

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDRE GRANT SNIPES,)	SUPREME COURT NO. 82384
)	
Appellant,)	
)	
vs.)	APPEAL
)	
STATE OF NEVADA,)	
)	
Respondent.)	
)	DISTRICT COURT NO. C-19-344461-2
)	
_____)	

APPELLANT'S APPENDIX

(VOLUME 3 OF 5)

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2020

C-19-344461-2 State of Nevada
 vs
 Andre Snipes

November 04, 2020 02:00 PM Central Calendar Call

HEARD BY: Bell, Linda Marie COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Delgado-Murphy, Melissa

REPORTER:

PARTIES PRESENT:

Andre Grant Snipes	Defendant
Michael W. Sanft	Attorney for Defendant
Michael J. Scarborough	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Also present: Co-Defendant Gregory Morgan with counsel Alexander Bassett and Tyler Gaston, Esq.

Mr. Bassett announced ready. Representations by State regarding the motion to sever. Mr. Bassett advised the motion filed by Mr. Hill was denied without prejudice. Upon Court's inquiry, State estimates more than one week for trial with 14-18 witnesses. Mr. Bassett estimates 3 witnesses. Mr. Sanft estimates 2 witnesses and Mr. Hill will not have co-counsel. Court noted it needs to work on logistical issue with having co-counsel however it will be resolved for trial. Court canvassed parties regarding current Covid-19 protocols including masks and ORDERED, matter SET for trial.

CUSTODY

11/12/20 9:00 AM JURY TRIAL



1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE NO: C-19-344461-1/2
DEPT. XXXII

10 vs.

11 GREGORY DELLO MORGAN,
12 ANDRE GRANT SNIPES,
13 Defendant(s).

**HEARD IN LOWER LEVEL
ARRAIGNMENT**

14 BEFORE THE HONORABLE LINDA M. BELL, DISTRICT COURT JUDGE
15 WEDNESDAY, NOVEMBER 4, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **CENTRAL CALENDAR CALL**

18 APPEARANCES:

19 For the State: MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney
(Appearing via Video Conference)

20 For the Defendant(s)
21 Andre G. Snipes: MICHAEL W. SANFT, ESQ.
(Appearing via Video Conference)

22 Gregory Morgan: ALEXANDER BASSETT, ESQ.
23 TYLER GASTON, ESQ.
24 Deputy Public Defenders

25 RECORDED BY: MELISSA DELGADO-MURPHY, COURT RECORDER

1 **Las Vegas, Nevada; Wednesday, November 4, 2020**

2 [Proceeding commenced at 2:19 p.m.]

3
4 THE COURT: State of Nevada versus Gregory Morgan and
5 Andrew Snipes.

6 MR. GASTON: Good morning, Your Honor.

7 THE COURT: Good morning.

8 MR. BASSETT: Or afternoon.

9 MR GASTON: Afternoon, sorry.

10 THE COURT: All right. Yeah, it's hard to keep track.

11 MR. GASTON: Tyler Gaston and Alex Bassett from the Public
12 Defender's Office on behalf of Mr. Morgan.

13 THE COURT: I highlighted my -- the case in blue so I would
14 know it's a co-defendant case and now I can't read any of it. We'll get
15 through it. All right. And -- Ms. Cannizzaro, are you here on this one. I
16 had it was Mr. Portz.

17 MS. CANNIZZARO: No, Your Honor, I'm here on Zayveon
18 Scott.

19 THE COURT: Okay. Do we have Mr. -- I had Ms. --

20 UNIDENTIFIED SPEAKER: Your Honor, which case is this?

21 THE COURT: It's Morgan and Snipes.

22 UNIDENTIFIED SPEAKER: Mr. Portz is out of the -- okay.

23 MR. SCARBOROUGH: Jory Scarborough from the State.

24 THE COURT: There we go. Okay. All right. So this is set on
25 the 9th. Is this ready to go?

1 MR. GASTON: Yes, Your Honor.

2 THE COURT: All right. And we have -- do we have Mr. Hill?

3 MR. SANFT: Your Honor, this is Michael Sanft, I'm going to
4 step in today for Mr. Hill.

5 THE COURT: Okay. Is he also ready to go? I know that
6 there was a motion -- there were some -- there was a motion to --

7 MR. SCARBOROUGH: Judge, I can -- yeah. I could fill in the
8 Court on what's going on with that, so. In Eric Johnson's Department, it
9 looks like there was a motion to sever that was supposed to be heard. I
10 wasn't there to argue it. Deputy District Attorney Nick Portz was there to
11 argue it.

12 THE COURT: Uh-huh.

13 MR. SCARBOROUGH: And it looks like Judge Johnson then
14 kicked it to you and he did not decide on any motion to sever. And I
15 would just note that there's -- this is the second motion to sever.

16 MR. GASTON: Denied -- Your Honor, that's not --

17 MR. SCARBOROUGH: She denied their motion to sever.
18 Sorry about that.

19 MR. GASTON: Yeah, so that's not quite accurate.

20 MR. SCARBOROUGH: She denied their motion to sever and
21 now it's set in front of you, Judge Bell.

22 THE COURT: Right. For calendar call.

23 MR. SCARBOROUGH: And then it looks like on Thursday, it's
24 set in case you elect to sever it for entertainment on the motion to rejoin.

25 THE COURT: Well, no. So what I understood from the

1 minutes was that he denied the request, invited a motion to be filed under
2 seal because there was some information that the Defense did not want
3 to provide. Did I -- am I remembering that correctly? I might be --

4 MR. BASSETT: That's not quite right, Your Honor, what
5 happened was --

6 THE COURT: Okay. How about I let you explain since you
7 were there.

8 MR. BASSETT: -- yeah, that's fine. Because I was there
9 yesterday. And what happened, Your Honor, the motion was filed by --
10 I'm sorry, the motion was filed by Dan Hill.

11 THE COURT: Okay.

12 MR. BASSETT: We did file a similar motion back in February
13 that was denied without prejudice.

14 THE COURT: Got it.

15 MR. BASSETT: Dan Hill filed a similar motion which was
16 denied without prejudice yesterday. The debate over whether to file
17 something under seal was the --

18 THE COURT: Okay.

19 MR. BASSETT: -- crux of the motion was we're arguing that
20 we are going to be presenting mutually antagonistic defenses.

21 THE COURT: Right.

22 MR. BASSETT: And under *Throckmorton*, we're arguing that
23 that should be denied. Judge Johnson said that in order to consider
24 ruling on the merits of that motion, he would need to hear what the
25 defenses were and we decided that we did not want to place on the

1 record what our defense theories were going to be.

2 THE COURT: Got it.

3 MR. BASSETT: And when we went to renew the motion at
4 trial, we --

5 MR. GASTON: To clarify that, when we filed our original
6 motion to sever back in February, we did approach, also with our motion
7 to continue, and explained ex parte to the Judge what our defense theory
8 was. He granted our motion to continue at that time, but denied our
9 motion to sever.

10 MR. BASSETT: Right.

11 MR. GASTON: So yes, he invited us to, basically, to revisit
12 our original defense that we had disclosed and had our motion to sever
13 denied, but since he already denied our motion to sever back when, we
14 decided that we didn't want to put our defense on the record, essentially,
15 presumably, to have him deny it again.

16 THE COURT: Understand. All right. So we have some
17 logistical issues that I'm trying to sort out in terms of co-defense counsel.

18 MR. SCARBOROUGH: And Judge, just to really -- to get it out
19 there right now, even -- even if it's severed, even if it's not severed, even
20 without this holiday in the middle of next week, this is not a week-long
21 trial. It would take longer than a week.

22 THE COURT: Okay.

23 MR. SCARBOROUGH: It's, like, seven or eight events,
24 multiple witnesses on each event.

25 THE COURT: So how many days?

1 MR. SCARBOROUGH: I know that's a big -- I would say at
2 least a week and a half, at least.

3 THE COURT: Okay.

4 MR. BASSETT: They noticed 40 different witnesses.

5 MR. SCARBOROUGH: It definitely would not be done in a
6 week. I can -- I can -- as an officer of the court, guarantee that. There's
7 just too many events.

8 THE COURT: It doesn't need to be done in a week. How
9 many witnesses?

10 MR. SCARBOROUGH: 14 to 18.

11 MR. BASSETT: They noticed more than 40.

12 THE COURT: Okay. And what would you anticipate in terms
13 of witnesses?

14 MR. BASSETT: Three maybe.

15 MR. GASTON: Three.

16 THE COURT: Okay, three. And Mr. Sanft.

17 MR. SANFT: Yes, Your Honor.

18 THE COURT: Do you know what Mr. Hill would anticipate in
19 terms of witnesses?

20 MR. SANFT: Your Honor, at this particular point, I would
21 believe maybe two witnesses.

22 THE COURT: Okay.

23 MR. SANFT: I'm -- looking here at the notes.

24 THE COURT: Do you know if Mr. Hill intends to try the case
25 by himself?

1 MR. SANFT: At this particular point, yes, Your Honor, that's
2 correct. By himself.

3 THE COURT: Okay. All right. So, I mean, I just have to work
4 out the logistical issue. It probably would mean that one of you would
5 have to sit, like, kind of, in front --

6 MR. GASTON: Right.

7 THE COURT: -- because there's space for four people on the
8 defense side, but I -- we will sort it out. For one person, I know we can
9 figure it out. But it may be worth doing a walk-through.

10 MR. GASTON: Just to clarify, because I wasn't here the first
11 calendar call --

12 THE COURT: Sure.

13 MR. GASTON: -- and so I was just, kind of, going off what I
14 was told.

15 THE COURT: Yep.

16 MR. GASTON: My understanding was that the last time the
17 Court indicated that it might have to sever the cases -- sever the cases
18 because of the number of people.

19 THE COURT: Well, we --

20 MR. GASTON: Is that no longer an issue?

21 THE COURT: -- have -- so the way that the COVID
22 courtrooms are set up -- I don't -- have you guys been in there yet?
23 Okay. So they -- we removed all of the gallery seating and pushed -- put
24 the tables behind the bar so there's table -- there's two tables on each
25 side and there's plexiglass dividers so you can put four people on each

1 side. Unfortunately, because the door's in the middle, we probably
2 would've been better off to put six on one side and two on the other, but
3 that many couldn't walk into the courtroom. It creates a logistical issue
4 about where co-counsel would sit.

5 We do have headphones to allow for confidential
6 communications so, again, I think it is a -- it is -- we've -- I've been having
7 -- we've been discussing the issue and how to make this work and I
8 certainly think, you know, you're entitled to have two people if that's how
9 you choose to present your case.

10 MR. GASTON: And I'm not trying to be difficult. I just want to
11 make sure that's -- if we do it in a way that's, kind of, safe, but that I can
12 talk to Mr. Bassett and the Defendant at the -- like, concurrently with
13 what's going on.

14 THE COURT: Yeah. So you would have headphones. You
15 would be able to do that.

16 MR. GASTON: Okay.

17 THE COURT: Just logistically, we just have to figure -- it's just
18 a little bit of a logistical issue that we've got to sort out which I am
19 confident that we'll be able to do.

20 MR. GASTON: Okay.

21 THE COURT: It's particularly easier if Mr. Hill is --

22 MR. BASSETT: Solo.

23 THE COURT: -- solo because then it's just one less person
24 that we have to find, I think, there's a corner there we can -- we can put
25 one of you in --

1 MR. SCARBOROUGH: For Mr. Hill.

2 THE COURT: -- front and you two on the end.

3 MR. SCARBOROUGH: Just --

4 THE COURT: So I think it will work out.

5 MR. GASTON: Okay.

6 THE COURT: Perhaps, look, we can tomorrow or Friday, find
7 a time that we can walk-through Mr. Hill's welcome, Mr. Scarborough, we
8 can walk-through and look to sort that issue out and just so you are
9 aware of what we're looking at in terms of facilities. So is this ready to go
10 then? Are there --

11 MR. GASTON: The only thing the Defense has is -- I assume
12 it was on tomorrow for status check, so I assume we'd raise that in front
13 of Judge Johnson. I don't know exactly how the pre-trial calendar works,
14 but we have an issue with their expert notice. And I didn't know if we
15 address that to you or --

16 THE COURT: No.

17 MR. GASTON: -- Judge Johnson, but ultimately, we're --
18 other than that issue --

19 THE COURT: Yeah.

20 MR. GASTON: -- we're ready to go.

21 THE COURT: The other thing -- I'm not exactly sure who
22 would end up trying the case because Judge Johnson has the other --
23 the other case that's going at this point. So I will identify somebody that
24 has not been a problem so far. We have a couple judges who aren't
25 coming -- who are not doing trials, so.

1 MR. GASTON: And if we go -- if we end up going to -- is it --
2 'cause I don't -- if it's, like, the overflow thing or how it works, but if we
3 end up going to a different judge for the expert witness issue, is that
4 something that we would -- even if the different trial judge, we would still
5 raise that in front of Judge Johnson tomorrow?

6 THE COURT: You should address that in front of Judge
7 Johnson --

8 MR. GASTON: Okay.

9 THE COURT: -- tomorrow.

10 MR. GASTON: Okay.

11 THE COURT: And we'll work on this -- I've -- I mean, we've
12 also had, I don't know about these cases, but we've had -- every case
13 we've set has ended up resolving, so. It may be that his other one
14 resolves and then this one goes, so --

15 MR. GASTON: Okay.

16 THE COURT: -- I just don't have an answer for that.

17 MR. GASTON: Thank you, Your Honor.

18 THE COURT: -- we'll have this start at 9:00 am on Monday.
19 Oh no, that's not going to work. We're going to have to start this on -- if
20 we start this on Thursday, will that work? We'd start Thursday and then,
21 two days to pick a jury, I'm guessing. Okay. So we'll do a Thursday start
22 and that way you'd have Thursday and Friday to pick the jury and --

23 MR. SCARBOROUGH: I'm so sorry, Judge --

24 THE COURT: That's okay.

25 MR. SCARBOROUGH: -- you're saying the Thursday start of

1 next week?

2 THE COURT: Yes.

3 MR. SCARBOROUGH: So not a Monday the 9th, but
4 Thursday the -- Thursday the 12th would be --

5 THE COURT: Right. So --

6 MR. SCARBOROUGH: -- our start? Okay.

7 THE COURT: -- so Judge Johnson has another trial that's --
8 that has a German interpreter that's really problematic. So that's going to
9 start on Monday and they're anticipating two days to pick a jury and then
10 Wednesday's a holiday. So we can start this one Thursday and get the
11 jury picked and then the trial would go, I would imagine, the whole next
12 week, right?

13 MR. SCARBOROUGH: It looks like it at this point, yes.

14 THE COURT: Okay. Great.

15 MR. SCARBOROUGH: Do we have full days, Judge, in those
16 departments?

17 THE COURT: Yes, absolutely; 9:00 to 5:00, full days.

18 MR. SCARBOROUGH: Oh. Okay.

19 THE COURT: We're covering everybody's calendars to make
20 sure that we make the best use of the --

21 MR. BASSETT: My apology, you said trials are [indiscernible]
22 full days?

23 THE COURT: Yeah.

24 MR. BASSETT: Okay.

25 THE COURT: We're doing -- we're covering people's

1 calendars so that -- because it's just a limited resource we have with the
2 court -- we have two courtrooms, so make sure that they get done.

3 MR. GASTON: And I know I feel like I'm the guy -- I feel like
4 I'm the guy with all the questions here. I just want to ask one more thing.

5 THE COURT: No. That's okay.

6 MR. GASTON: So my understanding is one of the things that
7 the State potentially intended to address tomorrow in front of Judge
8 Johnson, I believe, they were only intending to do this if Your Honor
9 severed this 'cause they were going to try to get to Judge Johnson to
10 reconsolidate, but they were going to try to limit how many defense
11 counsel Mr. Morgan was entitled to have to one instead of two. Is that
12 something that's --

13 THE COURT: I -- the issue -- the issue is the logistical issue
14 that I was talking to you about. So I don't -- I think that there are other
15 alternatives, so --

16 MR. GASTON: Okay.

17 THE COURT: -- I don't think that that is necessary. It's just
18 we've struggled a little bit, you know, all of this has been quite a
19 challenge. So we've struggled a little bit to get -- to just figure this piece
20 out and I am confident we will work it out and it's going to be fine, but I
21 am not -- that's -- I don't feel like that's an acceptable option.

22 MR. GASTON: Okay. I just didn't want to get an email on
23 Friday that we're limited to one. I wanted to at least bring it up in front of
24 some judge.

25 THE COURT: Yeah. No.

1 MR. GASTON: Okay. All right. Thank you.

2 THE COURT: We'll -- we'll -- just like I said that logistically
3 you may not be able to sit in a row.

4 MR. GASTON: But we still have the headphones and stuff.

5 THE COURT: Yeah.

6 MR. GASTON: Okay.

7 THE COURT: Okay. So gentlemen, Mr. Morgan, all right.
8 Mr. Morgan, sir, do you understand that if you go to trial, everybody's in
9 the courtroom is going to be wearing a mask at all times.

10 DEFENDANT MORGAN: Yes, ma'am.

11 THE COURT: All the time. All right. So witnesses, jurors. So
12 you and your lawyers won't have the opportunity to see the full
13 expressions of people. You understand that?

14 DEFENDANT MORGAN: Yes, ma'am.

15 THE COURT: And you also understand that no members of
16 the public can go in to the courtroom just because we don't have room for
17 them to sit, but the trial will be livestreamed. So you wouldn't be able to
18 have friends or family come in and sit in there during the trial, but they
19 would be able to watch the trial. Do you understand that as well, sir?

20 DEFENDANT MORGAN: Yes, ma'am.

21 THE COURT: Do you have any issues with that?

22 DEFENDANT MORGAN: No, ma'am.

23 THE COURT: No. All right. And sir, do you understand we
24 would continue the trial if you had concerns about it, we would continue it
25 until you were -- until we didn't have these restrictions anymore, but,

1 obviously, I don't know how long that's going to be.

2 DEFENDANT MORGAN: Yes, ma'am.

3 THE COURT: Do you have any questions for me about that,
4 sir?

5 DEFENDANT MORGAN: No, ma'am.

6 THE COURT: All right.

7 MR. GASTON: And before you go on to Mr. Snipes or --
8 maybe we come back, actually, if you want to go to Mr. Snipes and Mr.
9 Bassett and I have a question.

10 THE COURT: Yeah. Okay. And so Mr. Snipes, you heard all
11 of that, right? So you understand everybody's going to be wearing
12 masks all the time?

13 DEFENDANT SNIPES: I understand that and I'm okay with
14 that, but, like, I'm not waiving any of my constitutional rights by
15 addressing.

16 THE COURT: Sir, I'm not asking you to waive any rights at
17 all. We just have coronavirus instructions --

18 DEFENDANT SNIPES: 'Cause I do have a right to a
19 confrontation, right? I have a right to be confronted by witnesses against
20 me.

21 THE COURT: The witness will be present in the courtroom,
22 they'll just be wearing a mask, sir.

23 DEFENDANT SNIPES: Okay.

24 THE COURT: So I just want to make sure that you
25 understand that.

1 DEFENDANT SNIPES: I understand that. But I do have that
2 right to be confronted so like -- and when they -- when they testify against
3 me, they're being cross-examined, so when they're wearing a mask --

4 THE COURT: That's what I'm telling you, sir. They have --
5 because of the coronavirus precautions, they have to wear a mask at all
6 times. If you do not want to go forward with that condition, I will continue
7 your case.

8 DEFENDANT SNIPES: No, I want to go forward, I just want to
9 know, like, is it possible if I can challenge that at a later -- after the trial, if
10 possible.

11 THE COURT: Well, that's something that you need to talk to
12 your attorneys about, but I'm just telling -- if you are not comfortable with
13 that, then we will find another date.

14 DEFENDANT SNIPES: No, we can move forward. It's -- it's
15 okay.

16 THE COURT: Okay.

17 DEFENDANT SNIPES: We can move forward.

18 THE COURT: Okay. And you also understand that there is
19 no place for an -- a public audience, but -- but the trial will be
20 livestreamed so that if you had friends or family members, that they could
21 -- they would be able to watch it, just not in the courtroom.

22 DEFENDANT SNIPES: Yeah. I understand that.

23 THE COURT: Okay.

24 DEFENDANT SNIPES: Could I ask you another question? I
25 mean, just --

1 THE COURT: Sure.

2 DEFENDANT SNIPES: -- theoretically, why does it have to be
3 facemasks, why can't it be face shields?

4 THE COURT: Sir, the face shields don't really -- so we
5 provide them to jurors in addition to the masks if they want to wear them,
6 but the shields don't really protect everybody, especially when you're in
7 the courtroom for a long time because the air you breathe out goes under
8 and all around instead of capturing it like a mask does.

9 DEFENDANT SNIPES: I understand.

10 THE COURT: Yeah. So.

11 DEFENDANT SNIPES: All right.

12 THE COURT: All right. I know more about coronavirus than I
13 ever wanted to. All right. So 9:00 am on Thursday.

14 MR. GASTON: Thank you.

15 THE COURT: And I'll be in touch with all of you.

16 MR BASSETT: Thank you, Your Honor.

17 DEFENDANT MORGAN: What time on Thursday hearing at?

18 THE COURT: 9:00 am on Thursday.

19 MR. SCARBOROUGH: What courtroom is that going to be --

20 THE COURT: Jury Services.

21 THE CLERK: No. Go ahead, Mr. Scarborough.

22 MR. SCARBOROUGH: No, Judge Bell answered, Jury
23 Services. Sorry about that.

24 THE CLERK: Your Honor, on the Morgan case, there's a
25 settlement conference still set on November 30th. Are we keeping that or

1 are we're vacating that?

2 THE COURT: Let's just hang onto it until we see what
3 happens.

4 THE CLERK: Great. Thank you.

5 [Proceeding concluded at 2:36 p.m.]

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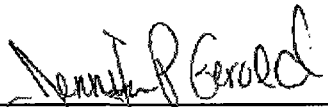
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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Jennifer P. Gerold
Court Recorder/Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2020

C-19-344461-2 State of Nevada
 vs
 Andre Snipes

November 05, 2020 1:45 PM

Status Check: Possible Motion to Sever

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Carina Bracamontez-Munguia/cb

RECORDER: Angie Calvillo

PARTIES

PRESENT:	Hill, Daniel	Attorney for Defendant
	Lexis, Chad N.	Attorney for Plaintiff
	Snipes, Andre Grant	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Alexander Bassett, Esq. counsel for co-defendant.

Mr. Lexis indicated co-defendant will be pleading today, further, he will be filing a Third Superseding Indictment on Deft. Snipes. Mr. Lexis stated they are ready to proceed with trial. Upon the Court's inquiry Mr. Hill indicated the Third Superseding Indictment will not affect their ability to proceed to trial and these proceedings make the Motion to Sever moot. Colloquy regarding trial settings.

CUSTODY

PRINT DATE: 11/13/2020

Page 1 of 1

Minutes Date: November 05, 2020

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

ANDRE GRANT SNIPES,
Defendant.

CASE #: C-19-344461-2

DEPT. XX

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
THURSDAY, NOVEMBER 05, 2020

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State:

CHAD N. LEXIS
Chief Deputy District Attorney

For the Defendant:

DANIEL J. HILL, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

1 [Las Vegas, Nevada, Thursday, November 05, 2020, at 2:14 p.m.]

2

3 THE COURT: State of Nevada versus Andre Snipes, case
4 number C344461. Counsel, please note your appearances for the
5 record.

6 MR. LEXIS: Chad Lexis for the State.

7 MR. HILL: Dan Hill for Mr. Snipes.

8 MR. BASSETT: Alex Bassett for Co-defendant Gregory
9 Morgan.

10 MR. LEXIS: Your Honor, it looks like some of our work was
11 done. Gregory Morgan is going to be pleading today. And I'm going to
12 be filing a Third Amended Superseding Indictment on Snipes, and we're
13 ready to go on that.

14 THE COURT: Okay. The amended superseding indictment I
15 assume doesn't affect your ability to go next week?

16 MR. HILL: No, Judge. And that moots out our motion to sever
17 so —

18 THE COURT: Life is good.

19 MR. HILL: I wouldn't go that far, Judge, but we're ready for
20 trial.

21 THE COURT: All right. Well you're number three on the trial
22 stack.

23 MR. HILL: Okay.

24 THE COURT: We have now two courtrooms that are Covid-
25 ready. So if my trial goes on Monday; it seems like it's going to, the

1 issue will be whether or not the number two trial on the stack will go or
2 pleads. Frequently, it had been pleading. And if that's the case, then
3 you'll move up to the number two position and have access to the Covid
4 courtroom next week. And if I'm in trial, then we'll get another judge to
5 take over and do the trial.

6 MR. LEXIS: It's my understanding it's a Thursday start date?

7 THE COURT: Yes. You would -- yeah, if number two doesn't
8 go, you're on a Thursday start date. Normally, it would be a
9 Wednesday, but Wednesday is a holiday next week.

10 MR. HILL: So jury selection Thursday; evidence starts
11 Monday, or Friday rather?

12 THE COURT: Friday.

13 MR. HILL: Got you. Great, very well.

14 THE COURT: All right. You know, at this point it looks like I'm
15 going to be going to trial, so -- and you already heard me go through my
16 jury selection. I think I've had jury trials with all of you to begin with, so I
17 don't think there's anything really to go over with there.

18 MR. HILL: No.

19 THE COURT: All right. Anything else then at this point in
20 time?

21 MR. HILL: No, Your Honor, not on Mr. Snipes.

22 THE COURT: All right. We'll keep you posted as far as what
23 we hear as far as any movement on the stack for next week.

24 Anything further, State?

25 MR. LEXIS: Well not on this one, but then we got --

1 THE COURT: I know we need to plead Mr. Morgan.
2 MR. LEXIS: Yes.
3 THE COURT: I'm worried about Mr. Snipes at the moment.
4 MR. LEXIS: No, Judge.
5 MR. HILL: No.
6 MR. LEXIS: If something changes with him, I told defense
7 counsel we can put back on calendar.
8 THE COURT: Okay.
9 THE DEFENDANT: Hey, Dan?
10 MR. HILL: Yeah.
11 THE DEFENDANT: Can I get a copy of the new indictment
12 please.
13 MR. HILL: Yeah. I'm going to come see you in the next day
14 or two.
15 THE DEFENDANT: Okay. Thank you.
16 MR. HILL: Yep.
17 THE COURT: All right.

18 [Hearing concluded at 2:17 p.m.]
19 ATTEST: I do hereby certify that I have truly and correctly transcribed the
20 audio/video proceedings in the above-entitled case to the best of my ability.

21 
22 _____
23 Angie Calvillo
24 Court Recorder/Transcriber
25

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 09 2020

JURL

DISTRICT COURT MICHELE TUCKER, DEPUTY

CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff(s),

-vs-

ANDRE GRANT SNIPES

Defendant(s).

CASE NO. C344461-2

DEPT. NO. XX

C-19-344461-2
JURL
Jury List
4936124



AMENDED JURY LIST

- | | |
|-----------------------|----------------------|
| 1. APRIL DREWS | 7. ARACELI PRUETT |
| 2. ANDREA DOCKER | 8. JULIA ACERA |
| 3. COPPER RIZZO | 9. NICHOLAS WILLIAMS |
| 4. TONY MCKANE | 10. JOSEPHUS TANGPUZ |
| 5. RAYMOND WEBB | 11. MORGAN DUNAWAY |
| 6. SUSANA PEREZ-ROJAS | 12. JONATHON FITCH |

ALTERNATES

- | | |
|----------------|---------------------|
| 1. CASEY ALLEN | 2. JEREMIAS DEJESUS |
|----------------|---------------------|

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 09 2020

BY: *Michele Tucker*
MICHELE TUCKER, DEPUTY

C-19-344461-2
SIND
Superseding Indictment
4935125



DISTRICT COURT
CLARK COUNTY, NEVADA

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHAD N. LEXIS
6 Chief Deputy District Attorney
7 Nevada Bar #010391
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 ANDRE GRANT SNIPES, #7088448
13 Defendant(s).

CASE NO: C-19-344461-2
DEPT NO: XX

THIRD AMENDED
SUPERSEDING
INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant(s) above named, ANDRE GRANT SNIPES, accused by the Clark
18 County Grand Jury of the crime(s) of BURGLARY (Category B Felony - NRS 205.060 -
19 NOC 50424); GRAND LARCENY (Category C Felony - NRS 205.220.1, 205.222.2 - NOC
20 56004); CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380,
21 199.480 - NOC 50147); ROBBERY WITH USE OF A DEADLY WEAPON (Category B
22 Felony - NRS 200.380, 193.165 - NOC 50138); BURGLARY WHILE IN POSSESSION OF
23 A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and
24 PARTICIPATION IN ORGANIZED RETAIL THEFT (Category B Felony - NRS
25 205.08345 - NOC 55986), committed at and within the County of Clark, State of Nevada, on
26 or between September 20, 2019 and October 7, 2019, as follows:

27 //

28 //

1 COUNT 1 - GRAND LARCENY

2 Defendant ANDRE SNIPES did on or about September 20, 2019, then and there
3 willfully, unlawfully, and feloniously with intent to deprive the owner permanently thereof,
4 steal, take and carry away, lead away or drive away property owned by FOOTLOCKER at
5 3200 S. Las Vegas Blvd., having a value of \$650.00 or more, to wit: merchandise, the
6 Defendant(s) being criminally liable under one or more of the following principles of
7 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or
8 abetting in the commission of this crime, with the intent that this crime be committed, by
9 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other
10 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the
11 intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding
12 or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in
13 concert throughout.

14 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

15 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,
16 unlawfully, and feloniously conspire with GREGORY DELLO MORGAN to commit a
17 robbery, by the defendants/conspirators committing the acts as set forth in Count 3, said acts
18 being incorporated by this reference as though fully set forth herein.

19 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

20 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,
21 unlawfully, and feloniously take personal property, to wit: merchandise, from the person of
22 BRYAN LAWS, or in his presence, without the consent and against the will of BRYAN
23 LAWS, by means of force or violence or fear of injury, immediate or future, to his person,
24 the person of a member of his family, or of anyone in his company at the time of the robbery,
25 defendant using force or fear to obtain or retain possession of the property, to prevent or
26 overcome resistance to the taking of the property, and/or to facilitate escape, with use of a
27 deadly weapon, to wit: a firearm, the Defendant(s) being criminally liable under one or more
28 of the following principles of criminal liability, to wit: (1) by directly committing this crime;

1 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
2 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
3 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
4 commit this crime, with the intent that this crime be committed, Defendant and GREGORY
5 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY
6 DELLO MORGAN acting in concert throughout.

7 COUNT 4 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

8 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,
9 unlawfully, and feloniously enter a retail establishment, owned or occupied by
10 FOOTLOCKER at 3200 S. Las Vegas Blvd., located at 3200 South Las Vegas Boulevard,
11 Las Vegas, Clark County, Nevada, with intent to commit larceny, while in possession of
12 and/or gaining possession of a firearm, a deadly weapon, during the commission of the crime
13 and/or before leaving the structure, the Defendant(s) being criminally liable under one or
14 more of the following principles of criminal liability, to wit: (1) by directly committing this
15 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that
16 this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
17 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
18 commit this crime, with the intent that this crime be committed, Defendant and GREGORY
19 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY
20 DELLO MORGAN acting in concert throughout.

21 COUNT 5 - BURGLARY

22 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,
23 unlawfully, and feloniously enter a retail establishment and/or business, owned or occupied
24 by FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent
25 to commit a larceny and/or obtain money or property by false pretenses, the Defendant(s)
26 being criminally liable under one or more of the following principles of criminal liability, to
27 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
28 of this crime, with the intent that this crime be committed, by counseling, encouraging,

1 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;
2 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be
3 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or
4 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

5 COUNT 6 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

6 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,
7 unlawfully, and feloniously enter a retail establishment, owned or occupied by CHAMP'S
8 SPORTS, located at 3200 South Las Vegas Blvd., Las Vegas, Clark County, Nevada, with
9 intent to commit larceny, while in possession of and/or gaining possession of a firearm, a
10 deadly weapon, during the commission of the crime and/or before leaving the structure, the
11 Defendant(s) being criminally liable under one or more of the following principles of
12 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or
13 abetting in the commission of this crime, with the intent that this crime be committed, by
14 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other
15 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the
16 intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding
17 or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in
18 concert throughout.

19 COUNT 7 - GRAND LARCENY

20 Defendant ANDRE SNIPES did on or about September 24, 2019, then and there
21 willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner
22 permanently thereof, steal, take and carry away, lead away or drive away property owned by
23 CHAMP'S SPORTS, having a value of \$650.00 or more, to wit: merchandise, the
24 Defendant(s) being criminally liable under one or more of the following principles of
25 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or
26 abetting in the commission of this crime, with the intent that this crime be committed, by
27 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other
28 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the

1 intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding
2 or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in
3 concert throughout.

4 COUNT 8 - CONSPIRACY TO COMMIT ROBBERY

5 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,
6 unlawfully, and feloniously conspire with GREGORY DELLO MORGAN to commit a
7 robbery, by the defendants/conspirators committing the acts as set forth in Count 9, said acts
8 being incorporated by this reference as though fully set forth herein.

9 COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON

10 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,
11 unlawfully, and feloniously take personal property, to wit: merchandise, from the person of
12 ABREGO ALDEN, or in his presence, without the consent and against the will of ABREGO
13 ALDEN, by means of force or violence or fear of injury, immediate or future, to his person,
14 the person of a member of his family, or of anyone in his company at the time of the robbery,
15 defendant using force or fear to obtain or retain possession of the property, to prevent or
16 overcome resistance to the taking of the property, and/or to facilitate escape, with use of a
17 deadly weapon, to wit: a firearm, the Defendant(s) being criminally liable under one or more
18 of the following principles of criminal liability, to wit: (1) by directly committing this crime;
19 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
20 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
21 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
22 commit this crime, with the intent that this crime be committed, Defendant and GREGORY
23 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY
24 DELLO MORGAN acting in concert throughout.

25 COUNT 10 - BURGLARY

26 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,
27 unlawfully, and feloniously enter a retail establishment and/or business, owned or occupied
28 by FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent

1 to commit a larceny and/or obtain money or property by false pretenses, the Defendant(s)
2 being criminally liable under one or more of the following principles of criminal liability, to
3 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
4 of this crime, with the intent that this crime be committed, by counseling, encouraging,
5 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;
6 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be
7 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or
8 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

9 COUNT 11 - GRAND LARCENY

10 Defendant ANDRE SNIPES did on or about September 29, 2019, then and there
11 willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner
12 permanently thereof, steal, take and carry away, lead away or drive away property owned by
13 FOOTLOCKER, located at 2120 Festival Plaza Drive, having a value of \$650.00 or more, to
14 wit: basketball jerseys and/or other merchandise, the Defendant(s) being criminally liable
15 under one or more of the following principles of criminal liability, to wit: (1) by directly
16 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
17 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
18 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
19 conspiracy to commit this crime, with the intent that this crime be committed, Defendant and
20 GREGORY DELLO MORGAN aiding or abetting and/or conspiring by Defendant and
21 GREGORY DELLO MORGAN acting in concert throughout.

22 COUNT 12 - BURGLARY

23 Defendant ANDRE SNIPES did on or about September 29, 2019, willfully,
24 unlawfully, and feloniously enter a retail establishment, owned or occupied by
25 FOOTLOCKER, located at 2120 Festival Plaza Drive, Las Vegas, Clark County, Nevada,
26 with intent to commit larceny, the Defendant(s) being criminally liable under one or more of
27 the following principles of criminal liability, to wit: (1) by directly committing this crime;
28 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this

1 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
2 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
3 commit this crime, with the intent that this crime be committed, Defendant and GREGORY
4 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY
5 DELLO MORGAN acting in concert throughout.

