

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. 4 OF 9**

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CERTIFICATE OF SERVICE

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AFFIRMATION

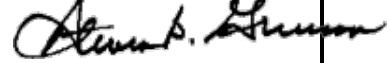
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/s/ Jess Matsuda

Jess Y. Matsuda, Esq.

11-6-20

Date



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

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

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

WEDNESDAY, JULY 10, 2019

JURY TRIAL - DAY 3

APPEARANCES:

FOR THE STATE:

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

FOR THE DEFENDANT:

JESS Y. MATSUDA, ESQ.

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

1 **LAS VEGAS, CLARK COUNTY, NEVADA, JULY 10, 2019, 2:23 P.M.**

2 * * * * *

3 THE COURT: Thank you. Please be seated.

4 And the record will reflect this is a continuation of
5 C322753 (sic) State of Nevada versus Devohn Marks. The record
6 will reflect the presence of Mr. Marks with his counsel, the
7 prosecutors and all officers of the court. We are back within
8 the presence of the venire panel. We left off -- we were about
9 to speak with Victoria Crockett. And does she have the
10 microphone? She does. All right.

11 Ms. Crockett, Badge Number 918, tell us about
12 yourself.

13 PROSPECTIVE JUROR NO. 918: Yes. I'm 27 years old.
14 I'm going to be 28 in, you know, roughly, 40ish days, 30ish
15 days. I'm married. I went to college while in high school.
16 So I got my degree shortly out of high school. I did a
17 semester at WSUV. I majored, you know, my major was criminal
18 justice, minor in business.

19 I took, roughly, a decade off, because I wanted that
20 life experience. I didn't feel like I knew enough about the
21 world and so -- I met my husband. I've been married six years
22 and him and I do digital marketing. We're freelancers. And
23 that's all I think.

24 THE COURT: Okay. So how did you go to college while
25 you're in high school?

JD Reporting, Inc.

1 PROSPECTIVE JUROR NO. 918: Because in Washington
2 they have a program called the running start program. So I
3 qualified. I had to take the college test and everything. So
4 when I was a junior I started going to Clark Community College.
5 So then a few months after I graduated high school, I got my
6 associate's degree.

7 THE COURT: So your degree is an associate's degree?

8 PROSPECTIVE JUROR NO. 918: Uh-huh.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 918: Associate of Arts.

11 THE COURT: All right. And you studied criminal
12 justice, initially. What was your interest in that?

13 PROSPECTIVE JUROR NO. 918: I wanted to be a homicide
14 detective. So I just find the law fascinating and really think
15 that I have a pretty good compass. And I really want to help
16 people. So I like to solve problems. So I've just always
17 loved law. And grew up watching Judge Judy and Cops and, you
18 know, Live PD and First 48, and Crime Watch.

19 THE COURT: I'm not sure Judge Judy is a good --

20 PROSPECTIVE JUROR NO. 918: Exactly. Exactly. True.

21 THE COURT: She'd be brought up on ethical charges if
22 she was a real Judge.

23 PROSPECTIVE JUROR NO. 918: I'm glad you're not like
24 her. So, yeah, you know, the First 48, Crime Watch, things
25 like that so. Yeah, and so I moved here four months ago

1 officially. My husband and I were vacationing here, seeing if
2 we liked it. And so we decided to move here. My parents moved
3 here about five years ago. I grew up coming here, often,
4 because my grandmother has lived here for roughly 50 years.
5 So, yeah.

6 THE COURT: No children?

7 PROSPECTIVE JUROR NO. 918: No. Two dogs.

8 THE COURT: Two dogs. Thank you. Would the State
9 like to inquire further?

10 MS. MOORS: Yes. Okay, so did I hear you right that
11 you moved here four months ago from Washington?

12 PROSPECTIVE JUROR NO. 918: Yes.

13 MS. MOORS: Oh. Where in Washington?

14 PROSPECTIVE JUROR NO. 918: Vancouver.

15 MS. MOORS: Okay. All right. I'm from Oregon so --

16 PROSPECTIVE JUROR NO. 918: Oh. Okay.

17 MS. MOORS: Just across the border.

18 PROSPECTIVE JUROR NO. 918: Nice.

19 MS. MOORS: Yeah. And what type of dogs do you have?

20 PROSPECTIVE JUROR NO. 918: Chiweenies.

21 MS. MOORS: Chiweenies.

22 PROSPECTIVE JUROR NO. 918: Yes.

23 MS. MOORS: Okay. What are their names?

24 PROSPECTIVE JUROR NO. 918: Sunny and Zoe.

25 MS. MOORS: Okay. Both Nicole and I are huge dog

1 people.

2 So the criminal justice question. So you said that
3 you kind of watched a lot of those shows growing up. And I get
4 it. We all have; right. Are you expecting what occurs in this
5 courtroom to be like what you see on TV?

6 PROSPECTIVE JUROR NO. 918: No.

7 MS. MOORS: Okay. So if that happened and say we
8 didn't meet your, you know, law and order expectations, is that
9 going to bear on your verdict?

10 PROSPECTIVE JUROR NO. 918: No.

11 MS. MOORS: Do you feel that you could be a fair and
12 impartial juror for both sides?

13 PROSPECTIVE JUROR NO. 918: Absolutely.

14 MS. MOORS: All right. I'll pass.

15 THE COURT: Thank you. Mr. Matsuda.

16 MR. MATSUDA: Thank you, Your Honor. Good afternoon,
17 Ms. Crockett.

18 PROSPECTIVE JUROR NO. 918: Good afternoon.

19 MR. MATSUDA: Now, do you recall what classes you
20 took in your criminal justice studies?

21 PROSPECTIVE JUROR NO. 918: I took business law, and
22 I took criminal justice 101 or something, I mean, I think.

23 MR. MATSUDA: Foundations of our criminal justice
24 system.

25 PROSPECTIVE JUROR NO. 918: Yes. And then

1 oceanography. Yeah. I had to do kind of, like, general ones.
2 It wasn't just, like, always, there was a couple of
3 prerequisite classes I had to complete because I had that
4 general associate of arts. So --

5 MR. MATSUDA: Did you enjoy those classes?

6 PROSPECTIVE JUROR NO. 918: I did. I was a juvenile,
7 in my opinion, even though I was technically an adult. Also, I
8 was very sheltered, so I really didn't take the classes as
9 seriously as I would have liked to now that I'm older and
10 understand the importance of education.

11 MR. MATSUDA: All right. Did you enjoy the business
12 law class?

13 PROSPECTIVE JUROR NO. 918: I did.

14 MR. MATSUDA: Oh. Why?

15 PROSPECTIVE JUROR NO. 918: My professor, I really
16 enjoyed how he approached things and taught us to look at the
17 facts and, you know, there's a lot of reading. I enjoy
18 reading. I really like to weigh and measure things. I think a
19 lot. So I really like, you know, to be objective with facts.
20 I enjoy facts because it's not emotions, so. Facts don't care
21 about your feelings.

22 MR. MATSUDA: Now, digital marketing; correct?

23 PROSPECTIVE JUROR NO. 918: Yes.

24 MR. MATSUDA: So I'm assuming -- do you guys -- is it
25 kind of like a SEO company?

1 PROSPECTIVE JUROR NO. 918: Freelancers. We work for
2 Upwork. So you put your profile on there and people bid. You
3 set what your price point is and people bid, send you
4 proposals. And so you send them back responses and then they
5 interview and decide whether they want to hire you.

6 MS. MOORS: I see.

7 PROSPECTIVE JUROR NO. 918: So it's like a third
8 party company. If that makes sense.

9 MR. MATSUDA: Okay. But do you guys -- do you guys
10 also build websites too and --

11 PROSPECTIVE JUROR NO. 918: Yes.

12 MR. MATSUDA: Okay.

13 PROSPECTIVE JUROR NO. 918: So we do business
14 consulting, digital marketing as in setting up a funnel
15 page for people. So it's like a three-step process. We work
16 with lawyers, accountants, insurance agents, doctors,
17 chiropractors, hypnotherapists. So basically anybody.
18 Business people. Yeah, we set up websites. We do email
19 drip-feed marketing.

20 So we set up an email campaign that will -- it really
21 just helps the clients keep track of their customers and
22 potential customers and get more sales.

23 MR. MATSUDA: Okay. Sounds good. Thank you,
24 Ms. Crockett.

25 PROSPECTIVE JUROR NO. 918: Yeah. Thank you.

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

2 THE COURT: Thank you. If you will hand the
3 microphone over to Maria Zamora, Badge Number 004. Tell us
4 about yourself, ma'am.

5 PROSPECTIVE JUROR NO. 004: I am married. I have two
6 children. I went to CSN for a little while for Health
7 Information Technology for HIT. I currently got a job, and I
8 start on the 15th at United Healthcare. And that's about it.

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

10 PROSPECTIVE JUROR NO. 004: Well, I was born in Camp
11 Lejeune, North Carolina. And then my parents, automatically,
12 went to Las Vegas. So I was raised here my whole life.

13 THE COURT: Okay. And your husband, you said you
14 were married.

15 PROSPECTIVE JUROR NO. 004: Yes.

16 THE COURT: What does your husband do?

17 PROSPECTIVE JUROR NO. 004: He's a UPS driver.

18 THE COURT: All right. Anything that you heard in
19 the last couple of days, where you thought, when it's my turn I
20 need to bring this to the Court's attention?

21 PROSPECTIVE JUROR NO. 004: Yes. That I do have
22 orientation starting on the 22nd of July. I just got the email
23 on Monday. But that's about it.

24 THE COURT: Okay. Well, we'll cross that bridge when
25 we come to it if you're selected.

1 PROSPECTIVE JUROR NO. 004: Okay.

2 THE COURT: They can't -- they can't unhire you
3 because you're on the jury.

4 PROSPECTIVE JUROR NO. 004: Right.

5 THE COURT: So I'm sure they'll be able to -- that's
6 a big company and they should have orientations going on all
7 the time. You'll just have to catch the next one.

8 PROSPECTIVE JUROR NO. 004: Uh-huh.

9 THE COURT: State.

10 MS. MOORS: Thank you.

11 Ma'am, so I wrote a note down and, like I said, I
12 can't read my handwriting and I don't remember really well.
13 But you said something about your sister being involved in the
14 sunset shooting; is that right?

15 PROSPECTIVE JUROR NO. 004: Yes.

16 MS. MOORS: Can you tell me a little about that,
17 because I'm not sure that is.

18 PROSPECTIVE JUROR NO. 004: The Sunset Park shooting.
19 When the employer came down after they had their big employee
20 picnic and waited until everybody left and then shot one of the
21 managers that had fired him. And my sister was sitting right
22 next to him -- right next to her.

23 I forgot to tell you about another incident that my
24 close friend son was in. It was the 1 October.

25 MS. MOORS: Okay.

1 PROSPECTIVE JUROR NO. 004: He was shot and his
2 girlfriend was shot. They lived, thankfully. But, yeah.

3 MS. MOORS: Okay. Is there anything about either of
4 those instances that you feel would, like, have a bearing on
5 what would be occurring in this courtroom, in terms of whether
6 or not you could deliberate fairly?

7 PROSPECTIVE JUROR NO. 004: A little bit.

8 MS. MOORS: Okay. Can you elaborate a little for me.

9 PROSPECTIVE JUROR NO. 004: I think I would veer more
10 to the person that was hurt in this situation just because
11 that's just the way I feel.

12 MS. MOORS: Okay. When you say veer more, are you
13 saying, meaning, like you would tend to believe say someone
14 that was victimized or you would -- is that kind of what you're
15 saying?

16 PROSPECTIVE JUROR NO. 004: Yes.

17 MS. MOORS: Okay. Well, let me ask you this. If you
18 were sitting where Mr. Matsuda is sitting and you were
19 representing the defendant, Mr. Marks, would you feel
20 comfortable having someone like yourself on the jury?

21 PROSPECTIVE JUROR NO. 004: I would not.

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

23 THE COURT: Okay.

24 (Conference at the bench not recorded.)

25 MS. MOORS: So, ma'am, when I just asked you, sort

1 of, if you would feel comfortable having someone like yourself
2 on the jury if you were the defense attorney, and you said no.
3 Can you elaborate as to why that would be your answer.

4 PROSPECTIVE JUROR NO. 004: Well, I think anybody
5 that has been victimized or accused of being victimized, I just
6 don't think it's fair to -- for me to judge that person, to be
7 on the stand, because I think I would be just impartial because
8 of the situation that my sister was in and my close friend's
9 child. So I don't think I could make a proper decision on
10 that.

11 MS. MOORS: Okay. So when you say, I think you said
12 when someone has been victimized or being accused of being
13 victimized, I think you meant, like, if someone had been
14 victimized or they're stating that they have been a victim, you
15 feel that you would sort of just default believe that; is that
16 kind of what you're saying?

17 PROSPECTIVE JUROR NO. 004: Yes.

18 MS. MOORS: So let me ask you this. If -- because, I
19 guess, realistically, right, part of what we're here for is to
20 ascertain whether or not a crime even occurred.

21 PROSPECTIVE JUROR NO. 004: Uh-huh.

22 MS. MOORS: So as we stand here now and we ask you to
23 deliberate, what would your verdict be?

24 PROSPECTIVE JUROR NO. 004: I'm really not sure.

25 MS. MOORS: Okay. Well, what I was hoping you would

1 say was that it would be not guilty, right, because you haven't
2 heard any sort of evidence; right?

3 PROSPECTIVE JUROR NO. 004: Uh-huh.

4 MS. MOORS: Am I correct?

5 PROSPECTIVE JUROR NO. 004: Yes.

6 MS. MOORS: Okay. And so if we have the presumption
7 of innocence, where a defendant or anyone accused of a crime is
8 presumed innocent until proven guilty, that would mean, unless
9 and until I prove that, he would be innocent; right?

10 PROSPECTIVE JUROR NO. 004: Right.

11 MS. MOORS: Okay. Do you have a problem with that
12 sort of precept of law?

13 PROSPECTIVE JUROR NO. 004: No.

14 MS. MOORS: Okay. So if I were to ask you right now
15 what would your verdict be, it would be?

16 PROSPECTIVE JUROR NO. 004: It would be -- I don't
17 know.

18 MS. MOORS: It would have to be not guilty; right?

19 PROSPECTIVE JUROR NO. 004: Yes. Not guilty.

20 MS. MOORS: All right. That's totally fine. Do you
21 feel, as you're sitting here today, that you could be a fair
22 and impartial juror to both sides?

23 PROSPECTIVE JUROR NO. 004: I do not.

24 MS. MOORS: Okay. I renew my motion.

25 THE COURT: Okay. You're excused.

1 THE CLERK: Theodore Hinson, please take Seat 13.
2 Oh, I'm sorry, Badge 089.

3 THE COURT: Mr. Hinson, good afternoon. Tell us
4 about yourself.

5 PROSPECTIVE JUROR NO. 089: Currently 29 years of
6 age. From 29 Palms, California. I moved to Las Vegas in 2010.
7 I currently bartend at a place called Ms. Lola's. I've been
8 there for two years now. High school education, nothing
9 further. Currently single. No significant other. Just
10 working and enjoying life in Vegas.

11 THE COURT: Did you tell us that you thought you
12 might know a witness?

13 PROSPECTIVE JUROR NO. 089: Possibly. Yes.

14 THE COURT: Okay. And if, in fact, I know I asked
15 you this but I don't remember what you said, I'm sorry.
16 Because I would have asked you and I know I did ask you, if the
17 person testified that you thought and it was the person who is
18 a regular in your bar would, I mean, do you have some knowledge
19 of this person because they're a regular. You talk to them as
20 a bartender; right?

21 PROSPECTIVE JUROR NO. 089: Correct.

22 THE COURT: And so formed opinions of that person;
23 right?

24 PROSPECTIVE JUROR NO. 089: I did.

25 THE COURT: Okay. And so that would be something

1 that the rest of the jury would not be privy to. And you would
2 be, maybe, basing your opinion as to whether or not that person
3 is truthful or not truthful, based upon things that are outside
4 this trial process; would you agree with that?

5 PROSPECTIVE JUROR NO. 089: Yes. And if I may, when
6 you asked the second time if it would sway my decision to being
7 fair and impartial to the case, I believe, that I said that I
8 could make a fair judgment.

