

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. 3 OF 9**

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CERTIFICATE OF SERVICE

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AFFIRMATION

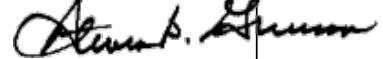
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Jess Y. Matsuda, Esq.

11-6-20

Date



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

vs.

DEVOHN MARKS,

Defendant(s).

Case No. C-18-337017-2

Department V

BEFORE THE HONORABLE CAROLYN ELLSWORTH,
DISTRICT COURT JUDGE

TUESDAY, JULY 9, 2019

**TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL – DAY 2**

APPEARANCES:

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For the Defendant(s):

JESS Y. MATSUDA, ESQ.

RECORDED BY: LARA CORCORAN, COURT RECORDER

1 **LAS VEGAS, NEVADA, TUESDAY, JULY 9, 2019**

2 [Proceedings commenced at 1:48 p.m.]

3
4 [In the presence of the prospective jury panel.]

5 THE COURT: Thank you. Please be seated. And this is
6 the continuation of C0337017, State of Nevada versus Devohn
7 Marks. The record will reflect the presence of the defendant,
8 Mr. Marks, his counsel, the prosecutors are present, all officers of
9 the court, and we're back within the presence of the venire panel.

10 Good afternoon, ladies and gentlemen. And I'm sorry
11 we're getting a little bit of a late start here, but we had somebody
12 that was straggling in. So until you were all here, we couldn't start.
13 But we were ready to go at 1:30.

14 So we're going to be taking up where we left off
15 yesterday. And you'll recall that yesterday the last question I asked
16 was about had you been the victim of a crime? And I narrowed it
17 down to violent crimes.

18 So now my next question is those of you who had raised
19 your hands about being a victim of a crime, were there any of you
20 who were victims of a crime and you didn't report it to the police
21 department? Raise your hand. Okay. All right.

22 PROSPECTIVE JUROR NO. 998: I'm Katrese Carino.

23 THE COURT: Yes, ma'am.

24 PROSPECTIVE JUROR NO. 998: Number 998.

25 THE COURT: And so what type of crime were you the

1 victim of that you didn't report?

2 PROSPECTIVE JUROR NO. 998: I was still just a child, so
3 it was domestic violence and child abuse.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 998: So my dad pulled a gun
6 on my family, because he was dumb. So --

7 THE COURT: Okay. And you were how old at that time?

8 PROSPECTIVE JUROR NO. 998: Around 11.

9 THE COURT: Okay. And did you tell anyone outside the
10 family?

11 PROSPECTIVE JUROR NO. 998: No. Besides my
12 grandparents.

13 THE COURT: Okay. And so you felt like you were not of
14 an age where you wanted to call the police about that for help; is
15 that correct? Or how did you feel?

16 PROSPECTIVE JUROR NO. 998: I was scared, basically.

17 THE COURT: Yeah. Okay.

18 PROSPECTIVE JUROR NO. 998: Basically. Plus, I also
19 knew at the time that if I called the police, things could happen. I
20 just didn't -- I tried to avoid it.

21 THE COURT: Okay. And so you told your grandparents
22 thinking, well, they're adults and they'll maybe know how to handle
23 it better? You told them about what happened?

24 PROSPECTIVE JUROR NO. 998: Uh-huh.

25 THE COURT: All right. Good. And did they do anything

1 about that or take any action or give you any advice?

2 PROSPECTIVE JUROR NO. 998: They just took me, my

3 brother, and my mom and we just lived with them for a little bit.

4 THE COURT: I see. Okay. All right. Good. Thank you.

5 Anyone else on the top row there? All right. We have a

6 gentleman at the end.

7 PROSPECTIVE JUROR NO. 905: My name is Abel

8 Cardenas, badge is 0905.

9 THE COURT: Yes.

10 PROSPECTIVE JUROR NO. 905: I no English and I need

11 one person interpret just so they know understand.

12 THE COURT: Okay. So you speak Spanish is your first

13 language, correct?

14 PROSPECTIVE JUROR NO. 905: Yeah.

15 THE COURT: Okay. And you're struggling yesterday, you

16 didn't understand what was going on?

17 PROSPECTIVE JUROR NO. 905: No. I know nothing

18 yesterday.

19 THE COURT: Know nothing yesterday? You should have

20 told me something about that yesterday.

21 PROSPECTIVE JUROR NO. 905: Sorry.

22 THE COURT: Okay. [Speaking in Spanish.]

23 PROSPECTIVE JUROR NO. 905: No.

24 THE COURT: No? Okay. All right. So you have to be

25 proficient in the English language by statute in order to serve on a

1 jury. And so if you're not proficient in English, and it sounds like
2 you weren't or you would have brought this up yesterday, so I'm
3 going to dismiss you. Thank you.

4 PROSPECTIVE JUROR NO. 905: Thank you.

5 THE MARSHAL: Your Honor, there is another person that
6 approached me as well today regarding the same issue.

7 THE COURT: Okay. We're going to call the next in order
8 to fill that empty seat.

9 THE CLERK: Zahra Pyle, Badge 030, please take Seat 8.

10 THE COURT: Where's Zahra Pyle?

11 Okay. All right.

12 PROSPECTIVE JUROR NO. 120: [Speaking in Spanish.]

13 THE COURT: 820 is it?

14 PROSPECTIVE JUROR NO. 120: Okay. My name is
15 Carmen Hernandez.

16 THE COURT: 820.

17 PROSPECTIVE JUROR NO. 120: My badge number
18 is 1120.

19 THE COURT: Oh. I thought you said *ocho*.

20 PROSPECTIVE JUROR NO. 120: So I speak a little bit
21 English, but is not -- it's not stand for long conversation.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 120: So I need a one
24 interpreter, please.

25 THE COURT: We don't have interpreters for jury trials.

1 You have to speak English proficiently. And so if you've been
2 having trouble understanding?

3 PROSPECTIVE JUROR NO. 120: No, I don't understand.

4 THE COURT: [Speaking in Spanish.]

5 PROSPECTIVE JUROR NO. 120: Little bit. I understand a
6 little bit on a long conversation, no. No.

7 THE COURT: Okay. All right. Well, then, we're going to
8 have to dismiss you. So thank you very much.

9 PROSPECTIVE JUROR NO. 120: Thank you. Thank you
10 everybody. Sorry.

11 THE COURT: Okay. All right. So anyone else who has
12 been the victim of a crime, didn't report it to the police for whatever
13 reason? Okay. Second row.

14 PROSPECTIVE JUROR NO. 923: My name is Elaina
15 Zavala, and my badge is 0923. I have the same situation. I trying to
16 keep the conversation, but not all of them. But I trying to do my
17 best to understand.

18 THE COURT: Okay. Have you -- have there been any
19 times yesterday --

20 PROSPECTIVE JUROR NO. 923: Yeah.

21 THE COURT: -- that you didn't understand?

22 PROSPECTIVE JUROR NO. 923: Yeah. But like she say,
23 for longer conversation or something like legal things, maybe it's
24 going to be a little difficult. I trying to do my best and pay attention
25 in all the person that you said.

1 THE COURT: Okay. Well, there are times when words
2 might be used that even native English speakers might not
3 understand, because it's legal matter.
4 PROSPECTIVE JUROR NO. 923: Yeah, I know.
5 THE COURT: Right?
6 PROSPECTIVE JUROR NO. 923: But that's what I'm
7 saying.
8 THE COURT: So we try to --
9 PROSPECTIVE JUROR NO. 923: For a legal things, maybe
10 I don't know understand the kind of words that you're using for the
11 legal thing.
12 THE COURT: Right. So that's what I've just explained.
13 It's not that you only speak Spanish as your first language; it's
14 because it's not a term you're familiar with, even if you did speak
15 English, there may be times when the native English speakers don't
16 understand something. But we try to avoid that. We don't want to
17 use language that's legal jargon. Okay? So you need to let me
18 know if you're struggling to understand.
19 PROSPECTIVE JUROR NO. 923: Not like I want to for this
20 kind of level for the Court.
21 THE COURT: Okay. [Speaking in Spanish.]
22 PROSPECTIVE JUROR NO. 923: [Speaking in Spanish.]
23 THE COURT: [Speaking in Spanish.]
24 PROSPECTIVE JUROR NO. 923: [Speaking in Spanish.]
25 THE COURT: [Speaking in Spanish.]

1 Okay. All right. So I think we need to let her go. All right.

2 So thank you very much.

3 THE CLERK: Kaitlyn Pearson, Badge 039, please take
4 Seat 14.

5 THE COURT: Okay. All right. We're off the language
6 issue, right? Because the question remains: Anyone who didn't
7 report a crime, being the victim of a crime, to the police? That's
8 what I want to hear about right now. Hands. Okay. Got someone
9 in the third row.

10 PROSPECTIVE JUROR NO. 956: Hi. Susan Tysdal, badge
11 number is 956. And it was basically what I told you yesterday about
12 the domestic violence from my ex-boyfriend.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 956: And I didn't report it.

15 THE COURT: All right. And we discussed that yesterday.

16 PROSPECTIVE JUROR NO. 056: Yes. Correct.

17 THE COURT: So thank you very much.

18 Anybody else on this side?

19 Anyone else back here didn't report?

20 PROSPECTIVE JUROR NO. 068: Rex Spenner, Badge
21 Number 068. When I was around the age of 13, just a dumb kid at
22 the skate park, just riding my bike, I remember there was an older
23 individual probably in his mid to late 30s. And he was being kind of
24 reckless inside of the skate park, and, like, running into kids and
25 knocking people over. And I remember he ran into me and I had

1 the bike, he has a skateboard. And so he kind of fell over. And I
2 just stood on my feet. He got really frustrated about this and then
3 confronted me with a firearm. And this was actually at Metro Skate
4 Park at the age of 13.

5 And since the police station was literally, like, adjacent
6 and neighboring this skate park, I figured, Oh, it'll get handled,
7 someone will figure this out. And so I just kind of swept it under
8 the rug and didn't think anything of it in the moment. But looking
9 back at it, I notice I'm definitely been afflicted by, like, as a
10 bystander of those sort of violent criminal -- how do I say? -- like,
11 altercations, I suppose. But I didn't report it to the police,
12 obviously.

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

14 Was there -- the lady next to you? Did you have
15 something you didn't report?

16 PROSPECTIVE JUROR NO. 075: My name is Kathleen
17 Cabael, my number is 075. It is a situation where if I would have
18 known, then I would have reported it. It's my son. An ex -- my
19 ex-boyfriend during that time was physically abusing my son. And
20 my son is still to this day, since he was 7 and now he's going to
21 be 13, has PTSD from it.

22 THE COURT: All right. And when did you first learn about
23 this?

24 PROSPECTIVE JUROR NO. 075: When my son's behavior
25 became more violent. And he kind of just blurted it all out. He kind

1 of just exploded. And he told me then. And that was -- I think it
2 was two years after.

3 THE COURT: Okay. And you decided not to report it at
4 that time?

5 PROSPECTIVE JUROR NO. 075: They -- I did try to report,
6 but he said have any -- I didn't have any proof anymore. Like, if I
7 had any, like, pictures of, I don't know, his bruises or whatever, I
8 just didn't have proof. So all they did was just report it to a
9 companies and it couldn't be reported to the police or anything.

10 THE COURT: Okay. And by this time this boyfriend was
11 out of the picture?

12 PROSPECTIVE JUROR NO. 075: Yes.

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

14 Anyone else? Okay.

15 PROSPECTIVE JUROR NO. 089: Theodore Hinson, 089.
16 Thanksgiving morning 2017, white paint was poured over the hood
17 of my vehicle.

18 THE COURT: I'm sorry, 2017 what happened?

19 PROSPECTIVE JUROR NO. 089: Thanksgiving
20 morning 2017, white paint was poured over the hood of my vehicle.

21 THE COURT: Oh. Okay. And you did not report that --

22 PROSPECTIVE JUROR NO. 089: I did not.

23 THE COURT: -- your vehicle being vandalized? Why was
24 that you didn't report it?

25 PROSPECTIVE JUROR NO. 089: At the time I was working

1 two jobs and I just didn't -- I just made the personal decision not to.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 089: I don't have any good
4 reason why I did or why I did not. I just made the decision not to.

5 THE COURT: Okay. Did you have any idea who had done
6 this?

7 PROSPECTIVE JUROR NO. 089: Not at all.

8 THE COURT: All right. So you -- was that part of your
9 thought process, well, I have no idea, nobody in mind that could
10 have done that, so what am I going to tell the police? Here it is, but
11 I have no idea; is that what you were thought -- thinking?

12 PROSPECTIVE JUROR NO. 089: I was, like, on my way to
13 work and I just, seriously, let it go.

14 THE COURT: Okay. All right.

15 Anyone else? Nope? All right. I see no further hands.

16 And so no one's ever had their credit card hacked? You
17 know, their -- used and then they didn't report it to the police?
18 Okay. I don't want to talk to everybody. I just want to see.

19 So are the people -- so the people that are -- got their
20 hands up, let's see what you got here. These are the people that
21 they had their credit card number hijacked. And they see fraud on
22 their account, and did you all instead just call your credit card
23 companies? Anyone not call their credit card companies? Just
24 thought, Okay, it's all right, you know, they must need it more than I
25 do. No?

1 Oh, yes, we have one person who didn't call anybody.

2 Okay. Let's talk to her.

3 PROSPECTIVE JUROR NO. 918: Victoria Crockett, 918.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR NO. 918: It wasn't my credit card,

6 because I don't have any credit cards. It was my bank account.

7 Someone tried to -- my bank card, my debit card --

8 THE COURT: Yes.

9 PROSPECTIVE JUROR NO. 918: -- someone tried to rent a

10 hotel in Ohio or something. But my bank stopped it.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 918: So they, you know,

13 paused it and it didn't go -- it had gone through, but they

14 reimbursed and took care of it. So I didn't --

15 THE COURT: Did they contact you, though?

16 PROSPECTIVE JUROR NO. 918: Yeah, they let me know

17 and -- that they had stopped it, and I let them know that it didn't go

18 through. And that was the end of it.

19 THE COURT: Okay. All right.

20 PROSPECTIVE JUROR NO. 918: So I didn't think it was

21 pertinent.

22 THE COURT: Okay. Sure.

23 PROSPECTIVE JUROR NO. 918: Sorry.

24 THE COURT: No, that's fine. That's fine.

25 All right. Next question: So I asked all of you if you'd

1 ever been the victims personally yourselves of any kind of violent
2 crime. How about are there any of you who have not personally
3 been the victim of a violent crime, but someone in your family or a
4 close associate or friend of yours been the victim of a violent crime
5 that could potentially, you know, I mean, serious, like, murder,
6 attempt murder, you know, rape, these kinds of violent crimes?
7 Okay. We've got some of the front -- back row there.

8 PROSPECTIVE JUROR NO. 160: Jasmin Ancheta, my
9 number is 160. So this was actually taking place in California,
10 Sacramento. It was between my grandma and my uncle. Both of
11 my uncles that do live with my grandma, I was visiting there,
12 helping to take care of my grandpa.

13 I was inside the -- I was in my uncle's room playing video
14 games, and I just heard yelling. And the minute I come out the
15 room, my uncle was -- he was -- he's addicted to -- he was addicted
16 to drugs. So he suffered from drug addiction. And my other uncle
17 was fixing a car, because he's a mechanic.

18 So my uncle that was addicted to drugs, he was asking
19 my grandmother to go ahead and pay him money so he could go
20 ahead and, of course, get more drugs. And when my grandma said
21 no, that she wasn't going to give him anything else, because he's
22 taking it too overboard, she grabbed one of my uncle's wrenches
23 and tried to charge at my grandmother. Where my uncle, he, out of
24 self-defense, he went ahead and grabbed another tool, we don't
25 know really which it was from, but he threw it at my uncle's head,

1 where it took out the whole entire side piece of his head, where
2 everything fell out. And my grandpa was -- I mean, not my
3 grandpa, but my uncle was charged with attempted murder.

4 THE COURT: Okay. All right. And so, obviously, you saw
5 all this happen.

6 PROSPECTIVE JUROR NO. 160: Yeah. So once my
7 grandma fell on the floor, she started to scream. So I ran outside
8 and I didn't know what was going on until my uncle started crying
9 and he was, like, your uncle was trying to kill my mom, my -- you
10 know, of course, my grandma, but he's going to say his mom. And
11 I was, like, it's all right, let me just go ahead and call the police.

12 But instead of the police taking it the way that -- as my
13 uncle saying, like, they just wanted to go ahead and charge him,
14 just because my uncle was the one who got damaged. But once my
15 uncle was fully -- once he came out of his coma, because he did
16 survive the attack, he went ahead and said that released the
17 charges. He did admit to his drug addiction and stuff like that. So
18 they went ahead and they just released the case. They didn't really
19 finish the rest of it, just because they went ahead and just
20 dismissed the whole thing.

21 THE COURT: Okay. So the traumatic event. How old
22 were you then?

23 PROSPECTIVE JUROR NO. 160: I was only 12 years old.

24 THE COURT: Okay. And as far as the resolution of it, like
25 you've told me, was that you heard about that through other family

1 members?

2 PROSPECTIVE JUROR NO. 160: No. I was there taking
3 care of my grandpa.

4 THE COURT: Oh, I know that --

5 PROSPECTIVE JUROR NO. 160: I was my grandpa --

6 THE COURT: I know you saw the event. But as to what
7 happened later, about the charges being dropped and everything,
8 did --

9 PROSPECTIVE JUROR NO. 160: Later I discussed it with
10 my uncles and my parents. My parents told me not to go ahead
11 and speak about it with any of my other family members, because
12 we're very closed in mind about what happens in the family,
13 because we don't want anything to go into more problems, just
14 because a lot of my siblings -- well, siblings, aunts, and uncles don't
15 have the exact same mindset of everything. And since I was
16 presently there, it wasn't just me, it was my cousin there too,
17 helping just because my grandmother wasn't able to really take
18 care of my grandpa.

19 THE COURT: Okay. So your parents told you don't tell
20 the police what happened?

21 PROSPECTIVE JUROR NO. 160: I did do, like, a small
22 report. But they kind of disregarded it just because I wasn't there
23 when he threw the wrench. I was there kind of like there for the
24 aftermath, like, whatever else happened. Just because I was inside
25 the room, just playing video games pretty much, waiting on my

1 grandpa to call me if he needed something.

2 THE COURT: Okay. All right. What do you think about
3 that, about people who are, you know, witness something and then
4 aren't willing to tell about it to somebody else of authority? Do you
5 think that's --

6 PROSPECTIVE JUROR NO. 160: I just think, depending on
7 the situation, it's definitely different. Just because, of course,
8 there's between family members and then friends of family and
9 then just complete strangers. But due to the situation of me
10 knowing that my grandpa was on drugs and knowing that we're --
11 my family's kind of set on if something bad happens to you, it
12 happens to you for a reason, just because we're kind of religious
13 like that. Everything happens for a reason.

14 So the minute he came out of his coma, he had to learn
15 how to talk again, he had to learn how to -- he went through a lot of
16 physical therapy. And after that, he went ahead and he did start
17 again a little bit with his drug addiction until he started having
18 seizure problems. And after that, he just went ahead and he
19 changed himself into -- I believe he's Catholic now. So he just went
20 ahead and changed his whole entire life.

21 So just depending on the situation is kind of like you get
22 what you get for me. Like, for my parents and what we have in our
23 family is just -- you decided to do that, it's the way you're going to
24 go ahead and change it.

25 THE COURT: Okay. So your feeling is you should take

1 personal responsibility for your actions?

2 PROSPECTIVE JUROR NO. 160: Yes.

3 THE COURT: Is that what you mean? Okay. I see. All
4 right. Thank you.

5 Anybody else on the top row? No. Wait, two -- pass it
6 over to your left.

7 PROSPECTIVE JUROR NO. 998: Katrese Carino, 998.

8 THE COURT: Yes.

9 PROSPECTIVE JUROR NO. 998: So one of my close
10 friends is actually going through a domestic violence issue right
11 now. I actually helped her move out of the house, because she
12 finally called the police so she could go to jail because he laid
13 hands on her. So I took her out and helped her move out on that
14 same night.

15 THE COURT: Okay. All right. And so -- and she -- is she
16 still going through that or?

17 PROSPECTIVE JUROR NO. 998: Yes.

18 THE COURT: Okay. And are you still helping her?

19 PROSPECTIVE JUROR NO. 998: Yes, actually.

20 THE COURT: All right. Thank you.

21 PROSPECTIVE JUROR NO. 998: Uh-huh.

22 THE COURT: Anyone, second row?

23 PROSPECTIVE JUROR NO. 918: Victoria Crockett, 918.

24 My parents, when I was 3, I guess, had some domestic abuse. The
25 cops were called and my mom went to jail for a night. That's what

1 I've been told. So.

2 THE COURT: Okay. All right. Nothing aside from that,
3 that was a long time ago, you don't remember it?

4 PROSPECTIVE JUROR NO. 918: Right.

5 THE COURT: You only hear it --

6 PROSPECTIVE JUROR NO. 918: Just something told.

7 THE COURT: -- a family legend.

8 PROSPECTIVE JUROR NO. 918: Nothing that I can think
9 of.

10 THE COURT: All right. Thank you.

11 PROSPECTIVE JUROR NO. 918: Thank you.

12 PROSPECTIVE JUROR NO. 004: Maria Zamora, 004.

13 THE COURT: Yes.

14 PROSPECTIVE JUROR NO. 004: My sister was involved in
15 the Sunset shooting. She was -- it was her boss, and she was right
16 next to her after the guy shot her. So she's been going through a
17 lot of PTSD and a lot of pain.

18 THE COURT: Oh, yes, I'm sure. And -- all right. Thank
19 you very much.

20 Anyone -- next row?

21 PROSPECTIVE JUROR NO. 945: Dan Contreras, Badge
22 Number 945. When I was 18, my neighbor, good friend, parents, he
23 shot his wife and killed her in the parking lot that I was in. We were
24 playing soccer. Had to testify -- not testify, but report to detectives
25 because I recognized the cars when they came through and we saw

1 the bodies. And later found out that it was over separation and she
2 was leaving him, basically.

