

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.)

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10 **APPELLANT'S APPENDIX VOLUME IV PAGES 713-962**

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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 PROSPECTIVE JUROR 534: Yeah.

2 THE COURT: Having said that, can you base your verdict
3 solely on the evidence presented at the trial, and wait to form an
4 opinion until after you've heard all the evidence?

5 PROSPECTIVE JUROR 534: Yes.

6 THE COURT: Can you be fair and impartial to both sides?

7 PROSPECTIVE JUROR 534: Yes.

8 THE COURT: Thank you.

9 Last name and badge number?

10 PROSPECTIVE JUROR 547: Amoroso, 547.

11 THE COURT: Okay. How long have you lived in Clark
12 County?

13 PROSPECTIVE JUROR 547: I moved here December '99.

14 THE COURT: How far did you go in school?

15 PROSPECTIVE JUROR 547: Some college.

16 THE COURT: Are you employed, and if so what type of
17 work do you do?

18 PROSPECTIVE JUROR 547: Legal assistant.

19 THE COURT: And do you work for an attorney then?

20 PROSPECTIVE JUROR 547: Law firm.

21 THE COURT: What firm is it?

22 PROSPECTIVE JUROR 547: Weinberg, Wheeler, Hudgins,
23 Gunn and Dial.

24 THE COURT: Okay. They do civil litigation?

25 PROSPECTIVE JUROR 547: They do -- mostly trial lawyers.

1 THE COURT: Okay. And are you married or in a significant
2 relationship?

3 PROSPECTIVE JUROR 547: Married.

4 THE COURT: And what type of work, if any, does your
5 spouse do?

6 PROSPECTIVE JUROR 547: He's security at Veteran's
7 Administration in Boulder City.

8 THE COURT: Do you have any children, and if so what are
9 their ages and gender?

10 PROSPECTIVE JUROR 547: Three; 29, 27 and 26.

11 THE COURT: And you past that test too. Good job.
12 And what type of work or school do they do?

13 PROSPECTIVE JUROR 547: My oldest is an operations
14 manager at Omega. My middle one is customer service at a shop in
15 Planet Hollywood, and my youngest, my daughter, is a court
16 recorder for Judge Scotti.

17 THE COURT: Have you ever been the victim of a serious
18 crime?

19 PROSPECTIVE JUROR 547: No.

20 THE COURT: Have you ever been accused of a serious
21 crime?

22 PROSPECTIVE JUROR 547: No.

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 547: No.

1 THE COURT: Have any family members, or anyone closely
2 associated with you ever been accused of a serious crime?

3 PROSPECTIVE JUROR 547: My brother, when he was
4 juvenile.

5 THE COURT: And was he charged?

6 PROSPECTIVE JUROR 547: He was.

7 THE COURT: Was he convicted of anything?

8 PROSPECTIVE JUROR 547: He spent time in juvi.

9 THE COURT: Do you know what it was for?

10 PROSPECTIVE JUROR 547: Car theft.

11 THE COURT: And was that here in Clark County?

12 PROSPECTIVE JUROR 547: In Hawaii.

13 THE COURT: Were you satisfied with how the case was
14 handled?

15 PROSPECTIVE JUROR 547: 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 547: No.

19 THE COURT: Have you ever served as a juror before?

20 PROSPECTIVE JUROR 547: Alternate.

21 THE COURT: And was that one time?

22 PROSPECTIVE JUROR 547: Once.

23 THE COURT: Do you know, was it a civil or a criminal
24 case?

25 PROSPECTIVE JUROR 547: It was civil, domestic violence.

1 THE COURT: And when and where was it?

2 PROSPECTIVE JUROR 547: Oh, this is before I got married,
3 so over 30 years ago, in Hawaii.

4 THE COURT: And do you know, was the jury able to reach
5 a verdict?

6 PROSPECTIVE JUROR 547: They did, but I didn't get to
7 deliberate.

8 THE COURT: Is there anything about the nature of this
9 case, or anything that you heard here yesterday, or today, that would
10 make it difficult for you to sit as a juror in this case?

11 PROSPECTIVE JUROR 547: No.

12 THE COURT: Can 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 547: Yes.

16 THE COURT: Can you be fair and impartial to both sides?

17 PROSPECTIVE JUROR 547: Yes.

18 THE COURT: Thank you.

19 If counsel could come approach.

20 [Sidebar begins at 11:50 a.m.]

21 THE COURT: Does the State have anyone to excuse for
22 cause right now?

23 MS. RHOADES: I don't think so.

24 THE COURT: Mr. Posin, anyone.

25 MS. RHOADES: While he's looking at his notes, for the -- if

1 someone gets kicked do they move -- what am I trying to say?
2 Everyone just stays in their seats, and then when we do the
3 peremptories, they just get plucked out, right?

4 THE COURT: Yeah. I do that.

5 MS. RHOADES: Okay.

6 THE COURT: And then once -- yeah, they just get plucked
7 basically and --

8 MS. RHOADES: Okay.

9 THE COURT: -- then once we seat them then they'll --

10 MS. RHOADES: Then they'll move up --

11 THE COURT: We'll switch the --

12 MS. RHOADES: -- but they all move up before that?

13 THE COURT: Right.

14 MS. RHOADES: Okay.

15 THE COURT: Yeah.

16 MS. EINHORN: So 18 and 19 were reversed yesterday.

17 MS. RHOADES: Oh, yeah.

18 MS. EINHORN: So which one is it?

19 THE COURT: Oh, that's a good question.

20 MS. EINHORN: Yesterday the female was sitting in the --
21 where the male was, and vice versa.

22 THE CLERK: So John Jackson should be at 18, and Helen
23 Mekonnen, should be at 19.

24 MS. EINHORN: So they're correct today.

25 THE CLERK: Yeah. She's --

1 MS. EINHORN: Okay. Because --

2 THE CLERK: -- 11:52:00.

3 MS. EINHORN: Because yesterday they weren't.

4 THE CLERK: Yes.

5 MS. EINHORN: So yesterday they were reversed. Okay.

6 THE COURT: Okay.

7 MS. EINHORN: Okay.

8 THE COURT: Anything else?

9 MR. POSIN: 511. I'm not sure, somebody that their little
10 sister was a victim of a statutory rape, it was reported, not satisfied
11 with how the case was handled. And she said " sure who did it" so I
12 don't know how there was even a case to be satisfied or not, so --

13 MS. EINHORN: No, she -- are you talking about 511?

14 THE COURT: Yeah.

15 MS. EINHORN: She did -- she was happy with the case. It
16 was reported, and he was caught.

17 THE COURT: Yeah. I didn't hear anything that would give
18 cause for excusal.

19 [Pause]

20 MR. POSIN: I have some concerns about 534. I think, you
21 know, that was another one who said she would try to be fair. So I'm
22 just into -- we've already been ruling on those.

23 THE COURT: And --

24 MR. POSIN: So I'm just going to make the record --

25 THE COURT: Sure.

1 MR. POSIN: -- that it's another tried case, on that basis.

2 THE COURT: My ruling will be the same --

3 MR. POSIN: Right.

4 THE COURT: -- but certainly record noted. So cause hasn't
5 been shown yet, excused for cause.

6 MR. POSIN: That's it.

7 THE COURT: Okay. So I'll turn it over to you all.

8 MS. RHOADES: Sure.

9 MS. EINHORN: Thank you.

10 [Sidebar ends at 11:54 a.m.]

11 THE COURT: Okay. Ladies and gentlemen, we've finished
12 my initial round of questions, so I'll turn it over to the State.

13 MS. RHOADES: Thank you, Your Honor.

14 Good afternoon, everyone. Thank you all for bearing
15 with us in this process. As the Court told you yesterday, none of
16 these questions are meant to pry. None of them are meant to argue,
17 or I -- neither myself, nor Mr. Posin are looking for any kind of an
18 answer. We don't know what's inside your head and so that's why
19 it's really important to just let us know what is inside your head so
20 that both Mr. Posin and the State can decide who is on the jury and
21 who can be fair and impartial.

22 Does everyone understand that both sides are entitled to
23 a fair trial? The Defendant is entitled to a fair trial as well as the
24 State. Does everyone understand that? Everyone's nodding in the
25 affirmative.

1 Also, on some of these questions I'll ask and if anyone
2 wants to raise their hand and speak up and let me know anything
3 that they're thinking, that's great, otherwise, I might just call on
4 people randomly if that's okay with everybody. I know it's not the
5 easiest to talk in front of a room full of strangers. So just to forewarn
6 you that I'm not trying to pick on you. I'm just trying to make you
7 guys talk to me.

8 Everyone understands that it is the State of Nevada v.
9 Dequincy Brass. It is not the victims against Dequincy Brass. This is
10 not a civil trial. It's not the mother of the victims against Dequincy
11 Brass. It's the State of Nevada v. Dequincy Brass. Does everyone
12 understand that?

13 Everyone is nodding in the affirmative.

14 And this was also discussed yesterday, Mr. Brass is
15 presumed innocent as he sits there. Everybody understands that and
16 everybody understands that it's the State's burden. And we carry
17 that burden. It's the State's burden to prove the Defendant's guilt
18 beyond a reasonable doubt. Everyone understands that?

19 Beyond a reasonable doubt has been portrayed in
20 movies, TV shows, news. It is not beyond a shadow of a doubt. It is
21 not 100 percent certain of something. Does everyone understand
22 that?

23 The Court is going to instruct you on what it means
24 beyond a reasonable doubt. Can everyone promise to hold the State
25 to that standard and not higher than that standard and not lower

1 than that standard? Does everyone agree to do that?

2 Does anyone have any issues with that or concerns or
3 anything at all?

4 Okay. Everyone understands that we're all asking you
5 these things in an effort to find out if you can be impartial, so it's not
6 going to be something you're 100 percent sure of because you're not
7 going to have seen it with your own eyes, because then you wouldn't
8 be able to be on the jury. Does that make sense?

9 Okay. What's the first thing that comes to your mind
10 when you hear sexual abuse? Anyone want to comment on that?

11 Did anyone think oh, I bet they made it up? Was that
12 anyone's first initial reaction: I bet they made it up? Or anything
13 along those lines at all?

14 Mr. Garcia, I see you just thinking. If you could -- what
15 was your first --

16 PROSPECTIVE JUROR 369: What --

17 MS. RHOADES: -- initial reaction when you heard sexual
18 abuse -- that the trial was about sexual abuse?

19 PROSPECTIVE JUROR 369: Sexual abuse I thought maybe
20 like some kind of touching while the kid was sleeping, or just
21 unwanted -- we call it privacy touching at my house with my little
22 kid -- just like unwanted sexual touching.

23 MS. RHOADES: Okay. Do you understand that it could be
24 more than that? It could be sexual assault?

25 PROSPECTIVE JUROR 369: Yeah, that was just my

1 first -- yeah --

2 MS. RHOADES: Okay.

3 PROSPECTIVE JUROR 369: -- I was -- yeah -- waiting to
4 hear more.

5 MS. RHOADES: All right. Did you have any kind of
6 thoughts like oh, I bet the victim made it up?

7 PROSPECTIVE JUROR 369: No.

8 MS. RHOADES: Okay.

9 PROSPECTIVE JUROR 369: I was curious the relationship.

10 MS. RHOADES: Okay. And I'll stop asking you questions
11 then.

12 On to the panel. Does everyone believe that child sexual
13 abuse occurs? Does anyone not believe that child sexual abuse
14 occurs?

15 I see no hands.

16 Has anyone seen child sexual abuse occur with their own
17 eyes?

18 I see -- and I'm going to -- besides the people who have
19 expressed what has happened to them, and I'll follow up with you
20 too -- I see, Mr. Jackson, you did raise your hand. You've seen it with
21 your own eyes; is that correct?

22 PROSPECTIVE JUROR 479: Yes.

23 MS. RHOADES: And that's because you've been a victim
24 of sexual abuse?

25 PROSPECTIVE JUROR 479: Yes.

1 MS. RHOADES: Okay. And I also have -- I'm going to try
2 to get this right -- Ms. Clark; is that right? And you're badge 378.

3 PROSPECTIVE JUROR 378: Yes.

4 MS. RHOADES: What did you want to say about that?

5 PROSPECTIVE JUROR 378: I really don't want to say a lot
6 that's why I didn't say anything yesterday, but my family -- my
7 grandfather -- my grandfather molested me, my sister, and my
8 cousins when we were little, amongst other things. And it's -- it just
9 kind of hit really hard last night when I went home.

10 MS. RHOADES: I'm sorry. I'm sorry to hear that. I'll give
11 you a few minutes and then ask you a follow up if that's okay. Okay.

12 Anyone else, besides the people that we've heard of,
13 have you ever seen someone sexually abuse a child in front of you
14 that wasn't yourself?

15 If everyone just stated that they know that it occurs, but
16 nobody has seen it with their own eyes, except for the people that
17 we've heard about. So if we have not seen it, how do we know that it
18 occurs? Anybody want to raise their hand?

19 Mr. Escobar, badge 370.

20 PROSPECTIVE JUROR 370: Through disclosures, medical
21 report, medical examinations, assessments from clinical
22 professionals -- psychologists, you know, that kind of stuff.

23 MS. RHOADES: Okay. And that's because children,
24 victims, they disclose what happened to them and they talk about
25 what happened to them; is that right?

1 PROSPECTIVE JUROR 370: Well, it -- it's because -- yeah,
2 and the job that I did it was -- it was part of, you know, an
3 assessment process to determine if any allegations of, you know,
4 sexual abuse in regards to sexual, you know, molestation did
5 happen, or -- or not.

6 MS. RHOADES: Okay. And then you said -- I have a note
7 here, while we're on you, you were a youth and you didn't think you
8 did the right thing because you were afraid.

9 PROSPECTIVE JUROR 369: That was me.

10 MS. RHOADES: It was -- that was you. I'm sorry, Mr.
11 Garcia.

12 PROSPECTIVE JUROR 369: Yeah.

13 PROSPECTIVE JUROR 370: It's the other bald guy.

14 MS. RHOADES: Sitting right next to each other.

15 PROSPECTIVE JUROR 370: Yeah.

16 MS. RHOADES: All right. I will come back to you on that
17 one.

18 While we're on this topic, do you agree that generally
19 people don't sexually abuse kids in front of other people?

20 PROSPECTIVE JUROR 370: Generally they don't, but I've
21 run into this -- this is -- I've investigated sexual abuse that it did
22 happen in ritualistic settings, whereas -- where that -- that was the
23 purpose of -- of the whole ritual was to, you know, abuse a child
24 sexually and in a group setting, but it -- it also had -- usually, from
25 my experience, it -- it's very secret albeit in a group setting or be it an

1 individual doing it.

2 MS. RHOADES: Okay. It's usually very secretive?

3 PROSPECTIVE JUROR 370: Very secretive.

4 MS. RHOADES: Generally, do you find, in your work and
5 in your experience --

6 PROSPECTIVE JUROR 370: Previous work.

7 MS. RHOADES: -- previous work -- that people sexually
8 abuse kids and they record it?

9 PROSPECTIVE JUROR 370: Some do and -- and some
10 don't. It -- it just depends on -- on the -- on the person's intentions.

11 MS. RHOADES: Okay.

12 PROSPECTIVE JUROR 370: You know, if -- if they want
13 that reoccurring record or -- or memory and -- and thrive off of that,
14 if -- if not -- that -- that's not a yes or no --

15 MS. RHOADES: Okay.

16 PROSPECTIVE JUROR 370: -- question.

17 MS. RHOADES: So you are a broker now; is that right?

18 PROSPECTIVE JUROR 370: Correct.

19 MS. RHOADES: And so tell me where did you work where
20 you investigated the sexual abuse cases?

21 PROSPECTIVE JUROR 370: I worked for Connecticut's
22 Department of Children and Families for eight years. Three of those
23 years I was a lead investigator for sexual abuse cases.

24 MS. RHOADES: And I'll ask this of the whole panel too,
25 but since we're here, you're going to hear from the witness stand

1 and there are going to be children that testify on the witness
2 stand -- 16 years old, 13 years old, 8 years old. What kinds of things
3 are you going to look for when you're determining their credibility
4 when you're judging whether or not they're telling the truth?

5 PROSPECTIVE JUROR 370: Their overall demeanor and
6 the feedback -- how they respond to -- to questions because children
7 could also be coerced into believing that they were sexually abused
8 when they weren't. That -- that also happens. That's why it's -- it's a
9 very complicated and intense assessment process in order to truly
10 determine if a child was abused. And it's not just an assessment of
11 the child. It's also an assessment of the alleged perpetrator.

12 MS. RHOADES: Okay. So what kind of assessment would
13 you be doing as an investigator back in the place that you worked
14 before?

15 PROSPECTIVE JUROR 370: A lot of interviewing,
16 interacting, and sharing information with -- with professionals -- a
17 psychologist, sexual abuse experts -- after they've interviewed
18 and -- and assessed both the child and the perpetrator, and also
19 interviewing the alleged perpetrator.

20 MS. RHOADES: Okay. So you were -- so you worked in
21 Connecticut and was it for a law enforcement department? Was it for
22 defense?

23 PROSPECTIVE JUROR 370: The -- the Department of
24 Children and Families.

25 MS. RHOADES: Oh, okay. So like CPS kind of?

1 PROSPECTIVE JUROR 370: Yes. CPS here.

2 MS. RHOADES: So that is a different kind of standard and
3 different mechanisms that you guys used versus law enforcement or
4 police.

5 PROSPECTIVE JUROR 370: Well, we worked in
6 conjunction with law enforcement.

7 MS. RHOADES: Uh-huh.

8 PROSPECTIVE JUROR 370: I'm not sure how it works here,
9 but over there, you know, the standard was pretty high.

10 MS. RHOADES: What's the standard? What was the
11 standard over there in CPS?

12 PROSPECTIVE JUROR 370: Well, the standard was
13 basically a standard of transparency and cooperation between the
14 different agencies in order to determine if allegations were true. I've
15 never worked in CPS here so I don't know what their standards are.

16 MS. RHOADES: Okay.

17 PROSPECTIVE JUROR 370: In Connecticut they were
18 pretty high.

19 MS. RHOADES: Tell me about your experience with kids
20 being coerced? I mean how often did you see that happen?

21 PROSPECTIVE JUROR 370: It happened. Usually it was
22 manipulation within -- within the family to either remove a parent
23 from having interaction with the child by one of the parents or by a
24 guardian -- a legal guardian, you know, that -- that had guardianship
25 of the child. So custody disputes basically.

1 MS. RHOADES: Okay. What else -- where else have you
2 seen that a child was coerced into telling that they were sexually
3 abused when they weren't?

4 PROSPECTIVE JUROR 370: Those are the only instances.
5 It -- it was -- it was all familial based.

6 MS. RHOADES: So custody issues and trying to get
7 someone out of a house?

8 PROSPECTIVE JUROR 370: Custody issues, getting
9 someone out of a house or out of the child's life period.

10 MS. RHOADES: Okay. And how often would you see that?

11 PROSPECTIVE JUROR 370: It -- it's hard to -- to put a -- to
12 quantify that. I mean it happens, you know. I never kept track of this
13 is true, this isn't true, so I wouldn't be able to answer that question.

14 MS. RHOADES: Was it more often than not or less often?

15 PROSPECTIVE JUROR 370: It was less often.

16 MS. RHOADES: Okay. Like 50 percent less often?

17 PROSPECTIVE JUROR 370: Once again you're asking me
18 to quantify it and that's very hard for me, but it was definitely less
19 often than that.

20 MS. RHOADES: Okay. Would you say that it was rare that
21 you encountered that?

22 PROSPECTIVE JUROR 370: It -- it wasn't that rare, but
23 more often than not the allegations proved to be true.

24 MS. RHOADES: Okay. All right. Thank you, sir.

25 PROSPECTIVE JUROR 370: You're quite welcome.

1 MS. RHOADES: What else? Anybody else want to
2 comment on the fact that if you haven't see sexual abuse with your
3 own eyes, but, you know that it occurs -- oh, I see.

4 UNIDENTIFIED SPEAKER: Sorry about that.

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

6 [Pause]

7 MS. RHOADES: Thank you, for saying something.

8 Okay. Everybody set?

9 Okay. Anyone else want to comment on that? How --

10 UNIDENTIFIED PROSPECTIVE JUROR: [Sneezes].

11 MS. RHOADES: -- bless you.

12 UNIDENTIFIED PROSPECTIVE JUROR: What was the
13 question?

14 MS. RHOADES: Okay. Ms. Correa 364.

15 PROSPECTIVE JUROR 364: I wanted to say that I
16 understand some English, but to answer I'm not so good and not so
17 fluent. And now that I heard the case of the woman that's sitting
18 next to me -- close to me -- something happened -- something similar
19 happened to me, but not with somebody that was close to me, but
20 somebody that was -- that I did know, but he only touched me, but he
21 didn't -- but I run away so I don't know if it's a case of abuse, but, you
22 know, it is a case of abuse because he tried to do something to me.

23 But it -- I think it's -- it gives -- it's -- it's shameful or it
24 makes you afraid to talk in front of so many people that you don't
25 know. So this is hard, so --

1 MS. RHOADES: That makes total sense.

2 PROSPECTIVE JUROR 364: That's because now I heard
3 what she said I dare to say something about it myself.

4 MS. RHOADES: Okay. So you would say that it is very
5 difficult to stand up in front of a room full of people and talk about an
6 unconsensual (sic) sexual encounter?

7 PROSPECTIVE JUROR 364: Well, yes, because as I told
8 you, somebody touched me and I was able to get away. Yes. You
9 know, but I was able to get away, but, you know, I have nieces. I
10 have a son that's 13 years old and I don't know how they would react
11 to this.

12 MS. RHOADES: Can you tell me when that happened and
13 who did that to you?

14 PROSPECTIVE JUROR 364: It was -- I was little -- I was
15 little. I lived in Mexico. As I said, you know, I ran away. I wasn't
16 going to stay and let him do anything to me.

17 MS. RHOADES: Do you know who he was?

18 PROSPECTIVE JUROR 364: No.

19 MS. RHOADES: And where did he touch you?

20 PROSPECTIVE JUROR 364: In -- in my -- my breasts -- my
21 chest.

22 MS. RHOADES: Do you know about how many years ago
23 that was?

24 PROSPECTIVE JUROR 364: I would say about 19 years old,
25 more or less.

1 MS. RHOADES: You understand that the Defendant sitting
2 here is not that person, right?

3 PROSPECTIVE JUROR 364: Yes.

4 MS. RHOADES: Can you set what happened to you aside
5 and listen to the evidence and be fair to the Defense and to the State?

6 PROSPECTIVE JUROR 364: Yes. Now, as I'm listening to
7 everything that happened with the children while they were -- they
8 were girls?

9 MS. RHOADES: Well, I'm not really in a position to tell you
10 about the case right now, but --

11 PROSPECTIVE JUROR 364: I don't know how I would feel
12 now.

13 MS. RHOADES: And it's difficult because we're asking you
14 all these questions kind of in this cloud and not giving you specific
15 answers about the case, right?

16 PROSPECTIVE JUROR 364: Exactly. I understand. Yeah, I
17 understand because, you know, when I heard what the -- the -- the
18 lady was saying, you know, you get -- you're -- you're ashamed.
19 You're -- you -- you're afraid to speak in front of so many people that
20 you don't know -- so many strangers.

21 MS. RHOADES: Uh-huh. Do you think you can be fair to
22 both sides?

23 PROSPECTIVE JUROR 364: I'm going to try.

24 MS. RHOADES: Okay. Did you tell anybody when that
25 person touched you?

1 PROSPECTIVE JUROR 364: No, because when I got home I
2 just -- like, I got there running and I didn't tell my parents. I
3 didn't -- yeah. Nobody -- I didn't tell anybody.

4 MS. RHOADES: Why didn't you tell anybody?

5 PROSPECTIVE JUROR 364: I was ashamed.

6 MS. RHOADES: Okay. All right. Anything else that you
7 want to say about that?

8 PROSPECTIVE JUROR 364: No.

9 MS. RHOADES: Thank you so much for sharing that.

10 Anyone have any strong opinions on the Harvey Weinstein
11 trial that's been in the news and the conviction that came back and
12 not guilty on some, guilty on others?

13 I see no hands.

14 Or the Me Too Movement I see -- which that hasn't been in
15 the news that much lately, but okay.

16 Mr. Rocca, is that correct, 341? You had your hand raised.

17 PROSPECTIVE JUROR 341: Correct.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 341: And regarding that case it's
20 just a guy who is in power who thought he could control any
21 situation with whatever he wanted sexually and take advantage of
22 people because he would coerce them. He'd say, you know, I get
23 you this and that position. You can get into movies, whatever,
24 and -- but you got to come do what I tell you to do, which is, like, you
25 know, total freak show to do something like that, you know.

1 MS. RHOADES: Do you think -- can you think of any other
2 ways power and control can be used by a perpetrator of a crime if
3 they're not super wealthy or not, you know, who Harvey Weinstein
4 is?

5 PROSPECTIVE JUROR 341: You know, just being older -- a
6 lot older person to a child that's -- you know, that's a feeling of
7 dominance to a young kid.

8 MS. RHOADES: Okay.

9 PROSPECTIVE JUROR 341: So obviously scared and stuff
10 like that and embarrassment and, you know.

11 MS. RHOADES: Okay. All right. Thank you very much.

12 THE COURT: Is there feedback over there?

13 MS. RHOADES: There sure is. I can hear it too, Your
14 Honor.

15 THE COURT: It might be from the microphone to
16 the -- that [indiscernible].

17 PROSPECTIVE JUROR 369: Can I just -- I can talk louder.

18 THE COURT: Mr. Garcia.

19 PROSPECTIVE JUROR 369: Yeah.

20 MS. RHOADES: 369.

21 PROSPECTIVE JUROR 369: I -- previously I worked at Boys
22 Town and -- but we didn't talk about the kids' past too much -- Father
23 Flanagan's Boys Town -- but they would tell us that you could even
24 coerce kids for food, for clothes, for free -- for electronics, free time.

25 MS. RHOADES: Yeah. And that also might have

1 something to do with, you know, what kind of social-economic
2 background the kids came from --

3 PROSPECTIVE JUROR 369: Absolutely.

4 MS. RHOADES: -- what's going on in their lives --

5 PROSPECTIVE JUROR 369: They're all foster kids, so --

6 MS. RHOADES: -- who lives in their home.

7 PROSPECTIVE JUROR 369: -- they didn't come to us.

8 MS. RHOADES: Okay. Did we get the microphone thing
9 fixed or --

10 THE COURT: I don't know if it was the microphone or --

11 THE MARSHAL: Yeah. We're going to have to just test it
12 when it's close.

13 MS. RHOADES: Okay. Everyone agree that a person has
14 an absolute right to say no to a man's sexual advances? Does
15 everyone agree with that?

16 Everyone is nodding in the affirmative.

17 Does everyone agree that a child -- someone under
18 18 -- has that same right to say no to a man's sexual advances?
19 Anyone disagree with that?

20 I see no hands.

21 How about the ability? Does a child have the same ability
22 to say no kind of going on what we were just talking about -- ability
23 to say no to an adult male's sexual advances?

24 Anyone want to comment on that? What might affect or
25 differentiate between an adult's ability to say no, and a child's ability

1 to say no?

2 I'll get to both of you. Thank you for raising your hands.

3 So, Ms. Franke 524.

4 PROSPECTIVE JUROR 524: Yes. I think -- so the question
5 was what would make it hard for a child to speak up in that situation?

6 MS. RHOADES: Yeah.

7 PROSPECTIVE JUROR 524: I feel probably it's because of
8 their lack of know how. An adult has been the person telling their
9 entire life this is right, this is wrong, so if it's someone that they look
10 up, it would be hard for them to say, oh, this isn't right because you
11 tell me what's right and wrong.

12 MS. RHOADES: Uh-huh.

13 PROSPECTIVE JUROR 524: I feel like that's what -- that's
14 the big difference --

15 MS. RHOADES: Okay.

16 PROSPECTIVE JUROR 524: -- probably.

17 MS. RHOADES: Thank you.

18 And then, Mr. Olivo --

19 PROSPECTIVE JUROR 443: It's pretty much the same
20 thing, to be honest. If someone is [indiscernible] because --

21 MS. RHOADES: Okay.

22 PROSPECTIVE JUROR 443: -- they would look up to them
23 so whatever they say they think is right, but [indiscernible] -- well,
24 [indiscernible] being able to question yourself, is it [indiscernible],
25 but --

1 MS. RHOADES: Uh-huh.

2 PROSPECTIVE JUROR 443: -- so --

3 MS. RHOADES: Okay. Thank you.

4 And then, Mr. James 416.

5 PROSPECTIVE JUROR 416: Well, like I previously stated, I
6 had immediate family member that went through this repeatedly and
7 not only do they not have the ability, just in their emotional
8 development, but through counseling we've learned that the part of
9 the brain that controls that type of emotion and cognitive experience
10 is injured. And it almost freezes, even though they develop into an
11 adult, those -- that emotional processing is almost injured at the age
12 that the child was abused.

13 MS. RHOADES: Okay.

14 PROSPECTIVE JUROR 416: And it's, again -- it's very
15 personal for me, but they don't have the emotional ability to say no
16 and if it happens repeatedly, it almost becomes an accepted behavior
17 from those around them.

18 MS. RHOADES: And thank you for sharing that. So the
19 immediate family member, who was that? I didn't write that down.

20 PROSPECTIVE JUROR 416: It was my wife.

21 MS. RHOADES: Okay. And you said that that was not
22 reported? If you need a break, or if you want to talk outside the
23 presence of everyone else, that's fine too with the Court and Mr.
24 Posin. Okay. And how old was she when that happened?

25 PROSPECTIVE JUROR 416: I'm guessing about 5, 6.

1 MS. RHOADES: And did that happen one time or more
2 than one time?

3 PROSPECTIVE JUROR 416: Multiple.

4 MS. RHOADES: Okay. For a long period of time?

5 PROSPECTIVE JUROR 416: Long enough. Even I don't
6 know the full extent.

7 MS. RHOADES: Uh-huh. And this would have happened
8 way before you ever knew her; is that right?

9 PROSPECTIVE JUROR 416: Correct.

10 MS. RHOADES: Okay. Who was the perpetrator?

11 PROSPECTIVE JUROR 416: It's a family member.

12 MS. RHOADES: And you have said -- and you have been
13 asked if you can be fair and impartial and you understand both sides,
14 you know -- our only goal here is to get 14 people that can be fair and
15 impartial to both sides. Can you set that aside, realizing that Mr.
16 Brass is not the perpetrator of that, and that this is a completely
17 different case with different people that you're going to --

18 PROSPECTIVE JUROR 416: Right.

19 MS. RHOADES: -- you know, hear from and assess their
20 credibility? Can you set that aside and be fair and impartial?

21 PROSPECTIVE JUROR 416: Intellectually I can, but when
22 the State asks about reasonable doubt there are scenarios where -- I
23 mean certain cases are clear cut. There's irrefutable proof. And in
24 the case where reasonable doubt, the emotional side of me is a little
25 troubled with my ability to weigh in fairly.

1 MS. RHOADES: Uh-huh. And we are not -- you know, you
2 guys -- none of us are robots. We're not going to leave our life
3 experiences at the door. There's, in fact, an instruction that tells you
4 you can bring your common sense into the deliberation room, along
5 with the evidence, and the other instructions.

6 So it's not like we're asking you to leave all of your past
7 experiences behind you. We're never going to ask you to do that and
8 that's why it's a jury, you know, that can go back and deliberate and
9 talk to one another and talk about the facts that the jury decides them
10 to be, because you guys are going to be the fact finders, and apply it
11 to the law.

12 PROSPECTIVE JUROR 416: Correct. And in the last -- as I
13 stated yesterday, court martial that I was on it was very regimented.
14 I mean, you had to connect the dots along the way. And if you
15 couldn't do that, then the -- there was not going to be a case to
16 prosecute. So I do understand that. I am familiar with that.

17 MS. RHOADES: And do you think you can follow the
18 instructions that the Court gives you and apply them to the law -- I'm
19 sorry -- apply them to the facts as you decide them?

20 PROSPECTIVE JUROR 416: I can.

21 MS. RHOADES: Okay. All right. Thank you very much, sir.

22 PROSPECTIVE JUROR 416: Uh-huh.

23 MS. RHOADES: How about delayed disclosures? Does
24 anyone want to comment on whether you think it's harder for a child
25 to disclose sexual abuse than it might be for an adult? Are there

1 reasons why a child might not disclose?

2 And I'm going to go to, Mr. Jackson 479.

3 PROSPECTIVE JUROR 479: Well, in my experience, and,
4 you know, as a child of seven, and someone entrusted with the
5 family children, you know, I -- I adored this person, you know, it was
6 an extension of my parents, you know, a live-in maid. So I had total
7 trust in this person. And not -- not knowing what even was going on
8 until long after it had happened. A child doesn't know how to
9 respond or -- or -- or how to say no.

10 You know, the first instance was a obviously a female -- a
11 live-in maid. A little later on in age at ten, again, another person
12 entrusted with the family, who I had total trust in, and this was a
13 male. And knowing something wasn't right, but -- but not knowing,
14 again, what to do, and then being told, you know, do not say
15 anything or -- okay.

16 Here's someone I'm -- I look up to and here's someone
17 saying don't say anything to anybody or I won't be around anymore,
18 you know, to take -- to take you here, to -- you know, to go to a ball
19 game, to do whatever they were entrusted to do. How does a ten-
20 year-old know what to do? So it's just -- it's difficult to now try and
21 place judgment when children are involved.

22 MS. RHOADES: I appreciate all of that, sir. So I'm hearing
23 a few things. A child might not even though that it's wrong so it
24 might not even know that they need to tell on somebody?

25 PROSPECTIVE JUROR 479: Right.

1 MS. RHOADES: And then threats. I know you mentioned
2 threats before. Were the threats that don't -- the person telling you
3 not to tell anybody?

4 PROSPECTIVE JUROR 479: That was the -- the later
5 occurrence.

6 MS. RHOADES: Okay. Did they say what would happen if
7 you told?

8 PROSPECTIVE JUROR 479: I don't recall any threats
9 of -- of physical abuse, but a threat of if you don't want to get in
10 trouble, don't say anything.

11 MS. RHOADES: Okay. And as a child did you believe that?

12 PROSPECTIVE JUROR 479: Hell, yes.

13 MS. RHOADES: Yeah.

14 PROSPECTIVE JUROR 479: I was frightened.

15 MS. RHOADES: And none of those -- you were not able to
16 tell an adult or someone about either of those instances when you
17 were younger; is that right?

18 PROSPECTIVE JUROR 479: No, I did not.

19 MS. RHOADES: Okay. And you said it would be hard to
20 judge. Can you set your experiences aside in assessing the
21 facts -- the evidence -- and applying them to the law in this case? Do
22 you think you can do that?

23 PROSPECTIVE JUROR 479: I -- I said yesterday I could try,
24 but I don't know where -- I don't know where I could sit and
25 absolutely say -- when my experience was -- was so real. I mean as a

1 child and -- but not -- not even knowing until, you know, I'm a young
2 adult that things were wrong, and it's just -- it would be very difficult
3 for me to be impartial and that's my truth.

4 MS. RHOADES: Okay. All right. What kinds of things
5 would you look for when the witnesses -- all the witnesses on the
6 stand, particularly 16-year-old, 13-year-old now, talking about things
7 that happened, like, three years ago -- over three years ago -- what
8 things would you look for to determine their credibility?

9 PROSPECTIVE JUROR 479: Fear in their voice, in their
10 eyes, trembling, tears.

11 MS. RHOADES: Does a victim have to testify like that in
12 order for you to believe them?

13 PROSPECTIVE JUROR 479: No. The inability to look a
14 person in the eye -- a person that offended them.

15 MS. RHOADES: Would you agree with me that everyone
16 responds to trauma differently?

17 PROSPECTIVE JUROR 479: Oh, sure.

18 MS. RHOADES: And that everybody communicates
19 differently about traumatic situations?

20 PROSPECTIVE JUROR 479: Sure.

21 MS. RHOADES: Okay. All right. Thank you very much, sir.
22 I appreciate it.

23 What else -- can anyone think of other reasons why a
24 child might not immediately tell about being sexually abused?

25 Ms. Almanza, badge 534.

1 THE MARSHAL: Yeah, it's still got the feedback.
2 THE COURT: Might be a good time to take a break.
3 PROSPECTIVE JUROR 534: It's not feedback. It's whatever
4 she has in her ear. We can hear her talking.
5 THE MARSHAL: Is it just too loud?
6 UNIDENTIFIED PROSPECTIVE JUROR: It's super loud.
7 MS. RHOADES: Really. So all you guys are hearing it?
8 THE COURT: Let's go ahead and take our lunch break.
9 MS. RHOADES: Okay.
10 THE COURT: See if we can fix the technical difficulties at
11 their lunch.
12 So, ladies and gentlemen, we'll take our lunch break.
13 During this break you're admonished not to talk or converse amongst
14 yourselves or anyone else on any subject connected with this trial.
15 Read, watch, or listen to any report of, or commentary on the trial, or
16 any person connected with this trial by any medium of information,
17 including without limitation to social media, text, newspapers,
18 television, internet, and radio. Do not visit the scene of any events
19 mentioned during the trial. Do not undertake any investigation. Do
20 not Google anything about the trial or anyone associated with the
21 trial. Do not do any posts or communications on any social
22 networking sites. Do not do any independent research, including
23 internet searches. Do not form or express any opinion on any
24 subject connected with the trial until the case is finally submitted to
25 you.

1 We'll see you back at 1:45.

2 THE MARSHAL: All rise for the potential jury.

3 [Potential Jury out at 12:31 p.m.]

