

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3 DEQUINCY BRASS,) No. 81142

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

Electronically Filed
Jan 26 2021 09:53 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME III PAGES 463-712**

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INDEX
DEQUINCY BRASS
Case No. 81142

PAGE NO.

Affidavit & Motion for Extension filed 06/16/20	226-227
Amended Criminal Complaint filed 11/07/17	3-8
Amended Information filed 05/13/19	135-141
Amended Jury List filed 03/03/20	170
Court's Exhibit 4 dated 2/28/20.....	1874-1876
Court's Exhibit 5 dated 02/28/20.....	1877-1878
Court's Exhibit 6 dated 02/28/20.....	1879-1880
Court's Exhibit 7 dated 02/28/20.....	1881
Court's Exhibit 8 dated 02/28/20.....	1882
Court's Exhibit 13 dated 03/03/20.....	1883-1963
Criminal Complaint filed 09/13/17.....	1-2
District Court Minutes from 02/14/18 through 04/23/20	233-263
Errata to Affidavit & Motion for Extension filed 06/16/20.....	228-229
Ex Parte Application Request and Order to Extend Indigent Funds for the Purpose of Paying Investigation Fees filed 02/05/19	124-128
Ex Parte Motion for Authorization of Employment of Investigator and Payment of Fees filed 02/26/18	21-24
Ex Parte Order Granting Employment of Investigator and Payment of Fees filed 06/08/18	33-34
Information filed 02/12/18.....	14-20
Judgment of Conviction filed 04/30/20	216-219
Jury Instructions filed 03/03/20	176-215
Jury List filed 02/25/20.....	159
Justice Court Minutes from 09/13/17 through 02/06/18	9-12
Motion to Dismiss Counsel and Appoint Alternate Counsel filed 03/17/20	154-158
Motion to Withdraw filed 03/12/18.....	25-28
Notice of Appeal filed 05/04/20	220-223

1	Notice of Appeal Pro Per filed 05/06/20	224-225
2	Notice of Motion filed 03/12/18.....	29-30
3	Notice of Motion filed 01/23/19.....	108-115
4	Order Denying Defendant's Motion for Own Recognizance Release and Order Granting State's Countermotion filed 02/19/19	
5	Date of Hrg: 02/07/19.....	129-130
6	Order Denying Defendant's Motion to Withdraw Counsel filed 02/28/20 Date of Hrg: 02/20/20.....	167-169
7	Order Re: Discovery filed 03/19/18	31-32
8	Receipt of Copy of Discovery Provided filed 11/09/18	104-105
9	Receipt of Copy of Discovery Provided filed 11/09/18	106
10	Receipt of Copy of Discovery Provided filed 11/09/18	107
11	Second Amended Information filed 05/20/19	142-148
12	State's Exhibit 23 dated 02/27/20.....	1611-1619
13	State's Exhibit 24 dated 02/27/20.....	1620-1629
14	State's Exhibit 25 dated 02/27/20.....	1630-1639
15	State's Exhibit 31 dated 02/26/20.....	1640-1718
16	State's Exhibit 32 dated 02/26/20.....	1719-1765
17	State's Exhibit 33 dated 02/26/20.....	1766-1858
18	State's Exhibit 35 dated 02/26/20.....	1859-1873
19	State's Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 01/22/20	149-153
20	State's Notice of Motion and Motion to Allow Dr. Sandra Ceti to Appear by Simultaneous Audiovisual Transmission Equipment filed 10/18/18	
21	Date of Hrg: 10/30/18.....	94-103
22	State's Notice of Witnesses and/or Expert Witnesses filed 06/25/18	35-77
23	State's Opposition to Defendant's Motion for Own Recognizance Release, or in the Alternative, for Setting of Reasonable Bail filed 01/31/19	
24	Date of Hrg: 02/05/19.....	116-123
25	State's Second Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/09/18.....	88-93
26	State's Supplemental Notice of Witnesses and/or Expert Witnesses filed 07/10/18	78-87
27		
28		

1	State's Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 04/24/19	131-134
2		
3	Stipulation and Order to Unseal and Prepare Transcript of February 24, 2020 Young Hearing filed 07/29/20	230-232
4	Substitution of Attorney filed 06/16/18.....	13
5	Third Amended Information filed 02/25/20	160-166
6	Verdict filed 03/03/20.....	171-175

TRANSCRIPTS

9	Recorder's Partial Transcript JURY TRIAL DAY 1 Young Hearing (Unsealed Portion)	
10	Date of Hrg: 02/24/20.....	463-643
11	Recorder's Partial Transcript JURY TRIAL DAY 1 (Sealed Portion)	
12	Date of Hrg: 02/24/20.....	644-660
13	Recorder's Transcript JURY TRIAL DAY 1	
14	Date of Hrg: 02/25/20.....	661-893
15	Recorder's Transcript JURY TRIAL DAY 2	
16	Date of Hrg: 02/26/20.....	894-1039
17	Recorder's Transcript JURY TRIAL DAY 3	
18	Date of Hrg: 02/27/20.....	1040-1133
19	Recorder's Transcript JURY TRIAL DAY 4	
20	Date of Hrg: 02/28/20.....	1134-1365
21	Recorder's Transcript JURY TRIAL DAY 5	
22	Date of Hrg: 03/02/20.....	1366-1500
23	Recorder's Transcript JURY TRIAL DAY 6	
24	Date of Hrg: 03/03/20.....	1501-1590
25	Recorder's Transcript Calendar Call	
26	Date of Hrg: 07/19/18.....	352-354
27	Recorder's Transcript Calendar Call	
28	Date of Hrg: 11/08/18.....	358-361

1	Recorder's Transcript Calendar Call	
2	Date of Hrg: 05/07/19.....	374-376
3	Recorder's Transcript Calendar Call	
4	Date of Hrg: 05/09/19.....	377-382
5	Recorder's Transcript Calendar Call (Sealed Portion)	
6	Date of Hrg: 02/20/20.....	451-462
7	Recorder's Transcript Calendar Call (Unsealed Portion)	
8	Date of Hrg: 02/20/20.....	436-450
9	Recorder's Transcript Defendant's Motion for Own Recognizance Release, or in the	
10	Alternative, for Setting of Reasonable Bail	
11	Date of Hrg: 01/29/19.....	362-363
12	Recorder's Transcript Defendant's Motion for Own Recognizance Release, or in the	
13	Alternative, for Setting of Reasonable Bail	
14	Date of Hrg: 02/05/19.....	364-366
15	Recorder's Transcript Defendant's Motion for Own Recognizance Release, or in the	
16	Alternative, for Setting of Reasonable Bail	
17	Date of Hrg: 02/07/19.....	367-373
18	Recorder's Transcript For Continuance Hearing	
19	Date of Hrg: 05/13/19.....	383-415
20	Recorder's Transcript Initial Arraignment	
21	Date of Hrg: 02/14/18.....	348-351
22	Recorder's Transcript Motion to Withdraw as Counsel	
23	Date of Hrg: 03/27/18.....	351A-351C
24	Recorder's Transcript Motion to Withdraw as Counsel	
25	Date of Hrg: 03/29/18.....	351D-351H
26	Recorder's Transcript Sentencing	
27	Date of Hrg: 04/23/20.....	1591-1610
28	Recorder's Transcript State's Motion to Allow Dr. Sandra Ceti to Appear by Simultaneous Audiovisual Transmission Equipment	
	Date of Hrg: 10/30/18.....	355-357

1	Recorder's Transcript	
2	Status Check: Trial Readiness	
2	Date of Hrg: 04/03/18.....	351I-351L
3	Recorder's Transcript	
4	Status Check: Trial Readiness	
4	Date of Hrg: 08/13/19.....	416-419
5	Recorder's Transcript	
6	Status Check: Trial Readiness	
6	Date of Hrg: 10/01/19.....	420-423
7	Recorder's Transcript	
8	Status Check: Trial Readiness	
8	Date of Hrg: 12/03/19.....	424-427
9	Recorder's Transcript	
10	Status Check: Trial Readiness	
10	Date of Hrg: 12/17/19.....	428-431
11	Recorder's Transcript	
12	Status Check: Trial Readiness	
12	Date of Hrg: 01/14/20.....	432-435
13	Reporter's Transcript	
14	Preliminary Hearing	
14	Date of Hrg: 02/06/18.....	264-347
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
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THE STATE OF NEVADA,
Plaintiff,
vs.
DEQUINCY BRASS,
Defendant.

VS.

**RECORDER'S PARTIAL TRANSCRIPT OF HEARING:
JURY TRIAL -- DAY 1, UNSEALED PORTION**

For the State:

For the Defendant:

MITCHELL T. POSIN, ESQ.

Defense Investigator

ROBERT LAWSON

Page 1

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Las Vegas, Nevada, Monday, February 24, 2020

[Trial began at 10:34 a.m.]

[Outside the presence of the jury]

THE CLERK: C329765, State of Nevada versus Dequincy Brass.

MS. RHOADES: Good morning, Your Honor, Kristina Rhoades and Kelsey Einhorn on behalf of the State.

THE COURT: Good morning.

MR. POSIN: Good morning, Your Honor, Mitchell Posin on behalf of the Defendant, who is here present in custody.

THE COURT: Good morning. Okay. Any issues, questions, concerns?

MS. RHOADES: I don't think so. I would also make a record that Mr. Lawson is also here, Mr. Posin's investigator. And they've both gone through the State's proposed exhibits. We also have the exhibits from last time that Detective Vargason brought over and they are labeled in sealed envelopes. And Mr. Posin and Mr. Brass had the opportunity to look at that. They have agreed that we can just open them here. And I believe those ones will be stipulated to, the ones that the Clerk has opened in here. Is that correct?

MR. POSIN: I will reserve whether I stipulate to them --

THE COURT: Right.

MR. POSIN: -- but certainly, I saw them. They were in sealed envelopes and I have no problem with them being opened prior to them presenting as proposed exhibits.

1 THE COURT: So open -- both parties agree stipulate we can
2 open them right now, is that?

3 MR. POSIN: Yeah.

4 MS. RHOADES: Yes.

5 THE COURT: Okay. Let's see, things on my end --

6 MR. POSIN: And, Your Honor, --

7 THE COURT: Oh, go ahead.

8 MR. POSIN: -- possibly before you get to things on your end.

9 THE COURT: Sure.

10 MR. POSIN: I had some representations I wanted to make --

11 THE COURT: Sure.

12 MR. POSIN: -- outside the presence of the State.

13 THE COURT: Sure. Oh, outside. Okay.

14 MS. RHOADES: Well, I don't know that's -- okay, the reason
15 why I offered to do that at the *Young* hearing is because I know other
16 courtrooms do that when defendant's actually file motions to dismiss
17 their counsel. They put their reasons in the motion and then they also
18 have a hearing outside the presence to, you know, make sure there's an
19 adequate inquiry done. I don't know that we should be in the business
20 of excusing the State from a trial in this matter where we are a party as
21 well.

22 THE COURT: Any response to that?

23 MR. POSIN: Yes, Your Honor, and Ms. Rhoades is correct
24 that I will be discussing some of the same sort of issues that we raised
25 earlier, only having had a chance to speak to both Mr. Lawson and the

1 Defendant over the weekend with a little more specificity and with some
2 representations made directly by Mr. Lawson. So, I think it's appropriate
3 to do it outside the presence of the State. It's really just on those same
4 issues that the State -- if the Court feels that after we make those
5 representations, which should not take very long, that State should come
6 in and hear them as well, then we can do it that way. But I would ask
7 that, at least as an initial matter, we do it outside the presence.

8 THE COURT: Okay. I'm going to err on the side of caution, I
9 guess. And let's excuse the State and see what Mr. Posin has to say.

10 MS. RHOADES: Yes, Your Honor.

11 THE COURT: Before you leave, sorry. Apparently, we did a
12 copy of the motion. I was filed on February 21st, which was Friday.

13 MS. RHOADES: If I could have the Court print the State a
14 copy of that.

15 THE COURT: Yeah. I don't --

16 MS. RHOADES: We did not see that. I know that they close
17 Odyssey up on the trials sometimes.

18 THE COURT: And I haven't -- again to be clear, I haven't
19 seen it either. I'm just logged into the case now and there it is.

20 MS. RHOADES: Okay. Thank you.

21 THE COURT: But, yeah, we'll get you the copy.

22 MS. RHOADES: Thank you.

23 [Colloquy between counsel for the State]

24 THE COURT: I would note that it apparently is signed,
25 interestingly I suppose, given representations that were made, it is

1 signed, at least what I'm seeing, on 18th day of February, which is
2 Tuesday of last week. So, the representation that it was mailed the
3 week before, I'm not sure is an accurate representation to me. But and
4 date stamped, mailing stamp --

5 THE CLERK: The 19th.

6 THE COURT: -- the 19th.

7 MS. RHOADES: If I may approach?

8 [Colloquy between the Court and staff]

9 MS. RHOADES: Thank you, Your Honor.

10 THE COURT: Oh, this one is mine. Thanks.

11 MS. RHOADES: Thank you.

12 [Colloquy between the defense counsel and staff]

13 THE COURT: You can take this one. I've got it up here.

14 MS. EINHORN: Your Honor, may the State just step into the
15 back hallway?

16 THE COURT: Sure. Thank you.

17 MS. RHOADES: Thank you.

18 [Sealed hearing outside the presence of the State 10:39 a.m. - 11:15

19 a.m. -- transcribed separately]

20 [Trial resumed at 11:34 a.m.]

21 [Outside the presence of the jury]

22 THE COURT: So, the State knows we had an extensive
23 detailed conversation outside your presence with Mr. Posin, Mr. Brass,
24 Mr. Lawson. The details of which I don't think I'll try and characterize. It
25 was more -- well I will to some extent, but more extensive, more

1 detailed, but essentially, the same issue in terms of Mr. Brass still wants
2 a different attorney, doesn't believe Mr. Posin's adequately representing
3 him.

4 I have taken the time to do that. I've also re-reviewed again
5 the *Young versus State* case and also now the *Garcia versus State*,
6 which is 121 Nevada 327, 2005 case. That was a follow-up or maybe
7 not follow-up, but goes into an extensive discussion of *Young versus*
8 *State* case. And in that case the Supreme Court upheld the District
9 Court's denial of the motion to remove counsel. So, I've reviewed that
10 one too.

11 And if you all have anything you'd like to say, I'm glad to hear
12 it.

13 MS. RHOADES: I just -- well first is the -- I know that a portion
14 of Thursday's hearing was sealed. Is the -- is what happened outside
15 the State's presence today going to be sealed?

16 THE COURT: It will be.

17 MS. RHOADES: Okay. I don't know the reason, so I can't
18 comment --

19 THE COURT: Sure.

20 MS. RHOADES: -- on any of that. But what I can say and I'm
21 sure what the Court is very much aware of is, this is the exact same
22 situation that happened, I believe in May of last year. Exactly the same,
23 same thing happened at calendar call. Mr. Posin tried to continue it. Mr.
24 Lawson comes in here on Monday morning, makes some
25 representations and the case gets continued. So, we're here at the

1 exact same thing basically.

2 Mr. Lawson has been present for multiple status checks
3 because of what happened back in May on the trial day. No
4 representations were ever made there. No representations for Mr.
5 Lawson were ever made at those multiple status checks that we've had.
6 Everybody comes in and says, yeah, we're going to be ready from Mr.
7 Posin and Mr. Lawson. Defendant was at each one of those hearings,
8 never said anything about what he's saying now.

9 And so, I would just really reemphasize the history and the
10 record that this Court has gone to at great lengths to make about their
11 preparation, their readiness. And it's just -- it's here again the Monday
12 where we're about to pick a jury that this happens again with the same
13 players.

14 THE COURT: Anything on defendant's side?

15 MR. POSIN: Your Honor, I haven't, of course, read this
16 *Garcia* case. I have read the *Young* case. Or I should say, I may have
17 read the *Garcia* case, but I remember the *Young* case because here
18 Your Honor cited to it the last time we were here. And of course, that
19 case in presumably *Garcia* are focused more on the motion, the
20 timeliness, and other issues to do with the motion to withdraw.

21 And of course, I was phrasing my presentation or, you know,
22 the issues -- I was characterizing the issues that were raised by Mr.
23 Lawson more in terms of effectiveness of counsel rather than issues of
24 timeliness of withdrawal and whether I could actually be the effective
25 counsel that I need to be. And that's -- I would just submit it at that.

1 THE COURT: Thank you. Mr. Bass, do you have anything
2 further you would like to say?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Okay. Thank you.

5 Mr. Lawson, since you're here, anything further from you?

6 THE INVESTIGATOR: No, sir.

7 THE COURT: Okay. I'm going to deny Defendant's motion to
8 withdraw counsel for all the reasons I stated last week, but also for
9 additional reasons. The representation was made by Mr. Brass that he
10 had filed a motion to withdraw the week before and the record shows
11 that's not true. The motion we received that, to be clear, we looked up
12 and down here court the day it was represented to us it was mailed the
13 week before; nowhere to be found. The motion that we now have in the
14 Court record was filed the week of, not the week before. It was dated
15 even the week of and not the week before.

16 So, the first time this issue was raised in the past 8-9 months
17 was at the calendar call. As the State points out and as I've already said
18 on the record, it's like déjà vu all over again. Except the last time I did
19 grant the request to continue and we did hold multiple status checks at
20 which everyone was present including, at times, Mr. Lawson. And the
21 issue that was raised at calendar call, and again re-raised today, was
22 not brought up despite multiple opportunities to do that.

23 I understand that Mr. Brass and maybe Mr. Posin and Mr.
24 Lawson all take issue with this -- well there's no harm -- well there -- one
25 of their positions, if you will, as I would characterize it: Well, Your Honor,

1 there's no harm or at least no real harm to the State in granting the
2 motion to withdraw, even though it would necessitate a continuance. I
3 think I already addressed that. I strongly disagree with that as does the
4 State. But as stated before, memories fade. This is -- this case is --
5 began, what, two years ago approximately?

6 MS. RHOADES: 2017.

7 THE COURT: Three years ago, maybe.

8 MS. RHOADES: Yes.

9 THE COURT: Over two years ago let's say that. I granted a
10 continuance before over the State's objection so that the defense team
11 could adequately prepare. The issue to me between Mr. Brass and Mr.
12 Posin boils down to potential strategy differences, which is not sufficient
13 under these circumstances to grant the motion to continue the trial. Mr.
14 Posin has represented to me multiple times that he's ready to go to trial.
15 And the inquiry outside the State's presence has confirmed that the
16 opportunity to raise any issues that Mr. Brass may or may not have had,
17 there's been multiple opportunities to do that prior to the calendar call
18 and it was not raised in the multiple times we've all met since then.

19 I look at the *Young versus State* case and the *Garcia versus*
20 *State* case and under both of those I believe that Mr. Brass has not
21 shown good cause for the withdrawal of counsel, nor good cause for the
22 continuance of the trial. And to be clear, there's no way that I could
23 grant the withdrawal and not continue the trial. I mean, I think that is
24 obvious, but on the record it's now stated.

25 So, if you look at *Garcia*, the Court didn't even hold a hearing

1 apparently on the motion to dismiss counsel. I clearly have held now
2 two hearings on the motion to dismiss counsel. I would note that
3 somewhat similar to the circumstances here in terms of the issue, it was
4 first raised at calendar call. Here we have the issue first being raised at
5 the first calendar call, which I adequately addressed and over again over
6 the State's objection. It was not re-raised for the months in between the
7 first calendar call and the calendar call last week. The calendar call, like
8 in *Garcia*, last week, being just -- quote: just a few days before his trial
9 was scheduled to begin.

10 And I would note that *Garcia* filed in a written motion in open
11 court to dismiss his counsel. Well here we didn't even have a written
12 motion. Mr. Brass represented to me that one was filed and it clearly
13 was not. We have an oral motion. We now have a written motion that
14 was filed after the fact.

15 But the Court again addresses the three factors in the *Young*
16 *versus State* case. The first one being the extent of the conflict between
17 defendant and/or -- and his or her counsel, which again, as in *Garcia*, we
18 have representations and no disagreements, or substantive
19 disagreements anyway, that Mr. Posin has visited with Mr. Brass on
20 more than one occasion prior to trial. That Mr. Posin has also visited
21 and been in communication with the investigator. Timeliness of the
22 motion and the extent of inconvenience or delay. It's almost identical to
23 *Garcia*.

24 So, going back to the first. The extent of the conflict here
25 appears to be, in the Court's read, a disagreement as to the strategy

1 between Mr. Posin and Mr. Brass, which is not good cause. And
2 therefor that first factor supports denying the motion.

3 Going to the second factor, timeliness of the motion, extent of
4 inconvenience or delay. That factor weighs highly in favor of denial of
5 the motion, as I stated last week and I'll restate today. Here the motion
6 was orally raised at calendar call, filed after the fact in writing, but I do
7 consider it. Today being the first time, I've ever seen it, the -- as in
8 *Garcia*, the motion although quote although timely in the sense that it
9 was filed before the actual start of the trial would have resulted in an
10 unnecessary inconvenience and delay if granted. We first addressed
11 that in May, again over State's objection continued. But to do it again at
12 calendar call it appears to the Court to be a ploy to get this Court to
13 continue the trial again over the State's objection. And so that factor
14 weighs in favor of denying the motion.

15 Finally, third factor adequacy of the District Court's inquiry. I
16 think it was adequate last week. It most certainly is more than adequate
17 this week. I've heard from Mr. Posin. I've heard from Mr. Brass. I've
18 heard from Mr. Lawson. All collectively and the inquiry is certainly
19 adequate.

20 The circumstances of the underlying procedural facts in terms
21 of discussion between Mr. Posin and Mr. Brass, Mr. Posin and Mr.
22 Lawson's office. There have been multiple communications, multiple
23 meetings. And all of that supports denial.

24 And as the State pointed out last week and I still agree this
25 would - to say it's a granting of highly inconveniences is an

1 understatement, but this would severely prejudice the witnesses,
2 severely prejudice the alleged victims. It would cause further memory
3 loss, just time does that to everyone. And again, I every time we met,
4 we're getting ready for trial are there any issues, questions, concerns
5 and up until calendar call, we were all good to go and that obviously
6 supports denial of the motion.

7 And so, I believe it is --- I do have discretion considering it. I
8 believe I've adequately applied all the factors and all the factors weigh in
9 favor of denying the motion. So, we're going to start. Although I think
10 we probably should break for lunch first, but anything before we break?

11 [Colloquy between the Court and the staff]

12 THE COURT: Did you all hear that?

13 MS. RHOADES: Yes, that's -- works for the State.

14 THE COURT: Did you hear what she said?

15 MR. POSIN: Yes, Your Honor.

16 THE COURT: Okay. Yeah, so we can start and maybe we'll
17 break at 12:30.

18 MS. RHOADES: Thank you. And, Your Honor, can you
19 explain how this Court does jury selection?

20 THE COURT: Sure. So, we're seating 32 I believe, right?

21 MS. RHOADES: That's how many we have to qualify.

22 THE COURT: So, the 29 through 32 will be the alternate pool.
23 I will ask a series of beginning questions. If somebody is excused, they
24 are replaced in the chair they're sitting in so we don't move everyone.
25 Questions -- let's see. Has anyone been convicted of a felony? Any --

1 well first any issue that might affect your ability to serve? I'm thinking
2 we'd tell -- oh, I need to be, at the very least, dark Thursday afternoon, if
3 not the entire day.

4 MS. RHOADES: That is the day that we were going to have
5 our doctor testify audio-visually at 1 p.m., so you need the afternoon
6 dark?

7 THE COURT: 1 p.m. I can --

8 MS. RHOADES: She shouldn't be too long if--

9 THE COURT: Okay. Yeah, so bear with me.

10 MS. RHOADES: Sure.

11 THE COURT: I had to change my password this morning. I
12 need to go dark at 3, so I'll figure out the rest. But if 3 is adequate, then
13 we can do that.

14 MS. RHOADES: Yes, she should not be longer than -- I
15 mean, I don't even anticipate her being an hour. And so, we won't have
16 any other witnesses after her. We'll just have her at 1 p.m. and --

17 THE COURT: Okay.

18 MS. RHOADES: Okay. And then Friday we're starting at
19 10:30 as well?

20 THE COURT: Yeah, now I have a time conference on Friday
21 mornings.

22 MS. RHOADES: Okay.

23 THE COURT: Other questions I ask, you know, the hardship,
24 does anybody know us, presumption of innocence. Then I go through
25 some basic questions, you know, how long have you lived here, are you

1 employed. Have you been the victim of a crime? Have you ever been
2 accused, family member, have you served as a juror before?

3 MS. RHOADES: And, Your Honor, when you turn it over to
4 us, do we have the whole panel or do you do it one by one?

5 THE COURT: Good question. So, you can address your
6 questions to the whole panel.

7 MS. RHOADES: Okay.

8 THE COURT: And you're more than welcome, and this
9 obviously applies to you too as well, Mr. Posin, address the whole panel,
10 welcome to narrow down. You know, if you have follow-ups to any
11 particular individual, you're welcome to go through one by one if you like
12 to do it that way too. Does that answer that question?

13 MS. RHOADES: Yes, thank you.

14 THE COURT: You're welcome. Peremptories, we don't tell
15 the jurors who's excused who. I would think that would be obvious.

16 MS. RHOADES: And then the alternates, can we just use the
17 one on the alternate? That's separate, right?

18 THE COURT: Yeah.

19 MS. RHOADES: Okay.

20 THE COURT: Yeah, so the alternate pool would be the last
21 four in the 32.

22 MS. RHOADES: And then the for-cause challenges, do you
23 like us to approach or --

24 THE COURT: Yeah.

25 MS. RHOADES: -- can we just make them --

1 THE COURT: Yeah, good question. So, outside their
2 presence, so come on approach. That's fine.

3 MS. RHOADES: Okay.

4 THE COURT: If you have any question as to whether to
5 approach or not, err on the side of coming up. I'm not strict on that by
6 any means. So --

7 MS. RHOADES: Okay.

8 THE COURT: -- I'd rather hear and address it if we can.

9 MS. RHOADES: All right. Thank you.

10 THE COURT: Anything on your side?

11 MR. POSIN: Nothing, Your Honor.

12 MS. EINHORN: Your Honor, while we're just kind of talking
13 about housekeeping matters. Once we actually begin the trial, for
14 objections, would you prefer us to approach and argue at the bench or
15 are you okay with arguing in front of the jury?

16 THE COURT: So as long as your objection is a one or two
17 word, make it there --

18 MS. EINHORN: Okay.

19 THE COURT: -- from your tables. If you get into the,
20 whatever you call it, an argument objection or speaking objection, I very
21 well may cut you off. But if you want to go into details like that, you can
22 ask to approach.

23 MS. EINHORN: Yes, Your Honor.

24 THE COURT: Are they out there or --

25 MARSHALL: Not at all. It's going to take like --

1 THE COURT: Okay. I was going to say --
2 MARSHALL: --15 minutes at least probably.
3 THE COURT: Any other questions, because we have some
4 time.
5 MS. RHOADES: Tomorrow is 10:30 and then every day is
6 10:30 after that?
7 THE COURT: Yeah.
8 MS. RHOADES: Okay.
9 THE COURT: And the -- let's see, the caveat always on those
10 is it depends on how long my hearings are.
11 MS. RHOADES: Okay.
12 THE COURT: Next Monday I have apparently very long civil
13 calendar, motion calendar, so we might start a little late on that Monday.
14 What I was planning on telling them, would either side prefer me to say
15 the next two weeks or through next Wednesday or Thursday or Friday?
16 MS. RHOADES: I think we'll be done by next Wednesday. I
17 think it's pretty safe to say next Wednesday.
18 THE COURT: What do you think, Mr. Posin, okay to say
19 Wednesday?
20 MR. POSIN: I'm agreeing with that, Your Honor, yes.
21 THE COURT: Okay, so I'll tell them through next Wednesday.
22 MS. RHOADES: So, the following, next Monday we may start
23 later?
24 THE COURT: Yeah.
25 MS. RHOADES: Okay.

1 THE COURT: It really -- I have a bunch of motions in limine in
2 two separate cases, civil motions. So, sometimes the attorneys will
3 understand that I've read it and reviewed it and sometimes they don't so.

4 MS. RHOADES: Okay.

5 THE COURT: And if there comes a point where you want to
6 make a for-cause challenge, ask to approach.

7 MS. RHOADES: Okay. Thank you.

8 THE COURT: Sometimes it's good to cut them off.

9 MS. RHOADES: May I approach your Clerk, Your Honor?

10 THE COURT: Sure.

11 MS. RHOADES: I'm just -- I showed Mr. Posin. I don't know.
12 Are we on the record? No.

13 THE RECORDER: Yes, we are.

14 MS. RHOADES: Oh, we are. Okay. I did show Mr. Posin
15 some proposed exhibits that I'm handing to the Clerk now to have
16 marked. And then can we open those --

17 THE CLERK: I already open them.

18 MS. RHOADES: You already opened the, okay, can I grab
19 them and --

20 THE CLERK: Yeah.

21 MS. RHOADES: -- take a look at them with Mr. Posin?

22 THE CLERK: I have the envelopes marked 1 and 2, and then
23 the contents of them are 1A, 1B, 2A.

24 MS. RHOADES: Perfect. Thank you very much.

25 [Colloquy between counsel]

1 THE COURT: We can off the record. Let's go off.

2 [Off the record at 12:02 p.m.]

3 [Trial resumed at 12:22 p.m.]

4 [Inside the presence of the prospective jury panel]

5 THE COURT: Please be seated. Ladies and gentlemen,
6 good afternoon. My name is Judge Joe Hardy Jr. and this is the time set
7 for trial in case number C329765, State of Nevada, plaintiff, versus
8 Dequincy Brass, defendant. This is Department 15 of the Eighth Judicial
9 District Court and I am the presiding judge in this particular department.

10 Ms. Clerk, could you please call the roll of the panel of
11 prospective jurors? And ladies and gentlemen, when you hear your
12 name please either state present or here. Either one of those is fine.

13 [The clerk calls the roll of the prospective jury panel]

14 THE COURT: Thank you. And ladies and gentlemen, I meant
15 to say first thing thank you for your patience and service with us. As I
16 often tell juries, real life's not like it is on TV. So, thank you all for your
17 patience and service.

18 Is there anyone whose name was not called? If you name
19 was not called please raise your hand. I don't see any hands.

20 All right. So, ladies and gentlemen, ultimately 14 of you will be
21 chosen as jurors and alternate jurors to serve in this case. And when
22 you hear me say the number 14 the first thought might be, I thought a
23 jury was 12 people. Well you would be right in criminal case in the state
24 of Nevada. But we always choose a couple alternate jurors. That was
25 in case something should happen to a jury during the trial, we wouldn't

1 have to start the whole thing all over again. So, we choose a couple
2 alternates in the process.

3 Before we go any further, we need Ms. Clerk will administer
4 an oath to all of you to speak the truth. So, Ms. Duncan, if you could
5 administer the oath.

6 THE CLERK: Please stand and raise your right hands.

7 THE COURT: And you as well, sir.

8 [The Clerk swears the prospective jury panel]

9 THE COURT: Thank you. Please be seated. So, the record
10 will reflect the presence of the Defendant with his counsel and the
11 Deputy District Attorneys and all other officers of the court. Do both
12 parties stipulate to the presence of the jury venire panel?

13 MR. POSIN: Yes, Your Honor.

14 MS. RHOADES: Yes, Your Honor.

15 THE COURT: Thank you. Are the parties ready to proceed?

16 MR. POSIN: Yes, Your Honor.

17 MS. RHOADES: Yes, Your Honor.

18 THE COURT: Thank you. All right. Ladies and gentlemen,
19 you have been called upon today to serve as jurors in a criminal case.
20 And the charges are as follows: lewdness with a child under the age of
21 14, sexual assault with a minor under 14 years of age, child abuse,
22 neglect or endangerment, first degree kidnapping of a minor, preventing
23 or dissuading witness or victim from reporting crime or committing
24 prosecution, and battery with intent to commit sexual assault, victim
25 under 16.

1 We expect that this trial will last through next Wednesday, so
2 basically a week and a half. Our trials generally run from 10:30 a.m. to
3 no later than 5:30 p.m. Certainly, as you've seen today there are some
4 exceptions to that rule. But again, ultimately 14 of you will be going
5 forward with us as jurors and alternate jurors in this case.

6 In this country we place great faith in our citizens as jurors to
7 reach fair and objective decisions. Part of what you're doing here today
8 and in the trial is being good citizens of our country and our community.
9 Jury duty is a civic duty like obeying laws, voting, and paying taxes. We
10 very much appreciate the fact that you responded to the jury summons
11 and showed up and are willing to do your job as jurors. It's very
12 important what you're doing here in this process. I hope very much that
13 you will find the process rewarding and your experience rewarding as
14 jurors.

15 Having said that, I know that some of you, no doubt, are sitting
16 here thinking to yourself, I'm going to try and answer in a way to try and
17 get out of jury duties. That's not uncommon. But there's a couple
18 problems with that. First, think about what would happen if you were a
19 party to a lawsuit or a defendant being accused of a crime. What kind of
20 people would you want serving on the jury? Presumably you would want
21 people who are fair and impartial and willing to do their duty.

22 Second, you might get out of this jury but that doesn't mean
23 you're out of jury duty. It means, that you go back to the third floor, back
24 to jury services and they may need you somewhere else. As I said, this
25 case will last through next Wednesday. Other trials like construction

1 defect trials, for example, can last up to a few months. So, one that is a
2 week and a half, you know, probably easier, more convenient, to serve
3 in this type of a trial than a multiple month construction defect trial. So
4 be careful what you wish for. Additionally, you've taken an oath to
5 tell the truth and we ask that you do that.

6 So let me introduce you to our court staff. You've all met
7 Officer Durazo to my far right. Officer Durazo is our Marshal here in the
8 court and her job is to maintain order and security in the courtroom.
9 She's also my representative to the jury. So, anything you need or
10 problems that come up for you during the course of the trial should be
11 brought to her attention. Please keep in mind that she cannot talk to you
12 about the case or answer any questions about the case itself.

13 To my middle right, I would say is Mr. Matthew Yarborough.
14 He's our court recorder. He makes sure everything that is said during
15 the trial is recorded and that we have an accurate legal record of
16 everything we say and do here in the courtroom during the trial.

17 On my immediate right is Kristin Duncan. She's our court
18 clerk. She swears in witnesses, marks exhibits, keeps track of evidence
19 and prepares minutes of the proceeding for the court.

20 You may have also already seen my assistant Amanda
21 Rivera. And you will not have seen, because she's taking the California
22 Bar this week, but my law clerk Alma Orozco. You may see them from
23 time to time in here as well. They make sure everything is running
24 smoothly behind the scenes while we're in trial.

25 Next, we'll have the State introduce themselves to you, read a

1 list of witnesses that they may call and give you a one or two sentence
2 synopsis of the case. While they do that, please pay attention to the
3 names on the list of witness they read. And then after them, we'll have
4 counsel for the defendant introduce themselves and give you a list of
5 any witnesses that they may call so.

6 MS. EINHORN: Thank you, Your Honor. Good afternoon
7 everybody. My name is Kelsey Einhorn. This is my co-counsel Kristina
8 Rhoades. We're both prosecutors here at the Clark County District
9 Attorney's Office assigned to prosecute the case that you're all here for
10 today.

11 Now if you're chosen for this trial you're going to hear over the
12 next week and a half about multiple different incidents that occurred in
13 both the Las Vegas valley and in Henderson involving three different
14 victims. One of those victims at the time was around 5 years old. One
15 of those victims was about 8-9 years old. And the other one was around
16 13 years old.

17 The Judge read to you the charges as a result of those
18 incidents that you'll hear about between the defendant and those
19 victims. The Defendant is charged with the crime that the Judge just
20 read to you. And the dates that this all occurred is a date range from
21 May 4th, 2015 to February 1st 2017.

22 So now I'm going to read to you a list of the witnesses that the
23 State may call. We probably won't call all of these witnesses but just to
24 be safe, we're going to read the list of everyone so please listen
25 carefully.

1 Arianna Whatley, Johnathan Ashcroft, Jacqueline Atha, Jacob
2 Barr, Dr. Sandra Cetl, Vincent Cottrill, Paul Shilling, Donald Kelly,
3 Rachel Ekroos, Elizabeth Espinoza, Franklin Gibson, Esan Whatley,
4 Elaine Knepp, Jeffrey Lytle, Kimberly Madden, Eric Neilsen, Alexis
5 Pierce, Denise Price, Rodriguez Madden, Jared Spangler, Matt
6 Theriault, Venice Madden, Jordan Vargason, Shontai Whatley,
7 Christopher Worley, and potentially a custodian of records from the
8 Department of Motor Vehicles. Thank you, all.

9 THE COURT: Thank you. Mr. Posin.

10 MR. POSIN: Thank you, Your Honor. Ladies and gentlemen,
11 what you just heard from the State and they've read off what they claim
12 was incidents that occurred and people that they say were victimized by
13 those incidents.

14 Stand up. This is Mr. Brass. He's accused of those. You're
15 here today because he has entered a plea of not guilty. And a plea of
16 not guilty means he is denying those charges. He's saying they did not
17 occur, the incidents that are alleged to have occurred are not -- have not
18 occurred, did not occur. And we believe that when all the evidence is in
19 and we will ask you to come to a decision --

20 MS. RHOADES: Your Honor, I'm going to object. I mean,
21 that's not what the purpose of this is for.

22 THE COURT: So, the objection is overruled.

23 MR. POSIN: Thank you, Your Honor. When all the evidence
24 is in we're going to ask you to come to a finding of not guilty and
25 acquittal of this defendant. Find that he did not do those actions that are

1 alleged against him. Thank you very much.

2 THE COURT: Thank you. So, ladies and gentlemen, we'll
3 begin the jury selection process. So this part of the case is where the
4 parties and the lawyers have the opportunity to get to know a little bit
5 about you in order to help them come to their own conclusions about
6 your ability to be fair and impartial so that they can decide who they think
7 should be jurors in the case.

8 Questioning of the jury is known by a French term, which
9 depending on how you like to pronounce it can be pronounced many
10 different ways. Voir dire, voir dir [phonetic], other different ways, but
11 loosely translated simply means to speak the truth.

12 The process will go like this. I'll ask some general questions
13 of those of you who are seated here. The questions will be directed to
14 everyone in what we call the jury box, those folks here to my left and
15 also members of the venire panel there in the back. After those general
16 questions, the focus of the questions then will turn to the 32 people up
17 here in the box. And I'll ask individual questions of those of you seated
18 in the jury box. And then the lawyers for both parties will have the
19 opportunity to ask more specific questions about you all.

