

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVOHN MARKS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Docket No. 80469

Appeal from a Judgment of Conviction
Following a Jury Trial and Verdict
Eighth Judicial District Court, Clark County
The Honorable Carolyn Ellsworth, District Judge
Case No. C-18-337017-2

**APPELLANT'S APPENDIX
VOL. 2 OF 9**

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AFFIRMATION

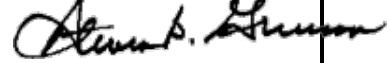
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/s/ Jess Matsuda

Jess Y. Matsuda, Esq.

11-6-20

Date



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
DEVOHN MARKS,)
)
Defendant.)

CASE NO. C-18-337017-2
DEPT NO. V

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

MONDAY, JULY 8, 2019

JURY TRIAL - DAY 1

APPEARANCES:

FOR THE STATE:

NICOLE J. CANNIZZARO, ESQ.
Chief Deputy District Attorney
LINDSEY MOORS, ESQ.
Deputy District Attorney

FOR THE DEFENDANT:

JESS Y. MATSUDA, ESQ.

RECORDED BY: LARA CORCORAN, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

1 **LAS VEGAS, CLARK COUNTY, NEVADA, JULY 8, 2019, 2:02 P.M.**

2 * * * * *

3 (Outside the presence of the panel of prospective jurors.)

4 THE COURT: All right. We are on the record in Case
5 No. C-337017, State of Nevada versus Devohn Marks. The record
6 will reflect the presence of Mr. Marks with his counsel,
7 Mr. Matsuda, the chief deputies district attorney prosecuting
8 the case are present, as are all officers of the court.

9 We're outside the presence of the venire panel at
10 this time. I just wanted to note that on the 5th of July, a
11 motion, filed by the defendant in proper person, was filed
12 to -- a motion. It's styled Motion to Withdraw Counsel.
13 Mr. Marks signed that motion on June 24th, 2019, so I'm not
14 sure why it didn't get filed until July 5th. But it doesn't --
15 it's a form. It indicates that there's an affidavit attached,
16 but there's no -- that it's based upon an attached affidavit,
17 but there is no affidavit attached.

18 And so it got set by the clerk's office for the 29th,
19 which obviously would be after we start jury selection. And I
20 believe we already addressed this last week; is that correct,
21 Mr. Marks?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Okay. And so I'll just advance this and
24 deny it, as we already discussed all the issues that he had
25 concerning this last week when I saw him in court.

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1 And are you all ready? We're lining up the jury.
2 Anything further outside the presence of the venire?

3 MR. MATSUDA: No, not from defense.

4 MS. MOORS: No, Your Honor.

5 THE COURT: All right. Thank you. So we'll be at
6 ease until they're -- they file in.

7 (Panel of prospective jurors enters at 2:05 p.m.)

8 THE COURT: Thank you. Please be seated.

9 And this is case No. C-337017, State of Nevada versus
10 Devohn Marks. The record will reflect the presence of
11 Mr. Marks with his counsel, the deputies district attorney
12 prosecuting the case, all officers of the court, and the record
13 will also reflect that we are now within the presence of the
14 venire panel.

15 Good afternoon, ladies and gentlemen. Welcome to
16 Department 5. So you've been summonsed here to determine
17 whether or not you will be qualified to sit as jurors in a
18 criminal case. We are spending part of this week picking the
19 jury for this case. The trial will not commence until -- the
20 schedule you see up there, July 22nd. And so we're using this
21 time, and then we'll have a break of a week, a little more than
22 a week, and then we'll actually commence the trial with the
23 jury.

24 So I'm hoping that we'll get the jury selected within
25 the next two afternoons. So you should know that I have a

1 schedule, is because I do a criminal docket and the drug court
2 docket. So I'm in court all morning every morning, except on
3 Fridays when I'm available for a trial for the full day. But,
4 otherwise, I'm only available in the afternoons because I have
5 these other dockets that I have to hear. And so that's why
6 you'll see on that schedule -- and I'm putting that up there
7 for you so that you can see the schedule we're anticipated to
8 be following once we get into trial.

9 Now, everything that happens in this courtroom is
10 recorded. We have an audiovisual recording system. Is there
11 anyone who's having difficulty hearing me that would need -- we
12 have some headsets that anybody that's a little hard of hearing
13 can have. Anybody need one?

14 All right. I see no hands.

15 All right. So as I say, everything is audiovisual
16 recorded which means these are microphones you see here with
17 the red lights on them. There's one up here on my bench.
18 There are similar microphones at the counsel tables. There's
19 one at the witness stand. There's one on that little podium
20 right there. There are some on that railing behind the first
21 folks there in that first row, that rail. That's the jury box
22 behind you, and there are those microphones there, but they
23 don't pick up very well. And there are no microphones, well,
24 up here, and there are no microphones in the back. So we use a
25 hand-held microphone if we're called -- if I need you to speak.

1 If you are called upon to speak, which, you know, all
2 of you will be, or generally all of you will be. At some point
3 in time, you may be called upon to speak. You need to do two
4 things: You need to -- before you speak into the microphone,
5 you need to state your full name and the last three digits of
6 your badge number that's on your badge. And we do that so we
7 know who's speaking, and, later, if we need to transcribe the
8 record, it's clear.

9 Now, the hand-held microphone that my marshal is
10 demonstrating, or about to demonstrate, how you have to hold
11 it. So you see how he's holding it? Just like a rock star;
12 right? And so that's how you have to hold it. If you hold it
13 way down here, it will not pick up. If you're the kind of
14 person that talks with your hands, that's fine. Just do not
15 gesture with the microphone hand; gesture with the other hand.
16 So -- because if you do this while you're talking, I'll have to
17 stop you, and you'll have to start all over again because it
18 won't pick up when you're doing that.

19 Okay. All right. So as I say, welcome to
20 Department 5. This process of questioning is known as the voir
21 dire. And the reason we ask you these questions is not to pry
22 into your personal lives just for the fun of it. We want to
23 find out whether you're qualified as jurors. And, I mean, you
24 may have interesting lives, and we will be interested in some
25 things. You know, I've had trapeze artists on my jury, and

1 that's always interesting, to find out about something like
2 that during voir dire. But we're not doing it to pry. We're
3 doing it so that we know that you're qualified to be jurors.

4 And how are you qualified? You're qualified if
5 you're a fair and impartial juror. And so that's what we're
6 looking for. We're looking for 12 jurors and four alternate
7 jurors to serve as fair and impartial determinators of the
8 facts of this case. So that's what we're looking for.

9 We do this process of questioning under oath. And so
10 I would ask you all to please stand so that the clerk can
11 administer the oath or affirmation.

12 (Panel of prospective jurors sworn.)

13 THE CLERK: Thank you. Please be seated.

14 THE COURT: All right. So I'd ask a few preliminary
15 questions before we introduce the case because these don't have
16 anything to do with the case.

17 So is there anyone here who is not a citizen of the
18 United States? Please raise your hand. And the record will
19 reflect a negative response.

20 Is there anyone here who has been convicted of a
21 felony and has not had their civil rights restored so they're
22 not eligible to serve on a jury? And the record will reflect a
23 negative response.

24 All right. So I'm going to have the -- one of the
25 prosecutors prosecuting the case introduce to you the case

1 insofar as what the charges are and introduce themselves, the
2 date alleged that the crime occurred -- the alleged crime
3 occurred and the location so you have an idea, roughly, of
4 where this occurred, and also read to you the names of the
5 witnesses who may be called in this case. It's really
6 important that you pay attention to those names because later
7 we're going to ask you if you know any of those witnesses. So
8 it's important to try and listen to those so you can answer
9 appropriately.

10 State. Ms. Cannizzaro.

11 MS. CANNIZZARO: Good afternoon. And I'll stand here
12 as long as you can hear me okay.

13 All right. So good afternoon. My name is Nicole
14 Cannizzaro. I am a chief deputy district attorney with the
15 Clark County District Attorney's Office, and with me is Lindsey
16 Moors who is a deputy district attorney, also with the Clark
17 County District Attorney's Office.

18 In this particular case, the defendant, Devohn Marks,
19 has been charged with the following crimes: Conspiracy to
20 commit burglary; burglary while in possession of a deadly
21 weapon; conspiracy to commit robbery; robbery with use after
22 deadly weapon, victim over 60 years of age; robbery with use of
23 a deadly weapon; battery with use of a deadly weapon, victim 60
24 years of age or older; and battery with use of a deadly weapon.

25 These crimes are alleged to have occurred on

1 October 29th of 2018 at the Torrey Pines Pub, which is located
2 at 6374 West Lake Mead Boulevard located in Las Vegas, Clark
3 County, Nevada. And it was alleged to have occurred around
4 5:00 a.m. that morning.

5 During the course of this trial, the State is going
6 to call a number of witnesses, and so what I'm going to do is
7 read a list of witnesses. We will not -- so before anybody
8 panics, we will not be calling all of these witnesses during
9 the course of the trial, but listen carefully so that if you
10 recognize any of the names or any of the individuals who we
11 list, that you can let the Court know that you do recognize
12 some of these witnesses in the event that we do end up calling
13 them during the course of the trial.

14 So the State may call during the course this trial
15 Shaylene Bernier, Robert Bonner, Gerald Ferony, Myer Goldstein,
16 Antwaine Johnson, Kathleen Petcoff, Destiny Dixon, Miriam
17 O'Dell, John Bosillo.

18 We may also be calling the following members from the
19 Las Vegas Metropolitan Police Department: Detective Dave
20 Miller, Detective Jason Hanshew, Detective Will Hubbard,
21 Detective Samuel Smith; Officers Weston Ferguson, Joseph
22 Fernandez, Jezabel Rosales, Janet Sotelo, Johnathan Tomaino,
23 Eugenio Basilotta, Weston Ferguson, Joseph Leporay [phonetic],
24 Joseph Winn, Charles Jivapong, Officer S. Cavon [phonetic], E.
25 Stout, and Detective Jeffrey Swanbeck.

1 We may also be calling FBI Agent Jason Kennedy, D.A.
2 Investigator Rick Moon, and Crime Scene Analysts Caitlin King
3 and Samantha Halm Bennett.

4 Thank you.

5 THE COURT: Thank you. And, Mr. Matsuda, would you
6 like to introduce yourself and your client.

7 MR. MATSUDA: Thank you, Your Honor.

8 Good afternoon, ladies and gentlemen. My name is
9 Jess Matsuda, and I represent Mr. Marks here. Other than
10 cross-examining the State's witnesses, we only anticipate maybe
11 calling possibly one female. Her name is Destiny Dixon.

12 Thank you.

13 THE COURT: Thank you. All right. So, ladies and
14 gentlemen, when -- you know, some time back, it used to be that
15 people could get excused from jury duty for -- you know,
16 because of their profession. So, you know, they could call up
17 the jury commissioner and say, "Well, you know, I'm a teacher,
18 I'm a lawyer, I'm a doctor," and just be excused. And the
19 legislature thought, well, that's not a fair thing. And so
20 they eliminated all of the ways to just call up and get excused
21 based upon what you did for a living and only left in place two
22 excuses, if you will, for exemptions from service.

23 And those are these two: If you are 70 years of age
24 or older and you do not wish to serve on a jury, then you may
25 be excused. And you can either be excused from this case or

1 dropped from the rules completely. And as I look over our
2 group, you all look like a pretty young group of prospective
3 jurors. So anybody that's going to avail themselves of such a
4 claim as to be 70 years of age, you'll need to do a couple
5 things. Show your identification to the marshal so he can
6 vouch that you actually are 70 or older, and then you are also
7 required to let me know your secret for your youthful
8 appearance. And the older I get, the more important that is.

9 And so is there anyone who would like to avail
10 themselves of that exemption from service, 70 years of age or
11 older and does not wish to serve? I see no hands.

12 Now the other exemption is this: If you are 65 years
13 of age or older and you live at least 65 miles one way from the
14 courthouse, you may be excused as well. Now, one way, that
15 means you need to live either in Laughlin or Mesquite, Nevada,
16 and still be in the county. Because if you're not -- if you
17 don't live in the county, you're not a qualified juror for
18 this -- this trial. So -- but you also have to be 65 years of
19 age or older. Anybody want to avail themselves of that
20 exemption? And I see no hands.

21 All right. Very good. All right. So next question:
22 Are there any of you who believe that you may be acquainted
23 with the defendant in this case, Mr. Marks? And the record
24 will reflect a negative response.

25 Is there anyone who believe that they may be

1 acquainted with the defendant's lawyer, Mr. Matsuda? And,
2 again, the record will reflect a negative response.

3 Are there any of you who are acquainted with either
4 of the prosecuting attorneys in the case? And, again, I see a
5 negative response.

6 Are there any of you who believe you are acquainted
7 with any of the witnesses whose names were called? Okay. I've
8 got two hands.

9 So we will take those in order. Remember, you need
10 to state your full name and your last three digits of your
11 badge number.

12 THE MARSHAL: You can remain seated, folks, when you
13 speak.

14 PROSPECTIVE JUROR 018: Ginia Sherwood. And I don't
15 know if I know him but --

16 THE MARSHAL: I need your badge number.

17 PROSPECTIVE JUROR 018: Oh. 018. 018. And
18 Rocheleau. Rocheleau. The Rocheleau, John; I don't know if
19 that is a lawyer married to Stacy Rocheleau, divorce lawyer.

20 MS. MOORS: No, he is not, actually.

21 THE COURT: No. Okay. Different Rocheleau.

22 All right. Anyone else? We had a gentleman in the
23 back.

24 PROSPECTIVE JUROR 089: Theodore Hinson, 089. I
25 believe I'm acquainted with Destiny Dixon.

1 THE COURT: Okay. Are you --

2 PROSPECTIVE JUROR 089: I bartend at a place called
3 Miz Lola's. She -- I -- her and I might have met a few times
4 at the locations that I work at.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR 089: If she's an African American
7 female, usually has her hair in braids, I believe I might know
8 her.

9 THE COURT: All right. What, approximately, would
10 her age be? Do you know?

11 PROSPECTIVE JUROR 089: I want to say within 30s or
12 40s, within -- within that age description.

13 THE COURT: Okay. Do we think that it could be the
14 same person?

15 MR. MATSUDA: I don't know. Perhaps.

16 MS. MOORS: Potentially.

17 MR. MATSUDA: Possibly.

18 THE COURT: Okay. How well do you know this person?

19 PROSPECTIVE JUROR 089: Would just be a regular,
20 visiting the locations that I work at.

21 THE COURT: I see. Okay. So you've never socialized
22 with her?

23 PROSPECTIVE JUROR 089: No.

24 THE COURT: So would -- if -- if it is the same
25 person and she testified as a witness in the case, would you be

1 able to still be fair and impartial, or do you think that would
2 affect your ability to be a fair and impartial juror?

3 PROSPECTIVE JUROR 089: I believe it would affect my
4 ability to be impartial towards the...

5 THE COURT: Okay. Because you know her well enough
6 that you would be swayed by that knowledge of her as a regular
7 in your establishment?

