

No. 82602

IN THE NEVADA SUPREME COURT

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Elizabeth A. Brown
Clerk of Supreme Court

Rickie Slaughter,

Petitioner-Appellant,

v.

Charles Daniels, et al.,

Respondents-Appellees.

On Appeal from the Order Denying Petition
For Writ of Habeas Corpus (Post-Conviction)
Eighth Judicial District, Clark County
(A-20-812949-W | 04C204957)
Honorable Tierra Jones, District Court Judge

**Petitioner-Appellant's Appendix to the Opening Brief
Volume IV of XXII**

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Dated July 21, 2021.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ *Jeremy C. Baron*
Jeremy C. Baron
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

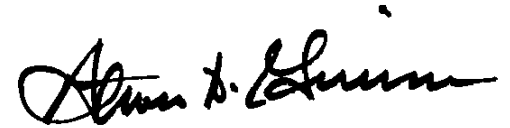
Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include: Alexander Chen.

I further certify that some of the participants in the case are not registered appellate electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

Rickie Slaughter NDOC #85902 High Desert State Prison P.O. Box 650 Indian Springs, NV 89070	Erica Berrett Deputy Attorney General Office of the Attorney General 555 E. Washington Ave. Suite 3900 Las Vegas, NV 89101
---	--

/s/ Richard D. Chavez

An Employee of the
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CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

RICKIE LAMONT SLAUGHTER,
#1896569

Defendant.

CASE NO: C204957

DEPT NO: III

**STATE'S OPPOSITION TO DISMISS CASE FOR FAILURE TO PRESERVE OR
DESTRUCTION OF EXCULPATORY PHOTO LINEUP IDENTIFICATION
EVIDENCE**

DATE OF HEARING: 11/10/09
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
MARC DIGIACOMO, Chief Deputy District Attorney, and hereby submits the attached
Points and Authorities in Opposition to Defendant's Motion To Dismiss Case For Failure To
Preserve Destruction Of Exculpatory Photo Lineup Identification Evidence.

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

///

///

1 **POINTS AND AUTHORITIES**

2 Defendant asserts that some evidence was lost or destroyed. As no evidence was lost
3 or destroyed, Defendant's motion must be denied. Defendant relies upon a series of cases
4 wherein the police either failed to collect, or failed to maintain, a physical piece of evidence.
5 See Defendant's Motion p. 9, *citing* Buchanan v. State, 119 Nev. 201 (2003), Cook v. State,
6 114 Nev. 120 (1998), and Deere v. State, 100 Nev. 565 (1984). In the instant matter, the
7 lineups shown to the victims which included Jacquan Richards were maintained and
8 provided to defendant's counsel. As such, no failure to preserve the actual evidence
9 occurred. *See* Daniel v. State, 119 Nev. 498, 78 P.3d 890 (2003).

10 What Defendant is really asserting is that he does not like the manner in which the
11 police documented their showing of the photo lineup. The police made photo lineups which
12 included a photo of Jacquan Richards. The police showed those photo lineups to the various
13 witnesses. None of the various witnesses identified Jacquan Richards. The police
14 documented that fact.¹ As such, there was nothing improper in the manner of documenting
15 the photo lineups. Moreover, there is absolutely no authority in any jurisdiction that allows
16 Defendant to claim a dismissal because the police wrote their reports in a manner he does not
17 like. As such, his motion should be denied.

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27 _____
28 ¹ Defendant asserts that none of the witnesses identified Defendant in those photo lineups. That conclusion is speculation on the part of Defendant, however, he is free to cross examine the witnesses on that fact.

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CONCLUSION

The law allows Defendant to seek redress for failure to maintain a physical piece of evidence. In this case, the physical pieces of evidence, the photo lineups, were maintained. As such, he has no basis upon which to seek relief. Therefore, the Court must deny his motion.

DATED this 9th day of November, 2009.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

BY /s/MARC DIGIACOMO
MARC DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #006955

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of the above and foregoing, was made this 8th day of November, 2009, by facsimile transmission to:

SUSAN BUSH, ESQ.
FAX: 868-0248

/s/Deana Daniels
Secretary for the District Attorney's Office

MD/dd

ORIGINAL

3

1 **MOTN**
2 STEVEN B. WOLFSON, CHTD.
3 PATRICK E. McDONALD, ESQ.
4 Nevada State Bar No. 3526
5 601 South Seventh Street
6 Las Vegas, Nevada 89101
7 (702) 385-7227

FILED

NOV 17 2009

John J. Johnson
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

7 THE STATE OF NEVADA,)
8)
9 Plaintiff,)
10 vs.)
11 RICKIE LAMONT SLAUGHTER,)
12)
13 Defendant.)

Case No.: C204957
Dept. No.: III
Date of Hearing: 11/24/2009
Time of Hearing: 9:00 a.m.

REPLY TO STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
CASE FOR FAILURE TO PRESERVE OR DESTRUCTION OF EXCULPATORY
PHOTO LINEUP IDENTIFICATION EVIDENCE

15 COMES NOW, the Defendant, by and through PATRICK E. McDONALD, ESQ.,
16 of the law offices of Steven B. Wolfson, Chtd., in Reply to the State's Opposition to
17 Defendant's Motion to Dismiss Case Officer Failure to Preserve or Destruction of
18 Exculpatory Photo Lineup Identification Evidence. This Reply is based upon the
19 pleadings and papers herein, the attached Memorandum of Points and Authorities, as
20 well as an oral argument permitted by the Court.
21

22 DATED this 17th day of November, 2009.

23 STEVEN B. WOLFSON, CHTD.

24
25 By *Patrick E. McDonald*
26 PATRICK E. McDONALD, ESQ.
27 Nevada State Bar No. 3526
28 601 South Seventh Street
Las Vegas, Nevada 89101
Attorney for Defendant

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DATED this 17th day of November, 2009.


By: 
PATRICK E. McDONALD, ESQ.
Nevada State Bar No. 3526
601 South Seventh Street
Las Vegas, Nevada 89101
Attorney for Defendant

EXHIBIT "1"

.....

CASE: 04015160	-----NORTH LAS VEGAS POLICE DEPARTMENT-----	REF: 250183
DATE: 12/10/04	-----POLICE REPORT-----	PAGE: 4
TIME: 15:25	-----NARRATIVE PORTION-----	OF: 5

.....

DURING MY INVESTIGATION I LEARNED THAT RICKIE SLAUGHTER WAS MAKING SEVERAL PHONE CALLS TO A SUBJECT LATER IDENTIFIED AS JACQUAN RICHARD, ALSO KNOWN AS MACK. DURING THESE CALLS SLAUGHTER AND RICHARD TALKED ABOUT THE ROBBERY, HOW SLAUGHTER COULD CREATE AN ALIBI AND VARIOUS ASPECTS OF THE INCIDENT. I MADE SEVERAL ATTEMPTS TO CONTACT RICHARD DURING THE INVESTIGATION, BUT I WAS NOT ABLE TO DO SO.

PHOTO LINE UPS OF RICHARD WERE MADE AND SHOWN TO ALL OF THE VICTIMS. NONE OF THE VICTIMS WERE ABLE TO IDENTIFY RICHARD AS A SUSPECT.

I LEARNED THAT RICHARD HAD A WARRANT THROUGH PAROLE AND PROBATION. I CONTACTED PAROLE AND PROBATION AND ASKED THAT I BE NOTIFIED IF RICHARD WAS ARRESTED FOR THE WARRANT.

ON SEPTEMBER 17, 2004, I WAS CONTACTED BY THE CLARK COUNTY DETENTION CENTER (CCDC), THEY TOLD ME THAT RICHARD HAD BEEN ARRESTED FOR THE ABOVE LISTED WARRANT.

I WENT TO CCDC AND CONTACTED RICHARD FOR AN INTERVIEW. HE WAS ADVISED OF HIS MIRANDA RIGHTS AND DURING A TAPED INTERVIEW TOLD ME WHAT HE KNEW ABOUT THE ROBBERY. RICHARD SAID THAT SLAUGHTER TOLD HIM THAT HE COMMITTED THE ROBBERY. RICHARD SAID THAT HE WENT OVER TO SLAUGHTER'S RESIDENCE ON THE NIGHT OF THE ROBBERY. RICHARD SAID THAT HE GOT TO HIS RESIDENCE AFTER 7 THAT NIGHT, BUT HE DOESN'T KNOW THE EXACT TIME.

RICHARD WENT ON TO TELL ME VARIOUS DETAILS OF THE CRIME. DETAILS NOT RELEASED TO THE PUBLIC. RICHARD SAID THAT SLAUGHTER TOLD HIM THE ROBBERY WENT BAD AND SLAUGHTER HAD TO SHOOT SOMEONE. SLAUGHTER TOLD HIM ABOUT ROBBING TWO PERSONS THAT CAME OVER TO THE RESIDENCE DURING THE ROBBERY. RICHARD SAID THAT WAS TOLD ABOUT SLAUGHTER SETTING THE CREDIT CARD AND ABOUT GETTING SOME MONEY FROM A VICTIM WHO WAS COMING IN AS THEY ATTEMPTED TO LEAVE. DURING THE INTERVIEW I HAD TO STOP DURING INMATE DINNER SERVING. THIS WAS ABOUT 4:30. I RETURNED A COUPLE OF HOURS LATER AND CONTINUED THE INTERVIEW GETTING VARIOUS DETAILS. DURING THE INTERVIEW RICHARD IDENTIFIED SLAUGHTER'S ACCOMPLICE. RICHARD SAID THAT SLAUGHTER TOLD HIM IT WAS LITTLE MARV A DONNA GANG MEMBER. TO CONFIRM SLAUGHTER'S IDENTITY I SHOWED RICHARD A PHOTO LINE UP THAT CONTAINED SLAUGHTER. HE POINTED TO SLAUGHTER. I DID NOT ASK HIM TO INITIAL THE LINE UP. SEE INTERVIEW FOR DETAILS.

THROUGH FURTHER INVESTIGATION LITTLE MARV WAS IDENTIFIED AS MARVIN ROBINSON A DONNA STREET GANG MEMBER. I OBTAINED A PHOTO OF ROBINSON FROM A PREVIOUS NORTH LAS VEGAS JAIL BOOKING. I THEN CREATED A PHOTO LINE UP WHICH CONTAINED ROBINSON AND FIVE OTHER BLACK MALES SIMILAR IN APPEARANCE.

ON SEPTEMBER 21, 2004 I WENT TO THE PRELIMINARY HEARING FOR RICKIE SLAUGHTER, AT THE NORTH LAS VEGAS JUSTICE COURT. THERE I CONTACTED IVAN YOUNG, JENNIFER DENNIS, ARRON DENNIS, JOEY PASADA AND RYAN JOHN.

AFTER THE HEARING I SHOWED EACH OF THE VICTIMS THE PHOTO LINE UPS THAT I HAD PREPARED. YOUNG LOOKED AT THE LINE UP AND SAID HE WAS UNSURE, HE DEBATED

records bureau processed	ser no ! detective bureau processed	ser no
SCARFF/DENISE	1259 !	
supervisor approving	ser no ! officer reporting	S ser no
HANKS/ROBERT EDWARD JR	0998 ! PRIETO/JESUS	0674

TRAN
CASE NO. C-204957
DEPT. NO. 3

FILED

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ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

04C204957
TRAN
Reporters Transcript
1029829



THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
RICKIE SLAUGHTER,)
)
Defendant.)
)

REPORTER'S TRANSCRIPT
OF
DEFT'S MOTIONS

BEFORE THE HONORABLE DOUGLAS HERNDON
DISTRICT COURT JUDGE

DATED: TUESDAY, DECEMBER 1, 2009

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

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NOV - 2 2010
CLERK OF THE COURT

1 APPEARANCES:

2 For the State:

MARC DIGIACOMO, ESQ.

3

4 For the Defendant:

SUSAN BUSH, ESQ.

5

PATRICK MCDONALD, ESQ.

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1 LAS VEGAS, NEVADA; TUESDAY, DECEMBER 1, 2009

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Page 2, State vs. Rickie
6 Slaughter, C-204957. Mr. Slaughter is present in custody
7 with Ms. Bush and Mr. McDonald. Mr. DiGiacomo for the
8 State.

9 We have three defense motions on.

10 THE DEFENDANT: Your Honor, can I make a
11 record about a motion to substitute counsel that I haven't
12 been able to file.

13 THE COURT: You have a motion to
14 substitute counsel.

15 THE DEFENDANT: Yeah. The Clark County
16 Detention Center didn't send me this memo that will
17 provide for indigent posting for some reason. But I need
18 to file the motion. I want to know about filing it in
19 open court.

20 THE COURT: Sure.

21 MR. DIGIACOMO: Judge, I think we can
22 probably address the expert point fairly quickly. When I
23 received the expert motion I contacted defense and said
24 what do you mean you don't have them. They came over to
25 my office. They reviewed the file. I think they now have

1 all of the expert reports that are referenced by the
2 experts. If they're missing anything, I'm not aware of
3 any they don't have. So to that extent, I don't know if
4 that cures their motion, but it seems to me that would
5 cure any potential problems with their motion.

6 THE COURT: Ms. Bush.

7 MS. BUSH: Well, your Honor, the issue is
8 that there are reports -- I have an expert report
9 regarding bullet fragments and the gun, but it's my
10 understanding that the State doesn't have the reports
11 back, so that's why I don't have copies of those regarding
12 any DNA testing.

13 MR. DIGIACOMO: I gave you one report
14 related to DNA testing that relates to the hairs on the
15 gloves. There was insufficient genetic material for
16 complete DNA testing. I don't know if there is going to
17 be another report generated from the shoes, but my
18 understanding is there wasn't any biological material for
19 testing.

20 MS. BUSH: That is correct. We did get
21 the hair report. We received this last Tuesday, late
22 Tuesday afternoon when he picked it up from his office.

23 Then for the gun fragments, if there is any
24 additional reports from testing that were recently
25 completed we didn't receive those.

1 MR. DIGIACOMO: I don't have any other
2 reports, Judge.

3 THE COURT: That's in regards to the
4 DNA.

5 MR. DIGIACOMO: DNA on the shoes.

6 MS. BUSH: That's correct.

7 THE COURT: The bullet fragment testing
8 that was done, those reports have been disclosed. Are
9 there any other expert reports anywhere.

10 MS. BUSH: Hair --

11 MR. DIGIACOMO: For the record, those
12 reports on the bullet fragments were in the original
13 discovery. I know Ms. Bush didn't have them. I know Mr.
14 Slaughter had them for better part of 5 years.

15 The DNA report was actually recently generated.
16 Apparently while I orally told her -- Ms. Bush -- awhile
17 back what the results were, she didn't have the report
18 itself. I provided it to them on Tuesday.

19 THE COURT: From what I'm understanding
20 from the reports is there is no DNA to include or exclude
21 on anybody.

22 MR. DIGIACOMO: Correct. They are what
23 they are.

24 THE DEFENDANT: I don't have them.

25 THE COURT: Well, your attorney is going

1 get them. If she doesn't already have them.

2 THE COURT: So the motion to -- Ms. Bush,
3 anything else you want to say on the motion to strike
4 notice of expert.

5 MS. BUSH: My main purpose was I wanted
6 the record to be clear. We didn't have this report. At
7 the time we filed this the trial was right around the
8 corner.

9 THE COURT: Understood.

10 I will note that the notice of expert was filed back
11 on November 10th, which was certainly within the
12 appropriate time period. CVs were provided. To the
13 extent some reports were done years ago, there has been
14 attorneys and then Mr. Slaughter was pro per, then we came
15 back on on appeal, and now we have new folks involved in
16 the case, so there is a voluminous amount of discovery,
17 I'm sure. I don't think there is any grounds to strike
18 the experts, based upon what's been stated so far. So
19 I'll deny the motion as to that.

20 The other two defense motions.

21 MR. MCDONALD: The motion to dismiss, if
22 the court would entertain that motion at this time.

23 I don't know how much more argument the court wants
24 to hear on this.

25 THE COURT: Let me ask this. I can't

1 really even tell what you are alleging was lost or
2 destroyed. You're asking to dismiss for failure to
3 preserve or destruction of exculpatory identification
4 evidence, but I can't tell by the motion what it is you
5 are alleging was lost or destroyed.

6 MR. MCDONALD: Well, Exhibit 5, which is
7 part of the motion, these photographic lineups were
8 apparently shown to some or all of the alleged victims by
9 whom, I'm not sure, when, I'm not sure, and what were the
10 results, I'm not sure. Okay.

11 So it's a failure to record the showing of these
12 photographic lineups to whomever they were shown to. All
13 the information we have is that the client wasn't
14 identified when these photo lineups were shown to the
15 victims.

16 THE COURT: How do you know they were
17 shown to anybody.

18 MR. DIGIACOMO: They were shown, Judge.
19 I'm willing to agree to that.

20 THE COURT: Just --

21 MR. MCDONALD: A report makes reference to
22 making up this photographic lineup. Now, there are 5
23 different photographic lineups. I believe they are
24 labeled A through E. The problem is I don't know when
25 they were shown, I don't know what officer or

1 representative of law enforcement showed them to
2 witnesses, and we don't know what the results were, aside
3 from our client apparently wasn't identified.

4 Now, it's a little more detailed than that. There
5 were earlier photographic lineups shown, and I outlined
6 that in my moving papers. A photograph of our client, an
7 old booking photograph was used in the first array of
8 photographic lineups. Then he was arrested and booked.
9 They took that new booking photo, which was either from
10 June 28th or June 29, 2004, sometime subsequent to getting
11 that booking photo, they used it in these to show to whom,
12 I don't know. All I know is these were shown. There is
13 no notations on any of these as to when they were shown,
14 who was the representative of law enforcement, who was
15 viewing these. All we have is these were shown at some
16 unknown date, by an unknown law enforcement officer, to
17 witnesses whom I don't know.

18 We normally, when you do a photographic lineup, this
19 information is filled in as to who the officer is, who's
20 viewing it, the date, sometimes the time, and what the
21 result is. That's what the problem is.

22 THE COURT: Mr. DiGiacomo.

23 MR. DIGIACOMO: Normally the standard
24 isn't whether or not there is any evidence missing. There
25 is a photo lineup, which has a second suspect by the name

1 of DeQuan Richards. DeQuan Richards photo lineup is
2 included in the 6 pack. The 6 pack was shown is the
3 victims. The records have shown they were shown to the
4 victims. And then none of the victims picked DeQuan
5 Richards out.

6 THE COURT: The same people that were
7 shown the earlier photo lineups.

8 MR. DIGIACOMO: The earlier photo lineups
9 which previously already identified Rick Slaughter --
10 well, some of them have. There is some people who didn't
11 identify anybody in those first ones.

12 The same -- the way I take the report as victims,
13 meaning all the victims were inside the house were shown
14 the photo lineups of DeQuan Richards. None of them
15 identified DeQuan Richards. That's the information that
16 Mr. McDonald has.

17 He is taking a giant leap, first of all, to say
18 Rickie Slaughter wasn't picked out of those photo lineups,
19 first of all. And second of all, there is no duty that I
20 can figure out that a cop has to write everything down.
21 They have provided him the photo lineup. They have told
22 him they've shown the photo lineup to the victims. And
23 that the victims didn't pick out DeQuan Richards. He's
24 free to cross-examine the detective or the witnesses on
25 what other information he wants to know, but there's

1 nothing that was failed to be preserved.

2 MR. MCDONALD: What has failed to be
3 preserved is when, where, who, what they were asked. I
4 don't know what they were asked. What comments they made
5 when viewing these. Those are normally written on here.

6 The court knows that. Mr. DiGiacomo knows that. We
7 all have been doing this for too many years to count now.

8 Not only is Richards in here, but Mr. Slaughter's
9 booking photo from June 28th or June 29th is in here. A
10 failure to pick him out is important.

11 There is 5 lineup arrays here. There were 6 alleged
12 victims. Did two look at the same one. We don't have any
13 of that information, for a failure to preserve.

14 THE COURT: Well --

15 MR. DIGIACOMO: Just because I have these
16 blank photo lineup arrays doesn't mean that it's been
17 sufficiently preserved. Potentially, exculpatory evidence
18 has not been sufficiently preserved for us to use in
19 trial. How can I sufficiently rebut anything someone says
20 when he gets on the stand and says now, 5-and-a-half years
21 later --

22 THE COURT: Well, you can ask questions
23 about it. I don't think this is a failure to preserve or
24 destroy evidence. The evidence is a photo lineup and
25 that's there.

1 Your argument is sloppy bookkeeping by the police
2 department, which as defense attorneys that is often times
3 a line of questioning you pursue at trial. You didn't do
4 a taped interview of this witness. Or you didn't preserve
5 certain notes. You didn't go out and try and talk to
6 these folks, or doing anything about X Y or Z.

7 Likewise here, they may not have written things down
8 the way you want them to write it down, then by all means
9 you can cross-examine them on that.

10 I don't know, from what sounds like to me, DeQuan
11 Richards isn't a defendant in this trial. I question
12 whether these other photo lineups are even involved in
13 this trial or not.

14 MR. MCDONALD: Well, they are involved
15 because Mr. Slaughter's picture is in here. Mr. Richards
16 was a suspect, obviously.

17 THE COURT: To the extent the police
18 weren't asking any of these people about Mr. Slaughter,
19 again, since they already asked them about
20 Mr. Slaughter-- I mean you can certainly bring it up at
21 time of trial, if you want to. I don't know if the State
22 is bringing it up or not.

23 Generally maybe you would bring a motion saying I
24 want to suppress the other photo lineups because of
25 something, but they are asking to dismiss a case for

1 failure to preserve or destroyed evidence. No, I don't
2 see that, so that motion is denied.

3 You have a motion to suppress.

4 THE DEFENDANT: The suppression is on the
5 other lineups.

6 THE COURT: Your attorneys are arguing,
7 Mr. Slaughter.

8 MR. MCDONALD: This resolves around the
9 affidavit of the lead detective who put in the affidavit
10 support of the search warrant that a green Ford was
11 involved in this incident on June 26th, 2004. That is
12 contrary to the witness' statement at the scene.
13 Destiny Watty said it was green. She believed it was a
14 Pontiac. He didn't put that, I feel, intentionally. Left
15 that out of the affidavit.

16 Nothing comes out about a green Ford Taurus until the
17 detective receives a call from a Metro detective who
18 supposedly has information from a confidential informant
19 that he has been working with. Not the North Las Vegas
20 detective. Something comes up about Mr. Slaughter's
21 girlfriend having ownership of a Ford Taurus. That they
22 reside together. And that Mr. Slaughter uses the Ford
23 Taurus -- has substantial use and control over the Ford
24 Taurus.

25 The problem here is there is no mention. There's

1 another witness by the name of Jennifer Dennis who was in
2 the house and told the investigating officer on the scene
3 that she heard the two suspects talking about a Pontiac.
4 She talks about a Pontiac. The witness outside, sitting
5 in the car across the street, sees two individuals come
6 out and get inside of a -- what she perceives to be a
7 green Pontiac Grand Am, I think was the model of the
8 Pontiac. It was intentional on the part of Detective
9 Cravin.

10 The only way he could tie Mr. Slaughter for probable
11 cause purposes to the event, there was no physical
12 evidence to tie Mr. Slaughter at the point he went for
13 that affidavit. All he had were allegations, secondhand
14 from a detective with Metro that Mr. Slaughter was somehow
15 involved and had supposedly bragged about being involved.
16 And then this fabrication after he receives that
17 information about not only Mr. Slaughter, but Mr.
18 Slaughter's girlfriend's green Ford Taurus, that somehow a
19 Ford Taurus was there. Never before that was there any
20 mention by any of the witnesses about a Ford Taurus, color
21 green.

22 THE COURT: Let me back up a little bit
23 and ask you, how do you get over the standing argument to
24 even challenge a search of a car that's not his and he
25 claims no interest in.

1 MR. MCDONALD: He doesn't have title
2 interest in the vehicle. He resides with Ms. Tiffany
3 Johnson, and the car is titled to her. But the detective
4 knows they reside together. The detective knows that Mr.
5 Slaughter had the vehicle, had continuous uninterrupted
6 use of the vehicle. The detective went to great lengths
7 to question her as to when Mr. Slaughter dropped her off
8 for work that day, when he picked her up after work that
9 day. That was the arrangement that the two of them had.
10 He would take her to work. He would use the car to do
11 errands, whatever he needed to do. He'd return with that
12 green Ford Taurus to pick her up once her workday was
13 done.

14 Just because he wasn't owner of record of title on
15 the vehicle doesn't mean that he didn't have use and
16 possession of that vehicle. And there's case law that I
17 cite to, such as a rental vehicle. One of the cases I
18 cited to 4 days --

19 THE COURT: I don't believe that he has to
20 be the title owner of the car to challenge it as such.
21 But it's different if you are not going to claim any
22 interest or ownership in and then turn around and say, no,
23 but the State has to show my interest or ownership in it
24 before they can validate the search. But I'm not claiming
25 any interest or ownership. The strength of your interest

1 or the nature of your control is part and parcel of --

2 MR. MCDONALD: Of your standing.

3 THE COURT: -- a standing issue.

4 MR. MCDONALD: She tells the police in her
5 interview that he had access use, control of the
6 vehicle.

7 THE COURT: Mr. DiGiacomo.

8 MR. DIGIACOMO: Judge, a standing issue
9 relates to both what Ms. Johnson says, as well as Mr.
10 Slaughter himself denies any possessory or ownership
11 interest. But he did make a colorful claim in the motion
12 for standing, and the law is not real clear as to what
13 point you physically get standing of a car. You could be
14 borrowing a car and be the driver and you don't have
15 standing in the car. At what point do you have it.

16 I don't want the court to reply on the standing issue
17 alone, because you have to get through 6 hurdles before
18 you could ever find that this case or the evidence of the
19 car should be suppressed.

20 If you get past standing, first Mr. McDonald skipped
21 the most salient piece of evidence in the search warrant
22 which nobody disputes, which is the victim picked Rickie
23 Slaughter out of a photo lineup. Which means any
24 reference to the word Ford is irrelevant to the probable
25 cause. The problem there is they were able to establish

1 where Mr. Slaughter lived. His girlfriend was in
2 possession of a small green car. And he was picked out of
3 a photo lineup as the individual who committed the crime.
4 At that point and that point alone they had sufficient
5 probable cause to execute the search warrant, which means
6 the word Ford is not necessary for the warrant.

7 But then you've got to go even farther back, which is
8 can you even show a colorful claim that Detective Prader
9 lied. And I would suggest to the court that they are
10 manipulating the facts in this case.

11 When the first 911 call comes in everyone says --
12 there's a discussion and they finally say a green car.
13 There is no identification of the make or model of that
14 car. Destiny Watty's handwritten statement, not any
15 affidavit from her or anything else, just says it was a
16 green car possibly a Grand Am. Officer Hoyt writes in his
17 initial report it was a green car, possibly a Grand Am or
18 something to that affect.

19 Detective Prader writes in his initial report, before
20 the search warrant was ever gotten, Officer Hoyt said
21 witnesses at the scene described a green car, possibly a
22 Grand Am or a Ford. They made the giant leap that
23 Detective Prader manufactured that evidence because they
24 didn't find it in the handwritten statement and Officer
25 Hoyt's report is -- doesn't have the word Ford in it.

1 I don't know how you can make that as a conclusive
2 showing or at least a preliminary showing necessary to
3 hold an evidentiary hearing on the word Ford, even if it
4 was necessary, Judge. So I'll submit it.

5 MR. MCDONALD: Briefly, your Honor.

6 Mr. Young did pick Mr. Slaughter out. What Detective
7 Prader fails to tell a magistrate is Jennifer Dennis, who
8 is also there, present, saw the two suspects in the house,
9 did not pick him out.

10 Now, apparently this sloppy record keeping of North
11 Las Vegas is showing photographic lineups. I don't know
12 else might have looked at the photographic lineups. There
13 were four other people who did not identify Rickie
14 Slaughter as in the house on that day and time. But
15 regardless, he's correct.

16 Mr. Young did pick him out. I know for a fact,
17 according to a release represented in a report by
18 Detective Prader, Jennifer Dennis did not pick him out.
19 She looked, I believe, at the same lineup that Mr. Young
20 looked at. And that again, is an old booking photo of Mr.
21 Slaughter, not the booking photo that was used
22 subsequently sometime after his arrest.

23 As far as the report by Detective Prader he writes a
24 report, but it's my understanding in looking at the dates
25 of the reports that he writes that report after he

1 receives that telephone call from Detective Depour,
2 concerning the green Ford. Nothing comes up about a green
3 Ford from the witnesses on the scene, from the officers
4 reports who responded to the scene. Destiny Watty's --
5 yeah you have her voluntary statement. It's not under
6 oath. But they certainly use those all the time for all
7 kinds of purposes, but it does not come up until after he
8 hears from Detective Depour and Detective Depour tells
9 him, according to his report, oh, by the way, I ran this
10 information and Rickie Slaughter's girlfriend has a green
11 Ford Taurus.

12 THE COURT: All right.

13 The motion to suppress is going to be denied. Not
14 only on standing grounds, but on the merits. I don't
15 think there is any showing that Detective Prader made any
16 falsehoods in the search warrant application. And I see
17 there is a lot of other evidence of probable cause.

18 The search warrant isn't a trial. There is no
19 obligation to give the magistrate a trial type evidence of
20 everything that's consistent and inconsistency and
21 everything a witness said and every photo lineup that was
22 shown and all the paragraphs and video tapes and records
23 and so forth. It's to establish probable cause to conduct
24 a search. I think the search warrant in this case
25 certainly establishes probable cause to okay the search.

1 I think separate and apart from the word Ford in the
2 search warrant, there was ample probable cause to indicate
3 that they could search the car, based upon the
4 identification of Mr. Slaughter as a perpetrator, base
5 upon the description of the green car.

6 It was clear that they did some search and they
7 identified the car by VIN number and license number in the
8 search warrant, as well. So for all those reasons the
9 motion to suppress is going to be denied.

10 All right. Have you guys seen your client's pro per
11 motion to substitute counsel.

12 MR. MCDONALD: I have looked at it
13 briefly. He showed it to me this morning for a few
14 moments.

15 THE COURT: I know we don't have calendar
16 call until Thursday, what is your position on that.

17 MR. DIGIACOMO: I believe Ms. Bush won't
18 be here on Thursday. We're obviously going to be ready.
19 We anticipate being ready. I'll check my investigator,
20 but he's had contact with the major of the lay witnesses
21 so I can't imagine us not being ready.

22 The only thing I would need is a Tuesday start,
23 because I'm under subpoena for Monday.

24 THE COURT: Okay. Defense.

25 MS. BUSH: At this time we're going to ask

1 for a continuance. We went and reviewed the DA's file and
2 there are numerous things that we received within the last
3 3 to 4 weeks, including 300 phone calls. Mr. DiGiacomo
4 was going to work with me on that and provide me
5 transcripts of the ones he intends to introduce at trial.
6 And I have not received those yet. It's my understanding
7 he will have them to me today, but based on that
8 information we may have to file motions or ask for
9 additional witnesses to appear depending on those phone
10 calls.

11 MR. DIGIACOMO: The only thing I'd say is
12 I recently turned over the jail phone calls. I provided a
13 disc awhile back to Ms. Bush with all the jail phone
14 calls, as well as the video. She couldn't see the video
15 of the 7/Eleven. They were photographs that I believe she
16 didn't have. And there may have been some paperwork. The
17 jail phone calls she's had for a long period of time. I
18 just got the transcripts this week.

19 THE COURT: I'm not going to continue the
20 trial because of the transcripts. If you've had the phone
21 calls, you had the phone calls.

22 MS. BUSH: It wasn't just the phone calls.
23 There are voluntarily statements that my expert has to
24 review. I got those last Tuesday. We did ask to see the
25 file and it took a week and a half to get an appointment

1 to see the file because they were in trial. He did
2 provide stuff last Tuesday of the stuff we were missing,
3 including photographs that we did not have. And those we
4 needed to printout.

5 Like I said, we've had the jail phone calls. It was
6 November, about 3 weeks. There is not only jail phone
7 calls, but recent prison phone calls. There's 300 phone
8 calls.

9 So based on -- we may want to use, depending on what
10 calls he intends to introduce we have to make a call of
11 what we want to use.

12 THE COURT: Here's what I'll say. I'll
13 leave calendar call on for Thursday. You need to file a
14 written motion. I'm not inclined to continue the trial at
15 this point. And Mr. Slaughter, as to your pro per motion,
16 we're not going to keep switching counsel. These folks --

17 THE DEFENDANT: Can I make --

18 THE COURT: You've got counsel in place.
19 I read the motion while I was sitting here. You may want
20 your case to be done in a certain way. You were pro per
21 before. You wanted counsel, I appointed counsel. They're
22 good attorneys. They know what they're doing. They're
23 not going to file a motion every time you tell them to, if
24 they don't think the motion has merit. That's their legal
25 obligation not to file frivolous motions.

1 They're prepared for your case. They're asking me
2 for a continuance because they think they need a
3 continuance to do more things on your case. But you can
4 sit here and tell me there are these 10 motions they
5 didn't file I wanted them to file, that's not what drives
6 the whether you get a new attorney.

7 THE DEFENDANT: I understand that.
8 There's allegations of a break down in communication
9 between me and my attorneys.

10 THE COURT: I've got a feeling you would
11 have a break down in communications with all your
12 attorneys, because that's just the way this case has gone
13 over the course of time. So I'm not going to let you
14 jockey the trial dates by filing a late motion to
15 substitute counsel, saying they're breaking down in
16 communications with me.

17 MR. SLAUGHTER: There is alibi evidence
18 that was discovered by James Compton (ph), the original
19 investigator on my case, when I represented myself back in
20 2005, that supported that. He's found a transcript of the
21 guilty plea hearing on page 3 and 9, these -- I have been
22 trying to tell my attorneys to find these alibi witnesses
23 and speak to Compton about it and investigate into that,
24 but they -- I can't talk to them. I'm being berated to
25 talk to them. I have to send letters from the county

1 jail, which is why I filed a motion today. I haven't
2 talked to them in over a month. Trial is around the
3 corner. This alibi is very, very important to the case
4 and corroborates the statement identification of two alibi
5 witnesses.

6 THE COURT: I'll leave it on for Thursday.
7 If the defense feels they need to file a motion to
8 continue, they can file a motion to continue.

9 I don't need a written response. You can respond
10 Thursday when we take up the trial date at that time.

11 MR. MCDONALD: Do we bring it on Thursday
12 if we file it with the clerk.

13 THE COURT: Get it to me before Thursday
14 so I can read it.

15 MR. MCDONALD: Sorry. What I meant was
16 file with the clerk's office and calendar it after the
17 calendar call.

18 THE COURT: I'll put it on calendar call
19 for Thursday, the motion to continue. Just get me
20 something in writing.

21 MR. MCDONALD: Just a procedural
22 question.

23 THE COURT: Understood.

24 MR. MCDONALD: We'll get the courtesy copy
25 to your Honor.

1 THE COURT: Okay. See you Thursday.

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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.



Sharon Howard
C.C.R. #745

1 CCO3
2 SUSAN KAYE BUSH, ESQ.
3 Nevada Bar No. 8007
4 BUSH & LEVY, LLC.
5 528 So. Casino Center Blvd., Suite 202
6 Las Vegas, Nevada 89101
7 (702) 868-4411
8 Attorney for Defendant
9 RICKIE SLAUGHTER

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)

Plaintiff,)

vs.)

RICKIE SLAUGHTER,)

Defendant.)

CASE NO.: C204957-C
DEPT NO.: III

SUBPOENA-CRIMINAL

☐ REGULAR ☒ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

Custodian of Records
Clark County Detention Center
330 S, Casino Center
Las Vegas, Nevada 89101

YOU ARE HEREBY COMMANDED that all and singular, business and excuses set aside, you appear and attend on the 19th day of February, 2010, at the hour of 3:00 PM, at the law offices of BUSH & LEVY, LLC. The address where you are required to appear is 528 South Casino Center, Suite 202, Las Vegas, Nevada 89101. Your attendance is required to give testimony and/or to produce and permit inspection of copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection and copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises.

You will be required to bring with you at the time of your appearance the items set forth

ORIGINAL

1 **CC03**
2 SUSAN KAYE BUSH, ESQ.
3 Nevada Bar No. 8007
4 BUSH & LEVY, LLC.
5 528 So. Casino Center Blvd., Suite 202
6 Las Vegas, Nevada 89101
7 (702) 868-4411
8 Attorney for Defendant
9 RICKIE SLAUGHTER

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 THE STATE OF NEVADA,)
13)
14 Plaintiff,)
15)
16 vs.)
17)
18 RICKIE SLAUGHTER,)
19)
20 Defendant.)

CASE NO.: C204957-C
DEPT NO.: III

SUBPOENA-CRIMINAL

☐ REGULAR ☒ DUCES TECUM

21 THE STATE OF NEVADA SENDS GREETINGS TO:

22 Custodian of Records
23 Clark County Detention Center
24 330 S, Casino Center
25 Las Vegas, Nevada 89101

26 **YOU ARE HEREBY COMMANDED** that all and singular, business and excuses set
27 aside, you appear and attend on the 19th day of February, 2010, at the hour of 3:00 PM, at the law
28 offices of BUSH & LEVY, LLC. The address where you are required to appear is 528 South
Casino Center, Suite 202, Las Vegas, Nevada 89101. Your attendance is required to give
testimony and/or to produce and permit inspection of copying of designated books, documents or
tangible things in your possession, custody or control, or to permit inspection and copying of
designated books, documents or tangible things in your possession, custody or control, or to
permit inspection of premises.

You will be required to bring with you at the time of your appearance the items set forth

1 below. If you fail to attend, you will be deemed guilty of contempt of Court and liable to pay all
2 losses and damages sustained thereby to the parties aggrieved and forfeit One Hundred Dollars
3 (\$100.00) in addition thereto.

4 BUSH & LEVY, LLC.

6
7 By: Susan Bush 2-1-10
8 SUSAN KAYE BUSH, ESQ. Date
9 Nevada Bar No. 8007
10 528 South Casino Center, #202
11 Las Vegas, Nevada 89101
12 (702) 868-4411
13 Attorneys for Defendant
14 RICKIE SLAUGHTER

12 **ITEMS TO BE PRODUCED**

14 Certified copies of all booking photographs prior to June 26, 2004, for **Errick E.**
15 **Hawkins**, ID # 1906848, SSN [REDACTED]-6948, DOB [REDACTED]-1984; **Rickie L. Slaughter**, ID #
16 1896569, SSN [REDACTED]-7827, DOB [REDACTED]-1984; **Marvin Robinson, a.k.a. Marvin A. Taylor**, ID #
17 \$ 1582692, DOB [REDACTED]-1985, and **Jacquan L. Richard**, ID # 1211173, SSN [REDACTED]-8071, DOB
18 [REDACTED]-1978.

18 *****IF REQUESTED DOCUMENTS/RECORDS ARE PRODUCED TO THE LAW OFFICE**
19 **OF BUSH & LEVY, LLC, ON OR BEFORE February 12, 2010, NO APPEARANCE WILL BE**
20 **REQUIRED.**

BUSH & LEVY, LLC.

Attorneys at Law

*Susan Kaye Bush
Monti Jordana Levy
Abira Anwar*

528 South Casino Center Blvd., Suite 202
Las Vegas, Nevada 89101
Telephone: 702-868-4411
Facsimile: 702-868-0248

February 1, 2010

Custodian of Records
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, Nevada 89101


Re: **The State of Nevada vs. Rickie Slaughter**
Case No.: C204957-C

To Whom It May Concern:

Please be advised that you have been served with a Subpoena Duces Tecum requesting certified copies of any and all booking photographs prior to June 26, 2004, for Errick E. Hawkins, Jacquan L. Richard, Marvin Robinson, a.k.a. Marvin A. Taylor and Defendant, Rickie L. Slaughter. Please be advised that if you provide our office with the requested documents at your earliest convenience and before the appearance date, and you complete the Certificate of Custodian of Records before a Notary Public enclosed herewith and return it to our office with the requested documents, you will not need to appear on the date and time stated in the Subpoena Duces Tecum.

If you have any questions regarding the subpoena or need any additional information, please do not hesitate to contact me.

Sincerely,



Susan Kaye Bush

SKB/mdf
Encl.: As stated

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

_____, who, after first being duly sworn, deposes and
says

1. I am the authorized Custodian of Records for the Clark County Detention Center.
2. The Clark County Detention Center is duly established in the State of Nevada.
3. That on the ____ day of _____, 2010, I was served with a Subpoena Duces Tecum in connection with the case entitled THE STATE OF NEVADA vs. RICKIE SLAUGHTER, calling for the production of the following:

a. Certified copies of all booking photographs prior to June 26, 2004, for **Errick E. Hawkins**, ID # 1906848, SSN [REDACTED]-6948, DOB [REDACTED]-1984; **Rickie L. Slaughter**, ID # 1896569, SSN [REDACTED]-7827, DOB [REDACTED]-1984; **Marvin Robinson, a.k.a. Marvin A. Taylor**, ID # 1582692, DOB [REDACTED]-1985, and **Jacquan L. Richard**, ID # 1211173, SSN [REDACTED]-8071, DOB [REDACTED]-1978.

4. The accompanying documents are a true and exact copy of the originals from the Clark County Detention Center, and responsive to the subpoena Duces Tecum which requires me to appear on February 19, 2010, at 3:00 PM at the Law Office of BUSH & LEVY, 528 S. Casino Center Blvd., Suite 202, Las Vegas, Nevada.

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5. That copies of the requested documents were made by me near the time of the acts, events, conditions or opinions recited therein.

Signature _____

(Print Name)

STATE OF NEVADA

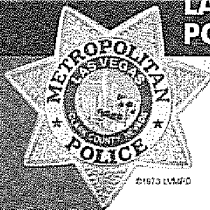
COUNTY OF CLARK

This instrument was acknowledged before me on this ____ day of _____, 2010, by

(Signature of Notarial Officer)

My commission expires:

(date)



**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

DOUGLAS C. GILLESPIE, Sheriff

February 4, 2010

Partners with the Community

Susan Kaye Bush, Esq
Bush & Levy, LLC.
528 S. Casino Center Blvd., Suite 202
Las Vegas, NV 89101

Re: Case : C204957 Rickie Slaughter
ID # 1896569

Dear Ms. Bush,

The Clark County Detention Center ("CCDC") is in receipt of your subpoena requesting all booking photographs prior to June 26, 2004 relating to Errick E. Hawkins, ID# 1906848, SSN [REDACTED]-6948, DOB [REDACTED]-1984; Marvin Robinson, a.k.a. Marvin A. Taylor, ID# 1582692, DOB [REDACTED]-1985; and Jacquan L. Richard, ID# 1211173, SSN [REDACTED] 8071, DOB [REDACTED]-1978, who are not your clients.

Records maintained by the CCDC contain privileged criminal history, medical and personal information which cannot be disclosed to you in the absence of an authorized notarized release from each of the subjects of the inquiry, which must also include a provision that the signer releases the CCDC and the Las Vegas Metropolitan Police Department ("LVMPD") from any and all liability which may arise from response to the subpoena.

Therefore, I am unable to produce the records requested. Additionally, there is a \$26 fee for the production of each of the records you are requesting. Please forward a check made out to The Clark County Detention Center for \$26 and a signed authorized notarized release from Mr. Errick Hawkins, Mr. Marvin Robinson, and Mr. Jacquan L. Richard. The records will be gathered and forwarded within five (5) days of the receipt of those documents.

If you have any further questions, please feel free to contact me at (702) 671-3918.

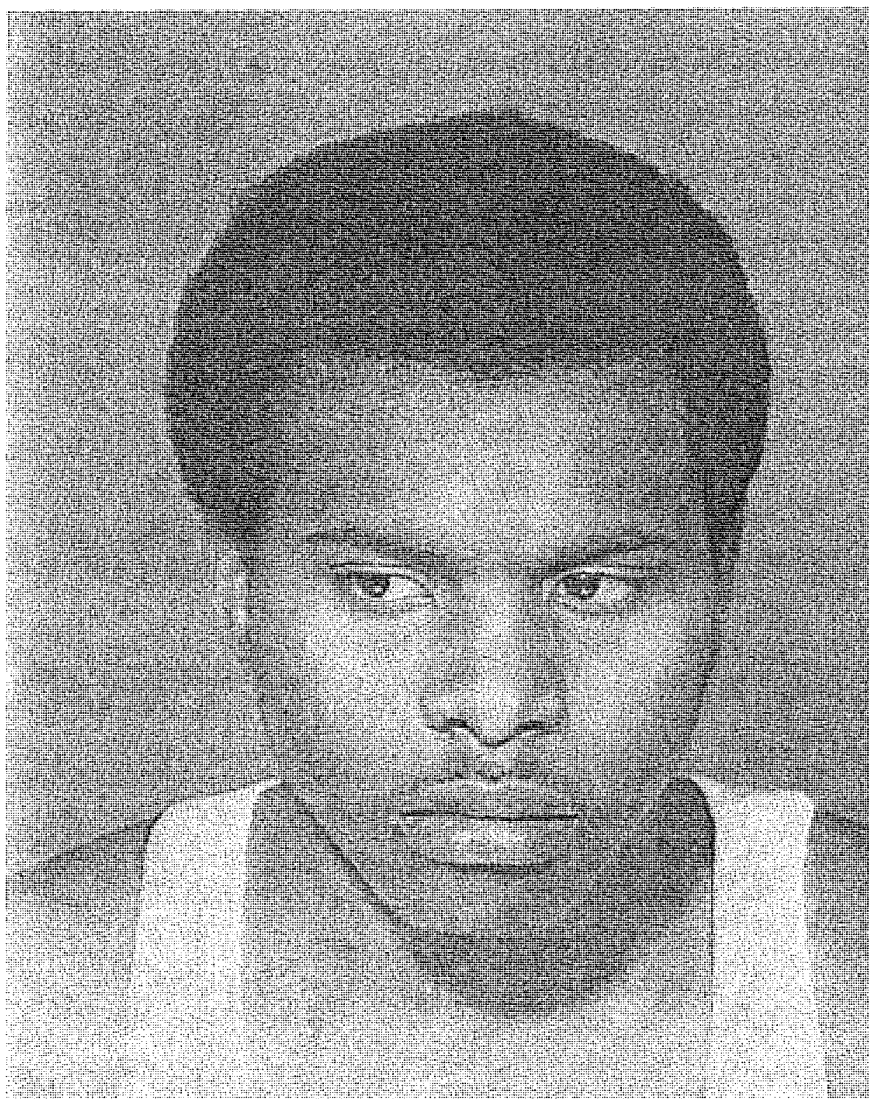
Sincerely,

DOUGLAS C. GILLESPIE, SHERIFF

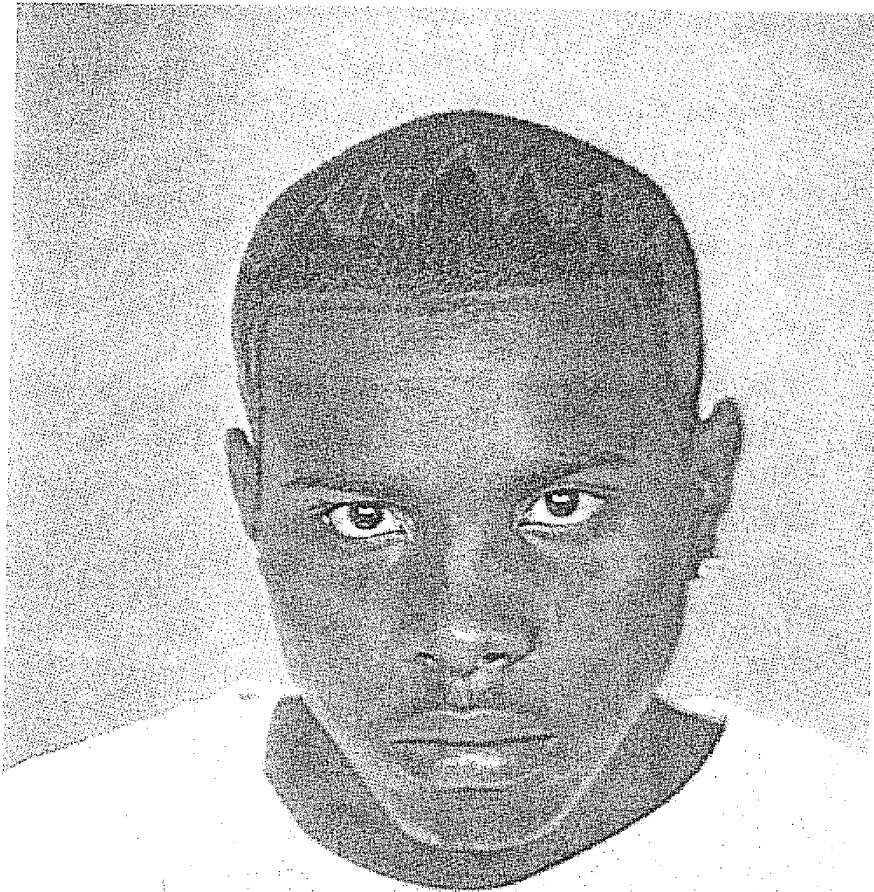
BY: CAROL DALY, SR LEST
CUSTODIAN OF RECORDS
DSD RECORDS BUREAU

cc: DA Marc Digiacomio





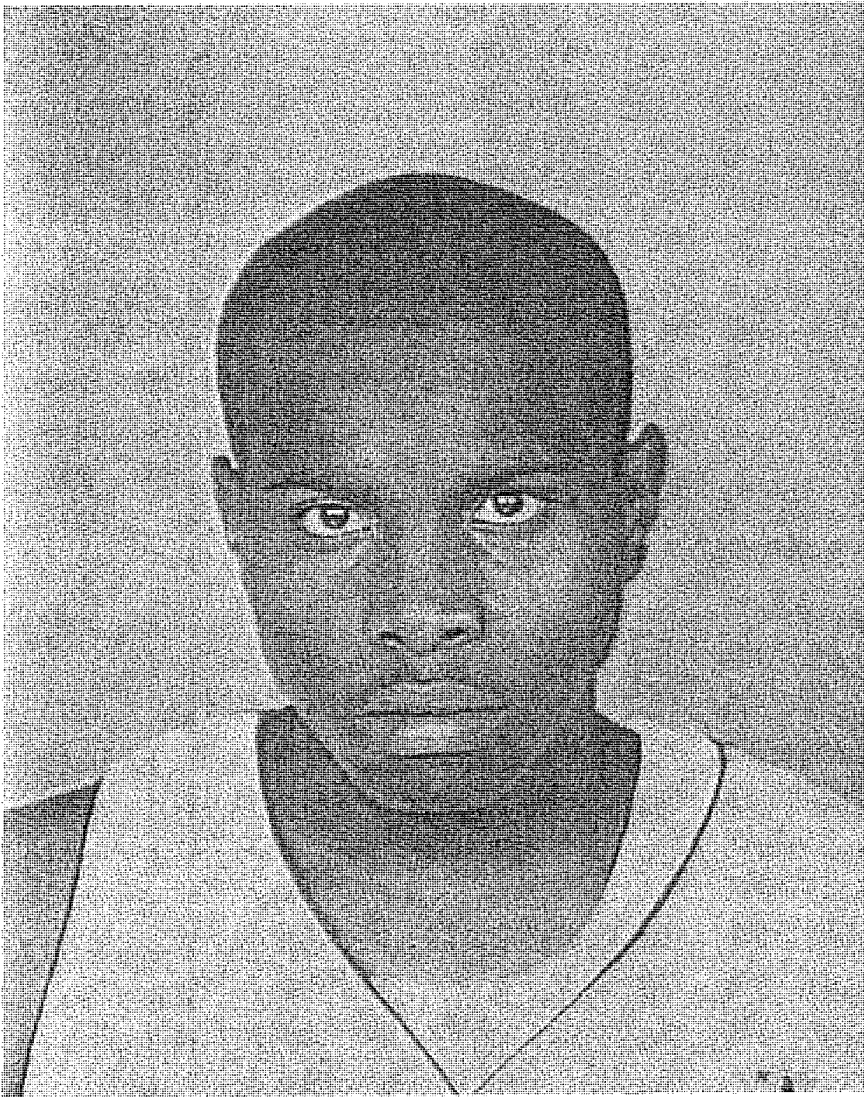
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10-4-03

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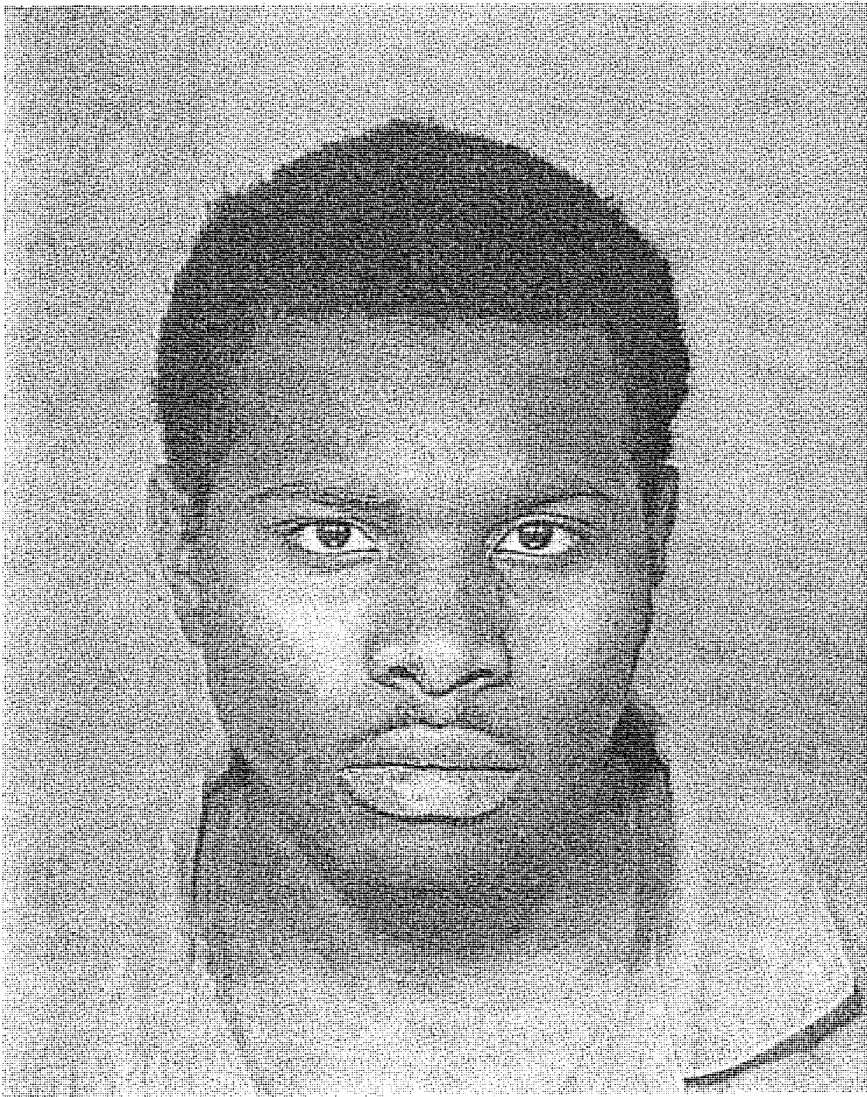
App. 0700

