finished up in
11 some fashion and it's been closed I take it?

12 PROSPECTIVE JUROR NUMBER 525: Right.

13 THE COURT: Okay. Thank you.

14 Anybody else on that row?

15 No, okay.

16 How about anybody on that row believe that you would
17 have a tendency to give more weight or less weight to the
18 testimony of a police officer just because they were a police officer?
19 Or do you think you could evaluate a police officer like any other
20 witness and listen to everything in evidence and then decide what
21 you think about their testimony? Anybody think they would treat a
22 police officer differently, just believe they're a police officer?

23 And that is Mr. Sulstrom, 523. Yes?

24 PROSPECTIVE JUROR NUMBER 523: Yes.

25 THE COURT: Okay. And I take it that's because of your

1 prior history and employment?

2 PROSPECTIVE JUROR NUMBER 523: Correct.

3 THE COURT: Okay. Thank you very much.

4 Anybody else on that?

5 Yeah?

6 PROSPECTIVE JUROR NUMBER 474: I don't -- I would
7 have to lean towards yes. I would give a little bit less weight but
8 that's only because of past experience with regards to having the
9 police serve a warrant on me for the whole day and stuff and so. I
10 don't know if that's relevant or not.

11 THE COURT: Okay. And that's Mr. Jaska, 474.

12 Anybody else?

13 No. Thank you.

14 Do you all believe that you would be able to wait in
15 forming your opinion on the appropriate result here until you've
16 heard all the evidence in the case and been given the jury
17 instructions by the Court? That means you can't make up your
18 mind after the State gives an opening statement, can't make up
19 your mind after the Defense cross-examines the first witness. You
20 have to be willing to listen to everything you're going to get and
21 then you go back to deliberate, and you make up your mind as to
22 the issues in the case. Anybody who could not do that?

23 All right. Right behind you there on the end. Ms. Kord.

24 PROSPECTIVE JUROR NUMBER 471: I think I'm afraid I
25 may not be fair --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 471: -- because I'm
3 totally against the capital punishment.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 471: And for that reason
6 I may -- maybe not be able to --

7 THE COURT: There isn't anything involved in capital
8 punishment in this case and you don't have any involvement in
9 punishment.

10 PROSPECTIVE JUROR NUMBER 471: Then that will be
11 fine.

12 THE COURT: The Court -- the Court's the one -- yeah, I
13 mean, and that's a really good segue because a lot of jurors bring
14 that up. Every jurisdiction's a little different. Where I come from in
15 Texas, juries assess punishment in almost any kind of case that's
16 put before them.

17 The way it works here in Nevada is punishment lies solely
18 with the Court. So you're just deciding an issue of whether you
19 think somebody's guilty or not guilty, that's it, okay?

20 PROSPECTIVE JUROR NUMBER 471: Yeah but if say I
21 know if I say this person is guilty --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 471: -- so they may send
24 him to the capital punishment --

25 THE COURT: No capital punishment.

1 PROSPECTIVE JUROR NUMBER 471: -- so I may not be
2 very honest to myself --

3 THE COURT: Okay. No capital punishment.

4 PROSPECTIVE JUROR NUMBER 471: Okay. Good.

5 THE COURT: You can dispense with that, okay? Is that
6 your only concern is that there's this issue of capital punishment?

7 PROSPECTIVE JUROR NUMBER 471: Yes.

8 THE COURT: Okay. So if that's not a concern then you're
9 okay?

10 PROSPECTIVE JUROR NUMBER 471: Yes.

11 THE COURT: Okay. Got it. All right.

12 How about anybody else on that question?

13 You guys remember the question?

14 Yeah? Okay.

15 All right. Then we're going to go ahead and take our
16 lunch break at this time, Ladies and Gentlemen. So we're going to
17 be in recess for about an hour. During the recess there's something
18 I need to tell you every time we take a break, so -- and I'll go
19 through it slowly the first couple of times.

20 But during the recess you're admonished not to talk or
21 converse among yourselves or with anybody else on any subject
22 connected with the trial. Or read or watch or listen to any kind of
23 report or commentary on the case by any medium of information
24 including, without limitation, the newspapers, television, the
25 internet, and radio. And you cannot form or express any opinion

1 on any subject connected with the case. You cannot do any kind of
2 legal or factual research, or investigation on your own, or attempt
3 to look up any information about people involved in the case either.

4 What that means in simple terms is when we take a break,
5 you got to find other things to talk about. The only time you can
6 talk about the case is when you're in the deliberation room
7 deliberating on the verdict. Every other time, you have to just find
8 other things to socialize about while you're sitting around waiting
9 for us to get started back up at court.

10 How many of you do not have smart phones?

11 Got a couple of folks left. Okay.

12 So those of you that do have smart phones, please,
13 whether it's your phone now, computer at home, anything like that,
14 no legal or factual research. Don't go on the Internet looking up
15 terms or anything like that. Everything you need to know to decide
16 a case you learn here in court. And the only way the process is fair
17 to the parties and to each other as jurors is if you're all listening to
18 and receiving the same information and then talking about that
19 same information to reach a verdict.

20 How many of you do not have any kind of social media
21 accounts? I think there's nobody in the world left, right?

22 Okay. Got a few there as well.

23 Same thing with social media. Please don't go on social
24 media talking about you're doing jury duty or updating your status
25 or anything like that. Even though that can really be kind of an

1 innocent thing from a juror standpoint, you're going to get
2 everybody's opinions bombarded back at you about what they think
3 about those things and I would prefer that we kind of prohibit any
4 of that right now, okay?

5 So please do not engage in any kind of social media
6 communication about the fact that you're doing jury duty.

7 I know that, particularly when we're done and we have 14
8 of you that are going to be staying on with this, you're going to
9 need to let your loved ones and your employers and folks know that
10 you're going to be on a jury. But let's avoid social media
11 communication, okay?

12 So when you come back to court, I'm going to say to just
13 collect downstairs again on the third floor and I'll have the marshal
14 come down there and get you and we'll try and start up at 1:30
15 because it's just about 12:30, okay?

16 If you want to leave anything in the courtroom, you
17 brought a book with you, a bottle of water, whatever it is, you're
18 going to come back to the same chairs you're in, so feel free to
19 leave anything there that you want to, okay?

