IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

CLEMON HUDSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 82231

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APPEAL FROM A JUDGMENT OF CONVICTION PURSUANT TO LOZADA V. STATE AND DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) EIGHTH JUDICIAL DISTRICT COURT THE HONORABLE JUDGE CARLI KIERNY, PRESIDING

APPELLANT'S APPENDIX TO THE OPENING BRIEF VOLUME II

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IN THE SUPREME COURT OF NEVADA

CLEMON HUDSON, Appellant, vs. THE STATE OF NEVADA Respondent.	CASE NO. 82231

APPELLANT'S APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 6th August, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendants.	CASE NO.: C-15-309578-2 DEPT. NO.: XVIII **MOTION TO SEVER; NOTICE**

COMES NOW, CLEMON HUDSON, by and through his attorney, Craig A. Mueller, Esq., of the law firm Mueller Hinds & Associates, hereby move the court to sever the codefendants in this case into two separate cases. This motion is made based on the following points and authorities and any oral arguments made at the time of the hearing of this motion.

DATED this 23rd August, 2017.

CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff,

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above and foregoing **MOTION** will be heard before the above entitled Court on the 7th day of September, 2016, at 9:00 a.m., or as soon thereafter as counsel may be heard.

.

POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

According to the police report, on September 4, 2015 Eric Clarkson heard a noise and saw an unknown subject on his patio, got out of bed, got his cell phone and woke up his roommate, Willoughby Grimaldi, and called 9-11. Ultimately, police officers Robertson and Greco-Smith arrived, saw Steven Turner and Clemon Hudson, on the patio. Officers took a position, unlocked the door when Turner fired an AK47 rifle striking Officer Robertson in the leg, and Clemon Hudson allegedly fired one shot from the shotgun into the doorway missing the officers.

Turner fled but was seen limping and jaywalking nearby where a person stop was conducted. The officers interviewed Turner who identified his friend Clemon Hudson, AKA "Mar," as the person who he was with when they planned to go to someone's house to "steal their weed" on Westcliff and Rainbow. After changing his story a couple of times, Turner stated he waited in a car while "Mar" grabbed a SKS rifle and shotgun and jumped in the backyard of the house. Turner thought Mar was taking too long so he jumped over the fence too. Turner claims that "Mar" walked toward the glass patio door, that he saw the door open and "Mar" started to shoot.

II. APPLICABLE LAW

Section 173.135 of the Nevada Revised Statutes provides:

> Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in or or more counts together or separately and all of the defendants need not be charged in each count.

Under section 174.165 of the Nevada Revised Statutes:

1. If it appears that a defendant or the State of Nevada is prejudiced by a joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.

2. In ruling on a motion by a defendant for severance the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at trial.

Of course, the ability to join defendants is not unlimited. The Confrontation Clause in the Sixth Amendment to the United States Constitution provides the right to confront and cross-examine the accuser in a criminal case. See Bruton v. United States, 391 U.S. 123, 135-37 (1968). That right is violated where a non-testifying codefendant makes a confession that incriminates the defendant. See Romero v. State, 2016 Nev. LEXIS 512, 9, 2016 WL 3257826, Nev. SC No. 67731 (filed June 10, 2016) citing Bruton v. United States, 391 U.S. 123 (1968).

The party seeking severance bears the burden of proof of prejudice and such a case must be severed "if there is a serious risk that [it] would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilty or innocence." See Rimer v. State, 351 P.3d 697, 711 (Nev. 2015), citing Marshall v. State, 118 Nev. 642, 647 (2002) (quoting Zafiro v. United States, 506 U.S. 534, 539 (1993)). Another way to state the law was also provided in Rimer: "To require severance, the defendant must demonstrate that a joint trial would manifestly prejudicial. The simultaneous trial of the offenses must render the trial fundamentally unfair, and hence, result in the violation of due process." See Rimer v. State, 351 P.3d 697, 710-11 (Nev. 2015), citing Honeycutt v. State, 118 Nev. 660 (2002), overruled on other grounds by Carter v. State, 121 Nev. 759, 765 (2005).

III. ANALYSIS

The case must be severed under Bruton. The State intends to introduce the statements of a non-testifying defendant Steven Turner, the codefendant in this case, against Clemon Hudson by the alias "Mar" that tend to implicate Hudson. Because Hudson will not have the ability to confront and cross-examine Turner, his rights under the Confrontation Clause would be violated by the introduction of these statements. This would render the trial fundamentally unfair and result in a violation of due process. Therefore, the case must be severed.

IV. CONCLUSION

We pray that the defendants in this case be severed into two separate cases.

CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

CERTIFICATE OF SERVICE

I, an employee of Mueller Hinds & Associates, Chtd., certify that this document was served to the following persons or entities through the Wiznet e-service system:

DATED this 23rd day of August, 2017.

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, #7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: XVIII

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER

DATE OF HEARING: October 12, 2017
TIME OF HEARING: 9:00 am

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To Sever.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE:

On September 23, 2015, the State of Nevada ("the State") filed an Indictment charging Defendant Clemon Hudson ("Defendant") and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial is currently set to begin on November 13, 2017. Defendant filed the instant Motion to Sever on August 28, 2017. The State's Opposition follows:

STATEMENT OF FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed with multiple firearms, startled the victims awake in their home. The residents of the home, Eric Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in their backyard. They observed two figures, who were later identified as the two defendants, running across the backyard. The police were notified and dispatched and Officers Robertson and Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in the backyard and began to open the back door when Defendant Turner fired three rounds from an AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after, Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway next to them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police dog from the K9 unit had to physically remove Defendant Hudson from where he was hiding because he would not respond to Officers when ordered to surrender.

///

Officer Robertson was extracted from the residence and was transported to UMC Trauma to be treated for his shattered right femur. He was taken into surgery where he required a titanium rod and plates to be inserted into his broken femur.

In his interview after the shooting altercation, Defendant Hudson admitted to arming himself with the shotgun and a handgun to steal a pound of marijuana from the residence. He intentionally entered the backyard of the home and admitted to firing the shotgun into the house.

ARGUMENT

Defendant's only claim in the instant Motion is that the co-defendants' cases should be severed because the State intends to use Defendant's Turner's statement to police against Defendant Hudson in violation of the Confrontation Clause. This claim is without merit and should be denied.

NRS 173.135 which controls the joinder of two or more defendants in a single action states:

> Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

NRS 174.165 provides the guidelines to be followed in the event of a prejudicial joinder:

> If it appears that a defendant or the State of Nevada is prejudiced by a:
> 1. joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.
> In ruling on a motion by a defendant for severance
> 2. the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at the trial.

The decision to sever defendants is "vested in the sound discretion of the district court and will not be reversed on appeal unless the appellant 'carries the heavy burden' of showing that the trial judge abused his discretion." Chartier v. State, 124 Nev. 760, 764, 191 P.3d 1182,

1185 (2008) (citing Buff v. State, 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998)). Throughout the Nevada Supreme Court's decisions regarding severance it is consistently clear that in order to establish that joinder is prejudicial a defendant must demonstrate more than just that "severance made acquittal more likely; misjoinder requires reversal only if it has a substantial and injurious effect on the verdict." Chartier, 124 Nev. at 765, 191 P.3d at 1185; Marshall v. State, 118 Nev. 642, 647, 56 P.3d 376, 379 (2002); Middleton v. State, 114 Nev. 1089, 1108, 968 P.2d 296, 309 (1998). The determination of risk associated to a joint trial is to be made by the district court, based upon the individual facts of the case. Chartier, 124 Nev. at 765, 191 P.3d at 1185. While this is true, the Nevada Supreme Court has also stated that severance should only be granted "if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." Id. The Court has acknowledged that such prejudice may occur if the Defendants' defenses are antagonistic, the joinder prejudices a defendant's rights to present evidence or the cumulative effect creates a substantial an injurious effect. Id.

The public policy for joint trials is strong, as recognized by the United States Supreme Court in United States v. Brady, 579 F. 2d 1121, 1128, "joint trials of persons charged with committed the same offense expedites the administration of justice, reduces the congestion of trial dockets, conserves judicial time, lessens the burdens upon citizens to sacrifice time and money to serve on juries and avoids the necessity of recalling witnesses who would otherwise be called upon to testify only once." The Nevada Supreme Court has stated, "where persons have been jointly indicted they should be tried jointly, absent compelling reasons to the contrary." Jones v. State, 111 Nev. 848, 853, 899 P.2d 544, 547 (1995). While the decisive factor in any severance analysis is prejudice to the defendant, the court must also consider "the possible prejudice to the State resulting from expensive, duplicative trials." Marshall v. State, 118 Nev. 642, 646, 56 P.3d 376, 379 (2002). "Joinder promotes judicial economy and efficiency as well as consistent verdicts and is preferred as long as it does not compromise a defendant's right to a fair trial." Id. A showing that severance might make acquittal more

likely is not sufficient, rather a defendant must demonstrate a substantial and injurious effect from the joinder. Id.

I. THE DEFENDANT'S ASSERTION OF A VIOLATION OF THE CONFRONTATION CLAUSE IS UNSUPPORTED

Defendant Hudson claims that severance is required to protect his Confrontation Clause rights. Defendant claims that admitting Defendant Turner's statements against Hudson is a violation of Hudson's rights.

The Confrontation Clause in the Sixth Amendment of the United States Constitution guarantees the right of a criminal defendant to be confronted with the witnesses against him. The United States Supreme Court in Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620 (1968) held that since there is a substantial risk that a jury will use facially incriminating confession of a non-testifying defendant as evidence of the guilt of his co-defendant, the admission of the confession in a joint trial violates the confrontation clause. Id 391 U.S. at 126, 88 S.Ct. at 1622. The threshold question is whether the challenged statement is testimonial; if it is not, the Confrontation Clause "has no application." Whorton v. Bockting, 549 U.S. 406, 420, 127 S.Ct. 1173, 167 L.Ed.2d 1 (2007). "Because it is premised on the Confrontation Clause, the Bruton rule, like the Confrontation Clause itself, does not apply to nontestimonial statements." U.S. v. Johnson, 581 F.3d 320, 326 (6th Cir.2009). To determine whether a statement is testimonial, the court looks at the "totality of the circumstances surrounding ... the statement," and the inquiry focuses on whether an objective witness would "reasonably ... believe that the statement would be available for use at a later trial." Harkins v. State, 122 Nev. 974, 987, 143 P.3d 706, 714 (2006) (quotations omitted).

Subsequent to the Bruton decision, numerous Circuit Courts of Appeal employed the use of redacting references to the defendant and substituting neutral pronouns. For example, the Ninth Circuit Court of Appeals approved the use of a counterfeiter's confession when redacted to include that he and "some others" robbed a savings and loan association. United

States v. Sears, 663 F.2d 896, 902 (9th Cir. 1981), cert. denied, 455 U.S. 1027, 102 S.Ct. 1731 (1982). See also United States v. Gonzales, 749 F.2d 1329, 1344 (9th Cir. 1984) (substitution of "the other man" for defendant's name to non-violate Bruton).

Other Circuits adopted this same procedure. See, United States v. Weinrich, 586 F.2d 481 (5th Cir. 1978) (reference to co-defendant excised and replaced with pronoun "someone"); United States v. Stewart, 579 F.2d 356 (5th Cir. 1978) (admission by non-testifying co-defendant that "him and some of his buddies hit a bank" was proper); United States v. Holleman, 575 F.2d 139 (7th Cir. 1978) (non-testifying co-defendant's redacted statement which made it clear that he was assisted by two others in a robbery was proper where the accomplices were not identified by race, age, size, or any means except sex).

Later, the High Court clarified its holding in Bruton in the case of Richardson v. Marsh, 481 U.S. 200, 107 S.Ct. 1702 (1987). Initially, the Court explained that Bruton is only implicated when the non-testifying co-defendant's statements "expressly implicate" the defendant or are "powerfully incriminating". Id 481 U.S. at 28, 107 S.Ct. at 1707. Additionally, the Court observed that: "One might say, of course, that a certain way of assuring compliance would be to try defendants separately whenever an incriminating statement of one of them is sought to be used. That is not as facile or as just a remedy as might seem. Joint trials play a vital role in the criminal justice system, counting for almost one third of federal criminal trials in the past five years . . . . "

It would impair both the efficiency and the fairness of the criminal justice system to require on all cases of joint crimes where incriminating statements exist, that prosecutors bring separate proceedings, presenting the same evidence again and again, requiring victims and witnesses to repeat the inconvenience (and sometimes trauma) of testifying, and randomly favoring the last - tried defendants who have the advantage of knowing the prosecution's case before hand. Joint trials generally serve the interest of justice by avoiding inconsistent verdicts and enabling more accurate assessment of relative culpability - advantages which sometimes operate to the defendant's benefit. Even apart from these tactical considerations, joint trials

generally serve the interest of justice by avoiding the scandal and equity of inconsistent verdicts. The other way of assuring compliance with an expansive Bruton rule would be to forego use of co-defendant's confessions. That price also is too high, since confessions are more than merely 'desirable'; they are essential to society's compelling interest in finding, convicting, and punishing those who violate the law. (Citations omitted) Id.

Consequently, the High Court in Richardson approved of the procedure redacting co-defendants' confessions by stating that: "We hold that the confrontation clause is not violated by the admission of a non-testifying co-defendant's confession with a proper limiting instruction, when, as here, the confession is redacted to eliminate not only the defendant's name, but any reference to her existence. 481 U.S. at 211, 107 S.Ct. at 1709. The Court also "express[ed] no opinion on the admissibility of a confession in which the defendant's name has been replaced with a symbol or neutral pronoun." Id.

Thereafter, the Eleventh Circuit in U.S. v. Vasquez, 874 F.2d 1515, 1518 (11th Cir. 1989), cert. denied 493 U.S. 1046, 110 S.Ct 845 (1990), held that a co-defendant's confession that was redacted to eliminate references to the defendant's name and substituted the word "individual" did not violate Bruton. Likewise, the Ninth Circuit held that the redaction of a non-testifying co-defendant's statement and inserting the word "individual's" as a substitution for the co-defendant's names did not violate Bruton. Id.

An argument common to confessing co-defendants is that the redacted confessions, once considered along with other evidence, clearly identifies them as the unnamed persons referred to in the confessions. This "contextual inculpation" argument has been rejected, as an unwarranted extension of Bruton v. United States, supra. See, United States v. Holleman, supra (no need to further cripple the use of confessions in joint trials); United States v. Daddy, 536 F.2d 675 (6th Cir. 1976) (inference that if one defendant is guilty the co-defendants must also have been, is based not on the redacted confession but on the other independent evidence); United States vs. Trudo, 449 F.2d 649 (2nd Cir.), cert. denied, 405 U.S. 926, 92 S.Ct. 1975 (1970) (inference of defendant's guilt arose from source independent of co-defendant's

redacted statement).

United States v. Fullette, 430 F.2d 1055 (2nd Cir. 1970) typifies the attitude towards contextual inculpation. There, two defendants, Biggins and Nelson, were tried jointly for bank robbery. Biggins confessed naming "Oliver", as his accomplice and giving physical description of "Oliver". The confession stated that he and "Oliver" were at a certain bar just prior to the robbery. Other evidence in trial established a close resemblance between Nelson and "Oliver" and that Nelson and Biggins were often seen together at the bar named in the confession. The court nevertheless felt there was no violation of Bruton because "In short, Biggins' statements were not clearly inculpatory because they along did not serve to connect Nelson with the crime . . . . Biggins' statements were not the type of powerfully incriminating statements to which the court had reference in Bruton." Id. at 1058.

As noted in United States v. Trudo, supra: "A reading of similar Bruton cases, [citations omitted] reveals that the confessions, even as redacted, mentions some unidentified accomplice. The confession by its terms would lead to speculation by the jury as to whether or not a co-defendant was the other person. In none of these cases was any violation of Bruton found even though the admission itself indicated the presence of an accomplice." Id.

In Lisle v. State, 113 Nev. 679, 688 P.2d 459, 466 (1997), the court addressed the propriety of the trial court's denial of the defendant's motion to sever and conducted the following analysis:

On December 29, 1995, Lisle filed a motion to sever his trial from that of Lopez. He based this motion on the statement that Lopez made to Melcher, incriminating Lisle; specifically, Lopez told Melcher that he observed Lisle shoot Justin at the rear of the car. On March 21, 1996, the district court filed its order denying Lisle's motion. However, the court ordered that when Melcher testified as to Lopez's statement, the statement must be redacted so as to exclude any reference to Lisle. Accordingly, when Melcher testified, he stated that Lopez observed "the other guy" shoot Justin.

///

Lisle cites Bruton v. United States, 391 U.S. 123 (1968), for the proposition that Lisle's constitutional right to cross-examine the witness was violated when Lopez's hearsay statements, which inculpate Lisle, were admitted. However, Lisle fails to cite Richardson v March, 481 U.S. 200 (1987). Richardson held that if a statement is not incriminating on its face, but only when linked with other evidence introduced later at trial, then a limiting instruction will cure any prejudice. Id. at 211. Therefore, a redacted version of the statement may be admitted. Id.

The United States Court of Appeals for the Ninth Circuit extended this concept to allow defendant's name to be replaced by a neutral word, such as "individual." Therefore, although the statement referred to defendant's existence, the court allowed it to be admitted as long as his name was not used. United States v. Enrique-Estrada, 999 F.2d 1355, 1359 (9th Cir. 1993).

Later, in Ducksworth v. State, 114 Nev. 951, 966 P.2d 165 (1998), the Court explained that a defendant can only establish prejudice, when faced with the co-defendant's redacted statement, when the evidence of guilt is largely circumstantial.

More recently, federal courts have approved the use of redacted statements that are not facially incriminatory even though additional evidence is admitted that "links up" the redacted statements to identify that person. "[T]he government may offer other independent evidence that may lead the jury to conclude that the unnamed 'individual' is in fact [the defendant], but that does not render the statement inadmissible; the Supreme Court has explicitly stated that this possibility does not render an otherwise properly redacted statement constitutionally inadmissible." United States v. Reyes, ___ F.Supp.2d ___, 2005 WL 2124102, pg. 4 (E.D.Va. Aug. 29, 2005).

In this case, counsel's entire argument is based on the assumption that the State will use Defendant Turner's statement to implicate Defendant Hudson. This is not true at all. If the State uses the statements of Defendant Turner, any reference to Defendant Hudson can be redacted or replaced with a neutral pronoun as approved by case law. As such, there is no basis to sever.

CONCLUSION

The State submits that the Defendant has not demonstrated a basis for severance, and as such asks that the Defendant's motion be Denied.

DATED this 15th day of September, 2017.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Leah C. Beverly
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition to Defendant's Motion to Sever, was made this 18th day of September, 2017, by Electronic Filing to:

CRAIG MUELLER, ESQ.
cmueller@muellerhinds.com

BY: /s/ Stephanie Johnson
Employee of the District Attorney's Office

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Steven D. Grierson
CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendants.	CASE#: C-15-309578-1 C-15-309578-2 DEPT. II

BEFORE THE HONORABLE NANCY M. SAITTA SENIOR DISTRICT COURT JUDGE

THURSDAY, OCTOBER 12, 2017

RECORDER'S TRANSCRIPT OF PROCEEDINGS
PRETRIAL CONFERENCE; DEFENDANT'S JOINDER TO CO-DEFENDANT CLEMON HUDSON'S MOTION TO SEVER

APPEARANCES:

For the State:	MICHAEL DICKERSON, ESQ. Deputy District Attorney GIANCARLO PESCI, ESQ. Chief Deputy District Attorney
For Defendant Turner:	TEGAN C. MACHNICH, ESQ. Deputy Public Defender
For Defendant Hudson:	CRAIG A. MUELLER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Thursday, October 12, 2017

[Case called at 9:47 a.m.]

THE COURT: Let's call page 2. State of Nevada versus Turner, 309578.

MS. MACHNICH: Your Honor, Tegan Machnich.

THE COURT: Good morning.

MS. MACHNICH: Good morning. Tegan Machnich from the Public Defender's Office here on behalf of Mr. Turner. We're actually waiting for someone from Mr. Mueller's office. This is a co-defendant case --

THE COURT: Yes, Hudson.

MS. MACHNICH: -- with page 3. And Co-Defendant's counsel, Mr. Mueller, was the person who actually filed the motion.

THE COURT: You just joined it; right?

MS. MACHNICH: I did just join it. Also the DA who is handling the case today has asked that I text him when we're ready for him. I could certainly do that at this point, but I have not seen Mr. Mueller yet.

MR. DICKERSON: That's correct, Your Honor.

THE COURT: Okay.

MR. DICKERSON: Pesci from my office will be handling this.

THE COURT: We'll trail it until a reasonable period of time. Has somebody called Mr. Mueller's office?

MS. MACHNICH: I don't have that information, Your Honor.

THE COURT: Because that's what I'm going to ask you to do. If you would please -- you know, I'm sure that we have a book -- one of the directory books here that we could get, but let's find out what's going on.

MS. MACHNICH: Okay.

THE COURT: Okay.

MS. MACHNICH: And, Your Honor, actually I'm looking at the top in the header of his motion and it does have a contact number.

THE COURT: Great.

MS. MACHNICH: So I'll make a phone call now and text Mr. Pesci.

THE COURT: Thanks so much.

MS. MACHNICH: Thank you, Your Honor.

THE COURT: Mm-hmm.

[Proceedings trailed at 9:48 a.m.]

[Proceedings recalled at 10:43 a.m.]

THE COURT: Let's go to page 2. State versus Turner, 309578.

Good morning.

MR. PESCI: Good morning, Your Honor, and I apologize for being late.

THE COURT: No worries.

MS. MACHNICH: Good morning again, Your Honor. Tegan Machnich here on behalf of Steven Turner who is present and in custody.

THE COURT: Very --

MR. MUELLER: Good morning, Your Honor.

THE COURT: Good --

MR. MUELLER: Craig Mueller on behalf of Mr. Hudson.

THE COURT: Good morning to all.

We are here both on State versus Turner as well as the Co-Defendant, who's Hudson.

MR. MUELLER: Yes, Judge. And if I have the procedural history right it was my motion to sever that brought us -- initially started the pleadings.

THE COURT: I've read the pleadings in this case and the opposition. I have both before me. You may make brief argument to support -- let me also note both Defendants of course are present in custody. You may make brief argument, Mr. Mueller, to support to your motion knowing that I've read everything.

MR. MUELLER: Thank you, Judge. And I will be very brief.

My colleague cites the *Chartier* case. Both you and I actually participated in the *Chartier* case. I argued it and was trial counsel in front of Judge Bell that led to you and the Court overturning the conviction. This is exactly the same circumstances.

In the *Chartier* case I had a defendant who was guilty as -- the evidence against his guilt was overwhelming. I was representing a client for which there was literally almost no evidence. The -- I had one team of prosecutors, had a theory of liability that Mr. *Chartier* had been at the murder scene. I had another series of co- -- I call them co-counsel, but

they were actually a second set of prosecutors at the Public Defender's Office who was trying to get Mr. *Chartier* involved. So no matter --

THE COURT: Typical co-d situation.

MR. MUELLER: I was literally in a legal foxhole. I could not pick up my head, say a word without somebody in the courtroom calling me a liar. And I mean me in the generic sense; Mr. Chartier a liar.

THE COURT: Understood.

MR. MUELLER: The joinder was improper. There was no way we could have a fair trial. Judge Bell was -- and you guys saw the argument and overturned it. That's the identical case we have here.

Mr. Turner is -- has some serious legal issues. I don't want to be a team of prosecutors here. He has some very serious legal issues. Mr. Hudson's liability, if any, is significantly less. Mr. Turner's statements to the police and subsequently presumably be presented on the -- would have to be presented on the stand, are indeed going to be self-serving and going to inculpate [10:45:44] Mr. Hudson. We have limited, if any, ability to confront and cross-examine under those circumstances as under the *Bruton* problem. I've got a colleague -- and I respect my colleague death. She's going to do a great job representing Mr. Turner, but I'm back in the same spot.

Mr. Pesci's going to have one theory of liability. The Public Defender is going to have another theory of liability. And the minute I pick up my head, a very experienced trial attorney, no matter what fact I assert is going to be calling me a liar on behalf of Mr. Hudson. The -- this is almost a Xerox copy of the case but for the underlying charges.

That's the exact same legal [indiscernible] 10:46:29. I discovered that when I sat down and seriously started preparing a defense and I recognized this same problem almost immediately which is why I put this motion on to sever. I believe severance is appropriate here and I cannot -- the parallel between here and *Chartier* is identical.

THE COURT: As co -- as a joiner -- joinder to the motion to sever, counsel, do you wish to be heard?

MS. MACHNICH: Just very, very briefly, Your Honor.

Just noting in response, in the State's opposition motion citing -- let's see. On page 6 they cite *Richardson* where they specifically state that it must be established that the statements in question expressly implicate the Defendant are powerfully incriminating. And we are talking about in the case, among other issues, who pulled the trigger -- trigger that shot the police officer. And I'm guessing that the Co-Defendant and myself we have different points of view on that fact.

We're also talking about two co-defendants, so when we look at the statements, which I did submit with my joinder, we're looking at -- even if they were to make it generic, the other person, he, it's necessarily the other person whereas our theory of defenses will be different in that manner.

So we would request joinder first -- or severance first and foremost. That the cases be tried separately to preserve the rights of the confrontation clause of both Defendants. If Your Honor is not inclined to sever the case as we would like an explicit ruling that pursuant to *Richardson* the non-testifying co-defendant's confession

only be allowed with the proper limiting instruction which it would include redactions to eliminate not only a defendant's name but any reference to their existence, which is a cite to the *Richardson* case cited on page 7 of the opposition. It would have to be complete because we have so many instances where both co-defendants -- in my case, Mr. Hudson saying Mr. Turner did this; Mr. Turner shot this; Mr. Turner had the guns, it would literally have to be wiping those out -- off the face of the reality that's at trial, and I don't know how the State would feel about that in relation. And so obviously, first and foremost, severance of the trials would be appropriate. Thank you.

THE COURT: Thank you.

On behalf of the State, Mr. Pesci.

MR. PESCI: Thank you very much, Your Honor.

I think the first step, if I could, would be to respond to *Chartier*. I did not try that case so I don't have the intimate facts, but my memory reading the decision was that the Courts spoke of a specific trial right that had to be impeded. That -- it doesn't stand for the proposition that all cases get severed, but if there's a specific trial right. And my recollection was this Court found that in that decision that there was a recording. That there was a piece of evidence that was impeded from admission that was a basis of severing or the fact that it should've been severed. I don't hear that here. What I hear in this case is just fingers being pointed at each other, as opposed to in that case, my memory is it's a recording. It's a actual physical piece of evidence that could've come in, or arguably could've come in, and was prevented because it

1 had been sitting there.

2 This is just a question of whether we have two individuals and
3 if they point the finger at each other. It can be sanitized. It can be
4 cleaned and it can be presented in a fashion. We're not intending, nor
5 wanting to say, I want to introduce A statement where he says B did this.
6 We know we can't do that. And we can go through this and we can
7 clear that all up. It's not the basis to just okay sever the case. And I that
8 the -- my co-counsel who filed this opposition went through the different
9 cases that talk about how you can do that. That's the State's proposition
10 and short of actually severing -- doing that kind of a procedure.

11 THE COURT: So -- yes. I have familiarity with the case that
12 is the subject of -- at least the high point of the argument here this
13 morning. But, Mr. Mueller, would you agree with me that -- or agree, I
14 guess, with the State that the facts in *Chartier* can be distinguished?

15 MR. MUELLER: No, respectfully I don't. And if I could -- and
16 if I could be a little informal here for just a moment, Judge?

17 THE COURT: Sure.

18 MR. MUELLER: I ran into Justice Cherry after the *Chartier*
19 decision was announced. Maybe about ten days after it was. And we
20 actually were with Craig P. Kenny's party and we had a little discussion
21 and I wasn't -- the case was over so I wasn't ex parteing [sic] it. And we
22 went through the case and he says, yeah, we used get -- and it was
23 Justice Cherry's comment, I remember it very clearly, he said, yeah,
24 used to get con -- severances just for the asking because of the conflict
25 between co-defendants. And I remember that phrase because it struck

me. And I can't remember people's names, but for whatever reason my brain collects ideas like a sponge. I remember where I hear ideas. And I remember standing right there at the front of the door and he says, yeah, we used to be able to get severances for the asking. Now that was the exact phrase he used.

Now the practical problem with the *Chartier* case was there was conflicting theories of liabilities so that nobody could present -- I could not present in evidence where somebody wasn't going to be attacking it in a legal crossfire.

THE COURT: And the evidence that you sought to have admitted was?

MR. MUELLER: Well, there was a pract -- there was practical problems. Our *Chartier* had a co-defendant -- was PTSD. He had an extraordinarily complicated his. He had a history --

THE COURT: I remember the case very well.

MR. MUELLER: It's -- yeah, I guess it's going to be one of my career cases. I remember it too for whatever reason. The guy was the last guy out of the barracks in Vietnam that was pulled out -- or in Lebanon. The barracks went down on him. He was in -- in rubble for three or four days. They pulled him out. He was the last guy. He was never the same since. He had the classic signs of PS -- PTSD which was a tendency to violence and inability to control his impulses. Chartier had said to him, he says, oh, my ex-wife is just driving me nuts in the family court case, the one you were just talking about, and the next day the wife and the father-in-law are dead.

Now the practical problem here was the State's theory was that Chartier had been over there with the knifeman putting him put. Chartier's defense, which I would've mounted [10:52:42] and he swore to me -- I can't -- I can't go into confidences, but was, hey, the guy's nuts. I didn't know he was going to go over and do that. I couldn't put Chartier on the stand. I couldn't mount any meaningful [10:52:55] defense because the State -- the Public Defender and their murder team was trying to save -- what's the guy's -- the co-defendant's name. I could see his face. I'm sorry, I don't recall his name. The co-defendant's -- they were trying to save him the death penalty. I was trying to get Mr. Chartier cleared of the liability. And that's the practical problem here.

Now Mr. -- I don't want to prejudge the evidence. I read what the police think happened. I want to point out very serious there was a third individual out there that night and he was never accounted for. The police --

THE COURT: Third or fourth from what I read. There may have been others; yeah.

MR. MUELLER: Yes. And the -- the allegations are -- I mean there's -- Mr. Turner made a remarkable series of statements to the police that led to eventually Mr. Hudson being charged. I'm not going to be able to confront or cross-examine that. I can't put Mr. Hudson on the stand now. I've got -- my ability to give him a fair trial is materially limited just like it was in *Chartier* because I'm going to have these folks, and they're good lawyers, are going to be doing their level best to blame

everything on my client. They've got another theory of liability. And I don't know -- I'm going to have to literally defend two different theories at the same time and it's impossible. It will be legally impossible. I can't do it in where -- a trial with these defendants joined defeats Mr. Hudson's ability to have a fair trial, a guarantee under the State Constitution and under the Federal Constitution, his right to confront and cross-examine the witnesses and a right to a fair trial.

