

No. 79554

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Apr 20 2020 03:49 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHRISTIAN STEPHON MILES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Appeal

From the Eighth Judicial District Court, Clark County
The Honorable Mary Kay Holthus, District Court Judge

APPELLANT'S APPENDIX
(Volume 2)

MARIO D. VALENCIA
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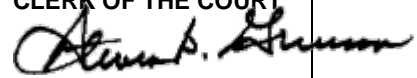
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 CHRISTIAN STEPHON MILES,
12 Defendant.

)
) CASE#: C-15-306436-1
)
) DEPT. XVIII
)
)
)
)
)

13 BEFORE THE HONORABLE MARY KAY HOLTHUS
14 DISTRICT COURT JUDGE
15 MONDAY, APRIL 1, 2019

16
17 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 1**

18 APPEARANCES:

19 For the Plaintiff:

SAMUEL MARTINEZ, ESQ.
KRISTINA RHOADES, ESQ.

20 Defendant Pro Se:

CHRISTIAN MILES

21 Standby Counsel for
22 Defendant:

ROBERT BECKETT, ESQ.

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25 RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Monday, April 1, 2019

[Case called at 12: 50 p.m.]

THE COURT: Okay. We're on the record now in State of Nevada v. Christian Stephon Miles, case C-15-306436-1. We have for the State?

MR. MARTINEZ: Sam Martinez and Kristina Rhoades.

THE COURT: And Christian Miles is here in person representing himself.

MR. MILES: Good morning, Your Honor.

THE COURT: Good morning.

MR. BECKETT: And standby counsel, Robert Beckett, Judge.

THE COURT: I want to address the issue of the standby counsel initially.

MR. BECKETT: Okay.

THE COURT: Mr. Beckett, at this moment in time, are you -- would you be prepared to be effective counsel if you were required to take over?

MR. BECKETT: I think as long as this case has gone on, Judge, I feel I have a good handle on the facts.

THE COURT: My question was --

MR. BECKETT: Okay.

THE COURT: Here's what I need to know.

MR. BECKETT: Yes.

THE COURT: If you can tell me that you can step in and be

1 effective assistant -- be effective as counsel of record should he decide --
2 I'm not going to have you sit at the table with him.

3 MR. BECKETT: All right.

4 THE COURT: You will sit in the back of the room. You're not
5 his consultant.

6 MR. BECKETT: Okay.

7 THE COURT: You are here as standby counsel. If you tell me
8 -- in the middle of the trial he says, you know, I want counsel, and you
9 tell me that you can step in, then I'll have you remain in the event that --
10 that's my position on the standby counsel as I understand it.

11 MR. BECKETT: I believe I can effectively step in, if required.

12 THE COURT: Okay.

13 MR. BECKETT: Yes.

14 THE COURT: So then ultimately, I will -- for now, you're fine,
15 but I'm going to have you sit in the back --

16 MR. BECKETT: Yes.

17 THE COURT: -- because it's not --

18 MR. BECKETT: I understand.

19 THE COURT: All right. And you understand that, Mr. Miles?

20 MR. MILES: Yeah. So here's my thing, Your Honor. I
21 understand how Your Honor feels about that, but I just want to, for the
22 record, to just make -- I actually object to that because I feel like standby
23 counsel, if he's appointed, he should be able to -- if I have any type of
24 sidebar or any type of questions that I need to object --

25 THE COURT: That's not correct.

1 MR. MILES: Yeah. I know. I just wanted to put that for the --

2 THE COURT: You got it.

3 MR. MILES: -- record and object to that.

4 THE COURT: I'm going to give you a last chance, though.

5 Would you like to have Mr. Beckett represent you?

6 MR. MILES: No.

7 THE COURT: Is it still your desire to proceed on your own?

8 MR. MILES: Yes, it is.

9 THE COURT: Okay. Knowing that you will not have access
10 to him during the trial?

11 MR. MILES: Yes, that's fine.

12 THE COURT: Also, I want to address any offers that have
13 been made previously.

14 MR. MARTINEZ: There have been a number of offers, Your
15 Honor, throughout the litigation. The Defendant has indicated to me on
16 numerous occasions that he was not interested in pleading to anything
17 above a misdemeanor.

18 THE COURT: Okay.

19 MR. MARTINEZ: The State's offers have always been felony
20 offers.

21 THE COURT: And will you just, for the record, put the offers
22 that have been extended previously out there --

23 MR. MARTINEZ: Yes.

24 THE COURT: -- for appeal --

25 MR. MARTINEZ: At the time --

1 THE COURT: -- purposes?

2 MR. MARTINEZ: At the time of the preliminary hearing, the
3 State had offered attempted sex trafficking of a child, which is a B felony,
4 two to 20, it's probationable, and the State retained the right to argue.
5 So there's a range between the two and the eight. That was rejected.
6 That was back when Mr. Collucci represented the Defendant.

7 When the case was in District Court after it was bound over,
8 there were some discussions about pleading to a pandering and the
9 living from the earnings of a prostitute. That's when the Defendant had
10 indicated to me that he's not going to take anything above a
11 misdemeanor. So we've been so far apart that we haven't really had a
12 meaningful discussion regarding resolving this case.

13 The State is not going to offer a misdemeanor or a gross
14 misdemeanor. The best that the State is going to be offering is the
15 attempted sex trafficking of a child under 18, which is the two to 20, with
16 the State retaining the right to argue. That's open until the jury comes
17 in. I don't think the Defendant is inclined to take that, but I'll let him
18 speak for himself, and there are a few more things that the State would
19 like to put on the record, but that's --

20 THE COURT: Okay.

21 MR. MARTINEZ: -- as far as offers go.

22 MR. MILES: Well see, Your Honor, this is my understanding.
23 The State -- actually, the last deal that was actually put on the record was
24 the three to eight. I turned that down. I actually didn't want the -- it was
25 either three to eight or three to ten. I actually told Mr. Martinez I'm not

1 going to be taking no deals for this type of case. It wasn't that I wanted
2 to take a misdemeanor or anything. I'm not taking no deals period. I
3 don't care what the deal is.

4 THE COURT: Absolutely. Absolutely, you're right.

5 MR. MILES: There's not going to be no deals for this case.

6 THE COURT: That's fine. We just need to make a record
7 because in the event that you're convicted down the road, we need to
8 just make sure the record is clear that you rejected all offers.

9 MR. MILES: Okay.

10 THE COURT: Okay?

11 MR. MILES: Thank you.

12 THE COURT: Now, there was something else you wanted to
13 put on the record?

14 MR. MARTINEZ: Yes, a few other things, Your Honor. First,
15 we have been able to locate Jahnay Laporsha Ramsey, who was
16 involved in this case, and she is going to be a fact witness that we have
17 called. There is some issues regarding potentially incriminating herself,
18 and so I would be asking the Court to appoint the Public Defender's
19 Office to represent her. I'm prepared to offer her immunity with regards
20 to her involvement in this case.

21 She does have a pending case where she pled to a
22 misdemeanor. The charges started off as destroying evidence, a gross
23 misdemeanor, and it was connected to this case. When the Defendant
24 was arrested, it's alleged that the detectives allowed him to embrace Ms.
25 Ramsey. It's alleged that he whispered some things to her, and it's

1 alleged that she took things off -- some items of evidentiary value off the
2 hood of a vehicle and attempted to take them from the scene. So she
3 was arrested, charged with destroying evidence. She pled to a
4 misdemeanor.

5 She was arraigned. A public defender was appointed in that
6 case. She entered a plea and then she moved out of state and hasn't
7 returned, so there is currently a bench warrant that is outstanding. We
8 do have a rule, and I think it's in the statute, that if we subpoena a
9 witness, that, you know, we won't be incarcerating them on bench
10 warrants and things of that nature.

11 She is cooperating. Before I actually speak with her about
12 the details of the case and things like that, I thought it was important that
13 she be appointed the public defender as a witness in this case. Ms.
14 Kierney [phonetic], Carly Kierney is from the Public Defender's Office
15 and is out with her. They are willing to take the appointment if Your
16 Honor is inclined to do that. I do have an ex-parte petition for grant of
17 immunity, that we would ask that be filed under seal, that Your Honor
18 would obviously have to sign off on.

19 MR. MILES: My position on it --

20 THE COURT: Was Mr. Beckett -- counsel, because of conflict,
21 is there any conflict with the public defender being involved in his case?

22 MR. MARTINEZ: Well, I think the Public Defender's Office
23 represented the victim in this case.

24 THE COURT: So is that -- thinking that through, is there a
25 conflict there?

1 MR. MARTINEZ: I don't -- we can ask --

2 THE COURT: Well, maybe ask Ms. Kierney?

3 MR. MARTINEZ: -- Ms. Kierney if she thinks there is. I
4 wouldn't think so because they're not going to be cross-examining her.
5 So --

6 THE COURT: I don't know. It just feels --

7 MR. MILES: Your Honor, when the State is done, I actually
8 have some representations I would like to make as far as their position
9 that we've been discussing as far as Ms. Ramsey.

10 THE COURT: I'm sorry? As far as what?

11 MR. MILES: As far as Ramsey and this whole position as far
12 as immunity and all of that. I have some representations I would like to
13 make for that, as well, when he gets finished.

14 THE COURT: Okay.

15 MR. MILES: All right.

16 THE COURT: Hi, Ms. Kierney.

17 MR. MARTINEZ: Ms. Kierney is here to make
18 representations.

19 THE COURT: Do we want to do that -- should we do this first
20 or -- Mr. Miles wants to make some --

21 MR. MARTINEZ: Well, I think --

22 THE COURT: Let's figure this out. Do you feel like there's
23 any conflict with you representing this witness?

24 MS. KIERNEY: I don't think so, because we have never
25 represented Mr. Miles. We have represented the minor victim in this

1 case; however, I don't believe the testimony will be contrary to her.

2 THE COURT: Okay.

3 MS. KIERNEY: So --

4 THE COURT: Thank you.

5 MR. MARTINEZ: And as an Officer of the Court, I do believe
6 that Ms. Ramsey will be testifying to things that can possibly incriminate
7 herself with regards to the facts and circumstances surrounding the
8 allegations against Mr. Miles and the victim in this case, so out of an
9 abundance of caution and Officer of the Court, I want to make sure that
10 she had counsel representing her that can go over an immunity
11 agreement with her and things of that nature. I've provided a copy of
12 that to Ms. Kierney, and I believe she's gone over it with Ms. Ramsey.

13 MS. KIERNEY: That's correct.

14 THE COURT: Okay. Mr. Miles wanted to say something first,
15 and then we'll just go ahead and make a record of the agreement and file
16 it? Is that how we do it?

17 MR. MARTINEZ: Right, and what we need to do is if Your
18 Honor, is inclined to go along with what the State is proposing, as far as
19 an immunity agreement, you have to sign off on an order of immunity.

20 THE COURT: Right.

21 MR. MILES: Yeah. First of all, I would object to the State's
22 position as far as giving Ramsey immunity, and I think this is actually the
23 last minute to actually do this. That sounds like selective prosecution to
24 me. If the DA is saying the witness, or his, I guess, star witness, is going
25 to be able to testify to facts that incriminate yourself, why didn't you

1 charge her with the crime initially. So I would object as to selective
2 prosecution, and if Your Honor is inclined to actually sign that, which I
3 would object to that, then I think I should be able to actually present a
4 selective prosecution defense at trial, if that is what the State is going to
5 do.

6 And I think, actually, that him actually taking his position,
7 he's a little late because I had no time to object to that pre-trial. He just
8 gave me a witness list; which I believe he's done in bad faith. Why is he
9 telling me this now at the last minute? This is the time set for trial.
10 Maybe there could've been some exculpatory evidence I could've
11 obtained.

12 I could've maybe had my private investigator find her, cross-
13 examine her, get some statements from her, maybe find more
14 potentially exculpatory evidence. This is at the last minute. I don't think
15 Your Honor should actually sign it.

16 THE COURT: When was your -- was she on your witness list?

17 MR. MARTINEZ: Yes, Your Honor. We filed that on Monday,
18 five judicial days before the start of trial, and that is within the statute.
19 And also, on February 17th, 2017, Mr. Miles himself noticed her as a
20 witness, so a year ago.

21 MR. MILES: Yes, Judge. As a potential --

22 THE COURT: So it was timely.

23 MR. MILES: Potential witness, but not as far as him being
24 able to give the witness immunity --

25 THE COURT: Right.

1 MR. MILES: -- that could've presented --

2 THE COURT: In terms of that, I don't -- that shouldn't -- that's
3 something you can -- you say you want to argue selective prosecution. I
4 don't really know what you mean by that, but you will certainly -- they're
5 going to tell the jury. The jury will know -- one of you, if Mr. Martinez,
6 and I'm sure he will, doesn't bring it out -- you can ask her, isn't it true
7 that you're testifying here and you've been granted immunity for
8 anything that you've said, and so you can argue the jury, you know,
9 she's just whatever.

10 MR. MILES: Yeah.

11 THE COURT: They had to give her immunity to testify. You
12 can comment on that for whatever, you know, value that has, but I'm not
13 sure what else, in addition to that, you want.

14 MR. MILES: If it goes that far. I don't know. He said he
15 hasn't even been able to find her. If it goes that far, I mean, trial is set
16 today. He said it was going to be four days. If he can find her --

17 THE COURT: She's in the hallway.

18 MR. MARTINEZ: She's 10 feet away.

19 MR. MILES: Okay. She's in the hallway. Not sure exactly
20 what she's going to testify to. So we still don't know, but like I said, I
21 wanted to obtain the right to argue a selective prosecution defense if
22 that's what his position is, and if Your Honor is inclined to sign that, I'd
23 still object to that.

24 MR. MARTINEZ: I've never heard of a selective prosecution
25 defense. I don't know what legal basis that has, and so I would ask that

1 that be precluded unless he provides some authority --

2 MR. MILES: Well, I could --

3 MR. MARTINEZ: -- that lets him do that.

4 MR. MILES: -- type a legal authority in support of the
5 selective prosecution defense.

6 MR. MARTINEZ: And for the record, Metro actually never
7 arrested her for any of these charges related to this case. Only for the
8 destroying of evidence.

9 MR. MILES: Okay, well --

10 MR. MARTINEZ: So the decision to not arrest is with Metro,
11 not with the DA's office.

12 MR. MILES: Okay. Well, like I said, prosecutions that are
13 deliberately based on the Defendant's race, religion, or arbitrary
14 classification, including the Defendant's choice to exercise protective
15 legal rights can constitute equal protection, violation, and selective
16 prosecution claims, or judge according to ordinary equal protection
17 standards, meaning that a Defendant must show both, a discriminatory
18 purpose and a discriminatory effect.

19 Now, in this case, I would like to basically retain the right to
20 say, look, she's a female, you decided not to prosecute her as a female.
21 You wanted to present to the jury that okay, I'm a male, so I'm a pimp.
22 Discriminatory purpose.

23 THE COURT: You can argue that.

24 MR. MILES: Huh?

25 THE COURT: I mean, assuming it's based on evidence, you

1 can argue that. I think the problem is you're calling it some specific
2 defense. It's just a defense.

3 MR. MILES: Well, defense --

4 THE COURT: You're just --

5 MR. MILES: Yeah.

6 THE COURT: You're just -- it's not -- there's no magical
7 defense to what you're saying. You're just trying to tell the jury don't
8 believe -- or whatever it is you're telling the jury.

9 MR. MILES: Well, basically, I mean, I think the case law is
10 pretty clear. If it's for some type of discriminatory purpose, basically
11 some arbitrary classification, I'm a male, she's a female. She hasn't
12 been prosecuted. Are you only prosecuting me because I'm a pimp? Is
13 that part of your arbitrary classification? Calling me a male, black pimp.
14 Is that --

15 THE COURT: Okay.

16 MR. MILES: -- what you're going to submit to the jury?

17 THE COURT: While we're talking about this, you need to
18 understand, you are representing yourself. You are defending yourself.

19 MR. MILES: Okay.

20 THE COURT: You are on trial here, and there's not going to
21 be any of this. The tone of your last pleadings and motions were
22 accusing Mr. Martinez of misconduct. He's not on trial today, and I'm
23 going to tell you right now, I'm going to pull you right back if you start
24 doing that, and if you don't follow the instructions, and now that we
25 have Mr. Beckett sitting in here, if you refuse to head when I tell you,

1 don't go down that road, this is an inappropriate line of questioning, if
2 you keep going, at some point, if we can't get this trial done, then Mr.
3 Beckett would have to step back in and take over your --

4 MR. MILES: I don't understand what Your Honor is saying. I
5 presented, in the pleadings, I properly raised a deliberate fabrication
6 defense saying that I was subjected to criminal charges based on
7 evidence that was deliberately fabricated. So that's what I'm
8 wanting --

9 THE COURT: Okay.

10 MR. MILES: -- to present to the jury. I think it was
11 appropriate.

12 MR. MILES: Now, if Your Honor is saying that's not
13 appropriate, then I think the way we should do it is there should be an
14 order saying I can't do it. I have no problem filling out a writ of
15 mandamus, and we can figure out what's going on, but I think I should
16 be able to present my defense to the jury that I've been subjected to
17 criminal charges based on evidence that was fabricated by the State. I
18 have evidence to support that.

19 This is not something that is just conclusory and
20 unsupported by any evidence. This is supported by evidence. This was
21 raised before trial. I think I'm permitted, and I can cite the statute that
22 says any objection or defense must be raised before trial. These
23 objections and defense was raised way before trial, so I think it's
24 appropriate that I present this type of defense, and that's what I intend to
25 present to the jury.

1 MR. MARTINEZ: Well, Judge Togliatti and Your Honor have
2 repeatedly denied Defendant's motions with regards to the fraud and
3 committing perjury and things of that nature. So as he's representing
4 himself, as his own attorney, he still has a duty to act in good faith, and
5 he can't just throw allegations out there that don't have any merit at all.

6 For example, the fact that Laporsha Ramsey was not
7 arrested, and he just throws out the fact that he is a male and she's a
8 female, and that's why she wasn't arrested and that's why he was
9 arrested has absolutely zero basis and fact and cannot be offered in good
10 faith at all. And I think that he needs to be reminded that anything he
11 represents to the Court, to the jury, has to be done in good faith, as I do
12 as an Officer of the Court.

13 MR. MILES: Okay. Well, like I said, I'm not going to present
14 my whole entire defense to Martinez. It's not the appropriate time and
15 place for that. I was just giving the Court a conclusory version of what
16 the selective prosecution defense could be. I'm not going to go through
17 all of the evidence and submit the evidence to Your Honor. This is not
18 the appropriate time for that. Anything that I say to the jury, of course,
19 would be based on the evidence.

20 What I'm worried about for the prosecution, everything that
21 he says, won't be based on any evidence. That's why I'm presenting this
22 deliberate fabrication defense. It's based on all this evidence that I -- I
23 mean, if I need to present it, I'll present it, but --

24 THE COURT: This would be the time.

25 MR. MILES: -- everything is going to be based on evidence. I

1 know -- I'm very familiar with the rules of professional conduct, and I'm
2 very familiar with what the obligations of attorneys and prosecutors
3 should be doing.

4 One, the prosecution, when he presents evidence, if it's false,
5 he must disclose to the Court that he's presented material of false
6 evidence. There's been a lot of instances in that case where he hasn't
7 done this.

8 THE COURT: Okay. I've got a jury waiting and --

9 MR. MILES: Okay, well --

10 THE COURT: -- I don't feel like we're getting anywhere, so
11 let's address the -- you ask the questions. If they're improper, the State
12 will object, and I'll either sustain it or overrule it, depending how it goes.
13 Judge Togliatti, as well as I have, ruled in various ways, so we're not
14 going to go down those roads again. You can certainly ask --

15 MR. MILES: Well, what does Your Honor mean by it?
16 Because I'm going to be very clear. I think we should be specific here
17 because it's my understand --

18 THE COURT: As you get to the question, if it's objectionable,
19 I'll rule on it.

20 MR. MILES: Are you talking about for the witnesses --

21 THE COURT: I'm talking.

22 MR. MILES: -- or are you talking about for the --

23 THE COURT: When I'm talking, you're not.

24 MR. MILES: I'm just not understanding.

25 THE COURT: When I'm talking, you're not.

1 MR. MILES: Okay.

2 THE COURT: And we're not going to do this either, all right?

3 MR. MILES: All right. Yeah.

4 THE COURT: You can ask the witnesses. I know one of your
5 hang ups was that the car was yellow or brown or whatever, and these
6 inconsistencies you're alleging were manufactured or evidence. You can
7 ask the witness fact questions.

8 MR. MILES: Okay.

9 THE COURT: What you're not going to do is summarily
10 make accusations and what not, and then at the end, you can argue to
11 the jury, look, these factual things indicate that whatever.

12 MR. MILES: Okay.

13 THE COURT: And that's how -- that's just how we're going to
14 do it.

15 MR. MILES: Okay, yeah. That's fine.

16 THE COURT: Okay?

17 MR. MILES: Yeah. I was just -- just for the record, I was
18 thinking that Your Honor was saying I'm not allowed to present my
19 deliberate fabrication defense and my malicious prosecution defense.
20 That's what I thought Your Honor was saying. That's where the
21 confusion was at.

22 THE COURT: You can do it if you do it in a legally
23 appropriate manner.

24 MR. MILES: Okay. That's understandable.

25 THE COURT: If you don't, you can't.

1 MR. MILES: Okay.

2 THE COURT: Okay?

3 MR. MILES: That's fine.

4 MR. MARTINEZ: So I would just ask that Your Honor
5 formally appoint the Public Defender's Office to represent Jahnay
6 Laporsha Ramsey.

7 THE COURT: That'll be the order.

8 MR. MARTINEZ: And if I could approach with the petition
9 and the order, if you want to review it. You don't have to sign it this
10 second, but --

11 THE COURT: Yeah, I would like to look it over. Thanks.

12 MR. MARTINEZ: The next thing that we need to bring up,
13 Your Honor, is we do have an amended information to file today --

14 THE COURT: Okay.

15 MR. MARTINEZ: -- pursuant to NRS 173.095(1), which says
16 that the Court may permit an indictment or information to be amended
17 at any time before the verdict or finding, if no additional or different
18 offense is charged, and the substantial rights of the Defendant are not
19 prejudice. And so what I am proposing today in this amended
20 information is to expand the date range from February 8th to go back to
21 February 1st, 2015, and then keep February 13th, 2015.

22 That conforms with the testimony that was provided at the
23 preliminary hearing on page 21, line 12, where the victim talks about,
24 she had received information from the Defendant that he was
25 encouraging her to engage in prostitution. So I think that -- the

1 Defendant is on notice of that. It didn't get amended at the time of
2 preliminary hearing, but we're not adding a charge, and he's been on
3 notice, so I don't think there's prejudice with regards to expanding the
4 date range by a week.

5 The next amendment that we're proposing is on Count 1, to
6 add on line two, page two, the word, the term "induce", which is directly
7 from the sex trafficking of a child statute. It has a very specific meaning.
8 It's defined in 201. --

9 THE COURT: You know what? Can I have a copy of that
10 while you're arguing this --

11 MR. MARTINEZ: Yes.

12 THE COURT: -- please?

13 MR. MILES: Can I have a copy, too, Your Honor, please?

14 THE COURT: Sure.

15 MR. MARTINEZ: Here you go.

16 THE COURT: And Mr. Miles, Mr. Martinez also -- I signed
17 those orders from last week. I can give you unsigned copies, if you want
18 them.

19 MR. MILES: Okay. Did you -- because I know what Mr.
20 Martinez just gave you, the ex-parte motion, but my ex-parte motion was
21 submitted. Was that signed, as well?

22 THE COURT: For what?

23 MR. MILES: Ex-parte for bench conference?

24 THE CLERK: The transcript.

25 MR. MILES: Yeah, bench -- it was an --

1 THE COURT: Oh.

2 MR. MILES: -- ex-parte motion for --

3 THE COURT: I haven't seen that. Still haven't seen it.

4 MR. MILES: Okay, well I'll submit another one.

5 THE COURT: Okay.

6 MR. MARTINEZ: So --

7 THE COURT: So back to -- tell me again now.

8 MR. MARTINEZ: Yeah. So on the first page, Your Honor, line
9 25, we are going to be -- and this is going from the proposed amended
10 information.

11 THE COURT: Okay.

12 MR. MARTINEZ: Just extending the time period to read on
13 or between February 1st, 2015 and February 13th, 2015. That's --

14 THE COURT: And what was it previously?

15 MR. MARTINEZ: It was February 8th, 2015 to February 13th,
16 2015.

17 THE COURT: Okay.

18 MR. MILES: And I do have some objections to that, as well,
19 Your Honor.

20 THE COURT: Let him make all of these and then you can
21 make all of your objections.

22 MR. MILES: Okay.

23 MR. MARTINEZ: And that, again, conforms to page 21 of the
24 preliminary hearing transcript. Also, Count 1, the sex trafficking a child
25 under 18 years of age, I am on line two from page two. I'm asking --

1 proposing to add induce in front of harbor, obtain, and/or maintain. That
2 is directly from the statute. NRS 201.295 specifically defines induce to be
3 encourage, inveigle, entice, and things like that, and it's directly from the
4 sex trafficking statute.

5 So we're not adding a count, we're not doing anything.
6 We're just simply defining it for the jury and making it easier for them to
7 understand what's actually --

8 THE COURT: And what did it say initially?

9 MR. MARTINEZ: It just -- it had harbor, obtain, and/or
10 maintain.

11 THE COURT: Okay.

12 MR. MARTINEZ: And so we're just asking to put induce in
13 front of harbor. So feloniously induce, harbor, obtain, and/or maintain.
14 It's taken directly from the statute, and one thing that I'll -- just in
15 anticipation of what the Defense argument's going to be, Count 4, at the
16 bottom, which at the preliminary hearing was added as -- to conform
17 with the testimony, if you look at line 19 on the proposed amended
18 information, the abuse or neglect is based on sexual exploitation by
19 encouraging and/or directing the said GK to engage in prostitution.

