

IN THE SUPREME COURT OF THE STATE OF NEVADA

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CLEMON HUDSON,

S.C. CASE NO. 82231

Appellant,

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Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

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 III  
~~~~~

ATTORNEY FOR APPELLANT

CHRISTOPHER R. ORAM, ESQ.

Attorney at Law

Nevada Bar No. 004349

Rachael E. Stewart

Nevada Bar No. 14122

520 S. Fourth Street, 2nd Floor

Las Vegas, Nevada 89101

Telephone: (702) 384-5563

ATTORNEY FOR RESPONDENT

STEVE WOLFSON

Nevada Bar No. 1565

200 E. Lewis Ave.

Las Vegas, Nevada 89155

(702)455-4711

AARON FORD

Nevada Attorney General

100 North Carson Street

Carson City, Nevada 89701-4717

IN THE SUPREME COURT OF NEVADA

CLEMON HUDSON,

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Appellant,

vs.

THE STATE OF NEVADA

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APPELLANT'S APPENDIX

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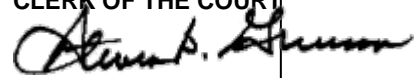
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Nancy Medina
An Employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623



1 **RTRAN**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 **THE STATE OF NEVADA,**

8 **Plaintiff(s),**

9 **vs.**

10 **STEVEN TURNER AND CLEMON**
11 **HUDSON,**

12 **Defendant(s).**

)
) **Case No. C-15-309578-1 and**
) **Case No. C-15-309578-2**

) **DEPT. XVIII**
)
)
)
)

13
14 **BEFORE THE HONORABLE MARK B. BAILUS,**
15 **DISTRICT COURT JUDGE**

16
17 **TUESDAY, APRIL 17, 2018**

18 ***TRANSCRIPT OF PROCEEDINGS RE:***
19 **JURY TRIAL - DAY 2**

20
21
22 **(Appearances on page 2.)**

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25 **RECORDED BY: ROBIN PAGE, COURT RECORDER**

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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.

1 **LAS VEGAS, NEVADA, TUESDAY, APRIL 17, 2018**

2 [Proceedings commenced at 11:02 a.m.]

3
4 [Outside the presence of the prospective jury panel.]

5 THE COURT: Good morning, ladies and gentlemen. Please
6 be seated.

7 MS. MACHNICH: Good morning, Your Honor.

8 THE COURT: This is continuation of the trial of Case No.
9 C-15-309578-1 and 2, *State of Nevada vs. Defendants Steven Turner*
10 *and Clemon Hudson.*

11 Counsel, state your appearances please.

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

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

16 MR. PLUMMER: Clay Plummer for Mr. Hudson.

17 THE COURT: Let the record reflect that Mr. Turner and
18 Mr. Hudson are present. We're bringing the jury in. I believe, counsel,
19 you were in the middle of your voir dire.

20 MR. GIORDANI: Yes, Your Honor.

21 THE COURT: Thank you. Bring in the jury.

22 [Prospective jury panel reconvened at 11:04 a.m.]

23 THE COURT: Please be seated. Let the record reflect the
24 presence of the potential jury panel.

25 Counsel --

1 MR. GIORDANI: Thank you, Your Honor.

2 THE COURT: -- you may proceed.

3 MR. GIORDANI: Do we have additional jurors in here that
4 weren't here yesterday?

5 UNIDENTIFIED SPEAKER: No.

6 MR. GIORDANI: Okay. All right. Can I have the microphone,
7 sir. Thank you.

8 Mr. -- I'm sorry, I forgot your name.

9 PROSPECTIVE JUROR NO. 013: Bragdon.

10 MR. GIORDANI: Good morning, Mr. Bragdon.

11 Good morning, everybody.

12 I'm going to resume with you, Mr. Bragdon, but I want to go
13 over a couple things, because they're going to lead into my questions.

14 Yesterday I talked with some of your fellow jurors about a
15 couple big concepts that have to do with the criminal justice system.
16 First and foremost, that the defendants are presumed innocent, right?
17 You agree with that sentiment?

18 PROSPECTIVE JUROR NO. 013: Yes.

19 MR. GIORDANI: You understand that we, as the State,
20 Ms. Beverly and I have the burden of proof in the case, and that's going
21 to be beyond a reasonable doubt, the judge is going to instruct you on
22 that at a later date; you agree with that idea?

23 PROSPECTIVE JUROR NO. 013: Yes.

24 MR. GIORDANI: So you understand that unless we prove our
25 case beyond a reasonable doubt, those guys are entitled to a verdict of

1 not guilty; you get that idea?

2 PROSPECTIVE JUROR NO. 013: Yes.

3 MR. GIORDANI: Are you the type of person that could convict
4 if the case were proven beyond a reasonable doubt?

5 PROSPECTIVE JUROR NO. 013: If there was reasonable
6 doubt or beyond a reasonable doubt?

7 MR. GIORDANI: If the evidence was presented to you
8 beyond a reasonable doubt, are you the type of person that could
9 convict?

10 PROSPECTIVE JUROR NO. 013: Yes.

11 MR. GIORDANI: The judge asked a panel question
12 yesterday, and one lady, I believe it was Juror No. 6, I forget her name, I
13 apologize --

14 PROSPECTIVE JUROR NO. 7: 7.

15 MR. GIORDANI: Juror No. 7 indicated that she had an issue
16 and -- and she might not be able to judge this case. And so what I want
17 to understand from you and the -- the entire panel is, notwithstanding
18 that presumption of innocence -- so I asked yesterday, does everyone
19 understand you can't convict unless we prove -- prove our case beyond
20 a reasonable doubt? Everyone agreed with that.

21 Flip that over. We want to know, are we getting 12 jurors that
22 could convict, that don't have a problem saying someone is guilty if it's
23 proven to them beyond a reasonable doubt? Do you get that?

24 PROSPECTIVE JUROR NO. 013: Yes.

25 MR. GIORDANI: Are you that type of person?

1 PROSPECTIVE JUROR NO. 013: I am.

2 MR. GIORDANI: Okay. Is there anyone on the first 24 that --
3 that disagrees or believes they're not that type of person? Okay.
4 Seeing no hands there.

5 With regard to you specifically, sir, you referenced a -- a family
6 home that was victim of a home invasion. Your dad was home at the
7 time, right?

8 PROSPECTIVE JUROR NO. 013: Yes. Correct.

9 MR. GIORDANI: When was that?

10 PROSPECTIVE JUROR NO. 013: The exact year -- I was still
11 in school. It was probably 2006 maybe.

12 MR. GIORDANI: Okay. And you said Henderson Police
13 Department or HPD investigated it?

14 PROSPECTIVE JUROR NO. 013: Yes.

15 MR. GIORDANI: And did you say -- I forget, did a case
16 result?

17 PROSPECTIVE JUROR NO. 013: No, not to my knowledge.
18 No one was arrested in relation to that concern.

19 MR. GIORDANI: Okay. You heard the judge -- judge's
20 questionings yesterday regarding law enforcement in general, with
21 regard to crime specifically, those that have been either the victim of a
22 crime or a suspect or defendant in a crime?

23 PROSPECTIVE JUROR NO. 013: Yes.

24 MR. GIORDANI: And the judge said several times to the other
25 jurors, Did you have a problem with the police or do you hold a grudge

1 against the police or blame them for how they handled it? Do you
2 remember that?

3 PROSPECTIVE JUROR NO. 013: Yes, I do.

4 MR. GIORDANI: Do you have any issue with how the case
5 was handled --

6 PROSPECTIVE JUROR NO. 013: No. They did what they
7 could. They took fingerprints and a report and --

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 013: -- as best -- I mean, best
10 they could do.

11 MR. GIORDANI: Okay. And to the best of your knowledge,
12 nothing resulted? You never ended up here in court or your dad didn't
13 end up here in court?

14 PROSPECTIVE JUROR NO. 013: No.

15 MR. GIORDANI: Okay. For the -- for the rest of the panel,
16 just before I move on, is there anyone in here -- I forgot to ask this
17 yesterday -- who has any issue with this idea that this case that you're
18 going to be asked to sit on if you're selected, is separate and distinct
19 from any interaction you have had with the criminal justice system in
20 general? Is there anyone who doesn't understand the idea there, or
21 doesn't get what I'm asking because I'm not asking it right?

22 PROSPECTIVE JUROR NO. 002: I don't understand.

23 MR. GIORDANI: Okay. Thanks for your honesty, Ms. Saxe.
24 Can you pass the microphone back, sir.

25 And that's Juror No. 2?

1 PROSPECTIVE JUROR NO. 002: Yes.

2 MR. GIORDANI: You would agree with me --

3 THE COURT: She's juror -- wait, wait.

4 What -- what is your badge number, ma'am?

5 MR. GIORDANI: Juror No. 2.

6 PROSPECTIVE JUROR NO. 002: Number 2.

7 THE COURT: Badge No. 2? Thank you. That's fine.

8 MR. GIORDANI: Thank you.

9 You would agree with me that you should judge this case

10 based upon the evidence you hear from this witness stand; would you

11 agree there?

12 PROSPECTIVE JUROR NO. 002: Yes.

13 MR. GIORDANI: Okay. So do you have any prior interactions

14 with law enforcement or the justice system in general?

15 PROSPECTIVE JUROR NO. 002: Very minimal.

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 002: Just ordinary, not --

18 nothing --

19 MR. GIORDANI: Okay. Nothing that stands out that causes

20 you concern?

21 PROSPECTIVE JUROR NO. 002: No.

22 MR. GIORDANI: What I'm asking you is: Do you understand

23 that this case should be judged based upon solely the evidence you

24 hear in this case, and not based upon anything -- any interaction with

25 law enforcement or anything you've heard in the news about law

1 enforcement; would you agree with me there?

2 PROSPECTIVE JUROR NO. 002: Absolutely.

3 MR. GIORDANI: Does that make sense to everybody? Okay.

4 And you can pass that down. Thank you, Ms. Saxe.

5 And that's Juror No. 007.

6 PROSPECTIVE JUROR NO. 007: Yes. Rosalyn Willis.

7 MR. GIORDANI: Ms Willis.

8 PROSPECTIVE JUROR NO. 007: Uh-huh.

9 MR. GIORDANI: You indicated yesterday -- and I -- I don't
10 mean to repeat it over and over, but I'm assuming you're going to say
11 you can't separate the two. Is that what you're --

12 PROSPECTIVE JUROR NO. 007: Well, it was not from what I
13 said yesterday, but I've had -- I've had experience with law enforcement.
14 I've had a experience, and I reported it on the Better Business Bureau
15 where I had an interaction where I got into an argument with an owner of
16 a gas station, because they swiped my card and they didn't give me the
17 gas. And so I got upset. And me and the girl got in an argument. And I
18 told her to call the police. I said, Call the police right now. And they
19 were calling me stupid and everything in the store.

20 And then when the police officers got there, they didn't not --
21 direct me directly, they went in the back of the store past me and went to
22 speak to the owner first. Then there was also two other witnesses that
23 they were being rude to and telling them, I want you to go out of the
24 store, you don't need to be in here.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 007: So that was my direct
2 interaction with law enforcement concerning that situation.

3 MR. GIORDANI: And is that some -- I'm sorry, I don't mean to
4 cut you off. Is that something that you carry over and part of your
5 concern with, like the things you said yesterday, about police officers
6 testifying, etcetera?

7 PROSPECTIVE JUROR NO. 007: Yes.

8 MR. GIORDANI: Okay. Thank you, ma'am. You can pass
9 the microphone down to Juror Seat 11.

10 Right in front of you, sir. Thank you.

11 It's Mr. Hodgins, Juror No. 15.

12 PROSPECTIVE JUROR NO. 015: Yes.

13 MR. GIORDANI: How are you doing, sir?

14 PROSPECTIVE JUROR NO. 015: Good.

15 MR. GIORDANI: Good. Judge asked you yesterday about
16 the law enforcement question and you indicated you had a son-in-law --

17 PROSPECTIVE JUROR NO. 015: Correct.

18 THE COURT: -- an MP?

19 PROSPECTIVE JUROR NO. 015: Correct.

20 MR. GIORDANI: Right? Any concerns about that carrying
21 over, that relationship carrying over to this case?

22 PROSPECTIVE JUROR NO. 015: No.

23 MR. GIORDANI: You understand what I'm getting at here and
24 the judge has been getting at is that we want jurors who can be fair and
25 impartial?

1 PROSPECTIVE JUROR NO. 015: Yes.

2 MR. GIORDANI: We just want a fair shake. The defense
3 deserves a fair shake. And we just want you to judge the evidence as
4 it's presented.

5 PROSPECTIVE JUROR NO. 015: Yes.

6 MR. GIORDANI: And do you think you could do that in this
7 case?

8 PROSPECTIVE JUROR NO. 015: Yes, I do.

9 MR. GIORDANI: Let me ask something I haven't asked
10 anyone else here: Do you own a firearm?

11 PROSPECTIVE JUROR NO. 015: I do.

12 THE COURT: Are you a believer, I can presume, in the
13 Second Amendment?

14 PROSPECTIVE JUROR NO. 015: Yes.

15 MR. GIORDANI: Okay. Do you have any concerns with
16 regard to the general political stuff going on about firearms, having heard
17 that they may be firearm evidence presented in this case?

18 PROSPECTIVE JUROR NO. 015: Well, I -- I believe in the
19 Second Amendment and I -- I think the attempt to outlaw firearms is -- is
20 a bad idea. I -- I think that people should be able to defend themselves.

21 MR. GIORDANI: Okay. Is there anyone on this jury, other --
22 other than you, sir, anyone in the first 24, that has any concerns about
23 hearing evidence of firearms? And by that, I mean, is there anyone in --
24 on this jury who, if you hear that someone possessed a firearm, you're
25 just going to judge them immediately and -- and just find them guilty just

1 because they're in possession of a firearm?

2 Okay. Can you pass that microphone back? We need your
3 name and badge number.

4 PROSPECTIVE JUROR NO. 006: Name is Matthew. Badge
5 number is 6. Not immediately, no. But I do have a strong belief that
6 it's -- I believe we should have firearms, but I believe that is too broad.
7 It's just -- so I'm not going to immediately look at someone and go, they're
8 guilty, but there is some -- I apologize, but I do have some preconceived
9 notion of, okay, you own many, many firearms.

10 I've had experiences both ways, where I've had very safe
11 firearm owners. He was fabulous. But I've also had people that have
12 been very, very reckless. And, unfortunately, it's -- I've had experience
13 both ways. So that's why I'm an advocate for a little bit more of a
14 control, not completely removing it, but control over who has access to it
15 and how easily people get access to it.

16 MR. GIORDANI: Okay. How do you feel about assault rifles?

17 PROSPECTIVE JUROR NO. 006: I -- I want to be respectful
18 to the Court and try not to turn this into a political discussion, but --

19 MR. GIORDANI: This cannot be -- this is a court of law. It's
20 not a political discussion.

21 PROSPECTIVE JUROR NO. 006: I agree.

22 MR. GIORDANI: So I appreciate that.

23 PROSPECTIVE JUROR NO. 006: Yeah.

24 MR. GIORDANI: What I -- what I want to get at is, you've
25 heard the allegations we've made in this case. So far they're

1 allegations; we haven't proven a thing; we haven't put up any evidence.
2 The allegations contain references to an SKS firearm, which is an
3 assault rifle. Okay?

4 What I'm trying to gather from you and the rest of this jury is:
5 Is there anyone on this jury who hears assault rifle, and then, you know,
6 automatically thinks negative connotations or is going to convict if there's
7 evidence of assault rifles being possessed in this case?

8 PROSPECTIVE JUROR NO. 006: Not automatic conviction,
9 but absolutely a negative connotation. I think there's -- you just -- it's too
10 easy unless you have a legitimate reason. I know some farmers. I know
11 some people that have a legitimate reason, because they're -- they're
12 having to do pig -- wild pig control or wild boar control. They have
13 legitimate reason. But just the ability to freely get it, just is -- I -- I don't
14 get it.

15 So I -- it's hard for me to say no, I'm not absolutely not going
16 to put any connotation to it. I'm here trying to, again, being respectful to
17 the court, so I'll do to my best ability. But I have some bias that I will
18 admit.

19 MR. GIORDANI: Okay. Is anyone else concerned with
20 having bias? How many? Okay.

21 Juror No. 3, Yes, sir. Mr. Grinsted?

22 PROSPECTIVE JUROR NO. 003: Right.

23 MR. GIORDANI: Juror No. 3?

24 PROSPECTIVE JUROR NO. 003: Correct. I would say
25 similar to that. Immediately in my mind when someone mentions assault

1 rifles -- I grew up in a family of hunters. And so I'm used to shotguns,
2 rifles used for hunting. To me, an assault rifle has a completely different
3 connotation. And so, you know, firearms I'm fine with. But an assault
4 rifle, in my mind, has one purpose and one purpose only.

5 MR. GIORDANI: Okay. What's that purpose?

6 PROSPECTIVE JUROR NO. 003: That purpose is to injure
7 other people.

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 003: You don't use an assault
10 rifle when you're out hunting deer, is my point.

11 MR. GIORDANI: Understood.

12 Is there anyone who agrees with that?

13 You can just pass the microphone back.

14 I'll get to you in a second, sir.

15 Your badge number again, ma'am?

16 PROSPECTIVE JUROR NO. 004: Number 4.

17 MR. GIORDANI: Ms. Dimaya?

18 PROSPECTIVE JUROR NO. 004: Yes.

19 MR. GIORDANI: Go ahead.

20 PROSPECTIVE JUROR NO. 004: My home invasion was
21 less than five years ago.

22 MR. GIORDANI: Uh-huh.

23 PROSPECTIVE JUROR NO. 004: And there were three
24 people. And the person that came in my home with an assault rifle and
25 held it to me, I came to court because he pled not guilty. So I went

1 through all of this before. I wanted to be here on this side. I want to be
2 part of the jury, but I want it to be known that it's still emotional for me.

3 MR. GIORDANI: Okay.

4 PROSPECTIVE JUROR NO. 004: I do think that I can be fair
5 and hear both sides and see the evidence and everything. But I just
6 want it to be known that --

7 MR. GIORDANI: Understood.

8 PROSPECTIVE JUROR NO. 004: -- it can be very emotional.

9 MR. GIORDANI: Understood. And I forget who I was talking
10 to yesterday, but we had a little discussion about, look, we want people
11 from different walks of life with different backgrounds. The key is not
12 finding people who don't have life experiences similar to the allegations.
13 The key is finding people who can compartmentalize and say, I'm not
14 going to judge these two based on something that happened to me
15 previously. Does that jive with -- with your position --

16 PROSPECTIVE JUROR NO. 4: Yes.

17 MR. GIORDANI: -- that you're going to be fair?

18 PROSPECTIVE JUROR NO. 4: Yes.

19 MR. GIORDANI: Okay. So you think you can be fair,
20 notwithstanding that personal issue you had with the --

21 PROSPECTIVE JUROR NO. 4: Yes.

22 MR. GIORDANI: -- assault rifle? Okay.

23 And was there another hand there? Can you pass that down,
24 ma'am.

25 What's your badge number.

1 PROSPECTIVE JUROR NO. 020: 20, Woods.

2 MR. GIORDANI: Ms. Woods, go ahead.

3 PROSPECTIVE JUROR NO. 020: I have no personal
4 experience, but when you say an assault weapon, rifle, I'm not familiar
5 enough with them, but it has a negative connotation to me.

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 020: Just simply that.

8 MR. GIORDANI: That's a good point. That's a good point.
9 The term assault rifle is a term of art. You're going to hear from forensic
10 analysts at Metro with regard to what type of rifle it is, etcetera. I can't
11 tell you the evidence now. That will come at a later date.

12 What I want to understand is whether you jurors or potential
13 jurors are the type of people that would hear assault rifle and go, Oh,
14 that's bad, guilty. We don't want that. What we want you to do is listen
15 to the evidence and then come to a determination; can you do that?

16 PROSPECTIVE JUROR NO. 020: Yes.

17 MR. GIORDANI: Okay. Anyone disagree with that? All right.
18 And can we pass the microphone up here?

19 What's your badge number, sir?

20 PROSPECTIVE JUROR NO. 031: Badge No. 31, Anthony
21 Pope.

22 MR. GIORDANI: Mr. Pope, go ahead.

23 PROSPECTIVE JUROR NO. 031: I just -- I agree with a
24 couple of the other jurors in regards to the assault rifle. I grew up in a
25 really bad neighborhood and I was the minority in the neighborhood and

1 there was guns all the -- all the time all around me. And just like to say
2 I'm very against -- I'm not against gun laws. I just think there need to be
3 a little more gun laws.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 031: And a lot less crime.

6 MR. GIORDANI: Fair enough. I -- I wouldn't disagree with
7 you in the least. What -- what I'm -- I don't mean to repeat myself, but
8 what we need to hear from you jurors is whether or not there's -- if
9 there's people on this -- this potential panel who are just so against guns
10 and maybe they were at 1 October and they just can't be around guns
11 and there's going to be prejudice built in, we don't want jurors like that.
12 We don't want jurors who hear assault rifle and -- and, you know, hold --
13 hold that against the defendants. We want you to listen to the evidence
14 and be able to consider evidence impartially.

15 So understanding that you've been around it, you have some
16 disagreements with the current laws, are you the type of person that can
17 listen to the evidence here and either acquit or find them guilty based
18 upon the evidence and not some prior experience you have with
19 firearms?

20 PROSPECTIVE JUROR NO. 031: Yes. Based upon the
21 evidence I could give a -- a fair verdict.

22 MR. GIORDANI: Okay. Thank you, sir.

23 Is there anyone who disagrees or would like to chime in on
24 that? You can -- here, I'll take it.

25 Ms. Rogers, what's your badge number again?

1 PROSPECTIVE JUROR NO. 9: I'm Badge No. 9, Mariteresa
2 Rivera-Rogers. I have a total dislike for guns. I think they need a lot
3 more regulation regarding guns. I don't have anything against people
4 hunting with guns.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 9: But I have an inherent bias.
7 Except in this case I would absolutely not, I mean, let my own bias affect
8 whatever is presented here.

9 MR. GIORDANI: Okay. So you said the -- the buzz word that
10 gets all of our attention is an inherent bias. Are you saying that you can
11 set whatever bias that is against firearms aside and judge this evidence
12 based on -- under this case based upon the evidence?

13 PROSPECTIVE JUROR NO. 9: Right.

14 MR. GIORDANI: Okay. So you don't think that -- that bias
15 you have towards firearms is a concern for you sitting on a jury such as
16 this?

17 PROSPECTIVE JUROR NO. 9: I certainly hope not.

18 MR. GIORDANI: Okay. Thank you, ma'am.

19 Anyone else? All right.

20 And if you could pass that back down to Ms. Woods.

21 Thank you, Mr. Hodgin.

22 And it's Badge No. 20. And, Ms. Woods, you said you were a
23 retired schoolteacher; what grade did you teach?

24 PROSPECTIVE JUROR NO. 020: I'm a Title 1 preschool at
25 an elementary school.

1 MR. GIORDANI: Okay. Little kids. And your husband is
2 retired from the City of Mesquite; what did he do for the City of
3 Mesquite?

4 PROSPECTIVE JUROR NO. 020: Managed the sanitation
5 plant.

6 MR. GIORDANI: Okay. Do you drive from Mesquite every
7 day?

8 PROSPECTIVE JUROR NO. 020: Yes.

9 MR. GIORDANI: That's brutal.

10 PROSPECTIVE JUROR NO. 020: It's a long trip.

11 MR. GIORDANI: Yeah. That's what, about an hour?

12 PROSPECTIVE JUROR NO. 020: It takes me two hours total
13 to get into this building.

14 MR. GIORDANI: Oh, okay. Thanks for showing up today. Is
15 that going to be a concern for you if -- if this goes a week and a half,
16 which it's expected to?

17 PROSPECTIVE JUROR NO. 020: It's a responsibility of being
18 an American.

19 MR. GIORDANI: Okay. Fair enough. Thank you. You
20 described being the victim of a burglary and you said, I believe, no one
21 was ever arrested.

22 PROSPECTIVE JUROR NO. 020: Right.

23 MR. GIORDANI: Did -- did you call the police?

24 PROSPECTIVE JUROR NO. 020: Yes.

25 MR. GIORDANI: Did they come out?

1 PROSPECTIVE JUROR NO. 020: Yes.

2 MR. GIORDANI: And were you present when they went
3 through your home?

4 PROSPECTIVE JUROR NO. 020: It was an outdoor -- we
5 lived in Fairbanks, Alaska. There were a million snow machines there
6 and ours got stolen.

7 MR. GIORDANI: Oh, I see. Okay. Anything that I've
8 discussed with your fellow jurors that you would like to chime in on or
9 have an opinion on?

10 PROSPECTIVE JUROR NO. 020: I -- I do need to state that
11 yesterday when you were asked -- when the judge was asking about law
12 enforcement friends and associates, I'm sorry, I forgot that my
13 son-in-law is an assistant -- or was an assistant DA.

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR NO. 020: Until you started talking
16 and you acted just like he does, so then I remembered. I apologize for
17 that. I did --

18 MR. GIORDANI: That's okay. So you like your son-in-law is
19 what I'm hearing.

20 UNIDENTIFIED JUROR: No, that wasn't it. Not at all.

21 MR. GIORDANI: I'll leave that alone. So here in -- in our
22 office?

23 PROSPECTIVE JUROR NO. 020: No.

24 MR. GIORDANI: Okay.

25 PROSPECTIVE JUROR NO. 020: And he's --

1 MR. GIORDANI: Alaska?

2 PROSPECTIVE JUROR NO. 020: -- hasn't done that for 10

3 years.

4 MR. GIORDANI: Where was that?

5 PROSPECTIVE JUROR NO. 020: Salt Lake City.

6 MR. GIORDANI: Okay. Anything about that -- well, mostly

7 the defense should be concerned about? Anything about that

8 relationship with a former district attorney that the defense should be

9 concerned about?

10 PROSPECTIVE JUROR NO. 020: I was very proud of the job

11 he did.

12 MR. GIORDANI: Okay. But nothing that says, okay, well, I

13 know a DA so I'm just going to side with the DAs in this case?

14 PROSPECTIVE JUROR NO. 020: No.

15 MR. GIORDANI: Okay. Thank you, ma'am. You can pass

16 the microphone.

17 Mr. Limbacher.

18 PROSPECTIVE JUROR NO. 021: Yes, sir.

19 MR. GIORDANI: Did I pronounce that correctly?

20 PROSPECTIVE JUROR NO. 021: Yep.

21 MR. GIORDANI: And it's Juror No. 21?

22 PROSPECTIVE JUROR NO. 021: That's correct.

23 MR. GIORDANI: You were talking with the judge yesterday,

24 and I believe you said that your mom was mugged about 18 years ago in

25 California?

1 PROSPECTIVE JUROR NO. 021: Yes. It was actually a little
2 longer, but yes, that's correct.

3 MR. GIORDANI: Okay. And you were satisfied with the
4 investigation as much as they could do?

5 PROSPECTIVE JUROR NO. 021: Well, they tried to take a
6 jacket she was wearing. She was wearing a Raiders jacket.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 21: And she wouldn't give it up.
9 So she -- they didn't get anything from her. They hit her upside the head
10 with the butt of a knife, but they couldn't do anything from that.

11 MR. GIORDANI: Okay. So there were no eyewitnesses or --

12 PROSPECTIVE JUROR NO. 021: No.

13 MR. GIORDANI: -- no one ever apprehended?

14 PROSPECTIVE JUROR NO. 021: No. That's correct.

15 MR. GIORDANI: To your knowledge at least? Okay. Is there
16 anything about that, that you carried over? Any prejudice you may have
17 to either side in this particular case?

18 PROSPECTIVE JUROR NO. 021: No. It wouldn't be fair.

19 MR. GIORDANI: Okay. Wait, it wouldn't?

20 PROSPECTIVE JUROR NO. 21: No. I mean, it wouldn't be
21 fair to hold any prejudices against anybody for that.

22 MR. GIORDANI: Okay. Understood. So you think you could
23 set it aside and be fair in this case?

24 PROSPECTIVE JUROR NO. 021: Absolutely.

25 MR. GIORDANI: You also talked about your wife's best friend

1 who's SFPD, San Francisco Police Department?

2 PROSPECTIVE JUROR NO. 021: That's correct.

3 MR. GIORDANI: How often do you talk to this person?

4 PROSPECTIVE JUROR NO. 021: It's been a couple months
5 since we talked to her.

6 MR. GIORDANI: Do you talk about cases and the work?

7 PROSPECTIVE JUROR NO. 021: Only when we need a
8 good laugh.

9 MR. GIORDANI: Okay. So you hear some stories
10 sometimes?

11 PROSPECTIVE JUROR NO. 021: Yes, occasionally. Not
12 about cases in a courtroom, but occasionally we'll hear that she has to
13 go to court because somebody may be claiming to be an innocent that
14 they're not or whatnot. But we don't -- that's about as far as it goes.

15 MR. GIORDANI: Okay. Is there anything about that
16 relationship that should cause concern to either side?

17 PROSPECTIVE JUROR NO. 021: No.

18 MR. GIORDANI: I hate to be repetitive, but we have to ask.

19 PROSPECTIVE JUROR NO. 021: Sure.

20 MR. GIORDANI: You know, sometimes there are people that
21 are friends with law enforcement and they're just, like, I'm going to
22 accept whatever a law enforcement officer tells me. We don't want
23 people like that on the jury, because that's not fair.

24 PROSPECTIVE JUROR NO. 021: Right.

25 MR. GIORDANI: You have [indiscernible].

1 PROSPECTIVE JUROR NO. 21: We have to hope that she's
2 telling us the truth, but I guess you never know.

3 MR. GIORDANI: Yeah. I mean, they're people. They're
4 fallible just like you and I. Is there anything else you'd like to add, sir?
5 Anything I discussed with your fellow jurors that you'd like to chime in
6 on?

7 PROSPECTIVE JUROR NO. 021: Now, I will say that the -- I
8 don't believe that anybody needs an assault rifle. But I know that the
9 SKS is, like, 60 years old it's -- originally. So it kind of depends on the
10 weapon as well.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 21: It was originally, like, a
13 Russian weapon and they still use it for ceremonial purposes. So I could
14 see somebody owning one just for that.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 21: But -- so kind of depends.
17 Just hearing that it's an SKS doesn't necessarily mean anything to me.

18 MR. GIORDANI: Good. Okay.

19 PROSPECTIVE JUROR NO. 21: I'd have to see evidence.

20 MR. GIORDANI: Again, the concern is that you're going to
21 hold some kind of prejudice because you hear that term and then just
22 automatically convict. We don't want that.

23 PROSPECTIVE JUROR NO. 021: Right.

24 MR. GIORDANI: You understand that?

25 PROSPECTIVE JUROR NO. 021: Yeah.

1 MR. GIORDANI: Okay. No concerns?
2 PROSPECTIVE JUROR NO. 021: No concerns.
3 MR. GIORDANI: All right. Thank you. You can pass the
4 microphone.
5 Your badge number?
6 PROSPECTIVE JUROR NO. 23: Jason Wright, 23.
7 MR. GIORDANI: Mr. Wright, how are you doing?
8 PROSPECTIVE JUROR NO. 023: Good, thank you.
9 MR. GIORDANI: Good. I want to talk to you about some of
10 the similar things here. You said your mom and dad were burglarized in
11 California?
12 PROSPECTIVE JUROR NO. 023: Yes.
13 MR. GIORDANI: How long ago was that?
14 PROSPECTIVE JUROR NO. 023: See, my son is 10; seven
15 or eight years ago.
16 MR. GIORDANI: Okay. Did a case ever result or were people
17 apprehended or --
18 PROSPECTIVE JUROR NO. 023: No. They weren't home.
19 And police investigated, just thought it was maybe kids.
20 MR. GIORDANI: Okay. Kids broke in?
21 PROSPECTIVE JUROR NO. 023: Yeah.
22 MR. GIORDANI: Stole a couple things?
23 PROSPECTIVE JUROR NO. 023: Couple of things. That
24 was it.
25 MR. GIORDANI: Okay. You've heard the allegations in this

1 case. Ms. Beverly read them at the beginning.

2 PROSPECTIVE JUROR NO. 023: Yes.

3 MR. GIORDANI: This involves charges entitled attempt
4 burglary with use of deadly weapon.

5 PROSPECTIVE JUROR NO. 023: Yes.

6 MR. GIORDANI: Is there anything that either the defense or
7 the State should be concerned about with a juror such as yourself?

8 PROSPECTIVE JUROR NO. 023: No.

9 MR. GIORDANI: Any -- any potential that you could carry in
10 any ill will about your parents being burglarized over to the facts of this
11 case?

12 PROSPECTIVE JUROR NO. 023: No.

13 MR. GIORDANI: Is there anything that I haven't asked you
14 that you'd like to chime in on or add?

15 PROSPECTIVE JUROR NO. 023: No.

16 MR. GIORDANI: Okay. You think you can be fair?

17 PROSPECTIVE JUROR NO. 023: Absolutely.

18 MR. GIORDANI: If you were sitting in Mr. Turner or Hudson's
19 shoes, would you want a juror such as yourself?

20 PROSPECTIVE JUROR NO. 23: Absolutely.

21 MR. GIORDANI: If you were sitting where Ms. Beverly is
22 sitting or where I was sitting, would you want a juror such as yourself?

23 PROSPECTIVE JUROR NO. 023: Yes.

24 MR. GIORDANI: Thank you, sir. Can you pass it down.

25 Ms. Keyes, No. 25, correct?

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PROSPECTIVE JUROR NO. 025: Yes.

MR. GIORDANI: How are you doing?

PROSPECTIVE JUROR NO. 025: Good. How are you?

MR. GIORDANI: Good. Thank you. You talked a little bit about what you do. And I believe you said you were a nurse, but I -- my note has a question mark next to it.

PROSPECTIVE JUROR NO. 025: Correct.

MR. GIORDANI: So is it home care?

PROSPECTIVE JUROR NO. 025: Yes. I've been a nurse 18 years. I've dabbled and dabbled in a lot of things. Currently home care, a liaison.

MR. GIORDANI: Okay. You so go to -- you actually go to peoples' homes and --

PROSPECTIVE JUROR NO. 025: I set up the home care when they're discharged and --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 025: -- I take care of special needs young adults.

MR. GIORDANI: Okay. You also talked about your -- you have, like, some cousin -- we all that have cousin -- some cousin that's in trouble in California or something like that. Anything that we need to go into detail about that -- that you think you might carry over to this case?

PROSPECTIVE JUROR NO. 025: No.

MR. GIORDANI: Okay. Anything about your cousin's

1 interactions with the system at all that would cause you concern knowing
2 this is a criminal case?

3 PROSPECTIVE JUROR NO. 025: Well, not really knowing all
4 the details of the things that occurred with them, no. I don't have any,
5 really -- anything to add.

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 025: I don't know enough
8 details to say.

9 MR. GIORDANI: Here you mean?

10 PROSPECTIVE JUROR NO. 025: It's in California.

11 MR. GIORDANI: Oh, you don't know enough details about
12 your cousin's --

13 PROSPECTIVE JUROR NO. 025: Yeah. What happened in
14 California.

15 MR. GIORDANI: Okay. Okay.

16 PROSPECTIVE JUROR NO. 025: I'm sorry.

17 MR. GIORDANI: But as you sit here, I mean, is there anything
18 that either side here should be concerned about with a juror such as
19 yourself?

20 PROSPECTIVE JUROR NO. 025: No.

21 MR. GIORDANI: You think you could be fair?

22 PROSPECTIVE JUROR NO. 025: Yes.

23 MR. GIORDANI: Is there anything I've talked with your fellow
24 jurors about that you have an opinion on one way or another?

25 PROSPECTIVE JUROR NO. 025: No.

1 MR. GIORDANI: Are you just trying to get the microphone
2 passed?

3 PROSPECTIVE JUROR NO. 025: No. I'm really -- I mean, I
4 really was thinking about it all last night. This is the first time I've ever
5 been in -- selected or even in this situation in a courtroom, ever. So --

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 025: -- this is all very new.