6 COUNT 13 - BURGLARY

7 Defendant ANDRE SNIPES did on or about October 2, 2019, willfully, unlawfully,
8 and feloniously enter a building, owned or occupied by NIKE, located at 9851 S. Eastern
9 Avenue, Las Vegas, Clark County, Nevada, with intent to commit larceny, the Defendant(s)
10 being criminally liable under one or more of the following principles of criminal liability, to
11 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
12 of this crime, with the intent that this crime be committed, by counseling, encouraging,
13 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;
14 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be
15 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or
16 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

17 COUNT 14 - GRAND LARCENY

18 Defendant ANDRE SNIPES did on or about October 2, 2019, then and there willfully,
19 unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take
20 and carry away, lead away or drive away property owned by NIKE, located at 9851 S.
21 Eastern Avenue, having a value of \$650.00 or more, to wit: merchandise, the Defendant(s)
22 being criminally liable under one or more of the following principles of criminal liability, to
23 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
24 of this crime, with the intent that this crime be committed, by counseling, encouraging,
25 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;
26 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be
27 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or
28 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

1 COUNT 15 - BURGLARY

2 Defendant ANDRE SNIPES did on or about October 6, 2019, willfully, unlawfully,
3 and feloniously enter a retail establishment and/or business, owned or occupied by
4 FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent to
5 commit a larceny and/or obtain money or property by false pretenses, the Defendant(s) being
6 criminally liable under one or more of the following principles of criminal liability, to wit:
7 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of
8 this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
9 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
10 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
11 Defendant and GREGORY DELLO MORGAN aiding or abetting and/or conspiring by
12 Defendant and GREGORY DELLO MORGAN acting in concert throughout.

13 COUNT 16 - PARTICIPATION IN ORGANIZED RETAIL THEFT

14 Defendant ANDRE SNIPES did on or between September 20, 2019 and October 7,
15 2019 willfully, unlawfully, and feloniously participate in organized retail theft, the
16 aggregated value of the property in all the thefts committed in the organized retail theft in
17 this State during a period of 90 days, being at least \$3,500.00, but less than \$10,000.00, by
18 entering and making exchanges for gift cards and/or taking merchandise from NIKE and/or
19 FOOTLOCKER and/or CHAMPS'S SPORTS, the Defendant(s) being criminally liable
20 under one or more of the following principles of criminal liability, to wit: (1) by directly
21 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
22 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
23 inducing and/or otherwise

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5 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
6 crime, with the intent that this crime be committed, Defendant and GREGORY DELLO
7 MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY DELLO
8 MORGAN acting in concert throughout.


9

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

10

11

BY


CHAD N. LEXIS
Chief Deputy District Attorney
Nevada Bar #010391

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2020

C-19-344461-2 State of Nevada
 vs
 Andre Snipes

November 09, 2020 09:00 AM Jury Trial

HEARD BY: Johnson, Eric COURTROOM: RJC Courtroom 12A

COURT CLERK: Tucker, Michele

RECORDER: Garcia, Trisha

REPORTER:

PARTIES PRESENT:

Andre Grant Snipes

Defendant

Chad N. Lexis

Attorney for Plaintiff

Daniel Hill

Attorney for Defendant

Michael J. Scarborough

Attorney for Plaintiff

State of Nevada

Plaintiff

JOURNAL ENTRIES

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Defendant present in custody.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Voir Dire Oath given. Jury selection commenced. Jury and two (2) Alternates SELECTED and SWORN.

INSIDE THE PRESENCE OF THE JURY: Introductory remarks by the Court. The Clerk read the Third Amended Superseding Indictment to the Jury and stated the defendant's pleas thereto.

Court ADMONISHED the Jury and ORDERED them to return the next day at the time given.

Matter in RECESS.

CUSTODY

CONTINUED TO: 11/10/20 8:30 AM



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-19-344461-2
)	
Plaintiff,)	DEPT. NO. XX
)	
v.)	
)	
ANDRE GRANT SNIPES,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

MONDAY, NOVEMBER 9, 2020

**RECORDER'S TRANSCRIPT OF:
JURY TRIAL - DAY 1**

APPEARANCES:

FOR THE STATE:

MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney

CHAD N. LEXIS, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT:

DANIEL J. HILL, ESQ.

RECORDED BY: TRISHA GARCIA, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, MONDAY, NOVEMBER 9, 2020

2 * * * * *

3 (Jury Commissioner/Court address prospective jurors,
4 at 9:30 a.m. to 9:40 a.m.)

5 * * * * *

6 (Case called at 11:33 A.M.)

7 (In the presence of the prospective jurors.)

8 (Pause in the proceedings - technical difficulties.)

9 THE COURT: All right. Well, am I causing some sort
10 of problem with -- can everybody hear me?

11 ALL PROSPECTIVE JURORS: Yes.

12 THE COURT: Okay. Anybody who can't hear me?

13 I'm supposed to stand behind here and I don't think
14 I have the best view of everywhere in the courtroom.

15 So if you need something or can't hear something,
16 don't just raise your hand a little bit. Signal an SOS and
17 hopefully one of us will see it and make sure you hear
18 everything or -- and -- and get everything you need to.

19 Thank you very much for getting back in timely
20 fashion. I really do appreciate it. As I said, our goal is
21 to try to get through this today as quickly as possible, get
22 you --

23 (COURT/MARSHAL CONFER.)

24 THE COURT: Okay. Well, hold on a second.

25 Apparently, the recording device is not working so

1 we need to have a clear record of everything so we're going to
2 stop for just a second.

3 (Pause in the proceedings - technical difficulties.)

4 THE COURT: All right. Ladies and gentlemen, hang
5 -- hang tight. Apparently, we've gone to a -- am I not coming
6 through at all now?

7 (Pause in the proceedings - technical difficulties.)

8 THE COURT: All right. Well, okay, back -- back to
9 something.

10 Apparently, the problem is going to require somebody
11 from IT to come down. We've ordered somebody up to come down.

12 We aren't -- this isn't how the -- as you can guess,
13 the -- this room is not generally where we conduct jury
14 selection process and so it's been reconfigured because of its
15 size to -- to do this. And so we put in special recording
16 equipment and apparently we've got a fluke with that today.

17 So, I apologize, but just hang tight and we'll get
18 started as soon as we can start recording again. Thank you.

19 (Pause in the proceedings - technical difficulties.)

20 THE COURT: All right. Fingers crossed, we'll try
21 this one more time.

22 All right. Thank you for all getting back in a
23 timely fashion. I apologize for the delay since you've gotten
24 back here.

25 As I was saying, this room was not intended to do

1 the jury selection process, but it's about the only large room
2 big enough to socially distance and get the number of people
3 we need in it. And so we've reconfigured it, to try to make
4 things work.

5 And I do ask all of you today to -- to try to work
6 with us to make things work. It is a process and we'll get
7 through it, and again, thank you.

8 All right. I want to, at this point, do a roll call
9 and make sure that we've got everybody seated where they're
10 supposed to be seated. I'm going to focus initially on the
11 first 24 people who are on the list. I need everyone, though,
12 to pay attention throughout the whole process.

13 But as a general practice, we'll focus on the first
14 24 people in terms of answering questions and -- but what I
15 need you all to do is to listen to those questions, because if
16 any of the first 24 end up being excused for whatever reason,
17 we're going to be taking the rest of the people out in order
18 and putting them into those seats. And we'll need you to
19 listen to the questions so we don't have to go back over
20 everything. All right.

21 (COURT CALLS ROLL OF THE PROSPECTIVE JURORS.)

22 THE COURT: All right. Everybody is sitting where
23 they're supposed to be, so something went right for -- for
24 once here today. So, thank you.

25 All right. At this point in time I am going to ask

1 everyone to stand if you're able, the 24 I called and everyone
2 else who's here in the room, stand if you are able and be
3 sworn in by the Clerk to answer questions.

4 (CLERK SWEARS IN PROSPECTIVE JURORS.)

5 THE COURT: All right. Thank you.

6 Now -- go ahead and be seated -- now the first
7 question I do want to ask, and this is for everybody here in
8 the room, concerns language and hearing. Is there anyone who
9 doesn't understand what I'm saying, because English is not
10 your native language? Or is there anyone who has any hearing
11 issues and needs special assistance as far as hearing?

12 Okay. Let's go and -- well, the way we'll work this
13 is my extern, Brian, will bring a mike to you. We'll
14 disinfect after every use.

15 Let's go to Juror No. 10, Mr. Webb.

16 PROSPECTIVE JUROR NO. 059: I have a 50 percent
17 hearing deficiency in both ears that's corrected by hearing
18 aids. So just make sure it's spoken clearly then I should be
19 okay.

20 THE COURT: Do we have any hearing equipment down
21 here?

22 THE MARSHAL: We don't have anything, Judge, right
23 now.

24 THE COURT: All right. How are -- how are -- how is
25 it sounding to you right now?

1 PROSPECTIVE JUROR NO. 059: For the most part it's
2 fine.

3 THE COURT: Okay. All right.
4 Just like I said, SOS if you need us to repeat
5 anything.

6 I thought I saw one other hand up behind you. Any
7 -- another hand?

8 Oh, let's go to -- let's go -- it's No. 11, Ms. --

9 PROSPECTIVE JUROR NO. 063: I have to say I don't
10 understand very well, yes.

11 THE COURT: All right. That's Juror No. -- that's
12 Dyankova.

13 PROSPECTIVE JUROR NO. 063: So -- yes, sir.

14 THE COURT: All right. Is it you don't understand
15 because English is not your native language?

16 PROSPECTIVE JUROR NO. 063: Yes, sir.

17 THE COURT: Okay. What is your native language?

18 PROSPECTIVE JUROR NO. 063: Bulgarian, I can
19 understand Russian.

20 THE COURT: Okay. All right. I'm not sure what our
21 availability is for a translator, but if we did have a
22 translator, would you be able to serve?

23 PROSPECTIVE JUROR NO. 063: Yes.

24 THE COURT: Okay. How much do you understand of --
25 of what I'm saying now, 50 percent, 80 percent?

1 PROSPECTIVE JUROR NO. 063: 50.

2 THE COURT: 50 percent?

3 PROSPECTIVE JUROR NO. 063: Yes.

4 THE COURT: Okay. All right.

5 All right. Thank you very much.

6 Was there anybody else with a language or hearing a
7 problem?

8 THE MARSHAL: Seat No. 51, Judge.

9 THE COURT: Seat No. 51.

10 PROSPECTIVE JUROR NO. 284: Felix.

11 THE COURT: Felix Luna-Oliveros?

12 PROSPECTIVE JUROR NO. 284: Oliveros. Yeah.

13 THE COURT: What is your -- is it language or
14 hearing?

15 PROSPECTIVE JUROR NO. 284: I just cannot speak
16 English.

17 THE COURT: All right. What language is your native
18 language?

19 PROSPECTIVE JUROR NO. 284: (Indecipherable).

20 THE COURT: What -- what language?

21 PROSPECTIVE JUROR NO. 284: Espanol.

22 THE COURT: Spanish?

23 PROSPECTIVE JUROR NO. 284: Yeah.

24 THE COURT: Okay. Again, I'm not sure what our
25 translator options are. If -- do you think you could use a

1 translator if I can get one?

2 PROSPECTIVE JUROR NO. 284: I'm sorry, no.

3 THE COURT: All right. Thank you very much.

4 Is there anyone else that I missed?

5 All right. I'm not seeing any other hands at this
6 point in time.

7 All right.

8 THE MARSHAL: What's your Seat Number, ma'am?

9 PROSPECTIVE JUROR NO. 251: Oh, 46.

10 THE MARSHAL: 46.

11 THE COURT: All right. Kenny Jovel? What is your
12 problem, ma'am, is it language or hearing?

13 PROSPECTIVE JUROR NO. 251: Language. About 50
14 percent.

15 THE COURT: What language do you speak?

16 PROSPECTIVE JUROR NO. 251: Spanish.

17 THE COURT: Spanish? Okay. Have you ever worked
18 with a translator before?

19 PROSPECTIVE JUROR NO. 251: No.

20 THE COURT: Okay. All right. But you understand
21 about 50 percent?

22 PROSPECTIVE JUROR NO. 251: I -- I understand more
23 than what I can talk.

24 THE COURT: Okay. All right.

25 PROSPECTIVE JUROR NO. 251: Yeah.

1 THE COURT: Thank you very much.

2 PROSPECTIVE JUROR NO. 251: Okay.

3 THE COURT: All right. Anyone else we missed?

4 I'm not seeing anymore hands.

5 All right. At this point in time, there are a
6 couple -- a couple of things I'm going to order you not to do
7 while we're going through the jury selection process today,
8 and then if you're selected, while you're serving as a juror.

9 The first thing I'm going to order you not to do,
10 and I emphasize that this is an order. I am ordering you to
11 do this. I'm also going to ask you not to do it and hopefully
12 you'll understand why I'm asking you not to do it, and that is
13 social media.

14 While you're -- during -- involved in this process
15 concerning selection of a jury and if you are selected for the
16 jury, I'm ordering you not to go on any social media, whether
17 it be Twitter, FaceBook, Instagram, WhatsApp, whatever it
18 maybe, and in any way discuss or refer to this case, or your
19 participation in it.

20 I'm not telling you, you can go on Facebook. I know
21 that would probably cause some people to -- to have
22 withdrawals. I'm not telling you not to go on Instagram. You
23 can go on and talk about your family, dinner, games, or
24 whatever you want to. But not anything concerning the trial,
25 or your participation in it.

1 And hope -- and I'm asking you not to do that, and
2 hopefully you understand why. If you go on social media,
3 Facebook, for instance, and put in, hey, I'm being considered
4 for jury service today down at the Regional Justice Center,
5 people can comment on that. And some of their comments could
6 be things that you shouldn't hear, or shouldn't consider, or
7 shouldn't be given to you, while you're in the process of
8 being selected as a juror, or being a juror.

9 And so to avoid that whole problem, we ask that you
10 don't go on social media and talk about this case.

11 The other thing I'm going to order, again, I'm
12 emphasizing this is an order. I'm going to order that you not
13 go on your smartphones, go on your computers, your laptops, or
14 anything that can access the Internet, and do any research
15 about this case, or about any of the people who are
16 participating in it.

17 Don't go on and look me up, don't go on and look the
18 attorneys up, don't go on and look up anything about the facts
19 of the case, maps, or anything like that. I'm ordering you
20 not to do that.

21 You can go on and, you know, look it up for anything
22 else, but as to this case, don't go on the computer. I'm
23 asking you not to do that. And again, hopefully, you
24 understand why I'm asking you not to do that.

25 If you were to go on the Internet and plug in and

1 seek information about this case, you would be getting
2 information that the other jurors wouldn't have. More
3 importantly, you might be getting information that isn't,
4 under the Rules of Evidence, information that you should have.
5 And so that would be unfair to both parties in this case. And
6 so to avoid that, I'm asking you and ordering you not to go on
7 the Internet and look -- do any research about the case.

8 The other thing I'm going to order you not to do and
9 ask you not to do is while you're being considered as a juror
10 here today, and more importantly, if you are selected to be a
11 juror, is to avoid large crowds or groupings where social
12 distancing is not possible.

13 We need to get these trials going and it's important
14 that we are able to finish them and it's important that we
15 keep you and all of your fellow jurors safe. And so while
16 we're in the course of this trial, please, I'm ordering you
17 and asking you sincerely, please avoid any large groupings or
18 any settings in which social distancing would be difficult to
19 accomplish.

20 Now, let me make some introductions here.

21 Seated to my right is Michele. She's our Court
22 Clerk. And I apologize. We -- my -- I don't have a Court
23 Clerk at the present time, so she's filling in. So we haven't
24 worked a lot together. But essentially, her job is to keep
25 track of everything that's going on here in the courtroom.

1 She keeps track of the witnesses, she keeps track of
2 the exhibits and makes sure that everything is running the way
3 it should.

4 Then over here, you'll see today is our Court
5 Recorder, Trisha. And she is exactly what her title
6 describes. She is a Recorder. She records everything that
7 goes on here in the selection process and during the trial.

8 Tomorrow, it should be Angie, my regular Court
9 Recorder. Trisha's filling in for us today.

10 But it's very important we have a record of who's
11 speaking and what they're saying. And because of that, there
12 may be times during the -- the selection process today where
13 I'll stop you and say, so-and-so is speaking, or Juror No. 5
14 is speaking, or whatever it may be.

15 There'll be times I might say, don't talk over every
16 -- each other. Because what generally does happen during
17 these events is someone will start to ask you a question,
18 you'll anticipate what the question is, and start to answer
19 before the question is finished.

20 And vice versa, and I do this a lot too, you'll
21 start to -- you'll answer -- start to answer my question.
22 I'll anticipate what your answer is, and I'll start to ask the
23 next one. And we have people talking over each other. We
24 want to avoid that, if at all possible. It makes it hard to
25 have a good record if people are talking over each other.

1 So at times, we may interrupt you, I might, Trisha
2 might, or tomorrow, Angie might. It's not that we're trying
3 to be rude, we're just trying to make sure we have a good
4 record.

5 You've all met, to some degree, Marshal Trimidal.
6 He's responsible for the security of the courtroom and the
7 jury selection room when we are in session. He's also the
8 person that will be working with you most directly during the
9 course of the trial, today, and if you are selected as jurors.

10 So if anything comes up that -- other than concerns
11 the facts of this case, you have a question about parking, you
12 have a question about vending machines, or bathrooms, or you
13 see something that bothers you for some reason or another, go
14 to Marshal Trimidal. He will help you answer the question, or
15 if it's something that needs to be brought to my attention and
16 the attorneys' attention, he'll bring it to my attention and
17 we'll work with you from there.

18 During the course of the selection process today and
19 during the course of the trial, as a general rule, I, my staff
20 and the attorneys and the parties will not speak to you, even
21 if we happen to run into you in the elevator or on the
22 escalator. We won't say anything to you.

23 And it's not, again, that we're trying to be rude,
24 but it's important that you do not receive any information or
25 any sort of comment or anything that may be considered

1 improper under the Rules of Evidence and the Rules of
2 Procedure.

3 And so to avoid any issue with that, as a general
4 rule, the staff, the attorneys and parties will not speak to
5 you during the course of this trial.

6 You also will see at different times my extern,
7 Brian. He is a student at UNLV School, Boyd School of Law,
8 and he's sitting in for the semester to observe. And it's
9 been a tremendous help.

10 You also may see over here, Danielle, my Law Clerk.
11 She helps me with legal research and different things that
12 come up during Court, and so she may be in and out.

13 You also may see my Judicial Executive Assistant,
14 Kelly, come in at different times.

15 All right. What I'm going to ask now is for the
16 attorneys representing the State of Nevada to introduce
17 themselves and to give you a very short synopsis of what their
18 case is about, and also to read off to you a list of
19 witnesses.

20 Now, as you listen to this list of witnesses, do not
21 become traumatized. Usually, they're much longer than what
22 actually appears at trial. The goal is to list out anyone who
23 potentially could testify during the trial. So usually it's
24 very, very much shorter than what the list actually is. So
25 don't worry about that.

1 For your planning purposes, this trial we anticipate
2 even with the one day off on Wednesday for Veterans Day, we
3 anticipate the trial finishing up on Thursday or Friday at the
4 latest. This trial will only last the one week. And we hope
5 to finish it on Thursday. But worst case scenario, the
6 parties have talked, we don't see it going any further past
7 Friday.

8 So the trial even with the Veteran's Day holiday,
9 will be done this week.

10 All right. I'd ask the State to introduce
11 themselves.

12 MR. SCARBOROUGH: Hello, everyone. I am Deputy
13 District Attorney Jory Scarborough. With me is colleague,
14 Chief Deputy District Attorney, Chad Lexis. We represent the
15 State of Nevada in this criminal case, the State of Nevada
16 versus Andre Snipes.

17 It is alleged that on or between September 20th,
18 2019 and October 7th, 2019, that the defendant committed the
19 crimes of burglary, grand larceny, conspiracy to commit
20 robbery, robbery with use of a deadly weapon, burglary while
21 in possession of a deadly weapon, and participation in
22 organized retail theft.

23 As the Judge explained, during our case we will call
24 a number of witnesses. I'm about to read the list of all the
25 witnesses that we had noticed in this case.

1 The first witness that we've noticed is Detective
2 Beveridge, Detective Laster.

3 THE COURT: Hold on just one second. I should have
4 mentioned this. I do need you all to listen to the list of
5 witnesses, because there will be a point here soon where I'm
6 going to ask if you know any of the witnesses. And so as you
7 listen to these names, you know, there is frequently more -- a
8 lot of people who have the same name.

9 If you hear a name of someone you potentially know,
10 just put that in the back of your head. And then when I ask
11 if you know any witnesses, mention that you do know a
12 so-and-so. And we'll figure out there, if it's this person,
13 the John Doe that you know.

14 So listen to these names and make sure you -- if you
15 think you might know somebody, put that in the back of your
16 head.

17 Sorry, counsel.

18 MR. SCARBOROUGH: No worries, Judge. Do you want me
19 to start from the beginning just one more time? It's --

20 THE COURT: Yeah, you're only a couple through it.

21 MR. SCARBOROUGH: Okay. So just restarting over.

22 Detective Beveridge. Detective Laster. Detective
23 Summers. Alden Abrego. Samantha Alvarez. Michelle Ayla.
24 Abraham Cabrera. Elvin Castillo. J. Clark. Keaton Courtley.

25 The follow are going to be what we refer to as a

1 Custodian of Records for various places. So Custodian of
2 Records for Champs Sports. Custodian of Records for Fashion
3 Show Mall. Custodian of Records for Nike. Custodian of
4 Records for Whittlesea Blue Cab. Custodian of Records for
5 Wynn Hotel. Alicia Davis. Aaron Denson. Edward Dougherty.
6 E. Fischer. Armando Flores. C. Garcia. J. Jacobitz. John
7 Johnson. Jordan Kofford. Bryan Laws, Jr. Ruby -- last name
8 unknown, but she works at Foot Locker at Summerlin.

9 Yohannes Maru. Officer Alexander Martin. Shay
10 Mikalonis. Philip Mills, Daniella Montalvo. Carmina
11 Panlillo. Erik Perkett. Kyle Quimiro. And Taylor Webb.

12 THE COURT: Thank you. All right.

13 I'd ask now for the defense side to introduce
14 themselves and to provide any additional witnesses that they
15 want to list out.

16 MR. HILL: Good morning, everyone. My name is Dan
17 Hill. I'm a private defense attorney here in Las Vegas. And
18 during this trial, I represent Mr. Andre Snipes, seated to my
19 right. Good to meet you all.

20 THE COURT: All right.

21 Now, we're going to start asking you questions.

22 For the most part, starting out, I'll be the one
23 asking you questions and I'm going to ask you generally as a
24 group. If you can -- need to answer one of the questions,
25 raise your hand. We'll bring a microphone to you and let you

1 answer the question.

2 In answering these questions, there's no right
3 answer, there's no wrong answer. All we want is an honest
4 answer. I've had jurors at times, you know, express concern
5 about answering a question in a certain way because they're
6 afraid, oh, that might show I have some biased or prejudice.

7 And that's totally all right. If you answer a
8 question and it indicates some potential biased or prejudice.
9 The fact of the matter is we all have some biases and some
10 prejudices. Every one of us, even me.

11 What we have found though is that if we recognize
12 our biased and prejudices, and think about it, we can usually
13 put them aside and be fair. So having a bias or prejudiced
14 doesn't mean that you wouldn't be a good juror, or you can't
15 be a juror, it means you're a human being.

16 And so if we look -- figure that out and we can talk
17 about it, my guess is, for the most part, with all of you, any
18 bias or prejudice you possibly have of something that if you
19 recognize it, you can put aside and be fair to both sides in
20 this case. So all we're looking for is an honest answer.

21 Now, as I said, we're going to focus on the first 24
22 people, in Seats 1 through 24. But I need Seats 25 through 55
23 to listen to every question. And if you would answer one of
24 those questions, put that in the back of your brain, and if
25 you would -- because if -- what will happen inevitably in

1 these cases is somebody's going to get excused out of the
2 first 24 seats.

3 And so when that person is excused, we'll be coming
4 to the next person in line to fill that seat. And when you
5 sit down in that seat, I'm going to say, good afternoon, and
6 ask if you heard the questions that have been asked so far.

7 And if you say, yes, I'll say, would you have
8 answered any of those questions, and you can say, yeah, I
9 would have answered this question, or I would have answered
10 that question, and we'll move on.

11 Now, if you -- I sit you down in that seat and I
12 say, now, have you heard all the questions asked today, and
13 you go, no, then we've got to repeat all the questions to make
14 sure we got your answers. And while we're doing that,
15 everybody's going to look at you really mean like, because
16 you're really slowing up the process when you do that.

17 So it's really, really critical for this to move
18 along in good fashion, that you all listen to the questions,
19 and if you would answer any of them, put that in the back of
20 your mind in case you get brought up.

21 And don't think that because you may be sitting
22 towards the end of the list, that you are not going to need to
23 listen. I've had several trials where we've gone through
24 literally everybody in the room before we were able to get a
25 jury. So it's important that everybody listen to the

1 questions.

2 All right. The first few questions are pretty
3 straightforward. And again, focusing on Seats 1 through 24.

4 Is there any one of you who is not a United States
5 citizen? Let the record reflect no hands.

6 Is there any one of you who has been convicted of a
7 felony? Let the record reflect no hands.

8 Is there any one of you who is acquainted with the
9 defendant, Mr. Snipes? Either you know him, or heard of him,
10 seen him, any sort of acquaintance or knowledge about the
11 defendant in this case.

12 Let the record reflect no hands.

13 Is there anyone who is familiar or has any knowledge
14 of Mr. Hill, the defense attorney?

15 Let the record reflect no hands.

16 Now, this case is being tried on behalf of the State
17 by the Clark County District Attorney's Office.

18 Is there anyone who knows anyone in the District
19 Attorney's Office, either an attorney or a staff member?

20 Okay. Let's go to No. 15. That is Ms. Pruett.

21 PROSPECTIVE JUROR NO. 099: Okay. Yes, I'm -- I
22 work for Clark County, and I've worked with the District
23 Attorney, Catherine Jorgenson, and actually a few other
24 members of the District Attorney's Office, Civil Division.

25 THE COURT: Okay. Primarily with Ms. Jorgenson?

1 PROSPECTIVE JUROR NO. 099: Yes.

2 THE COURT: What do you do for the County?

3 PROSPECTIVE JUROR NO. 099: I'm a Planner.

4 THE COURT: All right. So what -- what kind of
5 generally relationship or what kind of things do you do with
6 the District Attorney's Office?

7 PROSPECTIVE JUROR NO. 099: We consult with her on
8 -- on regulations that we enforce and -- and infractions that
9 we enforce.

10 THE COURT: All right. So most of your work is, I
11 guess you'd say civil, not criminal?

12 PROSPECTIVE JUROR NO. 099: Yes.

13 THE COURT: All right. Is there anything about that
14 relationship that would affect your ability to be a fair juror
15 here today?

16 PROSPECTIVE JUROR NO. 099: No.

17 THE COURT: All right. Do you think you would be
18 able to follow my instructions and unfairly and unbiasedly
19 apply those instructions to the evidence admitted?

20 PROSPECTIVE JUROR NO. 099: Yes.

21 THE COURT: All right. Thank you very much.

22 Anybody else, know someone either attorney or staff
23 with the District Attorney's Office?

24 Let the record reflect no other hands.

25 All right. Now, this -- let me make -- this case

1 was investigated by Las Vegas Metro, isn't it?

2 MR. SCARBOROUGH: Yes.

3 THE COURT: Okay. Let me ask, is there anyone who
4 knows somebody who works for Las Vegas Metropolitan Police
5 Department, either an Officer or a staff member or a
6 volunteer?

7 All right. Let's try to do this in numerical order.
8 We'll go to, I think, Number 2, Ms. Keep. Go ahead.

9 PROSPECTIVE JUROR NO. 026: Officer Brovak
10 (phonetic) and Detective Leavitt (phonetic).

11 THE COURT: How do you know them?

12 PROSPECTIVE JUROR NO. 026: They're friends of the
13 family.

14 THE COURT: All right. And how long have you know
15 them?

16 PROSPECTIVE JUROR NO. 026: Almost 22 years.

17 THE COURT: Okay. Do you socialize with them much
18 or anything?

19 PROSPECTIVE JUROR NO. 026: Not often, no.

20 THE COURT: Okay. Is there anything about your
21 relationship with them that would affect your ability to be a
22 fair juror here today?

23 PROSPECTIVE JUROR NO. 026: No.

24 THE COURT: All right. Do you feel you'd be able to
25 follow my instructions and fairly and unbiasedly apply those

1 instructions to the evidence admitted?

2 PROSPECTIVE JUROR NO. 026: Yes.

3 THE COURT: All right. Who was the next hand up?

4 All right. Let's come up actually to -- I'm having
5 trouble. Let's see, you're 5, No. 5, Mr. Rizzo.

6 PROSPECTIVE JUROR NO. 040: Yeah. So I know
7 socially Officer Bonner (phonetic) and Officer DeLulow
8 (phonetic).

9 THE COURT: Okay. How do you know -- I mean, you
10 say socially. Do you go out to drink, or dinner, or?

11 PROSPECTIVE JUROR NO. 040: Yeah. Friends with
12 Officer Bonner and work with the spouse of Officer DeLulow.

13 THE COURT: Okay. What do you do?

14 PROSPECTIVE JUROR NO. 040: I manage a network of
15 funeral homes and cemeteries.

16 THE COURT: Okay. What does his spouse do with you?

17 PROSPECTIVE JUROR NO. 040: She is our market
18 director and I manage the sales.

19 THE COURT: Oh, okay. All right.

20 And how long have you known them?

21 PROSPECTIVE JUROR NO. 040: Both about four years.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 040: A little less than four
24 years.

25 THE COURT: All right. Officer Bonner, how did you

1 meet him?

2 PROSPECTIVE JUROR NO. 040: Bonner, through a --
3 through a golf course.

4 THE COURT: Okay. All right. Anything about your
5 relationship with them that would affect your ability to be a
6 fair juror here in this case?

7 PROSPECTIVE JUROR NO. 040: No.

8 THE COURT: Do you feel you'd be able to follow my
9 instructions and fairly and unbiasedly apply those
10 instructions to the evidence admitted?

11 PROSPECTIVE JUROR NO. 040: Yes.

12 THE COURT: Okay. Thank you.

13 All right. Let's go back. Who was next in line?

14 All right. Let's go down to No. 8. That should be
15 Ms. Nicholson.

16 PROSPECTIVE JUROR NO. 048: Yes.

17 THE COURT: Go ahead.

18 PROSPECTIVE JUROR NO. 048: Evan Fincher (phonetic).

19 THE COURT: And is that an officer or a staff
20 member?

21 PROSPECTIVE JUROR NO. 048: He's an officer.

22 THE COURT: All right. How do you know the officer?

23 PROSPECTIVE JUROR NO. 048: He's my nephew.

24 THE COURT: Okay. That's -- you've probably known
25 him a long time then.

1 PROSPECTIVE JUROR NO. 048: Yes.

2 THE COURT: What's he do at Metro exactly?

3 PROSPECTIVE JUROR NO. 048: I believe he's a
4 sergeant officer.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 048: I'm not quite sure.

7 THE COURT: When you say sergeant, is he a sergeant
8 in a particular area or expertise?

9 PROSPECTIVE JUROR NO. 048: I'm not sure.

10 THE COURT: Okay. Do you socialize with him much?

11 PROSPECTIVE JUROR NO. 048: No. He's an older
12 adult. So, no, I don't socialize with him a lot.

13 THE COURT: All right. Is there anything about your
14 relationship with him that would affect your ability to be a
15 fair juror in this case?

16 PROSPECTIVE JUROR NO. 048: No.

17 THE COURT: All right. Do you feel you'd be able to
18 follow my instructions and fairly and unbiasedly apply those
19 instructions to the evidence admitted?

20 THE COURT: Yes.

21 THE COURT: Okay. Thank you very much.

22 And then who was next? All right.

23 Looking down the line, what's the Seat Number? 13?

24 PROSPECTIVE JUROR NO. 079: Yes.

25 THE COURT: Okay. That would be Ms. Perez-Rojas.

1 Go ahead.

2 PROSPECTIVE JUROR NO. 079: Parole Officer, David
3 Camargo (phonetic).

4 THE COURT: How do you know him?

5 PROSPECTIVE JUROR NO. 079: He's my brother-in-law.

6 THE COURT: Okay. Do you socialize with him much?

7 PROSPECTIVE JUROR NO. 079: Every week.

8 THE COURT: Every week.

9 PROSPECTIVE JUROR NO. 079: Yes.

10 THE COURT: Okay. I see the enthusiasm in your
11 voice.

12 PROSPECTIVE JUROR NO. 079: He has a baby. I need
13 to see my nephew.

14 THE COURT: Ah, good. Anything about your
15 relationship with him that would affect your ability to be a
16 fair juror in this case?

17 PROSPECTIVE JUROR NO. 079: I don't think so.

18 THE COURT: All right. Do you feel you'd be able to
19 follow my instructions and fairly and unbiasedly apply those
20 instructions to the evidence admitted?

21 PROSPECTIVE JUROR NO. 079: Yes.

22 THE COURT: All right. Thank you.

23 All right. Anyone in Seat -- yeah, okay, Seat No.
24 16. That is Ms. Acera.

25 PROSPECTIVE JUROR NO. 100: My cousin, Anna Chavez

1 (phonetic), and her husband, Roberto Chavez (phonetic). He's
2 an officer and she's an assistant. I'm not sure where.

3 THE COURT: Okay. And they're your cousins?

4 PROSPECTIVE JUROR NO. 100: She's my cousin, yes.

5 THE COURT: Okay. Do you socialize with them much?

6 PROSPECTIVE JUROR NO. 100: Not much, no.

7 THE COURT: All right. Anything about your
8 relationship with them that would affect your ability to be a
9 fair juror in this case?

10 PROSPECTIVE JUROR NO. 100: No.

11 THE COURT: All right. Do you feel you'd be able to
12 follow my instructions and fairly and unbiasedly apply those
13 instructions to the evidence admitted?

14 PROSPECTIVE JUROR NO. 100: Yes.

15 THE COURT: All right. Thank you very much.

16 Anyone else there? Excuse me. Let's go over to No.
17 22. That should be Ms. Roberson.

18 PROSPECTIVE JUROR NO. 118: My husband is retired
19 Metro.

20 THE COURT: Okay. How long did he work for Metro?

21 PROSPECTIVE JUROR NO. 118: About 20 years.

22 THE COURT: Okay. And how long has he been retired?

23 PROSPECTIVE JUROR NO. 118: About four years.

24 THE COURT: And what did he do at Metro exactly?

25 PROSPECTIVE JUROR NO. 118: When he --

1 THE COURT: At the end?

2 PROSPECTIVE JUROR NO. 118: When he retired?

3 THE COURT: Yeah.

4 PROSPECTIVE JUROR NO. 118: Sexual assault sergeant.

5 THE COURT: Okay. Is there anything about your
6 relationship with him and the work that he used to do that
7 would affect your ability to be a fair juror in this case?