3 THE COURT: Okay. Well, that was -- and how old were
4 you?

5 PROSPECTIVE JUROR NO. 945: 18.

6 THE COURT: All right. So traumatic event. It -- was this a
7 neighbor that you knew well?

8 PROSPECTIVE JUROR NO. 945: Yes. I mean, her father
9 and stuff would take me to school. We were really good friends
10 and kind of just caught us off guard, really, is what it came down to.

11 THE COURT: Yes. Very much so, I'm sure. Thank you.
12 Anyone else in the front row?

13 How about back here? Okay.

14 PROSPECTIVE JUROR NO. 068: Rex Spenner, 068. I
15 remember mentioning it briefly yesterday that my grandmother's
16 house got burglarized.

17 THE COURT: Yes.

18 PROSPECTIVE JUROR NO. 068: I was actually talking to
19 her just yesterday. Obviously, just having dinner with Grandma.
20 And just seeing how much that affected her, and even now, being
21 that it's been a few weeks, that's -- it's a really tough situation,
22 especially considering how -- the way that she was raised, she's just
23 kind of like deal with what happens, kind of like --

24 THE COURT: Okay. But she was at home, right?

25 PROSPECTIVE JUROR NO. 068: She came home very

1 shortly after it happened.

2 THE COURT: Okay. So -- all right. This is not a violent
3 crime. That's all I'm asking about now. Anyone who's had a
4 violent crime perpetrated against them. So attempt murder,
5 assault, battery, battery with a deadly weapon, robbery, violent
6 crimes.

7 PROSPECTIVE JUROR NO. 068: Okay. Understood.

8 THE COURT: Okay. Anyone else?

9 PROSPECTIVE JUROR NO. 075: My name is Kathleen
10 Cabael, 075. I have two to talk about. The first one was when I was
11 a teenager. I think I was 15. It was a party, it was a gang-related
12 crime. I was in the middle of the breakout when they had the fight.
13 And it led to a person dying. And I was the person who found that
14 person and reported it to police.

15 THE COURT: All right. And how long ago was that?

16 PROSPECTIVE JUROR NO. 075: When I was 15. That's --
17 I'm 32 now.

18 THE COURT: Okay. So a while ago, but still a traumatic
19 event. Okay. What was the other thing you said?

20 PROSPECTIVE JUROR NO. 075: The other one was my
21 family was involved with a murder case. It was -- I think it was
22 Chris Langford case. He murdered a foreign exchange student. He
23 was my grandma's neighbor. And my grandparents -- my family,
24 they heard all the abuse and stuff. And they were suspicious of him
25 and my cousin kind of knew, because he had bought all these

1 things to bury the body and all that. But my cousin was the one
2 that reported it.

3 THE COURT: Okay. All right. Well, those are amazing
4 things to happen to you.

5 Now, you feel -- I mean, these are violent crimes. You can
6 separate that from this trial, right? In other words, you understand
7 that this trial is something completely different, right?

8 PROSPECTIVE JUROR NO. 075: Yes.

9 THE COURT: Okay. Thank you.

10 Anybody else?

11 PROSPECTIVE JUROR NO. 091: My name is Steven
12 Acosta, Badge Number 091. In 2002 I was about 7 years old, my
13 mother was robbed at a grocery store. A man pulled a gun on her
14 and stole her purse.

15 THE COURT: Okay. And you were 2?

16 PROSPECTIVE JUROR NO. 091: No, I was 7.

17 THE COURT: Oh, you were 7?

18 PROSPECTIVE JUROR NO. 091: In 2002.

19 THE COURT: Do you remember that?

20 PROSPECTIVE JUROR NO. 091: I remember hearing
21 about it after. My mother was out and I was at home at the time.
22 And everything from what I understand, it wasn't really resolved.
23 The man did get arrested some time later, but not connected to the
24 purse snatching.

25 THE COURT: Okay. So a purse snatching is, like,

1 somebody who runs by and --
2 PROSPECTIVE JUROR NO. 091: Uh-huh. Yeah. Sorry.
3 THE COURT: -- grabs a purse. This was a robbery with a
4 gun?
5 PROSPECTIVE JUROR NO. 091: Yes.
6 THE COURT: Okay. And you were not present?
7 PROSPECTIVE JUROR NO. 091: No.
8 THE COURT: You just heard about it from your mom?
9 PROSPECTIVE JUROR NO. 091: Uh-huh.
10 THE COURT: All right. Okay. And you can set that aside
11 here, you recognize that's something different than what's
12 happening here; is that correct?
13 PROSPECTIVE JUROR NO. 091: Yes.
14 THE COURT: Okay. Thank you.
15 Anyone else?
16 PROSPECTIVE JUROR NO. 115: Christian Torres, 115. I
17 wasn't present at the time, but working security on the Strip, an
18 officer the previous night, we walked out an individual who didn't
19 have an ID. Returned a few hours later and stabbed the officer.
20 Pretty close friend of mine. But he hasn't returned to work yet, so
21 hoping the best.
22 THE COURT: Okay. And were -- did you assist the police
23 with the -- trying to identify --
24 PROSPECTIVE JUROR NO. 115: We did. The individual
25 was arrested and I believe he's out of jail now. So.

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THE COURT: Okay.

PROSPECTIVE JUROR NO. 115: This was three years ago.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 118: Hello. My name is Jennifer Valley and my badge number is 118. To -- my friend, my good friend that I work with, she was at the Route 91 shooting and I've been helping her in her recovery. She has some pretty PTSD now. And for a long time she was having issues leaving her house, being in large crowds and stuff. And she really didn't want to go, like, I train horses and stuff, so she didn't really want to go see her horse anymore. So I was taking care of her horse for her and really helping with her, like, mental health.

THE COURT: Okay. Well, you're a good friend. Thank you very much.

PROSPECTIVE JUROR NO. 118: Thank you.

THE COURT: All right. Anyone else? Is that it? Okay.

All right. I see no further hands. Okay.

So I guess one of the responses that have made me think of another question. So there -- you know, in certain cases, there may be testimony that you would hear witnesses who might have criminal records themselves. All right. Is there anyone who feels that, basically, if someone has a criminal record, that they cannot be the victim of a crime? Anyone feel like that, that, you know, well, you get kind of what you deserve and so you don't deserve any protection; anyone feel like that? Raise your hand. All right. So

1 we've got two in the back.

2 Yes, ma'am, if you -- need to state your name and your
3 badge number.

4 PROSPECTIVE JUROR NO. 998: Katrese Carino, 998.

5 THE COURT: Okay. So you feel how? Tell me.

6 PROSPECTIVE JUROR NO. 998: I do feel that if you have
7 done a crime, you kind of deserve what you get, though. So if that
8 was what you were saying.

9 THE COURT: So give me an example.

10 PROSPECTIVE JUROR NO. 998: For example, if you have
11 robbed somebody and you got caught, you know, you deserve
12 what you get. You deserve to be punished.

13 THE COURT: Okay. I'm not talking about that. I'm talking
14 about do you feel that because, say, someone had a criminal
15 record, they had done something in the past, they had served their
16 punishment for and taken responsibility, served their time, if they --
17 you know, if they went to prison. And now they're the victim of a
18 crime, do you think it's okay or you think that some people just
19 don't deserve to be protected under the law?

20 PROSPECTIVE JUROR NO. 998: Actually -- I actually do
21 believe in that sometimes, because I do believe in, basically, karma.
22 Even though you serve your time, but it's kind of you got the end of
23 the short -- short end of the rope too now.

24 THE COURT: Okay. So you might -- are you the type of
25 person that would say, well, okay to rape a prostitute, because

1 she's just a prostitute; is that okay?

2 PROSPECTIVE JUROR NO. 998: Not like that.

3 THE COURT: All right. So you have a line.

4 PROSPECTIVE JUROR NO. 998: Uh-huh.

5 THE COURT: Where does the line -- where is the line
6 drawn?

7 PROSPECTIVE JUROR NO. 998: Well, because how I see,
8 for example, the prostitution, I see that more of a -- well, they kind
9 of were willing, so they're -- how to explain it. It was more, like, a
10 survival tactic, I see that. But, for example, robbing, I could see
11 some people robbing others. But at the same time, they're taking
12 other people's belongings that they worked hard for. So that's
13 where I'm just kind of -- that's on you now. That's --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 998: Uh-huh.

16 THE COURT: So if somebody had been convicted of
17 robbery, say, 10 years ago, and now they've been robbed
18 themselves, they call the police and say, I was robbed at gunpoint.

19 PROSPECTIVE JUROR NO. 998: Uh-huh.

20 THE COURT: Do you think that's something that the
21 police officers should say, Pass on that, you're a bad guy, we're not
22 interested?

23 PROSPECTIVE JUROR NO. 998: I will have to be truthful
24 and say yes. But at the same time, I also know the law. You should
25 probably report it and the police shouldn't do that.

1 THE COURT: Okay. But he did report it.
2 PROSPECTIVE JUROR NO. 998: Uh-huh.
3 THE COURT: But you just feel that as a matter of your
4 personal belief --
5 PROSPECTIVE JUROR NO. 998: Uh-huh.
6 THE COURT: -- that you don't really care about that
7 person?
8 PROSPECTIVE JUROR NO. 998: Yes.
9 THE COURT: Okay. All right. Thank you.
10 We had another hand.
11 PROSPECTIVE JUROR NO. 160: Jasmin Ancheta, Badge
12 Number 160. I do believe even if they were a victim of -- if they're
13 becoming a victim now and -- but yet 20 years ago, even up to two
14 years ago or however long, whatever that you did to go ahead and
15 go against the law, like, criminally, no matter what you do,
16 sometimes you do deserve it. Because that means you probably
17 did not learn your lesson. And this is something, like, I said, it's
18 very religious to us that if something does come back to you, it's
19 because God itself is trying to tell you something, that we're trying
20 to go ahead and make you learn this lesson to go ahead and be
21 better into the community, being better to this world instead of not
22 having to understand and try to keep a simple life, not trying to stay
23 together altogether.
24 So let's say if, like, when you were saying if a prostitute
25 gets raped, I will believe, even if she got raped, I would believe that

1 is basically her fault, because she should have the self -- not
2 self-confidence, but she's able to go ahead and actually find a real
3 job instead of selling her body, and selling her dignity, pretty much,
4 is what I'm saying.

5 So even if she gets raped, that's kind of on her, and she
6 put herself in that position. She's the one who decided to put
7 herself on the streets. She's the one who decided to go ahead and
8 take that action into lowering her standards to allowing someone to
9 go ahead and rape her, of course, is not going to --

10 THE COURT: No, no, no.

11 PROSPECTIVE JUROR NO. 160: -- depending --

12 THE COURT: No, no. Wait, wait, wait, wait, wait.
13 Allowing. No. Rape is against her will.

14 PROSPECTIVE JUROR NO. 160: Yes. No.

15 THE COURT: Forcibly raped. She didn't allow anything.

16 PROSPECTIVE JUROR NO. 160: Of course. Depending on
17 the situation, if someone is getting raped or not, so the way I was
18 going to try to say right after that is let's see if she does go ahead
19 and assume to go ahead and go with this guy, and this guy tends to
20 be violent or something like that, and he does not want to pay her,
21 and she's not going to go ahead and go through with whatever
22 thing they were supposed to do, and he just goes ahead and he
23 rapes her about it, that's basically on herself.

24 Because she -- what I'm saying by allowed is that she
25 went ahead and she said it was okay to take her back into a room.

1 It was okay to go ahead and --

2 THE COURT: Okay. All right.

3 PROSPECTIVE JUROR NO. 160: -- let him follow her.

4 THE COURT: So the police should not try and look into
5 that? Like --

6 PROSPECTIVE JUROR NO. 160: In the state of, like -- in
7 my head, of course, the police is going to have to, because that's
8 one thing that's their job is. But this is something that she kind of
9 had to face herself, because she's the one who put herself in that
10 position.

11 THE COURT: Okay. So do you have a line where you
12 draw? So, in other words, if someone commits a crime -- so, say
13 they're a thief, so someone comes and murders them, you -- is
14 that -- you're feeling like, well, that's just God's punishment for you
15 being a thief? Or what?

16 PROSPECTIVE JUROR NO. 160: Unfortunately, I would
17 have to say yes, because due to what's happening in my family
18 right now, currently, if someone does end up being dead, this is
19 something that's going to, of course, take a toll in our family and go
20 ahead and makes us upset. But this is something that's going to go
21 ahead and change the world. We're not going to have a thief
22 running around the world again besides having one less person.

23 THE COURT: Okay.

24 MS. MOORS: Your Honor, can approach?

25 THE COURT: Yeah.

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[Bench conference not recorded.]

THE COURT: All right. Okay. Let's see. Next question.
So is there anyone on the jury who has a religious or moral belief
that would make them unable to do their job as a juror? And here's
your job as a juror, and that is: You are the determiners of the
facts. You determine what the facts are in the case from listening to
the witnesses on the stand and making a decision as to what
happened. Then you take those findings of fact that you determine
and apply those to the law that I give you and that -- then you go
back and you deliberate and come up with a verdict.

Is there anyone who feels they can't do that job because
of a personal, moral, religious belief of some kind?

I can't see you, so stand up. Yeah.

PROSPECTIVE JUROR NO. 041: Your Honor, we're both --
Anthony Allen P. Tugaoen, Badge Number 041.

THE COURT: Yes, sir.

PROSPECTIVE JUROR NO. 041: I do believe that coming
to a verdict or a decision in a case that involves peoples' lives, I am
unable to come down to a decision where if it's a sentencing, I
cannot come to a decision --

THE COURT: Okay.

PROSPECTIVE JUROR NO. 041: -- based on someone's
life.

THE COURT: You don't sentence.

PROSPECTIVE JUROR NO. 041: Oh, okay.

1 THE COURT: No. The jury --

2 PROSPECTIVE JUROR NO. 041: Or having a decision to
3 which it --

4 THE COURT: The jury does not do a sentence. You -- the
5 jury determines what the facts are, applies the facts to the law,
6 comes up with a verdict based on that, and then that verdict is
7 either guilty or not guilty. And if, but only if, the jury finds the
8 defendant guilty in any criminal case, then, except for a very limited
9 type of case where sentencing is in the discretion of the jury. And
10 that's only in first-degree murder cases. That is not this case.

11 PROSPECTIVE JUROR NO. 041: Oh, perfect.

12 THE COURT: Then it's the duty of a judge to pronounce
13 the sentence. So you don't have to pronounce any kind of sentence
14 if you were to find the defendant guilty. And that's, of course, not
15 been determined. He's presumed innocent at this point in time.

16 PROSPECTIVE JUROR NO. 041: Understood.

17 THE COURT: So you think you could still do the job that
18 I've outlined for you?

19 PROSPECTIVE JUROR NO. 041: Most definitely, Your
20 Honor. Apologize for that one.

21 THE COURT: That's all right.

22 PROSPECTIVE JUROR NO. 041: Thank you.

23 THE COURT: Anyone else feel they can't do that job?

24 PROSPECTIVE JUROR NO. 068: Rex Spenner, 068.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 068: Due to the nature of this
2 case, that's what's been outlined thus far, obviously, normally, I
3 could perform the role of a juror aptly. But being that my
4 grandmother, one of the closest people in my life had just been --
5 had her house burglarized and, like, seeing the effect that that had,
6 especially on an elderly individual with all of her life belongings
7 being at stake in that situation, and seeing the effect of how that
8 had a detriment to our family lives thereafter in these next couple of
9 weeks that we've been passing through, I'd like to say that I'd be
10 unbiased, but realistically, I believe that my personal verdict on the
11 situation might naturally be a little bit vindictive just because I feel
12 like my family was truly wronged by someone that was inside of
13 a -- like, a dire and desperate situation. And I feel like there are
14 severe repercussions for affecting peoples' livelihood and
15 potentially, the rest of their lives because of a stupid, hasty
16 decision. Excuse my verbiage, but.

17 THE COURT: Okay. But I think -- so this was -- the
18 charges in this case are not a residential burglary, so it would -- are
19 you saying that, basically, because your grandmother's house was
20 burglarized when she was not home, that you can't serve on any
21 kind of jury because you're so traumatized?

22 PROSPECTIVE JUROR NO. 068: Honestly, at the current
23 time I feel that my judgment wouldn't be sound, just because of the
24 nature of the case affecting an elderly individual. That -- those are
25 the allegations that I heard. I feel I would naturally have a bias just

1 because of how I personally feel about that individual burglarizing
2 my grandmother's home, and just seeing the effect that -- just petty
3 criminal activity to that extent, like, someone trying to make a quick
4 dollar, how that can really affect someone's life.

5 THE COURT: All right. So if you cannot be fair, then
6 you'll be excused.

7 PROSPECTIVE JUROR NO. 068: I apologize, Your Honor.

8 THE COURT: Okay. All right. Next question.

9 So I told you about the job of a juror -- jury, that you're
10 determiners of the facts and that I'm going to give you the law, and
11 then you have to apply the facts that you've determined to the law
12 and follow that law in coming up with your decision.

13 So the next question is: Is there anyone who feels that
14 they could not follow the law as I instruct you? If it -- if it's contrary
15 to your personal, religious, or moral beliefs, would you still be able
16 to follow the law, because that's your duty as a juror? Is there
17 somebody who could not follow the law? Nobody has a belief that,
18 you know, if I disagree with the law, I'm not going to follow it;
19 anyone feels like that? All right. I see no hands.

20 All right. Let's see. Next question: Is there anyone here
21 who has ever been accused of or convicted of a crime?

22 You missed -- Marshal, you passed over --

23 PROSPECTIVE JUROR NO. 415: Hello. Kevin Oxom,
24 Badge Number 415. This is kind of more of a mental kind of thing,
25 because this is what happened to me back in, like, 20 -- well, 2013,

1 around that year time, pretty much right after December. I was
2 actually almost convicted of being -- almost a shooter. But I had no
3 intentions of killing anyone. It was just misinterpreted.

4 It pretty much just happened because of the fact that in
5 my own story, it's just the fact that there was just this girl that was
6 in a computer class I was with, helping her out here and there,
7 though. But she kept asking continuously for help. So I just
8 stopped it. And just because, you know, she needed to do her own
9 work. But eventually, like, another girl caught grasp on it, she
10 thought that I was being mean to this girl, so she was actually
11 reflecting back on it to me in a -- with negative comments. And
12 then, eventually, kind of misled to one another, which, you know, I
13 ended up saying that I'll just kill you then.

14 But apparently that -- it just sped around the school and
15 eventually I was actually accused of a shooting that could have
16 happened. And then police were involved. I was actually sent to
17 Del Amo Hospital over in California, mental institute for a while just
18 to see if there was actual any planning.

19 But, again, as I repeat, though, I had no intention, though.
20 As for my own moral standings, you know, I have my moral code,
21 like, you know, like, everyone does deserve to live, you know. But,
22 you know, it was just something that I just misinterpreted. It was
23 kind of on my parting fault that I just made a snarky comment.

24 MR. MATSUDA: Sir, I don't mean to interrupt.

25 Can we approach?

1 THE COURT: Sure.

2 [Bench conference not recorded.]

3 THE COURT: All right. So without going into more details
4 about that, did you feel like you were treated unfairly by the
5 authorities?

6 PROSPECTIVE JUROR NO. 415: They did an investigation
7 on my family just to see if I actually had any planning, though. But
8 they didn't find nothing, though. Like --

9 THE COURT: Okay. But the questions is did you feel like
10 you were treated unfairly?

11 PROSPECTIVE JUROR NO. 415: No. I was -- I believe it
12 was fair.

13 THE COURT: Okay. All right. Do you think that that
14 would have any bearing on your ability to be fair and impartial to
15 both sides in this case?

16 PROSPECTIVE JUROR NO. 415: Could you repeat that one
17 more time?

18 THE COURT: Do you feel that that situation that you went
19 through would have any bearing on your ability to be fair and
20 impartial to both sides in this case?

21 PROSPECTIVE JUROR NO. 415: No.

22 THE COURT: All right. Thank you.

23 Anyone else?

24 PROSPECTIVE JUROR NO. 691: Hi. Badge Number 0691,
25 Nancy Burroughs. I was managing a convenience store and I had --

1 I think I had 11:00 to 6:00. And there was a lot of what they called
2 trinket at the time. And I know it was food stuff, but I was accused
3 because I was always eating when I got there, because I hate to
4 cook. But the other thing is I have the credit card receipts. I didn't
5 keep them at the time, but I charged my food on my card, and I ran
6 up my credit card because I didn't have money to pay for food. So I
7 ate the -- I knew the food was good where I worked, so I bought my
8 food there.

9 THE COURT: Okay. And somebody accused you of
10 stealing?

11 PROSPECTIVE JUROR NO. 691: I was fired over it.

12 THE COURT: Oh, I see.

13 PROSPECTIVE JUROR NO. 691: But was interesting is that
14 they had to bring in the outside security rather than reprimand me,
15 because I was never reprimanded in five years. I was never
16 reprimanded for anything on the job, and I told them why I did it,
17 because the food was fresh and hot.

18 THE COURT: Okay. All right. Did you feel that you were
19 treated unfairly, then, by your employer?

20 PROSPECTIVE JUROR NO. 691: I thought it was
21 interesting that I was never reprimanded.

22 THE COURT: Well, they fired you, you said.

23 PROSPECTIVE JUROR NO. 691: Yes.

24 THE COURT: That's the ultimate reprimand.

25 PROSPECTIVE JUROR NO. 691: But they -- well, part of

1 my feeling was that I worked more hours than my manager. She
2 never questioned my judgment on any other things.

3 THE COURT: Okay. And how long ago was that?

4 PROSPECTIVE JUROR NO. 691: Possibly 10 years.

5 THE COURT: Okay. And the police were never involved?

6 PROSPECTIVE JUROR NO. 691: Oh, no. I'm sorry. It was
7 inside security. It was, like, the corporate security guy.

8 THE COURT: Okay. All right.

9 PROSPECTIVE JUROR NO. 691: I argued the point. I
10 really wanted to keep my job, but.

11 THE COURT: Right. And so you felt like you were unfairly
12 fired, because you hadn't done anything wrong?

13 PROSPECTIVE JUROR NO. 691: I think I was unfairly fired
14 because they wouldn't -- I think they didn't even want to release me
15 for my dad's funeral. They didn't want to let me go because they
16 couldn't find someone to fill in that date.