8 PROSPECTIVE JUROR 089: I don't believe so.

9 THE COURT: Oh, okay. I'm sorry. I thought you said
10 it would affect your ability to be fair. So you're saying it
11 won't? You can be fair, or are you --

12 PROSPECTIVE JUROR 089: I -- I can be fair.

13 THE COURT: Oh, okay. All right. Thank you. I
14 misunderstood. All right. Thank you very much.

15 Okay. Anyone else think they know any of those
16 names, any of the witnesses? All right. I see no other hands.

17 Okay. So are there any of you who believe that you
18 might have read about or heard about this case from any source
19 before you came here to court today? Okay. I see one hand in
20 the back.

21 THE MARSHAL: Is this the only hand? Okay.

22 PROSPECTIVE JUROR 023: Yadira Thunderwolf and it's
23 023.

24 THE COURT: Okay. Without telling me what you think
25 you may have heard about, what source do you think you heard?

1 PROSPECTIVE JUROR 023: The news.

2 THE COURT: Okay. And do you remember anything about
3 what you heard?

4 PROSPECTIVE JUROR 023: Yes, if it's the same thing.

5 THE COURT: Don't tell me what it was. Just -- okay.
6 And as a result of hearing what you heard, have you formed an
7 opinion about this case already?

8 PROSPECTIVE JUROR 023: Yeah.

9 THE COURT: Okay. So you can't be fair and
10 impartial, then, if you've already formed an opinion and you
11 haven't heard any evidence?

12 PROSPECTIVE JUROR 023: If it's the same case, then,
13 no.

14 THE COURT: Oh, okay. Counsel, do you -- do we know
15 if there was any media coverage in this case?

16 MS. MOORS: There -- I mean, there very well could
17 have been, Your Honor. I don't know. It wasn't instrumental
18 in the case, but it wouldn't surprise me if there was.

19 THE COURT: Okay. All right. I'm going to go ahead
20 and excuse you just in case there -- it is the same matter.
21 Thank you. If you'll just give the marshal your badge -- take
22 out the paper inside it before you hand it in, and then you can
23 go. Thank you.

24 Okay. All right. So as you can see, this is the
25 schedule that we're looking at. I'm going to be asking you

1 if -- you-all if any of you feel that you absolutely cannot
2 serve during this time frame on the schedule that I've outlined
3 for you. But before I pose that question to you, I want to
4 tell you there are certain things that I want to know about and
5 hear about from you that I need to know, and other things --
6 you can tell me anything you want to, but there are certain
7 things I'll be persuaded by and other things I will not be
8 persuaded by.

9 And so let me just tell you some of the things that I
10 do need to know. So if anyone is going to have a baby between
11 now and the end of this trial, July 26th, I need to know about
12 that. If there are any of you who are going on a fabulous
13 vacation, prepaid vacation -- made your reservations, you know,
14 you've booked flights and hotels and you're not going to be
15 here, you know, I and the lawyers understand that. And we'll
16 be jealous that you'll be on a fabulous vacation, but we need
17 to know about that as well.

18 If you're having surgery, like this week, during the
19 trial, we obviously need to know about that. Say you're not
20 having surgery until Monday, the day following the end of the
21 trial, but you need to go in sometime that week and have your
22 preop workups, then I need to know about that. If you had any
23 serious health conditions we need to know about that could
24 affect your ability to serve, I need to know about that.

25 What things am I not so concerned about? Well, I'm

1 not necessarily concerned that you are valuable employees and
2 your bosses will not be able to survive without you. I know
3 that that -- that you are all, those of you who are still
4 working, are valuable employees and your bosses will miss you.
5 That they cannot do without you, that they will not survive
6 without you is not true because, sadly, we are all replaceable.
7 And I know that if I had, you know, gotten mowed down in the
8 crosswalk this morning, they would have had somebody to cover
9 my calendar today.

10 And so while certainly you're going to be missed by
11 your employer, that alone is not sufficient -- or if your
12 employer told you that, you know, "You're -- get out of jury
13 duty." You know, "You need to say what you need to say to get
14 out of jury duty." Keep in mind you are under oath, that you
15 cannot be fired for serving on a jury. That would be an
16 actionable offense. So you don't need to worry about that.

17 Also, don't tell me that you're not going to be paid
18 for your service by your employer if you don't know that that
19 is the case. There are many employers, large employers, in
20 particular, who do pay their employees when they're serving on
21 jury duty. So, for example, all of the government employers;
22 so the state, the county, all of the city. So Henderson, City
23 of Las Vegas, North Las Vegas, all pay their employees their
24 wages or salaries while they're serving. Also, the Clark
25 County school district, the electric company, the gas company,

1 some of the employees of Republic Services, most of the large
2 gaming employers, so MGM resorts and all of their operating
3 companies, which are many, they pay, as does, you know, like
4 Caesars, Harrah's. So if you didn't check before you got here
5 today, well, you only need to go place a phone call. And then
6 if -- just because your employer doesn't pay, you would need to
7 demonstrate to me that it would be a financial hardship for you
8 to serve, as this is a civic duty and you will be paid, not a
9 huge amount of money, but you will be paid a daily amount for
10 your service as jurors.

11 So, as I say, you can tell me anything you wish.
12 Transportation issues; you don't tell me that you can't get
13 here because we have bus service and we have Uber and Lift now
14 that's even better than bus service, so you could get here.
15 But this is the way I do it. Anybody that wants to tell me
16 that they can't serve on this schedule -- and keep in mind,
17 these are basically half days. So Monday we're going to start
18 at 1:00, go till 5:00. If we are in the middle of a witness
19 and I think that we can get done with that witness, you know,
20 in -- before 5:30, we might stay as late as 5:30. But that
21 would only be in order to finish up a witness or put a very
22 short witness on that's been waiting in the hallway for five
23 hours or something like that.

24 But, otherwise, we try and get you out of here as
25 close to 5:00 as possible. Sometimes we might even, you know,

1 get done a few minutes before 5:00, if that seems to be a
2 logical stopping point. But you'll see the only day we go full
3 time is on Friday, and we'll start at 9:00 and go until 5:00.

4 We always have a morning break and an afternoon
5 break. This is not a forced march. If any of you, while we're
6 going through this process, need to take a break, please flag
7 the marshal down, you know, wave; we'll take a break. I'm like
8 a camel up here. I get very involved in what I'm doing, and so
9 I may -- I just kind of go straight through and forget the
10 time. So please don't be shy, if you need a break, to let us
11 know, and we'll take a break.

12 But this is the basic schedule. We'll take a morning
13 break, an afternoon break. And if we're going all day, we take
14 a lunch break, an hour-long lunch break. That will be on
15 Friday, assuming that we're still taking testimony and you're
16 not deliberating. If you're deliberating, then, you know,
17 we'll order lunch for you in -- to be delivered to the jury
18 deliberation room.

19 Okay. So now I'm going to take all of -- anybody
20 that raises their hand, I'll write down notes. I may ask you
21 some follow-up questions. Then after I've taken everybody's --
22 that wants to tell me why they can't be here, then we'll take a
23 break, and the lawyers and I will decide who will be excused
24 and who will not be excused. So after that --

25 Oh. The other thing is, it's speak now or forever

1 hold your peace. So if I pass you by -- we're taking everybody
2 that -- in order. You're all seated in order with your badge
3 numbers. And I pass you up, you're done. You don't come back
4 and ask me. You don't confront the marshal in the hallway
5 after and say, "Oh, I forgot to tell them -- I forgot to tell
6 the judge this." No, this is the time.

7 So, please, if you have something to tell me, do not
8 be shy. Okay.

9 MS. MOORS: Your Honor, could we approach --

10 THE COURT: And don't let the blood run out of your
11 hands -- just a minute. Hold on.

12 Yes?

13 MS. MOORS: I didn't know if -- we had talked about
14 the schedule. Did we decide actually at 10:30 for Monday? So
15 I didn't know if we needed to mention that.

16 THE COURT: Oh, thank you. Yes. Thank you for that
17 reminder.

18 So on Monday -- don't raise your hand while I'm
19 talking for a second here.

20 Monday, 10:30 will be the start day because I have a
21 very light calendar on Monday. So we'll be able to start a
22 little earlier, which is good. We'll get a little extra time.
23 So instead of a 1:00 o'clock start, we'll be able to start at
24 10:30 on Monday. Thank you for reminding me about that.

25 Now, is there anyone -- again, I'm going to pose this

1 question: Who needs to have a hearing -- a headset to hear?
2 Okay. All right. We have somebody that needs a headset? This
3 gentleman, do you want to give him a headset.

4 Can you hear me, sir? Because I've been noticing
5 you've been cupping your hand next to your ear. Just -- can
6 you hear? Just nod your head if you can hear. Okay, good.
7 Because you raised your hand when I asked about anybody needs a
8 headset, so that's why I asked.

9 Okay. Now, the question is posed: If you want to be
10 excused because you can't be here, please raise your hand.
11 We'll take you in order.

12 So first row, raise your hands. The back row.

13 THE MARSHAL: Folks, we're going to go this row, this
14 row, this row, this row, then over here, then over here. So
15 keep your hands down. We'll get to you.

16 THE COURT: Right.

17 THE MARSHAL: And we're going to go in order. There
18 you go. Please pass it down after you're done.

19 THE COURT: All right.

20 PROSPECTIVE JUROR 018: Genia Sherwood, 018. I'm in
21 the process of a move. I had to pay rent at one place the
22 whole month of July, then I had to pay rent and deposit and
23 everything for the second place. I'm in the process right now
24 of moving, and my -- my job does not pay while I'm off. And
25 \$40 a day is not manageable for me. I am a single mother with

1 two kids living at home.

2 THE COURT: All right. And where do you work?

3 PROSPECTIVE JUROR 018: I work at the Rio. It is a
4 Caesars property, but I work for BEST Agency. They pay me
5 \$9.35 an hour, and I work for tips.

6 THE COURT: Okay. So you work for BEST Agency?

7 PROSPECTIVE JUROR 018: BEST Agency at the Rio.

8 THE COURT: And what do you do for them, BEST Agency?

9 PROSPECTIVE JUROR 018: I do cocktails and sing.

10 THE COURT: Is that a temp agency or...

11 PROSPECTIVE JUROR 018: It's a modeling and talent
12 agency.

13 THE COURT: Okay. So is this part time or full time?

14 PROSPECTIVE JUROR 018: I'm full time. I -- I'm head
15 of household. I have twin girls that live with me. They're
16 16.

17 THE COURT: Okay. And it would be a financial
18 hardship? You don't have any --

19 PROSPECTIVE JUROR 018: Yes, I --

20 THE COURT: -- savings or --

21 PROSPECTIVE JUROR 018: It's financial. And like I
22 said, I have two houses right now. So I put in my notice --
23 because my rent went up, so I put in my notice and I'm trying
24 to get out as soon as I can so she can rent the first house so
25 I can get my -- because it's costing me \$50 a day to live -- to

1 not live there. And then the second house, I'm in the process
2 of moving, so I -- I don't even have any furniture.
3 Everything's all over the place. And so I'm trying to just
4 hurry up the process so I can get my deposit back from my first
5 place so I can pay my next rent. So -- I had to pay first
6 month, plus \$1,800 deposit, plus the pet fee. So I really
7 can't take time off.

8 THE COURT: So you're not taking off any time to
9 move?

10 PROSPECTIVE JUROR 018: No. Nope.

11 THE COURT: So you've been moving --

12 PROSPECTIVE JUROR 018: I work -- I work -- I worked
13 4:00 to midnight. I was back and forth all day yesterday.

14 THE COURT: Okay. So you work swing shift,
15 basically?

16 PROSPECTIVE JUROR 018: I do. I work swing shift and
17 I work Friday day shift. So I've just been, you know, just
18 moving all day and then just running off to work.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR 018: Thank you.

21 THE COURT: Who's next?

22 PROSPECTIVE JUROR 152: My name is Gilbert Cera,
23 Badge Number 0152. And I don't think I could do it because I'm
24 self-employed and I do air-conditioning and this is the
25 business season and I don't have no workers.

1 THE COURT: So you do air-conditioning. What's the
2 name of your company?

3 PROSPECTIVE JUROR 152: Oahu Air.

4 THE COURT: You don't have any other workers?

5 PROSPECTIVE JUROR 152: No.

6 THE COURT: Okay. Do you ever take any vacations?

7 PROSPECTIVE JUROR 152: No. When it's slow.

8 THE COURT: Do you do heating?

9 PROSPECTIVE JUROR 152: Heating too.

10 THE COURT: So, what, there's like two weeks in the
11 spring and two weeks in the fall --

12 PROSPECTIVE JUROR 152: Yeah.

13 THE COURT: -- when the weather's nice?

14 PROSPECTIVE JUROR 152: Yep.

15 THE COURT: You could take a vacation, maybe.

16 PROSPECTIVE JUROR 152: Yeah.

17 THE COURT: All right. Is there anyone else in your
18 household who works?

19 PROSPECTIVE JUROR 152: In mine?

20 THE COURT: Yeah.

21 PROSPECTIVE JUROR 152: Yes.

22 THE COURT: Who is that?

23 PROSPECTIVE JUROR 152: The wife.

24 THE COURT: Where does she work?

25 PROSPECTIVE JUROR 152: St. Rose Hospital.

1 THE COURT: What does she do there?

2 PROSPECTIVE JUROR 152: Phlebotomist.

3 THE COURT: And she's still working?

4 PROSPECTIVE JUROR 152: Yes.

5 THE COURT: So given the fact that your wife works
6 and we have this somewhat limited schedule, is it going to be a
7 financial hardship for you?

8 PROSPECTIVE JUROR 152: Yeah, because I'm the one
9 that pays the majority of the stuff.

10 THE COURT: Well, you don't have any savings or
11 anything like that? So when I say it's a financial hardship,
12 I'm asking: Are you going to go under? You won't be able to
13 pay your rent or your mortgage or put food on the table?

14 PROSPECTIVE JUROR 152: Yes, because I'm going to be
15 losing business because I can't do nothing now for the company.

16 THE COURT: Okay.

17 Okay. Who's next?

18 PROSPECTIVE JUROR 613: Steven Sligar, 613.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR 613: I do lighting for concerts
21 and specially events, and I've been booked on a two-part gig
22 already the 12th, 13th, and 14th of July, and also the 24th,
23 25th, and 26th of July. Flights have been booked. Hotels are
24 in the process of being booked, if they haven't been already.

25 THE COURT: Okay. So -- I'm sorry. You do -- what

1 do you do for this gig?

2 PROSPECTIVE JUROR 613: Lighting.

3 THE COURT: Lighting.

4 PROSPECTIVE JUROR 613: Yes, ma'am.

5 THE COURT: All right. And where are you going?

6 PROSPECTIVE JUROR 613: The first one is some small
7 town in Washington. And then the second one, we fly into
8 Denver. And the gig is an hour outside of Denver, so I've been
9 told.