8 PROSPECTIVE JUROR NO. 118: No.

9 THE COURT: Do you feel you'd be able to follow my
10 instructions and fairly and unbiasedly apply those
11 instructions to the evidence admitted?

12 PROSPECTIVE JUROR NO. 118: Yeah.

13 THE COURT: All right. Anyone else in Seats 1
14 through 24? I'm not seeing any other hands.

15 All right. Now, we went through the list of
16 witnesses that the State had.

17 Is there anyone who thinks they may know any of the
18 witnesses on the State's list?

19 All right. Let's go to No. 10, Mr., I think, Webb?

20 PROSPECTIVE JUROR NO. 059: I would just like
21 clarification on one of the names I think I heard.

22 Did I hear an Aaron Benson?

23 MR. SCARBOROUGH: [Inaudible]?

24 THE COURT: Yeah. Go ahead and clarify it.

25 MR. SCARBOROUGH: Did you say Benson with a "B" or a

1 "D"?

2 PROSPECTIVE JUROR NO. 059: B. Uh-huh.

3 MR. SCARBOROUGH: B as in boy?

4 PROSPECTIVE JUROR NO. 059: Yes, sir.

5 MR. SCARBOROUGH: No. I don't have a Benson. I
6 have a Denson, with a D.

7 THE COURT: All right. Does that -- so that's not
8 the person you know?

9 PROSPECTIVE JUROR NO. 059: (No audible response).

10 THE COURT: Okay. And No. 10 is shaking his head
11 "no". Is that correct?

12 PROSPECTIVE JUROR NO. 059: Yes, sir.

13 THE COURT: Okay. And he said "yes, sir" in case it
14 wasn't heard on the record.

15 All right. Any -- anyone else think they may know
16 any of the witnesses?

17 All right. Let the record reflect no other hands.

18 All right. Does anyone think they know anything
19 about the facts of this particular case, either through
20 personal knowledge, conversations with people, the news media
21 or social media?

22 All right. Okay. You think you've heard something
23 about this case with the news media and this is Number -- what
24 Number is this?

25 PROSPECTIVE JUROR NO. 088: I'm 14.

1 THE COURT: Number --

2 PROSPECTIVE JUROR NO. 088: Louis Dulude.

3 THE COURT: All right. Do you think you may know
4 something about this case in regard from the --

5 PROSPECTIVE JUROR NO. 088: I --

6 THE COURT: -- news --

7 PROSPECTIVE JUROR NO. 088: I thought I remember
8 this case being on the Channel 5 --

9 THE COURT: All right.

10 PROSPECTIVE JUROR NO. 088: -- news.

11 THE COURT: All right. We'll --

12 PROSPECTIVE JUROR NO. 088: Okay.

13 THE COURT: -- keep that and we'll deal with you
14 maybe on a sidebar. All right, sir?

15 PROSPECTIVE JUROR NO. 088: Okay. No problem.

16 THE COURT: All right. Thank you.

17 All right. Anybody else who thought they may know
18 anything about this case?

19 Okay. Let the record reflect no other hands.

20 Now, as I said, the -- we should be done with this
21 case we think by the end of Thursday, no later than Friday.
22 Wednesday is a holiday. It's Veterans Day. So we won't be in
23 session Veterans Day.

24 We'll be starting at around 9:00 to 9:30 on Tuesday,
25 Thursday and Friday mornings, if necessary, and going until

1 about 5:00 o'clock with an hour's break for lunch on those
2 days. We'll have other breaks to go to the restroom and take
3 -- drink water or whatever it may be. But that's -- are going
4 to be our general schedule this week.

5 I do pretty much assure you that we will be done by
6 5:00 o'clock each day because of certain restrictions in terms
7 of COVID and people in the building. So we will be done by
8 5:00 every day.

9 So this is the point I mentioned earlier where I ask
10 if there's anyone with that schedule who this feels that
11 participating in this trial would be a serious hardship to
12 them. So let me ask that question right now. Is there anyone
13 who feels with that schedule, that participating in this trial
14 would present a serious hardship to them?

15 All right. Let's go to No. 2, Ms. Keep.

16 PROSPECTIVE JUROR NO. 026: I'm a single mom and I
17 have a two-year old and I'm taking care of my elderly
18 grandparents who are sick.

19 THE COURT: All right. Who's watching them today?

20 PROSPECTIVE JUROR NO. 026: A family member.

21 THE COURT: Is there any way that family member
22 might be able to do three more days this week?

23 PROSPECTIVE JUROR NO. 026: I'm not sure because
24 they have a full-time job as well.

25 THE COURT: Okay. All right. Is there anyone else

1 you can think of who may be able to watch just for these three
2 days?

3 PROSPECTIVE JUROR NO. 026: I can try and find
4 someone.

5 THE COURT: Okay. Thank you very much for bringing
6 that to our attention.

7 Let's see. Who was next in line? Let's go over to
8 Number 12, I think, that should be Mr. Alvidrez.

9 PROSPECTIVE JUROR NO. 068: Yes. My wife is having
10 spinal surgery on Friday. And Thursday I have a National
11 Certification exam, but the surgery is more important to me.

12 THE COURT: Okay. What time on Friday?

13 PROSPECTIVE JUROR NO. 068: We won't know until the
14 day before they call and let us know what time we have to be
15 at the hospital.

16 THE COURT: Okay. And then you mentioned something
17 about a certification, what's that?

18 PROSPECTIVE JUROR NO. 068: I have a national
19 certification exam on Thursday morning.

20 THE COURT: All right. Is that something that you
21 can do at a different time?

22 PROSPECTIVE JUROR NO. 068: If -- if I have to be
23 here then I'll call and see if I can.

24 THE COURT: Okay. All right.

25 All right. Thank you very much.

1 And then anyone else? Okay. Let's go to Number 18.

2 Oh, there's another one? Oh, okay. And that's Number --

3 PROSPECTIVE JUROR NO. 079: 13.

4 THE COURT: -- 13, Mr. Perez -- or Ms. Perez-Rojas.

5 PROSPECTIVE JUROR NO. 079: Hi. I'm the only nurse
6 at an adult daycare and they actually had to get somebody to
7 cover me for today because they thought there wasn't really
8 going to be jury going on with the whole COVID thing so.

9 THE COURT: All right. Can they get somebody for
10 the -- these other potentially two to three days?

11 PROSPECTIVE JUROR NO. 079: I don't know, because
12 I'm the only one that actually manages the whole facility.

13 THE COURT: Uh-huh.

14 PROSPECTIVE JUROR NO. 079: The daycare for adults.
15 I'm the only actual nurse.

16 THE COURT: All right. But is there -- I assume
17 they can find somebody to fill in for you if necessary?

18 PROSPECTIVE JUROR NO. 079: They called somebody,
19 yeah, but my boss wasn't so happy about it.

20 THE COURT: Well, I -- I appreciate the -- I
21 appreciate that.

22 PROSPECTIVE JUROR NO. 079: I'm like, okay.

23 THE COURT: All right. Thank you very much.

24 PROSPECTIVE JUROR NO. 079: Is there -- one more
25 thing. Is there way I could get a paper to verify, show him

1 that I did come if I have to stay?

2 THE COURT: No problem.

3 PROSPECTIVE JUROR NO. 079: Okay.

4 THE COURT: That's not a problem at all.

5 PROSPECTIVE JUROR NO. 079: Okay.

6 THE COURT: We can get you whatever you need in that
7 regard.

8 PROSPECTIVE JUROR NO. 079: Okay. Thank you.

9 THE COURT: All right. Thank you.

10 All right. And then Number 18 --

11 PROSPECTIVE JUROR NO. 104: Yes.

12 THE COURT: -- I think? Okay. That's --

13 PROSPECTIVE JUROR NO. 104: Josephus --

14 THE COURT: Tangpuz.

15 PROSPECTIVE JUROR NO. 104: Yes. I work at the
16 school as instructional assistant. So basically, we also
17 follow with -- with the -- with the scheduling when it comes
18 to like holidays and such. So with this, along with the
19 holiday that's been -- that's about to come this week, I'm
20 pretty much losing a lot of income just to -- just for
21 starters.

22 THE COURT: Okay. Who -- who do you work for?

23 PROSPECTIVE JUROR NO. 104: I work at Will Beckley
24 Elementary School.

25 THE COURT: Is that in the Clark County School

1 District?

2 PROSPECTIVE JUROR NO. 104: Yes.

3 THE COURT: Okay. And this is an hourly position?

4 PROSPECTIVE JUROR NO. 104: I would say for sure
5 that this is, yeah, a hourly position since I'm not licensed
6 teacher. I'm just an instructional assistant.

7 THE COURT: Okay. All right. Is there someone who
8 can fill in for you these next two to three days?

9 PROSPECTIVE JUROR NO. 104: Unfortunately not. I
10 don't think so.

11 THE COURT: Okay. What do you do?

12 PROSPECTIVE JUROR NO. 104: I assist with the
13 resource teacher.

14 THE COURT: Okay. All right. All right. And what
15 -- when you say "assist" what kind of things do you do?

16 PROSPECTIVE JUROR NO. 104: So basically, whenever a
17 teacher asks me to add materials for a topic to work with the
18 students, that what I would do.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 104: I also engage with the
21 students since I --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 104: -- work specifically at
24 resource for individualized educational program.

25 THE COURT: All right. Clark County School District

1 is pretty big. There's no one, you think, that can fill in
2 for you?

3 PROSPECTIVE JUROR NO. 104: I'm not sure.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 104: I'm not sure. So, yeah,
6 currently I've been checking on my e-mail with the School
7 District to see if there's going to be someone substituting
8 for my position and apparently no one is.

9 THE COURT: All right. Well, the School District is
10 very good working with us to make sure that the people can --
11 who are employed by them can serve. So I'm -- I'm guessing
12 they can probably make things work if they have to.

13 PROSPECTIVE JUROR NO. 104: Okay. Thank you.

14 THE COURT: But -- but thank you for bringing that
15 to our attention. I appreciate that.

16 PROSPECTIVE JUROR NO. 104: Thank you.

17 THE COURT: All right. Anybody else in the first
18 24? Let the record reflect no other hands.

19 All right. Sorry.

20 (COURT/COUNSEL CONFER.)

21 THE COURT: All right. Mr. Hill has to run to take
22 a quick plea. We've been going at it for about an hour and 15
23 minutes or an hour anyway.

24 Let's go ahead and we'll take a five-minute break.
25 If you need to go to the restroom, go to the restroom. You

1 can grab a drink of water. We do have to have everybody exit
2 the room and then line up outside.

3 So get back in line as quickly as possible. It's
4 critical and in order for us to get this done today that we
5 get you back in line as soon as possible. So, please, don't -
6 - don't leave the building, don't go for a walk or anything.
7 Go to the restroom, if you have to. Come back and get into
8 line.

9 (Court recessed at 12:22 p.m., until 12:42 p.m.)

10 (Outside the presence of the prospective jurors)

11 THE COURT: Okay. Can they hear me out there?

12 THE MARSHAL: [Inaudible].

13 THE COURT: Well, that's why I'm -- can you -- let's
14 -- let's go back into the side room for a sidebar.

15 (Sidebar begins.)

16 THE COURT: Okay. Is she white-noising it? No
17 white? Okay. All right.

18 Okay. Ms. Keep has the family, but I think she can
19 find somebody to watch them. We may at the end if we're
20 moving through this okay, decide to let her go. But at the
21 moment I'm generally fine to keep her on.

22 What's everyone's thoughts?

23 MR. SCARBOROUGH: Judge, there's -- that's -- yes, I
24 would ask to keep her on. The only people that I would ask to
25 -- want to kick off are the people that can't speak English.

1 There was one person that can't hear and there was one person
2 with a wife's spinal surgery. All those people, I would agree
3 to kicking off. Everyone else, I'd want on.

4 THE COURT: Well, the one woman who is Bulgarian, I
5 doubt we have a translator. So, I mean -- do you have any
6 objection to excusing her, Mr. Hill?

7 MR. HILL: No, Your Honor. I'll submit on all
8 those.

9 THE COURT: Okay. And then the two Spanish
10 speakers, any problem with excusing them?

11 MR. HILL: No, Your Honor.

12 THE COURT: All right. We'll let them stay for
13 right now. But we'll -- if we get to them, we'll deal with it
14 then.

15 All right. The wife's surgery, you think you might
16 be done on Thursday. If we go into Friday, that's why we have
17 alternates is sort of the way I look at it. So I'm not
18 inclined to excuse him.

19 If we get, like I said, down toward the end, and
20 we've still got tons of people and we're doing well on time,
21 then I might be more inclined to let them go. We'll talk
22 about it then.

23 All right. Let's go in and --

24 UNIDENTIFIED SPEAKER: Which guy was it?

25 THE COURT: Mr. Alvidrez.

1 I know you guys would stipulate to it. I'm just not
2 inclined at the moment to let it go.

3 UNIDENTIFIED SPEAKER: [Inaudible].

4 THE COURT: We'll talk about it some more. But I
5 want to see how we're doing in terms of time and -- and I'll
6 probably wait -- wait 'till the next break to let the
7 Bulgarian speaker go. I want to try to discourage people from
8 seeing a light, an escape tunnel.

9 Oh, thank you.

10 UNIDENTIFIED SPEAKER: Uh-huh.

11 Go ahead.

12 (End of sidebar.)

13 (Pause in the proceedings.)

14 (Prospective jurors enter at 12:46 p.m.)

15 (In the presence of the prospective jurors.)

16 THE COURT: All right. Do the parties stipulate to
17 the presence of the voir dire panel?

18 MR. SCARBOROUGH: Yes, Judge.

19 THE COURT: Mr. Hill?

20 MR. HILL: Yes. Yes, Your Honor.

21 THE COURT: Okay. Thank you very much.

22 Thank you ladies and gentlemen for getting back in
23 timely fashion. We'll keep going.

24 The next question, have you or a close family member
25 or a close friend ever been engaged in some way in the

1 practice of law, either as an attorney, a paralegal or a staff
2 member? And I'm focusing, again, on the first 24.

3 All right. Let's go to No. 6, Ms. Benton.

4 PROSPECTIVE JUROR NO. 044: Hi. One of my cousins
5 is a lawyer back in Mississippi.

6 THE COURT: What kind of law?

7 PROSPECTIVE JUROR NO. 044: I'm not sure.

8 THE COURT: Okay. And do you socialize or talk
9 much?

10 PROSPECTIVE JUROR NO. 044: No.

11 THE COURT: Okay. Anything about that relationship
12 that would affect your ability to be a fair juror here today?

13 PROSPECTIVE JUROR NO. 044: No.

14 THE COURT: All right. Do you feel you'd be able to
15 follow my instructions and fairly and unbiasedly apply those
16 instructions to the evidence admitted?

17 PROSPECTIVE JUROR NO. 044: Yes.

18 THE COURT: Okay. Thank you very much.

19 And who was the next hand?

20 Let's go back. What number are we?

21 PROSPECTIVE JUROR NO. 057: 9.

22 THE COURT: 9? That is Mr. Levine.

23 PROSPECTIVE JUROR NO. 057: Yes. My -- one of my
24 closest friends is an immigration attorney.

25 THE COURT: Here locally?

1 PROSPECTIVE JUROR NO. 057: No.

2 THE COURT: Okay. Where does he or she practice?

3 PROSPECTIVE JUROR NO. 057: He practices in Chicago.

4 THE COURT: All right. Anything about her work and
5 your relationship that would affect your ability to be a fair
6 juror here today?

7 PROSPECTIVE JUROR NO. 057: No.

8 THE COURT: Do you think you'd be able to follow my
9 instructions and fairly and unbiasedly apply those
10 instructions to the evidence admitted?

11 PROSPECTIVE JUROR NO. 057: Yes.

12 THE COURT: Thank you very much.

13 PROSPECTIVE JUROR NO. 057: Thank you.

14 THE COURT: All right. The next number I think we
15 had, No. 12.

16 PROSPECTIVE JUROR NO. 068: My cousin is --

17 THE COURT: Hold on a just minute. Mr. Alvidrez.

18 PROSPECTIVE JUROR NO. 068: Alvidrez.

19 THE COURT: Alvidrez. I apologize. I'll get it
20 right sooner or later.

21 PROSPECTIVE JUROR NO. 068: My cousin, she's a
22 corporate attorney here in Vegas.

23 THE COURT: Okay. Who does she work for?

24 PROSPECTIVE JUROR NO. 068: I do not know.

25 THE COURT: All right. Do you socialize with her

1 much?

2 PROSPECTIVE JUROR NO. 068: Just family gatherings
3 three times a year, four times a year.

4 THE COURT: Okay. Anything about your relationship
5 with her and her work that would affect your ability to be a
6 fair juror here today?

7 PROSPECTIVE JUROR NO. 068: No.

8 THE COURT: Okay. Thank you very much.

9 Then the next hand, Ms. Pruetz, I thought I saw your
10 hand up.

11 PROSPECTIVE JUROR NO. 099: Yes.

12 THE COURT: Okay. And that's No. 15.

13 PROSPECTIVE JUROR NO. 099: I went to school to be a
14 paralegal and I did that from '91 to 2000 in California for a
15 civil litigation attorney.

16 THE COURT: All right. Anything about your work
17 doing that, that would affect your ability to be a fair juror
18 here today?

19 PROSPECTIVE JUROR NO. 099: No.

20 THE COURT: Okay. Thank you very much.

21 Anybody else I missed out of the first group of 24?

22 All right. Let the record reflect no other hands.

23 All right. Now, as has been explained to you, this
24 case involves charges relating to robbery, burglary, and
25 retail theft.

1 Does anyone feel they possibly could not be fair or
2 keep an open mind as to whether the State has met its burden
3 of proof until the end of the trial because of the nature of
4 the charges in this case?

5 All right. Let the record reflect no hands.

6 Have you or a close family member or a friend ever
7 been a victim of a violent crime?

8 Okay. Let's go -- I see -- back to Mr. Levine, No.
9 9.

10 PROSPECTIVE JUROR NO. 057: Yes. I was not the
11 direct victim. I was -- I was present for the -- the large
12 shooting here in Las Vegas at the music festival.

13 THE COURT: Okay. You were there at the festival?

14 PROSPECTIVE JUROR NO. 057: I was.

15 THE COURT: Oh, I'm sorry.

16 PROSPECTIVE JUROR NO. 057: Thank you.

17 THE COURT: But you were okay?

18 PROSPECTIVE JUROR NO. 057: I was unhit.

19 THE COURT: Okay. Good deal.

20 Anything about that experience that you think would
21 affect your ability to be a fair juror in this case?

22 PROSPECTIVE JUROR NO. 057: No.

23 THE COURT: All right. Thank you very much.

24 PROSPECTIVE JUROR NO. 057: Thank you.

25 THE COURT: All right. Anybody else's hand? Number

1 six -- let's go next to No. 16, Ms. Acera -- Acera.

2 PROSPECTIVE JUROR NO. 100: Same. Route 91
3 Shooting.

4 THE COURT: Okay. You were okay at the end?

5 PROSPECTIVE JUROR NO. 100: Yes. Me and my friends
6 were okay.

7 THE COURT: Oh. Then good. Thank you.

8 Let me ask, anything about that experience that you
9 feel would affect your ability to be fair juror here today?

10 PROSPECTIVE JUROR NO. 100: No.

11 THE COURT: All right. Do you feel you'd be able to
12 follow my instructions and fairly and unbiasedly apply those
13 instructions to the evidence admitted?

14 PROSPECTIVE JUROR NO. 100: Yes.

15 THE COURT: All right. Thank you very much.

16 And then I think we were No. 18, Mr. Tangpuz.

17 PROSPECTIVE JUROR NO. 104: Yes. My dad was a
18 victim of a battery assault out of the public when I was in
19 senior year in my high school.

20 THE COURT: Okay. Where was that?

21 PROSPECTIVE JUROR NO. 104: It took place in Sahara
22 nearby Maryland. When he was just commuting, when an incident
23 happened with groups of individuals --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 104: -- attacking him.

1 THE COURT: All right. And about how long ago was
2 this?

3 PROSPECTIVE JUROR NO. 104: Considering that I'm
4 already close to my 30, I would say 11 years.

5 THE COURT: Okay. All right. Was anyone -- was a
6 police report made?

7 PROSPECTIVE JUROR NO. 104: Yes. But --

8 THE COURT: Was anyone apprehended?

9 PROSPECTIVE JUROR NO. 104: No.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 104: Unfortunately.

12 THE COURT: Were you satisfied or dissatisfied with
13 how the police responded to your situation, your dad's
14 situation?

15 PROSPECTIVE JUROR NO. 104: Well, considering it
16 wasn't solved, I would just say honestly dissatisfied.

17 THE COURT: Okay. Anything about that experience
18 that you feel would affect your ability to be a fair juror in
19 this case?

20 PROSPECTIVE JUROR NO. 104: No.

21 THE COURT: Okay. Thank you very much.

22 Anybody else's hand that I missed?

23 Let the record reflect no other hands.

24 Now, has anyone felt -- do any of you feel that
25 either you or someone close to you has been treated unjustly

1 by the police or a prosecutor?

2 Let the record reflect no hands.

3 THE EXTERN: Judge, we've got one up.

4 THE COURT: Oh, I'm sorry. Let's go to No. 12, Mr.
5 Alvidrez.

6 PROSPECTIVE JUROR NO. 068: So, I was arrested for
7 domestic -- a domestic and the officers were questioning us
8 right next to each other. And the officer that was
9 questioning the female decided that I should be arrested and
10 said that I was hitting her.

11 THE COURT: All right. I don't need you to go into
12 the details, but I do appreciate it. So you were dissatisfied
13 I take it with how the officers handled that?

14 PROSPECTIVE JUROR NO. 068: Yes, because I was
15 arrested. And later it was dropped because there was no
16 evidence of anything, so.

17 THE COURT: All right. Did you feel that once it
18 was -- after the arrest that the prosecution office handled
19 the case appropriately?

20 PROSPECTIVE JUROR NO. 068: I believe so, because
21 there was no evidence so they dropped it right away.

22 THE COURT: All right. Anything -- how long ago was
23 that?

24 PROSPECTIVE JUROR NO. 068: Let me see, maybe eight
25 years ago.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 068: Nine years ago.

3 THE COURT: Was that locally?

4 PROSPECTIVE JUROR NO. 068: Yes.

5 THE COURT: All right. Anything about that
6 experience that would affect your ability to be a fair juror
7 here today?

8 PROSPECTIVE JUROR NO. 068: I will take with a grain
9 of salt whatever cops say now.

10 THE COURT: All right. But do you feel that you'd
11 be able to judge their testimony like any other witness?

12 PROSPECTIVE JUROR NO. 068: Yes, as long as there is
13 evidence supporting everything, then yes.

14 THE COURT: Okay. All right. Thank you very much.
15 All right. Anybody else?

16 Let the record reflect no other hands.

17 Now, have any of you ever been accused of a crime or
18 serious misconduct?

19 Let the record reflect no hands.

20 Sort of working off of the last -- last juror's
21 comments. If a police officer or other government agent was
22 to testify at this trial, you must judge their testimony and
23 believability just as an ordinary witness, and evaluate their
24 testimony like anyone else in the case.

25 In deciding the facts in this case, you may have to

1 decide which testimony to believe and which testimony not to
2 believe. You may believe everything a witness says, or part
3 of it, or none of it.

4 In that regard, I will instruct you as to possible
5 circumstances you may take into account when considering the
6 testimony of any witness, including law enforcement officers.
7 These include, one, the witness's opportunity and ability to
8 hear or know or see the things testified to.

9 Two, the witness's memory.

10 Three, the witness's manner while testifying.

11 Four, the witness's interests in the outcome of the
12 case, if any.

13 Five, the witness's biased or prejudice, if any.

14 Six, whether other evidence contradict if the
15 witness's testimony.

16 Seven, the reasonableness of the witness's testimony
17 in light of all the evidence.

18 And eight, any other factors that bear on
19 believability -- hello? Okay. I'll try again. And any other
20 factors that bear on believability.

21 The weight of the evidence as to a fact does not
22 necessarily depend on the number of witnesses who testify
23 about it. What is important is how believable the witnesses
24 are and how much weight you think their testimony deserves.

25 Hello? Do you think it's the batteries?

1 Well, how much weight you think their testimony
2 deserves. Let's see. In that regard, you must consider the
3 testimony of a law enforcement officer just like that of any
4 other witness, assessing the officer or agent's opportunity
5 and ability to see or hear or know the things he or she
6 testifies to, their memory, their manner testifying, their
7 interest in the outcome of the case, their biases or
8 prejudices. Whether their testimony is corroborated or
9 contradicted by other testimony. Whether their testimony is
10 reasonable in light of all the evidence and any other
11 circumstances you feel bear on a witness's believability.

12 If a police officer testifies, is there anyone who
13 would not be able to follow my instructions and treat the
14 officer or agent as an ordinary witness and evaluate their
15 testimony by the factors I have just stated, just like any
16 other witness?

17 Let the record reflect no hands.

18 In other words, is there anyone who would give more
19 credibility or less credibility to a police officer or a
20 government agent's testimony simply because they are a police
21 officer or agent?

22 Let the record reflect no hands.

23 Now, is there anyone who believes they would not be
24 able to follow my instructions on the law if not consistent
25 with what you believe the law should be?

1 Let the record reflect no hands.

2 In general, the trial will proceed with the
3 attorneys first giving opening statements. Witnesses will
4 then testify and exhibits will be admitted, and then after all
5 the evidence is in, I will give you the law that you are to
6 evaluate the evidence and determine if the State has proven
7 the essential factual elements of each crime charged beyond a
8 reasonable doubt.

9 Then the attorneys will give you their closing
10 arguments, and then you'll retired to deliberate and reach a
11 verdict. Your job as jurors is to judge or figure out the
12 facts and take the law I give you and see if the facts you
13 find prove the element of the charges beyond a reasonable
14 doubt and come up with a verdict.

15 The jury is the judge of questions of facts. My
16 responsibility is to ensure that you are presented with
17 evidence that under the law is appropriate to consider and the
18 law you are to use in determining the facts, and determining
19 that the evidence -- and in evaluating that evidence to
20 determine if the State has proven what it needs to prove as to
21 each charge beyond a reasonable doubt, and determining if the
22 defendant is not guilty, or guilty of the crimes charged.

23 It would be a violation of your duty to render a
24 judgment based on something other than the law given by the
25 Court.

1 With that in mind, is there anyone who believes that
2 they would not be able to follow and apply the law I give if
3 you did not agree with the law?

4 Let the record reflect no hands.

5 Now, in doing the jury survey online, there were
6 three principles that were discussed and you were asked if
7 you've accepted those principles. But I want to go over them
8 just briefly here today.

9 The first -- all right -- the first principle is
10 that the Indictment in this case is simply a charging document
11 what I like to refer to as a notice document. It gives notice
12 to the defendant that he is being charged with crimes, and it
13 gives notice to the public that the defendant is being charged
14 with crimes.

15 But that's all it is. It's just a notice document.
16 It is not evidence in any way that someone is guilty of any
17 crime. It simply serves to put every body on notice that
18 someone is being accused of a crime. And you'll be instructed
19 that you cannot consider the simple fact that there is an
20 Indictment in any way in determining the facts of this case or
21 rendering a verdict.

22 Is there anyone who has a problem following this
23 basic principle of our criminal law?

24 Let the record reflect no hands.

25 The second principle is that the defendant is

1 presumed innocent. It is the State's obligation to prove
2 beyond a reasonable doubt each of the elements necessary to
3 prove each of the crimes charged in the Indictment.

4 Now, we hear the phrase that the defendant is
5 presumed innocent, a lot. But I don't think we often think
6 about that phrase a lot. What it means is, is at this point
7 in time, the defendant is innocent. No if's, and's or but's
8 about it.

9 If I was to send you back to the jury room right now
10 and tell you to reach a verdict, your verdict would have to be
11 not guilty, because the defendant is considered innocent until
12 he is proven by the State beyond a reasonable doubt that he is
13 guilty.

14 And this is a hard concept for some jurors. I've
15 seen some jurors when asked the question of what verdict would
16 you render right now, say they don't know as they would have
17 to see the evidence.

18 But the point I'm trying to make is that the
19 defendant is considered innocent right now. And if you were
20 asked to render a verdict right now, it would have to be "not
21 guilty". He remains innocent until the State has proven its
22 case beyond a reasonable doubt.

23 Is there anyone who has a problem or issue with the
24 idea that the defendant is right now innocent and you have to
25 find him not guilty until the State proves or provides

1 evidence beyond a reasonable doubt of his guilt?

2 Let the record reflect no hands.

3 The third point I want to bring out is that the
4 State is obligated to prove its case beyond a reasonable doubt
5 and the defendant is not obligated in any way to prove his
6 innocence. This last point is very important. The defendant
7 does not have to do anything. His attorney, and the
8 defendant, can just sit here and say nothing. And if at the
9 end of the State's presentation of evidence you do not believe
10 that the State had proven beyond a reasonable doubt that a
11 crime had been committed and the defendant had committed the
12 crime, then you would have the obligation to find the
13 defendant not guilty, even though the defendant and his
14 attorney didn't say anything or do anything.

15 Is there anyone who has a problem or issue with the
16 idea that the plaintiff, or the State, is obligated to prove
17 its case beyond a reasonable doubt and it's not the
18 defendant's obligation to prove innocence?

19 Let the record reflect no hands.

20 THE COURT: As part of this principle, the defendant
21 pursuant to the Fifth Amendment of the United States
22 Constitution, and the Nevada Constitution, has an absolute
23 right if he chooses not to testify, and the State cannot use
24 the fact the defendant did not testify as part of its case to
25 prove the defendant's guilt and you cannot consider it at all

1 in evaluating if the State has met its burden of proving its
2 case beyond a reasonable doubt.

3 This is a hard concept for some people. But I will
4 instruct you that you cannot consider if a defendant chooses
5 not to testify in evaluating and making your verdict in this
6 case, and that your verdict must be only on the evidence
7 introduced at trial.

8 Is there anyone who doesn't think they can follow my
9 instructions on this point?

10 Let the record reflect no hands.

11 I want to emphasize this last point again, because I
12 have had jurors say that it would bother them if the defendant
13 didn't testify or they would like to hear the defendant
14 testify. And this, quite simply, is not the law.

15 The defendant has the right to decide if he
16 testifies or doesn't testify, and you need to put aside any
17 feelings or preferences you may have about the defendant's
18 decision, and in deliberations, focus just on the evidence
19 presented in determining if the State has met its burden of
20 proving its case beyond a reasonable doubt.

21 Does anyone have a concern with being able to follow
22 this principle?

23 Let the record reflect no hands.

24 Is there anyone here who does not believe that they
25 could wait in forming their opinion as to an appropriate

1 verdict until after all the evidence and arguments are
2 presented, the law is given, and you get together as a whole
3 jury to deliberate?

4 Let the record reflect no hands.

5 In other words, you can't make up your mind now or
6 after the opening statement, or the defendant's opening
7 statement. You have to wait until the end of the case and all
8 the evidence has come in, you've heard all the arguments and
9 received the law.

10 Is there anyone who doesn't think they can wait
11 until the end of the case to do that?

12 Let the record reflect no hands.

13 Is there anyone who has a concern with sitting in
14 judgment of another human being which you think may interfere
15 with your ability to consider the evidence, follow my
16 instructions, and be fair to both sides?

17 Let the record reflect no hands.

18 All right. Let's see. I'm going to ask Brian if he
19 would hand out to each one of the jurors -- why don't you wipe
20 off the top and bottom copy. They just came out of the copy
21 machine. This way we don't have to have you handle --
22 everyone pass it around or handle it.

23 There's a series of questions that I want you to --
24 we want to find out a little bit about yourselves now. And so
25 he's going to hand out a sheet of paper and we're going to

1 have each of you answer these questions for us: How long have
2 you lived here and where generally in the Valley do you live?
3 I'm not looking for a Street Address. Do not want a street
4 address.

5 What I want to hear is, I live in North Las Vegas,
6 or Boulder City, or Henderson, or Mesquite, or Green Valley,
7 Summerlin, Southern Highlands, something like that.

8 If you have lived here less than ten years, where
9 did you live before you moved here?

10 How are you employed?

11 And if not, obvious from your job title, what is it
12 that you generally do?

13 If you're retired, how were you employed when you
14 retired?

15 Are you married or have a partner?

16 And what is your spouse's or partner's job?

17 Do you have any children, and what are the ages of
18 those children living at home?

19 And have you ever been a juror, and was it a civil
20 or criminal trial, and without telling us the verdict -- and I
21 emphasize that, please don't tell us the verdict -- without
22 telling us the verdict, were you able to reach a verdict?

23 And then, were you the foreperson?

24 So we'll get started with Juror Number -- let's see,
25 do you have the -- okay, I was going to say, Brian's handing

1 out the mike, so we'll get started with Juror No. 1, Ms.
2 Mirochnik.

3 PROSPECTIVE JUROR NO. 018: Hi, Your Honor.

4 THE COURT: Hi.

5 PROSPECTIVE JUROR NO. 018: My name's Amy. I've
6 lived here 20 years. I live in Summerlin. I am not employed.
7 I'm a stay-at-home mom. I am married. My husband is an agent
8 for the Gaming Control Board. I have a two-year-old daughter
9 and I have been a juror before.

10 THE COURT: Without telling us the verdict, was it a
11 criminal -- first was it a civil or criminal trial?

12 PROSPECTIVE JUROR NO. 018: It was criminal.

13 THE COURT: Okay. Without telling us the verdict,
14 were you able to reach a verdict?

15 PROSPECTIVE JUROR NO. 018: Yes, Your Honor.

16 THE COURT: And were you the foreperson?

17 PROSPECTIVE JUROR NO. 018: No.

18 THE COURT: And just generally, what does your
19 husband do for Gaming Control?

20 PROSPECTIVE JUROR NO. 018: He's an auditor.

21 THE COURT: Okay. All right. Thank you very much.
22 Let's move now down to No. 2, Ms. Keep.

23 PROSPECTIVE JUROR NO. 026: Sorry. Born and raised
24 in Las Vegas. I live in the Silverado Ranch area. Right now,
25 I'm unemployed.

1 And I am single and I have a two-year-old at home
2 and I've never served on a jury.

3 THE COURT: Okay. Very good. Thank you.

4 Let's go down to No. 3, Ms. Drews.

5 PROSPECTIVE JUROR NO. 038: I've lived in Las Vegas
6 since 2007. I am currently employed with Cold Stone. I am
7 married. My husband is unemployed. I have a daughter who is
8 9. And I have never been a juror before.

9 THE COURT: Okay. Thank you.

10 Let's go to No. 4, Ms. Docker.

11 PROSPECTIVE JUROR NO. 039: I've lived in Henderson
12 for 17 years. I'm employed in the IT, technology. I'm
13 divorced. I have two children, 18 and 20. They are both
14 still at home. And I've never been a juror.

15 THE COURT: All right. Very good.

16 Let's come up now to No. 5, Mr. Rizzo.

17 PROSPECTIVE JUROR NO. 040: I've lived in Summerlin
18 for four years. Prior to that I lived in Denver, from
19 Michigan originally. I am employed. I manage a network of
20 funeral homes and cemeteries.

21 My wife does work for our company too in our
22 marketing department. And I have two children, a 2 year old
23 and a 2 month year old, and I have not been a juror before.

24 THE COURT: Okay. Thank you.

25 Let's turn next to No. 6, Ms. Benton.

1 PROSPECTIVE JUROR NO. 044: I've been here for three
2 years. I live in the Northwest. I moved here from
3 Mississippi. I'm a manager of a book manufacturing warehouse.
4 I'm engaged.