20 So that's been there ever since the preliminary hearing was
21 held. That's the exact definition of what induce is, pursuant to 201.295,
22 and so again, the Defendant has been on notice for this time. We are
23 alleging that he encouraged her to engage in prostitution, and that falls
24 under the induced language, so we're not adding a charge, and I don't
25 think the Defendant is going to be able to show prejudice, and that's

1 been our theory all along and it's been in the amended information.

2 And the last change is for Count 4, is a typo on line 16, under
3 the child abuse, neglect, or endangerment, we had alleged that she was
4 17 years old. She was 16 years old at the time, almost turning 17. So we
5 just changed that to read 16 years of age, not 17. It doesn't change any
6 punishment. It doesn't add any charges. I don't think it -- he's had her
7 date of birth since the beginning.

8 So I don't -- again, that doesn't add a charge, and it doesn't
9 prejudice the Defendant in any way, so we'd ask that the amended
10 information be allowed to be filed in open court, as permitted by 173.095
11 that says it can be amended any time before a verdict.

12 MR. MILES: Okay, Your Honor. I'm going to pretty much
13 incorporate my reference, everything I pretty much said in my motion to
14 dismiss for insufficient information.

15 Now, obviously, NRS 173.045, says indictment of information
16 must be a plain, precise, and definite written statement of the essential
17 facts. Now, looking at Mr. Martinez's indictment -- I mean, information,
18 in his amended information, I don't see any type of essential facts
19 constituting the offenses that he's --

20 THE COURT: Okay.

21 MR. MILES: -- amending.

22 THE COURT: Mr. Miles, let me just interrupt you.

23 MR. MILES: Okay.

24 THE COURT: You are -- I want to hear your objection to the
25 filing of the amended information. I'm not hearing a motion to dismiss.

1 We're done with motions.

2 MR. MILES: Okay. Well, pretty much, too, he said he wanted
3 to expand the timeline. The date of the offense is an essential element of
4 this crime. Now, he's expanding --

5 THE COURT: It's actually not. That's not the law.

6 MR. MILES: I was going to say, based on the case law, I was
7 saying date is an essential element of this crime.

8 THE COURT: It's not.

9 MR. MILES: Now, if we look at the preliminary hearing
10 transcripts, he can't amend the information if it doesn't go exactly with
11 what's said in the preliminary hearing transcript. There was no
12 foundation set to say that anything occurred on February 1st through the
13 13th.

14 Only the timelines that were stated by the State, which I have
15 the preliminary hearing transcripts right here, if you look at page 5, line 2
16 through 4, it says: I'm going to turn your attention to February 8th, 2015
17 through February 13th, 2015. That was the foundation for the whole
18 preliminary hearing.

19 There was nothing stated as far as an alleged victim or any
20 evidence produced at the preliminary hearing that would support the
21 information to change their timeline.

22 THE COURT: Okay. Here's what I want to hear you argue. I
23 want you to tell me, is a new charge raised --

24 MR. MILES: Yeah.

25 THE COURT: -- or are you prejudiced?

1 MR. MILES: Yes, I'm prejudiced by it. I had no time --

2 THE COURT: Okay. What is your prejudice?

3 MR. MILES: -- to prepare defense for this. The whole State's
4 position by the whole time we've been doing this case was that these
5 alleged crimes occurred through February 8th, 2015 through February
6 13th, 2015. That's the position that the State maintained.

7 Now they're trying to do a whole different contrary to --
8 contrary position to a previous position that they asserted throughout
9 this whole case and change it because it benefits them for whatever
10 reason. That's judicial estoppel. I think the judicial estoppel doctrine
11 also applies here, too. I mean, he's already adopted one position. He
12 can't change his position just because he's -- for the existences of the
13 moment.

14 THE COURT: Okay.

15 MR. MILES: You've got --

16 THE COURT: I'm going to ask you the question, again.

17 MR. MILES: Okay.

18 THE COURT: In what way -- how is your defense different if
19 there was an additional week?

20 MR. MILES: Because I think the alleged victim made it clear
21 in her -- she testified in the trial and testimony, evidentiary hearings, she
22 said the only timelines for this was the February 8th, 2015 through
23 February 13th, 2015.

24 THE COURT: You --

25 MR. MILES: There was no foundation to that.

1 THE COURT: You understand that you would be free to ask --
2 cross-examine the victim regarding these date changes?

3 MR. MILES: Well --

4 THE COURT: It doesn't, in any way, limit your ability to
5 comment or show the jury inconsistencies and what not? You get that?

6 MR. MILES: It does raise a new -- like I said, it does raise a
7 new charge, because there was no -- like I said, there was no evidence to
8 support this timeline based on the preliminary hearing transcripts. So I
9 think that's going to my objection. There was no evidence to support
10 that, so yeah.

11 THE COURT: That's not -- Mr. --

12 MR. MARTINEZ: So Your Honor is correct that the date
13 range is not an element of the actual crimes charged, and on page 21,
14 she talks about a week before she ran away, that the Defendant was
15 talking to her about engaging in prostitution. So I think since we're able
16 to, and the Court can permit prior to verdict, an amendment to conform
17 with the evidence, I think we're well within our rights.

18 We're doing this before a jury actually comes in, before
19 there's witness testimony. We're taking care of this now, and I don't
20 think he's been able to show prejudice. We certainly haven't added any
21 charges, and that's not what expanding a date range does. It doesn't
22 add charges.

23 MR. MILES: And I think that actually misstates the testimony,
24 Your Honor. He cites to page 21, lines -- what was the lines, again?
25 Twenty-one? Lines what?

1 MR. MARTINEZ: Six through 20.

2 MR. MILES: Okay. Well, 6 through 20. He asked her:

3 "Q Did there come a point in time after that which the timeframe
4 set was when she was allegedly picked up from her grandma's house on
5 February 8th, where you were with the Defendant that he explained to
6 you what he wanted you to do?

7 She said, "No."

8 So I'm trying to figure out what --

9 MR. MARTINEZ: And then she said:

10 "A He explained to me before we even met.

11 "Q When was that?

12 "A That was like a week before we met face to face.

13 "Q What did he say?

14 "A He told me that he had seen me walking on Boulder and he
15 wanted me to work for him.

16 "Q That word, work, what do you understand that to mean?

17 "A It means to have sex with johns, and I would give him my
18 money.

19 MR. MILES: Okay. Well, like I said, substantial rights for me
20 is affected. He's citing, if that's the evidence that's supported, he's citing
21 to false testimony which she clearly said, I didn't explain it to him.

22 I could go through the testimony. He asked, here actually --

23 THE COURT: Okay. I think I have heard enough. I am going
24 to go ahead as to -- well, what was your -- that's the date range. So did
25 you --

1 MR. MARTINEZ: So that's on page one.

2 THE COURT: Right. What was your argument regarding the
3 additional use of the word induce? You're --

4 MR. MILES: Well, I mean, if he's adding the word induce, as
5 far as I can tell, sex trafficking is obviously -- and I'll go ahead and cite
6 this for the record, too -- the purpose of the sex trafficking statute is for
7 the recruitment of a prostitute. So if he's saying induced, I think that
8 recruit should be in there, as well.

9 So he has induced, he's not alleging all the elements of the
10 crime itself. He's just alleging induce, harbor, obtain. There's plenty
11 more definitions as far as the elements that will require him to charge
12 me with this offense. He's not alleging all of the essential elements of
13 the crime, so I would object to that as saying failure to state -- failure to
14 allege an offense. We'll just go with that.

15 THE COURT: Okay.

16 MR. MILES: An alleged offense.

17 THE COURT: You agree that it's not an additional charge,
18 though?

19 MR. MILES: No, I still believe it is an additional charge, and
20 I'm -- everything I've said for the record is why I believe it's an additional
21 charge.

22 THE COURT: And what is the prejudice that you are
23 claiming, with any, with the addition of the word induce?

24 MR. MILES: Didn't have enough time to adequately prepare
25 defense. He's not alleging an appropriate offense.

1 THE COURT: In what way does the adding of the word
2 induce change your defense when clearly, you've been preparing for
3 encouraging and/or directing in Count 4, and certainly, I can see you're
4 well up on the law. You certainly know what the law on sex trafficking is,
5 correct?

6 MR. MILES: Well, yes.

7 THE COURT: Okay. All right.

8 MR. MILES: I think -- okay, yeah, I think he'd be citing induce
9 -- the term induce has actually definitions to it, and I believe that those
10 should be cited, as well, but --

11 THE COURT: Well, and that's something that can be
12 addressed in jury instructions ultimately.

13 MR. MILES: I think there's five or six elements that go along
14 with the word induce.

15 THE COURT: That would be when you give the instructions
16 to the jury, you can submit those to the Court, and I'm --

17 MR. MILES: Okay.

18 THE COURT: -- and they'll be further instructed in terms --

19 MR. MILES: Okay.

20 THE COURT: -- of that.

21 MR. MARTINEZ: And we're just going to go with the
22 definition of induce from the statute, from 201.295.

23 THE COURT: Okay. And was there a third or was that it?

24 MR. MARTINEZ: Yes. It was just the child abuse, neglect,
25 and endangerment count. We said 17 years of age. She --

1 THE COURT: Oh, right, right, right.

2 MR. MARTINEZ: -- was actually 6.

3 THE COURT: Right.

4 MR. MARTINEZ: And it doesn't -- that doesn't change the
5 punishment or anything.

6 THE COURT: And does that -- do you have any objection to
7 that, Mr. Miles?

8 MR. MILES: Yeah. I'm going to object as it doesn't conform
9 with the preliminary hearing transcript testimony.

10 THE COURT: Okay. I'm going to go ahead and accept the
11 amended information. Mr. Miles objections are noted. I don't find that
12 there are any new charges added. I don't find that there is any prejudice,
13 or any prejudice has been pointed to by Mr. Miles and having to, in any
14 way, defend anything different than he would've already been on notice
15 that he clearly prepared to defend. So --

16 MR. MARTINEZ: If I could approach real quick, Your Honor,
17 with the amended information.

18 THE COURT: Uh-huh.

19 [Pause]

20 THE COURT: I've gone ahead and signed the order, so if you
21 want to -- here we go.

22 MR. MARTINEZ: Can we approach after --

23 THE COURT: Yeah, of course. And then I assume Ms.
24 Kierney can be excused until whenever?

25 MR. MARTINEZ: Yes, Your Honor. Unless she wants to stay.

1 MS. KIERNEY: I'll take the excusal.

2 [Pause]

3 THE COURT: Mr. Martinez, you want to come grab copies for
4 you and Mr. Miles and Ms. Kierney, please?

5 MR. MARTINEZ: Yes. Thank you.

6 THE COURT: You're welcome.

7 MS. KIERNEY: For the record, Your Honor, there is a
8 misspelling of my client's name for the ex-parte petition for granted
9 immunity. There's an extra S in the name, Laporsha, but it's intended to
10 be spelled L-A-P-R-O-S-H-A, and that's the person they intended to print.

11 MR. MARTINEZ: In the order, it's spelled correctly.

12 THE COURT: Okay.

13 MR. MILES: And Your Honor, I didn't get a copy of that
14 either. I'm still waiting for that.

15 MR. MARTINEZ: I'm going to give it to you right now.

16 Okay. Very briefly, Your Honor, and this isn't something that
17 needs to be ruled on right now. I just wanted to make a record and give
18 -- make the Court aware and Mr. Miles aware. I have -- Mr. Miles did
19 give a statement to detectives. It's 53 pages. There are some things that
20 are discussed with the detectives that as the DA, I don't think are
21 appropriate for the jury to hear unless the Defendant opens the door.

22 So at this point, I have proposed redactions talking about --
23 for example, talking about his prior for pandering, talking about
24 potentially other girls that he was recruiting and things of that nature.
25 I've highlighted in yellow the things that I believe should be redacted.

1 I've given a copy to Mr. Miles.

2 Again, you don't have to rule on that right now because
3 we're not going to be presenting any evidence. We're not opening, but if
4 Your Honor wants a copy of our proposed redactions, I'd be happy to
5 provide that. I've already provided it to the Defense.

6 THE COURT: I don't need to see it unless there's a
7 disagreement. So --

8 MR. MILES: I don't think we need -- Your Honor, I don't
9 believe this needs to be addressed right now. We can just address it
10 when it --

11 THE COURT: Well, here's the problem with that. Ultimately,
12 if they're going to play that or offer that as evidence, it takes a certain
13 amount of time to redact, so rather than like our jury has been waiting
14 here now for half an hour --

15 MR. MILES: Yeah.

16 THE COURT: -- rather, they're waiting in the hallway. It's
17 much better if you can take a look. If you agree on the redactions, fine.
18 If not, then I have to rule on it and ultimately, once it's ruled on and he
19 gets to where it's in a form he can use, he's got to go back to the office,
20 and it takes time to redact it so that they get it in a form that takes out all
21 of the stuff that you object to. So what he's doing is trying to save time.

22 MR. MILES: Okay. So here's the thing, Your Honor. All
23 rulings on evidence, specifically, when it comes to whether confessions
24 by an accused is admissible, must be happening outside the presence of
25 the jury. There's going to be objections for that. There's going to be

1 objections for it being illegally obtained. I believe we should just handle
2 that when it comes --

3 THE COURT: Okay. What I'm telling you is that's fine, and if
4 it doesn't come in, it doesn't come in.

5 MR. MILES: Okay.

6 THE COURT: But to the extent that it comes in, what he's
7 asking you to do is look at it, assuming it gets in, is there anything within
8 it that you object to? Not the whole thing --

9 MR. MILES: Okay.

10 THE COURT: -- but anything, a prior criminal history, or
11 something that wouldn't be relevant in this case?

12 MR. MILES: Well, I'm going to object if it's not admissible
13 per the rules of evidence.

14 THE COURT: He's asking you to just look at it and decide --

15 MR. MILES: Yeah, I --

16 THE COURT: -- what you're going to object to.

17 MR. MILES: I looked at it, Your Honor. Mainly what he's
18 highlighted is, like he said, he's saying that it references somehow a --
19 he's saying it references these things before -- the reason why I don't
20 want to -- and I didn't want to discuss it right now because this,
21 obviously, you have an officer questioning a person before even the
22 interrogation began, so we didn't even address that. I don't want to
23 redact something if it's going to be used as evidence.

24 MR. MARTINEZ: I understand that he doesn't trust me and
25 that's fine. I'm obviously doing it to protect the record and protect Mr.

1 Miles' interest. Obviously, we can't get into bad acts and things of that
2 nature, and that's what, I believe, I've highlighted.

3 If he wants it all in, that's fine, but he hasn't filed a motion to
4 suppress the statement anyways, so I don't know what he thinks he's
5 going to get with that, but I've given it to him, and I'll make the
6 redactions that I feel are appropriate as an Officer of the Court. If he
7 doesn't want to tell me one way or the other, that's fine, but I feel like
8 I've redacted anything that's inappropriate for the jury to hear as far as
9 his criminal history.

10 THE COURT: And at what point in the trial do you expect to
11 get to that?

12 MR. MARTINEZ: Most likely at the end when Detective Gatus
13 testifies. I will refer to parts of his statement in my opening, but
14 obviously not those parts that are talking about that accident and things
15 of that nature.

16 THE COURT: Okay.

17 MR. MARTINEZ: I will just be talking about the substantive
18 issues that he admitted to in my opening, but as far as presenting the
19 actual statement, that would be with Detective Gatus, and that'll be at the
20 end of the trial.

21 THE COURT: So Mr. Miles, today and tomorrow, take a look
22 at that and see if there's anything additional that you want to raise an
23 objection, or you want --

24 MR. MILES: Okay.

25 THE COURT: -- redacted out of it, okay?

1 MR. MILES: Yeah, because the problem was, I don't like
2 doing things at the last minute. This was the last minute for me, so I
3 don't really want to -- I just want to --

4 THE COURT: You didn't know about that statement?

5 MR. MILES: No, I knew about the statement as far as the
6 redactions and that he wanted to have Your Honor do a --

7 THE COURT: He doesn't want them. He's doing it for you.

8 MR. MILES: Exactly, and I understand that, but --

9 THE COURT: It actually would be good for him to have in
10 your prior pandering and your other bad acts.

11 MR. MILES: Yeah.

12 MR. MARTINEZ: I'm taking it out.

13 THE COURT: It's probative evidence on some level. He's
14 taking that out because he's saying that legally, it shouldn't necessarily
15 come in, so he's --

16 MR. MILES: Well, see, I think --

17 THE COURT: So he's offering to take that out and he's
18 asking, is there anything above that that you want out, or conversely, if
19 you want the jury to know that you've got -- I don't know if it's a prior or
20 what you've got -- if you've been convicted of pandering before, if you
21 want them to know that, I'm sure Mr. Martinez is okay with that. He's
22 offering not to tell them.

23 MR. MILES: Like I said, Your Honor, I don't think this is an
24 appropriate time to handle it. I'll object. When it --

25 THE COURT: Okay.

1 MR. MILES: Whenever he tries to admit this --

2 THE COURT: Okay. What I'm telling you is --

3 MR. MILES: I would object.

4 THE COURT: -- it is an appropriate time.

5 MR. MILES: Okay.

6 THE COURT: He has made known to me that this is evidence
7 that he intends to offer.

8 MR. MILES: Okay.

9 THE COURT: You haven't filed a motion to suppress, so
10 it's --

11 MR. MILES: I did file a motion to suppress, Your Honor.

12 THE COURT: Well, not this particular statement.

13 MR. MILES: Yes, this particular statement. My motion to
14 suppress was filed saying that this statement was obtained as a result of
15 fruit of the poisonous tree as an unlawful arrest, so I did file a motion to
16 suppress.

17 THE COURT: All right. Well, he did as the fruit of the
18 poisonous tree, but the arrest was found legal, and therefore, the fruit of
19 the poisonous tree argument failed. So it was denied so the statement is
20 obviously coming in.

21 MR. MILES: And then -- but I can still make the objections. It
22 was my understanding I could still, in the trial, make the objections to
23 even like this, he'd be re-litigating in a trial. That was my understanding,
24 that if he's trying to admit this into evidence, I can still object, like hey,
25 this evidence was obtained, fruit of the poisonous tree, and if additional -

1 -

2 THE COURT: No, that's a legal conclusion that's already
3 been addressed.

4 MR. MILES: Okay. Well, it was just my understanding that
5 that's what I would still be able to do, you can still object.

6 MR. MARTINEZ: No, he can't do that.

7 MR. MILES: Okay.

8 MR. MARTINEZ: He can't do that, and obviously, I'll go over
9 with Mr. Gatus that he was read his Miranda rights before they got into
10 the substance of the questioning and things of that nature, but he didn't
11 challenge the voluntariness of the statement --

12 THE COURT: Correct.

13 MR. MARTINEZ: -- at any point in this four years that we've
14 been doing this. All he did was allege that it was fruit of poisonous tree.
15 Like Your Honor said, that was denied, and I don't think in good faith, he
16 should be able to talk about -- to challenge his arrest.

17 MR. MILES: I don't understand -- again, I don't understand
18 why we're even -- I thought we was -- I don't understand why we're
19 talking about any of this. I don't think it's relevant right now. We should
20 address this at trial. I have filed my appropriate motion to suppress. The
21 statute doesn't say I have to file every specific legal conclusion for it. It
22 says I have to make the objection. I made the objection --

23 THE COURT: And --

24 MR. MILES: -- and I believe it was admissible, so --

25 THE COURT: And it was denied.

1 MR. MILES: Yeah, and it was denied.

2 THE COURT: So your motion to suppress was denied, so the
3 statement is coming in.

4 MR. MILES: Okay.

5 THE COURT: So Mr. Martinez is giving you an opportunity to
6 review it and to let him know what further redactions, if any, you want,
7 or if you don't want any. So --

8 MR. MILES: I need time to review it.

9 THE COURT: -- I'll give you the next day or two, and I'm
10 telling you, take a look at it, because I'm not going to have the jury sitting
11 around for 24 hours while you go and do it.

12 MR. MILES: I'll do it today.

13 THE COURT: You're on notice right now to get it ready.

14 MR. MILES: I'll do it today.

15 THE COURT: So do it. You have today and tomorrow. I'm
16 not trying to rush you. I'm simply telling you the time to start looking at
17 it is now.

18 MR. MILES: Okay.

19 THE COURT: Not right now, but soon.

20 MR. MILES: Okay.

21 THE COURT: Okay?

22 MR. MILES: Okay.

23 THE COURT: Anything else?

24 MR. MARTINEZ: I just wanted to know how you want to
25 handle bench conferences. My suggestion was going to be to have Bob

1 walk up, and then be able to tell the Defendant what we talked about. I
2 don't think the Defendant wants to do that. He --

3 THE COURT: No.

4 MR. MARTINEZ: -- wants the jury to leave the courtroom.

5 THE COURT: At this point, I either want Mr. Beckett to
6 represent him or to just observe and, you know --

7 MR. MARTINEZ: That's fine.

8 THE COURT: -- be involved.

9 MR. MARTINEZ: So if we need --

10 THE COURT: Not be involved, but observe and be ready in
11 the event he has to pick up the Defense.

12 MR. MARTINEZ: Right. I'll do my best to -- because
13 typically --

14 THE COURT: Can we -- I'm trying to remember how we ever
15 did it before. I've seen it done where they take the jury out or -- I don't
16 know, can we go in the back hall? What's protocol? We're talking about
17 either doing the bench conference either where we have to remove the
18 jury, and we do it in open court, or we remove -- we leave the jury, and
19 we go in the hallway, but I don't know if that's a problem for the jury.

20 THE MARSHAL: I've never -- Ramsey only told me the two
21 possibilities were --

22 THE COURT: What?

23 THE MARSHAL: -- he has representation of him come up and
24 listen and give him the information when they go back, or the jury steps
25 out.

1 THE COURT: Okay.

2 THE MARSHAL: That's the only two options I'm aware of.

3 THE COURT: We'll just do that then.

4 THE MARSHAL: The jury will step out.

5 MR. MILES: Do what, Your Honor?

6 THE COURT: In the event that we need to discuss something
7 outside the presence -- and you know, normally, in trial, if you have two
8 attorneys, the attorneys will approach the bench and have a discussion
9 sidebar outside the presence, so the jury doesn't hear it, but in this
10 particular case, if that comes up, we'll just excuse the jury entirety, and
11 we'll just have it on the record.

12 MR. MILES: Okay.

13 THE COURT: It's on the record either way.

14 MR. MILES: Okay.

15 THE COURT: But logistically, you can't be allowed to do that,
16 protocol and what not, and I don't want Mr. Beckett to be in a position to
17 have to relay to you.

18 MR. MILES: I understand that.

19 MR. MARTINEZ: So as far as jury selection goes, challenges
20 for cause, we'll wait for a break to bring those to Your Honor's attention,
21 correct? Or do you want to --

22 THE COURT: Yeah, I guess we'll -- I guess because of the
23 way we're doing this now, yeah, we're going to have to. Normally, I
24 would just do it kind of right along so we can figure out where we are,
25 but --

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[Pause]

THE COURT: If we're moving them in and out quickly, can we just put the jury in this back room? Well, there's too many of them. There's too many of them.

THE MARSHAL: Sixty-five people.

THE COURT: Yeah. Ultimately, during trial, we can maybe do it then, right?

THE MARSHAL: Yeah, we could probably do it that way when we're in trial. Yeah.

THE COURT: Okay. Okay. I'm trying to think. Is there anything else logistically we need to deal with?

MR. MARTINEZ: I think that's it. I just would ask, Your Honor, just advise the Defendant maybe about the introduction, if you're going to have us introduce ourselves, that it's just to introduce yourself and not argument at this point.

MR. MILES: I --

MR. MARTINEZ: Or an opening statement.

MR. MILES: I understand how the opening statement works, nature of the case, the facts that you prove. I understand all of that, so --

THE COURT: But when the jury comes in, you're going to have an opportunity to introduce yourself.

MR. MILES: Okay.

THE COURT: You know, if you pled not guilty or whatever, but that's not the time for the opening statement. That'll be later.

MR. MILES: I thought that's what he was talking about.

1 Sorry, Your Honor.

2 THE COURT: No. he's just making sure you don't do
3 opening statement before you get to your opening statement, I think.

4 MR. MARTINEZ: That's correct.

5 MR. MILES: Okay. Yeah, I understand the process.

6 THE COURT: Yeah, it's literally an intro.

7 MR. MILES: Okay.

8 MR. MARTINEZ: But I think he's going to want to -- if you
9 give him an opportunity to list an witnesses that he has, he's going to
10 need to tell the jury what potential witnesses, just as the State is going
11 to.

12 THE COURT: Correct.

13 MR. MILES: Okay.

14 THE COURT: Do you have that list ready?

15 MR. MILES: I filed my notice of witnesses a long time ago.

16 THE COURT: Okay. You'll be asked to read it to the jury,
17 okay?

18 MR. MILES: Okay. Can I actually get another copy of that? I
19 don't believe I received it back in the mail. I sent it off and it never came
20 back.

21 MS. RHOADES: I have it right here if -- I can make a copy.

22 MR. MARTINEZ: That's all I have. I don't have anything else.

23 THE COURT: Are we all good?

24 MR. MARTINEZ: Yeah.

25 THE COURT: And now where is the jury?

1 THE MARSHAL: They're still in there.

2 THE COURT: All right. I'm going to take two minutes before
3 we start.

4 THE MARSHAL: Mr. Miles, you have to stay within the
5 perimeters of this table.

6 MR. MILES: Okay.

7 THE MARSHAL: So you can't come over here, you can't go
8 over to the bench. You have to stay right here.

9 MR. MILES: See, here's my thing, too, Your Honor, because I
10 know -- I don't know how far we're going to get to today. It might just be
11 jury selection and maybe opening statement, but when it comes time for
12 it, there might be times where I have to, you know, ask to publish
13 something so the jury can see the evidence, and I just noticed that that's
14 right there, so if the perimeter is right here, I don't understand how that's
15 going to work.

16 THE COURT: How is that going to work? He's going -- I
17 mean --

18 THE MARSHAL: You said to present stuff to the jury --

19 MR. MILES: Well --

20 THE MARSHAL: -- during the trial?

21 MR. MILES: Yeah, during the trial, like permission to publish
22 and, you know, things like that.

23 THE COURT: Is that something you could do?

24 MR. MARTINEZ: I think --

25 THE MARSHAL: I could escort him over there, but then -- I

1 don't know.