10 THE COURT: Okay. So the first thing in the small
11 town, somewhere in Washington, is what dates?

12 PROSPECTIVE JUROR 613: Yeah, the 12th, 13th, and
13 14th of July.

14 THE COURT: Okay. And what about the Denver?

15 PROSPECTIVE JUROR 613: That is 24th, 25th, and 26th.
16 I fly home on the 26th. There's also flight dates previous to
17 those dates, as well, to get me there and fly dates home after
18 those dates.

19 THE COURT: Okay. Well, obviously, the first one is
20 not at issue, not going to have trouble.

21 PROSPECTIVE JUROR 613: No, correct. That's a
22 two-part thing I've already signed up for. It's the same band,
23 both shows.

24 THE COURT: What's the band?

25 PROSPECTIVE JUROR 613: Post Malone.

1 THE COURT: Post Malone.

2 PROSPECTIVE JUROR 613: That's what I said. I don't
3 pick who I work for. I just get -- go where they send me.

4 THE COURT: Okay. And so do you have your own
5 business? Do you do anything else besides these occasional --

6 PROSPECTIVE JUROR 613: I'm freelance. I work as
7 often as possible. I'm doing the Residency right now in town.
8 That ends, and then a few days later, I go to do this next one.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 613: I get a week off.

11 THE COURT: And do you have your tickets for this
12 flight to Denver on your phone?

13 PROSPECTIVE JUROR 613: I do.

14 THE COURT: All right. Well, when we take a break,
15 you can show those to the marshal.

16 PROSPECTIVE JUROR 613: Yes, ma'am.

17 THE COURT: All right. Who's next?

18 THE MARSHAL: Bring it down and then all the way down
19 to this end, please. Raise your hand in this row. Anybody?
20 Down to this gentleman, please.

21 THE COURT: Oh, wait. Don't we have another person?

22 THE MARSHAL: Folks, raise your hands if you need to
23 talk. Okay. It will be this gentleman right here.

24 PROSPECTIVE JUROR 911: Hello. I'm James Bruce. I'm
25 Badge Number 911, actually.

1 THE COURT: Go ahead.

2 PROSPECTIVE JUROR 911: So it was about a couple of
3 months ago, my -- my living situation changed. My mom
4 announced she moved back to town, and I said -- I had family
5 issues. I couldn't do it. So I moved out on my own. And for
6 the last two months now, I've been struggling financially. And
7 I didn't know how to submit any paperwork online before I even
8 got here for an excusal. But I have student loans and car
9 insurance and I've taken over health insurance and so much.
10 And, lately, I've been looking for a second job at night, with
11 no luck. I'm trying to take on another job. Excuse me; I'm
12 shaking because I have high anxiety.

13 So I didn't -- I didn't know how to prove any of
14 that, but I'm paycheck to paycheck right now. And, in fact,
15 today I have the day off, of course. My employer -- I work for
16 Starbucks. Of course, they gave me the day off. But how it
17 works is, I get my regular days off on the schedule, and then
18 they add the days off that I need. So I'm actually off three
19 days this week, which, even that's burdening me. So I --

20 THE COURT: Does Starbucks pay their employees for
21 jury service?

22 PROSPECTIVE JUROR 911: So I work for Albertsons
23 inside -- a Starbucks inside of an Albertsons, so it's actually
24 Albertsons that I work for.

25 THE COURT: An Albertsons?

1 PROSPECTIVE JUROR 911: Uh-huh.

2 THE COURT: Doesn't pay?

3 PROSPECTIVE JUROR 911: I don't know if they do or
4 not, so I would have to --

5 THE COURT: Oh. So you've got to call.

6 PROSPECTIVE JUROR 911: Okay.

7 THE COURT: Because that's a very large company. It
8 used to be owned by Mr. Albertson, but I think a larger grocery
9 chain bought them.

10 PROSPECTIVE JUROR 911: Yeah. Now it's, like, Kroger
11 and Pavilion's and it's several.

12 THE COURT: Right. So you need to find out about
13 that.

14 PROSPECTIVE JUROR 911: Okay.

15 THE COURT: Because maybe they'll pay you for jury
16 service. That's usually the good corporate citizen's -- to pay
17 for jury -- because it's important. You know, it's really
18 important. It's an essential part of our justice system. So
19 you'll check on that when we have our break.

20 PROSPECTIVE JUROR 911: Okay.

21 THE COURT: All right. Who's next?

22 PROSPECTIVE JUROR 921: My name's Laurence Smith. My
23 badge number is 921.

24 THE COURT: Yes.

25 PROSPECTIVE JUROR 921: I'm supposed to go to an IRS

1 tax convention in Chicago from the 23rd, and I won't be back
2 until late Thursday night around midnight. And I already have
3 the -- I already have the registration and the airline tickets
4 paid for.

5 THE COURT: All right. And that -- is that
6 through -- something your employer is asking you to attend or
7 what?

8 PROSPECTIVE JUROR 921: It's -- well, it's a -- you
9 know, I have an enrolled agent license. It's something that I
10 do on the side. My -- my primary profession is -- well, I'm
11 just finishing, you know, the teaching program. And, you know,
12 honestly, I'm -- I'm in the, you know, first-year -- you know,
13 first-year teacher, I was disabled to apply for -- for my
14 provisional teaching license today. And I believe first-year
15 teachers start two weeks earlier than the regular teachers, and
16 I believe that would coincide with the trial schedule.

17 THE COURT: Okay. So you have a contract with the
18 Clark County school district as a first-year teacher?

19 PROSPECTIVE JUROR 921: I've -- I've been working as
20 a substitute teacher since 2017, but I hope to have a -- a
21 contract this -- this coming school year.

22 THE COURT: Okay. When might that be forthcoming?

23 PROSPECTIVE JUROR 921: I'm sorry. I don't
24 understand.

25 THE COURT: When might you get such a contract? I

1 mean, it's July already.

2 PROSPECTIVE JUROR 921: From what I understand, I
3 can -- I can apply for, you know, positions starting right now.
4 It's just -- it's just using the Nevada Department of Education
5 receipt. You know, I may have a -- I may have a contract
6 within the next week or two.

7 THE COURT: Okay. And this conference, then, is just
8 for -- for you to do tax -- prepare tax returns for people on
9 the side at tax season?

10 PROSPECTIVE JUROR 921: Yes, Your Honor, that's
11 correct.

12 THE COURT: And so you bought these -- this is a --
13 you bought your airline tickets already?

14 PROSPECTIVE JUROR 921: Yes, ma'am. Yes, I did.

15 THE COURT: Okay. And are they refundable tickets?

16 PROSPECTIVE JUROR 921: No, Your Honor, they're not.

17 THE COURT: Okay. All right. So you'll show those
18 to the marshal when we take a break, okay, on your phone;
19 right?

20 PROSPECTIVE JUROR 921: Okay, Your Honor.

21 THE COURT: Good. Who's next?

22 PROSPECTIVE JUROR 927: Reyes, Alberto. Badge Number
23 927. I may or may not have a conflict with the schedule
24 because I have to take a state licensing exam by the 26th.

25 THE COURT: Okay. For what license?

1 PROSPECTIVE JUROR 927: For property and casualty
2 adjustors.

3 THE COURT: So are those given where you can go in
4 anytime and take it on the computer?

5 PROSPECTIVE JUROR 927: No. It has to be at a
6 testing center --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 927: -- at Pearson Vue. But I'm
9 still in the process of finishing up the qualifying class
10 because I do it after work. You have to take a qualifying
11 class and pass an exam before you get approval to take the
12 state exam.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 927: So I'm about three-quarters
15 of the way through it.

16 THE COURT: All right. But you said --

17 PROSPECTIVE JUROR 927: But I have to finish it -- I
18 have to get the exam done by the 26th.

19 THE COURT: So is it possible that you could get the
20 exam done in this week-and-a-day interval?

21 PROSPECTIVE JUROR 927: It depends. The classes are
22 pretty lengthy.

23 THE COURT: Okay. Do you do those -- I mean, do you
24 attend a classroom setting with other people?

25 PROSPECTIVE JUROR 927: No. It's an online course

1 that's logged.

2 THE COURT: Sure.

3 PROSPECTIVE JUROR 927: They log, you know, what time
4 you start and what time you finish. And then when you finish
5 that chapter, then they allow you to go into the next one.

6 THE COURT: Okay. So first you have to pass the exam
7 for the class?

8 PROSPECTIVE JUROR 927: No. You have to finish the
9 course.

10 THE COURT: Oh, okay.

11 PROSPECTIVE JUROR 927: They call it a prequalifying
12 exam.

13 THE COURT: Right.

14 PROSPECTIVE JUROR 927: So when you get that -- when
15 you get past that, then they'll let you take the state exam.

16 THE COURT: Right. But they make you take a
17 prequalifying --

18 PROSPECTIVE JUROR 927: Right.

19 THE COURT: -- exam?

20 PROSPECTIVE JUROR 927: Yes.

21 THE COURT: And so if you don't pass that, you don't
22 get to take the other exam?

23 PROSPECTIVE JUROR 927: No.

24 THE COURT: Okay. So when are you planning on taking
25 that exam?

1 PROSPECTIVE JUROR 927: I'm trying to finish it, but
2 it all depends on my work schedule. But, again, I have until
3 the 26th to take care of everything.

4 THE COURT: What happens on the 26th?

5 PROSPECTIVE JUROR 927: What happens the -- the
6 two-month window closes on me.

7 THE COURT: So you have to...

8 PROSPECTIVE JUROR 927: Start again from scratch.

9 THE COURT: I see. So when will you know? You won't
10 know; right? You won't know in the next couple days. How
11 far -- how much -- how many more classes -- how many more hours
12 of your online classes do you have to do?

13 PROSPECTIVE JUROR 927: I estimate about seven. And
14 that's averaging an hour a day.

15 THE COURT: You're cutting it pretty close.

16 PROSPECTIVE JUROR 927: I am, unfortunately.

17 THE COURT: Okay. Who's next?

18 PROSPECTIVE JUROR 928: Dennis Busk, Number 928.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR 928: I'm the caregiver for my
21 wife. She -- for the last two years, she's been having one or
22 two doctor visits a week for -- to see the cancer doctor, the
23 chemo doctor, the primary care doctor, CT scans. And right
24 now, she's in the middle of kidney stone surgery, and they left
25 a device inside, too, for -- to complete it. And it's just

1 nonstop doctoring visits.

2 THE COURT: Okay. So she had the surgery. And,
3 what, they left the stents in to pass the stones? Is that what
4 it was?

5 PROSPECTIVE JUROR 928: Exactly, yeah.

6 THE COURT: Oh, okay. And then -- and so she has
7 doctors' appointments that are scheduled for this time period,
8 this week?

9 PROSPECTIVE JUROR 928: Like I say, I -- I didn't
10 bring the schedule, but it's one or two appointments every week
11 for the last two years. It's just been nonstop.

12 THE COURT: All right. Thank you very much.
13 Who's next?

14 PROSPECTIVE JUROR 938: I'm Kathryn Hupp, 0938. I
15 work for Carbon Block Technology, and they do not pay for any
16 time off for jury duty. And I am the primary breadwinner in
17 our family, so I bring home more money than my husband does.
18 And without my income, we would definitely be suffering.

19 THE COURT: I'm sorry. Where did you say you worked?

20 PROSPECTIVE JUROR 938: Carbon Block Technology.

21 THE COURT: What do you do for them?

22 PROSPECTIVE JUROR 938: I'm a microbiologist.

23 THE COURT: Okay. And you said -- did you say your
24 husband worked?

25 PROSPECTIVE JUROR 938: He -- he actually works for

1 the same company. He's in facilities and maintenance.

2 THE COURT: And are you on salary with them?

3 PROSPECTIVE JUROR 938: I am not.

4 THE COURT: Okay. So you work on an hourly wage?

5 PROSPECTIVE JUROR 938: Yes.

6 THE COURT: Okay. All right. And so you would
7 not -- would you be able to work half days for the days that
8 we're --

9 PROSPECTIVE JUROR 938: I would be able to work half
10 days. It would be a little less than a half day based on the
11 hour schedule that is there to take into account the
12 transportation time that I would need.

13 THE COURT: Okay. And so would this be -- I know you
14 say you're the primary breadwinner and that you make more money
15 than your husband does, but would this be a financial hardship?
16 In other words, you wouldn't be able to pay your rent or
17 mortgage or put food on the table for -- if you --

18 PROSPECTIVE JUROR 938: We would -- we would
19 definitely struggle. We just recently used our savings for
20 medical bills, so...

21 THE COURT: Okay. What does that company make?

22 PROSPECTIVE JUROR 938: Carbon -- drinking filters,
23 drinking water filters.

24 THE COURT: All right. Thank you. Who's next?

25 PROSPECTIVE JUROR 950: My name is George Romero, and

1 my badge number is 950.

2 THE COURT: All right. Yes, sir.

3 PROSPECTIVE JUROR 950: I -- I work part time and my
4 parents are separated, so I help my mom -- my mother with the
5 bills. And the schedule for the trial is directly in the
6 middle of my part-time shifts, and I wouldn't be able to work.
7 My employer is a locally owned business, Hanabi Sushi & Rolls,
8 and they do not pay me for being here.

9 THE COURT: I'm sorry. I couldn't hear you when you
10 said your employer.

11 PROSPECTIVE JUROR 950: Hanabi Sushi & Rolls.

12 THE COURT: I still am not getting that. Anybody
13 hear that?

14 PROSPECTIVE JUROR 950: Hanabi.

15 THE COURT: What do they do?

16 PROSPECTIVE JUROR 950: It's a sushi restaurant.

17 THE COURT: Oh, okay.

18 PROSPECTIVE JUROR 950: They are locally owned, and
19 they do not pay me for being here. I'm actually taking time
20 off right now to be here.

21 THE COURT: Oh, okay. And what do they pay you per
22 hour?

23 PROSPECTIVE JUROR 950: I get paid minimum wage.

24 THE COURT: Minimum wage. What is that now?

25 PROSPECTIVE JUROR 950: 8.25.

1 THE COURT: And how many hours a week do you work?

2 PROSPECTIVE JUROR 950: I'd say about 35 to 40.

3 THE COURT: 35 to 40?

4 PROSPECTIVE JUROR 950: Yeah.

5 THE COURT: Forty is full time.

6 PROSPECTIVE JUROR 950: Well, I work about six hours
7 a day, five hours a day.

8 THE COURT: So -- and how many days per week?

9 PROSPECTIVE JUROR 950: Five to six.

10 THE COURT: Okay. And your mom works too?

11 PROSPECTIVE JUROR 950: Yeah, my mom works.

12 THE COURT: What does she do?

13 PROSPECTIVE JUROR 950: She is a secretary.

14 THE COURT: For who?

15 PROSPECTIVE JUROR 950: For a -- a lawyer office.

16 THE COURT: Do you know what lawyer?

17 PROSPECTIVE JUROR 950: I don't remember the name.

18 THE COURT: And your mom, you said, and your dad
19 are --

20 PROSPECTIVE JUROR 950: Yeah, they're separated.

21 THE COURT: -- divorced or separated. So who else is
22 in your house besides your mom?

23 PROSPECTIVE JUROR 950: My sister and my brother, but
24 they're too young to work.

25 THE COURT: Okay. And does your dad work?

1 PROSPECTIVE JUROR 950: Yes, but he's not there.

2 THE COURT: He's what?

3 PROSPECTIVE JUROR 950: He works but he doesn't,
4 like, live with us.

5 THE COURT: Right. But he supports his children;
6 right?

7 PROSPECTIVE JUROR 950: Yeah.

8 THE COURT: Okay. Who else? Anyone in that row?
9 Anybody else?

10 PROSPECTIVE JUROR 965: Cynthia Allen, 965.

11 THE COURT: Yes, ma'am.

12 PROSPECTIVE JUROR 965: Will -- is this the set trial
13 date, or does it extend or could it possibly extend into the
14 next week?