And you're an experienced trial court judge. You understand what's going to happen trying to mount a defense. Say for example, just hypothetically, Hudson's completely innocent. He was at home watching TV and worked the defense up [10:54:41]. Now how do I get -- how do I confront and cross-examine Turner. Well, I can't. Well, how about the other guy that was there? Well, I can't.

THE COURT: The other mystery guy.

MR. MUELLER: The mystery guy. Now -- I mean, just -- if that were in fact the case, how do I mount the defense and I'm in a legal crossfire again. And I'm sorry. That's probably a bad word these days, but I've got two teams of lawyers going to be gunning for me at either side and there's no way that that can go forward. I respectfully -- I don't see any functional difference between this case and the *Chartier* case.

My colleague alludes and -- and I thank him. He did tickle my memory. There was -- there was in fact a tape of some sort of the wife -- Chartier's -- no, the co-defendant's wife was jealous of Chartier. It sounded like they had a little -- and she had taped one conversation at the end of the case. I don't remember it being very particularly important

1 to the outcome of the case. My point was the same as -- we got the
2 same legal crossfire. And if he really was home watching TV that night,
3 how can I mount that defense? And just as a hypothetical, with one set
4 of lawyers gunning for me one theory, and another set of lawyers
5 gunning me on another theory, because any evidence I put off
6 [10:56;05] I've got somebody who's going to be standing in the jury
7 saying -- and if he was in -- the evidence -- or questioning the evidence.
8 Now, it's a difficult case. It's going to be an emotional case.
9 It's going to be a very serious case. Charges couldn't be a lot more
10 serious. I guess they could be, but not by much. And I believe that his
11 right to a fair trial is guaranteed by State Constitution needs -- this case
12 needs to be severed.
13 MR. PESCI: Judge, if I could, could I speak --
14 THE COURT: Of course.
15 MR. PESCI: -- to that? Thank you very much, Your Honor.
16 Wilcox was the co-defendant.
17 MR. MUELLER: Wilcox. Thank you.
18 MR. PESCI: The eavesdropping recording was between
19 Wilcox and Chartier. And that's a distinction that has meaning because
20 it's me and co-counsel speaking to each other, or some sort of
21 recording, and then someone's seeking to introduce it, as opposed to
22 defendants speaking to police officers giving a statement and saying A
23 did this, B did that. There's a huge distinction there.
24 And it's somewhat baffling that he said it wasn't that critical to
25 the case because that was one of the big basis for the reversal was that

that recording was prevented from coming in. And that changes the footing upon which to make this decision in my opinion because their statements to the police are different from a recorded statement between two people. And I think that we can sanitize it. But obviously this is your discretion and we defer to yours.

MR. MUELLER: Well -- I'm sorry.

THE COURT: Final comment.

MR. MUELLER: Well, one of the -- I -- actually reason **by analogy [10:57:26 ????]** There were comments -- and I'm sorry I have to bring this up in open court, that Mr. Turner that Mr. Turner had been having homosexual affair with the members of the house. There are in fact conversations between these parties that are almost identical in nature in the context between the -- the full conversation. I -- I appreciate my colleagues efforts to try to distinguish this case, but I can find no functional distinction between this and *Chartier*.

THE COURT: Let me start by saying that all of what we're talking about arises from the case of *Bruton*. These are questions that came before the Court with respect a violation of the confrontation clause of the Sixth Amendment. As stated in that case -- or subsequent cases thereto, the threshold question is whether the challenged statement is testimonial. I don't think that we have to worry much about that right here. It's relatively testimonial.

But here's what happened after *Bruton*. A number of circuits have talked about redaction. Mr. Pesci referred to it as sanitizing. It has been done in many circuits, including by the way the Ninth -- the Ninth

1 Circuit adopted the sanitizing process, which frankly just means that the
2 statement that Mr. Mueller is concerned about that implicates or
3 suggests an implication towards his Defendant -- his client, could be
4 redacted, a big term that we use here. It just means that we're going to
5 white out reference to names and we're going to use generic pronouns.
6 We also have to look at what *Bruton* and other cases talked
7 about with respect to fundamental fairness. That's what Mr. Mueller and
8 the co-d is talking about; whether or not allowing this case to go to trial
9 with two co-defendants will affect the fairness, the bedrock, if you will,
10 upon which our court system is resting. And that is everyone when they
11 go to court should have an opportunity to have a fundamentally fair trial
12 where nobody, either side, doesn't get to do anything that impedes the
13 fundamental fairness.
14 There's another side that we have to consider also. And that
15 is that joint trials, as they are charged here, generally serve to support, if
16 you will, the interest of justice because it avoids inconsistent results. It
17 certainly speaks to the reason that co-ds are tried together has to do
18 with the limited resources and the ability of the State to try the cases
19 together.
20 I got to tell you. This is a really difficult case for me to make a
21 decision on. I would note that I believe *Chartier* is distinguishable in this
22 instance. And I'm concerned that when we have the typical co-ds doing
23 the finger pointing at the other ones, although not having any authority,
24 with all due respect, Justice Cherry's out-of-court statements --
25 MR. MUELLER: And I'm sorry, Judge. I --

THE COURT: It's okay. Of course don't support a legal conclusion here in any way. God bless him. But the fact of the matter is that -- first and foremost, the State has actually acknowledged in their opposition that they would have no problem cleaning up these statements.

Is that a correct --

MR. PESCI: Yes, Your Honor.

THE COURT: And to what extent do you intend to use the non-testifying Defendant's statements?

MR. PESCI: I got to be honest. I've inherited this from Frank Coumou. Ms. Beverly, who did the opposition, has been on this from the beginning, so I cannot intelligently respond to that question, but I'm sure she could. But we would -- we could also say defense counsel give us your proposed redactions and then we could sit down and go through it and say we agree on this or we don't.

THE COURT: He's not going to -- Mr. Mueller's not going to want any proposed redactions. He wants the whole thing --

MR. PESCI: Understood.

THE COURT: -- set aside.

MR. PESCI: I just assumed for the sake of argument you were to rule, hey, we're going to do it. And, you know, if you want something out tell the State and then we can try to either agree or bring it to the Court and say here's the ones we agree on, here's the ones we don't, please make a call.

THE COURT: So, Mr. Mueller, let me ask you this. In terms

of -- and I don't want -- I don't want to get into either sides trial strategy, so I'm trying to be careful. And if I'm evading that very sacred **prevence 11:02:07 [????]** please just tell me.

If these Defendants were tried separately, the same statements would be used obviously, I presume; right?

MR. MUELLER: Yes. Yes, Judge.

THE COURT: Okay. So you also have -- and the reason that I sort of emphasized -- or added emphasis to the -- the mystery other person -- because when I read these reports it sounds to me like there -- could've been others around -- more than just one -- other people. And I think that the statements also support that. Both statements talk about others being involved.

If this case went to trial with co-defendants in the same room at the same time, would you in any way be precluded from using the mystery person, other people did it -- other guy did it defense?

MR. MUELLER: Well, absolutely I would be.

THE COURT: Why?

MR. MUELLER: The practical problem with this case, and the reason it's like the *Chartier* case, is Mr. Turner is accused of shooting a police officer with a AK-47. He's going to do anything he can and -- legally charged to try to diminish or void that liability. The logical thing to do is try to blame someone else. The only other person that's going to be in the room is going to be me client.

THE COURT: Okay. But didn't your client come over the fence after?

1 MR. MUELLER: I -- respectfully, that's not my due diligence.
2 It disagrees with -- and now you're pulling me out from where I'm
3 comfortable going.
4 THE COURT: Okay.
5 MR. MUELLER: My investigation materially differs from what
6 the police officer's conclusions were. And I --
7 THE COURT: And you'd be able to cross-examine the police
8 officer on that, couldn't you?
9 MR. MUELLER: Yes, I could.
10 THE COURT: Okay.
11 MR. MUELLER: I would be able to cross-examine. But the
12 practical problem is the statements by the homeowners is unambiguous
13 that there was a third person and perhaps a fourth. Now who was
14 where and when is going to be the heart of this case at trial. Now, Mr. --
15 THE COURT: Why would you be precluded from presenting
16 that evidence if -- if the case went to -- as co-ds?
17 MR. MUELLER: I would. And that's what I tried to allude to
18 this earlier with my television hypothetical. If he's home watching TV,
19 they're going to try to put a gun in his hand so Turner doesn't get the --
20 get the -- go down for shooting the sentence -- or for shooting the officer.
21 THE COURT: Officer.
22 MR. MUELLER: What -- hypothetically, if my guy was the one
23 up front who just ran away panicked and then -- and then stayed at the
24 scene. What if the facts are he wasn't there at all?
25 THE COURT: And --

MR. MUELLER: How am I going to get that defense on?

THE COURT: Well, my question was sort of the opposite of that. What precludes you from putting in evidence of different place, different time, not hand -- no hands on the weapon, wasn't the shooter. By -- if in fact sanitized statements were to be used at trial, what would preclude you from nonetheless using that defense?

MR. MUELLER: You got me walking a fine line here, Judge.

THE COURT: Understood. Understood.

MR. MUELLER: I'm -- I'm trying very hard to answer your question without tipping my cards through my due diligence in what I found out so far through my investigator.

THE COURT: And I'm respectful of that.

MR. MUELLER: And I could get **[indiscernible] to consider 11:05:24**?

THE COURT: Of course. Here's the thing. This is a typical co-d case. I mean, this is -- it's not unusual that this is what happens. And I'll tell you. We got a whole bunch of state -- these are only tabs on the statements that were made. So there's -- there's -- there was a lot of talking that went on in this case. And as one might expect, there was a lot of it was the other guy kind of stuff. But I have to do a balancing test here basically. I have to determine whether or not -- and this is *Bruton* -- whether or not there's a substantial risk that the jury will use factually incriminating confession of a non-testifying defendant as evidence of guilty of his co-d. That's the essence. That's the capsulized version of why a motion to sever is put before the Court. Fundamental unfairness

at the time of trial also a consideration.

For now, what I'm going to do, is to note for the record the State's cooperation with respect to acknowledging the obvious in this case. They can't just take this statement and put it before the jury. I'm going to deny the motion to sever with a caveat. And that is exactly what Mr. Pesci suggested. That is he will offer to both counsel an opportunity to see the redacted version of the statements that they intend to use. This is going to require the State to put their case out there pretty much by saying this is what we're going to use and this is how we're going to use it.

But I want to be very that the -- the denial is made, I think appropriately so, without prejudice. Mean, Mr. Mueller, that if you see what they propose and you still want to come back and say, Judge, I can't adequately defend my client if they go together to trial, then I think that you get another bite of the apple because I'm telling you I think this is really close and really tight. And I am very mindful of *Chartier*, but I think right now we have a well-established, accepted way to attempt to alleviate the bias or the potential for fundamental unfairness.

So I want to be very clear. This is a tight denial with the -- a clear statement in the record that the parties, most particularly Mr. Mueller and the co-d, being given an opportunity to revisit this issue, if in fact we get closer to trial and it looks like the redaction isn't going to work. Because I -- and I do apologize for trying to pull out of you stuff, Mr. Mueller, that obviously, as you said, tight -- I don't want to get you in a place where you're revealing your defense strategy. But there may

1 come a time where you can reveal that in an appropriate way that would
2 lead the judge to make a different decision on a renewed motion. So I
3 want to be -- I hope that I covered all the legal issues in this case.
4 I want an order to be drafted that supports this decision
5 because I think it's important that we note the opportunity to come back
6 again. I very much want to protect -- I wrote that case. I get it. And so
7 this is a real schizophrenic decision for me to make, but I want to be
8 sure that the rights of the Defendants, plural, are protected, and the
9 ability of the State to proceed in their case in an appropriate manner are
10 also protected. So questions, comments, concerns?
11 MS. MACHNICH: Your Honor, might we have a date certain
12 where the State provides us with these redactions. Because what we
13 don't want to do is get close enough to calendar call next month where
14 we --
15 THE COURT: Yeah, you're right up --
16 MS. MACHNICH: -- haven't seen them.
17 THE COURT: -- on top of it aren't you.
18 MS. MACHNICH: Yeah.
19 MR. MUELLER: Yes.
20 THE COURT: Yeah. I'm going to give you a real short leash.
21 I want it provided to the co-defendants no later than Tuesday next week.
22 We got -- we got to get there. You got a jury trial coming up in a month
23 MR. PESCI: Is that the 17th?
24 THE COURT: I don't know. Yes. Six --
25 THE COURT CLERK: Yes.

1 MR. PESCI: Okay.
2 THE COURT: Yes, 17th.
3 MR. PESCI: Thank you, Your Honor.
4 THE COURT: 10-17.
5 MS. MACHNICH: That should allow us enough time to file
6 renewed motions --
7 THE COURT: Mm-hmm. Mm-hmm.
8 MS. MACHNICH: -- if necessary. Okay.
9 MR. PESCI: So the 17th is when we need to give to defense
10 counsel the proposed redactions?
11 THE COURT: Proposed redaction.
12 MR. PESCI: Yes, Your Honor.
13 THE COURT: And then -- you know, just to be fair, counsel
14 take your time looking at the redaction. Get it back to the State by the
15 end of the week. That would be Friday. Which must be -- 18, 19, 20.
16 THE COURT CLERK: The 20th.
17 THE COURT: Twentieth. Because if we have to revisit this
18 I'm not exactly sure how it's going to work. If they'll bring me back to
19 reconsider it, or if Judge Bailus will reconsider it, or the trial judge, or
20 what they'll do, but I want to be sure that we get that compacted so --
21 because you got a rapidly approaching trial date.
22 Do you know where you are in the stack by any chance?
23 MR. MUELLER: I -- the case has gotten a little older. We've
24 moved --
25 THE COURT: It's a 15 state.

MR. MUELLER: -- pretty close to the top.

THE COURT: You should be pretty -- okay, so you should be pretty close to the top.

MR. PESCI: No idea.

MR. MUELLER: And a housekeeping matter, Justice. Are you going to be -- I know Mark said he had to go up to Judicial College. I remember that being six or eight weeks. Is he going to --

THE COURT: Well, he's -- it's actually I think three.

MR. MUELLER: Okay.

THE COURT: He is not -- I will not be -- let me put it this way. A Senior Judge will be here not week; it will not be me. But if there's any problems -- I'll make a note in the record. I've done this before. I should -- I give both -- all parties permission to contact the Senior Judge department for further consideration on these matters if need be.

MR. MUELLER: Okay.

THE COURT: Okay.

MS. MACHNICH: Okay.

THE COURT: And that's Ileen Spoor across the street. I don't anticipate there'll be a problem, but just in case. That way we -- you keep it clean and you don't have to bring somebody else up to speed.

MR. PESCI: Sure.

MR. MUELLER: All right. Thank you, Judge.

MS. MACHNICH: Your Honor, additionally -- one more housekeeping matter. I had subpoenaed all of the forensic background

information on the case. All of the lab reports. More than just the final reports, but all of their working documents. The lab sent me a letter saying, Congratulations. We produced them to the State; they have to give them to you. And that was over a week ago now. I haven't received them. And I'm just concerned, as time goes on, if I don't receive the documents, if we need to do something with them I won't be able to.

THE COURT: So there's an oral motion to compel discovery from the State?

MR. PESCI: We've gotten them.

MS. MACHNICH: Okay.

MR. PESCI: And I gave them to my secretary and asked to have them provided to defense counsel, so it appears as if they didn't.

Mr. Mueller, did you get them?

MR. MUELLER: No, I did not.

MR. PESCI: Okay.

MR. MUELLER: And while we're on the subject. The photographs from the scene, I would also like a disc from those if that's -- it shouldn't be a big deal --

MR. PESCI: The --

MR. MUELLER: -- but I don't have them.

MR. PESCI: -- the Metro lab will respond to your request for those. It's not something that you have to get from us. They do routinely.

THE COURT: But -- but let's be clear. With respect to what

you have in your file, Mr. Pesci, currently, that can be provided to counsel?

MR. PESCI: This is my best response, because like I said, I'm coming into this late.

THE COURT: Understood. Understood.

MR. PESCI: But we received from the lab a disc, which normally happens. When defense counsel asks for that --

THE COURT: Right.

MR. PESCI: -- underlying data they send --

THE COURT: It goes to you.

MR. PESCI: -- it to us. And they actually have a little sheet that says have defense counsel sign saying that they got it. So I asked my secretary, please make copies of this. Get in touch with defense counsel; ask them to come pick it up. So I don't know where the ball's dropped since there. I'll go find out.

THE COURT: Okay. So your request to compel that production is granted.

MS. MACHNICH: Thank you.

THE COURT: The State has agreed to do so.

MR. PESCI: Yes.

THE COURT: Mr. Mueller, your request is for a photograph?

MR. MUELLER: For the disc of photographs. Normally Metro these days just takes a thousand photographs and put them on a disc. And we don't print them out any more like we used to and put --

THE COURT: Did you make a request to -- is it part of a

discovery motion early or no?

MR. MUELLER: No, no, Judge. I just wanted -- while he was going through his file I said while -- basically while he's there can he get me the disc -- the photographs.

THE COURT: Mr. Pesci.

MR. PESCI: We'll make a copy. I understand co-defense has it already.

MS. MACHNICH: We have --

MR. PESCI: But -- so we'll make -- we'll make another copy.

MS. MACHNICH: I have --

THE COURT: Okay. Let's be sure that that gets exchanged. In fact, if the co-d has it, let's get it to Mr. Mueller. So I'm going to make both of you responsible, co-d and the State --

MS. MACHNICH: Okay.

THE COURT: -- to get that to Mr. Mueller.

MS. MACHNICH: Well, we requested it from Ms. Beverly, the assigned attorney on the case, about a month ago and she got it right over to us.

THE COURT: Great.

MS. MACHNICH: So it was a very timely manner --

THE COURT: Okay.

MS. MACHNICH: -- with respect to the photographs. We did file a discovery motion years ago at this point that was ruled upon way back then.

THE COURT: The standard motion to compel?

MS. MACHNICH: Yes.

THE COURT: Okay.

MS. MACHNICH: The standard as of 2015. Not the --

THE COURT: They've changed.

MS. MACHNICH: -- new standard.

THE COURT: They've changed.

MS. MACHNICH: As of today our office has changed. Yes. But, yeah, that been --

THE COURT: Okay. Anything further that I can help with?

MR. PESCI: No. Thank you very much, You Honor.

THE COURT: Okay. Thank you.

MS. MACHNICH: Oh. Actually, one more thing. We had on calendar today pretrial conference.

THE COURT: Oh.

MS. MACHNICH: I was informed by some of my teammates from my old team because I'm not on this track anymore that Judge Bailus liked to do sort of an informal where you at, and this is what I'd like by calendar. And I heard he even requests our jury instructions by calendar call. I don't know if that's actually the case, but I just wanted to clarify there weren't any other marking orders for us at this time with regard to preparations for trial.

THE COURT: Well, you can see that my hesitancy, or my concern with respect to denying the motion and tightening things up, is exactly what you're talking about. We are on the eve of trial as far as I'm concerned. It is a pretrial conference today. I'm guessing that if I

1 asked Mr. Mueller at this point --
2 State, can you announce close to ready? That doesn't --
3 MR. PESCI: I anticipate. I have no idea, Your Honor.
4 THE COURT: Okay.
5 MR. PESCI: It's been subpoenaed, but I don't know the
6 returns because Ms. Beverly's been getting those. I've been --
7 THE COURT: Okay.
8 MR. PESCI: -- other trials.
9 THE COURT: And, Mr. Mueller, I suspect that my decision
10 today is -- is going to cause you to do a little bit more work; would that
11 be a fair statement?
12 MR. MUELLER: I suspect I'm going to have to go back and
13 re-read everything.
14 THE COURT: Okay.
15 MR. MUELLER: And I was -- was planning on doing it after I
16 get their proposed redactions.
17 MS. MACHNICH: Okay.
18 THE COURT: So other than that -- other than what happened
19 today and the need to get Mr. Pesci up to speed, and apparently
20 someone else from the PD's office up to speed, informally, are we on
21 track to proceed to a calendar call on the 7th. And if so, I would order
22 that proposed jury instructions be provided by that date, which is
23 October -- November 7th. I don't know if that's the Judge's practice or
24 not. It certainly was my practice when I sat. So let's get -- I mean, they
25 can be modified, you know, up to -- you know, before we send it to the

jury. But for now, let's get those sent over and have them ready for calendar call.

MS. MACHNICH: And --

MR. PESCI: For all sides?

THE COURT: All sides.

MR. PESCI: Thank you very much.

MS. MACHNICH: For defense theory instructions may those be submitted just to chambers?

THE COURT: Of course.

MS. MACHNICH: Thank you.

THE COURT: So -- and -- so that you know, November 7th is your calendar call with a trial date of November 13th; okay?

Anything further?

MS. MACHNICH: No, Your Honor. Thank you.

MR. PESCI: No. Thank you.

THE COURT: Thank you.

[Proceedings concluded at 11:15 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Sandra A Pruchnic

SANDRA PRUCHNIC
Court Recorder/Transcriber

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendants.	CASE#: C-15-309578-1 C-15-309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS DISTRICT COURT JUDGE

TUESDAY, OCTOBER 31, 2017

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATE'S REQUEST: STATUS CHECK TO ADDRESS BRUTON ISSUES WITH THE DEFENDANT'S STATEMENTS

APPEARANCES:

For the State: LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

For Defendant Turner: TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

For Defendant Hudson: CRAIG A. MUELLER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Tuesday, October 31, 2017

[Case called at 9: a.m.]

THE COURT: On page 2, State versus Turner.

MS. BEVERLY: Your Honor, it's Turner and Hudson. They're co-defendants.

THE COURT: And page 3. Hudson, case number C309578.

Counsel, state your appearances.

MS. BEVERLY: Leah Beverly for the State.

MS. MACHNICH: Good morning, Your Honor, Tegan Machnich for Mr. Turner.

MR. MUELLER: Craig Mueller on behalf of Clemon Hudson.

MS. BEVERLY: Your Honor, --

THE COURT: And this is on at the State's request for a status check to address the *Bruton* issues with the Defendant's statements.

MS. BEVERLY: Yes. Okay. So what happened was when Your Honor wasn't here a couple of weeks ago, Ms. Machnich and Mr. Mueller had filed a motion to sever. That motion was heard. It was denied. But Judge Saitta, who was sitting for Your Honor, said for the State to email both defense counsels with the State's proposed redactions. Then defense counsel to email the State with their proposed redactions to the statements, and if there was a dispute for us to come before Your Honor.

I think it's probably something where we're going to have to like -- the four of us sit down together, because I don't think it's

1 something that can be resolved like in a regular court calendar.
2 Because the state -- there's five statements from Mr. Turner, and there's
3 two statements from Mr. Hudson. So -- and there is some
4 disagreement. I received Ms. Machnich's redaction. I didn't receive Mr.
5 Mueller's. But I did send both them the State's proposed redactions.
6 So if this case were to go forward, it's something that I think
7 we're probably going to have to sit down in chambers, go through,
8 because it's probably going to take a couple of hours for Your Honor to
9 resolve the disputes. However, that's one issue.
10 The second issue is Mr. Mueller, this morning, was asking me
11 -- or speaking to his client, I believe, about negotiation. Ms. Machnich's
12 client, Mr. Turner, has always wanted the negotiation. It's been Mr.
13 Hudson's been the holdup. So I don't know what their conversations
14 had been, but I'm certain that I do have the GPAs and Amended
15 Information -- Indictments here right now if they want to enter their plea.
16 Third --
17 THE COURT: We're not going to rush this, counsel.
18 MS. BEVERLY: No, absolutely.
19 THE COURT: If they want to enter a plea I want to make sure
20 they have sufficient time to discuss any plea negotiations with their
21 attorneys.
22 MS. BEVERLY: Absolutely. I understand that. It's been the
23 same offer for over six months now. And --
24 THE COURT: And again, if --
25 MS. BEVERLY: I --

THE COURT: -- you know, I want to make sure that they have sufficient time.

On the issue of the redactions, this is how we're going to handle this. Submit your redactions. You -- you've advised me that they have submitted to opposing counsel; correct? You were supposed to submit them by October 17th.

MS. BEVERLY: I --

THE COURT: It sounds like you did it --

MS. BEVERLY: I did.

THE COURT: -- by that time. They were supposed to submit their redacted version to you by -- I'm sorry, I said December. October 17th -- by October 20th. So it sounds like to some degree you've exchanged redactions. If --

MS. BEVERLY: Well, I have with Ms. Machnich, not with Mr. Mueller.

THE COURT: Okay. Well, Mr. Mueller may not have any changes. He may just argue that he's not going to agree to any redactions.

MS. BEVERLY: Okay.

THE COURT: I mean, that's a position he certainly could take.

MS. BEVERLY: Okay.

THE COURT: If he -- in any event, if you can't come to an agreement submit the redactions to me --

MS. BEVERLY: Okay.

THE COURT: -- and I'll go over them to see if they're neutral. I mean, that's the standard on the --

MS. BEVERLY: Sure.

THE COURT: -- redaction. I have three choices. I can sever, which I can redact, or you cannot use it at trial. You know, it appears -- and I thought I read in one of -- something I read that decision had been made whether you were going to use the co-Defendant's statements or not --

MS. BEVERLY: Well --

THE COURT: -- but I have alternatives.

MS. BEVERLY: Sure.

THE COURT: But one of the alternatives certainly is if the statements could be redacted so they're neutral, that's typically what courts do on a joint trial.

MS. BEVERLY: So what I can do is I can actually email you the one --

THE COURT: Right.

MS. BEVERLY: -- the seven versions of the State. And I'll email you Ms. Machnich's version that she emailed me and I --

THE COURT: Well, are you agreeable --

MS. BEVERLY: -- [indiscernible].

THE COURT: -- to them though?

MS. BEVERLY: Well, I don't -- I don't agree to them, but I want Your Honor to see the differences in what the State feels should be redacted and what Ms. Machnich feels should be redacted. So I will

send you both versions, the State's redactions and Ms. Machnich's, via email. That way -- they are color coded as well, so hopefully that will make it a little bit easier. Both of us color corded [sic] and then scanned them in color, so hopefully that will make it easier for you to see what the State wants redacted versus what Ms. Machnich wants redacted.

THE COURT: Right.

MS. BEVERLY: I think she agrees with all the State ones. She just has additional ones that she wants that I don't agree with, so that's kind of where we're at. And then if Mr. Mueller has any, I don't know, but for now I'll send you mine and Ms. Machnich's via email to your chambers.

THE COURT: And then -- I'm in a trial this week.

MS. BEVERLY: We have trial set for November the 13th. I spoke with Ms. Machnich. I also emailed -- we're on a group email. I haven't heard from Mr. Mueller. But given that the Thanksgiving holiday is in that time period --

THE COURT: You're ahead of yourself.

MS. BEVERLY: Oh.

THE COURT: There's -- on November 2nd, I believe Mr. Hudson has a motion to continue the trial date.

MS. MACHNICH: Mr. Turner. Yes, that's my --

THE COURT: I'm sorry. Mr. --

MS. MACHNICH: -- client, Your Honor.

THE COURT: -- I apologize.

MS. MACHNICH: Oh, of course. No problem.

We had filed that. We can certainly discuss the issue today, Your Honor, since it is based on scheduling issue and not substantial legal ground. I don't believe that it's going to be formally a written opposition by either party. I know the State has no opposition and I believe Mr. Mueller was going to oppose early. So we can deal with that today, Your Honor, or we can come back on Thursday.

THE COURT: We're going to come back on Thursday.

MS. MACHNICH: Okay. That's fine.

THE COURT: Okay. And also -- it's going to be a status check possible negotiations. So --

MS. BEVERLY: Okay.

THE COURT: -- I'll put it on for a status check.

I assume you provided a proposed Guilty Plea Agreement and Amended Information to opposing counsel?

MS. BEVERLY: I will give that to them now.

THE COURT: Okay.

MS. MACHNICH: We previously -- we previously received it, Your Honor.

THE COURT: And, Mr. Mueller, have you previously received it?

MR. MUELLER: I got the email and I relayed the offer to Mr. Hudson. And we thank the State but decline the offer.

THE COURT: Okay.

MS. BEVERLY: So do you want the GPA or no?

THE COURT: All right. Well --

MR. MUELLER: You can give it to me. I'll read it again, but we decline.

THE COURT: All right. And if you negotiate as to Mr. Turner, that resolves the *Bruton* issue quite frankly.

MS. BEVERLY: Well, it's a contingent negotiation.

THE COURT: Okay. And again, I'm not going to tell the State how to negotiate their case. But in any event, I'll also put it on for a status check on October 2. I'm sorry. November 2 --

MS. MACHNICH: Okay.

THE COURT: -- for a status check and Defendant's motion to continue the trial date. If you want to send your redactions over before then --

MS. BEVERLY: I --

THE COURT: -- I'll start looking at them.

MS. BEVERLY: I absolutely will. Thank you.

MS. MACHNICH: And, Your Honor, if it would be easier I could just approach with a copy of the redactions from Mr. Turner.

THE COURT: That's fine. Hand them to my -- give them -- I meant Alan. I'm sorry.

And, State, if you could provide them to chambers today I'd appreciate it.

MS. BEVERLY: Yes. I will bring the hard copies this afternoon.

THE COURT: Thank you, counsel.

MR. MUELLER: Thank you, Judge.

MS. MACHNICH: Thank you, Your Honor.

[Proceedings concluded at 9:44 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Sandra A Pruchnic

SANDRA PRUCHNIC
Court Recorder/Transcriber

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Jessica Kirkpatrick

Jessica Kirkpatrick
Court Recorder/Transcriber

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendants.	CASE#: C-15-309578-1 C-15-309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS DISTRICT COURT JUDGE

THURSDAY, NOVEMBER 2, 2017

RECORDER'S TRANSCRIPT OF PROCEEDINGS
DEFENDANT'S MOTION TO CONTINUE TRIAL DATE;
STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

APPEARANCES:

For the State: LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

For Defendant Turner: TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

For Defendant Hudson: CRAIG A. MUELLER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Thursday, November 2, 2017

[Case called at 9:23 a.m.]

THE COURT: On pages 2 and 3, State of Nevada versus Steven Turner and Clemon -- I'm sorry. On pages 2 and 13, State of Nevada versus Steven Turner and Clemon Hudson, case number C309578.

Counsel, state your appearances.

MS. BEVERLY: Leah Beverly for the State.

MS. MACHNICH: Tegan Machnich for Mr. Turner.

MR. MUELLER: Craig Mueller on behalf of Mr. Hudson.

THE COURT: And both Defendants are in custody and present.

This is on for Defendant -- Mr. Turner's motion to continue the trial date and a status check regarding negotiations or a trial setting.

MS. BEVERLY: Yes.

MR. MUELLER: Right. Thank you, Your Honor.

There is no negotiations. Defense is going to renew its motion to sever. I have engaged at the Court's invitation a good faith effort to go through the transcripts and to sort them out. I've had the advantage of being an aggressive prosecutor, as well as an aggressive defense attorney, and I know what I would do with my colleague's proposed redactions. They would beat Mr. Hudson left and right. It is a fatally flawed idea that those transcripts can be redacted.