20 The questions that will be asked are not designed to intimidate
21 or intended to embarrass you or unnecessarily pry into your person
22 affairs. Excuse me. It's important that the parties and the attorneys
23 know enough about you to make this important decision to know
24 whether you can be fair and impartial jurors in this particular case.

25 There are no right or wrong answers to any of the questions.

1 The only thing we ask that you do is answer the questions honestly and
2 completely as you can. You've taken an oath to answer all the
3 questions truthfully and you must do so. Remaining silent when you
4 have information that you should disclose is a violation of that oath as
5 well. If a juror violates this oath it may not only result in us having to
6 start the case all over again, but it can result in penalties against that
7 juror personally as well. So again, very important that you answer
8 honestly and completely as best you can.

9 If you don't understand a question please raise your hand or
10 just say, hey, I didn't understand or I didn't hear that question. Ask for
11 an explanation or a clarification.

12 At some point during the process of selecting a jury, the
13 attorneys for both sides will have the right to ask that a particular person
14 not serve as a juror. That's called a challenge. There are two types of
15 challenges. The first type of challenge is what we call a challenge for
16 cause. Challenge for cause is a request to excuse a juror because that
17 juror might have a difficult time being fair and impartial in this case.

18 Second type of challenge is what we call a preemptory
19 challenge. Preemptory challenge means that a juror can be excused
20 from duty without counsel having to give a reason for that excusal. In
21 this case each side will have the right to five preemptory challenges.

22 This part is a little humorous, but it's very true. If you are
23 excused, please do not be offended if you're excused from the process.
24 I don't know that I've ever had anybody be offended from being excused,
25 but just in case you are, don't be offended. It's simply part of the

1 procedure of picking a jury. These procedures are designed to assist
2 the parties and their attorneys to select a fair and impartial jury.

3 Once all the challenges are exercised, we'll have our 14
4 qualified jurors. Two of those 14 will be designated as alternates. The
5 12 remaining jurors will remain and deliberate.

6 We're going to start brief -- with one question briefly and then
7 we'll have -- generally we break for lunch at noon. We're going to break
8 more like at 1 in this case and then come back where we'll continue the
9 selection process.

10 But I'm going to start by asking a question. Marshal Durazo,
11 as you can see has a microphone. When you have -- if you want to give
12 an answer please raise your hand and wait until the microphone gets to
13 you. Again, that way we have a record of everything that's said here.
14 When you do get the microphone please state your last name and
15 badge number. If you haven't memorized your badge number that's
16 okay. It's right there on your badge.

17 So just a couple questions before we break. Is there anyone
18 here who has a disability or medical issue that might impact your ability
19 to serve as a juror in this case? So, first question anyone have a
20 medical issue or disability that might affect your ability to serve as a
21 juror. Okay, I see one hand there in the back.

22 THE COURT: And last name and badge number.

23 PROSPECTIVE JUROR 354: Badge number 354, last name,
24 Ladignon.

25 THE COURT: Okay. And what do you have?

1 PROSPECTIVE JUROR 354: I'm diabetic and I have
2 incontinence problem.

3 THE COURT: And does that require frequent trips to the
4 restroom, ma'am?

5 PROSPECTIVE JUROR 354: Yes.

6 THE COURT: Okay. Thank you, ma'am.

7 Anyone else? There in the way back. Last name and badge
8 number? And I apologize. You can stay seated if you want, that's fine
9 or stand, either one.

10 PROSPECTIVE JUROR 586: My bade number if 586. My
11 name is Alfredo.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR 586: I have a nerve thing. I used to
14 be three times, one in the morning and 12 o'clock and then at night.

15 THE COURT: And I'm sorry, did you say nerve pain?

16 PROSPECTIVE JUROR 586: Yeah, I have nerve pain over
17 here, so I need to drink --

18 THE COURT: For the record, it looks like you're pointing to
19 the back of your neck behind your ear?

20 PROSPECTIVE JUROR 586: Yeah, right here.

21 THE COURT: Okay. So, you treat that three times a day?

22 PROSPECTIVE JUROR 586: Yeah, I have to drink the
23 medicine three times a day.

24 THE COURT: And is that something you could treat before
25 you came in and during lunch time and after we broke for the day?

1 PROSPECTIVE JUROR 586: Can you repeat the question
2 please?

3 THE COURT: Sure. So is that something where you could do
4 the treatment before we came in at 10:30, during our lunch break and
5 after we broke for the day? Or is it something where you have to do it
6 while we're in here?

7 PROSPECTIVE JUROR 586: Well today I didn't drink my
8 medicine, because when I drink that I feel dizzy.

9 THE COURT: And what type of treatment do you do then?
10 Like what -- when you say treat three times a day, you take a pill, or I'm
11 sorry.

12 PROSPECTIVE JUROR 586: Yeah, I drink a pills.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 586: One in the morning, one in the
15 afternoon, and night.

16 THE COURT: Okay. Thank you. Anyone else? Okay one
17 back up here.

18 PROSPECTIVE JUROR 364: Correa, 364.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 364: I have diabetes too.

21 THE COURT: And how does that affect your ability to serve
22 as a --

23 PROSPECTIVE JUROR 364: Well, I'm using insulin. So, I
24 need to take before I take my meals.

25 THE COURT: Okay. Thank you. Anyone else medical

1 disability or issue? Okay. Thank you.

2 Next question, is there anyone here who has been convicted
3 of a felony? If so, please raise your hand. And you don't need to tell us
4 what it is. Just state your last name and badge number.

5 PROSPECTIVE JUROR 452: Leatherwood, 452.

6 THE COURT: 452, okay. Do you know have your civil rights
7 been restored?

8 PROSPECTIVE JUROR 452: No, they haven't.

9 THE COURT: No, okay. Thank you, sir. Anyone else?
10 Okay.

11 PROSPECTIVE JUROR 339: Truong, 339.

12 THE COURT: Okay. And you've been convicted of a felony?

13 PROSPECTIVE JUROR 339: Yes.

14 THE COURT: And have your civil rights been restored?

15 PROSPECTIVE JUROR 339: I'm not sure.

16 THE COURT: Okay. Thank you very much. I think we had
17 another one.

18 PROSPECTIVE JUROR 376: Arellano, 376.

19 THE COURT: Okay. And you've been convicted of a felony?

20 PROSPECTIVE JUROR 376: Yes.

21 THE COURT: And have your rights been restored?

22 PROSPECTIVE JUROR 376: Yes.

23 THE COURT: Okay. Thank you.

24 THE MARSHAL: You have another question.

25 ///

1 PROSPECTIVE JUROR: Does it mean being on probation or
2 parole?

3 THE COURT: That's a fair question so -- there's a process
4 that recently has actually been amended. But the rights being restored
5 up until very recently you had to apply to the Court and get a court order
6 saying your rights have been restored. I assume that hasn't happened
7 with you, is that fair?

8 PROSPECTIVE JUROR: No.

9 THE COURT: You probably know if that happens, so thank
10 you. Did that answer your question?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Anyone else? In the back. Last name,
13 badge number

14 PROSPECTIVE JUROR 493: Zangel, 493.

15 THE COURT: And you have been convicted of a felony?

16 PROSPECTIVE JUROR 493: Yes, sir.

17 THE COURT: And have your civil rights been restored?

18 PROSPECTIVE JUROR 493: Not by any action I've taken.

19 THE COURT: Okay. Thank you. Anyone else? Okay.

20 So last question before we break. Like I said, we anticipate
21 that this case will last this week through next Wednesday. And we
22 recognize that serving on a jury is almost always a personal or financial
23 hardship. For that reason, a financial hardship is generally not
24 considered an excuse to serving as a juror. However, you may have
25 unique circumstances, inconveniences, hardships that might impact your

1 ability to serve as a juror this week and into next week. So, is there
2 anyone here who has an extraordinary reason why he or she cannot
3 serve as a juror in this case? If so, raise your hand.

4 And we'll start up here in the box. You can put your hands
5 down. We'll go through as best we can in order. And then we'll get to
6 the folks there in the back. So first up, last name and badge number?

7 PROSPECTIVE JUROR 345: Glasco, and 345.

8 THE COURT: Okay. Go ahead.

9 PROSPECTIVE JUROR 345: Self-employed.

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

11 PROSPECTIVE JUROR 345: I'm a tattoo artist.

12 THE COURT: I'm going to ask a couple follow-up questions.
13 And so, do you work as independent contractor?

14 PROSPECTIVE JUROR 345: Independent.

15 THE COURT: Okay. And is this week and next -- I'm trying to
16 think of how to -- like a normal work week for you then?

17 PROSPECTIVE JUROR 345: Yeah.

18 THE COURT: Okay, thank you. Anyone else there in the
19 back row? Go ahead.

20 PROSPECTIVE JUROR 357: Steele, 357.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 357: I have a trip planned for this
23 coming Saturday until the following Saturday. So, February 29th until
24 March 7th.

25 THE COURT: Okay. A trip that you planned some time ago

1 or --

2 PROSPECTIVE JUROR 357: Yes, sir. It's been planned
3 since last May.

4 THE COURT: Okay. And is it airline flights, hotel booked or --

5 PROSPECTIVE JUROR 357: Yes, sir, it's airline, hotel, and
6 cruise --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 357: -- booked.

9 THE COURT: Thank you very much.

10 PROSPECTIVE JUROR 325: Avillanoza, badge 325.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR 325: I'm a fulltime college student
13 and we have exams this week.

14 THE COURT: What college do you go to?

15 PROSPECTIVE JUROR 325: UNLV.

16 THE COURT: Are those exams like your semester exams or
17 quarter or --

18 PROSPECTIVE JUROR 325: It's like a quarter, like a
19 midterm.

20 THE COURT: Okay, midterms, okay. Thank you.

21 THE MARSHAL: Anyone in the next row? Pass it down
22 please.

23 PROSPECTIVE JUROR 376: 376, Arellano. I'm the only
24 source of income right now with -- for my family.

25 THE COURT: And when you say family, spouse, kids?

1 PROSPECTIVE JUROR 376: Spouse and two kids.
2 THE COURT: And how old are your children?
3 PROSPECTIVE JUROR 376: He's 8 and she is 13.
4 THE COURT: Okay. And what do you do for a living?
5 PROSPECTIVE JUROR 376: I work for distribution for
6 alcohol.
7 THE COURT: Okay. Do you know if your employer
8 compensates you for jury service?
9 PROSPECTIVE JUROR 376: I'm not sure.
10 THE COURT: Okay. Thank you very much.
11 PROSPECTIVE JUROR 381: Lee, 381.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR 381: I'm not sure this is financial, but
14 I have a 13-year-old kid that comes home after school and I'm the only
15 one home to open the door for him.
16 THE COURT: Okay. Thank you.
17 PROSPECTIVE JUROR 382: Leatherwood, 382. And I am
18 an elementary school administrator. Both my children go with me to
19 school and so it's a hardship because my husband doesn't get off work
20 until 5:30 most nights. And I am their caregiver until then.
21 THE COURT: And how old are they?
22 PROSPECTIVE JUROR 382: They are 8 and 10.
23 THE COURT: Okay. Thank you.
24 PROSPECTIVE JUROR 421: Kirkendall, 421. I have a trip
25 planned this coming weekend until the following Wednesday.

1 THE COURT: And tell us a little bit more. Planned for some
2 time?

3 PROSPECTIVE JUROR 421: Yes. Well there's two reasons.
4 We have a home that needs to be appraised and I had scheduled that
5 already. And my daughter is in crisis too. I just found that out last night.

6 THE COURT: And where is the home located?

7 PROSPECTIVE JUROR 421: New Hampshire.

8 THE COURT: Okay. Thank you.

9 THE MARSHAL: Anybody on the next row?

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 479: Jackson, 479.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR 479: At the age of 7 and the age of
14 10 I was sexually abused by a babysitter and a live-in maid.

15 THE COURT: Okay, thank you, sir.

16 THE MARSHAL: Anybody else next row?

17 PROSPECTIVE JUROR 477: Hi, John Herceg, 477.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 477: And I'm not sure if this is an
20 excuse, but I'm at home daycare for my mom, take care of my mom, so
21 feed her breakfast, lunch, dinner. Plus, I have a 7-year-old that I get
22 ready in the morning for school and pick him up at 3:30 at the bus stop.

23 THE COURT: And do you have a spouse or significant other
24 who lives with you too or --

25 PROSPECTIVE JUROR 477: Yeah, she works fulltime in the

1 mornings from 7:30 to 5:30.

2 THE COURT: Okay. Thank you, sir.

3 PROSPECTIVE JUROR 460: Delozier, 46 --

4 THE COURT: Raise your hand. I can't see you. Okay, right -

5 -

6 PROSPECTIVE JUROR 460: Delozier, 460. I'm the primary
7 caregiver for my mother who is 80 and she's recovering from a broken
8 hip. And it would be very difficult to not be there when she needs me.
9 My job does allow me to work from home, so I do have FMLA for the
10 duration of her recovery.

11 THE COURT: Okay. Thank you.

12 THE MARSHAL: Anybody in the next row?

13 PROSPECTIVE JUROR 504: Kealy Bruton, badge 504. I am
14 right in the middle of a move. I have movers going to be at my home a 9
15 o'clock in the morning.

16 THE COURT: 9 tomorrow morning?

17 PROSPECTIVE JUROR 504: Yes.

18 THE COURT: Okay. Are you moving here in town or --

19 PROSPECTIVE JUROR 504: I am moving here in town, yes.
20 I'm a single mom, so I don't have anyone else there to --

21 THE COURT: Sure.

22 PROSPECTIVE JUROR 504: -- supervise the move.

23 THE COURT: Sure, no thank you. Okay.

24 PROSPECTIVE JUROR 528: Jordan, badge number 528.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 528: I'm in fertility treatments. It
2 wouldn't be a problem if it was a few days, but I do have my next
3 doctor's appointment scheduled for Friday and then Monday, which are
4 kind of time sensitive.

5 THE COURT: Sure. What time are they at?

6 PROSPECTIVE JUROR 528: Friday I want to say is at 9:15.
7 Monday I'm not sure. I could check on my phone. It's in the morning as
8 well.

9 THE COURT: Okay. No that's fine. Thank you very much.

10 PROSPECTIVE JUROR 551: Tanasi, 551. Judge, I'm a
11 criminal defense attorney and I practice in both State and Federal Court.
12 I have a conference in Federal Court schedule in Austin this Thursday.
13 Kind of a union representative for panel members in the CJA panel, so
14 it's pretty important that I be there.

15 THE COURT: So, I wasn't writing fast enough, I apologize.
16 So, this Thursday in Texas Federal Court is what you said, I'm sorry.

17 PROSPECTIVE JUROR 551: This Thursday it's a Federal
18 Court related conference for the CJA panel in Austin.

19 THE COURT: Okay. Thank you.

20 PROSPECTIVE JUROR 551: Thank you.

21 THE MARSHAL: Anybody else?

22 THE COURT: Raise your -- okay, I see you. Thank you.

23 PROSPECTIVE JUROR 548: Daniels, 548.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 548: I am a part-time student and

1 this week for one of my classes is a major project due.

2 THE COURT: And what school do you go to?

3 PROSPECTIVE JUROR 548: College of Southern Nevada.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 536: Bates, 536.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 536: I'm self employed as a real
8 estate agent. But I also have two small children I have to pick up in the
9 afternoons. My husband works evenings.

10 THE COURT: And how old are your children?

11 PROSPECTIVE JUROR 536: 1 and 3.

12 THE COURT: So, when you said two small kids you weren't
13 joking.

14 PROSPECTIVE JUROR 536: No, they're little.

15 THE COURT: Okay. Thank you.

16 PROSPECTIVE JUROR 536: Thanks.

17 PROSPECTIVE JUROR 529: Hi, Aaron, 529. I have a trip
18 scheduled to Nashville. I'm leaving on Friday. I won't be back until
19 Wednesday night. It's been preplanned. I've got hotel, car rental, and
20 flight.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR 570: Herrera, badge number 570.
23 I'm the primary household of my family and I have to pick up my
24 daughters after school.

25 THE COURT: And how old are your daughters?

1 PROSPECTIVE JUROR 570: 10, 8, and 5.

2 THE COURT: And do you live with a spouse or significant
3 other?

4 PROSPECTIVE JUROR 570: Yes, she does part-time. She
5 works on the days that I'm off. She'll do like part-time and I have to take
6 the girls to school and pick them up.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR 584: Parra-Venegas, badge number
9 584. I was a victim of childhood sexual abuse at the age of 7. And that
10 will impact my ability to be impartial.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 580: Last name Motley, badge
13 number 580. I do also have a trip planned for this Wednesday up until
14 next week.

15 THE COURT: Tell us a little bit more.

16 PROSPECTIVE JUROR 580: I already have my hotel and
17 flight booked, which are non -- not able to be cancelled.

18 THE COURT: Okay. Thank you.

19 THE MARSHAL: Can you pass it down there first and then
20 when you're done pass it back.

21 PROSPECTIVE JUROR 396: Tappeiner, 396.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 396: I'm a single mom and I have a
24 13-year-old that I'm responsible for. I'm also a victim of child abuse
25 when I was 7, sexual assault.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR 334: Armstead, 334. I was sexually
3 assaulted as a child at 10, but I don't think it'll -- I'll be unbiased.

4 THE COURT: So, you think you can be unbiased?

5 PROSPECTIVE JUROR 334: I think I can be unbiased, yes.

6 THE COURT: Okay. Thank you very much.

7 THE MARSHAL: Pass it down this way please.

8 PROSPECTIVE JUROR 361: Pergoda, and hang it's --

9 THE COURT: Sure.

10 PROSPECTIVE JUROR 361: -- 316. I have a niece and
11 sister that were sexually abused and I think I can be biased about this.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 385: Helen, 385. I'm moving out
14 next week Monday so.

15 THE COURT: I'm sorry, I missed it. You're moving on
16 Monday?

17 PROSPECTIVE JUROR 385: Yeah, I'm moving out. I have to
18 get -- by the end of night, Monday, the apartment.

19 THE COURT: So are you moving to somewhere else here in
20 town or --

21 PROSPECTIVE JUROR 385: No, in town. Apartment to
22 Condo.

23 THE COURT: Okay. Thank you

24 PROSPECTIVE JUROR 385: You're welcome.

25 THE MARSHAL: Can you pass it down.

1 PROSPECTIVE JUROR 416: James, 416. I have an
2 immediate family member that was abused as a child.

3 THE COURT: Do you know if you can be fair and impartial.

4 PROSPECTIVE JUROR 416: I can try.

5 THE COURT: Thank you. Okay. Could counsel come
6 approach?

7 [Bench conference]

8 THE COURT: Any of that either side thinks should be
9 excused for a cause right now?

10 MS. RHOADES: Right now, I would say --

11 THE COURT: We'll break after this.

12 MS. RHOADES: -- juror number 1, 325.

13 THE COURT: Any objection to that one?

14 MR. POSIN: Nope. No objection.

15 THE COURT: Okay. So, we'll excuse number 1.

16 MS. RHOADES: 339, number 3.

17 THE COURT: Yeah. Felon, not sure she's been restored.
18 Any objection on that one?

19 MR. POSIN: No.

20 THE COURT: Okay, 3 we'll excuse.

21 MS. RHOADES: I mean, the self-employed tattoo artist, --

22 THE COURT: Yeah.

23 MS. RHOADES: -- that gets into the employment. I mean, I'm
24 fine, I think if we let him go then --

25 THE COURT: Yes.

1 MS. RHOADES: -- a bunch of people we have to let too. So
2 maybe we can come back to him.
3 I would say for sure 354, number 6.
4 THE COURT: Diabetic, restroom. Any objection?
5 MR. POSIN: No objection.
6 THE COURT: We'll excuse that one.
7 MS. RHOADES: 7, 357 has a trip.
8 THE COURT: Any objection?
9 MR. POSIN: No, Your Honor.
10 THE COURT: Excuse 357.
11 MS. RHOADES: The 364, she's the one with diabetes and
12 using insulin.
13 THE COURT: Yeah, I think we need --
14 MS. RHOADES: More follow-up.
15 THE COURT: -- more detail on that.
16 MS. RHOADES: Okay.
17 MR. POSIN: Sounds like she could be here.
18 THE COURT: Yeah.
19 MS. RHOADES: 15.
20 THE COURT: You skipped the 361.
21 MS. RHOADES: I think we -- I mean, I'd like to follow-up with
22 them --
23 THE COURT: Okay.
24 MS. RHOADES: -- about that. And we can him some
25 questions about why they think they can't be unbiased and they realize

1 it's a different person. Those are the questions that we generally use to
2 follow-up with them.

3 THE COURT: What do you think?

4 MR. POSIN: I'd be inclined to ask the -- all of the ones who
5 either were victims themselves or I think one said a family member that
6 was a victim, that they should all be excused.

7 THE COURT: So I think I'm going to --

8 MS. RHOADES: That's not the standard, Your Honor. I
9 mean, the standard is that they can't be fair and impartial.

10 THE COURT: Right. So, I think I'm going to take, the very
11 worst take the middle ground. So, I'm not going to excuse just because
12 they were or just because they know a family member. But I will excuse
13 like this one, my note anyway, 361 flat-out said without prompting that
14 she believes she'd be biased.

15 MS. RHOADES: She said she doesn't think she can't be
16 unbiased is what she said. And I would like to follow-up with her about
17 that. Because then everybody's going to see that all they have to say is
18 they can't be unbiased because they know somebody. I mean, that puts
19 kind of a bad position.

20 THE COURT: So over State's objection I'll excuse.

21 MS. RHOADES: 361.

22 THE COURT: At Defendant's request and I agree with
23 defendant on that one at least. So 361, excuse.

24 MS. RHOADES: Thank you. And this is all being recorded,
25 right, Your Honor.

1 THE COURT: Yes.

2 MS. RHOADES: And then the 364, 11, that's seat 11 is the
3 diabetes and she's using insulin.

4 THE COURT: Do you want to excuse that one or --

5 MS. RHOADES: I'm fine with excusing her.

6 THE COURT: Do you want follow-up? I'm fine with follow-up.

7 MR. POSIN: I could go either way on it. It does sound like it's
8 under control. But if she feels it's a problem, I'm not opposed to
9 excusing her.

10 THE COURT: Yeah. Let's do some follow-up with --

11 MS. RHOADES: Okay.

12 THE COURT: -- her.

13 MS. RHOADES: Then 376, seat 15. She's got the felony but
14 her rights have been restored. And also, she said she's the only source
15 of income and she's got the 8 and 13-year-old.

16 THE COURT: So, are you saying you're asking for cause or --

17 MS. RHOADES: Yes, for cause.

18 THE COURT: Any objection on that?

19 MR. POSIN: No.

20 THE COURT: Okay, we'll excuse 376.

21 MS. RHOADES: I don't think that 381, seat 17, rose to a for
22 cause challenge. Seat 18, 382, I would say that's similar to 376, so I
23 would ask to remove her for cause.

24 MR. POSIN: No objection.

25 THE COURT: Okay, so seat 382.

1 MS. RHOADES: I don't think that 385, seat 19, really rose for
2 a for cause challenge. Seat 21, 396, I don't think that really rose for
3 cause either.

4 THE COURT: Yeah, so that's one to be clear, Mr. Posin, that
5 the -- she said she was a victim, right?

6 MS. RHOADES: She said -- yes, she's a single mom with a
7 13-year-old and she said she was victim of child sexual assault. But I
8 didn't write down whether or not she said anything about being biased.

9 THE COURT: Yeah, I didn't either. So follow-up certainly
10 welcome. But she didn't -- unlike the other one didn't voluntarily say
11 she'd have an issue. So okay.

12 MS. RHOADES: The next one I have is 416, panel 24. I think
13 he said he can be fair so.

14 THE COURT: He can try to be fair.

15 MS. RHOADES: Yes.

16 THE COURT: Let's see, but certainly follow-ups welcome.

17 MS. RHOADES: 421, that's another trip, so I think I would
18 move for cause.

19 THE COURT: Any objection on 421?

20 MR. POSIN: No.

21 MS. RHOADES: 452, seat 32, he's got a felony conviction.

22 THE COURT: Felony without rights, 452.

23 MS. RHOADES: The next one I have is 460, panel 33. She
24 takes care of her mom with a broken hip. I don't know.

25 THE COURT: I think that's probably sufficient but any

1 objection to him?

2 MS. RHOADES: Okay.

3 THE COURT: 460.

4 MS. RHOADES: So, then I think we probably have to kick the
5 477, seat 41. Also takes care of mom with a child and the wife works full
6 time.

7 THE COURT: Any objection?

8 MR. POSIN: No.

9 THE COURT: 477.

10 MS. RHOADES: The next note is 479, panel 42. He stated
11 that he was sexually abused twice, but that's all he stated about that.

12 THE COURT: So again, another one we can follow-up on.

13 MS. RHOADES: Badge 493, panel 50, felony without civil
14 rights being restored.

15 THE COURT: Any objection?

16 MR. POSIN: No objection.

17 MS. RHOADES: 504, she has movers coming and she's a
18 single mom and they're coming tomorrow morning.

19 MR. POSIN: No objection.

20 THE COURT: We'll excuse 504.

21 MS. RHOADES: The 528.

22 MR. POSIN: No objection.

23 THE COURT: We'll excuse 528.

24 MS. RHOADES: 529 has a trip.

25 THE COURT: Okay. And you said no objection?

1 MR. POSIN: No, I haven't objected to any of these.
2 THE COURT: Okay. Just making sure. 529.
3 MR. POSIN: 536.
4 MS. RHOADES: 536, she's self-employed with a 1 and a 3-
5 year-old.
6 MR. POSIN: No objection.
7 THE COURT: Let's excuse 536. Yeah, sometimes people's
8 definition is little kids varies.
9 MS. RHOADES: That's extra little.
10 MR. POSIN: When they're 20s and it sometimes feels that
11 way.
12 THE COURT: Mine are teenagers.
13 MS. RHOADES: You call them little kids.
14 MS. EINHORN: 538 is a student so.
15 MR. POSIN: The project at CSN probably need to ask a few
16 more questions about.
17 THE COURT: Sure.
18 MR. POSIN: I have no objection to them being excused.
19 MS. EINHORN: I was going to say that -- I always want to let
20 students --
21 MR. POSIN: Fine.
22 MS. EINHORN: -- because I feel bad --
23 MR. POSIN: Fine, let them go.
24 THE COURT: We'll excuse 538.
25 MS. RHOADES: I got this. I got it Kelsey. 551, panel 64, he

1 has a conference in Austin.

2 THE COURT: Yeah, any objection to his --

3 MR. POSIN: Certainly not.

4 THE COURT: Okay. We'll excuse him.

5 MS. RHOADES: 570, he said he's the primary household. I

6 don't really know what the meant. But he's got 10, 8 and 5-year-olds.

7 THE COURT: Any objection to excusing 570?

8 MR. POSIN: No.

9 THE COURT: 570 will be excused.

10 MS. RHOADES: Another trip, 580.

11 THE COURT: The -- any objection?

12 MR. POSIN: No objection.

13 THE COURT: 580 will be excused.

14 MS. RHOADES: I have 584, child of sexual abuse, age of 7

15 but I don't think they stated --

16 THE COURT: No, yeah.

17 MS. RHOADES: -- bias or unbiased.

18 THE COURT: So, keep for now.

19 MS. RHOADES: And then 586 is the last one with the nerve

20 thing that I was kind of unclear on.

21 THE COURT: Yeah, so somebody they just passed me a

22 note -- yeah, if English might be the biggest issue with 586.

23 MR. POSIN: No objection.

24 THE COURT: Okay, we'll excuse --

25 MS. RHOADES: That's fine.

1 THE COURT: -- 586. The note was 562. 562 doesn't speak
2 English well, speaks Mandarin.

3 MR. POSIN: No objection.

4 THE COURT: Any objection by the State on excusing --

5 MS. RHOADES: No, that's fine.

6 THE COURT: So, we'll excuse 562.

7 MS. RHOADES: I don't think we've asked the question about
8 English or if they know anybody, any of us, either.

9 THE COURT: So, I am a person who does need to eat
10 something for lunch, if nothing more than a granola bar.

11 MS. RHOADES: Probably a good thing.

12 THE COURT: Let's take a break now unless anybody -- and
13 come back at 2:30, I guess.

14 MS. RHOADES: 2:30?

15 THE COURT: Yeah.

16 MS. EINHORN: Okay.

17 THE COURT: Oh --

18 MS. RHOADES: Do we want to excuse --

19 THE COURT: -- we'll do the excusals. I'm sorry, yeah. We'll
20 do the excusals right now and dismiss them. So, we'll do the excusals
21 now and then do the -- give the admonishment and break for lunch.

22 MS. RHOADES: Okay.

23 MS. EINHORN: Do you want me to --

24 MS. RHOADES: Thank you.

25 [End bench conference]

1 THE COURT: Okay. Ladies and gentlemen, thank you as
2 always for your patience and service. Like I said earlier, real life is not
3 like it is on TV. So, from time to time we have things we need to discuss
4 outside your presence and hence the conference at the bench.

5 At this time, we have several folks to excuse. And once your
6 name and is read you are excused. On your way out, hand your band to
7 Marshal Durazo. And then the rest of you, once they're excused, we'll
8 take our lunch break. But before we do that, I have an instruction to give
9 all of you. So, let's go ahead with the excusals.

10 THE CLERK: Janelle, Avillanoz, badge number 325, Julie
11 Truong, badge number 339, Teresita Ladignon, badge number 354,
12 Julia Steel, badge number 357, Mary Pergoda, badge number 361,
13 Yolanda Arellano, badge number 376, Susan Leatherwood, badge
14 number 382, Virginia Kirkendall, badge number 421, Willie Leatherwood,
15 Jr, badge number 452, Cheryl Delozier, badge number 460, John
16 Herceg, badge number 477, Robert Zangel, badge number 493, Kealy
17 Bruton, badge number 504, Michelle Jordan, badge number 528, Allysa
18 Aaron, badge number 529, Sandra Bates, badge number 536,
19 Cassandra Daniels, badge number 458, Richard Tanasi, badge number
20 551, Huei Tai, badge number 562, Josue Herrera-Acosta, badge number
21 570, Samirah Motley, badge 580, and Alfredo De, badge number 586.

22 THE COURT: Okay. Ladies and gentlemen, we're going to
23 take our lunch break. I'm for better or worse, like I told the attorneys up
24 here, I do need to --

25 THE MARSHAL: Judge, we have a question.

1 THE COURT: Oh, so we have a question?

2 THE MARSHAL: Yes.

3 PROSPECTIVE JUROR 381: My name? Yeah, my 13-year-
4 old comes home at 2 o'clock and there's nobody home. I think I said
5 that earlier to open the door for him to come in.

6 THE COURT: I'm not sure you were that specific, but if the
7 attorneys could come on up.

8 [Bench conference]

9 MR. POSIN: Any objection with it?

10 MS. RHOADES: He just thinks he's running the courtroom.

11 THE COURT: What's that?

12 MS. RHOADES: He just thinks he's running the courtroom.

13 He's like what -- I mean, that's fine. I mean, he's 13 years old, I think he
14 can get in his house. But that's fine. I have no objection.

15 THE COURT: I mean, given the attitude I'm not sure anybody
16 on either side would want him as a jury.

17 MS. RHOADES: That's fine with us. Thank you.

18 [End bench conference]

19 THE MARSHAL: We have one more question.

20 THE COURT: Oh --

21 [The Court motions for counsel to return to the bench]

22 [Bench conference]

23 THE MARSHAL: [Indiscernible].

24 THE COURT: We've got to put I on the record.

25 THE MARSHAL: Okay. I'll let her know.

1 THE COURT: Yes.

2 [End bench conference]

3 THE COURT: So, Mr. Lee, you're excused. Thank you for
4 your service.

5 PROSPECTIVE JUROR 381: Thank you.

6 THE COURT: Ladies and gentlemen, the rest of us are going
7 to take a break, come back at 2:30. I have an admonishment to read to
8 you, which is also a court order. It's very important that you listen to this
9 admonishment and obey it during the break. Because we've had cases
10 where jurors came back and didn't obey the order and we had to start all
11 over again, which nobody likes.

12 So during this recess you're admonished not to talk or
13 converse amongst yourselves or with anyone else on any subject
14 connected with this trial or read, watch, or listen to any report of or
15 commentary on the trial or any person connected with this trial by any
16 medium of information, including without limitation to social media, texts,
17 newspapers, television, internet and radio.

18 Do not visit the scene of the events mentioned during the trial.
19 Do not undertake any investigation. Do not google anything about the
20 trial or anyone associated with the trial while on your break. Do not do
21 any posting any communications on any social networking sites. Do not
22 do any independent research, including internet searches. Don't look up
23 anything on your phone during lunch about the trial.

24 Do not form or express any opinion on any subject until --
25 sorry, do not form or express any opinion on any subject connected with

1 the trial until the case is finally submitted to you. We'll see you back at
2 2:30.

3 THE MARSHAL: All rise. Potential jury you can --

4 MR. POSIN: Your Honor, one more thing. And this goes I
5 think for both sides so.

6 THE COURT: So, --

7 THE MARSHAL: Do you want them to wait, Judge?

8 MR. POSIN: Yes, Your Honor.

9 THE COURT: Yeah, hold on one moment.

10 THE MARSHAL: One second. Hold on.

11 THE COURT: Sorry.

12 MR. POSIN: If we could let the jury know that we may on both
13 sides have people attorneys or others --

14 THE COURT: Fair point. Thank you.

15 MR. POSIN: -- in an elevator with them. And that if we're not
16 talking to them, there's a reason for that.

17 THE COURT: Thank you. So, yeah, very good point, Mr.
18 Posin. So, don't talk to anybody in the hallway, on the elevator about
19 the case. If you see these attorneys around, they will not look you in the
20 eye. They will try and avoid looking at you, because they absolutely
21 cannot talk to you. Don't talk to anyone in the courthouse at all even,
22 except Marshal Durazo. Other marshals potentially, because there will
23 be potentially witnesses here and you may not realize that they're a
24 witness and talk to them.

25 ///

1 But you can talk to each other certainly. Just don't talk about
2 the case or anyone associated with the case or any issues even
3 remotely close to the case. Does that address --

4 MR. POSIN: Yes, Your Honor, thanks.

5 THE COURT: Okay. Thank you all very much.

6 [Outside the presence of the prospective jury panel]

7 THE COURT: Please be seated. One question I meant to
8 ask Marshal Durazo. Maybe Kristin may -- are these all the jurors that
9 we have ordered?

10 THE CLERK: I believe -- yeah, I believe these are the 100 we
11 ordered.

12 THE COURT: 100, okay.

13 MS. RHOADES: I think Amanda said that those were 75 --

14 THE COURT: So, there's still --

15 THE CLERK: Oh, yeah. I think 25 --

16 THE COURT: So there's 25 more downstairs, I guess.

17 Oh, the gentlemen to my far right who was sitting by himself
18 behind you all, apparently is one of the juror's husbands. He has been
19 advised not to talk to her about anything said in court. That's why he
20 didn't stand and I didn't know who he was, so in case anybody else was
21 like me and didn't realize that.

22 Anything else that we need to discuss?

23 MS. RHOADES: I don't believe so, Your Honor.

24 MR. POSIN: No, Your Honor.

25 THE COURT: Okay. We'll see you back at 2:30.

1 MS. RHOADES: Thank you.

2 THE CLERK: Judge we have 20 people left out of our 75, 20
3 people that aren't in the box.

4 THE COURT: Twenty left.

5 THE CLERK: Yes, in the gallery.

6 THE COURT: Okay. Thank you.

7 [Lunch recess taken at 1:27 p.m.]

8 [Trial resumed at 2:40 p.m.]

9 [Outside the presence of the prospective jury panel]

10 MS. RHOADES: And then I guess while we're waiting, as far
11 as the interpreter, is that for one of the jurors? So, if they are selected,
12 because I've had different opinions from different judges. If that person
13 is selected, would the interpreter be able to go back into deliberation
14 room -- into the deliberation room with them?

15 THE COURT: I think that's -- yes.

16 MS. RHOADES: Yes?

17 THE COURT: Yes.

18 MS. RHOADES: Okay.

19 THE COURT: You would -- in my opinion anyway, I don't see
20 how you could not do that.

21 MS. RHOADES: Right. And that would be okay --

22 THE COURT: Yeah.

23 MS. RHOADES: -- with the Court? Okay. The one thing I
24 had outside the presence. I did object during introduction to Mr. Posin. I
25 don't want to interrupt and object and do that again. But I do want to

1 raise it. I mean, we certainly, you know, didn't say you need to find him
2 guilty after all the evidence is presented. It's not the time for that. And I
3 understand he's entered a plea of not guilty. We're going to ask that you
4 find him not guilty of maybe that. But I think it went on a little bit more
5 than that in the introduction that Mr. Posin did. And I would just object to
6 that again.

7 THE COURT: Yeah, I think he was basically done on this
8 when you objected. Is that --

9 MR. POSIN: I was, Your Honor.

10 THE COURT: I can't -

11 MR. POSIN: I think I was in the final words --

12 THE COURT: Yeah.

13 MR. POSIN: -- of the final sentence and just kind of summing
14 it up that I was going to be asking for a not guilty verdict.

15 THE COURT: No and -- yeah, I -- I'll give that leeway to him
16 so.

17 MS. RHOADES: Okay.

18 THE MARSHAL: And Perez, from the second list, panel 86,
19 showed up.

20 THE COURT: Oh, okay. So, we have everybody then?

21 THE MARSHAL: Yes.

22 THE COURT: Okay. Anything else before we bring them in?

23 MS. RHOADES: No, not from the State.

24 THE COURT: Okay. So, with the new 25, we'll basically just
25 swear them in and they'll watch for now. And if we do need them, then

1 we'll have to kind of start the process over.

2 MS. RHOADES: Okay.

3 THE COURT: And I --

4 THE MARSHAL: All rise, for the potential jury.

5 [Inside the presence of the prospective jury panel]

6 THE COURT: Yeah, if you could remember where your --

7 THE MARSHAL: Same seats if you remember. Just fill in
8 every seat.

9 THE COURT: Please be seated. Welcome back, ladies and
10 gentlemen. And for those of you have just joined us, welcome.

11 This is the time set for trial in case number C329765, State of
12 Nevada, Plaintiff, versus Dequincy Brass, Defendant. And you are in
13 Department 15 of the Eighth Judicial District Court. My name is Joe
14 Hardy, Jr. I'm the presiding Judge here in this department.