8 MR. GIORDANI: Fair enough. It's real common on the
9 second day of jury selection that people come in and say, Hey, I thought
10 of something last night. So for anybody, if there's anything that you
11 need to add, now is the time.

12 Anything that -- that you thought about last night that you feel
13 either side should know here?

14 PROSPECTIVE JUROR NO. 025: Well, it's more of an
15 emotion side.

16 MR. GIORDANI: What do you mean?

17 PROSPECTIVE JUROR NO. 025: Not being, again, political,
18 but again, like, making sure that we see all the evidence and it's
19 accurate. And one of the other jurors said the concerns of being planted
20 evidence, setting people up. And I just think the charge is so heavy to
21 sway one way or the other, deciding someone's fate. I think that's
22 what --

23 MR. GIORDANI: It's -- it's an emotional weight on you?

24 PROSPECTIVE JUROR NO. 025: Yeah. It's an emotional
25 weight on me.

1 MR. GIORDANI: That is natural and encouraged. I mean, we
2 don't want people who are, like, robots on the jury. We want you to
3 understand the gravity of the situation. These guys are facing some
4 very serious charges. There's a named victim in the case that you're
5 going to hear all about. So there's heavy stakes on both sides here.

6 Are you -- are you telling us or should we be concerned that
7 emotions might come into play and you won't be able to look in -- at the
8 evidence? Or that this is a natural feeling of, whoa, this is serious stuff?

9 PROSPECTIVE JUROR NO. 025: It's a natural feeling.

10 MR. GIORDANI: Okay.

11 PROSPECTIVE JUROR NO. 025: It's just -- a natural feeling.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 025: Yeah.

14 MR. GIORDANI: So no concern sitting in judgment or
15 anything like that?

16 PROSPECTIVE JUROR NO. 025: No.

17 MR. GIORDANI: Okay. And you think you could --

18 PROSPECTIVE JUROR NO. 025: I believe I can be fair.

19 MR. GIORDANI: Okay. Thank you, ma'am. Pass it down.

20 What's your badge number, sir?

21 PROSPECTIVE JUROR NO. 026: Eric Geisler, 26.

22 MR. GIORDANI: How are you?

23 PROSPECTIVE JUROR NO. 026: Good.

24 MR. GIORDANI: Good. Mr. Geisler, you referenced
25 your 2011 misdemeanor?

1 PROSPECTIVE JUROR NO. 026: Yeah.

2 MR. GIORDANI: Was that prosecuted by our office? It was
3 here in Clark County, right?

4 PROSPECTIVE JUROR NO. 026: Yes.

5 MR. GIORDANI: Prosecuted by the DA's office?

6 PROSPECTIVE JUROR NO. 026: I believe so.

7 MR. GIORDANI: Okay. Should we have any concern about
8 that?

9 PROSPECTIVE JUROR NO. 026: No.

10 MR. GIORDANI: I mean, DUIs, I'm not saying it's not a big
11 deal, but there's a lot of people our office prosecutes for DUI. What we
12 want is, even if our office has prosecuted you -- and I assume it's not
13 Ms. Beverly or myself?

14 PROSPECTIVE JUROR NO. 026: No.

15 MR. GIORDANI: We don't DUIs, but okay. What I want to
16 understand is if -- if you carry over any prejudice or bias against us or
17 are not going to give us a fair shake based upon that?

18 PROSPECTIVE JUROR NO. 026: No.

19 MR. GIORDANI: Okay. Is there anything that I've discussed
20 with your fellow jurors that you have an opinion on?

21 PROSPECTIVE JUROR NO. 026: No.

22 MR. GIORDANI: How do you feel about this idea of assault
23 rifles in general?

24 PROSPECTIVE JUROR NO. 026: I don't have an opinion
25 either way. I don't hold any bias against anybody that owns them or

1 doesn't own them.

2 MR. GIORDANI: Okay. So kind of indifferent to --

3 PROSPECTIVE JUROR NO. 026: Right.

4 MR. GIORDANI: -- to the term? All right. And you
5 understand we -- we don't have a possession of a firearm charge in this
6 case. You heard the charges, right?

7 PROSPECTIVE JUROR NO. 026: Uh-huh.

8 MR. GIORDANI: So because there's no possession of firearm
9 charge freestanding, you can't just judge them based on this reference
10 to firearm; you get that?

11 PROSPECTIVE JUROR NO. 026: Okay.

12 MR. GIORDANI: Okay. Anything that you'd like to add or -- or
13 chime in on?

14 PROSPECTIVE JUROR NO. 026: No.

15 MR. GIORDANI: What's your master's degree in, sir?

16 PROSPECTIVE JUROR NO. 026: Construction management.

17 MR. GIORDANI: Okay. And do you work in that field now?

18 PROSPECTIVE JUROR NO. 026: Yes.

19 MR. GIORDANI: Is it Shawmut?

20 PROSPECTIVE JUROR NO. 026: Yep.

21 MR. GIORDANI: So as a construction -- are you a --

22 PROSPECTIVE JUROR NO. 26: Executive.

23 MR. GIORDANI: Okay. So do you do most of your work in an
24 office or are you out --

25 PROSPECTIVE JUROR NO. 026: Correct.

1 MR. GIORDANI: Okay.

2 PROSPECTIVE JUROR NO. 026: Business development

3 mostly.

4 MR. GIORDANI: What does that entail?

5 PROSPECTIVE JUROR NO. 26: Searching out, seeking new

6 work, acquiring new work.

7 MR. GIORDANI: Okay. So searching out potential jobs?

8 PROSPECTIVE JUROR NO. 026: Correct.

9 MR. GIORDANI: And then do you bid them and --

10 PROSPECTIVE JUROR NO. 026: Manage that process,

11 yeah.

12 MR. GIORDANI: Okay. Manage that process. So do you

13 have people that you are in direct control of?

14 PROSPECTIVE JUROR NO. 026: Correct.

15 MR. GIORDANI: Subordinates?

16 PROSPECTIVE JUROR NO. 026: Correct.

17 MR. GIORDANI: How many would you say?

18 PROSPECTIVE JUROR NO. 026: 30.

19 MR. GIORDANI: Okay. So with 30 subordinates, I presume

20 you have no problem speaking your mind and giving orders, etcetera --

21 PROSPECTIVE JUROR NO. 026: Correct.

22 MR. GIORDANI: -- is that right? Okay. Do you think you'd be

23 a good juror for this case?

24 PROSPECTIVE JUROR NO. 026: Yes.

25 MR. GIORDANI: A criminal case of this nature?

1 PROSPECTIVE JUROR NO. 026: Yes.
2 MR. GIORDANI: Any concerns with that?
3 PROSPECTIVE JUROR NO. 026: No.
4 MR. GIORDANI: Okay. Thank you. I'll take that.
5 Hello.
6 PROSPECTIVE JUROR NO. 028: Hi.
7 MR. GIORDANI: What's your badge number?
8 PROSPECTIVE JUROR NO. 028: 28.
9 MR. GIORDANI: Ms. Rojas, correct?
10 PROSPECTIVE JUROR NO. 028: Yep.
11 MR. GIORDANI: What -- are you a veterinary assistant?
12 PROSPECTIVE JUROR NO. 028: Yes.
13 MR. GIORDANI: And is that Durango Animal Hospital?
14 PROSPECTIVE JUROR NO. 028: Yes.
15 MR. GIORDANI: Like Durango and Spring Mountain?
16 PROSPECTIVE JUROR NO. 028: Yes.
17 MR. GIORDANI: Okay. As a veterinary assistant, do you
18 actually -- are you in the room when the vet does surgeries and stuff like
19 that?
20 PROSPECTIVE JUROR NO. 028: Yes. Yep.
21 MR. GIORDANI: Okay. Are you in charge of any other
22 veterinary assistants or are you just kind of freestanding to do your own
23 thing?
24 PROSPECTIVE JUROR NO. 028: Do my own thing. I work
25 with one of the doctors personally.

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MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 028: That's about it.

MR. GIORDANI: All right. And did you say you're 24?

PROSPECTIVE JUROR NO. 028: Yes. 24.

MR. GIORDANI: Okay. What you -- we have a little bit of information from you -- on you guys that we get previously. I'm just confirming that. Anything that I've discussed with your fellow jurors that you'd like to chime in on or you think we should know?

PROSPECTIVE JUROR NO. 028: Not really. I -- as far as guns go, I don't really have an opinion on them. I mean, I am kind of afraid of them. I did have a bad experience a few years ago in the family with guns. So -- so, yeah, I don't like really talking about it.

MR. GIORDANI: Okay. I won't --

PROSPECTIVE JUROR NO. 28: -- and talk about guns at all.

MR. GIORDANI: -- ask about it.

PROSPECTIVE JUROR NO. 028: Makes me very emotional, so as far as the emotional part with guns, I'm not that comfortable with it.

MR. GIORDANI: Okay. I appreciate you telling us that. I won't go into detail or ask you about that.

PROSPECTIVE JUROR NO. 028: Thank you. I appreciate it.

MR. GIORDANI: I do have to ask you though, can you set that emotion aside when you're looking at the evidence in the case?

PROSPECTIVE JUROR NO. 028: Honestly, no.

MR. GIORDANI: Okay. Do you think that's something that would spill over?

1 PROSPECTIVE JUROR NO. 028: Yes.
2 MR. GIORDANI: All right. Okay. I'll leave it at that.
3 PROSPECTIVE JUROR NO. 028: Okay. Thanks.
4 MR. GIORDANI: You can pass the microphone down, please.
5 Mr. Pope, and it's 31. We talked a little bit earlier, but I
6 wanted to ask you a couple more questions.
7 PROSPECTIVE JUROR NO. 031: Go ahead.
8 MR. GIORDANI: We talked about what happened to your
9 uncle. It sounded like a pretty horrible --
10 PROSPECTIVE JUROR NO. 031: Yes.
11 MR. GIORDANI: -- incident. That was here?
12 PROSPECTIVE JUROR NO. 031: It was in California.
13 MR. GIORDANI: Oh.
14 PROSPECTIVE JUROR NO. 31: It was actually in the ocean
15 on a cruise line.
16 MR. GIORDANI: Oh, okay. Actually on a -- on a cruise boat?
17 PROSPECTIVE JUROR NO. 031: Yeah.
18 MR. GIORDANI: Okay. Now, were you present or did you
19 just --
20 PROSPECTIVE JUROR NO. 031: No. No. I wasn't there.
21 He was -- I believe it was a honeymoon. He was with his -- his husband.
22 MR. GIORDANI: Okay.
23 PROSPECTIVE JUROR NO. 031: And one of the
24 employees -- well, a couple of the employees beat him up.
25 MR. GIORDANI: Employees of the cruise ship?

1 PROSPECTIVE JUROR NO. 031: Yeah.

2 MR. GIORDANI: Were they held accountable?

3 PROSPECTIVE JUROR NO. 031: I believe so, yes.

4 MR. GIORDANI: Okay. Do you know if they went --

5 PROSPECTIVE JUROR NO. 031: I don't really ask him much
6 about it. It's kind of a touchy subject, you know.

7 MR. GIORDANI: Sure. Was his husband also beat or was he
8 alone? Do you know that much?

9 PROSPECTIVE JUROR NO. 031: No. He -- he was trying to
10 defend him. I don't know what happened. I know that people were
11 prosecuted, I believe.

12 MR. GIORDANI: Okay. And so you don't know, ultimately,
13 what happened then?

14 PROSPECTIVE JUROR NO. 031: No, I don't.

15 MR. GIORDANI: You don't know if they pled guilty or if they
16 went to trial --

17 PROSPECTIVE JUROR NO. 031: I -- I heard all of this from
18 my mom, who is very close with him, in California.

19 MR. GIORDANI: Okay. Is there anything about that, that may
20 spill over to this?

21 PROSPECTIVE JUROR NO. 031: No. No. None of that.
22 None of that stuff.

23 MR. GIORDANI: Okay. You heard the charges. There's a
24 battery with a deadly weapon resulting in substantial bodily harm,
25 attempt murder, some serious stuff that involves violence.

1 PROSPECTIVE JUROR NO. 031: Yeah.

2 MR. GIORDANI: Can you sit fairly and impartially in a case
3 like this where we have violent charges, or is there anything about that
4 prior experience that's going to carry over?

5 PROSPECTIVE JUROR NO. 031: I mean, it -- with -- if
6 there's irrefutable evidence, I'm -- I can make a -- I'm able to put, you
7 know, not be -- I'm able to focus on one thing. I'm not going to stray and
8 think about other things.

9 MR. GIORDANI: Okay. That's all we ask is -- like I said
10 before, you know, people have emotions and experiences and that's
11 natural. We just want people who are going to be able to fairly judge this
12 case based on this evidence that you hear from the stand. You can do
13 that?

14 PROSPECTIVE JUROR NO. 031: I believe so.

15 MR. GIORDANI: All right. Thank you, sir. Pass the
16 microphone down.

17 How are you, Ms. Miller-Roche?

18 PROSPECTIVE JUROR NO. 033: I'm fine. Thank you.

19 MR. GIORDANI: Good. Badge No. 33?

20 PROSPECTIVE JUROR NO. 033: Yes.

21 MR. GIORDANI: So you were an AG for how long?

22 PROSPECTIVE JUROR NO. 033: Six years.

23 MR. GIORDANI: Okay. And gaming division?

24 PROSPECTIVE JUROR NO. 033: Yes.

25 MR. GIORDANI: So did you prosecute violations of the

1 gaming codes and stuff or --

2 PROSPECTIVE JUROR NO. 033: Well, the -- the gaming
3 deputies had a lot of responsibilities, but we -- we did prosecute -- we
4 took away gaming licenses.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 033: So those were considered
7 prosecutions. We did black books, which were considered prosecutions.

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 033: We advised the
10 enforcement division when they were engaging in -- because there
11 was -- there was overlapping jurisdiction --

12 MR. GIORDANI: Yeah.

13 PROSPECTIVE JUROR NO. 033: -- between Metro and the
14 enforcement division on casino properties.

15 MR. GIORDANI: Right.

16 PROSPECTIVE JUROR NO. 033: So we had to advise them
17 in terms of how to apply the law, the criminal laws --

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 033: -- on casino property.

20 MR. GIORDANI: If you could estimate, how many active -- I
21 mean, how active were you in -- in court? How many times per week
22 were you in court?

23 PROSPECTIVE JUROR NO. 033: In court?

24 MR. GIORDANI: Yes.

25 PROSPECTIVE JUROR NO. 033: Well, for the most part -- I

1 was the supervising deputy attorney general --

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 033: -- for the Southern Nevada
4 office of the Gaming Division. So I wasn't in court that often.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 033: I supervised other deputies
7 that went in occasionally. I supervised deputies that did things like
8 assist with the serving of a search warrant, the seizure of evidence, that
9 sort of thing. I mostly went into appellate court or did most of my
10 prosecutions in front of the Nevada Gaming Commission or the State
11 Gaming Control Board.

12 MR. GIORDANI: Understood. Okay. I'll -- I'll save the
13 defense the time of asking this: As a former AG, do you think you can
14 be fair to both sides in this case?

15 PROSPECTIVE JUROR NO. 033: I would certainly hope that
16 my training would allow me to do that.

17 MR. GIORDANI: Right. Okay. That's a good point. And
18 sometimes attorneys get a bad rap, but it's usually the attorneys who
19 understand the law the most, obviously. Do you think that you could
20 apply all the standards and the laws that the judge gives equally and
21 fairly across the board?

22 PROSPECTIVE JUROR NO. 033: Yes.

23 MR. GIORDANI: And follow the instructions, the specific ones
24 to this case, regarding beyond a reasonable doubt and burden of proof
25 and all of those things?

1 PROSPECTIVE JUROR NO. 033: I can follow their
2 instructions and try not to read too much into it on my own.
3 MR. GIORDANI: Exactly. That's what I'm getting at. Thank
4 you.
5 PROSPECTIVE JUROR NO. 033: Yes.
6 MR. GIORDANI: You think you can do that?
7 PROSPECTIVE JUROR NO. 033: I do.
8 MR. GIORDANI: USD Law School?
9 PROSPECTIVE JUROR NO. 033: Yes.
10 MR. GIORDANI: Thank you, ma'am. You can pass the
11 microphone.
12 Mr. Fritz, how are you doing?
13 PROSPECTIVE JUROR NO. 036: Fine.
14 MR. GIORDANI: Good. And it's Badge No. 36. The judge
15 asked you a couple things regarding people that you know that were
16 convicted. You said two brothers, right?
17 PROSPECTIVE JUROR NO. 035: Yes.
18 MR. GIORDANI: 20 years ago in Philadelphia for several PS,
19 possession stolen property and other type of crimes?
20 PROSPECTIVE JUROR NO. 036: Yes.
21 MR. GIORDANI: Is there anything about that that causes you
22 concern sitting on a criminal trial?
23 PROSPECTIVE JUROR NO. 036: I don't exactly understand
24 your question.
25 MR. GIORDANI: Okay. Well, yesterday, I believe, when

1 the --

2 PROSPECTIVE JUROR NO. 036: Let me say this: I had six
3 brothers. We fought all the time growing up. But I loved them very
4 much and we always had each others' back. Our family didn't have any
5 money. It's really difficult to grow up in a neighborhood where people
6 your age have wealth. So we all had opportunities to go that route. It's
7 easy to do that when your family is putting mush on the table to eat. I
8 didn't go that route, but I didn't hold it against them.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR NO. 036: I somehow had a stronger
11 desire for long-term wealth rather than short-term wealth. I think it's
12 because I had eyes that saw their associates were never very old.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR NO. 036: They either wound up in
15 prison or dead on the streets. I don't know what I can tell you. I love
16 them. I don't hold it against them. I told the judge that I can be fair.

17 MR. GIORDANI: Okay.

18 PROSPECTIVE JUROR NO. 036: Sure.

19 MR. GIORDANI: The only reason I followed up on that is
20 because -- I may have been wrong. I sensed some hesitancy when we
21 asked you that last question, when the judge asked you can you be fair.
22 It felt like you paused for a while and thought about it. That's the only
23 concern. We have people on juries all the time and attorneys in this
24 courtroom with family members who have done some things that they
25 necessarily wouldn't do. That's not an issue.

1 The issue comes in, is if you have a family member, say you
2 feel was treated unfairly by law enforcement or given a harsher sentence
3 than he deserved or something like that, and then you carry that over
4 and hold that against us for how someone you know was treated. You
5 get what I'm going -- going with there?

6 PROSPECTIVE JUROR NO. 036: Yes. I've heard you all day
7 today.

8 MR. GIORDANI: Okay. Sorry, is that too much for you?

9 PROSPECTIVE JUROR NO. 036: No.

10 MR. GIORDANI: Okay. I have to ask these questions. I want
11 to find people that are fair. So do you think you can be fair based upon
12 everything I've said today?

13 PROSPECTIVE JUROR NO. 036: Yes. I've said that twice.

14 MR. GIORDANI: Okay. You're sure? I'm sensing some
15 hostility here. So if there's some hostility against me, I need to know it
16 now.

17 PROSPECTIVE JUROR NO. 036: No.

18 MR. GIORDANI: Okay. Can you pass the microphone down?

19 Mr. Troller, how are you doing, sir?

20 PROSPECTIVE JUROR NO. 038: Good. How are you?

21 MR. GIORDANI: Good.

22 PROSPECTIVE JUROR NO. 038: Badge 38.

23 MR. GIORDANI: Thank you. You have a son-in-law who's
24 Metro?

25 PROSPECTIVE JUROR NO. 038: That's correct.

1 MR. GIORDANI: None of the names that we listed,
2 obviously?

3 PROSPECTIVE JUROR NO. 038: I didn't recognize any of
4 the names.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 038: Yeah.

7 MR. GIORDANI: But your son-in-law is not on our witness
8 list?

9 PROSPECTIVE JUROR NO. 038: No. No. No.

10 MR. GIORDANI: Okay. You said that you talk to him
11 regularly?

12 PROSPECTIVE JUROR NO. 038: Yes.

13 MR. GIORDANI: Is -- should either side, especially the
14 defense, be concerned with you sitting on this jury?

15 PROSPECTIVE JUROR NO. 038: I don't think so. He's a
16 good family man. He's a great husband to my daughter and great father
17 to the grandkids. We generally center on family issues and -- and
18 occasionally something comes up about his job and my job and
19 whatever.

20 MR. GIORDANI: Okay. So you talk shop a little bit, but it's
21 most -- mostly family relations?

22 PROSPECTIVE JUROR NO. 038: Yeah.

23 MR. GIORDANI: Okay. With regard to your work, what
24 exactly do you do with regard to WMD?

25 PROSPECTIVE JUROR NO. 038: Yeah. Well, we -- we train

1 first responders across the board. That's law enforcement, fire, EMT,
2 the whole -- the whole community to -- it's centered on radiological and
3 nuclear WMDs, improvised nuclear devices, dirty bombs, that sort of
4 thing. So we treat -- we use detection instrumentation and -- and teach
5 the responders how to do their job in an -- in a radiological environment
6 if -- if an IND, God forbid, goes off in the city or -- or a dirty bomb.

7 MR. GIORDANI: Okay. In the course of that training, did you
8 say that you also trained law enforcement personnel?

9 PROSPECTIVE JUROR NO. 038: Yes.

10 MR. GIORDANI: Metro?

11 PROSPECTIVE JUROR NO. 038: We've trained Metro, yeah.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 038: We -- we also have Metro
14 folks in our team that -- that train also.

15 MR. GIORDANI: Okay. So they have their own training? I
16 believe they have a whole training unit with regard --

17 PROSPECTIVE JUROR NO. 038: Yes. They -- they have the
18 armor division.

19 MR. GIORDANI: Right.

20 PROSPECTIVE JUROR NO. 038: The armor unit is -- is the
21 CBRNE, chemical, biological, radiological, explosive guys --

22 MR. GIORDANI: Right.

23 PROSPECTIVE JUROR NO. 038: In -- in Metro.

24 MR. GIORDANI: Okay. Based upon those interactions that
25 you may have had, is there anything that should cause either side

1 concern in this case?

2 PROSPECTIVE JUROR NO. 038: No. No. I do respect law
3 enforcement, firefighters, all those people who put their life on the line
4 for us every day. I thought about last night that, you know, there's -- I
5 totally understand people's -- based on their -- on their experiences,
6 they -- they either have opinions one way or the other about law
7 enforcement. I've -- I've -- I know that law enforcement puts their line --
8 their life on the line every day. And -- and some have paid the price,
9 very high price for that, with their lives. And so I respect law
10 enforcement. But I -- but by the same token, you know I -- I spent 21
11 years in the Army defending the American way of life. And one of them
12 is -- is this -- this system. So I wouldn't dishonor that system by -- by
13 being prejudiced toward anybody. I'm going to follow the law.

14 MR. GIORDANI: All right. I appreciate it. Thank you for you
15 service.

16 PROSPECTIVE JUROR NO. 038: Yeah.

17 MR. GIORDANI: Pass that down to Ms. Adams.

18 PROSPECTIVE JUROR NO. 039: Badge 39.

19 MR. GIORDANI: 39. How are you, ma'am?

20 PROSPECTIVE JUROR NO. 039: I'm good. And yourself?

21 MR. GIORDANI: Good. Thank you. We talked a little bit
22 yesterday, so I won't berate you with questions. Anything that you
23 referenced with the judge about being the victim of a burglary of your
24 house and your car, or anything about your cousin, issues with your
25 cousin that should cause either side concern in this case?

1 PROSPECTIVE JUROR NO. 039: Not at all.

2 MR. GIORDANI: And anything that I talked to your fellow

3 jurors about that you would like to add to or give your opinion on?

4 PROSPECTIVE JUROR NO. 039: I have nothing, sir.

5 MR. GIORDANI: Is there anything either side should be

6 concerned about?

7 PROSPECTIVE JUROR NO. 039: Not at all.

8 MR. GIORDANI: All right. Thank you very much.

9 PROSPECTIVE JUROR NO. 039: You're welcome.

10 MR. GIORDANI: You can pass it down.

11 Can I have your name and badge number.

12 PROSPECTIVE JUROR NO. 40: Jacqueline Johnson, 40.

13 MR. GIORDANI: How are you?

14 PROSPECTIVE JUROR NO. 040: Doing well. Thank you.

15 How are you?

16 MR. GIORDANI: Good. Thank you. The judge asked you

17 something about your sister and you were talking about drug and theft

18 crimes from what I gathered; is that right?

19 PROSPECTIVE JUROR NO. 040: Yes.

20 MR. GIORDANI: The -- the vibe I got was that you completely

21 cut her off?

22 PROSPECTIVE JUROR NO. 040: Yes.

23 MR. GIORDANI: Is that accurate?

24 PROSPECTIVE JUROR NO. 040: Yes.

25 MR. GIORDANI: Was that before or after the criminal

1 offenses?

2 PROSPECTIVE JUROR NO. 040: I guess somewhere in
3 between.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 040: She's -- I mean, it's been
6 going on for many, many years. She's 25 and I think it started when she
7 was 13, so.

8 MR. GIORDANI: Oh, okay.

9 PROSPECTIVE JUROR NO. 040: I mean, obviously, I didn't
10 cut her off when she was 13, but --

11 MR. GIORDANI: Right.

12 PROSPECTIVE JUROR NO. 040: -- it's probably been eight,
13 nine years.

14 MR. GIORDANI: Okay. So do -- are you aware of the
15 ultimate result of her criminal proceedings?

16 PROSPECTIVE JUROR NO. 040: I'm pretty sure she's still in
17 the middle of everything.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 040: She -- I mean, it keeps
20 coming. Like, more stuff comes up.

21 MR. GIORDANI: Okay. Charges get filed while she's pending
22 other charges?

23 PROSPECTIVE JUROR NO. 040: Yeah. Yeah.

24 MR. GIORDANI: Understood. Is there anything that I
25 discussed with any of your fellow jurors that you'd like to chime in on?

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PROSPECTIVE JUROR NO. 040: No.

MR. GIORDANI: Anything that you think either side should know about you as a person?

PROSPECTIVE JUROR NO. 040: No. That I'm -- I mean, I will listen to both sides and be as fair as I can be. I have no bias in any way.

MR. GIORDANI: All right. Thank you, ma'am. You can pass that down.

Mr. Messer, Badge 41, right?

PROSPECTIVE JUROR NO. 041: Yep.

MR. GIORDANI: How are you doing, sir?

PROSPECTIVE JUROR NO. 041: Fine.

MR. GIORDANI: Good. You talked to the judge about that job you're starting?

PROSPECTIVE JUROR NO. 041: Yeah.

MR. GIORDANI: Brand new job starting on Monday?

PROSPECTIVE JUROR NO. 041: It -- yeah. It was -- yeah. Actually, it was supposed to be scheduled last -- on the 16th. But then I told them I had jury duty, and so then --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 041: -- they pushed it back to the 23rd. Yeah.

MR. GIORDANI: Okay. So you're right -- as of right now, you're set to start on the 23rd?

PROSPECTIVE JUROR NO. 041: Oh, yeah. I was supposed

1 to, yeah.

2 MR. GIORDANI: Okay. And if this -- you heard the schedule.
3 If this goes a week and a half, is that going to cause you to lose your job
4 or?

5 PROSPECTIVE JUROR NO. 041: I certainly hope not.

6 MR. GIORDANI: I hope not either.

7 PROSPECTIVE JUROR NO. 041: I mean, I haven't spoken
8 with them about this, because I -- at the time I thought one week would
9 be fine. But then we sat here yesterday and then you said it was two
10 weeks, I was like, oh. It gave me some concern.

11 The only thing that I realized too that I didn't think about too is
12 I have health care coverage until April. And then I was supposed to start
13 April 23rd this new job. And so if this goes through May, then I have to
14 purchase health care coverage in May, like COBRA again. Because I
15 quit my job two weeks ago to start this new job.

16 MR. GIORDANI: Oh, okay.

17 PROSPECTIVE JUROR NO. 041: So that -- that is some
18 burden that I didn't think about originally.

19 MR. GIORDANI: Understood.

20 PROSPECTIVE JUROR NO. 041: Yeah.

21 MR. GIORDANI: And if I'm correct about the dates, we're not
22 going -- there's no way we're going into May.

23 PROSPECTIVE JUROR NO. 041: Okay.

24 MR. GIORDANI: So if we go into the end of next week, that
25 will put us at what, the --

1 MS. MACHNICH: 27th.

2 MR. GIORDANI: 27th would be the absolute last day of this.

3 PROSPECTIVE JUROR NO. 041: Okay. That's good to

4 hear.

5 MR. GIORDANI: Is that going to be -- is that going to cause

6 your coverage to lapse?

7 PROSPECTIVE JUROR NO. 041: Well, what day is the 20th?

8 MS. MACHNICH: Monday's the 30th.

9 PROSPECTIVE JUROR NO. 041: My work always -- the new

10 job, they only start you on Monday. So --

11 MS. MACHNICH: The 30th.

12 PROSPECTIVE JUROR NO. 041: The 30th?

13 MR. GIORDANI: Monday's the 30th.

14 PROSPECTIVE JUROR NO. 041: Okay. Thank you. Yeah.

15 Yeah.

16 MR. GIORDANI: So good with that?

17 PROSPECTIVE JUROR NO. 041: So it should be okay.

18 MR. GIORDANI: Okay. Good. And I'm not going to repeat

19 myself, but anything that I talked about with anybody that you have an

20 opinion on?

21 PROSPECTIVE JUROR NO. 041: I mean, I do think the

22 Second Amendment has been bastardized.

23 MR. GIORDANI: Okay.

24 PROSPECTIVE JUROR NO. 041: I have -- I do have a

25 disdain for guns. You know, I -- I don't have a disdain for gun owners. I

1 totally understand why people own guns. I sort of -- what the -- to echo
2 the gentleman in the red shirt, like, assault rifles to me are not
3 necessary.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 041: And this is someone -- I've
6 fired assault rifles myself.

7 MR. GIORDANI: Right.

8 PROSPECTIVE JUROR NO. 041: But I just -- I have a strong
9 negative emotion towards them.

10 MR. GIORDANI: Okay. Fair enough. Is that -- you know, to
11 the next logical step, is that strong negative emotion towards the idea of
12 assault rifles going to carry over, or can you set that aside and judge the
13 evidence in this case?

14 PROSPECTIVE JUROR NO. 041: I mean -- I mean, I would
15 hope that I could set that aside. And I -- I like to think that I could be fair
16 and impartial. But I just thought it was necessary to state, like, that I do
17 have some negative views towards guns in general.

18 MR. GIORDANI: Sure. I appreciate that. Anything else that I
19 talked with your fellow jurors about that you'd like to add?

20 PROSPECTIVE JUROR NO. 041: No.

21 MR. GIORDANI: All right. Thank you, sir.

22 Can we have -- can I have the Court's indulgence?

23 THE COURT: Sure.

24 [Pause in proceedings.]

25 MR. GIORDANI: Can we approach?

1 THE COURT: You may.

2 [Bench conference transcribed as follows:]

3 MR. GIORDANI: I forgot what you said about challenges for
4 cause. We do them at the bench, right?

5 THE COURT: We're going to do -- okay. Both sides are
6 going to be able to voir dire the jury. And then after you're completed
7 with your voir dire, then I'm going to excuse the jury and give you a few
8 minutes to confer to see if there's any jurors that you're going to agree
9 can be excused for cause.

10 MR. GIORDANI: Oh, okay. So I don't need to address --

11 THE COURT: Then you'll also have the opportunity to make a
12 challenge for cause that will not be agreed upon, both sides. And then
13 I'll take another break to consider your challenges for cause. And then
14 at that point, we'll excuse whoever either has been agreed upon or
15 determined to challenge for cause, reseal whoever in the panel, do my
16 questioning on those individuals. Then you'll have an opportunity to
17 question those individuals --

18 MR. GIORDANI: Right.

19 THE COURT: -- and voir dire them for cause.

20 MS. BEVERLY: Okay.

21 THE COURT: And once that procedure's been done, then at
22 that point, we'll do the peremptory challenges.

23 MR. GIORDANI: Okay.

24 MS. BEVERLY: Okay.

25 MS. MACHNICH: Okay.

1 THE COURT: Thank you.

2 MR. GIORDANI: Thank you.

3 [End of bench conference.]

4 MR. GIORDANI: Thanks everybody.

5 MS. SISOLAK: Good morning everyone. Who's nervous?

6 That's okay. We're nervous too. Even though we're here all the time,
7 we're super nervous. Is there anyone who is excited to be here? That's
8 an okay answer. You're allowed to be excited to be here. Nobody.

9 Really? Nobody? A little bit?

10 Why are you excited?

11 PROSPECTIVE JUROR NO. 011: I've never been asked to
12 be on a jury before.

13 THE COURT: Ma'am, I apologize -- ma'am, I apologize.

14 PROSPECTIVE JUROR NO. 011: Oh, I'm sorry.

15 THE COURT: You need to have the microphone and state
16 your name and badge number.

17 PROSPECTIVE JUROR NO. 011: My name is Kristi
18 Feldman, Juror No. 11. I'm excited to be here. The flip side of that is I'm
19 missing so much work right now, but -- yeah. I'm -- I'm very honored to
20 be here.

21 MS. SISOLAK: Awesome. Anybody else kind of excited?
22 Why are you kind of excited?

23 Mr. Stoldal, Number 6.

24 PROSPECTIVE JUROR NO. 006: Correct. Matthew,
25 Number 6. I'm -- I'm -- so far I'm enjoying learning the experience and

1 all that. I'm again kind of going back to the gentleman we were talking
2 before. I'm very nervous about what it's going to be on. So I'm sure
3 we'll talk more later, but just kind of learning the whole process, this is as
4 far as I've ever gotten before. So this is a great honor kind of to do this.
5 I'm -- I'm really excited. We'll discuss further if I'm a -- a good candidate
6 or not.

7 MS. SISOLAK: We will. Don't worry.

8 PROSPECTIVE JUROR NO. 006: I'm also a talker.

9 MS. SISOLAK: I think -- I think it's normal to be -- no kidding.
10 I think it's normal to be kind of nervous. This is serious. I think we can
11 all agree it's a -- we're all here for something serious.

12 Go ahead, ma'am.

13 PROSPECTIVE JUROR NO. 008: Sue Phillips, number -- or
14 Susan Phillips, Number 8. I would be excited to be here, because I've
15 always wanted to be a juror. But I'm recovering from a stroke, and it's
16 kind of hard for me to sit in these seats all day. And besides the fact that
17 I'm sick today, but otherwise, I'd be excited to be here.

18 MS. SISOLAK: Okay.

19 PROSPECTIVE JUROR NO. 008: But I'd like to experience it,
20 but I'm not on top of my game right now.

21 MS. SISOLAK: I understand. All right.

22 Where should we start? Can you pass the mic to Ms. Keyes
23 right in front of you? All right. Hot seat.

24 Do you think that just because these two men are sitting
25 behind that table they're guilty?

1 PROSPECTIVE JUROR NO. 025: No.

2 MS. SISOLAK: Is there anyone that feels that way? Okay.

3 I'm going to have you pass the mic for now, but I'm probably coming

4 back to you.

5 To Mr. -- to Mr. Hodgins, down -- down the line a little bit.

6 Hi.

7 PROSPECTIVE JUROR NO. 015: Hello.

8 MS. SISOLAK: I think I used to work with your wife.

9 PROSPECTIVE JUROR NO. 015: Linna [phonetic]?

10 MS. SISOLAK: Uh-huh.

11 PROSPECTIVE JUROR NO. 015: Wow.

12 MS. SISOLAK: With Mr. Ashworth?

13 PROSPECTIVE JUROR NO. 015: Uh-huh.

14 MS. SISOLAK: You don't know me though, do you?

15 PROSPECTIVE JUROR NO. 015: I don't think so.

16 MS. SISOLAK: You don't remember me?

17 PROSPECTIVE JUROR NO. 015: I don't.

18 MS. SISOLAK: Okay. Just checking. Got clear it up. So that

19 wouldn't have any effect on anything going on here, right?