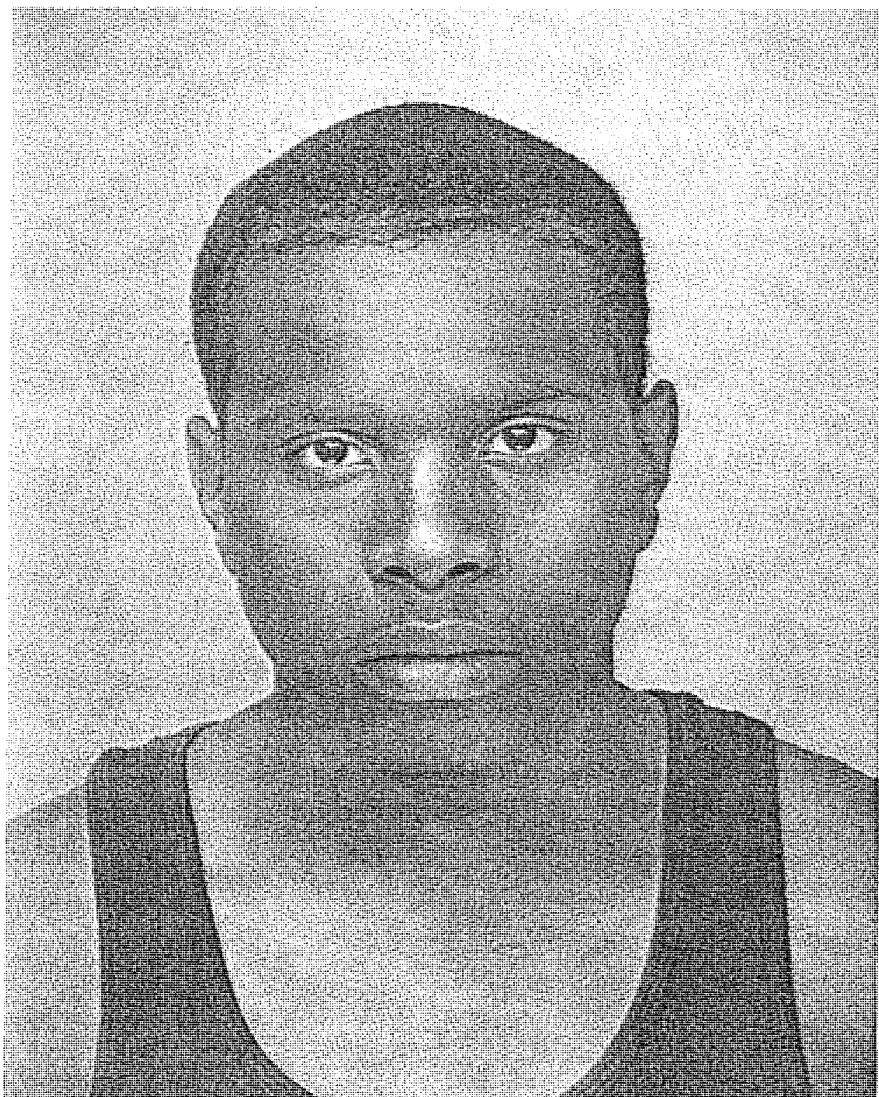


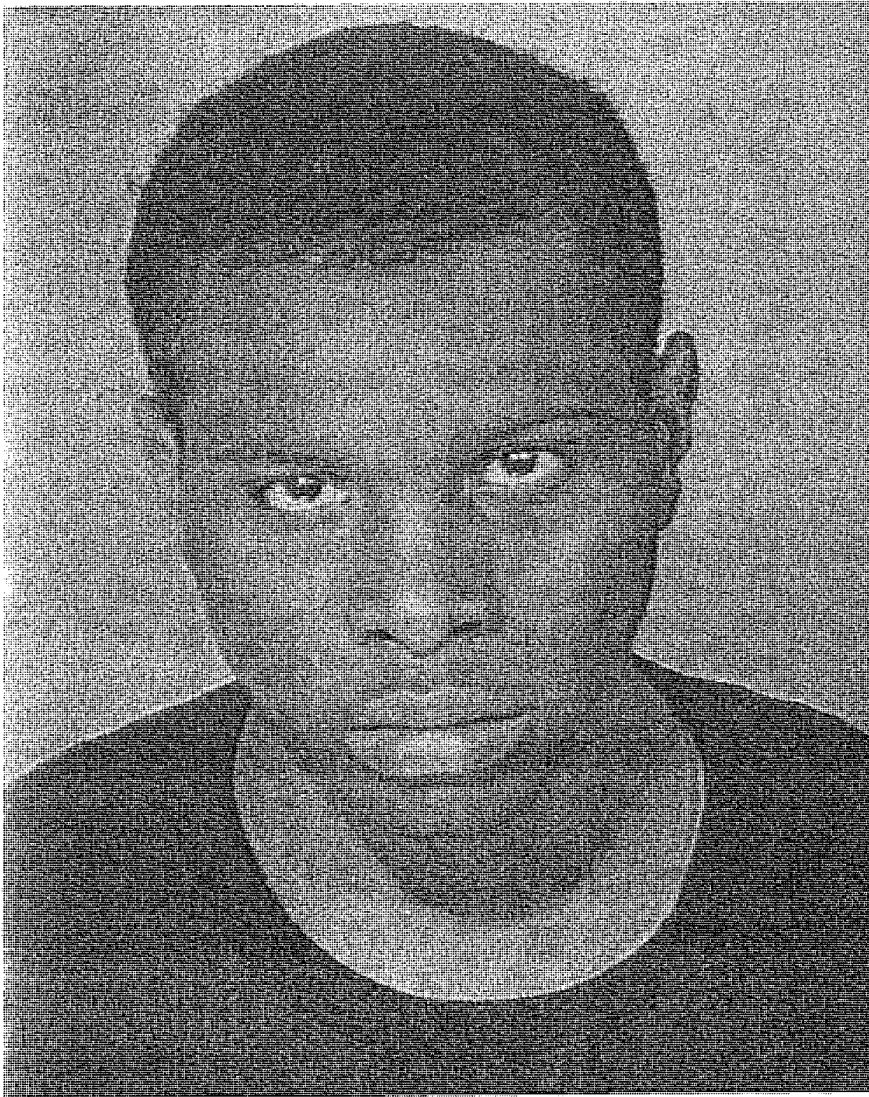
9-5-03

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App. 0701



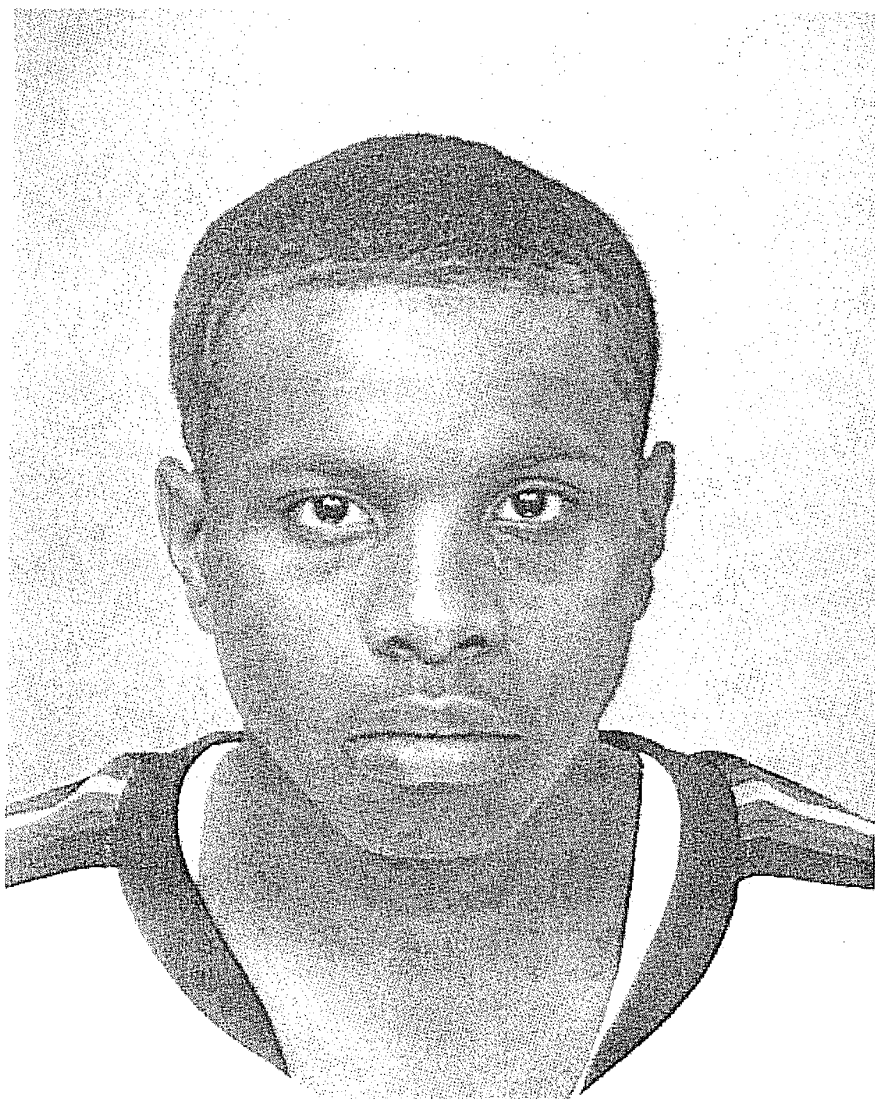


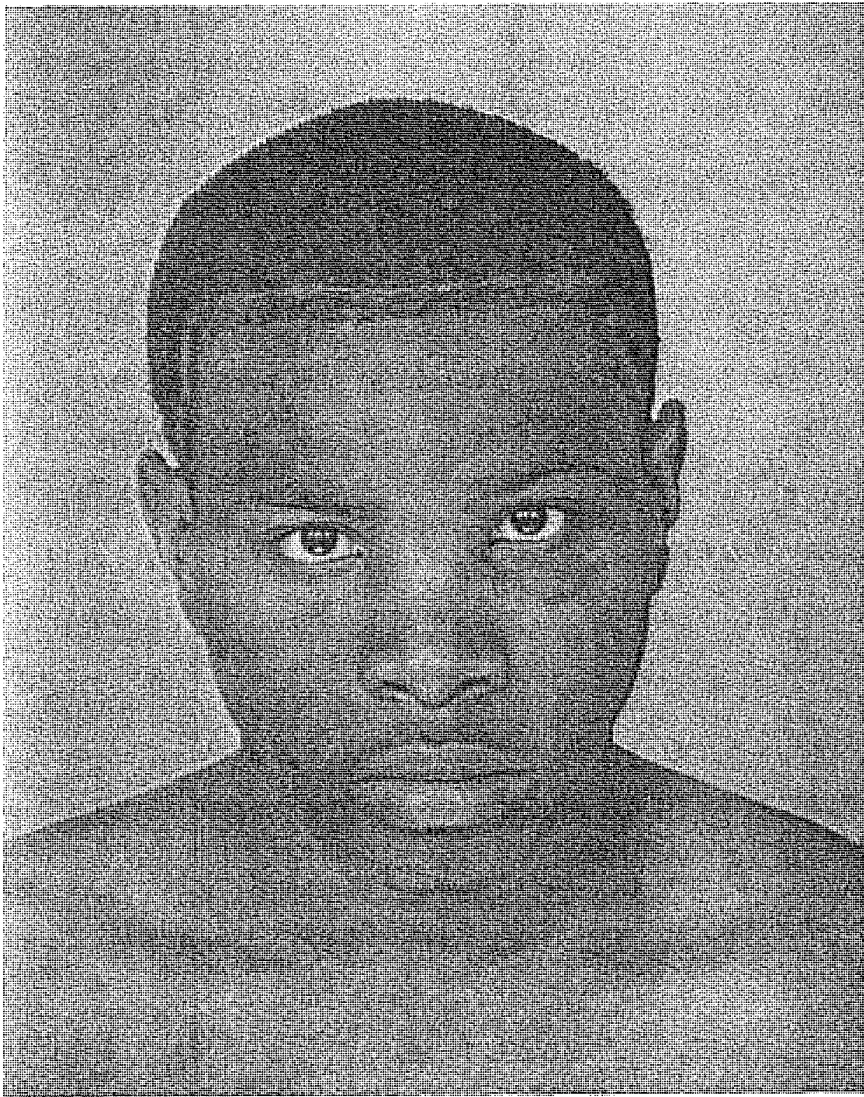


3-13-03

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App. 0704

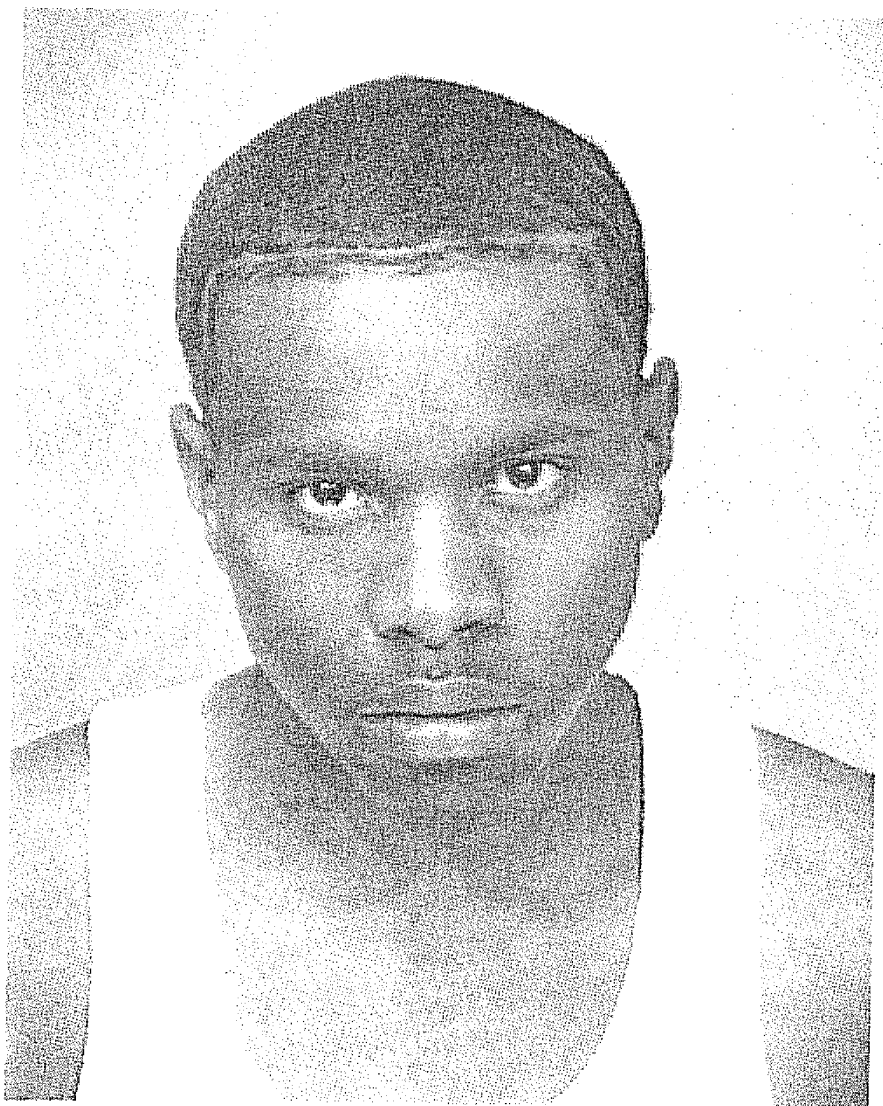




2-1-03

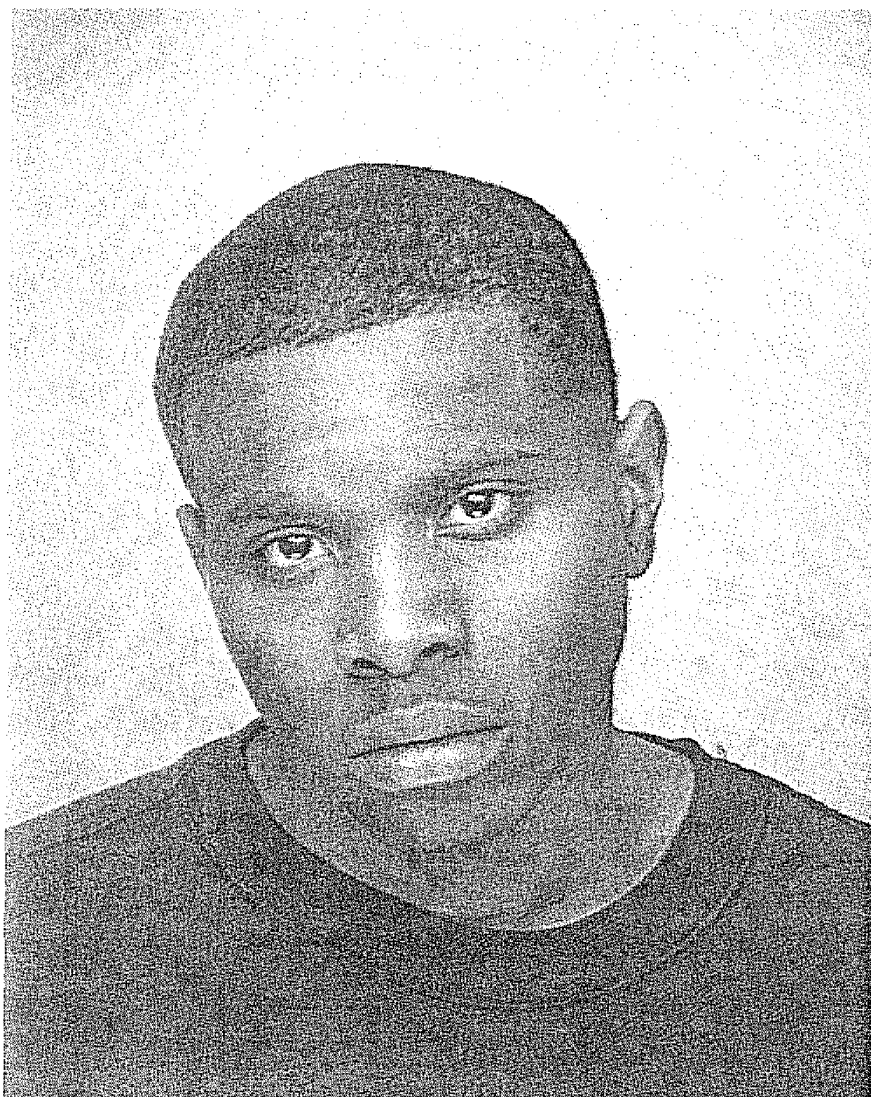
<http://crimeweb.lvmnd.int/crimeweb/readimage2.asp?Image=\\MITC-D03\\Images\\I.VCrimi> 2/4/2010

App. 0706



138-03

App. 0707



DISTRICT COURT
COUNTY OF CLARK, STATE OF NEVADA

FILED
Aug 29 9 32 AM '11

-000-

ORIGINAL

STATE OF NEVADA,

Plaintiff,

vs.

RICKIE LAMONT SLAUGHTER,

Defendant.

Case No. C204957

04C204957
TRAN
Reporters Transcript
1589140



BEFORE THE HON. DOUGLAS W. HERNDON
DISTRICT COURT JUDGE

THURSDAY, MAY 12, 2011

APPEARANCES:

For the State: MARC DiGIACOMO, ESQ.
Chief Deputy District
Attorney
MICHELLE FLECK, ESQ.
Deputy District Attorney

For the Defendant: OSWALD FUMO, ESQ.
DUSTIN MARCELLO, ESQ.

Reported by: CHERYL GARDNER, RMR-RPR
CCR No. 230

61

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

Page 1

1
2 DISTRICT COURT
3 COUNTY OF CLARK, STATE OF NEVADA
4 -oOo-
5 STATE OF NEVADA, }
6 Plaintiff, }
7 vs. } Case No. C204957
8 RICKIE LAMONT SLAUGHTER, }
9 Defendant. }
10
11
12
13
14 BEFORE THE HON. DOUGLAS W. HERNDON
15 DISTRICT COURT JUDGE
16 THURSDAY, MAY 12, 2011
17 APPEARANCES:
18 For the State: MARC DIGIACOMO, ESQ.
19 Chief Deputy District
20 Attorney
21 MICHELLE FLECK, ESQ.
22 Deputy District Attorney
23
24 For the Defendant: OSWALD FUMO, ESQ.
25 DUSTIN MARCELLO, ESQ.
26
27 Reported by: CHERYL GARDNER, RMR-RPR
28 CCR No. 230

Page 2

1 LAS VEGAS, CLARK COUNTY, NV, THURSDAY, MAY 12, 2011
2 -oOo-
3 PROCEEDINGS
4 THE COURT: We'll be on the record
5 outside the presence of our jury panel. It's
6 204957. Mr. Slaughter is present with his attorney
7 Mr. Fumo; Mr. DiGiacomo and Ms. Fleck for the
8 State.
9 We were discussing a witness list that
10 was filed by the defense on May 9th and the
11 paragraph reflected as an alibi defense, but I
12 think that's kind of a cut and paste mistake. It's
13 not an alibi notice but it is technically untimely
14 so the discussion we were having is about what
15 these proposed witnesses would be testifying about
16 and Mr. Winter. Mr. DiGiacomo indicated he knows
17 who Mr. Winter is. There's no relation there.
18 Ms. Brown apparently was listed in the
19 State's witness list so there's not really an issue
20 there. Mr. Conklin (phonetic) is an investigator
21 that worked with Mr. Slaughter so it's really
22 just -- Mr. Washington Junior, Benny Washington
23 Junior and Cloytee Robinson so we don't know who
24 they are.
25 MR. DIGIACOMO: Correct.

CHERYL GARDNER, CCR 230, RPR, RMR

Page 3

1 THE COURT: So I directed Mr. Fumo and
2 Mr. DiGiacomo and Ms. Fleck to get together after
3 court today and have some discussion about some
4 proffer of these people and make whatever objection
5 they want so they can testify and I'm inclined to
6 let them so the State would have some time to look
7 at them since it's going to take a week and a half
8 for this case anyway.
9 Anything further?
10 MR. DIGIACOMO: Just two things. They
11 filed a new alibi notice. We filed a rebuttal, the
12 last time the same rebuttal information so just so
13 that they're aware.
14 THE COURT: When you say new alibi,
15 you mean as opposed to one what was filed way back
16 at trial.
17 MR. DIGIACOMO: Correct. They filed
18 one back in 2005. They filed one now with
19 different people but it's the same information
20 which rebuts the alibi so I didn't file a new
21 rebuttal to an alibi. I just wanted them to be
22 aware.
23 THE COURT: Okay. Anything further?
24 MR. FUMO: Yes. Housekeeping matter.
25 Our expert Gregory Loftus. We had been informed

Page 4

1 that the trial was supposed to start on Tuesday.
2 We had him set up to come out on Friday. He
3 already has arrangements to come out on Friday. I
4 spoke with him yesterday. He can be here, you
5 know, tomorrow which was the original plan we had
6 him here or Thursday the 19th.
7 THE COURT: What are you estimating
8 how long it will take to put on your case
9 understanding most mornings it's going to be at
10 10:30-ish kind of start because of the morning
11 calendar?
12 MR. DIGIACOMO: There's no witness
13 that is really long. I wouldn't expect to get to
14 Thursday but if they're going to put on an alibi, I
15 think that they'll get to Thursday. I would think
16 that we're going to rest either Tuesday or outside
17 chance on Wednesday.
18 MR. FUMO: If it's Wednesday, then
19 that would be fine.
20 THE COURT: Well, even if we start on
21 Tuesday, is there any need for him to testify
22 before anybody else?
23 MR. FUMO: No.
24 THE COURT: Okay. I mean if we break
25 early a couple of days or something or have to be

Page 1 - Page 4

1 dark because we're waiting to get him on, then we
2 can do that but it sounds like in all likelihood
3 we're going to be up to that time anyway. I'm sure
4 you would both probably rather have him testify as
5 to when he will naturally come into the case as
6 opposed to calling him out of order tomorrow so
7 let's plan on having him come in on Thursday.
8 I'm planning on telling the jury that
9 it looks like the case will probably conclude at
10 the end of next week so it's kind of a week and a
11 half that they need to be present.

12 MR. DIGIACOMO: May we approach on
13 something, Judge?

14 THE COURT: Yes.

15 (Whereupon, counsel approached
16 the bench, and after a
17 discussion outside the hearing
18 of the court reporter, the
19 following proceedings took
20 place:)

21 (Whereupon the prospective
22 jurors entered the courtroom
23 at 1:45 p.m. and the following
24 proceedings took place.)

25 THE COURT: All right. We're going to

1 that will be here during the course of the trial.
2 With her is Diane who is kind of externing learning
3 everything there is to know about being a court
4 reporter.

5 Court reporters take down everything
6 we're saying in court so any discussion we have in
7 open court whether I'm talking or you all are
8 talking or the attorneys are talking or the
9 witnesses are talking, it's being transcribed by
10 the court reporter so we have an accurate
11 transcript of what was said.

12 Because of that there are some things
13 that are very important for all of us to do.

14 No. 1, we can't talk over each other. I will
15 always let you answer, but I need you all even
16 though you may know where a question is going let
17 us get it out before you start talking because it's
18 real hard for a court reporter to transcribe both
19 people as they're saying something.

20 Additionally it's important as we go
21 through this process that we get down comments that
22 are attributed to the right person so for instance
23 Ms. -- is it Jamerson?

24 PROSPECTIVE JUROR NO. 068: Yes.

25 THE COURT: Ms. Jamerson has badge

1 be on the record in C204957, State of Nevada versus
2 Rickie Slaughter. Mr. Slaughter is present with
3 Mr. Fumo. The State's attorneys are present. We
4 have a panel of prospective jurors present.

5 Ladies and gentlemen, good afternoon.
6 My name is Douglas Herndon. I'm the presiding
7 judge in Department 3 of the Eighth Judicial
8 District Court. You have been summoned here as
9 potential jurors. I will tell you that this is
10 going to be a criminal jury trial.

11 In a moment I'm going to have the
12 attorneys speak to you very briefly to introduce
13 themselves. They'll also tell you a little bit
14 about what the trial is about, what the charges
15 are, any potential witnesses that are going to be
16 called to testify and thereafter we'll get into the
17 process of getting a jury selected for our case.

18 Before we do that, however let me just
19 kind of familiarize you with everybody in the
20 courtroom and what our roles are separate and apart
21 from the attorneys. They'll talk to you in a
22 minute.

23 Seated down in front of me is the
24 court reporter. Cheryl is my court reporter
25 today. There are actually several court reporters

1 No. 068. You all have a badge number and all I'm
2 interested in are the last three digits in that
3 thing. For instance if Ms. Jamerson has her hand
4 up to answer a question, I will say yeah,
5 Ms. Jamerson, badge No. 068, so what do you want to
6 tell me? Don't say you want to leave.

7 In any event, any time you're
8 answering a question I will try and do that up
9 front. Please don't be offended if I interrupt
10 your answer to get that on the record or if I
11 forget to do it or the attorneys forget to do it.
12 Please identify yourself as well so we get your
13 answer.

14 Also you can't really answer a
15 question with a nodding of the head or shaking of
16 the head because the court reporters aren't going
17 to know where you were when you were doing that.
18 You've got to answer out loud and answer clearly
19 which means please don't use uh-huhs or huh-uhs
20 because those always don't translate over real well
21 and once again if you do that, don't be offended if
22 I kind of interrupt you and say was that a yes or
23 was that a no just to make sure the record is
24 clear.

25 Seated to my left are the court

1 clerks. There's a number of those that will come
2 in and out during the process because there's a lot
3 of things they do not only with this case but other
4 cases I do throughout the course of the day.
5 Sometimes they'll be in trial and sometimes they
6 will be away.

7 They record everything into the
8 minutes of the court so that you or anybody else if
9 you have any insomniac friends that are bored that
10 want to sit up late at night looking at the website
11 and see what I was doing on any given day and what
12 decisions I was giving, you can do so by looking at
13 the court minutes.

14 They also administer an oath to
15 witnesses before they testify, keep track of all
16 the exhibits in the case, just a whole host of
17 other things that are going on from their
18 perspective.

19 Leslie you've already had contact
20 with. She is the marshal that's primarily
21 responsible for my courtroom although she's not the
22 only marshal you'll see during the course of the
23 trial. All the marshals whether they're based
24 primarily in the courtroom or primarily down at the
25 gait where you come into the building or anywhere

1 else in the building, they all collectively have
2 responsibility for not only security which is
3 obvious but also to move the public throughout the
4 building, help move jurors about, give you
5 information about what you need to know, things
6 like that.

7 They are in a little bit different
8 position than most of the other people because what
9 I'm going to eventually instruct you on including
10 the fact that court personnel, and I'm talking
11 primarily about the attorneys, are not permitted to
12 talk to you outside the courtroom setting even on
13 things unrelated to the case.

14 You can't talk to them about the NBA
15 playoffs or the weather or anything else. It might
16 be natural that you come in through the door and
17 somebody holds the door for you and you get on the
18 elevator and one of them is there or something like
19 that, but you can't talk to them.

20 That being said, there may be things
21 you have questions about or issues you need to get
22 my attention. If that's the case, you can talk to
23 the marshal. That's why Leslie's in a little bit
24 of a different position. You can't talk about the
25 case with her. You can't ask her what she thought

1 about that witness or anything like that. If you
2 have questions about your employees, issues related
3 to parking, you need a letter from me to go to your
4 employer, things like that. You can bring those to
5 Leslie and she'll bring it to my attention as
6 well.

7 Beyond that I have a law clerk Steve
8 and an executive assistant Molly. You may see them
9 come in and out of court on occasion as well.
10 That's kind of an overview of the court personnel
11 you're going to become involved with.

12 Now I want the State to introduce
13 themselves to you, talk to you briefly about the
14 case and then they'll do the same with the
15 defense. Listen closely if you would, please, to
16 what they have to say because part of my questions
17 once we get started will be to see if you think you
18 know anything about this case or you know anybody
19 that's involved if the case, witness or otherwise.

20 Okay. So, Mr. DiGiacomo . . .

21 MR. DIGIACOMO: Thank you. Good
22 afternoon, ladies and gentlemen. My name is Marc
23 DiGiacomo. I'm a deputy district attorney here in
24 Clark County and along with my trial partner who is
25 also a deputy D.A. Michelle Fleck we have been

1 assigned to prosecute the case of State of Nevada
2 versus Rickie Slaughter.

3 Mr. Slaughter is accused of committing
4 essentially along with a coconspirator a kidnapping
5 of somebody in their garage, forced them in the
6 house, tying up himself, his children and several
7 of the members of his family as well as calling
8 some friends over from outside and tying them up,
9 robbing them, shooting one of the victims in the
10 face and fleeing with some property, and ultimately
11 using one of those credit cards that he had taken
12 during that crime.

13 The crime occurred on Glory View which
14 is here in North Las Vegas and there's another
15 location on Charleston where Mr. Slaughter lived at
16 3801 East Charleston. In order to establish the
17 crimes that he's been accused of which include a
18 number of crimes including conspiracy charges,
19 first degree kidnapping with substantial bodily
20 harm, first degree kidnapping with use of deadly
21 weapon, robbery with use of a deadly weapon and
22 murder with use of a deadly weapon.

23 The State may call some but not
24 necessarily all of the following witnesses: Ivan
25 Young who is the individual shot in the face;

1 Jermaun Mean; Frank (inaudible); Jennifer Dennis,
2 Officer Jake Hickman; North Las Vegas Officer Mark
3 Hoyt; Jeremy McCoy who's got a nickname of Germ;
4 Kenny Marks; Ryan John; Tiffany Johnson; Jeff
5 Arbuckle; a Sgt. Corrado; a crime scene analyst
6 Ruben Luevano; Officer Steven Toms; an Officer Tony
7 Bailey; crime scene analyst Patrick Fischer; Angel
8 Calaug who is a firearms expert who does
9 comparisons of firearms; a Joey Posada; an Aaron
10 Dennis; a Las Vegas Metropolitan officer by the
11 name of Todd Williams.

12 In addition there is a 7-Eleven where
13 the credit card was used that's located also on
14 East Charleston and that location should any of you
15 guys know that will be asked about during jury
16 selection. Thank you very much.

17 THE COURT: Thank you, Mr. DiGiacomo.
18 Mr. Fumo.

19 MR. FUMO: Yes, Your Honor. Thank
20 you. Ladies and gentlemen, good afternoon my name
21 is Ozzie Fumo. This is my client Mr. Rickie
22 Slaughter. Rickie's maintained his innocence
23 throughout this and in fact we'll be presenting an
24 alibi defense.

25 You will have a defense to this case.

1 Before I go into that there will another associate
2 Dustin Marcello who will probably be coming in and
3 out of the courtroom. He's working on a federal
4 case. You may see our investigator, a man named
5 Craig (inaudible) who is working with us also.

6 Our list of witnesses as far as the
7 alibi defense go would be Monique Westbrook,
8 Tiffany Johnson, other witnesses that we will call
9 will be Pam Toller, Charles McKeller, Jimmy Labrass
10 (phonetic), expert witness Geoffrey Loftus, Lance
11 Martini, Jim Wheeler, Cloytee Robinson, Tom Winter,
12 and Cheryl Brown. Thank you very much.

13 THE COURT: Thank you, Mr. Fumo. All
14 right. Ladies and gentlemen, what we're going to
15 do now is we're going to read a list of who we
16 believe jury services sent up here so I just need
17 to make sure I have everybody so if you hear your
18 name, just answer present or here, please.

19 THE CLERK: Kamelia Jamerson.
20 PROSPECTIVE JUROR NO. 068: Present.
21 THE CLERK: Jose Lopez.
22 PROSPECTIVE JUROR NO. 183: Present.
23 THE CLERK: Sanela Itoafa.
24 PROSPECTIVE JUROR NO. 186: Here.
25 THE CLERK: Anthony Prelas.

1 PROSPECTIVE JUROR NO. 188: Present.
2 THE CLERK: Joseph Lozano.
3 PROSPECTIVE JUROR NO. 189: Here.
4 THE CLERK: Jeremy Jensen.
5 PROSPECTIVE JUROR NO. 197: Here.
6 THE CLERK: John Sinsabaugh.
7 PROSPECTIVE JUROR NO. 199: Here.
8 THE CLERK: Kristin Metz.
9 PROSPECTIVE JUROR NO. 200: Here.
10 THE CLERK: Diyenlin Hanano.
11 PROSPECTIVE JUROR NO. 207: Here.
12 THE CLERK: Sandija More.
13 PROSPECTIVE JUROR NO. 212: Here.
14 THE CLERK: Tim Rowland.
15 PROSPECTIVE JUROR NO. 221: Present.
16 THE CLERK: Robert Wilkinson.
17 PROSPECTIVE JUROR NO. 225: Here.
18 THE CLERK: Claribel Hernandez.
19 PROSPECTIVE JUROR NO. 227: Here.
20 THE CLERK: Matthew Maloney.
21 PROSPECTIVE JUROR NO. 228: Present.
22 THE CLERK: Geralynn Dykstra.
23 PROSPECTIVE JUROR NO. 230: Here.
24 THE CLERK: Debra Davey.
25 PROSPECTIVE JUROR NO. 232: Present.

1 THE CLERK: Masood Solaimani.
2 PROSPECTIVE JUROR NO. 239: Here.
3 THE CLERK: Kendra Rhines.
4 PROSPECTIVE JUROR NO. 242: Here.
5 THE CLERK: Nathan Evenson.
6 PROSPECTIVE JUROR NO. 244: Present.
7 THE CLERK: Twilight Middleton.
8 PROSPECTIVE JUROR NO. 248: Here.
9 THE CLERK: Santiago Perez.
10 PROSPECTIVE JUROR NO. 254: Present.
11 THE CLERK: Beverly Lacy.
12 PROSPECTIVE JUROR NO. 257: Present.
13 THE CLERK: Leslie Finfrock.
14 PROSPECTIVE JUROR NO. 269: Here.
15 THE CLERK: Jenny Abel.
16 PROSPECTIVE JUROR NO. 276: (No audible
17 response.)
18 THE CLERK: Mylah Ballaran.
19 PROSPECTIVE JUROR NO. 277: Here.
20 THE CLERK: Imelda Bernabe.
21 PROSPECTIVE JUROR NO. 279: Here.
22 THE CLERK: Cory McKee.
23 PROSPECTIVE JUROR NO. 284: Here.
24 THE CLERK: Joseph Chee.
25 PROSPECTIVE JUROR NO. 284: Here.

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1 THE CLERK: Mesfin Belayneh.
 2 PROSPECTIVE JUROR NO. 292: Here.
 3 THE CLERK: Christopher Borg.
 4 PROSPECTIVE JUROR NO. 293: Here.
 5 THE CLERK: Mirella DiPol.
 6 PROSPECTIVE JUROR NO. 298: Here.
 7 THE CLERK: Subha Balakrishnan-Nair.
 8 PROSPECTIVE JUROR NO. 300: Here.
 9 THE CLERK: Jack Cooper.
 10 PROSPECTIVE JUROR NO. 318: Here.
 11 THE CLERK: Myra Rodriguez.
 12 PROSPECTIVE JUROR NO. 320: Here.
 13 THE CLERK: Carol Sherman.
 14 PROSPECTIVE JUROR NO. 321: Here.
 15 THE CLERK: Carl Fuller.
 16 PROSPECTIVE JUROR NO. 35: Here.
 17 THE CLERK: Sandra MacPherson.
 18 PROSPECTIVE JUROR NO. 328: Present.
 19 THE CLERK: Douglas Gapp.
 20 PROSPECTIVE JUROR NO. 348: Here.
 21 THE CLERK: Larry Doxie.
 22 PROSPECTIVE JUROR NO. 355: Here.
 23 THE CLERK: Matthew Weeks.
 24 PROSPECTIVE JUROR NO. 377: Here.
 25 THE CLERK: Kimberly Lippisch.

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1 PROSPECTIVE JUROR NO. 380: Here.
 2 THE CLERK: Laura Lynch.
 3 PROSPECTIVE JUROR NO. 385: Here.
 4 THE CLERK: Minh Nguyen.
 5 PROSPECTIVE JUROR NO. 389: Present.
 6 THE CLERK: Angela Kalling.
 7 PROSPECTIVE JUROR NO. 390: Here.
 8 THE CLERK: Scott Spies.
 9 PROSPECTIVE JUROR NO. 397: Here.
 10 THE CLERK: Justin Hoeft.
 11 PROSPECTIVE JUROR NO. 399: Here.
 12 THE CLERK: Richard Kun.
 13 PROSPECTIVE JUROR NO. 402: Here.
 14 THE CLERK: Timothy Rippe.
 15 PROSPECTIVE JUROR NO. 407: Here.
 16 THE CLERK: Ivonne Contreras.
 17 PROSPECTIVE JUROR NO. 414: Here.
 18 THE CLERK: Kristen Metta.
 19 PROSPECTIVE JUROR NO. 415: Here.
 20 THE CLERK: Lawrence Michael Salcido.
 21 PROSPECTIVE JUROR NO. 416: Yes.
 22 THE CLERK: Karen Uslan.
 23 PROSPECTIVE JUROR NO. 418: Here.
 24 THE CLERK: Alan Servoss.
 25 PROSPECTIVE JUROR NO. 420: Here.

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1 THE CLERK: Kevin Lagunas.
 2 PROSPECTIVE JUROR NO. 423: Here.
 3 THE CLERK: Michael Kopka.
 4 PROSPECTIVE JUROR NO. 431: Present.
 5 THE COURT: Okay. Is there anybody
 6 present whose name was not called? I see no
 7 hands. Thank you.
 8 All right. If I could have you all
 9 stand up and raise your right hand, you'll be
 10 sworn.
 11 (Prospective jurors sworn.)
 12 THE COURT: All right. Before we get
 13 into the actual questions, let me just kind of tell
 14 you a couple things about the process. To begin
 15 with there's no right or wrong answer to anything
 16 you do in the jury selection process so don't feel
 17 constrained or nervous about anything. It's just
 18 an opportunity for the attorneys and myself to ask
 19 you some questions so we can learn a little bit
 20 about you so that the attorneys can intelligently
 21 put together a jury for this case.
 22 As you sit here right now you're about
 23 50 and change folks. You don't really know anybody
 24 in the courtroom or anybody that's involved in the
 25 case and likewise the attorneys don't really know

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1 anything about you. Jury services doesn't give us
 2 a lot of information from what they use to gather
 3 you all and bring you in here, and in case
 4 anybody's concerned I will tell you that what
 5 information they do give us I get at the end of the
 6 case and it gets destroyed.
 7 Essentially all we really know about
 8 is what your zip code is, whether you're married
 9 and allegedly whether you're working or not.
 10 Sometimes there's information about how many years
 11 you've lived in the county but that's about it so
 12 there's not a lot that we know beforehand so we've
 13 got to ask some questions to ask some stuff about
 14 you to make appropriate decisions.
 15 It is my desire which would seem quite
 16 obvious I'm sure -- I would agree or I would think
 17 the attorneys would all agree with me -- that what
 18 we're looking for is to find 14 people who are as
 19 fair, open-minded, and impartial in this particular
 20 case as possible to hear the case for us.
 21 THE COURT: That's why I go through
 22 the process of asking questions. As I said, no
 23 right or wrong answers but we do need full,
 24 complete, and honest answers so don't try and hide
 25 or withhold anything. That's bad. If you withhold

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1 something and you're ultimately chosen as a juror,
2 that fact alone could contaminate a verdict and
3 that would be a really bad thing.

4 Additionally we don't always ask the
5 best questions. Sometimes questions make no sense
6 whatsoever I'm sure. If you don't understand
7 something, just say, hey, Judge, I have no idea
8 what you're asking me. Could you repeat that
9 question. Could you say it a different way.

10 Likewise if you think there's
11 something important for me to know or the attorneys
12 to know and we're not really hitting it with a
13 question, then by all means raise your hand and
14 say, hey, I want you to understand there's some
15 other issue I think it's important for you to
16 know. Kind of wait before you do that because as
17 we proceed, we might touch upon the issue you
18 thought may be relevant and we haven't gotten to
19 yet. But just keep that in mind as we move along.

20 The way it will work is I have some
21 questions that I'm going to ask you all and then
22 the attorneys will have the opportunity to ask some
23 questions as well, kind of follow-up on my
24 questions as well as ask some of their own. There
25 will come a time I'll tell you that the attorneys

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1 it personally. What I'm going to do is go through
2 some questions that are geared to everybody and
3 I'll kind of focus on just the first 32 of you
4 because what I need is 32 people passed for cause
5 is what we call it, and from that group the
6 attorneys choose the 14 who will hear the case. It
7 becomes much more expeditious to just focus on the
8 32 once we get to that point.

9 In regard to the questions if you want
10 to answer something, just raise your hand. I'll
11 kind of start on the back row and the front row
12 here first row, second row, third row, fourth row,
13 fifth row. You don't have to keep your hand up the
14 whole time. Just make sure you get it as we move
15 around so I can see you.

16 First question: Is there anybody here
17 who has ever been convicted of a felony? No
18 hands. Thank you.

19 Is there anyone here who is not a
20 United States citizen? I see no hands. Thank
21 you.

22 Is there -- yes, ma'am, what's your
23 badge number?

24 PROSPECTIVE JUROR NO. 298: 298.

25 THE COURT: 298.

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1 have a right to exercise what are called challenge
2 for cause. That is a challenge for your
3 qualifications to sit on this particular jury.

4 I always emphasize particular because
5 what happens is if they exercise a challenge for
6 cause and I grant it, then you get excused and
7 you'll be on your way. Some of you may say, hey,
8 challenge me right now. I'd like to go on my way.
9 I can understand that. It doesn't quite happen
10 that way.

11 The point of what I'm saying don't
12 take it personally at all. It's about this kind of
13 case. It's whether you are a good person, whether
14 you have character and can make decisions, and
15 whether you're a fair person. Is there anything in
16 this particular case that is within your background
17 or something you're going through currently or in
18 the past or you or your family has gone through
19 currently or in the past that could prohibit you
20 from being completely impartial to both sides, some
21 issue that causes you to have bias or prejudice
22 against one side or both sides.

23 That's kind of what we hit on some of
24 the questions and what the issues are that give
25 rise for challenges for cause. Again, don't take

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1 PROSPECTIVE JUROR NO. 298: The last
2 three numbers. 298.

3 THE COURT: Ms. DiPol.

4 PROSPECTIVE JUROR NO. 298: Yes. I
5 have a question for you. I had a felony in '95,
6 but I was told that after nine years it's erased.

7 THE COURT: Well, it's not
8 automatically erased. I mean there are certain
9 time periods which you can go and have an attorney
10 move the Court to do something but it doesn't
11 automatically just go away. What was the felony?

12 PROSPECTIVE JUROR NO. 298: It was a
13 DUI.

14 THE COURT: Were you convicted or
15 arrested for a felony?

16 PROSPECTIVE JUROR NO. 298: I was
17 arrested.

18 THE COURT: And you were convicted of
19 a felony?

20 PROSPECTIVE JUROR NO. 298: What do
21 you mean convicted?

22 THE COURT: Did you get found guilty
23 and adjudged guilty and sentenced on a felony
24 case?

25 PROSPECTIVE JUROR NO. 298: Well, I

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1 went to jail for one night.
 2 THE COURT: Okay. That probably
 3 wasn't a felony case then.
 4 PROSPECTIVE JUROR NO. 298: It
 5 wasn't?
 6 THE COURT: Well, it doesn't sound
 7 like it from the brief things you're telling me,
 8 but we'll get into that a little later. Okay.
 9 PROSPECTIVE JUROR NO. 298: I had a
 10 lawyer. I went through the school and all of that.
 11 THE COURT: When was it?
 12 PROSPECTIVE JUROR NO. 298: I think it
 13 was in '95 but it's been so long.
 14 THE COURT: Okay. Thank you. All
 15 right. Is there anybody present who has such a
 16 sympathy, prejudice, or bias relating to age,
 17 religion, race, gender, national origin that they
 18 think it will effect their ability to be a fair and
 19 impartial juror? I see no hands. Thank you.
 20 Is there anybody here who believes
 21 they are acquainted with either Mr. DiGiacomo or
 22 Ms. Fleck, the attorneys for the State?
 23 Anybody believe they know Mr. Fumo,
 24 the attorney for Mr. Slaughter?
 25 Yes, ma'am. Let me start up here on

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1 the end.
 2 PROSPECTIVE JUROR NO. 200: Badge 200,
 3 last name Metz. On a professional level I deal
 4 with attorney liens and physicians serving as
 5 expert witnesses so I come (inaudible).
 6 THE COURT: In several cases.
 7 PROSPECTIVE JUROR NO. 200: Yeah, not
 8 criminal but I come across his name. I don't have
 9 any personal knowledge.
 10 THE COURT: Okay. Got you. Thank
 11 you. And then on the end over here.
 12 PROSPECTIVE JUROR NO. 269: 269. I
 13 believe that Mr. Fumo is a family friend of mine.
 14 I'm not exactly a personal relationship between he
 15 and I but if it's the same person,, then I think my
 16 family is very acquainted.
 17 THE COURT: Okay. You're not
 18 particularly acquainted with him, but you think
 19 people in your family do know him.
 20 PROSPECTIVE JUROR NO. 200: Correct,
 21 and he would have to confirm that.
 22 THE COURT: Okay. Do you know the
 23 family?
 24 MR. FUMO: Is your husband Jason?
 25 PROSPECTIVE JUROR NO. 269: Yes.

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1 MR. FUMO: I can confirm that.
 2 THE COURT: Anybody believe they know
 3 Mr. Slaughter, the defendant? I see no hands.
 4 Thank you.
 5 Anybody believe they know any of the
 6 witnesses who were spoken to you about by either
 7 side? I see no hands. Thank you.
 8 Is there anybody that knows or is
 9 acquainted with any of the attorneys from the
 10 District Attorney's office? I see no hands. Thank
 11 you.
 12 Okay. I'm going to ask you if serving
 13 on this case is going to be an undue burden upon
 14 you and what I'm going to tell you -- what I'm
 15 going to emphasize is undue burden. It's likely
 16 this case will go into the end of next week. It
 17 will be probably Thursday or Friday so let's say
 18 it's going to be about a seven-day trial.
 19 There's a couple things I want to tell
 20 you before I throw that question out there to you
 21 because there's a number of things that usually
 22 people have questions about so I'll kind of explain
 23 to you. One of the first things people ask me is
 24 if I raise an issue to you, Judge, and you think
 25 it's good, what happens? If I think your issue is

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1 good, I excuse you but you go back down to jury
 2 services. They'll tell you if you go out or you
 3 come back tomorrow which is unlikely because of the
 4 hour of the day come back tomorrow which is Friday
 5 or they'll have you come back Monday.
 6 My excusing you doesn't get you out of
 7 jury duty. It just means there's a reason you
 8 can't serve on this particular case. Obviously
 9 seven days is a lengthy period of time. Yesterday
 10 I finished up a trial that lasted over a month so
 11 there are obviously longer trials. About three
 12 days is about as short a trial as we have any more
 13 in terms of time to pick a jury, put on evidence,
 14 argue the case. So if you get excused and you go
 15 somewhere else, I'm not trying to sell you one way
 16 or the other on what you should do.
 17 The second issue is what kind of
 18 schedule will we be on when we're in trial. Pretty
 19 much all of us anymore as district court judges
 20 have what we call morning calendars where we have
 21 to hear motions in other cases that are trying to
 22 get ready for trial but aren't yet to that point.
 23 They have issues that need to be decided. We do
 24 those four days a week. Half of them are civil
 25 days and half of them are civil. So it's very

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1 unusual if we start before 10:00 but usually 10:30
 2 so you can pretty much count on that and -- I say
 3 four days a week. I don't have it on Friday.
 4 Another judge uses my courtroom on Friday morning
 5 because we've more judges than we have courtrooms.
 6 We'll always stop by 5:00 o'clock.
 7 The only time we'll generally stay past
 8 5:00 o'clock other than maybe a few minutes is if a
 9 witness is on the stand. The only time you'd stay
 10 past 5:00 o'clock is potentially once you get to
 11 the point of deliberating if you tell me, we'd like
 12 to go a little longer, Judge, we're making some
 13 headway. We'd like to keep discussing things, then
 14 maybe we'd go past 5:00 o'clock. Other than that
 15 we'll finish every day at 5:00 o'clock because I
 16 realize there's things you need to get to in your
 17 own lives.
 18 So that being said, whom would it be a
 19 undue burden to serve in this case the next seven
 20 days?
 21 Ms. Jamerson, badge No. 068. What's
 22 your --
 23 PROSPECTIVE JUROR NO. 068:
 24 Financially I can't take off for a week and also
 25 due to transportation. I take public

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1 transportation, that's five hours a day.
 2 THE COURT: Okay. Anybody else? Top
 3 row.
 4 PROSPECTIVE JUROR NO. 197: I've been
 5 laid off for six months out of the last nine months
 6 and I just started a new job and it's supposed to
 7 last another six months and it's impossible to
 8 reschedule after that. I would rather do that.
 9 THE COURT: Okay. Anybody else in the
 10 top row? Yeah, Mr. Lopez.
 11 PROSPECTIVE JUROR NO. 183: 183. I
 12 don't speak very good English. I understand.
 13 THE COURT: Okay. Thank you. Anybody
 14 else on the top row? Okay. Bottom row.
 15 Ms. Hanano, badge 207.
 16 PROSPECTIVE JUROR NO. 207: My English
 17 is same thing. I can, you know, understand English
 18 but if it goes a little deeper, I cannot.
 19 THE COURT: Okay. Thank you. Anybody
 20 else. Ms. More, 212.
 21 PROSPECTIVE JUROR NO. 212: Yeah. I
 22 work at night so I --
 23 THE COURT: What hours do you work at
 24 night?
 25 PROSPECTIVE JUROR NO. 212: Till 5:00

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1 in the morning.
 2 THE COURT: Okay. Anybody else in
 3 that row? Yes, Rowland, 221.
 4 PROSPECTIVE JUROR NO. 221: I'm a
 5 full-time student and I work six days a week. I'm
 6 not going to be able to take off seven days and
 7 still pay rent.
 8 PROSPECTIVE JUROR NO. 227: I'm the
 9 sole unit in my (inaudible). I have a three-year
 10 old that has bronchitis and I have to put him on
 11 the breathing machine.
 12 THE COURT: I did get the note from
 13 the doctor. That's Ms. Hernandez. 227. Thank you
 14 anybody else in that row? First row over here.
 15 Yes, Mr. Solaimani, badge 239.
 16 PROSPECTIVE JUROR NO. 239: I'm
 17 scheduled to be traveling for work from Sunday
 18 until Thursday night.
 19 THE COURT: This coming Sunday till
 20 next Thursday?
 21 PROSPECTIVE JUROR NO. 239: Yes.
 22 THE COURT: Thank you. Anybody else
 23 on that row? Towards the end, Mr. Perez, 254.
 24 PROSPECTIVE JUROR NO. 254: Yes. I
 25 have two jobs. My English is (inaudible).