I got five things I would use that first page unredacted for

before I gave up.

MS. BEVERLY: Your Honor.

MR. MUELLER: If I could.

MS. BEVERLY: I'm sorry.

MR. MUELLER: Defense is -- on behalf of Mr. Hudson, I oppose the idea that we can redact those transcripts successfully. I oppose the motion to continue and I am ready for trial.

THE COURT: Very good.

Counsel for Mr. Turner.

MS. MACHNICH: Your Honor, obviously we've submitted our proposed redactions. If Your Honor is inclined to not sever the case we would --

THE COURT: At this point I'm inclined not to sever the case.

MS. MACHNICH: Okay. So we've submitted those to Your Honor and we would -- well, I guess not renew. We would ask Your Honor to continue the trial at this time. We're looking at a two to three week minimum trial. There's a lot of State's witnesses, much less defense witnesses, and I personally am out of the jurisdiction the week after Thanksgiving.

THE COURT: Okay.

MS. BEVERLY: Yes. And, Your Honor, if I could make a record.

THE COURT: Sure.

MS. BEVERLY: First of all, I have no objection to Ms. Machnich's request to continue. After speaking with her, we have had

multiple email conversations, where Mr. Mueller was included, when Ms. Machnich actually contacted your chambers to figure out what the schedule would be. I then looked at my -- compiled my notice -- or my -- what I think is going to be the number of witnesses I'm going to call, and right now I'm at about 15 to 20. So with the half days and coming up against Thanksgiving, not only do I think that -- with the half days we're not going to have enough time, I also think that we're going to have a lot of problems with jury -- getting a jury who are going to be going out of town for Thanksgiving, so I have no objection to that.

In terms of Mr. Hudson and his objection to the motion to continue, I would note that given the history of this case, all of the prior continuances had been at the request of the defense. And specifically, on May the 3rd of 2016, it was a defense request to continue. On 11/29/2016, it was Mr. Hudson's attorney's request to continue, as well as on July the 7th of 2017 -- excuse me, July the 6th of 2017.

So he has -- he waived his 60 day trial right back on October the 1st of 2015. I know that this case is about two years old, but that's not uncommon given the nature of the charges and the amount of discovery and witnesses in this case. So given that, I emailed Mr. Mueller and Mr. -- and Ms. Machnich. If Your Honor was inclined to continue with some particular dates -- availability based on your Court's calendar. And so if Your Honor's inclined to continue, I'd be asking for the week of April the 16th, which would give us two weeks of time, which I think we could get it done in two weeks.

THE COURT: Mr. Mueller --

MR. MUELLER: Your Honor, I --

THE COURT: -- anything in reply?

MR. MUELLER: I'm ready to go. All ready -- I am prepared and ready to go this time. The transcripts themselves are fatally flawed. The idea that this case can be tried together fairly is not possible.

THE COURT: Okay.

MR. MUELLER: Mr. Hudson's -- Mr. Turner's statements put Mr. -- and will not be subject to cross-examination, put him at the scene; talks about discussions that I can't cross-examine. Even -- and my colleague went and took only the most tedious and inflammatory quotes. There's all sorts of information that I would use as a prosecutor to convict Mr. Hudson. And without cross-examining Mr. Turner it won't be a fair trial. This case needs to severed.

THE COURT: Okay. At this point I'm going to deny your renewed motion to sever without prejudice.

I have been provided with a copy by the State of a redacted version, as well as a redacted version by Mr. Hudson's attorney. What I intend to do is take both those copies and see if I can make my own redactions. I will -- let me finish, counsel.

MR. MUELLER: No, I'm sorry. I wasn't -- that's not what I was going to say.

THE COURT: Okay. Well, you were taking a deep breath, so I --

MR. MUELLER: I was taking a deep breath. I was -- I was thinking. Sorry, Judge.

THE COURT: I am then going to provide my redactions to counsel. You will have an opportunity then to object to the redactions that I provide. Then you will also have the opportunity after you had -- to renew your motion to sever if you don't believe the Court's redactions are neutral and you believe that your client will be denied a fair trial if a severance is denied.

Because there are still -- I'm going to continue this for two weeks to do that. I am also going to vacate the calendar call and the jury trial. The basis is that there's pending pretrial matters that need to be addressed prior to the trial and also the Court's congested calendar. So I am going to grant Defendant's -- Turner's motion to continue the trial date, noting Mr. Mueller's objection to the same. I'll continue this matter to -- what was the date?

THE LAW CLERK: April 16th.

MS. BEVERLY: Can we have April the 16th?

THE COURT: April --

THE LAW CLERK: Sixteenth.

THE COURT: April 16th.

Clerk, provide them with a pretrial conference date, a calendar call date and a trial date. The trial date being April 16th.

[Colloquy between the Court and the Court Clerk]

THE COURT CLERK: It's April 17th.

MS. BEVERLY: Oh, okay. Sorry.

THE COURT: Okay. Announce the dates.

Also, I need a two week date for -- on the redactions.

THE COURT CLERK: All right. The two week date is November 16th, 9 a.m.

MR. MUELLER: November 16th?

THE COURT CLERK: November 16.

MR. MUELLER: Okay.

THE COURT CLERK: Calendar call April 17, 9 a.m.

MS. BEVERLY: Oh, I'm sorry. I thought the trial date was April 17th.

THE COURT CLERK: No.

THE COURT: Hold on.

MS. BEVERLY: We can't have a -- that's what the JEA gave me as dates.

THE COURT CLERK: Okay. Well -- okay.

THE COURT: Wait a minute.

THE COURT CLERK: Jury trial April 16 --

THE COURT: Hold on a second. Let me just make sure of something.

[Colloquy between the Court and the Law Clerk]

[Colloquy between the Court and the Court Clerk]

THE COURT: April 16th for the trial date.

MS. BEVERLY: Thank you.

[Colloquy between the Court and the Law Clerk]

MS. BEVERLY: What's the calendar call date?

THE COURT CLERK: Okay. Let's try it again.

Pretrial conference March 6th, 9 a.m. Calendar call April 10th,

9 a.m. Jury trial April 16, 11 a.m.

MS. BEVERLY: Thank you.

THE COURT: And the pretrial conference is for trial readiness.

MS. MACHNICH: Okay.

MS. BEVERLY: Okay.

THE COURT: Advise the Court if you still think we're going to be able to hold onto that April date.

MS. BEVERLY: I think that will give us a two week block of time --

MS. MACHNICH: Yes.

MS. BEVERLY: -- which would be --

THE COURT: Also, I would like any pretrial motions, motions in limine -- obviously, I'd like to take care of them around the time of the pretrial conference if you anticipate --

MS. BEVERLY: Sure.

MS. MACHNICH: That's absolutely fair.

MR. MUELLER: Thank you, Judge.

THE COURT: -- anything like that.

MS. BEVERLY: Okay. Thank you.

MS. MACHNICH: All right.

THE COURT: And just so you know, in my court, when you come to calendar call I expect you to bring your jury instructions with you.

MS. MACHNICH: Yes.

THE COURT: And if you stipulated to any facts or exhibits, provide me with a list. That doesn't mean you have to stipulate to anything. It just means if you do, and if there's any special accommodations that you anticipate, like a witness issue that can only travel on a certain day, things of that nature, that would be the time to bring it to my attention --

MS. BEVERLY: Sure.

THE COURT: -- at calendar call.

MS. BEVERLY: Okay.

MS. MACHNICH: Okay.

MS. BEVERLY: Thank you.

MS. MACHNICH: Thank you, Your Honor.

MR. MUELLER: Thank you, Judge.

[Proceedings concluded at 9:33 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Sandra A Pruchnic

SANDRA PRUCHNIC
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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendant.	CASE#: C309578-1 C309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

THURSDAY, NOVEMBER 16, 2017

RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: STATUS OF CASE - REDACTIONS

APPEARANCES:

For the State:	LEAH C. BEVERLY, ESQ. Chief Deputy District Attorney
For the Defendants: Steven Turner	GEORDAN G. LOGAN, ESQ. Deputy Public Defender
Clemon Hudson	CRAIG A. MUELLER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Thursday, November 16, 2017

[Hearing began at 9:31 a.m.]

THE COURT: Are you ready?

MR. MUELLER: I believe so.

MS. BEVERLY: I don't think Ms. Machnich is here yet. Um --

THE COURT: As soon as she gets here let me know.

MR. MUELLER: All right. Thank you, Judge.

MS. BEVERLY: Oh, Mr. Logan, is Ms. Machnich coming on Hudson and Turner?

MR. LOGAN: I -- I've got that.

MS. BEVERLY: Oh, okay. We can actually call it then, I'm sorry. I thought she was coming.

THE COURT: This is on page 4, State versus Turner and on page 5, State versus Hudson, case number C309578.

This is on for a status check regarding the redactions, --

MS. BEVERLY: Yes, Your Honor.

THE COURT: -- proposed redactions. Counsel state your appearances.

MS. BEVERLY: Leah Beverly for the State.

MR. MUELLER: Craig Mueller for Clemon Hudson.

MR. LOGAN: Geordan Logan on behalf of Steven Turner, who's present in custody.

THE COURT: I've reviewed the redactions submitted by the District Attorney's Office and the redactions submitted by the Public

Defender's Office.

Mr. Mueller felt he -- the statement cannot be redacted and therefore did not submit any.

MR. MUELLER: Thank you.

THE COURT: He felt they couldn't be redacted as to be neutral. I have made a determination. I will tell counsel I'm more inclined to go with what the Public Defender has submitted. I am making my own changes to it.

MS. BEVERLY: Okay.

THE COURT: I -- they're going to be more extensive than what the DA has submitted to me. I --

MS. BEVERLY: Okay.

THE COURT: I'm not going strictly with what the PD, but I will tell you it's going to be a more extensive redaction than what you have given me.

What I'm going to do and I was hoping to have them done by today, but they're not finished yet. I wanted to be able to provide you with my copy of my redactions.

MS. BEVERLY: Okay.

THE COURT: But I'm not going to sever. I am going to go -- but I will tell counsel that once you see my redactions you're not precluded from then re-raising the severance issue so you have a record.

MR. MUELLER: Thank you, Judge. And for the record I'm not being flippant, I got in the office early this morning again about 4:00,

reread everything again. Mr. Hudson's statement goes to -- Mr. Turner's statement goes to 27 pages. There was the first 3 pages where they introduced themselves and they asked how he got his leg injured are about the only pages that don't have something I wouldn't use as a prosecutor, against Mr. Hudson.

And I understand completely, and I just need to make a full record here.

THE COURT: And quite frankly Mr. Mueller, I'm going to give you that opportunity once you -- because right now you're arguing in a vacuum.

MR. MUELLER: Okay, fair enough.

THE COURT: Because my redactions -- and I completely understand what you're saying, that's why I denied the motion to sever without prejudice. So once you see the redactions I have proposed, if you still have objections to them, which it sounds like you will, based on your earlier argument to me, that you felt that there -- that there wasn't any redactions that would be neutral. And so I obviously want to make sure you have a full record on this issue.

MR. MUELLER: Right. Thank you, Judge.

THE COURT: So because of the holidays and everything I'm going to continue this two weeks. At that time, I'll supply counsel with my redactions and then give you the opportunity to file a motion to sever, or if you're satisfied with them, we'll go with them.

MR. MUELLER: All right. Thank you, Judge.

MS. BEVERLY: Just a question. I --

THE COURT: I don't know if that came out as clear as I meant it to be. But I'm going to give you an opportunity to re-raise your motion to sever if you're not satisfied with the proposed redactions by the Court.

MR. MUELLER: All right. Thank you, Judge.

MS. BEVERLY: Just a question. Can Mr. Mueller -- are you going to give the redactions before the next court date, so Mr. Mueller can then argue when we come to the next court date, if possible?

THE COURT: If I can get them to you before the next court date --

MS. BEVERLY: Okay.

THE COURT: -- that would be fine. Or you might want to file a whole new motion, counsel, if really want to protect the record.

MR. MUELLER: All right. Thank you, Judge. I --

THE COURT: I'll give you that opportunity. If you just want to argue it --

MR. MUELLER: In the spirit --

THE COURT: -- I'll give you that opportunity too.

MS. BEVERLY: And I think you can just argue it, but --

MR. MUELLER: I -- is the spirit of the Court -- if the Court's going to the extra effort I will consider it full and fairly. I have a fairly full view of what needs to happen, but I'm open to reviewing it on behalf of protecting Mr. Hudson's rights.

THE COURT: And just so you know, I'm willing to go line by line.

MR. MUELLER: Okay.

THE COURT: I'll take the time. I'll put it at the end of my calendar and you can argue line by line, or you can argue in total that the whole thing is not neutral.

MR. MUELLER: All right. Thank you, Judge. I can't -- you can't be more fair than that. I will accept the offer and I will see what you've got proposed.

THE COURT: All right. Thank you, counsel.

THE CLERK: November 30th, 9:00 a.m.

MR. LOGAN: Thank you, Judge.

MR. MUELLER: Thank you, Judge.

[Hearing concluded at 9:36 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendant.	CASE#: C309578-1 C309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

THURSDAY, NOVEMBER 30, 2017

RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: STATUS OF CASE - REDACTIONS

APPEARANCES:

For the State: LEAH C. BEVERLY, ESQ.
Chief Deputy District Attorney

For the Defendants:
Steven Turner ALEXANDER J. HUBERT, ESQ.
Deputy Public Defender

Clemon Hudson CRAIG A. MUELLER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Thursday, November 30, 2017

[Hearing began at 9:05 a.m.]

THE COURT: Good morning, ladies and gentleman.

On page 3 and 4, State versus Turner, case number C309578,

MR. MUELLER: Good morning, Your Honor. Craig Mueller, on behalf of Mr. Hudson.

MS. BEVERLY: And we need Mr. Turner.

THE COURT: Do we have counsel for Mr. Turner?

MS. BEVERLY: Yes, it's you.

MR. HUBERT: It threw me when he jumped up here.

THE COURT: Can counsel state their appearances?

MS. BEVERLY: Leah Beverly for the State.

MR. HUBERT: Alex Hubert, on behalf of the Public Defender.

THE COURT: And let the reflect -- record reflect Mr. Turner and Mr. Hudson are present in custody.

This is on for a status check. Counsel for the defense, Mr. Mueller, had filed a motion to sever. I denied that motion as an alternative. The State had submitted redactions as well as the Public Defender's Office. What I did was went through both parties redactions and then I did some of my own redactions.

MS. BEVERLY: Okay.

THE COURT: The way I did it is, I think, we did it on one statement. It's Mr. Turner's statement that you're seeking to bring in, is

1 that correct?

2 MS. BEVERLY: Well, it's both, I -- the State --

3 THE COURT: You're both? But we did it on both, but I wasn't

4 sure --

5 MS. BEVERLY: Right. The State submitted redactions on all

6 -- both of their statements.

7 THE COURT: Right.

8 MS. BEVERLY: Ms. Machnich only submitted on her client,

9 because she didn't have --

10 THE COURT: All right.

11 MS. BEVERLY: -- a basis to make redactions to the

12 co-Defendant's statements.

13 THE COURT: Here's what I did. I took the -- I took one

14 statement and then I -- the dark portion of that statement is the District

15 Attorney's redactions. Then in green we did the Public Defender's

16 redactions.

17 MS. BEVERLY: Okay.

18 THE COURT: In yellow, I did my suggested redactions.

19 MS. BEVERLY: Okay.

20 THE COURT: So on one -- on one statement you'll see

21 multiple redactions in different colors because that's -- trying to --

22 MR. MUELLER: Well I know I -- I'm actually very impressed,

23 Judge. I'm not sure I would have done that.

24 THE COURT: So --

25 MR. MUELLER: Put the time in for that, so thank you.

THE COURT: -- now these are, again, I'm trying to make this as neutral as I can, but still, you know, make it a readable form.

MS. BEVERLY: I understand.

THE COURT: So, I'm in trial right now and my calendar's probably gonna go -- bump right up until the time I have to go in trial. I was going to continue this two weeks --

MS. BEVERLY: Okay.

THE COURT: -- for a pretrial conference.

MS. BEVERLY: Okay.

THE COURT: I told Mr. Mueller that, you know, even though I denied his motion to sever, he could renew it after he sees the redactions. That's my expectation, but if I do deny it, I want input from the State and the Defense as to the redacted statements that may be admitted at a joint trial.

MS. BEVERLY: Okay.

THE COURT: So I'm going to set it down for two weeks. Contact my Law Clerk later today and he'll provide you each with copies of both statements with the redactions. And then when we come back for a pretrial conference you can tell me your objections, or you can file written objections, either one. And then I'll make a determination as -- if I deny Mr. Mueller's motion to sever, what redactions will be provided during the trial.

MS. BEVERLY: Okay.

MR. MUELLER: Thank you, Judge, and I sincerely appreciate the extra effort. I know what -- that I'm -- I've been through the

statements a few times myself. I sincerely appreciate that.

THE COURT: All right. Thank you, counsel.

MS. BEVERLY: Thank you.

THE COURT: So two weeks for a pretrial conference regarding the redactions.

THE CLERK: December 14th, 9:00 a.m.

MR. MUELLER: And we -- if I have my paralegal call over we've got a -- I can get a copy today? I'm not -- okay so have him call today?

THE COURT: Yeah, he --

MS. BEVERLY: Can I just come to chambers after --

THE COURT: If you could do it in the afternoon though, because we're going to be in Court most of the morning.

MR. MUELLER: No problem, Judge. I'm on my way down to Henderson, I'll give them your regards.

THE COURT: All right. Thank you, counsel.

MS. BEVERLY: Thank you.

[Hearing concluded at 9:09 a.m.]

* * * * * *

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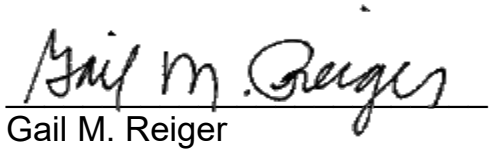

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendant.	CASE#: C309578-1 C309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

THURSDAY, DECEMBER 14, 2017

RECORDER'S TRANSCRIPT OF HEARING:
STATUS CONFERENCE - REDACTIONS

APPEARANCES:

For the State:	LEAH C. BEVERLY, ESQ. Chief Deputy District Attorney
For the Defendants: Steven Turner	TEGAN C. MACHNICH, ESQ. Deputy Public Defender
Clemon Hudson	CLAY A. PLUMMER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Thursday, December 14, 2017

[Hearing began at 9:23 a.m.]

THE COURT: On page 3, State versus Turner, case number C309578. Is Mr. Mueller here?

MS. MACHNICH: I believe we have someone standing in for him?

MR. PLUMMER: Clay Plummer from -- with Mr. Mueller's office, Your Honor.

MS. MACHNICH: And good morning, Your Honor. Tegan Machnich, Public Defender's Office for Mr. Turner.

MS. BEVERLY: Leah Beverly for the State.

THE COURT: And is the co-Defendant present, Mr. Hudson?

MS. BEVERLY: Yes.

THE COURT: So Mr. Turner and Mr. Hudson are present.

All right. This is on for a status check regarding the redactions of the statement, I believe it's Mr. Turner's statement, is that correct?

MS. BEVERLY: It's both of their statements, Judge. Last time we were here your Law Clerk gave me copies of the Court's redactions. I then emailed them to both Ms. Machnich and Mr. Mueller and then we were just here, you know, if that's what the Court's redactions are, the State's fine with that. I will make those adjustments appropriately if I even decide to play the statement, that's still up in the air. But I appreciate the Court going through and making those redactions and that's -- it's not fine with the State, but I accept --

THE COURT: I understand.

MS. BEVERLY: -- what the Court's asking me to do.

THE COURT: And my position is this, counsel, and I understand that Mr. Mueller has filed a motion to sever, which I denied without prejudice. I wanted to give counsel the opportunity to see the suggested redactions that I was going to give if -- if there is a joint trial. This doesn't preclude either counsel from filing additional motions related to this. Whether you think there should be additional redactions or whether you think a motion for severance is still appropriate.

But at this point, I've denied the motion to sever and unless you can convince me of additional redactions, or if you think I -- some of the redactions are unhelpful and you want that information to come in. But these are my suggested redactions if there is a joint trial.

MS. MACHNICH: Your Honor, on behalf of Mr. Turner, I did receive the redactions proposed and reviewed especially in detail the ones of Mr. Hudson's statements, which would be the ones that we would be challenging.

THE COURT: Mm-hmm.

MS. MACHNICH: Because obviously Mr. Turner's statements are admissible against him. And based on Your Honor's redactions, we have no challenge to the statements on those grounds, at this point. On *Brutton* grounds as opposed to -- we may have some additional motion practice in the case.

THE COURT: And you're not precluded from filing any additional motions. And again, I think I -- I advised Mr. Mueller, I denied

his motion to sever without prejudice. So if after reviewing the proposed redactions you still feel it's an appropriate motion or you want to make additional redactions, you're not precluded from doing so.

MR. PLUMMER: Understood, Your Honor, I believe Mr. Mueller will be filing that motion.

THE COURT: Okay. I'm -- I would not be surprised. In any evate -- in any event we have a pretrial conference scheduled for March 6th, 2018. A calendar call for April 10, 2018, and jury trial scheduled for April 16th, 2018.

MS. BEVERLY: Thank you.

MS. MACHNICH: Thank you, Your Honor.

THE COURT: Thank you, counsel.

MR. PLUMMER: Thank you, Your Honor.

[Hearing concluded at 9:26 a.m.]

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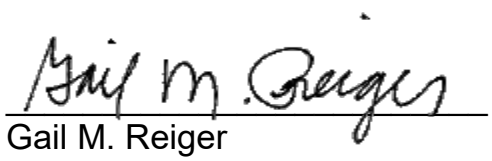

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER, CLEMON HUDSON, Defendant.	CASE#: C309578-1 C309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

TUESDAY, MARCH 6, 2018

RECORDER'S TRANSCRIPT OF HEARING:
PRETRIAL CONFERENCE; DEFENDANT'S MOTION IN LIMINE;
DEFENDANT'S MOTION TO SUPPRESS STATEMENTS AND
REQUEST FOR JACKSON v. DENNO HEARING

APPEARANCES:

For the State:	LEAH C. BEVERLY, ESQ. Chief Deputy District Attorney
For the Defendants: Steven Turner	TEGAN C. MACHNICH, ESQ. Deputy Public Defender
Clemon Hudson	CLAY A. PLUMMER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Tuesday, March 6, 2018

[Hearing began at 9:18 a.m.]

THE COURT: On page 1, case number C309578, State versus Turner and State versus Steven Turner and Clemon Hudson.

MS. BEVERLY: Judge, I think we're waiting on Mr. Mueller for Mr. Hudson.

THE COURT: That's fine. As soon as he arrives let me know and I'll recall the case.

MS. BEVERLY: Thank You.

MS. MACHNICH: Thank you, Your Honor.

[Hearing trailed at 9:19 a.m.]

[Hearing resumed at 9:28 a.m.]

MS. BEVERLY: Can we recall Mr. Tuner and Mr. Hudson?

THE COURT: I can.

MS. BEVERLY: Thank you.

THE COURT: On page 1, case number C309578, State versus Steven Turner and on page 2, State versus Clemon Hudson.

MS. BEVERLY: Leah Beverly for the State.

MS. MACHNICH: Good morning, Your Honor. Tegan Machnich, for Mr. Turner.

THE COURT: Is Mr. Mueller here?

MR. PLUMMER: Good morning, Your Honor. Clay Plummer, with Craig Mueller's office.

THE COURT: Thank you counsel. And let the record reflect

the Defendants are present in custody.

This is on for a pretrial conference, Defendant's motion in limine, and Defendant's motion to suppress statements and request for a *Jackson v. Denno* hearing.

Apparently these motions were set on a very short setting.

MS. BEVERLY: Yes, that's what I was going to say, Your Honor. And I spoke with Ms. Machnich about this because our motions got set pretty quick, even though she did inform me that she was going to be filing them. So I really appreciate that from her. But then whenever, I guess the Court set them on the calendar they got set really short. I have managed to file an opposition to the motion to suppress, but I'm still -- I need a couple of days to file --

THE COURT: And I was going to give you an opportunity, counsel.

MS. BEVERLY: Okay. Thank you so much.

THE COURT: And then I was going to give Defense counsel an opportunity to file an optional reply brief if they think it's necessary. Are you satisfied with your opposition or did you want to supplement it in any way?

MS. BEVERLY: No, I'm fine with my opposition to the motion to suppress.

THE COURT: So you just need to file an opposition to Defendant's motion in limine? When --

MS. BEVERLY: Correct.

THE COURT: -- when do -- how much time do you need

counsel?

MS. BEVERLY: It's not very long, so no more than a week at all.

THE COURT: A week?

MS. BEVERLY: Yes. But -- oh, I'm sorry, go ahead.

THE COURT: Okay. Is a week going to be sufficient?

MS. BEVERLY: Yes, that's plenty of time.

THE COURT: And does counsel want to file a -- the opportunity to file an optional reply?

MS. MACHNICH: Almost certainly not. We'll be able to respond orally. Again, it's a discrete issue, so.

THE COURT: Okay. I'm talking as to both of them though, to your motion to suppress statements and request for *Jackson v. Denno* hearing and a motion in limine.

MS. MACHNICH: Your Honor, I don't believe we need the opportunity to file a reply on either of those. I believe we can respond orally on both and hear them today or at a later date.

THE COURT: And Mr. -- sir, do you need a reply? To file a reply, time to file a reply?

MS. MACHNICH: He didn't file any motions.

MR. PLUMMER: We didn't --

MS. BEVERLY: He didn't do anything.

THE COURT: This is not your motion?

MR. PLUMMER: We didn't -- we -- This is not our motion, Your Honor.

THE COURT: You didn't joined in?

MS. MACHNICH: No.

MS. BEVERLY: No.

MR. PLUMMER: We did not.

THE COURT: Okay. That's fine.

MR. PLUMMER: I didn't know they were filed.

MS. BEVERLY: It applies to her client's statement, so it's not --

THE COURT: Okay. Two weeks?

MS. BEVERLY: Yes.

MS. MACHNICH: That's fine, Your Honor.

THE COURT: All right. So we'll continue the pretrial conference and the motions for two weeks.

THE CLERK: March 22nd at 9:00 a.m.

MS. BEVERLY: Your Honor, one last thing. Over the last six months to a year I have been continuously extending offers to both of these Defendants. And yesterday I once again, for the last time, extended the same offer that I've been extending for the last six to nine months to these Defendants, which is for them to plead, both of them, contingent, for them to plead guilty to attempt murder with use of a deadly weapon plus conspiracy to commit burglary, full right to argue. However, the State would not argue for more than ten years on the top of the deadly weapon enhancement on the attempt murder.

Mr. Turner, Ms. Machnich's client, has said multiple times that he wants to take the offer. I have extended the same offer to Mr.

Mueller's client over and over and over again, and I'm giving them one last opportunity as I told them yesterday. So can we have a few minutes for him to speak to him about that, because I -- multiple counsels have talked to him about this offer. So I just want to be clear, because I'm going to revoke it today.

THE COURT: Well, I'm not going to do that because I don't think a few minutes will be a sufficient record if he were to accept it. What I'll do is, I'd request that you leave the offer open to the next court hearing which is going to be two weeks.

MS. BEVERLY: Okay.

THE COURT: Thank you, counsel.

Counsel be sure to convey the offer to your client.

MR. PLUMMER: Yes, Your Honor.

THE COURT: Thank you.

[Hearing concluded at 9:32 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. STEVEN TURNER and CLEMON HUDSON, Defendants,	)	CASE#: C309578-1, and -2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS, DISTRICT COURT JUDGE

TUESDAY, APRIL 10, 2018

RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL

APPEARANCES:

For the State: BERNARD ZADROWSKI, ESQ.
Chief Deputy District Attorney

For the Defendants:
Steven Turner: TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

Clemon Hudson: CLAY A. PLUMMER, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

Las Vegas, Nevada, Tuesday, April 10, 2018

[Hearing began at 9:46 a.m.]

THE COURT: On page one and two, case number C309578, State versus Steven Turner, and Clemon Hudson.

Counsel, state your appearances please.

MS. MACHNICH: Tegan Machnich Public Defenders office, 11642 for Mr. Turner who is present in custody.

MR. PLUMMER: Clay Plummer 6778 for Mr. Hudson who is present and in custody.

THE COURT: This time set for calendar call. This was a firm setting. Is this matter going forward?

MS. MACHNICH: Yes, Your Honor.

MR. PLUMMER: Yes, Your Honor.

THE COURT: Thank you, counsel. I would advise counsel that at this time that I've been advised that this courtroom is -- the JAVS are being updated and it'll take about a week. So I'm going to continue calendar call over until Thursday, at which time I will advise you what courtroom we will begin the trial in. I believe what we'll do is start, use that courtroom for a week and then when this courtroom -- you advise it's going to be about a two or three week trial?

MR. ZADROWSKI: Well a week-and-a-half is what trial counsels advised me this morning.

THE COURT: Okay.

MR. ZADROWSKI: I don't know if that's --

THE COURT: Well this courtroom is going to be unavailable for a week, so depending on how the trial goes we may just remain in whatever courtroom we're assigned.

MS. MACHNICH: Your Honor, might we inquire how many trial days a week we're having?

Mr. PLUMMER: Yeah.

THE COURT: I would do five days, but of those five days at least three probably four will be half-days.

MS. MACHNICH: Okay, so Monday through Thursday half-days, and Friday full day.

THE COURT: In all probability.

MS. MACHNICH: Okay. And that's very helpful, thank you.

THE COURT: That's correct.

MS. MACHNICH: And then, Your Honor, I got previously said that you'd like, if at all practicable, our jury instructions, and any stipulations, and exhibits to be worked out by noon this Friday?

THE COURT: That's correct. And certainly, again, there's no requirement that you stipulate to any exhibits. Usually counsel will meet and confer -- actually that's a bad choice of words. Usually counsel will discuss the exhibits that are to be introduced into evidence, see if there's going to be any that are going to be stipulated to. Obviously there's no requirement that you stipulate to any exhibits or any stipulated facts. If they are, I'd like to be notified prior to the trial.

As to jury instructions, I used to require them at calendar call. I have become more relaxed on that issue. As long as I get them by 5

p.m. on Friday that'll be satisfactory. Also, I'd like courtesy copies, hard copies, provided to me, not emails. And if you could provide the courtesy copy to my chambers by 5 o'clock on Friday.

MS. MACHNICH: Of course.

THE COURT: And if there's any matters that you think that I will need to make special accommodations on, taking witnesses out of order, like typically in law enforcement or an expert or somebody like that. I'd also like to be advised of that, if you anticipate having to take somebody out of order. And this is for the State also.

MS. MACHNICH: Okay.

THE COURT: Is there anything further -- so I will continue calendar call until Thursday, at which time I should have a courtroom available to begin the trial on Monday.

MS. MACHNICH: Okay.

THE COURT: Thank you, counsel.

MS. MACHNICH: Thank you, Your Honor.

MR. PLUMMER: Can we have the time?

[Colloquy between The Court and court staff]

THE COURT: We're going to continue it until Thursday.