17 THE COURT: Okay. I'm not sure what that had to do with
18 your firing for something they were accusing you of.

19 PROSPECTIVE JUROR NO. 691: I think I was just angry at
20 the time. I really didn't want to be fired.

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

22 Anyone else accused of or convicted of a crime? No other
23 hands here.

24 Any hands back here?

25 PROSPECTIVE JUROR NO. 075: Hi, I'm Kathleen, 075. I

1 was accused of -- it was a car accident that I was involved in. It was
2 a couple of years back, and -- well, it just -- this lady hit my car and I
3 was wrongfully, I felt, because I wasn't actually in the situation.

4 I don't think it's on.

5 THE COURT: Can you check it, marshal?

6 THE MARSHAL: Is it green?

7 PROSPECTIVE JUROR NO. 075: No. There's no --

8 THE MARSHAL: It was when I gave it to you.

9 THE COURT: Maybe you accidentally turned it off.

10 THE MARSHAL: Folks, when you hold this, if you touch
11 the bottom, it'll shut it off. Okay.

12 There you go.

13 PROSPECTIVE JUROR NO. 075: Okay. So I was in a car
14 accident and I was at intersections. It was -- I was, like, a stop, and I
15 went into a one-lane road. And this lady kind of just came out of
16 nowhere, hit my car. And she was -- wasn't driving with her
17 license, and she apologized to me and said, You know, I'm sorry, I
18 didn't -- like, I hit your car or whatever. And so she left her
19 daughter with me. She's a teenager. She went home to get her
20 license. I waited for her, she brought her husband back with her.
21 And when the cops came, cops said it was my fault and clearly it
22 was her fault. I don't know what -- how they even thought it was
23 her -- like, my fault.

24 But I ended up paying for the -- like, for the -- I didn't -- my
25 car didn't get repaired. They repaired her car. And they tried to

1 collect insurance money from me and they were claiming that they
2 were injured and all of this. And I wasn't even injured. So, yeah,
3 that was a situation.

4 THE COURT: Okay. So you felt wronged by the person
5 who --

6 PROSPECTIVE JUROR NO. 075: I felt wronged --

7 THE COURT: -- told the police --

8 PROSPECTIVE JUROR NO. 075: Sorry.

9 THE COURT: -- that you -- it was your fault; that's the first
10 thing. Is that correct?

11 PROSPECTIVE JUROR NO. 075: I felt wronged by the
12 person and by the cops.

13 THE COURT: Okay. So that was the -- what I was going to
14 say next. So you felt like they made a decision. Do you -- did you
15 feel like they made a decision to believe her over you?

16 PROSPECTIVE JUROR NO. 075: Yes.

17 THE COURT: And did you feel like there was a reason for
18 that?

19 PROSPECTIVE JUROR NO. 075: I honestly felt that was
20 pretty shady. Like, I didn't know what they did to bribe the cop or
21 whatever it was. But it happened. I don't know what -- it was really
22 unfair.

23 THE COURT: Okay. But you couldn't --

24 PROSPECTIVE JUROR NO. 075: I couldn't do anything
25 about it. My car is still damaged and I had to do -- we went -- we

1 did go to court for it. And I had to do, like, a class online and they
2 lowered the amount of what I was supposed to pay. But I had to --
3 it was all out of my pocket and I did -- I've -- I didn't do anything
4 wrong. But I was the one who was -- they said I -- it was my fault.

5 THE COURT: Okay. And so the police officer, obviously,
6 wrote you a ticket?

7 PROSPECTIVE JUROR NO. 075: Yep.

8 THE COURT: Yep? Okay. And so do you hold that
9 against all police officers now? Or how does that make you feel?

10 PROSPECTIVE JUROR NO. 075: Yeah, I honestly do.
11 Because it happened to me and it is possible that it could be -- any
12 cop could be tainted. Just it could happen to me, so, from
13 experience.

14 THE COURT: Okay. It sounds like the microphone cut out
15 again.

16 THE MARSHAL: I think the batteries are dying.

17 THE COURT: Yeah, let's replace the batteries.

18 [Pause in proceedings.]

19 THE COURT: All right. So do you remember how I asked
20 questions yesterday of some people that were involved in law
21 enforcement or had family in law enforcement, and I said, Will you
22 be able to weigh the testimony of a police officer in the same way
23 you would any other witness? So in your situation, would you be
24 able to weigh the testimony of law enforcement officers in the same
25 way you would, or are you now of a mind, because of what

1 happened, that, basically, every police officer --

2 PROSPECTIVE JUROR NO. 075: Not every -- but it's
3 possible that someone out there, a cop, could be -- it's just from my
4 experience, like, it happened to me. So I truly do believe that.

5 THE COURT: Truly do believe what?

6 PROSPECTIVE JUROR NO. 075: I do believe that there is a
7 possibility that a cop could be, like, just kind of just fabricating
8 something or, you know, maybe somebody put the money in the
9 side and said, like, hush, hush, you know, like, don't say anything
10 kind of thing or -- yeah, that's --

11 THE COURT: Okay. Well, so you recognize, then, that
12 police officers are human beings?

13 PROSPECTIVE JUROR NO. 075: Yes, I do.

14 THE COURT: So there are some that are good, some that
15 may not good, right?

16 PROSPECTIVE JUROR NO. 075: Yes.

17 THE COURT: Is that -- okay. Because what I'm trying to
18 figure out is are you going to be biased against a police officer, law
19 enforcement officer that testifies to the other extent. In other
20 words, there's some people that they're, like, I don't care what they
21 say, and they got that badge, that shiny badge on, so they could tell
22 me there's a pink elephant in the room and I'd go with that.

23 And then there are other people who would say, I don't
24 believe anything any police officer says, they're all liars and bad
25 people and -- so anything -- I've already made up my mind. If

1 they -- there's an officer that's testifying, they're lying.

2 And then there's people who say, I don't know, I've got to
3 listen to the testimony and make a decision after I weigh, you know,
4 all -- everything that's available to me.

5 But I don't know where you fall in that spectrum.

6 PROSPECTIVE JUROR NO. 075: I don't think all the police
7 are like that. But it -- like I said, I feel like it is a possibility. So that
8 is kind of in my head, where -- because I don't know the cop
9 personally, and I don't know how that person works. So it would
10 kind of affect me, because I -- I mean, like I said, it's a possibility.

11 THE COURT: Okay. Well, anything's possible in this
12 world, right?

13 PROSPECTIVE JUROR NO. 075: Yeah. Right.

14 THE COURT: Okay. So I'm just trying to get at are you
15 coming to this trial with that in your mind, that basically you're
16 going to disbelieve all law enforcement officers, but you wouldn't
17 just disbelieve every other witness, but law enforcement has to
18 work their way back to overcome this bad situation that happened
19 with you. Where do you -- what do you think?

20 PROSPECTIVE JUROR NO. 075: I don't think it would
21 work out, because it never worked out for me.

22 THE COURT: So you do have a bias, then?

23 PROSPECTIVE JUROR NO. 075: I do. Because it never
24 worked out ever for me. Like, it was just a whole proof thing. You
25 know.

1 THE COURT: Okay. Approach.
2 [Bench conference not recorded.]
3 THE COURT: All right. Let's see. Anyone else have a bad
4 experience with law enforcement where they feel it's going to affect
5 their ability to be fair and impartial to both sides, you know -- okay.
6 Got someone in the back here.
7 PROSPECTIVE JUROR NO. 076: Yes, Your Honor. My
8 name's Terry Woodrow, 076.
9 THE COURT: Yes.
10 PROSPECTIVE JUROR NO. 076: The case is sealed, can I
11 talk about something like that?
12 THE COURT: It would -- it was sealed after a conviction
13 you had it sealed later?
14 PROSPECTIVE JUROR NO. 076: After settlement, I guess
15 conviction. Deferred judgment.
16 THE COURT: Okay. How long ago was this?
17 PROSPECTIVE JUROR NO. 076: 2005.
18 THE COURT: Okay. So yeah, you can still talk about --
19 you know, I -- did you have a bad experience --
20 PROSPECTIVE JUROR NO. 076: Yes.
21 THE COURT: -- with law enforcement? What was that?
22 PROSPECTIVE JUROR NO. 076: There was a fight in high
23 school, 16-year-olds.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 076: There were two punches

1 thrown. One involved family member of mine. He was wearing a
2 cast where he'd broken his hand. The -- he was being bullied, he
3 responded with both -- both parties threw one punch. He wore a
4 cast. He did punch the other child in the face. There was a police
5 statement with my wife present. The statement that came out of
6 that that was provided to us and our attorney was not complete. It
7 simply had the things that made my son look bad, but did not have
8 the other information from the statement. So it seemed like
9 selective information. What was in there was not a lie, it just wasn't
10 the total -- the whole truth.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 076: It then went to court, a
13 district attorney decided to judge -- to charge a 16-year-old as an
14 adult with assault with a deadly weapon.

15 THE COURT: Okay. So --

16 PROSPECTIVE JUROR NO. 076: The --

17 THE COURT: Wait, wait, wait.

18 PROSPECTIVE JUROR NO. 076: -- district attorney --

19 THE COURT: Wait, wait, wait.

20 I don't need you to go into lots of details, you know,
21 where juveniles are involved, because my question, really, is you've
22 said that this would affect your ability to be fair and impartial to
23 both sides. And it sounds as if you have some -- this happened
24 here in Clark County, right?

25 PROSPECTIVE JUROR NO. 076: No.

1 THE COURT: No. What --
2 PROSPECTIVE JUROR NO. 076: Not in this state.
3 THE COURT: Okay. Did -- do -- should the district
4 attorney, the prosecuting attorneys in this case have a concern that
5 you could not be fair to the State of Nevada in this case because of
6 that?
7 PROSPECTIVE JUROR NO. 076: I would give anything
8 that came from the police statement, where they were presenting
9 something that someone else had said --
10 THE COURT: Uh-huh.
11 PROSPECTIVE JUROR NO. 076: -- I would have little -- no
12 faith in that. I believe the district attorney was not looking in this
13 case for justice, because there was simply -- they never spoke to my
14 son.
15 THE COURT: Right, right.
16 PROSPECTIVE JUROR NO. 076: They never got any --
17 THE COURT: Stop, stop, stop.
18 PROSPECTIVE JUROR NO. 076: -- information --
19 THE COURT: Stop. Okay. Again, we're not talking about
20 that -- that is in the past. What we're talking about is today. Today,
21 do you harbor that same animosity? I mean, I can tell you're very
22 upset by it and so --
23 PROSPECTIVE JUROR NO. 076: Yes, I still feel that --
24 THE COURT: Does it carry over to today in this case?
25 PROSPECTIVE JUROR NO. 076: Yes, it's still with me.

1 THE COURT: Okay. So you can't be fair to the
2 prosecution?

3 PROSPECTIVE JUROR NO. 076: I can look at information
4 and make a judgment. But if it comes from a statement from the
5 district attorney or the police, where they are not having physical
6 evidence, I would tend to ignore them.

7 THE COURT: Okay. So the prosecution -- the lawyers that
8 are prosecutors are not witnesses in the case. Lawyers are not
9 allowed to be witnesses in the case that they're involved in. Okay.
10 That's an ethical violation. So they're not going to do witnesses.

11 PROSPECTIVE JUROR NO. 076: No, I'm not --

12 THE COURT: But -- I'm sorry --

13 PROSPECTIVE JUROR NO. 076: But also the police
14 presented.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 076: For the better -- a partial
17 truth and the effect of a lie, and it totally deferred --

18 THE COURT: I get --

19 PROSPECTIVE JUROR NO. 076: -- initiated the entire
20 situation.

21 THE COURT: I understand now. And so again, bringing
22 you back to 2019, here, this case, a police officer takes the stand
23 and testifies about what a witness said. Are you just going to say,
24 nope, don't believe it?

25 PROSPECTIVE JUROR NO. 076: I would give that very

1 little credence.

2 THE COURT: All right. And that's because you have a
3 bias; is that correct?

4 PROSPECTIVE JUROR NO. 076: Yes.

5 THE COURT: So you can't be fair and impartial to the
6 State because of what happened to you; is that correct?

7 PROSPECTIVE JUROR NO. 076: That is correct.

8 THE COURT: All right. You're excused. Thank you.

9 All right. How's everybody doing? Need a break?
10 Anybody need -- ah, yes, I see some willing folks in the back that
11 want a break.

12 Okay. So we're going to take our afternoon recess,
13 because it's 3:15. And so we're going to give you a 15-minute
14 recess. I'm going to read to you this admonition that you'll come to
15 know and love.

16 So ladies and gentlemen, we're going to take a 15-minute
17 recess. During this recess it is your duty not to converse among
18 yourselves or with anyone else on any subject connected with the
19 trial or to read, watch, or listen to any report of or commentary on
20 the trial by any person connected with the trial or by any medium of
21 information, including, without limitation, newspaper, television,
22 radio, or Internet. You are not to form or express an opinion on any
23 subject connected with this case until it's finally submitted to you.
24 And you'll remember no research on your phones or anything of
25 that nature.

1 I'll see you at 3:15.

2 [Prospective jury panel recessed at 2:59 p.m.]

3 THE COURT: All right. The record will reflect the venire
4 has departed the courtroom. And while we can still remember it,
5 let's talk about our bench conferences.

6 So we had one bench conference where counsel asked to
7 approach. This was when I believe it's Jasmin Ancheta spoke,
8 Badge Number 160, you know, she basically thinks that, between
9 God and karma, that everybody gets what they deserved. And the
10 ultimate penalty should be imposed for the least infraction. I hope
11 she doesn't live in a glass house, but --

12 MR. MATSUDA: I like her.

13 THE COURT: So counsel asked to approach, because
14 prosecutors indicated at the bench that they were concerned she's
15 going to taint the entire panel. I think the rest of the panel is
16 probably as alarmed as we all felt that she was saying all this.

17 We've got to know and we pretty much all agreed that she
18 probably is not somebody that you'd want to be on your jury. We
19 thought that when asked the question as to whether she could
20 follow the law, she'd be saying no. But that's not what she said.
21 Basically, she's -- I think it's more that she's just saying no matter
22 what bad things happens to you, it must be because you did
23 something bad and that you deserve it, and it's just God, you know,
24 punishing you for whatever it is.

25 So I don't know if we have -- you can ask her more

1 questions on that if you want to. But right now I don't know that
2 there's any cause to kick her off the jury at this point.

3 MS. MOORS: Your Honor, I think that the State's worry
4 was anytime someone says that if you go with a man, you deserve
5 to be raped, I don't see how that person could be fair and impartial
6 in any type of violent crime.

7 So while she didn't say unequivocally on the record, I
8 cannot be fair, her words absolutely said I cannot be fair. And that
9 was why, I mean --

10 THE COURT: She said -- well, yeah. She said a lot of
11 things about that. But this is -- and if this was a sexual assault
12 cause, I'd say, okay, yeah, definitely she can't be on the panel.
13 And -- but I don't see at this point she's saying something -- I mean,
14 she's telling us that she has a very odd belief system, that
15 somehow, well, you know, you put yourself in these positions, then
16 you deserve what you get. Or if you did something in the past and
17 something bad happens to you later, it's God's punishment. I
18 mean, that's kind of -- I mean, there are a lot of people that feel that
19 way.

20 MS. MOORS: Sure, and I understand if Your Honor, you
21 know, isn't willing --

22 THE COURT: Yeah.

23 MS. MOORS: -- to bump her for cause. I thought that it
24 came across to me that she's basically saying she could not be fair
25 and impartial. But I understand if you're disinclined.

1 THE COURT: I was just trying to kind of segue my way
2 into the general question that you wanted me to ask about, you
3 know, the potential of an accomplice testifying, would they be able
4 to believe or not believe or would they dismiss that. And it kind of
5 blew up into the craziness, I don't know.

6 MR. MATSUDA: And, Your Honor, we're not going to
7 object to kicking her for cause as well, because I think we have the
8 same feeling as the State; we don't know if she can be impartial for
9 either side.

10 THE COURT: Okay.

11 MR. MATSUDA: So I would be okay if that's what the
12 holdup with the Court is. I --

13 THE COURT: Well --

14 MR. MATSUDA: We'll submit on that.

15 THE COURT: -- all right. If you're both fine with kicking
16 her for cause, because I agree, I don't think she should be on the
17 jury. I question, frankly, her truthfulness in answering the question
18 about could she follow the law. That's why -- because that's more
19 my concern, that she'll make decisions that aren't based on the law,
20 but based upon this odd belief system she has.

21 So if you're both in agreement, no objection, then we'll let
22 her go.

23 MS. MOORS: Okay.

24 THE COURT: Okay. So remind me when she comes in,
25 marshal, we're going to be thanking her and excusing her. And

1 we'll be filling in somebody else.

2 Who will the next person be that will fill?

3 THE CLERK: The next will be --

4 MR. MATSUDA: 041, Tugaoen.

5 THE CLERK: -- Anthony Allen Tugaoen, 041.

6 THE MARSHAL: Since we're speaking of that gentleman,

7 he just informed me in the hall that he had dinner with some judge

8 and congressional people, that he wasn't sure if he should have

9 spoke to you about.

10 THE COURT: Well, for the record, it wasn't me. I did not

11 have dinner with a juror, prospective juror. Well, when we put him

12 in -- did he tell you why he thought that he needed to bring that to

13 your attention?

14 THE MARSHAL: He just wanted to tell me in case it

15 became an issue later. He's just trying to cover all his bases, you

16 know. So.

17 THE COURT: Okay. All right. So next bench conference,

18 let's see --

19 MS. MOORS: With the --

20 THE CLERK: This was regarding --

21 MS. MOORS: -- the shooter case.

22 THE CLERK: Correct. The one in juror position --

23 MS. MOORS: I don't know how to say it.

24 THE CLERK: -- or in Seat 5, Juror 415, Kevin Oxom.

25 THE COURT: Yes. Okay. And so Mr. Matsuda asked to

1 approach, and he was basically in full-blown defense attorney
2 mode and wanting him not to incriminate himself further in case --

3 MR. MATSUDA: Admit to many crimes.

4 THE COURT: To confessing to crimes. Right. And so that
5 was basically to just to kind of stop him from saying anything more.

6 Is that kind of -- I mean, we agreed that I was going to try
7 and move him -- move on without him saying anything more just to
8 finish up that line of questioning that we were doing.

9 MR. MATSUDA: Right.

10 MS. MOORS: Yes.

11 THE COURT: Is that fine? Okay.

12 And then, let's see, we had another one where I think --

13 MS. MOORS: No, I think I --

14 THE COURT: -- I asked you guys to approach.

15 MR. MATSUDA: I think that was the --

16 MS. MOORS: That was the female --

17 MR. MATSUDA: The female right here on -- what's her
18 name?

19 MS. MOORS: Kathleen Cabel.

20 MR. MATSUDA: Yes.

21 MS. MOORS: Juror Number 075.

22 THE COURT: Okay.

23 MS. MOORS: She experienced the car wreck with the
24 police and didn't feel that the police were being genuous [sic],
25 essentially insinuated that they can be bought off.

1 THE COURT: Right. And so I was trying to figure out
2 whether you wanted to, you know, challenge her for cause. And
3 Mr. Matsuda indicated that he would want to try and rehabilitate
4 her some. And I said, Okay, well, then I'll just deny the Motion to
5 Strike her for cause right now and when you -- if and when we get
6 to her individually -- because she's still out in the gallery and not in
7 the box, so to speak -- we'll let you do the further questioning and
8 see. But I do have grave concerns, from what she's saying, that she
9 isn't going to be fair. But I thought her statements were pretty
10 radical until I heard from the gentleman in the corner, who was --
11 went off even more so.

12 Or was that all three did we have? Just --

13 THE CLERK: No, I missed that one, Your Honor. So --

14 THE COURT: All right. I think that's it.

15 MS. MOORS: I think that that's all.

16 MR. MATSUDA: Yeah.

17 THE COURT: Okay. So you've got some break time for
18 yourself. Thank you. We'll go off the record.

19 [Court recessed at 3:09 p.m., until 3:20 p.m.]

20 [In the presence of the prospective jury panel.]

21 THE COURT: Thank you. Please be seated. And the
22 record will reflect we are back in the presence of the venire in Case
23 Number C-337017, State of Nevada versus Devohn Marks.
24 Mr. Marks is present with his counsel, the prosecutors are present,
25 all officers of the court are present as well.

1 And Ms. Ancheta, Badge Number 160, you are excused.

2 Thank you very much.

3 THE CLERK: Next in line, Anthony Allen Tugaoen,
4 Badge 041. Please take Seat 4.

5 THE COURT: Okay. All right. Everybody's settled in
6 there. Okay.

7 Let's see, next question. Are there any of you who do not
8 understand what the presumption of innocence means? Raise your
9 hand. Okay. So I'm just going to explain this first and then ask the
10 next question.

11 So in our system of justice, a defendant never has to
12 prove his or her innocence. It is the State's burden of proof to
13 prove that the person accused is guilty. And they have to do -- the
14 burden of proving that is beyond a reasonable doubt. And so
15 everyone starts out at trial as presumed innocent if they are
16 accused of a crime. Okay. That's our system of justice and it is an
17 important of our system.

18 So is there anyone who disagrees with that presumption
19 of innocence and feels that a defendant that's accused of a crime
20 should be required to prove they're innocent rather than that the
21 State should have to prove that they're guilty? Anyone feel that
22 way? All right. I see no hands.

23 Okay. So now intellectually, everybody understands and
24 everybody has indicated that they agree with that premise.
25 However, sometimes what happens is people will say that, but then

1 they'll, during questioning, they'll say something to the effect of,
2 Well, yes, but I want to hear both sides. So here's something I want
3 to tell you. And that is that a defendant never has to tell his or her
4 side. Right? Because they don't have to do any proving. They
5 don't have to prove their innocence.