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1 THE COURT: Thank you. Ms. Lacy, 257.
 2 PROSPECTIVE JUROR NO. 257: Yes,
 3 Judge. I have a child with a disability that works
 4 at Opportunity Village. I have to pick her up
 5 every day by 3:00. I'd be happy to serve on the
 6 jury but I would need more time to take care of
 7 that problem.
 8 THE COURT: Okay.
 9 PROSPECTIVE JUROR NO. 257: Seven
 10 days. Now I'm not ready.
 11 THE COURT: I'm not ready either to be
 12 honest. But I understand. Thank you. All right.
 13 Anybody else? Middle row over there. Yeah.
 14 Ms. --
 15 PROSPECTIVE JUROR NO. 292: 292,
 16 Belayneh.
 17 THE COURT: Hold on. Let's --
 18 Ms. Ballaran, 277.
 19 PROSPECTIVE JUROR NO. 277: Yes. My
 20 sister recently just granted me temporary custody
 21 of my two nephews that were evacuated from Japan.
 22 I have to take them from school. I have Monday.
 23 THE COURT: Okay. Thank you. Anybody
 24 else on that row moving down? All right. Sir?
 25 A PROSPECTIVE JUROR:

1 (Unintelligible).
 2 THE COURT: I need you to speak up a
 3 little bit.
 4 A PROSPECTIVE JUROR: Serving on jury
 5 seven days it is going to be hard for me financial
 6 problem.
 7 THE COURT: Okay. Thank you. Anybody
 8 else on that row? Back row. Yes, ma'am?
 9 A PROSPECTIVE JUROR: (Unintelligible).
 10 THE COURT: Thank you.
 11 A PROSPECTIVE JUROR: (Unintelligible)
 12 financial problems. I'm the household family. I
 13 have a very sick sister that I take care of. She's
 14 on chemo and other treatments.
 15 THE COURT: Thank you. Anybody else
 16 in that row? Yeah. In the very corner.
 17 PROSPECTIVE JUROR NO. 300: 300.
 18 THE COURT: Balakrishnan-Nair.
 19 PROSPECTIVE JUROR NO. 300: I have a
 20 four year old and I have children that will
 21 (inaudible) seven days.
 22 THE COURT: Thank you. Anybody else
 23 in that back row? MacPherson, 328.
 24 PROSPECTIVE JUROR NO. 328: I'm
 25 recovering from shoulder surgery. I've been out on

1 workman's comp and I've got scheduled therapy in
 2 order to maintain my employment. I'm the single
 3 income and the sole provider of my household.
 4 THE COURT: Thank you. Anybody else
 5 in that row? Yes.
 6 PROSPECTIVE JUROR NO. 355: I'm under
 7 a doctor's care for vertigo and high blood pressure
 8 and also I've not been working also.
 9 THE COURT: And you are Mr. Doxie?
 10 PROSPECTIVE JUROR NO. 355: Yes, I
 11 am.
 12 THE COURT: 355. Thank you. All
 13 right. First row over here. Yes, ma'am,
 14 Ms. Lynch.
 15 PROSPECTIVE JUROR NO. 385: I also
 16 work two jobs and one I just started last week and
 17 it will probably be a (inaudible).
 18 THE COURT: That's badge 385.
 19 PROSPECTIVE JUROR NO. 389: I'm a
 20 physician and sole practitioner. I go to three or
 21 four hospitals. Also I'm also (inaudible) cancel
 22 my patients come see me.
 23 THE COURT: Okay. Anybody else in
 24 that row? Yes. 390.
 25 PROSPECTIVE JUROR NO. 390: I work

1 graveyard as well as the sole provider for our
 2 family. I'm not able to take work off to care for
 3 my two young kids four and five.
 4 THE COURT: On the end there, I'm
 5 sorry. 402.
 6 PROSPECTIVE JUROR NO. 402: I have
 7 work the next four days and I can't miss.
 8 THE COURT: Back row. Yes. 414,
 9 Ms. Contreras.
 10 PROSPECTIVE JUROR NO. 414: Yes. I
 11 just -- my English is no good enough for --
 12 THE COURT: Okay. Thank you. Anybody
 13 else in the back row?
 14 PROSPECTIVE JUROR NO. 418: I leave on
 15 vacation next Friday.
 16 THE COURT: What's your name?
 17 PROSPECTIVE JUROR NO. 418: Oh, I'm
 18 sorry. 418.
 19 THE COURT: Okay. You go on vacation
 20 next Friday. Okay. End of the day, morning, when
 21 are you leaving?
 22 PROSPECTIVE JUROR NO. 418: My flight
 23 leaves at 8:00 in the morning.
 24 THE COURT: Okay. Thank you. Anybody
 25 else over there? Yes? Badge No. 423, last name

1 Lagunas.
 2 PROSPECTIVE JUROR NO. 423: I have two
 3 jobs and I live across town and I have no ride to
 4 get here.
 5 THE COURT: Thank you. All right.
 6 Anybody that I missed? Okay. All right. Is there
 7 anybody that believes for any other reason they
 8 will be unable to serve as jurors on this
 9 particular case other than -- Mr. Nguyen.
 10 PROSPECTIVE JUROR NO. 389: My wife is
 11 a U.S. prosecutor with the U.S. Attorney's office
 12 so I might be a little biased.
 13 THE COURT: Got you. Badge No. 389.
 14 Anybody else. On the front row over there on the
 15 end.
 16 A PROSPECTIVE JUROR: I have several
 17 rental properties and I just recently had two
 18 different experiences. I tried to help two
 19 different black couples and I moved them in with no
 20 security deposit and in less than two months they
 21 had totally destroyed my rental properties, and I
 22 just feel really upset about both.
 23 I tried to help these people and they
 24 were black and one had a job and one didn't and I
 25 just -- it really upset me.

1 THE COURT: Okay. Anybody else? In
2 the very back?
3 PROSPECTIVE JUROR NO. 321: Because of
4 my (inaudible) my decision to (inaudible) conscious
5 and (inaudible).
6 THE COURT: Okay. What's your name?
7 PROSPECTIVE JUROR NO. 321: Carol
8 Sherman, 0321.
9 THE COURT: Ms. Sherman. Okay. I'm
10 sorry. You're saying that your decision will be
11 based on what?
12 PROSPECTIVE JUROR NO. 321: I'm a
13 Bible trained conscious.
14 THE COURT: Okay. So you're saying
15 that you don't think that you can follow what the
16 law is.
17 PROSPECTIVE JUROR NO. 321: Yes. I
18 follow the law. Of course if it conflicts with
19 God's law, I chose that law.
20 THE COURT: Let me explain one thing
21 to you because this all could come up in the
22 context of the conversation we're having right now
23 which is jurors don't have anything to do with
24 punishment issues. All you do is decide based upon
25 what the law defines to be a crime whether or not

1 somebody committed a crime or not. Punishment
2 issues lie solely with the Court so there's nothing
3 about that.
4 It's not that way in every state. I'm
5 from Texas. In Texas a lot of time juries are
6 responsible for doling out what punishment should
7 be which a lot of times conflicts with religious
8 beliefs.
9 PROSPECTIVE JUROR NO. 321: I just
10 feel for my own conscious I would prefer not to be
11 in judgment on a case.
12 THE COURT: All right. Thank you.
13 Anybody else? Yes.
14 PROSPECTIVE JUROR NO. 390: 390. I
15 was involved in a domestic violence case that
16 involved substantial bodily harm.
17 THE COURT: Okay. I'm going to ask
18 some questions about that in just a little bit.
19 That was badge 390, Ms. Kalling.
20 A PROSPECTIVE JUROR: I do research at
21 UNLV and my supervisor's husband actually works at
22 the D.A.'s office.
23 THE COURT: Who is your supervisor?
24 A PROSPECTIVE JUROR: My supervisor's
25 name is Amy Beck.

1 THE COURT: Okay. Anybody else?
2 Yes.
3 PROSPECTIVE JUROR NO. 277: 277. I
4 think it will be emotional because my kids' dad was
5 convicted and (inaudible).
6 THE COURT: Okay. I'm sorry. Was
7 convicted of what?
8 PROSPECTIVE JUROR NO. 277: Of
9 burglary.
10 THE COURT: We're going to have some
11 discussions about that as we move along.
12 MR. DIGIACOMO: What was her name?
13 THE COURT: That was 277,
14 Ms. Ballaran. Anybody else? Yes, Ms. Lynch.
15 PROSPECTIVE JUROR NO. 385: Judge
16 Mosley is a really good friend of mine so I think I
17 might be a little biased.
18 THE COURT: Okay. Thank you. All
19 right. Anybody else?
20 MR. FUMO: Badge number?
21 " THE COURT: Oh, Ms. Lynch is badge
22 No. 385. Okay. Approach the bench if you guys
23 would, please.
24 (Whereupon, counsel approached
25 the bench, and after a

1 discussion outside the hearing
2 of the court reporter, the
3 following proceedings took
4 place:)
5 THE COURT: Okay. Folks, I'm going to
6 thank and excuse some of you that raised some
7 issues and just so you know don't hold it against
8 the attorneys. I just discuss with them my
9 thoughts on certain things. Badge No. 183,
10 Mr. Lopez; badge No. 207, Ms. Hanano; badge
11 No. 228 -- no -- excuse me, badge 227,
12 Ms. Hernandez; badge No. 232, Ms. Davey; badge 239,
13 Mr. Solaimani; badge No. 254, Perez; badge No. 257,
14 Ms. Lacy; badge No. 269, Ms. Finfrock; badge 277,
15 Ms. Ballaran; badge No. 321, Ms. Sherman; 414,
16 Contreras; 418, Ms. Uslan.
17 I appreciate your time and your
18 presence here with me. You need to report back
19 down to jury services before you attempt to leave
20 the building. Okay. Thank you. I need
21 Ms. Rodriguez, badge No. 320, to come on up here
22 and take the seat next to Ms. Jamerson, the top
23 row, please, and Ms. Fuller, badge No. 325 --
24 PROSPECTIVE JUROR NO. 325: I'm
25 Mr. Fuller.

1 THE COURT: Oh, I'm sorry.
 2 Mr. Fuller, take the seat on the end of the first
 3 row, here. Ms. MacPherson, badge 328, is going to
 4 take the other open seat. Mr. Gapp, 346, is going
 5 to take the seat on the end of this front row.
 6 Mr. Doxie the seat next to Mr. Gapp. Mr. Weeks,
 7 377, take the open seat down there at the end of
 8 that row, second from the end I should say.
 9 Ms. Lippisch, 380, the seat next to Mr. Weeks,
 10 Ms. Lynch, 385 the seat on the end of this row, and
 11 Dr. Nguyen, 385, the open seat next to Ms. Lynch.
 12 And that should give us 31 over there. Okay.
 13 A couple more questions to the general
 14 panel. How many if any of you have ever been
 15 engaged in law enforcement work before or have
 16 close family friends or relatives that have been
 17 engaged in that kind of work? When I say close,
 18 I'm talking about people close enough that you
 19 would talk to them about their jobs and not just
 20 that you have a third cousin who's a police officer
 21 in Mexico. Top row.
 22 PROSPECTIVE JUROR NO. 225: 225,
 23 Wilkinson. My brother's a retired state trooper
 24 from Illinois.
 25 THE COURT: Okay: All right. And,

1 works in a car.
 2 THE COURT: Okay. Patrol. Got you.
 3 Thank you. How long has she been with Metro?
 4 PROSPECTIVE JUROR NO. 230: Three
 5 years, four years.
 6 THE COURT: Thank you. All right.
 7 Back there was some hands on the top row.
 8 Ms. Itoafa.
 9 PROSPECTIVE JUROR NO. 186: 186.
 10 Brother-in-law is a police officer.
 11 THE COURT: And where?
 12 PROSPECTIVE JUROR NO. 186: Denver,
 13 Colorado.
 14 THE COURT: Thank you.
 15 PROSPECTIVE JUROR NO. 197: Jensen,
 16 197, ex-brother-in-law is a prison guard in Utah.
 17 THE COURT: Thank you. All right.
 18 Yes, sir.
 19 PROSPECTIVE JUROR NO. 189: I've got a
 20 cousin that works up in High Desert prison.
 21 THE COURT: Thank you. That's
 22 Mr. Lozano, 189.
 23 A PROSPECTIVE JUROR: I've got a
 24 couple of nieces that are married to North Las
 25 Vegas and Metro police officers, married to police

1 Mr. Fuller, did you have your hand up?
 2 PROSPECTIVE JUROR NO. 325: Yes, sir.
 3 I don't think it counts. I worked in loss
 4 prevention and deal with theft.
 5 THE COURT: How long did you do that
 6 kind of work?
 7 PROSPECTIVE JUROR NO. 325: I've
 8 currently been doing it for about five years.
 9 THE COURT: Oh, so you're still doing
 10 it; casinos, retail shops.
 11 PROSPECTIVE JUROR NO. 325: I can't
 12 hear what you said.
 13 MR. FUMO: I'm sorry. The badge
 14 number.
 15 PROSPECTIVE JUROR NO. 325: 325.
 16 THE COURT: Anybody else, bottom row.
 17 PROSPECTIVE JUROR NO. 230: Badge
 18 No. 230. A close friend of mine is a Metro
 19 officer.
 20 THE COURT: Do you know what detail he
 21 works with?
 22 PROSPECTIVE JUROR NO. 230: She works.
 23 THE COURT: Like property, crimes,
 24 homicide?
 25 PROSPECTIVE JUROR NO. 230: I know she

1 officers.
 2 THE COURT: Thank you.
 3 First row over here on the left end.
 4 PROSPECTIVE JUROR NO. 346: 346. I've
 5 got a friend through church not super close but,
 6 you know, does things with him as a leader. He's a
 7 K-9 officer.
 8 THE COURT: With Metro?
 9 A PROSPECTIVE JUROR: With Metro.
 10 THE COURT: Thank you. On the very
 11 end.
 12 PROSPECTIVE JUROR NO. 380: 380,
 13 Lippisch. My husband's a Henderson police officer.
 14 THE COURT: What detail does he work?
 15 PROSPECTIVE JUROR NO. 380: Patrol.
 16 THE COURT: Has he been in any law
 17 enforcement prior to Henderson police?
 18 PROSPECTIVE JUROR NO. 380: No.
 19 THE COURT: Anybody else in that row
 20 that I missed? Okay. The next row on the end.
 21 Ms. Lynch, 385.
 22 PROSPECTIVE JUROR NO. 385: The same
 23 thing I said before, Judge Mosley. I actually live
 24 with him so I see him every day.
 25 THE COURT: Well, it's kind of coming

1 out in bits and pieces. What's your relationship
2 with Judge Mosley?
3 PROSPECTIVE JUROR NO. 385: I've been
4 with his son for six years in October so I lived
5 with him for two years.
6 THE COURT: You have a relationship
7 with his son, a dating relationship?
8 PROSPECTIVE JUROR NO. 385: Yeah.
9 THE COURT: So you've been living with
10 he and his son?
11 PROSPECTIVE JUROR NO. 385: Uh-huh.
12 THE COURT: Currently?
13 PROSPECTIVE JUROR NO. 385: Uh-huh.
14 THE COURT: Is that a yes?
15 PROSPECTIVE JUROR NO. 385: Yes.
16 THE COURT: All right. Dr. Nguyen?
17 PROSPECTIVE JUROR NO. 389: My wife is
18 a federal prosecutor with the U.S. attorney's
19 office right now.
20 THE COURT: Okay. That's badge
21 No. 389. Anybody else in that row? Yes, sir.
22 PROSPECTIVE JUROR NO. 294: 294, I
23 work for CCSD.
24 THE COURT: Currently?
25 PROSPECTIVE JUROR NO. 294: Currently.

1 military police count?
2 THE COURT: Yes, sir.
3 PROSPECTIVE JUROR NO. 286: My cousin
4 is in the Army.
5 THE COURT: Okay. Anybody else?
6 MR. FUMO: Badge number?
7 THE COURT: Oh, Mr. Chee is 286.
8 PROSPECTIVE JUROR NO. 269: 269. My
9 husband is a retired Army staff sergeant and he's
10 now currently in Afghanistan.
11 THE COURT: He's now currently where?
12 PROSPECTIVE JUROR NO. 269: In
13 Afghanistan, and I also work in the Navy with my
14 brothers and sisters are in the military in the
15 Philippines and would have them are -- working as a
16 nurse work as police nurses.
17 THE COURT: Thank you. Okay. Anybody
18 else over there? First row over here. Yes.
19 A PROSPECTIVE JUROR: I'm a security
20 officer and I have two mutual friends that are on
21 the force with Metro.
22 THE COURT: And do you know what
23 detail your friends are with?
24 A PROSPECTIVE JUROR: They're both
25 patrol. They worked for ten years. One is

1 THE COURT: Any other law enforcement
2 work prior to that? Thank you. All right. Yes.
3 PROSPECTIVE JUROR NO. 284: 284. I
4 internshipped with the police department before and
5 I work security.
6 THE COURT: Currently work security?
7 PROSPECTIVE JUROR NO. 284: Yeah.
8 THE COURT: In what type of security
9 office?
10 PROSPECTIVE JUROR NO. 284: Casino.
11 THE COURT: Thank you. All right.
12 Back row, yes, sir.
13 PROSPECTIVE JUROR NO. 316: No. 316.
14 I have a cousin who is a retired policeman in New
15 York City and one of my best friends moved to
16 Mississippi and is a detective in Mississippi.
17 THE COURT: That's Mr. Cooper,
18 correct?
19 PROSPECTIVE JUROR NO. 316: What,
20 sir?
21 THE COURT: Mr. Cooper?
22 PROSPECTIVE JUROR NO. 316: Yes, sir.
23 THE COURT: All right. Mr. Chee, did
24 you have your hand up?
25 PROSPECTIVE JUROR NO. 286: Does

1 actually going (inaudible).
2 THE COURT: And you're a security
3 officer in what type of business.
4 A PROSPECTIVE JUROR: Casino.
5 THE COURT: All right. Anybody else
6 in that first row. Yes?
7 PROSPECTIVE JUROR NO. 399: 399. I'm
8 not sure if this counts. My mom was a paralegal
9 for the U.S. Attorney's office ten plus years ago.
10 THE COURT: Okay. U.S. Attorney's
11 office for the District of Nevada.
12 PROSPECTIVE JUROR NO. 399: I'm not
13 sure.
14 THE COURT: Okay. Thank you. Back
15 row. Yes, sir.
16 PROSPECTIVE JUROR NO. 420: 420. I
17 used to be a corrections officer in the State of
18 Michigan.
19 THE COURT: Thank you. Anybody else?
20 Yes, sir.
21 PROSPECTIVE JUROR NO. 416: 416,
22 Salcido. My mother works for 9-1-1. She's an
23 operator.
24 THE COURT: Civilian employee, Metro,
25 North Las Vegas?

1 PROSPECTIVE JUROR NO. 416: Metro.
 2 THE COURT: Thank you. Anybody else
 3 in the back row?
 4 A PROSPECTIVE JUROR: My best friend
 5 25 plus years works for the emergency services unit
 6 in New York City counterterrorism division the past
 7 years.
 8 THE COURT: Thank you. All right.
 9 Anybody that I missed on that question? No. All
 10 right.
 11 Is there anybody here who would not be
 12 able to follow all of the instructions on the law
 13 even if the instructions differ from your personal
 14 believe as to what the law ought to be?
 15 Does that question make sense?
 16 Anybody think I wrote that question? I did not
 17 write that question. Essentially what you learn is
 18 kind of the way a trial takes place is opening
 19 statements, presentation of witnesses and evidence,
 20 and then before the closing arguments I'll read to
 21 you the jury instructions and you'll get a packet
 22 so that you can read along as well.
 23 That's the law that I have determined
 24 applies to this particular case. What you do is
 25 you take the facts as you gain them from the

1 evidence. You apply them to the law and then you
 2 reach a decision. Part of your oath as jurors is
 3 to follow the law as I tell you the law exists. So
 4 is there anybody that believes for any reason they
 5 would be unable to follow the law as I say the law
 6 exists and applies in this case? I see no hands.
 7 Thank you.
 8 As a follow-up to the previous
 9 question the members of the jury sitting
 10 collectively are the judges of the questions of
 11 fact in the case. As the judge of the case it's my
 12 job to make sure that I give you law that is
 13 appropriate and applies to this particular case.
 14 It would be a violation of your duty if you try to
 15 render a judgment based upon any other view of the
 16 law than that given by the instructions of myself.
 17 With that in mind, is there anyone who
 18 feels they cannot be fact finders and then apply
 19 the law to the facts as you find them in reaching a
 20 decision? Ms. More?
 21 PROSPECTIVE JUROR NO. 212: More,
 22 212. It's a little bit hard for me because like my
 23 involved in the case and then (inaudible) that
 24 essentially probably can be the case then the law
 25 or something here.

1 THE COURT: You lost me. What is it?
 2 PROSPECTIVE JUROR NO. 212: Well, I
 3 know there is a law and then there is probably for
 4 my own personal opinion about the case and then
 5 folks throw those away.
 6 THE COURT: Well, the law doesn't say
 7 anything about you can't bring your own opinions.
 8 The law actually says use your common sense and
 9 judgment and the things that you gained with your
 10 experience in life which you think based on
 11 deciding issues of cases so you just take what you
 12 hear from witnesses and whatever basis of evidence
 13 like documents, photographs, whatever it may be
 14 that are introduced and you form opinions about
 15 what you think about that evidence and the
 16 credibility of the people that testified about
 17 things and then you apply it to the law and the law
 18 defines, you know, what a crime is, defines things
 19 like the concept of reasonable doubt. It gives you
 20 instructions to help guide you as you make a
 21 decision but it's not difficult.
 22 PROSPECTIVE JUROR NO. 212: Okay.
 23 THE COURT: All right. Anybody else?
 24 Yes, sir.
 25 PROSPECTIVE JUROR NO. 292: 292. Yeah

1 I never served. I never been served on a jury duty
 2 but the law my opinion probably conflict with the
 3 law. I might have my own personal opinion the
 4 case.
 5 THE COURT: So you're saying that when
 6 I asked the question before about whether you'd be
 7 able to follow the law, you don't think you can
 8 follow the law.
 9 PROSPECTIVE JUROR NO. 292: Yeah. I
 10 can follow but in case there is some opinion I
 11 might have or that might come up from my soul.
 12 THE COURT: Okay. Thank you. That's
 13 Mr. Belayneh, 292. Anybody else? Was there a hand
 14 up over here? Okay. All right. A couple other
 15 things.
 16 To begin with, under our system of
 17 criminal procedure there's three principles that
 18 apply in every criminal trial no matter where it
 19 takes place in any state in this country. The
 20 first part is the charge which in this case is an
 21 Information or Indictment.
 22 MR. DiGIACOMO: Information.
 23 THE COURT: The Information that gets
 24 filed is a piece of paper that lists what the
 25 charges are. That's just an accusatory document.

1 It's not evidence of the allegations that are
2 contained in those charges. Does everybody
3 understand? Anybody disagree with that principle?
4 I see no hands. Thank you.
5 The second principle that applies in
6 every criminal trial is that the defendant
7 Mr. Slaughter is presumed innocent. Does everybody
8 understand that? Anybody disagree with the
9 presumption of innocence? I see no hands. Thank
10 you.
11 And the third principle is that the
12 State therefore has the obligation of proving the
13 case beyond a reasonable doubt. Does everybody
14 understand that? I'm not asking if you understand
15 what exactly defines reasonable doubt. I'll give
16 you a jury instruction on that, but does everybody
17 understand the State has the burden of proof in a
18 criminal case. Anybody disagree with that
19 principle of law? Yes.
20 A PROSPECTIVE JUROR: I was dismissed
21 from jury duty before over that same concept
22 because it is solely that they have to prove that
23 he is not guilty or that he is guilty and he's over
24 here. He's the paid person to say he isn't guilty
25 and I'm going to go all the loopholes and run all

1 ma'am?
2 PROSPECTIVE JUROR NO. 328: I'm
3 sorry. MacPherson, 328.
4 THE COURT: And I'm sure the attorneys
5 will talk to you about that. Okay. Let me ask
6 some basic questions now of the 32 of you and I'm
7 not ignoring anybody else. If these folks get
8 excused, one of you may take their place but while
9 I'm asking the questions if you need to use the
10 rest room, you can excuse yourself.
11 Ms. Jamerson, I saw you put your head
12 down.
13 PROSPECTIVE JUROR NO. 068: I just got
14 my job back. To take off seven days even though
15 it's against the law, they could say you just came
16 back. We're going to put you on layoff.
17 THE COURT: You guys need to stay.
18 I'm going to come to you in a little bit anyway.
19 I'm sorry. I routinely have people that are upset
20 with me after I make decisions and they end up
21 having to stay but I'm ultimately kind of a
22 likeable guy so if you need to stay for seven days,
23 maybe you'll change your opinion but in any event
24 there are with regard to employers I write letters
25 all the time for jurors that go to employers and I

1 the race tracks to prove he isn't guilty. I was
2 dismissed from jury duty for that sole purpose.
3 THE COURT: Let me finish what I was
4 saying which is an important part of that principle
5 which is that the State has the burden of proof, an
6 important part of that principle is the defendant
7 doesn't have a burden in a criminal trial. He does
8 not have to prove that he's innocent or that he's
9 not guilty. The State has to prove since the State
10 brings the charges that he's guilty of the charges
11 that are brought.
12 Mr. Slaughter doesn't have to do
13 anything with his attorneys. They don't have to
14 question witnesses. They don't have to call
15 witnesses. I'm sure Mr. Fumo will ask questions of
16 people during the trial as well as Mr. Johnson has
17 arrived as well as they don't have an obligation.
18 They don't have a burden. Other than what was just
19 said, does anybody understand that?
20 Anybody disagree with that principle
21 of law that the State carries the burden of proof?
22 The defense does not carry a burden. I don't see
23 any hands. Okay.
24 And just for the record the issue that
25 was being discussed was -- what's your name again,

1 characterize them as there's a good letter and a
2 bad letter.
3 The good letter is thank you very much
4 for letting Ms. Jamerson take some time out of her
5 life to serve on the jury. She's been a good
6 juror. The bad letter is let me tell you what the
7 law is and don't screw with Ms. Jamerson while
8 she's on jury duty because I know that you have the
9 same fears as many people have. Well, my employers
10 aren't going to understand, but a lot of times when
11 they're confronted with what the law says what
12 their obligations are in terms of how they treat
13 people who are chosen as jurors, then usually the
14 issue gets worked out. Okay. I will hopefully
15 write whatever letter I need to on your behalf.
16 There aren't any other things other
17 than military service or jury service that is
18 service to your community and country that you
19 don't voluntarily engage in other than a charitable
20 organization. These are the two things you do that
21 serve the interest of our constitution and a couple
22 hundreds years of protecting the freedoms and
23 rights that every one of us have so your employees
24 may not like it but they need to respect it.
25 How long have you lived here?

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1 PROSPECTIVE JUROR NO. 068: I moved
2 back in 2002.
3 THE COURT: Okay. And how long were
4 you gone before you moved back?
5 PROSPECTIVE JUROR NO. 068: For about
6 nine years.
7 THE COURT: Okay. And what's your
8 level of education?
9 PROSPECTIVE JUROR NO. 068: High
10 school twelfth grade.
11 THE COURT: And what type of work is
12 it that you do?
13 PROSPECTIVE JUROR NO. 068: I'm a
14 warehouse associate at Amazon dot com.
15 THE COURT: Are you married?
16 PROSPECTIVE JUROR NO. 068: No.
17 THE COURT: Do you have any children?
18 PROSPECTIVE JUROR NO. 068: No. I
19 just had miscarriage.
20 THE COURT: I'm sorry. I apologize.
21 I had to ask you that question. Okay. Thank you.
22 Ms. Rodriguez, badge 320. How long have you lived
23 here?
24 PROSPECTIVE JUROR NO. 320: About
25 approximately 17 years.

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1 THE COURT: And what is your level of
2 education?
3 PROSPECTIVE JUROR NO. 320: It will be
4 high school, 12th, and then I just graduated from
5 cosmetology school.
6 THE COURT: Okay. Are you working in
7 that field now?
8 PROSPECTIVE JUROR NO. 320: Kind of
9 part-time.
10 THE COURT: Okay. Are you married?
11 PROSPECTIVE JUROR NO. 320: No.
12 THE COURT: And do you have children?
13 PROSPECTIVE JUROR NO. 320: No.
14 THE COURT: Thank you.
15 PROSPECTIVE JUROR NO. 320: And I work
16 as an esthetician.
17 THE COURT: Okay. And Ms. --
18 pronounce it for me one time.
19 PROSPECTIVE JUROR NO. 186: Itoafa.
20 186. How long have you lived here?
21 PROSPECTIVE JUROR NO. 186: Just over
22 three years.
23 THE COURT: Where did you move here
24 from?
25 PROSPECTIVE JUROR NO. 186: Denver.

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1 THE COURT: What's your level of
2 education?
3 PROSPECTIVE JUROR NO. 186: 14.
4 THE COURT: What type of work do you
5 do?
6 PROSPECTIVE JUROR NO. 186:
7 (Inaudible).
8 THE COURT: Are you married?
9 PROSPECTIVE JUROR NO. 186: Yes.
10 THE COURT: What type of work does
11 your husband do?
12 PROSPECTIVE JUROR NO. 186: He's a
13 student.
14 THE COURT: Do you have children?
15 PROSPECTIVE JUROR NO. 186: Yes.
16 THE COURT: And how old are they?
17 PROSPECTIVE JUROR NO. 186: Two, one
18 and two.
19 THE COURT: Thank you. Mr. Perlas,
20 188, how long have you lived here?
21 PROSPECTIVE JUROR NO. 188: 23 years.
22 THE COURT: What's your level of
23 education?
24 PROSPECTIVE JUROR NO. 188: College
25 graduate.

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1 THE COURT: What type of work do you
2 do?
3 PROSPECTIVE JUROR NO. 188: Animal
4 hospital.
5 THE COURT: Are you married?
6 PROSPECTIVE JUROR NO. 188: No.
7 THE COURT: Any children?
8 PROSPECTIVE JUROR NO. 188: No.
9 THE COURT: Thank you. Mr. Lozano,
10 189. How long have you lived here?
11 PROSPECTIVE JUROR NO. 189: 44 years,
12 sir.
13 THE COURT: How long have you lived
14 here?
15 PROSPECTIVE JUROR NO. 189: 44 years.
16 THE COURT: Your level of education?
17 PROSPECTIVE JUROR NO. 189: 12 years.
18 THE COURT: What type of work do you
19 do?
20 PROSPECTIVE JUROR NO. 189:
21 Construction, masonry, and building construction.
22 THE COURT: Okay. Are you married?
23 PROSPECTIVE JUROR NO. 189: Yes, sir.
24 THE COURT: What type of work does
25 your wife do?

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1 PROSPECTIVE JUROR NO. 189: She's a
2 homemaker.
3 THE COURT: Children. Do you have
4 children?
5 PROSPECTIVE JUROR NO. 189: Yes, sir,
6 three.
7 THE COURT: How many and how old are
8 they?
9 PROSPECTIVE JUROR NO. 189: 45.
10 THE COURT: So they're grown.
11 PROSPECTIVE JUROR NO. 189: 41 and 34.
12 THE COURT: Grandkids.
13 PROSPECTIVE JUROR NO. 189: I've got
14 four.
15 THE COURT: Thank you. Mr. Jensen,
16 197, how long have you lived here?
17 PROSPECTIVE JUROR NO. 197: Three
18 years.
19 THE COURT: Where did you move here
20 from?
21 PROSPECTIVE JUROR NO. 197: Denver.
22 THE COURT: What type of work do you
23 do.
24 PROSPECTIVE JUROR NO. 197:
25 Construction. I'm a union carpenter.

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1 THE COURT: What's your level of
2 education?
3 PROSPECTIVE JUROR NO. 197: 11.
4 THE COURT: Are you married?
5 PROSPECTIVE JUROR NO. 197: No.
6 THE COURT: Children?
7 PROSPECTIVE JUROR NO. 197: No.
8 THE COURT: Thank you.
9 Mr. Sinsabaugh, 199, how long have you lived here,
10 sir?
11 PROSPECTIVE JUROR NO. 199: 18 years.
12 THE COURT: What's your level of
13 education?
14 PROSPECTIVE JUROR NO. 199: High
15 school.
16 THE COURT: What type of work do you
17 do?
18 PROSPECTIVE JUROR NO. 199: Retired.
19 THE COURT: Did you retire from any
20 profession?
21 PROSPECTIVE JUROR NO. 199: Military.
22 THE COURT: Are you married, sir?
23 PROSPECTIVE JUROR NO. 199: No, sir.
24 THE COURT: Any children?
25 PROSPECTIVE JUROR NO. 199: No, sir.

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1 THE COURT: All right. Thank you very
2 much. Ms. Mitz, 200, how long have you lived
3 here?
4 PROSPECTIVE JUROR NO. 200: 27 years.
5 THE COURT: Your level of education?
6 PROSPECTIVE JUROR NO. 200: College
7 graduate.
8 THE COURT: What type of work do you
9 do?
10 PROSPECTIVE JUROR NO. 200: I have two
11 at the same time. I do marketing and also I'm
12 the (inaudible) coordinator for (inaudible).
13 THE COURT: And are you married?
14 PROSPECTIVE JUROR NO. 200: Divorced.
15 THE COURT: Children?
16 PROSPECTIVE JUROR NO. 200: Two.
17 THE COURT: And how old are they?
18 PROSPECTIVE JUROR NO. 200: Ten and
19 five.
20 THE COURT: Thank you very much. Does
21 anything about the work you do -- I know you saw
22 Mr. Fumo's name you mentioned earlier. Does
23 anything you do in your work bring you to court?
24 PROSPECTIVE JUROR NO. 200: No.
25 THE COURT: Mr. Fuller, how long have

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1 you lived here?
2 PROSPECTIVE JUROR NO. 325: All my
3 life, 29 years.
4 THE COURT: Your level of education?
5 PROSPECTIVE JUROR NO. 325: GED.
6 THE COURT: What type of work do you
7 do?
8 PROSPECTIVE JUROR NO. 325: I'm a loss
9 prevention and quality assurance operation analyst.
10 THE COURT: You told me about that.
11 Married?
12 PROSPECTIVE JUROR NO. 325: No, sir.
13 " THE COURT: Children?
14 " PROSPECTIVE JUROR NO. 325: No, sir.
15 THE COURT: Ms. More, 212, how long
16 have you lived here?
17 PROSPECTIVE JUROR NO. 212: 20 years.
18 THE COURT: Where did you move here
19 from?
20 PROSPECTIVE JUROR NO. 212: Florida.
21 THE COURT: What's your level of
22 education?
23 PROSPECTIVE JUROR NO. 212: I'm
24 getting my second bachelor's degree.
25 THE COURT: I'm sorry?

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1 PROSPECTIVE JUROR NO. 212: Second
2 bachelor's.
3 THE COURT: What type of work do you
4 do?
5 PROSPECTIVE JUROR NO. 212: I'm a
6 vocal (inaudible).
7 THE COURT: Are you married?
8 PROSPECTIVE JUROR NO. 212: No.
9 THE COURT: Children?
10 PROSPECTIVE JUROR NO. 212: No.
11 THE COURT: Thank you. Mr. Rowland,
12 221. How long have you lived here?
13 PROSPECTIVE JUROR NO. 212: 14 years.
14 THE COURT: And what's your level of
15 education?
16 PROSPECTIVE JUROR NO. 212: Second
17 year of college.
18 THE COURT: You told me that you're a
19 full-time student but you're working as well.
20 PROSPECTIVE JUROR NO. 212: Correct.
21 THE COURT: What type of work?
22 PROSPECTIVE JUROR NO. 212: I'm a
23 minister. I do weddings as well.
24 THE COURT: So do I. I can't get
25 paid. Do you get paid?

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1 PROSPECTIVE JUROR NO. 212: Yeah. I
2 get paid.
3 THE COURT: I'll come along. I'll
4 just be your sidekick. Are you married?
5 PROSPECTIVE JUROR NO. 212: Yes.
6 THE COURT: And what type of work does
7 your wife do?
8 PROSPECTIVE JUROR NO. 212: She's a
9 full-time student right now as well.
10 THE COURT: Children?
11 PROSPECTIVE JUROR NO. 212: Yes,
12 three.
13 THE COURT: And how old are they.
14 PROSPECTIVE JUROR NO. 212: 16, 14 and
15 13.
16 THE COURT: Thank you. Mr. Wilkinson,
17 225. How long have you lived here?
18 PROSPECTIVE JUROR NO. 225: Ten years.
19 THE COURT: What's your level of
20 education?
21 PROSPECTIVE JUROR NO. 225:
22 Associate's degree.
23 THE COURT: What type of work do you
24 do?
25 PROSPECTIVE JUROR NO. 225: Retired

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1 steel worker.
2 THE COURT: Are you married?
3 PROSPECTIVE JUROR NO. 225: Yes.
4 THE COURT: And is your wife retired
5 as well?
6 PROSPECTIVE JUROR NO. 225: No. She
7 works as an insurance agent here in town.
8 THE COURT: Children?
9 PROSPECTIVE JUROR NO. 225: Three
10 grown sons and her two grown sons, stepsons.
11 THE COURT: Okay. Grandkids?
12 PROSPECTIVE JUROR NO. 225: One
13 daughter.
14 THE COURT: Okay. Thank you.
15 PROSPECTIVE JUROR NO. 225:
16 Granddaughter.
17 THE COURT: Ms. MacPherson, 328, how
18 long have you lived here, ma'am?
19 PROSPECTIVE JUROR NO. 328: 30 years.
20 THE COURT: And your level of
21 education?
22 PROSPECTIVE JUROR NO. 328: GED with
23 some college.
24 THE COURT: And what type -- I know
25 you've been collecting workman's comp but what --

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1 PROSPECTIVE JUROR NO. 328: I'm
2 actually back at work. I work for a car
3 dealership.
4 THE COURT: Thank you. Are you
5 married?
6 PROSPECTIVE JUROR NO. 328: No, sir.
7 THE COURT: Children?
8 PROSPECTIVE JUROR NO. 328: Four grown
9 sons.
10 THE COURT: Any grandkids?
11 PROSPECTIVE JUROR NO. 328: One
12 granddaughter.
13 THE COURT: Thank you. Mr. Maloney,
14 badge No. 228. How long have you lived here, sir?
15 PROSPECTIVE JUROR NO. 228: 14 years.
16 THE COURT: And your level of
17 education?
18 PROSPECTIVE JUROR NO. 228: Bachelor's
19 of science.
20 THE COURT: What type of work do you
21 do?
22 PROSPECTIVE JUROR NO. 228: 401-K
23 administrator.
24 THE COURT: Are you married?
25 PROSPECTIVE JUROR NO. 228: Yes.

1 THE COURT: What type of work does
2 your wife do?
3 PROSPECTIVE JUROR NO. 228: My wife is
4 a senior agent for the Gaming Control Board. She
5 audits casinos.
6 THE COURT: Thank you. And do you all
7 have children?
8 PROSPECTIVE JUROR NO. 228: One
9 daughter 16 months old.
10 THE COURT: Thank you. Ms. Dykstra,
11 230, how long have you lived here?
12 PROSPECTIVE JUROR NO. 228: Ten years.
13 THE COURT: And your level of
14 education?
15 PROSPECTIVE JUROR NO. 228:
16 Bachelor's.
17 THE COURT: What type of work do you
18 do?
19 PROSPECTIVE JUROR NO. 228: I work for
20 the county.
21 THE COURT: Are you married?
22 PROSPECTIVE JUROR NO. 228: Yes.
23 THE COURT: What type of work does
24 your husband do?
25 PROSPECTIVE JUROR NO. 228: He's a

1 and restaurant supply.
2 THE COURT: Okay. Children?
3 PROSPECTIVE JUROR NO. 346: Yes, four.
4 THE COURT: How old are they?
5 PROSPECTIVE JUROR NO. 346: 24, 23,
6 20, and 19.
7 THE COURT: Okay. Any grandkids?
8 PROSPECTIVE JUROR NO. 346: No.
9 THE COURT: Thank you.
10 PROSPECTIVE JUROR NO. 346: Not yet.
11 THE COURT: Mr. Doxie, badge No. 355,
12 how long have you lived here, sir?
13 PROSPECTIVE JUROR NO. 346: 15 years.
14 THE COURT: And your level of
15 education?
16 PROSPECTIVE JUROR NO. 346:
17 (Inaudible).
18 THE COURT: What type of work do you
19 do?
20 PROSPECTIVE JUROR NO. 346: I haven't
21 worked for the last few years but I'm a designer
22 for (inaudible).
23 THE COURT: Are you married?
24 PROSPECTIVE JUROR NO. 346: No.
25 THE COURT: Any children?

1 communication technician.
2 THE COURT: Children.
3 PROSPECTIVE JUROR NO. 228: Yes.
4 THE COURT: How many and how old are
5 they?
6 PROSPECTIVE JUROR NO. 228: Three, two
7 ten years old, and one eight months.
8 THE COURT: Okay. Thank you.
9 Mr. Gapp, badge No. 346, how long have you lived
10 here, sir?
11 PROSPECTIVE JUROR NO. 346: 23 years.
12 THE COURT: What's your level of
13 education?
14 PROSPECTIVE JUROR NO. 346: Bachelor
15 of science.
16 THE COURT: What type of work do you
17 do?
18 PROSPECTIVE JUROR NO. 346: I'm an
19 engineer.
20 THE COURT: Are you married?
21 PROSPECTIVE JUROR NO. 346: Yes.
22 THE COURT: And what type of work does
23 your wife do?
24 PROSPECTIVE JUROR NO. 346: She is a
25 manufacturer's rep for (inaudible) sales for bar

1 PROSPECTIVE JUROR NO. 346: Three.
2 The court: How old are they?
3 PROSPECTIVE JUROR NO. 346: 40, 37,
4 36.
5 THE COURT: Any grandkids?
6 PROSPECTIVE JUROR NO. 346: 11.
7 THE COURT: Thank you. 242, is that
8 you, ma'am?
9 PROSPECTIVE JUROR NO. 242: That's me.
10 THE COURT: How long have you lived
11 here?
12 PROSPECTIVE JUROR NO. 242: Six years.
13 THE COURT: And where did you move
14 here from?
15 PROSPECTIVE JUROR NO. 242:
16 California.
17 THE COURT: What's your level of
18 education?
19 PROSPECTIVE JUROR NO. 242: College
20 graduate.
21 THE COURT: What type of work do you
22 do?
23 PROSPECTIVE JUROR NO. 242: I'm an
24 online math tutor.
25 THE COURT: Is that through the School

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1 District?
 2 PROSPECTIVE JUROR NO. 242: No, it's
 3 actually in Michigan. I work online.
 4 THE COURT: Are you married?
 5 PROSPECTIVE JUROR NO. 242: Yes.
 6 THE COURT: What kind of work does
 7 your husband do?
 8 PROSPECTIVE JUROR NO. 242: He's a
 9 manager for City Group.
 10 THE COURT: Children?
 11 PROSPECTIVE JUROR NO. 242: Yes.
 12 THE COURT: How old are they?
 13 PROSPECTIVE JUROR NO. 242: I have
 14 three children 17, nine and seven.
 15 THE COURT: Thank you. Mr. Evenson,
 16 244, how long have you lived here?
 17 PROSPECTIVE JUROR NO. 244: About 12
 18 years.
 19 THE COURT: What's your level of
 20 education?
 21 PROSPECTIVE JUROR NO. 244: I have an
 22 MBA.
 23 THE COURT: What type of work do you
 24 do?
 25 PROSPECTIVE JUROR NO. 244: I'm a

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1 manager in the (inaudible) department.
 2 THE COURT: Are you married?
 3 PROSPECTIVE JUROR NO. 244: No.
 4 THE COURT: Any kids?
 5 PROSPECTIVE JUROR NO. 244: No.
 6 THE COURT: Thank you. Ms. Middleton,
 7 248, how long have you lived here?
 8 PROSPECTIVE JUROR NO. 244: Eight
 9 years.
 10 THE COURT: Where did you move here
 11 from?
 12 PROSPECTIVE JUROR NO. 244:
 13 Washington.
 14 THE COURT: State of Washington?
 15 PROSPECTIVE JUROR NO. 244: Yes.
 16 THE COURT: Okay. What's your level
 17 of education?
 18 PROSPECTIVE JUROR NO. 244: High
 19 school.
 20 THE COURT: What type of work do you
 21 do?
 22 PROSPECTIVE JUROR NO. 244: Blackjack
 23 dealer.
 24 THE COURT: Are you married?
 25 PROSPECTIVE JUROR NO. 244: Yes.

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1 THE COURT: What type of work does
 2 your husband do?
 3 PROSPECTIVE JUROR NO. 244: Blackjack
 4 dealer.
 5 THE COURT: Children?
 6 PROSPECTIVE JUROR NO. 244: No.
 7 THE COURT: Thank you. Mr. Weeks,
 8 377, how long have you lived here?
 9 PROSPECTIVE JUROR NO. 377: 12 years.
 10 THE COURT: And your level of
 11 education?
 12 PROSPECTIVE JUROR NO. 377: B.S.
 13 THE COURT: What type of work do you
 14 do?
 15 PROSPECTIVE JUROR NO. 377:
 16 Pharmacist.
 17 THE COURT: Are you married?
 18 PROSPECTIVE JUROR NO. 377: No.
 19 THE COURT: Children?
 20 PROSPECTIVE JUROR NO. 377: No.
 21 THE COURT: Thank you. Ms. Lippisch,
 22 380, how long have you lived here?
 23 PROSPECTIVE JUROR NO. 380:
 24 (Inaudible) years.
 25 THE COURT: What's your level of

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1 education?
 2 PROSPECTIVE JUROR NO. 380:
 3 Bachelor's.
 4 THE COURT: What type of work do you
 5 do?
 6 PROSPECTIVE JUROR NO. 380: I'm an
 7 esthetician.
 8 THE COURT: You are married, your
 9 husband's a police officer in Henderson.
 10 Children?
 11 PROSPECTIVE JUROR NO. 380: Yes.
 12 THE COURT: How many and how old are
 13 they?
 14 PROSPECTIVE JUROR NO. 380: Two, ten
 15 and six.
 16 THE COURT: Thank you. Ms. Lynch,
 17 385, how long have you lived here?
 18 PROSPECTIVE JUROR NO. 385: My whole
 19 life, 19 years.
 20 THE COURT: And what's your level of
 21 education?
 22 PROSPECTIVE JUROR NO. 385: I'm going
 23 to graduate high school this year.
 24 THE COURT: And what type of work do
 25 you do?

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1 PROSPECTIVE JUROR NO. 385: I'm a
 2 receptionist for (inaudible) I'm also (inaudible)
 3 eye care.
 4 THE COURT: You're not married.
 5 You're dating, though, Judge Mosley's son,
 6 correct?
 7 PROSPECTIVE JUROR NO. 385: Uh-huh.
 8 THE COURT: Any children?
 9 PROSPECTIVE JUROR NO. 385: No.
 10 THE COURT: All right. Thank you.
 11 And, Dr. Nguyen, 389, how long have you lived
 12 here?
 13 PROSPECTIVE JUROR NO. 389: Nine
 14 years.
 15 THE COURT: And where did you move
 16 here from, sir?
 17 PROSPECTIVE JUROR NO. 389:
 18 California.
 19 THE COURT: Your level of education is
 20 M.D.
 21 PROSPECTIVE JUROR NO. 389: Yes.
 22 THE COURT: You told me that you're
 23 married and your wife is a prosecutor in the U.S.
 24 Attorney's office, correct?
 25 PROSPECTIVE JUROR NO. 389: Correct,

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1 yes.
 2 THE COURT: And do you all have
 3 children?
 4 PROSPECTIVE JUROR NO. 389: Yes, two,
 5 three and five.
 6 THE COURT: Thank you. Who do I have
 7 next? I'm sorry. Did I have Ms. Bernabe, 279?
 8 How long have you lived here, ma'am?
 9 PROSPECTIVE JUROR NO. 279: Six years.
 10 THE COURT: And where did you move
 11 here from?
 12 PROSPECTIVE JUROR NO. 279: My husband
 13 retired in Hawaii after 20 years in the military.
 14 PROSPECTIVE JUROR NO. 279: So you
 15 moved here from Hawaii. Unlucky for you, huh?
 16 Should have told him to keep working. What's your
 17 level of education?
 18 PROSPECTIVE JUROR NO. 279: College.
 19 THE COURT: What type of work do you
 20 do?
 21 PROSPECTIVE JUROR NO. 279:
 22 (Inaudible).
 23 THE COURT: Thank you. And you are
 24 married.
 25 PROSPECTIVE JUROR NO. 279: Correct.

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1 THE COURT: You told us your husband
 2 is retired from the Army, correct?
 3 PROSPECTIVE JUROR NO. 279: Correct.
 4 THE COURT: Children?
 5 PROSPECTIVE JUROR NO. 279: Two.
 6 THE COURT: How old are they?
 7 PROSPECTIVE JUROR NO. 279: Nine and
 8 13.
 9 THE COURT: Thank you. McKee, badge
 10 No. 284, how long have you lived here?
 11 PROSPECTIVE JUROR NO. 284: A year and
 12 a half.
 13 THE COURT: Where did you move here
 14 from?
 15 PROSPECTIVE JUROR NO. 284: Alabama.
 16 THE COURT: Your level of education?
 17 PROSPECTIVE JUROR NO. 284:
 18 Bachelor's.
 19 THE COURT: And you work security for
 20 a casino.
 21 PROSPECTIVE JUROR NO. 284: Yes, sir.
 22 THE COURT: Married?
 23 PROSPECTIVE JUROR NO. 284: No.
 24 THE COURT: Any children?
 25 PROSPECTIVE JUROR NO. 284: No.

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1 THE COURT: Thank you. Mr. Chce, 286,
 2 how long have you lived here, sir?
 3 PROSPECTIVE JUROR NO. 286: Five
 4 years.
 5 THE COURT: Where did you move here
 6 from?
 7 PROSPECTIVE JUROR NO. 286: Southern
 8 California.
 9 THE COURT: What's your level of
 10 education?
 11 PROSPECTIVE JUROR NO. 286: College.
 12 THE COURT: What type of work do you
 13 do?
 14 PROSPECTIVE JUROR NO. 286: I wait
 15 tables at a steakhouse.
 16 THE COURT: Are you married, sir?
 17 PROSPECTIVE JUROR NO. 286: No,
 18 single.
 19 THE COURT: Any kids?
 20 PROSPECTIVE JUROR NO. 286: No.
 21 THE COURT: Thank you. Mr. Belayneh,
 22 292, how long have you lived here, sir?
 23 PROSPECTIVE JUROR NO. 292: Six years.
 24 THE COURT: And you moved here from?
 25 PROSPECTIVE JUROR NO. 292: L.A.

1 THE COURT: Level of education?
 2 PROSPECTIVE JUROR NO. 292:
 3 (Inaudible).
 4 THE COURT: Type of work you do?
 5 PROSPECTIVE JUROR NO. 292: Driver.
 6 THE COURT: Are you married?
 7 PROSPECTIVE JUROR NO. 292: Single.
 8 THE COURT: Any kids?
 9 PROSPECTIVE JUROR NO. 292: No.
 10 THE COURT: Thank you. Mr. Borg, 293,
 11 how long have you lived here?
 12 PROSPECTIVE JUROR NO. 293: Eight
 13 years.
 14 THE COURT: And you moved here from
 15 where?
 16 PROSPECTIVE JUROR NO. 293: Arizona.
 17 THE COURT: Level of education?
 18 PROSPECTIVE JUROR NO. 293: Master's
 19 degree.
 20 THE COURT: And you work as a police
 21 officer with the School District, correct?
 22 PROSPECTIVE JUROR NO. 293: I'm not a
 23 police officer, no, I'm a senior electrician. I
 24 just work for the school police.
 25 THE COURT: Got you. Are you married,

1 semi-retired and I work part-time. I work as a
 2 supervisor.
 3 THE COURT: Okay.
 4 PROSPECTIVE JUROR NO. 296: Deli
 5 clerk.
 6 THE COURT: Are you married, ma'am?
 7 PROSPECTIVE JUROR NO. 296: No.
 8 THE COURT: Do you have any children?
 9 PROSPECTIVE JUROR NO. 296: Two.
 10 THE COURT: Grown.
 11 PROSPECTIVE JUROR NO. 296: Yes.
 12 THE COURT: Grandkids?
 13 PROSPECTIVE JUROR NO. 296: Three.
 14 THE COURT: Thank you.
 15 Ms. Balakrishnan, 300, how long have you lived
 16 here?
 17 PROSPECTIVE JUROR NO. 300: 12 years.
 18 THE COURT: What's your level of
 19 education?
 20 PROSPECTIVE JUROR NO. 300:
 21 Bachelor's.
 22 THE COURT: What type of work do you
 23 do.
 24 PROSPECTIVE JUROR NO. 300:
 25 (Inaudible.)

1 sir?
 2 PROSPECTIVE JUROR NO. 293: Yes.
 3 THE COURT: What type of work does
 4 your wife do?
 5 PROSPECTIVE JUROR NO. 293: She stays
 6 home. She's just a homemaker.
 7 THE COURT: You didn't say just a
 8 homemaker, did you?
 9 PROSPECTIVE JUROR NO. 293: No, never,
 10 definitely not. She might see that.
 11 THE COURT: I can have this transcript
 12 sealed. How many kids do you have and how old are
 13 they?
 14 PROSPECTIVE JUROR NO. 293: Two, one
 15 is three and one is one.
 16 THE COURT: Ms. DiPol, how long have
 17 you lived here?
 18 PROSPECTIVE JUROR NO. 296: Eleven
 19 years.
 20 THE COURT: What's your level of
 21 education?
 22 PROSPECTIVE JUROR NO. 296: Twelfth.
 23 THE COURT: What type of work do you
 24 do?
 25 PROSPECTIVE JUROR NO. 296: I'm

1 THE COURT: And you're married,
 2 correct?
 3 PROSPECTIVE JUROR NO. 300: Yes.
 4 THE COURT: What type of work does
 5 your husband do?
 6 PROSPECTIVE JUROR NO. 300:
 7 (Inaudible.)
 8 THE COURT: And how many -- I know you
 9 have a four year old. Do you have any other
 10 children?
 11 PROSPECTIVE JUROR NO. 300: Two kids,
 12 seven and four.
 13 THE COURT: Thank you. Mr. Cooper,
 14 316, how long have you lived here, sir?
 15 PROSPECTIVE JUROR NO. 316: 35 years.
 16 THE COURT: Level of education?
 17 PROSPECTIVE JUROR NO. 316: Pardon?
 18 THE COURT: What's your level of
 19 education?
 20 PROSPECTIVE JUROR NO. 316: High
 21 school 12 years.
 22 THE COURT: What type of work do you
 23 do.
 24 PROSPECTIVE JUROR NO. 316: Waiter.
 25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NO. 316: Divorced.
 2 THE COURT: Children?
 3 PROSPECTIVE JUROR NO. 316: I lost my
 4 daughter last year.
 5 THE COURT: Okay. I'm sorry. Okay.
 6 I just have a few more questions. They're just
 7 general questions but we take a break about every
 8 hour and a half or so. The court reporters kind of
 9 got to crack their knuckles a little bit as well.
 10 Let's take a short recess. We'll come back and
 11 I'll finish up my questions and we'll turn it over
 12 to the attorneys. I have to tell you something
 13 every time we take a recess.
 14 During this recess, it is your duty
 15 not to converse among yourselves or with anyone
 16 else on any subject connected with the trial or to
 17 read, watch or listen to any report of or
 18 commentary on the trial by any person connected
 19 with the trial or by any medium of information,
 20 including, without limitation, newspaper,
 21 television, radio, and the internet, and you are
 22 not to form or express an opinion on any subject
 23 connected with this case until it is finally
 24 submitted to you, under instructions by me.
 25 So that means even though you're

1 He's present with his attorney; State's attorney is
 2 present. Prospective jurors are present. Okay.
 3 Folks, a few more questions that I have just for
 4 the 32 of you generally now.
 5 How many, if any, of you have ever
 6 been a juror before, not just this process but
 7 actually served on a case? Okay. Top row.
 8 Mr. Lozano, 189. How many times, sir?
 9 PROSPECTIVE JUROR NO. 189: Actually I
 10 only served one time as a juror. I've been through
 11 the examination process about six times.
 12 THE COURT: Okay. The one time that
 13 you were privileged enough to serve, how long ago
 14 was that?
 15 PROSPECTIVE JUROR NO. 189: 33 years
 16 ago.
 17 THE COURT: Is that here in Las
 18 Vegas?
 19 THE DEFENDANT: Yes, sir.
 20 THE COURT: Do you recall if it was a
 21 civil or criminal case?
 22 PROSPECTIVE JUROR NO. 189: It was a
 23 criminal case.
 24 THE COURT: Do you remember what the
 25 charge was?