MS. MACHNICH: Okay.

THE CLERK: April 12th, 9 a.m.

THE COURT: But it's -- you've announced ready, so we're going to go next week. I'm just going to advise you on Thursday what courtroom we're going to go in.

MS. MACHNICH: Perfect.

THE COURT: All right.

MS. MACHNICH: So just the courtroom assignment, okay.

THE COURT: Thank you, counsel.

MR. PLUMMER: Your Honor, do you want us to be present for that? Or can the Court just send us an email or notification on what courtroom?

THE COURT: I could do that.

MR. PLUMMER: Instead of bringing everybody in.

THE COURT: What's your preference?

I could do that. I could just send an email to all counsel advising you what courtroom. That'll be satisfactory. So you don't have to -- I won't continue the calendar call I'll just advise you what courtroom it begins in. And it will be 1 o'clock on Monday.

MS. MACHNICH: Okay, thank you.

MR. PLUMMER: Thank you, Your Honor.

THE COURT: Thank you, counsel.

[Hearing concluded at 9:50 a.m.]

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Ruby Feda
Court Recorder/Transcriber

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH BEVERLY
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200 Lewis Avenue
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Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
APR 15 2016
BY. ALAN PAUL CASTLE, SR. DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVEN TURNER, #2717636
CLEMON HUDSON, #7025101

Defendant(s).

CASE NO: C-15-309578-1/2

DEPT NO: XVIII

AMENDED
INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant(s) above named, STEVEN TURNER, CLEMON HUDSON, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480 - NOC 50445); ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON (Category C Felony - NRS 205.060.4 - NOC 50443); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031) and BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226), committed at and within the County of Clark, State of Nevada, on or about the 4th day of September, 2015, as follows:

///

///

C-15-309578-2
AIND
Amended Indictment
4738353

COUNT 1 - CONSPIRACY TO COMMIT BURGLARY

did willfully and unlawfully conspire with each other and/or an unknown co-conspirator to commit a burglary, by the defendants committing the acts as set forth in Count 2, said acts being incorporated by this reference as though fully set forth herein.

COUNT 2 - ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON

did then and there willfully, unlawfully, and feloniously attempt to enter, with intent to commit larceny and/or a felony, to-wit: robbery, that certain residence occupied by ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, located at 6729 Oveja Circle, Las Vegas, Clark County, Nevada, said Defendants did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure, by the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby one or more of the defendants and/or unknown co-conspirator went to the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI to steal marijuana, repeatedly knocked on the front door of the residence, rang the doorbell and pounded on the security door to the residence, one or more of the defendants and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GRECO-SMITH with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said officers, striking the doorway of the residence, Defendants acting in concert throughout.

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COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill J. ROBERTSON, Las Vegas Metropolitan Police Department, a human being, with use of a deadly weapon, to-wit: a firearm, by shooting at the body of the said J. ROBERTSON; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby one or more of the defendants and/or unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the security door to the residence, one of more of the defendants and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said officers, striking the doorway of the residence, Defendants acting in concert throughout.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill M. GREGO-SMITH, Las Vegas Metropolitan Police Department, a human being, with use of a deadly weapon, to-wit: a firearm, by shooting at the body of the said M. GREGO-SMITH; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this

crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby one or more of the defendants and/or unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the security door to the residence, one of more of the defendants and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said officers, striking the doorway of the residence, Defendants acting in concert throughout.

COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: J. ROBERTSON, Las Vegas Metropolitan Police Department, with use of a deadly weapon, to-wit: a firearm, by shooting into the body of the said J. ROBERTSON with said firearm, resulting in substantial bodily harm to J. ROBERTSON, Las Vegas Metropolitan Police Department, by the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby one or more of the defendants and/or unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the security door to the residence, one of more of the defendants and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J.

ROBERTSON and M. GREGO-SMITH with an SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said officers, striking the doorway of the residence, Defendants acting in concert throughout.

DATED this _____ day of April, 2018.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY _____
LEAH BEVERLY
Chief Deputy District Attorney
Nevada Bar #012556

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9/25/2018 9:23 AM
Steven D. Grierson
CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff(s), vs. STEVEN TURNER AND CLEMON HUDSON, Defendant(s).	Case No. C-15-309578-1 and Case No. C-15-309578-2 DEPT. XVIII

BEFORE THE HONORABLE MARK B. BAILUS,
DISTRICT COURT JUDGE

MONDAY, APRIL 16, 2018

TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL - DAY 1

(Appearances on page 2.)

RECORDED BY: ROBIN PAGE, COURT RECORDER

APPEARANCES:

For the Plaintiff(s): LEAH C. BEVERLY, ESQ.
(Deputy District Attorney)
JOHN L. GIORDANI III, ESQ.
(Deputy District Attorney)

For the Defendant
Steven Turner: TEGAN C. MACHNICH, ESQ.
(Deputy Public Defender)
ASHLEY L. SISOLAK, ESQ.
(Deputy Public Defender)

For the Defendant
Clemon Hudson: CLAY PLUMMER, ESQ.

LAS VEGAS, NEVADA, MONDAY, APRIL 16, 2018

[Proceedings commenced at 1:29 p.m.]

[Outside the presence of the prospective jury panel.]

THE COURT: Please be seated. This time set for the trial in the *State of Nevada vs. Steven Turner, Clemon Hudson,* Case No. C-15-309578-1/2.

Counsel, state your appearances, please.

MS. MACHNICH: Tegan Machnich and Ashley Sisolak for Mr. Turner.

MR. PLUMMER: Clay Plummer for Mr. Hudson.

MS. BEVERLY: Leah Beverly and John Giordani for the State.

THE COURT: And let the record reflect that Mr. Turner and Mr. Hudson are present.

MS. MACHNICH: Thank you, Your Honor.

THE COURT: Thank you.

Counsel, I'll used to modify the Arizona method. After general questions to the venire, I will seat 24 in the box from the juror list. Seats 1 through 12 will be the jurors, and 13 and 14 will be the alternates. We will not inform the alternate jurors of the fact they are alternates.

Challenges for cause will be made on the record unless you believe it to be a sensitive matter. If you wish, you may traverse the challenge juror.

After both pass a group for cause, you may then execute four plus one peremptory challenges for the alternate -- for the jurors and the alternates on the sheet provided.

Please do not make any speaking objections. Your objections should only include the legal basis for your objection. If you need additional argument, you will -- you can request to approach the bench.

Because we're using a court recorder, please identify yourself as speaking and pay attention to where the microphone is when you approach the bench.

Before I begin voir dire, I will ask each of you to make a brief factual statement, not to exceed three minutes, regarding the nature of the allegations and the identity of any witnesses that you intend to call. I permit the jurors to ask questions.

Any questions about that procedure?

MS. MACHNICH: No, Your Honor.

THE COURT: Thank you.

MR. PLUMMER: No, Your Honor.

THE COURT: Thank you. If you are using a PowerPoint as part of an opening or closing, please place it on a portable electronic storage device or print it and give it to the clerk so that he can place it in a sealed envelope and mark it as a Court's exhibit.

If anyone wants any dailies or any portions of the testimony you will to be need to be sent out for transcription, please advise my court recorder.

MS. MACHNICH: Thank you, Your Honor.

MS. BEVERLY: Thank you.

THE COURT: Anything further? I'm going to call in the potential jury panel.

MS. BEVERLY: Just want to make a record that this morning, the State did file an amended indictment dismissing Count No. 6, which is a discharging of a firearm. Also, taking out language in the counts that said AK-47, because the gun in this case is an SKS. So that's -- I don't believe there's any objection by either Mr. Hudson or Mr. Turner.

THE COURT: Any objection by defense counsel?

MS. MACHNICH: No objection from Mr. Turner.

MR. PLUMMER: No, Your Honor.

THE COURT: Thank you.

At this time, I'm going to bring in the potential jury panel.

MR. GIORDANI: Your Honor, I think your marshal just left to go downstairs to get them, so they're not -- down the hall.

THE COURT: Thank you. Just have a seat until he returns.

[Pause in proceedings.]

[Prospective jury panel convened at 1:58 p.m.]

THE COURT: Please be seated. Good afternoon. This is Case No. C-15-309578-1 and -2, Plaintiff, *State of Nevada versus Defendants Steven Turner and Clemon Hudson*. The record will reflect the presence of counsel for the State and the defendants and the presence of the defendants.

Are the parties ready to proceed?

MS. BEVERLY: The State's ready, Your Honor.

MS. MACHNICH: Defense is ready, Your Honor.

MR. PLUMMER: That's fine.

THE COURT: Thank you.

Ladies and gentlemen, you are in Department 18 of the Eighth Judicial District Court of the State of Nevada. My name is Mark Bailus. I am the presiding judge.

You have been summoned here today to serve as possible jurors in a criminal case alleging conspiracy to commit burglary, attempt burglary while in possession of a firearm or a deadly weapon, attempt murder with use of a deadly weapon, and battery with use of a deadly weapon resulting in substantial bodily harm. This trial may take two weeks.

In a few minutes, I'll give you a chance to talk about your ability to serve as a juror in this case. But first, let me take this opportunity and introduce the court staff.

Robin Page is the official court recorder and will be recording everything that is said during the trial.

Alan Castle is the deputy court clerk who administers the oaths to the witnesses, marks exhibits, keeps track of the evidence, and prepares the official record.

Randy Stevenson is the marshal who maintains security and will be the person to escort you to and from the courtroom. Also, if you need to contact the Court for any reason when you are not sitting in court, you should go through the marshal. During deliberations, the marshal will look after you and maintain your privacy.

Anthony Rogerio is the law clerk who assists in legal matters. Shannon Fagan is my judicial assistant -- judicial executive assistant who will also be present from time to time and assist me with the various things during the course of the trial.

If you have a cell phone, now is the time to make sure that is turned off. While court is in session, you must not use any cell phones, smartphone, iPad, tablet, computer, or other portable electronic device capable of making or accepting calls or sending or receiving information.

During these proceedings, if you need to use the restroom, please raise your hand to let us know. We will, however, try to take a break at least every 90 minutes.

The clerk will now call the roll of the panel of potential jurors. When your name is called, please answer present or here.

[Roll called.]

THE COURT: Is anyone here whose name was not called? There was no response to that question. I'll proceed.

At this time, I will allow the attorneys to make brief remarks to the potential jurors. You may introduce yourselves, who you represent, the nature of the case, and potential witnesses.

Ladies and gentlemen, this is not the opening statements of the attorneys. This is just a little information about the parties in the case so you can better answer questions in the jury selection process.

Counsel for the State, you may proceed.

MS. BEVERLY: Thank you, Your Honor.

Good afternoon, everyone. My name is Leah Beverly, and

with me is going to be my co-counsel, Mr. John Giordani. We are both chief deputy district attorneys with the Clark County's DA's office.

This week and into next week, we're going to be presenting the case of State of Nevada vs. Clemon Hudson and Steven Turner. This is a case that occurred on September the 4th of 2015 over on Oveja Circle. The major cross streets are Alta, Westcliff, and Rainbow.

On that day the State has alleged that Mr. Hudson and Mr. Turner went to the address of 6729 Oveja, went to the backyard of that house with three different weapons, a shotgun, an SKS rifle, and a handgun. They tried to break into that home. Officers were called by the homeowners. At that point, the two defendants opened fire toward the officers at that residence.

In our case in chief, we plan to call the following witnesses, so please listen to these names if you know any of these people: Eric Clarkson and Willoughby Grimaldi -- those are the homeowners -- crime scene analyst Randy McPhail, Robbie Dahn and Stephanie Fletcher; firearms expert Anya Lester; fingerprint analyst Gayle Johnson; DNA analyst Kimberly Dannenberger; and the following members of the Las Vegas Metropolitan Police Department: Thomas Keller, Malik Grego-Smith, Mark Moses, Louis Russo, Jacob Henry, Joe Pannulo, Craig Jex, Eduardo Pazos, Joshua Bitsko, Marc Colon, Jeremy Robertson, Joseph Patton, Jeremy Vance, and Ryan Jaeger.

THE COURT: Thank you, counsel.

Counsel for the defendants, you may now address the potential jurors.

MS. MACHNICH: Thank you -- thank you, Your Honor.

Good afternoon everybody. My name is Tegan Machnich, and my co-counsel is Ashley Sisolak. And the two of us represent Mr. Steven Turner, who has pled not guilty in this case.

Thank you for your service.

Oh -- and our potential witnesses, in addition to any and all witnesses disclosed by the State of Nevada, are Bruce McAllister, Tony Worthman, and Gayland Seaberry. Thank you.

MR. PLUMMER: Good afternoon, everyone. My name's Clay Plummer and I am the attorney for Mr. Clemon Hudson, who has also pled not guilty in this case.

Our potential witnesses include those disclosed by the State.

Thank you.

THE COURT: Thank you, counsel.

Ladies and gentlemen, we're about to commence examination of potential jurors in this case. During this process, you will be asked questions bearing on your ability to sit as fair and impartial jurors. The Court, the lawyers, and all persons involved in this case are interested in having this matter tried by a jury composed of 12 open-minded people who are completely neutral, who have no bias or prejudice towards either side.

In this trial, we also need two alternate jurors to listen to all of the proceedings and be prepared to take over as -- as a juror in the event a sitting juror is excused. In order to accomplish this, it is necessary for me to ask some questions. The attorneys will then be

given the opportunity to ask questions. Although some of the questions may at times seem quite personal, our only objective is to determine whether there is any reason why any of you cannot sit as fair and impartial jurors in this case.

If a question seems too personal to you, you can raise your hand and ask us to talk to you privately. But understand that your answers will have to be on the record.

It is very important that you give, full, complete, and honest answers to all of the questions we are about to ask. I caution you not to try to hide or withhold anything which might indicate bias or prejudice of any sort by any of you. Should you fail to answer truthfully or if you hide or withhold touching upon your qualifications, that fact may tend to contaminate the verdict and subject you to further inquiry even after you're discharged as jurors.

Your decision should be based upon ultimate evidence presented during the trial and not based upon preconceived prejudice or bias.

During this process of selecting a jury, the attorneys for both sides will have the right to request that a particular person not serve as a juror. These requests are called challenges. Please do not be offended should you be excused by a challenge. This is simply part of the process designed to protect the rights of the parties.

The questioning of potential jurors at the beginning of the case is done under oath. But before the clerk issues the oath to you, I need to know if any of you are not citizens of the United States or if any of you

are convicted felons whose civil rights have not been restored. To be qualified to serve as a juror, one must be a citizen and not be a convicted felon whose rights have not been restored. Please raise your hand if you are not a citizen or if you are a convicted felon whose rights have not been restored. The Court sees no hands raised. I will proceed.

Will counsel agree and stipulate that I may have the entire panel sworn at the same time to answer truthfully all questions propounded to them as to their qualifications to serve as jurors so I might ask questions collectively and so it won't be necessary to administer the oath to each replacement?

MR. GIORDANI: Yes, Your Honor.

MR. PLUMMER: Yes, Your Honor.

MS. MACHNICH: Yes, Your Honor.

THE COURT: Thank you.

At this time, will you all stand, raise your right hands to be sworn?

[Prospective jury panel sworn.]

THE COURT: Thank you. You may be seated.

Ladies and gentlemen, I now have some general questions to help us in selecting the jury in this case. If I ask a question to the entire group, please raise your hand if the question applies to you. I then will follow up by asking you to identify your name and badge number. I may also ask some questions to you individually.

Are any of you acquainted with any of the court personnel that

I have mentioned?

PROSPECTIVE JUROR NO. 052: Good afternoon, Your Honor. My name is Cynthia Sauchak, C-Y-N-T-H-I-A, last name spelled S-A-U-C-H-A-K.

I'm with -- I'm employed by the Metropolitan Police Department in homicide sex crimes bureau. I know pretty much every Metro person, CSI, and everyone that was listed as a personal witness, one being my former sergeant.

THE COURT: And ma'am, what is your badge number?

PROSPECTIVE JUROR NO. 052: 4968.

THE COURT: And any other potential jurors, when you speak, I just -- I'm sorry?

THE CLERK: That's not her badge number.

THE COURT: What's your badge number?

PROSPECTIVE JUROR NO. 052: Oh, I'm sorry. My juror number -- I'm so used to my P number. It's 52, 5-2.

THE COURT: Thank you.

PROSPECTIVE JUROR NO. 052: Sorry.

THE COURT: When you answer a question, all I need is your name and your badge number. You don't have to spell it for the record. Thank you.

Any other responses to that question?

PROSPECTIVE JUROR NO. 044: Yes, Your Honor. Michael Lamoureux, Badge 44.

I've been employed by Metro Police, LVMPD, for the last 31

1 years as an IT manager; and like the lady behind me, I know most of the
2 potential witness list. Not close personal friends, but I've had business
3 dealings over the years with all of them.
4 THE COURT: All right. Thank you, sir.
5 Anybody else?
6 PROSPECTIVE JUROR NO. 009: I'm a criminal defense
7 attorney, and I know Your Honor and some of the other people here
8 from working in the courthouse.
9 THE COURT: Thank you.
10 PROSPECTIVE JUROR NO. 009: And I'm Mariteresa
11 Rivera-Rogers, Badge No. 9.
12 PROSPECTIVE JUROR NO. 012: Hi. Egda Ramirez,
13 Badge No. 12. I know defense counsel and potential witnesses.
14 THE COURT: Thank you.
15 Are any of you acquainted with the prosecutors or the defense
16 attorneys or their law offices or their staff?
17 PROSPECTIVE JUROR NO. 012: Egda Ramirez,
18 Badge No. 12. I work with defense counsel.
19 THE COURT: Thank you.
20 Are any of you acquainted with the defendants?
21 Oh, I'm sorry, ma'am.
22 PROSPECTIVE JUROR NO. 052: Cynthia Sauchak,
23 Juror No. 52. I have had cases with both prosecution, Ms. Beverly and
24 Mr. Giordani.
25 THE COURT: Thank you.

Anyone else?

Are any of you acquainted with the defendants? The Court's seeing no response to that question. I'm going to ask the next question.

Are any of you acquainted with the anticipated witnesses in this case whose names were mentioned by the attorneys other than the people who have already identified themselves? The Court's seeing no response to that question.

Have any of you heard or read anything about this case before coming to court today? Let the record reflect there is no response to that question.

I'm sorry. I'm blocked out from that side, so --

PROSPECTIVE JUROR NO. 062: Kenneth Yamamoto, 62. I am familiar with that case. I've read about it and heard about it at the time.

THE COURT: Thank you.

THE COURT RECORDER: I didn't catch his badge number, I'm sorry.

THE CLERK: 62.

THE COURT: What was your badge number, sir?

PROSPECTIVE JUROR NO. 062: 62.

THE COURT: Thank you.

Anyone else?

PROSPECTIVE JUROR NO. 051: Yes. Alejandro Alvarez, Number 51. That's not far from my neighborhood. And I did read about it lightly, but I'm aware of the case.

THE COURT: Thank you, sir.

Other -- does anyone know anything about this case other than what has been stated in the courtroom today? Let the record reflect the Court sees no response to that question.

Is there anyone who has such strong opinions relating to age, religion, race, gender, or national origin that they would be -- that would affect their ability to be open-minded, fair, and impartial jurors?

PROSPECTIVE JUROR NO. 007: My name is Rosalyn Willis, Badge No. 7. Due to my religious beliefs and the scripture saying in Matthew 7:1, Judge not that you be not judged, if there was tampered evidence, if I ended up sending someone innocent to jail, that would kill me. I mean, it wouldn't kill me, but it would hurt me really bad. I don't -- really, just my religious beliefs affects my judgment.

THE COURT: And because of your religious beliefs, you do not think you can be open-minded, fair, and an impartial juror?

PROSPECTIVE JUROR NO. 007: Exactly.

THE COURT: Thank you, ma'am.

PROSPECTIVE JUROR NO. 051: Alejandro Alvarez, Number 51. I am a retired military officer, a businessman here in town. And I was raised in a highly African-American neighborhood.

And in my depth, I know that there have been incredible injustices, economic and whatnot. And therefore I have a very difficult time putting all that together in my mindset, because of the -- the long history of inequities toward the African-American community.

PROSPECTIVE JUROR NO. 054: Hi. My name is Alexi

1 Irvine. My badge number is 54.
2 My spiritual beliefs -- I feel really uncomfortable being here.
3 And I used to live in that neighborhood, and I experienced something
4 similar; so I just don't feel comfortable.
5 THE COURT: And so because of your religious or spiritual
6 beliefs, you don't think you could be --
7 PROSPECTIVE JUROR NO. 054: The energy in this room is
8 very bad for me.
9 THE COURT: I'm sorry?
10 PROSPECTIVE JUROR NO. 054: The energy in this room is
11 very overwhelming and uncomfortable for me.
12 THE COURT: I apologize.
13 PROSPECTIVE JUROR NO. 054: That's okay.
14 THE COURT: I didn't hear the very end there. Could you
15 restate? I apologize.
16 PROSPECTIVE JUROR NO. 054: Sure. Yeah. It's just the
17 feeling of this room, the energy, and it doesn't feel good to me. So
18 spiritually, it doesn't feel good to me. It doesn't -- and I lived in -- over in
19 that area, and I've witnessed certain things. I saw someone get shot; so
20 I just don't feel comfortable.
21 THE COURT: Okay. Thank you.
22 PROSPECTIVE JUROR NO. 054: Yeah.
23 THE COURT: Is there anybody here that is seriously ill? Let
24 the record reflect no response to that question.
25 Is there anybody here who has difficulty hearing?

PROSPECTIVE JUROR NO. 059: James Roy, Badge No. 59. I'm not deaf, but I did make cabinets for 15 years without ear protection. And at times, I have a hard time understanding people unless I'm looking directly at them.

THE COURT: Have you understood everything I've said today?

PROSPECTIVE JUROR NO. 059: Some -- some portions could have been said louder.

THE COURT: Okay. Where are the headsets?

Sir, I'm going to provide with you some headsets. Please let me know if these are assistance to you in hearing. Thank you.

Is there anyone here who has difficulty understanding or reading the English language?

MR. GIORDANI: Judge, I believe there is another one with the headset.

THE COURT: I'm sorry.

MR. GIORDANI: The headset issues?

THE COURT: Is there another person that had trouble hearing?

PROSPECTIVE JUROR NO. 001: In my left ear, but --

THE COURT: Sir --

PROSPECTIVE JUROR NO. 001: Sorry.

THE COURT: -- I need you that state your name and your --

PROSPECTIVE JUROR NO. 001: Sorry.

THE COURT: -- badge number. Thank you.

PROSPECTIVE JUROR NO. 001: Joe Arellano, Number 1. I have difficulty hearing out of my left ear. I can hear fine out of my right; so I just tilt my head --

THE COURT: Okay.

PROSPECTIVE JUROR NO. 001: -- to hear.

THE COURT: And you've been able to hear everything I have said?

PROSPECTIVE JUROR NO. 001: Yes.

THE COURT: If for some reason you can cannot hear me of any of the parties, please let me know, and we'll speak up. Thank you, sir.

Anybody else?

PROSPECTIVE JUROR NO. 027: Hi. My name is Ana Gomez, and I'm 27.

THE COURT: Can you not hear? I had asked the question, then there was some -- I'm still on the question: Are you hearing impaired?

PROSPECTIVE JUROR NO. 027: No. Just -- I want --

THE COURT: Okay. I'm going to ask that next question.

PROSPECTIVE JUROR NO. 027: I tell you, I no understand English.

THE COURT: Okay. Hold on one second.

You're not hearing impaired; that is correct?

Anybody else?

PROSPECTIVE JUROR NO. 061: Hi. Richard Goennier,

Badge 61. I am wearing hearing aids here, and I can catch some things. Some are loud, some are not loud. Maybe the head things would help.

THE COURT: Go next door and see if they -- they're dark.

[Pause in proceedings.]

THE COURT: Sir, my marshal is providing you with a headset. Let me know if you're still having difficulty -- my marshal is providing you with a headset. Please let me know if you're still having difficulty hearing. Thank you.

Is there anyone who has difficulty understanding or reading the English language?

PROSPECTIVE JUROR NO. 029: Sir, my name is Beatriz Medina and my badge is 29. I'm not speak very well English. I understand a little bit.

THE COURT: And, ma'am, what is your native language?

PROSPECTIVE JUROR NO. 029: Beatriz Medina.

THE COURT: No, no. What is your -- what is your first language?

PROSPECTIVE JUROR NO. 029: Spanish.

THE COURT: And English is a second language?

PROSPECTIVE JUROR NO. 029: Uh-huh.

THE COURT: Is that a yes, ma'am? Is that a yes --

PROSPECTIVE JUROR NO. 029: Yes.

THE COURT: -- ma'am?

PROSPECTIVE JUROR NO. 029: Yes. Yes, ma'am.

THE COURT: And how long have you resided, and did --

when did you learn English? At what age did you learn English as a second language?

PROSPECTIVE JUROR NO. 029: So -- well, my first language, that is Spanish. My mom and my dad and my family, they're Spanish. When we coming here, I went to the school not too much. So I went to San Diego to the school.

THE COURT: Okay. How long have -- when is it that you first learned English as your second language?

PROSPECTIVE JUROR NO. 029: Where is what? Sorry, sir.

THE COURT: When did -- you said your first language was Spanish?

PROSPECTIVE JUROR NO. 029: My first language is Spanish.

THE COURT: Okay. At what point in your life, what age, did you learn English as a second language; do you recall?

PROSPECTIVE JUROR NO. 029: Excuse me, sir?

THE COURT: Do you understand the question I'm asking you?

PROSPECTIVE JUROR NO. 029: Not too much, sir.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 029: Sorry about --

THE COURT: Do you work?

PROSPECTIVE JUROR NO. 029: No.

THE COURT: You don't work?

PROSPECTIVE JUROR NO. 029: No. Not yet.

1 THE COURT: Okay.
2 MR. GIORDANI: We would stipulate, Your Honor.
3 THE COURT: I'm sorry?
4 MR. GIORDANI: Oh, I thought you were looking at me. I'm
5 saying we would stipulate.
6 THE COURT: No. I'm watching my marshal. He was --
7 Is there anything else that you'd like to explain to me about
8 English being your second language?
9 UNIDENTIFIED JUROR: If you need a translator, sir, I can
10 translate.
11 PROSPECTIVE JUROR NO. 029: No. Sorry.
12 THE COURT: Thank you.
13 PROSPECTIVE JUROR NO. 027: My name is Ana Gomez.
14 I'm 27. I have the same problem as her. My first language is Spanish.
15 Sometimes I --
16 THE COURT: So your first language is Spanish; is that right?
17 PROSPECTIVE JUROR NO. 027: Yes.
18 THE COURT: And English is a second language?
19 PROSPECTIVE JUROR NO. 027: It is.
20 THE COURT: And when did you learn English?
21 PROSPECTIVE JUROR NO. 027: Huh?
22 THE COURT: When did you learn English?
23 PROSPECTIVE JUROR NO. 027: I try to learn every day, but
24 it's really difficult.
25 THE COURT: Okay. My question is how long -- when did you

learn English? Five years ago? 10 years ago? 15 years ago? When did you learn it?

PROSPECTIVE JUROR NO. 027: Just in my work.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 027: I -- I --

THE COURT: What do you do for a living?

PROSPECTIVE JUROR NO. 027: Huh?

THE COURT: What do you do for a living?

PROSPECTIVE JUROR NO. 027: Sorry.

THE COURT: You didn't understand that question?

PROSPECTIVE JUROR NO. 027: No.

THE COURT: Okay. What do you do -- what do you -- what is your job?

PROSPECTIVE JUROR NO. 027: Oh. I'm utility houseperson in Wynn Hotel.

THE COURT: In where?

PROSPECTIVE JUROR NO. 027: In Wynn?

THE COURT: You're a houseperson?

PROSPECTIVE JUROR NO. 027: Yes.

THE COURT: Do you have to speak English for your job?

PROSPECTIVE JUROR NO. 027: Just a little bit.

THE COURT: Okay. Do you have to read anything for your job?

PROSPECTIVE JUROR NO. 027: Yes. A little.

THE COURT: Okay. And what you read, is that in English?

PROSPECTIVE JUROR NO. 027: Just a little bit.

THE COURT: Just a little bit? Okay. Thank you.

Any other persons who's having difficulty understanding or reading the English language?

PROSPECTIVE JUROR NO. 055: Hello. Tatyana McFadden, Badge No. 55. I can speak English, but my writing is -- and reading is horrible.

THE COURT: Okay. So you can speak English, but you have difficulty reading English?

PROSPECTIVE JUROR NO. 055: I can read, but I don't -- I don't can understand 100 percent.

THE COURT: Have you understood --

PROSPECTIVE JUROR NO. 055: If it's legal stuff --

THE COURT: Okay. Have you understood everything I've said so far today?

PROSPECTIVE JUROR NO. 055: So far, yeah. 95 percent.

THE COURT: Okay. But you're -- you're concerned that you won't understand some of the legal concepts?

PROSPECTIVE JUROR NO. 055: Yeah. Legal language.

THE COURT: I'm sorry, ma'am?

PROSPECTIVE JUROR NO. 055: Legal words.

THE COURT: Legal words?

PROSPECTIVE JUROR NO. 055: Language. Yeah.

THE COURT: Okay. Anything else you'd like to tell me, ma'am?

PROSPECTIVE JUROR NO. 055: That's it.

THE COURT: All right. Thank you.

Ma'am, what was your badge number?

PROSPECTIVE JUROR NO. 055: 55.

THE COURT: What was it?

PROSPECTIVE JUROR NO. 055: 55.

MR. GIORDANI: 55.

PROSPECTIVE JUROR NO. 055: 5-5.

[Pause in proceedings.]

THE COURT: Is there anybody here who is sight impaired?

Court's seeing -- let the record reflect Court's seeing no response to that question.

This case is expected to last approximately two weeks. The Court may excuse you from serving if doing so would be an undue hardship. Example of things that are undue hardships are: You live paycheck to paycheck and can't afford to miss any time off work; you are the sole healthcare provider of somebody who needs constant care; you have sole custody of children under 16 and nobody to watch them; you are a student who would miss several classes or tests; or you have surgery scheduled that cannot be rescheduled.

Example of things that are not hardships include a doctor or dentist appointment that can be rescheduled; your employer, your boss, doesn't want you to serve here today or in the future; you have too much work to do; things of that nature.

Please raise your hand if serving as a juror during that period

of time would present an extreme hardship for any of you.

PROSPECTIVE JUROR NO. 015: I'm Kent Hodgin, my badge number is 015. I simply have a job that -- that puts a lot of demands on me right now. I really need to be at work.

THE COURT: What's your job?

PROSPECTIVE JUROR NO. 015: I'm a designer.

THE COURT: And where are you employed?

PROSPECTIVE JUROR NO. 015: GES.

THE COURT: And you just have too much work and you need to be there?

PROSPECTIVE JUROR NO. 015: It's a very deadline-driven occupation.

THE COURT: Do you have any deadlines due this week?

PROSPECTIVE JUROR NO. 015: Not this week.

THE COURT: How about next week?