5 Do I need to say his job --

6 THE COURT: Well, yeah --

7 PROSPECTIVE JUROR NO. 044: -- for --

8 THE COURT: -- if you're engaged, you're pretty
9 close to married.

10 PROSPECTIVE JUROR NO. 044: Okay.

11 THE COURT: But I mean, haven't quite got there yet.

12 PROSPECTIVE JUROR NO. 044: Not quite. He's in the
13 Air Force.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 044: We do not have any
16 children. I've never been a juror.

17 THE COURT: Okay. Very good.

18 Let's go to Mr. McKane, No. 7.

19 PROSPECTIVE JUROR NO. 046: Born and raised here in
20 Las Vegas. I live in the Northwest currently. I'm single,
21 and I'm a security officer at Caesar's Palace.

22 THE COURT: Okay. Have you --

23 PROSPECTIVE JUROR NO. 046: And I've never been a
24 juror.

25 THE COURT: All right. And no children?

1 PROSPECTIVE JUROR NO. 046: No.

2 THE COURT: Okay. Very good.

3 Let's go back to No. 8, Ms. Nicholson.

4 PROSPECTIVE JUROR NO. 048: I live in North Las
5 Vegas for 13 years. I'm employed at Southwest Gas
6 Corporation, new business rep. I also, me and my husband have
7 our own construction company. He's an installer for Stone
8 Tile.

9 We have five kids together. Two live at home, the
10 adult children, and I've been a juror as an alternate before.

11 THE COURT: Okay. Let's go to No. 9, Mr. Levine.

12 PROSPECTIVE JUROR NO. 057: I've been here for 5
13 years. I live essentially on the Strip. I moved here from
14 Boston, Massachusetts. I work for MGM Resorts International,
15 Vice President of Table Game Strategy, running table games for
16 our -- our U.S. properties.

17 Not married. No children. And never been a juror.

18 THE COURT: Okay. Thank you.

19 We'll go to No. 10, all the way up here to No. 10,
20 Mr. Webb.

21 PROSPECTIVE JUROR NO. 059: I was born and raised in
22 Las Vegas. I live near the North Las Vegas area. I am
23 employed as a security officer at the Plaza Hotel and Casino.

24 My significant other, she is a producer for KTMV.

25 And no children. And I have never been a juror before.

1 THE COURT: Okay. Thank you.

2 We'll go to No. 11, Ms. Dyankova.

3 PROSPECTIVE JUROR NO. 063: Yes, Rositsa Dyankova.

4 I am living in Las Vegas from 2004. And -- and my
5 others Summerlin over there, I live in more than 10 years. I
6 am married. But my kids they're before this marriage. So I
7 have two boys, one 25, one 30. The -- my little son living
8 with me, the oldest, he move in Texas. And he married, too.

9 And I working in the casino, close to where I'm
10 living. And I --

11 THE COURT: What -- what does your husband do?

12 PROSPECTIVE JUROR NO. 063: Oh, he's Uber driver.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 063: Yes. And here I have to
15 say, no.

16 THE COURT: Have you -- you've never --

17 PROSPECTIVE JUROR NO. 063: No.

18 THE COURT: -- been on a jury?

19 PROSPECTIVE JUROR NO. 063: No.

20 THE COURT: Okay. Thank you.

21 Let's got to No. 12, Mr. Alvidrez, Your Honor.

22 THE COURT: All right.

23 PROSPECTIVE JUROR NO. 063: I've lived here in
24 Henderson, I've been here since 2003. I'm employed. I am a
25 phlebotomist at Sunrise. I am married. My wife is a nurse.

1 I have two steps sons. They're older and out of the house.

2 I've never been a juror.

3 THE COURT: Okay. Thank you.

4 We'll go back to 13, Ms. Perez-Rojas.

5 PROSPECTIVE JUROR NO. 079: I live in the Las Vegas
6 area for over 20 years. I'm an adult daycare nurse. I am
7 married. My husband works at the Wynn, graveyard. And I have
8 two girls, a 5 and a 6 year old, and I've never been a juror.

9 THE COURT: All right. Thank you very much.

10 Let's go to No. 14, Mr. Dulude.

11 PROSPECTIVE JUROR NO. 088: I've lived in Henderson
12 for eight years. Before that, I lived in Northern California.
13 I was self-employed as an insurance broker until I retired in
14 2010. My wife is -- was a project manager for E-Trade and she
15 retired in 2010.

16 We have two children that are both 48 and 55 years
17 old. And yes, I've been a juror, and it was a criminal case,
18 and no, I was not a foreman.

19 THE COURT: All right. Without tell us the verdict,
20 were you able to reach a verdict?

21 PROSPECTIVE JUROR NO. 088: It -- I don't know how
22 to say that. In the middle of the case, the -- the -- the
23 defendant changed his plea --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 088: -- to -- from --

1 THE COURT: All right. So you didn't --

2 PROSPECTIVE JUROR NO. 088: -- not guilty to guilty.

3 THE COURT: All right. You never went to a
4 deliberations?

5 PROSPECTIVE JUROR NO. 088: Correct.

6 THE COURT: Okay. Thank you.

7 All right. Let's go to No. 15, Ms. Pruett.

8 PROSPECTIVE JUROR NO. 099: I've lived in Las Vegas
9 for 20 years. I live in the Northwest part of the Valley.
10 I'm employed as an environmental planner for the County. I am
11 not married, but I have had a boyfriend for the last 11 years,
12 and he works in the automotive event industry.

13 I do not have any children. And I've been a juror
14 for a civil case before, and we did reach a verdict, and I was
15 not the foreperson.

16 THE COURT: Okay. Thank you.

17 Let's go to No. 16, Ms. Acera.

18 PROSPECTIVE JUROR NO. 100: I have lived in Las
19 Vegas for over 20 years. I live in the southwest area right
20 now. I am a trailer park manager and I do their accounts
21 payable. I'm not married, no children, and I've never been a
22 juror.

23 THE COURT: All right. Thank you.

24 Let's go to 17, Mr. Williams.

25 PROSPECTIVE JUROR NO. 102: I've lived in Las Vegas

1 for two years in Southern Highlands. I lived in Los Angeles
2 for five years before that. I am self-employed. I am
3 married. My wife is my boss. And I don't have any children
4 and I've never been a juror.

5 THE COURT: All right. Thank you.

6 Let's go to No. 18, Mr. Tangpuz.

7 PROSPECTIVE JUROR NO. 104: I'm actually born in
8 Sybal City, Philippines and I came here when I was 15 years
9 old. And lived since, and I became a citizen more than four
10 years ago. Yes, I'm -- lived here for 14 years. And I work
11 in Clark County School District as a instructional assistant,
12 again, under Resource.

13 And I am single. I don't have any children. And
14 this is my first time as a juror.

15 THE COURT: Where generally in town do you live?

16 PROSPECTIVE JUROR NO. 104: In the Philippines?

17 THE COURT: No, here in --

18 PROSPECTIVE JUROR NO. 104: Oh, here --

19 THE COURT: -- southern Nevada.

20 PROSPECTIVE JUROR NO. 104: -- in Las Vegas. Sorry.

21 THE COURT: All right. But what part of the Valley?

22 PROSPECTIVE JUROR NO. 104: Um --

23 THE COURT: Like Southern Highlands, Summerlin,
24 North --

25 PROSPECTIVE JUROR NO. 104: Well, I -- I live --

1 THE COURT: -- Las Vegas --

2 PROSPECTIVE JUROR NO. 104: -- I'm not sure but I
3 live in Sahara in -- in Sahara close to Burnham (phonetic).

4 THE COURT: Okay. Thank you very much.

5 PROSPECTIVE JUROR NO. 104: Yeah.

6 THE COURT: All right. Let's go to No. 19, Morgan
7 Dunaway.

8 PROSPECTIVE JUROR NO. 109: I've lived here 24
9 years. I am in the northwest side of the Valley now. I am a
10 reservation specialist for a franchise of Pet Hotels. I do
11 have a boyfriend. He works for TSA. I have an eight-year-old
12 daughter and I've never been a juror.

13 THE COURT: All right. Thank you very much.

14 PROSPECTIVE JUROR NO. 109: Um-h'm.

15 THE COURT: Let's come up now to 20, Mr. Fitch.

16 PROSPECTIVE JUROR NO. 112: I've lived here for
17 seven years.

18 THE COURT: Hold on. We need to get the microphone
19 to you.

20 PROSPECTIVE JUROR NO. 112: Cool. I've lived here
21 for seven years. I reside in the Green Valley area. I'm
22 originally from southern Illinois. I work for Chase Bank.
23 I'm not married. I have no children. And I've never been a
24 juror.

25 THE COURT: All right. Thank you very much.

1 Let's go to 21, Casey Allen.

2 PROSPECTIVE JUROR NO. 116: I've lived here for 23
3 years, Southern Highlands for the last 14. Unemployed. Was a
4 resort concierge until the pandemic. I'm not married. No
5 kids. Never been a juror.

6 THE COURT: All right.

7 Let's turn to No. 22, Ms. Roberson.

8 PROSPECTIVE JUROR NO. 118: I've lived in the Valley
9 for 35 years. I live in Green Valley. I'm a residential
10 realtor. My husband's retired law enforcement and military.
11 We have four kids. One is still at home, he's 16. I did
12 serve on a jury as an alternate, a criminal case, about 30
13 years ago.

14 THE COURT: Okay. Very good.

15 Let's go to No. 23, Ms. Huffine.

16 PROSPECTIVE JUROR NO. 126: I live in the northwest.
17 I've been there about 35 years. I am not employed. Not
18 married. Have two kids. And never been on a jury.

19 THE COURT: All right.

20 And then let's go to 24, Mr. DeJesus.

21 PROSPECTIVE JUROR NO. 135: Yeah. I've been born
22 and raised here for 20 years. I live in North Las Vegas. I'm
23 currently a full-time student at UNR. Not married. No
24 children. Never been a juror.

25 THE COURT: All right. Thank you.

1 Thank you everybody for sharing a little bit about
2 yourself with us.

3 At this point in time, I'm going to allow the
4 attorneys for each side to ask you questions. They can ask
5 you questions the same way that I've asked questions, as a
6 group, or they may ask you some questions individually based
7 upon some answer or something that they may have a particular
8 interest about.

9 Those principles apply the same. All we're looking
10 for is an honest answer from you. If you don't hear a
11 question, just say, I don't hear that, and they'll repeat it.
12 If you don't understand a question, say can you rephrase the
13 question, or I don't understand the question, and we'll make
14 sure they rephrase it to where you understand what they're
15 asking.

16 Again, all we're looking for is honest answers. And
17 so appreciate everybody working with the attorneys as we go
18 through this part of the process.

19 We'll be pleased to hear from the State.

20 MR. LEXIS: Thank you.

21 Folks, my name is Chad Lexis. I'm a -- I work at
22 the District Attorney's Office.

23 I'll be quick. At the end of the day, we're just
24 looking for people that could, both sides, the defense and the
25 State, we could start out on neutral playing fields.

1 So with that said, can anybody -- besides what we
2 already went over, has anybody had any negative contact with
3 law enforcement?

4 Let the record reflect no hands.

5 Anybody here was happy that they were coming to jury
6 duty? Always wanted to be on the jury?

7 Can you pass the mike to Juror No. 6 -- Seat 6?

8 Yes, ma'am?

9 PROSPECTIVE JUROR NO. 044: You said, were we happy
10 to be selected?

11 MR. LEXIS: Yes.

12 PROSPECTIVE JUROR NO. 044: Yeah. I've always
13 thought that it was my civic duty to be able to have a voice
14 as a peer, and I think it's just -- I think jury duty is a
15 very important part of being a citizen.

16 MR. LEXIS: Any -- any other reason or just always
17 wanted to do it because you believe it's part of your duty?

18 PROSPECTIVE JUROR NO. 044: I believe in the
19 judicial system and I just thing it's very important.

20 MR. LEXIS: Okay.

21 THE COURT: All right. That's Ms. Benton for the
22 record.

23 MR. LEXIS: Does anybody not believe in the judicial
24 system, believes it doesn't work properly, it's broken?

25 Let the record reflect no hands.

1 Anybody believe the judicial system is unfair?

2 Let the record reflect no hands.

3 THE MARSHAL: We've got one.

4 THE COURT: Oh, we've got -- where are we?

5 PROSPECTIVE JUROR NO. 057: I think they are --

6 THE COURT: Okay. We're at number 9, Mr. Levine.

7 PROSPECTIVE JUROR NO. 057: I think there are
8 element of unfairness to it, especially when it comes to
9 differences between people with significant resources and
10 people without significant resources. However, I don't think
11 it is more unfair than it is fair.

12 MR. LEXIS: I'm sorry. What was that last part?
13 You believe it's more --

14 PROSPECTIVE JUROR NO. 057: I don't think it's more
15 unfair than it is fair, but I think there are some elements of
16 unfairness to it.

17 MR. LEXIS: Okay. So you think it's more of a
18 resources issue?

19 PROSPECTIVE JUROR NO. 057: I do.

20 THE COURT: You need to speak -- you need to speak
21 up just a little bit. I'm even having trouble hearing you.

22 PROSPECTIVE JUROR NO. 057: I do. I think it is a
23 resources issue and I do think there -- there's a history of
24 certain groups having a harder time with the legal system than
25 others.

1 MR. LEXIS: Okay. Sir, do you believe the District
2 Attorney's Office takes a look at somebody's financial
3 resources before charging them?

4 PROSPECTIVE JUROR NO. 057: I -- I would -- I don't
5 believe so.

6 MR. LEXIS: Okay. Does anybody feel the same way?
7 Could you please pass the mike?

8 THE COURT: Let's go over -- let's see, go over to
9 No. 4, Ms. Docker.

10 PROSPECTIVE JUROR NO. 039: I feel pretty much the
11 same way. It's a -- it's a basis of money. If you have more
12 money then you can get a better attorney.

13 MR. LEXIS: Say that again?

14 PROSPECTIVE JUROR NO. 039: If you have more money
15 you can hire a better attorney.

16 MR. LEXIS: Okay. Do you believe the District
17 Attorney's Office is influenced by money? For example, if
18 somebody commits a crime and it lands on my desk, do you think
19 I'm going to -- the first thing I'm going to look at or I'm
20 going to consider, hey, is this person employed or unemployed?

21 PROSPECTIVE JUROR NO. 039: No.

22 MR. LEXIS: Okay. Do you think it's more just as
23 far as resources as who -- what kind of --

24 PROSPECTIVE JUROR NO. 039: Right.

25 MR. LEXIS: -- defense they could get?

1 PROSPECTIVE JUROR NO. 039: What type -- kind --
2 type of defense they could get, yes.

3 MR. LEXIS: Okay.

4 THE COURT: Let's see. I think No. 14 --

5 PROSPECTIVE JUROR NO. 088: Dulude.

6 THE COURT: -- Mr. Dulude.

7 PROSPECTIVE JUROR NO. 088: Yeah, I -- I echo both
8 of them and -- because I believe the resources tell the story.
9 I think it does direct the difference of the decision.

10 MR. LEXIS: Okay. Can you explain that?

11 PROSPECTIVE JUROR NO. 088: I -- I think that if you
12 -- that you can buy your way out. That's all.

13 MR. LEXIS: Okay. But explain that to me, how you
14 could buy your way out though. I -- I'm not --

15 PROSPECTIVE JUROR NO. 088: Better attorney --

16 MR. LEXIS: -- trying to argue with you, sir.

17 PROSPECTIVE JUROR NO. 088: A better attorneys --

18 MR. LEXIS: I just --

19 PROSPECTIVE JUROR NO. 088: -- better -- if somebody
20 comes with a public defender they have -- how much work does a
21 public defender do, whereas, if I had a lot of money and I had
22 my own defense and I could certainly belabor the case, I think
23 you can win the case. That's all.

24 Or certainly nudge it in your favor. I shouldn't
25 say win, but --

1 MR. LEXIS: Okay

2 PROSPECTIVE JUROR NO. 088: -- okay.

3 MR. LEXIS: Same type of follow-up. Do you believe
4 it influences the District Attorney's Office on who we're
5 going to prosecute?

6 PROSPECTIVE JUROR NO. 088: Yes, I do.

7 MR. LEXIS: Okay.

8 PROSPECTIVE JUROR NO. 088: Yeah.

9 MR. LEXIS: So explain how.

10 PROSPECTIVE JUROR NO. 088: How? Because they
11 figure out how they can win the case or not win the case,
12 because winning the case for a defense attorney -- for a
13 public defender's -- your guys' office, that's hardly how you
14 get promoted. That's the way I look at it.

15 MR. LEXIS: Okay. And if I told you that's
16 absolutely not true, would you be surprised on --

17 PROSPECTIVE JUROR NO. 088: I'm sorry. I'm --

18 MR. LEXIS: -- that?

19 PROSPECTIVE JUROR NO. 088: -- 72 years old. I
20 don't believe that.

21 MR. LEXIS: Okay. So you -- you believe that as my
22 job, I'm not going to get promoted unless --

23 PROSPECTIVE JUROR NO. 088: I think your --

24 MR. LEXIS: -- I get a certain amount --

25 THE COURT: Okay. Mr. --

1 MR. LEXIS: -- of convictions?

2 PROSPECTIVE JUROR NO. 088: I think you're --

3 THE COURT: -- hold on.

4 PROSPECTIVE JUROR NO. 088: I'm sorry. I'm sorry.

5 THE COURT: -- Mr. -- you know, this -- let -- we're
6 not going to get into an argument about this.

7 PROSPECTIVE JUROR NO. 088: No, no, I -- I started
8 to speak before he was --

9 MR. LEXIS: Okay.

10 PROSPECTIVE JUROR NO. 088: -- and it was out of
11 order.

12 THE COURT: Mr. Lexis, let's --

13 MR. LEXIS: Yes. Just a couple more questions,
14 Judge.

15 THE COURT: All right. Well, let's just ask
16 questions and let's not be argumentative with the questions.

17 MR. LEXIS: Yes. So do you believe it's part of the
18 District Attorney's Office' promotion on the amount of trials
19 I win?

20 PROSPECTIVE JUROR NO. 088: Yes.

21 MR. LEXIS: Okay. All right.

22 Anybody else believe that?

23 Anybody else have a comment along those lines?

24 THE COURT: Let the record reflect no hands.

25 MR. LEXIS: No hands. Okay.

1 Whoever is closest to you, sir, with the mike.

2 What's the number closest to you besides that gentleman?

3 THE EXTERN: 18, right here.

4 MR. LEXIS: Okay. 18.

5 THE COURT: And that's -- that's Mr. Tangpuz.

6 MR. LEXIS: Sir, if there is two victims of crime,
7 one's a drug dealer, in the worst area of town or under a
8 bypass, and the other victim is a victim -- is a doctor in
9 Summerlin, do you believe we should prosecute both cases
10 equally, or do you think we should give more preference to the
11 doctor in Summerlin?

12 PROSPECTIVE JUROR NO. 104: I'm not sure how to
13 answer that question.

14 MR. LEXIS: Okay. Who is the individual next to
15 him? Yes.

16 THE COURT: All right.

17 THE EXTERN: 13.

18 THE COURT: 13, that's Ms. Perez-Rojas.

19 MR. LEXIS: Do you understand the question, ma'am?

20 PROSPECTIVE JUROR NO. 079: The one that you just
21 asked him?

22 MR. LEXIS: Yes, ma'am.

23 PROSPECTIVE JUROR NO. 079: Well, I do think that
24 sometimes it does influence when you see who the victim is.

25 MR. LEXIS: Okay. As far as the District Attorney's

1 Office --

2 PROSPECTIVE JUROR NO. 079: Um-h'm.

3 MR. LEXIS: -- and cops in general, but ultimately
4 it's going to be the District Attorney's job, do you believe
5 -- same crimes committed against both individuals. Do you
6 think we should go after the person that committed the crime
7 against the Doctor in Summerlin, or do you think we should
8 prosecute both crimes equally?

9 PROSPECTIVE JUROR NO. 079: I think they should both
10 be equally. It just sometimes influences the circumstances or
11 their rights sometimes.

12 MR. LEXIS: Okay. Does any --

13 PROSPECTIVE JUROR NO. 079: But I think both should
14 be trialed equally.

15 MR. LEXIS: Does anybody disagree with that notion?

16 Let the record reflect no hands.

17 Ma'am, have you ever heard the phrase, you know, who
18 -- who cares factor?

19 PROSPECTIVE JUROR NO. 079: No.

20 MR. LEXIS: No? Okay.

21 So oftentimes, whether it's a case that's involving
22 prostitution, or a drug dealer, or something like that, where
23 they get involved in an altercation. It's easy for an
24 outsider to look at that and be like, you know what, they were
25 up to no good, who cares.

1 Would you agree?

2 PROSPECTIVE JUROR NO. 079: No.

3 MR. LEXIS: Okay. You don't believe that's a factor
4 that comes into play sometimes?

5 PROSPECTIVE JUROR NO. 079: I mean, the general
6 public, you mean, or --

7 MR. LEXIS: Yes. The general public.

8 PROSPECTIVE JUROR NO. 079: -- if -- if I would use
9 that --

10 MR. LEXIS: Not you.

11 PROSPECTIVE JUROR NO. 079: -- right now as a juror?

12 MR. LEXIS: Not you, ma'am, but the general public,
13 in general. Do you believe --

14 PROSPECTIVE JUROR NO. 079: If -- when they see the
15 news? Yeah, it influences the way they think.

16 MR. LEXIS: Okay. And in a particular case like
17 this where the victims often are corporations, and we're not
18 dealing with some -- a lot of times just individuals. Some of
19 the charges are against a particular corporation, Champs and
20 Foot Locker.

21 Are you going to be of the opinion, well, you know
22 what, these -- these are corporations. They could afford to
23 lose some money. It's the ordinary course of their business.
24 They're going to be, you know, there's going to be some theft
25 here and there.

1 Are -- do you believe that's going to influence you
2 or are you going to be able to treat it as seriously as if
3 it's somebody's -- somebody else's money?

4 PROSPECTIVE JUROR NO. 079: Looking at the evidence,
5 I would think I would just use whatever is presented forward.

6 MR. LEXIS: Okay.

7 Can you pass the mike over one?

8 THE COURT: Okay. We're at No. 8, Ms. Nicholson.

9 MR. LEXIS: Okay. Would you agree with that, ma'am?
10 Same question I asked her.

11 PROSPECTIVE JUROR NO. 048: I think they -- they
12 should be looked at, you know, they should be looked at.

13 MR. LEXIS: Okay. Would you be able to treat a -- a
14 crime against a corporation the same as a crime against an
15 individual?

16 PROSPECTIVE JUROR NO. 048: Uh-huh. Absolutely.

17 MR. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 048: Yeah.

19 MR. LEXIS: Does anybody disagree with that notion?
20 Let the record reflect no hands.

21 Ma'am, would you agree sometimes, you know, it
22 doesn't play out often like you see on CSA and all these TV
23 shows. Do you agree with me?

24 PROSPECTIVE JUROR NO. 048: Yeah.

25 MR. LEXIS: Okay. Now, oftentimes, there's just one

1 witness on crimes. For example, if some -- if a woman walks
2 to the mailbox and gets mugged, you know, oftentimes there is
3 no video surveillance, or is no other eye witness to come into
4 Court and testify as to that.

5 If the State just presented one witness to a
6 particular crime, would you be able to find guilt if you
7 believe that person beyond a reasonable doubt, or are you of
8 the opinion, you know what, State, if you're just coming in
9 with one witness to the crime, whether -- if that person's the
10 victim or another witness, that's not going to be enough for
11 me. I'm going to need something more. I'm going to need
12 another witness, or I'm going to need video surveillance, I'm
13 going to need something.

14 PROSPECTIVE JUROR NO. 048: I would prefer video
15 surveillance and more stuff than just one witness. I would
16 need to see a lot of evidence, just one person saying
17 something against somebody else.

18 MR. LEXIS: Okay. I think all of us would agree
19 with you that we would prefer more evidence. But would you
20 also agree with me that sometimes there's not going to be more
21 evidence?

22 PROSPECTIVE JUROR NO. 048: Absolutely.

23 MR. LEXIS: Okay.

24 PROSPECTIVE JUROR NO. 048: Sometimes there isn't.

25 MR. LEXIS: And would you be of the opinion though

1 if all I presented is one witness to a particular crime, would
2 you say, you know what, State, even though I believe this
3 person beyond a reasonable doubt, that's still not going to be
4 enough for me, I need more.

5 PROSPECTIVE JUROR NO. 048: No, if I believe that
6 person was one witness and they was right then I will go with
7 that one witness, if the evidence was there.

8 MR. LEXIS: Okay. Does anybody disagree with that?
9 Anybody say, you know what, if you're just coming at me with
10 one witness, I'm -- I'm going to need more evidence.

11 Let the record reflect no hands.

12 You could pass the mike to someone and -- okay.
13 Which do you got?

14 THE COURT: Let's see, that's No. 3, Ms. Drews.

15 MR. LEXIS: Ma'am, some charges just require
16 possessing something. Okay. Possessing of a silencer, that's
17 not what we have in this case. Possession of drugs, that's
18 not what we have in this case. I could go on and on.

19 Possession of a credit card of somebody else, some charges
20 just say you know what, you possess it, you're guilty of it.

21 Do you believe that's fair or do believe that the
22 State should actually have to prove that they used the item
23 that they possessed?

24 PROSPECTIVE JUROR NO. 038: I believe that the State
25 should have the proof for it.

1 MR. LEXIS: Okay. If the Judge gave you an
2 instruction saying that, you know, if you just find that they
3 possess it, that's good enough.

4 Would you be able to follow the law?

5 PROSPECTIVE JUROR NO. 038: Again, I wouldn't -- I'd
6 have to have the proof for it.

7 MR. LEXIS: What's that?

8 PROSPECTIVE JUROR NO. 038: I would have to have the
9 proof for it --

10 MR. LEXIS: Okay. Of course.

11 PROSPECTIVE JUROR NO. 038: -- to know.

12 MR. LEXIS: I'm talking about if we prove the case
13 beyond a reasonable doubt that you --

14 PROSPECTIVE JUROR NO. 038: Oh, then yes.

15 MR. LEXIS: Okay. Does anybody disagree with that
16 notion?

17 Let the record reflect no hands.

18 Can you please pass the mike to the next person?

19 And, ma'am, you're juror number?

20 PROSPECTIVE JUROR NO. 026: Two.

21 THE COURT: Two, that's Ms. Keep.

22 MR. LEXIS: Okay.

23 Along the same lines, ma'am. Some charges require
24 -- there doesn't have to be any value. For example a
25 burglary, or a robbery, you don't actually have to take

1 anything of monetary value.

2 Do you believe that that's fair, or do you believe,
3 you know what, if you're being charged with a -- a crime like
4 that, even though you don't have to actually take something of
5 value, I'm going to have a hard time with that.

6 PROSPECTIVE JUROR NO. 026: I'd have to see the
7 evidence if they did do it, and they should suffer -- do the
8 time for robbing someone --

9 MR. LEXIS: Okay.

10 PROSPECTIVE JUROR NO. 026: -- a burglary.

11 MR. LEXIS: But if instructed to the law, and if
12 it's states that, you wouldn't have a problem doing it?

13 PROSPECTIVE JUROR NO. 026: Uh --

14 MR. LEXIS: Let me rephrase the question.

15 PROSPECTIVE JUROR NO. 026: Okay.

16 MR. LEXIS: Some -- there's a lot of laws out there
17 and a lot of laws that people don't disagree with; correct?

18 PROSPECTIVE JUROR NO. 026: Uh-huh.

19 MR. LEXIS: For example, the hot topic now would be
20 marijuana.

21 PROSPECTIVE JUROR NO. 026: Uh-huh.

22 MR. LEXIS: Okay. However, if the Judge instructed
23 you on a law, that you personally felt --

24 THE COURT: Counsel, I've already asked this
25 question. Move on.

1 MR. LEXIS: Would you be able to follow the law --

2 THE COURT: I've already asked this --

3 MR. LEXIS: -- the law as instructed?

4 THE COURT: -- question. Move --

5 PROSPECTIVE JUROR NO. 026: Yes, I'd be able to
6 follow the law.

7 THE COURT: -- I --

8 MR. LEXIS: Okay.

9 THE COURT: Yeah.

10 PROSPECTIVE JUROR NO. 026: Yeah.

11 THE COURT: Let's move on.

12 MR. LEXIS: Sentencing is ultimately up to the
13 Judge.

14 PROSPECTIVE JUROR NO. 026: Correct.

15 MR. LEXIS: As a juror -- as a jury in general,
16 you're not to consider the potential sentencing, whether it be
17 classes, probation, jail, et cetera.

18 When you go back to the deliberation room is -- are
19 you going to be able to set that to the side or are you going
20 to say, you know what, this is really going to weigh on me.
21 This is really -- this is really going to weigh on the
22 potential sentence the Judge gives and it's going to influence
23 your deliberation of guilty or not guilty?

24 PROSPECTIVE JUROR NO. 026: It would just depend on
25 what the verdict would be, and what we came to. I'm not --

1 I'm not understanding your question, sir.

2 THE COURT: If I instructed you that the decision as
3 to sentencing was that of the Court and it should not enter
4 into your deliberations --

5 PROSPECTIVE JUROR NO. 026: Uh-huh.

6 THE COURT: -- would you be able to follow my
7 instructions?

8 PROSPECTIVE JUROR NO. 026: Yes.

9 THE COURT: Okay. Good. Let's move on.

10 MR. LEXIS: Can you please pass it to juror seating
11 in Seat 12?

12 THE COURT: Mr. Alvidrez.

13 PROSPECTIVE JUROR NO. 068: Yes, Your Honor.

14 MR. LEXIS: Sir, you said that you would treat an
15 officer as a grain of salt. What do you mean by that?

16 PROSPECTIVE JUROR NO. 068: I would treat an
17 officer's testimony the same as I would another witness. I'm
18 not going to put more weight on his because he's an officer.

19 MR. LEXIS: Okay. And I would agree with that.

20 Would everybody agree, whether it's a firefighter,
21 or a doctor, or a cop, or a lay witness, everyone is to be
22 treated equally until you hear the testimony that's coming out
23 of their mouth and treat it accordingly.

24 Do you agree with that?

25 PROSPECTIVE JUROR NO. 068: Yes.

1 MR. LEXIS: Okay. Does anybody disagree with that?

2 Let the record reflect no hands.

3 Same question earlier sir, with regards to the --
4 the one witness type situation.

5 Did you hear my question on that?

6 PROSPECTIVE JUROR NO. 068: Yeah. If there was just
7 one witness, would I be fine with just one witness.

8 MR. LEXIS: Okay. Would you be fine with just one
9 witness, if the evidence proved beyond a reasonable doubt that
10 person did it?

11 PROSPECTIVE JUROR NO. 068: Yes. If there's
12 evidence corroborating with the witness testimony, then yes.

13 MR. LEXIS: Okay. But what about corroboration?
14 What if there is no corroboration? For example --

15 PROSPECTIVE JUROR NO. 068: Just --

16 MR. LEXIS: -- let me give you -- go ahead. Let
17 me --

18 PROSPECTIVE JUROR NO. 068: Just the witness
19 statement.

20 MR. LEXIS: Okay. But a lot of times, for example,
21 if -- if two people get into it on the street and somebody
22 punches somebody or pushes somebody down, oftentimes there
23 wouldn't be any visible injuries when the cop got there;
24 right?

25 PROSPECTIVE JUROR NO. 068: Um-h'm. I agree.

1 MR. LEXIS: That sometimes there is, sometimes
2 there's not.

3 PROSPECTIVE JUROR NO. 068: Yes.

4 MR. LEXIS: Sometimes there's no witnesses around.
5 Sometimes there's no video testimony.

6 Would you be able to, again, the State has to prove
7 beyond a reasonable doubt, but if you believed that sole
8 witness, that the crimes was committed, would you be able to
9 find guilty?

10 PROSPECTIVE JUROR NO. 068: Yes. If the testimony
11 of that witness was enough to sway me into the, I believe what
12 they're saying, then yes.

13 MR. LEXIS: Okay. And you understand that
14 testimony, what's coming out of somebody's mouth, is evidence?

15 PROSPECTIVE JUROR NO. 068: Yes.

16 MR. LEXIS: All right.

17 I'll pass, Judge.

18 THE COURT: Okay. We'll be pleased now to hear from
19 you, Mr. Hill.

20 MR. HILL: Thank you, Your Honor.

21 If we could please pass that microphone over to
22 Juror No. 102, in Seat 17.

23 THE COURT: Mr. Williams.

24 MR. HILL: Howdy, sir.

25 PROSPECTIVE JUROR NO. 102: Hi.

1 MR. HILL: During the Judge's questioning you said
2 you were self-employed.

3 PROSPECTIVE JUROR NO. 102: Yeah.

4 MR. HILL: What is it that you do?

5 PROSPECTIVE JUROR NO. 102: Just online resale.

6 MR. HILL: I'm sorry?

7 PROSPECTIVE JUROR NO. 102: Online sales.

8 MR. HILL: Got you. So work from home, that kind of
9 thing.

10 PROSPECTIVE JUROR NO. 102: Yeah.

11 MR. HILL: And your wife is in the same line of
12 work, she works for the same company?

13 PROSPECTIVE JUROR NO. 102: Yes.

14 MR. HILL: Very well.

15 If we could pass the microphone, please, over to
16 Juror No. 44 in Seat 6.

17 THE COURT: Ms. Benton.

18 MR. HILL: You said you worked in a manufacturing
19 plant?

20 PROSPECTIVE JUROR NO. 044: Yes.

21 MR. HILL: What kind?

22 PROSPECTIVE JUROR NO. 044: It's book manufacturing.
23 It's a new site Amazon just launched.

24 MR. HILL: Oh, it's a -- it's a book?

25 PROSPECTIVE JUROR NO. 044: Yes, we make books.

1 MR. HILL: Oh, gotcha. I just didn't hear what that
2 word was. Sorry.

3 PROSPECTIVE JUROR NO. 044: No problem.

4 MR. HILL: People are still buying books?

5 PROSPECTIVE JUROR NO. 044: They are.

6 MR. HILL: Nice.

7 PROSPECTIVE JUROR NO. 044: Just a few.

8 MR. HILL: Wonderful.

9 If we could pass that microphone back, please, to
10 Juror No. 57 in Seat 9.

11 THE COURT: Mr. Levine.

12 MR. HILL: Just to follow up on some of the State's
13 questions, sir, in relation to your consideration of the
14 fairness of the system. Do you remember those?

15 PROSPECTIVE JUROR NO. 057: I do.

16 MR. HILL: I just want to clarify a couple of
17 things.

18 Your closing remarks were you didn't think that the
19 system were more unfair than fair. Is -- is that -- was that
20 your --

21 PROSPECTIVE JUROR NO. 057: Yeah, it was.

22 MR. HILL: -- summation?

23 PROSPECTIVE JUROR NO. 057: Apologies for what might
24 seem like a double negative. I think it is more fair than it
25 is unfair, but I think there are some elements of unfairness

1 to it.

2 MR. HILL: Understood.

3 PROSPECTIVE JUROR NO. 057: Um-h'm.

4 MR. HILL: But in a case -- in a particular case
5 with particular jurors and particular evidence, you'll be able
6 to retire to the deliberation room and bring only those
7 opinions, experiences, and facts and things to the table that
8 the Judge instructs you, you're allowed to bring.