4 THE COURT: Is there anything we need to discuss?

5 MS. RHOADES: We do, Your Honor. I believe Mr. Brass's
6 brother is here.

7 THE COURT: All right. Have a seat.

8 MS. RHOADES: And he just went outside with the jury
9 pool. I am sure he's not going to say anything to the jury or try to
10 talk about the case to them or anything like that. I would just ask that
11 the Court admonish him not to, out of an abundance of caution. I
12 think he just stepped out.

13 THE COURT: So he was -- if he's --

14 THE MARSHAL: I did talk to him earlier and advised him to
15 stay away from the jury and not talk to them --

16 THE COURT: Okay.

17 THE MARSHAL: -- when I did -- when he did come in
18 earlier this morning --

19 MS. RHOADES: Okay.

20 THE MARSHAL: -- during criminal calendar.

21 MS. RHOADES: Okay. Thank you.

22 THE COURT: Anything else?

23 MS. RHOADES: About this microphone and interpreter, I
24 mean I don't know what the Defense wants to do, but it's kind of
25 distracting. I think it's distracting other jurors.

1 THE COURT: Well, if it didn't crackle, we'd be fine.

2 MS. RHOADES: Well, I can hear the voice, even if it's not
3 crackling. I can hear the voice from right there. So everybody
4 around them is getting very distracted and I just don't know if
5 that's -- if we should continue to do that and have her with the
6 interpreter. I mean our position would be probably to ask that she be
7 kicked for cause based on that.

8 And then some concerns about an interpreter being in the
9 deliberation room.

10 THE COURT: Any objection to Correa being excused for
11 cause?

12 MR. POSIN: No, Your Honor.

13 THE COURT: Okay. So we'll excuse Ms. Correa 364.
14 We certainly tried.

15 MS. RHOADES: Yes, we did. Thank you, Your Honor.
16 That's all the State has.

17 THE COURT: Anything else on -- well, anything on
18 Defendant's end?

19 MR. POSIN: Not at this stage, Your Honor. I think, you
20 know, at some future point I, you know, may be making further --

21 THE COURT: Sure.

22 MR. POSIN: -- objections for cause, but --

23 THE COURT: Okay. Yeah, I understand.

24 MR. POSIN: -- I don't think we're there yet.

25 THE COURT: So certainly not waived by any means, so

1 we'll keep -- when we come back continue with the State. And then
2 at that time, we could probably see if there's any for cause.

3 MR. POSIN: Thank you.

4 MS. RHOADES: Thank you very much.

5 THE MARSHAL: Judge, that juror was still outside -- the
6 one with the headset.

7 THE COURT: Oh, if she's there, we can let her know --

8 THE MARSHAL: Don't know if you want to do it now or
9 later.

10 MS. RHOADES: Sure. We can do it now --

11 THE COURT: Is okay to excuse her now?

12 MS. RHOADES: -- if that's okay.

13 THE COURT: Yeah.

14 THE MARSHAL: You want me to just tell her or you want
15 me to bring her back in?

16 THE COURT: No, if she's there, tell her.

17 THE MARSHAL: Okay.

18 THE COURT: Thanks.

19 [Recess taken from 12:35 p.m. to 1:51 p.m.]

20 THE COURT: So Juror 662 is not yet -- was she here this
21 morning?

22 THE MARSHAL: Yes.

23 THE COURT: 662 not back yet. I'm inclined to go forward,
24 but if people want to wait, that's fine.

25 MS. RHOADES: I don't think we need to wait for 662, Your

1 Honor.

2 MR. POSIN: Your Honor, I think we have like one that
3 we're excusing for cause and then I think it'd still be a away until we
4 got to 662 anyway.

5 THE COURT: I agree.

6 MR. POSIN: We have plenty of other jurors so --

7 THE COURT: Okay. So we'll -- when we're said "one we're
8 excusing for cause", is that --

9 MR. POSIN: Well --

10 THE COURT: -- Correa?

11 MR. POSIN: -- the one I think that we already
12 done -- Correa.

13 THE COURT: Yeah. Okay.

14 Yeah, we can --

15 THE MARSHAL: Okay.

16 MS. RHOADES: And, Your Honor, just for the record, we
17 did file a third amendment information just changing Count 7. I
18 believe the Defense had no objection to that. And if I can tell the
19 Court -- if I can get to that page, I apologize -- Count 7 is the child
20 abuse count and in the prior information the prior charging
21 document it had three different theories of child abuse and neglect.
22 It had the negligent treatment and maltreatment, the sexual abuse
23 and the sexual exploitation.

24 Under the definition of sexual exploitation showing a
25 pornographic film to a child falls squarely under that, so we deleted

1 the two other theories so it -- and are to Defendant's benefit.

2 THE COURT: Any objection to that?

3 MR. POSIN: Your Honor, any time there are fewer theories
4 against my client I'm going to not object.

5 THE COURT: Thank you.

6 THE MARSHAL: All rise for the potential jury.

7 [Prospective Jury in at 1:53 p.m.]

8 THE COURT: Please be seated.

9 Well, welcome back, ladies and gentlemen. And real life
10 not being like on TV, unfortunately, we were unable to resolve the
11 technical difficulties with the microphone translator device so we'll
12 call up another person from the venire.

13 THE CLERK: Patricia Ochal, badge number 549 will replace
14 chair number 11.

15 THE COURT: Thank you.

16 Could you give her the microphone.

17 Last name and badge number?

18 PROSPECTIVE JUROR 549: Ochal, O-C-H-A-L. Badge
19 number 549.

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

21 PROSPECTIVE JUROR 549: 34 years, sir.

22 THE COURT: How far did you go in school?

23 PROSPECTIVE JUROR 549: Graduated UNLV with a
24 bachelor's of science.

25 THE COURT: And are you employed? And if so, what type

1 of work do you do?

2 PROSPECTIVE JUROR 549: I am employed; chief financial
3 officer at a credit union. I'm also a CPA and a Chartered Global
4 Management Accountant.

5 THE COURT: Are you married or in a significant
6 relationship?

7 PROSPECTIVE JUROR 549: Married 37 years.

8 THE COURT: And what type of work, if any, does your
9 spouse do?

10 PROSPECTIVE JUROR 549: Retired U.S. Air Force and then
11 works back for the United States Air Force in a civilian capacity.

12 THE COURT: Do you have any children? And if so, what
13 are their ages and genders?

14 PROSPECTIVE JUROR 549: One child, son, age 25.

15 THE COURT: And what type of work or school does he do?

16 PROSPECTIVE JUROR 549: He works for the -- he -- he's
17 an agent for the Nevada Gaming Control Board.

18 THE COURT: And have you ever been the victim of a
19 serious crime?

20 PROSPECTIVE JUROR 549: We've had our truck stolen
21 once in Arizona, once here Las Vegas.

22 THE COURT: Were those crimes reported?

23 PROSPECTIVE JUROR 549: They both were.

24 THE COURT: And were the people or persons ever
25 caught?

1 PROSPECTIVE JUROR 549: Not to my knowledge;
2 however, we did receive the vehicle back both times.

3 THE COURT: Okay. And did the police respond both
4 times?

5 PROSPECTIVE JUROR 549: We had to file a report with the
6 police, yes.

7 THE COURT: And did you ever have to go to court in
8 either case?

9 PROSPECTIVE JUROR 549: No, sir.

10 THE COURT: Were you satisfied with how those cases
11 were handled?

12 PROSPECTIVE JUROR 549: Yes.

13 THE COURT: Is there anything about those experiences
14 that would cause you not to be fair and impartial in this case?

15 PROSPECTIVE JUROR 549: No.

16 THE COURT: Have you ever been accused of a serious
17 crime?

18 PROSPECTIVE JUROR 549: No.

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 549: My son experienced a hit and
22 run on his vehicle December 31st, 2019. That matter has been
23 resolved.

24 And my brother was mugged in Maryland, but the mugger
25 was never located.

1 THE COURT: On the hit and run, do you know was it
2 reported?

3 PROSPECTIVE JUROR 549: It was, sir.

4 THE COURT: And the person was never caught, is that
5 what you said?

6 PROSPECTIVE JUROR 549: Actually, the person turned
7 themselves in.

8 THE COURT: And did you ever have to go to court for that
9 case?

10 PROSPECTIVE JUROR 549: No.

11 THE COURT: Do you know if the District Attorney's Office
12 handled the case?

13 PROSPECTIVE JUROR 549: I have no knowledge of that.

14 THE COURT: Were you satisfied with how the case was
15 handled?

16 PROSPECTIVE JUROR 549: Yes. The truck has been
17 repaired.

18 THE COURT: And then the other one, your brother was
19 mugged I think you said?

20 PROSPECTIVE JUROR 549: Correct.

21 THE COURT: Do you know if that crime was reported?

22 PROSPECTIVE JUROR 549: I do not know the details.

23 THE COURT: And that was not in Clark County I believe
24 you said?

25 PROSPECTIVE JUROR 549: It was in Maryland.

1 THE COURT: Is there anything about either of those
2 experiences that would cause you not to fair and impartial in this
3 case?

4 PROSPECTIVE JUROR 549: No.

5 THE COURT: Have any family members or anyone closely
6 associated with you ever been accused of a serious crime?

7 PROSPECTIVE JUROR 549: No.

8 THE COURT: Have you ever served as a juror before?

9 PROSPECTIVE JUROR 549: I have not.

10 THE COURT: Is there anything about the nature of this
11 case or anything that you heard here today or yesterday that would
12 make it difficult for you to sit as a juror in this case?

13 PROSPECTIVE JUROR 549: It would not.

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 549: That is correct, I would.

18 THE COURT: Can you be fair and impartial to both sides?

19 PROSPECTIVE JUROR 549: Yes.

20 THE COURT: Thank you.

21 MS. RHOADES: Thank you.

22 Okay. Ms. Almanza 534, we were on -- do you remember
23 what I was asking about? I think about the way disclosures --

24 PROSPECTIVE JUROR 534: Yes.

25 MS. RHOADES: -- and reasons for that?

1 PROSPECTIVE JUROR 534: Yes. I think also adults can
2 make the child feel like they're not telling the truth or they're not
3 being completely open or maybe they're -- supposedly they were
4 dreaming and they thought it was real.

5 MS. RHOADES: So even adults can do that to their
6 children?

7 PROSPECTIVE JUROR 534: Yes. And sometimes parents
8 don't believe their kids.

9 MS. RHOADES: And do you think that might be something
10 that kids would be scared of --

11 PROSPECTIVE JUROR 534: Yes.

12 MS. RHOADES: -- and a reason why they might not tell
13 their parent what happened is because of fear of not being believed?

14 PROSPECTIVE JUROR 534: Yes.

15 MS. RHOADES: Okay. Anything else that you can think of
16 why kids might not immediately tell an adult about what happened
17 about sexual abuse?

18 PROSPECTIVE JUROR 534: Still having some sort of care
19 or love for that person [indiscernible].

20 MS. RHOADES: And I think we talked about fear and, you
21 know, scared to get in trouble.

22 PROSPECTIVE JUROR 534: Uh-huh.

23 MS. RHOADES: Scared that they're going to be punished
24 and scared that no one is going to believe them?

25 PROSPECTIVE JUROR 534: Yes.

1 MS. RHOADES: Okay. And I want to ask you some
2 specific questions about what you talked about. Okay. There were
3 two things you -- and I apologize and if you need time, just let me
4 know. Okay.

5 PROSPECTIVE JUROR 534: Yes.

6 MS. RHOADES: I first want to talk about I think you were
7 11 years old you were a victim of sexual abuse; is that right?

8 PROSPECTIVE JUROR 534: I was about 11.

9 MS. RHOADES: Okay. And who was the perpetrator?

10 PROSPECTIVE JUROR 534: A family member.

11 MS. RHOADES: What was the relationship?

12 PROSPECTIVE JUROR 534: Stepfather.

13 MS. RHOADES: Okay. And you had to testify at trial?

14 PROSPECTIVE JUROR 534: Yes.

15 MS. RHOADES: Where was that?

16 PROSPECTIVE JUROR 534: In Los Angeles.

17 MS. RHOADES: Okay. Did your mom have to testify at
18 trial?

19 PROSPECTIVE JUROR 534: I believe so.

20 MS. RHOADES: If you remember.

21 PROSPECTIVE JUROR 534: I -- I can't remember it too
22 well.

23 MS. RHOADES: Okay. Do you remember how old you
24 were when you testified at trial?

25 PROSPECTIVE JUROR 534: I -- when I testified at trial -- or

1 when it was reported to the police, I believe I was 10 or 11 years old.
2 And that incident probably happened a year before maybe, or maybe
3 [indiscernible]. I can't remember specifically.

4 MS. RHOADES: Okay. So it took you some time to
5 disclose?

6 PROSPECTIVE JUROR 534: Yes.

7 MS. RHOADES: Do you remember the reasons why you
8 didn't want to tell anybody at first?

9 PROSPECTIVE JUROR 534: Mom didn't believe me.

10 MS. RHOADES: Did she not believe you when you told
11 her?

12 PROSPECTIVE JUROR 534: Yes.

13 MS. RHOADES: Is that a yes?

14 PROSPECTIVE JUROR 534: Yes.

15 MS. RHOADES: And how did that make you feel?

16 PROSPECTIVE JUROR 534: I guess -- not sure, just was -- I
17 didn't know how to take it at the time, I guess. I -- I wanted just to
18 find more ways to let her know that, you know, that it happened and
19 she just wouldn't believe me and I [indiscernible].

20 MS. RHOADES: Okay. Did you tell her when it first
21 happened and she didn't believe you and then you got -- it was
22 waited a year until it was reported to police, or did you wait before
23 you were even able to tell your mom about it if that makes sense?

24 PROSPECTIVE JUROR 534: I can't remember the timeline,
25 but it was reported to my father first. And then -- and then -- actually,

1 I mentioned to my mom and then I don't know some time after, then
2 I had mentioned it to my dad.

3 MS. RHOADES: Uh-huh.

4 PROSPECTIVE JUROR 534: And then he was the one that
5 called the police over and the police started [indiscernible].

6 MS. RHOADES: Okay. And you had to go to court and
7 testify in front of a jury?

8 PROSPECTIVE JUROR 534: Yes.

9 MS. RHOADES: Okay.

10 PROSPECTIVE JUROR 534: I remember that.

11 MS. RHOADES: Do you remember how old you were
12 when you did that?

13 PROSPECTIVE JUROR 534: 10 -- about 10, 11.

14 MS. RHOADES: Okay. Can you talk a little bit about your
15 experience and what you felt when you had to go do that?

16 PROSPECTIVE JUROR 534: Yes. It was with multiple
17 [indiscernible]. I -- I -- I remember my stepdad. And then it was a
18 family friend who lived in the garage, and then a -- an uncle. Those
19 two had passed away during the time of the trial. So my stepfather
20 was the only one, but it's all just touching -- inappropriate touching.

21 MS. RHOADES: Okay. And do you remember how you felt
22 when you were up on the witness stand talking about that?

23 PROSPECTIVE JUROR 534: Yes.

24 MS. RHOADES: How did you feel?

25 PROSPECTIVE JUROR 534: Ashamed -- very ashamed,

1 scared -- very scared because having to see my stepfather on the
2 other side and seeing his -- his face of guilt, you know, and his family
3 members being there. My mom crying. She was pregnant at the
4 time, so he didn't get to see my little brother being born, so that
5 made me feel a little bit guilty as well.

6 MS. RHOADES: Uh-huh. And he was there the whole time
7 you had to testify and talk about what he did to you, right?

8 PROSPECTIVE JUROR 534: Yes.

9 MS. RHOADES: Okay. Your mom -- were you ever
10 removed from the house?

11 PROSPECTIVE JUROR 534: I was and I got to stay with my
12 dad for a while.

13 MS. RHOADES: Okay. Was there any sort of a custody
14 thing going on between you and your dad that you were -- or not you
15 and your dad, but your mom and your dad or --

16 PROSPECTIVE JUROR 534: They were already -- well, I
17 was already living with my mom when it happened. I wasn't living
18 with my dad. I don't know if there was any [indiscernible] as far as --

19 MS. RHOADES: Okay.

20 PROSPECTIVE JUROR 534: -- their custody [indiscernible].

21 MS. RHOADES: Okay. And just going back to when you
22 were talking about exactly when you reported and exactly when the
23 police were called or how all that, you know, kind of went down. You
24 would agree that that was a traumatic incident in your life; is that
25 right?

1 PROSPECTIVE JUROR 534: Yes.

2 MS. RHOADES: And you don't recall every single detail
3 about that traumatic incident; is that fair to say?

4 PROSPECTIVE JUROR 534: I guess not every detail, yeah.

5 MS. RHOADES: Uh-huh. And do you think you might talk
6 about it differently or communicate it differently now that you're
7 older versus when you were a little kid about what was done to you?

8 PROSPECTIVE JUROR 534: I -- as far as -- I'm sorry I didn't
9 understand the question --

10 MS. RHOADES: Sure.

11 PROSPECTIVE JUROR 534: -- as far as communicating it
12 differently.

13 MS. RHOADES: Like, do you think you described it
14 differently when you were younger than you might describe it today
15 if you had to tell somebody about it today?

16 PROSPECTIVE JUROR 534: No.

17 MS. RHOADES: Okay.

18 PROSPECTIVE JUROR 534: I describe it the same way.

19 MS. RHOADES: Okay. And then you also said that there
20 was a -- I have not very detailed notes because I don't know if we got
21 the information -- there was a crime that wasn't reported and you
22 were not satisfied with how that worked out. So what was the other
23 crime that you were talking about?

24 PROSPECTIVE JUROR 534: Both my older sisters were
25 raped at gun point.

1 MS. RHOADES: Okay. Did they know the person who did
2 it?

3 PROSPECTIVE JUROR 534: No. I don't think so. I mean
4 they -- I think it was someone they hung out with and then that
5 happened. It -- it was at that person's house. They were -- they were
6 just -- my older sisters were -- were like a troublemakers I'd guess I'd
7 say.

8 MS. RHOADES: Uh-huh. Rebellious.

9 PROSPECTIVE JUROR 534: So they were hanging out with
10 their own people. Yeah. And so they met some people. They went
11 to someone's house and that eventually happened that they didn't
12 expect.

13 MS. RHOADES: Okay. Was that in L.A.?

14 PROSPECTIVE JUROR 534: Yes.

15 MS. RHOADES: Did you live with your sisters when that
16 happened?

17 PROSPECTIVE JUROR 534: Yes.

18 MS. RHOADES: And you said it was not reported?

19 PROSPECTIVE JUROR 534: No.

20 MS. RHOADES: Okay. Tell me how you found out about
21 it.

22 PROSPECTIVE JUROR 534: They eventually told me as I
23 got older that, you know, about their experience.

24 MS. RHOADES: Did they ever tell you why they didn't tell
25 anybody?

1 PROSPECTIVE JUROR 534: They were afraid.

2 MS. RHOADES: And then you said you were not satisfied.

3 Why were you not satisfied?

4 PROSPECTIVE JUROR 534: I just felt like they should have
5 said something.

6 MS. RHOADES: And the person should have been caught?

7 PROSPECTIVE JUROR 534: Yes.

8 MS. RHOADES: Okay. All right. Thank you very much,
9 ma'am, for sharing with me.

10 PROSPECTIVE JUROR 534: No problem.

11 MS. RHOADES: All right. Anybody, just by a show of
12 hands, if a victim does not immediately report sexual abuse, will you
13 tend to disbelieve them just because they didn't report it? If that
14 doesn't make sense to anybody, just raise your hand and I'll try to
15 rephrase it.

16 Yes.

17 UNIDENTIFIED PROSPECTIVE JUROR: Can you rephrase
18 that?

19 MS. RHOADES: Sure. So if you learned that a victim of
20 sexual abuse did not immediately report the abuse, will you tend to
21 disbelieve them just because of that? Just because they didn't
22 immediately report it.

23 UNIDENTIFIED PROSPECTIVE JUROR: No.

24 MS. RHOADES: Okay. Anybody want to comment on any
25 of that?

1 I see no hands.

2 Does everyone understand that witness testimony -- so
3 people are going to come in here and they're going to be sworn to
4 tell the truth -- that that is evidence in a case? Does everyone
5 understand that?

6 You will hear, and the Court will instruct you, that if you
7 believe one witness beyond a reasonable doubt, that that alone is
8 enough to convict the Defendant. So if you believe one
9 witness -- and you all are the judges of the creditability of the
10 witnesses from this stand -- so the instruction is if you believe one
11 witness beyond a reasonable doubt, that alone is sufficient to sustain
12 a guilty verdict. You don't need anything else.

13 What thoughts or are there any discomforts about that?
14 Does anyone have an issue with being able to base their verdict on
15 one witness alone? Does anybody need more like evidence you can
16 hold in your hand, a video, fingerprints, something like that?

17 Anybody want to comment on that?

18 PROSPECTIVE JUROR 492: I do.

19 MS. RHOADES: Yes.

20 PROSPECTIVE JUROR 492: I would like to hear some
21 corroboration. You know, I mean, just one person --

22 MS. RHOADES: Hold on -- hold on, Mr. Tanner, right --

23 PROSPECTIVE JUROR 492: Yes.

24 MS. RHOADES: -- 492?

25 PROSPECTIVE JUROR 492: Yes.

1 MS. RHOADES: Okay. So tell me what you were going to
2 say. You want to hear corroboration.

3 PROSPECTIVE JUROR 492: So there's going to be one
4 witness?

5 MS. RHOADES: Well, there is an instruction that says if
6 you believe a witness beyond a reasonable doubt that it happened,
7 that alone is sufficient to sustain a guilty verdict. So do you have a
8 problem with that?

9 PROSPECTIVE JUROR 492: I suppose if they're the only
10 witness, and I -- but from what you -- I've heard earlier that there are
11 going to be more witnesses than just the one.

12 MS. RHOADES: And again we're talking in this like, you
13 know, cloud of make believe kind of, but there is an instruction that
14 says if you believe one witness, so do you feel like you need more
15 evidence than that to find somebody guilty? Like, you --

16 PROSPECTIVE JUROR 492: I guess it depends on their
17 testimony.

18 MS. RHOADES: Right. So tell me more about that. How
19 would you judge the testimony and how would you judge
20 somebody's credibility?

21 PROSPECTIVE JUROR 492: That's a tough call.

22 MS. RHOADES: And as a juror you would have to do that.

23 PROSPECTIVE JUROR 492: Uh-huh.

24 MS. RHOADES: So how would you do it?

25 PROSPECTIVE JUROR 492: Good question.

1 MS. RHOADES: You --

2 PROSPECTIVE JUROR 492: I guess I'd have to get to that
3 point and find out.

4 MS. RHOADES: You have one son, right?

5 PROSPECTIVE JUROR 492: I do.

6 MS. RHOADES: Do you -- any grandkids or --

7 PROSPECTIVE JUROR 492: We have a grandchild.

8 MS. RHOADES: Okay. Have you ever had to determine
9 whether your son or your grandchild -- your son maybe when he was
10 younger -- but if they are telling the truth about something or lying
11 about something?

12 PROSPECTIVE JUROR 492: Yeah, when they were
13 younger -- much younger.

14 MS. RHOADES: What kinds of things would you look to?

15 PROSPECTIVE JUROR 492: If they got in trouble, you
16 know, that kind of thing, you know, they just -- they don't tell
17 everything and tend to fudge a little bit.

18 MS. RHOADES: Over little things?

19 PROSPECTIVE JUROR 492: Yeah. Uh-huh.

20 MS. RHOADES: How about adults? When you're talking to
21 adults now, I mean, how do you, you know, determine if you think
22 someone is lying or being honest with you?

23 PROSPECTIVE JUROR 492: I don't know that I've come
24 across that too often.

25 MS. RHOADES: Okay.

1 PROSPECTIVE JUROR 492: Outside of car salesmen.

2 MS. RHOADES: What do you think about --

3 THE COURT: No offense to any car salesmen.

4 MS. RHOADES: So do you feel like even if you had that
5 instruction, you would need more evidence to convict?

6 PROSPECTIVE JUROR 492: Like I said, it'd be hard to say.
7 I really can't say definitively.

8 MS. RHOADES: Okay. Can you follow the instructions that
9 the Court gives you?

10 PROSPECTIVE JUROR 492: Do I have a choice?

11 MS. RHOADES: No.

12 PROSPECTIVE JUROR 492: There you go.

13 MS. RHOADES: Do you think you'll be able to?

14 PROSPECTIVE JUROR 492: I don't know. I -- I really can't
15 answer the question right now. I don't know.

16 MS. RHOADES: Okay.

17 PROSPECTIVE JUROR 492: I guess it all depends on
18 external factors, you know, if the witness itself, you know. Is there
19 going to be background presented in that case, you know, there's a
20 lot of things to think about honestly.

21 MS. RHOADES: Do you feel like you are a good judge of
22 character -- of someone's character?

23 PROSPECTIVE JUROR 492: There's a lot of good liars out
24 there.

25 MS. RHOADES: That's true. Do you think you can tell if

1 somebody's lying?

2 PROSPECTIVE JUROR 492: I'm not that good at it.

3 MS. RHOADES: Okay. All right. Thank you, sir.

4 And I think, Ms. Holtan, 358, did you have your hand
5 raised?

6 PROSPECTIVE JUROR 358: No.

7 MS. RHOADES: Oh, okay. I'm sorry.

8 PROSPECTIVE JUROR 358: That's fine.

9 MS. RHOADES: Mr. Misa, 485.

10 PROSPECTIVE JUROR 485: What I think -- so your
11 question is that -- I think it depends on the evidence presented by
12 the -- whoever is the witness. Like, time, actual dates, what was said,
13 what was seen, you know. I think based on that's I would
14 think -- if -- if there was only one witness --

15 MS. RHOADES: Uh-huh.

16 PROSPECTIVE JUROR 485: -- on the bench. I mean, I
17 would think if they were willing to provide all the information that
18 binds everything today, then I think one witness is enough.

19 MS. RHOADES: Okay.

20 PROSPECTIVE JUROR 485: But if -- if he doesn't present
21 more, or specifics on -- on the evidence, that which the witness is
22 presenting, then I think we should need more evidence to, you know,
23 find out what the facts are.

24 MS. RHOADES: Okay. Do you have -- you have a 14-year-
25 old daughter, right?

1 PROSPECTIVE JUROR 485: Yes, ma'am.

2 MS. RHOADES: Do you talk to any other kids on a regular
3 basis besides her?

4 PROSPECTIVE JUROR 485: Not now, but before my
5 daughter was born I was a -- I was the -- I would say a Sunday school
6 teacher.

7 MS. RHOADES: Okay. So just thinking back on that and
8 thinking about your daughter and maybe when she was a little bit
9 younger, how good are kids with exact dates in your experience?

10 PROSPECTIVE JUROR 485: I would say not that good.

11 MS. RHOADES: Okay.

12 PROSPECTIVE JUROR 485: It would go back to your
13 question earlier about closure -- you know, disclosure. I mean kids
14 are more likely to not present anything at the time because they're
15 either scared or ashamed to present anything to anybody.

16 MS. RHOADES: Okay. When --

17 PROSPECTIVE JUROR 485: I think kids' words are not that
18 exact with anything.

19 MS. RHOADES: Okay.

20 PROSPECTIVE JUROR 485: You know, because sometimes
21 when -- when they talk or they say something and then they might be
22 joking, you know.

23 MS. RHOADES: Sometimes they don't describe things
24 linearly?

25 PROSPECTIVE JUROR 485: Yes. Like [indiscernible].

1 MS. RHOADES: Okay. How would you judge a witness's
2 credibility, particularly 16-year-old, 13-year-old, coming in here and
3 testifying on the stand? What kinds of things would you look to to
4 judge their credibility?

5 PROSPECTIVE JUROR 485: I would say how accurate their
6 statement is, like, if they states (sic) time and dates when it
7 happened, when did it happen, their reaction towards answering the
8 question, their movement. Sometimes when -- because I know when
9 my daughter lies she doesn't look me in the eye. You know, every
10 time I try to ask her something, she's like I was -- I was over there --

11 MS. RHOADES: Uh-huh.

12 PROSPECTIVE JUROR 485: -- but it's -- it's that -- that I
13 could tell that okay she's lying to me.

14 MS. RHOADES: Okay.

15 PROSPECTIVE JUROR 485: She's not telling the truth.

16 MS. RHOADES: Do you expect a 13-year-old and a 16-
17 year-old to remember exact dates when they're talking about things
18 that happened three, four years ago?

19 PROSPECTIVE JUROR 485: It depends on the situation,
20 kind of event, or whatever that happened. Sometime maybe --
21 maybe they'll remember. Maybe they won't.

22 MS. RHOADES: All right.

23 PROSPECTIVE JUROR 485: They want change.

24 MS. RHOADES: If they -- if a 16-year-old and a 13-year-old
25 testify and they are acting differently than your daughter -- what you

1 think your daughter would, or you think you might act in a different
2 situation, or testify differently, are you going to automatically
3 disbelieve them just because they are different?

4 PROSPECTIVE JUROR 485: Well, then it goes back to what
5 I said. It -- it based on if she's really -- or he really present the
6 evidence that I'm looking for. I mean, if she doesn't look me in the
7 eye, or he doesn't look me in the eye and answer correctly, I wouldn't
8 judge them saying okay she's lying.

9 MS. RHOADES: Okay. You would look for other things?

10 PROSPECTIVE JUROR 485: Yes.

11 MS. RHOADES: Okay. All right. Thank you very much, sir.

12 PROSPECTIVE JUROR 485: You're welcome.

13 MS. RHOADES: I appreciate it.

14 PROSPECTIVE JUROR 369: I have a question.

15 MS. RHOADES: Yes. Mr. Garcia 369.

16 PROSPECTIVE JUROR 369: I personally I -- the question
17 was -- can you repeat it?

18 MS. RHOADES: Sure. There were a couple of questions,
19 but I think we're talking about --

20 PROSPECTIVE JUROR 369: The --

21 MS. RHOADES: -- one witness -- if you believe one witness
22 beyond a reasonable doubt, are you okay with that?

23 PROSPECTIVE JUROR 369: Okay. So what I would be
24 looking for as a potential juror would be consistency within all three
25 different accounts because I don't feel like -- maybe as a progression

1 a predator would get worse, but it would all kind of start similar.

2 Does that make sense?

3 MS. RHOADES: Uh-huh.

4 PROSPECTIVE JUROR 369: That's -- I'm just naïve to the
5 facts so I'm just -- what I would assume would be happen is a pattern
6 of behavior how it would start.

7 MS. RHOADES: Okay.

8 PROSPECTIVE JUROR 369: And I feel like what I would
9 look for at when they were on the stand would be obviously the 16-
10 year-old would show maturity. They would have a little bit more
11 definitive answers. As we talk about like a five-year-old, I feel like
12 she'd kind of -- or he -- would be kind of like more intimidated by the
13 situation.

14 MS. RHOADES: Okay.

15 PROSPECTIVE JUROR 369: So --

16 MS. RHOADES: Yeah. And the maturity with the 16-year-
17 old, everyone's maturity --

18 PROSPECTIVE JUROR 369: Absolutely.

19 MS. RHOADES: -- kind of depends on their family
20 background --

21 PROSPECTIVE JUROR 369: Absolutely.

22 MS. RHOADES: -- right?

23 PROSPECTIVE JUROR 369: Absolutely. Education and
24 everything.

25 MS. RHOADES: Yeah.

1 PROSPECTIVE JUROR 369: Absolutely.
2 MS. RHOADES: Okay.
3 PROSPECTIVE JUROR 369: Taking it serious.
4 MS. RHOADES: All right. Anything else?
5 PROSPECTIVE JUROR 369: No.
6 MS. RHOADES: Along those same lines -- and I don't
7 know if you want to answer, or we can open it up -- I want to talk
8 about perception and two people seeing something the same
9 incident but remembering different things. Do you think that that's
10 reasonable for some people to do?
11 PROSPECTIVE JUROR 369: Absolutely. They could, yeah.
12 MS. RHOADES: And --
13 PROSPECTIVE JUROR 369: Different point of views
14 absolutely.
15 MS. RHOADES: -- what one person remembers and was
16 important to them might be different than what another person
17 remembers, even though it was the same event?
18 PROSPECTIVE JUROR 369: Absolutely.
19 MS. RHOADES: Like a car accident.
20 PROSPECTIVE JUROR 369: Yes.
21 MS. RHOADES: Okay.
22 PROSPECTIVE JUROR 369: You're good.
23 MS. RHOADES: And I'm going to go to Ms. -- thank
24 you -- Ms. Cummings, 488, you were nodding about that. Anything
25 you want to add or talk about in regards to people's perception and,

1 you know, say, it's, like, a wedding or a party and one person sees
2 something happening and another person sees another thing
3 happening?

4 PROSPECTIVE JUROR 488: Can be totally different. It's
5 how they relate to it as a reference point affecting their life.

6 And same thing with the time period with the children, I
7 mean, they may come up with a date if they're younger because it
8 was their birthday. They'll remember Christmas, but children aren't
9 going to have dates.

10 MS. RHOADES: Uh-huh.

11 PROSPECTIVE JUROR 488: They'll have a reference and a
12 time frame maybe.

13 MS. RHOADES: Yeah.

14 PROSPECTIVE JUROR 488: But --

15 MS. RHOADES: And then just kind of going back to what
16 you said, I mean, everything that we're seeing, even if it's the same
17 event, we're processing it with our brain --

18 PROSPECTIVE JUROR 488: Our -- yes.

19 MS. RHOADES: -- and our background.

20 PROSPECTIVE JUROR 488: That's correct.

21 MS. RHOADES: And that's why people might remember
22 things differently.

23 PROSPECTIVE JUROR 488: And the jury could even see it
24 differently hearing the same words -- each person -- everyone has
25 their own reference point how something occurred.

1 MS. RHOADES: And that -- I mean that leads into do you
2 think you can go back there and deliberate with 11 other people and
3 bring your common sense and --

4 PROSPECTIVE JUROR 488: That's how the system works.

5 MS. RHOADES: Yeah. And can you do that?

6 PROSPECTIVE JUROR 488: Yes.

7 MS. RHOADES: Okay. Thank you very much.

8 Anyone else want to comment? Anyone require
9 something that you can hold in your hand in order to convict
10 someone of a crime?

11 I see nobody wanting to answer and nobody nodding.

12 UNIDENTIFIED PROSPECTIVE JUROR: I have a quick
13 question. Does that go just back to like an accusation?

14 MS. RHOADES: Well, right now there are only accusations
15 against the Defendant, right? I mean the -- it's our burden of proof,
16 and then to do that, we're going to call witnesses and they're going
17 to be sworn in and tell you what happened.

18 UNIDENTIFIED PROSPECTIVE JUROR: Absolutely.

19 MS. RHOADES: And so then that's evidence and now you
20 get to determine the evidence. Does that answer --

21 UNIDENTIFIED PROSPECTIVE JUROR: Kind of, but --

22 MS. RHOADES: Tell me more what you mean.

23 UNIDENTIFIED PROSPECTIVE JUROR: I feel like a previous
24 juror that sat right here-ish area was saying, like, he could be
25 accused of something, and then that just means you're automatically

1 guilty, and I kind of feel like that relates to this.

2 MS. RHOADES: Okay. I'm glad you brought that up.

3 UNIDENTIFIED PROSPECTIVE JUROR: [Indiscernible].

4 MS. RHOADES: I remember him saying that and how he
5 wanted to get videos of the robbery.

6 UNIDENTIFIED PROSPECTIVE JUROR: I don't expect, like,
7 DNA everywhere, you know what I mean? I just -- I don't know.

8 MS. RHOADES: I mean right now these are accusations
9 and, again, we'll present evidence and --

10 UNIDENTIFIED PROSPECTIVE JUROR: Absolutely.

11 MS. RHOADES: -- then it will be up to you. This kind of
12 goes along with how we were talking about that people generally
13 don't sexually abuse kids on video.

14 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

15 MS. RHOADES: So that's probably not going to be
16 something that somebody's going to be able to get, right?

17 UNIDENTIFIED PROSPECTIVE JUROR: Absolutely.

18 MS. RHOADES: But there -- you guys can assess the
19 evidence however you want when you're back there. I just want to
20 make sure you're not going to require something in order to convict.
21 If you --

22 UNIDENTIFIED PROSPECTIVE JUROR: Absolutely, yeah.

23 MS. RHOADES: -- hear the instructions and believe the
24 witness beyond a reasonable doubt, will that be enough?

25 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

1 MS. RHOADES: Will that be enough?
2 UNIDENTIFIED PROSPECTIVE JUROR: Yes.
3 MS. RHOADES: Okay. Thank you.
4 All right. Going back to memories and kind of what we
5 were talking about. Anybody have an example of -- well, let me
6 just -- let me ask somebody -- who was married over ten years ago?
7 If you can just raise your hand.
8 Okay. I'm going to go to Mr. [Ne aim]. Is that how you say
9 it?
10 PROSPECTIVE JUROR 484: Yes.
11 MS. RHOADES: 484.
12 PROSPECTIVE JUROR 484: Yes.
13 MS. RHOADES: Okay. Do you remember every single
14 thing that happened in your wedding?
15 PROSPECTIVE JUROR 484: Mostly.
16 MS. RHOADES: Mostly. How long ago were you married?
17 PROSPECTIVE JUROR 484: 25 years ago.
18 MS. RHOADES: Okay. Do you think you might remember
19 something and your wife might remember something differently?
20 PROSPECTIVE JUROR 484: Possibly.
21 MS. RHOADES: Does that mean that you guys were never
22 married?
23 PROSPECTIVE JUROR 484: I'm sorry?
24 MS. RHOADES: Does that mean that you guys were never
25 married?