6 And so a defendant never has to call a single witness,
7 never has to present any evidence, it's the State's burden of proof
8 to prove the case beyond a reasonable doubt. So is there anyone
9 who feels like I know, I understand what you're saying, Judge, but I
10 just am still going to -- I won't be able to, you know, even if the
11 State doesn't prove their case, even if I feel like, Well, they didn't
12 prove their case, unless the defendant takes the stand and testifies
13 and tells his side of the story, I'm just not going to be able to acquit.
14 Is there anyone that feels that way? All right. So I see no hands.
15 Okay.

16 Okay. So from time to time in trials, witnesses who may
17 have been an accomplice to a crime may testify in a case. And is
18 there anyone who feels that if someone was an accomplice in a
19 case, then they could not believe -- they won't be able to listen to
20 what the witness says at all, they just will disregard that witness's
21 testimony before even hearing it; is there anyone that feels that
22 way? All right. So we have one person. Oh, we have two.

23 So before we go further, maybe accomplice is not a term
24 that everyone's familiar with. So an accomplice is someone who
25 participated in some way in the crime. Okay.

1 PROSPECTIVE JUROR NO. 950: George Romero, zero --
2 or 950.

3 THE COURT: Yes, Mr. Romero.

4 PROSPECTIVE JUROR NO. 950: I don't think if you were
5 part of the crime it's, like, ethical to believe your statements.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 950: Like, against someone
8 else who committed the same crime with you.

9 THE COURT: All right. So why do you feel that way? Do
10 you think that somebody could never be truthful?

11 PROSPECTIVE JUROR NO. 950: Not if they're --

12 THE COURT: Or do you believe that because they're a
13 tattle-tale, that they shouldn't be believed?

14 PROSPECTIVE JUROR NO. 950: No, I believe that since
15 they were part of the crime, we shouldn't take their statements
16 honestly, because --

17 THE COURT: So you -- would you want to listen to other
18 testimony in the case? So what if there was other testimony that
19 was offered and other evidence that was offered, that you felt
20 confident that that witness was telling the truth, would that make a
21 difference to you?

22 PROSPECTIVE JUROR NO. 950: No, I don't -- I still think I
23 wouldn't believe them.

24 THE COURT: Okay. And why is that?

25 PROSPECTIVE JUROR NO. 950: Just because they

1 committed -- or they're part of the crime, so it doesn't make sense
2 to kind of -- like, and at least for me, it doesn't make sense for me to
3 believe their statements if they're being accused of the same crime.

4 THE COURT: Okay. Like I say, there's other evidence that
5 would seem to corroborate that witness's testimony. That wouldn't
6 make any difference to you?

7 PROSPECTIVE JUROR NO. 950: No.

8 THE COURT: Okay. All right. Any -- I thought I saw
9 another hand back here. Was there anyone else that had their hand
10 up?

11 PROSPECTIVE JUROR NO. 059: Hello. My name is
12 Parmjit, my badge number is 059. I have difficulty to understand
13 this -- everything. So it's hard for me to do that jury thing. If I no
14 understand, I waste maybe your time and --

15 THE COURT: Okay. So you brought this to my attention
16 and I said to you yesterday that I wanted to wait and see how you
17 did.

18 PROSPECTIVE JUROR NO. 059: Uh-huh.

19 THE COURT: So have you been having a hard time?

20 PROSPECTIVE JUROR NO. 059: Yes, like --

21 THE COURT: Okay. So you -- have you not --

22 PROSPECTIVE JUROR NO. 059: I don't think so I can do
23 this all the, you know, the jury thing. Make me nervous and so I
24 maybe cannot decide anything, help to you. So.

25 THE COURT: Okay. Is that because you're not

1 understanding words?

2 PROSPECTIVE JUROR NO. 059: Not everything.

3 THE COURT: Not everything? Okay.

4 PROSPECTIVE JUROR NO. 059: Not everything. So.

5 THE COURT: All right. Well, you have to be proficient
6 enough in the English language that you do understand --

7 PROSPECTIVE JUROR NO. 059: Uh-huh.

8 THE COURT: -- you know, virtually everything. I mean,
9 there are certain times when you might not understand a particular
10 word. But maybe English speakers don't, either. But if you're
11 having that much of a difficulty, then I'll dismiss you.

12 PROSPECTIVE JUROR NO. 059: Thank you.

13 THE COURT: But I appreciate you --

14 PROSPECTIVE JUROR NO. 059: Thank you, ma'am.

15 THE COURT: -- trying, because I know you have been.

16 PROSPECTIVE JUROR NO. 059: Yeah. Thank you so
17 much.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR NO. 059: That's -- I try my best, but
20 more go in the detail for this -- this case, I cannot handle it.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 059: Thank you.

23 THE COURT: Okay. Anyone who -- else who would just
24 reject accomplice witness testimony without consideration of
25 anything else? All right. Thank you. I see no other hands.

1 All right. I think I asked all the general questions that I
2 was planning on asking. So this next part is that I'm going to be
3 asking each of you to tell me about yourself now. I can't -- we do
4 not have time for your life story, and so, really, when I ask that, I
5 saw tell me about yourself, this is what I want you to tell me:

6 I want you to tell me how long have you lived here in
7 Clark County? Are you married, single, divorced, partner,
8 significant other, et cetera, et cetera? I want to know what you do
9 for a living. If you have a partner, significant other, or if you're a
10 widower or widow and what that person does or did for a living.
11 If -- I want to know if you have any children. And if they are adult
12 children, I'd like to know what they do for a living. And then, finally,
13 I want to know what your education background is. Okay.

14 So, of course, our first person that's going to do this is
15 Ms. Fields there in Seat Number 1. So she gets to go first.

16 Wait a second.

17 MS. MOORS: Can we approach?

18 THE COURT: You can approach in a second.

19 Don't worry when we start this, which it looks like it's
20 going to be delayed for a minute. But when we start this, don't
21 worry that you might forget something, because I'll prompt you,
22 and believe me, everybody does get it, and they'll be able to pick up
23 on it. I've done this a thousand times and so you will. Don't be
24 nervous.

25 All right. Approach.

1 [Bench conference not recorded.]

2 THE COURT: All right. So before we get to that part,
3 counsel reminded me of a general question that I wanted to ask
4 you.

5 So we live in interesting times, as they say. And there's
6 been a lot of discussion and tension and protests and, well, just a
7 lot of discussion in general in the population about race. Okay. So
8 I'm not going to put a pretty face on that, right? Some of us
9 thought for a long time that more than 50 years past the Civil Rights
10 Movement and the passage of laws in that regard, that we've made
11 a lot of progress. And then it turns out that maybe not so much.
12 Okay.

13 So I need to know if anyone has any racial bias that -- we
14 need to know about that. And it can go any way, it can go either
15 way, for or against. Decisions in this case should never, in any
16 case, should never be based upon the color of anybody's skin, their
17 ethnicity, their race, their religion, et cetera.

18 And so I need anybody that feels that they would have or
19 harbor some bias that is based on any of those kinds of things to let
20 me know. And if this is for or against any -- in any way could this
21 impact your decision-making in this case. Anyone feel that way at
22 all? All right. Okay. I have one gentleman.

23 PROSPECTIVE JUROR NO. 980: Whitney Jones, Juror
24 Number 980.

25 THE COURT: Yes.

1 PROSPECTIVE JUROR NO. 980: Might be not what you're
2 thinking, but I do definitely believe our country needs some
3 traditional reform. I believe there are issues where members of
4 minorities are being treated unfairly in the courts. So, you know, I
5 don't think it would stop me from rendering a decision based on the
6 facts, but I would definitely not want to be part of the problem. So I
7 would want to make sure there was absolutely no doubt in my
8 mind that that was the correct thing to do. So --

9 THE COURT: Okay. All right. So it's interesting that you
10 use that term, No doubt. So you'll be instructed on the law, the --
11 okay, the burden of proof is not no doubt. And sometimes on
12 television you hear them say, Beyond a shadow of a doubt. That's
13 not the standard. The standard is beyond a reasonable doubt. And
14 you'll be instructed on the law and what that means.

15 But I certainly appreciate that you would want to make
16 sure that your decision is based upon the facts of the case and that
17 it's a fair decision. Is that accurate?

18 PROSPECTIVE JUROR NO. 980: Yes.

19 THE COURT: And that's what we all want.

20 Is there anyone that would not want that? Because what
21 I'm asking about is -- are biases, somebody that has an agenda, that
22 says, This trial, this doesn't make any difference to me. I want to
23 make my own personal -- I want vengeance for something that
24 happened to me before. I have -- I want to make a political
25 statement of some kind that doesn't have anything to do with this

1 trial. I'm just going to make an example of the justice system in
2 general. That -- you need to take that kind of thing out and protest
3 out on the streets when it's appropriate. Right?

4 But here, it's really important that you make your
5 decisions not based on anything like that, but on the facts, on the
6 law. It's really essentially important to both sides that you make
7 your decisions on that basis. And that's what everyone in this
8 courtroom that's involved in this case, you know, the lawyers for
9 both sides, certainly Mr. Marks, I want a fair and impartial jury. So
10 if there's anyone that feels that they -- or have any bias that's going
11 to sneak in, they're harboring that in their head, I need to know
12 about that now. All right. I see no hands.

13 I appreciate your comments. All right. Thank you.

14 Okay. All right. We will start on the top row.

15 Ms. Fields, tell me about yourself.

16 PROSPECTIVE JUROR NO. 017: Hi. I don't need to give
17 my number?

18 THE COURT: It was Badge Number --

19 PROSPECTIVE JUROR NO. 017: 017.

20 THE COURT: -- 017, right?

21 PROSPECTIVE JUROR NO. 017: Yes.

22 THE COURT: Go ahead.

23 PROSPECTIVE JUROR NO. 017: Can you hear me?

24 THE COURT: Yes, I can.

25 PROSPECTIVE JUROR NO. 017: Okay. I'm Vicki Fields.

1 I'm a sales associate, I've been in sales for 15 years. I'm a single
2 parent. I have two children, they're adults. My son is autistic and
3 my daughter is a veteran.

4 THE COURT: A veteran?

5 PROSPECTIVE JUROR NO. 017: Yes. She's served in the
6 Air Force.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 017: And what else?

9 THE COURT: How long have you lived here in Clark
10 County?

11 PROSPECTIVE JUROR NO. 017: Okay. I lived in Vegas for
12 eight years. I'm from Chicago.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 017: Okay.

15 THE COURT: And have --

16 PROSPECTIVE JUROR NO. 017: Born and raised in
17 Chicago, I moved here eight years ago.

18 THE COURT: And how do you like Vegas as compared
19 with Chicago?

20 PROSPECTIVE JUROR NO. 017: I like Vegas.

21 THE COURT: Okay. Good.

22 PROSPECTIVE JUROR NO. 017: Uh-huh.

23 THE COURT: All right. And you said you're in sales, a
24 sales associate.

25 PROSPECTIVE JUROR NO. 017: Yes.

1 THE COURT: What type of sales?
2 PROSPECTIVE JUROR NO. 017: Macy's.
3 THE COURT: Oh.
4 PROSPECTIVE JUROR NO. 017: Department store.
5 THE COURT: Okay. And have you always worked for
6 Macy's?
7 PROSPECTIVE JUROR NO. 017: No. I had other jobs,
8 secretary, I worked for the bank.
9 THE COURT: Okay.
10 PROSPECTIVE JUROR NO. 017: Various jobs, yes.
11 THE COURT: So how --
12 PROSPECTIVE JUROR NO. 017: But it was in Chicago.
13 THE COURT: Oh, that was in Chicago?
14 PROSPECTIVE JUROR NO. 017: Yes.
15 THE COURT: So eight years have you worked for the
16 same employer?
17 PROSPECTIVE JUROR NO. 017: Four years for Macy's.
18 THE COURT: Four years for Macy's. Okay.
19 PROSPECTIVE JUROR NO. 017: Yes.
20 THE COURT: That's a long time.
21 PROSPECTIVE JUROR NO. 017: Uh-huh.
22 THE COURT: And especially today, when it seems like
23 people move around a little more.
24 PROSPECTIVE JUROR NO. 017: Right, well, I did 11 years
25 in Chicago with Macy's.

1 THE COURT: Oh, you did?
2 PROSPECTIVE JUROR NO. 017: Here, just four.
3 THE COURT: Did you transfer from Chicago to Las Vegas?
4 PROSPECTIVE JUROR NO. 017: Well, I'm old, see, and I
5 just had to reapply.
6 THE COURT: Okay. And they were happy to get you --
7 PROSPECTIVE JUROR NO. 017: Yes.
8 THE COURT: -- with all the experience you had with the
9 company.
10 PROSPECTIVE JUROR NO. 017: Uh-huh.
11 THE COURT: Okay. Very good. What is your education
12 background?
13 PROSPECTIVE JUROR NO. 017: Some college.
14 THE COURT: Okay. What --
15 PROSPECTIVE JUROR NO. 017: I don't have a degree.
16 THE COURT: All right. And where did you go to college
17 when you went?
18 PROSPECTIVE JUROR NO. 017: I went to Taylor Business
19 Institute. I went to Harold Washington Business Institute. And Lou
20 [phonetic] College -- this is in Chicago.
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 017: Lou College.
23 THE COURT: So were you studying business then?
24 PROSPECTIVE JUROR NO. 017: Yes.
25 THE COURT: All right. Have you found those courses that

1 you did take helpful to you in your current position?
2 PROSPECTIVE JUROR NO. 017: Yes.
3 THE COURT: All right. Thank you.
4 Would the State like to inquire further?
5 MS. MOORS: Yes, Your Honor.
6 Is it okay if I stand here?
7 THE COURT: Yes.
8 MS. MOORS: Okay.
9 Good afternoon, ma'am.
10 PROSPECTIVE JUROR NO. 017: Hi.
11 MS. MOORS: So I want to ask you a question. I wrote --
12 have to excuse my notes and my handwriting. I wrote a note
13 yesterday that said DV relationship. Was this -- remind me, was
14 this with you or with someone else in your family --
15 PROSPECTIVE JUROR NO. 017: What was that?
16 MS. MOORS: -- that there had been a domestic violence
17 relationship.
18 PROSPECTIVE JUROR NO. 017: Oh, me.
19 MS. MOORS: Okay. And was that out here in Las Vegas?
20 PROSPECTIVE JUROR NO. 017: No.
21 MS. MOORS: Okay.
22 PROSPECTIVE JUROR NO. 017: This was back in 1985.
23 MS. MOORS: Okay.
24 PROSPECTIVE JUROR NO. 017: It was an ex-boyfriend I
25 had.

1 MS. MOORS: Okay. And was it -- if you could remind me,
2 was that a situation where you did call police or you did not?

3 PROSPECTIVE JUROR NO. 017: Yes, I did.

4 MS. MOORS: And did ultimately that result in some
5 charges against this individual?

6 PROSPECTIVE JUROR NO. 017: Yes.

7 MS. MOORS: Did you go to court to testify about that?

8 PROSPECTIVE JUROR NO. 017: Yes.

9 MS. MOORS: All in all, how did you feel that you were
10 treated with your involvement in the criminal justice system?

11 PROSPECTIVE JUROR NO. 017: I was treated very well.

12 MS. MOORS: Okay. And since then, you haven't -- there
13 haven't been any other bad relationships?

14 PROSPECTIVE JUROR NO. 017: No.

15 MS. MOORS: Good. Good news.

16 Is there anything else that you've heard us talk about that
17 you think we would want to know in representing the State of
18 Nevada in this case?

19 PROSPECTIVE JUROR NO. 017: No.

20 MS. MOORS: Okay. What about if you were representing
21 the defendant, is there anything that you would want to say to that
22 attorney that you think is relevant to whether or not you could serve
23 on the jury?

24 PROSPECTIVE JUROR NO. 017: No.

25 MS. MOORS: Okay.

1 I have no further questions, Your Honor. I pass.
2 THE COURT: Thank you.
3 Mr. Matsuda?
4 MR. MATSUDA: Thank you, Your Honor.
5 Good afternoon, Ms. Fields.
6 PROSPECTIVE JUROR NO. 017: Yes.
7 MR. MATSUDA: I have one question for you and it's very
8 important.
9 PROSPECTIVE JUROR NO. 017: Uh-huh.
10 MR. MATSUDA: Born and raised Chicago?
11 PROSPECTIVE JUROR NO. 017: Yes.
12 MR. MATSUDA: Cubs or White Sox?
13 PROSPECTIVE JUROR NO. 017: See, I move -- I lived on
14 both sides --
15 MR. MATSUDA: No, no, no. Cubs or White Sox? There's
16 no explaining that.
17 PROSPECTIVE JUROR NO. 017: Sox.
18 MR. MATSUDA: Okay. Thank you.
19 Nothing further, Judge.
20 THE COURT: Okay. Well, that's the determining factor,
21 apparently.
22 All right. If you would pass the microphone over to
23 Martha Ferris, Badge Number 997.
24 Tell us about yourself, ma'am.
25 PROSPECTIVE JUROR NO. 997: My name is Martha Lou

1 Ferris, Badge Number 997. I moved to Las Vegas about nine years
2 ago. And I am married. I just got married about a year and a half
3 ago. My profession, I'm an independent options and equities trader
4 on the exchanges. I -- my husband is retired. He owned his own
5 stock brokerage firm in Salt Lake.

6 Before we moved to Las Vegas, I've lived around the
7 world. My children live in Australia. I have two adult children.

8 THE COURT: What do they do?

9 PROSPECTIVE JUROR NO. 997: They are -- one, my
10 younger son, graduated with a law degree, and my older son is a
11 mechanical engineer. And --

12 THE COURT: Okay. So you said that you trade equities,
13 for yourself or --

14 PROSPECTIVE JUROR NO. 997: Yes.

15 THE COURT: -- others?

16 PROSPECTIVE JUROR NO. 997: No.

17 THE COURT: Just your own portfolio?

18 PROSPECTIVE JUROR NO. 997: Myself. Yes.

19 THE COURT: Okay. And what's your education
20 background?

21 PROSPECTIVE JUROR NO. 997: I went to college in
22 Switzerland. I went to a -- to Franklin College in Lugano. And then
23 my third year, I went to another -- to a fashion college in Lucerne,
24 Switzerland.

25 THE COURT: Okay. So what brought you to Las Vegas?

1 PROSPECTIVE JUROR NO. 997: The weather. Although
2 not the 115-degree weather.

3 THE COURT: Okay. Where were you just before you
4 moved to Las Vegas?

5 PROSPECTIVE JUROR NO. 997: Park City, Utah, and Deer
6 Valley.

7 THE COURT: Okay. And when you were younger and
8 living around the world, what -- how did that come about? Were --
9 was this a military family moving around or?

10 PROSPECTIVE JUROR NO. 997: I am from a military
11 family. But we didn't travel around the world. My father was in the
12 banking business and he was, like, a weekend warrior. He was in
13 the International Guard.

14 THE COURT: Sure.

15 PROSPECTIVE JUROR NO. 997: A general in the
16 International Guard. And so when I was 18, graduated from high
17 school, the first thing that I wanted to do was move to Europe. So
18 that's why I ended up in Switzerland.

19 THE COURT: Okay. So you're adventurous, you have an
20 adventurous soul?

21 PROSPECTIVE JUROR NO. 997: You might say so, yes.

22 THE COURT: Okay. And you're -- you have two sons, you
23 said?

24 PROSPECTIVE JUROR NO. 997: Yes.

25 THE COURT: And the son that is the lawyer, what kind of

1 law does he practice?

2 PROSPECTIVE JUROR NO. 997: Well, he didn't go into
3 law.

4 THE COURT: Oh. He just got the degree? And then what
5 did he do with that?

6 PROSPECTIVE JUROR NO. 997: Yeah. I'm sorry?

7 THE COURT: What did he -- you said he got a law degree.

8 PROSPECTIVE JUROR NO. 997: Uh-huh.

9 THE COURT: But then what did he do after that?

10 PROSPECTIVE JUROR NO. 997: He's just in sales.

11 THE COURT: Okay. So he didn't --

12 PROSPECTIVE JUROR NO. 997: He didn't make use of the
13 law degree.

14 THE COURT: He didn't? Did he not enjoy the law,
15 working in the law?

16 PROSPECTIVE JUROR NO. 997: No. I think he was
17 basically just going for a degree.

18 THE COURT: I see. All right. Thank you.

19 Would the State like to inquire further?

20 MS. MOORS: Yes.

21 Now, did I hear you right, do both of your adult children
22 live in Australia?

23 PROSPECTIVE JUROR NO. 997: Yes.

24 MS. MOORS: Where in Australia?

25 PROSPECTIVE JUROR NO. 997: In the Gold Coast.

1 MS. MOORS: Okay.

2 PROSPECTIVE JUROR NO. 997: Surfer's paradise.

3 MS. MOORS: Very cool. I did a study abroad in Adelaide

4 in law school, so I'm a huge fan.

5 PROSPECTIVE JUROR NO. 997: In Adelaide? Okay.

6 MS. MOORS: Uh-huh. Did -- so did your son that got the

7 law degree, was that actually in Australia or here?

8 PROSPECTIVE JUROR NO. 997: Yes, in Australia.

9 MS. MOORS: Okay.

10 PROSPECTIVE JUROR NO. 997: At Bond University.

11 MS. MOORS: Okay. Yeah, I have some friends that went

12 there. Okay.

13 And in terms of -- now, you said you'd moved out here for

14 the weather; remind me again how many years you've been out

15 here?

16 PROSPECTIVE JUROR NO. 997: Nine.

17 MS. MOORS: Okay. And I know we talked about it

18 yesterday whether or not anyone had served on a jury, and I don't

19 think that you had; is that right?

20 PROSPECTIVE JUROR NO. 997: Nope.

21 MS. MOORS: If you were chosen to serve on this jury, do

22 you feel that you could be fair and impartial to both sides?