20 And I will see you all back in an hour. Thank you very
21 much.

22 Ms. Gideon, can you go ahead and stay there for just a
23 second for me, please? Thank you.

24 [Outside the presence of the prospective jury,
25 with the exception of Prospective Juror Number 402]

1 THE COURT: You guys can be seated.
2 I just wanted to follow up with you a little bit since I didn't
3 really want to bring it up in the presence of everybody else. But
4 you had indicated that you went to high school with Mr. Minkler?
5 PROSPECTIVE JUROR NUMBER 402: Uh-huh.
6 THE COURT: And with whom else?
7 PROSPECTIVE JUROR NUMBER 402: Jaiden.
8 THE COURT: Pardon.
9 PROSPECTIVE JUROR NUMBER 402: Jaiden.
10 THE COURT: Jaiden. Okay. Can you make sure you keep
11 that kind of close because I have a little trouble hearing you?
12 So you went to high school with Mr. Minkler and Mr.
13 Caruso. Ahead of them? Behind them? What was the timeframe?
14 PROSPECTIVE JUROR NUMBER 402: Ahead of them.
15 THE COURT: Ahead of them. By how many years.
16 PROSPECTIVE JUROR NUMBER 402: I was one year
17 ahead of Matthew.
18 THE COURT: Okay. And did you know that gentleman at
19 all?
20 PROSPECTIVE JUROR NUMBER 402: Yeah.
21 THE COURT: Like friends and would socialize with him?
22 PROSPECTIVE JUROR NUMBER 402: Uh-uh.
23 THE COURT: No. Just kind of knew who he was?
24 PROSPECTIVE JUROR NUMBER 402: Yeah.
25 THE COURT: And then Mr. Caruso, was that the same?

1 PROSPECTIVE JUROR NUMBER 402: Yeah.

2 THE COURT: Just kind of --

3 PROSPECTIVE JUROR NUMBER 402: I didn't --

4 THE COURT: -- knew who he was?

5 PROSPECTIVE JUROR NUMBER 402: Yeah.

6 THE COURT: Okay. Was there ever any occasion that you
7 had any discussion with any of your classmates or anybody else
8 about what was alleged to have happened that's kind of part of this
9 case?

10 PROSPECTIVE JUROR NUMBER 402: It was more of like a
11 he said, she said, but like I never really listened to [indiscernible].

12 THE COURT: Okay. Got to keep that up here.

13 PROSPECTIVE JUROR NUMBER 402: Oh.

14 THE COURT: You got a really soft voice, I'm sorry.

15 So you said it was kind of a he said, she said?

16 PROSPECTIVE JUROR NUMBER 402: Yeah, but I never
17 like really like listened to it or like paid attention to it.

18 THE COURT: Okay. Just kind of chatter amongst your
19 classmates; people talking about what they think may have
20 occurred or didn't occur?

21 PROSPECTIVE JUROR NUMBER 402: Yeah.

22 THE COURT: Okay. State, you want to ask any questions
23 of Ms. Gideon?

24 MR. PESCI: Yes, thank you.

25 When you say the he said, she said, are you referring to

1 the allegations of the crime?

2 PROSPECTIVE JUROR NUMBER 402: Yeah, like people
3 talking about it.

4 MR. PESCI: Okay. So you've heard some things about the
5 crime outside of the courtroom?

6 PROSPECTIVE JUROR NUMBER 402: Uh-huh.

7 MR. PESCI: Is that a yes?

8 PROSPECTIVE JUROR NUMBER 402: Yes.

9 MR. PESCI: Sorry.

10 PROSPECTIVE JUROR NUMBER 402: No --

11 MR. PESCI: In court we just have to do a clear answer one
12 way or the other.

13 Okay. So do you have some information, whether it's
14 accurate or not, about what happened, based on what you're telling
15 us?

16 PROSPECTIVE JUROR NUMBER 402: Not really. I didn't
17 really pay attention to it, so like I didn't really like -- it just like went
18 out my ear and then out the other. So I didn't really like pay
19 attention to it.

20 MR. PESCI: Okay. Do you think that would affect your
21 ability to listen to the evidence here and only make your decision
22 on the evidence you hear in court?

23 PROSPECTIVE JUROR NUMBER 402: Yeah, I could -- I
24 don't really know much about it, so I'd rather hear both sides from
25 it then --

1 MR. PESCI: Okay. All right. Thank you very much.

2 THE COURT: Mr. Yampolsky.

3 MR. YAMPOLSKY: When you said he shed -- he said, she
4 said, that was on -- was that face-to-face?

5 PROSPECTIVE JUROR NUMBER 402: Yeah, people talk
6 about it -- like other people and I'd just be there with it, but I
7 wouldn't like listen to it.

8 MR. YAMPOLSKY: But do you remember specifically
9 what they were saying?

10 PROSPECTIVE JUROR NUMBER 402: No, not really.

11 MR. YAMPOLSKY: And -- you don't think that would
12 affect you being a juror?

13 PROSPECTIVE JUROR NUMBER 402: No.

14 MR. YAMPOLSKY: I have nothing further.

15 THE COURT: Mr. Helmick.

16 MR. HELMICK: Thank you, Your Honor.

17 Do you have social media?

18 PROSPECTIVE JUROR NUMBER 402: Yeah.

19 MR. HELMICK: Okay. Let me get over here by the
20 microphone.

21 Okay. When you were on -- what do you have for social
22 media?

23 PROSPECTIVE JUROR NUMBER 402: I have Twitter,
24 Snapchat, Instagram.

25 MR. HELMICK: Okay. And you are friends with -- do you

1 have other friends that also know Jaiden and Matthew?

2 PROSPECTIVE JUROR NUMBER 402: Yeah.

3 MR. HELMICK: Okay.

4 PROSPECTIVE JUROR NUMBER 402: Yes.

5 MR. HELMICK: Was there a lot of talk on social media
6 about this incident at the time?

7 PROSPECTIVE JUROR NUMBER 402: Yeah, when it first
8 happened, yeah.

9 MR. HELMICK: Okay. Did you read any of those
10 conversations on the social media?

11 PROSPECTIVE JUROR NUMBER 402: Not really.

12 MR. HELMICK: How were you aware of the talk about
13 Matthew and --

14 PROSPECTIVE JUROR NUMBER 402: There'd be like
15 pictures of him and I'd like brief through it, but I wouldn't like really
16 like read it or --

17 MR. HELMICK: Okay.

18 PROSPECTIVE JUROR NUMBER 402: -- anything like that.

19 MR. HELMICK: So you just read it quickly, is that --

20 PROSPECTIVE JUROR NUMBER 402: Yeah.

21 MR. HELMICK: -- what you're saying?

22 Okay. And was it a big conversation amongst the school
23 around this time?

24 PROSPECTIVE JUROR NUMBER 402: It was more like
25 when school was ending so like during the summer, so I already

1 graduated.

2 MR. HELMICK: Did you receive any text messages from
3 anybody in regard to this incident?

4 PROSPECTIVE JUROR NUMBER 402: Uh-uh.

5 MR. HELMICK: No?

6 PROSPECTIVE JUROR NUMBER 402: Uh-uh.

7 MR. HELMICK: Okay. Thank you.

8 THE COURT: Okay. All right. Ms. Gideon, go to lunch. I
9 appreciate it very much. And we'll see you back in an hour, okay?
10 Thank you.