15 Ms. Duncan, could you take roll of the panel of the new
16 prospective jurors? And when your name is called, please say present
17 or here.

18 [The Clerk calls the roll of the new prospective jury panel]

19 THE COURT: The folks who are just joining us this afternoon,
20 are there any of you whose names were not called, those folks who just
21 joined us this afternoon? No hands. And will counsel stipulate to the
22 presence of the prospective jurors?

23 MR. POSIN: Yes, Your Honor.

24 MS. RHOADES: Yes, Your Honor.

25 THE COURT: Thank you. So, ladies and gentlemen, those of

1 you who are just joining us we're in the process of choosing a fair and
2 impartial jury. It's called voir dire or voir dir [phonetic]. And it loosely
3 translated means to speak the truth. And we'll give you now an oath
4 administered by Ms. Duncan to speak the truth.

5 So, Ms. Duncan, go ahead.

6 THE CLERK: Please stand and raise your right hands.

7 [The Clerk swears in the new prospective jury panel]

8 THE CLERK: Thank you.

9 THE COURT: Please be seated. And yes, those of you who
10 were sworn in this morning you're still under oath. So, let's see. So, the
11 new folks we're undergoing the process so we won't go back and start
12 all over again, but if we do end up needing you, I'll give you some more
13 background. But we're undergoing questioning to our prospective jurors
14 right now.

15 So, from this morning are any of you -- or even our new folks.
16 Are any of you acquainted with me or any of our court staff? And we'll
17 pass the microphone around. And when you get it last name and badge
18 number and tell us who you're acquainted with and how.

19 PROSPECTIVE JUROR 358: Holtan, 358. I work for the
20 State of Nevada Taxi Cab Authority and you used to be a board
21 member.

22 THE COURT: Oh, man, that was a while ago.

23 PROSPECTIVE JUROR 358: I'm sorry.

24 THE COURT: No, that's okay. So, I served on the TA Board
25 before I became a judge. I think I was last on there in 2014.

1 PROSPECTIVE JUROR 358: I think so. It's been a while.
2 THE COURT: Apart from that, do you know me in any other
3 way?
4 PROSPECTIVE JUROR 358: No.
5 THE COURT: Okay. We had a couple other hands too, I
6 think.
7 PROSPECTIVE JUROR 547: Amaroso, 547.
8 THE COURT: Okay. Go ahead.
9 PROSPECTIVE JUROR 547: I know your court recorder
10 Matt.
11 THE COURT: Okay. How do you know Mr. Yarborough?
12 PROSPECTIVE JUROR 547: I worked with Matt at the law
13 firm I was at. And I was also Judge Scotti's court recorder.
14 THE COURT: Okay. Thank you very much. Do you hang out
15 socially or anything like that or --
16 PROSPECTIVE JUROR 547: We do.
17 THE COURT: Okay. Would that cause you to be unable to
18 be fair and impartial to either side in this case?
19 PROSPECTIVE JUROR 547: I feel I can be fair and impartial.
20 THE COURT: Okay. Thank you very much.
21 I think there was another hand up.
22 PROSPECTIVE JUROR 694: Frances Barry-Singer, 1694.
23 Recently retired courtroom clerk for a department in this system. And a
24 year and a half ago, so I know many of the staff.
25 THE COURT: Okay. Were you assigned a particular judge?

1 PROSPECTIVE JUROR 694: Yes, sir, Judge Ochoa. But I
2 was stationed here at this courthouse for a period of six years.

3 THE COURT: Okay. Thank you very much. Would any of
4 that cause you to be -- cause you not to be able to be fair and impartial
5 to either side in this case?

6 PROSPECTIVE JUROR 694: Well I don't know the case, but
7 no, sir, I don't believe so.

8 THE COURT: Okay. Thank you very much. Anybody else?
9 Okay. No hands.

10 This one's kind of interesting. Sometimes we get this. Do any
11 of you happen to know each other?

12 PROSPECTIVE JUROR 394: I know Karen Mills. We work at
13 the same school. I'm a teacher and she's a nurse.

14 THE COURT: Ms. Mills, raise your -- okay, over there.
15 And I apologize you're at the same --

16 PROSPECTIVE JUROR 394: Oh, sorry.

17 THE COURT: No, no.

18 PROSPECTIVE JUROR 394: Longfield, 394.

19 THE COURT: And you work at the same school you said?

20 PROSPECTIVE JUROR 394: Same elementary school.

21 THE COURT: Okay. If you were chosen to deliberate -- well
22 if you were first picked as a juror and heard all the evidence and ended
23 up deliberating, would knowing her as you do in any way, shape, or form
24 influence her thoughts and opinions versus anyone else?

25 PROSPECTIVE JUROR 394: No, I don't think so.

1 THE COURT: Okay. Thank you. Let's hand the microphone
2 to your colleague. Last name and badge number?

3 PROSPECTIVE JUROR 468: Karen Mills, 468.

4 THE COURT: Is that how you know each other?

5 PROSPECTIVE JUROR 468: Yes, I'm a registered nurse at
6 the school.

7 THE COURT: Okay. Would that in any way, shape, or form, if
8 you were chosen as a juror and went back to deliberate after all the
9 evidence, would that influence -- would her opinions influence you in any
10 way other than any other juror?

11 PROSPECTIVE JUROR 468: No.

12 THE COURT: Okay. Thank you. Anybody else know each
13 other? Okay.

14 PROSPECTIVE JUROR 469: Damian, 469. I know this lady
15 right over here. She's a patron at my library I work at. I gave her a
16 library card.

17 THE COURT: Okay. So apart from knowing her as a patron,
18 any other way you know her?

19 PROSPECTIVE JUROR 469: No.

20 THE COURT: Okay. Would that -- if you were chosen and
21 deliberating, would that affect the way you view her opinions or
22 discussion in deliberation?

23 PROSPECTIVE JUROR 469: No, I don't think so.

24 THE COURT: Okay. Thank you. Let's hand the mic to the
25 patron of the library. Last name, badge number.

1 PROSPECTIVE JUROR 473: Saldivar -
2 THE COURT: And --
3 PROSPECTIVE JUROR 473: -- badge number 473.
4 THE COURT: Okay. And you're a patron of the library there?
5 PROSPECTIVE JUROR 473: Yeah,
6 THE COURT: Okay. Would that in anyway affect your ability
7 to be fair and impartial in deliberations, give any more weight than any
8 other juror?
9 PROSPECTIVE JUROR 473: No, I don't think so.
10 THE COURT: Thank you. Anybody else know anybody else?
11 Oh, wow, this is a lot. Okay, go ahead.
12 PROSPECTIVE JUROR 488: Cummings, badge 488. I had
13 the privilege of working with Pat Ochal at Bank of America. But it's been
14 many years ago.
15 THE COURT: Okay. And where is your former -- oh right
16 behind you, okay. Last name, badge number.
17 PROSPECTIVE JUROR 549: Badge -- or last name Ochal,
18 O-C-H-A-L. Badge number 549.
19 THE COURT: Okay, and you were co-workers once upon a
20 time it sounded like. Is that right?
21 PROSPECTIVE JUROR 549: Correct.
22 THE COURT: Okay. Would that cause you to be fair -- cause
23 you to be unable to be fair, impartial, give any more weight to her
24 opinions than you would anybody else?
25 PROSPECTIVE JUROR 549: No.

1 THE COURT: Okay, thank you both very much. Anybody
2 else. All right. It's like a mini-reunion.

3 Let's see are any of you acquainted with the Defendant or Mr.
4 Posin? No.

5 Okay. Are any of you acquainted with the Deputy District
6 Attorneys? No.

7 Are any of you acquainted with District Attorney Steve
8 Wolfson or anyone else in the District Attorney's Office. So, anybody
9 even other than -- let's go ahead.

10 PROSPECTIVE JUROR : Garcia, 561. I work for Clark
11 County IT and one of the new Deputy District Attorneys are Sergio
12 Garcia was promoted.

13 THE COURT: So how do you know --

14 PROSPECTIVE JUROR 561: He was a supervisor in -- not
15 my supervisor, but a supervisor in IT.

16 THE COURT: Okay, so he got promoted over to the --

17 PROSPECTIVE JUROR 561: Correct.

18 THE COURT: Oh, okay. Gotcha. Thank you. Anybody else
19 know anybody else in the District Attorney's Office? No hands, okay.

20 THE MARSHAL: Your Honor, one --

21 THE COURT: Oh, sorry.

22 PROSPECTIVE JUROR 396: I'm trying to remember his last
23 name. This is Tappeiner, 396. You had a previous District Attorney
24 named Josh -- I forget his last name. I can look it up but --

25 THE COURT: That's okay. If you don't remember that's okay.

1 PROSPECTIVE JUROR 396: We interact regularly. Our sons
2 play basketball together. And in fact, he's representing me in a sexual
3 assault case coming up.

4 THE COURT: Okay. First name Josh?

5 PROSPECTIVE JUROR 396: Josh.

6 THE COURT: Okay. Thank you. Is that working okay?

7 PROSPECTIVE JUROR: Yes, thank you. Thanks a lot, Your
8 Honor.

9 THE COURT: Thank you. Anybody else? Oh yeah, okay.
10 Thank you. The back right corner.

11 PROSPECTIVE JUROR 695: Schneider, 1695. I work at
12 Social Service in grants and contracts and have interactions with DA
13 Steven Sweikert.

14 THE COURT: What was the last name?

15 PROSPECTIVE JUROR 695: Swiekert. He reviews all of our
16 contracts before they go to the board of County Commissioners.

17 THE COURT: Okay. Thank you. Anybody else? Okay, I
18 don't see any hands. Are any of you acquainted with any of the
19 witnesses whose names were read this morning?

20 PROSPECTIVE JUROR 561: Garcia, 561. Jared Spangler,
21 who I believe is a Henderson Police Officer. We've met on two
22 occasions. I don't know him well. We know each other through church.

23 THE COURT: Do you go to the same church then or --

24 PROSPECTIVE JUROR 561: We're in the same stake, but
25 not the same ward.

1 THE COURT: Okay. Thank you. Anybody else?

2 And for those new folks, if we get to you, we'll read off the list
3 of witnesses. So, let's see.

4 Have any of you or anyone close to you ever been engaged in
5 law enforcement work, if so, raise your hand. There're always a few of
6 these so let's start here and then we'll work our way back.

7 PROSPECTIVE JUROR 378: My ex -- oh, Clark, 378.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 378: My ex-husband worked for Nye
10 County Sheriff's Department. And now he works for Indian Springs
11 Prison.

12 THE COURT: Okay. Thank --

13 PROSPECTIVE JUROR 378: But I have no contact with him
14 anymore.

15 THE COURT: Thank you very much. And I think we had a
16 gentleman in the back.

17 PROSPECTIVE JUROR 345: Glasco, 345. A lot of my
18 clientele are police officers and COs.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 397: Seelicke, 397. My grandfather
21 is a retired Judge and my uncle is a law enforcement.

22 THE COURT: And I'm sorry. Raise your hand. I'm totally
23 lost. Whose --

24 PROSPECTIVE JUROR 397: Right here.

25 THE COURT: Okay. Sorry. Go ahead, sorry about that.

1 PROSPECTIVE JUROR 397: My grandfather is a retired
2 judge and my uncle is in law enforcement.

3 THE COURT: Was your grandfather a judge here or --

4 PROSPECTIVE JUROR 397: No, in the state of California.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR 416: James, 416. I was a previous
7 federal flight deck officer for the Department of Homeland Security.

8 THE COURT: And you said you were then?

9 PROSPECTIVE JUROR 416: Yes, sir. Yes, Your Honor.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR 469: Damian, 469. My boyfriend's
12 brother is a police officer for the Las Vegas Metro.

13 THE COURT: Okay. Thank you.

14 PROSPECTIVE JUROR 471: Mackley, badge 471. My
15 daughter-in-law is in Las Vegas Metro.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR 474: Bloomquist, 474. I was a police
18 officer in the Minneapolis Metropolitan area from 1975 to 1981.

19 THE COURT: Okay. Thank you.

20 THE MARSHAL: Anybody else on this row.

21 PROSPECTIVE JUROR 483: Badge number 483, Beals. My
22 niece husband, Metro retired. Now he works for the federal courthouse.

23 THE COURT: And you said your niece's husband?

24 PROSPECTIVE JUROR 483: Yes.

25 THE COURT: Okay. Thank you very much.

1 THE MARSHAL: Anybody else in this row. Pass it down
2 please.

3 PROSPECTIVE JUROR 496: Badge number 496. My
4 boyfriend works for the City of Las Vegas. He's a Deputy Marshal.
5 And then my brother and stepdad are retired NYPD.

6 THE COURT: Thank you.

7 THE MARSHAL: Pass it down this way.

8 PROSPECTIVE JUROR 534: Almanza, badge number 534.
9 Military police officer for 12 years, criminal justice degree associates,
10 and a Sheriff Explorer as a teen.

11 THE COURT: Okay. And that was all you, right?

12 PROSPECTIVE JUROR 534: Yes, it is.

13 THE COURT: Okay. Thank you very much.

14 PROSPECTIVE JUROR 549: Ochal, 549. My son is an agent
15 for the Nevada Gaming Control Board. And my niece and nephew are
16 NYPD.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 651: Kirk, 651.

19 THE COURT: And raise your hand. I'm sorry. Oh okay, right
20 there.

21 PROSPECTIVE JUROR 651: Kirk, badge number 651. My
22 brother is retired Metro.

23 THE COURT: You said your daughter?

24 PROSPECTIVE JUROR 651: My brother.

25 THE COURT: Brother okay. Sorry, that's --- I obviously did

1 not correctly hear you. Thank you.

2 THE MARSHAL: Anybody else in this row? Could you just
3 pass it down please?

4 PROSPECTIVE JUROR 565: Jackson, 565. My husband is
5 retired California Highway Patrol.

6 THE COURT: And your number was 565?

7 PROSPECTIVE JUROR 565: Yes.

8 THE COURT: Bear with me a moment. Okay. Thank you.

9 PROSPECTIVE JUROR 691: Butler, 691. Two grandparents
10 retired. One uncle still active police officer.

11 THE COURT: And grandparents, uncle officers here or
12 somewhere else?

13 PROSPECTIVE JUROR 691: Oklahoma.

14 THE COURT: Okay. Thank you very much.

15 PROSPECTIVE JUROR 694: Barry-Singer, 694. I also
16 worked Dallas County Sheriff's Department back in the 80s. Don't know
17 if it counts but yeah --

18 THE COURT: Sure.

19 PROSPECTIVE JUROR 694: -- I was in law enforcement that
20 way.

21 THE COURT: Thank you very much.

22 PROSPECTIVE JUROR 708: Sagun, badge number 708. My
23 fiancé works as correction at the Ely State Prison. And my sister's
24 boyfriend works there, correction officer.

25 THE COURT: Okay. Thank you very much.

1 PROSPECTIVE JUROR 704: Kelley, 704. My son was
2 Metro. He's been out of it about 5 years now with knee injuries.

3 THE COURT: Okay. Thank you.

4 PROSPECTIVE JUROR 702: Rainey, badge number 702.
5 Two of my friends and teammates in the gym that I play in are officers
6 here in Las Vegas.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR 715: Capmany, badge number 715.
9 I worked for the Los Angeles County Sheriff's Department back in the
10 80s as a secretary.

11 THE COURT: Thank you. Anyone else? Okay, no hands.

12 THE MARSHAL: We actually have one more.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 358: I'm not sure it matters.

15 THE COURT: Sure, it might.

16 PROSPECTIVE JUROR 358: Holtan, 358. I work for the Taxi
17 Cab Authority, which is a regulatory and/or law enforcement agency
18 here in Las Vegas.

19 THE COURT: Might as well tell them what you did there.

20 PROSPECTIVE JUROR 358: What did I do there?

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR 358: Is I run criminal history,
23 background checks on all the drivers. That's kind of my main job right
24 now to see if they qualify with in the statutes to be a driver.

25 THE COURT: Okay. Thank you very much. Anyone else?

1 Okay, no hands.

2 MR. POSIN: One more, Your Honor.

3 PROSPECTIVE JUROR: Can you clarify what your -- what
4 the question was. I'm sorry.

5 THE COURT: Yeah, so let's see, where were we? Have any
6 of you or anyone close to you ever been engaged in law enforcement
7 work.

8 PROSPECTIVE JUROR 422: Levine, badge 422. My ex-son-
9 in-law is with the Sheriff's Department in Reno.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR 396: Tappeiner, 396. My ex-
12 boyfriend was a Sheriff in LA. I also dated a guy here who is Metro. I
13 also know Detective Vincent and Detective Kitchen.

14 THE COURT: Thank you. Anyone -- okay, we got a few.

15 PROSPECTIVE JUROR 561: Sorry, Judge. Garcia, 561.

16 THE COURT: That's okay.

17 PROSPECTIVE JUROR 561: My sister is retired State of
18 California corrections officer.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 484: Nehme, 484.

21 THE COURT: Raise your hand. I'm not sure where we're at
22 now. Okay.

23 PROSPECTIVE JUROR 484: My ex-wife's husband is a
24 captain in Metro. That was like 15-20 years ago.

25 THE COURT: Okay. Thank you.

1 THE MARSHAL: Pass it.

2 PROSPECTIVE JUROR 479: Jackson, 479. My first cousin
3 is a retired District Attorney for city of Los Angeles.

4 THE COURT: Thank you. Anyone else? Okay.

5 Does anyone know anything about this case other than what's
6 been stated here in the courtroom today? I see no hands -- oh, we do
7 see one hand.

8 MR. POSIN: And, Your Honor, if I may I think this may be
9 something appropriate. I don't know what his knowledge of the case is,
10 but it may be appropriate to do that at a sidebar.

11 THE COURT: Okay.

12 [Bench conference begins]

13 THE COURT: Up here's fine.

14 PROSPECTIVE JUROR 362: I don't --

15 THE COURT: Just wait until he's up here.

16 PROSPECTIVE JUROR 362: Okay.

17 THE COURT: Just in case.

18 PROSPECTIVE JUROR 362: I'm not sure if it's been in the
19 paper, but I get the paper every day, and I read the paper.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 362: So, if it's been in the paper, I
22 have some knowledge of what's been in the paper.

23 THE COURT: Okay. Anybody -- I haven't -- has it been in the
24 paper at all?

25 PROSPECTIVE JUROR 362: Like I say, I don't know.

1 MS. ROADES: Definitely not recently.
2 THE COURT: Okay.
3 MS. ROADES: Does the name sound familiar to you --
4 PROSPECTIVE JUROR 362: No.
5 MS. ROADES: -- or anything?
6 THE COURT: Okay.
7 PROSPECTIVE JUROR 362: But I just say that I read the
8 paper every day and there's crime in the paper, so if it's been in the
9 paper --
10 THE COURT: You may have read --
11 PROSPECTIVE JUROR 362: -- I've read about it.
12 MS. ROADES: Yeah.
13 THE COURT: Sure. To clarify, I think I know what you'll say,
14 but just in case, so even if it has been in the paper, you don't recall
15 reading anything about this --
16 PROSPECTIVE JUROR 362: No, I don't recall --
17 THE COURT: Okay.
18 PROSPECTIVE JUROR 362: -- the name or the --
19 THE COURT: Okay, any questions?
20 MR. POSIN: No.
21 THE COURT: Thank you very much.
22 MS. ROADES: Thank you. Your Honor?
23 [Colloquy between the Court and the Court Clerk]
24 [Bench conference ends]
25 [Colloquy between the Court and the Court Clerk]

1 THE COURT: Okay. So, other than -- and it's Mr. Stanford,
2 right?

3 PROSPECTIVE JUROR 362: Yes.

4 THE COURT: Okay. Other than Mr. Stanford and what we
5 said up here, does anybody know anything about the case other than
6 what's been stated in the courtroom today?

7 [No audible response]

8 THE COURT: No hands, okay. Does anyone have any
9 philosophical, religious, or other belief that would prevent you from
10 serving as a fair and impartial juror in this case? If so, please raise your
11 hand. Okay, we've got --

12 PROSPECTIVE JUROR 471: I went through the court system
13 with my --

14 THE COURT: Oh, last name, badge number.

15 PROSPECTIVE JUROR 471: Oh, Mackley, 471. I went
16 through the court system with -- when my daughter was sexually
17 assaulted when she was 14.

18 THE COURT: And does that -- would that prevent you from
19 serving as a fair and impartial juror in this case?

20 PROSPECTIVE JUROR 471: Honestly, I think it does.

21 THE COURT: Okay. Thank you, very much.

22 PROSPECTIVE JUROR 469: Damian, 469. I was sexually
23 assaulted when I was 17, and I do believe I would be unable to be
24 impartial.

25 THE COURT: Thank you.

1 THE MARSHAL: Pass it down there, please.

2 PROSPECTIVE JUROR 584: Parra-Venegas --

3 THE COURT: And I'm sorry --

4 PROSPECTIVE JUROR 584: -- 58 --

5 THE COURT: -- raise your hand.

6 PROSPECTIVE JUROR 584: Oh, sorry.

7 THE COURT: No, that's okay.

8 PROSPECTIVE JUROR 584: Parra-Venegas, 584. Because

9 of the sexual abuse I went through as a child, I know that I will not be

10 impartial.

11 THE COURT: And you were 584?

12 PROSPECTIVE JUROR 584: Oh, 584, yes, Your Honor.

13 THE COURT: Thank you very much.

14 THE MARSHAL: Anybody else back here?

15 PROSPECTIVE JUROR 694: Barry-Singer, 694. Because of

16 the sexual abuse I've experienced in my life, I would not be impartial, sir.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 651: Kirk, 651. Years ago, my wife

19 was sexually assaulted and raped.

20 THE COURT: And I'm sorry, raise your hand. I apologize.

21 Because of that, you don't believe you can be fair and impartial here?

22 Say that on -- in the mic.

23 PROSPECTIVE JUROR 651: No, I do not.

24 THE COURT: Thank you. Just so we have it on the record.

25 PROSPECTIVE JUROR 422: Levine, 422. I just want you to

1 be aware that currently and for the past three years I mentor victims of
2 sex trafficking in a non-profit, faith-based program.

3 THE COURT: Okay. With your work there, would that prohibit
4 you from being fair and impartial in this case?

5 PROSPECTIVE JUROR 422: I'd like to think not.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 422: But I just wanted you to be
8 aware, that's what I do.

9 THE COURT: Sure. No, thank you, thank you. I --
10 sometimes I have to ask a follow-up question and thank you very much.
11 Bear with me one moment. Okay, anyone else? Okay.

12 PROSPECTIVE JUROR 396: Tappeiner, 396. I did mention
13 this before lunch, I was sexually molested when I was seven. And I'm in
14 the middle of a court case, trying to decide if my ex-boyfriend committed
15 the same crime. And I definitely would not be partial to this case.

16 THE COURT: Thank you. Anyone else have any
17 philosophical, religious, or other belief that would prevent you from being
18 fair and impartial, in this case?

19 PROSPECTIVE JUROR 484: Nehme, 484. My mother-in-
20 law, she was raped about 25 years ago.

21 THE COURT: And do you think that would prevent you from
22 being fair and impartial in this case?

23 PROSPECTIVE JUROR 484: To be honest, I don't know.

24 THE COURT: Okay. Thank you.

25 PROSPECTIVE JUROR 583: Armenta, 583. My sister was

1 sexually assaulted and that is a reason why she lives with me on her
2 own here in Las Vegas.

3 THE COURT: Would that prevent you from being able to be
4 fair and impartial in this case?

5 PROSPECTIVE JUROR 583: Correct.

6 THE COURT: Okay. Thank you. Anyone else?

7 [No audible response]

8 THE COURT: Okay, no other hands. So, Ladies and
9 Gentleman, under our system, certain principles apply in every criminal
10 trial. And these are, the charging document filed in the case is merely
11 an accusation. And it's not, I repeat, not any evidence of guilt. So,
12 that's the first one.

13 Second one, Defendant is presumed innocent. So, in other
14 words, I have a question for everyone. So, the Defendant's presumed
15 innocent, so if we gave the case to you to go back and deliberate right
16 now, what would your verdict have to be?

17 [Universal response from Prospective Jurors]

18 THE COURT: So, innocent -- so, not guilty, right? Because
19 you have this much evidence, zero evidence. So, the Defendant being
20 presumed innocent, your verdict would have to be not guilty because
21 you have zero evidence.

22 Finally, State must prove that Defendant is guilty beyond a
23 reasonable doubt. You've all heard that term, I'm sure. Does anyone
24 not understand or not believe in these fundamental concepts of our
25 system of justice? If so, please raise your hand.

1 PROSPECTIVE JUROR 480: I don't believe in it.
2 THE COURT: So, bear --
3 PROSPECTIVE JUROR 480: I think it's wrong.
4 THE COURT: -- bear with us one moment.
5 PROSPECTIVE JUROR 480: Oh, my name's --
6 THE COURT: You need to --
7 PROSPECTIVE JUROR 480: -- Smith and it's 480.
8 THE COURT: 480. So, you don't believe in what? And what
9 is wrong?
10 PROSPECTIVE JUROR 480: No, I've seen too many jury
11 trials. I've seen the *California-O.J. Simpson* trial on TV. I've seen the
12 *Robert Blake* trial on TV. I've seen all this stuff, and the judicial system
13 sucks.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR 480: You can believe me and stuff
16 and everything. I know enough stuff going down that I don't have to sit
17 here and listen to a bunch of lying lawyers tell me stuff and a Judge who
18 has bias in his own.
19 THE COURT: So, I'm going to pause you --
20 THE MARSHAL: Hold on.
21 THE COURT: -- pause you for a moment. We now -- very
22 much everyone in this room now knows your opinion. So, thank you.
23 PROSPECTIVE JUROR 480: Besides, I can't hear you half
24 the time.
25 THE COURT: I'm going to -- okay. I'm sorry to hear that.

1 Hopefully, you heard me say sorry. Thank you.

2 [Colloquy between the Marshal and the Prospective Jurors]

3 PROSPECTIVE JUROR 496: Maucere, badge number 496.

4 My only concern is, is I'm a mother to a 13-year-old and I do have a hard
5 time being able to separate the accusations from guilt, as if my daughter
6 or if I was in a situation where somebody was being charged with these
7 crimes, the -- having a -- being a mom, I have a hard time believing that
8 they are innocent, just to be put into the situation off the bat.

9 THE COURT: Okay, thank you.

10 PROSPECTIVE JUROR 584: Parra-Venegas, 584. I
11 understand and I believe in those rights that we have in the Constitution,
12 but I also think that there are certain charges that just if you're already
13 facing those charges, there's a reason for that. So, I can't be impartial
14 here.

15 THE COURT: Okay, thank you.

16 PROSPECTIVE JUROR 469: I understand and believe in
17 these --

18 THE COURT: And I'm sorry, I know you've said several times
19 --

20 PROSPECTIVE JUROR 469: Oh, Damian, 469. I understand
21 and believe most the time in these principles yet given what has
22 happened to me and what has been told about the case to me, I cannot
23 be impartial.

24 THE COURT: Thank you. I'll -- thank you. Anyone else?

25 PROSPECTIVE JUROR 422: Levine, 422. I know we have

1 not heard any of the facts, but I just find it hard to believe that over the
2 course of two years and three different incidents his name has come up
3 and that he is innocent.

4 THE COURT: Okay. Thank you.

5 THE MARSHAL: Pass it down.

6 PROSPECTIVE JUROR 440: Jean, number 440. My thing is
7 with the court system, even outside of here. I've been accused of
8 abusing someone. I always retort back, well, can you review the video
9 tape? I've been accused of stealing, review the video tape, and they
10 backed off. And I don't understand why is there is a -- you know, a court
11 system with no proof of burden of truth. And I'm after the truth, and
12 everybody's, you know, running away from the truth.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR 396: Tappeiner, 396. And I've
15 spoken already. I literally filed a report seven months ago only to know
16 that it was ruled today that it was not going to stand up in court because
17 there was not enough evidence. And I know for sure that I was sexually
18 assaulted. So, I definitely disagree with the system.

19 THE COURT: Thank you. Anyone else? To the right.

20 PROSPECTIVE JUROR 702: Rainey, badge number 702. I
21 understand that there is a system in place for justice. However, now that
22 I'm understanding what the case is about, I may be impartial -- not
23 impartial because I do have a daughter. So, I can only imagine what
24 other information I might found out sitting here.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR 666: Glenn, 666. I don't know much
2 about the case, but from what I can hear from what everybody else is
3 speaking on, me being a woman and a mother first, I don't believe that I
4 can be impartial.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 694: Barry-Singer, 694. I could start
7 out impartial on any case, but because of my history, I will lean easily,
8 I'm afraid, to being impartial once facts came out which might taint my
9 decision in one way or the other because of my history. So --

10 THE COURT: Thank you. Yeah, thank you. Anyone else?

11 [No audible response]

12 THE COURT: Okay, thank you. If counsel could come
13 approach?

14 [Bench conference begins]

15 [Colloquy between the Court and the Court Clerk]

16 THE COURT: So, before we do excusals, we'll put the -- bring
17 some up into the chairs and then, some will probably have to leave
18 anyway. But -- and then, we'll do that, then I'll ask. I missed the one
19 question, instructions on the law. I'll ask that one, then I'll call you back
20 up here to go over the for cause challenges.

21 MS. EINHORN: Okay.

22 MS. ROADES: Okay so, we're not doing it right now?

23 THE COURT: Sorry.

24 MS. ROADES: Okay.

25 [Bench conference ends]

1 THE COURT: I have another question that I almost skipped
2 over. Is there anyone who would have trouble following the instructions
3 on the law that I give you, regardless of whether you think the law is
4 good or bad? So, some of you have expressed an inability to be
5 impartial, and that would probably be covered by that. But anyone else
6 have any trouble following the instructions on the law that I'll give you,
7 regardless of whether you think the law is good or bad? If so, please
8 raise your hand. We have one over there and then one over there.

9 PROSPECTIVE JUROR 345: Glasco, 345. I'm one who
10 doesn't really follow rules or really doesn't believe in rules like that, so
11 it's hard for me to -- yeah, this whole thing is hard.

12 THE COURT: Thank you.

13 [Colloquy between the Marshal and Prospective Jurors]

14 PROSPECTIVE JUROR 397: Seelicke, 397. I think that I
15 would be impartial.

16 THE COURT: So, let me clarify what -- so you said -- I think
17 you said that you think you will be impartial.

18 PROSPECTIVE JUROR 397: Correct.

19 THE COURT: So, impartial means fair and unbiased. Do you
20 mean you think you --

21 PROSPECTIVE JUROR 397: So, I'd be bias.

22 THE COURT: Okay, and why do you think that?

23 PROSPECTIVE JUROR 397: As a child, I was also sexually
24 molested, so was my best friend. Accusations just don't come out, out
25 of nowhere. Three separate occasions.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR 436: Panomsanarint, 436. I have a -
3 - I'm not a fluent English speaking, and I don't think, you know, further in
4 the law, maybe I'm not qualified for this.

5 THE COURT: What's your native language?

6 PROSPECTIVE JUROR 436: Thai.

7 THE COURT: And how long have you lived in the United
8 States?

9 PROSPECTIVE JUROR 436: 15 years.

10 THE COURT: What do you do for a living?

11 PROSPECTIVE JUROR 436: I'm a slot technician.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 436: Thank you.

14 THE COURT: I think I -- oh, yeah.

15 PROSPECTIVE JUROR 585: Last name is Jue, J-U-E,
16 number 585. I understand the rule dictates that we need to stay off of
17 social media. I am a social media manager for an organization who
18 engages with local news channels and news bloggers on a daily basis.

19 THE COURT: So, the rule, to be clear, doesn't exclude you
20 from doing social media, but you can't do anything about the case or
21 anyone associated with the case, or anything associated with the case.
22 So, for example, not posting oh, I was picked, or I wasn't picked as a
23 juror, or I'm seeing a criminal trial, those types of things. Does that
24 clarify it? If not, you're welcome to ask me a follow-up question. And if it
25 does clarify it, is it still an issue?

1 PROSPECTIVE JUROR 585: It could be an issue if I see
2 something that I probably shouldn't see while I'm working.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 585: But I understand what you're
5 saying.

6 THE COURT: Okay, thank you. So, part of your job is
7 handling social media is what you're saying?

8 PROSPECTIVE JUROR 585: Engaging proactively and
9 reactively, yes.

10 THE COURT: Got you. Thank you very much.

11 PROSPECTIVE JUROR 585: Okay.

12 THE COURT: Is there anyone else who have -- would have
13 trouble following the instructions?

14 PROSPECTIVE JUROR 710: Sanchez-Lopez, 1710. I don't
15 read good English, so I won't understand what --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 710: -- how -- I can't even explain
18 myself, sorry.

19 THE COURT: No, that's okay. So, is your native language
20 Spanish?

21 PROSPECTIVE JUROR 710: Yes.

22 THE COURT: And do you understand spoken English fine or
23 --

24 PROSPECTIVE JUROR 710: Yes, but I can't read like a lot of
25 things in English.

1 THE COURT: Okay. How long have you lived in the United
2 States?

3 PROSPECTIVE JUROR 710: I was born here.

4 THE COURT: Okay. And how long have you lived in Clark
5 County?

6 PROSPECTIVE JUROR 710: I've been here since 25 years.

7 THE COURT: Okay. Okay. Thank you.

8 PROSPECTIVE JUROR 710: You're welcome.

9 THE COURT: Anyone else?

10 [No audible response]

11 THE COURT: No hands, okay. We're going to do a little bit of
12 shuffling, and then I'll -- actually can we shuffle while I'm here with the
13 attorneys?

14 [Colloquy between the Court and the Court Clerk]

15 THE COURT CLERK: I'm going to fill in the seats in the box.
16 Zakkiyah Walker, badge number 463 will replace chair number 1.

17 [Colloquy between the Marshal and Prospective Jurors]

18 THE COURT CLERK: Alli Esperancilla, badge number 465,
19 who will replace chair number 3.

20 [Colloquy between the Marshal and Prospective Jurors]

21 THE COURT CLERK: Karen Mills, badge number 468, will
22 replace chair number 6. Cheyenne Damian, badge number 469, will
23 replace chair number 7. Christine Mackley, badge number 471, will
24 replace chair number 9. Jessica Saldivar, badge number 473, will
25 replace chair number 15. David Bloomquist, badge number 474, will

1 replace chair number 17. John Jackson, badge number 479, will replace
2 chair number 18. James Smith, badge number 480, will replace chair
3 number 25. And Michael Jones, badge number 482, will replace chair
4 number 32.

5 [Colloquy between the Marshal and Prospective Jurors]

6 THE COURT: Counsel could come approach.

7 [Bench conference begins]

8 THE COURT: And while we're doing this, you can stretch if
9 you'd like.

10 [Colloquy between the Court and the Court Clerk]

11 MS. ROADES: It might be prudent to take a break, no? I
12 don't know. I mean, they are just saying things, I think at this point --

13 MS. EINHORN: Yeah.

14 MS. ROADES: -- is our opinion. You know?

15 THE COURT: Well, we have different people we can certainly
16 excuse right now --

17 MS. ROADES: Okay.

18 THE COURT: -- I think, right?

19 MS. ROADES: All right. Should we start from the beginning?

20 THE COURT: Yeah, that's a good place to start.

21 MS. ROADES: Or are you guys -- I mean --

22 THE COURT: No, I agree.

23 MS. ROADES: -- I didn't see -- I don't -- did you see anybody
24 that we --

25 MS. EINHORN: We want to kick right now?

1 MS. ROADES: Yeah, I didn't --
2 MS. EINHORN: The -- we're all lying sons of --
3 MS. ROADES: Oh.
4 MS. EINHORN: -- you know what.
5 THE COURT: I knew there was at least one. What number is
6 he?
7 MS. ROADES: I mean, he sounds like fun, I'd like to --
8 MS. EINHORN: He's --
9 MS. ROADES: -- ask him some questions.
10 MS. EINHORN: Well, I don't really actually care about --
11 MS. ROADES: No, I -
12 MS. EINHORN: 4 -- badge number 480, James.
13 THE COURT: 480, any objection?
14 MS. ROADES: On number one, right?
15 MS. EINHORN: He's in seat --
16 MS. ROADES: Or he's our list number one.
17 MS. EINHORN: Panel number 43.
18 MS. ROADES: Okay.
19 THE COURT: Any objection to excusing him?
20 MR. POSIN: I would say [indiscernible].
21 THE COURT: Let's see, 4 --
22 MS. EINHORN: And I do [indiscernible].
23 THE COURT: -- 480.
24 MR. POSIN: If there's anybody else, I'm not going to have a
25 problem with excusing them.

1 MS. ROADES: I mean, even the guy who stood up and said:
2 I've been accused of crimes and --

3 THE COURT: Yeah, I don't think that guy would rise yet --

4 MS. ROADES: -- it needs to be on a video.

5 THE COURT: -- but there are some that --

6 MS. ROADES: I don't think so either, but I think that goes
7 along with some of the other ones. I mean, that would obviously be
8 someone that we want to kick, but I would like to ask him questions, and
9 I'm sure Mr. Posin would like to ask him questions. And I think it goes
10 along with all the other people who are saying they don't like the criminal
11 justice system either.

12 MS. EINHORN: The only two, too, Judge, would be the
13 English being difficult, especially for the one in the box, the one who's
14 been here her whole life, but --

15 MS. ROADES: -- so, I think 436 was the --

16 MS. EINHORN: Yes.

17 MS. ROADES: -- was the Thai speaker.

18 MR. POSIN: No objection.

19 THE COURT: So, 436 would be excused.

20 MS. EINHORN: Do you want to [indiscernible]?

21 MS. ROADES: She's a keeper.

22 MS. EINHORN: Keep her?

23 MS. ROADES: And the one who's -- was born here, I mean, I
24 don't really know about that.

25 THE COURT: Yeah.

1 MS. ROADES: I don't think we can --

2 THE COURT: After I asked and she answered, I felt bad. So,
3 is that all the state is thinking right now?

4 MS. ROADES: Yeah, I think so.

5 THE COURT: You may have some.

6 MR. POSIN: Well, of course I think that every single one of
7 them that said they can't be fair should be taken at face value and taken
8 as that they cannot be fair. They should all be discussed, if you want me
9 to go through them one by one, but there was a series of them. They all
10 made those statements. I mean, we're not running out of potential
11 jurors, it doesn't look like to me.