9 THE COURT: Right. And I think that you would
10 endeavor to be fair. I'm just a little concerned that if the
11 witness is the person that you know, that you've formed an
12 opinion about that person. So say, for example, we've known
13 each other and you may then form an opinion as to, am I a nice
14 person. Am I truthful person. Am I a kind person. All of
15 those things.

16 Based upon information that you have that everybody
17 else that hasn't met me doesn't know, so would you be able to
18 set aside all of that knowledge when you're trying to
19 determine, is this person being truthful and -- see what I'm
20 saying?

21 PROSPECTIVE JUROR NO. 089: Yes.

22 THE COURT: Can you do that?

23 PROSPECTIVE JUROR NO. 089: I believe since I do not
24 have any current facts or whatever has been already placed on
25 the table about what happened, I would be able to because what

1 goes on between her and I, if she happens to be this person,
2 and what's going on in this current case at this certain time
3 it's the -- if I heard correctly, the State of Nevada versus
4 the defendant, for them to prove beyond a reasonable doubt to
5 prove their case.

6 After all is said and done, it's me and 11 -- if I
7 were to be picked -- 11 other people and I, to be not swayed or
8 convinced, but proven beyond a reasonable doubt that whatever
9 happens in this case, at the particular time of the act, would
10 be decided by 11 other people and I, so --

11 THE COURT: Oh, I understand that. But you can't
12 share anything with the other jurors that they didn't hear. So
13 your knowledge of the witness, if it turns out to be the same
14 person, you can't share and say to the other jurors, well, you
15 know, I know her. And she's a, you know, a trustworthy person,
16 or I know her and she's not trustworthy, and you shouldn't
17 believe a thing that she says.

18 That would be improper. Because everything you make
19 your decisions on, including, whether you believe a witness or
20 how much weight you give to a particular witness's testimony,
21 has to be based upon the witness's testimony here in the
22 courtroom. Not upon your relationship with that witness that's
23 outside the courtroom; see what I mean?

24 PROSPECTIVE JUROR NO. 089: Yes.

25 THE COURT: Okay. So I know that you could follow

1 the instructions of the Court on that; right?

2 PROSPECTIVE JUROR NO. 089: Yes.

3 THE COURT: You are not to share. But my further
4 concern, I mean, you're the only one that can answer this, is,
5 can you somehow set what you know about this person completely
6 aside in your own mind?

7 PROSPECTIVE JUROR NO. 089: Yes.

8 THE COURT: Because you have to make your own
9 decision about whether the witness, any witness, should be
10 believed in whole or in part, et cetera and decide how much
11 weight to give to any witness's testimony. And so if you can't
12 make that, are you going to be making that, in part, that
13 decision based upon your preexisting knowledge of that witness;
14 your previous interactions with that person?

15 PROSPECTIVE JUROR NO. 089: If I may ask to repeat
16 the question.

17 THE COURT: Sure. Are you going to -- how do you
18 think -- tell me how you think you're going to be able to
19 listen to a witness, if it turns out that this is the person
20 that you know and you have interaction and you've just told me
21 you've already formed an opinion about that person, how are you
22 going to unring that bell in your head and be able to say, oh,
23 now I'm a blank slate and that what I already know about that
24 person isn't going to enter into my head when I'm deciding
25 whether to believe her or not believe her and how much weight

1 to give to the testimony if she testifies. And I don't know.
2 Or I don't even know if it's the same person. But I'm assuming
3 and I want you to assume it is the same person.

4 PROSPECTIVE JUROR NO. 089: Okay. Then I wouldn't be
5 able to.

6 THE COURT: You would not be able to set that aside
7 out of your head; is that what you're saying?

8 PROSPECTIVE JUROR NO. 089: I believe I could. But
9 if it happens to be the same person, then I don't believe so.
10 Since I already know the person, I can't just, you know, erase
11 the person out of my head if it happens to be that same person.

12 THE COURT: Okay. All right. So, yeah, that's --
13 that was good to say. If you could do that, I want to know how
14 you could do that.

15 All right. State, you can inquire further if you'd
16 like. Or anything, I don't know what you want to do, but.

17 MS. MOORS: Well. I don't really have any further
18 inquiry. I mean, I'd be making a motion.

19 THE COURT: Okay. You have a motion? Approach.

20 (Conference at the bench not recorded.)

21 THE COURT: So, Mr. Hinson, we're going to have to
22 dismiss you. I am very appreciative of your willingness to
23 serve, but I'm concerned that if you do know the witness then
24 you, you know, we have to excuse you at that point in the
25 trial. And so I'd hate to have you sit all the way through the

1 first process only to have to have you leave because I think
2 there's a likelihood it could be the same person. All right.
3 Thank you, though, very much.

4 PROSPECTIVE JUROR NO. 089: I understand.

5 THE CLERK: Next in line, Steven Acosta, Badge 091,
6 please take Seat 13.

7 THE COURT: Good afternoon, Mr. Acosta. Tell us
8 about yourself.

9 PROSPECTIVE JUROR NO. 091: My name is Steven Acosta.
10 I've lived here for most of my life. Went to Reno for a few
11 years and returned back about two years ago. Single. No
12 children. No significant other. Not much else outside of
13 that. Some college education. That's about it.

14 THE COURT: And what do you do for a living?

15 PROSPECTIVE JUROR NO. 091: I make jewelry.

16 THE COURT: All right. Do you do that for a company
17 or do you do it for yourself and you independently sell to
18 others?

19 PROSPECTIVE JUROR NO. 091: I do -- I work for my
20 parents. We own a private jewelry store. And then I do some
21 work for Pawn Stars down here on The Strip.

22 THE COURT: Okay. What store is that --

23 PROSPECTIVE JUROR NO. 091: It's called the Jewelry
24 Salon. It's up in Summerlin.

25 THE COURT: Okay. Where did you learn to make

1 jewelry?

2 PROSPECTIVE JUROR NO. 091: My stepfather. He's
3 known it since he was 13 years old and around that time I got
4 involved. I thought I wanted to pursue college. So I left
5 home and then I realized it wasn't really for me. I came back
6 and started learning jewelry with him.

7 THE COURT: Thank you. State.

8 MS. MOORS: Okay. Mr. Acosta, so my first question
9 is, can you get a wedding ring, like, can you get it increased
10 in size?

11 PROSPECTIVE JUROR NO. 091: Yeah. Definitely.

12 MS. MOORS: That's a thing?

13 PROSPECTIVE JUROR NO. 091: Uh-huh.

14 MS. MOORS: Okay. So my last knuckle has recently
15 gotten fatter and I can't get it off.

16 PROSPECTIVE JUROR NO. 091: Oh. They're several
17 things we can do.

18 MS. MOORS: And is it really hard to do?

19 PROSPECTIVE JUROR NO. 091: No. Not at all.

20 MS. MOORS: Okay. All right. Awesome. What other
21 types of jewelry do you make?

22 PROSPECTIVE JUROR NO. 091: Right now everything.
23 Silversmith, Goldsmith, platinumsmith, everything.

24 MS. MOORS: Well. That's so cool. And do you like
25 it?

1 PROSPECTIVE JUROR NO. 091: Yeah. It's enjoyable.
2 Like I said, it was something that I didn't think I wanted to
3 do because I was forced to.

4 MS. MOORS: Right.

5 PROSPECTIVE JUROR NO. 091: But when I came back and
6 I went to school, I realized that, you know, I'm a very
7 hands-on type of person. So I like working with my hands and
8 yeah, I realized that was kind of what I wanted to do.

9 MS. MOORS: Awesome. Do you have anything else that
10 you feel that the State or the defense should know about you in
11 regards to your ability to serve as a juror?

12 PROSPECTIVE JUROR NO. 091: No.

13 MS. MOORS: No? Okay. Pass. No more questions.

14 THE COURT: Thank you. Mr. Matsuda.

15 MR. MATSUDA: Thank you, Your Honor.

16 Good afternoon, Mr. Acosta.

17 PROSPECTIVE JUROR NO. 091: Good afternoon.

18 MR. MATSUDA: Now, I'm trying to -- I'm not sure if I
19 got my notes correct, but when the Judge asked everyone if
20 there was any kind of family member or close family member that
21 was involved in a crime or was a victim of a crime, did you
22 have something to say on that?

23 PROSPECTIVE JUROR NO. 089: Yes. When I was about 7
24 years old, my mother was a victim of armed robbery at a grocery
25 store. A man pulled a gun on her and stole her purse.

1 MR. MATSUDA: Okay. Now, 7, so about 18 years ago,
2 17 years ago?

3 PROSPECTIVE JUROR NO. 091: Roughly, yeah.

4 MR. MATSUDA: Okay. Now, is there anything with that
5 situation that you would hold some animosity towards the
6 prosecution or the defense?

7 PROSPECTIVE JUROR NO. 091: No.

8 MR. MATSUDA: Okay. Doesn't cloud your judgment or
9 anything like that?

10 PROSPECTIVE JUROR NO. 091: Not at all.

11 MR. MATSUDA: You're not going to hold it against
12 Mr. Marks, myself?

13 PROSPECTIVE JUROR NO. 091: No.

14 MR. MATSUDA: Okay. Thank you, sir.

15 I'll pass, Judge.

16 THE COURT: Thank you. And we have Kaitlyn Pearson,
17 Badge 039, tell us about yourself, ma'am.

18 PROSPECTIVE JUROR NO. 039: Hello. My name is
19 Kaitlyn. And I grew up in Texas. And I moved to Oregon to go
20 to college. I have a degree in public health. I got done with
21 school in 2014. The job market wasn't very great up there. So
22 I decided that instead of going into grad school that I would
23 go into restaurant management.

24 I had already worked at a hospital before in program
25 management with education. I'm a GM with Raising Cane's

1 chicken fingers. I've worked there for five and half years
2 now. I'm married. My husband's a restaurant manager as well.

3 THE COURT: Okay. And no kids?

4 PROSPECTIVE JUROR NO. 039: No kids. Just two dogs
5 and a cat.

6 THE COURT: Okay. State.

7 MS. MOORS: All right. Ms. Pearson, where in Texas?

8 PROSPECTIVE JUROR NO. 039: Dallas.

9 MS. MOORS: Okay. And where in Oregon?

10 PROSPECTIVE JUROR NO. 039: Portland.

11 MS. MOORS: So what school did you go to?

12 PROSPECTIVE JUROR NO. 039: Portland State.

13 MS. MOORS: Okay.

14 PROSPECTIVE JUROR NO. 039: And I worked at OHSU.

15 MS. MOORS: Oh, okay. Right. Yeah. Because that's
16 the med school there; right?

17 PROSPECTIVE JUROR NO. 039: Uh-huh.

18 MS. MOORS: Cool. What type of job did you have?

19 PROSPECTIVE JUROR NO. 039: I was the program
20 assistant manager for the neurosurgery department. So
21 essentially, I kind of worked with the residents throughout
22 their seven-year program, make sure they're meeting all their
23 competencies, kind of facilitate the administration behind all
24 that.

25 MS. MOORS: Okay. And do you -- what -- do you think

1 that ultimately you'll try to go back to that, or you're going
2 to stay with restaurant management currently?

3 PROSPECTIVE JUROR NO. 039: I'm not sure, honestly,
4 just kind of following where things take me right now. I
5 really do like Raising Cane's. But I don't think restaurant
6 management is my true passion. But at the same time public
7 health is kind of hard to support yourself with.

8 MS. MOORS: All right. I know. And like having to
9 being an adult is hard.

10 PROSPECTIVE JUROR NO. 039: Yes.

11 MS. MOORS: What type of -- or what restaurant does
12 your husband manage?

13 PROSPECTIVE JUROR NO. 039: Grimaldi's.

14 MS. MOORS: Oh. Seriously? That's my favorite
15 restaurant. Okay. I have no further questions.

16 THE COURT: Mr. Matsuda.

17 MR. MATSUDA: Raising Cane's and Grimaldi's?

18 PROSPECTIVE JUROR NO. 039: Yes.

19 MR. MATSUDA: Geez.

20 PROSPECTIVE JUROR NO. 039: We can hook it up between
21 the two of us.

22 MR. MATSUDA: Okay. I think I asked this question to
23 Ms. Pyle, do want to be picked as a juror?

24 PROSPECTIVE JUROR NO. 039: Yeah. I think it's
25 interesting. It's my civic duty. It's my first time just by

1 being 27 to actually go to jury duty. I think I was excused
2 for educational purposes every single time before, so.

3 MR. MATSUDA: Do you think you would make a good
4 juror?

5 PROSPECTIVE JUROR NO. 039: Yeah.

6 MR. MATSUDA: Fair and impartial?

7 PROSPECTIVE JUROR NO. 039: Of course.

8 MR. MATSUDA: Okay. Thank you, ma'am.

9 I'll pass, Judge.

10 THE COURT: Thank you. And if you'll hand the
11 microphone over to Alberto Reyes, Badge Number 927. Tell us
12 about yourself, sir.

13 PROSPECTIVE JUROR NO. 927: Your Honor, I'd like to
14 make a correction. I realized afterwards when you asked me the
15 question the other day, as far as when I last served on a jury,
16 I believe, I said five years. But in the back of my mind that
17 was when I last got a summons for jury duty. But that case I
18 was on was probably, like, 15 years ago.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 927: So I just wanted to --

21 THE COURT: That makes more sense to me as to why you
22 didn't remember it very well.

23 PROSPECTIVE JUROR NO. 927: Yeah.

24 THE COURT: But it was 15 years instead of 5. Okay.
25 Tell us about yourself.

1 PROSPECTIVE JUROR NO. 927: So we've lived in Las
2 Vegas about 14 years now. We came over from Los Angeles. I've
3 worked in the insurance industry about 34 years now. I started
4 out handling auto claims, moved into general liability. Did
5 that for over 20 years. And for the past five years, I've been
6 handling construction defect claims.

7 I'm married. My wife is a homemaker. She used to
8 work as a secretary at a realty firm in Los Angeles. But when
9 we moved here, she decided she didn't want to work anymore.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 927: And I have a degree in
12 economics.

13 THE COURT: Where did you go to college?

14 PROSPECTIVE JUROR NO. 927: I went to college
15 overseas when I was still living in Manila at the time.

16 THE COURT: Okay. Very good. So you're bilingual?

17 PROSPECTIVE JUROR NO. 927: Trilingual.

18 THE COURT: Trilingual. What languages do you speak?

19 PROSPECTIVE JUROR NO. 927: Well, I speak the native
20 language in the Philippines. And I'm fluent in Spanish as
21 well.

22 THE COURT: Okay. So which, I know there are several
23 dialects in Philippines that are spoken. So which one do you
24 speak?

25 PROSPECTIVE JUROR NO. 927: It's the main one,

1 Tagalog.

2 THE COURT: Tagalog. Okay. All right. Any
3 reason -- you've heard all of these things discussed, anything
4 that you want to bring to our attention or any reason you feel
5 you could not be fair and impartial?

6 PROSPECTIVE JUROR NO. 927: Not really. But I'm
7 still concerned about the licensing exam issue. But I'm still
8 working on it.

9 THE COURT: Okay. Working on that. All right. We
10 have a week off, you know, to spend all that time. Okay.
11 State.

12 MS. MOORS: I have no questions, Your Honor.

13 THE COURT: Mr. Matsuda.

14 MR. MATSUDA: I don't have any questions either, Your
15 Honor.

16 THE COURT: All right. Thank you. If you'll hand
17 the microphone over to Jennifer Pezario, Badge 016, tell us
18 about yourself.

19 PROSPECTIVE JUROR NO. 016: Hi. I'm 23 years old.
20 I'm a single mom. My son is 3. I'm a receptionist at a
21 pediatric office. And I've lived here my whole life.