11 [Outside the presence of Prospective Juror Number 402]

12 THE COURT: You guys have any thoughts on Ms.
13 Gideon?

14 MR. PESCI: We'll defer.

15 MR. HELMICK: I mean, I think it's risky to keep her on
16 here.

17 THE COURT: Okay. Well look, I think you're right and it's
18 always you worry about is there something that's going to jog
19 somebody's memory but Mace asked a question that I would have
20 asked after you all had the opportunity and not asked which was do
21 you remember anything specific about anything that you heard and
22 she said no. So --

23 MR. YAMPOLSKY: And Your Honor, with that being said,
24 I have to agree with Mr. Helmick because she may have read and
25 she doesn't remember anything specific and then something may

1 be said or another picture to jog her memory and I think in an
2 abundance of caution, we should let her go.

3 THE COURT: State?

4 MR. PESCI: We have no objection to their motion to
5 excuse her.

6 THE COURT: Okay. All right. I will go ahead and excuse
7 her.

8 So when she gets back after lunch, you can just tell her
9 that she's been excused, okay?

10 THE MARSHAL: What was her number again?

11 THE COURT: Her number --

12 MR. PESCI: 402.

13 THE COURT: Thank you.

14 THE MARSHAL: 482?

15 MR. PESCI: 4-0 -- 4-0-2.

16 THE COURT: 402.

17 MR. HELMICK: Who will take that spot?

18 THE COURT: Okay. You guys have anything else outside
19 the presence?

20 MR. PESCI: No.

21 MR. YAMPOLSKY: No, Your Honor.

22 THE COURT: No, okay. Then go to lunch. I'll see you
23 back in an hour, guys.

24 THE CLERK: It will be Christopher Young.

25 MR. HELMICK: Christopher Young.

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THE CLERK: Christopher Young.

THE COURT: Christopher Young's taking that place.

[Court recessed at 12:33 p.m., until 1:49 p.m.]

[In the presence of the prospective jury]

THE MARSHAL: Jurors are present.

THE COURT: All right. We will be back on the record. Mr. Harlan, Mr. Caruso, their attorneys, States' attorneys are all present. Our prospective jurors are present as well. We are going to fill the seat that was vacated by Ms. Gideon, who is?

THE CLERK: Badge 540, Christopher Young.

THE COURT: Mr. Young.

How are you doing, Mr. Young?

PROSPECTIVE JUROR NUMBER 540: Good. And yourself, sir?

THE COURT: I'm doing well, thank you.

Could you go ahead and take that seat on the top row for me, please, and we'll get you the microphone?

So Mr. Young, how long have you lived here, sir?

PROSPECTIVE JUROR NUMBER 540: A year and a half, sir.

THE COURT: And where did you move here from?

PROSPECTIVE JUROR NUMBER 540: The great state of Tennessee.

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

PROSPECTIVE JUROR NUMBER 540: High school.

1 THE COURT: What type of work do you do?
2 PROSPECTIVE JUROR NUMBER 540: I run a dental
3 laboratory.
4 THE COURT: Are you married?
5 PROSPECTIVE JUROR NUMBER 540: Divorced.
6 THE COURT: Any children?
7 PROSPECTIVE JUROR NUMBER 540: One daughter.
8 THE COURT: And how old is she?
9 PROSPECTIVE JUROR NUMBER 540: Seven.
10 THE COURT: Have you ever been a juror before?
11 PROSPECTIVE JUROR NUMBER 540: No, sir.
12 THE COURT: Do you want to be?
13 PROSPECTIVE JUROR NUMBER 540: I guess so. Why
14 not?
15 THE COURT: Have you ever been the victim of a crime
16 before?
17 PROSPECTIVE JUROR NUMBER 540: No, sir.
18 THE COURT: Have you ever arrested, convicted of any
19 kind of crime?
20 PROSPECTIVE JUROR NUMBER 540: I was arrested.
21 Charges were dropped.
22 THE COURT: Okay. And how long ago was that?
23 PROSPECTIVE JUROR NUMBER 540: Five years.
24 THE COURT: Okay. And what were you originally
25 arrested for?

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PROSPECTIVE JUROR NUMBER 540: Assault.

THE COURT: Okay. Back in Tennessee?

PROSPECTIVE JUROR NUMBER 540: Yes, sir.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 540: Bar fight.

THE COURT: Did you say bar fight?

PROSPECTIVE JUROR NUMBER 540: Bar fight.

THE COURT: Got it.

PROSPECTIVE JUROR NUMBER 540: With my buddy, so.

THE COURT: Do you believe you'd be able to keep an open mind in the case and not decide any issues until the case is submitted to you for deliberation?

PROSPECTIVE JUROR NUMBER 540: Yes, sir.

THE COURT: Do you believe you could treat police officers like any other witness and not judge what you thought about their testimony until you've heard everything in evidence?

PROSPECTIVE JUROR NUMBER 540: Yes, sir.

THE COURT: Okay. So why don't you hold on to the microphone for me and let me just kind of get up to the top row there.

Any other persons on the top row ever been a juror before?

Yep. Could you pass it down to your -- oh well actually hold on. Why don't you go right to your right, to Ms. Huston first?

PROSPECTIVE JUROR NUMBER 506: So --

1 THE COURT: Ms. Huston, how many times?
2 PROSPECTIVE JUROR NUMBER 506: That I was called to
3 be it?
4 THE COURT: No, no, no. Actually served on a jury --
5 PROSPECTIVE JUROR NUMBER 506: Oh --
6 THE COURT: -- not just do this.
7 PROSPECTIVE JUROR NUMBER 506: -- none.
8 THE COURT: No?
9 PROSPECTIVE JUROR NUMBER 506: No.
10 THE COURT: Okay, great.
11 Then we can pass it down to the left if you would, please.
12 Mr. Gutierrez-Sosa.
13 All right. Sir, how many times?
14 PROSPECTIVE JUROR NUMBER 505: Once.
15 THE COURT: And how long ago was that?
16 PROSPECTIVE JUROR NUMBER 505: Roughly two years
17 ago.
18 THE COURT: Okay. And was that here in Las Vegas?
19 PROSPECTIVE JUROR NUMBER 505: Yes.
20 THE COURT: Criminal or civil trial?
21 PROSPECTIVE JUROR NUMBER 505: Civil.
22 THE COURT: Do you remember what the nature of the
23 dispute was?
24 PROSPECTIVE JUROR NUMBER 505: It was an
25 automobile accident.

1 THE COURT: Did the jury reach a verdict?
2 PROSPECTIVE JUROR NUMBER 505: Yes.
3 THE COURT: And were you the foreperson of the jury?
4 PROSPECTIVE JUROR NUMBER 505: No.
5 THE COURT: Okay. Great.
6 Anybody else on that top row?
7 Nope. How about middle row? Anybody been a juror on
8 the middle row?
9 Bottom row?
10 No, okay.
11 Top row, anybody ever been the victim of a crime before?
12 Okay. And Mr. Gutierrez-Sosa, was this what you started
13 to talk about earlier and I said we'd get the microphone over?
14 PROSPECTIVE JUROR NUMBER 505: Yes, about ten years
15 ago.
16 THE COURT: A car burglary or something.
17 PROSPECTIVE JUROR NUMBER 505: My car was broken
18 into.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NUMBER 505: Car stereo stolen.
21 That's it.
22 THE COURT: Here in Las Vegas?
23 PROSPECTIVE JUROR NUMBER 505: Yes.
24 THE COURT: Was it reported to the police?
25 PROSPECTIVE JUROR NUMBER 505: No.