12 MS. ROADES: That doesn't mean we shouldn't be given the
13 opportunity to traverse them and ask them --

14 THE COURT: So, here --

15 MS. ROADES: -- some questions.

16 THE COURT: Well, here's the issue for me and -- because --
17 so, when the person comes out without prompting by me, without
18 prompting by you, without prompting by Mr. Posin, or -- and says I can't
19 be fair and gives a reason why, how are you going to ever rehabilitate
20 that person?

21 MS. ROADES: Ask them that they understand this is a
22 different case, that this person is not the same person that abused them,
23 that this Defendant deserves a fair trial, that the State deserves a fair
24 trial, that the instructions will be on there. I mean, I don't know if they
25 understand exactly how everything's going to go down. That's what we

1 generally ask them and we generally give them the opportunity. I think
2 what the problem is now, everybody has heard this impartial word and
3 they have known now, okay, I'm going to say I'm going to be impartial
4 and that's how I'm going to get off.

5 MS. EINHORN: Because of a lot of them --

6 MR. POSIN: Of course, I have, you know, a very different
7 view on it. I -- and as I see it, these are all people who are essentially
8 making arguments both against the system in its entirety, as well as
9 making it essentially kind of a closing argument of their own as to why
10 my client is already guilty even though he hasn't -- and there's been no
11 evidence yet.

12 MS. ROADES: Well, there -- there are a couple.

13 MR. POSIN: And so, to my -- from my perspective, you know,
14 giving each of these people another chance to express themselves and
15 their opinions just gives another opportunity for them to say things that
16 are very damaging to my client and really not appropriate, you know, in
17 the court where I understand Your Honor is giving them instructions
18 about, you know, burden of proof and presumption of innocence. But
19 unfortunately, you say it once, and a bunch of them say it a bunch of
20 times, there's prejudice there to my client.

21 MS. ROADES: Okay, which ones do you want to kick
22 because there were a couple?

23 MS. EINHORN: Yeah.

24 THE COURT: Yeah, let's --

25 MS. ROADES: But you know, which --

1 THE COURT: -- let's go through individually.

2 MR. POSIN: So, for instance [inaudible].

3 MS. ROADES: Well, I'm not moving for anything, so you

4 move to see who you want to be kicked for cause.

5 MR. POSIN: All right, well, let's start with number 345. And

6 I'm not sure who he would [indiscernible] --

7 THE COURT: Oh man.

8 MR. POSIN: -- even come down on his side, but he says he

9 just doesn't even believe in [indiscernible].

10 MS. ROADES: We'll submit to kick him for cause.

11 THE COURT: We will -- yeah, that's -- 345, excuse for cause.

12 [Colloquy between the Court and the Court Clerk]

13 MR. POSIN: Okay, 394 is apparently in the middle of some, I

14 guess, a custody case. That's --

15 MS. ROADES: I think 396.

16 THE COURT: 396 is the one, yeah.

17 MR. POSIN: 396? Well, maybe I wrote it wrong, I have it as

18 394.

19 THE COURT: 3 -- it's 396.

20 MR. POSIN: Okay.

21 THE COURT: Yeah, 394 hasn't spoken.

22 MR. POSIN: Okay. In the middle of -- wasn't so much --

23 yeah, 396 had so much to say on so many of your questions.

24 THE COURT: Any objection to excusing 396?

25 MS. ROADES: I think because she said on two occasions

1 that she would not be partial and that she will be biased, I will -- we will
2 submit this one to the Court.

3 THE COURT: 396 excused.

4 MR. POSIN: 397 started out by saying she would be
5 impartial, but obviously that was --

6 MS. ROADES: She never said she would be impartial --

7 MR. POSIN: She --

8 THE COURT: No, she did --

9 MS. ROADES: -- or I'm sorry, she never said that she would
10 be biased.

11 MR. POSIN: Yeah, she did.

12 THE COURT: Yeah, she did. So -- because --

13 MS. EINHORN: All I have is that accusations just don't come
14 out of nowhere.

15 MS. ROADES: Yeah.

16 THE COURT: Yeah.

17 MS. EINHORN: [Indiscernible].

18 THE COURT: Well, you might have skipped -- so when --
19 because she --

20 MR. POSIN: She hasn't said that.

21 THE COURT: She said I can be impartial, is what she said.
22 And that's when I said, so, you know, impartial means fair and unbiased.
23 Do you mean you can be -- you are partial, unfair, or unbiased,
24 something like that? And she said --

25 MS. ROADES: The issue with this one, which I think came up

1 with a couple other ones, they have absolutely no reason. We don't
2 know why, we don't know any reason, all they said was we can't be fair
3 and --

4 THE COURT: No, she said --

5 MS. ROADES: -- we can't be --

6 THE COURT: -- per my notes --

7 MS. ROADES: Like she was not sexually abused.

8 THE COURT: Say that again.

9 MS. ROADES: She didn't disclose that she was sexually
10 abused or that anybody that she knew was sexually abused --

11 THE COURT: Yeah, she did.

12 MS. ROADES: -- unlike Tappeiner.

13 THE COURT: Yeah, she did.

14 MS. ROADES: 397?

15 MS. EINHORN: I didn't have that.

16 THE COURT: Yeah.

17 MS. EINHORN: I just had the --

18 THE COURT: So, you guys --

19 MS. EINHORN: -- accusations.

20 THE COURT: -- need to take better notes, because --

21 MS. ROADES: We take really good notes.

22 THE COURT: -- one --

23 MR. POSIN: She didn't tell us --

24 THE COURT: She said --

25 MS. EINHORN: I do remember the impartial thing.

1 THE COURT: -- biased, sexual, and boyfriend is what my
2 notes --

3 MR. POSIN: [Indiscernible] she was molested.

4 MS. EINHORN: Really?

5 MR. POSIN: [Indiscernible] nature of it [indiscernible] -- she
6 as a child --

7 MS. EINHORN: Oh.

8 MR. POSIN: -- that was molested. I wrote down as child,
9 molested.

10 THE COURT: Yeah. She definitely said some detail as to
11 why, so it's not like she just said, oh I can -- can't be impartial, she did.
12 She did, I promise you, say something. My note says biased, and I
13 know she's the one that said oh, I can be impartial, and that's when I --
14 and sexual and boyfriend and -- so, she did say something.

15 MS. ROADES: I don't remember all that, so.

16 MR. POSIN: [Indiscernible].

17 MS. ROADES: Well, we would object to that one.

18 MR. POSIN: I mean, you'll definitely object to my next one.

19 THE COURT: Well, let's -- so, 397 --

20 MS. EINHORN: So, well we're still on that one.

21 THE COURT: -- we'll keep for now but note that -- yeah.

22 MR. POSIN: And -- because -- I'm going to object also to 422.

23 THE COURT: 422 [indiscernible].

24 MR. POSIN: She --

25 MS. EINHORN: The mentor for sex trafficking?

1 THE COURT: No, this is 422.

2 MR. POSIN: Yeah, same person, but that's not my basis. My
3 basis for objecting to her is that she said that despite the Judge's
4 instructions --

5 THE COURT: Yeah, yeah.

6 MR. POSIN: -- she would find it hard to believe in -- his --

7 THE COURT: Oh.

8 MR. POSIN: -- his innocent -- hard to believe that he's
9 presumed innocent. So, --

10 MS. EINHORN: I don't think that's what she said.

11 MR. POSIN: Hard to believe, but I know it's not --

12 MS. EINHORN: She said that when there's three separate
13 incidents --

14 THE COURT: So -- yeah, so 4 -- she did say that, too.
15 Basically, said if there's three separate incidents, then I have a hard time
16 believing that it could get this far or something like that.

17 MS. ROADES: We would like to follow up with her. I don't
18 know that she's provided a for cause basis yet.

19 MR. POSIN: I think she has.

20 THE COURT: Yeah. She also said she couldn't be fair.

21 MS. ROADES: Right.

22 THE COURT: So, we'll keep her for now, but I do, just so you
23 -- I very much share Mr. Posin's concern because I've seen it where the
24 State says well, we haven't adequately explored these reasons and then
25 what happens -- so, here's a word of caution, because I've seen this

1 happen before where the State objects to the excusal and then delves
2 into details and it works to the prejudice of the Defendant. So, there's
3 your word of caution.

4 MS. ROADES: I may just say -- I mean, that's not our
5 purpose in doing it. We do want to try to educate everyone and talk
6 about things, but that's not, you know, why we're doing -- we really
7 would be trying to say that --

8 THE COURT: And I'm not saying you're doing that --

9 MS. ROADES: -- they may be fair and impartial.

10 THE COURT: -- or planning on it, but what I've seen is that
11 happens.

12 MS. ROADES: Mm-hmm.

13 THE COURT: So --

14 MR. POSIN: Nor was I saying that the State had -- was
15 attempting to do that. I'm just saying that the more --

16 THE COURT: Yeah.

17 MR. POSIN: -- of the soapbox you give someone --

18 THE COURT: Yeah.

19 MR. POSIN: -- [indiscernible]. The State doesn't need to
20 have any --

21 THE COURT: So, we'll keep --

22 MR. POSIN: -- [indiscernible].

23 THE COURT: -- 422 for now.

24 MS. ROADES: Okay.

25 THE COURT: And if at some point, whenever you think

1 excusal's warranted, Mr. Posin, let us know.

2 MR. POSIN: Then, there was -- the next one, 469, Cheyenne
3 Damian, was sexually assaulted when she was 17.

4 THE COURT: And can't be impartial.

5 MR. POSIN: And cannot be impartial.

6 MS. ROADES: We would submit that.

7 THE COURT: Okay, we will excuse 469 for cause.

8 MR. POSIN: Next would be 471, Christine Mackley.

9 MS. EINHORN: She said that her daughter was sexually
10 assaulted. And I think when Your Honor did ask her can she be fair, she
11 wrote down I'm not sure. So, I don't think she unequivocally said I
12 cannot be fair and impartial.

13 MR. POSIN: Well, I mean -- yeah, I'm just -- if you're unsure,
14 that's something other than --

15 MS. EINHORN: Right, but that's not the standard. I mean,
16 the standard's not --

17 THE COURT: I don't see --

18 MS. EINHORN: -- I'm not sure. The standard is I cannot be
19 fair at all, which is what the last one I agree with you that she said -- but
20 --

21 MR. POSIN: Yeah, but I think she has to agree that she can
22 be fair.

23 MS. EINHORN: Right, and if when we're asking --

24 MR. POSIN: And so far she -- yeah.

25 MS. EINHORN: -- her questions she says that, I would agree

1 with you, definitely. But --

2 THE COURT: So, my notes are a little different. So, her
3 daughter's sexually assaulted, can't be fair or impartial.

4 MR. POSIN: Then there's the --

5 MS. ROADES: We didn't have that.

6 MR. POSIN: I wrote down those very words, can't be fair and
7 impartial.

8 THE COURT: You wrote the same thing I did?

9 MR. POSIN: Same words.

10 THE COURT: So, I'm going to excuse 471 over State's
11 objection.

12 MS. ROADES: Okay.

13 MR. POSIN: And --

14 THE COURT: And we already said 480, right?

15 MR. POSIN: -- it's just --

16 [Colloquy between the Court and the Court Clerk]

17 MS. EINHORN: What was the next one?

18 MS. ROADES: We did this one already.

19 [Colloquy between the Court and the Court Clerk]

20 MS. ROADES: 480.

21 MR. POSIN: Okay, next one is kind of the same as that last
22 one we were discussing, is 484 because of the no if she would be fair or
23 impartial.

24 THE COURT: That's --

25 MR. POSIN: Mother-in-law was raped 25 years ago.

1 THE COURT: I'm going to -- State does not want that for
2 cause excusal at this time, right?

3 MS. ROADES: Correct.

4 THE COURT: Okay, we will not excuse at this time, 484.

5 MR. POSIN: And 496, she, number one, is concerned about
6 her children, she has a 12 and 13-year old. So, she cannot separate the
7 accusations and have a hard time believing in his innocence.

8 THE COURT: Well, you --

9 MS. ROADES: That one, I mean -- those we feel --

10 THE COURT: -- your notes match mine on that one. So --

11 MS. ROADES: -- those -- I have those same notes, those
12 ones we feel very strongly about. I think there were a couple of them.
13 Because they have children, this is what we like to ask the jury, I mean,
14 this is not your child. You understand that this is a completely separate
15 child and that this Defendant could be your brother, your uncle,
16 something else, I mean, can you follow the rules that the Court instructs
17 you on? That's what we like to ask them, that it's separate and apart.
18 You know, this is not an instance where they're saying, I was sexually
19 abused, or my daughter was sexually abused, and I can't be fair and
20 impartial. This is, I have a child, and I don't like the charges. I mean,
21 nobody likes the charges.

22 THE COURT: We'll keep 496 for now.

23 [Colloquy between the Court and the Court Clerk]

24 MR. POSIN: The next, 583, Jaqueline Armenta.

25 THE COURT: Oh, actually, why don't we excuse them now?

1 Sorry.

2 MS. EINHORN: That's fine.

3 THE COURT: Let's go ahead and excuse them and we can
4 keep doing this while --

5 MS. ROADES: Sure.

6 THE COURT: -- one of them needs the restroom, that's why.

7 MS. ROADES: Okay.

8 [Colloquy between the Court Clerk and counsel]

9 MS. EINHORN: Should we stay up at the bench, do you want
10 us to sit down?

11 THE COURT: No, you can go sit.

12 MS. EINHORN: Okay.

13 THE COURT: Sorry, thank you.

14 [Bench conference ends]

15 THE COURT: Ladies and Gentleman, we're going through
16 various issues and realize we might as well take a break while we're
17 doing that. Come back at 4 o'clock. But before you go, and this
18 especially for the folks joining us this afternoon, I'm going to read to you
19 an admonishment. It's a Court Order. Please listen and obey, that way
20 we don't have to start all over again.

21 During this recess, you're admonished not to talk or converse
22 amongst yourselves or with anyone else on any subject connected with
23 this trial, read, watch, or listen to any report of or commentary on the
24 trial, or any person connected with this trial by any medium of
25 information, including without limitation to social media, text,

1 newspapers, television, internet, and radio. Do not visit the scene of any
2 events mentioned during the trial. Do not undertake any investigation.
3 Do not Google anything about the trial. Do not do any posting or
4 communications on any social networking sites.

5 Do not do any independent research including internet
6 searches. Do not form or express any opinion on any subject connected
7 with the trial, until the case is finally submitted to you. Don't talk to
8 anybody about the case while on your break.

9 We'll see you back at 4 o'clock.

10 THE MARSHAL: All rise for the potential jury. Please wait
11 outside the courtroom when you come back.

12 [Prospective Jury out at 3:48 p.m.]

13 [Outside the presence of the Prospective Jury]

14 THE COURT: Have a seat. So, where were we?

15 MR. POSIN: Your Honor, I think we had gotten to --

16 [Colloquy between counsel]

17 MR. POSIN: -- 584, I believe.

18 THE COURT: 584.

19 MR. POSIN: Your Honor, I'm sorry, 583. 583. Jaqueline
20 Armenta said her sister was sexually assaulted and cannot be impartial.

21 THE COURT: Any objection?

22 MS. ROADES: Yes, with that again, I mean I don't know if it's
23 like the mother-in-law who it happened 25 years previously, I don't think
24 she said when it happened or why she would be -- fair and impartial. I
25 mean, again, this is a completely separate case, so we would object to

1 that, as well, Your Honor.

2 MR. POSIN: And Your Honor, again, my response is that if
3 somebody says they cannot be impartial, they're saying it for a reason.
4 And the State, you know, previously, just before we broke, was saying
5 something like, well, nobody likes these charges. And of course, nobody
6 likes these charges, but only certain jurors feel so strongly about them
7 that they have to say I cannot be fair and impartial.

8 THE COURT: So, when people, prospective jurors, volunteer
9 a detail that they or somebody close to them has been sexually
10 assaulted and because of that they can -- can't be -- affirmatively can't
11 be fair and impartial, I have a very hard time thinking of how you could
12 possibly rehabilitate somebody in that circumstance. Anything further
13 from the State on that one?

14 MS. ROADES: I mean, I would just repeat what I said before.
15 I would ask when it happened, where it happened, was she involved, did
16 they go to court, did she know about the court, you know, that that
17 person is completely separate than this person. How closely were you
18 involved? Did you live with her at the time? I think -- so, that's what we
19 would ask.

20 THE COURT: Yeah, so I'm going to go back to, you know, if
21 there's detail, it's arguably similar to the allegations in term of the sexual
22 assault or a rape or something like that, and the person affirmatively
23 says they can't be fair and impartial -- and some of these I would note
24 too are in response to my question, which I think -- you know, can you
25 follow instructions? And so, I'll excuse 583 for cause.

1 MR. POSIN: Okay, Your Honor, next 584, very similar to this.

2 THE COURT: This person herself, child abuse, age 7, victim,
3 can't be impartial. Anything further from the State on that?

4 MS. ROADES: I would submit this one, but I would just
5 differentiate for the prior one and future ones, you know, she said it
6 happened when she was age 7, that it happened to her and that's why
7 she can't be fair and impartial. So, she did give us some more details
8 and because of that we are submitting this one.

9 THE COURT: Okay, so we'll excuse 584 for cause. Does
10 that get us to the new folks?

11 MR. POSIN: I don't think so.

12 THE COURT: Oh, let me ask, on 585, the social media one,
13 that -- I don't know that that's a for cause right now, but anybody --

14 MS. ROADES: Not from the State.

15 THE COURT: -- feel otherwise?

16 MR. POSIN: I don't think it's a for cause. I think it was -- that
17 person seemed like someone who was just kind of legitimately saying,
18 Judge, I just want to divulge this --

19 THE COURT: Here's this issue.

20 MR. POSIN: -- for full transparency, more than anything.

21 THE COURT: Okay.

22 MR. POSIN: Okay. Number 651 said was raped and cannot
23 be --

24 THE COURT: Wife, I think.

25 MR. POSIN: -- fair and impartial, so.

1 THE COURT: Any objection from the State on the --
2 MR. POSIN: Your Honor, with the Court's permission, Mr.
3 Brass wants to go to the restroom.
4 THE COURT: Oh, sure. Sure. Are you okay with us going
5 forward with these?
6 THE DEFENDANT: Yes.
7 THE COURT: Okay.
8 [Colloquy between counsel]
9 MS. ROADES: I couldn't hear this juror, honestly, Your
10 Honor. So, I don't really --
11 THE COURT: Oh, really?
12 MS. ROADES: -- know what he said.
13 THE COURT: Oh. So, he said something to the effect of his
14 wife was sexually assaulted and raped, and he can't be fair and
15 impartial. He also mentioned brother, retired Metro.
16 MS. ROADES: I do have that. I don't think that has anything
17 to do with --
18 THE COURT: Yeah.
19 MS. ROADES: -- the for cause. I mean, again, there's not
20 many details that we were able to glean from it and --
21 THE COURT: So, for this case anyway, my general rule, if
22 there's some specific detail and the person affirmatively says can't be
23 fair and impartial, I'm going to excuse them. So, over State's objection,
24 we'll excuse 651.
25 MR. POSIN: Next, 666.

1 THE COURT: See, and I think that one I think I'd probably
2 side with the State, unless the State says excuse 666.

3 MS. ROADES: No, we would not agree to that --

4 THE COURT: Yeah.

5 MS. ROADES: -- because well, 666, I have because she's a
6 woman and a mother, she can't be impartial. That's not what we're
7 talking about here, what --

8 THE COURT: I --

9 MS. ROADES: Okay.

10 THE COURT: -- I agree. So, there weren't any other details
11 other than she's a woman and a mother and can't be impartial. Well,
12 let's see, although -- yeah, like I said on another one, maybe Mr. Posin,
13 if it comes to a point where you want to re-raise the objection, that's fine.
14 What's next?

15 MR. POSIN: Next, 694. This one -- and I didn't mention the --
16 in 651, that the brother was retired Metro because that's a little more
17 attenuated, but this one actually was a law enforcement employee,
18 though apparently I don't think worked as a law enforcement officer, but
19 so, again, was a victim of sexual abuse, cannot be impartial, and then I
20 thought kind of even the more telling thing that she said was that she will
21 lean easily. And to me, that's a statement that she will not follow the
22 Court's instruction or not be able to follow the Court's instruction about
23 reasonable doubt and that she will be persuaded with something less
24 than that standard.

25 MS. ROADES: We would submit this one, Your Honor.

1 THE COURT: Okay, thank you.

2 MS. ROADES: Mm-hmm.

3 THE COURT: Court will excuse for cause 694.

4 MR. POSIN: 702, again, this is another one who, you know,
5 she says but she has a daughter. And I understand the State's and the
6 Court's position about just simply having a child does not by itself the
7 kind of detail that is of the kind of significance of being raped or
8 anything. But it was more of the way she was saying, she said, well, I
9 do understand that we have a system, but this is another person who
10 seems to express some feeling that she just didn't believe and wasn't
11 going to go along with that system.

12 THE COURT: So, to be clear, 702 is a male.

13 MR. POSIN: I'm sorry. I'm sorry, he.

14 THE COURT: That's okay.

15 MR. POSIN: But my notes say that he -- although he
16 understood the system that he didn't -- you know, didn't feel that he
17 could follow it.

18 THE COURT: Anything from the State on 702?

19 MS. EINHORN: Your Honor, similar to, I believe it was
20 number -- I think it was 666, basically his only stance was I have a
21 daughter. He doesn't even know what the charges are because he's
22 new, so he kind of was just going off of well, based on what everyone
23 else is saying, you know, I have some concerns. But you know, not a
24 victim, so I ask to keep for now.

25 THE COURT: So --

1 MR. POSIN: And Your Honor, if I could just respond to that?
2 THE COURT: Sure, sure.
3 MR. POSIN: I mean, that seems to me even worse if
4 somebody with even less information says based on what everyone else
5 says, I think --
6 THE COURT: But he also doesn't have -- I see your point, but
7 I think the counter to that is he doesn't have all the instructions that I've
8 given the others. So, we'll keep him for now.
9 MR. POSIN: Okay. All right, that's it, Your Honor.
10 THE COURT: Okay. Anything else?
11 MS. ROADES: Nothing else from us, Your Honor.
12 [Colloquy between counsel]
13 THE COURT: Come back at 4:10.
14 MS. ROADES: Okay, thank you.
15 THE COURT: Thank you.
16 [Recess began at 3:47 p.m.]
17 [Recess concluded; proceedings resumed at 4:15 p.m.]
18 [Outside the presence of the Prospective Jury]
19 [Colloquy between counsel]
20 THE COURT RECORDER: We are back on the record.
21 THE COURT: Anything we need to discuss before we bring
22 them back?
23 MS. EINHORN: I don't think so.
24 MR. POSIN: Not for the defense, Your Honor.
25 [Colloquy between counsel]

1 [Colloquy between the Court and the Court Clerk]
2 THE COURT: Did you all hear that?
3 MR. POSIN: Sort of.
4 MS. ROADES: I'm sorry, what?
5 THE COURT: Yeah, so we don't have any from the new
6 group that'll be in the box, and we'll still have 12 from this morning in the
7 back still.
8 MS. ROADES: Okay.
9 MS. EINHORN: Your Honor, once we seat the other couple,
10 are you -- are we done and then moving on to the how long have you
11 lived in Clark County? Are you employed?
12 THE COURT: Yeah.
13 MS. EINHORN: Okay.
14 THE COURT: Yeah, good question. Which means, I should
15 turn my pages up here. Oh, does any side -- since we're all here, I
16 should put on the record and ask it. Either side want to make a *Batson*
17 or *J.E.B. versus Alabama* challenge to any of the proposed excused?
18 MS. ROADES: Well, I think because we're at the cause, right,
19 that that wouldn't come into play yet? Or I mean, I don't want to do that.
20 MR. POSIN: I think I'd agree with the State, Your Honor, that
21 those are -- those would be ostensibly peremptory challenges that the
22 State was making that I was --
23 THE COURT: I don't disagree with either of you, but if either
24 of you want to make one, now is the time.
25 MS. ROADES: But as far as the panel, I don't think -- I mean,

1 there was no objection to the panel. And I don't believe that there was
2 an objection by the defense on the panel.

3 MR. POSIN: Yeah.

4 THE COURT: Okay.

5 MS. ROADES: And then with regard to the peremptory
6 challenges --

7 [Colloquy between the Court Clerk and the Court Recorder]

8 MS. ROADES: -- you stated earlier, just when you were
9 talking to the jury and -- that there were I think five, but there are eight
10 plus the one --

11 THE COURT: Oh, okay.

12 MS. ROADES: -- for the --

13 THE COURT: Sorry.

14 MS. ROADES: No, that's okay. I'm pretty sure they --

15 THE COURT: Eight plus one is --

16 MS. ROADES: -- didn't take note of that. Yeah, we have the
17 eight for the actual jury and then one for the alternate.

18 THE COURT: Got you. That's why we have 32 then?

19 MS. ROADES: Right.

20 THE COURT: Okay.

21 THE MARSHAL: We have them all, Judge.

22 THE COURT: Okay.

23 THE MARSHAL: Are you ready for them? All right, they are
24 ready for you. All rise for the potential jury.

25 [Prospective Jury in at 4:17 p.m.]

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[In the presence of the Prospective Jury]

[Colloquy between the Marshal and the Prospective Jury]

THE COURT: Please be seated. Welcome back Ladies and Gentleman. Thank you for your service and patience with us in the process. At this time, we have several excusals to be made, so if your name is called, you are excused. Please give your badge to Marshal Durazo on your way out.

THE COURT CLERK: Jevon Glasco, badge number 345. Charlene Tappeiner, badge number 396. Chanchalao Panomsanarint, badge number 436. Cheyenne Damian, badge number 469. Christine Mackley, badge number 471. James Smith, badge number 480. Jaqueline Armenta, badge number 583. And Daisy Parra-Venegas, badge number 584. And then, Lyle Kirk, badge number 1651. Frances Barry-Singer, badge number 1694.

Andrew Beals, badge number 483 will replace chair number 5. Maroun Nehme, badge number 484 will replace chair number 7. Logona Misa, badge number 485 will replace chair number 9. Lisa Cummings, badge number 488 will replace chair number 21. Peter Tanner, badge number 492 will replace chair number 25. And Melissa Maucere, badge number 496 will replace chair number 27.

THE COURT: And do we have the microphone?

THE MARSHAL: Yep.

THE COURT: Okay. So, start with -- and I apologize, person in seat number 1. If you could, tell us your last name and badge number.

1 PROSPECTIVE JUROR 463: Walker, 463.

2 THE COURT: 463, okay. Too many papers up on my desk.

3 And it was 463 you said, right?

4 PROSPECTIVE JUROR 463: Yes.

5 THE COURT: Okay. So, Ms. Walker, how long have you

6 lived in Clark County?

7 PROSPECTIVE JUROR 463: Since 2007.

8 THE COURT: And how far did you go in school?

9 PROSPECTIVE JUROR 463: I made it to high school.

10 THE COURT: Did --

11 PROSPECTIVE JUROR 463: And I got a high school

12 equivalent once I moved here.

13 THE COURT: Okay. And are you employed? And if so, what

14 type of work do you do?

15 PROSPECTIVE JUROR 463: I'm a real estate broker.

16 THE COURT: Commercial or residential?

17 PROSPECTIVE JUROR 463: Residential.

18 THE COURT: Are you married or in a significant relationship?

19 PROSPECTIVE JUROR 463: I'm married.

20 THE COURT: And what type of work, if any, does your

21 spouse do?

22 PROSPECTIVE JUROR 463: My husband is in refrigeration.

23 THE COURT: Do you have any children?

24 PROSPECTIVE JUROR 463: I have a two-year-old daughter.

25 THE COURT: Have you ever been the victim of a serious

1 crime?

2 PROSPECTIVE JUROR 463: No.

3 THE COURT: Have you ever been accused of a serious
4 crime?

5 PROSPECTIVE JUROR 463: No.

6 THE COURT: Have any family members or anyone closely
7 associated with you ever been the victim of a serious crime?

8 PROSPECTIVE JUROR 463: Victim of a serious crime?
9 Like, could you explain?

10 THE COURT: Sure, so like let's say your brother was mugged
11 or your parent's car was stolen, or somebody was murdered?

12 PROSPECTIVE JUROR 463: My parent's car was broken
13 into before.

14 THE COURT: Anything other than that that you can think of?

15 PROSPECTIVE JUROR 463: Not at the moment. I'm kind of
16 on the spot here --

17 THE COURT: Sure.

18 PROSPECTIVE JUROR 463: -- so, I'm just trying to --

19 THE COURT: No, that's very true. We don't want you to feel
20 like that, but it's understandable --

21 PROSPECTIVE JUROR 463: Okay.

22 THE COURT: -- that you do. And this applies to anyone. So,
23 yeah, you can feel on the spot and be nervous because this is not a
24 process that anybody's undergone multiple times in their life. So, if later
25 on if I ask a question, or the attorneys ask a question, you can't

1 remember, but then your memory's jogged somehow, for example, feel
2 free to let us know later. You know, hey, I forgot about this or that and
3 that's fine. We don't want you to feel any pressure, but it's
4 understandable you might, so. So, if you do remember something while
5 you're on, just let us know, okay?

6 Let's see. Have any family members or anyone that's closely
7 associated with you ever been accused of a serious crime?

8 PROSPECTIVE JUROR 463: Not to my recollection.

9 THE COURT: Have you ever served as a juror before?

10 PROSPECTIVE JUROR 463: No.

11 THE COURT: Is there anything about the nature of this case
12 or anything that you've heard here today that would make it difficult for
13 you to sit as a juror in this case?

14 PROSPECTIVE JUROR 463: I don't know.

15 THE COURT: Why do you say you don't know? You're -- you
16 don't know what's going to be in evidence; is that right?

17 PROSPECTIVE JUROR 463: Yeah, I don't know what's going
18 to be in evidence. My instinct is to honestly not want to be here, but I
19 haven't heard anything or I don't really know how -- I don't have any
20 feelings towards it right now.

21 THE COURT: Okay. Thank you. If you are chosen, can you
22 base your verdict solely on the evidence presented at trial and wait to
23 form an opinion until after you've heard all the evidence?

24 PROSPECTIVE JUROR 463: Yes.

25 THE COURT: Can you be fair and impartial to both sides?

1 PROSPECTIVE JUROR 463: Yes.

2 THE COURT: Thank you. You can hand the mic to your
3 neighbor there. Last name, badge number?

4 PROSPECTIVE JUROR 334: Armstead, 334.

5 THE COURT: 334, okay, bear with me. Did you say 334?

6 PROSPECTIVE JUROR 334: 334, yes.

7 THE COURT: Sorry.

8 [Colloquy between the Court Clerk and the Court]

9 THE COURT: Too many papers again. Ms. Armstead, how
10 long have you lived in Clark County?

11 PROSPECTIVE JUROR 334: Twenty-three years.

12 THE COURT: How far did you go in school?

13 PROSPECTIVE JUROR 334: A little bit of college.

14 THE COURT: Are you employed? And if so, what type of
15 work do you do?

16 PROSPECTIVE JUROR 334: I write sports tickets. So, like
17 sports gambling, sort of.

18 THE COURT: Okay. And are you married or in a significant
19 relationship?

20 PROSPECTIVE JUROR 334: I'm married.

21 THE COURT: And what type of work, if any, does your
22 spouse do?

23 PROSPECTIVE JUROR 334: He's a line cook.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR 334: I have two kids, one two-year

1 old and one one-year old.

2 THE COURT: And are they boys, girls?

3 PROSPECTIVE JUROR 334: They're boys.

4 THE COURT: Both boys, you said?

5 PROSPECTIVE JUROR 334: Yes.

6 THE COURT: Okay. Have you ever been the victim of a
7 serious crime?

8 PROSPECTIVE JUROR 334: When I was ten, I was sexually
9 assaulted.

10 THE COURT: As you told us earlier then? Okay. Was that
11 crime reported?

12 PROSPECTIVE JUROR 334: Yes.

13 THE COURT: Was the person caught?

14 PROSPECTIVE JUROR 334: I believe so.

15 THE COURT: Do you know -- and obviously, given the years
16 ago, it's understandable you may not remember, but did the police
17 respond?

18 PROSPECTIVE JUROR 334: I don't honestly remember, but I
19 think so.

20 THE COURT: Did you ever have to go to court?

21 PROSPECTIVE JUROR 334: No, I don't believe so.

22 THE COURT: Did the District Attorney's Office here in Clark
23 County handle the case?

24 PROSPECTIVE JUROR 334: I believe so, yes.

25 THE COURT: Were you satisfied with how the case was

1 handled?

2 PROSPECTIVE JUROR 334: Yes.

3 THE COURT: Is there anything about that experience that
4 would cause you not to be fair and impartial in this case?

5 PROSPECTIVE JUROR 334: No.

6 THE COURT: Have you ever been accused of a serious
7 crime?

8 PROSPECTIVE JUROR 334: No.

9 THE COURT: Have any family members or anyone closely
10 associated with you ever been the victim of a serious crime?

11 PROSPECTIVE JUROR 334: No.

12 THE COURT: Have any family members or anyone closely
13 associated with you ever been accused of a serious crime?

14 PROSPECTIVE JUROR 334: No.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR 334: No.

17 THE COURT: Is there anything about the nature of this case
18 or anything that you've heard here today that would make it difficult for
19 you to sit as a juror in this case?

20 PROSPECTIVE JUROR 334: No.

21 THE COURT: Can you base your verdict solely on the
22 evidence presented at the trial and wait to form an opinion until after
23 you've heard all the evidence?

24 PROSPECTIVE JUROR 334: Yes.

25 THE COURT: Can you be fair and impartial to both sides?

1 PROSPECTIVE JUROR 334: Yes.

2 THE COURT: Thank you. Last name, badge number?

3 PROSPECTIVE JUROR 465: Esperancilla, 465.

4 THE COURT: 465. How long have you lived in Clark County?

5 PROSPECTIVE JUROR 465: Seventeen years.

6 THE COURT: How far did you go in school?

7 PROSPECTIVE JUROR 465: A little bit of college.

8 THE COURT: Are you employed, and if so, what type of work

9 do you do?

10 PROSPECTIVE JUROR 465: I am and I'm a cook.

11 THE COURT: And are you married or in a significant

12 relationship?

13 PROSPECTIVE JUROR 465: I'm in a relationship.

14 THE COURT: And what type of work, if any, does your

15 significant other do?

16 PROSPECTIVE JUROR 465: She does dialysis. Dialysis.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR 465: I do, I have a boy and two girls.

19 THE COURT: And how old are they?

20 PROSPECTIVE JUROR 465: 19, 17, and 13.

21 THE COURT: The 19-year old, going to school or working or -

22 -

23 PROSPECTIVE JUROR 465: He's working right now.

24 THE COURT: And what does he do?

25 PROSPECTIVE JUROR 465: He's a lifeguard.

1 THE COURT: Have you ever been the victim of a serious
2 crime?

3 PROSPECTIVE JUROR 465: No.

4 THE COURT: Have you ever been accused of a serious
5 crime?

6 PROSPECTIVE JUROR 465: No.

7 THE COURT: Has any family members or anyone closely
8 associated with you ever been the victim of a serious crime?

9 PROSPECTIVE JUROR 465: My cousin, a few years ago,
10 she got raped.

11 THE COURT: And do you know, was that crime reported?

12 PROSPECTIVE JUROR 465: Yes.

13 THE COURT: Was the person caught?

14 PROSPECTIVE JUROR 465: Yep.

15 THE COURT: Did the police respond?

16 PROSPECTIVE JUROR 465: Yeah.

17 THE COURT: Did you have to go to court with your cousin?

18 PROSPECTIVE JUROR 465: No.

19 THE COURT: Did the District Attorney's Office here in Clark
20 County handle the case?

21 PROSPECTIVE JUROR 465: It wasn't here. It was in Hawaii.

22 THE COURT: Were you satisfied with how the case was
23 handled?

24 PROSPECTIVE JUROR 465: Yeah.

25 THE COURT: Is there anything about that experience that

1 would cause you not to be fair and impartial in this case?

2 PROSPECTIVE JUROR 465: It would be hard for me to be
3 impartial because I have two girls and he got, you know, accused more
4 than once about it, so it probably would affect the way I judge things.

5 THE COURT: Okay. And when you say he, you mean Mr.
6 Brass in our case?

7 PROSPECTIVE JUROR 465: Yes.

8 THE COURT: Have any family members or anyone closely
9 associated with you ever been accused of a serious crime?

10 PROSPECTIVE JUROR 465: No.

11 THE COURT: Have you ever served as a juror before?

12 PROSPECTIVE JUROR 465: No.

13 THE COURT: Is there anything about the nature of this case
14 or anything you've heard here today that would make it difficult for you to
15 sit as a juror in this case, other than what you just told us?

16 PROSPECTIVE JUROR 465: I guess not.

17 THE COURT: Could you base your verdict solely on the
18 evidence presented at the trial and wait to form an opinion until after
19 you've heard all the evidence?

20 PROSPECTIVE JUROR 465: I guess.

21 THE COURT: Can you be fair and impartial to both sides?

22 PROSPECTIVE JUROR 465: Yes.

23 THE COURT: Say that again.

24 PROSPECTIVE JUROR 465: Yes.

25 THE COURT: Thank you. Bear with me a moment. Okay,

1 next.

2 PROSPECTIVE JUROR 341: Yeah, Rocca, 341.

3 THE COURT: 341, bear with me a moment. How long have
4 you lived in Clark County?

5 PROSPECTIVE JUROR 341: Over 20 years.

6 THE COURT: How far did you go in school?

7 PROSPECTIVE JUROR 341: I have two Bachelor's degrees.

8 THE COURT: Are you employed, and if so, what type of work
9 do you do?

10 PROSPECTIVE JUROR 341: I'm a dice pit manager at
11 Mandalay Bay, and I own my own landscape business.

12 THE COURT: And are you married or in a significant
13 relationship?

14 PROSPECTIVE JUROR 341: I'm married.

15 THE COURT: And what type of work, if any, does your
16 spouse do?

17 PROSPECTIVE JUROR 341: She's in cosmetics.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR 341: No.

20 THE COURT: Have you ever been the victim of a serious
21 crime?

22 PROSPECTIVE JUROR 341: No.

23 THE COURT: Have you ever been accused of a serious
24 crime?

25 PROSPECTIVE JUROR 341: No.

1 THE COURT: Has any family members or anyone closely
2 associated with you ever been the victim of a serious crime?

3 PROSPECTIVE JUROR 341: No.

4 THE COURT: Has any family members or anyone closely
5 associated with you ever been accused of a serious crime?

6 PROSPECTIVE JUROR 341: No.

7 THE COURT: Have you served as a juror before?

8 PROSPECTIVE JUROR 341: No.

9 THE COURT: Is there anything about the nature of this case
10 or anything that you've heard here today that would make it difficult for
11 you to sit as a juror in this case?