22 THE COURT: Okay. Do you live with anyone else
23 besides --

24 PROSPECTIVE JUROR NO. 016: With my sister.

25 THE COURT: Okay. What does she do?

1 PROSPECTIVE JUROR NO. 016: She works in the same
2 office as I do as a medical assistant.

3 THE COURT: Okay. What about your education
4 background?

5 PROSPECTIVE JUROR NO. 016: Just high school.

6 THE COURT: Okay. State.

7 MS. MOORS: Ms. Pezario. So you said that you live
8 with your sister; right?

9 PROSPECTIVE JUROR NO. 016: Yeah.

10 MS. MOORS: Is she older or younger?

11 PROSPECTIVE JUROR NO. 016: Older.

12 MS. MOORS: How much older?

13 PROSPECTIVE JUROR NO. 016: Five years older.

14 MS. MOORS: Five years. Okay. And does she have any
15 children as well?

16 PROSPECTIVE JUROR NO. 016: No.

17 MS. MOORS: Okay. So just the two of you.

18 PROSPECTIVE JUROR NO. 016: Yeah.

19 MS. MOORS: And is one of you, like, I mean, you work
20 at the same place; did she help you get the job?

21 PROSPECTIVE JUROR NO. 016: She helped me get the
22 job. Yeah.

23 MS. MOORS: Okay. How do you like working in, sort
24 of, the medical field?

25 PROSPECTIVE JUROR NO. 016: I like it.

1 MS. MOORS: Yeah?

2 PROSPECTIVE JUROR NO. 016: Yeah.

3 MS. MOORS: And how long have you been at this
4 office?

5 PROSPECTIVE JUROR NO. 016: For three years.

6 MS. MOORS: Is there anything that we've been talking
7 about that you feel that Ms. Cannizzaro or myself should know
8 about your ability to serve?

9 PROSPECTIVE JUROR NO. 016: No.

10 MS. MOORS: Anything that Mr. Matsuda know should
11 know?

12 PROSPECTIVE JUROR NO. 016: No.

13 MS. MOORS: Okay. All right. Pass, Your Honor.

14 THE COURT: Thank you. Mr. Matsuda.

15 MR. MATSUDA: I don't believe I have any questions,
16 Your Honor. I'll pass.

17 THE COURT: All right. Thank you. Pass the
18 microphone down that row and then all the way down.

19 UNIDENTIFIED SPEAKER: Counsel, would you like them
20 to stand up when they speak.

21 THE COURT: You're up. You've been waiting a long
22 time. They won't be able to see you if you --

23 MR. MATSUDA: I'm good.

24 THE COURT: Unless you -- can you see her?

25 MR. MATSUDA: Yeah, I can see her fine.

1 THE COURT: Okay. I couldn't tell whether you could
2 see her not. All right. So we are speaking with Michelle
3 Chambers; correct, Badge Number 934? Tell us about yourself.

4 THE COURT RECORDER: You've got to hold the mic up.
5 We can't hear you.

6 THE COURT: Go ahead. Speak into the microphone and
7 tell us about yourself. How long have you lived in Clark
8 County?

9 PROSPECTIVE JUROR NO. 934: I moved here '85. 1985.

10 THE COURT: Okay. All right.

11 PROSPECTIVE JUROR NO. 934: I'm married for 35 years.
12 I raised two children here. I only have one left. She's doing
13 well. She's an electrician.

14 THE COURT: She's where?

15 PROSPECTIVE JUROR NO. 934: She's an electrician.

16 THE COURT: Oh, great.

17 PROSPECTIVE JUROR NO. 934: I have two grandchildren.

18 THE COURT: Okay. Do you work?

19 PROSPECTIVE JUROR NO. 934: And that's what I do all
20 day for the last 14 years.

21 THE COURT: Okay. You've been taking care of your
22 grandkids.

23 PROSPECTIVE JUROR NO. 934: I haven't worked -- I did
24 medical billing, but I haven't worked in 14 years.

25 THE COURT: But it sounds like you're taking care of

1 the grandchildren?

2 PROSPECTIVE JUROR NO. 934: Yes.

3 THE COURT: That's very nice.

4 PROSPECTIVE JUROR NO. 934: More than full time.

5 THE COURT: That's a full-time job. And how about
6 your husband that you've been married to for 35 years, what
7 does he do?

8 PROSPECTIVE JUROR NO. 934: He drives for
9 construction. He's in construction. Been at the same company
10 for 26 years.

11 THE COURT: Very steady and reliable. All right.
12 Are you nervous?

13 PROSPECTIVE JUROR NO. 934: Yes. I don't like to
14 talk.

15 THE COURT: But will you be able to speak with the
16 other jurors that -- during deliberation if you're chosen?

17 PROSPECTIVE JUROR NO. 934: If all eyes aren't on me.

18 THE COURT: Not really. I'm looking at you because
19 that's courteous.

20 PROSPECTIVE JUROR NO. 934: Right.

21 THE COURT: But nobody's staring at you just -- will
22 you be able to talk to your fellow jurors?

23 PROSPECTIVE JUROR NO. 934: Yes.

24 THE COURT: I mean, in a small setting, you can speak
25 to other people that you know; right?

1 THE COURT RECORDER: Can you make sure to hold that
2 microphone up by -- I apologize, you're a little hard to hear.

3 PROSPECTIVE JUROR NO. 934: Yes.

4 THE COURT: Okay. State.

5 MS. MOORS: Hi. So, ma'am, I saw that when we were
6 first -- when you first had the microphone you were sort of
7 hesitant to talk, is that because you just don't like public
8 speaking?

9 PROSPECTIVE JUROR NO. 934: I never --

10 THE COURT: No, you need to talk into the microphone.
11 Don't gesture with the microphone.

12 PROSPECTIVE JUROR NO. 934: I've never talked in a
13 microphone before.

14 MS. MOORS: Oh, okay. All right. Well, we can do
15 some karaoke later on maybe; definitely not.

16 PROSPECTIVE JUROR NO. 934: We had one of those and I
17 never did that either.

18 MS. MOORS: Okay. So I totally get it, like, I
19 totally understand. Not with regards to public speaking but
20 with regards to speaking. If you're in a room with essentially
21 11 other strangers, are you going to be able to deliberate and
22 talk about what you saw?

23 PROSPECTIVE JUROR NO. 934: I've been seeing the same
24 people for three days now. We're not entirely strangers.

25 MS. MOORS: Okay. Sure. Sure. But you wouldn't

1 have a problem speaking in that environment?

2 PROSPECTIVE JUROR NO. 934: No.

3 MS. MOORS: Okay. Is there anything that we need to
4 know, representing the State of Nevada, about your ability to
5 serve as a juror?

6 PROSPECTIVE JUROR NO. 934: What do we need to do?
7 What do you need to have to serve?

8 MS. MOORS: Well, I mean, if you were to tell me, I
9 hate all cops and they're all liars. Probably something I
10 would want to know. So is there something that is in your
11 background?

12 PROSPECTIVE JUROR NO. 934: Well, what has happened
13 to me in my past has nothing to do with what's here.

14 MS. MOORS: Okay. So you're telling me that you, if
15 you were chosen to be on the jury, you could be fair and
16 impartial to both sides?

17 PROSPECTIVE JUROR NO. 934: Yeah, because whatever I
18 dealt with isn't anything to do with what I'm going to deal
19 with.

20 MS. MOORS: Sure. No, I understand. There are just
21 some people that --

22 PROSPECTIVE JUROR NO. 934: There's a line right
23 there that says you go over here, this is what you deal with.

24 MS. MOORS: Right. No, I understand. So you are
25 saying that, that you can be fair to both sides?

1 PROSPECTIVE JUROR NO. 934: Uh-huh.

2 MS. MOORS: Okay. I have no further questions.

3 THE COURT: Thank you. Mr. Matsuda.

4 MR. MATSUDA: I'm going to be nice. So I'm going to
5 ask you the same question I asked a couple other prospective
6 jurors. Do you want to be on this jury?

7 PROSPECTIVE JUROR NO. 934: Not necessarily.

8 MR. MATSUDA: And why not?

9 PROSPECTIVE JUROR NO. 934: Because it seems scary to
10 me.

11 MR. MATSUDA: The process or like when the Judge
12 say -- or --

13 PROSPECTIVE JUROR NO. 934: Just being in the
14 courtroom.

15 MR. MATSUDA: Just being in a courtroom.

16 PROSPECTIVE JUROR NO. 934: Just being in a
17 courtroom.

18 MR. MATSUDA: Okay. All right. Is it like an
19 anxiety issue or you're just nervous to be around people?

20 PROSPECTIVE JUROR NO. 934: I don't know.

21 MR. MATSUDA: Okay. You'd rather not be on the jury?

22 PROSPECTIVE JUROR NO. 934: I guess the law scares
23 me.

24 MR. MATSUDA: Well, what about the law scares you?

25 PROSPECTIVE JUROR NO. 934: Well, I don't have to be

1 afraid if I didn't do anything wrong. So that's why I say I
2 try to do everything right, and I won't end up over here.

3 MR. MATSUDA: All right. Understood. Understood.
4 If you were chosen, would you be able to reserve your judgment
5 until all the evidence is flushed out? You hear testimony, you
6 look at Exhibits or evidence, could you reserve your judgment
7 until the case is presented to you? Go back with your fellow
8 jurors and then make a informed decision?

9 PROSPECTIVE JUROR NO. 934: Uh-huh.

10 MR. MATSUDA: Is that a yes?

11 PROSPECTIVE JUROR NO. 934: Yes.

12 MR. MATSUDA: Okay. But you don't want to do it?

13 PROSPECTIVE JUROR NO. 934: Not necessarily. But if
14 I have to.

15 MR. MATSUDA: Okay. Well, that's kind of a trick
16 question, I guess. No one really wants to be serving jury
17 duty, but you'd rather not?

18 PROSPECTIVE JUROR NO. 934: Right.

19 MR. MATSUDA: Okay. Thank you, ma'am.

20 THE CLERK: I'm sorry didn't hear her answer.

21 THE COURT: What was your answer?

22 PROSPECTIVE JUROR NO. 934: Yes.

23 THE COURT: Okay. Thank you.

24 MR. MATSUDA: Nothing further, Your Honor.

25 THE COURT: Thank you. If you'll pass the microphone

1 over to Diego Gonzalez, Badge Number 017. Mr. Gonzalez, tell
2 us about yourself.

3 PROSPECTIVE JUROR NO. 017: I am 19 years old. I'm
4 unemployed. I live with my mom still. Lived here my whole
5 life, and I'm still trying to finish up getting my high school
6 diploma.

7 THE COURT: Okay. And so where are you going to try
8 and finish up your high school diploma?

9 PROSPECTIVE JUROR NO. 017: I go to this adult high
10 school on, I forgot where was again. But it's like -- it's an
11 online course mostly.

12 THE COURT: Okay. Have you ever worked before?

13 PROSPECTIVE JUROR NO. 017: I worked as a bus boy for
14 a restaurant before. And I work for my dad half time.

15 THE COURT: Okay. What does your mother do?

16 PROSPECTIVE JUROR NO. 017: She works at a salon,
17 cleaning up the area.

18 THE COURT: Did you attend high school here?

19 PROSPECTIVE JUROR NO. 017: Yes. I attended high
20 school here.

21 THE COURT: Which school did you attend?

22 PROSPECTIVE JUROR NO. 017: I went to Clark High
23 School.

24 THE COURT: And did you go through 12th grade?

25 PROSPECTIVE JUROR NO. 017: Yes.

1 THE COURT: Were you in any special classes?

2 PROSPECTIVE JUROR NO. 017: No.

3 THE COURT: Okay. And no advanced placement classes
4 or anything like that?

5 PROSPECTIVE JUROR NO. 017: No, I wasn't.

6 THE COURT: So what is it that your -- are you
7 recently 19 or how --

8 PROSPECTIVE JUROR NO. 017: I turn 20 in September.

9 THE COURT: Okay. So you'll be 20 in September.
10 Pretty soon.

11 PROSPECTIVE JUROR NO. 017: Uh-huh.

12 THE COURT: Okay. So what is it that you are
13 struggling with now as you try and get your diploma? What
14 subjects are you having trouble with?

15 PROSPECTIVE JUROR NO. 017: I only have history and
16 math left.

17 THE COURT: So which do you like better, history or
18 math?

19 PROSPECTIVE JUROR NO. 017: History.

20 THE COURT: And why do you like history?

21 PROSPECTIVE JUROR NO. 017: It's fun learning about
22 what happened in the past in the U.S. and mostly in the world.

23 THE COURT: All right. Do you think you'd be a good
24 juror?

25 PROSPECTIVE JUROR NO. 017: I can try my best.

1 THE COURT: Do you think you would be a good juror
2 though?

3 PROSPECTIVE JUROR NO. 017: No.

4 THE COURT: No? Why? Why do you think that?

5 PROSPECTIVE JUROR NO. 017: Because I don't really
6 like talking with people. I have, like, slight anxiety.

7 THE COURT: You have slight anxiety? Okay. Do you
8 interact with people on a regular basis?

9 PROSPECTIVE JUROR NO. 017: Not really.

10 THE COURT: No. All right. I'll let the lawyers ask
11 some more questions. I don't want to monopolize their time.
12 State.

13 MS. MOORS: Mr. Gonzalez, did I hear you say that you
14 sometimes work with your dad?

15 PROSPECTIVE JUROR NO. 017: Yes.

16 MS. MOORS: And what does your dad do?

17 PROSPECTIVE JUROR NO. 017: He paints buildings.

18 MS. MOORS: Okay. So, like, indoor or outdoor?

19 PROSPECTIVE JUROR NO. 017: Both.

20 MS. MOORS: Both. Okay. So would you work like in
21 actual painting or like in the office or --

22 PROSPECTIVE JUROR NO. 017: In actual painting.

23 MS. MOORS: Okay. Do you like it?

24 PROSPECTIVE JUROR NO. 017: It's fun.

25 MS. MOORS: Yeah. Is that something that you might

1 pursue in the future, like, to work with your dad?

2 PROSPECTIVE JUROR NO. 017: Probably.

3 MS. MOORS: Okay. So I had asked this a couple of
4 times to other jurors that were little younger, like yourself.
5 Do you feel that if you were in a room with 11 other people,
6 let's be honest, probably, they're going to be older than you,
7 do you feel that if you, say, have a different opinion than
8 them, that you could sort of let your voice be heard? Or do
9 you think that you would just kind of go along with whatever
10 everyone else was saying?

11 PROSPECTIVE JUROR NO. 017: I would probably go along
12 with everyone else.

13 MS. MOORS: Okay. And is that kind of a facet of how
14 you said that you don't really like -- or you don't feel
15 comfortable talking with a group of people?

16 PROSPECTIVE JUROR NO. 017: Yes.

17 MS. MOORS: Okay. So would it be fair to say that
18 you don't really want to be a juror?

19 PROSPECTIVE JUROR NO. 017: Yes.

20 MS. MOORS: Okay. I have no further questions, Your
21 Honor. I pass for cause.

22 THE COURT: Mr. Matsuda.

23 MR. MATSUDA: Good afternoon, Mr. Gonzalez. If
24 you're not working and you're not going to school, what do you
25 like to do in your spare time?

1 PROSPECTIVE JUROR NO. 017: I mostly hang with my
2 brother or sisters.

3 MR. MATSUDA: Okay. And what do you guys do for fun?

4 PROSPECTIVE JUROR NO. 017: My brother is I raver so
5 we go, like, out of the state half the time. And my sister is
6 just athletic, so I just follow her. If she starts to run in a
7 park I'll visit her.

8 MR. MATSUDA: Okay. These raves -- big raves?

9 PROSPECTIVE JUROR NO. 017: Yes.

10 MR. MATSUDA: Like rent out the Speedway kind of
11 raves?

12 PROSPECTIVE JUROR NO. 017: Like ADC.

13 MR. MATSUDA: Yeah.

14 PROSPECTIVE JUROR NO. 017: Yes.

15 MR. MATSUDA: You go to that stuff?

16 PROSPECTIVE JUROR NO. 017: Not yet, but I go to,
17 like, smaller ones.

18 MR. MATSUDA: Okay. You like the music and
19 everything else?

20 PROSPECTIVE JUROR NO. 017: Yes.

21 MR. MATSUDA: Okay. Is there anything else that you
22 would like to tell either the State or the defense about you
23 that you would think we would want to know?

24 PROSPECTIVE JUROR NO. 017: No.

25 MR. MATSUDA: Okay. Thank you, sir.

1 I'll pass, Your Honor.

2 THE COURT: Thank you. And if you'll hand the
3 microphone to Daniel Contreras, Badge Number 945, tell us about
4 yourself, sir.

5 PROSPECTIVE JUROR NO. 945: I am 36 years old.
6 Married to my beautiful wife. I have three beautiful -- two
7 beautiful daughters. At 3 year old and a 5 year old. I've
8 been here in Clark County, Nevada, basically since 2006. Moved
9 here from Southern California. I work for the company called
10 Aptiv. We are a global technology company.

11 You may have seen our cars driving up and down the
12 road. The smart vehicles, basically, drive themselves. I do
13 and R&D in vehicle operations with them. I've been there for
14 about a year and a half, and I really enjoy the company.
15 Really seeing the way of the future for the technology way is
16 developing for safer and greener solutions for people.