1 jurors together, you can't talk about the case in
 2 any fashion on recess, when you go to lunch,
 3 overnight, anything like that. You'll be in recess
 4 for a few minutes. You can leave whatever you want
 5 in your chairs. You're going to come back in the
 6 same spot. If you want to grab a drink and bring
 7 it back in with you, you can certainly do that.
 8 Okay. It will be about 10 or 15 minutes.
 9 (Whereupon, the prospective
 10 jurors retired from the
 11 courtroom at 3:13 p.m. and
 12 the following proceedings
 13 took place outside their
 14 presence.)
 15 THE COURT: Do you guys have anything
 16 outside the presence?
 17 MR. DIGIACOMO: No.
 18 THE COURT: Okay. We'll be in
 19 recess.
 20 (Whereupon a recess was
 21 taken at 3:14 p.m. and
 22 the proceedings resumed
 23 at 3:43 p.m.)
 24 THE COURT: We'll be back on the
 25 record in 204957, state versus Rickie Slaughter.

1 PROSPECTIVE JUROR NO. 189: It was
 2 rape -- yeah, rape.
 3 THE COURT: Were you the foreperson of
 4 the jury?
 5 PROSPECTIVE JUROR NO. 189: Pardon?
 6 THE COURT: Were you the foreperson,
 7 the spokesperson for the jury?
 8 PROSPECTIVE JUROR NO. 189: No, sir.
 9 THE COURT: Did the jury reach a
 10 verdict?
 11 PROSPECTIVE JUROR NO. 189: Yes, sir.
 12 THE COURT: One other hand.
 13 Mr. Wilkinson.
 14 PROSPECTIVE JUROR NO. 225: 225.
 15 THE COURT: How many times, sir?
 16 PROSPECTIVE JUROR NO. 225: Once.
 17 THE COURT: How long ago?
 18 PROSPECTIVE JUROR NO. 225: 2000, the
 19 year 2000.
 20 THE COURT: Okay. Was that before you
 21 moved here?
 22 PROSPECTIVE JUROR NO. 225: Yes, a
 23 year before I moved here.
 24 THE COURT: Where was it?
 25 PROSPECTIVE JUROR NO. 225: Was

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1 (inaudible) Illinois county seat, (inaudible)
 2 County, Illinois.
 3 THE COURT: Was it a criminal or civil
 4 case?
 5 PROSPECTIVE JUROR NO. 225: It was a
 6 lawsuit on a traffic accident.
 7 THE COURT: Were you the foreperson of
 8 the jury?
 9 PROSPECTIVE JUROR NO. 225: Yes, I
 10 was.
 11 THE COURT: Did the jury reach a
 12 verdict?
 13 PROSPECTIVE JUROR NO. 225: Yes, sir.
 14 THE COURT: Okay. Thank you. Anybody
 15 else over here? No. How about over in the
 16 audience. No. Okay.
 17 How many, if any, of the 32 of you or
 18 close family members or friends have ever been the
 19 victim of a crime whatever it may be, your car got
 20 stolen, your purse got stolen, your home got broken
 21 into. Ms. Jamerson, 068.
 22 PROSPECTIVE JUROR NO. 068: I was just
 23 the victim of a drive-by shooting on the freeway on
 24 Christmas Eve.
 25 THE COURT: You were the victim.

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1 PROSPECTIVE JUROR NO. 068: Me and my
 2 boyfriend.
 3 THE COURT: Okay. And was anybody
 4 hurt in that shooting?
 5 PROSPECTIVE JUROR NO. 068: My
 6 boyfriend was.
 7 THE COURT: Okay. Was that this past
 8 year 2010?
 9 PROSPECTIVE JUROR NO. 068: Yes.
 10 THE COURT: And was it reported to the
 11 police?
 12 PROSPECTIVE JUROR NO. 068: Yes.
 13 THE COURT: The Metropolitan Police
 14 Department or North Las Vega?
 15 PROSPECTIVE JUROR NO. 068: Metro and
 16 highway patrol.
 17 THE COURT: Has anybody been arrested
 18 and charged in relation to that?
 19 PROSPECTIVE JUROR NO. 068: No.
 20 THE COURT: Thank you. Anybody else
 21 in the top row? Yes Mr. Lozano, 189.
 22 PROSPECTIVE JUROR NO. 189: Stolen
 23 vehicle. No charges, no one was arrested.
 24 THE COURT: How long ago was that?
 25 PROSPECTIVE JUROR NO. 189:

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1 Approximately ten years ago.
 2 THE COURT: Report it to the police?
 3 PROSPECTIVE JUROR NO. 189: Yes, sir.
 4 THE COURT: Mr. Jensen, 197.
 5 PROSPECTIVE JUROR NO. 197: Yes,
 6 someone broke in my vehicle and stole all my tools
 7 about two years ago.
 8 THE COURT: Was that reported to the
 9 police?
 10 PROSPECTIVE JUROR NO. 197: Yes, sir.
 11 THE COURT: Metro?
 12 PROSPECTIVE JUROR NO. 197: Yes.
 13 THE COURT: Anybody ever arrested?
 14 PROSPECTIVE JUROR NO. 197: No. And
 15 then also a check card. They took a couple
 16 thousand dollars out of my checking account.
 17 THE COURT: I.D. theft, was that
 18 reported to law enforcement?
 19 PROSPECTIVE JUROR NO. 197: Reported
 20 to -- well, it happened in California so they said
 21 I had to go to California to make the police report
 22 which I wasn't able to do that so the bank did
 23 whatever they did. They didn't give me my money
 24 back.
 25 THE COURT: Okay. Anybody else in

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1 that top row. Ms. Metz.
 2 PROSPECTIVE JUROR NO. 200: Vehicle
 3 stolen approximately five years ago.
 4 THE COURT: Was it reported to the
 5 police?
 6 PROSPECTIVE JUROR NO. 200: Yes.
 7 THE COURT: Metro?
 8 PROSPECTIVE JUROR NO. 200: Yes.
 9 THE COURT: Anybody ever arrested or
 10 charged?
 11 PROSPECTIVE JUROR NO. 200: No.
 12 THE COURT: Bottom row. Mr. Rowland.
 13 PROSPECTIVE JUROR NO. 221: Rowland,
 14 221. 19 years ago I had a car stolen twice.
 15 THE COURT: Same car?
 16 PROSPECTIVE JUROR NO. 221: No. The
 17 one I replaced the stolen one with.
 18 THE COURT: Was that here in Las Vegas
 19 or elsewhere?
 20 PROSPECTIVE JUROR NO. 221: That was
 21 in San Diego, California.
 22 THE COURT: Okay. And the other
 23 thing?
 24 PROSPECTIVE JUROR NO. 221: 15 years
 25 ago our home was burglarized. That was in Brawley,

1 California, and last year I had a laptop stolen
2 from work.
3 THE COURT: Was the laptop here in
4 Vegas?
5 PROSPECTIVE JUROR NO. 221: Yes.
6 THE COURT: Was that reported to the
7 police?
8 PROSPECTIVE JUROR NO. 221: Yes.
9 THE COURT: Anybody ever arrested or
10 charged in that?
11 PROSPECTIVE JUROR NO. 221: No. Still
12 checking my credit and I.D. to make sure it's not
13 coming back on me.
14 THE COURT: Was it reported to the
15 Metropolitan Police Department?
16 PROSPECTIVE JUROR NO. 221: Yes.
17 THE COURT: Anybody else in that --
18 Mr. Fuller, badge No. 325.
19 PROSPECTIVE JUROR NO. 325: I had a
20 motorcycle stolen.
21 THE COURT: How long ago was that?
22 PROSPECTIVE JUROR NO. 325: About four
23 years ago.
24 THE COURT: Was that reported to the
25 police?

1 PROSPECTIVE JUROR NO. 328: Metro.
2 THE COURT: Did they go through the
3 justice court or the municipal court?
4 PROSPECTIVE JUROR NO. 328: I believe
5 it was municipal court.
6 THE COURT: Did you have to testify in
7 court?
8 PROSPECTIVE JUROR NO. 328: No, sir.
9 The other was identity theft. That was through the
10 bank.
11 THE COURT: How long ago was that?
12 PROSPECTIVE JUROR NO. 328: That was
13 three years ago.
14 THE COURT: Thank you. Anybody else
15 in that row?
16 PROSPECTIVE JUROR NO. 212: I had a
17 stolen motorcycle.
18 THE COURT: Ms. More, 212, stolen
19 motorcycle. How long ago?
20 PROSPECTIVE JUROR NO. 212: Six years.
21 THE COURT: Thank you. That would
22 have been in Florida.
23 PROSPECTIVE JUROR NO. 212: Uh-huh.
24 THE COURT: Yes. All right. On the
25 end of the row Ms. Dykstra, 230.

1 PROSPECTIVE JUROR NO. 325: Yes, sir.
2 THE COURT: Metro?
3 PROSPECTIVE JUROR NO. 325: Yes, sir.
4 THE COURT: Anybody ever arrested or
5 charged?
6 PROSPECTIVE JUROR NO. 325: No, sir.
7 THE COURT: Anything else? Thank
8 you. Anybody else? Ms. MacPherson, 328.
9 PROSPECTIVE JUROR NO. 328: Domestic
10 abuse and violence and identity theft.
11 THE COURT: Domestic violence with
12 yourself as the victim?
13 PROSPECTIVE JUROR NO. 328: Yes, sir.
14 THE COURT: How long ago was that?
15 PROSPECTIVE JUROR NO. 328: Maybe five
16 years, six years ago.
17 THE COURT: Here in Las Vegas?
18 PROSPECTIVE JUROR NO. 328: Yes, sir.
19 THE COURT: Was anybody arrested or
20 charged?
21 PROSPECTIVE JUROR NO. 328: They were
22 charged to go to different classes and things like
23 that but there was some incarceration.
24 THE COURT: Okay. What police agency
25 was involved.

1 PROSPECTIVE JUROR NO. 230: No.
2 THE COURT: Okay. I'm sorry.
3 Ms. Metz, 200.
4 PROSPECTIVE JUROR NO. 200: In early
5 2010 I filed charge for stalking against my
6 ex-husband but it hasn't really gone anywhere.
7 THE COURT: What police agency was
8 involved?
9 PROSPECTIVE JUROR NO. 200: That was
10 Metro.
11 THE COURT: Thank you. Is there a
12 court case pending as far as you know?
13 PROSPECTIVE JUROR NO. 200: No.
14 Everything is just open. I'm not sure.
15 THE COURT: Okay. Anybody else over
16 here that I've missed? The first row over here.
17 Mr. Gapp, 346.
18 PROSPECTIVE JUROR NO. 346: Yes. My
19 home was burglarized 25 years ago in Arizona. And
20 also probably about five years ago my car was broke
21 into, nothing of value really. I did not report
22 that.
23 THE COURT: You did not report the
24 auto burglary.
25 PROSPECTIVE JUROR NO. 346: No.

1 THE COURT: The auto burglary happened
2 here in Las Vegas.
3 PROSPECTIVE JUROR NO. 346: Yes. It
4 was at work.
5 THE COURT: Thank you. Anybody else
6 in that row? Mr. Doxie, 355.
7 PROSPECTIVE JUROR NO. 355: Yes.
8 My (inaudible) was taken. It would have been all
9 my credit cards.
10 THE COURT: How long ago was that?
11 PROSPECTIVE JUROR NO. 355: About six
12 years ago.
13 THE COURT: In Las Vegas?
14 PROSPECTIVE JUROR NO. 355: In Las
15 Vegas.
16 THE COURT: Report it to the police?
17 PROSPECTIVE JUROR NO. 355: Yes.
18 THE COURT: Metro?
19 PROSPECTIVE JUROR NO. 355: Yes.
20 THE COURT: Was anybody ever charged
21 with anything?
22 PROSPECTIVE JUROR NO. 355: They
23 called me up and they told me they found the
24 person.
25 THE COURT: Okay. Thank you. Anymore

1 was in North Dakota.
2 THE COURT: Anyone else? On the end.
3 PROSPECTIVE JUROR NO. 380: 380.
4 THE COURT: Ms. Lippisch.
5 PROSPECTIVE JUROR NO. 380:
6 (Inaudible) bank robbery with a firearm.
7 THE COURT: Were you working at the
8 bank?
9 PROSPECTIVE JUROR NO. 380: Yes.
10 THE COURT: As a teller?
11 PROSPECTIVE JUROR NO. 380: Yes.
12 THE COURT: How long ago was that?
13 PROSPECTIVE JUROR NO. 380: '97.
14 THE COURT: Here in Las Vegas.
15 PROSPECTIVE JUROR NO. 380: No. It
16 was in Phoenix. It was a federal credit union so
17 the FBI --
18 THE COURT: Did you ever have to go to
19 court?
20 PROSPECTIVE JUROR NO. 380: We had to
21 go to the station and do a lineup. I was the
22 teller that actually got robbed so they got him.
23 THE COURT: But you never had to
24 testify in court.
25 PROSPECTIVE JUROR NO. 380: No. We

1 in that row. Yes.
2 PROSPECTIVE JUROR NO. 242: 242.
3 THE COURT: Thank you. What was the
4 number again?
5 PROSPECTIVE JUROR NO. 242: 242.
6 THE COURT: 242. Thank you. All
7 right. Ms. Rhines. What you got?
8 PROSPECTIVE JUROR NO. 242: My car was
9 broken into. They broke the glass and they got the
10 portable radio. That was 12 years ago.
11 THE COURT: In California?
12 PROSPECTIVE JUROR NO. 242: Yes.
13 THE COURT: Okay. Thank you. Anybody
14 else? Mr. Evenson, 244.
15 PROSPECTIVE JUROR NO. 244: Yes.
16 About 15 years ago my car was broken into, stereo,
17 personal property was stolen. That was not
18 reported. About three years ago there was some
19 fraudulent activity on my bank account that was
20 reported. It was resolved. I got a letter about
21 three months later it was resolved. I don't know
22 what the outcome was though.
23 THE COURT: Okay. The car burglary
24 that was not in Nevada I take it.
25 PROSPECTIVE JUROR NO. 244: No. That

1 had tracking devices so --
2 THE COURT: Okay. Thank you. Anybody
3 else on that row? Middle row on the end.
4 Ms. DiPol.
5 PROSPECTIVE JUROR NO. 298: Yes. A
6 hit and run.
7 THE COURT: How long ago was that?
8 PROSPECTIVE JUROR NO. 298: 2005.
9 THE COURT: Here in Las Vegas.
10 PROSPECTIVE JUROR NO. 298: Yes.
11 THE COURT: And was anybody ever
12 charged with that offense?
13 PROSPECTIVE JUROR NO. 298: I don't
14 know.
15 THE COURT: Was it reported to the
16 police?
17 PROSPECTIVE JUROR NO. 298: Yes.
18 THE COURT: Metro?
19 PROSPECTIVE JUROR NO. 298: Yes.
20 THE COURT: And what was the second?
21 PROSPECTIVE JUROR NO. 298: Someone
22 used the number on my credit card and that was
23 through the bank. There was money taken out.
24 THE COURT: Thank you. The back row.
25 Yes, Mr. Cooper.

1 PROSPECTIVE JUROR NO. 316: My house
2 was burglarized about 30 years ago and about 25
3 years ago when (inaudible) my car was broken into
4 and what they took was my registration and switched
5 my plates because they had a car similar to mine,
6 and about 20 years ago a friend of mine's daughter
7 was killed in front of the high school in a
8 drive-by shooting. It was a mistake but she died.
9 That was all in Las Vegas.
10 THE COURT: All of it was in Las
11 Vegas.
12 PROSPECTIVE JUROR NO. 316: Yes, sir.
13 THE COURT: Thank you. Was anybody
14 ever arrested or charged in regard to the two
15 burglary related incidents involving yourself?
16 PROSPECTIVE JUROR NO. 316: Well, they
17 got the car and the people in California and my
18 friend's daughter yes, they were. The burglary in
19 the house, no.
20 THE COURT: Okay. Thank you. All
21 right. Anybody else? Ms. Lynch.
22 PROSPECTIVE JUROR NO. 385: I
23 witnessed an accident that happened that the girls
24 in the car were killed.
25 THE COURT: Hold on. What's your

1 with?
2 PROSPECTIVE JUROR NO. 197: Drugs,
3 distribution of marijuana.
4 THE COURT: Was that in Nevada or
5 somewhere else?
6 PROSPECTIVE JUROR NO. 197: That was
7 Utah.
8 THE COURT: Okay. Were you convicted
9 of anything?
10 PROSPECTIVE JUROR NO. 197: What's
11 that?
12 THE COURT: Were you convicted of
13 anything?
14 PROSPECTIVE JUROR NO. 197: I took a
15 plea bargain.
16 THE COURT: Okay. What else?
17 PROSPECTIVE JUROR NO. 197: DUI.
18 THE COURT: And how long ago was
19 that?
20 PROSPECTIVE JUROR NO. 197: That was
21 when I was 17.
22 THE COURT: Is that in Utah as well?
23 PROSPECTIVE JUROR NO. 197: Yeah.
24 THE COURT: Okay. And what else?
25 PROSPECTIVE JUROR NO. 197: Possession

1 badge number again?
2 PROSPECTIVE JUROR NO. 385: 385.
3 THE COURT: Okay. And did you ever
4 have to go to court over that incident?
5 PROSPECTIVE JUROR NO. 385: Yes.
6 THE COURT: That was in juvenile
7 court, wasn't it?
8 PROSPECTIVE JUROR NO. 385: Yes.
9 THE COURT: Did you testify?
10 PROSPECTIVE JUROR NO. 385: No.
11 THE COURT: Thank you. Anybody else?
12 Yes.
13 PROSPECTIVE JUROR NO. 279: Bernabe,
14 fraud in my bank account twice and contract was not
15 fulfilled so we didn't have to give the money back.
16 THE COURT: So you had kind of a civil
17 issue as well. All right. Thank you. Anybody I
18 missed on that issue? How about kind of turn it
19 around. Have any of you or anyone close to you
20 ever been accused of a crime? That would obviously
21 include being arrested, charged, or convicted of a
22 crime. Anybody? Mr. Jensen.
23 PROSPECTIVE JUROR NO. 197: Yeah
24 several times.
25 THE COURT: What have you been charged

1 of drug paraphernalia.
2 THE COURT: Any of these -- tell me if
3 any of them were in Nevada.
4 PROSPECTIVE JUROR NO. 197: None of
5 them were in Nevada.
6 THE COURT: Okay. What else you got?
7 PROSPECTIVE JUROR NO. 197: Hit and
8 run in Denver.
9 THE COURT: Okay. Anything else?
10 PROSPECTIVE JUROR NO. 197: That's
11 about it.
12 THE COURT: Okay. Thank you. Anybody
13 else? Ms. Itoafa.
14 PROSPECTIVE JUROR NO. 186: 186. That
15 was in Denver about 12 years ago me and my husband
16 we were both arrested. We were arguing. The
17 neighbor call the cops and that was it. Got
18 charged with trespassing and they took it off our
19 record.
20 THE COURT: Okay. Thank you. Anybody
21 else? Yes, Ms. More, 212.
22 PROSPECTIVE JUROR NO. 212: I had a
23 reckless driving.
24 THE COURT: Okay. Here in Las Vegas?
25 PROSPECTIVE JUROR NO. 212: Yup.

1 THE COURT: How long ago?
 2 PROSPECTIVE JUROR NO. 212: In
 3 December.
 4 PROSPECTIVE JUROR NO. 212: I'm sorry,
 5 November.
 6 THE COURT: November of last year.
 7 PROSPECTIVE JUROR NO. 212: Yup.
 8 THE COURT: Thank you. Anybody else
 9 in the middle row?
 10 PROSPECTIVE JUROR NO. 225: 225,
 11 Wilkinson. I had a DUI in 1992.
 12 THE COURT: Here in Las Vegas?
 13 PROSPECTIVE JUROR NO. 225: Illinois.
 14 THE COURT: Okay. Thank you. Anybody
 15 else over here? First row over here.
 16 A PROSPECTIVE JUROR: Could you repeat
 17 the question.
 18 THE COURT: Have you or anyone close
 19 to you ever been charged with a crime?
 20 PROSPECTIVE JUROR NO. 228: Maloney,
 21 228. My brother's in prison in Arizona for mail
 22 fraud, check fraud I guess.
 23 THE COURT: Fraud and theft related
 24 things?
 25 PROSPECTIVE JUROR NO. 228: Yes.

1 THE COURT: Okay. Thank you. Anybody
 2 else in the first row over here? Yes, sir.
 3 Mr. Weeks.
 4 PROSPECTIVE JUROR NO. 377: 377. My
 5 brother's a convicted felon, cocaine possession and
 6 intent to distribute.
 7 THE COURT: What state?
 8 PROSPECTIVE JUROR NO. 377: Virginia.
 9 THE COURT: Virginia. Thank you. Is
 10 he in prison or he's done with that?
 11 PROSPECTIVE JUROR NO. 377: 23 years
 12 ago.
 13 THE COURT: Thank you. Second row.
 14 Mr. Chee.
 15 PROSPECTIVE JUROR NO. 286: The last
 16 question I didn't realize that was family. My mom
 17 was the victim of a hate crime in Arizona.
 18 THE COURT: When was that?
 19 PROSPECTIVE JUROR NO. 286: That was
 20 seven years ago.
 21 THE COURT: In Arizona?
 22 PROSPECTIVE JUROR NO. 286: Yeah.
 23 THE COURT: Okay. Anybody else?
 24 Yes. Mr. Belayneh.
 25 PROSPECTIVE JUROR NO. 292: Yeah. DUI

1 in about '96 in California.
 2 THE COURT: Thank you. Anybody else?
 3 The same thing we talked about earlier the DUI from
 4 back in the mid-'90s.
 5 PROSPECTIVE JUROR NO. 293: Yes.
 6 THE COURT: Thank you.
 7 PROSPECTIVE JUROR NO. 293:
 8 California.
 9 THE COURT: Yeah. Mr. Cooper.
 10 PROSPECTIVE JUROR NO. 316: I had a
 11 DUI in 1970. I just paid a fine.
 12 THE COURT: That's badge No. 316.
 13 Thank you. All right. Is there anybody here who
 14 will tend to give more weight or credence or less
 15 weight or credence to the testimony of a police
 16 officer just because the person was a police
 17 officer without giving any consideration to all the
 18 other facts and circumstances in evidence?
 19 Mr. Jensen.
 20 PROSPECTIVE JUROR NO. 197: When I was
 21 arrested in Utah, the police officer beat me up,
 22 beat my friend up and then he lied about it in
 23 court so everybody is supposed to swear to tell the
 24 truth and all the police officers involved in the
 25 incident lied in court.

1 THE COURT: So you think you would
 2 tend to maybe hold that against any police officers
 3 who testified in this case.
 4 PROSPECTIVE JUROR NO. 197: Yes.
 5 THE COURT: Okay. Thank you. Anybody
 6 else? Yeah. Mr. --
 7 PROSPECTIVE JUROR NO. 284: 284.
 8 THE COURT: Thank you, Mr. McKee.
 9 PROSPECTIVE JUROR NO. 284: I think
 10 they tell the truth.
 11 THE COURT: Okay. Every witness who
 12 comes in swears an oath to get up there and tell
 13 the truth about what happened.
 14 PROSPECTIVE JUROR NO. 284: I guess
 15 I'd believe them over somebody else maybe who
 16 wasn't an officer.
 17 THE COURT: Okay. Thank you. Anybody
 18 else? No more hands. Thank you. Does everybody
 19 agree that they will be able to wait in forming
 20 your opinion as to whether Mr. Slaughter was guilty
 21 or not guilty of the charges that he faces until
 22 after you've heard all of the evidence and been
 23 given legal instructions by the Court?
 24 It simply means you can't make up your
 25 mind after the State gives an opening statement or

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1 Mr. Fumo has a chance to cross-examine the
2 witness. You have to keep an open mind, get all
3 the evidence and hear the jury instructions, then
4 you go back and you deliberate. That's when you
5 sit down and you discuss the case amongst
6 yourselves and then you give opinions about the
7 various charges.

8 Does everybody agree they'd be able to
9 do that? Anybody have any problems I should say.
10 I see no hands. Thank you.

11 All right. Those are all the
12 questions I have for you. I appreciate everybody's
13 time and patience with me. I'm going to turn it
14 over to the State now for questioning. Ms. Fleck.

15 MS. FLECK: Thank you, Your Honor.
16 Okay. Ladies and gentlemen, we've talked an awful
17 lot today about reasons that people can't serve or
18 reasons that people maybe don't want to serve.
19 Anyone that when you got your summons and were
20 asked to come down here today, anyone that actually
21 didn't mind or kind of looked forward to this
22 process? Yes, Ms. Metz. How did you feel when you
23 are got your summons?

24 PROSPECTIVE JUROR NO. 200: I think
25 like the judge says, it's a privilege.

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1 MS. FLECK: So you thought something
2 that wasn't necessarily a burden. Maybe you'll
3 learn something and it might be kind of
4 interesting.

5 PROSPECTIVE JUROR NO. 200: Right.

6 MS. FLECK: Okay. Anybody else share
7 that belief?

8 PROSPECTIVE JUROR NO. 225: 225,
9 Wilkinson. It's funny that my wife got called jury
10 duty two years ago or last year and I said that I
11 never got called on jury duty here until just come
12 in the mail the other day.

13 MS. FLECK: Yeah, and so you were kind
14 of looking forward to it.

15 PROSPECTIVE JUROR NO. 225: Yes. A
16 lot of people I know of my close friends have been
17 called to jury duty. I was just surprised in
18 Nevada I hadn't been called for the last ten years.

19 MS. FLECK: Was it something that at
20 first they didn't really want to participate and
21 after the trial they had conversations with them
22 and they said it wasn't so bad.

23 PROSPECTIVE JUROR NO. 225: It was
24 just about the summons.

25 MS. FLECK: Why? Were you kind of

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1 excited to get it but I guess not necessarily
2 excited that it wasn't a complete drag or burden
3 for you.

4 PROSPECTIVE JUROR NO. 225: It's a
5 privilege.

6 MS. FLECK: Okay. So you understand
7 the importance then of it and see it as your
8 contribution to the community.

9 PROSPECTIVE JUROR NO. 225: Right.

10 MS. FLECK: Thank you, Mr. Wilkinson.
11 Anyone else? Is it Mr. Fuller?

12 PROSPECTIVE JUROR NO. 325: Yes,
13 Fuller, 325. I just think it would be interesting
14 to see the court process without actually being the
15 person on either side.

16 MS. FLECK: Okay. Not sitting where
17 Mr. DiGiacomo and I are certainly or the
18 defendant. Okay. Again, just being a part of the
19 process and seeing how this part of the criminal
20 justice system works.

21 PROSPECTIVE JUROR NO. 325: Yeah.

22 THE COURT: Okay. Thank you. Anyone
23 else? So I think it's pretty clear -- oh, I'm
24 sorry. Mr. --

25 A PROSPECTIVE JUROR: Are the

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1 questions for us also?

2 MS. FLECK: Up until the 32.

3 A PROSPECTIVE JUROR: Okay. I was
4 looking forward as the other one said. It's my
5 civic duty, part of living in this country. The
6 timing is kind of bad. I'm busy at work and all
7 but I'm looking forward to it nonetheless.

8 MS. FLECK: Okay. Thank you, probably
9 not always the most convenient thing but I
10 appreciate that. Thank you. So after hearing all
11 the questions from Judge Herndon, it's probably
12 become clear to everyone that the point to all of
13 this from both sides is to get a number of jurors
14 that can listen to the evidence in this case, base
15 a verdict solely on that evidence, can be
16 open-minded and fair to both sides.

17 At the end if you're chosen, you'll
18 deliberate and you'll be told that your job is to
19 do equal and exact justice for both the State and
20 the defense so just keep that in mind when you
21 answer the remainder of my questions and, you know,
22 just really be honest with myself and with us that
23 you can do that.

24 Not to pick on anyone but I do want to
25 go through some of the answers that you all made to

1 the judge kind of get into those a little bit more
 2 and then I'll have some general questions just kind
 3 of generic. The judge asked everyone if you knew
 4 anyone from state, if you knew anyone from the
 5 District Attorney's office and I'd like to open
 6 that up just a little bit.
 7 Is anyone close personal friends or
 8 have a family member that's a criminal defense
 9 attorney in town? Okay. Seeing no responses.
 10 Anyone -- I know that we heard from --
 11 Mr. Jensen.
 12 PROSPECTIVE JUROR NO. 380: 380,
 13 Lippisch.
 14 THE COURT: Who do you know?
 15 PROSPECTIVE JUROR NO. 380: My
 16 friend -- I went to college with him -- was
 17 friends with him in college so I've known him ten
 18 years.
 19 MS. FLECK: Just having both grown up
 20 in the community. Who is he?
 21 PROSPECTIVE JUROR NO. 380: Pete
 22 Christiansen is criminal.
 23 MS. FLECK: No problem, thank you.
 24 Anybody -- like I said, we've heard from Mr. Jensen
 25 who had some strong feelings about law enforcement

1 and maybe the criminal justice system. Anybody
 2 else have an experience in their life that has
 3 created a strong feeling one way or the other about
 4 the criminal justice system? Anybody?
 5 PROSPECTIVE JUROR NO. 328:
 6 MacPherson, I watch a lot of the trials on TV. I'm
 7 an avid court watcher. I watch all the shows on TV
 8 and like I've done when I was speaking to the judge
 9 I have a tremendous prejudice against defense
 10 attorneys. I can't overcome it. So I don't know
 11 that I would be good for a jury just like DUI
 12 drivers people they have four and five and six
 13 offenses, but yet they can pay a defense attorney
 14 and they're out walking and driving and killing
 15 other people's family members.
 16 My sister was killed by a drunk
 17 driver. I've known several people in my life that
 18 have four, five, six, bang. They go to a defense
 19 attorney, bang, they're out on the street again. I
 20 can't seem to separate that.
 21 MS. FLECK: First of all, the trials
 22 that you watch on TV are those major ones like the
 23 O.J. Simpson?
 24 PROSPECTIVE JUROR NO. 328: That was
 25 when I was dismissed from the same place I'm

1 sitting at now. I was one of the alternate jurors,
 2 the 14th, and they asked me the same type of
 3 questions you're asking me now and that was not the
 4 time to call me.
 5 MS. FLECK: So these are real trials
 6 not like CSI type shows that we watch.
 7 PROSPECTIVE JUROR NO. 328: No. I
 8 watched that one. I was glued to the TV.
 9 MS. FLECK: Are you basically saying
 10 no matter what evidence is presented in this case,
 11 you will use your prior experience in this
 12 courtroom to try to make a decision in this case?
 13 You couldn't listen to the evidence and give
 14 Mr. Slaughter--
 15 PROSPECTIVE JUROR NO. 328: I can
 16 try. I can tell you I will try. With my mental
 17 mindset I can't honestly 100 percent tell you yes.
 18 MS. FLECK: You're comfortable with
 19 the fact that everyone is entitled to a defense.
 20 PROSPECTIVE JUROR NO. 328: Yes,
 21 ma'am.
 22 MS. FLECK: Under the Constitution
 23 everyone is entitled to go to trial and to have a
 24 defense, but you don't think you could respect that
 25 in this courtroom and you would bring your prior

1 experience.
 2 PROSPECTIVE JUROR NO. 328: I don't
 3 want to disrespect the courtroom but it's, I have a
 4 very bad mindset you're guilty until proven
 5 innocent.
 6 MS. FLECK: Okay. So even though the
 7 judge has clearly told you that that's not the law.
 8 PROSPECTIVE JUROR NO. 328: I
 9 understand that.
 10 MS. FLECK: Okay. All right. No. I
 11 appreciate your honesty very much. Okay. Anybody
 12 else have such a strong feeling and not necessarily
 13 negative one way or the other about law enforcement
 14 or the criminal court system? Mr. Chee.
 15 PROSPECTIVE JUROR NO. 286: My brother
 16 served on a jury about seven or eight years ago in
 17 a civil trial and we discussed the trial
 18 afterwards. The judge had basically submitted
 19 evidence that was very pertinent to the outcome of
 20 the case and we felt it was so pertinent because of
 21 that one little piece that was not allowed. It was
 22 favorable to one side and not the other.
 23 MS. FLECK: You said your brother sat
 24 on that jury?
 25 PROSPECTIVE JUROR NO. 286: Yes.

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1 MS. FLECK: And then he came home and
2 relayed to you what happened.
3 PROSPECTIVE JUROR NO. 286: We
4 discussed it and felt like the issue was not
5 represented.
6 MS. FLECK: Of course. I mean did
7 your brother know why that --
8 PROSPECTIVE JUROR NO. 286: It was
9 something real small. It happened that the person
10 that was suing the other person they had dated and
11 the judge said no.
12 MS. FLECK: Okay.
13 PROSPECTIVE JUROR NO. 286: So I'm a
14 bit of a skeptic when it comes to the law.
15 MS. FLECK: And how do you think that
16 that experience that your brother had had as a
17 juror and that he related to you, how do you think
18 that would effect your ability to sit as a fair and
19 impartial juror in this particular case or do you
20 think that it would?
21 PROSPECTIVE JUROR NO. 286: I think
22 that it could to a certain extent.
23 MS. FLECK: In what way?
24 PROSPECTIVE JUROR NO. 286: If the
25 judge said, for example, in this case where

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1 something came up could I completely discount that
2 piece of information because the judge said that
3 should be allowed or would it still be in the back
4 of my mind helping me make a decision on whether or
5 not, you know, that assists with the case, that
6 would help sway me one way or the other.
7 MS. FLECK: So just kind of overall
8 you come into this courtroom a little bit skeptical
9 about the criminal justice system. Okay. Thank
10 you. And Mr. Balakrishnan.
11 PROSPECTIVE JUROR NO. 300: I've been
12 watching (inaudible) criminal (inaudible) O.J.
13 Simpson so my mind is not what the evidence
14 presented. I have my own opinion, this is what
15 it's going to be. So I have my own, you know, kind
16 of opinion.
17 MS. FLECK: You watched the most
18 recent O.J. Simpson trial.
19 PROSPECTIVE JUROR NO. 300: Both, the
20 one before, every day.
21 MS. FLECK: So what was it about that
22 trial or watching those trials that made you -- I
23 mean I hear you saying, you know, you have your own
24 opinions like I hope everyone in the room does.
25 PROSPECTIVE JUROR NO. 300: Yeah.

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1 MS. FLECK: And that if your opinion
2 differs from the law that the judge reads for you,
3 that you would follow your opinion over the law.
4 PROSPECTIVE JUROR NO. 300: Yeah, it
5 depends on some point I brought up my opinion but
6 (inaudible) evidence for.
7 MS. FLECK: Okay. Well, if you're
8 chosen to be a juror, you would take an oath and
9 under that oath you would be promising to follow
10 the law and only the law that the judge read to you
11 that's pertinent. So are you saying you would not
12 be able to do that, that if the judge read you a
13 law that differed with something you believed, you
14 thought it was silly, you thought that shouldn't be
15 the law, that you knew better that you would follow
16 your own belief over the law?
17 PROSPECTIVE JUROR NO. 300: I would
18 try to follow the law but still my opinion should
19 be --
20 MS. FLECK: Okay. That it should be
21 counted.
22 PROSPECTIVE JUROR NO. 300: Yeah.
23 MS. FLECK: But what if your opinion
24 was about what the law is? The legislature makes
25 the law. That's the guideline that Mr. DiGiacomo

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1 and I have to present our case within, that the
2 entire case is within just the parameters of that
3 law that the judge reads to you. We're all bound
4 by that including the jurors.
5 So if the judge -- if the law differed
6 from what you believe, would you follow your oath
7 and abide by the law or would you allow your own
8 personal belief to override that?
9 PROSPECTIVE JUROR NO. 300: Abide by
10 that.
11 MS. FLECK: Okay. But, well, I guess
12 what you can't tell me is that you would follow the
13 law.
14 PROSPECTIVE JUROR NO. 300: Oh, yeah,
15 I would follow the law but my own opinion should be
16 regarded too. As a human I can sit down and listen
17 to all the evidence, receive from what I heard but
18 I might have my own judgment. Okay? What if, you
19 know.
20 MS. FLECK: And certainly, you know,
21 you'll be instructed that common sense -- as the
22 judge has already told you, you bring your common
23 sense with you and that's something that's a little
24 bit different so everyone has their opinions or
25 their experiences but when it comes to the law,

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1 your oath is that that's what you follow. Okay?
 2 What was it about that trial that you
 3 watched that made you think that you couldn't
 4 follow the law?
 5 PROSPECTIVE JUROR NO. 300: Probably
 6 sometimes it's impossible, can't be this person
 7 cannot do this, you know, some kind of, you know,
 8 things which I cannot really understand how could
 9 this person do this so I might (inaudible). Okay.
 10 This is evidence.
 11 MS. FLECK: Okay. All right. Thank
 12 you. And, Ms. More, along those lines I think that
 13 you had expressed something similar which was if
 14 your opinion differed from what the law was, that
 15 you would allow your opinion to override the
 16 instruction or the oath that you had taken.
 17 PROSPECTIVE JUROR NO. 300: Well, I'm
 18 experience -- I guess what I was trying to say
 19 sometimes from what -- for example, there is a
 20 certain evidence that's presented and like witness
 21 is saying something and then one of the attorneys
 22 says like I object and the judge says you have to
 23 let all of the last five minutes of the evidence,
 24 you cannot take it as and evidence so like I
 25 already heard that part so I didn't hear it? I

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1 have my own opinion about everything that was said.
 2 MS. FLECK: Yeah. And you know, there
 3 are probably things that have happened even thus
 4 far today that people question why it happened that
 5 day or why the courtroom runs the way that it does
 6 but, again, would you be able to listen to the
 7 judge's instructions and listen to the law that you
 8 reviewed and abide by what he reads you?
 9 PROSPECTIVE JUROR NO. 300:
 10 Absolutely.
 11 MS. FLECK: Pardon me?
 12 PROSPECTIVE JUROR NO. 300: I
 13 absolutely can try.
 14 MS. FLECK: Okay. So is it more just
 15 than that you kind of question on how it's done or
 16 is it that your opinion would take precedence?
 17 PROSPECTIVE JUROR NO. 300: I really
 18 don't know. I guess I remember about something I
 19 said but (inaudible).
 20 MS. FLECK: You would love to follow
 21 the law.
 22 PROSPECTIVE JUROR NO. 300: Yeah.
 23 MS. FLECK: Okay. We had some people
 24 that had discussed some financial hardship.
 25 Ms. Jamerson, when you had expressed that, you felt

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1 that this would be too much of a financial stress
 2 for you. You're employed with Amazon. And did
 3 Amazon, will Amazon pay you if you are on the
 4 jury?
 5 PROSPECTIVE JUROR NO. 068: No.
 6 MS. FLECK: Do you know that already?
 7 PROSPECTIVE JUROR NO. 068: Yes.
 8 MS. FLECK: You've inquired with
 9 them?
 10 PROSPECTIVE JUROR NO. 068: Yes.
 11 MS. FLECK: How much then of a
 12 financial stress is that going to be if you're
 13 asked to serve as a juror?
 14 PROSPECTIVE JUROR NO. 068: They had
 15 laid me off and I just had a miscarriage. I have
 16 bills, \$2,000, \$4,000 from the hospital that I have
 17 to pay. I was laid off. Today was my fourth day
 18 back at work and I already took off.
 19 MS. FLECK: So you've been laid off
 20 and now you're back at work?
 21 PROSPECTIVE JUROR NO. 068: Yes.
 22 MS. FLECK: So if you're not there
 23 next week, is it something that you won't be able
 24 to make the bills?
 25 PROSPECTIVE JUROR NO. 068: I have to

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1 pay bills that I already -- like everybody else at
 2 work. We plan this paycheck. I'm going to pay
 3 this with this paycheck. I'm going to pay that.
 4 If I don't work that week, I don't get a paycheck.
 5 I get paid every week, every Friday.
 6 MS. FLECK: So those are essential in
 7 your life?
 8 PROSPECTIVE JUROR NO. 068: Right. I
 9 don't live with my mother or none of that.
 10 MS. FLECK: Okay. And how long did
 11 you say that you had just been back to work?
 12 PROSPECTIVE JUROR NO. 068: My first
 13 day back was Monday.
 14 MS. FLECK: Okay. I want to talk to
 15 you also a little bit about being a victim of a
 16 crime since I'm already chatting with you. You
 17 were involved, you and your boyfriend were involved
 18 in a drive-by shooting and that was just this past
 19 Christmas Eve.
 20 PROSPECTIVE JUROR NO. 068: We were on
 21 the freeway, Cheyenne and 215, going to do some
 22 last minute shopping. A burgundy SUV (inaudible)
 23 don't know them. We don't associate with them like
 24 that. They shot at us three times. They shot my
 25 boyfriend in the face. He was hospitalized. I

1 laid off right after he got shot because I have to
2 take care of him.
3 MS. FLECK: You said you never had
4 seen these people before.
5 PROSPECTIVE JUROR NO. 068: We never
6 saw them before. All we saw was the burgundy SUV.
7 A .9 millimeter gun and the bullet is still in my
8 boyfriend head.
9 MS. FLECK: Your boyfriend didn't know
10 who these people were?
11 PROSPECTIVE JUROR NO. 068: No.
12 MS. FLECK: Any idea why this
13 happened?
14 PROSPECTIVE JUROR NO. 068: No.
15 MS. FLECK: Just seemed to be
16 completely random?
17 PROSPECTIVE JUROR NO. 068: The police
18 told us around Christmas time and New Year's they
19 told us that random shootings occur so they said
20 that's probably what happened. We haven't heard
21 anything back from them so I don't know what's
22 going on.
23 MS. FLECK: So now it's May. You
24 haven't heard anything since when?
25 PROSPECTIVE JUROR NO. 068: Since I

1 listen to testimony from officers that are involved
2 with Metro or North Las Vegas, be able to listen to
3 their testimony and separate the case that is
4 somewhat, I guess it's not really an active case
5 'cause they haven't caught anybody but it's still
6 active in your life that you're still able to
7 separate it.
8 Would you be able to separate that?
9 PROSPECTIVE JUROR NO. 068: Yes.
10 MS. FLECK: Having been involved in
11 something traumatic, how would you feel in a case
12 you're going to hear evidence about firearms,
13 you're going to hear about somebody being shot?
14 PROSPECTIVE JUROR NO. 068: It makes
15 me uneasy. That was the first time anybody has
16 been shot in front of me.
17 MS. FLECK: How do you think that
18 would effect you listening to the evidence in this
19 case and again, just no wrong answer. We just want
20 you to be honest. It's really important that
21 nothing from that experience comes into this
22 courtroom and that both the State and the defense
23 have an open mind not clouded by something that
24 just so recently happened.
25 PROSPECTIVE JUROR NO. 068: My mind

1 want to say February.
2 MS. FLECK: What are your feelings
3 about the fact that you haven't heard from Metro
4 again?
5 PROSPECTIVE JUROR NO. 068: It makes
6 me upset because I feel like they're not trying.
7 If I got shot or somebody else got shot, if their
8 family member got shot, they would want to know
9 what happened. Why isn't anybody doing anything
10 about it? Why do I have to continue to call, call,
11 call, call to see what's going on? Okay?
12 MS. FLECK: Okay. So I mean I can
13 kind of sense just from, you know, your, the way
14 that you're kind of tensing up a little bit now
15 that this is something that is upsetting to you.
16 Do you have feelings now about Metro,
17 about law enforcement based upon the fact that you
18 haven't heard from anyone since January, that you
19 don't feel like you're really being, it's being
20 followed up on.
21 PROSPECTIVE JUROR NO. 068: I really
22 don't have too much against it. Yes, I'm upset
23 about it but I know how to separate me from what's
24 going on but yes, it does upset me.
25 MS. FLECK: Would you be able to

1 might be a little clouded from the fact he got
2 shot. I've been with my boyfriend for three years
3 and to know he got shot it wasn't his fault. He
4 did nothing wrong so to sit here and hear that
5 somebody else got shot, it does touch me.
6 MS. FLECK: In a way that you may not
7 be able to really listen to the evidence?
8 PROSPECTIVE JUROR NO. 068: I can't
9 say unless -- 'cause I don't know the situation.
10 It could be a totally different situation but I
11 really can't say if I'll be able to separate it.
12 MS. FLECK: Okay. But it's a
13 concern?
14 PROSPECTIVE JUROR NO. 068: Yes.
15 MS. FLECK: Okay. Thank you. I
16 appreciate your honesty. Okay. Let's see.
17 Ms. (unintelligible), you also had discussed a
18 financial hardship. Tell me about what's going on
19 in your life.
20 A PROSPECTIVE JUROR: Right now I have
21 a really sick sister. A lot of problems. Each day
22 you don't know if she's going -- I always go to
23 sleep not knowing if I'm going to see her, not
24 knowing if (inaudible) I'm the one that earns the
25 most (inaudible) working.

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1 I have a lot of things going on at
2 home and even going back and forth to California
3 Cedar Sinai, she has to (inaudible) other
4 opinions. They're talking about doing a heart
5 transplant, lung transplant. There's just a lot
6 going on. It would be kind of hard, you know.
7 Maybe if I was in a different situation, I wouldn't
8 have any problems but with everything that's going
9 on right now it's a little bit hard.

10 MS. FLECK: Okay. So -- and I am
11 sorry. You know, I'm sorry to even have to talk to
12 you about it and clearly it's something that you're
13 very upset about it. I'm not trying to upset you
14 even more.

15 A PROSPECTIVE JUROR: I understand.

16 MS. FLECK: Probably we wouldn't have
17 your full attention. Is that fair to say?

18 A PROSPECTIVE JUROR: Right.

19 MS. FLECK: Maybe this isn't the best
20 time to sit as a juror.

21 A PROSPECTIVE JUROR: That's what I'm
22 trying to say. I would have moved, if I would have
23 (inaudible) experience (inaudible) different
24 situation. You know, (inaudible) through all this.

25 MS. FLECK: Okay. All right. Thank

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1 you. Mr. Jensen, we heard from you. Also you just
2 started a job?

3 PROSPECTIVE JUROR NO. 197: Yes.

4 MS. FLECK: Congratulations on getting
5 a job right now and you're in the carpenter union.

6 PROSPECTIVE JUROR NO. 197: Yes, I am.

7 MS. FLECK: Will you get paid through
8 that job if you sit as a juror?

9 PROSPECTIVE JUROR NO. 197: No.

10 MS. FLECK: And is that something that
11 you've already inquired about?

12 PROSPECTIVE JUROR NO. 197: No, but I
13 know. We don't get paid if we don't work. We get
14 paid by the hour.

15 MS. FLECK: Well, I think there's
16 times you don't get paid, you know, there are
17 times, I mean I don't get paid if I don't work
18 either but if I had to sit as a juror, I would get
19 paid.

20 Have you inquired whether that is an
21 option in your job?

22 PROSPECTIVE JUROR NO. 197: I know
23 it's not but no, I did not ask them.

24 MS. FLECK: Okay. And then
25 financially is, what next week, is it a situation

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1 that your financial hardship would preclude you
2 from paying essential bills?

3 PROSPECTIVE JUROR NO. 197: The way it
4 is is in the construction business with me not
5 being able to be there, they need -- the progress
6 of the job still needs to go on so they will hire
7 someone else to put in my position so they're not
8 necessarily going to lay me off work but they will
9 hire somebody else. The job still has to go on.

10 MS. FLECK: Okay. Let's talk a little
11 bit more then about your feelings. You expressed
12 some pretty strong feelings about law enforcement
13 based upon this experience with you when you were
14 arrested. You recounted a number of arrests. Any
15 of those -- I think you said none of them were in
16 Nevada.

17 PROSPECTIVE JUROR NO. 197: None of
18 them were in Nevada.

19 MS. FLECK: And was it, it was -- tell
20 me about the one where there was police brutality
21 and you felt like the police were lying.

22 PROSPECTIVE JUROR NO. 197: I was
23 handcuffed sitting on the sidewalk and they told my
24 friend to put his hands on the hood and he put his
25 hands on the hood and the cops kicked him in the

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1 back of the leg and I said excuse me, is all this
2 roughness necessary, and he picked me up and
3 smacked my head on the car like three times then
4 threw me back on the ground and told me if I ever
5 mentioned anything about police brutality again,
6 he'd give me another adjustment.

7 MS. FLECK: And how long ago was
8 that?

9 PROSPECTIVE JUROR NO. 197: That was
10 about ten years ago.

11 MS. FLECK: Is that something that you
12 have been able to separate throughout this last ten
13 years from your experience versus law enforcement
14 in general or is that something that you have
15 carried with you through the last ten years where
16 you have such an overriding feeling from that about
17 cops, about law enforcement, that you don't think
18 you can listen to the testimony from other law
19 enforcement, from other cops?

20 PROSPECTIVE JUROR NO. 197: I didn't
21 know that before they go to court they all sit
22 around in the same room. They talk about what
23 they're supposed to say in court and they get their
24 story right and everything and I'm sure they talk
25 with you about it and everybody else over what

1 everybody is supposed to say.

2 MS. FLECK: Well, so when you say that
3 you know that, you know that they sit around and
4 talk about what they're supposed to say, that's
5 your opinion.

6 PROSPECTIVE JUROR NO. 197: Yeah.
7 They all say the same story.

8 THE COURT: We're having a lot of
9 people kind of talking over each other when we're
10 getting the questions out so you've got to let
11 Ms. Fleck finish the question before you start your
12 answer and then somebody has to stop when that
13 occurs.

14 MS. FLECK: I'm sorry. I'm guilty of
15 that all the time. So I'll try not to talk over as
16 well. But when you say that you know that that,
17 that everyone kind of devises their story, that's
18 your opinion.

19 PROSPECTIVE JUROR NO. 197: That's
20 right.

21 MS. FLECK: That before officers would
22 testify that they would be kind of meeting with
23 Mr. DiGiacomo and I getting together with us and
24 making up our stories. Is that your --

25 PROSPECTIVE JUROR NO. 197: Yeah.

1 your honesty. Thank you. Ms. Lynch, you also had
2 discussed that you had two jobs right now and that
3 you were having some issues with your job. What
4 are your concerns regarding finances or your job?

5 PROSPECTIVE JUROR NO. 385: Well, I
6 just started my second job. Last Tuesday was my
7 first day and the deal was with my boss like I work
8 the first two weeks full time and then I can work
9 part-time and I had to take last Saturday off to
10 take my SATs and then today I had to take off to
11 come here and I don't know. I know that she can't
12 fire me for it but I don't doubt that she would
13 hire somebody else.

14 MS. FLECK: Okay. We learned that you
15 are living with Judge Mosley. So clearly you'll
16 still have a place to live and your bills are
17 getting taken care of. So I guess then my next
18 concern would be you expressed a little bit that
19 you think that you will have a bias because of your
20 relationship with Judge Mosley, your relationship
21 with his son.

22 Why do you feel that you would be
23 biased in this case?

24 PROSPECTIVE JUROR NO. 385: He has
25 kind of somewhat of like what I've heard him say

1 I've heard that from other people before that
2 police officers lied in court in order to get a
3 conviction.

4 MS. FLECK: Fair to say that if we put
5 officers on the stand, you're not going to be
6 listening to their testimony with an open mind.

7 PROSPECTIVE JUROR NO. 197: Depending
8 on what they're going to say.

9 MS. FLECK: There's no wrong answer.
10 I mean I want you to be totally honest. You can't
11 get into trouble. There's not going to be anyone
12 judging you for anything that you say. It's just,
13 again, I just stress it's so important that both
14 the State and the defense have people listening
15 that have an open mind and come here almost with a
16 clean slate for this particular case.

17 You have your common sense but aren't
18 clouded by something that's happened in the past.
19 You can just listen to the evidence here and base
20 your verdict solely on that and what I hear from
21 you is you have such strong feelings there's just
22 no way you can do that.

23 PROSPECTIVE JUROR NO. 197: That's
24 correct.

25 MS. FLECK: All right. I appreciate

1 every single day I've gotten some of his court
2 sessions I guess and sometimes from what he said
3 and from like past opinions like I'll be honest, I
4 don't like cops at all. I'm kind of iffy about
5 them and in some situations I just want, like I
6 honestly think that if somebody's like here and
7 you're like in trouble and they got caught from the
8 cops like I honestly think they're guilty. If
9 there's a suspicion and you've been caught by the
10 cops, I think you're guilty. I honestly don't
11 think there's a way to prove you're not guilty.

12 MS. FLECK: You bring up a good point
13 and I think the judge went through this a little
14 bit but the defendant doesn't have an obligation to
15 prove himself not guilty. Mr. DiGiacomo and I have
16 the burden in this case to present all the evidence
17 to prove our case beyond a reasonable doubt so
18 Mr. Slaughter and his defense attorneys they don't
19 have to do anything so are you saying that
20 regardless you almost feel as though he's going to
21 to have to prove himself not guilty as opposed to
22 us proving that he's guilty beyond a reasonable
23 doubt.

24 PROSPECTIVE JUROR NO. 385: Yes.

25 MS. FLECK: Okay. I guess it's kind

1 of funny just 'cause on the one hand you say you
2 don't like cops so I would think, I would almost
3 think you would think the opposite but your not
4 trusting of officers necessarily but you feel that
5 the defendant should have to prove his case.
6 Okay. If the judge gives you an instruction, tells
7 you that that's not the law, that Mr. DiGiacomo and
8 I have the burden, do you think that you'll still
9 have those feelings?

10 I mean can you abide by your oath if
11 you're chosen to be a juror or would you have your
12 own opinion which is that the defense should have
13 to prove their case, prove him, Mr. Slaughter not
14 guilty?

15 PROSPECTIVE JUROR NO. 385: I'll
16 follow the law but like in my head I still have an
17 opinion and it's a little bit hard for me to
18 separate that from what you guys, like what the
19 judge said.

20 MS. FLECK: Okay. Thank you,
21 Ms. Lynch. I appreciate your honesty. And finally
22 on this financial line of questioning,
23 Mr. Belayneh, you had expressed some concern also
24 about your financial situation.

25 PROSPECTIVE JUROR NO. 292: Yes,

1 but if you do seven days or more --

2 MS. FLECK: Okay. Mr. Lozano and
3 Mr. Wilkinson, you two have had the honor of
4 serving as jurors in the past. Anything about that
5 experience that makes you -- well, Mr. Wilkinson, I
6 already know fully for you so Mr. Lozano, anything
7 about that experience that made you think, you
8 know, I just never want to do this again? It was
9 the worse experience of my life. If I ever have to
10 be a juror again, it will be the worst thing that's
11 ever happened to me.

12 PROSPECTIVE JUROR NO. 189: No.
13 Actually it was pretty interesting.

14 MS. FLECK: Okay. So you then weren't
15 too disappointed to come in today.

16 PROSPECTIVE JUROR NO. 189: Not at
17 all.

18 MS. FLECK: Where was that?

19 PROSPECTIVE JUROR NO. 189: Here in
20 Las Vegas.

21 MS. FLECK: And you said it was 33
22 years ago or so.

23 PROSPECTIVE JUROR NO. 189:
24 Approximately 30 -- 30 to 32 years from what I
25 recall.

1 ma'am.

2 MS. FLECK: And you are a driver. Who
3 do you drive for?

4 PROSPECTIVE JUROR NO. 292: I drive
5 cab.

6 MS. FLECK: For which company?

7 PROSPECTIVE JUROR NO. 292: For
8 Henderson.

9 MS. FLECK: And will you get paid
10 through them if you are chosen to sit as a juror?

11 PROSPECTIVE JUROR NO. 292: That I
12 don't know. The only thing I know if I don't
13 drive, I don't make my commission.