15 THE COURT: We're not anticipating that it would. I
16 don't ever like to say nothing's impossible because, really,
17 once the jury starts deliberating, it's in the jury's hands as
18 to how long they deliberate, and I never want a jury to be
19 rushed. But the lawyers indicate to me that they believe that
20 they can conclude the trial within that time.

21 PROSPECTIVE JUROR 965: Okay.

22 THE COURT: What's your question?

23 PROSPECTIVE JUROR 965: Well, because the following
24 week, I have vacation planned.

25 THE COURT: Okay. Why don't you tell me what those

1 are.

2 PROSPECTIVE JUROR 965: A cruise to the Bahamas.

3 THE COURT: Okay. And when do you leave?

4 PROSPECTIVE JUROR 965: On the 1st.

5 THE COURT: All right. Thank you.

6 THE MARSHAL: Anybody in this front row? First row.

7 PROSPECTIVE JUROR 003: My name is Gisell Fernandez.

8 Badge number is 003. I might have a conflict --

9 THE COURT: Wait, wait. Wait a minute. I've got --

10 PROSPECTIVE JUROR 003: -- on Thursday.

11 THE COURT: Wait. I've got to find your badge
12 number.

13 PROSPECTIVE JUROR 003: 003.

14 THE COURT: Where is it? I don't --

15 THE CLERK: It's on the second page, almost halfway
16 down, Your Honor.

17 THE COURT: Oh, I see her. Okay.

18 All right. I'm sorry to interrupt you. Go ahead.

19 PROSPECTIVE JUROR 003: Oh, that's okay. So on
20 Thursday, I might have a conflict because I'm going through a
21 divorce, so I have a court date at the family court office at
22 10:00 o'clock. Last time I was there, three weeks ago, I was
23 there for three hours. So I just want to make sure I'm going
24 to get out of there and come here on time if I get picked.

25 THE COURT: Okay. And that's Thursday, the --

1 PROSPECTIVE JUROR 003: The 25th.

2 THE COURT: -- 25th. Do you know what's going to
3 happen at that court hearing?

4 PROSPECTIVE JUROR 003: It's going to be -- it's a
5 motion, I think, because we didn't have everything together
6 or -- my ex, last time, so this is like a second motion.

7 THE COURT: Okay. So do you have lawyers, each side?

8 PROSPECTIVE JUROR 003: Yes.

9 THE COURT: Okay. Thank you.

10 THE MARSHAL: Nobody in the front row? If not,
11 please pass it back to the second row. Thank you.

12 PROSPECTIVE JUROR 030: I'm Zahra Pyle. My number is
13 030. My husband also is disabled. He had back surgery in
14 April, so it's kind of hard leaving him alone.

15 THE COURT: Okay. So you don't work?

16 PROSPECTIVE JUROR 030: Yes, ma'am.

17 THE COURT: Oh, you do.

18 PROSPECTIVE JUROR 030: Yeah, part time at Golden
19 Entertainment.

20 THE COURT: So when you work, do you take your
21 husband with you?

22 PROSPECTIVE JUROR 030: He's -- he's like -- can,
23 like, get up and go to the restroom on his self, but not --
24 like, I cook and everything is ready for him, you know. He
25 doesn't have to do heavy-duty anything. But most -- I take

1 care of everything else.

2 THE COURT: Okay. So could he -- couldn't you do
3 that, but instead of going to work, you come here?

4 PROSPECTIVE JUROR 030: It's going to be hard.

5 THE COURT: Why?

6 PROSPECTIVE JUROR 030: Because usually I do
7 everything before I go to work and...

8 THE COURT: What time do you work?

9 PROSPECTIVE JUROR 030: I work from 3:00 p.m. to
10 10:00.

11 THE COURT: Okay. But you'll have half days. In the
12 morning, you'll have all that time to do the things that you
13 would do. Right?

14 PROSPECTIVE JUROR 030: Yeah. I really cannot see
15 the board too clearly, actually, so...

16 THE COURT: Okay. So we're going to start at
17 10:30 on Monday and go till 5:00. But then Tuesday, we're not
18 going to start until 1:30, and we'll go to 5:00. And then
19 Wednesday, 1:00 to 5:00; Thursday, 1:30 to 5:00; and Friday is
20 the only, really, full day. We'll start at 9:00 and go until
21 5:00. So you have the evenings to, you know, cook for your
22 husband and get everything ready for him, just like you would
23 if you were -- before you went to work. And then you'll have
24 the whole evening because you wouldn't be going to work.

25 Okay. Who's next?

1 PROSPECTIVE JUROR 037: Hi. My name's Anthony
2 Gariano, Number 037.

3 THE COURT: Okay. Yes, sir.

4 PROSPECTIVE JUROR 037: I'm a disabled veteran. I
5 struggle with PTSD, depression, and chronic pain, all
6 service-connected. My problem is with the medication. If I
7 take it, I'm sedated. If I don't take it, I'm struggling with
8 pain, so, like, concentration, trying to follow along.

9 THE COURT: Have you been having -- did you take your
10 medication today?

11 PROSPECTIVE JUROR 037: Yeah. I'm really tired.

12 THE COURT: Okay. Have you been having trouble
13 following what's going on?

14 PROSPECTIVE JUROR 037: Yeah. I have no idea what
15 we're doing, other than this.

16 THE COURT: All right. Who else?

17 THE MARSHAL: Nobody in the back row. I think we're
18 going backwards, Judge.

19 THE COURT: No, we're not going backwards.

20 THE MARSHAL: Can you hand it back to the gentleman
21 in the corner, please. Thank you, sir.

22 PROSPECTIVE JUROR 059: Hello. My name is Parmjit
23 Kaur and my ID is 059.

24 THE COURT: I'm sorry. 059?

25 PROSPECTIVE JUROR 059: Yes, ma'am.

1 THE COURT: Thank you. You need to speak up, though.
2 We can barely hear you.

3 PROSPECTIVE JUROR 059: Okay. Sometime I have hard
4 time to understand the -- you know, so...

5 THE COURT: Okay. What's your first language?

6 PROSPECTIVE JUROR 059: My first language is Hindi
7 and I be from India.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 059: So I think maybe I have a
10 hard time, so...

11 THE COURT: All right. How long have you lived here?

12 PROSPECTIVE JUROR 059: A long time.

13 THE COURT: How long?

14 PROSPECTIVE JUROR 059: Over 20 year.

15 THE COURT: Here in Clark County, in Las Vegas?

16 PROSPECTIVE JUROR 059: Clark County, maybe, like, 15
17 year.

18 THE COURT: Okay. Where did you live before here?

19 PROSPECTIVE JUROR 059: New York City.

20 THE COURT: How long did you live in New York City?

21 PROSPECTIVE JUROR 059: Eight year.

22 THE COURT: I'm sorry. I couldn't -- I can't --

23 PROSPECTIVE JUROR 059: Eight year.

24 THE COURT: Oh, okay. And do you work here?

25 PROSPECTIVE JUROR 059: Yes. I work in Winn

1 Las Vegas, housekeeping.

2 THE COURT: And do you speak English on the job or do
3 you speak your native --

4 PROSPECTIVE JUROR 059: Yes.

5 THE COURT: You speak English?

6 PROSPECTIVE JUROR 059: Yes.

7 THE COURT: Okay. All right. So what I'd like you
8 to do is I'm going to -- we need to wait and see how you're
9 doing with your language. All right?

10 PROSPECTIVE JUROR 059: Okay.

11 THE COURT: There's no other problem with your
12 serving for the time; right?

13 PROSPECTIVE JUROR 059: No.

14 THE COURT: The Winn, I know, pays their employees
15 too. Okay. So we'll circle back to you later to see how
16 you're doing.

17 Okay. Who's next?

18 PROSPECTIVE JUROR 068: My name is Rex Spenner, Badge
19 Number 068.

20 THE COURT: Yes, sir.

21 PROSPECTIVE JUROR 068: Recently, there was an issue
22 at my grandmother's house. She's our neighbor. Someone broke
23 and entered into her house and stole some things from her
24 house. And so my entire family is on vacation in California
25 currently, looking at, like, prospective investment properties

1 and such. And it's kind of difficult with money currently just
2 because school is about to start again, and so depending on
3 when the cameras come in, I'm supposed to do installations on
4 both our house and my grandmother's house because this could --
5 these time frames could technically conflict with our home
6 security potentially, depending when the deliveries happen and
7 what the schedule is when I can actually satisfy the
8 installations.

9 THE COURT: Okay. When are they scheduled? When are
10 you scheduled for those?

11 PROSPECTIVE JUROR 068: Well, the deliveries, they
12 said that they could come anytime between the 15th and the
13 19th, because it's, like, special flood light cameras and such,
14 and -- and then I'll have, I mean, realistically, like, worst
15 case, three days to install 12 cameras, so...

16 THE COURT: So the delivery is going to be for sure
17 between the 15th and the 19th?

18 PROSPECTIVE JUROR 068: Yes, ma'am.

19 THE COURT: That's the window. And so the delivery,
20 they're going to get here before we're in trial; right?

21 PROSPECTIVE JUROR 068: Yes, ma'am. They'll get here
22 within that time, but we can't afford to pay someone to install
23 them in our house, so I'm trying to install them to...

24 THE COURT: Oh, you're the installation person.

25 PROSPECTIVE JUROR 068: Yes, ma'am. I do IT on the

1 side.

2 THE COURT: So you can install them anytime you want?

3 PROSPECTIVE JUROR 068: Yeah, but 12 cameras in three
4 days is pretty tough to do, especially -- I have other prior
5 commitments that weekend. But depending on the installation
6 time, there's potential that it would not conflict with this.
7 I'm just not entirely sure yet.

8 THE COURT: And, otherwise, you don't work?

9 PROSPECTIVE JUROR 068: I do work. I'm full time at
10 Red Rock banquets kitchen. This is our slow season,
11 fortunately, though.

12 THE COURT: Okay. All right. So is there some
13 reason that you're saying you have to install these cameras
14 within a three-day window?

15 PROSPECTIVE JUROR 068: Well, no one's going to be at
16 either of our houses for the next month or, like, three weeks
17 and some change. And so during these time frames, if, like, no
18 one's home -- like, that's exactly what happened when my
19 grandma's house got broken in and entered, was that nobody was
20 home when everyone was on vacation. And then they stole a
21 bunch of her valuable jewelry and other, like, valuable things
22 from, like, prior -- in her marriages and stuff. And so I --
23 there could potentially be conflict if I don't have cameras up,
24 I'm here, and everyone is in California. Does that make sense?

25 THE COURT: Sure. Cameras don't necessarily stop

1 crime. I mean, they may record something, but that's all;
2 right? So...

3 PROSPECTIVE JUROR 068: Well, I understand. It's
4 just that the issue that happened recently, it's -- everything
5 is still processing and pending because we realistically have
6 no idea who did it and that -- and all of the jewelry and stuff
7 are still missing. And so we're still going through that
8 process. And if I could have some brevity, at least know who
9 committed the crime, maybe that will make the case a little bit
10 quicker. Does that make sense?

11 THE COURT: No. You're expecting them to come back?

12 PROSPECTIVE JUROR 068: What?

13 THE COURT: You're expecting them to come back
14 because you've installed cameras?

15 PROSPECTIVE JUROR 068: No, but there is potential.
16 Because there have been, like, people in the neighborhood that
17 kind of drive through and lurk, and I suspect that that's what
18 happened. People were driving through, noticed that nobody was
19 home, and then broke in through one of her side doors.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 068: I'm not sure -- like, I'm
22 obviously all for the idea of serving on the jury. It's
23 just -- if it would create conflict inside of the home
24 security, I would definitely have to prioritize home security.
25 But there shouldn't be any conflict, that I know of so far,

1 but...

2 THE COURT: And what hours do you work at Red Rock?

3 PROSPECTIVE JUROR 068: Usually day shift, 8:00 to
4 4:00. And it's 40 hours a week when we actually have work.

5 THE COURT: Okay. All right. So you can -- could
6 install the cameras in the morning when we're not in court or
7 in the evening.

8 PROSPECTIVE JUROR 068: But on -- yeah, on Monday, we
9 come in at 10:30; correct?

10 THE COURT: Yes.

11 PROSPECTIVE JUROR 068: I'll -- I'll see what I can
12 do, ma'am. I apologize, Your Honor.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR 068: Yeah.

15 THE COURT: Who's next?

16 PROSPECTIVE JUROR 098: Kimberly Henderson, 098. I'm
17 a stay-at-home mom to my two daughters. They're ten and six.
18 Sorry. I have, like, crazy anxiety. And, also, we have a
19 vacation planned from the 26th through the 30th to California.

20 THE COURT: Okay. So who is watching the kids now?

21 PROSPECTIVE JUROR 098: I rescheduled. I was
22 scheduled for June but my mom wasn't in town, and so she came
23 so she could watch the kids. So she's watching the kids today.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 098: But she also has a conflict

1 that week because she has family coming into town, so she
2 wouldn't be able to. But we're going out of town on Friday
3 through Tuesday.

4 THE COURT: On the twenty...

5 PROSPECTIVE JUROR 098: The 26th through the 30th.

6 THE COURT: ...sixth.

7 PROSPECTIVE JUROR 098: Yeah. We're going to
8 California.

9 THE COURT: When are you leaving?

10 PROSPECTIVE JUROR 098: When -- my husband's a
11 chiropractor. So as soon as he can get out, we're going to
12 leave on the 26th through Tuesday.

13 THE COURT: And are you flying? Are you driving?

14 PROSPECTIVE JUROR 098: We're driving.

15 THE COURT: Do you have hotel reservations?

16 PROSPECTIVE JUROR 098: We do.

17 THE COURT: Where?

18 PROSPECTIVE JUROR 098: At the -- it's at the
19 Camarillo Residence Inn, I believe. It could be a Fairfield
20 Inn, but I think it's the Residence.

21 THE COURT: All right. Do you have something that
22 confirms that reservation on your phone?

23 PROSPECTIVE JUROR 098: Yeah.

24 THE COURT: Okay. You'll show that to the marshal
25 on --

1 PROSPECTIVE JUROR 098: Of course.

2 THE COURT: -- on the break.

3 Okay. Who's next?

4 PROSPECTIVE JUROR 099: My name is Perla Garibay. My
5 badge number is 099. I'm currently 34 weeks pregnant with my
6 first child, and I'm not sure if, like, I'd be due around that
7 time or if it would have anything to do with the schedule. I
8 mean, I -- I could come in, but I don't know if I'll be missing
9 one of those days.