17 THE COURT: Yeah. That's -- I'm waiting for that so
18 I can take a nap --

19 PROSPECTIVE JUROR NO. 945: Exactly. A lot of people
20 want to sleep.

21 THE COURT: I know you're not supposed to do that;
22 right? Even with self-driving cars; there has to be somebody
23 watching to make sure.

24 PROSPECTIVE JUROR NO. 945: Yes. Right now the level
25 of autonomy is only a level 4. So currently you need a vehicle

1 operator to take over in certain situations. Level 5 is when
2 you get to that point where the car will be able to do every
3 type of road scenario there is, that the driver is only
4 optional. But still --

5 THE COURT: How far do you think we're away from
6 that?

7 PROSPECTIVE JUROR NO. 945: A lot of legislation
8 still needs to change. A lot of laws right now, as you know,
9 is time consuming when it comes to changing them and the public
10 perception, and stuff like that needs to kind of go along with
11 it and start changing in order to come fully to that Level 5
12 and be capable of doing that. But the technology will get
13 there faster than that part will.

14 THE COURT: So right, and that's probably certainly
15 true because people follow along at a lag. But what about
16 technologywise. I'm thinking, you know, when I'm in my 90s I
17 might want to be able to not drive.

18 PROSPECTIVE JUROR NO. 945: I mean, from a public
19 point, I think it's still farther off. More of a fleet service
20 will be always the first thing to come about. And then that
21 will progress just because, you know, with the public
22 perception, that's going to hold that part back a lot, you
23 know, because people like to drive still.

24 THE COURT: Well, yeah, I suppose. They're not going
25 to take classic cars off the road any time soon.

1 PROSPECTIVE JUROR NO. 945: Yeah. I'd say it's
2 always going to be like horse riding. It's going to be a
3 recreational thing.

4 THE COURT: Right. Okay. You heard us all
5 discussing everything we've been talking about for the last,
6 now, going on three days. Anything that came up where you
7 thought, when it's my turn I need to bring this up?

8 PROSPECTIVE JUROR NO. 945: No, Your Honor.

9 THE COURT: Thank you.

10 State.

11 MS. MOORS: Mr. Contreras, where were you living when
12 you were in Southern California?

13 PROSPECTIVE JUROR NO. 945: Hemet, California.
14 Riverside.

15 MS. MOORS: Okay. I actually was at the Riverside
16 DA's office before coming here.

17 PROSPECTIVE JUROR NO. 945: Okay.

18 MS. MOORS: Which do you like better, California or
19 Vegas?

20 PROSPECTIVE JUROR NO. 945: Vegas a lot more.

21 MS. MOORS: Right.

22 PROSPECTIVE JUROR NO. 945: Yes.

23 MS. MOORS: I actually moved there and came back.

24 PROSPECTIVE JUROR NO. 945: Yeah.

25 MS. MOORS: I was like I'm on it. Beautiful wife.

1 Good answer. Right?

2 PROSPECTIVE JUROR NO. 945: Of course.

3 MS. MOORS: The only answer.

4 PROSPECTIVE JUROR NO. 945: Yes.

5 MS. MOORS: What state did she like better?

6 PROSPECTIVE JUROR NO. 945: She likes California
7 better just because she misses the beach, but she prefers
8 Nevada still overall. So it's kind of she's always changing
9 her mind depending on the season.

10 MS. MOORS: So Hemet, that's where the -- where like,
11 the Scientology, like, compound is. Yeah?

12 PROSPECTIVE JUROR NO. 945: Yes.

13 MS. MOORS: Looks like a castle?

14 PROSPECTIVE JUROR NO. 945: Yep.

15 MS. MOORS: Did you ever go?

16 PROSPECTIVE JUROR NO. 945: Yes. Actually, I've been
17 to that facility for different events.

18 MS. MOORS: Really? Cool.

19 PROSPECTIVE JUROR NO. 945: And it is weird.

20 MS. MOORS: It's so weird. Okay. No further
21 questions.

22 THE COURT: Thank you. Mr. Matsuda, would you like,
23 to inquire?

24 MR. MATSUDA: Thank you, Your Honor.

25 Mr. Contreras.

1 PROSPECTIVE JUROR NO. 945: Yes, sir.

2 MR. MATSUDA: Have you ever seen Terminator?

3 PROSPECTIVE JUROR NO. 945: Yes, I have.

4 MR. MATSUDA: Skynet man.

5 PROSPECTIVE JUROR NO. 945: Skynet. Yes. I get
6 asked that a lot.

7 MR. MATSUDA: The company's not concerned that AI is
8 going to take over the world?

9 PROSPECTIVE JUROR NO. 945: Not concerned yet. I
10 mean, if somebody big like that started to come into my
11 building, then I might have to worry about it.

12 MR. MATSUDA: Okay. I just wanted to see if you saw
13 that movie.

14 PROSPECTIVE JUROR NO. 945: Yeah. Of course.

15 MR. MATSUDA: Nothing further, Your Honor. Thank
16 you.

17 THE COURT: All right. And let's see, we have now,
18 George Romero, Badge Number 950, tell us about yourself, sir.

19 PROSPECTIVE JUROR NO. 950: I'm 18. I graduated from
20 high school just a few months ago. I work in a sushi
21 restaurant. My dad is a car salesman. And my mom is a
22 secretary in a lawyer's office. I have two siblings, a younger
23 sister and a younger brother. They don't work.

24 THE COURT: And your education?

25 PROSPECTIVE JUROR NO. 950: I graduated from high

1 school a few months ago. That's it for now.

2 THE COURT: Which school did you go to?

3 PROSPECTIVE JUROR NO. 950: Spring Valley.

4 THE COURT: Okay. Do you have any aspirations for
5 future education?

6 PROSPECTIVE JUROR NO. 950: Yeah. I want to start
7 going to CSN. I think I start August 26.

8 THE COURT: Okay. What are you going to take -- what
9 do you want to take?

10 PROSPECTIVE JUROR NO. 950: I'm just going to do the
11 associate's degree for education for two years.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 950: And then probably
14 transfer to UNLV.

15 THE COURT: And do you want to be a teacher?

16 PROSPECTIVE JUROR NO. 950: I'm not sure yet of what
17 I want to do.

18 THE COURT: All right. So are you talking about an
19 associate's degree in just general education?

20 PROSPECTIVE JUROR NO. 950: Yeah. General education,
21 my bad.

22 THE COURT: Okay. I thought you meant towards an
23 education degree, like a teaching credential. All right. So
24 you haven't thought about a major then?

25 PROSPECTIVE JUROR NO. 950: No, not yet. Well, I've

1 been thinking about it but I'm not, like, really sure yet.

2 THE COURT: All right. Thank you. State.

3 MS. MOORS: I have no questions, Your Honor.

4 THE COURT: Mr. Matsuda.

5 MR. MATSUDA: Mr. Romero, now I know you said you,
6 I'm sorry, you said your mom works at a law firm, law office?

7 PROSPECTIVE JUROR NO. 950: Yeah.

8 MR. MATSUDA: Do you know, I think we asked you
9 before and you didn't know which lawyer, but do you know which
10 law office she works at?

11 PROSPECTIVE JUROR NO. 950: It's named after a lawyer
12 and I always forget the name. I'm not sure.

13 MR. MATSUDA: Do you know what kind of law that
14 attorney practices?

15 PROSPECTIVE JUROR NO. 950: I'm not sure. It's,
16 like, multiple attorneys.

17 MR. MATSUDA: Okay. Is it a big firm?

18 PROSPECTIVE JUROR NO. 950: No, it's not that big.
19 I've been there before couple times. It's like a smaller
20 office.

21 MR. MATSUDA: Just a few attorneys?

22 PROSPECTIVE JUROR NO. 950: Yeah.

23 MR. MATSUDA: Okay. But you don't know what kind of
24 field they specialize in?

25 PROSPECTIVE JUROR NO. 950: No, I didn't really ask

1 and like, yeah.

2 MR. MATSUDA: Okay. Thank you. I'll pass, Your
3 Honor.

4 THE COURT: Thank you. If you'll hand the microphone
5 over to Susan Tysdal, Badge Number 956, tell us about yourself.

6 PROSPECTIVE JUROR NO. 956: I'm originally from
7 Hawaii. I lived in New York for seven years. And then I moved
8 to Vegas about 19 years ago. And then I'm married. I have two
9 dogs and a cat. I work at employers' as workers
10 compensation -- at employers' workers compensation company and
11 I do underwriting associate. And my husband is a pharmacist
12 manager for Albertson's.

13 THE COURT: For who? Albertson's?

14 PROSPECTIVE JUROR NO. 956: Uh-huh.

15 THE COURT: So what brought you from New York to
16 Vegas?

17 PROSPECTIVE JUROR NO. 956: Well, after 9/11, I lived
18 through that so I, like, I decided to come back home because --
19 well, come back closer to the islands because it's close to my
20 parents. And just, my friend lived here, and she was like you
21 should come to Vegas. You'll fit in, you know. Your tattoos
22 will fit in. And people are open, not really. But it was hard
23 to get a job at first.

24 THE COURT: Well, they're more open in comparison
25 with New Yorkers?

1 PROSPECTIVE JUROR NO. 956: No. New York was pretty
2 open, but it was just, I needed to leave. It was --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 956: I was trying to get away
5 from the ex-boyfriend. And then I was trying to move away
6 because of 9/11. So I was, yeah.

7 THE COURT: Yeah. You told us about that so. That
8 was a good move then.

9 PROSPECTIVE JUROR NO. 956: Yeah.

10 THE COURT: All right. So you're happy here now?

11 PROSPECTIVE JUROR NO. 956: Yeah. I like the
12 weather.

13 THE COURT: Good. Well, it's supposed to be 110
14 today.

15 PROSPECTIVE JUROR NO. 956: Well, I don't like that
16 part, but I like the dryness not the humidity of Hawaii.
17 Hawaii's too humid.

18 THE COURT: That's true. Very dry. That's the first
19 words we teach the babies. But it's a dry heat.

20 PROSPECTIVE JUROR NO. 956: Yes.

21 THE COURT: State.

22 MS. MOORS: Thank you. So Ms. Tysdal, I have to ask
23 you, I was at a wedding this past weekend, and I was speaking
24 with a woman from Australia who had moved to New York. And I
25 had always heard that New Yorkers were mean. And she was,

1 like, actually, they're super nice. They just come across as
2 mean, but, like, if you ever stop and ask them for help, you'll
3 have, like, five people helping. Would you agree with sort of
4 that characterization?

5 PROSPECTIVE JUROR NO. 956: They come off tough and
6 strong in their demeanor. But if you asked them for help
7 they'll stop and help you.

8 MS. MOORS: Yeah.

9 PROSPECTIVE JUROR NO. 956: The majority will, yeah.

10 MS. MOORS: How would you characterize Vegas people?

11 PROSPECTIVE JUROR NO. 956: They're always in their
12 car so I can't really tell, you know. I mean, New Yorkers are
13 on the street so you can make facial, like, you can look at
14 them and they look at you. And you're in the subway or the
15 buses, and they look at you and you have contact. But here
16 it's everybody is like -- with now, like, with your phones.
17 Everybody's in their phones. So you don't really talk to
18 people.

19 MS. MOORS: Yeah, totally. So like when you lived in
20 New York you probably didn't have a car, did you?

21 PROSPECTIVE JUROR NO. 956: No. I took the subway.
22 I took special delivery cars and I took taxis, buses.

23 MS. MOORS: Right. And then I'm assuming you have a
24 car here?

25 PROSPECTIVE JUROR NO. 956: Yes.

1 MS. MOORS: Yeah. It's weird, huh.

2 PROSPECTIVE JUROR NO. 956: I love it. But I love
3 cars but, so.

4 MS. MOORS: So do you want to move back to Hawaii
5 eventually?

6 PROSPECTIVE JUROR NO. 956: No. It's too humid.

7 MS. MOORS: Too humid?

8 PROSPECTIVE JUROR NO. 956: I like to visit. My
9 family's there. So I can visit and free stay, free food, so.
10 It's nice.

11 MS. MOORS: Fair enough. So would you disagree with
12 Mr. Matsuda, that Hawaii is the best place in the world?

13 PROSPECTIVE JUROR NO. 956: Yeah. I would disagree.

14 MS. MOORS: Okay. All right. I have no further
15 questions.

16 THE COURT: And with that --

17 MR. MATSUDA: We gotta have some discussions.

18 PROSPECTIVE JUROR NO. 956: Oh, and by the way, go
19 Cubs.

20 MR. MATSUDA: We're going to have a problem now. You
21 don't think Hawaii is the best place in the world?

22 PROSPECTIVE JUROR NO. 956: No, it's too small.
23 Small minded. I grew up in Hilo.

24 MR. MATSUDA: Oh. Okay. That makes sense.

25 PROSPECTIVE JUROR NO. 956: Yeah. I went to school

1 in Manoa, but --

2 MR. MATSUDA: Well, that's not bad.

3 PROSPECTIVE JUROR NO. 956: -- but still, it's still
4 close minded. It's not as open as New York and diverse. Vegas
5 is diverse and open. I like it, so.

6 MR. MATSUDA: Okay. Fair enough. Now, I know you
7 brought up some past situations that you went through. And I
8 don't want to rehash what was said. But do you feel that you
9 could be fair and impartial to both sides?

10 PROSPECTIVE JUROR NO. 956: Yeah. I feel like I can
11 be fair. I mean, he's not guilty until proven so.

12 MR. MATSUDA: Okay. Now, if you're sitting on my
13 table, myself and Mr. Marks, would you feel comfortable with
14 someone like you sitting on the jury?

15 PROSPECTIVE JUROR NO. 956: Yeah.

16 MR. MATSUDA: Now, you understand the burden is on
17 the State. They're making certain allegations.

18 PROSPECTIVE JUROR NO. 956: Uh-huh.

19 MR. MATSUDA: And they must prove those allegations
20 beyond a reasonable doubt.

21 PROSPECTIVE JUROR NO. 956: Right.

22 MR. MATSUDA: Now, would you be comfortable holding
23 the State to their burden?

24 PROSPECTIVE JUROR NO. 956: Yeah, I mean, I have to
25 see everything and hear everything before we can make a

1 decision.

2 MR. MATSUDA: Okay.

3 PROSPECTIVE JUROR NO. 956: Me and the other jurors.

4 MR. MATSUDA: Okay. And if you feel that the State
5 has not met their burden and say the other 11 thinks that the
6 State did meet their burden, would you be able to hold your
7 ground and say, no, I don't believe the State has proven --

8 PROSPECTIVE JUROR NO. 956: Yeah. I believe I could
9 do that. I would say, speak up and say something.

10 MR. MATSUDA: Okay.

11 PROSPECTIVE JUROR NO. 956: That, hey, something's
12 missing.

13 MR. MATSUDA: Thank you, Ms. Tysdal.

14 Nothing further, Your Honor.

15 THE COURT: Thank you. And if you'll pass the
16 microphone over. We have Cheryl Ewing, Badge Number 963, tell
17 us about yourself.

18 PROSPECTIVE JUROR NO. 963: I was born here. I'm 57
19 years old. I attended Rancho High School and UNLV. I was an
20 architecture major at the Hughes Engineering College. I didn't
21 finish. I'm divorced. I have one daughter. She's 38. She
22 and my son-in-law have been together since high school. They
23 have my three grandchildren. They have a construction
24 demolition business.

25 In 1949 my father and two uncles formed Ewing

1 Brothers. The company now belongs to me and two of my
2 brothers. I oversee the yard operations with the impounds and
3 the storage inventory, the lien processing and auctions. And I
4 have three German Shepherds.

5 THE COURT: All right. And those are friendly German
6 Shepherds or are those the, what do they call those, the dogs
7 in the yard.

8 PROSPECTIVE JUROR NO. 963: They're protective.

9 THE COURT: They are protective. That's good. Okay.
10 State.

11 MS. MOORS: Good afternoon, Ms. Ewing.

12 PROSPECTIVE JUROR NO. 963: Hi.

13 MS. MOORS: So I want to say it was yesterday or the
14 day before, we were talking about being a victim of a crime.
15 And I think you had said that you had been robbed at gun point
16 at your place of work. When was that again?