14 MS. FLECK: You don't get tips.

15 PROSPECTIVE JUROR NO. 292: I don't
16 make my tips so my income --

17 MS. FLECK: Is it such a situation
18 like it is with Ms. Jamerson that you feel like it
19 would be, your mind wouldn't even necessarily be in
20 the courtroom because you're so worried about your
21 bills or you're in such a situation that if you
22 don't get paid next week, you may not be able to
23 pay essential bills of your life.

24 PROSPECTIVE JUROR NO. 292: Yeah.

25 Like a short period of time but a day I can manage

1 MS. FLECK: Clearly I wasn't the D.A.
2 Mr. DiGiacomo was.

3 PROSPECTIVE JUROR NO. 189: I was a
4 young man too.

5 MS. FLECK: Just joking. But in all
6 seriousness.

7 PROSPECTIVE JUROR NO. 189: I was
8 really at one time.

9 MS. FLECK: In all seriousness nothing
10 about this, you know, setting that is familiar or
11 played a part in that jury selection or service
12 that you participated in.

13 PROSPECTIVE JUROR NO. 189: No.

14 MS. FLECK: Okay. Thank you,
15 Mr. Lozano. Okay. Number of victims of a crime.
16 Mr. Lozano, you were the victim of a stolen car ten
17 years ago here. Metro investigated it and no one
18 was apprehended.

19 PROSPECTIVE JUROR NO. 189: That's
20 correct.

21 MS. FLECK: How do you feel about the
22 fact that no one was ultimately apprehended? Do
23 you feel that it was because of the circumstances
24 of this crime or do you feel that it was a fault of
25 Metro?

1 PROSPECTIVE JUROR NO. 189: It was the
2 circumstances. It was found abandoned in an
3 apartment building. Ran out of gas.
4 MS. FLECK: Okay. And so it was just
5 no hard feelings.
6 PROSPECTIVE JUROR NO. 189: No.
7 MS. FLECK: No hard feelings against
8 Metro.
9 PROSPECTIVE JUROR NO. 189: The only
10 thing is they impounded it Thursday night and
11 didn't call me until the following Monday so I had
12 to pay like \$400 to get it out.
13 MS. FLECK: Out of the impound.
14 Okay. So no issues with law enforcement. No
15 issues with Metro. No issues with serving.
16 PROSPECTIVE JUROR NO. 189: No.
17 MS. FLECK: If you're chosen as a
18 juror in this case, any problem -- if we prove our
19 case beyond a reasonable doubt, any problem finding
20 the defendant guilty?
21 PROSPECTIVE JUROR NO. 189: No
22 problem.
23 MS. FLECK: And if you're chosen to be
24 a juror in this case, do you promise you'll do the
25 very best job you can possibly do?

1 PROSPECTIVE JUROR NO. 189: Yes.
2 MS. FLECK: Okay. Thank you,
3 Mr. Lozano. Mr. Jensen, you were also the victim
4 of a couple crimes, stolen vehicles your car and
5 identity theft. No one was caught. Can I assume
6 that this also kind of going along the same lines
7 before not really satisfied with law enforcement in
8 this regard either.
9 PROSPECTIVE JUROR NO. 189: Yeah,
10 because I noticed first thing in the morning that
11 someone had broken in my vehicle. I had about
12 \$4,000 worth of tools in my vehicle and I called
13 the police immediately and they said we'll send an
14 officer right over and four to five hours go by.
15 I called them back and asked them
16 where's the officer. They said we're not going to
17 send him over today. If you need to file a police
18 report today, you have to come down here. So I
19 drove to the police station and I asked them, are
20 you going to take fingerprints or anything, and
21 they told me that I contaminated the crime scene by
22 driving the vehicle over there so they weren't
23 going to take anything. They didn't even go look
24 at the cab.
25 MS. FLECK: Again not satisfied --

1 PROSPECTIVE JUROR NO. 189: Not
2 satisfied.
3 MS. FLECK: -- with Metro. Just
4 solidified in your mind that basically not to be
5 trusted, that cops are not anyone that you can
6 listen to with an open mind.
7 PROSPECTIVE JUROR NO. 189: Just my
8 personal opinion.
9 MS. FLECK: Absolutely. You're
10 totally entitled to that. Okay. Thank you,
11 Mr. Jensen. Mr. Rowland also the victim of stolen
12 automobile and a home invasion burglary.
13 PROSPECTIVE JUROR NO. 221: We were
14 out of town.
15 MS. FLECK: And where was that?
16 PROSPECTIVE JUROR NO. 221: That was
17 in Brawley, California.
18 MS. FLECK: Did you tell the judge?
19 I'm sorry. I'm moving a little fast. Did you tell
20 the judge someone had been prosecuted or not?
21 PROSPECTIVE JUROR NO. 221: No.
22 MS. FLECK: Did you feel that that was
23 a symptom of the way that the crime took place or
24 did you feel that that was something that law
25 enforcement failed to do?

1 PROSPECTIVE JUROR NO. 221: It was
2 probably the way the crime took place. The street
3 we lived on had a couple houses that were drug
4 houses and it was someone just passing through
5 trying to find some drugs so they didn't really
6 find anyone.
7 MS. FLECK: It's just unfortunate
8 there wasn't more evidence. You mentioned -- any
9 issues then with that experience? Anything that
10 leaks over into your overriding feelings of
11 prosecutors or state or law enforcement? No?
12 Okay.
13 You mentioned that you were a
14 full-time student.
15 PROSPECTIVE JUROR NO. 221: Yes.
16 MS. FLECK: What are you studying?
17 PROSPECTIVE JUROR NO. 221: Business.
18 MS. FLECK: Well, obviously here,
19 right? Online or are you going to university?
20 PROSPECTIVE JUROR NO. 221: Online.
21 MS. FLECK: So is your schedule then a
22 little bit more flexible given that you're taking
23 online courses?
24 PROSPECTIVE JUROR NO. 221: It is as
25 far as the time, the deadlines.

1 MS. FLECK: Is it something that you
2 feel you could get done after hours here and also
3 in the morning. The judge mentioned that he's
4 going to have some morning calendars.
5 PROSPECTIVE JUROR NO. 221: It's not
6 like we would be starting real early every day.
7 MS. FLECK: Is that something you feel
8 you can, say, fit in?
9 PROSPECTIVE JUROR NO. 221: Yeah, but
10 like when I leave here, I'm going to go to work
11 tonight to make up what I missed today so both of
12 those together causes more of a time crunch.
13 MS. FLECK: And how much -- your work
14 in ministry?
15 PROSPECTIVE JUROR NO. 221: Well, the
16 weddings that I do. The ministry doesn't pay
17 anything right now so I do weddings to supplement
18 that.
19 MS. FLECK: Where do you do weddings?
20 PROSPECTIVE JUROR NO. 221: Excalibur
21 and (inaudible) west.
22 MS. FLECK: They get dressed up in all
23 the knights and damsels in distress. Okay. So do
24 you think that you can juggle it all? I mean is it
25 something that we're going to have your attention?

1 was prosecuted.
2 PROSPECTIVE JUROR NO. 325: No, ma'am.
3 MS. FLECK: Any issues with the fact
4 that somebody wasn't apprehended in that theft?
5 PROSPECTIVE JUROR NO. 325: No,
6 ma'am. There wasn't any way you could find out who
7 the person was so I wouldn't have expected the
8 police to be able to.
9 MS. FLECK: So no issues then with law
10 enforcement.
11 PROSPECTIVE JUROR NO. 325: No, ma'am.
12 MS. FLECK: You do some security.
13 PROSPECTIVE JUROR NO. 325: Yeah. I
14 crunch the numbers for the guys who go out.
15 MS. FLECK: Are you doing then more of
16 a desk job?
17 PROSPECTIVE JUROR NO. 325: Desk job.
18 MS. FLECK: Out on the beat?
19 PROSPECTIVE JUROR NO. 325: Definitely
20 desk job.
21 MS. FLECK: Okay. So any experiences
22 doing any kind of security work more out in the
23 field?
24 PROSPECTIVE JUROR NO. 325: Not in the
25 field.

1 I understand that it's not something that -- you
2 know, that it might be a burden, that it's probably
3 not the best timing but can we -- can we get your
4 attention for the week if you're asked to sit as a
5 juror?
6 PROSPECTIVE JUROR NO. 221: Yes.
7 MS. FLECK: Okay. And no problem
8 following the law even if it differs from your
9 opinion. If we prove our case to you beyond a
10 reasonable doubt, any problem finding the defendant
11 guilty?
12 PROSPECTIVE JUROR NO. 221: No.
13 MS. FLECK: And if you're chosen to be
14 a juror and asked to deliberate in this case, you
15 promise to do the best job you can possibly do.
16 PROSPECTIVE JUROR NO. 221: Uh-huh.
17 MS. FLECK: Okay. Thank you,
18 Mr. Rowland.
19 MS. FLECK: Okay. Mr. Fuller, you
20 were the victim of a stolen motorcycle. Well I
21 don't know why I just said that. Anyway you had a
22 motorcycle and it was stolen.
23 PROSPECTIVE JUROR NO. 325: Yes,
24 ma'am.
25 MS. FLECK: Here in Nevada. No one

1 MS. FLECK: Okay. And you expressed
2 also that you felt that it was your duty to be here
3 and to participate in this service?
4 PROSPECTIVE JUROR NO. 325: Yes,
5 ma'am.
6 MS. FLECK: If you were Mr. DiGiacomo
7 and I representing the state or Mr. Fumo and
8 Mr. Marcello representing Mr. Slaughter, would you
9 want somebody like you with your mindset to sit as
10 a juror?
11 PROSPECTIVE JUROR NO. 325: Yes,
12 ma'am.
13 MS. FLECK: Why?
14 PROSPECTIVE JUROR NO. 325: I want to
15 be as impartial as possible and follow, you know,
16 the rules of the Court so I would -- if I were to
17 be tried, I would want for someone to be, you know,
18 look for what the Court's going to do.
19 MS. FLECK: Okay. And you can base
20 your decision solely on the evidence that's
21 presented in this trial.
22 PROSPECTIVE JUROR NO. 325: Yes,
23 ma'am.
24 MS. FLECK: You'll promise you'll do
25 the best job you can possibly do if you're chosen

1 to be a juror.
 2 PROSPECTIVE JUROR NO. 325: Yes,
 3 ma'am.
 4 MS. FLECK: Thank you, Mr. Fuller.
 5 Ms. MacPherson, you were the victim of a battery
 6 domestic violence here in Las Vegas.
 7 PROSPECTIVE JUROR NO. 325: Yes,
 8 ma'am.
 9 MS. FLECK: Now, was that a boyfriend
 10 or --
 11 PROSPECTIVE JUROR NO. 325: It was a
 12 continuance 11 years abuse.
 13 MS. FLECK: But your partner then
 14 was?
 15 PROSPECTIVE JUROR NO. 325: My
 16 husband.
 17 MS. FLECK: Your husband throughout
 18 the time that you guys were together that this
 19 happened. Was there one incident where there was
 20 an arrest or were there multiple?
 21 PROSPECTIVE JUROR NO. 325: Multiple
 22 times he was taken away and the same thing happened
 23 with the next significant other I chose so I'm not
 24 looking.
 25 MS. FLECK: Your picker's broken?

1 system?
 2 PROSPECTIVE JUROR NO. 325: Just the
 3 fact that the next significant other I had had so
 4 many DUIs under his belt it's absurd. We're not
 5 together. He still continues to drive because he
 6 still has a driver's license because he's been to
 7 court on several different occasions and paid the
 8 amount and he's back out there free to go kill
 9 somebody else.
 10 MS. FLECK: Okay. Ms. More, you also,
 11 'like Mr. Fuller, had a motorcycle stolen. That was
 12 back in Florida. Any residual issues with law
 13 enforcement, the fact that nobody was apprehended
 14 in that case?
 15 PROSPECTIVE JUROR NO. 212: No.
 16 MS. FLECK: No? Do you have any -- I
 17 mean I think you've already said this but no
 18 overriding issues with law enforcement or Metro.
 19 You do talk about the fact that you
 20 work graveyard. What time do you get off?
 21 PROSPECTIVE JUROR NO. 212: 5:00 in
 22 the morning. Well, I'm home around 6:00.
 23 MS. FLECK: So would you be working --
 24 if you're chosen to be a juror next week, would you
 25 be working next week?

1 PROSPECTIVE JUROR NO. 325: Yes.
 2 MS. FLECK: Mine too. Don't worry.
 3 So there was -- you went through some sort of court
 4 process.
 5 PROSPECTIVE JUROR NO. 325: They did.
 6 They were always in court.
 7 MS. FLECK: Were you ever a witness?
 8 Did you ever have to come in and testify?
 9 PROSPECTIVE JUROR NO. 325: No. I had
 10 to sign paperwork and they had to go to their
 11 classes and do their thing and they'd arrest them,
 12 put them in jail for the weekend, that type of
 13 thing then I'd get restraining orders. It was just
 14 a continuous. It wasn't anything where I was
 15 sitting and talking in court like this. No, I
 16 didn't go through that.
 17 MS. FLECK: You've heard a little bit
 18 already about your feelings just kind of your bias
 19 against the defense and obviously that doesn't
 20 necessarily make you the best --
 21 PROSPECTIVE JUROR NO. 325: Correct.
 22 MS. FLECK: -- for a jury in a
 23 criminal case. Anything about that experience with
 24 your ex and going through that process, any other
 25 feelings you had about that about the justice

1 PROSPECTIVE JUROR NO. 212: Anywhere
 2 from Monday through Thursday, yeah.
 3 MS. FLECK: Is it the situation where
 4 you can take those nights off -- I mean
 5 realistically do you think that if you're out --
 6 you're a dancer. Do you think that realistically
 7 you could go to your job at night, come in here and
 8 then listen to the evidence that we present
 9 throughout the entire day?
 10 PROSPECTIVE JUROR NO. 212: Probably
 11 not.
 12 MS. FLECK: And is it a situation that
 13 you can take those nights off or is that -- are you
 14 in a financial situation that if you didn't have
 15 the income, you would be as Ms. Jamerson?
 16 PROSPECTIVE JUROR NO. 212: It's not
 17 that bad, no.
 18 MS. FLECK: It's not that bad. So you
 19 could figure out a way that you can come, that you
 20 could be receptive and open, listen to the State,
 21 listen to the evidence presented.
 22 PROSPECTIVE JUROR NO. 212: Yeah.
 23 MS. FLECK: Okay. You know, listen --
 24 you know, fair to defense, fair to the State that
 25 you're here present, have clarity and can

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1 participate.
 2 PROSPECTIVE JUROR NO. 212: Right.
 3 MS. FLECK: Yes. Okay. If you were
 4 representing the State in this case or sitting
 5 representing the defendant, would you want someone
 6 like you with your mindset as a juror?
 7 PROSPECTIVE JUROR NO. 212: I don't
 8 see why not.
 9 MS. FLECK: Okay.
 10 PROSPECTIVE JUROR NO. 212: I guess
 11 we're all human and we're all very different so
 12 (inaudible) to find out who's right or who's wrong
 13 (inaudible).
 14 MS. FLECK: To figure out who is right
 15 and who is wrong?
 16 PROSPECTIVE JUROR NO. 212: Well,
 17 there was a right type of people or a wrong type of
 18 people.
 19 MS. FLECK: Well, the wrong type of
 20 people are people that can't do the things that
 21 we've been, you know, that can't listen. The wrong
 22 type of people are people that are going to, who
 23 are going to rule on the case before they've heard
 24 the evidence or who are going to not listen to what
 25 Judge Herndon tells them. Those are the wrong

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1 types of people, somebody who has such a
 2 predisposed feeling about law enforcement or about
 3 the State or about criminals as Ms. MacPherson that
 4 they just can't listen. They can't do their job.
 5 That's the wrong type of person. You don't feel
 6 like you fall into any of those categories.
 7 PROSPECTIVE JUROR NO. 212: I can do
 8 it. I know I can.
 9 MS. FLECK: All right. Thank you.
 10 It's not in any way you're negative. Again,
 11 there's no wrong answers. The only thing we ask is
 12 that everybody is honest. As Judge Herndon said,
 13 this might not be the right case to sit on. Maybe
 14 a civil case, you know, would be better. But
 15 don't, please don't apologize.
 16 Ms. Metz, you were -- just in 2010 you
 17 had filed a Complaint against your husband for
 18 stalking.
 19 PROSPECTIVE JUROR NO. 200: Yeah.
 20 MS. FLECK: And again, sorry, it's
 21 probably a little bit personal but what were the
 22 circumstances surrounding that?
 23 PROSPECTIVE JUROR NO. 200: We
 24 separated. We began the process of divorce and
 25 started dating again, and he was showing up at my

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1 property (inaudible) different times of day.
 2 Nothing like violent or physical interaction but it
 3 just --
 4 MS. FLECK: Freaked you out?
 5 PROSPECTIVE JUROR NO. 200: Like a
 6 violation of privacy.
 7 MS. FLECK: Okay. You say that it
 8 hasn't gone anywhere yet but it's still an open
 9 case.
 10 PROSPECTIVE JUROR NO. 200: Right.
 11 MS. FLECK: How do you feel -- was it
 12 Metro?
 13 PROSPECTIVE JUROR NO. 200: Yes.
 14 MS. FLECK: Okay. How do you feel
 15 about the fact that nothing had been done on the
 16 case since Christmas? Do you feel that it's a
 17 circumstance of the case or do you feel that law --
 18 that Metro specifically hasn't done their job?
 19 PROSPECTIVE JUROR NO. 200: I think
 20 I'm pretty neutral. I understand Metro has
 21 (inaudible) but I also know that they need certain
 22 (inaudible) evidence and certain eye witnesses and
 23 (inaudible) situation and it's not there so I just
 24 pretty much did it for a matter of protection.
 25 MS. FLECK: You realize they can't

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1 just (inaudible) something.
 2 PROSPECTIVE JUROR NO. 200: Right.
 3 MS. FLECK: So nothing against law
 4 enforcement or Metro from that.
 5 PROSPECTIVE JUROR NO. 200: No.
 6 MS. FLECK: Okay. Any issues with
 7 kind of the things that we've been talking about
 8 today in terms of the purpose of all of these
 9 questions and what you'll ultimately be asked to
 10 do? How do you feel about, you know, that it was
 11 mentioned earlier by Ms. More I think that there's
 12 a number of people from all different walks of life
 13 and different experiences.
 14 „ How do you feel about deliberating,
 15 the process of deliberating, going back, talking,
 16 exchanging ideas with people that you don't know,
 17 maybe older than you, may have more experience than
 18 you. Any problem with that?
 19 PROSPECTIVE JUROR NO. 200: Not at all
 20 (inaudible) the reason behind.
 21 MS. FLECK: Okay. No problem sharing
 22 ideas and kind of holding onto your own convictions
 23 and your own belief once you would be asked to
 24 deliberate?
 25 PROSPECTIVE JUROR NO. 200: Not at

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1 all.
 2 MS. FLECK: If we proved our case
 3 beyond a reasonable doubt, any problems coming back
 4 in here and finding the defendant guilty?
 5 PROSPECTIVE JUROR NO. 200: Not at
 6 all.
 7 MS. FLECK: You promise to do the best
 8 job you can possibly do.
 9 PROSPECTIVE JUROR NO. 200: Yes.
 10 MS. FLECK: Mr. Gapp, you were the
 11 victim of a home burglary in Arizona.
 12 PROSPECTIVE JUROR NO. 346: Yes.
 13 MS. FLECK: And a car burglary here
 14 but you got your car back.
 15 PROSPECTIVE JUROR NO. 346: Right.
 16 MS. FLECK: I assume you're not upset.
 17 PROSPECTIVE JUROR NO. 345: No. It's
 18 kind of humorous. They took a bag that I used to
 19 put my workout clothes in and it was used workout
 20 clothes. I wasn't upset about it. You know, they
 21 broke the windshield on the passenger side door.
 22 That was the only thing. It was at work and I
 23 talked to our security onsite and the cameras
 24 didn't pick up anything so there was really no
 25 evidence.

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1 MS. FLECK: More of a pain?
 2 PROSPECTIVE JUROR NO. 345: Yeah, more
 3 of a pain than anything.
 4 MS. FLECK: Okay. Any issues then
 5 with law enforcement with the criminal justice
 6 system at all?
 7 PROSPECTIVE JUROR NO. 345: No.
 8 MS. FLECK: When you got your summons
 9 to come down here today, how did you feel about
 10 that?
 11 PROSPECTIVE JUROR NO. 345: Well, as I
 12 said before, I was, it's not great timing for it.
 13 A lot of things going on at work but I was, you
 14 know, happy to sort of do my duty. This is a great
 15 country we live in and part of living here.
 16 MS. FLECK: Great. Thank you. I
 17 appreciate that. I have actually a straight line
 18 of prior victims here. Mr. Doxie, you were also a
 19 victim of a burglary and in your case somebody was
 20 apprehended.
 21 PROSPECTIVE JUROR NO. 355: Yes, they
 22 were.
 23 MS. FLECK: Where was that?
 24 PROSPECTIVE JUROR NO. 355: Here in
 25 Las Vegas.

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1 MS. FLECK: How long ago was that?
 2 PROSPECTIVE JUROR NO. 355: About
 3 five, six years ago.
 4 MS. FLECK: Okay. Were you happy with
 5 the job that law enforcement did for you in that
 6 case?
 7 PROSPECTIVE JUROR NO. 355: Well, I
 8 want to say that they really -- I guess they caught
 9 him but what they did was they went to purchase a
 10 lot of stuff at Walmart and the way they caught him
 11 was they went to pay their phone bill with one of
 12 the credit cards. That's how they caught them.
 13 MS. FLECK: So they used the proceeds
 14 with what they got from you, went out shopping
 15 around town, and ultimately they caught them.
 16 Okay. Any feeling then about the whole process of
 17 the criminal justice system based about your
 18 experience with it?
 19 PROSPECTIVE JUROR NO. 355: Well, like
 20 I say, they called me up and told me they caught
 21 them. I didn't have to come to court or anything
 22 so I don't know what the whole procedure was. I
 23 came down and signed papers and that was it.
 24 MS. FLECK: Okay. Then so I guess
 25 back to my, the question then do you have any, you

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1 sound like you're okay with that experience but any
 2 issues with law enforcement or the criminal justice
 3 system?
 4 PROSPECTIVE JUROR NO. 355: Yes. I've
 5 been through experiences where I've been stopped
 6 multiple times and other things that, you know,
 7 panned out to be nothing on my part but it's tough
 8 (inaudible) stopping (inaudible) you know.
 9 MS. FLECK: To do what? I'm sorry.
 10 PROSPECTIVE JUROR NO. 355: Roused.
 11 MS. FLECK: Roused?
 12 PROSPECTIVE JUROR NO. 355: Yeah.
 13 MS. FLECK: Okay. Again, I don't want
 14 to necessarily pry too much but, you know, it's
 15 important for us to hear that. It's important for
 16 us to hear what your prior experiences were and,
 17 you know, I can kind of sense from you that you're
 18 a little bit -- that you have something more to say
 19 or more feelings than just, well, everything with
 20 law enforcement is fine so what is it that has
 21 happened in your past that has made you have the
 22 opinions or the feelings that you have today about
 23 the criminal justice system?
 24 PROSPECTIVE JUROR NO. 355: Well,
 25 there's a couple of things that I can go back on

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1 way back in the past where, you know, when you get
2 beaten for no reason, you know, that's tough, you
3 know, and in a different, a whole different light
4 on things that you've been taught, you know. And
5 well, happens to me like that, you know, and then
6 the only thing when they come back to tell you they
7 apologize, apologize doesn't cover everything, you
8 know, and then, you know, you got other people
9 looking at you like, you know, you did something
10 wrong.

11 MS. FLECK: Right.

12 PROSPECTIVE JUROR NO. 355: You got to
13 walk around with that type of guilt. You know,
14 it's not that good.

15 MS. FLECK: Right. Well, and I'm
16 sorry that you, you know, experienced those kind of
17 situations, you were involved in those kind of
18 situations. Is it something that, you know, we're
19 kind of talking in code a little bit.

20 When you say people do this or when
21 you've been beaten, this is through law
22 enforcement.

23 PROSPECTIVE JUROR NO. 355: Yes.

24 MS. FLECK: Members of law enforcement
25 in what city?

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1 PROSPECTIVE JUROR NO. 355: Michigan,
2 Phoenix, Arizona; Saginaw, Michigan; Phoenix. I've
3 even been stopped here for multiple reasons.

4 MS. FLECK: You've been stopped here?

5 PROSPECTIVE JUROR NO. 355: Yeah.
6 I've been stopped here too.

7 MS. FLECK: So I guess -- okay. The
8 judge asked the question have you been, has anyone
9 been accused of a crime and I can't remember. I
10 don't think that you --

11 PROSPECTIVE JUROR NO. 355: I never
12 been accused of a crime.

13 MS. FLECK: So when you say stopped,
14 it's just like in traffic stops.

15 PROSPECTIVE JUROR NO. 355: Well,
16 traffic stops or robbery stops I mean just stopped.

17 MS. FLECK: Okay. So you've been
18 questioned but then not gone on to be charged with
19 anything or to be arrested or accused of something.

20 PROSPECTIVE JUROR NO. 355: I've never
21 been arrested.

22 MS. FLECK: Okay. Is there -- I mean
23 is this something that, it appears as though it's
24 something that is pervasive within you and how you
25 feel about the criminal justice system. Is that a

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1 fair statement?

2 PROSPECTIVE JUROR NO. 355: Yes. I
3 mean, when I was growing up, you're taught right
4 from wrong and the law is supposed to be pretty
5 much with you until, you know, you do something
6 other than, you know (inaudible) and it's happening
7 to you. You're asking yourself why is it happening
8 to me and not just like one time, you know,
9 multiple times. You have to question it.

10 MS. FLECK: Right.

11 PROSPECTIVE JUROR NO. 355: You know.

12 MS. FLECK: Yeah.

13 PROSPECTIVE JUROR NO. 355: You know,
14 and then plus, you know, I guess me being I guess
15 older -- I'm in my 60s -- but back, back during the
16 civil rights time that things was happening back
17 then. Things is a whole lot better now but when
18 you're young, you know, that stays with you.

19 MS. FLECK: I mean it definitely
20 creates who you are today.

21 PROSPECTIVE JUROR NO. 355: Yeah.

22 MS. FLECK: So then as you sit here
23 today with those experiences, do you think that
24 Mr. DiGiacomo and I have any chance of presenting
25 our case to you and having you listen, digest the

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1 evidence, and base a verdict solely on that
2 evidence and not on everything that you've
3 experienced that has created your mindset?

4 Do you think we even have a chance at
5 presenting our case to you or do you think that,
6 you know -- to be fair really to the State do you
7 think that you just aren't the right juror for this
8 particular case?

9 PROSPECTIVE JUROR NO. 355: Well, you
10 know, I've been in military and I, you know, I
11 served my country and I believe in my country. I
12 believe what's right. What is right has got to be
13 right no matter what so if I am a juror, I mean
14 that's what I have to go with my right belief on
15 that.

16 But saying that, there are times
17 where, you know, yes, you know, you're saying okay,
18 everything is right, but some things can't be wrong
19 in there, you know, you have to base that on your
20 experience and I have to base it on my experience
21 so I can't tell you exactly what's going to be what
22 until I --

23 MS. FLECK: You haven't heard the
24 evidence yet.

25 PROSPECTIVE JUROR NO. 355: Right.

1 MS. FLECK: But based upon, you know,
2 and I know I keep repeating the same kind of theme
3 but the judge is going to read you the law and
4 again, you know, you're going to have to listen to,
5 I'll have a number of lay witnesses and victims in
6 this case but we also have a number of members from
7 the North Las Vegas Police Department and that's
8 the evidence of our case and that's the evidence
9 that you're going to have to listen to.

10 Do you think there's any way that you
11 can listen to those officers and just hear what
12 they're saying and just take that testimony and
13 that evidence presented without being clouded by
14 what you've experienced and by the, I mean it
15 sounds like the things that you've experienced are
16 horrible and I don't discount that at all but do
17 you think that -- to be fair do you think you can
18 be open-minded and listen to the evidence in this
19 case or do you think that, you know, you're just,
20 your mindset is kind of already made up?

21 PROSPECTIVE JUROR NO. 355: Maybe I'm
22 a little bit too old to try and say okay,
23 everything is okay. You know what I'm saying?
24 Everything is not okay now. Things still happens
25 and you know things happen for a reason.

1 instructions by me.

2 I can tell you the good news is that
3 since you're been here all day and you're going to
4 have to come back tomorrow, I'm pretty certain that
5 those of you that aren't selected on this case will
6 not be referred out to any other juries and you'll
7 be done with your jury service once you're excused
8 on this case because you're coming in on two
9 different dates on this case. That's the best I
10 can tell you. When you come back, just come
11 straight up to the 16th floor.

12 We're going to start at 10:30 so try
13 to be here no later than 10:15 so try to be here.
14 (Whereupon, the prospective
15 jurors retired from the
16 courtroom at 5:08 p.m. and
17 the following proceedings
18 took place outside their
19 presence:)

20 THE COURT: Anybody have anything
21 outside the presence?

22 MS. FLECK: No, sir.

23 THE COURT: Okay. See you in the
24 morning.
25

1 MS. FLECK: Okay. Thank you.

2 PROSPECTIVE JUROR NO. 355: I can't
3 figure out -- it's hard to say.

4 MS. FLECK: Okay, Mr. Doxie. I
5 appreciate your honesty, thank you.

6 THE COURT: If you're going to move on
7 from Mr. Doxie, let's go ahead and take our evening
8 recess. We've gone a little bit past
9 5:00 o'clock. Ladies and gentlemen, we are going
10 to start tomorrow -- I would like to start by 10:00
11 but I'm guessing it might be closer to 10:30 so be
12 here no later than 10:15. I would anticipate we'll
13 get our jurors selected by the noon hour.

14 I apologize to you. We didn't get a
15 little further today but that's partly my fault but
16 anyway during this recess, it is your duty not to
17 converse among yourselves or with anyone else on
18 any subject connected with the trial or to read,
19 watch or listen to any report of or commentary on
20 the trial by any person connected with the trial or
21 by any medium of information, including, without
22 limitation, newspaper, television, radio, and the
23 internet, and you are not to form or express an
24 opinion on any subject connected with this case
25 until it is finally submitted to you, under

1 AFFIRMATION

2 Pursuant to NRS 239B.030
3

4 The undersigned does hereby affirm that the
5 preceding transcript filed in District Court Case
6 No. C204957 does not contain the social security
7 number of any person.
8
9
10
11

12
13 Dated this ^{20th} day of August, 2011.
14
15
16
17
18

19 Cheryl Gardner, CCR 230, RPR, RMR
20
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA)

4) ss

5 COUNTY OF CLARK)

6

7 I, Cheryl Gardner, RMR-RPR, CCR 230,
8 do hereby certify that I took down in Stenotype all
9 of the proceedings had in the before-entitled
10 matter at the time and place indicated and that
11 thereafter said shorthand notes were transcribed
12 into typewriting by me and that the foregoing
13 transcript constitutes a full, true, and accurate
14 record of the proceedings had.

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand and affixed my official seal of office
17 in the County of Clark, State of Nevada, this 20th
18 day of August, 2011.

19

20

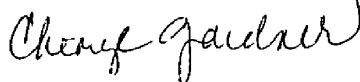
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CHERYL GARDNER, RMR-RPR, CCR 230

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 CLERK COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA



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7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 RICKIE SLAUGHTER,)

11 Defendant.)

Case No.

C204957

Dept. No. 3

 04C204957
 TRAN
 Reporters Transcript
 1595586


12

13

JURY TRIAL

14

Before the Honorable Douglas W. Herndon
Friday, May 13, 2011, 9:00 a.m.

16 Reporter's Transcript of Proceedings

17

18 APPEARANCES:

19

For the State: Marc DiGiacomo, Esq.
Chief Deputy District
Attorney
Michelle Fleck, Esq.
Deputy District Attorney

For the Defendant: Osvaldo Fumo, Esq.
Dustin Marcello, Esq.

24

25 REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

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1 TRAN

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4 IN THE EIGHTH JUDICIAL DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 THE STATE OF NEVADA,)
8 Plaintiff,)
9 vs.) Case No.
10 RICKIE SLAUGHTER,) C204957
11 Defendant.) Dept. No. 3

12
13 JURY TRIAL

14 Before the Honorable Douglas W. Herndon
15 Friday, May 13, 2011, 9:00 a.m.

16 Reporter's Transcript of Proceedings
17

18 APPEARANCES:

19 For the State: Marc DiGiacomo, Esq.
20 Chief Deputy District
21 Attorney
22 Michelle Fleck, Esq.
23 Deputy District Attorney
24 For the Defendant: Osvaldo Fumo, Esq.
25 Dustin Marcello, Esq.

26 REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

1 Las Vegas, Nevada, Friday, May 13,
2 2011

3 * * * * *

4 THE COURT: Okay. We are back
5 on the record, 204957, State of
6 Nevada versus Rickie Slaughter.
7 He is present with his
8 attorney.

9 The State is present.

10 The prospective jurors are
11 present.

12 Welcome back, ladies and
13 gentlemen. We will continue on with
14 the State's questioning of the
15 panel.

16 Ms. Fleck.

17 MS. FLECK: Thank you. Okay.
18 Good morning, again, everyone welcome
19 back.

20 I think we left off -- I just
21 had spoken with Doxie.

22 Mr. Doxie, one thing before I
23 move on that I wanted to talk about
24 was, I think that you had mentioned
25 earlier that you suffer from

1 vertigo.

2 THE PROSPECTIVE JUROR: Yes.

3 MS. FLECK: Does that affect
4 you on a daily basis?

5 THE PROSPECTIVE JUROR: What
6 it does, you don't know if you could
7 move, get up your motion, your legs,
8 they go rubbery.

9 MS. FLECK: Your equilibrium
10 is off?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: Does it affect
13 your thinking when you are dizzy, it
14 makes you feel sick, or is it just
15 something that you suffer from when
16 you are kind of walking around and
17 moving?

18 THE PROSPECTIVE JUROR: I
19 can't move. I can't walk. It is
20 almost like a paralyzed state.

21 MS. FLECK: But it is nothing
22 that would affect your ability to sit
23 as a juror?

24 THE PROSPECTIVE JUROR: No.

25 MS. FLECK: Thank you. I am

1 sorry.

2 THE PROSPECTIVE JUROR: Good
3 morning.

4 I wanted to bring up
5 something I failed to talk about
6 yesterday.

7 I've been married to my wife
8 for about 15 years and it is my
9 second marriage.

10 Prior to that I met her 2
11 years prior to that. In between the
12 time I met her and by the time we got
13 married, her ex-husband got convicted
14 of felony aggravated stalking, and I
15 was involved somewhat on that in the
16 proceeding -- not proceedings, but
17 the case, when the stalking was going
18 on, I was dating her at the time and
19 then some of the attacks, the verbal
20 harassment, and harassing me at work
21 so much so that we broke off our
22 relationship for a time.

23 MS. FLECK: Was it ever
24 something that went to a trial or any
25 kind of a prosecution?

5

1 THE PROSPECTIVE JUROR: Yes.
2 I didn't have to testify, but my then
3 girlfriend did.
4 MS. FLECK: Is there anything
5 about going through that experience
6 with her and I guess having some
7 contact with the criminal justice
8 system, is there anything about that
9 experience that has left you with an
10 opinion about the system or about
11 criminals, about anything that you
12 might bring into this courtroom?
13 THE PROSPECTIVE JUROR: No, I
14 think I can.
15 MS. FLECK: Thank you.
16 Ms. Rhines, you had also been the
17 victim of a car burglary?
18 THE PROSPECTIVE JUROR: Yes.
19 MS. FLECK: That was about 12
20 years ago in California?
21 THE PROSPECTIVE JUROR: Yes.
22 MS. FLECK: Was someone
23 apprehended in that case?
24 THE PROSPECTIVE JUROR: No.
25 MS. FLECK: How did you feel

6

1 about the fact that no one was ever
2 found?
3 THE PROSPECTIVE JUROR: It
4 was upsetting. The fact is when it
5 took place, I was actually in my
6 apartment sleeping.
7 I heard the person break in
8 my car. This was in LA. The cars are
9 in the back alley, so where my
10 apartment was, my car was right
11 underneath.
12 You could hear it, not
13 knowing what it was. It kind of
14 scared me that if they know where I
15 live, that I may be burglarized
16 again.
17 It was more of a fear that
18 they might come back, because I just
19 went out and found out that it was
20 broken into.
21 I didn't make a report of
22 it. They only got like a \$20.00 boom
23 box.
24 MS. FLECK: It was upsetting
25 to you because you were the victim of

7

1 crime?
2 THE PROSPECTIVE JUROR: Yes.
3 MS. FLECK: Yesterday, when
4 Mr. Doxie was describing some of the
5 things that he had been through and
6 the experiences that he had that led
7 him to some pretty strong beliefs, I
8 noticed that you were kind of nodding
9 along to some of the things that he
10 said.
11 What were you feeling when
12 Mr. Doxie was describing the things
13 that he had been through?
14 THE PROSPECTIVE JUROR: Well,
15 just in my experience, not per se,
16 I've been pulled over by a police
17 officer, but I've been pulled over
18 with people, like my father,
19 ex-boyfriend, husband.
20 It has always been an
21 occurrence where I have been a
22 passenger being pulled over with a
23 male, a black male inside of a
24 vehicle.
25 We weren't doing anything but

8

1 driving around. I've had that
2 happen. Maybe other people don't
3 have to do that, because I have 2
4 boys, that I really, really believe
5 that I feel like I have to teach my
6 sons to be very -- when they are
7 pulled over, how to react or act when
8 a police officer pulls them over.
9 My 2 boys are 7 and 9. It is
10 to teach them that when a police
11 officer pulls you over, how to
12 survive that.
13 MS. FLECK: You expressed
14 that you feel that way because they
15 are young black men?
16 THE PROSPECTIVE JUROR: That
17 is correct.
18 MS. FLECK: How do you think
19 that that experience -- let me ask
20 you this; you would agree with me
21 that a police officer is a profession
22 like a lot of other professions,
23 would you agree; there's good people
24 and bad people in all professions?
25 THE PROSPECTIVE JUROR:

9

1 Exactly.

2 MS. FLECK: While there may

3 have been in some of the experiences

4 that you have had or that Mr. Doxie

5 had an officer that had a different

6 motive or a reason for pulling

7 somebody over, that's wouldn't be

8 true for all police officers?

9 THE PROSPECTIVE JUROR:

10 That's correct.

11 MS. FLECK: How would that

12 experience or those feelings that you

13 have play into this case at all that

14 Mr. Slaughter is a black male, that

15 you will be hearing from officers in

16 this case, will your feelings be

17 swayed at all; given that you will be

18 hearing from officers, do you think

19 that that will play into your

20 deliberation or your thought process

21 when you are deliberating?

22 THE PROSPECTIVE JUROR: I

23 don't believe so.

24 MS. FLECK: How do you think

25 you will be able to separate that,

10

1 given that this is something that you

2 have experienced in your life, and

3 that you kind of firmly believe to

4 the point that you are even

5 conditioning your kids already to

6 kind of be prepared for that, to

7 expect that?

8 THE PROSPECTIVE JUROR: It is

9 a separate case. You have to know

10 what the facts are before you make a

11 decision, so I don't think that would

12 play too much of a part in that.

13 I just know that was my

14 experience. I do feel that I need to

15 instruct my kids that when they are

16 pulled over, how to act, which I

17 think you should act as a human

18 being.

19 But maybe there might be

20 something else there. You might have

21 to be more cautious of that just

22 because of my experience.

23 MS. FLECK: Would you be able

24 to listen to the testimony of an

25 officer with a clear mind and apply

11

1 that to the law in this case to come

2 to a verdict, as opposed to making a

3 decision based on your experience?

4 THE PROSPECTIVE JUROR: Yes,

5 I would be able to do that just like

6 what happened.

7 The other thing I would like

8 to say is, if I can, yesterday,

9 because we were out around 5:08, my

10 kids, as far as picking them up was

11 there on Blue Diamond and Durango.

12 When I left here at 5:22, it

13 was very difficult to try to get them

14 right at 6:00 o'clock.

15 It was really difficult,

16 where I had to pay more because I

17 didn't get there on time.

18 MS. FLECK: Your concern is

19 more scheduling?

20 THE PROSPECTIVE JUROR: Yes,

21 not really the case, I can separate

22 that. I don't have a problem.

23 The time scheduling is very

24 difficult, where currently right now

25 I do work from home, because of the

12

1 fact that I had to pay for baby-

2 sitting yesterday, and that's kind of

3 difficult for me.

4 I don't make that much from

5 home. That expense, if there was a

6 possibility that I was a part of the

7 case, that expense of that extra

8 amount that I had to pay for, it just

9 was kind of difficult.

10 THE COURT: The good news is,

11 if you are a juror, you get to park

12 across the street. You can get there

13 a little quicker, and yesterday I

14 probably should have stopped this

15 earlier, since I knew we weren't

16 going to get through everybody.

17 I apologize. I like to stop

18 at 5:00 o'clock, so that usually they

19 can leave their work in time to

20 pickup their kids.

21 Knowing that you could get to

22 your car quicker, if we are stopping

23 by 5:00 o'clock, does that alleviate

24 your problem?

25 THE PROSPECTIVE JUROR: I

13

1 should be able to get there on
2 time.

3 MS. FLECK: Okay.

4 Based upon the things that
5 you disclosed, your thoughts
6 yesterday when you were listening to
7 Mr. Doxie, Mr. DiGiacomo and I
8 representing the State, would you
9 want someone with your mind set
10 sitting and listening to the evidence
11 in the case; would you be comfortable
12 with that?

13 THE PROSPECTIVE JUROR: Yes.

14 MS. FLECK: You could be fair
15 and impartial?

16 THE PROSPECTIVE JUROR: Yes.

17 MS. FLECK: Mr. Evenson, you
18 were also the victim of a car
19 burglary, and that was back in North
20 Dakota?

21 THE PROSPECTIVE JUROR: Yes.

22 MS. FLECK: Where in North
23 Dakota?

24 THE PROSPECTIVE JUROR: 75
25 miles north of Fargo.

14

1 MS. FLECK: Was someone
2 prosecuted in that case?

3 THE PROSPECTIVE JUROR: No.
4 I didn't report it. The dollar value
5 wasn't that great.

6 I thought I had zero chance
7 of getting it back. It wasn't worth
8 the time.

9 MS. FLECK: And here you were
10 the victim of a fraudulent banking
11 system?

12 THE PROSPECTIVE JUROR: Yes.
13 I reported it to the bank and they
14 reimbursed the money pending
15 investigation.

16 I don't know what -- it
17 didn't really affect me that much.
18 It wasn't a major inconvenience.

19 MS. FLECK: You were paid
20 back?

21 THE PROSPECTIVE JUROR: It
22 was the bank's problem.

23 MS. FLECK: You did it at the
24 bank?

25 THE PROSPECTIVE JUROR: Yes.

15

1 MS. FLECK: Are there any
2 issues that you had with law
3 enforcement, generally speaking in
4 the past, or the criminal justice
5 system?

6 THE PROSPECTIVE JUROR: Not
7 specifically, no.

8 MS. FLECK: Thank you.
9 Ms. Lippisch, you were the victim of
10 a bank robbery?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: You actually were
13 the teller when the bank was robbed,
14 is that right?

15 THE PROSPECTIVE JUROR: He
16 came to me.

17 MS. FLECK: So you were the
18 teller and he came up to you?

19 THE PROSPECTIVE JUROR:
20 Right.

21 MS. FLECK: Tell us what
22 happened.

23 THE PROSPECTIVE JUROR:
24 Actually I was in training. I didn't
25 believe that it was real.

16

1 I thought it was part of the
2 training. He came in yelling, and
3 told us to get on the floor.

4 There were customers on the
5 other side. There was about 4
6 tellers. He came right to my counter
7 and pointed a gun and said everybody
8 get on the floor.

9 We hid under the teller
10 station. He pointed the gun over
11 like this and said you give me all of
12 your money.

13 Don't yell. Don't give me
14 exploding money or panic. I will
15 kill you. He ran out the door. We
16 had given him a tracking device in
17 our 20's and the bank manager had a
18 silencer trip system for the police.

19 They had helicopters and
20 caught him way down the road. I
21 think we were taken by the FBI down
22 to the station. It was a federal
23 case.

24 MS. FLECK: When he first
25 came in you were like the first

17
1 person that he came to?
2 THE PROSPECTIVE JUROR: Yes.
3 He waited in line like a customer. I
4 asked him to come next.
5 MS. FLECK: You had a normal
6 conversation with him at first?
7 THE PROSPECTIVE JUROR: Yes.
8 MS. FLECK: Did you have
9 experience with firearms?
10 THE PROSPECTIVE JUROR: No.
11 MS. FLECK: You thought it
12 was part of your training, so he
13 pulled a gun on you?
14 THE PROSPECTIVE JUROR: Yes.
15 MS. FLECK: Then how much of
16 an exchange did you have with him?
17 At that point in time are you
18 talking with him or does he continue
19 to move on down to other tellers?
20 THE PROSPECTIVE JUROR: At
21 first he yelled; everybody get on the
22 ground. Then he went to individual
23 people one at a time.
24 I don't know if I was first
25 or last. He dropped the gun to show

18
1 us. As we gave him the money, he put
2 us back on the floor.
3 MS. FLECK: You are on the
4 ground?
5 THE PROSPECTIVE JUROR: Yes.
6 MS. FLECK: You get up?
7 THE PROSPECTIVE JUROR: He
8 was kind of mad. We didn't have
9 large sums of money.
10 He wanted to go back to the
11 safe. It was locked. That is only
12 done at night. We couldn't give him
13 large bills.
14 MS. FLECK: Is it that day
15 that you had an opportunity to go
16 down and do a photo lineup?
17 THE PROSPECTIVE JUROR: It
18 was immediately, as soon as they
19 caught him, within 15, 20 minutes
20 they showed up, interviewed us and
21 took us down.
22 MS. FLECK: Is this a person
23 that you had ever seen before?
24 THE PROSPECTIVE JUROR: No.
25 MS. FLECK: It is not like a

19
1 repeat customer?
2 THE PROSPECTIVE JUROR: He
3 actually stole a vehicle from Tucson
4 and drove it up to rob the bank.
5 MS. FLECK: When you went
6 down to do a photo lineup, it was 6
7 pictures on paper and they asked if
8 you recognized anyone?
9 THE PROSPECTIVE JUROR: If
10 you could point out who you saw.
11 THE PROSPECTIVE JUROR: You
12 were able to identify someone?
13 THE PROSPECTIVE JUROR: Yes.
14 MS. FLECK: Did that case go
15 on through prosecution?
16 THE PROSPECTIVE JUROR: Yes.
17 MS. FLECK: Were you involved
18 in that?
19 THE PROSPECTIVE JUROR: No.
20 MS. FLECK: Where did your
21 participation end?
22 THE PROSPECTIVE JUROR: At
23 the police station. After they did
24 the photo lineup, they had enough
25 evidence.

20
1 They caught him with the
2 money. He stole the vehicle. That
3 was all confirmed.
4 MS. FLECK: That's other
5 evidence besides just your
6 identification?
7 THE PROSPECTIVE JUROR: The
8 only time. I was then contacted
9 after that, it was years later, when
10 he was going on for release.
11 They wanted to know if I
12 wanted to sit in. I lived in another
13 state.
14 MS. FLECK: Well, needless to
15 say, that was a terrifying experience
16 for you.
17 Is there anything about that,
18 besides the obvious, that you have
19 been the victim of a very serious
20 violent crime, will you be able to
21 sit as a fair and impartial juror in
22 this case?
23 You heard the charges and
24 heard there's a firearm or a deadly
25 weapon used in this case.

21

1 Is there anything about the
2 , charges you heard or the fact that a
3 weapon was used here, and you had one
4 similarly used on you that would
5 affect your ability to be fair
6 here?

7 THE PROSPECTIVE JUROR: My
8 husband is a police officer. That
9 might sway me a little.

10 MS. FLECK: He is with
11 Henderson?

12 THE PROSPECTIVE JUROR: Yes.

13 MS. FLECK: So is it that you
14 would feel an obligation more to
15 officers?

16 THE PROSPECTIVE JUROR: Yes.

17 MS. FLECK: And you don't
18 think that you could separate it
19 out?

20 THE PROSPECTIVE JUROR: I
21 hear stories every single day, every
22 single time. I am on his side.

23 MS. FLECK: Thank you.

24 Ms. Di Pol?

25 THE PROSPECTIVE JUROR: Yes.

22

1 MS. FLECK: You were the
2 victim of credit card fraud?

3 THE PROSPECTIVE JUROR: Yes.

4 MS. FLECK: Where was that?

5 THE PROSPECTIVE JUROR:
6 Henderson.

7 MS. FLECK: So here in Clark
8 County?

9 THE PROSPECTIVE JUROR: I
10 live in Henderson.

11 MS. FLECK: Was anyone ever
12 found?

13 THE PROSPECTIVE JUROR: Not
14 that I know of. I went to the bank
15 and asked questions.

16 MS. FLECK: Did they
17 basically make you whole with money,
18 reimburse you?

19 THE PROSPECTIVE JUROR: I
20 didn't lose my credit card, somebody
21 got ahold of my pin number.

22 I am the only one that knows
23 it. I told the bank that happened.
24 They told me that somebody must have
25 come up to the machine and copied

23

1 it.

2 MS. FLECK: Okay.

3 Is there anything about that
4 experience that affects your ability
5 to be fair here or that has made you
6 not trust the criminal justice
7 system, or not agree with the way
8 things are done?

9 THE PROSPECTIVE JUROR: No.

10 MS. FLECK: You disclosed you
11 thought you had been arrested or been
12 involved in a felony DUI. I think
13 that based on the way that your case
14 went, maybe it wasn't a felony that
15 you ultimately were charged with when
16 you got the DUI.

17 Did you go through the
18 prosecution, get classes; were you
19 just pulled over?

20 THE PROSPECTIVE JUROR: I
21 spent the night in jail. I went
22 through the classes, paid fines,
23 attended AA, which I learned a lot
24 from.

25 I never drank and drove.

24

1 MS. FLECK: So that just went
2 to Court and they gave you a course
3 of classes to do?

4 THE PROSPECTIVE JUROR: The
5 following day; the only time I went
6 to Court. I don't know whether that
7 is considered a felony.

8 MS. FLECK: I don't think
9 so. All right, so you were happy
10 with the way that you were treated in
11 that case.

12 Did you feel that you were
13 treated with respect, you were
14 treated well by the police officer
15 that you did come into contact with?

16 THE PROSPECTIVE JUROR: Yes.

17 MS. FLECK: Are there any
18 problems that you foresee based on
19 all the questions that I have been
20 asking the last couple of days about
21 your ability to sit as juror in this
22 case?

23 THE PROSPECTIVE JUROR: This
24 is something I have to bring up, that
25 I didn't bring up yesterday. I

25

1 thought about it last night.

2 I think the reason I bring it

3 up, I forgot something that happened

4 in my family about 15 years ago. I

5 don't know if I can be totally

6 impartial to this case, because it

7 had to do with drugs.

8 I am dead set against illegal

9 drugs and the effect it had on my

10 family.

11 MS. FLECK: Well, we read the

12 charges. Mr. Slaughter hasn't been

13 charged in this case with anything

14 that has to do with drugs.

15 I don't anticipate you

16 hearing any evidence in this case

17 about drug use or anything that would

18 touch upon that, whatever it is that

19 you have experienced.

20 THE PROSPECTIVE JUROR: I am

21 glad to hear that.

22 MS. FLECK: I don't see that

23 as a concern, but I guess my concern

24 is; is that if there is something in

25 your mind that makes you think you

26

1 couldn't listen to the Judge's

2 instructions, that you couldn't, if

3 there is any hindrance in your mental

4 ability to sit as a fair juror; here

5 we are, I don't want to embarrass

6 you, open up something that is

7 permanent that you say you have been

8 trying to forget.

9 If there is no drugs, is that

10 the only thing that would preclude

11 you from being fair?

12 If there is no drugs, could

13 you sit as a fair and open minded

14 juror?

15 THE PROSPECTIVE JUROR:

16 Absolutely.

17 MS. FLECK: It was very

18 specific to illegal substances. It

19 is not something that was in the

20 criminal justice system?

21 THE PROSPECTIVE JUROR: No.

22 MS. FLECK: If you were the

23 State in this case or Mr. Fumo

24 representing Mr. Slaughter, would you

25 feel comfortable having a person with

27

1 your mind set sit as a juror?

2 THE PROSPECTIVE JUROR: Yes.

3 MS. FLECK: If we prove our

4 case to you beyond a reasonable

5 doubt, do you have any problem

6 finding the Defendant guilty?

7 THE PROSPECTIVE JUROR: No.

8 MS. FLECK: Thank you.

9 Mr. Cooper, you were twice the victim

10 of burglary, once a car burglary and

11 once a home?

12 THE PROSPECTIVE JUROR: Yes.

13 MS. FLECK: And where were

14 those?

15 THE PROSPECTIVE JUROR: Las

16 Vegas.

17 MS. FLECK: How did you feel

18 about the outcome of those cases or

19 how those cases went through the

20 system?

21 THE PROSPECTIVE JUROR: Okay.

22 MS. FLECK: Can you speak up

23 a little?

24 THE PROSPECTIVE JUROR: I

25 don't know how it turned out. The

28

1 car, they didn't take my car. They

2 broke into my car took.

3 They took my registration and

4 license plate. I was notified a

5 month later they found the

6 registration in California.

7 MS. FLECK: So they basically

8 stole your car's identity and put it

9 on their own car?

10 THE PROSPECTIVE JUROR:

11 Right.

12 MS. FLECK: Were you happy

13 with the way that the cases were

14 resolved, in terms of knowing what

15 the evidence would have been, what

16 your efforts were to try to get law

17 enforcement involved; were you

18 satisfied with that?

19 THE PROSPECTIVE JUROR: Yes.

20 MS. FLECK: You disclosed

21 yesterday that your daughter's friend

22 was the victim of a drive-by here in

23 Las Vegas?

24 THE PROSPECTIVE JUROR: Yes.

25 MS. FLECK: And that the

29

1 person was ultimately found?

2 THE PROSPECTIVE JUROR: Yes.

3 MS. FLECK: When was that?

4 THE PROSPECTIVE JUROR: 20

5 years ago, maybe 25.

6 MS. FLECK: How involved were

7 you with the prosecution of that

8 case?

9 THE PROSPECTIVE JUROR: I

10 wasn't involved at all.

11 MS. FLECK: You didn't have

12 to watch the proceedings, so you just

13 knew what was going on through your

14 friend?

15 THE PROSPECTIVE JUROR: Yes.

16 It was a drive-by shooting at the

17 school.

18 MS. FLECK: Is there anything

19 about that experiences that has left

20 you with any bad feeling about the

21 criminal justice system or crime in

22 general?

23 THE PROSPECTIVE JUROR: No.

24 MS. FLECK: You are a high

25 school teacher?

30

1 THE PROSPECTIVE JUROR: I am

2 a waiter.

3 MS. FLECK: Sorry.

4 Where are you a waiter?

5 THE PROSPECTIVE JUROR: Right

6 now I am working banquets. I work

7 for 7 different hotels.