1 THE COURT: Okay. Thank you.

2 Who else had their hands up?

3 Okay. Why don't you go right to your right? There you
4 go.

5 Mr. Meng.

6 PROSPECTIVE JUROR NUMBER 390: I've been the victim
7 of armed robbery like four different times.

8 THE COURT: Okay. In like the nature of work you were
9 doing, just kind of --

10 PROSPECTIVE JUROR NUMBER 390: Correct, yeah. I was
11 the store director for Albertsons and --

12 THE COURT: Got it.

13 PROSPECTIVE JUROR NUMBER 390: -- get robbed in the
14 morning.

15 THE COURT: Okay. And were all those here in Las Vegas
16 or --

17 PROSPECTIVE JUROR NUMBER 390: Yes, they were.

18 THE COURT: All those. So when about -- well how long
19 was the last one?

20 PROSPECTIVE JUROR NUMBER 390: You know, it's
21 between 10 and 15 years ago.

22 THE COURT: Were each of them reported to the police?

23 PROSPECTIVE JUROR NUMBER 390: Absolutely.

24 THE COURT: And did any of them result in you having to
25 go to court and testify?

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PROSPECTIVE JUROR NUMBER 390: I wish.

THE COURT: Did the matters go to court at all or --

PROSPECTIVE JUROR NUMBER 390: I have no idea.

THE COURT: No idea. Got it, okay. Thank you.

Who else had their hand up? Up right -- why don't you go right to your -- well, okay, go ahead. No, it's okay. Right to your left, thank you.

Yeah, Mr. Contreras.

PROSPECTIVE JUROR NUMBER 378: Yeah, my truck was stolen in 2007.

THE COURT: Okay. Was that here in Las Vegas?

PROSPECTIVE JUROR NUMBER 378: Yes.

THE COURT: Reported to the police?

PROSPECTIVE JUROR NUMBER 378: Yes.

THE COURT: And did you ever go to court?

PROSPECTIVE JUROR NUMBER 378: Yes.

THE COURT: Did you testify?

PROSPECTIVE JUROR NUMBER 378: Yes.

THE COURT: Was it in like a trial like this?

PROSPECTIVE JUROR NUMBER 378: No.

THE COURT: No. So down in the lower courts, a preliminary hearing maybe?

PROSPECTIVE JUROR NUMBER 378: So I guess the guy had a lot of charges already --

THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER 378: -- and mine was
2 just --

3 THE COURT: Okay. Got it. Thank you.

4 So go back this way. Who was the first hand I had?

5 Okay. Thank you. And that is Badge Number -- Mr.
6 Barrett, correct?

7 PROSPECTIVE JUROR NUMBER 398: Yeah.

8 THE COURT: 398, thank you.

9 PROSPECTIVE JUROR NUMBER 398: 398. A couple of
10 home burglaries and one armed robbery.

11 THE COURT: Burglaries here in Las Vegas?

12 PROSPECTIVE JUROR NUMBER 398: One of them about
13 ten years ago.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 398: And the other one
16 was 25 years ago.

17 THE COURT: What about the armed robbery, where was
18 that?

19 PROSPECTIVE JUROR NUMBER 398: That was roughly 22
20 years ago in LA.

21 THE COURT: Okay. The burglary in Las Vegas, was it
22 reported to the police?

23 PROSPECTIVE JUROR NUMBER 398: Yes.

24 THE COURT: And in any of the events, elsewhere or here,
25 did you ever go to court and testify?

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PROSPECTIVE JUROR NUMBER 398: No.

THE COURT: Okay. Thank you.

Ms. Huston?

PROSPECTIVE JUROR NUMBER 506: Yes. Last summer my -- our vehicle was -- the window was busted out and my husband's bike was stolen.

Then in 2 --

THE COURT: Was that here in Las Vegas that it occurred?

PROSPECTIVE JUROR NUMBER 506: North Las Vegas.

THE COURT: And was that reported to the police?

PROSPECTIVE JUROR NUMBER 506: It was not.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR NUMBER 506: Two years ago, our -- well his wallet was stolen from our family vehicle while we were all at a race. That was in Henderson.

THE COURT: Henderson. Was that reported?

PROSPECTIVE JUROR NUMBER 506: No.

THE COURT: No? Okay. Thank you.

Anybody else on that top row?

No.

How about middle row, anybody ever been the victim of a crime?

Yeah, could you pass it forward for me, please?

All right. Mr. Mayhew, 426.

PROSPECTIVE JUROR NUMBER 426: That's correct. My

1 pickup truck was stolen approximately three months ago.

2 THE COURT: And here in Las Vegas?

3 PROSPECTIVE JUROR NUMBER 426: Yes, North Las
4 Vegas.

5 THE COURT: North Las Vegas. Was it reported to the
6 police?

7 PROSPECTIVE JUROR NUMBER 426: It was.

8 THE COURT: Have you been to court at all?

9 PROSPECTIVE JUROR NUMBER 426: I didn't have to
10 attend.

11 THE COURT: Okay. Thank you.

12 Who else did I have?

13 Yes? All right. Ms. Alvarez.

14 PROSPECTIVE JUROR NUMBER 425: I've had two cars
15 stolen and money stolen.

16 THE COURT: Money stolen as part of the cars being
17 stolen or something separate?

18 PROSPECTIVE JUROR NUMBER 425: No, it was a
19 separate incident. It was like I was investing in my daughter's
20 Quinceañera and the gentleman took the money and ran from God
21 knows how many people.

22 THE COURT: Oh, some kind of fraud thing where they
23 represented what they were going to do and they just --

24 PROSPECTIVE JUROR NUMBER 425: Uh-huh.

25 THE COURT: -- took your money.

1 Got it. Were all of those here?
2 PROSPECTIVE JUROR NUMBER 425: Yes.
3 THE COURT: And were the police contacted?
4 PROSPECTIVE JUROR NUMBER 425: Yes.
5 THE COURT: And did you ever go to court and testify?
6 PROSPECTIVE JUROR NUMBER 425: No, because they
7 didn't find the people.
8 THE COURT: Okay. Thank you.
9 Anybody else on that row?
10 No. How about the bottom row, ever been the victim of a
11 crime?
12 Okay. Oh, yeah. Would you pass it forward for me, Ms.
13 Alvarez?
14 Thank you very much.
15 Ms. Esparza.
16 PROSPECTIVE JUROR NUMBER 452: Yeah. Car stolen.
17 THE COURT: Car stolen.
18 PROSPECTIVE JUROR NUMBER 452: Uh-huh.
19 THE COURT: Okay. How long ago --
20 PROSPECTIVE JUROR NUMBER 452: 2000 and --
21 THE COURT: -- was that?
22 PROSPECTIVE JUROR NUMBER 452: 2000 and -- 2000 -- I
23 believe it was 2009.
24 THE COURT: So here in Las Vegas?
25 PROSPECTIVE JUROR NUMBER 452: From Boulder