10 THE COURT: Okay. Let me see. I'm just trying to
11 find here -- there you are. So you're 34 weeks pregnant in the
12 summer in Las Vegas.

13 PROSPECTIVE JUROR 099: Yes.

14 THE COURT: I'm sorry.

15 PROSPECTIVE JUROR 099: It's okay.

16 THE COURT: That's just a misery. And so I'm sure
17 you're hoping for an early delivery --

18 PROSPECTIVE JUROR 099: Yes, exactly.

19 THE COURT: -- but your first baby, probably not,
20 but...

21 Okay. How about doctor's appointments? Aren't you
22 going to the doctor pretty frequently right now?

23 PROSPECTIVE JUROR 099: Yes. I -- they're
24 scheduled -- well, I currently work from 8:30 to 5:30. I
25 actually work in UNLV Medicine just, like, a couple streets

1 down. And I have an appointment on the 25th in the morning, so
2 I'm already missing the morning for work. That's the only
3 appointment in the morning I have.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 099: But just in case I'm not --
6 like, in the hospital that day or something.

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

8 THE MARSHAL: Anyone in the second row? Anyone in
9 the back row?

10 Okay. Thanks.

11 THE COURT: So, ladies and gentlemen, we're going to
12 be taking a recess now. Those of you who need to make phone
13 calls, make sure you do that while we're on this break and --
14 so you can provide the information to the marshal.

15 So there's a couple things I need to talk to you
16 about before we take a break. I've got to read to you an
17 admonition every time we take a break, so you'll become
18 familiar with it.

19 But, also, you need to realize you can't talk to any
20 of the lawyers or any of the court officers, except for the
21 marshal. The marshal is your contact and -- you know, if you
22 need to communicate with the Court in any way. So if you
23 happen to see any of the lawyers out on a break or, you know,
24 if you're returning to court on another day and you encounter
25 them in the elevator, please don't try and engage them in

1 conversation, as you normally would, being courteous, friendly
2 people because they're not allowed to talk to you. And so what
3 would happen if you try and greet them and speak to them;
4 they'll ignore you. And then they'll feel really bad about it
5 because they're all lovely people that would normally greet you
6 warmly if they saw you and after spending hours in a courtroom
7 with you and -- so please don't make them feel bad by trying to
8 engage them.

9 The other thing they would do would be they'd have to
10 report back to me that one of the prospective jurors tried to
11 talk to them. We'd have to have a hearing, and it would delay
12 this process more, and I'm sure that's not what you want
13 because it's a slow process as it is. So please don't do that.

14 Also, don't do any research into the case while
15 you're out in the hallway on your smart phones, you know,
16 trying to look up and find out about the case. Also, don't be
17 posting on Facebook that you're, you know, in jury selection,
18 anything like that, because then people might try and talk to
19 you about the process, and we really need you to remain clean
20 slates, all right.

21 So, ladies and gentlemen, we are going to take a
22 recess, which will probably be 15, 20 minutes. And during this
23 recess, it is your duty not to converse among yourselves or
24 with anyone else on any subject connected with the trial; or to
25 read, watch, or listen to any report of or commentary on the

1 trial by any person connected with the trial, or by any medium
2 of information, including, without limitation, newspaper,
3 television, radio, or Internet. And you are not to form or
4 express an opinion on any subject connected with this case
5 until it is finally submitted to you, if you are selected to be
6 on the jury.

7 So we'll be in recess.

8 (Panel of prospective jurors recessed at 3:24 p.m.)

9 THE COURT: All right. The venire panel has departed
10 the courtroom. We're off the record, so we can discuss
11 these -- I'm just going to go in order that...

12 (Proceedings recessed at 3:25 p.m., until 4:09 p.m.)

13 (In the presence of Badge Number 152.)

14 THE COURT: All right. The record will reflect we
15 are back within the presence of one of our venire. That's
16 Gilbert Cera, Badge Number 152. The rest of the venire panel
17 is still out in the hall. The defendant is present with his
18 counsel, and the prosecutors are present, as are all officers
19 of the court.

20 Mr. Cera, I asked you back in so I could ask you a
21 couple more questions --

22 PROSPECTIVE JUROR 152: Yes.

23 THE COURT: -- about your work schedule. So as you
24 are self-employed and you can manage your own schedule, would
25 you be able to see your customers around the schedule that

1 we've got here? So you could see your customers in the
2 mornings when we're not having court and in the evenings,
3 after?

4 PROSPECTIVE JUROR 152: Well, it's actually -- it's
5 all day long. That's why, I mean, I'm busy from morning until
6 night, usually.

7 THE COURT: Okay. So, like, for example, how do you
8 get your -- how do you get your calls? How -- if you're the
9 only employee --

10 PROSPECTIVE JUROR 152: Well, they call or they send
11 it -- you know, e-mail it to me. But, yeah, I'm busy. Like
12 right now, I actually had to push -- I had calls scheduled, but
13 I had to wait. I just -- I mean, I couldn't do nothing.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 152: I was supposed to be here at
16 8:00, actually, this morning, but then I had emergency calls
17 that I had to go do. So I -- the lady just said come in at
18 12:00, so I did.

19 THE COURT: Oh, okay. Well, yeah, we summonsed this
20 panel for the afternoon. They weren't supposed to bring in
21 anybody -- so you must have been on a summons for a different
22 panel before or maybe a trial that might last three weeks or
23 something. This is a pretty short trial.

24 PROSPECTIVE JUROR 152: Yeah.

25 THE COURT: So you don't think that you can work

1 around --

2 PROSPECTIVE JUROR 152: I cannot. I mean, it's --
3 it's hard, you know. And I had -- I did have workers, but, of
4 course, you know, that don't work out so good either, with the
5 workers, so I don't have nobody at this time.

6 THE COURT: Okay. And what does your wife -- how
7 much does she earn as a phlebotomist at St. Rose?

8 PROSPECTIVE JUROR 152: She doesn't work a full 40
9 hours. She works three 12s, so...

10 THE COURT: All right. So she works 36 hours a week?

11 PROSPECTIVE JUROR 152: Yeah, so that's about it.

12 THE COURT: Is she paid hourly or salary?

13 PROSPECTIVE JUROR 152: Hourly.

14 THE COURT: How much does she make per hour?

15 PROSPECTIVE JUROR 152: I think, like, 25. I don't
16 know. I'm not sure exactly.

17 THE COURT: Okay. And what do you charge?

18 PROSPECTIVE JUROR 152: Me?

19 THE COURT: Yeah.

20 PROSPECTIVE JUROR 152: 65. Well, I waive it if
21 they, you know, do the repair or whatever I find.

22 THE COURT: Oh, you mean you charge \$65 to go out?

23 PROSPECTIVE JUROR 152: Yeah, but if they -- you
24 know, it's -- in other words, if they (indiscernible) their
25 repair, you know, then I waive the service call.

1 THE COURT: I see.

2 PROSPECTIVE JUROR 152: The 65, yes.

3 THE COURT: And then what if they need you to repair
4 their air conditioner, and they hire you to do that?

5 PROSPECTIVE JUROR 152: Yeah, then it's only for
6 whatever -- I charge for whatever the repair is going to be.
7 Like, I'll tell them up-front, you know, this is what it is.
8 If this is what's bad and -- you know, it's what you got to
9 change, and this is the cost and so on.

10 THE COURT: So -- and how is it that you get your
11 calls?

12 PROSPECTIVE JUROR 152: E-mail or they call. They
13 call my cell, because I got my -- the company phone forwarded
14 to my cell.

15 THE COURT: I see. And so how many -- have you
16 received calls today, for example?

17 PROSPECTIVE JUROR 152: Yeah, I got --

18 THE COURT: How many?

19 PROSPECTIVE JUROR 152: Well, I don't know. It's --
20 I'm pretty booked up, the whole day was already. But that's
21 why I didn't even -- you know, I couldn't come in the morning.
22 So that's why, first thing in the morning, I called the lady
23 already. She told me to just come in at 12:00.

24 Okay. All right. Thank you.

25 (Pause in the proceedings.)

1 (Panel of prospective jurors enters at 4:15 p.m.)

2 THE COURT: Thank you. Please be seated. And the
3 record will reflect that we have now been rejoined by the
4 venire panel, and Mr. Marks is present with his counsel, the
5 prosecutors are present, as are all officers of the court.

6 And, ladies and gentlemen, I'm going to read the
7 names of the people who have been excused, their name and badge
8 number. If you hear your name called, then you need to depart
9 the courtroom, leaving your plastic badge with the paper
10 removed out from it, and the marshal will collect those. Now,
11 if you don't hear your name, that means you have not been
12 excused, so don't leave if your name isn't called.

13 So the following people have been excused: Badge
14 Number 018, Genia Sherwood; Badge Number 152, Gilbert Cera;
15 Badge --

16 THE MARSHAL: Hang on until she's all done.

17 THE COURT: Yeah, just wait.

18 Badge Number 613, Steven Sligar; Badge Number 911,
19 James Bruce; Badge Number 921, Laurence Smith; Badge
20 Number 928, Dennis Busk; Badge Number 938, Kathryn Hupp; Badge
21 Number 037, Anthony Gariano; Badge Number 098, Kimberly
22 Henderson; and Badge Number 099, Perla Garibay.

23 Thank you. Those folks may leave. Thank you very
24 much for coming in.

25 Okay. And so we're going to fill the empty seats

1 with the folks that are next in order on the list. My clerk
2 will calls the names and tell you where to sit.

3 THE CLERK: Martha Ferris, Badge 997, please take
4 Seat 2 in the back; Katrese Carino, Badge 998, please take Seat
5 Number 3; Gary Larson, Badge 000, please take Seat 6; Gisell
6 Fernandez, Badge 003, please take Seat 11; Maria Zamora, Badge
7 004, please take Seat 13; Jennifer Pezario, Badge 016, please
8 take Seat 16; Diego Gonzalez, Badge 017, please take Seat 18.

9 THE COURT: Okay. All right. So next question.
10 This is to everyone. Are there any of you who feel that you
11 could not be fair and impartial jurors in this case? Please
12 raise your hand and let me know. A couple.

13 PROSPECTIVE JUROR 956: My name is Susan Tysdal, and
14 my juror number is 956.

15 THE COURT: Yes, ma'am.

16 PROSPECTIVE JUROR 956: And I feel I'll be impartial
17 because my house got robbed when I was maybe a teenager. And
18 then the neighborhood -- in the neighborhood, there was a
19 gentleman, who is an old man, who got robbed and beaten. And I
20 don't know if he survived or not, but it was one of our
21 neighbors. But just, in general, robberies just...

22 THE COURT: All right. So houses don't get robbed.
23 People get robbed.

24 PROSPECTIVE JUROR 956: Well, our stuff got robbed.
25 Our house got broken into.

1 THE COURT: Your house was burglarized?

2 PROSPECTIVE JUROR 956: Correct. Sorry.

3 THE COURT: Things stolen?

4 PROSPECTIVE JUROR 956: Yeah.

5 THE COURT: Okay. And when you were a teenager, that
6 was a while ago?

7 PROSPECTIVE JUROR 956: Yeah, it was a while ago.

8 THE COURT: Okay. So do you understand that this
9 is -- you have to make your decision based upon the evidence in
10 this case? So if you -- you haven't heard any evidence. Have
11 you already made up your mind?

12 PROSPECTIVE JUROR 956: I -- I don't know. It's just
13 a sore subject. I mean, I could probably -- I'm an adult and I
14 could probably figure it out and, you know, I -- I'm just
15 saying I don't know how I'd feel.

16 THE COURT: Well, the question isn't -- the question
17 is whether or not you believe that the State has proved its
18 case against Mr. Marks beyond a reasonable doubt.

19 You know, people come to jury trials and say, "Well,
20 I don't like a criminal who does X, Y, Z." Well, okay, but
21 that's -- that's not surprising, but that's not the issue.
22 You're here to determine whether or not the State has proved
23 the case. These are just charges. You haven't heard any
24 evidence of --

25 The defendant is presumed to be innocent. That's a

1 very important part of our law. And then are you saying that
2 if the State doesn't prove the case, that you still would find
3 the defendant guilty just because you had had your house broken
4 into when you were a teenager?

5 PROSPECTIVE JUROR 956: I just didn't know how I'd
6 sway, but I'm saying, if I hear the evidence and everything, I
7 would probably -- you know, I would be equal, based on what the
8 evidence is and whatever the lawyers bring.

9 THE COURT: All right. So the defense doesn't have
10 to bring anything. The State has to do all the proving.

11 PROSPECTIVE JUROR 956: Right.

12 THE COURT: So the defense could not call any
13 witnesses but merely, say, cross-examine, like Mr. Matsuda
14 said, that maybe they'll just cross-examine the witnesses.
15 They might call a witness, but they don't have to. They don't
16 have to call a single witness. They don't have to present a
17 shred of evidence, and if -- because it's the State's burden to
18 prove the case beyond a reasonable doubt.

19 So if you get to the end of the case, as a juror, and
20 you feel that they didn't do that, they didn't prove all the
21 elements of the crime, then your duty would be to vote not
22 guilty. Do you understand that?

23 PROSPECTIVE JUROR 956: Yes, I understand.

24 THE COURT: Okay. But -- so it's really important,
25 though, that we know that you can do that and that you're

1 not -- you haven't got some kind of agenda.

2 PROSPECTIVE JUROR 956: No, I don't have an agenda.

3 THE COURT: Okay. Are you sure?

4 PROSPECTIVE JUROR 956: Yes.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 956: Thanks.

7 THE COURT: Anyone else feel that, for some reason,
8 any reason at all, that they can't be fair and impartial?

9 We have another person.

10 PROSPECTIVE JUROR 113: Dorie Fales, Badge
11 Number 113.

12 THE COURT: Yes, ma'am.

13 PROSPECTIVE JUROR 113: I just kind of have a bias
14 already just from the fact that -- that that side has so many
15 witnesses and the defendant doesn't.

16 And I have a problem with people getting robbed at
17 bars because it happened to a roommate of mine, not nicely.
18 So, I don't know, I'm just kind of biased ahead of time.
19 Doesn't mean I will be on the jury. I'm just saying I kind of
20 am.

21 THE COURT: All right. So you've made up your mind
22 in the case, even though you haven't heard any evidence? You
23 can't wait and -- I mean --

24 PROSPECTIVE JUROR 113: Well, I could.

25 THE COURT: -- no one --

1 PROSPECTIVE JUROR 113: I'm just saying I already
2 have a bias, so...

3 THE COURT: Okay. Well, I --

4 PROSPECTIVE JUROR 113: Only because if the plaintiff
5 has so many witnesses against the defense, it just -- logic.

6 THE COURT: But what if you don't believe any of
7 those witnesses?

8 PROSPECTIVE JUROR 113: There's always that chance.

9 THE COURT: Okay. But -- so it's not --

10 PROSPECTIVE JUROR 113: I just have a biased against
11 people getting rolled in bars when they're drunk.

12 THE COURT: Okay. So it's not --

13 PROSPECTIVE JUROR 113: Especially older people.

14 THE COURT: All right. So --

15 PROSPECTIVE JUROR 113: That's just what I'm saying.

16 THE COURT: All right. So, as I explained, I don't
17 think anyone here is going to say that they like robbers or
18 murders or violent criminals.