1 PROSPECTIVE JUROR 484: Oh, no -- no.

2 MS. RHOADES: Okay. You just see how you might
3 remember things --

4 PROSPECTIVE JUROR 484: Right.

5 MS. RHOADES: -- differently. Might not remember
6 everything. Sometimes you remember something really big and
7 then another thing might come to you and you'll say --

8 PROSPECTIVE JUROR 484: Yes.

9 MS. RHOADES: -- oh, yeah, that happened too, right?

10 PROSPECTIVE JUROR 484: Yes. I agree.

11 MS. RHOADES: Does that mean that it didn't
12 happen -- that your wedding never happened?

13 PROSPECTIVE JUROR 484: It did happen.

14 MS. RHOADES: Right.

15 Anybody else want to comment on that?

16 While I have you I do just have a couple of follow-up
17 questions for you and I'm sorry to have to ask you about this. I do
18 want to talk about your mother-in-law. And you said it was
19 complicated and the person wasn't caught. Can you elaborate on
20 that a little?

21 PROSPECTIVE JUROR 484: At the time there was a civil
22 war in Lebanon where I came from. And militias against militias I
23 guess and someone went -- it's difficult to describe I think. Some
24 people control like different areas and once they control that area
25 they did whatever they wanted with he or she, and that's what

1 happened.

2 MS. RHOADES: Happened. Yeah, okay.

3 PROSPECTIVE JUROR 484: They just took her, whatever
4 they did, and just brought her back.

5 MS. RHOADES: Okay. Was she even --

6 PROSPECTIVE JUROR 484: And my wife told me.

7 MS. RHOADES: All right.

8 PROSPECTIVE JUROR 484: I wasn't, of course, there.

9 MS. RHOADES: Yeah. Do you know if she was even able
10 to tell someone in authority what happened?

11 PROSPECTIVE JUROR 484: Oh, there was no authority not
12 around at that time because like a chaos.

13 MS. RHOADES: There was nothing she could do?

14 PROSPECTIVE JUROR 484: There's nothing she can do or
15 anyone can do.

16 MS. RHOADES: All right. Was she ever able to tell
17 somebody in authority or anything like that or she just told --

18 PROSPECTIVE JUROR 484: Like I said, there is no
19 authorities at the time.

20 MS. RHOADES: Uh-huh.

21 PROSPECTIVE JUROR 484: There was a civil war.

22 MS. RHOADES: Uh-huh.

23 PROSPECTIVE JUROR 484: Plus nobody is in charge, I
24 mean, the strong was in charge at the time, but there's no specific
25 place where you can go to report things.

1 MS. RHOADES: Did that change?

2 PROSPECTIVE JUROR 484: Oh, that changed over the
3 years.

4 MS. RHOADES: But over the years she didn't go back and
5 say --

6 PROSPECTIVE JUROR 484: Oh, no.

7 MS. RHOADES: -- this and this happened, right?

8 PROSPECTIVE JUROR 484: No -- no.

9 MS. RHOADES: Okay. All right. Thank you, sir.

10 PROSPECTIVE JUROR 484: My pleasure.

11 MS. RHOADES: How about preconceived notions of how a
12 sexual abuse victim talks about their abuse. I'm going to go to Ms.
13 Walker 463. So sometimes on movies, we see victims testifying and
14 they're crying, or they're very upset, or they're very angry, or they act
15 a certain way. Have you seen that in movies or TV shows?

16 PROSPECTIVE JUROR 463: Yes.

17 MS. RHOADES: Do you have any -- like, how do
18 you -- what do you think you're going to see when a victim of sexual
19 abuse testifies? Any notions that you think you might pop up?

20 PROSPECTIVE JUROR 463: I guess it just depends on the
21 person. How -- what the experience affected them, if it was a long
22 time ago the questions are -- well, like you were talking about what
23 kind of memories it jogs up. I mean, I -- I don't think it's any
24 particular way you can expect someone to act.

25 MS. RHOADES: Okay.

1 PROSPECTIVE JUROR 463: No, I can't say well, you need
2 to act this way or you should be acting this way. No. It's just -- it's
3 just something that -- I don't know -- I don't think it's -- it's an exact
4 way a person would act.

5 MS. RHOADES: Okay. And along those same lines, you
6 agree everyone reacts to trauma differently?

7 PROSPECTIVE JUROR 463: Differently, yes.

8 MS. RHOADES: Okay. What kinds of things would you
9 look to assess a witness's credibility?

10 PROSPECTIVE JUROR 463: I guess it would be different
11 for each person depending on their age.

12 MS. RHOADES: I mean, that's a great point too. So you
13 would -- I mean you're taking it as the person is there and you're --

14 PROSPECTIVE JUROR 463: Yes.

15 MS. RHOADES: -- taking all -- trying to take in what
16 background you can of someone you don't know?

17 PROSPECTIVE JUROR 463: Yes. So...

18 MS. RHOADES: Okay.

19 PROSPECTIVE JUROR 463: It's very hard to answer
20 hypothetical questions. I have to see and understand who I'm -- and
21 experience this person over some time. It's very hard for me to
22 answer that particular question.

23 MS. RHOADES: Okay.

24 PROSPECTIVE JUROR 463: All I can say is for myself you
25 never know how you're going react. It's just an experience. I took

1 my daughter to a play area and she got away from me and I was so
2 scared I couldn't even remember what outfit she had on when they
3 were trying to ask me what outfit, so I don't know.

4 MS. RHOADES: You just don't know how you're going to
5 react?

6 PROSPECTIVE JUROR 463: Yeah.

7 MS. RHOADES: Yeah. And she's two, right?

8 PROSPECTIVE JUROR 463: She's two.

9 MS. RHOADES: Your daughter is two? And you found
10 her?

11 PROSPECTIVE JUROR 463: Yeah.

12 MS. RHOADES: Okay. And there -- I do have a note here
13 it's difficult to be put on the spot and I kind of just called on you and,
14 you know, put you on the spot now.

15 PROSPECTIVE JUROR 463: Yes, you did.

16 MS. RHOADES: I didn't mean to do that with the note
17 here, but what do you think victim's testifying from up there -- like,
18 what kinds of feelings do you think they might have? Do you think it
19 might be hard for them to come in here and tell a room full of
20 strangers about some sexual conduct that they didn't want?

21 PROSPECTIVE JUROR 463: Oh, I'm -- I'm sure it would -- it
22 would be, yeah. You know, someone who may not want to come in
23 here and speak in front of all these people. Some of them
24 might -- when they come in they might go in some state of shock and
25 probably forget what happened to them, you know. I'm -- I'm sure.

1 MS. RHOADES: Yeah. I mean right now if I asked you to
2 stand up and describe -- I'm not going to do this -- describe your last
3 consensual sexual encounter as an adult how would that make you
4 feel?

5 PROSPECTIVE JUROR 463: Yeah. I don't -- well, that just
6 made me feel extremely awkward that you would use that as an
7 example, but I could describe it to you.

8 MS. RHOADES: Yeah. No, I'm not going to do that. I'm
9 just trying to show, you know, kids are going to be asked about that
10 stuff and just that the uncomfot, nerves, those things -- if someone
11 is nervous and you can tell that, does that mean that they're
12 necessarily lying?

13 PROSPECTIVE JUROR 463: No.

14 MS. RHOADES: Okay. All right. Thank you very much.

15 PROSPECTIVE JUROR 463: You're welcome.

16 MS. RHOADES: I'm going to go to Ms. Armstead 334. I do
17 just want to briefly talk about your experience when you were ten.
18 Okay>

19 PROSPECTIVE JUROR 334: Okay.

20 MS. RHOADES: I'm sorry and if you need a break --

21 PROSPECTIVE JUROR 334: [Indiscernible].

22 MS. RHOADES: Okay. And also you write sports tickets.
23 That's pretty interesting. What do you have to do as a writer of
24 sports tickets?

25 PROSPECTIVE JUROR 334: So essentially people, like,

1 want to bet on a sport and they tell me, like, the -- what sport and the
2 number associated to the sport and we print them out a ticket. And if
3 they win, they get -- depending on the odds, whatever -- like, double
4 or something back.

5 MS. RHOADES: Do you get to pay people when they win?

6 PROSPECTIVE JUROR 334: Yes.

7 MS. RHOADES: Do you like that? Do you like your job?

8 PROSPECTIVE JUROR 334: Yeah. It's a pretty nice job.

9 MS. RHOADES: So ten years old. And that happened here
10 in Clark County or somewhere else?

11 PROSPECTIVE JUROR 334: It happened here, yes.

12 MS. RHOADES: And you reported it, but you did not have
13 to go to court; is that right?

14 PROSPECTIVE JUROR 334: As far as I remember, no. I
15 remember going to a -- I think it was a therapist and they had me go
16 and explain what happened and that's, like, the last thing I really
17 remember of it.

18 MS. RHOADES: Okay. Was that -- I mean that was when
19 you were ten years old?

20 PROSPECTIVE JUROR 334: Yes.

21 MS. RHOADES: Okay. Who was the perpetrator?

22 PROSPECTIVE JUROR 334: A close family friend of mine.

23 MS. RHOADES: Were you able to disclose the abuse right
24 after it happened or --

25 PROSPECTIVE JUROR 334: No. It had happened for about

1 three years before I talked -- talked about it.

2 MS. RHOADES: Okay.

3 PROSPECTIVE JUROR 334: Mostly because of -- when it
4 started I think I was about eight and I didn't realize it was wrong at
5 that time.

6 MS. RHOADES: Okay. Were there any other reasons that
7 you didn't want to talk about it? That you can think of now.

8 PROSPECTIVE JUROR 334: Not really. Well, because he
9 was a close family friend I didn't want him to get in trouble so --

10 MS. RHOADES: Okay. But you think you can be fair to
11 both sides in this case? I believe you said that; is that right?

12 PROSPECTIVE JUROR 334: Yeah.

13 MS. RHOADES: Okay. Anything you want to comment
14 on -- how you would judge credibility, anything?

15 PROSPECTIVE JUROR 334: I think I'd be able to separate
16 myself from what happened to me to this case.

17 And with credibility, I would usually see, like, how the
18 witness would talk about how it happened because kids have a way
19 of talking, like, they are not usually used to using, like, big words or
20 stuff like that to describe how things happened. And also, like, the
21 reaction of how they talk about what happened because I know
22 sometimes when I talk about what happened to me it'll cause me to
23 get a little emotional and stuff, but I'm not saying that, like, if they
24 don't get emotional, I won't believe them or anything like that.

25 MS. RHOADES: Yeah.

1 PROSPECTIVE JUROR 334: Because I know everybody
2 handles -- like, handles it and remembers stuff differently.

3 MS. RHOADES: Okay. All right. Thank you very much. I
4 appreciate it.

5 Will anyone hold it against a victim of sexual abuse if the
6 police didn't do what they should have? If the police didn't do
7 everything that they should have and didn't investigate it well
8 enough, would anybody hold that against the victim of the abuse?

9 I see everyone nodding.

10 How about a parent? How about if you feel that a parent
11 didn't do what they should have, are you going to hold that against
12 the victim?

13 Okay. I see everyone shaking their head.

14 Does anyone want to comment on that?

15 And this was touched upon a little bit yesterday,
16 but -- and, you know, some people raised their hand and
17 commented -- one person quite strongly, but is there anyone that
18 feels that there is a perceived wrong in the judicial jury system that
19 you need to right, if that makes sense?

20 No. Anybody want to comment on that? Like, negative
21 experiences with the judicial system or anything like that?

22 PROSPECTIVE JUROR 369: I feel like there should be
23 harsher penalties.

24 MS. RHOADES: And that is Mr. Garcia 369.

25 Okay. Well, I just want to talk about that too. So you, as a

1 jury, when you're back there deliberating you can take your common
2 sense. You can take the evidence. You can take the jury instructions
3 back there with you to make a decision, but you can't take any bias.
4 You can't base a verdict on sympathy. You can't consider
5 punishment.

6 I know you said you think there should be harsher
7 punishments, but can you deliberate and not consider punishment,
8 sympathy, bias --

9 PROSPECTIVE JUROR 369: Absolutely [indiscernible] .

10 MS. RHOADES: Okay. You think you should -- there
11 should be stronger punishment for what?

12 PROSPECTIVE JUROR 369: Well, I had mentioned
13 previously that I got hit by a drunk driver and I feel like he got a slap
14 on the wrist and --

15 MS. RHOADES: Yeah.

16 PROSPECTIVE JUROR 369: -- you know, you mentioned
17 the Harvey Weinstein case. I don't know if he got sentenced yet, but I
18 think he should be [indiscernible].

19 MS. RHOADES: Uh-huh. Okay. Thank you.

20 PROSPECTIVE JUROR 369: You're welcome.

21 MS. RHOADES: Can anyone -- does everyone understand
22 that you're not to consider, you know, bias, sympathy, punishment
23 when you're coming to a verdict? Your only decision is if he's guilty
24 or not guilty. Does everyone understand that?

25 All right. I just have a few more things. Mr. Esperancilla

1 465. I'm sure I said your last name wrong.

2 PROSPECTIVE JUROR 465: It's close enough.

3 MS. RHOADES: I have a note here about your cousin. And
4 that was in Hawaii you said?

5 PROSPECTIVE JUROR 465: Yes.

6 MS. RHOADES: Okay. And it was a few years ago?

7 PROSPECTIVE JUROR 465: No, it's more than 17 years
8 ago.

9 MS. RHOADES: Oh. Were you living there at the time?

10 PROSPECTIVE JUROR 465: I was living there at the time.

11 MS. RHOADES: Did she report it?

12 PROSPECTIVE JUROR 465: She didn't report it right away,
13 but she did end up reporting it.

14 MS. RHOADES: Okay. And then was it a family member
15 that --

16 PROSPECTIVE JUROR 465: It was a neighbor.

17 MS. RHOADES: A neighbor. Okay. Did she have to go to
18 court?

19 PROSPECTIVE JUROR 465: She did.

20 MS. RHOADES: And were you there when she went to
21 court?

22 PROSPECTIVE JUROR 465: I -- I wasn't there.

23 MS. RHOADES: Okay. Anything about that that would
24 cause you to be not fair to either side?

25 PROSPECTIVE JUROR 465: I guess I can be fair.

1 MS. RHOADES: Can you explain that? You said "I guess I
2 can be fair." Like what gives you the hesitation?

3 PROSPECTIVE JUROR 465: I feel what happened was
4 [indiscernible]. You got to find out the full story before you can
5 judge what happened because a lot of people didn't believe her at
6 first because, you know, it was a neighbor and they were kids -- they
7 were -- I mean, they were underage still. The [indiscernible] --

8 MS. RHOADES: Was the neighbor underage too?

9 PROSPECTIVE JUROR 465: Yeah.

10 MS. RHOADES: Okay.

11 PROSPECTIVE JUROR 465: So people, like, didn't believe
12 it. And I felt the same way, but, you know, afterwards, when they
13 went through the trial and I kind of, like, you know, I seen that, you
14 know, sometimes people judge, you know, without even like...

15 MS. RHOADES: Why didn't you believe it at first?

16 PROSPECTIVE JUROR 465: They were kids. Sometimes,
17 you know -- I mean if it was a adult, you probably would think
18 automatically you would say, you know, but with kids they probably
19 wasn't thinking like that. They probably took it the wrong way.

20 MS. RHOADES: Okay.

21 PROSPECTIVE JUROR 465: It is what it is, you know, when
22 it did come up -- I mean, it did come out the way it did. I mean, I can
23 say that he deserved what happened.

24 MS. RHOADES: Now looking back?

25 PROSPECTIVE JUROR 465: Uh-huh.

1 MS. RHOADES: Okay. Anything you want to comment
2 on? Anything that we've talked about or any of the questions that
3 I've asked?

4 PROSPECTIVE JUROR 465: No.

5 MS. RHOADES: Okay. Thank you.

6 I'm going to go to Mr. Beals. You have three girls.

7 PROSPECTIVE JUROR 483: Yes.

8 MS. RHOADES: 483 is your badge number. Tell me about,
9 like, when your girls were little. What kinds of things would you look
10 to to determine who was telling the truth and who wasn't telling the
11 truth?

12 PROSPECTIVE JUROR 483: Well, they would always tell
13 me the truth. They wouldn't tell their mother the truth.

14 MS. RHOADES: They did?

15 PROSPECTIVE JUROR 483: Yes.

16 MS. RHOADES: Okay.

17 PROSPECTIVE JUROR 483: They was daddy girls.

18 MS. RHOADES: How are you going to assess the
19 credibility of kids that testify and other witnesses whom you've never
20 met, never seen, don't know them?

21 PROSPECTIVE JUROR 483: Well, I do this at my job now
22 because I've got -- I deal with high school girls and I deal with junior
23 high school girls. I'm a campus monitor. So they come tell me
24 things, but I cut them off before they get too deep. I go take them to
25 a counselor.

1 MS. RHOADES: Okay.

2 PROSPECTIVE JUROR 483: So girls -- somehow they got
3 attached to telling me the truth. They come tell me everything.

4 MS. RHOADES: That's not a bad thing. So what kinds of
5 things would you look to on the people that were testifying?

6 PROSPECTIVE JUROR 483: Well, I look for they actions,
7 the -- the look in they (sic) eyes, and how they -- I know once you tell
8 the truth or you -- you see someone you've got to -- you look down,
9 turn your head different ways. You can't -- you know, you look at
10 they (sic) reaction -- how they answer the questions.

11 MS. RHOADES: Okay. In your experience do -- when the
12 girls are telling you dates or even when your girls were little, did they
13 remember specific dates of things -- exact dates?

14 PROSPECTIVE JUROR 483: No. The kids is not going to
15 remember the dates.

16 MS. RHOADES: Okay. And --

17 PROSPECTIVE JUROR 483: If something happened to
18 them, they ain't going to remember the dates. My niece got raped by
19 sister (sic) boyfriend and they didn't find out until she was pregnant.

20 MS. RHOADES: Until your niece was pregnant?

21 PROSPECTIVE JUROR 483: Yes.

22 MS. RHOADES: And how old was your niece?

23 PROSPECTIVE JUROR 483: 13.

24 MS. RHOADES: Was that here in Clark County?

25 PROSPECTIVE JUROR 483: Yes.

1 MS. RHOADES: Was the person who did that prosecuted?
2 PROSPECTIVE JUROR 483: Yes.
3 MS. RHOADES: Okay. How recently?
4 PROSPECTIVE JUROR 483: I'd say probably 20 years ago.
5 MS. RHOADES: 20 years ago?
6 PROSPECTIVE JUROR 483: Uh-huh.
7 MS. RHOADES: Okay. Do you know if your niece had to
8 testify?
9 PROSPECTIVE JUROR 483: Yes.
10 MS. RHOADES: Okay. And how do you feel about that? I
11 have that. He went to prison, right?
12 PROSPECTIVE JUROR 483: Yes, he did.
13 MS. RHOADES: Yeah. Did you watch the trial closely?
14 PROSPECTIVE JUROR 483: I didn't, but I knew my sisters
15 they were all going to trial and they was able to give me feedback on
16 it.
17 MS. RHOADES: Okay. And you said she was 13 and she
18 didn't tell anybody until they found out she was pregnant, right?
19 PROSPECTIVE JUROR 483: Right.
20 MS. RHOADES: Who was the -- it was your sister's
21 boyfriend who did it?
22 PROSPECTIVE JUROR 483: Yes.
23 MS. RHOADES: Okay. So he was in the home?
24 PROSPECTIVE JUROR 483: Yes. He would come get her
25 some nights to come stay all night and drug my sister so she could

1 fall asleep.

2 MS. RHOADES: Okay. All right.

3 PROSPECTIVE JUROR 483: And then he would.

4 MS. RHOADES: Okay. I also have here that you were
5 accused of murder; is that true?

6 PROSPECTIVE JUROR 483: Uh-huh.

7 MS. RHOADES: When was that?

8 PROSPECTIVE JUROR 483: That was -- the year?

9 MS. RHOADES: Uh-huh.

10 PROSPECTIVE JUROR 483: '83.

11 MS. RHOADES: Okay. So a long time ago?

12 PROSPECTIVE JUROR 483: Yes.

13 MS. RHOADES: And that was here in Clark County?

14 PROSPECTIVE JUROR 483: Yes.

15 MS. RHOADES: Can you tell us a little bit about the
16 circumstances of that?

17 PROSPECTIVE JUROR 483: Well, they came. I was home
18 from college and they came -- the -- the DA came and they picked me
19 up and took me downtown. Fingerprinted me and said it was the
20 worst case and murder case in Las Vegas. And it was a Caesar's
21 Palace and I supposed to had killed somebody on the dock back
22 there, but the date and the time that it happened I was in New
23 Mexico in college.

24 MS. RHOADES: Okay. Do you know why they even came
25 to you?

1 PROSPECTIVE JUROR 483: Yes.

2 MS. RHOADES: Why?

3 PROSPECTIVE JUROR 483: I'm missing a finger on my
4 hand.

5 MS. RHOADES: Oh, wow.

6 PROSPECTIVE JUROR 483: And that person that did it was
7 missing the same finger.

8 MS. RHOADES: Wow. How long -- were you in custody?

9 PROSPECTIVE JUROR 483: No, I never went to custody.

10 MS. RHOADES: Okay.

11 PROSPECTIVE JUROR 483: They found out immediately
12 that they called the college and got everything right and they let me
13 go.

14 MS. RHOADES: Okay. So you never had to go to jail --

15 PROSPECTIVE JUROR 483: No.

16 MS. RHOADES: -- or anything?

17 PROSPECTIVE JUROR 483: No -- no.

18 MS. RHOADES: Okay. Anything about either one of those
19 experiences? You know, there's one on one side kind of and one on
20 the other. Anything about that that would cause you to be -- not be
21 able to be fair to either side in this case?

22 PROSPECTIVE JUROR 483: No.

23 MS. RHOADES: Okay. All right. Thank you very much, sir.

24 PROSPECTIVE JUROR 483: Hhuh-uh.

25 MS. RHOADES: Ms. Mills, 468, anything you want to

1 comment on or the -- I know you have a 16-year-old son and an 11-
2 year-old daughter. Do they always remember exact dates of things
3 that happened --

4 PROSPECTIVE JUROR 468: No.

5 MS. RHOADES: -- to them?

6 Do they always tell stories linearly?

7 PROSPECTIVE JUROR 468: No.

8 MS. RHOADES: Okay. Anything that you want to
9 comment on -- any questions that we've asked?

10 PROSPECTIVE JUROR 468: No.

11 MS. RHOADES: Okay. Thank you very much.

12 PROSPECTIVE JUROR 468: You're welcome.

13 MS. RHOADES: Ms. Holtan, 358, I think you were
14 saying -- and correct me if I'm wrong -- that the -- it might bother
15 you -- the charges might bother you. Do you remember saying
16 something -- I mean --

17 PROSPECTIVE JUROR 358: Yes.

18 MS. RHOADES: You would agree with me nobody wants
19 to hear about child abuse, child sexual abuse?

20 PROSPECTIVE JUROR 358: Correct.

21 MS. RHOADES: Nobody is going to like those things?

22 PROSPECTIVE JUROR 358: No.

23 MS. RHOADES: Okay. Are you able to be fair to both
24 sides?

25 PROSPECTIVE JUROR 358: Yeah.

1 MS. RHOADES: Okay.

2 PROSPECTIVE JUROR 358: I think it was just more of an
3 idea, like, a visual, like, pictures, and videotapes, and stuff like that.

4 MS. RHOADES: Okay.

5 PROSPECTIVE JUROR 358: I don't know that I could watch
6 it.

7 MS. RHOADES: Are you going to be okay when a victim
8 comes up here and describes that and --

9 PROSPECTIVE JUROR 358: I don't know. I can't -- I don't
10 want to say yes, because I may not be. You know, I -- I just I don't
11 know how I'll react.

12 MS. RHOADES: Okay. Can you take the evidence for its
13 evidentiary value -- the testimony for its evidentiary value and assess
14 it that way and apply it to the law; do you think?

15 PROSPECTIVE JUROR 358: Yeah.

16 MS. RHOADES: Okay. All right. Thank you.

17 PROSPECTIVE JUROR 358: Thanks.

18 MS. RHOADES: Mr. Stanford, 362, anything you want to
19 comment on? You have prior jury service?

20 PROSPECTIVE JUROR 362: Yes.

21 MS. RHOADES: And you were the foreperson in both?

22 PROSPECTIVE JUROR 362: Yes.

23 MS. RHOADES: And they were both criminal, right?

24 PROSPECTIVE JUROR 362: One was a DUI and one was a
25 criminal.

1 MS. RHOADES: Okay. So anything about that experience
2 that would cause you to think I don't want to do this again or why in
3 the world am I going to be on a jury again for the third time?

4 PROSPECTIVE JUROR 362: Where would I begin? But,
5 no -- no, not really. It's a duty that I think all Americans should do
6 and perform. And I'm more than willing to do it.

7 MS. RHOADES: Okay. Can you tell just a little bit about
8 your interactions in the deliberation room? Like, was it a good
9 experience, bad experience?

10 PROSPECTIVE JUROR 362: It was a fairly good experience,
11 but you sometimes wonder how someone can look at the same
12 evidence and come to a different conclusion. In the criminal case we
13 eventually were split. The judge told us to go back and look at the
14 evidence. We -- we asked for some evidence to be reviewed. And
15 then between discussions with all of the jurors a couple of people
16 changed their mind and we unanimous.

17 MS. RHOADES: What was the crime?

18 PROSPECTIVE JUROR 362: It was a manslaughter case.

19 MS. RHOADES: Okay. Did the Defendant testify in that
20 case?

21 PROSPECTIVE JUROR 362: I don't believe he did.

22 MS. RHOADES: Okay. Through the defense's presentation
23 of the evidence, were you able to determine what their defense was?

24 PROSPECTIVE JUROR 362: Yes.

25 MS. RHOADES: When you were back in the deliberation

1 room did you guys try to come up with any other defenses that
2 weren't presented?

3 PROSPECTIVE JUROR 362: There were a couple of jurors
4 who tried to bring in -- there were a couple of jurors who were
5 obviously biased. But after the judge counseled us on the law and
6 the law that we had to apply in our decision, they eventually came
7 around to --

8 MS. RHOADES: Okay.

9 PROSPECTIVE JUROR 362: -- [indiscernible].

10 MS. RHOADES: And I'm sure you understand this -- and
11 for everybody -- I mean it's not your job to solve the case --

12 PROSPECTIVE JUROR 362: Right.

13 MS. RHOADES: -- right? Or to come up with other
14 defenses --

15 PROSPECTIVE JUROR 362: Right.

16 MS. RHOADES: -- right? And also, just to -- because we're
17 on this -- every defendant in a criminal case has a right not to testify.
18 They cannot be compelled to testify. Are you comfortable with that?

19 PROSPECTIVE JUROR 362: Yes.

20 MS. RHOADES: Is everyone comfortable with that?

21 And is everyone comfortable with the fact that it's not
22 your job to solve the case? That you take the evidence and apply it
23 to the law and then make your determination.

24 Everyone is nodding in the affirmative.

25 Okay. Anything else you want to talk about that right

1 now anyways --

2 PROSPECTIVE JUROR 362: I mean --

3 MS. RHOADES: -- about your prior jury service? Yeah.

4 PROSPECTIVE JUROR 362: It was -- it was interesting
5 seeing the wheels of justice performed and all that stuff. It was very
6 interesting.

7 MS. RHOADES: All right. Anything else on any of the
8 questions that I've asked that you thought oh, I would think this,
9 or -- okay. Thank you very much, sir.

10 PROSPECTIVE JUROR 362: You're welcome.

11 MS. RHOADES: Ms. Ochal, 549, did I say that right?

12 PROSPECTIVE JUROR 549: [O kel].

13 MS. RHOADES: [O kel], so no. I'm sorry.

14 PROSPECTIVE JUROR 549: That's okay.

15 MS. RHOADES: Anything that you want to talk about?

16 Like, how would you determine a child's credibility from the
17 stand -- one that you've never met before?

18 PROSPECTIVE JUROR 549: I don't think you -- I don't -- I
19 don't believe I would come in with a perceived notion. I believe that
20 everyone reacts to things differently. So I can't say exactly they're
21 going to behave in this manner or that manner. I don't think that is
22 correct. I think as the case unfolds and the evidence is presented, we
23 will watch body language, we will listen to testimony. I'm sure the
24 testimony is going to be very compelling. And then a decision is
25 going to be made.

1 I mean you talk about facts and dates, and question -- I
2 mean, the frontal lobe of a person's brain does not fully form until
3 the age of 25 so that's the reasoning center and I think back when I
4 was a child, you know, I remember seasons. I remember, you know,
5 parties, you know, picnics. I don't remember dates specifically.

6 MS. RHOADES: Yeah.

7 PROSPECTIVE JUROR 549: So I don't think there's going
8 to be a lot of exact pinpointing. Much more when you're an adult
9 they say that, you know, when a traumatic event happens
10 you -- adrenaline releases in your body and a memory is formed. But
11 what that memory is is different for everybody, you know -- and just
12 how they react to that situation, so I don't have a preconceived
13 notion how to judge whether a child is telling the truth or not.

14 MS. RHOADES: Do you think you can take your life
15 experience and your common sense and apply it and -- and
16 determine whether or not they're telling the truth?

17 PROSPECTIVE JUROR 549: I do.

18 MS. RHOADES: Okay. All right. Thank you very much.

19 PROSPECTIVE JUROR 549: You're welcome.

20 MS. RHOADES: All right. 372, Ms. Richey, you have some
21 prior jury service too in a criminal case. What was the charge in that
22 case?

23 PROSPECTIVE JUROR 372: Second degree murder.

24 MS. RHOADES: Okay. Kind of similar questions. Did the
25 defendant testify in that case?

1 PROSPECTIVE JUROR 372: The defendant? No, he --
2 MS. RHOADES: Testify.
3 PROSPECTIVE JUROR 372: Yes -- yes, sorry.
4 MS. RHOADES: Okay. When you were back there in the
5 deliberation room did you know what the defense was?
6 PROSPECTIVE JUROR 372: Can you explain that?
7 MS. RHOADES: Sure. When you back there in the
8 deliberation room with the other jurors did you guys know what the
9 defense was to the crime?
10 PROSPECTIVE JUROR 372: Yes.
11 MS. RHOADES: Okay. Did you discuss any other
12 defenses?
13 PROSPECTIVE JUROR 372: No.
14 MS. RHOADES: Okay. All right. Anything about -- how
15 long ago was that?
16 PROSPECTIVE JUROR 372: About ten years ago.
17 MS. RHOADES: Okay. Anything, like, negative, positive?
18 PROSPECTIVE JUROR 372: I didn't care to be a juror there.
19 It was -- both sides were, you know, unfortunately, they were full of
20 bad people and one, of course, no longer alive, but it just wasn't
21 something I care to -- I don't know -- they -- they were both in trouble
22 with the law in the past, so --
23 MS. RHOADES: And you mean the victim and the person?
24 PROSPECTIVE JUROR 372: Yes.
25 MS. RHOADES: The defendant. Okay.

1 PROSPECTIVE JUROR 372: Yes. So --

2 MS. RHOADES: All right. Anything about that, like, makes
3 you think why would I be picked another time to be on a jury? Why
4 is this happening to me?

5 PROSPECTIVE JUROR 372: No.

6 MS. RHOADES: Okay.

7 PROSPECTIVE JUROR 372: It's our civil right.

8 MS. RHOADES: Okay. Anything else you want to
9 comment on?

10 PROSPECTIVE JUROR 372: No.

11 MS. RHOADES: Okay. I appreciate your time. Thank you
12 very much.

13 Ms. Saldivar, 473, I have a note here you like the library;
14 is that right?

15 PROSPECTIVE JUROR 473: Yes.

16 MS. RHOADES: So you go to college full time?

17 PROSPECTIVE JUROR 473: Yes.

18 MS. RHOADES: What are you studying?

19 PROSPECTIVE JUROR 473: Right now I'm for my
20 associates degree in science.

21 MS. RHOADES: Okay. Do you have interaction with
22 children?

23 PROSPECTIVE JUROR 473: I have a couple of cousins, but
24 they live in California [indiscernible]. They're little, between ten and
25 eight.

1 MS. RHOADES: All right. And that's all the interaction you
2 have with children?

3 PROSPECTIVE JUROR 473: Uh-huh.

4 MS. RHOADES: Okay. Is that a yes?

5 PROSPECTIVE JUROR 473: Oh, yeah.

6 MS. RHOADES: Okay. Do you feel like you're a good
7 judge of character?

8 PROSPECTIVE JUROR 473: I think so.

9 MS. RHOADES: What kinds of things make you think that
10 you're a good judge of character?

11 PROSPECTIVE JUROR 473: The way they act. Do you
12 mean judge of character as in everyone, or like children?

13 MS. RHOADES: Just everyone. How would you determine
14 if a witness is testifying truthfully?

15 PROSPECTIVE JUROR 473: The way they -- the way they
16 act. If they're eye contact isn't with the people or fidgeting, if they're
17 not paying -- they're not -- they're not acting -- not normally, but
18 they're hesitant. There's -- they act -- they act like they're scared,
19 nervous.

20 MS. RHOADES: And those things that you listed off, would
21 that make you think that they are not telling the truth, telling the
22 truth, or something else?

23 PROSPECTIVE JUROR 473: Telling the -- telling the truth,
24 but they're just scared to tell the truth. They're just nervous to tell
25 the truth.

1 MS. RHOADES: It's kind of hard to be put on the spot and
2 be asked questions in front of a room full of people, right?

3 PROSPECTIVE JUROR 473: Yeah.

4 MS. RHOADES: Okay. Any other thing that came up that
5 you want to answer -- any of the questions that I've asked? Okay.
6 Thank you.

7 Okay. Ms. Clark, you -- for the record you just kind of
8 were a little exasperated, right?

9 PROSPECTIVE JUROR 378: Yes.

10 MS. RHOADES: Do you think you can listen to the
11 evidence in this case and apply it to the law, given the stuff that you
12 have told us today?

13 PROSPECTIVE JUROR 378: I think so, but, you know, I
14 repressed this stuff and there's other things too that happened
15 throughout my life. I repressed it for a really long time and last night
16 it just kind of all came out.

17 MS. RHOADES: Yeah.

18 PROSPECTIVE JUROR 378: And I didn't think I could do
19 this. I know it's my civil duty and I will do everything -- if I'm picked, I
20 will do whatever I have to do to get through my stuff to do what I
21 have to do to make sure that this is fair and I make the right decision.

22 MS. RHOADES: Okay. And only you know, again, you
23 know, what's in your head. So do you think that you're going to be
24 so distracted that you're not going to be able to be fair to the
25 Defendant or to the State?

1 PROSPECTIVE JUROR 378: I think that's a possibility. Like
2 I said, I -- I haven't thought about this stuff for a really long time.
3 And so that's depending on what's being -- what's said and what was
4 done and if it correlates with what happened in my life, it -- it might.
5 MS. RHOADES: Okay.
6 PROSPECTIVE JUROR 378: It might.
7 MS. RHOADES: All right. And did you tell an adult when
8 this stuff happened?
9 PROSPECTIVE JUROR 378: No. They -- they knew.
10 MS. RHOADES: Okay.
11 PROSPECTIVE JUROR 378: And nobody did anything
12 because it was their dad.
13 MS. RHOADES: All right. Okay. Thank you for sharing
14 that. Okay.
15 I'm going to go to Mr. Bloomquist, 474. What kind of law
16 does your son practice in New York?
17 PROSPECTIVE JUROR 474: It's corporate law.
18 MS. RHOADES: Okay. Anything that you want to answer?
19 When your kids were younger did they remember exact dates and
20 tell stories this, this, this every time?
21 PROSPECTIVE JUROR 474: Well, it's kind of funny because
22 we all do crazy things when we're young. So they're both
23 approaching 40 years old and I said to them okay, time for
24 confession. I was so blessed with the greatest kids.
25 MS. RHOADES: Yeah.

1 PROSPECTIVE JUROR 474: They -- they corroborated each
2 other's stories. It was amazing.

3 MS. RHOADES: Okay.

4 PROSPECTIVE JUROR 474: I couldn't have been luckier.

5 MS. RHOADES: Then you realized everyone comes from
6 different backgrounds --

7 PROSPECTIVE JUROR 474: Yes.

8 MS. RHOADES: -- and different families, and all that?

9 PROSPECTIVE JUROR 474: Yes.

10 MS. RHOADES: And can you take that into consideration
11 when you're assessing a kid's credibility?

12 PROSPECTIVE JUROR 474: Oh, absolutely.

13 MS. RHOADES: Okay. All right. Any --

14 PROSPECTIVE JUROR 474: I think -- I think my situation
15 was the exception.

16 MS. RHOADES: Yeah. What did they confess to?

17 PROSPECTIVE JUROR 474: Nothing. They didn't drink.
18 They didn't smoke dope. They didn't -- you know --

19 MS. RHOADES: That's awesome.

20 PROSPECTIVE JUROR 474: But I've always had a strong
21 sense -- having been in law enforcement -- anybody that's been in
22 that business develops a sixth -- they call a sixth sense, where kind of
23 develop a instinct of truth being told to you or not being told to you.
24 And I think I have a pretty strong sixth sense.