9 PROSPECTIVE JUROR NO. 057: Yes.

10 MR. HILL: In other words, whatever opinions you
11 have that the Judge says maybe you're not allowed to bring
12 back into the deliberation room, you're going to be able to
13 set those aside and consider just the evidence in front of
14 you?

15 PROSPECTIVE JUROR NO. 057: Yes.

16 MR. HILL: Very well.

17 If we could bring that over to Juror No. 26 in Seat
18 2, please.

19 And --

20 THE COURT: That's Ms. Keep.

21 MR. HILL: -- Ms. Keep, how are you, ma'am?

22 PROSPECTIVE JUROR NO. 026: Good.

23 MR. HILL: I just wanted to come back to, you said
24 you had some friends who were police officers; is that right?

25 PROSPECTIVE JUROR NO. 026: Yes.

1 MR. HILL: And we've been through a lot this
2 morning, so I'm just going to -- this afternoon, I guess, now
3 -- take a quick refresher. These are individuals that you
4 socialize with regularly or not?

5 PROSPECTIVE JUROR NO. 026: On occasion, like
6 birthday parties, special events, nothing too crazy. Not like
7 weekly, or monthly.

8 MR. HILL: And -- and just remind me if I may, how
9 that you came to know them.

10 PROSPECTIVE JUROR NO. 026: They're friends of the
11 family. We've been friends for like 22 years.

12 MR. HILL: And is there ever -- do you ever talk
13 about their line of work or anything like that?

14 PROSPECTIVE JUROR NO. 026: No. Hm-h'm.

15 MR. HILL: Very well.

16 If we could come over, please, to Juror No. 118, in
17 Seat No. 22.

18 And this is Ms. -- is it Roberson?

19 PROSPECTIVE JUROR NO. 118: Yeah, it's Roberson.

20 MR. HILL: Very well.

21 PROSPECTIVE JUROR NO. 118: Um-h'm.

22 MR. HILL: Just to follow up a little bit up on your
23 background.

24 Do you remember when the Judge had everybody stand
25 up and -- and swear an oath?

1 PROSPECTIVE JUROR NO. 118: Yes.

2 MR. HILL: All right. And you understand that as --
3 as you sit here today, that you're under oath to tell the
4 truth; is that right?

5 PROSPECTIVE JUROR NO. 118: Yes.

6 MR. HILL: And you told the Court a little earlier
7 that you were a residential realtor; is that right?

8 PROSPECTIVE JUROR NO. 118: Yes.

9 MR. HILL: All right. And you understand that
10 you're still under that oath, of course.

11 PROSPECTIVE JUROR NO. 118: Yes.

12 MR. HILL: All right. Are housing prices going to
13 hold?

14 PROSPECTIVE JUROR NO. 118: Let me get my crystal
15 ball out.

16 MR. HILL: All right. I want to talk about your
17 husband for just a few moments if I may.

18 He is a retired Metro officer; is that right?

19 PROSPECTIVE JUROR NO. 118: Yes.

20 MR. HILL: And was he a Metro officer during the
21 duration of your marriage?

22 PROSPECTIVE JUROR NO. 118: Most of it, yeah.
23 Um-h'm.

24 MR. HILL: So the better part of 20 years?

25 PROSPECTIVE JUROR NO. 118: Yeah. Well, we've been

1 married 17 years.

2 MR. HILL: So --

3 PROSPECTIVE JUROR NO. 118: Um-h'm.

4 MR. HILL: -- the better part of that --

5 PROSPECTIVE JUROR NO. 118: Yes. Yeah.

6 MR. HILL: -- 17?

7 PROSPECTIVE JUROR NO. 118: Yeah.

8 MR. HILL: Very well. And he retired with the --
9 you said it was the Sex Assault Detail?

10 PROSPECTIVE JUROR NO. 118: Um-h'm.

11 THE COURT: You need to --

12 PROSPECTIVE JUROR NO. 118: Yes.

13 THE COURT: -- answer "yes" or "no".

14 PROSPECTIVE JUROR NO. 118: Yes.

15 MR. HILL: Thank you, Judge.

16 Certainly, over those 17 years, you became
17 intimately acquainted with his work?

18 PROSPECTIVE JUROR NO. 118: Yes.

19 MR. HILL: And I'm sure there were some cases that
20 weighed on him or were tougher than others?

21 PROSPECTIVE JUROR NO. 118: Definitely.

22 MR. HILL: All right. And certainly he would speak
23 -- you all would talk about some of the troubles and travails
24 that comes along with these kinds of cases?

25 PROSPECTIVE JUROR NO. 118: Yes.

1 MR. HILL: All right. And that was probably a
2 fairly regular topic of conversation, I would imagine?

3 PROSPECTIVE JUROR NO. 118: Yes.

4 MR. HILL: And given how long he did it, and how far
5 he advanced in his particular Detail, he probably dedicated
6 himself quite a bit --

7 PROSPECTIVE JUROR NO. 118: Um-h'm.

8 MR. HILL: -- to his work and --

9 PROSPECTIVE JUROR NO. 118: Yes.

10 MR. HILL: -- and his investigations.

11 And I'm sure that you came to also know and become
12 acquainted with his colleagues?

13 PROSPECTIVE JUROR NO. 118: Sure.

14 MR. HILL: Not uncommon for other cops to be over at
15 the house, I'm sure.

16 PROSPECTIVE JUROR NO. 118: Correct.

17 MR. HILL: Right. And -- or for you guys to go over
18 to other cops' houses?

19 PROSPECTIVE JUROR NO. 118: Yes.

20 MR. HILL: All right. Because these guys worked
21 together a lot and so they get to be pretty close; is that
22 right?

23 PROSPECTIVE JUROR NO. 118: We -- we don't have a
24 ton of friends that are in law enforcement, but a few, yeah.

25 MR. HILL: Sure.

1 PROSPECTIVE JUROR NO. 118: Close friends, yeah.

2 MR. HILL: And I would imagine you came to have
3 quite a bit of respect for -- for what he did all those years.

4 PROSPECTIVE JUROR NO. 118: For what he did, yes.

5 MR. HILL: All right. And you probably came to have
6 a certainly opinion, given your intimate knowledge of it, of
7 law enforcement work as a whole?

8 PROSPECTIVE JUROR NO. 118: I have opinions about
9 it, yes.

10 MR. HILL: All right. And you're aware of, you
11 know, some of the background work that goes into a case before
12 it might go to trial, for example.

13 PROSPECTIVE JUROR NO. 118: Somewhat, um-h'm.

14 MR. HILL: All right. In other words, given your
15 history with your husband and interaction with the police and
16 everything like that, it could potentially be the case that
17 you would, based on all that background, take a police officer
18 at his word. Is that -- is that a fair assessment?

19 PROSPECTIVE JUROR NO. 118: I believe that police
20 officers are just humans, so.

21 MR. HILL: Unpack that a little bit for me.

22 PROSPECTIVE JUROR NO. 118: I wouldn't -- I don't
23 think I would necessarily weigh -- weigh either heavier, a
24 police officer or a non-police officer.

25 MR. HILL: Very well. Thank you for that.

1 PROSPECTIVE JUROR NO. 118: Yeah.

2 MR. HILL: Your Honor, that's all I have for follow-
3 up. Thank you.

4 THE COURT: All right. I think this is a good time
5 for us to -- to take a break.

6 If you -- let's try to do this in 10 minutes. Go
7 out, get a drink if you need one. Go to the bathroom if you
8 need to go to the bathroom. And then come back in.

9 We've been going at this for a little bit of time.
10 I'm going to ask all of you to not talk to each -- you know,
11 you -- be sure to stand six feet away, if you want to talk to
12 somebody. But talk about anything other than the case. Don't
13 talk to each other about this case, or really about anyone who
14 has anything to do with it.

15 Don't talk with anyone else about the case, or about
16 anyone who has anything to do with it. Remember, as I said,
17 don't go on social media, or on the Internet, or anything like
18 that.

19 Don't let anyone talk to you about the case. I
20 don't anticipate that being a problem, but don't let anyone
21 talk to you about the case. If someone should try to talk to
22 you about the case, let the Marshal know.

23 And then you've gotten a little bit of information,
24 so don't -- you know, don't be looking up any news stories or
25 articles, or listen to any television reports or anything like

1 that about the case. And don't begin to form or express any
2 opinion on the case at this point in time.

3 I will ask Mr. Dulude remain. You had mentioned
4 possibly seeing something on the news, so I'd like to chat
5 with you before we let you run out to the restroom. But
6 everybody else, get back in 10 minutes, as soon as you can, so
7 we can keep the process moving.

8 THE MARSHAL: All rise.

9 (Prospective jurors exit at 1:49 p.m.)

10 (Outside the presence of the prospective jurors)

11 (Prospective Juror No. 088 is present.)

12 THE COURT: Okay. Mr. Dulude, you'd -- you'd --
13 you'd mentioned there previously --

14 PROSPECTIVE JUROR NO. 088: Oh.

15 THE COURT: -- that you --

16 PROSPECTIVE JUROR NO. 088: I thought I heard, yes.

17 THE COURT: -- thought you may have heard something
18 on the news. What do you remember, you think you heard on the
19 news?

20 PROSPECTIVE JUROR NO. 088: That it was -- well, I
21 watch Channel 5 religiously every night at 10:00 o'clock. So
22 I would tell -- and I'm a pretty much choose news person, I
23 watch only news. I would have said that I thought I
24 remembered that there was a case of some clothing, some -- at
25 the Fashion Mall -- at the Fashion Mall then, the big one down

1 here, all right.

2 THE COURT: Okay. I think everybody --

3 PROSPECTIVE JUROR NO. 088: Yeah. And I --

4 THE COURT: -- knows what you're talking about.

5 PROSPECTIVE JUROR NO. 088: Yeah.

6 THE COURT: Fashion Show Mall.

7 PROSPECTIVE JUROR NO. 088: Yeah. Fashion Show

8 Mall. But there was something on -- on it about it. That's

9 all I can remember --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 088: -- about it.

12 THE COURT: And what do you -- just as best you can,

13 what do you remember from the article that you -- about when

14 -- let's start first. When about how long ago do you think

15 this was?

16 PROSPECTIVE JUROR NO. 088: See, I wanted to say it

17 was like February of '19, or some -- some -- something in the

18 middle of '19. That's all I --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 088: -- I can -- I can tell

21 you..

22 THE COURT: And what do you remember as best you

23 can, about the news report?

24 PROSPECTIVE JUROR NO. 088: It was -- it was a news

25 -- it was a clip that said -- talked -- it said there was

1 something to do with -- I thought credit card fraud. You've
2 got to -- you've got to give me a little on the leeway here.
3 I -- I can't remember exactly. But there was --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 088: -- something at the Mall
6 about some of the stores having some of their inventory, you
7 know, whatever the word is, but anyway, shortage, shrinkage is
8 the word. And that they had captured somebody or something.
9 That's all I can -- or -- yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 088: That's about -- to be
12 honest with you, I think that's all I could tell you about it,
13 so.

14 THE COURT: All right. Now, if obviously -- if I
15 instructed you not to consider any of that information or
16 consider the news report at all in your deliberations would
17 you have any problem following my instructions?

18 PROSPECTIVE JUROR NO. 088: Would that impact my
19 decision? I'm afraid it might have an over -- it might have
20 an impact on the decision, to be honest.

21 THE COURT: Okay. Now, you know, a news report is
22 pretty much --

23 PROSPECTIVE JUROR NO. 088: I understand.

24 THE COURT: -- no different than, you know, a
25 Indictment or something like that.

1 PROSPECTIVE JUROR NO. 088: I know.

2 THE COURT: It's just a notice type thing. It's not
3 the evidence or anything like that.

4 PROSPECTIVE JUROR NO. 088: I want to be fair. My
5 fairness is, I'm just saying, it might have an impact. That
6 -- that bothers me, I guess.

7 THE COURT: Okay. Do you --

8 PROSPECTIVE JUROR NO. 088: And I'm saying that to
9 you so you don't --

10 THE COURT: No, and I want you to be honest.

11 PROSPECTIVE JUROR NO. 088: Okay.

12 THE COURT: But I guess what I'm saying, do you feel
13 fairly confident that you'd be able to put that aside and
14 focus just on the evidence here in this case and my
15 instructions on the law?

16 PROSPECTIVE JUROR NO. 088: No, I don't think so.

17 THE COURT: Okay. Does the State wish to ask any
18 questions?

19 MR. SCARBOROUGH: No. No, Your Honor.

20 THE COURT: Mr. Hill, do you wish to ask any
21 questions?

22 MR. HILL: No. Thank you, Your Honor.

23 PROSPECTIVE JUROR NO. 088: Yeah.

24 THE COURT: All right. Thank you very much, Mr.

25 Dulude.

1 PROSPECTIVE JUROR NO. 088: Yeah.

2 THE COURT: You can go to the bathroom.

3 PROSPECTIVE JUROR NO. 088: Oh.

4 (Prospective Juror No. 088 is not present.)

5 THE COURT: And then if Mr. Webb is out there, go
6 ahead and have him walk -- come in.

7 MR. HILL: [Inaudible]?

8 THE COURT: I'd ask Mr. Webb to come in. No. 10.

9 (Pause in the proceedings.)

10 (Prospective Juror No. 059 is present.)

11 THE COURT: Come on in, Mr. Webb. If you'd come
12 back to your Seat No. 10 real quick.

13 Mr. Webb, you let the Marshal know that you thought
14 on reflection that you might know a witness.

15 Who -- who -- what witness do you think you might
16 know?

17 PROSPECTIVE JUROR NO. 059: So the name that I asked
18 for clarification on, Aaron Denson, I had gotten his last name
19 mixed up with another friend of mine's named Benson, so the
20 wires were cross. But you did say Aaron Denson, last name
21 spelled D-e-n-s-o-n. Correct?

22 MR. SCARBOROUGH: Yes.

23 PROSPECTIVE JUROR NO. 059: Then yes, he -- he was
24 a --

25 THE COURT: Well, how do you -- just let's --

1 because there are -- I'm sure there are more than one Aaron
2 Denson's in the world. How do you know this -- what does he
3 do?

4 PROSPECTIVE JUROR NO. 059: I do not know his
5 occupation, but he is a good friend of my older brother,
6 African-American male, married, with approximately four
7 children at this point. And that's the Aaron Denson that I
8 know.

9 THE COURT: How do -- how well do you know him? Do
10 you socialize with him at all?

11 PROSPECTIVE JUROR NO. 059: We socialize at family
12 get-togethers, major holidays, occasional random get-togethers
13 throughout the year.

14 THE COURT: Okay. Does -- do you guys know anything
15 about this witness that we can determine if it is or isn't the
16 one he knows?

17 MR. LEXIS: What did you say he does for a living,
18 sir? Do you know?

19 PROSPECTIVE JUROR NO. 059: I do not know his
20 occupation.

21 MR. LEXIS: Do you believe he might be employed with
22 Metro? No?

23 PROSPECTIVE JUROR NO. 059: No, sir.

24 MR. LEXIS: Okay.

25 THE COURT: You don't think he's employed with

1 Metro?

2 PROSPECTIVE JUROR NO. 059: I don't -- I don't think
3 so. I'm not quite sure.

4 THE COURT: Okay. Is the Aaron Denson who's a
5 witness an employee at Metro?

6 MR. SCARBOROUGH: Yes.

7 MR. LEXIS: Yes.

8 THE COURT: Okay. What does he do at Metro, do you
9 know?

10 MR. LEXIS: Just I think regular patrol.

11 THE COURT: Do you -- I know -- don't know if you've
12 done any interviews. Just is he African-American or --

13 MR. LEXIS: I'm not sure.

14 THE COURT: You're not sure? Okay.

15 The Aaron Denson that you know is African-American?

16 PROSPECTIVE JUROR NO. 059: Yes, sir.

17 THE COURT: Okay. All right.

18 Do you have anyone you can reach out to and -- do
19 you -- your brother, is he reachable?

20 PROSPECTIVE JUROR NO. 059: I may be able to reach
21 out to him.

22 THE COURT: Do you mind trying to call him during
23 the break and see if his friend works for Metro?

24 PROSPECTIVE JUROR NO. 059: Sure thing.

25 THE COURT: Okay. Why don't we do that. And if you

1 guys can think of anyone to contact to get a little more
2 information we'll do that.

3 MR. LEXIS: I do have a quick question.

4 THE COURT: Sure.

5 MR. LEXIS: Can -- can you tell me what the -- what
6 is the -- what do you call this, the mask, what is the symbol?

7 PROSPECTIVE JUROR NO. 059: The logo?

8 MR. LEXIS: Yeah.

9 PROSPECTIVE JUROR NO. 059: Oh, it's a clothing line
10 that my friend is trying to get started.

11 MR. LEXIS: Oh, excellent. Thank you.

12 THE COURT: Okay. Mr. Hill, did you have any
13 question you wanted to ask?

14 MR. HILL: Nothing, Judge. Thank you.

15 THE COURT: All right. Hey, thank you very much,
16 Mr. Webb, for bringing this to our -- if you could reach out
17 to your brother, I would really appreciate it.

18 PROSPECTIVE JUROR NO. 059: [Inaudible].

19 (Prospective Juror No. 059 is not present.)

20 THE COURT: Can they hear me out there?

21 THE MARSHAL: No.

22 THE COURT: Okay. Good.

23 All right. Let's -- let's -- is there anyone you
24 wish to move for cause, State?

25 You need to use the mike.

1 MR. LEXIS: Seat No. 14.

2 THE COURT: All right.

3 MR. LEXIS: I believe just by the questions you
4 asked him yourself, Your Honor, he clearly told you himself
5 that he cannot be -- that he'll be influenced by any type of
6 news, potential news, not to mention his previous statement
7 earlier with regards to the District Attorney's Office.

8 THE COURT: All right. Well, Mr. Hill?

9 MR. HILL: I'll submit, Judge.

10 THE COURT: Well, I mean, the District Attorney's
11 Office statement didn't necessarily bother me because I -- he
12 indicated that he could be fair, but he clearly indicated he
13 didn't think that he could be fair after having seen the TV
14 and that it wouldn't [sic] influence him. So I will excuse
15 Mr. Dulude.

16 Anybody else for the State?

17 MR. SCARBOROUGH: No.

18 THE COURT: All right. Anybody for cause, Mr. Hill?

19 MR. HILL: Despite my best efforts, no, Judge.

20 THE COURT: Okay. All right.

21 Then we --

22 MR. LEXIS: Is the 5 preempts, are we doing it 5
23 anywhere or are we doing 4 on the main and then --

24 THE COURT: No, 4 on the -- first on the first --
25 well, we're going to -- we've got -- I want to talk a little

1 bit. For the first 20 you have 4 each. And then the
2 alternates will come out at 21 to 24 as I said the other day
3 when we were in court, you'll have 1 each for those.

4 Let me -- who was the speaker, Bulgarian speaker? I
5 can't remember.

6 MR. HILL: No. 11.

7 THE COURT: No. 11. We'd all agreed to strike her.
8 Is that still the State and defense's position?

9 MR. SCARBOROUGH: Yes. From the State, Judge. Yes.

10 MR. HILL: And we'll submit, Judge.

11 THE COURT: All right. We'll go ahead and strike
12 her as -- and then -- all right.

13 What about Mr. Alvidrez, with the wife's surgery on
14 Friday? Usually, they like to schedule that early in the
15 morning. So if we did go into Friday, we would probably have
16 to use one of our alternates.

17 So what's -- and he does have a certification on
18 Thursday. What's the State's position as to leaving him on
19 the jury?

20 MR. SCARBOROUGH: We would be --

21 MR. LEXIS: We'll submit it, Judge.

22 MR. SCARBOROUGH: -- we'll submit.

23 THE COURT: All right. Mr. Hill?

24 MR. HILL: Judge, I'm going to -- I'm going to dig
25 my heels in on that one.

1 THE COURT: And to say, you want him to stay?

2 MR. HILL: Yes, please, Judge.

3 THE COURT: Okay. All right.

4 Like I said, if worse comes to worse, we can use one
5 of our alternates if he can't fit the wife's surgery around
6 that.

7 All right. Then let's just cover the -- you know,
8 No. 2, Ms. Keep, she had the family issues. She seemed to act
9 like she'd be able to get somebody for the two to three days.

10 Anybody feel we should let Ms. Keep go?

11 MR. SCARBOROUGH: No, Judge.

12 THE COURT: Mr. Hill?

13 MR. HILL: Submit.

14 THE COURT: All right. We'll leave her on.

15 Then Ms. Perez-Rojas was the nurse at the daycare
16 center. I tend to think they can find somebody. Anybody feel
17 we should let her go? State?

18 MR. SCARBOROUGH: I'll submit.

19 THE COURT: Defense?

20 MR. HILL: Submit as well, Judge.

21 THE COURT: All right. I don't think that I can
22 justify her going for -- if this was a longer trial, I'd be
23 more concerned.

24 Mr. Tangpuz is the school helper. I -- I'm pretty
25 sure they can probably get someone to help for those three

1 days. Anybody feel we should let him go?

2 State?

3 MR. SCARBOROUGH: I'll submit.

4 THE COURT: Defense?

5 MR. HILL: Submit.

6 THE COURT: Okay. We'll leave him on.

7 All right. Any -- anybody else that I'm missing
8 that we should discuss as far as leaving them on the jury?

9 State?

10 MR. SCARBOROUGH: Nothing from the State at this
11 point.

12 THE COURT: Mr. Hill?

13 MR. HILL: No, thank you, Your Honor.

14 THE COURT: Okay. All right.

15 So at this point in time, I'm showing you, when we
16 bring the jurors back, we'll excuse No. 11, Ms. Dyankova and
17 Juror No. 14, Mr. Dulude. Do the parties agree with that?

18 MR. SCARBOROUGH: Yes, Your Honor.

19 THE COURT: Mr. Hill?

20 MR. HILL: Yes, Your Honor.

21 THE COURT: Okay. You know, does anyone have a
22 problem if I have the Marshal excuse them in the -- while
23 they're standing out in the line? That way we can clean their
24 chairs while -- during the break and we won't have to take the
25 time to clean them when they -- when I excuse them.

1 Any problem with that, State?

2 MR. LEXIS: Are you talking about the people in the
3 24 seats?

4 THE COURT: Well, Mr. Dulude will be gone, and Ms.
5 -- No. 14, and No. 11, Ms. Dyankova will be gone. We need to
6 clean their seats before I move what will be No. 25 and 26,
7 into those seats.

8 So does anybody have a problem if the Marshal
9 excuses those individuals out in the -- outside in the lobby?

10 MR. LEXIS: No, Judge.

11 THE COURT: And then that way Brian can go ahead and
12 clean the seats and we can move the two people in them as soon
13 as we get back into session.

14 MR. HILL: That's fine, Judge.

15 THE COURT: Okay. All right.

16 So when we come back, we'll bring in those two
17 people. And I'll see if they have any answers to any of the
18 questions. And then I'll let you both have a chance to ask
19 questions of those two people. And then if, assuming that
20 they -- those two make it through, we'll move into
21 peremptories.

22 It's -- again, you are each allowed 4 each on 1
23 through 20, and 1 each on 21 through 24. The alternates will
24 come out of 21 to 24.

25 So any questions as far as format?

1 MR. SCARBOROUGH: No, Your Honor.

2 MR. HILL: No, thank you, Judge.

3 THE COURT: Okay. If you guys need to run and grab
4 a break, go do it quick, because as soon as the Marshal says
5 everybody's back and ready to go, we will get started.

6 (Court recessed at 2:04 p.m., until 2:11 p.m.)

7 (In the presence of the prospective jurors.)

8 THE COURT: Do the parties stipulate to the presence
9 of the voir panel?

10 MR. SCARBOROUGH: Yes, Your Honor.

11 MR. HILL: Yes, Your Honor.

12 THE COURT: Okay. Ladies and gentlemen, under
13 difficult circumstances, you're making it back in good shape
14 and in good time.

15 During the break, I did speak with counsel and we
16 did let go two jurors, Juror No. 11 and Juror No. 14.

17 If you weren't let go, and wanted to be let go,
18 don't blame the parties, blame me. I'm the one who makes the
19 decision. So, if there's any issue with that, I'm the one who
20 you should be upset with.

21 But we're going to need a new Juror No. 11. That
22 will be Mr. Fabiano.

23 We cleaned the seat, so you should be good. If
24 you'll go to Seat No. 11.

25 And then we will need a new Juror No. 14, and that

1 will be Ms. Casillas.

2 All right. Mr. -- before we get started with them,
3 Mr. Webb, did you have a chance to get ahold of your brother?
4 And let's see, the microphone --

5 PROSPECTIVE JUROR NO. 059: Yes, I was able to speak
6 with my brother, and verify that it was not the same Aaron
7 Denson. So, we're good.

8 THE COURT: Okay. Good. I just want to make sure
9 that you didn't know the witness. I'm glad to hear that.

10 Thank you very much for doing that.

11 All right. Mr. Fabiano, did you have an opportunity
12 to hear all the questions I asked earlier today?

13 PROSPECTIVE JUROR NO. 137: Yes, I did.

14 THE COURT: Oh, we'll let -- we've got to get you
15 the --

16 PROSPECTIVE JUROR NO. 137: Yes, I did.

17 THE COURT: All right. And would you have answered
18 any of those?

19 PROSPECTIVE JUROR NO. 137: No, I was in agreement
20 with most of them.

21 THE COURT: Okay. There's none -- none of the
22 questions I asked that you would have answered?

23 PROSPECTIVE JUROR NO. 137: Not in a negative way,
24 yeah.

25 THE COURT: Okay. Well, I mean, in any way.

1 PROSPECTIVE JUROR NO. 137: No.

2 THE COURT: Is there any of the questions you would
3 have answered?

4 PROSPECTIVE JUROR NO. 137: No.

5 THE COURT: All right. You heard the questions
6 asked by the prosecutor for the State earlier today?

7 PROSPECTIVE JUROR NO. 137: Yes, sir.

8 THE COURT: Any of those questions you would have
9 liked to have answered or commented on?

10 PROSPECTIVE JUROR NO. 137: No.

11 THE COURT: All right. And you heard the questions
12 asked by Mr. Hill, the Defense Attorney, earlier today?

13 PROSPECTIVE JUROR NO. 137: Yes, I did.

14 THE COURT: Any of those questions you would have
15 liked to have answered or commented on?

16 PROSPECTIVE JUROR NO. 137: No comment on those
17 either.

18 THE COURT: Okay. Do you have the sheet of paper?
19 Would you go through that and answer those questions
20 for us?

21 PROSPECTIVE JUROR NO. 137: Okay. I've lived here
22 in Henderson, the Las Vegas Valley, for over 50 years. I'm
23 -- I'm not employed. I retired. I used to be a maintenance
24 tech at Sam's Town for 25 -- my last 25 years. I am not
25 married. I do (indiscernible) have a partner. I have two

1 adult children but they don't live at home.

2 And I have been a juror. I was not the foreman. It
3 was a criminal trial and we did reach a verdict.

4 THE COURT: Okay. Thank you very much.

5 Let's go back to No. 14 now, Ms. Casillas.

6 Good afternoon, Ms. Casillas. How are you?

7 PROSPECTIVE JUROR NO. 142: Good. How are you?

8 THE COURT: Good. Did you have an opportunity to
9 hear all the questions I asked earlier today?

10 PROSPECTIVE JUROR NO. 142: Yes, I did.

11 THE COURT: And would you have answered any of
12 those?

13 PROSPECTIVE JUROR NO. 142: No.

14 THE COURT: Okay. Did you hear the questions asked
15 by the prosecutor for the State earlier today?

16 PROSPECTIVE JUROR NO. 142: Yes.

17 THE COURT: And would you have liked to have
18 answered or commented on any of those questions?

19 PROSPECTIVE JUROR NO. 142: No.

20 THE COURT: All right. And did you hear all the
21 questions asked by defense counsel, Mr. Hill, earlier today?

22 PROSPECTIVE JUROR NO. 142: Yes.

23 THE COURT: And would you have liked to answered or
24 commented on any of those questions?

25 PROSPECTIVE JUROR NO. 142: No.

1 THE COURT: All right. Why don't you go ahead and
2 read your answers to that sheet of paper I handed out.

3 PROSPECTIVE JUROR NO. 142: Okay. Well, before
4 that, I just wanted to let you know, due to my religious
5 beliefs, I believe that God is the only one that should be
6 judging us. So I don't feel comfortable judging anyone. I
7 don't know if I could be excused or --

8 THE COURT: Okay. Well, go ahead and answer.

9 PROSPECTIVE JUROR NO. 142: Okay.

10 THE COURT: That was one of the questions I asked
11 earlier --

12 PROSPECTIVE JUROR NO. 142: Oh.

13 THE COURT: -- today.

14 PROSPECTIVE JUROR NO. 142: Okay. Sorry.

15 THE COURT: So -- but if you -- go ahead and read
16 through that sheet.

17 PROSPECTIVE JUROR NO. 142: So I've lived here for
18 24 years. And I live now in the northwest area of Las Vegas.
19 I am currently employed for Optimum Care Lung and Allergy. I
20 do front desk work. I am married. My husband works for Bank
21 of America and he's a small business specialist. I have no
22 kids and I've never been a juror.

23 THE COURT: Okay. Thank you.

24 All right. Does the State wish to ask questions of
25 either one of the new group of 24?

1 MR. LEXIS: Ma'am, as you stated earlier, as far as
2 casting judgment on somebody at the end where you're going to
3 be asked to -- whether it's guilty or not guilty, you believe
4 your religious background is going to affect your judgment?

5 PROSPECTIVE JUROR NO. 142: Yes.

6 MR. LEXIS: Nothing further, Judge.

7 THE COURT: All right. Mr. Hill, do you want to ask
8 questions of either one of the two new jurors?

9 MR. HILL: No, thank you, Your Honor.

10 THE COURT: All right. Let me ask counsel to come
11 back into the sidebar area.

12 (Sidebar begins.)

13 THE COURT: All right. Motion for cause for either
14 one of the new -- two new --

15 MR. LEXIS: Yes, Judge, the -- the female, I don't
16 know what badge number is but she made it as clear --

17 UNIDENTIFIED SPEAKER: [Inaudible].

18 MR. LEXIS: She made it as clear as could be, Judge,
19 that if -- she's not going to be able to cast judgment without
20 her religion affecting her ability to find guilty or not
21 guilty.

22 THE COURT: All right. Mr. Hill, any sort of
23 response?

24 MR. HILL: I don't think she's telling the truth,
25 Judge. But what are you going to do? So I'll just join.

1 THE COURT: All right. We'll excuse her and bring
2 on the next one and we'll go through that.

3 I'll let you ask -- ask them any questions of the
4 new one.

5 All right? All right. You're going to need to wipe
6 down Seat No. 14. Oh, excuse me. I'm sorry.

7 (End of sidebar.)

8 THE COURT: All right. I've spoken with the
9 attorneys. Ms. Casillas, we will excuse you at this point in
10 time. Go ahead and take your materials with you.

11 And thank you for your presence here today.

12 We will need a new Juror No. 14. We'll wipe down
13 the seat. That will be Colleen Hill-Jojola.

14 There you are. You'll go back there as soon as he's
15 done wiping it down and it's -- we'll let you sit down there.

16 All right. Ma'am, did you have an opportunity to
17 hear all the questions that I asked earlier today?

18 PROSPECTIVE JUROR NO. 176: I did, Your Honor.

19 THE COURT: And would you have answered any of
20 those?

21 PROSPECTIVE JUROR NO. 176: Yes.

22 THE COURT: Okay. Go ahead and tell us what
23 questions you would have answered and what your answer would
24 be.

25 PROSPECTIVE JUROR NO. 176: My sister works for the

1 Regional Court as a Drug and Alcohol -- she works for the
2 Judge. She goes and investigates drug and alcohol cases.

3 THE COURT: Okay. Is that locally?

4 PROSPECTIVE JUROR NO. 176: Yes.

5 THE COURT: All right. How long has she been doing
6 that?

7 PROSPECTIVE JUROR NO. 176: At least six years.

8 THE COURT: Okay. All right. And what other
9 questions would you have answered?

10 PROSPECTIVE JUROR NO. 176: Oh, God, there was one
11 more. Sorry, I tried to write them down.

12 THE COURT: That's all right. Take your time.

13 I was a victim of domestic violence.

14 THE COURT: Okay. Was that locally?

15 PROSPECTIVE JUROR NO. 176: No.

16 THE COURT: Where was that?

17 PROSPECTIVE JUROR NO. 176: In Whittier, California.

18 THE COURT: And how long ago was that?

19 PROSPECTIVE JUROR NO. 176: Over 20 years.

20 THE COURT: All right. Was a police report made?

21 PROSPECTIVE JUROR NO. 176: Yes.

22 THE COURT: And was anyone apprehended and
23 prosecuted?

24 PROSPECTIVE JUROR NO. 176: Yes.

25 THE COURT: Were you satisfied or dissatisfied with

1 how the police and prosecutors handled your situation?

2 PROSPECTIVE JUROR NO. 176: It took a little longer
3 than I thought it should have, but it was fine.

4 THE COURT: Okay. All right. Any other questions
5 that you would have answered?

6 PROSPECTIVE JUROR NO. 176: No.

7 THE COURT: All right. As to your sister, her work,
8 and your relation with her, anything about that, that would
9 affect your ability to be a fair juror in this case?

10 PROSPECTIVE JUROR NO. 176: No, Your Honor.

11 THE COURT: And then as to the incident of domestic
12 violence that you suffered in the past, anything about that
13 incident that would affect your ability to be a fair juror in
14 this case?

15 PROSPECTIVE JUROR NO. 176: No, Your Honor.

16 THE COURT: Do you feel you'd be able to follow my
17 instructions and fairly and unbiasedly apply them to the law
18 and the -- to the facts in this case?

19 PROSPECTIVE JUROR NO. 176: Yes, Your Honor.

20 THE COURT: Okay. Now you heard the questions asked
21 by the State's attorney earlier today.

22 PROSPECTIVE JUROR NO. 176: Yes.

23 THE COURT: And were there any of those questions
24 that you would have liked to answered or made any comment on?

25 PROSPECTIVE JUROR NO. 176: No.

1 THE COURT: And you heard all the questions asked by
2 the defense attorney, Mr. Hill, earlier today?

3 PROSPECTIVE JUROR NO. 176: Yes.

4 THE COURT: Were there any of those you would have
5 liked to have answered or make any comment on?

6 PROSPECTIVE JUROR NO. 176: No.

7 THE COURT: All right. You've got that sheet of
8 paper with those person questions?

9 PROSPECTIVE JUROR NO. 176: Yes.

10 THE COURT: All right. Could you let us hear a
11 little bit about you?

12 PROSPECTIVE JUROR NO. 176: I've been in Las Vegas,
13 Nevada for 23 years. I currently live in Summerlin. I'm
14 employed by the State of Nevada. I'm married. My husband
15 also works for the State of Nevada. Between the two of us, we
16 have six grown children. None of them live at home. And I
17 have never been a juror.

18 THE COURT: Okay. Does the State wish to ask any
19 questions of our new No. 14?

20 MR. LEXIS: Just your opinion, ma'am, on the one
21 witness situation where let's say there is no video
22 surveillance, there is no other witnesses involved. Do you
23 believe -- if you believed that person beyond a reasonable
24 doubt that you'd be able to find guilty or are you going to
25 have a problem?