1 Station Casino.

2 THE COURT: Were the police called?

3 PROSPECTIVE JUROR NUMBER 452: Yes.

4 THE COURT: Did you ever go to court?

5 PROSPECTIVE JUROR NUMBER 452: No.

6 THE COURT: No, okay.

7 All right. Anybody else on that row?

8 Yeah. Could you pass it down to the end for me, please?

9 Ms. Williams.

10 PROSPECTIVE JUROR NUMBER 468: My house was
11 broken into.

12 THE COURT: How long ago was that?

13 PROSPECTIVE JUROR NUMBER 468: 2013.

14 THE COURT: And police called?

15 PROSPECTIVE JUROR NUMBER 468: Yes.

16 THE COURT: And did you ever go to court?

17 PROSPECTIVE JUROR NUMBER 468: No.

18 THE COURT: Okay. Anybody else on that row?

19 No.

20 How about bottom row, ever been arrested or convicted
21 of any kind of crime?

22 Yeah. Could you pass it down for me, please? Thank you.

23 Mr. Libauskas.

24 PROSPECTIVE JUROR NUMBER 514: Yes. Possession of
25 marijuana.

1 THE COURT: Okay. How long ago was that?
2 PROSPECTIVE JUROR NUMBER 514: 30 years ago.
3 THE COURT: When it was still illegal.
4 PROSPECTIVE JUROR NUMBER 514: Yes.
5 THE COURT: All right. Was that here or some -- in
6 Indiana?
7 PROSPECTIVE JUROR NUMBER 514: Indiana.
8 THE COURT: Got it. Thank you.
9 Anybody else on that row?
10 Middle row, anybody ever been arrested or convicted of
11 any crimes?
12 Top row?
13 Yep. Could you go ahead and pass it on back for me,
14 please, and we'll get it back to Mr. Barrett. Thank you.
15 Yes, sir?
16 PROSPECTIVE JUROR NUMBER 398: Loaded firearm in
17 the trunk of the car. And that was in Ohio.
18 THE COURT: In Ohio, okay. Thank you. How long ago
19 was that?
20 PROSPECTIVE JUROR NUMBER 398: 24 years ago.
21 THE COURT: Thank you.
22 Anybody else on that top row?
23 Anybody -- starting at the top row. Anybody believe you
24 would police officers any differently than other witnesses or could
25 you treat them the same as other witnesses and evaluate their

1 testimony in light of everything in the case? Anybody treat them
2 differently just because they're police officers?

3 See no hands.

4 Second row?

5 Yes. Could you pass it forward for me, please, Mr.

6 Barrett? Thank you.

7 Mr. Pedronan?

8 PROSPECTIVE JUROR NUMBER 507: Yes.

9 THE COURT: So what are your thoughts?

10 PROSPECTIVE JUROR NUMBER 507: Yes, I'm -- have a
11 little bit of bias, Your Honor, because I have family in the police
12 department.

13 THE COURT: Okay. So do you think you would
14 automatically like believe a police officer --

15 PROSPECTIVE JUROR NUMBER 507: I think I would
16 believe a police officer more than a normal person.

17 THE COURT: Okay. Thank you.

18 How about anybody else on the second row?

19 How about on the bottom row? Anybody on the bottom
20 row on that question?

21 See no hands. Thank you.

22 And we'll start on the second row since that's where my
23 microphone is right now. Do you all of you on the second row
24 believe that you would be able to keep an open mind and not
25 decide any issue of the case until the case is submitted to you for

1 your deliberations? Again, wait to receive all of the information
2 you're going to get in the case before making up your mind about
3 what the verdict should be? Anybody not be able to do that?

4 See no hands.

5 How about on my top row on that question?

6 See no hands.

7 Anybody on the bottom row?

8 See no hands.

9 Okay. So those are the general questions I have for you
10 all in my panel of 32, so at this point I'm going to turn it over to the
11 State to ask questions of the group of you. I thank you very much
12 for your time.

13 Okay. Mr. Pesci.

14 MR. PESCI: Thank you, Your Honor.

15 Ladies and Gentlemen, thank you for your patience.

16 There are a lot of rules in court and some of them are sensical and
17 some of them are nonsensical. The Judge just explained we're --
18 we can't talk to you except for now. We're allowed to talk to you
19 now and ask you some questions. But if we go outside and you ask
20 me what time court starts tomorrow, I'm going to look down. It's
21 not because I'm trying to be rude, as the Court's explained. But we
22 can talk right now.

23 And so we'd like to be able to talk and get some
24 information because each side's trying to figure out who can be fair
25 and impartial for this trial. So there's some specific questions I

1 want to kind of ask based on some of the questions that the Court's
2 asked and some of your answers.

3 Now one of them, if I could, could you please raise your
4 hand if you've been the victim of a crime before?

5 And Judge, I -- am I taking all the 32, correct?

6 THE COURT: Yeah, all 32.

7 MR. PESCI: Okay. So if you could raise your hands if
8 you've been the victim of a crime.

9 Thank you very much. I think I heard that nobody came
10 and testified as a witness or was there one person who testified?

11 Okay. So everybody else, you've been a victim and you
12 never had to come to court and be in a proceeding like this, is that
13 correct?

14 Okay. So everyone's shaking their head yes.

15 And sir, if I could, you are I believe Badge Number 378,
16 Mr. Contreras. And if the microphone is somewhere floating
17 around, if we could pass it back to him.

18 Judge Herndon asked you about coming in to testify at a
19 different proceeding and I wasn't quite sure, did you actually take
20 the witness stand or was it negotiated when you came to court?

21 PROSPECTIVE JUROR NUMBER 378: It was negotiated
22 when I came to court.

23 MR. PESCI: All right. So you didn't have to get on the
24 stand.

25 PROSPECTIVE JUROR NUMBER 378: No because I was

1 the last -- I was a case on that guy. So as soon as I came in, there
2 was no need for me to testify.

3 MR. PESCI: Okay. So it resolved short of a hearing or a
4 trial.

5 PROSPECTIVE JUROR NUMBER 378: Yeah.

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

7 [Phone ringing]

8 MR. PESCI: It's okay. If you take a sec and maybe grab
9 your phone, double check to make sure it's turned off because we
10 all do that, right?

11 THE COURT: That's my fault. I should have reminded you
12 all that.

13 MR. PESCI: So I apologize.

14 Now as far as the times you've been victims of crimes, it
15 appears as if unfortunately in our great state there are a lot of car
16 burglaries, right? There's a lot of residential burglaries. And there
17 are some people who did report and some people who did not
18 report.

19 So could you raise your hand if you did not report? And I
20 think, ma'am, Ms. Huston, Badge Number 506, if I could start with
21 you because -- we'll come back, I apologize. Because I think you
22 said earlier there were two separate occasions and you did not
23 report it to the police, so I wanted to know why you did not.