2 THE COURT: No, no. I don't want you to escort him.

3 MR. MARTINEZ: Maybe he can hand the document to
4 Marshal and Marshal can put it on the --

5 THE MARSHAL: I can do that, too.

6 MR. MILES: Yeah, but I think that kind of -- there's not
7 nothing I'm going to do. I think it's right there, if we could push it
8 further, I mean, closer, that would be fine.

9 THE COURT: Will that move?

10 THE MARSHAL: It moves. The problem is, though, when I
11 bring the jury in, I'm going to bring them in through here, so --

12 MR. MILES: And how's this going to work? Is the State
13 going to be able to approach witnesses and things of that nature?
14 Because if I can't approach and then if we have somebody else
15 approaching, doesn't that look kind of funny, or I don't know.

16 MR. MARTINEZ: I think once we figure out the procedure,
17 we'll do the same -- do it the same way that the Defendant is doing it, so
18 it doesn't look --

19 THE COURT: I called around to try and get kind of a feel for
20 how some of the different ways to do this. We're not going to get
21 beyond jury selection today.

22 MR. MILES: Okay.

23 THE COURT: I don't see it. If we do, we'll just break. I mean,
24 it's already a quarter to two.

25 MR. MARTINEZ: Okay.

1 THE COURT: I can't go late today. In fact, I was hoping to
2 get out a couple minutes early, so I'll ask around and see. You know, I've
3 only done a couple pro se in my career and I don't honestly remember.

4 MR. MARTINEZ: I think the appropriate thing to do is to
5 figure out a procedure, what's going to -- for Court security purposes,
6 how everybody feels comfortable with how the Defendant is going to be
7 publishing exhibits and interacting with the witnesses. Once we figure
8 that out, then the State will follow the exact same procedure, so it's the
9 same and the jury doesn't see a difference.

10 THE COURT: Well, that seems certainly very reasonable
11 then.

12 MR. MILES: And Your Honor, I think the procedure is very
13 clear. If you're saying I can't go beyond this perimeter, then the State
14 shouldn't go beyond the perimeter either.

15 THE COURT: Yeah, that's what he's saying.

16 MR. MILES: Okay, okay. Yeah, that's -- I just wanted to make
17 that clear.

18 THE COURT: That's what Mr. Martinez is saying. Whatever
19 you can do -- whatever he can do, you can do, or you can do, he can do.

20 MR. MILES: I just wanted to make that specific.

21 THE COURT: Is that correct? That's what you were going to
22 do?

23 MR. MARTINEZ: Yeah.

24 MR. MILES: Okay.

25 THE MARSHAL: I believe during the trial, too, we can bring

1 him up here.

2 THE COURT: Huh?

3 THE MARSHAL: During the trial, if he wants to present
4 anything here, I can bring him up.

5 THE COURT: You can bring the --

6 THE MARSHAL: I can bring him and allow him to come over
7 here.

8 THE COURT: That --

9 THE MARSHAL: Nothing further than this.

10 THE COURT: But I can't have you bringing him.

11 THE MARSHAL: Okay.

12 THE COURT: Can you just stand there so you -- you stand in
13 the same place whether it's Mr. Martinez or Mr. Miles coming there?
14 You see what I'm saying?

15 THE MARSHAL: Yeah, so for both parties?

16 THE COURT: We don't want the jury to think --

17 THE MARSHAL: Right.

18 THE COURT: -- that needs an extra precautions because
19 then --

20 THE MARSHAL: Okay.

21 THE COURT: -- it doesn't look good.

22 THE MARSHAL: I'll step -- every time you come up, I'll come
23 over here. Every time you come up, I'll come over here.

24 MR. MILES: Perfect.

25 THE MARSHAL: Does that work?

1 THE COURT: It works with me if it works with everybody
2 else.

3 MR. MARTINEZ: That's fine with the State, and we're not
4 going to be doing that today.

5 THE MARSHAL: Right.

6 MR. MARTINEZ: It's just going to be jury selection.

7 THE COURT: Right.

8 THE MARSHAL: All right.

9 MR. MILES: And one more thing. Is Becky Yorke, Mark Hunt,
10 and Gabby King, and Jacobs available? You're not saying they're
11 unavailable. Is State saying they're unavailable or --

12 MR. MARTINEZ: Nope, they are one-hundred percent
13 available --

14 MR. MILES: Okay.

15 MR. MARTINEZ: -- and ready to testify.

16 MR. MILES: Just wanted to make sure, so just in case it
17 came to, you know, witnesses not being available, just want to make
18 sure we have that for the record that they're available.

19 MR. MARTINEZ: Of course, I wouldn't announce ready if I
20 wasn't ready.

21 MR. MILES: Okay. Just wanted to make sure.

22 THE COURT: Okay.

23 MR. MARTINEZ: And in fact, we -- well, I'll save that for a
24 later time. We should pick the jury.

25 THE COURT: Sorry?

1 MR. MARTINEZ: We should pick -- I was going to make a
2 record of something, but I don't think we need to do it right now.

3 THE COURT: So we've done -- we've made the -- all the
4 negotiation offers are off the table when the jury walks in the room, the
5 amendment has been filed. We're good to go. I'm going to take two
6 minutes while we bring the jury in.

7 [Recess at 1:44 p.m., recommencing at 2:01 p.m.]

8 [Outside the presence of the prospective jury]

9 THE COURT: Am I told that this -- I was under the impression
10 this was a three-, four-, five-day trial.

11 MR. MARTINEZ: Well, with -- yes, full judicial days, but since
12 we're doing half days, it may bleed over into the following week.

13 THE COURT: Okay. Bleed over is different from a week and
14 a half to two weeks.

15 MR. MARTINEZ: Well, I just want to make sure that the
16 jurors understand that --

17 THE COURT: I got you. Okay.

18 MR. MARTINEZ: -- there's a potential.

19 THE COURT: I was wondering -- okay.

20 MR. MARTINEZ: I don't want it to go two weeks. I don't
21 want it to go a week and a half. I want it to be a couple days, but --

22 THE COURT: All right. We -- so we decided three --

23 THE MARSHAL: Yeah. I have 36. Okay. Everybody --

24 THE COURT: We're going to go ahead -- we're going to keep
25 -- do three alternates then.

1 MR. MARTINEZ: Okay. Would -- are -- do they sit in a
2 specific --

3 THE COURT: Since we may be over a weekend.

4 MR. MARTINEZ: Where are the alternates in the --

5 THE MARSHAL: So 36 goes all the way over here. So -- are
6 you talking about during trial?

7 MR. MARTINEZ: No, like do we have to pick from specific
8 seat numbers?

9 THE COURT: We're going to put 36 in the box, right?

10 THE MARSHAL: Twenty-four in the box.

11 THE COURT: Yeah.

12 THE MARSHAL: Then this row will be full, part of this row to
13 this binder here will be full. This will be empty, not at the moment, but it
14 will be empty eventually. And then we'll fill the rest over here.

15 THE COURT: Is it making sense?

16 MR. MARTINEZ: Yeah. So I'm just wondering where the
17 alternates are going to be seated, so when we decide who we want to
18 exercise our perempts, which ones -- or do you --

19 THE COURT: It will be the last, right?

20 MR. MARTINEZ: The last three? So it will be 15 and the last
21 three will be the alternates?

22 THE COURT: Correct.

23 MR. MARTINEZ: Okay.

24 THE COURT: Well, the first 15 will be our jury.

25 MR. MARTINEZ: The first --

1 THE COURT: After all preempts are exercised.

2 MR. MARTINEZ: Right.

3 THE COURT: Right.

4 MR. MARTINEZ: And then --

5 THE COURT: Now, you're confusing me.

6 MS. RHOADES: If -- I think if we're going to have three
7 alternates, do we need to qualify 37 people? Because we usually -- we
8 usually have two.

9 THE COURT: I just did this math the last time we were doing
10 this. Hang on.

11 MS. RHOADES: Because if we usually have two, then we
12 qualify the 36.

13 THE CLERK: She's right.

14 THE COURT: You're right. Thirty-seven.

15 MS. RHOADES: Okay. So we're up to the binder is what
16 we're --

17 THE MARSHAL: Yeah.

18 MS. RHOADES: Okay.

19 THE MARSHAL: This side of the binder --

20 THE COURT: We were just going to two but if it goes over
21 the weekend, then I like to have three.

22 MS. RHOADES: Okay.

23 THE COURT: Flu season and all.

24 [Court and clerk confer]

25 THE MARSHAL: Also, one juror is not present, Jose Tapia,

1 number panel number 39.

2 THE COURT: What do we do for people who don't show up?
3 Do we issue an order to show cause? Somebody does that.

4 [Court and clerk confer]

5 THE COURT: No, we bring them up before -- right?

6 THE MARSHAL: That's what we did last time.

7 THE COURT: That seemed to be all right.

8 THE MARSHAL: If one has to get replaced, we pull them
9 from there.

10 THE CLERK: Okay.

11 THE COURT: Yeah.

12 MR. MARTINEZ: They go to the specific seat of the person
13 they're replacing?

14 THE MARSHAL: That's what we did last time.

15 MR. MARTINEZ: That's fine.

16 THE COURT: Yeah, we did, we put them right in that seat.

17 MR. MARTINEZ: Sure. That's great.

18 THE MARSHAL: We ready?

19 THE COURT: Yep. Thank you.

20 THE MARSHAL: All rise for entry of the jury.

21 [Prospective jury in at 2:05 p.m.]

22 THE MARSHAL: All present, Your Honor.

23 THE COURT: Thank you.

24 Welcome to department XVIII, ladies and gentlemen. This is
25 the time set for trial in case number C-15-306436-1, State of Nevada,

1 Plaintiff, versus Christian Stephon Miles, Defendant. The record will
2 reflect the presence of the Defendant, the Deputy District Attorneys, and
3 all other officers of the court.

4 Do both parties stipulate to presence of the jury of the venire
5 panel? And are the parties ready to proceed?

6 MR. MARTINEZ: Yes, Your Honor.

7 MR. MILES: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen, as I said, you're in
9 department XVIII of the Eighth Judicial District Court. My name is Mary
10 Kay Holthus, and I am in the presiding judge in that department. You
11 have been called upon today to serve as a juror in the criminal case. The
12 charges in this case are sex trafficking of child under 18 years of age,
13 first-degree kidnapping, living from the earnings of a prostitute, child
14 abuse, neglect, or endangerment.

15 We expect this trial will last anywhere from probably five to
16 eight days, which might -- may mean it will bleed over into next week.
17 Primarily we'll be doing half days, full days on Friday. Trials will
18 generally run from no earlier than 9:00 in the morning to no later than
19 5:00 at night. Ultimately, 14 of you will be going forward with us as
20 jurors, and alternate jurors. Actually, there's going to be 15.

21 In this country, we place great faith in our citizens as jurors to
22 reach fair and objective decisions. Part of what you're doing here is you
23 are being citizens of our country and community. Jury duty is a civic
24 responsibility like obeying laws, voting, and paying taxes. We
25 appreciate the fact that you responded to the jury summons and showed

1 up, willing to do your job.

2 It's important what you are doing here, and I hope that you
3 enjoy your experience as a juror and find it rewarding. Even with all
4 that, I know some of you are sitting here thinking I am going to answer
5 these questions in a way to get out of it today. I got a jury summons a
6 few months ago and I had to wait until the night before to call to see if I
7 had to show up just like you.

8 Here's the problem. First thing about what would happen if
9 you were a party in a lawsuit or accused of a crime, what kind of people
10 would you want on a jury? Second, you might get out of this jury. That
11 doesn't mean you're out of jury duty. It means you go back to the third
12 floor and they may need you somewhere else. This case is going to last
13 about, like I said, five to eight days. Some of them last a couple of
14 weeks. Some last a couple of months.

15 In our civil departments, they are about to start selecting a
16 jury that will last potentially a year long. Oftentimes we have trials
17 where jury selection alone can last several weeks. So if you want to
18 answer the questions to get out of jury duty, just be real careful what you
19 wish for.

20 Let me take this opportunity to introduce the court staff.
21 You've already met Officer Coe [phonetic], our marshal. His job is to
22 maintain order and security in the courtroom. The marshal is also my
23 representative to the jury. Anything you need or any problems that
24 come up for you during the course of the trial should be brought to him.
25 However, please keep in mind that the marshal cannot talk to you about

1 the case or answer any of your questions about this case.

2 To my far right is Yvette Sison. She's our court recorder.
3 She sees that everything that is said during the trial is record so there's
4 an accurate, legal record of everything we say and do during this trial.

5 On my immediate right is Dara Yorke, and to her right is
6 Michelle Tucker. They are court clerks who will be swearing in
7 witnesses, marking exhibits, keeping track of evidence, and preparing
8 minutes of the proceedings for the court record.

9 You may also see my assistant, Kelly Tibbs, and my law
10 clerk, Morgan Thomas, who just ran back there, in the courtroom from
11 time to time. They make everything run behind the scenes while we're
12 in trial.

13 Now, the State will introduce themselves to you, read a list of
14 witnesses they may call, and give you a synopsis of their case. Please
15 pay attention to the names on the list of witnesses that they read out.
16 Counsel.

17 MS. RHOADES: Thank you, Your Honor. Good afternoon.
18 My name is Christina Rhoades. This is Samuel Martinez. We are Deputy
19 District Attorneys. We work for the Clark County District Attorney's
20 Office, and we represent the State of Nevada in this case. We have been
21 assigned to prosecute the State of Nevada versus Christian Miles.

22 It is alleged that in the beginning of February 2015 Christian
23 Miles met 16-year-old Gabriel King on Facebook, and he encouraged her
24 to work as a prostitute for him. Based on those actions, he is charged
25 with sex trafficking of a child under 18 years of age, first-degree

1 kidnapping, living from the earnings of a prostitute, and child abuse,
2 neglect, or endangerment.

3 In order to prove these charges, we may call some of the
4 following witnesses. Well, we will call some of the following witnesses,
5 but we will not call all of them. Just pay attention. If you recognize any
6 of them, please let us know. Gabriel King. Najmah Dennis. Jahnay
7 Laporsha Ramsey. Becky York. Mark Hunt. From the Las Vegas
8 Metropolitan Police Department; Detective Justine Gatus, Detective Zack
9 Johnson, Detective Rich Lee Leung, Detective William VanCleaf. Officers
10 with Metro; Officers Collins, Giannone, Ahlin, Hume, Huntington, and
11 Leach. From the Henderson Police Department; Detective Mark
12 Admundson. A custodian of records from The Suites, which is on
13 Boulder Highway and Flamingo. Craig's List, Backpage, and U.S. Bank,
14 retired Metro Sergeant Donald Hoyer, and James Jacobs, who was a
15 juvenile probation officer.

16 Thank you very much.

17 THE COURT: Now, Mr. Miles, will you now introduce
18 yourself and read your list of any witnesses that you may intend to call.

19 MR. MILES: Good morning, ladies and gentlemen. My name
20 is Christian Miles, currently representing myself in this case, pro
21 persona. The -- the witnesses I intend to call in my case in chief in my
22 defense will be Private Investigator Marc Hunt, Laporsha Ramsey,
23 custodians of records for Metro PCS, and Nigel James.

24 Thank you.

25 THE COURT: Thank you.

1 Madam Clerk, will you please call roll of the panel of
2 prospective jurors?

3 Ladies and gentlemen, when your name is called, please
4 answer present or here.

5 THE CLERK: Mecham, 381.

6 THE COURT: What is that?

7 PROSPECTIVE JUROR 0381: Here.

8 THE CLERK: Foytik, 803?

9 PROSPECTIVE JUROR 0803: Here.

10 THE CLERK: Neal, 806?

11 PROSPECTIVE JUROR 0806: Here.

12 THE CLERK: Raugust, 808?

13 PROSPECTIVE JUROR 0808: Here

14 THE CLERK: Corno, 811?

15 PROSPECTIVE JUROR 0811: Here.

16 THE CLERK: Bird, 812?

17 PROSPECTIVE JUROR 0812: Here.

18 THE CLERK: Abdon, 817?

19 PROSPECTIVE JUROR 0817: Here.

20 THE CLERK: Meadows, 818?

21 PROSPECTIVE JUROR 0818: Here.

22 THE CLERK: Hypes, 826?

23 PROSPECTIVE JUROR 0826: Here.

24 THE CLERK: Mathisen, 832?

25 PROSPECTIVE JUROR 0832: Here.

1 THE CLERK: Larson, 833?
2 PROSPECTIVE JUROR 0833: Here.
3 THE CLERK: Clark, 836?
4 PROSPECTIVE JUROR 0836: Here.
5 THE CLERK: Gonzales, 838?
6 PROSPECTIVE JUROR 0838: Here.
7 THE CLERK: Araujo, 840?
8 PROSPECTIVE JUROR 0840: Here.
9 THE CLERK: Peterson, 844?
10 PROSPECTIVE JUROR 0844: Present.
11 THE CLERK: Sanchez, 850?
12 PROSPECTIVE JUROR 0850: Here.
13 THE CLERK: Brown, 852?
14 PROSPECTIVE JUROR 0852: Here.
15 THE CLERK: Mena, 857?
16 PROSPECTIVE JUROR 0857: Present.
17 THE CLERK: Farmer, 863?
18 PROSPECTIVE JUROR 0863: Here.
19 THE CLERK: Stevens-Haddock, 867?
20 PROSPECTIVE JUROR 0867: Here.
21 THE CLERK: Saldana-Ambriz, 870?
22 PROSPECTIVE JUROR 0870: Here.
23 THE CLERK: Rudd, 871?
24 PROSPECTIVE JUROR 0871: Present.
25 THE CLERK: Ambrose, 874?

1 PROSPECTIVE JUROR 0874: Here.
2 THE CLERK: Fayerverger, 885?
3 PROSPECTIVE JUROR 0885: Here.
4 THE CLERK: Wendel, 887?
5 PROSPECTIVE JUROR 0887: Here.
6 THE CLERK: Tolstov, 892?
7 PROSPECTIVE JUROR 0892: Here.
8 THE CLERK: Campos, 897?
9 PROSPECTIVE JUROR 0897: Here.
10 THE CLERK: Boozer, 903?
11 PROSPECTIVE JUROR 0903: Here.
12 THE CLERK: Hinds, 904?
13 PROSPECTIVE JUROR 0904: Here.
14 THE CLERK: Isum, 910?
15 PROSPECTIVE JUROR 0910: Here.
16 THE CLERK: Cuadras, 913?
17 PROSPECTIVE JUROR 0913: Here.
18 THE CLERK: Martinez, 915?
19 PROSPECTIVE JUROR 0915: Here.
20 THE CLERK: Hayes, 918?
21 PROSPECTIVE JUROR 0918: Here.
22 THE CLERK: Woods, 919?
23 PROSPECTIVE JUROR 0919: Here.
24 THE CLERK: Rios, 923?
25 PROSPECTIVE JUROR 0923: Here.

1 THE CLERK: Manoogian, 937?
2 PROSPECTIVE JUROR 0937: Here.
3 THE CLERK: Gonzalez, 946?
4 PROSPECTIVE JUROR 0946: Here.
5 THE COURT: Ladies and gentlemen, we're about to begin
6 the selection --
7 [Court and clerk confer]
8 THE COURT: Sorry, guys. Go ahead.
9 THE CLERK: Farri, 948?
10 PROSPECTIVE JUROR 0948: Here.
11 THE CLERK: Kurtz, 961?
12 PROSPECTIVE JUROR 0961: Here.
13 THE CLERK: Picini, 966?
14 PROSPECTIVE JUROR 0966: Here.
15 THE CLERK: Brewer, 969?
16 PROSPECTIVE JUROR 0969: Here.
17 THE CLERK: Lange, 972?
18 PROSPECTIVE JUROR 0972: Here.
19 THE CLERK: Neuhauser, 974?
20 PROSPECTIVE JUROR 0974: Here.
21 THE CLERK: Ortiz, 975?
22 PROSPECTIVE JUROR 0975: Here.
23 THE CLERK: Dahl, 976?
24 PROSPECTIVE JUROR 0976: Here.
25 THE CLERK: Benton, 978?

1 PROSPECTIVE JUROR 0978: Here.
2 THE CLERK: Boyer, 979?
3 PROSPECTIVE JUROR 0979: Present.
4 THE CLERK: Sandoval, 983?
5 THE MARSHAL: Sandoval?
6 PROSPECTIVE JUROR 0983: Here.
7 THE MARSHAL: He's here.
8 THE CLERK: Beltran, 985? Beltran, 985?
9 PROSPECTIVE JUROR 0985: Here.
10 THE MARSHAL: Speak up. No, just speak up. You don't
11 have to sit down. Just speak up.
12 THE CLERK: Boyadjian, 986?
13 PROSPECTIVE JUROR 0986: Here.
14 THE CLERK: Miller, 993?
15 PROSPECTIVE JUROR 0993: Present.
16 THE CLERK: Bizzell, 996?
17 PROSPECTIVE JUROR 0996: Here.
18 THE CLERK: Cabrera-Guzman --
19 PROSPECTIVE JUROR 1000: Here.
20 THE CLERK: -- 000? Salazar, 007?
21 PROSPECTIVE JUROR 1007: Here.
22 THE CLERK: Cantere, 012?
23 PROSPECTIVE JUROR 1012: Here.
24 THE CLERK: Chung, 013?
25 PROSPECTIVE JUROR 1013: Here.

1 THE CLERK: Redisi, 014?
2 PROSPECTIVE JUROR 1014: Here.
3 THE CLERK: Warren, 015?
4 PROSPECTIVE JUROR 1015: Here.
5 THE CLERK: Geiger, 018?
6 PROSPECTIVE JUROR 1018: Here.
7 THE CLERK: Deegan, 028?
8 PROSPECTIVE JUROR 1028: Here.
9 THE CLERK: Romero, 029?
10 PROSPECTIVE JUROR 1029: Here.
11 THE CLERK: Cerbin, 031?
12 PROSPECTIVE JUROR 1031: Here.
13 THE CLERK: Robitaille, 036?
14 PROSPECTIVE JUROR 1036: Here.
15 THE CLERK: Miller, 038?
16 PROSPECTIVE JUROR 1038: Present.
17 THE COURT: Ladies and gentlemen, is there anyone whose
18 name was not called?
19 All right. Now we are about to begin the jury selection
20 process. This is the part of the case where the parties and their lawyers
21 have the opportunity to get to know a little bit about you in order to help
22 them come to their own conclusions about your ability to be fair and
23 impartial so they can decide who they think should be jurors in this case.
24 The process is done under oath. Will you all please stand and raise your
25 right hand so the clerk could administer the oath?

1 [Prospective jurors sworn]

2 THE CLERK: Please be seated.

3 THE COURT: The process will go like this. First, I will ask
4 some general questions while you're all seated here. These questions
5 will be directed to everyone in the jury box as well as in the audience.
6 After the general questions, the focus will turn to the group of you on
7 this side of the room. I will ask individual questions of you seated in the
8 jury box. I will also ask some specific questions that are presented by
9 both sides to be asked on their behalf.

10 The questions that you will be asked during this process are
11 not intended to embarrass you or unnecessarily pry into your personal
12 affairs, but it is important that the parties and their attorneys know
13 enough about you to make this important decision. There are no right or
14 wrong answers to the questions that will be asked of you. The only thing
15 I ask is that you answer the questions as honestly and completely as you
16 can.

17 You will take an oath to answer all the questions truthfully,
18 and you must do so. Remaining silent when you have information you
19 should disclose is a violation of that oath as well. If a juror violates this
20 oath, it is not only may result in having to try the case all over again but
21 can also result in penalties against the juror personally. So, again, it's
22 very important that you be as honest and complete with your answers as
23 possible. If you don't understand the question, please ask for an
24 explanation or a clarification.

25 At some point during the process of selecting a jury, the

1 attorneys for both sides will have the right to ask that a particular person
2 not serve as a juror. That is called a challenge. There are two types of
3 challenges. The first challenge is a challenge for cause. The challenge
4 for cause is a request to excuse a juror because a juror might have a
5 difficult time being fair and impartial in this particular case.

6 The second type of challenge is a peremptory challenge. A
7 peremptory challenge means that a juror can be excused from duty
8 without either side having to give a reason for the excusal. In this case,
9 each side will have eight -- nine peremptory challenges. Please do not
10 be offended should you be excused by either of the challenging
11 procedures. They are simply a part of the procedures designed to assist
12 the parties and their attorneys to select a fair and impartial jury.

13 Once all challenges are exercised, we will have 17 qualified --
14 15 qualified jurors. Two of the 14 will be designated as alternate -- well,
15 actually, we're going to do three alternates because it goes over the
16 weekend just to be safe. The remaining 12 jurors will deliberate the
17 case.

18 I'm now going to ask you some questions of the entire
19 group. If you wish to respond to a question, please raise your hand.
20 And when I get to you, please stand and give your name and your badge
21 number. It's only necessary to give the last three numbers on your
22 badge, okay?

23 Is there anyone who has a disability or medical issue that
24 might impact their ability to serve as a juror on this case?

25 PROSPECTIVE JUROR 0903: Mariah Boozer, 903, and I have

1 Crohn's disease.

2 THE COURT: What badge number is that?

3 PROSPECTIVE JUROR 0903: 903.

4 THE COURT: Is that something that -- are you able to? I
5 mean, do you just need extra breaks, if you need breaks or whatnot,
6 you're fine?

7 PROSPECTIVE JUROR 0903: Yeah. Yeah.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 0903: Other than that, I'm fine.

10 THE COURT: All right. Just -- if you need anything, just raise
11 your hand and let Mr. Coe know, and we'll make whatever arrangements
12 you need, whenever you make it. Okay?

13 PROSPECTIVE JUROR 0903: Thank you.

14 THE MARSHAL: Who was the other one?

15 PROSPECTIVE JUROR 1029: Your Honor, Andres Romero,
16 029. I got PTSD. It's really hard for me to be enclosed in a place like this
17 around a lot of people. I lose it. I have to be medicated. So I don't think
18 I'll make a good candidate for jury duty. Thank you.