23 PROSPECTIVE JUROR NO. 997: Yes.

24 MS. MOORS: Yes?

25 PROSPECTIVE JUROR NO. 997: Uh-huh.

1 MS. MOORS: I heard an um. Is that because you --
2 PROSPECTIVE JUROR NO. 997: Well, no, I -- no, I could.
3 But I also have very extreme high anxiety.
4 MS. MOORS: Okay.
5 PROSPECTIVE JUROR NO. 997: And so I don't know how
6 that would affect my judgment.
7 MS. MOORS: Okay. Is that something --
8 PROSPECTIVE JUROR NO. 997: But I could be fair and
9 balanced and --
10 MS. MOORS: Okay. When you say high anxiety, is that
11 something like -- like, is this making you anxious, like, right now?
12 PROSPECTIVE JUROR NO. 997: It's debilitating.
13 MS. MOORS: Right.
14 PROSPECTIVE JUROR NO. 997: Uh-huh.
15 MS. MOORS: Okay. And does it relate to when you are in
16 certain situations?
17 PROSPECTIVE JUROR NO. 997: Yes. I've never been this
18 debilitated in my life. It's difficult.
19 MS. MOORS: Okay. So you're saying you believe you
20 can be fair and impartial, but you're just a little worried about --
21 PROSPECTIVE JUROR NO. 997: I don't know how it would
22 affect my judgment.
23 MS. MOORS: Okay. Okay. I don't have any further
24 questions.
25 I pass for cause.

1 THE COURT: Let me just ask -- before Mr. Matsuda, you
2 get your chance.
3 Are you anxious just being amongst strangers and having
4 to speak?
5 PROSPECTIVE JUROR NO. 997: Yes.
6 THE COURT: Okay. Were you anxious all day yesterday?
7 PROSPECTIVE JUROR NO. 997: Yes.
8 THE COURT: What is you're anxious about?
9 PROSPECTIVE JUROR NO. 997: Just the pressures.
10 THE COURT: What pressure are you feeling?
11 PROSPECTIVE JUROR NO. 997: The responsibility --
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 997: -- of somebody else's life.
14 THE COURT: Okay. So --
15 PROSPECTIVE JUROR NO. 997: Going forward.
16 THE COURT: Do you have difficulty making decisions in
17 your ordinary life?
18 PROSPECTIVE JUROR NO. 997: No.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 997: Just --
21 THE COURT: How about --
22 PROSPECTIVE JUROR NO. 997: -- being here.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 997: I --
25 THE COURT: How about in your own life, making --

1 PROSPECTIVE JUROR NO. 997: No.
2 THE COURT: -- like, important decisions? No problem?
3 PROSPECTIVE JUROR NO. 997: No. I don't.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 997: This is somebody else's
6 life that I'm -- will be involved in.
7 THE COURT: Okay. Right. And so that's --
8 PROSPECTIVE JUROR NO. 997: And that I may be
9 responsible for.
10 THE COURT: Okay. And so do you think you cannot do
11 that? Are you going to become incapacitated if you're sitting on the
12 jury and you have to go back and deliberate?
13 PROSPECTIVE JUROR NO. 997: I don't know. I don't
14 know what will happen, because I've never been in this position
15 before.
16 THE COURT: Have you ever felt this anxiety before that --
17 PROSPECTIVE JUROR NO. 997: No. No. No, not like --
18 not a debilitating anxiety.
19 THE COURT: And when you say it's debilitating, in what
20 way --
21 PROSPECTIVE JUROR NO. 997: Well --
22 THE COURT: -- have you been debilitated?
23 PROSPECTIVE JUROR NO. 997: It's because I'm -- I could
24 be responsible if I were to find the defendant guilty. I would feel
25 responsible for his life going forward, which may not be a good life.

1 THE COURT: Okay. And so is that going to keep you from
2 making a decision -- so, hypothetical, if the State proves the case
3 beyond a reasonable doubt, will you be able to return a verdict of
4 guilty, or are you going to be -- you just can't do that no matter if
5 they prove their case or not?

6 PROSPECTIVE JUROR NO. 997: I'm not sure what all --
7 what will -- how things will happen. I don't know. I don't know
8 how I will react. My judgment might be altered. I don't know.
9 Again, it's debilitating. It's just -- public speaking, number one, is
10 not my forte.

11 THE COURT: Okay. You're doing very well, I just want to
12 say.

13 PROSPECTIVE JUROR NO. 997: Well --

14 THE COURT: You seem very calm and --

15 PROSPECTIVE JUROR NO. 997: That -- well, if you were
16 inside my body, it's not calm.

17 THE COURT: Well, that's why I have to ask questions,
18 because I'm not inside your body or your head. And so you've
19 used the term debilitating several times, and my understanding of
20 what that word means is that it keeps you from functioning --

21 PROSPECTIVE JUROR NO. 997: Yes.

22 THE COURT: -- in some way.

23 PROSPECTIVE JUROR NO. 997: Yes.

24 THE COURT: So what have you been unable to do since
25 you've been in jury selection?

1 PROSPECTIVE JUROR NO. 997: Well, I have to also admit
2 that on occasion I experience senior moments, which comes with
3 age.

4 THE COURT: All right. So is --

5 PROSPECTIVE JUROR NO. 997: So that could be -- I just
6 don't want to be a burden to the courts. I don't want to be a burden
7 to the defendant. I don't want to be a burden to the prosecutors,
8 nor do I want to be a burden to you and my fellow jurors.

9 THE COURT: Okay. So are you saying that from time to
10 time you have memory problems or --

11 PROSPECTIVE JUROR NO. 997: Well, I -- yes.

12 THE COURT: Okay. Do you ever have --

13 PROSPECTIVE JUROR NO. 997: Just temporary memory.
14 I might not be able to -- I may be in the middle of a sentence.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 997: And forget what I'm
17 talking about.

18 THE COURT: Oh, well, yeah. I think probably most of us
19 do. We kind of wander and then --

20 PROSPECTIVE JUROR NO. 997: Yeah.

21 THE COURT: -- Oh, what was the point of that? But you
22 feel it's more than the typical thing that you might have always
23 done, you know, telling a story and it gets over here and then you
24 forgot that the point was here?

25 PROSPECTIVE JUROR NO. 997: Well, it's not fun. I --

1 THE COURT: So you're concerned that you have maybe
2 experienced recently something that could affect your ability to do
3 your job as a juror?
4 PROSPECTIVE JUROR NO. 997: Right. Correct.
5 THE COURT: All right.
6 Counsel approach.
7 [Bench conference not recorded.]
8 THE COURT: All right. So Ms. Ferris, I really appreciate
9 your candor and I'm going to relieve you of further anxiety and
10 excuse you.
11 PROSPECTIVE JUROR NO. 997: Thank you very much.
12 THE COURT: Call the next in order.
13 THE CLERK: Hannah Robinson, Badge 053, please take
14 Seat 2.
15 THE COURT: Where's the microphone? All right.
16 Good afternoon.
17 PROSPECTIVE JUROR NO. 053: Good afternoon.
18 THE COURT: So tell us about yourself.
19 PROSPECTIVE JUROR NO. 053: So I've lived in Clark
20 County all my life, 19 years. I'm currently still in school, I go to
21 UNLV, and I just declared my major in accounting. So I have two
22 more years and then I'll have my bachelor's degree. And currently I
23 work in an equestrian center. For those of you who don't know, it's
24 a horse place, essentially. And I've been working there for two and
25 a half years. And before that, I was just kind of like off and on with,

1 like, little odd jobs and stuff like that. And both my parents own
2 their own businesses. When I was younger, I worked for them.
3 And now I do that.

4 THE COURT: What kind of businesses did your parents
5 own that you worked for?

6 PROSPECTIVE JUROR NO. 053: My father owns a pool
7 cleaning business and services pools and stuff like that. So when I
8 was younger, I would do the routes with him. And then my mom
9 owns a dog grooming shop, so I would help her in there as well.

10 THE COURT: Okay. So you had some experience with
11 animals and now larger animals.

12 PROSPECTIVE JUROR NO. 053: Yeah, I've been riding
13 horses since I was 3, so it just kind of like something that happened
14 for me. It was an old trainer of mine that actually contacted me
15 when I was 16 and was, like, Oh, hey, do you want to be working?
16 It was, like, well, I mean, I already do it for free, I might as well do it
17 for money.

18 THE COURT: All right. And so what are your day-to-day
19 duties with the horses?

20 PROSPECTIVE JUROR NO. 053: So essentially I get there
21 at 6:00 a.m., I feed the horses, and then any of them that need to go
22 out and run and play and everything like that before they ride, then
23 they'll -- I'll handle that. And I tack them up for their riders. And we
24 also have an equine treadmill, so anything that needs to go on that,
25 they'll go on there. And then once they're finished being ridden, I'll

1 clean them all up and put them away and make sure all of their
2 stuff's on.

3 THE COURT: All right. So that's a full day.

4 PROSPECTIVE JUROR NO. 053: Yep.

5 THE COURT: All right. Well, yes, I had three horses until
6 about six months ago. I lost all my horses within three -- or within
7 six months of each other, all from old age.

8 PROSPECTIVE JUROR NO. 053: Wow.

9 THE COURT: Yeah. Sad, but they lived to be 32. My
10 youngest was 25.

11 PROSPECTIVE JUROR NO. 053: Yeah, I have one that's 29
12 right now, so.

13 THE COURT: So, yeah, that -- you know, they're -- my vet
14 said, Well, you know, you do realize that they are past their
15 expiration dates. So you're good, you've been keeping your horse
16 well if it's 29, because it's --

17 PROSPECTIVE JUROR NO. 053: Yeah.

18 THE COURT: -- getting up there. Really up there. All
19 right.

20 Any reason whatsoever, you've heard all these other folks
21 speaking, anything that you thought, oh, when it's my turn, need to
22 bring this to the Court's attention?

23 PROSPECTIVE JUROR NO. 053: No, I don't believe so.

24 THE COURT: All right. State?

25 MS. MOORS: Thank you.

1 So what do you prefer, English or Western?
2 PROSPECTIVE JUROR NO. 053: English.
3 MS. MOORS: Okay. Me too. Actually, my whole family
4 plays polo. So we --
5 PROSPECTIVE JUROR NO. 053: Okay.
6 MS. MOORS: -- we love horses as well.
7 Question: So I once was in jury selection one time, and I
8 had someone who's younger like yourself --
9 PROSPECTIVE JUROR NO. 053: Yep.
10 MS. MOORS: -- say -- you know, we were asking if
11 anyone had time problems and she said, Well, these all sound like
12 old people problems. I don't have those. And we were, like, Okay.
13 But it brings me to a point, a question about your age,
14 because I know sometimes when we're younger and, say, you're in
15 a group of, you know, your seniors, there's a lot of adults that
16 would be back in that jury room with you. Are you the type of
17 person that, say, 11 of them say, you know, we find this way,
18 whatever way it is, guilty or not guilty; are you the type of person
19 that's just going to go along with that?
20 PROSPECTIVE JUROR NO. 053: Definitely not. I'm very
21 strong-minded and a lot of people tell me that I'm very mature for
22 my age. So I wouldn't feel pressured by somebody else. And I
23 would definitely make a point of making my opinion known.
24 MS. MOORS: Okay. So if you, you know, by the end of
25 this conversation, it's still this 11 versus 1, and you're steadfast in

1 your opinion, would you stick with that opinion?
2 PROSPECTIVE JUROR NO. 053: Most definitely.
3 MS. MOORS: Okay. No further questions, Your Honor.
4 THE COURT: Mr. Matsuda?
5 MR. MATSUDA: I don't believe I have any questions, Your
6 Honor.
7 THE COURT: All right.
8 MR. MATSUDA: No offense.
9 THE COURT: Thank you.
10 PROSPECTIVE JUROR NO. 053: None taken. Thank you.
11 THE COURT: All right. And we have Katrese Carino,
12 Badge Number 998. Tell us about yourself.
13 PROSPECTIVE JUROR NO. 998: Well, I've been in Vegas
14 my whole life, 22 years. I have two degrees from CSN. Also
15 Associate's of General Education and Associate's of Psychology. I
16 work at one of the casinos on the Strip as a tower attendant and
17 elevator attendant. I'm single.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 998: I don't know what else to
20 say.
21 THE COURT: All right. No children?
22 PROSPECTIVE JUROR NO. 998: No.
23 THE COURT: Okay. And do you live with anyone else?
24 PROSPECTIVE JUROR NO. 998: I still live under my
25 parents.

1 THE COURT: Okay. What do they do?

2 PROSPECTIVE JUROR NO. 998: My dad is a bartender
3 and my mom, she doesn't work anymore, because she has medical
4 problems.

5 THE COURT: Okay. All right. What is your -- do you have
6 any goals for the future to use your degree or advance your
7 education any further?

8 PROSPECTIVE JUROR NO. 998: For my psychology
9 degree, I did thought about going to social working.

10 THE COURT: Oh.

11 PROSPECTIVE JUROR NO. 998: Nowadays not so much,
12 just because of money's issue -- is an issue. So I'm thinking either
13 going to phlebotomy.

14 THE COURT: Phlebotomy?

15 PROSPECTIVE JUROR NO. 998: Uh-huh.

16 THE COURT: Okay. And is that something you could get
17 training for at the community college? Or is that -- you'd have to
18 get training for that somewhere else?

19 PROSPECTIVE JUROR NO. 998: I could get it at the
20 community college. But then I found out when I applied for certain
21 places, like, they -- United Blood Services or Grifols, that they will
22 provide training for me and then they will pay for my -- while I train.
23 So better option.

24 THE COURT: Okay. Well, that's a good avenue, then.

25 PROSPECTIVE JUROR NO. 998: Uh-huh.

1 THE COURT: So you've investigated that. So that was
2 good work. All right.

3 Anything that you heard in all the discussions, I mean,
4 you were part of those discussions at one point, but anything where
5 you're thinking you need to bring this more to our attention?

6 PROSPECTIVE JUROR NO. 998: Not to sound like a
7 copycat, but I do have pretty high anxiety too. So just like my old
8 neighbor right here, like -- and I do feel like some -- it may or may
9 not color my judgment also during -- as a juror.

10 THE COURT: Okay. What are you anxious about?
11 Because you've shared with us several times before and seemed
12 fine.

13 PROSPECTIVE JUROR NO. 998: Yesterday it was actually
14 pretty difficult for me to talk. Because there's several times when
15 you ask certain questions that I did want to pitch in, but I couldn't.
16 Then today I figured -- what was it you said yesterday, hold your
17 peace? I was, like, I have to talk now.

18 THE COURT: I'm sorry, what?

19 PROSPECTIVE JUROR NO. 998: Yesterday you said
20 something like, Hold your peace. So I decided I had to talk now.

21 THE COURT: Okay. All right. Okay.

22 PROSPECTIVE JUROR NO. 998: Uh-huh.

23 THE COURT: So I said speak now or forever hold your
24 peace as far as asking to be excused.

25 PROSPECTIVE JUROR NO. 998: Oh.

1 THE COURT: So you didn't ask to be excused yesterday.
2 PROSPECTIVE JUROR NO. 998: Huh?
3 THE COURT: You did not ask to be excused, right?
4 PROSPECTIVE JUROR NO. 998: No.
5 THE COURT: Okay. And so if you're chosen for the jury
6 and you're, you know, part of your job as a juror is to discuss the
7 case with your fellow jurors. That's why we have 12 jurors and you
8 have to come to a decision as a group and agree.
9 PROSPECTIVE JUROR NO. 998: Uh-huh.
10 THE COURT: Okay? At the end of the day, that's the
11 ultimate goal. We hope that you can come to a joint decision. And
12 so it's really important that you're able to discuss with your fellow
13 jurors and voice your opinions. Do you think you'll be able to voice
14 your opinions?
15 PROSPECTIVE JUROR NO. 998: I don't think I would be
16 able to just because I'm not very good at arguing or debating also.
17 So, for example, as deliberating part for the jury, if somebody -- it
18 has to be unanimous. But if let's say everybody found the person
19 guilty and I didn't, I won't pitch in my voice, just because I would
20 not be able to explain it well. Or I wouldn't be able to share it right,
21 basically. I don't know how to explain it.
22 THE COURT: What if the jury was just discussing
23 something, everybody said they remembered the testimony this
24 way and you remembered that there was an important fact that if
25 the others knew about that, they might change their mind, would

1 you be willing to share that important fact that you remembered
2 and had it in your notes?

3 PROSPECTIVE JUROR NO. 998: I'm not too sure, to be
4 honest. Just because I have a really bad habit of second-guessing
5 myself.

6 THE COURT: You have a hard time making a decision?

7 PROSPECTIVE JUROR NO. 998: Sometimes, at times.
8 Uh-huh.

9 THE COURT: What would be an example of where you
10 can't make a decision.

11 PROSPECTIVE JUROR NO. 998: Since I -- after I graduate
12 college, I regret this, I actually applied to become a phlebotomy --
13 phlebotomist for Grifols. They're -- by the time I was kind of
14 worried, I just think a lot, I over-think a lot. And I was -- I didn't take
15 the job. And that's why I work as a tower attendant now at the
16 Stratosphere.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 998: Uh-huh.

19 THE COURT: And you thought, well, looking at it
20 with 20/20 hindsight, you think, Oh, I should have taken that job and
21 taken the risk?

22 PROSPECTIVE JUROR NO. 998: Yeah.

23 THE COURT: Of trying? Okay. All right. And so you
24 don't think that now that -- so you're a couple of years older, since
25 you turned that job down, that this is -- you've learned something

1 from this and that you could contribute in a jury?

2 PROSPECTIVE JUROR NO. 998: At times. I'm not too
3 sure. I still second-guess myself with a lot of things, and I regret
4 them later.

5 THE COURT: Well, everybody does that to a certain
6 extent, when we think about, well, maybe I should have said this.
7 Boy, I should have said this. That would be a much better retort to
8 that comment than the one I thought of, which was kind of lame.

9 PROSPECTIVE JUROR NO. 998: Uh-huh.

10 THE COURT: But that's just normal. But it's -- the
11 important thing is where it is an important decision that it's
12 carefully thought out and that you can -- if you see that something
13 has been missed, that you would feel strong enough in your own
14 self to point that out and set it out there on the table so the others
15 could discuss that thing, would you think you could do that?

16 PROSPECTIVE JUROR NO. 998: I'm not honestly too sure,
17 you know.

18 THE COURT: All right. State, would you like to inquire
19 further?

20 MS. MOORS: Yes, Your Honor, I would, actually.

21 Really briefly. So I totally get it, right? Like, anxiety, like,
22 the idea of being in a room with 12 people in terms of deliberating.
23 Let me ask you this: We essentially need to know -- and I know this
24 is super weird having this conversation amongst all of us, it's, like,
25 very bizarre. But we need to know this: If you are chosen to be on

1 this jury, can you, as you sit here today, promise to everyone here
2 that you can be fair and impartial with regards to both sides?

3 PROSPECTIVE JUROR NO. 998: I think I can. I could keep
4 an open mind.

5 MS. MOORS: Okay. So when you say I think I can --

6 PROSPECTIVE JUROR NO. 998: Uh-huh.

7 MS. MOORS: I know, I'm going to keep -- I'm a lawyer, so
8 I'm annoying --

9 PROSPECTIVE JUROR NO. 998: Yeah.

10 MS. MOORS: -- I'm going to keep pushing the issue. I
11 can't -- like, I think I can is not good enough.

12 PROSPECTIVE JUROR NO. 998: Uh-huh.

13 MS. MOORS: So I need to know, can you be fair and
14 impartial to both sides? Or is there going to be some sort of issue
15 with this anxiety that you've been discussing?

16 PROSPECTIVE JUROR NO. 998: I think I will have issues
17 with anxiety.

18 MS. MOORS: Okay.

19 PROSPECTIVE JUROR NO. 998: Uh-huh.

20 MS. MOORS: So that being said, then, you do not believe
21 that you could be fair and impartial because of this anxiety issue?

22 PROSPECTIVE JUROR NO. 998: Yes.

23 MS. MOORS: Okay.

24 THE COURT: Thank you, you're excused.

25 Call the next in order.

1 THE CLERK: Yes, Your Honor.
2 Kin Leng Chan, Badge 067, please take Seat 3.
3 THE COURT: All right.
4 PROSPECTIVE JUROR NO. 067: Hi.
5 THE COURT: So, Ms. Chan --
6 PROSPECTIVE JUROR NO. 067: Yes. 067 badge.
7 THE COURT: Yes. Welcome to Seat 3. The hot seat
8 today. So tell us about yourself.
9 PROSPECTIVE JUROR NO. 067: So I'm a table games
10 dealer.
11 THE COURT: Okay.
12 PROSPECTIVE JUROR NO. 067: And I've been in Vegas
13 for 20 years. Single. And I have Associates of Science degree in
14 CSN. That's about it.
15 THE COURT: What games do you deal?
16 PROSPECTIVE JUROR NO. 067: Black jack, roulette,
17 baccarat, pai gow, Texas hold-'em.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 067: The list continues.
20 THE COURT: So lots of games?
21 PROSPECTIVE JUROR NO. 067: Yes.
22 THE COURT: And what about different -- which places
23 have you worked in town?
24 PROSPECTIVE JUROR NO. 067: I worked downtown at El
25 Cortez and at Flamingo currently.

1 THE COURT: Okay. So you started downtown --
2 PROSPECTIVE JUROR NO. 067: Yes.
3 THE COURT: -- and worked your way up to the Strip?
4 PROSPECTIVE JUROR NO. 067: Uh-huh.
5 THE COURT: Okay. That's kind of the normal
6 progression, right?
7 PROSPECTIVE JUROR NO. 067: Yes.
8 THE COURT: Okay. Are you single, married?
9 PROSPECTIVE JUROR NO. 067: Single.
10 THE COURT: Single? Okay. Do you have a significant
11 other?
12 PROSPECTIVE JUROR NO. 067: Yes.
13 THE COURT: And did you -- what's that person do for a
14 living?
15 PROSPECTIVE JUROR NO. 067: He's also a table games
16 dealer.
17 THE COURT: Okay. Did you meet at work?
18 PROSPECTIVE JUROR NO. 067: Yes.
19 THE COURT: All right. Let's see. Oh, and you told me
20 you had your associates degree.
21 PROSPECTIVE JUROR NO. 067: Yes.
22 THE COURT: And is that something you ever want to
23 advance your education, have other goals --
24 PROSPECTIVE JUROR NO. 067: Not --
25 THE COURT: -- or are you happy doing what you do?