17 PROSPECTIVE JUROR NO. 963: I think it was '96.

18 MS. MOORS: Okay. And it was three people, if I'm
19 remembering right.

20 PROSPECTIVE JUROR NO. 963: Three guys, yeah.

21 MS. MOORS: And you said none of them were
22 apprehended.

23 PROSPECTIVE JUROR NO. 963: No. They had suspected
24 that they had come up from LA.

25 MS. MOORS: Oh. Okay. Yeah. So is there anything

1 about that, obviously, when we're victimized and things happen
2 to us and no one's ever held accountable, that's not
3 necessarily a good feeling. Is there anything about the fact
4 that no one was ultimately prosecuted that you might, say, hold
5 against Ms. Cannizzaro or myself in this case?

6 PROSPECTIVE JUROR NO. 963: No.

7 MS. MOORS: No. And I -- I mean, I guess it's kind
8 of a silly question, but sometimes people hold grudges. And so
9 we just want to make sure that you would be willing to listen
10 to everything that comes in here today and sort of disregarding
11 the fact that this terrible thing happened to you.

12 PROSPECTIVE JUROR NO. 963: No. I wouldn't. I
13 wouldn't. I had bulletproof glass put up so it would never
14 again and that's it.

15 MS. MOORS: Okay. Yeah. Did you have the dogs --
16 did you have other dogs at that time?

17 PROSPECTIVE JUROR NO. 963: The dogs?

18 MS. MOORS: Well, obviously not these dogs because
19 that would be like 20 years ago.

20 PROSPECTIVE JUROR NO. 963: I've always had dogs.

21 MS. MOORS: Okay.

22 PROSPECTIVE JUROR NO. 963: Always.

23 MS. MOORS: Right.

24 PROSPECTIVE JUROR NO. 963: Horses, dogs, cats.

25 MS. MOORS: So is there anything else that you think

1 that either Ms. Cannizzaro or myself or Mr. Matsuda need to
2 know about your ability to serve as a juror?

3 PROSPECTIVE JUROR NO. 963: No. Especially working
4 at an impound yard, people have to prove things to me every
5 day. So, yeah, you have to prove it to me.

6 MS. MOORS: Right. And if say you felt that
7 Ms. Cannizzaro and myself did meet our burden and we proved it
8 to you beyond reasonable doubt, would you have any trouble
9 coming back with a conviction of guilty?

10 PROSPECTIVE JUROR NO. 963: No.

11 MS. MOORS: And if say, conversely, if we didn't meet
12 that burden, would you have any trouble coming back with a
13 conviction of not guilty?

14 PROSPECTIVE JUROR NO. 963: No.

15 MS. MOORS: Because it wouldn't be a conviction, but,
16 okay. Thank you. Pass.

17 THE COURT: Thank you. Mr. Matsuda.

18 MR. MATSUDA: Thank you. Good afternoon, Ms. Ewing.

19 PROSPECTIVE JUROR NO. 963: Good afternoon.

20 MR. MATSUDA: So I'm going to ask you about something
21 you just said to the State. You obviously could run into a lot
22 of unhappy campers, right, in your line of business?

23 PROSPECTIVE JUROR NO. 963: People get out of jail
24 and then they come to get their car out of jail.

25 MR. MATSUDA: Uh-huh. Okay. Other people get towed,

1 I'm assuming, for unpaid parking tickets --

2 PROSPECTIVE JUROR NO. 963: All sorts of things.

3 MR. MATSUDA: All right. So not too pleasant to deal
4 with everyone trying to pick up their cars.

5 PROSPECTIVE JUROR NO. 963: Some people.

6 MR. MATSUDA: Okay. Now, you said that you have
7 to -- have to have a lot of clients prove certain things to
8 you; right?

9 PROSPECTIVE JUROR NO. 963: Uh-huh.

10 MR. MATSUDA: So how do you go about resolving a
11 dispute?

12 PROSPECTIVE JUROR NO. 963: Well, they're going to
13 need to establish some proof of ownership. The people -- a lot
14 of people are driving cars that aren't registered. They aren't
15 insured. They don't have driver's licenses. They don't have
16 ID. It's just -- the car's been impounded, so you're going to
17 have to prove to me it's yours.

18 MR. MATSUDA: Okay. So.

19 PROSPECTIVE JUROR NO. 963: Or you don't get it.

20 MR. MATSUDA: Registration. Insurance. License.
21 Some form of proof of ownership?

22 PROSPECTIVE JUROR NO. 963: Uh-huh.

23 MR. MATSUDA: Okay. And they need certain things to
24 get the car back?

25 PROSPECTIVE JUROR NO. 963: Right.

1 MR. MATSUDA: Okay. And if they don't have certain
2 things then --

3 PROSPECTIVE JUROR NO. 963: They don't get it back.

4 MR. MATSUDA: Okay. Thank you, Ms. Ewing.

5 PROSPECTIVE JUROR NO. 963: Uh-huh.

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

7 THE COURT: Thank you. And we have next up, Cynthia
8 Allen, Badge Number 965, tell us about yourself, ma'am.

9 PROSPECTIVE JUROR NO. 965: I am 40. I've been here
10 about eight years. I came from California. I attended some
11 college at San Diego State. I currently work at a payment
12 processing company, the call center. And I'm single. No kids.

13 THE COURT: All right. State.

14 MS. MOORS: Good afternoon, ma'am. You said that you
15 had moved here from California and some of the college was at
16 San Diego State; right? So is that where you moved here from?

17 PROSPECTIVE JUROR NO. 965: Well, no. I was in Los
18 Angeles.

19 MS. MOORS: Okay. So you went from San Diego and
20 then to Los Angeles and then here?

21 PROSPECTIVE JUROR NO. 965: Well, I was born in Los
22 Angeles. I went to San Diego for school and then came here.

23 MS. MOORS: Okay. What do you think of the
24 differences between Nevada and California; which do you prefer?

25 PROSPECTIVE JUROR NO. 965: California.

1 MS. MOORS: Yeah. So why did you move out here?

2 PROSPECTIVE JUROR NO. 965: To get away. I'm looking
3 to leave here as well, so.

4 MS. MOORS: Yeah. Do you want to go back to LA?

5 PROSPECTIVE JUROR NO. 965: No.

6 MS. MOORS: San Diego?

7 PROSPECTIVE JUROR NO. 965: No. Somewhere else.

8 MS. MOORS: Somewhere else. Okay. Is there anything
9 else that you feel that anyone of us should know about your
10 ability serve as a juror?

11 PROSPECTIVE JUROR NO. 965: No.

12 MS. MOORS: Do you feel that you could be fair and
13 impartial to both sides?

14 PROSPECTIVE JUROR NO. 965: Yes.

15 MS. MOORS: All right. I would pass, Your Honor.

16 THE COURT: Thank you. Mr. Matsuda.

17 MR. MATSUDA: I don't have any questions, Your Honor.

18 THE COURT: Thank you. All right. We have Guillermo
19 Tafolla, Badge Number 019, tell us about yourself, sir.

20 PROSPECTIVE JUROR NO. 019: Yes. I'm 53 years old.

21 I was born and raised in Southern California, Orange County.

22 And I've lived there almost 27 years. And I've been here about

23 26 years. I'm a plumbing contractor. And I have three kids,

24 but I'm divorced. The oldest kid lives with me and my elderly

25 mother as well. The other two kids live here in town with my

1 ex. She moved here about a year and a half ago. And anything
2 else?

3 THE COURT: Okay. So you have your own plumbing
4 business then?

5 PROSPECTIVE JUROR NO. 019: Yes. I've had a
6 contractor's license about 20 years, but I've been doing
7 plumbing for 34 years.

8 THE COURT: And do you do new construction or do you,
9 like, repair people's --

10 PROSPECTIVE JUROR NO. 019: I prefer new
11 construction, but I've been doing more repair in the last like,
12 7-8 years. But the new construction -- the business is very
13 tough business. Since the great recession it's hard to get
14 paid. You don't know if you're going to get paid. It's very
15 frustrating.

16 THE COURT: Okay. So then the bread-and-butter of
17 having the repair business, always there.

18 PROSPECTIVE JUROR NO. 019: Correct.

19 THE COURT: People are keeping houses longer and
20 refurbishing so you're --

21 PROSPECTIVE JUROR NO. 019: That is correct. But I
22 don't really like that line of work because you're dealing --
23 having to deal with the customer directly in their home where
24 they're living. Whereas construction, you kind of have a
25 little bit more leeway and room to work, and, you know, you

1 don't have to worry so much about, you know, the person's
2 living condition and -- you don't want -- because I don't like
3 to disturb people.

4 THE COURT: Okay. So it's not that you don't like
5 dealing with the people, it's just that it's in their home and
6 so it's disruptive and all of that?

7 PROSPECTIVE JUROR NO. 019: Yes. That, but it is
8 also hard to -- I'd rather not deal with the people. I prefer,
9 I'm more comfortable around other contractors or just
10 construction workers.

11 THE COURT: Okay. So there may not be other
12 construction workers on the jury. If you're selected, will you
13 be able to communicate with your fellow jurors and --

14 PROSPECTIVE JUROR NO. 019: Yes. Yes. Oh, yeah,
15 that wouldn't be a problem. I mean, when it comes to like,
16 getting a job done or doing something that needs to be done, a
17 civic duty, I would do my best.

18 THE COURT: Okay. Marshal, we have a juror that
19 needs some water. Okay. He's going to get you some water.

20 All right. Thank you, sir.

21 State, would you like to inquire further? And let us
22 know if that doesn't do the trick we can probably come up with
23 a cough drop.

24 MS. MOORS: I don't have any questions, Your Honor.

25 THE COURT: Mr. Matsuda.

1 MR. MATSUDA: Thank you, Your Honor.

2 Mr. Tafolla, what is the name of your plumbing
3 business?

4 PROSPECTIVE JUROR NO. 019: It's called Brilliant
5 Plumbing.

6 MR. MATSUDA: I just got you free advertising right
7 there. Is there anything that we discussed that would cause
8 concern for either the State or the defense?

9 PROSPECTIVE JUROR NO. 019: The only thing that I can
10 think of is, like I was relating about the business and it's
11 sometimes hard to get paid. And also, I had a lot of trouble
12 since I started working completely on my own around 2001, with
13 the Clark County inspectors. Inspectors in general and all the
14 jurisdictions, it seemed to be more like a personality -- like,
15 instead of them looking at the work, if they didn't like you
16 they seemed to want to fail the inspections, and that's very,
17 very difficult to deal with.

18 It delays the payment. Sometimes we have to lose
19 money to correct something that it seemed like they would just
20 offhand come up with and they were -- it seemed like they
21 didn't even know what they were talking about, but if they
22 didn't like you they wouldn't pass it.

23 MR. MATSUDA: Okay. So knowing all that, is -- do
24 you think you'll be able to kind of put aside business work,
25 license issues and pay attention during the trial and make an

1 informed decision if you are chosen as a juror?

2 PROSPECTIVE JUROR NO. 019: Yes. I believe so,
3 especially, because I don't think anything that we would talk
4 about would have anything to do with the kind of work I do or
5 my personal experiences or bad experience with work.

6 MR. MATSUDA: Okay. Thank you, sir.

7 I'll pass, Your Honor.

8 THE COURT: Okay. And now if you'll hand the
9 microphone up and down. Here we come to, Mr. Whitney Jones,
10 Badge Number 980, tell us about yourself.

11 PROSPECTIVE JUROR NO. 980: Okay. I'm 66 years old.
12 I'm retired. Born in Salt Lake. Moved down here in 1999 for
13 work. I managed the bowling center at Sam's Town for Boyd
14 Gaming until I retired. And currently, well, I'm divorced for
15 a long time and some college. Stupidly quit to go into the
16 real estate business years and years ago. So didn't finish.

17 THE COURT: Okay. So a long time ago that you quit
18 college for that?

19 PROSPECTIVE JUROR NO. 980: Yeah. It was in the
20 '70s.

21 THE COURT: Oh, okay. All right. And you managed
22 the bowling center for how long?

23 PROSPECTIVE JUROR NO. 980: I came as the assistant
24 manager, and the manager moved up with Boyd Gaming shortly
25 thereafter, and so I managed for quite a few years.

1 THE COURT: What do you do now that you're retired in
2 your retirement time?

3 PROSPECTIVE JUROR NO. 980: I still bowl. I've
4 always been an avid bowler, and I do crossword puzzles. I've
5 been trying to write a book, but it's not for publishing. It's
6 just for my own deal. But that's --

7 THE COURT: Is it the great American novel or is it
8 nonfiction?

9 PROSPECTIVE JUROR NO. 980: Yeah, nonfiction. It
10 would be the business I was in, you know, I just had a lot of
11 thoughts and things that I could write down. And, I don't
12 know. When I get done if it's something I think is useful then
13 I may pursue. But it's not anything that would have broad
14 distribution.

15 THE COURT: So do you bowl like in tournaments where
16 you're competing?

17 PROSPECTIVE JUROR NO. 980: Oh, yeah.

18 THE COURT: So how many bowling balls do you have?

19 PROSPECTIVE JUROR NO. 980: Over the course of time,
20 way too many to talk about. Usually, around three or four at
21 each time.

22 THE COURT: I had no idea until I was on the elevator
23 recently in Reno where they were having one of those big
24 bowling tournament things, that there are all these different
25 kinds of bowling balls for different floors and different -- I

1 didn't know that. So there are different -- are they different
2 weights for different shots and things like that?

3 PROSPECTIVE JUROR NO. 980: It's kind of gone crazy.
4 When I started there was plastic and hard rubber. Now, they're
5 into urethane reactive resin. Yes, there's symmetrical weight
6 blocks. Asymmetrical weight blocks. It all has to do with the
7 way the lanes are conditioned. There's an oil put on the
8 lanes, and so you're trying to figure out how you're going to
9 deal with the coefficient of friction and how you're going to
10 get the proper ratios of skid, hook and roll. And it's all
11 about carrying you gotta -- you can carry the ten pin or the
12 seven pin. Wins.

13 THE COURT: I'm going to write that down. I don't
14 bowl very often, but I'm competitive when I do. All right.
15 State.

16 MS. MOORS: All right. My bowling mind is blown. I
17 don't have any questions.

18 MR. MATSUDA: Good afternoon, sir.

19 PROSPECTIVE JUROR NO. 980: Hello. Before you start,
20 it's Cubs.

21 MR. MATSUDA: Oh. Wow. Two, two. Should be
22 interesting. What's your average?

23 PROSPECTIVE JUROR NO. 980: 218.

24 MR. MATSUDA: 2, 1, 8. It's like my GPA in college.

25 PROSPECTIVE JUROR NO. 980: I don't think so.

1 MR. MATSUDA: You said something interesting before
2 about kind of the way society is right now. And then you
3 touched upon, I guess, minorities and the justice system --

4 PROSPECTIVE JUROR NO. 980: Criminal justice reform,
5 yes.

6 MR. MATSUDA: Right. And how you think there's
7 some -- needs some change, basically.

8 PROSPECTIVE JUROR NO. 980: Yes.

9 MR. MATSUDA: Can you kind of elaborate on that.

10 PROSPECTIVE JUROR NO. 980: I was hesitant to even
11 get into it, but, yeah. No, it's just something that I -- a
12 lot of my cronies are probably on the opposite side of the
13 scale. So I almost sometimes feel like I need to defend the
14 other side so --

15 MR. MATSUDA: To balance it out.

16 PROSPECTIVE JUROR NO. 980: Yeah. But, no, I just
17 would like to see our imperfect union be just a little bit more
18 perfect.

19 MR. MATSUDA: Okay. And do you want to sit as a
20 juror?

21 PROSPECTIVE JUROR NO. 980: It's a real balance
22 sheet. You know, there's other things in my life that I am
23 doing, though they are not very much important to the world,
24 but to me they are. But I find the process very intriguing,
25 and so it's a balance sheet. So I'd have to say, I just want

1 to present myself as honestly as I can. And if I'm chosen I
2 will serve willingly.

3 MR. MATSUDA: And we appreciate that, and in saying
4 that, you could be fair and impartial to both the State and
5 defense if you were chosen?

6 PROSPECTIVE JUROR NO. 980: I think so. I will admit
7 I watch way too much law-style drama on TV. And I know there's
8 twists in almost all of those. And I'm always one of those
9 trying to play the game of trying to spot the twists before,
10 you know, it's presented to the audience. But I don't believe
11 that that would cause me to go off on a tangent.