1 PROSPECTIVE JUROR NO. 176: It would have to be
2 beyond a reasonable doubt.

3 MR. LEXIS: Okay. But you would -- you would still
4 be able to find guilt --

5 PROSPECTIVE JUROR NO. 176: Yes.

6 MR. LEXIS: -- based on one witness if that was the
7 case?

8 PROSPECTIVE JUROR NO. 176: Yes.

9 MR. LEXIS: Okay. Nothing further, Judge.

10 THE COURT: All right. Mr. Hill?

11 MR. HILL: Good afternoon.

12 PROSPECTIVE JUROR NO. 176: Good afternoon.

13 MR. HILL: What do you do for the State of Nevada?

14 PROSPECTIVE JUROR NO. 176: I work at Rawson Neil
15 Psychiatric Hospital in the medical records office.

16 MR. HILL: All right. And what about your husband,
17 if I may?

18 PROSPECTIVE JUROR NO. 176: He's a mental health
19 technician.

20 MR. HILL: At Rawson Neil?

21 PROSPECTIVE JUROR NO. 176: At Rawson Neil.

22 MR. HILL: Do you ever have any interaction with
23 anyone involved in the Justice System over there?

24 PROSPECTIVE JUROR NO. 176: No.

25 MR. HILL: When -- when did this incident that you

1 suffered from occur?

2 PROSPECTIVE JUROR NO. 176: Over --

3 MR. HILL: Approximately?

4 PROSPECTIVE JUROR NO. 176: Over 20 years ago.

5 MR. HILL: Over 20 years ago.

6 Is that anything you still think about?

7 PROSPECTIVE JUROR NO. 176: No.

8 MR. HILL: No. And so as we've heard question pass
9 around the room today, you've heard that there's criminal jury
10 trials, dealing with accusations of crimes from the State.
11 But then there's civil jury trials which is a dispute between
12 parties. Do you understand that distinction?

13 PROSPECTIVE JUROR NO. 176: Yes, sir.

14 MR. HILL: All right. And as we go forward with
15 this trial, you're going to be hearing the State's claims of
16 evidence of a crime being occurred, so they say. Do you
17 understand that?

18 PROSPECTIVE JUROR NO. 176: Yes, sir.

19 MR. HILL: And with your history, which I understand
20 that kind of altercation can be a fairly personal, difficult
21 and painful situation.

22 Hearing about that, hearing about crime -- you know,
23 alleged evidence of alleged crimes, is that going to cause any
24 old feelings, emotions, resentments, anything like that --

25 PROSPECTIVE JUROR NO. 176: No.

1 MR. HILL: -- to come up?

2 So you think you can disregard any kind of
3 difficulties that that may have caused because it was so long
4 ago?

5 PROSPECTIVE JUROR NO. 176: Yes, sir.

6 MR. HILL: All right. Very well.

7 Thank you, Your Honor.

8 THE COURT: All right. Let me see counsel at
9 sidebar again.

10 (Sidebar begins.)

11 THE COURT: Okay. Any motion for cause as to No.
12 11, Mr. Fabiano, and No. 14, I can't remember what her name
13 is, but we just were speaking with her.

14 MR. SCARBOROUGH: No from the State.

15 MR. HILL: No, thank you, Your Honor.

16 THE COURT: All right. Anyone -- I'll give you one
17 last chance as to the whole board of 24. Anybody for cause,
18 State?

19 MR. SCARBOROUGH: No, from the State.

20 No from the State.

21 MR. HILL: No, Your Honor.

22 THE COURT: All right. So we've got the group of
23 24. I'm going to not excuse the -- the remaining of the
24 group. We'll let the -- we'll get the jury -- jury and then
25 I'll let them go. Every now and then you have something or

1 some -- out of the blue, something comes up, so I don't want
2 to lose them if it does.

3 All right. The State will start with preempts. You
4 have 4, 1 through 20. You have four, 1 through 20. Then one
5 as to 21 through 24. And that will get us our panel of 12,
6 and 2 alternates.

7 I will, once we get done, swear them in and give my
8 initial jury instructions to them, get that out of the way.
9 That'll save 20 or 30 minutes tomorrow morning.

10 You said you couldn't start at 8:30.

11 MR. HILL: Your Honor, I have -- I did my best,
12 since our conversation Friday, to clear out Monday and
13 Tuesday. I have a guy in warrant status that once I -- we got
14 the Thursday start, I arranged for that to be heard Tuesday.
15 He's a retained client in warrant status in Henderson Court
16 with a 9:00 a.m. motion.

17 We've got to get started before then. Can you
18 appear remotely?

19 MR. HILL: I don't think so, but I can't say yes or
20 no definitively.

21 THE COURT: All right. Well, once we get the jury
22 I'll have them take a break before I give them the opening, my
23 initial instructions. You find out about it, because we
24 really -- I mean, if you're out of their -- I mean, we're not
25 going to get started until 10:00 or 10:30 and we -- we can't

1 do that. You'll have to figure out some -- you're going to
2 either have to cancel it or figure out something, something,
3 someone to cover for you, because we can't get started that
4 late. We've got to get this done.

5 So, I'll let you check on that and we'll talk
6 further about timing and -- all right. Let's go out and let's
7 get a jury.

8 (End of sidebar.)

9 THE COURT: Okay. The good news is we're getting
10 close.

11 At this point in time, we're going to move into a
12 phase of the trial referred to as peremptory challenge phase.
13 It essentially allows each side to exclude some number of
14 potential jurors for pretty much any reason that they may
15 have. It can be, don't like the color of your hair, or how
16 you dress, or just that they don't feel that you'd be a good
17 fit. It's our way of trying to hit a situation where both
18 sides feel really comfortable with the jury that we have in
19 the case.

20 And so, you know, they can be for a number of
21 reasons. It's simply a gut feeling. So if you are preempted,
22 don't feel you've said something wrong, don't feel you've done
23 something bad, that you wouldn't be a good juror. It just
24 meant that one side or the other, for whatever reason, didn't
25 feel that you were a good fit for the jury. And so don't take

1 any offense to it.

2 But I'm going to ask everybody to stay seated where
3 you're at. Normally, I say, feel free to stand up and chit
4 chat with the people next to you. I'm not going to do that
5 this time. So it's not going to be as interesting as perhaps
6 some other occasions were, so -- but I will ask you to stay
7 seated and we'll get started.

8 Do you have the form?

9 Yeah. Start it with State.

10 (PEREMPTORY CHALLENGES BY COUNSEL.)

11 (Sidebar begins.)

12 THE COURT: Okay. I show the jury being No. 1, Ms.
13 Drews. No. 2, Ms. Docker. No. 3, Mr. Rizzo. No. 4, Mr.
14 McKane. No. 5, Mr. Webb. No. 6, Ms. Perez-Rojas. No. 7, Ms.
15 Pruettt. No. 8, Ms. Acera. No. 9, Mr. Williams. No. 10, Mr.
16 Tangpuz. No. 11, Ms. Dunaway. No. 12, Mr. Fitch. No. 13,
17 first alternate, Mr. Allen. No. 14, second alternate, Mr.
18 DeJesus.

19 Does everybody agree with that? State?

20 MR. SCARBOROUGH: Yes, Judge.

21 MR. HILL: Yes, Your Honor.

22 THE COURT: All right. Any -- is there any defense
23 -- or any defense -- any motion either side would want to make
24 at this point in time, State?

25 MR. SCARBOROUGH: No, Judge.

1 MR. HILL: No. No, Your Honor.

2 THE COURT: All right. So we have a jury.

3 I'm going to have them take a break. We'll have
4 them come back in, like I said, swear them in, do the
5 introductory jury instructions, take that, get that.

6 During the break, see if you can figure out some way
7 to make things work in the morning.

8 Can you move it up? I mean, I'm glad to reach out
9 to any Judge. I mean, if you can move it up, I -- I don't
10 mind starting a little bit later, but I just don't want to be
11 starting at 10:30 in the morning. So, I mean, if you can move
12 it up to where you could -- we could get started at 9:30, I'm
13 -- I would be willing to -- to work that.

14 MR. HILL: I'm more than happy to accommodate that,
15 Judge, if you're -- I believe it's Judge Mark Steven down
16 there in Department 1. I think they don't roll -- I think
17 9:00 a.m. is their first calendar. If they could do it at
18 8:45, I can knock it out, be -- be here by 9:15.

19 THE COURT: All right. Well, I'll have my office
20 reach out to Judge Stevens and see if -- what the earliest it
21 is, but like I said, we've --

22 MR. HILL: It's literally the only scenario that I
23 -- that I [inaudible].

24 THE COURT: Check -- check and see -- check and see.
25 I mean, check and see if you can make an appearance virtually.

1 I mean, I'll -- I don't have a problem taking a break to let
2 you run down for -- go on Zoom for 15 minutes. So --

3 MR. LEXIS: Your Honor, I would ask that -- I would
4 ask that you call because I don't think -- I've seen it
5 before. They'll do it if you call.

6 THE COURT: Well, I mean, I'll reach -- have my
7 office reach out to Judge Stevens during the break. But I
8 want you to see if you can get a -- get a -- do a -- make an
9 appearance virtually.

10 MR. HILL: [Inaudible].

11 THE COURT: So, all right.

12 (End of sidebar.)

13 THE COURT: All right. The good new is, I think we
14 have a jury. Let's make sure before I excuse anybody.

15 I'm going to ask the first 24 people to stand up.
16 Is there anyone who's not able to stand?

17 Okay. Everybody stand up.

18 All right. At this point in time, I'm going to ask
19 No. 3, Ms. Drews, to sit down. No. 4, Ms. Docker, to sit
20 down. No. 5, Mr. Rizzo, to sit down. No. 7, Mr. McKane, to
21 sit down. No. 10, Mr. Webb to sit down. No. 6, Ms. Perez-
22 Rojas, to sit down. I mean, not No. 6, No. 13, Ms. Perez-
23 Rojas, to sit down. No. 15, Ms. Pruett to sit down. No. 16,
24 Ms. Acera, to sit down. No. 17, Mr. Williams, to sit down.
25 No. 18, Mr. Tangpuz, to sit down. No. 19, Ms. Dunaway, to sit

1 down. No. 20, Mr. Fitch, to sit down. No. 21, Mr. Allen, to
2 sit down. And No. 24, Mr. DeJesus to sit down.

3 That should leave me standing -- don't sit down,
4 stay standing -- No. 1, Ms. Mirochnik. I really messed it up
5 that time. I apologize.

6 No. 2, Ms. Keep. No. 6, Ms. Benton. No. 8, Ms.
7 Nicholson. No. 9, Mr. Levine. No. 11, Mr. Fabiano. No. 12,
8 Mr. Alvidrez. No. 14, Ms. Hill-Jojola. No. 22, Ms. Roberson.
9 And No. 23, Ms. Huffine.

10 Am I correct, is there anybody -- does that work all
11 right?

12 All right. I will ask at this time that those who
13 are standing, you are excused with our thanks. You may leave.

14 Those who are sitting are our jury.

15 So if you who are standing would still follow out
16 the Marshal.

17 Then as to those of you over here, in Seats No., I
18 believe, 28 through 55, the good news from your perspective is
19 you were not selected for jury service today and you are
20 excused.

21 I want to thank you all for your participation here
22 today. I know it was a challenge with the pandemic. I
23 appreciate you all meeting your civic responsibilities and
24 appearing here today.

25 You have my thanks, you have the Court's thanks, and

1 I wish you the best going forward.

2 The good news that I can give you for appearing here
3 today, is you shouldn't be called by the State for 18 months.
4 So I can't guarantee what the Federal Government won't call
5 you for jury service, but the State won't call you for 18
6 months.

7 So, with that, thank you for your service and you
8 may follow the Marshal out.

9 Yeah. Come ahead. Go ahead.

10 Okay.

11 (Prospective jurors not selected exit courtroom.)

12 (In the presence of the jury.)

13 THE COURT: Okay. We're almost done with you here
14 today. I'm going to have us take a brief ten minute break.
15 You can run to the restroom and come back. At that point in
16 time, you'll be sworn in as jurors in this case. And I'll do
17 my introductory jury instructions.

18 That usually takes 20, 30 or so minutes. And then
19 we'll break for the day and get started tomorrow. I'll give
20 you the time we'll get started tomorrow when you come back.
21 That's one of the things we want to check out.

22 We'll get started tomorrow and, as I said, put in a
23 full day tomorrow with the exception of a lunch break and then
24 intermediate breaks to run to the restroom.

25 We are going to be in Courtroom 3F. That's on this

1 floor over on that other side. It's a courtroom that's been
2 redesigned as you will notice when you go in to deal with the
3 pandemic in terms of spacing of chairs, the placement of
4 plexiglass and the use of dry hydrogen air circulating
5 machines, air disinfecting machines.

6 So it's quite a set up that we've got running --
7 (indiscernible) got running over there. So -- so anyway, if
8 you would go take a break and get back as soon as you can and
9 get out there and lined up.

10 While you're out there, now you are the jurors in
11 this case. Do not talk to each other about this case or about
12 anyone who has anything to do with it. Do not talk with
13 anyone else about this case or about anyone who has anything
14 to do with it. Anyone else includes members of your family,
15 your friends, your employer. You may tell them that you are a
16 juror in a criminal case, but don't tell them anything else
17 about it until after you've been discharged.

18 Do not let anyone talk to you about the case or
19 about anyone who has anything to do with it. If someone
20 should try to talk to you, please report it to me immediately
21 by contacting the Marshal. Do not read any news stories or
22 articles or listen to any radio or television reports about
23 the case, or about anyone who has anything to do with it.

24 Do not visit -- well, you aren't going to have time
25 to visit the scene of any events mentioned here. You don't

1 even know the events mentioned here yet, but don't do it.

2 And then do not begin to form or express any opinion
3 on any subject connected with this case until it's finally
4 submitted to you.

5 Thank you so much. We're getting close to being
6 done. Go take a break and we'll see you back in just a few.

7 THE MARSHAL: All rise for the jury.

8 THE COURT: Do you need a -- you need a letter;
9 right?

10 JUROR NO. 6: Yeah.

11 THE COURT: Okay. We'll get a letter typed up for
12 you Ms. -- who should it be addressed to?

13 JUROR NO. 6: Adult Daycare Las Vegas.

14 THE COURT: I'm sorry?

15 JUROR NO. 6: Adult Daycare.

16 THE COURT: Adult Daycare Las Vegas.

17 All right. And I'll have a letter prepared for the
18 Clark County School District.

19 (Court recessed at 2:50 p.m., until 3:19 p.m.)

20 (In the presence of the jury.)

21 THE COURT: All right. Ladies and gentlemen, I'm
22 sorry for the delay. We're trying to figure out when we can
23 get started in the morning. We want to get started as early
24 as we can and so we're dealing with some issues in that
25 regard.

1 What we're going to do, as I said, is I'm going to
2 swear you in as jurors in this case. And then I will give you
3 my introductory jury instructions, then we'll break for the
4 evening and we'll see you back tomorrow morning in Courtroom F
5 -- 3F? 3F. Which is across the hall a little ways. The
6 Marshal can show you where to meet tomorrow for us to get
7 started.

8 So, I'd ask everybody to rise. Raise your right
9 hand and the Clerk will swear you in.

10 (CLERK SWEARS JURY PANEL)

11 THE CLERK: Thank you. Please be seated.

12 THE COURT: Thank you. You can be seated.

13 All right. Jurors, you are now the jury in this
14 case, and I want to take a few minutes to tell you something
15 about your duties as jurors and to give you some preliminary
16 instructions.

17 At the end of the trial, I will give you more
18 detailed written instructions that will control your
19 deliberations. When you deliberate, it will be your duty to
20 weigh and to evaluate all the evidence received in the case,
21 and in that process, to decide the facts.

22 To the facts as you find them, you will apply the
23 law as I give it to you, whether you agree with the law or
24 not. You must decide the case solely on the evidence and the
25 law before you and it must not be influenced by any personal

1 likes or dislikes, opinions, prejudices or sympathy.

2 Please do not take anything I may say or do during
3 the trial as indicating what I think of the evidence or what
4 your verdict should be. That is entirely up to you.

5 This is a criminal case commenced by the State of
6 Nevada which I may sometimes refer to as the State versus
7 Andre Snipes. The case is based upon an Indictment. The
8 Clerk will now read the Indictment to you and state the plea
9 of the defendant.

10 (CLERK READS INDICTMENT TO THE JURY.)

11 THE COURT: Okay. As I have said before, the
12 Indictment simply describes the charges the State is bringing
13 against the defendant. It puts the defendant on notice of
14 those charges and the public on notice of those charges.

15 The Indictment, however, is not evidence and does
16 not prove anything. The defendant has pleaded "not guilty" to
17 the charges and is presumed innocent.

18 The State therefore has the burden of proving each
19 of the essential elements of the Indictment charges beyond a
20 reasonable doubt. In addition, the defendant has the right to
21 remain silent and never has to prove innocence or present any
22 evidence.

23 The purpose of this trial is to determine whether
24 the State will meet that burden. It is your primary
25 responsibility as jurors to find and determine the facts.

1 Under our system of criminal procedure you are the
2 sole judge of the facts. You are to determine the facts from
3 the testimony you hear, and the other evidence, including
4 exhibits introduced in Court. It is up to you to determine
5 the inferences which you feel may properly be drawn from the
6 evidence.

7 You communicate to the Court through our Marshal.
8 Our Marshal, his name is James Trimidal. He is present at all
9 times we are in session.

10 During the course of this trial the attorneys for
11 both sides and court personnel other than the Marshal
12 generally are not permitted to converse with you. It's not
13 that we are antisocial, it is simply that we are bound by
14 Rules of Ethics and law not to speak with you because to do so
15 might somehow contaminate your verdict. We typically will not
16 even say "hi" to you if we should pass you in the hall or be
17 in the elevator together.

18 There are Rules of Evidence that control what may be
19 received into evidence. When a lawyer asks a question or
20 offers an exhibit into evidence, and a lawyer on the other
21 side thinks that it is not permitted by the Rules of Evidence,
22 that lawyer may object.

23 If I overrule the objection, the question may be
24 answered or the exhibit received. If I sustain the objection,
25 the question cannot be answered or the exhibit cannot be

1 received.

2 Whenever I sustain an objection to a question, you
3 must ignore the question and must not guess what the answer
4 would have been. Sometimes I may order that evidence be
5 stricken from the record and that you disregard or ignore the
6 evidence. That means that when you are deciding the case you
7 must not consider the evidence that I told you to disregard.

8 It is the duty of a lawyer to object to evidence
9 which he believes may not properly be offered and you should
10 not be prejudiced in anyway against the lawyer who makes
11 objections on behalf of the party in which he represents.

12 I may also find it necessary at times to admonish
13 lawyers, and if I do, you should not show prejudice toward the
14 lawyer or his client because I found it necessary to admonish
15 them.

16 Throughout the trial, if you cannot hear a question
17 asked by the attorney or the answer given by a witness, please
18 raise your hand as an indication. If I don't see your hand
19 up, please say, excuse me, I didn't hear that, and we will ask
20 that the question be repeated or that the answer be repeated.

21 If you wish, you may take notes to help you remember
22 the evidence. If you do take notes, please keep them to
23 yourself until you and your fellow jurors go to the jury room
24 to decide on the case. Do not let note-taking distract you
25 from being attentive.

1 When you leave court for recesses, your notes should
2 be left in the courtroom. No one will read your notes.

3 Whether or not you take notes, you should rely on
4 your own memory of the evidence. Notes are only to assist
5 your memory. You should not be overly influenced by your
6 notes or those notes of your fellow jurors.

7 You will be given the opportunity to ask written
8 questions of any of the witnesses called to testify in this
9 case. You are not encouraged to ask large numbers of
10 questions because that is the primary responsibility of
11 counsel.

12 If after both lawyers have finished questioning the
13 witness and only at this time, there are additional questions
14 you would like to ask the witness, write your question down
15 with your juror number on a full sheet of clean paper and
16 raise your hand. All questions from jurors must be factual in
17 nature and designed to clarify information already presented.
18 The Marshal will pick up your question and give it to me.

19 All questions must be directed to the witnesses and
20 not to the lawyers or the Judge. After consulting with
21 counsel, I will determine if your question is legally proper.
22 If I determine that your question properly may be asked, I
23 will ask it -- I will ask it.

24 No adverse inference should be drawn if the Court
25 does not allow a particular question. In addition, jurors

1 must not place undue weight on the responses to their
2 questions.

3 The next phase of trial will now begin. First, each
4 side may make an opening statement. An opening statement is
5 not evidence. It is simply an outline to help you understand
6 what the parties expects the evidence will show. A party is
7 not required to make an opening statement.

8 After the opening statements, the State will first
9 introduce evidence. At the conclusion of the State's
10 evidence, the defendant has the right to introduce evidence.
11 However, please remember that the defendant is not obligated
12 to present any evidence or to prove his innocence.

13 The law never imposes upon the defendant in a
14 criminal case the burden of calling any witnesses. The
15 defendant may do nothing at all because the defendant has no
16 burden of proof in the criminal trial.

17 As we have already discussed, the State has to prove
18 two things to you. First, the State has to prove to you
19 beyond a reasonable doubt that a crime occurred. And second,
20 the State has to prove to you also beyond a reasonable doubt
21 that the defendant did it.

22 At the close of the defendant's case, if any, the
23 case may introduce rebuttal evidence. At the conclusion of
24 all the evidence, I will instruct you on the law. You must
25 not be concerned with the wisdom of any rule of law stated in

1 these instructions, or in the instructions that I will read
2 you after all the evidence is in.

3 Regardless of any opinion you may have as to what
4 the law ought to be, it would be a violation of your oath to
5 base a verdict upon any other view of the law than that given
6 to you by the Court.

7 After the -- excuse me -- after the instructions on
8 the law are read to you, each party has the opportunity to
9 argue orally in support of their case. This is called closing
10 argument or summation. What is said in closing argument or
11 summation is not evidence. The arguments are designed to
12 summarize and interpret the evidence for you and show you how
13 the evidence and the law relate to one another.

14 Since the State has the burden of proving the
15 defendant guilty beyond a reasonable doubt, the State has the
16 right to open and close the arguments, which means at the end
17 of the trial the State gets to argue to you twice, and the
18 defense gets to argue to you once.

19 Opening statements and closing arguments are
20 intended to help you in understanding the evidence and in
21 applying the law. But please understand, what the attorneys
22 tell you is not evidence. They are not witnesses. They have
23 no first hand information and therefore what they tell you is
24 not evidence.

25 You must not be influenced in any degree by any

1 personal feeling of sympathy for or prejudice against any
2 party to the case, for each party is entitled to the same fair
3 and impartial consideration.

4 After the attorneys have presented their arguments,
5 you will retire to select a foreperson and to arrive at a
6 verdict. Faithful performance by you of your duties is vital
7 to the administration of justice.

8 If during the course of trial you should recognize a
9 witness or realize you are familiar with the facts of the case
10 when the witness is testifying, please make a little note on
11 your jury pad that you recognize such-and-such a witness and
12 how it is that you recognize the witness.

13 At the next break in the trial, please hand the note
14 to the Marshal and he will present it to the Court.

15 Frequently, people do not recognize witnesses by
16 name, but may recognize them when they come into the courtroom
17 to testify. The person might be your child's soccer coach and
18 you may know him by the name of "coach" or "Bob" or it may be
19 someone who lives three or four houses down and you might
20 recognize them by sight, but not know them by name. And this
21 happens to some degree quite frequently.

22 So if it should happen in this case, just make a
23 note of that as the witness is testifying and at the next
24 break give the note to the Marshal.

25 It is your duty to determine the facts and to

1 determine them from the evidence and the reasonable inferences
2 arising from such evidence, and in doing so, you must not
3 indulge in guesswork or speculation.

4 The evidence you are to consider in deciding what
5 the facts consist of are, one, the sworn testimony of any
6 witness, two, the exhibits which are received into evidence,
7 and three, any facts to which the parties agree or stipulate.

8 The term "witness" means anyone who testifies in
9 person. You must not consider anything you which you may have
10 seen or heard when the Court is not in session, even if what
11 you see or hear is said or done by one of the parties or by
12 one of the witnesses.

13 Evidence may be direct or circumstantial. Direct
14 evidence is direct proof of a fact such as testimony by a
15 witness about what that witness personally saw, or heard, or
16 did. Circumstantial evidence is indirect evidence. That is,
17 it is proof of one or more facts from which one can find
18 another fact.

19 You are to consider both direct and circumstantial
20 evidence. Either can be used to prove any fact. The law
21 makes no distinction between the weight to be given to either
22 direct or circumstantial evidence. It is for you to decide
23 how much weight to give to any evidence.

24 By way of example, if you wake up in the morning and
25 see that the sidewalk is wet, you may find from that fact that

1 it rained during the night. However, other evidence such as a
2 turned on garden hose may provide an explanation for the water
3 on the sidewalk. Therefore, before you decide that a fact is
4 proven by circumstantial evidence, you must consider all the
5 evidence in light of reason, experience and common sense.

6 In deciding the facts in this case, you may have to
7 decide which testimony to believe and which testimony not to
8 believe. You may believe everything a witness says, or part
9 of it, or none of it.

10 In considering the testimony of any witness, you may
11 take into account, one, the witness's opportunity and ability
12 to see or hear or know the things testified to. Two, the
13 witness's memory. Three, the witness's manner while
14 testifying. Four, the witness's interest in the outcome of
15 the case, if any. Five, the witness's bias or prejudice if
16 any. Six, whether other evidence contradicted the witness's
17 testimony. Seven, the reasonableness of the witness's
18 testimony in light of all the evidence. And eight, any other
19 factors that bear on believability.

20 You must avoid biased, conscious or unconscious,
21 based on the witness's race, color, religious beliefs,
22 national origin, sexual orientation, gender identity, or
23 gender, in your determination of credibility.

24 The weight of the evidence as to a fact does not
25 necessarily depend on the number of witnesses who testify

1 about it. What is important is how believable the witnesses
2 are and how much weight you think their testimony deserves.

3 No statement, ruling, remark, or facial expression
4 which I may make during the course of the trial is intended to
5 indicate to my opinion as to what the facts are. I don't get
6 to decide the facts. You are the ones who determine the
7 facts.

8 I may during the trial take notes of what the
9 witnesses are saying. Do not make any inference from this
10 action on my part because I am required to be prepared for
11 legal arguments during the trial, for that reason, I may at
12 times take notes.

13 Our system of justice depends on the willingness and
14 ability of Judges like me and jurors like you to make careful
15 and fair decisions. What we are asked to do is sometimes
16 difficult because everyone, including me, has feelings,
17 assumptions, perceptions, fears and stereotypes. We all have
18 biases, including implicit biases of which we may not even be
19 aware.

20 They can influence the evidence we see and hear in
21 how we perceive a person or a situation. They can affect the
22 evidence we remember and how we remember it. They can
23 influence the gut feelings and conclusions we form about
24 people and events. They can affect how we make important
25 decisions.

1 Fortunately, when we realize we can have implicit
2 biases and take efforts to recognize them, we can often
3 control them and minimize their possible effects on our
4 consideration of the evidence and decisions.

5 As you listen to the witnesses, and consider the
6 evidence, I encourage you to be mindful and consider whether
7 your perceptions of the witnesses and evidence are affected in
8 any way by these hidden biases.

9 For this reason, you are encouraged to thoroughly
10 and carefully examine your decision-making process to ensure
11 the conclusions you draw are a fair reflection of the law and
12 the evidence. You should resist jumping to conclusions based
13 on personal likes and dislikes, generalizations, gut feelings,
14 prejudices, sympathies or stereotypes.

15 Consider examining your reasoning for any possible
16 bias by reconsidering your first impressions of the people and
17 the evidence in the case. Is it easier to believe the
18 statements or evidence when presented by people who are more
19 like you? If you or the people involved in this case were
20 from different backgrounds, richer or poorer, more or less
21 educated, older or younger, or of a different gender, race,
22 religion or sexual orientation, would you still view them and
23 the evidence the same way.

24 You must not be biased in favor or against any party
25 or witness because of his or her disability, gender, race,

1 religion, ethnicity, sexual orientation, age, national origin
2 or socioeconomic circumstances.

3 When you are instructed to begin your jury
4 deliberation with your fellow jurors, please also listen to
5 the other jurors during deliberations who may be from
6 different backgrounds, and who will be viewing this case in
7 light of their own insights, assumptions and perspectives.

8 The law demands that you return a just verdict based
9 solely on the evidence, your personal evaluation of that
10 evidence, your reason and common sense, and these instructions
11 on the law. Our system of justice is counting on you to
12 render a fair decision based on the evidence and not on
13 biases.

14 I will now say a few words about your conduct as
15 jurors. First, keep an open mind throughout the trial and do
16 not decide what the verdict should be until you and your
17 fellow jurors have completed your deliberations at the end of
18 the case.

19 Second, because you must decide this case based only
20 on the evidence received in the case, and on my instructions
21 as to the law that applies, you must not be exposed to any
22 other information about the case or to issues that evolves
23 during the course of your duty.

24 Thus, until the end of the case or unless I tell you
25 otherwise, do not communicate with anyone in any way and do

1 not let anyone else communicate with you in any way about the
2 merits of the case, or anything to do with it.

3 This includes discussing the case in person, in
4 writing, by phone or electronic means, via e-mail, via text
5 messaging or any Internet chat room, blog, website or
6 application, including but not limited to Facebook, YouTube,
7 Twitter, Instagram, LinkedIn, SnapChat, or any other form of
8 social media.

9 This applies to communicating with your fellow
10 jurors until I give you the case for deliberations, and it
11 applies to communicating with everyone else, including your
12 family members, your employer, the media or press, and the
13 people involved in the trial.

14 Although you may notify your family and your
15 employer that you have been seated as a juror in the case, and
16 how long you expect the trial to last. But if you are asked
17 or approached in any way about your jury -- in -- about your
18 jury service or anything about the case, you must respond you
19 have been ordered not to discuss the matter and to report the
20 contact to the Court.

21 As a caution, while you are here in the courthouse,
22 please always wear the badge or sticker the marshal will give
23 you that identifies you as a juror. When you come into the
24 Courthouse in the morning, and during breaks during the
25 daytime or during the noon recess, when you are in the

1 elevators or on the escalator or walking around in the
2 hallway, I encourage you to only chit chat with people wearing
3 the sticker indicating they are a juror.

4 And the reason for this is that the witnesses in
5 this trial, and all the other trials going on in the building
6 -- and there is going to be one other trial going on at the
7 same time that we are in session -- and the rest -- in this
8 building -- are not identified in any way.

9 Consequently, you will not know if you are carrying
10 on a conversation with a witness in this trial, until it is
11 too late, and they come in and take the witness stand and
12 testify. Therefore, I urge you not to talk to anyone in the
13 building unless they are identified as a juror. Because if
14 they are identified as a juror, you know they're not going to
15 have anything to do with this case.

16 Because you will receive all the evidence and legal
17 instruction you properly may consider to return a verdict, do
18 not read, watch, or listen to any news or media accounts or
19 commentary about the case or about anything to do with it.
20 Although, I have no information that there will be any news
21 reports about this case.

22 Do not do any research, such as consulting
23 dictionaries, searching the Internet or using other reference
24 materials and do not make any investigation or in any other
25 way try to learn about the case on your own.

1 Do not visit or view any place discussed in this
2 case and do not use Internet programs or other devices to
3 search for or view any place discussed during the trial.

4 Also, do not do any research about this case, the
5 law or the people involved, including the parties, the
6 witnesses or the lawyers, until you have been excused as
7 jurors.

8 If you happen to read or hear anything touching on
9 this case in the media, turn away and report it to me as soon
10 as possible.

11 These rules protect each party's right to have this
12 case decided only on the evidence that has been presented here
13 in court. Witnesses here in court take an oath to tell the
14 truth and the accuracy of their testimony is tested through
15 the trial process.

16 If you do any research or investigation outside the
17 courtroom or gain any information through improper
18 communications, then your verdict may influenced by
19 inaccurate, incomplete or misleading information that has not
20 been tested by the trial process. Each of the parties is
21 entitled to a fair trial by an impartial jury. And if you
22 decide the case based on information not presented in court,
23 you will have denied the parties a fair trial.

24 Remember, you have taken an oath to follow the rules
25 and it is very important you follow these rules. A juror who

1 violates these restrictions jeopardizes the fairness of the
2 proceedings.

3 From time to time during the trial it may become
4 necessary for me to take up legal matters with the attorneys
5 privately either by having a conference at the bench, with the
6 jury present, or by calling a recess. Please understand that
7 while you are waiting, we are working. The purposes of these
8 conferences is not to keep information -- relevant information
9 from you, but to decide how certain evidence is to be treated
10 under the rules of evidence and to avoid confusion and error.

11 Of course, we will do what we can to keep the number
12 and length of these conferences to a minimum. I may not
13 always grant an attorney's request for a conference. Do not
14 consider my granting or denying a request for a conference as
15 any indication of my opinion of the case or what your verdict
16 should be.

17 At the end of the trial, you will have to make your
18 decision based upon what you recall of the evidence. You will
19 not have a written transcript to consult. Even though we have
20 a court recorder who records the testimony, it is not typed up
21 into a readable format and it is difficult and time-consuming
22 for the recorder to go back and play lengthy testimony.

23 Therefore, I urge you to pay close attention to the
24 testimony as it is given.

25 All right. That concludes my initial jury

1 instructions to you. Let me ask, I know before I said that
2 we'd get started at 9:00 in the morning. Is there anyone who
3 wouldn't be able to start at 8:30 in the morning? I'd like to
4 try to get as much as we can get in, and so we can get the
5 trial over and get you back to your lives.

6 So I'm asking is there anyone who, if I set it at
7 8:30 in the morning, is going to have a problem with that
8 time?

9 All right. I'm not seeing any hands. We'll try
10 that. We'll get started at 8:30 in the morning. If you could
11 get here about 8:20, the Marshal will explain to you when he
12 takes you out of the courtroom, he'll take you over by
13 courtroom 3F and he'll explain how to meet in the morning.

14 If you'd get here about 8:20, we will definitely try
15 to get started right on time and put in a full day. We'll
16 take breaks as we did today, every now and then, to -- for
17 bathroom, or to get a drink of water or whatever it may be.

18 And we will have a lunch break tomorrow. We'll go
19 until 5:00 o'clock and like I said, Wednesday is a holiday and
20 we'll get back in action on Thursday.

21 I appreciate your patience with this process today
22 and I apologize that we had the delay getting started in the
23 morning. You know, it is a new system for us trying to work
24 with these -- within the parameters of the Center for Disease
25 Control. Our goal is to keep you safe, keep the parties safe,

1 and have a fair proceeding for the parties involved.

2 And so I appreciate your patience with us this
3 morning and your patience with us today as we've had different
4 breaks and delays. But at least we're getting out of here
5 today and a little bit early.

6 So I want to thank you all and we'll see you
7 tomorrow. Before you go, I do want to give you some
8 admonitions. First of all, do not talk with each other about
9 this case or about anyone that has anything to do with it
10 until the end of the case when you go to the jury room to
11 decide on your verdict.

12 Do not talk with anyone else about this case or
13 about anyone who has anything to do with it until the trial is
14 ended and you've been discharged as jurors.

15 Anyone includes members of your family and your
16 friends and employer. You may tell them that you are a juror
17 in a criminal case but don't tell them anything else about it
18 until after you've been discharged by me.

19 Do not let anyone talk to you about the case or
20 about anyone who has anything to do with it. If someone
21 should try to talk to you, please report it to me immediately
22 by contacting the Marshal. Do not read any news stories or
23 articles or listen to any radio or television reports about
24 the case or about anyone who has anything to do with it.