PROSPECTIVE JUROR NO. 015: Next week, yes.

THE COURT: Okay. And many days, we're only going to be in session half days; so you'll be aware of that. Some days, we'll only start -- we'll start at 1:00. Other days, probably the earliest we'll start is 11:00.

PROSPECTIVE JUROR NO. 015: Okay.

THE COURT: So you could attend your job at least part days; do you understand that, sir?

PROSPECTIVE JUROR NO. 015: Yes, sir.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 015: Thank you.

THE COURT: Anybody else?

PROSPECTIVE JUROR NO. 010: Good afternoon. My name is Roxana, my badge number is 10. I'm a student and a full -- a part-time -- I have a part-time job. I have four weeks to go to extern; so I'm studying for my final test. I have quiz every Thursdays. So it's really hard for me to miss a day. Today I missed just two hours.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 010: But --

THE COURT: And where are you -- I'm sorry.

PROSPECTIVE JUROR NO. 010: I'm sorry. Go ahead.

THE COURT: No, go ahead.

PROSPECTIVE JUROR NO. 010: Oh. Well, that was all.

THE COURT: Okay. Where are you a student at?

PROSPECTIVE JUROR NO. 010: Carrington College. I'm going to be a dental assisting.

THE COURT: Okay. And you said you have quizzes every Thursday?

PROSPECTIVE JUROR NO. 010: Yes.

THE COURT: And when is your final exams?

PROSPECTIVE JUROR NO. 010: My final exam's going to be in four weeks. But every Monday, Tuesday, and Wednesdays, we review for the test, for the quiz on Thursday, and for our final test.

THE COURT: All right. Anything else you'd like to tell us?

PROSPECTIVE JUROR NO. 010: That would be all.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 010: Thank you.

THE COURT: Anybody else?

PROSPECTIVE JUROR NO. 019: Hi. Chelsea Shaw, Badge No. 19. I'm in a case of my own. I was in a car accident, and I have multiple doctors' appointments I have to go to each week. And then I have a spine surgery coming up that is not yet scheduled, but it's supposed to be pretty soon.

THE COURT: I apologize. I didn't hear the very end of that.

PROSPECTIVE JUROR NO. 019: I have a spine surgery that's supposed to be coming up that is not yet scheduled, but it's supposed to be pretty soon.

THE COURT: Within the next two weeks?

PROSPECTIVE JUROR NO. 019: I'm not sure yet. I talked to my spine doctor on April 2nd, and I'm waiting for my attorneys to get back to me.

THE COURT: Okay. And you said you had doctors' appointments?

PROSPECTIVE JUROR NO. 019: Yeah. I have to see my chiropractor two times a week.

THE COURT: Okay. And same thing I told the gentleman, many days, we're going to start at 1:00.

PROSPECTIVE JUROR NO. 019: Uh-huh.

THE COURT: And then other days, we're going to probably -- the earliest we'll start is 11:00.

PROSPECTIVE JUROR NO. 019: Uh-huh.

THE COURT: So you have an appointment schedule already in place?

PROSPECTIVE JUROR NO. 019: One for tomorrow, and then one for Wednesday, and one next Wednesday.

THE COURT: And when are those appointments?

PROSPECTIVE JUROR NO. 019: They tell me the day of. It's between 5:00 and 6:00 usually.

THE COURT: 5:00 or 6:00 in the evening?

PROSPECTIVE JUROR NO. 019: Uh-huh. Because I work.

THE COURT: Okay. And we'll be done by 5:00 --

PROSPECTIVE JUROR NO. 019: Okay.

THE COURT: Just so you're aware of that.

PROSPECTIVE JUROR NO. 019: Okay.

THE COURT: Okay? Thank you.

PROSPECTIVE JUROR NO. 019: And then I'm also the sole provider for my daughter. I pick her up every day at lunch to bring her home from school.

THE COURT: Okay. And what -- and what -- how old is your daughter?

PROSPECTIVE JUROR NO. 019: She turns 10 this year. She's 9 right now.

THE COURT: Okay. And when you pick her up at lunch, does -- you leave with her somebody at your house?

PROSPECTIVE JUROR NO. 019: My dad, who is disabled

and cannot drive, yeah.

THE COURT: Okay. And how far away is your daughter's school? Because we take lunch breaks usually around 12:00, 12:30.

PROSPECTIVE JUROR NO. 019: She gets out at school currently at 2:00, and I pick her up from the bus from 2:30. I take a late lunch at work, and then I drop her off on my dad. I can make that in 30 minutes from my -- my job to pick her up.

THE COURT: And your dad couldn't pick her up? And your dad --

PROSPECTIVE JUROR NO. 019: No, he had --

THE COURT: -- couldn't pick her up?

PROSPECTIVE JUROR NO. 019: He has -- he's had seizures, so he doesn't have a license.

THE COURT: Okay. Anything else, ma'am?

PROSPECTIVE JUROR NO. 019: No, that's it. Thank you.

PROSPECTIVE JUROR NO. 006: Good afternoon. My name is Matthew Stoldal, I'm Number 6. My line of work, I'm a solution architect and a project manager. Right now is a very stressful R&D period we are doing for a government contract. Unfortunately, I can't go in general public into more of what that contract is.

And I also am under a deadline of getting sort of clearance for that particular contract. I may ask for an extension, but traditionally, they don't grant a long extension. So a project of -- or not a project, but a case of two weeks may be putting me in some potential problems of being compliant with this project.

1 THE COURT: All right. Thank you, sir.
2 Anybody else in this section?
3 Wait. I'm sorry, but I thought I saw two hands.
4 PROSPECTIVE JUROR NO. 022: Good afternoon. My name
5 is Cora Aspecto, Badge No. 22. I'm a certified nursing assistant, and I'm
6 taking care of an elderly uncle at home right now. He's 72 years old,
7 had a stroke last -- and due for a knee replacement.
8 THE COURT: And has that surgery been scheduled yet?
9 PROSPECTIVE JUROR NO. 022: I'm still gathering it with my
10 surgeon. I just had one last year too, my left.
11 THE COURT: Okay. But the surgery itself has not been
12 scheduled yet?
13 PROSPECTIVE JUROR NO. 022: Not yet. Because we're
14 still waiting for the Medicare approval.
15 THE COURT: All right. And as to the elderly person you're
16 taking care of, is there somebody else that's assisting you in taking care
17 of that person?
18 PROSPECTIVE JUROR NO. 022: Yeah. He's -- he lives with
19 me.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NO. 022: He's my uncle.
22 THE COURT: And does he require constant care or do you
23 regularly leave?
24 PROSPECTIVE JUROR NO. 022: Yes. He barely shave
25 himself anymore. He just stays out -- stays in bed and have to wake him

1 up just to eat.
2 THE COURT: Okay. And what does he have? Just -- just
3 elderly?
4 PROSPECTIVE JUROR NO. 022: I'm sorry?
5 THE COURT: Does he have any diagnosis?
6 PROSPECTIVE JUROR NO. 022: He had a stroke. And then
7 first he had a spinal surgery. And during the surgery, he had a stroke.
8 He is not even aware of it. So his left hand is more, like, weak and can
9 barely walk.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 022: Just two weeks ago, he
12 fell. He -- his walker slipped and slide, because it has the four wheels.
13 And he did lock, I think he just sat on it and just fell. He broke his head,
14 had stitches at UMC, and --
15 THE COURT: Okay. So you're a constant caregiver?
16 PROSPECTIVE JUROR NO. 022: Yes.
17 THE COURT: All right. Thank you.
18 PROSPECTIVE JUROR NO. 022: Thank you.
19 THE COURT: Anybody else?
20 PROSPECTIVE JUROR NO. 011: Hi. Good afternoon. My
21 name is Kristi Feldman, I'm Number 11. I have a general question: I
22 have airfare booked to San Francisco on the 27th. So I don't know if
23 that's an excuse or not.
24 THE COURT: Airfare for vacation?
25 PROSPECTIVE JUROR NO. 011: It is a vacation. It's been

1 booked for some time.
2 THE COURT: Okay. And -- all right. And is it refundable or
3 not refundable?
4 PROSPECTIVE JUROR NO. 011: It's -- it's refundable. I
5 mean, it's Southwest. So.
6 THE COURT: Okay. All right. Thank you, ma'am.
7 PROSPECTIVE JUROR NO. 011: Thank you.
8 PROSPECTIVE JUROR NO. 046: Good afternoon. Sehymus
9 Baloglu, Badge No. 46. I'm a professor. I'm teaching three classes.
10 And tomorrow morning, I have a nonrefundable ticket to -- for a
11 conference in Seattle. I have nonrefundable registration, nonrefundable
12 hotel, and I'm flying tomorrow morning -- I was supposed to fly tomorrow
13 morning.
14 THE COURT: Okay. So you have a conference in Seattle?
15 PROSPECTIVE JUROR NO. 046: Yes. I'm on the advisory
16 board, and also taking a student, yes --
17 THE COURT: Okay.
18 PROSPECTIVE JUROR NO. 046: -- to the conference in
19 Seattle.
20 THE COURT: And what kind of conference is it?
21 PROSPECTIVE JUROR NO. 046: It's a travel and tourism --
22 artificial intelligence, and robotics in hospitality industry.
23 THE COURT: Okay. And where are you a professor at?
24 PROSPECTIVE JUROR NO. 046: UNLV Hotel College.
25 THE COURT: And this is related to your -- your position --

PROSPECTIVE JUROR NO. 046: For an evaluation, my -- yes.

THE COURT: Okay. And how long is the conference?

PROSPECTIVE JUROR NO. 046: Conference, three days until Friday. Actually, it's going to end Saturday, but I'm going to return on Friday night.

THE COURT: All right. Anything else you'd like to tell me?

PROSPECTIVE JUROR NO. 046: Other than the classes I teach, two weeks, that's --

THE COURT: Yeah. On the conference, is this something you're required to attend as part of your professorship at UNLV?

PROSPECTIVE JUROR NO. 046: Yes. Yes, I must attend this conference.

THE COURT: Are you required to attend it, though?

PROSPECTIVE JUROR NO. 046: Yeah, but I have -- well, if I -- chance I may call, you know, the board, I can say, I'm not -- I can't -- I won't be able to come. I can share it, but I have nonrefundable -- you know, it says it on the tickets and registration and hotel already.

THE COURT: Okay. And so you're representing to me you have nonrefundable -- refundable airline tickets?

PROSPECTIVE JUROR NO. 046: Yes, yes. Right here, I mean, not --

THE COURT: No, I'm just trying to make a record.

PROSPECTIVE JUROR NO. 046: Oh, okay.

THE COURT: All right. And you said your hotel is

nonrefundable?

PROSPECTIVE JUROR NO. 046: Yes. Hotel, already paid.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 046: I can show you. It says nonrefundable. Yeah.

THE COURT: I'm sorry, I didn't hear you.

PROSPECTIVE JUROR NO. 046: I can bring the receipts -- I mean, the documents, if it's --

THE COURT: Is there anything else you'd like to tell me?

PROSPECTIVE JUROR NO. 046: Other than that, I'm teaching classes. It's towards the end of the semester. Grading. I am on master thesis committees, dissertation committees. This is towards the end. And then in two weeks, we'll be done and then exams will start. So I need to prepare.

THE COURT: All right. Thank you, sir.

PROSPECTIVE JUROR NO. 046: Thank you.

PROSPECTIVE JUROR NO. 054: Hi. Alexi Irvine, Badge 54. I live paycheck to paycheck. I cannot afford to miss any amount of work. I don't feel comfortable saying out loud what I do in court because I'm not allowed to, according to my contract.

THE COURT: All right. Why don't you approach the bench then.

PROSPECTIVE JUROR NO. 054: Absolutely. I'm sorry. I've never been here, so --

THE COURT: That's okay.

[Bench conference transcribed as follows:]

PROSPECTIVE JUROR NO. 054: Hi.

THE COURT: Hold on one second.

PROSPECTIVE JUROR NO. 054: Sure.

THE COURT: We just need the attorneys.

PROSPECTIVE JUROR NO. 054: Absolutely.

THE COURT RECORDER: What is your badge number?

PROSPECTIVE JUROR NO. 054: 54.

THE COURT RECORDER: Thank you.

THE COURT: Okay. There's a microphone right in front of you.

PROSPECTIVE JUROR NO. 054: Sure.

THE COURT: So you can speak low. Can you hear me okay?

PROSPECTIVE JUROR NO. 054: Yeah.

THE COURT: What is it that you do?

PROSPECTIVE JUROR NO. 054: I dance for Donny and Marie Osmond. And next week, I am independent contractor, and I'm booked for a industrial gig at the Caesar's Coliseum, where I'm going to be making over a thousand dollars. So I dance for Donny and Marie, but when they're dark, I have no work. So this week I have no work, so I have no money. But next week I'm making up for it by working double. Does that make sense? Okay. Sorry.

THE COURT: Okay. All right. And did everybody hear that?

PROSPECTIVE JUROR NO. 054: Sorry, guys.

MS. MACHNICH: Thank you, Your Honor.

THE COURT: Thank you.

PROSPECTIVE JUROR NO. 054: Thank you.

[End of bench conference.]

THE COURT: Sir, can you hear me?

PROSPECTIVE JUROR NO. 059: James Roy, Badge 59. I also -- I understand this is going to last a week, and I have two weeks I also have airfare paid for for May the 21st. I know that's a ways out, but I'd just like to state that.

THE COURT: All right. And is it refundable or nonrefundable?

PROSPECTIVE JUROR NO. 059: It's probably refundable.

THE COURT: All right. Thank you, sir.

PROSPECTIVE JUROR NO. 053: Hi. I'm Diane Diarchangel. I'm Badge No. 53. I'm a special education teacher in a self-contained program. My students have disabilities ranging from autism to traumatic brain injury and emotional disturbance, and it would be very disruptive to their routines and their behaviors if I were absent for two weeks.

THE COURT: And how often -- I apologize. I didn't fully understand. So what is it that you do for a living?

PROSPECTIVE JUROR NO. 053: I'm a self-contained special education teacher.

THE COURT: And I apologize, I don't know what self-contained means.

PROSPECTIVE JUROR NO. 053: Self-contained means that

my students are not quite ready for general education classes, so they're with me for five periods a day.

THE COURT: And is this at a school or at home or --

PROSPECTIVE JUROR NO. 053: It's a school. It's at Orr Middle School.

THE COURT: Okay. All right. And so these are children that you're with for five periods during the day?

PROSPECTIVE JUROR NO. 053: Yes.

THE COURT: And it would be disruptive to those children if -- again, I apologize, but is this a Monday through Friday?

PROSPECTIVE JUROR NO. 053: Yeah. It's Monday through Friday. They all -- several of them have behavior plans and behavior issues going on, and it would disrupt their routine a lot to have a substitute for that many days.

THE COURT: Okay. And that was going to be my next question: Is there anybody that can substitute for you while you're gone?

Again, just so you know, we're going to have many days where we're only -- where we're going to start at 1:00 and then some days where we're going to start at 11:00; does that make any difference as to what -- to what you're telling me?

PROSPECTIVE JUROR NO. 053: It would be better than my not being there at all. But my students are kind of used to a regular routine. Even today just my being not there is disruptive to them. Several of my students have extreme behaviors and it's difficult for them

to manage with a sub who doesn't know them very well.

THE COURT: Anything else you'd like to tell us, ma'am?

PROSPECTIVE JUROR NO. 053: That's all.

THE COURT: All right, thank you.

PROSPECTIVE JUROR NO. 053: Thank you.

PROSPECTIVE JUROR NO. 051: Alejandro Alvarez, 51. I have an aunt that had breast cancer surgery in Monterrey, Mexico, and I already have my tickets to go there and come back. I'd be leaving Wednesday and coming back on the 29th. If there's any way I can --

THE COURT: Okay. And this is to visit your aunt?

PROSPECTIVE JUROR NO. 051: Yes. Yes, my aunt.

THE COURT: And she lives in Mexico?

PROSPECTIVE JUROR NO. 051: She is from -- yes. My ancestry is from Mexico and Texas both.

THE COURT: Okay. Well, I'm just trying to make a record, so make sure it's clear.

PROSPECTIVE JUROR NO. 051: Yes.

THE COURT: And so you're visiting your aunt who lives in Mexico, and you've purchased tickets; is that correct?

PROSPECTIVE JUROR NO. 051: I purchased tickets.

THE COURT: Okay. Are the tickets refundable or nonrefundable?

PROSPECTIVE JUROR NO. 051: On the way there, not, from Las Vegas to McAllen, Texas. And then I drive across the border. But then on the way back, it is -- I can exchange or refund or whatever.

THE COURT: Okay. Can you transfer the tickets to a different date?

PROSPECTIVE JUROR NO. 051: No, I cannot transfer it.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 051: Note -- not on the way there, Wednesday morning.

THE COURT: Okay. And what is the airline that you have on the way there?

PROSPECTIVE JUROR NO. 051: Pardon?

THE COURT: What is the airline that you have --

PROSPECTIVE JUROR NO. 051: Oh. The airline is Allegiant --

THE COURT: Allegiant?

PROSPECTIVE JUROR NO. 051: -- to McAllen, Texas.

THE COURT: Okay. And you leave Wednesday; is that --

PROSPECTIVE JUROR NO. 051: Wednesday at 7:00 in the morning.

THE COURT: All right. Anything else, sir?

PROSPECTIVE JUROR NO. 051: That's it.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 051: Thank you.

PROSPECTIVE JUROR NO. 050: My name is Kyeina Jackson, and my badge number is 50. I can't afford to miss two weeks of work, because I'm the sole provider for my children. I'm a single parent, so I can't afford to miss work.

THE COURT: And, ma'am, what do you do for a living?

PROSPECTIVE JUROR NO. 050: I count money in a casino.

THE COURT: Okay. And --

PROSPECTIVE JUROR NO. 050: I work graveyard. So I work all night, half the morning.

THE COURT: I'm sorry. I didn't hear you.

PROSPECTIVE JUROR NO. 050: I said I work graveyard, so I work all night, half the morning.

THE COURT: Okay. And when do you get off work?

PROSPECTIVE JUROR NO. 050: It depends. Sometimes I can get off at 11:00. Sometimes I can get off at noon.

THE COURT: And when do you go into work?

PROSPECTIVE JUROR NO. 050: I go in at 2:30 in the morning.

THE COURT: Okay. And you're advising that you are the sole supporter of your family; is that correct?

PROSPECTIVE JUROR NO. 050: Yes.

THE COURT: And missing work, you --

PROSPECTIVE JUROR NO. 050: I cannot do. I can't --

THE COURT: You literally live paycheck to paycheck?

PROSPECTIVE JUROR NO. 050: Yes.

THE COURT: Okay. Is there anything else that you'd like to tell us?

PROSPECTIVE JUROR NO. 050: No, there isn't.

THE COURT: All right. Thank you, ma'am.

PROSPECTIVE JUROR NO. 032: Sir, my name is Fateh Jat, and my badge number is 32. Sir, I have to take care of my kids four days, but I'm kind of single dad. Through Monday to Thursday, they are with me full time, and I will drop them school and pick them up too.

And also I have to work too. You know, I'm cab driver, so I work three, four days. So I'm Uber and cab. So I live on paycheck to paycheck too.

THE COURT: All right. Anything else you'd like to tell me, sir?

PROSPECTIVE JUROR NO. 032: And that would be all, sir.

THE COURT: All right. Thank you.

Sir, could you -- sir, could you repeat what -- what you just said? We're having -- put it a little bit closer to your mouth.

PROSPECTIVE JUROR NO. 032: Oh. Sir, I'm a dad. You know, I have to take care of my kids for four days. I have full custody for four days, Monday through Thursday. And I have to work too. You know, I live paycheck to paycheck. I have to take care of them.

THE COURT: And how old are you children again?

PROSPECTIVE JUROR NO. 032: Five years old is pre-K and other one is fifth grade, 10 years old.

THE COURT: And you're the only person that can take care of the children?

PROSPECTIVE JUROR NO. 032: Yes, sir.

THE COURT: And this is four days a week?

PROSPECTIVE JUROR NO. 032: Four days a week, sir.

THE COURT: Okay. Thank you, sir.

PROSPECTIVE JUROR NO. 032: Thank you, sir.

THE COURT: Anybody else?

PROSPECTIVE JUROR NO. 035: Hi. My name is Alecia Savage, and my number is 35. I'm just saying I have a trip planned for April 25th through the 30th.

THE COURT: And where are you going?

PROSPECTIVE JUROR NO. 035: To Portland, Oregon.

THE COURT: And are the tickets refundable or nonrefundable?

PROSPECTIVE JUROR NO. 035: They're refundable.

THE COURT: Okay. And what was the dates again, ma'am?

PROSPECTIVE JUROR NO. 035: April 25th to the 30th.

THE COURT: All right. Thank you, ma'am.

Anybody else?

PROSPECTIVE JUROR NO. 047: Joann Edgar, Number 47. I also have a trip planned, leaving this Wednesday, coming back Monday. And I'm so happy to serve, because I never have. It is with Southwest; so it is refundable.

THE COURT: Thank you, ma'am. And, ma'am, is it a vacation?

PROSPECTIVE JUROR NO. 047: It's my best friend's -- her son's wedding.

THE COURT: All right. All right. Thank you, ma'am.

And I thought I saw somebody in the box. Is there anybody

else in the audience?

PROSPECTIVE JUROR NO. 002: My name is Ilanit Saxe, I'm Number 2. May 16 I'm leaving to New York. My daughter is having a graduation from college. So I don't know if it's going to last that long, but --

THE COURT: And you're leaving May 16th?

PROSPECTIVE JUROR NO. 002: Yes.

THE COURT: Okay. And -- and it's because of your daughter's graduation from college?

PROSPECTIVE JUROR NO. 002: Yes.

THE COURT: All right. Thank you, ma'am.

Is there anybody else?

PROSPECTIVE JUROR NO. 006: Just an addendum to what I -- earlier before. If we're --

THE COURT: Okay. You need to restate --

PROSPECTIVE JUROR NO. 006: Oh, sorry. My --

THE COURT: Hold on one second. Restate your name and your badge number.

PROSPECTIVE JUROR NO. 006: My name is Matthew Stoldal, Badge No. 6. Just an addendum to earlier, I am going out of the country on May 16th. I'll be gone for 10 days. Multiple flights. Everything is more or less locked in stone. There is several other people I'm traveling with, so it would no be movable at all.

THE COURT: All right. Thank you, sir.

PROSPECTIVE JUROR NO. 019: Chelsea Shaw,

Badge No. 19. I would have said it earlier. I didn't know we were we were doing trips. I have a trip to Seattle on the 19th. It is not for work. I come back Monday afternoon. Flights and hotel is refundable, but the stuff while I'm there that's already booked is not refundable.

THE COURT: Okay. And you said the 19th. The 19th of which month?

PROSPECTIVE JUROR NO. 019: Oh, no. My badge number is 19.

THE COURT: Oh. When --

PROSPECTIVE JUROR NO. 019: I leave Thursday, and I come back Monday. I don't know what dates that is.

THE COURT: Thursday this week?

PROSPECTIVE JUROR NO. 019: Yeah. This week and I come back -- oh, it is the 19th -- the 19th, and I come back Monday.

THE COURT: Okay. And what is not refundable?

PROSPECTIVE JUROR NO. 019: There's a wine tasting and a trip to Canada.

THE COURT: Okay. All right. Thank you, ma'am.

PROSPECTIVE JUROR NO. 019: Thank you.

THE COURT: All right. I'll ask you some additional questions.

Is there anybody else with extreme hardships you'd like to tell us? It's always a lot of response to that question, I'll be honest with you.

Under our system, certain basic principles of law apply in every criminal trial. They are that the defendant is presumed innocent and that the State has the burden of proving beyond a reasonable doubt

that the defendant is guilty.

Does anyone not believe in these basic principles of American justice? Let the record reflect Court sees no response to that question.

There's one more thing I need to mention to everybody as a group: Under the law, if you're selected to serve as a juror, you will be required to decide the facts of the case. In making your decision, however, you must be guided by the laws applied to the facts. It would be my duty to instruct you on what the law is.

So my question to all of you is this: Is there anybody who will not be able to follow a law if you believe the law should be different than what I tell you? Court's seeing no response to that question.

At this time, we're going to take our afternoon break. I have to read an admonishment to you.

During this recess you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial or read, watch, or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including, without limitation, newspapers, television, radio, or Internet, or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

Probably be in recess about 15, 20 minutes. So at this time, we're going to take our afternoon recess.

[Prospective jury panel recessed at 2:52 p.m.]

THE COURT: Let the record reflect the panel of potential jurors is not present in the courtroom.

Counsel, I was going to give you a few minutes to review your notes and just confer. I was going to take a five-minute break, and then at that time, we'll address the extreme hardships.

MR. GIORDANI: Yes, Your Honor. I gave defense counsel a list of all the people we'd be willing to stip to; so we're working on that now.

THE COURT: All right. Thank you, counsel.

MR. PLUMMER: Judge, Juror 68 just came up to me and said she doesn't even understand enough English to answer the question, that she couldn't understand English.

MR. GIORDANI: 68?

MR. PLUMMER: Yes.

MS. MACHNICH: Yeah. I gathered that based upon her communication with the other juror.

THE COURT: All right. Let me know when Counsel are ready.

MS. MACHNICH: Thank you, Your Honor.

[Court recessed at 2:54 p.m., until 3:06 p.m.]

[Outside the presence of the prospective jury panel.]

THE COURT: We're back on the record. Let the -- we need the defendants.

MS. SISOLAK: Your Honor, if I may approach, we have a list for you. Both sides -- all three parties agree to dismiss those. Thank you, Your Honor.

THE COURT: Thank you, counsel.

Just so you know, counsel, I asked for extra jurors.

MS. SISOLAK: Thank you. We're going to need them at this rate.

THE COURT: All right. This is the continuation of *State of Nevada vs. Steven Turner, Clemon Hudson*, Case No. C-15-309578-1 and -2.

Let the record reflect presence of counsel for the parties, the defendants, and we're outside the presence of the potential jury panel.

Have counsel had an opportunity to confer regarding jurors to be dismissed and extreme hardships?

MS. MACHNICH: Yes, Your Honor.

MR. GIORDANI: Yes, Your Honor.

MR. PLUMMER: Yes, Your Honor.

THE COURT: Okay. Is there -- you provided me with a list of jurors that are agreed upon; is that correct?

MR. PLUMMER: Correct, Your Honor.

MR. GIORDANI: Correct, Your Honor.

MS. MACHNICH: Correct.

THE COURT: Is there any that are not agreed upon that you want argument?

MR. GIORDANI: Yes, Your Honor.

MS. MACHNICH: Yes.

MR. GIORDANI: With regard to Badge No. 7, Ms. Willis, the State would move to strike her for cause already based upon her statements to Your Honor about --

THE COURT: Okay. Counsel, we're not going to do it for cause yet. This is just extreme hardship.

MR. GIORDANI: Okay.

THE COURT: Because there's additional questions I ask for cause questions.

MR. GIORDANI: Okay.

THE COURT: So at this point, we're just going to do extreme hardships.

You will -- just so you're aware, you will get your opportunity to challenge for cause, but it'll be later in the proceedings.

MR. GIORDANI: Understood.

THE COURT: Thank you.

Any other potential jurors that you want to strike as an extreme hardship?

MR. GIORDANI: No.

THE COURT: Thank you, Counsel.

MS. MACHNICH: Your Honor, the only other one we would like to address potentially outside the presence is Mr. Yamamoto, Badge No. 62. It's not hardship. It's knowing about the case outside the courtroom, and I think the parties are inclined to request more information from him to make sure --

THE COURT: Okay. But again, counsel, there's additional questions I ask for cause. And then I give both counsel for both the prosecution and the defense the opportunity to ask follow-up questions at that point. So you'll to have the opportunity to inquire along those

lines. This is just extreme hardship.

MS. MACHNICH: Okay. And we would just, for the future, request that he be questioned outside the presence, since it's a question of media.

THE COURT: And we can do that.

MS. MACHNICH: Thank you.

THE COURT: Thank you, counsel. And just as a clarification, do you want to do it outside the presence or just at -- at the bench? In other words, are you requesting that I excuse the entire jury panel and have them questioned that way, or just at the bench?

MS. MACHNICH: Either way is absolutely fine with us. Just so he's not potentially tainting the panel.

THE COURT: Okay. Thank you, counsel.

MR. GIORDANI: The bench would work with the State.

THE COURT: Okay. So those are the only ones -- those -- the list that you -- shucks. There is no additional potential jurors that either side is requesting be struck as an extreme hardship?

MR. GIORDANI: No, Your Honor.

MS. MACHNICH: No, Your Honor.

MR. PLUMMER: No, Your Honor.

THE COURT: Thank you. We'll be in recess for a few minutes.

MS. MACHNICH: Thank you, Your Honor.

[Court recessed at 3:10 p.m., until 3:14 p.m.]

[Outside the presence of the prospective jury panel.]

THE COURT: Do you have a copy of the list you provided me?

MS. MACHNICH: I -- there -- we do, Your Honor.

MS. SISOLAK: Yes.

MR. GIORDANI: Yes.

THE COURT: Because I can give you your sheet.

MS. MACHNICH: Okay. Feel free to keep it as a souvenir.

THE COURT: All right. Back on the record in *State of Nevada vs. Steven Turner, Clemon Hudson*, Case No. C-15-309578-1 and -2. Let the record reflect the presence of counsel, the defendants, and outside the presence of the potential jury panel.

The following jurors are going to be excused. Please follow along. I'm going to do the badge number first and then the name, if this is what you have stipulated to. Then I'm going to bring the panel in, we're going to excuse them, and then proceed on to the next part of jury selection. Agreed?

MS. BEVERLY: Thank you, Your Honor.

MS. MACHNICH: Thank you, Your Honor.

MR. PLUMMER: Yes, Your Honor.

THE COURT: Thank you.

Badge No. 10 -- is this a K? Roxana Ramos; Badge No. 12, Egda Ramirez; Badge No. 19, Chelsea Morgan Shaw; Badge No. 22, Cora P. Aspecto; Badge No. 27, Ana Gomez; Badge No. 29, Beatriz Medina; Badge No. 32, Fateh Jat; Badge No. 35, Alecia Savage; Badge No. 46, Sehymus Baloglu; Badge No. 47, Joanna Edgar;

Badge No. 50, Kyeina Jackson; Badge No. 51, Alejandro Alvarez; Badge No. 52, Cynthia Ann Sauchak; Badge No. 53, Diane Diarchangel; Badge No. 54, Alexi Irvine; Badge No. 55, Tatyana McFadden; and Badge No. 68, Micaela Bernal-Tapia.

Are those the potential jurors that the parties have stipulated can be excused?

MR. GIORDANI: Yes, Your Honor.

MS. MACHNICH: They are, Your Honor.

MR. PLUMMER: Yes, Your Honor.

THE COURT: All right. At this time, I'm going to call the jurors -- potential jury panel back in and excuse those. And then we'll proceed to the next phase of jury selection.

[Prospective jury panel reconvened at 3:16 p.m.]