20 PROSPECTIVE JUROR NO. 015: I don't think, no.

21 MS. SISOLAK: Perfect. Awesome. That was easy. Okay.

22 So let's set this up. I am randomly selected as a judge.

23 Okay? And I'm going to judge a pie-eating contest -- a pie contest.

24 We're down to two finalists. One made a cherry pie, one made an apple

25 pie. Okay? So I get randomly selected and we're talking about, you

1 know, which pie is better. So I'm going to taste them both and make a
2 decision. Okay?

3 Do you think the baker of the cherry pie deserves to know that
4 I'm kind of just not crazy about cherry pie? In fact, I don't like it.

5 PROSPECTIVE JUROR NO. 015: Yeah. I -- I think -- yeah.

6 MS. SISOLAK: Why do you think they deserve to know that?

7 THE COURT: Sir, if you could --

8 PROSPECTIVE JUROR NO. 015: Well, it -- it suggests a -- a
9 biased judgment. They should know about that ahead of time.

10 MS. SISOLAK: Okay. That's Mr. Hodgins, Number 15. Okay.

11 So what I'm kind of getting is not every juror is right for every
12 case.

13 PROSPECTIVE JUROR NO. 015: Uh-huh.

14 MS. SISOLAK: There are some of who I'm sure will be more
15 seated -- suited, excuse me, for a nine-month construction defect down
16 the hall.

17 But if you're of those people that kind of just can't get over the
18 guns or police bias, that's something we -- we deserve to know, right?

19 PROSPECTIVE JUROR NO. 015: Uh-huh. Yes.

20 MS. SISOLAK: Is there anyone who feels like they should tell
21 us anything aside from what they've told Mr. Giordani? We've kind of
22 covered it. But you guys would agree that if you feel one of those
23 biases, you got to let us know, right? Fair?

24 Can you pass the mic one in front of you, to Mr. Fritz.

25 PROSPECTIVE JUROR NO. 036: I hate apple pie. Cherry --

1 cherry pie is my favorite.

2 MS. SISOLAK: It's my favorite too. That's why I hate that
3 example.

4 THE COURT: Counsel, can you ask him his badge number?

5 MS. SISOLAK: Of course. It's Mr. Fritz, Number 36.

6 THE COURT: Thank you.

7 MS. SISOLAK: Thank you, Your Honor.

8 Mr. Fritz, did you drive here today?

9 PROSPECTIVE JUROR NO. 036: Yes.

10 MS. SISOLAK: Okay. Let's play a little game. An officer
11 walks in the court right now. He says, Mr. Fritz, here's your speeding
12 ticket. You were speeding on your way to work -- on your way to court,
13 excuse me. Do you think you should have to prove that you weren't
14 speeding?

15 PROSPECTIVE JUROR NO. 036: I don't know how you
16 would do that.

17 MS. SISOLAK: That's what I'm getting at.

18 PROSPECTIVE JUROR NO. 036: Except that I don't speed.

19 MS. SISOLAK: Right. I -- I believe you. I do. What I'm
20 getting at is, Ms. Machnich, Mr. Plummer, and I can sit there and we can
21 call no witnesses. We can ask no questions. Quite frankly, we could
22 just sit there and stare at all you lovely people. Is there anyone --

23 PROSPECTIVE JUROR NO. 036: Did you say ugly people?

24 MS. SISOLAK: No. Why would I say ugly people?

25 PROSPECTIVE JUROR NO. 036: I was just checking for the

1 record.

2 MS. SISOLAK: Absolutely not. For the record, that was lovely
3 people. Whoa.

4 PROSPECTIVE JUROR NO. 036: Evidently I need those
5 hearing things.

6 MS. SISOLAK: We can get you some of those.

7 PROSPECTIVE JUROR NO. 036: Thanks.

8 MS. SISOLAK: Do you feel --

9 PROSPECTIVE JUROR NO. 036: A lot.

10 MS. SISOLAK: Do you feel any kind of way about the fact that
11 we don't have to do anything, that the burden is all on those two?

12 PROSPECTIVE JUROR NO. 036: Could you repeat that?

13 MS. SISOLAK: Do you feel --

14 PROSPECTIVE JUROR NO. 036: I feel like a slow person
15 today.

16 MS. SISOLAK: That's okay. I feel that way too. Is it okay
17 with you that the burden is all on the State?

18 PROSPECTIVE JUROR NO. 036: Yes.

19 MS. SISOLAK: That's okay with you?

20 PROSPECTIVE JUROR NO. 036: Yes.

21 MS. SISOLAK: Is there anyone who that's not okay with?

22 Okay. Pass the mic down a couple for me to Mr. Messer.

23 Mr. Messer, you think you could be fair and impartial?

24 PROSPECTIVE JUROR NO. 041: I do.

25 MS. SISOLAK: Okay. We were talking a little bit about guns.

1 Can you put aside your hate of guns and judge based on the facts?

2 PROSPECTIVE JUROR NO. 041: I do believe so.

3 MS. SISOLAK: Okay.

4 PROSPECTIVE JUROR NO. 041: Yeah.

5 MS. SISOLAK: You would want you on your jury?

6 PROSPECTIVE JUROR NO. 041: Yes.

7 MS. SISOLAK: Why?

8 PROSPECTIVE JUROR NO. 041: Because I think I would, to
9 the best of my ability, try to be fair and impartial, even given the fact that
10 I do have a disdain for guns. And I honestly believe that we all have
11 some implicit bias that we don't know about. Everyone, I think that's --
12 that's the nature of the situation, but we try to do it the best with what we
13 think is the most rational.

14 MS. SISOLAK: And you're committed to doing your best and
15 putting aside all your biases?

16 PROSPECTIVE JUROR NO. 041: Absolutely.

17 MS. SISOLAK: Perfect.

18 Ms. Johnson, your turn. So you guys are going to hear that
19 my client has a right not testify. We all hear TV, *Law & Order* stuff. Any
20 *Law & Order* fans? A little bit. This is not like *Law & Order*. It's not half
21 an hour either.

22 So you're going to hear my client doesn't have to testify. He
23 doesn't have to say anything. Can you think of some reasons why
24 neither of the defendants might want to talk? That's Ms. Johnson,
25 Number 40.

1 PROSPECTIVE JUROR NO. 040: Yeah, Number 40. I mean,
2 I guess because, you know, they both pled not guilty. So the plaintiff
3 has to prove that they're guilty and they don't have to talk.

4 MS. SISOLAK: Perfect. What about maybe this whole public
5 defender thing that we're all enjoying so much right now? I mean, we
6 can agree there are a lot of reasons why they may be inclined not to
7 testify. Is there anybody that feels like they're just going to have to hear
8 from them, that they can't make a decision without hearing from my
9 client? Okay. Perfect.

10 Two down to Mr. Troller, please.

11 Mr. Troller, Number 38. So your son-in-law is an officer, right?

12 PROSPECTIVE JUROR NO. 038: He's a sergeant.

13 MS. SISOLAK: Perfect. You said he's I believe it was a good
14 husband and a good father?

15 PROSPECTIVE JUROR NO. 038: Darn right.

16 MS. SISOLAK: Those are all good things.

17 PROSPECTIVE JUROR NO. 038: Yep.

18 MS. SISOLAK: Can we agree that there are good and bad in
19 every profession?

20 PROSPECTIVE JUROR NO. 038: Oh, absolutely.

21 MS. SISOLAK: And you wouldn't listen to an officer more just
22 because --

23 PROSPECTIVE JUROR NO. 038: No.

24 MS. SISOLAK: -- he comes in with a badge and -- no?

25 PROSPECTIVE JUROR NO. 038: By the way, my -- my

1 son-in-law is in internal affairs.

2 MS. SISOLAK: Oh, okay. Cool. So you can be fair and
3 impartial?

4 PROSPECTIVE JUROR NO. 038: Yeah.

5 MS. SISOLAK: Perfect. You guys aren't talking that much.
6 It's making it hard. Can you pass it down to Ms. Roche?

7 PROSPECTIVE JUROR NO. 036: I can talk if you want.

8 MS. SISOLAK: We're coming back to you. He doesn't want
9 you to have it.

10 PROSPECTIVE JUROR NO. 033: That's okay.

11 MS. SISOLAK: I saw. I'll make it quick and painless.
12 Why did you pick gaming law?

13 PROSPECTIVE JUROR NO. 033: Why did I pick gaming
14 law?

15 MS. SISOLAK: Yeah.

16 PROSPECTIVE JUROR NO. 033: Well, when I came out of
17 law school, I actually worked for the public service -- what was the Public
18 Service Commission at the time, which is now Public Utilities
19 Commission.

20 MS. SISOLAK: Okay.

21 PROSPECTIVE JUROR NO. 033: I wanted to do energy law.

22 MS. SISOLAK: Okay.

23 PROSPECTIVE JUROR NO. 033: But, you know, I was born
24 and raised here, so gaming was natural.

25 MS. SISOLAK: Yeah.

1 PROSPECTIVE JUROR NO. 033: You know, and there was
2 a position open and I had some friends working in the division so I went.

3 MS. SISOLAK: Awesome. Interesting, I'm guessing? It's
4 very interesting?

5 PROSPECTIVE JUROR NO. 033: Well -- well, I think it was a
6 lot more interesting back then than it is now.

7 MS. SISOLAK: Probably. I can see that.

8 PROSPECTIVE JUROR NO. 033: The corporate world is a
9 little boring now.

10 MS. SISOLAK: No reason we should be worried that you
11 were a prosecutor?

12 PROSPECTIVE JUROR NO. 033: Well, I mean, I worked with
13 enforcement people. I worked --

14 MS. SISOLAK: Uh-huh.

15 PROSPECTIVE JUROR NO. 033: -- and they were all former
16 law enforcement, either Metro or Secret Service or FBI or, you know,
17 police officers from other parts of the country that moved here. And, you
18 know, they were all really good people. But that -- having said that, I
19 understand people are fallible. Everybody is different. Everybody's an
20 individual. You can't judge a particular person unless you know them.

21 MS. SISOLAK: Yeah. Love the answer. One down to
22 Mr. Pope for me.

23 Mr. Pope, how are you this morning? Number 31.

24 PROSPECTIVE JUROR NO. 031: I'm great. How are you?

25 MS. SISOLAK: I'm wonderful. You said something a little bit

1 earlier about irrefutable evidence. What does that mean to you?

2 PROSPECTIVE JUROR NO. 031: There's no other way it
3 could be. It can't be misconstrued. It's just you know exactly what
4 happened.

5 MS. SISOLAK: How --

6 PROSPECTIVE JUROR NO. 031: Or you know if it's
7 irrefutable evidence, in my mind, that's -- it sets me. I know exactly what
8 I'm thinking if it's irrefutable.

9 MS. SISOLAK: Okay. What would be an example of that?

10 PROSPECTIVE JUROR NO. 031: You're holding a black
11 pen.

12 MS. SISOLAK: And you see me holding the black pen?

13 PROSPECTIVE JUROR NO. 031: Yes.

14 MS. SISOLAK: What I'm kind of getting is that you're
15 skeptical. Would you agree that you're kind of skeptical with stuff?

16 PROSPECTIVE JUROR NO. 031: Slightly.

17 MS. SISOLAK: Okay. You haven't served jury duty before,
18 have you?

19 PROSPECTIVE JUROR NO. 031: No, I have not.

20 MS. SISOLAK: Have you wanted to serve jury duty?

21 PROSPECTIVE JUROR NO. 031: I mean, it --

22 MS. SISOLAK: You're allowed to say no. It's okay.

23 PROSPECTIVE JUROR NO. 031: Honestly, I did -- I never
24 really thought about it.

25 MS. SISOLAK: Okay. Fair. All right. Are you a leader or a

1 follower?

2 PROSPECTIVE JUROR NO. 031: I'm a leader.

3 MS. SISOLAK: Why?

4 PROSPECTIVE JUROR NO. 031: I lead all four kids to
5 school in the morning.

6 MS. SISOLAK: Listen, I have one dog I can't lead anywhere,
7 so.

8 PROSPECTIVE JUROR NO. 031: I mean, I -- I've always
9 been a leader. I'm the oldest of all my siblings and I have four kids. I'm
10 the sole provider in my household. And I took care of my mom when my
11 father and mother were divorced. It's just --

12 MS. SISOLAK: Okay.

13 PROSPECTIVE JUROR NO. 031: -- I always -- I grew up
14 taking care of people.

15 MS. SISOLAK: Do you think that's a good quality?

16 PROSPECTIVE JUROR NO. 031: Great quality.

17 MS. SISOLAK: Okay. You had said you had positive
18 interactions with law enforcement?

19 PROSPECTIVE JUROR NO. 031: Uh-huh. I have neighbors,
20 several neighbors that are law enforcement.

21 MS. SISOLAK: If I remember correctly yesterday, you said
22 that's why you moved there, right?

23 PROSPECTIVE JUROR NO. 031: Yes. We actually were --
24 during the shopping of our house, we drove down and we saw all these
25 squad cars parked in the driveways. And I was, like, I don't even want to

1 see this house on the inside, let's just get it.

2 MS. SISOLAK: Okay. That is a deep love for squad cars.

3 But can you put aside your police bias --

4 PROSPECTIVE JUROR NO. 031: Oh, I --

5 MS. SISOLAK: -- and be fair?

6 PROSPECTIVE JUROR NO. 031: -- I can.

7 MS. SISOLAK: Okay. Because that's going to be really
8 important to us.

9 PROSPECTIVE JUROR NO. 031: I know it is.

10 MS. SISOLAK: Okay. Ms. Feldman, Number 11, behind you.
11 I promise I'll get to everybody. Don't worry.

12 You had talked about you had some prosecutors that were
13 friends or family, correct?

14 PROSPECTIVE JUROR NO. 011: Friends. Uh-huh.

15 MS. SISOLAK: Okay. And that's not here?

16 PROSPECTIVE JUROR NO. 011: Not here.

17 MS. SISOLAK: All right. Would your friends being
18 prosecutors make you lean toward that side of the aisle over my side of
19 the aisle?

20 PROSPECTIVE JUROR NO. 011: No.

21 MS. SISOLAK: How do you -- here's a good one. Let's start
22 with, if you had to vote guilty or not guilty right now, what's your answer?

23 PROSPECTIVE JUROR NO. 011: I would have to say not
24 guilty, because I've had no -- no evidence presented by --

25 MS. SISOLAK: Perfect.

1 PROSPECTIVE JUROR NO. 011: -- that side.

2 MS. SISOLAK: That's what we're looking for.

3 PROSPECTIVE JUROR NO. 011: I can -- would you like me
4 to explain a little bit more about my background?

5 MS. SISOLAK: Yeah. A little bit.

6 PROSPECTIVE JUROR NO. 011: So my freshman year of
7 college, I qualified and attended National Debate Competition, so I
8 understand the affirmative has the burden of proof.

9 MS. SISOLAK: Okay.

10 PROSPECTIVE JUROR NO. 011: I understand that very well.
11 I have -- I feel nervous now.

12 MS. SISOLAK: It happens.

13 PROSPECTIVE JUROR NO. 011: The spotlight --

14 MS. SISOLAK: Me too.

15 PROSPECTIVE JUROR NO. 011: Usually -- yeah. Having
16 said that, yeah, I -- now I have a problem with public speaking all the
17 sudden, so. So yeah, I -- I understand that very well. And we argued
18 the Constitution, of course, so.

19 MS. SISOLAK: Okay.

20 PROSPECTIVE JUROR NO. 011: And I understand the
21 rights, so.

22 MS. SISOLAK: So you're comfortable --

23 PROSPECTIVE JUROR NO. 011: Yes.

24 MS. SISOLAK: -- in this kind of --

25 PROSPECTIVE JUROR NO. 011: I have family members that

1 are attorneys.

2 MS. SISOLAK: Okay.

3 PROSPECTIVE JUROR NO. 011: Not criminal, but --

4 MS. SISOLAK: Awesome.

5 PROSPECTIVE JUROR NO. 011: -- I understand that
6 process.

7 MS. SISOLAK: Awesome.

8 PROSPECTIVE JUROR NO. 011: And my friends, even
9 though they were, you know, prosecutors, they did more sex trafficking
10 and those sort of --

11 MS. SISOLAK: Okay.

12 PROSPECTIVE JUROR NO. 011: Yeah. Different -- different
13 types of things than it seems like we're talking about here, so.

14 MS. SISOLAK: All right.

15 PROSPECTIVE JUROR NO. 011: And I'm a nurse, so I have
16 to treat everyone equally.

17 MS. SISOLAK: I like that.

18 PROSPECTIVE JUROR NO. 011: No judgment.

19 MS. SISOLAK: Can we pass it down to Mr. Bragdon,
20 Number 13?

21 Hi.

22 PROSPECTIVE JUROR NO. 013: Hi.

23 MS. SISOLAK: Do the State and the defense start at that time
24 same part -- the same point? Let's say we're in a race. Do we start at
25 the same point?

1 PROSPECTIVE JUROR NO. 013: I don't think I understand
2 the question. Sorry.

3 MS. SISOLAK: Okay. So right now --

4 PROSPECTIVE JUROR NO. 013: Uh-huh.

5 MS. SISOLAK: -- are the State and I starting from the same
6 place? When we start the case -- let's say you're selected.

7 PROSPECTIVE JUROR NO. 013: Uh-huh.

8 MS. SISOLAK: Do we start at the same place?

9 PROSPECTIVE JUROR NO. 013: I would imagine.

10 MS. SISOLAK: Is it possible that maybe we've already
11 finished the race? Because it's up to the State to prove the case, if we
12 don't have a job to do during the case?

13 PROSPECTIVE JUROR NO. 013: No. I would say you still
14 have to argue -- argue your -- your points and your defense and your
15 evidence, so.

16 MS. SISOLAK: Okay. But you understand I -- I don't have to
17 do any of that, right?

18 PROSPECTIVE JUROR NO. 013: Sure. Yes.

19 MS. SISOLAK: You okay with that? All I'm looking for is an
20 honest answer, not the answer I want to hear.

21 PROSPECTIVE JUROR NO. 013: I would -- I wouldn't be
22 okay with it, but I wouldn't think you wouldn't do anything anyway. So it
23 wouldn't --

24 MS. SISOLAK: But if I didn't do anything, you wouldn't be
25 okay with that?

1 PROSPECTIVE JUROR NO. 013: Correct. I would not be
2 okay.

3 MS. SISOLAK: Why?

4 PROSPECTIVE JUROR NO. 013: That's not fair to the
5 defendant.

6 MS. SISOLAK: But you understand that the State has the
7 burden of proving everything, and I have the burden of proving nothing,
8 right?

9 PROSPECTIVE JUROR NO. 013: Yes.

10 MS. SISOLAK: You okay with that?

11 PROSPECTIVE JUROR NO. 013: No. Because if I was the
12 defendant, I wouldn't want you to not do anything.

13 MS. SISOLAK: I understand that.

14 PROSPECTIVE JUROR NO. 013: Uh-huh.

15 MS. SISOLAK: But can we agree that I don't have to do
16 anything? I'm not saying I'm not going to.

17 PROSPECTIVE JUROR NO. 013: Correct.

18 MS. SISOLAK: But I don't have to.

19 PROSPECTIVE JUROR NO. 013: Okay. I understand.

20 MS. SISOLAK: Are you okay with that?

21 PROSPECTIVE JUROR NO. 013: Yes. I mean, if that's -- if
22 that's the rules. I mean, it is what it is.

23 MS. SISOLAK: Okay. How would you feel if my client
24 decided not to testify?

25 PROSPECTIVE JUROR NO. 013: Like you said, he probably

1 has a lot of reasons. I can't say one way or another. If I was in the
2 position, I could have reasons of my own. So no real opinion on it.

3 MS. SISOLAK: Okay. So you can look past the fact that my
4 client has a right not to speak and he might choose not to?

5 PROSPECTIVE JUROR NO. 013: Yeah.

6 MS. SISOLAK: That's okay with you?

7 PROSPECTIVE JUROR NO. 013: Yes.

8 MS. SISOLAK: And he kind of already has spoken to you,
9 hasn't he?

10 Can anybody tell me how he spoke to you guys yet already?
11 It's really easy.

12 One behind you, please. Thank you.

13 Mr. Grinsted.

14 PROSPECTIVE JUROR NO. 003: Badge No. 3. Because
15 he's already pled not guilty.

16 MS. SISOLAK: Perfect. Is everybody okay with that, that that
17 might be all they hear? That -- that might be it. You okay with that?

18 PROSPECTIVE JUROR NO. 002: I'm not okay.

19 MS. SISOLAK: One to the left.

20 PROSPECTIVE JUROR NO. 002: Number 2, Ilanit Saxe.

21 MS. SISOLAK: Why aren't you okay with that?

22 PROSPECTIVE JUROR NO. 002: Because I would like to
23 hear his side.

24 MS. SISOLAK: Didn't you already his side? His side is he
25 didn't do anything.

1 PROSPECTIVE JUROR NO. 002: Yes. But I would like to
2 hear more. If somebody is -- is going against him with a story, then I
3 would like to hear his side.

4 MS. SISOLAK: Okay. All right. Ms. Saxe, officer walks in,
5 says, Here's your speeding ticket, you were going 70 down Sahara.
6 How are you going to prove you weren't going 70?

7 PROSPECTIVE JUROR NO. 002: I -- I don't know how I'm
8 going to prove it.

9 MS. SISOLAK: Do you --

10 PROSPECTIVE JUROR NO. 002: I can't prove it.

11 MS. SISOLAK: Do you feel like you're -- you have to prove it?

12 PROSPECTIVE JUROR NO. 002: Maybe.

13 MS. SISOLAK: Do you think it's your job to prove you didn't
14 do it, or the officer's job to prove you did do it?

15 PROSPECTIVE JUROR NO. 002: I think it's the officer's job
16 to prove that I did it.

17 MS. SISOLAK: Okay. And they could prove that maybe
18 through a radar or they come in and say you were -- whatever it is?

19 PROSPECTIVE JUROR NO. 002: Right.

20 MS. SISOLAK: But how are you going to refute that evidence
21 and tell your side of the story?

22 PROSPECTIVE JUROR NO. 002: I don't -- I won't be able to.

23 MS. SISOLAK: Do you see what I'm getting at?

24 PROSPECTIVE JUROR NO. 002: Yes.

25 MS. SISOLAK: So that might be why my client chooses not to

1 say anything.

2 PROSPECTIVE JUROR NO. 002: I understand --

3 MS. SISOLAK: I understand that this is probably --

4 PROSPECTIVE JUROR NO. 002: It's a little bit more
5 complicated in my eyes than a speeding ticket.

6 MS. SISOLAK: Yeah. No, I get it.

7 PROSPECTIVE JUROR NO. 002: It's --

8 MS. SISOLAK: I totally get that.

9 PROSPECTIVE JUROR NO. 002: It's more -- it's -- it's his life.
10 And I need to understand what was happening. I've never done this
11 before.

12 MS. SISOLAK: That's okay.

13 PROSPECTIVE JUROR NO. 002: So I'm kind of -- but in my
14 own logic I would have to understand what he was doing at the time. I
15 would have to understand the background, so I -- so I'll be able to
16 judge -- not judge, but give my --

17 MS. SISOLAK: Judge is the right word.

18 PROSPECTIVE JUROR NO. 002: I can't think of the right
19 word, my verdict --

20 MS. SISOLAK: Okay. So you're telling me that if you don't
21 hear from my client, you can't come to a conclusion?

22 PROSPECTIVE JUROR NO. 002: No. I didn't say that.

23 MS. SISOLAK: Okay.

24 PROSPECTIVE JUROR NO. 002: I would have to come to a
25 conclusion, but I would feel that it won't be complete.

1 MS. SISOLAK: So you would --
2 PROSPECTIVE JUROR NO. 002: It would be --
3 MS. SISOLAK: Would you take into consideration that he
4 didn't tell you anything?
5 PROSPECTIVE JUROR NO. 002: There -- there would be
6 some kind of, like, a black hole that -- the missing piece of the puzzle.
7 MS. SISOLAK: Okay.
8 PROSPECTIVE JUROR NO. 002: Her word against his.
9 What is his word? I didn't do it. And then, if -- I'm just imagining the
10 scenario. There's evidence against him --
11 THE COURT RECORDER: Counsel, could you have her put
12 the mic up a little bit? Thank you.
13 PROSPECTIVE JUROR NO. 002: If -- if there would be
14 evidence against him and if I don't hear him, then how am I going to
15 maybe say, well, maybe he's not guilty?
16 MS. SISOLAK: Okay.
17 PROSPECTIVE JUROR NO. 002: It -- it would -- I would
18 need that piece of a puzzle.
19 MS. SISOLAK: So -- but he's not guilty right now, correct?
20 PROSPECTIVE JUROR NO. 002: Right.
21 MS. SISOLAK: Is that fair? Everybody's with me? Perfect.
22 And correct me if I'm wrong. What I'm hearing you say is it's
23 going to be hard for you to come to a conclusion if my client doesn't
24 testify; is that true?
25 PROSPECTIVE JUROR NO. 002: Yes.

1 MS. SISOLAK: Would you hold it against him that he didn't?
2 PROSPECTIVE JUROR NO. 002: I wouldn't. I wouldn't hold
3 it against him. I just think it's his choice.
4 MS. SISOLAK: Uh-huh.
5 PROSPECTIVE JUROR NO. 002: I understand. And I -- I
6 would -- I would be fair with everything that I hear. But I am just afraid
7 that I would be faced in a scenario that I -- if I would not hear his side, I
8 will not know exactly --
9 MS. SISOLAK: Okay.
10 PROSPECTIVE JUROR NO. 002: -- how to give my verdict.
11 MS. SISOLAK: Okay. One to your right.
12 Back to you, Mr. Grinsted, Number 3. You shook your head
13 and kind of seemed to be a little bit on the same page as Ms. Saxe.
14 Would you agree with that?
15 PROSPECTIVE JUROR NO. 003: So just thinking it through
16 right now --
17 MS. SISOLAK: Uh-huh.
18 PROSPECTIVE JUROR NO. 003: -- sitting here, the
19 prosecution is going to present evidence, eyewitness accounts --
20 MS. SISOLAK: Maybe.
21 PROSPECTIVE JUROR NO. 003: -- for their side, potentially.
22 MS. SISOLAK: Potentially.
23 PROSPECTIVE JUROR NO. 003: So if Defense chooses to
24 do nothing --
25 MS. SISOLAK: Uh-huh.

1 PROSPECTIVE JUROR NO. 003: -- then in my mind arises
2 the question, either they feel that the evidence is weak, or they feel that
3 presenting any defense would only make the situation worse. So being
4 silent would be the best course of action for the client.

5 MS. SISOLAK: Okay. But --

6 PROSPECTIVE JUROR NO. 003: And if that's the best
7 course of action, then that's the choice of the defense. I understood
8 that -- I understand that.

9 MS. SISOLAK: So you wouldn't hold it against my client if he
10 doesn't testify?

11 PROSPECTIVE JUROR NO. 003: I would not hold it against
12 him, but I would -- if it was me in that situation, then I would -- if -- I'm
13 just going to speak bluntly. If I am innocent, I would want my side to be
14 heard, because the prosecution is going to present their side --

15 MS. SISOLAK: Okay.

16 PROSPECTIVE JUROR NO. 003: -- attempting to convict
17 me. If I'm innocent, I would want the opportunity. I don't have to, I
18 understand.

19 MS. SISOLAK: Uh-huh.

20 PROSPECTIVE JUROR NO. 003: But I would feel it would be
21 part of the best thing to do for my defense, never having been in that
22 situation, understood.

23 MS. SISOLAK: Uh-huh.

24 PROSPECTIVE JUROR NO. 003: The best thing to do for my
25 defense would be to tell my side of the story to counteract the

1 prosecution side.

2 MS. SISOLAK: What if your attorney told you not to?

3 PROSPECTIVE JUROR NO. 003: My attorney told me not to
4 and they presented logical evidence and said that if the -- if the
5 prosecution can twist or on cross, etcetera --

6 MS. SISOLAK: Uh-huh.

7 PROSPECTIVE JUROR NO. 003: -- yes, I do watch *Law &*
8 *Order*, by the way.

9 MS. SISOLAK: Gotcha.

10 PROSPECTIVE JUROR NO. 003: So, you know, if -- if that --
11 get into that situation where you understand that there are pitfalls to my
12 testimony, absolutely. At the same time, the point of a jury -- a trial is to
13 arrive at the truth.

14 MS. SISOLAK: Correct.

15 PROSPECTIVE JUROR NO. 003: Right.

16 MS. SISOLAK: Understanding that the State has to prove
17 each element of each offense beyond a reasonable doubt?

18 PROSPECTIVE JUROR NO. 003: And if the State has
19 brought it to this point --

20 MS. SISOLAK: Uh-huh.

21 PROSPECTIVE JUROR NO. 003: -- the State feels that they
22 can do that.

23 MS. SISOLAK: Correct. Can we agree that you're going to
24 make them do that?

25 PROSPECTIVE JUROR NO. 003: I will listen to their

1 evidence and judge as impartially as I can based on the evidence that
2 they present and the evidence that Defense presents.

3 MS. SISOLAK: So if they don't present you enough evidence,
4 are you confident you could return a verdict of not guilty and feel good
5 about it?

6 PROSPECTIVE JUROR NO. 003: If they do not present
7 evidence beyond a reasonable doubt, I would have no other option.

8 MS. SISOLAK: Anybody feel differently? No? Okay.

9 One to your right, Ms. Dimaya.

10 PROSPECTIVE JUROR NO. 004: Yes.

11 MS. SISOLAK: I also think your 7-year-old should get a job.
12 It's time.

13 So when speaking with Mr. Giordani, you had talked about a
14 home invasion you were a victim of and the gun issue. I'm just curious,
15 you didn't bring that up yesterday. Why?

16 PROSPECTIVE JUROR NO. 004: The judge did ask about if
17 you were a victim, and I -- I did say yes, in a home invasion.

18 MS. SISOLAK: Okay.

19 PROSPECTIVE JUROR NO. 004: He didn't go into any
20 further details, so --

21 MS. SISOLAK: Yeah. Correct.

22 PROSPECTIVE JUROR NO. 004: -- I didn't give any further
23 details. Like I said earlier, after everything that I went through, I -- I
24 wanted to be on this side. Because during my trial, I was up there and I
25 was only there for my testimony.

1 MS. SISOLAK: So you -- you did testify at a trial, correct?

2 PROSPECTIVE JUROR NO. 004: Yes.

3 MS. SISOLAK: Okay. Do you think you can put aside what
4 happened to you? Let's say things were similar. Could you put aside
5 your experience and put this case in a little bubble?

6 PROSPECTIVE JUROR NO. 004: I can put it aside. Like I
7 said, it's -- it's emotional for me, because it wasn't long ago. But I do
8 know there's two sides to every story. So I --

9 MS. SISOLAK: Okay.

10 PROSPECTIVE JUROR NO. 004: -- I do think that I
11 can be fair and listen to everything that is presented.

12 MS. SISOLAK: Okay. You hang out with some law
13 enforcement officials at your gym?

14 PROSPECTIVE JUROR NO. 004: Yes.

15 MS. SISOLAK: That's not going to affect you in any way, is it?

16 PROSPECTIVE JUROR NO. 004: No.

17 MS. SISOLAK: Perfect. Okay.

18 Mr. Stoldal, one to the right. I promise I'm not going to go in
19 the order, just for a while.

20 Is it -- Mr. Stoldal, Number 6?

21 PROSPECTIVE JUROR NO. 006: Correct.

22 MS. SISOLAK: Is it fair to say you have a distrust of
23 everything? Let's put it out there. A little bit?

24 PROSPECTIVE JUROR NO. 006: Yes.

25 MS. SISOLAK: Okay.

1 PROSPECTIVE JUROR NO. 006: Well, it -- it's a distrust of
2 everything because I am -- it's almost weird, because I'm generally a
3 very open person. I'm a person that subscribes to, you do you. So it's --
4 but it also goes to the thing of, don't hurt other people in what you're
5 doing. So --

6 MS. SISOLAK: Get it.

7 PROSPECTIVE JUROR NO. 006: So you're more than
8 welcome to do whatever you want, as long as you're not infringing in
9 other peoples' rights or abilities. It's a lot more complicated than that,
10 but the general idea of that. So that kind of then goes into -- yeah. I -- I
11 have -- because everyone shows bias. And I see it a lot --

12 MS. SISOLAK: Okay.

13 PROSPECTIVE JUROR NO. 006: -- especially in kind of
14 cyber crimes and things like that. I've not necessarily been involved, but
15 I've had to do a lot of forensics when it comes to that.

16 MS. SISOLAK: Okay. So there's going to be evidence.
17 That's the theme here. Can you come to a conclusion based on the
18 evidence that's presented to you, without using a boatload of outside
19 sort of lenses, can you look at what the State is going to present to you
20 and come to a fair and impartial conclusion?

21 PROSPECTIVE JUROR NO. 006: I hesitate, because I don't
22 want to be disrespectful to the court and say yes immediately, give you
23 the answer you want to hear. I want to. I don't want to do disrespect to
24 the Stoldal name. It's -- it's --

25 MS. SISOLAK: Sure.

1 PROSPECTIVE JUROR NO. 006: -- already been recognized
2 a couple times. My father does a lot in the community. He's on the Mob
3 Museum. The Every Story Has Two Sides is one of the slogans over
4 there.

5 MS. SISOLAK: Yeah.

6 PROSPECTIVE JUROR NO. 006: So I want to make sure I'm
7 respectful of everyone and not do any disservice to that.

8 But it's always one of those where, I hold life as a extremely
9 precious thing. And when someone is careless enough to -- to hold a
10 gun to someone or something along that lines and, God forbid, what
11 happens if their finger slips? They don't intend to do it, but the life is
12 gone. So it's --

13 MS. SISOLAK: I get it.

14 PROSPECTIVE JUROR NO. 006: -- it's one of those where
15 it's -- I don't know if I can be, if -- if someone is coming in with a gun.

16 MS. SISOLAK: Let me be clear.

17 PROSPECTIVE JUROR NO. 006: Yeah.

18 MS. SISOLAK: I'm not asking you for the answer I want to
19 hear.

20 PROSPECTIVE JUROR NO. 006: Okay.

21 MS. SISOLAK: I'm answering -- asking you for an honest
22 answer. And if you can't do it, that's okay. They'll call you for a different
23 case sometime.

24 PROSPECTIVE JUROR NO. 006: That's what I --

25 MS. SISOLAK: I -- I promise.

1 PROSPECTIVE JUROR NO. 006: That's what I was going to
2 say, send me over to -- send me over to that -- the building, building
3 defects. I'd rather take that.

4 MS. SISOLAK: Construction defects. I don't do those. So it's
5 fair to say you don't think you can be fair and impartial?

6 PROSPECTIVE JUROR NO. 006: If you select me as a juror,
7 I will do my best to it.

8 MS. SISOLAK: Okay.

9 PROSPECTIVE JUROR NO. 006: But I'm not going to say
10 yes, because I don't want to lie to this court.

11 MS. SISOLAK: Got it.

12 Ms. Willis, can we agree officers can be --

13 Ms. Willis, Number 7.

14 Can we agree that sometimes officers can be wrong?

15 PROSPECTIVE JUROR NO. 007: Yes.

16 MS. SISOLAK: Can we agree that sometimes officers can be
17 right?

18 PROSPECTIVE JUROR NO. 007: Yes.

19 MS. SISOLAK: Good, bad people in every profession?

20 PROSPECTIVE JUROR NO. 007: Yeah.

21 MS. SISOLAK: You've talked a lot about sort of being
22 uncomfortable with possibly -- let me go back.

23 We've talked about being uncomfortable with innocent people
24 going to jail. Do you think that's something we should all be
25 uncomfortable with?

1 PROSPECTIVE JUROR NO. 007: We should be, yes.

2 MS. SISOLAK: Is it fair to say that if the State presented all
3 the evidence and they proved to do you beyond a reasonable doubt
4 what they're saying happened happened, could you come back with a
5 verdict of guilty?

6 PROSPECTIVE JUROR NO. 007: I don't think I could,
7 because I -- I question the -- the evidence.

8 MS. SISOLAK: Okay. It's okay to question --

9 PROSPECTIVE JUROR NO. 007: And -- and I question -- I
10 don't know, far as -- I don't know. I might have a bias because of my
11 religion.