12 PROSPECTIVE JUROR 341: No.

13 THE COURT: Can you base your verdict solely on the
14 evidence presented at the trial, wait to form an opinion until after you've
15 heard all the evidence?

16 PROSPECTIVE JUROR 341: Yes.

17 THE COURT: Can you be fair and impartial to both sides?

18 PROSPECTIVE JUROR 341: Yes.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 341: I got one last deal. My wife just
21 had surgery a couple days ago. She had a mastectomy. So, it's very
22 hard for her to get around. I don't know if any women's gone through it
23 here, but it's a pretty painful deal and I'm the only one taking care of her.

24 THE COURT: And I think you said a few days ago; is that
25 right or --

1 PROSPECTIVE JUROR 341: Yes. So, it's just hard to get
2 out bed and all, you know?

3 THE COURT: Okay. Thank you.

4 PROSPECTIVE JUROR 483: Andrew Beals, 483.

5 THE COURT: And how long have you lived in Clark County?

6 PROSPECTIVE JUROR 483: Born and raised.

7 THE COURT: And how far did you go in school?

8 PROSPECTIVE JUROR 483: Three years of college.

9 THE COURT: Are you employed, and if so, what type of work
10 do you do?

11 PROSPECTIVE JUROR 483: Campus security at school
12 district.

13 THE COURT: Are you married or in a significant relationship?

14 PROSPECTIVE JUROR 483: Married 40 years.

15 THE COURT: Does your spouse work, and if so, what type of
16 work?

17 PROSPECTIVE JUROR 483: School district assistant
18 teacher.

19 THE COURT: Assistant teacher?

20 PROSPECTIVE JUROR 483: Teachers, yes.

21 THE COURT: Okay. And do you have any children?

22 PROSPECTIVE JUROR 483: Three girls.

23 THE COURT: And how old are they?

24 PROSPECTIVE JUROR 483: 39, 37, and 35.

25 THE COURT: Congratulations, you passed the age test.

1 Good job. And what do they do, starting with the oldest to the youngest?

2 PROSPECTIVE JUROR 483: The oldest work for the housing
3 authorities in hood housing. They -- the middle ones is -- work out at
4 Aria as a hostess. And the young one is -- she worked at the North Las
5 Vegas Park and Recreation.

6 THE COURT: Have you ever been the victim of a serious
7 crime?

8 PROSPECTIVE JUROR 483: No.

9 THE COURT: Have you ever been accused of a serious
10 crime?

11 PROSPECTIVE JUROR 483: Yes.

12 THE COURT: And were you charged?

13 PROSPECTIVE JUROR 483: No.

14 THE COURT: And not having been charged, you didn't go to
15 trial, right?

16 PROSPECTIVE JUROR 483: No.

17 THE COURT: Okay. Do you know -- so, you're accused, but
18 no charges, right?

19 PROSPECTIVE JUROR 483: Yeah, I wasn't in town. I was in
20 college and I was accused of doing a murder.

21 THE COURT: Okay. Was there anything about that
22 experience that would cause you not to be fair and impartial in this
23 case?

24 PROSPECTIVE JUROR 483: No.

25 THE COURT: Have any family members or anyone closely

1 associated with you ever been the victim of a serious crime?

2 PROSPECTIVE JUROR 483: Yeah, my niece was raped by

3 my sister's boyfriend.

4 THE COURT: Was the crime reported?

5 PROSPECTIVE JUROR 483: Yes, he went to prison.

6 THE COURT: And the police responded then?

7 PROSPECTIVE JUROR 483: Yes.

8 THE COURT: Was -- did you have to go to court?

9 PROSPECTIVE JUROR 483: No.

10 THE COURT: Did the District Attorney here in Clark County's

11 office handle the case?

12 PROSPECTIVE JUROR 483: Yes.

13 THE COURT: Were you satisfied with how the case was

14 handled?

15 PROSPECTIVE JUROR 483: Yes.

16 THE COURT: Is there anything about that experience that

17 would cause you not to be fair and impartial in this case?

18 PROSPECTIVE JUROR 483: I don't think so.

19 THE COURT: Have any family members or anyone closely

20 associated with you ever been the -- sorry, have any family members or

21 anyone closely associated with you ever been accused of a serious

22 crime?

23 PROSPECTIVE JUROR 483: No.

24 THE COURT: Have you ever served as a juror before?

25 PROSPECTIVE JUROR 483: No.

1 THE COURT: Is there anything about the nature of this case
2 or anything that you heard here today that would make it difficult for you
3 to sit as a juror in this case?

4 PROSPECTIVE JUROR 483: No.

5 THE COURT: Can you base your verdict solely on the
6 evidence presented at the trial and wait to form an opinion until after
7 you've heard all the evidence?

8 PROSPECTIVE JUROR 483: Yes.

9 THE COURT: Can you be fair and impartial to both sides?

10 PROSPECTIVE JUROR 483: Yes.

11 THE COURT: Thank you. Last name, badge number?

12 PROSPECTIVE JUROR 468: Mills, 468.

13 THE COURT: Okay, bear with me a minute. How long have
14 you lived in Clark County?

15 PROSPECTIVE JUROR 468: A year and a half.

16 THE COURT: Where did you live before here?

17 PROSPECTIVE JUROR 468: Charlotte, North Carolina,
18 Orlando, Florida, and Philadelphia, Pennsylvania.

19 THE COURT: And how long did you live in Charlotte?

20 PROSPECTIVE JUROR 468: Seven and a half years.

21 THE COURT: And what -- was it Orlando before --

22 PROSPECTIVE JUROR 468: Mm-hmm.

23 THE COURT: -- that one? How long did you live in Orlando?

24 PROSPECTIVE JUROR 468: Seven and a half years.

25 THE COURT: How far did you go in school?

1 PROSPECTIVE JUROR 468: I have a Bachelor's of Science
2 in nursing.

3 THE COURT: Are you employed, and if so, what type of work
4 do you do?

5 PROSPECTIVE JUROR 468: I'm a elementary school nurse
6 for two elementary schools at Clark County School District.

7 THE COURT: You told us that, right?

8 PROSPECTIVE JUROR 468: Yes.

9 THE COURT: Okay. Are you married or in a significant
10 relationship?

11 PROSPECTIVE JUROR 468: I'm married 20 years.

12 THE COURT: Do you have any children?

13 PROSPECTIVE JUROR 468: Yes.

14 THE COURT: And ages and gender?

15 PROSPECTIVE JUROR 468: I have a son that's 16 and I
16 have a little girl that's 11.

17 THE COURT: And have you been a victim of a serious crime?

18 PROSPECTIVE JUROR 468: No.

19 THE COURT: Have you ever been accused of a serious
20 crime?

21 PROSPECTIVE JUROR 468: No.

22 THE COURT: Have any family members or anyone closely
23 associated with you ever been the victim of a serious crime?

24 PROSPECTIVE JUROR 468: No.

25 THE COURT: Have any family members or anyone closely

1 associated with you ever been accused of a serious crime?

2 PROSPECTIVE JUROR 468: No.

3 THE COURT: Have you ever served as a juror before?

4 PROSPECTIVE JUROR 468: No.

5 THE COURT: Is there anything about the nature of this case

6 or anything that you've heard here today that would make it difficult for

7 you to sit as a juror in this case?

8 PROSPECTIVE JUROR 468: No.

9 THE COURT: Can you base your verdict solely on the

10 evidence presented at the trial, wait to form an opinion until after you've

11 heard all the evidence?

12 PROSPECTIVE JUROR 468: Yes.

13 THE COURT: Can you be fair and impartial to both sides?

14 PROSPECTIVE JUROR 468: Yes.

15 THE COURT: Thank you. Last name, badge number?

16 PROSPECTIVE JUROR 484: Maroun Nehme, 484.

17 THE COURT: Okay. How long have you lived in Clark

18 County?

19 PROSPECTIVE JUROR 484: Forty-two years.

20 THE COURT: How far did you go in school?

21 PROSPECTIVE JUROR 484: On and off a year and a half

22 college.

23 THE COURT: Are you employed, and if so, what type of work

24 do you do?

25 PROSPECTIVE JUROR 484: Employed, blackjack dealer.

1 THE COURT: Are you married or in a significant relationship?

2 PROSPECTIVE JUROR 484: Married.

3 THE COURT: What type of work, if any, does your spouse
4 do?

5 PROSPECTIVE JUROR 484: Housewife.

6 THE COURT: Do you have any children, and if so, what are
7 their ages and genders?

8 PROSPECTIVE JUROR 484: Two boys, 22 and 23.

9 THE COURT: And what type of work or school do they do?

10 PROSPECTIVE JUROR 484: The 22 he goes to UNLV and
11 he works at Home Depot, cashier. The other one he works like in a
12 warehouse house like Amazon called Ruby Has.

13 THE COURT: And have you ever been the victim of a serious
14 crime?

15 PROSPECTIVE JUROR 484: No.

16 THE COURT: Have you ever been accused of a serious
17 crime?

18 PROSPECTIVE JUROR 484: No.

19 THE COURT: And I think you mentioned, but have any family
20 members or anyone closely associated with you ever been the victim of
21 a serious crime?

22 PROSPECTIVE JUROR 484: Like I said, my mother-in-law
23 20-some years ago, she was raped.

24 THE COURT: Was the crime reported?

25 PROSPECTIVE JUROR 484: I don't know, I wasn't there. My

1 wife just told me the story.

2 THE COURT: Do you know, was the person caught?

3 PROSPECTIVE JUROR 484: It's complicated, no.

4 THE COURT: Okay. And you didn't have to go to court for
5 the case, right?

6 PROSPECTIVE JUROR 484: No, it was a --

7 THE COURT: And was that here in Clark County?

8 PROSPECTIVE JUROR 484: No, it was in a different country.

9 THE COURT: Is there anything about that experience that
10 would cause you not to be fair and impartial in this case?

11 PROSPECTIVE JUROR 484: I'll try to be fair.

12 THE COURT: Were you satisfied with how that other case
13 was handled?

14 PROSPECTIVE JUROR 484: I'm sorry, what case?

15 THE COURT: The case in, did you say Iraq?

16 PROSPECTIVE JUROR 484: Of my mother-in-law?

17 THE COURT: Yeah.

18 PROSPECTIVE JUROR 484: Well, I wasn't there, but what
19 my wife told me, it happened, but it wasn't reported, it wasn't caught.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 484: So --

22 THE COURT: Have any family members or anyone closely
23 associated with you ever been accused of a serious crime?

24 PROSPECTIVE JUROR 484: No.

25 THE COURT: Have you ever served as a juror before?

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PROSPECTIVE JUROR 484: No.

THE COURT: Is there anything about the nature of this case or anything that you heard here today that would make it difficult for you to sit as a juror in this case?

PROSPECTIVE JUROR 484: No.

THE COURT: Can you base your verdict solely on the evidence presented at the trial, wait to form an opinion until after you've heard all the evidence?

PROSPECTIVE JUROR 484: Yes.

THE COURT: Can you be fair and impartial to both sides?

PROSPECTIVE JUROR 484: Yes.

THE COURT: Thank you.

PROSPECTIVE JUROR 358: Holtan, 358.

THE COURT: Bear with me a moment. How long have you lived in Clark County?

PROSPECTIVE JUROR 358: Thirty-one years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR 358: About a year and a half of college.

THE COURT: And you still are employed at the Taxicab Authority?

PROSPECTIVE JUROR 358: Yes.

THE COURT: And are you married or in a significant relationship?

PROSPECTIVE JUROR 358: Recently widowed.

1 THE COURT: I'm sorry to hear that.

2 PROSPECTIVE JUROR 358: Thank you.

3 THE COURT: Prior to your spouse passing, was your spouse
4 employed, and if so, what type of work?

5 PROSPECTIVE JUROR 358: He was retired.

6 THE COURT: Prior to retirement, what did he do?

7 PROSPECTIVE JUROR 358: He worked for Georgia Pacific.

8 THE COURT: And do you have any children?

9 PROSPECTIVE JUROR 358: Twin sons.

10 THE COURT: And how old are they?

11 PROSPECTIVE JUROR 358: Twenty-seven.

12 THE COURT: And what do they do for work or school?

13 PROSPECTIVE JUROR 358: Actually, they're autistic, so
14 they're currently not working.

15 THE COURT: Have you ever been the victim of a serious
16 crime?

17 PROSPECTIVE JUROR 358: Our house was robbed about
18 five years ago, maybe.

19 THE COURT: Was the crime reported?

20 PROSPECTIVE JUROR 358: Yes.

21 THE COURT: Was the person ever caught?

22 PROSPECTIVE JUROR 358: No.

23 THE COURT: Did the police respond?

24 PROSPECTIVE JUROR 358: Yes.

25 THE COURT: Did you have to go to court?

1 PROSPECTIVE JUROR 358: No.

2 THE COURT: Did the District Attorney's Office handle the

3 case?

4 PROSPECTIVE JUROR 358: No.

5 THE COURT: Were you satisfied with how the case was

6 handled?

7 PROSPECTIVE JUROR 358: I wish they would have caught

8 him, but --

9 THE COURT: Apart from that, were you satisfied?

10 PROSPECTIVE JUROR 358: Yeah.

11 THE COURT: Is there anything about that experience that

12 would cause you not to be fair and impartial in this case?

13 PROSPECTIVE JUROR 358: No.

14 THE COURT: Have you ever been accused of a serious

15 crime?

16 PROSPECTIVE JUROR 358: No.

17 THE COURT: Have any family members or anyone closely

18 associated with you ever been the victim of a serious crime?

19 PROSPECTIVE JUROR 358: No.

20 THE COURT: Have any family members or anyone closely

21 associated with you ever been accused of a serious crime?

22 PROSPECTIVE JUROR 358: No.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR 358: No.

25 THE COURT: Is there anything about the nature of this case

1 or anything you've heard here today that would make it difficult for you to
2 sit as a juror in this case?

3 PROSPECTIVE JUROR 358: I'm kind of like juror number
4 one, I'm not sure what to expect, I guess. What we might have to listen
5 to or what we have to look at it, it might bother me.

6 THE COURT: Okay. Apart from that, anything else?

7 PROSPECTIVE JUROR 358: No.

8 THE COURT: Can you base your verdict solely on the
9 evidence presented at the trial, wait to form an opinion until after you've
10 heard all the evidence?

11 PROSPECTIVE JUROR 358: I can try.

12 THE COURT: Can you be fair and impartial to both sides?

13 PROSPECTIVE JUROR 358: Yes.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 485: Misa, 485.

16 THE COURT: 485. Okay. How long have you lived in Clark
17 County?

18 PROSPECTIVE JUROR 485: Five and a half years.

19 THE COURT: Where did you live prior to here?

20 PROSPECTIVE JUROR 485: Alaska.

21 THE COURT: And how long did you live there?

22 PROSPECTIVE JUROR 485: About two years. I'm originally
23 from American Samoa.

24 THE COURT: Okay. So, were you in America Samoa before
25 Alaska then?

1 PROSPECTIVE JUROR 485: Yes, sir.

2 THE COURT: Okay. How far did you go in school?

3 PROSPECTIVE JUROR 485: Graduated high school.

4 THE COURT: Are you employed, and if so, what type of work

5 do you do?

6 PROSPECTIVE JUROR 485: Patrol security at Southern

7 Highlands.

8 THE COURT: And are you married or in a significant

9 relationship?

10 PROSPECTIVE JUROR 485: I'm married.

11 THE COURT: And what type of work, if any, does your

12 spouse do?

13 PROSPECTIVE JUROR 485: My wife is a debt collector at

14 Capital One.

15 THE COURT: And do you have any children, and if so, what

16 are their ages and genders?

17 PROSPECTIVE JUROR 485: She's 14. She's in school.

18 THE COURT: And have you ever been the victim of a serious

19 crime?

20 PROSPECTIVE JUROR 485: No, sir.

21 THE COURT: Have you ever been accused of a serious

22 crime?

23 PROSPECTIVE JUROR 485: No, sir.

24 THE COURT: Has any family members or anyone closely

25 associated with you ever been the victim of a serious crime?

1 PROSPECTIVE JUROR 485: Nope.

2 THE COURT: Has any family members or anyone closely
3 associated with you ever been accused of a serious crime?

4 PROSPECTIVE JUROR 485: Nope.

5 THE COURT: Have you ever served as a juror before?

6 PROSPECTIVE JUROR 485: No, sir.

7 THE COURT: Is there anything about the nature of this case
8 or anything that you've heard here today that would make it difficult for
9 you to sit as a juror in this case?

10 PROSPECTIVE JUROR 485: Nope.

11 THE COURT: Can you base your verdict solely on the
12 evidence presented at the trial, wait to form an opinion until after you've
13 heard all the evidence?

14 PROSPECTIVE JUROR 485: Yes.

15 THE COURT: Can you be fair and impartial to both sides?

16 PROSPECTIVE JUROR 485: Yes.

17 THE COURT: Thank you. Last name, badge number?

18 PROSPECTIVE JUROR 362: Stanford, badge number 362.

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

20 PROSPECTIVE JUROR 362: Five years in September.

21 THE COURT: And where did you live prior to here?

22 PROSPECTIVE JUROR 362: Santa Maria, California.

23 THE COURT: And how long did you live there?

24 PROSPECTIVE JUROR 362: Twenty years.

25 THE COURT: And are employed, and if so, what type of work

1 do you do?

2 PROSPECTIVE JUROR 362: I'm retired.

3 THE COURT: What did you do prior to retirement?

4 PROSPECTIVE JUROR 362: Retired Air Force officer,
5 investment business for six years, and then 11 years in contracts work.

6 THE COURT: Thank you for your service.

7 PROSPECTIVE JUROR 362: Thank you.

8 THE COURT: Are you married or in a significant relationship?

9 PROSPECTIVE JUROR 362: I'm married.

10 THE COURT: And what type of work, if any, does your
11 spouse do?

12 PROSPECTIVE JUROR 362: She was a guidance counselor.

13 THE COURT: And she's --

14 PROSPECTIVE JUROR 362: She's retired.

15 THE COURT: Okay. Do you have any children, and if so,
16 what are their ages and genders?

17 PROSPECTIVE JUROR 362: We have a daughter, 36 years
18 old.

19 THE COURT: And what type of work does she do, if any?

20 PROSPECTIVE JUROR 362: She's a budget analyst for the
21 Air Force.

22 THE COURT: And have you ever been the victim of a serious
23 crime?

24 PROSPECTIVE JUROR 362: No.

25 THE COURT: Have you ever been accused of a serious

1 crime?

2 PROSPECTIVE JUROR 362: No.

3 THE COURT: Have any family members or anyone closely
4 associated with you ever been the victim of a serious crime?

5 PROSPECTIVE JUROR 362: Not that I know of.

6 THE COURT: Have any family members or anyone closely
7 associated with you ever been accused of a serious crime?

8 PROSPECTIVE JUROR 362: Not that I know of.

9 THE COURT: Have you ever served as a juror before?

10 PROSPECTIVE JUROR 362: Twice before.

11 THE COURT: And were they both here in Clark County or
12 somewhere else?

13 PROSPECTIVE JUROR 362: They were in California.

14 THE COURT: And going back to the first time you served,
15 when was that?

16 PROSPECTIVE JUROR 362: Whoa, I was --

17 THE COURT: Approximate is fine, too.

18 PROSPECTIVE JUROR 362: Approximately 2002.

19 THE COURT: And was that a civil or criminal case?

20 PROSPECTIVE JUROR 362: It was a DUI case.

21 THE COURT: And without telling us what the verdict was,
22 was the jury able to reach a verdict?

23 PROSPECTIVE JUROR 362: Yes.

24 THE COURT: Were you the foreperson?

25 PROSPECTIVE JUROR 362: Yes, I was.

1 THE COURT: And the second time you served, when was
2 that approximately?

3 PROSPECTIVE JUROR 362: It was 2005 or so.

4 THE COURT: And was that a civil or criminal case?

5 PROSPECTIVE JUROR 362: It was criminal.

6 THE COURT: Without telling us what the verdict was, was the
7 jury able to reach a verdict?

8 PROSPECTIVE JUROR 362: Yes.

9 THE COURT: Were you the foreperson?

10 PROSPECTIVE JUROR 362: Yes.

11 THE COURT: Is there anything about the nature of this case
12 or anything that you've heard here today that would make it difficult for
13 you to sit as a juror in this case?

14 PROSPECTIVE JUROR 362: No.

15 THE COURT: Can you base your verdict solely on the
16 evidence presented at the trial, wait to form an opinion until after you've
17 heard all the evidence?

18 PROSPECTIVE JUROR 362: Yes.

19 THE COURT: Can you be fair and impartial to both sides?

20 PROSPECTIVE JUROR 362: Yes.

21 THE COURT: Thank you. Last name and badge number?

22 PROSPECTIVE JUROR 364: Correa, 364.

23 [Colloquy between Prospective Juror and Interpreter]

24 [Prospective juror 364 answered through the Court Interpreter as
25 follows:]

1 PROSPECTIVE JUROR 364: Correa, 354. 364.
2 THE COURT: How long have you lived in Clark County?
3 PROSPECTIVE JUROR 364: Four years.
4 THE COURT: Where did you live before here?
5 PROSPECTIVE JUROR 364: California.
6 THE COURT: Where in California?
7 PROSPECTIVE JUROR 364: San Fernando Valley.
8 THE COURT: How long did you live there?
9 PROSPECTIVE JUROR 364: Thirteen years.
10 THE COURT: Are you employed, and if so, what type of work
11 do you do?
12 PROSPECTIVE JUROR 364: I work at the Flamingo Casino.
13 THE COURT: And what do you do there?
14 PROSPECTIVE JUROR 364: Housekeeper.
15 THE COURT: And are you married or in a significant
16 relationship?
17 PROSPECTIVE JUROR 364: Recently married.
18 THE COURT: Congratulations. Do you have any -- oh, I'm
19 sorry, does your spouse work, and if so, what type of work?
20 PROSPECTIVE JUROR 364: Maintenance at a [indiscernible]
21 fabric.
22 THE COURT: Say that again with the microphone.
23 PROSPECTIVE JUROR 364: Sorry, I'm not used to this.
24 Maintenance at a blocks factory.
25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR 364: Yes.
2 THE COURT: What are their ages and genders?
3 PROSPECTIVE JUROR 364: 18 and 13. Okay, 18 and 13.
4 THE COURT: Is the 18-year old still in school or working?
5 PROSPECTIVE JUROR 364: Works.
6 THE COURT: What type of work?
7 PROSPECTIVE JUROR 364: Warehouse.
8 THE COURT: Have you ever been the victim of a serious
9 crime?
10 PROSPECTIVE JUROR 364: No.
11 THE COURT: Have you ever been accused of a serious
12 crime?
13 PROSPECTIVE JUROR 364: No.
14 THE COURT: Have any family members or anyone closely
15 associated with you ever been the victim of a serious crime?
16 PROSPECTIVE JUROR 364: No.
17 THE COURT: Have any family members or anyone closely
18 associated with you ever been accused of a serious crime?
19 PROSPECTIVE JUROR 364: Yes.
20 THE COURT: Was the person charged?
21 PROSPECTIVE JUROR 364: Yes.
22 THE COURT: Did the case go to trial?
23 PROSPECTIVE JUROR 364: Yes.
24 THE COURT: Was the person convicted of anything?
25 PROSPECTIVE JUROR 364: Yes.

1 THE COURT: Do you know what the conviction was for?
2 PROSPECTIVE JUROR 364: Drugs.
3 THE COURT: Do you know, did the District Attorney's Office
4 here in Clark County handle the case?
5 PROSPECTIVE JUROR 364: In California.
6 THE COURT: Were you satisfied with how the case was
7 handled?
8 PROSPECTIVE JUROR 364: Yes.
9 THE COURT: Is there anything about that experience that
10 would cause you not to be fair and impartial in this case?
11 PROSPECTIVE JUROR 364: No.
12 THE COURT: Have you ever served as a juror before?
13 PROSPECTIVE JUROR 364: Yes.
14 THE COURT: How many times?
15 PROSPECTIVE JUROR 364: Once.
16 THE COURT: When was that?
17 PROSPECTIVE JUROR 364: About ten years ago in
18 California.
19 THE COURT: Was it a civil or a criminal case?
20 PROSPECTIVE JUROR 364: I don't remember because I
21 only went one day.
22 THE COURT: So, did you -- were you chosen to serve as a
23 juror?
24 PROSPECTIVE JUROR 364: No.
25 THE COURT: Is there anything about the nature of this case

1 or anything that you've heard here today that would make it difficult for
2 you to sit as a juror in this case?

3 PROSPECTIVE JUROR 364: Could you repeat the question?

4 THE COURT: Sure. Backing away from the California case
5 and focusing on this case, is there anything about the nature of this case
6 or anything that you heard here today that would make it difficult for you
7 to sit as a juror in this case?

8 PROSPECTIVE JUROR 364: No.

9 THE COURT: Can you base your verdict solely on the
10 evidence presented at the trial, wait to form an opinion until after you've
11 heard all the evidence?

12 PROSPECTIVE JUROR 364: Yes.

13 THE COURT: Can you be fair and impartial to both sides?

14 PROSPECTIVE JUROR 364: Yes.

15 THE COURT: Thank you. And then last name, badge
16 number?

17 PROSPECTIVE JUROR 369: Garcia, 369.

18 THE COURT: Bear with me a moment. Okay, how long have
19 you lived in Clark County?

20 PROSPECTIVE JUROR 369: Thirty-three of my 36 years.

21 THE COURT: How far did you go in school?

22 PROSPECTIVE JUROR 369: Some college.

23 THE COURT: Are you employed, and if so, what type of work
24 do you do?

25 PROSPECTIVE JUROR 369: I'm employed by the United

1 States Postal Service. I am a mailman.

2 THE COURT: Awesome. Are you married or in a significant
3 relationship?

4 PROSPECTIVE JUROR 369: I am married.

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

7 PROSPECTIVE JUROR 369: She's an executive assistant for
8 the vice president of ticketing at the MGM.

9 THE COURT: Do you have any children, and if so, what are
10 their ages and genders?

11 PROSPECTIVE JUROR 369: I have a five-year-old daughter
12 and a three-year-old son.

13 THE COURT: Have you ever been the victim of a serious
14 crime?

15 PROSPECTIVE JUROR 369: Yeah, I got hit by a drunk
16 driver.

17 THE COURT: Was the crime reported?

18 PROSPECTIVE JUROR 369: Yes.

19 THE COURT: Was the person caught?

20 PROSPECTIVE JUROR 369: Yes.

21 THE COURT: Did the police respond?

22 PROSPECTIVE JUROR 369: Yes.

23 THE COURT: Did you ever have to go to court?

24 PROSPECTIVE JUROR 369: Yes.

25 THE COURT: Did the District Attorney's Office here in Clark

1 County handle the case?

2 PROSPECTIVE JUROR 369: Yes.

3 THE COURT: Were you satisfied with how the case was
4 handled?

5 PROSPECTIVE JUROR 369: I felt since I didn't die, he didn't
6 get a hard charge, like it was bodily injury, so they kind of just slap on
7 the wrist and let him --

8 THE COURT: So, you wish that there was more time --

9 PROSPECTIVE JUROR 369: A harsher penalty, yeah.

10 THE COURT: -- in the sentence? Other than that, were you
11 satisfied?

12 PROSPECTIVE JUROR 369: Yes.

13 THE COURT: Is there anything about that experience that
14 would cause you not to be fair and impartial in this case?

15 PROSPECTIVE JUROR 369: No, sir.

16 THE COURT: Have you ever been accused of a serious
17 crime?

18 PROSPECTIVE JUROR 369: No, sir.

19 THE COURT: Have any family members or anyone closely
20 associated with you ever been the victim of a serious crime?

21 PROSPECTIVE JUROR 369: My mother was a victim of
22 domestic violence.

23 THE COURT: Was that crime or crimes reported?

24 PROSPECTIVE JUROR 369: No, sir.

25 THE COURT: Did the police ever respond?

1 PROSPECTIVE JUROR 369: No, sir.
2 THE COURT: Did you ever go to court?
3 PROSPECTIVE JUROR 369: No, sir.
4 THE COURT: Was that here in Clark County?
5 PROSPECTIVE JUROR 369: Yes, sir.
6 THE COURT: Did the District Attorney's Office ever get
7 involved?
8 PROSPECTIVE JUROR 369: No.
9 THE COURT: Is there anything about that experience that
10 would cause you not to be fair and impartial juror in this case?
11 PROSPECTIVE JUROR 369: No.
12 THE COURT: Have any family members or anyone closely
13 associated with you ever been accused of a serious crime?
14 PROSPECTIVE JUROR 369: Throughout my youth, my
15 father definitely sold drugs.
16 THE COURT: Was he ever charged?
17 PROSPECTIVE JUROR 369: No.
18 THE COURT: Was he ever convicted of anything?
19 PROSPECTIVE JUROR 369: No, sir.
20 THE COURT: Is there anything about that experience that
21 would cause you not to be fair and impartial in this case?
22 PROSPECTIVE JUROR 369: I believe since I was a youth, I
23 didn't do the right thing because I was afraid.
24 THE COURT: Would that -- despite that, can you be fair and
25 impartial in this case?

1 PROSPECTIVE JUROR 369: I could try, yes.

2 THE COURT: Have you ever served as a juror before?

3 PROSPECTIVE JUROR 369: I did trial by peers as a youth.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 369: But nothing -- yeah.

6 THE COURT: Okay. Not as an adult, though?

7 PROSPECTIVE JUROR 369: No, sir.

8 THE COURT: Okay. Is there anything about the nature of

9 this case or anything that you've heard here today that would make it

10 difficult for you to sit as a juror in this case?

11 PROSPECTIVE JUROR 369: Upon hearing the charges, I did

12 get a little emotionally, you know, angry and a little teary-eyed, but I will

13 try to be impartial.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 369: You're welcome, sir.

16 THE COURT: Can you base your verdict solely on the

17 evidence presented at the trial and wait to form an opinion until after

18 you've heard all the evidence?

19 PROSPECTIVE JUROR 369: I believe I can, sir.

20 THE COURT: Can you be fair and impartial to both sides?

21 PROSPECTIVE JUROR 369: Yes.

22 THE COURT: Thank you. Last name, badge number?

23 PROSPECTIVE JUROR 370: Escobar, 370.

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

25 PROSPECTIVE JUROR 370: Approximately 18 years.

1 THE COURT: How far did you go in school?

2 PROSPECTIVE JUROR 370: Bachelor's degree and credits

3 towards a degree in Sociology Master's and Education Master's.

4 THE COURT: Are you employed, and if so, what type of work

5 do you do?

6 PROSPECTIVE JUROR 370: Principal broker for O48 Realty

7 Central.

8 THE COURT: Are you married or in a significant relationship?

9 PROSPECTIVE JUROR 370: Relationship.

10 THE COURT: And what type of work, if any, does your

11 significant other do?

12 PROSPECTIVE JUROR 370: Real estate agent.

13 THE COURT: Do you have any children?

14 PROSPECTIVE JUROR 370: No, sir.

15 THE COURT: Have you ever been the victim of a serious

16 crime?

17 PROSPECTIVE JUROR 370: No, sir.

18 THE COURT: Have you ever been accused of a serious

19 crime?

20 PROSPECTIVE JUROR 370: No, sir.

21 THE COURT: Has any family members or anyone closely

22 associated with you ever been the victim of a serious crime?

23 PROSPECTIVE JUROR 370: No, sir.

24 THE COURT: Has any family members or anyone closely

25 associated with you ever been accused of a serious crime?

1 PROSPECTIVE JUROR 370: No, sir.

2 THE COURT: Have you ever served as a juror before?

3 PROSPECTIVE JUROR 370: No, sir.

4 THE COURT: Is there anything about the nature of this case
5 or anything that you heard here today that would make it difficult for you
6 to sit as a juror in this case?

7 PROSPECTIVE JUROR 370: I believe that I would have a
8 tendency to be impartial. I did social services for the State of
9 Connecticut for approximately eight years. A good three years of that, I
10 was the lead investigator for sexual abuse cases, and I -- honestly, I
11 witnessed some horrendous things. I am definitely biased against
12 anyone that is involved in any type of act of pedophilia, child abuse, or
13 child neglect.

14 THE COURT: You understand that the charging document is
15 merely an accusation, not any evidence of guilt, right?

16 PROSPECTIVE JUROR 370: I understand that fully, Your
17 Honor.

18 THE COURT: Can you base your verdict solely on the
19 evidence presented at the trial and wait to form an opinion until after
20 you've heard all the evidence?

21 PROSPECTIVE JUROR 370: I can.

22 THE COURT: Can you be fair and impartial to both sides?

23 PROSPECTIVE JUROR 370: I can.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR 370: You're welcome.

1 THE COURT: Last name, badge number?
2 PROSPECTIVE JUROR 372: Richey, 372.
3 THE COURT: Okay. And how long have you lived in Clark
4 County?
5 PROSPECTIVE JUROR 372: About 21 years.
6 THE COURT: How far did you go in school?
7 PROSPECTIVE JUROR 372: Tenth grade with GED.
8 THE COURT: And are you employed, and if so, what type of
9 work do you do?
10 PROSPECTIVE JUROR 372: Retired executive assistant.
11 THE COURT: And are you married or in a significant
12 relationship?
13 PROSPECTIVE JUROR 372: Married.
14 THE COURT: And what type of work, if any, does your
15 spouse do?
16 PROSPECTIVE JUROR 372: Senior vice president of a
17 casino, Circus Circus.
18 THE COURT: And backing up, I think I skipped over one.
19 When you were an executive assistant --
20 PROSPECTIVE JUROR 372: Mm-hmm.
21 THE COURT: -- what type of work --
22 PROSPECTIVE JUROR 372: I worked for the chairman of
23 Diamond Resorts International.
24 THE COURT: Okay. And do you have any children?
25 PROSPECTIVE JUROR 372: Yes, one daughter, 23.

1 THE COURT: And what type of work or school does she do?
2 PROSPECTIVE JUROR 372: She's a graduate student at
3 Auburn University.
4 THE COURT: Have you ever been the victim of a serious
5 crime?
6 PROSPECTIVE JUROR 372: No.
7 THE COURT: Have you ever been accused of a serious
8 crime?
9 PROSPECTIVE JUROR 372: No.
10 THE COURT: Has any family members or anyone closely
11 associated with you ever been the victim of a serious crime?
12 PROSPECTIVE JUROR 372: No.
13 THE COURT: Has any family members or anyone closely
14 associated with you ever been accused of a serious crime?
15 PROSPECTIVE JUROR 372: No.
16 THE COURT: Have you ever served as a juror before?
17 PROSPECTIVE JUROR 372: Yes.
18 THE COURT: How many times?
19 PROSPECTIVE JUROR 372: Once.
20 THE COURT: And when was that?
21 PROSPECTIVE JUROR 372: About 10 years ago.
22 THE COURT: Was that here in Clark County?
23 PROSPECTIVE JUROR 372: Yes, it was.
24 THE COURT: Yes?
25 PROSPECTIVE JUROR 372: Yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 372: Criminal.

3 THE COURT: Thank you. Without telling us what the verdict

4 was, was the jury able to reach a verdict?

5 PROSPECTIVE JUROR 372: Yes.

6 THE COURT: Did you serve as a foreperson?

7 PROSPECTIVE JUROR 372: No.

8 THE COURT: Is there anything about the nature of this case

9 or anything that you heard here today that would make it difficult for you

10 to sit as a juror in this case?

11 PROSPECTIVE JUROR 372: No.

12 THE COURT: Can you base your verdict solely on the

13 evidence presented at the trial, wait to form an opinion until after you've

14 heard all the evidence?

15 PROSPECTIVE JUROR 372: Yes.

16 THE COURT: Can you be fair and impartial to both sides?

17 PROSPECTIVE JUROR 372: Yes.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR 372: Mm-hmm.

20 THE COURT: Last name, badge number?

21 PROSPECTIVE JUROR 473: Saldivar, 473.

22 THE COURT: One moment. Okay, how long have you lived

23 in Clark County?

24 PROSPECTIVE JUROR 473: Five years.

25 THE COURT: Where did you live before here?

1 PROSPECTIVE JUROR 473: La Puente, California.
2 THE COURT: How long did you live there?
3 PROSPECTIVE JUROR 473: Fourteen and a half years.
4 THE COURT: How far did you go in school?
5 PROSPECTIVE JUROR 473: I am currently a full-time
6 student -- college student.
7 THE COURT: And are -- apart from being a full-time college
8 student, are you employed?
9 PROSPECTIVE JUROR 473: No.
10 THE COURT: And do you -- are married or in a significant
11 relationship?
12 PROSPECTIVE JUROR 473: No.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR 473: No.
15 THE COURT: Have you ever been the victim of a serious
16 crime?
17 PROSPECTIVE JUROR 473: No.
18 THE COURT: Have you ever been accused of a serious
19 crime?
20 PROSPECTIVE JUROR 473: No.
21 THE COURT: Has any family members or anyone closely
22 associated with you ever been the victim of a serious crime?
23 PROSPECTIVE JUROR 473: No.
24 THE COURT: Has any family members or anyone closely
25 associated with you ever been accused of a serious crime?

1 PROSPECTIVE JUROR 473: No.

2 THE COURT: Have you ever served as a juror before?

3 PROSPECTIVE JUROR 473: No.

4 THE COURT: Is there anything about the nature of this case

5 or anything that you heard here today that would make it difficult for you

6 to sit as a juror in this case?

7 PROSPECTIVE JUROR 473: No, I don't think so.

8 THE COURT: Can you base your verdict solely on the

9 evidence presented at the trial, wait to form an opinion until after you've

10 heard all the evidence?