THE COURT: Thank you. You may be seated.

Let the record reflect the presence of counsel for the State and the defendants, the presence of the defendants, and the panel of potential jurors.

The following persons may be excused from the court and leave with our thanks for your appearing today. I'm going to read your badge number and your name, and if I mispronounce your name, I apologize in advance.

Badge No. 10, Roxana Ramos; Badge No. 12, Egda Ramirez; Badge No. 19, Chelsea Morgan Shaw; Badge No. 22, Cora P. Aspecto; Badge No. 27, Anna Gomez; Badge No. 29, Beatriz Medina; Badge No. 32, Fateh Jat; Badge No. 35, Alecia Savage; Badge No. 46,

Sehymus Baloglu; Badge No. 47, Joann Edgar; Badge No. 50, Kyeina Jackson; Badge No. 51, Alejandro Alvarez; Badge No. 52, Cynthia Ann Sauchak; Badge No. 53, Diana Diarchangel; Badge No. 54, Alexi Irvine; Badge No. 55, Tatyana McFadden; Badge No. 68, Micaela Bernal-Tapia.

We will now proceed with the next phase of jury selection. The clerk will now call 24 people to the jury box beginning with the lowest badge number and proceeding sequentially.

So the individuals that are in the jury box right now, if you could be seated in the audience. Wait. Hold on a second. It's going to be the same people? I apologize. Apparently a lot of you may be the same people that's making room. So I apologize. My staff has corrected me. Thank you. Apparently, it would have caused confusion.

So please call 24 people to the jury box beginning with the lowest badge number and proceeding sequentially.

THE CLERK: Badge No. 001, Joe Arellano, Seat No. 1; Badge No. 002, Ilanit Saxe, Seat No. 2; Badge No. 003, Joshua Grinsted, Seat No. 3; Michelle Dimaya, Badge No. 004, Seat No. 4; Badge No. 006, Matthew Stoldal -- correction, Seat No. 5; Badge No. 007, Rosalyn Willis, Seat No. 6; Badge No. 008, Susan Phillips, Seats No. 7; Badge No. 009, Mariteresa Rivera-Rogers, Seat No. 8; Badge No. 011; Kristi Feldman, Seat No. 9; Badge No. 013, Adam Bragdon, Seat No. 10; Badge No. 015, Kent Hodgin, Seat No. 11; Badge No. 020, Nani Woods, Seat No. 12; Badge No. 021, Eric Limbacher, Seat No. 13; Badge No. 023, Jason Wright, Seat No. 14;

Badge No. 025, Tamiko Keyes, Seat No. 15; Badge No. 026, Eric Geisler, Seat No. 16; Badge No. 028, Leticia Rojas, Seat No. 17; Badge No. 031, Anthony Pope, Seat No. 18; Badge No. 033, Lisa Miller-Roche, Seat No. 19; Badge No. 036, Stephen Fritz, Seat No. 20; Badge No. 038, Gerald Troller, Seat No. 21; Badge No. 039, Pamela Adams, Seat No. 22; Badge No. 040k Jacqueline Johnson, Seat No. 23; Badge No. 041, Zachary Messer, Seat No. 24.

THE COURT: We will now focus questions on the group of 24 persons comprising the prospective panel of jurors seated in the -- in and in front of the jury box.

I'm going to ask questions to each you in order before the attorneys ask their questions.

Remember you are still under oath and are required by law to answer questions truthfully.

Sir, if you could state your name -- you don't have to stand up. That's fine. But if you could state your name and your badge number, please.

PROSPECTIVE JUROR NO. 001: Joe Arellano, Badge No. 1.

THE COURT: Thank you. How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 001: Since 2003.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 001: What was that?

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 001: GED.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 001: IT.

THE COURT: I'm sorry. IT?

PROSPECTIVE JUROR NO. 001: Correct.

THE COURT: Thank you. What is your marital status?

PROSPECTIVE JUROR NO. 001: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 001: Customer service representative.

THE COURT: And where is it at?

PROSPECTIVE JUROR NO. 001: She works at Capital One.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 001: Two.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 001: 12 and 16.

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

PROSPECTIVE JUROR NO. 001: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 001: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 001: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 001: No, not that I can think of.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 001: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 001: Yes.

THE COURT: Thank you. Can you pass the microphone, please.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 002: Ilanit Saxe, No. 2.

THE COURT: Thank you. How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 002: Since 1990.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 002: I got my associate degree from CSN.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 002: I'm an interior designer.

THE COURT: And who do you work for?

PROSPECTIVE JUROR NO. 002: I work for myself.

THE COURT: So you're self-employed?

PROSPECTIVE JUROR NO. 002: Yes.

THE COURT: Thank you. What is your marital status?

PROSPECTIVE JUROR NO. 002: I'm married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 002: He's a dentist.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 002: I have three.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 002: 24, 22 almost, and almost 18.

THE COURT: And as to your adult children, what do they do?

PROSPECTIVE JUROR NO. 002: My oldest, he's a law student, first year. My daughter is graduating in May. She is going to be a stage manager. And my youngest, he's still in high school.

THE COURT: All right. Have you ever served as a juror before?

PROSPECTIVE JUROR NO. 002: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 002: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 002: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 002: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 002: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty foe be completely fair and impartial, to listen carefully to all of the evidence before you make your decision?

PROSPECTIVE JUROR NO. 002: Yes.

THE COURT: You all notice a pattern here on the questions? I'm just -- okay. So you kind of know where we're going.

Sir, if you could state your name and your badge number.

PROSPECTIVE JUROR NO. 003: Joshua Grinsted, Badge No. 3.

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

PROSPECTIVE JUROR NO. 003: Since 2015.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 003: Associate's degree.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 003: I'm a computer programmer.

THE COURT: And do you work -- are you self-employed, or do you work for a company?

PROSPECTIVE JUROR NO. 003: I work for a company. Partner in a company.

1 THE COURT: I'm sorry?
2 PROSPECTIVE JUROR NO. 003: A partner in a company.
3 THE COURT: And what is the name of the company?
4 PROSPECTIVE JUROR NO. 003: Tieche Systems. They're
5 out of California.
6 THE COURT: Thank you. What is your marital status?
7 PROSPECTIVE JUROR NO. 003: I'm married.
8 THE COURT: What is the occupation of your spouse?
9 PROSPECTIVE JUROR NO. 003: She's a homemaker.
10 THE COURT: Has she always been a homemaker? Did she
11 have an occupation before?
12 PROSPECTIVE JUROR NO. 003: She previously was a
13 massage therapist.
14 THE COURT: Thank you. Do you have any children?
15 PROSPECTIVE JUROR NO. 003: No.
16 THE COURT: Were you -- have you ever served as a juror
17 before?
18 PROSPECTIVE JUROR NO. 003: I have not.
19 THE COURT: Have you ever testified as a witness in a
20 criminal case?
21 PROSPECTIVE JUROR NO. 003: I have not.
22 THE COURT: Have you or a close family member ever been
23 convicted of a crime?
24 PROSPECTIVE JUROR NO. 003: No.
25 THE COURT: Have you or a close family member ever been

1 the victim of a crime?
2 PROSPECTIVE JUROR NO. 003: No.
3 THE COURT: Do you have any close relatives or friends who
4 have ever been engaged in law enforcement?
5 PROSPECTIVE JUROR NO. 003: At the gym where I go to
6 regularly, there's quite a few who are in law enforcement there at the
7 gym. And we talk --
8 THE COURT: And do you know what agency they're with?
9 PROSPECTIVE JUROR NO. 003: Some are with Metro.
10 Others, I'm not sure.
11 THE COURT: Okay. And these are people at the gym you
12 work out with?
13 PROSPECTIVE JUROR NO. 003: Yes, that's correct. I
14 wouldn't call them close friends, but acquaintances. We do chat when
15 we're there.
16 THE COURT: Okay. And do you ever speak about what they
17 do?
18 PROSPECTIVE JUROR NO. 003: They on occasion will talk
19 about certain things that have happened on their -- in their patrol.
20 THE COURT: Does your knowledge about this person's job
21 affect your ability to be fair and impartial in this case?
22 PROSPECTIVE JUROR NO. 003: I would like to say no, it
23 doesn't.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 003: I'll say --

THE COURT: Why would you like to say it as opposed to saying it?

PROSPECTIVE JUROR NO. 003: I will say, then, no. I think I could serve as a fair juror.

THE COURT: Okay. So even though you know what these individuals do in law enforcement and occasionally you speak about cases, you believe you could still be fair and impartial in this case?

PROSPECTIVE JUROR NO. 003: I believe so.

THE COURT: Thank you. Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 003: Yes.

THE COURT: Thank you, sir. If you can pass the microphone.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 004: Michelle Dimaya, Badge No. 4.

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

PROSPECTIVE JUROR NO. 004: Since 1999.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 004: Bachelor's degree.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 004: Marketing manager.

THE COURT: And are you self-employed, or do you work for someone?

PROSPECTIVE JUROR NO. 004: I work for Station Casinos.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 004: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 004: Guest service manager.

THE COURT: And is that for a company?

PROSPECTIVE JUROR NO. 004: Yes, it is.

THE COURT: What is the name of the company?

PROSPECTIVE JUROR NO. 004: The Venetian.

THE COURT: Thank you. Do you have any children?

PROSPECTIVE JUROR NO. 004: I do.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 004: 7 and 3.

THE COURT: I assume they do not work at this point in their lives?

PROSPECTIVE JUROR NO. 004: They do not.

THE COURT: Thank you.

PROSPECTIVE JUROR NO. 004: But they should.

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

PROSPECTIVE JUROR NO. 004: I have not.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 004: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 004: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: And can you state who that was?

PROSPECTIVE JUROR NO. 004: Myself.

THE COURT: And what was the crime?

PROSPECTIVE JUROR NO. 004: Home invasion.

THE COURT: And home invasion means that you were home when somebody broke in; is that correct?

PROSPECTIVE JUROR NO. 004: Correct.

THE COURT: And was that case investigated?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: And who investigated it?

PROSPECTIVE JUROR NO. 004: Right here.

THE COURT: Was it Metro or one of the municipalities?

PROSPECTIVE JUROR NO. 004: Metro.

THE COURT: Las Vegas Metropolitan Police Department?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: Were you satisfied with their investigation?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: And was the person or persons who did the home invasion, were they ever arrested?

PROSPECTIVE JUROR NO. 004: They were.

THE COURT: Okay. And were you satisfied with their prosecution?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: And who was that?

PROSPECTIVE JUROR NO. 004: I too have friends at a gym that are in law enforcement.

THE COURT? Okay. And is it similar to the gentleman that you see while at the gym working out, and you converse with them?

PROSPECTIVE JUROR NO. 004: Yes, correct.

THE COURT: And do you ever converse with them about any cases they may be working on?

PROSPECTIVE JUROR NO. 004: Again, they talk occasionally about the things that they do at work.

THE COURT: And do you know what law enforcement agency they're with?

PROSPECTIVE JUROR NO. 004: Metro. I'm not certain.

THE COURT: And does your knowledge about their job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 004: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair

and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 004: Yes.

THE COURT: Thank you, ma'am. If you could pass the microphone.

Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 006: Matthew Stoldal, Badge No. 6.

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

PROSPECTIVE JUROR NO. 006: Since 1999.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 006: Some college.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 006: Systems architect. IT.

THE COURT: Okay. And what was the name of the company?

PROSPECTIVE JUROR NO. 006: CDW.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 006: Unmarried.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 006: I'm unmarried.

THE COURT: Huh?

PROSPECTIVE JUROR NO. 006: I'm unmarried, single.

THE COURT: Oh, I'm sorry. I apologize. I heard married.

PROSPECTIVE JUROR NO. 006: Sorry.

THE COURT: Maybe I need the headsets.

Do you have any children?

PROSPECTIVE JUROR NO. 006: No.

THE COURT: All right. Have you ever served as a juror before?

PROSPECTIVE JUROR NO. 006: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 006: I have not.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 006: Not that I'm aware.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 006: Not that I'm aware.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 006: I have a friend that went through Metro academy recently. But outside of that --

THE COURT: Did they make it through and became a law enforcement -- a Metro officer?

PROSPECTIVE JUROR NO. 006: Yes.

THE COURT: And that friend, is it a good friend, social?

PROSPECTIVE JUROR NO. 006: Social acquaintance.

THE COURT: Okay. Do you ever talk -- is it a male or female?

PROSPECTIVE JUROR NO. 006: Female.

THE COURT: Do you ever talk with her about her job?

PROSPECTIVE JUROR NO. 006: Not directly, no.

THE COURT: Okay. Is there anything about your knowledge about what that person does affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 006: Should not.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 006: Yes.

THE COURT: Thank you, sir. If you could pass the microphone.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 007: Rosalyn Willis, Badge 7.

THE COURT: Thank you. How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 007: 16 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 007: Bachelor's degree.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 007: Stay at home

mom/cosmetologist.

THE COURT: I'm sorry, licensed cosmetologist?

PROSPECTIVE JUROR NO. 007: Licensed cosmetologist.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 007: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 007: He is a minister.

THE COURT: At what church, ma'am?

PROSPECTIVE JUROR NO. 007: Church of Jesus Our Lord of Las Vegas.

THE COURT: Thank you. Do you have any children?

PROSPECTIVE JUROR NO. 007: I do.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 007: 23, 16, 11, and 8.

THE COURT: And as to your adult child, what does he or she do for a living?

PROSPECTIVE JUROR NO. 007: She is a manager at Ross.

THE COURT: Thank you. And I assume the minor children reside with you, and that's why you're -- you reside at home?

PROSPECTIVE JUROR NO. 007: Yes.

THE COURT: And you take care of your children?

PROSPECTIVE JUROR NO. 007: Yes.

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

PROSPECTIVE JUROR NO. 007: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 007: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 007: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 007: Yes.

THE COURT: And who was that, ma'am?

PROSPECTIVE JUROR NO. 007: Myself.

THE COURT: And what was the crime?

PROSPECTIVE JUROR NO. 007: It was a home invasion assault on myself.

THE COURT: Okay. And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 007: It was not.

THE COURT: And where was it?

PROSPECTIVE JUROR NO. 007: It was in Oakland, California.

THE COURT: And when did it occur?

PROSPECTIVE JUROR NO. 007: When I was about the age of 14.

THE COURT: 14. And was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 007: We called the police. But the person was never caught.

THE COURT: Okay. But they did investigate it?

PROSPECTIVE JUROR NO. 007: Yes.

THE COURT: Did you blame law enforcement for that person never being caught?

PROSPECTIVE JUROR NO. 007: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 007: Yes.

THE COURT: And who is that, ma'am?

PROSPECTIVE JUROR NO. 007: I have a friend that is a courtroom officer.

THE COURT: Similar to a marshal?

PROSPECTIVE JUROR NO. 007: Yes.

THE COURT: Do you ever speak to that friend about his or her job?

PROSPECTIVE JUROR NO. 007: Not really, no.

THE COURT: Is there anything about that person's job affect your ability to be fair and impartial?

PROSPECTIVE JUROR NO. 007: No.

THE COURT: Do you agree that if you are chosen to serve as juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

1 PROSPECTIVE JUROR NO. 007: Yes.
2 THE COURT: Thank you, ma'am. If you could pass the
3 microphone.
4 Ma'am, if you could state your name and badge number.
5 PROSPECTIVE JUROR NO. 008: Susan Phillips,
6 Badge No. 8.
7 THE COURT: How long have you lived in Clark County,
8 Nevada?
9 PROSPECTIVE JUROR NO. 008: Since 1962.
10 THE COURT: How far did you go in school?
11 PROSPECTIVE JUROR NO. 008: Two master's degrees.
12 THE COURT: What is your occupation?
13 PROSPECTIVE JUROR NO. 008: I'm retired. Math instructor
14 and counselor.
15 THE COURT: What is your marital status?
16 PROSPECTIVE JUROR NO. 008: Married.
17 THE COURT: What is the occupation of your spouse?
18 PROSPECTIVE JUROR NO. 008: Retired professor.
19 THE COURT: And where at, ma'am?
20 PROSPECTIVE JUROR NO. 008: UNLV.
21 THE COURT: Do you have any children?
22 PROSPECTIVE JUROR NO. 008: No.
23 THE COURT: Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 008: No.
25 THE COURT: Have you ever testified as witness in a criminal

case?

PROSPECTIVE JUROR NO. 008: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 008: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 008: Yes. I've been burglarized twice.

THE COURT: You've been burglarized twice?

PROSPECTIVE JUROR NO. 008: Uh-huh.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 008: Yes.

THE COURT: Was it -- were those burglaries investigated by law enforcement?

PROSPECTIVE JUROR NO. 008: Well, best they could.

THE COURT: Okay. And were the individuals ever arrested?

PROSPECTIVE JUROR NO. 008: No.

THE COURT: Will you -- do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 008: No.

THE COURT: Were you satisfied with their investigation?

PROSPECTIVE JUROR NO. 008: Yes.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 008: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

PROSPECTIVE JUROR NO. 008: Well, I have mixed feelings. I -- besides the burglaries, I worked at High Desert State Prison for nine years and Clark County Detention for two. So I don't know if any of that might interfere, but I just want to put it out there --

THE COURT: Well, I want -- we're looking for -- shucks. We're looking for honest answers, completely honest answers.

So you think those experiences would prevent you from being fair and impartial?

PROSPECTIVE JUROR NO. 008: Possibly.

THE COURT: Okay. Well, you understand there's going to be evidence presented during this trial?

PROSPECTIVE JUROR NO. 008: Uh-huh.

THE COURT: Do you understand that, ma'am?

PROSPECTIVE JUROR NO. 008: Yes.

THE COURT: And we're going to ask you to make your decision based on that evidence presented during the trial.

PROSPECTIVE JUROR NO. 008: Uh-huh.

THE COURT: Is that -- I'm sorry. I have a court recorder.

PROSPECTIVE JUROR NO. 008: I can do that.

THE COURT: She has to record everything.

PROSPECTIVE JUROR NO. 008: Okay. No, I can -- I can do that, look at evidence, and --

THE COURT: Okay. And so all I'm asking you on this question is do you agree that if you're chosen as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision? Can you agree to that?

PROSPECTIVE JUROR NO. 008: I'll agree.

THE COURT: Thank you.

Hi. State your name and badge number.

PROSPECTIVE JUROR NO. 009: Mariteresa Rivera-Rogers, Badge No. 9.

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

PROSPECTIVE JUROR NO. 009: 52 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 009: Juris Doctorate.

THE COURT: And from what law school?

PROSPECTIVE JUROR NO. 009: Boyd.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 009: I'm a lawyer.

THE COURT: And who are you -- are you employed?

PROSPECTIVE JUROR NO. 009: Yes. With Wright Stanish & Winckler.

THE COURT: And is that a criminal defense law firm?

PROSPECTIVE JUROR NO. 009: That's a criminal defense law firm, yes.

THE COURT: And what is your marital status?

PROSPECTIVE JUROR NO. 009: I'm a widow.

THE COURT: And what was the occupation of your spouse before passing?

PROSPECTIVE JUROR NO. 009: He was a publisher.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 009: I have four children and six grandchildren.

THE COURT: Okay. As to -- are you children adults?

PROSPECTIVE JUROR NO. 009: They're all very adult.

THE COURT: As to your adult children, what do they do for a living?

PROSPECTIVE JUROR NO. 009: Okay. So my oldest daughter, she's a stay-at-home mom, and she -- before that, she was a -- encoding at a hospital. And my second oldest is a union engineer. And the other one is also a stay-at-home mom, and she has juris doctorate degree. And the youngest one is a art designer at a sign company.

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

PROSPECTIVE JUROR NO. 009: No. I didn't ever get this far.

THE COURT: Okay. And so I'm asking -- so you never

1 actually served as a juror?
2 PROSPECTIVE JUROR NO. 009: I have not.
3 THE COURT: Okay. Have you ever testified as a witness in a
4 criminal case?
5 PROSPECTIVE JUROR NO. 009: I have as an expert in
6 language matters, as an interpreter, in my prior life.
7 THE COURT: Okay. So at one time in your career, you were
8 a certified court interpreter; is that correct?
9 PROSPECTIVE JUROR NO. 009: Yes. I was for 21 -- 21
10 years, head of the court interpreters for the Eighth Judicial District Court.
11 THE COURT: Thank you. Have you or a close family
12 member ever been convicted of a crime?
13 PROSPECTIVE JUROR NO. 009: No.
14 THE COURT: Have you or a close family member ever been
15 the victim of a crime?
16 PROSPECTIVE JUROR NO. 009: Yes.
17 THE COURT: And who was that, ma'am?
18 PROSPECTIVE JUROR NO. 009: Well, I have been the
19 victim of various burglaries, five at least, during the course of my living
20 here in Las Vegas.
21 THE COURT: Okay. And that was here in Clark County in
22 Nevada?
23 PROSPECTIVE JUROR NO. 009: Yes.
24 THE COURT: Were those burglaries investigated by law
25 enforcement?

PROSPECTIVE JUROR NO. 009: Yes.

THE COURT: Were you satisfied with how law enforcement investigated those burglaries?

PROSPECTIVE JUROR NO. 009: Yes.

THE COURT: Were any of the persons suspected of those burglaries ever arrested?

PROSPECTIVE JUROR NO. 009: No.

THE COURT: Do you blame law enforcement for not being able to find the persons who may have been broken into your home -- burglarized your home?

PROSPECTIVE JUROR NO. 009: No. In the scheme of things, I believe it's not the most important job they have to be doing. So that -- I don't blame them.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 009: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 009: Yes, I know that.

THE COURT: Okay. Thank you. If you could pass the microphone to the marshal, please.

Hi. If you could state your name and your badge number.

PROSPECTIVE JUROR NO. 011: Hi. I'm Kristi Feldman,

Badge No. 11.

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

PROSPECTIVE JUROR NO. 011: Since the end of June 2015.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 011: Almost a bachelor's. So associate's.

THE COURT: And is that -- at what --

PROSPECTIVE JUROR NO. 011: I'm the senior RN case manager for the State of Nevada Injured Workers.

THE COURT: Okay. Is that your occupation?

PROSPECTIVE JUROR NO. 011: That is. I'm an RN case manager -- board-certified case manager.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 011: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 011: Software sales.

THE COURT: For what company?

PROSPECTIVE JUROR NO. 011: Take-Two.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 011: I do. 9- and 11-year-old girls.

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

PROSPECTIVE JUROR NO. 011: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 011: No.

THE COURT: And have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 011: Yes.

THE COURT: And who was that, ma'am?

PROSPECTIVE JUROR NO. 011: That would be myself.

THE COURT: And what was the crime?

PROSPECTIVE JUROR NO. 011: Driving under the influence of alcohol over 20 years ago. Very stupid. And I'm embarrassed to say that.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 011: No. That was in Indiana.

THE COURT: In Indiana?

PROSPECTIVE JUROR NO. 011: Uh-huh. Early college.

THE COURT: And you said it was over 20 years ago?

PROSPECTIVE JUROR NO. 011: Well over 20 years ago, yes.

THE COURT: Is there anything about that experience where you could not be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 011: No, not that experience.

THE COURT: And have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 011: Yes. Myself and my

husband both. Theft from my purse from the gym in Indiana, and then his wallet from the gym here in Henderson.

THE COURT: Okay. And were those -- were both of those thefts investigated by law enforcement?

PROSPECTIVE JUROR NO. 011: They were.

THE COURT: Were you satisfied with law enforcement's investigation?

PROSPECTIVE JUROR NO. 011: For as much as they could do, yeah.

THE COURT: Okay. Were any of the persons -- was anybody ever arrested in either one of those cases?

PROSPECTIVE JUROR NO. 011: No, no.

THE COURT: Okay. And you don't hold that against law enforcement, do you?

PROSPECTIVE JUROR NO. 011: No, not in that case.

THE COURT: All right. Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 011: Yes. Many.

THE COURT: And did you say many?

PROSPECTIVE JUROR NO. 011: Many, yes.

THE COURT: Okay. So how close?

PROSPECTIVE JUROR NO. 011: So my mother's husband is a retired police captain from a small town in Indiana. Several of my friends are and were deputy prosecutors, various counties in Indiana.

THE COURT: Anybody here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 011: No, not that I can think of. But I do represent, as the RN case manager, for several of the injured workers that are state troopers, since I represent the injured workers for State of Nevada employees. But we don't discuss, you know, any cases that they would work on. But --

THE COURT: Okay. As to the individuals you have identified, does your knowledge about those persons' job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 011: No, Your Honor.

THE COURT: Thank you. Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 011: Yes, Your Honor.

THE COURT: Thank you. If you could pass the microphone.

Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 013: Adam Bragdon, Badge 13.

THE COURT: And, obviously, you're a Knights fan?

PROSPECTIVE JUROR NO. 013: Yes, sir.

THE COURT: He was wearing a Knights hat when he came in. So I made a gesture like this, and he removed his hat.

How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 013: Since 2000.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 013: Associate's degree.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 013: Aviation.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 013: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 013: No, sir.

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

PROSPECTIVE JUROR NO. 013: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 013: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 013: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: And who was that, sir?

PROSPECTIVE JUROR NO. 013: It was my family's home, but my dad was the only one home at the time for a home invasion.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 013: Yes, sir.

THE COURT: And when did that occur?

PROSPECTIVE JUROR NO. 013: 15 years ago probably.

THE COURT: Was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: Do you know which agency?

PROSPECTIVE JUROR NO. 013: Henderson.

THE COURT: Henderson Police Department?

PROSPECTIVE JUROR NO. 013: Yes, sir.

THE COURT: Were you satisfied with the -- their investigation?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 013: Not to my knowledge.

THE COURT: And you don't blame law enforcement for that, do you?

PROSPECTIVE JUROR NO. 013: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: And who is that?

PROSPECTIVE JUROR NO. 013: My father and both my brothers.

THE COURT: And is that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: Are they currently -- which agency?

PROSPECTIVE JUROR NO. 013: My father was former Metro. And then my brothers are currently in Metro and Henderson.

THE COURT: Okay. So is your father retired from Metro?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: And you said one of your brothers is with Metro; is that correct?

PROSPECTIVE JUROR NO. 013: Yes, sir.

THE COURT: And then one of your brothers is with the Henderson Police Department?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: Do you ever talk to your father or your brothers about any cases they're working on?

PROSPECTIVE JUROR NO. 013: Yes. Or what happened during their shift. It's not really cases.

THE COURT: And is that on a regular basis?

PROSPECTIVE JUROR NO. 013: Often. Yes.

THE COURT: Okay. Does your knowledge about your father and brother's job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 013: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case that you will honor your duty be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 013: Yes.

THE COURT: Thank you. If you could pass the microphone. Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 015: Kent Hodgin, No. 15.

THE COURT: How long have you lived in Clark County,

Nevada?

PROSPECTIVE JUROR NO. 015: Since 1991.

THE COURT: And by this time, you guys can probably say the questions back to me, to be honest with you.

In any event, how far did you go in school?

PROSPECTIVE JUROR NO. 015: Bachelor's.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 015: I'm a designer.

THE COURT: Are you employed, self-employed, or do you work for a company?

PROSPECTIVE JUROR NO. 015: I work for GES.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 015: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 015: She's a CPA.

THE COURT: And, again, is she self-employed or works for a company?

PROSPECTIVE JUROR NO. 015: She works for Ken R. Ashworth & Associates.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 015: One.

THE COURT: How old is the child?

PROSPECTIVE JUROR NO. 015: She's 25.

THE COURT: What does she do for a living?

PROSPECTIVE JUROR NO. 015: She's a designer. She

1 works for Petco.
2 THE COURT: Have you ever served as a juror before?
3 PROSPECTIVE JUROR NO. 015: No.
4 THE COURT: Have you ever testified as witness in a criminal
5 case?
6 PROSPECTIVE JUROR NO. 015: No.
7 THE COURT: Have you or a close family member ever been
8 convicted of a crime?
9 PROSPECTIVE JUROR NO. 015: No.
10 THE COURT: Have you or a close family member ever been
11 the victim of a crime?
12 PROSPECTIVE JUROR NO. 015: No.
13 THE COURT: Do you have any close friends or relatives who
14 have ever been engaged in law enforcement?
15 PROSPECTIVE JUROR NO. 015: I have a son-in-law who
16 was an MP in the Air Force for a while.
17 THE COURT: And when was that, sir?
18 PROSPECTIVE JUROR NO. 015: That was -- well, he got out
19 a couple years ago. He was in there for about three years.
20 THE COURT: And when he was an MP in the Air Force, did
21 you ever talk to him about his job?
22 PROSPECTIVE JUROR NO. 015: Very little.
23 THE COURT: Okay. Does your knowledge about your
24 son-in-law's job affect your ability to be fair and impartial in this case?
25 PROSPECTIVE JUROR NO. 015: Yes.

THE COURT: How does it affect your ability to be fair and impartial?

PROSPECTIVE JUROR NO. 015: Wait. Maybe I didn't answer that correct.

THE COURT: In other words, I'm asking you because of what your son-in-law did as an MP, even though you know about that --

PROSPECTIVE JUROR NO. 015: Right.

THE COURT: -- you may have talked to him about what he did --

PROSPECTIVE JUROR NO. 015: Right.

THE COURT: -- is that going to prevent you from being fair and impartial in this case?

PROSPECTIVE JUROR NO. 015: I did -- it should not prevent me.

THE COURT: Thank you, sir. Do you agree that if you are chosen to serve as juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

PROSPECTIVE JUROR NO. 015: Yes.

THE COURT: Thank you. If you could pass the microphone.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 020: Nani Woods, Number 20.

THE COURT: Thank you. How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 020: About 26 years.

THE COURT: And what's the next question?

PROSPECTIVE JUROR NO. 020: Bachelor's degree.

THE COURT: All right. How far did you go in school?

PROSPECTIVE JUROR NO. 020: Bachelor's.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 020: Retired school teacher.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 020: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 020: Retired from the City of Mesquite.

THE COURT: Retired from what? What was the occupation?

PROSPECTIVE JUROR NO. 020: He was the sanitation plant manager.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 020: Six, and three step-children.

THE COURT: How old are your six children? Are they adults?

PROSPECTIVE JUROR NO. 020: They're all adults.

THE COURT: All right. Starting with the oldest, what do they do?

PROSPECTIVE JUROR NO. 020: They -- what do they do?

THE COURT: What do they do for a living?

PROSPECTIVE JUROR NO. 020: Special ed teacher, mental

1 health counselor, CFO of a business, stay-at-home mom, stay-at-home
2 mom, high school teacher.
3 THE COURT: Thank you. Have you ever served as a juror
4 before?
5 PROSPECTIVE JUROR NO. 020: No.
6 THE COURT: Have you ever testified as a witness in a
7 criminal case?
8 PROSPECTIVE JUROR NO. 020: No.
9 THE COURT: Have you or a close family member ever been
10 convicted of a crime?
11 PROSPECTIVE JUROR NO. 020: No.
12 THE COURT: Have you or a close family member ever been
13 the victim of a crime?
14 PROSPECTIVE JUROR NO. 020: Yes.
15 THE COURT: And who was that, ma'am?
16 PROSPECTIVE JUROR NO. 020: Me.
17 THE COURT: And when did that occur?
18 PROSPECTIVE JUROR NO. 020: In Fairbanks,
19 Alaska, 20 -- 30 years ago.
20 THE COURT: And what was the crime?
21 PROSPECTIVE JUROR NO. 020: Burglary.
22 THE COURT: Was it investigated by law enforcement?
23 PROSPECTIVE JUROR NO. 020: Yes.
24 THE COURT: Were you satisfied with law enforcement's
25 investigation?