12 MR. MATSUDA: And you bring up a good point on those
13 TV shows. There's usually a twist; right? They lead you down
14 this path and then you think it's going to certain way and then
15 it's not.

16 PROSPECTIVE JUROR NO. 980: Right.

17 MR. MATSUDA: And that's kind of what we are trying
18 to get at is, we want you to reserve your judgment until the
19 whole case is done because you don't know. You really don't
20 know until all the evidence is presented. Testimony is given
21 and then after you see everything, then you can, like, okay.
22 This is what it is. All right. You think you can do that?

23 PROSPECTIVE JUROR NO. 980: I think so.

24 MR. MATSUDA: Okay. You think so? Why the
25 hesitation?

1 PROSPECTIVE JUROR NO. 980: Like I say, I'm so used
2 to trying to select things out and see if I can spot the twist
3 early, but I don't think that will be a problem. But if you're
4 asking me to tell you for sure that I'm not going to do that, I
5 can't.

6 MR. MATSUDA: Okay. I appreciate your honesty.
7 Thank you, sir.

8 PROSPECTIVE JUROR NO. 980: Thank you.

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

10 THE COURT: Okay. I just want to follow up a little
11 bit on that to make sure because you also said when,
12 Mr. Matsuda asked you could you be fair and impartial, you
13 said, I think I can. So we always need an unequivocal answer
14 to that.

15 PROSPECTIVE JUROR NO. 980: I believe my think so was
16 I guess on the timing of it as opposed to the being fair and
17 impartial. But I guess that's all packaged together, but,
18 yeah. I don't think I would jump to a conclusion early even
19 though that's kind of what I've always been doing while I've
20 been watching on TV.

21 THE COURT: Well, you're going to be analyzing as you
22 go along. But as long as you are able to say, okay, I am --
23 this seems persuasive now, but I'm still reserving my judgment.
24 I'm still reserving my judgment. I mean, we don't expect you
25 to not think about what you're hearing, but as long as you can

1 wait until you've heard all the evidence and then make a
2 decision. That's what were looking for.

3 PROSPECTIVE JUROR NO. 980: Yeah. I think I could
4 very honestly say that I would not make a final decision until
5 it was presented to me, complete.

6 THE COURT: Well, that's obviously what we need and
7 you haven't made any decision right now; right?

8 PROSPECTIVE JUROR NO. 980: I have made up my mind
9 right now that he's not guilty.

10 THE COURT: Correct. Because he's presumed to be
11 innocent unless the State proves otherwise; correct?

12 PROSPECTIVE JUROR NO. 980: Correct.

13 THE COURT: Okay. Very good.

14 MR. MATSUDA: Thank you, Your Honor.

15 THE COURT: Thank you. I just wanted to make that
16 clear for the record. All right.

17 If you'll pass the microphone over to Berenice
18 Quintero, Badge Number 982, tell us about yourself.

19 PROSPECTIVE JUROR NO. 982: I am 29. I've been in
20 Vegas for 24 years. I am married. Three kids, two dogs, two
21 birds and a turtle. I work for Absolute Dental. Been there
22 seven years. I work at the call center. Mostly the complaint
23 department. Finished high school and I got certified as a
24 dental assistant.

25 THE COURT: What do people complain about to the call

1 center? I mean, is it their bills they're complaining about or
2 their teeth?

3 PROSPECTIVE JUROR NO. 982: Bills. Dentures.
4 Crowns. Anything and everything.

5 THE COURT: Okay. You think they'd just make an
6 appointment to come in if they were having trouble.

7 PROSPECTIVE JUROR NO. 982: You would think so. But
8 they don't.

9 THE COURT: But they don't. They call you and
10 complain.

11 PROSPECTIVE JUROR NO. 982: Yeah.

12 THE COURT: Okay. All right. How old are your kids?

13 PROSPECTIVE JUROR NO. 982: 11, 7, and 3.

14 THE COURT: That's why you have all those pets then.

15 PROSPECTIVE JUROR NO. 982: Yes.

16 THE COURT: Because they want to have animals, that
17 they don't want to take care of.

18 PROSPECTIVE JUROR NO. 982: Yes. Correct.

19 THE COURT: So you're taking care of them.

20 PROSPECTIVE JUROR NO. 982: Correct. So I take care
21 of them. Yes.

22 THE COURT: All right. State.

23 MS. MOORS: So I have to ask, before you got the pets
24 did you ask your children, you know, are you going take care of
25 them to try to get them --

1 PROSPECTIVE JUROR NO. 982: Oh, of course.

2 MS. MOORS: Right. And they said, yeah.

3 PROSPECTIVE JUROR NO. 982: I always got, oh, of
4 course, mom.

5 MS. MOORS: And they said yes; right? That's like my
6 relationship with my husband. I want a pig now. And he's
7 like, are you going to take care of it? And I keep saying yes.
8 And I still don't have one. But I'm working on it. Question
9 about the birds. Are they parrots?

10 PROSPECTIVE JUROR NO. 982: Parakeets.

11 MS. MOORS: Okay. Are those -- can those type talk?

12 PROSPECTIVE JUROR NO. 982: No.

13 MS. MOORS: Is there anything else that you think
14 that we should know in terms of your ability to serve as a
15 juror?

16 PROSPECTIVE JUROR NO. 982: No.

17 MS. MOORS: Would you like to serve a juror?

18 PROSPECTIVE JUROR NO. 982: Yes.

19 MS. MOORS: Yeah. Do you watch any of the *Law &*
20 *Order* type shows on TV?

21 PROSPECTIVE JUROR NO. 982: All day long.

22 MS. MOORS: Right. I know. They are addicting.
23 Would you be let down if we weren't nearly as charming as the
24 attorneys on TV?

25 PROSPECTIVE JUROR NO. 982: Oh, no. I know that's

1 all just TV.

2 MS. MOORS: Okay. I mean, like, we're little bit
3 charming, but not like as charming; right?

4 I have no further questions.

5 THE COURT: Mr. Matsuda, would you like to try your
6 charm?

7 MR. MATSUDA: I think I'm charming.

8 THE COURT: You're charming.

9 MR. MATSUDA: I have no questions, Your Honor.

10 THE COURT: Thank you. And we have Tonya Best.

11 UNIDENTIFIED SPEAKER: It's Tonia.

12 THE COURT: Tonia?

13 PROSPECTIVE JUROR NO. 990: Yes.

14 THE COURT: Tonia, Badge Number 990, tell us about
15 yourself, ma'am.

16 PROSPECTIVE JUROR NO. 990: I'm originally from New
17 Jersey. I moved to Las Vegas about five and a half years ago.
18 I have a BA in English, and I'm currently a teacher.

19 THE COURT: For Clark County School District?

20 PROSPECTIVE JUROR NO. 990: Yes, I am.

21 THE COURT: What grade level do you teach?

22 PROSPECTIVE JUROR NO. 990: First grade.

23 THE COURT: Okay. So you teach all the subjects at
24 first grade then?

25 PROSPECTIVE JUROR NO. 990: Yes.

1 THE COURT: So tell me about your class size.

2 PROSPECTIVE JUROR NO. 990: I started with 18, but I
3 ended the school year with 14.

4 THE COURT: Oh. Well, that's a nice size.

5 PROSPECTIVE JUROR NO. 990: Yes, but they still drove
6 me crazy.

7 THE COURT: Yeah. First graders. Did they -- are
8 they able to sit in a seat better than kindergartners or, you
9 know, or no?

10 PROSPECTIVE JUROR NO. 990: No, I have to tell them
11 to be glue.

12 THE COURT: All right. That's a good one. Okay. So
13 you've been sitting through all of this where you're the
14 next-to-last person that we're talking to here. And anything
15 that came up where you thought, when it's my turn I need to
16 talk about this?

17 PROSPECTIVE JUROR NO. 990: No.

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

19 MS. MOORS: Ms. Best, I am trying to remember back, I
20 was looking at my notes, and you said that in your previous
21 employment you had worked with a lot of law enforcement; is
22 that right?

23 PROSPECTIVE JUROR NO. 990: Yes.

24 MS. MOORS: And remind me again of how that was.

25 PROSPECTIVE JUROR NO. 990: I worked all day, every

1 day with park police, FBI, and a whole bunch of other acronyms
2 when I worked for the federal government.

3 MS. MOORS: That's right. Okay. And how long did
4 you hold that employment?

5 PROSPECTIVE JUROR NO. 990: For 15 years.

6 MS. MOORS: Okay. What made you leave it?

7 PROSPECTIVE JUROR NO. 990: My mom retired and it was
8 just her and I. And this is where she wanted to be, so I left
9 to come out with her.

10 MS. MOORS: Fair enough. And what do you think so
11 far of Vegas?

12 PROSPECTIVE JUROR NO. 990: I like it. It's better
13 than New York City.

14 MS. MOORS: All right. Is there anything about that
15 level of involvement with like, literally every branch of the
16 government that you had encountered, is there anything about
17 that that would cause you to view this trial in a different
18 sort of lens than say any of the other --

19 PROSPECTIVE JUROR NO. 990: No.

20 MS. MOORS: So you feel that you can be fair and
21 impartial?

22 PROSPECTIVE JUROR NO. 990: Yes.

23 MS. MOORS: Would you like to serve as a juror?

24 PROSPECTIVE JUROR NO. 990: Doesn't matter.

25 MS. MOORS: All right. Pass, Your Honor. Thank you.

1 THE COURT: Mr. Matsuda.

2 MR. MATSUDA: Good afternoon, Ms. Best.

3 PROSPECTIVE JUROR NO. 990: Good afternoon.

4 MR. MATSUDA: How long have you been a teacher?

5 PROSPECTIVE JUROR NO. 990: One year.

6 MR. MATSUDA: One year.

7 PROSPECTIVE JUROR NO. 990: But I tutored for four
8 years.

9 MR. MATSUDA: Okay. So first grade is 5-6 year olds?

10 PROSPECTIVE JUROR NO. 990: 6-7.

11 MR. MATSUDA: 6-7. Okay. Do you encounter, this
12 might be an obvious answer, but do you encounter disagreements
13 between your students?

14 PROSPECTIVE JUROR NO. 990: All the time.

15 MR. MATSUDA: Fights. He took my toy.

16 PROSPECTIVE JUROR NO. 990: Not really fights, but
17 disagreements --

18 MR. MATSUDA: Arguments. Okay.

19 PROSPECTIVE JUROR NO. 990: -- but they last about
20 five or ten minutes and then it's water under the bridge.

21 MR. MATSUDA: So if two students came to you and they
22 had a disagreement and you didn't see it, how would you resolve
23 that conflict?

24 PROSPECTIVE JUROR NO. 990: First of all I'd have to
25 hear both sides of the story.

1 MR. MATSUDA: Okay.

2 PROSPECTIVE JUROR NO. 990: And even after I hear
3 both sides of the story I find -- I talk to both of them. I
4 don't just say, okay, well you were wrong and the other person
5 was right. I talk to both of them and let them see if they
6 were wrong, why they were wrong.

7 And those who were right, explain to them, well,
8 maybe at the time this person thought that they were right, but
9 you also have to understand that people make mistakes.

10 MR. MATSUDA: Okay. Very good. But you would wait
11 for the -- I should rephrase that. Is it wrong if I said, or
12 am I correct in saying, you would wait until -- if the first
13 person came up to you said, well, Tommy took my toy, would you
14 just automatically believe Tommy?

15 PROSPECTIVE JUROR NO. 990: No.

16 MR. MATSUDA: Okay. You would talk to Tommy. You
17 talk to the other kid and then --

18 PROSPECTIVE JUROR NO. 990: Yes.

19 MR. MATSUDA: -- come to a decision on what
20 ultimately happened?

21 PROSPECTIVE JUROR NO. 990: Since I didn't see it, it
22 would be hard for me to come to an ultimate decision of what
23 actually happened. I can only go by the facts. What I was
24 told from each side, and since I deal with first graders I'm
25 not trying to lay the blame on one or the other. I'm trying to

1 show them right from wrong.

2 MR. MATSUDA: Okay. Thank you, Ms. Best. I'll pass,
3 Your Honor.

4 THE COURT: Thank you. You recovered?

5 PROSPECTIVE JUROR NO. 996: I'm okay now.

6 THE COURT: Okay. That dry air we were talking
7 about.

8 PROSPECTIVE JUROR NO. 996: I think so.

9 THE COURT: Yeah. All right. So we are talking with
10 Elizabeth Garcia, Badge Number 996, tell us about yourself.

11 PROSPECTIVE JUROR NO. 996: I'm a mom of two great
12 kids. Almost to 17 and 14. I've been in Vegas 14 years. I
13 was a veteran. And now I've been in the world of credit within
14 the construction industry for the last 10-11 years. I'm
15 divorced. I have a significant other. He works as an engineer
16 at Trump Tower. I am a year away from finishing my degree in
17 communications. And I think that's it.

18 THE COURT: What would you like to do with that
19 degree?

20 PROSPECTIVE JUROR NO. 996: Honestly, I'm not sure.
21 I've been in credit now so long that I really enjoy it. But I
22 feel like learning to communicate better is always a great
23 thing. And I deal with customers and vendors and, you know,
24 internal customers all the time, so.

25 THE COURT: Okay. And what branch --

1 PROSPECTIVE JUROR NO. 996: I just find it
2 interesting.

3 THE COURT: -- of service were you in?

4 PROSPECTIVE JUROR NO. 996: I was in the Air Force.

5 THE COURT: And is that how you ended up in Las
6 Vegas?

7 PROSPECTIVE JUROR NO. 996: Yes.

8 THE COURT: So you were stationed here for --

9 PROSPECTIVE JUROR NO. 996: Yes, ma'am, for about two
10 years before I was medically separated.

11 THE COURT: And so you thought, oh, I think I want to
12 go back to Las Vegas.

13 PROSPECTIVE JUROR NO. 996: I just -- I ended up here
14 and I stayed here.

15 THE COURT: Oh, and you stayed?

16 PROSPECTIVE JUROR NO. 996: Yes, ma'am.

17 THE COURT: You liked it well enough to stay then?

18 PROSPECTIVE JUROR NO. 996: I was divorced. My
19 ex-husband was here. I didn't want to take my kids away from
20 him. So I stayed and ended up with a great job and never left.
21 I probably never will leave.

22 THE COURT: Okay. State.

23 MS. MOORS: Good afternoon, Ms. Garcia.

24 PROSPECTIVE JUROR NO. 996: Good afternoon.

25 MS. MOORS: And what did you do when you were in the

1 Air Force?

2 PROSPECTIVE JUROR NO. 996: I was a vehicle mechanic.

3 MS. MOORS: Oh. Very cool. It's like the Rosie of
4 the Riveter.

5 PROSPECTIVE JUROR NO. 996: Yes.

6 MS. MOORS: Right. Very cool. Well, thank you for
7 your service. So remind me, again, how many total years you've
8 been in Las Vegas.

9 PROSPECTIVE JUROR NO. 996: Fourteen.

10 MS. MOORS: Okay. And where were you born and
11 raised?

12 PROSPECTIVE JUROR NO. 996: Oregon.

13 MS. MOORS: Me too. Where in Oregon?

14 PROSPECTIVE JUROR NO. 996: Oregon City.

15 MS. MOORS: Oregon City. Okay, yeah. I'm from
16 La Grande.

17 PROSPECTIVE JUROR NO. 996: Okay.

18 MS. MOORS: Yeah, like really small.

19 PROSPECTIVE JUROR NO. 996: Yeah.

20 MS. MOORS: Yeah. So you don't think you're going to
21 move back to Oregon?

22 PROSPECTIVE JUROR NO. 996: My mom would love it if I
23 did, but no, I don't think so. I don't want to go to the rain.

24 MS. MOORS: It does rain a lot.

25 PROSPECTIVE JUROR NO. 996: It's beautiful but.

1 MS. MOORS: When I told my mom I was taking the --
2 sitting for the California bar first, I like, had to like psych
3 myself out, because I wasn't coming home, and I was super
4 stressed about it.

5 Is there anything, and we ask this and this is like
6 the weirdest, most bizarre process, anything else that you
7 think we should know in terms of you sitting as a juror?

8 PROSPECTIVE JUROR NO. 996: No.

9 MS. MOORS: Okay. I pass, Your Honor. Thank you.

10 THE COURT: Mr. Matsuda.

11 MR. MATSUDA: Thank you, Your Honor. Ms. Garcia.

12 PROSPECTIVE JUROR NO. 996: Good afternoon.

13 MR. MATSUDA: Do you want to be a juror?

14 PROSPECTIVE JUROR NO. 996: I wouldn't mind if I was
15 picked. I've only worked at my current position for about a
16 month, and my boss is kind of freaking out. But if I were
17 picked, I would serve willingly and happily.