24 PROSPECTIVE JUROR NUMBER 506: Well the first time
25 during the race we were just hot and tired and it was on a different

1 side of town from where we lived and it was just an inconvenience
2 to know where to go, what to do, or how to do it --

3 MR. PESCI: Okay.

4 PROSPECTIVE JUROR NUMBER 506: -- and it was just
5 mostly I -- like they took -- it wasn't very much money out of the
6 wallet, and it was just canceling the cards. They had already started
7 charging stuff by the time we had found out that they had stolen
8 the cards.

9 MR. PESCI: Okay.

10 PROSPECTIVE JUROR NUMBER 506: So we were in the
11 midst of canceling the cards and what not, so --

12 MR. PESCI: That --

13 PROSPECTIVE JUROR NUMBER 506: -- I didn't see what
14 the point was.

15 MR. PESCI: That was the first time, correct?

16 PROSPECTIVE JUROR NUMBER 506: Correct.

17 MR. PESCI: And the second time?

18 PROSPECTIVE JUROR NUMBER 506: Was just in our front
19 yard. They bashed in the window and just stole the bike. Again, I
20 don't know, we just -- I didn't -- we didn't know what to do.

21 MR. PESCI: Okay.

22 PROSPECTIVE JUROR NUMBER 506: So -- where to go,
23 what to do.

24 MR. PESCI: So what I'm trying to figure out -- thank you
25 very much, ma'am.

1 PROSPECTIVE JUROR NUMBER 506: Sure.

2 MR. PESCI: Is did anybody not report because they felt
3 like the police weren't going to do their job? That's what I wanted
4 to follow up on. Has anybody felt like, you know, it's just not going
5 to yield anything so I'm not even going to bother?

6 PROSPECTIVE JUROR NUMBER 506: Well I figured it
7 wasn't that big of a --

8 MR. PESCI: A deal?

9 PROSPECTIVE JUROR NUMBER 506: -- an amount, yeah.
10 It was -- you know, it's -- the first time was just 20 bucks. The
11 second time, yeah, it was a couple hundred-dollar bike but what --
12 there's bigger crimes out there I guess I thought.

13 MR. PESCI: All right. Thank you very much. Would you
14 mind passing --

15 PROSPECTIVE JUROR NUMBER 506: Sure.

16 MR. PESCI: -- I think there's a gentleman two seats over,
17 Mr. Barrett, Badge Number 398. You were nodding your head yes
18 as I said maybe something wouldn't come from it?

19 PROSPECTIVE JUROR NUMBER 398: Oh well yeah, I had
20 a couple of car break-ins that I didn't report. And just balanced the
21 fact that what was stolen wasn't worth that much and what I
22 expected out of the law system -- the enforcement system.

23 MR. PESCI: All right. So --

24 PROSPECTIVE JUROR NUMBER 398: Nothing against the
25 police in particular, but I just don't think those things come up

1 being solved too often.

2 MR. PESCI: Okay. And unfortunately this seems to bear
3 that out, right? Everybody's experienced what we're hearing here.

4 Okay. Thank you. Could you pass it over?

5 And Mr. Gutierrez-Sosa, Badge 505, you were raising your
6 hand earlier.

7 PROSPECTIVE JUROR NUMBER 505: Yeah, the only
8 reason I didn't report back then, I was a teenager, this happened
9 probably more than ten years ago -- ten years was my estimate.
10 But I was a teenager, I really didn't know what to do and I just
11 moved on with my life at that point.

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

13 Now for those of you that did in fact report -- oh, there's a
14 gentleman over here, I apologize. If I could grab that microphone --
15 or the marshal will.

16 And I believe this is Mr. Jaska, 474.

17 PROSPECTIVE JUROR NUMBER 474: Yes, correct. You
18 were talking about car burglaries. Mine was in California, you're
19 referring to Nevada, so.

20 MR. PESCI: Doesn't matter, whatever --

21 PROSPECTIVE JUROR NUMBER 474: Same --

22 MR. PESCI: -- crime.

23 PROSPECTIVE JUROR NUMBER 474: I re -- my initial
24 reaction earlier I thought I reported it, but I can't remember actually
25 seeing a cop. I think in Stockton I just called --

1 MR. PESCI: Okay.

2 PROSPECTIVE JUROR NUMBER 474: -- because I had to
3 get the insurance claim and they needed the report. But I didn't call
4 initially, and I don't remember why.

5 MR. PESCI: Okay. So for those who did report, did
6 anybody feel like you know what, the police, the District Attorney's
7 Office, the system failed me? Does anybody have a feeling -- which
8 is totally fine if you feel that way, right? Did anybody feel that the
9 system let you down being a victim of a crime?

10 We do have a hand. Judge, I think it's Number 471, Ms.
11 Kord?

12 PROSPECTIVE JUROR NUMBER 471: Yeah.

13 MR. PESCI: And ma'am, could you tell us?

14 PROSPECTIVE JUROR NUMBER 471: I have my house
15 broke in, my house was trashed. My safe was broken. Everything
16 was taken. The police and forensic personnel, they all was in my
17 house for about eight hours. Then that was it. I did not get any
18 answer, nothing. Nothing was followed up so that was the end of
19 it.

20 MR. PESCI: Was that in Chicago or here in Las Vegas?

21 PROSPECTIVE JUROR NUMBER 471: Chicago.

22 MR. PESCI: And do you feel as if the system let you
23 down?

24 PROSPECTIVE JUROR NUMBER 471: I think it was too
25 many things for the police to do, so it's not -- nobody was dead, it

1 was just some property was taken, so it wasn't important enough
2 for them to follow up.

3 MR. PESCI: All right. And so the State -- I ask this
4 question because I'm trying to figure out if there would be a feeling
5 against the State or against the police because of not following up
6 or was someone not doing enough because we're going to call
7 police officers. There's going to be some police personnel. There'll
8 be also lay witnesses, kids, and things like that. But there'll be
9 some police officers.

10 So if there's a feeling against the police, which everyone
11 has the right to have, if you have that, we'd want to know so we
12 could try to figure out if you're appropriate for this case. So does
13 anybody feel that they've been let down by the system?

14 Okay. I apologize, Mr. Jaska --

15 PROSPECTIVE JUROR NUMBER 474: Jaska, correct, like
16 Alaska.

17 MR. PESCI: -- 474.

18 PROSPECTIVE JUROR NUMBER 474: Yeah, as I said
19 before, it wasn't the system that I felt let me down, it was individual
20 bad actors who had perhaps a personal quarrel and so I wouldn't
21 go so far as to say it was the system that let me down.