PROSPECTIVE JUROR NO. 020: Yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 020: No.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 020: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 020: Not close.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 020: Yes.

THE COURT: Thank you, ma'am. Can you pass the microphone.

Sir, what is your name and badge number?

PROSPECTIVE JUROR NO. 021: Eric Limbacher, Number 21.

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

PROSPECTIVE JUROR NO. 021: 16 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 021: Some college.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 021: Systems administrator.

THE COURT: And where at?

PROSPECTIVE JUROR NO. 021: LogistiCare.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 021: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 021: She is an account manager for Shift4.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 021: Yes. Two.

THE COURT: What are their ages?

PROSPECTIVE JUROR NO. 021: 15-year-old still in high school and 21-year-old in the Navy.

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

PROSPECTIVE JUROR NO. 021: Yes, sir. Civil case.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 021: No, sir. It was California.

THE COURT: In what city?

PROSPECTIVE JUROR NO. 021: Alamo, California.

THE COURT: Without telling me the verdict, did the jury reach a verdict?

PROSPECTIVE JUROR NO. 021: Yes, sir.

THE COURT: Were you the foreperson?

PROSPECTIVE JUROR NO. 021: No, sir, I was not.

THE COURT: Is there anything about that experience that will affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 021: No, sir.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 021: No, I have not.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 021: No, sir.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 021: Yes, sir. My mother was mugged.

THE COURT: And when was that?

PROSPECTIVE JUROR NO. 021: I want to say 18 years ago.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 021: No. That was in Concord, California.

THE COURT: Was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 021: Yes, sir, it was.

THE COURT: Were you satisfied with the investigation by law enforcement?

PROSPECTIVE JUROR NO. 021: For as much as they could do, yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 021: No, sir, it was not.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 021: No, I do not.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 021: We have one close family friend --

THE COURT: Who was that? First of all, when you say close family friend, is it a close family friend to you?

PROSPECTIVE JUROR NO. 021: Technically, my wife's best friend.

THE COURT: Okay. And do you know what agency -- is it --

PROSPECTIVE JUROR NO. 021: San Francisco PD.

THE COURT: Huh?

PROSPECTIVE JUROR NO. 021: San Francisco PD.

THE COURT: And do you ever talk to this person about their job?

PROSPECTIVE JUROR NO. 021: Occasionally.

THE COURT: Does your knowledge about that person's job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 021: No, sir, it does not.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you would honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make your decision?

PROSPECTIVE JUROR NO. 021: Yes, sir.

THE COURT: Thank you. If you could pass the microphone.

1 Sir, if you could state your name and badge number.
2 PROSPECTIVE JUROR NO. 023: Jason Wright, 23.
3 THE COURT: How long have you lived in Clark County.
4 PROSPECTIVE JUROR NO. 023: 21 years.
5 THE COURT: How far did you go in school?
6 PROSPECTIVE JUROR NO. 023: Bachelor's degree.
7 THE COURT: What is your occupation?
8 PROSPECTIVE JUROR NO. 023: Sales and marketing.
9 THE COURT: What is your marital status?
10 PROSPECTIVE JUROR NO. 023: Married.
11 THE COURT: What is the occupation of your spouse?
12 PROSPECTIVE JUROR NO. 023: She's an accountant.
13 THE COURT: And self-employed, or for what firm?
14 PROSPECTIVE JUROR NO. 023: For Walters Bayer Auto
15 Group.
16 THE COURT: Do you have any children?
17 PROSPECTIVE JUROR NO. 023: Yes, two. 10 and 7.
18 THE COURT: Have you ever served as a juror before?
19 PROSPECTIVE JUROR NO. 023: No.
20 THE COURT: Have you ever testified as witness in a criminal
21 case?
22 PROSPECTIVE JUROR NO. 023: No.
23 THE COURT: Have you or a close family member ever been
24 convicted of a crime?
25 PROSPECTIVE JUROR NO. 023: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: And who was that?

PROSPECTIVE JUROR NO. 023: Mother and father. Burglary.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 023: Clairemont, California.

THE COURT: And when was that, sir?

PROSPECTIVE JUROR NO. 023: Maybe 7 to 10 years ago.

THE COURT: And do you know if it was investigated by law enforcement?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: Were you satisfied with the investigation?

PROSPECTIVE JUROR NO. 023: Yeah.

THE COURT: Do you know if anybody was ever arrested?

PROSPECTIVE JUROR NO. 023: No.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 023: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: And who was that, sir?

PROSPECTIVE JUROR NO. 023: Brother-in-law.

THE COURT: And is that locally or out of state?

PROSPECTIVE JUROR NO. 023: Out of state.

THE COURT: And what is the agency?

PROSPECTIVE JUROR NO. 023: Covina, California, police.

THE COURT: And do you discuss with your brother-in-law anything about his job or her job?

PROSPECTIVE JUROR NO. 023: No. They don't discuss much of anything.

THE COURT: Huh?

PROSPECTIVE JUROR NO. 023: They don't discuss much of anything.

THE COURT: All right. So it's your brother-in-law who lives out of state?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: Okay. Does your knowledge about that person's job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 023: No.

THE COURT: I'm getting hard of hearing --

PROSPECTIVE JUROR NO. 023: I'm sorry, no.

THE COURT: -- because I couldn't tell if it was mother-in-law or brother-in-law.

PROSPECTIVE JUROR NO. 023: Brother-in-law.

THE COURT: That's how bad I'm getting.

PROSPECTIVE JUROR NO. 023: Brother.

THE COURT: So it was a brother-in-law, correct?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: Thank you. Do you agree that if you are chosen to serve a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make your decision?

PROSPECTIVE JUROR NO. 023: Yes.

THE COURT: Thank you. If you could pass the microphone.

Ma'am, what is your name and badge number?

PROSPECTIVE JUROR NO. 025: Tamiko Keyes, Badge No. 25.

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

PROSPECTIVE JUROR NO. 025: Since 2008.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 025: Some college.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 025: Nurse.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 025: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 025: Direct support care worker. He works with special-needs adults.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 025: I have two.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 025: 27 and 28.

THE COURT: And as to the oldest child, what does he or she do for a living?

PROSPECTIVE JUROR NO. 025: My oldest is disabled. And my youngest is a stay-at-home mom.

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

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 025: How close?

THE COURT: I'm sorry?

PROSPECTIVE JUROR NO. 025: How close of a family member? I have cousins that have gotten in trouble. That's about it.

THE COURT: Do they live here?

PROSPECTIVE JUROR NO. 025: California.

THE COURT: So it wasn't -- they weren't investigated or had anything to do with law enforcement locally?

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Do you believe the fact that your cousins may have been convicted of a crime, is that going to make it difficult for you to be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Have you or a close family member ever been

the victim of a crime?

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Do you have -- do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 025: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 025: Yes.

THE COURT: Thank you, ma'am. If you could pass the microphone.

Sir --

PROSPECTIVE JUROR NO. 026: Eric Geisler.

THE COURT: Oh, you already -- see, you all are catching on.

PROSPECTIVE JUROR NO. 026: Eric Geisler, Badge 26.

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

PROSPECTIVE JUROR NO. 026: 2008.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 026: Master's.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 026: Construction executive.

THE COURT: With what company?

PROSPECTIVE JUROR NO. 026: Charlotte [phonetic]

1 Construction.
2 THE COURT: What is your marital status?
3 PROSPECTIVE JUROR NO. 026: Single.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR NO. 026: No.
6 THE COURT: Have you ever served as a juror before?
7 PROSPECTIVE JUROR NO. 026: No.
8 THE COURT: Have you ever testified as a witness in a
9 criminal case?
10 PROSPECTIVE JUROR NO. 026: No.
11 THE COURT: Have you or a close family member ever been
12 convicted of a crime?
13 PROSPECTIVE JUROR NO. 026: Yes. DUI.
14 THE COURT: I'm sorry?
15 PROSPECTIVE JUROR NO. 026: DUI.
16 THE COURT: And was that -- did you -- were you the person
17 that had the DUI?
18 PROSPECTIVE JUROR NO. 026: Yes.
19 THE COURT: And was that here in Clark County, Nevada?
20 PROSPECTIVE JUROR NO. 026: Yes.
21 THE COURT: And when was that, sir?
22 PROSPECTIVE JUROR NO. 026: 2011.
23 THE COURT: Do you remember what agency arrested you?
24 PROSPECTIVE JUROR NO. 026: Metro.
25 THE COURT: Okay. And did you go to trial?

PROSPECTIVE JUROR NO. 026: Not trial.

THE COURT: Okay. And do you remember who prosecuted the case?

PROSPECTIVE JUROR NO. 026: No.

THE COURT: Do you know if it was a municipality? Or was it --

PROSPECTIVE JUROR NO. 026: It was Las Vegas.

THE COURT: Las Vegas Municipal Court?

PROSPECTIVE JUROR NO. 026: Yeah.

THE COURT: Is there anything about that experience where you cannot be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 026: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 026: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 026: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case that you will honor your duty to be completely fair and impartial --

PROSPECTIVE JUROR NO. 026: Yes.

THE COURT: -- and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 026: Yes.

THE COURT: Thank you. If you could pass the microphone to my marshal.

If you could state your name and badge number, please.

PROSPECTIVE JUROR NO. 028: Leticia Rojas, Number 28.

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

PROSPECTIVE JUROR NO. 028: My whole life. So 23 years.

THE COURT: I have a joke there about shoes being older than you are, but --

PROSPECTIVE JUROR NO. 028: What?

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 028: High school.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 028: I'm a veterinarian assistant.

THE COURT: And for who?

PROSPECTIVE JUROR NO. 028: Durango Animal Hospital.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 028: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 028: No.

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

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 028: I mean, I've had my windows -- my car windows smashed it and my purse stolen.

THE COURT: Okay. Did you call law enforcement?

PROSPECTIVE JUROR NO. 028: Yes.

THE COURT: Did they investigate?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: I'm sorry?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Did that upset you that they wouldn't investigate?

PROSPECTIVE JUROR NO. 028: Yeah. But I figured there's more important things in the world.

THE COURT: Is there anything about that experience with law enforcement that would make it difficult for you to be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Do you have any close relatives or friends who

have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 028: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 028: Yes.

THE COURT: If you could pass the microphone.

Sir, please state your name and badge number.

PROSPECTIVE JUROR NO. 031: Anthony Pope, Badge No. 31.

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

PROSPECTIVE JUROR NO. 031: 17 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 031: GED.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 031: I'm a union engineer and a nightclub worker.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 031: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 031: Stay-at-home mom.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 031: Yes, four.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 031: 15, 10, 9, and 3 months.

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

PROSPECTIVE JUROR NO. 031: No, I have not.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 031: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 031: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: And who was that, sir?

PROSPECTIVE JUROR NO. 031: My uncle raised me from elementary until high school. And he was a homosexual, and he was beaten severely in California.

THE COURT: Do you know if that crime was investigated?

PROSPECTIVE JUROR NO. 031: I don't know. I don't know much about it. I moved out right after high school, out here to live with my father.

THE COURT: Is there anything about that experience that would make it difficult for you to be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 031: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 031: The only reason I moved on my street was because there's four police officers.

THE COURT: Are you friends with them?

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Do you ever discuss their jobs?

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Is your knowledge about your neighbors' jobs who are law enforcement affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 031: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you would honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you made a decision?

PROSPECTIVE JUROR NO. 031: I do.

THE COURT: Could you pass the microphone, please.

PROSPECTIVE JUROR NO. 031: Yes.

THE COURT: Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 033: Lisa Miller-Roche, Number 33.

THE COURT: How long have you lived in Clark County,

1 Nevada?
2 PROSPECTIVE JUROR NO. 033: 58 years.
3 THE COURT: How far did you go in school?
4 PROSPECTIVE JUROR NO. 033: Juris Doctorate.
5 THE COURT: From what law school?
6 PROSPECTIVE JUROR NO. 033: University of San Diego.
7 THE COURT: What is your occupation?
8 PROSPECTIVE JUROR NO. 033: I'm a retired attorney.
9 THE COURT: Here locally?
10 PROSPECTIVE JUROR NO. 033: Yes.
11 THE COURT: What areas did you practice in?
12 PROSPECTIVE JUROR NO. 033: Mostly gaming. I was with
13 the attorney general's office, the Gaming Division, and in a corporate
14 private practice.
15 THE COURT: What is your marital status?
16 PROSPECTIVE JUROR NO. 033: Divorced.
17 THE COURT: What was the occupation of your ex-spouse?
18 PROSPECTIVE JUROR NO. 033: CPA.
19 THE COURT: Do you have any children?
20 PROSPECTIVE JUROR NO. 033: Yes, one.
21 THE COURT: How old is that child?
22 PROSPECTIVE JUROR NO. 033: He's 25.
23 THE COURT: What does he or she do for a living?
24 PROSPECTIVE JUROR NO. 033: He's in graduate school.
25 THE COURT: Have you ever served as a juror before?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: And what was the crime?

PROSPECTIVE JUROR NO. 033: My parents' home was burglarized a couple times.

THE COURT: Were they present at any of the burglaries?

PROSPECTIVE JUROR NO. 033: No.

THE COURT: Were the burglaries investigated by law enforcement?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: Were you satisfied with law enforcement's investigation of those burglaries?

PROSPECTIVE JUROR NO. 033: Yes.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 033: No.

1 THE COURT: Do you blame law enforcement for that?
2 PROSPECTIVE JUROR NO. 033: No.
3 THE COURT: Do you have any close relatives or friends who
4 have ever been engaged in law enforcement?
5 PROSPECTIVE JUROR NO. 033: Friends.
6 THE COURT: Friends or close friends?
7 PROSPECTIVE JUROR NO. 033: Well, they're friends --
8 when I was with the attorney general's office at the Gaming Division, you
9 know, I was -- part of my responsibilities were advising the enforcement
10 agents. Plus, there was always at least one sitting member of the board
11 who was a police officer. So I worked closely with two fairly senior
12 police officers.
13 THE COURT: Other than the issues with your -- regarding
14 your employment being with the attorney general's office, do you ever
15 talk to them about any cases they were handling?
16 PROSPECTIVE JUROR NO. 033: No. I mean, you know, we
17 always heard all kinds of stories. But, you know, beyond that, no.
18 THE COURT: Does your knowledge about those persons' job
19 affect your ability to be fair and impartial in this case?
20 PROSPECTIVE JUROR NO. 033: No.
21 THE COURT: Do you agree that if you are chosen to serve as
22 a juror in this case, that you will honor your duty to be completely fair
23 and impartial and to listen carefully to all the evidence before you make
24 a decision?
25 PROSPECTIVE JUROR NO. 033: Yes.

1 THE COURT: If you could pass the microphone, please.
2 Sir, if you could state your name and your badge number.
3 PROSPECTIVE JUROR NO. 036: Stephen Fritz,
4 Number 36. 41 years.
5 How long -- you've lived in Clark County, Nevada, 41 years?
6 PROSPECTIVE JUROR NO. 036: Yes.
7 THE COURT: How far did you go in school?
8 PROSPECTIVE JUROR NO. 036: Post-master's degree.
9 THE COURT: And what is your occupation?
10 PROSPECTIVE JUROR NO. 036: I'm retired.
11 THE COURT: And before you retired, what did you do?
12 PROSPECTIVE JUROR NO. 036: Corporate training
13 manager.
14 THE COURT: Where at?
15 PROSPECTIVE JUROR NO. 036: Venetian and MGM.
16 THE COURT: What is your marital status?
17 PROSPECTIVE JUROR NO. 036: Married.
18 THE COURT: What is the occupation of your spouse?
19 PROSPECTIVE JUROR NO. 036: Retired from mortgage
20 lending.
21 THE COURT: Do you have any children?
22 PROSPECTIVE JUROR NO. 036: No.
23 THE COURT: Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 036: Yes.
25 THE COURT: And where was that?

PROSPECTIVE JUROR NO. 036: Here.

THE COURT: Clark County, Nevada?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: Was it a civil or criminal matter?

PROSPECTIVE JUROR NO. 036: Criminal.

THE COURT: Without telling me the verdict, did the jury reach a verdict?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: Were you the foreperson?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Is there anything about that experience that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Have you ever testified as witness in a criminal case?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: And who was that, sir?

PROSPECTIVE JUROR NO. 036: Brothers.

THE COURT: How -- you said plural, so I'm going to ask how many.

PROSPECTIVE JUROR NO. 036: At least two.

THE COURT: Two brothers?

PROSPECTIVE JUROR NO. 036: Yeah.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Where was that?

PROSPECTIVE JUROR NO. 036: Philadelphia.

THE COURT: How long ago?

PROSPECTIVE JUROR NO. 036: 20 years.

THE COURT: Okay. Is there anything you want to tell me about that or just the fact that they were convicted?

PROSPECTIVE JUROR NO. 036: They were convicted of burglary, larceny, receiving stolen goods, conspiracy, possession, use, and selling.

THE COURT: Were they prosecuted and convicted and --

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: Both of them?

PROSPECTIVE JUROR NO. 036: Uh-huh.

THE COURT: In the same case?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: And do you believe that experience would make it difficult for you to be fair and impartial to both sides in this case, or could you be fair and impartial?

PROSPECTIVE JUROR NO. 036: I can be fair.

THE COURT: To both sides?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: Have you or a close family member ever been

the victim of a crime?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Do you have any close relatives or friends that have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 036: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in any case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 036: Yes.

THE COURT: If you could pass the microphone, please.

Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 038: Gerald Troller, Badge No. 38. I've been in Las Vegas for about 30 years.

THE COURT: And how far did you go in school?

PROSPECTIVE JUROR NO. 038: Some college.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 038: My group trains first responders to deal with a weapon of mass destruction -- radiological, nuclear.

THE COURT: And who are you employed by?

PROSPECTIVE JUROR NO. 038: Department of -- a contractor for the Department of Energy.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 038: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 038: She's a homemaker. A great one.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 038: Four.

THE COURT: Are they adults?

PROSPECTIVE JUROR NO. 038: Yes, they are.

THE COURT: Okay. Starting with the oldest one and going to the youngest, what do they do for a living?

PROSPECTIVE JUROR NO. 038: Okay. One's a -- the oldest one is 47, and he's a disabled construction worker. I've a got a 45-year-old daughter that's a schoolteacher in Clark County, sixth-grade math teacher. I've got a son in Tennessee. I forget his age. It'll come to me. But anyhow, he's in Tennessee, and he, basically, drives a cab. And then my youngest son is a respiratory therapist in Clark County here.

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

PROSPECTIVE JUROR NO. 038: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 038: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 038: No.

THE COURT: Have you or a close family member ever been the --

PROSPECTIVE JUROR NO. 038: Yes.

THE COURT: -- victim of a crime?

PROSPECTIVE JUROR NO. 038: Yes.

THE COURT: And who was that, sir?

PROSPECTIVE JUROR NO. 038: So my wife and I and family were burglarized a long time ago, about 30 years ago.

THE COURT: Was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 038: No. It was in -- just before we came here.

THE COURT: And where was that?

PROSPECTIVE JUROR NO. 038: North Carolina.

THE COURT: And was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 038: It was.

THE COURT: Was anybody ever arrested?

PROSPECTIVE JUROR NO. 038: No.

THE COURT: Were you satisfied with law enforcement's investigation of the case?

PROSPECTIVE JUROR NO. 038: Yes.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 038: My son-in-law's a Metro sergeant.

THE COURT: And do you speak with him regularly?

PROSPECTIVE JUROR NO. 038: Regularly.

THE COURT: Do you talk about any matters he may be working on?

PROSPECTIVE JUROR NO. 038: Not much. Occasionally.

THE COURT: And does your knowledge about your son-in-law's job affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 038: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 038: Yes.

THE COURT: Thank you. If you could pass the microphone, please.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 039: Pamela Adams, 39. Been here for 12 years.

THE COURT: And how far did you go in school?

PROSPECTIVE JUROR NO. 039: Associate's.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 039: Enrollment counselor.

THE COURT: And who are you employed by?

PROSPECTIVE JUROR NO. 039: Saint Leo University.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 039: Single. No children.

THE COURT: Now, you guys can say it back to me.

Have you ever served as a juror before?

PROSPECTIVE JUROR NO. 039: Yes, I have. Civil.

THE COURT: It was a civil case?

PROSPECTIVE JUROR NO. 039: Yes, sir.

THE COURT: And was it here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 039: No, sir.

THE COURT: And where was it at?

PROSPECTIVE JUROR NO. 039: It was in Alameda County, Oakland -- I mean, California.

THE COURT: Okay. And without telling me the verdict, did you -- did the jury reach a verdict?

PROSPECTIVE JUROR NO. 039: We did.

THE COURT: Were you the foreperson?

PROSPECTIVE JUROR NO. 039: I was not.

THE COURT: Is there anything about that experience that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 039: No, sir.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 039: No, sir.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 039: My cousin.

THE COURT: Okay. Is that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 039: No. It was there in California.

THE COURT: Do you know what your cousin was convicted of?

PROSPECTIVE JUROR NO. 039: I think it was burglary.

THE COURT: All right. Do you know any facts or anything about it?

PROSPECTIVE JUROR NO. 039: I do not.

THE COURT: Okay. And is there anything about the fact that your cousin was convicted of a crime that would make it difficult for you to be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 039: No, sir.

THE COURT: Have you ever been -- have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 039: I have. Burglarized, vandalized my car.

THE COURT: Burglarized usually deals with a house. Was your house burglarized or just your --

PROSPECTIVE JUROR NO. 039: The house and my car was burglarized.

THE COURT: The house and your car?

PROSPECTIVE JUROR NO. 039: Yes.

THE COURT: And was that here in Clark County, Nevada?

PROSPECTIVE JUROR NO. 039: No, sir. It was in Alameda County in California.

THE COURT: All right. And were they -- were those crimes investigated by law enforcement?

PROSPECTIVE JUROR NO. 039: No, they weren't.

THE COURT: Was there anything about that experience that's going to -- where you believe you couldn't be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 039: Not really.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 039: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you would be -- that you would honor your duty to be completely fair and impartial and to listen -- and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 039: Yes.

THE COURT: Thank you. If you could pass the microphone.

Ma'am, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 040: Jacqueline Johnson, Number 40.

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

PROSPECTIVE JUROR NO. 040: 25 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 040: Currently seeking my bachelor at UNLV.

THE COURT: Are you employed?

PROSPECTIVE JUROR NO. 040: Yes.

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

PROSPECTIVE JUROR NO. 040: I'm a retail area manager for a shoe company called Boot World.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 040: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 040: He's a quality assurance manager for a NSAL [phonetic] health company.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 040: Two.

THE COURT: How old are they?

PROSPECTIVE JUROR NO. 040: Two years old, and 10 months.

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

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Have you ever testified as witness in a criminal case?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 040: Yes.

THE COURT: And what was that, ma'am?

PROSPECTIVE JUROR NO. 040: My sister here in Clark

1 County. She's -- drug possession, drug use, fraud, theft, and identity
2 theft.
3 THE COURT: Okay. And do you know what agency
4 prosecuted her?
5 PROSPECTIVE JUROR NO. 040: North Las Vegas, Clark
6 County, and Henderson.
7 THE COURT: Is there anything about the fact that -- it was
8 your sister who's been convicted of those crimes -- is there anything
9 about that experience that would make it difficult for you to be fair and
10 impartial to both sides in this case?
11 PROSPECTIVE JUROR NO. 040: Absolutely not. I do not
12 have any contacts with her.
13 THE COURT: And do you or a close family member ever
14 been the victim of a crime?
15 PROSPECTIVE JUROR NO. 040: I have. Identity theft.
16 THE COURT: And was that here in Clark County, Nevada?
17 PROSPECTIVE JUROR NO. 040: Yes.
18 THE COURT: Was that investigated by law enforcement?
19 PROSPECTIVE JUROR NO. 040: Yes.
20 THE COURT: And do you know what the agency was?
21 PROSPECTIVE JUROR NO. 040: I'm pretty sure it was Clark
22 County.
23 THE COURT: Metro?
24 PROSPECTIVE JUROR NO. 040: Yes.
25 THE COURT: All right. Was anybody ever arrested?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 040: I have a friend whose newly husband is with Metro.

THE COURT: Do you speak with that person about their job?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Is there anything about the fact that that person is with Metro that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 040: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 040: Yes.

THE COURT: Will you pass the microphone, please.

Sir, if you could state your name and badge number.

PROSPECTIVE JUROR NO. 041: Zachary Messer, Badge 41.

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

PROSPECTIVE JUROR NO. 041: 2008.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 041: Bachelor's.

THE COURT: What is your occupation?

PROSPECTIVE JUROR NO. 041: I was scheduled to start a job this coming Monday as a senior director of corporate finance.

THE COURT: And what company?

PROSPECTIVE JUROR NO. 041: Scientific Games.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 041: Married.

THE COURT: What is the occupation of your spouse?

PROSPECTIVE JUROR NO. 041: HR business partner at Pinnacle Entertainment.

THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 041: No.

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

PROSPECTIVE JUROR NO. 041: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 041: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 041: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 041: Yes.

THE COURT: Who was that?

PROSPECTIVE JUROR NO. 041: Well, my family. Roughly 25 years ago. It was a home burglary.

THE COURT: Was anybody home?

PROSPECTIVE JUROR NO. 041: No. We were on vacation.

THE COURT: Was it investigated by law enforcement?

PROSPECTIVE JUROR NO. 041: It was.

THE COURT: Do you know what agency?

PROSPECTIVE JUROR NO. 041: I don't. And I should specify it wasn't here. It was in Lafayette, California.

THE COURT: Okay. Was anybody ever arrested?

PROSPECTIVE JUROR NO. 041: Not to my knowledge.

THE COURT: Do you blame law enforcement for that?

PROSPECTIVE JUROR NO. 041: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 041: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all of the evidence before you make a decision?

PROSPECTIVE JUROR NO. 041: Yes.

THE COURT: The attorneys are now going to proceed to ask some questions.

The State, you may proceed.

1 MR. GIORDANI: Thank you, Your Honor.
2 Good afternoon everybody. I'm John Giordani. I'm
3 Ms. Beverly's co-counsel in this case. I'm with the DA's office.
4 As much of you gathered, we're addressing these first 24
5 people here for now. Some of you, though, in the back, you may end up
6 in this first 24. So just pay attention so we don't have to duplicate all the
7 questions.
8 So far the judge has asked you several questions that bear on
9 three important things, and they're the only things that matter in this
10 whole process here: That's whether you can be fair, impartial, and
11 follow the law.
12 We want people from different walks of life. We want people
13 with different backgrounds and experiences. That's what makes up a
14 good jury. The common thread is we want to start on an even playing
15 field with the defense and vice versa. They want to start on an even
16 playing field with us.
17 So the judge asked you several questions bearing on law
18 enforcement, and I want to take it a couple steps further.
19 First off, the judge asked you if you had any friends or family
20 who were in law enforcement. There were several responses. I'm going
21 to get to you individually in a moment.
22 But I want to ask the whole panel here of 24 is, is anyone on
23 this first 24 have strong feelings one way or another about law
24 enforcement in general?
25 Ma'am, let me get the microphone up to you. And your badge

number was 7, correct?

PROSPECTIVE JUROR NO. 007: Yes.

MR. GIORDANI: And it's Ms. Willis, right?

PROSPECTIVE JUROR NO. 007: Yes.

MR. GIORDANI: Go ahead, ma'am. What are your strong feelings about law enforcement?

PROSPECTIVE JUROR NO. 008: My strong feelings are that all of the time, the evidence is not weighed correctly, that sometimes, there's tampered evidence. Also, I have an issue when innocent people are sent to jail.

MR. GIORDANI: So do I. Perfect.

PROSPECTIVE JUROR NO. 007: And so, you know, that has a bearing. Where did they go wrong? What happened?

MR. GIORDANI: Sure.

PROSPECTIVE JUROR NO. 007: What -- what kind of, you know, different issues? You know, were they -- was it planted on -- you know, if there's some evidence, was it planted on them? Or, you know, that's my biggest -- one of my biggest issues about innocent people going --

MR. GIORDANI: Understood. I don't think anyone in this room is going to say that innocent people should go to jail.

Would you -- are you telling me that you think that just because Ms. Beverly and I are prosecuting two men, that they're innocent just because they're being prosecuted?

PROSPECTIVE JUROR NO. 007: Well, you're innocent until

1 proven guilty.
2 MR. GIORDANI: Absolutely. Okay. That's a presumption
3 that you and everyone on this jury has to make. We all have to presume
4 the defendants on trial innocent until proven guilty, right?
5 PROSPECTIVE JUROR NO. 007: Uh-huh.
6 MR. GIORDANI: So what we want to understand is we want
7 fair jurors. We want jurors who are going to give us a fair shake and
8 listen to the evidence we present.
9 If we proved our case beyond a reasonable doubt by
10 presenting evidence to you, are you someone that could follow your oath
11 as a juror and convict?
12 PROSPECTIVE JUROR NO. 007: I don't know.
13 MR. GIORDANI: Okay.
14 PROSPECTIVE JUROR NO. 007: I honestly don't know.
15 MR. GIORDANI: A lot of times we're asking you to look into
16 the future. I know that -- you can't do that.
17 You -- you were questioned by the judge earlier, and you said
18 that you don't think you can be fair and impartial is what you got to; do
19 you remember that?
20 PROSPECTIVE JUROR NO. 007: No. I said because of
21 religious -- my religious beliefs and because I know of cases or we've
22 heard of cases where the -- you know, people go to jail that are
23 innocent. I just don't want to be one of the ones that's, you know, part of
24 that jury panel that actually sent somebody that was not guilty to jail.
25 MR. GIORDANI: Understood. And I'm not disagreeing with

1 you. There's no problem with that general idea. I don't think anyone
2 would stand up and say they want innocent people to go to jail.
3 What I'm trying to get at is are we going to be able to do our
4 jobs? Are you a good fit for this jury, a criminal case? Are we going to
5 be able to do our jobs and get a fair shake from you, or are you going to
6 presume that there's something you don't know or something --
7 PROSPECTIVE JUROR NO. 007: I'm going to presume there
8 may be something I don't know.
9 MR. GIORDANI: I appreciate your honesty. That's all we
10 need to know. Thank you, ma'am.
11 Is there anyone that agrees or -- go ahead. Can you pass the
12 microphone, ma'am?
13 THE COURT: And when the jurors are questioned, if you
14 could state your name and badge number, I would appreciate it.
15 PROSPECTIVE JUROR NO. 001: Sure. Joe Arellano,
16 Badge No. 1. I, generally -- in general, I'm very, I guess, have issues
17 with law enforcement in general. A lot of racial profiling against me
18 growing up. Fortunately, I kind of went bald early. So if you didn't just
19 hear me talk, you would think that I was a gang member. And especially
20 when I was younger, T-shirt and, you know, shorts and things like that.
21 So because of that, I'm already kind of deathly afraid
22 whenever there's a cop behind me or near me, seeing guns. Born in --
23 born in East L.A., so didn't have a greatest police growing up.
24 Because of that, I have a very healthy -- what's the word --
25 distrust. I don't know, as far as evidence is concerned, if it's planted, if

it's, you know -- I have a lot of questions in believing that. And working in the IT field, doing a lot of forensics, I can't take a, you know, Well, this person did that here, unless I have hard evidence in logs.