1 PROSPECTIVE JUROR NO. 067: Not right now.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 067: Currently, I'm happy at
4 dealing.
5 THE COURT: All right.
6 PROSPECTIVE JUROR NO. 067: So.
7 THE COURT: Okay. Very good.
8 Would the State like to inquire further?
9 MS. MOORS: Your Honor, I would actually pass.
10 THE COURT: All right. Mr. Matsuda?
11 MR. MATSUDA: Thank you, Your Honor.
12 Good afternoon, Ms. Chan.
13 PROSPECTIVE JUROR NO. 067: Hello.
14 MR. MATSUDA: How are you doing?
15 PROSPECTIVE JUROR NO. 067: Good.
16 MR. MATSUDA: Now, what -- or which games are your
17 favorite to deal?
18 PROSPECTIVE JUROR NO. 067: Roulette.
19 MR. MATSUDA: Why?
20 PROSPECTIVE JUROR NO. 067: Because there's more
21 going on at one time, and it uses your brain more. Because
22 baccarat is more repetitive, and roulette you actually have, like,
23 different outcomes, different numbers that you have to deal with.
24 And you have, like, more players at one time.
25 MR. MATSUDA: Okay. So because you use your brain

1 more, you like it?

2 PROSPECTIVE JUROR NO. 067: It's very challenging. It
3 keeps -- it's less boring throughout the day. Time passes by faster.

4 MR. MATSUDA: Okay. Now, have you lived in Las Vegas
5 your whole life?

6 PROSPECTIVE JUROR NO. 067: Yes.

7 MR. MATSUDA: Okay. What high school did you go to?

8 PROSPECTIVE JUROR NO. 067: Spring Valley.

9 MR. MATSUDA: Okay. I believe that's it. Thank you.

10 PROSPECTIVE JUROR NO. 067: Thank you.

11 MR. MATSUDA: I'll pass, Your Honor.

12 THE COURT: Thank you.

13 All right. We have -- got that microphone. Anthony Allen
14 Tugaoen. Am I saying your last name right?

15 PROSPECTIVE JUROR NO. 041: Pronounced correctly,
16 honorable.

17 THE COURT: Thank you. Tell us about yourself.

18 PROSPECTIVE JUROR NO. 041: Born and raised in
19 Honolulu, Hawaii. Moved to Las Vegas in 2012. Been here for eight
20 years, going on eight years. Currently food and beverage general
21 manager for the Inspire Resort and Casino. No kids.

22 THE COURT: No kids?

23 PROSPECTIVE JUROR NO. 041: Yes, Miss.

24 THE COURT: Significant other?

25 PROSPECTIVE JUROR NO. 041: Single.

1 THE COURT: Single?
2 PROSPECTIVE JUROR NO. 041: Yeah.
3 THE COURT: Okay. So what caused you to move to the
4 ninth island?
5 PROSPECTIVE JUROR NO. 041: My family.
6 THE COURT: Oh.
7 PROSPECTIVE JUROR NO. 041: Number one reason.
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 041: Yes.
10 THE COURT: So they were -- did they come first and then
11 you followed or?
12 PROSPECTIVE JUROR NO. 041: My grandmother left
13 Hawaii, and that's the main person that I want to stay intact with.
14 She moved here in 2003. After my high school career, I decided to
15 come out here.
16 THE COURT: So big difference, right, between the middle
17 of the Pacific Ocean and the weather there compared with Las
18 Vegas. How do you like Las Vegas?
19 PROSPECTIVE JUROR NO. 041: It's a different culture.
20 THE COURT: It is.
21 PROSPECTIVE JUROR NO. 041: Culture shock different.
22 THE COURT: Right.
23 PROSPECTIVE JUROR NO. 041: Diversity, lifestyle. You
24 taking a fish out of the ocean, put him in a desert, he get
25 dehydrated in 30 minutes.

1 THE COURT: That's right. Okay. Anything that you heard
2 during all the discussions we've had on all these various topics
3 where you thought, When it's my turn, I need to talk about this, or
4 let the judge know?

5 PROSPECTIVE JUROR NO. 041: I think it was the
6 affiliation with law enforcement. I think you brought it up as if you
7 had any relatives, friends, families. My education was high school,
8 partial college. But I did graduate 2010 Law and Justice Academy,
9 first class, under Neil Abercrombie and representative State of
10 Hawaii Joey Manahan. And also my neighbor Kalihi Valley was
11 senator -- no, Representative Dennis Arakaki.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 041: Who was my mentor
14 throughout my high school.

15 THE COURT: Okay. And do you think that that has any
16 bearing on your ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 041: Not bearing, actually. I
18 believe it'll influence my decision.

19 THE COURT: So that means it has a bearing on it. And so
20 you think that -- in what way it would influence your decision in the
21 case?

22 PROSPECTIVE JUROR NO. 041: I would actually not --
23 how do you say that? Not -- not have a bad influence, but actually a
24 positive one. I would just be fair with everything. I would be able
25 to understand the situation, identify from both -- on -- from both

1 parties, as well.

2 THE COURT: Okay. So I think you just said you could
3 hear for both parties? Is that what you said?

4 PROSPECTIVE JUROR NO. 041: Yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 041: I agree to that.

7 THE COURT: So remember when I talked about the fact
8 that the defense doesn't have to present any evidence? Obviously, I
9 think Mr. Matsuda indicated earlier when he was saying, Well, I'm
10 mainly going to cross-examine the State's witnesses.

11 PROSPECTIVE JUROR NO. 041: Uh-huh.

12 THE COURT: So -- and he -- they might call a witness, but
13 they don't have to call a witness. Is that okay with you? You can
14 make a decision nonetheless? Because they don't have to prove
15 anything. The State has to prove the case.

16 PROSPECTIVE JUROR NO. 041: Yes, Your Honor
17 Ellsworth.

18 THE COURT: Okay. Thank you.

19 If the State would like to inquire further?

20 MS. MOORS: Yes.

21 Did I hear you say that you had went to the Law and
22 Justice Academy; is that right?

23 PROSPECTIVE JUROR NO. 041: Yes.

24 MS. MOORS: Okay. And what is that an academy for?

25 PROSPECTIVE JUROR NO. 041: That academy was just to

1 the -- the first year -- in high school, it's the honors class, where
2 you're chosen to graduate, you have a project. And I decided to
3 choose Law and Justice Academy as mine.

4 MS. MOORS: Okay. So it was sort of like a project that
5 you worked on throughout high school?

6 PROSPECTIVE JUROR NO. 041: Throughout my high
7 school career.

8 MS. MOORS: Okay. And then was it -- did it have, like, a
9 thesis or a paper or a big project that somehow related to the
10 criminal justice system?

11 PROSPECTIVE JUROR NO. 041: Mine was based on
12 legalizing gambling in Hawaii. And that's what I did.

13 MS. MOORS: Okay.

14 PROSPECTIVE JUROR NO. 041: That was my proposal.

15 MS. MOORS: And were you for it or against it?

16 PROSPECTIVE JUROR NO. 041: I was 150 percent for it.

17 MS. MOORS: Okay. So I want to ask you a little bit about
18 something you said earlier when the judge was talking to you
19 about -- I think that you maybe got a little confused and you
20 thought that it was the jury's role to sort of divvy out punishment;
21 do you remember that conversation?

22 PROSPECTIVE JUROR NO. 041: Yes.

23 MS. MOORS: Okay. So remind me again of -- say, if the
24 jury -- what was your concern, I guess, with regards to that?

25 PROSPECTIVE JUROR NO. 041: My concern was just the

1 case matter itself, depending on the case, if it was to decide
2 whether or not the defendant or who -- to whom it was, if it was a
3 sentencing, I wouldn't be able to decide on that case.

4 MS. MOORS: Okay. And then the judge explained to
5 you --

6 PROSPECTIVE JUROR NO. 041: Yes.

7 MS. MOORS: -- that you would not be in charge of
8 sentencing?

9 PROSPECTIVE JUROR NO. 041: Yes.

10 MS. MOORS: Okay. So let me ask you this: Why would
11 you not be comfortable sentencing? You're not going to, but I'm
12 just curious to sort of understand your philosophical background.

13 PROSPECTIVE JUROR NO. 041: My -- the background
14 reason was because who am I to judge another person but myself?

15 MS. MOORS: Okay. And that sort of leads me into my
16 next question. So as a juror, you would be -- you have to
17 essentially -- there is some judgment, right? You have to render a
18 verdict, either guilty or not guilty. And so an element of that is
19 looking at all the facts that would come out, right? The evidence,
20 testimony, exhibits. And from that, you ultimately have to make a
21 decision, a judgment, whether or not you believe the State met
22 their burden or you believe that we did not meet our burden. Is that
23 a type of judgment that you can make?

24 PROSPECTIVE JUROR NO. 041: I'll be able to make the
25 decision.

1 MS. MOORS: Okay. So when you're saying judgment,
2 you're meaning who am I to sort of give someone a certain type of
3 punishment, I would feel not comfortable with that; is that what
4 you're saying?

5 PROSPECTIVE JUROR NO. 041: Yes.

6 MS. MOORS: But then you're saying, I'm comfortable
7 with deciding whether or not I believe a crime occurred, right?

8 PROSPECTIVE JUROR NO. 041: Yes.

9 MS. MOORS: Sorry, we just have to say yes, because
10 she's typing.

11 PROSPECTIVE JUROR NO. 041: No, you're fine. You're
12 fine.

13 MS. MOORS: And you would be comfortable ascertaining
14 whether or not you believed it was the defendant that committed
15 that crime?

16 PROSPECTIVE JUROR NO. 041: Agreed.

17 MS. MOORS: Okay. So based on all of that and
18 everything that we've talked about, do you think that there is
19 anything else that Ms. Cannizzaro or myself need to know about
20 you in terms of your ability to serve as a juror?

21 PROSPECTIVE JUROR NO. 041: Not at the moment.

22 MS. MOORS: Okay. But in the future?

23 PROSPECTIVE JUROR NO. 041: Possibility.

24 MS. MOORS: Okay. And then what about with regards to
25 Mr. Matsuda and his client; is there anything else that you think that

1 he needs to know about you in terms of whether or not you could
2 be a fair and impartial juror?

3 PROSPECTIVE JUROR NO. 041: None that I can think of.

4 MS. MOORS: Okay. I would pass, Your Honor.

5 THE COURT: Mr. Matsuda?

6 MR. MATSUDA: Thank you, Your Honor.

7 Anthony.

8 PROSPECTIVE JUROR NO. 041: Matsuda.

9 MR. MATSUDA: How's it going?

10 PROSPECTIVE JUROR NO. 041: Going very well, sir. How
11 are you?

12 MR. MATSUDA: Good. I'm good.

13 So grew up in Kalihi?

14 PROSPECTIVE JUROR NO. 041: Born and raised in the
15 valley of Kalihi.

16 MR. MATSUDA: Okay. So I'm assuming you went to
17 Farrington?

18 PROSPECTIVE JUROR NO. 041: Graduated Farrington
19 High School 2010, sir. Taught three years there.

20 MR. MATSUDA: Best island in the world, huh?

21 PROSPECTIVE JUROR NO. 041: Best school, original
22 Kamehameha school it was.

23 MR. MATSUDA: Whoa, whoa, not the best school.

24 PROSPECTIVE JUROR NO. 041: Hard to compare.

25 MR. MATSUDA: Okay. So --

1 PROSPECTIVE JUROR NO. 041: Some of the best guys
2 come from there.

3 MR. MATSUDA: I'm not going to disagree with that.
4 Now, the academy that you graduated from --

5 PROSPECTIVE JUROR NO. 041: Yes.

6 MR. MATSUDA: -- did -- I'm assuming you went to school
7 with a lot of people that went onto law enforcement careers?

8 PROSPECTIVE JUROR NO. 041: Yes, sir.

9 MR. MATSUDA: Okay. Do you still have contact with
10 those people?

11 PROSPECTIVE JUROR NO. 041: Very few. I stay away
12 from social media. Especially moving out here, a lot of them stayed
13 back in Honolulu, Hawaii.

14 MR. MATSUDA: Okay.

15 PROSPECTIVE JUROR NO. 041: Many did move to the
16 United States, but they moved to California, Utah, and Oregon
17 away. Not many came to this city.

18 MR. MATSUDA: Okay. So what I was trying to get at is
19 would -- I'm assuming you don't -- well, you don't keep in contact
20 with those people anymore, you said?

21 PROSPECTIVE JUROR NO. 041: Very few.

22 MR. MATSUDA: Okay. Now, would your experience in
23 that academy, would that sway your reasoning either way, based
24 on what you're learned in the -- or your experiences in the
25 academy?

1 PROSPECTIVE JUROR NO. 041: Based on my knowledge
2 that I gained from there, I will be able to utilize it in my decision.

3 MR. MATSUDA: Okay. But you wouldn't be biased for or
4 against either party?

5 PROSPECTIVE JUROR NO. 041: Fortunately, I will not be
6 biased.

7 MR. MATSUDA: Okay. Thank you.

8 PROSPECTIVE JUROR NO. 041: You're very welcome.

9 MR. MATSUDA: Nothing, Your Honor.

10 THE COURT: Thank you.

11 If you'll hand the microphone to Kevin Oxom, Badge
12 Number 415.

13 Mr. Oxom, tell us about yourself.

14 PROSPECTIVE JUROR NO. 415: I just turned 19, actually,
15 just a few days ago from -- if you're wondering, actually, the Fourth
16 of July, actually, was pretty nice, actually, outside then.

17 I was born in California and pretty much lived there for,
18 like, two years, then moved over to Nevada. And I lived there for
19 seven years, then moved back to California for another few years,
20 pretty much prior to that. And then so far, pretty much, I lived nine
21 years each. So currently now I'm actually stuck here in Nevada.

22 And I'm single. I used to work at a Jack-in-the-Box at just
23 the drive-through or fryer or front counter. Actually, I just quitted it,
24 because I was getting tired of it.

25 I just want to keep it short and concise like that, any

1 means.

2 THE COURT: Okay. Do you live at home with your
3 parents?

4 PROSPECTIVE JUROR NO. 415: I live with my sister,
5 actually, and my mother there.

6 THE COURT: All right. What does your mom do?

7 PROSPECTIVE JUROR NO. 415: I believe she works at a
8 car dealership. She used to own a salon over in California, in
9 Anaheim. But it didn't turn out too good, so she had to sell the
10 place.

11 THE COURT: Okay. Your sister, how old is she?

12 PROSPECTIVE JUROR NO. 415: She is 25.

13 THE COURT: And does she work?

14 PROSPECTIVE JUROR NO. 415: Yes.

15 THE COURT: What does she do?

16 PROSPECTIVE JUROR NO. 415: She's, actually, I believe
17 an assistant manager over at Tacos El Gordo.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 415: That's the one either at
20 Charleston or downtown Las Vegas, I believe.

21 THE COURT: Okay. You said you felt you were stuck in
22 Las Vegas now, in Nevada. So that term makes it sound like you
23 don't want to be here. Where would you rather be?

24 PROSPECTIVE JUROR NO. 415: I'd rather be, honestly, in
25 California, Yorba Linda.

1 THE COURT: And why would you like to be there?
2 PROSPECTIVE JUROR NO. 415: Because of, like, just
3 personal -- my personal interest, honestly. Like, it's just that I just
4 love the way, like, it just was over there. Especially when I was
5 spending time in high school. Because if I really want to tell a little
6 bit -- a quick life story, I mean --
7 THE COURT: No. No life story.
8 PROSPECTIVE JUROR NO. 415: No? Okay. Like, I got
9 to -- going -- like, keep it quick.
10 THE COURT: Even though your life is somewhat short,
11 because you're so young. But we don't have the time for a life
12 story.
13 But -- so you just prefer California and the lifestyle there;
14 is that correct?
15 PROSPECTIVE JUROR NO. 415: Yes.
16 THE COURT: Okay. Now, you are young. So if you were
17 confronted with other jurors who are older than you are and would
18 you be able to voice your opinion in the jury room as an equal?
19 PROSPECTIVE JUROR NO. 415: Yes.
20 THE COURT: Okay. Do you think you could be fair and
21 impartial?
22 PROSPECTIVE JUROR NO. 415: Yes, I believe so myself.
23 THE COURT: Okay. State?
24 MS. MOORS: Your Honor, I have no questions.
25 THE COURT: Okay. Mr. Matsuda?

1 MR. MATSUDA: Just briefly.
2 Mr. Oxom, is that correct?
3 PROSPECTIVE JUROR NO. 415: Uh-huh.
4 MR. MATSUDA: Okay. So what do you like to do in terms
5 of what kind of hobbies do you have?
6 PROSPECTIVE JUROR NO. 415: I mean, just I like playing
7 video games, I like swimming. I used to be on a swim team at my
8 high school for about two years. And I tried to get into working out,
9 but, like, it's a slow progress.
10 MR. MATSUDA: Now, the judge mentioned this earlier,
11 that you mentioned that you felt stuck in Vegas.
12 PROSPECTIVE JUROR NO. 415: Uh-huh.
13 MR. MATSUDA: And you would rather live in California?
14 PROSPECTIVE JUROR NO. 415: Uh-huh.
15 MR. MATSUDA: Okay. Do you hate it that bad here or
16 that much?
17 PROSPECTIVE JUROR NO. 415: I don't want to say hate,
18 because that's just such an ugly word. But, I mean, I do treat both
19 places as my home. But it's just that I had more of emotional, you
20 know, a touch with California than over here in Nevada.
21 MR. MATSUDA: Okay. Thank you, sir.
22 I'll pass, Your Honor.
23 THE COURT: Thank you.
24 If you'll hand the microphone over to Gary Larson.
25 PROSPECTIVE JUROR NO. 000: Yes, ma'am.

1 THE COURT: Badge Number 000. Tell us about yourself.

2 PROSPECTIVE JUROR NO. 000: I was actually born here
3 in Henderson. However, my dad -- we moved around a lot when I
4 was a kid. So I did -- I moved back in -- about 26 years ago.
5 Married 20 years. My wife's a schoolteacher. Two kids, both
6 young, 9 and 7. I am a UNLV graduate in criminal justice and did a
7 stint in law school for about a year.

8 THE COURT: Okay. What do you do now?

9 PROSPECTIVE JUROR NO. 000: I currently work for Cintas
10 First Aid and Safety.

11 THE COURT: And what do you do for them?

12 PROSPECTIVE JUROR NO. 000: I go around service first
13 aid cabinets, safety equipment, supplies for construction
14 companies.

15 THE COURT: Okay. And so you went to law school for a
16 year, you said?

17 PROSPECTIVE JUROR NO. 000: I did.

18 THE COURT: Okay. And, what, did you decide, Oh, I don't
19 like this, this is not for me?

20 PROSPECTIVE JUROR NO. 000: I did not want that kind of
21 debt and I did not think that I was going to use it after I finished.
22 So.

23 THE COURT: Oh, okay. And have you ever used your
24 undergraduate degree, do you think?

25 PROSPECTIVE JUROR NO. 000: No.

1 THE COURT: No? How about just the general education
2 and enlightenment that the college education brings?

3 PROSPECTIVE JUROR NO. 000: Well, I mean, all that --
4 that experience always pays off. So --

5 THE COURT: Right.

6 PROSPECTIVE JUROR NO. 000: But I haven't used it
7 professionally, no.

8 THE COURT: Okay. But, specifically, the criminal justice,
9 you haven't needed that degree to do what you do?

10 PROSPECTIVE JUROR NO. 000: No. No.

11 THE COURT: Okay. Anything that we've talked about
12 where you think you need to comment further because it would
13 have a bearing on your ability to be a fair and impartial juror?

14 PROSPECTIVE JUROR NO. 000: No that I can think of.

15 THE COURT: All right. State, would you like to inquire
16 further?

17 MS. MOORS: Yes.

18 So I have to ask, where was the stint in law school?

19 PROSPECTIVE JUROR NO. 000: It's Thomas Cooley Law
20 School, it's now part of Western Michigan.

21 MS. MOORS: Okay. And so it was one year you said?

22 PROSPECTIVE JUROR NO. 000: Yes.

23 MS. MOORS: Was that right after undergrad, or did you
24 have a break?

25 PROSPECTIVE JUROR NO. 000: I took a break.

1 MS. MOORS: Okay. How long was your break?
2 PROSPECTIVE JUROR NO. 000: About five years.
3 MS. MOORS: Okay.
4 PROSPECTIVE JUROR NO. 000: I got married the same
5 year I graduated from college. So.
6 MS. MOORS: Took a break, went back to law school. So
7 did you come out with kind of some debt after the one year?
8 PROSPECTIVE JUROR NO. 000: I did. I did.
9 MS. MOORS: Yeah.
10 PROSPECTIVE JUROR NO. 000: So.
11 MS. MOORS: I owe more now than when I graduated --
12 PROSPECTIVE JUROR NO. 000: Right.
13 MS. MOORS: -- 10 years ago. So cool, fun fact. Don't go
14 to law school.
15 PROSPECTIVE JUROR NO. 000: No.
16 MS. MOORS: I hear you. I hear you.
17 Okay. Really quickly, you said you'd moved around a
18 lot --
19 PROSPECTIVE JUROR NO. 000: Uh-huh.
20 MS. MOORS: -- growing up; was that a military family?
21 PROSPECTIVE JUROR NO. 000: My dad's an accountant
22 for a construction company. He worked for Raytheon at the time.
23 He's -- he just got laid off with MGM Mirage, construction side. But
24 we've lived from Alaska to Florida.
25 MS. MOORS: Wow. Okay. Very cool. Favorite state?