25 MS. RHOADES: And you could use that experience

1 when --

2 PROSPECTIVE JUROR 474: Yes.

3 MS. RHOADES: -- determining whether someone is telling
4 the truth?

5 PROSPECTIVE JUROR 474: Absolutely.

6 MS. RHOADES: Okay. And you understand it's completely
7 the State's burden to prove beyond a reasonable doubt?

8 PROSPECTIVE JUROR 474: Absolutely.

9 MS. RHOADES: And the Defendant has no burden
10 whatsoever to prove anything?

11 PROSPECTIVE JUROR 474: I get it.

12 MS. RHOADES: Okay. All right. Thank you very much, sir.

13 Ms. Mekonnen, 385, did I say your name right?

14 PROSPECTIVE JUROR 385: Yes.

15 MS. RHOADES: Okay. Do you have kids? No, okay. Do
16 you have any contact with kids or interact with them?

17 PROSPECTIVE JUROR 385: Yeah. I have little nephews.

18 THE COURT: Your nephews?

19 PROSPECTIVE JUROR 385: Yes.

20 MS. RHOADES: Do they live here?

21 PROSPECTIVE JUROR 385: Yes.

22 MS. RHOADES: How old are they?

23 PROSPECTIVE JUROR 385: 11, 12, and 7.

24 MS. RHOADES: Okay. Do you want to talk about how,
25 like -- do you ever have to determine whether or not they're telling

1 you the truth or a lie?

2 PROSPECTIVE JUROR 385: [Indiscernible] I know.

3 MS. RHOADES: How do you know?

4 PROSPECTIVE JUROR 385: They usually -- I don't know,
5 you just can tell when they're lying or not.

6 MS. RHOADES: Anything that you can think of? Like, what
7 makes you be able to tell that they're lying?

8 PROSPECTIVE JUROR 385: I'm [indiscernible] -- I just -- I
9 trust them. I believe them. So if they're lying or if they tell me later
10 on, oh, auntie, I'm sorry I lied to you, they tell me --

11 MS. RHOADES: Okay.

12 PROSPECTIVE JUROR 385: -- end of the day.

13 MS. RHOADES: All right. And you said you were moving
14 out, right? You're moving out of where you --

15 PROSPECTIVE JUROR 385: Yes.

16 MS. RHOADES: -- live?

17 PROSPECTIVE JUROR 385: This Monday, yes.

18 MS. RHOADES: On Monday? Okay.

19 PROSPECTIVE JUROR 385: November 1st,
20 right -- Monday, November 1st, yeah.

21 MS. RHOADES: I think so or the 3rd maybe.

22 THE COURT: Sunday is the 1st.

23 PROSPECTIVE JUROR 385: Yeah.

24 MS. RHOADES: Oh, okay. Is someone going to be able to
25 be at your house when, like, people -- is that going to cause you to be

1 distracted here at the --

2 PROSPECTIVE JUROR 385: Yeah.

3 MS. RHOADES: -- trial?

4 PROSPECTIVE JUROR 385: Because I have to return the
5 key by Monday and I have to go to work at until Friday. And then
6 Saturday, Sunday is closed, so by Monday finish everything and give
7 them back their key.

8 MS. RHOADES: Okay. So you have to return the key on
9 Monday?

10 PROSPECTIVE JUROR 385: Yes.

11 MS. RHOADES: And do you know how long the office is
12 open for you to return the key?

13 PROSPECTIVE JUROR 385: The office, I think 9:00
14 [indiscernible].

15 MS. RHOADES: So you would be able to return the keys
16 sometime during the day, even if you had to come here to court on
17 Monday?

18 PROSPECTIVE JUROR 385: Yeah, I mean, as long as if I get
19 from here earlier. They close I think 5:00, so before 5.

20 MS. RHOADES: Okay. Or you could go at lunch and return
21 it?

22 PROSPECTIVE JUROR 385: Yes, little bit far.

23 MS. RHOADES: If you had to?

24 PROSPECTIVE JUROR 385: Yeah.

25 MS. RHOADES: Okay. Do you think you can be fair to

1 both sides?

2 PROSPECTIVE JUROR 385: I don't know yet. I don't know.

3 MS. RHOADES: What makes you say you don't know?

4 PROSPECTIVE JUROR 385: And actually for -- I'll -- I'll be
5 emotional for the kids that happened to them and, you know, I -- I
6 believe them. I don't think they're going to lie, especially if I see
7 them, I'll be more emotional, so I don't know.

8 MS. RHOADES: Okay. But you haven't met them yet,
9 right?

10 PROSPECTIVE JUROR 385: No.

11 MS. RHOADES: You haven't seen them or heard anything
12 they're going to say yet, right?

13 PROSPECTIVE JUROR 385: Right, not yet, but I already,
14 like [indiscernible]

15 MS. RHOADES: And it's a hurtful topic and I think
16 everyone --

17 PROSPECTIVE JUROR 385: Yes.

18 MS. RHOADES: -- would agree on that?

19 PROSPECTIVE JUROR 385: Yeah, it is.

20 MS. RHOADES: The question is more would you be able
21 to hear the testimony and then take it back with you in the
22 deliberation room and apply it to the law that the Court gives you?

23 PROSPECTIVE JUROR 385: I'll try to.

24 MS. RHOADES: Okay. All right. Thank you very much.

25 PROSPECTIVE JUROR 385: Yes.

1 MS. RHOADES: Mr. Howard, I'm coming down to you, at
2 532.

3 PROSPECTIVE JUROR 532: Yes.

4 MS. RHOADES: I have some notes here. I know you said if
5 kids are involved you can try to be fair, right?

6 PROSPECTIVE JUROR 532: Right.

7 MS. RHOADES: And does that kind of come with the
8 background of your sister and what happened in foster care?

9 PROSPECTIVE JUROR 532: I really don't know that I can
10 separate the two.

11 MS. RHOADES: Okay. Can you be fair to both sides in this
12 case?

13 PROSPECTIVE JUROR 532: Possibly.

14 MS. RHOADES: What causes you hesitation?

15 PROSPECTIVE JUROR 532: Well, it depends on what's
16 being told while in trial.

17 MS. RHOADES: And you understand that the Defendant
18 has no burden to tell or to prove anything, right?

19 PROSPECTIVE JUROR 532: Right.

20 MS. RHOADES: That it's the State's burden?

21 PROSPECTIVE JUROR 532: Right.

22 MS. RHOADES: Okay. You said you were not satisfied
23 with how your sister's case was handled? Do I have that right?

24 PROSPECTIVE JUROR 532: They never really went to
25 court. All I know -- all I know is she told me she was raped and that

1 was it.

2 MS. RHOADES: And --

3 PROSPECTIVE JUROR 532: That was during [indiscernible]
4 after that.

5 MS. RHOADES: Okay. That was here in Clark County that
6 it happened; do you know?

7 PROSPECTIVE JUROR 532: No, that was in California.

8 MS. RHOADES: Okay.

9 PROSPECTIVE JUROR 532: She's ten years older than me,
10 so --

11 MS. RHOADES: I'm sorry what was that?

12 PROSPECTIVE JUROR 532: It was in California and she's
13 ten years older than me. We didn't really, like, grow up together,
14 so -- but I lived with her two years prior to moving out here.

15 MS. RHOADES: Okay. And you didn't -- you don't know if
16 it was reported, right?

17 PROSPECTIVE JUROR 532: No.

18 MS. RHOADES: Okay. Do you have any interaction with
19 kids?

20 PROSPECTIVE JUROR 532: No.

21 MS. RHOADES: How would you assess whether a kid is
22 telling the truth or a lie?

23 PROSPECTIVE JUROR 532: I'm honestly not sure. It varies
24 from each person, pretty much agreeing with what the other people
25 on the -- potential jurors said.

1 MS. RHOADES: Okay. How do you assess whether an
2 adult is telling the truth or a lie?

3 PROSPECTIVE JUROR 532: Again, some people are good
4 liars.

5 MS. RHOADES: Uh-huh. But how do you tell?

6 PROSPECTIVE JUROR 532: I'm not sure.

7 MS. RHOADES: If you're on the jury, you're going to have
8 to judge the credibility of each and every witness that comes and
9 testifies from the stand.

10 PROSPECTIVE JUROR 532: [indiscernible] --

11 MS. RHOADES: Do you think you can do that?

12 PROSPECTIVE JUROR 532: Possibly.

13 MS. RHOADES: You say "possibly." What makes you
14 think that you can't do that?

15 PROSPECTIVE JUROR 532: I'm honestly not sure. Like, all
16 this is so new to me and...

17 MS. RHOADES: Is it kind of hard being put on the spot and
18 being asked questions or what do you think?

19 PROSPECTIVE JUROR 532: Not really. It's just being here
20 in general is kind of...

21 MS. RHOADES: What don't -- what about it?

22 PROSPECTIVE JUROR 532: I mean personally, I'm not
23 trying to sound selfish when I say this, but it's the truth, you know, I
24 should be on vacation right now not sitting in a courtroom.

25 MS. RHOADES: Okay. Why? Or did you have a vacation

1 planned or --

2 PROSPECTIVE JUROR 532: I'm on it right now. It started
3 on the 15th going into the 15th of next month.

4 MS. RHOADES: Okay. Did you have plans to go
5 somewhere?

6 PROSPECTIVE JUROR 532: No, but irregardless (sic) I'd
7 still rather be enjoying my vacation than be here.

8 MS. RHOADES: I think a lot of people here would rather be
9 somewhere else. Would you disagree with me about that?

10 PROSPECTIVE JUROR 532: No, I wouldn't, but I'm not
11 everybody else.

12 MS. RHOADES: Right. Are you going to be able to focus
13 and listen to the evidence or are you going to be so irritated that
14 you're here and not on vacation?

15 PROSPECTIVE JUROR 532: If I'm chosen on the trial, then,
16 yes, I'll be able to focus.

17 MS. RHOADES: Okay. But you're not very excited to be
18 here at all?

19 PROSPECTIVE JUROR 532: No, I'm not.

20 MS. RHOADES: Is that fair to say?

21 PROSPECTIVE JUROR 532: Yes.

22 MS. RHOADES: Okay.

23 PROSPECTIVE JUROR 532: Honestly.

24 MS. RHOADES: All right. I appreciate your honesty. Did
25 you want to answer any other questions that I've asked?

1 PROSPECTIVE JUROR 532: Not so far.

2 MS. RHOADES: Okay. Thank you.

3 Mr. Morales.

4 THE COURT: Would now be okay to break?

5 MS. RHOADES: Sure.

6 THE COURT: Ladies and gentlemen, we're going to take
7 our afternoon break and come back at 3:20. Going to read the
8 admonishment that you've all heard a few times now, but remember
9 it is important that you listen to it and obey.

10 During this recess you're admonished not to talk or
11 converse amongst yourselves or anyone else on any subject
12 connected with this trial. Read, watch, or listen to any report of, or
13 commentary on the trial, or any person connected with this trial by
14 any medium of information, including without limitation to social
15 media, text, newspapers, television, internet, and radio. Do not visit
16 the scene of any of the events mentioned during the trial. Do not
17 undertake any investigation. Do not Google anything about the trial
18 or anyone associated with the trial. Do not do any posts or
19 communications on any social networking sites. Do not do any
20 independent research, including internet searches. Do not form or
21 express any opinion on any subject connected with the trial until the
22 case is finally submitted to you.

23 All right. We'll see you back at 3:20.

24 THE MARSHAL: All rise for the potential jury.

25 [Jury out at 3:06 p.m.]

1 THE COURT: Is there anything we need to discuss?
2 MS. RHOADES: Your --
3 MR. POSIN: Not for the Defense, Your Honor.
4 THE COURT: Go ahead.
5 MS. RHOADES: I think, Your Honor, the -- I mean, I'm not
6 done yet, so I haven't completely passed for cause, but in order to
7 maybe save some time, I think Ms. Clark should probably be
8 excused. I mean, I would that -- she was --
9 THE COURT: No, that's --
10 MS. RHOADES: -- very emotional.
11 THE COURT: Any objection to Ms. Clark being excused?
12 MR. POSIN: Yeah. She was very emotional, and I would
13 have no objection to her being excused.
14 THE COURT: Okay. Then we'll excuse Ms. Clark, 378, and
15 she'll be replaced by?
16 THE CLERK: Brian Garcia, badge number 561.
17 MS. RHOADES: Thank you.
18 That's all I have, Your Honor.
19 THE COURT: All right.
20 [Recess taken from 3:08 p.m. to 3:25 p.m.]
21 THE MARSHAL: All rise for the potential jury.
22 [Prospective Jury in at 3:25 p.m.]
23 THE COURT: Please be seated.
24 Welcome back, ladies and gentlemen. Thank you for your
25 patience and service.

1 At this time, I believe we have an excusal.

2 THE CLERK: Teri Clark, Badge Number 378 and Karen
3 Jackson, Badge Number -- I'm sorry. Brian Garcia, Badge Number
4 561 will replace chair number 16.

5 THE COURT: Good afternoon, Mr. Garcia.

6 PROSPECTIVE JUROR 561: Good afternoon.

7 THE COURT: Could you tell us your Badge Number?

8 PROSPECTIVE JUROR 561: 561.

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

10 PROSPECTIVE JUROR 561: 34 years.

11 THE COURT: How far did you go in school?

12 PROSPECTIVE JUROR 561: Some college.

13 THE COURT: Are you employed and if so, what type of
14 work do you do?

15 PROSPECTIVE JUROR 561: I'm a business analyst in
16 information technology.

17 THE COURT: Are you married or in a significant
18 relationship?

19 PROSPECTIVE JUROR 561: Married.

20 THE COURT: What type of work, if any, does your spouse
21 do?

22 PROSPECTIVE JUROR 561: She is a secretary in a family
23 services clinic.

24 THE COURT: Thank you. Do you have any children? If so,
25 what are their ages and gender.

1 PROSPECTIVE JUROR 561: I have a 25-year-old daughter,
2 a 12-year-old son, a 10-year-old son, and an 8-year-old daughter.

3 THE COURT: Your oldest daughter, what type of work or
4 studies does she do?

5 PROSPECTIVE JUROR 561: I believe she is a pizza delivery
6 driver, but her main thing is she's going to school to be a science
7 teacher.

8 THE COURT: Have you ever been the victim of a serious
9 crime?

10 PROSPECTIVE JUROR 561: Yes, burglary.

11 THE COURT: Was the crime reported?

12 PROSPECTIVE JUROR 561: Yes.

13 THE COURT: Was the person caught?

14 PROSPECTIVE JUROR 561: No.

15 THE COURT: Did the police respond?

16 PROSPECTIVE JUROR 561: Yes.

17 THE COURT: Did you ever have to go to court?

18 PROSPECTIVE JUROR 561: No.

19 THE COURT: Did the district attorney's office here in Clark
20 County handle the case?

21 PROSPECTIVE JUROR 561: I believe so.

22 THE COURT: Were you satisfied with how the case was
23 handled?

24 PROSPECTIVE JUROR 561: Handled, yes, but there was no
25 one caught.

1 THE COURT: Is there anything about that experience that
2 would cause you not to be fair and impartial in this case?

3 PROSPECTIVE JUROR 561: No.

4 THE COURT: Have you ever been accused of a serious
5 crime?

6 PROSPECTIVE JUROR 561: No, sir.

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 561: Not to my knowledge.

10 THE COURT: Have any family members or anyone closely
11 associated with you ever been accused of a serious crime?

12 PROSPECTIVE JUROR 561: Yes, sir.

13 THE COURT: One crime, more than one?

14 PROSPECTIVE JUROR 561: One crime. Multiple charges,
15 one crime.

16 THE COURT: Okay, and was the person -- well, you said
17 multiple charges, so the person was charged?

18 PROSPECTIVE JUROR 561: Yes.

19 THE COURT: Did it go to trial?

20 PROSPECTIVE JUROR 561: It did.

21 THE COURT: Was the person convicted of anything?

22 PROSPECTIVE JUROR 561: No.

23 THE COURT: Did the district attorney's office here in Clark
24 County handle the case?

25 PROSPECTIVE JUROR 561: Yes, sir.

1 THE COURT: Were you satisfied with how that case was
2 handled?

3 PROSPECTIVE JUROR 561: Yes, sir.

4 THE COURT: Was there anything about that experience
5 that would cause you not to be fair and impartial in this case?

6 PROSPECTIVE JUROR 561: No, sir.

7 THE COURT: Have you ever served as a juror before?

8 PROSPECTIVE JUROR 561: I have.

9 THE COURT: How many times?

10 PROSPECTIVE JUROR 561: Once.

11 THE COURT: When was that about?

12 PROSPECTIVE JUROR 561: Ten or 12 years ago.

13 THE COURT: Was it here in Clark County?

14 PROSPECTIVE JUROR 561: Yes, sir.

15 THE COURT: Do you recall if it was a civil or criminal case?

16 PROSPECTIVE JUROR 561: Civil.

17 THE COURT: Without telling us what the verdict was, was
18 the jury able to reach a verdict?

19 PROSPECTIVE JUROR 561: Yes, we were.

20 THE COURT: Were you the foreperson?

21 PROSPECTIVE JUROR 561: No, sir.

22 THE COURT: Is there anything about the nature of this
23 case or anything that you heard yesterday or today that would make
24 it difficult for you to sit as a juror in this case?

25 PROSPECTIVE JUROR 561: No, sir.

1 THE COURT: Can you base your verdict solely on the
2 evidence presented at trial, wait to form an opinion until after you've
3 heard all of the evidence?

4 PROSPECTIVE JUROR 561: Yes, sir.

5 THE COURT: Can you be fair and impartial to both sides?

6 PROSPECTIVE JUROR 561: Yes, sir.

7 THE COURT: Thank you.

8 Ms. Rhoades?

9 MS. RHOADES: Thank you.

10 STATE VOIR DIRE

11 MS. RHOADES: Okay, since you have the microphone, sir,
12 tell me more about who was it that was accused and went to trial?

13 PROSPECTIVE JUROR 561: My younger brother when he
14 was a juvenile.

15 MS. RHOADES: But was he tried as an adult?

16 PROSPECTIVE JUROR 561: He would have been, yes.

17 MS. RHOADES: Okay.

18 PROSPECTIVE JUROR 561: Before the trial started, the
19 three adults that were involved said he and another juvenile were not
20 involved in the crime.

21 MS. RHOADES: What was the crime?

22 PROSPECTIVE JUROR 561: It was a drive-by shooting.

23 MS. RHOADES: And that was here in Clark County?

24 PROSPECTIVE JUROR 561: Yes, ma'am.

25 MS. RHOADES: Did the other people that were involved,

1 did they go to trial too, do you know?

2 PROSPECTIVE JUROR 561: The three adults, they did.

3 MS. RHOADES: Okay, did anyone get convicted?

4 PROSPECTIVE JUROR 561: I believe all three of them did.

5 MS. RHOADES: But not your brother?

6 PROSPECTIVE JUROR 561: No.

7 MS. RHOADES: Okay, and was it the State of Nevada that
8 prosecuted him?

9 PROSPECTIVE JUROR 561: Yes.

10 MS. RHOADES: How long ago was that? I'm sorry if you
11 already said.

12 PROSPECTIVE JUROR 561: No, I did not, but it was a long
13 time ago. It was maybe '92.

14 MS. RHOADES: Okay, and you realize it's the State of
15 Nevada prosecuting this crime; right?

16 PROSPECTIVE JUROR 561: Yes, I don't know the
17 difference between County or State -- it was being prosecuted as a
18 criminal case.

19 MS. RHOADES: Okay, not myself or Ms. Einhorn; right?

20 PROSPECTIVE JUROR 561: No, I don't believe so.

21 MS. RHOADES: It sounds like you're happy that the jury
22 acquitted your brother; right?

23 PROSPECTIVE JUROR 561: He never went to trial. They --
24 the -- the other defendants said that he and the other juvenile were
25 not involved.

1 MS. RHOADES: Oh, I misunderstood. I thought he went to
2 trial and was acquitted.

3 PROSPECTIVE JUROR 561: He did not.

4 MS. RHOADES: So the people who did go to trial, they
5 were convicted of the crime?

6 PROSPECTIVE JUROR 561: Yes, ma'am.

7 MS. RHOADES: After they said that your brother wasn't
8 involved?

9 PROSPECTIVE JUROR 561: Correct.

10 MS. RHOADES: Okay, so nothing about that would cause
11 you to hold any animosity toward the State in this case?

12 PROSPECTIVE JUROR 561: No, oh no, not at all.

13 MS. RHOADES: Okay, all right. And beyond a reasonable
14 doubt, can you promise to hold the State to that standard and not
15 higher and not lower?

16 PROSPECTIVE JUROR 561: Yes.

17 MS. RHOADES: You understand it's not 100%, not
18 something that you've seen with your own eyes because otherwise
19 you wouldn't be able to be on the jury; right?

20 PROSPECTIVE JUROR 561: Correct.

21 MS. RHOADES: And you can follow the law that the Court
22 instructs you regarding that and everything else?

23 PROSPECTIVE JUROR 561: Yes, ma'am.

24 MS. RHOADES: Okay, thank you very much.

25 Mr. Morales, 527, how are you, sir?

1 PROSPECTIVE JUROR 527: Fine, thank you.

2 MS. RHOADES: Okay, so someone close to you was
3 convicted of statutory rape. Who was that?

4 PROSPECTIVE JUROR 527: My brother.

5 MS. RHOADES: Was that here in Clark County?

6 PROSPECTIVE JUROR 527: Yes, he lived in Mesquite at
7 the time, but it's all Clark County.

8 MS. RHOADES: And when was that?

9 PROSPECTIVE JUROR 527: 17 years ago, almost 18 years
10 ago.

11 MS. RHOADES: Did he have a trial?

12 PROSPECTIVE JUROR 527: I believe, so, yes. He was
13 convicted. He went to jail for three months.

14 MS. RHOADES: Who was the victim in that case, do you
15 know?

16 PROSPECTIVE JUROR 527: A schoolmate, so he was just
17 out of high school and went to a party and got drunk with some of
18 his friends and had sex with somebody that was 17.

19 MS. RHOADES: Okay.

20 PROSPECTIVE JUROR 527: And the parents pressed
21 charges.

22 MS. RHOADES: And I think you said that you were
23 satisfied with how that -- how that happened?

24 PROSPECTIVE JUROR 527: Well, he admitted to what -- he
25 didn't try to deny it. He did what he did, so.

1 MS. RHOADES: And I know you said he went to jail for a
2 little bit.

3 PROSPECTIVE JUROR 527: Yep.

4 MS. RHOADES: You understand that you can't take into
5 consideration punishment back there?

6 PROSPECTIVE JUROR 527: Absolutely.

7 MS. RHOADES: Okay, anything that you want to answer
8 any of the questions that I've been asking everybody?

9 PROSPECTIVE JUROR 527: No, I'm good.

10 MS. RHOADES: Okay, you can be fair to both sides?

11 PROSPECTIVE JUROR 527: Absolutely.

12 MS. RHOADES: Okay, thank you very much.

13 Ms. Salter, 511?

14 MS. RHOADES: How are you?

15 PROSPECTIVE JUROR 511: Good.

16 MS. RHOADES: So your sister was raped; is that right?
17 You said statutory rape?

18 PROSPECTIVE JUROR 511: So what -- what does that
19 mean to you?

20 PROSPECTIVE JUROR 511: So she was 15 years old. He
21 was 27. They both consented to it, but because she was underage,
22 the parents did not consent, and my parents pressed charges when
23 they caught them.

24 MS. RHOADES: Okay, is your sister older or younger than
25 you?

1 PROSPECTIVE JUROR 511: Younger.
2 MS. RHOADES: Did she have to testify?
3 PROSPECTIVE JUROR 511: I believe so, yes.
4 MS. RHOADES: Okay, and you said that she did report it?
5 PROSPECTIVE JUROR 511: She did not. My parents did.
6 MS. RHOADES: Okay, do you know how your parents
7 found out about it?
8 PROSPECTIVE JUROR 511: They were doing it in my dad's
9 bed.
10 MS. RHOADES: And somebody saw them?
11 PROSPECTIVE JUROR 511: My dad walked in.
12 MS. RHOADES: Okay, who was the 27-year-old man?
13 PROSPECTIVE JUROR 511: His name was Aaron. I don't
14 know last name.
15 MS. RHOADES: Like who was he to your sister?
16 PROSPECTIVE JUROR 511: Oh, he was my older sister's
17 best friend.
18 MS. RHOADES: Okay, I got it, so he -- you have two
19 sisters.
20 PROSPECTIVE JUROR 511: I have three.
21 MS. RHOADES: Okay, all right, anything about that that
22 would make you think that you might not be fair to the Defense or to
23 the State?
24 PROSPECTIVE JUROR 511: No.
25 MS. RHOADES: Okay, any answers that you wanted to

1 give for any of the questions?

2 PROSPECTIVE JUROR 511: No.

3 MS. RHOADES: Okay, thank you very much.

4 Ms. Longfield, 394?

5 PROSPECTIVE JUROR 394: Yes?

6 MS. RHOADES: You have a 13-year-old stepson and a 4-
7 year-old daughter; right?

8 PROSPECTIVE JUROR 311: Correct.

9 MS. RHOADES: In your experience, do they remember
10 exact dates of things? Are they very good at telling many stories?

11 PROSPECTIVE JUROR 311: No.

12 MS. RHOADES: Can you just tell us briefly your
13 experience with that?

14 PROSPECTIVE JUROR 311: Well, my 13-year-old stepson
15 is better than my 4-year-old obviously, I would hope.

16 MS. RHOADES: That makes sense.

17 PROSPECTIVE JUROR 311: But no, and he's very bright,
18 but I think he's just distracted a lot and just gets mixed up and
19 forgets things sometimes, but it's not intentional. It's just his age, I
20 think.

21 MS. RHOADES: Okay, what kinds of things would you look
22 for to assess someone's credibility when they're testifying?

23 PROSPECTIVE JUROR 311: For me, most of the time I
24 would say it's body language, but then I think this is such a unique
25 setting too because even if somebody is telling the truth, it's quite

1 different in front of an audience, so it would just -- I don't know. I
2 would just have to go with my gut and go by body language. I teach
3 special ed. A lot of my kids are nonverbal, so body language is really
4 important to me because some of them, that's the only way they can
5 communicate, I just have to go with my gut most of the time.

6 MS. RHOADES: All right, and you can bring your common
7 sense and your life experience into deliberation?

8 PROSPECTIVE JUROR 311: Absolutely.

9 MS. RHOADES: Anything else that you want to comment
10 on?

11 PROSPECTIVE JUROR 311: No.

12 MS. RHOADES: Okay, thank you very much.

13 PROSPECTIVE JUROR 311: Sure.

14 MS. RHOADES: Okay, Ms. Amoroso, 547. You have three
15 children and one of them works in the courthouse?

16 PROSPECTIVE JUROR 547: She does.

17 MS. RHOADES: And you know the court reporter in this --
18 in this courtroom, right? Matt back there, right behind you?

19 PROSPECTIVE JUROR 547: I do.

20 MS. RHOADES: Anything about your knowledge of the
21 system, kind of the -- what goes on in the back, that would cause you
22 to be not fair to either side?

23 PROSPECTIVE JUROR 547: No.

24 MS. RHOADES: Okay.

25 PROSPECTIVE JUROR 547: I mean, I've been a court

1 recorder, so I've been through the jury selection process in criminal
2 and civil, so I understand what's going on, I've just never sat here.
3 I've been on the other side.

4 MS. RHOADES: It's kind of a long process.

5 PROSPECTIVE JUROR 547: Oh, yeah, I knew it would have
6 been a long process.

7 MS. RHOADES: Have you ever been on a jury?

8 PROSPECTIVE JUROR 547: Back home I was.

9 MS. RHOADES: Okay, a domestic violence case, but four
10 years ago, you said.

11 PROSPECTIVE JUROR 547: Alternate.

12 MS. RHOADES: And you weren't able to deliberate?

13 PROSPECTIVE JUROR 547: No.

14 MS. RHOADES: All right, anything that you want to
15 answer any of the questions that I've been asking everybody?
16 Anything about delayed disclosures that you can think of?

17 PROSPECTIVE JUROR 547: No, with regard to the kids and
18 my experience with my children, they're adults now, but all I can
19 remember from when they were small, their famous words were
20 always, I know mom, I know mom, and my words were always, don't
21 tell me you know, and if I asked them if they were lying, they couldn't
22 look -- they would look at me and then they would look away and tell
23 me no, so these are my kids, so it's a motherly instinct.

24 MS. RHOADES: Okay, and how about kids that you've
25 never seen and never met before? You know, do you -- if they don't

1 act how you think you would or how you think your kids would,
2 would that make you disbelieve them because of that?

3 PROSPECTIVE JUROR 547: No, I would look more towards
4 body language and if they can't answer.

5 MS. RHOADES: Okay, can you hold the state to the
6 standard that the Court instructs you on beyond a reasonable doubt?

7 PROSPECTIVE JUROR 547: Yes.

8 MS. RHOADES: Can you hold the State to that standard?

9 PROSPECTIVE JUROR 547: Yes.

10 MS. RHOADES: Not higher, not lower?

11 PROSPECTIVE JUROR 547: No.

12 MS. RHOADES: Okay. All right, thank you very much,
13 ma'am. I appreciate it.

14 PROSPECTIVE JUROR 547: You're welcome.

15 MS. RHOADES: Mr. Olivo, 443. Okay, somebody hit five
16 people and the DA's office prosecuted, and you were one of the five
17 people that got hit; right?

18 PROSPECTIVE JUROR 443: Correct, it was about four or
19 five, it was just like my first accident -- mixed that around, but it was
20 like my first accident so it sounds -- because I saw a lot of vehicles
21 like stopped behind me as well to see if like, were you also one of the
22 people that got hit, so I did see like about four people in the back.
23 Well, two of them were with me and one looked like it was like
24 further back down, so about four or five.

25 MS. RHOADES: Did you have to testify ever?

1 PROSPECTIVE JUROR 443: No, we just had to report -- we
2 just had to write down to the sheriff, like we just had to write down
3 what happened, sentence by sentence and that's all I heard from
4 them. Like they said report to court, but once I came in, they said
5 that it's no longer going on, so that's all I recall.

6 MS. RHOADES: It sounds like you were disappointed in
7 that or kind of --

8 PROSPECTIVE JUROR 443: Yeah, because like even
9 though my car took it like a champ, but still, I just wanted to see what
10 the defendant like did.

11 MS. RHOADES: What kind of car did you have?

12 PROSPECTIVE JUROR 443: It was a Honda Civic, ;02, not
13 moded though -- not those annoying cars, so it's -- it's not one of
14 those, don't worry.

15 MS. RHOADES: Okay, all right. So you don't -- the DA's
16 office did not prosecute it, do you know?

17 PROSPECTIVE JUROR 443: I just don't know what
18 happened to be honest.

19 MS. RHOADES: Okay.

20 PROSPECTIVE JUROR 443: Like the only thing they ever
21 did to my vehicle, the insurance they just checked it out and said it's
22 fine, I'm like, you're right, but still, you know.

23 MS. RHOADES: Do you have contact with a lot of
24 children?

25 PROSPECTIVE JUROR 443: Well, they only one I ever

1 speak to is my niece. I have a younger sister, she's like one year
2 younger than I am. She is -- well my niece is 7 years old. I actually
3 talk to her like at least like a few times here and there whenever I visit
4 my parents' house because that's where my niece lives. She doesn't
5 live with sister because she -- she's security at a casino. She doesn't
6 really have enough time to see her because, you know how school is
7 in the morning and then she works graveyard, so you really --
8 sometimes -- they only time my sister hangs out with her or they see
9 each other is when my sister picks her up to drop her off to school
10 and picks her up.

11 MS. RHOADES: Okay, and how old is your niece?

12 PROSPECTIVE JUROR 443: 7 years old.

13 MS. RHOADES: Do you ever babysit her?

14 PROSPECTIVE JUROR 447: Yeah, sometimes, yeah.

15 MS. RHOADES: Okay, do you ever have to determine
16 whether or not she is telling the truth about something?

17 PROSPECTIVE JUROR 447: I can tell when she's lying to
18 me because usually after I will question her, and then she will just
19 like go like this and it's like, all right, you're lying to me, but that's --
20 and the she tells me the truth after.

21 MS. RHOADES: What kinds of things does she lie about?

22 PROSPECTIVE JUROR 447: Like, I don't know, like she
23 looks away and then looks at me and then looks like back down.

24 MS. RHOADES: What are the things that she's lying to you
25 about?

1 PROSPECTIVE JUROR 447: Well, it's just like when I will
2 tell her -- what's an example. Sorry.

3 MS. RHOADES: That's okay. I mean, are they big things,
4 are they small things?

5 PROSPECTIVE JUROR 447: No, just small things.

6 MS. RHOADES: Okay, like little things.

7 PROSPECTIVE JUROR 447: Yeah, it's like if she like --
8 didn't like clean her table where she ate, a situation like that.

9 MS. RHOADES: Okay, all right. Let me ask you, do you
10 think that kids of different ages, of different backgrounds, do you
11 think that they communicate differently or the same?

12 PROSPECTIVE JUROR 447: Of course, yeah. Depending
13 on the person's mentality, they will like deal with the situation
14 differently and word it out differently, especially their age.
15 Depending on what they've gone through is how they will describe
16 the situation differently.

17 MS. RHOADES: And then going back to when I was talking
18 about one incident, you said you were in that car accident and there
19 were all those other cars that you saw behind you, I mean, do you
20 think that all of those people would describe it exactly the same way?

21 PROSPECTIVE JUROR 447: No, of course not.

22 MS. RHOADES: And why not?

23 PROSPECTIVE JUROR 447: Well, one of them was -- the
24 one -- one of the people I helped out was a foreigner, like a different -
25 - I don't recall where he was from, but it was some -- like more --

1 excuse me. I'm not good with crowds. But anyways, his accent was
2 more towards like East European, so like -- the way he was like telling
3 me how he was describing it was way different from what I
4 described, so -- so it's pretty much saying like, depending on a
5 camera angle -- let's just say the more people -- it's like equivalent to
6 how many cameras there is at the scene, that would describe it at a
7 different angle. Sorry.

8 MS. RHOADES: It's okay.

9 PROSPECTIVE JUROR 447: Depending on what angle they
10 are at, they will describe it differently is what I'm trying to say.

11 MS. RHOADES: Okay, and also kind of what's going on,
12 like what are they doing in the car, what were they listening to,
13 maybe they were talking to somebody and in an argument with
14 somebody.

15 PROSPECTIVE JUROR 447: Correct.

16 MS. RHOADES: And that would make them remember
17 things differently and talk about it differently.

18 PROSPECTIVE JUROR 447: Yeah, correct.

19 MS. RHOADES: Okay, anything else that you want to
20 answer, any of the questions that I've asked?

21 PROSPECTIVE JUROR 447: That's pretty much it.

22 MS. RHOADES: Okay, thank you very much.

23 Ms. Gibson, how are you?

24 PROSPECTIVE JUROR 447: I'm good.

25 MS. RHOADES: Okay, the -- I have a note that there was a

1 murder trial, and who was on trial for murder?

2 PROSPECTIVE JUROR 447: My father's -- or my daughter's
3 father.

4 MS. RHOADES: Okay, when was that?

5 PROSPECTIVE JUROR 447: In 2009.

6 MS. RHOADES: Was that here?

7 PROSPECTIVE JUROR 447: Yes.

8 MS. RHOADES: Did you attend the trial?

9 PROSPECTIVE JUROR 447: I had to testify.

10 MS. RHOADES: Did you?

11 PROSPECTIVE JUROR 447: Uh-huh.

12 MS. RHOADES: Can you tell us a little bit about that? Not
13 what you had to say, but just kind of your experience and having to
14 come to court.

15 PROSPECTIVE JUROR 447: It was scary. I was sweating
16 like crazy. Even though I didn't know anything about it, they still
17 made me come in because we were together at the time. I cried. I
18 was very emotional. Yeah, it was -- it was quite an experience.

19 MS. RHOADES: Yeah, was it scary?

20 PROSPECTIVE JUROR 447: Very.

21 MS. RHOADES: And kind of -- I mean, do you think it
22 might be scary for a kid to come in here and be asked questions
23 about sex and other things?

24 PROSPECTIVE JUROR 447: Absolutely.

25 MS. RHOADES: Was he convicted?

1 PROSPECTIVE JUROR 447: Yes.

2 MS. RHOADES: Do you still have contact with him?

3 PROSPECTIVE JUROR 447: I do.

4 MS. RHOADES: And it was the State of Nevada that
5 prosecuted him?

6 PROSPECTIVE JUROR 447: Yes.

7 MS. RHOADES: Were you called by the State or the
8 Defense?

9 PROSPECTIVE JUROR 447: I believe it was the State.

10 MS. RHOADES: Okay, so that was not that long ago, I
11 mean, I guess 2009, you said, right?

12 PROSPECTIVE JUROR 447: Well he -- his trial wasn't until
13 like a year and a half later, but he got caught in 2009.

14 MS. RHOADES: Okay, so knowing that, you know, it's the
15 State of Nevada prosecuting the defendant in this case, the same
16 entity that prosecuted your daughter's father, would that cause you
17 to be unfair toward the State, unfair toward the Defendant, any of
18 those things?

19 PROSPECTIVE JUROR 447: No, I don't think so.

20 MS. RHOADES: Okay, is there anything that you wanted to
21 answer, any of the questions that I've been asking?

22 PROSPECTIVE JUROR 447: No.

23 MS. RHOADES: Okay, thank you very much.

24 PROSPECTIVE JUROR 447: Thank you.

25 MS. RHOADES: Okay, Mr. Jones, last but not least, 482.

1 Anything you want to comment on, sir?

2 PROSPECTIVE JUROR 482: No.

3 MS. RHOADES: No? Do you promise to hold the State to
4 the beyond a reasonable doubt standard and not higher and not
5 lower?

6 PROSPECTIVE JUROR 482: Yeah.

7 MS. RHOADES: And can you be fair to the defendant and
8 to the State?

9 PROSPECTIVE JUROR 482: I certainly can. I -- I did tell the
10 judge that I felt when he read the charges, I felt feelings of revulsion
11 at themselves, but then my first rational thought after that was, well
12 he's been charged, that doesn't mean he did it.