19 PROSPECTIVE JUROR 113: Of course not.

20 THE COURT: That's not the issue. The issue is this
21 defendant is presumed to be innocent, unless the State proves
22 their case beyond a reasonable doubt. So I need jurors who
23 come and can give the defendant and the State a fair trial. I
24 mean, other -- this goes both ways. If you have bias either
25 for one side or the other, that's not what I want.

1 PROSPECTIVE JUROR 113: Well, it would be the same
2 thing if I was biased for the defendant; that's not fair to the
3 State.

4 THE COURT: Exactly.

5 PROSPECTIVE JUROR 113: I'm just saying. It's a bias
6 I have that may or may not work as me being a juror.

7 THE COURT: Okay. And so you cannot set aside these
8 feelings, so you can't be fair. Is that what you're saying?

9 PROSPECTIVE JUROR 113: Probably not.

10 THE COURT: All right. You're excused.

11 PROSPECTIVE JUROR 113: Thank you.

12 THE COURT: All right. Anyone else who cannot be
13 fair?

14 All right. I see no other hands.

15 Okay. Are there any folks here who have already
16 served previously on a jury? Take you in order, just like we
17 did before.

18 PROSPECTIVE JUROR 000: Gary Larson, Badge
19 Number 000.

20 THE COURT: Yes. Where was it that you served?

21 PROSPECTIVE JUROR 000: Federal court.

22 THE COURT: Federal court here in Clark County?

23 PROSPECTIVE JUROR 000: Yes, ma'am.

24 THE COURT: Okay. Was it a civil case?

25 PROSPECTIVE JUROR 000: It was.

1 THE COURT: A civil case. Okay. So the civil rules
2 are a bit different.

3 PROSPECTIVE JUROR 000: Correct.

4 THE COURT: In federal court, unlike state court, the
5 jury does have to come to a unanimous verdict in a civil case.
6 That's a little different than civil cases in state court. So
7 without telling us what the verdict was, did you reach a
8 verdict?

9 PROSPECTIVE JUROR 000: Yes, ma'am.

10 THE COURT: Were you the foreperson of the jury?

11 PROSPECTIVE JUROR 000: Yes, ma'am.

12 THE COURT: Thank you very much.

13 Anyone on the second row previously been a juror?
14 Anyone before her? No. No. Okay.

15 PROSPECTIVE JUROR 004: Maria Zamora, 004.

16 THE COURT: Yes, ma'am. Where were you a juror?

17 PROSPECTIVE JUROR 004: It was here in Nevada, but
18 I'm not really sure. It was a couple of years ago.

19 THE COURT: Okay. And you don't -- was it in this
20 courthouse?

21 PROSPECTIVE JUROR 004: No, not in this courthouse.
22 I just remember -- I don't know. It wasn't in this courthouse,
23 though.

24 THE COURT: But it was just a couple of years ago?

25 PROSPECTIVE JUROR 004: Uh-huh.

1 THE COURT: So was it a great, huge building with
2 very grand courtrooms?

3 PROSPECTIVE JUROR 004: I don't even remember. I'm
4 not sure.

5 THE COURT: But you were actually on the jury?

6 PROSPECTIVE JUROR 004: Yes.

7 THE COURT: Okay. Was it downtown?

8 PROSPECTIVE JUROR 004: I believe so.

9 THE COURT: Was it a civil case or a criminal case?

10 PROSPECTIVE JUROR 004: I believe it was civil.

11 THE COURT: Okay. What was -- what was it about?
12 Was it about awarding money or finding someone guilty or not
13 guilty?

14 PROSPECTIVE JUROR 004: I honestly can't remember.
15 It was, like, maybe five years ago, but I honestly don't
16 remember.

17 THE COURT: All right. Without telling us what the
18 verdict was, did the jury reach a verdict?

19 PROSPECTIVE JUROR 004: Yes.

20 THE COURT: And were you the foreperson?

21 PROSPECTIVE JUROR 004: No.

22 THE COURT: Thank you.

23 Okay. We're trying to keep things in order, so you
24 should have gone before her. So --

25 PROSPECTIVE JUROR 909: So Hope Coen, Juror

1 Number 909.

2 THE COURT: Yes.

3 PROSPECTIVE JUROR 909: It was here and it was a
4 civil case.

5 THE COURT: Okay. So different rules for -- and
6 there's a difference in the burden of proof in a civil case as
7 well. So it's a preponderance of the evidence, which is a
8 lesser burden than beyond a reasonable doubt, which is the
9 burden of proof. And you'll be instructed on jury instruction
10 on what that is, but I want you to set aside any memory, if you
11 have any, about the law that you were instructed on in that
12 civil case.

13 PROSPECTIVE JUROR 909: Okay.

14 THE COURT: Okay. Will you be able to do that?

15 PROSPECTIVE JUROR 909: Yes.

16 THE COURT: Now, without telling us what the verdict
17 was, did the jury reach a verdict?

18 PROSPECTIVE JUROR 909: Yes.

19 THE COURT: Were you the foreperson?

20 PROSPECTIVE JUROR 909: No.

21 THE COURT: All right. Thank you.

22 Anyone else, this row? Pass it all the way down.

23 PROSPECTIVE JUROR 927: Alberto Reyes, 925 (sic).

24 I've served on two criminal juries, and we reached verdicts on
25 both of them.

1 THE COURT: Were they here in Clark County?

2 PROSPECTIVE JUROR 927: In Los Angeles.

3 THE COURT: In Los Angeles. How long ago?

4 PROSPECTIVE JUROR 927: Five, six years ago.

5 THE COURT: Okay. And you reached verdicts. Were
6 you the foreperson --

7 PROSPECTIVE JUROR 927: No.

8 THE COURT: -- in either of those findings? No.

9 Okay. Thank you.

10 THE CLERK: Your Honor, I believe he's Badge 927.

11 PROSPECTIVE JUROR 927: I'm sorry. 927.

12 THE MARSHAL: Anybody in this row? No. Thank you,
13 ma'am. Anybody in this section?

14 PROSPECTIVE JUROR 019: Guillermo Tafolla, Badge
15 Number 019. I served on a jury about five years ago in this
16 building.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 019: And it was a civil case.

19 THE COURT: Civil case?

20 PROSPECTIVE JUROR 019: Yes.

21 THE COURT: And so will you be able to forget what
22 you were instructed on the law in that case?

23 PROSPECTIVE JUROR 019: Yes, because I understand it
24 would be different.

25 THE COURT: All right. Good. And without telling us

1 what the verdict was, did the jury reach a verdict?

2 PROSPECTIVE JUROR 019: Yes, we did reach a verdict.

3 THE COURT: Were you the foreperson?

4 PROSPECTIVE JUROR 019: No.

5 THE COURT: All right. Thank you.

6 Anyone else back there? Yes, we have one gentleman
7 in the corner.

8 PROSPECTIVE JUROR 050: Yeah. My name is Gregory
9 Lawrence, Badge Number 050. It has been a long time, but it
10 was two cases over in California.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR 050: One was civil and one was
13 criminal.

14 THE COURT: All right.

15 PROSPECTIVE JUROR 050: And we did reach a decision.
16 Both -- one was actually deadlock. The other one was --

17 THE COURT: Don't tell me what the verdict was.

18 PROSPECTIVE JUROR 050: Okay. Well, we did reach a
19 decision on both of them.

20 THE COURT: You did or -- I thought you said --

21 PROSPECTIVE JUROR 050: Well, one -- one, we didn't.
22 The other one, we did.

23 THE COURT: All right. And were you the foreperson
24 in either?

25 PROSPECTIVE JUROR 050: No.

1 THE COURT: Thank you.

2 Anybody on this side? Okay. We've got two on the
3 other side.

4 PROSPECTIVE JUROR 093: My name is Gabe -- Gabriel
5 Gilmore. My badge number is 093. I've served on both a
6 criminal case and a civil case here in Clark County.

7 THE COURT: Here in Clark County?

8 PROSPECTIVE JUROR 093: Yeah.

9 THE COURT: And was that a long time ago or recently?

10 PROSPECTIVE JUROR 093: Within the last five -- five
11 years or so.

12 THE COURT: And without telling us what the verdict
13 was, did the jury reach a verdict in both cases?

14 PROSPECTIVE JUROR 093: They did.

15 THE COURT: Were you the foreperson?

16 PROSPECTIVE JUROR 093: No.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 101: Edward Aleman, 101.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR 101: And I served on one. It was
21 a long time ago, and I don't even remember if it was in here.
22 Because I moved to California and then moved back, so I forget.
23 I believe it was in California.

24 THE COURT: Okay. Do you remember whether it was a
25 criminal case or a civil case?

1 PROSPECTIVE JUROR 101: I do not.

2 THE COURT: Do you remember what it was about at all?

3 PROSPECTIVE JUROR 101: I do.

4 THE COURT: Okay. So was it -- were you asked to
5 give somebody money or were you asked to find somebody guilty
6 or not guilty?

7 PROSPECTIVE JUROR 101: If I remember correctly, I
8 think it was guilty/not guilty, but I just don't remember.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 101: It was a while back.

11 THE COURT: All right. Without telling us what the
12 verdict was, did the jury reach a verdict?

13 PROSPECTIVE JUROR 101: We did.

14 THE COURT: Were you the foreperson?

15 PROSPECTIVE JUROR 101: No.

16 THE COURT: All right. Thank you.

17 So next question: Are there any of you here who have
18 ever been in law enforcement, so employed as a police officer,
19 a sheriff, corrections officer, a special agent? Not private
20 security, but actually in law enforcement. Anyone?

21 I see no hands -- oh, yes, I see one hand. I was
22 going to say that's unusual.

23 PROSPECTIVE JUROR 971: Renier Escolin, 0971. I
24 didn't actually get to finish the process, but I was employed
25 by Metro. I was in the October class, 2018. Three weeks into

1 the academy, I tore my Achilles tendon. I never got to
2 complete the academy and never got the chance to earn the
3 badge, but I was employed by LVNPD.

4 THE COURT: Okay. And that wasn't something that
5 could heal enough where you could try again?

6 PROSPECTIVE JUROR 971: I am full -- I am fit for
7 duty now, ma'am. I'm just waiting on a doctor to clear me to
8 go back.

9 THE COURT: Oh, okay.

10 PROSPECTIVE JUROR 971: Yes, ma'am.

11 THE COURT: All right. So we may have some law
12 enforcement officers testify in the trial. If we do, would you
13 be able to consider their testimony as you would any other
14 witnesses who testify; in other words, examining their manner
15 on the stand, listening to what they say, determining whether
16 it makes sense to you when you compare it to other evidence,
17 you know, observing their language, listening to maybe things
18 that they said or did before the trial and comparing that to
19 what they're saying on the stand now?

20 Or would you, just because it's a law enforcement
21 officer, say, "Well, you know, I don't -- I just see the badge.
22 That's all I need to know. I'm going to believe everything
23 they say. I don't care if they say there's a pink elephant in
24 the back of the courtroom; I'm going with that"?

25 PROSPECTIVE JUROR 971: No, I'll try to be fair,

1 ma'am.

2 THE COURT: Okay. I know you'll try to be fair
3 because you already answered that question.

4 PROSPECTIVE JUROR 971: Yes, ma'am.

5 THE COURT: You know, you said that you could be
6 fair. The question is not that.

7 The question is: Are you going to be able to weigh
8 the testimony of a police officer, law enforcement officer --
9 there was a possibility of an FBI agent testifying -- in the
10 same way that you would any other witness and listen to what
11 they have to say and -- or are you going to be biased just
12 because they are law enforcement?

13 PROSPECTIVE JUROR 971: Honestly, I'm probably going
14 to honestly be biased and weigh more of the law enforcement
15 officer because, you know, I am an aspiring -- I'm trying to
16 pursue that career. That's just my honest answer.

17 THE COURT: Okay. Is there any objection to my
18 dismissing him?

19 MR. MATSUDA: No objection.

20 THE COURT: State?

21 MS. MOORS: I think we would like to inquire.

22 THE COURT: All right. Do you want to approach
23 first?

24 (Conference at the bench not recorded.)

25 THE COURT: Okay. Sir, you still have the

1 microphone?

2 PROSPECTIVE JUROR 971: Yes. Yes, ma'am.

3 THE COURT: All right. Good. So let me ask you some
4 more questions, just so I'm clear, because there's some
5 confusion. Because on the one hand, you said you could be
6 fair, and I said but that's not really the question. The
7 question is: Can you weigh the testimony the same? And so --
8 and you indicated that because you're an aspiring police
9 officer, that you would just give more credibility to the
10 police officer just because they're a police officer, without
11 more. Is that -- is that how you feel?

12 PROSPECTIVE JUROR 971: Yes, ma'am, initially,
13 I'll -- I will feel that way, to be honest.

14 THE COURT: All right. And this would be just
15 because of the badge? Because you're not going to know -- you
16 already indicated you don't know any of these witnesses; right?
17 Or else you would have raised your hand --

18 PROSPECTIVE JUROR 971: Yes, that's correct.

19 THE COURT: -- right? So you're making your decision
20 based solely on the fact that they're wearing a badge?

21 PROSPECTIVE JUROR 971: Honestly, yes, ma'am. That's
22 how I feel.

23 THE COURT: So I'm going to excuse you. Thank you.

24 PROSPECTIVE JUROR 971: Yes, ma'am.

25 THE CLERK: Guillermo Tafolla, Badge 019, please take

1 Seat 24.

2 THE COURT: Okay. Any -- that was the only person
3 that's ever been in law enforcement in any capacity.

4 How about anyone who has a close family member or
5 close friends that are in law enforcement?

6 PROSPECTIVE JUROR 160: My name is Jasmin Ancheta,
7 Badge Number 611 (sic). So I have two family that works in the
8 correctional office down in Sparks. Actually, three now. She
9 just graduated. And I also do have my uncle. He is in process
10 of becoming a Metro police officer, and I do also have one more
11 police officer that works in downtown Los Angeles.

12 THE COURT: Okay. So the question is the same I put
13 to the last juror: Will you be able to weigh the testimony of
14 a law enforcement officer in the same way you would any other
15 witness?

16 PROSPECTIVE JUROR 160: Yes, of course.

17 THE COURT: All right. Thank you very much.

18 THE CLERK: And, Your Honor, for the record, she's
19 Badge 160.

20 THE COURT: 160.

21 PROSPECTIVE JUROR 160: So sorry.

22 THE COURT: That's okay.

23 All right. Pass it down.

24 PROSPECTIVE JUROR 000: Gary Larson, Badge
25 Number 000. I have several friends that work for Metro,

1 Henderson, and North Las Vegas.

2 THE COURT: Okay. And the same question to you:
3 Will you be able to weigh law enforcement testimony the same as
4 you would other witnesses?