22 MR. PESCI: Okay.

23 PROSPECTIVE JUROR NUMBER 474: In that regard I don't
24 think I would be unbiased in any way.

25 MR. PESCI: All right. And I think I heard earlier you talked

1 about a specific detective that came --

2 PROSPECTIVE JUROR NUMBER 474: Correct.

3 MR. PESCI: -- to your house.

4 PROSPECTIVE JUROR NUMBER 474: Yes.

5 MR. PESCI: Okay. And so -- and that was out of state?

6 PROSPECTIVE JUROR NUMBER 474: No, that was in
7 California.

8 MR. PESCI: In California, okay. So would you hold that
9 against any detectives we might call in this case?

10 PROSPECTIVE JUROR NUMBER 474: Depending on
11 their -- the interrogation tactics because that's what it really boiled
12 down to. I think that he used the whole Reid and Inbau and just the
13 pressure that he puts even on to innocent people, if they did that
14 then it wouldn't be a bias against the police, it would be a bias
15 against the tactics and the education they have with regards to their
16 detective skills so to speak.

17 MR. PESCI: So the things that they --

18 PROSPECTIVE JUROR NUMBER 474: Are taught.

19 MR. PESCI: -- utilized -- and I apologize, I'm really sorry.

20 PROSPECTIVE JUROR NUMBER 474: Yeah.

21 MR. PESCI: So this woman's listening to everything and
22 recording everything. If we talk at the same --

23 PROSPECTIVE JUROR NUMBER 474: I understand.

24 MR. PESCI: -- time, it just puts her --

25 PROSPECTIVE JUROR NUMBER 474: Understood.

1 MR. PESCI: -- in a really bad spot to write it down later.
2 So I'll try not to interrupt, I apologize. So go ahead.

3 PROSPECTIVE JUROR NUMBER 474: Oh no, I'm -- you
4 go. I kind of lost my train of thought there.

5 MR. PESCI: Okay. So you're saying that the methodology
6 that the police used, you did not agree with.

7 PROSPECTIVE JUROR NUMBER 474: 100 percent.

8 MR. PESCI: And that could come in to play, you're saying
9 in your mind, in this case, potentially.

10 PROSPECTIVE JUROR NUMBER 474: Potentially. I don't
11 know the facts of the case, so I can't say for sure but of --

12 MR. PESCI: All right.

13 PROSPECTIVE JUROR NUMBER 474: -- course,
14 potentially.

15 MR. PESCI: All right. Thank you very much.

16 PROSPECTIVE JUROR NUMBER 474: Yes.

17 MR. PESCI: Anybody else wants to add anything to that?

18 You know, he -- the gentleman just said there's -- there --
19 he doesn't know the facts of the case. Does everybody understand
20 that -- and the judge went over it earlier that the Defendants are
21 presumed innocent? So there are no facts in front of you right now,
22 there's just a charging document, as the Court explained. They are
23 presumed innocent. The only way someone is guilty is if the State
24 presents the evidence and a jury, all unanimously, beyond a
25 reasonable doubt, find them guilty. Can everyone accept that

1 concept?

2 There are no one shaking their head no. It seems to be all
3 in the affirmative.

4 Okay. There are some questions I'd like to ask based on
5 some of the facts of our case but not going into all the facts. We
6 allege that a deadly weapon was used in this case, specifically a
7 firearm. Now there are feelings that people have about firearms
8 that can affect their ability to be fair and impartial. You can be pro-
9 gun, you can be anti-gun; whatever your position is, is totally fine.
10 The question is, does anybody feel as if their feelings about
11 firearms will affect their ability to be fair in this particular case?

12 All right. We're going to ask if we could move the
13 microphone over to Mr. Meng.

14 PROSPECTIVE JUROR NUMBER 390: Right.

15 MR. PESCI: And it's Juror Number 390. And the
16 microphone has arrived.

17 PROSPECTIVE JUROR NUMBER 390: Just after being at
18 the end -- on the -- I should say on the other end of a loaded gun.
19 Also laying on the floor with a gun to my head while I'm being
20 robbed, yeah, I have a little bit of not so good with the guns.

21 MR. PESCI: Yes. Okay. And so everyone's personal life --
22 hold on to that microphone -- everyone's personal life, you come
23 into this room with those experiences and that's fine. And we just
24 need to know, will those experiences make it such that you can't be
25 fair to either side, to the State or to the Defense? And so that

1 particular situation, if I remember correctly, there were four times
2 while you were working at Albertsons?

3 PROSPECTIVE JUROR NUMBER 390: That's correct.

4 MR. PESCI: All here in Las Vegas.

5 PROSPECTIVE JUROR NUMBER 390: That's correct.

6 MR. PESCI: Okay. And then I guess they were reported
7 but you never had to come to court.

8 PROSPECTIVE JUROR NUMBER 390: Pardon me?

9 MR. PESCI: You never had to come to court on any --

10 PROSPECTIVE JUROR NUMBER 390: On the robberies,
11 that's correct.

12 MR. PESCI: Okay. Do you think the fact that you've been
13 a victim of an armed robbery would affect your ability to be fair and
14 impartial to --

15 PROSPECTIVE JUROR NUMBER 390: I think that's a
16 possibility.

17 MR. PESCI: Okay. And is that based on your personal
18 experience?

19 PROSPECTIVE JUROR NUMBER 390: Absolutely.

20 MR. PESCI: All right. Now kind of a follow-up. So the
21 State of Nevada, building on what I said a moment ago, we have to
22 prove the case beyond a reasonable doubt. It's our burden. The
23 Defense doesn't have to prove anything. They don't have to do
24 anything, they don't have to ask any questions. I'm sure they're
25 going to, but they don't have to, right?

1 If we present our case and you think we failed to prove it
2 beyond a reasonable doubt, even when we allege a gun, could you
3 return a not guilty verdict?

4 PROSPECTIVE JUROR NUMBER 390: Yes.

5 MR. PESCI: Okay. If we do prove it, could you come back
6 with guilty?

7 PROSPECTIVE JUROR NUMBER 390: Yes.

8 MR. PESCI: And I guess in this context is just because
9 there's a gun, is that going to make you automatically go to guilty?

10 PROSPECTIVE JUROR NUMBER 390: No.

11 MR. PESCI: But you're sharing with us the fact that guns
12 do bring up emotions and feelings.

13 PROSPECTIVE JUROR NUMBER 390: Absolutely.

14 MR. PESCI: Okay. So overall, do you think that you could
15 be fair considering those facts?

16 PROSPECTIVE JUROR NUMBER 390: Yes.

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

18 Did anybody else -- because we're spanning all the way
19 over here. Anybody else as far as firearms?

20 Let me follow-up with this point, does anybody own a
21 firearm? You want to raise your hand?

22 And then does anybody feel as if that ownership of a
23 firearm prevents you from being a fair or impartial juror?

24 So all those that raised your hand, does the fact that you
25 own a gun make it such that you can't be fair?

1 That's kind of a wordy question, I don't [indiscernible].

2 Could you raise your hand again that own firearms?

3 Could we move the microphone over two to Mr. Young,

4 Badge 540? How long have you owned firearms?

5 PROSPECTIVE JUROR NUMBER 540: Since I was able to
6 buy one.

7 MR. PESCI: Okay. And then in your experience, have you
8 had interactions with law enforcement when you've had the
9 firearm?