18 MR. MATSUDA: Thank you, ma'am.

19 PROSPECTIVE JUROR NO. 996: Yes, sir.

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

21 THE COURT: All right. So, ladies and gentlemen, we
22 have cleared enough jurors for cause that we are now at the
23 part of the trial where we're going to do what is known as
24 peremptory challenges, where the lawyers will pass a paper back
25 and forth between them and decide who will be the jurors and

1 the four alternates. And then those who aren't selected will
2 be excused.

3 But before we -- and they like to do that while
4 you're sitting in your seats so they can remember to put the
5 face with the story that you talked to them about. So it helps
6 to have you sitting there so they remember who's who.

7 However, I want to make sure, because this usually
8 takes about 20 minutes to do. If you need a break before we do
9 that -- you okay?

10 UNIDENTIFIED SPEAKER: [Indiscernable.]

11 THE COURT: No. We're staying here like camels until
12 we get this done. All right. Just be at ease while we go
13 ahead and do the peremptory challenges.

14 Counsel, approach.

15 (Conference at the bench not recorded.)

16 THE COURT: All right. So ladies and gentlemen,
17 those of you out in the gallery still, you have, depending on
18 how you look at it, either escaped or missed out big time
19 because you didn't get to sit up here.

20 But I've kept you because you've probably been
21 through the whole proceeding. You probably want to see who the
22 final jury is. So let's call those names of the people who
23 have been excused.

24 And I just want to say to all of you, before those of
25 you who have been excused, how much I appreciate your

1 willingness to be here, your not giving me crazy stories about
2 why you couldn't serve, and your patience with this process.
3 It's a careful one and it's slow. And sometimes it can be
4 boring at times, but I really, and I know counsel really
5 appreciate that you didn't complain too much to us. Thank you
6 very much.

7 So these are the people who have been excused. I'll
8 read your badge number and your name and once you've heard your
9 name -- well, just wait till I've read them all and then you'll
10 be able to get up and deposit your badge, minus the paper part
11 with the marshal. So --

12 Kevin Oxom, Badge Number 415.

13 Gary Larson, Badge 000.

14 Anthony Tugaoen, Badge 041.

15 Steven Acosta, Badge 091.

16 George Romero, Badge 950.

17 Zahra Pyle, Badge 030.

18 Diego Gonzalez, Badge 017.

19 Michael (sic) Chambers, Badge 934.

20 Cynthia Allen, Badge 965.

21 Susan Tysdal, Badge 956.

22 Whitney Jones, Badge Number 980.

23 Guillermo Tafolla, Badge 019.

24 You have been excused. Thank you very much.

25 THE MARSHAL: Okay, folks, go ahead and exit. Drop

1 off your empty badge holder with me.

2 (Remainder of jury venire exited courtroom 4:20 p.m.)

3 THE COURT: All right. So let's reseal them in the
4 order that they're going to be and then we'll swear them in.

5 THE CLERK: Are we going to have trouble with the
6 door seeing? Shall we scoot them over?

7 THE COURT: I don't know. Let's -- we can play with
8 that. I want everybody to be able to see them all.

9 All right. So our group of four on the end seats,
10 the last two seats on each row, are alternate jurors. I just
11 want to let you know how important alternate jurors are. We
12 end up using alternate jurors in about half our trials. They
13 are very important because you need as alternate jurors the
14 ability to step in at any point in the trial to become a
15 regular juror.

16 That could even be after the jury starts
17 deliberating. And if something happened, where another juror
18 couldn't continue for some reason, we'd have to replace that
19 person with an alternate and then the jury would have to start
20 over with their deliberations when the alternate stepped in.

21 And it has, over the years been, you know, all kinds
22 of things can happen because life happens; right. People have,
23 you know, death in their family or they get sick or they have a
24 horrible allergy attack that incapacitates them.

25 We actually had one gentlemen, this I'm sure will not

1 happen to any of you, actually got hit by a bus in front of the
2 courthouse coming to court. He was in a car and he was fine,
3 but his car was totaled, and so he really wasn't in any shape
4 to continue. And so we replaced him with an alternate.

5 But you can see how that would be so important. So
6 you have to be ready at any time to fill that seat. And it's
7 alternates who have saved us from unfortunate mistrials when
8 they stepped in. So thank you very much for that.

9 I'm going to have the clerk swear in first the
10 regular jurors and then the alternate jurors because there's
11 different quotes.

12 (Jurors sworn.)

13 (Alternate jurors sworn.)

14 THE COURT: All right. So, ladies and gentlemen,
15 we've got a little bit of time, and I don't want to waste it,
16 so I want to admonish you with something I'm required by
17 statute to read to you. It's a pretty old statute. So the
18 language is kind of antiquated. So after I read it to you,
19 I'll explain to you in more detail what it means.

20 No juror may declare to his fellow jurors any fact
21 relating to the case as of his own knowledge. And if any juror
22 discovers during the trial or after the jury has retired that
23 he or any other juror has personal knowledge of any fact in
24 controversy in the case, he shall disclose such situation to
25 the Judge out of the presence of the other jurors.

1 So. Okay. What does that mean. Well, what it means
2 is, obviously, we've been really careful about trying to pick
3 12 people who don't know anything about this case, don't know
4 any of the witnesses.

5 But from time to time something may come up where it
6 turns out, oh, you know something about the case that you
7 didn't realize or you find out something about the case after,
8 you know, you're out in the hall and you overhear something
9 somebody says. So let me give you some examples of that.

10 So I had jury one time where the list of witnesses
11 was read and everybody said, no, they didn't recognize any of
12 those names. And then we had a witness testify. And
13 afterword, one of the jurors recognized the person. And why
14 was it he didn't recognize the name?

15 Well, because he only knew this person from church.
16 And he only knew the person by his nickname, which was Red,
17 because that was the color of his hair. And he didn't know his
18 real name, you know, that was his nickname that he went by and
19 he just knew him as Red. So until he saw him he didn't know.

20 And so then he did what this instruction says, which
21 is to bring it to the attention of the Court, which is --
22 brought it to the attention of the marshal, who relayed it to
23 me, so that we could take proper steps to determine what we
24 needed to do, the lawyers and I. And so that's an example of
25 such a thing.

1 Another example, crazy example of things. It's never
2 a dull moment in court. We had a situation in a trial where
3 someone out in the hall decided that they were not a party to
4 the case, but they were related to someone in the case, and
5 they decided, this person decided that he was going to try and
6 influence the jury by going around and trying to talk to them
7 and tell them about the case.

8 And so, again, that was brought to the attention of
9 the marshal and immediately they, you know, the juror wisely
10 said, you know, back off, get away from me. Don't talk to me.
11 And it was relayed to the marshal and we were able to handle
12 that.

13 Another example. You know, I've been telling you you
14 can't do any research into anything. And I had a juror, after
15 the jury went home for the night, they were deliberating. He
16 went home, violated his oath and the orders of the Court not to
17 do any research and proceeded to do research into what he
18 believed was the law and then came back and wanted to try and
19 tell the rest of the jurors that the Judge had improperly
20 instructed them on the law, and he knew what the law was and he
21 was going to tell them all about it.

22 And the jury, again, in following this instruction,
23 did just what they were supposed to do. They made him -- they
24 immediately said don't open your mouth and say anything. We're
25 not hearing this. Gave him the hand, you know, do not talk.

1 They actually put him out of the room. Called the
2 marshal immediately, and we were able to find out what had
3 occurred and handle it appropriately.

4 So that's what you need to do. If there's something
5 where something unusual happens and you feel this isn't right
6 because I've told you about everything you're going to need
7 about this case happens in the courtroom, if suddenly you
8 determine, oh, I know a witness; I learned some fact from
9 something; I inadvertently saw something about this; then you
10 need to bring that to the Court's attention, again, through the
11 marshal.

12 Now, I'm going to just give you sort of some
13 introductory comments. These are not the final instructions on
14 the law. You're going to be getting those at the very end of
15 the case. They're very detailed. They're formally prepared
16 with myself and the lawyers. And I will read those to you, and
17 then you'll have copy of those to take with you into the jury
18 deliberation room.

19 But I want to kind of give you, for those of you who
20 haven't served before on the jury, a sort of an idea of what to
21 expect as we come up. And I should be able to that before it's
22 5:00, and you'll have something so when we start a week from
23 Monday, that we'll be able to start right in with our opening
24 statements.

25 So this, of course, is a criminal case. It's brought

1 by the State of Nevada against the defendant. It's based upon
2 a charging document. It's an information or indictment,
3 depending on the way the case got here to District Court.

4 We're not going to read that today because I want it to be
5 fresh in your mind when I actually, you know, read the charges.

6 But that will be the first thing that we'll do is
7 read the charging document to you. The clerk will do that once
8 we start. But you just remember those charges were explained
9 to you remember in the introduction by the State's attorney and
10 that was the -- you should really understand that's just the
11 charge. It's not evidence of anything; right. So you haven't
12 heard any evidence yet.

13 And the same will be true once that charging document
14 is formally read to you by the clerk. So the defendant starts
15 out with a clean slate. He's pled not guilty to the charges,
16 and so he's presumed to be innocent.

17 And so the two basic rules in a criminal case, of
18 course, the first. The defendant is presumed innocent unless
19 and until proved guilty beyond a reasonable doubt by the State.
20 He's not required to present any evidence or prove his
21 innocence. The law never imposes upon a defendant in a
22 criminal case the burden of calling any witnesses or
23 introducing any evidence.

24 Now, second, to convict, the State must prove beyond
25 a reasonable doubt that a crime was committed and that the

1 defendant is the person who committed the crime. Now, it's
2 going to be your duty to decide from the evidence that's
3 presented whether the defendant is guilty or not guilty. And
4 you're the sole judges of the facts.

5 You're going to decide what the facts are in the case
6 from evidence. The evidence is going to consist of testimony
7 of witnesses and any kind of documents or physical objects that
8 may be introduced and received into evidence as exhibits.

9 So you, as the jury, must apply the facts as you
10 determine them to be and apply those facts to the law that I
11 will be giving you, and in that way you're going to reach your
12 verdict.

13 Now, it's really important that you exercise your
14 duty in determining the facts in a very conscientious and
15 diligent manner because ordinarily there's not any way for a
16 Court to correct an erroneous finding of fact by the jury
17 because that's you are deciding what the facts are.

18 Now, you shouldn't take anything that I say or do
19 during the trial as indicating my opinion as to what you should
20 decide as far as the case and your ultimate verdict because I
21 don't have an opinion on that.

22 If I ask a question, and from time to time I do, it's
23 really for the purpose of clarifying something that I think is
24 unclear or I'm kind of directionally challenged a bit. If I'm
25 in my airplane with a compass, I'm fine but on the street not

1 so much.

2 And so sometimes witnesses might be testifying about
3 what direction somebody came or what something is facing and
4 they might be referring to something, and I might ask for
5 clarification, so I am clear in my mind because I've got to
6 make sure that everything is always clear, and if I'm confused
7 I want it clarified.

8 Also, sometimes the lawyers from time to time they'll
9 use jargon. Terms they are very familiar with, but you as
10 nonlawyers and specifically noncriminal lawyers, would have no
11 idea what they mean, or you might think it means something
12 else. And so if that happens, and it happens from time to
13 time, I'll have them clarify that for you.

14 So, of course, if I do any of that, don't place any
15 emphasis on that as being meaningful of how I want you to
16 decide. That is not the case at all. You have to decide how
17 much weight you give to any testimony and decide how valuable
18 it is.

19 Now, in deciding the facts of the case, you have to
20 decide which witnesses you're going to believe and which
21 witnesses you're not going to believe. You might believe
22 everything a witness says, only part of it or none of it.

23 And in considering the weight or the value of the
24 testimony of any witness that you hear from this witness stand,
25 you may consider the appearance, attitude and behavior of the

1 witness when testifying, and of course, a number other things,
2 including the witness's ability to see or hear and know of the
3 things about which they're testifying, and the quality of the
4 witness's memory, the inclination of that witness to speak
5 truthfully, whether or not the witness has any interest in the
6 outcome of the case or any motive, bias or prejudice, whether
7 the witness is contradicted by anything that witness said or
8 wrote before the trial when the witness testified, and how
9 reasonable is the witness's testimony when considered with
10 other evidence that you believe.

11 So in deciding whether or not to believe a witness,
12 please keep in mind that people do sometimes forget things, and
13 you need to consider whether a contradiction is an innocent
14 lapse of memory or an intentional falsehood, and that may
15 depend on whether it is concerning a small detail, trivial
16 detail or an important fact.

17 The weight of or value of evidence doesn't
18 necessarily depend on the number of witnesses testifying for
19 one side or the other.

20 In fact, of course, you already know that because
21 defense counsel let you know that when he was reading the
22 witness list that mainly he'll be cross-examining the witnesses
23 that the State puts on. He might call a witness, but that --
24 it shouldn't -- it's not a numbers game, in other words.

25 Now, there are two kinds of evidence, direct and

1 circumstantial. So you might on television, for those of you
2 who watch a lot of television movies, crime cases, what have
3 you, you may have heard somebody say, well, it was just a
4 circumstantial case making it sound as if that circumstantial
5 evidence is of no regard. It's not of any value. And that's
6 not true. The law values both direct and circumstantial
7 evidence in the same way. You could give them equal weight.
8 But you may not really be clear about what direct evidence and
9 circumstantial evidence is.

10 Direct evidence is testimony by a witness who
11 personally saw or heard the crime being committed and they
12 testify about it. They directly witnessed it, and they're
13 testifying about it.

14 Circumstantial evidence is indirect evidence. It's
15 the proof of one or more facts from which you may infer other
16 facts. So by way of example, fingerprint evidence is
17 circumstantial evidence. DNA evidence is circumstantial
18 evidence. So let me give you a further example.

19 So let's say that you wake up in the morning and you
20 walk out on to your, you know, into your living room and you
21 look at the window, and you notice, oh, it looks like there's
22 water everywhere. Water's dripping off the eaves of my house.
23 Water -- I can see water on the sidewalk. I can, oh, looking
24 further I can see water running down the gutters. I'm looking
25 out a little further, as far as I can see down the street looks

1 wet.

2 All right. So from that, you deduce those facts that
3 you're observing and you deduce from that the ultimate fact
4 that it rained during the night. What you saw was
5 circumstantial evidence that it rained during the night.

6 Now, what if instead of that you were awakened in the
7 night by a sound, and you went to investigate it. And that
8 sound seemed to you like something you recognized in your
9 experiences may be possibly the sound of rain, but you wanted
10 to investigate further. So you walked out your front door and
11 you looked up in the sky, and we are in Las Vegas, and so if
12 there are clouds in the sky, you can see them very clearly
13 because there's so much light pollution.

14 And so there -- all the light is reflecting, and it's
15 almost like broad daylight when there are clouds in the sky.
16 And you can actually see with your own eyes the rain falling
17 from the sky, and you can feel that rain on your face and on
18 your hands. Direct evidence. You're -- it means you're a
19 witness. That's direct evidence that it rained.

20 And that's the difference. But in the eyes of the
21 law both kinds of evidence can be given equal weight. But it's
22 up to you to decide how much weight to give to any piece of
23 evidence that you hear.

24 Now, what is not evidence. It's really important
25 that you understand what isn't evidence and the things that you

1 may not consider. So statements and arguments by the lawyers,
2 not evidence. If the questions that are asked by the lawyers,
3 that's not evidence. The answer that the witness gives, that's
4 the evidence.

5 So a question is only meaningful in that it gives
6 meaning to the answer. Right. There has to be a question in
7 order for there to be an answer.

8 So you should never speculate about what an answer
9 might be or say, oh, you know, I think this lawyer is trying to
10 get to this -- me to figure or to speculate about something
11 even though an answer hasn't been given because sometimes an
12 objection might be lodged, and I might sustain the objection
13 and not allow the answer to be given. And if that happens,
14 then you can't speculate about what the answer might be. And
15 the question, remember, isn't evidence.

16 Now, anything that I tell you to disregard, you may
17 not consider as evidence. So if I instruct you you have to
18 disregard that, then you have to follow that instruction.