5 PROSPECTIVE JUROR 000: Absolutely.

6 THE COURT: All right. Thank you.

7 Go ahead, ma'am.

8 PROSPECTIVE JUROR 691: My name is Nancy Burroughs,
9 Badge 8 -- sorry. 867 -- oh, sorry. 991.

10 THE CLERK: 691.

11 THE COURT: 691.

12 PROSPECTIVE JUROR 691: Nancy Burroughs, 691.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 691: I've got a brother.

15 Different state, Indiana. Yes, I can be impartial.

16 THE COURT: Okay. So you can weigh the testimony of
17 a law enforcement officer just as you would any other witness?

18 PROSPECTIVE JUROR 691: Yes, anyone saying --

19 THE COURT: All right.

20 PROSPECTIVE JUROR 691: -- they did what...

21 THE COURT: Thank you very much. Next row?

22 PROSPECTIVE JUROR 918: Victoria Crockett, 918.

23 THE COURT: Yes, ma'am.

24 PROSPECTIVE JUROR 918: My uncle is a corrections
25 officer, and I have a close friend who's a Clark County sheriff

1 in Washington.

2 THE COURT: All right. And the corrections officer,
3 is that here?

4 PROSPECTIVE JUROR 918: California.

5 THE COURT: California. Okay. So both in
6 California?

7 PROSPECTIVE JUROR 918: One in California, one in
8 Washington.

9 THE COURT: Oh, that's right. Washington.

10 PROSPECTIVE JUROR 918: Sorry. Spoke fast.

11 THE COURT: All right. Well, same question to you:
12 Will you be able to weigh the testimony of law enforcement in
13 the same way you would any other witness?

14 PROSPECTIVE JUROR 918: Yes.

15 THE COURT: Thank you very much.

16 PROSPECTIVE JUROR 918: Thank you.

17 THE COURT: Anyone else on that row? Law
18 enforcement? No.

19 Next row: Law enforcement, relatives, close friends?
20 No. I know we have a lady in the front here.

21 PROSPECTIVE JUROR 990: Tonia Best, Badge Number 990.

22 THE COURT: Yes, ma'am.

23 PROSPECTIVE JUROR 990: My dad's a retired police
24 officer from New Jersey.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 990: My best friend is currently a
2 corrections officer in New Jersey. And I worked with federal
3 police officers for 15 years in my previous job in New York.

4 THE COURT: Okay. What did you do in that job?

5 PROSPECTIVE JUROR 990: I was a concessions
6 management specialist at the National Park, Statute of Liberty,
7 and Ellis Island.

8 THE COURT: Oh, okay. And so the park. What, law
9 enforcement officers there?

10 PROSPECTIVE JUROR 990: Yes, United States park
11 police.

12 THE COURT: The park police, okay. So same question
13 to you: Will you be able to weigh the testimony of law
14 enforcement officers that may testify in the case in the way
15 you would -- the same way you would other witnesses?

16 PROSPECTIVE JUROR 990: Yes.

17 THE COURT: Thank you very much.

18 Anyone back here? Law enforcement? Gentleman in the
19 corner.

20 PROSPECTIVE JUROR 050: Gregory Lawrence, Badge 050.
21 I have a lot of childhood friends that are police officers in
22 San Francisco.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 050: Had one just retire. And I
25 still have a few in -- even got some in the sheriff department.

1 THE COURT: Okay. All in California?

2 PROSPECTIVE JUROR 050: All in California.

3 THE COURT: San Francisco, all right. So would you
4 be able to weigh the testimony of law enforcement officers in
5 the same way you would other witnesses?

6 PROSPECTIVE JUROR 050: Sure, I would. Shouldn't be
7 no problem.

8 THE COURT: All right. Thank you.

9 PROSPECTIVE JUROR 050: You're welcome.

10 THE COURT: Anyone on this side? Okay. I see two
11 hands on the other side, Marshal.

12 PROSPECTIVE JUROR 107: Michael Reardon, Badge
13 Number 107. My sister works for the State Parole and Probation
14 Office. I don't know exactly her title, but what I know she
15 does is she reviews case files as they come in from that trail,
16 or surrounding law enforcement, and reviews those for judges.

17 THE COURT: Okay. Does she do reports?

18 PROSPECTIVE JUROR 107: She does do summary reports.

19 THE COURT: Okay. But does she wear a uniform and
20 carry handcuffs and --

21 PROSPECTIVE JUROR 107: When she goes to the state
22 prison, she does wear a shirt with the uniform. She's not a
23 uniformed officer.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 107: But I believe she's entitled

1 to carry a firearm when she goes into the state prisons.

2 THE COURT: Okay. So same question to you as to the
3 others: Will you be able to weigh the testimony of law
4 enforcement witnesses in the same way you would other
5 witnesses?

6 PROSPECTIVE JUROR 107: I would treat them equally.

7 THE COURT: All right. Thank you.

8 PROSPECTIVE JUROR 107: You're welcome.

9 PROSPECTIVE JUROR 123: Hi, there. I'm Keegan Davis,
10 Badge Number 123.

11 THE COURT: Yes.

12 PROSPECTIVE JUROR 123: My maternal uncle is a
13 retired member of the New Jersey State Police.

14 THE COURT: All right. And same question to you:
15 Will you be able to weigh the testimony of law enforcement
16 witnesses in the same way you would other witnesses?

17 PROSPECTIVE JUROR 123: Absolutely, Your Honor.

18 THE COURT: Thank you.

19 All right. Okay. Next question: Are there any of
20 you who have ever been the victim of a crime?

21 All right. So nobody but one person has ever had
22 their house broken into, their car broken into, their credit
23 card hacked, their identity hacked? Those are crimes, folks.

24 All right. So let's see hands raised high. So we've
25 got a lot of people. Now, those of you -- let me -- let's back

1 down here, and so we'll see if we can narrow it a little bit
2 more.

3 How many of you have ever been the victim of a
4 violent type of crime? So robbery, assault, attempted murder,
5 battery, domestic violence.

6 All right. Now we've got a little fewer hands, so
7 let's start with those folks.

8 PROSPECTIVE JUROR 017: Vicki Fields, 017. I was in
9 a domestic violence relationship.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 017: And so I took my ex-boyfriend
12 to court, and he was found guilty for the domestic violence.

13 THE COURT: All right. So, obviously, you called the
14 police about that --

15 PROSPECTIVE JUROR 017: Yes.

16 THE COURT: -- and reported the domestic violence.

17 PROSPECTIVE JUROR 017: Yes.

18 THE COURT: Do you feel that that experience will
19 have any impact on your ability to be fair and impartial in
20 this case?

21 PROSPECTIVE JUROR 017: No.

22 THE COURT: All right. Thank you very much.

23 And anyone else on the top row?

24 PROSPECTIVE JUROR 918: Sorry. I guess it wasn't
25 violent.

1 THE CLERK: Who said that?

2 PROSPECTIVE JUROR 918: Victoria Crockett, 918.

3 THE COURT: Okay. Anyone else, though, on that row,
4 violent crime?

5 How about next row?

6 PROSPECTIVE JUROR 956: Susan Tysdal, 956. I was
7 just a victim of a domestic abuse. Never went -- I never
8 charged him. I asked for help, but basically got out of the
9 situation but was physically and mentally abused.

10 THE COURT: Okay. So did you call the police as a
11 result of --

12 PROSPECTIVE JUROR 956: No. My stupidity and fear, I
13 just didn't -- I asked for help from my friends, and I stuck
14 around for a while and got out.

15 THE COURT: All right. And so you -- and that was
16 just your internal fear? You weren't -- there wasn't any other
17 reason you didn't call the police about it?

18 PROSPECTIVE JUROR 956: I mean, there was -- he
19 threatened to kill my animals, my pets, so -- and he stalked
20 me. I basically moved to Vegas to get away from him, so, yeah.

21 THE COURT: Okay. Do you feel that that will have
22 any impact on your ability to be fair and impartial in this
23 case?

24 PROSPECTIVE JUROR 956: I don't think so. I think
25 I'll be fine.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 963: Cheryl Ewing, 963. I was
3 robbed at gunpoint.

4 THE COURT: Okay. And was that here in Clark County?

5 PROSPECTIVE JUROR 963: Yes.

6 THE COURT: Were you -- where were you when this
7 happened?

8 PROSPECTIVE JUROR 963: At work.

9 THE COURT: At work. And where were you working?

10 PROSPECTIVE JUROR 963: Ewing Bros.

11 THE COURT: Okay. The towing --

12 PROSPECTIVE JUROR 963: Yes.

13 THE COURT: -- company? And someone came into the
14 office or --

15 PROSPECTIVE JUROR 963: It was after an auction, one
16 of the car auctions.

17 THE COURT: Okay. How long ago was that?

18 PROSPECTIVE JUROR 963: I think it was '96.

19 THE COURT: So a long time ago. But that's a pretty
20 traumatic incident.

21 PROSPECTIVE JUROR 963: It was.

22 THE COURT: And were the police called?

23 PROSPECTIVE JUROR 963: Yes.

24 THE COURT: Did they ever find the perpetrator?

25 PROSPECTIVE JUROR 963: No.

1 THE COURT: So you never had to testify in court?

2 PROSPECTIVE JUROR 963: There was three of them.

3 Yeah, they never...

4 THE COURT: Okay. Did you feel like the police did
5 everything that they could to figure out who had done this
6 robbery?

7 PROSPECTIVE JUROR 963: Probably so. Between the
8 four girls that were in the office, we all -- we couldn't --
9 well, the -- we didn't see it the same. And when we had to
10 give our -- our pictures to the sketch artist, and then when
11 they came in with the photos, we didn't all pick the same
12 people, so...

13 THE COURT: Okay. All right. So this is a case
14 where the allegation is a robbery. So is that going to impact
15 your ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR 963: No.

17 THE COURT: You're sure you can separate the two?

18 PROSPECTIVE JUROR 963: Yes.

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

20 Anyone else on that row? No.

21 Front row.

22 PROSPECTIVE JUROR 982: Berenice Quintero, Badge 982.
23 I was in a domestic violence.

24 THE COURT: All right. Was that here in Clark
25 County?

1 PROSPECTIVE JUROR 982: Yes, it was.

2 THE COURT: Did you call the police about --

3 PROSPECTIVE JUROR 982: Yes.

4 THE COURT: And did they respond?

5 PROSPECTIVE JUROR 982: They did.

6 THE COURT: Did you feel they handled the matter
7 appropriately?

8 PROSPECTIVE JUROR 982: Yes, they did.

9 THE COURT: And did you go to court?

10 PROSPECTIVE JUROR 982: One time, yeah.

11 THE COURT: So you testified against the perpetrator?

12 PROSPECTIVE JUROR 982: They never actually called me
13 to testify. Just showed up and then that was it.

14 THE COURT: Okay. Do you feel the matter was
15 resolved appropriately?

16 PROSPECTIVE JUROR 982: Yes.

17 THE COURT: Any reason that that's going to affect
18 your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR 982: None.

20 THE COURT: Thank you.

21 Anyone over here? Victim of violent crime? No?

22 Victim of violent crime on that side? Hands. No --
23 yes.

24 PROSPECTIVE JUROR 050: Yeah, this is Gregory
25 Lawrence again, Badge Number 050. I was on my way to work, me

1 and a coworker. For some reason, they had a gentleman, was on
2 a crime spree. On my way to work, me and him was ran down.
3 Okay, I was hit and flew a hundred feet. If it wasn't for my
4 coworker finding me, I'd be dead right now. I stayed in the
5 hospital for a month. I was out of work for six months. And
6 that's still going to affect me right now, every time I think
7 about it. And the person that did it eventually committed
8 suicide when they surrounded him. That's -- that's what I was
9 told.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 050: I was on my deathbed. I
12 didn't even know if I was going to be here. They told me I
13 wasn't supposed to be here. But I had -- I got a second
14 chance. I think about it every time. Every time I go in that
15 area where I work at, I think about it every time.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 050: And it still -- it's affect
18 -- it's affecting me right now.

19 THE COURT: All right.

20 PROSPECTIVE JUROR 050: Every time I think about it.

21 THE COURT: Okay. So --

22 PROSPECTIVE JUROR 050: It -- it would be real hard
23 for me to be -- be partial. I mean...

24 THE COURT: Well, we want you to be impartial.

25 PROSPECTIVE JUROR 050: Yeah, impartial. I mean,

1 every time I think about it. I could be dead.

2 THE COURT: Okay. So you understand that that person
3 is not Mr. Marks because --

4 PROSPECTIVE JUROR 050: Yeah.

5 THE COURT: -- as you just told me --

6 PROSPECTIVE JUROR 050: Yeah, I understand, but I
7 just got that feeling that I wouldn't be -- be fair because of
8 that.

9 THE COURT: Okay. So --

10 PROSPECTIVE JUROR 050: I have family depending on my
11 income. All I was doing is trying to get to work. And
12 somebody come and just run us down like -- like we was trash.
13 Only thing I remember telling my coworker, I said, "Let's go in
14 the -- in the dirt a little bit farther because," I said, "this
15 guy, coming fast." That's the last thing I remember. I woke
16 up; I was in the hospital.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 050: So it still affects me today,
19 right now.

20 THE COURT: How come you didn't tell me this before,
21 when I asked if there was any reason you couldn't be fair?

22 PROSPECTIVE JUROR 050: Well, you know, I -- I didn't
23 know. I didn't really think about it. But like I said,
24 eventually my friend, he ended up passing away, the one that
25 got hit with me, from his injuries.

1 THE COURT: And that's -- that's not the coworker who
2 found you? That's somebody else?

3 PROSPECTIVE JUROR 050: That's the guy that was hit
4 with me.

5 THE COURT: Oh, I see.

6 PROSPECTIVE JUROR 050: The coworker find me. She
7 happened to be coming up the hill and see a car ran over. She
8 seen the guy that -- that passed, in the streets, laying down.
9 She went to protect him from getting hit, and she -- she told
10 me she said, "I came over to you to see if you know anything,
11 and you was hurt too." And I remember her telling me, "Don't
12 get up."

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 050: I had to learn how to walk
15 and talk again.

16 THE COURT: All right. And didn't you tell me you
17 served on a jury since that time?

18 PROSPECTIVE JUROR 050: Yeah, that's -- this is
19 before that. This is way before that.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 050: This is in Oakland,
22 California. But this happened out here in 2003.

23 THE COURT: I see.

24 PROSPECTIVE JUROR 050: See, I drive the RTC transit
25 buses.

1 THE COURT: Oh.

2 PROSPECTIVE JUROR 050: I'm going on 23 years,
3 driving.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 050: I'm glad to still be alive,
6 though.