19 THE COURT: Thank you.

20 MR. MILES: Excuse me, Your Honor. What badge number
21 was that, again?

22 PROSPECTIVE JUROR 1029: 029.

23 MR. MILES: 029.

24 THE COURT: What badge number?

25 THE MARSHAL: What's your badge number, sir?

1 PROSPECTIVE JUROR 0985: I -- I --

2 THE MARSHAL: Hang on. Hang on, sir. With the mic, hang
3 on. What's your badge number, sir?

4 PROSPECTIVE JUROR 1029: 029.

5 THE MARSHAL: 029.

6 THE COURT: Good thing you asked, because I had the
7 wrong one. Okay. Anybody else?

8 PROSPECTIVE JUROR 0985: Yeah, my badge is 985. My
9 [Indiscernible] live in the State, and my wife, she very sick now, in
10 cancer, in therapy right now. She need my help now.

11 THE COURT: I'm sorry. You said what?

12 PROSPECTIVE JUROR 0985: That my wife, she's -- she's in
13 cancer now, therapy, and she need my help.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 0985: And I only little understand
16 English. My language is Spanish.

17 THE COURT: What was your badge number, sir?

18 PROSPECTIVE JUROR 0985: 985.

19 THE COURT: Mr. Beltran?

20 PROSPECTIVE JUROR 0985: Yes.

21 THE COURT: Okay. Thank you.

22 Anyone else?

23 PROSPECTIVE JUROR 0996: My name is Donna Bizzell. My
24 number is 996. I had -- we bought ticket way back in January or
25 February for leaving to Georgia. I'll be leaving Wednesday, this

1 Wednesday, and won't be back probably about three or four months.

2 THE COURT: I'm sorry. And where are you going?

3 PROSPECTIVE JUROR 0996: Say that again, please.

4 THE COURT: Where are you going?

5 PROSPECTIVE JUROR 0996: Georgia.

6 THE COURT: Anybody else?

7 Thank you.

8 PROSPECTIVE JUROR 0996: Thank you.

9 THE COURT: Is there anyone here who has been convicted
10 of a felony? Seeing no hands.

11 As I've said, we anticipate this case is going to last five to
12 eight days. I recognize that serving on a jury is almost always a personal
13 or financial hardship. For that reason, financial hardship is generally not
14 considered an excuse to serving as a juror. However, you might be
15 confronted with unique inconveniences or hardships that would impact
16 your service in this particular trial at this particular time. Is there anyone
17 here who cannot -- who has an extraordinary reason why he or she
18 cannot serve as a juror in this case?

19 PROSPECTIVE JUROR 0892: Denys Tolstov, 892. I'm a -- I'm
20 a circus performer, one of the shows on the street, and I do particular
21 role in the shows, and if I'm going to be out of the show, then there's
22 nobody that can replace me, so --

23 THE COURT: What was your badge number?

24 PROSPECTIVE JUROR 0892: 892.

25 THE COURT: And what show are you in?

1 PROSPECTIVE JUROR 0892: Criss Angel at the Planet
2 Hollywood.

3 THE COURT: What happens if you get sick?

4 PROSPECTIVE JUROR 0892: Then there's nobody can
5 replace my -- my part.

6 THE COURT: Does the show go on?

7 PROSPECTIVE JUROR 0892: Yeah. The whole --

8 THE COURT: And I'm sure you're a big part of it. I'm just
9 trying to kind of get a feel for it.

10 PROSPECTIVE JUROR 0892: Yeah, yeah. The show will go
11 on, it's just that the part that I'm doing, there's nobody going to replace
12 it. And so far, we're just trying not to be out of the shows.

13 THE COURT: Okay. Thank you.

14 PROSPECTIVE JUROR 0904: Can I say this in private?

15 THE COURT: I'm sorry?

16 PROSPECTIVE JUROR 0904: Can I say my stuff in private?

17 THE MARSHAL: She has an issue she wants to speak
18 privately towards.

19 THE COURT: Yeah. Can you -- hold onto it, okay? We'll take
20 a break and excuse everyone.

21 PROSPECTIVE JUROR 0904: I can tell him, and he can say. I
22 just not -- I don't want to tell --

23 THE COURT: That's fine.

24 PROSPECTIVE JUROR 0904: -- everybody what --

25 THE COURT: That's fine.

1 THE MARSHAL: You can come over here.
2 [Court and Marshal confer]
3 THE COURT: What was the badge number?
4 THE MARSHAL: Badge number, ma'am?
5 PROSPECTIVE JUROR 0904: 0904.
6 THE MARSHAL: What was it?
7 PROSPECTIVE JUROR 0904: 0904.
8 THE MARSHAL: 0904. 904.
9 THE COURT: And, marshal, if you will please lean over and
10 advise both sides.
11 THE MARSHAL: Okay. She was sexually assaulted.
12 MR. MARTINEZ: Okay.
13 THE MARSHAL: She was sexually assaulted.
14 MR. MILES: Okay.
15 THE COURT: Anybody else?
16 And for the record, both sides have been informed; is that
17 correct?
18 MR. MARTINEZ: That's correct, Your Honor.
19 MR. MILES: Yes, Your Honor.
20 PROSPECTIVE JUROR 0961: Dani Kurtz, badge 960. I have a
21 17-year-old daughter, and her cousin was murdered, raped, and
22 kidnapped, and I don't think I would be impartial.
23 THE COURT: 960?
24 THE CLERK: It's 961.
25 THE COURT: Huh?

1 THE CLERK: It's 961.

2 THE COURT: 961? Okay.

3 PROSPECTIVE JUROR 0961: I'm sorry. 961.

4 THE MARSHAL: 961, yeah.

5 THE COURT: We've got you. Thank you. And I'm sorry.

6 THE MARSHAL: Who was next over here?

7 PROSPECTIVE JUROR 0993: Miller, badge 993. I have a
8 military conviction, and I'm not sure if that applies.

9 THE COURT: You have a --

10 PROSPECTIVE JUROR 0993: Military. So it's -- it's military
11 and it's not a civilian related offense. It doesn't qualify as a civilian
12 related offense, so I'm not sure.

13 THE COURT: Is it a felony?

14 PROSPECTIVE JUROR 0993: It's classified as that because
15 it's military.

16 THE COURT: Were your civil rights restored?

17 PROSPECTIVE JUROR 0993: Yes. And under Nevada, yes,
18 I've went through Secretary of State and verified all that.

19 THE COURT: Okay. Thank you.

20 PROSPECTIVE JUROR 1038: Karlene Miller, 038. I have a
21 daughter and I can't afford daycare for a week. I could afford three days.
22 That's it.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 1038: I'm sorry.

25 THE COURT: What's your number?

1 PROSPECTIVE JUROR 1038: 038.

2 THE COURT: You don't have any family or anybody that can
3 do it for you for free?

4 PROSPECTIVE JUROR 1038: Well, of course I do, but they --
5 they don't want to babysit her all day, every day, and they both have
6 jobs.

7 THE COURT: Okay. Thank you.

8 PROSPECTIVE JUROR 1038: Okay.

9 PROSPECTIVE JUROR 1007: Hello. My name is Sandra
10 Salazar, and my badge 007. And they -- I can't speaking very well
11 English, so I don't understand how it works.

12 THE COURT: Okay.

13 THE MARSHAL: Anybody else?

14 PROSPECTIVE JUROR 1015: My name is Ashton Warren.
15 I'm badge number 015. I'm not sure if this is like an extraordinary
16 circumstance, but I just want to say I'm a -- a full-time student at UNLV
17 and going this long without being in classes would kind of affect my
18 college semester grades, so --

19 THE COURT: Thank you.

20 THE MARSHAL: Anybody else over here?

21 PROSPECTIVE JUROR 0903: Mariah Boozer, 903, and I'm
22 also a full-time nursing student, so if I miss another lab, I'll fail the lab.

23 THE COURT: Okay. Thank you.

24 THE MARSHAL: Anybody else over here?

25 Who was it over it?

1 PROSPECTIVE JUROR 0840: Denelle Araujo, 084. When I
2 was 16 or 17 my sister-in-law and I were kidnapped. She was sexually
3 assaulted. I'm not sure how that would affect me as far as being partial
4 or impartial. I mean, I -- I feel like I'd be okay, but I'm not sure if that's
5 something that needs to be brought up. We had to go through the
6 whole testifying thing against him and everything, so --

7 THE COURT: Okay. I appreciate you letting us know. Did
8 you say 840?

9 PROSPECTIVE JUROR 0840: 840.

10 THE MARSHAL: Yeah, 840.

11 THE COURT: 840. Okay. Thank you.

12 PROSPECTIVE JUROR 0817: Hi. I'm Alma Abdon, 817. I
13 don't know if it is excuse, but I'm full-time for my short course for
14 pharmacy tech, and I have lab, and I have full -- yeah, full-time for report.
15 So I don't know if it is excuse.

16 MR. MARTINEZ: I'm sorry, Your Honor. What was the badge
17 number, again?

18 THE COURT: I have 817.

19 PROSPECTIVE JUROR 0817: Yeah.

20 THE COURT: Okay. And I'm sorry, you said you're a full-
21 time student?

22 PROSPECTIVE JUROR 0817: Yeah, for short course for
23 pharmacy tech.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 0817: So it's like -- I think it's nine

1 months, nine months or one year, and I'm not sure . Nine months or one
2 year for my extension.

3 THE COURT: And you're in it right now?

4 PROSPECTIVE JUROR 0817: Yes, I'm -- for now I'm only
5 three months.

6 THE COURT: Okay. So when do you graduate?

7 PROSPECTIVE JUROR 0817: November or December.

8 THE COURT: And I assume, is that during the day? Are you
9 missing class to be here now?

10 PROSPECTIVE JUROR 0817: Today, no. Today's no -- no
11 class. I go on my -- I'm online, but my -- my lab is Thursday.

12 THE COURT: And is it morning or afternoon?

13 PROSPECTIVE JUROR 0817: And for the online is for -- we
14 can either do like a difference chapter work.

15 THE COURT: The online, is that something you can do
16 whenever you're home?

17 PROSPECTIVE JUROR 0817: Yes, we can.

18 THE COURT: So the only thing you would be missing is the
19 lab on Thursday?

20 PROSPECTIVE JUROR 0817: Yes, correct.

21 THE COURT: And what time is the lab?

22 PROSPECTIVE JUROR 0817: 6 to 10:30.

23 THE COURT: 6 --

24 PROSPECTIVE JUROR 0817: 6 p.m. to 10:30.

25 THE COURT: Okay. So as long as we got you out by -- by

1 5:00, you could get there and be okay?

2 PROSPECTIVE JUROR 0817: Okay.

3 THE COURT: Is that right?

4 PROSPECTIVE JUROR 0817: Okay. I don't know. I'm not --
5 sorry, I don't know English that way. I can't --

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR 0817: Thank you.

8 THE COURT: Anybody else?

9 PROSPECTIVE JUROR 0818: Yes, Jeffrey Meadows, badge
10 number 818. I do have a DBT blood clot in -- throughout my right leg,
11 and I'm not able to sit for long periods of time.

12 THE COURT: Is it something that you'd be able to do as long
13 as you're able to sit -- stand up and stretch anytime you --

14 PROSPECTIVE JUROR 0818: Yes. Yes.

15 THE COURT: -- want to? I mean, we don't want to keep --

16 PROSPECTIVE JUROR 0818: As long as I can get up and
17 walkaround --

18 THE COURT: -- people from doing --

19 PROSPECTIVE JUROR 0818: -- and -- you know, not just
20 stretch, but I need to walkaround or else it starts aching real bad.

21 THE COURT: How often?

22 PROSPECTIVE JUROR 0818: Couple hours, you know.

23 THE COURT: Okay. We traditionally would break after a
24 couple hours, a restroom break and whatnot. Very rarely will we go
25 longer than that. And we'll just -- just remind us if you end up being

1 selected that it's time.

2 PROSPECTIVE JUROR 0818: Okay.

3 THE COURT: Okay?

4 PROSPECTIVE JUROR 0818: Thank you.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 0844: Peterson, 844. I am a stroke
7 patient. I suffer from constant migraines. I don't know when they're
8 going to come or when they're going to go. And I am currently in the
9 middle of changing treatments with my specialist. So I don't know how
10 I'm going to be or -- once I get so bad I'm puking, and I'm done.

11 THE COURT: Is it -- how often do you get them? I mean, do
12 you go weeks, months?

13 PROSPECTIVE JUROR 0844: I -- I have migraines probably 80
14 percent of the time. They like could be as low as like a 4 or 5. They can
15 shoot up to a 9 where I'm puking. It's -- there's no telling.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 0844: I don't recommend it.

18 THE COURT: Doesn't sound fun. Sorry.

19 Anybody else? I wasn't talking you into anything.

20 PROSPECTIVE JUROR 0874: Gregory Ambrose, 874. I'm a
21 full-time teacher at a private school and I teach AP United States
22 government, and I'm actually the only one. I was hired specifically to
23 teach that class. I'm the only one qualified to, and I'm -- I'm actually just
24 worried about my students and their success on the AP exam if I miss a
25 week or more of instruction. We have a test approaching.

1 THE COURT: What time is your class?

2 PROSPECTIVE JUROR 0874: My class it's about 11 to 11:35
3 every day Monday through Friday.

4 THE COURT: 11 to 11:35?

5 PROSPECTIVE JUROR 0874: Or 11:45, yes. 45-minute class
6 every day.

7 THE COURT: As a rule we won't start before 1.

8 PROSPECTIVE JUROR 0874: Oh.

9 THE COURT: Does that help you?

10 PROSPECTIVE JUROR 0874: Okay. I'm able to make that
11 work. Thank you.

12 THE COURT: Depending on how it's running, we may try to
13 pick up hours, but if it doesn't work for the jury, we'll work with you at
14 that point. Friday would be the only day we might come in a little bit
15 earlier, but if you get that far, we'll deal with it. Okay.

16 PROSPECTIVE JUROR 0874: Okay. Thank you, Your Honor.

17 THE COURT: Uh-huh.

18 THE MARSHAL: Anybody else?

19 THE COURT: Okay. Are any of you acquainted with me or
20 any of the court staff?

21 Do any of you know each other?

22 PROSPECTIVE JUROR 0993: Mack Miller, 993. We spent last
23 year campaigning in the same circle, Your Honor.

24 THE COURT: That's true.

25 THE MARSHAL: Another one.

1 PROSPECTIVE JUROR 0887: Brandi Wendel, 887. I know the
2 court clerk Michele Tucker. I worked for the District Court for 30 years. I
3 retired 14 months ago, and Michele was one of my employees.

4 THE COURT: Okay. Thank you.

5 Anybody else? Are any of you acquainted with the
6 Defendant Mr. Miles?

7 Are any of you acquainted with Steve Wolfson or any other
8 person in the District Attorney's Office?

9 Mr. Miller?

10 PROSPECTIVE JUROR 0993: Yes, Your Honor. 993. I also
11 spent last year campaigning in the same circles with the District
12 Attorney.

13 THE COURT: Is there anything about that last year
14 campaigning either with me or with Mr. Wolfson that would cause you
15 concern, or the parties concern that you wouldn't be able to be fair and
16 impartial in this case?

17 PROSPECTIVE JUROR 0993: No, it isn't. I'm just answering
18 the questions honestly.

19 THE COURT: Thank you.

20 Anybody else?

21 Are any of you acquainted with any of the witnesses whose
22 names were read by the State or the Defense?

23 Have you or anyone close to you ever been engaged in law
24 enforcement work?

25 PROSPECTIVE JUROR 0818: Again, Jeffrey Meadows, 818.

1 My father was a lifetime career cop.

2 THE COURT: Is there anything about your dad and what he
3 did that would cause you --

4 PROSPECTIVE JUROR 0818: It was just the way he brought
5 me up very -- very bull-headish.

6 THE COURT: Okay. Is that going to impact your ability to be
7 fair and impartial in this case?

8 PROSPECTIVE JUROR 0818: I believe so.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR 0867: Last name is Stevens-Haddock,
11 098. My sister is a regional chief judge with Social Security, so I don't
12 know if it matters.

13 THE COURT: Is there anything about that that would cause
14 you concern about your ability to fair here?

15 PROSPECTIVE JUROR 0867: No.

16 THE COURT: All right. Thank you.

17 That's fine.

18 PROSPECTIVE JUROR 0885: Ashley Fayerverger, 885. I don't
19 know really what it's called, but my dad knows a lot of sergeants, and
20 he's currently on the volunteer police investigation team where they go
21 out to police-related scenes of crime and investigates that.

22 THE COURT: Okay. Anything about his role or job doing
23 that, that would cause you concern about your ability to be fair in this
24 particular case at this time?

25 PROSPECTIVE JUROR 0885: I'm not quite, no.

1 THE COURT: You're not quite -- so yes, no?

2 PROSPECTIVE JUROR 0885: I would say no, but --

3 THE COURT: Well, if that changes, you'll let us know, okay.

4 PROSPECTIVE JUROR 0885: Okay.

5 THE COURT: All right.

6 PROSPECTIVE JUROR 0844: Peterson, 844. My father-in-law
7 was a retired officer in Wisconsin.

8 THE COURT: Okay. And anything about that, that causes
9 you concern about your ability to be fair here?

10 PROSPECTIVE JUROR 0844: No.

11 THE COURT: Okay.

12 Anybody else?

13 PROSPECTIVE JUROR 0852: I'm Laura Brown, 852. Both
14 my -- my -- my father and my brother, and my uncle are all police officers
15 in Dayton, Nevada. And it won't -- doesn't really matter.

16 THE COURT: It wouldn't?

17 PROSPECTIVE JUROR 0852: As far as partial, impartial, I'll
18 be whatever.

19 THE COURT: All right. Well, it won't affect your ability --

20 PROSPECTIVE JUROR 0852: Yeah.

21 THE COURT: -- you'll still listen to the evidence fairly --

22 PROSPECTIVE JUROR 0852: Yes, absolutely.

23 THE COURT: -- and evaluate it? Okay.

24 Anybody else?

25 PROSPECTIVE JUROR 0857: Mena, 993. My uncle has been

1 a Las Vegas officer for 25 years and now he's in the City of Henderson. It
2 won't affect me.

3 THE COURT: Okay. Be fair and impartial?

4 PROSPECTIVE JUROR 0857: Yes.

5 PROSPECTIVE JUROR 0904: My husband is a federal officer
6 and he's -- anything that happen at the airport and at the plane, he's the
7 one that investigates.

8 THE COURT: And I'm sorry, what was your badge number
9 again?

10 PROSPECTIVE JUROR 0904: 0904.

11 THE COURT: Okay. Is there anything about that, that would
12 cause you concern about your ability to fair and impartial?

13 PROSPECTIVE JUROR 0904: If my other -- with that -- with
14 my husband, no, but with my other --

15 THE COURT: Okay. That's the --

16 PROSPECTIVE JUROR 0904: -- thing will -- I'm not going to
17 be a really good jury for him.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 0904: [Indiscernible.] Because right
20 now I'm really shaking just to here [indiscernible].

21 THE COURT: Okay. And we're going to take a break in a little
22 bit here, and we'll address that. Okay.

23 PROSPECTIVE JUROR 0904: Thank you.

24 THE COURT: Just hang in there.

25 Anybody else?

1 PROSPECTIVE JUROR 0937: 937 Kathryn Manoogian. Both
2 my brothers were retired lieutenant and retired detective, but it would
3 not impede or be a problem.

4 THE COURT: Okay. Thank you.

5 PROSPECTIVE JUROR 1031: My name is Brenda Cerbin, 031.
6 My father is a recently retired Metro officer.

7 THE COURT: Anything about that --

8 PROSPECTIVE JUROR 1031: I don't think so, no.

9 THE COURT: -- that would cause you to be concerned that
10 you could be fair?

11 PROSPECTIVE JUROR 1031: I don't think so, no.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 0993: 993, Miller. Former infantry
14 soldier, but I don't believe it'll affect my ability to be a juror.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR 0974: Neuhauser, 974. My daughter-
17 in-law is a Metro officer.

18 THE COURT: Okay. Anything about that, that causes you
19 concern about your ability to be fair and impartial --

20 PROSPECTIVE JUROR 0974: No.

21 THE COURT: -- in this case?

22 PROSPECTIVE JUROR 0974: No, not at all.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 0966: Picini, 966. My father spent 35
25 years with Drug Enforcement Administration.

1 THE COURT: Anything about that, that could cause you
2 concern about your ability to sit impartially on this case?

3 PROSPECTIVE JUROR 0966: No.

4 THE COURT: Thank you.

5 Is that it? Nope.

6 PROSPECTIVE JUROR 1014: Redisi, number 014. I'm a
7 retired peace officer from the Gaming Control Board and an ex-social
8 worker, who dealt with child abuse and neglect for 18 years.

9 THE COURT: Anything about either of those roles that cause
10 you concern about your ability --

11 PROSPECTIVE JUROR 1014: Sure.

12 THE COURT: -- to fair?

13 PROSPECTIVE JUROR 1014: I don't think I could be impartial
14 with this background.

15 THE COURT: With what?

16 PROSPECTIVE JUROR 1014: With this background that I
17 have: social worker in abuse and neglect for 18 years, and 15 years as a
18 retired peace officer with Gaming Control Board.

19 THE COURT: I'm not sure why that background means that
20 you can't fairly evaluate the evidence and follow the law. .

21 PROSPECTIVE JUROR 1014: I don't think I could be fair with
22 the circumstances that were presented.

23 THE COURT: You wouldn't sit and listen to the evidence?

24 PROSPECTIVE JUROR 1014: I would listen, but I'm -- I'm just
25 saying with my background, it'd be very difficult for me to be impartial.

1 THE COURT: Okay. Thank you.

2 MR. MILES: And that was badge number 014, Your Honor.
3 Was that badge number 014?

4 THE MARSHAL: Yes, 014.

5 MR. MILES: Okay.

6 THE COURT: Yes.

7 Anybody else?

8 Does anybody know anything about this case, other than
9 what's been stated in the courtroom today?

10 Does anyone have any philosophical, religious, or other
11 beliefs that would prevent you from serving as a fair and impartial juror?

12 Under our system certain principles apply in every criminal
13 trial. They are that the charging document filed in this case is merely an
14 accusation and is not evidence of guilt; that the Defendant is presumed
15 innocent; and that the State must prove the Defendant is guilty beyond a
16 reasonable doubt. Does anyone not understand or believe in these
17 concepts?

18 No hands.

19 Is there anyone who would have trouble following the
20 instructions on the law I give you, regardless of whether you think the
21 law is good or bad?

22 PROSPECTIVE JUROR 0892: Denys Tolstov, 892. I just want
23 to let you know that I'll just my right as a jury nullification for if I'm going
24 to pick the jury.

25 THE COURT: I only heard every other word.

1 PROSPECTIVE JUROR 0892: Jury nullification I will use my
2 right --

3 THE COURT: Hold the microphone down just a teeny bit.

4 PROSPECTIVE JUROR 0892: Okay.

5 THE COURT: Go ahead.

6 PROSPECTIVE JUROR 0892: I'm going to use my right as a
7 jury nullification for -- for this case.

8 THE COURT: What right for jury nullification?

9 PROSPECTIVE JUROR 0892: Well, I'm going to vote with my
10 heart and the -- what I'm going to feel is correct, and -- or not.

11 THE COURT: So are you telling me you're not going to
12 follow the law?

13 PROSPECTIVE JUROR 0892: With all due respect, I know that
14 I don't have to follow the law. That I know my right. There's a
15 constitutional law as a jury nullification that's my right. So with all due
16 respect.

17 THE COURT: What was your badge number?

18 PROSPECTIVE JUROR 0892: 892.

19 THE COURT: So I'm not entirely sure what you're telling me.
20 You're telling me that you're not going to follow the law, regardless of
21 what the law is, you're going to do what you want to do?

22 PROSPECTIVE JUROR 0892: Well, I'm -- I'm going to vote
23 with my heart what -- what I feel is going to be correct for this case, and I
24 know as my right as a -- as a jury is a jury nullification.

25 THE COURT: Actually, that's not correct.

1 PROSPECTIVE JUROR 0892: Okay.

2 THE COURT: Your right as a jury is to listen to the
3 evidence --

4 PROSPECTIVE JUROR 0892: Yes.

5 THE COURT: -- and follow the law. Are you telling me that
6 you're unwilling to do that?

7 PROSPECTIVE JUROR 0892: Well, I know that as my right, I
8 don't have to follow the law. I don't have -- I -- I have my own belief that I
9 can vote with my heart what I believe is -- is going to be correct.

10 THE COURT: Okay.

11 Anybody else?

12 [Pause]

13 THE COURT: Is there anyone who believes that he or she
14 would be unable to follow the law as I explain it to you, apply the law to
15 the facts that you find in this case, and render the verdict required by
16 law, as explained to you? Anybody that is -- doesn't believe they can
17 follow the law and apply it to the facts?

18 PROSPECTIVE JUROR 0904: 0904. I can follow the -- the law,
19 but I don't think I'm very good judge or with this case, with this man.

20 THE COURT: Okay.

21 [Pause]

22 THE COURT: All right. Ladies and gentlemen, we're going to
23 go ahead and take our break now. I'm going to confer with Defense and
24 the State preliminarily before we go on to individual questioning. Come
25 back at 15.

1 Oh, wait, folks, before you go.

2 THE MARSHAL: Hang on. Sit down.

3 THE COURT: Thank you. You are admonished not to
4 converse among yourselves or watch with anyone else on any subject
5 connected with this trial, or to read, watch, or listen to any report or
6 commentary on the trial by any person connected with this case, or by
7 any medium of information, including without limitation: papers,
8 television, the internet, or radio.

9 You are further admonished not to form or express any
10 opinion on any subject connected with this trial until the case is finally
11 submitted to you. You are directed to return to the jury assembly for
12 further proceedings or just return here by 3:15.