25 Do not visit the scene of any of the events.

1 mentioned during the trial or undertake any investigation,
2 experimentation or research on your own. And do not begin to
3 form or express any opinion on any subject connected with this
4 case until it is finally submitted to you.

5 I know a couple people indicated they needed
6 letters. It's my understanding that you can get those letters
7 from the app here. Can you knock on the Commissioner's door
8 and let me clarify that with her?

9 (Pause in the proceedings.)

10 THE COURT: Okay. All right. Well, I'm going to
11 excuse you for the night. Thanks a lot, again, for your
12 patience and working with us today. We'll see you in the
13 morning.

14 THE MARSHAL: All rise for the jury,

15 (Jury exits at 4:01 p.m.)

16 (Outside the presence of the jury.)

17 THE COURT: All right. Is there anything else we
18 need to talk about tonight? Somebody talked about the -- said
19 something about the evidence.

20 MR. LEXIS: No, we're good with the exhibits and
21 we're going to be --

22 THE COURT: Hold on a second. I just want to make
23 sure.

24 I'm sorry. You need to hold the microphone to make
25 sure we got it, Mr. Lexis.

1 MR. LEXIS: No, we're good with the exhibits. It's
2 just there's going to be two additional exhibits which I sent
3 to the -- well, I had them send to the Court. The guy that's
4 doing the audio/visual, he obviously needs to do the -- that's
5 through District Court IT. So that's no problem. It's my
6 understanding they already sent those.

7 THE COURT: Okay.

8 MR. LEXIS: So, that's it.

9 THE COURT: All right. Well, like I said, to the
10 degree that we're stipulating to the exhibits, I'd like to
11 stipulate them in as a group. If we're talking hard copy
12 stuff, then bring them in as a group. The Clerk will take
13 them, give them back to you, and you hold them for the rest of
14 the case so that she -- we don't have to deal with gloves and
15 transmittal of it.

16 MR. LEXIS: That's fine. There'll be -- there'll be
17 three of them that are court exhibits that are not jury
18 exhibits and that's the prior JOC which establishes the
19 burglary, and the two affidavits for the person who is
20 testifying by audio/visual.

21 THE COURT: Okay. All right.

22 MR. LEXIS: And then there might be some staggering
23 tomorrow, Judge. I'm telling you now. I mean, it's not going
24 to go as -- with the change in times that have occurred, we're
25 going to have witnesses ready but there might be some breaks

1 throughout the day.

2 THE COURT: All right. Well, let's -- you know,
3 let's get it done. Get -- get them piled up. And we'll --
4 we'll take them down, 1, 2, 3.

5 MR. LEXIS: All right.

6 THE COURT: All right. Very good, guys.
7 Thank you.

8 (Court recessed at 4:03 p.m., until Tuesday,
9 November 10, 2020, at 8:50 A.M.)

10 * * * * *

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

14

15

Julie Lord

16

17

VERBATIM DIGITAL REPORTING, LLC

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2020

C-19-344461-2 State of Nevada
 vs
 Andre Snipes

November 10, 2020 08:30 AM Jury Trial

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 03F

COURT CLERK: Tucker, Michele

RECORDER: Calvillo, Angie

REPORTER:

PARTIES PRESENT:

Andre Grant Snipes

Defendant

Chad N. Lexis

Attorney for Plaintiff

Daniel Hill

Attorney for Defendant

Michael J. Scarborough

Attorney for Plaintiff

State of Nevada

Plaintiff

JOURNAL ENTRIES

INSIDE THE PRESENCE OF THE JURY: Opening statements by Mr. Scarborough and Mr. Hill. Mr. Lexis moved to admit exhibits 1-20. COURT SO ORDERED. Testimony and exhibits commence. (See attached worksheets.) Mr. Lexis moved to admit exhibits 21-25. COURT SO ORDERED. After the day's testimony the Court ADMONISHED and ORDERED the Jury to return on the day and time give.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions SETTLED on the record. Arguments regarding previous felony conviction when the defendant was a minor. Defendant Snipes stipulated to the conviction.

Colloquy regarding exhibit 20 admitted in error. Counsel stipulated to withdraw exhibit 20 and mark it as a Court's exhibit. COURT ORDERED, the State to keep the exhibits (which have been marked as admitted) in their possession.

Matter in RECESS.

CUSTODY

CONTINUED TO: 11/12/20 9:30 AM

Steven D. Grierson

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-19-344461-2
)	
Plaintiff,)	DEPT. NO. XX
)	
v.)	
)	
ANDRE GRANT SNIPES,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

TUESDAY, NOVEMBER 10, 2020

**RECORDER'S TRANSCRIPT OF:
JURY TRIAL - DAY 2**

APPEARANCES:

FOR THE STATE:

MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney

CHAD N. LEXIS, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT:

DANIEL J. HILL, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 10, 2020

2 (Case called at 8:50 A.M.)

3 (In the presence of the jury.)

4 THE COURT: All right. Good morning, ladies and
5 gentlemen. I apologize for us getting started a little bit
6 late. This is still a -- we just revamped these courtrooms in
7 the last month to set up for all of this.

8 At one time, where you see the attorneys all
9 sitting, that was our gallery full of chairs. That obviously
10 no longer exists there. We now have -- that is where the
11 parties are stationed. And then we've expanded everything,
12 put in plexiglass with the goal of trying to keep the
13 proceedings as safe as possible for you and for the
14 participants.

15 So we're working out the -- the kinks at this point.
16 So I apologize for getting started a little bit late this
17 morning.

18 What we're going to do is, first is opening
19 statements. I mentioned these a little bit yesterday in my
20 introductory remarks to you.

21 Opening statement is an opportunity for each side to
22 give you a -- what I like to use -- typically say a picture or
23 a map of what they think the evidence -- what evidence they
24 think is going to come in, how it all sort of fits together.
25 It's intended to help you, as you hear the witnesses testify,

1 figure out how their testimony fits into the -- each side's
2 case.

3 Unfortunately, in a trial, we frequently can't do
4 things chronologically, or necessarily always logically.
5 People have different schedules and sometimes, you know,
6 people come in and testify as to one event, go to another
7 event. So this is intended to give you some general picture
8 of how different pieces of the cases fit together.

9 The one thing I want to emphasize during opening
10 statements is that what the attorneys tell you is not
11 evidence. They'll be sitting here and they'll -- or standing
12 here, and they'll tell you that this is going to come in or
13 that's going to come in. And like I said, you are to listen
14 to it and use that as it will help you in terms of listening
15 to the witnesses and figuring out the case.

16 But what they tell you is not evidence. If one of
17 the attorneys tells you that witness A is going to say 1, 2,
18 3, and at the end of the presentation of all the evidence,
19 your recollection is that witness A said, 4, 5, 6, it's your
20 recollection of the evidence that controls, not what the
21 attorneys tell you. So I want you to keep that in mind as we
22 go through the testimony -- the opening statements and
23 testimony and closing arguments.

24 After the -- the opening statements the State will
25 start presenting witnesses and evidence. The State goes

1 first. And why? It's because as we discussed yesterday, the
2 entire burden of proof in a criminal case is on the State of
3 Nevada to prove beyond a reasonable doubt that -- each of the
4 elements of the crimes that are charged.

5 The defendant is presumed innocent and has no
6 obligation to present anything. They're given the opportunity
7 to present evidence if they want to, but the defendant has no
8 obligation to do anything. The entire burden of proof in a
9 criminal case lies on the State. And so that's why the State
10 goes first.

11 And if at the end of the State's case, you don't
12 feel that there's beyond -- proof beyond a reasonable doubt,
13 then you would find the defendant not guilty. So the State
14 has the burden and that's why they go first in this process.

15 So we're going to get started with opening
16 statements. The State will give its opening statement. Then
17 the defense has an opportunity, if they'd like to give an
18 opening statement, and then we'll get into the presentation of
19 evidence.

20 Again, thank you for getting here on time today. I
21 apologize for getting started a little late but we'll try to
22 get caught up as the day goes by.

23 We'll be pleased now to hear the opening statement
24 of the State.

25 MR. SCARBOROUGH: Thank you, Your Honor.

1 Can you hear me in the lapel mike?

2 THE COURT RECORDER: I'm sorry can you --

3 MR. SCARBOROUGH: Just testing the lapel mike. Can
4 you hear me?

5 THE COURT RECORDER: Is it on?

6 MR. SCARBOROUGH: It should be.

7 THE COURT RECORDER: Can you just talk closer to the
8 mike on your -- see if that will help.

9 (COURT RECORDER/MR. SCARBOROUGH CONFER.)

10 THE COURT: I think the more important question is
11 can all -- say something, test one, two, three.

12 MR. SCARBOROUGH: Test one, two, three.

13 THE COURT: Can all the jurors hear?

14 MR. SCARBOROUGH: Can everyone hear?

15 THE COURT: Okay. They're the important ones to
16 hear.

17 MR. SCARBOROUGH: Yes.

18 THE COURT: Although, Angie, is our Recorder, is
19 important, too. I'm not trying to minimize that.

20 Whenever you're ready, counsel.

21 MR. SCARBOROUGH: Thank you.

22 STATE'S OPENING STATEMENT

23 MR. SCARBOROUGH: Good morning, ladies and
24 gentlemen.

25 So over the course of this week coming up you're

1 going to hear evidence of the crimes committed by the
2 defendant, Andre Snipes, over the course of September 20th,
3 2019, to October 7th of 2019.

4 And like what the Judge said is, this is supposed to
5 be a road map. So through this opening, what I want to give
6 you is just a brief overview of the events and the charges
7 stemming from those events, so you can wrap your head around
8 the sequence of things as we progress through the week.

9 So the events take place between September 20th,
10 2019 and October 7th, 2019, at various retail stores in the
11 Valley. At Foot Locker located at 3200 South Las Vegas
12 Boulevard, at the Fashion Show Mall. The Foot Locker at 4300
13 Meadows Lane. Obviously, that's the Meadows Mall.

14 Champs Sports at 3200. That would be at Fashion
15 Show again. The Foot Locker at 2120 Festival Plaza Drive,
16 that would be Downtown Summerlin. And then finally, Nike
17 located at 9851 South Eastern.

18 So the events take place over that period of time at
19 those various locations.

20 Now, the crimes that are committed are grand
21 larceny, conspiracy to commit robbery, robbery with use of a
22 deadly weapon, burglary while in possession of a deadly
23 weapon, and participation in organized retail theft.

24 And what I want to do now, again, is just to give
25 you a road map of the charges associated with the various

1 events that I listed just in the previous slide.

2 So walking through September 20th, 2019, you're
3 going to see that those are Counts 1 through 4, the grand
4 larceny, conspiracy robbery, robbery with use of a deadly
5 weapon, and burglary while in possession of a deadly weapon.
6 And that all takes place at the Foot Locker located at 3200
7 South Las Vegas Boulevard. That's the Fashion Show Foot
8 Locker.

9 Now, when these events -- we're going to bring in
10 testimony from people involved in the events, introduce
11 business records, video surveillance on certain events.
12 You're going to get that evidence.

13 So, stemming to Count 5, that's a burglary charge,
14 that again is on September 20th, 2019, but that was at a
15 different Foot Locker located at the Meadows Mall. You're
16 going to get introduced -- we're going to introduce evidence
17 to show you the different locations and why on the same date
18 he was at different locations.

19 September 24th, is focused on charges, or counts 6
20 through 9, a burglary while in possession of a deadly weapon,
21 grand larceny, a conspiracy to commit robbery, and robbery
22 with a deadly weapon. Now, that's going to be at the Champs
23 Sports at the Fashion Show Mall, again. You're going to hear
24 people from Champs Sports come in and testify about that
25 event.

1 Again, the same day, on September 24th, 2019, there
2 was another burglary committed by the defendant at the Foot
3 Locker at the Meadows Mall. Again, we're going to introduce
4 evidence to show you where he was at in the different
5 locations.

6 So then you go to September 29th, 2019. That would
7 be in the Foot Locker at the 2120 Festival Plaza at Downtown
8 Summerlin. That's another grand larceny and a burglary.

9 Then you go to Counts 13 and 14 which take place on
10 October 2nd, 2019, at the Nike outlet over on Eastern.

11 Again, as I'll repeat, you're going to get evidence
12 of business records and surveillance and people from these
13 stores testifying to the events.

14 Lastly, on October 6th, 2019, another burglary at
15 the Foot Locker at Meadows Mall.

16 And now flashing to Count 16, which is participation
17 in organized retail theft. What that's going to do is that's
18 going to encompass that date range and all of the crimes that
19 I just spoke to you about, that occurred at those various
20 events.

21 So that Count 16 encompasses the charge for all of
22 the crimes committed into a participation in organized retail
23 theft.

24 So what's going to happen is throughout this week
25 you're going to get various pieces of evidence. We're going

1 to bring people in from the stores. You're going to hear
2 testimony from them. You're going to see video surveillance.
3 You're going to see business records, receipts and
4 transactions, and what we're going to show you is how the
5 defendant committed all these crimes by stealing jerseys and
6 going to different stores, and fraudulently returning them
7 gaining money back, okay?

8 Now, after this week is concluded and we've
9 introduced all the evidence, based on all these counts, we're
10 going to come right back up and ask you to find him guilty on
11 all those counts, all 16 felonies, of grand larceny,
12 conspiracy to commit robbery, robbery with use of a deadly
13 weapon, burglary while in possession of a deadly weapon, and
14 participation in organized retail theft.

15 Thank you.

16 THE COURT: Thank you, counsel.

17 We'll be pleased now to hear any opening statement
18 from the defense.

19 MR. HILL: Thank you, Your Honor.

20 DEFENDANT'S OPENING STATEMENT

21 MR. HILL: Good morning, everyone.

22 As the Judge and the State have both belabored for
23 quite some time now, you carry a -- a -- the State carries a
24 burden of proof beyond a reasonable doubt. And we spent all
25 day yesterday talking to you guys and figuring out and making

1 sure that you guys were going to be able to withhold any and
2 all judgment until the close of evidence, because as the Judge
3 has told you a number of times now, Mr. Snipes sits next to me
4 over there, as we stand here, presumed innocent until and
5 unless the State can prove beyond a reasonable doubt each and
6 every element of the offenses that Mr. Scarborough just took
7 you through.

8 And that's what I'm asking you to do today, and
9 Thursday, and potentially Friday, is to withhold any and all
10 judgment and maintain that Mr. Snipes sits next to me presumed
11 innocent until the very, very last word is spoken from the
12 witness stand, and the very, very last word is spoken from
13 counsel in closing arguments.

14 As you were sworn to do yesterday, withhold that
15 judgment and hold the State to its burden. And that's what
16 we're going to be asking you to do.

17 Specifically, as the testimony unfolds from the
18 witness stand, what I'm asking you to pay very close attention
19 to, which you heard Mr. Scarborough talk about that there's
20 going to be receipts coming in and some videos coming in,
21 there's allegations of a deadly weapon in this case.

22 I want you to pay attention to see if you see any
23 pictures of a gun, if you see any gun come in through
24 evidence. And listen very carefully to the testimony about
25 any deadly weapon, because we're going to be talking a lot

1 about it in closing argument. And we're going to maintain
2 that the State is not going to be able to prove that beyond a
3 reasonable doubt.

4 So again, I respectfully implore you to withhold all
5 judgment until this entire thing is done. And counsel and I
6 will then argue what happened. But that's why you've been
7 chosen. And I thank you for your attention over the next few
8 days.

9 THE COURT: All right. Thank you, counsel.

10 (COURT/CLERK CONFER.)

11 THE COURT: All right. That concludes the opening
12 statements. As I said, we'll start the presentation of
13 evidence. The State may call its first witness.

14 MR. LEXIS: Judge, can we approach?

15 THE COURT: Sure. Okay.

16 We're going to have to go out to the sidebar.

17 All right. I'll meet you there.

18 (Sidebar begins.)

19 THE COURT: Well, we'll get our exercise during this
20 process.

21 MR. LEXIS: I just want to make sure this is the
22 time you want us to admit everything because we're going to
23 start using them now. So I'm going to say State moves to
24 admit State's 1 through 18 right now. There's 2 -- I told you
25 there was 20.

1 THE COURT: Yeah.

2 MR. LEXIS: 2 of them are Court's exhibits. The
3 court exhibits are the JOC, and the AV --

4 THE COURT: Okay.

5 MR. LEXIS: -- affidavit.

6 THE COURT: Okay.

7 MR. LEXIS: So I'm just going to approach your Clerk
8 real quick to make sure what number -- I've made them the last
9 two, but I just want to make sure they're still the last two.

10 THE COURT: That's fine.

11 MR. LEXIS: And then I'll say, State's moves to
12 admit 1 to 18, and court's exhibits 19 and 20.

13 THE COURT: All right. Court exhibits --

14 MR. LEXIS: Were not to go back to the jury.

15 THE COURT: -- not to go back to the jury.

16 MR. LEXIS: Yeah.

17 THE COURT: Well, I mean, you aren't moving to admit
18 those. I mean, the court exhibits --

19 MR. LEXIS: Well, I am going to --

20 THE COURT: -- are going --

21 MR. LEXIS: -- admit them.

22 THE COURT: Well, I mean --

23 MR. LEXIS: As court exhibits.

24 THE COURT: Well, you don't -- court exhibits are
25 there for just the Court. I mean, the -- we don't -- I assume

1 you're not -- these -- what are they, the JOC for possession,
2 there's a possession --

3 MR. LEXIS: [Inaudible] -- it's a -- it's a -- it's
4 felony conviction. So yeah, I mean, that's --

5 THE COURT: What's the felony conviction? What
6 element does it prove?

7 MR. LEXIS: The burglary. Right. And since -- I --
8 look, we could -- we could go on the fact that it's -- he was
9 going in with the intent --

10 THE COURT: All right.

11 MR. LEXIS: -- to commit a grand larceny or a
12 robbery and that's obviously part of it. But we're entitled
13 that he [inaudible] --

14 THE COURT: Well --

15 MR. LEXIS: -- just going in to commit a larceny.
16 And in order for us to have -- to be able to do that, we need
17 to admit the entire JOC.

18 THE COURT: All right. Well, you -- I assume you're
19 not contesting the prior --

20 MR. HILL: No, no, no.

21 THE COURT: -- burglary.

22 MR. HILL: So that's coming in as a court exhibit.
23 And then we're just going to -- we're just marking the booking
24 photo for ID.

25 MR. LEXIS: Yes. We'll -- we'll mark that for --

1 MR. SCARBOROUGH: It's an exhibit, but I just won't
2 publish it.

3 THE COURT: Yeah.

4 MR. SCARBOROUGH: It's going to still be
5 [inaudible] --

6 MR. HILL: Well, [inaudible] it's an exhibit then
7 it's going to go back to the jury.

8 MR. LEXIS: Yeah. We'll have that as -- for now
9 we'll have that as a court exhibit.

10 MR. HILL: All right. Well, that's true. Good
11 call.

12 THE COURT: All right.

13 MR. LEXIS: So I'm going to have three court
14 exhibits.

15 THE COURT: All right. Let's -- I'll figure out how
16 I want to deal -- just for right now, just move to admit
17 Exhibits 1 through 18, and we'll deal with the Court exhibits
18 off the record -- or not off the record -- without the jury
19 present.

20 MR. LEXIS: And I'll -- I'll do 1 through 20 and
21 then we'll -- because that's all of them. And then we'll mess
22 around with the court exhibits that I do want.

23 THE COURT: All right.

24 MR. LEXIS: Okay?

25 THE COURT: All right. And I'll ask you if you

1 agree and then I'll admit them.

2 (End of sidebar.)

3 THE COURT: All right. The State may call its first
4 witness.

5 MR. LEXIS: Judge, the State moves to admit Exhibits
6 1 through 20.

7 THE COURT: All right. Any objection to the
8 admission of Exhibits 1 through 20?

9 MR. HILL: No objection, Your Honor.

10 THE COURT: All right. Exhibits 1 through 20 will
11 be admitted.

12 (State's Exhibits 1 through 20 are admitted.)

13 MR. SCARBOROUGH: Okay. With that, Your Honor, the
14 State calls Bryan Laws.

15 THE COURT: All right.

16 THE MARSHAL: What was his name?

17 MR. SCARBOROUGH: Bryan Laws. No, he's going to be
18 out there.

19 THE MARSHAL: Okay.

20 MR. SCARBOROUGH: I think.

21 I took the lapel off but can you hear me?

22 THE COURT RECORDER: Yes.

23 MR. SCARBOROUGH: Okay.

24 (COURT RECORDER/MR. SCARBOROUGH CONFER.)

25 THE COURT: All right. Sir, if you'd come up to the

1 witness stand. There's a step there. Be careful on that.
2 When you get on the top there, stay standing for just a
3 second. Our Clerk over here will swear you in.

4 BRYAN LAWS, STATE'S WITNESS, SWORN

5 THE CLERK: Please be seated.

6 THE WITNESS: Okay.

7 THE CLERK: Please state and spell your first and
8 last name for the record.

9 THE WITNESS: Bryan Laws, B-r-y-a-n, L-a-w-s.

10 THE CLERK: Thank you.

11 THE COURT: Can I get you to scoot up just a little
12 bit closer?

13 THE WITNESS: Yes, sir.

14 THE COURT: As you can see, we've got -- we need to
15 rely heavily on microphones.

16 THE WITNESS: Yes, sir.

17 THE COURT: Because of all of the plexiglass it's
18 hard to -- it muffles the sound so.

19 THE WITNESS: Of course.

20 THE COURT: Thank you.

21 Whenever you're ready, counsel.

22 MR. SCARBOROUGH: Thank you.

23 DIRECT EXAMINATION

24 BY MR. SCARBOROUGH:

25 Q. Good morning, Mr. Laws.

1 A. How you doing.

2 Q. Thank you for coming in.

3 How are you currently employed today?

4 A. Right now, I am a MIT which is a manager-in-training
5 for Foot Locker Company.

6 Q. Are you located at any particular Foot Locker in the
7 Vegas Valley?

8 A. Yes, sir. Downtown Summerlin Foot Locker.

9 Q. Okay. Now, I want to take you back to September
10 20th, 2019. Were you employed in nearly the same capacity but
11 just at a different store?

12 A. Yes, sir.

13 Q. Which Foot Locker were you employed at on September
14 20th, 2019?

15 A. That was Fashion Show Foot Locker on the Strip
16 location.

17 Q. Okay. Now, is the Fashion Show Foot Locker located
18 here in Clark County Las Vegas, Nevada?

19 A. Yes, sir.

20 Q. Now, taking you to September 20th, 2019. In your
21 capacity as a manager, what were your basic duties?

22 A. My basic duties were the normal; cash exchange,
23 computer, what is it called, like just going through the
24 regulars, register operations, returning and receiving
25 merchandise, helping customers out, customers -- customer

1 expectations in short as layman terms.

2 Q. So based on what you're telling me and the members
3 of the jury, you're -- are you very familiar with inventory
4 management, the pricing systems, and the merchandise that's in
5 that store at all times?

6 A. Yes, sir. Being a manager you have to have those
7 qualities.

8 Q. Okay. Now, in terms of any type of loyalty program
9 the business has, does the Foot Locker business have a loyalty
10 program?

11 A. Yes, we do.

12 Q. What is that?

13 A. It's called the FLX, which we call "flex". It's a
14 loyalty system to build points for the customers. Every
15 dollar that you spend is 100 points towards the program so it
16 helps the customers a lot.

17 Q. So in order to sign up for a loyalty program, how
18 does one representative like yourself sign up a potential
19 customer to the Foot Locker loyalty program you're referring
20 to as FLX?

21 A. During customer service. So as soon as they walk in
22 the door, we are trained to introduce it right then and there.
23 But at the end of our transaction we all -- or the beginning
24 of our transaction when they're leaving the store we always
25 give them the option to sign up. It's an option, so.

1 Q. Now, when you say it's an option, is your primary
2 focus on the transaction to conduct a sale for the business?

3 A. Yes, sir.

4 Q. So oftentimes, regularly, sometimes people just
5 don't sign up for that?

6 A. Yeah, they don't want the e-mails and stuff. But a
7 lot of people do though. It helps them out.

8 Q. Okay. So in terms of when you're purchasing
9 merchandise that we just went over, sometimes people don't
10 sign up. But what about when people return merchandise, is it
11 a little bit more common for people to sign up for the loyalty
12 program then?

13 A. Yeah. It also helps us as management with our
14 system with -- with the locate and bringing the merchandise
15 back on into the system with inventory, it helps us out as
16 well too. And then when the customer wants to make another
17 return, their information is already in there, so they can be
18 helped out quickly.

19 Q. Okay. And would you say that's more common upon
20 returns because the customer actually wants something back
21 from you?

22 A. Yes, sir.

23 Q. Yeah. So they're a little bit more compelled to
24 give you information?

25 A. Yes, sir.

1 Q. Okay. So the type of information that you get and
2 when you sign up people for that loyalty program, can you tell
3 the ladies and gentlemen of the jury just the basic types of
4 information you receive from a customer?

5 A. Yes, sir. Just first name, last name, phone number
6 and e-mail.

7 Q. Okay. And then when that information is received by
8 the representative, what do they do with that? Do they log it
9 into some database or anything like that?

10 A. Yeah. We actually have to log it into our Foot
11 Locker -- FLX Database which is on the register computer which
12 the customers have access to reach at their homes as well.

13 Q. Now, once that information is logged into that
14 database is that stored as a part of a business record until
15 it's actually deleted by a representative?

16 A. Yes, sir. It's there until the customer actually
17 calls customer service and doesn't want it anymore, or until a
18 year span, so if you guys don't come back to Foot Locker in a
19 year's span it will go away.

20 Q. So that reward system, and when someone gives their
21 personal identification you had indicated before that it helps
22 the store and it helps facilitate later transactions. What do
23 you mean by that?

24 A. Yes, sir. It helps with records of -- records of
25 receipts so if it happened in a case they didn't -- they lost

1 their receipt. With that FLX system it actually helps us
2 bring that receipt back up for them.

3 Q. Now, those purchases that it keeps record of, it is
4 directly tied to the name that the person gives you when they
5 sign up for that rewards program?

6 A. Yes, sir. Actually, on the paper receipt when it's
7 printed, the name of the FLX comes up.

8 Q. Okay. So now that we've gotten through all that and
9 your basic duties, now I want to talk to you about September
10 20th, 2019. Did something out of the ordinary happen that
11 causes you to come into court today?

12 A. Yes, sir.

13 Q. Can you tell the ladies and gentlemen of the jury
14 just the basic events of what went down that day and what you
15 were doing?

16 A. Normal day at the Locker. I had a lot of customers
17 in to buy shoes. Had two random gentlemen come in and
18 happened to take a handful of NBA official basketball jerseys.

19 Q. So you said on that day two random gentlemen came in
20 and took a handful of NBA basketball jerseys; is that correct?

21 A. Yes, sir.

22 Q. Sorry. Sometimes the mask is a little muffling so.

23 A. Man.

24 Q. I don't mean to repeat.

25 A. You're good.

1 Q. So those two gentlemen, eventually they come in.
2 And do they come in at the same time?

3 A. No, they actually don't. One comes in after
4 another.

5 Q. Okay. And then what do those two gentlemen do when
6 they enter the store?

7 A. I was the only manager on duty. One gentlemen comes
8 in. He tries to return two items. One had a Champs receipt,
9 the other one didn't. With our conduct with being a manager,
10 customer service is always a first. So we always put the
11 customer first.

12 So me trying to -- he brought those -- he brought
13 the things in, tried to return them. One thing did go through
14 and we were actually able to return it. The other thing was
15 not able to go through, so I couldn't help him out.

16 Q. Okay. So let's kind of break it up.

17 Now, you said there were two random men. Let's
18 describe the one who actually had the transaction that went
19 through.

20 A. Yes, sir.

21 Q. Okay. Can you describe that gentleman?

22 A. Middle -- middle-age gentleman, dark skin, kind of
23 an Afro, black and gray kind of.

24 Q. Okay. Was he African-American?

25 A. Yes, sir.

1 Q. Okay. And then what were the -- what -- do you
2 remember what type of clothing he was wearing?

3 A. Yes, sir.

4 Q. What --

5 A. It was a --

6 Q. -- was he wearing?

7 A. -- a -- like -- I would say it's like a polo
8 cardigan. It was like a zip up. It had different stripes and
9 it was dark blue and gray stripes.

10 Q. Okay. So you indicated that there were two. So the
11 other gentleman that came in a little bit after him, can you
12 describe him?

13 A. Yes, sir. Middle-aged man. He was kind of -- he
14 was an African-American male, light skinned, and he had a bald
15 head.

16 Q. Okay. So those two men that walk in, you say they
17 conduct like some type of return transaction at the register?

18 A. Yes, sir.

19 Q. Were you working that register?

20 A. Yes, sir.

21 Q. Okay. You indicated that one of the items went
22 through.

23 A. Um-h'm.

24 Q. Yes?

25 A. Yes, sir.

1 Q. Okay. So what happens after that? So a return was
2 made. Then what happens?

3 A. A return was made. He tried to return another item.
4 When we scan our items into our computer, it shows that the
5 item was not bought from our Foot Locker. It wasn't purchased
6 by the Foot Locker company and it lets you know, unable to
7 take item back.

8 So returned the first item. The second item I
9 couldn't return. I just politely gave it back to him. Hey,
10 if you guys need anymore help, my name is Bryan, but I can't
11 take this, so.

12 Q. Okay. So just to go through this real quick,
13 sometimes -- is it common actually for Foot Locker
14 representatives to return items without receipts?

15 A. Yeah.

16 Q. Okay. Why is that common?

17 A. It's just customer service at the same time. So if
18 a customer comes in with a worn shoe and they didn't like it
19 or whatever, it's just our policy and how we do things at Foot
20 Locker, the customer is always right, so it's just an even
21 exchange.

22 Q. Now, when you return items without a receipt are you
23 -- as a Foot Locker business, are you giving them cash every
24 time or is there a certain protocol that you follow when they
25 don't have a receipt upon return?

1 A. So no customer with receipt, either gets a merch --
2 a merchandise or gift -- merchandise gift card which is issued
3 by Foot Locker, or an even exchange in store for the price
4 that the -- the item was returned for.

5 Q. Okay. So just to walk it back to those two
6 gentlemen that go to the store, they -- one of them issues a
7 return, one of them is successful. Then you said that they
8 took a bunch of NBA jerseys.

9 A. Yes, sir.

10 Q. Okay. Walk the ladies and gentlemen of the jury
11 through that.

12 A. Of course. So after we finish with the return, it
13 was just a normal day. They're shopping. I told them my
14 name. Let them know if they need anymore help or have anymore
15 questions I can help them out.

16 It kind of threw me off with the second transaction
17 with the non-receipt. With us, that's a red flag with us.
18 And we're taught to just keep customer service at -- at its
19 best. So not give up anything or not assume that anybody's
20 doing anything wrong.

21 Once that happened, I let my team know, which is
22 Pink Laces. Pink Laces in layman's terms in the retail
23 industry is theft. So when I called out Pink Laces --

24 Q. Let me --

25 A. Yeah.

1 Q. -- stop you there. So at some point, the activity
2 of these two gentlemen raised your suspicion so much that you
3 -- and -- you announced Pink Laces?

4 A. Yes, sir.

5 Q. And you said "pink laces" is a term that you use to
6 communicate amongst members of your store?

7 A. Yes, sir.

8 Q. Used to communicate what message?

9 A. Theft.

10 Q. Theft?

11 A. Theft. Yes, sir.

12 Q. Okay. So what activity of these two gentlemen,
13 aside from that if any, the return, aroused your suspicion so
14 much to say "pink laces" to the other members of your store?

15 A. Honestly, it was the return. Because when you get a
16 return like that, it usually -- it usually could take care of
17 any -- any and every return that comes into the store.

18 If the item was stolen from the store with our
19 inventory and everything, with everybody's inventory, our
20 auditor actually puts it in the system. So when a -- when
21 something comes up, it's -- it says it clear on the computer,
22 this is not able to return, red flag.

23 So that was my first suspicion right there. But
24 can't go off that. So I just gave them the best customer
25 service that I could.

1 Q. Okay. So those two gentlemen, what activities were
2 they doing in the store while you were observing them and then
3 eventually saying or relaying the "pink laces" message? What
4 were those two gentlemen doing?

5 A. They were browsing. One of the gentlemen were
6 actually by the -- the jerseys already. They were --

7 Q. Which gentlemen are you referring to?

8 A. The light skinned gentlemen with the -- the balder
9 head.

10 Q. Okay.

11 A. They were actually looking at the jerseys and I
12 turned -- I actually was able to turn around and like observe
13 my floor just to see what's going on and everything. And once
14 I got that feeling -- if you work at Foot Locker so long you
15 get that feeling and you know what's going on. So once I got
16 that feeling, I had to call it out. It's only right.

17 And if I was wrong, then they could have just walked
18 out there, so.

19 Q. Okay. So that gentleman, do you recall the type of
20 jerseys -- you recall the NBA jerseys?

21 A. Yes, sir.

22 Q. I guess we could differentiate -- differentiate them
23 by players.

24 A. Yeah.

25 Q. Do you remember what they were by or --

1 A. Of course.

2 Q. Which --

3 A. Of course.

4 Q. -- which players?

5 A. It LeBron James, plays for the Los Angeles Lakers.
6 Anthony Davis, who just got traded to the Los Angeles Lakers
7 this year as well too. And then All Star Rookie Zion
8 Williamson.

9 Q. And so those were the jerseys that you remember the
10 light skinned gentlemen with the bald head standing by?

11 A. Yes, sir.

12 Q. Okay. Do you recall what the other gentleman with
13 the Afro and the striped sweater, what he was doing?

14 A. He was at the register with me until we finished the
15 return. And then once he -- once we finished the return he
16 went to proceed to follow his -- the person that he came in
17 with.

18 Q. And the person that he came in with, or you saw him
19 go towards was the bald gentleman?

20 A. Yes, sir.

21 Q. Okay. So eventually something happens to bring you
22 to court today. What happens with those gentlemen as they --

23 A. After I called out "pink laces". We have a lot of
24 young kids that work in there. I told my part-timer, hey, I
25 just need you guys to give them the best customer service that

1 you can. Not even 30 seconds later, I looked to my right and
2 I've got two guys walking out with at least 15 jerseys each in
3 their hand.

4 So with that, that -- that price range of theft,
5 it's mandatory that we call Metro.

6 Q. Okay.

7 A. So --

8 Q. So you saw the -- the two people that you just
9 described to the members of the jury, you saw those two guys
10 walking out with all those jerseys that you had just referred
11 to --

12 A. Yes, sir.

13 Q. -- or even a little bit more?

14 A. Yes, sir.

15 Q. Okay. Now, this might be an obvious question, but
16 did they walk past any points of sale? Like did they try to
17 purchase those jerseys?

18 A. No, sir.

19 Q. Did they go straight towards the exit of the store?

20 A. Straight towards the exist. Yes, sir.

21 Q. Okay. Were they walking --

22 A. And then --

23 Q. -- at a brisk pace? Were they trying to get out of
24 there?

25 A. It was a -- a -- a -- they were bee-lining it for

1 the door if that's more -- they would -- they were trying to
2 get out of there.

3 Q. Okay.

4 A. In a quickly fashion.

5 Q. Now, what did you do in response to those people
6 running out of the store with those jerseys?

7 A. The first thing I said was, hey, turned to the side.
8 They looked at me. Kept it pushing. I grabbed the -- the
9 store cell phone or the store phone. I was like, no. Called
10 Metro. As soon as I called outside, I gave Metro the
11 description and here today.