12 MS. SISOLAK: Okay.

13 PROSPECTIVE JUROR NO. 007: Because of people who
14 have maybe not so gone the right road in life, more mercy, if you will,
15 towards that person. That's why when I started out, I said the Bible says
16 judge not that you be not judged. Because you don't know what
17 circumstance brought that person to that.

18 MS. SISOLAK: Totally valid.

19 PROSPECTIVE JUROR NO. 007: So I would be biased,
20 because of not fully understanding. Also, you say you don't have the --
21 the burden of proof.

22 MS. SISOLAK: Correct.

23 PROSPECTIVE JUROR NO. 007: And I have an issue with
24 that, like the lady was saying on the end.

25 MS. SISOLAK: Okay.

1 PROSPECTIVE JUROR NO. 007: And you say, I don't have
2 to prove anything.

3 MS. SISOLAK: No.

4 PROSPECTIVE JUROR NO. 007: And I'm thinking to myself,
5 well, if they hired you, if they chose you --

6 MS. SISOLAK: That's true.

7 PROSPECTIVE JUROR NO. 007: -- as their lawyer, why
8 don't you?

9 MS. SISOLAK: I'm not going we're going to do nothing.

10 PROSPECTIVE JUROR NO. 007: Oh, okay.

11 MS. SISOLAK: I'm just saying we don't a burden under the
12 law --

13 PROSPECTIVE JUROR NO. 007: Okay.

14 MS. SISOLAK: -- to do anything.

15 PROSPECTIVE JUROR NO. 007: Okay.

16 MS. SISOLAK: I'm just saying it is a hundred percent the
17 burden on the State. And -- and we need jurors that are okay with that.

18 PROSPECTIVE JUROR NO. 007: Uh-huh.

19 MS. SISOLAK: And if you're -- if you're not one of them, that's
20 all right. Every juror is not perfect for every case. Are you telling me
21 that you're not?

22 PROSPECTIVE JUROR NO. 007: I -- I would be biased.

23 MS. SISOLAK: Okay.

24 PROSPECTIVE JUROR NO. 007: Because this is a -- this is
25 a person's life.

1 MS. SISOLAK: Absolutely.

2 PROSPECTIVE JUROR NO. 007: And I -- oh, my God, I

3 just -- I just couldn't do it.

4 MS. SISOLAK: I understand.

5 PROSPECTIVE JUROR NO. 007: I couldn't do it.

6 MS. SISOLAK: I understand. That's okay. Thank you for

7 being honest about it. I'm glad I know now, not later. Okay. Thank you.

8 Your Honor, would you like me to --

9 THE COURT: We're going to take our break now.

10 Ladies and gentlemen, at this time we're going take our lunch

11 recess.

12 MS. SISOLAK: And I'll be back.

13 THE COURT: During this --

14 MS. SISOLAK: Hopefully.

15 THE COURT: During this recess, it is your duty not to

16 converse among yourselves or with anyone else on any subject

17 connected with the trial or to read, watch or listen to any report of or

18 commentary on the trial by any person connected with the trial or by any

19 medium of information, including, without limitation, newspaper,

20 television, radio, and you're not to form or express an opinion on any

21 subject connected with this case until it is finally submitted to you.

22 We'll be in recess until 2:00. Thank you.

23 [Prospective jury panel recessed at 12:30 p.m.]

24 THE COURT: And, counsel, if there's any housekeeping

25 matters with exhibits or things like that, if you could come a little early

1 and try to resolve that. I'd like to start at 2:00.

2 MS. SISOLAK: Absolutely, Your Honor. Thank you.

3 MR. GIORDANI: Thank you.

4 THE COURT: Thank you. We'll be in recess.

5 [Court recessed at 12:32 until 2:06 p.m.]

6 [Outside the presence of the prospective jury panel.]

7 THE COURT: Please be seated. This is the continuation of
8 the trial in Case No. C-15-309578-1 and -2, *Plaintiff, State of Nevada vs.*
9 *Defendants Steven Turner, Clemon Hudson*. The record will reflect the
10 presence of counsel and the presence of the defendants.

11 MS. MACHNICH: Thank you, Your Honor.

12 THE COURT: Thank you. Defense, do you have additional
13 voir dire?

14 MS. SISOLAK: We do.

15 MS. MACHNICH: Yes. We do, Your Honor.

16 THE COURT: Randy, hold on one second.

17 [Pause in proceedings.]

18 THE COURT: All right. Go ahead, Randy.

19 [Prospective jury panel reconvened at 2:07 p.m.]

20 THE COURT: Please be seated. Let the record also reflect
21 the presence of the panel of potential jurors.

22 Counsel.

23 MS. SISOLAK: Thank you, Your Honor.

24 I did want to touch on something very briefly. I know we saw a
25 lot of you guys in the elevator and, like, walking around at lunch. We

1 can't talk to you. Please don't think we're rude. We feel really rude. It's,
2 like, the time of the year, oh god, the floor's so nice this time of year.
3 But we can't talk to you. That's what it is. It's not that we're ignoring you
4 or trying to be rude.

5 Would you hand the mic to Ms. Woods, Number 20. All right.
6 Ms. Woods, I don't think I've spoken with you quite yet, have
7 I?

8 PROSPECTIVE JUROR NO. 020: No.

9 MS. SISOLAK: You said your son-in-law is an assistant
10 district attorney?

11 PROSPECTIVE JUROR NO. 020: He was.

12 MS. SISOLAK: He was. Was that here?

13 PROSPECTIVE JUROR NO. 020: No. In Salt Lake City.

14 MS. SISOLAK: Salt Lake, right. That's right. And you said
15 you're really proud of the work he did?

16 PROSPECTIVE JUROR NO. 020: Yes.

17 MS. SISOLAK: Right? Okay. Would that affect how you
18 viewed our job versus the job of the State?

19 PROSPECTIVE JUROR NO. 020: No. I was proud of the fact
20 that he was able to uphold the law and commit people. But the reason
21 I -- I used that word proud was because he told me in a couple of cases
22 where he was able to let people carry on with their lives after they had
23 made a mistake. He was able to --

24 MS. SISOLAK: Be fair.

25 PROSPECTIVE JUROR NO. 020: -- be fair, uh-huh.

1 MS. SISOLAK: I like that answer. How do you feel about not
2 being able to hear from my client if he doesn't testify?

3 PROSPECTIVE JUROR NO. 020: I accept that that's the law.

4 MS. SISOLAK: Okay. You won't hold it against him?

5 PROSPECTIVE JUROR NO. 020: No.

6 MS. SISOLAK: Can you think of a reason why he might not
7 want to?

8 PROSPECTIVE JUROR NO. 020: The reasons that I can
9 think of tend to be negative.

10 MS. SISOLAK: Okay. Do you think maybe he -- quite frankly,
11 before I had this job I was not crazy about public speaking. But not only
12 that, the State has two very good attorneys here. They're going to have
13 a chance to ask questions. And sometimes words get twisted. And
14 sometimes you get nervous. And sometimes things don't come out the
15 way you mean them. Can you recognize that that might be a problem
16 for someone? Particularly -- we've talked about how serious this is, and
17 how this is my client's life, and how nervous he might be sitting there.

18 That might be a reason somebody chose not to testify. Do
19 you -- do you think you can commit to not holding that against him and
20 not wondering why, but just accepting that he's not going to speak to you
21 and that that's the law; can you do that?

22 PROSPECTIVE JUROR NO. 020: Yes.

23 MS. SISOLAK: Perfect. Perfect. Can you pass the mic back
24 to Mr. Arellano, Number 1.

25 All right, Mr. Arellano, your turn. You had talked a little bit -- I

1 believe you used the word healthy distrust. Do you remember that?

2 PROSPECTIVE JUROR NO. 001: Uh-huh.

3 MS. SISOLAK: Would you say you have a healthy distrust of
4 everything?

5 PROSPECTIVE JUROR NO. 001: Yes.

6 MS. SISOLAK: Okay. Do you think that would cause you to
7 be biased or analyze things more closely?

8 PROSPECTIVE JUROR NO. 001: Both.

9 MS. SISOLAK: Okay. Now, if a regular old witness got up on
10 the stand and said, you know, the sky was green. Was -- I remember
11 that day, the sky was green. And then an officer got up and said, the
12 sky was blue. Can you acknowledge that, in that case, your bias of
13 maybe law enforcement would be beaten, so to speak?

14 PROSPECTIVE JUROR NO. 001: No. I mean, there are
15 instances where the sky can be a different color other than blue.

16 MS. SISOLAK: Okay. Are you telling me you're never going
17 to trust an officer ever?

18 PROSPECTIVE JUROR NO. 001: I don't trust most anyone,
19 honestly.

20 MS. SISOLAK: Okay. And I think what I'm hearing is, you're
21 going to have trouble trusting everything you see and everything you
22 hear, and you're going to analyze it very closely and you're going to
23 come to the best result you can; is that right?

24 PROSPECTIVE JUROR NO. 001: Yes.

25 MS. SISOLAK: So can we agree that whether it's a lay

1 witness, so to --

2 Does everyone know what a lay witness is? Just like an
3 everyday, average witness.

4 -- or an officer, you're going to analyze both of them?

5 PROSPECTIVE JUROR NO. 001: If it's just testimony, I
6 can't -- I can't accept that.

7 MR. GIORDANI: You can't accept anyone's testimony?

8 PROSPECTIVE JUROR NO. 001: I deal in hard data. That's
9 what I do for a living.

10 MS. SISOLAK: What if I don't have it? What if they don't
11 have it?

12 PROSPECTIVE JUROR NO. 001: I'm not the best person for
13 it then.

14 MS. SISOLAK: Okay. What if the rule said you're to
15 determine an outcome based on what you're given and that you have to
16 analyze the weight of different witnesses; are you comfortable doing
17 that?

18 PROSPECTIVE JUROR NO. 001: When it comes to
19 somebody's life, no, I don't feel comfortable with that.

20 MS. SISOLAK: Is what you're telling me you can't sit on this
21 jury?

22 PROSPECTIVE JUROR NO. 001: For this purpose, I don't
23 believe I'd be the best person, to be quite honest with you.

24 MS. SISOLAK: Okay. Thank you for being honest. One year
25 right?

1 Court's indulgence just one moment.

2 All right. Ms. Saxe, Number 2. Ms. Saxe, are you -- and I
3 know I'm kind of harping on it now, but I want to make sure we're clear.
4 We're just trying to get a fair jury. It is not personal.

5 PROSPECTIVE JUROR NO. 002: Okay.

6 MS. SISOLAK: What -- how do you feel about the idea that
7 the defense has already won the race, that the State has to catch up to
8 us now; how do you feel about that?

9 PROSPECTIVE JUROR NO. 002: It's very confusing to me.

10 MS. SISOLAK: Okay.

11 PROSPECTIVE JUROR NO. 002: If everything was one and
12 done, then we wouldn't be here. There's a reason we're here.

13 MS. SISOLAK: Correct. But the reason we're here is
14 because my client's already told you everything he has to tell you. Do
15 you understand what I mean by --

16 PROSPECTIVE JUROR NO. 002: Yes.

17 MS. SISOLAK: -- the State has to catch up?

18 PROSPECTIVE JUROR NO. 002: Yes.

19 MS. SISOLAK: Are you okay with that?

20 PROSPECTIVE JUROR NO. 002: Yes. I understand.

21 MS. SISOLAK: Okay. Are you going to be able to be fair and
22 impartial if we do -- if the defense does nothing?

23 PROSPECTIVE JUROR NO. 002: Absolutely.

24 MS. SISOLAK: Okay. How do you feel about the weight of a
25 lay witness versus the weight of an officer?

1 PROSPECTIVE JUROR NO. 002: I would take them both as
2 if they're equal.

3 MS. SISOLAK: Perfect. Is there anyone who feels like -- I'm
4 going to be honest with you guys. There are going to be officers that
5 testify, and they're probably going to come in uniform and they're
6 probably going to have a badge. Is there anyone who is going to look at
7 that and say, you know what, I trust that guy?

8 Will you pass the mic one forward? Actually, pass it to your
9 right. Perfect. Thank you. I appreciate it.

10 Mr. Grinsted.

11 PROSPECTIVE JUROR NO. 003: Badge No. 3.

12 MS. SISOLAK: Mr. Badge No. 3, got it.

13 PROSPECTIVE JUROR NO. 003: So to that question --

14 MS. SISOLAK: Uh-huh.

15 PROSPECTIVE JUROR NO. 003: -- my feeling is that officers
16 are trained to absorb information.

17 MS. SISOLAK: Okay.

18 PROSPECTIVE JUROR NO. 003: Especially in realtime,
19 quick-thinking situations.

20 MS. SISOLAK: Okay.

21 PROSPECTIVE JUROR NO. 003: So they may have a
22 capacity to see things in real time as events are unfolding very quickly --

23 MS. SISOLAK: Okay.

24 PROSPECTIVE JUROR NO. 003: -- maybe that I might even
25 miss --

1 MS. SISOLAK: Okay.

2 PROSPECTIVE JUROR NO. 003: -- not having the training.
3 So just to your question as to trusting their testimony, their eyewitness
4 account versus a layperson's account, to my mind, they've that had the
5 training to see all the facts, to recall those facts as part of the reaching
6 that level of law enforcement.

7 MS. SISOLAK: Okay. So that in my head kind of plays two
8 ways. Either, one, you believe that officers should be held to a higher
9 standard because of their training and the abilities that they have, or you
10 would inherently trust an officer more. Which is it?

11 PROSPECTIVE JUROR NO. 003: I would hold them to a
12 higher standard.

13 MS. SISOLAK: Okay.

14 PROSPECTIVE JUROR NO. 003: I would expect that they
15 hold themselves to a higher standard.

16 MS. SISOLAK: Okay.

17 PROSPECTIVE JUROR NO. 003: So as far as inherently
18 trusting, if it comes down to a difference between two witnesses, one a
19 layperson and one a trained officer who sees this on a daily basis and is
20 trained to respond, I would lend more weight to the officer's testimony.

21 MS. SISOLAK: Okay. Let's go to Ms. Wood, Number 20 --
22 Ms. Woods, Number 20. I apologize.

23 You raised your hand your hand. Your turn.

24 PROSPECTIVE JUROR NO. 020: I agree what with -- with
25 what he just said.

1 MS. SISOLAK: Okay.

2 PROSPECTIVE JUROR NO. 020: And I would add that if an
3 officer presented evidence, just like a defendant is innocent until proven
4 guilty, I would feel that an officer was telling me the truth until it was
5 proven to me that it was false.

6 MS. SISOLAK: So you have a police bias?

7 PROSPECTIVE JUROR NO. 020: Pardon me?

8 MS. SISOLAK: You're biased towards the police? That's
9 okay.

10 PROSPECTIVE JUROR NO. 020: Based on their
11 training and -- yes. Yes.

12 MS. SISOLAK: Okay. That's fine. Thank you for being
13 honest.

14 Two down to Mr. Wright.

15 PROSPECTIVE JUROR NO. 023: Badge 23.

16 MS. SISOLAK: Oh, gosh. I'm trying, I promise.

17 Mr. Wright, here comes the officer. How are you going to
18 prove you weren't speeding? Should you have to prove you weren't
19 speeding?

20 PROSPECTIVE JUROR NO. 023: No.

21 MS. SISOLAK: So you're okay with us doing nothing and the
22 State proving everything?

23 PROSPECTIVE JUROR NO. 023: I believe in the system that
24 you have to prove it.

25 MS. SISOLAK: You believe it works?

1 PROSPECTIVE JUROR NO. 023: I believe it works.
2 MS. SISOLAK: Awesome. Two down for me. Thank you.
3 Mr. Geisler.
4 PROSPECTIVE JUROR NO. 026: Badge 26.
5 MS. SISOLAK: God, I promise by the end of this I will do this,
6 I promise.
7 Mr. Geisler, what makes you believe someone?
8 PROSPECTIVE JUROR NO. 026: They're under oath.
9 MS. SISOLAK: That was not an answer I was expecting, but
10 thank you. What else makes you believe somebody?
11 PROSPECTIVE JUROR NO. 026: I don't know, character.
12 MS. SISOLAK: Okay. Do you believe an officer's character is
13 different than a regular person's --
14 PROSPECTIVE JUROR NO. 026: No.
15 MS. SISOLAK: -- based on their job? Okay. We talked a lot
16 about burden of proof. We talked about, like, beyond a reasonable
17 doubt. Why -- you know that's the highest standard; why do you think
18 that is?
19 PROSPECTIVE JUROR NO. 026: Because you're innocent
20 until proven guilty.
21 MS. SISOLAK: Why?
22 PROSPECTIVE JUROR NO. 026: Because they're bringing
23 the charges against the defendant.
24 MS. SISOLAK: Okay. Do you want to be on a jury?
25 PROSPECTIVE JUROR NO. 026: Yeah.

1 MS. SISOLAK: You seem like someone who would take your
2 job very seriously, which is, I think, positive, because we obviously want
3 you to follow the instructions and the law. You think you can do that?

4 PROSPECTIVE JUROR NO. 026: Yes.

5 MS. SISOLAK: You think you can be fair?

6 PROSPECTIVE JUROR NO. 026: Yes.

7 MS. SISOLAK: To both sides?

8 PROSPECTIVE JUROR NO. 026: Yes.

9 MS. SISOLAK: Perfect. That was easy.

10 Ms. Phillips, one behind you.

11 Ms. Phillips, I hate to put you on the spot. You said you were
12 healing --

13 PROSPECTIVE JUROR NO. 008: Uh-huh.

14 MS. SISOLAK: -- from some medical issues. Are you okay if
15 you get to stand up and sit down? Is that okay?

16 PROSPECTIVE JUROR NO. 008: Yes. And I do little
17 stretches and so forth in my seat and it's -- it's a hard day, but you know,
18 I get through it. I would appreciate if it was a shorter trial, but, you know,
19 it is what it is.

20 MS. SISOLAK: But as long as you can move around, you're
21 okay? I just want to double check that your medical condition doesn't
22 bar you from being here. As long as we take breaks, you should be
23 fine?

24 PROSPECTIVE JUROR NO. 008: I think so.

25 MS. SISOLAK: Perfect.

1 Ms. Dimaya, Number 4.
2 PROSPECTIVE JUROR NO. 008: Thank you, though --
3 MS. SISOLAK: Thank you.
4 PROSPECTIVE JUROR NO. 008: -- for that consideration.
5 MS. SISOLAK: Ms. Dimaya, you said something earlier that
6 was something I kind of keyed on, I guess. You had said that you
7 testified in a criminal trial, right?
8 PROSPECTIVE JUROR NO. 004: Yes.
9 MS. SISOLAK: And that you testified because he pled not
10 guilty?
11 PROSPECTIVE JUROR NO. 004: Yes.
12 MS. SISOLAK: How did that make you feel?
13 PROSPECTIVE JUROR NO. 004: Well, I was the victim --
14 MS. SISOLAK: Uh-huh.
15 PROSPECTIVE JUROR NO. 004: -- and I know that he was
16 there.
17 MS. SISOLAK: Okay.
18 PROSPECTIVE JUROR NO. 004: And I know what he did.
19 So that I know he was not guilty -- or that I know that he was guilty.
20 MS. SISOLAK: Are you okay with the fact that -- let me start
21 over.
22 You understand that I might have a client who said -- who
23 pleads not guilty who there's overwhelming evidence, that's not here, but
24 there's overwhelming evidence -- he's on video, let's say, crystal clear
25 video. Do you think he has right to plead not guilty?

1 PROSPECTIVE JUROR NO. 004: He does.

2 MS. SISOLAK: Are you okay with that?

3 PROSPECTIVE JUROR NO. 004: Yes.

4 MS. SISOLAK: I'm going to be honest with you, I think you're
5 struggling. And if you don't think that a potential situation with a
6 high-powered firearm is something that you can be comfortable with, I
7 need you to be honest.

8 PROSPECTIVE JUROR NO. 004: It -- it is very emotional for
9 me. And I'm -- as -- as much as I would like to be here, I do think it
10 would be very difficult for me to see evidence and to hear --

11 MS. SISOLAK: Okay.

12 PROSPECTIVE JUROR NO. 004: -- both sides of the story.
13 And I -- I said I would be fair and I would listen, and I do think that I can
14 do that to the best of my ability. But it will be very tough.

15 MS. SISOLAK: In jury selection we do a whole lot of beating
16 around the bush. I think you know what I'm getting at. You're likely
17 going to hear evidence about a firearm, particularly possibly an assault
18 rifle. Is that going to be too hard for you? Would you be better suited for
19 a different jury?

20 PROSPECTIVE JUROR NO. 004: Yes. I'd be better suited
21 for a different one.

22 MS. SISOLAK: Thank you.

23 Can we pass it down to Mr. Pope?

24 I'm going pick on you again, Mr. Pope. I'm very sorry.

25 PROSPECTIVE JUROR NO. 031: Badge No. 31.

1 MS. SISOLAK: I'm going to get it out with the name next time.
2 Mr. Pope, you talked about irrefutable evidence. We kind of talked
3 about that.
4 PROSPECTIVE JUROR NO. 031: Yes.
5 MS. SISOLAK: I was a little confused, the more I thought
6 about what you said.
7 PROSPECTIVE JUROR NO. 031: Okay.
8 MS. SISOLAK: Were you saying that if evidence is presented,
9 you would need irrefutable evidence to the contrary?
10 PROSPECTIVE JUROR NO. 031: Probably the more
11 evidence, the better.
12 MS. SISOLAK: Okay. Would you be okay making a decision
13 if the defense showed you no evidence? Let me start over.
14 PROSPECTIVE JUROR NO. 031: Yeah, please.
15 MS. SISOLAK: Would you need evidence -- would you need
16 any evidence to find my client not guilty?
17 PROSPECTIVE JUROR NO. 031: Would I need any
18 evidence to find --
19 MS. SISOLAK: What's your vote right now?
20 PROSPECTIVE JUROR NO. 031: Say that again.
21 MS. SISOLAK: If you had to vote right now and they said
22 okay, what's your verdict? What's your verdict right now?
23 PROSPECTIVE JUROR NO. 031: Not guilty.
24 MS. SISOLAK: And you're okay with that?
25 PROSPECTIVE JUROR NO. 031: I'm okay with that.

1 MS. SISOLAK: My concern is that what you're looking for is
2 us to refute the charges. Do you know what I mean by that?

3 PROSPECTIVE JUROR NO. 031: No.

4 MS. SISOLAK: What I think you may be -- and correct me if
5 I'm wrong, because I'm just trying to get a good idea of what you mean.

6 PROSPECTIVE JUROR NO. 031: Go ahead.

7 MS. SISOLAK: Is that you want us to prove in some way that
8 my client didn't commit a crime. You understand I don't have to do that?

9 PROSPECTIVE JUROR NO. 031: I understand.

10 MS. SISOLAK: And you're okay with that? You're hesitating.

11 PROSPECTIVE JUROR NO. 031: Yeah. I'm hesitating.

12 MS. SISOLAK: If it's something you can't be okay with, you
13 got to let me know.

14 PROSPECTIVE JUROR NO. 031: Okay. I'll let you know
15 right now.

16 MS. SISOLAK: Is it something you can't be okay with?

17 PROSPECTIVE JUROR NO. 031: Probably.

18 MS. SISOLAK: Fine. Perfectly said. That's okay. I
19 understand it's human nature to want more. And I understand it's
20 human nature to say, I want it all. I mean, we -- *Law & Order*. There's --
21 you know, like, in *Law & Order* when they put the fingerprints in and it,
22 like, randomly, it's, like, bing, bing, bing. That's not real life. It's real
23 *Law & Order*, but that's not quite how things work.

24 So I just need to make sure that you're okay with the fact that
25 the burden is solely on the State. And what -- what I'm hearing from you

1 is that you're kind of not going to be okay with that.

2 PROSPECTIVE JUROR NO. 031: Right.

3 MS. SISOLAK: Thank you.

4 Is there anyone else that feels the same? Let's just get it out
5 of the way.

6 Okay. Pass it on down to Ms. Johnson, Number 40. One for
7 me.

8 Ms. Johnson, we talked a little bit about your sister and I don't
9 think any of the things that we've kind of alluded to are things that are
10 going to bug you necessarily?

11 PROSPECTIVE JUROR NO. 040: No.

12 MS. SISOLAK: My sister works in hockey. And if it was
13 someone who said, God, I just hate hockey, I might be a little offended
14 by that. Are you going to be okay sitting in judgment of others when
15 your sister has been in the same position?

16 PROSPECTIVE JUROR NO. 040: I have no problem with it.

17 MS. SISOLAK: Okay. And the fact that you're sort of
18 disconnected from your sister and that you've decided that that's not a
19 relationship you want to pursue, that's not going to cause you any ill will
20 towards someone who might be in her shoes, would it?

21 PROSPECTIVE JUROR NO. 040: No. I mean, I think that
22 everyone has a fair chance to prove that they're not guilty.

23 MS. SISOLAK: Prove that they're not guilty or the State to
24 prove that they are?

25 PROSPECTIVE JUROR NO. 040: The State prove that they

1 are.

2 MS. SISOLAK: All right.

3 PROSPECTIVE JUROR NO. 040: Yeah.

4 MS. SISOLAK: Do you want to be on a jury?

5 PROSPECTIVE JUROR NO. 040: To be honest, I did not.

6 Coming in here, I never wanted to be on a jury, never wanted to be

7 selected. But now that I'm here, it's --

8 MS. SISOLAK: We all sucker you. We do.

9 PROSPECTIVE JUROR NO. 040: Yeah.

10 MS. SISOLAK: Sounds fun?

11 PROSPECTIVE JUROR NO. 040: It -- it sounds a little

12 interesting.

13 MS. SISOLAK: I knew it would. Are you a leader or a

14 follower?

15 PROSPECTIVE JUROR NO. 040: I would say I'm a leader.

16 MS. SISOLAK: Do you think that's important?

17 PROSPECTIVE JUROR NO. 040: Yeah. I mean, I think

18 that -- I guess I think that there should be leaders and -- because if

19 there's no followers, then you don't really have anyone to lead.

20 MS. SISOLAK: Okay. A little hypothetical: It's Friday, 5:00,

21 you're the one holdout. You going to stand your ground or are you going

22 home at 5:00?

23 PROSPECTIVE JUROR NO. 040: I -- I would think that I'm

24 going to stand my ground, because if I believe in my case or, you know,

25 whatnot, that I'm not going to stand down just because I want to go

1 home.

2 MS. SISOLAK: Perfect. So you're comfortable standing up
3 for yourself?

4 PROSPECTIVE JUROR NO. 040: Yes.

5 MS. SISOLAK: Is there anyone here who's not comfortable
6 standing up for themselves, who says, you know, it's just not my thing?
7 Perfect. I like that answer.

8 Mr. Messer, Number 41. If you were sitting where my client is
9 sitting right now, you would want you on a jury. We talked about that,
10 right? I can't remember if I asked or the State asked.

11 PROSPECTIVE JUROR NO. 41: I don't know if that was
12 directly asked, but -- or yeah.

13 MS. SISOLAK: Okay. You a leader or a follower?

14 PROSPECTIVE JUROR NO. 41: I think it's situational. I
15 mean, in certain cases I like to lead. But there's other times where at my
16 work, if I'm told to do something, that's what I'm told to do.

17 MS. SISOLAK: Understood. You can stand up for yourself
18 though, no problem with that?

19 PROSPECTIVE JUROR NO. 041: Yes.

20 MS. SISOLAK: Perfect.

21 Is there anyone who heard me ask someone else something
22 they were hoping I would ask?

23 Mr. Limbacher, do you want to tell me anything? I'm asking.
24 The answer could very well be no. I haven't talked to you very much, is
25 my point.

1 PROSPECTIVE JUROR NO. 021: Do I need the mic?

2 MS. SISOLAK: Sure. Mr. Limbacher, Number 21.

3 PROSPECTIVE JUROR NO. 021: I kind of go -- gravitate
4 towards -- it -- it's hard for me to just say, yes definitely, not guilty, no
5 matter what. And I don't know -- I understand what you're saying, that
6 they have to prove that they're guilty, but without hearing anything from
7 the other side, it's also hard for me to say that, okay, then -- then there
8 wasn't enough proof. I just -- just looking at -- you always want to hear
9 both sides of the story.

10 MS. SISOLAK: I get that.

11 PROSPECTIVE JUROR NO. 021: Anything from having kids
12 growing up, you always want to hear both sides of the story.

13 MS. SISOLAK: Okay. In the law, it's kind of weird. We draw
14 a distinction between hard and can't. Are you telling me it would be
15 hard, or are you telling me that you can't?

16 PROSPECTIVE JUROR NO. 021: I think -- well, it -- the
17 evidence. I would be able to follow the evidence.

18 MS. SISOLAK: Okay. And that might be hard. Let me get
19 this clear.

20 PROSPECTIVE JUROR NO. 021: Hard.

21 MS. SISOLAK: I've never gotten to be a juror because of my
22 job. But it's a hard job. We're not denying that this is not going to be an
23 easy thing to do. I think kind of like Ms. Willis said, like, this is serious
24 and it's hard. But if you feel like you're up to that, then you're the kind of
25 person we're looking for. Do you feel like you could make that decision,

1 hearing nothing from my client?

2 PROSPECTIVE JUROR NO. 021: I think that I can be fair.

3 MS. SISOLAK: Okay.

4 PROSPECTIVE JUROR NO. 021: If I can see -- yeah, if there
5 was enough -- I would have to see enough evidence to --

6 MS. SISOLAK: From the State, not from the defense?

7 PROSPECTIVE JUROR NO. 021: From the State. That's
8 correct.

9 MS. SISOLAK: Okay.

10 PROSPECTIVE JUROR NO. 021: But I would also -- I would
11 like to hear from the other side, but, you know, it's --

12 MS. SISOLAK: You already did?

13 PROSPECTIVE JUROR NO. 021: Kind of.

14 MS. SISOLAK: Do you understand when I say --

15 PROSPECTIVE JUROR NO. 021: Well, if -- if it was that easy
16 though, like somebody else said, then they wouldn't be here. Then we
17 wouldn't be here. The whole thing would be unnecessary if it was that
18 easy.

19 MS. SISOLAK: Okay.

20 PROSPECTIVE JUROR NO. 021: If it was that just cut and
21 dry, then we wouldn't even have any reason to be here. They didn't just
22 pull names out of a hat of say, here, these people are guilty. So there
23 has to be a reason that certain people are in the situation that they're in.
24 You see what I'm saying?

25 MS. SISOLAK: Correct. But can we agree people make

1 mistakes?

2 PROSPECTIVE JUROR NO. 021: Oh, yeah. I'm just -- I'm
3 just saying that I would still -- I think I would definitely be -- give a fair
4 judgment based on evidence.

5 MS. SISOLAK: Okay. I think that's fair.

6 Court's indulgence just one moment.

7 [Pause in proceedings.]

8 MS. SISOLAK: All right. I have good and bad news. Bad
9 news, there are probably more questions. Good news, they're not from
10 me. Thank you guys for your honesty. I --

11 PROSPECTIVE JUROR NO. 007: Before you go, you made a
12 reference to me and said I said it was hard. But I thought I said I
13 couldn't do it as well.

14 MS. SISOLAK: No. No. I heard that.

15 PROSPECTIVE JUROR NO. 007: Oh, okay.

16 MS. SISOLAK: No. What I was saying was you have said
17 since yesterday that standing in judgment of another person is a hard
18 thing to do, and that it's not something you're -- you're looking to sign up
19 for. And you said it was serious, because it was someone's life. That's
20 what I was referencing. I heard you loud and clear.

21 Anybody else?

22 PROSPECTIVE JUROR NO. 008: I just have a question,
23 please.

24 MS. SISOLAK: Okay.

25 PROSPECTIVE JUROR NO. 008: Sue Phillips, Number 8.

1 Could you please repeat what the charges are?

2 MS. SISOLAK: I cannot.

3 PROSPECTIVE JUROR NO. 008: Okay.

4 MS. SISOLAK: Someone will for you though.

5 PROSPECTIVE JUROR NO. 008: Okay. Thank you.

6 MS. SISOLAK: You'll hear them again, I promise. Okay.

7 PROSPECTIVE JUROR NO. 008: Thanks.

8 MS. SISOLAK: Thank you, everyone.

9 THE COURT: Counsel?

10 MR. PLUMMER: Thank you, Your Honor.

11 Well, the good news is that I'm not going to be nearly as long

12 as anyone else, because of all the questions that have already been

13 asked. The --

14 Mr. Troller, as a -- also as a more-than-20-year vet, I thank

15 you for your service. Can you please pass the microphone? Can you

16 pass the microphone down to Mr. Stoldal?

17 Sir, it's my understanding you do a lot with computers?

18 PROSPECTIVE JUROR NO. 006: That is correct. Number 6.

19 MR. PLUMMER: When you went home last night, did you do

20 any Internet research on this case?

21 PROSPECTIVE JUROR NO. 006: No, sir.

22 MR. PLUMMER: Did anyone do any Internet research on this

23 case? Thank you.

24 You can pass the microphone to Mr. Bragdon, one row up,

25 two down.

1 PROSPECTIVE JUROR NO. 013: Number 13.

2 MR. PLUMMER: Mr. -- Mr. Bragdon, your father, Metro police
3 officer; your brother, Metro police officer; and your other brother, a police
4 officer?

5 PROSPECTIVE JUROR NO. 013: Yes.

6 MS. MACHNIC: Is it going to have any effect on you if you
7 hear any evidence involving a police officer being shot?

8 PROSPECTIVE JUROR NO. 013: Yes.

9 MS. MACHNIC: Why is that?

10 PROSPECTIVE JUROR NO. 013: I said during some
11 questions yesterday I talk to my brothers a lot about their prior shifts or
12 stories they may have. And there's been a lot of times where they had
13 life-threatening calls or events. So I think that would, yeah, bother me,
14 if -- if this was them in that situation.

15 MR. PLUMMER: So you're hearing evidence involving a
16 police officer being shot, that's going to have an effect on you?

17 PROSPECTIVE JUROR NO. 013: Yes.

18 MR. PLUMMER: How much of an effect do you think that
19 would have?

20 PROSPECTIVE JUROR NO. 013: I mean, it would probably
21 anger me. And then probably, I mean, emotionally bother me. But in
22 the event, I could probably try and stay open minded.

23 MR. PLUMMER: Thank you for your honesty.

24 PROSPECTIVE JUROR NO. 013: Sure.

25 MR. PLUMMER: Is there anybody else on the panel that if

1 they were to hear that a police officer was shot, that that would have an
2 effect on them?

3 Mr. Grisled, Number 3.

4 PROSPECTIVE JUROR NO. 003: Grinsted, yeah.

5 MR. PLUMMER: Grinsted.

6 PROSPECTIVE JUROR NO. 003: Yeah. Just thinking
7 through as you were talking with the previous conversation, is it
8 placing -- knowing even just acquaintances, friends, that are -- work in
9 law enforcement, the risk that they choose to put themselves in and the
10 fact that they know at the -- the beginning of each shift that there's a
11 possibility that they may not come home, that to me -- so hearing of a
12 police officer or law enforcement being shot would -- definitely
13 engenders in me -- just having -- listening to this previous conversation,
14 just immediately in my mind, it engenders the idea of, I would not want to
15 lose any of my friends in a similar situation.

16 MR. PLUMMER: So do you think that's going to create some
17 bias in your mind?

18 PROSPECTIVE JUROR NO. 003: I would have to honestly
19 say yes.

20 MR. PLUMMER: Thank you.

21 Is there anyone else that feels that hearing evidence of a
22 police officer being shot is going to create a bias in your mind?

23 I want to talk to you about a concept I refer to as spillover. It
24 means when there is what we call, let's say, overwhelming evidence of
25 one particular crime, but weak evidence of another crime.

1 Mr. Geisler -- pass the microphone to Mr. Geisler, Number 26.

2 Mr. Geisler, how would you weigh evidence that is very strong
3 towards one particular crime when balancing against evidence that's
4 rather weak on another particular crime, all charged in the same trial?
5 Would you use strong evidence of one crime against the person who is
6 charged with another crime where the evidence is much weaker?

7 PROSPECTIVE JUROR NO. 026: How would I weigh it is
8 your question?