13 MS. RHOADES: Exactly, and no evidence has been shown
14 to you, right?

15 PROSPECTIVE JUROR 482: No, not at all.

16 MS. RHOADES: Okay, thank you for clarifying that. I
17 remember you saying that.

18 Okay, thank you guys very much. Your Honor, I will pass
19 the panel for cross.

20 THE COURT: Okay, thank you.

21 Mr. Posin?

22 DEFENSE VOIR DIRE

23 MR. POSIN: Good afternoon, ladies and gentlemen. I
24 introduced myself before, but I will again because it's been at least a
25 full day now. My name is Mitchell Posin. I am representing

1 Dequincy Brass, who is here on trial for these charges. Many of you
2 have said what Mr. Jones just said in one form or another, that
3 they've expressed some revulsion at the charges, and Mr. Jones, I
4 think quite appropriately said that there's the charges, and the
5 charges are revolting. But Mr. Brass has -- has entered a plea of not
6 guilty to those charges and what we need to go over with you and
7 what the State has been going over with you and what I'm going to
8 go over with you is what are the reasons why you can or cannot be
9 fair to somebody who is charged with something, because they are
10 just charged with something at this point.

11 I'd like to start with Mr. Escobar, you mentioned -- Mr.
12 Escobar, I believe, in the back there -- you're actually in a job that
13 requires this kind of analysis on a day-to-day basis; correct?

14 PROSPECTIVE JUROR 370: Previously.

15 MR. POSIN: Or previously had been.

16 PROSPECTIVE JUROR 370: Right.

17 MR. POSIN: And one of the things you mentioned is that
18 there are cases where -- where accusations are made that are false?

19 PROSPECTIVE JUROR 370: Correct.

20 MR. POSIN: What are some of the reasons why that
21 occurs?

22 PROSPECTIVE JUROR 370: My experience it's usually --
23 and I stated before, family problems, custody, or you know some
24 type of vindictive action by a family member.

25 MR. POSIN: So when you say a vindictive action by a

1 family member, would that be where there is a parent, for instance,
2 that is pursuing some sort of vendetta against some other parent or
3 other person?

4 PROSPECTIVE JUROR 370: It could be.

5 MR. POSIN: Have you see that occur?

6 PROSPECTIVE JUROR 370: Yes.

7 MR. POSIN: Where that occurs, do the children -- if the
8 parent has a vendetta, how does that get transferred to a child
9 making an accusation?

10 PROSPECTIVE JUROR 370: How so?

11 MR. POSIN: I mean, if there is an accusation, has the child
12 -- have you seen a case where a child has made an accusation and
13 it's really coming from the parent?

14 PROSPECTIVE JUROR 370: Well, children can be
15 manipulated.

16 MR. POSIN: Okay, and I think you used that word before,
17 manipulated.

18 PROSPECTIVE JUROR 370: Uh-huh.

19 MR. POSIN: When they're manipulated, how does that
20 occur, in your experience?

21 PROSPECTIVE JUROR 370: How so? I mean, you're asking
22 a pretty broad question.

23 MR. POSIN: A child has, you know, a separate individual
24 mind of their own; right?

25 PROSPECTIVE JUROR 370: Correct.

1 MR. POSIN: But is one of the reasons that you've seen in
2 your experience that a child knows which side their bread is buttered
3 on, that they're going home with that parent and they better please
4 that parent; have you seen that?

5 PROSPECTIVE JUROR 370: Yes.

6 MR. POSIN: And have you seen that as a reason why a
7 child might go along with an accusation that actually is untrue?

8 PROSPECTIVE JUROR 370: Correct.

9 MR. POSIN: Can you give some examples of where
10 you've seen that?

11 PROSPECTIVE JUROR 370: Doing our investigations for
12 the sexual child abuse with the State of Connecticut, but that goes
13 also for the perpetrator. It can go both sides, you know. Children
14 depend on adults. They see adults as authority figures and they trust
15 adults, and it's very hard for a child to -- to separate a negative action
16 that's being -- that's being done, either manipulation or any type of
17 abuse, from how they feel about that person.

18 MR. POSIN: Well, let's talk about -- and the State has gone
19 over that quite extensively about how the child might feel about
20 somebody who might actually be abusing them. But let's talk about
21 another scenario and I think that you've described that. How does a
22 child feel about the person that is there mother, father, protector,
23 when that person has another agenda?

24 PROSPECTIVE JUROR 370: Well, it's the same situation,
25 and that person is also abusing them, just in a different way.

1 MR. POSIN: So, exactly. When you have a situation where
2 a parent might cause a child to make a false accusation, that in itself
3 is a form of abuse.

4 PROSPECTIVE JUROR 370: It is.

5 MR. POSIN: And we've talked about how the charges here
6 are, you know, one of the potential jurors said something about that
7 it made them sick to their stomach. It's not something anybody likes,
8 but is that -- when a parent forces their child to lie about something,
9 is that something that is unacceptable as well?

10 PROSPECTIVE JUROR 370: Of course.

11 MR. POSIN: And you've seen that?

12 PROSPECTIVE JUROR 370: Does anybody here think that
13 children always tell the truth?

14 MR. POSIN: The State has used the word with many of
15 you credibility. What does credibility mean? Let me ask you. What
16 does credibility mean.

17 PROSPECTIVE JUROR: Saying something convincing -- if
18 you're telling the truth.

19 MR. POSIN: Does it have to do with whether somebody
20 actually is telling the truth?

21 PROSPECTIVE JUROR: I'm sorry.

22 MR. POSIN: Does it have to do with whether somebody
23 actually is telling the truth?

24 PROSPECTIVE JUROR: I believe so.

25 MR. POSIN: And is that because people can lie about

1 things?

2 PROSPECTIVE JUROR: I'm sure they do sometimes.

3 MR. POSIN: Including children -- children can lie about
4 things. Do you think children can lie about things?

5 PROSPECTIVE JUROR: I don't know if -- depending on
6 their age, I think. I mean, if they're young, they might not believe
7 they're lying. So I'd say depending on their age.

8 MR. POSIN: Would you say -- do adults lie about things?

9 PROSPECTIVE JUROR: Yeah, I'm sure they do.

10 MR. POSIN: If -- if a child came in here and testified and
11 testified against my client and said something happened, would you
12 believe them simply because they're a child?

13 PROSPECTIVE JUROR: No.

14 MR. POSIN: Would you believe them because they're a
15 teenager?

16 PROSPECTIVE JUROR: No.

17 MR. POSIN: So do you think teenagers might lie about
18 things?

19 PROSPECTIVE JUROR: Can you rephrase that?

20 MR. POSIN: Is it possible that somebody who comes into
21 court can actually get up on the stand and lie? Is that -- is that
22 something that you think can happen?

23 PROSPECTIVE JUROR: Well, I'd like to believe that they
24 won't.

25 MR. POSIN: But do you think it could happen?

1 PROSPECTIVE JUROR: I believe when you get sworn in to
2 tell the truth and nothing but the truth, I would believe that they
3 would.

4 MR. POSIN: You would believe that because somebody is
5 sworn to tell the truth, that means that they are going to tell the
6 truth?

7 PROSPECTIVE JUROR: I believe so.

8 MR. POSIN: Okay, does anybody here have any reason
9 why they think that somebody might get on the stand and say
10 something, and be sworn to tell the truth, even though they weren't
11 telling the truth? Did anybody think of a reason? Let me offer a
12 reason -- and let's pass the microphone to you -- if somebody comes
13 up with a story before they get to trial and they've been keeping with
14 that story for several years, do you think they're going to come and
15 change their story simply because they finally get into a courtroom
16 and are sworn to tell the truth?

17 PROSPECTIVE JUROR: It depends, sometimes.

18 MR. POSIN: Sometimes, but do you think it is all -- it's
19 going to happen all of the time?

20 PROSPECTIVE JUROR: No.

21 MR. POSIN: What -- have you had experience with
22 children lying about anything?

23 PROSPECTIVE JUROR: Children lying about what? My
24 daughter has -- I am sure she has.

25 MR. POSIN: You are sure that she has lied?

1 PROSPECTIVE JUROR: That she has lied, you know,
2 about things, but eventually she tells the truth.

3 MR. POSIN: Have you seen situations where somebody
4 lies about something and gets caught in that lie and then has to stick
5 with it? Has anybody here seen that situation? Has anybody not
6 seen that situation? If anybody has not seen a situation where
7 somebody's gotten started with a lie and stuck with it, and had to
8 stick with it. Has anybody not seen that happen? Raise your hand.

9 Has anybody here seen a situation where you get -- where
10 somebody has lied about something with somebody else and they're
11 protecting the other person's lie because that is somebody they're
12 close to?

13 MS. RHOADES: Your Honor, may we approach?

14 THE COURT: Sure.

15 [Sidebar begins at 3:58 p.m.]

16 MS. RHOADES: First of all, Mr. Posin needs to identify the
17 name and the badge number of each speaking juror for the record
18 because that hasn't been identified, or make sure that they do it, if
19 you could.

20 And also, this question and the prior question, these are
21 arguments of his case, essentially is what he's asking. They're
22 lengthy, they're quite -- you know, they have three parts, especially
23 this past one.

24 THE COURT: What was the last one?

25 MS. RHOADES: Would you -- okay, have you

1 something -- I don't know. Something -- would you -- do you think
2 that two friends could come up with a lie, and that one continues to
3 lie to cover up for the friend, something like that. Is that right?

4 MR. POSIN: It was something like that. I'd say -- I
5 would submit that it's no more or less argumentative than --

6 THE COURT: Than the State's questions.

7 MR. POSIN: -- the State's questions. And I kind of
8 started considering objecting to some of those, to tell you the truth,
9 but --

10 MS. RHOADES: You could have.

11 MR. POSIN: I could have. But then I decided, all right,
12 well, let's --

13 MS. RHOADES: This is a little bit more.

14 MR. POSIN: I --

15 MS. RHOADES: I mean, this is quite fact specific. I tried
16 to stay away from the facts as much as possible.

17 MR. POSIN: I think I was being -- if anything, I was
18 being so vague that many of the jurors were --

19 THE COURT: Not understanding the question.

20 MR. POSIN: -- saying -- acting like I was being -- I
21 wasn't being specific enough with my questions --

22 THE COURT: So the --

23 MR. POSIN: -- with my attempt to --

24 THE COURT: -- objection's overruled. I -- it is not to the
25 point that it's case argument or specific, but, yeah, this says you

1 did, you're doing.

2 MS. RHOADES: Okay.

3 THE COURT: So go ahead, but if it comes up again,
4 you're welcome to --

5 MS. RHOADES: Sure. And we just need to identify
6 everybody --

7 THE COURT: Yeah, that's --

8 MS. RHOADES: -- because the last person that spoke
9 wasn't identified either. Thank you.

10 THE COURT: Thank you.

11 [Sidebar begins at 4:00 p.m.]

12 MR. POSIN: And Ms. Almanza?

13 PROSPECTIVE JUROR 534: Yes.

14 MR. POSIN: And what is your badge number?

15 PROSPECTIVE JUROR 534: 534.

16 MR. POSIN: When you were questioned earlier, there was
17 some discussion about remembering every detail. State asked you
18 about whether it was important to remember every detail and what
19 do you have to say about that?

20 PROSPECTIVE JUROR 534: I just -- I feel like if I were to go
21 back and remember when I was going through -- which I wouldn't -- I
22 remember that -- I was confused about the dates and times myself --

23 MR. POSIN: Okay.

24 PROSPECTIVE JUROR 534: -- so.

25 MR. POSIN: So you didn't -- there were some details you

1 didn't remember?

2 PROSPECTIVE JUROR 534: Yes.

3 MR. POSIN: Did you remember the important details?

4 PROSPECTIVE JUROR 534: I -- I think for the most part. I --
5 I would have to figure out exactly which -- which details --

6 MR. POSIN: If there was a detail about what shoes you
7 were wearing on a particular day, would you say that's an important
8 or unimportant detail?

9 PROSPECTIVE JUROR 534: It depends. It depends --

10 MR. POSIN: If it wasn't relevant to the case.

11 PROSPECTIVE JUROR 534: Yeah. If it wasn't relevant
12 then, no.

13 MR. POSIN: And if you're talking about a time, if it wasn't
14 relevant to the case, is that something you're necessarily going to
15 remember?

16 PROSPECTIVE JUROR 534: No.

17 MR. POSIN: But would you say that the people who were
18 there might be a more important issue; would you agree with that?

19 PROSPECTIVE JUROR 534: Yes.

20 MR. POSIN: So let's say you have two witnesses that are
21 talking about what's supposed to be the same situation and they
22 remembered in a different way about some important detail, like,
23 who was there; would you say that's an important detail?

24 PROSPECTIVE JUROR 534: Yes.

25 MR. POSIN: Would that be a reason why, maybe, you

1 might doubt the testimony of somebody if there are two stories that
2 divert and are different?

3 PROSPECTIVE JUROR 534: No audible response.

4 MR. POSIN: If you have two witnesses and one has one
5 memory about who was there, and one has a different memory
6 about who was there?

7 PROSPECTIVE JUROR 534: And then, what exactly would -
8 - was the question? I'm sorry.

9 MR. POSIN: Would that be a more important detail that
10 you'd expect them to remember than a particular date or time?

11 PROSPECTIVE JUROR 534: It would be important but I -- I
12 would understand how confusing it could be.

13 MR. POSIN: If you had, for instance, one witness who said
14 that something had happened and only mentioned herself and you
15 had another witness who said, oh yeah, she was there, and it
16 happened to me. Would that be something that would be important
17 to you in assessing the credibility of those witnesses?

18 PROSPECTIVE JUROR 534: Yes.

19 MR. POSIN: If you had a situation where there were two
20 witnesses whose stories were very different at the beginning but
21 became more similar as time went on; would that be an important
22 issue in assessing their credibility?

23 PROSPECTIVE JUROR 534: It -- I'd take it into
24 consideration.

25 MR. POSIN: If you could pass the microphone back to Mr.

1 Tanner, Number 492.

2 Mr. Tanner, you used the word, corroboration and I
3 passed the microphone to you because I want to talk about that. And
4 that's what I'm talking about, where you have two people who have
5 the same story, is that what you mean by corroboration? Is that an
6 example of corroboration?

7 PROSPECTIVE JUROR 492: Two witnesses corroborating
8 any particular story?

9 MR. POSIN: Yeah, is that what you were talking about or
10 one example of what might be corroboration?

11 PROSPECTIVE JUROR 492: As an example, yes.

12 MR. POSIN: What if the two witnesses had different
13 stories? Would that be an example of something that might cause
14 you to have some doubt about the stories?

15 PROSPECTIVE JUROR 492: Possibly.

16 MR. POSIN: And as I was asking Ms. Almanza, if their
17 stories were different from each other at the very beginning close to
18 the event but got more similar to each other as time passed, would
19 that cause you concern?

20 PROSPECTIVE JUROR 492: How much time are we
21 talking?

22 MR. POSIN: A couple of years.

23 PROSPECTIVE JUROR 492: Hard to say.

24 MR. POSIN: Would you agree that people's memories are
25 typically more accurate closer to an event and less accurate further

1 from the event?

2 PROSPECTIVE JUROR 492: I'd go with that statement.

3 MR. POSIN: So if you had two people who had right near
4 what the event was supposed to be, had different stories, but later
5 their stories got closer and closer to each other's stories, would that
6 cause you some doubt about whether they were even telling the
7 truth about those stories?

8 PROSPECTIVE JUROR 492: Well, I think if when you're
9 testifying here, you're going to hear a story, the story, one story,
10 that's it.

11 MR. POSIN: What if you hear two different stories? What if
12 you hear --

13 PROSPECTIVE JUROR 492: From two different people,
14 correct?

15 MR. POSIN: What if you hear different stories from
16 different people? Is that going to cause you to have some doubt
17 about --

18 PROSPECTIVE JUROR 492: I'd have to wonder if there's
19 going to be similar facts in each story --

20 MR. POSIN: If they're talking about --

21 PROSPECTIVE JUROR 492: -- each testimony.

22 MR. POSIN: -- what's supposed to be the same events and
23 one of them has one story and one of them has another story, is that
24 going to cause you to have doubt about the truth of their stories?

25 PROSPECTIVE JUROR 492: It could.

1 MR. POSIN: And would that be a reasonable doubt? Do
2 you think that would be a reasonable thing to have a doubt about?

3 PROSPECTIVE JUROR 492: It's possible.

4 MR. POSIN: If you could pass the microphone back to Mr.
5 Garcia.

6 PROSPECTIVE JUROR 492: Which Garcia?

7 MR. POSIN: Yeah, that way.

8 PROSPECTIVE JUROR 492: Brian or --

9 MR. POSIN: Oh, I'm sorry. There's two Mr. Garcia's.

10 PROSPECTIVE JUROR 492: Yeah. Correct.

11 MR. POSIN: That Mr. Garcia.

12 PROSPECTIVE JUROR 492: Edwin.

13 PROSPECTIVE JUROR 369: Can I interject on the question
14 previously or you want to ask me something different?

15 MR. POSIN: Well, if you have something that I made you
16 think of, go ahead.

17 PROSPECTIVE JUROR 369: I believe that memory is foggy,
18 and some things can -- within conversation, like, me and my sister
19 could talk about a birthday party and she can remember something
20 different and it could spark memory within myself. I believe that's a
21 possibility as well.

22 MR. POSIN: Okay.

23 PROSPECTIVE JUROR 369: That's how I'd argue if I was
24 on jury.

25 MR. POSIN: I want to talk to you about that issue because

1 sometimes that somebody can spark the --

2 PROSPECTIVE JUROR 369: Memory.

3 MR. POSIN: -- memory --

4 PROSPECTIVE JUROR 369: Yes, sir.

5 MR. POSIN: -- and would that typically be a memory of
6 something that was a crucial point, or would that maybe be
7 something that would be less crucial? Two people were telling their
8 story and one story came back completely different from the other
9 person's story until they talked?

10 PROSPECTIVE JUROR 369: I believe that's a possibility.
11 Absolutely. Just because I believe you have to factor in people's
12 ages and maturity and what they -- some people attach certain
13 details, like, someone might remember a green shirt. Someone
14 might remember, like, a blue shirt. I feel like memory is kind of
15 sketchy.

16 MR. POSIN: Okay. Do you think memory gets better with
17 time or worse with time typically? And I'm not talking about --

18 PROSPECTIVE JUROR 369: Fogginess, details.

19 MR. POSIN: -- what you were saying, where you talk about
20 something and somebody applies [phonetic] your memory. I'm
21 talking about as time goes by, do people's memory usually get better
22 or get worse?

23 PROSPECTIVE JUROR 369: No audible response.

24 MR. POSIN: Let me rephrase that.

25 PROSPECTIVE JUROR 369: Okay.

1 MR. POSIN: Would you more tend to credit somebody's
2 statement right at the moment that something happened or a couple
3 of years later?

4 PROSPECTIVE JUROR 369: I believe if something
5 happened at the moment, maybe adrenaline is pumped into their
6 body, they might not --

7 MR. POSIN: Okay.

8 PROSPECTIVE JUROR 369: -- remember something and
9 they could recollect it later. As in --

10 MR. POSIN: What if it was just a matter of weeks later
11 versus a matter of years later?

12 PROSPECTIVE JUROR 369: I believe that's still a true
13 statement.

14 MR. POSIN: Okay. You also were talking about your
15 presumption of innocence with the State.

16 PROSPECTIVE JUROR 369: Explain.

17 MR. POSIN: I think you were asked about whether
18 somebody -- whether you could be fair and go along with somebody
19 being presumed innocent until proven guilty.

20 PROSPECTIVE JUROR 369: I believe, like, when we were
21 talking about the children and, like, I believe everything is like a vibe,
22 you know, and I think people give off certain vibes.

23 MR. POSIN: And what is that? Can you explain what you
24 mean?

25 PROSPECTIVE JUROR 369: Like, I feel like, everyone, just, I

1 don't know, has a vibe to them.

2 MR. POSIN: Okay. And are you saying that because of
3 somebody's vibe, that's something you're going to take into
4 consideration in deciding whether somebody is innocent or --

5 PROSPECTIVE JUROR 369: Well, when it comes to, like,
6 witness testimony, I think -- you have to take it, like, it's going to be
7 presumed as evidence, you have to take into a vibe of how they're
8 feeling and their testimony; does that make sense?

9 MR. POSIN: So you're going to look at the witness, I think
10 what you're saying is, you're going to look at the witness and you're
11 going to judge by their demeanor whether you believe they're telling
12 the truth or not?

13 PROSPECTIVE JUROR 369: Demeanor, yeah, I think it is
14 kind of like the fatherly vibe. It's kind of, like, you just -- you kind of
15 know. So I don't know that it has to do with presumption of
16 innocence, but I think it has to do with presumption of truth of
17 testimony; does that make sense?

18 MR. POSIN: Well, so are you saying that you would
19 presume that somebody who comes in is telling the truth; is that
20 what -- explain that?

21 PROSPECTIVE JUROR 369: No. I think you have, like, a
22 more inclination whether they're telling the truth, maybe not
23 presumption, maybe it's an inclination; does that make sense?

24 MR. POSIN: Let's talk about what the word presumption
25 means --

1 PROSPECTIVE JUROR 369: Okay.

2 MR. POSIN: -- because I think that we're not --

3 PROSPECTIVE JUROR 369: Presume is, I think --

4 MR. POSIN: -- talking about the same thing.

5 PROSPECTIVE JUROR 369: Okay.

6 MR. POSIN: The presumption of innocence -- and the

7 Judge is going to -- everything that I say about the law and the State

8 says about the law, we're not the final word on it. We're just -- what

9 we're talking to you about when the State said you're going to get a

10 jury instruction.

11 PROSPECTIVE JUROR 369: Yes, sir.

12 MR. POSIN: At the end of this trial, the Judge is going to

13 give you what is called Jury Instructions, and that's just going to be

14 what the law is, and there have been already a lot of questions about.

15 Are you going to be able to follow that even if you don't think that's

16 what the law should be? So one of those instructions is going to be

17 about the presumption of innocence which says that as Mr. Brass sits

18 here before you today --

19 PROSPECTIVE JUROR 369: Innocent.

20 MR. POSIN: -- there is -- he is presumed -- you have to

21 assume right now that he is innocent --

22 PROSPECTIVE JUROR 369: Absolutely.

23 MR. POSIN: -- and can you follow with that?

24 PROSPECTIVE JUROR 369: Yes.

25 MR. POSIN: And evidence will be presented. In every

1 criminal case, the State presents evidence attempting to show that
2 that person who is presumed innocent is guilty, but that evidence
3 has to be reviewed by a panel of jurors to see if it's sufficient and
4 sufficient has to be beyond what's called a reasonable doubt.

5 PROSPECTIVE JUROR 369: Absolutely.

6 MR. POSIN: And in this case, if you're chosen to be on this
7 jury, are you going to be able to sit there and -- if you have a
8 reasonable doubt, find that Mr. Brass is not guilty?

9 PROSPECTIVE JUROR 369: Yes. Going to argue for it,
10 yeah. Do what you believe in. Yeah.

11 MR. POSIN: All right. And so if you have a doubt -- can
12 you have a doubt about somebody's testimony about whether it is
13 true or not? Is that one of the things that might cause you to have a
14 doubt about whether he's guilty or not?

15 PROSPECTIVE JUROR 369: Yes. But I feel if you're going
16 to give the Defendant the reasonable doubt or what's called the
17 presumption of innocence, you have to presume that they're
18 innocent and finding consistencies in their story as well; does that
19 make sense?

20 MR. POSIN: That that presumption can be overcome if
21 there are consistent stories; is that what you're saying?

22 PROSPECTIVE JUROR 369: No. I just believe that you
23 come into the -- their testimony, you have to presume they're telling
24 the truth until you're their --

25 MR. POSIN: So you think they'd have to presume --

1 THE COURT: So hold on. I think he was in the middle of --
2 MR. POSIN: I'm sorry. Go ahead.
3 THE COURT: -- saying --
4 PROSPECTIVE JUROR 369: So, like, I could be getting this
5 thing completely wrong. I apologize. But if you're giving the
6 Defendant the benefit of the doubt of completely innocent, I think
7 you have to give the young -- the individuals, the presumption that
8 they're telling the truth until you can find that they're lying, correct?
9 MR. POSIN: Well, the Judge is going to give you an
10 instruction --
11 PROSPECTIVE JUROR 369: Okay.
12 MR. POSIN: -- about what I've been talking about.
13 PROSPECTIVE JUROR 369: Yes.
14 MR. POSIN: Presumption of innocence. He's going to say
15 that any criminal defendant including Mr. Brass is presumed
16 innocent --
17 PROSPECTIVE JUROR 369: Yeah.
18 MR. POSIN: -- unless and until the State can prove that
19 they're guilty.
20 PROSPECTIVE JUROR 369: Absolutely.
21 MR. POSIN: He's not going to give you any instruction like
22 the one that you're saying --
23 PROSPECTIVE JUROR 369: Absolutely. Okay.
24 MR. POSIN: -- that says that any witness or is entitled to
25 any kind of presumption of anything.

1 PROSPECTIVE JUROR 369: Okay.

2 MR. POSIN: So you're not going to hear that so -- so -- no,
3 I'm trying not to answer your questions because I'm really supposed
4 to be asking the questions --

5 PROSPECTIVE JUROR 369: Absolutely.

6 MR. POSIN: -- but I think I've been -- I don't think the State
7 will disagree with me when I say, no, the witness is not entitled to
8 any sort of presumption. The witness is just coming in and you're
9 going to have to listen to the witness and every witness. And after
10 you hear all those witnesses, make a determination whether the
11 evidence that those witnesses bring --

12 PROSPECTIVE JUROR 369: Is true or false.

13 MR. POSIN: -- and/or should be believed. But they are not
14 entitled to any sort of presumption that it's true or not true when
15 they come in.

16 PROSPECTIVE JUROR 369: Okay.

17 MR. POSIN: It's just, they're going to come in and say
18 things and then you have to analyze whether that's to be believed or
19 not.

20 PROSPECTIVE JUROR 369: I'm glad you've cleared that
21 up. Thank you. This is very nerve-racking; I felt my heartbeat go
22 crazy high too. I apologize.

23 THE COURT: I guarantee you're not the only one on the
24 panel that feels that way.

25 PROSPECTIVE JUROR 369: Thank you.

1 THE COURT: That's okay.

2 MR. POSIN: You know, the court and the lawyers are used
3 to talking in public, but nobody else here is.

4 PROSPECTIVE JUROR 369: Absolutely not.

5 MR. POSIN: If you could pass the microphone to
6 Mr. Tanner who is -- same row.

7 PROSPECTIVE JUROR 492: Back to me again.

8 MR. POSIN: I'm sorry, no, not, I don't want Mr. Tanner. I
9 want Mr. Misa.

10 THE COURT: Further back.

11 THE COURT: In the back. And what's your badge number?

12 PROSPECTIVE JUROR 485: 485. It's Misa?

13 MR. POSIN: Misa?

14 PROSPECTIVE JUROR 485: Yes, sir.

15 MR. POSIN: With a softer S?

16 PROSPECTIVE JUROR 485: Yes.

17 MR. POSIN: My son is always correcting me about Miso
18 soup. I always want to pronounce it Miso soup.

19 Mr. Misa, you also had mentioned about the fact that it
20 would be helpful in judging somebody's credibility if there were
21 actual dates that they could assign to something that they're saying
22 is happening. What else would be helpful in judging somebody's
23 credibility?

24 PROSPECTIVE JUROR 485: Evidence.

25 MR. POSIN: And when you say, evidence, what kind of

1 evidence do you --

2 PROSPECTIVE JUROR 485: I mean, I was just talking -- I
3 was just trying to answer a question about, you know, what are some
4 of the things. I wasn't specifically talking about, like, an age, but I
5 was just saying that, you know, if a person were to go up there and
6 testify, I mean, for me, I would easily try to understand, gather all the
7 facts that that person is testifying about, like, names, location, time,
8 dates, stuff like that.

9 MR. POSIN: Now, the State has asked many of the
10 potential jurors here about dates whether if somebody doesn't have
11 an exact date whether that matters, the child or teenager doesn't
12 remember an exact date whether that should matter. What if they
13 can't come up with any kind of specificity about dates, whether it was
14 summer, winter, spring, fall, school was in session, school was not in
15 session, would that be something that would give you pause about
16 whether what they were talking about was accurate?

17 PROSPECTIVE JUROR 485: No audible response.

18 MR. POSIN: Can you pass the microphone to Mr., I think,
19 is it Nehme? Am I pronouncing it right? And what is your badge
20 number?

21 PROSPECTIVE JUROR 484: I'm sorry?

22 MR. POSIN: Your badge number?

23 PROSPECTIVE JUROR 484: 484.

24 MR. POSIN: Mr. Nehme, you gave an example of -- in
25 response to the State's question about whether you would

1 remember something in your wedding?

2 PROSPECTIVE JUROR 484: Yes.

3 MR. POSIN: You talked about that you would remember
4 that it was your wedding. But let's say you were talking about there
5 being militia battles at the time --

6 PROSPECTIVE JUROR 484: It wasn't at the time when I
7 was married, it was before I was married.

8 MR. POSIN: Before you were married?

9 PROSPECTIVE JUROR 484: Yes, before I was married.

10 MR. POSIN: Well, let's say somebody was talking about an
11 incident and two people were talking about the same incident and
12 there was a militia attack that took place at a wedding and one of the
13 parties didn't even mention the militia attack at the wedding. Would
14 that sound like those were two consistent statements?

15 PROSPECTIVE JUROR 484: If someone said there was, and
16 someone said it wasn't?

17 MR. POSIN: Yes. Or if somebody -- if one person said
18 there was, and the other person didn't even mention it; would that be
19 a problem?

20 PROSPECTIVE JUROR 484: It wouldn't be a problem, I
21 mean, somebody can remember one thing, like, others said, and the
22 other person can remember different thing. When one mentioned
23 you can be green sweater or green shirt, somebody might remember
24 a blue shirt so two different people, two different thoughts.

25 MR. POSIN: Okay. If you could pass the microphone to

1 Mr. Beals.

2 Mr. Beals, I want to talk to you about false accusations.

3 THE COURT: What's his badge number?

4 MR. POSIN: And your badge number please.

5 PROSPECTIVE JUROR 483: Oh, 483.

6 MR. POSIN: Now, you were falsely accused of something,
7 right?

8 PROSPECTIVE JUROR 483: Yes.

9 MR. POSIN: So you know from personal experience that
10 there is such a thing as a false accusation, right?

11 PROSPECTIVE JUROR 483: Yes.

12 MR. POSIN: And you were able to get out of that false
13 accusation because you could prove that it wasn't you; is that
14 correct?

15 PROSPECTIVE JUROR 483: That is true.

16 MR. POSIN: What if you hadn't been in New Mexico when
17 that murder occurred, and you couldn't prove that it wasn't you?
18 What do you think would have happened?

19 PROSPECTIVE JUROR 483: I would have been in trial.

20 MR. POSIN: You would have been in trial and you would
21 have been in a trial where because of a particular anatomical
22 problem, you would have looked pretty guilty, wouldn't you?

23 PROSPECTIVE JUROR 483: Yes.

24 MR. POSIN: Do you think you could have gotten
25 convicted?

1 PROSPECTIVE JUROR 483: There's a possibility.

2 MR. POSIN: And it didn't happen only because you were
3 able to prove that you were innocent. Do you think everybody
4 should have to prove that they're innocent because they're accused
5 of something?

6 PROSPECTIVE JUROR 483: There should be some proof to
7 it but if they're at that location any time and there's witness there,
8 they could be in trouble.

9 MR. POSIN: They can be in trouble. What if you have
10 somebody who's innocent but can't prove that they -- what if they
11 were there? That's what I'm saying, you were -- you happened to be
12 able to prove you were in New Mexico --

13 PROSPECTIVE JUROR 483: Uh-huh.

14 MR. POSIN: -- but you have somebody who's innocent,
15 but wasn't in New Mexico at the time and can't prove that they just
16 weren't even there. Do you think that's a reason why that person
17 should be entitled to the presumption of innocence?

18 PROSPECTIVE JUROR 483: Yes, of course.

19 MR. POSIN: Okay. And would that be an example of
20 somebody where you yourself, you are an example of somebody
21 who was falsely accused?

22 PROSPECTIVE JUROR 483: Uh-huh.

23 MR. POSIN: If you could pass the microphone to Ms.
24 Ochal, is that the correct --

25 PROSPECTIVE JUROR 549: Ochal?

1 MR. POSIN: Ochal?

2 UNIDENTIFIED SPEAKER: Badge?

3 MR. POSIN: Sorry.

4 PROSPECTIVE JUROR 549: Badge number 549.

5 THE COURT: Thank you.

6 MR. POSIN: Thank you.

7 When you were questioned, you said that you expected
8 that the testimony was going to be very compelling. What did you
9 mean by that?

10 PROSPECTIVE JUROR 549: Emotion filled testimony.

11 MR. POSIN: When you said that, did you mean that you
12 thought that the testimony was going to be persuasive?

13 PROSPECTIVE JUROR 549: No.

14 MR. POSIN: You just thought it was going to be filled with
15 emotion?

16 PROSPECTIVE JUROR 549: Emotion, simply because if
17 one is testifying about that particular act, I'm sure their story is
18 compelling.

19 MR. POSIN: And by compelling, are you talking about the
20 feeling that the person telling the story is going to have or the feeling
21 that you're going to have listening to the story?

22 PROSPECTIVE JUROR 549: The story that the -- the feeling
23 that the story's going to have. Not necessarily, that the story is going
24 to be persuasive, I think just mean it's going to be based from -- it's
25 going to come from an emotional base.

1 MR. POSIN: Okay. And that is -- when you say, come from
2 an emotional base, are you talking about that the person -- I'm still
3 not clear on my prior question. Are you saying that the person who
4 is asking the question is going to be emotional about it or is it going
5 to elicit an emotional response in you listening to it?

6 PROSPECTIVE JUROR 549: The person that's being asked
7 the question, when they answer, it's going to probably come from an
8 emotional point of view.

9 MR. POSIN: That they're going to feel some -- that person
10 is going to feel an emotion telling the story?

11 PROSPECTIVE JUROR 549: Correct.

12 MR. POSIN: And if they're feeling an emotion telling the
13 story, are you saying that because you think that person is going to
14 be disturbed by something that has actually happened; is that what
15 you're saying?

16 PROSPECTIVE JUROR 549: No. What I'm saying is that
17 they're going to react to the question how they choose to react to it.

18 MR. POSIN: Okay. Would you agree with me that just
19 because somebody comes and talks about a subject matter, like,
20 child sexual abuse, that is an emotional issue for all of us, that that
21 doesn't necessarily make their statement any more or less likely to
22 be true or do you think it is more or less likely to be true?

23 PROSPECTIVE JUROR 549: I just think they're going to
24 answer the question.

25 MR. POSIN: Okay. If you have somebody who's

1 answering a question, some people are going to be lying about
2 things and some people are going to be telling the truth and that's
3 what we call credibility, right?

4 PROSPECTIVE JUROR 549: Okay.

5 MR. POSIN: If you have somebody who you're looking to
6 see whether they're lying or telling the truth, are you going to
7 assume because they're in an emotional state or coming from what
8 you described as an emotional state, that that means that they're
9 telling the truth?

10 PROSPECTIVE JUROR 549: I'm not going to assume
11 anything.

12 MR. POSIN: Okay.

13 PROSPECTIVE JUROR 549: I'm just going to listen to the
14 facts and evidence, you know, what is presented.

15 MR. POSIN: I'd like you to pass the microphone to -- let's
16 see -- to Clark. Is that --

17 PROSPECTIVE JUROR 549: Was it Terri Clark, because she
18 left? She was excused.

19 MR. POSIN: If you could pass it down to Mr. Olivo.

20 PROSPECTIVE JUROR 443: Badge number 443.

21 MR. POSIN: Thank you. Now, you're somebody who's
22 talked about your niece, who you said has lied on occasions?

23 PROSPECTIVE JUROR 443: Not serious situations.

24 MR. POSIN: But she has lied, and you can tell that she's
25 lying because you questioned her, and she responded a certain way?

1 PROSPECTIVE JUROR 443: Correct.

2 MR. POSIN: Was that an immediate response the first time
3 that you questioned her?

4 PROSPECTIVE JUROR 443: Can you just repeat the
5 question? Sorry.

6 MR. POSIN: When you questioned her, was she expecting
7 to be questioned about it?

8 PROSPECTIVE JUROR 443: I don't know.

9 MR. POSIN: She didn't necessarily see the question
10 coming, right?

11 PROSPECTIVE JUROR 443: Correct.

12 MR. POSIN: So she responded to something that she
13 didn't know was going to happen right at that moment, right?

14 PROSPECTIVE JUROR 443: Correct. Because it's a child
15 mind, so we don't know what -- what's really in their head at that
16 moment.

17 MR. POSIN: And she was in part reacting to the fact that
18 suddenly she was faced with having to answer something she hadn't
19 really given much thought too yet, right?

20 PROSPECTIVE JUROR 443: Correct.

21 MR. POSIN: Do you think she would have reacted the
22 same way the second time that she, let's say, she had lied about it
23 and lied again about it a second time, would she have had that same
24 reaction, that same tensing up reaction the second time she told the
25 story?

1 PROSPECTIVE JUROR 443: From what I've seen, she does
2 the same reaction.

3 MR. POSIN: All right. How about if she practices that over
4 and over over a long period of time? Would she still -- every time
5 she told the story have that same wincing reaction?