10 PROSPECTIVE JUROR NUMBER 540: Yes, sir.

11 MR. PESCI: Okay. And did you behave certain ways
12 because of the fact that you had the firearm when you interacted
13 with police?

14 PROSPECTIVE JUROR NUMBER 540: I behaved very well.

15 MR. PESCI: Ha, ha, ha, right.

16 Did you change your behavior to some degree because
17 you had that?

18 PROSPECTIVE JUROR NUMBER 540: I can't -- I mean --

19 MR. PESCI: A better way to say it is did you inform the
20 police like --

21 PROSPECTIVE JUROR NUMBER 540: Oh of course, yes,
22 sir.

23 MR. PESCI: Okay.

24 PROSPECTIVE JUROR NUMBER 540: That's the first thing
25 you have to do.

1 MR. PESCI: Right. So you were conscious of the fact that
2 you had it and you made decisions based on that.

3 PROSPECTIVE JUROR NUMBER 540: Yes, sir.

4 MR. PESCI: Okay. Anybody else that wanted to add
5 anything about owning a firearm or if that would affect your ability
6 to be fair?

7 No.

8 Now the Defendants in this particular case are under 18
9 years of old. There was a question, I believe, it was Question
10 Number 3 that the Judge read was if anybody had any sympathy or
11 bias based on and then there were a whole bunch of things to
12 include age. So my question is does the fact that individuals are
13 less than 18 at the time that they are charged with this crime, will
14 that affect your ability to be fair and impartial?

15 There doesn't seem to be any answers, right? So no one
16 has a difficulty saying well, they were under 18, I could hold them
17 responsible. Or anybody feel like I'm never going to hold someone
18 responsible who's under 18?

19 Okay. Where's the microphone? Let's put somebody
20 under the gun. Can we pass that forward? And can we pass that --
21 one second. Can we pass it over?

22 Yes. I want to go with I think who could one of the
23 younger people here. Mr. Bernardo? I'm sorry, 424 -- Badge
24 Number 424, Bernardo?

25 PROSPECTIVE JUROR NUMBER 424: Yes.

1 MR. PESCI: All right. Sir, I want to ask you specifically
2 about that. Do you think that the age of the Defendants has any
3 bearing on your assessment of the facts?

4 PROSPECTIVE JUROR NUMBER 424: No, it does not.

5 MR. PESCI: Okay. It wouldn't sway you one way or the
6 other?

7 PROSPECTIVE JUROR NUMBER 424: No. If they are
8 proven guilty, no matter the age, then I think it should be -- that
9 they should be proven guilty if they are.

10 MR. PESCI: Okay. All right. Thank you.

11 There was a gentleman over here who had a question.
12 Does anybody else over here before we move the microphone have
13 anything to add to that?

14 Okay. Then I think we're going to Mr. Jaska, 474, he had --
15 you had your hand up, right, sir?

16 PROSPECTIVE JUROR NUMBER 474: Yeah, just a
17 moment.

18 MR. PESCI: Sure.

19 PROSPECTIVE JUROR NUMBER 474: No, you were just
20 saying if you have a bias to someone with their age and I was just --
21 I don't know if I have that determination yet is I just wanted to say.

22 MR. PESCI: Okay.

23 PROSPECTIVE JUROR NUMBER 474: Like I don't know
24 yet whether or not that would affect any potential verdict that I
25 would reach.

1 MR. PESCI: All right. So going into it, it's not going to
2 affect you one way or the other because you don't already feel like
3 hey, that's a plus or a minus.

4 PROSPECTIVE JUROR NUMBER 474: I guess -- okay, I
5 perhaps -- yeah, that would be a good way of wording it.

6 MR. PESCI: Okay.

7 PROSPECTIVE JUROR NUMBER 474: Yes.

8 MR. PESCI: All right. So there's not a bias going in based
9 on --

10 PROSPECTIVE JUROR NUMBER 474: There's not a bias
11 going in, I just don't have an opinion.

12 MR. PESCI: Okay.

13 PROSPECTIVE JUROR NUMBER 474: Okay.

14 MR. PESCI: All right. Thank you very much.

15 There is going to be -- or there was a question earlier
16 about social media. The Court asked about, you know, who didn't
17 have social media and I think there were precious few hands that
18 went up, right?

19 Kind of following up on what the Court said, so we can't
20 go on social media during the pendency of this case, but I would
21 like someone who doesn't have social media to raise their hand.

22 All right. So could we get a microphone -- could I grab
23 that?

24 And then this is --

25 THE COURT: Ms. Esparza.

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MR. PESCI: You're Ms. Esparza, 452.

All right. The fact that social media could be involved in the case, would you have any difficulty following some of the evidence if it's posted on some sort of social media?

PROSPECTIVE JUROR NUMBER 452: No.

MR. PESCI: Okay. Some people are just like yeah, so I don't understand it, I don't get it, I want to have nothing to do with it. But there could be evidence that comes in that was posted on social media; the question is, is, you know, is that something that you can digest and consider?

PROSPECTIVE JUROR NUMBER 452: Yes.

MR. PESCI: Even not being a user.

PROSPECTIVE JUROR NUMBER 452: Right.

MR. PESCI: Okay.

PROSPECTIVE JUROR NUMBER 452: Well I'm very -- I know about social media.

MR. PESCI: Okay.

PROSPECTIVE JUROR NUMBER 452: I just took myself out of it, so it's been about two years.

MR. PESCI: So you're free from it?

PROSPECTIVE JUROR NUMBER 452: Uh-huh. It was hard. It took about two weeks but --

MR. PESCI: Okay. Is there anybody that really knows nothing about it that thinks it might be difficult potentially to kind of follow some evidence if there's social media involved?

1 Because I think there were some hands over here, some
2 people that did not have social media, correct?

3 Is it all right if I steal that?

4 So Ms. Evans, 4 -- is it 492?

5 PROSPECTIVE JUROR NUMBER 492: Yes.

6 MR. PESCI: Okay. So tell us about your social media
7 experience.

8 PROSPECTIVE JUROR NUMBER 492: Oh, I know all about
9 social media, I just don't choose to use it.

10 MR. PESCI: Okay. So you're aware --

11 PROSPECTIVE JUROR NUMBER 492: I'm a dinosaur, just I
12 don't --

13 MR. PESCI: Nobody's a dinosaur --

14 PROSPECTIVE JUROR NUMBER 492: It's -- that's plain
15 and simple.

16 MR. PESCI: Okay. But you're aware of what people can
17 do with it?

18 PROSPECTIVE JUROR NUMBER 492: Oh, absolutely.

19 MR. PESCI: All right. So --

20 PROSPECTIVE JUROR NUMBER 492: My granddaughter's
21 told me quite a bit and has taught me things that just go in one ear
22 and out the other.

23 MR. PESCI: Okay. You wouldn't prevented from
24 following that or listening to it or comprehending it?

25 PROSPECTIVE JUROR NUMBER 492: No.