9 MR. PLUMMER: Yes.

10 PROSPECTIVE JUROR NO. 026: I guess I don't understand
11 how -- what do you mean, how would I weigh it?

12 MR. PLUMMER: My -- my question, to get a little more
13 specific is: Would you -- if you had evidence that was overwhelming in
14 one particular crime, would you use that -- the fact that you think the
15 person is guilty in this crime against them for another crime they're
16 charged with where the evidence is not so strong?

17 PROSPECTIVE JUROR NO. 026: What do you mean, use it
18 against them?

19 MR. PLUMMER: Just because you think they're guilty of one
20 crime, they must be guilty of the other?

21 PROSPECTIVE JUROR NO. 026: No.

22 MR. PLUMMER: Why?

23 PROSPECTIVE JUROR NO. 026: Unless it had something
24 to -- specifically to do with the other crime, shouldn't be held against you,
25 right?

1 MR. PLUMMER: Great answer.

2 Is there anyone that thinks because someone's is guilty of one

3 crime, they must be guilty of another?

4 Ms. Johnson, Number 40, what are your thoughts on using

5 evidence of one crime if you think someone is guilty of, so they must be

6 guilty of another crime?

7 PROSPECTIVE JUROR NO. 040: If there's overwhelming

8 evidence in one but not in the other, the one, then, you know, they're --

9 they're guilty. The other one, I don't think that they'd be guilty if there's

10 not enough evidence.

11 MR. PLUMMER: Besides Mr. Troller, are there any other

12 veterans on the panel? Is there anyone with any specialized knowledge

13 of guns?

14 Juror No. 2, Ms. Saxe?

15 PROSPECTIVE JUROR NO. 002: Yes.

16 MR. PLUMMER: You have specialized knowledge in guns?

17 PROSPECTIVE JUROR NO. 002: I don't. But I served in the

18 IDF. I was born and raised in Israel and it is mandatory, so.

19 MR. PLUMMER: Mandatory service, yes. Two years?

20 PROSPECTIVE JUROR NO. 002: Two years. So that's --

21 that's as far as it gets.

22 MR. PLUMMER: Okay. Thank you. As I said, the good news

23 is I'm going to be the shortest of everyone else. So those are all the

24 questions I have. Thank you.

25 THE COURT: Counsel approach.

1 [Bench conference transcribed as follows:]

2 THE COURT: All right. Does anybody want me to ask any
3 questions? I think you covered -- okay. So I won't ask any additional
4 questions unless requested.

5 MS. MACHNICH: Okay.

6 THE COURT: So at this time, I'm going to excuse the jury to
7 let you confer for a few minutes. Let my bailiff know, obviously, if you
8 can agree upon any challenges for cause. And then I'll let you argue the
9 challenges and then I'll take another short recess to consider your
10 argument. So probably it's going to be at least a 15, 20-minute recess --

11 MS. MACHNICH: That's fine.

12 THE COURT: -- that the jury is going to be --

13 MS. SISOLAK: Thank you, Your Honor.

14 THE COURT: Thank you.

15 MR. GIORDANI: Thank you.

16 MR. PLUMMER: Thank you, Your Honor.

17 [End of bench conference.]

18 THE COURT: Ladies and gentlemen, at this time we're going
19 to take a short recess. I can't tell you the exact amount. Probably going
20 to be around a 15, 20-minute recess, so don't go too far. I have to
21 admonish you each time.

22 So ladies and gentlemen, we're going to take a short recess.
23 During this recess, your duty not to converse among yourselves or with
24 anyone else on any subject connected with the trial; to read, watch, or
25 listen to any report of or commentary on the trial by any person

1 connected with the trial or by any medium of information, including
2 without limitation, newspaper, television, and radio. And you are to form
3 or express an opinion on any subject connected with this case until its
4 finally submitted to.

5 Thank you.

6 [Prospective jury panel recessed at 2:45 p.m.]

7 THE COURT: And counsel, notify my marshal when you're
8 ready to proceed with argument. Thank you.

9 MS. MACHNICH: We will, Your Honor.

10 MS. SISOLAK: Yes, Your Honor.

11 THE COURT: We'll be in recess.

12 [Court recessed from 2:46 p.m., until 2:52 p.m.]

13 [Outside the presence of the prospective jury panel.]

14 THE COURT: Let the record reflect the presence of counsel,
15 the presence of the defendants and the potential jury panel is not
16 present.

17 Counsel.

18 MR. GIORDANI: Yes, Your Honor. We -- the parties have
19 met and conferred and I believe we've come to a general agreement on
20 four different jurors.

21 We would move to strike for cause Seat No. 1, Juror No. 1,
22 Arellano; Seat No. 5, Juror No. 6, Stoldal; Seat No. 6, Juror No. 7, Willis;
23 and Seat No. 17, Juror No. 28, Rojas.

24 MS. MACHNICH: And -- and Your Honor, Tegan Machnich
25 for Mr. Turner. We will be submitting on all of those. We have no

1 argument in opposition, obviously. We aren't moving to strike for cause,
2 but we will be submitting. We have no objection.

3 THE COURT: Counsel, Mr. Plummer? As to the four that
4 they have just moved to strike, do you have any opposition to their
5 challenges for cause?

6 MR. PLUMMER: You know what, honor -- Your Honor, I do
7 have an opposition to Mr. Stoldal. I'm not sure --

8 THE COURT: What badge number is that, sir?

9 MR. PLUMMER: Number -- it's Seat No. 5, Juror No. 6.

10 THE COURT: And what's the basis of your opposition?

11 MR. PLUMMER: I don't believe there's enough basis to
12 challenge him for cause. I don't believe there's a basis to challenge him
13 for cause.

14 THE COURT: And -- okay. But why isn't there a basis for
15 challenging him for cause?

16 MR. PLUMMER: I believe his answers were that he could be
17 fair and weigh the evidence.

18 MR. GIORDANI: Oh, I'm sorry.

19 THE COURT: Anything else, counsel?

20 MR. PLUMMER: No, Your Honor.

21 THE COURT: State?

22 MR. GIORDANI: I believe he specifically said he can't be fair,
23 cannot be fair. He also was the juror who indicated he didn't even trust
24 forensic science or forensic evidence, and he would be strongly suspect
25 of any evidence that came in the form of unsecured networks, or

1 something to that effect.

2 THE COURT: All right. Thank you.

3 Is there any additional potential jurors that the State is moving
4 for cause?

5 MR. GIORDANI: Yes. Just one, Your Honor. Juror
6 Number -- Seat 20, Juror No. 36, Mr. Fritz.

7 THE COURT: I'm sorry, I apologize. I didn't hear the badge
8 number.

9 MR. GIORDANI: It's Badge No. 36.

10 THE COURT: Thank you.

11 MR. GIORDANI: And Seat 20. That's the gentleman,
12 Mr. Fritz, that was in the front. The basis for the State's Motion for
13 Cause is when I was questioning Mr. Fritz -- actually, my concern started
14 when Your Honor was questioning Mr. Fritz and he said he could be fair,
15 but there was a lengthy pause before saying so. It caught me -- I -- it
16 caught my attention.

17 So then I asked him -- followed up with it. And he basically
18 looked right through me. It's hard to really describe it, but I felt very
19 challenged by the way he was looking at me, so I followed up and asked
20 him a couple times if he could be fair, to which he responded, Well,
21 you've already asked me twice, or I've said that twice, or something to
22 that effect.

23 At that point, it was clear to me, and some of the jurors around
24 him who scoffed or laughed when he said that, that it was somewhat
25 hostile. So I just asked him, I'm sensing some hostility from you. Tell

1 me now, something to that effect. And he again hesitantly said, I can be
2 fair.

3 Just based upon his demeanor, his acts towards me, I felt that
4 at that point there was enough to strike him for cause. But then on top
5 of it, when Ms. Sisolak got up and started talking to him -- she's
6 charming, I'll give her that, but he turns into Jerry Seinfeld all of a
7 sudden and is grabbing the microphone as it's passing and making jokes
8 and laughing with Ms. Sisolak.

9 So I think that that demonstrated some kind of bias. I don't
10 know where it came from. I don't know if I angered him or offended him
11 in some way, but it was pretty apparent to me that he had some kind of
12 bias in favor of the defense and against the State. So with that, we
13 would ask to strike him for cause.

14 THE COURT: Thank you, counsel.

15 MS. MACHNICH: Your Honor, Tegan Machnich on behalf of
16 Mr. Turner. We would oppose that Motion to Strike for Cause based on
17 the fact that Mr. Fritz did unequivocally say he could be fair. The
18 standard is not whether they like us as counsel, although I wish many of
19 the times that would be the standard. However, the juror doesn't
20 particularly like me, doesn't appear to be responding to my questions as
21 well is not the standard for cause. It's whether the juror can be fair and
22 impartial.

23 We take the jurors at their word when we're taking these
24 questions. They're under oath. And this juror clearly stated he could be
25 fair to both parties in this case or -- I guess, the three parties, all of the

1 parties in this case, and could weigh the evidence. He answered all of
2 the questions asked. And thus, I do not believe that -- oh, and I will also
3 state that it is our impression that he wasn't necessarily being
4 aggressive towards Mr. Giordani, that he was perhaps thinking that he
5 was funny, so we --

6 THE COURT: I was --

7 MS. MACHNICH: -- put that to you --

8 THE COURT: I did not see the hostility that was observed by
9 counsel.

10 MS. MACHNICH: So --

11 THE COURT: I -- I would -- I watched his demeanor. I mean,
12 he was short, but I didn't view it to be hostile, quite frankly.

13 MS. MACHNICH: And -- and, Your Honor, with that, we will
14 submit. We don't believe that it's proper at this time. The State can
15 always exercise their perempts.

16 THE COURT: Any additional motions to strike by the State?

17 MR. GIORDANI: No, Your Honor.

18 THE COURT: Defense?

19 MS. MACHNICH: Yes, Your Honor. So Tegan Machnich for
20 Mr. Turner. We're going to start, and then I know that Mr. Plummer has
21 an additional as well.

22 We are going to start with Seat No. 2, Juror No. 2, Ms. Saxe.
23 She stated that there must be a reason that we're here, that she would
24 need to hear from the defendants testifying if she were to find in favor of
25 the defense, if she were to find them not guilty, because she could not

1 unequivocally state that she would be able to follow an instruction that
2 the defendants are constitutionally able to not testify in a case and have
3 that not be part of the consideration.

4 She kept coming back around to, well, I don't understand, this
5 is very complicated. And I -- I would want -- I need to hear from them. I
6 would need to hear from them. I would need them to testify. I would
7 need to hear evidence from the defense. Despite repeatedly being I
8 don't want to say challenged, but challenged on the idea that the burden
9 is exclusively on the State and that the defendants need not testify and
10 have a constitutional right not to testify in a criminal case.

11 And because of that -- oh, yeah. And additionally, it appears
12 that she is from Israel originally, so there might be some challenge with
13 regard to understanding constitutional issues of the American judicial
14 system. And -- and that may -- and she just had volunteered that near
15 the end with Mr. Plummer's questioning with regard to firearms and
16 serving in the U.S. military. She did point out that she did serve in the
17 Israeli military.

18 So if that this, in fact, the culture she grew up in, I would
19 assume the Israeli judicial system is different from our own. I'm not an
20 expert in that area. But because of that, I do not believe that she's a
21 proper juror for a criminal trial in the United States, and that she cannot
22 follow the laws of the United States and that we would move to strike her
23 for cause.

24 THE COURT: Thank you.

25 MS. MACHNICH: Your Honor, would you like me to do all of

1 them or let the State respond to each one?

2 THE COURT: Why don't you let the State respond to each
3 one.

4 MS. MACHNICH: Okay.

5 MR. GIORDANI: Thank you, Your Honor.

6 Our notes and our recollections completely differ from that.
7 We believe that Ms. Saxe, frankly, indicated she could "absolutely be
8 fair." The only time that she wavered on whether or not she would be --
9 she would want the defendants to testify is when Ms. Sisolak asked her
10 that hypothetical about getting pulled over -- or I'm sorry, a police officer
11 walking in to court and saying you were speeding on Sahara or whatever
12 it was. At that point, she said, of course, I want to hear -- I would want to
13 hear both sides. And it was natural, I believe, was what she said. It was
14 natural that I would want to hear both sides.

15 I don't think there was anything in there where she said that
16 she could not be fair to the defendants if they did not testify. So at this
17 point, I don't -- without having the ability to talk to her again, I don't think
18 there's anything at this point that would rise to a valid challenge for
19 cause.

20 I think that if, you know, the defense wants to challenge her,
21 that this is not the appropriate time. It should be a perempt. My -- my
22 recollection is absolutely be fair.

23 THE COURT: Thank you, counsel.

24 MS. MACHNICH: And -- and, Your Honor, if I may, just to
25 conclude, I believe Ms. Sisolak also asked her if she thought she would

1 be better suited for a different type of trial. And our recollection is she
2 said she would be suited for -- better suited for a -- a civil case.

3 THE COURT: Thank you, counsel.

4 MS. MACHNICH: Thank you.

5 THE COURT: Any additional challenges for cause?

6 MS. MACHNICH: Yes. Next we'll be speaking about
7 Mr. Grinsted. He is Juror No. 3, Seat No. 3. We'll be moving to strike
8 him for cause, because he unequivocally stated he would give more
9 weight to an officer's testimony. That's inappropriate. That is not
10 allowable under the law.

11 Additionally, there was some additional discussions with
12 regard to how he would feel about hearing about an officer-involved
13 shooting where an officer was shot. And he made some additional
14 statements with regard to his inability to see past that during that
15 conversation.

16 I believe that on the forefront, the fact that he would place
17 more weight on an officer's testimony is enough to strike him for cause,
18 but that additional add-on of not being able to move past an officer being
19 shot and be fair and impartial makes him an inappropriate juror for this
20 case, given the subject matter of this case, being that an officer did get
21 shot. And by -- and also the assault weapon discussion.

22 THE COURT: Counsel?

23 MR. GIORDANI: Again, we have a different recollection.
24 What Mr. Grinsted said is that he would absolutely hold the State to its
25 burden. And then when he was discussing the difference between a lay

1 witness and a police officer witness, he actually said that he believes
2 that officers should held to a higher standard. He went on to discuss
3 that a little bit further.

4 But our recollection of it was is that he's not going to just adopt
5 what an officer says is true. And that was based upon several questions
6 that I posed to him in the -- in that same vein and that same
7 conversation, where I said, well, you -- you know plenty of officers
8 through your gym. And the -- the conversation came up about how
9 they're fallible, just like anyone else, and they're regular people just like
10 anyone else. So I don't think that at this point he has said anything -- in
11 fact, he said specifically that he would hold us to our burden of proof.

12 With regard to the -- the claim about hearing -- when he heard
13 the officer was injured in this case, not getting past it, I -- I think, and I
14 don't have a specific note, but I think that the record was that he would
15 be troubled by that, as any reasonable person would be troubled by that.
16 But I don't think it had an impact on whether he could be fair and
17 impartial in this case. So with that, I'll submit it to the Court.

18 MS. MACHNICH: And -- and Your Honor, if we may, we
19 believe that the exact language used was, he would be biased because
20 of an officer being shot. Additionally, with regard to his original
21 conversation with Mr. Giordani, when they're talking about law
22 enforcement officers at the gym, very good acquaintances, he stated
23 that he would like to be fair and impartial. I don't believe he ever say
24 that he could unequivocally be fair and impartial. And then, obviously,
25 there was extensive discussion with him after that about bias towards

1 law enforcement. Thank you.

2 THE COURT: Any additional challenges, counsel?

3 MS. MACHNICH: Yes, Your Honor. With regard to
4 Ms. Dimaya, Seat 4, Badge 4, this is the woman who disclosed that she
5 was a victim of home invasion where the perpetrators had an assault
6 rifle and held that assault rifle to her head, and this was within the last
7 five years, and that she testified as a witness in that case.

8 Not only -- that -- that alone, I believe, would raise to the level
9 of cause. However, she went further. She tried to the best of her ability
10 to be fair and impartial. However, she could not unequivocally say that
11 she could be fair and impartial. And she was, basically, Your Honor,
12 from our observation on the verge of tears when discussing that.

13 This is a case of an attempt burg and possession of a firearm
14 with an assault rifle where we will be hearing from homeowners who she
15 would likely say was in the exact same position that she was in. She
16 could not unequivocally say that she could hold the State to their burden
17 because of that, because of her history and because of the crime that
18 was perpetrated against her.

19 Also, she -- as a witness, she -- she was speaking about the
20 fact that she came and testified and, well, they're here for a reason. I
21 came and testified because they pled not guilty and I know they did it.
22 That is all extreme bias in favor of the State and against the defendants
23 in this case, given the subject matter. And I believe she also said that
24 she would be better suited to a different case.

25 THE COURT: Thank you, counsel.

1 MS. BEVERLY: Judge, I think this idea of saying someone
2 would be -- asking people if they would be better suited for another jury
3 does not eliminate the fact that she said over and over and over again,
4 not only can I be fair, but I can separate what happened to me to what
5 happened in my situation.

6 We expect jurors to be from different walks of life. Simply
7 because she had a -- a situation that we really don't know is similar, we
8 don't know too much about the details of it, but I think that defense
9 counsel is making a lot of assumptions about, you know, her saying the
10 homeowners are going to feel the exact same way I felt; we don't know
11 that. Because all she said over and over again was, I can separate my
12 situation from this particular facts of this case, and I can be fair. So I
13 certainly don't think anything that she said gives rise to the level of for
14 cause.

15 THE COURT: Thank you, counsel.

16 MS. MACHNICH: Okay. We do have additional jurors, if I can
17 go forward. We have Mr. Wood -- Ms. Woods who is sitting in Seat 12,
18 Juror No. 20. She stated, and -- and I know what -- we were going back
19 and forth for much of the voir dire on whether she would be biased
20 towards the State with regard to her son-in-law being assistant DA and
21 being proud of the job and all of that.

22 But when -- when it came down to it near the end talking about
23 the weight placed on officer testimony, she specifically stated that an
24 officer would -- she would assume an officer is telling the truth unless
25 proven otherwise. That is burden shifting. That is inappropriate

1 standard in a criminal case and it shows extreme bias towards and in
2 favor of the State of Nevada, especially given the amount of law
3 enforcement witnesses. This is a very law enforcement heavy case. So
4 it certainly would be very, very relevant. And so because of that, we
5 don't believe that she could be fair and impartial and that it raises to the
6 level of cause. Thank you.

7 THE COURT: Any additional -- or I'm sorry, counsel for the
8 State?

9 MS. BEVERLY: Thank you, Your Honor. I think she was
10 saying similar things as to Mr. Grinsted was saying, is that we expect
11 law enforcement who have training and who do this for a living, we
12 expect them to hold them to a certain standard. I don't think she said
13 anything regarding whether she could not -- whether she could not be
14 fair.

15 In fact, she said over and over again, I can be fair regardless
16 of the fact that my son-in-law was a DA. I can separate that, I'm proud
17 of him, because -- in fact, she actually said, I'm proud of him because he
18 gave people a second chance while he was a DA. Though more
19 importantly, I think it was Ms. Sisolak who said, So you can't -- so you're
20 biased. That's not what she specifically said. She said, I can be fair, I
21 can separate that, but I do expect -- I would expect law enforcement,
22 who has training, to be doing their job. So I don't think that gives rise to
23 a cause -- a for-cause challenge.

24 MS. MACHNICH: And I just have one additional potential
25 juror. Your Honor, we would move to strike for cause Mr. Pope,

1 Juror No. 31 sitting in Seat 18. He -- we would move to strike him for
2 cause because he stated that he cannot be okay with the defense not
3 proving their innocence. He was very clear at that at the end. He was
4 asked extremely direct questions by Ms. Sisolak specifically on topic.
5 And he said that he could not do that, he could be fair and impartial.
6 This is not a good jury for him, based on the fact that those are
7 criminal -- basis of our criminal law in our American judicial system.

8 So we do not believe that he could be fair and impartial to the
9 State. He can't say unequivocally that he would be so. And thus, we
10 would move to strike him for cause at this time.

11 THE COURT: State?

12 MS. BEVERLY: I actually got the opposite view of him. In
13 fact, he said multiple times, I want irrefutable evidence from the State,
14 not -- not from the defense. He wants the State to prove stuff, you know,
15 over and over and over again. In fact, he said he would be skeptical of
16 things like that, of this -- evidence the State is putting forward. So if
17 anything, he's biased against the State, not the defense. He said over
18 and over again that he can base his verdict on the evidence that's
19 presented. He can be fair and impartial. I mean, with that, I don't think
20 that he -- that is a for cause challenge.

21 THE COURT: Thank you. Counsel?

22 MR. PLUMMER: No.

23 MS. MACHNICH: I will pass to Mr. Plummer.

24 THE COURT: All right. Does -- does that conclude your
25 challenges for cause?

1 MS. MACHNICH: Yes. Although, we will join in
2 Mr. Plummer's coming motion.

3 THE COURT: Thank you.

4 Mr. Plummer.

5 MR. PLUMMER: Your Honor, I would have made the same
6 arguments on the witnesses that --

7 THE COURT: You're -- you're joining in --

8 MR. PLUMMER: On -- on their challenges for cause. In -- in
9 addition, asking for Juror No. 13, Mr. Bragdon. Mr. Bragdon is the one
10 whose father is Metro, his brother is Metro, and his other brother is also
11 police, who when questioned about if he would be able to -- if he would
12 be biased if he knew the case involved an -- a police officer being shot,
13 he indicated absolutely, he would be. He also was open in stating that
14 he, you know, went home and he talked to his family. And, you know,
15 he has heard all about different scenarios that they've been in. It would
16 make him angry.

17 I mean, this is a law enforcement family with, basically, a son
18 and brother. Here, we anticipate, the evidence that's going to come in is
19 a police officer is going to come in and say he got shot with an assault
20 weapon. And that's what the evidence is going to show. And he's not
21 going to be fair and impartial in sitting on this panel.

22 THE COURT: Thank you. State?

23 MS. BEVERLY: Again, Judge, simply because you have
24 family members that work for Metro I don't think makes it a for cause
25 challenge. He, in fact, said over and over he will listen to the evidence.

1 He will be fair to both sides. He's had a variety of different experiences.
2 I don't believe he said anything that gives rise to the level of a for cause.
3 In fact, he said over and over I can be fair.

4 THE COURT: Mr. Plummer, any additional challenges for
5 cause?

6 MR. PLUMMER: No, Your Honor. Just I'm going to join in
7 with counsel's challenges that they already presented to the court.

8 THE COURT: Thank you. I'm going to take a short recess.
9 The matter will be under submission.

10 MS. SISOLAK: Thank you, your Honor.

11 MS. MACHNICH: Thank you.

12 [Court recessed from 3:11 p.m., to 3:24 p.m.]

13 [Outside the presence of the prospective jury panel.]

14 THE COURT: We're back on the record in Case No.
15 C-15-30957-1 and -2, *State of Nevada vs. Steven Turner and Clemon*
16 *Hudson*. Let the record reflect the presence of all -- counsel for the
17 State and counsel for the defendants, and the presence of the
18 defendants.

19 I have considered counsel's challenges for cause and I'm
20 going to excuse for cause the following potential jurors. I'm going to do
21 them in the order that you presented them to me.

22 Joe -- I'm going to excuse for cause Joe Arellano,
23 Badge No. 001; Matthew Stoldal, Badge No. 006; Rosalyn Willis,
24 Badge No. 007; Leticia Rojas, Badge No. 028; Joshua Grinsted,
25 Badge No. 003; Michelle Lynn Dimaya, Badge No. 004; Anthony Michael

1 Pope, Badge Number, 01; and Adam Walter Bragdon, Badge No. 013.

2 I'm sorry, Anthony Michael Pope is Badge No. 031.

3 MS. BEVERLY: Thank you, Your Honor.

4 THE COURT: Those jurors will be excused for cause. I'm
5 going to have my -- I'm going to put them in order according to badge
6 number and excuse them. Bring them back in, in about two or three
7 minutes.

8 MS. MACHNICH: Thank you, Your Honor.

9 MS. BEVERLY: Thank you. And Judge, just a question on
10 this -- for the seats that will be excused, are we just filling in now from
11 the audience?

12 THE COURT: What will happen is we'll take, based on the
13 lowest sequential number remaining, will be put into each individual
14 seat. Then I will ask the individual questions of each of those potential
15 new jurors, give counsel the opportunity to voir dire those new jurors.
16 And then make challenges for cause as to the new potential jurors that
17 will be seated.

18 MS. BEVERLY: Thank you.

19 MR. GIORDANI: Understood.

20 [Pause in proceedings.]

21 MS. SISOLAK: Your Honor, if I may just clarify quickly? Does
22 that mean Ricky Bullard would go into Seat No. 1?

23 THE CLERK: Yes.

24 MS. SISOLAK: Okay. So we can just number them from
25 there? Thank you.

1 THE COURT: Thank you.

2 Counsel, I just want to verify, so the jurors I'm excusing for
3 cause are Badge No. 001, Joe Arellano; 003, Joshua Grinsted; 004,
4 Michelle Dimaya; 006, Matthew Stoldal; 007, Rosalyn Wilson [sic]; 013,
5 Adam Bragdon; 028, Leticia Rojas; and 031, Anthony Pope.

6 MS. BEVERLY: That's what the State has, Your Honor.

7 MS. MACHNICH: That's what the defense shows, as well.

8 MR. PLUMMER: That is correct, Your Honor.

9 THE COURT: Okay. Thank you. Bring the panel in, please.

10 [Prospective jury panel reconvened at 3:30 p.m.]

11 THE COURT: You may be seated. Let the record reflect the
12 presence of counsel for the State, counsel for the defendants, and the
13 defendants, as well as the panel of potential jurors.

14 The following persons may be excused from court and leave
15 with our thanks for appearing today. And if I mispronounce your name, I
16 apologize.

17 Badge 001, Joe Arellano; Badge No. 003, Joshua Grinsted;
18 Badge No. 004, Michelle Dimaya; Badge No. 006, Matthew Stoldal;
19 Badge No. 007, Rosalyn Willis; Badge No. 013, Adam Bragdon;
20 Badge No. 028, Leticia Rojas; and Badge No. 031, Anthony Pope.

21 THE CLERK: Badge No. 042, Ricky Bullard, Seat No. 1;
22 Badge No. 044, Michael Lamoureux, Seat No. 3; Badge No. 045, Beatriz
23 Cruz, Seat No. 4; Badge No. 049, Denise Landry, Seat No. 5; Badge
24 Number 057, Rosa Reyes, Seat No. 6; Badge No. 058, Jenna
25 Chantiloupe, Seat No. 10; Badge No. 059, James Roy, Seat No. 17;

1 Badge No. 061, Richard Goennier, Seat No. 18.

2 THE COURT: As the new potential jurors who have just been
3 seated, I am now going to ask you the same questions I asked the
4 original 24. I'm just inserting your names into the seating chart so I can
5 identify you.

6 Sir, since you have the microphone, could you state your
7 name and your badge number?

8 PROSPECTIVE JUROR NO. 042: Yes. Ricky Bullard, and
9 my badge number is 42.

10 THE COURT: Thank you. How long have you lived in Clark
11 County, Nevada?

12 PROSPECTIVE JUROR NO. 042: Currently five years,
13 but 10 years before as well, so 15 total.

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

15 PROSPECTIVE JUROR NO. 042: Bachelors of engineering
16 degree.

17 THE COURT: What is your occupation?

18 PROSPECTIVE JUROR NO. 042: Retired electronic
19 engineer.

20 THE COURT: What is your marital status?

21 PROSPECTIVE JUROR NO. 042: Married.

22 THE COURT: What is the occupation of your spouse?

23 PROSPECTIVE JUROR NO. 042: Customer service
24 manager, retired.

25 THE COURT: And where did your spouse work?

1 PROSPECTIVE JUROR NO. 042: Walmart.
2 THE COURT: Do you have any children?
3 PROSPECTIVE JUROR NO. 042: Yes.
4 THE COURT: How old are they?
5 PROSPECTIVE JUROR NO. 042: Youngest, 24, the
6 oldest, 42.
7 THE COURT: How many children do you have?
8 PROSPECTIVE JUROR NO. 042: Three.
9 THE COURT: Starting with your oldest child, can you --
10 working to your youngest child, can you tell me their occupation, please?
11 PROSPECTIVE JUROR NO. 042: Yes. My older is a
12 business major. She's working for Clark County airport, McCarren
13 Airport at this moment. My middle daughter is a registered nurse in
14 California. And my youngest is my son, and he's a firefighter in
15 Henderson.
16 THE COURT: Thank you. Have you ever served on -- as a
17 juror before?
18 PROSPECTIVE JUROR NO. 042: Yes, I have.
19 THE COURT: Was it a civil case or a criminal case?
20 PROSPECTIVE JUROR NO. 042: I've sat on both.
21 THE COURT: Okay. And how many?
22 PROSPECTIVE JUROR NO. 042: One of each.
23 THE COURT: As to the civil case, where was that -- where
24 was the trial held?
25 PROSPECTIVE JUROR NO. 042: That was in Riverside,

1 California.

2 THE COURT: And when was it, sir?

3 PROSPECTIVE JUROR NO. 042: It's been about five years
4 ago, but it was settled before it went to trial. We basically went through
5 jury selection.

6 THE COURT: Okay. All right. That's -- just listen to my
7 question --

8 PROSPECTIVE JUROR NO. 042: Sure.

9 THE COURT: -- if you would, sir. Thank you. And where was
10 the criminal trial held?

11 PROSPECTIVE JUROR NO. 042: Los Angeles.

12 THE COURT: And when -- when was that? What date?

13 PROSPECTIVE JUROR NO. 042: That's more than 20 years
14 ago.

15 THE COURT: Okay. As to the criminal trial, without telling me
16 the verdict, did the jury reach a verdict?

17 PROSPECTIVE JUROR NO. 042: Yes, we did.

18 THE COURT: Were you the foreperson?

19 PROSPECTIVE JUROR NO. 042: No, I was not.

20 THE COURT: Is there anything about that experience that
21 would affect your ability to be fair and impartial in this case?

22 PROSPECTIVE JUROR NO. 042: No.

23 THE COURT: Have you ever testified as a witness in a
24 criminal case?

25 PROSPECTIVE JUROR NO. 042: No.

1 THE COURT: Have you ever -- have you or a close family
2 member ever been convicted of a crime?

3 PROSPECTIVE JUROR NO. 042: No.

4 THE COURT: Have you or a close family member ever been
5 the victim of a crime?

6 PROSPECTIVE JUROR NO. 042: Yes.

7 THE COURT: And could you explain?

8 PROSPECTIVE JUROR NO. 042: I've had a vehicle stolen
9 from me before. That was, basically, the only thing that I recall.

10 THE COURT: And where -- where was that -- where did that
11 take place?

12 PROSPECTIVE JUROR NO. 042: That was in Los Angeles
13 County.

14 THE COURT: Okay. Did you -- was it investigated by law
15 enforcement?

16 PROSPECTIVE JUROR NO. 042: Yes, it was.

17 THE COURT: Were you satisfied with law enforcement's
18 investigation?

19 PROSPECTIVE JUROR NO. 042: Yes. The car was
20 recovered.

21 THE COURT: Was anybody arrested?

22 PROSPECTIVE JUROR NO. 042: I do not know.

23 THE COURT: Do you have any -- is that -- is that it, as far as
24 being the victim of a crime?

25 PROSPECTIVE JUROR NO. 042: Yes.

1 THE COURT: Do you have any close relatives or friends who
2 have ever been engaged in law enforcement?

3 PROSPECTIVE JUROR NO. 042: I was a military policemen
4 in the service. I have -- my son being in the fire department and the
5 honor guard with Drum and Fife. I do go to a lot of their events. So I
6 kind of know some of -- of them, but not in a personal.

7 THE COURT: All right. And when were you in the military,
8 sir?

9 PROSPECTIVE JUROR NO. 042: This would have been '68
10 through '70.

11 THE COURT: And you were a military police?

12 PROSPECTIVE JUROR NO. 042: Yes.

13 THE COURT: Did you have to investigate any criminal
14 activity?

15 PROSPECTIVE JUROR NO. 042: My main function was
16 traffic accident investigation.

17 THE COURT: Thank you. And I believe you said your son
18 had connections to law enforcement?

19 PROSPECTIVE JUROR NO. 042: He's a firefighter in
20 Nevada here. And so, the 9/11 events, other events where they do have
21 some of the honor guards perform, they're kind of intermingled between
22 Metro -- and -- and fire. So I see some of them around.

23 THE COURT: Do you know them socially or are they friends?

24 PROSPECTIVE JUROR NO. 042: Just socially.

25 THE COURT: And do you talk -- when you speak with them

1 socially, the -- I'm speaking about the law enforcement officers, do you
2 discuss their job at all?

3 PROSPECTIVE JUROR NO. 042: No.

4 THE COURT: Does your knowledge or your interaction with
5 the law enforcement officers affect your ability to be fair and impartial in
6 this case in any way?

7 PROSPECTIVE JUROR NO. 042: No.

8 THE COURT: Do you agree that if you are chosen to serve as
9 a juror in this case, that you would honor your duty to be completely fair
10 and impartial and to listen carefully to all the evidence before you made
11 your decision?

12 PROSPECTIVE JUROR NO. 042: Yes.

13 THE COURT: Could you pass the microphone down to --
14 If you can state your name and your badge number, please?

15 PROSPECTIVE JUROR NO. 044: Michael Lamoureux,
16 Badge No. 44.

17 THE COURT: How long have you lived in Clark County,
18 Nevada?

19 PROSPECTIVE JUROR NO. 044: Since 1973.

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

21 PROSPECTIVE JUROR NO. 044: Associate's degree.

22 THE COURT: What is your occupation?

23 PROSPECTIVE JUROR NO. 044: I'm a manager with the IT
24 Bureau of the Las Vegas Metropolitan Police Department.

25 THE COURT: What is your marital status?

1 PROSPECTIVE JUROR NO. 044: I'm married.

2 THE COURT: What is your -- what is the occupation of your
3 spouse?

4 PROSPECTIVE JUROR NO. 044: She is a retired evidence
5 technician from the Las Vegas Metropolitan Police Department at
6 forensics lab.

7 THE COURT: And you're currently employed by the Las
8 Vegas Metropolitan Police Department?

9 PROSPECTIVE JUROR NO. 044: Yes, sir. Since 1986.

10 THE COURT: Okay. And when did -- and how long was your
11 spouse employed for them?

12 PROSPECTIVE JUROR NO. 044: She retired five years ago.
13 She was employed 27 years.

14 THE COURT: Okay. Do you have any children?

15 PROSPECTIVE JUROR NO. 044: I do.

16 THE COURT: How old are they?

17 PROSPECTIVE JUROR NO. 044: I have two stepchildren,
18 the oldest being 33, a daughter 32, and a son 10.

19 THE COURT: As to your adult children, can you tell me what
20 their occupation are?

21 PROSPECTIVE JUROR NO. 044: My son, David, who is 33
22 is a manager of a handyman service in southern Utah. And my daughter
23 is a former dispatcher with the Las Vegas Metro. She's now a
24 stay-at-home mom.

25 THE COURT: Thank you. Have you ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 044: I have. Two times, Your
3 Honor.

4 THE COURT: Okay. Was it a criminal case or a civil case or
5 both?

6 PROSPECTIVE JUROR NO. 044: They were both criminal
7 cases.

8 THE COURT: And as to the first one, how long ago was that?

9 PROSPECTIVE JUROR NO. 044: To the best of my
10 knowledge, it was more than 25 years ago. I was young.

11 THE COURT: And where did it, the first one, occur?

12 PROSPECTIVE JUROR NO. 044: Clark County. It was -- it
13 was in Clark County.

14 THE COURT: Were you employed by Metro at that time?

15 PROSPECTIVE JUROR NO. 044: Yes, I was.

16 THE COURT: And what about the second criminal case,
17 when was that?

18 PROSPECTIVE JUROR NO. 044: Approximately -- I was
19 trying to do the math in my head. Approximately 13 to 14 years ago.

20 THE COURT: And was that here in Clark County, Nevada?

21 PROSPECTIVE JUROR NO. 044: It was.

22 THE COURT: And in either of those cases, without telling me
23 the verdict, did the jury reach a verdict?

24 PROSPECTIVE JUROR NO. 044: Yes.

25 THE COURT: In either of those cases, were you the

1 foreperson?