13 That's the overnight one. I am sorry, guys. As you heard, I
14 was campaigning last year, which means I've only been doing this for a
15 couple of months. I was actually an attorney for 30 years, so I'm going
16 to start this -- going to give this admonishment -- I need to give this to
17 you so if you're leaving the room and I haven't given it to you, don't go.
18 All right.

19 Ladies and gentlemen, we are going to take 15-minute
20 recess. During the recess you are admonished not to talk to, or converse
21 among yourselves, or with anyone else, on any subject connected with
22 this trial, or read, watch, or listen to any report, or commentary on the
23 trial, or any person connected with this trial by any medium of
24 information, including without limitation: to newspapers, television, the
25 internet, and radio, or form, or express any opinion on any subject

1 connected with the trial until the case is finally submitted to you. And no
2 legal, or factual research, or investigation, or recreation of the testimony
3 on your, please.

4 Thank you. Now I will see you back at 3:15.

5 THE MARSHAL: Line up in the same order that you were
6 when we come back.

7 [Outside the presence of the prospective jurors]

8 THE COURT: Okay, guys. Are there any of these
9 preliminarily that both sides want to just agree to excuse without further
10 ado?

11 MR. MILES: Yes, Your Honor. I would say panel numbers
12 26.

13 THE COURT: Okay. Let's go one at a time. Okay. Let's go in
14 order.

15 MR. MILES: Yeah. That's how I was reading it. Starting at --

16 THE COURT: Okay. What badge number?

17 MR. MILES: -- panel 26. Badge number would be 0892.

18 THE COURT: That's your first one, 08 --

19 MR. MILES: Are you talking about for -- you're not talking
20 about peremptory challenges. You're talking about stipulating to --

21 THE COURT: Correct.

22 MR. MILES: Okay.

23 THE COURT: Yeah, these are freebies, if you will.

24 MR. MILES: Okay.

25 THE COURT: They're not necessarily cause. Just both sides

1 are saying we don't have any objection to losing the. They won't count
2 against you though.

3 MR. MILES: And I would --

4 THE COURT: If you both agree on it.

5 MR. MILES: -- I would say number 28 as well.

6 THE COURT: Okay. Oh, you're giving me panel numbers
7 now?

8 MR. MILES: Oh, yeah. I'm sorry.

9 THE COURT: I got you. All right. No, that's faster actually.

10 MR. MILES: Okay.

11 THE COURT: Okay. So number 28. Mr. Martinez, do you
12 have an objection to -- she's the gal who has Crohn's, and she's a full-
13 time student -- nursing student.

14 MS. RHOADES: No, that's not the one that has Crohn's, Your
15 Honor. The Crohn's is 919.

16 THE COURT: Are you sure?

17 MR. MILES: Yeah, 28 -- for what I have for 28, Your Honor, is
18 disability, needs some type of special arrangement and she said
19 something to the effect that she was physically unable to --

20 MS. RHOADES: 903 is panel number 28, that's Mariah
21 Boozer. I have her as the nursing student.

22 THE COURT: I also have her as the Crohn's patient. Am I
23 wrong?

24 MR. MILES: Yeah, I have some type of disability.

25 THE CLERK: She's both, Judge.

1 UNIDENTIFIED SPEAKER: Yeah, she's both.

2 THE COURT: That's why I'm the judge. She has Crohn's.
3 She has a disability, as well as full-time student. Do both sides agree
4 that she can be excused?

5 MR. MARTINEZ: That's fine, Your Honor.

6 THE COURT: Mr. Miles?

7 MR. MILES: Yes.

8 THE COURT: Are you fine with that?

9 MR. MILES: Yeah, I'm fine with it.

10 THE COURT: Okay.

11 MR. MARTINEZ: Do you want to decide on 26?

12 THE COURT: And just for the record, I think it's more
13 appropriate, because of the full-time student to give her -- maybe we'll
14 do a deferred on the students?

15 MR. MARTINEZ: Sure.

16 MS. RHOADES: So that was 28 --

17 THE COURT: Well, no, we're just going to excuse her.

18 MS. RHOADES: -- 903.

19 THE COURT: 903, number 20 -- panel number 28, Juror
20 number 903.

21 MS. RHOADES: Okay.

22 THE COURT: Who you got next, Mr. Miles?

23 MR. MILES: I got 29.

24 THE COURT: Okay. That's --

25 MR. MILES: That says victim --

1 THE COURT: -- Ms. Hinds. And to make the record clear,
2 what she indicated that she didn't want to discuss openly was that she
3 had previously been sexually assaulted. She also said that she had a
4 family officer, and I think it became fairly clear from her demeanor that
5 this was not going to be a good trial for her, but we can pursue it further
6 if either side wants to, unless you both want to agree.

7 MR. MARTINEZ: Well, I think she said that she could follow
8 the law, but she's just concerned about her prior experience that it's
9 going to be hard for her, but I think if you follow up a little bit with her
10 and explain to her what the situation -- this isn't a sexual assault case, so
11 she said she could follow the law.

12 THE COURT: Mr. Miles.

13 MR. MILES: Well, I think she made it pretty clear from what I
14 have here is she said victim of sexual assault, unable -- I even have here
15 she said something to the effect as being unable to be impartial, so I
16 think it's just clear that she wouldn't be able to serve as a juror.

17 THE COURT: Okay. I don't disagree with you, Mr. Miles.

18 MR. MILES: Yeah.

19 THE COURT: I think we're going to end up in the same place,
20 but I'll go ahead and ask a few more follow-up questions.

21 MR. MARTINEZ: Thank you.

22 THE COURT: My reading of her and my understanding of
23 what she was saying is she simply didn't feel like she could be fair based
24 upon this, not because of the family officer connection that she had. She
25 acknowledged law enforcement tie, but because of the -- she kept saying

1 "the other thing" -- the sexual assault -- that she did not believe that in
2 this type of a case she could be fair. And I would note, that she was
3 tearing up, but I'll ask a few more questions.

4 MR. MARTINEZ: Right. I just think if we follow up with --

5 THE COURT: Okay.

6 MR. MARTINEZ: -- the distinction of what SA is --

7 THE COURT: Okay.

8 MR. MARTINEZ: -- and what this case is, then maybe she'll
9 change.

10 THE COURT: That's fine.

11 MR. MILES: Then next, Your Honor, I have number 40. He
12 just -- I guess he just flat out said he couldn't be impartial at all. That's
13 what I have down on my notes.

14 MR. MARTINEZ: What's the badge number?

15 MR. MILES: That's badge number 0961.

16 THE COURT: Yes. I believe that was the one she said her
17 daughter's cousin was raped and killed.

18 Mr. Martinez, she was sitting over here.

19 MR. MARTINEZ: Right. It's a female, I believe --

20 THE COURT: Correct.

21 MR. MARTINEZ: -- right?

22 THE COURT: She is.

23 MR. MARTINEZ: I just I feel the same way about the last one
24 as this one. I think if we at least --

25 THE COURT: Do you want some follow up?

1 MR. MARTINEZ: -- attempt to distinguish the types of cases
2 that there are, maybe they can --

3 THE COURT: Okay. You want some follow up?

4 MR. MARTINEZ: Yes, please.

5 THE COURT: Okay.

6 MR. MILES: So are we doing a follow up 29, or did we
7 already excuse 29?

8 THE COURT: We're going to follow up on 29. If you guys
9 don't agree to it, we got to do a little more follow up, and then --

10 MR. MILES: Okay.

11 THE COURT: -- depending on where we go, I decide can
12 challenge for cause, which doesn't count against you, you get unlimited
13 cause challenges, if somebody can't be fair.

14 MR. MILES: Okay.

15 THE COURT: And then once we've exhausted all the cause
16 challenges, then it's peremptory, where you don't need a reason.

17 MR. MILES: Okay.

18 THE COURT: Okay. But I'm going to follow up so far on
19 Hinds on Kurtz.

20 What's your next one, Mr. Miles?

21 MR. MILES: My next one was number 59. I guess he's
22 physically unable to appear. That's what I have here: just physically
23 unable to appear.

24 THE COURT: I have full-time student at UNLV.

25 MR. MILES: Oh, you have full time --

1 MR. MARTINEZ: Yeah. It'll hurt his grades if he --

2 MR. MILES: I think it was he said something about being
3 physically unable. I mean, we could follow up.

4 MR. MARTINEZ: Is this Ashton --

5 THE COURT: That's why -- are you talking about Ashton
6 Warren?

7 MR. MILES: Ashton Warren. I just -- from what I have here,
8 from what he said was physically unable to --

9 MR. MARTINEZ: I don't think that --

10 THE COURT: I think you may have mixed --

11 MR. MILES: I mean, that's what I have -- that's what I have.

12 THE COURT: -- I think you may have mixed --

13 MR. MILES: Okay.

14 THE COURT: He's the kid sitting in that far corner, and he
15 said he's a full-time student. It would really mess with his GPA if he
16 were to miss a week.

17 MR. MARTINEZ: That's what I heard.

18 MR. MILES: Okay.

19 THE COURT: So I'm assuming, based on the same that we
20 did letting the nursing out, we'll let him out; is that --

21 MR. MILES: Yeah, I think if the State doesn't agree, we could
22 do some type of follow up, because I feel like if he says he
23 can't -- basically if his grades is going to be affected by this case, I
24 believe that's physically unable because he wouldn't --

25 MR. MARTINEZ: I'm fine.

1 MR. MILES: -- want to --

2 THE COURT: That's fine. I don't think Mr. Martinez is going
3 to --

4 MR. MARTINEZ: I'm fine with it.

5 THE COURT: -- object to that.

6 MR. MARTINEZ: I'm not objecting.

7 MR. MILES: Oh, okay.

8 THE COURT: Generally speaking, people who are full-time
9 students in the excessive period of time, we'll give them kind of a
10 deferred thing, or excuse them.

11 MR. MILES: And then the next one I have is 65. She was
12 physically unable as well.

13 THE COURT: Yeah. She's the gal that can't afford more than
14 three days of daycare, so you agree to excuse her.

15 What's your position?

16 MR. MARTINEZ: We'll submit it, Your Honor.

17 THE MARSHAL: Is that Miller?

18 MR. MILES: That was Miller.

19 THE COURT: You have to agree to it.

20 MR. MILES: I mean --

21 THE COURT: I'm not going to make the call. If you guys
22 agree, I'll excuse her. It's pretty far back. We may not get to her, but at
23 the end of the day, it's definitely going to be more than three days.

24 MR. MILES: I mean, I have no problem, if he wants to do a
25 follow up. I think it will be plain and simple, are you physically able to

1 appear as a juror. She's going to say no.

2 MR. MARTINEZ: Well, she can physically --

3 THE COURT: She technically can.

4 MR. MARTINEZ: -- appear.

5 MR. MILES: For --

6 THE COURT: All right. Mr. Miles, you want to excuse her?

7 MR. MILES: I mean, as far as just excusing, yes. I just want
8 to excuse her, not for --

9 THE COURT: Okay.

10 MR. MILES: -- like using my challenges yet, but --

11 THE COURT: No, you're not using your challenges.

12 MR. MILES: Okay.

13 THE COURT: Freebie.

14 MR. MILES: Yeah, I want to excuse her, because I --

15 THE COURT: And you're submitting?

16 MR. MARTINEZ: I'm submitting.

17 THE COURT: I'm going to excuse her.

18 MR. MILES: And that's all I have, Your Honor.

19 MR. MARTINEZ: I don't think you ruled on 26. He did bring
20 up panel number 26, the jury nullification fellow.

21 THE COURT: I haven't because I don't know what I can do
22 about that.

23 MR. MARTINEZ: I think he needs some more talking to by
24 Your Honor.

25 MR. MILES: I thought we already --

1 THE COURT: I don't think it's going to get us anywhere, but
2 I --

3 MR. MARTINEZ: I don't.

4 THE COURT: -- think that --

5 MR. MARTINEZ: I just don't want to -- I guess it's a
6 philosophical thing. I don't want him to think he can just get away with
7 that and leave.

8 THE COURT: That's exactly correct, because I'm not
9 convinced that it's philosophical . I think it's obstructionist a little bit. I
10 think we started with I am indispensable to my show, and now we've
11 moved on to -- okay -- well, that doesn't work, well, I'm going to do what
12 I want to, and so I'm not excited about his behavior, so I'm back
13 burnering [sic] him until I can find out what -- I assume you don't want
14 him -- either of you?

15 MR. MILES: I was actually going to -- I already submitted on
16 that. I was just -- I thought we actually excused him already, but yeah,
17 that was the one for what I have here says physically unable because he
18 works at somewhere. He said something that was kind of confusing. I
19 couldn't really catch what he was saying.

20 THE COURT: He said I don't want to play --

21 MR. MARTINEZ: He's going to follow his heart --

22 THE COURT: -- is what he said.

23 MR. MILES: Yeah.

24 MR. MARTINEZ: -- and not follow the law.

25 MR. MILES: Yeah, that was next -- that was the next one on

1 there, but --

2 MR. MARTINEZ: Which is beautiful, but not appropriate.

3 THE COURT: It's really not beautiful. It's actually --

4 MR. MARTINEZ: I mean, and for the record, I was being
5 sarcastic with that. I think it's --

6 THE COURT: Yeah. It's --

7 MR. MARTINEZ: -- completely inappropriate.

8 THE COURT: -- troubling.

9 Okay. Anybody else, Mr. Miles, that you're in agreement to
10 excuse without counting against you?

11 MR. MILES: That was it, Your Honor.

12 THE COURT: Okay. State, do y'all have any other ones?

13 MR. MARTINEZ: Court's indulgence.

14 THE COURT: What about, let me take these through -- how
15 about panel number 7, the gal that had the short course in pharmacy that
16 was only a nine-month course, and she didn't want to miss that, and she
17 also appeared to have some language issues.

18 MR. MARTINEZ: I agree that she could -- I'm fine with her
19 being released.

20 THE COURT: Mr. Miles.

21 MR. MILES: That's fine with me.

22 THE COURT: Mr. Meadows he seemed -- he was fine staying
23 as long as he can get up and walk around.

24 MR. MARTINEZ: Number 8?

25 THE COURT: Yeah, number 8.

1 MR. MARTINEZ: Was that number 8?

2 THE COURT: I think that he's okay.

3 What about number 14 Denelle Araujo. She --

4 MR. MILES: Okay.

5 THE COURT: -- and her sister, I think, were kidnapped and --

6 MR. MARTINEZ: And her sister was raped?

7 THE COURT: -- raped and assaulted. Is this a mutual thing?

8 Do you want me to follow up, or nothing?

9 MR. MARTINEZ: I think some follow up would be
10 appropriate.

11 THE COURT: Okay. What about Ms. Peterson, number 15?
12 She's the stroke patient who has migraines 80 percent of the time.

13 MR. MILES: I think I personally feel like if a person is
14 mentally and physically unable to perform jury service, that they should
15 be excused, so --

16 THE COURT: Okay.

17 MR. MARTINEZ: If she's going to be throwing up all over the
18 place, I don't think that's a good idea, so I'm fine with excusing her.

19 THE COURT: Okay.

20 MR. MILES: That was number 15, correct?

21 THE COURT: That's correct.

22 Are you guys keeping track of this, so you can read these off?
23 Good.

24 The next one I have Mr. Ambrose, but I think we can
25 probably semi-accommodate his schedule. If worse comes to comes, he

1 could probably miss a class.

2 MR. MILES: What number was that?

3 THE COURT: That number 23, full-time teacher, who
4 is -- so -- okay, we've already addressed kind of Mr. Tolstov.

5 MR. MILES: Are you saying you just excusing him, or you
6 were just stating --

7 THE COURT: I'm not excusing him.

8 MR. MILES: Okay.

9 THE COURT: No. If we have to work around him, if he ends
10 ups on the jury, and you all don't kick him --

11 MR. MILES: Okay.

12 THE COURT: -- or something for another reason, then if it's a
13 problem, or maybe he'll just have to miss one day.

14 MR. MILES: Okay.

15 THE COURT: I think he's okay with missing a day. He just
16 didn't want to miss a week and a half.

17 MR. MARTINEZ: Right. He would just be missing 45 minutes
18 for the week.

19 THE COURT: Right.

20 All right. I'm following up on that one.

21 Oh, what about number 50, Ruben Beltran? Again, a
22 language barrier, but I believe he indicated that he was -- his wife was in
23 the process of cancer treatment and it would be a hardship for him to --

24 MR. MARTINEZ: He said he needed to help her with the
25 therapy. I'm fine with him --

1 THE COURT: -- participate. Anybody object to just excusing
2 him?

3 MR. MARTINEZ: I don't object.

4 MR. MILES: Actually, because I don't -- the only thing I have
5 wife with cancer. I think we should follow up with him.

6 THE COURT: Okay.

7 MR. MILES: Maybe it might be some --

8 THE COURT: What would you like me to ask him about?

9 MR. MILES: Pretty much would he be able to -- does he
10 believe he will be able to physically be able to attend for this trial, even
11 though his wife has cancer. Will he still be able to render a fair verdict,
12 despite the fact that he knows his wife is at home with cancer. That will
13 be some --

14 THE COURT: Well, I believe -- I think he was responding to
15 the question is there any reason that you can't sit on this trial. I think
16 that was the answer. He said yes, I can't because I'm assisting my wife
17 with cancer.

18 MR. MILES: Okay. It must have went a little bit fast. I mean,
19 if the Court wants to do it, I'll just go ahead and submit, and say we
20 could excuse him.

21 THE COURT: Well, no, if you want more information from
22 him, I'll get you more information.

23 MR. MILES: Yeah, I want to inquire.

24 THE COURT: Okay. I'll follow up.

25 Let's see. What about -- anybody want to follow up on Mack

1 Miller, who I saw on the campaign trail?

2 MR. MILES: I was thinking about -- I mean, what's the State's
3 position on this?

4 MR. MARTINEZ: If Your Honor can be fair and impartial, then
5 I think it's fine. I don't have --

6 THE COURT: I believe Mr. Miller indicated -- and just for the
7 record, we were at a lot of the same functions, said hello briefly, or
8 whatnot. Didn't have any in depth conversations of any kind.

9 MR. MARTINEZ: Right. I mean, he campaigned with Steve
10 Wolfson and he's an infantry soldier. So I'm --

11 MR. MILES: I mean, the only other thing I think I have was he
12 said he had a conviction for a felony. I think that was --

13 THE COURT: He did, but he said his civil rights were
14 restored, so that should make him good, right?

15 MR. MILES: I mean, from just me looking at the case law, it
16 says, "Free from conviction punishable for more than one year in
17 prison."

18 THE COURT: Are you requesting to agree to excuse him?

19 MR. MILES: Yeah, we could excuse him.

20 THE COURT: Is that what you want?

21 MR. MARTINEZ: That's fine with the State.

22 THE COURT: Okay. Donna Bizzell, number 53. She's leaving
23 Wednesday for three to four months. Does anybody object to excusing
24 her pre-planned trip since January?

25 MR. MARTINEZ: No objection, Your Honor.

1 MR. MILES: No objection.

2 THE COURT: 55, Sandra Salazar, I wrote English issue, what
3 did I -- but I don't remember why I wrote it. Any help?

4 MR. MILES: That's what I have too. I said can't
5 understand -- I think she pretty much said she can't understand the
6 English language, and then she said she doesn't know a lot of words.

7 THE COURT: Mr. Martinez.

8 MR. MARTINEZ: We submit it, Your Honor.

9 THE COURT: Mr. Miles, would you like to excuse her?

10 MR. MILES: Yeah, I would say excuse, because she can't
11 read, and write, and understand English language, so --

12 THE COURT: Okay. That brings us to Jacqueline Redisi, our
13 social worker, number 58.

14 MR. MARTINEZ: I think more follow up would be
15 appropriate.

16 THE COURT: So she can dig in deeper?

17 MR. MILES: I have here --

18 MR. MARTINEZ: That wasn't my reason, but go ahead.

19 MR. MILES: I have here, I mean, if I put cannot be impartial,
20 she said something to the effect where she couldn't be impartial, so I
21 think automatically would be grounds to excuse her.

22 THE COURT: She's going to give us the answer she needs to
23 give us to get off. Does everybody not agree with that?

24 MR. MARTINEZ: I think that's a fair prediction.

25 THE COURT: She's going to build cause and we can ask her

1 all day long. I don't necessarily believe that she can't be fair and
2 impartial, but I believe that -- I don't know for some reason by virtue of
3 her being a social worker, she believes she can't be fair and impartial or
4 whatever. So I think we'll eventually get to cause, but if y'all want to
5 agree to it now, that's probably faster.

6 MR. MARTINEZ: That's fine, Your Honor. I'll agree to kick
7 her.

8 MR. MILES: 58?

9 THE COURT: Huh?

10 MR. MILES: That was 58?

11 THE COURT: Yeah.

12 Number 62, the gentleman with PTSD that's having a difficult
13 time being in a crowded room?

14 MR. MARTINEZ: I'm fine with kicking him.

15 MR. MILES: I think we probably should follow up. I don't
16 really believe that. I mean, I think didn't Your Honor say we could
17 probably have him stand up, or do something a couple of hours, or --

18 THE COURT: No, this is the guy that suffers from the post-
19 traumatic stress syndrome --

20 MR. MILES: Oh, back here?

21 THE COURT: -- that's sitting in the back --

22 MR. MILES: Okay.

23 THE COURT: -- that indicated that he was getting very
24 anxious just being in close proximity. Hopefully, we won't even get that
25 far back, but --

1 MR. MARTINEZ: He indicated I think he's going to start
2 freaking out soon so that kind of worried me.

3 THE COURT: Yeah. And that's why if we can decide on that
4 one, I'd like to do it before he freaks out.

5 MR. MILES: Okay. I mean, okay.

6 THE COURT: I mean, if you want follow up, you just tell me
7 what you --

8 MR. MILES: Yeah, I wanted to do a follow up.

9 THE COURT: Okay. What do you want me to ask him?

10 MR. MILES: Pretty much wanted everything just according to
11 the case law, with even though you have some type of physical
12 disability, would you still be able to be impartial, render a fair verdict,
13 and listen to the evidence, and set aside your opinions.

14 THE COURT: Okay. But if he's telling us he can't physically
15 sit in the courtroom, I'm not sure --

16 MR. MILES: Okay. Well, like I said, it's fine. I said we could
17 excuse him. That's why I laughed because I thought it was kind of funny.
18 I don't want him freaking out. I mean, if we want to excuse him then
19 that's fine with me.

20 THE COURT: Okay. I'm going to go ahead and excuse him.

21 MR. MILES: Yeah.

22 THE COURT: I feel like he was exhibiting signs that he was
23 physically having an emotional reaction.

24 MR. MILES: That was 62, Your Honor.

25 THE COURT: Yes. And that brings me to the end of mine.

1 THE MARSHAL: I have one.

2 THE COURT: Huh?

3 THE MARSHAL: I have one. Martinez, badge number 915, I
4 believe she --

5 THE COURT: Well, who gave you a vote?

6 THE MARSHAL: I mean, 32. She spoke to me outside and
7 she was emotional. She told me that she was also a victim of sexual
8 assault.

9 THE COURT: Did she indicate beyond that whether --

10 THE MARSHAL: I told her I said okay well, just hold onto this
11 information. You could come back in, the judge will help you address
12 further.

13 THE COURT: Okay. What do the parties request?

14 MR. MILES: I would request a follow up.

15 THE COURT: Okay.

16 THE MARSHAL: And then I also had Miller. I believe you
17 guys already addressed panel 65, badge number 68 (sic) . She also feels
18 that she can be not partial --

19 THE COURT: Okay.

20 THE MARSHAL: -- towards --

21 THE COURT: Yeah, we're kicking her anyway.

22 THE MARSHAL: Yeah. Okay.

23 THE COURT: The parties have excused her anyway.

24 Anybody else?

25 MR. MARTINEZ: And for the record, for number 32, Sabrina

1 Martinez, there's no relation between the two of us --

2 THE COURT: Okay.

3 MR. MARTINEZ: -- family relation.

4 MS. RHOADES: Thanks.

5 THE COURT: Okay. Anything else?

6 Okay. We're going to take -- everybody take a restroom
7 break before we bring the jury back in, yeah?

8 MS. RHOADES: Yes, please.

9 MR. MARTINEZ: Yes, please.

10 THE COURT: Tell them we're sorry it took longer than we
11 meant.

12 THE MARSHAL: No worries.

13 THE COURT: Which probably won't be the first time.

14 Questions that for the majority I will go ahead and ask, but if there's
15 follow up to anything, maybe jot it down, and we'll make it and exhibit
16 kind of thing.

17 MR. MARTINEZ: Okay. I just note with the sexual assault
18 victims the follow up would be that this -- they understand that this case
19 is different than --

20 THE COURT: Right.

21 MR. MARTINEZ: -- their case. It's not a sexual assault case.
22 It is a sex-related offense, and so can they set aside their personal
23 experiences with that horrific experience and evaluate the evidence in a
24 fair and impartial way.

25 THE COURT: Got it. Also, I'm going to go through the

1 individual voir dire of my general questions: how long have you lived in
2 Clark County; how far did you go in school; are you employed; are you
3 married; that kind of thing. I'm going to do a bunch of those.

4 Then I will attempt to follow up with all your questions, and
5 then I need you guys to be prepared if there's more follow up or more
6 questions you want jot them down on a piece of paper. We'll take a
7 break, and then we'll make those exhibits, and if they're appropriate
8 questions, I'll ask those as well.

9 MR. MARTINEZ: Thank you, Your Honor.

10 THE COURT: Okay.

11 MR. MILES: Just so a standard piece of paper exhibit?

12 THE COURT: Yeah.

13 MR. MILES: Okay.

14 THE COURT: Yeah. Just so that -- because I don't know how
15 to keep track of this otherwise.

16 MR. MARTINEZ: Right.

17 THE COURT: I want you to be able to have the flexibility to
18 ask the questions you need to, but because I have to ask them, it's --

19 MR. MARTINEZ: So the next time we take a break, we'll just
20 submit more if we have some questions?

21 THE COURT: Uh-huh.

22 MR. MILES: Well, I was --

23 THE COURT: I mean, we're not going to get a jury today.

24 MR. MARTINEZ: No. We're not.

25 THE COURT: Okay. Go ahead. I'll be back.

1 THE CLERK: Okay.

2 [Recess at 3:19 p.m., recommencing at 3:27 p.m.]