Sorry. Kind of --

MR. GIORDANI: No, it's okay.

PROSPECTIVE JUROR NO. 001: -- it's difficult talking in front of people for me so.

MR. GIORDANI: I understand. Let me stop you and put some things in perspective.

So you understand that we as the State -- State of Nevada, we're prosecutors with the DA's office. We typically -- and in this case, I can't talk to you about the facts of this case, but I can tell you that law enforcement submits cases to our office for prosecution. We're on the same page here, right?

So in order for us to present our case, we have to present witnesses who are in law enforcement. You're going to hear from witnesses in law enforcement in this case.

What I want to understand from you, are you the type of person, based on your background, that you're going to judge what they have to say from this witness stand fairly, listen to what they have to say? Or are you going to be presuming negative things about them just because they come in wearing a badge or they say, I work for Metro, etcetera?

PROSPECTIVE JUROR NO. 001: I would have a distrust, yes.

MR. GIORDANI: Okay. So just -- just right off the bat, and I appreciate the honesty, you're saying that because they're members of law enforcement, you would start out not on a clean slate but somewhat of a distrust?

PROSPECTIVE JUROR NO. 001: Correct. Especially if it's someone's word against somebody else. I have a hard time dealing with that.

MR. GIORDANI: I'm sorry. I missed that. Someone's --

PROSPECTIVE JUROR NO. 001: Someone's -- one person's word against another. If it was just an eyewitness, I have a hard time dealing with that instead of, like, actual evidence.

MR. GIORDANI: Okay. A lot of times in criminal cases, there is nothing but eyewitness testimony. Sometimes there is, sometimes there isn't.

So are you saying that if that were the case here, you have an officer who's observing things and testifying to what they observed, you would presume to distrust them?

PROSPECTIVE JUROR NO. 001: Correct.

MR. GIORDANI: Thank you, sir. I appreciate the honesty. You can pass the microphone down to Ms. Saxe next to you.

Oh, is there someone else raising their hand? I was just going to move on with the question, but were you raising your hand, sir?

PROSPECTIVE JUROR NO. 006: I just wanted to -- yes.

MR. GIORDANI: Let me get your name and badge number.

PROSPECTIVE JUROR NO. 006: So my name is Matthew

1 Stoldal, Badge No. 6.
2 MR. GIORDANI: Go ahead, sir.
3 PROSPECTIVE JUROR NO. 006: So I don't have an
4 immediate distrust of law enforcement. I come from a IT background,
5 and it sounds like a lot of my fellow jurors do. But I also come from an IT
6 security background that I have very quickly found that people are lying
7 directly to my face. And these people are people of authority that, no, I
8 was not to one who did X, Y, and Z.
9 And to his -- gentleman to the left, it's logs. It's -- those things
10 are what really prove it. I'm sorry, a picture doesn't necessarily prove it.
11 Video doesn't necessarily prove it.
12 I work in broadcast as a hobby. I can fairly easily manipulate
13 things. So I have a really strong distrust of digital evidence or anything
14 that comes through in a digital sense, because I work in that world. I
15 know how easily that world is manipulated, even to the degree where
16 the -- I'm not saying anything about the election, but our election system,
17 especially here, is very -- it seems like it's tamperproof, but in reality, it's
18 not.
19 So I have a really strong dislike of peoples' lives being held on
20 the line based off something that is not secure -- that is not secure in a
21 real way, not in just a, I'm talking a political type of thing. Yes, it's
22 secure. Our credit scores are supposed is to be secure. We saw that
23 wasn't evident.
24 MR. GIORDANI: Okay. So again, I can't comment on the
25 specific evidence to this case, right? So in the general scheme of

things, what I'm gathering from you is that you're the type of person that is going to require secure digital evidence in order to come to a solid conclusion. Is that accurate?

PROSPECTIVE JUROR NO. 006: Yeah. For example, I -- I would be question of photos that were taken on an SE card that was on a WORM drive or something that -- how do -- how is it proven that it was not in some way manipulated?

MR. GIORDANI: Okay. Let me ask you this: Cut technology out of it. Say there's a case in which there's only a lay witness. And this -- this is completely unrelated to this case, but say there's a case where there's a lay witness, and that's the only person who witnessed the crime.

Are you the type of juror who could listen to that evidence and potentially convict if it was there?

PROSPECTIVE JUROR NO. 006: I'm going to have a hard time -- if it's just one person, unless they are really -- and I'm not trying to say jurors -- or not jurors, but witnesses should ever be called into question or anything along that lines, but it's hard to -- I'm just very -- to echo her, I'm just very careful. I don't want to put someone in jail that doesn't deserve it. And it's just -- it's -- it's hard.

So I will do my best, but just I'm coming at it very suspicious of all things. And I've had to come from that because of experience, because of experience in the IT world and forensics.

MR. GIORDANI: Okay. Another thing I cannot do during jury selection is talk to you about what beyond a reasonable doubt means.

1 You've heard the term before, right?
2 PROSPECTIVE JUROR NO. 006: Correct.
3 MR. GIORDANI: I can't define it. Judge Bailus is going to
4 give you an instruction on the law if you're selected as a juror.
5 PROSPECTIVE JUROR NO. 006: Understood.
6 MR. GIORDANI: That is our burden of proof, Ms. Beverly and
7 I, in the case. You're going to be instructed that is the law. You're going
8 to take an oath -- or you took an oath, and you're going to take another
9 oath if you're selected that says, I will follow the law.
10 If Judge Bailus gives you a standard of proof --
11 PROSPECTIVE JUROR NO. 006: Uh-huh.
12 MR. GIORDANI: -- are you going to be able to follow that
13 standard of proof?
14 PROSPECTIVE JUROR NO. 006: The best I can.
15 MR. GIORDANI: Okay. I'm asking you to look into the future.
16 Your honesty is appreciated. If -- if you think that you're going to attach
17 a higher standard of proof than is what the law is given, tell us now.
18 Now is the time.
19 PROSPECTIVE JUROR NO. 006: I don't think I'm going to
20 purposely. It just -- again, I just -- I have very high standards I hold in
21 my own life that where I work, we don't assume. I'm not going to say the
22 old adage what assume make you do, it's something where there needs
23 to be evidence. There needs to be proof. There needs to be a reason
24 why we're going down that path.
25 So to my best intentions, I will not apply a higher standard.

MR. GIORDANI: So based upon that -- this is for the panel -- is there anyone on the jury panel who is not familiar with the term beyond a reasonable doubt? Everyone has heard that, I'm sure, on TV plenty of times. That's our standard of proof. We, the State, have the burden of proving the case beyond a reasonable doubt before you can ever be asked to convict by us. Okay?

So those two men, Mr. Turner and Mr. Hudson, are sitting here now accused. They're presumed innocent, because you haven't heard a thing from the State with regard to the evidence. Everyone agrees there, right?

Is there anyone on this jury panel who has a problem with that idea of presumption of innocence? So everyone understands -- if we asked you right now, go back, deliberate, and return a verdict, you got one option: Not guilty right now, right? Because you haven't heard any evidence.

The defense attorneys, they don't have to do a thing in this case. There's no burden on them whatsoever. I'm sure they will do things, but they don't have to. It's on us to -- to prove the case beyond a reasonable doubt.

Does anyone at all have a problem with that concept, not holding us to our burden or anything like that? I'm seeing a negative response across the board.

Thank you, sir. And can you pass the microphone back down to Ms. Saxe.

How are you, Ms. Saxe?

PROSPECTIVE JUROR NO. 002: I'm good. Thank you.

MR. GIORDANI: And it's Badge No. 2?

PROSPECTIVE JUROR NO. 002: Yes.

MR. GIORDANI: Your oldest is a law student?

PROSPECTIVE JUROR NO. 002: Yes.

MR. GIORDANI: Congrats. Did you say what school?

PROSPECTIVE JUROR NO. 002: Boyd.

MR. GIORDANI: Okay. 1L? 2L? What year?

PROSPECTIVE JUROR NO. 002: He's a first year.

MR. GIORDANI: First year in law school. Okay.

Did you have -- did you hear the conversation we've had generally about the police and the justice system in general? Do you have feelings one way or the other?

PROSPECTIVE JUROR NO. 002: I believe that people can be good or bad, no matter if it's a police officer or -- or just a regular citizen. So [indiscernible] more.

MR. GIORDANI: Understood. Police officers --

PROSPECTIVE JUROR NO. 002: I believe in the good in people.

MR. GIORDANI: -- right, are human beings --

PROSPECTIVE JUROR NO. 002: Yes.

MR. GIORDANI: -- just like anyone else, right? Are you type of person that can wait, unlike Mr. Arellano, who said he can --

THE COURT: You know what? Sir, we're going to take a -- a short recess.

1 MR. GIORDANI: Okay.
2 THE COURT: Two of -- I believe two of the potential jurors
3 had to use the restroom. So we're just going to take a short recess until
4 they come back to hear the -- they just got up and left.
5 MR. GIORDANI: We'll get back to that. Hold that thought.
6 THE COURT: Ladies and gentlemen, we're just going to sit
7 here for a second.
8 [Pause in proceedings.]
9 THE COURT: Again, I'm going to let you go outside for a
10 moment. We're going to be in a five-minute recess.
11 During this recess you are admonished not to talk or converse
12 among yourselves or with anyone else on any subject connected with
13 this trial or read or watch or listen to any report of or commentary on the
14 trial or any person connected with this trial by any medium of
15 information, including, without limitation, newspapers, television, radio,
16 or Internet, or form or express any opinion on any subject connected
17 with the trial until the case is finally submitted to you.
18 We're on a five-minute recess. Thank you.
19 [Prospective jury panel recessed at 4:36 p.m.]
20 THE COURT: You all can go outside if you want.
21 UNIDENTIFIED JUROR: We can stay here?
22 THE COURT: It would probably be better --
23 UNIDENTIFIED JUROR: We have to leave?
24 THE COURT: -- you should go outside, yeah. Because they
25 may converse, so I don't want you to hear anything.

1 We're in recess.
2 I'm going to -- just so you know, when they all come back in,
3 I'm going to tell them if they have to go to -- I thought I told them, but just
4 raise your hand.
5 [Pause in proceedings.]
6 [Court recessed at 4:38 p.m., until 4:43 p.m.]
7 [In the presence of the prospective jury panel.]
8 THE COURT: Okay. You can be seated.
9 This is a continuation of *State of Nevada vs. Steven Turner*
10 *and Clemon Hudson*, Case No. C-15-309578-1 and -2. Let the record
11 reflect the presence of counsel, the defendants, and the potential jury
12 panel.
13 Ladies and gentlemen, if anybody needs to use the restroom,
14 just raise your hand and we'll take a break, okay? For future notice.
15 You may continue.
16 MR. GIORDANI: Thank you, Your Honor.
17 Ms. Saxe --
18 Show her the microphone.
19 What I was talking with previously about your fellow jurors or
20 with your fellow jurors about, do you have any feelings one way or the
21 other about law enforcement in general?
22 PROSPECTIVE JUROR NO. 002: I don't.
23 MR. GIORDANI: No?
24 PROSPECTIVE JUROR NO. 002: I don't.
25 MR. GIORDANI: I believe you were saying before we took the

1 break you would treat them as you would any other layperson, like --
2 PROSPECTIVE JUROR NO. 002: Yes, sir.
3 MR. GIORDANI: Okay. For the -- for the first 24, before I
4 move on, is there anyone on this jury panel who would like to chime in
5 and either agree or disagree with Mr. Arellano and Ms. -- I'm sorry --
6 Phillips? Is there anyone who would like to chime in or give their input
7 on that before I move on?
8 Go ahead, sir. You're next anyway. It's Mr. Grinsted,
9 Badge No. 3?
10 PROSPECTIVE JUROR NO. 003: That's correct.
11 MR. GIORDANI: Go ahead, sir.
12 PROSPECTIVE JUROR NO. 003: So I would say I look at
13 things exactly from the opposite viewpoint. My dealings with law
14 enforcement, being around them, I've always found them to be
15 honorable. And I actually appreciate they choose to go out, put their
16 lives on the line each day to protect my safety and my security. So that,
17 if anything, would be my bias.
18 MR. GIORDANI: Okay. Now, similarly, as we've discussed a
19 little bit, would you agree with me that law enforcement officers can be
20 just as fallible as the typical person?
21 PROSPECTIVE JUROR NO. 003: I would agree that they can
22 be. But the ones that I've dealt with are aware of that and do their best
23 to try to mitigate that within themselves.
24 MR. GIORDANI: Understood. What I want to understand
25 from you, sir, is on the other -- I mean, these two jurors have made it

pretty clear that they have a feeling one way. Are you the type of person that, just because we put law enforcement on the witness stand, you're going to adopt what they have to say without hearing more?

PROSPECTIVE JUROR NO. 003: If it comes down to one person's word against another --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 003: -- and that's it, then just quite honestly, I would tend to side with the law enforcement testimony.

MR. GIORDANI: Okay. So you're talking about credibility. You'd agree with me there, right? What I'm -- I'm not talking about credibility yet. We'll get there.

What I'm talking about is this presumptive idea, judging someone based on what they do or look like or whatever, based upon that, before you hear what they have to say, are you just automatically going to adopt what -- what law enforcement has to say is true, or are you going to listen to it, see if it makes sense to you? Does it make common sense? Is it corroborated by other evidence, etcetera?

PROSPECTIVE JUROR NO. 003: No. I would certainly listen to what they have to say, absolutely.

THE COURT: That's all we need. Look, we just need 14 people that are going to listen to the evidence, wait until they've heard all the evidence, and then come to a conclusion. Do you think you can do that, sir?

PROSPECTIVE JUROR NO. 003: I believe so, yes.

MR. GIORDANI: I appreciate it. Real briefly, and you -- you

referenced being a technician at Teach Systems?

PROSPECTIVE JUROR NO. 003: Tieche Systems yes.

MR. GIORDANI: Tieche, okay. Just what is that in general?

PROSPECTIVE JUROR NO. 003: So it's building automation systems for data centers.

MR. GIORDANI: Okay. And as a technician, you do the actual building of the systems?

PROSPECTIVE JUROR NO. 003: Yes. So I do a lot of programming. I also do some project management, right.

MR. GIORDANI: Okay. All right. Let me ask you a question, Mr. Grinsted: If you were sitting where Mr. Turner or Mr. Hudson were sitting, on trial for something, would you want a juror that has a similar mindset as yourself?

PROSPECTIVE JUROR NO. 003: I would think so, yes.

MR. GIORDANI: Thank you, sir. And you can pass the microphone down to Ms. Dimaya.

How are you, ma'am?

PROSPECTIVE JUROR NO. 004: Doing well.

MR. GIORDANI: Good. And it's Badge No. 4, right?

PROSPECTIVE JUROR NO. 004: Yes.

MR. GIORDANI: You said you have law enforcement friends at your gym as well?

PROSPECTIVE JUROR NO. 004: Yes.

MR. GIORDANI: Are those people that you communicate with outside the gym or just see them next to you, working out, talk with

them?

PROSPECTIVE JUROR NO. 004: Just inside the gym.

MR. GIORDANI: Okay. Similar question to you as I've been talking about with your fellow jurors: Do you have a feeling one way or the other about law enforcement?

PROSPECTIVE JUROR NO. 004: I do not. I feel like I'm pretty even.

MR. GIORDANI: Okay. And since you have some acquaintances or friends that are law enforcement, do you feel comfortable with this idea that whatever you do in this courtroom if you're selected, the verdict you return with, you would have to -- or you would be potentially asked by people in law enforcement what was the result of this jury service? Do you feel comfortable that you could advise them either way what you felt was appropriate verdict?

PROSPECTIVE JUROR NO. 004: Yes, I do.

MR. GIORDANI: Okay. It's not something where you have people at the gym or law enforcement that could influence you in some way in the courtroom?

PROSPECTIVE JUROR NO. 004: No.

MR. GIORDANI: Okay. You have two kids not working but they should be; is that right?

PROSPECTIVE JUROR NO. 004: Yes.

MR. GIORDANI: I didn't catch the ages of those kids.

PROSPECTIVE JUROR NO. 004: 7 and 3.

MR. GIORDANI: Makes sense now.

My 4-year-old -- 3-year-old works me.

PROSPECTIVE JUROR NO. 004: Right? Exactly.

MR. GIORDANI: Is there anything about having those young kids at home that would probably be -- not paying attention or distracting in this particular case?

PROSPECTIVE JUROR NO. 004: No.

MR. GIORDANI: Okay. You probably want to get on the jury, don't you?

PROSPECTIVE JUROR NO. 004: Yeah, maybe.

MR. GIORDANI: I understand.

PROSPECTIVE JUROR NO. 004: It's a break from home.

MR. GIORDANI: Thank you, ma'am. And you can pass that down two to Ms. Phillips, who I haven't spoken to yet.

How are you, ma'am?

PROSPECTIVE JUROR NO. 008: Fine, thank you.

MR. GIORDANI: You've heard the conversations I've been having with your fellow jurors, and you talked a little bit about your nine years at High Desert and two years at CCDC, right?

PROSPECTIVE JUROR NO. 008: Uh-huh.

MR. GIORDANI: What's your feeling, now that you're hearing these conversations, about whether you could be fair and impartial in this case?

PROSPECTIVE JUROR NO. 008: I've been thinking about it, and I think I -- I could.

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 008: I just didn't know what, subconsciously, you know, what might come out. Because, you know, I have two sides: The burglaries, which is the negative, and then working with these guys for so long. You know the -- but I think I can be objective.

MR. GIORDANI: Okay. And that's all we want is that you can be fair --

PROSPECTIVE JUROR NO. 008: Uh-huh.

MR. GIORDANI: -- and objective.

PROSPECTIVE JUROR NO. 008: Uh-huh.

MR. GIORDANI: Impartial, follow the law.

Is there -- do you have any qualms about hearing from law enforcement officers and then potentially knowing them? I mean, you heard the witness list, right?

PROSPECTIVE JUROR NO. 008: Right now, I don't know anybody.

MR. GIORDANI: Okay. Well, as a CO, though, I mean, you -- you've come into contact with a lot of law enforcement --

PROSPECTIVE JUROR NO. 008: No. I was a math instructor at the high school on the yard. I wasn't a CO.

MR. GIORDANI: Oh, a math instructor. Oh, I'm sorry. I thought you were a corrections officer --

PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: -- after you were a math instructor.

PROSPECTIVE JUROR NO. 008: Do I look like I --

MR. GIORDANI: You look tough to me. I'm not -- so -- so, okay. So you were a math instructor at High Desert and at CCDC; is that right? For the record.

PROSPECTIVE JUROR NO. 008: Well, math at High Desert State Prison and transition counselor at Detention.

MR. GIORDANI: Okay. And that was your only role there?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: Math instructor and -- and counselor.

PROSPECTIVE JUROR NO. 008: Uh-huh.

MR. GIORDANI: Transition counselor. Is that -- transition counselor is when someone's about to be released and setting them up in the community, etcetera?

PROSPECTIVE JUROR NO. 008: Right.

MR. GIORDANI: Okay. So probably unlikely for you to have interacted with any street officers or detectives or anything like that?

PROSPECTIVE JUROR NO. 008: Correct.

MR. GIORDANI: Correct? Okay.

PROSPECTIVE JUROR NO. 008: Uh-huh.

MR. GIORDANI: So that shouldn't be an issue for you, ma'am?

PROSPECTIVE JUROR NO. 008: Not at all.

MR. GIORDANI: Okay. Will you promise that you'll let the judge know, if you're selected, if you see a detective or an officer on the stand that you may recognize, will you raise your hand and let the judge know?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: Okay. Thank you.

Anything that I've discussed with your fellow jurors that you'd like to chime in on or add to?

PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: Your -- your home, I believe, was burglarized twice before?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: And you said, when the judge asked you if you were happy with the police review, you hold it against them? I forget the words.

PROSPECTIVE JUROR NO. 008: No. I don't hold anything against them.

MR. GIORDANI: Said something about they did as well as they could --

PROSPECTIVE JUROR NO. 008: Sure.

MR. GIORDANI: As well as they could.

PROSPECTIVE JUROR NO. 008: It's just hard with burglaries.

MR. GIORDANI: What do you mean by that?

PROSPECTIVE JUROR NO. 008: Well, when they smash and grab, you know, it's -- what do you do?

MR. GIORDANI: Okay. In your particular case, was it your home or vehicles?

PROSPECTIVE JUROR NO. 008: Home.

MR. GIORDANI: All right. So when you say smash and grab, do you mean they broke a window, went in, went out?

PROSPECTIVE JUROR NO. 008: One of them was. The other one had backed a truck back into the garage -- the garage --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 008: -- and took their time.

MR. GIORDANI: Were there witness -- lay witnesses, like, eyewitnesss to it?

PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: Did you have security, surveillance, or anything like that?

PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: Okay. Do you recall if, when the police responded, did they have crime scene analysts, dust for prints and swab for DNA, etcetera?

PROSPECTIVE JUROR NO. 008: On the last one, no. And I don't think the first one either.

MR. GIORDANI: Okay. So based upon what -- what you saw or knew, you thought police did the best they could with what --

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: -- they had in that particular instance?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: Okay. Same question I asked some of your fellow jurors: Is there anything that -- that should cause either side concern that you would potentially be a juror in this case?

PROSPECTIVE JUROR NO. 008: No.

MR. GIORDANI: If you were sitting where Mr. Turner and Mr. Hudson are sitting, accused of a crime, would you want a juror such as yourself?

PROSPECTIVE JUROR NO. 008: Yes.

MR. GIORDANI: Okay. Thank you, ma'am. You can pass the microphone.

PROSPECTIVE JUROR NO. 008: You're welcome.

MR. GIORDANI: Hello, Ms. Rivera-Rogers. How are you?

PROSPECTIVE JUROR NO. 009: Hello. I'm great. How are you?

MR. GIORDANI: I'm good. Thank you. So you've --

THE COURT: Could you state your badge number, please.

MR. GIORDANI: Oh, I'm sorry. 9.

PROSPECTIVE JUROR NO. 009: Badge No. 9.

THE COURT: Thank you.

MR. GIORDANI: So you're a familiar face around this courthouse. Do you think that you can sit -- be a fair and impartial juror to both sides in this particular case?

PROSPECTIVE JUROR NO. 009: Yes.

MR. GIORDANI: Okay. Is there anything that I've discussed with your fellow jurors that you'd like to chime in on or add to?

PROSPECTIVE JUROR NO. 009: No, not necessarily. I think I take each situation, each case, you know, for its own in -- and in the experiences with law enforcement, I have been mixed. I've worked

around in the courthouse for a long time. But I cannot take against this case anything that's happened in the past or in another case. So I would give weight to the testimony in this case and would evaluate it accordingly to the decision.

MR. GIORDANI: Good answer. Do you -- as long as you've been practicing, have you always wanted to end up on a jury?

PROSPECTIVE JUROR NO. 009: Yes and no. I mean, two weeks is a lot of time. But on the other hand, it's -- it's a privilege that I've never had, and it would be great to serve on it.

MR. GIORDANI: Okay. Thank you very much. I appreciate it. Will you pass the microphone down. And, actually, no, I'll just take it and walk it all the way back over here.

And it's Ms. Feldman, right?

PROSPECTIVE JUROR NO. 011: Yes.

MR. GIORDANI: Mrs. Feldman, Badge No. 11.

PROSPECTIVE JUROR NO. 011: 11.

MR. GIORDANI: How are you today?

PROSPECTIVE JUROR NO. 011: Good.

MR. GIORDANI: Good. I'm not going to repeat the questions I had of the other jurors, but you have friends in law enforcement?

PROSPECTIVE JUROR NO. 011: Uh-huh, yes.

MR. GIORDANI: Anything about that that causes you concern in this case?

PROSPECTIVE JUROR NO. 011: Not in this case.

MR. GIORDANI: Anything that causes you to think maybe,

you know, because I have law enforcement friends, I'll air on the side of the prosecution or anything of that nature?

PROSPECTIVE JUROR NO. 011: Not at all.

MR. GIORDANI: Clean slate for both sides --

PROSPECTIVE JUROR NO. 011: Clean slate.

MR. GIORDANI: -- with you as a juror?

PROSPECTIVE JUROR NO. 011: Yes.

MR. GIORDANI: A couple of things. You're a -- you said you're a senior RN case manager.

PROSPECTIVE JUROR NO. 011: Correct.

MR. GIORDANI: What does RN stand for?

PROSPECTIVE JUROR NO. 011: Registered nurse.

MR. GIORDANI: Okay. So as a -- as a case manager, are you actually working on these people that get injured at work, helping them with their recovery and stuff?

PROSPECTIVE JUROR NO. 011: Right. So I don't work face to face with them.

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 011: So I attend State meetings in Carson City. So I help direct their medical care; so I communicate with the physicians and with the claims examiners.

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 011: So I just make sure that they're with the best specialists that they can be with, see how their medical care is going, and communicate with the doctors, read the

1 medical reports.
2 MR. GIORDANI: Okay.
3 PROSPECTIVE JUROR NO. 011: Physical therapists, if need
4 be, yeah.
5 MR. GIORDANI: All right. So you're -- are you working on
6 behalf of the County?
7 PROSPECTIVE JUROR NO. 011: No. It's the State of
8 Nevada.
9 MR. GIORDANI: Okay.
10 PROSPECTIVE JUROR NO. 011: So I'm with Sierra Nevada
11 Administrators.
12 MR. GIORDANI: Okay.
13 PROSPECTIVE JUROR NO. 011: It's a division of United
14 Healthcare.
15 MR. GIORDANI: Okay. So you --
16 PROSPECTIVE JUROR NO. 011: So we're the MCO, the
17 managed care organization.
18 MR. GIORDANI: Okay. Understood. I appreciate it.
19 PROSPECTIVE JUROR NO. 011: Complicated, I know.
20 MR. GIORDANI: I get it now.
21 PROSPECTIVE JUROR NO. 011: Yeah. So when I -- when I
22 go to a State meeting, for instance -- so I'm the RN; so I represent the
23 medical side. And there's the claims examiner. That's a whole different
24 entity. And then there's the State representative there.
25 MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 011: So we all conference together.

MR. GIORDANI: Got it.

PROSPECTIVE JUROR NO. 011: Just so, you know, to collaborate.

MR. GIORDANI: And you have some cases where it's NHP officers and troopers?

PROSPECTIVE JUROR NO. 011: Uh-huh. Some department of corrections, some parks --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 011: Some, you know, mental health. So if they're a State of Nevada employee and they're that medically complicated, then they're mine.

MR. GIORDANI: Okay. Is there anything about that that causes you concern sitting on a criminal trial [indiscernible]?

PROSPECTIVE JUROR NO. 011: No. Because, you know, that's State and it's separate.

MR. GIORDANI: Okay. We've listed, I believe, all Metro employees. But if -- if there were someone --

PROSPECTIVE JUROR NO. 011: And I'm new to the area, so I don't know, you know, people like I did growing up in Indiana --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 011: -- for 40-some years. So I don't -- I don't have those connections quite here. I know a lot of ER doctors and people like that here, but --

1 MR. GIORDANI: All right.
2 PROSPECTIVE JUROR NO. 011: Yeah.
3 MR. GIORDANI: Appreciate it. Thank you.
4 PROSPECTIVE JUROR NO. 011: Not law enforcement.
5 MR. GIORDANI: Okay. Thank you.
6 PROSPECTIVE JUROR NO. 011: You're welcome.
7 MR. GIORDANI: Mr. Bragdon.
8 THE COURT: Counsel, at this time, we're going to take our
9 evening break.
10 MR. GIORDANI: Okay.
11 THE COURT: Ladies and gentlemen, we're going to take our
12 evening recess.
13 During this recess, you are admonished not to talk or
14 converse among yourselves or with anyone else on any subject
15 connected with this trial or to read, watch, or listen to any report of or
16 commentary on the trial or any person connected to this trial by any
17 medium of information, including, without limitation, newspapers,
18 television, radio, or Internet, or form or express any opinion on any
19 subject connected with the trial until the case is finally submitted to you.
20 Ladies and gentlemen, this will be our evening recess. I'm
21 going to ask you to return tomorrow at 11:00 to this courtroom. I am
22 actually borrowing this courtroom. This is not my normal courtroom. I
23 believe whose courtroom this -- the judge who resides will be done
24 by 11:00; so if you could report to this courtroom.
25 We probably are going to take a late lunch break around 12:30

or so, so you might want to grab a bite to eat before you come in the morning. And then we're going to go until 5:00 again tomorrow.

So if you could return tomorrow to this courtroom at 11:00.

We'll be in recess. Thank you.

[Prospective jury panel recessed at 4:59 p.m.]

THE COURT: We'll be in recess until tomorrow at 11:00.

MS. SISOLAK: Your Honor, there's just one matter I wanted to address very briefly. I know one of the jurors. I don't think he realizes that he knows me. I used to work with his wife at Ken Ashworth & Associates. I just wanted full and fair disclosure.

THE COURT: Okay. What juror?

MS. SISOLAK: Mr. Hodgin, Number 15, Seat 10.

THE COURT: Okay. I'll let you delve into that on -- when the defense does voir dire, you might want to certainly inquire.

MS. SISOLAK: I'll ask. I just wanted to be honest with the Court.

MS. BEVERLY: And just one scheduling thing. I think we should be able to get a jury tomorrow if we're starting at 11:00 and then hopefully open. I would prefer that we start witnesses straight through starting Wednesday at 1:00 or whatever time we're starting on Wednesday, so I don't have to interrupt witnesses, if it's, like, 4:30 and I have to start one and bring them back, if that's okay.

THE COURT: You don't want to bring any witnesses tomorrow, is what you're telling me --

MS. BEVERLY: I don't want to bring any witnesses tomorrow.

THE COURT: That's fine.

MS. BEVERLY: Okay. Thank you.

THE COURT: Well, we'll do opening -- but we'll do opening --

MS. BEVERLY: Yes.

THE COURT: If we get a jury, we're going to do opening statements tomorrow.

MS. BEVERLY: Okay, perfect. Thank you.

MR. PLUMMER: Your Honor, do we have the schedule for the rest of the week and next week?

THE COURT: I'll tell you tomorrow.

MS. MACHNICH: Thank you, Your Honor.

MR. PLUMMER: Thank you, Your Honor.

MR. GIORDANI: Thank you.

[Court recessed at 5:02 p.m., until April 17, 2018, at 11:00 a.m.]

/ / /

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Shawna Ortega, CET*562