11 PROSPECTIVE JUROR 473: I could try.

12 THE COURT: Can you be fair and impartial to both sides?

13 PROSPECTIVE JUROR 473: I believe so.

14 THE COURT: Thank you. Last name, badge number?

15 PROSPECTIVE JUROR 378: Clark, 378.

16 THE COURT: And how long have you lived in Clark County?

17 PROSPECTIVE JUROR 378: A little over a year.

18 THE COURT: Where did you live before here?

19 PROSPECTIVE JUROR 378: Nye County.

20 THE COURT: How long did you live in Nye County?

21 PROSPECTIVE JUROR 378: Seven -- Eighteen years.

22 THE COURT: How far did you go in school?

23 PROSPECTIVE JUROR 378: Graduated high school.

24 THE COURT: Are you employed, and if so, what type of work

25 do you do?

1 PROSPECTIVE JUROR 378: Yes, I'm an administrative
2 assistant at a DaVita Clinical Dialysis Center.

3 THE COURT: Are you married or in a significant relationship?

4 PROSPECTIVE JUROR 378: In a relationship.

5 THE COURT: And what does your significant other do?

6 PROSPECTIVE JUROR 378: He runs the transportation
7 department at Creech Airforce Base.

8 THE COURT: Do you have any children, and if so, what are
9 their ages and genders?

10 PROSPECTIVE JUROR 378: I have one daughter who's 23
11 years old.

12 THE COURT: And --

13 PROSPECTIVE JUROR 378: And she is in school and she
14 works for AMR and Spring Valley Hospital.

15 THE COURT: Have you ever been the victim of a serious
16 crime?

17 PROSPECTIVE JUROR 378: No.

18 THE COURT: Have you ever been accused of a serious
19 crime?

20 PROSPECTIVE JUROR 378: No.

21 THE COURT: Has any family members or anyone closely
22 associated with you ever been the victim of a serious crime?

23 PROSPECTIVE JUROR 378: No.

24 THE COURT: Has any family members or anyone closely
25 associated with you ever been accused of a serious crime?

1 PROSPECTIVE JUROR 378: No.

2 THE COURT: Have you ever served as a juror before?

3 PROSPECTIVE JUROR 378: Yes.

4 THE COURT: How many times?

5 PROSPECTIVE JUROR 378: Once.

6 THE COURT: And when was that?

7 PROSPECTIVE JUROR 378: Maybe 15 years ago in --

8 THE COURT: Was that in Nye County?

9 PROSPECTIVE JUROR 378: It was.

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

11 PROSPECTIVE JUROR 378: Criminal.

12 THE COURT: Without telling us what the verdict was, was the

13 jury able to reach a verdict?

14 PROSPECTIVE JUROR 378: Yes.

15 THE COURT: And were you the foreperson?

16 PROSPECTIVE JUROR 378: No.

17 THE COURT: Is there anything about the nature of this case

18 or anything that you've heard here today that would make it difficult for

19 you to sit as a juror in this case?

20 PROSPECTIVE JUROR 378: Maybe. When you first told me

21 about the charges and that it was three little kids, I literally got sick to my

22 stomach. So, I hope that I can be impartial, but it's a hard thing to

23 swallow.

24 THE COURT: Sure. Can you base your verdict solely on the

25 evidence presented at the trial and wait to form an opinion until after

1 you've heard all the evidence?

2 PROSPECTIVE JUROR 378: I believe so.

3 THE COURT: Can you be fair and impartial to both sides?

4 PROSPECTIVE JUROR 378: I hope so.

5 THE COURT: Thank you. Last name, badge number?

6 PROSPECTIVE JUROR 474: Bloomquist, 474.

7 THE COURT: Okay, bear with me a second. How long have

8 you lived in Clark County?

9 PROSPECTIVE JUROR 474: Two and a half years.

10 THE COURT: And where did you live before here?

11 PROSPECTIVE JUROR 474: Minneapolis for 59.

12 THE COURT: How far did you go in school?

13 PROSPECTIVE JUROR 474: Halfway to a Master's degree.

14 THE COURT: So you got a Bachelor's then?

15 PROSPECTIVE JUROR 474: Yes.

16 THE COURT: Okay. Are you employed, and if so, what type

17 of work do you do?

18 PROSPECTIVE JUROR 474: I'm mostly retired.

19 THE COURT: Prior to being mostly retired, what did you do?

20 PROSPECTIVE JUROR 474: I was the vice president of

21 sales of a company in Minneapolis.

22 THE COURT: And are you married or in a significant

23 relationship?

24 PROSPECTIVE JUROR 474: Married.

25 THE COURT: And what type of work, if any, does your

1 spouse do?

2 PROSPECTIVE JUROR 474: She's a housewife.

3 THE COURT: And do you have any children?

4 PROSPECTIVE JUROR 474: Two, a boy and a girl.

5 THE COURT: And how old are they?

6 PROSPECTIVE JUROR 474: My son's 40 and my daughter's

7 38.

8 THE COURT: And what type of work, if any, do they do?

9 PROSPECTIVE JUROR 474: My son's an attorney in New
10 York City, in Manhattan. And my daughter's one of the vice presidents
11 of Tiffany's.

12 THE COURT: Of what? I'm sorry.

13 PROSPECTIVE JUROR 474: Tiffany's.

14 THE COURT: Okay. For some reason, I thought you might
15 have said Tetris. I totally got that wrong. Have you ever been the victim
16 of a serious crime?

17 PROSPECTIVE JUROR 474: Stolen car.

18 THE COURT: Was it reported?

19 PROSPECTIVE JUROR 474: Yes.

20 THE COURT: Was the person caught?

21 PROSPECTIVE JUROR 474: No.

22 THE COURT: Did the police respond?

23 PROSPECTIVE JUROR 474: Yes.

24 THE COURT: Did you ever have to go to court?

25 PROSPECTIVE JUROR 474: No.

1 THE COURT: Was that here or Minnesota?
2 PROSPECTIVE JUROR 474: Austin, Texas.
3 THE COURT: Okay. Or none of the above. Were you
4 satisfied with how the case was handled?
5 PROSPECTIVE JUROR 474: Oh, was I ever, they burned the
6 car up.
7 THE COURT: Is there anything about that experience that
8 would cause you not to be fair and impartial juror in this case?
9 PROSPECTIVE JUROR 474: No.
10 THE COURT: Have you ever been accused of a serious
11 crime?
12 PROSPECTIVE JUROR 474: No.
13 THE COURT: Has any family members or anyone closely
14 associated with you been the victim of a serious crime?
15 PROSPECTIVE JUROR 474: No.
16 THE COURT: Has any family members or anyone closely
17 associated with you ever been accused of a serious crime?
18 PROSPECTIVE JUROR 474: No.
19 THE COURT: Have you ever served as a juror before?
20 PROSPECTIVE JUROR 474: No.
21 THE COURT: Is there anything about the nature of this case
22 or anything that you've heard here today that would make it difficult for
23 you to sit as a juror in this case?
24 PROSPECTIVE JUROR 474: No.
25 THE COURT: Can you base your verdict solely on the

1 evidence presented at the trial, wait to form an opinion until after you've
2 heard all the evidence?

3 PROSPECTIVE JUROR 474: Yes.

4 THE COURT: Can you be fair and impartial to both sides?

5 PROSPECTIVE JUROR 474: Yes.

6 THE COURT: Thank you. Last name, badge number?

7 PROSPECTIVE JUROR 385: 385, Helen.

8 THE COURT: 385. How long have you lived in Clark County?

9 PROSPECTIVE JUROR 385: Since 2007.

10 THE COURT: How far did you go in school?

11 PROSPECTIVE JUROR 385: A little bit college.

12 THE COURT: Are you employed, and if so, what type of work
13 do you do?

14 PROSPECTIVE JUROR 385: I work at Planet Hollywood, a
15 gift shop.

16 THE COURT: And are you married or in a significant
17 relationship?

18 PROSPECTIVE JUROR 385: Single.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR 385: No.

21 THE COURT: Have you ever been the victim of a serious
22 crime?

23 PROSPECTIVE JUROR 385: No, sir.

24 THE COURT: Have you ever been accused of a serious
25 crime?

1 PROSPECTIVE JUROR 385: No, sir.

2 THE COURT: Has any family members or anyone closely
3 associated with you ever been the victim of a serious crime?

4 PROSPECTIVE JUROR 385: No, sir.

5 THE COURT: Has any family members or anyone closely
6 associated with you ever been accused of a serious crime?

7 PROSPECTIVE JUROR 385: No, sir.

8 THE COURT: Have you ever served as a juror before?

9 PROSPECTIVE JUROR 385: No.

10 THE COURT: Is there anything about the nature of this case
11 or anything that you've heard here today that would make it difficult for
12 you to sit as a juror in this case?

13 PROSPECTIVE JUROR 385: I don't think so.

14 THE COURT: Can you base your verdict solely on the
15 evidence presented at the trial and wait to form an opinion until after
16 you've heard all the evidence?

17 PROSPECTIVE JUROR 385: I'm sorry, say that again,
18 please.

19 THE COURT: Oh, sure. Can you base your verdict solely on
20 the evidence presented at the trial and wait to form an opinion until after
21 you've heard all the evidence?

22 PROSPECTIVE JUROR 385: Yes, sir.

23 THE COURT: Can you be fair and impartial to both sides?

24 PROSPECTIVE JUROR 385: Yes, sir.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR 385: You're welcome.
2 THE COURT: Last name, badge number?
3 PROSPECTIVE JUROR 479: Jackson, 479.
4 THE COURT: Okay, bear with me a moment. Okay, how
5 long have you lived in Clark County?
6 PROSPECTIVE JUROR 479: 51 years.
7 THE COURT: How far did you go in school?
8 PROSPECTIVE JUROR 479: Bachelor of Arts Criminal
9 Justice.
10 THE COURT: Are you employed, and if so, what type of work
11 do you do?
12 PROSPECTIVE JUROR 479: I'm in retail management.
13 THE COURT: And -- okay, you had a cousin who was in the
14 District Attorney's Office?
15 PROSPECTIVE JUROR 479: I'm sorry?
16 THE COURT: That's -- did you have a cousin that worked in
17 the District Attorney Office?
18 PROSPECTIVE JUROR 479: Yes, my cousin Steve.
19 THE COURT: Okay. And I apologize if I'm re-asking this.
20 Are you married or in a significant relationship?
21 PROSPECTIVE JUROR 479: Divorced.
22 THE COURT: And what type of work, if any, did your ex-
23 spouse do?
24 PROSPECTIVE JUROR 479: She was a medical
25 transcriptionist.

1 THE COURT: Do you have any children?
2 PROSPECTIVE JUROR 479: Three daughters, 38, 36, and
3 34.
4 THE COURT: You passed the test, too. What type of work, if
5 any, do they do?
6 PROSPECTIVE JUROR 479: The oldest is a administrator in
7 a rehabilitation hospital. The middle daughter's a cosmetologist. And
8 the youngest daughter's a hostess at Jimmy Buffett's.
9 THE COURT: And have you ever been the victim of a serious
10 crime?
11 PROSPECTIVE JUROR 479: Yes.
12 THE COURT: And is that the one you mentioned earlier?
13 PROSPECTIVE JUROR 479: Yes, the sexual abuse.
14 THE COURT: And that -- let's see, was when you were a
15 child, right, or --
16 PROSPECTIVE JUROR 479: Seven years and nine years.
17 THE COURT: And was the crime reported?
18 PROSPECTIVE JUROR 479: No.
19 THE COURT: So, the person was never caught, I assume?
20 PROSPECTIVE JUROR 479: No.
21 THE COURT: Did you ever have to go to court or anything
22 like that?
23 PROSPECTIVE JUROR 479: No.
24 THE COURT: Is there anything about that experience that
25 would cause you not to be fair and impartial in this case?

1 PROSPECTIVE JUROR 479: Well, I was threatened not to
2 say anything.

3 THE COURT: And you understand that this is a different case
4 than what you went through, right?

5 PROSPECTIVE JUROR 479: Oh, I understand.

6 THE COURT: Okay. Can you be fair and impartial in this
7 case?

8 PROSPECTIVE JUROR 479: I don't think so. I've forgiven
9 the offenders, I cannot forgive the action.

10 THE COURT: Have you ever been accused of a serious
11 crime?

12 PROSPECTIVE JUROR 479: No.

13 THE COURT: Has any family members or anyone closely
14 associated with you ever been the victim of a serious crime?

15 PROSPECTIVE JUROR 479: No.

16 THE COURT: Has any family members or anyone closely
17 associated with you ever been accused of a serious crime?

18 PROSPECTIVE JUROR 479: A son-in-law was convicted of
19 burglary or -- excuse me, robbery.

20 THE COURT: Was the son-in-law charged?

21 PROSPECTIVE JUROR 479: Yes.

22 THE COURT: Did the case go to trial?

23 PROSPECTIVE JUROR 479: That I don't know.

24 THE COURT: Do you know if he was convicted of anything?

25 PROSPECTIVE JUROR 479: He was.

1 THE COURT: Did the District Attorney's Office here in Clark
2 County handle the case?

3 PROSPECTIVE JUROR 479: I believe so.

4 THE COURT: Is there anything about that -- oh, I'm sorry.
5 Were you satisfied with how the case was handled?

6 PROSPECTIVE JUROR 479: Yes.

7 THE COURT: Was there anything about that experience that
8 would cause you not to be fair and impartial in this case?

9 PROSPECTIVE JUROR 479: No.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR 479: No.

12 THE COURT: Other than what you've just told us and -- or
13 already told us, other than that, is there anything about the nature of this
14 case or anything that you've heard here today that would make it difficult
15 for you to sit as a juror in this case?

16 PROSPECTIVE JUROR 479: Yes.

17 THE COURT: And what is that?

18 PROSPECTIVE JUROR 479: As I said, I cannot forgive the
19 action.

20 THE COURT: And could you base your verdict in this case
21 solely on the evidence presented at the trial, wait to form an opinion until
22 after you've heard all the evidence?

23 PROSPECTIVE JUROR 479: Yes.

24 THE COURT: Can you be fair and impartial to both sides in
25 this case?

1 PROSPECTIVE JUROR 479: I would try.
2 THE COURT: Thank you.
3 THE MARSHAL: Can you pass it all the way down to the end,
4 please?
5 THE COURT: And last name, badge number?
6 PROSPECTIVE JUROR 394: Longfield, 394.
7 THE COURT: How long have you lived in Clark County?
8 PROSPECTIVE JUROR 394: Twenty-six years.
9 THE COURT: How far did you go in school?
10 PROSPECTIVE JUROR 394: Master's.
11 THE COURT: Are you employed, and if so, what type of work
12 do you do?
13 PROSPECTIVE JUROR 394: I'm a special ed teacher and
14 also a realtor.
15 THE COURT: Are you married or in a significant relationship?
16 PROSPECTIVE JUROR 394: Married.
17 THE COURT: What type of work, if any, does your spouse
18 do?
19 PROSPECTIVE JUROR 394: Superintendent for a
20 construction company.
21 THE COURT: Do you have any children?
22 PROSPECTIVE JUROR 394: Yes, a 13-year-old stepson and
23 a four-year-old daughter.
24 THE COURT: Have you ever been the victim of a serious
25 crime?

1 PROSPECTIVE JUROR 394: No.

2 THE COURT: Have you ever been accused of a serious
3 crime?

4 PROSPECTIVE JUROR 394: No.

5 THE COURT: Has any family members or anyone closely
6 associated with you ever been the victim of a serious crime?

7 PROSPECTIVE JUROR 394: No.

8 THE COURT: Have any family members or anyone closely
9 associated with you ever been accused of a serious crime?

10 PROSPECTIVE JUROR 394: No.

11 THE COURT: Have you ever served as a juror before?

12 PROSPECTIVE JUROR 394: No.

13 THE COURT: Is there anything about the nature of this case
14 or anything that you heard here today that would make it difficult for you
15 to sit as a juror in this case?

16 PROSPECTIVE JUROR 394: No.

17 THE COURT: Can you base your verdict solely on the
18 evidence presented at the trial, wait to form an opinion until after you've
19 heard all the evidence?

20 PROSPECTIVE JUROR 394: Yes.

21 THE COURT: Can you be fair and impartial to both sides?

22 PROSPECTIVE JUROR 394: Yes.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 488: Cummings, 488.

25 THE COURT: 488. Bear with me. How long have you lived

1 in Clark County?

2 PROSPECTIVE JUROR 488: 57 years.

3 THE COURT: How far did you go in school?

4 PROSPECTIVE JUROR 488: High school diploma.

5 THE COURT: Are you employed, and if so, what type of work
6 do you do?

7 PROSPECTIVE JUROR 488: Retired from Bank of America,
8 currently hold two part-time jobs. I sell used books online and I also
9 work at the Smith Center.

10 THE COURT: And are you married or in a significant
11 relationship?

12 PROSPECTIVE JUROR 488: No.

13 THE COURT: Do you have any children?

14 PROSPECTIVE JUROR 488: Two. Daughter, 30, card
15 dealer, Golden Nugget. Son, 27, server, Momofuku.

16 THE COURT: Thank you. Have you ever been the victim of a
17 serious crime?

18 PROSPECTIVE JUROR 488: No.

19 THE COURT: Have you ever been accused of a serious
20 crime?

21 PROSPECTIVE JUROR 488: No.

22 THE COURT: Have any family members or anyone closely
23 associated with you ever been the victim of a serious crime?

24 PROSPECTIVE JUROR 488: Yes.

25 THE COURT: And one crime, more than one?

1 PROSPECTIVE JUROR 488: One crime.
2 THE COURT: Was the crime reported?
3 PROSPECTIVE JUROR 488: Yes.
4 THE COURT: Was the person caught?
5 PROSPECTIVE JUROR 488: Yes.
6 THE COURT: Did the police respond?
7 PROSPECTIVE JUROR 488: Yes.
8 THE COURT: Did you ever have to go to court?
9 PROSPECTIVE JUROR 488: I was a minor at the time, so it
10 was my brother.
11 THE COURT: Did the District Attorney's Office here in Clark
12 County handle the case?
13 PROSPECTIVE JUROR 488: No, it was in California.
14 THE COURT: Were you satisfied with how the case was
15 handled?
16 PROSPECTIVE JUROR 488: Yes.
17 THE COURT: Is there anything about that experience that
18 would cause you not to be fair and impartial in this case?
19 PROSPECTIVE JUROR 488: No.
20 THE COURT: Has any family members or any -- well, I think
21 we know the answer to this one, but has any family member or anyone
22 closely associated with you ever been accused of a serious crime?
23 PROSPECTIVE JUROR 488: Yes, same brother. He was a
24 minor at the time.
25 THE COURT: Do you know, did the case go to trial?

1 PROSPECTIVE JUROR 488: He was a minor.

2 THE COURT: And nothing about that that would cause you
3 not to be fair and impartial?

4 PROSPECTIVE JUROR 488: No.

5 THE COURT: Have you ever served as a juror before?

6 PROSPECTIVE JUROR 488: No.

7 THE COURT: Is there anything about the nature of this case
8 or anything that you heard here today that would make it difficult for you
9 to sit as a juror in this case?

10 PROSPECTIVE JUROR 488: I think it'll be very emotional if
11 that's okay in court.

12 THE COURT: And could you base your verdict solely on the
13 evidence presented at the trial and wait to form an opinion until after
14 you've heard all the evidence?

15 PROSPECTIVE JUROR 488: I believe so.

16 THE COURT: Can you be fair and impartial to both sides?

17 PROSPECTIVE JUROR 488: Yes.

18 THE COURT: Thank you. Last name and badge number?

19 PROSPECTIVE JUROR 397: Seelicke, 397.

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

21 PROSPECTIVE JUROR 397: Twenty years.

22 THE COURT: And how far did you go in school?

23 PROSPECTIVE JUROR 397: College.

24 THE COURT: Are you employed, and if so, what type of work
25 do you do?

1 PROSPECTIVE JUROR 397: I'm an esthetician.
2 THE COURT: Are you married or in a significant relationship?
3 PROSPECTIVE JUROR 397: Single.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR 397: No.
6 THE COURT: And I think I know, but have you ever been the
7 victim of a serious crime?
8 PROSPECTIVE JUROR 397: Yes.
9 THE COURT: Was the crime reported?
10 PROSPECTIVE JUROR 397: Yes.
11 THE COURT: And was the person caught?
12 PROSPECTIVE JUROR 397: Yes.
13 THE COURT: Did the police respond?
14 PROSPECTIVE JUROR 397: Yes.
15 THE COURT: Did you ever have to go to court?
16 PROSPECTIVE JUROR 397: Yes.
17 THE COURT: Did the District Attorney's Office here in Clark
18 County handle the case?
19 PROSPECTIVE JUROR 397: No.
20 THE COURT: Do you know where it was?
21 PROSPECTIVE JUROR 397: California.
22 THE COURT: Were you satisfied with how the case was
23 handled?
24 PROSPECTIVE JUROR 397: Sure.
25 THE COURT: Is there anything about that experience that

1 would cause you not to be fair and impartial in this case?

2 PROSPECTIVE JUROR 397: Yes.

3 THE COURT: And what is that?

4 PROSPECTIVE JUROR 397: I'm -- just too much emotion
5 behind the case from my own experiences.

6 THE COURT: And I believe it was a sexual assault; is that
7 right?

8 PROSPECTIVE JUROR 397: Correct.

9 THE COURT: Okay. Thank you. Let's see, have you ever
10 been accused of a serious crime?

11 PROSPECTIVE JUROR 397: No.

12 THE COURT: Has any family members or anyone closely
13 associated with you ever been the victim of a serious crime?

14 PROSPECTIVE JUROR 397: Yes.

15 THE COURT: One crime, more than one?

16 PROSPECTIVE JUROR 397: Just one.

17 THE COURT: Was the crime reported?

18 PROSPECTIVE JUROR 397: Yes.

19 THE COURT: Is this the one where you were the victim?

20 PROSPECTIVE JUROR 397: No.

21 THE COURT: Or is this --

22 PROSPECTIVE JUROR 397: It was my best friend, but the
23 exact same situation.

24 THE COURT: Okay. Was the person caught?

25 PROSPECTIVE JUROR 397: No.

1 THE COURT: Did the police respond?
2 PROSPECTIVE JUROR 397: No.
3 THE COURT: And so, you never went to court on that one?
4 PROSPECTIVE JUROR 397: Not on that one.
5 THE COURT: Were you satisfied with how that case was
6 handled?
7 PROSPECTIVE JUROR 397: No.
8 THE COURT: And I think -- is there anything about that
9 experience that would cause you not to be fair and impartial in this
10 case?
11 PROSPECTIVE JUROR 397: I don't know.
12 THE COURT: Has any family members or anyone closely
13 associated with you ever been accused of a serious crime?
14 PROSPECTIVE JUROR 397: No.
15 THE COURT: Have you ever served as a juror before?
16 PROSPECTIVE JUROR 397: No.
17 THE COURT: And we can skip a couple of questions
18 because you already answered them. But could you base your verdict
19 solely on the evidence presented at the trial and wait to form an opinion
20 until after you've heard all the evidence?
21 PROSPECTIVE JUROR 397: No.
22 THE COURT: Thank you. Last name and badge number?
23 PROSPECTIVE JUROR 406: Moore, 406.
24 THE COURT: How long have you lived in Clark County?
25 PROSPECTIVE JUROR 406: Three years.

1 THE COURT: Where did you live before here?
2 PROSPECTIVE JUROR 406: Compton, California.
3 THE COURT: I'm sorry, I missed the town.
4 PROSPECTIVE JUROR 406: Compton, California.
5 THE COURT: Okay. How long did you live there?
6 PROSPECTIVE JUROR 406: Eighteen years.
7 THE COURT: How far did you go in school?
8 PROSPECTIVE JUROR 406: Associate's degree and various
9 IT certifications.
10 THE COURT: Are you employed, and if so, what type of work
11 do you do?
12 PROSPECTIVE JUROR 406: Maintenance section at the
13 Bureau of Reclamation at the Hoover Dam.
14 THE COURT: Once upon a time, I worked at the Bureau
15 Office there in Boulder City, long time ago. Let's see, are you married or
16 in a significant relationship?
17 PROSPECTIVE JUROR 406: Married.
18 THE COURT: What type of work, if any, does your spouse
19 do?
20 PROSPECTIVE JUROR 406: Cosmetologist.
21 THE COURT: Do you have any children, if so, what are their
22 ages and genders?
23 PROSPECTIVE JUROR 406: Nine-year-old daughter, 11-
24 year-old son, and a son that's two months.
25 THE COURT: Congratulations. Getting any sleep?

1 PROSPECTIVE JUROR 406: I'm getting some.
2 THE COURT: Have you ever been the victim of a serious
3 crime?
4 PROSPECTIVE JUROR 406: No.
5 THE COURT: Have you ever been accused of a serious
6 crime?
7 PROSPECTIVE JUROR 406: No.
8 THE COURT: Have any family members or anyone closely
9 associated with you ever been the victim of a serious crime?
10 PROSPECTIVE JUROR 406: No.
11 THE COURT: Have any family members or anyone closely
12 associated with you ever been accused of a serious crime?
13 PROSPECTIVE JUROR 406: No.
14 THE COURT: Have you ever served as a juror before?
15 PROSPECTIVE JUROR 406: No, I haven't.
16 THE COURT: Is there anything about the nature of this case
17 or anything that you heard here today that would make it difficult for you
18 to sit as a juror in this case?
19 PROSPECTIVE JUROR 406: Having a daughter, I don't think
20 I would be able to.
21 THE COURT: Can you base your verdict solely on the
22 evidence presented at the trial, wait to form an opinion until after you've
23 heard all the evidence?
24 PROSPECTIVE JUROR 406: Just hearing the details right
25 now, I've already made my -- I already have my mind set.

1 THE COURT: So, fair to say you can't be fair and impartial?
2 PROSPECTIVE JUROR 406: No.
3 THE COURT: Okay, thank you. Last name, badge number?
4 PROSPECTIVE JUROR 416: James, 416.
5 THE COURT: And how long have you lived in Clark County?
6 PROSPECTIVE JUROR 416: In total, about ten years.
7 THE COURT: So, is it the last ten years that you've been
8 here then, or --
9 PROSPECTIVE JUROR 416: Out of about the last 12, I've
10 been here about ten.
11 THE COURT: Okay. Where did you live in the couple of year
12 period?
13 PROSPECTIVE JUROR 416: Dallas.
14 THE COURT: How far did you go in school?
15 PROSPECTIVE JUROR 416: Bachelor's of Science.
16 THE COURT: Are you employed, and if so, what type of work
17 do you do?
18 PROSPECTIVE JUROR 416: I'm retired military officer and
19 currently a commercial airline pilot.
20 THE COURT: And are you married or in a significant
21 relationship?
22 PROSPECTIVE JUROR 416: Married.
23 THE COURT: What type of work, if any, does your spouse
24 do?
25 PROSPECTIVE JUROR 416: She's a business owner.

1 THE COURT: Do you have any children, and if so, what are
2 their ages and genders?

3 PROSPECTIVE JUROR 416: Daughter, 26, son, 23, and son,
4 16.

5 THE COURT: Awesome. So, your adult children, what type
6 of work, if any, do they do?

7 PROSPECTIVE JUROR 416: My daughter works for my wife,
8 and my son is a software developer.

9 THE COURT: Have you ever been the victim of a serious
10 crime?

11 PROSPECTIVE JUROR 416: No, Your Honor.

12 THE COURT: Have you ever been accused of a serious
13 crime?

14 PROSPECTIVE JUROR 416: No, sir.

15 THE COURT: Has any family members or anyone closely
16 associated with you ever been the victim of a serious crime?

17 PROSPECTIVE JUROR 416: Immediate family member was
18 repeatedly molested as a child.

19 THE COURT: Was the crime reported?

20 PROSPECTIVE JUROR 416: No, sir.

21 THE COURT: Did you ever have to go to court?

22 PROSPECTIVE JUROR 416: No, sir.

23 THE COURT: Is there anything about that experience that
24 would cause you not to be fair and impartial in this case?

25 PROSPECTIVE JUROR 416: I would say challenging but be

1 open minded.

2 THE COURT: Thank you. Have any family members or
3 anyone closely associated with you ever been accused of a serious
4 crime?

5 PROSPECTIVE JUROR 416: Yes, Your Honor. My
6 stepbrother was convicted of child pornography about ten years ago.

7 THE COURT: Was that here in Clark County?

8 PROSPECTIVE JUROR 416: It was in Dallas.

9 THE COURT: Were you satisfied with how that case was
10 handled?

11 PROSPECTIVE JUROR 416: He's free, so no.

12 THE COURT: Is there anything about that experience that
13 would cause you not to be fair and impartial in this case?

14 PROSPECTIVE JUROR 416: It would collectively add to --

15 THE COURT: The challenge that you just --

16 PROSPECTIVE JUROR 416: -- the prior experience. Yes,
17 sir.

18 THE COURT: Have you ever served as a juror before?

19 PROSPECTIVE JUROR 416: In a court-martial.

20 THE COURT: And how many times did you do that?

21 PROSPECTIVE JUROR 416: One.

22 THE COURT: And what -- that was in connection with your
23 service then?

24 PROSPECTIVE JUROR 416: Yes, sir.

25 THE COURT: Was it a -- and you'll forgive me, hopefully. But

1 with the court-martial, was it a civil or criminal type of --

2 PROSPECTIVE JUROR 416: It was a court-marshal for
3 actual separation from the Marine Corps.

4 THE COURT: And again, forgive me, did you all reach a
5 verdict or deliberate or --

6 PROSPECTIVE JUROR 416: We did.

7 THE COURT: And were you able to reach a verdict?

8 PROSPECTIVE JUROR 416: We did.

9 THE COURT: Oh, okay, sorry.

10 PROSPECTIVE JUROR 416: We reached a --

11 THE COURT: Were you the foreperson?

12 PROSPECTIVE JUROR 416: I was.

13 THE COURT: Is there anything about the nature of this case
14 or anything that you've heard here today, other than what you've already
15 mentioned, that would make it difficult for you to sit as a juror in this
16 case?

17 PROSPECTIVE JUROR 416: Nothing to add to that.

18 THE COURT: Thank you. Can you base your verdict solely
19 on the evidence presented at the trial, wait to form an opinion until after
20 you've heard all the evidence?

21 PROSPECTIVE JUROR 416: I will do my best.

22 THE COURT: Can you be fair and impartial to both sides?

23 PROSPECTIVE JUROR 416: Again, I will do my best.

24 THE COURT: Thank you. Last name, badge number?

25 PROSPECTIVE JUROR 492: Tanner, 492.

1 THE COURT: Okay. How long have you lived in Clark
2 County?

3 PROSPECTIVE JUROR 492: Twelve years.

4 THE COURT: How far did you go in school?

5 PROSPECTIVE JUROR 492: I have an Associate's degree.

6 THE COURT: And are you employed, and if so, what type of
7 work do you do?

8 PROSPECTIVE JUROR 492: Telecom engineer.

9 THE COURT: Are you married or in a significant relationship?

10 PROSPECTIVE JUROR 492: I'm married.

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

13 PROSPECTIVE JUROR 492: She's a server.

14 THE COURT: Do you have any children?

15 PROSPECTIVE JUROR 492: A son, 35.

16 THE COURT: What type of work, if any, does your son do?

17 PROSPECTIVE JUROR 492: He's in skilled trades at the -- at
18 an automotive company.

19 THE COURT: And have you ever been the victim of a serious
20 crime?

21 PROSPECTIVE JUROR 492: No.

22 THE COURT: Have you ever been accused of a serious
23 crime?

24 PROSPECTIVE JUROR 492: No.

25 THE COURT: Has any family members or anyone closely

1 associated with you ever been the victim of a serious crime?

2 PROSPECTIVE JUROR 492: No, not that I'm aware of.

3 THE COURT: Has any family members or anyone closely
4 associated with you ever been accused of a serious crime?

5 PROSPECTIVE JUROR 492: No, not that I'm aware of.

6 THE COURT: Have you ever served as a juror before?

7 PROSPECTIVE JUROR 492: I have.

8 THE COURT: How many times?

9 PROSPECTIVE JUROR 492: Three times.

10 THE COURT: All right.

11 PROSPECTIVE JUROR 492: They were all civil cases.

12 THE COURT: Okay. And were they here in Clark County?

13 PROSPECTIVE JUROR 492: No.

14 THE COURT: Where were they at?

15 PROSPECTIVE JUROR 492: Detroit.

16 THE COURT: All three of them?

17 PROSPECTIVE JUROR 492: Yes.

18 THE COURT: And approximately, when were they?

19 PROSPECTIVE JUROR 492: One was probably at least 30
20 years ago, another one maybe 25, and another one about 20 -- 15, 20
21 years ago. They were quite a while ago.

22 THE COURT: Yeah. And was the jury able to reach a verdict
23 in any or all of the three cases?

24 PROSPECTIVE JUROR 492: In all of them.

25 THE COURT: Did you serve as foreperson in any of the

1 cases?

2 PROSPECTIVE JUROR 492: No, I did not.

3 THE COURT: Is there anything about the nature of this case
4 or anything that you heard here today that would make it difficult for you
5 to sit as a juror in this case?

6 PROSPECTIVE JUROR 492: Just the nature of the charges, I
7 find troubling.

8 THE COURT: Can you base your verdict solely on the
9 evidence presented at the trial, wait to form an opinion until after you've
10 heard all the evidence?

11 PROSPECTIVE JUROR 492: I believe I can. I can try.

12 THE COURT: Can you be fair -- I'm sorry, I cut you off.

13 PROSPECTIVE JUROR 492: I said, I believe I can. I can try.

14 THE COURT: Okay. Can you be fair and impartial to both
15 sides?

16 PROSPECTIVE JUROR 492: Again, I believe I can try.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 492: Like I said, given the nature.

19 THE COURT: Thank you. Ladies and Gentleman, we've
20 reached 5:30, and we're not going to be able to finish the process today,
21 even if we went another hour or probably even more than that. So,
22 we're going to break for the day. Tomorrow, come back here outside the
23 courtroom at 10:30. I have to read the admonishment that you've --
24 some of you have heard a couple times already, some of you have
25 heard it once. But again, please listen and obey; this is a Court Order.

1 During this recess, you are admonished not to talk or
2 converse amongst yourselves or anyone else on any subject connected
3 with this trial, read, watch or listen to any report of or commentary on the
4 trial or any person connected with this trial by any medium of
5 information, including without limitation to social media, text,
6 newspapers, television, internet, and radio. Do not visit the scene of any
7 events mentioned during the trial. Do not undertake any investigation.
8 Do not Google anything about the trial.

9 Do not do any posting or communications on any social
10 networking sites about the trial. Do not do any independent research,
11 including internet searches. Do not form or express any opinion on any
12 subject connected with the trial until the case is finally submitted to you.
13 See you back tomorrow at 10:30.

14 THE MARSHAL: All rise for the potential jury.

15 [Prospective Jury out at 5:31 p.m.]

16 [Outside the presence of the Prospective Jury]

17 THE COURT: Is there anything we need to discuss?

18 MS. ROADES: Not from the State, Your Honor.

19 MR. POSIN: No, Your Honor.

20 THE COURT: Okay, see you tomorrow at 10:30. Thank you.

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MR. POSIN: Thank you, Your Honor.

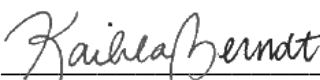
MS. ROADES: Thank you.

THE COURT: Thank you.

[Evening recess; proceeding concluded at 5:32 p.m.]

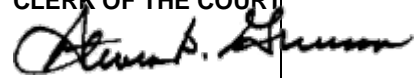
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Kaihla Berndt
Court Recorder/Transcriber

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


Jessica Kirkpatrick
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,
10 vs.
11 DEQUINCY BRASS,
12 Defendant.

CASE#: C18-329765-1

DEPT. XV

SEALED BY ORDER OF
THE COURT

13
14 BEFORE THE HONORABLE JOE HARDY, DISTRICT COURT JUDGE
15 MONDAY, FEBRUARY 24, 2020

16 **RECORDER'S PARTIAL TRANSCRIPT OF HEARING:**
17 **JURY TRIAL -- DAY 1, SEALED PORTION ONLY**

18 APPEARANCES:

19 For the State: NOT PRESENT

20 For the Defendant: MITCHELL T. POSIN, ESQ.

21 ALSO PRESENT:

22 Defense Investigator ROBERT LAWSON

23
24 RECORDED BY: MATTHEW YARBROUGH, COURT RECORDER
25

1 Las Vegas, Nevada, Monday, February 24, 2020

2
3 [Sealed portion began at 10:39 a.m.]

4 [Outside the presence of the State and the jury]

5 MR. POSIN: And if I could, Your Honor, I think it's -- would be
6 appropriate for me to at least take a look at this --

7 THE COURT: Sure.

8 MR. POSIN: -- now that it is here before --

9 THE COURT: The State's outside the courtroom to be clear
10 on the record.

11 MR. POSIN: - I said anything further.

12 THE COURT: But, yeah, go ahead and read it.

13 MR. POSIN: Okay, Your Honor, I've taken a look at it. And I
14 don't know if it would change anything I was going to say. It's -- if Your
15 Honor has looked at it now it is in somewhat general terms. And my
16 intent right now was to be a little more specific.

17 THE COURT: Sure.

18 MR. POSIN: And specifically, I'm going to turn this over to Mr.
19 Lawson in a moment. But I'm concerned that there may be an issue of
20 whether I'm providing adequate representation of counsel based on
21 whether perhaps I have dropped the ball. When Your Honor has asked
22 me at prior hearings where we were going, I told the Court that I was
23 looking more at a defense based on a cross-examination of the State's
24 witnesses.

25 The -- in reviewing this with Mr. Brass and with my investigator

1 over the weekend, I'm increasingly concerned that some of the
2 subpoenas that I perhaps could have and should have sent out may
3 affect my ability to provide that adequate representation of counsel.
4 With Court's permission I'm going to have Mr. Lawson address that
5 directly.

6 THE COURT: Okay.

7 THE INVESTIGATOR: Good morning, Your Honor. My name
8 is Robert Lawson and I'm a licensed investigator, been licensed since
9 2002 in the State of Nevada. I've probably participated as an
10 investigator and as a parole officer in 200 or more trials.

11 When I appeared in your courtroom you made it clear to us,
12 myself and Mr. Posin, what you expected as in terms of investigation
13 and being prepared for trial. As an investigator we've met that
14 obligation. On several occasions, we've attempted to meet with Mr.
15 Posin and advise him of where we were in our investigation. We've met
16 with him approximately one time. We've explained to him the need for
17 certain subpoenas.