3 [Outside the presence of the prospective jurors.]

4 THE MARSHAL: The jurors are ready.

5 THE COURT: Are we back? Are we on?

6 THE COURT RECORDER: We are.

7 THE COURT: Okay. Here's what I'm going to do. I'm going
8 to do some of the follow-up questions, some of the individual voir dire. I
9 will go for about an hour, but since we're not going to get the entire jury,
10 the ones that we're going to follow up, I'm going to take a break, so that
11 if we can agree to let them go, so they don't have to come back
12 tomorrow --

13 MR. MARTINEZ: Sure.

14 THE COURT: -- once we do the follow up.

15 MR. MARTINEZ: That sounds good.

16 THE COURT: Okay. I mean, if we know we're not going to
17 keep people, no point in --

18 MR. MILES: Okay.

19 THE COURT: -- bringing them back tomorrow, right?

20 MR. MILES: Right.

21 THE COURT: Okay. And I'm going to have both of you do
22 your -- because we agreed that both -- so that both sides appear equally
23 treated, I need the State, as well as Mr. Miles to put your follow-up
24 questions in writing and then I'll follow up with them.

25 MR. MILES: I didn't have enough time to -- this pen is way

1 too big. It's kind of hard to write. I don't think -- it's okay. We'll just see
2 where it goes from --

3 THE COURT: Well, I haven't even started yet, so I'm sure
4 you're going to think of questions as I'm asking them, right?

5 MR. MILES: Okay. Yeah. I thought you was going to -- you
6 wanted them now, that's why I was saying there was not enough --

7 THE COURT: No.

8 MR. MILES: -- time.

9 THE COURT: Do you have them already? Geez.

10 MR. MILES: Yeah, I was working on them.

11 THE COURT: Well, okay. As they come up -- and like I said,
12 we'll give you -- you'll have additional time overnight, because like I said,
13 we're not going to pick this jury today.

14 MR. MILES: Okay.

15 THE COURT: But try and keep them by badge number once
16 they're follow-up questions so I know who to ask follow up with. Okay.

17 MR. MILES: Okay.

18 THE COURT: Okay. So I'm going to follow up with these
19 folks first before I get to the individual voir dire.

20 Okay. Bring in the jury, please

21 Anything else outside the presence?

22 MR. MARTINEZ: No, Your Honor.

23 THE COURT: All right.

24 THE MARSHAL: All rise. Enter the jury.

25 [Inside the presence of the prospective jurors.]

1 THE MARSHAL: Present, Your Honor.

2 THE COURT: Okay. Before we start the individual voir dire,
3 I'm going to excuse the following people: badge number 817, Alma
4 Abdon -- and this is all with our thanks -- badge number 844, Jessica
5 Peterson; badge number 903, Mariah Boozer; badge number 993, Mack
6 Miller; badge number 996, Donna Bizzell; badge number 0007, Sandra
7 Salazar; badge number 014, Jacqueline Redisi; badge number 015,
8 Ashton Warren, badge number 029, Andres Romero; badge number 038,
9 Karlene Miller. That's it.

10 A few follow-up questions. Juror number 840, Ms. Araujo.

11 PROSPECTIVE JUROR 0840: Okay.

12 THE COURT: I have a few follow-up questions. Okay.

13 PROSPECTIVE JUROR 0840: Okay.

14 THE COURT: Do you have the mic for her, please?

15 THE MARSHAL: Sure. Who is it?

16 THE COURT: Ms. Araujo.

17 I believe that you had indicated -- and you can sit down if you
18 want, or you could stand, whatever you're more comfortable with.

19 PROSPECTIVE JUROR 0840: Okay.

20 THE COURT: You had indicated that you had some concerns
21 regarding the nature of the charges?

22 PROSPECTIVE JUROR 0840: Yes.

23 THE COURT: Can you tell me a little bit more? I don't want
24 to pry, but we need to know if this is the trial for you.

25 PROSPECTIVE JUROR 0840: Well, it was -- it was back in

1 Hawaii. I was in my teens. There was two of us. He was supposed to
2 give us a ride home, but ended up taking us off to a field. He had a gun
3 and so my sister-in-law ended up getting sexually assaulted, and then he
4 took us home after. And then we had to testify against him.

5 THE COURT: Was this somebody you knew?

6 PROSPECTIVE JUROR 0840: No.

7 THE COURT: How did you end up with him?

8 PROSPECTIVE JUROR 0840: We -- we were in an area where
9 the bus service had stopped early so we needed a ride home, and
10 he -- he actually was like a friend of a friend. He had a car so he said that
11 he would give us a ride home because we lived far from where we were
12 at.

13 THE COURT: Okay. Hang on one second. Ultimately, you
14 said you testified. How did you think the system worked? Did you feel
15 like it worked? Didn't work? Were you --

16 PROSPECTIVE JUROR 0840: Oh, I thought it -- it worked fine.
17 I thought that everybody involved were good at listening to us, and our
18 concerns were that he obviously wasn't going to be found guilty,
19 but -- but yeah, I didn't -- didn't really have any issues, as far as that.

20 THE COURT: And you raised this before: are you -- do you
21 have concerns that because of the nature of the charges, you might be
22 unable to be fair in this case?

23 PROSPECTIVE JUROR 0840: I -- I think so that I would not be
24 able to be fair.

25 THE COURT: What are you thinking? Do you understand

1 that this isn't then? This is here.

2 PROSPECTIVE JUROR 0840: Right.

3 THE COURT: This is now. The folks in this courtroom had
4 nothing to do with your case or --

5 PROSPECTIVE JUROR 0840: Yes.

6 THE COURT: -- what happened to you, or your sister-in-law.

7 PROSPECTIVE JUROR 0840: I understand that, and all of a
8 sudden it -- I just started to flashback to it is why I was, like, well, I guess
9 I better bring it up, so I don't know how it would be as court proceeds
10 what more information that comes up. I -- I don't know, but I mean, I
11 guess I could try to be, but --

12 THE COURT: Well, we need to -- we need a little bit more
13 than that, because obviously both sides have a right to have a fair and
14 impartial jury --

15 PROSPECTIVE JUROR 0840: Right.

16 THE COURT: -- so I know it's kind of hard to anticipate where
17 you're going to go, but --

18 PROSPECTIVE JUROR 0840: I'm leaning more towards no
19 that I would not be.

20 THE COURT: And what are your concerns? That you won't
21 listen to the evidence fairly; that you won't hold the State to their burden;
22 that you won't -- you're going to punish Mr. Miles because of what
23 happened to you?

24 PROSPECTIVE JUROR 0840: I -- I don't know about
25 punishing, but --

1 THE COURT: You understand this is not a sexual assault
2 case, right?

3 PROSPECTIVE JUROR 0840: Yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0840: I don't know. Like I said, I just
6 wanted to bring it up with the --

7 THE COURT: I appreciate that.

8 PROSPECTIVE JUROR 0840: -- the age and the whole
9 kidnapping thing, I don't know how it would play out in court later. I
10 mean, I could --

11 THE COURT: I mean, you know best. If in your heart you
12 have concerns that you can't afford both sides a fair opportunity, you're
13 the one that has to kind of make the call.

14 PROSPECTIVE JUROR 0840: I feel like it would not be fair to
15 him.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 0840: Yes.

18 THE COURT: Does either of you want to submit a written
19 follow up?

20 MR. MARTINEZ: No, Your Honor.

21 MR. MILES: No, Your Honor.

22 THE COURT: Any objection to a motion to excuse for cause?

23 MR. MILES: No objection.

24 MR. MARTINEZ: No objection.

25 THE COURT: I'm going to go ahead and excuse you as well

1 and thank you for your honesty. You may be --

2 PROSPECTIVE JUROR 0840: Thank you, Your Honor.

3 THE COURT: -- a different type of jury.

4 Badge number 904, Ms. Hinds. Kind of the same kind of
5 follow up. I think you indicated that because of things that had
6 happened to you, you would have a difficult time being fair; is that
7 correct?

8 PROSPECTIVE JUROR 0904: That's correct, ma'am.

9 THE COURT: You understand that this has nothing to do
10 with anything that happened in your life?

11 PROSPECTIVE JUROR 0904: Well, it kind of, because right
12 now just when the thing was said that, you know, being stalk and rape,
13 and all that, it just come back to life, and now I -- just stir up and just start
14 shaking, you know. I worked very hard when I used to work at my job
15 and it went on for a long time so the abuse -- the -- the trap, that if I have
16 said anything to anyone, he would have my job and I would leave with
17 nothing. And --

18 THE COURT: Was he ever prosecuted?

19 PROSPECTIVE JUROR 0904: No. My -- my boss -- they did
20 an investigation and next thing you knew I don't see him no more.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 0904: So he was let go from work and
23 I did never get any apology from -- from my bosses. And then at the
24 same time my uncle was abusing me because he was saying that I owe
25 him because he's the one that brought me here to stay.

1 THE COURT: Okay. And you're -- I know -- we certainly don't
2 want to upset you, and you're obviously getting very emotional, and
3 upset about this. Do you feel that it would be difficult or impossible for
4 you to be fair to both sides in this case?

5 PROSPECTIVE JUROR 0904: I don't want to be fair to him,
6 because I don't know what his life is or what he's done, but I don't think
7 it's -- it's -- it's not going to be good for my health, or for my well-being.

8 THE COURT: Okay. Do either side object?

9 MR. MARTINEZ: No, Your Honor.

10 MR. MILES: No objection, Your Honor.

11 THE COURT: Okay. We're going to excuse you. Thank you
12 for your candor, and we're sorry you had to dig it up.

13 Ms. Martinez, badge number 915.

14 PROSPECTIVE JUROR 0915: Hello.

15 THE COURT: Hello. We talked a little bit before about some
16 stuff that's happened for you. Well, I understand there's some history.
17 Is there anything about that that causes you concern about your ability to
18 be fair and impartial in this case?

19 PROSPECTIVE JUROR 0915: I would think so. Around the
20 age of seven to eight.

21 THE COURT: I need you to -- can you speak into that
22 microphone, because I can hardly hear you.

23 PROSPECTIVE JUROR 0915: Is this okay?

24 THE COURT: Yeah. That's good.

25 PROSPECTIVE JUROR 0915: This? Okay. I was just abused

1 in that way at a very young age for a long time.

2 THE COURT: I'm sorry.

3 PROSPECTIVE JUROR 0915: And --

4 THE COURT: I can only hear partial --

5 PROSPECTIVE JUROR 0915: Thank you.

6 THE COURT: -- but it sounds like this is an extremely
7 emotional topic for you?

8 PROSPECTIVE JUROR 0915: Yes, it is, because my family is
9 very conservative, so it's not something we really talk about.

10 THE COURT: Was it something within the family?

11 PROSPECTIVE JUROR 0915: Yes.

12 THE COURT: And you understand this isn't technically a
13 sexual assault case on any --

14 PROSPECTIVE JUROR 0915: I understand.

15 THE COURT: -- level.

16 PROSPECTIVE JUROR 0915: But because of the way my
17 family is, and how conservative they are, it's just a subject that I feel very
18 uncomfortable talking about, and --

19 THE COURT: Do you believe that this would not be a case in
20 which you could be fair and impartial?

21 PROSPECTIVE JUROR 0915: I feel like I would not be able to
22 fair in this case.

23 THE COURT: Do either side object? She's obviously
24 emotionally having a difficult time.

25 MR. MARTINEZ: No objection, Your Honor.

1 THE COURT: Mr. Miles.

2 MR. MILES: No objection, Your Honor.

3 THE COURT: Okay. We're going to thank and excuse you.
4 Again, with our apologies for having to open up old stuff.

5 Ms. Kurtz, number 961. Same kind of thing, I need to know a
6 little bit more about what's going on. We're trying to figure out -- you
7 know, we don't want to put anybody through anything that they can't.
8 We want every interest in the world in having a fair and impartial jury,
9 but --

10 PROSPECTIVE JUROR 0961: Firstly, my 17-year-old daughter
11 is near and dear to me, and the fact that our family endured the
12 kidnapping, rape, and murder of a family member at the hand of her
13 boyfriend doesn't lend itself to my open mindedness on this subject.
14 And I -- he was let off death row because he disclosed the location of the
15 body to her mom and dad.

16 THE COURT: I'm so sorry.

17 Does any -- either of you object to my excusal of this juror?

18 MR. MARTINEZ: No objection, Your Honor.

19 MR. MILES: No, Your Honor.

20 THE COURT: Thank you. Again, I'm sorry. You're excused,
21 ma'am.

22 Mr. Beltran --

23 PROSPECTIVE JUROR 0985: Yes.

24 THE COURT: -- Juror number 985.

25 PROSPECTIVE JUROR 0985: Yeah. I'm a [indiscernible] --

1 THE MARSHAL: The mic.

2 PROSPECTIVE JUROR 0985: I don't understand English.

3 My --my wife she's [indiscernible] last week with [indiscernible] cancer,
4 and she might have a lot of appointments. She might have a lot of
5 appointment. And we might have --

6 THE COURT: Was she just recently diagnosed?

7 PROSPECTIVE JUROR 0985: I don't really understand what
8 is -- what is it?

9 THE COURT: What is your primary language?

10 PROSPECTIVE JUROR 0985: That she has cancer.

11 UNIDENTIFIED SPEAKER: What is your primary language?

12 PROSPECTIVE JUROR 0985: Spanish is my language.

13 THE COURT: Okay. Are you having a difficult time? Do you
14 understand me?

15 PROSPECTIVE JUROR 0985: Sometime little understand
16 sometime.

17 THE COURT: Potentially we could provide you with an
18 interpreter, but I understand your wife is ill. Your wife has cancer?

19 PROSPECTIVE JUROR 0985: Yes.

20 THE COURT: And she's undergoing chemotherapy?

21 PROSPECTIVE JUROR 0985: Yes.

22 THE COURT: Are you the one that takes her to and from her
23 appointments?

24 UNIDENTIFIED SPEAKER: [Indiscernible] appointments?

25 PROSPECTIVE JUROR 0985: Yes.

1 THE COURT: Do either side object to excusing --
2 MR. MARTINEZ: No, Your Honor.
3 MR. MILES: No objection, Your Honor.
4 THE COURT: You're excused, and good luck.
5 PROSPECTIVE JUROR 0985: Thank you.
6 THE COURT: Hope everything turns out well.
7 Did either side wish me to follow up, pursuant to our
8 conversations earlier, or are we good to move on to --
9 MR. MARTINEZ: I think we're good to move on, Your Honor.
10 MR. MILES: Yeah, from my understanding, Your Honor,
11 we're good to move on.
12 THE COURT: Okay. Thank you.
13 All right. Do we need to refill the seats in the box?
14 THE CLERK: Yes.
15 [Pause]
16 THE COURT: We're just figuring out because we've got to fill
17 up the empty seats before we go on.
18 [Pause]
19 THE CLERK: Farri, badge number 948 will move to seat 7.
20 Picini, badge number 966 will move to seat 14.
21 Brewer, badge number 969 will move to seat 15.
22 THE COURT: Where did you move Picini? Thank you.
23 THE CLERK: Lange, badge number 972 will move to seat 28.
24 Neuhauser, badge number 974 seat 29.
25 And Ortiz, badge number 975 will move to seat 32.

1 THE COURT: Okay. Now, I'm going to begin ask questions
2 of the individuals seated in the jury box. It will basically be the same
3 questions for everybody, so you can be ready when we get to you. Let's
4 start with Juror number 1, Ms. Mecham.

5 How long have you lived in Clark County?

6 PROSPECTIVE JUROR 0381: Since 1987.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR 0381: Since 1987.

9 THE COURT: 1987?

10 PROSPECTIVE JUROR 0381: 30 years.

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

12 PROSPECTIVE JUROR 0381: I just graduated high school.

13 THE COURT: And can you keep the --

14 PROSPECTIVE JUROR 0381: [Indiscernible].

15 THE COURT: Okay. All right. Are you employed?

16 PROSPECTIVE JUROR 0381: No, I'm a housewife.

17 THE COURT: So does that mean you're in a significant
18 relationship; you're married?

19 PROSPECTIVE JUROR 0381: Yes, I'm married.

20 THE COURT: What kind of work does your spouse do?

21 PROSPECTIVE JUROR 0381: Right now he's in between jobs.

22 He's - we're planning buying a franchise, so we're both

23 [indiscernible] -- we're living off our savings right now trying -- we're
24 going to --

25 THE COURT: And what kind of work -- when you work, what

1 kind of work are you looking for?

2 PROSPECTIVE JUROR 0381: I've never worked.

3 THE COURT: Oh, okay. What kind of work does he do when
4 he's looking?

5 PROSPECTIVE JUROR 0381: Well, he was in construction
6 and now --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 0381: -- we're looking to find what
9 franchise you can buy and do that.

10 THE COURT: All right. Do you have any children?

11 PROSPECTIVE JUROR 0381: I have four children.

12 THE COURT: And what are their ages and genders?

13 PROSPECTIVE JUROR 0381: My oldest is 24 female. Then I
14 have a 19-year-old son, an 18-year-old daughter, and my youngest is 13
15 and he's a boy.

16 THE COURT: The older children who are old enough, do they
17 work?

18 PROSPECTIVE JUROR 0381: Yeah. Oh, no. Just my oldest
19 daughter is working right now.

20 THE COURT: Okay. And what does she do?

21 PROSPECTIVE JUROR 0381: She is in retail.

22 THE COURT: Okay. Have you, any family member, or
23 anyone closely associated with you ever been the victim of a crime?

24 PROSPECTIVE JUROR 0381: No. I don't think so. No, no.

25 THE COURT: Anyone -- you, or close to you ever -- one been

1 a victim of any kind of a sexual offense?

2 PROSPECTIVE JUROR 0381: No.

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

5 PROSPECTIVE JUROR 0381: No.

6 THE COURT: Including has anybody ever been accused of
7 any kind of a sexual offense?

8 PROSPECTIVE JUROR 0381: No.

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

10 PROSPECTIVE JUROR 0381: No.

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

14 PROSPECTIVE JUROR 0381: I don't believe so.

15 THE COURT: Can you base your verdict solely on the
16 evidence presented at the trial and wait to form an opinion until you've
17 heard all the evidence?

18 PROSPECTIVE JUROR 0381: Yes.

19 THE COURT: Can you be fair to both sides in this case?

20 PROSPECTIVE JUROR 0381: I think so.

21 THE COURT: Thank you.

22 Okay. I'm going to start at the top. Ms. Foytik.

23 PROSPECTIVE JUROR 0803: Yes.

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

25 PROSPECTIVE JUROR 0803: 36 years.

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

2 PROSPECTIVE JUROR 0803: High school.

3 THE COURT: Are you employed?

4 PROSPECTIVE JUROR 0803: Yes.

5 THE COURT: What kind of work do you do?

6 PROSPECTIVE JUROR 0803: I am a teacher's aide for Clark
7 County School Districts.

8 THE COURT: Are you married or in a significant
9 relationship?

10 PROSPECTIVE JUROR 0803: I'm married.

11 THE COURT: What sort of work does your spouse do?

12 PROSPECTIVE JUROR 0803: He just retired.

13 THE COURT: From?

14 PROSPECTIVE JUROR 0803: Republic Services.

15 THE COURT: Do you have children?

16 PROSPECTIVE JUROR 0803: Yes, two adult children. My
17 daughter is 34, and my son is 32. The -- my daughter is married. My son
18 is not. They both are employed.

19 THE COURT: Doing?

20 PROSPECTIVE JUROR 0803: My daughter works for Chapel
21 of the Flowers and my son works for Nevada State Bank.

22 THE COURT: Have you, or any family members, or anyone
23 closely associated with you ever been the victim of a crime?

24 PROSPECTIVE JUROR 0803: We have two home burglaries
25 in the past.

1 THE COURT: Was it -- were they reported?

2 PROSPECTIVE JUROR 0803: Yes.

3 THE COURT: Were the people caught? Anybody caught?

4 PROSPECTIVE JUROR 0803: One was. The another one was
5 not.

6 THE COURT: Did the police respond?

7 PROSPECTIVE JUROR 0803: Yes.

8 THE COURT: Did you have to go to court on these?

9 PROSPECTIVE JUROR 0803: No.

10 THE COURT: Did the DA's Office handle the case?

11 PROSPECTIVE JUROR 0803: I don't know.

12 THE COURT: Were you satisfied in general with how the
13 case was handled?

14 PROSPECTIVE JUROR 0803: The first one, yes. He was
15 caught and convicted. The second one they never caught the person.
16 The police did sent someone hours later. We never recovered any of the
17 things that were stolen.

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

20 PROSPECTIVE JUROR 0803: No.

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

23 PROSPECTIVE JUROR 0803: No.

24 THE COURT: Including any sexual offenses?

25 PROSPECTIVE JUROR 0803: No.

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

2 PROSPECTIVE JUROR 0803: Yes.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR 0803: Twice.

5 THE COURT: When?

6 PROSPECTIVE JUROR 0803: Once in 1981 in Ohio when I

7 lived in Ohio. I served on one case. I know it was a lewdness case.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 0803: And then once here in Clark
10 County, and I don't even remember what year it was, and what the case
11 was about.

12 THE COURT: Okay. So I just need civil or criminal you don't
13 recall? One was criminal you said?

14 PROSPECTIVE JUROR 0803: One was criminal. I'm not sure
15 what the other one was.

16 THE COURT: All right. Without telling us what the verdict
17 was, was the jury able to reach a verdict in both cases?

18 PROSPECTIVE JUROR 0803: Yes.

19 THE COURT: Were you ever the foreperson?

20 PROSPECTIVE JUROR 0803: No.

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

24 PROSPECTIVE JUROR 0803: No.

25 THE COURT: Can you base your verdict solely on the

1 evidence presented at the trial and wait to form an opinion until you've
2 heard all the evidence?

3 PROSPECTIVE JUROR 0803: Yes.

4 THE COURT: Can you be fair to both sides in this case?

5 PROSPECTIVE JUROR 0803: Yes.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR 0803: You're welcome.

8 THE COURT: Mr. Neal.

9 PROSPECTIVE JUROR 0806: Yes, ma'am.

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

11 PROSPECTIVE JUROR 0806: About six months.

12 THE COURT: Wow. Where did you come from?

13 PROSPECTIVE JUROR 0806: South L.A.

14 THE COURT: What brought you here?

15 PROSPECTIVE JUROR 0806: A job.

16 THE COURT: Okay. How far did you go in school?

17 PROSPECTIVE JUROR 0806: Just some college.

18 THE COURT: What area did you study?

19 PROSPECTIVE JUROR 0806: Fire and emergency technology.

20 THE COURT: Okay. And obviously you're employed, you
21 came here for a job?

22 PROSPECTIVE JUROR 0806: Yes, ma'am.

23 THE COURT: And what kind of work do you do?

24 PROSPECTIVE JUROR 0806: I'm currently a fire fighter with
25 the Henderson Fire Department.

1 THE COURT: Are you married or in a significant
2 relationship?

3 PROSPECTIVE JUROR 0806: I am in a significant
4 relationship.

5 THE COURT: Okay. What kind of work does your significant
6 other do, if any?

7 PROSPECTIVE JUROR 0806: She is an assistant manager at
8 a clothing store.

9 THE COURT: At where?

10 PROSPECTIVE JUROR 0806: At a clothing store.

11 THE COURT: Okay. Do you have any children?

12 PROSPECTIVE JUROR 0806: No, ma'am.

13 THE COURT: Have you, or any family members, or any one
14 closely associated with you ever been the victim of a crime?

15 PROSPECTIVE JUROR 0806: Just vandalism, but nothing
16 major.

17 THE COURT: Anything about that, that causes you concern
18 about your ability to be fair here?

19 PROSPECTIVE JUROR 0806: No, ma'am.

20 THE COURT: Nobody ever been victim of any kind of a
21 sexual crime?

22 PROSPECTIVE JUROR 0806: No, ma'am.

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

25 PROSPECTIVE JUROR 0806: No, ma'am.

1 THE COURT: Any kind of sexual offense?
2 PROSPECTIVE JUROR 0806: No, ma'am.
3 THE COURT: Have you ever served as a juror before?
4 PROSPECTIVE JUROR 0806: No, ma'am.
5 THE COURT: Is there anything about the nature of this case
6 or anything that you heard here today that would make it difficult for you
7 to sit as a juror in this case?
8 PROSPECTIVE JUROR 0806: No, ma'am.
9 THE COURT: Can you base your verdict solely on the
10 evidence presented at the trial and wait to form an opinion until you've
11 heard all the evidence?
12 PROSPECTIVE JUROR 0806: Yes, ma'am.
13 THE COURT: And can you be fair to both sides of this case?
14 PROSPECTIVE JUROR 0806: Yes, ma'am.
15 THE COURT: Thank you.
16 Ms. Raugust, how long have you lived in Clark County?
17 PROSPECTIVE JUROR 0808: 28 years. Sorry, my voice --
18 THE COURT: Whoa, super -- oh, okay.
19 PROSPECTIVE JUROR 0808: -- I lost my voice.
20 THE COURT: All right. Then we'll deal with it. Just keep the
21 mic as close as you can without --
22 PROSPECTIVE JUROR 0808: Okay.
23 THE COURT: -- on it. And I got so focused on the sound of
24 your voice I didn't hear what you said. Have long have you been in Clark
25 County?

1 PROSPECTIVE JUROR 0808: 28 years.
2 THE COURT: 28 years. Okay. How far did you go in school?
3 PROSPECTIVE JUROR 0808: I did two years of college.
4 THE COURT: What did you study?
5 PROSPECTIVE JUROR 0808: Early childhood education.
6 THE COURT: Are you employed?
7 PROSPECTIVE JUROR 0808: Yes.
8 THE COURT: What kind of work do you do?
9 PROSPECTIVE JUROR 0808: I'm a server at Bellagio.
10 THE COURT: Are you married or in a significant
11 relationship?
12 PROSPECTIVE JUROR 0808: Married.
13 THE COURT: What kind of work does your spouse do?
14 PROSPECTIVE JUROR 0808: He works for Homeland
15 Security.
16 THE COURT: Do you have any children?
17 PROSPECTIVE JUROR 0808: I have a daughter and three
18 stepchildren.
19 THE COURT: And how old are your kids?
20 PROSPECTIVE JUROR 0808: 14, 10, 8, and 2.
21 THE COURT: Boys or girls?
22 PROSPECTIVE JUROR 0808: Two boys, two girls.
23 THE COURT: The 14-year old is that a boy or girl?
24 PROSPECTIVE JUROR 0808: Boy.
25 THE COURT: I'm sorry, boy?