8 MS. FLECK: Mr. Cooper, then,

9 the same question that I posed to

10 Ms. Di Pol, you had a lot of

11 questions.

12 Is there anything through the

13 last couple of days that you had an

14 opportunity to think about last night

15 that made you think maybe I am not

16 the right person to sit on this jury,

17 maybe I am not the right person to

18 listen to this evidence or keep an

19 open mind in order to deliberate; did

20 anything like that come up?

21 THE PROSPECTIVE JUROR: No.

22 MS. FLECK: You think you can

23 be fair and impartial to both the

24 State and the defense?

25 THE PROSPECTIVE JUROR: Yes.

31

1 MS. FLECK: Thank you,

2 Mr. Cooper.

3 Ms. Lynch, actually we

4 already discussed -- well, I think we

5 already discussed the accident that

6 you had been a witness to; you

7 witnessed a car accident that ended

8 in a fatality?

9 THE PROSPECTIVE JUROR: I was

10 in the car behind.

11 MS. FLECK: Ms. Bernabe.

12 THE PROSPECTIVE JUROR: Yes.

13 MS. FLECK: You had disclosed

14 that you were the victim of a crime.

15 I didn't actually got it written

16 down.

17 THE PROSPECTIVE JUROR: There

18 was a fraudulent activity in the bank

19 account.

20 MS. FLECK: If it helps you,

21 stand up.

22 Just speak louder.

23 THE PROSPECTIVE JUROR: Okay.

24 MS. FLECK: Fraudulent

25 activity?

32

1 THE PROSPECTIVE JUROR:

2 Correct.

3 MS. FLECK: And similar to

4 what some of the other jurors have

5 disclosed?

6 THE PROSPECTIVE JUROR:

7 Correct.

8 MS. FLECK: Did your bank

9 take care of that or did you have to

10 go to law enforcement?

11 THE PROSPECTIVE JUROR: They

12 took care of it, returned my money.

13 It was returned.

14 MS. FLECK: Were you happy

15 with the outcome of that case?

16 THE PROSPECTIVE JUROR: Yes.

17 MS. FLECK: Your husband is

18 in Afghanistan?

19 THE PROSPECTIVE JUROR:

20 Correct. He belongs to the special

21 forces.

22 He is teaching.

23 MS. FLECK: How long has he

24 been there?

25 THE PROSPECTIVE JUROR: 2007.

33

1 MS. FLECK: A long time. Is
 2 there any chance of him coming home
 3 soon?
 4 THE PROSPECTIVE JUROR: He is
 5 offered another company, and he is
 6 considering to stay one more year.
 7 MS. FLECK: He was in the
 8 Army, correct?
 9 THE PROSPECTIVE JUROR:
 10 Retired staff sergeant.
 11 MS. FLECK: Do you know if he
 12 ever did any kind of police work
 13 while he was in, throughout his
 14 entire term in the service?
 15 MS. FLECK: Not really. He
 16 is in charge of the staff in his
 17 company.
 18 MS. FLECK: Nothing where he
 19 was doing arrests or anything like
 20 that?
 21 THE PROSPECTIVE JUROR: No.
 22 MS. FLECK: How do you feel
 23 about serving as a juror; when you
 24 got your summons to come down, what
 25 were your thoughts and feelings?

34

1 THE PROSPECTIVE JUROR:
 2 Actually excited. I think it is a
 3 privilege and an honor to serve.
 4 Again, I was in the Navy and
 5 I was not recalled back. My husband
 6 was.
 7 I was working last night a
 8 12-hour shift. I returned back
 9 here. I am supposed to go back again
 10 at 11. I worked a 12-hour shift and
 11 came straight here. At 12 I am
 12 supposed to work again.
 13 MS. FLECK: Thank you. So
 14 probably also, based upon your
 15 husband being in Afghanistan, you see
 16 this as a duty to your community?
 17 THE PROSPECTIVE JUROR:
 18 Correct.
 19 MS. FLECK: This is something
 20 that you would be honored to do?
 21 THE PROSPECTIVE JUROR:
 22 Correct.
 23 MS. FLECK: Mr. Chee, I think
 24 at the end of when Judge Herndon was
 25 asking people if they had been or any

35

1 close friend had been the victim of a
 2 crime, you disclosed that your mom
 3 was the victim of a hate crime in
 4 Arizona?
 5 THE PROSPECTIVE JUROR: Yes.
 6 MS. FLECK: Tell us the
 7 circumstances.
 8 THE PROSPECTIVE JUROR: My
 9 mom runs a Korean church in a small
 10 town. It was in Korean. They spray
 11 painted things on the sign.
 12 MS. FLECK: So she wasn't
 13 personally injured in anyway, her
 14 property was vandalized, her
 15 business?
 16 THE PROSPECTIVE JUROR: Yes.
 17 MS. FLECK: And I assume
 18 since you say it was a hate crime,
 19 it was because of the things they
 20 put?
 21 THE PROSPECTIVE JUROR:
 22 Exactly.
 23 MS. FLECK: It was targeted
 24 towards a Korean store?
 25 THE PROSPECTIVE JUROR: Yes,

36

1 exactly.
 2 MS. FLECK: You also
 3 disclosed yesterday that based upon
 4 your brother's service as a juror and
 5 the discussions that you had with
 6 him, that you had some doubt and
 7 reservations about the criminal
 8 justice system or the justice system
 9 and how it works.
 10 THE PROSPECTIVE JUROR: Not
 11 based on him, on the involvement,
 12 yes.
 13 MS. FLECK: What are your
 14 feelings based on; what happened to
 15 your mom?
 16 I don't know how that ended
 17 up and what your brother disclosed to
 18 you, and then the other things that
 19 you are talking about.
 20 What are your feelings; what
 21 are the experiences that you have had
 22 that make you feel the way you do
 23 now?
 24 THE PROSPECTIVE JUROR: I
 25 think you hit it on the head when you

37

1 say skeptical of the judicial
2 system. You hear about incidents,
3 people going to jail.
4 MS. FLECK: There's times
5 when people are innocent and they get
6 put in jail, and sometimes times
7 when people are guilty they good
8 free?
9 THE PROSPECTIVE JUROR: Yes.
10 MS. FLECK: We try to make it
11 as perfect as possible, but there is
12 always going to be loopholes.
13 That's kind of your feeling?
14 THE PROSPECTIVE JUROR:
15 Exactly.
16 MS. FLECK: Are you so
17 skeptical that you wouldn't be able
18 to listen to testimony -- we
19 discussed this a little earlier with
20 Ms. Rhines, you would agree that in
21 any profession there is going to be
22 people who have the right motives in
23 their job; they are in their
24 profession, to honor their
25 profession, to do what they were

38

1 hired to do, and there's going to be
2 say bad apples in any bunch.
3 Do you agree with that?
4 THE PROSPECTIVE JUROR: Yes.
5 MS. FLECK: Do you think
6 there is anything about law
7 enforcement that attracts dishonest
8 people or people who are power hungry
9 and that is a pervasive feeling in
10 your mind, or are you just skeptical
11 in general?
12 THE PROSPECTIVE JUROR: I do
13 believe that to a certain extent. I
14 come across people in all forms of
15 law enforcement that make me
16 hesitant.
17 I am not going to give
18 somebody credence as a police officer
19 more than any other human being, just
20 because you wear a badge or anything
21 like that.
22 MS. FLECK: How about the
23 converse, because somebody is wearing
24 a badge or a uniform, are you
25 ultimately going to be distrustful

39

1 of them and not believe what they
2 say?
3 THE PROSPECTIVE JUROR: Maybe
4 to a certain extent. I've run into a
5 lot of cops. They are not the
6 most --
7 MS. FLECK: That is your
8 experience with them?
9 THE PROSPECTIVE JUROR: Yes.
10 MS. FLECK: So then, again,
11 what I am hearing from you is that
12 you won't be able to listen to the
13 testimony in this case with an open
14 mind without the prior experiences
15 that you have had; and it is 2 days
16 now, and your feelings have come out,
17 that you won't be able to listen to
18 that testimony with an open mind and
19 give the State and the defense the
20 energy and the clarity this case
21 deserves?
22 THE PROSPECTIVE JUROR: I
23 can't say.
24 It is vague.
25 MS. FLECK: It is a little

40

1 vague. I think that you understand
2 the importance that we have, so if
3 you have reservations, which you
4 clearly do, would you be able to
5 separate it?
6 THE PROSPECTIVE JUROR: I
7 will try.
8 MS. FLECK: Thank you.
9 Ms. Itoafa.
10 THE PROSPECTIVE JUROR: Yes.
11 MS. FLECK: What kind of name
12 is that?
13 THE PROSPECTIVE JUROR:
14 That's my husband's name. It is
15 Rumanian.
16 MS. FLECK: You had talked
17 yesterday about the fact that you and
18 your husband had an incident, and you
19 and your husband ended up getting
20 arrested?
21 THE PROSPECTIVE JUROR: Yes.
22 MS. FLECK: It was a marital
23 spat that got out of control?
24 THE PROSPECTIVE JUROR: It
25 was just an argument and a neighbor

41

1 called the cops, and this was 10
2 years ago.
3 And they show up. We were
4 still arguing. They said: look, I
5 can't decide who is wrong or right.
6 We were arguing.
7 The police officers said,
8 okay, well, you both need to cool off
9 or you are both going in. I didn't
10 think people get arrested for such
11 things.
12 I guess we are getting
13 arrested, but the officer said when I
14 get a domestic call, someone has to
15 go in, and since I can't decide, you
16 both go in.
17 That was it.
18 MS. FLECK: And you got out?
19 THE PROSPECTIVE JUROR:
20 Learned how to behave, that was
21 it.
22 MS. FLECK: Well, so it
23 sounds like at least you were treated
24 equally?
25 THE PROSPECTIVE JUROR: Yes.

42

1 MS. FLECK: Is there anything
2 about that experience -- do you chalk
3 it up to kind of a nosey neighbor who
4 thought this was more upsetting to
5 the neighbor than it was to you guys?
6 THE PROSPECTIVE JUROR:
7 Probably if someone wanted to sleep.
8 This happened at noon. I don't who
9 called the cops.
10 Things happen.
11 MS. FLECK: Right.
12 THE PROSPECTIVE JUROR: No,
13 big deal.
14 MS. FLECK: It sounds
15 like you were treated with respect by
16 law enforcement?
17 THE PROSPECTIVE JUROR: Yes.
18 They just come. They did their job.
19 I didn't want to go to jail.
20 It is not like we were drunk
21 or something. It was a fight. We
22 still argue now, but our tone is way
23 low.
24 MS. FLECK: You whisper?
25 THE PROSPECTIVE JUROR: That

43

1 was just across the street, County
2 Jail. It was an embarrassment.
3 MS. FLECK: So, besides that,
4 where are you originally from?
5 THE PROSPECTIVE JUROR:
6 Eastern Europe, Yugoslavia.
7 MS. FLECK: How long you
8 lived in the states?
9 THE PROSPECTIVE JUROR: Since
10 1996.
11 MS. FLECK: Have you ever had
12 any experience with the criminal
13 justice system back home?
14 THE PROSPECTIVE JUROR: No.
15 MS. FLECK: Or anyone in your
16 family?
17 THE PROSPECTIVE JUROR: No.
18 MS. FLECK: Obviously the law
19 the Judge gives you will be
20 different, I imagine, than the law
21 from where you are originally
22 from?
23 THE PROSPECTIVE JUROR: I
24 don't know their law.
25 MS. FLECK: Good response.

44

1 Then if you are chosen to be a juror,
2 you will be able to abide by the law
3 that the Judge reads to you?
4 THE PROSPECTIVE JUROR: Yes.
5 MS. FLECK: Do you have any
6 reservations sitting as a juror in
7 this particular case?
8 THE PROSPECTIVE JUROR: Well,
9 look, I don't want to be here, but if
10 it is something I have to do, I will
11 deal with it.
12 I don't want to be back next
13 week if I am not on this case. If I
14 have to do it, I have to do it.
15 MS. FLECK: Is your feeling
16 about not wanting to be here purely a
17 scheduling issue?
18 THE PROSPECTIVE JUROR:
19 Scheduling, that's exactly it. I
20 have a hectic schedule. My mom has
21 to take off, but it is something I
22 could manage.
23 MS. FLECK: So that we would
24 have your attention and you would be
25 able to listen to the evidence?

45

1 THE PROSPECTIVE JUROR: Yes.

2 MS. FLECK: And if

3 Mr. DiGiacomo and I proved our case

4 to you beyond a reasonable doubt, if

5 we showed you the evidence in this

6 case and it was proved beyond a

7 reasonable doubt, is there a

8 problem finding the Defendant

9 guilty?

10 THE PROSPECTIVE JUROR:

11 Beyond a reasonable doubt?

12 MS. FLECK: I misspoke. The

13 burden is beyond a reasonable doubt,

14 and if that's the evidence --

15 THE PROSPECTIVE JUROR: If

16 that's the evidence in the case, I

17 don't have a problem.

18 MS. FLECK: Thank you very

19 much.

20 Ms. More, I have already

21 spoken to you yesterday.

22 THE PROSPECTIVE JUROR: Yes.

23 MS. FLECK: Mr. Weeks, you

24 disclosed yesterday that your brother

25 had been in some trouble back in

46

1 Virginia.

2 THE PROSPECTIVE JUROR: Yes.

3 MS. FLECK: What kind of

4 crimes was he in trouble for?

5 THE PROSPECTIVE JUROR:

6 Cocaine, possession.

7 MS. FLECK: Possession?

8 THE PROSPECTIVE JUROR: Yes.

9 Intent to distribute.

10 MS. FLECK: How long ago was

11 that?

12 THE PROSPECTIVE JUROR: 22 or

13 23 years ago.

14 MS. FLECK: Did he spend time

15 incarcerated or was he given

16 probation?

17 THE PROSPECTIVE JUROR: 3

18 months in jail.

19 MS. FLECK: After that stint

20 in jail, did he go on to better his

21 life or did he kind of continue in

22 the criminal justice system?

23 THE PROSPECTIVE JUROR: Good

24 question. He bettered his life a

25 lot, then I think recently he has

47

1 actually fallen back into it.

2 I haven't spoken to him in

3 about 2 years.

4 MS. FLECK: Because of the

5 choices that he is starting to

6 make?

7 THE PROSPECTIVE JUROR: Yes.

8 MS. FLECK: When he was first

9 getting arrested, were you living

10 there at that time, Virginia?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: Were you at all

13 involved in his prosecution against

14 him?

15 THE PROSPECTIVE JUROR: No.

16 MS. FLECK: Did he talk to

17 you about it?

18 THE PROSPECTIVE JUROR:

19 Never.

20 MS. FLECK: Never?

21 THE PROSPECTIVE JUROR: No.

22 MS. FLECK: So there is

23 nothing about how he was treated in

24 the system or his experiences that

25 have affected you?

48

1 THE PROSPECTIVE JUROR:

2 Never.

3 MS. FLECK: Do you have any

4 feelings about the criminal justice

5 system, not based on him, but about

6 law enforcement, based upon any

7 experiences that you have had?

8 THE PROSPECTIVE JUROR: We

9 are indifferent.

10 MS. FLECK: You would have a

11 clean slate in terms of coming in, if

12 you were chosen to deliberate?

13 THE PROSPECTIVE JUROR: Good

14 and bad. There are good people in

15 the profession and bad.

16 MS. FLECK: You could listen

17 to the evidence and base a verdict on

18 that evidence?

19 THE PROSPECTIVE JUROR: I

20 think so.

21 MS. FLECK: Thank you very

22 much.

23 Ms. Middleton?

24 THE PROSPECTIVE JUROR: Yes.

25 MS. FLECK: Your brother is

49

1 currently incarcerated in Arizona?

2 THE PROSPECTIVE JUROR: Yes.

3 MS. FLECK: How long has he

4 been incarcerated?

5 THE PROSPECTIVE JUROR: This

6 time he has been there for 8 years.

7 MS. FLECK: For what crime?

8 THE PROSPECTIVE JUROR: I am

9 not exactly sure. He was taking

10 things outside of other people's

11 mailboxes, changing checks to his

12 name or creating checks from those,

13 or mail fraud, stealing money from

14 other people.

15 MS. FLECK: When you say this

16 time, what other things has he been

17 in trouble for?

18 THE PROSPECTIVE JUROR: I am

19 not sure on all his charges. He is

20 33.

21 He has been in jail since

22 before he was 18, out very little. I

23 don't have a lot of contact with

24 him. His daughter, my mom has

25 custody of.

50

1 I tried to be part of her

2 life recently. Because of her, I

3 have gone to visit him in jail with

4 her.

5 I haven't had a lot of

6 contact. I think that there was

7 mostly theft and drugs in the past.

8 MS. FLECK: Okay.

9 Do you feel that he has

10 been -- from what you know, do you

11 feel that he has been treated fairly

12 and with respect in the system, and

13 that he is kind of paying for the

14 crimes that he did?

15 THE PROSPECTIVE JUROR: Yes.

16 I am a little concerned he is going

17 to be getting out in 12 months or

18 something.

19 MS. FLECK: Concerned for his

20 daughter?

21 THE PROSPECTIVE JUROR: Yes.

22 She didn't really know him. He is

23 going to try to get back in her

24 life.

25 I like knowing where he is.

51

1 MS. FLECK: So, then, I guess

2 you feel that he's been treated

3 fairly, so it doesn't sound like you

4 have any issues with the system.

5 Generally speaking, based

6 upon his issues, is there anything

7 else from your past with your history

8 or the experiences that you have been

9 through in your life that you bring

10 into this courtroom that makes you

11 think maybe you wouldn't be a good

12 juror for this particular case?

13 THE PROSPECTIVE JUROR: No, I

14 I think he is getting treated the way

15 he deserves to be treated.

16 MS. FLECK: Anything else?

17 THE PROSPECTIVE JUROR: No.

18 MS. FLECK: Any other

19 thoughts?

20 THE PROSPECTIVE JUROR: No.

21 MS. FLECK: Any other

22 thoughts about last night that you

23 bring into the courtroom and think

24 maybe I wouldn't be the best juror

25 for this case?

52

1 THE PROSPECTIVE JUROR: No.

2 MS. FLECK: You think you

3 could keep an open mind and not make

4 a decision until all of the evidence

5 has been presented?

6 THE PROSPECTIVE JUROR: Yes.

7 MS. FLECK: A show of hands,

8 who in the room has seen the show

9 CSI.

10 Keep your hands up.

11 Now, keep your hands up if

12 you think that the case that

13 Mr. DiGiacomo and I present will be

14 just like an episode of CSI that you

15 guys watch?

16 No, perfect. So you know it

17 sounds silly, the general idea that

18 this is a real court of law.

19 Mr. Perez, do you watch shows like

20 that?

21 THE PROSPECTIVE JUROR: A

22 long time ago, not recently.

23 MS. FLECK: Not recently.

24 Do you watch any kind of

25 crime shows?

53

1 THE PROSPECTIVE JUROR: No.

2 MS. FLECK: Okay. You are an

3 animal dentist?

4 THE PROSPECTIVE JUROR:

5 Canine.

6 MS. FLECK: That's a specific

7 job. I guess I can't hear that well

8 either, but you work at a

9 veterinarian's office?

10 THE PROSPECTIVE JUROR: Yes.

11 MS. FLECK: Where is that?

12 THE PROSPECTIVE JUROR: It is

13 at 215 and --

14 MS. FLECK: Where are you

15 from?

16 THE PROSPECTIVE JUROR:

17 Philippines.

18 MS. FLECK: How long lived in

19 the states?

20 THE PROSPECTIVE JUROR: Since

21 1988.

22 MS. FLECK: Any experiences

23 back in the Philippines with the

24 criminal justice system?

25 THE PROSPECTIVE JUROR: No, I

54

1 was 8.

2 MS. FLECK: Any problem,

3 then, if you were chosen to be a

4 juror in this case, the same kind of

5 questions regarding the law in this

6 case, any problem following the law

7 in this case, recognizing it is the

8 law in Nevada and not saying, well,

9 it is better the way they do it back

10 in the Philippines?

11 THE PROSPECTIVE JUROR: No.

12 MS. FLECK: You can follow

13 the law here?

14 THE PROSPECTIVE JUROR: Yes.

15 MS. FLECK: Do you think if

16 you were chosen to be a juror, do you

17 think you would be a good person to

18 sit on a case like this?

19 THE PROSPECTIVE JUROR: Yes,

20 because I will listen to the evidence

21 and base my opinion, my judgement on

22 that.

23 MS. FLECK: Thank you very

24 much.

25 Mr. Sinsabaugh, how about

55

1 you, sir, do you watch shows like CSI

2 and Law and Order?

3 THE PROSPECTIVE JUROR: No.

4 MS. FLECK: Maybe because you

5 were in the military you know it is

6 just silly Hollywood?

7 THE PROSPECTIVE JUROR:

8 Probably the same answer as his, a

9 long time ago. Not lately.

10 MS. FLECK: What branch of

11 the military you were in?

12 THE PROSPECTIVE JUROR: Navy.

13 MS. FLECK: For how long?

14 THE PROSPECTIVE JUROR: 22

15 years.

16 MS. FLECK: Then how long

17 have you been here in Nevada?

18 THE PROSPECTIVE JUROR: 18

19 years.

20 MS. FLECK: You were a high

21 school teacher?

22 THE PROSPECTIVE JUROR:

23 Excuse me?

24 MS. FLECK: You were high a

25 school teacher?

56

1 THE PROSPECTIVE JUROR: In my

2 background.

3 MS. FLECK: Are you retired

4 or still working?

5 THE PROSPECTIVE JUROR:

6 Retired.

7 MS. FLECK: From what?

8 THE PROSPECTIVE JUROR: U.S.

9 Navy.

10 MS. FLECK: When you were in

11 the Navy, did you ever do any kind of

12 police work?

13 THE PROSPECTIVE JUROR: No,

14 ma'am.

15 MS. FLECK: What were you

16 doing?

17 THE PROSPECTIVE JUROR: Sub

18 changes.

19 MS. FLECK: You listened to a

20 lot of the responses and the

21 questions posed to the prospective

22 jurors during the last couple of

23 days; is there anything about your

24 experiences in your life -- luckily

25 you have never been the victim of a

57

1 crime or accused of a crime.

2 Is there anything in your

3 experience in the Navy --

4 THE PROSPECTIVE JUROR: It

5 is a very boring life compared to

6 you.

7 MS. FLECK: Do you feel like

8 you could be a fair and impartial

9 juror in this case?

10 THE PROSPECTIVE JUROR: Yes.

11 MS. FLECK: Listen to all of

12 the evidence?

13 THE PROSPECTIVE JUROR: Yes.

14 MS. FLECK: Thank you very

15 much, sir.

16 Ms. Dykstra, do you watch

17 shows like Law and Order?

18 THE PROSPECTIVE JUROR: A

19 long time ago.

20 MS. FLECK: I guess just to

21 follow-up on that whole theme, what

22 are your thoughts on why maybe you

23 are not going to see the same kind of

24 stuff in this courtroom that you

25 would on a show like CSI or Law and

58

1 Order?

2 THE PROSPECTIVE JUROR: It is

3 Hollywood.

4 MS. FLECK: So you are

5 comfortable with the fact that you

6 can't create evidence in a 30 minute

7 time bubble and bring it in for this

8 kind of case?

9 THE PROSPECTIVE JUROR:

10 Correct.

11 MS. FLECK: You are a County

12 employee?

13 THE PROSPECTIVE JUROR: Yes.

14 MS. FLECK: Where in the

15 County do you work?

16 THE PROSPECTIVE JUROR:

17 Purchasing.

18 MS. FLECK: How long have you

19 been with the County?

20 THE PROSPECTIVE JUROR: 3, 4

21 years.

22 MS. FLECK: And your husband

23 is a communication tech; was that

24 also with the County?

25 THE PROSPECTIVE JUROR: With

59

1 the Department of the Interior. He

2 worked at the Hoover Dam.

3 MS. FLECK: Is there anything

4 about your experiences in your life

5 that you have formed an opinion about

6 the criminal justice system or law

7 enforcement?

8 THE PROSPECTIVE JUROR: No.

9 MS. FLECK: You feel

10 comfortable about the ideas we talked

11 about and discussed for the last

12 couple of days?

13 THE PROSPECTIVE JUROR: Yes.

14 MS. FLECK: How would you

15 feel about sitting as a juror in this

16 case?

17 THE PROSPECTIVE JUROR: It

18 would be an honor that I can be

19 here.

20 MS. FLECK: You can be fair

21 to both sides?

22 THE PROSPECTIVE JUROR: Yes.

23 MS. FLECK: Thank you very

24 much.

25 Everyone heard the charges in

60

1 this case. A number of the charges

2 include a deadly weapon or a

3 firearm.

4 Who in the room has

5 experience with firearms?

6 THE PROSPECTIVE JUROR:

7 Shooting, owning?

8 MS. FLECK: Shooting, owning,

9 either.

10 Let's start with the top

11 row.

12 Ms. Itoafa, what have your

13 experiences been with firearms?

14 THE PROSPECTIVE JUROR: Well,

15 we own guns. We go to the shooting

16 range.

17 Personally I have nothing

18 against them. It is my right to have

19 it to defend myself if you need it,

20 God forbid.

21 MS. FLECK: You and your

22 husband go to the shooting range?

23 THE PROSPECTIVE JUROR: Yes.

24 MS. FLECK: And fire the

25 weapons?

61

1 THE PROSPECTIVE JUROR: Yes.

2 MS. FLECK: Do you know the

3 difference between a revolver and a

4 semi-automatic?

5 THE PROSPECTIVE JUROR: Yes.

6 MS. FLECK: And the

7 differences between a shotgun?

8 THE PROSPECTIVE JUROR: Yes.

9 MS. FLECK: And the different

10 kinds of calibers?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: Who else;

13 Mr. Lopez, you own a firearm?

14 THE PROSPECTIVE JUROR: Yes,

15 ma'am.

16 MS. FLECK: Do you have a CCW

17 permit?

18 THE PROSPECTIVE JUROR: A

19 what?

20 MS. FLECK: A carrying a

21 concealed weapon permit?

22 THE PROSPECTIVE JUROR: I

23 have it at my home, a gun

24 collection.

25 MS. FLECK: A collection?

62

1 THE PROSPECTIVE JUROR: Yes,

2 ma'am.

3 MS. FLECK: So obviously,

4 then, you are familiar with, if you

5 are collecting, with different

6 calibers?

7 THE PROSPECTIVE JUROR: I go

8 deer hunting.

9 MS. FLECK: Mr. Jamerson.

10 THE PROSPECTIVE JUROR: I

11 have firearms. I also go to the

12 shooting range, too.

13 MS. FLECK: Then you have had

14 experience with revolvers versus

15 semi-automatics?

16 THE PROSPECTIVE JUROR: Yes.

17 MS. FLECK: Thank you.

18 Mr. Sinsabaugh, I assume that

19 you do.

20 THE PROSPECTIVE JUROR: No.

21 MS. FLECK: Who in the front

22 row?

23 Ms. Dykstra, you own weapons?

24 THE PROSPECTIVE JUROR: My

25 husband did.

63

1 MS. FLECK: Did you ever have

2 an opportunity to shoot with him, go

3 out to the range?

4 THE PROSPECTIVE JUROR: No.

5 MS. FLECK: It is something

6 you keep in the house for

7 protection?

8 THE PROSPECTIVE JUROR: He

9 has guns that he used to hunt

10 with.

11 MS. FLECK: So do you just

12 kind of know them generally as those

13 are my husband's guns to go shooting

14 with, or would you know the

15 difference if he came home with some

16 new revolver or semi-automatic, would

17 you know the difference between

18 those?

19 THE PROSPECTIVE JUROR: Yes.

20 MS. FLECK: Mr. Maloney.

21 THE PROSPECTIVE JUROR: Yes.

22 I used to go hunting and then I had a

23 cousin who is really into guns.

24 Occasionally we will go out shooting

25 with a Ruger 14, sometimes a pistol.

64

1 He has a couple of pistols, I

2 think a 357 and maybe a 9

3 millimeter.

4 MS. FLECK: If you were

5 chosen as a juror, and you heard

6 testimony in this case about

7 firearms, you would have a general

8 idea about the differences in what

9 the witnesses were talking about?

10 THE PROSPECTIVE JUROR:

11 Definitely.

12 MS. FLECK: You know, you are

13 another person who luckily has never

14 been the victim of a crime, and

15 you have never been accused of a

16 crime.

17 Do you have any experiences

18 in your life other than those kinds

19 of things that have given you a

20 feeling about the criminal justice

21 system?

22 THE PROSPECTIVE JUROR: No,

23 really no instances. I grew up in a

24 small town about 50, 60 miles west of

25 Chicago.

65

1 Then I went to school at
2 a smaller college in Northern
3 Illinois which is a farming
4 community.
5 MS. FLECK: Very quiet?
6 THE PROSPECTIVE JUROR: Low
7 key.
8 MS. FLECK: Then you come to
9 Vegas?
10 THE PROSPECTIVE JUROR:
11 Right.
12 MS. FLECK: It is not quite.
13 So, if you were chosen to be a juror
14 in this case, do you feel that you
15 have the mind set and the clarity to
16 sit and have an open mind and listen
17 to the evidence?
18 THE PROSPECTIVE JUROR: Yes.
19 MS. FLECK: Would you feel
20 comfortable with the State having you
21 as a juror in this case?
22 THE PROSPECTIVE JUROR: Yes.
23 MS. FLECK: And the defense?
24 THE PROSPECTIVE JUROR: Yes.
25 MS. FLECK: Ms. MacPherson,

66

1 you own firearms?
2 THE PROSPECTIVE JUROR: Yes.
3 MS. FLECK: Are you
4 comfortable with the concepts of
5 semi-automatics versus revolvers?
6 THE PROSPECTIVE JUROR: My
7 son takes me out shooting. He has an
8 arsenal.
9 MS. FLECK: Mr. Wilkinson, do
10 you own weapons?
11 THE PROSPECTIVE JUROR: I
12 have a collection from my great-
13 grandfather, a single shot 12 gauge
14 that I haven't shot in 20 years.
15 I did hunting when I was
16 younger, rabbit hunting, squirrels,
17 deer.
18 MS. FLECK: Now you just have
19 a collector's item?
20 THE PROSPECTIVE JUROR: Yes.
21 I haven't shot a gun in 20 years.
22 MS. FLECK: Mr. Rowland?
23 THE PROSPECTIVE JUROR: We
24 own handguns, riffles, yes.
25 MS. FLECK: Do you have a

67

1 CCW?
2 THE PROSPECTIVE JUROR: No.
3 MS. FLECK: The things you
4 have in your home, do you take to the
5 range?
6 THE PROSPECTIVE JUROR: Yes.
7 MS. FLECK: You know the
8 difference between a number of
9 different weapons?
10 THE PROSPECTIVE JUROR: Yes.
11 MS. FLECK: Ms. More?
12 THE PROSPECTIVE JUROR: No.
13 MS. FLECK: Mr. Fuller?
14 THE PROSPECTIVE JUROR: No.
15 MS. FLECK: Let's start back
16 here, in the back room; has anybody
17 had experience with firearms?
18 Mr. Gapp.
19 THE PROSPECTIVE JUROR: Yes.
20 MS. FLECK: You are the owner
21 of a firearm arm?
22 THE PROSPECTIVE JUROR:
23 Shotgun and rifle.
24 MS. FLECK: Are you a hunter?
25 THE PROSPECTIVE JUROR: I

68

1 haven't hunted in many years, target
2 practice.
3 MS. FLECK: Any experience
4 with handguns?
5 THE PROSPECTIVE JUROR: Yes.
6 MS. FLECK: So you are
7 comfortable with what the difference
8 is?
9 THE PROSPECTIVE JUROR: Yes.
10 MS. FLECK: Ever had a CCW?
11 THE PROSPECTIVE JUROR: No.
12 MS. FLECK: Thank you.
13 Mr. Doxie, you raised your
14 hand?
15 THE PROSPECTIVE JUROR: Yes.
16 MS. FLECK: Are you an owner
17 of weapons?
18 THE PROSPECTIVE JUROR: No,
19 just when I was in the military,
20 Vietnam.
21 MS. FLECK: I imagine you
22 would have quite an experience with
23 them.
24 Thank you.
25 Who else in the front row?

69

1 Mr. Weeks?

2 THE PROSPECTIVE JUROR: Yes,

3 just growing up as a kid, teenagers,

4 with friends who had guns, shooting

5 them, practice, that's all; good

6 times.

7 MS. FLECK: And Ms. Lippisch,

8 I assume your husband has weapons

9 that he brings home and cleans?

10 THE PROSPECTIVE JUROR: Yes.

11 MS. FLECK: Do you know the

12 differences in them between weapons

13 based upon just your husband, or I

14 should say, is it just that you know

15 that's my husband's gun, or do you

16 know the difference between calibers,

17 different makes, models?

18 THE PROSPECTIVE JUROR:

19 That's my husband's gun. I am not

20 comfortable with them at all.

21 MS. FLECK: Thank you. The

22 next row.

23 Anyone else in the back

24 Mr. Borg?

25 THE PROSPECTIVE JUROR: Borg.

70

1 MS. FLECK: You are the owner

2 of weapons?

3 THE PROSPECTIVE JUROR: Yes.

4 I have some back at my house in

5 Arizona with my dad.

6 MS. FLECK: Is that something

7 that you have for protection or

8 something that you have for --

9 THE PROSPECTIVE JUROR: My

10 grandfather gave it to me to hold on

11 to. I would shoot with him when I

12 was younger, things like that.

13 MS. FLECK: So let me talk to

14 you about -- I think that there was

15 some confusion when you were

16 answering your questions as to

17 whether you just did technical

18 support for officers at the school

19 district or whether you were an

20 officer of the school district?

21 THE PROSPECTIVE JUROR: A

22 technician for the school. I am not

23 an officer.

24 MS. FLECK: So any

25 experiences that you have with

71

1 officers through the school district

2 is servicing their technology?

3 THE PROSPECTIVE JUROR:

4 Correct.

5 MS. FLECK: Have you formed

6 any opinions based upon your job

7 about those officers or law

8 enforcement?

9 THE PROSPECTIVE JUROR: I

10 have become close friends with a lot

11 people.

12 I respect them.

13 MS. FLECK: Certainly if an

14 officer is on the stand and he

15 testified to something, and then

16 there was evidence showing that he

17 was wrong, that his perception was

18 wrong, that maybe he did not have the

19 same opportunity to see something,

20 you certainly wouldn't take his

21 opinion or his testimony over other

22 evidence that suggested, that proved

23 to you that he was wrong?

24 THE PROSPECTIVE JUROR: No, I

25 wouldn't. I would go with the

72

1 evidence.

2 MS. FLECK: So you have

3 respect for law enforcement, you are

4 not going to blindly believe an

5 officer over anybody else?

6 THE PROSPECTIVE JUROR: No.

7 MS. FLECK: Do you think that

8 you would be a good person for the

9 State and the defense to sit on a

10 trial like this?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: Why?

13 THE PROSPECTIVE JUROR: I

14 would try to take all the evidence

15 that was presented to the Court and

16 make my opinion and judgment off

17 that.

18 MS. FLECK: Thank you.

19 Anyone else in that row that

20 has had experience with weapons?

21 MS. FLECK: Mr. McKee?

22 THE PROSPECTIVE JUROR: Yes.

23 MS. FLECK: You were actually

24 an intern with law enforcement?

25 THE PROSPECTIVE JUROR: Yes.

73

1 MS. FLECK: How did that come
2 about?
3 THE PROSPECTIVE JUROR: That
4 was just for school, for like credit
5 I had with the police department.
6 MS. FLECK: What kind of
7 school?
8 THE PROSPECTIVE JUROR:
9 College.
10 MS. FLECK: What were you
11 studying?
12 THE PROSPECTIVE JUROR:
13 Criminal justice.
14 MS. FLECK: You got your
15 Bachelor's, correct?
16 THE PROSPECTIVE JUROR: Yes.
17 MS. FLECK: Was that in
18 criminal justice?
19 THE PROSPECTIVE JUROR: Yes.
20 MS. FLECK: What was your
21 goal in starting that degree, besides
22 finishing?
23 THE PROSPECTIVE JUROR: Going
24 into law enforcement.
25 MS. FLECK: Has that been

74

1 something that you are able to the
2 pursue?
3 THE PROSPECTIVE JUROR: Yes.
4 MS. FLECK: You are a
5 security officer?
6 THE PROSPECTIVE JUROR: Yes.
7 MS. FLECK: At a casino?
8 THE PROSPECTIVE JUROR: Yes.
9 MS. FLECK: Which one?
10 THE PROSPECTIVE JUROR: The
11 Circus Circus.
12 MS. FLECK: You like that
13 line of work?
14 THE PROSPECTIVE JUROR: Yes.
15 MS. FLECK: You also said
16 that you would believe an officer's
17 testimony, you would give more weight
18 to an officer's testimony; is it
19 similar to Mr. Borg, where if
20 evidence was presented to you that
21 showed that that officer maybe didn't
22 perceive something correctly, you
23 wouldn't blindly follow what the
24 officer said in light of other
25 evidence, would you?

75

1 THE PROSPECTIVE JUROR: I
2 would go with whatever my opinion
3 was, whatever I felt.
4 MS. FLECK: But analyzing
5 like the credibility of a person and
6 the credibility of an officer, are
7 you going to just blindly believe
8 what any officer said solely because
9 they are an officer, or would you be
10 able to filter that evidence and that
11 testimony based on other things that
12 were presented in the case?
13 THE PROSPECTIVE JUROR:
14 Probably not.
15 MS. FLECK: Probably not,
16 which?
17 THE PROSPECTIVE JUROR: I
18 would probably believe them, the
19 officer.
20 MS. FLECK: You would
21 probably just believe him straight
22 away?
23 THE PROSPECTIVE JUROR: Yes.
24 MS. FLECK: All right. Thank
25 you.

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1 Let's see.
2 Mr. Nguyen?
3 THE PROSPECTIVE JUROR:
4 Nguyen.
5 MS. FLECK: Nguyen. We have
6 someone with that spelled similar in
7 the courthouse.
8 You are a physician?
9 THE PROSPECTIVE JUROR:
10 Correct.
11 MS. FLECK: What kind?
12 THE PROSPECTIVE JUROR: A
13 pain specialist. Also a
14 rehabilitation specialist. Also
15 wound care specialty.
16 MS. FLECK: You said that
17 your wife is a U.S. Attorney?
18 THE PROSPECTIVE JUROR: She's
19 in the U.S. Attorneys Office.
20 MS. FLECK: A prosecutor?
21 THE PROSPECTIVE JUROR: Yes.
22 MS. FLECK: So you have some
23 experience; does she come home and
24 talk to you about her cases?
25 THE PROSPECTIVE JUROR:

77

1 Frequently, yes.

2 MS. FLECK: Do you feel that

3 her job might affect your ability to

4 sit on this case?

5 THE PROSPECTIVE JUROR: It

6 shouldn't affect me. I am my own

7 thinking entity.

8 I form my own opinions, make

9 my own decisions.

10 MS. FLECK: It doesn't matter

11 that your wife is also an attorney

12 and that she prosecutes cases and you

13 feel comfortable listening to the

14 evidence, and if it didn't meet the

15 burden, beyond a reasonable doubt,

16 you have no problem going back home

17 and saying; sorry, hon?

18 THE PROSPECTIVE JUROR:

19 Absolutely, of course. I have my own

20 ideas.

21 MS. FLECK: At the end of the

22 day you can listen with an open mind

23 and be fair to both sides?

24 THE PROSPECTIVE JUROR:

25 Absolutely.

78

1 MS. FLECK: Thank you, sir.

2 Ms. Balakrishnan.

3 THE PROSPECTIVE JUROR: Yes.

4 MS. FLECK: You have kind of

5 gotten lost there in the corner.

6 Let's see, you are a

7 student.

8 What are you studying?

9 THE PROSPECTIVE JUROR: I am

10 getting my Bachelor's.

11 MS. FLECK: In what?

12 THE PROSPECTIVE JUROR:

13 History.

14 MS. FLECK: History, any

15 specific kind of history?

16 THE PROSPECTIVE JUROR: It is

17 U.S. History.

18 MS. FLECK: How about your

19 husband, I didn't catch what he

20 did.

21 THE PROSPECTIVE JUROR: He is

22 a computer programmer. He works for

23 the Clark County School District.

24 MS. FLECK: Where are you

25 from?

79

1 THE PROSPECTIVE JUROR:

2 India.

3 MS. FLECK: Where at?

4 THE PROSPECTIVE JUROR: The

5 southern part.

6 MS. FLECK: How long have you

7 lived in the states?

8 THE PROSPECTIVE JUROR: 10

9 years.

10 MS. FLECK: I have similar

11 questions that I posed for Mr. Perez

12 earlier, any problems abiding by the

13 law and following the law that the

14 Judge reads you for this particular

15 case, and not thinking to yourself

16 that's not how they do it in India,

17 they do it better?

18 THE PROSPECTIVE JUROR: No.

19 I am comfortable with what the Judge

20 says.

21 MS. FLECK: You are

22 comfortable to listen to the evidence

23 in this case?

24 THE PROSPECTIVE JUROR: Yes.

25 MS. FLECK: If chosen, do you

80

1 think you would be a good person to

2 sit on this case?

3 THE PROSPECTIVE JUROR: Yes.

4 Next week I have my finals. All of

5 the exams are next week, that's the

6 only problem.

7 MS. FLECK: That's a concern?

8 THE PROSPECTIVE JUROR: Yes.

9 MS. FLECK: Are you going to

10 school?

11 THE PROSPECTIVE JUROR: Yes.

12 MS. FLECK: You are not a

13 taking an on-line course?

14 THE PROSPECTIVE JUROR:

15 On-line, so 3 days I go to campus.

16 MS. FLECK: Feasibly how could

17 that work; how could you make that

18 work; could you?

19 We want to give you the

20 opportunity to sit as a juror, to

21 contemplate sitting on this case, but

22 I don't want you to be in a position

23 where you don't get to take any of

24 your final exams, or you are so

25 burdened, if that's the only time

1 that you can take those exams, is
 2 there something with your on-line
 3 course that you can take after the
 4 trial or the Judge told you we won't
 5 be doing early mornings, is it
 6 something that you can reschedule
 7 around the case, or is it something
 8 that's going to destroy the on-line
 9 course?

10 THE PROSPECTIVE JUROR: I can
 11 take my tests at night and go to the
 12 classes on campus.

13 MS. FLECK: It would not be
 14 devastating to sit as a juror?

15 THE PROSPECTIVE JUROR: No.

16 MS. FLECK: All right. Thank
 17 you.

18 You are going to see evidence
 19 in this case, picture evidence that
 20 could be of a disturbing nature to
 21 people.

22 You heard the charges, first
 23 degree kidnapping, attempt murder.
 24 As Mr. DiGiacomo told you, the victim
 25 in this case was shot through his

1 face, so you will be seeing some
 2 photographs that could be
 3 disturbing.

4 Does anybody have such a
 5 strong aversion to seeing something
 6 like that; it is not going to be
 7 through the whole trial, but you will
 8 have to look at that as part of the
 9 evidence.

10 Does anybody feel they have
 11 such a strong aversion to hearing
 12 this kind of testimony that they
 13 couldn't listen with an open mind;
 14 anyone?

15 Ms. MacPherson, based upon
 16 what just happened, I was concerned
 17 that this might trigger something in
 18 your --

19 THE PROSPECTIVE JUROR: Like
 20 I said, my boyfriend got shot in the
 21 face. I have had to look at that
 22 everyday for the past couple of
 23 months.

24 MS. FLECK: So, is it fair to
 25 say, then, you wouldn't be able to

1 listen to the evidence that was
 2 presented by the State?

3 THE PROSPECTIVE JUROR: Not
 4 in that exact part, no.

5 MS. FLECK: You would not be
 6 able to?

7 THE PROSPECTIVE JUROR: No.

8 MS. FLECK: Thank you.

9 Anyone else, then; Ms. More?

10 THE PROSPECTIVE JUROR: I am
 11 prone to get anxiety attacks.

12 MS. FLECK: You have anxiety
 13 attacks?

14 THE PROSPECTIVE JUROR: They
 15 don't last long, but I might get
 16 one.

17 MS. FLECK: You might get
 18 anxiety from it?

19 THE PROSPECTIVE JUROR: Yes.

20 MS. FLECK: Is it something
 21 that you deal with and that you
 22 control, you know how it comes?

23 THE PROSPECTIVE JUROR: I can
 24 control it, but if something triggers
 25 it, I am very nervous.

1 It doesn't happen a lot. It
 2 might happen, it might not.

3 MS. FLECK: Is it triggered
 4 by things like that, that are
 5 violent, just disturbing to you in
 6 nature?

7 THE PROSPECTIVE JUROR: Yes,
 8 something that upsets me a lot.

9 MS. FLECK: Based upon your
 10 anxiety attacks and the history and
 11 what triggers it, do you think that
 12 you would be you able to look at the
 13 evidence and be open minded and
 14 process it?

15 THE PROSPECTIVE JUROR: I
 16 would, but it could happen.

17 MS. FLECK: I think if it
 18 didn't affect anyone a little bit,
 19 everyone is affected by things like
 20 that.

21 Everybody is somewhat
 22 disturbed, but there is a difference,
 23 I think, between Ms. Jamerson, who
 24 can't look at it based on what she's
 25 been through, can't look at that

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1 evidence, wouldn't be able to
2 participate in that deliberation
3 process, you are not to that
4 degree?
5 THE PROSPECTIVE JUROR: No,
6 just like I get physical things.
7 MS. FLECK: Thank you.
8 Ms. Rodriguez?
9 THE PROSPECTIVE JUROR: With
10 everything I am going through right
11 now, it will be difficult.
12 MS. FLECK: Thank you.
13 Anyone else; all right.
14 Well, I asked an awful lot of
15 questions. I think I talked with
16 every person in here.
17 Is there anything as a
18 catchall that came up that makes you
19 think I should disclose this or this
20 is something that I should talk about
21 or share?
22 Nothing?
23 MS. FLECK: Court's
24 indulgence.
25 Thank you, Your Honor.

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1 No more questions for the
2 panel.
3 THE COURT: Mr. Fumo.
4 MR. FUMO: Looking at the
5 time, I wonder if you wouldn't mind a
6 restroom break.
7 THE COURT: No, we have been
8 only been going about an hour.
9 Let's go another half hour
10 before we break, so we will be able
11 to finish this.
12 MR. FUMO: Good afternoon. I
13 want to thank you all for being here
14 today.
15 I had a couple general
16 questions for everybody before I get
17 into more specifics things.
18 One of the things that the
19 Judge spoke to you about earlier was
20 individual decisions.
21 As jurors, if you are
22 selected as a juror, you are going to
23 make an individual decision; that's
24 why he asked you not to speak amongst
25 yourselves, speak about the case or

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1 while you are hearing the testimony,
2 because we want the decision to be an
3 individual decision, that later on,
4 then, when you go back as a group and
5 make a decision.
6 What we are looking for, both
7 sides are looking for someone, once
8 they made up their mind, to stand
9 firm with their decision.
10 As potential jurors can you
11 do that; can you stand firm with that
12 decision; does anybody have a problem
13 with that?
14 I am seeing no hands for the
15 record.
16 At various times throughout
17 the trial, some of you mentioned
18 something like defense attorneys
19 various times. I am going to have to
20 make objections. The State will make
21 objections.
22 There could be vigorous
23 cross-examination against an officer,
24 one of the witnesses, and I have to
25 do that to protect this man's

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1 rights.
2 Is there anyone here that
3 would hold that against me if I
4 vigorously cross-examined someone and
5 you think that I am attacking them,
6 would you hold that against my client
7 if you think I am being mean?
8 It is human nature when
9 someone says a lie about you, someone
10 says something that you don't believe
11 is true, to stand up and go, you are
12 lying. That's not true. I never did
13 that.
14 Mr. Slaughter can't do that.
15 Rickie has to sit there patient and
16 quite, because that is the Court
17 decorum, and he hopes that
18 you understand that.
19 Is there anybody that can
20 allow him to do that; will you allow
21 him to be patient and quite during
22 the testimony?
23 Does he have your permission
24 to sit there and take it is what I am
25 asking.

1 A lot of times when I talk to
2 jurors afterwards, they think that a
3 trial is just a match, that whoever
4 calls the most witnesses wins. It is
5 not.

6 Does anybody have a problem
7 with that, if Mr. Slaughter didn't
8 call any witnesses, would you think
9 any less of him if we rested our case
10 after the State, and does everybody
11 agree with me that as Rickie sits
12 here, he is innocent; is there
13 anybody that has a problem that if
14 you are arrested, you are guilty?

15 THE PROSPECTIVE JUROR: I
16 sort of have a mind set.

17 MR. FUMO: Based on what you
18 said yesterday, there's nothing we
19 can say to change that mind set more
20 than likely?

21 THE PROSPECTIVE JUROR: I do
22 apologize.

23 MR. FUMO: If that's the
24 way you feel, that's the way you
25 feel.

1 For the record, that's
2 Ms. MacPherson, 328.

3 Thank you for your honesty.
4 The government has a constitutional
5 right, a heavy burden to prove each
6 and every element of every charge
7 beyond a reasonable doubt.

8 Can all of you promise me to
9 hold the government to that, if they
10 don't prove each and every element of
11 every single charge beyond a
12 reasonable doubt, in your mind, can
13 you all find Mr. Slaughter not
14 guilty?

15 I can assume then and expect
16 that if they don't prove each and
17 every element of every single charge
18 beyond a reasonable doubt, that you
19 will come back with a verdict of not
20 guilty; does anybody have a problem
21 with that?

22 During the trial I am going
23 to have to make a very difficult
24 decision as to whether to counsel
25 Mr. Slaughter to take the stand.

1 That's a personal decision he is
2 going to make.

3 Is there anybody sitting
4 here that feels that if he doesn't
5 take the stand, that he must be
6 guilty?

7 Is there anybody here that
8 says if he does take the stand that
9 he is just going to lie to protect
10 himself?

11 Everybody agrees that he
12 does not have to take the stand in
13 his own defense; is everybody okay
14 with that?

15 Could you leave room for the
16 possibility that if he didn't take
17 the stand, it is because he felt that
18 the government didn't prove their
19 case beyond a reasonable doubt; is
20 that fair to say?

21 I have a couple specific
22 questions.

23 Ms. Jamerson, it is fair to
24 say based on your life experience of
25 what happened to your boyfriend, it

1 would be almost impossible for you to
2 sit, to be fair in this case.

3 Is that correct?

4 THE PROSPECTIVE JUROR: Yes.

5 MR. FUMO: Ms. Rodriguez,
6 your sister has cancer, and you
7 have more time concentrate
8 problems?

9 THE PROSPECTIVE JUROR: Yes.
10 Eventually we had to take her last
11 night to the hospital. Then she was
12 there on Tuesday and Wednesday.

13 We just got out. We had to
14 take her back. I was there until
15 like 3:00 o'clock this morning.

16 MR. FUMO: Is that something
17 that is going to need your attention?

18 THE PROSPECTIVE JUROR: Yes.
19 I am also missing work already a lot
20 because of taking her to the
21 hospital.

22 MR. FUMO: Ms. Itoafa, you
23 mentioned that you and your husband
24 were both arrested.

25 THE PROSPECTIVE JUROR: Yes.

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1 MR. FUMO: How did that make
 2 • you feel when the officer said I have
 3 to take you both, I can't make a
 4 decision?
 5 THE PROSPECTIVE JUROR: He
 6 was doing his job, nothing personal.
 7 We laugh about it.
 8 We were in and out. We had
 9 an argument.
 10 MR. FUMO: Were you laughing
 11 at the time?
 12 THE PROSPECTIVE JUROR: Not
 13 really that evening. It was more of
 14 an embarrassment to us.
 15 We got arrested for having an
 16 argument. It is what it is. The law
 17 is the law.
 18 MR. FUMO: So, no bias either
 19 for or against an officer?
 20 THE PROSPECTIVE JUROR: My
 21 brother-in-law, he is an officer.
 22 They are people doing their job. You
 23 can't yell.
 24 MR. FUMO: So would I have
 25 your promise to me and Mr. Slaughter

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1 that if the government doesn't prove
 2 every single element of every charge
 3 beyond a reasonable doubt that you
 4 would find him not guilty?
 5 THE PROSPECTIVE JUROR:
 6 Absolutely.
 7 MR. FUMO: You work for
 8 a veterinarian and that's in
 9 Henderson?
 10 THE PROSPECTIVE JUROR: Yes.
 11 MR. FUMO: How long have you
 12 lived in Las Vegas?
 13 THE PROSPECTIVE JUROR: Since
 14 1988.
 15 MR. FUMO: You have seen this
 16 town grow up?
 17 THE PROSPECTIVE JUROR: Yes.
 18 MR. FUMO: Is your work near
 19 where your home is?
 20 THE PROSPECTIVE JUROR: It is
 21 a 10 minute drive.
 22 MR. FUMO: How many miles?
 23 THE PROSPECTIVE JUROR: 5.
 24 MR. FUMO: Is there anything
 25 you heard so far that would give you

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1 cause to want to be a juror on this
 2 case?
 3 THE PROSPECTIVE JUROR: No.
 4 MR. FUMO: If the
 5 government -- I am going to ask you
 6 the same question -- doesn't prove
 7 their case beyond a reasonable doubt,
 8 would you have any problem finding
 9 Rickie not guilty?
 10 THE PROSPECTIVE JUROR: No.
 11 MR. FUMO: Ms. Usan, did you
 12 say you had a brother that worked at
 13 High Desert?
 14 THE PROSPECTIVE JUROR: A
 15 cousin.
 16 MR. FUMO: He works there as
 17 what?
 18 THE PROSPECTIVE JUROR: A
 19 security guard.
 20 MR. FUMO: Is there anything
 21 about his work -- do you talk to him
 22 about what he does up there?
 23 THE PROSPECTIVE JUROR: He
 24 talks to me quite a bit about the
 25 gang situations, just all of his

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1 experiences that he has gone through
 2 over the past, 10, 12 years.
 3 MR. FUMO: What you do talk
 4 to him about, does it give you cause
 5 not to want to be a juror that would
 6 you give more credence to an officer?
 7 THE PROSPECTIVE JUROR: Not
 8 necessarily.
 9 MR. FUMO: Thank you.
 10 Mr. Jensen, you have been
 11 arrested before?
 12 THE PROSPECTIVE JUROR: Yes.
 13 MR. FUMO: You have your
 14 opinions about the police?
 15 THE PROSPECTIVE JUROR: Yes.
 16 MR. FUMO: You also have
 17 guns, are familiar with guns?
 18 THE PROSPECTIVE JUROR: Yes.
 19 MR. FUMO: The question is;
 20 if selected as a juror, could you
 21 put -- everybody comes into the
 22 courtroom with their own bias and
 23 experiences; can you put that aside
 24 and listen to the facts and be fair
 25 in this case?

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1 THE PROSPECTIVE JUROR: Like
2 I was saying yesterday, I kind of
3 distrust the police officers, from my
4 experience.

5 MR. FUMO: Everybody has bias
6 or distrust. As you sit there and
7 listen to everything, can you put
8 that aside and be fair, that's the
9 question; listening to the facts,
10 his story, the police officers'
11 story?