2 PROSPECTIVE JUROR NO. 044: I was on the second trial,
3 the most recent trial.

4 THE COURT: Is there anything about that experiences where
5 you have -- were a juror in two prior criminal cases, is there anything
6 about that experience that would affect your ability to be fair and
7 impartial in this case?

8 PROSPECTIVE JUROR NO. 044: No.

9 THE COURT: Have you ever testified as a witness in a
10 criminal case?

11 PROSPECTIVE JUROR NO. 044: I have.

12 THE COURT: And was that as part of your duties as a Las
13 Vegas Metropolitan police officer?

14 PROSPECTIVE JUROR NO. 044: No, it was not. I was
15 witness to a criminal -- several criminal offenses related to DUI. I was --
16 it was on my off-duty time, unrelated to work whatsoever. But I
17 subpoenaed as a witness.

18 THE COURT: Okay. And when was that; do you recall?

19 PROSPECTIVE JUROR NO. 044: Approximately 12
20 to 13 years ago.

21 THE COURT: Have you or a close family member ever been
22 convicted of a crime?

23 PROSPECTIVE JUROR NO. 044: No.

24 THE COURT: Have you or a close family member ever been
25 the victim of a crime?

1 PROSPECTIVE JUROR NO. 044: Yes.

2 THE COURT: And who was that, sir?

3 PROSPECTIVE JUROR NO. 044: My wife and I throughout
4 the years. It was mostly auto burglaries, stuff stolen from the vehicles.
5 We found -- we discovered our vehicles broken into, things were taken
6 from our vehicles.

7 THE COURT: It sounds like multiple occasions?

8 PROSPECTIVE JUROR NO. 044: Yes.

9 THE COURT: Can you estimate or do you know how many
10 occasions?

11 PROSPECTIVE JUROR NO. 044: One was more than 25
12 years ago. And then the most recent one was about 15 years ago.

13 THE COURT: And was that here in Clark County, Nevada?

14 PROSPECTIVE JUROR NO. 044: Yes, sir.

15 THE COURT: Did law enforcement investigate those
16 incidences?

17 PROSPECTIVE JUROR NO. 044: In both cases they --
18 reports were taken. Any evidence that was -- could be gathered from
19 the scene was. It didn't lead to anything. There was no -- no
20 investigation, no arrest made.

21 THE COURT: Okay. Do you fault law enforcement for how
22 they handled the cases?

23 PROSPECTIVE JUROR NO. 044: Not at all.

24 THE COURT: This one is going to be -- do you have any
25 close relatives or friends who have ever been engaged in law

1 enforcement?

2 PROSPECTIVE JUROR NO. 044: Yes.

3 THE COURT: Okay. The emphasis being close relatives or
4 friends. So do you have -- obviously, you have friends on the Las Vegas
5 Metropolitan Police Department through your employment. But are
6 you -- are there -- how many would you say are close friends?

7 PROSPECTIVE JUROR NO. 044: Where do you -- where
8 you draw the line?

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 044: It's hard to draw -- I -- I can
11 tell you relatives. We could start with relatives.

12 THE COURT: All right. Let's start with relatives.

13 PROSPECTIVE JUROR NO. 044: My father-in-law is retired
14 police captain with Las Vegas Metro Police. My wife is a former forensic
15 science. She retired five years ago. My stepdaughter is -- was a former
16 dispatcher. My son-in-law, her husband, is currently a detective in our
17 Property Crimes Section. And I have a cousin that was on the Gaming
18 Control Board and Enforcement.

19 THE COURT: Okay. And I assume just through -- I call them
20 employment friends, people that you work with, you're friends with them
21 through your employment, would that be a fair statement with the people
22 you work with at the Las Vegas Metropolitan Police Department?

23 PROSPECTIVE JUROR NO. 044: Certainly, I have hundreds
24 of those types of friends that are work acquaintances, I would say.

25 THE COURT: And then my next step is of your people that

1 you work with at Las Vegas Metropolitan Police Department, are any of
2 those close friends?

3 PROSPECTIVE JUROR NO. 044: A few, yes.

4 THE COURT: Okay. Is there anything about you working at
5 the Las Vegas Metropolitan Police Department or having close relatives
6 or friends who are law enforcement going to affect your ability to be fair
7 and impartial in this case?

8 PROSPECTIVE JUROR NO. 044: No.

9 THE COURT: Do you agree that if you're chosen to serve as
10 a juror in this case, that you will honor your duty to be completely fair
11 and impartial and to listen carefully to all of the evidence before you
12 make a decision?

13 PROSPECTIVE JUROR NO. 044: Yes.

14 THE COURT: Thank you. If you could pass the microphone,
15 please?

16 If you could state your name and your badge number?

17 PROSPECTIVE JUROR NO. 045: Beatriz Cruz, No. 45.

18 THE COURT: How long have you lived in Clark County,
19 Nevada?

20 PROSPECTIVE JUROR NO. 045: I think it's my fifth year.

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

22 PROSPECTIVE JUROR NO. 045: Master's degree.

23 THE COURT: And where was that from?

24 PROSPECTIVE JUROR NO. 045: UNLV.

25 THE COURT: What is your occupation?

1 PROSPECTIVE JUROR NO. 045: Fourth-grade teacher.
2 THE COURT: What is your marital status?
3 PROSPECTIVE JUROR NO. 045: Single.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR NO. 045: No.
6 THE COURT: Were you ever married?
7 PROSPECTIVE JUROR NO. 045: No.
8 THE COURT: Have you served as a juror before?
9 PROSPECTIVE JUROR NO. 045: No.
10 THE COURT: Have you ever testified as a witness in a
11 criminal case?
12 PROSPECTIVE JUROR NO. 045: No.
13 THE COURT: Have you or close family member ever been
14 convicted of a crime?
15 PROSPECTIVE JUROR NO. 045: No.
16 THE COURT: Have you or close family member ever been
17 the victim of a crime?
18 PROSPECTIVE JUROR NO. 045: Yes.
19 THE COURT: And who was that, ma'am?
20 PROSPECTIVE JUROR NO. 045: Myself and my mother,
21 home invasion.
22 THE COURT: Okay. Were you together at the time?
23 PROSPECTIVE JUROR NO. 045: Yes. I was 11 years old.
24 THE COURT: And when you say a home invasion, does that
25 mean you were home when the crime occurred?

1 PROSPECTIVE JUROR NO. 045: Yeah.

2 THE COURT: Okay. And they broke into -- and the

3 perpetrators broke into your home?

4 PROSPECTIVE JUROR NO. 045: Yes.

5 THE COURT: Was anybody harmed?

6 PROSPECTIVE JUROR NO. 045: No.

7 THE COURT: Did law enforcement investigate the crime?

8 PROSPECTIVE JUROR NO. 045: Yes.

9 THE COURT: What was the outcome; was anybody

10 arrested?

11 PROSPECTIVE JUROR NO. 045: Yes.

12 THE COURT: Do you know what -- do you know what was --

13 after the arrest, do you know what happened?

14 PROSPECTIVE JUROR NO. 045: I just know they went for --

15 in jail for a couple years and it was due to mental illness.

16 THE COURT: Okay. So there was a conviction?

17 PROSPECTIVE JUROR NO. 045: Uh-huh.

18 THE COURT: I apologize, I have a court reporter --

19 PROSPECTIVE JUROR NO. 045: Oh, okay. Sorry.

20 THE COURT: -- so you have to answer verbally.

21 PROSPECTIVE JUROR NO. 045: I could use my teacher

22 voice. I'm just kidding.

23 THE COURT: Are you -- were you satisfied with how law

24 enforcement handled your case?

25 PROSPECTIVE JUROR NO. 045: Yes.

1 THE COURT: Is there any trauma involved with that, the fact
2 that you were home when the crime was committed?

3 PROSPECTIVE JUROR NO. 045: I was 11 years old, so it
4 was very traumatic. So it was -- I mean, it was, like, 10 years ago, so it's
5 pretty -- yeah.

6 THE COURT: Okay. Do you believe that experience would
7 affect your -- make it difficult for you to be fair and impartial to both sides
8 in this case?

9 PROSPECTIVE JUROR NO. 045: No.

10 THE COURT: Do you have any close relatives or friends who
11 have ever been engaged in law enforcement?

12 PROSPECTIVE JUROR NO. 045: No.

13 THE COURT: Do you agree that if you were chosen to serve
14 as a juror in this case, that you will honor your duty to be completely fair
15 and impartial and to listen carefully to all of the evidence?

16 PROSPECTIVE JUROR NO. 045: Yes.

17 THE COURT: Thank you. If you could pass the microphone,
18 please?

19 Hi, if you could state your name and badge number.

20 PROSPECTIVE JUROR NO. 049: Yes, sir. Denise Landry,
21 Badge No. 49.

22 THE COURT: How long have you lived in Clark County,
23 Nevada?

24 PROSPECTIVE JUROR NO. 049: Since 2006.

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

1 PROSPECTIVE JUROR NO. 049: Associate's degree.

2 THE COURT: And where was that from?

3 PROSPECTIVE JUROR NO. 049: Southeast Missouri State
4 University.

5 THE COURT: What is your occupation?

6 PROSPECTIVE JUROR NO. 049: Registered nurse.

7 THE COURT: What is your marital status?

8 PROSPECTIVE JUROR NO. 049: Divorced.

9 THE COURT: What was the occupation of your ex-spouse?

10 PROSPECTIVE JUROR NO. 049: He was an entomologist
11 for the federal government.

12 THE COURT: And are you currently -- you said you're a
13 registered nurse. Are you currently employed at a specific hospital or --

14 PROSPECTIVE JUROR NO. 049: At a surgery center. Yes, I
15 am currently full-time employed.

16 THE COURT: And what is the name of the surgery -- is it just
17 the surgery center?

18 PROSPECTIVE JUROR NO. 049: It's Southwest Medical
19 Associates Surgery Center.

20 THE COURT: Thank you. Do you have any children?

21 PROSPECTIVE JUROR NO. 049: Yes, I do. I have one son.
22 He's a firefighter down in Louisiana.

23 THE COURT: Okay. Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 049: I guess you could say yes.
25 May I clarify?

1 THE COURT: Well --
2 PROSPECTIVE JUROR NO. 049: Okay.
3 THE COURT: First, let me ask you: Was it a criminal or civil
4 matter?
5 PROSPECTIVE JUROR NO. 049: Criminal.
6 THE COURT: And where was it at?
7 PROSPECTIVE JUROR NO. 049: Louisiana.
8 THE COURT: And without telling me the verdict, did the jury
9 reach a verdict?
10 PROSPECTIVE JUROR NO. 049: It didn't go to trial.
11 THE COURT: Okay. So it was resolved prior to trial?
12 PROSPECTIVE JUROR NO. 049: Yes.
13 THE COURT: So you were selected as a juror, but it resolved
14 and you never had to make a decision?
15 PROSPECTIVE JUROR NO. 049: Correct.
16 THE COURT: Okay. Is there anything about that experience
17 that would affect your ability to be fair and impartial in this case?
18 PROSPECTIVE JUROR NO. 049: No, sir.
19 THE COURT: Have you ever testified as a witness in a
20 criminal case?
21 PROSPECTIVE JUROR NO. 049: No, sir.
22 THE COURT: Have you ever -- have you or close family
23 member ever been convicted of a crime?
24 PROSPECTIVE JUROR NO. 049: No, sir.
25 THE COURT: Have you -- have you or a close family member

1 ever been the victim of a crime?

2 PROSPECTIVE JUROR NO. 049: No, sir.

3 THE COURT: Do you have any close relatives or friends who
4 have ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 049: No, sir.

6 THE COURT: Do you agree that if you are chosen to serve as
7 a juror in this case, that you will honor your duty to be completely fair
8 and impartial and to listen carefully to all the evidence before you make
9 your decision?

10 PROSPECTIVE JUROR NO. 049: Yes, sir.

11 THE COURT: Thank you, ma'am.

12 I believe it's Seat No. 10.

13 Hi, ma'am.

14 MS. BEVERLY: Judge, we skipped somebody.

15 THE COURT: Who did we forget?

16 MS. BEVERLY: Ms. Reyes.

17 THE COURT: I'm sorry, I apologize. It's Seat No. 6.

18 Ma'am, if you could state your name and your badge number.

19 PROSPECTIVE JUROR NO. 057: Rosa Reyes, 57.

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

22 PROSPECTIVE JUROR NO. 057: Since 1965.

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

24 PROSPECTIVE JUROR NO. 057: Some college.

25 THE COURT: What is your occupation?

1 PROSPECTIVE JUROR NO. 057: I'm a legal office assistant.
2 THE COURT: And who do you work for?
3 PROSPECTIVE JUROR NO. 057: Clark County Clerk's
4 Office.
5 THE COURT: Do you work in the Regional Justice Center?
6 PROSPECTIVE JUROR NO. 057: Yes, I do.
7 THE COURT: I'm sorry?
8 PROSPECTIVE JUROR NO. 057: Yes, I do. Well, actually,
9 it's the Willick Building, the Clark Building.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 057: In the records department.
12 THE COURT: What is your marital status?
13 PROSPECTIVE JUROR NO. 057: Married.
14 THE COURT: What is the occupation of your spouse?
15 PROSPECTIVE JUROR NO. 057: Retired.
16 THE COURT: And before your spouse retired, what was the
17 occupation?
18 PROSPECTIVE JUROR NO. 057: He was doing construction.
19 THE COURT: I'm sorry?
20 PROSPECTIVE JUROR NO. 057: Construction.
21 THE COURT: Do you have any children?
22 PROSPECTIVE JUROR NO. 057: Five.
23 THE COURT: How old are they?
24 PROSPECTIVE JUROR NO. 057: 39, 37, 34, 27, and 23.
25 THE COURT: Beginning with your oldest child --

1 PROSPECTIVE JUROR NO. 057: Sorry.
2 THE COURT: -- tell me their occupation.
3 PROSPECTIVE JUROR NO. 057: My oldest is a
4 maintenance/sound technician. My other son is personal assistant to
5 Elton John. And my third is -- works here for the clerk's office. He's IT.
6 And my fourth child, female, she's a hairdresser. And my last one is a
7 food server.
8 THE COURT: Thank you. Have you ever served as a juror
9 before?
10 PROSPECTIVE JUROR NO. 057: Yes, I have.
11 THE COURT: Was it a criminal case or a civil case?
12 PROSPECTIVE JUROR NO. 057: Criminal.
13 THE COURT: And where was it at?
14 PROSPECTIVE JUROR NO. 057: Here.
15 THE COURT: And when was it?
16 PROSPECTIVE JUROR NO. 057: About five years ago.
17 THE COURT: Okay. And when you say here, you mean
18 Clark County, Nevada?
19 PROSPECTIVE JUROR NO. 057: Clark County. Yes, sir.
20 THE COURT: Thank you. Without telling me the verdict, did
21 the jury reach a verdict?
22 PROSPECTIVE JUROR NO. 057: Yes, sir.
23 THE COURT: Were you the foreperson?
24 PROSPECTIVE JUROR NO. 057: No, I was not.
25 THE COURT: Is there anything about that experience that

1 would affect your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 057: No.

3 THE COURT: Have you ever testified as a witness in a
4 criminal case?

5 PROSPECTIVE JUROR NO. 057: No.

6 THE COURT: Have you ever -- have you or close family
7 member ever been convicted of a crime?

8 PROSPECTIVE JUROR NO. 057: No.

9 THE COURT: Have you or close family member ever been
10 the victim of a crime?

11 PROSPECTIVE JUROR NO. 057: Myself.

12 THE COURT: And when was that, ma'am?

13 PROSPECTIVE JUROR NO. 057: About five years ago,
14 approximately five years ago.

15 THE COURT: And what happened?

16 PROSPECTIVE JUROR NO. 057: Identity theft.

17 THE COURT: Was it reported to law enforcement?

18 PROSPECTIVE JUROR NO. 057: Yes, it was.

19 THE COURT: What law enforcement agency?

20 PROSPECTIVE JUROR NO. 057: Metro.

21 THE COURT: And did they investigate the matter?

22 PROSPECTIVE JUROR NO. 057: They did.

23 THE COURT: Was anybody arrested?

24 PROSPECTIVE JUROR NO. 057: They didn't say.

25 THE COURT: Okay. Were you satisfied with their

1 investigation?

2 PROSPECTIVE JUROR NO. 057: I was.

3 THE COURT: Is there anything about that experience that
4 make it -- would make it difficult for you to be fair and impartial to both
5 sides in this case?

6 PROSPECTIVE JUROR NO. 057: No, sir.

7 THE COURT: Do you have any close relatives or friends
8 when ever been engaged in law enforcement?

9 PROSPECTIVE JUROR NO. 057: Well, recently, my
10 daughter met a male friend that works in Metro, back in December. I
11 just met him two weeks -- two or three weeks ago. So I don't know
12 what -- how to answer that.

13 THE COURT: Do you speak with the person?

14 PROSPECTIVE JUROR NO. 057: Just that one time that I
15 met him.

16 THE COURT: Also, you said that you're located in the Clark
17 place; is that correct?

18 PROSPECTIVE JUROR NO. 057: Yes.

19 THE COURT: Are you friendly with anybody from the Clark
20 County District Attorney's Office?

21 PROSPECTIVE JUROR NO. 057: No.

22 THE COURT: Do you agree that -- does your knowledge --
23 well, the one conversation that you had, is that going to affect your ability
24 to be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 057: No, sir.

1 THE COURT: All right. Do you agree that if you are chosen
2 to serve as a juror in this case, that you will honor your duty to be
3 completely fair and impartial and to listen carefully to all of the
4 evidence --

5 PROSPECTIVE JUROR NO. 057: Yes, sir.

6 THE COURT: -- before you make a decision?

7 PROSPECTIVE JUROR NO. 057: Yes, sir.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 058: Jenna Chantiloupe,
10 Badge No. 58.

11 THE COURT: How long have you lived in Clark County,
12 Nevada?

13 PROSPECTIVE JUROR NO. 058: Since 2003.

14 THE COURT: How far did you go no school?

15 PROSPECTIVE JUROR NO. 058: Some college.

16 THE COURT: What is your occupation?

17 PROSPECTIVE JUROR NO. 058: I'm an outside sales rep.

18 THE COURT: And for which company?

19 PROSPECTIVE JUROR NO. 058: First American Home
20 Warranty.

21 THE COURT: What's your marital status?

22 PROSPECTIVE JUROR NO. 058: Married.

23 THE COURT: What is the occupation of your spouse?

24 PROSPECTIVE JUROR NO. 058: He's in quality assurance.

25 THE COURT: And who does he work for?

1 PROSPECTIVE JUROR NO. 058: It's an international gaming
2 company.

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 058: No.

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

6 PROSPECTIVE JUROR NO. 058: Yes.

7 THE COURT: And was it a criminal case or a civil case?

8 PROSPECTIVE JUROR NO. 058: Both.

9 THE COURT: Is it one of each?

10 PROSPECTIVE JUROR NO. 058: One of each.

11 THE COURT: Okay. As to the civil case, where did that
12 occur?

13 PROSPECTIVE JUROR NO. 058: Van Nuys, California.

14 THE COURT: And when did that occur?

15 PROSPECTIVE JUROR NO. 058: 1990.

16 THE COURT: As to the criminal case, where did that occur?

17 PROSPECTIVE JUROR NO. 058: Clark County, here.

18 THE COURT: And when?

19 PROSPECTIVE JUROR NO. 058: 2009.

20 THE COURT: In either of those cases, without telling me the
21 verdict, did the jury reach a verdict?

22 PROSPECTIVE JUROR NO. 058: Yes.

23 THE COURT: In either or both or just one?

24 PROSPECTIVE JUROR NO. 058: Both.

25 THE COURT: So in both cases, the jury did reach a verdict?

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PROSPECTIVE JUROR NO. 058: Yes.

THE COURT: In either of those cases were you the foreperson?

PROSPECTIVE JUROR NO. 058: In the -- in the latter one. In the criminal case.

THE COURT: In the criminal case, you were the foreperson?

PROSPECTIVE JUROR NO. 058: Yes.

THE COURT: Is there anything about that experience that would affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 058: No.

THE COURT: Have you ever testified as a witness in a criminal case?

PROSPECTIVE JUROR NO. 058: No.

THE COURT: Have you or close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 058: No.

THE COURT: Have you or close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 058: Yes.

THE COURT: And who was that, ma'am?

PROSPECTIVE JUROR NO. 058: Me. I've had my car stolen and my credit cards stolen. And my license plate.

THE COURT: And was it all one incident?

PROSPECTIVE JUROR NO. 058: No.

THE COURT: Two separate incidents?

1 PROSPECTIVE JUROR NO. 058: Yes. Four.
2 THE COURT: You've had your --
3 PROSPECTIVE JUROR NO. 058: Four separate instances.
4 THE COURT: Okay. How many times have you had your car
5 stolen?
6 PROSPECTIVE JUROR NO. 058: It was broken into twice in
7 California, and -- once in the '80s, once in the '90s. And then my credit
8 cards were stolen in '92 in New York City. And then my license plate
9 was stolen when I first moved here in 2003.
10 THE COURT: Okay. Were any of those incidents --
11 incidences investigated by law enforcement?
12 PROSPECTIVE JUROR NO. 058: No.
13 THE COURT: Did you report them?
14 PROSPECTIVE JUROR NO. 058: Just the license plate.
15 THE COURT: Okay.
16 PROSPECTIVE JUROR NO. 058: I'm sorry, I did try to report
17 the credit cards, but they said it wasn't a big enough amount for them to
18 investigate.
19 THE COURT: Okay. Did that upset you? Were you upset
20 with law enforcement?
21 PROSPECTIVE JUROR NO. 058: I think so at the time, yeah.
22 THE COURT: How about now?
23 PROSPECTIVE JUROR NO. 058: No.
24 THE COURT: Okay. So is there anything about any of those
25 experiences that you kind of blame law enforcement, thought they could

1 have -- could have done a better job in retrieving your property?

2 PROSPECTIVE JUROR NO. 058: No. It -- just -- they were
3 just too minor.

4 THE COURT: Okay. So do you believe that any of those
5 experiences would make it difficult for you to be fair and impartial to both
6 sides in this case?

7 PROSPECTIVE JUROR NO. 058: No.

8 THE COURT: Do you have any close relatives or friends who
9 have ever been engaged in law enforcement?

10 PROSPECTIVE JUROR NO. 058: No.

11 THE COURT: Do you agree that if you are chosen to serve as
12 a juror in this case, that you will honor your duty to be completely fair
13 and impartial and to listen carefully to all of the evidence?

14 PROSPECTIVE JUROR NO. 058: Yes.

15 THE COURT: Thank you. Okay. Pass the microphone.

16 Sir, if you could state your name and badge number.

17 PROSPECTIVE JUROR NO. 059: James Roy, Badge 59.

18 THE COURT: And you've been provided with headsets
19 because you had indicated previously that you had a hearing
20 impairment; is that correct?

21 PROSPECTIVE JUROR NO. 059: That is correct.

22 THE COURT: Have those headsets assisted you in hearing
23 everything I'm stating?

24 PROSPECTIVE JUROR NO. 059: 95 percent better. They're
25 very uncomfortable though.

1 THE COURT: Okay. But the question is: Can you hear
2 everything I've stated so far in these proceedings?

3 PROSPECTIVE JUROR NO. 059: Yes.

4 THE COURT: Okay. If you cannot hear something, I need to
5 know.

6 PROSPECTIVE JUROR NO. 058: I'll raise my hand.

7 THE COURT: I appreciate that. Thank you, sir.

8 How long have you lived in Clark County, Nevada?

9 PROSPECTIVE JUROR NO. 059: 36 years.

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

11 PROSPECTIVE JUROR NO. 059: GED.

12 THE COURT: What is Your occupation?

13 PROSPECTIVE JUROR NO. 059: Substation electrician.

14 THE COURT: What is your marital status?

15 PROSPECTIVE JUROR NO. 059: Single.

16 THE COURT: What is the occupation of -- I'm sorry, you're
17 single. Were you ever married?

18 PROSPECTIVE JUROR NO. 059: Yes.

19 THE COURT: What is the occupation of your ex-spouse?

20 PROSPECTIVE JUROR NO. 059: She was a hairdresser.

21 THE COURT: Okay. Do you have any children?

22 PROSPECTIVE JUROR NO. 059: One son.

23 THE COURT: How old is your son?

24 PROSPECTIVE JUROR NO. 059: 28.

25 THE COURT: What does he do for a living?

1 PROSPECTIVE JUROR NO. 059: Low-voltage electrician.

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

3 PROSPECTIVE JUROR NO. 059: No.

4 THE COURT: Have you ever testified as a witness in a
5 criminal case?

6 PROSPECTIVE JUROR NO. 059: No.

7 THE COURT: Have you or close family member ever been
8 convicted of a crime?

9 PROSPECTIVE JUROR NO. 059: Yes.

10 THE COURT: And could you explain, please?

11 PROSPECTIVE JUROR NO. 059: I had a DUI 41 years ago.
12 I had a misdemeanor for an unregistered firearm. And my one of my
13 older sisters and her boyfriend were victims of a home invasion, robbery,
14 and rape.

15 THE COURT: Okay. As to your relatives, can you say that
16 again, please?

17 PROSPECTIVE JUROR NO. 059: One of my older sisters
18 and her boyfriend was a victim of a home invasion, robbery, and rape.

19 THE COURT: Okay. And I'm going -- that's my next question.
20 This was just has anybody been convicted of a crime.

21 PROSPECTIVE JUROR NO. 059: I'm sorry.

22 THE COURT: No. No. That's -- that's fine. They kind of run
23 together. So -- so as to your issues, you said 41 years ago you got a
24 DUI?

25 PROSPECTIVE JUROR NO. 059: Correct.

1 THE COURT: Was it a misdemeanor DUI?
2 PROSPECTIVE JUROR NO. 059: Yes.
3 THE COURT: Okay. And then you said you had another --
4 PROSPECTIVE JUROR NO. 059: I had --
5 THE COURT: -- a misdemeanor? What was that, sir?
6 PROSPECTIVE JUROR NO. 059: An unregistered firearm.
7 THE COURT: Was that here in Clark County, Nevada?
8 PROSPECTIVE JUROR NO. 059: Yes.
9 THE COURT: Were those -- were those two cases
10 investigated by law enforcement?
11 PROSPECTIVE JUROR NO. 059: The firearm was -- did -- I
12 did go to court and I was required to get the blue card at the time --
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 059: -- for that. And that was
15 resolved.
16 THE COURT: And did you -- did it actually result in a
17 conviction?
18 PROSPECTIVE JUROR NO. 059: For not having the card,
19 yes. Not being registered.
20 THE COURT: All right. And was it Clark County or
21 municipality that you had to go to court?
22 PROSPECTIVE JUROR NO. 059: I went to court in
23 Henderson, Nevada.
24 THE COURT: So it was probably either Henderson Municipal
25 Court or Justice Court?

1 PROSPECTIVE JUROR NO. 059: I believe it was Justice
2 Court.

3 THE COURT: Okay. If it was Justice Court, that was handled
4 by the Clark County District Attorney's Office. Do you remember the
5 agent -- the -- the agency that prosecuted the case?

6 PROSPECTIVE JUROR NO. 059: I'm pretty sure it was the
7 City of Henderson. I want to say a Judge Potter.

8 THE COURT: Okay. Then it probably was the City of
9 Henderson.

10 PROSPECTIVE JUROR NO. 059: Okay.

11 THE COURT: So that would have been their city attorneys.

12 PROSPECTIVE JUROR NO. 059: Okay.

13 THE COURT: And it probably was investigated by the
14 Henderson Police Department?

15 PROSPECTIVE JUROR NO. 059: Correct.

16 THE COURT: And the one 41 years ago, where was that at?

17 PROSPECTIVE JUROR NO. 059: Lancaster, California.

18 THE COURT: Okay. Is there anything about those
19 experiences that would make it difficult for you to be fair and impartial to
20 both sides in this case?

21 PROSPECTIVE JUROR NO. 059: No, sir.

22 THE COURT: Now, as to -- you said that you had a -- that
23 you or a close family member, but was your close family member, had
24 been the victim of a crime?

25 PROSPECTIVE JUROR NO. 059: That is correct.

1 THE COURT: And they were the victims of a home invasion?
2 PROSPECTIVE JUROR NO. 059: A robbery and a rape.
3 THE COURT: Was it a home invasion or --
4 PROSPECTIVE JUROR NO. 059: Yes.
5 THE COURT: -- what -- what were -- it was a home invasion?
6 PROSPECTIVE JUROR NO. 059: Yes.
7 THE COURT: And where did that occur?
8 PROSPECTIVE JUROR NO. 059: That occurred in Long
9 Beach, California.
10 THE COURT: When -- when was that, sir?
11 PROSPECTIVE JUROR NO. 059: Mid '70s.
12 THE COURT: Okay. Do you know if law enforcement
13 investigated that crime?
14 PROSPECTIVE JUROR NO. 059: They did investigate.
15 THE COURT: Was anybody arrested?
16 PROSPECTIVE JUROR NO. 059: No, sir.
17 THE COURT: Did that leave a bad taste in your mouth with
18 law enforcement?
19 PROSPECTIVE JUROR NO. 059: No, sir.
20 THE COURT: Okay. You don't blame them for not being able
21 to find the perpetrator and arrest them?
22 PROSPECTIVE JUROR NO. 059: I have to believe they did
23 their best job.
24 THE COURT: Okay. Do you believe that experience would
25 make it difficult for you to be fair and impartial to both sides in this case?

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PROSPECTIVE JUROR NO. 059: No.

THE COURT: Do you have any close relatives or friends who
ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 059: I have a cousin in
Louisiana who is retired detective, I believe probably Shreveport area,
Baton Rouge.

THE COURT: And do you speak to that person at all?

PROSPECTIVE JUROR NO. 059: No.

THE COURT: In the past, had you ever -- did you speak to
him at one point?

PROSPECTIVE JUROR NO. 059: I mean, living so far away,
rarely.

THE COURT: Did you ever talk about his job --

PROSPECTIVE JUROR NO. 059: No.

THE COURT: -- is what I'm getting to. All right. Is there
anything about that, that would affect your ability to be fair and impartial
in this case?

PROSPECTIVE JUROR NO. 059: No, sir.

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?

PROSPECTIVE JUROR NO. 059: Yes, I will.

THE COURT: If you could pass the microphone, please?

Sir, state your name and badge number.

PROSPECTIVE JUROR NO. 061: Richard Goennier,

1 Badge 61.

2 THE COURT: And sir, I see that you're wearing the
3 headsets?

4 PROSPECTIVE JUROR NO. 061: That's correct.

5 THE COURT: You had indicated earlier that you were hearing
6 impaired, correct?

7 PROSPECTIVE JUROR NO. 061: That's correct.

8 THE COURT: And you indicated to me that you do have
9 hearing aids?

10 PROSPECTIVE JUROR NO. 061: They're on now.

11 THE COURT: Okay. I noticed that you have taken the
12 headsets on and off during these proceedings.

13 PROSPECTIVE JUROR NO. 061: Very uncomfortable.

14 THE COURT: I understand. But I -- I notice that you've taken
15 them on and off during these proceedings; is that correct?

16 PROSPECTIVE JUROR NO. 061: That's correct.

17 THE COURT: And the matter of fact, when you first sat down
18 and were sitting next to Mr. Roy, your headsets were off. And when I
19 asked him the question, you shook your head no, that you couldn't hear
20 everything I'm saying.

21 PROSPECTIVE JUROR NO. 061: That's correct.

22 THE COURT: Okay. You understand that if you are chosen
23 as a juror, it's imperative that you hear and understand everything that is
24 stated in this courtroom; do you understand that, sir?

25 PROSPECTIVE JUROR NO. 061: I do.

1 THE COURT: Okay. Which would --

2 PROSPECTIVE JUROR NO. 061: But I may not remember.
3 I'm 75 and my memory is not that good.

4 THE COURT: Okay. Do you have memory issues, sir,
5 because of your age?

6 PROSPECTIVE JUROR NO. 061: Short memory type issues,
7 yeah.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 061: The last time I was at the
10 doctor's office a couple of weeks ago, they would ask me questions is
11 through -- three words. Two minutes later, what were those three words.
12 I couldn't tell them.

13 THE COURT: Okay. Hold on a second.
14 Counsel approach.

15 [Bench conference transcribed as follows:]

16 THE COURT: Okay. So I'm just going to excuse him.

17 MS. BEVERLY: Yeah.

18 MS. MACHNICH: Your Honor, we believe that there's a rule
19 that allows either -- is it over 70 --

20 THE COURT: I thought it was 70, but --

21 MS. MACHNICH: -- or over 70 -- I thought it was over 70
22 voluntarily if they don't want to be here.

23 THE COURT: Okay. Well, if -- if there's no opposition, I'm
24 just going to excuse him.

25 MS. MACHNICH: Yeah.

1 MS. BEVERLY: Okay.

2 THE COURT: Is that going to -- there's no opposition?

3 MR. PLUMMER: No.

4 MS. MACHNICH: No opposition.

5 MR. PLUMMER: No opposition.

6 THE COURT: Thank you.

7 [End of bench conference.]

8 THE COURT: Mr. Goennier, I'm going to excuse you. You --

9 I'd like to thank you for coming down, but at this time I'm going to excuse

10 you. Thank you.

11 PROSPECTIVE JUROR NO. 061: Thank you, Your Honor.

12 THE COURT: Thank you.

13 THE CLERK: Badge No. 062, Kenneth Yamamoto,

14 Seat No. 18.

15 MS. MACHNICH: Your Honor, may we approach just briefly

16 on --

17 THE COURT: I'm sorry?

18 MS. MACHNICH: -- unrelated -- on another matter? Can

19 we --

20 THE COURT: Sure.

21 MS. MACHNICH: -- very briefly. I'm so sorry.

22 THE COURT: That's all right.

23 [Bench conference transcribed as follows:]

24 MS. MACHNIC: Your Honor, I'm just trying to move this

25 along. Might it be possible to bring him up to the bench and find out

1 about his media exposure before we spend time on his general
2 questions? He's the potential venire member who said that he had read
3 and heard about this case in the media. We had requested to do that
4 outside the presence. We're fine with doing it at the bench now.

5 THE COURT: Why don't we do it at the bench.

6 MS. MACHNICH: Let's do that, if that's okay with you.

7 THE COURT: Okay. Let me put it on the record first --

8 MS. MACHNIC: Of course.

9 THE COURT: -- and then I'll do it at the bench.

10 [End of bench conference.]

11 THE COURT: Counsel?

12 [Bench conference transcribed as follows:]

13 THE COURT: Do you want me to ask him the standardized
14 questions first --

15 MR. PLUMMER: No.

16 MS. MACHNICH: Just call him up first, if that's okay.

17 THE COURT: -- or do the media issue first?

18 MR. PLUMMER: Media first.

19 MR. GIORDANI: Because we might need to kick him.

20 THE COURT: Okay.

21 [End of bench conference.]

22 THE COURT: Sir, if -- if you could state your name and badge
23 number?

24 PROSPECTIVE JUROR NO. 062: Kenneth Yamamoto, 62.

25 THE COURT: Sir, if you could approach the bench. Leave

1 the microphone right there, and just approach the bench, please.

2 [Bench conference transcribed as follows:]

3 THE COURT: And if you could -- there's a microphone right in
4 front of you. If you could speak low. They want to ask you some
5 question of -- you had indicated in your general questioning that you had
6 heard something about this case?

7 PROSPECTIVE JUROR NO. 062: I have.

8 THE COURT: What -- what had you heard?

9 PROSPECTIVE JUROR NO. 062: I -- when this case first
10 came up, I followed it. I'm ex-law enforcement, retired. And I analyzed
11 it.

12 THE COURT: You analyzed it?

13 PROSPECTIVE JUROR NO. 062: I -- I analyze anything I
14 read when it comes to law enforcement, so.

15 MR. GIORDANI: Could I ask --

16 THE COURT: Okay. You -- you analyzed it, it is with law
17 enforcement at the time. You were assigned to this case?