7 THE COURT: Well, we're glad you are.

8 PROSPECTIVE JUROR 050: Yeah.

9 THE COURT: All right. Well, so you're saying
10 that --

11 PROSPECTIVE JUROR 050: I don't -- I don't know if I
12 can, you know.

13 THE COURT: Okay. So you're the only person that can
14 tell me whether you can be fair. I need to know an unequivocal
15 answer. Can you be fair or not?

16 PROSPECTIVE JUROR 050: I don't think I can.

17 THE COURT: All right. You're excused.

18 PROSPECTIVE JUROR 050: I don't think I can. I'm
19 sorry.

20 THE COURT: That's all right. You're excused.

21 PROSPECTIVE JUROR 068: Rex Spenner, Badge
22 Number 068. It was actually my senior prom night. I was
23 driving to pick up my girlfriend to go to prom, and someone was
24 inside of an act of grand theft auto. And he broke in through
25 the sunroof of a Range Rover, and he decided to pop the sunroof

1 while driving 80 miles an hour down the highway. It was a
2 windy day. The 30-pound sunroof flew across all the way into
3 traffic. Ended up coming head-on towards my windshield. I had
4 to swerve. It shattered my windshield.

5 And when I pulled over to confront the person that
6 had done it, he said that if I called anyone -- like he flashed
7 a gun, a 9 millimeter. Then he said if I called anyone that he
8 would shoot me on spot if he saw me touch my phone.

9 And pretty odd prom night, to say the least. But,
10 no, I don't believe that it will have any effect on my
11 judgment.

12 THE COURT: Okay. So you can set that aside. Did
13 you call the police?

14 PROSPECTIVE JUROR 068: I did, ma'am.

15 THE COURT: Okay. And were you able to -- were they
16 able to figure out who had done this and --

17 PROSPECTIVE JUROR 068: Not that I know of, ma'am.
18 They never contacted me about it again.

19 THE COURT: Okay. Did you feel the police did a
20 proper job in investigating this matter?

21 PROSPECTIVE JUROR 068: From my knowledge, in this
22 specific instance, no, ma'am. But I do believe that our law
23 enforcement is definitely capable and good-hearted in that
24 sense.

25 THE COURT: Okay. What do you think they should have

1 done?

2 PROSPECTIVE JUROR 068: I feel that they definitely
3 should have informed me about, I don't know, maybe the guy, if
4 they did find him, inside of, like, a reasonable time frame,
5 because I had to bite the cost of repairing my windshield,
6 regardless of letting them know the license plate, all of the
7 characteristics of the individual that was involved. I mean,
8 that was kind of unfortunate, but I understand that some things
9 are more complicated than they may seem, especially from a
10 civilian standpoint.

11 THE COURT: All right. And so you can set that aside
12 and separate it from this trial and decide this trial based
13 upon the evidence you hear?

14 PROSPECTIVE JUROR 068: Yes, ma'am.

15 THE COURT: All right. Thank you.

16 Anyone else on this side? Okay. We've got a couple
17 on this side.

18 PROSPECTIVE JUROR 110: Scott Reynolds, badge number
19 will be 110.

20 THE COURT: Yes, sir.

21 PROSPECTIVE JUROR 110: I have been in quite a few
22 violent actions and incidents. Do you want to -- like, what
23 kinds do you want? Do you want the police involved or do you
24 want -- what kind? Physical? Weapon?

25 THE COURT: All of them.

1 PROSPECTIVE JUROR 110: All of them? Okay. So let's
2 see. Which one -- where to start? I was walking down the
3 street. A guy drove by. He shot at me. He said sorry because
4 I was the wrong guy.

5 It was at work. A guy pulls an ice pick on me. Took
6 five minutes to try and keep him from stabbing me. There's
7 been multiple times I've been jumped on my job.

8 I -- let's see. What else? A razor blade I've had
9 pulled on me --

10 THE COURT: Where do you work?

11 PROSPECTIVE JUROR 110: Town Square.

12 THE COURT: I'm sorry?

13 PROSPECTIVE JUROR 110: Town Square, down here on the
14 Strip.

15 THE COURT: Oh, Town Square.

16 PROSPECTIVE JUROR 110: I don't work there anymore.
17 I quit because it was causing rage issues.

18 THE COURT: For you?

19 PROSPECTIVE JUROR 110: I was in the middle of a
20 couple of shootings that were there.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR 110: Yeah, I -- it goes on
23 forever.

24 THE COURT: Okay. So who was having the rage?

25 PROSPECTIVE JUROR 110: Me, mainly. What happened

1 was I was falling back. Even when it wasn't me, I was getting
2 pissed off that, like, somebody would do that to somebody
3 because I was in that situation once before and then -- you
4 know, it was just -- I wanted to hurt them for hurting the
5 other people. Does that make sense?

6 THE COURT: Sure. What was your job at Town Square?

7 PROSPECTIVE JUROR 110: Security.

8 THE COURT: And so do you work for -- do security
9 now?

10 PROSPECTIVE JUROR 110: Yes. I just moved far, far
11 away from that place.

12 THE COURT: Oh, okay. And what other violent acts?

13 PROSPECTIVE JUROR 110: I've been slammed onto the
14 hood of a car and then beaten. I've been hit by a car multiple
15 times, by accident; those are all accidents. One drove away.

16 Let's see. I think that's about it, from what I can
17 recall, within the last year.

18 THE COURT: All right. So -- within the last year.
19 All this happened in a year?

20 PROSPECTIVE JUROR 110: Yeah. That's kind of why I
21 quit and walked away.

22 THE COURT: Okay. So you said some, you had police
23 involvement.

24 PROSPECTIVE JUROR 110: Ice pick, drive-by. The
25 razor blade, not so much because it got over, then he just

1 threatened me. That's all.

2 The shootings, I was in the middle of all that. The
3 attempted to get hit by a car, all that stuff, they came and
4 did reports.

5 THE COURT: Okay. So -- and all of these situations
6 where you called the police and you made a report, was anyone
7 ever apprehended?

8 PROSPECTIVE JUROR 110: Yes, multiple people.

9 THE COURT: Did you feel that the police did an
10 adequate job in investigating, looking into it?

11 PROSPECTIVE JUROR 110: Yes. But, you know, at the
12 time, I was just upset because it happened.

13 THE COURT: I see.

14 PROSPECTIVE JUROR 110: So at the time, I would have
15 said something different. But, afterwards, yes, they did a
16 good job.

17 THE COURT: Okay. All right. So all these incidents
18 happening to you, do you feel that you're in a suitable frame
19 of mind where you can be a fair and impartial juror?

20 PROSPECTIVE JUROR 110: Honestly, I don't think so.
21 I mean, part of me thought maybe, but it depends on what this
22 -- the case will be about. You know, like physical violence or
23 robbery or -- depends on what it is.

24 THE COURT: Well, you've already been told that the
25 charge is a robbery charge. And whether or not you feel that

1 that charge is proved by the State, that's what the jury
2 decides, whether the State proves the charges that are alleged.
3 The defendant initially, of course, sits here as presumed to be
4 innocent. The State has to prove the case beyond a reasonable
5 doubt. You understand that?

6 PROSPECTIVE JUROR 110: Yes.

7 THE COURT: Okay. So sometimes people are involved
8 in traumatic events, such as you have been, and they -- that
9 affects their ability to be clear-headed and decide the case on
10 the evidence. And I need to know whether you're affected by
11 all of this trauma that's occurred in your job in -- in a
12 year's time and whether you can be fair and impartial and set
13 all that aside and make a clear-headed decision.

14 PROSPECTIVE JUROR 110: Honestly, I don't think I'm
15 the guy for you.

16 THE COURT: All right. So you don't think that you
17 can be fair and impartial?

18 PROSPECTIVE JUROR 110: No.

19 THE COURT: All right. You're excused.

20 PROSPECTIVE JUROR 110: All right.

21 THE COURT: Yes, sir.

22 PROSPECTIVE JUROR 115: Christian Torres, 115. Been
23 assaulted at work due to the result of trying to apprehend
24 subjects. So I work security at the Strip, so not directly
25 assaulted. But as an action of trying to apprehend subjects,

1 I've been assaulted, so we've tacked on charges for that.

2 THE COURT: Okay. So given that you've had these
3 experiences, do you believe that you can set those experiences
4 aside?

5 PROSPECTIVE JUROR 115: Yes, I can.

6 THE COURT: Be fair and impartial?

7 PROSPECTIVE JUROR 115: Yes.

8 THE COURT: All right. Thank you.

9 Anyone else on that last question? No.

10 All right. So ladies and gentlemen, the clock on the
11 wall, you can see it is five minutes after 5:00, and I told you
12 that we would go till 5:00 each day. And, obviously, we have
13 not selected a jury yet. It usually takes some time because
14 we've got to get through all these questions, and then we have
15 to have each of you individually, that are sitting up here,
16 examined, tell me about yourself in a little more personal
17 detail.

18 So we are not there yet. That's why we're selecting
19 a jury this -- this week. So I need everybody that's here to
20 come back tomorrow. I need you to come back tomorrow at 1:30.
21 I have -- tomorrow's Tuesday. I have drug court all morning.
22 And so don't be here any sooner than that. The marshal will
23 tell you when he wants you to be here. But I will endeavor to
24 be done with drug court, so we can start at 1:30 and make more
25 progress.

1 You know, as we get further whittled down here,
2 obviously, we've -- let's see.

3 Okay. So I'll see you all tomorrow.

4 THE MARSHAL: All rise for the venire panel --

5 THE COURT: Wait, wait --

6 THE CLERK: Admonish -- sorry.

7 THE COURT: We have to give them the admonishment.

8 THE MARSHAL: Oh, the admonishment. That's right.
9 Have a seat, folks.

10 THE COURT: The marshal is a little rusty. I haven't
11 had a trial in a couple weeks.

12 Ladies and gentlemen, we're going to take an
13 overnight recess. During this recess, it is your duty not to
14 converse among yourselves or with anyone else on any subject
15 connected with the trial; or to read, watch, or listen to any
16 report of or commentary on the trial by any person connected
17 with the trial or by any medium of information, including,
18 without limitation, newspaper, television, radio or Internet.
19 You are not to form or express an opinion on any subject
20 connected with this case until it's finally submitted to you.

21 I'd ask you also not to talk to people -- everybody,
22 you know, your family, your friends, are going to be really
23 interested that you're -- you've gone to the courthouse and you
24 may be selected for a jury. They may want to talk to you about
25 that. Please don't do that, because we're being really careful

1 to try and get a jury that's not tainted by anybody with an
2 agenda. And somebody that may want to talk to you about it may
3 have an agenda. And don't let them talk to you and, you know,
4 convince you to something that isn't already in your mind. So
5 I'd like you to just be pristine, as you are today.

6 So also don't do any research, investigate, go by any
7 of these, you know, areas where the events are alleged to have
8 occurred. And I will see you tomorrow at 1:30.

9 (Panel of prospective jurors recessed at 5:09 p.m.)

10 THE COURT: All right. The record will reflect that
11 the venire has departed the courtroom.

12 Any matters outside the presence?

13 MS. MOORS: None from the State.

14 MR. MATSUDA: None that from the defense.

15 THE COURT: We had one -- one bench conference where
16 we approached about the gentleman who was indicating that he
17 was in the academy and felt like he couldn't listen to the
18 testimony of a law enforcement officer in the same way he would
19 other witnesses. He would give greater weight. So, you know,
20 I questioned him initially. The State felt that there needed
21 to be some additional questioning. I thought, after I did the
22 additional questioning, it seemed pretty clear that he was
23 saying, yes, it was kind of the badge, and so I excused him as
24 a result. And Mr. Matsuda had challenged him for cause at the
25 bench for the reason that we discussed, which was that he

1 seemed to be having that bias.

2 All right. So is that an adequate summary of what
3 occurred at the bench?

4 MS. MOORS: Yes, Your Honor.

5 MR. MATSUDA: Yes, Your Honor.

6 THE COURT: Very good. Anything else?

7 MR. MATSUDA: Just one additional thing. One of the
8 jurors just asked me a question. She was waving her jury form,
9 and I just pointed her in the direction of the marshal.

10 THE COURT: Right, I saw her do that. Could you even
11 hear what she said? I couldn't understand what she --

12 MR. MATSUDA: She said something about her paper. It
13 was the Indian juror.

14 MS. MOORS: Yes. Yeah, I think it was maybe
15 something about a parking violation.

16 MR. MATSUDA: She said something about "my paper." I
17 -- yeah, that's all I heard. So I just pointed her in the
18 direction to the marshal.

19 THE COURT: Right. And I saw you do that. Thank
20 you. So maybe she just needed something for her employer or --

21 MR. MATSUDA: I think so.

22 THE COURT: We'll -- we'll find out from the marshal.

23 All right. Thank you very much. I'll see you
24 tomorrow --

25 / / /

1 MS. CANNIZZARO: Thank you.

2 THE COURT: -- at 1:30.

3 (Proceeding recessed for the evening at 5:12 p.m.)

4 -oOo-

5 ATTEST: I do hereby certify that I have truly and correctly
6 transcribed the audio/video proceedings in the above-entitled
7 case.

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10 Dana L. Williams
11 Transcriber
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<p>MR. MATSUDA: [11] 3/3 9/7 12/15 12/17 72/19 97/14 98/5 98/7 98/12 98/16 98/21 MS. CANNIZZARO: [2] 7/11 99/1 MS. MOORS: [10] 3/4 11/20 12/16 14/16 19/9 19/13 72/21 97/13 98/4 98/14 PROSPECTIVE JUROR 000: [9] 63/18 63/21 63/23 63/25 64/3 64/9 64/11 74/24 75/5 PROSPECTIVE JUROR 003: [7] 39/7 39/10 39/13 39/19 40/1 40/4 40/8 PROSPECTIVE JUROR 004: [11] 64/15 64/17 64/21 64/25 65/3 65/6 65/8 65/10 65/14 65/19 65/21 PROSPECTIVE JUROR 017: [5] 80/8 80/11 80/15 80/17 80/21 PROSPECTIVE JUROR 018: [14] 11/14 11/17 20/20 21/3 21/7 21/9 21/11 21/14 21/19 21/21 22/10 22/12 22/16 22/20 PROSPECTIVE JUROR 019: [6] 67/14 67/18 67/20 67/23 68/2 68/4 PROSPECTIVE JUROR 023: [5] 13/22 14/1 14/4 14/8 14/12 PROSPECTIVE JUROR 030: [8] 40/12 40/16 40/18 40/22 41/4 41/6 41/9 41/14 PROSPECTIVE JUROR 037: [4] 42/1 42/4 42/11 42/14 PROSPECTIVE JUROR 050: [34] 68/8 68/12 68/15 68/18 68/21 68/25 77/20 77/24 78/2 78/6 78/9 84/24 85/11 85/17 85/20 85/22 85/25 86/4 86/6 86/10 86/18 86/22 87/3 87/6 87/14 87/18 87/21 87/24 88/2 88/5 88/8 88/11 88/16 88/18 PROSPECTIVE JUROR 059: [16] 42/22 42/25 43/3 43/6 43/9 43/12 43/14 43/16 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