6 PROSPECTIVE JUROR 443: Honestly, I don't know. Like I
7 said previously, every child's mind is different, and every human's
8 mind is different, so they will, like, probably, like, to do something
9 different from what another child would do. Another. Sorry.

10 MR. POSIN: Do most of us -- do you think react more
11 strongly to something that's unexpected than something that is
12 practiced?

13 PROSPECTIVE JUROR 443: Well, if they practiced, they
14 will, obviously, like, react differently since they probably learn from
15 what they've dealt with at first how they --

16 MR. POSIN: If you could pass the microphone to Ms.
17 Amoroso.

18 THE COURT: What's your badge number?

19 PROSPECTIVE JUROR 547: 547.

20 MR. POSIN: Cause you've also -- you also talked about
21 body language and you also talked about kids lying to you, right?

22 PROSPECTIVE JUROR 547: My kids -- my kids specifically.

23 MR. POSIN: Your kids?

24 PROSPECTIVE JUROR 547: Uh-huh.

25 MR. POSIN: So kids don't always tell the truth --

1 PROSPECTIVE JUROR 547: My kids.

2 MR. POSIN: -- would you agree with that? Your kids don't
3 always --

4 PROSPECTIVE JUROR 547: Yeah.

5 MR. POSIN: -- tell the truth. Are your kids any different --
6 any bigger liars or less liars than any other kids to your knowledge?

7 PROSPECTIVE JUROR 547: No. I like to think I raised my
8 kids right not to lie.

9 MR. POSIN: Okay. So your kids -- how many kids do you
10 have?

11 PROSPECTIVE JUROR 547: I have three and they're adults
12 now.

13 MR. POSIN: Okay. When they were smaller, would they
14 ever lie about the same thing together?

15 PROSPECTIVE JUROR 547: No, not together.

16 MR. POSIN: Would one of them ever protect the other?

17 PROSPECTIVE JUROR 547: No audible response.

18 MR. POSIN: You ever have an experience -- let me ask, has
19 anybody here had an experience where one child, there are several
20 children, one lies and another one covers for them and agrees with
21 something even though that second one wasn't -- didn't come up
22 with the original statement?

23 Could you pass that back?

24 PROSPECTIVE JUROR 547: Uh-huh.

25 MR. POSIN: Could you identify yourself?

1 PROSPECTIVE JUROR 524: Franke, badge number 524.

2 MR. POSIN: Okay. You were nodding when I said that.

3 Tell me what you were thinking.

4 PROSPECTIVE JUROR 524: Yeah. So I used to babysit kids
5 and also worked in a church building with young children. And just -
6 - it was just one situation that I was nodding to. It was -- I was
7 watching these kids and one of them knocked over the vase but they
8 both came together and were, like, no, it was the dog. So just trying
9 to protect each other in a situation like that is probably very common
10 with kids, because they both are afraid of the -- what can happen if
11 they either sell one out or they just admit to the truth, like, there's
12 going to be consequences so they'd just rather team up.

13 MR. POSIN: So one person starts with a story and then
14 somebody else kind of tags along and pretty soon you've got both of
15 them --

16 PROSPECTIVE JUROR 524: Uh-huh.

17 MR. POSIN: -- coming up with and agreeing on that the
18 same thing happened even though that thing that happened was
19 never true --

20 PROSPECTIVE JUROR 524: Right.

21 MR. POSIN: -- from the get-go. So would you say that
22 having more than one person that has that same story necessarily
23 means that story is true?

24 PROSPECTIVE JUROR 524: I feel like it sometimes lessens
25 the truth of the story. Especially, like, as you were mentioning, if

1 certain facts are almost identical, it kind of makes me worry that
2 maybe they were corroborating their stories.

3 MR. POSIN: What if you question them separately at first
4 and one of them said, yeah, the dog knocked it over and it was sitting
5 on the kitchen table and fell and then we picked it up. And then you
6 ask the other one separately and they say, yeah, the dog knocked it
7 over because we put it on the floor and the dog ran over it on the
8 floor and had different stories but then later those stories convert
9 and they somehow became the same. Would that cause you any
10 concern about whether they were telling the truth about it?

11 PROSPECTIVE JUROR 524: I feel like it could. I also feel
12 like I would look for a common valuable in all of their stories and
13 piece together what I think the truth is based off of the separate
14 stories.

15 MR. POSIN: All right. I think that's all I have, Your Honor.

16 THE COURT: Do you pass for cause?

17 MR. POSIN: Pass for cause.

18 THE COURT: Okay.

19 Come on up.

20 [Sidebar begins at 4:32 p.m.]

21 THE COURT: Can we excuse the venire now then?

22 MR. POSIN: Yes.

23 MS. RHOADES: Yes.

24 THE COURT: And then have them take a break?

25 MS. EINHORN: Sure. I mean, what do you think?

1 MS. RHOADES: I'm just going to suggest, let's excuse
2 everyone in the gallery. And then can we at least get our jury
3 tonight, then send them home and do instructions in the morning?

4 THE COURT: Oh, yeah, yeah.

5 MS. RHOADES: Oh, okay.

6 THE COURT: So what I was saying is right now, we could
7 excuse --

8 MS. RHOADES: Everyone, right?

9 THE COURT: -- them all right now.

10 MS. EINHORN: I prefer to keep them here when we're
11 doing our preemps just because it helps -- unless you disagree,
12 Kristina.

13 MS. RHOADES: Oh, no, whatever you guys want, okay
14 with me.

15 MS. EINHORN: It just helps me to remember people. But
16 if you want them to take a break, that's fine too.

17 THE COURT: I'm sorry, I --

18 MS. RHOADES: If you want to just --

19 THE COURT: -- heard the words, but I was not following.

20 MS. EINHORN: To excuse everyone in the gallery because
21 we have 32, keep our -- because it's already 4:30 -- keep our 32 to
22 preemp [indiscernible] and then we --

23 THE COURT: Okay, while they're here.

24 MS. EINHORN: -- unless they need a break.

25 MR. POSIN: I kind of like that idea. I like looking at them

1 too --

2 THE COURT: Okay.

3 MR. POSIN: -- because I --

4 THE COURT: That's --

5 MS. EINHORN: It helps me.

6 MR. POSIN: I mean -- me too, because my notes are like
7 -- I've got all these little scribbly notes and --

8 MS. RHOADES: And I think we'll get them out of here by
9 5:00.

10 MR. POSIN: Yeah.

11 THE COURT: So we can excuse the venire. We'll prepare
12 the sheet -- the sheet is prepared.

13 MS. RHOADES: She's the best.

14 THE COURT: And so while you all pass it back and forth, I
15 can read some --

16 MS. RHOADES: So we do it on this sheet is how we -- oh,
17 no, up there, right?

18 THE CLERK: Yeah.

19 MS. RHOADES: Okay, got it.

20 MS. EINHORN: Got it. And do you want us to write names
21 and badge numbers, or seat numbers? How do you like it?

22 THE CLERK: Just [indiscernible].

23 MS. EINHORN: Okay.

24 MS. RHOADES: And then if any of them is waived, they
25 just come back from the back, is that right, they don't just --

1 THE COURT: Say that again.

2 MS. RHOADES: Like, if one is waived, the last person

3 would just fall off.

4 THE COURT: Yes.

5 MS. RHOADES: Okay. Okay.

6 THE COURT: Yeah, exactly, yeah.

7 MS. RHOADES: All right.

8 THE COURT: Did you --

9 MR. POSIN: I followed that, Your Honor.

10 MS. RHOADES: Okay.

11 THE COURT: Well, that's a good question. Okay.

12 MS. RHOADES: All right. So we'll start --

13 THE COURT: So we'll give it to you. I'll excuse them now

14 and we'll stay in here --

15 MS. EINHORN: Perfect.

16 MS. RHOADES: Okay, thank you.

17 [Sidebar ends at 4:34 p.m.]

18 THE COURT: Okay. Thank you all for your patience. So

19 bear with me a moment.

20 So, ladies and gentlemen, there in the back or the near the

21 seats, we have all the qualified jurors we need. You are now

22 excused. Thank you very much for your service and patience with us

23 in the process.

24 [Remaining Prospective Jurors out at 4:35 p.m.]

25 THE COURT: Okay. Ladies and gentlemen, here in the

1 collective box, you are our panel. So you may or may not remember
2 yesterday morning when I went over the for-cause challenges and
3 the preemptory challenges. As I read some of the preliminary
4 instructions to you, the attorneys will be passing back and forth the
5 sheet whereby the preemptory challenges will be made, and so we'll
6 use the time to go over the instructions. And at the end, before the
7 end of today, we'll have the preemptory challenges made and 14 of
8 you will remain our jurors and alternate jurors. While they're doing
9 that, I want to know, I want to let you all know what you may expect
10 if you are chosen.

11 So first, I want you to feel as comfortable as possible.
12 Now, the good news is once we have our 14, they'll be in the more
13 comfortable chairs in the box rather than the folding chairs that are
14 in the front. But if you have trouble hearing or seeing at any time,
15 you'll see there's a monitor there, there and there, but if you have
16 trouble hearing or seeing, just let us know. Raise your hand and I
17 personally am not the loudest Judge in the world, so if you don't
18 hear me, just let me know. Raise your hand and if you don't get my
19 attention, Marshall Durazzo is also going to be paying attention. If,
20 you know, we do take breaks, but if you do need to use the restroom,
21 or you feel ill or something like that, raise your hand, let us know.
22 This isn't elementary school, you know, we're okay taking a break.

23 You can also, you know, in between witnesses, stand up
24 and stretch if you want or when the attorneys come up here to
25 discuss something at the bench, you're welcome to do that as well.

1 You can bring in water or any other drink for that matter. Just don't
2 disrupt the proceedings and be careful not to spill.

3 During trial, we usually start at 10:30 and try and end at 5.
4 Sometimes we go a little longer, sometimes a little shorter.
5 Thursday, like, I think I said, we'll end at 3:00. But trial's fluid, you
6 know, real life, it's not like it is on TV, it doesn't end in 44 minutes or
7 whatever it is. We usually will break for lunch at about noon. But
8 again, as you've already seen, that's a little fluid. And we usually
9 break for 15 minutes or an hour and 15 minutes and a 15-minute
10 break in the afternoon usually around 3:00 or so.

11 This is a criminal case as you all are very aware by now
12 commenced by the State of Nevada as you've already heard.
13 Sometimes the State of Nevada is referred to as the State against
14 Dequincy Brass, the Defendant. The case is based on an amended
15 information -- a third amended information and the Clerk will now
16 read to you the third amended information.

17 As I said yesterday, the information is simply a charge. It
18 is not in any way, shape or form, evidence at all. So Ms. Duncan will
19 read the third amended information and then state the plea of the
20 Defendant to that information.

21 THE CLERK: District Court, Clark County, Nevada. The
22 State of Nevada, Plaintiff v. Dequincy Brass, Defendant; case number
23 C-18-329765-1; Department Number 15; Third Amended Information.

24 Steven B. Wolfson, District Attorney, within and for the
25 County of Clark, State of Nevada, in the name and by the authority of

1 the State of Nevada informs the Court:

2 That Dequincy Brass, the Defendant above named, having
3 committed the crimes of lewdness with a child under the age of 14
4 (Category A Felony - NRS 201.230 - NOC 50975); sexual assault with a
5 minor under 14 years of age (Category A Felony - NRS 200.364,
6 200.366, - NOC 50105); child abuse, neglect or endangerment
7 (Category B Felony - NRS 200.508(1) - NOC 55226); first degree
8 kidnapping of a minor (Category A Felony - NRS 200.310, 200.320 -
9 NOC 50053); preventing or dissuading a witness or victim from
10 reporting a crime or commencing prosecution (Category D Felony -
11 NRS 199.305 - NOC 52996); and battery with intent to commit sexual
12 assault victim under 16 (Category A Felony - NRS 200.400.4 - NOC
13 58026), on or between May 4, 2015 and February 1, 2017, within the
14 County of Clark, State of Nevada, contrary to the form, force and
15 effect of statutes in such case is made and provided, and against the
16 peace and dignity of the State of Nevada.

17 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE
18 OF 14

19 did, on or between May 4, 2015 and February 1, 2017,
20 willfully, lewdly, unlawfully, and feloniously commit a lewd or
21 lascivious act upon or with the body, or any part or member thereof,
22 of a child, to wit: V.M., a child under the age of 14 years by causing
23 V.M. to sit on his lap and/or on top of him while V.M. and/or
24 Defendant were naked, and/or by undressing and/or kissing and/or
25 touching the buttocks and/or genital area of V.M., with the intent of

1 arousing, appealing to, or gratifying the lust, passions, or sexual
2 desires of Defendant, or V.M.

3 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER 14
4 YEARS OF AGE

5 did, on or between May 4, 2015 and February 1, 2017,
6 then and there willfully, unlawfully, and feloniously commit a sexual
7 penetration upon V.M., a child under the age of 14 years, to wit:
8 sexual intercourse, by placing his penis into the genital opening of
9 V.M., against his or her will, or under conditions in which Defendant
10 knew, or should have known, that V.M. was mentally or physically
11 incapable of resisting or understanding the nature of Defendant's
12 conduct.

13 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER 14
14 YEARS OF AGE

15 did, on or between May 4, 2015 and February 1, 2017,
16 then and there willfully, unlawfully, and feloniously commit a sexual
17 penetration upon V.M., a child under the age of 14 years, to wit:
18 fellatio, by placing his penis on or in the mouth of V.M., against his
19 or her will, or under conditions in which Defendant knew, or should
20 have known, that V.M. was mentally or physically incapable of
21 resisting or understanding the nature of Defendant's conduct.

22 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER 14
23 YEARS OF AGE

24 did, on or between May 4, 2015 and February 1, 2017,
25 then and there willfully, unlawfully, and feloniously commit a sexual

1 penetration upon V.M., a child under the age of 14 years, to wit:
2 cunnilingus, by placing his mouth and/or tongue on or in the genital
3 opening of V.M., against his or her will, or under conditions in which
4 Defendant knew, or should have known, that V.M. was mentally or
5 physically incapable of resisting or understanding the nature of
6 Defendant's conduct.

7 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE
8 OF 14

9 did, on or between May 4, 2015 and February 1, 2017,
10 then and there willfully, unlawfully, and feloniously commit a lewd of
11 lascivious act upon or with the body, or any part or member thereof,
12 of a child, to wit: V.M., a child under the age of 14 years, by causing
13 V.M. to sit on his lap and/or on top of him while V.M. and/or
14 Defendant were naked, and/or by undressing and/or kiss and/or
15 touching the buttocks and/or genital area of V.M. with the intent of
16 arousing, appealing to, or gratifying the lust, passions, or sexual
17 desired of Defendant, or V.M.

18 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER 14
19 YEARS OF AGE

20 did, on or between May 4, 2015 and February 1, 2017,
21 then and there willfully, unlawfully, and feloniously commit a sexual
22 penetration upon V.M., a child under the age of 14 years, to wit:
23 digital penetration, by inserting his finger(s) into the anal opening
24 and/or the genital opening of V.M., against his or her will, or under
25 conditions in which Defendant knew, or should have known, that

1 V.M. was mentally or physically incapable of resisting or
2 understanding the nature of Defendant's conduct.

3 COUNT 7 - CHILD ABUSE, NEGLECT, OR
4 ENDANGERMENT

5 did, on or between May 4, 2015 and February 1, 2017,
6 willfully, unlawfully, and feloniously cause a child under the age of
7 18 years, to wit: V.M., being approximately nine years of age, to
8 suffer unjustifiable physical pain or mental suffering as a result of
9 abuse or neglect, to wit: sexual exploitation, and/or cause V.M. to be
10 placed in a situation where he or she might have suffered
11 unjustifiable physical pain or mental suffering as a result of abuse or
12 neglect, to wit: sexual exploitation, to wit: by Defendant causing or
13 allowing V.M. to view pornographic film.

14 COUNT 8 - FIRST DEGREE KIDNAPPING OF A MINOR

15 did, on or between May 4, 2015 and February 1, 2017,
16 willfully, unlawfully, and feloniously, lead, take, entice, and/or carry
17 away or detain V.M., a minor, with the intent to keep him or her for a
18 protracted period of time or permanently and/or imprison or confine
19 V.M. from his or her parents, guardians, or other person or persons
20 having lawful custody of V.M., or with the intent to hold V.M. to
21 unlawful service, or to perpetrate upon the person of V.M. any
22 unlawful act, to wit: lewdness with a child under the age of 14 and/or
23 sexual assault with a minor under 14 years of age.

24 COUNT 9 - LEWDNESS WITH A CHILD UNDER 14 YEARS
25 OF AGE

1 did, on or between May 4, 2015 and February 1, 2017,
2 willfully, unlawfully, and feloniously commit a lewd or lascivious act
3 upon or with the body, or any part or member there, of a child, to
4 wit: V.M., a child under the age of 14 years, by undressing and/or
5 kissing V.M. and/or by touching the buttocks and/or genital area of
6 V.M., with the intent of arousing, appealing to, or gratifying the lust,
7 passions, or sexual desires of Defendant, or V.M.

8 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER
9 14 YEARS OF AGE

10 did, on or between May 4, 2015 and February 1, 2017,
11 then and there willfully, unlawfully, and feloniously commit a sexual
12 penetration upon V.M., a child under the age of 14 years, to wit:
13 fellatio, by placing his penis on or in the mouth of V.M., against his
14 or her will, or under conditions in which Defendant knew, or should
15 have known, that V.M. was mentally or physically incapable of
16 resisting or understanding the nature of Defendant's conduct.

17 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER
18 14 YEARS OF AGE

19 did, on or between May 4, 2015 and February 1, 2017,
20 then and there willfully, unlawfully, and feloniously commit a sexual
21 penetration upon V.M., a child under the age of 14 years, to wit:
22 sexual intercourse, by placing his penis into the genital opening of
23 V.M., against his or her will, or under conditions in which Defendant
24 knew, or should have known, that V.M. was mentally or physically
25 incapable of resisting or understanding the nature of Defendant's

1 conduct.

2 COUNT 12 - PREVENTING OR DISSUADING WITNESS
3 OR VICTIM FROM REPORTING CRIME OR COMMENCING
4 PROSECUTION

5 did, on or between May 4, 2015 and February 1, 2017,
6 then and there willfully, unlawfully, and feloniously, by intimidation
7 or threats, prevent or dissuade, or hinder or delay V.M. from
8 reporting a crime to a peace officer by threatening to hurt V.M.
9 and/or V.M.'s brother if V.M. told.

10 COUNT 13 - FIRST DEGREE KIDNAPPING OF A MINOR

11 did, on or between November 1, 2016 and February 1,
12 2017, willfully, unlawfully, and feloniously, lead, take, entice, and/or
13 carry away or detain A.W., a minor, with the intent to keep him or her
14 for a protracted period of time or permanently and/or imprison or
15 confine A.W. from his or her parents, guardians, or other person or
16 persons having lawful custody of A.W. or with the intent to hold A.W.
17 to unlawful service, or to perpetrate upon the person of A.W. any
18 unlawful act, to wit: lewdness with a child under the age of 14 and/or
19 sexual assault with a minor under 14 years of age.

20 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER
21 14 YEARS OF AGE

22 did, on or between November 1, 2016 and February 1,
23 2017, then and there willfully, unlawfully, and feloniously commit a
24 sexual penetration upon A.W., a child under the age of 14 years, to
25 wit: sexual intercourse, by placing his penis into the genital opening

1 of A.W.

2 COUNT 15 - FIRST DEGREE KIDNAPPING OF A MINOR

3 did, on or between November 1, 2016 and February 1,
4 2017, willfully, unlawfully, and feloniously, lead, take, entice, and/or
5 carry away or detain A.W., a minor, with the intent to keep him or her
6 for a protracted period of time or permanently and/or imprison or
7 confine A.W. from his or her parents, guardians, or other person or
8 persons having lawful custody of A.W. or with the intent to hold
9 A.W. to unlawful service, or to perpetrate upon the person of A.W.
10 any unlawful act, to wit: lewdness with a child under the age of 14
11 and/or sexual assault with a minor under 14 years of age.

12 COUNT 16 - LEWDNESS WITH A CHILD UNDER THE
13 AGE OF 14

14 did, on or between November 1, 2016 and February 1,
15 2017, willfully, unlawfully, and feloniously commit a lewd or
16 lascivious act upon or with the body, or any part or member thereof,
17 of a child, to wit: A.W., a child under the age of 14 years, by
18 undressing and/or touching and/or rubbing the genital area of A.W.
19 with his penis and/or hands, with the intent of arousing, appealing to,
20 or gratifying the lust, passions, or sexual desires of Defendant, or
21 A.W.

22 COUNT 17 - BATTERY WITH INTENT TO COMMIT
23 SEXUAL ASSAULT, VICTIM UNDER 16

24 did, on or between November 1, 2016 and February 1,
25 2017, then and there willfully, unlawfully, and feloniously use force

1 or violence upon the person of another, to wit: A.W., a child under
2 16 years of age, with the intent to commit sexual assault, by
3 punching A.W.

4 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER
5 14 YEARS OF AGE

6 did, on or between November 1, 2016 and February 1,
7 2017, then and there willfully, unlawfully, and feloniously commit a
8 sexual penetration upon A.W., a child under the age of 14 years, to
9 wit: sexual intercourse, by placing his penis into the genital opening
10 of A.W.

11 COUNT 19 - PREVENTING OR DUSSUADING WITNESS
12 OR VICTIM FROM REPORTING CRIME OR COMMENCING
13 PROSECUTION

14 did, on or between November 1, 2016 and February 1,
15 2017, then and there willfully, unlawfully, and feloniously, by
16 intimidation or threats, prevent or dissuade, or hinder or delay A.W.
17 from reporting a crime to a peace office by telling A.W. not to tell
18 anyone or else he would harm and/or hill A.W.

19 COUNT 20 - LEWDNESS WITH A CHILD UNDER THE AGE
20 OF 14

21 did, on or between May 4th, 2015 and February 1, 2017,
22 willfully, lewdly, unlawfully, and feloniously commit a lewd or
23 lascivious act upon or with the body, or any part or member thereof,
24 of a child, to wit: R.M., a child under the age of 14 years, by
25 Defendant using his penis and/or hands to touch and/or rub and/or

1 fondle R.M.'s penis and/or buttocks, with the intent of arousing,
2 appealing to, or gratifying the lust, passions, or sexual desires of
3 Defendant, or R.M.

4 COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER
5 14 YEARS OF AGE

6 did, on or between May 4, 2015 and February 1, 2017,
7 then and there willfully, unlawfully, and feloniously commit a sexual
8 penetration upon R.M., a child under the age of 14 years, to wit: anal
9 intercourse, by placing his penis into the anal opening of R.M.,
10 against his or her will, or under conditions in which Defendant knew,
11 or should have known, that R.M. was mentally or physically
12 incapable of resisting or understanding the nature of Defendant's
13 conduct.

14 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER
15 14 YEARS OF AGE

16 did, on or between May 4, 2015 and February 1, 2017,
17 then and there willfully, unlawfully, and feloniously commit a sexual
18 penetration upon V.M., a child under the age of 14 years, to wit: anal
19 intercourse, by placing his penis into the anal opening of V.M.,
20 against his or her will, or under conditions in which Defendant knew,
21 or should have known, that V.M. was mentally or physically
22 incapable of resisting or understanding the nature of Defendant's
23 conduct.

24 Signed Kristina Rhoades, Chief Deputy District Attorney.

25 The Defendant has plead not guilty to all charges.

1 THE COURT: Thank you. So, ladies and gentlemen, please
2 understand that the third amended information is simply a charge.
3 And it is not -- I repeat, not, in any sense, evidence of the allegations
4 it contains. As you've heard, Defendant has plead not guilty to the
5 third amended information. State, therefore, has the burden of
6 proving each of the essential elements of the information beyond a
7 reasonable doubt. As the Defendant sits here now, he is not guilty.
8 The purpose of this trial is to determine whether the State will meet
9 its burden of proving the elements beyond a reasonable doubt. It is
10 your primary responsibility as jurors to find and determine the facts.

11 Under our system of criminal procedure, you, as the jurors,
12 are the sole judge of the facts. You are here to determine the facts
13 from the testimony you hear and the other evidence including
14 exhibits introduced in court. It will be up to you to determine the
15 inferences which you feel may be properly drawn from the evidence.

16 Ladies and gentlemen, you must base your verdict solely
17 on the evidence presented in the courtroom and on the instructions
18 of law that I give you. To protect the integrity of the jury process, it is
19 very important, vitally important, that you do not do any independent
20 research about the case until the jury has reached a final decision.
21 You may not visit the location involved in the case. You may not do
22 any research or look up words, names, maps or anything else that
23 might have anything to do with the case; this includes reading
24 newspapers, watching television, using a computer, cell phone,
25 internet, Google or any other means to get information related to this

1 case or any of the people or places involved in the case. This applies
2 whether you are at the courthouse, at home, or anywhere else.

3 Additionally, until you are discharged from service as a
4 juror, you must not, not provide or receive any information about
5 your jury service to anyone, including friends, co-workers, or family
6 members. Now, of course, you may tell people that you have been
7 picked for a jury and how long the case is expected to take.

8 However, you must not give any information about the case itself or
9 the people involved in the case. You must also warn people not to
10 try to say anything to you or write to you about your jury service in
11 the case; this includes face to face, phone, email, or any other type of
12 communication.

13 In this age of electronic communication, I need to stress
14 that you must not use electronic devices, cell phones, computers,
15 iPads, Tablets, whatever else to research or talk about the case. So
16 no googling, tweeting, texting, blogging, emailing, Tik Toking,
17 Instagramming, whatever else, no posting any information on any
18 website or any other means at all. So all of us are depending on all
19 of you to follow these rules so that there will be a fair and lawful
20 resolution of the case.

21 You may not declare to your fellow jurors any facts
22 relating to the case of your own knowledge. And if you discover
23 during the trial or after the jury has retired to deliberate that you or
24 any other juror has personal knowledge of any witness or fact in
25 controversy in the case, you must disclose that information to me

1 outside the presence of the other jurors.

2 The evidence in this case will consist of the sworn
3 testimony of witnesses, all exhibits received in evidence, regardless
4 of which side introduces the evidence. If the attorneys on both sides
5 stipulate to the existence of any fact, you must, unless otherwise
6 instructed, accept the stipulation as evidence and regard that fact as
7 proved. I may take judicial notice of certain facts or events. If I take
8 judicial notice of a fact or event, you must accept that fact or event as
9 true.

10 In every case ,there are two types of evidence, direct and
11 circumstantial. Direct evidence is testimony by a witness about what
12 that person saw or heard or did. Circumstantial evidence is
13 testimony or exhibits which are proof of a particular fact from which
14 that fact is proven you can then infer the existence of a second fact.

15 For example, let's say you're outside and you feel
16 raindrops on your skin, you look up and you see rain falling, that's
17 direct evidence that it's raining. Well, let's say, on the other hand,
18 you go to bed at night. You sleep. You wake up the next day and
19 you go outside and there's water in your driveway, on the street, on
20 your car, that's circumstantial evidence that it rained while you were
21 asleep. So you can consider both types of both direct and
22 circumstantial evidence. Although, you didn't see it raining, you
23 know it rained because the ground was dry when you went to sleep,
24 woke up and it was wet.

25 The law permits you to give equal weight to both direct

1 and circumstantial evidence, but it is up to you to decide how much
2 weight to give to any particular piece of evidence. Parties may
3 sometimes make objections to some of the testimony or other
4 evidence. It is the duty of the lawyers to object to evidence that they
5 believe may not be properly offered and you should not be prejudice
6 in any way against the attorney who makes objections on behalf of
7 the party that he or she represents.

8 At times I may sustain objections or direct that you
9 disregard certain testimony or exhibits. You must not consider any
10 evidence to which an objection has been sustained or which I have
11 instructed you to disregard. You must also not consider anything
12 which you may have seen or heard when the court is not in session,
13 even if what you see or hear is said or done by one of the parties or
14 one of the witnesses.

15 In considering the weight and value of the testimony of
16 any witness, you may take into consideration the appearance,
17 attitude, behavior of the witness, the interest of the witness and the
18 outcome of the case, if any, relation of the witness to the Defendant
19 or to the State, the inclination of the witness to speak truthfully or
20 not, the probability or improbability of the witnesses statements, and
21 all the facts and circumstances in evidence. Thus, you may give the
22 testimony of any witness just such weight and value as you believe
23 the testimony of the witness is entitled to receive.

24 After jury selection and these instructions, we will have
25 opening statement by the State, maybe opening statement by the

1 Defense, State's evidence, possibly Defense evidence, jury
2 instructions and closing arguments. Opening statements and closing
3 arguments are intended to help you in understanding the evidence
4 and applying the law. But please understand that what the attorneys
5 tell you, whether in opening statement or closing argument, that is
6 not evidence.

7 At the conclusion of the evidence, I will instruct you on
8 the law. You must not be concerned with the wisdom of any rule of
9 law stated in these instructions or in the instructions that I will read
10 to you after all the evidence is in. Regardless of any opinion you
11 may have as to what the law ought to be, it would be a violation of
12 your oath to base a verdict upon any other view of the law other than
13 that I have given to you by the court. Until the case is submitted to
14 you, you must not, again, not, discuss it with anyone, even your
15 fellow jurors. After it is submitted to you, you must discuss it only in
16 the jury room with your fellow jurors. It is important that you keep
17 an open mind and not decide any issue in the case until the entire
18 case has been submitted to you under instructions from me.

19 Again, if you discover during the course of the trial that
20 you have personal knowledge of the facts in the case or that you
21 know one of the witnesses, you haven't already disclosed that to us
22 here in the voir dire process, please give a note to Marshal Durazzo
23 and she'll present that to me. During the trial, as you've already
24 found out, it may be necessary for me to confer with the lawyers up
25 here at the bench about questions, law, procedure, that I need to

1 make a decision on. Sometimes you may even be excused from the
2 courtroom for that same reason. We try to limit these interruptions
3 as much as possible, but please understand if we do take a break, it
4 is necessary. And as I always say, we very much appreciate your
5 patience with us in the process.

6 You'll get a different badge to wear if you're chosen as
7 jurors. Please wear that badge at all times, while you're in the
8 courthouse, or on a break. That badge lets everyone know that you
9 are a juror in this case. This is important because during the course
10 of this trial, the attorneys for both sides and court personnel, other
11 than Marshal Durazzo, or other Marshals are not permitted to talk to
12 members of the jury.

13 By this, I mean not only can they not talk about the case,
14 but they cannot talk to you at all, not even to pass the time of day.
15 This badge will help identify you all as jurors. If someone will not
16 talk to you, please understand that they're not being rude. To ensure
17 absolute and partiality of the jury, people involved in the case are
18 bound by ethics and law to avoid contact with jurors until the case is
19 decided.

20 Tomorrow, you'll have paper and pens for your use.
21 You're free to take notes during the trial if you wish. You're free not
22 to take notes too. But please keep the notes if you do take them to
23 yourself until you and your fellow jurors go to the jury room to
24 decide the case. Do not let the notetaking distract you.

25 You should also rely on your own memory of what was

1 said and not be overly influenced by the notes of other jurors. If
2 jurors have conflicting notes, you should not rely on the notes
3 because the court recorder's record contains the complete and
4 authentic record of the trial. I will take lots of notes during the trial.
5 Please do not take my notetaking or not notetaking into any
6 consideration.

7 If I take notes or not during the witness's testimony,
8 you're not to consider that testimony more important than any other
9 testimony. In fact, you're not to consider anything that I do or say
10 during this trial that suggests I am inclined to favor of the claims or
11 the position of any party. I am required as a judge to remain neutral.
12 It would be wrong therefore for you to conclude that anything I say
13 or do means I am for one side or another during the trial. Discussing
14 and deciding the facts, is your job alone.

15 Jurors are allowed to asked questions. There is a
16 procedure for that. The procedures require that you write down your
17 name, your juror number and question on a full sheet of paper and
18 give it to Marshal Durazzo while the witness is still here in the
19 courtroom. Questions must be factual in nature and designed to
20 clarify information already presented. If it's a proper question under
21 the rules, I'll ask that question. If the rules of evidence prevent me
22 from asking the question, then I won't ask it.

23 Please reserve your questions until the attorneys have
24 finished asking questions of the witness as the attorneys will likely
25 ask your question.

1 Jurors must not place undue weight on the responses to
2 their questions or draw any conclusions because a question was not
3 asked.

4 And if counsel could come approach.

5 [Sidebar begins at 5:06 p.m.]

6 THE COURT: Does either side want to make a
7 [indiscernible] *GEV v. Alabama* [phonetic] objection to any of the
8 preemptory challenges?

9 MS. RHOADES: Not by the State.

10 THE COURT: Okay.

11 THE CLERK: [Indiscernible].

12 THE COURT: Anything else we need to talk about while
13 you're up here?

14 MS. RHOADES: I don't think so. Are the instructions
15 done? Are we done instructing them?

16 THE COURT: Yeah.

17 MS. RHOADES: Okay.

18 THE COURT: So she's going to mark it up, then I'll have
19 you doublecheck it.

20 MS. RHOADES: Okay.

21 THE COURT: Then we can excuse those who are done,
22 and then excuse those who will come back tomorrow.

23 MS. RHOADES: Okay. At 10:30, and then we'll just start
24 with opening?

25 THE COURT: Yes.

1 MS. RHOADES: Okay.

2 MS. EINHORN: And our first witness will be here at
3 10:30, so we'll be ready to go once we get [indiscernible].

4 THE COURT: O kay.

5 MS. RHOADES: Thank you.

6 THE COURT: Thank you.

7 [Sidebar ends at 5:14 p.m.]

8 THE COURT: And as always, thank you for your service
9 and patience requests.

10 I meant to add, in fairness to the parties to this case, you
11 should keep an open mind throughout the entirety of the trial,
12 reaching your conclusion only during your final deliberations after
13 all the evidence is in, and you have heard the attorneys' closing
14 arguments and instructions to you on the law.

15 Soon who is excused and who will come back tomorrow.

16 Come on back.

17 [Sidebar begins at 5:09 p.m.]

18 THE COURT: Doublecheck.

19 MS. RHOADES: Okay.

20 (The clerk and judge confer.)

21 MS. RHOADES: One, two, three, four, five, six -- oh, I see,
22 I'm just messed up -- seven, eight, nine, ten, eleven, twelve. All
23 right. All right.

24 MR. POSIN: Okay.

25 THE COURT: Everybody approve?

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MS. RHOADES: Yes.

THE COURT: Thank you.

[Sidebar begins at 5:10 p.m.]

THE COURT: All right. Ladies and gentlemen,
Ms. Duncan will now read off the names of those who are excused.
As I said yesterday, please do not be offended if you are excused.
We thank you all very much for your service. Without all of you, we
couldn't do this in protecting the court and rights that we have.

So, Ms. Duncan, go ahead.

If your name is called off, you are excused.

THE CLERK: Zakkiyah Walker, badge number 463.

Alli Esperancilla, badge number 465.

Linda Holtan, badge number 358.

Logona Misa, badge number 485.

Lemuel Stanford, badge number 362.

Raul Escobar, badge number 370.

Jessica Saldivar, badge number 473.

Brian Garcia, badge number 561.

David Bloomquist, badge number 474.

John Jackson, badge number 479.

Helen Mekonnen, badge number 385.

Jacquelyn Salter, badge number 511.

Savannah Franke, badge number 524.

Brent James, badge number 416.

Daronte Howard, badge number 532.

1 Leslie Almanza, badge number 534.

2 Elsa Amoroso, badge number 547.

3 Daniel Olivo, badge number 443.

4 THE COURT: So those of you remaining, you are our
5 jurors.

6 And, Ms. Duncan, if you could administer the oath.

7 If you could all raise -- stand and raise your right hand.

8 [Jury panel sworn]

9 THE COURT: Please be seated.

10 Do we have the juror badges on their way out?

11 UNIDENTIFIED SPEAKER: I do.

12 THE COURT: Okay. So, ladies and gentlemen, one last
13 instruction. You'll hear this now multiple times, but I'm required by
14 law to give it to you on every break.

15 So we'll come back tomorrow morning at 10:30. During
16 this recess, you're admonished not to talk or converse amongst
17 yourselves, or with anyone else on any subject connected with this
18 trial; read, watch, or listen to any report or commentary on the trial,
19 or any person connected with this trial by any medium of
20 information, including with that limitation to social media and text,
21 newspapers, television, internet, radio. Do not visit the scene of
22 any events mentioned during the trial. Do not undertake any
23 investigation. Do not Google anything about the trial or anyone
24 associated with the trial. Do not do any posting or communications
25 on any social networking sites. Do not do any independent

1 researching, including internet searches. Do not form or express
2 any opinion on any subject connected with the trial until the case is
3 finally submitted to you.

4 We'll see you back tomorrow at 10:30.

5 THE MARSHAL: All rise for the jury.

6 [Jury out at 5:13 p.m.]

7 THE COURT: Anything we need to discuss?

8 MR. POSIN: Nothing, Your Honor.

9 MS. RHOADES: Nothing from the State, Your Honor.

10 THE COURT: See you tomorrow at 10:30.

11 MS. EINHORN: See you tomorrow.

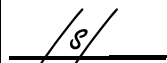
12 MS. RHOADES: Thank you.

13 THE COURT: Thank you all. And perfect timing.

14 [Proceedings adjourned at 5:14 p.m.]

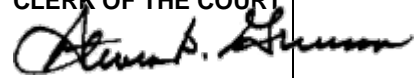
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17
18 ATTEST: I do hereby certify that I have truly and correctly transcribed the
19 audio/video proceedings in the above-entitled case to the best of my ability.