18 We've explained for him the need that we need to get certain
19 information from Mrs. Rhoades. And on a couple of occasions I've
20 actually emailed her myself. And her response was I've given
21 everything to Mr. Posin. Things that Mr. Posin said he had or didn't
22 have we subsequently found. We've never done a file review on this
23 case.

24 So yesterday at 12 p.m. I met with Mr. Posin along with my
25 other investigator Amber Leon. And during this investigation it became

1 apparent to me that Mr. Posin had literally no knowledge of this case. I
2 explained this to Mr. Posin. Mr. Posin was basically asking my
3 investigator and myself how we would try the case. I explained to Mr.
4 Posin that during our investigation we have developed exculpatory
5 evidence, but we needed him to issue the subpoenas.

6 One of the things that we developed is that there was
7 disconnect between the information that one of the victims, victim A, I
8 think her name is Venice, had given the police and then subsequent
9 information that was provided during a preliminary hearing that Mr. Posin
10 actually participated in. And we asked him specific questions regarding
11 testimony. He said he would look into it and get back to us. He hadn't --
12 he did not. This goes directly to his -- when I say him, I'm referring to
13 Mr. Brass' defense.

14 We interviewed several witnesses who could provide
15 exculpatory testimony along with actual evidence, circumstantial
16 evidence that Mr. Posin -- I mean, excuse me, Mr. Brass likelihood didn't
17 commit this crime. One of the things is we talked to a person at Apple
18 where he was employed. They informed us that Mr. Brass and the
19 alleged victim's mother worked together and they could provide us a
20 printout of the times that they were working, where they were working,
21 and if they're on the computer at the same time. We explained that to
22 Mr. Posin, how important it was that we provide that -- we subpoena that
23 information.

24 We also were provided information that the State was going to
25 allege that an incident occurred at the Palm Hotel. We went down to the

1 hotel. We spoke to the manager. We gathered information that would
2 prove that that -- the allegations could not possibly have happened.

3 In addition to that, we went to other areas where victim 2, and
4 that's the other young lady. I'm sorry, I don't remember the name, Your
5 Honor.

6 THE COURT: That's okay.

7 THE INVESTIGATOR: That we don't even know if she was
8 actually present in Las Vegas at the time of the alleged incident. This
9 young lady has quite a few problems. Everybody we talked to would tell
10 us about her truthfulness. This has nothing to do with her sexual
11 behavior at all. This just has to do with her ability to tell the truth and join
12 in, in areas she should have stayed out of. We developed information
13 where the victim 1 and victim 2 relationship was such that victim 2 would
14 dominate victim 1.

15 We also learned that there's a substantial CPS history that we
16 asked Mr. Posin to subpoena that, so you could review it in-camera and
17 determine what was appropriate for the defense of Mr. Brass. We talked
18 to Mr. Posin about whether Mr. Brass was going to testify. He has never
19 talked to Mr. Brass about testifying.

20 Mr. Brass, when we've met with Mr. Brass on several
21 occasions, he has expressed to me and Amber Leon, his dissatisfaction
22 with Mr. Posin. He feels that he is not getting an adequate defense. He
23 said that when Mr. Posin meets with him it's very short in nature and it's
24 well my investigatory is looking into that.

25 My personal feeling is that this man is looking at the rest of his

1 life in prison. And this isn't about whether the bus runs on time whether
2 we go to trial today or not.

3 THE COURT: Let me pause you there.

4 THE INVESTIGATOR: Yes, sir.

5 THE COURT: I am doing my utmost to control myself. If I
6 were another judge I'd probably be screaming, maybe even cursing.
7 Because I'm having déjà vu all over again from a year ago. And I cannot
8 begin to adequately express my frustration.

9 As I said last week when you weren't here, when this came up
10 before, and this is the exact same thing that came up before. And over
11 the State's strenuous objections, I moved the trial. Then I brought you
12 all back in front of me several times only to have for the last week Mr.
13 Brass tell me that he filed and mailed a motion to withdraw Mr. Posin as
14 attorney that I had not seen. And he represented to me that he mailed it
15 the week before. We scrambled to see where in the world this thing
16 could possibly be here in the courtroom and it was nowhere to be found.
17 And now I have a copy that's filed on Friday. A copy that is also signed
18 by Mr. Brass on Tuesday and mailed apparently on Wednesday.

19 And so, I get frustrated is probably too kind of a word to hear
20 someone tell me that it's not about the bus being on time. This is about
21 a man's life. Well I know that. So, I don't take kindly to people
22 misrepresenting facts to me, first of all. I don't take kindly to people
23 coming in at the very last minute after you've been here numerous
24 times, telling me: Oh, Judge, we have this issue that you already dealt
25 with a year ago and we've been back in front of you several times and

1 guess what surprise. So please continue.

2 THE INVESTIGATOR: My apologies, Your Honor, if I
3 misspoke. You did tell us that. And I took my duties seriously. I did
4 exactly what the Court has asked me to do. And on numerous
5 occasions I spoke to Mr. Posin about that. But I am limited. I cannot
6 write a motion on behalf of the Defendant. I cannot contact the Court ex
7 parte on behalf of the Defendant. I certainly will not contact the District
8 Attorney's Office with any of my concerns. I contacted Mr. Posin.

9 This is déjà vu only in the sense that you're unaware of it.
10 This is not déjà vu. And I made the decision yesterday when I met with
11 Mr. Posin, and Mr. Posin will tell you that I'm talking to you as candidly
12 as I spoke to him. And I cannot let this Court believe for one minute that
13 Mr. Brass is getting any kind of a defense, let alone a bad defense.

14 When I asked Mr. Posin if he had any issues or things going
15 on in his life. He did tell me he was overwhelmed. These are questions
16 that you have to ask Mr. Posin. If I have misspoke or misrepresented
17 something Mr. Posin can correct me.

18 THE COURT: And to be clear, I think my statements are
19 highly likely to be some displacement.

20 THE INVESTIGATOR: Thank you.

21 THE COURT: And it sounds like you've been doing what you
22 should do and could do and so yeah, that's -- I don't think I have any
23 issue what you've done or not done for the court.

24 Mr. Posin.

25 MR. POSIN: Thank you, Your Honor. I take to heart what you

1 say about displacement. That obviously I am the attorney and the buck
2 stops with me, not with Mr. Brass, and not with Mr. Lawson, and not with
3 anybody than me.

4 You know, certainly my recollection is that we -- that I am and
5 my feeling is that I am more prepared and have spent more time on this
6 case than Mr. Lawson believes. But nonetheless, I would point to some
7 of the specific, the specific subpoenas in reviewing it with Mr. Lawson,
8 you know, I am more and more convinced that perhaps I should have
9 sent.

10 THE COURT: Have you issued -- have caused to issue a
11 single subpoena?

12 MR. POSIN: I have not.

13 THE COURT: Why not?

14 MR. POSIN: As I told the Court on one of these recent
15 hearings that we had, I had been kind of focused more on defending
16 this case as a matter of cross-examination, and you know, attacking the
17 State's evidence rather than presenting our own evidence. And in
18 talking to Mr. Lawson, I -- you know, as I said to the Court, I'm more and
19 more convinced that there's merit to what he says, that this is the type of
20 case that some of our own case -- our own evidence in the defense case
21 would have been appropriate. Not only appropriate but perhaps
22 necessary.

23 And, you know, I'm essentially throwing myself under the bus
24 here, Your Honor. You know, I have my pride --

25 THE COURT: So --

1 MR. POSIN: -- and don't like to admit that I've done anything
2 wrong, you know, and --

3 THE COURT: So, let me pause you, because it very much
4 was displacement when Mr. Lawson was speaking.

5 MR. POSIN: And I understand that, Your Honor.

6 THE COURT: And you and I spoke about a year ago or
7 whenever it was, and again over the State's strenuous objections, I said
8 okay we're going to continue and this is -- I mean, it's exactly what we're
9 doing now. And I have a lot of details from Mr. Lawson that basically
10 you haven't done anything.

11 MR. POSIN: Well and I would take issue with that, Your
12 Honor. I have --

13 THE COURT: Okay, so tell me what exactly you've done to
14 prepare for trial.

15 MR. POSIN: I have reviewed all the evidence and the
16 transcripts but, you know, I don't think that's enough. I really don't.

17 THE COURT: What else have you done?

18 MR. POSIN: Prepared potential opening statements, cross-
19 examinations.

20 THE COURT: You haven't subpoenaed anybody, right?

21 MR. POSIN: But I have not subpoenaed anybody.

22 THE COURT: You haven't obtained -- what documents have
23 you reviewed?

24 MR. POSIN: All of the State's documents, which are include
25 primarily there are -- and they're not only documents there's also some

1 recordings that I have on thumb drives, but they are primarily the
2 interviews. And there's several rounds of interviews that were done with
3 the alleged victims here. The alleged victims and other State witnesses,
4 including parents.

5 THE COURT: When is the last -- well so you met with Mr.
6 Lawson yesterday at noon?

7 MR. POSIN: Yes, Your Honor. Again, and I would take some
8 issue with the characterization that they were the only ones trying to get
9 ahold of me. But that doesn't really matter. Your Honor, --

10 THE COURT: So --

11 MR. POSIN: -- because --

12 THE COURT: -- let me pause you. Prior to yesterday, when's
13 the last time you met with him or his other investigator?

14 MR. POSIN: Probably over a month ago.

15 THE COURT: And in person?

16 MR. POSIN: Yes. About a month ago, I think.

17 THE COURT: With Mr. Lawson or the other investigator?

18 MR. POSIN: Both of them at their office.

19 THE COURT: And what did you talk about then?

20 MR. POSIN: We talked about defense strategy.

21 THE COURT: Talk about the need to --

22 MR. POSIN: And Mr. Lawson in particular, some of the things
23 he said well you should ask Ms. Rhoades for this; you should ask Ms.
24 Rhoades for that. I think there's some missing things here. And we at
25 that point actually attempted to call Ms. Rhoades from his office.

1 THE COURT: Did you ask for those things in writing by
2 means of a subpoena?

3 MR. POSIN: Not in writing, Your Honor. Ms. Rhoades then
4 subsequently, you know, has sent me messages saying here, you know,
5 here is what I've got.

6 THE COURT: Have you done anything to follow-up with
7 Apple?

8 MR. POSIN: No.

9 THE COURT: Have you done anything to follow-up with the
10 Palm Hotel?

11 MR. POSIN: I haven't directly followed up with the Palm
12 Hotel. I mean, I, as Mr. Lawson says, you know, he, working for me, for
13 the defense has been following up with the hotel. But I've not submitted
14 any subpoenas, no.

15 THE COURT: When's the last time you met with Mr. Brass?

16 MR. POSIN: Yesterday.

17 THE COURT: Prior to yesterday, when is the last time you
18 met with him?

19 MR. POSIN: I'm thinking about a month ago.

20 THE COURT: How long did you meet with him yesterday?

21 MR. POSIN: About two hours.

22 THE COURT: How long did you meet with him about a month
23 ago?

24 MR. POSIN: Probably under an hour.

25 THE COURT: Mr. Brass, do you have anything you'd like to

1 say?

2 THE DEFENDANT: Yes, Your Honor. First, I do want to
3 apologize for my misrepresentation. The week prior to our calendar call,
4 I had a visit with Mr. Lawson. And at that point, I wrote you a letter,
5 which I'm not sure if you received and that's what I sent that particular
6 week. And then following that I sent in the motion. So, I do apologize
7 for that.

8 I do also want to say that when Mr. Posin came and visited me
9 yesterday, it was maybe an hour.

10 THE COURT: And the month before was maybe an hour?

11 THE DEFENDANT: Not even, the month before it was maybe
12 all of 15-20 minutes. And then, I do also want to apologize for not being
13 specific on the last court date. But Mr. Lawson did tell me that there
14 were possible witnesses that needed to be subpoenaed and other
15 information. I just didn't know myself in detail what those things were.

16 THE COURT: Anything else?

17 MR. POSIN: Nothing further, Your Honor.

18 THE COURT: I'm asking from Mr. Brass.

19 THE DEFENDANT: No, I just wanted to reiterate that, you
20 know, all these items that he's kind of dropped the ball on, these are
21 things that would -- that you know, can would kind of secure my future,
22 my life. And him not doing these things, although they were
23 communicated with him, that these are things that should be or need to
24 be done. To me makes me feel as though he's not fighting for me.

25 MR. POSIN: And if I may, Your Honor, I would take -- if I were

1 not fighting for him, I would not be taking on this kind of responsibility
2 with the Court right now. It is because I'm putting his interests above my
3 own that I'm presenting this to the Court.

4 THE COURT: Well here's -- I mean, yeah, you could -- in
5 case you can't tell, I'm somewhat at a loss and struggling with what I
6 should do. And that can include a variety of things, continuing the trial,
7 withdrawing counsel, going forward today.

8 And, Mr. Posin, I've got to tell you I am also struggling with
9 what I should do with you, because if everything or a substantial portion
10 of what Mr. Lawson and Mr. Brass have told me is true, then do I need
11 to refer you to the State Bar? I mean, I --

12 MR. POSIN: Well again, Your Honor, I -- it's my -- my feeling
13 is that I have a very different perspective as to, you know, what I have
14 been doing and the value of what I have been doing to prepare for this
15 case. And this is -- this case, like every other case, I -- you I feel that I --
16 it's my duty and what I plan to do to zealously and affectively represent
17 somebody and that's what --

18 THE COURT: But how can you do that if you haven't
19 subpoenaed any of the exculpatory or potentially -- let's call it potentially,
20 exculpatory evidence that both Mr. Lawson and Mr. Brass have told me
21 about?

22 MR. POSIN: And, Your Honor, I felt that I could. But in talking
23 to Mr. Lawson in particular yesterday, it, you know, became apparent to
24 me that I really needed to present this to the Court. And again my -- you
25 know, I -- my feeling is that if I were trying to protect my own self, my

1 own reputation, my own position, I -- you know, I didn't have to even
2 present Mr. Lawson, because you know, he's only here at my behest as
3 somebody that I've hired, that I've brought in, that I'm presenting to the
4 Court.

5 You know, I take -- and Your Honor has previously been --
6 taken issue with me when I have suggested that the inconvenience of a
7 continuance falls on Mr. Brass. Because, you know, I know that there
8 are witnesses for the State, including minor witnesses who are -- you
9 know, have been waiting for a very long time for this case to be over, to
10 get it behind them. But my concern as a defense attorney is my client,
11 Mr. Brass. And --

12 THE COURT: Well if that's your concern, why haven't you
13 done the work before --

14 MR. POSIN: Well when I see --

15 THE COURT: -- this weekend?

16 MR. POSIN: -- well I have done -- I have done plenty of work
17 on this case. Perhaps Mr. Brass and Mr. Lawson don't see it. But I've
18 done plenty of work on this case. In looking and relooking at it with Mr.
19 Lawson yesterday, I thought it was appropriate to tell the Court where I
20 see my own failings. And as I previously described it, I'm essentially
21 throwing myself under the bus here. I don't -- and I certainly hope the
22 Court doesn't see this as a Bar matter, because I've -- you know, I am --
23 even doing this I am zealously representing Mr. Brass.

24 I think I've been competently representing Mr. Brass. But
25 where there is something that I have not done and I perhaps should

1 have, I think it's appropriate to tell the Court. I don't think that's an issue
2 -- again I certainly I hope it's not an issue for the Bar, but it's an issue for
3 Mr. Brass.

4 And I hate to inconvenience the Court, which I know it does. I
5 hate to inconvenience all the other parties. But part of my appropriate
6 representation I think is to bring this to the Court's attention.

7 You know, for the most part the way a case is presented is up
8 to the attorney. You know, the Defendant has a right to decide whether
9 to testify or not. But other than that, most of those decisions are really
10 mine and mine alone. Now where -- and I have been -- I have been
11 working on this case and working up this case and getting prepared for
12 trial. But where I see something that I could have and should have done
13 better, you know, I certainly feel bad that I -- for the inconvenience. But I
14 don't really see where that's something that I should be, you know,
15 brought before the Bar anyway for something that I'm just doing my best
16 to present the Court with areas I could have been more effective and
17 haven't been.

18 THE COURT: Mr. Lawson, anything else?

19 THE INVESTIGATOR: Your Honor, when I met with Mr. Posin
20 yesterday, he's actually being very -- more honest than I hoped for in the
21 sense that he is accepting his responsibility. I told him I could not be a
22 part of a defense that I didn't feel was adequately represented to the
23 Court on behalf of the client. And he said to me that I should make
24 these representations as I made them to him.

25 So, I don't want you to think that I have any ill will towards Mr.

1 Posin. I just felt that Mr. Brass deserves the best defense that he should
2 get. And I don't think that at this time that I even talked to Mr. Brass and
3 Mr. Posin that it could -- it cannot be accomplished through Mr. Posin or
4 with Mr. Posin or myself. I cannot -- and I will represent to the Court
5 now that after today's hearing I will not do -- unless I'm ordered to, I
6 shouldn't say I will not do --

7 THE COURT: No that's fine.

8 THE INVESTIGATOR: I'm not. I want to take that back. But I
9 would prefer to turn over my notes, my investigative findings, my
10 thoughts to whoever is the next investigator.

11 THE COURT: Thank you. I'm going to take a brief recess
12 and after that we'll have the State come back in.

13 [Recess taken at 11:15 a.m. --- end of sealed hearing]

14 [Trial resumed at 11:34 a.m. -- transcribed separately]

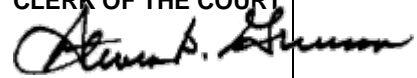
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Jessica Kirkpatrick
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE#: C-18-329765-1
)	
Plaintiff,)	DEPT. XV
)	
v.)	
)	
DEQUINCY BRASS,)	
#2707679,)	
)	
Defendant.)	

BEFORE THE HONORABLE JOSEPH P. HARDY,
DISTRICT COURT JUDGE

TUESDAY, FEBRUARY 25, 2020

RECORDER'S TRANSCRIPT OF JURY TRIAL [DAY 1]

APPEARANCES:

For the Plaintiff: KRISTINA A. RHOADES, ESQ.
KELSEY EINHORN, ESQ.

For the Defendant: MITCHELL L. POSIN, ESQ.

RECORDED BY: MATTHEW YARBROUGH, COURT RECORDER

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INDEX

	<u>Page</u>
Jury Voir Dire by the Court.....	3
Jury Voir Dire by the State.....	156
Jury Voir Dire by the Defense.....	172
Preliminary instructions.....	209
Third Amendment Information read to the jury by the Clerk.....	211
Admonishment given to jury by the Court.....	221
Jury Panel sworn	231

EXHIBIT INDEX

<u>FOR THE PLAINTIFF:</u>	<u>OFFERED</u>	<u>MARKED</u>
5 through 9	2	3
11 through 21	2	3
26.....	2	3
<u>FOR THE DEFENDANT:</u>		
None		

1 Las Vegas, Nevada, Tuesday, February 25, 2020

2

3 [Hearing began at 10:40 a.m.]

4 [Outside the presence of the Prospective Jurors]

5 THE COURT: . . . Glen [phonetic], 1666, called in to -- so
6 she's in the second 25?

7 THE CLERK: Yeah.

8 THE COURT: -- called in to advise this morning that she
9 does not have childcare and will be unable to report today. So I'm
10 guessing she won't be here.

11 THE CLERK: Ms. Rhoades.

12 MS. RHOADES: Yes.

13 THE CLERK: I'm reading the second amended
14 [indiscernible], correct?

15 MS. RHOADES: Yes.

16 THE CLERK: Okay. And is there anywhere I need to stop,
17 or I need to not include?

18 MS. RHOADES: I don't think so. I think everything in
19 there is good.

20 [Pause]

21 THE COURT: Okay.

22 MS. RHOADES: Okay. Thank you.

23 I did show the marked proposed exhibits the State has
24 thus far, and the Defense is stipulating to the admission of Exhibits 5
25 through 9, 11 through 21, and 26.

1 MR. POSIN: That's correct, Your Honor.

2 THE COURT: Okay. Pursuant to the stipulation of parties,
3 Exhibits 5 through 9, 11 through 21, and Exhibit 26 will be admitted.

4 MS. RHOADES: Thank you, Your Honor.

5 THE COURT: Thank you all.

6 [State's Exhibit 5 through 9, 11 through 21, and 26 admitted into
7 evidence.]

8 THE COURT: Anything else?

9 MS. RHOADES: And that's all I have.

10 THE COURT: Anything else?

11 MR. POSIN: Nothing from the Defense.

12 [Pause]

13 THE MARSHAL: All rise for the potential jury.

14 [Prospective Jurors in at 10:54 a.m.]

15 THE COURT: Please be seated.

16 Welcome back, ladies and gentlemen, and our prospective
17 jurors. Thank you, as always, for your patience and service with us.
18 Please rest assured that we are not wasting time when you're out in
19 the hallway. In fact, we have numerous exhibits that the parties have
20 stipulated to admit later on in the trial, which saves a lot of time.

21 We'll continue with the voir dire process. Do we have a
22 microphone. I believe juror 422? Last name and badge number?

23 PROSPECTIVE JUROR 422: Levine, 422.

24 THE COURT: And how long have you lived in Clark
25 County?

1 PROSPECTIVE JUROR 422: Three and a half years.

2 THE COURT: Where did you live prior to here?

3 PROSPECTIVE JUROR 422: Southern California.

4 THE COURT: And how long did you live there?

5 PROSPECTIVE JUROR 422: Eighteen years.

6 THE COURT: How far did you go in school?

7 PROSPECTIVE JUROR 422: Master's Degree.

8 THE COURT: Are you -- well, we know -- are you
9 employed, and if so what type of work do you do?

10 PROSPECTIVE JUROR 422: I was a teacher for 20 years,
11 since I moved here, in the health and wellness business.

12 THE COURT: And are you married, or in a significant --

13 PROSPECTIVE JUROR 422: I'm married.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 422: My husband is retired. He was
16 a -- he hulled fuel for Chevron?

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR 422: I have two children, a daughter
19 33, a son 28.

20 THE COURT: And what do they do?

21 PROSPECTIVE JUROR 422: My son's a server in New York
22 City, also does some performing and directing, and my daughter has
23 a cloth diaper business in Reno.

24 THE COURT: And have you ever been the victim of a
25 serious crime?

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PROSPECTIVE JUROR 422: No.

THE COURT: Have you ever been accused of a serious crime?

PROSPECTIVE JUROR 422: No.

THE COURT: Has any family members or anyone closely associated with you ever been the victim of a serious crime?

PROSPECTIVE JUROR 422: My husband was sexually assaulted by his uncle when he was young, over a period of about three years; nothing happened to him, the uncle.

THE COURT: Do you know if it was reported?

PROSPECTIVE JUROR 422: No, he didn't.

THE COURT: Is there anything about that experience that would cause you not to be fair and impartial in this case?

PROSPECTIVE JUROR 422: No.

THE COURT: Have any family members or anyone closely associated with you, apart from what you just mentioned, has any family members, or anyone closely associated with you ever been a accused of a serious crime?

PROSPECTIVE JUROR 422: No.

THE COURT: Have you ever served as a juror before?

PROSPECTIVE JUROR 422: No. Jury duty was never on a trial.

THE COURT: Say that again?

PROSPECTIVE JUROR 422: I was never on a trial.

THE COURT: Okay. Is there anything about the nature of

1 this case, or anything that you heard here yesterday or today, that
2 would make it difficult for your to sit as a juror in this case?

3 PROSPECTIVE JUROR 422: Certainly hearing the charges
4 they had, and I shared yesterday what I do -- one of my passions is
5 helping victims of sex trafficking, and I will say over the three years,
6 of the women that I have a mentored, not a single one of them did
7 not deal with sexual assault as a child. And hearing their stories is
8 -- and then hearing this, it's hard.

9 THE COURT: I light of that can you base your verdict
10 solely on the evidence presented at the trial, and wait to form an
11 opinion until after you've heard all the evidence?

12 PROSPECTIVE JUROR 422: It would be really hard.

13 THE COURT: Can you be fair and impartial to both sides?

14 PROSPECTIVE JUROR 422: Again, it would be very hard.

15 THE COURT: Thank you.

16 Next, last name and badge number?

17 PROSPECTIVE JUROR 496: Maucere, 496.

18 THE COURT: Okay. And how long have you lived in Clark
19 County?

20 PROSPECTIVE JUROR 496: Sixteen years.

21 THE COURT: And how far did you go in school?

22 PROSPECTIVE JUROR 496: Associate's.

23 THE COURT: Are you employed, and if so what type of
24 work do you do?

25 PROSPECTIVE JUROR 496: I sure am. I'm a director in

1 catering, for a restaurant group in Las Vegas.

2 THE COURT: Are you married or in a significant
3 relationship?

4 PROSPECTIVE JUROR 496: I'm in a significant
5 relationship.

6 THE COURT: And does your significant other work, and if
7 so, what type of work?

8 PROSPECTIVE JUROR 496: He does. He works for the City
9 of Las Vegas, he's a Deputy Marshal.

10 THE COURT: And do you have children, and if so what are
11 their ages?

12 PROSPECTIVE JUROR 496: I sure do. I have a 13-year-old
13 daughter.

14 THE COURT: And that's what you mentioned yesterday?

15 PROSPECTIVE JUROR 496: Uh-huh.

16 THE COURT: Okay. And have you ever been the victim of
17 a serious crime?

18 PROSPECTIVE JUROR 496: I have not, sir.

19 THE COURT: Have you ever been accused of a serious
20 crime?

21 PROSPECTIVE JUROR 496: No, I have not.

22 THE COURT: Have any family members or anyone closely
23 associated with you ever been the victim of a serious crime?

24 PROSPECTIVE JUROR 496: No, they have not.

25 THE COURT: Has any family members or anyone closely

1 associated with you ever been accused of a serious crime?

2 PROSPECTIVE JUROR 496: No.

3 THE COURT: Have you ever served as a juror before?

4 PROSPECTIVE JUROR 496: Just lunch jury duty.

5 THE COURT: Is there anything about the nature of this
6 case, or anything that you heard here yesterday or today that would
7 make it difficult for you to sit as a juror in this case?

8 PROSPECTIVE JUROR 496: Yes. As I expressed yesterday,
9 I have a high regard for the law, and for also how we operate, and
10 you know, we're innocent until proven guilty, and that's the concept.
11 But separating the charges and maintaining someone's innocence is
12 a little bit difficult for me. Sometimes I tend to see things a little too
13 black white, and I don't know that I would be able to be super -- listen
14 to all of the evidence and -- and turn off my own opinion.

15 THE COURT: Can you base your verdict solely on the
16 evidence presented at trial, and wait to form an opinion until after
17 you've heard all the evidence?

18 PROSPECTIVE JUROR 496: Sadly, I feel like I formed an
19 opinion yesterday, just hearing the charges. I'm sorry, but this is the
20 truth.

21 THE COURT: That's okay. Like I said yesterday, and I'll say
22 again, there are no right or wrong answers, only honest, truthful
23 answers, so --

24 PROSPECTIVE JUROR 496: I appreciate that.

25 THE COURT: Kind of along those same lines, last question,

1 can you be fair and impartial to both sides?

2 PROSPECTIVE JUROR 496: I don't think I could.

3 THE COURT: Okay. Thank you.

4 Last name and badge number?

5 PROSPECTIVE JUROR 440: Jean, badge number 440.

6 THE COURT: Okay. And how long have you lived in Clark
7 County?

8 PROSPECTIVE JUROR 440: Eight years.

9 THE COURT: And where did you live before here?

10 PROSPECTIVE JUROR 440: In Florida.

11 THE COURT: How long did you live there?

12 PROSPECTIVE JUROR 440: Thirty-three and a half years.

13 THE COURT: How far did you go in school?

14 THE MARSHAL: Bachelor's Degree.

15 THE COURT: And are you employed, and if so what type
16 of work do you do?

17 PROSPECTIVE JUROR 440: Security. I just got laid off, and
18 I'm working like a little small part-time job as a tradeshow, and then
19 the last night I found out the Wynn called me for a Thursday
20 interview, in the afternoon.

21 THE COURT: On Thursday, coincidentally, we're going to
22 be breaking at 3:00. What time is your interview?

23 PROSPECTIVE JUROR 440: That's a 3:00.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 440: I got it on my phone. Yeah.

1 THE COURT: Okay. Are you married or in a significant
2 relationship?
3 PROSPECTIVE JUROR 440: I'm single.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR 440: No children.
6 THE COURT: Have you ever been the victim of a serious
7 crime?
8 PROSPECTIVE JUROR 440: My apartment was burglarized.
9 THE COURT: Was the crime reported?
10 PROSPECTIVE JUROR 440: Yes.
11 THE COURT: Was the person caught?
12 PROSPECTIVE JUROR 440: No.
13 THE COURT: Did the police respond?
14 PROSPECTIVE JUROR 440: Seven hours later.
15 THE COURT: Did you ever have to go to court.
16 PROSPECTIVE JUROR 440: No.
17 THE COURT: Do you know if the District Attorney's Office
18 here handled the case?
19 PROSPECTIVE JUROR 440: No.
20 THE COURT: Were you satisfied with how that case was
21 handled?
22 PROSPECTIVE JUROR 440: Not satisfied.
23 THE COURT: And I apologize, my prior question may have
24 been a little unclear.
25 PROSPECTIVE JUROR 440: Uh-huh.

1 THE COURT: Was the crime here in Clark County or
2 somewhere else?

3 PROSPECTIVE JUROR 440: Clark County.

4 THE COURT: Okay. Is there anything about that
5 experience that would cause you not to be fair and impartial in this
6 case?

7 PROSPECTIVE JUROR 440: I just don't like the way the
8 system is handling cases and there is no, what is it, rehab for lots of
9 criminals.

10 THE COURT: Have you ever been accused of a serious
11 crime?

12 PROSPECTIVE JUROR 440: I've been accused, but the
13 police were never called.

14 THE COURT: Were you ever charged?

15 PROSPECTIVE JUROR 440: Never charged.

16 THE COURT: Is there anything about those experiences
17 that would cause you not to be fair and impartial in this case?

18 PROSPECTIVE JUROR 440: Yeah. Yeah, what is it? When
19 people accuse you you're automatically guilty.

20 THE COURT: So you don't believe that an accusation is
21 automatically guilt, right?

22 PROSPECTIVE JUROR 440: Okay.

23 THE COURT: Have any family members, or anyone closely
24 associated with you ever been the victim of a serious crime?

25 PROSPECTIVE JUROR 440: I have a cousin who has

1 recently got locked up for domestic violence.

2 THE COURT: So your cousin was accused and convicted?

3 PROSPECTIVE JUROR 440: Yeah. He's in jail right now.

4 But he never opened his mouth, he just took it and went in jail. He
5 was never an abuser.

6 THE COURT: Say that last word again?

7 PROSPECTIVE JUROR 440: He was never an abuser.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 440: He's more of a thief, but not
10 abuser.

11 THE COURT: Have any family members been victims of a
12 serious crime?

13 PROSPECTIVE JUROR 440: Just my mom in the domestic
14 violence.

15 THE COURT: Was that ever reported.

16 PROSPECTIVE JUROR 440: Yes.

17 THE COURT: Did the police ever respond?

18 PROSPECTIVE JUROR 440: Yes.

19 THE COURT: Did you ever have to go to court?

20 PROSPECTIVE JUROR 440: No. Because I was too young.

21 THE COURT: And was that here in Clark County --

22 PROSPECTIVE JUROR 440: I was in Florida, yes.

23 THE COURT: Were you satisfied with how that was
24 handled?

25 PROSPECTIVE JUROR 440: Yes, I guess. Uh-huh.

1 THE COURT: Is there anything about that experience, or
2 experiences that would cause you not to be fair and impartial in this
3 case?

4 PROSPECTIVE JUROR 440: When you're a man you
5 always get the blame, and the man goes to jail.

6 THE COURT: Have you ever served as a juror before?

7 PROSPECTIVE JUROR 440: Yes. As an alternate juror.

8 THE COURT: And was that one time then?

9 PROSPECTIVE JUROR 440: One time, and another one
10 was federal.

11 THE COURT: Okay. So you've served twice?

12 PROSPECTIVE JUROR 440: Yes.

13 THE COURT: And --

14 PROSPECTIVE JUROR 440: This was all in Florida.

15 THE COURT: Back in Florida?

16 PROSPECTIVE JUROR 440: Yeah.

17 THE COURT: Do you recall approximately what years
18 those were?

19 PROSPECTIVE JUROR 440: The other one was -- the
20 federal was like 2002, and that was a cocaine charge, and the other
21 one was 1998, and I was an alternate juror for domestic violence.

22 THE COURT: And without telling us what the verdicts
23 were, were juries able to -- well, in the alternate, do you know if
24 verdicts were reached in both cases?

25 PROSPECTIVE JUROR 440: The one for the domestic, that

1 was reached.

2 THE COURT: And were you the foreperson when you
3 served?

4 PROSPECTIVE JUROR 440: Yes.

5 THE COURT: Is there anything about the nature of this
6 case, or anything that you heard here yesterday or today, that would
7 make it difficult for you to sit as a juror in this case?

8 PROSPECTIVE JUROR 440: You just got to listen to the
9 whole evidence, and some of my opinion.

10 THE COURT: And could you base your verdict solely on
11 the evidence presented at trial, and wait to form an opinion until after
12 you've heard all the evidence?

13 PROSPECTIVE JUROR 440: Until I hear all the evidence.

14 THE COURT: And so that's a "yes" then?

15 PROSPECTIVE JUROR 440: Yes.

16 THE COURT: Okay. Can you be fair and impartial to both
17 sides?

18 PROSPECTIVE JUROR 440: I can be partial.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 440: You're welcome.

21 THE COURT: Last name, badge number?

22 PROSPECTIVE JUROR 442: Luong, 442.

23 THE COURT: And how long have you lived in Clark
24 County?

25 PROSPECTIVE JUROR 442: almost seven years.

1 THE COURT: Where did you live before here?
2 PROSPECTIVE JUROR 442: Vietnam.
3 THE COURT: And how far did you go in school?
4 PROSPECTIVE JUROR 442: College.
5 THE COURT: Do you have a degree then?
6 PROSPECTIVE JUROR 442: A Bachelor.
7 THE COURT: Are you employed, and if so what type of
8 work do you do?
9 PROSPECTIVE JUROR 442: I'm sorry. Would please
10 repeat? Business?
11 THE COURT: Do you work, and if so, what type of work?
12 PROSPECTIVE JUROR 442: Insurance agent.
13 THE COURT: And are you married, or in a specific
14 relationship?
15 PROSPECTIVE JUROR 442: I'm married.
16 THE COURT: And what type of work, if any, does your
17 spouse do?
18 PROSPECTIVE JUROR 442: Insurance agent.
19 THE COURT: Do you have any children?
20 PROSPECTIVE JUROR 442: A boy.
21 THE COURT: And how old is he?
22 PROSPECTIVE JUROR 442: Eight years old.
23 THE COURT: Have you ever been the victim of a serious
24 crime?
25 PROSPECTIVE JUROR 442: No.

1 THE COURT: Have you ever been accused of a serious
2 crime?

3 PROSPECTIVE JUROR 442: No.

4 THE COURT: Has any family members or anyone closely
5 associated with you ever been the victim of a serious crime?

6 PROSPECTIVE JUROR 442: No.

7 THE COURT: Has any family members or anyone closely
8 associated with you ever been accused of a serious crime?

9 PROSPECTIVE JUROR 442: No.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR 442: No.

12 THE COURT: Is there anything about the nature of this
13 case, or anything that you've heard here, yesterday or today, that
14 would make it difficult for you to sit as a juror in this case?

15 PROSPECTIVE JUROR 442: I don't understand.

16 THE COURT: It's a very long question. Is there anything
17 that you've heard about this case, either yesterday or today,
18 anything that you heard here in the courtroom that would make it
19 hard for you to sit as a juror?

20 PROSPECTIVE JUROR 442: A lot of course I don't
21 understand.

22 THE COURT: Is Vietnamese your native language.

23 PROSPECTIVE JUROR 442: Yes.

24 THE COURT: Can you base your verdict solely on evidence
25 presented at the trial, and wait to form an opinion until after you've

1 heard all of the evidence?

2 PROSPECTIVE JUROR 442: I don't understand the
3 question, sorry.

4 THE COURT: That's okay. That's okay. Can you be fair to
5 both sides?

6 PROSPECTIVE JUROR 442: What's he say?

7 UNIDENTIFIED SPEAKER: Can you be fair to both sides?

8 PROSPECTIVE JUROR 442: Fair?

9 THE COURT: Fair?

10 PROSPECTIVE JUROR 442: I think so.

11 THE COURT: Thank you.

12 Last name and badge number?

13 PROSPECTIVE JUROR 443: Olivo, 443.

14 THE COURT: And how long have you lived in Clark
15 County?

16 PROSPECTIVE JUROR 443: Born and raised, so 24 years.

17 THE COURT: How far did you go in school?

18 PROSPECTIVE JUROR 443: High school graduate.

19 THE COURT: Are you employed, and if so what type of
20 work do you do?

21 PROSPECTIVE JUROR 443: Home furniture building.

22 THE COURT: Are you married or in a significant
23 relationship?

24 PROSPECTIVE JUROR 443: Single, so none.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR 443: No.

2 THE COURT: Have you ever been the victim of serious
3 crime?

4 PROSPECTIVE JUROR 443: Twice. Both were car
5 accidents.

6 THE COURT: And when you say "car accidents" was it a
7 crime, or like did somebody hit you intentionally, or was it
8 accidental?

9 PROSPECTIVE JUROR 443: Accident, yeah.

10 THE COURT: Did you call the police either time?

11 PROSPECTIVE JUROR 443: Yes, both of them.

12 THE COURT: And did they respond?

13 PROSPECTIVE JUROR 443: Correct.

14 THE COURT: Did you ever have to go to court?

15 PROSPECTIVE JUROR 443: No.

16 THE COURT: Did the District Attorney's Office get involved
17 in either case?

18 PROSPECTIVE JUROR 443: Yes.

19 THE COURT: Is there anything about those -- were you
20 satisfied with how the cases were handled?

21 PROSPECTIVE JUROR 443: The first one, yes, but the
22 second one no.

23 THE COURT: And on the second one, why weren't you
24 satisfied?

25 PROSPECTIVE JUROR 443: From what I recall he hit five

1 people, yet we didn't hear anything from that, after that.