18 PROSPECTIVE JUROR NO. 062: No, no, no. I'm -- I'm
19 retired law enforcement. Any case --

20 THE COURT: Oh, I see.

21 PROSPECTIVE JUROR NO. 062: -- that involves law
22 enforcement, I read and then I analyze.

23 THE COURT: Okay. So you --

24 PROSPECTIVE JUROR NO. 062: I pick it apart.

25 THE COURT: What's counsel position? I'll let you ask some

1 questions.

2 MR. GIORDANI: I just want to ask him a couple questions.

3 THE COURT: Sure. Absolutely.

4 PROSPECTIVE JUROR NO. 062: Sure.

5 MR. GIORDANI: Is -- number one, can you set aside anything

6 that you --

7 PROSPECTIVE JUROR NO. 062: No, I cannot.

8 MR. GIORDANI: Okay. Done.

9 PROSPECTIVE JUROR NO. 062: There's no way.

10 MR. GIORDANI: Thank you.

11 PROSPECTIVE JUROR NO. 062: No way.

12 THE COURT: All right.

13 [End of bench conference.]

14 THE COURT: At this time, I'm going to thank and excuse

15 Mr. Yamamoto.

16 THE CLERK: Badge No. 063, Grace Phillips, Seat No. 18.

17 THE COURT: If you could state your full name and badge

18 number, please?

19 PROSPECTIVE JUROR NO. 063: Grace Phillips, 63.

20 THE COURT: Thank you. How long have you lived in Clark

21 County, Nevada?

22 PROSPECTIVE JUROR NO. 063: 10 years, sir.

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

24 PROSPECTIVE JUROR NO. 063: Master's degree in

25 nursing.

1 THE COURT: And where did you get the -- your degree from?
2 PROSPECTIVE JUROR NO. 063: University of Pennsylvania.
3 THE COURT: What is your occupation?
4 PROSPECTIVE JUROR NO. 063: I am now retired, sir.
5 THE COURT: And before you retired, what was your
6 occupation?
7 PROSPECTIVE JUROR NO. 063: Mostly in the
8 administration of nursing.
9 THE COURT: What is your marital status?
10 PROSPECTIVE JUROR NO. 063: Married.
11 THE COURT: What is the occupation of your spouse?
12 PROSPECTIVE JUROR NO. 063: He's a retired captain of
13 the -- of the Air Force.
14 THE COURT: Do you have any children?
15 PROSPECTIVE JUROR NO. 063: Yes, sir.
16 THE COURT: How old are your children?
17 PROSPECTIVE JUROR NO. 063: 51 and 46.
18 THE COURT: As to your oldest child, is it a male or female,
19 son or daughter? As to your oldest child, is it a son or a daughter?
20 PROSPECTIVE JUROR NO. 063: A son.
21 THE COURT: What does your son do?
22 PROSPECTIVE JUROR NO. 063: He is a pilot of the U.S.
23 Army.
24 THE COURT: And as to your youngest child, is it a son or
25 daughter.

1 PROSPECTIVE JUROR NO. 063: It's a medical coder.
2 THE COURT: Medical --
3 PROSPECTIVE JUROR NO. 063: Medical coder.
4 THE COURT: Okay. In -- in the military?
5 PROSPECTIVE JUROR NO. 063: Sir?
6 THE COURT: In the military?
7 PROSPECTIVE JUROR NO. 063: No.
8 THE COURT: No. Have you ever served as a juror before?
9 PROSPECTIVE JUROR NO. 063: Yes.
10 THE COURT: Was it a criminal case or a civil case?
11 PROSPECTIVE JUROR NO. 063: Criminal.
12 THE COURT: And where did it occur at?
13 PROSPECTIVE JUROR NO. 063: In California.
14 THE COURT: What city?
15 PROSPECTIVE JUROR NO. 063: Bakersfield.
16 THE COURT: Do you recall what the date was? Just a year
17 is fine.
18 PROSPECTIVE JUROR NO. 063: I think it was in 1997.
19 THE COURT: Okay. Without telling me the verdict, did the
20 jury reach a verdict in that case?
21 PROSPECTIVE JUROR NO. 063: Yes.
22 THE COURT: Were you the foreperson? Were you the
23 foreperson of the jury?
24 PROSPECTIVE JUROR NO. 063: [No audible response.]
25 THE COURT: Is that a yes, ma'am?

1 PROSPECTIVE JUROR NO. 063: Yes.
2 THE COURT: Is that a yes --
3 PROSPECTIVE JUROR NO. 063: Yes.
4 THE COURT: -- ma'am?
5 PROSPECTIVE JUROR NO. 063: Yes, sir.
6 THE COURT: Okay. Is there anything about that experience
7 that would affect your ability to be fair and impartial in this case?
8 PROSPECTIVE JUROR NO. 063: No.
9 THE COURT: Have you ever testified as a witness in a
10 criminal case?
11 PROSPECTIVE JUROR NO. 063: No.
12 THE COURT: Have you or close family member ever been
13 convicted of a crime?
14 PROSPECTIVE JUROR NO. 063: No.
15 THE COURT: Have you ever or close family member ever
16 been the victim of a crime?
17 PROSPECTIVE JUROR NO. 063: No.
18 THE COURT: Do you have any close relatives or friends who
19 ever been engaged in law enforcement?
20 PROSPECTIVE JUROR NO. 063: Yes.
21 THE COURT: And who is that, ma'am?
22 PROSPECTIVE JUROR NO. 063: My nephew is a retired
23 chief of police in Fresno. And two cousins, one of them is in the U.S.
24 Navy, retired. And two lieutenants in the U.S. Army.
25 THE COURT: Okay. And as to the relatives in the military,

1 are they in law enforcement in the military?

2 PROSPECTIVE JUROR NO. 063: Yes.

3 THE COURT: So even though they're in the military, they're
4 in -- in something akin to the military police?

5 PROSPECTIVE JUROR NO. 063: Yes.

6 THE COURT: Okay. Do you speak with those individuals
7 about their jobs ever?

8 PROSPECTIVE JUROR NO. 063: Sometimes.

9 THE COURT: All right. Does your knowledge about those
10 persons' job -- jobs affect your ability to be fair or impartial in this -- in
11 this case?

12 PROSPECTIVE JUROR NO. 063: Of course not, sir.

13 THE COURT: Do you agree that if you are chosen to serve as
14 a juror in this case, that you will honor your duty to be completely fair
15 and impartial and to listen carefully to all of the evidence?

16 PROSPECTIVE JUROR NO. 063: No, sir.

17 THE COURT: You won't agree to that? Okay. My question
18 is -- let me ask you a question. Is English your second language?

19 PROSPECTIVE JUROR NO. 063: Yes.

20 THE COURT: Okay. Do you understand what I am saying?
21 Are you having difficulty understanding any of my questions?

22 PROSPECTIVE JUROR NO. 063: I sometimes I could hardly
23 hear what you are saying, sir. So would you please speak louder?

24 THE COURT: Okay. Sometimes you can't hear what I'm
25 saying?

1 PROSPECTIVE JUROR NO. 063: Yes.

2 THE COURT: Okay. So if that's the case, and this is to all the
3 jurors, if you would raise your hand as to whether it's me or any of the
4 witnesses, if you cannot hear, if you'll raise your hand and I'll speak
5 louder. Okay?

6 So you've understood everything I've said, you just haven't
7 heard everything; is that correct?

8 PROSPECTIVE JUROR NO. 063: Yes.

9 THE COURT: Okay. Okay. Let me ask you this question
10 again. Do you agree that if you are chosen to serve as a juror in this
11 case, that you will honor your duty to be completely fair and impartial
12 and to listen carefully to all the evidence before you make a decision?

13 PROSPECTIVE JUROR NO. 063: I will --

14 THE COURT: Thank you, ma'am.

15 PROSPECTIVE JUROR NO. 061: -- try sir. Yes.

16 THE COURT: Is that the last one?

17 Counsel for the State, would you like to voir dire any of the
18 new potential jurors?

19 MR. GIORDANI: Very briefly.

20 THE COURT: Thank you.

21 MR. GIORDANI: I mean very briefly. So you all -- is there
22 anyone in this new seven members that didn't hear the majority of the
23 conversation that we've had over the course of the last day and a half?
24 Everyone on the same page? Understand the gist of the questioning?

25 Is there anyone on this -- with this new group of seven that

1 feels like they need to say something that -- chime in on anything that's
2 been discussed so far? I'm seeing no hands across the board.

3 Can you pass the microphone up, ma'am?

4 And that's Mr. Bullard, Badge No. 42.

5 PROSPECTIVE JUROR NO. 042: Number 42.

6 MR. GIORDANI: Go ahead, sir.

7 PROSPECTIVE JUROR NO. 042: Yes. The last 10 years I
8 worked for a Navy laboratory where we did small arms gun calibrations
9 for the Marine Corp.

10 MR. GIORDANI: Okay.

11 PROSPECTIVE JUROR NO. 042: So I'm fairly experienced in
12 all of the -- the things about those weapon systems that we field.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR NO. 042: So I know that it came up
15 before.

16 MR. GIORDANI: Yes. And thank you for letting me know.

17 PROSPECTIVE JUROR NO. 042: I certainly have experience
18 there.

19 MR. GIORDANI: Okay. And everyone's -- we want jurors with
20 different walks of life and different types of experience. Is there anything
21 about that experience that causes you concern as sitting a jury --

22 PROSPECTIVE JUROR NO. 042: No.

23 MR. GIORDANI: -- in this case?

24 PROSPECTIVE JUROR NO. 042: No, it doesn't.

25 MR. GIORDANI: Okay. Is there any question -- for any of the

1 other jurors, is there anything that anyone would like to chime in on? I'm
2 seeing no hands across the board.

3 For those of you -- and there's a couple of you who referenced
4 law enforcement ties or employment, is there any of you that believe that
5 they can't be fair and impartial if law enforcement witnesses testify in this
6 case? So everyone can be fair and impartial? Okay. Everyone's
7 nodding yes.

8 Also, there were a couple of you who have been victims of
9 crime. Anything about those experiences that causes concern in any
10 way as being a juror in this case? Okay.

11 Is there anything that anyone wants to add before I pass this
12 to the defense counsel? All right. Thank you very much.

13 THE COURT: Defense?

14 MS. SISOLAK: Thank you, Your Honor.

15 Court's indulgence.

16 THE COURT: You need to use the restroom?

17 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

18 THE COURT: I'm sorry?

19 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

20 THE COURT: Yes. Okay. We're going to take a five-minute
21 break at this time.

22 MS. SISOLAK: Thank you, Your Honor.

23 THE COURT: Wait, I have to do the admonishment. You're
24 going to hear this a lot. We'll be in recess for five minutes.

25 During this recess, it is your duty not to converse among

1 yourselves or with anyone else on any subject connected with the trial or
2 to read, watch, or listen to any report of or commentary on the trial by
3 any person connected with the trial or by any medium of information,
4 including without limitation, newspaper, television, and radio. And you
5 are not to form or express an opinion on any subject connected with the
6 case until it is finally submitted to you.

7 We'll be in recess for five minutes.

8 [Prospective jury panel recessed at 4:20 p.m.]

9 MS. MACHNICH: Your Honor --

10 THE COURT: Let the record reflect that this is being held
11 outside the presence of the panel of potential jurors.

12 Counsel.

13 MS. SISOLAK: Your Honor, Ms. -- in the front row --

14 MS. MACHNICH: Phillips.

15 MS. SISOLAK: Ms. Phillips is 75. I thought there was, like, an
16 optional service at age issue.

17 THE COURT: That's correct.

18 MS. MACHNICH: And she appears to be confused.

19 MS. SISOLAK: I'm -- I'm going to try to -- I got to talk to her,
20 obviously. But I didn't know if Your Honor wanted to ask her if she
21 wanted the exemption or not. I don't know how Your Honor does it.

22 THE COURT: I can ask her if the parties want me to ask her.

23 MS. MACHNIC: That would be preferable.

24 MS. BEVERLY: You can ask her. I don't think she should
25 automatically be excused though because she's 75.

1 THE COURT: Well, it's her option. I thought after a certain
2 age --

3 MS. BEVERLY: It is.

4 MS. SISOLAK: There is --

5 THE COURT: I thought it was 70 --

6 MS. SISOLAK: 70.

7 MS. MACHNICH: 70.

8 MS. BEVERLY: As long as it's -- whatever her option is, is
9 fine. It's just, you know --

10 MS. MACHNICH: I don't think it's automatic excusal. I think
11 it's automatic option to be excused.

12 MS. BEVERLY: That's fine.

13 MS. MACHNICH: By my reading.

14 THE COURT: I will bring her to the bench.

15 MS. MACHNICH: Thank you, Your Honor.

16 MS. BEVERLY: Okay.

17 THE COURT: And ask her, when they resume.

18 MS. SISOLAK: Thank you, Your Honor.

19 MS. MACHNICH: Thank you.

20 THE COURT: Is that correct? Is it 70?

21 MS. MACHNICH: I'm about 95 percent sure it's 70. And if it's
22 not 70, it's definitely 75. So she would qualify.

23 THE COURT: All right. Well --

24 MS. MACHNIC: This -- this rate she's qualified twice.

25 THE COURT: Hold on. Where does it say 70? Oh, under

1 NRS 6.020 says:

2 All persons the age of 70 years or older are exempt from
3 serving as a grand juror, grand, or trial jurors whenever appears to
4 the satisfaction of the court by affidavit. Or otherwise the juror is
5 over the age of 70, the court shall order the juror excused from all
6 services of grand or trial juror if the juror so desires.

7 So I will give her the option.

8 MS. MACHNIC: Fantastic. Thank you, Your Honor.

9 THE COURT: Thank you.

10 [Court recessed at 4:22 p.m., until 4:27 p.m.]

11 [Outside the presence of the prospective jury panel.]

12 THE COURT: Counsel, counsel.

13 MS. MACHNICH: It's not my fault. They distracted me, Your
14 Honor.

15 THE COURT: This is continuation of the trial in Case No.
16 C-15-309578-1 and -2, *State of Nevada vs. Steven Turner and Clemon*
17 *Hudson*. Let the record reflect the presence of counsel for the State and
18 the defendants and the presence of the defendants.

19 Mr. Stevenson, please bring the panel of potential jurors in.

20 [Prospective jury panel reconvened at 4:28 p.m.]

21 THE COURT: Let the -- please be seated. Let the record
22 reflect the presence of the panel of potential jurors.

23 Ms. Phillips, could you approach the bench?

24 Counsel.

25 [Bench conference transcribed as follows.]

1 THE COURT: Here's the microphone right there. And I'm
2 going to speak low on purpose right now. So can you hear me okay?

3 PROSPECTIVE JUROR NO. 063: Yes, sir.

4 THE COURT: Okay. You said you were 75 years old?

5 PROSPECTIVE JUROR NO. 063: Yes.

6 THE COURT: Is that correct?

7 PROSPECTIVE JUROR NO. 063: Yes, sir.

8 THE COURT: By our statute, if you're over 70 years old --

9 PROSPECTIVE JUROR NO. 063: Uh-huh.

10 THE COURT: -- you -- if you want, I can excuse you as a
11 juror, as a potential juror, I mean, if you consent to it. In other words, do
12 you understand what I'm saying?

13 PROSPECTIVE JUROR NO. 063: Yes, sir.

14 THE COURT: In other words, if you want, it's your decision. If
15 you request it, I will excuse you as a juror because you're over the age
16 of 70.

17 PROSPECTIVE JUROR NO. 063: Oh, yes.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 063: I would love to.

20 THE COURT: So that's -- that's what you'd like me to do --

21 PROSPECTIVE JUROR NO. 063: Yes.

22 THE COURT: -- is excuse you because of your age?

23 PROSPECTIVE JUROR NO. 063: Yes, Your Honor.

24 THE COURT: Okay. Thank you.

25 MR. GIORDANI: Thank you.

1 MS. SISOLAK: Thank you, ma'am.
2 MR. PLUMMER: Thank you.
3 PROSPECTIVE JUROR NO. 063: Thank you. Thank you.
4 [End of bench conference.]
5 THE COURT: At this time I'm going to thank and excuse
6 Ms. Phillips, Badge No. 063.
7 THE CLERK: Badge No. 064, Jill Delaney, Seat No. 18.
8 THE COURT: If you could state your full name and badge
9 number, please?
10 PROSPECTIVE BADGE NO. 064: Jill Delaney, 64.
11 THE COURT: How long have you lived in Clark County,
12 Nevada?
13 PROSPECTIVE JUROR NO. 064: 21 years.
14 THE COURT: How far did you go in school?
15 PROSPECTIVE BADGE NO. 064: Two bachelor degrees.
16 THE COURT: And where was that from, ma'am?
17 PROSPECTIVE BADGE NO. 064: One -- first one was from
18 SUNY Albany, New York. And UNLV for the second one.
19 THE COURT: What is your occupation?
20 PROSPECTIVE BADGE NO. 064: I'm a filmmaker.
21 THE COURT: What is your marital status?
22 PROSPECTIVE BADGE NO. 064: I'm married.
23 THE COURT: Where is the occupation of your spouse?
24 PROSPECTIVE JUROR NO. 064: He is a business owner,
25 but he just sold his business. So now he just -- he's, like, acting like a

1 retired guy.

2 THE COURT: And when he had his business, what did he
3 do?

4 PROSPECTIVE BADGE NO. 064: He owned
5 the 1-800-GOT-JUNK franchise in town.

6 THE COURT: Do you have any children?

7 PROSPECTIVE BADGE NO. 064: We do.

8 THE COURT: How old are they?

9 PROSPECTIVE JUROR NO. 064: 11 and 9.

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

11 PROSPECTIVE JUROR NO. 064: I have not.

12 THE COURT: Have you ever testified as a witness in a
13 criminal case?

14 PROSPECTIVE JUROR NO. 064: I have not.

15 THE COURT: Have you or a close family member ever been
16 convicted of a crime?

17 PROSPECTIVE JUROR NO. 064: Yes, they have.

18 THE COURT: And could you explain, please?

19 PROSPECTIVE JUROR NO. 064: My sister has a DUI and
20 she also has a separate of cocaine possession.

21 THE COURT: And were the convictions here in Clark County,
22 Nevada?

23 PROSPECTIVE JUROR NO. 064: They were not. They were
24 in New York.

25 THE COURT: Is there anything about your sister's convictions

1 that would make it difficult for you to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 064: No.

3 THE COURT: Have you or close family member ever been
4 the victim of a crime?

5 PROSPECTIVE JUROR NO. 064: Yes.

6 THE COURT: And who was that, ma'am?

7 PROSPECTIVE JUROR NO. 064: Myself and my sister as
8 well.

9 THE COURT: Okay. Let's start with you. What -- what
10 happened?

11 PROSPECTIVE JUROR NO. 064: I was mugged in New York
12 City when I was 14 years old. And, well, the one with my sister, I was
13 not home, but it was -- my apartment was broken into and she was
14 assaulted. And then our home was broken into a couple years back
15 while we were not at a home.

16 THE COURT: So there's three incidents?

17 PROSPECTIVE BADGE NO. 064: Yes.

18 THE COURT: One when you were 14 and you were mugged?

19 PROSPECTIVE JUROR NO. 064: Uh-huh.

20 THE COURT: Is that correct?

21 PROSPECTIVE BADGE NO. 064: That's correct.

22 THE COURT: And that was in New York City?

23 PROSPECTIVE JUROR NO. 064: That is correct.

24 THE COURT: And did law enforcement investigate?

25 PROSPECTIVE JUROR NO. 064: No.

1 THE COURT: So did you report it?

2 PROSPECTIVE JUROR NO. 064: Well, we went to the cop
3 that was on the corner and he just kind of laughed at us. And we
4 were 14. We weren't supposed to be there, so we couldn't -- we didn't
5 want to get in trouble so we just took the train home.

6 THE COURT: Is there anything about that experience that left
7 a bad taste in your mouth about law enforcement?

8 PROSPECTIVE JUROR NO. 064: No. Just a good story
9 about a 14-year-old going to the city by themselves, so.

10 THE COURT: And then you said your sister was at home and
11 was burglarized and assaulted; is that correct?

12 PROSPECTIVE BADGE NO. 064: It was a known person.
13 They broke into my apartment and assaulted her and stole my dog, so.

14 THE COURT: Stole your dog?

15 PROSPECTIVE BADGE NO. 064: Yeah.

16 THE COURT: Did you know who did it?

17 PROSPECTIVE JUROR NO. 064: Yes, we did.

18 THE COURT: Did you get the dog back?

19 PROSPECTIVE BADGE NO. 064: I did not.

20 THE COURT: Did the catch the person who did it?

21 PROSPECTIVE JUROR NO. 064: Yes.

22 THE COURT: Was it a male or female?

23 PROSPECTIVE JUROR NO. 064: Female.

24 THE COURT: And were they prosecuted?

25 PROSPECTIVE JUROR NO. 064: They pled out, so.

1 THE COURT: Okay. So they were actually arrested and
2 prosecuted and negotiated the case?

3 PROSPECTIVE JUROR NO. 064: Correct.

4 THE COURT: Okay. Was there anything about that
5 experience that left a bad taste in your mouth about law enforcement or
6 prosecutors or anything of that nature?

7 PROSPECTIVE JUROR NO. 064: Well, I would have liked to
8 see her go to court, but you know, it is what it is.

9 THE COURT: Okay. But you don't hold it against anybody
10 here today?

11 PROSPECTIVE JUROR NO. 064: No, no. Goodness, no.
12 No.

13 THE COURT: And then you said there was a third incident?

14 PROSPECTIVE BADGE NO. 064: Our home was broken into
15 while we were not at home.

16 THE COURT: Was that here in Clark County, Nevada?

17 PROSPECTIVE JUROR NO. 064: That was.

18 THE COURT: And what timeframe was that?

19 PROSPECTIVE BADGE NO. 064: That was the summer
20 of 2015.

21 THE COURT: And did law enforcement investigate that?

22 PROSPECTIVE JUROR NO. 064: I mean, they came to the
23 house. But, yeah --

24 THE COURT: Do you remember --

25 PROSPECTIVE BADGE NO. 064: -- that's it.

1 THE COURT: -- what law enforcement agency?
2 PROSPECTIVE JUROR NO. 064: It was Metro.
3 THE COURT: It was Metro?
4 PROSPECTIVE JUROR NO. 064: Uh-huh.
5 THE COURT: They took a report?
6 PROSPECTIVE JUROR NO. 064: They did.
7 THE COURT: Was anybody ever arrested?
8 PROSPECTIVE JUROR NO. 064: No, they weren't.
9 THE COURT: Do you blame law enforcement for nobody
10 being arrested?
11 PROSPECTIVE JUROR NO. 064: No.
12 THE COURT: Do you believe that any of those experiences
13 would make it difficult to -- for you to be fair and impartial to both sides in
14 this case?
15 PROSPECTIVE JUROR NO. 064: No.
16 THE COURT: Do you have any close relatives or friends who
17 ever been engaged in law enforcement?
18 PROSPECTIVE JUROR NO. 064: I have a working
19 relationship with a private investigator who was a former homicide cop,
20 but not here in -- in town. It was -- it's in Georgia.
21 THE COURT: It's in Georgia?
22 PROSPECTIVE JUROR NO. 064: Uh-huh.
23 THE COURT: Do you speak with that person at all?
24 PROSPECTIVE JUROR NO. 064: Yeah. Well, yes. It's part
25 of a documentary.

1 THE COURT: Okay.

2 PROSPECTIVE BADGE NO. 064: So he's actually helping us
3 on the case.

4 THE COURT: And do you speak about that person about
5 when they were in law enforcement, cases that they handled?

6 PROSPECTIVE JUROR NO. 064: Yes, as it's pertinent to our
7 documentary, so.

8 THE COURT: Does your knowledge about that person's
9 experiences as a law enforcement officer affect your ability to be fair and
10 impartial in this case?

11 PROSPECTIVE JUROR NO. 064: It's kind of an awkward
12 situation in the sense that what we've -- we've been working on it for two
13 years. And what we've uncovered is probably negative towards cops in
14 this particular police department.

15 THE COURT: Was -- again, so I -- it's a documentary, I
16 assume?

17 PROSPECTIVE JUROR NO. 064: Yeah. It's a --

18 THE COURT: Some type of exposé about law enforcement --

19 PROSPECTIVE JUROR NO. 064: No. It's --

20 THE COURT: -- in a specific --

21 PROSPECTIVE BADGE NO. 064: -- about a cold case that
22 wasn't solved. And through our investigations we are learning of -- it's a
23 kind of a socioeconomic injustice in this particular police department in
24 how they -- how they take care of --

25 THE COURT: And that's not here in Las Vegas, Nevada, is

1 it?

2 PROSPECTIVE BADGE NO. 064: That is not in Las Vegas,
3 no.

4 THE COURT: And you're currently working on that film right
5 now?

6 PROSPECTIVE BADGE NO. 064: Yes. We are currently
7 working on that.

8 THE COURT: Does that in any way affect your ability to be
9 fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 064: Shouldn't, no.

11 THE COURT: Okay. So when you say it shouldn't, is that a --

12 PROSPECTIVE JUROR NO. 064: Unless I see glaring
13 similarities between -- because we've interviewed the cops there. So
14 we've had conversations with them. And unless there's glaring, I doubt
15 it. That is a murder and it's a little bit, I guess, a little bit different.

16 THE COURT: Okay. And that has that nothing to do with
17 anything --

18 PROSPECTIVE BADGE NO. 064: No.

19 THE COURT: -- with Clark County, Nevada?

20 PROSPECTIVE BADGE NO. 064: No. No. No. Not at all.

21 THE COURT: So my question is: Is that going to affect your
22 ability to be fair and impartial in this case?

23 PROSPECTIVE JUROR NO. 064: No.

24 THE COURT: And do you agree that if you are chosen to
25 serve as a juror in this case, that you will honor your duty to be

1 completely fair and impartial, and to listen carefully to all the evidence
2 before you make a decision?

3 PROSPECTIVE BADGE NO. 064: Yes.

4 THE COURT: State?

5 MR. GIORDANI: No questions. Thank you.

6 MS. SISOLAK: All right. I'll try to be quick, I promise.

7 Mr. Bullard, did you hear me ask questions of the original panel?

8 PROSPECTIVE JUROR NO. 042: Yes.

9 MS. SISOLAK: Mr. Bullard, No. 42.

10 PROSPECTIVE JUROR NO. 042: 42.

11 MS. SISOLAK: I'm going to get it, I swear. Mr. Bullard, which
12 of the questions I asked -- will you pick one and answer it? We can do
13 fair and impartial, cherry pie/apple pie, speeding ticket? Pick one.

14 PROSPECTIVE JUROR NO. 042: I -- I get the point of what
15 you were asking. And basically, yes. The -- the defendants in here are
16 innocent at this moment. There's no evidence against that. They've
17 claimed their innocence, so that's where we're at.

18 MS. SISOLAK: You have no problem with them not testifying?

19 PROSPECTIVE JUROR NO. 042: No. I don't have a problem
20 with that.

21 MS. SISOLAK: Fantastic. Mr. -- two down, I don't want to
22 mispronounce your last name.

23 PROSPECTIVE JUROR NO. 044: Michael Lamoureux,
24 Badge 44.

25 MS. SISOLAK: Good afternoon, Mr. Lamoureux.

1 PROSPECTIVE JUROR NO. 044: Afternoon.

2 MS. SISOLAK: So I think you probably know what I'm going
3 to ask you about. When the State read their list of witnesses, you said
4 you remembered some of those names? You recognized some?

5 PROSPECTIVE JUROR NO. 044: The names are familiar
6 with -- to me, yes.

7 MS. SISOLAK: Do you know any of them personally, I'm
8 guessing, from work?

9 PROSPECTIVE JUROR NO. 044: I'd -- I'd want to hear the
10 list again, but I don't believe I did personally. Work associations, I may
11 have talked to them. It's -- it's quite, you know, understandable that
12 maybe I've talked to them. But strictly in the course of business.

13 MS. SISOLAK: Okay.

14 PROSPECTIVE JUROR NO. 044: Nothing personal.

15 MS. SISOLAK: I'm going to have Ms. Beverly read the list just
16 in case.

17 MS. BEVERLY: So we have from the crime lab, firearms
18 expert Anya Lester, fingerprint analyst Gail Johnson, Kimberly
19 Dannenberger from the lab, Randy McPhail, Robby Dahn, and
20 Stephanie Fletcher as crime scene analysts. And then the following
21 officers: Thomas Keller, Malik Grego-Smith, Mark Moses, Louis Russo,
22 Jacob Henry, Joe Pennulo [phonetic], Craig Jex, Eduardo Pazos,
23 Joseph Bitsco, Marc Colon, Jeremy Robertson, Joe Patton, Jeremy
24 Vance and Ryan Jaeger.

25 PROSPECTIVE JUROR NO. 044: None of those individuals

1 are close, personal friends of mine or anything socially outside of work.

2 MS. SISOLAK: Okay. Nothing outside of work? Perfect. Are
3 you going to be able to get past the fact that an officer may have been
4 shot?

5 PROSPECTIVE JUROR NO. 044: Yes.

6 MS. SISOLAK: Okay. Do you think that you can not give an
7 officer's testimony more credit than a lay witness?

8 PROSPECTIVE JUROR NO. 044: Like's been stated in the
9 court before, I think officers are like anyone else. They're human
10 beings. While I respect the law and law enforcement, I also know that
11 testimony has to be credible. And like the gentleman stated here, I know
12 it's very important to judge for my opinion based on what happens in this
13 courtroom and not to add anything to that from outside.

14 MS. SISOLAK: Perfect. Thank you.

15 Ms. Cruz, you can pick a question. Which one do you want?

16 PROSPECTIVE JUROR NO. 045: I think as -- I think I respect
17 that, you know, what they pleaded not guilty. So I think that they're
18 innocent for as of now as well. For the whole gun violence and
19 everything, I think I feel like that's more like a touchy subject, being
20 around guns and growing up in South Central LA. So being able to see
21 such gun violence and being in high school with a lot of gang violence.
22 That is something -- yeah, more --

23 MS. SISOLAK: You think you can be fair and impartial?

24 PROSPECTIVE JUROR NO. 045: Yes. But I think my
25 emotions might get a little bit in the way, but --

1 MS. SISOLAK: Okay.

2 THE COURT: Ms. Cruz, your badge number is 45; is that --

3 PROSPECTIVE JUROR NO. 045: 45, yes.

4 THE COURT: -- correct? Thank you.

5 MS. SISOLAK: Can you separate your previous interactions

6 with law enforcement from this case -- case and kind of keep it in a

7 bubble?

8 PROSPECTIVE JUROR NO. 045: Yes.

9 MS. SISOLAK: Perfect. Pass the mic.

10 Ms. Landry.

11 PROSPECTIVE JUROR NO. 049: Badge No. 49.

12 MS. SISOLAK: I promise I'll get it, I promise. Are you a

13 leader or a follower?

14 PROSPECTIVE JUROR NO. 049: Depends on the situation.

15 MS. SISOLAK: You going to be okay standing up for

16 yourself?

17 PROSPECTIVE JUROR NO. 049: Sure.

18 MS. SISOLAK: Do you want to be on a jury?

19 PROSPECTIVE JUROR NO. 049: Yes.

20 MS. SISOLAK: Why?

21 PROSPECTIVE JUROR NO. 049: Because I've never really

22 experienced how this all works. And I think it's very interesting.

23 MS. SISOLAK: Okay. You can be fair and impartial?

24 PROSPECTIVE JUROR NO. 049: Yes.

25 MS. SISOLAK: Wonderful.

1 Ms. Reyes.
2 PROSPECTIVE JUROR NO. 057: 57, Rosa Reyes.
3 THE COURT: What is your badge number, please?
4 PROSPECTIVE JUROR NO. 057: 57.
5 THE COURT: Thank you.
6 MS. SISOLAK: Ms. Reyes, you said you work in the Clark
7 Place building.
8 PROSPECTIVE JUROR NO. 057: I do.
9 MS. SISOLAK: Do you remember interact with the District
10 Attorney's office?
11 PROSPECTIVE JUROR NO. 057: No.
12 MS. SISOLAK: They are in the same building, correct?
13 PROSPECTIVE JUROR NO. 057: Yes, they are.
14 MS. SISOLAK: You don't know anybody in there?
15 PROSPECTIVE JUROR NO. 057: No, not really.
16 MS. SISOLAK: All right. You can be fair and impartial?
17 PROSPECTIVE JUROR NO. 057: Yes.
18 MS. SISOLAK: Anything else I should know?
19 PROSPECTIVE JUROR NO. 057: Yes.
20 MS. SISOLAK: What?
21 PROSPECTIVE JUROR NO. 057: Just that I do know Alan,
22 the clerk. But I don't know if that makes any difference.
23 MS. SISOLAK: Yeah. Okay. Thank you. Can we pass the
24 mic down here?
25 Sorry, Ms. Chantiloupe, 58.

1 PROSPECTIVE JUROR NO. 058: Thank you.

2 MS. SISOLAK: Badge No. 58, got it. Which question you
3 want? By now you know them all, I'm sure.

4 PROSPECTIVE JUROR NO. 058: It's raised some confusion
5 for me.

6 MS. SISOLAK: Okay. What's confusing?

7 PROSPECTIVE JUROR NO. 058: I didn't go to law school, so
8 I'm sure you talked about this a lot in law school. Okay. So the innocent
9 until proven guilty --

10 MS. SISOLAK: Yep.

11 PROSPECTIVE JUROR NO. 058: -- the -- the State bears
12 the -- the burden.

13 MS. SISOLAK: Perfect.

14 PROSPECTIVE JUROR NO. 058: Okay. In my last case, the
15 defense did nothing.

16 MS. SISOLAK: Okay.

17 PROSPECTIVE JUROR NO. 058: So as a jury, we had no --
18 no choice but to convict, because the State did -- they proved with the
19 evidence that they presented that this crime had occurred.

20 MS. SISOLAK: Okay. So did they prove that beyond a
21 reasonable doubt?

22 PROSPECTIVE JUROR NO. 058: Yeah. Because there was
23 no counter to that. And when -- when I was sitting over there, I was
24 thinking about like a football team.

25 MS. SISOLAK: Okay.

1 PROSPECTIVE JUROR NO. 058: So you've got an offense,
2 who goes charging towards the other team. And the other team just
3 stands there, they're going to get demolished. That's what I -- that was
4 the picture kind of going through my mind, is, like, because they're not
5 defending themselves.

6 MS. SISOLAK: Okay. But you understand that the defense
7 doesn't have to do anything, right?

8 PROSPECTIVE JUROR NO. 058: Right.

9 MS. SISOLAK: Could you return a verdict of not guilty if we
10 didn't present any evidence, if the State didn't prove their case?

11 PROSPECTIVE JUROR NO. 058: I think I'd be in the same
12 position I was in last time, because that's what happened.

13 MS. SISOLAK: Okay.

14 PROSPECTIVE JUROR NO. 058: They made a case. It's not
15 like the State didn't say anything.

16 MS. SISOLAK: Okay.

17 PROSPECTIVE JUROR NO. 058: They presented and it
18 made sense to us. And we returned a verdict.

19 MS. SISOLAK: Okay.

20 PROSPECTIVE JUROR NO. 058: We kind of felt like our
21 hands were tied.

22 MS. SISOLAK: Okay. And that was here in Clark County?

23 PROSPECTIVE JUROR NO. 058: Yes.

24 MS. SISOLAK: Okay.

25 PROSPECTIVE JUROR NO. 058: Maybe we didn't do a good

1 job. I don't know.

2 MS. SISOLAK: I have no idea.

3 PROSPECTIVE JUROR NO. 058: Yeah.

4 MS. SISOLAK: I think what I'm asking is -- let's say we do
5 nothing, we being the defense. But the State presents all their evidence.
6 Could you still find doubt, reasonable doubt, in that evidence? Or are
7 you saying because there's nothing to refute it, there's no way you could
8 find reasonable doubt?

9 PROSPECTIVE JUROR NO. 058: If there was reasonable
10 doubt.

11 MS. SISOLAK: Okay.

12 PROSPECTIVE JUROR NO. 058: Like someone's an
13 eyewitness but it was dark and they don't have good eyesight.

14 MS. SISOLAK: Okay.

15 PROSPECTIVE JUROR NO. 058: And maybe that's not a
16 very good type of evidence, because of that situation.