1 PROSPECTIVE JUROR 0808: Boy.

2 THE COURT: Okay. Have you, any family members, or any
3 one closely associated with you ever been the victim of a crime?

4 PROSPECTIVE JUROR 0808: No, ma'am.

5 THE COURT: Anyone ever been a victim of a sexual offense?

6 PROSPECTIVE JUROR 0808: No, ma'am.

7 THE COURT: Have you, family members, or anyone closely
8 associated with you ever been accused of a crime?

9 PROSPECTIVE JUROR 0808: No, ma'am.

10 THE COURT: Anyone ever been accused of a sexual offense?

11 PROSPECTIVE JUROR 0808: No, ma'am.

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

13 PROSPECTIVE JUROR 0808: No.

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

17 PROSPECTIVE JUROR 0808: No.

18 THE COURT: Can you base your verdict solely on the
19 evidence presented at the trial and wait to form an opinion until you've
20 heard all of the evidence?

21 PROSPECTIVE JUROR 0808: Yes, ma'am.

22 THE COURT: Can you be fair to both sides in this case?

23 PROSPECTIVE JUROR 0808: Yes.

24 THE COURT: Thank you.

25 Ms. Corno, how long have you lived in Clark County?

1 PROSPECTIVE JUROR 0811: 23 years.

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

3 PROSPECTIVE JUROR 0811: I'm currently in college.

4 THE COURT: Okay. What are you studying?

5 PROSPECTIVE JUROR 0811: General studies.

6 THE COURT: Are you employed?

7 PROSPECTIVE JUROR 0811: Yes.

8 THE COURT: Are you married or in a significant
9 relationship?

10 PROSPECTIVE JUROR 0811: Married.

11 THE COURT: You heard a couple of full-time students that
12 were previously excused. Are you able to balance your school?

13 PROSPECTIVE JUROR 0811: Oh, yeah. All my classes are
14 online so I can do them at home.

15 THE COURT: Awesome. Thank you. I'm sorry. What sort of
16 what work do you do?

17 PROSPECTIVE JUROR 0811: I work as a dispatcher at a
18 plumbing company.

19 THE COURT: Okay. And are you married or in a significant
20 relationship?

21 PROSPECTIVE JUROR 0811: Married.

22 THE COURT: Does your spouse work?

23 PROSPECTIVE JUROR 0811: Yes, he works at Cox.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR 0811: No.

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

3 PROSPECTIVE JUROR 0811: No.

4 THE COURT: Ever been the victim of a sexual offense?

5 PROSPECTIVE JUROR 0811: No.

6 THE COURT: You, any family members, or anyone closely
7 associated with you ever been accused of a crime?

8 PROSPECTIVE JUROR 0811: No.

9 THE COURT: Anyone closely -- you ever been accused of a
10 sexual offense?

11 PROSPECTIVE JUROR 0811: No.

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

13 PROSPECTIVE JUROR 0811: No.

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

17 PROSPECTIVE JUROR 0811: No.

18 THE COURT: Can you base your verdict solely on the
19 evidence presented at trial and wait to form an opinion until you've
20 heard all the evidence?

21 PROSPECTIVE JUROR 0811: Yes.

22 THE COURT: Can you be fair to both sides in this case?

23 PROSPECTIVE JUROR 0811: Yes.

24 THE COURT: Thank you.

25 THE COURT: Can you be fair to both sides in this case?

1 PROSPECTIVE JUROR: Yes.
2 THE COURT: Thank you.
3 Ms. Bird?
4 PROSPECTIVE JUROR 0812: Yes, ma'am?
5 THE COURT: How long have you lived in Clark County?
6 PROSPECTIVE JUROR 0812: My whole life, 38 and a half
7 years.
8 THE COURT: How far did you go in school?
9 PROSPECTIVE JUROR 0812: Technological college.
10 THE COURT: What kind of -- what did you study?
11 PROSPECTIVE JUROR 0812: Medical assisting and
12 phlebotomy.
13 THE COURT: Are you employed?
14 PROSPECTIVE JUROR 0812: Yes, ma'am.
15 THE COURT: And what kind of work do you do?
16 PROSPECTIVE JUROR 0812: I'm a phlebotomist.
17 THE COURT: How convenient. Are you married or in a
18 significant relationship?
19 PROSPECTIVE JUROR 0812: Significant relationship.
20 THE COURT: And does your significant other work?
21 PROSPECTIVE JUROR 0812: Yes, does.
22 THE COURT: What does he do?
23 PROSPECTIVE JUROR 0812: He does technical work at our
24 church.
25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR 0812: Yes, I do.

2 THE COURT: How many?

3 PROSPECTIVE JUROR 0812: Two angel babies.

4 THE COURT: I'm sorry.

5 PROSPECTIVE JUROR 0812: I lost one to SIDS and one to
6 suicide and I have my youngest daughter; currently, she's 13.

7 THE COURT: Have you or any family members or anyone
8 closely associated with you ever been the victim of a crime?

9 PROSPECTIVE JUROR 0812: Yes. Unfortunately, my oldest
10 daughter that committed suicide was sexually assaulted by a family
11 member and he touched my youngest daughter. He's currently in prison
12 serving an 8-to-40-year sentence. I know my mom's house got
13 burglarized and the people that did it were let go.

14 THE COURT: Were let go?

15 PROSPECTIVE JUROR 0812: Yeah. They were found not
16 guilty.

17 THE COURT: Not caught?

18 PROSPECTIVE JUROR 0812: Yeah.

19 THE COURT: In both of those instances, how did you feel the
20 cases were handled? Well, obviously, you're frustrated --

21 PROSPECTIVE JUROR 0812: Both of them, I felt were done
22 fairly and even in the one concerning my daughter, I extended grace.

23 THE COURT: I'm sorry you had to do that.

24 Is there anything about either of those cases that cause you
25 any concern that you couldn't be fair and impartial in this case?

1 PROSPECTIVE JUROR 0812: No, ma'am. I can separate
2 myself from the past.

3 THE COURT: Have you or any family members or anyone
4 closely associated with you ever been accused of a crime, other than,
5 obviously, the relative that touched --

6 PROSPECTIVE JUROR 0812: No, ma'am.

7 THE COURT: And that includes a sexual offense?

8 PROSPECTIVE JUROR 0812: Yes.

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

10 PROSPECTIVE JUROR 0812: No, ma'am.

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

14 PROSPECTIVE JUROR 0812: No, ma'am, I can be fair.

15 THE COURT: Can you base your verdict solely on the
16 evidence presented at the trial and wait to form an opinion until you've
17 heard all of the evidence?

18 PROSPECTIVE JUROR 0812: Yes, ma'am.

19 THE COURT: Can you be fair to both sides in this case.

20 PROSPECTIVE JUROR 0812: Absolutely.

21 THE COURT: Thank you.

22 Ms. -- is it -- Farri?

23 PROSPECTIVE JUROR 0948: Correct.

24 THE COURT: Have how long have you lived in Clark County?

25 PROSPECTIVE JUROR 0948: Fourteen years.

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

2 PROSPECTIVE JUROR 0948: A year and a half in college and trade
3 school.

4 THE COURT: What areas did you study?

5 PROSPECTIVE JUROR 0948: Poli science and banking.

6 THE COURT: Are you employed?

7 PROSPECTIVE JUROR 0948: Yes.

8 THE COURT: What kind of work do you?

9 PROSPECTIVE JUROR 0948: Retail.

10 THE COURT: Are you married or in a significant
11 relationship?

12 PROSPECTIVE JUROR 0948: Married.

13 THE COURT: And what does your spouse do?

14 PROSPECTIVE JUROR 0948: Retail management.

15 THE COURT: Do you have any children?

16 PROSPECTIVE JUROR 0948: Three.

17 THE COURT: And what are their ages and genders?

18 PROSPECTIVE JUROR 0948: Daughter, 28 -- she has three
19 boys; son is 19, in college; and our youngest son is 16, in high school.

20 THE COURT: Okay. Are the older kids working or any of
21 them?

22 PROSPECTIVE JUROR 0948: My daughter does hair; she has
23 her own salon. And my son is working in college.

24 THE COURT: And what's he studying?

25 PROSPECTIVE JUROR 0948: Poli science.

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

3 PROSPECTIVE JUROR 0948: Yes.

4 THE COURT: Was the crime reported?

5 PROSPECTIVE JUROR 0948: Yes, it was.

6 THE COURT: What was the kind of the nature?

7 PROSPECTIVE JUROR 0948: We were coming home when
8 my daughter was an infant and there was a gang initiation and our car
9 was shot into significantly many times and the bullet, just the way it hit
10 the door, it just missed and didn't hit my daughter, thankfully, but they
11 were caught.

12 THE COURT: And did the police respond?

13 PROSPECTIVE JUROR 0948: They did.

14 THE COURT: Obviously, nobody was hit?

15 PROSPECTIVE JUROR 0948: No one was hit.

16 THE COURT: Did you have to go to court over it?

17 PROSPECTIVE JUROR 0948: Yeah.

18 THE COURT: Was that here in Las Vegas?

19 PROSPECTIVE JUROR 0948: This was in Covina, California.

20 THE COURT: Were you satisfied with how the case was
21 handled?

22 PROSPECTIVE JUROR 0948: No.

23 THE COURT: Was it handled by the DA's Office there?

24 PROSPECTIVE JUROR 0948: I'm not sure.

25 THE COURT: Okay. Well, what made you unhappy about it?

1 What happened?

2 PROSPECTIVE JUROR 0948: That they were -- because they
3 were juveniles I guess at the time, they didn't have a criminal record
4 before, so they just got to go.

5 THE COURT: Is there anything about that experience that
6 would cause you not to be fair and impartial in this case?

7 PROSPECTIVE JUROR 0948: No.

8 THE COURT: You're not seeking revenge on an old case,
9 right?

10 PROSPECTIVE JUROR 0948: No.

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

13 PROSPECTIVE JUROR 0948: No.

14 THE COURT: Of any kind of sexual offense?

15 PROSPECTIVE JUROR 0948: No.

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

17 PROSPECTIVE JUROR 0948: No.

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

21 PROSPECTIVE JUROR 0948: No.

22 THE COURT: Can you base your verdict solely on the
23 evidence presented at the trial and wait to form an opinion until you've
24 heard all of the evidence?

25 PROSPECTIVE JUROR 0948: Yes.

1 THE COURT: And can you be fair to both sides?
2 PROSPECTIVE JUROR 0948: Yes.
3 THE COURT: Thank you.
4 Mr. Meadows?
5 PROSPECTIVE JUROR 0818: Yes.
6 THE COURT: How long have you lived in Clark County?
7 PROSPECTIVE JUROR 0818: Fifty-five years.
8 THE COURT: How far did you go in school?
9 PROSPECTIVE JUROR 0818: Eleventh grade and then got my
10 GED seven years later.
11 THE COURT: Are you employed?
12 PROSPECTIVE JUROR 0818: Yes, I am.
13 THE COURT: What sort of work do you do?
14 PROSPECTIVE JUROR 0818: Low-voltage technician.
15 THE COURT: Are you married or in a significant
16 relationship?
17 PROSPECTIVE JUROR 0818: Married.
18 THE COURT: Does your spouse work?
19 PROSPECTIVE JUROR 0818: Yes, she does.
20 THE COURT: What does she do?
21 PROSPECTIVE JUROR 0818: She works for the Clark County
22 School System as a teacher's aide until next year. She will be a teacher
23 herself; she just got her degree.
24 THE COURT: All right. Good for her.
25 Do you have children?

1 PROSPECTIVE JUROR 0818: Yes.

2 THE COURT: What are their ages and genders?

3 PROSPECTIVE JUROR 0818: My son is 24. He lives in
4 Colorado with his wife and their baby. And my daughter is 15 and she
5 lives at home, of course.

6 THE COURT: Have you or any family members or anyone
7 closely associated with you ever been the victim of a crime?

8 PROSPECTIVE JUROR 0818: No, not a victim.

9 THE COURT: Okay. Or of a sexual offense, any kind?

10 PROSPECTIVE JUROR 0818: No.

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

13 PROSPECTIVE JUROR 0818: Yes, my brother.

14 THE COURT: Okay. What type of crime?

15 PROSPECTIVE JUROR 0818: Felony. He did a lot of
16 burglaries and caught with drugs and so on and so forth.

17 THE COURT: Was that here in --

18 PROSPECTIVE JUROR 0818: Here, yes.

19 THE COURT: -- Las Vegas?

20 Was he charged?

21 PROSPECTIVE JUROR 0818: Yes, he was a felon.

22 THE COURT: Okay. Did he go to trial or ...

23 PROSPECTIVE JUROR 0818: I don't know if it ever went to
24 trial. I think he just -- he admitted to -- you know, when he did get
25 arrested, he did admit to what he had done.

1 THE COURT: Was this handled by the DA's Office?

2 PROSPECTIVE JUROR 0818: I don't remember.

3 THE COURT: Were you satisfied, overall, with how these
4 cases were handled?

5 PROSPECTIVE JUROR 0818: Well, except for something that
6 happened with me. I don't have a whole lot of belief in the justice
7 system.

8 THE COURT: What was that?

9 PROSPECTIVE JUROR 0818: He got arrested for burglary and
10 trespassing, used my name and Social Security number to get arrested
11 with, never told me. I was helping someone out one time and got pulled
12 over and went to jail because he let it go to a bench warrant.

13 He never told me. I was arrested. I went through five
14 months of court due to it. My mother went to that court, was given the
15 picture of him and asked who that was, and she said that it was him and,
16 yet, the judge, the city attorney, and THE MARSHAL all turned around
17 and said, This is you. So, I don't have a whole lot of faith in the justice
18 system. I'm sorry.

19 THE COURT: You understand that this isn't that, right?

20 PROSPECTIVE JUROR 0818: I do understand that, yes.

21 THE COURT: Do you believe that that experience would
22 cause you not to be fair and impartial in this case?

23 PROSPECTIVE JUROR 0818: In some ways, yes, I do. Not all,
24 but in some ways. I just --

25 THE COURT: Well, here's kind of what we need to know. I

1 mean, both sides are entitled to have a fair and impartial jury in all ways.

2 PROSPECTIVE JUROR 0818: Yes.

3 THE COURT: So, if you don't think you can afford the State
4 or the Defense an impartial and fair trial, then now would be the --

5 PROSPECTIVE JUROR 0818: I don't believe that I -- I could
6 not be impartial with it.

7 THE COURT: And what are your concerns in terms of -- what
8 are you worried that you're going to -- are you worried that you're going
9 to punish --

10 PROSPECTIVE JUROR 0818: I'm not going be very fair on
11 what -- on his side, on the defendant's side, because he was arrested.
12 There's a reason why he was arrested, okay, and, again, with just with
13 my past, all right, I just don't know that I can be impartial about it.

14 THE COURT: Any objection.

15 MR. MARTINEZ: No, Your Honor.

16 MR. Miles: No objection, Your Honor.

17 THE COURT: I'll excuse you. Thank you.

18 THE CLERK: Dahl, badge number 976, will be seated at seat
19 8.

20 THE COURT: I'm going to skip over him. I understand I have
21 a juror with an issue?

22 Do you have the mic?

23 And we're jumping ahead to Ms. Clark. My marshal advises
24 me you have an issue?

25 PROSPECTIVE JUROR 0836: Yes, Your Honor. I need to pick

1 up my son. He gets out of school at 3:30. It's after and I'm a little late, so
2 I know he's at the school with his friends right now, but he gets out at
3 3:30, and I need pick him up because he can't get in the house without
4 me.

5 THE COURT: How old is he?

6 PROSPECTIVE JUROR 0836: He's 13 -- 12 -- excuse me.

7 THE COURT: If you were chosen as a juror, could you make
8 arrangements for him to have some -- can he go to aftercare at school
9 or --

10 PROSPECTIVE JUROR 0836: He's not in that right now. I
11 would have to do paperwork.

12 I work right -- I'm working at this time. I'm a single parent, so
13 I don't have time for that. Basically, we're on a -- we already have our
14 schedule.

15 THE COURT: That would have been something you probably
16 would have -- should have raised your hand earlier when the -- if there
17 was something that --

18 PROSPECTIVE JUROR 0836: I apologize, Your Honor.

19 THE COURT: Well, I apologize, because I don't like
20 13-year-olds to be --

21 PROSPECTIVE JUROR 0836: Right.

22 THE COURT: -- out and about if they're not supposed to be.

23 PROSPECTIVE JUROR 0836: Correct.

24 MR. MARTINEZ: No objection, Your Honor.

25 THE COURT: Mr. Miles?

1 MR. MILES: No objection, Your Honor.

2 THE COURT: All right. We'll go ahead and thank and excuse
3 you.

4 Is there anybody else that has an issue that, before it gets too
5 late, to tell me about it now?

6 PROSPECTIVE JUROR 0850: I'm sorry, I live with my mom.
7 My mom has odd schedules, so I take care of my younger siblings at
8 home. My youngest one is 8.

9 THE COURT: I'm sorry, I missed the beginning of it.

10 PROSPECTIVE JUROR 0850: I'm sorry, I live with my mom at
11 home and I take care of my younger siblings because she is at work at
12 odd hours, so I do need to pick her up from school. Usually, she's at
13 Champions after school, and I usually pick her up after school after work.
14 So, I do need to leave -- I mean, I know it's at 5. I do this -- 4:35 is when I
15 pick her up.

16 THE COURT: Well, do they -- will they keep her after that?

17 PROSPECTIVE JUROR 0850: I believe five o'clock is the limit.

18 THE COURT: How far away do you have to go?

19 PROSPECTIVE JUROR 0850: It's on Somerset. It's on Craig
20 and Rainbow.

21 THE COURT: How long does it take you to get there?

22 PROSPECTIVE JUROR 0850: Probably like 30 minutes.

23 THE COURT: Would you be able -- would your mom be able
24 to pick the kids up this week?

25 PROSPECTIVE JUROR 0850: She -- unfortunately, she works,

1 so, she wouldn't be able to, no. She'd have to ask her job.

2 THE COURT: Is this your job to take care of them or ...

3 PROSPECTIVE JUROR 0850: Well, I mean I help her so that
4 she doesn't miss work.

5 THE COURT: And what if you were sick?

6 PROSPECTIVE JUROR 0850: For me to pick up my sister?

7 THE COURT: How old is your sister?

8 PROSPECTIVE JUROR 0850: Eight.

9 THE COURT: Do you have anybody else you could make
10 arrangements with to get her for the next few days?

11 PROSPECTIVE JUROR 0850: I don't have other family
12 members. The one that I have takes the bus from UNLV all the way
13 home. We live up North, so ...

14 MR. MARTINEZ: Submit it -- we'll submit it, Your Honor.

15 THE COURT: Mr. Miles?

16 MR. MILES: What badge number was that, Your Honor?

17 PROSPECTIVE JUROR 0850: I'm sorry, 850.

18 THE COURT: Ms. Sanchez.

19 MR. MILES: Sanchez? No objection.

20 THE COURT: I'll go ahead and excuse you.

21 Anybody else?

22 UNIDENTIFIED PROSPECTIVE JUROR: Sorry for not bringing
23 this up earlier, Your Honor. Both of my brothers go to the school that I
24 teach at and I'm usually their only ride home and my family only has two
25 cars. My father usually works nights because they have theater

1 production a part of, they usually get out at 8:00 p.m., and I live about a
2 30-minute drive from the school.

3 THE COURT: Well, we'll be done before 8:00 p.m.

4 UNIDENTIFIED PROSPECTIVE JUROR: But I usually have to
5 stay for them to get home. I stay from when school gets out at 2:55 p.m.
6 usually until 8:00 p.m. So, if I'm not already there, they usually --

7 THE COURT: Can't you just go get them?

8 UNIDENTIFIED PROSPECTIVE JUROR: Huh?

9 THE COURT: Can't you -- I'm not following something. We'll
10 be done here at five o'clock, unless everybody wanted to stay later, we
11 would stay later sometimes.

12 UNIDENTIFIED PROSPECTIVE JUROR: Well, that would be --

13 THE COURT: But, otherwise, you'll leave by five o'clock, and
14 I don't know where you live, but it can't be three hours away.

15 UNIDENTIFIED PROSPECTIVE JUROR: Oh, I meant for the
16 duration of the trial, Your Honor, because this is going to be the same
17 throughout. I didn't know if that was would be an issue of any kind or
18 not.

19 THE COURT: Oh, no, no, no.

20 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

21 THE COURT: I'll get you out by 5:00 every day.

22 UNIDENTIFIED PROSPECTIVE JUROR: Oh, okay, then never
23 mind.

24 THE COURT: The only day you might have to miss your
25 school is Friday.

1 UNIDENTIFIED PROSPECTIVE JUROR: Okay. Sorry to slow
2 things down.

3 THE COURT: That's only one day, and I'm sure your class
4 could do without you for one day, right?

5 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. So, now, how many are we replacing?
7 We've got two to replace or what?

8 THE CLERK: We have two open seats to seat.

9 THE COURT: All righty.

10 THE CLERK: Benton, badge number 978, seat number 12 and
11 Boyer, 979, seat 16.

12 THE COURT: Okay. Where did we leave off? There you go.
13 Ms. Meadows -- no. I'm sorry, I have you.

14 You are?

15 PROSPECTIVE JUROR 0976: Dahl. My badge is 976.

16 THE COURT: Thank you, ma'am.

17 PROSPECTIVE JUROR 0976: You're welcome.

18 THE COURT: This isn't exactly according to plan. I don't
19 know if you noticed.

20 PROSPECTIVE JUROR 0976: Right.

21 THE COURT: I've got you. All right. Ms. Dahl, how long
22 have you been Clark County.

23 PROSPECTIVE JUROR 0976: Two and a half years.

24 THE COURT: Where'd you come from?

25 PROSPECTIVE JUROR 0976: Minnesota.

1 THE COURT: How far did you go in school?
2 PROSPECTIVE JUROR 0976: College. I have a nursing
3 degree.
4 THE COURT: Okay. Are you employed?
5 PROSPECTIVE JUROR 0976: Yes.
6 THE COURT: As a nurse?
7 PROSPECTIVE JUROR 0976: No. Currently, I work in supply
8 chain at Sunrise Hospital.
9 THE COURT: All right. Are you married or in a significant
10 relationship?
11 PROSPECTIVE JUROR 0976: No, ma'am.
12 THE COURT: Do you have any children?
13 PROSPECTIVE JUROR 0976: Yes, I have two children that are
14 adults --
15 THE COURT: Okay.
16 PROSPECTIVE JUROR 0976: -- 23 and 24.
17 THE COURT: Male? Female?
18 PROSPECTIVE JUROR 0976: Two males.
19 THE COURT: Do they work?
20 PROSPECTIVE JUROR 0976: Yes.
21 THE COURT: What kind of work do they do?
22 PROSPECTIVE JUROR 0976: They work in retail.
23 THE COURT: Have you or any family members or anyone
24 closely associated with you ever been the victim of a crime?
25 PROSPECTIVE JUROR 0976: No.

1 THE COURT: How about a victim of a sexual offense?

2 PROSPECTIVE JUROR 0976: No.

3 THE COURT: Have you or anyone close to you or any family
4 member ever been accused of a crime?

5 PROSPECTIVE JUROR 0976: No.

6 THE COURT: How about of a sexual offense?

7 PROSPECTIVE JUROR 0976: No.

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

9 PROSPECTIVE JUROR 0976: Yes, once in Minnesota, but I
10 was excused.

11 THE COURT: Okay. So, how far did you get?

12 PROSPECTIVE JUROR 0976: Just to like this part.

13 THE COURT: Like right here?

14 PROSPECTIVE JUROR 0976: Yeah.

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

18 PROSPECTIVE JUROR 0976: No.

19 THE COURT: Can you base your verdict solely on the
20 evidence presented at the trial and wait to form an opinion until you've
21 heard all of the evidence?

22 PROSPECTIVE JUROR 0976: Yes, Your Honor.

23 THE COURT: Can you be fair to both sides?

24 PROSPECTIVE JUROR 0976: Yes.

25 THE COURT: Thank you.

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[Pause]

THE COURT: Sorry, folks. We're trying to -- obviously, we're not going to get through this today, and we're going to need possibly some more jurors tomorrow, so we're trying to let Jury Services know.

[Pause]

THE COURT: Okay. Mr. Hypes, is it you?

PROSPECTIVE JUROR 0826: Uh-huh.

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

PROSPECTIVE JUROR 0826: Eighteen years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR 0826: Current college student.

THE COURT: What are you studying?

PROSPECTIVE JUROR 0826: Interior design.

THE COURT: Okay. Same thing with you, are you able to juggle your full schedule and be here?

PROSPECTIVE JUROR 0826: I just started my first week in the new semester. I can afford to miss the first week. I'm more concerned about work.

THE COURT: Okay. What kind of work are you doing?

PROSPECTIVE JUROR 0826: I'm in sales and I'm in food; I work two jobs.

THE COURT: What shift?

PROSPECTIVE JUROR 0826: I'm sorry.

THE COURT: Well, I'm assuming you're able to juggle it because you didn't raise your hand before and say, I can't do this, right?

1 PROSPECTIVE JUROR 0826: I did not assume that work was
2 a viable excuse --

3 THE COURT: Well, it's --

4 PROSPECTIVE JUROR 0826: -- so I'm putting in to get a
5 written notice from my boss right now.

6 THE COURT: Okay. It's technically not needed, and your
7 boss has to.

8 PROSPECTIVE JUROR 0826: I see.

9 THE COURT: What we try to do is, obviously, if someone is
10 not going to be able to pay their mortgage because they have to be here,
11 we try to work with you or defer it. If you have some kind of an extreme
12 situation, we certainly don't want that to happen. There are certain
13 things that we can adjust it for.