2 THE COURT: Is there anything about those experiences
3 that would cause you not to be fair and impartial in this case?

4 PROSPECTIVE JUROR 443: I'll be fine.

5 THE COURT: Have you ever been accused of a serious
6 crime?

7 PROSPECTIVE JUROR 443: No.

8 THE COURT: Have any family members or anyone closely
9 associated with you ever been the victim of a serious crime?

10 PROSPECTIVE JUROR 443: No.

11 THE COURT: Has any family members or anyone closely
12 associated with you ever been accused of a serious crime?

13 PROSPECTIVE JUROR 443: No.

14 THE COURT: Have you ever served as a juror before?

15 PROSPECTIVE JUROR 443: No.

16 THE COURT: Is there anything about the nature of this
17 case, or anything that you heard here yesterday or today that would
18 make it difficult for you to sit as a juror in this case?

19 PROSPECTIVE JUROR 443: I don't like the topic, but I
20 would like to hear the story, though.

21 THE COURT: Can you base your verdict solely on the
22 evidence presented at the trial, wait to form an opinion until after
23 you've heard all the evidence?

24 PROSPECTIVE JUROR 443: Yes.

25 THE COURT: Can you be fair and impartial to both sides?

1 PROSPECTIVE JUROR 443: Yes.
2 THE COURT: Thank you.
3 Last name, badge number?
4 PROSPECTIVE JUROR 449: Gibson, 449.
5 THE COURT: How long have you lived in Clark County?
6 PROSPECTIVE JUROR 449: Twenty-nine years.
7 THE COURT: How far did you go in school?
8 PROSPECTIVE JUROR 449: Associates.
9 THE COURT: Are you employed, and if so what type of
10 work do you do?
11 PROSPECTIVE JUROR 449: I am a senior inventory control
12 clerk.
13 THE COURT: And are you married or in a significant
14 relationship?
15 PROSPECTIVE JUROR 449: Relationship.
16 THE COURT: And what sort of work, if any, does your
17 significant other do?
18 PROSPECTIVE JUROR 449: He's a laborer.
19 THE COURT: Do you have any children, and if so, what
20 ages and gender?
21 PROSPECTIVE JUROR 449: I have a son that is 16, another
22 son that is 14, and a daughter that is 10.
23 THE COURT: Have you ever been the victim of a serious
24 crime?
25 PROSPECTIVE JUROR 449: No.

1 THE COURT: Have you ever been accused of a serious
2 crime?

3 PROSPECTIVE JUROR 449: No.

4 THE COURT: Have any family members, or anyone closely
5 associated with you ever been the victim of a serious crime?

6 PROSPECTIVE JUROR 449: No.

7 THE COURT: Have any family members, or anyone closely
8 associated with you ever been accused of a serious crime?

9 PROSPECTIVE JUROR 449: Yes.

10 THE COURT: And one crime, more than one?

11 PROSPECTIVE JUROR 449: It was one, but multiple
12 charges.

13 THE COURT: Okay. Presumably then the person was
14 charged?

15 PROSPECTIVE JUROR 449: Yes.

16 THE COURT: And did the case go to trial?

17 PROSPECTIVE JUROR 449: Yes.

18 THE COURT: Was the person convicted of anything?

19 PROSPECTIVE JUROR 449: Yes.

20 THE COURT: Do you know what the conviction was for?

21 PROSPECTIVE JUROR 449: Well, murder.

22 THE COURT: Did the District Attorney's Office here in Clark
23 County handle the case.

24 PROSPECTIVE JUROR 449: Yes.

25 THE COURT: Were you satisfied with how the case was

1 handled?

2 PROSPECTIVE JUROR 449: Yes, and no.

3 THE COURT: What do you mean by that?

4 PROSPECTIVE JUROR 449: Because I -- the fact that I knew
5 the person, it made it -- the evidence was there, which I understood,
6 but I didn't like what the outcome was, but --

7 THE COURT: Is there anything about that experience that
8 would cause you not to be fair and impartial in this case?

9 PROSPECTIVE JUROR 449: No.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR 449: No.

12 THE COURT: Is there anything about the nature of this
13 case, or anything that you heard yesterday, or today, that would
14 make it difficult for you to sit as a juror in this case?

15 PROSPECTIVE JUROR 449: No.

16 THE COURT: Can you base your verdict solely on the
17 evidence presented at the trial, wait to form an opinion until after
18 you've heard all the evidence?

19 PROSPECTIVE JUROR 449: Yes.

20 THE COURT: Can you be fair and impartial to both sides?

21 PROSPECTIVE JUROR 449: Yes.

22 THE COURT: Thank you.

23 Last name, badge number?

24 PROSPECTIVE JUROR 482: Jones, 482.

25 THE COURT: Okay. How long have you lived in Clark

1 County?

2 PROSPECTIVE JUROR 482: Ten years.

3 THE COURT: How far did you go in school?

4 PROSPECTIVE JUROR 482: High school and two years of
5 navy technical school.

6 THE COURT: Are you employed, and if so what type of
7 work do you do?

8 PROSPECTIVE JUROR 482: I -- I'm a senior technician at
9 Hughes Network Systems in north Las Vegas.

10 THE COURT: And are you married or in a significant
11 relationship?

12 PROSPECTIVE JUROR 482: I'm married, it'll be 40 years in
13 June.

14 THE COURT: Congratulations. Do you have any children?

15 PROSPECTIVE JUROR 482: I have one stepdaughter, she's
16 44.

17 THE COURT: And I skipped part past -- is your spouse
18 employed and if so what type of work?

19 PROSPECTIVE JUROR 482: Well, she works much harder
20 than I do, but she's a homemaker.

21 THE COURT: And your stepdaughter, does she work, and
22 if so what type of work?

23 PROSPECTIVE JUROR 482: She follows in her mother's
24 footsteps, she's a homemaker, she's married.

25 THE COURT: Have you ever been the victim of a serious

1 crime?

2 PROSPECTIVE JUROR 482: No, sir.

3 THE COURT: Have you ever been accused of a serious
4 crime?

5 PROSPECTIVE JUROR 482: No, sir.

6 THE COURT: Has any family members or anyone closely
7 associated with you ever been the victim of a serious crime?

8 PROSPECTIVE JUROR 482: No, sir.

9 THE COURT: Has any family members, or anyone closely
10 associated with you ever been accused of a serious crime?

11 PROSPECTIVE JUROR 482: No, sir.

12 THE COURT: Have you ever served as a juror before?

13 PROSPECTIVE JUROR 482: No.

14 THE COURT: Is there anything about the nature of this
15 case, or anything that you heard here today, or yesterday, that would
16 make it difficult for you to sit as a juror in this case?

17 PROSPECTIVE JUROR 482: Well, I felt revulsion when you
18 read the charges, but who wouldn't; that doesn't matter.

19 THE COURT: Can you base your verdict solely on the
20 evidence presented at the trial, wait to form an opinion until after
21 you've heard all the evidence?

22 PROSPECTIVE JUROR 482: Yes, sir.

23 THE COURT: Can you be fair impartial to both sides.

24 PROSPECTIVE JUROR 482: Yes, sir.

25 THE COURT: Thank you.

1 If counsel could come and approach.

2 [Sidebar begins at 11:17 a.m.]

3 THE COURT: Does the State request anyone to be excused
4 for cause?

5 MS. RHOADES: Probably 440 and 442.

6 THE CLERK: Is that it?

7 MS. EINHORN: That's all I have.

8 MS. RHOADES: That's all we have.

9 THE COURT: Any objection to either 440 or 442?

10 MR. POSIN: I have no objection to 442, because she
11 couldn't understand --

12 THE COURT: 442 is excused, okay.

13 MR. POSIN: But 440 -- yeah, I do have an objection to
14 excusing 440.

15 THE COURT: Say that again?

16 MR. POSIN: I do have an objection to excusing 440.

17 THE COURT: Okay. What's the objection?

18 MS. RHOADES: I'll let you go right there, since we're like
19 [indiscernible].

20 THE COURT: Thank you.

21 MR. POSIN: I just don't see any -- a basis for cause. It
22 sounds like he had been accused of something, but --

23 THE COURT: But I think -- tell them what your basis is?

24 MS. RHOADES: The basis is he -- from my understanding
25 from what he said he wouldn't be fair to the State, is what the

1 general basis is, based on his statements.

2 MR. POSIN: And to me, I didn't hear -- I understand why
3 the State thinks that, because he was somebody who apparently felt
4 he was falsely accused, but I don't remember, at least I don't have
5 any notes of him saying anything specific about being unfair.

6 MS. RHOADES: He also has an interview on Thursday.

7 MS. EINHORN: Yeah. That was another thing.

8 MS. RHOADES: That would conflict. Was exactly when
9 need Dr. Cetl to testify, so it's not like we can even break for him to
10 go do the interview.

11 MS. EINHORN: When Your Honor asked him if he could be
12 fair and impartial he said, "I can be impartial" but he specifically left
13 out like I can be fair, so that does cause concerns.

14 MR. POSIN: And to me that -- I didn't even hear that he
15 was saying by "impartial" that I'm excluding "fair." That seemed like
16 just he was taking the two words as being a combination, and --

17 THE COURT: So I guess on the interview I think he could
18 probably contact his employer and ask to reschedule.

19 MS. RHOADES: Would Your Honor --

20 THE COURT: Or potential employer.

21 MS. EINHORN: Yeah. Would you be inclined to follow-up
22 with him about that, because my understanding is it was something
23 like he just got this --

24 MS. RHOADES: Yeah. He got laid off.

25 MS. EINHORN: -- randomly. Yeah.

1 MS. RHOADES: So he's unemployed right now.

2 MS. EINHORN: So he may be getting it from something
3 where he wouldn't be able to reschedule it.

4 THE COURT: Yeah. Do you want me to follow-up then, or
5 --

6 MR. POSIN: I think that would be appropriate, Your Honor.

7 THE COURT: And the rest I don't think is resumed yet, at
8 least to cause, but I'll follow-up on the interview.

9 MS. RHOADES: Okay. And also when you're following
10 up, if you could ask if he knows when the job would start. Like it was
11 -- it might be a job that starts on Monday, if he gets it, or something
12 like that.

13 THE COURT: Okay. Those are the two that you had?

14 MS. RHOADES: Yes.

15 THE COURT: Mr. Posin, did you have any?

16 MR. POSIN: I did, Your Honor.

17 THE COURT: Did anybody have any concerns with 422?

18 MR. POSIN: I'm sorry, 422? Oh, of course, yes. I'm sorry,
19 Your Honor, because apparently you had somebody that you know,
20 but of course I have.

21 MS. RHOADES: No, that's not --

22 MS. EINHORN: No, that's a different person.

23 MR. POSIN: Is that not the one?

24 THE COURT: 422 is the sex trafficking --

25 MR. POSIN: Oh, okay. I thought that was the one that you

1 had some prior knowledge of, but maybe not.

2 THE COURT: No.

3 MR. POSIN: Anyway, yes, of course I have. 422 seems to
4 have made all kinds of statements about it would very hard for her to
5 be fair and impartial.

6 MS. RHOADES: Out of all the ones that made those types
7 of statements, she's actually the one that said that she would try her
8 best to be fair and impartial, more so than say --

9 MS. EINHORN: 49 --

10 MS. RHOADES: -- 496.

11 MR. POSIN: You know, Your Honor, yesterday I have
12 notes from them of her saying something about that it was hard to
13 believe in his innocence; this is somebody that we had already
14 discussed yesterday.

15 THE COURT: She's --

16 MR. POSIN: Today she said it would be hard, and it was
17 in regard, as I recall, to two different questions that Your Honor
18 asked her. I think fair and impartial and reserving judgment of some
19 -- those are two separate questions she said she couldn't -- it would
20 be really hard.

21 THE COURT: Yeah. So on her --

22 MR. POSIN: And she also --

23 THE COURT: She walked herself back from what she said
24 yesterday, when she raised what she does. This morning, she made
25 statements that caused me great concern of her ability to be fair and

1 impartial, given what she does. So over State's objection I'll excuse
2 422 for cause.

3 And then, do you have a concern with 496?

4 MR. POSIN: Yes.

5 THE COURT: Any objection to excusing 496 for cause?

6 MS. RHOADES: We would submit that one.

7 THE COURT: So 496 would be excused for cause.

8 [Clerk and Court confer]

9 THE CLERK: Are there any others from yesterday that you
10 have concerns?

11 MR. POSIN: Right. Well, let's see.

12 THE COURT: So when we go back I'll follow-up with 440,
13 and then --

14 MR. POSIN: Okay. So --

15 THE COURT: -- probably call you back up, and then --

16 MS. RHOADES: While we're up here, Judge.

17 THE COURT: Sure.

18 MS. RHOADES: 397, in seat 22, the prior victim.

19 THE COURT: Bear with me, is --

20 MS. RHOADES: She clearly -- on that one I think the State
21 would submit, because she clearly stated she could not be fair.

22 THE COURT: Yeah --

23 MR. POSIN: She said something like "will be biased" is the
24 note --

25 THE COURT: Yeah.

1 MR. POSIN: -- I have on her, so --
2 THE COURT: Yeah. Thank you. That was from yesterday.
3 MS. RHOADES: Uh-huh.
4 THE COURT: Yeah. Thank you. So 397 is excused.
5 MS. RHOADES: 406?
6 MS. EINHORN: And then, also, Your Honor, the next seat,
7 406. He specifically said, "I have my mind made up already."
8 THE COURT: And not fair --
9 MR. POSIN: No, "already have my mind set," is I think the
10 phrase he used.
11 THE COURT: So not objection to excusing him?
12 MR. POSIN: No objection.
13 THE COURT: Okay. So 406 would be excused. Thank
14 you.
15 MS. RHOADES: Okay.
16 MR. POSIN: Wait a second, wait a second.
17 THE COURT: Sure, go ahead.
18 MR. POSIN: I just want to --
19 THE COURT: Yeah.
20 MR. POSIN: Can necessarily even tell from my notes if
21 there's anybody else that we discussed from yesterday, that is still
22 even up there. But there were -- now just a second here.
23 THE COURT: Sure.
24 [Pause]
25 MR. POSIN: 378. If that person is still there.

1 MS. RHOADES: What seat number? Oh, I see.

2 MR. POSIN: That is Teri Clark. Said that this -- something
3 "reading the charges" I think it was, "made her sick to her stomach"
4 and when asked could she be fair and impartial said, "Well, I hope
5 so." So it was something short of, yes, I can.

6 THE COURT: That's kind of what my notes reflect, but at
7 the same time "I hope I can." You're welcome to follow-up.

8 MR. POSIN: All right. Let's see.

9 MS. EINHORN: And then, Your Honor, after you follow-up
10 with 440, will we fill the seats, and then do it all over again, before
11 you pass it?

12 THE COURT: Yeah.

13 MS. EINHORN: .

14 THE COURT: Yeah. So the new ones all go through those,
15 "How long have you lived here"?

16 MS. RHOADES: Okay.

17 THE COURT: I think we'll still be on our originals.

18 MS. EINHORN: We'll what?

19 THE COURT: I think we'll still be on our original jurors.

20 MS. EINHORN: Okay.

21 THE CLERK: It's 1, 2, 3, 4 --

22 THE COURT: Okay.

23 MS. EINHORN: I think I've got 6 -- 7 left?

24 THE COURT: Okay.

25 THE CLERK:

1 MS. EINHORN: Seven left?
2 THE CLERK: Yeah. [Indiscernible].
3 MR. POSIN: Have we gotten rid of 479, or --
4 THE CLERK: No, he's [indiscernible].
5 [Pause]
6 THE COURT: Don't think can be fair and impartial?
7 MR. POSIN: I don't think so.
8 THE COURT: Any objection to excusing 479?
9 MS. RHOADES: Yes. He didn't say that. And he didn't say
10 that he could not be fair and impartial. My recollection is that he
11 could try, and that he would try. So he didn't rise to the other two
12 that we already suggested, you know.
13 MR. POSIN: There were -- my notes show that on -- again,
14 like another one, this was one that on two separate distinct questions
15 that Your Honor asked, could only come up with "could try." So he
16 said something about could forgive the person, but cannot forgive
17 the action about this --
18 MS. RHOADES: That's what he said about his own --
19 MR. POSIN: Some --
20 MS. RHOADES: -- experience.
21 MR. POSIN: -- his own experience.
22 THE COURT: Yeah.
23 MR. POSIN: And I'm not sure, you know, what exactly he
24 meant by that, but it seemed to indicate that there's just merely the
25 accusation is something that causes him to not be able to be fair and

1 impartial.

2 THE COURT: So he's one that --

3 MR. POSIN: At one point my notes, yesterday, I think that
4 Your Honor asked him about could he be fair and impartial, and he
5 said, "don't think so."

6 THE COURT: Yeah. So he said kind of -- he said
7 something to that affect, but he also at some point said he would try.

8 MR. POSIN: Well, I mean --

9 THE COURT: So we'll --

10 MR. POSIN: -- to my mind if he says --

11 THE COURT: -- follow --

12 MR. POSIN: -- I don't think I can, and then if he's pressed,
13 I'll try -- of course anybody is going to say "I'll try" but he's already
14 said "I don't think I can do it," so --

15 THE COURT: Understood. So right now I'm not going to
16 excuse him, but definitely you could follow up.

17 MR. POSIN: Okay. Do we still have 484?

18 THE CLERK: Yes.

19 MR. POSIN: Said his mother-in-law was raped 25 years
20 ago and he doesn't know if he can be fair and impartial.

21 MS. RHOADES: He said he can try, similar to the last one.

22 THE COURT: That's what my note -- so I would do the
23 same ruling, and you're welcome to follow-up.

24 MR. POSIN: And the same issue about "try" on 492.

25 THE COURT: That one I don't have any --

1 MS. RHOADES: I don't either, the same with me.

2 MR. POSIN: I have -- my notes show -- that says, "found
3 the nature of charges troubling, but could try," that's what I wrote.

4 MS. EINHORN: Well, I think most of them --

5 THE COURT: Yeah.

6 MS. EINHORN: have said they found the charges
7 troubling.

8 THE COURT: 492 --

9 MR. POSIN: Of course, everybody finds the nature of the
10 charges troubling, but to try to be impartial, is what I'm --

11 THE COURT: So 492, I don't -- at this point anyway, I
12 don't --

13 MR. POSIN: Okay.

14 THE COURT: -- have a concern. Or let me rephrase to be
15 clear, don't have a basis to excuse 492 for cause.

16 MR. POSIN: All right. Okay. I think that is it.

17 THE COURT: Okay. Thank you.

18 MS. RHOADES: Thank you.

19 [Sidebar ends at 11:32 a.m.]

20 THE COURT: All right, ladies and gentlemen. Thank you
21 for your patience.

22 If we could hand the mic to Mr. Jean?

23 THE MARSHAL: Who?

24 THE COURT: Mr. Jean, 440.

25 PROSPECTIVE JUROR 440: Yes.

1 THE COURT: Just a couple of follow-up questions. Your
2 interview with the Wynn, Thursday at 3:00 p.m., right?

3 PROSPECTIVE JUROR 440: Yes.

4 THE COURT: Do you know if you can reschedule that
5 interview?

6 PROSPECTIVE JUROR 440: I don't think so.

7 THE COURT: Do you know if you're hired when you would
8 be starting at all, or?

9 PROSPECTIVE JUROR 440: I don't know. I just got the text
10 last night.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR 440: Okay.

13 THE COURT: Thank you. Come on up.

14 [Sidebar begins at 11:33 a.m.]

15 THE COURT: I'm inclined to excuse him. Is there any
16 objection to that?

17 MR. POSIN: I can see which way the wind is blowing, so
18 I'll --

19 THE COURT: Well, I mean, you can tell me, you know, it's
20 a job interview and it's late on --

21 MR. POSIN: I know, you know. As much as I'd like to have
22 him, yeah, I feel for anybody who's going on a job interview and is
23 unemployed, so --

24 THE COURT: Okay. Thank you. So we'll excuse 440, as
25 well.

1 MS. RHOADES: Okay.

2 THE COURT: And then we'll call up, and I'll go through the
3 questions with --

4 MS. RHOADES: Okay. Thank you.

5 [Sidebar ends at 11:34 a.m.]

6 THE COURT: Okay. We have some excusals to be made.
7 When your name is read you are excused. Thank you for your
8 service. Make sure to hand your badge to Marshal Durazzo
9 [phonetic].

10 THE CLERK: Destiny Seelicke, badge number 397.

11 Daniel Moore, badge number 406.

12 Mary Levine, badge number 422.

13 Diderot Jean, badge number 440.

14 Tuyen Luong, badge number 442, and Melissa Maucere,
15 badge number 496.

16 Jacquelyn Salter, badge number 511, will replace Juror
17 Number 22.

18 Savannah Franke, badge number 524, will replace Juror
19 Number 23.

20 Carlos Morales, badge number 527, will replace Juror
21 Number 26.

22 Daronte Howard, badge number 532, will replace Juror
23 Number 27.

24 Leslie Almanza, badge number 534, will replace Juror
25 Number 28.

1 And Elsa Amoros, badge number 547 will replace Juror
2 Number 29.

3 THE COURT: If we could hand the microphone to Ms.
4 Salter.

5 Good morning.

6 PROSPECTIVE JUROR 511: Good morning.

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

8 PROSPECTIVE JUROR 511: Twenty-five years.

9 THE COURT: How far did you go in school?

10 PROSPECTIVE JUROR 511: Some college.

11 THE COURT: Are you employed, and if so what type of
12 work do you do?

13 PROSPECTIVE JUROR 511: I am a merchandise manager
14 at Dollar Tree.

15 THE COURT: Are you married or in a significant
16 relationship?

17 PROSPECTIVE JUROR 511: Relationship.

18 THE COURT: And what type of work, if any, does your
19 significant other do?

20 PROSPECTIVE JUROR 511: Color technician.

21 THE COURT: Do you have any children, if so, what ages
22 and genders?

23 PROSPECTIVE JUROR 511: I do not.

24 THE COURT: Have you ever been the victim of a serious
25 crime?

1 PROSPECTIVE JUROR 511: A hit and run.
2 THE COURT: Was the crime reported?
3 PROSPECTIVE JUROR 511: No.
4 THE COURT: Did you ever do any follow-up?
5 PROSPECTIVE JUROR 511: No.
6 THE COURT: Is there anything about that experience that
7 would cause you not to be fair and impartial in this case?
8 PROSPECTIVE JUROR 511: No.
9 THE COURT: Have you ever been accused of a serious
10 crime?
11 PROSPECTIVE JUROR 511: No.
12 THE COURT: Have any family members, or anyone closely
13 associated with you ever been the victim of a serious crime?
14 PROSPECTIVE JUROR 511: Yes.
15 THE COURT: One crime, more than one?
16 PROSPECTIVE JUROR 511: Little sister was statutory rape.
17 THE COURT: And was the crime reported?
18 PROSPECTIVE JUROR 511: Yes.
19 THE COURT: Was the person caught?
20 PROSPECTIVE JUROR 511: Yes.
21 THE COURT: Did the police respond?
22 PROSPECTIVE JUROR 511: Yes.
23 THE COURT: And did you ever have to go to court?
24 PROSPECTIVE JUROR 511: No.
25 THE COURT: Did the District Attorney's Office in Clark

1 County handle the case?

2 PROSPECTIVE JUROR 511: Yes.

3 THE COURT: Were you satisfied with how the case was
4 handled?

5 PROSPECTIVE JUROR 511: Yes.

6 THE COURT: Was there anything about that experience
7 that would cause you not to be fair and impartial in this case?

8 PROSPECTIVE JUROR 511: No.

9 THE COURT: Have any family members or anyone closely
10 associated with you ever been accused of a serious crime?

11 PROSPECTIVE JUROR 511: No.

12 THE COURT: Have you ever served as a juror before?

13 PROSPECTIVE JUROR 511: No.

14 THE COURT: Is there anything about the nature of this
15 case, or anything that you heard here today, that would make it
16 difficult, today, or yesterday, for that matter, that would make it
17 difficult for you to sit as a juror in this case?

18 PROSPECTIVE JUROR 511: No.

19 THE COURT: Can you based your verdict solely on the
20 evidence presented at the trial, and wait to form an opinion until after
21 you've heard all the evidence?

22 PROSPECTIVE JUROR 511: Yes.

23 THE COURT: Can you be fair and impartial to both sides?

24 PROSPECTIVE JUROR 511: Yes.

25 THE COURT: Thank you.

1 And if we can hand the mic to Miss -- is it Franke?
2 PROSPECTIVE JUROR 547: Yes, Franke.
3 THE COURT: A silent "E" then, okay.
4 PROSPECTIVE JUROR 547: Yes.
5 THE COURT: How long have you lived in Clark County?
6 PROSPECTIVE JUROR 547: Coming on 24 years, born and
7 raised.
8 THE COURT: How far did you go in school?
9 PROSPECTIVE JUROR 547: Graduated high school.
10 THE COURT: Are you employed, and if so what type of
11 work do you do?
12 PROSPECTIVE JUROR 547: I am. I'm a project engineer
13 for an electrical contractor.
14 THE COURT: Are you married or in a significant
15 relationship?
16 PROSPECTIVE JUROR 547: Significant relationship.
17 THE COURT: And what type of work, if any, does your
18 significant other do?
19 PROSPECTIVE JUROR 547: He's a supervisor at
20 Starbuck's.
21 THE COURT: Do you have any children, and if so what are
22 their ages and gender?
23 PROSPECTIVE JUROR 547: No children.
24 THE COURT: Have you ever been the victim of a serious
25 crime?

1 PROSPECTIVE JUROR 547: No, I have not.

2 THE COURT: Have you ever been accused of a serious
3 crime?

4 PROSPECTIVE JUROR 547: No.

5 THE COURT: Have any family members, or anyone closely
6 associated with you ever been the victim of a serious crime?

7 PROSPECTIVE JUROR 547: No, they have not.

8 THE COURT: Have any family members, or anyone closely
9 associated with you ever been accused of a serious crime?

10 PROSPECTIVE JUROR 547: No.

11 THE COURT: Have you ever served as a juror before?

12 PROSPECTIVE JUROR 547: No, I have not.

13 THE COURT: Is there anything about the nature of this
14 case, or anything that you heard yesterday, or today, that would
15 make it difficult for you to sit as a juror in this case?

16 PROSPECTIVE JUROR 547: No, sir.

17 THE COURT: Can you base your verdict solely on the
18 evidence presented at the trial, wait to form an opinion until after
19 you've heard all the evidence?

20 PROSPECTIVE JUROR 547: Yes.

21 THE COURT: Can you be fair and impartial to both sides?

22 PROSPECTIVE JUROR 547: Yes.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 527: Thank you.

25 THE COURT: And, Mr. Morales. Good morning.

1 PROSPECTIVE JUROR 527: Good morning.
2 THE COURT: How long have you lived in Clark County?
3 PROSPECTIVE JUROR 527: Seven years.
4 THE COURT: Where did you live prior to here?
5 PROSPECTIVE JUROR 527: Los Angeles.
6 THE COURT: And how long did you live there?
7 PROSPECTIVE JUROR 527: Twenty-one years.
8 THE COURT: How far did you go in school?
9 PROSPECTIVE JUROR 527: High school graduate.
10 THE COURT: Are you employed, and if so what type of
11 work do you do?
12 PROSPECTIVE JUROR 527: Yes. I'm the logistics loss
13 prevention manager for Sephora Western Distribution Center.
14 THE COURT: Are you married or in a significant
15 relationship?
16 PROSPECTIVE JUROR 527: Significant relationship.
17 THE COURT: And what type of work, if any, does your
18 significant other do?
19 PROSPECTIVE JUROR 527: She's a homemaker.
20 THE COURT: Do you have any children, and if so what are
21 their ages and gender?
22 PROSPECTIVE JUROR 527: I have 14-year- old son, and a
23 13-year-old daughter.
24 THE COURT: Have you ever been the victim of a serious
25 crime?

1 PROSPECTIVE JUROR 527: No.

2 THE COURT: Have you ever been accused of a serious
3 crime?

4 PROSPECTIVE JUROR 527: No.

5 THE COURT: Have any family members, or anyone closely
6 associated with you ever been the victim of a serious crime?

7 PROSPECTIVE JUROR 527: No.

8 THE COURT: Have any family members, or anyone closely
9 associated with you ever been accused of a serious crime?

10 PROSPECTIVE JUROR 527: Yes.

11 THE COURT: One crime, more than one?

12 PROSPECTIVE JUROR 527: One crime.

13 THE COURT: Was the person charged?

14 PROSPECTIVE JUROR 527: Yes.

15 THE COURT: Did they go to trial?

16 PROSPECTIVE JUROR 527: Yes.

17 THE COURT: Were they convicted of anything?

18 PROSPECTIVE JUROR 527: Yes.

19 THE COURT: And what was the conviction for?

20 PROSPECTIVE JUROR 527: Statutory rape.

21 THE COURT: Did the District Attorney's Office in Clark
22 County handle the case?

23 PROSPECTIVE JUROR 527: Yes.

24 THE COURT: Were you satisfied with how the case was
25 handled?

1 PROSPECTIVE JUROR 527: Yes.

2 THE COURT: Is there anything about that experience that
3 would cause you not to be fair and impartial in this case?

4 PROSPECTIVE JUROR 527: No.

5 THE COURT: Have you ever served as a juror before?

6 PROSPECTIVE JUROR 527: No.

7 THE COURT: Is there anything about the nature of this
8 case, or anything that you heard here yesterday, or today, that would
9 make it difficult for you to sit as a juror in this case?

10 PROSPECTIVE JUROR 527: No.

11 THE COURT: Can you base your verdict solely on the
12 evidence presented at the trial, wait to form an opinion until after
13 you've heard all the evidence?

14 PROSPECTIVE JUROR 527: Yes.

15 THE COURT: Can you be fair and impartial to both sides?

16 PROSPECTIVE JUROR 527: Yes.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 527: Thank you.

19 And Mr. Howard, okay.

20 PROSPECTIVE JUROR 532: Yes.

21 THE COURT: I'm looking around, you're right there. How
22 long have you lived in Clark County?

23 PROSPECTIVE JUROR 532: One year.

24 THE COURT: Where did you live before here?

25 PROSPECTIVE JUROR 532: Los Angeles, California.

1 THE COURT: How long did you live there?
2 PROSPECTIVE JUROR 532: Twenty-two years.
3 THE COURT: How far did you go in school?
4 PROSPECTIVE JUROR 532: Some college.
5 THE COURT: Are you employed, and if so what type of
6 work do you do?
7 PROSPECTIVE JUROR 532: Yes. I'm an associate for
8 Amazon, and I also am a videographer.
9 THE COURT: Are you married or in a significant
10 relationship?
11 PROSPECTIVE JUROR 532: I'm single.
12 THE COURT: Do you have any children?
13 PROSPECTIVE JUROR 532: No, I do not.
14 THE COURT: Have you ever been the victim of a serious
15 crime?
16 PROSPECTIVE JUROR 532: No, I have not.
17 THE COURT: Have you ever been accused of a serious
18 crime?
19 PROSPECTIVE JUROR 532: No.
20 THE COURT: Have any family members, or anyone closely
21 associated with you ever been the victim of a serious crime?
22 PROSPECTIVE JUROR 532: Yes. My sister, who is ten
23 years older than me, was raped while she was in foster care.
24 THE COURT: Was the crime reported?
25 PROSPECTIVE JUROR 532: I'm not sure.

1 THE COURT: Did you ever have to go to court?
2 PROSPECTIVE JUROR 532: No, I did not.
3 THE COURT: Do you know if the person was caught?
4 PROSPECTIVE JUROR 532: I'm not sure.
5 THE COURT: And I apologize if you already said this, but
6 was that here in Clark County?
7 PROSPECTIVE JUROR 532: No. It was most likely in
8 California.
9 THE COURT: Were you satisfied with how the case was
10 handled?
11 PROSPECTIVE JUROR 532: No.
12 THE COURT: And why not?
13 PROSPECTIVE JUROR 532: Well, I'm not sure who did it.
14 THE COURT: Is there anything about that experience that
15 would cause you not to be fair and impartial in this case?
16 PROSPECTIVE JUROR 532: No.
17 THE COURT: Have any family members, or anyone closely
18 associated with you ever been accused of a serious crime?
19 PROSPECTIVE JUROR 532: Yes. My mother was in and
20 out of prison for distribution, possession of crack cocaine and
21 marijuana.
22 THE COURT: And so you said she was "in and out of
23 prison"?
24 PROSPECTIVE JUROR 532: Right.
25 THE COURT: And was that in California?

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PROSPECTIVE JUROR 532: Correct.

THE COURT: Is there anything about that experience that would cause you not to be fair and impartial in this case?

PROSPECTIVE JUROR 532: No.

THE COURT: Have you ever served as a juror before?

PROSPECTIVE JUROR 532: No, I have not.

THE COURT: Is there anything about the nature of this case, or anything that you heard here, either yesterday or today, that would make it difficult for you to sit as a juror in this case?

PROSPECTIVE JUROR 532: Knowing children were involved will be pretty difficult, but I can try.

THE COURT: Can you base your verdict solely on the evidence presented at the trial, wait to form an opinion until after you've heard all the evidence?

PROSPECTIVE JUROR 532: Yes.

THE COURT: Can you be fair and impartial to both sides?

PROSPECTIVE JUROR 532: Again, it'll be difficult, but I can try. Yes.

THE COURT: Thank you.

And next, Ms. Almanza, --

PROSPECTIVE JUROR 534: Yes.

THE COURT: -- Is it? What's your badge number?

PROSPECTIVE JUROR 534: 534.

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

PROSPECTIVE JUROR 534: A year and about five months.

1 THE COURT: Where did you live prior to here?
2 PROSPECTIVE JUROR 534: Los Angeles.
3 THE COURT: How long did you live there?
4 PROSPECTIVE JUROR 534: All my life.
5 THE COURT: How far did you go in school?
6 PROSPECTIVE JUROR 534: Associate's Degree.
7 THE COURT: Are you employed, and if so what type of
8 work do you do?
9 PROSPECTIVE JUROR 534: I'm a flight attendant for
10 Allegiant Air.
11 THE COURT: And are you married or in a significant
12 relationship?
13 PROSPECTIVE JUROR 534: No.
14 THE COURT: Do you have any children?
15 PROSPECTIVE JUROR 534: Yes.
16 THE COURT: And ages and genders?
17 PROSPECTIVE JUROR 534: She's -- my daughter, 11 years
18 old.
19 THE COURT: Have you ever been the victim of a serious
20 crime?
21 PROSPECTIVE JUROR 534: Yes.
22 THE COURT: One crime, more than one?
23 PROSPECTIVE JUROR 534: One.
24 THE COURT: Was the crime reported?
25 PROSPECTIVE JUROR 534: Yes.

1 THE COURT: Was the person caught?
2 PROSPECTIVE JUROR 534: Yes.
3 THE COURT: What was the crime?
4 PROSPECTIVE JUROR 534: Sexual molestation.
5 THE COURT: Did the -- and the person was caught, you
6 said --
7 PROSPECTIVE JUROR 534: Yes.
8 THE COURT: -- I'm sorry? Okay. And was that here in
9 Clark County or somewhere else?
10 PROSPECTIVE JUROR 534: Los Angeles.
11 THE COURT: Were you satisfied with how the case was
12 handled?
13 PROSPECTIVE JUROR 534: Yes.
14 THE COURT: Is there anything about that experience that
15 would cause you not to be fair and impartial in this case?
16 PROSPECTIVE JUROR 534: I can try and be fair.
17 THE COURT: Have you ever been accused of a serious
18 crime?
19 PROSPECTIVE JUROR 534: No.
20 THE COURT: Have any family members, or anyone closely
21 associated with you ever been the victim of a serious crime?
22 PROSPECTIVE JUROR 534: Yes.
23 THE COURT: Was the crime reported?
24 PROSPECTIVE JUROR 534: No.
25 THE COURT: And so the person was never caught then, I

1 assume?

2 PROSPECTIVE JUROR 534: Correct.

3 THE COURT: And you never had to go to court for it --

4 PROSPECTIVE JUROR 534: No.

5 THE COURT: -- right? Were you satisfied with how that
6 was handled?

7 PROSPECTIVE JUROR 534: No.

8 THE COURT: Is there anything about that experience that
9 would cause you not to be fair and impartial in this case?

10 PROSPECTIVE JUROR 534: I can try to be fair.

11 THE COURT: Have any family members, or anyone closely
12 associated with you ever been accused of a serious crime?

13 PROSPECTIVE JUROR 534: Yes.

14 THE COURT: And was the person charged?

15 PROSPECTIVE JUROR 534: Yes.

16 THE COURT: Did the case go to trial?

17 PROSPECTIVE JUROR 534: Yes.

18 THE COURT: Was there a conviction, and if so, what was it
19 for?

20 PROSPECTIVE JUROR 534: Yes. For sexual assault.

21 THE COURT: And were you the victim in that case?

22 PROSPECTIVE JUROR 534: Yes.

23 THE COURT: And you said "yes"?

24 PROSPECTIVE JUROR 534: Yes.

25 THE COURT: Okay. And were you satisfied with how the

1 case was handled?

2 PROSPECTIVE JUROR 534: Yes.

3 THE COURT: Is there anything about that experience that
4 would cause you not to be fair and impartial in this case?

5 PROSPECTIVE JUROR 534: No.

6 THE COURT: Have you ever served as a juror before?

7 PROSPECTIVE JUROR 534: Yes.

8 THE COURT: How many times?

9 PROSPECTIVE JUROR 534: Once.

10 THE COURT: And when was it?

11 PROSPECTIVE JUROR 534: Two years ago.

12 THE COURT: Was it here or in California?

13 PROSPECTIVE JUROR 534: In California.

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

15 PROSPECTIVE JUROR 534: Civil.

16 THE COURT: And without telling us what the verdict was,
17 was the jury able to reach a verdict?

18 PROSPECTIVE JUROR 534: Yes.

19 THE COURT: Were you the foreperson?

20 PROSPECTIVE JUROR 534: No.

21 THE COURT: Is there anything about the nature of this
22 case, or anything that you heard yesterday, or today, that would
23 make it difficult for you to sit as a juror in this case?

24 PROSPECTIVE JUROR 534: Somewhat, yes.

25 THE COURT: And that's what you talked about already?

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DEQUINCY BRASS,) No. 81142
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 Appellant,)
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 v.)
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 THE STATE OF NEVADA,)
)
 Respondent.)
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 26 day of January, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

DEQUINCY BRASS, #1233421
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office