19 Anything that you might see or hear when court is not
20 in session, say it's out in the hallway and you overhear a
21 witness that has testified say something or somebody tells you
22 something and you see something, that's not evidence. If that
23 happens, though, you need to let the marshal know and we'll
24 investigate further about what that was.

25 Just keep in mind that evidence is sworn testimony

1 while court's in session, and other documents and things that
2 are received into evidence as exhibits.

3 Now, of course there are rules of law that -- about
4 what can be received into evidence and what can't be, what
5 kinds of questions are proper and what is not.

6 So if a lawyer asks a question or offers an exhibit
7 and the lawyer on the other side thinks that that is in
8 violation of the rules, then that lawyer who thinks it's in
9 violation of the rules will lodge an objection.

10 So if I overrule the objection, say it's to a
11 question, if I overrule the objection, then that question may
12 be answered. But if I sustain the objection, then the question
13 may not be answered. If it was something being offered into
14 evidence and there's an objection and I sustain the objection,
15 then the thing can't come into evidence and you are not to
16 speculate about what it was.

17 Now, here's the thing. In the quick back and forth
18 of examination of a witness, whether it's on direct examination
19 or cross-examination by the other side that didn't call the
20 witness, sometimes a question might be asked, an objection made
21 and the witness before the Court can rule or open its mouth,
22 the witness says something. Blurts out an answer; right?

23 Sometimes the lawyer who made the objection is
24 perfectly happy with that answer and so and unless the lawyer
25 who objected asks, makes a motion to strike the answer which I

1 sustained and then direct to you to disregard it, then you can
2 consider the answer even though there was an objection.
3 Because, like I said, sometimes they know that the question
4 violated the rule but, hey, they're happy with that answer.
5 And so they're not going to ask for it to be stricken and
6 disregarded.

7 And then the other lawyer regrets having made --
8 asked the question. But unless I tell you to disregard it, if
9 an answer has been given, you're allowed to consider it.
10 However, if no answer is given and I sustain the objection,
11 don't speculate about what the answer is.

12 Now, please remember, it is the lawyer's job to
13 object if they think there's been a violation of a rule. So
14 don't hold it against a lawyer if they object. And from time
15 to time I might need to remind lawyers about rules, admonish
16 them about rules, gotta follow the rules or get back to a
17 microphone because they stray away from the microphones, but if
18 I do that, please don't hold it against them or anything of
19 that nature. Certainly, don't hold it against their respective
20 clients. Remember Mr. Matsuda represents Mr. Marks. And the
21 prosecutors represent the State of Nevada and the people of the
22 State of Nevada. So don't hold it against their respective
23 clients if I have to remind them about a rule.

24 I think I mentioned this before when we were doing
25 voir dire, but I would emphasize it again. You are not to

1 concern yourself in any way with a sentence that the defendant
2 might receive if and only if you should find him guilty,
3 because your function is just to decide only whether the
4 defendant is guilty or not guilty and then if and only if you
5 decide he's guilty, then it would become my duty to impose and
6 pronounce a sentence.

7 Of course, we have everything recorded. You are not
8 going to get a written transcript of the testimony after it's
9 been given to consult while you're deliberating. So it's
10 really important for you to pay attention while we're having
11 the trial. And although, we can do playbacks of the video
12 testimony, obviously, that's time-consuming. So again try and
13 pay attention as best you can.

14 You will be permitted to ask questions of the
15 witnesses. But it's not like you get to be Perry Mason and get
16 and ask questions. It's not like that. It's a very formalized
17 process. This is how it works.

18 You're going to be given note pads so you can take
19 notes during the trial. And if you wanted to ask a question
20 after the lawyers have finished their examination, there's
21 something still that you think it hasn't been asked and it's
22 important, you may write the question down on a piece of paper.
23 I'll give you the opportunity to do that.

24 While I ask you, anybody -- any of the jurors have
25 any questions, raise your hand. You write your question on the

1 piece of paper with your name and your badge number. And then
2 the lawyers and I will meet at the bench and decide whether
3 they can object to your questions just like they would to each
4 other's questions. I will make a ruling.

5 Sometimes the question is asked just as it's read.
6 Sometimes I have to ask for clarification because I can't
7 understand what the question is. Sometimes it's not asked
8 because it violates a rule of evidence and it can't be asked.

9 There are a number of reasons, but it will either be
10 asked as it is, not asked, or we might reframe it so it's a
11 proper question under the rules of evidence. And that's how we
12 would do that.

13 It's really important not to let either your note
14 taking or the thought that, oh, I want to ask a question about
15 this distract you from your listening. You know how it is if
16 you get distracted with something you're doing, you shut off
17 the listening part, and you might while you're writing out your
18 question or taking a really lengthy note, miss the next five
19 questions and answers that are essential.

20 And if you ask a question and it's already been asked
21 and answered, I'm not asking that again. Okay. So when you
22 take your notes try and be as brief as possible. Just enough
23 to jog your memory because that's what you're going to be
24 really relying on. The notes are just intended for you to be
25 able to refresh your recollection, your own memory from what

1 the testimony was.

2 And if I tell you to disregard something and you've
3 already made note of it, physically in your notebook, cross it
4 out because you know that's something you're not allowed to
5 consider.

6 Okay. And then, of course, until you get the case
7 finally submitted to you for deliberation and that would
8 include the alternate jurors because until the verdict comes
9 in, same admonishment, you can't discuss it with anyone else at
10 all.

11 Who is the anyone else? Well, it's going to include
12 your family and friends who are going to be very interested and
13 excited to hear that you're on a jury. They're going to want
14 to talk to you about it and ask you how your day was. Every
15 time you're in trial you're going to have to give them the
16 hand. And say nope, can't talk about it until the trial is
17 over and then I'll be happy to discuss it with you. But now I
18 can't talk to you about it at all. I don't want to tell you
19 what it's about in any way.

20 Because they might have an agenda, and we have worked
21 three days to come up with all of you who are our best jury.
22 Okay. And so please don't do anything that could possibly
23 change that.

24 Don't ever do any research or investigation on your
25 own. No experimentation. Don't drive by, once you hear the

1 locations of things that happen, don't try to drive by and take
2 a look at it. You know how Las Vegas is. Goodness. In three
3 weeks' time they could have put up a high rise there, you know.
4 I mean, it changes so much. So don't because you could get an
5 erroneous impression.

6 And let's see. So don't make up your mind until the
7 very end. The trial once we start, we're going to start the
8 first day. The clerk's going to read you the charges. Then
9 we'll hear opening statements. The opening statements are just
10 meant to be sort of a roadmap for you about what each side
11 thinks is going to happen in the trial. What's going -- what
12 the evidence will show, if you will.

13 So it's kind of like the pieces of evidence come in
14 as, like, pieces of a jigsaw puzzle. So opening statement kind
15 of is like the picture on the box of a jigsaw puzzle. You use
16 that as your, oh, this is what it's supposed to look like when
17 it's done. And the hope is that all the pieces will come up
18 and form that picture, right. So they want to tell you what
19 the picture is so you know where those pieces fit in because
20 sometimes witnesses get called out of order. It's not exactly,
21 you know, chronologically always in order.

22 And so the State gets to -- they would be making
23 their opening statement. Now, after the State finishes their
24 opening statement, then the defense may make an opening
25 statement at that time, or may decide to reserve opening

1 statement until after the State's rested. It's really up to
2 them, but they may do that or make it right then.

3 And after opening statement, then the State will call
4 their witnesses. So they examine their witnesses on direct
5 examination. The defense cross-examines. The State may do
6 redirect examination. The defense may do the cross. Sometimes
7 there's a little back and forth of that with each witness.

8 When the State is done presenting all of their
9 witnesses and their case in chief, they rest their case and
10 then the defense may decide to put on evidence or it may decide
11 not to put on evidence, completely, again, up to defense. If
12 they reserve their opening statement until after the State has
13 rested, they could make an opening statement and then present
14 any evidence they might want to.

15 Otherwise, after that is -- that process is done,
16 then the State may have a rebuttal case, potentially. And if
17 they have some kind of rebuttal case it would be the same
18 thing. They'd call witnesses. Direct examination.
19 Cross-examination. When the rebuttal case is over and
20 everything is done, then I would instruct you on the law,
21 presuming that the lawyers ask for you to be instructed before
22 they make their final arguments.

23 I'll read the jury instructions to you, and then
24 you'll hear the final arguments of counsel. Because the State
25 bears the burden of proof, they get to both open the final

1 arguments and close the final arguments.

2 And then, once that's done, you'll be given all of
3 the jury instructions, all of the physical evidence if any has
4 been introduced to take with you into the jury deliberation
5 room, and you will deliberate until you reach a verdict.

6 And so that's basically the outline of our trial.
7 And look I have five minutes to spare so we'll get you out of
8 here.

9 And so I really appreciate all of your attention up
10 to this point, and so let us look at the calendar here. We're
11 going to be starting -- you're going to have a week off now,
12 actually, a week and a day. And we're going to start the trial
13 out on Monday the 22nd, and we're going to start at what time?
14 We have a little calendar; right, Madame Clerk, on the 22nd, a
15 light calendar?

16 THE CLERK: We do, Your Honor.

17 THE COURT: Is that how many matters we got jammed on
18 that calendar now?

19 THE CLERK: We have seven sentencings and two
20 criminal. But I think a couple of those sentencings are going
21 to be quick. Two criminal.

22 THE COURT: All right. So we've got, I think we
23 said, we got 10:30. The court recorder going no way, Judge.
24 All right. I think she's probably right. I think 11 would be
25 the safer bet. And we'll just plan on taking a little later

1 lunch break, you know, so we'll have a couple hours or a
2 logical stopping point. And then take a lunch and then we'll
3 get the full afternoon. So 11:00 o'clock on Monday the 22nd.

4 The marshal is going to -- are you going to give them
5 their official badges today?

6 THE MARSHAL: Yes, I am.

7 THE COURT: All right. So you're going to get the
8 blue badges which identifies you as a juror. You will trade
9 those in and get the plastic blue badges. And remember you
10 can't talk to anybody. The lawyers, witnesses, court personnel
11 if you encounter them in the hallways. So please refrain from
12 doing that.

13 Now I'm going to read to you the admonition. So,
14 ladies and gentlemen, we're going to take a week and a day
15 recess. And during -- or two days -- a week and two
16 days recess.

17 During this recess it is your duty not to converse
18 among yourselves or with anyone else on any subject connected
19 with the trial or to read, watch or listen to any report of or
20 commentary on the trial or by any person connected with the
21 trial or by any medium of information including without
22 limitation newspaper, television, radio, or Internet.

23 You're not to form or express an opinion on any
24 subject connected with this case until it's finally submitted
25 to you. No research. No Googling. No, any of that.

1 All right. I'll see you on the 22nd at
2 11:00 o'clock.

3 (Jury recessed for the evening at 4:58 p.m.)

4 THE COURT: All right. The record will reflect that
5 the jury has departed the courtroom, and we need to put our
6 bench conferences on the record. Looks like we had our first
7 bench conference at about 2:34 p.m., and that concerned our
8 juror that we -- who believed that he knew, that was Mr.--

9 THE COURT RECORDER: No, that was the lady about
10 being fair.

11 THE COURT: Oh. All right. Let's see --

12 THE CLERK: The younger girl.

13 THE COURT: -- Juror Number 4.

14 THE CLERK: Uh-huh.

15 THE COURT: The -- she had -- you remember, Juror
16 Number 4.

17 MS. MOORS: I know she was ultimately, ended up
18 getting kicked for cause.

19 THE COURT: Zamora?

20 THE CLERK: Yes.

21 THE COURT: Was it Zamora?

22 THE CLERK: I believe so, Your Honor.

23 THE COURT: Okay. I'm looking for her name. Oh.
24 Maria Zamora, Badge Number 004. And what did we talk about
25 about her?

1 MR. MATSUDA: She said she was more sympathetic to
2 victims of crimes, and she could not get over that thought
3 process, so she would be more inclined to side with the State
4 then.

5 MS. MOORS: Yes, and I think I approached when I
6 asked the question of whether or not she would want a juror
7 such as herself, if she were Mr. Matsuda and she said no. And
8 then I essentially questioned her further and she ultimately
9 admitted that she did not believe she could be fair and
10 impartial and so she was excused.

11 THE COURT: Right. And I just wanted you to ask her
12 why did she think that --

13 MS. MOORS: Sure.

14 THE COURT: -- she can't be fair and so we agreed
15 that there should be further questioning and then she gave us
16 the, I can't be fair. And so I excused her at that point. All
17 right. So good memory.

18 And next we had at 2:46, this was Badge Number 089.
19 This was Mr. Hinson that said he thought he might know a
20 witness, and I was concerned because I wanted to make -- I
21 hadn't asked him earlier how well he knew that person, and so I
22 didn't know whether he had really formed an opinion.

23 And I thought because, and we discussed this at the
24 bench, that I was concerned that he was saying, yes, if it
25 turned out it was her that, yes, he had formed an opinion, and

1 I certainly wasn't going to ask in front of the rest of the
2 jury what that opinion was and taint the whole jury in case it
3 was the same person because I didn't know what his opinion was.
4 It could be really bad. It could be good.

5 Either way I don't want to taint the rest of the jury
6 with that. And so what my concern was, even though he was
7 saying he could be fair and I believed that he could be, but he
8 was also saying; however, if I have an opinion of her and if it
9 is the same person, well, then, I'm going to be influenced by
10 that opinion and that's something that the rest of the jury is
11 not privy to, and he's not supposed to be considering.

12 And so that's what I had been exploring with him.
13 And I expressed to you at the bench that as much as I hated to
14 lose him because he seemed like a really smart guy and very
15 articulate and diligent, that if it was the same person and I
16 thought there was a high likelihood because of the witness's
17 name is not a common name, the description that he gave could
18 be the same person.

19 And I thought I had noticed Mr. Marks, indicating
20 when the question first came up when we were trying to figure
21 out and narrow the description a little bit, he had said, well,
22 I don't know. Might be her and so I thought we were running a
23 big risk there. And then I just didn't want to do that, which
24 is why I said I'm going to make the decision to excuse him.

25 Even though I hated to do it and lose him because he

1 seemed like potentially a good juror. But that was our
2 discussion and you all agreed at the bench that we ultimately
3 with my decision; is that correct?

4 MR. MATSUDA: Correct.

5 MS. MOORS: Yes, Your Honor.

6 THE COURT: All right. And then we had, just at the
7 end, after the peremptory challenges, I called you to the bench
8 just to inquire whether there were Batson challenges before I
9 excused anyone. And both sides said they didn't have any
10 Batson challenges; is that correct?

11 MR. MATSUDA: Correct, Your Honor.

12 MS. MOORS: Yes, Your Honor.

13 THE COURT: All right. Very good. We have a very
14 diverse jury. While you were doing all your work, I was doing
15 the calculations in case there should be some kind of Batson
16 challenge, and what I thought was interesting was that six
17 people self-identified as other race. So I don't know what
18 that means to them, but I'm seeing more and more of that. So
19 it's interesting. But we do have a diverse jury.

20 We had a diverse jury pool before we started with the
21 peremptory challenges. We still have a diverse pool, but we
22 started with a panel of cleared for cause with three African
23 Americans, fourteen Caucasian, white, four Asian, one Pacific
24 Islander, and six self-identifying as other race. And 17
25 female, 11 male. So pretty diverse group. So that's always

1 good.

2 Anything else outside the presence?

3 MS. MOORS: Nothing from the State.

4 MR. MATSUDA: Nothing from the defense, Your Honor.

5 THE COURT: Thank you. I will see you at
6 11:00 o'clock. Oh, the sooner you can get, like, some of your
7 jury instructions, you know, that you're going to have like
8 stock jury instructions to me, the better, because then I can
9 review them for typos. I always find something in them, and I
10 can get that going because once we start going we really don't
11 have a lot of time. We want to get this done.


12 MS. MOORS: Yes, Your Honor. And I'll start working
13 on that and getting the exhibits to your clerk. I should have
14 them to her by the end of the week, if not the beginning of
15 next week. So ample time ahead of time. And I will also start
16 working on the jury instructions as well.

17 THE COURT: All right. Thank you.

18 MR. MATSUDA: Thank you, Your Honor.

19 -oOo-

20 ATTEST: I do hereby certify that I have truly and correctly
21 transcribed the audio/video proceedings in the above-entitled
22 case.

23 
24

25 Dana L. Williams
Transcriber

JD Reporting, Inc.

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