12 Q. Okay. So you had indicated that you actually called
13 Metro?

14 A. Yes, sir.

15 Q. Okay. And did you dial 911?

16 A. Yes, sir.

17 Q. Okay. And then as you were going outside of the
18 store and you were calling Metro, did something significant
19 happen too, when you were pursuing those two people?

20 A. Yes, sir. The -- actually the -- I got -- I guess I
21 got too far from the store with the store phone and the store
22 service actually went out. And then I had to call Metro from
23 my cell phone.

24 Q. Okay. What happened in the interim with one of the
25 gentlemen?

1 A. Um --

2 Q. What did one of the gentlemen do that was
3 significant?

4 A. While calling Metro with my cell phone, the
5 gentlemen were -- I want to say the south parking lot by
6 Dillard's, the Dillard's parking lot, which is, I want to say
7 the south point, were at the back corner of the parking lot.
8 And they were taking all the jerseys off the hangers.

9 And me -- in the same time as me talking, calling
10 the 911 operator back, a gentleman upped his shirt
11 (indicating) and flashed something. And --

12 Q. Okay. Let me stop you there.

13 A. Yes, sir.

14 Q. So you made a physical gesture. Every time you make
15 a physical gesture I'm going to make a record of it so we can
16 type it down.

17 A. Yes, sir.

18 Q. So as you were sitting there, for the members of the
19 jury, you used your right hand. You mimicked as though you
20 were pulling your shirt up --

21 A. Yes, sir.

22 Q. -- to expose something.

23 A. Yes, sir.

24 MR. SCARBOROUGH: Correct, [inaudible]?

25 MR. HILL: Correct.

1 MR. SCARBOROUGH: Okay.

2 BY MR. SCARBOROUGH:

3 Q. And so to be more specific, which male did that?
4 Which male pulled his shirt up to expose --

5 A. The heavy set darker gentleman with the Afro.

6 Q. Okay. And when he pulled his shirt up to expose
7 something, what did you see?

8 A. I seen a weapon, a semi-automatic pistol.

9 Q. A semi-automatic?

10 A. Yes, sir.

11 Q. So that's a term of art in -- in -- in terms of a
12 gun. So are you familiar with guns?

13 A. I am.

14 Q. How are you so familiar with guns and firearms?

15 A. My father is a -- a carrier. Just growing up, took
16 us shooting. Trying to be safe, as well, too. So --

17 Q. Do you have a carry conceal license?

18 A. I do.

19 Q. Okay. So you -- you handle firearms and guns
20 regularly?

21 A. Yes, sir.

22 Q. Okay. And you would recognize a semi-automatic if
23 you saw it?

24 A. Yes, sir. Yes, sir.

25 Q. Yes? So when he lifted his shirt up you said you

1 saw a semi-automatic?

2 A. Um-h'm.

3 Q. Okay.

4 THE COURT: You must answer "yes" or "no".

5 THE WITNESS: Yes, sir.

6 MR. SCARBOROUGH: Sorry about that, Judge.

7 THE COURT: That's okay.

8 MR. SCARBOROUGH: Thank you. Okay.

9 THE COURT: Everybody does it.

10 THE WITNESS: Sorry also, sir.

11 THE COURT: Trust me, you will not be the last to --

12 THE WITNESS: Yeah.

13 THE COURT: -- to -- to do that so.

14 THE WITNESS: But yes, sir.

15 BY MR. SCARBOROUGH:

16 Q. Okay. And is this -- does he lift up his shirt and
17 show you that semi-automatic while those two gentlemen are
18 running away from the scene?

19 A. They're actually pulling the jerseys off. So one of
20 them's pulling the jersey off and I scream "hey" and he lifts
21 up his shirt, and I put my hands up (indicating) while I'm
22 still on the phone. So I put my hands up and I back off and
23 they take off.

24 Q. Okay. So again, you just made the same gesture of
25 pulling your shirt up and then you made a gesture as if you

1 were on the phone and that -- you're putting your hands up.

2 A. Yes.

3 Q. Okay. So you put your hands up indicating what?

4 A. Safety. I was --

5 Q. Okay.

6 A. -- terrified.

7 Q. You were terrified?

8 A. Yeah. I didn't -- didn't know what the -- what
9 their motive was at all. It was a --

10 Q. And did you stop pursuing them with the store's
11 merchandise because he held that gun up to you?

12 A. Yeah. Yeah, it's not that serious.

13 Q. What is, the pursuing the merchandise in the face of
14 a gun?

15 A. Of course. Yes.

16 Q. So eventually you stopped pursuing them; correct?

17 A. Yes, sir.

18 Q. And those two people, you lose sight of them?

19 A. Yes, sir.

20 Q. Okay. And you said you were on the phone the entire
21 time or --

22 A. Um --

23 Q. -- with 911?

24 A. I was on -- on the phone with 911 for at least five
25 minutes on the store phone and then once we disconnected when

1 I got too far I was on my cell phone for at least ten minutes,
2 five to ten minutes as well.

3 Q. And while you were on the phone with 911, were you
4 telling the 911 operator the events as they were unfolding as
5 you're following them?

6 A. Yes, sir.

7 Q. Okay. And if --

8 MR. SCARBOROUGH: Okay. May I approach the Clerk,
9 Your Honor?

10 THE COURT: Sure.

11 MR. SCARBOROUGH: And, Your Honor, if I may, State's
12 Exhibit 5 that has already been admitted into evidence.

13 THE COURT: Okay.

14 MR. SCARBOROUGH: Permission to publish --

15 THE COURT: Go ahead.

16 MR. SCARBOROUGH: -- State's Exhibit 5.

17 THE COURT: Go ahead.

18 BY MR. SCARBOROUGH:

19 Q. Okay. Mr. Laws, I am going to publish for members
20 of the jury State's Exhibit 5, which is an audio recording of
21 the 911 call that you placed on that day; okay?

22 A. Yes, sir.

23 (State's Exhibit 5 - 911 call - playing.)

24 THE COURT: You might need to --

25 MR. SCARBOROUGH: I'm going to pause right there.

1 Can everyone hear or is it too muffled?

2 THE COURT: It's -- needs to be a little louder.

3 MR. SCARBOROUGH: All right.

4 THE COURT: I'm having trouble hearing it.

5 MR. SCARBOROUGH: Fair enough. So I'm as close as I
6 can get to the microphone. Do you want me to pull this
7 microphone down to the speaker?

8 (State's Exhibit 5 - 911 call - continues playing.)

9 BY MR. SCARBOROUGH:

10 Q. So I'm pausing the 911 call, Mr. Laws, at 30
11 seconds, just to double check.

12 MR. SCARBOROUGH: Can every one of the jury hear
13 this?

14 UNIDENTIFIED JURORS: Yes. Yes.

15 MR. SCARBOROUGH: And I'm seeing all nodding in
16 affirmatives.

17 Can Madam Recorder hear it?

18 THE COURT RECORDER: Yes.

19 MR. SCARBOROUGH: Okay.

20 BY MR. SCARBOROUGH:

21 Q. So, Mr. Laws, you heard a portion that I just
22 stopped at, of that 911 call.

23 A. Yes, sir.

24 Q. Is that you?

25 A. Yes, sir.

1 Q. And is this you calling about this event?

2 A. Yes, sir.

3 Q. Okay. Pressing "play" at 30 seconds and continuing.

4 (State's Exhibit 5 - 911 call - continues playing.)

5 MR. SCARBOROUGH: So I'm going to pause it right
6 there at 1:22.

7 BY MR. SCARBOROUGH:

8 Q. We just heard the brief disconnect. Is that what
9 you were referring to, as you lost service on the phone?

10 A. Yes, sir.

11 Q. Okay. And then did you subsequently call right
12 back?

13 A. Yes, sir.

14 Q. And you're still going through this sequence of
15 events and you're narrating to the 911 as it's unfolding?

16 A. Yes, sir.

17 Q. Okay.

18 MR. SCARBOROUGH: Pressing "play" at minute 1:22 of
19 Exhibit -- State's Exhibit 5.

20 (State's Exhibit 5 - 911 call - continues playing.)

21 BY MR. SCARBOROUGH:

22 Q. Okay. So that concludes the 911 call that you
23 placed on that day, that's State's Exhibit 5. Correct?

24 A. Yes, sir.

25 Q. Now, you had also indicated that you saw the gun

1 fall out; correct?

2 A. Yes, sir.

3 Q. So you are positive they had a weapon?

4 A. Yeah. I know exactly what it looked like.

5 Q. Okay. So of the two gentlemen, the one that you
6 described as bald, light skinned, is that person in the
7 courtroom today?

8 A. Yes, sir.

9 Q. Can you please point to that person, describe an
10 article of clothing they are wearing, and the location that
11 that person is in the courtroom, please?

12 A. Sure. The gentleman sitting right there, he had on
13 the black and gray sweater with the black pants.

14 Q. You are saying that that's the person who had the
15 black and gray sweater at the time of the event; correct?

16 A. Yes, sir. Um-h'm.

17 Q. Okay. What does that person that you're describing,
18 as the person at the event, wearing right now?

19 A. The gentleman in the blue, he's not here.

20 Q. Okay. The one who was bald and the one who was not
21 in -- the one who flashed the gun is not here?

22 A. Yes, sir.

23 Q. Okay. The one who didn't flash, the gun, is he
24 here?

25 A. Yes, sir.

1 Q. Okay. So the reason why I'm asking you to describe
2 an article clothing that we have now --

3 A. Um-h'm.

4 Q. -- is for the record.

5 A. Yes, sir.

6 Q. So when you're -- when you pointed at the gentleman
7 in the courtroom --

8 A. Yes, sir.

9 Q. -- what is that gentleman wearing right now?

10 A. He is wearing a white shirt and a black and gold
11 tie.

12 Q. And again, to reiterate, that's the man that was in
13 the store that day with the man who flashed that gun?

14 A. Yes, sir.

15 Q. Okay. And who ran out of the store with all that
16 merchandise?

17 A. Yes, sir.

18 MR. SCARBOROUGH: May the record reflect
19 identification of the defendant, Andre Snipes?

20 THE COURT: All right. The record will so reflect.

21 BY MR. SCARBOROUGH:

22 Q. Okay. Now, you had indicated on the 911 call that
23 you saw that they stole over damn near -- and I'm quoting you
24 -- \$5,000 worth of merchandise.

25 A. Yes, sir.

1 Q. Okay. Just to be fair, you didn't count exactly how
2 many jerseys that they had in their hand; right?

3 A. No. They were walking out too fast. It was the
4 heat of the moment. I was speaking on emotion and energy and
5 super upset I got stolen from. I was the only manager there
6 at the time, too, so.

7 Q. And that's totally fair.

8 So in terms of your experience, your training and
9 your role as a manager, are you familiar with the pricing of
10 those jerseys --

11 A. Yes, sir.

12 Q. -- that you had just referred to?

13 A. Yes, sir.

14 Q. Okay. So like the Zion Williamson Rookie Jersey?

15 A. Yes, sir.

16 Q. Okay. As someone who's familiar and required to
17 interact with that inventory and the pricing --

18 A. Um-h'm.

19 Q. -- what does the regular NBA jersey go for, at Foot
20 Locker, such as a Zion Williamson jersey?

21 A. A standard Nike NBA jersey, official price, it
22 doesn't matter what team it is, is going to be \$110.

23 Q. \$110.

24 A. Yes, sir.

25 Q. Okay. And if there were receipts that, you know,

1 eventually that came into the record showing that the pricing
2 of various NBA jerseys, will you be confident that it's \$110?

3 A. Yes, sir.

4 Q. Okay. So like you said on the 911 call, too, LeBron
5 James?

6 A. Yes, sir.

7 Q. Okay. Is that the same price?

8 A. The 110.

9 Q. Okay.

10 A. \$110.

11 Q. Now, and you're saying that there were multiple,
12 multiple jerseys and everything like that. But it's not
13 \$5,000?

14 A. Yes, sir.

15 Q. Okay. And to your best estimate, as you being
16 familiar with that inventory, how many jerseys do you recall
17 them taking?

18 A. Between LeBron James and Anthony Davis, between both
19 of those two, it's 15 jerseys, and Zion it was only five.

20 Q. So to -- so you're saying around like 15 LeBron
21 jerseys, and -- and the Anthony Davis jerseys?

22 A. Yes, sir. So if you want to do like 7, 8 LeBron and
23 Anthony Davis jerseys, plus the five Zions.

24 Q. Okay. So the players that you for sure remember as
25 being inventory taken from your store on LeBron James --

1 A. Yes, sir.

2 Q. -- Zion Williamson --

3 A. Yes, sir.

4 Q. -- and Anthony Davis.

5 A. Yes, sir.

6 Q. Okay. Now, you had indicated on the 911 call that
7 you have CCTV?

8 A. Yes, sir.

9 Q. Video surveillance?

10 A. Yes, sir.

11 Q. Okay. And you're familiar with the video
12 surveillance system in your store?

13 A. Of course.

14 Q. Okay.

15 MR. SCARBOROUGH: For the record, I am putting into
16 my laptop State's Exhibit 1, which would be "Nike Video
17 Surveillance".

18 May I approach your Clerk for return exhibits?

19 THE COURT: Actually, I want you to hold onto those
20 for right now and we'll have you --

21 MR. SCARBOROUGH: Sanitize them or something?

22 THE COURT: -- well, sanitize them, but I think what
23 we'll do is, unless Mr. Hill has a concern we'll have you guys
24 hold onto them and at least for the -- through the day and
25 we'll -- to minimize the going back and forth with the Clerk.

1 MR. SCARBOROUGH: Okay. And speaking of that, can I
2 approach your Clerk --

3 THE COURT: Sure.

4 MR. SCARBOROUGH: -- to get --

5 I grabbed the wrong one.

6 Okay. For the record, I'm not publishing State's 1,
7 I'm publishing State's Exhibit 4, which has been admitted into
8 evidence, which is the 9/20 Foot Locker Fashion Show --
9 Fashion Show video surveillance.

10 THE COURT: Do you concur with that, Mr. Hill?

11 MR. HILL: I do, Your Honor.

12 THE COURT: All right. Thank you.

13 MR. SCARBOROUGH: Okay. And I'll tell the members
14 in the courtroom now, I'm navigating the various players in
15 the file, and for the record I'm clicking on -- there are nine
16 files on this disk. I'm clicking on the third file titled
17 "archive". I'm clicking on "player". I'm clicking on the
18 "backup player.exe." Clicking into the files of that player.
19 And I'm going to click on Channel 1.

20 I'm going to warn everyone now, it takes a little
21 bit to load up. So if you -- if you see me just standing here
22 silent that's why.

23 So clicking on Channel 1. So this will take just a
24 moment. It's going to be like that with a couple of files.

25 I promise, I'm credible, this is going to work.

1 THE COURT: I was going to say, are we still in the
2 moment?

3 MR. SCARBOROUGH: Yes.

4 THE COURT: All right.

5 MR. SCARBOROUGH: I'm credible, too.

6 BY MR. SCARBOROUGH:

7 Q. Okay. So right now we are looking at the video
8 surveillance of what?

9 A. This is --

10 Q. What -- what is this depicting right now that we're
11 playing?

12 A. This is the front of Fashion Show Foot Locker.

13 Q. Okay. And I'm going to fast forward. The player is
14 at 16:30 right now on September 20th, 2019. So it's in
15 military time. So I'm going to fast forward to around 16:33
16 on the player.

17 (State's Exhibit 4 -- video surveillance - playing.)

18 BY MR. SCARBOROUGH:

19 Q. Okay. And I'm pausing it right now at 16:33 and 13
20 seconds. Do we see multiple people in the doorway?

21 A. Yes, sir.

22 Q. Okay. And then we see two people entering the
23 business; correct?

24 A. Yes, sir.

25 Q. The one with the striped sweater that has more white

1 in it, the one who is actually entering the business first.

2 A. Yes, sir.

3 Q. Is that the man you identified in this courtroom?

4 A. Yes, sir.

5 Q. Okay. So you -- these are the two individuals that
6 you have been describing this entire time?

7 A. Yes, sir.

8 Q. Okay. And this is them entering the business.

9 MR. SCARBOROUGH: Okay. And for time purposes,
10 since it takes forever to load up the video, I'm going to go
11 to the 4th file.

12 BY MR. SCARBOROUGH:

13 Q. And again, my apologies. It will take a bit to
14 load up. And once we load it up I'll ask you some questions.
15 Okay, sir?

16 A. Yes, sir.

17 Q. Well, let me actually walk you back while this is
18 loading up. So I want to hem down a certain value, okay, in
19 terms of the jerseys.

20 A. Yes, sir.

21 Q. You have testified to the members of the jury that
22 there were 15 jerseys taken.

23 A. Yes, sir.

24 Q. Fifteen jerseys from three players, of LeBron James,

1 Zion and --

2 THE COURT: Well, wait, wait, counsel. Why don't
3 you have him go through. Again, how many jerseys were taken?

4 THE WITNESS: 15 jerseys, sir.

5 THE COURT: Total?

6 THE WITNESS: Between LeBron James and Anthony
7 Davis, 15. And 5 Zion Williamson jerseys, sir.

8 THE COURT: So what was the total number then?

9 THE WITNESS: Between 15 and 20.

10 THE COURT: All right.

11 THE WITNESS: Yes, sir.

12 THE COURT: Thank you.

13 BY MR. SCARBOROUGH:

14 Q. So to be fair, the -- so you're saying between 15
15 and 20?

16 A. Yes, sir.

17 Q. Okay. To be fair, the lowest estimate you're
18 telling members of the jury how much each NBA jersey was; do
19 you recall that?

20 A. \$110, yes, sir.

21 Q. 110?

22 A. Yes, sir.

23 Q. So according to my math, off the top of my head, it
24 would be a value of close to \$1,650?

1 A. Yeah.

2 Q. For --

3 A. Yes, sir.

4 Q. -- 15 NBA jerseys in the store?

5 A. Yes, sir.

6 Q. Okay.

7 THE COURT: It's working.

8 MR. SCARBOROUGH: Thank you. I appreciate that.

9 BY MR. SCARBOROUGH:

10 Q. Okay. So as the player again, it's at 9/20/2019.

11 We're at 16:30 on the player military time.

12 What portion of the store is this depicting?

13 A. This is the front right-hand side of the store.

14 That corner right there is the women's wall. I know that for
15 a fact.

16 Q. Okay. So I'm going to fast forward on this player.
17 I'll stop there.

18 Did we see the gentleman in the striped shirt
19 touching those clothes over there just briefly?

20 A. Yeah, shopping, browsing.

21 Q. Okay.

22 THE COURT: Where did you stop?

23 MR. SCARBOROUGH: I stopped at 16:34. He's not in
24 the frame. I just didn't catch it at this time.

1 THE COURT: I know. I just want to make a record of
2 where you stop.

3 MR. SCARBOROUGH: Thank you, sir.

4 (State's Exhibit 4, video surveillance, continues playing.)

5 BY MR. SCARBOROUGH:

6 Q. Okay. Fast forwarding. Now, I'll stop at 16:34 and
7 40 seconds. Those are the two gentlemen that we've been
8 referring to this entire time?

9 A. Yes, sir.

10 Q. Touching merchandise in your store?

11 A. Yes, sir.

12 Q. Okay.

13 MR. SCARBOROUGH: I'm pressing play on this. Fast
14 forwarding.

15 (State's Exhibit 4, video surveillance, continues playing.)

16 BY MR. SCARBOROUGH:

17 Q. Okay. Now, pressing play at 16:43 and 49 seconds.

18 I'm trying to save time here and not miss it. So
19 pressing fast forward.

20 Okay. Now, pressing play at 16:44 and 46 seconds.
21 As we look and see the -- the people walking out, are those
22 the two men walking out of your store with handfuls of items?

23 A. Yes, sir.

24 Q. Okay. And stopping at 16:44. Sorry. 16:44 and 58
25 seconds. Is that you right there?

1 A. Yes, sir.

2 Q. And that's you on the phone?

3 A. Yes, sir.

4 Q. Pursuing those two men with all those items walking
5 out of your store?

6 A. Yes, sir.

7 Q. Okay. So ultimately --

8 MR. SCARBOROUGH: Judge, do I -- can I use the Doc
9 Cam? I can approach the witness to have him identify these
10 exhibits or to go through them?

11 THE COURT: Uh --

12 MR. SCARBOROUGH: Do you want me to go here?

13 THE COURT: No, well, they're -- they've been
14 admitted.

15 MR. SCARBOROUGH: Yes.

16 THE COURT: And are -- have these been admitted?
17 What exhibit numbers are we talking about?

18 MR. SCARBOROUGH: State's Exhibit 7, Exhibit 9, and
19 Exhibit 17.

20 I'll just walk him through on the Doc Cam.

21 THE COURT: Well --

22 MR. SCARBOROUGH: Since they're admitted. Is that
23 fair?

24 THE COURT: -- why don't you come here so I can see
25 what one's you're -- you're --

1 MR. SCARBOROUGH: Yes, sir. May I approach?

2 THE COURT: Yeah.

3 THE COURT: All right. Yeah, you -- well, this --
4 this one I thought we had discussed you weren't going to
5 publish this.

6 MR. SCARBOROUGH: No, that is -- the other one we're
7 not going to publish.

8 THE COURT: Oh, okay. All right.

9 Oh, I see. Okay. All right. Yes, why don't you
10 just go ahead and use the -- since they've been admitted, go
11 ahead and use the --

12 MR. SCARBOROUGH: Thank you, sir.

13 THE COURT: -- the Elmo.

14 MR. SCARBOROUGH: May I use the Doc Cam, please?

15 THE COURT RECORDER: Yes.

16 MR. SCARBOROUGH: Thank you.

17 Okay. I'm publishing for the members of the jury
18 State's Exhibit 7. The hue is a little yellow, I guess. Can
19 the members of the jury kind of see this? Nodding -- all
20 nodding in the affirmative.

21 Okay. I'm not going to mess anything else up here.

22 BY MR. SCARBOROUGH:

23 Q. Okay. So ultimately, and were you able to do
24 what's referred to as a six-pack photo lineup with police --

25 A. Yes, sir.

1 Q. -- after this event?

2 A. Yes, sir.

3 Q. Okay. And then what I'm showing you on State's
4 Exhibit No. 7, do you recognize what I'm showing you as the --
5 the lineup form?

6 A. Yes, sir.

7 Q. Okay. And were you read this lineup? Were you read
8 this paragraph?

9 A. Yes, sir.

10 Q. Okay. And then did you sign here, acknowledging
11 that you were read this paragraph?

12 A. Yes. Yes, sir.

13 Q. Okay. Now, flipping to -- there were only two pages
14 that you were shown; correct?

15 A. Yes, sir.

16 Q. Okay. So they're --

17 MR. SCARBOROUGH: For the record, there is a third
18 page that this witness wasn't shown that I won't show this
19 witness.

20 BY MR. SCARBOROUGH:

21 Q. So we're looking at a six-pack photo arrangement;
22 correct?

23 A. Yes, sir.

24 Q. Okay. And then if we look at position No. 5, we see
25 writing on it with an initial. Is that your writing?

1 A. Yes, sir.

2 Q. And is that who you identified as someone who was in
3 the store that day?

4 A. Yes, sir.

5 Q. Okay. And then flipping back to the first page, in
6 this paragraph, did you write an explanation as to kind of why
7 you're sure?

8 A. Yes, sir.

9 Q. Okay. And you wrote, His hair was a bit shorter,
10 facial hair match, and you identified that man as Andre
11 Snipes?

12 A. Yes, sir.

13 Q. Okay. Now, you also identified the other man that
14 was in the store as well; correct?

15 A. Yes, sir.

16 Q. Okay.

17 MR. SCARBOROUGH: Publishing State's Exhibit 9.

18 BY MR. SCARBOROUGH:

19 Q. Again, we're looking at the same form; correct?

20 A. Yes, sir.

21 Q. The photo lineup form. You were read this
22 paragraph?

23 A. Um-h'm.

24 Q. And you --

25 THE COURT: You have to answer "yes" or "no".

1 THE WITNESS: Yes. I'm sorry.

2 MR. SCARBOROUGH: I've got to catch that. That's
3 me.

4 BY MR. SCARBOROUGH:

5 Q. So and then you signed acknowledging you were read
6 that -- or that paragraph?

7 A. Yes, sir.

8 Q. Okay. And then you were shown this arrangement of
9 photographs; correct?

10 A. Yes, sir.

11 Q. And then Number 2 is the man that you circled and
12 initialed?

13 A. Yes, sir.

14 Q. Okay. And then flipping back to the front, you
15 wrote, "same guy, no glasses," again, just to indicate your
16 surety.

17 A. Yes, sir.

18 Q. Yes? Okay. And that's the man you identified as
19 the man holding the gun that day?

20 A. Yes, sir.

21 Q. Okay.

22 MR. SCARBOROUGH: I'm publishing State's 17.

23 BY MR. SCARBOROUGH:

24 Q. That's the man you identified as holding the gun?

25 A. Yes, sir.

1 Q. Okay.

2 MR. SCARBOROUGH: Brief indulgence, Your Honor --

3 THE COURT: Sure.

4 MR. SCARBOROUGH: -- please?

5 (MR. SCARBOROUGH/MR. LEXIS CONFER.)

6 MR. SCARBOROUGH: Thank you, Mr. Laws.

7 I'll pass the witness.

8 THE COURT: All right. Why don't we clean the
9 witness stand area real quick and we'll let Mr. Hill do
10 cross-examination.

11 MR. SCARBOROUGH: I'm going to leave all that up for
12 Mr. Hill.

13 THE COURT: Not the witness stand, the testimony
14 stand, or the attorney's stand.

15 THE COURT: All right. Whenever you're ready, Mr.
16 Hill.

17 MR. HILL: If I may I have quick moment, Your Honor.

18 THE COURT: Sure. Take your time. Do what you need
19 to do.

20 (Pause in the proceedings.)

21 THE COURT: Are you about to play something?

22 MR. HILL: I am just teeing up State's 5, Judge.

23 THE COURT: Okay.

24 MR. HILL: And then we'll go into it.

25 //

1 CROSS-EXAMINATION

2 BY MR. HILL:

3 Q. Good morning, sir.

4 A. Good morning, sir.

5 Q. I have some -- a question just about the timing of
6 events that occurred on that --

7 A. Yes, sir.

8 Q. -- day; okay?

9 A. Yes, sir.

10 Q. So we'll start with, you said we have a couple of
11 gentlemen walking in. And I want to specifically direct your
12 attention to just the return process.

13 A. Yes, sir.

14 Q. All right. Would you -- tell the jury how you'd
15 like to differentiate between the two guys and we'll use that
16 shorthand like --

17 A. As in --

18 Q. -- bald head and Afro, I mean, how -- what -- what's
19 a good way for you to know who I'm talking about?

20 A. Heavy set gentleman, heavier setter gentleman,
21 darker skin, Afro.

22 Q. Okay. So we'll do the heavy set gentleman is who
23 approached in relation to returns, is that --

24 A. Yes, sir.

25 Q. -- right?

1 A. Yes, sir.

2 Q. All right. And did you tell the State that you
3 actually effectuated some returns? Like did you actually do
4 some returns?

5 A. Yes, sir.

6 Q. All right. And so the heavier set gentleman comes
7 into the store. Did he immediately approach the --

8 A. The register --

9 Q. -- point of sale, the register for the returns?

10 A. Yes, sir.

11 Q. All right. So he walked into the store and
12 immediately went to do some returns?

13 A. Yes, sir.

14 Q. And did you accept the return -- you didn't accept
15 returns on all the items; did you?

16 A. No, sir. It was two items, and I only accepted one
17 return.

18 Q. All right. But you did -- how did you give that
19 return?

20 A. They had a receipt for one of the returns.

21 Q. Right. I'm sorry. I should have been more
22 specific. Was -- did you put it back on a card, did you give
23 them cash?

24 A. It was via a debit card.

25 Q. Debit card. So it went back onto a debit card?

1 A. Yes, sir.

2 Q. Got it. And during which time you're looking up,
3 you're probably punching things into the computer and looking
4 at the receipt, right?

5 A. Yes, sir.

6 Q. And you're talking to the heavy set guy?

7 A. Yes, sir.

8 Q. And the heavy set guy is talking to you?

9 A. Yes, sir.

10 Q. And so it's a process, right?

11 A. Yes, sir.

12 Q. So going through a return isn't an immediate thing,
13 is it?

14 A. No, sir.

15 Q. It takes some time, doesn't it?

16 A. Yeah, five to ten minutes.

17 Q. So for five -- between five and ten minutes, your
18 best estimate, you were dealing with the heavy set gentleman?

19 A. Yes, sir.

20 Q. All right. During which time the thinner guy --

21 A. Yes, sir.

22 Q. -- is walking around the store, right?

23 A. Yes, sir.

24 Q. And I think you said he was browsing, shopping --

25 A. Yes, sir.

1 Q. -- right? And this isn't just one, two or three
2 minutes, right? It's probably a minimum of five, up to ten
3 minutes while you're dealing with the return?

4 A. Yes, sir.

5 Q. All right. And then the heavy set gentleman, after
6 the return discussion, he starts walking around the store,
7 right?

8 A. The shop. Yes, sir.

9 Q. All right. And then, to shop?

10 A. Yes, sir.

11 Q. And then they walk around for a little bit longer;
12 isn't that right?

13 A. Yes, sir.

14 Q. And again, not just a few seconds of them walking
15 around after the return, true?

16 A. No, sir.

17 Q. But probably a number of minutes, right?

18 A. No, sir. After the return, the other gentleman
19 that's thinner, was then he actually was at the jerseys
20 already, and the heavy set gentleman, after I couldn't take
21 the second return, he actually walked back to the second
22 gentleman.

23 Q. All right. But then they were there for a little
24 bit?

25 A. Yes, sir.

1 Q. All right. And, in fact, he didn't walk over to
2 join the thin guy until after you said, no, I'm not taking
3 this back?

4 A. It's not that I couldn't take it back, it's just
5 that I wouldn't take it back, because I couldn't.

6 Q. All right. So not until you inform him of that --

7 A. Yes, sir.

8 Q. -- does he then walk over to the thin gentleman with
9 the other jerseys?

10 A. Yes, sir.

11 Q. All right. And then there's still a little bit -- a
12 passage of time before the two guys leave; isn't that right?

13 A. No, sir.

14 Q. All right. So about how long?

15 A. After the return, I would say two minutes. I looked
16 to my right and they're walking out.

17 Q. All right. So about two minutes.

18 A. Yes, sir.

19 Q. So in other words, it wasn't immediate?

20 A. No, it wasn't immediate.

21 Q. All right. Very good.

22 So after they enter the store, then he approaches
23 the register and the thin guy is walking around shopping;
24 right?

25 A. Yes, sir.

1 Q. All right. So after they enter the store, we can
2 agree, it was about 12 minutes before they walked out with the
3 merchandise?

4 A. Give or take.

5 Q. All right. In fact, we were up here for a number of
6 minutes when Mr. Scarborough was fast forwarding through a
7 long security video before we watched them walk out; right?

8 A. Yes, sir. Yes, sir.

9 Q. All right. I want to talk a little bit about the
10 number of jerseys, so the amount; okay?

11 As we sit here today, you will agree, you can't
12 rattle off skews to this jury in relation to -- about what was
13 taken; right?

14 A. As in giving a direct skew for the jersey?

15 Q. Right.

16 A. No, sir. Because --

17 Q. All right.

18 A. -- different jerseys have different skews.

19 Q. All right. And each -- each jersey has a different
20 skew?

21 A. Yes, sir.

22 Q. Can you tell the jury what a skew is?

23 A. A skew is a form of recommendation that the -- that
24 the Nike company, when they send us the jerseys, that they
25 come in. So basically a skew is the box that it comes in and

1 how you -- how you find it in our computer system or online or
2 via anything else.

3 Q. Right. And so what we're not able to do today is
4 tell this jury, list one-by-one the specific number and the
5 specific types of jerseys that were taken. We can't do that,
6 right?

7 A. As in, on paper, like as in a -- as in a receipt?

8 Q. I'm talking about right now, that's not something we
9 could do; isn't that right?

10 A. Yes, sir.

11 Q. All right. And you spent some time with the State
12 kind of surmising or piecing together how many jerseys were
13 taken; is that right?

14 A. Yes, sir.

15 Q. All right. I think you even -- you told the State
16 that they -- the hangers went with the jerseys; right?

17 A. Yes. Into the parking lot.

18 Q. Right.

19 A. Until they got rid of them.

20 Q. And did you -- did you take those?

21 A. The hangers?

22 Q. Yeah.

23 A. No, sir. They got thrown away.

24 Q. All right. So -- I'm sorry?

25 A. They got thrown -- the hangers?

1 Q. Yeah.

2 A. They got thrown away.

3 Q. All right. So it's not like we have a number of
4 empty hangers to count and tell the jury that, true?

5 A. I'm confused with the question, sir.

6 Q. All right. We can't -- you -- you didn't go back to
7 the store and count empty hangers, did you, because they were
8 taken; right?

9 A. That's our inventory check. So when something is
10 stolen at a Foot Locker company, that's mandatory that we have
11 to do an inventory check.

12 Q. All right. So my question is, you couldn't go back
13 to the store and count empty hangers?

14 A. Oh, no, sir. I could not.

15 Q. And they were thrown out from the parking garage;
16 right?

17 A. Yes, sir.

18 Q. Okay.

19 MR. HILL: How do I switch over to this?

20 THE COURT RECORDER: I'll switch it.

21 MR. HILL: Oh, lovely.

22 BY MR. HILL:

23 Q. Next, I want to talk briefly about --

24 THE COURT: What are you showing the jury?

25 MR. HILL: Sorry, Judge. May I -- I'm going to

1 publish State's Exhibit 17, please, Judge.

2 THE COURT: Okay.

3 MR. HILL: Very well. Thank you, Judge.

4 BY MR. HILL:

5 Q. I want to talk briefly about -- so we talked about
6 something being flashed to you in the parking garage; right?

7 A. Yes, sir.

8 Q. All right. And just -- I want to briefly talk about
9 who that was; all right?

10 A. Yes, sir.

11 Q. So there was two guys who came in.

12 A. Um-h'm.

13 Q. One of them was --

14 THE COURT: You need to answer "yes" or "no". I'm
15 sorry.

16 THE WITNESS: Yes, sir.

17 BY MR. HILL:

18 Q. One of them was the heavy set guy?

19 A. Yes, sir.

20 Q. You don't see the heavy set guy in the courtroom
21 today?

22 A. I do not, sir.

23 Q. Turning your attention to State's Exhibit 17, which
24 is being published to the jury, is that the heavy set guy?

25 A. Yes, sir.

1 Q. Is that the guy who flashed something to you in the
2 parking garage?

3 A. Yes, sir.

4 Q. All right. No one else flashed anything to you at
5 any point in time during that day --

6 A. No, sir.

7 Q. -- correct?

8 And State's Exhibit 17, the heavy set guy, is who
9 flashed it; true?

10 A. Yes, sir.

11 Q. All right. I want to ask some questions about where
12 the flashing occurred --

13 A. Yes, sir.

14 Q. -- all right? Upon entering the store, nothing was
15 flashed to you; true?

16 A. No, sir. Yes, sir. That's true.

17 Q. And during the discussion at the register, nothing
18 was flashed to you, right?

19 A. Yes, sir.

20 Q. And during the period that they're in the store,
21 nothing was flashed to you?

22 A. Exactly. Yes, sir.

23 Q. All right. And after all the time that they were in
24 the store, walking around, right? They were walking around?

25 A. Yes, sir.