1 PROSPECTIVE JUROR NO. 000: Alaska was cool.
2 MS. MOORS: Yeah, Alaska was really cool.
3 PROSPECTIVE JUROR NO. 000: Yeah.
4 MS. MOORS: I need to go. Okay. I have no further
5 questions.
6 THE COURT: Mr. Matsuda, would you like to inquire
7 further?
8 MR. MATSUDA: Thank you.
9 Mr. Larson, now, if you're chosen as a juror --
10 PROSPECTIVE JUROR NO. 000: Uh-huh.
11 MR. MATSUDA: -- and you started deliberations right
12 now, without seeing any evidence, what should be the appropriate
13 verdict?
14 PROSPECTIVE JUROR NO. 000: It would be not guilty.
15 MR. MATSUDA: Why?
16 PROSPECTIVE JUROR NO. 000: Because there's no
17 evidence. I don't have any facts in front of me.
18 MR. MATSUDA: Thank you, sir.
19 PROSPECTIVE JUROR NO. 000: Uh-huh.
20 MR. MATSUDA: I'll pass, Your Honor.
21 THE COURT: Thank you.
22 Okay. Next is Nancy Burroughs, Badge Number 691.
23 Tell us about yourself, ma'am.
24 PROSPECTIVE JUROR NO. 691: First of all, I hate that
25 question, because I tell too many stories. Part of it is if you have

1 any longevity in a job, I'd say get a life. I didn't get one. My life
2 was reading. And I think in many ways people think I'm naive,
3 because I do believe in the goodness of most people. But I also
4 believe there's a lot of smooth talkers out there. I don't think I'm
5 worth the time. So I just listen to the stories and enjoy stories.
6 Mostly because I like people.

7 I'm single. Don't suggest retirement, please get a life,
8 continue working if you like to eat. Okay. Education, definitely
9 number one. Didn't go there, but I should have. Thank you.

10 THE COURT: All right. Wait, wait, wait. No.

11 PROSPECTIVE JUROR NO. 691: Oh, sorry.

12 THE COURT: How long have you lived here in Clark
13 County?

14 PROSPECTIVE JUROR NO. 691: 15 years.

15 THE COURT: Okay. Where did you move from to Las
16 Vegas?

17 PROSPECTIVE JUROR NO. 691: California. Oh, no, sorry.
18 California is the only one I claim. Indiana, don't go there.

19 THE COURT: Okay. How long --

20 PROSPECTIVE JUROR NO. 691: They seldom have beer.

21 THE COURT: Okay. How long did you live in Indiana?

22 PROSPECTIVE JUROR NO. 691: 10 years too long.

23 THE COURT: And how about California, how long did you
24 live there?

25 PROSPECTIVE JUROR NO. 691: 24 years.

1 THE COURT: Okay. So have you ever been married?
2 PROSPECTIVE JUROR NO. 691: Yes.
3 THE COURT: Okay. And so did you get divorced,
4 widowed?
5 PROSPECTIVE JUROR NO. 691: A zillion years ago. I
6 never know how to answer the question. It's been 28 years I've
7 been divorced.
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 691: Happily divorced.
10 THE COURT: All right. That's good. And no children?
11 PROSPECTIVE JUROR NO. 691: None.
12 THE COURT: Okay. So have you ever worked before?
13 PROSPECTIVE JUROR NO. 691: I came to Nevada, had a
14 job within a month. And I kept the job for 14 years.
15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 691: I swear they sent every
17 discontented person to me and I had to handle it. So it's -- that was
18 the policy. And they didn't back employees. So you learn a lot
19 when people complain and say, I don't mean to complain, but
20 there's something that you need to fix.
21 THE COURT: Okay. And what was the company again
22 that you worked for?
23 PROSPECTIVE JUROR NO. 691: Cytel [phonetic].
24 THE COURT: And what did they do?
25 PROSPECTIVE JUROR NO. 691: It's a call center.

1 THE COURT: Oh, my.

2 PROSPECTIVE JUROR NO. 691: It was for satellite
3 services.

4 THE COURT: Okay. So you literally would take
5 complaints on the phone?

6 PROSPECTIVE JUROR NO. 691: I was at the lasts
7 campaign for, like, eight years. And the campaign was leaving the
8 company, so they were cleaning house before they left.

9 THE COURT: Okay. So how long ago did you leave that
10 job?

11 PROSPECTIVE JUROR NO. 691: 2018.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 691: It's almost a year.

14 THE COURT: Okay. Are you looking to be reemployed or
15 no?

16 PROSPECTIVE JUROR NO. 691: Not from Cytel, ever. In
17 fact, I see people on the bus all the time and say, Have I worked
18 with you? And I can't remember, because there were a lot of
19 people that left at their own accord. There were too many rumors
20 who left and who didn't.

21 THE COURT: Okay. But what I meant was do you want to
22 go back into the work force?

23 PROSPECTIVE JUROR NO. 691: Yes, ma'am.

24 THE COURT: All right. So --

25 PROSPECTIVE JUROR NO. 691: Definitely.

1 THE COURT: Have you been looking for work?
2 PROSPECTIVE JUROR NO. 691: Yes.
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 691: Manpower was the hot --
5 the most positive, but not in Nevada.
6 THE COURT: Okay. And so why do you say --
7 PROSPECTIVE JUROR NO. 691: Manpower got me all
8 their jobs.
9 THE COURT: Oh. Okay.
10 PROSPECTIVE JUROR NO. 691: And I was five years, six
11 years.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 691: And they didn't get this
14 one for me. That was the grace of God.
15 THE COURT: Okay. All right. Thank you.
16 Would the State like to inquire further?
17 MS. MOORS: Yes, Your Honor, briefly.
18 I just have a question, ma'am. So when you were first
19 speaking with the judge, I think your quote was, I believe in the
20 goodness of most people. Was that right?
21 PROSPECTIVE JUROR NO. 691: I like to give them a
22 chance.
23 MS. MOORS: Okay. Can you elaborate a little more?
24 Like, what do you mean, you like to give them a chance?
25 PROSPECTIVE JUROR NO. 691: When I worked in the

1 convenience store, there were a lot of shoplifters. And I basically
2 knew who was taking what. I didn't stand by, if I saw them taking it,
3 I challenged them on it. But it's not -- it's scary face to face.

4 MS. MOORS: Sure. Like, because they could -- the
5 situation could maybe escalate.

6 PROSPECTIVE JUROR NO. 691: If they were hungry, I'd
7 say -- I'd maybe give them half price off. But if they were drunk, I'd
8 feed them. Sorry, but --

9 MS. MOORS: Right. So let me ask you this: Obviously,
10 we're not here for a shoplifting case. You heard the charges that
11 we are here for, and they're, I would say, a little more serious than a
12 shop lifting case. When you say that you like to give people a
13 chance and you believe in their goodnesses, that's something that
14 would affect your ability to deliberate in this particular case?

15 PROSPECTIVE JUROR NO. 691: Not at all.

16 MS. MOORS: Okay. So you're not going to say -- let's
17 say, hypothetically, that Ms. Cannizzaro and I prove our case to
18 what you even believe is beyond a reasonable doubt, but you want
19 to "give the defendant a chance," or you feel bad for him, or there's
20 some sort of sympathy that you developed for this person; would
21 that affect your ability to render a verdict?

22 PROSPECTIVE JUROR NO. 691: If I thought they were a
23 repeat offender, I'd probably say guilty. But if there's any doubt at
24 all, I'd speak my mind.

25 MS. MOORS: Okay. When you say any doubt at all, I

1 know we talked about this earlier with Mr. Jones in the front row,
2 where he said -- and I think he said he wanted it to be proved
3 beyond all doubt. And you just mentioned the doubt, you said if
4 there was any doubt. And so I think that it gets a little confusing at
5 times, because we watch TV and it's, you know, beyond all possible
6 doubt or beyond a shadow of a doubt. All these words that they
7 use.

8 But if you were instructed at the end of this trial, and the
9 instruction is that our burden is beyond a reasonable doubt, could
10 you follow that instruction?

11 PROSPECTIVE JUROR NO. 691: Yes.

12 MS. MOORS: Okay. So essentially what I'm trying to get
13 at is there can be doubts of, you know, like, am I actually an alien?
14 Like, maybe potentially I could be, right? But is that a reasonable
15 doubt?

16 PROSPECTIVE JUROR NO. 691: I second-guess myself a
17 lot. But I wouldn't go back on a decision, if I felt they honestly
18 weren't guilty.

19 MS. MOORS: Okay. So sorry, I'm not really quite sure
20 what you were just saying.

21 PROSPECTIVE JUROR NO. 691: I change my mind a lot.

22 MS. MOORS: Okay.

23 PROSPECTIVE JUROR NO. 691: But I like to know the
24 facts.

25 MS. MOORS: Okay. And if you were given the facts in

1 this case, you're saying that you could apply the law to those facts
2 and then base your verdict on the law and the facts; is that right?

3 PROSPECTIVE JUROR NO. 691: Yes.

4 MS. MOORS: Okay. Is there any worry on your part,
5 when you said you change your mind a lot, is there any worry that
6 you might sort of flip-flop and not know which way to go?

7 PROSPECTIVE JUROR NO. 691: Like, where did I put my
8 car keys? That's the most thing. Did I put them in this? That -- I get
9 a little paranoid when I lose my keys.

10 MS. MOORS: Okay. Well, I guess that's not really
11 changing your decision, right?

12 PROSPECTIVE JUROR NO. 691: No.

13 MS. MOORS: Like, I don't know where my keys are right
14 now either.

15 PROSPECTIVE JUROR NO. 691: Right.

16 MS. MOORS: Hopefully in my purse.

17 PROSPECTIVE JUROR NO. 691: It's more senior moment.

18 MS. MOORS: Sorry, say that again?

19 PROSPECTIVE JUROR NO. 691: Senior moment. Sorry.

20 MS. MOORS: That's okay. We actually had a juror that
21 mentioned that previously, and she said that she has senior
22 moments, and that she's worried that that might potentially affect
23 her. Is that something that worries you that might affect you
24 throughout the trial?

25 PROSPECTIVE JUROR NO. 691: I'm not afraid to ask

1 questions. So if I didn't hear the -- what someone said, I'd ask them
2 to repeat it probably too many times. But they would say put a
3 sock in it and decide.

4 MS. MOORS: Okay. Your Honor, can we approach?

5 THE COURT: Sure.

6 [Bench conference not recorded.]

7 THE COURT: All right. So Ms. Burroughs, we thank you
8 very much for coming in, but we're excusing you.

9 PROSPECTIVE JUROR NO. 691: Thank you.

10 THE CLERK: Next in line, Kathleen Cabael, Badge 075,
11 please take Seat 7.

12 THE COURT: All right. Ms. Cabael, tell us about yourself.

13 PROSPECTIVE JUROR NO. 075: Okay. I am a 30-year-old
14 single mother of two. I have a 14-year-old and a 12-year-old. I am a
15 nursing student and I'm assistant manager at a store. I have 12
16 years of experience in college, mostly in nursing. And I don't know
17 what else I should say about myself.

18 THE COURT: 12 years. Okay. So either you have earned
19 multiple degrees or you were going part-time. So tell me about
20 that.

21 PROSPECTIVE JUROR NO. 075: I'm from Hawaii. I'm
22 born and raised there. I lived there for 25 years. I did three years at
23 HPU there doing nursing.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 075: Before that I did two

1 years at community college doing some pre-reqs. I transferred to --
2 I moved to California, I moved here, and I went to different schools.
3 And just the transferring process, they make me retake classes and
4 even add more classes. Been to Nevada State, Chamberlain
5 College of Nursing, Arizona College of Nursing. I think it was from
6 a dental school in Hawaii.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 075: Yeah.

9 THE COURT: All right. So how much longer do you have
10 till you get your nursing degree?

11 PROSPECTIVE JUROR NO. 075: I recently just completely
12 my maternity and pediatrics clinicals. I have a year left. I just
13 needed to continue and finish my clinical hours and the lectures
14 that goes with it.

15 THE COURT: Now, when you finish, will you have a
16 bachelor's degree?

17 PROSPECTIVE JUROR NO. 075: A bachelor's, yeah.

18 THE COURT: And the --

19 PROSPECTIVE JUROR NO. 075: BSA degree.

20 THE COURT: All right. What kind of nursing would you
21 like to go into once you're certified?

22 PROSPECTIVE JUROR NO. 075: I want to do pediatrics
23 and cardiology. Pediatrics because I love children, cardiology
24 because I actually had a first son, he passed, it was a heart defect.
25 And that really affected me a lot. And that's why I got into nursing.

1 But before that, I wanted to get into architecture.

2 THE COURT: All right. So you had an interest in doing
3 that and now you've switched to nursing?

4 PROSPECTIVE JUROR NO. 075: Yes.

5 THE COURT: Okay. So you said you're single, but have
6 you ever had a significant other?

7 PROSPECTIVE JUROR NO. 075: A long time ago. I've
8 raised my two children alone since my daughter was 3 years old.

9 THE COURT: Okay. So that's a lot of responsibility.

10 PROSPECTIVE JUROR NO. 075: Yes.

11 THE COURT: All right. So sounds like you're an
12 independent woman with a lot of goals. Do you have any concern
13 whatsoever of your being able to hold your own in a jury setting?

14 PROSPECTIVE JUROR NO. 075: No.

15 THE COURT: All right. Would the State like to inquire
16 further?

17 MS. MOORS: Yes, Your Honor.

18 Is it Cabael or how --

19 PROSPECTIVE JUROR NO. 075: Cabael.

20 MS. MOORS: Cabael?

21 PROSPECTIVE JUROR NO. 075: Yeah.

22 MS. MOORS: Okay. So I had -- I just wanted to ask you a
23 little bit about the conversation you were having with the judge
24 when you were seated over there and you were talking about it.
25 Sounded like it was maybe a car accident type issue?

1 PROSPECTIVE JUROR NO. 075: Yes.

2 MS. MOORS: Okay. And you felt that the police officers
3 in that matter didn't handle it correctly, right?

4 PROSPECTIVE JUROR NO. 075: Yes.

5 MS. MOORS: And I think you ultimately said that you
6 thought that there might have been some sort of relationship
7 between the other party and the police officers?

8 PROSPECTIVE JUROR NO. 075: I had assumptions that
9 there was something that must have -- like, that must have
10 changed -- made the cop to conclude that I was the one that was
11 guilty.

12 MS. MOORS: Okay. So sounds like it's fair to say it didn't
13 pass the smell test for you?

14 PROSPECTIVE JUROR NO. 075: Yeah -- no. No, no. I -- it
15 was -- I feel like it was just -- it wasn't no smell test or whatever like
16 that. It just -- I feel like he just made an assumption and said that I
17 was guilty based off, I don't know, maybe the other party. Because
18 the other party actually went home and got her husband when he
19 wasn't involved in the accident.

20 MS. MOORS: Okay. Well, then, maybe I misunderstood
21 you. Because I thought you said that essentially you thought the
22 cop was paid off by this person. Did you not say that?

23 PROSPECTIVE JUROR NO. 075: I said that, but it was just,
24 like, an assumption. Like, I said earlier that, you know, like, it was a
25 possibility maybe he got paid off or -- I didn't say that he was paid

1 off. But it was just, like, something that possibly assume about
2 that, probably, like, what could have happened of why he thought
3 that I was guilty or why he said I was guilty.

4 MS. MOORS: Okay. So let me ask you this: You heard
5 from the judge earlier, I think it was yesterday we talked about law
6 enforcement and whether or not anyone had any involvement
7 personally or close friends with law enforcement; do you remember
8 that discussion?

9 PROSPECTIVE JUROR NO. 075: Yes.

10 MS. MOORS: Okay. And I don't know if you remember,
11 there was a male that sitting over here, and he basically said that he
12 had been in the police academy and that he wanted to be a police
13 officer, but I think he said that he tore his Achilles tendon, so he
14 couldn't finish the training. And -- but he's now back in the training.
15 Do you remember that conversation?

16 PROSPECTIVE JUROR NO. 075: Yes.

17 MS. MOORS: And he essentially said, you know, I want to
18 be a police officer, this is my dream. So, basically, if someone gets
19 up there and they have a badge on, I'm going to believe them.

20 PROSPECTIVE JUROR NO. 075: Uh-huh.

21 MS. MOORS: Like, even if what they say is a little bit
22 crazy, I'm going to believe him. Do you remember him saying that?

23 PROSPECTIVE JUROR NO. 075: Yes.

24 MS. MOORS: Let me ask you this: I think it's fair to say
25 that there are probably going to be some police officers testifying.

1 You heard Ms. Cannizzaro mention all the potential witnesses. And
2 if some of those officers get up, maybe they're wearing a badge,
3 maybe they're not, are you going to automatically disbelieve them
4 because they are wearing a badge?

5 PROSPECTIVE JUROR NO. 075: Honestly, during that
6 time I did, it was a very difficult time, because I felt like I was really
7 wronged and it was a very stressful time. And having being a
8 single mom, take money out of my pocket just to -- for the other
9 person who did -- who caused the accident, it was very upsetting.
10 But I wouldn't judge the cop just because of that. Because, I mean,
11 not everybody's the same. I'm not going to -- yeah, it's just
12 personally, it did affect me a lot.

13 MS. MOORS: Sure.

14 PROSPECTIVE JUROR NO. 075: And -- yes.

15 MS. MOORS: And that's fine.

16 PROSPECTIVE JUROR NO. 075: Yeah.

17 MS. MOORS: And this is -- again, like I said --

18 PROSPECTIVE JUROR NO. 075: Yeah.

19 MS. MOORS: -- this is a super weird situation. So we're
20 not -- I totally understand that affected you. That would have
21 affected me, and I'm sure it would have affected most of us. But
22 the question is has it affected you such that now when you view
23 law enforcement, you see them through a negative lens?

24 PROSPECTIVE JUROR NO. 075: No.

25 MS. MOORS: No? Okay. And the reason I'm asking you

1 is because I'm fairly certain you also said you would be worried that
2 cops in this case could have potentially been paid off. You made a
3 comment to that effect.

4 PROSPECTIVE JUROR NO. 075: Not for that -- not for this
5 case.

6 MS. MOORS: Okay. So as we sit here today, you don't
7 believe that any police officers that will testify have been "paid off"?

8 PROSPECTIVE JUROR NO. 075: No.

9 MS. MOORS: Okay. And if, say, some other people
10 testify, right, that are not police officers, just normal citizens, would
11 you give the police officer's testimony the same weight as which
12 you would have give just to a regular citizen that's not a police
13 officer?

14 PROSPECTIVE JUROR NO. 075: I'm the citizen and I -- like
15 I say, I was in that situation with a cop. And it's a really hard
16 question, because I've been in that situation myself and I really did
17 not believe what they did to me. So I don't know how I can answer
18 that question honestly.

19 MS. MOORS: Okay.

20 PROSPECTIVE JUROR NO. 075: Yeah.

21 MS. MOORS: So the reason, I guess -- and please tell me
22 if I'm putting words in your mouth, but the reason you can't answer
23 that question honestly is because you think there might be different
24 weight given between a citizen and a police officer?

25 PROSPECTIVE JUROR NO. 075: Yes.

1 MS. MOORS: Okay. So that being said -- now, again,
2 there's no wrong answers. We're all just talking, like, somewhat
3 awkwardly, but there's no wrong answers. If you were myself and
4 Ms. Cannizzaro, and you were representing the people of the state
5 of Nevada, would you feel comfortable having someone like
6 yourself on the jury?

7 PROSPECTIVE JUROR NO. 075: Yes.

8 MS. MOORS: Even though you just told me that you
9 wouldn't give police officers the same weight as anyone else?

10 PROSPECTIVE JUROR NO. 075: Well, I -- it's me, because
11 I feel like I'm -- like, I personally think I'm a good person. I'm
12 honest. But, like I said earlier, it did affect me a lot. So I -- it would
13 be hard for me to see differently, because I experienced it myself of
14 that type of treatment. So, yeah, I would kind of -- I would have -- I
15 have a bias with that.

16 MS. MOORS: Okay. And that's really fair. And please
17 don't think that I -- I think you're a good person, I think you're
18 honest. That's the whole point of us talking. We're not trying to --
19 I'm not trying to force you into an answer that's not coming from,
20 you know, an honest answer inside of you. So that's not what I'm
21 saying. Please don't take it that way. That's not at all what I'm
22 saying.

23 What I'm saying is this: It's very difficult, the position that
24 we are putting you -- everyone in. We need you to tell us,
25 unequivocally, so without reservation, can you be fair and impartial

1 to both sides?

2 PROSPECTIVE JUROR NO. 075: With --

3 MS. MOORS: There's no right or wrong answer.

4 PROSPECTIVE JUROR NO. 075: I would like to say yes.

5 But at the same time, there's a part of me that wants to say no.

6 MS. MOORS: Okay. Now, I'm going to ask you a
7 follow-up. I was talking to a young woman earlier, I believe she
8 was in Seat 3, and she said, I would like to think I can. And I totally
9 get that. But I need from you an unequivocal yes, I can be fair and
10 impartial, or no. And it's okay. Neither is right or wrong.

11 PROSPECTIVE JUROR NO. 075: No, I don't think -- just
12 this right now, that I can't -- I can't even decide, that's a no.

13 MS. MOORS: Okay.

14 PROSPECTIVE JUROR NO. 075: It's probably a no.

15 MS. MOORS: It's okay. Thank you.

16 PROSPECTIVE JUROR NO. 075: Yep.

17 THE COURT: All right. Thank you. You'll be excused.

18 Call the next in order.

19 THE CLERK: Sorry, Your Honor, I just put my --

20 Ryan Lecuyer, Badge 077, please take Seat 7.

21 THE COURT: All right. Mr. Lecuyer, please tell us about
22 yourself.

23 PROSPECTIVE JUROR NO. 077: I'm 19 years old. I moved
24 here in 2012. I grew up in a military family. I was born in Florida
25 and then kind of moved everywhere else. I work at El Segundo Sol

1 right -- where is it -- right outside of Fashion Show. My dad is
2 retired Air Force, my mom is an assistant principal.

3 THE COURT: Okay. And do you live at home with your
4 folks?

5 PROSPECTIVE JUROR NO. 077: Yes.

6 THE COURT: All right. What's your education
7 background?

8 PROSPECTIVE JUROR NO. 077: I have some college.

9 THE COURT: Okay. When you were in college, what did
10 you study?

11 PROSPECTIVE JUROR NO. 077: I was studying
12 paramedics.

13 THE COURT: I'm sorry, what?

14 PROSPECTIVE JUROR NO. 077: Paramedics.

15 THE COURT: Paramedic?

16 PROSPECTIVE JUROR NO. 077: Yes, ma'am.

17 THE COURT: Okay. Was that at the community college?

18 PROSPECTIVE JUROR NO. 077: Yes.

19 THE COURT: And is that something you decided then you
20 didn't want to pursue?

21 PROSPECTIVE JUROR NO. 077: I kind of just took on all of
22 my bills and stuff, so I just took the semester off. But I'm going
23 back next semester.