20 

21 Valori Weber
22 Transcriber

23
24 Date: May 28, 2020
25



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

WEDNESDAY, FEBRUARY 26, 2020

RECORDER'S TRANSCRIPT OF JURY TRIAL [DAY 2]

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

Page

Preliminary matters4

Testimony.....37

Defense motion for mistrial 101

Ruling..... 102

INDEX OF WITNESSES

PLAINTIFF’S DIRECT CROSS REDIRECT RECROSS

WITNESSES:

ARIANNA WHATLEY	37	106	110
SHONTAI WHATLEY	113		

DEFENDANT'S

WITNESSES:

None

1
2
3
4
5
6
7
8
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10
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13
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22
23
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EXHIBIT INDEX

<u>FOR THE PLAINTIFF:</u>	<u>OFFERED</u>	<u>MARKED</u>
1A.....	82	83
3.....	116	117
10.....	123	123
27 through 30	7	8

FOR THE DEFENDANT:
None

1 Las Vegas, Nevada, Wednesday, February 26, 2020

2
3 [Hearing began at 11:22 a.m.]

4 [Outside the presence of the Jury]

5 THE CLERK: Case Number C-329765, State of Nevada vs.
6 Dequincy Brass.

7 THE COURT: Good morning.

8 MS. RHOADES: Good morning, Your Honor.

9 MR. POSIN: Good morning, Your Honor.

10 MS. RHOADES: There are a couple of things outside the
11 presence.

12 First of all, while the minor victims testify in this case, one
13 of the minor victims is our first witness and then there are two others
14 that are going to be testifying as well. We are going to move the
15 Court to exclude anyone in the courtroom except for the victim
16 advocate that's going to be present with them. They are -- I mean,
17 I'm looking at NRS-171.204, if there's good cause shown, that the
18 Court can do that.

19 The Defendant's family is here. I am receiving information
20 that they remember at the last hearing, at the preliminary hearing,
21 which was some time ago, that the Defendant's family was there for
22 that. They felt intimidated by them. They said that they were staring
23 at them and taking pictures of them there. They said that they told
24 the bailiff out in Henderson Justice Court about that. I did not know
25 about that. They told the bailiff out there and then they told the

1 victim advocate that was out there as well. But they are feeling
2 intimidated and nervous, and they're minor victims, and I think the
3 Court has the discretion if there is good cause. I would say that
4 based on the reported prior behavior, that would be good cause to
5 exclude particularly the Defendant's family members from the
6 courtroom.

7 THE COURT: Any objection?

8 MR. POSIN: Your Honor, I was just -- when the State
9 started, I was about to just say no objection.

10 THE COURT: Well good.

11 MR. POSIN: So I -- no, I have no objection, but I -- I haven't
12 heard any of this reported intimidation or -- that was supposedly
13 taking place at some other time, some other place. I haven't seen
14 any indication of that today. I mean, just in general, I have no
15 objection to the State's motion, but I don't want to in anyway be
16 acquiescing in suggesting that ever even happened.

17 THE COURT: Thank you, and that makes perfect sense. So
18 the Court will order that while the minor is testifying, no one is to be
19 present in the courtroom, except for the victim advocate obviously,
20 and also Defendant Brass and his attorney obviously, but no family
21 members or other non-parties present in the courtroom. The Court
22 very much understands, appreciates, and agrees with what Mr. Posin
23 just said. He's not objecting, but he's not acquiescing to the alleged
24 facts that the State just mentioned.

25 MS. RHOADES: Your Honor, the victim advocate that is

1 with A.B. and her mother right now have just informed us that his
2 family members were taking pictures of them today, this morning, so
3 I mean based on that, I think that they need to be excluded from the
4 whole trial. Who knows what else -- I mean, I don't know if you want
5 to have a hearing about that where Wendy can come in and tell you
6 what she saw, but they are apparently taking pictures of the 16-year-
7 old victim in this case, and now she's very intimidated and she
8 doesn't want to come into court because of the behavior of his family
9 members.

10 THE COURT: Who are the alleged family members?

11 MS. RHOADES: And for the record, my investigator is
12 here, Ms. Elaine Nepp [phonetic], and it's apparently the two women
13 that are sitting in court here.

14 MS. NEPP: To our knowledge, yes.

15 THE COURT: Well, at least for now, the order is the order,
16 and if -- go ahead and tell us your names, ladies in the back.

17 MS. JONES: My name is Tosima Jones. I am a CCSD
18 teacher. There is no way that I would do any of that to any child, so I
19 have no idea what they're talking about. We all were up here
20 together and we came here late. As a matter of fact, we came here
21 around 10:45. We didn't see any of our -- we didn't see our family
22 member here, so we got confused and we left, and we literally just
23 came back and we talked to your bailiff here, and she told us we
24 could sit back here. But I have no idea what they're talking about,
25 Your Honor. This is his sister, who also rode with me here. We

1 literally just got here.

2 THE COURT: What's your name, sister?

3 MS. BRASS: Jamequa [phonetic].

4 THE COURT: I'm sorry?

5 MS. BRASS: Jamequa.

6 THE COURT: Last name?

7 MS. BRASS: Brass.

8 THE COURT: Okay. So I can't rule or make a finding about
9 any witness intimidation. It's been mentioned now. But my ruling
10 still stands in terms of presence in the courtroom, and then since
11 you're both here and you can hear from the judge, I'm not saying
12 that you've done anything whatsoever, but you know now coming
13 from the Judge, in addition to a Marshall, that you are not to speak
14 with, contact, take photos of, interact with any of the alleged victims
15 in the case. Do you understand that? Is that a yes?

16 MS. JONES: Yes, sir.

17 THE COURT: Okay, thank you.

18 MS. RHOADES: The other thing that I did want to put on
19 the record are some exhibits. There have been additional exhibits
20 that have been agreed upon and stipulated to. There are a couple of
21 nuances with those exhibits, so 27 through 30 are additional photos
22 that Kim Madden has provided, and I believe the Defense is
23 stipulating to the admission of those.

24 MR. POSIN: Correct, Your Honor.

25 THE COURT: Exhibits 27 through 30 are admitted.

1 [State's Exhibit 27 through 30 admitted into evidence].

2 MS. RHOADES: 31 through 35 are various transcripts and
3 videos of the interviews that the children did. So the 31 and 31A is
4 going to be Venice's forensic interview that was done on March 2.
5 There is a transcript and the video of that. 32 is Venice's preliminary
6 hearing transcript. 33 and 33A is Arianna's -- I'm sorry, they are
7 Arianna's forensic interview that was done on I believe April 3, 2017.
8 34 is Arianna's preliminary hearing transcript. 35 and 35A are RaRa's
9 transcript and the video of his forensic interview from March 2, 2017.

10 My understanding is the Defense is stipulating to the
11 admission of all of those. There were offers by the State made to
12 make redactions, particularly of Arianna's statement of some things
13 that may be construed as bad acts toward the Defendant, and I
14 believe that the Defense did not want those redactions made.

15 Another thing that your clerk informed me is that the Court
16 has to order that the transcripts be able to go back there with the jury
17 during deliberations. I think that is what we would both be asking for
18 because we're both agreeing that the transcripts be admitted as
19 exhibits.

20 MR. POSIN: Correct, Your Honor.

21 THE COURT: Okay, so exhibits -- and make sure I state all
22 of these correctly so that we're clear. 31, 31A, 32, 33, 33A, 34, 35, and
23 35A are admitted.

24 MS. RHOADES: Thank you.

25 THE COURT: Did I cover all of them?

1 MS. RHOADES: I believe so.

2 THE COURT: And that includes -- given that they're all
3 admitted, they will all include transcripts of those exhibits. They will
4 go back with the jury during the deliberation.

5 MS. RHOADES: Okay, and then would Your Honor, prior
6 to opening -- would Your Honor just inform the jury that those all --
7 all the ones that have been stipulated and admitted to have been
8 stipulated and admitted to; is that okay?

9 THE COURT: If I had the list, I'm happy to do that.

10 MS. RHOADES: I have --

11 THE CLERK: 11 through 21 and then 26 through 35A.

12 THE COURT: Okay, that way we can tell them why they've
13 been waiting.

14 MS. RHOADES: Thank you.

15 THE COURT: Anything else?

16 MS. RHOADES: I don't think so, Your Honor.

17 THE COURT: Both sides or either side wish to invoke the
18 witness exclusionary rule?

19 MS. RHOADES: I would, I don't know if they're -- they're
20 calling any witnesses, but the state would.

21 THE COURT: Okay.

22 MR. POSIN: No objection, Your Honor.

23 THE COURT: Okay, so presumably neither of the relatives
24 in the back here are going to be witnesses; is that right?

25 MR. POSIN: I don't anticipate that they would be.

1 THE COURT: Okay, okay sounds good. Anything else?
2 MR. POSIN: No, Your Honor.
3 MS. RHOADES: I don't think so.
4 THE COURT: We swore them in yesterday, right?
5 THE MARSHAL: Yes, Your Honor.
6 THE COURT: Okay, good. Oh, they did mention --
7 Marshall may have told you, but we do need to break at 5.
8 MS. RHOADES: Okay.
9 THE MARSHAL: All rise for the jury.
10 [Jury in at 11:33:17 a.m.]
11 THE COURT: Please be seated. Welcome back, ladies and
12 gentlemen, and now I can call you ladies and gentlemen of the jury.
13 Let me double check and make sure they are in their right seats.
14 THE CLERK: I'm just going to call roll and make sure
15 everybody is in their correct seat. Angela Armstead, #334?
16 JUROR 334: Here.
17 THE CLERK: Christopher Rocca, Badge Number 341?
18 JUROR 341: Here.
19 THE CLERK: Andrew Beals, Badge Number 483?
20 JUROR 483: Here.
21 THE CLERK: Karen Mills, Badge Number 468?
22 JUROR 468: Here.
23 THE CLERK: Maroun Nehme, Badge Number 484?
24 JUROR 484: Here.
25 THE CLERK: Patricia Ochal, Badge Number 549?

1 JUROR 549: Here.

2 THE CLERK: Edwin Garcia, Badge Number 369?

3 JUROR 369: Here.

4 THE CLERK: Dawn Richey, Badge Number 372?

5 JUROR 372: Here.

6 THE CLERK: Dana Longfield, Badge Number 394?

7 JUROR 394: Here.

8 THE CLERK: Lisa Cummings, Badge Number 488?

9 JUROR 488: Here.

10 THE CLERK: Peter Tanner, Badge Number 492?

11 JUROR 492: Here.

12 THE CLERK: Carlos Morales, Badge Number 527?

13 JUROR 527: Here.

14 THE CLERK: Marisol Gibson, Badge Number 449?

15 JUROR 449: Here.

16 THE CLERK: And Michael Jones, Badge Number 482?

17 JUROR 482: Here.

18 THE COURT: The Counsel stipulates as to the presence of

19 the jury?

20 MS. RHOADES: Yes, Your Honor.

21 MR. POSIN: Yes, Your Honor.

22 THE COURT: Thank you. So ladies and gentlemen, my

23 apologies for being late. The hearings went -- the attorneys were

24 liking to talk this morning, so my hearings went longer than I

25 anticipated, but the good news is we also used some of that time to -

1 - the parties have agreed to admit actually what I would call
2 numerous exhibits -- preadmit numerous exhibits, so I'll tell you
3 what those are and then we'll have opening statements.

4 So already we have the following exhibits have been
5 admitted outside your presence. When exhibits are admitted, that
6 means they go back with you to deliberate and you can consider
7 them. Exhibits 5 through 9, 11 through 21, and 26 through 35A have
8 all been admitted into evidence and that will save a lot of time for us
9 in the trial.

10 So having said that, is the State ready to pursue?

11 MS. RHOADES: Yes, Your Honor.

12 THE COURT: Okay.

13 PLAINTIFF'S OPENING STATEMENT

14 MS. RHOADES: Good afternoon.

15 THE COURT: Still morning.

16 MS. RHOADES: Kind of.

17 Don't tell anyone or else I will kill your family. Don't tell
18 anyone or else I will kill your mother, your brother, or else I will kill
19 you. Don't tell anyone, otherwise you know what's going to happen
20 if you do.

21 That is what that person, Dequincy Brass, the Defendant,
22 said on multiple occasions to two children, Venice when she was
23 between the ages of 8 and 9 years old, and Arianna when she was 13
24 years old. He said this to them multiple times before, after the sexual
25 abuse that he perpetrated on them. You're going to hear that these

1 children believed him when he made those threats to them. They
2 actually thought that he would do those things. They actually
3 thought that would happen, so you're going to hear that they didn't
4 tell. They didn't tell for a long time. They didn't tell because they
5 were scared. They didn't tell because they were scared of him. They
6 didn't tell because they were scared of getting in trouble. They didn't
7 tell because they were scared no one would believe them.

8 You will hear from both Venice and Arianna Venice is now
9 13 years old. She is in seventh grade at Brinley Middle School.
10 Arianna is 16 years old. She does some schooling online, but she
11 really doesn't do much schooling. She didn't go to much school last
12 year. You're going to hear that in addition to going through all the
13 things -- all the complications and issues that come up when you're a
14 teenager between 13 and 16 years old, that they're going through,
15 that they also have to come in here and talk to you all in front of the
16 defendant and talk about the sexual abuse.

17 That is Venice when she was about 8 years old and in third
18 grade. You will hear that when she was in second, third, fourth
19 grade, that her and her family lived here in Henderson, that red dot is
20 736 Arden Valley house. That is by Cowabunga Bay in Henderson.
21 You're going to hear that Venice lived there with her mom, Kim
22 Madden, and she lived there with her little brother. He is about four
23 years younger than her. His name is RaRa He goes by RaRa for
24 short. He has a lot of energy. He is a little bit of a handful. You will
25 get to meet him and you will hear from him.

1 You will hear that their father was not around. That the
2 people that lived in that house were Kim, Venice, and RaRa You'll
3 hear that sometime in late 2013, early 2014 -- January 2014, Kim met
4 the defendant because they both worked at Sprint, the cell phone
5 store. They engaged in some sort of a relationship. Kim will
6 describe it for you. She'll tell you that it was an open relationship.
7 They engaged in some sort of sexual relationship, on again/off again,
8 and that kind of started up in early 2014. Toward, like after summer
9 2014, it was decided that the defendant would move in to the Arden
10 Valley home.

11 So he moved in with Kim, with Venice, with RaRa, and he
12 lived there until late 2016, early January 2017. He lived there on
13 again, off again. You'll hear that for the most part, him and the kids
14 got along. Venice and RaRa liked him. Sometimes he would help
15 Venice with her homework. You'll hear that he never disciplined the
16 kids. That was all always left to Kim. He -- he never, you know, they
17 never got in trouble by him or anything like that.

18 You'll hear that it wasn't until the defendant had been out
19 of the house for sometime that Venice was able to tell her mom what
20 he did to her, so he wasn't even in the home when Venice told her
21 mom that he was sexually abusing her.

22 You will hear about a time that Kim remembers, after the
23 defendant was out of the house -- he had been out of the house for a
24 few weeks and this was kind of later January 2017, he comes back to
25 the house to get some mail. I think he was getting a tax document,

1 Kim will tell you. So he's been out of the house for a few weeks at
2 this point. Kim is not the best historian. She does not remember
3 dates very well. But you'll hear that he had been out and then he
4 came back for one day to get some mail. There was nothing going
5 on. They were watching a movie. He was hanging out there
6 watching a movie. In the living room, it's Kim, the defendant, and
7 Venice, and you're going to hear Kim tell you that she saw
8 something happen. She saw Venice do some sort of inappropriate
9 sexual gesture toward the defendant, and you're going to hear Kim
10 tell you that defendant was receptive to that. Based on that, that
11 caused Kim some concern.

12 That day, she told him, you have to leave. I mean, he
13 wasn't living there, but she said you have to get out of here. She
14 asked Venice what's going on, where did you learn this, who -- is
15 somebody touching you? Who is touching you?

16 You're going to hear that Venice initially tells her mom that
17 it was a cousin, a 13, 14-year-old cousin, Trinity. A cousin that used
18 to live in the home with Kim, not while the defendant was living
19 there, but at some point in time Trinity and her mom lived in the
20 home with them. You'll hear that at first, Venice said "Trinity
21 touched me down there." That's what she told her mom when she
22 initially asked about this, about what was going on between -- or
23 what she saw between her and the defendant.

24 You'll hear that those threats that the defendant made to
25 her were still echoing in her mind. You'll hear that she was still

1 scared and didn't want to tell on the defendant, and that's why she
2 said it was her cousin, "my 13-year-old cousin who touched me down
3 there." She didn't want to tell on the defendant. She didn't want to
4 disclose that it was him that was touching her. And that's how it was
5 for a few weeks.

6 On February 27 in the morning, early in the morning, 3
7 a.m., Venice goes into Kim's bedroom and says, "mom it was really
8 Quincy that was touching me." You're going to hear that Venice felt
9 guilty that she didn't tell the truth to her mom, and she went in there
10 and she told him -- told her that it was really Quincy and it was
11 Quincy all along. She'll tell you -- Venice will tell you from the
12 witness stand that Trinity never touched her.

13 These are the things that Venice will tell you from the
14 witness stand. She describes it as "he hurt me". She repeatedly
15 describes it like that, "he hurt me." She's going to tell you that it
16 happened in third and fourth grades. She talks -- she's going to tell
17 you about multiple incidents. Sometimes her mom was home.
18 Sometimes mom wasn't at home. It occurred both in the home and
19 outside of the home. He would take her places as well and she'll tell
20 you about that. There are two living rooms in that Arden Valley
21 house. There is one when you first walk in that does not have a
22 fireplace and then there's like a loft type area where -- that has a
23 fireplace. She's going to tell you that things happened to her -- that
24 he did things to her in both of those rooms. She's going to tell you
25 about a time that he took her to a hotel room alone. She's going to

1 tell you about a time that he took her to a hotel room with Arianna
2 She's going to tell you about a time that she opened a bedroom door
3 upstairs to Quincy hurting her little brother.

4 That is the Arden Valley house. That's the first living room
5 as you walk in. That one does not have the fireplace, and then if you
6 actually look at the other photograph, you can see where the loft is.
7 If you just go to the right, that's where that other living room is that
8 she's going to tell you about. This is the living room that does have
9 the fireplace.

10 She's going to tell you that there was an incident in the
11 living room with the fireplace where he did all of these things to her,
12 and she'll describe it to you. She'll tell you that he used his hands
13 and his fingers to touch her private. She'll tell you that he used his
14 private to touch her private. She'll tell you that he used his hands
15 and fingers to touch her butt. That he used his private to touch her
16 butt. That he kissed her on her mouth. That he kissed her on her
17 private, and that he told her to put his private in her mouth. She'll
18 tell you that she was crying and that she thinks she was crying loud
19 and that's -- that might have been why it stopped.

20 She'll tell you about another time in the living room with
21 the fireplace where he showed her a pornographic video on the X-
22 Box that they have there at the house. There was a time in the living
23 room without the fireplace where he did those same things to her,
24 touched her in all those same places with all those same body parts
25 of his. She'll tell you that he would make her sit on his lap while they

1 were both naked.

2 She's going to tell you about a time that he took her to a
3 hotel room alone. She doesn't remember specifically which hotel it
4 was, but she does remember what happened to her while in the hotel
5 room. She's going to tell you that he hurt her, that he hurt her with
6 his private in that hotel room, and that he told her to put his private
7 in his mouth.

8 She's going to tell you about a time that he took her and
9 Arianna to another hotel room. This was a different time, and he
10 hurt them both there. She's going to tell you that he did those same
11 things to her there and she's going to tell you that she saw him do
12 those same things with Arianna -- that she saw him put his private in
13 Arianna's private.

14 She'll tell you what he said to her if she told anybody.
15 Don't tell anyone or else something bad will happen.

16 One incident she remembers where she was home, she
17 doesn't recall her mom being home. She hears her little brother
18 crying upstairs. The door to the bedroom is shut. She opens the
19 bedroom door and she's going to tell you that she saw Quincy
20 hurting her brother in that bedroom, that she saw Quincy's private
21 on RaRa's butt in that bedroom when she opened the door.

22 You're going to hear from Elizabeth Espinoza. She is a
23 forensic interviewer with the Southern Nevada Children's
24 Assessment Center. The Southern Nevada Children's Assessment
25 Center is kind of a one-stop shopping, if you will, for victims of

1 abuse, child sexual abuse, child abuse and their families. They have
2 the forensic interviewers who are trained to interview children, ask
3 them open-ended questions. There is also a medical component
4 there, where there can be medical exams done and there were
5 medical exams done in this case that we'll talk about in a few
6 minutes as well.

7 So Elizabeth Espinoza was the forensic interviewer that
8 interviewed Venice on March 2, 2017, so this is a few days after the
9 disclosure to her mom, which was February 27, 2017. Elizabeth will
10 describe Venice's demeanor throughout that interview. She's going
11 to tell you that Venice was scared, that she was embarrassed, that
12 she did not want to talk about what this man did to her. She was
13 reluctant.

14 There are drawings and writings that she did, and you'll be
15 able to see those and you'll have those with you when you go back
16 into deliberations. She will talk about those while she is on the
17 stand. You'll hear that Venice described multiple incidents during
18 this interview, and said that it happened multiple times. She talked
19 about it happening in the room with the fireplace. She talked about it
20 happening in the room without the fireplace.

21 You'll hear Elizabeth describe that there was so much
22 sensory detail in her descriptions of what -- of what she was talking
23 about and what she was telling her happened as a 9-year-old child.

24 You'll hear Elizabeth say that she left the interview thinking
25 that there might be more, and that Venice was exhausted by -- by the

1 end of that interview. You're going to hear that Venice didn't say
2 anything about Arianna in that initial interview that she had. You'll
3 hear that Venice tried to tell Elizabeth about RaRa A few times she
4 mentioned, she says, Quincy hurt my brother too, and Elizabeth
5 doesn't really follow up on that during the interview, but she does try
6 to tell about RaRa, but she does not mention anything about Arianna
7 in that interview.

8 RaRa was 5 years old on March 2, 2017. Elizabeth also
9 interviewed him, and you will hear about his interview from
10 Elizabeth. Again, Venice told Elizabeth that Quincy hurt her brother,
11 too. Elizabeth will tell you that it was very difficult to understand
12 RaRa He was jumping all over the place. He was playing with the
13 recorder that they have on the table, so he was just a handful, but he
14 did make a disclosure to Elizabeth during that interview. And you'll
15 hear from RaRa and RaRa will tell you that Quincy hurt his butt with
16 his hand and that he doesn't remember much else after that. He's 8
17 years old now.

18 This is Arianna when she was about 13 years old and in
19 eighth grade. You will hear from her. You will hear from her
20 mother, Shontai. You'll hear that they lived on Emerald Idol Place,
21 that red dot, which is very close to the Arden Valley -- it's right up
22 here and then there's that Cowabunga Bay, so they lived close
23 together, the Madden Family and the Whatley Family. You will hear
24 from Shontai that she was not friends with Kim Madden. She is
25 quite adamant about that. She says that the girls were friends and

1 they hung out because they were neighbors, not because they were
2 family friends or anything like that. Shontai and Kim don't really get
3 along. You'll hear that Shontai lived in that house with Arianna and
4 her two brothers, D.W. and E.W. E.W. is younger and D.W. is a little
5 bit older. Their father did not live in that house, so it was mom and
6 the three kids that lived there.

7 You'll hear that the girls went to Mary and Sam Boyd Boys
8 and Girls Club, which is near their house. It's an after-school
9 program geared toward low-income families. You'll hear that the
10 girls were often last to be picked up from the club, that they were
11 either picked up a little bit before or a little bit after the club closed.
12 There are records from November and December of 2016 showing
13 dates that the girls were at the club together and they were checked
14 out at the same time together. You'll hear about the not so great
15 record keeping that they have at the Boys and Girls Club, but there
16 are records to show that they were there in November and December
17 2016. You're going to hear that Kim listed the defendant as a relative
18 on Venice record that was allowed to pick her up -- that Boys and
19 Girls Club, they don't really check who is coming in and picking them
20 up. They have what they call an open-door policy, that the kids can
21 leave and go across the street and they can be picked up.

22 You'll hear that on at least one occasion, Shontai learned
23 that Kim sent the defendant to pick up the girls. Now Kim and
24 Shontai would kind of trade off, sometimes one would pick up the
25 kids -- the girls. Sometimes one would pick up -- they would just

1 switch off whatever their schedule was. Shontai learned that one
2 time the Defendant picked up Arianna and Venice and dropped
3 Arianna off at home, and she was pretty upset about that. She called
4 Kim and she told her that she was pretty upset about that.

5 After that, the girls still hung out. You'll hear that's really
6 the only thing that Shontai knew about the defendant. She didn't
7 know anything else about him. He wasn't involved in her family, not
8 a family friend, didn't go over to the house, was never in the house
9 with them. Per Shontai's knowledge, there is no involvement except
10 that he dropped off her daughter one time, knew where she lived,
11 and knew with whom she lived, her mom and her brothers.

12 That's all the backdrop to March 17, 2017. Now, this is
13 after Venice has disclosed about the defendant. This was after
14 Venice and RaRa have been interviewed by Elizabeth. You'll hear
15 that Kim was at home at the Arden Valley home. She was going
16 through Venice's phone. Something that Kim saw on Venice's phone
17 caused her concern that Arianna may have been involved in the
18 abuse that the defendant had perpetrated upon Venice That caused
19 Kim to ask Venice, was Arianna involved, did anything happen with
20 Arianna? Kim -- I'm sorry, Venice eventually says, yeah, something
21 happened with Arianna too, and that causes Kim and Venice to go
22 over to the Emerald Idol house, where Shontai and Arianna are and
23 talk to Shontai and Arianna

24 You're going to hear that Arianna doesn't want to say
25 anything. She is still scared. She says no, it didn't happen. It's only

1 when Shontai and Kim tell her, you're not going to get in trouble,
2 please just tell us the truth, that Arianna then says, "he raped me",
3 and that's what she's going to tell you when she comes in here to
4 testify. After Arianna is able to say that, 911 gets called. You're
5 going to hear that call. They get called at 10:40 p.m. There is some
6 confusion as to whether it's Metro jurisdiction or Henderson
7 jurisdiction. They're kind of passing -- trying to pass it off to either
8 one essentially. They have the address. Kim gives them the address
9 of the defendant's apartment, Woodhaven Apartments on South
10 Stober, and so they think that it's Metro's jurisdiction, and Metro
11 ultimately responds. Officer Jacob Barr, you'll hear from him, and
12 again, that 911 call, it's very hectic, very chaotic. You are going to be
13 able to hear Shontai and Kim and kind of everything that's going on.
14 Kim brought both Venice and RaRa over there and you're going to
15 hear RaRa kind of screaming in the background of that 911 call.

16 Officer Barr responded not until 3:20 in the morning
17 because this was essentially not a priority call for Metro because the
18 information that they had was that the abuser was not in the home,
19 so there was no immediate dangers what he'll tell you. So he didn't
20 get there until 3:20 a.m. He gets there, Shontai is not there. Arianna
21 is there sleeping. He asks to wake her up. She wakes up and she
22 tells Officer Barr, "I was raped, I was raped by Dequincy Brass."

23 It's ultimately decided and discovered that there is this
24 other investigation, and I use that term very loosely, that Henderson
25 is doing into the defendant regarding Venice and all of this other

1 case. So there's a sexual assault detective from Henderson Police
2 Department that's investigating, and he has an open case with
3 Venice, so Metro gives it to Henderson patrol and then Henderson
4 patrol forwards it over to Detective Jordan Vargason.

5 Arianna's interview was done on April 3, 2017, so the call
6 comes out March 17 and the interview is done a few weeks -- a
7 couple weeks later. Again, Elizabeth did the interview. She's going
8 to describe her demeanor. She's going to say she didn't do a lot of
9 smiling. She was solemn. She had a depressed affect. But he did --
10 she did tell her what Quincy did to her.

11 She is going to tell you about a time at Arden Valley when
12 she fell asleep. She's going to tell you that she fell asleep on the
13 couch, that Quincy was there and Venice was there in the living
14 room. She's going to tell you that Quincy gave her something to
15 drink and she fell asleep, and when she woke up in the morning, her
16 pants were in a different position, her zipper was unzipped, and her
17 side really, really hurt, and that's what she can tell you about the --
18 the first thing that she remembers at Arden Valley.

19 She's going to tell you about a time that he took her and
20 Venice to a hotel room. She's going to describe how he touched
21 Venice, how he did things to Venice, how he would come back -- he
22 would come -- excuse me, not back -- he would come over to Arianna
23 and hurt her. He put his private in her private and then he would go
24 back to Venice and do the same thing again that he had already been
25 doing with Venice, so he would go back and forth to the girls.

1 She's going to describe a time that he took her to a hotel
2 room alone. This is a different time, different hotel. You'll hear that
3 he -- she describes it as, he was blowing up my phone and telling me
4 to come here and she, as a 13-year-old child, decided to walk and go
5 and listen to him.

6 So she went to the Sunset Castle that used to be a
7 locksmith place, that's very near her house. Again, there's that
8 whole kind of map there. Emerald Idol is up on the right. She
9 walked there because he told her to. That's what it -- what it looks
10 like now. I think it had orange cones on it at some point, but she
11 walks there because he tells her to and he picks her up from there.
12 He picks her up from a dark colored car with 4 doors. After he picks
13 her up, he takes her to a hotel. She describes it as a dirty hotel. She
14 thinks it might be weekly. It has two stories and it's on the second
15 story. She doesn't know what the hotel is called, she just remembers
16 that it is dirty and she says that it was not as nice as the hotel that he
17 took her and Venice to.

18 This time, he hit her in her face before he started touching
19 her and before he put his private part in her private part again. She
20 will tell you that she didn't want to tell anybody. She'll tell you why.
21 She'll tell you that she was terrified.

22 Jordan Vargason, these are all of the things that the
23 Henderson detective did in this case. He responded to Sunrise
24 because Kim calls on February 27 to report this, so he responds to
25 Sunrise. He interviews Kim at Sunrise. He sets up the forensic

1 interviews and the medical exam at the Southern Nevada Children's
2 Assessment Center with the Maddens. The interview and the exams
3 are done on March 2, 2017.

4 Going to that March 17, March 18, where Metro and
5 Henderson are kind of passing it off, he gets the information from
6 Henderson patrol and then gets assigned on March 18. On March 23,
7 he interviews Arianna's mom. March 23 as well, he gets the -- he
8 gets some cell phones. Does he ever get a search warrant or ever try
9 to get a cell phone from the defendant? No, he does not. These are -
10 - the Kyocera is Arianna's cell phone. The X-box was the X-box that
11 was in the home, the Arden Valley home, and the iPhone is Arianna's
12 cell phone. No -- nothing is really found on these exams that they
13 are able to find. They're not able to recover any evidence from these
14 devices.

15 On March 27, he goes to the Boys and Girls Club. He
16 interviews Jacquelyn Atha. She actually remembers meeting the
17 defendant one time when Kim came in and put him on Venice's
18 paperwork. She'll testify about the records and how the
19 recordkeeping goes down at the Boy and Girls Club, and he
20 interviews her on March 27. He sets up the forensic interview and
21 the medical exam of Arianna on April 3.

22 Then, several months go by and he does nothing at all. On
23 July 20, 2017, over three months, almost four months after having
24 the medical exam information, which we're going to get into in a
25 second. After having the full disclosures from the girls, July 20 is

1 when he makes contact with the defendant. Does he arrest the
2 defendant on July 20? No, he doesn't. He takes back his paperwork
3 and he submits a warrant to the district attorney's office. A warrant
4 is issued on September 30 and then October 1 is when he arrests
5 him. That's all Detective Vargason does.

6 You're going to hear from Dr. Sandra Cetl. She has done
7 several exams. She now works in another state, so she will be
8 testifying audio-visually, but she worked at the Southern Nevada
9 Children's Assessment Center for quite sometime and did several
10 medical exams on children of sexual abuse. She's going to explain
11 that it's normal to be normal.

12 She's going to talk about body parts. She's going to talk
13 about vaginas and anal openings and butts and everything, and how
14 the tissue there -- it's very normal to be normal, that there is often
15 not a lot of findings or evidence that you're able to obtain from a
16 delayed disclosure exam. She's going to talk about acute exams
17 versus delayed disclosures. The main purpose of the exams is to test
18 the kids for sexually transmitted diseases, kind of make the parents
19 feel at ease, make the kids feel at ease that, you know, there's
20 nothing wrong with them and they didn't do anything wrong.

21 In this case, Venice and RaRa's medical exam that was
22 done on March 2, 2017, you'll hear that Venice's exam, that there was
23 a nonspecific finding. So when there are findings in these types of
24 exams, they are categorized into different types of findings. So for
25 Venice, there was the nonspecific finding of erythema to her vaginal

1 opening and labia minora. Dr. Cetl will explain all of this stuff to you
2 and tell what that means. It is a reddening, abrasion type to her
3 vaginal opening.

4 You'll hear that RaRa's exam was a normal exam.

5 Arianna's medical exam, and I'm sorry -- for Venice and
6 RaRa, Alexis Pierce, who is another nurse that works at the CAC, she
7 did the exam, but Dr. Cetl reviewed the exam. She signed it and she
8 reviewed it, so she's going to be able to tell you all about that.

9 Arianna's exam, Dr. Cetl did this exam herself. That was
10 done on again April 3, 2017. In Arianna's exam, there were
11 nonspecific findings. Hymenal and vaginal tissue was concerning
12 and Dr. Cetl will explain why and the other medical terms that are
13 contained in that medical exam.

14 In addition to the non-specific findings, there is another
15 category of findings, concerning findings in Arianna's exam. There is
16 a deep hymenal notch, which is essentially an indentation at the 7:00
17 position. That was notated as a concerning finding. Dr. Cetl will tell
18 you about that and talk about all the findings in this case and what
19 they mean and how it's very -- more often than not, I think she's
20 going to tell you that there are not a lot of findings on these exams.

21 But here we have that. After you hear from her and after
22 you hear from the kids in this case and all of the witnesses, we're
23 going to come back and we're going to ask that you hold the
24 defendant responsible for what he did to them and we're going to
25 ask that you find him guilty. Thank you.

1 DEFENDANT'S OPENING STATEMENT

2 MR. POSIN: Thank you, Your Honor.

3 I think now it officially actually is afternoon, so good
4 afternoon, ladies and gentlemen.

5 The State has gone over the evidence and they have
6 actually [indiscernible] the evidence both that is there and that is not
7 there and that is consistent and sometimes that is not consistent.

8 When these witnesses come in, the State has a tendency
9 sometimes to call them victims. They are only witnesses. They are
10 witnesses who are going to come in and testify. They're going to tell
11 you statements that are going to be whatever they say today and
12 today and tomorrow and whenever they testify, we don't know
13 exactly what that's going to be, but you are also going to hear and
14 see what they said back much closer to the event.

15 There's going to be some evidence that you're going to
16 see that is inconsistent between what the two girls have to say. I'm
17 not going to go over each and every one of these witnesses because
18 ultimately, it comes down to validations. There are three children,
19 but as the State has mentioned, RaRa at the time was very small,
20 bouncing around, not making a lot of sense, so it's essentially the
21 evidence of the two female witnesses who claim to be victims.

22 The evidence will show, ladies and gentlemen, that when
23 Arianna made her statement, she talked a lot about all sorts of things
24 that had happened that involved all three of them, Arianna, Venice,
25 and Mr. Brass, but prior to that when Venice made her statement,

1 she only talked about herself. She only said this happened to me.
2 Then, at the very end at some point, she was asked, do you think it
3 could've happened to anyone else, and she said, well maybe my
4 brother. Later, that changed. Later, that changed to her saying that
5 she came upstairs and saw him.

6 When she was initially asked where it had happened,
7 Venice said in the house. She was asked, anywhere else, could it
8 have happened anywhere else, and no, she denied that. Only in the
9 house. That was the only place it had happened. Later on, Arianna
10 became involved, and that expanded. Said later hotels, motels. The
11 State has mentioned that there was some uncertainty about which
12 hotel that was. I'll tell you why. Because at the time, at the time they
13 made their initial statements, they were more specific. They said the
14 Palms Hotel. That, I will submit to you, changed and there was
15 reference to, well, maybe it was another hotel somewhere, but it was
16 near the strip, and it could -- it was somewhere where we could see
17 the Big Wheel, you know, the strip.

18 There was allegedly a sofa in the room in the hotel. The
19 Palms Hotel on -- which is not actually on the strip, but near the strip,
20 I think everybody in Las Vegas has a general idea where many of the
21 major hotels are.

22 There will be testimony later, I anticipate, that talks about
23 another place, a seedy motel. That was not what the initial statement
24 said. Those statements don't line up -- did not line up at the time. As
25 we have gotten closer to trial, we find that now, their statements

1 correspond with each others. At the end of this trial, you are going
2 to have an opportunity to see some of the evidence that was used
3 initially. You will see that the statements made by one child and the
4 statement made by the other child do not match up.

5 There are other things. The State said when you go back
6 to the jury room, you're going to use your common sense. I'd like
7 Mr. Brass to stand up. Show the jury your hands. Mr. Brass has
8 some unusual hands. When you see the original statements from
9 the children, they're going to say that he used his hands on them.
10 You will see that there is no reference to anything about his hands
11 being unusual. When you go back to the jury room, you're going to
12 think about that evidence, but that's going to be the evidence that
13 you're not going to see -- any reference to Mr. Brass's hands.

14 When you go back to the jury room and you review that
15 evidence, I'm going to ask you at the end of this trial -- we're both
16 going to be giving closing arguments, and we're going to explain
17 why -- but I'm going to be asking you to return a verdict of not guilty
18 because Mr. Brass has said that he's not guilty and he is not guilty.
19 Thank you very much.