14 But we're really talking four to five hours a day, so can you
15 do that?

16 PROSPECTIVE JUROR 0826: I'm going to try to get the
17 written notice, but if I have to, I have to.

18 THE COURT: What kind of written notice? What do you
19 mean? We can give you a note for your employer, but employers have
20 to let you for jury duty.

21 PROSPECTIVE JUROR 0826: Uh-huh.

22 THE COURT: So, if you need that, you just let us know, okay?

23 PROSPECTIVE JUROR 0826: Yes, ma'am.

24 THE COURT: Are you married or in a significant
25 relationship?

1 PROSPECTIVE JUROR 0826: Significant relationship.
2 THE COURT: Okay. Does your significant other work?
3 PROSPECTIVE JUROR 0826: Yes, she does.
4 THE COURT: What does she do?
5 PROSPECTIVE JUROR 0826: Desk work at Pearle Vision.
6 THE COURT: I'm sorry?
7 PROSPECTIVE JUROR 0826: Desk work at Pearle Vision, like
8 front desk.
9 THE COURT: Got it.
10 Do you have any children?
11 PROSPECTIVE JUROR 0826: I do not.
12 THE COURT: Have you or any family members or anyone
13 closely associated with you ever been the victim of a crime?
14 PROSPECTIVE JUROR 0826: No.
15 THE COURT: Ever been the victim of a sexual offense?
16 PROSPECTIVE JUROR 0826: No.
17 THE COURT: Have you or any family members or anyone
18 closely associated with you ever been accused of a crime?
19 PROSPECTIVE JUROR 0826: Minor drug charges.
20 THE COURT: Was that you? Family member? Or someone
21 close to you?
22 PROSPECTIVE JUROR 0826: Grandmother, aunts, uncles, a
23 few people.
24 THE COURT: When you say minor drug charges, what does
25 that mean? Possession?

1 PROSPECTIVE JUROR 0826: Yes, possession.
2 THE COURT: Were they actually charged?
3 PROSPECTIVE JUROR 0826: Yes.
4 THE COURT: Did they go to trial?
5 PROSPECTIVE JUROR 0826: Yes.
6 THE COURT: Were they convicted?
7 PROSPECTIVE JUROR 0826: I'm not sure.
8 THE COURT: Was that here in Las Vegas?
9 PROSPECTIVE JUROR 0826: I believe so.
10 THE COURT: Was it the DA's Office who handled the case?
11 PROSPECTIVE JUROR 0826: I'm not sure.
12 THE COURT: Were you satisfied with how well the cases
13 were handled and how your family was treated?
14 PROSPECTIVE JUROR 0826: I was not present for the case. I
15 simply heard about it.
16 THE COURT: Okay. So, as far as you know?
17 PROSPECTIVE JUROR 0826: As far as I know, it was fair.
18 THE COURT: Okay. Anything about that experience that
19 would cause you not to be fair and impartial in this case?
20 PROSPECTIVE JUROR 0826: No.
21 THE COURT: Have you ever served as a juror before?
22 PROSPECTIVE JUROR 0826: No.
23 THE COURT: Is there anything about the nature of this case
24 or anything that you heard here today that would make it difficult for you
25 to sit as a juror in this case?

1 PROSPECTIVE JUROR 0826: No.

2 THE COURT: Can you base your verdict solely on the
3 evidence presented at the trial and wait to form an opinion until you've
4 heard all of the evidence?

5 PROSPECTIVE JUROR 0826: Yes.

6 THE COURT: Can you be fair to both sides in this case?

7 PROSPECTIVE JUROR 0826: Yes.

8 THE COURT: Thank you.

9 Mr. Mathisen?

10 PROSPECTIVE JUROR 0832: Yes.

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

12 PROSPECTIVE JUROR 0832: Twenty years.

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

14 PROSPECTIVE JUROR 0832: Masters in nursing. I'm a
15 current doctoral student.

16 THE COURT: Are you married or in a significant
17 relationship?

18 PROSPECTIVE JUROR 0832: Significant relationship.

19 THE COURT: Does your significant other work?

20 PROSPECTIVE JUROR 0832: Accounting at a property
21 management firm.

22 THE COURT: Do you have any children?

23 PROSPECTIVE JUROR 0832: No.

24 THE COURT: Have you or any family members or anyone
25 closely associated with you ever been the victim of a crime?

1 PROSPECTIVE JUROR 0832: No.

2 THE COURT: How about a sexual offense?

3 PROSPECTIVE JUROR 0832: No.

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

6 PROSPECTIVE JUROR 0832: No.

7 THE COURT: Or of a sexual offense?

8 PROSPECTIVE JUROR 0832: No.

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

10 PROSPECTIVE JUROR 0832: No.

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

14 PROSPECTIVE JUROR 0832: No.

15 THE COURT: Can you base your verdict solely on the
16 evidence presented at the trial and wait to form an opinion until you've
17 heard all of the evidence?

18 PROSPECTIVE JUROR 0832: Yes.

19 THE COURT: Can you be fair to both sides?

20 PROSPECTIVE JUROR 0832: Yes.

21 THE COURT: Thank you.

22 Mr. Larson?

23 PROSPECTIVE JUROR 0833: This is Brian Larson.

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

25 PROSPECTIVE JUROR 0833: About 18 years.

1 THE COURT: Okay. How far did you go in school?

2 PROSPECTIVE JUROR 0833: I went two years through
3 college and went to a tech school, instead.

4 THE COURT: Okay. And what area is the study?

5 PROSPECTIVE JUROR 0833: Audio design.

6 THE COURT: Are you employed?

7 PROSPECTIVE JUROR 0833: I am.

8 THE COURT: What sort of work do you do?

9 PROSPECTIVE JUROR 0833: I am an audio designer.

10 THE COURT: Well, there you go. It worked out well then.

11 Are you married or in a significant relationship?

12 PROSPECTIVE JUROR 0833: Significant other.

13 THE COURT: Okay. What sort of work does your significant
14 other do?

15 PROSPECTIVE JUROR 0833: She manages a golf course in
16 town.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR 0833: No.

19 THE COURT: Have you or any family members or anyone
20 closely associated with you ever been the victim of a crime?

21 PROSPECTIVE JUROR 0833: No.

22 THE COURT: Of a sexual offense?

23 PROSPECTIVE JUROR 0833: No.

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

1 PROSPECTIVE JUROR 0833: I did back in 2007, a domestic
2 with my ex-wife.

3 THE COURT: Okay. Were you charged?

4 PROSPECTIVE JUROR 0833: I was charged.

5 THE COURT: Did you go to trial?

6 PROSPECTIVE JUROR 0833: I went to trial.

7 THE COURT: Were you convicted?

8 PROSPECTIVE JUROR 0833: I was dropped because it was a
9 friend of hers that started it, so she didn't go to jail, so, basically, I just
10 had to go through a class, and I was done.

11 THE COURT: Okay. Did the DA's Office handle the case?

12 PROSPECTIVE JUROR 0833: Yes.

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

15 PROSPECTIVE JUROR 0833: Yes.

16 THE COURT: Anything about that experience that would
17 cause you not to be fair and impartial in this case?

18 PROSPECTIVE JUROR 0833: No.

19 THE COURT: Anybody else or anything else -- anybody ever
20 accused of a sexual offense?

21 PROSPECTIVE JUROR 0833: No.

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

23 PROSPECTIVE JUROR 0833: No.

24 THE COURT: Is there anything about the nature of this case
25 or anything that you heard here today that would make it difficult for you

1 to sit as a juror in this case?

2 PROSPECTIVE JUROR 0833: Not that I've seen.

3 THE COURT: Let us know if you see something.

4 PROSPECTIVE JUROR 0833: Okay.

5 THE COURT: Okay. Can you base your verdict solely on the
6 evidence presented at the trial and wait to form an opinion until you've
7 heard all of the evidence?

8 PROSPECTIVE JUROR 0833: Yes.

9 THE COURT: And can you be fair to both sides?

10 PROSPECTIVE JUROR 0833: Yes.

11 THE COURT: Thank you.

12 Mr. Benton?

13 PROSPECTIVE JUROR 0978: Yes.

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

15 PROSPECTIVE JUROR 0978: Forty-four years.

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

17 PROSPECTIVE JUROR 0978: Two-year college.

18 THE COURT: Are you employed?

19 PROSPECTIVE JUROR 0978: Yes.

20 THE COURT: What sort of work do you do?

21 PROSPECTIVE JUROR 0978: I'm a bartender.

22 THE COURT: Okay. Are you married or in a significant
23 relationship?

24 PROSPECTIVE JUROR 0978: Relationship.

25 THE COURT: Does your significant other work?

1 PROSPECTIVE JUROR 0978: Yes.
2 THE COURT: Doing?
3 PROSPECTIVE JUROR 0978: She's a VIP host.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR 0978: No.
6 THE COURT: Have you or any family members or anyone
7 closely associated with you ever been the victim of a crime?
8 PROSPECTIVE JUROR 0978: No.
9 THE COURT: Of a sexual offense?
10 PROSPECTIVE JUROR 0978: No.
11 THE COURT: Have you or any family members or anyone
12 closely associated with you ever been accused of a crime?
13 PROSPECTIVE JUROR 0978: My uncle was accused.
14 THE COURT: Okay. Was he charged?
15 PROSPECTIVE JUROR 0978: Yes.
16 THE COURT: Did he go to trial.
17 PROSPECTIVE JUROR 0978: I believe so.
18 THE COURT: Okay. Was he convicted of anything?
19 PROSPECTIVE JUROR 0978: Yes.
20 THE COURT: What was it?
21 PROSPECTIVE JUROR 0978: Selling drugs.
22 THE COURT: Did the DA's Office handle the case?
23 PROSPECTIVE JUROR 0978: I don't know.
24 THE COURT: Were you satisfied with how the case was
25 handled?

1 PROSPECTIVE JUROR 0978: I wasn't around.

2 THE COURT: As far as you know?

3 PROSPECTIVE JUROR 0978: As far as I know, yeah.

4 THE COURT: Anything about that experience that would
5 cause you not to be fair and impartial in this case?

6 PROSPECTIVE JUROR 0978: No.

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

8 PROSPECTIVE JUROR 0978: No.

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

12 PROSPECTIVE JUROR 0978: No.

13 THE COURT: Can you base your verdict solely on the
14 evidence presented at the trial and wait to form an opinion until you've
15 heard all of the evidence?

16 PROSPECTIVE JUROR 0978: Yes.

17 THE COURT: Can you be fair to both sides in this case?

18 PROSPECTIVE JUROR 0978: Yes.

19 THE COURT: Ladies and gentlemen, we have some things to
20 do outside of your presence, so we're going to go ahead and take our
21 evening recess. Don't move until I admonish you, right? But wait one
22 moment.

23 Do parties agree to excusing juror number 892, Mr. Tolstov?

24 MR. MILES: Yes, Your Honor.

25 MR. MARTINEZ: Tolstov, Denys --

1 THE COURT: Yes.

2 MR. MARTINEZ: -- is that the one we're talking about?

3 THE COURT: Yes.

4 MR. MARTINEZ: No objection.

5 THE COURT: He'll be excused, and we'll need to replace that
6 tomorrow.

7 Ladies and gentlemen, we are going to take overnight recess.
8 During this recess, you're admonished not to talk or converse amongst
9 yourselves or with anyone else on any subject connected with this trial,
10 read, watch, or listen to any report or any commentary on the trial or any
11 person connected with this trial by any medium of information,
12 including, without limitation, to newspapers, television, the internet, and
13 radio or form or express any opinion on any subject connected with the
14 trial until the case is finally submitted to you. And no legal or factual
15 research or investigation or recreation of testimony on your own.

16 You are directed to come back at one o'clock tomorrow and
17 you are excused for the evening.

18 THE MARSHAL: All rise. Exit the jury.

19 Please wait outside in the hall for me real quick before you
20 guys head out completely.

21 [Outside the presence of the jury.]

22 THE COURT: Okay. Do you have a list that you want me to
23 ask? My plan is -- you all can sit -- my plan is to finish what we're doing
24 right now through the first 36. They're bringing up 30 more jurors for
25 tomorrow. We'll get through those.

1 And then we're trying to check off questions that you both
2 submitted so that I can re-ask those, and then I'll go back and pick
3 up -- probably, I'll do my late-panel questions -- the questions that you all
4 have asked separate and then follow-up as needed.

5 So, if there's anything else you need or if I'm missing that
6 you want to ask, make sure you're taking notes and then hand it to my
7 marshal, and we'll bat cleanup. If I forget somebody, say, Hey, I need
8 this question done, and we'll make arrangements for that of.

9 Does that work for everybody?

10 MR. MARTINEZ: Yes, Your Honor.

11 MR. MILES: So, basically, my understanding is you want me
12 to submit questions that I would like to ask pretty much about -- does
13 that involve the nature of the case, also? Because I think we should
14 inquire into that a little bit.

15 THE COURT: No. You already submitted the question that
16 you can ask. What I'm asking is -- what I'm saying is, if there's a
17 question that we ask and there's a follow-up that you think needs to be
18 asked, follow-up just to what's being asked here. But the time to open
19 the other questions was last week.

20 And, besides, I mean the nature of the case isn't really
21 necessarily a voir dire thing. We're just trying to get fair and impartial
22 people. We're not going to try our case in voir dire.

23 MR. MILES: Yes, I was just --

24 THE COURT: You did all right. I mean, your questions were
25 mostly -- I'm not going to ask one of them, but the rest of them I'll ask.

1 MR. MILES: What about number 6?

2 THE COURT: Their hobbies?

3 MR. MILES: Oh, I'm sorry --

4 THE COURT: Oh, no, that's not it.

5 Extent of formal education? I just did that.

6 MR. MILES: I was talking about not as far as -- oh, yeah, we
7 already moved on to the individual voir dire questions. So, yeah, pretty
8 much, I was just wondering if we was going to inquire to it, because I
9 think there might be some potential prejudice there as far as if they
10 believe the District Attorney's Office or officers are always presumed to
11 be in a certain manner, as far as with that --

12 THE COURT: If you can come up with a better -- I'll tell you
13 right now, oh, your question 6 above, I'm not going to ask:

14 "This is a case in which Mr. Miles has alleged that the
15 prosecutor, Samuel Martinez has maliciously prosecuted him and that
16 the State has subjected him to criminal charges based on evidence that
17 was deliberately fabricated and manufactured.

18 Would anyone have difficulty being completely fair and
19 impartial in such a case?"

20 I'm not going to ask that question.

21 MR. MILES: I mean, unless you want me to break it down?

22 THE COURT: You can put it together in -- no, I'm not going
23 to ask that question.

24 MR. MILES: No, I was saying, unless you wanted me to
25 break it down as far as not no type of legal conclusion --

1 THE COURT: Well, you can break it down if you can break it
2 down to a legally admissible question, then I'll ask it, so ...

3 MR. MILES: Okay.

4 THE COURT: But the way it is right now, I'm not asking it.

5 MR. MILES: Okay.

6 THE COURT: Anything else we needed to while we're here?

7 MR. MARTINEZ: No. I have a question about opening, but
8 we don't have to do that right now since we're --

9 THE COURT: Well, we've got a couple minutes, so go ahead.

10 MR. MARTINEZ: I'm just wondering what restrictions I have
11 on -- typically, I'm pacing back and forth as I'm doing PowerPoint, but I
12 don't want --

13 THE COURT: I'm going to ask y'all both to stand at this
14 podium thing.

15 MR. MARTINEZ: Okay. Can we turn it a little bit?

16 THE COURT: I was just going to ask, can we -- does that turn,
17 anybody?

18 MS. RHOADES: I think it does.

19 MR. MARTINEZ: Do you want me to try it?

20 THE COURT: Yeah.

21 MR. MARTINEZ: I don't want to break anything.

22 THE COURT: We'll get another one.

23 MR. MARTINEZ: How's that? With one hand.

24 THE COURT: Hopefully he didn't break it.

25 MR. MARTINEZ: Okay. Thank you.

1 THE COURT: Does that work?

2 MR. MARTINEZ: Yeah. Should I move it back or do you
3 want to just keep it this way?

4 THE COURT: Well, it's facing absolutely nothing right now.

5 MR. MARTINEZ: Well, you have a calendar tomorrow
6 morning.

7 THE COURT: I know, but who wants it like that?

8 MR. MARTINEZ: Just for opening.

9 THE COURT: Mr. Cook, you're good with everybody
10 standing like this tomorrow for your opening statements?

11 THE MARSHAL: Yeah, that's fine.

12 THE COURT: All right. Mr. Miles, does that work for you?

13 MR. MILES: That's fine.

14 Oh, see, the next question is -- I'm glad Mr. Martinez asked
15 that.

16 MR. MARTINEZ: You're welcome.

17 MR. MILES: Can we make sure the ZTE phone and the
18 Samsung phone is physically here?

19 MR. MARTINEZ: For jury selection?

20 MR. MILES: Well, not for jury selection. I'm talking about as
21 far as the trial. I just wanted to make sure we had it.

22 MR. MARTINEZ: Absolutely, yeah. Just the -- which ones?

23 MR. MILES: Well, we already said the LG cellular phone was
24 going to be here with some type of charging device.

25 MR. MARTINEZ: Yes.

1 MR. MILES: So, the ZTE phone, the Samsung phone being
2 here physically, as well --

3 MR. MARTINEZ: Yes.

4 MR. MILES: -- and -- yeah.

5 MR. MARTINEZ: Yeah, that's no problem.

6 THE COURT: Okay. Do we need those ahead of time or just
7 in the ordinary course? What are we doing with that?

8 MR. MILES: As long as it's presented when the State is
9 going to present its case in chief. So, pretty much by the time of
10 opening statements.

11 THE COURT: Okay. Those are two way, way different
12 timings.

13 MR. MILES: Yeah, yeah, I'm sorry about that. Yeah,
14 basically, opening statements -- by the time of opening statements.

15 THE COURT: Is that something you can do?

16 MR. MARTINEZ: I can have the phones here, yes, by opening
17 statements.

18 THE COURT: And I don't want to inquire into what you're
19 doing, but what about the opening statement timing do you need them
20 by? They won't be in evidence. Do you need an opportunity to inspect
21 them, because we're not going to do that while the jury is out in the
22 hallway.

23 So, you've got to tell me what we're doing here.

24 MR. MILES: Well, like I said, like, I'm not really sure when I'm
25 going to do the opening statement, but normally how I've seen how

1 opening statements sometimes are, prosecutions and, you know,
2 defense attorneys, they like to show the evidence or --

3 THE COURT: I see.

4 MR. MILES: So, it might be relevant at that time.

5 THE COURT: So, you want to have it available to show?

6 MR. MILES: Yeah.

7 THE COURT: Is that --

8 MR. MARTINEZ: Like hold it in your hand or --

9 MR. MILES: I mean, not sure -- like I'm saying, not sure
10 example what the strategy is, but as long as it's there, it's still optional
11 for me to do that.

12 THE COURT: Correct.

13 MR. MILES: I might say, Hey, this is the phone that, you
14 know, was destroyed and doesn't work. I'm not going to say it like that,
15 but I'm just giving you some type of, you know, way that it'll be said.

16 THE COURT: Okay.

17 MR. MARTINEZ: I'm a little wary of handling evidence that's
18 impounded, but I'm fine with bringing it and we can refer to it, but I don't
19 want evidence to be handled.

20 MR. MILES: I mean, one of the phones don't even work so I
21 don't see why that ought to be a problem.

22 THE COURT: You're going to bring it and we'll figure out the
23 details later, all right?

24 MR. MARTINEZ: That's fine. I'll bring it -- do you want me to
25 have it brought tomorrow or should I have it brought Wednesday?

1 THE COURT: We've got to get a jury by tomorrow, no?

2 MR. MARTINEZ: Do you think we'll open tomorrow?

3 THE COURT: That's my plan, but --

4 MR. MARTINEZ: Because you have to start over with the
5 new panel.

6 THE COURT: I have to figure out -- uh-huh, I do. I really
7 don't have a sense, to tell you the truth.

8 MR. MARTINEZ: Are you going to --

9 THE COURT: And I've also got to go figure out how much of
10 this hobbies and interests and reading and a lot of these questions that
11 I'm actually going to get into. Because if we have to start all the way
12 over and do that after my preliminary questions, then -- so, I'm going to
13 get some guidance and I'll figure it out tomorrow.

14 So, I'll see y'all at one o'clock. If you want to bring the stuff
15 in tomorrow, we're here a little bit beforehand.

16 Are you set for your clothes and whatever you need for
17 tomorrow, Mr. Miles?

18 MR. MILES: I guess the same clothes as right now.

19 THE COURT: Okay. Anything else?

20 MR. MARTINEZ: No, Your Honor.

21 THE COURT: Okay. See you tomorrow at one o'clock.

22 MS. RHOADES: Thank you.

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25 THE COURT: Thank y'all.

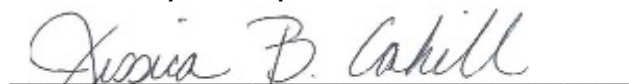
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Draft up those questions if you have any.

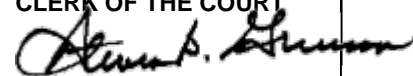
MR. MILES: Okay. Thank you.

[Proceedings concluded at 4:41 p.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.



Maukele Transcribers, LLC
Jessica B. Cahill, Transcriber, CER/CET-708



ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL S. MARTINEZ
Chief Deputy District Attorney
Nevada Bar #010671
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTIAN STEPHON MILES,
#2888634

Defendant.

CASE NO: C-15-306436-1

DEPT NO: XVIII

**ORDER DENYING DEFENDANT'S MOTION IN LIMINE TO EXCLUDE
FACEBOOK MESSAGES**

DATE OF HEARING: 03-26-2019
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 26th day of March, 2019, the Defendant being present, IN PROPER PERSON, with stand-by counsel, ROBERT BECKETT, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

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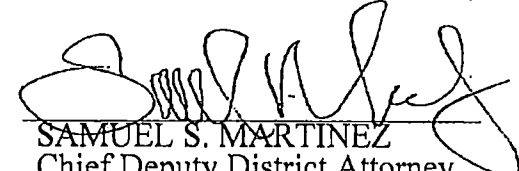
1 IT IS HEREBY ORDERED that the Defendant's Motion in Limine to Exclude
2 Facebook Messages shall be, and it is denied.

3 DATED this 1st day of April, 2019.

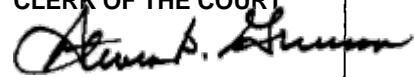
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5 DISTRICT JUDGE

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY


10 SAMUEL S. MARTINEZ
11 Chief Deputy District Attorney
12 Nevada Bar #010671
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1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL S. MARTINEZ
6 Chief Deputy District Attorney
7 Nevada Bar #010671
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 CHRISTIAN STEPHON MILES,
14 #2888634

15 Defendant.

CASE NO: C-15-306436-1

DEPT NO: XVIII

16 **ORDER DENYING DEFENDANT'S SUPPLEMENTAL MOTION TO**
17 **SUPPRESS CELLULAR EVIDENCE**

18 DATE OF HEARING: 03-26-2019
19 TIME OF HEARING: 9:00 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 26th day of March, 2019, the Defendant being present, IN PROPER PERSON, with stand-by
22 counsel, ROBERT BECKETT, ESQ., the Plaintiff being represented by STEVEN B.
23 WOLFSON, District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District
24 Attorney, and the Court having heard the arguments of counsel, based on the pleadings and
25 good cause appearing therefor,

26 ///

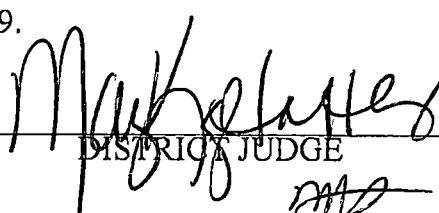
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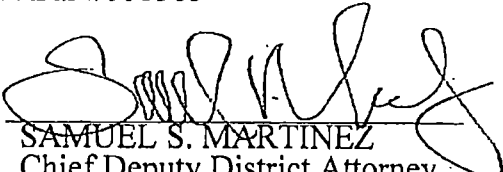
1 IT IS HEREBY ORDERED that the Defendant's Supplemental Motion to Suppress
2 Cellular Evidence, shall be, and it is denied.

3 DATED this 1ST day of April, 2019.

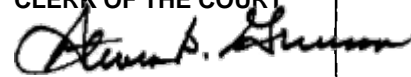
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5 DISTRICT JUDGE

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY


10 SAMUEL S. MARTINEZ
11 Chief Deputy District Attorney
12 Nevada Bar #010671

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ORDR

STEVEN B. WOLFSON
Clark County District Attorney
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200 Lewis Avenue
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(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTIAN STEPHON MILES,
#2888634

Defendant.

CASE NO: C-15-306436-1

DEPT NO: XVIII

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

DATE OF HEARING: 03-26-2019
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 26th day of March, 2019, the Defendant being present, IN PROPER PERSON, with stand-by counsel, ROBERT BECKETT, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

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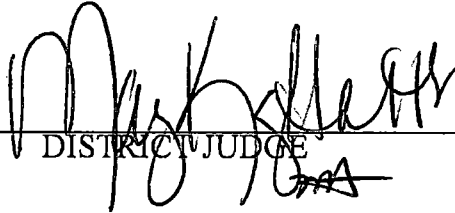
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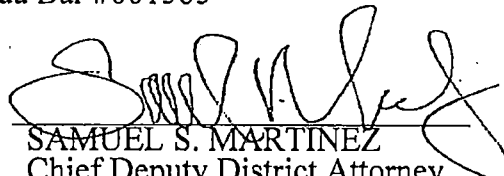
1 IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss shall be, and it is
2 denied.

3 DATED this 1ST day of April, 2019.

4 
5 DISTRICT JUDGE

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY


10 SAMUEL S. MARTINEZ
11 Chief Deputy District Attorney
12 Nevada Bar #010671

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