12 THE PROSPECTIVE JUROR: Yes.

13 MR. FUMO: You could?

14 THE PROSPECTIVE JUROR: Yes.

15 MR. FUMO: Mr. Sinsabaugh, is
16 that how you pronounce it?

17 THE PROSPECTIVE JUROR: Yes.

18 MR. FUMO: You were in the
19 Navy?

20 THE PROSPECTIVE JUROR: Yes.

21 MR. FUMO: Where were you
22 from?

23 THE PROSPECTIVE JUROR: San
24 Diego.

25 MR. FUMO: Is there anything

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1 that would give you cause, can you
2 hear okay; does everything come
3 across okay?

4 THE PROSPECTIVE JUROR:
5 Everything is fine.

6 MR. FUMO: Would you have any
7 reason why you couldn't sit?

8 THE PROSPECTIVE JUROR: No,
9 sir.

10 MR. FUMO: Same question to
11 you, then; if the government doesn't
12 prove every single element of every
13 single charge beyond a reasonable
14 doubt, would you have any problems
15 finding Rickie not guilty?

16 THE PROSPECTIVE JUROR: Not
17 at all.

18 MR. FUMO: Ms. Metz, would
19 you have any problems based upon your
20 job that would give you cause to sit
21 on this jury?

22 THE PROSPECTIVE JUROR: No.

23 MR. FUMO: You have been the
24 victim of stalking?

25 THE PROSPECTIVE JUROR: Yes.

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1 MR. FUMO: Did the police
2 handle that okay in your opinion?

3 THE PROSPECTIVE JUROR: I
4 think they handled it to the best of
5 their ability.

6 I don't believe the law gives
7 them a lot of room to do as much as I
8 wanted them to.

9 They are more eyewitnesses.
10 There's not hard core evidence for
11 them to pursue what I wanted them to
12 pursue.

13 MR. FUMO: You said it wasn't
14 entered into the system?

15 THE PROSPECTIVE JUROR:
16 There's a case number. When I call
17 for the status it is --

18 MR. FUMO: This doesn't
19 give you cause or reason not to
20 sit?

21 THE PROSPECTIVE JUROR: No.

22 MR. FUMO: If you are chosen
23 as a juror on my jury, if the
24 government was unable to prove their
25 case beyond a reasonable doubt, do

100
1 you have any problem finding
2 Mr. Slaughter not guilty?

3 THE PROSPECTIVE JUROR: No.

4 MR. FUMO: Mr. Foley, you are
5 a life long resident of Las Vegas?

6 THE PROSPECTIVE JUROR: Yes,
7 sir.

8 MR. FUMO: What part of town?

9 THE PROSPECTIVE JUROR:
10 Southwest.

11 MR. FUMO: You have been here
12 29 years?

13 THE PROSPECTIVE JUROR: Yes.

14 MR. FUMO: Do you have a good
15 idea of how long it would take to
16 drive from one side of town to the
17 other?

18 THE PROSPECTIVE JUROR:
19 Without a doubt.

20 MR. FUMO: Do you want to sit
21 on this jury?

22 THE PROSPECTIVE JUROR: Yes.

23 MR. FUMO: Would you have any
24 problem if the government failed to
25 prove every single charge, would you

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1 have any problem finding Rickie not
2 guilty?
3 THE PROSPECTIVE JUROR: No,
4 sir.
5 MR. FUMO: Ms. More, you
6 stated that you are working on your
7 second bachelors?
8 THE PROSPECTIVE JUROR: Yes.
9 MR. FUMO: What are your 2
10 degrees?
11 THE PROSPECTIVE JUROR: My
12 second degree is in finance. The
13 first one language.
14 MR. FUMO: Language?
15 THE PROSPECTIVE JUROR: Yes.
16 MR. FUMO: You stated that
17 you have anxiety issues?
18 THE PROSPECTIVE JUROR:
19 Sometimes.
20 MR. FUMO: Would you be able
21 to signal the Court if it became too
22 much for you, if you had to take a
23 break or anything?
24 THE PROSPECTIVE JUROR: I
25 would probably turn blue.

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1 MR. FUMO: We will be able to
2 tell right away?
3 THE PROSPECTIVE JUROR: Yes.
4 MR. FUMO: You said yesterday
5 that you had -- was it okay for you
6 to apply the law to the facts; would
7 you be able to discern that okay; you
8 wouldn't put any prejudices or biases
9 based on your past experience where
10 you grew up?
11 THE PROSPECTIVE JUROR: Not
12 as of right now.
13 MR. FUMO: So, then, let me
14 ask you the same question; if the
15 government didn't prove every single
16 element of every single charge beyond
17 a reasonable doubt, would you have
18 any problem finding Mr. Slaughter not
19 guilty?
20 THE PROSPECTIVE JUROR: No.
21 MR. FUMO: You have no
22 problem finding him not guilty?
23 THE PROSPECTIVE JUROR: No.
24 MR. FUMO: Mr. Rowland.
25 THE PROSPECTIVE JUROR: Yes.

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1 MR. FUMO: You are a student?
2 THE PROSPECTIVE JUROR: Yes.
3 MR. FUMO: And minister?
4 THE PROSPECTIVE JUROR:
5 Correct.
6 MR. FUMO: Is there anything
7 about your schedule, being a student
8 with finals coming up, I know we are
9 at the end of May, that you would be
10 unable to sit?
11 THE PROSPECTIVE JUROR: No,
12 because I can move those around.
13 MR. FUMO: I am sorry?
14 THE PROSPECTIVE JUROR: I can
15 move the date around. The deadline
16 for the projects, I can't change
17 that. That means I have to work
18 later.
19 MR. FUMO: You could sit as a
20 juror here?
21 THE PROSPECTIVE JUROR: Yes.
22 MR. FUMO: Is there anything
23 at home that would diminish or
24 give you cause not to sit on this
25 jury?

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1 THE PROSPECTIVE JUROR: If I
2 am out of work for a week, I would
3 have to take student loan money to
4 pay my rent.
5 MR. FUMO: It is going
6 to be a financial hardship for you to
7 sit?
8 THE PROSPECTIVE JUROR: Yes.
9 MR. FUMO: Based on the fact
10 that it could be a financial
11 hardship, do you think that would
12 cause you to be able to not listen to
13 all of the facts and divide your
14 attention because you may be thinking
15 of other things?
16 THE PROSPECTIVE JUROR: I
17 would like to think that I could
18 focus when I need to without it
19 weighing on me.
20 MR. FUMO: Thank you.
21 Mr. Wilkinson, you were a prior
22 foreperson of a jury?
23 THE PROSPECTIVE JUROR: Yes.
24 MR. FUMO: You did render a
25 verdict in that case?

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1 THE PROSPECTIVE JUROR: Yes.

2 MR. FUMO: It was a civil

3 matter, not criminal?

4 THE PROSPECTIVE JUROR: Yes.

5 MR. FUMO: A car accident?

6 THE PROSPECTIVE JUROR: Yes.

7 MR. FUMO: Does your brother

8 work for law enforcement?

9 THE PROSPECTIVE JUROR:

10 Illinois State Trooper.

11 MR. FUMO: Is there anything

12 about your relationship with your

13 brother that would cause you to have

14 a problem sitting on this jury; would

15 you lend too much credence to an

16 officer?

17 THE PROSPECTIVE JUROR: No.

18 MR. FUMO: You could be

19 fair?

20 THE PROSPECTIVE JUROR: We

21 are not close. I looked up to him

22 when I was growing up.

23 We kind of went our separate

24 ways. He leads a good life.

25 MR. FUMO: The same question

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1 to you, then; if you are picked as a

2 juror for this jury and the

3 government did not prove each and

4 every element of each charge

5 beyond a reasonable doubt, would you

6 have any problem finding Rickie not

7 guilty?

8 THE PROSPECTIVE JUROR: No.

9 MR. FUMO: Mr. Malone.

10 THE PROSPECTIVE JUROR: Yes.

11 MR. FUMO: You said yesterday

12 you administered 401-K's?

13 THE PROSPECTIVE JUROR:

14 That's correct.

15 MR. FUMO: Are things going

16 up, getting better?

17 THE PROSPECTIVE JUROR: Well,

18 it is pretty rough today.

19 MR. FUMO: Is there anything

20 about your job that would give you

21 cause to want to sit here because you

22 have to think of the stock market

23 that might give you a reason to not

24 pay full-time attention?

25 THE PROSPECTIVE JUROR: No.

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1 This would actually be a nice break

2 because with how things are going,

3 the company, we have lost a couple of

4 people and they hesitate to hire

5 anyone else.

6 We still have more work to

7 do. It would be a nice little

8 diversion from work.

9 MR. FUMO: Would you consider

10 this a vacation?

11 THE PROSPECTIVE JUROR: Yes.

12 MR. FUMO: You have been in

13 Las Vegas for 14 years?

14 THE PROSPECTIVE JUROR: Yes.

15 MR. FUMO: You have seen this

16 town grow?

17 THE PROSPECTIVE JUROR: Yes.

18 MR. FUMO: Is it fair to say

19 that you would like to sit on this

20 jury?

21 THE PROSPECTIVE JUROR: Yes.

22 MR. FUMO: Would you have any

23 problem, sir, finding Mr. Slaughter

24 not guilty if the government didn't

25 prove each and every element of every

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1 single charge beyond a reasonable

2 doubt?

3 THE PROSPECTIVE JUROR: No

4 problem at all.

5 MR. FUMO: Ms. Dykstra, you

6 are in purchasing?

7 THE PROSPECTIVE JUROR: Yes.

8 MR. FUMO: For the County?

9 THE PROSPECTIVE JUROR: Yes.

10 MR. FUMO: Did you have to

11 suffer that 2 percent loss?

12 THE PROSPECTIVE JUROR: I

13 will, yes.

14 MR. FUMO: You said you have

15 friends on Metro?

16 THE PROSPECTIVE JUROR: I

17 just have a girlfriend, she's a Metro

18 officer.

19 Her husband is a Metro

20 officer.

21 MR. FUMO: Is there anything

22 about your relationship with your

23 girlfriend and husband that would

24 give you cause to sit on this

25 jury?

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1 THE PROSPECTIVE JUROR: No.

2 MR. FUMO: Mr. Gapp.

3 THE PROSPECTIVE JUROR: Yes.

4 MR. FUMO: You have a friend

5 who is an officer?

6 THE PROSPECTIVE JUROR: Yes.

7 MR. FUMO: Is there anything

8 about that relationship that would

9 give you cause or concern?

10 THE PROSPECTIVE JUROR: No.

11 MR. FUMO: Is he with the

12 North Las Vegas Police Department?

13 THE PROSPECTIVE JUROR:

14 Metro, K-9 officer.

15 MR. FUMO: You had your home

16 burglarized?

17 THE PROSPECTIVE JUROR: Yes,

18 many years ago.

19 MR. FUMO: Is there anything

20 about that that would give you

21 cause not to want to sit on this

22 jury?

23 THE PROSPECTIVE JUROR: No.

24 MR. FUMO: You weren't home

25 when this happened?

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1 THE PROSPECTIVE JUROR: No.

2 MR. FUMO: You are currently

3 working for the gas company?

4 THE PROSPECTIVE JUROR: Yes.

5 MR. FUMO: How long have you

6 been with them?

7 THE PROSPECTIVE JUROR:

8 Almost 27 years.

9 MR. FUMO: You have been in

10 Las Vegas that long?

11 THE PROSPECTIVE JUROR: About

12 23 years.

13 MR. FUMO: If selected as a

14 juror on this case, would you have

15 any problem finding Mr. Slaughter not

16 guilty if they didn't prove every

17 single element beyond a reasonable

18 doubt?

19 THE PROSPECTIVE JUROR: No

20 problem.

21 MR. FUMO: Mr. Doxie, you say

22 you have vertigo?

23 THE PROSPECTIVE JUROR: Yes.

24 MR. FUMO: If you are

25 sitting, you are okay, right?

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1 THE PROSPECTIVE JUROR: No,

2 not necessarily.

3 MR. FUMO: The attack could

4 still come on at any time?

5 THE PROSPECTIVE JUROR: I

6 never know.

7 MR. FUMO: If you feel it

8 coming on, could you give the Court a

9 warning?

10 THE PROSPECTIVE JUROR: I

11 never ever know. I could walk across

12 the parking lot and all of a sudden I

13 just lost my balance.

14 MR. FUMO: So would there be

15 a way that we would know before you

16 did?

17 THE PROSPECTIVE JUROR:

18 Probably. I would take medication

19 for it, but it is not guaranteed that

20 it is going to stop it.

21 MR. FUMO: You brought your

22 life experiences into the courtroom.

23 You have had your issues or concerns

24 with the police you stated

25 yesterday?

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1 THE PROSPECTIVE JUROR: Yes,

2 I have.

3 MR. FUMO: If chosen on the

4 jury, could you be fair and weigh all

5 of the facts and evidence and be fair

6 to Mr. Slaughter, fair to the

7 government?

8 THE PROSPECTIVE JUROR: Like

9 I said, yes, I can be as fair as

10 possible, but knowing my situation in

11 the past with the police, that it

12 would be hard to take their account

13 and believe them when I had the

14 opposite happen to me.

15 MR. FUMO: Every person,

16 every witness that takes the stand,

17 you are going to have to judge their

18 credibility.

19 THE PROSPECTIVE JUROR: Yes.

20 MR. FUMO: Could you do that

21 and be fair?

22 THE PROSPECTIVE JUROR: Yes,

23 I could do that.

24 MR. FUMO: Whether it is a

25 police officer or a lay witness?

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1 THE PROSPECTIVE JUROR: I am
 2 just going on my experience of what
 3 happened to me with police
 4 officers.
 5 MR. FUMO: Would that be too
 6 much for you?
 7 THE PROSPECTIVE JUROR: It
 8 would be a lot.
 9 MR. FUMO: Mr. Rhines, you
 10 are an on-line math tutor?
 11 THE PROSPECTIVE JUROR: Yes.
 12 MR. FUMO: And the company
 13 you work for is in Michigan?
 14 THE PROSPECTIVE JUROR: Yes.
 15 MR. FUMO: Did you come here
 16 from Michigan?
 17 THE PROSPECTIVE JUROR: No.
 18 MR. FUMO: Where did you come
 19 from?
 20 THE PROSPECTIVE JUROR:
 21 California.
 22 MR. FUMO: You said you are
 23 the victim of a crime also?
 24 THE PROSPECTIVE JUROR: Yes.
 25 MR. FUMO: No one was

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1 apprehended?
 2 THE PROSPECTIVE JUROR: They
 3 went into the car and took a \$20 boom
 4 box.
 5 MR. FUMO: So no one was
 6 apprehended on that?
 7 THE PROSPECTIVE JUROR: No.
 8 MR. FUMO: Does that bother
 9 you in any way?
 10 THE PROSPECTIVE JUROR: The
 11 only thing that bothered me, I was
 12 scared they were going to come
 13 back.
 14 They saw me. I went down
 15 there. I was worried about the person
 16 coming back to me.
 17 MR. FUMO: Do you think the
 18 police treated you fairly in their
 19 investigation of that crime?
 20 THE PROSPECTIVE JUROR: They
 21 didn't investigate it because I
 22 didn't report it.
 23 MR. FUMO: Mr. Evenson.
 24 THE PROSPECTIVE JUROR: Yes.
 25 MR. FUMO: Is there anything

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1 about your experiences or anything
 2 else that you think would be
 3 significant that might give you cause
 4 to sit on this jury?
 5 THE PROSPECTIVE JUROR: No.
 6 MR. FUMO: Did you say
 7 something about having a problem with
 8 a guilty man going free, was that
 9 you?
 10 THE PROSPECTIVE JUROR: No.
 11 MR. FUMO: Ms. Middleton,
 12 your brother-in-law is in prison?
 13 THE PROSPECTIVE JUROR:
 14 Brother.
 15 MR. FUMO: That would not
 16 cause you to be against law
 17 enforcement in any way?
 18 THE PROSPECTIVE JUROR: No.
 19 MR. FUMO: You could be fair?
 20 THE PROSPECTIVE JUROR: Yes.
 21 MR. FUMO: If chosen as a
 22 juror on this case and the
 23 government didn't prove each and
 24 every element of every single charge
 25 beyond a reasonable doubt, would you

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1 have any problem finding Rickie not
 2 guilty?
 3 THE PROSPECTIVE JUROR: No.
 4 MR. FUMO: Ms. Weeks.
 5 THE PROSPECTIVE JUROR: Yes.
 6 MR. FUMO: It is your brother
 7 that is a convicted felon?
 8 THE PROSPECTIVE JUROR: Yes.
 9 MR. FUMO: Is there anything
 10 about the way he was treated
 11 in your view that would give you
 12 cause?
 13 THE PROSPECTIVE JUROR: No.
 14 MR. FUMO: Ms. Lippisch, your
 15 husband is a Henderson police
 16 officer?
 17 THE PROSPECTIVE JUROR: Yes.
 18 MR. FUMO: You would be
 19 biased when listening to an officer?
 20 THE PROSPECTIVE JUROR:
 21 Probably.
 22 MR. FUMO: You would agree
 23 you could not be fair?
 24 THE PROSPECTIVE JUROR:
 25 Probably not.

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1 MR. FUMO: Ms. Lynch, you
 2 live with Judge Mosley?
 3 THE PROSPECTIVE JUROR: Yes.
 4 MR. FUMO: You are dating his
 5 son?
 6 THE PROSPECTIVE JUROR: Yes.
 7 MR. FUMO: You said 2 things,
 8 you understand officers lie, is that
 9 correct?
 10 THE PROSPECTIVE JUROR: Well,
 11 in situations I have had, well, just
 12 my personal experience, every single
 13 one I have had has not been a good
 14 experience.
 15 MR. FUMO: If you had an
 16 officer on the stand, you would
 17 tend to think they are lying to the
 18 Court?
 19 THE PROSPECTIVE JUROR: Yes.
 20 MR. FUMO: You also said if
 21 someone was arrested, you thought
 22 they should be guilty?
 23 THE PROSPECTIVE JUROR: Well,
 24 like I think if you get caught by the
 25 police doing something, then you did

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1 it. You obviously got caught doing
 2 it.
 3 There's like no way that you
 4 could be proven not guilty if you are
 5 caught doing it.
 6 MR. FUMO: If you are caught
 7 in the act?
 8 THE PROSPECTIVE JUROR: Yes.
 9 MR. FUMO: If they came
 10 days later and based on some
 11 information without any real proof,
 12 could you find that person not
 13 guilty?
 14 THE PROSPECTIVE JUROR: Yes.
 15 I think if there is enough
 16 witnesses and stuff, then they are
 17 guilty.
 18 MR. FUMO: Is it just the
 19 witnesses, the amount, the number of
 20 witnesses that would make you think
 21 that, or what they would say?
 22 THE PROSPECTIVE JUROR: I
 23 mean, if everyone has the same story,
 24 then it is like more, there's like
 25 enough time for people to get their

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1 story together, and I would believe
 2 they could be proven not guilty if
 3 the story is like believable, then I
 4 would believe it.
 5 MR. FUMO: They would have to
 6 prove it to you; you understand that
 7 Mr. Slaughter doesn't have to prove
 8 anything, right?
 9 THE PROSPECTIVE JUROR: No, I
 10 didn't understand that.
 11 MR. FUMO: Mr. Slaughter sits
 12 here as an innocent man, do you agree
 13 with that?
 14 THE PROSPECTIVE JUROR: Yes.
 15 MR. FUMO: He doesn't have
 16 the burden, the burden is completely
 17 on the government?
 18 THE PROSPECTIVE JUROR: Okay.
 19 MR. FUMO: So he doesn't have
 20 to do anything; if we didn't put any
 21 witnesses on, and the government
 22 didn't prove each and every element
 23 beyond a reasonable doubt, do you
 24 think you could find him not
 25 guilty?

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1 THE PROSPECTIVE JUROR: Yes.
 2 MR. FUMO: Mr. Nguyen, you
 3 are a physician?
 4 THE PROSPECTIVE JUROR: Yes.
 5 MR. FUMO: Your wife is an
 6 Assistant United States Attorney?
 7 THE PROSPECTIVE JUROR: Yes.
 8 MR. FUMO: I do a lot of
 9 federal work. She does illegal
 10 re-entries?
 11 THE PROSPECTIVE JUROR: I
 12 believe criminal, as well as related
 13 to immigration as well.
 14 MR. FUMO: Did she come from
 15 the INS?
 16 THE PROSPECTIVE JUROR: Yes.
 17 MR. FUMO: Is today her last
 18 day with the office?
 19 THE PROSPECTIVE JUROR: No.
 20 MR. FUMO: She still has more
 21 time to go?
 22 THE PROSPECTIVE JUROR: They
 23 can't find a replacement.
 24 MR. FUMO: Ms. Bernabe, you
 25 are a former Navy officer?

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1 THE PROSPECTIVE JUROR:

2 Correct.

3 MR. FUMO: You said you

4 thought it would be an honor to be on

5 this jury, correct?

6 THE PROSPECTIVE JUROR:

7 Correct.

8 MR. FUMO: The same question,

9 if the government doesn't prove their

10 case every single element of every

11 single charge beyond a reasonable

12 doubt, could you find Mr. Slaughter

13 not guilty?

14 THE PROSPECTIVE JUROR: If

15 they can't prove everything, he is

16 not guilty.

17 MR. FUMO: You could find him

18 not guilty?

19 THE PROSPECTIVE JUROR: Yes.

20 MR. FUMO: Is there anybody

21 that would have a problem with that?

22 No.

23 I pass for cause, Your

24 Honor.

25 THE COURT: Approach.

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1 - - - - -

2 (Thereupon, the following proceedings

3 were conducted outside the hearing of

4 the jury at sidebar.)

5 - - - - -

6 THE COURT: All right.

7 Ladies and gentlemen, we are going to

8 take a recess. We are not taking a

9 lunch recess. It is just 10 or 15

10 minutes.

11 - - - - -

12 (Thereupon, the prospective jury was

13 admonished by the Court.)

14 - - - - -

15 (Thereupon, the following proceedings

16 were had in open court and outside the

17 presence of the jury.)

18 - - - - -

19 THE COURT: We are back on

20 the record outside the presence of

21 the jury.

22 Mr. Slaughter is here.

23 His attorneys.

24 The State's attorneys are

25 here.

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1 So, what challenges for cause

2 does the State have?

3 MR. DiGIACOMO: Judge, before

4 we get to the challenges for cause, I

5 think that Mr. Fumo and I stipulated

6 about half way through on

7 Ms. MacPherson, 328. Both sides

8 agree she shouldn't stay.

9 THE COURT: Okay.

10 MR. DiGIACOMO: Do you want

11 to go in order?

12 THE COURT: Tell me your

13 challenge.

14 MR. DiGIACOMO: 68,

15 Jamerson.

16 320, Rodriguez -- juror 1.

17 THE COURT: 068.

18 MR. DiGIACOMO: 320,

19 Rodriguez.

20 197, Jensen.

21 355, Doxie.

22 242, Rhines.

23 292, Belayneh.

24 And 286, Chee.

25 It is not so much a challenge

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1 for cause, I think I would like juror

2 300 to stay unless there's more

3 questions you want to ask about

4 finals and your ability to help her

5 to move those.

6 I don't think it is

7 appropriate for her to lose a

8 semester of schooling for jury

9 service.

10 THE COURT: Mr. Fumo.

11 MR. FUMO: 189, Joseph

12 Lozano.

13 221, Tim Rowland.

14 230, Dykstra.

15 380, Lippisch.

16 385, Laura Lynch.

17 389 Mr. Nguyen.

18 284, Corey McKee.

19 That's it, Your Honor.

20 THE COURT: Okay.

21 So, 328 is stipulated to,

22 Ms. MacPherson.

23 Mr. Fumo, what is your

24 position on Ms. Jamerson, 068?

25 MR. FUMO: Judge, I will

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1 submit it to Your Honor's
2 discretion.
3 THE COURT: I will grant the
4 challenge to Ms. Jamerson. I think,
5 even as Mr. Fumo questioned, she said
6 she couldn't be fair, so I will
7 excuse her.
8 And then as to 320,
9 Ms. Rodriguez, I assume the challenge
10 is more based on undue burden issues
11 than it is anything she said about
12 being fair or not fair.
13 MR. FUMO: Her sister had
14 cancer and she couldn't provide the
15 time or attention.
16 MR. DiGIACOMO: It was more
17 like a mercy thing.
18 THE COURT: I did tell you
19 that you can raise undue burden
20 reasons after further questioning of
21 the people, even though we had some
22 discussion about them early on.
23 Ozzie, what about
24 Ms. Rodriguez?
25 MR. FUMO: I agree. Her

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1 sister has cancer.
2 THE COURT: We will excuse
3 her.
4 197, Mr. Jensen.
5 MR. FUMO: Judge, he said he
6 could be fair.
7 THE COURT: Let me try
8 to get to the ones that you may agree
9 on.
10 355, Mr. Doxie, the gentleman
11 with vertigo, what is your position?
12 MR. FUMO: We would disagree
13 with that one.
14 THE COURT: 242, who was
15 Rhines, what is the basis of your
16 objection to Ms. Rhines?
17 MR. DiGIACOMO: It is the
18 same thing as relates to any number
19 of these; my guess is that Mr. Fumo
20 is going to be arguing for those
21 people that think that they would
22 tend to believe an officer.
23 I never heard a juror say and
24 I quote, "I need to teach my children
25 how to survive when they come

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1 into contact with the police."
2 That clearly indicates a bias
3 against law enforcement, Judge.
4 THE COURT: Okay, 292,
5 Mr. Belayneh.
6 Mr. Fumo, what is your
7 position as to him; he is the taxi
8 driver.
9 MR. FUMO: I thought he could
10 be fair. I don't understand why they
11 are challenging that.
12 THE COURT: What is the basis
13 of the challenge as to him?
14 MR. DiGIACOMO: He started
15 off saying he was skeptical and at
16 the end he said he wouldn't follow
17 the law of the Court.
18 THE COURT: I would leave
19 Mr. Belayneh. The totality of the
20 answers that he gave, if he has some
21 questions about certain things within
22 the law that he is kind of saying I
23 would impart my personal opinion, I
24 think he is confusing the ability to
25 express your opinion with the need to

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1 follow the law when you are
2 expressing your opinion on the facts
3 of the case, so I still think he is
4 appropriate to stay in the pool.
5 286, Chee.
6 Mr. Fumo, what is your
7 position?
8 MR. FUMO: I thought she
9 could be fair.
10 THE COURT: That's a he.
11 MR. FUMO: I thought he could
12 be fair.
13 I apologize.
14 Chee is not agreed.
15 THE COURT: 300.
16 MR. DiGIACOMO: The woman who
17 has --
18 THE COURT: The one who has
19 finals next week, and takes the
20 on-line and on campus classes.
21 MR. FUMO: I understand that
22 is a hardship and will leave that to
23 your discretion.
24 THE COURT: I will excuse
25 her.

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1 I have 4 left over from the
2 State that we need to discuss and 4
3 that I excused off this list.
4 As far as the defense list,
5 198, which is --
6 MR. DiGIACOMO: 189.
7 MR. FUMO: 189.
8 THE COURT: Sorry.
9 MR. FUMO: His cousin is an
10 officer at High Desert.
11 Mr. Slaughter knows him.
12 THE COURT: Is that the only
13 basis, that he has a relative that
14 works as a corrections officer?
15 MR. FUMO: And he said he
16 does communicate with him.
17 THE COURT: The fact that you
18 have got a relative that works in law
19 enforcement doesn't make you
20 inappropriate to stay on the jury.
21 I going to deny any challenge
22 to Mr. Lozano.
23 There is no indication from
24 either body language or answer wise
25 That in any fashion that he knows of

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1 Mr. Slaughter, and he will be
2 admonished not to have any contact
3 with his cousin.
4 MR. FUMO: Mr. Slaughter
5 asked me to make the representation
6 about his association.
7 THE COURT: It is based on
8 what the jury information provides us
9 here in Court, and there is no
10 indication, unless you tell him
11 something about his brother that he
12 has any knowledge that pertains to
13 Mr. Slaughter.
14 221 is Mr. Rowland, what is
15 the basis as to that; is that just
16 the undue burden thing?
17 MR. FUMO: Yes, Your Honor.
18 THE COURT: I think
19 Mr. Rowland throughout the totality
20 of the answers today and yesterday
21 has expressed, like a lot of people,
22 that it is going to be financially
23 difficult, but I think he would be
24 good for both of you.
25 I don't view his burden issue

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1 as the same as somebody like
2 Ms. Rodriguez who has a critically
3 ill sister she had to take to the
4 hospital.
5 I think Mr. Rowland is more
6 like, it is going to suck if I have
7 to be away from work.
8 MR. FUMO: I thought he had
9 to take out a student loan to pay his
10 rent.
11 THE COURT: There are people
12 that are going to miss work. As I
13 stated at the bench, the basic
14 financial burden imposed on people to
15 serve isn't enough in my mind to
16 excuse them.
17 It has to be an undue
18 burden. I am going to excuse him,
19 Mr. Rowland.
20 230, Ms. Dykstra, I don't
21 remember anything in talking with her
22 that was a concern.
23 MR. FUMO: She gave me
24 concern, her best friend is a police
25 officer and she said she would have

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1 problems being fair.
2 MR. DiGIACOMO: She said it
3 didn't affect her.
4 THE COURT: She knew somebody
5 that worked in patrol for Metro for
6 the last several years.
7 MR. FUMO: Her best friend
8 was a police officer.
9 THE COURT: I don't remember
10 her saying anything about being
11 unable to be fair to any side.
12 Are you sure it is her?
13 MR. DiGIACOMO: Yes, her
14 girlfriend is a Metro cop. She said
15 she could be fair.
16 THE COURT: I remember you
17 asking her about pay cuts with the
18 County. I don't remember her saying
19 anything about being unfair.
20 MR. FUMO: I thought it was
21 her best friend.
22 It is your discretion.
23 THE COURT: I deny the
24 challenge as to Ms. Dykstra.
25 THE COURT: 380,

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1 Ms. Lippisch, that's based upon her
2 husband being a police officer and
3 her statements that she would tend to
4 favor police, and that she would have
5 trouble being fair because of
6 everything she heard.
7 MR. FUMO: Yes, Your Honor.
8 THE COURT: State.
9 MR. DiGIACOMO: I will submit
10 Ms. Lippisch.
11 THE COURT: Granted, the
12 challenge as to Ms. Lippisch.
13 385, Lynch.
14 MR. DiGIACOMO: I will
15 stipulate.
16 THE COURT: I will grant the
17 challenge as to Ms. Lynch.
18 THE COURT: 389 is
19 Dr. Nguyen.
20 Is your challenge based more
21 on his scheduling issues, and the
22 fact that he was saying it is going
23 to be real burden, or just that his
24 wife --
25 MR. FUMO: Both threw me over

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1 the edge.
2 I have met her a couple of
3 times. She is very, very nice.
4 She's a nice lady.
5 The fact that he was a sole
6 practitioner, I thought it was a
7 burden for him with everything he had
8 to do, those things made me put him
9 on the list.
10 MR. DiGIACOMO: He is the one
11 guy that can sit and still eat. I
12 don't think that qualifies.
13 People need to sit and
14 serve. The fact that people who make
15 a heck of a lot less do something
16 doesn't mean that a doctor can't
17 rearrange their schedule.
18 THE COURT: I agree as to the
19 financial issue. Doctors raise a big
20 stink with me every time, but their
21 realities are not that different than
22 anybody else's realities.
23 I understand they have people
24 that rely on them in a different way
25 than other business people.

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1 I didn't get any sense from
2 him that there was any bias or
3 prejudice about the fact that his
4 wife -- other than immigration cases,
5 what else does she do?
6 MR. FUMO: INS. She works
7 for the INS.
8 THE COURT: Okay.
9 MR. FUMO: I thought he said
10 based on conversations with his wife
11 that he would be swayed by the State,
12 that he would lean that way.
13 It might not cause him to be
14 fair.
15 MR. DiGIACOMO: He said he
16 had his own opinions. He might feel
17 some sort of affinity towards law
18 enforcement, if that's the grounds,
19 literally if you feel some distrust
20 with law enforcement, it is a cause,
21 than everybody should go.
22 THE COURT: I think it is not
23 just that you generally like or
24 dislike law enforcement.
25 At the end of the day, based

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1 on the totality, I think he would so
2 qualify. I would leave him in.
3 284 is the last one from the
4 defense, which is Mr. McKee.
5 What is the basis of the
6 challenge?
7 MR. FUMO: He was in law
8 enforcement. He said that he
9 would --
10 THE COURT: He is the guy
11 that is a security officer.
12 MR. FUMO: He had gone
13 through the academy and he said he
14 couldn't be fair.
15 MR. DiGIACOMO: I don't
16 remember him saying it was to the
17 extent that he couldn't sit here and
18 judge the evidence.
19 I will submit it.
20 THE COURT: I can tell you
21 the part that is not on the
22 record, he is a very disinterested
23 guy.
24 His head is over the back of
25 the chair leaning. He doesn't want to

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1 be here.

2 He is not coming up with

3 answers to every question to get out

4 of jury duty.

5 I don't know that he is

6 someone that either side would want.

7 I will grant the challenge as to

8 Mr. McKee.

9 Let's go back to the 4 to the

10 State that weren't agreed upon.

11 197, as to Mr. Jensen, I am

12 going to grant the challenge. It is

13 not whether you say one thing to one

14 side that cures everything else that

15 is said, or whether the other side

16 gets a chance to go back.

17 From early on, he was, what I

18 thought was pretty solid, I think he

19 said he hates the cops based upon his

20 multiple experiences.

21 He claims to have been beat

22 up by the cops for no reason. Even

23 though, I agree, that he did say yes

24 to your question this morning, Ozzie,

25 about -- after pausing, I think the

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1 totality of what he would say would

2 make him inappropriate to continue

3 on.

4 I grant that challenge.

5 As to Mr. Doxie, 355, is your

6 challenge more health related or more

7 about his past experiences?

8 MR. DiGIACOMO: I think it is

9 probably a combination of both. He

10 says he takes his medicine.

11 I don't think that qualifies

12 it for cause. Even when Mr. Fumo

13 rehabilitated him, and he says yes to

14 the answer, then he put the caveat

15 but; it is clear what he said is lay

16 witnesses I will judge, but cops I

17 won't.

18 If you walk in this room with

19 a uniform, I am not going to believe

20 you. That was his answer, clear and

21 concise, unlike Ms. Rhines, which is

22 going to be a bigger fight. She was

23 a little more wishy-washy.

24 There is no doubt that any

25 officer wearing a uniform, he is

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1 going to not believe.

2 That had to be grounds for

3 cause.

4 THE COURT: He is an older

5 gentleman. He kind of expressed some

6 things yesterday, it is kind of along

7 the lines, it is hard to unlearn what

8 I learned over the years and the

9 opinions that I have at this point in

10 time.

11 It was a struggle trying to

12 get him to talk about his ability to

13 be fair. There was a lot of pauses,

14 times when he answered questions in

15 the affirmative and indicated he

16 thought he would be fair, then he

17 would caveat it and say except cops,

18 so I am going to grant the challenge

19 as to Mr. Doxie.

20 I also have a problem in

21 terms of his vertigo. At first I

22 thought what he was saying was it was

23 okay when he was sitting down.

24 I know Ozzie, you asked him

25 questions about that. He kind of

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1 seemed to indicate it is something he

2 didn't know when it is going to

3 happen. It is debilitating when it

4 does.

5 As to Ms. Rhines, there's a

6 difference in my mind in saying the

7 things that I think Mr. Doxie was

8 saying versus Ms. Rhines saying, hey,

9 I chose to talk to my young sons

10 about when, not if they get pulled

11 over.

12 I believe young black men are

13 going to get pulled over more than

14 other people, so how do you deal with

15 that situation.

16 There's a difference between

17 saying I just fundamentally dislike

18 the police, believe they are unfair,

19 therefore I am not going to give them

20 a fair shake.

21 MR. DiGIACOMO: As far as

22 Mr. Doxie, it was clear; for

23 Ms. Rhines it is probably a closer

24 question, but I wasn't planning on

25 making the challenge for cause, just

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1 using a preempt when she was first
2 describing this situation with the
3 police, and I quote this, "I need to
4 teach my kids how to survive an
5 encounter with the police."
6 That indicates a huge bias
7 against the police, and based on
8 that, I figured she qualified for a
9 challenge for cause.
10 I have never heard that in
11 the time I've been in a courtroom.
12 THE COURT: I can understand
13 your concerns about her being a
14 juror. I don't know that I agree
15 with you just on how egregious you
16 think that kind of statement is.
17 It is immaterial. I am not
18 going to say that I have ever heard
19 somebody make that kind of statement
20 before.
21 It is proactively how you
22 raise your young boys to deal with
23 situations that they may become
24 involved in. It doesn't mean that I
25 cannot judge what happened in this

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1 particular case, so I am going to
2 deny the challenge as pertains to
3 Ms. Rhines; 242, I believe.
4 286, Mr. Chee. All right.
5 What else do you have to say about
6 Mr. Chee, Ozzie?
7 I was less concerned about
8 the things he raised in terms of the
9 cop. He said the yesterday he feels
10 that the justice system hides
11 evidence all the time from the
12 jurors.
13 It may be true, based on
14 things in the law they don't get
15 everything that they think they are
16 entitled to get.
17 MR. DiGIACOMO: He said he
18 couldn't set that aside.
19 THE COURT: That's one that I
20 never had a juror raise to me after
21 trial, why didn't we get to know
22 about that before trial; I know you
23 hide evidence from us.
24 That makes me skeptical about
25 the process.

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1 MR. FUMO: I thought it was
2 his brother that sat on a jury.
3 THE COURT: He did say his
4 brother sat on a jury, and afterwards
5 they discussed it and decided the
6 justice system hides evidence. So he
7 is skeptical of what takes place in
8 the proceedings.
9 MR. FUMO: He said he could
10 put his bias aside. I thought he
11 said he could be fair.
12 MR. DiGIACOMO: He said he
13 couldn't, that you are going to
14 exclude something.
15 THE COURT: I will grant the
16 challenge. I have to get more jurors
17 down here.
18 MR. DiGIACOMO: We are
19 calling off our witnesses.
20 THE COURT: When I get new
21 jurors in here and Ms. Fleck, you
22 know this, you tried a case in here.
23 Ozzie has not.
24 You don't talk to everybody
25 on the jury panel and ask them the

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1 same question. I wasn't going to
2 stop Ozzie from doing it, because you
3 had done it as well.
4 There's a lot of questions;
5 can you be fair, follow the law, will
6 you find Mr. Slaughter not guilty if
7 the State doesn't prove their case
8 beyond a reasonable doubt.
9 That needs to go to
10 everybody. It doesn't need to be
11 asked of everybody. It needs to go
12 to everybody.
13 This isn't the time to win
14 friends and influence people. It is
15 time to move on with the case.
16 Just so you are both aware,
17 that I will jump in and cut you
18 off if I think that's going to
19 happen.
20 So we are excusing 10. We
21 only have 10 left. I doubt that all
22 10 of the ones you have left are
23 going to pass for cause.
24 292 was challenged. I denied
25 that. What we will do, I will excuse

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1 those 10 and put the other 10 in
2 place, and start with questioning
3 just of those 10.
4 And then we will break for
5 lunch after we get done with those
6 and get other ones up here after
7 lunch.
8 MR. FUMO: You still have
9 something to do with them.
10 THE COURT: I got to go
11 through with the new 10 the basic
12 things the individual stuff as
13 well.
14 - - - - -
15 (Thereupon, the following proceedings
16 were had in open court and in the
17 presence of the jury.)
18 - - - - -
19 THE COURT: All right.
20 We are back on the record in
21 the case of State of Nevada versus
22 Rickie Slaughter, who is present with
23 his attorneys.
24 The State's attorneys are
25 present.

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1 The prospective jurors are
2 present.
3 Ladies and gentlemen, at this
4 time I am going to excuse 10 of you,
5 so if you will let me read through
6 these names before you get up to
7 leave, please.
8 Ms. Jamerson, badge 068.
9 Mr. Jensen, 197.
10 Mr. McKee, 284.
11 Mr. Chee, 286.
12 Ms. Balakrishnan, 300.
13 Ms. Rodriguez, 320.
14 Ms. MacPherson, 328.
15 Mr. Doxie, 355.
16 Ms. Lippisch, 380.
17 Ms. Lynch, 385.
18 You all are excused. I
19 appreciate your time. Head back down
20 to jury service.
21 Okay. In which case I need
22 Ms. Kalling, badge number 390, take
23 the first seat up there.
24 Mr. Spies 397, sit next to
25 Ms. Kalling.

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1 Mr. Hoeft, 399, the other
2 open seat on the top row.
3 Mr. Kun 402, the seat in the
4 front row.
5 Mr. Rippe, 407, take the seat
6 in the front row over here.
7 Ms. Metta, 415.
8 Mr. Salcido, 416.
9 Mr. Servoss, 420.
10 Mr. Lagunas, 423.
11 And Mr. Kopka, 431.
12 All right. Ms. Kalling, how
13 long have you lived here?
14 THE PROSPECTIVE JUROR: 34
15 years.
16 THE COURT: Your level of
17 education?
18 THE PROSPECTIVE JUROR: 14.
19 THE COURT: And what type
20 work do you do?
21 THE PROSPECTIVE JUROR:
22 Security officer at a casino.
23 THE COURT: Are you married?
24 THE PROSPECTIVE JUROR: Yes.
25 THE COURT: What type of work

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1 does your husband do?
2 THE PROSPECTIVE JUROR:
3 Supervisor for NDOT.
4 THE COURT: Do you have
5 children?
6 THE PROSPECTIVE JUROR: 2,
7 ages 5 and 4.
8 THE COURT: Mr. Spies, 397,
9 how long have you lived here?
10 THE PROSPECTIVE JUROR: 10
11 years.
12 THE COURT: Your level of
13 education?
14 THE PROSPECTIVE JUROR:
15 Bachelor's degree.
16 THE COURT: What type of work
17 do you do?
18 THE PROSPECTIVE JUROR: I
19 manage a nuclear medicine department.
20 THE COURT: Are you married?
21 THE PROSPECTIVE JUROR: No,
22 sir.
23 THE COURT: Any children?
24 THE PROSPECTIVE JUROR: No.
25 THE COURT: Thank you.

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1 Mr. Hoeft, 399.

2 How long have you lived

3 here?

4 THE PROSPECTIVE JUROR: 21

5 years.

6 THE COURT: Your level of

7 education?

8 THE PROSPECTIVE JUROR: Some

9 college. I am currently working on

10 getting a real estate license.

11 THE COURT: Are you working

12 in the real estate industry right

13 now?

14 THE PROSPECTIVE JUROR:

15 Interning.

16 THE COURT: Are you married?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Children?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Mr. Kun, 402; how

21 long you lived here?

22 THE PROSPECTIVE JUROR: 13

23 years.

24 THE COURT: Your level of

25 education?

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1 THE PROSPECTIVE JUROR:

2 Fourth year of college.

3 THE COURT: Are you working

4 as well?

5 THE PROSPECTIVE JUROR: Yes,

6 retail cashier.

7 THE COURT: Are you married,

8 sir?

9 THE PROSPECTIVE JUROR: No,

10 sir.

11 THE COURT: Any children?

12 THE PROSPECTIVE JUROR: No,

13 sir.

14 THE COURT: Mr. Rippe, 407;

15 how long have you lived here?

16 THE PROSPECTIVE JUROR: 19

17 years.

18 THE COURT: Your level of

19 education?

20 THE PROSPECTIVE JUROR:

21 Associate's.

22 THE COURT: What type of work

23 do you do?

24 THE PROSPECTIVE JUROR:

25 Independent technical consultant for

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1 live presentations.

2 THE COURT: Like what kind of

3 live presentations?

4 THE PROSPECTIVE JUROR: I do

5 stuff for companies like Intel and

6 IBM.

7 THE COURT: Conferences?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Are you married?

10 THE PROSPECTIVE JUROR: Yes,

11 sir.

12 THE COURT: What type of work

13 does your wife do?

14 THE PROSPECTIVE JUROR:

15 Dealer.

16 THE COURT: Children?

17 THE PROSPECTIVE JUROR: 2.

18 THE COURT: Ages?

19 THE PROSPECTIVE JUROR: 29

20 and 25.

21 THE COURT: Grandchildren?

22 THE PROSPECTIVE JUROR: 2.

23 THE COURT: Ms. Metta, 415,

24 how long have you lived here?

25 THE PROSPECTIVE JUROR: 20

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1 years.

2 THE COURT: Your level of

3 education?

4 THE PROSPECTIVE JUROR: 12.

5 THE COURT: What type of work

6 do you do?

7 THE PROSPECTIVE JUROR:

8 Physician transcribing in the

9 emergency room.

10 THE COURT: Are you married?

11 THE PROSPECTIVE JUROR: Yes,

12 I am.

13 THE COURT: What type of work

14 does your husband do?

15 THE PROSPECTIVE JUROR: He is

16 a driver for Pepsi.

17 THE COURT: Children?

18 THE PROSPECTIVE JUROR: 5.

19 THE COURT: Age range?

20 THE PROSPECTIVE JUROR: 12,

21 10, 6, 5 and one.

22 THE COURT: Mr. Salcido, 416,

23 how long have you lived here?

24 THE PROSPECTIVE JUROR: 10

25 years.

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1 THE COURT: Your level of
2 education?
3 THE PROSPECTIVE JUROR: 12.
4 THE COURT: Type of work?
5 THE PROSPECTIVE JUROR: I am
6 currently unemployed.
7 THE COURT: Is there any
8 particular profession you have been
9 in in the past?
10 THE PROSPECTIVE JUROR: I
11 worked at a hospital in California.
12 THE COURT: Are you married?
13 THE PROSPECTIVE JUROR: No.
14 THE COURT: Any children?
15 THE PROSPECTIVE JUROR: No.
16 THE COURT: Mr. Servoss, 420;
17 how long have you lived here?
18 THE PROSPECTIVE JUROR: About
19 2 years.
20 THE COURT: Where did you
21 move from?
22 THE PROSPECTIVE JUROR:
23 Michigan.
24 THE COURT: Your level of
25 education?

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1 THE PROSPECTIVE JUROR: 12.
2 THE COURT: Type of work?
3 THE PROSPECTIVE JUROR:
4 Cashier.
5 THE COURT: Married?
6 THE PROSPECTIVE JUROR: No.
7 THE COURT: Children?
8 THE PROSPECTIVE JUROR: No.
9 THE COURT: Thank you.
10 Mr. Lagunas is 423; how long have you
11 lived here?
12 THE PROSPECTIVE JUROR: 9
13 years.
14 THE COURT: Where did you
15 move from?
16 THE PROSPECTIVE JUROR:
17 Orange County, California.
18 THE COURT: Your level of
19 education?
20 THE PROSPECTIVE JUROR: High
21 school.
22 THE COURT: Type of work?
23 THE PROSPECTIVE JUROR: I
24 work at a preschool and a Dairy
25 Queen.

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1 THE COURT: Are you married,
2 sir?
3 THE PROSPECTIVE JUROR: No.
4 THE COURT: Any children?
5 THE PROSPECTIVE JUROR: No.
6 THE COURT: Mr. Kopka, 431;
7 how long have you lived here?
8 THE PROSPECTIVE JUROR: 14
9 years.
10 THE COURT: Your level of
11 education?
12 THE PROSPECTIVE JUROR: 12.
13 THE COURT: Type of work?
14 THE PROSPECTIVE JUROR:
15 Construction.
16 THE COURT: Are you married?
17 THE PROSPECTIVE JUROR:
18 Divorced.
19 THE COURT: Children?
20 THE PROSPECTIVE JUROR: No.
21 THE COURT: Any of the 10 of
22 you that just sat down, have any of
23 you been jurors before; just one.
24 And, Ms. Kalling, how many
25 times you been a juror?

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1 THE PROSPECTIVE JUROR: One
2 time.
3 THE COURT: How long ago?
4 THE PROSPECTIVE JUROR:
5 Approximately 5 years ago.
6 THE COURT: Here in Las
7 Vegas?
8 THE PROSPECTIVE JUROR: Yes.
9 THE COURT: Civil or
10 criminal?
11 THE PROSPECTIVE JUROR:
12 Civil, malpractice.
13 THE COURT: Were you the
14 foreperson of the jury?
15 THE PROSPECTIVE JUROR: No.
16 THE COURT: Did the jury
17 reach a verdict?
18 THE PROSPECTIVE JUROR: Yes.
19 THE COURT: How many of any
20 of the 10 of you, either yourselves
21 or close family members or friends,
22 have ever been the victim of a
23 crime?
24 Ms. Kalling, what do you
25 have?

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1 THE PROSPECTIVE JUROR: About
2 4; one was car vandalism, a
3 burglary.
4 One was a bank robber. I was
5 a teller -- maybe 3.
6 The third one was a domestic
7 battery. I was the victim of
8 substantial bodily harm.
9 THE COURT: How long ago was
10 the car vandalism?
11 THE PROSPECTIVE JUROR: That
12 was probably about 12 years ago.
13 THE COURT: Were the police
14 called about that?
15 THE PROSPECTIVE JUROR: It
16 was reported. There was no
17 witnesses. It was after hours. I
18 wasn't aware of it.
19 It was just lost property
20 damage.
21 THE COURT: How long ago was
22 it that you worked in the bank that
23 got robbed?
24 THE PROSPECTIVE JUROR: 1996.
25 THE COURT: I assume the was

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1 FBI involved?
2 The police and the FBI as well.
3 I was actually the teller that got
4 robbed.
5 I didn't have to do a police
6 lineup. I gave a statement. 15
7 minutes later he went down the street
8 to rob one of the same banks that I
9 worked for.
10 He was caught.
11 THE COURT: Ever have to go
12 to Court?
13 THE PROSPECTIVE JUROR: No.
14 THE COURT: Robbery just by
15 somebody handed a note?
16 THE PROSPECTIVE JUROR: There
17 was a note saying there was a
18 weapon. I didn't see one. It was
19 just a note passed.
20 THE COURT: Then the domestic
21 violence was how long ago?
22 THE PROSPECTIVE JUROR: 1995.
23 THE COURT: Was that somebody
24 you were married to?
25 THE PROSPECTIVE JUROR: A

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1 marriage by annulment as well, so
2 --
3 THE COURT: And were the
4 police called in that regard?
5 THE PROSPECTIVE JUROR: The
6 police were called. I went to court,
7 civil court and Justice Court.
8 THE COURT: Did you testify?
9 THE PROSPECTIVE JUROR: Yes.
10 THE COURT: Since that case
11 actually went through the court
12 system, did you have any sense of
13 being satisfied or dissatisfied?
14 THE PROSPECTIVE JUROR: In
15 the civil suit, yes; Justice Court,
16 no.
17 THE COURT: Your
18 dissatisfaction in Justice Court, was
19 it with the attorneys, the police
20 officer?
21 THE PROSPECTIVE JUROR: The
22 attorneys.
23 THE COURT: The attorneys
24 representing you?
25 THE PROSPECTIVE JUROR: The

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1 defense.
2 THE COURT: I am assuming
3 since it was in Justice Court, it was
4 the District Attorneys office that
5 was prosecuting the case?
6 THE PROSPECTIVE JUROR: Yes.
7 THE COURT: It didn't have
8 anything to do with these 2 folks?
9 THE PROSPECTIVE JUROR: No.
10 THE COURT: Is there anything
11 about their aspect in the case that
12 caused you any concern about being a
13 juror in a criminal trial?
14 THE PROSPECTIVE JUROR: My
15 trial?
16 THE COURT: Yes.
17 THE PROSPECTIVE JUROR: Just
18 a lot of the evidence wasn't valid.
19 THE COURT: I also assume
20 that the defense attorneys who
21 represented your husband are not
22 these 2 gentlemen representing
23 Mr. Slaughter?
24 THE PROSPECTIVE JUROR: No.
25 THE COURT: Are you going to

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1 hold it against them because the
2 attorney that represented your
3 husband was less than --
4 THE PROSPECTIVE JUROR: I
5 would be fine.
6 THE COURT: Was there a
7 fourth or just 3?
8 THE PROSPECTIVE JUROR: There
9 was just the 3.
10 THE COURT: Who else had
11 their hand up; top row, Mr. Hoeft,
12 399.
13 THE PROSPECTIVE JUROR: Yes.
14 THE COURT: What do you have?
15 THE PROSPECTIVE JUROR:
16 January 2009, my car was stolen.
17 THE COURT: Here in Las
18 Vegas?
19 THE PROSPECTIVE JUROR:
20 Henderson.
21 THE COURT: The Henderson
22 Police contacted you?
23 THE PROSPECTIVE JUROR: Yes.
24 THE COURT: Ever go to
25 court?

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1 THE PROSPECTIVE JUROR: No.
2 THE COURT: Then, Mr. Kun's,
3 did you have your hand up?
4 THE PROSPECTIVE JUROR: 8 to
5 9 years ago my dad's car broken was
6 into and there was a pair of scissors
7 in the ignition.
8 Somebody tried to start the
9 car, nothing happened. I filed a
10 report to Metro.
11 THE COURT: Did you go to
12 Court?
13 THE PROSPECTIVE JUROR: No.
14 THE COURT: Anybody else over
15 here; front row, Mr. Rippe, 407.
16 THE PROSPECTIVE JUROR: Yes,
17 home burglary, as well as my car was
18 vandalized probably 5 years ago.
19 THE COURT: Car vandalism;
20 was any kind of police report filed?
21 THE PROSPECTIVE JUROR: I
22 called and Metro came out. Nobody
23 was found.
24 I filed a claim for home
25 burglary 2 months ago, February.

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1 THE COURT: 2 months ago?
2 THE PROSPECTIVE JUROR: Yes.
3 THE COURT: And the police
4 then contacted you in regard to
5 that?
6 THE PROSPECTIVE JUROR: Yes.
7 THE COURT: Was anybody home
8 at the time or you were away?
9 THE PROSPECTIVE JUROR: I was
10 away. My security system went off.
11 They called somebody out. They never
12 caught anybody red-handed.
13 THE COURT: That's kind of an
14 active investigation so to speak?
15 THE PROSPECTIVE JUROR: They
16 were going through and they found
17 some stuff, but we are still waiting
18 for the fingerprints left on the
19 window.
20 I don't know why it takes so
21 long to get fingerprinting back.
22 They said it could take 6 months. I
23 don't get it.
24 THE COURT: Was that the
25 Metropolitan Police Department?

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1 THE PROSPECTIVE JUROR: Yes.
2 THE COURT: Anybody else
3 over there; Mr. Servoss, 420.
4 THE PROSPECTIVE JUROR: My
5 dog was stolen last April, Las Vegas.
6 THE COURT: Your dog?
7 THE PROSPECTIVE JUROR: Yes.
8 THE COURT: It was a
9 dog-napping from your home?
10 THE PROSPECTIVE JUROR: Yes.
11 THE COURT: Were the police
12 contacted about that?
13 THE PROSPECTIVE JUROR: Yes,
14 sir.
15 THE COURT: Was anybody ever
16 caught?
17 THE PROSPECTIVE JUROR: Yes,
18 sir.
19 THE COURT: Did the matter go
20 to court?
21 THE PROSPECTIVE JUROR: Yes.
22 THE COURT: Did you testify?
23 THE PROSPECTIVE JUROR: At
24 the preliminary hearing.
25 THE COURT: Did it ever go to

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1 trial or just preliminary hearing?