20 THE COURT: Thank you.

21 MS. RHOADES: Your Honor, before the State calls its first
22 witness, may we briefly approach?

23 THE COURT: Yes, please. Thank you.

24 [Sidebar begins at 12:12 p.m.]

25 MS. RHOADES: The first witness is a minor, so if we can

1 just [indiscernible].

2 THE COURT: How long do you expect this will be?

3 MS. RHOADES: She'll -- it's going to be a while, so -- I'm
4 happy to start her and we can take a later lunch if you would prefer
5 to do lunch now. I mean, but I can't finish her before lunch.

6 THE COURT: Say that again?

7 MS. RHOADES: I cannot finish before lunch.

8 THE COURT: So probably we would just break now and --

9 MS. RHOADES: Whatever Your Honor would like to do.

10 MS. EINHORN: They've been here for a while. If we could
11 maybe start her -- I mean, I guess it's 12:15. Whatever the Court
12 wants to do.

13 THE COURT: Say that again?

14 MS. EINHORN: They've just been here for a while. It
15 might be better if we can start -- start her and go until like one, if
16 that's okay since we kind of got a late start.

17 THE COURT: Any thoughts on your --

18 MR. POSIN: I'm just kind of thinking that -- I know the
19 Court has had a long morning and they've had sort of a long
20 morning, and they're probably ready for lunch. I don't really care
21 much whether -- but it seems like it might make sense to just start
22 the actual evidence --

23 MS. RHOADES: Okay, all right. While we're up here, I
24 would like to address something else. I mean, Mr. Posin said the
25 defendant said he's not guilty. Well, the Defendant hasn't said

1 anything and this demonstration, it's kind of like, are you testifying or
2 what, so I would just ask the Court to, you know, he -- he can't get
3 into any of the Defendant's statements. He can't say the Defendant
4 said something because that's hearsay.

5 MR. POSIN: And I would submit that by entering a plea of
6 not guilty, that is a statement by the defendant, but not subject to
7 cross examination. He has entered a plea of not guilty and hereby
8 said that.

9 MS. RHOADES: But you didn't said that, you said, he said
10 he's not guilty, so there's a difference.

11 THE COURT: He did -- he did state at some point that he's
12 not guilty.

13 MR. POSIN: Yeah.

14 THE COURT: So I'll take that a motion to strike.

15 MS. RHOADES: I wasn't really doing motions. I mean, he
16 can't get into the defendant's statements. I guess it would be a
17 motion to strike because he said, he said, but as long as you know
18 that you can't get into his statements.

19 MR. POSIN: If I was inarticulate, I will -- certainly my
20 intention was simply to say that by entering a plea of not guilty, not
21 that he's going to testify or not going to testify.

22 THE COURT: I see both sides' points very much and I think
23 you're probably asking to strike or something, unless you tell me
24 you're wanting me to do something else.

25 MS. RHOADES: That's fine, and that's denied?

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THE COURT: Yeah.

MS. RHOADES: Okay, thank you.

THE COURT: Thank you.

MR. POSIN: Thank you, Your Honor.

[Sidebar ends at 12:15 p.m.]

THE COURT: So, ladies and gentlemen, before we start with our first witness, it is going to take some time, we're going to break for a lunch break. So come back at 1:30 and we will be ending today certainly before 5:00, just so you all know.

But, during this recess, you're admonished not to talk or converse amongst yourselves or with anyone else on any subject connected with this trial; read, watch, or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information including, without limitation to, social media, texting, newspapers, television, internet, and radio. Do not visit the scene of any events mentioned during the trial. Do not undertake any investigation. Do not Google anything about the trial or anyone associated with the trial. Do not do any posting or communications on any social networking sites. Do not do any independent research including internet searches on your phone during lunch break. Do not form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

I will see you at 1:30.

THE MARSHAL: All rise for the jury. Please leave the

1 notebooks on the chair.

2 [Jury out at 12:16 p.m.]

3 THE COURT: So when we come back, we'll have the first
4 witness. And the court order about no observers in the courtroom
5 will stand, so the two of you won't -- you can wait outside certainly,
6 but...

7 Anything else?

8 MS. RHOADES: I don't believe so.

9 MR. POSIN: Just kind of an administrative thing.

10 THE COURT: Sure.

11 MR. POSIN: I found yesterday when I left for the lunch
12 break, many of the jurors were -- were hanging out in the hallway. I
13 thought they would all go actually have lunch, but I think many of
14 them just remained in this hallway. I know that probably normally
15 the Court would lock the door. I'm wondering if I can just stay here,
16 because normally, I would just go sit somewhere else and work, but
17 if the Court has no objection, I'm just going to remain here at counsel
18 table.

19 THE COURT: I think -- because --

20 MS. RHOADES: That's fine, Judge.

21 THE COURT: Is that okay?

22 MS. RHOADES: Yeah, that's okay.

23 THE COURT: That's fine by me. I just --

24 MR. POSIN: For one thing, I kind of just hate walking out --

25 THE COURT: No, I totally understand. My only concern

1 would be is making --

2 MR. POSIN: It calls attention -- even though he's dressed
3 in civilian clothes, he may not be at liberty to leave.

4 THE COURT: Sure. And if Marshall Durazzo is okay with
5 that. Okay.

6 MR. POSIN: Thank you, Your Honor.

7 [Recess taken from 12:18 p.m. to 1:35 p.m.]

8 THE COURT: Please be seated.

9 Welcome back, ladies and gentlemen. As always, thank
10 you for your service.

11 Is the State ready to proceed?

12 MS. EINHORN: Yes, Your Honor. The State's first witness
13 will be Arianna

14 THE CLERK: Please remain standing and raise your right
15 hand.

16 [Witness summoned.]

17 [Arianna Whatley enters the courtroom and takes the stand upset
18 and crying.]

19 MS. RHOADES: Court's indulgence.

20 THE COURT: Sure.

21 MS. EINHORN: Arianna, you've got to take a deep breath.
22 Take a deep breath. [Indiscernible].

23 Are you okay? Are you ready? Okay, will you stand up for
24 her?

25 ///

1 ARIANNA WHATLEY, STATE'S WITNESS, SWORN

2 THE CLERK: For the record, please state and spell your
3 first and last name.

4 THE WITNESS: My name is Arianna Whatley, A-r-i-a-n-n-a,
5 W-h-a-t-l-e-y.

6 THE MARSHAL: Thank you.

7 THE COURT: You can sit down. Thank you.

8 DIRECT EXAMINATION

9 BY MS. EINHORN:

10 Q Hi, Arianna.

11 A Hi.

12 Q Are you ready for me to ask you a couple of questions?

13 A Yeah.

14 Q Okay, so everything that I say, everything you say -- see
15 that little microphone in front of you with the red?

16 A Yeah.

17 Q So everything we say is being recorded by that guy over
18 there.

19 A Okay.

20 Q So we just have to remember to speak into the
21 microphone. Try your best to remember to say yes or no, not uh-
22 huh, uh-huh, just so we can have a clear record.

23 A Okay.

24 Q And we'll just -- and are you ready?

25 A Yes.

1 Q Okay. Arianna, how old are you?

2 A I'm 16 years old.

3 Q When's your birthday?

4 A In August 20, 2003.

5 Q Okay, and are you currently in school?

6 A Yes.

7 Q What school do you go to?

8 A I go to Beacon Academy. It's a charter online school.

9 Q Okay, how long have you been going to that school?

10 A Not that long.

11 Q Okay, and what grade are you in?

12 A I'm a junior.

13 Q Okay, 11th grade?

14 A Yes.

15 Q And where did you do 10th grade?

16 A At Spring Valley High School.

17 Q Okay, so when did you begin your 11th grade -- your junior

18 year? Do you remember the month?

19 A In August.

20 Q Okay, so that would've been August of 2019?

21 A Yes.

22 Q And then will you end --

23 A Wait, no. August of 2 -- yeah, 2019, sorry.

24 Q Okay, and will you end May or June of this year, 2020?

25 A Yes.

1 Q Okay, so then was your 10th grade year, would that have
2 been August 2018 to May or June 2019?

3 A Yes.

4 Q And then 9th grade, where did you go to school?

5 A Spring -- I went to -- I was in Montevista.

6 Q Okay, and what's Montevista.

7 A It's a mental facility.

8 Q Okay, did you do school while you were there?

9 A Yes.

10 Q Okay, and that was 9th grade?

11 A Um, yes.

12 Q Okay, so would that have been August 2017 to May or
13 June of 2018?

14 A Yes.

15 Q So, now let's talk about 8th grade. Where did you do your
16 8th grade year?

17 A At Thurman White, but I went to Utah in a treatment
18 facility.

19 Q Okay.

20 A And then I went to Montevista.

21 Q Okay, so part of your 8th grade year, you completed at
22 Thurman White?

23 A Yes.

24 Q Okay, and was 8th grade year August 2017 to about June --
25 May or June -- excuse me. August 2016 until about May or June

1 2017?

2 A Yes.

3 Q Okay, what kind of things do you like to do for fun,
4 Arianna?

5 A Um, I like to read. I play my bass. I play -- well I used to
6 play outside, but I don't really play outside anymore.

7 Q What kind of things do you like to read?

8 A Um, nonfiction, fiction. Sometimes I read about criminals.

9 Q Do you have a favorite book or story?

10 A No.

11 Q No? Just kind of like to read about everything.

12 A Yes.

13 Q And Arianna, where are you currently living right now?

14 A In Summerlin.

15 Q Okay, do you know the cross streets?

16 A On Durango and Desert Inn.

17 Q Okay, and where did you live before that?

18 A In Henderson.

19 Q Do you remember where you lived in Henderson?

20 A Yes.

21 Q What was the address?

22 A 641 Emerald Idol Place.

23 Q And that was in Henderson, Clarke County, Nevada?

24 A Yes. The ZIP code was 89011.

25 MS. EINHORN: Your Honor, permission to publish what's

1 already been admitted pursuant to stipulation as State's Exhibit 6?

2 THE COURT: Any objection?

3 MR. POSIN: No objection, Your Honor.

4 THE COURT: Permission granted.

5 BY MS. EINHORN:

6 Q Your Honor -- or Arianna, I'm showing you kind of what's
7 an overall map. We've got Cowabunga Bay up here.

8 A Yes.

9 Q Is this where you were living? 641 Emerald Idol Place?

10 A Yes.

11 Q And do you remember general timeframe of when you
12 were living there?

13 A For like five years.

14 Q Do you remember what grade you were in when you first
15 started living there?

16 A I was in 4th grade.

17 Q Okay, and then when did you move to Summerlin?

18 A When I was in 9th grade.

19 Q Okay, so during your 8th grade year, you were living at the
20 Emerald Idol Place address?

21 A Yes.

22 Q Now, Arianna do you -- and who do you live with?

23 A I live with my mom and my two brothers.

24 Q And what are your two brothers' names?

25 A E.W. and D.W.

1 Q Are they older or younger?

2 A One is younger, one is older.

3 Q Who is older, who is younger?

4 A D.W. is older and the -- my little -- E.W. is younger.

5 Q Do you get along with your brothers?

6 A Yes, well sometimes.

7 Q Do you guys like to play together?

8 A No.

9 Q No? You guys kind of do your own thing?

10 A Yeah.

11 Q Okay, when is -- does your younger brother ever hang out
12 with you?

13 A Um, yeah.

14 Q What do you guys like to do?

15 A We play Just Dance.

16 Q What's that?

17 A It's a dancing game for the X-box and you basically just do
18 the dance moves and if you get them right, you win.

19 Q Oh, that sounds fun. So, Arianna, do you know a girl by
20 the name of Venice?

21 A Yes.

22 Q How do you know Venice?

23 A From Gabby, which is her aunt -- or yeah, I call her a
24 cousin, but she's her aunt.

25 Q Okay, and how did you meet Gabby?

1 A At school.

2 Q Okay, how old was Gabby when you met her?

3 A We were the same age. We were like 9 years old.

4 Q Okay.

5 A I met her at -- when I was -- no, she's younger than me. I
6 was 9 and she was 8. We were at school and we lived in the same
7 neighborhood, so we would play with each other at -- at school and
8 at home.

9 Q And when you say we, was that you and Gabby?

10 A Yes.

11 Q And then when did you start hanging out with Venice?

12 A Not that long after I met Gabby, so we would -- anytime I
13 would play with Gabby, sometimes Venice would come and play
14 with us.

15 Q Okay, do you remember how old you were when you met
16 Venice?

17 A I think I was 9 or 10 years old.

18 Q And is Venice the same age as you?

19 A No.

20 Q How old was she when you met her, if you remember?

21 A I don't remember, but she's like two years older than my
22 little brother.

23 Q So she's younger than you?

24 A Yeah, she's younger than me.

25 Q And did you guys live close to each other?

1 A Yeah, she lived in the neighborhood across the street from
2 me.

3 Q Okay, so could you guys walk to each other's houses?

4 A Yes.

5 Q Would you guys go over to each other's houses?

6 A Yes.

7 Q How often?

8 A Often, it depends. If it was a school night, we would just
9 play outside at the park and then we would just go home. We would
10 hang out probably like four or five times out of the week. I'm not
11 sure.

12 Q And would we be you, Venice and Gabby?

13 A Yes, eventually Gabby moved into her own house.

14 Q Okay, so then it just became you and Venice?

15 A Yes.

16 Q All right, besides just kind of hanging out at each other's
17 houses, would you guys do anything else together?

18 A No.

19 Q Would you guys go to any clubs together or anything like
20 that?

21 A Oh, yeah. We went to the Boys and Girls Club.

22 Q Do you remember where that was located?

23 A Yeah, it's Wells Park. There's a school -- Hinman. There's
24 a baseball field and there's an indoor pool.

25 Q And would you guys go there after school?

1 A Yes.

2 Q Okay, was -- were you able to walk there from your school?

3 A No.

4 Q How would you get there?

5 A My mom would drop us off.

6 Q And what's your mom's name?

7 A My mom's name is Shontai.

8 Q Okay, and would she take you and Venice, just you, how

9 did that work?

10 A It depends on who was going, but yeah, she would take us

11 and drop us off.

12 Q Would -- did you ever meet Venice's mom?

13 A Yes.

14 Q Do you know her name?

15 A Yes.

16 Q What's her name?

17 A Kim.

18 Q Would Kim ever take you and Venice to the Boys and Girls

19 Club?

20 A Sometimes, but not often.

21 Q Okay, besides you and Venice being at the Boys and Girls

22 Club, would your brothers ever go with you?

23 A Yes.

24 Q Okay, how often would they go with you?

25 A At -- anytime that we went.

1 Q Okay, so every time you would go -- with your brothers?
2 A They would go, too, yes.
3 Q Okay, did Venice have any siblings?
4 A Yes.
5 Q What -- what siblings does she have?
6 A She only has a brother.
7 Q What's his name?
8 A His name is RaRa
9 Q RaRa? And is RaRa older or younger than you and Venice?
10 A Younger.
11 Q Okay, do you remember how old RaRa was when you first
12 met him?
13 A I think he was 3.
14 Q Okay, and you would -- you, Venice, RaRa, and your two
15 brothers would all go to the Boys and Girls Club together?
16 A Yes.
17 Q Do you remember when you'd go to the Boys and Girls
18 Club? What grade you were in?
19 A I started going to the Boys and Girls Club when I was in
20 fifth grade, so any time from there.
21 Q Do you remember when you stopped going to the Boys
22 and Girls Club?
23 A Yes, I -- it was when I was a freshman in high school.
24 Q Okay, do you remember how old you were?
25 A I think I was 12 or 13.

1 Q All right, and how did the Boys and Girls Club work,
2 Arianna, if you know, could -- like would you guys have to sign in,
3 sign out, how does that work?

4 A Yes, you have to sign in and sign out.

5 Q How would you sign in and out?

6 A A -- well, at first, before they got like new technology, you
7 would -- there was a paper. You would sign your name and you
8 would put your card number, and then that's how you sign in and
9 out. But when they got new technology, there's like a stamp on the
10 back of your card and you scan it.

11 Q Okay.

12 A And that's how you sign in and out.

13 Q And whoever would come pick you up, would they come
14 inside the place to pick you up or would you just go meet them
15 outside?

16 A It depends. Sometimes they would come in, sometimes
17 you could just go out.

18 Q Who would usually pick you up from the Boys and Girls
19 Club?

20 A It depends. It depends. Some -- if Venice was with me or
21 someone else, my mom would pick us up, but sometimes Kim would
22 pick us up.

23 Q Did anyone else ever pick you up from the Boys and Girls
24 Club?

25 A Yes.

1 Q Who?

2 A Dequincy.

3 Q Dequincy, and is that Dequincy Brass?

4 A Yes.

5 Q How did you first -- when did you first meet Dequincy
6 Brass?

7 A When I was at Kim's house.

8 Q Okay.

9 A Maybe when I was like in 4th or 5th grade.

10 Q All right, and who was he to Kim, if you know?

11 A Her boyfriend.

12 Q All right, and when you first met him, do you remember
13 the interaction you had with him?

14 A It wasn't much interaction. It was just -- it wasn't a hey or
15 anything. I would just see him and he would just look at me and I
16 would just go play with Venice

17 Q And the times that you would go over to Venice's house
18 and play with Venice, was Mr. Brass usually there?

19 A Yes, sometimes he was there. Sometimes he wasn't.

20 Q Were there times where he would be at Venice's house --
21 where the defendant was there but her mom wasn't there -- Kim
22 wasn't there?

23 A Yes.

24 Q How often was that?

25 A Maybe like a few times, like three or four times.

1 Q And then you said that Mr. Brass also picked you up from
2 the Boys and Girls Club?

3 A Yes.

4 Q Did he pick you up by yourself or with someone?

5 A With Venice

6 Q With Venice Did he ever take your brothers with you?

7 A No.

8 Q No? What happened -- where would your brothers go?

9 A They would have to walk.

10 Q Okay, do you know why he didn't take your brothers?

11 A No.

12 Q Where would he take you and Venice? Back to Venice's
13 house?

14 A Yes.

15 Q Okay, and how many times did Dequincy pick you up from
16 the Boys and Girls Club?

17 A Maybe three or four times.

18 Q The times that he would come pick you up, would he come
19 inside to get you, or would you guys meet him outside?

20 A We would meet him outside.

21 Q Okay, were -- was there ever a time where Quincy ever
22 picked you up from the Boys and Girls Club by yourself?

23 A No.

24 Q Okay, so Arianna, do you know why you're here today?

25 A Yes.

1 Q Okay, and why are you here today?

2 A Because I have to tell what happened to me.

3 Q Okay, so I want to talk about that. I want you to tell me
4 about the first time -- and when you say what happened to me, do
5 you mean between you and Quincy?

6 A [No audible response.]

7 Q And you're nodding your head. Is that a yes?

8 A Yes.

9 Q Okay, so I want you to tell the ladies and gentlemen of the
10 jury the first time that something -- that you remember that
11 something happened with Quincy. Where were you?

12 A I was at Venice's house.

13 Q Okay, and she was living in Henderson?

14 A Yeah.

15 Q Yeah? And what were you guys doing while you were at
16 Venice's house?

17 A Well, we were just -- we were just playing.

18 Q And where were you playing in the house? Downstairs?
19 Upstairs?

20 A We were downstairs.

21 Q And do you remember kind of what Venice's house looked
22 like?

23 A Yes, when you come inside, there's this big room and then
24 the stairs are right here, and then there's like a wall and the kitchen is
25 here and there's a railing, and the loft is right there.

1 Q So I'm going to show you a couple pictures, Arianna
2 MS. EINHORN: Your Honor, pursuant to stipulation, State's
3 exhibits 12, 15, 17, 18, and 19 have all been admitted into evidence.
4 Permission to publish.

5 THE COURT: Any objection?

6 MR. POSIN: No objection, Your Honor.

7 THE COURT: Permission granted.

8 BY MS. EINHORN:

9 Q So Arianna, I'm showing you what's already been admitted
10 into evidence as State's exhibit 12. Do you recognize what we're
11 looking at here?

12 A Yes.

13 Q And is this Venice's house?

14 A Yes.

15 Q And that's the outside of the house?

16 A Yes.

17 Q Now showing you State's exhibit 15. What are we looking
18 at here?

19 A That's the living room.

20 Q Okay, so --

21 MS. EINHORN: Your Honor, permission to approach the
22 witness so she can --

23 THE COURT: Sure.

24 BY MS. EINHORN:

25 Q So Arianna, we have some cool technology where you can

1 actually use this mouse. So I'll move it closer to you to draw as
2 you're explaining things. So, you can kind of just draw on it, okay?

3 A Okay.

4 Q And then when you're done, you can use the trashcan to
5 erase. Does that make sense?

6 A Yes.

7 Q Okay, so you said that's the living room.

8 A Yes.

9 Q Is that where you and Venice were hanging out the first
10 time something happened?

11 A No, we were here.

12 Q Okay, and what part of the house is that?

13 A That's the loft. But this stuff was not here. This black
14 couch was not there. There was a -- there was a long brown couch
15 that was on this wall and it was -- it goes over to over here.

16 Q So the photo that we're looking at in State's 15 looks
17 different than how it looked when something happened in the loft
18 with you and Dequincy?

19 A Yes.

20 Q Okay, I'll show you a closer -- I'm showing you State's 18.
21 One second. There we go. So is this -- this is State's 18. Is this kind
22 of a closer view of the loft?

23 A Yes.

24 Q And then you said that -- that couch wasn't there?

25 A That couch -- no.

1 Q Where was the couch when you were there on this day?

2 A That couch was never -- I never seen it. That maybe new,
3 I'm not for sure, but that couch was not there.

4 Q How did it look when you were there that day?

5 A It was a long like -- a long black couch with brown
6 cushions and it was long. It -- it went here -- wait. It was here on this
7 back wall and it went to like right here where this is, and then it was
8 also -- it wrapped to right here.

9 MS. EINHORN: And, Your Honor, just for clarity of the
10 record, the witness is drawing on State's exhibit 18, close to the
11 lower corner by where there is a gate and as well along the window
12 where there's the tan couch.

13 THE COURT: The record will so reflect.

14 MS. EINHORN: Thank you, Your Honor.

15 BY MS. EINHORN:

16 Q Arianna, before, I forgot to ask you, when you stated that
17 you were hanging out in the loft with Venice, do you remember
18 when this was? How old were you?

19 A I think I was 12.

20 Q Okay, do you remember what month it was in or anything
21 around that timeframe?

22 A No, I just remember it was cold, so it was before
23 December. November?

24 Q Was it after Thanksgiving or before Thanksgiving?

25 A Before.

1 Q Before Thanksgiving?

2 A Yes.

3 Q Okay, and you said you were around 12. Do you
4 remember what grade you were in?

5 A I think I was in 7th grade or 8th grade. I don't remember.

6 Q Okay, that's okay. And now showing Arianna State's 19.

7 Thank you. Is this just another angle of the loft that we're looking at?

8 A Yes.

9 Q Okay, and then you pointed to this area before -- the area
10 closest to the kitchen, I guess we can call it a gate. That's where the
11 couch was when you were there that day before Thanksgiving time?

12 A Yes.

13 Q Okay, and then lastly, showing you State's 17. Is that just
14 kind of another angle of the loft area?

15 A Yes.

16 Q Okay, and then we see a fireplace in that area. Did the
17 other living room have a fireplace?

18 A No.

19 Q No? Okay, so you're in the loft hanging out with Venice
20 What are you guys doing?

21 A We were watching TV and RaRa was playing with -- he was
22 playing with his toys in the front. They have like a -- I think it was a --
23 yeah, it was an X-box and we were trying to play it, but it wouldn't
24 connect, so we were just watching TV downstairs.

25 Q Okay, and was Quincy there?

1 A Yes.

2 Q What was -- was he hanging out with you guys?

3 A Yes.

4 Q Okay, and do you remember, was this daytime or
5 nighttime?

6 A It was nighttime.

7 Q Okay, and was Kim home?

8 A Yes.

9 Q Where was she?

10 A She was upstairs in her room.

11 Q Did the defendant -- or did Quincy ever go upstairs?

12 A No, I don't believe so, no.

13 Q Okay, and what happened after that?

14 A I remember asking for water and he gave it to me, and I
15 remember after that -- I remember going to sleep on the couch and
16 he was sitting next to Venice on the couch. And I remember waking
17 up and my pants were unzipped and unbuttoned and my side hurt.

18 Q When you went to sleep, were your pants unzipped or was
19 your side hurting?

20 A No.

21 Q No? Do you know what happened before you went to
22 sleep?

23 A No.

24 Q You drank the water?

25 A Yes.

1 Q When you woke up, where was Quincy?
2 A He was not there.
3 Q Okay, what -- do you remember what you were wearing?
4 A I had on shorts and a shirt.
5 Q Okay, and describe the pain that you felt in your side.
6 A It was very excruciating. I don't know. I thought I fell or
7 something. I never really thought too much of it. It felt like really
8 bad, really bad period cramps, but I know it wasn't that because I
9 didn't get my period. I was not -- I didn't have puberty.
10 Q Had you ever felt a pain like that before?
11 A No.
12 Q Where was Venice when you woke up?
13 A She was on the couch.
14 Q Was RaRa home?
15 A Yes.
16 Q Where was he?
17 A He was playing.
18 Q Okay, in the morning?
19 A Yes.
20 Q And you stated that you think you were around 12 or 13
21 when this incident happened?
22 A Yes.
23 Q Did the pain eventually go away?
24 A Yeah, it did.
25 Q Was -- did Quincy ever come back that day while you were

1 having pain?

2 A No, I went home after that.

3 Q You went home?

4 A Yes.

5 Q So after that time, Arianna, did something else ever
6 happen between you and Quincy?

7 A Yes.

8 Q When was the next time that something happened?

9 A The Convoy of Hope.

10 Q What's Convoy of Hope?

11 A It's for people who need help. It's like this big carnival --
12 well, I call it a carnival. They had like -- they were giving out shoes
13 and free haircuts, and they were giving out turkeys and food.

14 Q Where is that event held?

15 A I -- I don't know.

16 Q Okay, and do you remember when the event was?

17 A Yes, it was before Thanksgiving.

18 Q Okay, is that why they had the turkeys, because it was for
19 Thanksgiving?

20 A Yes.

21 Q Okay, and who was all at the Convoy of -- is it Convoy of
22 Hope or Convey of Hope?

23 A I'm not sure, it's probably Convey -- or I'm not sure.

24 Q Who was all at this event with you?

25 A My mom, my brother -- my mom, my brother, and then my

1 mom's other friend, she came -- she was there and her kids, and then
2 Kim, Venice, RaRa, and -- and Dequincy.

3 Q Okay, and you said this was close to Thanksgiving. Do you
4 remember how old you were?

5 A I was 12.

6 Q Okay, do you know what grade you were in?

7 A I was in 8th grade I think, or 7th grade.

8 Q Okay, and it was around November time, near
9 Thanksgiving.

10 A Yes.

11 Q So, what did you guys do at the Convoy of Hope event?

12 A My little brother got his hair cut. I had got these sparkly
13 shoes and we had gotten food and then we left.

14 MS. EINHORN: Your Honor, pursuant to stipulation, State's 29
15 has already been admitted. Permission to publish.

16 THE COURT: Any objection?

17 MR. POSIN: No objection, Your Honor.

18 THE COURT: Permission granted.

19 BY MS. EINHORN:

20 Q Arianna, do you recognize this photograph?

21 A Yes.

22 Q Who is this a picture of?

23 A Me.

24 Q Do you remember anything about when this photo was
25 taken?

1 A Yes.

2 Q When was this photo taken?

3 A In the Convoy of Hope.

4 Q Okay, so if we're looking kind of at the top, you can see a
5 timestamp on here, November 19, 2016. Do you think that was the
6 same event that you just told ladies and gentlemen of the jury about?

7 A Yes.

8 Q Okay, so you stated that was a day that something
9 happened between you and Quincy. So after you were at the event,
10 what happened after that?

11 A We had went -- my mom's car was broken down and I
12 asked my mom if I could go with Venice and Kim was okay with it, so
13 they -- so we went to Kim's house and Kim -- Venice had got in
14 trouble because we were playing in the loft and RaRa has like this
15 Batman toy. And he has like this -- yeah, this Batman toy and he was
16 hitting himself in the head and Kim seen the bruises on his head and
17 she thought it was Venice, and it wasn't her. He was just hitting
18 himself in the head. And they -- and then she got in trouble, so Kim
19 told me that I had to go home, and Quincy and Kim and Venice took
20 me home. I mean, not Kim, Quincy and Venice took me home.

21 Q Okay, did you go home?

22 A No.

23 Q Where did you go?

24 A To this place.

25 Q To what place?

1 A This hotel.

2 Q Okay, can you describe the hotel?

3 A It was like near the strip. I'm not for sure what -- where it
4 was, but I remember seeing like the big carousel thing and it was
5 night and I remember there was -- like there was lights from the strip.

6 Q And this -- was this -- I think was it evening time?

7 A No, it was night.

8 Q Nighttime?

9 A Well, yeah, it was going on night -- yes, it was night.

10 Q Was it dark outside?

11 A Yes.

12 Q Okay, and this -- was this the same night that you had just
13 attended the Convoy of Hope event?

14 A Yes.

15 Q So November 2016?

16 A Yes.

17 Q And you think you were 8th grade, 12 or 13?

18 A Yes.

19 Q Okay, so it was you, Venice, and Quincy?

20 A Yes.

21 Q Anything else about the hotel that you remember from the
22 outside of the hotel? You stated the carousel, you think near the
23 strip?

24 A No.

25 Q Okay, what do you remember -- did you eventually go

1 inside the hotel room?

2 A Yes.

3 Q Who went in the hotel room?

4 A Quincy, me and Venice

5 Q Describe the hotel room.

6 A When we went inside, there was a brown carpet. When
7 you walked, there was a flatscreen TV with -- with the dresser. There
8 was a couch and then the backroom was a bedroom with a bed and a
9 TV, and then the next was a bathroom with -- with glass and there
10 was like a jacuzzi bathtub kind of thing.

11 Q How did you get from -- you were at Venice's house, right?

12 A Yes.

13 Q How did you get from Venice's house to the hotel?

14 A In a car.

15 Q What kind of car; do you remember?

16 A It was -- it was Kim's car. It was red.

17 Q Red? Okay, anything else about the car that you
18 remember?

19 A No.

20 Q All right, but you know that was Kim's car?

21 A Yes.

22 Q Did your mom know that you were going to the hotel with
23 Quincy and Venice?

24 A No.

25 Q Where did your mom think you were?

1 A She thought I was at Kim's house.

2 Q And you described the hotel room. What happened when
3 you and Venice and Quincy got into the hotel?

4 A When we got in -- when we got inside of the hotel room --
5 sorry.

6 Q It's okay. Take your time.

7 A When we got in the hotel room -- okay, when we went in
8 the living room and I asked Venice, like what are we doing, and he
9 told us to take off our clothes.

10 Q Is he Quincy?

11 A Yes.

12 Q Did you take off your clothes?

13 A No.

14 Q What did you do?

15 A I went to the bathroom and Venice -- Venice came with me.

16 Q And what happened inside the bathroom?

17 A We were talking and I said, what are we doing, I was
18 supposed to go home, and she told me that -- just to do it -- just to go
19 along with him, we'll be okay, and so we just went back out the
20 bathroom and I -- and I took off my clothes.

21 Q Did you take off all your clothes or just part of your
22 clothes?

23 A All of my clothes.

24 Q Okay, and why did you take off all of your clothes?

25 A Because I was scared.

1 Q Did -- what happened after you took off your clothes?
2 A He started touching Venice
3 Q Okay, is he Quincy?
4 A Yes.
5 Q Now, you said that he's touching Venice, what was he
6 touching -- what part of his body was he touching Venice with?
7 A His hands.
8 Q Now, speaking of Quincy's hands, do you remember
9 anything unique about Quincy's hands?
10 A No, not really, just that they're weird sort of.
11 Q When you say weird, can you describe kind of what you
12 mean by weird?
13 A Like, there was like something wrong with them.
14 Q Okay.
15 A I don't really remember.
16 Q Did they look like your hands or my hands?
17 A No.
18 Q They looked different?
19 A Yes.
20 Q Okay, and he was touching Venice with his hands where
21 on Venice's body?
22 A On her -- on her chest.
23 Q Okay, her upper chest?
24 A Yes.
25 Q And were you in the room when that was happening?

1 A Yes, I was in the room.

2 Q And you could see it?

3 A Yes, I could see it.

4 Q What were you doing while he was touching Venice with

5 his hands?

6 A I was just standing there.

7 Q How were you feeling?

8 A I was scared. I didn't know what was -- well, I knew what

9 was going on, but I was really scared.

10 Q Then what happened?

11 A He kept touching her and he was touching like her whole

12 body and then he started -- he started touching me.

13 Q Okay, when you said he's touching Venice with her whole

14 body, was he still using his hands or did he use something else?

15 A He was using his hands.

16 Q Okay.

17 A And he was putting his mouth on her -- on her parts -- on

18 her upper body.

19 Q He was putting his -- his mouth on her upper body?

20 A Yes.

21 Q What was he doing, do you remember?

22 A He was licking her.

23 Q Okay, where on her body? Her upper chest?

24 A Yes.

25 Q Okay, what else did you see?

1 A He started to play with her genitals.

2 Q Okay, and you say genitals, what was he playing with?

3 A Her private parts.

4 Q And what does private part mean to you?

5 A Her vagina.

6 Q Her vagina? Okay, and when you say he was playing with
7 it, what was he doing that you could see?

8 A He was putting his -- he was putting his fingers inside and
9 he -- he was touching it, and then he stopped and he started touching
10 me.

11 Q What was he touching -- what part of his body was
12 touching you?

13 A His hands.

14 Q Where was he touching you with his hands?

15 A He was touching my upper body. He was feeling my
16 private areas.

17 Q With his hands?

18 A Yes.

19 Q Okay, so he was feeling your vagina with his hands?

20 A Yes, and my butt.

21 Q And your butt? Where was Venice while you were being
22 touched?

23 A She was watching.

24 Q Was he saying anything to you as he was touching you or
25 Venice?

1 A No, it was -- it was like he was like happy, like --

2 Q Was he smiling? What made you think he was happy?

3 A Because like he kind of like had like a grin sort of. Like he
4 wasn't smiling, but he was.

5 Q Okay, what happened after he touched your vagina with
6 his hands?

7 A He put his private -- he was touching -- he was touching
8 my chest and he was touching my private areas and then he put his
9 private parts inside of Venice

10 Q Okay, when you say his private part, what are you referring
11 to?

12 A Her vagina.

13 Q Or -- his private part, what private part went into Venice?

14 A His genitals.

15 Q His penis?

16 A Yes.

17 Q Went into Venice's vagina?

18 A Yes.

19 Q And you saw that?

20 A Yes.

21 Q Okay, what were you doing while that happened?

22 A I was watching.

23 Q Okay, what did he do after that?

24 A He was having sex with her and then he stopped and he
25 came to me.

1 Q Okay, and what did he do when he came back to you?

2 A He put his private parts inside of my vagina.

3 Q Okay, so same what he was doing to Venice?

4 A Yes, but as he was doing it to me, he was touching her.

5 Q What was he touching her with?

6 A His hands.

7 Q Okay, while his penis was inside your vagina?

8 A Yes.

9 Q Okay, what happened after that, Arianna?

10 A He had semen.

11 Q All right.

12 A And it went on the floor and then we got dressed and he
13 dropped me at my house.

14 Q Okay, do you remember how long you were at the hotel?

15 A No.

16 Q Did he tell you anything while you were at the hotel about
17 what would happen if you told?

18 A Yeah, he told us that he would kill us because he -- he told
19 us that he knows our family and he knows where we live and if we
20 tell anyone, that he would hurt our families.

21 Q Did you believe him?

22 A Yes.

23 Q What made him finally stop having sex with both you and
24 Venice?

25 A He was done.

1 Q The semen that you mentioned?

2 A Yes.

3 Q After you guys left, you said he took you home?

4 A Yes.

5 Q Okay, and did he know where you lived?

6 A Yes.

7 Q How did he know where you lived?

8 A Because he's been to my house before because of --

9 because he dropped me from the Boys and Girls Club.

10 Q Okay, so he knew where your house was?

11 A Yes.

12 Q After you got home, what did you do?

13 A I went home and I was crying -- I just went in my room.

14 Q Okay, was anyone home when you got home?

15 A Yes.

16 Q Who was home?

17 A My mom.

18 Q Did your mom ask you why you were crying?

19 A No.

20 Q Okay, did you tell your mom what happened?

21 A No.

22 Q Why didn't you tell your mom what happened?

23 A Because I was scared something would happen to her and

24 my brothers.

25 Q And were you scared because of what Quincy had told you

1 what would happen?

2 A Yes.

3 Q How did you feel after? Like, were you in any pain?

4 A Yes.

5 Q What was hurting?

6 A My side.

7 Q Anywhere else on your body hurting?

8 A Yes.

9 Q Where?

10 A Just like my insides, like when I would stand, like it would
11 just be sharp -- sharp pains.

12 Q Did you have any pain in your vagina?

13 A Yes.

14 Q What kind of pain were you having?

15 A Like sharp, sharp pain. Like someone like kicked me in my
16 vagina.

17 Q When you went to use the restroom, were you in pain?

18 A Yes.

19 Q Okay, would it burn, or can you describe anything like
20 that?

21 A When I would pee, it burned.

22 Q Okay, how long did that last after that incident happened?

23 A A few weeks.

24 Q Okay, did you tell -- did you -- strike that. So after you got
25 home, you didn't tell your mom what happened because you were

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DEQUINCY BRASS,) No. 81142
)
 Appellant,)
)
 v.)
)
 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:

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BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office