24 THE COURT: All right. So you're going to continue
25 your -- continue at the community college?

1 PROSPECTIVE JUROR NO. 077: Yes, ma'am.
2 THE COURT: And what's your goal?
3 PROSPECTIVE JUROR NO. 077: In the end, to be a
4 firefighter.
5 THE COURT: Okay. So you think that getting your
6 paramedic certification would help towards that goal?
7 PROSPECTIVE JUROR NO. 077: Yes, ma'am.
8 THE COURT: Okay. Any firefighters in your family?
9 PROSPECTIVE JUROR NO. 077: Not in my family, no.
10 THE COURT: Okay. So it's just something that you
11 thought about and you think you'd like to pursue?
12 PROSPECTIVE JUROR NO. 077: Yep.
13 THE COURT: Okay. State?
14 MS. MOORS: So it was your dad you said that was retired
15 military?
16 PROSPECTIVE JUROR NO. 077: Yes, ma'am.
17 MS. MOORS: What did he do in the Air Force?
18 PROSPECTIVE JUROR NO. 077: He worked in logistics.
19 MS. MOORS: Okay. Was he an officer or enlisted?
20 PROSPECTIVE JUROR NO. 077: He was an officer.
21 MS. MOORS: Okay. Very cool. And your mom, you said,
22 is an assistant principal?
23 PROSPECTIVE JUROR NO. 077: Yes, ma'am.
24 MS. MOORS: Where is that at?
25 PROSPECTIVE JUROR NO. 077: At Red Rock Elementary.

1 MS. MOORS: I just have sort of a general question to you
2 that I asked one of our other younger jury panel members: Do you
3 feel that if you were in a room with a, you know, a bunch of other
4 people, some of which very well might be your elders, do you feel
5 that you could have your voice be heard and you wouldn't just go
6 along with the crowd?

7 PROSPECTIVE JUROR NO. 077: Yes, ma'am.

8 MS. MOORS: Okay. I'd pass.

9 THE COURT: Mr. Matsuda.

10 MR. MATSUDA: Thank you, Your Honor.

11 El Segundo?

12 PROSPECTIVE JUROR NO. 077: Yes.

13 MR. MATSUDA: You guys have good guac there.

14 Now, is there anything that -- you heard all the questions
15 that were being asked. Is there anything you would like either the
16 State or the defense to know about you that would cause any side
17 concern?

18 PROSPECTIVE JUROR NO. 077: No, sir.

19 MR. MATSUDA: Okay. Thank you.

20 I'll pass, Your Honor.

21 THE COURT: Thank you.

22 If you will hand the microphone over to Zahra Pyle,
23 Badge 030.

24 Tell us about yourself, ma'am.

25 PROSPECTIVE JUROR NO. 030: Yes, hi. I'm married and I

1 have three daughters. I lived in Vegas for -- since 1994. I really
2 have a hard time speaking when people are listening. So if I
3 stumble, excuse me.

4 THE COURT: It's all right.

5 PROSPECTIVE JUROR NO. 030: And what else do you
6 want to know?

7 THE COURT: How old are your daughters?

8 PROSPECTIVE JUROR NO. 030: They are 46, 44, and 37.
9 Two, they live in New York, and one in Indiana.

10 THE COURT: Okay. And what do they do?

11 PROSPECTIVE JUROR NO. 030: Two of them are nurse,
12 and one of them is computer engineer. The one in Indiana, she's
13 married with children.

14 THE COURT: Okay. And do you have any significant
15 other?

16 PROSPECTIVE JUROR NO. 030: Yeah, I'm married, like I
17 said yesterday.

18 THE COURT: Yes. Okay.

19 PROSPECTIVE JUROR NO. 030: He had surgery in April,
20 another back surgery.

21 THE COURT: Right.

22 PROSPECTIVE JUROR NO. 030: So --

23 THE COURT: Is he retired? Was he retired before his
24 back surgery?

25 PROSPECTIVE JUROR NO. 030: Well, no. He went on

1 disability in 2013.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 030: And --

4 THE COURT: What did he do before he went on
5 disability?

6 PROSPECTIVE JUROR NO. 030: He was also working in a
7 casino where I met him, in Klondike Casino.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 030: Before that, he was in
10 construction. That's my other husband, though, not father of my
11 kids.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 030: So, you know, that's a
14 newer one.

15 THE COURT: A newer one. Okay.

16 And you've worked before too?

17 PROSPECTIVE JUROR NO. 030: I'm sorry, honey?

18 THE COURT: Where have you worked?

19 PROSPECTIVE JUROR NO. 030: In the casino for 20 years.
20 I was a bartender there.

21 THE COURT: Okay. And so are you retired now?

22 PROSPECTIVE JUROR NO. 030: Yes. I was until I realized
23 I'm around my husband too much, I needed to get away. And also,
24 seriously, and also money, you know.

25 THE COURT: Sure.

1 PROSPECTIVE JUROR NO. 030: It really helps.
2 THE COURT: So it's nice to have a little extra money?
3 PROSPECTIVE JUROR NO. 030: Yes.
4 THE COURT: Right? And so you enjoy, then, the going to
5 work and interacting with people?
6 PROSPECTIVE JUROR NO. 030: Absolutely, yeah.
7 THE COURT: All right.
8 PROSPECTIVE JUROR NO. 030: I have to.
9 THE COURT: Yeah. All right. Anything that you want to
10 bring to our attention after you've heard all these people speaking
11 that you thought, oh, when it's my turn, I need to bring this to the
12 judge's attention?
13 PROSPECTIVE JUROR NO. 030: No.
14 THE COURT: All right.
15 PROSPECTIVE JUROR NO. 030: I just have a hard time
16 speaking when people are looking at me or listening to me. So.
17 THE COURT: All right. You're doing fine.
18 PROSPECTIVE JUROR NO. 030: Okay. Good.
19 THE COURT: State?
20 MS. MOORS: Your Honor, I pass.
21 THE COURT: Mr. Matsuda?
22 MR. MATSUDA: Ms. Pyle?
23 PROSPECTIVE JUROR NO. 030: Yes.
24 MR. MATSUDA: One question for you: Do you want to be
25 picked as a juror?

1 PROSPECTIVE JUROR NO. 030: I would love to, because
2 I'm actually learning so much since yesterday. Honestly, I didn't
3 know the difference between civil case and murder case and all --
4 I'm learning. At the same token, my personal life, with my husband
5 being, you know -- I do literally everything around the house. And
6 he's not able to do anything. It's a little bit tough. Otherwise, I love
7 being here.

8 MR. MATSUDA: Okay. Now --

9 PROSPECTIVE JUROR NO. 030: I really do.

10 MR. MATSUDA: With that said, is it going to affect your
11 judgment thinking about your husband and how you're not able to
12 take care of him?

13 PROSPECTIVE JUROR NO. 030: I don't think so. No, I
14 don't really know. It's just tough at home between work and taking
15 care of him and all that, you know.

16 MR. MATSUDA: Okay. Thank you, ma'am.

17 I'll pass, Your Honor.

18 THE COURT: Thank you.

19 Okay. We'll pass the microphone all the way down to the
20 second row. All the way down.

21 And we have Lynn Figueroa, right? Badge Number 907.

22 PROSPECTIVE JUROR NO. 907: Yes.

23 THE COURT: Tell us about yourself.

24 PROSPECTIVE JUROR NO. 907: I have been in Las Vegas
25 about two and a half years. I moved from Chicago. I'm married. I

1 have two kids, 2 and 3. I'm a cocktail server at Sapphire. My
2 husband works security for Pro-Tect Security.

3 THE COURT: Okay. What brought you here to Las Vegas?

4 PROSPECTIVE JUROR NO. 907: The weather and the cost
5 of living.

6 THE COURT: Okay. And did you grow up in Chicago?

7 PROSPECTIVE JUROR NO. 907: Yes.

8 THE COURT: Okay. Anything that you want to bring to
9 our attention that you feel is important?

10 PROSPECTIVE JUROR NO. 907: No.

11 THE COURT: Okay. State?

12 MS. MOORS: Hi.

13 PROSPECTIVE JUROR NO. 907: Hi.

14 MS. MOORS: So you said your husband works security?

15 PROSPECTIVE JUROR NO. 907: Yes.

16 MS. MOORS: Where at?

17 PROSPECTIVE JUROR NO. 907: It's called Pro-Tect
18 Security. It's an agency.

19 MS. MOORS: Okay. So he would go out and sort of work
20 at various locations?

21 PROSPECTIVE JUROR NO. 907: Yeah. They send him to
22 different places. He's at Sixt Car Rental right now, by the airport.

23 MS. MOORS: Oh, okay. Obviously, you were here
24 yesterday. Do you remember we had a guy that was a security
25 guard, I want to say at Town Square, and he'd been, like, shot at

1 and stabbed --

2 PROSPECTIVE JUROR NO. 907: Yeah.

3 MS. MOORS: -- like, all within the scope of a year; do you
4 remember that?

5 PROSPECTIVE JUROR NO. 907: Yeah, I remember.

6 MS. MOORS: Yeah. Is that -- what type -- I mean, does
7 your husband have terrible stories like that as well?

8 PROSPECTIVE JUROR NO. 907: No, I've never heard
9 anything like that from my husband.

10 MS. MOORS: Okay. So, basically, that former juror
11 should get a job at your husband's firm?

12 Okay. Anything else about what we've been talking about
13 throughout the course of yesterday and today that you think that
14 Ms. Cannizzaro and myself should know about you?

15 PROSPECTIVE JUROR NO. 907: No.

16 MS. MOORS: And to copy Mr. Matsuda's question, do
17 you want to be on this jury?

18 PROSPECTIVE JUROR NO. 907: Yes.

19 MS. MOORS: Okay. All right.

20 We'd pass, Your Honor.

21 THE COURT: Mr. Matsuda?

22 MR. MATSUDA: Ms. Figueroa?

23 PROSPECTIVE JUROR NO. 907: Yes.

24 MR. MATSUDA: From Chicago?

25 PROSPECTIVE JUROR NO. 907: Yes.

1 MR. MATSUDA: You know what question I'm going to
2 ask you.

3 PROSPECTIVE JUROR NO. 907: I know what you're going
4 to ask me, and it's White Sox all day.

5 MR. MATSUDA: You and Ms. Fields are -- best be friends.
6 Okay. Thank you.

7 THE COURT: All right.

8 MR. MATSUDA: I'll pass, Your Honor.

9 THE COURT: Thank you.

10 If you'll hand the microphone to Hope Coen, Badge
11 Number 909.

12 Tell us about yourself, ma'am.

13 PROSPECTIVE JUROR NO. 909: I've been Vegas about 30
14 years. I've been married 22. I have a son that's 18 and he is going
15 to be a sophomore at UNR. And he's taking some classes at UNLV
16 this summer. I am a tenant coordinator for a company called
17 Brookfield Properties, which owns Fashion Show, Grand Canal
18 Shops, Shops at Palazzo, and many others. And I've been in that
19 job for 21 years. I have some college. It was chemical engineering.
20 I only went to CSN and about 10 classes at UNLV. So.

21 THE COURT: Thank you.

22 State?

23 MS. MOORS: 18-year-old sophomore?

24 PROSPECTIVE JUROR NO. 909: I know.

25 MS. MOORS: Dang. When does your -- when did he

1 graduate high school?

2 PROSPECTIVE JUROR NO. 909: In 2018.

3 MS. MOORS: So he's smart.

4 PROSPECTIVE JUROR NO. 909: He's young. He missed

5 the cutoff by three days.

6 MS. MOORS: Oh, okay.

7 PROSPECTIVE JUROR NO. 909: His birthday's

8 September 27th, so.

9 MS. MOORS: Okay. Awesome.

10 PROSPECTIVE JUROR NO. 909: Yeah.

11 MS. MOORS: So you said that he's going to UNR, but

12 he's taking some summer school classes?

13 PROSPECTIVE JUROR NO. 909: Yep.

14 MS. MOORS: Has he picked a major yet?

15 PROSPECTIVE JUROR NO. 909: Yes. It's environmental

16 engineering.

17 MS. MOORS: Okay. Is that a good program at UNR?

18 PROSPECTIVE JUROR NO. 909: Very good, yes.

19 MS. MOORS: She's emphatically nodding, because she

20 went to UNR. So --

21 PROSPECTIVE JUROR NO. 909: Good school.

22 MS. MOORS: Is there anything else that you want to tell

23 us about anything in your background that would affect whether or

24 not you could serve on this jury?

25 PROSPECTIVE JUROR NO. 909: No, I don't think so.

1 MS. MOORS: Okay. I pass, Your Honor.

2 THE COURT: Thank you.

3 Mr. Matsuda?

4 MR. MATSUDA: I don't believe I have any questions, Your
5 Honor. We'll pass.

6 THE COURT: All right. Thank you.

7 And we have Gisell Fernandez, Badge Number 003. Tell
8 us about yourself.

9 PROSPECTIVE JUROR NO. 003: Yes. Hi. Well, I guess my
10 situation, I'm currently married, but I'm going through a divorce. I
11 have two kids -- two daughters, a 6- and a 12-year-old. My -- sorry,
12 I'm so nervous.

13 THE COURT: It's all right.

14 PROSPECTIVE JUROR NO. 003: I've been in Vegas for 14
15 years and I've been at my job for 12. And I did some college. I was
16 actually going in January, but I had to stop because of the divorce,
17 and I didn't have the money to continue.

18 THE COURT: Okay. And where did you say you work?

19 PROSPECTIVE JUROR NO. 003: I work at -- oh, at Wellish
20 Vision Institute, it's an ophthalmology office.

21 THE COURT: Okay. What do you do for them?

22 PROSPECTIVE JUROR NO. 003: I'm special tester, so I do
23 all the testings, the scans for the patients.

24 THE COURT: All right. And did you get some specialized
25 training, or was that on the job?

1 PROSPECTIVE JUROR NO. 003: That was on the job.
2 THE COURT: Okay. So --
3 PROSPECTIVE JUROR NO. 003: Yeah, I got trained. Yeah.
4 THE COURT: Very good. You told me you have a court
5 date, right?
6 PROSPECTIVE JUROR NO. 003: Yes.
7 THE COURT: And tell me again when that is?
8 PROSPECTIVE JUROR NO. 003: Well, I have mediation
9 tomorrow and then the court date is Thursday the 25th.
10 THE COURT: Okay. So your mediation's tomorrow?
11 PROSPECTIVE JUROR NO. 003: Uh-huh.
12 THE COURT: What time?
13 PROSPECTIVE JUROR NO. 003: 8:30 in the morning.
14 THE COURT: Okay. So do you have a window of how
15 long -- have they told you how long to expect?
16 PROSPECTIVE JUROR NO. 003: I think it's going to be an
17 hour, they said.
18 THE COURT: Okay.
19 PROSPECTIVE JUROR NO. 003: Uh-huh.
20 THE COURT: So that should give you plenty of time.
21 PROSPECTIVE JUROR NO. 003: Yeah.
22 THE COURT: All right. Thank you.
23 State?
24 MS. MOORS: Your Honor, I don't have any questions.
25 THE COURT: Mr. Matsuda?

1 MR. MATSUDA: Just briefly.
2 Good afternoon, Ms. Fernandez.
3 PROSPECTIVE JUROR NO. 003: Hello.
4 MR. MATSUDA: Now, I know you spoke about this family
5 court case that you have. Is there anything about that case that
6 changes your mind about the legal process?
7 PROSPECTIVE JUROR NO. 003: No.
8 MR. MATSUDA: Okay. Bad or good?
9 PROSPECTIVE JUROR NO. 003: Uh-uh. Yeah -- no.
10 MR. MATSUDA: Okay. Thank you.
11 Nothing further, Your Honor.
12 THE COURT: All right. Thank you.
13 So as we can all see by the clock on the wall, it's 5:00.
14 And if I thought that we could get through all the rest of you in the
15 next half hour, I would do that. But I don't think we can. And so I
16 need you to come back tomorrow, everybody here.
17 The good news is I think now starting tomorrow they get
18 paid, right?
19 THE CLERK: Yes, Your Honor.
20 THE COURT: They do. Okay. So -- because we'll be on
21 Day 3.
22 Now, I'm going to be reading you the admonition, but first
23 I kind of want to talk about scheduling. I understand our calendar's
24 horrible tomorrow. 26 pages?
25 THE CLERK: Yeah, it's definitely a doozy, Your Honor.

1 THE COURT: Okay.

2 THE CLERK: I don't know how many pages, but it is large.

3 THE COURT: All right. So I still have to dispense justice
4 in a careful manner, and I can't be rushed, because the matters I
5 handle are very important. Okay. I don't want you to think I'm
6 rushing through. So rather than have you come in at 1:00, which
7 was on the schedule I gave you, I'm going to have you come in
8 at 1:30, which still I'm going to be starting the calendar at 9:00. And
9 that should give me sufficient time to get through everything I need
10 to do if you're here at 1:30. All right.

11 So now I'm going to read you the admonition.

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

21 Also, of course, you know no research into any of the
22 topics, no research into anybody connected with the case. So don't
23 be going on the Internet and Googling the lawyers or the judge or
24 the marshal. He has a very big presence on the Internet. No, I'm
25 just kidding.

1 All right. So please don't go by any of the, you know, the
2 area that was described to you. Things change. And so everything
3 you'll need to know if you're seated on the jury you'll learn in this
4 courtroom while court's in session. So I will see you tomorrow
5 at 1:30.

6 [Prospective jury panel recessed at 5:03 p.m.]

7 THE COURT: All right. The record will reflect the venire
8 panel has departed the courtroom.

9 Bench conferences. I wasn't -- we should have kept track.

10 THE CLERK: Okay. There was one I believe you had
11 asked something about race when we were on --

12 MS. MOORS: Oh, yes. Yes. I had approached because
13 prior to starting the individual questions, I thought that Your Honor
14 was going to ask the question about race in the general questions.
15 And so I approached to ask that question. It was my understanding
16 that that was your intention. And then those questions were asked.

17 THE COURT: Yes. And thank you for reminding me of
18 that. I did -- I feel it's very important and we did have one
19 gentleman who answered and gave us some -- his feelings. So that
20 was good. And I always hope that we get truthful answers and so I
21 hope that we did this time. We have a very diverse jury at this point
22 in time, and so that's always -- you know, the pool right now looks
23 very diverse. So that's good.

24 Let's see, we had --

25 THE CLERK: Martha Ferris, that juror, we did a bench

1 conference on her before she was excused.

2 MS. MOORS: Yes, Your Honor. This was a woman who I
3 believe she was seated in Seat 6 or 7.

4 THE CLERK: 2. She was in Seat 2.

5 MS. MOORS: Oh, is this -- which --

6 THE COURT: This is our anxiety.

7 MS. MOORS: Oh, yes, yes, yes. I apologize. I'm getting
8 confused. This was the older woman with the anxiety who said that
9 it was debilitating on numerous occasions. And then I'm thinking
10 was being quite honest with the Court in terms of she didn't know
11 how she would handle it if she were chosen to be part of the jury.
12 But based on what she was saying, I think both Mr. Matsuda and
13 Ms. -- and I, as well as Ms. Cannizzaro, had agreed to jointly excuse
14 her.

15 THE COURT: That's correct, Mr. Matsuda?

16 MR. MATSUDA: That is correct, Your Honor.

17 THE COURT: Yes. And I think we also commented further
18 at the bench that she also had mentioned that she felt she was
19 having some what she referred to as senior moments, that seemed
20 to be weighing on her, that she was afraid that she -- this would
21 affect her ability to deliberate. And so we were all in agreement to
22 excuse her. And so she was excused.

23 And let's see, we had another similar --

24 THE CLERK: 691, and Ms. Burroughs. And she was in
25 Seat 7.

1 THE COURT: Correct. So State asked to approach on that
2 because she was just being nonresponsive, I could see that, to the
3 questions you were asking. You'd ask a question, and she'd give us
4 an answer that seemed to be, well, I don't know what she was
5 hearing, but it wasn't what you were asking.

6 Similarly, the way she started her answer to the question
7 that I posed and, you know, tell us about yourself, and when I told
8 her what the parameters of that, her answers were odd. And so the
9 discussion at the bench was that we had serious questions, both
10 sides did, about her competency to serve on the jury. And you
11 were both in agreement as well to excuse her. And I agreed that
12 that seemed to be a good decision, based upon what we were
13 hearing from her. And so she was excused upon agreement by
14 both sides.

15 Correct, Mr. Matsuda?

16 MR. MATSUDA: That's correct, Your Honor.

17 THE COURT: All right.

18 THE CLERK: That's all I have, are the three.

19 THE COURT: That, I think, was everything, right?

20 THE CLERK: I think so.

21 THE COURT: Anything you can think of that --

22 MR. MATSUDA: No, I think that is -- yes.

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

24 THE CLERK: I have the panel of 20 coming. I told
25 them 1:00. I didn't know what else, so.

1 THE COURT: That's fine.

2 So we're just -- I'm hopeful we will not have to go to that
3 second bunch, but we're starting to kind of get thin in the gallery
4 and, you know, we've got 12 left. And I'm hopeful that we won't
5 get through those, because I'm hoping to get the jury picked by
6 tomorrow.

7 MS. MOORS: Yes, absolutely.

8 THE COURT: Yeah.

9 MS. MOORS: We are, as well.

10 THE COURT: So -- but I also didn't want to be in the lurch
11 where it turns out we run into some bad thing where suddenly we
12 lose a bunch of people and then we're out of jurors and I -- we've
13 got to wait a day. So we've got 20 in our pocket, back pocket, if we
14 need them.

15 MS. MOORS: Okay.

16 THE COURT: Hopefully we won't. And I'll see you
17 tomorrow at 1:30.

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MS. MOORS: Okay. Great.
MR. MATSUDA: Thank you, Your Honor.
MS. MOORS: Thank you, Your Honor.
THE COURT: We're in recess.

[Court recessed at 5:08 p.m.]

///

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


Shawna Ortega, CET *562