17 MS. SISOLAK: So you're saying you would judge the
18 witnesses based on their testimony?

19 PROSPECTIVE JUROR NO. 058: Yes.

20 MS. SISOLAK: Okay.

21 PROSPECTIVE JUROR NO. 058: Yeah. If -- if there were
22 pieces of evidence that seemed like there was doubt, you know, that
23 may not be the case or -- then I could take that into consideration of
24 course.

25 MS. SISOLAK: Okay. I'm going to hold off on anything else

1 with you for just a sec.

2 PROSPECTIVE JUROR NO. 058: Okay.

3 MS. SISOLAK: Will you pass the mic forward to Mr. Roy?

4 PROSPECTIVE JUROR NO. 059: Badge 59.

5 MS. SISOLAK: I like the headphones. How's it going? What
6 question do you want to answer?

7 PROSPECTIVE JUROR NO. 059: I'm not particular.

8 MS. SISOLAK: Okay. Anything you think we should know?

9 PROSPECTIVE JUROR NO. 059: No, ma'am.

10 MS. SISOLAK: Thank you. Are you a leader or a follower?

11 PROSPECTIVE JUROR NO. 059: I also believe it's the
12 situation. If I feel I have more experience in what's going on, I'll offer to
13 be the leader. If not, I'll bow out to somebody who does have more
14 experience.

15 MS. SISOLAK: I like that answer. I like that. Friday, 5:00,
16 you going to change your mind just because you want to go home?

17 PROSPECTIVE JUROR NO. 059: No.

18 MS. SISOLAK: Going to stand up for yourself? Awesome.
19 One to your right, Ms. Delaney, No. 64. Was there anything you think
20 we should know?

21 PROSPECTIVE JUROR NO. 064: No.

22 MS. SISOLAK: Leader or follower?

23 PROSPECTIVE JUROR NO. 064: I -- I'm a leader when
24 necessary, situational.

25 MS. SISOLAK: Perfect. Court's indulgence just one moment.

1 Thank you, everyone.

2 THE COURT: Mr. Plummer?

3 [Pause in proceedings.]

4 MR. PLUMMER: And going last, I get to be more brief than

5 everyone else.

6 Mr. Lamoureux, Seat 3, Juror 44. Sir, I just wanted to touch

7 base a little bit more on some of the things you said. You've been

8 working for Metro since 1986?

9 PROSPECTIVE JUROR NO. 044: That's correct.

10 September '86.

11 MR. PLUMMER: So you've be there with Metro Police

12 Department for 32 years?

13 PROSPECTIVE JUROR NO. 044: I'll have 32 years in

14 September.

15 MR. PLUMMER: And your father retired from Metro?

16 PROSPECTIVE JUROR NO. 044: My father-in-law was a

17 retired captain.

18 MR. PLUMMER: And your wife had worked for Metro?

19 PROSPECTIVE JUROR NO. 044: Correct.

20 MR. PLUMMER: And your stepdaughter works for Metro?

21 PROSPECTIVE JUROR NO. 044: Formerly. She's now a

22 stay-at-home mom.

23 MR. PLUMMER: Your son-in-law works for Metro?

24 PROSPECTIVE JUROR NO. 044: Ye.

25 MR. PLUMMER: You have numerous close friends that all

1 work for Metro?

2 PROSPECTIVE JUROR NO. 044: Or retired Metro.

3 MR. PLUMMER: And you have hundreds of work
4 acquaintances that work at Metro?

5 PROSPECTIVE JUROR NO. 044: Yes. The way I would
6 describe is that is if, for instance, when I went down for the lunch break
7 today, I ran into people I knew. And they were, hey, how you doing, oh,
8 how you doing. Oh, you're here as a juror, and that kind of thing. But
9 I -- I couldn't tell you more about them. I ran into a lady that works in our
10 forensics lab.

11 MR. PLUMMER: Our Metro officers sitting in the back of the
12 courtroom --

13 PROSPECTIVE JUROR NO. 044: I don't know them
14 personally. I don't know if they know me and they're corrections officers.

15 MR. PLUMMER: And the -- so you've spent your lifetime
16 working for law enforcement and Metro?

17 PROSPECTIVE JUROR NO. 044: Yeah. Pretty much, I grew
18 up in the department yeah.

19 MR. PLUMMER: And --

20 PROSPECTIVE JUROR NO. 044: Started around when I
21 was 20.

22 MR. PLUMMER: And as you've heard, this case is going to
23 involve an officer who was shot?

24 PROSPECTIVE JUROR NO. 044: Yes.

25 MR. PLUMMER: And how can you get around that you spent

1 a lifetime with Metro officers, working for Metro, family with Metro, and
2 sit here where you're going to hear testimony that a police officer was
3 shot?

4 PROSPECTIVE JUROR NO. 044: You're asking how I deal
5 with that?

6 MR. PLUMMER: Yes.

7 PROSPECTIVE JUROR NO. 044: I think that's evolved over
8 my 31-year career. I think if you asked me that in 1986, I'd be much
9 more appalled and shocked, because I was younger and law
10 enforcement in the community was much newer to me. The unfortunate
11 reality is now as you fast forward through a lifelong career in law
12 enforcement, you realize that that is simply part of the job. Officers get
13 shot at every day, unfortunately. Some get injured. Some get killed.

14 I think it's tragic when anyone is shot at in the commission --
15 you know, in the process of law enforcement, whether it be an officer or
16 a citizen. So not to be callous, I think all life is precious and I think it's a
17 serious matter when anyone fires their weapon or is injured. But I've
18 also learned over the years that that is something that we have to not
19 expect, but not be shocked by and understand that's the job that we are
20 all either in or closely related to.

21 MR. PLUMMER: Do you feel that you have a relationship with
22 Metro since you've been part of them for 32 years?

23 PROSPECTIVE JUROR NO. 044: Yes. Certainly, I -- I call it
24 home, because it's been such a large part of my life for so many years.
25 But I'm also keenly aware of the fact that when I do retire, the place will

1 continue without me. They're not going to build a statue out in -- you
2 know, out front of me. I'm proud of my service. But again, I -- I think I
3 have a comfortable relationship knowing it's been my home and the one
4 constant in my life. But I also know that it will have a life without me.

5 MR. PLUMMER: Home and you consider them kind of family?

6 PROSPECTIVE JUROR NO. 044: Yeah. Yes. I -- to
7 understand the question, I mean, is the sense of community, I guess.
8 But I think, first and foremost, for me personally, my family is my
9 personal family. It just so happens that some of my personal family has
10 been with Metro, so the lines are blurred there a little bit. But the close --
11 the most important things to me are my personal family.

12 MR. PLUMMER: Okay. So you have loyalty towards your
13 family?

14 PROSPECTIVE JUROR NO. 044: Absolutely.

15 MR. PLUMMER: Do you believe in loyalty?

16 PROSPECTIVE JUROR NO. 044: Absolutely.

17 MR. PLUMMER: And 32 years with Metro, do you believe that
18 you have a sense of loyalty to Metro?

19 PROSPECTIVE JUROR NO. 044: I don't think I have a
20 loyalty to the organization itself. I think I have a loyalty to perform my job
21 to the best of my ability. And that speaks of my own work ethic and my
22 own credibility and the performance of my job.

23 But I think Metro need to be treated like any law enforcement
24 agency. It's -- it's not without wrongdoing at times. In the -- in the
25 sentiment we have in the world today, you know, I don't think police

1 sentiments have ever been at a lower state. The way I cope with that is
2 I know hundreds, if not thousands, of good, hard-working men and
3 women that are admirable at their profession and work really hard. But I
4 also know that, like any profession, there's pros and cons to it.

5 MR. PLUMMER: So not so much the organization, but you --
6 you qualify it as a loyalty towards the people you work with?

7 PROSPECTIVE JUROR NO. 044: I'm trying to define the
8 word loyalty. I think I have a duty. I would call it duty. I'm not sure --
9 because I think in my mind, when I hear the word loyalty, it is -- it infers
10 that perhaps I would go along with them, even if I disagreed or thought
11 their actions were wrong, and I certainly would not do that. But I do
12 have a duty make sure -- if I'm being -- if I have any kind of integrity with
13 my job and my performance of my job, then it -- it forces me to examine
14 the word loyalty and make sure that if I am loyal to someone, it's for the
15 right reasons and I've processed that, if that makes sense.

16 MR. PLUMMER: It does. But you -- you have close ties with
17 many of the Metro officers.

18 PROSPECTIVE JUROR NO. 044: To varying degrees, yes.

19 MR. PLUMMER: And as you said, you work with them on a
20 daily basis?

21 PROSPECTIVE JUROR NO. 044: Correct.

22 MR. PLUMMER: And some of them, you might not know their
23 names, but you would recognize them if you saw them?

24 PROSPECTIVE JUROR NO. 044: Absolutely.

25 MR. PLUMMER: And now, that -- relationships that you have

1 with these Metro officers, be it as personal coworkers or friends, it's still
2 a relationship?

3 PROSPECTIVE JUROR NO. 044: I personally would not
4 phrase it as a relationship. For instance, I -- you know, I -- I saw
5 someone in the hallway, like I said, on the way to lunch, and I said hello
6 and I recognized the fact that we both work together. But I don't know if
7 I'd call that a relationship. I call it a work acquaintance.

8 MR. PLUMMER: You have ties with them?

9 PROSPECTIVE JUROR NO. 044: Ties. Yeah, sure.

10 MR. PLUMMER: And you don't have any ties to Mr. Turner or
11 Mr. Hudson?

12 PROSPECTIVE JUROR NO. 044: No, none whatsoever.

13 MR. PLUMMER: So you feel that you're going to lean more
14 towards a parade of law enforcement officers that you're probably going
15 to recognize when they walk in the door and testify, as you know,
16 coworkers; you're think you're going to be leaning towards their
17 testimony?

18 PROSPECTIVE JUROR NO. 044: I can honestly say no. And
19 I'll be delicate here. It's because I've been in that environment for so
20 long that I am not enamored by the uniform or the weapon or the badge
21 or the law enforcement then, because it's just part of what I know as
22 normal. They're human beings, just like I am, just like you are. I know
23 the importance of listening to what's said in this case, what's presented
24 by the State, and weighing what's presented and judging it simply on
25 that.

1 MR. PLUMMER: Thank you. Can you please pass the
2 microphone to Ms. Chantiloupe, Juror No. 58?

3 Good afternoon, ma'am.

4 PROSPECTIVE JUROR NO. 058: Hello.

5 MR. PLUMMER: I'm going to done with -- you'll be my last
6 questioning and I'll be done within two or three minutes and we'll have
7 you out of here by 5:00.

8 I was a little confused when you were talking with counsel
9 about defense not presenting any evidence, and you felt the need that
10 you had to convict. The -- if I'm standing here and we don't have any
11 information, would you call that kind of neutral? Would you say this was
12 neutral? Like, without knowing anything about a case?

13 PROSPECTIVE JUROR NO. 058: Yes.

14 MR. PLUMMER: And now, if we were over, let's say, over in
15 China, I'd be presumed to be guilty, and I would have to prove my
16 innocence. Is that -- is that -- does that make --

17 PROSPECTIVE JUROR NO. 059: That's how their system
18 works. Okay.

19 MR. PLUMMER: The -- but, you know, here in the United
20 States, we have what's called presumption of innocence. So we actually
21 start over here. So when we start over here with the presumption of
22 innocence, it's not neutral. It's not neutral at all. We don't start in a
23 neutral standpoint.

24 Now, with the presumption of innocence over here, the
25 prosecution has the burden of proving beyond a reasonable doubt,

1 which is again past the neutral standpoint. If they present evidence that
2 kind of makes it neutral and the defense doesn't present any evidence at
3 all, are you going to -- is that how you believe someone should be found
4 guilty, because some evidence was now presented? Does that make
5 sense?

6 PROSPECTIVE JUROR NO. 058: I thought that's how it
7 worked. I -- I -- this is -- this is really different for me. Like I said, I've
8 served on two juries and I'm wondering if, you know, we had the wrong
9 idea. And this was years ago so I'm going off memory. But I remember
10 I -- I believe I remember, this was the conversation that we had in the
11 deliberation room.

12 THE COURT: Counsel.

13 MR. PLUMMER: Yes, sir.

14 THE COURT: Approach please.

15 MR. PLUMMER: I don't -- I don't have any more questions,
16 Your Honor.

17 [Bench conference transcribed as follows.]

18 THE COURT: You need to tread lightly on this line of
19 questioning.

20 MR. PLUMMER: I'm -- I'm done, Your Honor.

21 THE COURT: Okay.

22 MR. GIORDANI: Thanks.

23 THE COURT: No. I don't want you to be done. But just tread
24 lightly. I don't want to get into quantifying reasonable doubt or invading
25 what was discussed on any jury deliberation.

1 MR. PLUMMER: I wasn't trying to elicit that.
2 THE COURT: Do you understand me?
3 MR. PLUMMER: Yes, Your Honor. I was not trying to elicit
4 that.
5 THE COURT: I -- I mean, you can finish this line of
6 questioning, but I need you to tread lightly.
7 MR. PLUMMER: Yes, Your Honor. I'm actually finished.
8 THE COURT: Are you finished?
9 MR. PLUMMER: I am.
10 THE COURT: Okay. Thank you.
11 MR. PLUMMER: Thank you, Your Honor.
12 MS. MACHNICH: Your Honor, is -- I know that we break
13 at 5:00. Is it possible for us to push through a little longer to try to get
14 this panel --
15 THE COURT: I'm going to ask the jurors what they want to
16 do.
17 MS. MACHNICH: Okay.
18 THE COURT: If they have any type of commitment at 5:00 --
19 but I'm not going to be here until 6:00.
20 MR. GIORDANI: No.
21 MS. MACHNICH: No.
22 MR. GIORDANI: I think --
23 THE COURT: I mean --
24 MR. GIORDANI: I -- I don't want to speak for everybody, but I
25 don't think we have any cause challenges yet. And unless --

1 THE COURT: All right. Well, let's go with that. Let's --

2 MR. GIORDANI: Okay.

3 THE COURT: We're going to take a five-minute break. If this
4 is going to be lengthy, then I'm going to excuse them.

5 MR. GIORDANI: Okay.

6 THE COURT: Okay. All right. Well, first, are you done?

7 MR. PLUMMER: I am done, Your Honor.

8 THE COURT: Okay.

9 MS. MACHNICH: Okay.

10 [End of bench conference.]

11 THE COURT: Mr. Plummer, are you done with your
12 questioning?

13 MR. PLUMMER: I am, Your Honor. Thank you.

14 THE COURT: Thank you, counsel.

15 Ladies and gentlemen, it's -- it's 5:00. I was going to go a little
16 past 5:00, unless somebody has a commitment that they have to make.
17 Is there anybody that has to leave right now to -- any type of
18 commitment or can you stay a little bit past 5:00?

19 Yes, ma'am.

20 PROSPECTIVE JUROR NO. 040: I -- my son has an
21 appointment at 5:45 that I'm meeting my husband to about how --

22 THE COURT: It would be about -- you probably would be out
23 of here by 5:15.

24 PROSPECTIVE JUROR NO. 040: Okay. That's fine.

25 THE COURT: Is that --

1 PROSPECTIVE JUROR NO. 040: Yeah.

2 THE COURT: Is that going to give you sufficient time?

3 PROSPECTIVE JUROR NO. 040: That -- that should be
4 okay.

5 THE COURT: All right. At this time, we're going to take about
6 a five-minute recess.

7 So during this recess, it is your duty not to converse among
8 yourselves or with anyone else on any subject connected with the trial or
9 to read, watch, or listen to any report of or commentary on the trial by
10 any person connected with the trial, by any medium of information,
11 including without limitation, newspaper, television, and radio. And you
12 are not to form or express an opinion on any subject connected with the
13 case until it is finally submitted to you.

14 Thank you. We'll be in recess for about five minutes.

15 [Prospective jury panel recessed at 5:01 p.m.]

16 THE COURT: Let the record reflect the absence of the panel
17 of potential jurors.

18 State, do you have any challenges for cause?

19 MR. GIORDANI: No, Your Honor.

20 THE COURT: Defense, do you have any challenges for
21 cause?

22 MS. SISOLAK: We do not.

23 THE COURT: Defense, do have any challenges for cause?

24 MR. PLUMMER: Yes, Your Honor. Juror Badge No. 44,
25 Michael Lamoureux. My -- my challenge is that he's a 32-year Metro

1 employee working hand in hand with law enforcement on a daily basis.
2 He's going to recognize, most likely, just about all the witnesses coming
3 in from Metro. He's from an entire family of law enforcement.
4 Son-in-law's currently working for Metro.

5 Numerous close acquaintances or friends, hundreds of work
6 acquaintances. He -- he's Metro. This case involved a Metro officer
7 who has been shot with a gun. I just can't see in any realistic world how
8 someone who has been for Metro for 32 years and is such close ties
9 with so many law enforcement could sit fair and impartial on a jury
10 involving an officer who was shot. I -- I just don't see it.

11 THE COURT: Is that going to be the evidence, State, that a
12 Metro officer was shot?

13 MR. GIORDANI: Yes.

14 THE COURT: State, what's your position on that potential
15 juror?

16 MR. GIORDANI: Mr. Lamoureux made it abundantly clear
17 that he could be fair, notwithstanding all the connections he had to
18 Metro. In fact, I think his response to the -- the last couple of questions
19 was, I actually am not enamored by the badge because I've been doing
20 this for so long. He's someone who knows the bad and the good with
21 Metro. And I think he -- we're presuming here, and no disrespect to
22 Mr. Plummer, but that he's lying to the court when he responds I can be
23 fair and impartial.

24 The jury selection process under oath and his responses
25 were, I can be fair, notwithstanding all those connections. So I mean, I

1 understand why the objection is being made or the cause challenge is
2 being made, but based upon his statements under oath, I don't think it's
3 appropriate.

4 THE COURT: I'm going to be in short recess. Do not leave
5 the courtroom, please.

6 [Court recessed from 5:05 p.m., until 5:06 p.m.]

7 [Outside the presence of the prospective jury panel.]

8 THE COURT: Let the record reflect the presence of the
9 counsel for the State, counsel for the defendants, and the defendants.

10 As to Mr. Lamoureux, in reviewing my notes, the way the case
11 law reads is I'm not to accept his answers. I'm to try to look past his
12 answers. There was nothing in his answers that would indicate to me
13 that he was not going to be fair and impartial. But in looking at his
14 overall relationships with Metro, the fact that he was a -- has been a
15 Metro officer for 32 years, has extensive family and friends related to
16 Metro, I am going to excuse him for cause.

17 MS. SISOLAK: Thank you, Your Honor.

18 MR. PLUMMER: Thank you, Your Honor.

19 THE COURT: I'm going to seat the new juror. I'm going to
20 seat them. But then we're going to take a recess. We'll finish -- I
21 anticipate having a jury first thing tomorrow and going into opening
22 statements and then calling witnesses tomorrow.

23 MS. SISOLAK: To be honest with Your Honor, we have kind
24 of already met and conferred. We -- assuming there's not extensive
25 questioning for the one juror, we could be done by 5:30.

1 THE COURT: Okay. I have a lady that needs to be
2 someplace at 5:45.

3 MS. SISOLAK: I -- I understand, Your Honor. I just wanted to
4 make a record that it -- if Your Honor wanted to say, I am -- we can get it
5 done today and then they don't all have to come back.

6 THE COURT: Okay. I'll ask the lady --

7 MS. SISOLAK: Thank you, Your Honor.

8 THE COURT: -- if she can stay past -- to about 5:30. All right.
9 Bring them in.

10 MS. SISOLAK: Thank you, Your Honor.

11 [Prospective jury panel reconvened at 5:08 p.m.]

12 THE COURT: Thank you. You may be seated.

13 Let the record reflect that the panel of potential jurors is
14 present.

15 Mr. Lamoureux, Badge No. 044, I'm going to thank and
16 excuse you at this time.

17 If you could call the next potential juror?

18 THE CLERK: Badge No. 066, Cynthia Lenett, Seat No. 3.

19 THE COURT: Ms. Johnson?

20 PROSPECTIVE JUROR NO. 040: Yes.

21 THE COURT: Hi.

22 PROSPECTIVE JUROR NO. 040: Hi.

23 THE COURT: You said you had an appointment at 5:45?

24 PROSPECTIVE JUROR NO. 040: Yes.

25 THE COURT: We would like to have a jury by tonight --

1 PROSPECTIVE JUROR NO. 040: Okay.

2 THE COURT: -- so people don't have to come back.

3 PROSPECTIVE JUROR NO. 040: Okay.

4 THE COURT: But it is -- if it is something that you have to do,
5 I will accommodate you and we could -- we'll recess for the evening. We
6 probably can have a jury hopefully in the next little bit. Is that going to
7 create a problem for you, if you don't make your 5:45 appointment?

8 PROSPECTIVE JUROR NO. 040: No. My husband is with
9 my son. It's just my 10-month-old son had surgery on Friday. So it's his
10 bandage removal. But it -- my husband is with him, so.

11 THE COURT: It -- I will -- it's your discretion. I will
12 accommodate you. If this is something that you feel you need to attend,
13 I will break right now.

14 PROSPECTIVE JUROR NO. 040: No, it's -- I --

15 THE COURT: Otherwise, I'm going to -- are you sure?

16 PROSPECTIVE JUROR NO. 040: I would rather -- I'd rather
17 just see if --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 040: -- if I'm on it tonight, then --
20 so we can finish.

21 THE COURT: We appreciate that. All right. Thank you,
22 ma'am.

23 PROSPECTIVE JUROR NO. 040: It's all on me.

24 THE COURT: If you could you hand the microphone --
25 ma'am, could you state your name and your badge number, please?

1 PROSPECTIVE JUROR NO. 066: Cynthia Lenett, Badge 66.

2 THE COURT: How long have you lived in Clark County,
3 Nevada?

4 PROSPECTIVE JUROR NO. 066: About 19 years.

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

6 PROSPECTIVE JUROR NO. 066: Some college.

7 THE COURT: What is your occupation?

8 PROSPECTIVE JUROR NO. 066: Supervisor of medical staff
9 services.

10 THE COURT: And where do you -- where -- who is your
11 employer?

12 PROSPECTIVE JUROR NO. 066: Saint Rose Hospitals.

13 THE COURT: What -- what is your marital status?

14 PROSPECTIVE JUROR NO. 066: Married.

15 THE COURT: What is the occupation of your spouse?

16 PROSPECTIVE JUROR NO. 066: Sales associate.

17 THE COURT: With which company, ma'am?

18 PROSPECTIVE JUROR NO. 066: Essence.

19 THE COURT: Yeah --

20 THE COURT RECORDER: Could you -- could you speak up
21 a little, please?

22 PROSPECTIVE JUROR NO. 066: Sure.

23 THE REPORTER: Thank you.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR NO. 066: One.

1 THE COURT: How old?
2 PROSPECTIVE JUROR NO. 066: 14.
3 THE COURT: Have you ever served as a juror before?
4 PROSPECTIVE JUROR NO. 066: No, sir.
5 THE COURT: Have you ever testified as a witness in a
6 criminal case?
7 PROSPECTIVE JUROR NO. 066: No, sir.
8 THE COURT: Have you or close family member ever been
9 convicted of a crime?
10 PROSPECTIVE JUROR NO. 066: Yes. My older brother.
11 THE COURT: I'm sorry?
12 PROSPECTIVE JUROR NO. 066: My older brother.
13 THE COURT: And when was that?
14 PROSPECTIVE JUROR NO. 066: Probably 19, 20 years ago.
15 THE COURT: And what happened?
16 PROSPECTIVE JUROR NO. 066: It was a -- a misdemeanor
17 for possession.
18 THE COURT: And was it investigated by law enforcement?
19 PROSPECTIVE JUROR NO. 066: I'm not sure.
20 THE COURT: Okay. I assume because he was convicted,
21 some law enforcement agency investigated it?
22 PROSPECTIVE JUROR NO. 066: I'm sure.
23 THE COURT: Okay. Is there anything about that experience
24 that where you could not be fair and impartial to both sides in this case?
25 PROSPECTIVE JUROR NO. 066: No.

1 THE COURT: Have you ever been the victim -- has you or a
2 close family member ever been the victim of a crime?

3 PROSPECTIVE JUROR NO. 066: No.

4 THE COURT: Do you have any close relatives or friends who
5 ever been engaged in law enforcement?

6 PROSPECTIVE JUROR NO. 066: No.

7 THE COURT: Do you agree that if you are chosen to serve as
8 a juror in this case that you will honor your duty to be completely fair and
9 impartial and to listen carefully to all the evidence before you make a
10 decision?

11 PROSPECTIVE JUROR NO. 066: Yes, sir.

12 THE COURT: State, any questions?

13 MR. GIORDANI: No. Thank you, Your Honor.

14 THE COURT: Defense, any questions?

15 MS. SISOLAK: Briefly. Anything you think we should know?

16 PROSPECTIVE JUROR NO. 066: Very conservative when it
17 comes to guns.

18 MS. SISOLAK: Okay. Conservative --

19 PROSPECTIVE JUROR NO. 066: Conservative, like I feel
20 like there should be definitely some -- some controls. I'm not sure why
21 someone in the general populus would -- would need assault rifles.

22 MS. SISOLAK: Okay. Thank you. Nothing further, Your
23 Honor.

24 THE COURT: Mr. Plummer?

25 MR. PLUMMER: I don't have any questions, Your Honor.

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THE COURT: Counsel approach.

[Bench conference transcribed as follows:]

THE COURT: Any challenges for cause?

MR. GIORDANI: No, Your Honor.

MS. BEVERLY: No.

THE COURT: Okay. What I'm going to do is excuse them again. We'll do the peremptory challenges. I'll provide with you with a sheet. You know how it -- it alternates back and forth. Once you are finished with your peremptory challenges, I'll bring back in -- have those individuals excused, and then we will proceed. Assuming there's no challenges, then we'll have them sworn in and come back tomorrow for preliminary instructions, opening statements, and testimony.

MS. BEVERLY: What time are we starting tomorrow?

THE COURT: 1:00.

MS. BEVERLY: Okay.

MS. MACHNICH: Thank you.

MS. SISOLAK: Thank you, Your Honor.

THE COURT: Thank you.

[End of bench conference.]

THE COURT: Ladies and gentlemen, we're going to take another recess. This will be a short one, probably 5, 10 minutes. So again, we'll be about -- recess for 5 to 10 minutes.

During this recess, it is your duty not to converse among yourselves or with anyone else on any subject connected with the trial or to read, watch, or listen to any report of or commentary on the trial by

1 any person connected with the trial or by any medium of information,
2 including without limitation, newspaper, television, radio. And you're not
3 form or express an opinion on any subject connected with the case until
4 it is finally submitted to you.

5 We'll be in recess for about 5 or 10 minutes. Thank you.

6 [Prospective jury panel recessed at 5:15 p.m.]

7 THE COURT: Counsel approach, please.

8 MS. MACHNICH: Thank you, Your Honor.

9 THE COURT: We will be in a short recess. When you've
10 completed your peremptory challenges, please notify my marshal and
11 we'll reconvene.

12 MS. MACHNICH: Thank you, Your Honor.

13 MS. SISOLAK: Thank you.

14 [Court recessed at 5:15 p.m., until 5:26 p.m.]

15 [Outside the presence of the prospective jury panel.]

16 THE COURT: Let record reflect the presence of counsel for
17 the State, counsel for the defense, and the presence of the defendants.

18 Counsel, I have received the peremptory challenges.

19 Ms. Sisolak, you signed this; is that correct?

20 MS. SISOLAK: I did, Your Honor.

21 THE COURT: Okay. After where it says counsel for the
22 defendant, I want you to put a comma and the defendant you represent.

23 MS. MACHNICH: Wonderful. I can take care of that.

24 THE COURT: And Mr. Plummer --

25 MR. PLUMMER: I have not signed it, Your Honor.

1 THE COURT: Well, underneath that, I want you to -- there's
2 no sign so you're going to have to freestyle here. So I want you to sign
3 it. And then underneath counsel for the defendant, who you represent.

4 MS. SISOLAK: Perfect.

5 MR. PLUMMER: Yes, Your Honor.

6 THE COURT: Thank you.

7 MS. SISOLAK: I'm sure Your Honor knows we don't do a lot
8 of codefendant matters.

9 THE COURT: I'm sorry?

10 MS. SISOLAK: We typically don't do codefendant matters.
11 We're kind of flying by the seat of our pants, you know.

12 [Pause in proceedings.]

13 THE COURT: Okay. And counsel, I'm going to bring the jury
14 back in. And then I'm going to excuse the -- have the -- have them
15 excused. We're going to seat them. Then I'm going to have you
16 approach and if there's any *Batson* challenges or --

17 MS. SISOLAK: There won't be, Your Honor.

18 MS. MACHNICH: No. There won't be.

19 THE COURT: -- or *JEB* or *Alabama* -- well, I'm going to put it
20 on the record.

21 MS. SISOLAK: Okay.

22 THE COURT: All right. At the bench. And if there's no
23 challenges, then I'm going to excuse them for the evening. We're
24 going -- I'm going to do the preliminary instructions tomorrow, opening
25 statements and be prepared to start calling witnesses.

1 MS. BEVERLY: I'll be ready.

2 MS. SISOLAK: We'll be ready, Your Honor.

3 THE COURT: All right. I'm going to have the juror come in --
4 in at this point.

5 [Prospective jury panel reconvened at 5:29 p.m.]

6 THE COURT: Counsel, at this point, I'm going to have you
7 approach.

8 MS. SISOLAK: Thank you, Your Honor.

9 [Bench conference transcribed as follows.]

10 THE COURT: You have been provided with the peremptory
11 challenge sheet. It is my understanding that you each -- each side was
12 entitled to four peremptory challenges, plus one peremptory challenge
13 for the alternate, that there was no waiver of any of the peremptory
14 challenges; is that correct?

15 MS. BEVERLY: No. The State did waive Number 5.

16 MS. MACHNICH: No. The State waived -- waived Number 4.

17 THE COURT: Huh?

18 MS. MACHNICH: The State did waive a challenge, Number 5.

19 THE COURT: Let me see.

20 MR. GIORDANI: The -- the alternate.

21 MS. MACHNICH: The alternate.

22 THE COURT: That was it. And you did waive alternate?

23 MS. BEVERLY: We did.

24 THE COURT: And you were entitled to do that?

25 MS. BEVERLY: Yes.

1 THE COURT: Okay. Before any of the challengeers are
2 released, this is the time to assert any *Batson* challenges or any
3 challenges under *JEB vs. Alabama*. Any *Batson* challenges or
4 challenges under *JEB vs. Alabama* not asserted at this time will be
5 deemed waived. After resolving any *Batson* challenges or challenges
6 under *JEB vs. Alabama*, I will release any persons that will not be on the
7 final jury panel, announce the final jury panel. Are there any questions?

8 MS. BEVERLY: No.

9 MS. MACHNICH: No, Your Honor.

10 MR. PLUMMER: No, Your Honor.

11 THE COURT: Okay. Are -- is there any *Batson* challenges --

12 [End of bench conference.]

13 THE COURT: I'm sorry, ladies and gentlemen, please be
14 seated. I apologize. Let the record reflect the presence of the potential
15 jury panel.

16 [Bench conference transcribed as follows.]

17 THE COURT: Is there any *Batson* challenges or any
18 challenges under *JEB vs. Alabama*?

19 MS. MACHNICH: On behalf of Mr. Turner, no.

20 MR. PLUMMER: None on behalf of Mr. Hudson.

21 MS. BEVERLY: And none on behalf of the State.

22 THE COURT: Okay. At this time, I'm going to release the
23 jurors which were peremptory challenges and then seat the final jurors.
24 And then I'm just going to have them sworn in.

25 MS. BEVERLY: Okay.

1 MS. SISOLAK: Thank you, Your Honor.

2 MS. MACHNICH: Thank you.

3 THE COURT: Thank you.

4 [End of bench conference.]

5 THE COURT: Counsel, I apologize. I just need to make one
6 more record. I apologize.

7 [Bench conference transcribed as follows.]

8 THE COURT: Is there any objection by either side to the
9 Court accepting the peremptory challenges?

10 MS. BEVERLY: No, not from the State.

11 MR. PLUMMER: No objection.

12 MS. MACHNICH: And none from Mr. Turner.

13 THE COURT: Okay. Thank you.

14 MR. PLUMMER: None from Hudson.

15 THE COURT: Thank you.

16 MS. BEVERLY: Thank you.

17 [End of bench conference.]

18 THE COURT: It appearing to the Court that all peremptory
19 challenges have either been exercised or waived, the clerk will now call
20 the names of the persons who will comprise the jury.

21 THE CLERK: Badge Number 042, Ricky Bullard, Juror No. 1;
22 Badge No. 066, Cynthia Lenett, Juror No. 2; Badge No. 045, Beatriz
23 Cruz, Juror No. 3; Badge No. 057, Rosa Reyes, Juror No. 4;
24 Badge No. 008, Susan Phillips, Juror No. 5; Badge No. 011, Kristi
25 Feldan -- Feldman, correction, Juror No. 6; Badge No. 021, Eric

1 Limbacher, Juror No. 7; Badge No. 023, Jason Wright, Juror No. 8;
2 Badge No. 025, Tamiko Keyes, Juror No. 9; Badge No. 026, Eric
3 Geisler, Juror No. 10; Badge No. 059, James Roy, Juror No. 11;
4 Badge No. 033, Lisa Miller-Roche, Juror No. 12; Badge No. 039, Pamela
5 Adams, Juror No. 13; and Badge No. 040, Jacqueline Johnson,
6 Juror No. 14.

7 THE COURT: Thank you.

8 If your name was not called, you can be excused and with our
9 thanks. I know it was an arduous process, but it's a necessary process
10 that we need to go through. So if your name was not called, including
11 potential jurors in the audience, you can be excused at this time.

12 Mr. Stevenson, if you could seat the jurors in their appropriate
13 seats?

14 [Pause in proceedings.]

15 THE COURT: The oath will -- shucks. The clerk will now
16 administer the oath to the jurors.

17 [Jury sworn.]

18 THE CLERK: Thank you. Please be seated.

19 THE COURT: Thank you, ladies and gentlemen. I realize the
20 hour is late, so I'm going to excuse you at this time. We're going to
21 return tomorrow at 1:00, at which time I will give you preliminary
22 instructions. We'll do opening statements by counsel and then proceed
23 into testimony. So you're going to return tomorrow at 1:00.

24 At this time, I'm going to -- we're going to take our evening
25 recess at this time. During this recess, you -- it is your duty not to

1 converse among yourselves or with anyone else on any subject
2 connected with the trial or to read, watch, or listen to any report of or
3 commentary on the trial by any person connected with the trial or by any
4 medium of information, including without limitation, newspaper,
5 television, and radio. And you are not to form or express an opinion on
6 any subject connected with this case until it is finally submitted to you.

7 See you tomorrow at 1:00. Thank you.

8 [Jury recessed at 5:37 p.m.]

9 MR. PLUMMER: Your Honor, can we know the court's
10 schedule.

11 MS. MACHNICH: Tomorrow at 1:00.

12 MR. PLUMMER: Tomorrow at 1:00. But then after that?

13 THE COURT: I believe -- I won't know until tomorrow.

14 MR. PLUMMER: Thanks, Your Honor.

15 THE COURT: There's -- I can't remember. There is one day I
16 believe we're going to start at 11:00. I can't remember if that day is
17 Thursday or Friday. But I believe there is one day where we'll start
18 at 11:00. You understand, I share a courtroom also.

19 MR. PLUMMER: Yes, Your Honor.

20 THE COURT: And -- and then I have my own calendar. So
21 but I know tomorrow we're starting at 1:00.

22 MS. SISOLAK: Perfect. Thank you, Your Honor.

23 MR. PLUMMER: Yeah.

24 MS. MACHNICH: Thank you, Your Honor.

25 THE COURT: Thank you.

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MR. GIORDANI: Thank you.

THE COURT: Is there any other matters? We'll be in recess.

[Court recessed at 5:38 p.m., until April 18, 2018, at 1:00 p.m.]

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



Shawna Ortega, CET*562