2 THE PROSPECTIVE JUROR: I am

3 not sure.

4 THE COURT: When was it?

5 THE PROSPECTIVE JUROR: Last

6 April.

7 THE COURT: When was the

8 preliminary hearing?

9 THE PROSPECTIVE JUROR:

10 Probably 2, 3 months after.

11 THE COURT: It may still be

12 pending.

13 THE PROSPECTIVE JUROR: I

14 haven't heard back.

15 THE COURT: Where did you go

16 to testify at preliminary hearing,

17 this building?

18 THE PROSPECTIVE JUROR: No,

19 the other side of town.

20 THE COURT: Henderson, North

21 Las Vegas?

22 THE PROSPECTIVE JUROR: North

23 Las Vegas.

24 THE COURT: And did the

25 District Attorneys prosecute that

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1 case?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: It was not these

4 2 folks?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Is there anything

7 about how that has gone through the

8 court system so far that causes you

9 any concern about being a juror?

10 THE PROSPECTIVE JUROR: No,

11 sir.

12 THE COURT: Did you get your

13 dog back?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: All right.

16 Anybody else over that had their hand

17 up?

18 No.

19 Okay. The same thing with

20 regard to the 10 of you, have you

21 yourselves or anyone close to you,

22 family members, friends, ever been

23 accused of a crime, arrested

24 convicted of any crimes?

25 THE COURT: Mr. Rippe, 407.

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1 THE PROSPECTIVE JUROR: Yes,

2 my son, the youngest one, he is in

3 the court system right now.

4 He has a court date pending

5 next week.

6 THE COURT: Is he a juvenile?

7 THE PROSPECTIVE JUROR: He is

8 an adult.

9 THE COURT: What type of

10 charge?

11 THE PROSPECTIVE JUROR: 3

12 counts of grand larceny and 3 counts

13 of burglary.

14 THE COURT: Is this court

15 date a trial, preliminary hearing,

16 or --

17 THE PROSPECTIVE JUROR:

18 Preliminary hearing. Monday next

19 week is the first day of trial.

20 THE COURT: I take it he

21 is being prosecuted by the DA's

22 office?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Not either of

25 these 2 folks?

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1 THE PROSPECTIVE JUROR: No,

2 he is being represented by a public

3 defender.

4 THE COURT: Have you had much

5 involvement with the police or

6 anybody about what it was that got

7 him into the situation he is in?

8 THE PROSPECTIVE JUROR: No. I

9 am trying not to.

10 THE COURT: The only reason I

11 am asking is just to see if you feel

12 like you are in a position to speak

13 to whether he is being treated

14 fairly, or are you kind of removed

15 from it and don't know what is going

16 on?

17 THE PROSPECTIVE JUROR: He is

18 my son. I am trying to stay up on

19 it. I am trying not to get

20 involved. It was nothing that I did

21 to get him into the situation.

22 I couldn't speak to whether

23 he is being treated fairly.

24 THE COURT: Anyone else?

25 Mr. Servoss.

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1 THE PROSPECTIVE JUROR: In
2 2008, Michigan, I was arrested for
3 possession of marijuana.
4 THE COURT: How long ago?
5 THE PROSPECTIVE JUROR: 2008.
6 THE COURT: I take it that's
7 all been resolved?
8 THE PROSPECTIVE JUROR: Yes.
9 THE COURT: Anybody else?
10 No.
11 All right. Do any of the 10
12 of you have a tendency to give more
13 weight or credence or less weight or
14 credence to the testimony of police
15 officers just because a person was a
16 police officer, without consideration
17 to any other facts or circumstances;
18 no hands.
19 Do the 10 of you of believe
20 you would be able to wait in forming
21 your opinion as to whether or not
22 Mr. Slaughter is guilty of any
23 charges until after you have heard
24 all of the evidence and you are
25 given legal instructions by the

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1 court?
2 Ms. Kalling, 390?
3 THE PROSPECTIVE JUROR: Being
4 that my domestic abuse pertained to
5 my face, seeing the evidence as far
6 as pictures, I wouldn't be able to
7 sit on the panel.
8 THE COURT: So the issue that
9 Ms. Fleck was bringing up earlier
10 about photographs would cause you
11 concern if you had to look at that
12 type of thing?
13 THE PROSPECTIVE JUROR:
14 Correct.
15 THE COURT: I appreciate all
16 of your answers to my questions.
17 I will turn it back over to
18 Ms. Fleck as to the 10 folks that we
19 just filled in.
20 MS. FLECK: Okay.
21 The 10 of you have been able
22 to listen to all of the questions
23 posed to everybody for the last day
24 and a half now, so I am not going to
25 go through each person individually

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1 for every single question; but is
2 there anybody, any of the new of you,
3 new 10 of you that have a problem
4 deliberating in a case like this and
5 exchanging ideas with strangers, and
6 going into the back room and
7 deliberating with people who may come
8 from a different walk of life, or
9 that have different experiences than
10 you; does anybody have a problem with
11 that?
12 Ms. Kalling, I would like to
13 follow-up; you were the victim of a
14 bank robbery?
15 THE PROSPECTIVE JUROR: Yes.
16 MS. FLECK: Was it armed
17 robbery?
18 THE PROSPECTIVE JUROR: It
19 was supposedly stated as an armed
20 robbery. There was no gun that was
21 visual.
22 MS. FLECK: You never saw a
23 weapon?
24 THE PROSPECTIVE JUROR: No.
25 MS. FLECK: That was here in

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1 Las Vegas?
2 THE PROSPECTIVE JUROR: Yes.
3 MS. FLECK: Did you say the
4 person had been apprehended or
5 not?
6 THE PROSPECTIVE JUROR: At
7 the second robbery attempt.
8 MS. FLECK: Were you involved
9 in any identification process?
10 THE PROSPECTIVE JUROR: No.
11 MS. FLECK: Did you do a
12 photo lineup?
13 THE PROSPECTIVE JUROR: No.
14 MS. FLECK: They never asked?
15 THE PROSPECTIVE JUROR: No.
16 MS. FLECK: I know I
17 expressed some issues with pictures;
18 would you think that you would be
19 able to look at those pictures and
20 ultimately make a decision?
21 THE PROSPECTIVE JUROR: I am
22 going to be completely biased towards
23 it. I had an injury to my face.
24 I probably wouldn't be able
25 to.

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1 MS. FLECK: Even
2 understanding this is a different
3 courtroom case, different
4 circumstances?
5 THE PROSPECTIVE JUROR: Given
6 any other case situation, I probably
7 could be completely impartial to
8 everything, but on this typical
9 description, no.
10 MS. FLECK: Okay. Thank you.
11 Mr. Rippe, your son is being
12 prosecuted by our office currently,
13 correct?
14 THE PROSPECTIVE JUROR: Yes.
15 MS. FLECK: Even though
16 Mr. DiGiacomo and I, as far as you
17 know, don't have involvement in the
18 case, do you think that you could sit
19 as a juror and listen to the evidence
20 that's presented by the 2 of us,
21 knowing that our office is
22 prosecuting your son?
23 THE PROSPECTIVE JUROR: To be
24 honest, the timing is really terrible
25 to be in this courtroom judging

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1 somebody else; knowing my son is in
2 court next week, I don't know that I
3 will be able to focus.
4 It is just the fact that
5 honestly the coincidences, I just
6 don't know that I would be able to be
7 here in the room knowing that I
8 should be in court.
9 MS. FLECK: You would be
10 thinking about what is going on with
11 him?
12 THE PROSPECTIVE JUROR:
13 Absolutely.
14 MS. FLECK: So it is more of
15 a timing in your life thing?
16 THE PROSPECTIVE JUROR: The
17 timing, the types of charges; the
18 fact that he was arrested for
19 burglary as well.
20 Also, I saw the Defendant's
21 father outside and that sort of
22 disturbed me.
23 MS. FLECK: You just
24 personalize it a little more?
25 THE PROSPECTIVE JUROR: A

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1 little more, yes.
2 MS. FLECK: Thank you.
3 Mr. Servoss, you mentioned
4 that you had a -- that your dog was
5 stolen from your house and you went
6 on to preliminary hearing?
7 THE PROSPECTIVE JUROR: Yes.
8 MS. FLECK: So they obviously
9 caught somebody that had done it?
10 THE PROSPECTIVE JUROR: Yes.
11 MS. FLECK: Did you know the
12 person?
13 THE PROSPECTIVE JUROR: My
14 brother knew him.
15 MS. FLECK: It is a horrible
16 thing to steal from a person, so it
17 went to a preliminary hearing, and
18 then there was no follow-up after
19 that?
20 THE PROSPECTIVE JUROR:
21 Correct.
22 MS. FLECK: Do you have any
23 feelings about the fact that the case
24 didn't go further or that you didn't
25 know happened, what the outcome

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1 was?
2 THE PROSPECTIVE JUROR: The
3 last thing I knew was she had a
4 conference with her lawyer, and I
5 haven't heard back since then.
6 MS. FLECK: Maybe it is still
7 going on.
8 THE PROSPECTIVE JUROR:
9 Correct.
10 MS. FLECK: Do you have any
11 feelings about it; do you understand
12 it is part of the process, and the
13 process just hasn't gone on maybe as
14 quickly as you want?
15 THE PROSPECTIVE JUROR: Yes.
16 MS. FLECK: You are not
17 holding it against the State that it
18 hasn't been as expeditious as you
19 would have liked?
20 THE PROSPECTIVE JUROR: No.
21 MS. FLECK: Out of the new
22 jurors, how many of you have
23 experience with firearms.
24 Ms. Kalling, you own
25 weapons?

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1 THE PROSPECTIVE JUROR: My
2 husband has a collection of weapons.
3 He has a CCW.
4 MS. FLECK: Mr. Spies, you
5 also have experience with weapons?
6 THE PROSPECTIVE JUROR: Yes,
7 I have a collection of firearms.
8 MS. FLECK: So you can tell
9 the differences between a revolver
10 and a semi-automatic?
11 THE PROSPECTIVE JUROR: Yes.
12 MS. FLECK: Anyone else in
13 top row?
14 Mr. Hoeft?
15 THE PROSPECTIVE JUROR: I
16 have shot a gun maybe twice, that's
17 about it.
18 MS. FLECK: Anybody else?
19 THE PROSPECTIVE JUROR: I
20 know about them but never had
21 experience with them.
22 MS. FLECK: So you --
23 THE PROSPECTIVE JUROR: Done
24 research, read.
25 MS. FLECK: What is it?

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1 THE PROSPECTIVE JUROR:
2 Reading a magazine.
3 MS. FLECK: Something you are
4 interested in?
5 THE PROSPECTIVE JUROR: Yes.
6 MS. FLECK: When your
7 father's car was broken into, is that
8 something that was related to you
9 secondhand from your dad?
10 THE PROSPECTIVE JUROR: Yes.
11 MS. FLECK: Nothing that you
12 personally went through?
13 THE PROSPECTIVE JUROR: No.
14 MS. FLECK: Mr. Servoss.
15 THE PROSPECTIVE JUROR: I
16 used to work as a corrections officer
17 in Michigan.
18 MS. FLECK: Based upon then
19 your experience working in the
20 criminal justice system, do you have
21 any residual feelings or any feelings
22 one way or the other about the
23 criminal justice system that would
24 affect your ability to sit as a juror
25 here?

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1 THE PROSPECTIVE JUROR: No.
2 MS. FLECK: You can come in
3 and listen to the evidence?
4 THE PROSPECTIVE JUROR: Yes.
5 MS. FLECK: Anyone else?
6 Mr. Kopka.
7 THE PROSPECTIVE JUROR: I
8 used to compete with a pistol at a
9 long range, silhouette shots.
10 MS. FLECK: Out of the new
11 jurors, again you listened to a lot
12 of questions.
13 You listened to lot of
14 answers; is there anything that any
15 of you would like to share or that
16 you thought about that makes you feel
17 that you wouldn't be a good juror for
18 this case, that you couldn't be fair
19 to both the State and Mr. Slaughter
20 and listen to the evidence and wait
21 to make a decision?
22 Ms. Kalling?
23 THE PROSPECTIVE JUROR: I
24 would have a problem.
25 MS. FLECK: Anybody else?

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1 No.
2 No more questions.
3 THE COURT: Mr. Fumo.
4 MR. FUMO: Yes, Your Honor.
5 I will be brief.
6 Mr. Kun, you are a fourth
7 year student at UNLV; is that going
8 to the interrupt your finals?
9 THE PROSPECTIVE JUROR: No we
10 finished finals last Thursday.
11 MR. FUMO: You would be fine
12 sitting on this jury?
13 THE PROSPECTIVE JUROR: I
14 would.
15 MR. FUMO: You would like to
16 sit as a juror?
17 THE PROSPECTIVE JUROR: I
18 would. I would like to experience
19 this, see the court system.
20 MR. FUMO: Mr. Spies.
21 THE PROSPECTIVE JUROR: Yes,
22 sir.
23 MR. FUMO: You have a degree
24 in nuclear medicine?
25 THE PROSPECTIVE JUROR: Yes.

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1 MR. FUMO: Where do you work?

2 THE PROSPECTIVE JUROR:

3 Valley View Hospital.

4 MR. FUMO: How long lived in

5 Las Vegas, 10 years?

6 THE PROSPECTIVE JUROR: 10

7 years.

8 MR. FUMO: Mr. Servoss, is

9 there anything about your experience

10 with the law, with the arrest, that

11 would cause you to be biased against,

12 pro for or against the State or the

13 police officers?

14 THE PROSPECTIVE JUROR: No.

15 MR. FUMO: You could listen

16 to the testimony fairly?

17 THE PROSPECTIVE JUROR: Yes.

18 MR. FUMO: One last general

19 question of the 10 new ones; if the

20 State didn't prove every single

21 element of every single charge beyond

22 a reasonable doubt, would any of you

23 have a problem finding Mr. Slaughter

24 not guilty?

25 THE PROSPECTIVE JUROR: Yes.

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1 MR. FUMO: Thank you for

2 honesty.

3 I will pass.

4 THE COURT: Approach the

5 bench, please.

6 - - - - -

7 (Thereupon, the following proceedings

8 were conducted outside the hearing of

9 the jury at sidebar.)

10 - - - - -

11 THE COURT: All right, folks,

12 here is what we are going to do, you

13 are going to get a lunch break.

14 We only have 32 people in

15 here. I am not sure if we are going

16 to get this done or whether I have to

17 get more. I have to find out from

18 jury service and see if we can find

19 more jurors.

20 I am trying to get this

21 answer before I let you go. We are

22 going to take a recess.

23 - - - - -

24 (Thereupon, the jury was admonished by

25 the court.)

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1 - - - - -

2 THE COURT: What challenges

3 for cause would the State be making

4 to the 10 we just got?

5 MR. DiGIACOMO: I have a

6 challenge for cause per se for

7 Ms. Kalling.

8 I think that I may have been

9 the prosecutor with Abbi Silver on

10 her case. I don't think she knows

11 it.

12 THE COURT: Okay.

13 MR. DiGIACOMO: She did have

14 substantial injuries to her face. I

15 believe her when she said she

16 wouldn't be able to look at these

17 photographs.

18 Then in addition to that,

19 Mr. Rippe's son is being prosecuted

20 by our office at this time, and he

21 said something else that disturbed

22 me; I don't know if I heard that

23 right, he said something about he saw

24 Mr. Slaughter's father looking in and

25 he felt compassion for him.

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1 That concerns me. I know

2 they are going to be instructed, but

3 I don't know what is going on

4 outside.

5 This concerns me. I don't

6 know if the court is going to ask

7 the staff if there has been some

8 issue.

9 THE COURT: Well, based on

10 some of the issues I had in my last

11 trial, moving forward I am going to

12 be endeavoring to keep the jury in

13 the back as much as possible,

14 elevator use, recesses, lunch

15 breaks, so they are not outside with

16 family.

17 The last trial, it wasn't

18 just the Defendant, there was 15

19 victim's families here everyday as

20 well, riding the elevator, setting

21 out in the hallway, all kind of

22 things going on.

23 It was troublesome.

24 MR. FUMO: One thing that

25 Mr. Rippe said, he felt compassion

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1 for him. He felt that his father was
2 trying to get a peek at his son, and
3 I think he was indicating that
4 Mr. Slaughter in custody.
5 MR. DiGIACOMO: I didn't take
6 it that way.
7 THE COURT: I think Leslie
8 told family members they needed to
9 stay outside because we didn't have
10 room in the courtroom to fit
11 everybody in. I assume you are
12 going to challenge Ms. Kalling as
13 well?
14 MR. FUMO: Yes.
15 THE COURT: I grant the
16 challenge to Kalling and Mr. Rippe.
17 It was clear that he is concerned
18 about his son going to trial next
19 week at the hands of the District
20 Attorneys office, and he would like
21 very much to be there.
22 I will excuse him as well.
23 Am I correct from the bench
24 conference that those are the only 2
25 that either side would be challenging

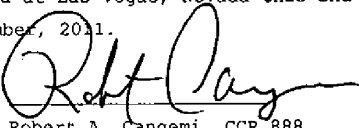
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1 out of the new 10?
2 MR. DiGIACOMO: Yes.
3 MR. FUMO: Yes.
4 THE COURT: So that means we
5 have 30 prospective jurors. We
6 needed 32 to keep 2 alternates; so
7 what was discussed at the bench, I
8 said if we were just excusing one, I
9 would have gone forward with one
10 alternate, rather than get 10 or 15
11 more people and start over.
12 MR. DiGiacomo, you said you
13 are not inclined to use all of your 9
14 challenges; if you waive any of those
15 9, we would have one or 2 extra
16 person to be alternates.
17 I will take a short recess
18 and let you look through that.
19 MR. DiGIACOMO: The
20 alternates, are they at the tail
21 end?
22 THE COURT: Unless both sides
23 stipulate that, we want to choose
24 them randomly.
25 I leave them to the end so

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1 you know where your alternates are.
2 We have 1 or 2. Sometimes I like the
3 idea of having them be random.
4 MR. DiGIACOMO: I think
5 Ms. Fleck and I are of the opinion
6 that we can waive one and at the tail
7 end is the alternate.
8 THE COURT: Okay. Good. We
9 are in recess.
10 - - - - -
11 (Thereupon, a recess was taken.)
12 - - - - -
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1 C E R T I F I C A T E
2 STATE OF NEVADA)
3) ss.
4 CLARK COUNTY)
5
6
7
8
9 I, Robert A. Cangemi, CCR 888, do
10 hereby certify that I reported the foregoing
11 proceedings, and that the same is true and
12 accurate as reflected by my original machine
13 shorthand notes taken at said time and place
14 before the Hon. Douglas Herndon, District
15 Court Judge presiding.
16 Dated at Las Vegas, Nevada this 2nd day
17 of September, 2011.
18 
19 Robert A. Cangemi, CCR 888
20 Certified Court Reporter
21 Las Vegas, Nevada
22
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3 IN THE EIGHTH JUDICIAL DISTRICT COURT
4 CLARK COUNTY, NEVADA

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 ORIGINAL

7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 RICKIE SLAUGHTER,)

11 Defendant.)

Case No.
C204957
Dept. No. 3

12 -----

04C204957
TRAN
Reporters Transcript
1695584

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JURY TRIAL

14

15 Before the Honorable Douglas W. Herndon
16 Friday, May 13, 2011, 1:30 p.m.

17 Reporter's Transcript of Proceedings
18 -----

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19 APPEARANCES:

19

20 For the State: Marc DiGiacomo, Esq.
21 Chief Deputy District
22 Attorney
Michelle Fleck, Esq.
Deputy District Attorney

23 For the Defendant: Osvaldo Fumo, Esq.
24 Dustin Marcello, Esq.

25 REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

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CLERK OF THE COURT

1 TRAN 1

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3 IN THE EIGHTH JUDICIAL DISTRICT COURT

4 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.) Case No.

10 RICKIE SLAUGHTER,) C204957

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19 APPEARANCES:

20 For the State: Marc DiGiacomo, Esq.

21 Chief Deputy District

22 Attorney

23 Michelle Fleck, Esq.

24 Deputy District Attorney

25 For the Defendant: Osvaldo Fumo, Esq.

26 Dustin Marcello, Esq.

27

28 REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

1 Las Vegas, Nevada, Friday, May 13,

2 2011

3 * * * * *

4 (Thereupon, the following proceedings

5 were had in open court and outside

6 the presence of the jury.)

7

8 THE COURT: We will be on the

9 record in 204957, State of Nevada

10 versus Rickie Slaughter.

11 He is present with his

12 attorneys.

13 The State's attorneys are

14 present. We are outside the presence

15 of the prospective jurors.

16 You guys have passed the list

17 back and forth; I am going to put on

18 the record who remains as jurors.

19 I will go ahead and keep 2

20 alternates, since the State waived 2

21 of their challenges.

22 That means what was left was

23 Mr. Spies, Mr. Perlas -- Mr. Spies,

24 badge 397.

25 Mr. Perlas, 188.

1 Mr. Hoeft, 399.

2 Ms. Metz, 200.

3 Mr. Fuller 325.

4 Mr. Wilkinson, 225.

5 Mr. Maloney 228.

6 Ms. Dykstra, 230.

7 Mr. Evenson 244.

8 Ms. Middleton 248.

9 Ms. Metta, 415.

10 And Ms. Bernabe, 279, are the

11 12 jurors.

12 And then Mr. Servoss, 420, is

13 alternate number one.

14 And Ms. Di Pol, 298, would be

15 alternate number 2.

16 Is that what both sides

17 have?

18 MR. FUMO: Yes, Your Honor.

19 THE COURT: What did you guys

20 want to make a record of?

21 MR. MARCELLO: Your Honor,

22 the State has exercised their

23 preemptory challenges in a way that

24 basically limits the racial make-up

25 of the jury.

1 A substantial portion of

2 their preemptory challenges were

3 based specifically on minorities.

4 We have Sandija More, Kendra

5 Rhines, we also have Mesfin Belayneh;

6 we have Sanela Itoafa, and we also

7 have, including the only remaining

8 African-American juror left, who is

9 Kendra Rhines.

10 And, Your Honor, Batson

11 basically says that preemptory

12 challenges, while they can used for

13 many purposes, can't be used to deny

14 the Defendant a jury solely based on

15 race.

16 We believe that they used a

17 substantial portion of preemptory

18 challenges to limit the racial

19 make-up of the jury, and including

20 Richard Kun as well.

21 Normally, in the past, it has

22 been required that the Defendant show

23 that the people being challenged were

24 of the same racial make-up.

25 The courts have since

1 expanded that in Casamar versus
2 State, to include that you are
3 trying to get rid of minorities in
4 general.

5 We have a little bit of both
6 those. We have the only African-
7 American juror left who provided
8 substantially the same answers as all
9 of the other qualified jurors that
10 were there, and that it appears that
11 the only reason she was stricken was
12 due to her race.

13 And the fact that she was the
14 last African-American juror left on
15 the panel, including the other
16 individuals that I cited, who were
17 either foreign born of a minority
18 race, I guess to say; and taken as a
19 whole, it appears that a substantial
20 portion of them were used solely
21 based on race.

22 And once a prima facie
23 showing has been made that a portion
24 of their preemptory challenges have
25 been used to limit the racial make-up

1 of the jury, I believe it is
2 incumbent on the Court to request an
3 explanation; and one that we
4 specifically would be interested in,
5 again, is that relates to the lone
6 African-American juror who is left,
7 as well as to Mr. Kun and to Mesfin
8 Belayneh and to -- we have Kendra
9 Rhines, Mr. Kun's and Saniya More and
10 Sanela Itoafa.

11 THE COURT: Can I see the
12 list back, that's the only one that I
13 have.

14 Mr. DiGiacomo.

15 MR. DIGIACOMO: Thank you,
16 Judge.

17 Talking about an expansion of
18 Batson, nowadays, and I didn't notice
19 it, because I don't notice those type
20 of things, the Court's looked at this
21 jury -- I don't think I could have
22 used 9 preempts on Caucasian males
23 that were born in the United States
24 that are nature citizens of the
25 United States, that's just not the

1 make-up of a jury nowadays.

2 There's no way to use
3 preempts without striking somebody of
4 some sort of classification, so I
5 thought it was somewhat humorous that
6 they are saying now the woman that
7 was born in Latvia is a minority, or
8 the Caucasian female that was born in
9 Romania now and that makes her a
10 minority.

11 There's an Indian person.
12 There was one Indian person struck,
13 although there was number of other
14 people of that persuasion on the
15 jury.

16 There was a single African-
17 American struck by the State, which
18 I believe should have gone for
19 cause.

20 I don't know how the Court
21 could find there was a prima facie
22 case that I utilized it.

23 They struck an Asian; well,
24 there's 2 other Asians on there.
25 There is no way to utilize strikes in

1 a 32 person method without by just
2 mere numbers some identifiable group
3 being in there.

4 The question for the Court
5 is; did we target a specific
6 identifiable group or just minorities
7 in the whole.

8 I don't know how the Court
9 could find that, and I don't even
10 know how you would necessarily define
11 minority as a whole nowadays.

12 I am not sure that the
13 population of Clark County now, what
14 the racial make-up is, in general, to
15 say that it is even more than 50
16 percent Caucasian; so when it becomes
17 more than 50 percent Hispanic, is
18 that now the group that you can only
19 strike under the defense's theory;
20 so, I don't think they could show a
21 prima facie case of discrimination;
22 and, so, as such, the inquiry ends
23 there.

24 MR. MARCELLO: Just one quick
25 response, we have 32 jurors that were

selected. I believe they waived 2
preemptory challenges, so we have 7
people they preempted; we have 4 of
them being of a minority population,
so that's basically one in 8 that was
used.

THE COURT: Well, I don't
know that -- how do you characterize
Ms. Itoafa and Ms. More as being
minorities, because they were
Caucasian women.

Just because they were born
in European countries doesn't mean
they are minorities.

MR. MARCELLO: I would agree
with that, but it is a little more
expansive than that, the minority
population.

I would venture to guess that
the Latvian population in the United
States is not substantial, and that
is what defines a minority racial
group is not limited to simply
Caucasian or what is listed on the
federal forms that you fill out,

Caucasian, African-American and so
forth, it could be limited to a
particular social --

THE COURT: I think you are
stretching Batson way beyond the
bounds of what it was meant to
mean.

You are saying now we can
stretch and say if you are a
Caucasian male but not born in
Nevada, then you are a minority
Caucasian male within the State of
Nevada kind of thing, I don't think
that is what Batson was about.

We are talking about African-
American, Hispanic folks and Asian
folks, those types of things where
you are targeting a minority
population to exclude them.

MR. MARCELLO: We have half
of the challenges being used for
those individuals.

THE COURT: With regard to
badge 186, Ms. Itoafa, and badge 212,
Ms. More, they were blond-headed

Caucasian women, as Caucasian as
Caucasian gets, other than the fact
that they may have not been born in
the United States.

I am not convinced that there
was any kind of an attempt to target
eastern European women to exclude
them from the jury in some fashion so
that they have some kind of Batson
issue attached to them.

MR. MARCELLO: What is the
Court's feeling as to -- we have an
Asian male, we have an Indian male, I
believe, as well.

We have the lone black juror
that was left, and one that I
couldn't particularly off the top of
my head tell you the race, but the
last name suggests that it is a
minority group.

The chances that you would
just randomly pick somebody to be
preempted would be, with 7 challenges
being used, you have roughly 35
jurors, roughly; and just to make the

math easy, it is 1 out of 8 chances
that somebody would be taken off of
the jury randomly.

We have now doubled the
probability that they would be taken
off the jury, because 4 of those
challenges were used; both, like I
said, an Asian minority population
and an Indian minority population,
and the last lone black juror left on
the panel, and the last -- again, I
can't tell the foreperson, what his
ethnic persuasion is, I assume it is
a minority, as well; that's
substantial enough to inquire as to
why those particular individuals were
removed from the jury.

If there is a neutral
explanation, I believe that it should
just be sought.

THE COURT: Here is what I
will say, I will ask the State to the
make the record as to Ms. Rhines, the
African-American young lady, but with
regard to Mr. Kun, the State struck

13
1 Mr. Kun, an Asian gentleman.

2 The defense struck Nguyen, an
3 Asian gentleman, and you both left on
4 Ms. Bernabe, who is an Asian or
5 Filipino woman, so I don't think
6 there's any pattern of exclusion by
7 the State of Asian people as well;
8 nor do I think that there is any
9 pattern of any other kind of
10 exclusion here.

11 But, because the State raised
12 the issue for challenging for cause
13 Ms. Jamerson and Mr. Doxie during the
14 challenges for cause portion who are
15 African-American, I will ask the
16 State to make a record as to the
17 reason behind the challenge for
18 Ms. Rhines.

19 MR. DIGIACOMO: The same
20 reason I challenged her for
21 cause.

22 THE COURT: The statements
23 that were made for that discussion
24 will be part of what is considered,
25 here.

14
1 Go ahead.

2 MR. DIGIACOMO: During the
3 discussion of Mr. Doxie -- actually,
4 during the questioning by Ms. Fleck
5 of Mr. Doxie, which he indicated a
6 bias which the Court found for cause,
7 I sat here and watched Ms. Rhines nod
8 along with Mr. Doxie as he was saying
9 some fairly preferential things
10 concerning the behavior of police
11 officers, and what he believed those
12 police officers could do.

13 I said to Ms. Fleck when we
14 started back up, ask why she's
15 nodding her head.

16 She started answering the
17 questions which were, I have to tell
18 my children, explain to my children
19 how to survive when they come
20 into contact with a police officer.

21 I have got to tell you, as a
22 prosecutor, I tell my children that
23 when they see a police officer, they
24 respect everything he says.

25 I have never even thought of

15
1 telling that person, my son, that
2 they need to think about surviving;
3 that's an inherent distrust of
4 police.

5 It is an inherent distrust of
6 authority, and as the lawyer for the
7 defense has repeatedly called us the
8 government, people who have inherent
9 distrust of police and authority are
10 less likely to convict.

11 And, so, based upon that, I
12 felt that striking Ms. Rhines was
13 appropriate.

14 MR. MARCELLO: Your Honor,
15 this is exactly why we want people of
16 a varied ethnic and racial make-up is
17 because we want them to bring their
18 past lives and experiences to bear,
19 when we have 12 people on the jury
20 and you are entitled to equal
21 protection under the law, that you
22 want 12 people that are peers.

23 We now have nobody that is he
24 peer that's grown up with the type of
25 lifestyle to which none of us could

16
1 attest to.

2 I never had to deal the
3 issues that Ms. Rhines had to deal
4 with, and she indicated there's
5 good people and bad people, that
6 she would base her decision on the
7 facts.

8 She may have grown up with a
9 different view on life that has been
10 formulated from her dealings with the
11 authorities, and that's exactly the
12 reason why we don't want to limit
13 people just based on that, because
14 her race is what led her to those
15 conclusions.

16 And her final decision was
17 scheduling can be difficult, but I
18 can impartial, I can be fair; and
19 that was the same answer given by all
20 other jurors.

21 I am led to believe that the
22 only reason she was kicked is
23 actually an indirect reason given,
24 that her interpretation of the
25 actions of authority based on her

17

1 race affects her view on the world,
2 and those are the kind of things we
3 want to bear when we want a jury of
4 Mr. Slaughter's peers.

5 THE COURT: Here is the
6 thing, nobody is entitled to a jury
7 of their peers if the issue that you
8 are trying to say they are entitled
9 to is a bunch of people that distrust
10 police or government.

11 I think it is insulting to
12 insinuate that any race, whether it
13 is Hispanic, African-American or
14 otherwise, generally distrust
15 government, and therefore that's your
16 only peer group.

17 I have had a number of
18 African-American jurors, Hispanic
19 jurors, Asian, whatever it may be
20 that can sit here and say; no, I will
21 give the cops a fair shake, lay
22 witnesses a fair shake.

23 I don't have any inherent
24 distrust. I will listen to what you
25 have to say.

18

1 Whether it is Mr. Jensen, the
2 white gentleman who said I got beat
3 up by the police. I don't like
4 them. I want them out of here; or
5 Ms. Lippisch, the Caucasian woman who
6 said I am always going to trust the
7 cops, nobody is entitled to that
8 kind of peer group as their
9 jurors.

10 What you are entitled to is
11 people that are willing to be fair
12 and open minded. So, I think the
13 reasoning behind striking Ms. Rhines
14 is more than adequate to justify her
15 exclusion.

16 Mr. Belayneh, the cab driver
17 that was of Indian or Middle Eastern
18 decent, he came up during the
19 challenges for cause as well. It was
20 kind of a close call in terms of his
21 statements about whether he would be
22 able to follow the law.

23 He made the statement, he
24 said a lot, but he thinks he would be
25 inclined to follow his personal

19

1 opinions. He may have had some
2 confusion about how that works in
3 jury service.

4 I think there was grounds to
5 strike him as well; so, I will allow
6 the exclusions and strikes that took
7 place, and the jury will remain as
8 the 12 plus 2 that I laid out.

9 All right.

10 MR. MARCELLO: Your Honor,
11 one last issue was -- and this should
12 have been brought up in the preempt,
13 I believe we had a mix up with
14 names -- as far as for cause, I
15 apologize -- basically the last
16 name is Borg, he indicated while he
17 was --

18 THE COURT: We can't go back
19 and do challenges for cause now. We
20 discussed that at the bench that
21 there were no other challenges for
22 cause.

23 I have 30 people to move
24 forward on; if I go back and
25 challenge people for cause, then we

20

1 won't have enough jurors.

2 There was a time and a place
3 for that and we are way past that
4 now.

5 MR. MARCELLO: We just would
6 like to put on the record that we
7 believe that he was, because he had a
8 bias towards cops opinion, and we
9 would just like that to be on the
10 record.

11 THE COURT: I will note
12 that. For the record, I would also
13 note that it is woefully untimely to
14 raise that issue. But I would say,
15 Mr. Borg, from my recollection, was
16 the guy that works with the school
17 district as an electrical technician;
18 the statement was that he knows a
19 number of school police officers.

20 I don't think there was
21 anything raised that would justify a
22 challenge for cause anyway.

23 MR. MARCELLO: Understood.

24 THE COURT: Now, let's get
25 them in and we will get the excused

21

1 people on their way, and I will read
2 that opening admonition to them and
3 let them go.
4 I was going to try to start
5 earlier Monday, but it is difficult
6 to get people up here on Monday
7 morning.
8 - - - - -
9 (Thereupon, the following proceedings
10 were had in open court and in the
11 presence of the jury.)
12 - - - - -
13 THE COURT: We will back on
14 the record in 204957, State of Nevada
15 versus Rick Slaughter.
16 Mr. Slaughter is present with
17 his attorneys.
18 The State's attorneys are
19 present.
20 Our prospective jurors are
21 present.
22 Ladies and gentlemen, at this
23 time I am going to thank and excuse a
24 number of you, so let me just read
25 the names before you get up to leave,

22

1 if you would.
2 I am going to excuse
3 Ms. Itoafa, badge 186.
4 Mr. Lozano, 189.
5 Mr. Sinsabaugh, 199.
6 Ms. More, 212.
7 Mr. Rowland, 221.
8 Mr. Kun, 402.
9 Mr. Gapp, 346.
10 Ms. Rhines, 242.
11 Mr. Weeks, 377.
12 Mr. Michael Salcido, 416.
13 Dr. Nguyen, 389.
14 Mr. Lagunas, 423.
15 Mr. Belayneh 292.
16 Mr. Borg, 293.
17 Mr. Kopka, 431.
18 And Mr. Cooper, 316.
19 You all are excused. I
20 appreciate your time for the last 3
21 days. Head back down to jury
22 services.
23 I am sorry, also Ms. Kalling,
24 390; and Mr. Rippe, 407.
25 Sorry, guys.

23

1 Okay. Leslie, would you get
2 them seated, please.
3 - - - - -
4 (Thereupon, the members of the jury
5 panel were sworn in.
6 - - - - -
7
8 THE COURT: So the jurors
9 sworn. So, go ahead and sit down.
10 All we are going to do -- I have some
11 introductory remarks to read to you,
12 information, a little bit about how
13 trial unfolds, a road map, if you
14 will, of some of the things you are
15 going to be hearing about.
16 We are not going to have
17 opening statements by the attorneys
18 or any presentation of evidence, so I
19 expect we will be done in about 30
20 minutes.
21 Leslie can talk to you about
22 where to park. She'll get you blue
23 jury badges, exchange information,
24 then we are going to plan on starting
25 10:30 Monday morning.

24

1 This information deals with
2 preliminary legal instructions here.
3 I am going to read the charges to you
4 so you know what all the basis is of
5 the charges.
6 There's also some information
7 about what you can and cannot do as
8 jurors during the course of the
9 trial. As I said, kind of some
10 introductory stuff.
11 I don't have something for
12 you to read along, like when we do
13 the jury instructions, so you have to
14 follow along and listen.
15 This is kind of a general
16 instruction of things. It does not
17 substitute the detailed instructions
18 on the law that I will give you at
19 the end of the case.
20 As you know and have learned
21 over the last a couple of days, this
22 is a criminal case. It is instituted
23 against Mr. Slaughter by the State.
24 I may sometimes refer to the
25 State as State or the prosecution,

prosecutors, or just by referring to them as Mr. DiGiacomo or Ms. Fleck.

The defense, I may collectively refer as the defense. Mr. Slaughter I may refer to as Mr. Slaughter or the Defendant.

His attorneys, defense attorneys by name, Mr. Marcello or Mr. Fumo. What I am going to do is read what the charging document is.

As we talked about, the charging document isn't evidence, it is the paper that lists the charges that Mr. Slaughter faces, and these are the charges and the elements of the charges that the State has to prove in the case.

(Thereupon, the charging document was read into the record.)

So, as I said, that's just the charging document. It lists what the charges are and the elements of

those charges.

Mr. Slaughter pled not guilty. As he sits here right now, he is innocent of those charges. The State therefore has the burden of proving the essential elements of each of those charges beyond a reasonable doubt.

The purpose of the trial is to determine whether the State will meet their burden. It is your primary responsibility as jurors to find and determine the facts under our system, the criminal procedure.

You are the sole judges of the facts. You will determine the facts from the testimony you hear, and the other evidence, including exhibits introduced here in court.

It will be up to you to determine what inferences you feel may be reasonably drawn from the evidence presented to you.

Trial will begin with opening statements. Each side has the

opportunity to make an opening statement. With particular regards to the defense, there's a couple of things I want to point out.

To begin with, as we discussed over the last couple of days, the defense has no obligation, has no burden in this case. They don't have to make an opening statement.

They don't have to call witnesses. Sometimes the defense may defer making an opening statement until after the State has presented their case in chief, and before the defense decides whether or not to produce a case in chief.

With regard to the opening statements, regardless when they are made, or which side is making them, understand, the opening statements, the words of the attorneys are not evidence.

Opening statements are designed to give the attorneys the

opportunity to discuss with you what they anticipate the evidence will be that gets introduced during the trial, how it justifies the charges. The words of the attorneys are not evidence.

After the opening statements, the State will have the opportunity to commence with what we call their case in chief. That is simply an opportunity to present their witnesses and their evidence.

It consists of their calling witnesses to the stand for testimony, as well as the production of physical items of evidence, like documents, photos, whatever it may be that gets introduced.

The defense attorneys will have the opportunity to cross-examine any witnesses called by the State.

Following the State's case in chief, the defense will have the opportunity -- they don't have the

burden, but they will have the opportunity to present a case in chief as well, which is similar to the State.

It could consist of their opportunity to call witnesses, produce whatever physical items of evidence they wish to produce.

Likewise, the State would have the opportunity to cross-examine any witnesses who are called by the defense in their case in chief.

With regard to the evidence itself, we generally talk about evidence in one of 2 ways, we either characterize it as direct evidence or circumstantial.

You may have heard those words before in terms of shows. I know some of you indicated you have watched legal shows.

Direct evidence means testimony by a witness about what that witness personally saw or heard or did, such as eyewitness

testimony.

Circumstantial evidence refers to testimony or exhibits which are proof of a particular fact, and from which if you take a number of particular facts, you can infer the existence of another fact, even though it wasn't proved by direct evidence.

Here is the example that I think helps explain it; let's say you are driving home after court and it started to rain, you are heading down the freeway and it is raining, you can see the rain fall on your car.

Maybe you have your window down and you stick your hand out and feel the rain on your hand, and turn the windshield wipers on, and the cars are driving like they do when it rains.

If somebody asked you to come in and testify that at 4:00 o'clock in the afternoon on Friday, May 13th, it was raining in Las Vegas, you can

come in as an eyewitness and say; I saw the rain, heard the rain, felt the rain, had to respond to the rain when I was driving. I can give you eyewitness testimony, direct evidence.

On the other hand, let's say you drive home, it is cloudy, but it is not raining and you park your car in the driveway, go in the house and an hour later the clouds are gone, the sun is out, it is very humid outside, the ground is wet, your car is wet, water is running down the street or off the gutters on your house; if not, you know what gutters are; anyway, there's a chain of facts from which you can infer that it rained.

Even though you didn't hear the rain, see the rain, feel the rain, you can point to these particular facts that are found in other evidence and infer from those facts that it had in fact

rained.

That would be circumstantial evidence proving to you that it had rained. The law permits you to give equal weight to direct and circumstantial evidence, and decide any issue in the case by direct or circumstantial evidence.

Ultimately it is up to you to decide if you think a fact was proven by direct or circumstantial evidence that comes in during the course of the trial.

With regard to the presentation of evidence and witnesses, also understand -- I think Mr. Fumo touched on this earlier -- the attorneys have a legal and ethical obligation to raise objections to things they feel should not properly be brought in front of the jury, so do not hold that against them.

With regard to objections, there's a couple of ways they get

1 handled. Most often objections are
2 raised to questions that are asked of
3 a witness before the witness even
4 answers the question.

5 An attorney may raise an
6 objection because they think the
7 question is going to call for a
8 hearsay answer from the witness, or
9 that the witness doesn't have
10 knowledge of things like that.

11 I will rule on the
12 objection. If I sustain an
13 objection, whoever asks the question
14 will ask another question or rephrase
15 the question.

16 If I overrule the objection,
17 the witness can go ahead and answer
18 the question. Sometimes objections
19 are raised after witnesses have
20 started to say something, and maybe
21 the answer doesn't really go to the
22 question, so the attorney says I
23 object, Judge, that's nonresponsive
24 to the question; or maybe it has
25 become a narrative answer; it is a

1 yes or no question and somebody is 5
2 minutes into an answer kind of
3 thing.

4 When those situations occur,
5 not only may I sustain an objection,
6 but I might also tell you to
7 disregard an answer that's already
8 been given, or that something is to
9 be stricken from the record.

10 That's a difficult thing.
11 You already heard something and I am
12 now telling you I am going to sustain
13 the objection, that's stricken, you
14 are to disregard that.

15 Even though it is difficult,
16 you have an obligation to disregard
17 it and to give whatever was stricken
18 no consideration when you go back to
19 your deliberations at the end of the
20 case.

21 With regard to the witnesses
22 themselves, in considering the weight
23 and the value of the testimony of any
24 witness, you may take into
25 consideration the appearance,

1 attitude and behavior of the witness;
2 the interest of the witness in the
3 outcome of the case, if any; the
4 relationship of the witness to the
5 Defendant or the State.

6 The inclination of the
7 witness to the speak truthfully or
8 not, and the probability or
9 improbability of the witness'
10 statements given all of the facts and
11 circumstances in evidence.

12 Thus, you may give the
13 testimony of any witness just such
14 weight and value that you feel that
15 the testimony of that witness is
16 entitled to receive.

17 We talked about cases in
18 chief; if the defense presents a case
19 in chief, then the State has the
20 right to call witnesses and present
21 what is called a rebuttal case. The
22 defense can then present a
23 surrebuttal case.

24 At the end of the case, after
25 both sides have rested whatever

1 evidence they are going to present,
2 that would be when I will give you
3 the jury instructions, right before
4 we have closing arguments.

5 As I said, I will read the
6 jury instructions to you. You will
7 get a packet so that you can read
8 the law along as I am reading it to
9 you.

10 Thereafter, the attorneys
11 will engage in their closing
12 arguments. Closing arguments, just
13 like opening statements, are the
14 words of the attorneys.

15 The arguments themselves are
16 not evidence. They are designed to
17 allow the attorneys to discuss with
18 you the evidence you have been given
19 over the course of the days of the
20 trial and talk about what that
21 evidence should lead you to in your
22 conclusions, and how to take that
23 evidence and apply it to the law that
24 was just read to you, and then reach
25 an appropriate decision.

Because the State has the burden of proof, they have the right to both begin and end the closing argument.

Mr. DiGiacomo or Ms. Fleck can give a closing argument. Mr. Fumo or Mr. Marcello can give a closing argument, and the State would have the right to give a rebuttal closing argument.

After the arguments are done, that's when you will all go and retire to deliberate on a verdict.

During the course of the trial, I may take notes when witnesses are testifying. You are not to draw any inference from that. I am keeping track of things just like you all are.

You will have notepad and clip boards to take notes. Note taking is important, because you don't get a big transcript of the case once it is done, so you need to pay attention to the

testimony.

But I will also caution you not to let ambitious note taking to interfere with your ability to watch and listen to the witnesses.

I will also tell you that if during the course of the trial you discover that you did know somebody that's a witness in the trial, or you know something about the case and you didn't tell us about that beforehand, you need to let me know right away.

It is not totally rare that somebody doesn't recognize a name, and then when a witness walks into court; you know what, I think that person used to work in my office or their child goes to school with my child, or I know them through some organization. I just didn't recognize their name.

If that happens, make sure you tell Leslie right away, so that she can bring it to my

attention.

Don't talk to anyone else on the jury about what it is that you think you know about the case or the witness that you think you know.

Likewise, if one of the others jurors happens to tell you that they think they know something about the case or about one of the witnesses, do the same thing, don't tell anybody else and let Leslie know so that she can bring it to my attention and we can have a discussion about it.

You will also recall, we talked briefly about the fact that you can't really talk to the attorneys or anybody outside the courtroom setting.

It is not that they don't like you or they are anti-social or anything like that, but we need to make sure that we kind of avoid those situations, because they don't want to be accused of trying to

contaminate your verdict.

I would caution you, you all will probably be using the same elevators they use outside, that witnesses will be using; so, if you recognize anybody or have any inkling that somebody may have some involvement, try not getting on elevator with them, wait for the next one.

Try to make sure when you sit outside that you sit down far enough, maybe collectively as a group, so you are not overhearing any conversations they have in the hallway.

To the extent possible, during recesses and stuff, I may have Leslie try to keep you all in the back, which is where the deliberation rooms are; sometimes I can't do that because there are other jurors deliberating back there.

If we can, we will, to hopefully not create problems, to try and make sure you are cognizant of

that.

I will also tell you that you are admonished not to visit the scene unless specially directed to do so by myself.

Please don't investigate the case or anyone who has anything to do with the case on your own; and do not undertake any legal or factual research on your own.

Don't go on the Internet trying to look up legal terms or people's names or anything like that. Everything you need to know to decide the case you will learn in court, but it is fundamentally unfair to not only the sides of this case, the State and the defense, but to your fellow jurors as well, if you go out and try and learn something that they don't know about; and then you come in deliberating with some other knowledge that your fellow jurors don't know about, because they paid attention and tried to learn

everything in court.

That is just a bad thing. In this day of technology, it is easy to do stuff like that. I will give you the law that applies to this case and defines the things that need to be defined here; and the witnesses and the physical items of evidence will give you the evidence you need to decide the case, that's it.

Please don't try and go out and do any kind of research on your own.

Additionally, at least some of you are younger than I am, so I don't know how many of you have like Facebook, Twitter things, social media stuff; how many of you have social media stuff; a lot of you.

Here is the thing, social media, I understand why people utilize it, and I think it has a lot of good utilization.

On the other hand, I think people oftentimes put information out

there that when you are in the context of being a juror, that may result in you getting information back that you are not soliciting.

You may incidentally put something on a social media site and say, I got chosen as a juror, the charges were blah, blah, blah, and then a bunch of family members or friends start bombarding you with information that may have nothing to do with the case, just opinions and stuff.

That's all bad. You need to refrain from doing that kind of stuff. It becomes somewhat of a problem with respect to the justice system across this country of people using social media to communicate even after they have been chosen as jurors.

It causes distinct issues. We all kind of want to avoid that, and one of the things I will tell in a minute is how you can't communicate

with anybody about the case until you are discharged from your jury duty.

That includes things as innocent about putting information on the social media, so please avoid that as well.

You must not be influenced in any degree by any personal feelings of sympathy for or prejudice against either the State or the Defendant. Both sides are entitled to the same fair and impartial consideration from our jurors.

I will also tell you that you will be given the opportunity as jurors to ask written questions of any of the witnesses who are called to testify in the case.

You are not encouraged to ask a large number of questions, because that is the primary responsibility of the attorneys involved in the case.

You will be allowed to pose

1 questions in writing to witnesses
2 after both sides have finished
3 questioning the witness, and only at
4 that time.

5 I have the discretion to
6 preclude individual jurors from
7 asking an excessive number of
8 questions. I have never had to do
9 that as long as I have been a Judge.

10 I think jurors are
11 appropriate in that way. Your
12 questions have to be appropriate
13 under the rules of evidence.

14 Now, how many of you have
15 read the rules of evidence; no
16 hands. It is not really a daunting
17 thing in terms of your questions.

18 Your questions have to be
19 factual in nature and designed to
20 clarify things that the witness
21 already presented.

22 It cannot be a question for
23 me or for the attorneys, or for
24 somebody that you think maybe should
25 have been a witness.

1 It has to be designed to say;
2 Mr. Jones is testifying, I am
3 listening to his testimony, he
4 mentioned something, I didn't really
5 understand it, or it didn't seem like
6 he finished his answer, so I need
7 some clarification on that, so I am
8 going to write down my question.

9 If you have questions, what
10 will happen, the State, for instance,
11 will call a witness. The witness
12 will come up here, testify under what
13 we call direct examination; that's
14 the State's opportunity to ask
15 questions of the witness.

16 Then the Defense has the
17 opportunity to cross-examine the
18 witness. That may go back and forth
19 a couple of times. We call that
20 redirect examination and recross-
21 examination.

22 Once they are both done
23 questioning the witness, before I
24 say, hey, Mr. Jones, thanks for
25 coming, I would look over and say; do

1 we have any questions from our
2 jurors.

3 If you do, raise your hand.
4 Try and write the questions down as
5 the testimony is occurring. A lot of
6 times what jurors do is as a question
7 is coming in, they write it in their
8 notepad and then maybe as the
9 testimony continues, that question
10 gets answered, so cross that one
11 out.

12 Rather than waiting until I
13 ask you and then everybody starts
14 writing, write them down as they are
15 coming to you. Leslie will collect
16 your questions, and I will discuss
17 them with the attorneys.

18 If I determine they are
19 legally appropriate, I will go ahead
20 and ask the question of the witness,
21 and then the attorneys will have the
22 opportunity to follow-up as
23 necessary.

24 If I don't ask a question
25 that you have posed, you cannot

1 speculate about what the answer to
2 the question might have been. I can
3 tell you at the close of the case,
4 when I can answer any questions you
5 may have about why a question may or
6 may not have been asked.

7 Don't speculate, it is bad
8 across the board. Don't speculate or
9 try and guess why your questions were
10 not asked.

11 When you write your
12 questions, use the whole sheet of
13 paper, because I usually have to
14 write some things on the questions.
15 You don't have to tear off little
16 pieces of paper. I appreciate the
17 green efforts.

18 A lot of times I get people
19 that write questions on a Post-it
20 size piece of paper, so use as much
21 paper you need to.

22 All you need to write on the
23 question is your juror number, which
24 at this point I think Mr. Spies, you
25 are juror one, and we go down to

Ms. Di Pol as juror 14.

That's all you need to write. You don't have to use the badge number thing any more.

As I said, you can't discuss the case with anyone. Until the case is submitted to you, you must not discuss it with anyone, even your fellow jurors.

You have to find other things to talk about during recesses. After the case is submitted to you, you must discuss it, but only with your fellow jurors and only in the deliberation room.

It is important that you keep an open mind and not decide any issue in the case until the entire case is submitted to you under the legal instructions from the Court.

If I didn't say it before, I apologize; we obviously try and take a break about every hour and a half, if for no other reason that the court reporters need a break, because that

is pretty physically taxing, what they do; in addition to letting everybody use the restroom and grab something to drink.

So you can kind of count on once we get started with court, it will be about an hour and a half before we take a break.

If you need a break earlier, you are not feeling well, you need to use the restroom, raise your hand to get my attention or Leslie's attention.

If you can't hear a witness, get your hand up and let me know, and we will direct the witness to speak louder.

I don't control the temperature in the courtroom, and you guys sit right under that slit where the air conditioner is, so I tell people to dress in layers.

Some days it seems hot and other days it is freezing, so if you are wearing short sleeves, you may

bring a jacket or sweater, or a sweatshirt.

Don't talk with anybody about the case or anything to do with the case. When I say don't talk to anyone else, that includes your family, friends, co-workers. You can tell them I have been selected as a juror and leave it at that.

The more information you give people, the more curiosity they may have and the more questions they have.

So, the less you tell them, the better. Tell them, the Judge told you you are not to talk about the case.

If anyone persists in trying to talk to you about the case, let me know, and we will do what we need to do to alleviate the problem.

Let Leslie know if you need letters for your employers, and I will type them up and sign them, and get them faxed over or give you a

hard copy.

Don't read any news stories or articles or listen to radio or television reports about the case; and once again, please don't visit the scene of any acts mentioned during the trial.

Don't undertake any legal or factual research on your own or engage in any social media communication about the case, so that's it.

I am going to let you go for the weekend. I will see you back here on Monday morning at 10:30. Be here just a few minutes early and hopefully we can start right at 10:30.

If you have any questions about the parking, like I said, Leslie can answer those for you.

If you have any questions for me right now that I can answer, I will answer these as well.

Everybody is good; thank you all for your time today and I will see you on Monday.

 (Thereupon, the following proceedings
 were conducted in open court and
 outside the presence of the jury.)

THE COURT: Is there anything
 outside the presence?

MR. DiGIACOMO: No, Your
 Honor.

MR. FUMO: No, Your Honor.

THE COURT: All right, then.

 (Court adjourned.)

C E R T I F I C A T E

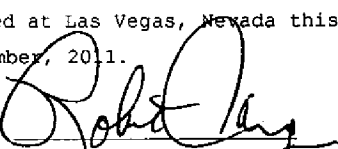
STATE OF NEVADA)

) ss.

CLARK COUNTY)

I, Robert A. Cangemi, CCR 888, do
 hereby certify that I reported the foregoing
 proceedings, and that the same is true and
 accurate as reflected by my original machine
 shorthand notes taken at said time and place
 before the Hon. Douglas Herndon, District
 Court Judge presiding.

Dated at Las Vegas, Nevada this 2nd day
 of September, 2011.


 Robert A. Cangemi, CCR 888
 Certified Court Reporter
 Las Vegas, Nevada

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